

The image shows a close-up of a marbled paper pattern. The pattern consists of irregular, organic shapes in shades of brown, teal, and cream, creating a complex, swirling texture. In the center-right area, there is a faint, rectangular stamp.

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TRINITY COLLEGE
AND
TRINITY HOSPITAL

A Historical Sketch

BY

JAMES COLSTON

AUTHOR OF "THE GUILDRY OF EDINBURGH: IS IT AN INCORPORATION?"
"THE EDINBURGH AND DISTRICT WATER SUPPLY, A HISTORICAL SKETCH";
"HISTORY OF THE INCORPORATED TRADES OF EDINBURGH";
"THE TOWN AND PORT OF LEITH, ITS HISTORICAL CONNECTION WITH EDINBURGH";
"HISTORY OF THE SCOTT MONUMENT," ETC., ETC.

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PREFACE.

THE present Volume contains all the additional matter which has been deemed requisite to complete the History of Trinity College and Trinity Hospital.

The first part of the Volume is devoted to a description of the Charity as it now exists, under the conditions of the scheme adopted for its management by the Court of Session in 1880. That scheme proceeded largely upon the lines laid down by Professor Norman Macpherson in the Report which he prepared at the request of their Lordships of the First Division. It is a voluminous document and it has been reprinted in the Appendices. Containing as it does a complete and succinet history of the various mortifications gifted by pious citizens and others to the Charity, as well as a vast amount of useful information regarding the history and progress of the Hospital, at a time when the management of public institutions was not brought under the review of the community at large, in such a way as exists in

the present day, it may to the students of History, and specially to those who take a direct interest in the affairs of the Charity, serve a most useful purpose as a document of reference. The Reports and the Appendix attached thereto contain many important and interesting facts, which it is well that the Reader should be familiar with.

It has been thought advisable to reprint some of the Royal Charters. These were originally written in mediæval Latin. A translation in English is furnished at the foot of each page. They are copied from the Work prepared for the Town Council many years ago, and referred to in the Preface to Vol. I. Those which are now reproduced relate entirely to the affairs of the Hospital, after it came under the control and management of the Town Council through the gift made by the Crown to Sir Symon Prestoun, the Provost of the Burgh.

It did not seem expedient to cumber the volume with the Pope's Bulls or other Charters which had reference only to the original design and object of the Royal Foundress. The comparatively short-lived period of the College and Hospital's pre-reformation history is possibly better told in the comparatively brief way it has been dealt with in the first volume.

But it is otherwise with the new and more enlarged development of the Charity. More especially is this the case, when it is taken into consideration that the moneys and endowments which, in its original constitution, were gifted to and became the property of the various Provosts, Prebendaries, Choiristers, and Beidmen, were afterwards,

by the terms of the royal charters, made to subserve other and more useful ends.

The University of Edinburgh, the Established Clergy, and the High School—all got their respective shares of these endowments. The Trinity College Funds must, therefore, be regarded as having contributed in no small degree to help to lay the foundations of polite learning and general culture for which the Modern Athens has been so long distinguished. The past is thus made to coöperate with the present as the present in due time is made to do with the future.

The extracts which have been taken from the Hospital's Accounts are interesting chiefly as relating to the period when the Dean Park purchase was made, and when, according to the ultimate decision of the Law Courts, the funds of the Alexander Trust were declared to have got immixed with those of the Hospital proper. But they are important likewise as indicative of the care and attention which were bestowed on these Accounts by the respective Treasurers of the period.

Lord Cockburn's graphic account of a visit paid to the Hospital before it was dismantled and taken down has been reprinted *verbatim et literatim* by request. That notice of the Institution emphasises the fact that it never was the intention of its promoters and custodiers to provide within its walls or otherwise, for those who were regarded as the "common poor," and for whom the operations of a Poor law system now exist.

The quotations from the old Scottish Acts, passed during the respective reigns of the Kings James illustrate the very severe punishment which befell sturdy or able-bodied beggars in those days, even although, for many years, a recognised system of begging was undoubtedly tolerated under specified conditions in certain districts or parochins. The difficulties of enforcing the law seem to have led to other arrangements being made, wherein the public were afterwards charged with a weekly stent or tax, according to their ability, to support the deserving poor. As this provision was made at a time when Trinity Hospital was managed by the Town Council, this of itself is abundant evidence that mere poverty does not give to any individual a claim to be put upon the Roll of the Hospital's beneficiaries. It is further illustrative of the period when a Poor-rate was first established in Scotland, and when there was no immunity claimed by the Members of the College of Justice, as was afterwards found to exist, for a considerable number of years, although the point was eventually conceded.

It is proper that I should correct one error into which I fell in Vol. I., wherein I stated that the original judgment in the Court of Session was pronounced by Lord President Inglis. In this I was wrong. The first decision with the opinion attached thereto, was pronounced by Lord President Colonsay. Some time thereafter, his Lordship was promoted to have a seat in the Appellate Court, in which case he had to follow in the wake of the decision of the House of Lords, reversing the judgment which he had already been a chief

party to. His remarks (Vol. I. pp. 294-6) from the Appellate bench are to be read in this light.

The City of Edinburgh is singularly favoured in having several benevolent funds, from which ratepayers who have been unfortunate in business derive eleemosynary aid. We have seen that there are 313 pensioners on the Roll of Trinity Hospital, including the Alexander Fund. The Merchant Company has in its gift the Gillespie Fund and the William Watherstone benefaction. The former gives aid to 251 persons, chiefly at the rate of £10 per annum. The latter supplies 95 pensioners with £12 or £10 each of yearly allowance. The Robert Christie Fund allocates a considerable sum in £25 a-year pensions, while there are also the Craigerook Mortification, the Pape Fund, the Robert Marshall Fund, the Indigent Gentlewomen's Fund, the Old Men's Fund, besides smaller organizations, including those which deal with incurable cases. In addition to these, a large amount of benevolence is distributed among the poor at the instance of Christian congregations and other benevolent associations.

It is right that those who are in the position of distributing charity should be well-informed as to the circumstances of those who are the recipients of their bounty. This remark is specially applicable to Church organizations. In the desire to do good, and to get the people of the particular district to attend their religious meetings, the poor people are too often taught to be many-sided in their views and principles. They know the precise day when the Established Church lady comes round, and they know the Free Church lady's

day, and the Episcopalian lady's day : and they receive benefactions from each of them. The schemes adopted by them to live by charity may be best illustrated by the fact, that when a woman who was an adept at the business died, three coffins were sent to her house to give her decent burial.

A state of matters such as this manifests how very careful those entrusted with the distribution of charity should be, that their benefaction is properly applied ; and, in this respect, the Governors of Trinity Hospital set an admirable example in the strict investigations which they make, from time to time, into the circumstances of the beneficiaries.

A perusal of this volume will convince the reader that many of the mortifications which have been given to the Hospital have come from members of the Town Council and their friends. It may be interesting to know that while the History of Trinity College and Trinity Hospital has been passing through the Press, a sum of £4000 has been promised to be donated to the charity by members of the present Town Council.

J. C.

23 REGENT TERRACE,

EDINBURGH, *May* 1897.

While this volume of the History of Trinity Hospital was passing through the Press, Mr COLSTON died on the 6th June 1897. The writing of the latter half of the history of this ancient charitable institution, in which he took so much interest, and the arrangements for its publication, had been to him, during the last months of his life, a great solace and an alleviation of many hours of pain. Fortunately the work was all but completed before his pen dropped from his hand. At his special request, the index was completed, and the volume seen through the press by his friend, Mr W. M. GILBERT. It may be added, as a fact which brings the Records of the Hospital up to the present date, that at a meeting of the Town Council held on the 14th June, Bailie SLOAN was elected to succeed Mr COLSTON as Convener of Trinity Hospital Committee. On the same occasion, Lord Provost Sir ANDREW M'DONALD paid a suitable tribute to the memory of the deceased Convener, and the Town Council adopted a minute expressing their regret at the removal of so old and valued a public servant.

July 1897.



CONTENTS.

CHAPTER XXVII.

Trinity Hospital Charity as it now exists—A blessing to the Community of Edinburgh—The oldest of all the Edinburgh Charity Foundations—A Benefit to deserving Citizens who had seen better days—Number of Beneficiaries on the Roll at close of year 1896—Private Gifts of Presentation—Terms of Payment—Alexander Fund administered by a separate Trust composed of the Town Council and the Ministers of the old City Parish Churches—The Charity as administered now is different from the original intention of the Pious Foundress—Originally a “Maison Dieu,” with Provost, Priests, Choiristers, and Beidmen, who had provision made for their income—The effects of the Reformation in consequence of the changed Religious Polity—The Revenues fall to the Crown—The Trinity College Church and Trinity Hospital begin a new era—They are given over to the Town Council of Edinburgh—Sir Symon Prestoun of Craigmillar, Provost of the Burgh, obtains a grant of the same from the Lord Regent—He offers it to the Town Council, who accept and enter on the management—Hospital did not participate in the endowments—These devoted to the support of the Clergy, and to the College and the Schools—The Town Council received the Church and the Hospital with the surrounding grounds—They were granted on condition that the Town Council erected and maintained a Hospital for the Poor in all time coming—Sir Symon Prestoun’s object was different from that of the Foundress—The College Church utilised as one of the City Churches—Accommodation provided then, as now, for the Hospitallers—The Site of the buildings brought within the Town area, and a parish or parochin attached to the Church—The Town Council appeals for funds to uphold the Charity—Mr Thomas M’Calzeoun the first to leave a donation to help the work—Other legacies follow—A system

of out-door Relief established when house provision not sufficient for the wants of the times—This plan opposed but opposition found in the wrong—Lord Chancellor Westbury's views on the subject—Administration of charities may change according to circumstances—The means of necessity vary—The condition of the country and of society changes, and the Charity must be administered to secure effectually the great object of the Charity, viz., "the beneficiary"—His Lordship does not look upon the word "Hospital" as implying the keeping up of a house with provision made for a staff of officials, but rather as the providing of an ordinary poorhouse, and that much is "left entirely to the arbitrium and discretion of the superintending authority by the Founder of the Charity"—He favours the idea of out-door relief if greater good can be got in this way, but states that other circumstances may emerge in which another method may be preferable—Sir Symon Prestoun's object was the support of the poor and sick of the Town—Not the "common poor"—These otherwise provided for—King James I. passed a law as to begging—Begging tolerated under certain circumstances—This ratified by Parliament during reign of King James IV.—During reign of King James VI., all begging suppressed and punished—A weekly stent imposed on all the inhabitants, according to their ability to support the Poor—The Kirk Treasurer's Accounts—James Heriot's Charge and Discharge—Sources of Poors Revenues—Foundation of the City Charity Workhouse—Means of Support—A Poors-rate imposed—Canongate Charity Workhouse provided—St Cuthbert's Charity Workhouse instituted—How both kept up—Revenues inadequate and a rate imposed—These parishes ultimately united—Recent legislation has constituted the municipal area of the City as one rating district under the control of the City Parish Council—Foundation of Royal Infirmary provides for the sick, and the rates provide for the ordinary Poor—Trinity Hospital pensions granted to a superior but very needful and deserving class,

CHAPTER XXVIII.

The money received from the North British Railway Company, and all interest thereon (after providing for the building of the Trinity College Church), to be applied to the enlargement and maintenance of the Charity—Referred to the Court of Session to fix a plan or scheme, and to enquire and ascertain of what the property of the Hospital consists, and in what manner the money received from the Railway Company, and the interest thereon, have been invested, when said investments were made, and by whom such moneys were applied—Remit by the Court of Session to Professor Norman Macpherson to report upon the

	PAGES
whole affairs of the Hospital, and as to what scheme he would recommend for future application and administration, having reference to the terms of the Charters, Grants, and Mortifications, as well as the judgments pronounced in the Law Courts—Power to Reporter to employ an Accountant, to hear parties interested and to summon havers—Report submitted—Generally approved of, subject to future orders of the Court—Regulations for the Administration of Trinity Hospital—Proposed Scheme of Distribution of the Free Income of the Charity—Presentation limited to Certain Names or Founders' kin on £25 Scale—Form of Application—New Scheme allowed Beneficiaries £5 extra (being £25 and £15 respectively)—Basis of Application not limited to Burgess Class, but extended to any person who had resided for two years within the City, and for that period had maintained themselves by their own exertions, or at least without aid from any charity—A List of several of the pensioners in former times, with the day and year of their admission,	14-24

CHAPTER XXIX.

Conditions of the Applicants—Number of the Applicants and Vacancies respectively—Usual to raise a pensioner on the lower scale to the higher—Court of Session ordains one-eighth of the whole to be incurable, and does not restrict the age of such—As a rule, one-fourth of those elected are of the incurable class—Other institutions exist for this class in the City—Older Members of Town Council used to be elected to the Trinity Hospital Committee to enjoy the Patronage—The number of applicants being now much increased, it is difficult to get Members of Council to serve—As a rule, the younger Members of Town Council are elected—Number of Incurables (men and women respectively)—The various churches to which they belong, their ages, their employment or that of their late husband—The General List of Applicants (men and women respectively)—The same information as is given regarding the incurables—The applicants chiefly women; but on the incurable list, a higher proportion relatively of men,	24-33
---	-------

CHAPTER XXX.

The Alexander Fund Regulations—Lord President Inglis' views in regard to this fund different from those which he expressed before the Endowed Schools (Scotland) Commissioners in regard to the Management and Control of the Fettes Trust Funds—He objected on principle to benefits conferred on "persons	
---	--

of particular names, or born in particular localities"—The decision of the Court increased the number of the Alexander pensioners nearly three-fold, whereas the only claim or preference was that of name—Sum originally bequeathed by Mr Alexander, £2270, 0s. 8d.—Sum fixed by the Court of Session, £30,537, 19s. 10d.—Alexander Beneficiaries receive £2, 15s. 6d. higher than any of the Trinity Hospital Pensioners—Regulations for Managing the affairs of the Alexander Trust—Advertising Vacancies—Report to the Court of Session after audit with certain items of information—Established Clergy never complained—The Reporter found them out—Letter of the late Dr R. H. Stevenson to Reporter—Ministers of City Parish conjoined with Town Council in management—A Committee of five Ministers to act with a Committee of a third of the Town Council in the work of recommending the Beneficiaries—The Town Council Committee at first consisted of those members who retired from the Council at the November following—This Committee changed to the Trinity Hospital Committee who with the five senior Members of the Clergy constitute the joint Committee for selection—The Election made at a joint meeting of the whole Council and the thirteen City Ministers—No difficulty in finding applicants of the name of Alexander—No great necessity for advertising—Advertisement brings applicants from a distance—This contrary to the Rule of the Court where pensioners required to stay in Edinburgh, to come under the supervision of the Medical Officer and the Lady Visitor—Under new Constitution of Committee of Recommendation, the number of non-resident Beneficiaries is much decreased—Duties of Medical Officer—Duties of Lady Visitor, . . .

CHAPTER XXXI.

Report on the Scheme by the Hospital Treasurer—Remit made by the Governors to the City Chamberlain (as Treasurer of the Hospital) to Report on the Scheme—(1.) As to Expenses incurred and paid by Governors of Hospital in action of Declarator, showing the amount to be paid by the Alexander Fund to Trinity Hospital—(2.) As to probable Annual Revenue of the Hospital, and Probable Expenditure for public burdens, repairs, and management, and Probable Annual Amount available for Hospital Pensioners—(3.) As to amount of Alexander Fund at 2d February and 2d August respectively, and Probable Amount annually available for Alexander Pensioners—The Law Expenses repayable from Alexander Fund to Hospital Fund—The Probable Annual Amount available for Hospital Pensioners (as distinguished from Alexander ones)—Contrast between the Old Establishment and the New Establishment—The

	PAGES
Magistrates and Town Council approve of the Chamberlain's Report and Recommendations—List of Private Rights of Presentation, with the name of the original Donor and date of the Benefaction,	46-55

CHAPTER XXXII.

The Importunity of the Applicants—For many generations Hospital funds devoted to support of poor Burgesses—Such restriction not in terms of Foundation, or grant by Crown to Sir Symon Prestoun—Done by Resolution of Town Council, whose energy and successful control had made the Hospital what it has become—Burgess class likely to find favour with the Town Council—Duty of Burgesses to “watch and ward” the City, and to pay scot and lot for all necessary civic expenses—Burgesses the merchant traders and tradesmen of the Town, with their apprentices who resided with them—Burgesses the business citizens of the period—This rule observed down to 1880 when the Court of Session opened up a wider door—A larger number of Applicants the result—Three classes of Burgesses—(1.) Claimants under the old Burgess Roll, where a large fee was paid—This a rapidly diminishing number—The residential qualification acts against such—(2.) The £5 Burgess Roll—Payment of this sum was made to enable the individual to get his sons educated and maintained on the old Foundations of George Heriot's Hospital—This class of Burgess is rapidly dying out—(3.) Burgesses under the provisions of the M'Laren Act of 1876 wherein citizens (male or female) who had paid burgh rates for a period of three successive years become Burgesses of the Town—Difficulties arose regarding this Act—Opinion of Counsel taken, and was given in favour of admission to Burgess' rights—“Reduced circumstances” a relative term—The two years' residence claim—Domestic Servants—Comparative strangers—The Lodging-House Qualification—Publication of names a deterrent—Most Applicants properly Poorhouse cases—Filial duty and responsibility on the wane—The charity-monger, several cases of such—Necessity for periodic scrutiny and enquiry into the circumstances of pensioners—Peculiar claimants—The Pension purely personal—Was so in its first inception which implied residence—Cost of living always increasing—Sum of Pension to those in reduced circumstances must be to a class superior to those who get parochial relief—Each applicant thinks his or her case the most clamant—Their friends do the same—Canvassing by applicants and letters from friends a source of great worry to the Governors—Every reason and artifice resorted to by correspondents—A poetic appeal—Canvassing becoming a curse in the eyes of the Governors—The new Regulations have brought this about,	56-68
--	-------

CHAPTER XXXIII.

Additional Benefactors—THE LENNIE TRUST—William Lennie, Esq. of Ballochneck, a Teacher of English in Edinburgh—Known as “The Grammarian”—Benefaction left to the Town Council as such : (1.) To apply a sum of £48 per annum to provide four bursaries of £12 each to assist poor students in the University of Edinburgh, rigidly excluding Roman Catholics or Jesuits—(2.) To pay over one-half of the residuc yearly to the Trinity Hospital Committee for £10 annual pensions to poor people, excluding Burgesses and their families—(3.) To pay over the other half to the Governors of Gillespie’s Hospital under certain onerous conditions, and in the event of the latter refusing, to pay the same also to Trinity Hospital—The Governors of Gillespie’s Hospital declined the benefaction—Trinity Hospital became the ultimate gainer—The lands of Auchenreoch were conveyed to the Town Council for the aforesaid purposes, as well as a perpetual bond of £200 per annum on the estate of Ballochneck in Stirlingshire—This latter sum he had devoted to pensions to friends, and his personal trustees took charge of the same—The Trustees had no right of assumption—They tried to do so, but were found wrong by the Courts of Law—The Court laid down Regulations for the management of the Lennie Trust—Three Beneficiaries are still alive who were nominated by the personal trustees—One of those under the Ballochneck bond is still alive, who receives £40 per annum—Otherwise the other Beneficiaries have been appointed by the Trinity Hospital Governors—THE WEMYSS TRUST—Mr Andrew Wemyss, Trunk and Portmanteau Manufacturer in Edinburgh—A Town Councillor, Treasurer, and Lord Dean of Guild of the City, respectively—Subject to liferent, and with concurrence of his wife, Mary Thomson or Wemyss, he by his Trust Disposition and Settlement, gave the fee of all his heritable and moveable estate, under burden of certain legacies to the Governors of Trinity Hospital—The parties to be benefited, “decayed merchants or tradesmen who had carried on business within the municipality of Edinburgh for at least ten years, or the widows of such”—Beneficiaries to be of good moral character, and aged fifty years or upwards—The Town Council to be judges of the number of pensions—Liferentrix to manage the affairs of the Trust until her death—Her death in 1891—The Town Council manage the Trust affairs—There are thirteen Pensioners on the Roll, who receive £15 each per annum—THE CRICHTON TRUST—Mr James Crichton, 16 Dean Terrace, Edinburgh—A Town Councillor of the City of Edinburgh for many years—Convener of the Trinity Hospital Committee bequeathed £5000 to the Trinity Hospital, free of legacy duty and other charges—The interest of the money to found yearly pensions of £15 each, with £5 of funeral money at the death of

each pensioner—Beneficiaries to be not under seventy years of age—To be selected from the Trinity Hospital list of Applicants, and such pensions to be designated “Pensions under the Crichton Trust”—Ten Beneficiaries are on the Roll—SMALLER DONATIONS—Mrs Elizabeth Jennings Bradford or Doig, wife of Ex-Councillor Doig, at her death which occurred in 1890 bequeathed the sum of £200—Miss Marion Miller, 4 Melville Terrace, Edinburgh, also bequeathed the sum of £100—Few benefactions have been given since the building of Trinity Hospital was taken down—With the exception of Lennie’s these have been given by persons more or less connected with the Town Council of the City of Edinburgh, 69-80

CHAPTER XXXIV.

Concluding Observations—Two important changes—(1.) Private Rights of Presentations—Most of these purchased during last century—Only operative one during present century is Mrs Campbell’s in 1812—Others date from 1719 to 1774—Payment of £300 gave right to present a pensioner inmate of Burgess class—£350 gave right to an unrestricted Presentation—These rates continued from 1730 to 1797—Then raised to £350 and £400 respectively—Terms of Presentation frequently under the attention of Governors—Hospital Records on subject—Presentations to be advertised in newspapers, and printed on a board at gate of Hospital—In 1821 unrestricted Presentation was increased to £450—Never taken advantage of—Payment of One Hundred pounds gave right to make one Presentation—This proposal not successful—Private Rights of Presentation given up—Letters of Theophrastus—Difference in style of living in Edinburgh between 1763 and 1783—In twenty years two millions of money spent in buildings alone—In 1763 people of quality and fashion lived in houses which in 1783 were tenanted by tradesmen and people in humble life—Several instances given—This tended to promote high prices and a higher style of luxury—(2.) Disposition *omnium bonorum*—Governors in the habit of exacting from in-door Beneficiaries, an assignation to their moveable and heritable estate, present and future—Treasurer of the Hospital to grant receipts and discharges for the same, with full power to act for the Beneficiary—To pay over to the Hospital what sums had been disbursed on or on account of the Beneficiary—Treasurer and his foresaids to account to the Granter’s Heirs and Assignees for any balances—Treasurer to give up inventories of the same—Granter to give consent to having Deed registered for preservation—First Minute of Council regulating this matter in 1700—Other Minutes regarding the same—No such Deed granted by out-door Pensioners—The Disposition *omnium bonorum* not now exacted—The new Scheme entirely ignores it—

Letter of Enquiry every three years into the means of Beneficiaries is made the test of continuance on roll—Lady Visitor's opinion of the present Pensioners—Highly favourable—Cases reported to Committee as undeserving carefully enquired into—Such complaints usually the result of spite and envy—The respective ages of the Pensioners (male and female) according to the various decades of life—The Annual Revenues of the Hospital—(1.) From Fen-Duties, Rents, Casualties, etc.—(2.) From Interest on Loans, Investments, etc.—(3.) From Miscellaneous Sources—The Expenditure of the Hospital—(1.) Pensions—(2.) Salaries of Medical Officer and Lady Visitor—(3.) Management, Repairs and Public Burdens—Surplus of Ordinary Revenue available for payment of Casual or Capital Expenditure—Deficiency of Ordinary Revenue—History of the Hospital now accomplished—Fate of the old Ecclesiastical Buildings—Disappearance of Provost, Prebendaries, Choiristers, and Beidmen, with their Sacerdotal Habiliments—The Sacred Duties and Injunctions, with the Special Services, a Record of the Past—Even the later uses of the Church as a Presbyterian Place of Worship come to an end—The beautiful specimen of Gothic Architecture to give place to the more urgent necessities of the times in a pre-eminently utilitarian age—The old Hospital building disappears—It is not rebuilt—Change on the Aspect of the Locality—Railway Trains continually arriving and departing—Religion and Benevolence disappear from the scene—The music of the Sanctuary is exchanged for the bellowing of the Steam Demon and the shrill whistle of the Railway Engine—Another and less pretentious Church is erected—Trinity College Hospital still survives—A great Charity Fund, greater, stronger, and better than ever—The College and Hospital originally intended for the Worship of God—Still illustrative of the Redeemer of Mankind in its benevolence and Christian example—Wonderful Progress in its financial affairs—Great Increase on the Roll of Beneficiaries—Lands of Quarryholes being rapidly fenced and yielding large revenues—"Unearned Increment" serving a beneficent end—Additional Income in the future from the lands of Dean Park, Blinkbonny, and Redbraes—Call for more support to help so deserving and well-administered a Charity,	81-94
—————	
LIST OF THE PRESENT GOVERNORS OF TRINITY HOSPITAL, and their respective Residences,	95-97
THE ALEXANDER MORTIFICATION, LIST OF THE CITY CLERGY WHO ARE TRUSTEES, and their respective Residences,	97
LIST OF THE OFFICIALS OF TRINITY HOSPITAL AND THE ALEXANDER TRUST, and their respective Residences,	98

APPENDICES.

I.

	PAGE
PROFESSOR MACPHERSON'S REPORT :—	101
I. FIRST BRANCH OF INTERLOCUTOR :—	<i>ib.</i>
(1.) From what Sources the various Funds forming the Capital of the Charity, called Trinity College, or Trinity Hospital, have been derived,	<i>ib.</i>
(2.) The Original Amount of the Hospital Property,	103
(3.) The Present Amount of the Hospital Property,	120
II. SECOND BRANCH OF INTERLOCUTOR :—The Mode in which these Funds have been from time to time, and are at present, invested,	<i>ib.</i>
III. THIRD BRANCH OF INTERLOCUTOR :—The Terms and Conditions of any Grants or Mortifications which have from time to time been made by private individuals in favour of the Charity, or of the Trustees of the Charity,	126

	PAGE		PAGE
Robert Johnstoun's Mortification	127	Reoch's Mortification	153
Alexander's do.	129	Mr John Menzies' do.	<i>ib.</i>
Croat's do.	146	Lennie's do.	155
Rodger Hog's do.	150	Andrew Wemyss' do.	157
Penman's do.	151	Fraser's do.	158
Young's do.	<i>ib.</i>	Paul's Work	<i>ib.</i>

IV. FOURTH BRANCH OF INTERLOCUTOR :—By whom, and in what manner, and from what classes of persons, the Beneficiaries have been from time to time selected; and, in particular, whether any, and what rights of selecting or nominating Beneficiaries have been exercised, or claim to be exercised, by parties other than the Magistrates and Council, as Trustees of the Charity?	159
---	-----

V. FIFTH BRANCH OF INTERLOCUTOR :—How many out-door Pensioners have from time to time been admitted to the benefits of the Charity?	170
---	-----

	PAGE
VI. SIXTH BRANCH OF INTERLOCUTOR:—What allowances have from time to time been paid to such out-door Pensioners, and upon what principle such allowances appear to have been fixed?	173
VII. SEVENTH BRANCH OF INTERLOCUTOR:—What has been the Gross Annual Income of the Charity since the Old Hospital was removed, what Deductions have been made, or fall to be made, therefrom, and what has been the Free Annual Income applicable and applied for behoof of the Beneficiaries?	174
Statement of Gross Annual Income since the Old Hospital was removed,	175
Estimate of combined Nett Income of Trinity Hospital Proper and Trinity College Church Fund,	180
The Expense of Management,	185
VIII. EIGHTH BRANCH OF INTERLOCUTOR:—Any other fact or matter which may appear to the Reporter to be material or useful for the information of the Court in settling a Scheme for the future Administration and Application of the Funds of the Charity,	186
Road across the Calton Hill,	188
Purchases of Rights of Presentation,	194
The Beidmen's Rents,	195
Fencing of Hospital Land,	196
Sales of Patronages,	197
Records of Hospital Trust,	198
Alexander Mortification,	199
IX. NINTH BRANCH OF INTERLOCUTOR:—What Scheme the Reporter would recommend to the Court as expedient and proper to be adopted for such future application and administration, having reference to the terms of the Charters, Grants, and Mortifications in favour of the Charity, and the judgments of this Court and the House of Lords in the present and relative proceedings,	200
The Classes of Persons,	201
Method of Relief,	<i>ib.</i>
Conditions imposed by Governors,	202

	PAGE
Recommendations as to future Application and Administration of the Charity :—	206
Selection of Beneficiaries,	<i>ib.</i>
Extent to which Relief should be afforded,	209
PROPOSED SCHEME of DISTRIBUTION of the Free Income of the Charity, .	214
FORM in which APPLICATION for the Benefit of the Hospital may be made,	216

II.

APPENDIX TO PROFESSOR MACPHERSON'S REPORT :—

I. THIRD BRANCH OF INTERLOCUTOR :—The Terms and Conditions of any Grants or Mortifications by Private Individuals :—

	YEAR	PAGE		YEAR	PAGE
Treasurer to the Kirk	1580	219	Johne Byeres	1632	229
Thomas M'Calzeoun	1581	220	James Dalgleische	1632	230
Clement Litill	1582	<i>ib.</i>	William Kellie	1632	<i>ib.</i>
The Ministers, Eldares, and Dikens of the Kirk	1586	<i>ib.</i>	James Winraham	1632	<i>ib.</i>
Session of the Kirk	1589	<i>ib.</i>	Margaret Prestoun or Eleis	1632	231
Thomas Speir	1593	221	Johne Hamiltonne	1632	<i>ib.</i>
Richert Doby	1593	<i>ib.</i>	Allane Levingstounne	1633	<i>ib.</i>
Ye Ministers, Eldares, and Deykins of ye Kirk, and Maisters of ye Hospital	1598	222	Arthur Rae	1633	<i>ib.</i>
Cornelius Inglis	1604	<i>ib.</i>	Robert Broun	1634	<i>ib.</i>
Robert Jollie	1605	<i>ib.</i>	Janet Bannatyne	1634	232
James Inglis	1605	<i>ib.</i>	Christiane Rig or Rae	1635	<i>ib.</i>
M. Jhoun Layng	1606	223	Thomas Bannatyne	1635	<i>ib.</i>
Johne Robertsoun	1608	<i>ib.</i>	James Hog	1636	<i>ib.</i>
Sir Johne Scharp of Houstoun	1608	224	David Ramsay	1636	<i>ib.</i>
Mrs Alesoun Wilsoun or Lyndesay . . . . .	...	<i>ib.</i>	David Aikinheid	1637	<i>ib.</i>
Mrs Inglis	1611	<i>ib.</i>	John Winrahame	1637	233
Johne Howeson	1611	<i>ib.</i>	Sir Henry Wardlaw	1638	<i>ib.</i>
Robert Smith	1611	<i>ib.</i>	Mrs Mertein	1638	<i>ib.</i>
James Donaldson	1612	<i>ib.</i>	Peter Somerveill	1638	<i>ib.</i>
Charles Scherare	1613	225	Isobel Farquhair	1638	234
Alexander Moresoun	1614	<i>ib.</i>	Robert Massoun	1639	<i>ib.</i>
Gilbert Promrois	1615	226	Robert Johnston	1639	<i>ib.</i>
Jhone Nasmyth	1615	<i>ib.</i>	Thomas Spens	1639	235
Kirk Treasurer	1618	<i>ib.</i>	Kathercin Prestoun	1639	236
Archibald Johnston	1619	<i>ib.</i>	David Makecall	1639	<i>ib.</i>
William Rig	1619	<i>ib.</i>	David Richardson	1640	<i>ib.</i>
Patrik Eleis	1620	<i>ib.</i>	David Cruickshank	1640	<i>ib.</i>
James Ainslie	1623	227	Robert Elleis	1641	237
Miss Issobell Brown or Massoun	1623	<i>ib.</i>	John Inglis	1642	<i>ib.</i>
Hew Wicht	1625	228	Bartilno Somervell	1642	<i>ib.</i>
Rachell Arnot	1625	<i>ib.</i>	John Fleming	1642	<i>ib.</i>
Patrick Bannatyne	1625	<i>ib.</i>	Isobell Allane or Alschruder	1642	<i>ib.</i>
Kirk Treasurer	1628	<i>ib.</i>	James Troup	1642	<i>ib.</i>
Patrik Tweedie	1628	<i>ib.</i>	John Trotter	1642	238
Johne Jowssie	1629	229	John Spense	1643	<i>ib.</i>
Johne Rae	1630	<i>ib.</i>	Andrew Beattie	1644	239
			William Porter	1646	<i>ib.</i>
			Margaret Richardson or Lindsay	1647	<i>ib.</i>
			Thomas Dods	1647	<i>ib.</i>

	YEAR	PAGE		YEAR	PAGE
William Maxwell	1649	240	Gift by Town of Price of Patronage of Kirkurd	1720	253
James Harres	1649	<i>ib.</i>	Lady Grizel Sempill	1723	254
Sir Thomas Crombie	1651	<i>ib.</i>	Mrs Margaret Hamilton or Erskine	1723	<i>ib.</i>
John Trotter	1652	<i>ib.</i>	William Brown (of Dalgourie)	1719	255
William Cochran	1656	<i>ib.</i>	George Watson	1723	256
James Wyseman	1656	<i>ib.</i>	William Wairdrop	1725	<i>ib.</i>
Patrick Thomson	1662	241	John Wightman (of Mauldsly)	1728	<i>ib.</i>
Laird of Stenhousmilne	1668	<i>ib.</i>	Rodger Hog and Thomas Hog	1728	257
James Gray	1669	<i>ib.</i>	Robert Murray	1726	258
James Elies	1670	<i>ib.</i>	Robert Wilson	1728	259
George Jollie	1670	242	John Young	1732	<i>ib.</i>
Robert Sandiland	1671	<i>ib.</i>	Alexander Brown	1733	261
William Lorimer	1671	243	Mrs Mackilleraith	1729	<i>ib.</i>
Alexander Home	1671	<i>ib.</i>	Andrew Gardner	1735	<i>ib.</i>
Thomas Murray	1674	<i>ib.</i>	Rebecca Brown	1736	263
John M'Morland	1676	<i>ib.</i>	Rev. William Brown	1736	<i>ib.</i>
John Anderson	1676	<i>ib.</i>	James and William Melrose	1737	<i>ib.</i>
John Penman and James Penman	1680	<i>ib.</i>	Mrs Janet Melvill	1737	264
John Thorburn	1680	245	Mrs Campbell or Wightman	1744	265
Harie Walwood	1684	<i>ib.</i>	Patrick Gordon	1750	266
John Govein	1685	<i>ib.</i>	James Wilkie	1758	<i>ib.</i>
Janet Ross	1685	<i>ib.</i>	John Gordon	1754	267
Patrick Aikenhead	1689	<i>ib.</i>	Thomas Crookat	1765	<i>ib.</i>
Robert Deane	1692	246	Thomas Fraser	1758	268
John Glendie	1694	<i>ib.</i>	John Brown	1758	271
James Alexander	1695	<i>ib.</i>	James Hunter	1765	<i>ib.</i>
Sir John Hall	1696	251	Mrs Beech	1766	<i>ib.</i>
David Lindsay	1696	<i>ib.</i>	Janet Callander	1774	273
William Grierson	1696	252	Charles Selkirk	1786	274
Sir Robert Baird of Saughtonhall	1697	<i>ib.</i>	James Reoch	1792	275
Mr Trumble's Donation	1699	<i>ib.</i>	Miss Christian Garden	1804	276
Lady Pennecook	1701	<i>ib.</i>	Mrs Elizabeth Campbell	1812	<i>ib.</i>
Thomas Sievwright	1705	<i>ib.</i>	John Menzies	1833	277
Mrs Wood	1710	<i>ib.</i>	Rev. Dr Robert Blair (of Barton)	1838	278
Bailie Murray	1710	<i>ib.</i>	Thomson Paul	1842	279
Sir James M'Lurge (of Vogrie)	1718	<i>ib.</i>	William Lennie	1852	<i>ib.</i>
Sir John Clark	1720	253	Andrew Wemyss	1858	282
Bessie Grant	1716	<i>ib.</i>			

II. Examples of Payments made or Conveyances granted by Persons desiring to be in the Hospital, or by Friends, on condition of their admission,	285
III. Examples of Property received on death of inmates, under the <i>dispositio omnium bonorum</i> granted by inmates,	288
IV. Excerpts from Statutes of Trinity College Hospital,	291
V. Regulations as to Admission of Burgesses and Guild Brethren,	304
VI. Excerpt from Observations by Governors of Trinity Hospital on Draft Report,	307

	PAGE
VII. Form of Disposition exacted from Beneficiaries on the Inmate Roll,	309
VIII. Teinds of Wemyss,	311
IX. Letter from the Rev. R. H. Stevenson, D.D., on behalf of himself and the Ministers of Edinburgh, to Professor Macpherson,	313
X. Alexander's Mortification—Payments, 1819-20,	314
XI. Return shewing the number of Presentations to Trinity Hospital presently held by the Governors themselves, and the names of other Patrons and number of Presentations held by each,	315
XII. Excerpt from List of In-door Pensioners for 1871, given in by the Governors,	316
XIII. Statement of Over and Under-payments to Beneficiaries on Alexander Mortification,	317

III.

OBJECTIONS for the Lord Provost, Magistrates, and Council of the City of Edinburgh, as Governors of Trinity Hospital, to the Report of Professor Macpherson, dated 15th July 1874,	319
--	-----

IV.

NOTE for the Lord Advocate in the Process of Declarator, &c., at the instance of Margaret Clephane and Others, Members, Beneficiaries or Pensioners of the Trinity Hospital, Edinburgh,— <i>Pursuers</i> ; against the Lord Provost, Magistrates, and Council of the City of Edinburgh, as Trustees and Governors of the said Hospital,— <i>Defenders</i> ,	324
---	-----

V.

REPORT by Professor Macpherson <i>in causa</i> Clephane and Others against the Magistrates and Town Council of Edinburgh, as Governors of Trinity Hospital,	325
---	-----

VI.

OBJECTIONS for the Lord Provost, Magistrates, and Council of the City of Edinburgh to the foregoing Report, dated 26th October 1877,	355
--	-----

	PAGE
VII.	
ADDITIONAL REPORT by Professor Macpherson <i>in causa</i> Clephane and Others against the Magistrates and Town Council of Edinburgh, as Governors of Trinity Hospital,	360
VIII.	
OBJECTIONS for the Lord Provost, Magistrates, and Council of the City of Edinburgh, as Trustees, Administrators, and Governors of the Trinity Hospital of Edinburgh, to Report by Professor Macpher- son, dated 6th July 1878,	363

CHARTERS referring to Trinity College, in Modern Latin, with English Translation :—	
XIV.	
Charter by King James VI. granting Trinity Church and Hospital to Sir Symon Preston, Provost, and his successors, the Provost, Bailies, and Council of the Burgh of Edinburgh. Edinburgh, 12th November 1567,	365
XV.	
Charter by King James VI. confirming Queen Mary's Charter of 13th March 1566, and of new granting the Kirk-livings to the Provost, Bailies, Council and Community of the Burgh of Edinburgh. Stirling, 14th April 1582,	371
XVI.	
Contract between the Provost, Bailies, Council, and Deacons of the Burgh of Edinburgh, and Mr Robert Pont, Provost of Trinity College, in regard to the renunciation of the Provostry. Edinburgh, 26th April 1585,	384
XVII.	
Charter by King James VI. to the Provost, Bailies, and Council of the Burgh of Edinburgh, of the Provostry of Trinity College. Dunfermline, 23d June 1585,	388

	PAGE
XVIII.	
Charter by King James VI., confirming his previous Charter of 23d June 1585, and of new granting Trinity College and the whole endowments and property thereof, to the Provost, Bailies, Council and Community of the Burgh of Edinburgh. Holyrood, 26th May 1587,	393
XIX.	
Charter by King James VI., confirming his Charter of 23d June 1585, and of new granting to the Provost, Bailies, Council, and Community of the Burgh of Edinburgh, the whole revenues of Trinity College. Holyrood, 29th July 1587,	404
XX.	
Excerpts from Volume of Accounts of Trinity Hospital, 1716-52,	410
XXI.	
Excerpts from Volume of Accounts of Trinity Hospital, 1752-64,	428
XXII.	
The late Lord Cockburn on Trinity Hospital,	429
XXIII.	
Ancient Scottish Laws regarding Poor People, Sorners, Beggars, etc.,	435



TRINITY COLLEGE AND TRINITY HOSPITAL.

CHAPTER XXVII.

TRINITY HOSPITAL CHARITY AS IT NOW EXISTS.



THE CHARITY OF TRINITY HOSPITAL has been a great boon and blessing to the community of the City of Edinburgh for many generations. This observation will readily be conceded; as Trinity Hospital is, unquestionably, the oldest of all the Edinburgh charity-foundations, which exist at the present time. It has been, undoubtedly, a benefit to very many deserving citizens, who had previously seen better days, and who had spent the greater part of their life under far more advantageous circumstances, than was experienced by them during the later days of their worldly career.

At the present time, the number of beneficiaries on the roll is not less than 313 persons, male and female. Of these Pensioners there are

On the higher scale, at £25 per annum, representing the old "In-door Pension,"	75
On the lower scale, at £15 per annum, representing the old "Out-door Pension,"	164
On the Lennie Pension List, at £10 per annum,	18
On the Crighton Pension List, at £15 per annum,	10
On the Wemyss Pension List, at £15 per annum,	13
On the Alexander Fund, at £27, 15s. 6d. per annum,	33
Total beneficiaries as above,	313

This brings the List down to the close of the year 1896. It is proper, however, to state that possibly before the end of other two years, the number may be increased by the addition of at least 20 or 30 pensions. It is requisite to explain that on the higher scale (or in-door pension) 17 are private gifts of presentation,* in the disposal of which the Town Council, as Governors, have no right or control. They simply act as the hands by which the benefaction is made to the several recipients, at the stated terms of payment. All payments are made bi-monthly in advance, on the first Mondays of January, March, May, July, September, and November. As has already been seen, the Alexander Fund has,—since the new scheme of administration established by the interlocutor of the Court of Session, to which full reference will be made in another chapter,—been administered by a separate Trust composed of the members of the Town Council of the City and the Incumbents of the old City Parish Churches.

* Originally, there were twenty-one of these, but four of them have lapsed and the patronage of such has devolved upon the Town Council.

It is right always to bear in mind that the Charity of Trinity Hospital, as now administered, is very different from what was the original intention of the pious Foundress, as set forth in the various Charters or Pope's Bulls which originally regulated the affairs of the Trinity College. At first, as has been seen in the previous volume, the endowment was designed by Queen Mary of Gueldres, as a College and as a "Maison Dieu," or House of God—a religious institution and almshouse, provided with a provost or principal, a number of prebendaries or priests, a set of choiristers, and a number of beidmen or poor citizens; where religious worship was daily maintained, and where the hours of prayer, reading, refection, and sleep were most scrupulously attended to. All the officials and even the beidmen were provided with incomes derived from the value of certain lands which were duly specified, and which were assigned to them as their own exclusive property. The thirteen beidmen constituted the purely eleemosynary part of the foundation.

The Reformation, however, swept over Scotland, and brought a totally altered state of matters. Provosts, prebendaries or priests, and choiristers had to disappear under the altered circumstances, even although they all offered to embrace the new religion and to submit themselves to the changed condition of religious polity. The property of Trinity College Church and Trinity Hospital, as matter of course, fell to the Crown, with the emoluments pertaining thereto. It is at this juncture of affairs that Trinity Church and Trinity Hospital enter upon an entirely new era of existence. They became henceforth the property of the Corporation of Edinburgh, and they were called upon to pass through the varied stages of a somewhat eventful career, down to the present time.

The Town Council's connection with the Church and Hospital began on the 10th day of November 1567, when the bailies, council,

and deacons of crafts, having been convened in the council house, Sir Symon Prestoun of Craigmillar, Knight, Provost of the Burgh, stated to his brethren of the Corporation, that he had obtained a grant, from the Lord Regent's hands, of the Trinity Colledge, kirk, houses, biggins, and yards adjaecent thereto, and lying contiguous to the same, to be an hospital for the poor, and to be biggit and upholden by the good town, and the eleemosynaries to be placed therein, by the provost, bailies, and council for the time being; and that, notwithstanding he had accomplished all this, it was not his intencion to manage it on his own behalf, but to bestow the gift upon the said town; and he therefore offered the same, with all right and title he had to them, as a gift to the said good town, and such right and title was thereby transferred from himself and his heirs *ad perpetuam remanentiam*.—(Vide Vol. I. footnote pp. 41-2.)

The Town Council accepted the gift, and entered upon their duties by appointing those various officials whom they considered requisite for the management of the same.

It ought here specially to be noted that Trinity Hospital did not participate in any of the revenues which Queen Mary of Gueldres, under the original charters of foundation, conferred upon the respective provosts, prebendaries, choiristers, or beidmen in pre-Reformation times. These were wholly devoted to the support of the clergy under the new dispensation of affairs, and also to the Colledge and the Schools.

What the Town Council *did* receive was the Church of Trinity Colledge, the Hospital building which was at the time falling fast into a state of decay, and "the houses, biggins, and yards adjacent thereto, and lying contiguous to the same." All these were granted by the Crown to the Provost of the Town for the time being, for the purpose of being erected and maintained as a Hospital for the poor in all time coming.

While Mary of Gueldres was, therefore, the foundress of the religious institution and almshouse which existed prior to the Reformation, it is rather to Sir Symon Prestoun of Craigmillar, Knight, to whom we have to look, as the considerate author of that greater development which, after the Reformation, took place upon the conditions of the Charity, and which from that remote period of time have continued to be conferred upon, and have been utilised by, many deserving towns-people in succession, during the long period of nearly three centuries and a half.

During the progress of years, time has brought about great changes. This was what might naturally be expected. The building of the Trinity College Church was, after the Reformation, devoted to the uses of the district for religious worship, while a preference has always been had, in regard to accommodation, in so far as the pews were concerned, to the Trinity Hospital inmates or pensioners. Even at the present time, free accommodation is provided for the Hospital beneficiaries in the Trinity College Church at Jeffrey Street. So early as 1584, as has been already stated (being about seventeen years after the Town Council had obtained from Sir Symon Prestoun, a transference of his rights to the Church and pertinents adjacent, and also about the time of their agreement with Robert Pont, the last Provost of the College, as to his emoluments), the Lord Provost, Magistrates and Town Council had resolved to divide the town into four parishes (or parochins), each of which was to have a church.—(*Vide* Vol. I. p. 149.) Of these the Trinity College Church formed one, and was meant to supply the religious wants of the north-east part of the town, and “the Cannogait heid without the port.” The Trinity College Church and Hospital, which were formerly regarded as “outwith” the town, were by a minute of Town Council of 14th October 1584 caused to be

“incloset within the town, and ane yett to be strikkin furth in the town wall at the fute of Halkerstoun's Wynd, to serue for a passage to the said kirk.” The Hospital building was begun forthwith to be repaired.

The Town Council, having, as we have seen, no other funds at their disposal, were necessitated to appeal to the generosity of their fellow-citizens to help them in this great work of benevolence; and, on the whole, these appeals were not made in vain. The first mortification received by them was from the Executors of Mr Thomas M'Calzeoun in 1581. Thereafter legacies continued to drop in from time to time. The Hospital, therefore, under the control and fostering care of the Corporation, was being largely appreciated by the public, and it has grown and developed,—in consequence of the liberal donations of pious citizens, and the shrewdness and business foresight of those who had the management of its financial affairs,—until it has become a great power for good in the City of Edinburgh.

When the demands upon the Town Council for admission were more than they could properly accommodate within the walls of the Hospital, a system of out-door relief was from time to time resorted to. In those days as well as in the present day—and possibly far more in the days that are gone than is at all likely to happen now—there came occasionally upon the town times when the citizens were called on to experience seasons of great dearth and poverty. This was specially the case after the Union with England, and it continued from time to time well on to the close of the last century. But the Town Council did their very best in those days to alleviate the sufferings of their fellow-citizens in times of scarcity and want. While their granting out-door relief became a matter of challenge—and that among a class of individuals who are always found to be on the objecting side—there can be no doubt that the Governors

of Trinity Hospital acted *in bona fide*, and the sequence of events has entirely justified their conduct.

Lord Chancellor Westbury, in his remarks, when delivering his views in the House of Lords in regard to the affairs of Trinity Hospital, gives a large discretion to Trustees in the administration of a charity such as that of the Hospital. He says:—"In our Court of Equity, this principle has prevailed, namely, that there shall be a very large administration of charitable trusts. You look to the charity which is intended to be created, that is to say, the benefit of the beneficiary, and you distinguish between the charity and the means which are directed to the attainment of that charity. Now the means of necessity vary from age to age. Take a charity consisting, as it does here, of the relief of the poor. The condition of the country, or the condition of the town at the time when that charity was created, may have dictated what at that time were very convenient means for the application of the particular charity. In the progress of society, and with the greater diffusion of wealth and growth of population, the means originally may become inadequate to the end, and the Courts of Equity have always exercised the power of varying the means of carrying out the charity from time to time, according as by that variation they can secure more effectually the great object of the charity, viz., the beneficiary."

His Lordship adds:—"The benevolence of Sir Symon Prestoun, and of the Court acting at his instance, was moved on account of the condition of the poor of Edinburgh; and, as one means of benefiting the condition of the poor, he was able to erect, and had land granted to him, upon which he might erect dwellings for the poor; for, although you call it an hospital, yet the word hospital is to be considered with reference to that which is here described, and you must not derive from the word 'hospital,' the idea which is frequently attached to it at the

present day, namely, a particular building with a certain staff of officers, and with directions to receive annuitants therein, and to allow them certain sums of money, and to keep up a number of officers, a chaplain, and a superintendent, and so on, who are directed to be maintained in an hospital. That is an hospital consisting of a certain number of recipients of charity, whose interest in the charity is defined, and the hospital is to be for them a place of permanent dwelling. But in the direction here given, for the establishment of an hospital, there is nothing more, so far as the Charters go, than as it were the erection of an ordinary poorhouse, where the poor and the sick may be lodged and maintained, so long as may be necessary, and the whole *seems to be left entirely to the arbitrium and discretion of the superintending authority by the founder of the charity.*"

His Lordship then goes on to state :—" If the end of relieving the poor can be better accomplished now, by hiring dwellings for them, or by enabling them to get lodgings or cottage dwellings of their own, the substantial object will be accomplished." He also refers to the fact, that since the Hospital building was levelled to the dust to make way for the railway operations, "There are no inmates or poor persons supported or maintained in any one building or hospital. Pensions in weekly, monthly, or termly payments are granted to the beneficiaries." His Lordship, therefore, supported the practice of out-door relief.

But while favouring this view of the question, he does not dogmatise on the subject. Quite the reverse. He very cautiously adds :—" Whether it should be the one, or whether it should be the other, depends on the circumstances of the time, and on what constitutes a wise, and prudent, and discreet administration of the funds of the charity, and that administration may alter. It does not follow that, because we approve of out-door relief to-day, the scheme continuing that form of application shall have perpetual duration. Another set of

circumstances may arise—ten, twenty, or fifty years hence—which will suggest another, and a more beneficial form of administration. And thus it is, that charity in the eye of the Court is not to be bound up to any absolute and no longer beneficial mode of administration; but it may receive, under these wise maxims, from time to time, that application and that administration of the fund which will best accomplish the great end in view.”

His Lordship is quite clear on this one proposition, that a very great deal of discretion, in regard to the management of such a charity, must be left to the wisdom of those whose duty it is to administer the affairs of the Institution.

The original intention of Sir Symon Prestoun, who, as we have already seen, was the more immediate founder of the Charity, was the care and support of the poor and of the sick of the town of Edinburgh. By this remark it is not to be understood that “the poor” there referred to implied what is known as “the common poor,” who at a very early period in the history of the Scottish nation were otherwise provided for. During the reign of King James I., in 1424, a law was passed regulating begging, to the effect that no one should be allowed to do so outwith the parish or parochin in which he was born. And those who were “thoiled (allowed) to beg” had to be “seene be the Councelles of the Tounes, or of the Lande, that they may not winne their living vther waies.” By sec. 70 of the sixth Parliament of James IV., the aforesaid Act is thus referred to:—“*Item*, Anent beggers that the Statute of King *James* the First, made upon starke beggers, be observed and keiped. And that the Schereffes, Provestes, Baillies within Burrowes, baith of Royaltie and Regalitie, Spiritualitie and Temporalitie, see that this Act be execute and keiped: And that they thoil nane to beg within them, except cruiked-folke, seik-folke, impotent-folke, and weak-folke, under the paine of payment of ane

marke, for ilk vther begger that beis foundin." There are other statutes of the Scottish Parliament in reference to the common poor and to begging; but the most complete reference is to be found in the Act of James VI. (1579), passed seven years before the Magistrates and Council obtained full possession of the affairs of Trinity College Hospital, when the last Provost (Pont) was removed. That statute ordained the Provosts and Magistrates severely to punish all beggars, and to lay on a weekly stent or tax as should be deemed suitable upon the whole inhabitants,* according to their ability, without exception, to sustain the "pure (poor) people." The means by which this was to be done is not clearly specified in the Act, but must have been left to the arbitrium of the authorities. There is, however, considerable light thrown upon the subject in the Kirk Treasurer's Accounts of thirty-five years later, as these have been preserved in the archives of the City. The following may be taken as a specimen:—

"Heir followeth the Compt of James Heriot, Thesaurer to the Kirk off Edinburgh of his Intromission or Charge and Discharge in the year of his office, to wit, 1615. The Compter James Heriot is charged: (1) With the monthlie contribution of the burgh of Edinburgh collected be the haille diacons fra the inhabitants thereof, allswell merchants and craftsmen, as members of the College of Justice, according to the stent roll registrat. (2.) With the Collections at the Kirk doors. (3.) With the penalties of fornicatores. (4.) With volunteer gifts promised upoun the sea. (5.) With legacies left to the poore. (6.) With annuel-rents sumes of money receaved from David

* This is the first step taken in Scotland to suppress begging, which had been previously tolerated under certain conditions; and to substitute in lieu thereof, a direct stent or tax levied on the community to support the poor. The old Acts of the Scottish Parliament in reference to the poor, and to beggars and sorners, are so important in many respects that they have been printed as part of the Appendices, pages 435-46.—J. C.

Williamson, elder, preceding Thesaurar, together with wreats and obligationes made to the Kirk." The sum with which Heriot charged himself for the year was upwards of £11,000 Scots. The list of the recipients is set forth in the account.

How long the Kirk Treasurer, who was appointed by the Town Council, with the concurrence of the Session of the Kirk, continued as almoner for the poor,* the writer has not been able to discover. It is sufficient for his purpose to show that the charity of Trinity Hospital was not designed for the support of the "common poor."

Towards the middle of last century it was found requisite to deal with the question of the common poor in a more thorough way, in the establishment of "The City Charity Workhouse," or as is now better understood, "The Poorhouse." This institution was erected during the summer of 1743. The expense of building the House was defrayed by voluntary contributions made by the inhabitants. The cost of maintaining the establishment was at first met by a tax of two per cent. on the valued rents of the City, by half of the profits of the ladies' assembly room, by the collections at the parish church doors, and by other voluntary contributions, including any alms which were deposited by passers-by into the charity-box placed at the gate. There were also credited any sums derived from the labour of the inmates. All these sources were, however, in course of time, not found sufficient. It was, therefore, proposed to levy a Poor-rate. The gentlemen of the Faculty of Law claimed a prescriptive exemption from all taxation; but they eventually yielded. And for many years a poor-rate has been imposed upon the value of all heritable property, even although it is unlet—one-half of the assessment being paid by the owners and one-half by the tenants. The old City Poorhouse is now

* The Kirk Treasurer's Accounts are extant from 1615 to 1743.

non-existent. The City Parochial Board advantageously feued the ground after the inmates were removed in 1870 to the new House at Craiglockhart.

But the poor people of the parishes of Canongate and St Cuthbert had also to be provided for.

The Canongate Charity Workhouse was situated at the foot of the Tolbooth Wynd, and adjoined the Canongate churchyard. It was built in 1761, by subscriptions received from the inhabitants of the burgh. Latterly the Canongate parochial rate—as the houses came to be inhabited by the poorer classes—was found to be excessive, and the accommodation of the poorhouse insufficient. Eventually, after considerable negotiation, the parishes of St Cuthbert and Canongate were combined for poors purposes, and the arrangement was a great relief to the ratepayers of Canongate.

The Charity Workhouse for St Cuthbert's parish was opened on the 27th of May 1762. The house was built by public subscription. The City of Edinburgh gave a donation of thirty guineas. It was supported for three years by the collections at the church doors, by the free proceeds of the burying-ground, and by voluntary contributions. These were not found adequate. A voluntary assessment was laid upon the parish in 1766. In 1767, an Act of Parliament was obtained for extending the Royalty of the City of Edinburgh. The effect of this was to disjoin, from St Cuthbert's parish, a great portion of the New Town, including St Andrew's, St George's, St Mary's, and St Stephen's parishes, and attach them to the City Parish. A sum was allowed by the City to St Cuthbert's for the loss thereby sustained. The Poorhouse, which originally stood in St Cuthbert's Lane, was eventually acquired by the Caledonian Railway Company, when a new House was built on the grounds of Craigleith, to the west of the Fettes Hospital, for the combined parishes of St Cuthbert

and Canongate. Like the City Parish, an assessment was, in course of time, levied for maintaining the house and inmates.

Under recent legislation all these differences of parish arrangements have been brought to an end, and one uniform system of management of pauper matters obtains at the present time. A uniform rate of assessment is levied over the whole municipal area of the City, under the control of the City Parish Council. This notable change of affairs has been found, even by its opponents, to have been productive of great good to the community.

The foundation of the Royal Infirmary of Edinburgh, on the 6th day of August 1729, made ample provision for the sick poor: inasmuch as its doors were thrown open to "the curable distressed, from whatever part of the world they came, without the slightest restriction." These were the terms of its original charter.

It was an observation of a late statesman, that "One of the noblest passages in our Statute-Book is the one which says,—No one need be destitute." If Scripture is correct wherein the remark is made, "The poor ye have always with you," as well as the other one, "The poor shall never cease out of the land"—it is a consoling fact, that the burgh ratepayers, through the present system of taxation, make adequate provision for the necessities of those who would otherwise be in want.

It is not, however, for those persons for whom the Poor Law makes provision, that Trinity Hospital pensions were ever intended. They were designed by the Town Council, as Governors and Administrators of the Institution, to be conferred on those who had seen better days—a class above the persons who are proper subjects of parochial relief. This will, no doubt, appear abundantly evident, by what has been already stated, by a careful perusal of the Court of Session's regulations, and by the remarks which follow, on this subject, in subsequent chapters.



CHAPTER XXVIII.

THE NEW SCHEME OF ADMINISTRATION.

UNDER the decision of the Appellate Court (Vol. I. pp. 272-5) it was declared that (after providing for the building of Trinity College Church), the residue of the money received from the North British Railway Company, and the interest thereon, and all the rest of the property of the said Hospital were applicable to the enlargement and maintenance of the said Charity, as declared and established by the Charters, dated respectively the 12th November 1567 and 26th May 1587, in the said proceedings mentioned, according to a scheme to be settled for that purpose. . . . “And it is further ordered, that it be referred to the said Court of Session, to settle and approve of such scheme accordingly, and to enquire and ascertain of what the property of the Hospital consists, and in what manner the money received from the said Railway Company has been invested by the said defenders, and when such investments were made, and what sums have been received for interest thereon, and by whom and how such sums have been applied.”

Following out this direction, the Court of Session remitted to Norman Macpherson, Esquire, Advocate, at that time Professor of the Law of Scotland in the University of Edinburgh, to report upon the whole affairs of the Trinity Hospital, and especially as to "what scheme the Reporter would recommend to the Court as expedient and proper to be adopted for future application and administration, having reference to the terms of the Charters, Grants, and Mortifications in favour of the Charity, and the judgments of this Court, and the House of Lords in the present and relative proceedings." The Reporter was authorised to secure the assistance of a competent accountant, or other person of skill, in so far as it might be requisite to enable him to carry out the remit. He was also authorised to hear parties interested, who might desire to be heard; and he got the requisite power to require the production or exhibition of writings and documents pertinent to the enquiry.

The first Report which was made to the Court was five years thereafter, viz., on 15th July 1874. It was a tedious enquiry, and cost the Charity upwards of £1500.

After a variety of negotiations between the parties, the scheme of administration, in so far as the Charity of Trinity Hospital was concerned, was settled by Interlocutor of the Court of Session, of date 3d February 1880. It was ordained *inter alia* as follows:—"Further, approve of the amended scheme for the administration of Trinity Hospital, . . . prepared by Professor Macpherson under the remit made in their Interlocutor of 20th July 1875, and appended to his Report to the Court, dated 30th June 1877, as adjusted by the Court of even date herewith, copies of which schemes so adjusted are Nos. 139 and 140 of process: Ordain the said schemes to be the Regulations for the administration of the Trinity Hospital . . . subject to the future orders of the Court."

The following are set down as the future

REGULATIONS

For the Administration of Trinity Hospital.

1. The beneficiaries must not be under fifty years of age, except in the case specified below, Art. 4.

2. They must be of good reputation when appointed; and maintain their character.

3. They must be in decayed circumstances, and not from their own improvidence or misconduct.

4. One-eighth of the whole beneficiaries shall be persons labouring under incurable disease.

There shall be no limit in point of age in the case of persons who, by supervening incurable disease, are prevented from labouring as they have formerly done for their own livelihood.

It shall be in the power of the Governors to select a larger number of incurables, if they think fit, from among applicants possessing the ordinary qualifications as to age, etc.

5. Applicants must have at some time resided in Edinburgh for two years, and for that period have supported themselves by their own industry,* or at least without aid from any charity; or be widows or children of burgesses.

6. The beneficiaries must, after their appointment, reside in Edinburgh, unless they have relatives elsewhere with whom they

* It has been found a great drawback in the administration of the new scheme, that the printed Form of Application authorised by the Court of Session makes no reference to this matter. As a rule, therefore, the Governors have no opportunity of testing the fitness of applicants under this head.—J. C.

can reside, and where, for this or other special cause, which shall be recorded, leave to reside elsewhere is granted by the Governors on suitable provision being made for receiving periodical report as to the condition of the beneficiary to whom such leave is granted.

7. There shall be a medical officer on the staff of the Charity, whose duty shall be to attend the beneficiaries in the case of sickness, and report to the Governors, subject to such regulations as may be fixed from time to time. His salary shall not be less than £105.

8. There shall also be a lady visitor on the staff of the Charity, whose duty shall be to visit all the beneficiaries resident in Edinburgh and Leith, and report to the Governors upon them, subject to such regulations as may from time to time be fixed. Her salary shall not be less than £63.

9. There shall be two scales of pension, £25 and £15*—it being in the power of the Governors to put those elected on whatever scale they think fit, on consideration of the circumstances of the applicant, and the state of the pension roll.

10. Presentees by private patrons shall be entitled to receive pensions on the highest scale.

11. It shall not be a disqualification that an applicant for the benefit of the Charity has a living spouse; but where a marriage occurs in the case of any beneficiary, his or her claim to receive benefit from the charity shall be reconsidered by the Governors.

12. No pensions shall be paid to, or in respect of, parties in receipt of parochial relief, or supported by parochial boards in lunatic asylums.

13. The benefits of the Charity shall be forfeited by misconduct, of which the Governors shall be the sole judges.

* £20 and £10 respectively were the amounts paid up to this time.

14. In every case of death of a beneficiary a sum of £5 will be allowed for funeral expenses.*

15. Private rights of patronage cannot be exercised till after a lapse of twelve months from the death of the last presentee.

16. Vacancies on private rights of patronage shall be intimated to the patrons so soon as they are brought to the notice of the trustees, or their clerk.

17. There shall be preserved in volumes, containing no record of the proceedings of the Town Council as representing the community, a separate record of the whole proceedings of the Lord Provost, Magistrates, and Council, as Governors of Trinity College Hospital, or of any committee or committees of their number to whom matters connected with the administration of the charity or its property are remitted.

18. It shall be in the power of the Governors, as trustees of the Wemyss Bequest, when its income falls in, to fix a uniform amount of pension, or distribute it according to any of the scales subsisting at the time.

19. If the withdrawal of the Alexander Fund should diminish the income of the Hospital, so that all the pensioners cannot be placed on the above scales, no vacancies occurring on the roll of pensioners shall be filled up unless or until the income is sufficient to support the new pensioners on the above rates; and as the free income of the Hospital increases, it shall be expended as nearly as may be, one-half in providing pensions on the higher scale, and the other in providing pensions on the lower scale.

* The Governors, on 20th October 1880, authorised the treasurer to make payment of the fixed allowance to the person making intimation of the death in writing, on production of a certificate or extract of the death from the Registrar, or by a medical man, and on the return of the pension card issued to the beneficiary.

PROPOSED SCHEME OF DISTRIBUTION
of the Free Income of the Charity.

UNLIMITED PRESENTATIONS ON £25 SCALE.

<i>Mortifier.</i>		<i>Patron.</i>	
William Brown of Dalgourie, ...	...	Lady Susan Brown Bourke, ...	1
Lady Grizell Sempill, ...	...	Earl of Rosebery, ...	1
Rev. William Brown, ...	...	{ The Minister of Old Greyfriars', ...	1
Mrs Melville, ...	...	{ Mr White Melville of Bendochie, ...	1
James Hunter, ...	...	Lord Forbes, ...	1
Mrs Campbell, ...	...	{ The Incorporation of Skinners and Furriers, ...	1
Rodger Hog, ...	...	Mr Hog of Newliston, ...	1

PRESENTATIONS LIMITED TO BURGESS CLASS ON £25 SCALE.

(It is a question whether or not this limitation applies to Hog's Mortification. A like question is raised by Mr Grierson with reference to Murray's Mortification. He claims right to an unrestricted presentation.)

John Young, ...	...	Incorporation of Cordiners, ...	1
Mrs Beech, ...	...	} The Merchant Company, ...	2
George Watson, ...	...	
John Wightman, ...	...	} The Incorporation of Skinners, ...	2
Mrs Campbell, ...	...	
Robert Murray, ...	...	Mr Andrew Grierson, W.S., ...	1
Andrew Gairdner, ...	...	Mr G. W. Gairdner, London, ...	1
James Wilkie, ...	...	The Ministers of Edinburgh, ...	1
James Penman, ...	...	} The Magistrates and Council, ...	1
Mrs Campbell or Wightman, ...	...	

PRESENTATION LIMITED TO CERTAIN NAMES OR FOUNDER'S
KIN ON £25 SCALE.

Four of the above,	...	...	{	Young, Watson, Wilkie and Beech.		
Thomas Croekat,	...	...	{	Minister and Kirk-Session of Wester or New Greyfriars',	...	2
Mrs Calender,	...	...		Incorporation of Skinners,	2	} 5
Thomas Fraser,	...	...	{	Lord Provost, Dean of Guild, and Treasurer,	1	
Total on £25 scale,					22	<u>£550</u>
On £25 scale presentation by private patrons,					22	£550
On £25 scale unlimited presentation by Magistrates and Council,					38	950
						<u>£1500</u>
On £15 scale do. do.,					100	1500
Total beneficiaries,					160	<u>£3000</u>
For salary of Medical Officer,					£105	
,, Lady Inspector,					63	
					<u>£168</u>	
Less share paid by Alexander Fund,					13	
						<u>155</u>
						<u>£3155</u>

FORM OF APPLICATION
For the Benefit of the Hospital.

Engrossed in
 Council, Re-
 corded on
 February the
 17th, 1880.

STREET,
 18 .

EDINBURGH,

GENTLEMEN,—I beg to apply for the benefits of *Trinity College Hospital*.

The particulars of my claim are set forth in the annexed Schedule, and the documents in support of the application are herewith lodged.

I am your most obedient servant,

To the Governors of
 Trinity College Hospital, Edinburgh.

Schedule.

1. Name and designation of the applicant, with his or her present or former occupation.
2. Date and place of birth of the applicant.*
3. Present residence of the applicant, and his or her residence during the five preceding years : and if a householder, for how long,

* This must if possible be proved by a certificate by the Registrar, or, if that cannot be obtained, such evidence as will satisfy the Governors.

Persons are elected to the benefits of the foundation in the months of [*February and August*], and the pension or annuity will commence to run and be payable [*in advance on the first Monday of every alternate month. The first bi-monthly instalment to beneficiaries elected in February will be paid on the first Monday of March, and to beneficiaries elected in August on the first Monday in September*]. The persons eligible for election to the benefits of the foundation are old men and women, aged fifty and upwards, who have resided in Edinburgh for at least two years, or are of burgh families. The unsuccessful applicants will have their petition returned on applying to the Treasurer [*Town Clerk*] immediately after the [*election*] meeting of Governors. The petitions not called for before the end of [*March and September respectively*] will be considered as withdrawn, and not again reported to the Governors.

4. (a) If the applicant is married, state the name, age, and condition of the spouse.

(b) If a widower or widow, give date of death of spouse.

5. (a) In the case of a female applicant, state the name, profession, and place of residence of her father, his circumstances in her youth, and the date of his death.

(b) If the applicant is a widow, the profession and place of residence of her husband, and his circumstances, must be stated.

6. (a) The children of the applicant, if any, and their names, ages, designations, and occupations.

(b) State whether any children are receiving any aid from any charitable institution.

7. How is the applicant at present supported, or what are his or her sources of income? State the amount.*

8. The Christian congregation with which the applicant is in connection, and how long he or she has been so.†

9. State generally the present condition of health, mental and bodily.

10. State who are the nearest relatives of the applicant, and what aid they afford.

11. State any circumstances strengthening the applicant's claim.

12. State whether the applicant is a burgess of Edinburgh, or the widow or child of a burgess, and produce the burgess-ticket.

* Should it be found on enquiry that any information respecting means of support, whether regular or casual, has been falsely stated or withheld, the applicant will be excluded from benefit; or if such be not discovered until after admission, the person will be liable to be removed from the pension list.

† This is to be certified by the Minister; or if the charge is vacant, by two seatholders.

Declaration of the Applicant.

I hereby declare that, in the above answers, I have given a true statement of my whole circumstances, and if the Governors are pleased to elect me, I promise to conform to the rules made or to be made by them regarding pensioners.

(Applicant signs here.)

Certificate to be signed by two Householdors.

We believe that the answers given to the printed questions on the preceding page are all true; and we hereby certify, from personal knowledge, after careful enquiry, that the applicant is destitute, and a proper object of the Charity, and is a sober, honest, and well-behaved person.

(Signatures of Householdors, who will please add their addresses and designations after their signatures.)

Medical Certificate.

The application must be accompanied by a Medical Certificate, if the applicant claims specially as an incurable.

It will thus be seen that by the New Scheme the allowance to the various beneficiaries was increased by the sum of Five Pounds per annum, and the basis of application was made to extend beyond the burgess class, to which it had been limited for more than two centuries.

The new proposition of the Court of Session was contained in the fifth regulation, which provided that any person—whatever

had been their past history, in whatever part of the world the rest of their life had been spent, or in whatever occupation they had hitherto been engaged—was eligible as a candidate or applicant, if it could be demonstrated, to the satisfaction of the Governors, that they had at some time resided for two years in Edinburgh, and for that period had supported themselves by their own industry or at least without aid from any charity.

It may be interesting, as an historical fact, to note several extracts from the Hospital Records of former times. There appear to have been admitted the following, viz. :—

19 March 1658.—Margaret Steven, relict of James Hamilton, “sometyme deaken of the maissones of this burgh.”

3 June 1659.—Mr George Straitton, “son of the deceisit James Straitton, Wryter to the Signet.”

31 March 1708.—John Carmichael, “chyrurgeon, burgess of this city.”

3 July 1708.—Sir John Sibbald admitted.

27 July 1724.—Mr David Fairn, “advocat and burgess.”





CHAPTER XXIX.

CONDITIONS OF THE APPLICANTS.

IT may be interesting to the reader to see and realise the effects of the Interlocutor of the Court of Session, when the First Division very much enlarged the area and conditions of applicants for the Charity.

No better illustration of the class of cases with which the Trinity Hospital Committee is called upon to deal, can be found than that which is contained in an article on the subject which the writer contributed to the columns of the *Scotsman* newspaper, and which appeared in that print on the 26th day of February 1894, being the morning of the Monday on which the Spring election for the Hospital bounty took place.

On that occasion there were 338 applicants,* while there were only nine vacancies. Of these, three were on the higher scale ; and as it is usual, unless under very exceptional circumstances, to transfer such from the lower scale of pension, the practical

* At other times the number of applicants has exceeded 400.

effect was to make twelve changes on the roll, three of these being promoted to the higher pension, while nine new persons were added to the roll of beneficiaries. It may be stated in passing, that, as a rule, no one—except in the case of incurables—is preferred to the higher pension, unless he or she has attained to the advanced age of three-score and ten.

Of the applicants on that occasion, 80 desired to be placed on the incurable class, while there were 258 general cases. The rule laid down by the Court of Session, as has already been seen, is that “one-eighth of the whole beneficiaries shall be persons labouring under incurable disease.” These applicants are nearly one-fourth part of the whole. The impression has got abroad that incurable cases have a preference over all others. This is a decided mistake. In connection with the prevalent idea, it may be mentioned that the present list of incurables has been increased by eleven ordinary applicants having transferred their claims which they had previously placed on the general list, to that of the incurables; while it is also worthy of observation that eight of those who apply on this occasion, did not renew their application at the last election. Trinity Hospital Fund is not primarily designed for incurables. There are other organizations in the City expressly founded for this class; and not a few of the applicants for the Trinity Fund do not fail to record the fact in the schedule which they lodge, that they are participants in the benefits of some one of these charities. Of course, it is in the power of the Governors to select a larger number of incurables than the proportion laid down by the Court; and as a matter of experience it is right to be noted, that this has been invariably the case up to the present time. There is no limit to the age of those applicants who are stated to be incurable. Hence it will be

found that there are several on the roll who have not nearly reached the age of fifty years.

It used to be regarded as a great privilege, under the restricted class of burgess-ship, to be elected as a member on the Trinity Hospital Committee of the Town Council, and thereby to enjoy the patronage which that position implied. Only the older members of the Corporation received this signal favour. It is otherwise now. The position of a member of the Trinity Hospital Committee subjects the individual to such an amount of worry, and time, and annoyance—not to speak of the importunities of the applicants and their friends—that it is now a difficult matter to get members of the Town Council to serve on the Committee. As a rule, it is the younger members who get elected, and they take care very soon to allege special reasons for disappearing from the Committee roll.

THE INCURABLE LIST.

Of the list of applicants (incurables) there are, as we have seen, 80. Of these 30 are men and 50 are women. Regarding these it may be observed that 22 apply for the first time, being 11 men and 11 women; 7 apply for the second, being 2 men and 5 women; 9 apply for the third, being 5 men and 4 women; 7 apply for the fourth, being 4 men and 3 women; 5 for the fifth, being all women; 5 for the sixth, being 2 men and 3 women; 2 for the seventh, being 1 man and 1 woman; 7 for the eighth, being 2 men and 5 women; 4 for the ninth, being all women; 2 for the tenth, being 1 man and 1 woman; 3 for the eleventh, being 1 man and 2 women; 3 for the twelfth, being 1 man and 2 women. Beyond this there are 4, and they are all women. They apply as follow:—For the fourteenth, seventeenth, nineteenth, and twenty-sixth time respectively. The last mentioned, who is by far the oldest

applicant in respect of repeated appeals, seems not as yet to have had the ultimate good fortune of the importunate widow of old, who eventually succeeded "because of her importunity." She does not state her case well. Her husband was a gardener, "in poor circumstances." It is somewhat difficult to reconcile this with the order of the Court of Session, "applicants must be in decayed circumstances." Decayed strength or health is frequently urged as decayed circumstances. This is perhaps a too liberal interpretation of the Court's meaning, seeing that the term "circumstances" is qualified by the word "reduced."

As one of the queries prescribed by the Court relates to the religious denomination to which the applicants belong, it may be stated (1) as to males, 10 belong to the Established Church, 12 to the Free, 2 to the United Presbyterian, 1 to the Baptist, 1 to the Christadelphian, 1 to the Christian, 1 to a Mission Hall, while 2 do not attend Church—in all, 30. Then (2) as to females, 21 belong to the Established Church, 13 to the Free, 6 to the United Presbyterian, 4 to the Episcopalian, 1 to the Independent, 1 to the Wesleyan, 1 to the Roman Catholic, 1 to the Plymouth Brethren, 2 to Mission Halls = in all, 50.

Regarding the ages of these applicants, it may be mentioned (1) as to males, there are 3 under 50 years, 1 being 40, and 2 being 46 years each. Those under 60 number 10, of those under 70 there are 9, those under 80 are 4, those under 90 are 3, while one has reached 90 years—in all, 30. Then (2) as to females, there are 3 under 50 years, being respectively 35, 38, and 45 years. Those under 60 number 14, those under 70 are 15, those under 80 are 18 = in all, 50.

In regard to the classes of applicants, it may be stated as to the men that there is apparently only one master, a blacksmith. The

others consist of 3 shoemakers, 2 carters, and 1 of the following, viz. : — Architect, baker, butcher, cabinetmaker, carting contractor (formerly stated labourer), chairmaker, clerk, coachman, currier, gas collector, joiner, labourer, musician, plasterer, printer, printer's warehouseman, steam craneman, and tailor. There are seven who do not specify their occupation.

In reference to the women applicants, there are 30 widows, 2 wives who support their husbands, and 18 spinsters. The first mentioned include the widow of a master horse-dealer, a proprietor, a blacksmith, brewer's labourer, cabinetmaker, coachman, costume buyer, Excise officer, foreman mason, farm servant, French polisher, gardener, gas labourer, joiner, law clerk, light porter, missionary, pianoforte-maker, ploughman, porter, rag merchant, sailor, skinner, tailor, typefounder, waiter, and 2 soldiers. The spinsters include 3 seamstresses, 1 dressmaker, 1 lodging-housekeeper, 1 machinist, 1 bookbinder's assistant, while 9 give no information as to their occupation. Regarding the wives, 1 is that of a Water Trust officer, and the other gives no information.

THE GENERAL LIST.

Turning now to the general applications, of which, as we have seen, there are 258, consisting of 60 males and 198 females, the following is the result:—

I. (THE MEN.) In regard to the men, 21 apply for the first time, 8 for the second, 10 for the third, 5 for the fourth, 5 for the fifth, 1 for the seventh, 2 for the eighth, 2 for the ninth, 1 for the twelfth, 1 for the thirteenth, 1 for the sixteenth, 3 for the nineteenth = in all, 60.

In reference to Church, they rank as follow:—24 to the Established, 13 to the Free, 8 to the United Presbyterian, 3 to the

Evangelical Union, 1 to the Episcopal, 1 to the Baptist, 1 to the Catholic Apostolic, 1 to the Roman Catholic, 3 to Mission Halls, 5 to no Church = in all, 60.

As to age, 5 are under 60 years, 25 under 70, 26 under 80, 3 under 90, while one who applies for the first time is 91 years old, and is a shoemaker.

Regarding their various avocations, the following is the result:— There are 2 bakers, 1 bookbinder, 2 bootmakers, 2 blacksmiths, 3 brassfinishers, 1 brassfounder, 1 brushmaker, 3 butchers, 1 clerk, 1 cook (*chef de cuisine*), 1 draper (retired), 1 draper's assistant, 1 dirk-handle carver, 1 engineer, 1 French polisher, 1 gardener, 1 grocer, 1 hotelkeeper, 1 hotelkeeper (temperance), 1 iron turner, 1 joiner, 1 painter, 3 shoemakers, 1 silverplater, 1 sizemaker, 1 smith, 1 solicitor, 12 tailors, 1 teacher (retired), 1 tinsmith, 1 turner, 1 traveller, 1 warehouseman, and 6 who do not refer to their calling = 59. It will be obvious under this heading how the "sons of the needle" * much abound, notwithstanding of the existence of a special fund destined for the craft.

II. (THE WOMEN.) As to the 198 women, widows number 150, wives 5, and spinsters 42 = 198.

1. (*Widows.*) Regarding the widows, 46 apply for the first time, 25 for the second, 17 for the third, 12 for the fourth, 10 for the fifth, 7 for the sixth, 5 for the seventh, 8 for the eighth, 7 for the ninth, 2 for the tenth, 3 for the eleventh, 1 for the twelfth, 1 for the thirteenth, 2 for the fourteenth, 1 for the fifteenth, 1 for the sixteenth, 1 for the nineteenth, and one for the twentieth = 150.

* The occupation of a tailor is always found to be pre-eminent among the applicants. This is easily to be accounted for. A Governor, some few years deceased, made it a strict rule never to put on any woman applicant. He most religiously kept his favours for old men, and these were invariably old tailors. He had been in his early days one himself, and had an inherent weakness for the cloth, or rather those who manipulated upon it.

In regard to Church they rank as follow:—53 belong to the Established, 40 to the Free, 30 to the United Presbyterian, 9 to the Episcopalian, 4 to the Independent, 2 to the Evangelical Union, 2 to the Baptist, 1 to the Original Seceders, 1 to the Wesleyan, 3 to the Catholic Apostolic, 3 to the Roman Catholic, and 2 to Mission Halls = 150.

As to age, 25 are under 60 years, 80 are under 70, 40 are under 80, and 5 are under 90. There are none above this age.

The avocations of their husbands, as stated, are numerous and varied. Selecting what may be thought a superior class, we find an artist, S.S.C., 2 wine merchants, 1 minister, 2 missionaries, 1 teacher, 1 coal merchant, 1 corn merchant, 1 coach proprietor, 1 contractor, 1 master baker, 4 master builders, 1 master plumber, 1 timber merchant, 1 master joiner, 1 cotton-yarn merchant, 2 merchants, and 1 metal merchant. The others are as follow:—3 bakers, 1 bank clerk, 1 bill-poster, 3 blacksmiths, 1 bookbinder, 1 bookkeeper, 1 boot-closer, 1 brassfinisher, 1 brassfounder, 1 brewer's labourer, 1 butcher, 1 cabinetmaker, 1 cabman, 1 chairmaker, 1 chimney sweeper, 1 church officer, 5 clerks, 4 coachmen, 2 compositors, 1 confectioner, 1 commercial traveller, 1 currier, 1 cutter, 1 dairyman, 1 draper, 2 engineers, 1 foreman (coal depot), 1 furniture dealer, 1 farm grieve, 1 gas-burner turner, 4 gardeners, 1 gilder, 1 grocer, 1 hairdresser, 1 hall porter, 1 hammerman, 1 hot-water engineer, 1 horse-shoer (City's service), 1 ironmoulder, 1 inspector, 1 joiner, 1 labourer, 1 law clerk, 1 lamplighter, 1 lithographic artist, 2 lithographers, 1 lithographic printer, 1 lorryman, 2 masons, 1 map mounter, 1 miller, 1 miner, 1 museum attendant, 1 painter, 1 paper stainer, 1 piano tuner, 1 photographer, 1 plasterer, 1 plumber, 3 porters, 3 printers, 1 railway porter, 1 rubber worker, 1 salesman, 1 slater, 3 soldiers, 1 spirit merchant, 1 smith, 2 shoemakers, 9 tailors, 1 upholsterer, 1

warder, 3 warehousemen, 1 watchmaker, 1 weights and measures assistant, 1 wireworker. Nine give no specification of what their husbands were. It will be obvious from the above how tailors are again by far at the top of the list.

2. (*Wives.*) Regarding the wives (5 in number), 1 has applied for the tenth time, 2 for the third, 1 for the second, and 1 for the first. Their ages are respectively 52, 60, 65, 74, and 75. In regard to Church, 1 belongs to the Established Church, 2 to the Free Church, and 2 go to Mission Halls. In the case of one, her husband has been in an asylum for eighteen years, and she and her daughter work for their support. In the second case, her husband is said to be in delicate health, but she has three sons, all above twenty-three years of age. In the third case, her husband is alive, but has recently become bankrupt, but there are five children, all arrived at maturity. In the fourth case, the husband does not live with the applicant, but there are six sons and two daughters, the youngest (a son) being seventeen years of age. In the fifth case, the husband has not been able to work for sixteen years, but he receives £12 a year from St Cuthbert's Combination, and applicant has hitherto been employed as a nurse.

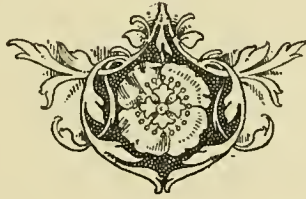
3. (*Spinsters.*) Respecting the spinsters, of whom there are 42, it may be stated that 7 apply for the first time, 8 for the second, 7 for the third, 3 for the fourth, 4 for the fifth, 3 for the sixth, 3 for the seventh, 1 for the eighth, 2 for the ninth, 2 for the tenth, 1 for the eleventh, and 1 for the fifteenth = 42.

As to Church, 11 belong to the Established, 14 to the Free, 8 to the United Presbyterian, 3 to the Episcopalian, 2 to the Evangelical Union, 1 to the Baptist, and 3 to no Church = 42.

In regard to their avocations, 4 get "casual employment," 2 are charwomen, 2 laundresses, 10 lodging-housekeepers, 2 officekeepers,

3 seamstresses, 3 shopkeepers, 1 straw hat maker, 1 tailoress, 1 tassel maker, while 13 give no information as to their employment.

From the above statistics it will be seen that of all the applicants, incurable and general, that there are 248 women and 90 men. The larger proportion of men is in the incurable list. This will be obvious when it is stated that 198 women appear on the general list, as against 60 men, whereas on the incurable list they relatively stand thus—Women, 50 ; men, 30





CHAPTER XXX.

THE ALEXANDER FUND REGULATIONS.

IT is a singular fact that Lord President Inglis should have been so very strong in his views in regard to the desirability of allowing the Alexander Fund to participate so largely in the ultimate benefits which accrued to the Trinity Hospital Funds, from the judicious investment by the Town Council of Edinburgh of the Hospital's own proper money, in the purchase of landed property. It was so unlike the views put forward by his Lordship in 1873, in regard to the Fettes Endowment,* when he gave his evidence

* The funds of Fettes Hospital might have been devoted to the foundation of a Ragged or Industrial School. The powers given to the Trustees were wide enough to have covered such a benevolent appropriation of the Funds. By the will of the Founder, "his clear intention," as stated by the Lord President, was "to add one more to the numerous hospitals with which, I have no doubt, you are familiar by this time," as these have existed for so long in Edinburgh. He further stated that "the hospital system, as it has been called, had not been productive of any good, but rather of evil; and, at all events, the Trustees were very clearly of opinion that even supposing it to be useful in itself, there were already more than enough of such institutions in Edinburgh, and that it was

as the leading Trustee. When he appeared before the Endowed Schools (Scotland) Commission (Report, page 174), his Lordship is reported to have stated, that his colleagues and he objected upon principle to the benefits being conferred on the following, viz. :—
“*such as persons of particular names, or born in particular*

not desirable to add to them.” Strange to say, George Heriot’s, George Watson’s, Daniel Stewart’s and the Merchant Maiden Hospitals, have, under recent legislation, all ceased to exist as such, while the Hospital system (with all its so-called “evil”) is still maintained under the Fettes management, and that chiefly through the influence of Lord President Inglis. His Lordship also expressed a strong opinion in regard to “privileged classes, such as particular guilds or trades.” But, in searching about for those on whom the benefits should be bestowed, he unfortunately fell into the mistake which he desired to avoid, by making provision for a class which could not belong either to guilds or trades. He says, “I refer to the case of children of persons *in the better classes*,—professional persons—persons in the army and navy, and in the learned professions,—dying prematurely and not leaving sufficient funds to carry out the education of their children in a manner suitable to the life of the parents; and also to cases in which the parents, though still alive, have suffered severe and unexpected losses from no fault of their own, but from innocent misfortune, and so have been rendered unable to educate their children in a suitable manner.” His Lordship then refers as an excuse for this appropriation—or rather misappropriation—of the money, to the fact that, in regard to both Harrow and Rugby, the school “commenced with a charitable foundation, and upon this was engrafted a non-charitable educational institution.” The boys live in the College, and the out-door boys reside in one of the boarding-houses. None of the boys live in family with their parents. The biographer of Lord President Inglis (Mr J. Crabb Watt, Advocate) says (page 309), “The College was embraced within the scope of the Endowment Schools Commission, but largely owing, it is believed, to the respect that was entertained for Inglis, the establishment was practically left untouched by the Commissioners.” How long the Hospital system will continue to remain in this establishment is a question for the future to determine. It seems to be a somewhat strange anomaly that the accumulated hard-earned savings of a grocer in the High Street of Edinburgh should be devoted to the purposes to which they are now applied. But the best benefactors of mankind have not usually been found among the learned professions or the higher classes. The late Dr Thomson, Professor of Pathology in the University of Edinburgh, in the Return which he made to the Royal Commissioners of 1835, wrote thus (page 378):—“I believe it is well known from history, that the greatest encouragers of learning and science have not always been themselves learned or scientific men.”

localities." One would have thought that, holding these views, the benefits of the Alexander Mortification would have been sought to be minimised by the Court of Session, under his Lordship's presidency. This was all the more to have been expected, seeing that at that particular period, there was a strong expression of opinion put forth in the Imperial Parliament, that, after a lapse of half a century, all such endowments should undergo a careful revision. But it was not so dealt with by the Lord President. On the other hand, the pensioners under the Alexander Mortification, at the present time,—being all of them persons of the name of Alexander,—receive the largest allowance of the various beneficiaries connected with the Trinity Hospital administration. Each of the Alexander pensioners is credited annually with the sum of £27, 15s. 6d., payable bi-monthly in advance. The sum originally bequeathed to the Town Council by Mr Alexander, was only £2270, 0s. 8d. The amount which the Court of Session, with the sanction of the House of Lords, eventually fixed as the sum of the capital to be applied towards the recipients under the Mortification is now £30,537, 19s. 10d., and the sum yearly paid to beneficiaries of the name of Alexander is £916, 11s. 6d. When, however, a vacancy occurs, there is usually a small accumulation, until the vacancy is supplied. Sums of this kind go to capital. In one year, very recently, there was £55, 11s. 0d. so applied. The regulations laid down for the management of the Alexander Mortification are to the following effect:—

REGULATIONS.

1. The Governors and Patrons of the Mortification shall be the Lord Provost and Bailies and Council of Edinburgh, and their suc-

cessors in office, and the Ministers of the Burgh present and to come.

2. All funds belonging to the Mortification shall be vested in the names of the Treasurer of the Trinity College Hospital, the Lord Provost and Bailies and Council of Edinburgh, and their successors in office, and the Ministers of the Burgh, present and to come, for behoof of the Trinity Hospital and the indigent persons after mentioned.

3. The Officers of the Mortification shall be a treasurer, a clerk, a medical officer, and a lady visitor, and shall be the persons holding the like offices under the Governors of Trinity College Hospital; and the funds of the Alexander Mortification shall bear a share of the cost of these officials in the proportion which the income of the Mortification bears to that of Trinity College Hospital.

4. The free income, after meeting expenses of management of the fund set apart as belonging to the Alexander Trust, shall be divided amongst twelve beneficiaries, eight men and four women, provided it does not amount to more than £27, 15s. 6d. for each, being the highest Trinity College allowance plus one-ninth.

5. Should the income not suffice, the number of beneficiaries shall still be twelve, but the allowance shall be restricted to £16, 13s. 4d. per annum in the cases of so many of the beneficiaries as may be necessary to enable the rest to receive the full allowance.

6. In the case of the death of each beneficiary, £5 shall be allowed for funeral expenses.

7. The beneficiaries shall be indigent persons of good reputation, who have not fallen into decay through their own vice and prodigality—*First*, Those of the kindred of Mr Alexander of Knoekhill, who died in 1696, either upon his father's or his mother's side; *secondly*, those of the surname of Alexander, who shall apply within three-score days

next after any vacancy shall be publicly announced; and *thirdly*, other persons qualified as aforesaid as the Patrons shall think fit.

8. All persons bearing the name of Alexander, whether as their parent's name or their husband's name, shall be deemed to fall within the favouring clause of the bequest.

9. The beneficiaries shall be unmarried when elected, and not under fifty years of age.

10. Should the free income of the fund be more than sufficient to provide for twelve beneficiaries on the highest scale above mentioned, it shall be applied to the support of additional beneficiaries; and they may, at the discretion of the Governors and Patrons, be paid at the rate of £16, 13s. 4d., but on this condition, that there shall not at any time be more beneficiaries on the lower than on the higher rate. There shall be no restriction in respect of sex or marriage in the selection of these additional beneficiaries.

11. Where a marriage occurs in the case of any beneficiary, his or her claim to receive the benefit of the Charity shall be reconsidered by the Trustees.

12. Immediately on the occurrence of any vacancy, it shall be the duty of the Clerk of the Trust to advertise the occurrence of the vacancy once in newspapers published in Edinburgh, Glasgow, Dundee, Aberdeen and Dumfries, stating the preference that will be given to the founder's kin, and persons of the name of Alexander, if they apply within two months after the date of the advertisement.*

* By decree of the Court of Session, dated 7th July 1887, on petition and application by the Trustees of the Alexander Mortification for alteration of the above Article 12, the said Article is modified and altered as follows, namely:—"12. It shall be the duty of the Clerk of the Trust to advertise twice in each year, in the months of June and December, the number of vacancies then existing in the roll of beneficiaries, and stating the preference that will be given to the founder's kin and persons of the name of Alexander if they apply within two

13. It shall be the duty also of the Clerk to summon a meeting of the Patrons at an early date after the expiry of the said two months, provided any applications have been received; and failing such applications, it shall be the duty of the said Clerk to summon a meeting on the first convenient day, and failing any applicant entitled to preference, it shall then be the duty of the Patrons to appoint some other indigent person of good reputation who has not fallen into decay through vice or prodigality.

14. No pension shall be paid to, or in respect of, parties in receipt of parochial relief, or supported by parochial boards in lunatic asylums.

15. Applicants not claiming on the footing of being entitled to a preference, must have resided in Edinburgh for two years, and for that period must have supported themselves by their own industry, or at least without aid from any charity.

16. The beneficiaries must, after their appointment, reside in Edinburgh, unless they have relatives elsewhere with whom they can reside, and whenever for this or other special cause, which shall be recorded, leave to live elsewhere is granted by the Governors, suitable provision must be made for receiving periodical reports as to the condition of the beneficiaries to whom such leave is granted.

17. The benefits of the Charity shall be forfeited by misconduct, of which the Patrons shall be the sole judges.

18. A separate record shall be kept of the proceedings of the Trustees of the Alexander Fund and of the money transactions of the Trustees, in books containing no entries except those relating to it.

19. The Governors and Patrons of the Alexander Fund shall, as

months after the date of the first insertion of each of the said advertisements, which shall be inserted once in newspapers published in Edinburgh, Glasgow, Dundee, Aberdeen and Dumfries."

soon as possible after the annual audit of their accounts, report to the Lord President of the Court of Session an abstract of the receipt and expenditure and investments of the Alexander Trust, and a list of the beneficiaries, their residence prior to appointment and at the date of their report, with their ages and the dates of their appointment and of the vacancy to fill which they were appointed.

Applications for the benefit of this Mortification may be made in a form almost identical with that proposed for applicants for admission to the Trinity Hospital pension roll.

The practical effect of the Interlocutor of the Court of Session was, therefore, not only to increase nearly fifteen-fold the sum to be accounted as the capital sum of the Mortification, but also to introduce the element of the clergy of the Established Church of Scotland within the City Parish, as being joint-managers along with the Town Council in the administration of the Alexander Fund.

It is right to explain, that the Established Clergymen of Edinburgh had never made any complaint on the subject. They seemed to have no feeling in the matter. They never sought to be participants in the conduct of the Charity. In fact, the Reporter to the Court found them out, at a time when they had not the slightest shadow of a shade of idea on the subject. This is abundantly evident, by a letter addressed to the late Rev. Dr R. Horne Stevenson, of St George's Church, Edinburgh, by Ex-Professor Macpherson, in reply to which the former states his views thus:—

9 Oxford Terrace, 11th March 1873.

“MY DEAR SIR,—On referring to the deed of Mr James Alex-

ander, in which he bequeathed certain sums of money to be applied to the relief of 'indigent' persons, I have no doubt that the Ministers of Edinburgh are therein appointed to act conjointly with the Magistrates and Council of Edinburgh in the administration of the Trust.

"The Ministers of Edinburgh under whose notice I brought the matter, are of the same opinion; and although it does not appear that they were ever called to any meeting at which persons were elected to the benefits of the Alexander fund, they are unanimously of opinion that their right to a share in the administration is unquestionable; and I am requested to intimate to you their unanimous desire, that in reporting to the Court on that and the other matters remitted to you, you would do them the favour to report this opinion, and also their wish that the Court would be pleased to issue such order as shall in future secure to them their proper rights as Patrons of Alexander's Grant and Mortification.—I am, dear Sir, yours most truly,

"R. H. STEVENSON.

"PROFESSOR MACPHERSON."

The Court decided that the City Clergymen of Edinburgh should be in future conjoined with the Town Council in the bestowal of the patronage of the Alexander Fund, and in the conduct of its financial affairs. When the subject came before the City Ministers it was remitted to a Committee of their number, consisting of five—being the five senior members—to act along with the Town Council's Committee in this particular matter. At first, it was agreed that the Corporation's Committee should consist of one-third of the Town Council, and that these members should be those who had to retire at the following November election, being at the time the oldest representatives for their respective Wards at the Board. While this was a good enough arrangement, in so far as patronage was concerned, it

was very soon felt to be defective in regard to the management and investment of funds, in respect that there was no continuity in the administration of the affairs of so important a Trust. The Town Council, therefore, decided to relegate the Alexander election and administration to the members of the Trinity Hospital Committee as such; and this arrangement was agreed to, and has been latterly maintained, and remains in existence at the present time.

It is proper to observe that, while the Trinity Hospital Committee and the Committee of the City Clergy recommend the applicants whom they prefer to be admitted to the Charity, it is left to a meeting of the whole Town Council and the City Ministers to elect the beneficiaries, at a meeting of the whole Trustees specially summoned for the purpose. The amalgamation of the Clergy with the Corporation can hardly be recorded as a success. Not any of the Clergymen, with the exception of one or two of the Committee nominated, ever think of attending at an election.

Another weakness of the Court Regulations cannot fail to be noticed. It is as follows :—(12) “Immediately, on the occurrence of any vacancy,* it shall be the duty of the Clerk of the Trust to advertise the occurrence of the vacancy once in newspapers published in Edinburgh, Glasgow, Dundee, Aberdeen and Dumfries, stating the preference that will be given to the founder’s kin, and persons of the name of Alexander, if they apply within two months after the date of the advertisement.”

It will be at once apparent that, at this time of day, the founder’s kin are nowhere. Nearly two centuries have elapsed since the death of the founder, and it would puzzle the brains of the most accomplished genealogist, for the purpose of receiving so comparatively small a

* *Vide* note on page 38 wherein a slight alteration has been made as to time of advertising.

benefit, to trace on a family tree the propinquity of any of the applicants. As a matter of fact, none such ever appear to claim relationship. The reference to this term of the will seems to be, in the circumstances, utterly ludicrous. The Court might as well have given an instruction that a preference should be shewn to such as were of the lineage of Abraham, Isaac, or Jacob, provided they were able to prove their direct descent.

But when we come to the family name of Alexander—that subject on which the late Lord President Inglis had, on principle, so adverse views in regard to Fettes—the case is otherwise. There are plenty of persons of the name of Alexander. It did not require the great publicity which the Court of Session ordered, to get applicants sufficient for the purpose. Where there is so good an estate to be realised, it is quite certain that the favoured few will not be long in claiming the inheritance. At the last election, when there were only two vacancies to fill up, more than thirty applicants of the name of Alexander appeared. There was, therefore, no difficulty experienced in making a selection. Several applicants for the ordinary pension of Trinity Hospital lodged also applications for the Alexander Fund. They, no doubt, supposed themselves “wiser in their generation” than the other candidates. It was a great mistake on their part. They put the Governors to the expense of additional printing on their account, and led to a resolution being passed by the Trinity Hospital Committee, that in future no such *general* applications should be printed along with the Alexander applicants. Their consummate eagerness to avail themselves of every opportunity placed before them, was more prejudicial than beneficial to their interests.

The Governors have always felt that the amount of money which is usually spent on advertising a vacancy (about £10) was a most unnecessary outlay of the funds of the Charity. Besides it brought

into the competition a class of applicants from a distance, who, when elected, could scarcely be said to be amenable to the regulations of the Hospital; inasmuch as their circumstances did not enable them to come under the supervision of the Lady Visitor, who regularly every quarter is called upon to visit the beneficiaries, and report upon their condition to the Governors. There is no advertisement ever required for Trinity Hospital ordinary vacancies; and yet relatively the number of applicants in respect of vacancies far outnumber the proportions on the Alexander Roll.

It is a singular fact that after the change in the management of the Alexander Fund, by the introduction of the Clergy along with the Special Committee already referred to (*viz.*, the out-going Town Councillors for the year), nearly one-half of the whole beneficiaries did not reside in Edinburgh, or in any place adjacent to the City. But, since the alteration took place in the control, by the arrangement of the Trinity Hospital Committee having along with the Committee of the Clergy the charge of the affairs of the Alexander Mortification—this state of matters is being gradually altered, and, it is to be hoped, improved.

By a Minute, of date 24th August 1880, the number of the Alexander beneficiaries was fixed by the Trustees at 33. All of them receive the full pension.

The duties of the Medical Officer and the Lady Visitor are thus set forth by the Court of Session:—

DUTIES OF THE MEDICAL OFFICER.

In addition to the duties generally described in the Hospital

Scheme, the Medical Officer shall visit each of the Hospital and Alexander pensioners residing in Edinburgh and Leith at least once every year, and at other times on receiving intimation of the indisposition of any of the pensioners, either from the pensioner, the Hospital Treasurer, or the Lady Visitor.

DUTIES OF LADY VISITOR.

1. The Lady Visitor shall visit all the pensioners in Edinburgh and Leith not less than once in the course of every three months, and shall report on each case quarterly.

2. Should any of the pensioners require medical attendance, the Lady Visitor shall intimate the case to the Medical Officer.

3. The Lady Visitor shall, when called upon by the Governors or their Committee, visit or correspond with pensioners who are non-resident in Edinburgh or Leith; and

4. Shall perform such other duties as the Governors may from time to time consider necessary.





CHAPTER XXXI.

REPORT ON THE SCHEME BY THE HOSPITAL TREASURER.

WHEN the Interlocutor of the Court of Session came to be considered by the Lord Provost, Magistrates, and Town Council, as Governors and Administrators of the Charity, a remit was made on the 17th day of February 1880, to the Trinity Hospital and Law Committees conjunctly, to report as to the allocation of the Expenses of the various Law Pleas, and the state of the Funds, with the view of seeing in how far the new Scheme would be wholly or partially worked out.

The two Committees made a remit to Mr Robert Adam, the City Chamberlain, in his capacity of Treasurer of the Trinity Hospital, to report on the subject; and at meetings held on the 10th and 13th August, the following is the tenor of the Report of date 31st July 1880, which was read. The Committees instructed that Mr Adam's Report should be submitted to the Governors.

REPORT BY THE HOSPITAL TREASURER.

“ 1. That, with the exception of the Expenses of the Pensioners,—Pursuers in the Action of Declarator against the Governors,—which, it is stated, may amount to about £300, the whole Law Expenses, so far as known, have now been paid, including the Lord Advocate's Expenses in the Court of Session as well as in the House of Lords; and that as the pursuers' expenses (the accounts of which have yet to be taxed by the Auditor of Court) fall to be wholly charged against the Hospital Fund, the accounting as between the Hospital Fund and the Alexander Fund will not be affected by their payment.

“ 2. That, on Remit from the Trinity Hospital Committee, the Agent of the Hospital and the Hospital Treasurer have examined the statement of the whole Law Expenses, and distinguished the amounts falling to be allocated on the Hospital Fund and the Alexander Fund, in proportion to these Funds, respectively, in terms of the Interlocutor of 3d February last.

“ 3. That the Hospital Treasurer has framed and begs to submit herewith the following statements:—

“(1.) Of the Expenses incurred and paid by the Governors of the Hospital as Defenders in the action mentioned, showing the amount thereof to be repaid to the Trinity Hospital Account from the Account of the Alexander Fund.

“(2.) Of the probable Annual Revenue of the Hospital; the probable Annual Expenditure for public burdens, repairs, and management, and the probable annual amount available for Hospital Pensioners; and

“(3.) Of the amount of the Alexander Fund at 2d February and 2d August 1880 respectively, and the probable annual amount available for Alexander Pensioners.

“The last-mentioned statement falls to be submitted to the Trustees of the Alexander Mortification (the Town Council and Ministers), but it may be convenient to look at the three statements together :—

“(1.) *As to the Law Expenses repayable from the Alexander Fund to the Hospital Fund.*

“The Alexander Trustees will be requested to authorise the repayment to the Hospital Account of the sum of £2226, 18s. 10d., shown by the statement to be share of the Law Expenses applicable to the Alexander Fund.

“(2.) *As to the probable annual amount available for Hospital Pensioners (as distinguished from Alexander Pensioners).*

“This statement shows that notwithstanding the larger amount settled as belonging to the now separate Alexander Trust, and withdrawn from the Hospital Funds, than was contemplated when the Schemes specifying the numbers of Pensions of increased amounts were drafted, the Free Annual Hospital Revenue may provide for the numbers of pensioners, and at the increased annual amounts stated in the Hospital Scheme, viz. :—

100 at £15 each, amounting to	.	.	.	£1500
60 at £25 each, amounting to	.	.	.	1500
<hr/>				<hr/>
160		In all,	.	<u>£3000</u>

“The present or old authorised Establishment of Pensioners is thus shown :—

	TOTAL.		OF WHICH :—			
	Present Establishment.		On Alexander Fund.		On Hospital Fund.	
	No.	Annual Amount.	No.	Annual Amount.	No.	Annual Amount.
At £10 each,	120	£1200	8	£80	112	£1120
At £20 each,	42	840	2	40	40	800
<hr/>						
Totals : Present Establishment,	<u>162</u>	<u>£2040</u>	—	—		
Of which : On Alexander Fund,	<u>10</u>	<u>£120</u>			—	—
On the Hospital Fund,					<u>152</u>	<u>£1920</u>

“The present pensioners on the Alexander Fund may be held to have been withdrawn from the Hospital Pension Rolls as from Candlemas last, when the separate Alexander Fund was set apart bearing interest, and the Alexander Trustees will be requested to authorise the amount of the pensions for the half-year to Lammas 1880 (amounting to £60), and a share of the General Expenses of management (amounting to about £40), to be repaid from the Alexander Fund Account to the Hospital Account.

“The annual pensions at present payable from the Hospital Proper Funds are thus :—

112 at £10 each, amounting to	.	.	.	£1120
40 at £20 each, amounting to	.	.	.	800
<hr/>				
152		In all,	.	£1920

While the probable future Establishment under the new Scheme may be, in all.

160 as before stated, amounting to	.	.	3000
<hr/>			
<u>8 Pensioners.</u>		INCREASE : Annual amount,	<u>£1080</u>

In both cases—in the old and in the new Establishments—the numbers at the higher rate of pension include pensions payable by virtue of presentations of beneficiaries under private rights or rights by purchase. The number of pensions as to which the rights of private patrons are exercised is at present seventeen, while twenty-two is the number of such pensions stated in the Hospital Scheme. This difference of five pensions consists of pensions the right of presentation to which has never been exercised by the private patrons, or has been for years dormant. In two of these cases the Magistrates and Council are set down in the scheme as the patrons, and in the case of Gairdner's Mortification the patronage ceased for years to be exercised by Gairdner's Representatives; and the Governors, with the view of keeping up the full number of the Establishment, made an appointment to supply the vacancy on the Mortification. The Governors may, with the same object in view, be disposed to adopt a similar course under the new Scheme, until the parties who may have special rights in regard to the two other of the five cases mentioned shall be in a position to make presentations. The Establishment would thus be commenced at the full number, with the exceptions only of cases under private rights of presentation, where one year is required to elapse between the death of one incumbent and the appointment of a successor.

“The change from the old to the new Establishment, will give a materially increased allowance to all the existing pensioners, for, as a general rule, those now receiving £10 will receive £15, and those now receiving £20 will receive £25 a-year.

“In order to effect the change, twenty of the present £10 pensioners may be advanced to the £25 pension, and eight new appointments may be made of pensioners at £15. In making the change, and in new appointments, regard should be had to the

condition in the Hospital Scheme, that at least one-eighth of the whole number of pensioners (or not less than twenty if the Establishment be fixed at one hundred and sixty) shall be persons labouring under incurable disease.

“In addition to these changes, or promotions, and new appointments, the vacancies which have occurred in the Hospital Pension Rolls since the election in February last, will fall to be supplied. At the present time the vacancies are:—

On the higher pension, three vacancies; but one of these falls to be presented to by private patrons, leaving to be filled up by the Governors,	2 vacancies
On the lower pension,	2 vacancies
	4 vacancies.
Together,	4 vacancies.

“(3.) *As to the probable annual amount available for the Alexander Pensioners:—*

“Although the statement under this head falls to be laid before the Alexander Trustees, it may be noticed that while the following is the present Establishment of Alexander Pensioners:—

8 at £10 each, amounting to	£80 0 0
2 at £20 each, amounting to	40 0 0
10	Together, £120 0 0

The probable Establishment under the new Scheme may be stated at:—

33 at £27, 15s. 6d. each, amounting to	916 11 6
23 Pensions. INCREASE: Annual amount,	£796 11 6

“The new Scheme states that the Free Income of the Alexander Fund is to be divided amongst twelve pensioners, eight men and four women. The present pensioners on the Alexander Fund are women, and in making new appointments, it may be proper to keep this requirement of the Scheme in view, so that at least eight men may be on the new Establishment.

“The total probable increase of pensioners and of annual pensions under the new Schemes as compared with the present Establishments is thus shown :—

	Pensioners.	Annual Amount.
On Old Establishments, . . .	162	£2040 0 0
On New Establishments, . . .	193	3916 11 6
INCREASE :	—	—
Pensioners, . . .	<u>31</u>	—
Annual amount of the Pensions, . . .		<u>£1876 11 6</u>

“With regard to the payment of the pensioners both on the Hospital Fund and on the Alexander Fund, the Hospital Treasurer begs to suggest that, as regards the existing beneficiaries, the increased scales of payment might be commenced as at the first pension-day in the financial year 1880-81, which begins in August; and that the dates of payment (or pension-days) should be the same for all classes of pensioners. Heretofore the pensioners at the higher rate have been paid monthly in advance—on the second Monday of every month; and the pensioners at the lower rate have been paid quarterly in advance—on the first Monday of March, June, September, and December. But for the circumstance that the amount of the Alexander Pension is not suited for a quarterly payment (especially by remittance), the Hospital

Treasurer would have suggested a quarterly payment of the whole of the pensions. He is, however, of opinion that the whole pensions should be paid on the first Monday of every alternate month, being the months of January, March, May, July, September, and November. The bi-monthly payments would thus be to each pensioner :—

On the Hospital Fund, at the lower rate,	£2 10 0
On the Hospital Fund, at the higher rate,	4 3 4
On the Alexander Fund,	4 12 7

ROBERT ADAM.”

When this Report was submitted to a meeting of the Magistrates and Town Council, on the 24th day of August 1880, the following was the deliverance thereon :—

“The Magistrates and Council approved of the foregoing Report and relative Representation; authorised the City Chamberlain to obtain payment from the Trustees of the Alexander Mortification, of the share of the law expenses applicable to the Alexander Fund, amounting to £2226, 18s. 10d., and also the pensions paid to the Alexander Pensioners from the Trinity Hospital Funds, for the half-year to Lammas last, amounting to £60, and a share, amounting to £40, of the general expenses of management for the same period; approved of the proposed Establishment, and hereby fix the number of pensioners at 100 at £15 per annum, and 60 at £25 per annum, and hereby fix the first Monday of every alternate month for payment of the pensions, being the months of January, March, May, July, September, and November in each year.”

[PRIVATE RIGHTS OF PRESENTATION.

PRIVATE RIGHTS OF PRESENTATION.

The following is a List of those who, at the present time, hold private rights of presentation, stating the name of the original donor and the date of the benefaction.

1. LADY SUSAN BROWN BOURKE, on William Brown of Dalgourie's Mortification, 1719.
2. The Right Hon. THE EARL OF ROSEBERY, on Lady Grizel Sempill's Mortification, 1723.
3. The MASTER, TREASURER, and ASSISTANTS of the MERCHANT COMPANY, on George Watson's Mortification, 1723.
4. The DEACONS of the INDEPENDENT or CONGREGATIONAL CHURCH in EDINBURGH, at November 1882, under the pastoral care of the Rev. James Gregory, on Robert Murray's Mortification, 1726.
5. The INCORPORATION of SKINNERS and FURRIERS, on John Wightman's Mortification, 1728.
6. THOMAS ALEXANDER HOG, Esquire, of Newliston, on Roger Hog's Mortification, 1728.
7. The INCORPORATION of CORDINERS, on John Young's Mortification, 1732.
8. The MINISTER of OLD GREYFRIARS PARISH, on the Rev. William Brown's Mortification, 1736.
9. JOHN WHYTE MELVILLE, Esquire, of Bennoch and Strathkinness, on Mrs Janet Melville's Mortification, 1737.
10. The LORD PROVOST, the DEAN OF GUILD, and the TREASURER of the CITY of EDINBURGH, on Thomas Fraser's Mortification, 1758.
11. The KIRK SESSION of NEW GREYFRIARS, on Thomas Crockat's Mortification, 1765.
12. Do. do. do.

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13. The LORD FORBES, on James Hunter's Mortification, 1765.
 14. The MASTER, TREASURER, and ASSISTANTS of the MERCHANT COMPANY, on Beech's Mortification, 1766.
 15. The INCORPORATION of SKINNERS and FURRIERS, on Mrs Janet Callender's Mortification, 1774.
 16. Do. do. do.
 17. The INCORPORATION of SKINNERS and FURRIERS, on Mrs Elizabeth Campbell's Mortification, 1812.





CHAPTER XXXII.

THE IMPORTUNITY OF THE APPLICANTS.

FOR many generations, the Hospital and its funds were devoted to the support of decayed burgesses, and their wives and children. This resolution of the Town Council dated so far back as from the 24th day of May 1643.* It was not by any means in accordance with the terms of the foundation. There seemed to be no such restriction in the original grant of the Crown to Sir Symon Prestoun of Craigmillar. It was a resolution of the Corporation, proceeding no doubt upon the fact that the burgesses and their

* The following Minutes of the Town Council refer to this matter :—“ 27 February 1650.—Item, That nane be admitted to the hous but burges men or burges wyfs, single persones, and burges bairnes of guid report, at the sight of the Connsell, and be thair electioun.”—“ 20 November 1672.—The Councell statutis and ordaines that no married persons be installed as beidmen and women in the said hospitall; and such as sall be installed thairin sall be ancient decayed burgeses and burgeses’ relectes, and before they be admitted thairto, that the maisteris of the hospitall present and to come, sall tak exact tryall of thair lyfe, and conversatione, and necessity, and vpon thair report, then the said beidmen and women to be admitted.”

families had rendered most important services to the community at large.

But no proper reason could be adduced why the Town Council, in the exercise of its undoubted patronage, should not have limited the selection or election of the beneficiaries to the class so designated. The whole history of the Charity and its management and control, from the days of Sir Symon Prestoun down to the present time, have been in the hands of the Civic Corporation. But for their energy and successful control of those funds which were placed by pious and benevolent citizens in their hands for prudent and successful administration, the whole foundation might have long ago collapsed. It was entirely owing to their zeal, energy, and business foresight, that the Hospital was made a living success, and has eventually developed into that great and grand social Institution for good to those who in former times were regarded as the better classes of the community, but who had become poor, through no fault of their own,—that we are pleased to recognise in it at the present time a charity whose resources are so valuable, and confer so important a boon to a most deserving class of towns-people, as ought to make our fellow-citizens prize the Trinity Hospital Charity, as one of our most precious heirlooms.

That our forefathers should have selected the burgess class to be the favoured one for election for the special benefit, is not at all to be wondered at. The burgesses, under the old regime, were those whose duty it was to “watch and ward” the City, and to pay scot and lot for any necessary expenditure that was incurred for the good government and health of the City. In fact, they were, at that time, the merchant traders and the tradesmen who carried on business within the four walls of the town. At that period there were no monster mercantile or manufacturing establishments such as now exist within the municipality, and the days of limited liability companies were in the far-distant

future. The community consisted as a rule of the two classes referred to, and their apprentices who were indentured to and resided with their masters. These again, in course of time, usually began business on their own account. The resolution of the Town Council, or governing body of the Charity, therefore ordained that the recipients of the bounty should be those who were regarded as business citizens, who had been unsuccessful in their day and generation, and the privilege was extended to their wives or widows and families. This rule remained in existence down to 1880, and as a necessary result the applicants for Trinity Hospital pensions were not nearly so numerous as they have become under the new scheme of administration.

Under the Interlocutor of the First Division of the Court of Session, of date 17th February 1880, acting under a decision of the House of Lords, to fix a scheme for the administration of the Trinity Hospital and Alexander Mortification, great changes took place in regard to the rights of application for the benefit of the Charity. In regard to the Alexander Fund, it is not required that reference should be made at the present time. The following observations apply entirely to the Trinity Hospital Proper Fund.

Briefly stated, the applicant (male or female) was required to be not under fifty years of age, and to be of good character; to be in decayed circumstances through no personal misconduct or fault, and to have supported himself or herself by his or her own industry, and resided within the City of Edinburgh for at least two years, without aid from any charity. There is also the right retained to burgesses of the City, and to the widows and children of burgesses. This, however, must be regarded as an alternative qualification.

There are, therefore, two classes; and it is essential that both shall be separately dealt with. We shall take the last mentioned first, viz., those claiming under the burgh class.

Applications proceeding from persons having a claim under the old burgh roll with the heavy fees which appertained thereto, are—in these days—rapidly diminishing in number. As a general rule, such applications come from residents in the cities of Glasgow, Dundee, Aberdeen, and other towns and districts of Scotland, as well as from England and Ireland. A regulation of the Court of Session tends most materially to militate against such applications, viz. :—“The beneficiaries must, after their appointment, reside in Edinburgh, unless they have relatives elsewhere with whom they can reside, and where, for this or any other special cause, which shall be recorded, leave to reside elsewhere is granted by the Governors, on suitable provision being made for receiving periodical reports as to the condition of the beneficiary to whom such leave is granted.” The difficulty of getting the information required has been long felt by the Governors, who, as a rule, incline to give a preference to those who are local applicants. Persons applying from a distance have less chance of succeeding.

Another class of burghess is also fast disappearing : viz.—those who, under a regulation of the Town Council, were enrolled on payment of Five pounds sterling of burghess money to the Corporation. This payment was made for the ostensible purpose of obtaining for the children of such burghesses the privilege of being presented by the Governors of Heriot's Hospital as foundationers of the Institution, under the terms of the old dispensation, where they enjoyed the benefits of free board and lodging, as well as the educational and other advantages which were derived from the Hospital. Many citizens became burghesses from no other motive than the selfish one of obtaining the Heriot benefaction.

But beyond these two classes of burghesses, there were also the provisions of the M'Laren (Burghess) Act, of 1876, wherein

it was enacted that anyone (male or female) who had paid burgh rates for the period of three years was *de facto* made a burgess of the town. This statute was quite in accordance with the law which previously obtained in the various towns of England in regard to burgess-ship, and the late Mr Duncan M'Laren had little or no difficulty in getting the measure passed through Parliament; although it is right to observe that it has given rise to questions of considerable difficulty as to the special rights of burgess-ship, in so far as this class was concerned. The opinion of counsel learned in the law had to be resorted to, to settle the questions which from time to time arose.

These various classes of burgesses, however, under the new scheme of the Court of Session, must be now regarded along with their wives and children as fit applicants for the benefit of the Charity,—the only regulating qualification being as to whether they are entitled to be elected, having a due regard to their status and means of subsistence, under the clause which says that they must be in reduced circumstances, through no misconduct or fault of their own. “Reduced circumstances” is necessarily a relative term, and is construed in a variety of ways by the applicants who from time to time never fail to knock at the doors of the Governors, and specially of those members of the Corporation who are on the Trinity Hospital Committee.

But there is the other class which the decision of the Court of Session has admitted, viz. :—“Applicants must at some time have resided in Edinburgh for two years, and supported himself (or herself) by his own industry, or at least without aid from any charity.” This opens up the list of applicants to a large and varied class of persons. A few examples may suffice to make this plain.

1. Take for instance the case of a domestic servant. She entirely

fulfils this proposition. She may originally belong to any part of Scotland, England, or Ireland. She may have spent most of her days elsewhere than in Edinburgh. But, if she gets a situation here, and continues in the City for two years, receiving for her services her board and wages from her employer, she is quite entitled under the regulation above referred to, to become a candidate for the Pension List of the Hospital. The case of a man-servant is in the same category, and it is a strange fact that the members of the Trinity Hospital Committee are every half-year applied to by wealthy and influential citizens to get their old servants taken off their hands and placed upon the roll of Trinity Hospital beneficiaries. Now, it is proper to observe that in the case of female domestics, and in most cases of male servants, none of these have ever paid one penny in the form of taxation, or contributed in the slightest degree to the welfare of the City, apart from the direct service which they have rendered to their employers.

2. Take another and very frequent case, viz., the daughters of a poor farmer in the north. They hear of this excellent fund for people who have been in better circumstances. The death of the head of the house has brought them to what may be termed a state of comparative impecuniosity. They come to Edinburgh with their limited means, and they start a boarding-house or lodging-house. They struggle on for a couple of years, and at the end of that period they have fulfilled the requisite conditions, and lodge an application for the benefit of Trinity fund. One sister is the applicant. Another sister applies for a pension from another of the Edinburgh charities. The ecclesiastical drum is beaten, and letters pour in from their minister and elders—all testifying to so deserving and clamant a case as the one on whose behalf they write—in fact there could not be, in their opinion, any applicant that could possibly have a stronger case than that which they have recommended. The ears of the Committee are dinned by their importunity, and their

time and patience get exhausted. There is, however, one thing that most materially militates against several of this class, viz., that the roll of successful applicants is published at every election time in the columns of the daily newspapers. This publicity serves to act as a deterrent to them. When they are made aware that their names and addresses will be known to the readers of the papers, they usually apply elsewhere, declaring that they would be very sorry that their friends and neighbours in the north should ever know that they had become dependent on public charity. They are quite prepared to accept the pension, but they cannot submit to having the fact made known to the public. This class of cases is one that frequently appears, but is rarely continued long on the roll of applicants.

3. There are many others who, having failed in business in other towns, flock into Edinburgh to get the residential qualification, and thereafter enter the lists. Hence the large number of those whose names appear every half-year on the printed list furnished to the Governors.

4. Fully two-thirds of those who do apply are more fit subjects for parochial relief. The granting of a pension to such would be the greatest boon they ever had. They have always been poor, they have never been better; and they frequently mistake decayed health for decayed circumstances. This is the class most difficult to deal with. They seem to regard Trinity Hospital as their peculiar heritage, and they invariably tell the Governors that they know someone on the roll—usually a neighbour in the same tenement—who is less deserving or necessitous than they.

A glance over the list of applicants who have been married, will show that in the case of both the widowers and the widows, they have as a rule large families, most of them grown up and married, with families of their own to provide for. It cannot fail to be observed that there is a growing tendency on the part of sons and daughters to do little or

nothing towards the support of an aged parent, but rather to endeavour to get the public to provide for them by an appeal to the various charitable institutions. Filial responsibility seems to be sadly on the wane. There is too much tendency to trust to extraneous help, and to supersede individual effort. Several of the applicants for Trinity Hospital confess, in the filling up of their schedule, that they are already in the receipt of monies from one or more charitable institutions.

There is no one who is so much to be despised as the person who systematically follows the calling of "a charity-monger." There are not a few of this class in the City ; and several cases have occurred in which such persons have been deprived of the benefits which they had, by the Committee of Trinity Hospital. One notable case occurred in the experience of the writer. She was the daughter of a well-known citizen. Her relatives were also well known. She got admitted to the benefit of the fund chiefly through the exertions of the writer. Her case was a very proper one for Trinity Hospital at the time of her application, as she was almost without any means. She was admitted to the lower scale of pension. Half-a-year afterwards she was found busily engaged in canvassing for the higher scale. But she got no countenance from the Governors. Three years thereafter, when a communication was sent to all the beneficiaries, requesting them to give an authenticated return of their income, and whence that income was derived, it was found that in the meantime she had got her name placed on every available benevolent fund in the City, and that she was in receipt of £80 per annum from charities. To the query of the Governors, as to whether there was any good reason why the Hospital pension should be continued to her, she made answer :—" I have a few poor relatives to whom I have to give a little help occasionally." This was somewhat akin to the illustration of the blind leading the blind.

While the writer had pleasure in securing at first for her the benefits of Trinity Hospital, he had more satisfaction in the altered circumstances in which she was latterly placed, in having her name struck off the roll of beneficiaries. Another case that shared a similar fate, was the widow of a Free Church minister, who was in receipt of upwards of £100 a-year derived in a somewhat similar way. Of course these are exceptional cases and rarely turn up, but they serve to illustrate the great necessity that there is, in the management of all such charity funds, for a periodic return to be made to the governing body by the beneficiaries, to prevent similar cases of total misuse of the objects for which the benefaction exists. The Governors of Trinity Hospital are to be commended for the careful scrutiny which they exercise from time to time over the means of those who are for the time being the recipients of the bounty.

The qualifications of applicants, broad though the basis be which the Court of Session has formulated, are in some cases very peculiar. One applicant rested her claim upon the fact that she had resided for three years with a clergyman in the City, who had died upwards of fifty years before she lodged her application. Many of them do not give that full information which the schedule desires. There are some applicants who profess to have no other support than 2s. 6d. to 4s. weekly. How they can exist on this pittance, if true, is a marvel. It is quite clear that such cases are more fitted for the consideration of the Parish Council. Others again are fairly well provided for, and possibly would have exhibited more taste and better feeling, if their names had not appeared on the List. One applied recently who had already an annuity of £40 a-year. Another had £22, 16s. per annum, a third had £26, a fourth had £28, while a fifth (a female) had a family of four sons, all living in house together, and their united wages were £200 a-year, but her desire

was "to be independent of her family." This is the want of filial affection and duty cropping up again.

There is no doubt that the pension of Trinity Hospital is designed to be purely personal. It could not fail to be so in its first inception, and it continued to be so down to the time when the fate of the old house was sealed. At that time a residence in the house was the chief benefit, except for those who were in receipt of out-door relief. The expenses of living are continually advancing as the world progresses. The sum required for maintenance which was found sufficient two hundred years ago is totally inadequate at the present time. When the Alexander Bequest first came into the hands of the Trinity Hospital Governors, it was stipulated by Mr Alexander's will that "eight men and four women, or failzing the said number of women, als many men qualified, and applying in manner after mentioned, as will make up the number," should be received into the Hospital. In other words, there were to be twelve inmates under the Alexander Mortification. At the time referred to, the capital sum provided was £2270, 10s. 8½d. It remained for many years as a debt upon the Annandale and Westerhall estates, the original securities. Now, this sum at four per cent., which was a good rate of interest in those days, would have yielded as annual revenue, an amount equal to £96, or £8 for each inmate. It is quite conceivable that, according to the price of commodities and the plain mode of living adopted at that period, this sum may have sufficed. But it is otherwise now.

When the inmates required to be removed, and to find lodging for themselves in 1845, the Town Council fixed the in-door pension at £20 per annum, and the out-door allowance or lower scale at £10.

In 1880, however, when the Court of Session came to deal

with the whole affairs of the Charity, these allowances were increased. The Court determined that the higher scale (or in-door pension) should be raised to £25, and the lower (or out-door pension) should be fixed at £15 per annum. Provision was also made that in the event of the annual revenue not being able to meet the sum required, there should be no more presentations to the bounty until these arrangements could be satisfactorily completed.

The sum of £25 being now the higher pension, and bearing in mind the fact that the gratuity is *personal*, and is not for the purpose of helping to support a household or family (it could not be so when the beneficiaries were inmates of the house)—is it not evident that the design of the Fund is to reach a class of society very different from those who, as a rule, have become the applicants under the new regulations of the Court of Session? If the sum of £25 a-year is the allowance to be handed to the beneficiary, so as to be expended on his or her own person, and if the regulation be rigidly enforced as to the proper qualifications of an applicant, viz., that they are in *decayed circumstances*, through innocent misfortune, and through no improvidence or fault of their own, this would help very much to narrow the numbers of those who become proper applicants, and save a great deal of annoyance, trouble, and labour to the members of the Trinity Hospital Committee.

The Governors have the selection and election of beneficiaries in their own hands. They are responsible for all appointments made. But they are not responsible for the number or the class of applicants. That is a matter regulated by the Court. The applicants obtain a printed form of schedule, which has been sanctioned by the Lords of Council and Session. This is to be had at the Town Clerk's office. They get the schedule filled up and deposited. But long before

this they have begun to canvass. Each one thinks his or her case the most clamant. Their friends do the same. And the members of the Trinity Hospital Committee have a sad time of it for at least two months, twice in the year, before each election takes place. The applicants are often barely civil. Especially is this the case with the class of individuals soliciting the Charity who have no proper claim upon it. While the canvass is going on, as many as ten or twelve visits are frequently paid to the members of Committee every day between the hours of eight in the morning and ten o'clock at night. The residences of the Committee members, as well as their places of business, are continually haunted by several of these applicants who even waylay members on the street, and are frequently much too demonstrative by their tears to be quite comfortable for the feelings and possibly even the repute of an unfortunate Governor, who cannot explain to everyone passing by the cause of this sudden ebullition of emotion.

The letters which are sent to the Members of Committee regarding applicants are very numerous. As a rule, from 100 to 200 are received by each member, depending of course upon the circle of friends each of the governing body possesses. Not a few of these letters require to be answered, involving time, trouble, and expense. One female, in the writer's experience, during the course of two years, by pressure on her friends, subjected him to the answering of ten different communications, —all to the same effect—that she had no claim to the Hospital benefaction. Her husband died when young, and she was left with a small family unprovided for. They had been in good circumstances. But she had never resided in Edinburgh, and had no burgess or other qualification. Like the importunate widow in Scripture, she thought she would, by "her continual coming," weary the Governors.

Every reason and artifice are employed by correspondents with the view of interesting the Governors in a case. Even the poetic muse is occasionally invoked, as the following lines received by the writer will testify :—

A widow—you'll find her name
 Inserted in your list, sir.
 She begs me noo to speak to you
 In this case to assist her.

She's reached the span allowed to man
 And mair, sir ; what's uncommon—
 She's got a mind, which for her kind,
 So rare, sir, found in woman.

If you can face, and help her case,
 I'll some night drink your health, sir,
 And come what may, I'll ever pray
 May you hae health and wealth, sir.

The members of Trinity Hospital Committee are beginning to feel that this curse of canvassing, as well as of letter writing, to which replies have to be sent, is becoming a weariness of the flesh, and if not put a stop to, the only alternative is an application to the Court of Session more clearly to define what is the particular class that ought to be the recipients of the bounty, and so restrict the number of the applicants. Some idea of the trouble which the members of Committee have to take, may be formed by the reader, when it is mentioned that there are in a normal state of matters from ten to fifteen vacancies twice a year, and nearly four hundred applicants. It was not formerly so. The Court of Session regulations have brought about this state of matters. This is manifest by the fact that in August 1879, the number of applicants was only forty-one.



CHAPTER XXXIII.

ADDITIONAL BENEFACTORS.

SINCE the Trinity Hospital building was taken down, and there is now no visible sign of the Charity, with the exception of the Reports of it which from time to time appear in the public newspapers, any additional benefactions to the funds of the Hospital are received but at rare intervals. In addition to two minor ones, there are three that are deserving of a special notice. These are:—

1. THE LENNIE TRUST.

The founder of this Trust was the late William Lennie, Esq. of Ballochneck, and his Deed of Settlement was dated 10th May 1852, and recorded in the Books of Council and Session on 29th July 1852.

Lennie was a teacher of the English language in Nicolson Street, Edinburgh, not far from the corner of Drummond Street. He was, however, far better known to the world as "Lennie, the Grammarian." He is so designated on the tombstone erected to his memory. His treatise on English Grammar was a marvellous

production, of which upwards of one million and a-half copies have been sold. It was second only to that of the celebrated Lindley Murray. It was in reality a philosophic and exhaustive treatise on the principles of grammar. The science of grammar was not in those days taught in the same manner as it is now done in the schools. Under Lennie's tuition, and many of his compeers, an English sentence was strictly analysed by the scholar, and in parsing the various words he was necessitated to tell the relationship in which each stood to the other, under the exact rules of syntax, and was made to apply and quote the various rules bearing upon the subject as he proceeded. In a word, the same process which the tyro has to undergo, for instance, in construing a Latin sentence, he was made to do at that time as regards his own mother tongue. It was an excellent training for the mind and the understanding. The memory and the judgment were both called into active exercise. The pupil came to understand the *rationale* of the subject. Lennie retired from teaching, after he had accumulated a handsome competency, and he removed to a flat on the North side of St Andrew Square where he died. He was buried in the Grange Cemetery. A few of the pupils (male and female) trained by him in his later years still survive.

By his Deed of Settlement, Mr Lennie did not directly convey any of his property to the Governors of Trinity Hospital as such. In so far as any of his property came under the care of the Lord Provost, Magistrates, and Town Council, it was left to their control and management in their corporate capacity, to administer in accordance with his expressed desire. This is the reason why—unlike the Wemyss and Crichton benefactions, afterwards to be alluded to—the Lennie Fund has always formed, and still forms, a distinct branch of the municipal accounts yearly printed and published at the instance of the Corporation.

It was under the *fifth* head of Lennie's Deed of Settlement that there occurs the following:—"I direct and appoint my said Trustees, at the first term of Whitsunday or Martinmas that shall happen twelve months after my decease, or as soon thereafter as conveniently may be, to dispone, convey, and make over my lands and estate of Nether Auchenroch and others, lying in the parish of Urr, and Stewartry of Kirkeudbright, as described in a disposition in supplement, granted by me in favour of my said trustees, dated third January, eighteen hundred and fifty, to and in favour of the Lord Provost, Magistrates, and Council of the City of Edinburgh, to be held by them thereafter, in perpetuity, in trust, for the ends, uses, and purposes after mentioned."

These uses were (1.) To pay all burdens and taxes, and to execute necessary repairs, and in the last mentioned, they were enjoined to observe due economy; (2.) To apply the sum of £48 per annum, in providing four bursaries of £12 each, to assist poor students in the University of Edinburgh, restricted in each case to four years' tenure, and only for the literary classes—the names of Lennie, Paton, Stobie, or Ronaldson having a preference, and after them poor lads from the country who have been engaged in trade, etc., and manifest a desire and capacity for literature—but on no account shall a Roman Catholic or Jesuit be preferred; (3.) To pay over annually one-half of the residue of the free proceeds to the Treasurer of the Trinity Hospital for the time being, to pay annual pensions of £10* to persons solely on account of their poverty and good character (burgesses, and their widows and descendants being excluded), a preference being given to those who had seen better days, who were unmarried or widows or

* This was the amount at that time paid to the pensioners on the lower scale, and the Court of Session continued Lennie's at this sum, under the new regulations.

widowers, and who were 50 years of age or upwards; also to pay over the other half of the foresaid residue to the Treasurer for the time being of James Gillespie's Hospital under certain onerous conditions—and in the event of the Governors of the latter Hospital not seeing their way to accept of the benefaction, the same was to be added to the amount bequeathed to the Trinity Hospital.

The Governors of Gillespie's Hospital refused to accept the gift. The terms attached to it gave to Lennie's personal Trustees, and after them to the Magistrates and Town Council, a right of patronage (equal to the amount bequeathed by Mr Lennie), and what was more, a right of interference in the regulation of the domestic arrangements of the House, which the Governors did not see their way to allow.* After providing for the £48 to be spent in bursaries, the free residue of the estate, fell therefore to be utilised by the Trinity Hospital Governors in the granting of Lennie pensions to poor people under the conditions previously specified. It is to be noted that while a preference had to be given, in the case of the bursaries, to young men of certain family names, no such instruction is applicable in the case of the pensions.

The lands of Auchenreoch were not the only subjects conveyed by Mr Lennie; because, under the *sixth* head, in conveying the

* This will be readily understood, when he stipulated that his gift was granted "with the view of enabling the Governors thereof to extend the benefits of that institution, but that only on condition that the Governors shall cause the bedrooms of the whole inmates of the said Hospital to be properly heated, either by fires or other heating apparatus, during such periods of the year as may be necessary for the comfort of the aged inmates of that institution, and at all events from the fifteenth day of October to the fifteenth day of May in each year; and this shall be done at the sight and to the satisfaction of my said trustees while the trust continues to exist, and afterwards at the sight and to the satisfaction of the Lord Provost, Magistrates, and Town Council, who are hereby charged with seeing this provision and condition strictly carried into effect."

estate of Ballochneck in Stirlingshire, he burdened the said estate with a perpetual bond of £200 per annum, to be paid by the proprietor in all time coming to certain annuitants whom he specified in his Deed of Settlement; and after their respective deaths, the whole amount, or part thereof, as the case may be, fell to be paid to the Lord Provost, Magistrates, and Town Council of Edinburgh, one-half of which sum was directed to be given to Trinity Hospital and the other half to Gillespie's Hospital, under the conditions previously stated. The Gillespie Governors refused likewise this benefaction, so that the whole of this £200 became ultimately vested in the Lord Provost, Magistrates, and Town Council for the Trinity Hospital purposes. All the original annuitants on this benefaction are now dead, with the exception of one old lady who still draws her £40 per annum. The amount at present received by the Town Council from the proprietor of Ballochneck Estate is, therefore, £160 yearly.

The Court of Session when dealing with the Trinity Hospital and the Alexander Funds passed the following Regulations for the administration of the Lennie Pension Fund, viz. :—

REGULATIONS.

1. Petitions must be lodged in the City Clerk's Office, City Chambers, during the months of January and July respectively, and Schedules of Application are given out *only* during these months.

2. The beneficiaries are to be selected solely on account of their poverty and good character, a preference being always given to those who have seen better days and are either unmarried or widows, or widowers who are fifty years of age or upwards; and the benefaction is not to be given to burgesses or their widows or descendants while there are other parties claimants of the class above indicated.

3. They must be of good reputation when appointed; and maintain their character.

4. They must be in decayed circumstances, and not from their own improvidence or misconduct.

5. The beneficiaries must, after their appointment, reside in Edinburgh, unless they have relatives elsewhere with whom they can reside, and where, for this or other special cause, which shall be recorded, leave to reside elsewhere is granted by the Governors on suitable provision being made for receiving periodical reports as to the condition of the beneficiary to whom such leave is granted.

6. The pension is at the rate of £10 per annum.

7. No pension shall be paid to, or in respect of, parties in receipt of Parochial Relief, or supported by Parochial Boards in Lunatic Asylums.

8. The benefits of the Charity shall be forfeited by misconduct, of which the Governors shall be the sole judges.

9. In every case of death of a beneficiary a sum of £5 will be allowed for funeral expenses.*

For a considerable number of years, the greater portion of the Lennie benefaction was managed by the personal Trustees under his will. This exercise of patronage was liable to abuse. In one case, one of the Trustees nominated himself, and eventually he appointed his wife and two daughters. All four participated in the pension list. But in course of time they died out, not without an attempt on the part of the surviving trustee, who had been wrongously assumed, to perpetuate

* The Hospital Treasurer will make payment of the fixed allowance to the person making intimation of the death in writing, on production of a certificate or extract of the death from the Registrar or by a medical man, and on the return of the pension card issued to the beneficiary.

the Trust. The Town Council disputed the right of assumption. The matter went into Court with the following result:—

By interlocutor of the Court dated 16th October 1890, the Lord Ordinary (Kinnear) found that the defender, Mr Ronaldson, has no right or power to nominate or appoint any person or persons, to receive any Pensions payable under Mr Lennie's Deeds of Settlement, out of the proceeds of the Lands of Nether Auchenroch, or out of the said Annuity of £200, secured on Ballochneck Estate, and that the pursuers (the Lord Provost, Magistrates, and Town Council of Edinburgh) have the sole right and power to nominate the persons from time to time entitled to receive the said Pensions; and further, that the Owner of the said Estate of Ballochneck is bound to pay to the Lord Provost, Magistrates, and Town Council annually, out of the Rents and Profits of the Estate, the said Annuity of £200, or such portion thereof, as shall from time to time remain, after paying the Annuities directed by Mr Lennie to be paid to the persons named in his testamentary writings during their survivance [Act of Council, No. 21, of 28th October 1890].

There are still three beneficiaries on the Trinity Hospital roll, who were placed there by Mr Lennie's personal Trustees, all the others have been elected by the Governors of Trinity Hospital. There are in all eighteen pensioners on the fund; but, on the death of the lady annuitant, who has £40 per annum from the Ballochneck proprietor, there will fall to be added other four pensions of £10, making in all twenty-six beneficiaries.

2. THE WEMYSS TRUST.

Mr Andrew Wemyss was a trunk and portmanteau manufacturer in Edinburgh, and resided at No. 26 St James Square. He filled the offices of Town Councillor, Treasurer, and Lord Dean of Guild respectively. He died on 7th April 1858.

By his Trust Disposition and Settlement, dated 16th February 1858, with concurrence of Mrs Mary Thomson or Wemyss, his spouse, he disposed to his spouse in liferent, and the Lord Provost, Magistrates, and Town Council of the City of Edinburgh, the Governors and Administrators of the Trinity Hospital in Edinburgh, as Trustees for executing the Trust thereby conferred, in fee, all his heritable and moveable estate, under burden of the payment and application of certain sums, and directed that after the death of his spouse, his Trustees should hold the residue of his estate as Governors and Managers of Trinity Hospital, and should apply the annual revenue arising therefrom, "for and towards the maintenance and support of decayed Merchants or Tradesmen, who have carried on business within the Municipal Boundaries of the City of Edinburgh, for at least ten years, or the Widows of such Merchants or Tradesmen, and that among so many, and in such proportions and payments to each, as they shall see fit, but always on the express condition, that the parties to be benefited shall be of strictly moral character, and of fifty years of age and upwards."

The Stock of the Trust consisted of Heritable Subjects, Shares of Public Companies, and the balance in Bank, in so far as not belonging to the Liferentrix, etc.

The amount was set down at £6640, 2s. 11d., at 15th September 1862. It is proper, however, to state that it was subject to certain legacies, which amounted in all to £215.

The Liferentrix (who was also a Trustee in liferent) managed the heritable property, and uplifted directly the Rents thereof, and the Dividends on the Shares in Public Companies and Undertakings, the Certificates of Stocks and Shares and other Securities being in possession of the Town Clerk. From September 1862 to September 1891, the accounts of the Hospital Treasurer were limited to his actual intromis-

sions from year to year, with Mr Wemyss' Trust Funds, as shown in the annual Municipal Accounts of the City.

Mrs Mary Thomson or Wemyss, the Liferentrix, died at No. 1 Walker Street, Edinburgh, on 23d November 1891, and the Lord Provost, Magistrates, and Town Council thereupon entered upon the full management of Mr Andrew Wemyss' Trust Estate.

The Trinity Hospital Committee, following out the instruction of the Court of Session, resolved that all the beneficiaries should receive the lower or out-door scale of pension, viz., £15 per annum. There are now thirteen pensioners on the Roll, who participate in the Wemyss legacy.

3. THE CRIGHTON TRUST.

The late Mr James Crighton, who resided at No. 16 Dean Terrace, Edinburgh, and who was for many years a member of the Town Council of the City, and who was, at the time of his death, which occurred on the 1st day of December 1889, Convener of the Trinity Hospital Committee, left a legacy in favour of the fund over which he had for several years presided. He had been a member of the Corporation for thirty-three years. By his Trust Disposition and Settlement, in a codicil attached thereto, dated 21st November 1889, which Deed of Settlement was registered on the 7th December 1889,—he made bequest of £5000, in the following terms:—"At the first term of Whitsunday or Martinmas, which shall happen two years after my death, or earlier in the discretion of my Trustees, should they be in funds, I direct my Trustees to pay to the Trinity Hospital, Edinburgh, a Legacy of the sum of Five Thousand Pounds sterling, free of legacy duty and other charges, which sum or investments thereof shall be held by the Governors of said Hospital, as a Fund, from the interests,

dividends, or other yearly produce of which, in all time coming, shall be paid yearly pensions of Fifteen Pounds each, with Five Pounds of funeral money, at the death of each pensioner, to twelve deserving poor persons, male or female, or such other number, more or less, as the free income of the said Fund shall from time to time allow, said persons being not under seventy years of age, and to be selected by the Governors from the list of qualified applicants for pensions from Trinity Hospital, made up by the Governors from time to time, and which pensions shall be known or designated as "Pensions under the Crighton Trust."

This Legacy was received from Mr Crighton's Trustees and Executors on 7th January 1891. On 8th September 1891, the Lord Provost, Magistrates, and Town Council, as Governors and Administrators of the Hospital, appointed eight pensioners under Mr Crighton's Trust; and the first payments to them appear in the printed Municipal Accounts for the year 1891-92. Two pensioners were afterwards added. There are, therefore, now ten beneficiaries on the foundation.

SMALLER DONATIONS.

1. On the 11th day of August 1890,—the Lord Provost, Magistrates, and Council received, through the hands of the Town Clerk, from Mr Councillor Henry Doig, J.P., 80 George Street (per Messrs Auld and Macdonald, W.S.), as a Donation from the Executory Funds of Mr Doig's late wife, Mrs Elizabeth Jennings Bradford or Doig, to the Capital Funds of Trinity College Hospital, being the proceeds of a small property which Mrs Doig had acquired by bequest, and with reference to which she had expressed the wish to her husband, that it might in some way be applied, so as to be permanently useful to the deserving poor—which donation Mr Doig considered it to be his duty to entrust to the Governors of Trinity Hospital, the

pensioners of which are chosen from the class Mrs Doig desired to benefit. The sum of the benefaction was £200 sterling.

2. On the 12th day of April 1893,—George Whigham, solicitor, John Murray, stationer, and Andrew Isles, leather merchant,—the Trustees of the deceased Miss Marion Miller, who resided at No. 4 Melville Terrace, Edinburgh—acting under her Trust Deed and Settlement, dated 7th August 1888, and Codicil thereto, dated 20th June 1890, and various holograph testamentary writings,—all registered in the Books of Council and Session, 25th January 1892, and various other writings of a testamentary nature, all registered in the Court Books of the Commissariat of Edinburgh, 11th May 1892—the amount of legacy left and bequeathed by the said Codicil of 20th June 1892, to the Trinity Hospital, Edinburgh, per receipt of this date, which receipt is preceded by Excerpts from the Codicil and Testamentary Writings executed by the Testator (who died on 16th January 1892), showing the interest of the Trinity Hospital in her said estate, and note of admission, on 8th March 1892, of Helen Gilchrist Kinross (mentioned in the excerpts), to the benefits of the Trinity Hospital (through Messrs Whigham and Cowan, S.S.C., agents for Miss Miller's Trustees). The sum of the benefaction was £100 sterling.

It is right to state that Miss Miller's bequest was cumbered with a condition that her maid servant, Helen Gilchrist Kinross, should be put on the Trinity Hospital Roll of Pensioners. The Governors felt that they were not in a position to comply with such a request, as it might form a very awkward precedent. At the following election, Kinross was admitted to the roll unconditionally. She was labouring under incurable disease, and had been so for a considerable time. The bequest was then paid to the Governors, and she died in the Incurable Hospital within three months thereafter.

It will thus be seen that, since the building of the Trinity Hospital

has disappeared from public view, very few benefactions have been received by the Governors. If the will of Lennie, the Grammarian, be excluded, it cannot fail to be observed that all the others have been derived more or less from those who were directly connected with the Town Council of Edinburgh. This fact is sufficient to show on the part of the donors a warm appreciation of the good effects of the Trinity Hospital Charity, properly administered, by those who have freely given a helping hand in its management, and who have consequently realised personally the great boon which such a fund confers upon many deserving citizens.





CHAPTER XXXIV.

CONCLUDING OBSERVATIONS.



SINCE the year 1820, two important changes have taken place in regard to the management of the affairs of the Charity. These are in reference to—

1. PRIVATE RIGHTS OF PRESENTATION.—Most of these rights of presentation were purchased during the last century. Of the seventeen which are still operative, only one, viz., Mrs Campbell's Mortification, belongs to the present century (1812). All the others date from 1719 to 1774. A payment of £300 gave the donor the right to present a member of the burgess class, while a payment of £350 conferred on the purchaser an unrestricted presentation. The right of presentation in both cases descended to their heirs. These rates were in existence before 1730, and continued down to 1797, when they were raised to £350 and £400 respectively.

For about fifty years, the terms upon which the Town Council accepted a sum for a Gift of Presentation, seemed from time to time to be subject of consideration and report by the Governors, as the following extracts from the Minutes will testify:—

“28th August 1771.—Bailie Wright, from the Committee on the Trinity Hospital affairs, to whom the proposal from the Merchant Company for purchasing a Right of Presentation to the Trinity Hospital was remitted, reported that they had caused make a calculation of the expenses of maintaining a member thereof upon a medium of the annual expense for the last six years preceding the first November 1770, and find it to be fifteen pounds, nineteen shillings and sixpence sterling, per annum. That at present a Right of Presentation of a Burgess (such as that now proposed to be purchased) is rated at Two Hundred pounds sterling of purchase money, and one as large as (£250) Two Hundred and Fifty pounds. From whence it is evident that the Hospital must lose upon every Presentation they sell at this rate, especially considering that no more than four per cent. can be had for money lent for any length of time, payable half-yearly, which the Hospital's affairs require; and, therefore, were of opinion that before disposing of these Presentations, the Council should fix such a price thereof as is adequate to the annual maintenance of the Presentee.”—(*Hospital Records*, vol. v. page 21.)

“25th March 1772.—The Magistrates enacted and statuted, in terms of the Report of a Committee, by which they ‘did find that neither the interest of Two Hundred pounds for a restricted Presentation, nor the interest of Two Hundred and Fifty pounds, for a Presentation at large formerly paid for Rights of Presentation to the Hospital, are adequate to the present expense of maintaining a member therein, and therefore were of opinion that the Council, as Governors of the Hospital, should for the future fix and settle the same in manner following, viz. :—for a Right of Presentation at large Three Hundred and Fifty pounds, and for a restricted Presentation, to wit, for a burgess or gild brother's widow or child Three Hundred pounds, and the Committee were further of opinion that the Statutes

of the Hospital should be reprinted with the above alteration.' . . . 'Further, the Committee were of opinion that the Council should appoint the purchase money of a patronage to be advertised in the newspapers, and also to be printed on a board over the Hospital gate, as the Report under the hand of the Committee bears. Which being considered by the Magistrates and Council, they with the Extraordinary Deacons, approved of the said Report, and did, and hereby do, enact, statute, and appoint accordingly.'—(*Hospital Records*, vol. v. page 45.)

"17th May 1797.—A representation was read, which bore:—That it is now found that the interest arising from the above sums is inadequate to the expense of supporting a member in the Hospital at present, owing to the prices of all the necessaries of life, and after consulting the Treasurer of the Hospital, the representer was of opinion, and moved that the Governors should pass an Act declaring and ordaining that in future the sum to be paid for a Presentation at large shall be the sum of Four Hundred pounds sterling, and for a restricted Presentation, to wit, for a burgess or gild brother, or burgess or gild brother's widow or child, the sum of Three Hundred and Fifty pounds sterling. Which representation and motion having been seconded, the same was unanimously approved of, and the Council ordained that the respective sums before mentioned shall be paid for Rights of Presentation to the Trinity Hospital, from and after this date, and that this Act shall continue in force until the same shall be altered by the Magistrates and Town Council."—(*Hospital Records*, vol. vi. page 352.)

No other change took place until there was another opportunity taken to revise the Statutes of the Hospital, on the 22d day of January 1821, when the unrestricted Presentation was increased to £450. It was, however, not taken advantage of. There are now no private

rights of presentation ever proposed, and it is very questionable if the Governors would accept of such, even if offered.* There are in the present day so many other modes, by purchase of an annuity, etc., that no difficulty arises by way of making provision for any person in whom one is interested in their declining years.

That the Governors of the Trinity Hospital should have found difficulty in making ends meet, in consequence of the enhanced price of provisions, is not at all to be wondered at. It has now become well known, through the Letters of Theophrastus,† that between the years of 1763 and 1783, there was a remarkably striking difference in the external appearance of Edinburgh, and also in the mode of living and the manners of the people. Indeed, it was remarked that the change was so great as not to have been equalled in any city of Europe, or even—taking all the alterations together—in the same city for two centuries previously. It was calculated that during these twenty years, Two Millions of money had been spent upon buildings

* It is right to notice before passing from the question of Presentations, that on the 24th day of February 1731, the Town Council resolved upon a more limited Right of Presentation than has been alluded to. The minute is to the following effect:—"And considering that severall weil disposed persons, from a pious and charitable disposition, may inclin to purchase a priviledge of one nomination of a man or woman to be presented to the Trinity Hospital, raiter than to go to the full length of a purchase of a right to present, whereby the funds of the Trinity Hospital may in time be considerably increased. Therefore they do heirby staitut and ordain that heirfafter the donor to the said Hospital of the sum of One Hundred pounds sterling, at leist, shall be intituled to a priviledge for once, and no oftner, of nominating to the Council a man or woman not under the age mentioned in the Statut unmarried, and of a sober life and conversation, whom the Council shall be obleidged to present to the said Hospital, notwithstanding the man be not a burges, or the woman shall not be a relict of, or a daughter to a burges, to be maintained in the said Hospital dureing all the days of his or her natural life, and appointed this to be entered in the said statuts as the — cheyster." It is not on record whether this proposal was ever taken advantage of.

† "Theophrastus" was understood to be Mr William Creech, the eminent bookseller and publisher, who was Lord Provost of the City in 1811-12.

alone. In 1763, people of quality and fashion lived in houses, which in 1783 were inhabited by tradesmen and people in humble and ordinary life. The author of the Letters refers to the fact that the Lord President Craigie's house was found after the two decades to be "possessed by a Rousing-wife or Sales-woman of old furniture,—and Lord Drummore's house was lately left by a Chairman for want of accommodation." All this was sure to beget a far higher style of living, and pointed out the rapid progress of commerce and luxury. With neither canals nor railways, the supply of the necessaries of life was sure to be somewhat contracted, and as a result high prices could not fail to obtain.

2. DISPOSITION (*Omnium Bonorum*).—From a very early date, the Governors of Trinity Hospital were in the habit of exacting from the Beneficiaries of the Hospital, what is known in legal phraseology as a Disposition *Omnium Bonorum*. By this deed, the various beneficiaries were made to Assign, Dispose, Convey, and Make over, to and in favour of the Treasurer of the Hospital for the time being, and his successors in office, in name and for behoof of the said Hospital, the whole heritable and moveable means and estate which at the time pertained to them: Surrogating and substituting the said Treasurer and his foresaids, in name and for the use and behoof of the said Hospital, in their full right and place of the premises for ever: Receipts and Discharges to grant in whole or in part, which should be sufficient to the receivers, and generally every other thing in the premises to do which the Granter could have done, himself or herself, before the granting hereof: And further, the Granter, in terms of the statutes of the said Hospital, bound himself (or herself), his heirs, executors, and successors whomsoever, in the event of the Granter's succeeding to any heritable or moveable estate, at any future period of his life, to assign, dispose,

and convey over to the Treasurer of the said Hospital for the time, at least so much thereof as would completely reimburse the said Hospital of every charge and expense its Revenue might have been put to on his account, and that immediately upon his (or her) succeeding to, or acquiring any accession of fortune, whether heritable or moveable; viz. :—All and Sundry Lands and Heritages; and, in general, the whole estate, heritable and moveable, real and personal, of what kind or denomination soever or wheresoever situated, at present belonging and addebted, or that shall belong and be addebted, to him (or her) at the time of his death; together with the whole vouchers and instructions, writs and evidents of, and concerning his said estate, with all that has followed or may be competent to follow hereon; Providing and Declaring always that the said Treasurer and his foresaids should account to the Granter's heirs and assignees for the residue of said estate, after reimbursing the said Hospital of every charge and expense which its Revenue might have been put to on the Granter's account. The Treasurer of the Trinity Hospital was, by the said Deed, nominated and appointed for the time being sole executor of the Granter's estate, with full power to intromit with his (or her) whole moveable estate, to give up inventories of the same as were competent in the premises. Consent of the Granter was also given, for having the deed registered for preservation and execution.

The first minute of the Town Council regarding this matter is dated on the 10th day of April 1700, and is as follows:—

“The same day Bailie Ferguson reported from the Committee anent the affairs of the Trinitie Hospitall, that the Committee had prepared the following resolutions, which they desyred him to report to the Councill. (1^{mo}) That all persones who come into the Hospitall, or that are in it already may be obleidged by the Councill's Acts, to dispone all goods and gear they have at their entry, or that they

shall acqyre dureing their abode yrin (the chaplain and goodwife excepted), for the use and behooff of the said Hospitall, and give up a true Inventar of the same."—(*Council Records*, vol. xxxvi. page 511.)

Another minute bearing upon the same subject is to the following effect:—

“That in future each member, previous to his or her admission to the Hospital, should not only continue to grant a Disposition *omnium bonorum* in favour of the Hospital, of every thing they are possesst of, previous to their admission as at present, but that in the same deed they should bind and oblige themselves, in the event of their succeeding to any heritable or moveable subject other than what they are possesst of at the period of their admission, to assign and dispone at least so much thereof as will completely reimburse the Hospital of every charge and expense its revenue may have been put to, on such member happening to succeed to or acquire any future accession of fortune, whether heritable or moveable; and upon refusing to comply with the above, such person or persons should forfeit the benefit of the Hospital, and be dismissed therefrom, and that in their stead, needy persons should be admitted from time to time. And the Committee are also of opinion, that this Regulation should be intimated and read to every person who shall in future obtain the benefit of the Hospital, previous to such admission taking place: It being always understood that this Regulation is meant to extend to those to be admitted by the Governors on the Burgess Fund, and not to affect persons admitted in consequence of Presentations from the Representatives of those who purchased Rights of Presentation.”—(*Hospital Records*, vol. vi. page 273.)

It will be observed that the Regulation referred to had no application to the case of those who were from time to time in the receipt

of out-door relief. It was only applicable to those persons entering the Hospital as a permanent place of abode, so long as they were in this world.

For a good many years back, the Disposition *omnium bonorum* has ceased to be exacted from those who were in receipt of the in-door pension, or higher scale. The new scheme entirely ignores it. The enquiry which is instituted every three years into the means of livelihood of all the beneficiaries is now the sole test which the Governors adopt, to take into their earnest consideration as to whether the payment of pension is to be continued to the beneficiaries.

It may be gratifying to the Governors and the public at large to know the opinion of the Lady Visitor, who keeps in close touch with the beneficiaries, and who as a rule visits the various pensioners every quarter, and who from time to time reports to the Committee regarding them. In a letter which the writer recently received from her, she says,—“I have gone most carefully over the Roll lately, owing to letters published in the newspapers, and I cannot name anyone unworthy of the pension. . . . I can only repeat what I have so often said in my Reports, that I observe a marked improvement, as years go on, in the pensioners and their homes. Some of their little homes—single rooms only—are perfect pictures of cleanliness and neatness. . . . One particularly interesting old woman was recently elected. She is in her ninety-seventh year. It was her first application for relief of any kind. She is most industrious, and works for bazaars. Ladies are glad of a piece of work done by one of this great age. She is now embroidering a child's dress.”

It is right to observe that any case reported to the Committee as undeserving, even although it proceed from an anonymous letter, is made the subject of searching examination and report. In such

cases, however, it has been usually found that the complaint proceeded from what one of our most popular lady authors of the present day, in a recent novel, describes as "the small spites and envies of the malicious and unsuccessful."

It may be interesting to the reader to know the respective ages of the various beneficiaries who have been selected by the Governors and are now pensioners on the Hospital's Funds. It is proper to explain that those who are on the list of private foundations are not required to state their age. The same rule holds good also in regard to those who were presented by the private Trustees of the late Mr Lennie. There are, therefore, only 287 persons at present on the roll regarding whom the information can be afforded. None are eligible under fifty years of age, unless they are labouring under incurable disease. In the case of the latter there is no limit as to age.

	Male.	Female.	Total.
Between the ages of 20 and 30 there is	—	1	1
" " " 30 and 40 there are	2	1	3
" " " 40 and 50 " "	3	—	3
" " " 50 and 60 " "	5	21	26
" " " 60 and 70 " "	16	79	95
" " " 70 and 80 " "	20	90	110
" " " 80 and 90 " "	17	28	45
" " " 90 and 97 " "	—	4	4
Totals	<u>63</u>	<u>224</u>	<u>287</u>

It will thus be seen that females largely predominate. The advanced age which many of them arrive at, would almost lead to the conclusion that their annuity is a health-giver and life-sustainer.

It is now desirable to refer to the present Annual Revenues of the Trinity Hospital, and to the amount expended by the Governors

upon Pensioners and on the management of the Trust. The following is an Abstract Statement of the Ordinary Annual Revenue and Expenditure of the Hospital and the other Trusts in connection therewith as at the close of the year 1896, viz. :—

REVENUE.

	Trinity Hospital.	Wemyss' Trust.	Crighton's Trust.	Lennie's Trust.	Alexander's Mortification.	TOTAL.
Feu-duties, Rents, Casualties, etc., .	£ 4,850	£ 110	£ ...	£ 150	£ s. d. ...	£ s. d. 5,110 0 0
Interest on Investments, Loans, etc.,	1,000	220	145	...	970 0 0	2,335 0 0
Miscellaneous,	180	10	5	160	40 0 0	395 0 0
TOTALS, .	6,030	340	150	310	1,010 0 0	7,840 0 0

EXPENDITURE.

	Trinity Hospital.	Wemyss' Trust.	Crighton's Trust.	Lennie's Trust.	Alexander's Mortification.	TOTAL.
Pensions,	£ 4,335	£ 195	£ 150	£ 180	£ s. d. 916 11 6	£ s. d. 5,776 11 6
Salaries of Medical Officer and Lady Visitor,	180	10	5	...	30 0 0	225 0 0
Management, Repairs and Public Burdeus,	900	75	10	125	60 0 0	1,170 0 0
	5,415	280	165	305	1,006 11 6	7,171 11 6
Surplus of Ordinary Revenue available for payment of Casual or Capital Expenditure, . . .	615	60	...	5	3 8 6	683 8 6
Deficiency of Ordinary Revenue, .	...	...	15	...	...	15 0 0
TOTALS, .	6,030	340	150	310	1,010 0 0	7,840 0 0

From the above it will be seen that the total annual Revenues of the Trinity Hospital and other Trusts, amount at the present time to £7840, and that out of this sum £5776, 11s. 6d. is paid in Pensions,

£225 in Salaries to the Medical Officer and Lady Visitor, £1170 in Management, Repairs, and Public Burdens; and there is retained in hand a sum of over £650 to meet expenditure of a casual or capital nature, such as the making of Roads and Drains in connection with the feuing of the Hospital's Lands or the carrying out of other improvements on the Trust's Properties.

The History of the Trinity College Hospital, from its foundation down to the present time, may be now said to be accomplished.

The old ecclesiastical buildings which were looked forward to by the pious Queen, the foundress, have been erected; and they have disappeared. The successive staffs of Provost, Prebendaries, and Choiristers—under the orders of the Pope's Bulls—exist now only “as a tale that is told.” The blue-gowned beidmen of pre-Reformation times, as well as the later inmates, with “their vesture of sad ‘purple-cullored’ cloth which the Governors had selected for a livery,” are all a record of a long bygone age. As for matins, high masses, vespers and compline, with the priests and their sacerdotal habiliments, it may be remarked that the place that once used to reverberate these religious services “knows them now no more for ever.” The tomb of the Royal Foundress has disappeared, and there is now no sprinkling with hyssop, no reading of the *De Profundis*, and no service devoutly held for “our most tender husband, and after our decease for his and our ancestors and successors.” *Sic transit gloria mundi.*

Even the later uses to which the respective buildings were applied after the Reformation, when the ecclesiastical edifice was utilised by the Lord Provost, Magistrates, and Town Council as one of the Parish Churches of the City, and the plain simple Presbyterian service of the Sanctuary was heard within its walls even by a few citizens who still survive, and who tell of the time when they were accus-

tomed weekly to repair to the Trinity College Church on Sunday, as the sound of the Church-bells invited them to the House of God,—all these arrangements have come to an end. The beautiful Gothic building—the pride of the Antiquary and the deeply appreciated edifice on the part of those who admired the old specimens of Ecclesiastical architecture—with its high arches, and the quaint and sometimes grotesque ornamental details with which the edifice was so richly invested in the gurgoyles and otherwise, with its lofty centre aisle, so excessively rich in design in regard to the groining, as well as the beautiful and handsomely symmetrical doorways with their well-proportioned porch and firmly groined roof—all these tended to make the Church a place of “beauty and a joy for ever.” But the Imperial Parliament, throwing aside all feelings of religious or even antiquarian sentiment, decreed that the old Church must, in a pre-eminently utilitarian age, make way for the more urgent necessities of the times.

The old Hospital itself, preserved and fostered as it was by Sir Symon Prestoun and the Magistrates and Town Council of Edinburgh,—a house which in its day had “seen some strange mutations,” and had been a home of rest for many generations to not a few worthy citizens, male and female, in their declining years; and around whose history many traditions lingered,—was, in course of time, made to submit to the inevitable. It was doomed to be dismantled and thrown down, and the inmates otherwise provided for.

As one now surveys the scene presented to the gaze of the spectator, as he stands upon the east side of the newly-constructed North Bridge, and looks down upon the valley beneath,—and as he reflects upon what half a century has produced in the total change of the aspect of affairs, in the never-ending multitudes who are continually seen hurrying to and from the various railway trains which are depart-

ing or arriving, and contrasts that state of matters with the peaceful serenity of the district prior to 1843, when it was almost entirely given up to religion and benevolence,—he cannot fail to be struck with the change which the course of time effects on all human arrangements. The music of the Sanctuary which was wont to be heard in the district has now been exchanged for the bellowing of the Steam Demon, and the shrill whistle of the Railway engine.

But though the Congregation has had another edifice built for them, of a more modest description, and the old Hospital has not been restored—TRINITY COLLEGE HOSPITAL still survives in the great CHARITY Fund known by that name. It is a living reality—greater, stronger, and better than it ever was in the days of old.

Originally intended for the worship of God, according to the tenets and belief of the period, as well as for a religious house, in which several poor people could be accommodated and maintained,—its conception on the part of its Royal Foundress was undoubtedly of a beneficent kind, illustrative of the example set by the great Redeemer of mankind, “who went about continually doing good.” In its now simpler, but yet more extended, form of Christianity and benevolence, it is likewise illustrative of the same glorious example, in the timely help which it affords to the various beneficiaries—“Inasmuch as ye did it unto the least of one of these my disciples, ye did it unto Me.”

Regarding its more recent development it may be observed that, during the time that has elapsed since the North British Railway Company coveted the site, and paid the price agreed upon, and even during the long contest in the Law Courts, the progress of the Hospital's financial affairs have been marvellous. Nearly three times the number of beneficiaries are now on the roll compared with those who received the benefits in 1843.

The lands of Quarryholes, at Easter Road, are rapidly being utilised

for feuing purposes, and they are yielding a handsome annual revenue. Whatever may be the views entertained by social and political writers, as to what is, in these days, popularly known as "the unearned increment," there are none who will grudge that such a benefit should accrue to help the support of those who have been unfortunate in business and are not now physically able to maintain themselves.

The lands of Dean Park, Blinkbonny, and Redbraes, which are also the property of the Governors, will, no doubt, in course of time, be utilised for building purposes. Meantime, while there are so many deserving applicants applying for admission, benevolent citizens may possibly remember the claims of this useful and well-administered Charity; and if the result of the circulation of this History of Trinity College and Trinity Hospital may lead to any such practical results, the amount of time and labour bestowed upon its preparation will not have been in vain.



THE GOVERNORS OF TRINITY HOSPITAL.

Lord Provost.

The Right Hon. ANDREW M'DONALD, 40 South Bridge.

Bailies.

JOHN GULLAND, 8 Claremont Crescent.

*THOMAS SLOAN, 3 Hart Street.

W. J. KINLOCH ANDERSON, The Elms, 58 Craigmillar Park.

JAMES POLLARD, 41 Chalmers Street.

JAMES ROBERTSON, 3 Rillbank Crescent.

ROBERT HAY, 4 Abercromby Place.

ALEXANDER BRAND, 30 Regent Street, Portobello.

Dean of Guild.

*ROBERT MILLER, 38 Lauder Road.

Treasurer.

GEORGE M'CRAE, 3 Dick Place.

Convener of the Trades.

WILLIAM FIELD, 1 Hart Street.

Judges of Police.

*JOHN CHARLES DUNLOP, Ashbrook House, Ferry Road.

*†JAMES COLSTON, 23 Regent Terrace.

JAMES STEEL, Boroughfield, Colinton Road.

ROBERT KELLOCK, 3 Melville Street, Portobello.

DAVID GRIEVE, Sunnybank, Argyle Crescent, Portobello.

ALEX. GRAY, Rathbone House, Portobello.

* Those marked thus are Members of the Trinity Hospital Committee.

† Convener of the Trinity Hospital Committee.

Councillors.

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H. W. HUNTER, 8 Hope Crescent.

WILLIAM WILLIAMS, 41 Elm Row.

MITCHELL THOMSON, 6 Charlotte Square.

WILLIAM LANG TODD, 50 Great King Street.

*DAVID SCOTT, 53 Nile Grove.

JOHN MALLINSON, 21 Comely Bank Avenue.

ALEX. DONALD MACKENZIE, 6 Hartington Gardens.

*JOHN MURRAY, 80 Rose Street.

WILLIAM SLATER BROWN, 17 Dean Terrace.

RICHARD CLARK, 79 Great King Street.

THOMAS A. C. MORTIMER, 7 Whitehouse Terrace.

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Sir JAMES ALEX. RUSSELL, Woodville, Canaan Lane.

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*ALEXANDER WALKER, 1 Tipperlinn Road.

*ALEXANDER FORBES MACKAY, 26 George Square.

ROBERT CRANSTON, Dunard, Grange Loan.

JOHN JAMIESON, 4 Marchhall Crescent.

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- *WILLIAM EUNSON, 251 Dalkeith Road.
 - *WILLIAM GRAY, The Tower, Portobello.
 - *GEORGE BALFOUR, 42 High Street, Portobello.
 - ALFRED NICHOL, St Mary's, Rosefield Place, Portobello.
 - SAMUEL CARMICHAEL, 4 Windsor Place, Portobello.
 - *JAMES WATSON, 5 Abercorn Terrace, Portobello.
-

THE ALEXANDER MORTIFICATION.

Trustees.

THE LORD PROVOST, MAGISTRATES AND TOWN COUNCIL OF THE CITY,
AS GOVERNORS AND ADMINISTRATORS OF TRINITY COLLEGE HOSPITAL.

ALSO,

- *Rev. Dr SCOTT, 14 Rothesay Place.
 - *Rev. Dr WILLIAMSON, 2 Minto Street.
 - *Rev. Dr GLASSE, 16 Tantallon Place.
 - *Very Rev. Dr CAMERON LEES, 33 Blacket Place.
 - *Rev. A. KENNEDY, 8 Fettes Row.
 - Rev. Dr CHARLES M'GREGOR, 2 Greenhill Place.
 - Rev. DAVID MORRISON, 4 Strathearn Road.
 - Rev. Dr PATRICK, 18 Regent Terrace.
 - Rev. Dr STEWART, 18 Royal Terrace.
 - Rev. J. F. W. GRANT, 7 Royal Circus.
 - Rev. Dr BLAIR, 13 Lynedoch Place.
 - Rev. P. HAY HUNTER, 13 Regent Terrace.
 - Rev. THOMAS MARTIN, 1 Inverleith Row.
-

* Those marked thus are the Members of the Nomination Committee, to act along with the Trinity Hospital Committee.

OFFICIALS.

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THOMAS HUNTER, W.S., Town Clerk, City Chambers.

Treasurer.

ROBERT PATON, City Chamberlain, City Chambers.

Superintendent of Works.

ROBERT MORHAM, City Chambers.

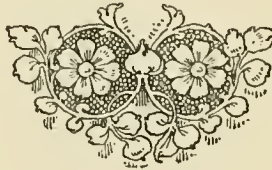
Medical Officer.

Dr JAMES DUNSMURE, F.R.C.S.E., 53 Queen Street.

Lady Visitor.

Miss MARGARET MONTGOMERY, 19 Lonsdale Terrace.

The foregoing form the Members of the Governing body during the year 1897.—J. C.



APPENDICES.



APPENDICES.

I.—REPORT BY EX-PROFESSOR NORMAN MACPHERSON.

It has not been deemed requisite to reprint the first twenty-one pages of the Report, which deal with historical matters in regard to the Charity,—inasmuch as the previous volume contains a more elaborate history of the same. It has been thought better to proceed at once with the various branches of the subject which the Reporter was requested to bring under the review of the Court of Session. He says:—

The Inquiry and Report directed by the Remit is divided into distinct heads, which it is proposed now to deal with in their order, viz. :—

- I. (1.) “From what Sources the various Funds forming the capital of the Charity called Trinity College, or Trinity Hospital, have been derived;” First branch of Interlocutor.
(2.) “The original;” and (3.) “The present amount thereof.”

I. (1.) *Sources of Hospital Property.*

It appears that the funds and estates now treated as the property of the Trinity College Hospital have been derived from the following sources :— Sources of Property.

1. The various buildings, with the grounds and gardens adjoining, which

First branch of Interlocutor.

Sources of Property.

formed the Church and College of the Holy Trinity and original Hospital thereof, and grounds which originally belonged to the Blackfriars, or their price.

The most important sales have been the recent ones of the Hospital and the Church.

2. The price obtained for the patronage of Kirkurd, formerly belonging to Trinity College, but sold by the Magistrates.

These two sources of property will have to be noticed presently in some detail.

3. Fines made over by the City of Edinburgh, and apparently some imposts.

These have not been very numerous nor very considerable in amount. There was made over in connection with the altarage of St James in St Giles', to which it was formerly payable, "ane choppin of wine of the puncheon," 14th November 1567, and early in the 18th century the accounts show for a series of years a payment under the name of "impost of ale" "granted by the good toun." In setting tacks of petty customs, tacksmen were taken bound, over and above tack-duty, to make over so much in kind to the Hospital. The fines made over were such as—fines for not having "ane bybill and psalme buik;"—a fine for overtrading in wool—100 merks;—on 16th September 1584, Thomas Copland, accused of speaking injurious words in presence of one of the bailies, was ordained to pay 40s. to the masters of the Hospital;—on 25th March 1724, Hugh Clark was fined £25 for not accepting office as one of the captains of the City, and said fine was ordered to be paid to the Treasurer of Trinity Hospital.

4. Money handed over by the Session of Edinburgh.

5. Donations and bequests made by private individuals, who attached no conditions to them.

These have been very numerous, and their aggregate amount is considerable, but, except as regards the most valuable—that by R. Johnstoun—do not seem to require special notice.

6. Savings of income added to capital.

Generally there has been an over-expenditure. For the first century, and latterly, there have been accumulations. Since 1845 there has been a large increase of the funds from this source.

Council Records, vol. iv. fol. 207.

Hospital Accounts, 1st Nov. 1722-3.

Council Records, vol. x. p. 120.

11th Nov. 1597.

Ib. vol. vi. p. 96.

16th Nov. 1580.

Ib. vol. v. p. 139.

23d April 1579.

Ib. vol. vii. p. 108.

Hospital Records, vol. i. p. 242.

App. pp. 219-20, 226, 228.

Vide p. 127.

7. Money payments, or transferences of tenements, by poor people, in order to obtain admission, or insisted upon by the Governors as a condition of admission, or made by third parties, to secure the admission of special individuals.

First branch of Interlocutor.

Sources of Property.

Agnes Clerk or Broune was admitted, her "friends and relationes" having "given bond for four hundred merks Scots money upon the accompt of hir admissiōne."

Council Records,
31st March 1675.

Thus, on 26th August 1713, Janet Louriston or Fraser was admitted on paying 1000 merks, and granting disposition of her liferent of house and garret, and two houses in Candlemaker Row.

Ib. vol. xli. p. 136.

On 14th November 1792, "David Murray admitted a member of the Hospital and porter thereto, on his paying £100 sterling to funds of Hospital."

Hospital Records,
vol. vi. p. 230.

On 11th May 1796, Thomas Douglas was admitted a member and porter, paying £120, and £5 a-year of his pension.

Ib. vol. vi. p. 313.

There are many other examples, as that of Margaret Schaw, 21st and 28th July 1779, and the cases mentioned *supra*.

Ib. vol. v. pp. 255
and 257.

These sums ought, perhaps, to be treated as income, as they went so far to relieve or reimburse the general fund for the support of these individuals, and they are so treated in the accountant's report on the later accounts.

App. p. 285.

8. Sums paid or mortified by individuals or corporations, on condition that they, or their representatives or assignees, should be entitled to nominate pensioners.

9. Some small heritable subjects, not being part of the original property of the Hospital gifted to it unconditionally.

Other heritable subjects have been acquired by purchase, and some, both of those originally belonging to it and of those since acquired, have been sold, some of them so recently as last autumn.

I. (2.) *The Original Amount of the Hospital Property.*

The amount of the Hospital property at the date when the Magistrates first recognised it as forming a separate institution, is not easily ascertained.

Original amount of
Property.

The earliest date from which the accounts of the Hospital, as a separate

First branch of Inter-
locutor.

charity under charge of the Magistrates, have been preserved, is 1611; and from that date it is possible generally to trace the history of the funds.

Amount of Property
at 1562.

The Treasurer's accounts of that year commence by taking the capital at a certain amount, the investment of which is stated, but there is no statement of the sources from which it was derived, except in regard to sums acquired during the current year. There is no appearance of their embracing any of the lands or gifts contained in the various charters to which allusion has been made in the introductory statement, except the ground about the College and Hospital and gardens thereof.

In considering the question, whether nothing more should have been embraced, it is proper to bear in mind that what is now popularly termed Trinity Hospital or Trinity College Hospital, is not a mere development of the ancient Trinity Hospital, but rather that, after existing for a time alongside of it, it has finally absorbed it.

The first constitution of an Hospital as a charity in the hands of the Magistrates, was by Queen Mary's grant in 1562, of the place and yard of the Blackfriars, etc., for the erection of an hospital.

The process of absorption of Trinity College Hospital was commenced by King James's letter of remission early in 1567, dispensing with the erection of the hospital at the Blackfriars, because it would be more expedient to build one in the Trinity College grounds, on condition of applying the subject of his mother's grant to the support "hospitalis divini Trinitatis Collegii," and of the poor in the same.

The funds then devoted to the support of the Hospital exclusively were the place and gardens of the Blackfriars, the church, place, and gardens and ecclesiastical houses of Trinity College, with the gardens, place, and building of Trinity Hospital, without prejudice to the provost and prebendaries' right of appointing beidmen.

Amount of Property
at 1567.
Council Records,
vol. iv. pp. 217-232.
Ib. vol. v. p. 66.

There being no separate Hospital accounts of this date, it has not been discovered what was done with the place and gardens of the Blackfriars, but it appears that in 1568 part of Blackfriars was feued out for the Hospital to John Davidson Taylor for five merks, and on 14th September 1576, an order was made to roup the lands of Blackfriars. Whatever may have been done,

neither the lands nor any sum of money stated to be their price ever appear in a recognisable form in the accounts of the Hospital which have been preserved.

The annual proceeds of the Blackfriars, as of the other ecclesiastical subjects granted to the town, were entered in the books of the Collector of Kirk Rents; and in 1644-5, the last year for which the Collector's books are preserved, there occur several pages of entries of very trifling sums, amounting in all to £229, 19s. 4d. Scots. Many of these payments were a great many years in arrear, from the Collector being unable to trace the property or its occupiers, and it is not unlikely they may have dropped out; and accordingly in the next book belonging to the Town Council that contains these rentals, dated 1698, their amount is stated at about £122 Scots, or a little over £10 sterling.

What remains in the hands of the town of the Blackfriars yard, consists of eleven feus of the annual value of about £2, 5s. sterling, and is appropriated to the Burgh Schools under the Edinburgh University Property Arrangement Act [1861].

But all the subjects held for that purpose are by the Act declared to be "subject to the several burdens and obligations affecting the same," and if these lands were appropriated to the Hospital, it certainly formed no part of the scope of that Act to transfer them to the schools.

Next came the charter of 12th November 1567.

This charter placed at command of the Magistrates a number of chaplainries and altarages; but these were not by the charter devoted to the Hospital exclusively. There are, however, notices in the Council Records of some of them being appropriated, at least temporarily, to the Hospital. These were;—

(a) The Prebendary of Grothol, 30th January 1567.

(b) The Altarage of St Anthony, 18th February 1567.

(c) The Altarage of St James, 3d March 1567.

(d) Dues of the Holy Cross at Jedburgh, 15th June 1569.

(e) The Chaplaincy vacant by decease of Robert Robertson.

(f) The Chaplaincy vacant by the death of Sir Thomas Richardson,
6th June 1578.

First branch of Interlocutor.

Amount of Property at 1567.

Books of Collector of Kirk Rents, vol. ii.

24 and 25 Vict. c. 90.

Council Records, vol. iv. p. 212.

Ibid, p. 213.

Ibid, p. 214.

Ibid, p. 241.

Ibid, vol. v. p. 100.

First branch of Inter-locutor.

Amount of Property at 1567.

Council Records, vol. iv. p. 212.

Bannatyne Club, Charters of St Giles, etc., p. 253.

Univ. Com., 1837, vol. i. Order x. p. 73.

1805-6.

Collector's Accounts, vol. ii. p. 8.

The brief notices of these gifts, unless perhaps those of the Prebendary of Grothal, and of one connected with the Holy Cross at Jedburgh, can hardly be interpreted as their permanent devotion to the purposes of the Hospital; and there being no accounts either of the Hospital or of the Collectors of Kirk Rents extant relative to this period, there are no means of knowing what payments were actually made to the Hospital. After the date from which the accounts of the Collector commence, no such payments were made by him to the Hospital in connection with these subjects; and the amount of the whole seems to have been trifling.

(a) The Prebendary of Grothal was in the Church of St Giles. This Prebendary was resigned "in the hands of the Collector of the Annuals of this Burgh disposed to the Hospital and Poor in name of the good town." The Collectors of Kirk Rents, so far as their accounts are extant, charged themselves with feu-maills of the lands of Grothill, which went "to the Prebendary of Grothill in the said church," amounting to £19 Scots. This accords with a feu-charter, 21st October 1542, by Henry Moir, the prebendary, with consent of the Chapter. This feu seems from an early date to have been transferred by the Town Council to the University, and eventually sold. The Appendix to the University Commissioners' Report contains the following entries:—

"Purchase-money of superiorities, and feu-duties sold,—

"Composition duties received from vassals:

" William Ramsay, Grothill,	£100 0 0
" Of the lands of Grothill, to James Cheape, Esq.:	
" Purchase money of £1, 7s. 8d. of feu-duty,	41 3 4"

(b) The Altarage of St Anthony was also connected with St Giles'; and the Collector charged himself with two payments for the benefit of this altar, amounting respectively to 13s. 4d. and 4 mks. Besides this, there seems to have been payable to the altar a choppin of wine on the puncheon;—for several years been transferred to Hospital by special Act of Council.

The Collector's rental shews farther two sums, one of 20s. Scots, and £3 Scots, payable out of several lands in the town to St Anthony's Prebendary.

(c) St James' Altar was also in St Giles'. The Collector's rental shews

20s. Scots payable to this altar furth of Haliburton's land. There seems also to have been a St James' Prebendary, to whom 20s. 8d. Scots were payable.

The Charters of St Giles' published by the Bannatyne Club contain various allusions to lands belonging to the Altar of St James; and two charters shew payments of 13s. 4d. and 4 mks. respectively due to the chaplain.

(d) The gift connected with the Holy Cross at Jedburgh was of the annual rents and duties belonging thereto, within and without the town, "to the utility and profit of the Hospital and ministrie for ever;" and of these the Collector's books shew only a payment due "to the Holy Rood at Jedburgh of 50s."

(e) With regard to the benefice vacant by the death of Robert Robertson, all that has been discovered is that in 1536 there was a chaplain in St Giles' of that name.

Sir Thomas Richardson has not been traced out. A person of that name was instituted to the chapel of St Blase, but in 1562 he had died, and the chaplaincy was filled up.

Most of these dues were payable from houses or lands within the burgh, and early fell into arrear; and in 1644, when the Collector of Kirk Rents' books come to an end, most of them were in arrear for many years, and to many of the entries notes were attached, shewing the hopelessness of endeavouring to collect them. Here is an example: "*Nota.*—This land never payed since 1568, and is now fallen down and become ruinous."

Although these gifts cannot now be farther traced, there is evidence in the Council Records, between 1567 and 1585, not only of special collections for the repair of the Hospital buildings, but of accumulation of capital, and of legacies given specially to the poor of the Hospital, and all these were lent to the town on bond, generally fortified by infestment on the town mills. So far as ascertained, these amounted to an annual rent of £114, 15s., and another of £58, 13s. 4d. representing capital probably of not less than £1700;—"several legacies," amounting to 500 mks., a legacy by Clement Litill of 300 mks., and two subjects left by Thomas M'Calzeoun yielding 40s. a-year each;—shewing the possession of considerable capital, in addition to the earlier grant of the Blackfriars.

First branch of Interlocutor.

Amount of Property at 1567.

Bannatyne Club, pp. 92, 158.

Ibid, pp. 215, 217, 235, 247.

Ibid, pp. 92, 157.

Council Records, vol. iv. p. 241.

Bannatyne Club, pp. 237, 238.

23d Dec. 1579.
City Accounts,
1581-2.

App. p. 220.

First branch of Inter-
locutor.

Amount of Property
at 1567.

After the new Hospital had been erected, or old buildings fitted up for its purposes, the Magistrates in 1585 got Pont, then provost of the Trinity College, to resign "the benefice of his provostry," including specially his "donatio" of "beidmen et bedlyaris;" and the Crown confirmed the grant to be intromitted with by the Magistrates for the support of the poor within the hospitals, and of poor scholars within the College and schools, under burden of supporting the churches annexed to the provostry.

By this charter the provostry is not devoted to the Hospital exclusively, although the support of the poor is the object first mentioned of those to which its revenues are allowed to be applied.

There are no materials for making any further estimate of the property at this date.

Amount of Property
at 1587.

The charter of 26th May 1587 made a new constitution of the Hospital. It of new granted the provostry and donatio of beidman and bedlyaris with teinds, pertinents, etc., as before, and with all the churches' emoluments, etc., belonging to the prebendaries and chaplainries.

The Magistrates hold that they got the whole property belonging both to the College and to the Hospital, to be applied, at their discretion, to three several public objects, of which the support of the poor was one.

If the Magistrates are correct in their view, they would, as regards these grants, discharge themselves of any claim by the Hospital, by shewing that they had appropriated the whole of the rest of the property to one or other of the subjects contemplated by the charter of 1587.

See *Ld. Curriehill in Clephane v. Mag. of Edin.*, 7th Dec. 1866; 5 *Maeph.* 115.

But in any view those interested in the Hospital have a right to know what has been done with all the property forming the subject of these grants, and have a general right to a share of any of them remaining unappropriated in terms of the charters; while, if any of the subjects are to be regarded as still dedicated to the poor under the charter of 1587, they have a preferable claim to these so far as they can be vindicated.

On the question just pointed at, the Reporter begs humbly to submit the following considerations:—

Notwithstanding that the property of all the prebendaries, chaplains, and members of the College proper is conveyed in the dispositive part of this charter, none of the property devoted to the beidmen or hospitallers is

there conveyed, the lands, etc., of the hospitallers being only mentioned, in addition to those of the others, in what may be called the clause of management, without which the administration of these estates must have failed, as the management of the beidmen's property was vested in the Chapter of the College.

First branch of Interlocutor.

Amount of Property at 1587.

Besides the fact that there is no specific mention of the beidmen's revenues in the part of the deed where the revenues of the prebendaries and chaplains are granted, it is to be observed that the Magistrates were relieved expressly of any obligation to fill up the prebends and chaplainries, and a reason for this is assigned which did not apply to the beidmen—namely, that the services for which they were founded were no longer required.

But, by the foundation, no services of any kind were required of the beidmen, and it would have been very strange if there had been a discharge of the obligation to fill up their offices, as it was admittedly one of the objects of the grant, to enable the town to create new beidmanships.

There was a special reservation of the rights of existing prebendaries whose revenues were specially conveyed. As regards the beidmen, there was no such reservation, and if their revenues were not conveyed, there would be no occasion for the reservation ; but as the building was conveyed, there was given permission to transfer to a new house as many as could be supported by the *redditus*—not of the College, or Church, or place and garden thereof—but of the Hospital of Trinity College.

On the face of the Charters, then, all the lands, teinds, etc., belonging to Trinity College, and to Trinity Hospital, were charged with certain burdens, and assuming that all were conveyed to the Magistrates, they were all expressly discharged of their burdens, except those which were devoted to the support of the beidmen, and these were not so discharged.

The Magistrates, it is understood, now admit one exception, but only one, to their absolute discretion in dealing with the beidmen's estate. They admit that they were bound to support in the Hospital so many poor as may be conveniently supported, "*redditibus dicti hospitalis Trinitatis Collegii.*"

Can the word *redditus* be limited, as in practice it has been, to the rent of ground about the Hospital, or must it be extended generally to what was devoted to the support of the beidmen for whom the Hospital existed? The

Statement by Governors.

First branch of Inter-locutor.

Amount of Property at 1587.
26th Oct. 1597.
Council Records,
vol. x. p. 151.

City Clerk seems to understand it to mean the "income from the *mortifications* to the old Hospital." The difference is important.

From the date of the Charter of 1587 the Magistrates took charge of the whole estate, and took steps for arranging for both the prebendaries and the beidmen, surrendering their rights in order that they might have more effectual control of the property.

The book of the Collector of Kirk Rents shews that he charged himself separately with all the subjects appropriated to the beidmen, and discharged himself by payments attending their collection, and payments to the thirteen beidmen, although the right of the beidmen had not been reserved like those of prebendaries.

When the number diminished, the charge continued as before, but the whole was not divided among the surviving beidmen, each of whom, on the contrary, received exactly the same sum as formerly. The balance was not carried to the Hospital account, but merged in the general account of the Collector of Kirk Rents, and was devoted mainly at that date to the support of the ministry.

There is no difficulty in ascertaining what the Magistrates took over in name of the beidmen's rents. The items in the accounts of the Collector of Kirk Rents correspond, with one exception, with their enumeration in the charter of foundation. It may be best to state them in the order and words in which they appear in the Collector's book, and at the same time to shew how they are now disposed of.

"Chairge of the rent of the threttein beidmen of the said College as follow :

"First the compter is chargit with xlv. li. yearlic, for the few maillis of the land of Vthrogall and Spittell Mylne."

Appendix to Report of Univ. Com. 1837, vol. i.
Order x. p. 96.
Ib. p. 72.

Both these lands were feued in small parcels before the charter of 1587. Those of Spittal Mylne are not specifically mentioned in the original foundation by Mary of Gueldres, but are frequently mentioned in the proceedings which took place before the transfer to the Magistrates recorded in the Register published by the Bannatyne Club.

The proportion of the *cumulo* feu-duty payable in respect of Spittal Mylne seems to have been £1, 10s. 6 $\frac{1}{2}$ d. sterling. It, along with the superiority, has been disposed of to the Earl of Hopetoun for £156, 11s. 1 $\frac{1}{2}$ d., which sum was by the Magistrates paid into the College account on November 21, 1816.

First branch of Interlocutor.

Amount of Property at 1587.

For Vthrogall there is still paid a feu-duty amounting to the balance of the old *cumulo* duty, viz., £2, 5s., with 9 $\frac{1}{2}$ d. for teind. These lands, too, seem to have been feued before the Reformation.

Appendix to Report of Univ. Com. 1837, vol. i.

Order x. p. 75.

During the present century, previous to 1826, there had been received composition from vassals of Vthrogall sums amounting to £120, 11s. 6d.

The feu-duty is now under the Edinburgh University Property Arrangement Act, 1861, applied towards the maintenance and support of the schools of the City, but along with the other property so appropriated by the Statute, "subject to the several burdens and obligations affecting the same." The question arises, whether this provision in section 4 of the Statute does not leave the question of right to these feus or their price dependent entirely on the old charters? So as to the next item in the old Hospital rental:—

Ib. x. pp. 73-4.

"Item, with the teynds of the parsonage of Wester Wemyss xlvii. merks yearlie.

Item, with xliiij. merks yearlie for the teynd of the parsonage of Eister Wemyss."

These teinds were so completely appropriated to the beidmen, that they were in the habit of setting them in tack, and at each renewal exacting a grassum, which grassum was divided among the beidmen. They were both continued in the Collector's accounts down to 1621, when those of Wester Wemyss disappear, and, in 1635, those of Easter Wemyss disappeared also as a separate item; but in 1644, there was uplifted from the Earl of Wemyss a tack duty of £800 Scots for the teinds, parsonage and vicarage.

Bannatyne Club.

Coll. Ch. of Midlothian.

No notice of the disposal of the parsonage teinds was observed in the evidence given before the University Commissioners of 1828, or in the University Property Arrangement Act [although there was notice of the appropriation of the vicarage teinds and the patronage, both of which be-

24 and 25 Vict. c. 90.

First branch of Inter-locutor.

Amount of property at 1587.

Third Report, p. 45, table 7.

April 1870.

Dec. 27, 1872.

longed to the Trinity College, not to the beidmen of the Hospital]—and the free teind was set down by the Commissioner on Religious Education in Scotland at £1066, 2s. 9d. a-year. This suggested so important a question as likely to arise, that the attention of the Magistrates was, at an early date of the present inquiry, specially drawn to this subject, and they were called upon to explain the value and disposal of these teinds. Of this date, the defenders produced a Minute of Council, dated 26th April 1842, in which it is stated that, after a special inquiry, it had been ascertained that the teinds were valued in 1635, and that they have long since been exhausted by augmentations of stipend. So far this view is confirmed by a decret, dated 17th July 1635, approving two decreets of valuation of the teinds, parsonage and vicarage, of Wester and Easter Wemyss respectively in 1629, before the sub-commissioners of the Presbytery of Kirkealdy.

That there were free teinds at one time is sufficiently manifest. The Chartulary contains a copy of a letter from the Earl of Wemyss, dated 13th August 1649, and addressed to the Lord Provost of Edinburgh, in which the Earl says, "It being of truth that I pay yearly for my teinds two thousand merks to the Provost, Baillies, and Council of Edinburgh, of the which sum my minister gets one thousand merks be year, and I pay the other thousand merks to the Toun of Edinburgh, with forty merks for the elements."

There is no trace of any free teind having been appropriated to the support of the beidmen of the hospital, after the death of those appointed before the transfer to the Magistrates. But there was kept up a charge against the Earl of Wemyss, into whose hands the teinds had come originally by tack. This charge was only dropped out of the City accounts in 1820, at which date it had fallen many years into arrear. The respective rights of the Earl and town appear to have formed the subject of a submission to Lord Elliock in 1736. It would have been much more satisfactory had the town been able to produce the proceedings in the submission.

A process of augmentation has recently been brought by the minister of the parish of Wemyss, in which the Magistrates have not been called. There have been several augmentations, but the whole parish having belonged to a single proprietor, even after it passed out of the hands of the Earl of Wemyss, there was no occasion for localities being prepared. In the process

now depending, the vassals of Mr Wemyss have been called, and the Reporter has been informed by the common agent, that he is of opinion that free teind exists on certain lands in the parish, not embraced in the old valuation.

First branch of Interlocutor.

Amount of Property at 1587.

“Item, with £10 yeirly furth of the common guid of Edinburgh.”

In the printed statement put in by the City Clerk, it is stated that, by the charter of 13th March 1566, the Magistrates were relieved of this payment. But, in the first place, being for the support of the poor, not of an altarage or mass, it does not fall within the category of payments of which the City was then relieved. In the second place, the payments continued to be made to the beidmen long after the date of the supposed relieving charter, and are found continued in the charge of the Collector of Kirk Rents long after the original beidmen had died out. It has been traced in the Collector's accounts down to 1644.

Printed Statement by Town Clerk.

It is not to be confounded with a payment of like amount out of the common milne to the Hospital Trust proper—which was made during part of the same period, and was an amount payable in respect of an advance by the session of the kirk.

Council Records, vol. v. p. 195, Nov. 20, 1579.

“Item, with the few maillis of the lands in Leyth as eftir followis, viz. :”

The enumeration in the rental shews a number of subjects. The total rent seems to have been £15, 8s. Scots, which must be reduced to about £10 when deduction has been allowed in the Collector's discharge in respect the Treasurer “could get no notice of who the parties were who had possession of them.” The difficulty has not been diminished by the lapse of two centuries and a half.

There is no doubt as to the appropriation of these rents before coming into the hands of the Magistrates.

15th Dec. 1573.—The Hospital master was, by the Chapter of the Trinity College, ordered to account to the beidmen for all the duties of the annuals

Coll. Church of Midlothian, Baunatyne Club, p. 224.

First branch of Interlocutor.

Amount of Hospital Property at 1587.

Council Records, 14th May 1589, vol. viii. p. 214.

Ib. vol. x. pp. 84, 227.

Ib. vol. ix. p. 258. 5th July 1594.

of Leyth since 1569; and even after the town had acquired its right, a composition connected with a land in Leith was ordered to be given to the beidmen. There is evidence of the town having acquired a right of superiority in Leith, but not of its having belonged specially to the beidmen. Thus, 11th August 1596, composition was received "for lands in Leith holding of the Trinity College."

A feu-duty payable for the "Seaman's Hospital," amounting to 16s. 11 $\frac{1}{2}$ d., is believed to be all that remains of the subjects in the rental.

There is no trace of any portion of the general funds or property of Trinity College, beyond the buildings and yards, being applied for the benefit of the Hospital, with the exception of the price of the patronage of the parish of Kirkurd. A portion of the teinds of this parish had been originally set apart for the maintenance of the fabric of Trinity College, and meeting the expenses of the Church, but no portion was in any form appropriated to the Hospital or its buildings. It appears from the minutes of 6th January 1720, that it was suggested that the patronage should be sold for the benefit of the Hospital. The Council repudiated the notion of the Hospital having any right to the patronage or its price, but they did sell it and ordered the price to be applied for behoof of the Hospital; the sum it brought was £400 Scots.

A claim seems to have been made on behalf of the Hospital to the superiority of Powis, but no trace has been discovered of any reply by the Council, nor is it thought that any exclusive claim to it could be substantiated by the Hospital, as it was not in any way appropriated to the beidmen. There was upwards of £500 realised and applied for behoof of the University.

Charters, etc., p. 23.

Council Records, vol. xlvi. p. 65.

App. p. 253.

Univer. Com. Reports, 1837, App. vol. i. p. 75.

Hospital Records 14th Oct. 1826.

The result seems to be that, of the old rental of the beidmen:—

The subjects in Leith can no longer be traced, except to the extent of,	£0 16 11 $\frac{1}{2}$
The teinds of Wemyss are alleged to have been exhausted.	
Spittal Mylne has been alienated in favour of the University for a price of,	150 11 4
Vthrogall has been transferred to the High School, but in such terms that it may possibly be claimed. It yields, besides composition, annually,	2 5 9

There was a payment of £10 Scots annually payable out of the common good, which has been lost sight of,	£0 16 8	First Branch of Inter- locutor.
Farther, there is a possible claim in respect of Blackfriars' feus, amounting to,	2 5 0	Amount of Hospital Property at 1587.

The earliest complete view that can be given of the state of the Hospital property, is that contained in the accounts of 1611, when the amount of the funds was £22,810, 2s. Scots, or in sterling money, £1900, 16s. 10d.,—more than half having been handed over to the Hospital by the ministers and session of the kirk.

In addition to the income accruing from that source, there was an income derivable from heritage—£83, 6s. 8d. Scots.

Probably the best idea of the progress of the Institution may be obtained by comparing the state of its funds at considerable intervals of time. For this purpose, (1) the funds at 1611 are contrasted with the funds at 1644,—the earlier of the periods during which the accounts have been reported on by Mr Gillies Smith; (2) the funds at 1644 and 1744 are contrasted; (3) the funds at 1744 and 1845 are compared,—this last being the date when the Hospital was closed; (4) the state of the funds is exhibited as at 15th September 1873:—

(1) *Comparison of Funds in 1611 and 1644.*

Amount of funds in 1611,	£22,810 2 0
Income from heritage at that date, £83, 6s. 8d.*	
Legacies and donations received between 1611 and 1644, less capital invested lost in the interval,	36,383 16 10
Carry forward,	£59,193 18 10

* It may be explained here, that from this date all the casualties and compositions appearing from the Chartulary to have been received by the Magistrates in respect of subjects hereafter acquired, have been duly placed to the credit of the Hospital.

First branch of Inter-locutor. Funds in 1644 and 1744.	Brought forward, . . . £59,193 18 10
Heritable property purchased, including lands of Coatfield, Nether Quarryholes, and Heriot's House, .£55,950 13 4	
£12,000 of this sum remained unpaid in 1644.	
Amount of funds in 1644, viz. :—	
Investments, £28,774 0 0	
Due by Hospital Masters, 2,743 7 3	
	£31,517 7 3
Less above mentioned debt on heritable estate, 12,000 0 0	
	19,517 7 3
	75,468 0 7
Shewing that the accumulations of income during the period had amounted to (Scots),	£16,274 1 9

(2) *Comparison of Funds in 1644 and 1744.*

Balance of funds in 1644, £19,517, 7s. 3d. Scots, or in sterling money,	£1,626 8 11 $\frac{3}{4}$
Income from heritage at that date, £3577, 9s. 7d. Scots, or in sterling money, £298, 2s. 5 $\frac{7}{12}$ d.	
Legacies and donations received between 1644 and 1744 (not including sums paid or property made over for admission of individuals),	8,680 7 5 $\frac{1}{4}$
Heritable property sold (Heriot's house),	141 13 4
	£10,448 9 9
Heritable property purchased, being cost of Dean, and improvements thereon, £4345, 11s. 0d., and price of house built in parks of Dean, etc.,	£4,634 13 11 ⁶
	Carry forward, £4,634 13 11 ⁶ £10,448 9 9

Brought forward, . . .	£4,634 13 11 ⁶	£10,448 9 9	First branch of Inter-locutor.
1679-80. Price of three aikers of land from Michael Archibald, £1040 Scots, . . .	86 13 4		Funds in 1644 and 1744.
Payment to Lord Balmerino in 1673-74 for teinds,	428 16 6		
	<u>£5,150 3 9⁶</u>		

Amount of funds in 1744, viz. :—

Invested funds, . . .	£3,249 8 10 ⁶		
Due to Hospital Masters, . . .	385 0 4 ⁴		
	<u>2,864 8 6²</u>		
		8,014 12 3 ⁸	

Shewing that there had been during the period an excess of ordinary annual expenditure over the receipts of		<u>£2,433 17 5⁴</u>	
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(3) *Comparison of Funds in 1744 and 1845.*

Funds in 1744 and 1845.

Amount of funds in 1744,	£2,864 8 6 ²	
Income from heritage at that date, £445, 2s. 9 ³ d.		
Legacies and donations received between 1744 and 1845 (not including sums paid or property made over for admission of individuals),	5,018 16 7 ⁶	
Heritable property sold (including £2100 for the Old Physic Gardens),	2,904 8 9 ³	
Superiorities sold, and sums accepted in relinquishment of feus, etc.,	1,501 13 5 ⁶	
	<u>£12,289 7 4⁵</u>	
Heritable property purchased (land at Coat-field, etc.),	£1,160 0 0	
Repairs and improvements to heritable property, allowances to tenants for ground feued, etc.,	5,395 14 8	
Carry forward,	£6,555 14 8	£12,289 7 4 ⁵

First branch of Inter-locutor.	Brought forward,	£6,555 14 8	£12,289 7 4 ⁵
Funds in 1744 and 1845.	Expense of building-plans of ground at Leith Walk, etc.,	561 10 4 ¹ / ₂	
	Annual sums, capital sum, discount, and interest paid in connection with road and bridge to and across Calton Hill,	5,730 9 2	
	Expenses of arranging title deeds and other law expenses,	260 0 0	
	Payment in redemption of presentation,	300 0 0	
	Loss on loan of £4500 to the Town,	1,489 18 1	
		<hr/>	
		£14,897 12 3 ¹ / ₂	
	Balance of debt in 1845, viz. :—		
	Amount of Hospital Debt,	£2,585 10 7 ⁶	
	Due by Hospital Masters,	311 3 9 ³	
		<hr/>	
		2,274 6 10 ³	
			<hr/>
			12,623 5 5 ³
	Shewing that the ordinary annual receipts exceeded the expenditure during the period by,		
			<hr/>
			£333 18 0 ¹⁰
	<i>Note.</i> —In 1845 there was a small arrear of rents, etc., outstanding, of £15, 10s. 3d.		

Funds in 1845 and 1873.

(4) *Comparison of Funds in 1845 and 1873.*

Funds in 1845 and 1873.	Balance of debt in 1845,	£2,274 6 10 ³
	Income from heritage at that date, £1971, 8s. 7d.	
	Legacies and donations received between 1845 and 1873 (not including sums paid or property made over for admission of individuals),	£300 0 0
	Heritable property sold (including price of Hospital and portions of Quarryholes and Dean taken by Railway Companies),	13,112 1 1
	Sums accepted in relinquishment of feus,	1,243 17 6
		<hr/>
	Carry forward,	£14,655 18 7
		£2,274 6 10 ³

Brought forward, . . .	£14,655 18 7	£2,274 6 10 ³	First branch of Interlocutor.
Law expenses received, . . .	168 10 5		
Received for permission to work sand, . . .	100 0 0		Funds in 1845 and 1873.
	<u> </u>	14,924 9 0	
		<u> </u>	
		£12,650 2 1 ⁹	
House at Deanbank, purchased in 1848, . . .	£63 0 0		
Repairs and improvements to heritable property, . . .	2,355 14 0		
Income from heritage in 1873, £2408, 13s. 3 ⁸ d.			
Payments in redemption of presentations, . . .	200 0 0		
Teinds in South Leith purchased, . . .	315 0 0		
Law expenses paid, . . .	1,040 14 4		
Sundry payments, including payment for printing Hospital Charters, . . .	124 10 6		
	<u> </u>	£4,098 18 10	
Amount of funds in 1873, . . .	18,769 0 8 ¹⁰		£18,769 0 8 ¹⁰
In addition to which there were arrears outstanding of rents and feu-duties amounting to £1348, 11s. 11 ⁵ d.			<u>1,348 11 11⁵</u>
			<u>£20,117 12 8³</u>
	<u> </u>	22,867 19 6 ¹⁰	

Shewing that the accumulation of Income during the period had amounted to,	£10,217 17 5 ¹		
			South Leith.
			1857 £3,808 8 3
			1858 310 14 10
			1860 25 14 11
			<u>£4,144 18 0</u>
			St Cuthbert's.
			1872 19 6 4
			<u>£4,164 4 4</u>

Note.—It is to be observed that during this period a sum of £4164, 4s. 4d., being underpayments of stipend in the locality of South Leith and St Cuthbert's, was ascertained to be due, and paid by the Hospital,—the payment of this extraordinary charge on past income reducing the accumulations to the above amount.

The Governors at present derive no income from Wemyss' trust. They are fiars of the estate, but the truster's widow enjoys the whole liferent. It consists partly of heritage, which was valued in 1862 at £1770, at which time the moveable estate was valued at £4407, 12s. 3d. This sum has suffered some diminution in consequence of litigation, but nevertheless the investments have shewn some elasticity, and the market value of moveable estate, as at 1st August 1873, was £5207.

I. (3.) *The Present Amount of the Hospital Property.*

First branch of Interlocutor.

Present amount of Hospital Property.

£18,769	0	8 ¹⁰
1,348	11	11 ⁵
<hr/>		
£20,117	12	8 ³

Besides the sum of £18,769, 0s. 8¹⁰d. above stated, as funds belonging to the Hospital proper, there were, as also noted, arrears of rents and interests outstanding amounting to the sum of £1348, 11s. 11⁵d. The Hospital is farther entitled to the Trinity College Church Fund, which, as at September 1873 (subject to any payment still to be made for the erection of a new church), amounted to £16,511, 2s. 5³d. These funds, amounting together to £35,280, 3s. 2¹d., have arisen from the prices (and accumulated interest thereon) of heritable property sold chiefly to the North British Railway Company, including the buildings and gardens of the old Hospital, part of the Physic Gardens, part of Quarryholes, and also part of the estate of Dean sold to the Caledonian Railway Company.

The income derived from heritage is £2408, 13s. 3³d., to which falls to be added the rental of Ireland's woodyard, originally bought as a site for Trinity College Church.

The Governors have also an interest in the trusts of the late Mr William Lennie and of the late Mr Andrew Wemyss. These are separate trusts, and are dealt with below.

In connection with Lennie's trust, the Governors have right to the estate of Auchenroch, etc., the sum available from which is £184, 14s. 5d. It is subject to a permanent charge of £48 a-year for bursars attending the University of Edinburgh. They will also eventually have right to annuities of £200 a-year, payable from the lands of Ballochneck in Stirlingshire.

Second branch of Interlocutor.

SECOND BRANCH OF THE INTERLOCUTOR.

II. "The Mode in which these Funds have been from time to time, and are at present, invested."

The early investments were (1) loans to the "guide toun," sometimes on its bonds; sometimes by infeftment, more especially on the common mills of the burgh; sometimes the loans have not been directly to the town, but to undertakings under its control, as Leith Docks, the Slaughter-House, and Corn

Investment of Property.

Exchange; (2) personal obligations, sometimes with cautioners; (3) heritable securities; and (4) purchases of land. To these have been added more recently deposits in bank and railway debentures.

Second branch of
Interlocutor.
Investment of Funds.

(1.) At first the funds were, whenever an opportunity offered, lent by the Magistrates as Governors of the Hospital to the Magistrates as representing the Burgh, sometimes employed to prevent the necessity of imposing a general tax, and sometimes to redeem existing wadsets. There were not less than £12,000 (Scots) so invested as early as 1598, and in 1631 the loans to the City had risen to £27,400 (Scots). This debt was soon after diminished by the purchases of land; but it afterwards increased, and again diminished on the purchase of Dean. Latterly, unless when special securities were handed over to them as representing funds bequeathed to them in trust, they seem generally to have lent their funds to the town directly, or to funds of which the Magistrates had the control,—to Leith Docks, to the Corn Exchange, and the Slaughter-Houses. Latterly, there have been large deposits in bank.

App. p. 219.

10 and 11 Vict. c. 8.
13 and 14 Vict. c. 70.

The amount lent directly to the town gradually rose to upwards of £5500, of which £4500 were still due at the date of the City Agreement Act, which resulted in a loss to the Charity, as appears from the report of Mr Gillies Smith, C.A., of £1489, 18s.

In the year 1861-2 the loans from Trinity Hospital proper funds, and from the Trinity College Church funds, to trusts under the town's management, amounted together to upwards of £29,000. The loans on the Corn Exchange account have been entirely paid up, and the loan on the Slaughter-House account is reduced to about £3000, and it is expected will be extinguished in a couple of years.*

(2.) Considering that they lent on personal security, there are not many records of bad debts written off at an early date. It may be that no better

* The taking of City Bonds of Annuity was originally part of the statutory arrangement with the creditors, including other trusts as well as this. The principle of lending trust funds in the hands of the Corporation, for purposes connected with the municipality, seems to have been sanctioned during the present session of Parliament by the Edinburgh Markets and Customs Act.

Second branch of
Interlocutor.

Investment of Funds.

Council Records,
vol. xii. p. 249.

security can be obtained than such statutory Corporation loans; but the difficulty remains, that the Corporation in different characters are lenders and borrowers to and from themselves.

On 5th February 1617, the sums owing to the Hospital by the executors of the late John Robertson and the late John Ousteane, were ordered "te be deleit" from HOSPITAL accounts, and intimation was ordered to the SESSIOUN OF THE KIRK "that they might consent."

9th January 1622.—"Upon considerations, 400 pounds principall, 4 score bygone interest, due to the *good town*, by the late *James Dalzell*, as also the resties of umq^{ble} Margaret Cokburne, contenit in the same Hospital's comptes, in respect the same is desperat, to be delete furth of the charge of the *Hospital* comptes."

There are other examples of much more recent date.

A sum, £200, was written off in 1770, being the balance of a loan of £600, for which heritable security had been given, but on the death of the borrower bills had been taken.

Hosp. Accounts,
1725-6 and 1775-6.

A sum of £135, 18s. 1d., being a balance of a loan in 1726 to Douglas of Glenbervie, for which he had given apparently a personal bond with caution, was written off in 1776. Arrears of interest, amounting to £219, 14s., was carried forward as "desperate" up to 1809, when it finally disappears from the Accounts, along with a number of small debts, amounting to about £150.

Occasionally tenants fell into arrears, which came ultimately to be written off. Thus a sum of £177, 16s. 2d., written off in 1809, was made up mainly of arrears of rent and feu-duties, due sixty years before. One of the states prepared by the accountant shews that between 1828 and 1845, £1854, 17s. 3d. of arrears of rent were written off.

(3.) The Governors, from an early date, besides generally infetting the Hospital in the town mills in security of the sums they took in loan, seem to have availed themselves of heritable securities for funds which they did not keep in their own hands. Thus we find that in 1609, they lent to the Earle of Wyntoun, on heritable security, £8000 Scots, and in 1610, a farther sum of £5333, 6s. 8d., amounting together to more than half of the funds belonging to the Hospital.

(4.) Purchases of land:—

1628. The lands of Coatfield, at the price of,	£39,000	0	0
22 acres of Coatfield,	10,376	0	0
1641. 16 acres of land, Nether Quarryholes,	6,333	6	8
1642. Heriot's house and towne,	241	6	8
	<hr/>		
	(Scots)	£55,950	13 4

Second branch of Interlocutor.
Investment of Funds.

There were two bondholders over these last mentioned subjects. The holder of one for £500 (Scots) wished to give the sum in the security to the Hospital; and the creditor in the other—which was for £367 (Scots)—who had compromised on his bond, offered to dispoise to the Magistrates, if they paid for his debt 350 merks. This offer was accepted. The lands were at the date of the transaction subject to a liferent, which subsisted till 1655. From that date, they yielded £100 a-year, and they were eventually sold in 1698 to James Dalrymple for £1700 (Scots).

Troup's Mortification, App. p. 237.

1679-80. Three aikers of land from Michael Archibald, (Scots)	£1,040	0	0
1739. Part of the estate of Dean was purchased, and extensive permanent improvements immediately executed, the whole at a cost of (sterling),*	£4,634	13	11½

* Note.—There were invested in this purchase the sums contained in the following mortifications:—

Charles Scherare,	Appendix, p. 225.
Sir James M'Lurge of Vogrie,	„ p. 252.

These were given generally without any condition.

Under the following, rights of patronage were reserved:—

Lady Grizel Sempill,	Appendix p. 254.
William Brown, Dalgourie,	„ p. 255.
George Watson,	„ p. 256.
John Wightman of Mauldsly,	„ p. 256.
John Hog of Cambo,	„ p. 257.
Robert Murray,	„ p. 258.
John Young,	„ p. 259.

Second branch of Interlocutor.	1795. Five additional at Coatfield,	£700 0 0
Investment of Funds.	1828. Other trifling purchases,	210 0 0

There have been other purchases of heritage connected with the rebuilding of the Trinity College Church, viz. :—

(1.) A site on the Calton Hill, which cost in 1851,	£1,260 0 0
and was resold in 1858 for £880.	
(2.) Ireland's Woodyard, which cost in 1853,	1,700 0 0
This property has been scheduled by the City Improvement Trustees.	
(3.) The site upon which the Church has been eventually rebuilt, which cost in 1871,	1,760 0 0

W. LENNIE'S TRUST.

The lands of Auchenroch were not purchased by the truster.

ANDREW WEMYSS' TRUST.

The same remark applies to heritable subjects of which the Governors of Trinity College are fiars under this trust. They are tenements in the Vennel, Borthwick's Close, Advocate's Close, and St James Square, and in 1862 were valued at £1770.

The state of investments of the Hospital's moveable funds appears as at August 1873 to be :—

I. TRINITY HOSPITAL CHARITY.

On bond by City of Edinburgh annuity,	£11,072 18 0
On deposit receipt with Bank of Scotland,	7,427 9 7
On account current with do.,	264 0 10
Cash balance due by Treasurer,	4 12 3 ¹⁰
	£18,769 0 8 ¹⁰

£18,769 0 8¹⁰
21,348 11 11⁵

£0,117 12 8⁵

Note.—Besides the above Fund, an arrear of rents and feu-duties was outstanding at the close of the accounts before the Reporter, amounting to £1348, 11s. 11^d.

Carry forward,	£18,769 0 8 ¹⁰
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		Brought forward, . . .	£18,769	0	8 ¹⁰	Second branch of Interlocutor.
2. TRINITY COLLEGE CHURCH FUND.						
Investment of Funds.						
On loan to Edinburgh Slaughter-Houses						
Account of the Corporation, . . .	£3,118	0	2			
On deposit receipt with Bank of Scotland, . . .	11,790	12	8			
Account current with do.,	1,599	9	4	£16,511	2	5 ³
Cash balance due by Treasurer,	3	0	3 ³	24	19	0
	<hr/>			16,511	2	5 ³
				£16,536	1	5 ³

Note.—Besides the above, there was at the close of the accounts an arrear of rent outstanding of £24, 19s.

3. WILLIAM LENNIE'S TRUST.

Balance on account with Bank of Scotland, . . .	£241	12	3	£244	0	8 ⁶
Balance due by Treasurer,	2	8	5 ⁶	116	9	2
	<hr/>			244	0	8 ⁶
				£360	9	10 ⁶
<i>Note.</i> —Besides the above, there was at the close of the accounts an arrear of rent amounting to £116, 9s. 2d.						
				£20,117	12	8
				16,536	1	5 ³
				360	9	10 ⁶
	<hr/>			£35,524	3	10 ⁷

4. ANDREW WEMYSS' TRUST.

Stocks in Public Companies, the value of which at 1st August 1873 is believed to have been about—

1. Perth Gas Company, annuity of £4, 7s. 6d.,	£95	18	0			
2. Aberdeen Gas Company, 174 annuities of 5s. each,	1,044	0	0			
3. Edinburgh and Leith Gas Company, 27 shares,	920	0	6			
4. Edinburgh and Leith Cemetery Company, 690 shares,	1,138	10	0			
5. Edinburgh and District Water Trust, annuity of £48, 3s. 11d.,	1,124	11	0			
6. Great Western Railway, thus—						
£200 Rent-Charge Stock,	£231	0	0			
£570 Consolidated Guaranteed Stock,	655	10	0			
	<hr/>			886	10	0
				£5,209	9	6
				2	2	6
	<hr/>			£5,209	9	6
				£5,207	7	0

Note.—At the close of the accounts there was a cash balance due to the Treasurer of £2, 2s. 6d., which falls to be deducted from the above sum.

 THIRD BRANCH OF THE INTERLOCUTOR.

Third branch of
Interlocutor.

Conditions of
Mortifications.

III. "The terms and conditions of any Grants or Mortifications which have from time to time been made by private individuals, in favour of the Charity or of the Trustees of the Charity."

Hospital Records,
vol. vii. p. 105.
15th June 1803.

It appears that many important documents connected with the Hospital were trusted to the personal keeping of the Treasurer; and that the plans of the lands, a book containing the mortifications thereto, the printed Statutes, and other documents, were early in the present century destroyed by fire in the shop of the Treasurer. An order was given to have proper steps taken for replacing them; but this order was not carried out effectually, although a payment of £136 was made for arranging papers and making an inventory.

Hospital Records,
vol. viii. p. 136.
28th May 1821.

The want of any complete collection or even inventory of the Hospital writs, had been a constant matter of complaint from a date long before the fire.

Council Records,
vol. xxxvi. p. 193.
23d Nov. 1798.

There have, however, from time to time, been various lists of mortifications made out by successive Hospital masters. There is even a volume called "Book of Mortifications," but none of these were at their date perfect, and there has not hitherto existed any complete list.

There has, therefore, been compiled, and will be found appended, a complete list of all mortifications, amounting to more than 200 merks during the earlier period, and of all amounting to £100 after the accounts were kept in sterling money. The small figure of 200 merks was adopted for the earlier period, because it appears that the interest of £200 Scots was sufficient for the maintenance of an inmate. In order to make it up, the minutes of the Hospital and the annual accounts, and also the Council minutes have been examined. Copies of a considerable number of the more important benefactions were preserved in these minutes. With regard to the more important of the others, a search has been made in the Commissary Records, and so much of each testament as threw any light on the legacy has been extracted, and in the course of these searches many of the less important bequests were found.

In the list of bequests and donations, references will be found to the terms of those of minor importance, taken either from the terms of the entry in the accounts, or from the terms in which the mortification has been entered in the minutes.

Third branch of Interlocutor.
 —
 Conditions of Mortifications.

When the minutes of the Hospital or of the Council professed to give either the words or a full narrative of any of the larger mortifications, their accuracy has been relied upon. The contrary interests of the patrons and trustees seem to afford a sufficient security against the record containing material departure from the terms of the foundation.

This safeguard did not exist in regard to the Alexander foundation, and there was an ambiguity in the entry of it in the Hospital minutes, which rendered it necessary to go to the records for its precise terms.

It will be convenient here to call attention to various points in the administration of the Charity, as they arise in connection with the different mortifications which have fallen under the management of the Governors.

ROBERT JOHNSTOUN'S MORTIFICATION.

The earliest legacy of much importance is one by Robert Johnstoun of London, who executed a will and codicil in 1639, and seems to have died in the end of that year, or early in 1640.

Robt. Johnstoun's Mortification, 1640. App. p. 234.

As there were various legacies bequeathed to the City of Edinburgh for behoof of the poor, as well as to other towns in Scotland, it has been thought right in the Appendix to give examples of the terms in which these were expressed. Here follow the words in which those to Edinburgh are bestowed:—

“£1000 Sterlinge to be ymployed in stock to sett the poor of the said Cittye at worke, and doe appoint the increase of the stock to be distributed amongst ye poore of the said Cittye yeirly.”

“£1000 Stg. more, they putting in sufficient security unto my said Executors and Superuisor to employ the said soume on stock or mortgage of lands towards the reliefe of the poore people of the said Citie of Edinbourgh in perpetuitie.”

Third branch of
Interlocutor.

Robt. Johnstoun's
Mortification.

The first legacy to the town of Edinburgh was paid over to the charity known as Paul's Work, in which work was at that time provided for the poor. The second legacy was paid over to the Trinity Hospital.

It is evident that there was difficulty felt at the time as to the destination of the fund, and it was only after mature deliberation that it was resolved to devote it to the purposes of the Hospital, for the minute of the Council, of date 18th March 1640, bears—

Council Records,
vol. xv. p. 220.

18th March 1642.—“And understanding also that soumes and legacies of that nature hes been vsuallie bestowit upon the hospitall for reliefe of the said poore. For which caus the saidis provest, baillies, and counsell hes with consent of the ministre and severall sessiounis of the parochenis of this Burgh assigned the samen to the Masters of the said hospitall in name thairof, and hes causit Sir William Dick of Braid, in whais handis the soume wes, give band to the saidis Maisteris for payment thairof at Witsunday next.”

Hosp. Accounts,
1646-7.

The legacy had been settled by Johnstoun's trustees by an assignation to a bond by Sir William Dick of Grange. Sir William in 1647 paid up £9312, 2s.; and, in the same year, a bond for £10,000 over Coatfield was paid off, so that probably this legacy was invested in the purchase of this estate.

Little corroboration has been found of the statement, that legacies, expressed as this one is, were in use to be handed over to the Trinity Hospital. The form of expression employed is extremely rare. It might have been argued, that the earlier legacy being devoted to a class of poor who were at that time attracting much attention, and were able to work, this legacy, being differently expressed, might appropriately be applied to a class who were not able to work, like the “bedrills” and others who were accommodated in the Hospital. At anyrate, this disposal of the money as the most useful way of applying it, was arranged by the bodies who had charge of the poor outside of the Hospital, and who were at that time also constantly consulted on the affairs of the Hospital.

Were this act of the Magistrates and Council open to challenge, it would be at the instance of the Parochial Board, as having charge of the "poore of the cittye." *

Third branch of
Interlocutor.

Robt. Johnstoun's
Mortification.

ALEXANDER'S MORTIFICATION.

This is the most considerable of the bequests to the Hospital, and the Magistrates were so pleased on getting it, that they conferred the honour of burgess and guild brother on the agent who had been mainly instrumental in procuring it, and allowed the mortifier, Mr Alexander of Knockhill, to be buried in the Greyfriars' Church.

Alexander's Mortification.

App. p. 62.

Council Records,
vol. xxxv. p. 210.

The mortification is contained in two writings, a principal deed and an eik. By the first, Mr Alexander understood himself to be settling 40,000 merks Scots, and by the eik some 9280 merks more. By the principal deed he disposed in favour of the "Trinity Hospitall, and to the poor thereof after specified, and to John Miller, present theasurer thereof, and succeeding theasurers thereof, for the use and behove, and to the effect after specified, All and Hail the soume of fourtie thousand merks Scotts," the interest whereof he appointed "to be employed towards the accommodating and intertaining of twelve indigent persones, viz^t, eight men and four women," "qualified and applying in the manner after mentioned," "who have been of good reputation, and have not fallen into decay through their own vice or prodigality, to be received into the said Hospitall," "and to be accommodate and intertained therein at the rate and expense of the other persones who are or shall be received in and intertained upon the former mortificatione belonging to the said Hospitall, . . . being twentie merks money forsaide," "by and attour the ordinarie allowance of the other persones in the said Hospitall, the saids indigent persones being always subject to the laws of the said Hospitall."

The deed goes on to provide,—in case, by frugal management, the expense and charge of "the saids twelve persons in maner forsaide shall not extend to and exhaust the hail annualrent yearlie of the said principal soume, then, and in that caise, I doe heirby destinat and appoynt the superplus thereof to be

* The affairs of Paul's Work have been comprehensively treated in Vol. I.—J. C.

Third branch of
Interlocutor.

Alexander's Mortification.

employed yearlie and joynd to the said stock, and the annualrent of the new stock to be employed for intertaining of more of the like indigent persones at the rate aforesaid, so far as the samen will reach." The qualification is thus expressed:—"I. Those of my own kindred, friends and relatives upon father or mother side: II. Those of my own surname of Alexander, who shall apply for the benefits thereof within the space of three score days nixt after any vaccancies shall ocure, and that whither they be burgesses of Edinburgh or not; and failzeing these, of such indigent persones qualified in manner forsaid, as the saids patrons underwritten shall think fitt." And "the ease and benefite of the said vaccancies is hereby appoynted to run up and be added to the said stock, except the necessarie expenses of the burialls of the said persones by whose decease the said vaccancies occurs." III. The deed then proceeds to dispone in favour of the Hospitall, and indigent persons foresaid, the "theasurer of the said Hospitall, and his successors in the said office of theasurer and patrons after specified, feoffees of trust and administrators for the use and behove of the said Hospitall and indigent persones forsaid, All and Hail" the principal sums and securities held for the same.

There was a provision that "how often the sums mortified, or any part thereof, shall be uplifted be the theasurer of the Hospitall and patrons forsaid, they shall be bund and obleidged" "of new againe to secure, wair, bestow, and employ the same upon sufficient and well holdine land, or other good and sufficient securitie for annualrent, payable to the said theasurer of the said Hospitall and patrons thereof and their successors," "for the use and behove of the said Hospital and indigent persones forsaid." Then follows a provision, "that the saids twelve indigent persones, and such as may be added," "are to be intertained upon the annualrent of the said soume of fourtie thousand merks forsaid, and new stock, in caise the samen shall be augmented," and that it shall not be lawful to apply any part of the principal sum "or augmented stock" for their maintenance, but that the same shall "remain enter, unbroken upon, or medled with, nor applied to any other use, but to remaine as a perpetuallie mortified stock to the use and behove forsaid in all generationes to come."

The mortifier then appointed "the Lord Provost and Baillies and Counsell of Edinburgh, and their successors in office, for the communitie thereof, and

ministers of the said burgh, present and to come, to be the sole and undoubted patrons of this my grant and mortificatione: And farder, I hereby nominat and appoynt and earnestlie entreat the Right Honourable the Lords of Counsell and Sessione for the time being to take the inspectione and oversight of this my grant and mortificatione, that the samen be exactlie kept, observed, and fulfilled be the saids patrons and theasurer of the said Hospitall for the time being, according to the tenor of this my present gift and mortificatione in all poynts."

Third branch of
Interlocutor.

Alexander's Mortification.

The sums contained in the eik seem to have been intended to be subject to all the conditions declared as to the original sum; and their annualrents, the testator says, "I doe heirby appoynt to be employed for intertaining als many moe indigent persons of the qualitie fors^d as the samen will extend to, at the rate and conforme to the said principal mortification of fourtie thousand merks money for^{ed}, and expresslie in the tearmes yrof."

Now, for the first time, the Right Hon. the Lords of Council and Session are called upon to take inspection and oversight of this mortification.

It is necessary to attend somewhat closely to the course of management which has been followed.

The testator died in 1696.

The first entry in the Hospital book on account of this trust is in the discharge side of the Treasurer's accounts for the year 1695-1696. "Item, for paid out charges expended by the comptur upon the procuring of Mr James Alexander's mortification, it being in agitation for the space of two years, £60."

The securities for these sums mortified, were mainly over the Annandale estates, and over Westerhall, the property of Sir James Johnstone.

The first receipt on account of the trust is in the accounts for the year 1697 to 1698.

"Westraw's annualrent on £65,356, 8s. for the year preceding Whitsunday 1696," is £336, 19s.

The Earl of Annandale claimed that there should be an accounting for intronmissions had by Alexander's father with the rents of the lands embraced in some of the securities, while the Magistrates contended that, in the circumstances, there was no obligation to account.

There seems to have been some difficulty in settling the exact sum due by

Third branch of
Interlocutor.

Alexander's Mortification.
Council Records,
vol. xxxvi. p. 362.

the Earl of Annandale. A compromise was entered into. The Council Records of 11th August 1699 shew an agreement to abate £2896, 16s. Scots of the Council's claims, and an adjustment of the sum of £20,704 Scots as the sum to be taken as due by his Lordship, with interest from Candlemas 1699. This sum thereafter continued to be treated as the capital sum due by his Lordship, and interest seems to have been paid from Candlemas 1700 to Candlemas 1701.

There is no trace in the accounts of the Hospital of the recovery of anything from the other parties mentioned in the eik, so that the trust estate came to consist of sums amounting in all to 40,850 merks (Scots), lent to the Earl of Annandale and to Johnstone of Westerhall or "Westraw." They were paid up respectively in 1743-4 and 1753.

The first impression of the Reporter, on considering the Alexander Deed of Mortification, was, that a separate trust was created, and that the funds must necessarily have been kept separate, in order to carry out the purposes of the trust. But on examining the accounts after the first few entries, there is no reference to the name of Alexander; and the interest of the bonds was treated as part of the general income of the Hospital Charity. The Reporter has nevertheless attempted to discover what was done with the sums in the bonds over the Annandale estates and over Westerhall when they were paid up, in case they might be identified as still forming Alexander's trust estate. Before either of them was paid up, it was suggested to the Governors that when that happened, "it would be necessary to lay the said money out upon lands,"—but that idea was not acted on.

Hospital Records,
vol. i. p. 46.
12th Nov. 1733.

The money lent on the Annandale estates was paid up at Lammas 1744, in sterling money, £1725, 7s. 8½d.
The full payment made amounted, including interest, to £1900.

Hospital Records,
vol. ii. p. 171.
28th Nov. 1744.

Of this a sum of £600 was lent at 5 per cent. to Mr James Baillie, on the security of the estate of Pitliehie, with the addition of a cautionary obligation by his son, Mr Robert Baillie. After the death of Mr James Baillie, on 24th August 1753, this sum was paid up, £500 being received in cash; and of the same date, a bill was granted by Mr Robert Baillie and a brother for £200, of which a note in the accounts explains that "£100 is proper to stock, and £100 proper to revenue," there having been at the date of the transaction arrears of interest due. The interest of the £200 was also allowed to run into arrear to

the extent of £167; and ultimately, on 6th December 1770, £118, 16s. 3d. was accepted in full of the interest, and the £200 was written off as a bad debt, though the correct way of dealing with the payment made would have been to have applied it, in the first instance, to replacing the capital. The £500 repaid on 24th August 1753, was on 12th September lent to the City at 4 per cent., and the bond for this sum was outstanding at the date of the City Agreement Act.

Of the remainder of the £1900,—the sum of £520 was immediately, on being paid up, lent to the town, and £450 to Provost Stewart, at 4 per cent., for three months, after which they were lent, along with other Hospital funds, to Douglas of Edrington, on a heritable bond for £1800, at 5 per cent. This bond was in turn paid up, and with other funds lent, in 1748, to the town, at 4 per cent., forming part of a bond for £2000 which was still due at the date of the City's getting into difficulties.

The money lent to Sir William Johnstone of Westerhall, and secured over that estate, was paid up in 1753; and the amount, £544, 13s., together with £5, 7s., was lent to the town at 1 per cent. below the legal rate of interest; and a bond for £550 then granted by the City was, like those above mentioned, still outstanding in 1835, and embraced in the debt included in the City Agreement Act.

Thus the Alexander fund supplied more than half of the £4500 on which occurred the loss of £1489 noted above.

Although in the absence of all statement by the Magistrates as to what view they take of the history of this fund, or of their liabilities in regard to it, the Reporter has thought it right to present these facts to the notice of the Court. It does not seem to follow from the case of *Cuthil v. Burns*, that because the money can be traced, it must be treated as ear-marked, and kept separate. He thinks the Governors did not understand themselves to be so dealing with it, unless possibly at the date of their minute in 1838, and in one early minute where they resolved to postpone filling an Alexander presentation, because they were incurring expense in completing their title to the Annandale securities. In their "observations," they consider it quite unnecessary to keep the trust funds separate.

How completely they regarded the trust as merged in the general Charity, is illustrated by the way in which, when they came to settle the price of the

Third branch of Interlocutor.

Alexander's Mortification.
Council Records, vol. lxxi. p. 238.

Hospital Records, vol. ii. p. 175.
5th Dec. 1744.

Council Records, vol. lxxvii. p. 71.
3d Feb. 1748.

Ib. vol. lxx. p. 344.

24 D. p. 849.
20th Mar. 1862.

App. p. 307.

Third branch of
Interlocutor.

Alexander's Mortification.
Council Records,
vol. lvi. p. 29.
28th May 1735.

estate of Dean, which they bought in 1739. They directed Westerhall's bond, along with others, to be called up to meet the expense of improvements executed on the estate; but the Treasurer did not act on the directions, and so the money remained in Westerhall's hands till 1753. The investments actually made were not made in terms different from those applicable to the other funds of the Hospital, or indicating that they were to be kept separate for the Alexander mortification. They were not, as directed by the deed of foundation, taken "payable to the Treasurer of the said Hospital and patrons thereof" (among whom were "the ministers of the burgh present and to come") "and their successors, in name and behalf," etc., of the Hospital. The inference is that the Governors never intended to keep the Alexander funds separate from the rest of the Hospital property.

Immediately on receiving payments of interest of the obligations assigned by Alexander's mortification, the Governors proceeded to make appointments under the deed.

One was made in 1697, three in 1698, and nine in 1699, often expressed with the very proper caution that they were not to be received into the Hospital till enough of the mortified sums were recovered to provide for their support; so that, assuming only one death to have occurred, there is every reason to suppose that the year 1700 commenced with the full number of twelve on the roll.

Such minutes as those of 21st March 1744, which mentions five vacancies on this fund; 7th March 1750, which mentions four; 28th February 1753, and 5th September 1759, each of which mentions two; 20th January 1790, which speaks of three, necessarily suggested inquiry as to how far the number contemplated by Mr Alexander had been kept on the establishment. Two circumstances made it impossible that the full number should be maintained, viz., first, that the trust-deed was drawn on the assumption that the interest would amount to six per cent., whereas only five and a-half per cent. was obtained at the truster's death, and soon after the rate was reduced to five per cent. [in 1753 the town professedly allowed only four per cent.]; and second, the cost of inmates gradually increased far beyond what the founder originally contemplated. But, whatever number may have been on the roll, the inquiry remains open, whether from year to year the income of the mortified sums had

been expended; for, if not, there was a special rule of accounting laid down,—vacant income was to be added to the principal and laid out at interest, and only the income, and no part of the principal sum, “or augmented stock,” was to be expended in enlarging the scope of the Charity. This having been prescribed, as the law of the trust, it would follow that if in any year there has been over-expenditure beyond the income, the Governors would not be entitled to credit for it.

Third branch of
Interlocutor

Alexander's Mortification.

App. p. 35.

It appears from the terms of Mr Alexander's deed, that he contemplated that all the beneficiaries on his mortification should be maintained *in* the Hospital, and at a cost of at least £120 Scots, or £10 per annum sterling; and at the date of Mr Alexander's death all the beneficiaries were resident. But as early as 1708 there commence entries of an allowance of £10 a-year paid to a relative of the founder, named Agnew; and some years later a practice grew up of the Governors appointing pensioners on the general fund of the Charity who were not taken into the house, but received an allowance at the rate of 10s. a-month, or £6 a-year, and as early as 1757 two such out-pensioners are found on the Alexander fund. In 1760 there were three, and ever since there has been a varying number of out-pensioners, whose appointments were minuted as having been made on the Alexander fund.

There has been considerable difficulty in ascertaining how long the full number of twelve beneficiaries was kept on the roll, and in fixing from year to year the exact number of inmates on the Alexander fund, but it is believed that the difficulty has been overcome.

The Governors seem always to have recorded the fact when they were admitting inmates on the Alexander fund, and where the party admitted on it did not bear the name of Alexander, the relationship to the founder is always specified.

Besides this, the “house books,” which contain a record of the daily expenditure, have a column for “incidents,” in which are generally recorded the dates of persons coming into the house, and the dates of their deaths.

The Treasurer's accounts, too, contain an annual statement of the expense of funerals, and of the amount realised from the sale of the effects of deceased members or found in their chests; and very often, but not invariably, these entries shew the names of the parties deceased. The information derived from

Third branch of
Interlocutor.

Alexander's Mortification.

these sources can be checked by occasional complete lists which have been preserved.

With the aid of these materials, a complete list of all persons appointed on the Alexander fund has been made up from 1739 to 1802, at which date a regular set of registers was commenced. The result seems to be that seven was for a long time the general number of inmates on this fund, and this tallies with the statement in 1744 that there were then five vacancies, for the number actually on the roll had been reduced to two.

During the present century the sources of information are generally more satisfactory. Besides those applicable to the earlier period, there are two volumes entitled "Trinity Hospital Register Book," which contain complete lists of the beneficiaries, both inside the Hospital and out-door, from 1802-3 to 1816-7, and for the year 1823-4. From 1845 all payments were simply cash transactions, and so can be ascertained with absolute certainty.

Hospital Records,
vol. xi. p. 90.

Of date, 6th October 1838, a report by a Committee was presented to the Governors, in which they state that, supposing the whole of Mr Alexander's donations, contained both in the principal deed of foundation and in the eik, to have been realised in sterling money (£2727, 15s. 8d.), the Alexander fund at four per cent. would have yielded £109, 2s. 2d. per annum, and that the cost of each inmate was £37, 9s. 1d. per annum; and "find that if there were, as has usually been the case, two inmates of the house and six out-pensioners on Alexander's fund, the expense of these would be fully equal to the annual value of sums mortified. The Committee, therefore, report that the Governors should declare that in future the benefit of this fund should be limited to two inmates and six out-pensioners, and that the vacancy in the house caused by the transfer of — Alexander to the pension list should be intimated and filled up at the election in February next. (Initd.) J. S.—The Magistrates and Council approved of the report by the Committee."

This minute was supposed to be acted on generally till the sale of the building of the Hospital. When this event took place, there were two Alexander pensioners in the house; they received for the rest of their lives £26 a-year, not the £37 calculated as their cost in the Hospital. When they died, they were replaced by pensioners receiving £20 each. On 1st May 1860, the out-door pensions were raised to £8, and on 21st October 1861 to £10

a-year. At present there are on the roll two receiving £20 a-year, and eight receiving £10 a-year. The great majority of those on the Alexander Fund have throughout been women.

Third branch of
Interlocutor.
—
Alexander's Mortification.

There are thus manifestly some points on which the purposes of the trust have, whether rightly or wrongly, not been carried out.

1. Twelve inmates of the Hospital were contemplated, and, unless perhaps occasionally, that number never has been kept on the roll. From the circumstances above explained, the Governors do not seem to blame for this, unless they were bound to accumulate, and have failed to do so; and the interest of the augmented stock would have enabled them to maintain the full number.

2. The proportion between the sexes was fixed at eight men to four women. There have generally been far more women than men on this foundation.

3. All the beneficiaries were to be in the Hospital, maintained on the same footing as the other beneficiaries, and with some extra allowances. Since 1757, some of those supposed to enjoy the benefit of the Alexander mortification have not been maintained in the Hospital, but on an inferior footing.

4. The investments have not been taken in the names directed.

5. There has been no accumulation of surplus income adding it to the stock.

6. The patronage has not been exercised by the persons on whom it was bestowed. This point, however, will be dealt with separately.

Whether the failure of the trust purposes has been inevitable, or the result of breach of trust on the part of the Governors,—and if the latter, how far effect may for the future be given to the truster's wishes, are points requiring consideration.

Where funds are left to the trustees of an existing charity, there may be (1) a direct benefit intended to the charity; or (2) an indirect one through the existence of a surplus after providing for some primary purpose; or (3) there may be a contract with the trust, whereby they come under a specific obligation, and took their chance of profit or loss; or (4) the trustees of the existing charity may be constituted trustees of an entirely separate trust for kindred purposes.

Third branch of
Interlocutor.

Alexander's Mortification.

Among the mortifications, of which a list is appended, examples will be found of each class.

The Alexander mortification does not fall within either of the first two cases, for there was by the trust-deed an exhaustion of the whole estimated revenue, to meet purposes other than the ordinary purpose of the Hospital Charity, and a specific provision as to how the annual accumulation of any balances which might arise was to be applied.

It can hardly be supposed that the third view was taken by the Governors of the Hospital, for they have often failed to have the full number of beneficiaries on the roll; and, for the last century, they have not supported in the house the whole of those whom they did put upon the roll.

If there have been breaches of trust, and if the funds are held to have been improperly mixed with those of the Hospital Charity, unless it be also held that the Alexander trust must suffer from the further irregular act of the Governors having lent the money to themselves in a different character, then there seems room for an accounting, and it is impossible that the directions given as to investment, expenditure, accumulation, and patronage, could have been carried out without something equivalent to an annual accounting.

The Reporter is not prepared to say that the materials for an accounting do not exist from the date of the mortification. He is confident that they exist from 1739, when there is the list of the beneficiaries in the hand of the officer of the Governors, excepting for the years 1784-91, the accounts of which were burnt; but before engaging in an accounting of so serious, and, it must be admitted, unusual a nature, he was anxious to know the views of the Governors, and he called attention to the number of vacancies which the minutes of the Governors shewed had existed at various times, and the cost of supporting inmates at different dates. He called attention also to the fact that, throwing out of view any accumulations during last century, an accounting for the present century would probably shew a large accumulation. He desired some formal statement by the Governors as to the footing on which they considered that their

predecessors had administered the Charity,—as to their own legal relation to the Trust,—and the footing on which they considered themselves bound to act for the future; and he understood such a statement was promised, but he did not receive it.

Third branch of
Interlocutor.
Alexander's Mortification.

Nevertheless, thinking it might prove useful, he asked Mr Gillies Smith to commence an account as between the Governors of the Hospital and the Alexander fund, doing what would ultimately be available if an account were ordered, but carrying the matter no farther, in the meantime, than would suffice to suggest some probable results, and illustrate the materiality of the inquiry, and the necessity of guiding principles being laid down. The accounts cannot be effectively gone into at all without much detail, for as vacancies occurred every year, and at various periods, the number was seldom full for the whole year; and in order to ascertain the cost of an inmate with a view to fixing the precise amount of expenditure on the Alexander beneficiaries, the periods of every vacancy in the whole establishment must be ascertained.

The books, as has been said, seem to enable this to be done even for the period prior to 1802.

From that period to the close of the Hospital in 1845, the books have been so kept as to make the operation easy.

From 1845 to the present time, the question is a simple one of summing the cash payments made to Alexander beneficiaries, and comparing them with the interest to be allowed on the capital of the trust estate and accumulations.

With the earliest of these periods the accountant has not dealt.

On the vacancies admitted on the face of the minutes between 1745-1750, there ought to have been in 1750 an accumulation of upwards of £300 without charging interest. It seems clear that a considerable sum ought to have been accumulated, if only *admitted vacancies* during last century were taken into account, even if no interest were charged.

The second period, from the commencement of the register, and the third period, along with end of the first, have been taken up, and an account stated for the present century, without making any allowance for accumulations during last century. It shews under-expenditure for the first eleven

Third branch of
Interlocutor.

Alexander's Mortification.

years. Over-expenditure (unless the accumulations of these years are to bear interest) then commences and continues to 1831. From 1832 to 1861 there never has been spent as much as the interest at 5 per cent. of the original capital; taking that, not as the amount contained in the truster's settlements, £2727, 15s. 8d., but the sum actually recovered on adjustment with the borrowers, viz., £2270, 0s. 8d.

If the accumulations are to bear compound interest, there are but ten years of the present century in which the whole income has been expended, and the whole accumulations, with compound interest, amount to about £8000. The sum of the over-payments mentioned is £190, 6s., but that sum is not deducted in bringing out the balance of £8000, which, on the other hand, does not include the original capital.

App. p. 317.

Even were the accounts confined to the period since 1832, when the over-payments ceased, the savings without interest amount to £813, 2s. 6d., and if accumulated at compound interest to about £3350.

If, in the whole circumstances, an accounting cannot be excluded, how far back is it to be carried?

Lewin on Trusts,
p. 672.
Tudor on Charities,
p. 346.
Presbytery of
Dundee v. Magis-
trates, 18th March
1858, 20 D. 849.
H. L., 24th July
1861, 1 M'Q., 228.
28th Feb. 1863.
1 Macph. 483.

The last case in which the same class of questions which has occurred here formed the subject of discussion, in regard to an eleemosynary bequest, was that of *The Presbytery of Dundee v. The Magistrates*. In it, in regard to a legacy by a Mr Robert Johnstoun, with whose bequest lands, known as Monorgan's croft, had been bought two hundred years ago, the lapse of time was held to be no bar against separating Robert Johnstoun's estate from a general charity with which it had got mixed up.

When there was evidence that funds had been expended in a manner, not within the objects of the general charity, or had been invested speculatively and unremuneratively, the Court not only ordered the money to be refunded, but held progressive interest at 5 per cent., to be chargeable from the date of the mis-application of the funds, which was in 1835.

There has been more discussion of such questions in England than here, and it has been said there that the only reason for limiting accountings to any period short of that at which mis-application of funds can be first pointed out, is the great hardship of making trustees liable who had acted honestly, though mistakenly, and in the case of trusts vested in Corpora-

Att.-Gen. v. Mag.
of Exeter. 2 Russ.
54 and 362.

tions, the risk of ruining the Corporations. The Court nevertheless did not hesitate to order an account for two hundred years, when a Corporation stated that their accounts had been so kept as to afford no impediment to its being taken.

Third branch of Interlocutor.
Alexander's Mortification.

Considerations, however, of the class pointed at have no application here. No private trustees, nor even the Corporation, will be hardly pressed upon.

Att.-Gen. v. Burgesses of Retford, 1833. 2 My. and K., p. 35.

The case is not one of a technical rule being brought to bear against trustees of a charity, who, it may be in ignorance, have employed its funds not strictly in terms of a foundation. It is rather a case of stating correctly, an account which has been incorrectly stated, owing to the funds of two trusts having been improperly mixed together by Governors. The funds of the Charity are ample; and, after withdrawing all sums that can be claimed, even with interest, there would still remain enough to carry on the general Hospital Charity on a greatly enlarged scale.

A bequest for the benefit of a favoured name or founder's kin is not one likely to meet, at the present time, with special favour; but it must have the ordinary rules of law applied to it.

It is proper to observe that, in the Dundee case, when the question of accounting for the proceeds of the Monorgan's croft was discussed, it was held that the class of beneficiaries under the general Charity and those under Johnstoun's trust were so much alike, that the income of Johnstoun's estate had been "beyond all reasonable doubt expended on objects of charity, such as the testator intended to benefit." The case is reversed here. Those admitted on the Alexander fund might equally, under the Hospital Charters, have been admitted on the general fund, and many of them fell even under the limitation to burgess families introduced by the Governors,—but only one or two instances have been found of persons admitted on the general fund who were eligible under the Alexander mortification, which, moreover, contains a positive direction to accumulate.

Presbytery of Dundee v. Magistrates of Dundee, Feb. 28, 1863. 1 Macph. 483.

Should the Court hold that there must be an account and an annual accumulation of unexpended income, in terms of the trust-deed, how far is the accounts to give credit for payments made not in terms of the trust?

Were the terms of the Alexander mortification strictly looked at, the

Third branch of
Interlocutor.

Alexander's Mortification.

Governors, as holders of the general fund, would not be entitled to credit for any payments to out-pensioners. The foundation contemplated that all should be inmates. There would, however, be excessive rigour in applying so stringent a rule of accounting, and striking off so large a sum as that which was spent in good faith on out-pensioners of the class pointed out by Mr Alexander, a larger number of whom were thus brought within the range of assistance, though not so many as Mr Alexander desired.

It seems to the Reporter a less excusable breach of trust to expend in any year more than the income, whether of the original or of the "augmented stock,"—the law of the trust was so distinctly laid down.

The next question is, How far the Alexander trust is to bear its share in the general expenses of management?

As the Alexander beneficiaries had the advantages of the house and of the superintendence of the matron and chaplain, etc., should the Alexander trust bear its share of these expenses? and also not only of ordinary repairs, but of extraordinary?—for several years sums of about £200 were expended on repairs. In the Appendix will be found a page shewing the basis upon which the calculations of the Accountant have been made. Nothing has been taken into account for managing the Alexander trust estate, as it has to be settled whether the Alexander trust is to bear a share of the expense of managing the general Hospital estate, or is to be charged with a percentage.

There remain the questions, Is interest to be charged, and if so, at what rate? and, Is interest to be charged upon interest throughout, or only after so much had accumulated as the trustees might have been expected to have invested? The last reported authority observed is the Dundee case.

Notwithstanding the length of time during which the Courts of England have ordered accounts to be taken, they have frequently held it sufficient that a much less sum than was brought out by a strict account should be paid over and devoted to carrying out the intention of the founder.

It seems a probable inference from what has been done, without further investigation, that there ought to be accumulations out of which this mortification might be established on the original scale which the founder intended—of having twelve beneficiaries on the highest scale. A sum of £5230 would be required for this, in addition to the original capital.

Att.-Gen. v. Mag.
of Exeter. 2 Russ.
54 and 362.

Att.-Gen. v. Bur-
gesses of Retford,
1833. 2 My. and
K., p. 35.

App. p. 317.

If the principle were adopted which is recommended below for the rest of the Charity, of having different scales of pension adapted to persons in different ranks of life, or who have been unfortunate in different degrees, a smaller sum would suffice ; but even, after withdrawing from the accumulations an ample sum to meet the expense of collection in the past, it is presumed that the larger sum at least would be available.

Third branch of Interlocutor.
Alexander's Mortification.

Originally the Alexander beneficiaries formed one-fourth of the whole. If their number were now made what was originally intended, they would now be less than one-sixteenth of the whole beneficiaries, and this would only add two to the number—there are ten on the roll at present. There is no appearance of there having for a long time been any difficulty in filling up the Alexander vacancies ; but a constant supply seems to be furnished from the neighbourhood of Linton, as if some families there treated the fund as a provision. This evil might probably be checked by care being taken to advertise vacancies on the fund in the newspapers in Edinburgh, Glasgow, Dundee, and Aberdeen, and to see that the applicants were in the circumstances and bore the character indicated by the founder.

With regard to the sixth matter noted above, though it falls more specially under a separate branch of the Interlocutor, it is manifestly convenient to dispose of it here, as completing the consideration of the manner in which the Magistrates and Council have dealt with this trust.

The patrons nominated by the truster were James Alexander, a relative, the Right Honourable the Provost, Bailies, and Council of Edinburgh, “ and their successors in office for the communitie thereof, and ministers of the said burgh present and to come, to be sole and undoubted patrons of this my grant and mortification.”

Patronage of Alexander's Mortification.

It does not appear that the ministers ever claimed, or even as a body heard, that there had been conferred on them a special interest in this fund. But when, in 1720, the whole affairs of the Charity were entrusted to a committee, there were always two of the City clergy on that committee, who might have had access to the trust-deed if they had chosen. Lord Ilay, however, in 1738, as arbiter under a submission between various members of the Town Council as to the management of the Hospital, found that there had been no

Are the ministers of Edinburgh entitled to act as trustees and patrons of Alexander's Mortification ?

Third branch of
Interlocutor.

Alexander's Mortification.

Patronage.

17th June 1862.
14 D. 876.

power to delegate to a committee the administration of the Charity, and from that date there is no doubt that none of the ministers have ever acted. It is difficult to doubt that the ministers of Edinburgh were constituted patrons jointly with the other managers, and it would seem they must still have a right to act as such, unless they have lost the right *non utendo*.

There has not been much authority on the subject of the bearing of prescription on the right of patronage under charitable trusts.

The case of Magistrates of Lanark *v.* Rev. John Wylie and Others is interesting, as containing a decree-arbitral by President Blair when Solicitor-General.

By contract, in 1648, between John Carmichael and the moderator of the Presbytery of Lanark, the minister of Lanark, and the senior bailie, an estate was vested in the latter for the support of scholars at the school of Lanark. The nomination of the scholars was to be in Carmichael and his heirs; but there was no evidence that they had ever exercised this right; on the other hand, there was evidence that the Magistrates of Lanark had for one hundred years exercised the right of nomination; and after this long time their right was challenged by the moderator of the Presbytery, the minister, and the senior bailie of Lanark, the trustees. This claim formed the subject of a submission to Mr Blair, who pronounced as follows:—"And with regard to the nomination of the poor scholars who are to have the benefit of the mortification, that the trustees have not instructed any right thereto, either by the terms of the said contract or otherwise; and as it is admitted, in point of fact, that from time immemorial the magistrates of the burgh of Lanark have been in the use of presenting the poor scholars who were to have the benefit of the mortification, without challenge or interruption from any person, I find and declare that the said Magistrates and Council are entitled to continue in the possession and enjoyment of the said power of nomination as heretofore, until some competitor shall appear and instruct a better title than theirs, if any such preferable title does exist."

24 Dun. 447.

The case of Baird *v.* Magistrates of Dundee, has been left in a somewhat unsatisfactory position as an authority on the question of patronage, by the way in which it was dealt with in the House of Lords. The import of the case seems to be this:—A charitable bequest, to the "Provost and Bailies," was

1 Macph. H. L.
Cases, p. 6.

invested, and a title taken to the Provost, Magistrates, and Council, who exercised the patronage not strictly in terms of the bequest. An attempt to oust them, and give the title and patronage to the Provost and Bailies, was held to be "excluded by the lapse of time;" and conclusions to have the benefits applied strictly in terms of the Charity were held to depend on success in the question of title and administration: therefore "the plea of the negative prescription" was sustained. The only judge, Lord Deas, who did not concur in the judgment generally, did not differ upon this point. He held the expression, "the Provost and Bailies," to be capable of construction, and to be equivalent to "the Corporation."

Third branch of
Interlocutor.

Alexander's Mortification.

Patronage.

In the House of Lords, the counsel for the Magistrates did not "maintain that effect could be given to the plea of prescription, as had been done by the Court below," and the House declared "That, having regard to the length of time during which the Provost, Bailies, and Council have had the administration as trustees," they "ought to be taken and declared to be the lawfully constituted trustees of the Charity," and then proceeded to farther declarations, having for their object to have the benefits applied strictly in terms of the Charity.

This leaves it open to contend that the ground of judgment, as regards the title and patronage, was that pointed out by Lord Deas, and that the usage explained the expression in the will. On the other hand, the references by Mr Blair to the terms of the contract in Lanark case, suggest that he would not have supported the right of the Magistrates if the deed of foundation had given any right to those who held the fund.

In the present case the deed is quite express. By no construction that has suggested itself (and the Magistrates and Council, whose attention was called to the point, have suggested none) can it be held that the patronage was given exclusively to the Magistrates and Council. It appears that the Governors had the question of the patronage of the Charity specially under their consideration at a meeting held on 26th April 1775, on the occasion of a right to present being claimed by a relation of the founder. The exclusion of the ministers of Edinburgh at that time seems as distinct a breach of trust as payment of the funds to parties other than the beneficiaries named by the trust; and if, in the latter case, lapse of time does exclude reverting to the terms of the trust, it is not easy to see a principle for refusing to return to the directions of the trust

Hospital Records,
vol. v. p. 120.

Third branch of
Interlocutor.

Alexander's Mortifi-
cation.
Patronage.

Observations, Dec.
1873.

App. p. 307.

On meaning of
"Ministers."

Presbytery v. Magis.
of Dundee, 19th
March 1858, 20 D.
849.

in the former. The Governors can only have acquired the exclusive patronage by prescribing in the face of their own title.

The very limited right of patronage involved in a trust for persons of founder's kin and a favoured name, may appear of very little value, but on their attention being called to the mortification, at the time when all private patrons were communicated with, the Ministers claimed to have the trust-deed acted upon; and certainly no argument in favour of maintaining the present arrangement can be founded on the success of the past management.

This question of patronage is the only one connected with the administration of the Alexander fund which the Governors have thought called for observation. They say, "If a conjunct administration was again proposed it could lead to nothing but litigation and endless questions as to the amount of the funds of the mortification, the proportionate increase thereon, and a separate system of accounts which the Governors maintain is not required."

It would be a strange objection to any proposed change,—that it would lead to the amount of the trust funds being ascertained, and a distinct system of accounts being established. For the reasons stated above, the Reporter thinks these things must be done, whether the patronage be placed on the footing intended by the founder or not, and he ventures to think that they are matters of much greater importance to the Charity than the question, By whom is the patronage to be exercised?

CROKAT'S MORTIFICATION.

Crokat's Mortifi-
cation. 1761.

App. p. 267.

In the course of the administration of this mortification, several points present themselves in a convenient form for consideration, although their bearing is not confined to any particular mortification.

I. The deed contemplated that the beneficiaries should be maintained in the Hospital. It was at the date of the testator's death in 1761, and had been from an early date, the practice of the Governors, in terms of the statutes which they made from time to time, to exact from everyone admitted as an inmate to be maintained in the Hospital, but not from out-door pensioners, a *dispositio omnium bonorum*; it sometimes happened

App. pp. 291, 294,
296.

that beneficiaries did not choose to grant such a deed, and, moreover, objected to the restraints which living in the house imposed upon them; and in these cases preferring the pittance of out-pensioners, £6 a-year, unlogged by any limitations, they asked to be transferred from the inmate to the out-pension roll. In such circumstances, the Governors seem to have been in the habit of granting the request. The amount of accommodation for inmates being fixed, each such transference of an inmate to the out-door roll rendered vacant a room in the Hospital, which the Governors, not the private patrons, filled.

It is true that on remonstrance they put things right, but they maintained that they were entitled to make any bargain they pleased with the beneficiaries. Should there be distinct scales of pension for the future, and any material difference as to the conditions on which they are conferred, it will be proper to have this question of right determined.

It is unnecessary now to go into details further than to shew the practice.

The Kirk-session of Wester Greyfriars, as patrons of Crokot's mortification, concluded a remonstrance to the Governors in regard to Mrs Thomson, one of their presentees, who had never entered the Hospital, but had been transferred from the inmate to the out-door roll, as follows: "Considering their patronage to be a purchased right, they think it would have been more becoming had a communication been made to them before you compounded a privilege of the value of £30 a-year for £6"—the out-door pension.

The Governors remitted the letter to a sub-committee, and their disposal of the matter is contained in the minutes of 3d February 1846.

The sub-committee having considered the foregoing letter, are of opinion that the Governors should state to the Kirk-session in answer:—

"1. That the transaction complained of was gone into entirely at the request of the presentee; that transactions of the kind are by no means new, and never were complained of before; that but for the present position of the Hospital, the present complaint would very probably never have been heard of; and that, under all the circumstances, the reflection contained in the last paragraph of the letter might have been spared.

Third branch of Interlocutor.

Crokot's Mortification.

Can the Governors enter into arrangements with Pensioners to place them on a different footing from that intended by deeds of mortification?

Presentation sustained 27th Feb. 1844.

Hospital Records, vol. xii. p. 105.

Ib. p. 356.

Hospital Records, vol. xii. p. 355.

Third branch of
Interlocutor.

—
Crokot's Mortifi-
cation.

"2. That the Governors deny the right of the Kirk-session to interfere between them and the presentee, who makes no complaint, but that for the sake of the presentee herself, and to avoid dispute with the Kirk-session, they should signify their willingness to place Mrs Thomson on the same footing with a presentee now coming forward for the first time,—that is, to give her the benefit of the arrangement contained in the minute of this sub-committee, dated 22d November, and approved of by the Governors on 9th December 1845.

App. p. 254.

Hospital Records,
vol. xii. p. 151.

"The sub-committee are of opinion that Mrs Grace Kincaid Good or Thomson, whose presentation from the Earl of Rosebery was sustained on 23d July 1844, the only other presentee similarly situated with Mrs Thomson, the presentee of the New Greyfriars' Session, should be placed on the same footing with her."

Ib. p. 368.

This recommendation was acted upon; the effect was to place the beneficiary in the receipt of £20 instead of £6 a-year. The Kirk-session, however, again demanded that she should be placed on a higher footing,—those who had been inmates before the Hospital was removed were in receipt of £26 a-year,—but the Governors adhered to their resolution, and this matter seems to have been allowed to drop. The practice of the Governors seems to have continued, for their minute, 12th January 1847, speaks of presentees to the Hospital who preferred being placed on the out-pension list, although by that time, as the Hospital had been removed, the discipline involved in residence in it could not have been a deterrent circumstance. This is the more remarkable, as since 1795, by their own statutes, a *dispositio omnium bonorum* had not been exigible from presentees by private patrons, but the statute seems to have occasionally been lost sight of. If the Court should approve of a suggestion made that there should in no case be a *dispositio omnium bonorum* exacted, this point will have very little practical importance.

Ib. vol. xii. p. 421.
App. p. 94.

Can the Governors,
with consent of
Patrons, alter the
character of the
pension?
9th Dec. 1845.
Hospital Records,
vol. xii. p. 328.

II. Besides holding that they could deal with presentees without communicating with the patrons, the Governors equally held that they could act in concert with the patrons irrespective of the trust-deeds, or the contingent rights of future presentees. Thus,—all the private foundations were established on the footing that the presentees should be maintained in the Hospital. When

the removal of the building made this for the future impossible, it was resolved, without making any change as to the out-door pensioners who received £6 a-year, to allow £20 a-year to persons chosen by the Governors "for admission into the Hospital," and to request patrons "to require every person to be hereafter presented by them for admission to conform." The sum of £20 a-year was very much less than the cost of an in-door pensioner; and to induce patrons to acquiesce in their presentees being limited to this amount, the Governors resolved to allow them, if they preferred it, "to present two qualified persons, on occasion of each vacancy," to receive £10 each instead of one to receive £20,—an alteration calculated distinctly to depreciate the class from which the beneficiaries are drawn.

Third branch of Interlocutor.
Croat's Mortification.
9th Dec. 1845.

This power of splitting the benefit has been taken advantage of, sometimes in a manner which illustrates practically the objections to which it is liable. Thus Ann Calder, who had received, on the Merchant Company's presentation, £10 a-year from 9th October 1849, was presented to another half-pension (£10 a-year) by the minister of Old Greyfriars', on 11th April 1870.

Hospital Records, vol. xiii. p. 201.
Council Records, vol. ccci. p. 336.
Hospital Records, vol. xii. p. 459.

Again, upon 27th July 1847, the patron of Gardner's mortification presented a beneficiary to the "enjoyment of one half of the annual allowance," and on 21st September presented the same presentee to the second half; and on 1st March 1865, Lady Susan Brown Bourke presented two persons "to the house roll for half pensions" during their joint lives, with the full pension to the survivor.

Council Records, vol. ccxc. p. 55.

These examples seem to shew either that the beneficiary should have received the whole pension, or that it is competent for two or more patrons to issue presentations in favour of the same beneficiary.

Can Pensioners be presented by two Patrons?

III. A third question suggests itself, Whether those who had right to present beneficiaries to be maintained in the Hospital, have not a right to demand that their presentees shall receive the highest scale of pension granted to any pensioners; nay, shall be entitled to receive not less than the value of the maintenance in the Hospital before it was removed? This was at one time estimated by the Governors at £37 a head; that sum may have been the result of extravagant management, but by the rate of board demanded by Gillespie's Hospital, which was £26 a-year, we have another, and something

Are the Presentees of Private Patrons entitled to the highest scale of pension?

3d Feb. 1846.
Hospital Record vol. xii. p. 354.

Third branch of
Interlocutor.

Crokat's Mortifi-
cation.

like a commercial test, of the value of the kind of maintenance which ceased when the Trinity Hospital was removed.

Should the Court, in making arrangements adapting the Charity to modern circumstances, fix one uniform rate for all beneficiaries, even lower than the sum mentioned, presentees, it is rather thought, would have to conform to any general regulation for the good of the Hospital. And probably the same principle would apply were the Court to establish various scales of pensions, leaving it to the Governors, in every case, to put the presentee upon the scale which they deem most appropriate to his circumstances.

Several of the holders of rights of presentation seem to dread that if the Governors were to fix what scale their nominees were to be placed on, there would be considerable risk of undesirable collision between them and the Governors; they would therefore prefer to have the scale fixed by the Court, even were it not the highest.

If the scale is to be fixed, the Reporter is disposed to think that the highest scale is the appropriate one, as all were entitled to maintenance in the Hospital, subject always to the right of the Governors to ascertain that the presentee in each case satisfied any special conditions required by the founder, and any general one as to poverty or residence applicable generally of the beneficiaries.

RODGER HOG'S MORTIFICATION.

Rodger Hog's
Mortification.
App. p. 257.

Statute dated 17th
May 1797.
App. p. 297.

Hospital Record
vol. vii. p. 147.

Letter dated 13th
June 1873.

It appears that Rodger Hog, of Cambo, had in 1728 mortified the sum of £200 for getting a right to a "burgess presentation," which in 1801 had come into the hands of Mr Hog of Newliston. In 1728, a right of presentation of the burgess class might be purchased for £200, while a right of "presentation at large" cost £250; but in 1801 the cost of such rights had risen to £350 and £400 respectively. Nevertheless, on Mr Hog paying £100, the right to a "burgess" presentation was converted into one of presentation "at large." This manifestly was not a bargain for patronage in terms of the statutes, nor in consideration of a sum the interest of which would have sufficed to support the beneficiary, besides which, it was an alteration of the purpose of the founder, which seems to have been limited to benefiting burgesses.

The present patron deprecates being restricted in his selection of

presentees, after so long a recognition of his right to present "at large," and it is difficult to see how the £100 paid in 1801 could be retained by the Charity, except on the footing of a contract having been then entered into.

Third branch of Interlocutor.

Rodger Hog's Mortification.

PENMAN'S MORTIFICATION.

Some peculiarities in the way this mortification has been dealt with are noticed below, with reference to the fourth branch of the Interlocutor.

Penman's Mortification.

App. p. 243.

In 1680, a person of the name of Penman mortified £1000 Scots to the poor of Trinity Hospital without condition. In 1743 his grandson paid £2000 Scots more, on condition of getting an assignable right of presentation of an inmate of the Hospital, to be selected eventually from the burgh class. This was a sale of a right of patronage, as in the case of Hog's mortification, at a rate lower than the Hospital statutes at the time of the transaction sanctioned. No question, however, can arise as to this right, as the Magistrates, in 1842, bought it up.

Hospital Records, vol. xi. p. 435.

YOUNG'S MORTIFICATION.

Two questions arise upon this mortification. The right of presentation was originally granted simply to John Young, in terms of the statutes, making no mention of heirs and successors, and in consideration of a present payment of £250. But before receiving any extract, Young applied to the Council "to order his right of presentation to run in favours of him the said John Young, and the heirs of his body, and which failing, to and in favours of the Incorporation of the Tailors of Edinburgh," and the Corporation renewed their grant to the said John Young, and failing him, "by decease and heirs of his own body, granted and disposed, and hereby grant and dispo, to the Incorporation of the Tailors of Edinburgh, the right and privilege to present," etc.

Young's Mortification, 1733.

15th Nov. 1732.

App. p. 259.

3d Feb. 1733.

App. p. 260.

The founder left a daughter, who married John Allan, and he by deed, dated 5th, and recorded in books of Council and Session 24th, September 1798, conveyed his right of presentation to the Incorporation of Tailors.

In 1828 the Incorporation of Cordiners, in consideration of the price of £300, purchased from the Incorporation of Tailors their right and privilege

Third branch of
Interlocutor.

Young's Mortifi-
cation.

App. p. 50.

Can trustees sell a
right of patronage
devolved upon them,
and not granted in
favour of assignee ?

to present, etc. This conveyance the Governors confirmed on 22d October 1828, "but without any warrandice against them as Governors of the Hospital." Assuming that Mrs Allan left no heirs of her body, the Incorporation of Tailors would have had right to the patronage. A question seems to have been started by the Governors, and seems not unattended with difficulty, as to whether or not there was any right to convey to the Cordiners. In so far as the Tailors were substituted by Mr Young, failing his own heirs, they were in a manner constituted Trustees for the management of the Mortification, and it may be doubted how far they had a right to sell the patronage, which, by the deed of foundation, is not granted to assignees.

The use which the Incorporation of Cordiners make of their right of patronage seems likewise open to question.

Note lodged by
Incorporation of
Cordiners, 22d June
1873.

"The presentation held by the Cordiners now forms part of their scheme of annuities for members and widows, and is applied under section 18 of their rules and regulations, which were approved of by the Court of Session on 20th July 1850. The said rule (No. 18) is as follows :—

"XVIII. It is hereby declared that if any member or widow shall have received a presentation to the Trinity Hospital, or shall be entitled from said Hospital to an annuity of an equal or greater amount than that allowed by the Incorporation to a member or widow of his or her age, such member or widow shall not be entitled to any annuity from the funds of the Incorporation, unless the annuity allowed by the Incorporation shall be more than that allowed by the Trinity Hospital, in which case such member or widow shall also be entitled to the difference between the said annuities.

"The annuities are payable to the parties entitled thereto, without any reference to their means or residence, and some of the annuitants are in very easy circumstances."

Is the control of the
Governors of the
Charity ousted by
the Court's approval
of regulations of the
Incorporation of
Cordiners ?

It may therefore happen that the person presented falls properly within the scheme of the Hospital Charity, but it is equally possible that the presentee may be in affluent circumstances, and had not the rule in question received the sanction of the Court, the Reporter would have ventured to doubt whether the objects of the Charity were sufficiently secured. He has no means of judging whether they were brought under the notice of the Court.

When the Reporter communicated to the Incorporation the draft of the scheme which he proposed to suggest to the Court, part of which it will be seen is, that there should be a statement of the pecuniary circumstances and history of all presentees, in order that the Governors may see that they fall within the class to which the Charity is applicable, he received a representation to the effect, that if this and the other proposed regulations were "carried out, it would cause an inconvenient disturbance of the Incorporation's annuity arrangements."

Third branch of
Interlocutor.

Young's Mortification.

REOCH'S MORTIFICATION.

The late James Reoch, solicitor-at-law, executed a trust-disposition and settlement, dated 14th June 1792, by which he disposed and made over his real and personal estate to trustees for various purposes. The estate was to be held (after satisfying various primary burdens) for behoof of the truster's grandson in liferent, and the lawful issue of his body in fee, which failing, to a granddaughter in liferent, and the lawful issue of her body in fee, which failing, for a daughter of the truster, all which failing, "the trustees were to acquire the right of as many presentations in the Trinity Hospital as what remained under their administration of his estate would purchase, under the name of Reoch's donation, and the title to presentation was to be vested in the preses, treasurer, and clerk to the solicitors-of-law at Edinburgh for the time being." Preference was to be given to persons of the names of Reoch, Dun, Muirhead, and Balfour.

Reoch's Mortification.

App. p. 275.

On application to the solicitors-at-law, they have stated that they knew nothing of the mortification, and the agent for the defenders has stated, that he has been informed that the trust purposes in favour of the solicitors-at-law have failed from the prior destinations taking effect. The same inference seems deducible from a copy letter entered in the Hospital Book of Mortifications.

MR JOHN MENZIES' MORTIFICATION.

Mr John Menzies, shoemaker, Potterrow, died in March 1842, leaving a trust-disposition and settlement, by which he conveyed his whole estate, herit-

Menzies' Mortification.

App. p. 277.

Third branch of
Interlocutor.

Menzies' Mortifi-
cation.

able and moveable, to trustees, and directed them, after providing for sundry small annuities, to pay "the yearly proceeds" of his estate to two ladies, and the survivor, during their lives, and to make over the estate to their issue in fee; but, in the event of there being no lawful issue of either of them, the truster directed his trustees, on the death of the longest liver of the liferenters, to convert his heritable estate into money, "and to apply the proceeds thereof, and the whole other residue of my said estate, in the purchase of presentations to the Trinity Hospital, in favour of wives of decayed inhabitants of the City or County of Edinburgh; said presentees not to be under fifty years of age, and to have resided twenty years within the said City or County, and the name of Menzies to be preferred, if the applicant be of good character; and upon the death of my said trustees, original and assumed, the patronage shall devolve on the Ministers of Saint Cuthbert's and Hope Park Street Chapels of Ease, the Magistrates of Easter Portsburgh, the Deacon and Box-Master of the Incorporation of Shoemakers of Easter Portsburgh, and the Treasurer of the Trinity Hospital, all for the time being; the majority of voices to carry the presentation."

The heritable estate consists of certain tenements, let for some time at a rental of £59, but two of them are at present unlet.

The moveable estate, after payment of residue duty, left an apparent nett residue of £2104, 5s. 9d., but of this sum there were terminable government annuities, valued at £1165, 18s. 1d. These annuities, which terminated in 1859, were treated as "yearly proceeds," and paid to the liferenters—a matter for which the trustees wished to obtain the sanction of the Governors of the Trinity Hospital, but (on 22d January 1855) they replied to a letter on the subject, that the Hospital had not such an interest in Mr Menzies' estate as would justify their interfering in the matter.

The amount of moveable estate at present in the hands of the trustees is, according to information obligingly communicated by the agent, £738, 7s. 5d.

One of the liferenters has died, never having had issue, the survivor is advanced in life, and also without issue. The question therefore may any day arise what number of presentations may be purchased by these trust funds.

Council Records,
vol. cclxiv, p. 421.

The truster in this, as in Reoch's case, could have had in view only presentations of parties to be maintained in the Hospital, and at a rate of purchase fixed by the statutes, and known to and taken advantage of by the public. That rate had become insufficient to provide for the actual cost of maintenance.

Third branch of Interlocutor.
—
Menzie's Mortification.

The Reporter doubts whether it can be competent to sell rights of patronage, when doing so involves giving up any right in the Governors. It may, nevertheless, be quite competent to accept the management of funds for charitable purposes of the same general character, though not identical with those of the Hospital Charity, and to grant a right of patronage to any one to the extent of the provision for beneficiaries made by the purchaser. On this principle, the only course open to the Governors would be to accept any sum of money from any parties, on condition of the patrons being entitled to present as many beneficiaries as the income of the estate made over would support on any scale in operation for the time.

It would be proper to have the existing Hospital statute on the subject of sales of rights of patronage recalled.

In the meantime, the Governors can hardly be said to be beneficiaries under these deeds, although they be named in them.

Menzie's trust apparently may be kept alive indefinitely by the assumption of new trustees, and even when the trust decides in favour of the new patrons, the Treasurer is the only officer of Trinity Hospital Charity who would be entitled to act as patron.

LENNIE'S MORTIFICATION.

Mr William Lennie directed his estate of Nether Auchenreoch to be made over by his trustees "to, and in favour of, the said Lord Provost, Magistrates, and Council of the City of Edinburgh, to be held by them thereafter in perpetuity in trust for the ends, uses, and purposes after mentioned,"—amongst others, an annual payment of £48 for four bursaries. "Third, the said Lord Provost, Magistrates, and Council, shall annually pay over one-half of the free residue of the proceeds of the said lands and others to the Treasurer for the time being of the institution known by the name of Trinity

Lennie's Mortification. 1852.
App. p. 279.

Third branch of
Interlocutor.

Lennie's Mortifi-
cation.

Hospital, Edinburgh, of which they are the Governors, for the use and behoof of parties who shall be appointed to receive annual pensions therefrom, not exceeding £10 annually to each pensioner, but declaring that the parties who shall receive the benefit of my funds are not to be restricted to burgesses, a preference being always given to those who have seen better days, and are either unmarried, or widows or widowers, who are fifty years of age or upwards; and I direct that my bounty shall not be given to burgesses, their widows or descendants, while there are other parties claimants of the class above indicated by me." The other half of the free residue was to go to Gillespie's Hospital on certain terms, and failing the Governors of that institution complying (which event happened), then to the Governors of Trinity Hospital, for the purposes above mentioned, and my said "trustees and the survivors and survivor of them shall have the power, during their or his life, of appointing the individuals who shall receive the benefit of the annual income appointed by me to be paid to the said Hospital, and thereafter the right of appointment shall be in the said Lord Provost, Magistrates, and Council, as Governors of said Hospital, and I hereby authorise and empower my said trustees to make all such rules, regulations, conditions, and arrangements, as they consider necessary for carrying my intentions, as above expressed, into full effect."

The deed contains a further eventual provision of £200 a-year out of the lands of Ballochneck in Stirlingshire, which also belonged to the truster.

The position of this trust-estate is not a little peculiar. It is vested in the same persons who are Governors of Trinity Hospital, not, however, in their character as trustees, and not exclusively for its uses, but partly for the foundation of bursaries in the University, and partly, and preferentially, for the benefit of a class which, by the rules of Trinity Hospital acted upon by the Governors at the date of the testator's death, was excluded from benefiting by the general Hospital funds, though they were not excluded from participation in some specially destined funds managed by the Governors. The pensioners are not in the meantime appointed by the Provost, Magistrates, and Council, but they are paid by them, and are ultimately to be nominated by them "as Governors of said Hospital."

In these circumstances, the Magistrates have kept the accounts of the

Lennie Trust quite distinct from those of the Trinity College Hospital, but they have been investigated on the footing that the Hospital certainly have a right of accounting against the Magistrates acting as Lennie's trustees; and it is impossible, when framing a scheme for the administration of the ordinary Hospital of Trinity College, to ignore the Hospital's interest in Lennie's trust-estate, or to keep out of view the character of the beneficiaries, or the extent of benefit contemplated by the truster.

Third branch of Interlocutor.
Lennie's Mortification.

One point arises on these accounts which is worthy of notice, though trifling as to amount, because, if correctly dealt with, it would seem to afford a rule applicable to the whole Trinity Hospital funds.

Lennie's testamentary trustees, on 20th December 1864, observing an accumulation of £85 of the funds destined to support pensioners, proceeded to appoint an additional pensioner, with a view to consuming the accumulated capital—not on the footing of the interest of the accumulation being sufficient to support the additional pensioner. If this principle were sound, it would prevent any permanent increase of the estate from accumulation of small sums, except where direction to accumulate is given by a trust-deed, and it would be difficult to say to what extent accumulation, say for five or fifty years, might be gone back upon and consumed.

Council Records, vol. cclxxxix. p. 428.
Can accumulations be dealt with as income, or must they be treated as capital?

ANDREW WEMYSS' MORTIFICATION.

There is another fund in a somewhat peculiar position—viz., the trust-estate of Andrew Wemyss, which was made over to his widow in liferent, and to “the Lord Provost, Magistrates, and Council, the Governors and Administrators of the Trinity Hospital in Edinburgh, and their successors in office as Governors foresaid, as trustees for executing his Trust, in fee.” Besides giving Mary Thomson or Wemyss, his widow, the liferent, and carrying out certain other minor purposes, the trustees are directed to invest £200 for the benefit of the School of Arts. “And further, after the death of the said Mary Thomson or Wemyss, my trustees shall hold and possess the whole residue and remainder of my said means and estate, as Governors and Managers of the said Trinity Hospital, and shall invest the same and apply the annual accruing interest, produce, or revenue arising therefrom, for and towards the maintenance and

Wemyss' Mortification. 1858. App. p. 282.

Third branch of
Interlocutor.

Wemyss' Mortification.

Council Records,
vol. cclxxv. p. 316.

support of decayed merchants or tradesmen who have carried on business within the municipal boundaries of the City of Edinburgh for at least ten years, or the widows of such merchants or tradesmen."

The truster's widow is still alive, and has, since 17th August 1858, under a minute of that date, managed the heritable property, letting it and uplifting the rents, and drawing the dividends of the stocks belonging to the trust, under an obligation to keep the heritable property in proper repair to the satisfaction of the Treasurer.

In considering a scheme for the Trinity College Hospital proper, it will be right to keep in view the nature of this mortification.

FRASER'S MORTIFICATION.

Fraser's Mortification, 1758.

App. p. 268.

This deed is more remarkable for the virulence of the truster's expressions regarding some members of his clan, than for anything else. Besides the bequest to the Hospital, it contains bequests for the foundation of a bursary and other public purposes.

PAUL'S WORK.

Paul's Work Mortification.

Council Record,
vol. cclvi. p. 407.

The Trinity Hospital has practically an interest in the funds of, though it has not been consolidated with, the charity known as Paul's Work, the proceeds of which have been since 1852 paid over to the Treasurer of Trinity Hospital, in terms of a resolution dated 21st October 1851. This, however, is not a permanent arrangement, although it seems within the range of the Magistrates' power to make it so. It may be recalled at any time, and it would seem that all that is done is from year to year to transfer to the Treasurer of Trinity Hospital a balance, which the Magistrates, as trustees of Paul's Work, have ascertained.

This charity dates from before the Reformation, having been founded by Bishop Spence of Aberdeen for the support of poor beidmen. When in the hands of the Magistrates as a separate institution, it was for a long time used as a sort of workhouse, where occupation and training were provided for poor, who were kept distinct on the one hand from the ordinary poor of the burgh, and on the other from those of Trinity Hospital. For a considerable period prior to 1851 its revenues were paid over to the Parochial Board.

FOURTH BRANCH OF THE INTERLOCUTOR.

Fourth branch of
Interlocutor.

IV. "By whom, and in what manner, and from what classes of persons, the beneficiaries have been from time to time selected; and, in particular, whether any, and what rights of selecting or nominating beneficiaries have been exercised, or claim to be exercised, by parties other than the Magistrates and Council, as Trustees of the Charity?"

Rights of Patronage.

It will be convenient to answer together the first and last portions of this inquiry. Rights of Patronage.

"By whom have the beneficiaries from time to time been selected? and Whether any and what rights of selecting or nominating beneficiaries have been exercised, or claimed to be exercised, by parties other than the Magistrates as trustees of the Charity?"

Generally, the Magistrates are the Governors and Administrators of the Hospital, and have the selection of the beneficiaries. The greater number of benefactors have handed over their gifts in general terms. Some have specified that their object was to support a poor person in the Hospital without any reservation of a right of patronage. There are two of this class—

Thomas Speirs,
Richard Doby.

App. p. 221.

App. p. 221.

By the terms of a good many foundations, the selection has been given to private hands. These may be divided into two classes—where the claim is founded on a direct contract with the Magistrates, and where the claim depends on the terms of mortifications which have been accepted by the Governors, with the condition attached to them of a reserved right of patronage.

The total number of foundations (exclusive of the Alexander mortification) where a right of patronage has been reserved is thirty. Of these rights six have ceased to be claimed, viz. :—

One under the will of Cornelius Inglis, May 3, 1605, of the exercise of which there is no evidence. App. p. 222.

- Fourth branch of Interlocutor. Two under Patrick Eleis's mortification, 12th December 1620, and 14th February 1621, which has not been exercised since 1670.
- Rights of Patronage. One under Hew Wicht's mortification, 11th February 1625, which was renounced in 1635.
- App. p. 226.
- App. p. 228.
- App. p. 236.
- One under David M'Call's mortification, 18th December 1639, which was last exercised on 19th September 1749.
- App. p. 241.
- One under James Elies's mortification, 23d November 1670, the exercise of which has not been noticed. And,
- App. p. 245.
- Of two, Patrick Aikenhead and his aires were to have the patronage, 21st November 1689, but there is no evidence of this mortification having been put in operation by the payment of the funds to the Charity.
- Three private rights of patronage have been bought in by the Magistrates, viz. :—
- App. p. 265.
- One on Mrs Catherine Campbell or Wightman's mortification, 8th February 1744, bought up for £150 on 10th July 1797 (date of conveyance).
- App. p. 243.
- One on Penman's, bought up for £150 on 19th July 1842. And,
- App. p. 279.
- One on Thomson Paul's, 28th January 1842, bought up for £200 in 1859.
- Hospital Records, vol. xi. p. 435.
- Nineteen rights of patronage are still exercised by the original patrons, their heirs, or assignees.
- App. p. 246.
- In addition to these there were twelve beidmanships founded by Mr Alexander, which, as regards the inmate roll—supposed to represent those entitled to be accommodated in the house—the Magistrates have reduced to two.
- There was in 1873 only forty-two in all supported on the *Inmate roll*, no more than the number of beidmanships specifically founded, so completely has it been subordinated to the Out-pension list, on which there are at present 120.
- Questions have from time to time arisen as to whether these rights of patronage were personal to the original grantees, or capable of assignation. Where such questions have arisen, the Governors have eventually yielded, or at least waived their objection, as in the case of Young's mortification noted above; and, as stated, they have themselves, in three instances, become purchasers of such rights.
- Ib. p. 70.

GARDNER'S MORTIFICATION.

So lately as 11th April 1870, on an assignation of a right of presentation under Gardner's mortification being intimated, the Governors of the Hospital declared that accepting intimation was to imply no acknowledgment of the right to assign, the right having been originally given in favour of Thomas Gardner and "his heirs." In this case it is proper to add, the assignee claims to be also heir of Thomas Gardner.

Another right of patronage would vest in the same party if competently granted. By minute, dated 12th February 1733, the Council, "for the many great and good services done by the said Andrew Gardner to this Hospital, granted and disposed to him, his heirs, and successors," a right of presentation. This right seems never to have been claimed or exercised, and the Reporter has not included it in the number of private rights of patronage.

MRS CAMPBELL or WIGHTMAN'S MORTIFICATION.

The minutes of the Hospital contain no notice of a warrant for the purchase of this right of presentation, but the accounts shew the payment of £150 for it, and refer to the minutes of *Council* of 5th July 1797 as the warrant.

PENMAN'S MORTIFICATION and THOMSON PAUL'S MORTIFICATION.

On 19th July 1842, the Governors purchased, at the price of £150, the right of presentation under Penman's mortification, carrying out the recommendation of a committee, which bore, "In this way, at Mrs Miller's (the person who then enjoyed the benefit of the mortification) death, the Penman mortification will come to an end." A minute on Mrs Miller's death, 11th August 1846, explains that this right "was purchased by the Governors, intending to suppress it at the first vacancy, having added to the number of inmates by the sale of a presentation to Thomson Paul, Esq."

This sale had taken place on 28th June 1842. Mr Thomson Paul paid to the Magistrates £450 for a right of presentation, at large; and on 1st November 1859, he resold it to the Magistrates for £200. Thereupon they seem to have

Fourth branch of Interlocutor.

Rights of Patronage. Gardner's Mortification.

App. p. 261.
Letter from his agent, W. M. Clarke, 21st July 1873.
Hospital Records, vol. i. p. 42.

Can the Magistrates make grants of patronage without consideration?

Mrs Campbell or Wightman's Mortification.

App. p. 265.

Penman's Mortification.

App. p. 243.

Thomson Paul's Mortification.

App. p. 279.

Hosp. Records, vol. xi. p. 435.

Fourth branch of Interlocutor.

Penman's and Thomson Paul's Mortifications.

Is it legal for the Governors to expend the funds of the Charity in purchasing rights of patronage?

resolved not to fill up the vacancy when it occurred by the death of Thomson Paul's presentee. This case serves well to bring out the question of the legality of such transactions. The Governors had hesitation in originally granting this right, because the price was not at the date such that the interest would support a beneficiary—the theory upon which the price of presentations was from time to time fixed. By paying back, the sum remaining in their hands to support the beneficiary was reduced to £250, or to £100, if the transaction in regard to the Penman mortification be regarded as connected with this one. While the Hospital stood, and its accommodation was limited as in 1842, there was an intelligible reason for desiring to keep the number of inmates down, but that motive no longer existed in 1859, as the Hospital had been removed, and the sum paid by Mr Paul might have yielded £20, the highest pension to which beneficiaries were at the date of the transaction appointed.

Evidently between these two transactions the Magistrates gave away £350 which had become part of the *corpus* of the Charity.

ALEXANDER'S MORTIFICATION.

Alexander's Mortification.

The question as to the right of patronage under this mortification has been discussed above, along with the other points connected with this special trust.

Supra, pp. 129-146.

There is not now pending any dispute or litigation as to such rights of patronage; but a list of beneficiaries on the roll in 1871 shews two foundations which were not full,—viz., Beech's, to only half of which the Merchant Company had presented, and Wilkie's, of which the ministers of Edinburgh are the patrons, and as to which there was at one time a dispute, as other parties claimed the patronage. It has been stated that "no presentation has been made for several years."

Hospital Records, 30th August 1826, vol. ix. p. 22.

Qualification of Beneficiaries.

"In what manner, and from what classes of persons, have the beneficiaries been from time to time selected?"

As to the manner of selection by the private patrons, they have exercised their own discretion, the Governors occasionally refusing to accept presentees

who did not fall within the terms of the bequest, and expelling from the Hospital presentees whose demeanour was unsatisfactory.

Fourth branch of Interlocutor.

The Magistrates have generally appointed a Trinity Hospital Committee, who reported on the claims of the different applicants, and recommended a list, which seemed to be always approved of. Latterly schedules of information required to be given have been issued to intending applicants to be filled up and certified, and there has been printed and circulated among the Committee and Governors an abstract of the names and circumstances of the various applicants.

Qualification of Beneficiaries.

The poor maintained originally in Trinity Hospital having been known universally as beidmen, the first inquiry as regards the selection of beneficiaries is, When did females first come to be elected ?

The great majority of those at present on the roll are females. In the original foundations there was no express exclusion of females as in those of some conventual houses ; nay, it seems even to have been apparently contemplated as possible that females might be resident within the bounds of the Hospital. Although no trace has been found of females appointed to beidman-ships in it, the statutes at least shew that the beidmen might be married men. The following extract is from the statutes as revised, not by the Magistrates, but by the old chapter of Trinity College, on 2d June 1575 :—"Item it is ordanit be the provest and chaptour forsaid that how sone it sall pleis God the said hospitale be reparit and mendit, that all the said beidmen sall have and vse thairin nicht and day without leif askit and gevin be the said maister hospitale, ilk nycht thai ar absent to pay IIIId. the man, and that na wyfe nor barnis salbe haldin to resort thairin day nor nycht, and in speciall in the nycht, for molesting of the seik, vnder the pain of VIId., to be payit be the beidman that shall happin to have that wyfe or barnes, and that nane of the said beidmen that ar desolat of wyffis at this present or to cum sall marie without the maister hospitaless leif, vnder the pane of deprivioun at the least satisfeing of the said maister hospitale."

Coll. Churches of Midlothian. Ban. Club, p. 227.

As regards the hospital built by the Magistrates in the grounds of Trinity College, before the patronage of the old Hospital was transferred to them, females were admitted as hospital poor. On 21st June 1578, out of "nine bedrells" four were women. At Martinmas 1611, there were twelve men and

Council Records, vol. v. p. 101. Hospital Accounts.

Fourth branch of
Interlocutor.

Qualification of
Beneficiaries,
App. p. 291.

twenty-three women; in 1614-5, there were seven men and twenty-eight women, and generally, ever since, the number of women has been greatly in excess of that of men; but their relative numbers seem to have been perfectly arbitrary. On 20th November 1672, a resolution was passed that no married persons should be admitted to the Hospital; but, except on 15th April 1673, there never seems to have been any question as to excluding females altogether; and the attempt then made entirely failed. The present proportion of the sexes in 1871 was:

	On £20 Scale.	£10 Scale.	Total.
Males, . . .	8	19	27
Females, . . .	32	114	146

Council Records,
vol. xxvii. p. 150.

The census returns, it is believed, shew that for every 100 males fifty years of age and upwards, there are about 129 females.

Council Records,
vol. v. p. 101.

The fact of having a living spouse continues a disqualification, but was not always so, and there were examples of both spouses being on the roll at the same time. Among those admitted on 21st June 1578, were "Walter Brown and his wyfe," and "Johnn Browne, his wyfe Cristiane Smyth;" but about a century later a statute was passed that no married persons should be admitted, and several persons were "extruded" for no reason but that they had living spouses.

As to the classes of persons from whom the beneficiaries have been from time to time selected.

In the original foundation of the Trinity College, there is no express definition of the social condition of the poor from whom the beneficiaries were to be selected. The charters of 1567 and 1582 are less precise. Queen Mary's charter speaks of "sustentatio a fortunis lapsorum mercatorum, et artificum ad paupertatem et inopiam redactorum et aliorum." In the minutes of the College they are frequently called "Beidmen hospitallarii." As to their social rank there is little evidence. In the Latin charters, by the College they are called "*domini*," and in English, "schirs,"—titles for which it is very difficult to find equivalents in modern language; and sometimes in the same charter the title of "*dominus*," is given equally to the Head of the College,

and to the beidmen of the Hospital. In later University language these words were used with reference to any one who had not taken a degree. Although there are preserved the records of two several occasions on which the beidmen were called upon to produce their presentations, there is not on either occasion any designation indicating their social position. The *bedellus* of the Trinity College, at one time at least, was a beidman, and in a minute dated 2d June 1577, it is stated that "past memor of man," one of them had been "ane officiar at arms." A beidmanship and a-half was given to one of the chaplains, but at the same time the chaplain undertook duties which had no relation to the beidmanship. There were other examples of clerical holders of beidmanships who were sent forth to serve cures which the establishment was bound to supply, so beidmanships in the kindred institution of Paul's Work more than once were given to chaplains. These cases look too like misappropriation to be founded on as furnishing a key to the class of persons who were entitled to the appointment. No evidence has been discovered as to the condition of life of any one appointed prior to the transfer to the burgh, except that, of six beidmen who from time to time resigned their privileges into the hands of the Magistrates, one was described as a "messenger," and one as a "cordiner." A messenger seems even at a later date to have been found useful for recovering rents and dues.

Fourth branch of Interlocutor.

Qualification of Beneficiaries.

Bannatyne Club. Council Records, vol. vii. 6th Dec. 1583. 16th Oct. 1584.

Council Records, vol. ix. p. 209.

At this period, among those admitted to the Hospital on its new footing of a burgh institution, we find persons described as notaries, masons, skimmers, blind persons, "auld and decrepit," and also men and their wives. At a later period we find such examples as the following:—

19th March 1658.—Margaret Steven, relict of James Hamilton, "sometyme deaken of the maissones of this burgh."

3d June 1659.—Mr George Straitton, "sone to the deceisit James Straitton, Wrytter to the Signet."

31st March 1708.—John Carmichael, "chyrurgeon, burges of this city."

Council Records, vol. xxxix. p. 69.

3d July 1708.—Margaret Alexander, widow of William Harper, minister at Boharm.

27th July 1708.—Sir John Sibbald admitted.

27th July 1724.—Mr David Fairn, "advocat and burges."

Hospital Records, vol. i. p. 24. Ib. vol. v. p. 118.

4th April 1740.—Helen Mackintosh, daughter of a late bailie.

Fourth branch of
Interlocutor.

Qualification of
Beneficiaries.

Hospital Records,
vol. v. p. 120.
Ib. vol. vi. p. 80.

Burgess qualifica-
tion.

App. p. 291.

App. p. 291.

App. p. 292.

App. p. 305.

26th April 1775.—Elizabeth Gardner, relict of Sir William Murray of Newton, Bart., on Alexander's fund.

5th January 1785.—Katherine Cans, sister of a captain in the navy, was presented on Murray's mortification.

John Downie, dancing-master.

The most marked description of the class from which they were derived is found in a classification of which there is no evidence in the original deed of foundation. The Magistrates have divided them into (1.) Burgesses and those belonging to burgess families; and (2.) those who do not belong to that class. In 1611, twelve of the inmates were male, but only half of them were burgesses, and of twenty-three female inmates only four were "burgesses wives." The proportion, however, seems gradually to have increased as regards both sexes; and on 27th February 1650, as stated above, an express resolution was taken that "none but burgess men and burgess wyfs and burgess barnis be admitted." On 20th November 1672, the rule was re-enacted, as if it had not been sufficiently observed, and it reappears in the statutes of 1720 and 1772. Hardly had the qualification become statutory, when the means of avoiding it were devised; thus, as early as 1st February 1667, James Gay was admitted a burgess for his life-tyme, and immediately after elected an inmate of the Hospital, and the trifling money payments now required for admission as a burgess, in some cases £4, 4s., and in the rest £5, 5s., would hardly be an obstacle in the way of any poor person who had a reasonable prospect of admission to the benefit of the Charity.

The only warrant for drawing a distinction between persons connected with the town and those who are not, is found in expressions in the charter of 12th November 1567, which speaks of the classes intended to be benefited as "incolæ et inhabitantes infra nostrum burgum de Edinburgh;" but the clause goes on to say that the benefit was to be conferred "*etiam aliis, senibus,*" etc.: so that the same sentence which suggests the limitation, proceeds to exclude it.

Nevertheless, this classification now enters deeply into the administration of the Charity, or rather, the Governors have come to regard this as the leading qualification for admission; none who do not possess it being elected benefi-

aries, unless in virtue of some private foundation to the terms of which this qualification does not attach. Fourth branch of Interlocutor.

These private foundations are of two classes, some depending upon donations or bequests, others upon specific contract with the Magistrates, who, in order to enlarge the funds of the Charity, resolved that all who paid a certain sum, calculated on the cost to the Charity of supporting an additional beneficiary, might retain the patronage. With a view of favouring those connected with the town, a lower rate was fixed for the privilege of presenting one belonging to a family of burgesses than for a "presentation at large," as the right of patronage was called, when the donor was not so restricted in his choice. Qualification of Beneficiaries.

	Burgess Presentation.	Presentation at Large.	
By the statute of 1720, the prices of such rights			
were fixed at	£200	£250	App. p. 294.
On 25th March 1772 at	300	350	App. p. 296.
On 17th May 1797 at	350	400	Hospital Records, vol. viii. pp. 162, 174.
And on 22d August 1821 at	350	450	App. p. 297.

Acting upon these resolutions of the Magistrates, as Governors of the Hospital, a number of persons founded beidmanships, limited to the families of burgesses.

The number of foundations directly limited to burgesses or their families is four—

Foundation.	Patron.	Number of Presentations.	
1733. Young's,	(Failing founder's kin) Incorpora- tion of Cordiners,	1	App. p. 259.
1680. Penman's (2d),	} Bought up by Magistrates,	{ 1	App. p. 243.
1744. Campbell's,			App. p. 265.
1766. Beech's,	Merchant Company,	1	App. pp. 271-2.

There is another class inferentially limited, namely, where the presentee must be "qualified in terms of the statutes," and the amount given would at the time have entitled only to a presentation of a burgess, or a burgess's widow, or child. These are six in number—

Fourth branch of Interlocutor.	Foundation.	Patron.	Number of Presentations.
Qualification of Beneficiaries. App. p. 257; but see <i>supra</i> , p. 150. App. p. 256. App. p. 258. App. p. 256. App. p. 261. App. p. 266.	1728. Hog,	Mr Hog of Newliston,	1
	1728. Wightman,	Incorporation of Skinners,	1
	1726. Murray,	Mr Andrew Grieve, W.S.,	1
	1723. Watson,	Merchant Company,	1
	1735. Gardner,	Mr G. W. Gairdner, London,	1
	1758. Wilkie,	Ministers of Edinburgh,	1

The reference to the qualification prescribed in the statutes may be held to impress on the foundation the state of matters existing at the date when it came into operation, or it may be held to have been ambulatory, and to leave the qualification to fluctuate with the regulations from time to time. The question, of course, is one of the intention of the donor; and as there were known to be two schemes for disposal of rights of patronage, one limited and the other unlimited, the application of which varied with the sum mortified, it is rather thought that if the smaller sum was paid, the benefit should be confined to burgesses or their families.

Patrick Elleis, in 1621, left a bequest subject to a right of patronage which has since lapsed. The presentee was to be "such ane poor as contained in the Acts of Session 1610."

The Session of the Kirk was constantly associated with the Magistracy in the administration of the affairs of the poor in early times, and the Act of Session referred to probably defined the recipients of the Charity. But no trace of the Acts of the Session at the date referred to has been found in the Council Records, in those of the Session Clerk of Edinburgh, or in those of the Presbytery. The funds of this mortification have been merged in the general estate of the Charity.

Several of the other early mortifications which have disappeared were on the same footing.

Lennie's mortification excludes burgesses, or at least declares that none are to be appointed beneficiaries who are of burgess families, so long as others can be found who have seen better days, and are either unmarried, or are widows or widowers, who are fifty years of age or upwards.

Qualifications other than that of being Burgess family.

App. p. 279.

Supra, p. 155.

In 1858 Andrew Wemyss left a trust-deed under which the beneficiaries are intended to be "decayed merchants or tradesmen, who have carried on business within the municipal boundaries of the City of Edinburgh for at least ten years; or the widows of such merchants or tradesmen, of strictly moral character, and not less than fifty years of age." Burgesses and their families are thus not excluded from the benefit of this foundation as they are from that of Lennie's.

Fourth branch of Interlocutor.
Qualification of Beneficiaries.

There remains a class of foundations where preference has been given to persons bearing particular names, or of the founder's kin, twenty-one in number :—

Founder's kin, and special names.

1697. Alexander. Preference for founder's kin, or name of Alexander. Originally numbering,	12	
1723. Watson. Watson or Davidson (also in burgess list),	1	App. p. 256.
1732. Young. Founder's kin (Patrons — Corporation of Cordiners), also in burgess list,	1	App. p. 259.
1758. Wilkie (also in burgess list). Wilkie,	1	App. p. 266.
1761. Crokat. The names Crokat, Evans, Sheilds, Cave, Brown, Murdoch, Ker, Young (Patrons—the Minister and Kirk-Session of Wester Greyfriars),	2	App. p. 267.
1766. Beech. Beech and Duncan (also in burgess list). (Patrons—the Merchant Company),	1	App. pp. 271-2.
1768. Fraser. Fraser or Ellis (Patrons—Lord Provost, Dean of Guild, and Treasurer),	1	App. p. 263.
1776. Callender. The relations of father or mother of founder, etc. (Patrons—the Corporation of Skinners),	2	App. p. 273.

In addition to these, there are seven other private rights of patronage where the selection of the patrons is quite unlimited :—

1719. William Brown of Dalgourie (Patron—his Representative, Lady Susan Brown Bourke),	1	App. p. 255.
1723. Lady Grizel Sempill (Patron—Earl of Rosebery),	1	App. p. 254.

Fourth branch of Interlocutor.	1736. Rev. Wm. Brown (Patron—the Minister of Old Grey-friars),	1
Qualification of Beneficiaries.	1737. Mrs Melvill's (Patron—Mr Whyte Melville of Bendochie),	1
App. p. 263.	1765. Hunter's (Patron—Lord Forbes),	1
App. p. 264.	1812. Campbell's (Patrons—the Incorporation of Skinners and Furriers),	1
App. p. 271.	1846. Thomson Paul (Patrons—the Governors of the Trinity Hospital),	1
App. p. 276.		
App. p. 279.		

Nearly all the private foundations require decay in circumstances, good character, and the attainment of fifty years of age, as conditions of qualification.

There has been no complaint that any special conditions have not been attended to.

Probably a better description of the class to which the general fund was applied before the introduction of out-pensioners, cannot be found anywhere than that given in Gairdner's Historical Account of Trinity Hospital (1728):—
“They are burgesses, burgesses' wives, or children of burgesses not married, nor under the age of fifty years, and care is taken that they be persons of good reputation, who behaved themselves virtuously in their former days, who have not squandered away their substance by riotous living, but they or their parents were brought to low circumstances by providential dispensation, and by which it appears they have not had a sinful hand in their own misfortunes.”

The manner in which the Governors have given largest preference to those possessing the burgh qualification, is by the gradual establishment of out-door pensioners, which, except a few of the name of Alexander and occasional transference from the Hospital of presentees by private patrons, have been reserved exclusively for persons possessing the burgh qualification. These pensions fall to be considered under the next branch of the Remit.

Fifth branch of
Interlocutor.

V. “How many Out-door Pensioners have from time to time been admitted to the benefits of the Charity?”

Out-door Pensioners.

Out-door pensioners were not originally contemplated, and the fact of non-residence was at first regarded as a breach of order, but long before the

sale of the Hospital buildings, the granting of such pensions had been considered useful, as extending the benefits of the Charity to persons who did not wish to go into residence, and then to persons who did not choose to grant in favour of the trustees a *dispositio omnium bonorum*, which was at one time required from all who were admitted to the full benefit of the Charity, latterly only from the presentees of the Magistrates. And when the funds enabled assistance to be given to a larger number than the building could contain, their distribution, without the condition of residence, enabled the number and range of selection of beneficiaries to be largely increased.

The subject of pensioners living out of the Hospital early assumed importance. The beidmen even before the Hospital was transferred to the town seem frequently not to have occupied the quarters provided for them, but to have turned them to account by letting them to third parties, or even selling their right to them; and among the cases of discipline recorded in the register published by the Bannatyne Club, is a deprivation for non-residence for fifteen years, the beidman having sold his privilege.

These abuses led to a special regulation by the Chapter of the College on the 14th day of December 1581, "that na beidman heirefter sall resave penny mail for thair sellis and chalmeris fra ony of thair brether nor sett the samyn to ony other stranger, bot to occupy the samyn nichtlie thameselfis personalie vtherwayis the maist wermost to be given to thame that remanis thairin nychtlie & quhatsumevir he beis that failzies heiruntill sall incur the pane of depravatioun and ane othir qualifit placit thairin."

The dilapidated condition of the buildings was occasionally such as to account for non-residence, both under the old regime and under the administration of the Magistrates, so that they sometimes reduced the number, both because of the want of accommodation and that the revenues of the beidman-ships might be devoted to repairing the house.

Another cause which may have led to the same result was the splitting of the Charity, there being evidence of dividing of beidman-ships of the old Hospital just as there is within a very recent period of dividing the larger pensions into two, so multiplying patronage, and increasing the number of beneficiaries beyond that for which there existed accommodation in the Hospital buildings, thereby probably altering the class of the recipients.

Fifth branch of
Interlocutor.

Out-door Pensioners.

Coll. Churches of
Midlothian. Ban.
Club, p. 231.

Ban. Club, p. 236.

Coll. Churches of
Midlothian.

Ban. Club, p. 111,
Nov. 29, 1544.

Statutes, 9th Dec.
1845.

Fifth branch of
Interlocutor.

Out-door Pensioners.

Council Records,
vol. xxxv. p. 234.

Council Records,
vol. xi. p. 315.

Hospital Records,
vol. i. p. 16.

Council Records,
vol. xii. p. 363.

Hospital Records,
vol. iii. p. 137.

Hospital Records,
vol. v. p. 222.

Ib. vol. vii. p. 139.
11th June 1806.

Ib. vol. vii. p. 236.

Though the class of out-door pensioners has now been recognised for a century and more, it was certainly regarded for long as an irregularity.

In 1650, it was resolved that none should get any means out of the Hospital rents but such as shall remain in the Hospital; and on 15th March 1714, it was resolved that allowances should be withdrawn in cases of non-residence.

Although for some years John Agnew, a relative of the founder of the Alexander mortification, was allowed £10, the case was treated as exceptional, and he was admitted to the house in 1711.

The first case of acknowledged boarding out of the house is found on 21st August 1721, in the case of John Whytfoord, "a member of the Hospital for these many years bygone, hath lyen out of the house because of his being subject to convulsion fits." He was boarded out till his death in 1735. During this period only one other case of boarding out has been discovered, and it only lasted for three months. There was a woman boarded out for six months in 1747, and at the same time a person disordered in her mind, and soon after another similarly afflicted.

In the course of 1750-51, four different parties were elected when there was no vacancy nor any room in the Hospital, so they were boarded out of the house, and from this time onwards, although there were occasional attempts at repression, the number of out-pensioners has been considerable. On 5th September 1759, there were fourteen out-pensioners on the roll. On the ground that granting out-pensions induced many to apply who would not do so if they had to go into the Hospital, it was again resolved to put none on the roll who did not go into residence. But the resolutions seem to have been of little avail. Thus, in 1774, the number boarded without the house had increased to twenty-two, and in 1777, to thirty. It was found necessary again, on 29th July 1778, to resolve that no out-pensioners should be allowed. After this, the number was gradually reduced till 1792, when there were only fourteen; but thereafter it steadily increased till 1806, when they had risen to thirty-two, and it was resolved to appoint thirty-six additional out-pensioners, and in 1808, forty-seven. At the same time it was resolved not to fill up vacancies which might occur in the out-pension list, but devote the income set free to providing increased hospital accommodation. It was only on 13th March 1811, that out-

pensioners were deliberately adopted as part of the permanent establishment. So strong was the feeling entertained by some that it was an infringement of the foundation to have out-pensioners, that this practice was, on 22d August 1821, made the basis of an objection to taking the old oath of office.

Fifth branch of
Interlocutor.
—
Out-door Pensioners.

In one sense, all the beneficiaries are now out-door; but they are paid on two scales, one supposed to represent the old beidmen, the other the out-pensioners. The number of the latter was about ninety, and was raised to 112 on 1st May 1860, and to 120 upon 22d October 1861.

In the scheme lodged by the Governors, with a view to giving effect to the judgments of the House of Lords appropriating to the beneficiaries the compensation paid for the old Hospital, and the greater part of that paid for the College Church, it was proposed to increase the number of out-pensioners receiving £10 to 200.

Appended to Minute,
2d July 1869.

SIXTH BRANCH OF THE INTERLOCUTOR.

VI. "What Allowances have from time to time been paid to such Out-door Pensioners, and upon what principle such Allowances appear to have been fixed?"

Sixth branch of
Interlocutor.
—

When Whytfoord was first boarded out of the house, he seems to have been allowed at the rate of £5 a-year till 1721, when the Treasurer "required the Council would order what he was to give for his maintenance, which being considered by the Council, they appointed the Treasurer to the Hospital to pay quarterly for the said John Whytfoord's maintenance conforme to the bill of fare,"—which had then been recently established in the Hospital. What that was we learn from the following entry in the accounts for the year ending 1st November 1722: "Maintenance of John Whytfoord, boarded out of ye house, £6, 13s. 4d." And at this rate his maintenance was continued down to the date of his death in 1735. The others above referred to as having been boarded out for a few months, as well as those disordered in their minds, are charged in the accounts at the rate of £6 per annum; so were those boarded out of the house in 1750 for want of room. No general principle was laid down; but

Allowance to Out-
door Pensioners.

Hospital Records
vol. i. p. 16.

Sixth branch of
Interlocutor.

Allowance to Out-
door Pensioners.

an examination of the accounts at that time shews that the cost of their maintenance in the Hospital,—apart from clothing,—was little over £6. In the accounts of last century these out-door pensioners are described as “on board wages,” or “boarded out of the house.”

The allowance continued at the rate of £6 a-year till 1st May 1860, when, in consequence of the increase in the free revenue from the sale of the buildings and the diminution of the expenditure, from the old Hospital staff being dispensed with, and lowering the allowance to “inmates,”—the Governors resolved to add £2 a-year to the allowance of the ninety-two pensioners on the out-door roll, and to increase their number by twenty; and on 22d October 1861 they resolved to raise the number to 120, and the allowance to £10. No reason is on either occasion assigned, except the large balance of available funds. Practically the allowance at first was the cost of an inmate according to the bill of fare, and as that has been preserved, it will be seen that the diet must have been considered in those days a very generous one.

SEVENTH BRANCH OF THE INTERLOCUTOR.

Seventh branch of
Interlocutor.

VII. “What has been the Gross Annual Income of the Charity since the old Hospital was removed, what deductions have been made, or fall to be made, therefrom, and what has been the Free Annual Income applicable and applied for behoof of the Beneficiaries?”

The subjoined Statement by Mr Gillies Smith contains the answer to this head of the Remit, and there is added to it an estimate, which the Reporter asked him to prepare, of the income available for distribution among the Beneficiaries :—

The average sum annually applied for the use of Beneficiaries appears to have been,	. . . . .	£1,614 12 10½
The sum actually expended during the year preceding 1st August 1873 was,	. . . . .	2,000 0 0
The estimated annual income available for the Beneficiaries is,	. . . . .	1,965 11 8

STATEMENT of Gross Annual Income of the Charity since the Old Hospital was removed, etc.

Seventh branch of
Interlocutor.
Annual Income.

The Amount of Funds at 15th September 1873 (exclusive of those of Wemyss Trust), was, as above stated,	£35,524	3	10 ⁷
The Debt due by the Hospital at 1st November 1845, was,	2,274	6	10 ³
	<hr/>		
Increase on Funds between 1st Nov. 1845 and 15th Sept. 1873,	£37,798	10	8 ¹⁰

Arising thus—

The Gross Annual Income for the period has been as follows :—

Trinity Hospital Proper,	£76,062	15	2
Trinity College Church Fund,	18,137	4	8
William Lennie's Trust	£3,905	3	11 ⁶
Less—Paid to Bursars,	659	16	6
	<hr/>		
	3,245	7	5 ⁶
	<hr/>		
Total,	£97,445	7	3 ⁶

The Charges affecting Income have been—

Trinity Hospital Proper—

Repairs and Improvements to Hospital

Property,*	£1,914	5	2 ³
Interest on Sums borrowed by Hospital,	487	16	7 ⁶
Public Burdens, Cess, Teinds, etc.,	6,874	7	7 ¹¹
Law Expenses,	1,289	13	0 ⁶
Allowances to Tenants for Lands taken,	466	6	10
Compositions on Entries,	34	18	2 ³
Underpayments of Stipend in South			
Leith locality found due by Hospital,	4,164	4	4
Salaries and Allowance to Town for management,	3,990	12	6
Pensions to former Matrons and Others,	790	7	6
Books, Stationery, and Stamps,	120	2	8
Incidental Expenses,	501	13	8 ⁶

Carry forward,	£20,634	8	2 ¹¹	£97,445	7	3 ⁶	£37,798	10	8 ¹⁰
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* NOTE.—In preparing a State of the amount of Repairs, etc., chargeable against Income, the Accountant has followed the course taken by those who prepared the Hospital Accounts; but on looking into the details of the Expenditure, so far as before him, he is inclined to think that a large part of the above sum, being of the nature of permanent improvements, is chargeable against Capital.

Seventh branch of Interlocutor.	Brought forward,	£20,634	8	2 ¹¹	£97,445	7	3 ⁶	£37,798	10	8 ¹⁰
Annual Income.	Trinity College Church Fund—									
	Rents of Area at Regent Road,	£446	19	5						
	Rents of Hall for accommodation of Church Congregation,	1,610	0	0						
	Interest paid,	346	14	4						
	Repairs to Property,	314	6	1						
	Taxes and Feu-duty,	196	4	10 ⁹						
	Law Expenses,	3	16	7						
	Incidents,	55	18	0						
	Expenses of Management,	415	8	8						
					3,389	7	11 ⁹			
	William Lennie's Trust—									
	Taxes,	£492	1	10 ⁶						
	Repairs,	81	8	10						
	Interest,	59	12	5						
	Expenses of Management,	195	10	4 ⁵						
	Incidental Expenses,	20	14	9						
		£849	8	3						
	Expense of new House and Steading on the Farm of Nether Auchenreoch, paid out of Income, but properly affecting Capital,	679	8	6						
					1,528	16	9			
								25,552	12	11 ⁸
	Leaving free Income,				£71,892	14	3 ¹⁰			
	The sums applied for behoof of the Beneficiaries during the period have been—									
	Trinity Hospital Charity Proper,	£45,210	9	6						
	William Lennie's Trust,	1,472	10	0						
								46,682	19	6
	Leaving the accumulation of Income during that period which has not been applied for behoof of the Beneficiaries,				£25,209	14	9 ¹⁰			
	Carry forward,				£25,209	14	9 ¹⁰	£37,798	10	8 ¹⁰

	Brought forward,	£25,209 14 9 ¹⁰	£37,798 10 8 ¹⁰	Seventh branch of Interlocutor.
The Balance of Sums received on Account of the Capital of Trinity Hospital Proper during the above period was as follows :—				Annual Income.
Sums received—				
1. Legacies—				
Miss Jane Denham, per Account for				
1849,		£50 0 0		
*Miss Patison, do. 1867,		250 0 0		
		<u>£300 0 0</u>		
2. Price of Property and Land sold—				
Description.	Per Acct. for Year.	Price.		
Building and Garden of Old Hospital, .	1846	£6,000 0 0		
Right of Servitude over Ground at foot of Leith Wynd, .	1848	500 0 0		
Old House at the Dean, .	1849	20 0 0		
Price of £4 part of Feu-duty payable for Lot 5 of Claremont Park, .	1851	92 0 0		
Part of Blinkbonny, .	1853	314 13 9		
Part of Farm of Quarry Holes, .	1853	16 14 10		
Cottages on Dean Farm, .	1857	150 0 0		
Part of Dean Farm sold to Caledonian Railway, .	1860	3,545 0 0		
Carry forward, .		<u>£10,638 8 7</u>	<u>£300 0 0</u>	<u>£25,209 14 9¹⁰ £37,798 10 8¹⁰</u>

* In treating this as a legacy, the Accountant seems to have adopted the statement in the City accounts. It was truly a sum received under a *dispositio omnium bonorum* granted by Miss Patison on admission as an inmate. Such sums have been treated generally as income, going to replace the expenditure on the inmates.

Seventh branch of Interlocutor.	Description.	Per Acct. for Year.	Price.
Annual Income.	Brought forward,	. £10,638 8 7	£300 0 0 £25,209 14 9 ¹⁰ £37,798 10 8 ¹⁰
	Part of Property between Blackhall and Blinkbonny sold to Cramond District Road Trustees, . . . 1863		202 10 0
	Compensation for Ground at Quarry Holes, taken by N. B. Railway Company, less value of tenant's interest, . . . 1868		1,915 19 0
	Allowance from said Company in lieu of their obligation to form a road there, 1868		100 0 0
	House in College Wynd sold to Improvement Trustees, . . . 1872		70 0 0
	Hospital share of consigned price of Area on which stood tenement Nos. 60, 62, and 64 High Street, taken down by order of Court, . . . 1873		185 3 6
			<u>13,112 1 1</u>
	3. Sums received in relinquishment of Feus,		1,243 17 6
	4. Law Expenses recovered,		168 10 5
	5. Sum received for permission to work Sand in 1867,		100 0 0
	Carry forward,	£14,924 9 0	£25,209 14 9 ¹⁰ £37,798 10 8 ¹⁰

Brought forward, .		£14,924 9 0	£25,209 14 9 ¹⁰	£37,798 10 8 ¹⁰	Seventh branch of Interlocutor.
Less Sums paid, viz. :—					
1. House at Deanbank, purchased in 1848, .	£63 0 0				Annual Income.
2. Repairs and Improvements to Property (of a permanent nature), .	2,355 14 0				
3. Payment in redemption of right of presentation, .	200 0 0				
4. Price of Teinds purchased in South Leith Parish in 1849,	315 0 0				
5. Law Expenses,	1,040 14 4				
6. Sundry Expenses, including Payment for Printing Hospital Charters, etc.,	124 10 6				
	<u>4,098 18 10</u>				
			<u>10,825 10 2</u>		
Balance of Sums received on Account of Capital of Trinity College Church Fund, viz. :—					
Sums received, viz. :—					
From the North British Railway Company, per Account for 1848—					
1. For the Site of the Old Church, .	£800 0 0				
2. As the estimated Expense of Rebuilding the Church,	16,371 9 6				
	<u>£17,171 9 6</u>				
Architect's Fees for Report to Sheriff recovered, per Account for 1849,	50 0 0				
Price of Property at Calton Hill Stairs sold, per Accounts for 1857,	880 0 0				
Law Expenses recovered,	102 8 0				
For Slates and Windows of Old Church, per Account for 1855,	37 3 6				
	<u>£18,241 1 0</u>				
Carry forward, .	£18,241 1 0	£36,035 4 11 ¹⁰	£37,798 10 8 ¹⁰		

Seventh branch of Interlocutor.	Brought forward,	£18,241	1	0	£36,035	4	11 ¹⁰	£37,798	10	8 ¹⁰
Annual Income.	Less Sums paid, viz. :—									
	1. Sums expended in erection of New Church—									
	Per Accounts for 1871,	£15	19	10						
	Do. for 1872,	1,879	9	3						
	Do. for 1873,	2,376	3	8						
	2. Payments for Materials of Old Church, and Expenses of Removing the same,	1,596	16	3						
	3. Plans, Measurements, etc., connected with intended Restoration of Church between 1849 and 1863,	1,423	7	0						
	4. Property Purchased—									
	Property.	Per Acct.	Price.							
	Property at Calton Hill Stairs, . 1851		£1,260							
	Property at Ireland's Woodyard, 1858		1,700							
	Site of New Church, . 1871		1,760							
				4,720	0	0				
	5. Law Expenses,			4,456	2	8				
	6. Miscellaneous,			9	16	7				
							16,477	15	3	
								1,763	5	9
	TOTAL,—being Increase on Funds between 1845 and 1873, as above,								£37,798	10 8 ¹⁰

ESTIMATE of Combined Nett Income of Trinity Hospital Proper and Trinity College Church Fund.

Trinity Hospital Proper—

Rents (taking the amount at the sums stated in the Accounts for 1872-73)—

Deanpark, Blinkbonny, Quarryholes, and Maidencraig, £1,792 10 11

Carry forward, £1,792 10 11

	Brought forward,	£1,792 10 11	Seventh branch of Interlocutor.
House and Garden at Blackhall,		16 0 0	
Houses and Shops in Edinburgh, and Seats in West Church,		52 2 6	Net Income.
		<u>£1,860 13 5</u>	
Feu-duties at Coatfield, Claremont Park, etc. (amount in 1872-73),		547 19 10 ^s	
Interest—			
Annuities on City Bonds,	£457 10 0		
Interest on Money in Bank of Scotland (£7,691, 10s. 5d.), say if invested at 4 per cent.,	307 13 3		
		<u>765 3 3</u>	
Nett Proceeds of Revenue of Paul's Work (amount in 1872-73),		107 11 10 ^s	
		<u>£3,281 8 5^d</u>	
Trinity College Church Fund—			
Rents of Property at Ireland's Woodyard,	£90 0 0		
Interest—			
On Loan to Slaughter-Houses Account (£3,118, 0s. 2d.), say at 4 per cent.,	£124 14 4		
On Money in Bank of Scotland (£13,390, 2s. 0d.), say if invested at 4 per cent.,	535 12 0		
		<u>660 6 4</u>	
		<u>750 6 4</u>	
		<u>£4,031 14 9^d</u>	
Deduct Repairs, etc., Public Burdens and Expenses of Management, say,		550 0 0	
		<u>£3,481 14 9^d</u>	
NOTE.—Besides the Income above stated,		£3,481 14 9 ^d	
there is also Income from William Lennie's Trust, as follows :—			
Rents of Nether Auchlenreoch and Property in Springholm,	£184 14 5		
Available portion of Annuity secured over Ballochneck,	85 0 0		
Interest on money in Bank (£241, 12s. 3d.), say if invested at 4 per cent.,	9 13 3		
		<u>£279 7 8</u>	
Less—Payments to Bursars, Expenses of Management, etc., say,		100 0 0	
		<u>£179 7 8</u>	

Seventh branch of
Interlocutor.

Trinity College
Church Fund.
Expenditure con-
nected with rebuild-
ing Church.

Several of the items above mentioned connected with the Trinity College accounts appear somewhat startling.

Upwards of £17,000 were received in 1845 from the Railway Company in respect of their having removed the church, and taken its site, the charges against the fund amount to about £16,500. So that, although it has been fixed that the price of the old church and site are available for the general Charity of Trinity Hospital, subject to the burden of providing a new church, which was to cost but £7000, there is left for the Charity little but the interest which has accrued, owing to the delay which has occurred in its application. The great expenditure, in addition to the cost of providing the congregation with temporary places of worship, and providing for the storage of the old materials, may be divided into (1) expenses connected with the fabric of the church, and (2) law expenses mainly connected with litigation.

1. The accounts shew that there had, as at 1st August 1873, been expended on the rebuilding of the church the sum of £4271, 12s., besides £1760 for its site and the price of Ireland's Woodyard, which, however, is expected to be advantageously sold.

It is understood that the whole £7000 has now been paid. It appears further, from proceedings of the Town Council, that the actual cost of the new buildings has exceeded the sum allowed by the Court by £676. This extra expenditure of £676 has been accounted for in this way: After approval by the Court of plans which did not embrace the use of the materials of the old church, it was suggested that a portion of these might be employed so as to reproduce and annex to the new church the apse and certain features of the choir of the ancient building; and the Magistrates, in concert with the Trinity Hospital Committee of their number, have proceeded at their own hand, without applying for the sanction of the Court, to have a church built embracing these old features, and have charged the contractor with £300 as the value of the old materials. The expenditure, so far as in excess of the sum sanctioned by the Court, was unauthorised; and the inference from the public discussion is, that it is admitted that it cannot be thrown on the funds of the Charity. The Town Council have ordered it to be paid out of the common good.

The fact is at first sight striking, that materials, which up to the date of putting them in store cost £1596, 16s. 3d., were sold for £300. It is quite

intelligible that the old materials possessed one value when it was intended that the old church should be reproduced on its original plan, and a much lower value when only a small portion was to be reproduced, and the rest used merely as rubble. Accordingly, the opinion of Mr Bryce the architect was obtained, and a valuation, dated 25th August 1871, has been exhibited, fixing the value of the old materials at £300; and there is no reason to doubt that the Magistrates did well by the Charity in accepting this valuation, for, in looking into the details by which the original valuation was arrived at, it appears that the value put on the materials was only £441; while the cost of numbering, and removing, and putting them in store, so as to be available for rebuilding the church on the original plan, amounted to £881. Nevertheless there remains a loss to the Trinity College Church fund of £1296, 16s. 3d. on this head; and a loss of £380 on a site purchased on the Calton Hill for the erection of the church, which was bought for £1260, and sold for £880; and a loss of £1373, 7s. (after crediting a sum recovered from the Railway Company) on plans and measurements made at different times, and having reference to many proposed sites, besides £446, 19s. 5d. for continued storage from 1848 to 1873, and £1610 for providing places of worship,—and amounting altogether to, £5,107 2 8

Seventh branch of Interlocutor.

Trinity College Church Fund. Expenditure connected with rebuilding Church.

2. It will likewise be observed that there has been sunk in law expenses, with reference to the Trinity College Church fund, no less than £4456, 2s. 8d., less £102 recovered in 1849. However much it may be matter of regret that so large a sum should have been so expended, the expenditure is easily understood, when the larger items of which it is composed are considered.

Trinity College Church Fund Law Expenses.

There were preliminary Parliamentary and law expenses, amounting to,	£552 17 0
Of which there were recovered,	102 8 0
	£450 9 0

No sooner had the money been received, than a variety of questions arose as to the powers of the Magistrates in regard to it, and as to rebuilding the church on a site not within the old Trinity College parish, which led to various consultations and opinions of counsel being had, which in all cost, £91 5 5

Seventh branch of
Interlocutor.

Trinity College
Church Fund Law
Expenses.

Then commenced the litigations, and it may be convenient to mention first, that at the instance of Forrester and Others, which is at an end.

In the Court of Session the Magistrates, who held the fund, had to pay their own expenses and those of the pursuers,	£435 13 9
Expenses in the House of Lords,	576 2 11
Expense connected with application of judgment,	25 13 5

£1,037 10 1

Forrester and Others having failed in the House of Lords, repaid of costs paid them in the Court of Session,	132 10 0
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Nett expenses connected with Forrester's action,	£905 0 1
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In the processes at the instance of beneficiaries under the Charity, the expenses of the Magistrates in the Court of Session amounted to,	249 9 10
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Under the judgment of the House of Lords, they also paid those of the beneficiaries,	217 7 7
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They had also to pay their own expenses in the House of Lords,	£373 6 5
--	----------

And those of the beneficiaries,	602 2 9
---	---------

975 9 2

In course of applying the judgment of the House of Lords in this case, besides the questions which became the subject of a fresh appeal as to the sum to be expended on the new church, and the propriety of building a new hospital, there arose fresh litigation, at the instance of the University, claiming to share in the funds, in which, although the University failed, they were not found liable in expenses. The whole costs in the Court of Session paid out of the Charity amounted to,

410 11 3

In this appeal the Magistrates' costs were,	£178 6 3
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And those of the beneficiaries, also paid out of fund,	233 5 10
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412 12 1

Total cost in second action, so far as disposed of,	£2,265 9 11
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The pursuers' accounts, and in some cases the Governors', the interlocutor allowing them having borne "properly incurred," were paid under decree of Court on the auditor's report,—in all the Governors' agents' accounts are taxed by the Auditor of Court.

Seventh branch of
Interlocutor.
Trinity College
Church Fund Law
Expenses.

A very considerable amount of farther expense also has been incurred partly in connection with the fixing of the site and plans of the church, and is charged in the accounts,—as is also the expense of transcribing, translating, and printing the Charters (these have to some extent been charged in the Hospital proper accounts), and in printing of Notes by the City Clerk on the history of the Charity down to 1661.

Some of the items are properly connected rather with ordinary business than litigation.

THE EXPENSES OF MANAGEMENT.

The expense of management has varied much. Till the present century the office of Treasurer seems to have been gratuitous, and the City Clerk received but £6 of a salary, and his depute 11s. 1 $\frac{4}{2}$ d. Later the expense, exclusive of the cost of the matron, chaplain, and house establishment, has varied, and has been limited to the salary of the Treasurer and the allowance made to the City Clerk's department as keeper of the records of the Hospital.

Expenses of
Management.

The ordinary expenses for some time before the removal of the Hospital, amounted to less than £250, viz.:—Hospital Treasurer's salary, £200; Keeper of the Records, £25—a few pounds for the clerks in the City Clerk's office; Accountant's fee, £15, 15s.

In 1859 it was resolved to re-adjust the distribution of the City's general expenses of management. The re-adjustment did not receive full effect as to Trinity Hospital till 1862, when the office of Hospital Treasurer was abolished, or rather its duties were transferred to the City Chamberlain. From this time all the City establishments were paid by fixed salaries, and on the various trusts and funds under the management of the City special contributions were levied. Thus there was paid annually from the Hospital fund to the City Clerk's fee fund, £31; and for general management in the Chamberlain's department, £80; while four per cent. on receipts has been charged against the Trinity College Church fund, averaging about £29 a-year.

Seventh branch of
Interlocutor.

Expenses of
Management.

The expenses of management have recently been nearly doubled, as "By Act of Council, of date 23d September 1873, the Magistrates and Council ordered that a sum of £150 be transferred annually from the Trinity Hospital funds to a common fund, which is to provide the means necessary to meet the salary of the Town Clerk and the expenses of his office."

As this addition to the expenses had taken place since the date of the accounts submitted to the Accountant, it was communicated to him, when he was asked for a probable estimate of the free income. There is a considerable amount of trouble occasioned in the City Clerk's department connected with attending to the numerous claims by the various applicants for the benefit of the Charity, and arranging and classifying them for consideration by the Council and its Committee, and the numerous monthly payments to the pensioners, and collection of small feu-duties by the Chamberlain's department also involve considerable trouble, beyond that connected with the keeping of the accounts. There will be found under the next head some observations on the manner in which the Records of the Hospital are kept.

EIGHTH BRANCH OF THE INTERLOCUTOR.

Eighth branch of
Interlocutor.

VIII. "Any other fact or matter which may appear to the Reporter to be material or useful for the information of the Court in settling a scheme for the future administration and application of the funds of the Charity."

Various matters which might have fallen under this head of the Remit have been discussed above, and in regard to them, all that is required here is to refer to them. One or two other points of more or less importance require notice as possibly affecting the amount available for distribution.

During both of the periods—the accounts for which have been examined by the Accountant—they seem to have been in essentials correctly stated, except one small matter of interest in each.

Overpayment of
interest by Hospital
for the Town.

1. In the earlier period—1611-45—it appears from the accounts that interest on the unpaid balance of price of Coatfield, etc., was, in the years 1629

and 1630, calculated and paid on £50,000; but the balance due, in fact, was only £49,000, and it would thus appear that during these two years interest was paid on £1000 more than was due. Other lands of Stainydale were agreed to be purchased for £1000 Scots for the town from the same sellers, on the same day, and as a part of the same transaction as the purchase of the lands of Coatfield. The City accounts shew that the price of Stainydale was not paid by the town for two years, although the town drew the rents for that period. As this is the period during which the Hospital paid two years' interest on the precise sum agreed upon for Stainydale, it has been conjectured that the Hospital was erroneously charged with two years' interest, when it ought to have been paid by the town. If this conjecture be correct, £200 Scots was overpaid for the town by the Magistrates, who had charge of both estates.

Eighth branch of
Interlocutor.

Council Records,
vol. xiv. p. 92.
10th April 1623.

2. In the latter period—1829 to 1873—the Accountant has called the Reporter's attention to a failure on the part of the Magistrates to credit the Trinity College Church fund with a small amount of interest. He says—
“The only omission which I observe to give credit for a sum due, is in the case of interest upon £800 received by the town on 9th May 1848 from the North British Railway Company as the price of the site of Trinity College Church, which is omitted as a charge against the Corporation, for the period from 9th May 1848 to the date in 1850 or 1857, when the £800 was placed to the credit of the Trinity College Church fund.”

Underpayment of
interest by the town
to the Hospital.

That date has since been ascertained to be 19th May 1851. It is not disputed that the mistake has occurred, but it is explained by the present City Chamberlain that when this money was originally paid, it was not supposed that the Trinity Hospital Charity had any interest in it. The Magistrates treated the church as belonging to the City, and its price was accordingly managed along with the rest of the city property, and no special charge was made against it for management, and it is submitted by him that if the account is to be corrected, and interest charged for the period in question, there should be set to the credit of the City a reasonable sum for the expense of management of the Church fund from 1848 to 1859, during which period no charge for management has been made. Since 1859 four per cent. on all receipts has been charged for management.

Eighth branch of
Interlocutor.

Question as to the
rate of interest which
ought to have been
paid on loans to the
town.

Supra, p. 132.

3. The Reporter thinks it proper to notice another matter connected with the payment of interest, where the Magistrates were concerned, both as lenders to and borrowers for the town. It has been incidentally mentioned above, in connection with the investment of funds originally derived from the Alexander mortification, viz., lending the Hospital funds to the City at one per cent. below the legal rate. The examples given shew that five per cent. could be at the time obtained from others. A published table shews that four and a-half per cent. was received from 1789 to 1816 on funds lent by the Ministers' Widows' Fund, for money lent upon heritable security. On the other hand, the loan to the town, made in 1748, was made on a representation by the Treasurer of the Hospital, that the difficulty of gathering in the interest from private parties was so great that he would consider it advantageous to the Charity to get a lower rate from the town. To this matter the attention of the Governors was specially called, more than once, by their Treasurer, and on 10th January 1816 they represented to themselves, as Magistrates, that they only gave four per cent., and demanded "that in future they should pay the same interest given to an individual, that is, five per cent." There seem to have been some communings among the City authorities on the subject, but disposal of the matter was delayed. At the instance of the Hospital Treasurer there was again a remonstrance on the fact, which the accounts shew was correctly stated, that only four per cent. had been paid on a loan from its date as far back as 1748, but nothing had been done when the City got into the difficulties which led to the City Agreement Act being passed.

1 and 2 Vict. c. 55.

ROAD ACROSS THE CALTON HILL.

Supra, p. 124.

There was noted above a payment made in 1822 of £4000 "for the new road and bridge to and across the Calton Hill." The explanation of this payment is as follows:—

53 Geo. III. c. 53.

In 1813, an Act was passed appointing Commissioners with certain powers for erecting and maintaining a new jail in Edinburgh. Towards this object the town was to contribute £8000.

Soon after this Act was passed, it seems to have been suggested to the Magistrates that a good site might be found for the jail on the Calton Hill, which might be connected with Princes Street by bridging over the Low

Calton, and that new streets might be made across the Calton Hill. The proposed plan which did so much for the adornment of the town, involved necessarily a very large expenditure, amounting ultimately to about £90,000. The Magistrates seem to have applied for assistance in this undertaking to Heriot's Hospital and Trinity Hospital, of which the Magistrates were Governors—*sole* Governors of the latter, but not of the former. The proposed new lines of road ran through ground belonging to Heriot's Hospital, and lands belonging to Trinity Hospital lay between the Calton Hill and Leith, though not touching any of the proposed lines of road.

Eighth branch of
Interlocutor.
—
Calton Hill Road.

The Governors of Heriot's Hospital seem to have agreed to give £800 a-year till the new work was completed (converted, it is understood, into a payment of £8000), but upon condition of the Magistrates expending £6000 in opening up the end of York Place, and completing the connection with it of the new road through the Hospital's land near the Calton Hill and the new London Road.

The Governors of Trinity Hospital entered into an agreement, in which the sole counterpart was the hope of developing the feuing capabilities of the Hospital property by means of the new roads. The Hospital minutes bear that the Governors, on 16th March 1814, took into consideration the report on this subject of a Committee, the remit to which is not recorded in the minutes.

The report bore that the Committee were "of opinion that such communication, when executed, will afford a shorter and more easy access to the Hospital grounds, and thereby enhance the value thereof, by promoting letting and feuing of such grounds to greater advantage, and therefore that the Hospital should contribute towards the expense the sum of One hundred pounds per annum from this time, and One hundred pounds per annum more after three years, until the undertaking shall be finished; and in the event of a sinking fund being created for repayment of the money so contributed for such beneficial measure, that the Hospital should draw a rateable proportion thereof, corresponding to the sum subscribed, until they should be reimbursed of the same." Of this report "the Magistrates and Council, as Governors of said Hospital, approved and enacted accordingly, on the understanding that the annual payments are to continue until the whole sums borrowed for carrying the undertaking into effect shall be paid off."

Hospital Records,
vol. vii. p. 321.

Eighth branch of
Interlocutor.
Calton Hill Road.
54 Geo. III. c. 170.

On 20th June 1814, an Act was passed, narrating that a better situation than had been previously intended for the new jail could be found on the Calton Hill, and empowering the Commissioners to adopt the proposed site. And "whereas, for the purpose of making proper accesses to the said situation for the said new jail on the Calton Hill, it is expedient, and will be of great advantage to the public, to authorise and empower the said Commissioners to make and erect a bridge over the street called the Low Calton, with proper avenues and passages, and a street leading from or near from the east end of Princes Street in Edinburgh to the Calton Hill, and a road or communication from such bridge to the said new jail, and also along the said Calton Hill, till it join the Eastern Road to Leith at or near Abbey Hill, and for other reasons," the Commissioners for the erection of the jail were made Commissioners also for erecting these works.

The arrangements for direct money contributions towards the works are contained in the following sections:—

SECT. 19. "And towards carrying the purposes of this Act into execution, be it enacted, that the Lord Provost, Magistrates, and Council of the said City shall, and they are hereby authorised and required to, pay to the said Commissioners the sum of £12,000, and that against the term of Lammas in this present year 1814, with interest at the rate of five pounds per centum per annum from the term of Whitsunday 1814, which sum shall and may be recoverable by the said Commissioners in such and like manner as debts due by Royal Burghs in that part of Great Britain called Scotland are recoverable."

SECT. 20. Three Road districts—the Port Road district, the Leith Walk district, and the Middle district—were to contribute £18,000, and £300 a-year for ten years, and provisions were made for reimbursing them by tolls.

SECT. 25. If the foresaid sums were "inadequate to accomplish the purposes of this Act," power was given to the Provost, Magistrates, and Council to levy an assessment of £10,000 on the City.

SECT. 26. And if that did not prove enough, then they were "authorised and required to advance and pay out of the proper funds and revenues of the said City to the Commissioners any farther sum not exceeding £5000."

The assessment for £10,000 was levied, and the £5000 paid; and in addition the town, by section eleven of a subsequent Act, became bound to pay £300

56 Geo. III. c. 42,
sect. 11.

a-year, if necessary, till their payments amounted to £5000. The amount of their payments under this Act amounted only to £3900. This Act, like the previous ones, was silent as to the Hospital, although it authorised additional contributions by the Road Trusts.

The £12,000 above mentioned were provided by taking a bond from Trinity Hospital for £4000, and it is understood another from Heriot's Hospital for £8000.

The explanation of this transaction given by the Lord Provost of the day, Sir John Marjoribanks, Baronet, is thus stated in the Minutes of Council, of date 2d Nov. 1814:—"In consequence of an arrangement with the Governors of Heriot's Hospital, who by their Minutes of 22d February and 11th April last, had agreed to contribute the sum of £800 per annum, and in consideration of the Governors of Trinity Hospital having passed an Act agreeing to contribute £100 per annum during the three first years, and £200 per annum thereafter, until the undertaking should be finished, and which annuities by Heriot's and Trinity Hospitals respectively were to be made payable by bonds to the town of Edinburgh, bearing interest from Whitsunday last, the Lord Provost and Magistrates had been named in this Act as the parties who were to advance to the Jail Commissioners, to be applied in making the road and bridge, the sum of £12,000; and that over and above, being bound in terms of the Minute of the said Governors of George Heriot's Hospital, to apply the sum of £5000 towards removing the obstructions at the end of York Place, and £1000 towards making the line of road from Leith Walk through the property of the said Hospital."

No minutes of the Governors of Trinity Hospital on this subject are found between March 1814 and 6th October 1822, with the exception of an incidental notice in a report by the Treasurer on the general state of the Hospital in 1815:—"Let it be kept in remembrance that the Governors of the Hospital have come under an obligation to pay to the trustees for the Wellington Bridge £100 per annum till Whitsunday 1817, and £200 per annum after that time."

In October 1822 the Governors took into consideration a letter from the Treasurer, stating that the Hospital "contributed £4000 to the formation of the Calton Road and Bridge; this sum it was not convenient to advance,

Eighth branch of
Interlocutor.
—
Calton Hill Road.

Council Records,
vol. clxvii. p. 177.
2d Nov. 1814.

Hospital Records,
vol. vii. p. 352.
20th April 1815.

Eighth branch of
Interlocutor.
Calton Hill Road.

Hospital Records,
vol. viii. p. 277.

and a bond was granted, bearing interest at five per cent.;" and that he could now borrow the money at four per cent., and asking for authority to borrow and pay off the bond. The Governors accordingly authorised him "to borrow, on the credit of the revenue of the Hospital, the sum of £4000, at four per cent. sterling interest, for the purpose of paying up the bond which was granted to Sir William Forbes & Company, and which bears interest at five per cent., being the amount of the Hospital's contribution towards the formation of the Calton Road and Bridge." On 11th December the Treasurer reported that he had borrowed £4000 sterling from the National Bank, on a promissory note at twelve months' date, and that he had paid off the bond to the City of Edinburgh.

These seem to be the only notices of this transaction in the Hospital's minutes, except authority given from time to time to renew the bill, and thus shew that the matter assumed a different shape from that originally contemplated; for, instead of an annual payment for a limited period, there is eventually paid a capital sum, which, at five per cent., would have represented the sum of the proposed contribution in perpetuity.

The Hospital accounts shew £100 paid for each of the three first years to Whitsunday 1815-16-17, and £200 a-year from that time onwards till the bond was paid up on 27th November 1822, by money borrowed from the Royal Bank, on which two years' discount was paid at four per cent. After annual payments, amounting to £1730, 9s. 2d., had been made, funds were found for extinguishing this debt in 1824 by uplifting

Leith Dock bond,*	.	.	.	.	.	£2,400
City promissory note,	.	.	.	.	.	1,250
And another bond by the City, for	.	.	.	.	.	500

Thus £5730, 9s. 2d., including interest, had by 1824 been expended on this plan of city improvements. Whatever view may be taken of the conduct of the Town Council, the Reporter has felt it to be his duty to lay the facts before the Court. It is impossible not to be struck with some important points of contrast between the position of the two Hospitals.

* The management of Leith Docks was at this time in the hands of the Magistrates of Edinburgh.

In contracting with Heriot's Hospital, the Magistrates were not the sole parties on both sides,—they gave a large counter-consideration. A large amount of the general expenditure was made on ground belonging to the Hospital, for which it turned out most advantageous by the feuing of Royal and Regent Terraces belonging to it.

Eighth branch of
Interlocutor.

Calton Hill Road.

In contracting with Trinity Hospital, the Magistrates were the sole parties on both sides. There was no direct counter-consideration. No part of the money was spent on ground belonging to the Hospital.

Although the object stated was to enhance the value of the Hospital ground, by promoting letting and feuing to greater advantage, this object entirely failed.

Expensive feuing plans were indeed prepared, as a separate matter, by competing architects, embracing lands belonging to the Hospital to the east of Leith Walk, for which £337, 5s. 2d. were paid from its funds. The expenditure on the plans had reference to the Hospital's own ground, and the payment was made by the different parties whose lands were embraced by the plans, in proportion to the extent of building ground belonging to each. A farther payment of £224, 5s. 2½d. was afterwards made, for which no direct warrant is found in the Hospital minutes; but these shew that there was appointed, on 30th December 1820, a Committee in regard to the plans for building on the ground on the Calton Hill, and between it and Leith, and the accounts shew expenditure also in the way of contribution to a common system of sewerage.

Hospital Records.
vol. viii. p. 36.

The granting of the bond not being in terms of the minutes of the Hospital as to the contribution, it was thought that the terms of the original bond granted by it might have thrown light upon the transaction, and the defenders were asked to produce it, but their agent stated that it had been searched for, and could not be found.

Comparison of the dates mentioned above shews that the contribution was agreed to before Parliamentary authority was asked to carry out the Calton Bridge and Road scheme. Yet there was nothing said in the preamble of the Act as to advantage to be derived by the Hospital, and not only was no statutory authority given to the Governors of the Hospital to contribute, as was given to various Road Trusts,—and it is unfortunate,—but there is in the Act an obligation on the Lord Provost, Magistrates, and Council to contribute £12,000, which, to the extent of £4000, seems to have been satisfied by the

Eighth branch of
Interlocutor.
—
Calton Hill Road.

Presbytery of Dun-
dee v. Magistrates
of Dundee, Feb. 29,
1863, 1 Macph. 473.

Council Records,
vol. clxix, p. 54.
19th July 1815.

Charity of which they were Governors, perfectly openly, in terms of the agreement as described by the Lord Provost ten years before, and settled by wiping out debts due by the town to the Charity.

The circumstances are not of the same marked character as those which occurred in the case of the Magistrates of Dundee, either as to the Barrack Park, or as to the New Cemetery, as to which last the Magistrates, as representing the community, sold land to themselves as representing the Hospital, paying the price by writing off debts due by the town to the Hospital, and then proceeded to farther expenditure of the Hospital property in laying it out as a cemetery, which turned out an unsuccessful speculation.

Considering that the Hospital lands lay between Leith Walk and the Easter Road, they could not be said not to be accessible. It was no doubt in the honest, and it may even have been in a reasonable, though in a speculative belief, that the value of the property would be more rapidly developed by the Calton Bridge and Road, that this large expenditure was made. It was, however, a speculative expenditure of Hospital money on ground not belonging to the Hospital. There may be room even to distinguish between the making of some annual contributions to a great public object, which might have led to the increase in value of the Hospital estate, and the sinking of so large a sum as £4000, in the circumstances in which they did sink it.*

PURCHASES OF RIGHTS OF PRESENTATION.

Three rights were purchased—Mrs Campbell or Wightman's in 1797 for £150, Penman's for £150, and Thomson Paul's for £200. Whether the expenditure on the re-purchase of rights of presentation was within the powers of trustees, seems to the Reporter not free from question. It so happens that only a portion of what had been originally received was repaid; but, if it be admitted that the Governors were entitled to deal in this manner with the patrons, there would be nothing to prevent their paying to the patrons more than they had originally received, and such rights have been sold for more than was originally paid for them, at least this was so in the case of Young's mortification. If the transactions were legal, there is nothing to prevent them pro-

This matter has been already adverted to in Vol. I., pages 183-5.—J. C.

ceeding to buy up the rights of patronage which still subsist. No good can be said to have been attained for the Charity from these purchases, as it was always the duty and within the power of the Governors to see that presentees fell within its general scope.

Eighth branch of
Interlocutor.

Purchases of Rights
of Presentation.

If the purchases should be held illegal, it was as representing the community that the Provost and Council were made Governors of the Charity, and must not the money be refunded out of the common good? No corrupt motive can be suggested, nor any special good to the Corporation, unless perhaps the power of always presenting from the "burgess class," and so practically excluding "presentations at large."

If the Court come to the conclusion that there was error, it will probably be held to have been an innocent mistake, and there is room for holding the error less in the two earlier cases than in that of Mr Thomson Paul, which occurred after all the beneficiaries were made mere pensioners.

The point is one on which the Governors should receive direction from the Court for their future guidance.

THE BEIDMEN'S RENTS.

Another matter in which the Town Council or its funds are indirectly interested is the question discussed—Whether the Magistrates were bound to have appropriated to the Hospital the whole rents set apart for the beidmen under the original foundation of Trinity College and Hospital?

The fact that in the recently instituted proceedings in the Teind Court, the common agent has found reason to suppose that there are unvalued lands in the parish, suggests the possibility of very important questions arising.

The Reporter has seen the various augmentation processes. The whole lands of the parish have, from an early date, belonged to one proprietor, and in all previous augmentations the existence of free teind having been admitted, there has never been any locality.

It may turn out that the Magistrates and Council are entitled to the teinds of these lands, as embraced in the original grant, but omitted in the valuation; or,

If it should turn out that the unvalued lands were not embraced in the

Eighth branch of
Interloeutour.

Beidmen's Rents.

original grant, it may be that there is room for so localling the stipend now, that those teinds which belonged to the Hospital shall only be liable *pari passu* with the teinds of the unvalued lands, or not all (being devoted to college and charitable uses) till the other free teinds in the parish are exhausted.

In either view, there may be room for a state of over and under payments.

The Reporter not having seen the titles nor the documents connected with previous transactions between the City and the Wemyss family, or in regard to the sale of the patronage of the parish, is not in a position to give any opinion on these points. They may render the question whether the beidmen have an exclusive right to the rectorial teinds a very material one. The Hospital certainly has no exclusive right to the vicarage teinds which belonged to the Provostry of Trinity College. It would be quite unnecessary to delay the report till these matters are settled; but they are evidently worthy of close examination on the part of the agent of the Governors of the Hospital.

FEUING OF HOSPITAL LAND.

Quarryholes and Dean.

Although the building speculations in connection with the Calton Hill Road and Bridge scheme proved an utter failure, the ground to which they applied seems likely now to be capable of being feued off advantageously. Its intersection by the Leith and Granton branch of the North British Railway gives a probability of high value for works of various sorts, and buildings of a character quite different from that originally contemplated.

The Magistrates have ordered plans to be prepared by Mr Robert Morham, architect, in terms of a report by the Hospital Committee, who recommended that the lands of Quarryholes be laid out for public works, and such dwelling-houses, etc., as may be applied for.

The Town Council are also in course of taking steps for having the lands of Dean Park and Blinkbonny laid out for feuing.

From these sources there is every reason to suppose that the revenues of the Hospital may be considerably increased before long.

Council Records,
vol. cccxii. p. 76.
21st April 1874.

Ib.

SALES OF PATRONAGES.

Eighth branch of
Interlocutor.

1731.

There is another possible source of revenue which, when first instituted, yielded some money,—namely, allowing parties, (1) on a single payment of £100, to make for once a presentation; or (2) to purchase a permanent right of patronage.

(1.) To continue this system, unless the presentees fall strictly within the scope of the Charity, would be out of the question; but if the presentee did fall within its scope, to continue it would be merely a development of a feature of many modern schemes of public benevolence,—encouraging the friends of those who apply for special assistance to shew their own sense of the importance and justice of the claim by contributing themselves.

To grant an annuity even of £20 for a payment of £100 to a person of fifty, or any one even of a much more advanced age, would be so extremely advantageous an investment, that it is difficult to suppose that, if it were known that an annuity could be obtained upon such terms, there are not cases where the friends of persons in difficulty would make the payment. The fund would, in the meantime, be partially relieved of the cost of supporting deserving beneficiaries, and the capital would gradually be added to.

The presentees would need to be connected with Edinburgh, in decayed circumstances, of good reputation, and otherwise fall within the scheme of selection, and be under the surveillance of the Governors.

(2.) The sale of permanent rights of patronage seems open to more objection, if made for less than would yield a return equal to the pension sold. It cannot have the effect of interesting the friends of any individual, because for less than the purchase price an annuity could easily be purchased, and it sanctions a permanent interference with the direction of the Governors. A rule that they will accept legacies, on the footing of the testator fixing successors of patrons, who from time to time may nominate a presentee or presentees to enjoy annuities equal to the interest which the capital bequeathed, with accumulations arising on vacancies, yields from time to time in the hands of the trustees, would seem unobjectionable, and meet such cases as those of Reoch and Menzies already referred to.

While the attention of the Court has been called to these points, they have

Eighth branch of
Interlocutor.

not been embraced in the scheme. If they are to be so, the prices of presentations would need to be reconsidered.

RECORDS OF HOSPITAL TRUST.

With regard to the manner of keeping the Records of the Hospital, there can be no doubt that there is great inconvenience in having the Hospital transactions buried in the general record of Council affairs. It greatly increases the labour and difficulty of any such investigation as that which has just been completed, in spite of the readiness of the members of the staff in the City Chambers to aid in the examination of the records, and to communicate any information they possessed.

The Reporter would be wanting in what is due to Mr Adam, the City Chamberlain, if he did not acknowledge the great obligation he lies under to him. His intimate acquaintance with the history of all the affairs of the City, including those of the Hospital, and with the early accounts connected with the Church property acquired by the town at the Reformation, and his willingness to aid in the investigation of many points, have been of most material use.

A fluctuating body of trustees like the Town Council must, under the present system, have the greatest difficulty in informing themselves as to the past history of any matter that comes before them, and must be in an unusually degree dependent on the person who attends their meetings as clerk. It may be that with the aid of indices all facts can be discovered, but having several years' transactions relating to a trust in one volume, would enable both the clerk and the trustees to inform themselves much more completely than when the record of any transaction is scattered here and there through many volumes.

The reasons given in the Clerk's Report of 7th August 1854 for abandoning the separate record, seem really to resolve into an admission of a certain degree of carelessness. Considering the charge for management which is hereafter to be made against the Charity, there seems no reason why it should not be made the *primary*, instead of the *secondary*, duty of some member of the staff to attend to the recording of the Hospital transactions; and it cannot be supposed that the City Clerk would be so neglectful of his duty as to fail to

get the minutes approved of. It seems superfluous that they should be read more than once, as it is understood that the ordinary minutes of Council are.

It is natural, or probably necessary, that in regard to such a trust much of the business should be transacted by a committee which reports to the general body of trustees. The minutes of that committee are kept with extreme brevity; and it not unfrequently happens that their reports are written on papers apart, and read to the Council, and only their purport stated in the ultimate deliverance of the trustees. Although these reports are said to be preserved, they are comparatively difficult of access; and it is thought that they should either be recorded *ad longum* in the body of minutes, or that arrangements be made for binding them either with the minutes of the committee or those of the trustees.

Eighth branch of
Interlocutor.
—
Hospital Records.

ALEXANDER MORTIFICATION.

As to the Alexander fund, the questions which arise have been pointed out above; they relate both to the amount of that trust estate and to the right of patronage. *Supra*, pp. 129-146.

The other questions requiring to be disposed of have reference to the guidance of the Magistrates in the future management of the Charity likely to affect the Court in framing the scheme. These questions are—

Whether, when there has been a short expenditure of income, the patrons are entitled to increase the number of beneficiaries, with a view to consuming the accumulation, or whether they are entitled only to spend from year to year the income derived from such accumulation?

Whether, by arrangement with the patron, and in consideration of a sum of money added to the Charity, terms of an original bequest can be altered?

If it was lawful for the patron of a burgess presentee, by payment of £100, to get his ancestor's mortification altered to a presentation at large, it would be equally open to his successor to get it again limited in respect of another donation?

Eighth branch of
Interlocutor.

Whether it is lawful for a patron, of consent of the Governors, to divide the pension between two persons, and to present two jointly, giving the survivor a right to the whole?

Whether one person can be presented to two separate pensions;—such a case is not likely to arise, unless the Court authorise the splitting of pensions?

Whether the purchase, by the Incorporation of Cordiners, of their right of patronage was valid, as the right was not granted in favour of assignees, or, assuming that it is, Is the control of the Governors of the Hospital over the presentations of the Incorporation of Cordiners ousted by the fact of their rules and regulations, embracing their mode of exercising this right of patronage, having been approved of by the Court?

The Reporter regrets having been obliged to lay some matters at so great length before the Court. His difficulties might have been cleared up or removed if he had got the same assistance from the Governors on legal questions which he received in regard to the scheme.

NINTH BRANCH OF THE INTERLOCUTOR.

Ninth branch of
Interlocutor.

Scheme suggested.

IX. "What Scheme the Reporter would recommend to the Court as expedient and proper to be adopted for such future application and administration, having reference to the terms of the Charters, Grants, and Mortifications in favour of the Charity, and the judgments of this Court and the House of Lords in the present and relative proceedings."

Under this branch of the remit, the first duty of the Reporter was to ascertain and keep in view the classes of persons intended by the two leading charters to be benefited by the Charity, and the method of treatment contemplated by them.

Care must be taken in framing any scheme to make due provision for the special foundations which have been enumerated above, and are here briefly repeated.

The Classes of Persons referred to in the regulating Charters seem to have been—

Ninth branch of Interlocutor.

Honestæ senes et impotentes personæ a quibus in earum senectute per eventum et adversam fortunam res et bona deciderunt.

Suggestions as to Scheme.
Nov. 12, 1567.

Honestæ indigentes et impotentes personæ senes et etate provectæ egrotæ.

Nov. 12, 1567.

Incolæ et inhabitantes infra burgum.

And the benefits of the Charity were to be bestowed—etiam aliis senibus indigentibus et impotentibus.

Pauperes et egroti.

Nov. 12, 1567.

Indigentes morboque laborantes pauperes et morbis laborantes.

May 26, 1587.

Pauperes, imbecilles, impotentes.

May 26, 1587.

Method of Relief.

Under both Charters residence in Hospital was contemplated.

Nov. 12, 1567.

The beneficiaries were to be persons "qui idonei fuerint inventi ad acceptandum talia beneficia et gratitudinem in dicto Hospitali fundando."

They were "recipiendi" into the Hospital. The Magistrates were bound "pauperes infra Hospitale sustentare."

The object of the Charity is said to be, lest those for whom it was intended "propter extremam famem penuriam et indigentiam sue necessarie sustentationis omnino perirent et morirentur;" but there is nothing said of the scale of support that was to be given, except that it was to be "rationabilis sustentatio."

May 26, 1587.

Nov. 12, 1567.

The Magistrates were bound "sustentare tot ut convenienter sustentari possunt," by a certain fund.

As regards those beneficiaries who were in the old Hospital at the date of its transference to the Magistrates, they were described as "pauperes," "beidmen," "bedlyaris," Hospitalarii.

May 26, 1587.

There have been quoted from the old statutes instances where the breach

Ninth branch of
Interlocutor.

—
Suggestions as to
Scheme.
Bannatyne Club, p.
203.

of regulations involved a pecuniary penalty, and there are examples of the exercise of discipline for faults not embraced by the statutes where the like penalties were inflicted.

The inference to be deduced would seem to be that the position of the old beneficiaries of the original Hospital was that of persons maintained in tolerable comfort.

Certain conditions seem to have been common to the beneficiaries under private foundations, and those appointed by the Governors. They were all to be maintained in the Hospital, and there were no varieties of scales of maintenance, unless perhaps in the case of those on the Alexander fund, who were to have certain allowances in addition to those received by others.

They must be aged, and this expression has practically been interpreted as meaning "upwards of fifty years of age."

In decayed circumstances, and of good character.

They must have resided in Edinburgh. As the contemplated relief was to be administered in the Hospital, residence in Edinburgh from the date of election must have been required as a condition of enjoyment of the benefits of the Charity.

Notwithstanding that it was a condition of the mortifications, applicable to twenty or thirty beneficiaries, that they should reside in the Hospital, that condition has been annulled by a judgment of your Lordships affirmed in the House of Lords, that the Hospital is not to be rebuilt.

Conditions imposed by the Governors of the Hospital.

1. That the beneficiary, unless under a special mortification, shall be a burgess, burgess's wife, or burgess's bairn.
2. That the beneficiary shall be unmarried or widowed.
3. That a beneficiary receiving the benefit of the "Inmate Roll" must grant a *dispositio omnium bonorum*.

App. p. 296.

Vide Opinion of Lord
Justice Clerk in
Presbytery of Dundee
v. Magistrates (Hope),
20 Dun. p. 883.

1. Apart from any question as to the legality of the restriction of the benefits of the Charity to the burgess class—and in the very similar case of

Dundee a strong opinion adverse to its legality was expressed—there seems no sufficient reason why the preference should be maintained. The regulations shew that any man or woman is eligible as a burgess who has carried on business on his or her own account for one year, or who has been a householder for three years of uninterrupted occupancy, and has paid the police and poor rates chargeable against him. It costs £5, 5s. for a stranger, one unconnected by blood or marriage with the burgess-ship, to acquire the privilege. Once acquired, the benefits of the Hospital are open to them and to their families. A privilege so easily acquired, affords slight indication of the class to which the applicants belong. The Governors have remonstrated against the proposal to recommend to the Court to remove the restriction which excludes from the benefit of the Charity all who do not belong to the burgess class. "The applicants," they say, "are so numerous at present, that if the restriction as to their being burgesses were taken away, it would almost be impossible for the Governors to overtake, investigate, and decide upon the claims of the parties applying;" therefore they would only have power given to the Governors to open the Charity, if at any time there should not be a sufficient number of applicants from the burgess class whose claims are strong enough to entitle them to admission to the Hospital. The objection to doing away with the restriction may be sound, if the burgess class has any legal exclusive claim upon the Charity, or if there were any motive of public policy for enlarging that class, but those to whom the administration of patronage of any kind is entrusted, can scarcely be heard to say that they have too many applicants from among whom to select. The preference given to the burgess class becomes a motive for entering that class, and its members often look to the benefits of the Charity as theirs as matter of right, and so every one applies who imagines the slightest claim can be asserted. It is not impossible that opening the Charity may not enlarge the absolute number of applicants so much as the number of really clamant cases requiring relief.

If the number of applications should be largely increased, there is no reason to doubt the will or power of the Governors to discharge conscientiously the duty of selection. There are many charities open to the whole country, where it is believed the claims lodged are far more numerous in proportion to the vacancies than those lodged here, and no difficulty is found in disposing of

Ninth branch of
Interlocutor.

—
Suggestions as to
Scheme.

Vide Petition of
Helen Stevenson.
App. p. 305.

Ninth branch of
Interlocutor.

Suggestions as to
Scheme.

them. An official—whose primary duty was to attend to the affairs of the Charity, his secondary to be useful in other matters—could, by a thorough mastery of the subject, lighten the labour of the trustees; and it would be easy to point out various alterations in the present arrangements which would simplify the business of the committee, and enable members desirous of becoming specially acquainted with its affairs to do so with much less trouble than at present.

2. The reason for the condition that beneficiaries shall be unmarried or widowed, was manifest while Hospital residence was the rule of the Charity. There was no accommodation in the Hospital for families, and the intrusion of friends from without, and the desire of inmates to go out to their families, might be and were equally inconvenient and dangerous to proper discipline. These reasons ceased to operate when the Hospital was removed; and a man in decayed circumstances seems not the less an object of charity for having dependent upon him a wife, and one possibly quite incapable of ministering to his comfort or support. The prohibition, therefore, against having a living spouse at the date of election, appears to the Reporter to be one which should no longer be maintained. On the other hand, forfeiture of the privileges of the Charity should a beneficiary marry seems unobjectionable.

3. The practice of the Governors of Trinity Hospital has subsisted for more than two hundred years, of calling upon every one admitted an inmate of the Hospital to grant a *dispositio omnium bonorum*. The disposition, in its present form, includes *acquirenda*, and appoints the Treasurer the beneficiary's sole executor, under an obligation to account after the Hospital has been reimbursed, and the practice has been continued as regards those who are now placed on what is somewhat absurdly still called the Inmate Roll, namely, the recipients of the higher pension of £20 a-year; but the disposition is not exacted of those who are on what is called the Outdoor Roll, recipients of £10 per annum, nor, it is understood, of beneficiaries presented by private patrons.

It may thus be that the recipients of the smaller pension are really better off than those of the larger, and cases have occurred of beneficiaries promoted to the higher scale asking to be replaced on the lower rather than sign the disposition. It is easy to imagine a case where it might, to one who was undoubtedly a proper recipient of charitable aid, seem a matter of the very utmost

consequence to try and preserve for the benefit of other relatives some trifling pittance. The Governors have considered that it is their duty always to act upon the disposition on the death of any inmate. They passed a general resolution not to exact such a disposition in the case of presentees by private patrons, although in some of their Acts of Council conferring such rights, it is expressly stated to be a condition of the right that such dispositions should be granted. The resolution to exempt does not seem to have been uniformly acted on, and there seems no reason why this class of presentees should be dealt with differently from others.

No doubt this rule is to some extent sanctioned by the practice of Parochial Boards exacting from recipients of relief, as a test of pauperism, an obligation to refund the value of all the expenditure that may have been made on them. But the test of such pauperism as should entitle to relief as a matter of right from public assessment, seems inapplicable to the case of relief from a benevolent fund. It affords a rough and ready check to enable public officials to prevent misapplication of rates; but it seems in the matter of the administration of a charity to form an inadequate substitute for the careful investigation which might be looked for from the patrons. Moreover, although this rule certainly diminishes the extent to which the Charity may be abused in any one case, the multiplication of small pensions, to which it does not apply, increases the number of instances in which abuses may occur. How imperfect and unequal an apportionment of the Charity its effects may be easily seen, for it is manifestly less objectionable to give £20 a-year from the Charity to one who has £10 a-year from capital without demanding a disposition, than to give £10 a-year to one who has £20 a-year from capital without making a similar demand.

On the assumption that there are to be for the future, as there have been for a century past, different scales of payment, in order that the Charity may be adapted to the different circumstances of different classes of beneficiaries, it would seem to afford a more satisfactory security against its misapplication, that the Governors should require applicants to lodge statements, certified by two householders, setting forth the exact state of their property and circumstances, and that the Governors should regulate the amount to be awarded to them according to their discretion. The appointments are not made at present

Ninth branch of
Interlocutor.

—
Suggestions as to
Scheme.

Ninth branch of
Interlocutor.

—
Suggestions as to
Scheme.

without such inquiry; but a schedule subjoined to the Report is suggested as likely to ensure somewhat more detailed information.

RECOMMENDATIONS AS TO FUTURE APPLICATION AND ADMINISTRATION
OF THE CHARITY.

Selection of Beneficiaries.

1. They must be not under fifty years of age, except in the case specified below.

2. They must be of good reputation when appointed, and maintain their character.

The frequent cases of discipline, even among the beneficiaries who lived under the restraints of Hospital life, suggest the necessity of careful surveillance.

3. They must be in decayed circumstances.

Probably sufficient prominence has hardly been given to the fact that the charity was not intended merely as a provision for old age, and that having seen better days was intended to be a qualification,—but the decay must not have been induced by the applicant's own improvidence or misconduct.

Both the leading charters mentioned as regulating this matter speak of "egroti" and "morbo laborantes," and there is evidence both that it was the habit of the ancient Hospital to have "bedrells" among their number, and that amongst the earliest object of the Charity selected by the Magistrates were likewise "bedrells."

The class most likely to combine the qualities of "egroti" and "bedrell" are those who are labouring under the various forms of incurable disease. These have of late excited much interest, but the various societies formed for their relief have served rather to shew the extent of misery that exists than to effect its relief. Should the plan at present much discussed publicly, of establishing an hospital for incurables, be carried out, the Governors may, perhaps, have it in their power to board out any of the beneficiaries whose circumstances render hospital treatment suitable for them.

4. (a.) It seems to the Reporter, that to a specific extent—say one-eighth of the whole beneficiaries—shall be persons labouring under incurable disease.

Ninth branch of Interlocutor.

(b.) There shall be no limit in point of age in the case of persons who, by supervening incurable disease, are prevented from labouring as they have formerly done for their own livelihood.

Suggestions as to Scheme.

(c.) It shall be in the power of the Governors to select a larger number of incurables, if they think fit, from among applicants possessing the ordinary qualifications as to age, etc.

The Reporter at first suggested the selection of twice as many as an imperative rule. The Governors objected, and it is thought with reason. There is evidence that in early times the occasionally sick were cared for, as there is provision for their removal on cure and the admission of others. This class is now otherwise provided for, but there is no general provision for those permanently disabled. It is not meant to be implied, from this suggestion, that these have been excluded in times past. The information received from the medical officer shews that a considerable number of those at present receiving the highest scale of pension do belong to the class of incurables.

Indigent gentlemen, and gentlewomen advanced in years who have seen better days, also clearly fall within the categories described in the early charters,—so manifestly, indeed, that it seems unnecessary to make any provision regarding them.

While it is recommended that the burgess qualification be abolished, under which one year's residence in Edinburgh might have sufficed, it may be proper, in order to give a certain preference to *incolæ et inhabitantes*, and to give some recognition of burgess-ship, that it should be necessary that—

Vide Opinion of Lord Justice Clerk in *Presbytery of Dundee v. Magistrates (Hope)*, 20 Dun. p. 883.

5. Applicants must have at some time resided in Edinburgh or Leith for two years, and for that period have supported themselves by their own industry, or at least without aid from any charity, or be widows or children of burgesses.

The Governors object to a suggestion thrown out in the draft scheme which was communicated to them, that residence in Edinburgh ought to be required after election, as contemplated by the foundation, and as a condition,

Ninth branch of
Interlocutor.

Suggestions as to
Scheme.

Hospital Records,
20th Feb. 1739.

in the first place, almost essential to securing a preference to *incolæ et inhabitantes*, for whom the charters shew a preference, although the Charity is not restricted to them ; and, in the second, hardly less so to keeping satisfactory surveillance over the beneficiaries. The Governors can no longer exercise the superintendence which residence in the Hospital secured.

The Reporter recognises the fact, that there are cases where the allowance of residence out of Edinburgh might be more advantageous for the beneficiaries, but he thinks that it should only be permitted as an exception, and that there might be some such rule as the following,—

7. The beneficiaries must reside in Edinburgh or Leith, unless where they have relations with whom they can reside, and where, for this or other special cause which shall be recorded, leave is granted by the Governors, on suitable provision for receiving periodical reports as to the condition of the beneficiary.

There is a want of due superintendence, even of those resident in Edinburgh. From time to time out-pensioners have been struck off the roll, because “believed to be dead,”—in 1813 as many as six were so dealt with—and the condition of matters was felt to be so unsatisfactory that again and again Committees of Governors have been appointed for the personal supervision of the beneficiaries. They, however, proved quite inefficient ; there is no trace of any visitations having taken place. That machinery, moreover, had it proved active, would have failed to take cognisance of beneficiaries residing, as some now do, at considerable distances from Edinburgh.

Of the beneficiaries entitled to receive payments in June 1874, seventeen on the out-door, and seven on the inmate roll, were paid by money orders. Of those residing in Edinburgh, twenty-eight did not appear to receive their pensions personally. There is no official whose duty it is to be personally informed as to the condition of these parties. This is eminently unsatisfactory.

The medical officer is the only person who is brought into necessary contact with any of the beneficiaries. He used to be attached to the Hospital, and it was an easy matter to give the necessary attendance. Since the Hospital was removed, he has given attendance to those on the inmate roll, and was able to give the Reporter an account of the condition of each one of them ;

Hospital Records,
20th Feb. 1739.

but to the scattered mass of the out-pensioners he gives no attendance but when called upon, which, he stated, that he very rarely was.

It is thought that it would be a valuable addition to the efficient working of the Charity were arrangements made for every beneficiary being visited periodically by a lady visitor, and reports given in upon their condition and circumstances to quarterly meetings of the Governors.

The Governors approve of the proposal of frequent visiting the beneficiaries, but think that the medical officer should be the sole visitor.

It appears to the Reporter that the duty is one which could not advantageously be thrown upon a medical man, who would be too busy to give the time which would be required for friendly visitation of nearly two hundred beneficiaries. If the idea should be carried out of enlarging the higher pensions and increasing their number, and so opening the Charity to people of a higher class who have been unfortunate, the kind of inspection which would be at once useful and acceptable, would be that of a lady who would appreciate their position, and one who could also speak kindly and at the same time with authority to all classes of beneficiaries, if any trace was discovered of the benefits of the Charity being misapplied either by the beneficiaries themselves or by those with whom they lived. It would be the duty of the visitor to give notice to the medical officer in cases of sickness.

If the Court should concur in the views indicated, it might be provided,—

7. There shall be a medical officer on the staff of the Charity, whose duty shall be to attend the beneficiaries in case of sickness, and report to the Governors, subject to such regulations as may be fixed from time to time. His salary shall be £105.

8. There shall also be a lady visitor on the staff of the Charity, whose duty shall be to visit all the beneficiaries resident in Edinburgh and Leith, and report to the Governors upon them, subject to such regulations as may from time to time be fixed. Her salary shall be £63.

Extent to which Relief should be afforded.

Though the danger originally contemplated was, that the people might perish from want, the relief was to be *rationabilis sustentatio*, and in a

Ninth branch of
Interlocutor.

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Snggcstions as to
Scheme.

Ninth branch of
Interlocutor.
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Suggestions as to
Scheme.

comfortable dwelling, and the scale of support was fair for the time; further, the special case of danger of perishing from want is now separately dealt with by Parliament in the Poor Law Amendment Act. It appears from some of the mortifications in the end of the sixteenth century, that £20 or £26 Scots was sufficient to support "ane auld pair." The accounts of 1611 shew that each beidman cost on an average upwards of £45 Scots. The Alexander deed of mortification shews that it had risen to £120 Scots, or £10 sterling, by the end of the seventeenth century. The Minutes of 1838 state the cost at £37, and the accounts shew the average expenditure per head for the last twenty years of the Hospital was £32, 13s., inclusive of the Hospital staff, but exclusive of the general cost of administering the Hospital funds.

The lowest scale of pension at present in use—£10—though a great advance on the £6 given to the out-pensioners a few years ago, is so low as to savour of relieving the poor rates,—the cost to the parishes of paupers, both in the City Parish poorhouse and in that of St Cuthbert's, amounting to as large a sum per head. It has not been an unfrequent occurrence for the recipients to apply for parochial relief. In such circumstances the Governors have latterly refused to make any payment towards their maintenance, either as ordinary or as lunatic paupers. Still £10, paid to any who has any other even trifling resources, may enable the recipient to live on a scale very different, as regards actual food, from the inmate of the workhouse; and even if he have no resource of his own, may place the recipient in a position far more personally agreeable and more socially useful, by avoiding the breaking up of families which follow from going into a poorhouse. It is recommended that no £10 pension should be allotted to any one who has not some other means of subsistence, and without the Governors being satisfied that the pensioner will be more comfortable out of a poorhouse. In the whole circumstances the Reporter would recommend,—

9. In future, instead of the two scales of £20 and £10 per annum now in use, there shall be four scales, £25, £20, £15, £10, it being in the power of the Governors to put those elected on whatever scale they think fit, on consideration of the ascertained circumstances of the applicant and the state of the pension-roll.

Council Records,
10th April 1700.

10. The applicant shall in no case receive more than will make his or her income, taking all allowances into account, amount to £50, unless in the case of beneficiaries having others dependent on them, in which case the Governors may extend the limit to £60, never, however, granting a pension of more than £25.

Ninth branch of
Interlocutor.
—
Suggestions as to
Scheme.

It would be part of the duty of the visitor, whom it is proposed to appoint, to report on the circumstances of each beneficiary, and the Governors would no doubt make careful inquiry on any suggestion of a change of circumstances which ought to affect the recipient's scale of pension.

This recommendation, if approved of, will give rise to the question, Which scale should be applicable to the private foundations? The view entertained on this point may be expressed as follows:—

11. Presentees by private patrons shall be entitled to receive a pension on the highest scale, subject to the general rule as to maximum income.

Having regard to the former cost of maintaining inmates, and to the very greatly increased cost of living, the Reporter felt much disposed to recommend a higher allowance than £25 for the maximum rate; but after making inquiry as to the rules of many societies both in this country and in England, he finds £25 a-year so often adopted as the maximum pension aimed at for those who have seen better days, and so seldom attained, that he does not feel warranted, in the present state of the funds of the Charity, and until there has been farther experience, in recommending the adoption of a higher figure. Fixing £25 as the maximum in the meantime, will enable the total number of beneficiaries to be increased, and it would have been a pity not to have attained this object to some extent, when there is so considerable an increase of free revenue available for the purposes of the Charity. On the other hand, it would be undesirable too suddenly to change the character of a system which has subsisted so long. A considerable disturbance will be created, at any rate, if the suggestion is adopted as to the relaxation of the rule limiting the beneficiaries to the burgess class. It has, however, to be borne in mind that ten of the highest pensions are reserved for the burgess class by the terms of the foundations, and that all are open to them.

Ninth branch of
Interlocutor.

Suggestions as to
Scheme.

The Governors, though originally disposed to distribute the increased income between new pensions of £20 and £10, have readily adopted the suggestion of having enlarged pensions, but would drop the smaller pensions altogether. The expediency or otherwise of having many scales depends solely upon whether the Governors find that practically they have the power to make the necessary investigations into the circumstances of each case. Farther experience will let it be seen whether they can do this. The Reporter does not think it would be expedient in the meantime, and indiscriminately, to raise all the £10 pensioners to £15. He would suggest that the first duty of the Governors, with the aid of their staff, should be to select about half of the £10 pensioners for advancement to the £15 scale. Even the higher scale might be appropriate to some.

The number of pensions (limited expressly to £10) on the Lennie fund will ultimately increase to about thirty, none of whom may be burgesses; and even if the experience of the Governors should strengthen their general view against the £10 scale, it might be expedient to retain thirty on that scale, which would remain open to burgesses.

It will be seen that a steady—possibly an immediate—farther increase of income is anticipated, and it might be expedient to enact that—

12. The scheme of distribution of the pensions of different scales shall be as indicated in the subjoined table, but it shall be in the discretion of the Governors to apply any increase of revenue, either to raising £10 pensions to £15 till only thirty remain at £10, or to raising the number of £25 pensions in their own absolute gift to forty in number.

13. It shall not be a disqualification that an applicant for the benefit of the Charity has a living spouse, but any pensioner who marries shall forfeit his rights.

14. No pensions shall be paid to or in respect of parties in receipt of parochial relief, or confined in lunatic asylums.

15. The benefits of the Charity shall be forfeited by misconduct, of which the Governors shall be the sole judges.

In addition to providing for the pensioners while alive, it has been seen above that care was taken to ensure decent burial; and in the case of the Alexander fund the mortifier made special mention of it. There can be little doubt that in this matter there has been a correct appreciation of a very strong feeling on the part of the poor, and more especially of those who have seen better days; and it is recommended that a small allowance be made to the friends of deceased pensioners towards meeting the expense of their funerals. The Governors, though not as a rule making any allowance for this purpose, have, down to the most recent date, favourably entertained application for assistance. It being quite impossible for the Governors to apportion the payments to be made to the circumstances of each case, it is proposed that—

Ninth branch of
Interlocutor.
—
Suggestions as to
Scheme.

16. In every case a sum of £5 should be allowed for funeral expenses.

As vacancies are only filled up twice a-year, it is thought that there will probably be enough of vacant pensions to meet this charge, therefore it is not specified in the annexed table.

17. Private rights of patronage can only be exercised twelve months after the death of the last presentee.

This rule will not apply to the Alexander fund, even if it should be held that the Ministers of Edinburgh are joint-patrons with the Town Council.

18. Vacancies on private rights of patronage shall be intimated to the patrons, and vacancies on the Alexander foundation shall be advertised, so soon as they are brought to the notice of the trustees.

19. There shall be preserved in volumes, containing no record of the proceedings of the Town Council as representing the community, a separate record of the whole proceedings of the Lord Provost, Magistrates, and Council, as Governors of Trinity College Hospital, or of any Committee or Committees of their number, to whom matters connected with the administration of the Charity or its property are remitted.

Ninth branch of
Interlocutor.

Suggestions as to
Scheme.

20. It shall be in the power of the Governors, as trustees of the Wemyss bequest, when its income falls in, to fix a uniform amount of pension, or distribute it according to any of the scales subsisting at the time.

Supra, p. 181.

This scheme has been framed on the basis of the present free income as estimated by the Accountant, including what is received from Paul's Work. It is thus, as regards the sum to be dealt with, quite independent of all the special questions raised on points of administration.

The results have been stated at such considerable length in the body of the Report, that it has not seemed necessary to print the voluminous tables prepared by the Accountant in the course of his examination of the accounts.

Humbly reported by

NORMAN MACPHERSON.

15th July 1874.

PROPOSED SCHEME OF DISTRIBUTION OF THE FREE INCOME
OF THE CHARITY.

Unlimited Presentations on £25 scale.

MORTIFIER.	PATRON.	
William Brown, of Dalgourie, .	Lady Susan Brown Bourke, .	1
Lady Grizell Sempill, .	Earl of Rosebery, .	1
Rev. W. Brown, .	The Minister of Old Greyfriars, .	1
Mrs Melvill, .	Mr Whyte Melville of Bendochie, .	1
James Hunter, .	Lord Forbes, .	1
Mrs Campbell, .	{ The Incorporation of Skinners and Furriers, .	1
Rodger Hog, .	Mr Hog of Newliston, .	1
	Carry forward, .	7

Brought forward, . . . 7

Presentations limited to Burgess Class on £25 scale.

[It is a question whether or not this limitation applies to Hog's Mortification.]

MORTIFIER.	PATRON.	
John Young,	Incorporation of Cordiners,	1
Mrs Beech,	} The Merchant Company,	2
George Watson,		
John Wightman,	} The Incorporation of Skinners,	2
Mrs Campbell,		
Robert Murray,	Mr Andrew Grierson, W.S.,	1
Andrew Gairdner,	Mr G. W. Gairdner, London,	1
James Wilkie,	The Ministers of Edinburgh,	1
James Penman,	} The Magistrates and Council,	2
Mrs Campbell or Wightman,		

Presentations limited to Certain Names or Founder's Kin on £25 scale.

Four of the above,—Young, Watson, Wilkie, and Beech.

Thomas Crokat, Minister and Kirk-Session of Wester or New Greyfriars,	2	} 5
Mrs Callender, Incorporation of Skinners,	2	
Thomas Fraser, Lord Provost, Dean of Guild, and Treasurer,	1	
James Alexander, Claimed by Magistrates and Council, and by Ministers in conjunction with them. The Founder designed twelve beneficiaries, of which eight to be males; if no accounting ordered, say,	5	

Total on £25 scale, 27 £675

Carry forward, 27 £675

Brought forward,	27	£675
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Unlimited Presentations by Magistrates and Council.

Of which seven may be found to be limited to the Alexander		
Mortification on £25 scale,	13	325
On £20 scale,	40	800
On £15 scale,	60	900
On £10 scale,	60	600
<hr/>		
Total beneficiaries,	200	£3,300
For Salary of Medical Officer,		105
Do. Lady Inspector,		63
<hr/>		
£3,468		

FORM IN WHICH APPLICATION FOR THE BENEFIT OF THE HOSPITAL MAY
BE MADE.

Street,

Edinburgh,

18 .

GENTLEMEN,—I beg to apply for the benefits of TRINITY COLLEGE HOSPITAL.

The Particulars of my claim are set forth in the annexed Schedule, and the Documents in support of the Application are herewith lodged.

I am, your most obedient Servant,

To the Governors of

TRINITY COLLEGE HOSPITAL, *Edinburgh.*

Schedule.

1. Name and Designation of the Applicant, with his or her present or former occupation.
2. Date and Place of Birth of the Applicant.

Note.—This must, if possible, be proved by a Certificate by the Registrar, or, if that cannot be obtained, such evidence as will satisfy the Governors.

3. Present Residence of the Applicant, and his or her Residence during the five preceding years ; and if a Householder, for how long.

Note.—Persons are elected to the benefits of the Foundation in the month of _____, and the Pension or Annuity will commence to run and be payable _____ .
The Persons eligible for election to the benefits of the Foundation are old Men and Women aged Fifty and upwards, who have resided in Edinburgh or Leith for at least two years, or are of Burgess families.

The unsuccessful Applicants will have their Petitions returned on applying to the Treasurer immediately after the _____ Meeting of the Governors. The Petitions not called for before the end of _____ will be *considered as withdrawn*, and not again reported to the Governors.

(a) If the Applicant is Married, state the Name, Age, and condition of the Spouse.

(b) If a Widower or Widow, give date of death of Spouse.

5. (a) In the case of a Female Applicant, state the name, profession, and place of residence of her Father, his circumstances in her youth, and the date of his death.

(b) If the Applicant is a Widow, the profession and place of residence of her Husband, and his circumstances, must be stated.

6. (a) The Children of the Applicant, if any, with their names, ages, designations, and occupations.

(b) State whether any children are receiving aid from any charitable institution.

7. How is the Applicant presently supported, or what are his or her sources of income ? State the amount.

Note.—Should it be found on inquiry that any information respecting means of support, whether regular or casual, has been falsely stated or withheld, the Applicant will be excluded from benefit ; or, if such be not discovered until after admission, the person will be liable to be removed from the Pension List.

8. The Christian congregation with which the Applicant is in connection, and how long he or she has been so.

Note.—This is to be certified by the Minister ; or, if the Charge be vacant, by two Seat-holders.

9. State generally the present condition of health, mental and bodily.
10. State who are the nearest relatives of the Applicant, and what aid they afford.
11. State any circumstance strengthening the Applicant's claim.
12. State whether the Applicant is a Burgess of Edinburgh, or the widow or child of a Burgess, and produce the Burgess Ticket.

DECLARATION OF THE APPLICANT.

I hereby declare that in the above Answers I have given a true statement of my whole circumstances; and if the Governors are pleased to elect me, I promise to conform to the Rules, made or to be made by them, regarding Pensioners.

[Applicant signs here.]

Certificate to be signed by two Householdors.

We believe that the Answers given to the printed Questions on the preceding page are all true; and we hereby certify from personal knowledge, after careful inquiry, that the Applicant is destitute, and a proper object of the Charity, and is a *sober*, honest, and well-behaved person.

[Signatures of Householdors, who will please add their Addresses and Designations after their Signatures.]

Medical Certificate.

The Application must be accompanied by a Medical Certificate if the Applicant claims specially as an Incurable.

APPENDIX TO PROFESSOR MACPHERSON'S REPORT.

I.

The Terms and Conditions of any Grants or Mortifications which have from time to time been made by private individuals in favour of the Charity, or of the Trustees of this Charity.

Third branch of Interlocutor.

The first account of the Hospital which has been preserved, dated 1611, shewed the possession of funds amounting to £22,571, 15s. 4d. Scots. The sources from whence the fund was derived have not been completely traced; but so far as discovered in the Council Records, they are given here, although only occasionally the terms and conditions of the grants have been recorded. In two or three cases these have been found in the Commissary Records. During the early period, all mortifications amounting to 200 merks have been given. After the accounts were kept in sterling money, they have not been given, unless they amounted to £100 sterling.

Terms of Mortifications.

TREASURER TO THE KIRK.

“The same day comperit Daid Kinlock, baxter, thesaurer to the kirk of this burgh, and Robert Bog, ane of the elderis thair of, and declairit that dyvers nychtboures of this burgh of guid zele and charitabill mynd had left to the puir and new hospitall of the said burgh, for thair support and sustentation, dyvers sowmes of money extending to the sowme of fyve hundreth merkis, quhilk the said Daid had instantlie in his handis.” . . . The council “ordanit Andro Steuensoun, thesaurer, to resaeue the saidis sowmes, and imploy the sam, with the rest of the town’s money being in his handis on Witsounday evin, for redemptioun fra James Ros of the annuelrent annaleit to him furth of the saidis mylnes, conforme to the four seuerall reuersiouns grantit thairvpoun, and fyndes infettment to be gevin to the said puir and hospitall of ane annuelrent efferand to awcht merk of ilk hundreth of the said sowme, and ordanis the dekyuis of craftis to be wairnit to gif thair consent thairto.”

Council Records, vol. vi. p. 44. 20th May 1580.

500 merks.

Terms of Mortifications.

THOMAS M'CALZEOUN'S MORTIFICATION.

Council Records,
vol. vi. p. 319.
14th June 1581.

"The same day appoyntis Henry Nesbet, James Nicoll, Jhone Harwod, to pas to Ewfame M'Calzeoun and remanent executouris of Mr Thomas M'Calzeoun, and to desyre of thame the euidents concerning the annuellis dispoit be the said Mr Thomas to the hospitale, that the said annuellis may be knawin, vpliftit, and imployit to the vse of the puir."

Council Records,
vol. xi. p. 113.

It appears from Minutes, dated 31st December 1603, that this bequest yielded two annuals of forty shillings, each of which was of this date reduced to thirty shillings, "in respect of ye burning notourlie knawin."

CLEMENT LITILL'S MORTIFICATION.

Commissary Records,
20th Feb. 1582-3.
300 merks.

TESTAMENT of "ane richt venerabill man Maister Clement Litill, advocat, sumtyme ane of the Commissars of Edinburgh," who died on 1st April 1580: given up by William Litill, merchant, burges of Edinburgh, his brother-german.

£200 (Scots).

Inter alia,—"Item I leve Thrie hundreth merkis of my pairt to be warit on land or annuell and the pure folkis of the new hospitall of this town and pures of Edinburgh to be infest in the said land annuell or proffitt thairof simpliciter heretablie."

THE MINISTERS, ELDARES, AND DIKENS OF THE KIRK.

Council Records,
vol. viii. p. 61.
9th Dec. 1586.

"Ordanet ane thowsand merk to be resauet fra the ministers, eldares, and dikens of the kirk, to be ane pairt of the foure thowsand pund grantet to the king's grace, and for the said sowme of ane thowsand merk with vther v^c merks resavet of before and imployet for redemptioun of vmquhill Jonet Marioribanki's annuall; ordanis infestment to be gevin to the hospitall of ane hundreth pund annuell furth of the mylnis vpoun reuersioun of ane thowsand pund, conforme to the contract to be maid heirvpoun."

£1000 Scots.

SESSION OF THE KIRK.

Council Records,
vol. x. p. 237.
1st June 1589.

"The quhilk day Robert Hereis, thesaurer, confest and grantet that he ressauet fra Patrik Eleis, in name of the sessioun of the kirk, ye sowme of twa thowsand merks money, quhilk he delyuerit to Mr James Nicoll and Alexander Vans for redemptioun of ye twa hunder merks annuell quhilk thai had vpoun ye commoun guid, and yairvpoun ye said Patrik askit instruments."

2000 merks.

THOMAS SPEIR'S MORTIFICATION.

“The samyn day, after consideratioun had of the contract and appoyntment maid betuix Thomas Speir, merchant, burges of Edinburgh, on the ane pairt; Alexander Hunter, present thesaurer of the Kirk of Edinburgh, Jhoun Aichinsoun and George Barclay, present maisteris of the Hospitall yairof, for yame and yair successouris, thesauraris of the kirk and maisteris of the Hospitall foresaids, in name and behalf, and for the vtilitie and proffeith of the said kirk and puire within the said Hospitall, on the other part, anent the debursing and payment maid be the said Thomas to the saidis thesaurer of the kirk and maisters of the Hospitall foresaid, of the sowme of twa hundreth pundis money to be employed vpoun ane zeirlye annualrent of twenty pundis money for sustentatioun of ane awld puir in the said Hospitall, for the quhilk caus it is agreit be the said contract that the said Thomas sall be releivit, exonerit, and dischairget of his zeirlye contributioun of nynetein pundis foure schillings grantet be him for sustentatioun of the puir of this guid toun for his part, according to the commoun ordour now vset thairintill for the said Thomas awin tyme allanerlie, but preiudice alwayes of the contributioun to be gevin to the puir be his airis and successoures as the said contract beiris. Hes gevin, and be this present act, gevis yair expres consent and assent to the foresaid contract and haill contents thairof, swa far as yair consent is requisit yairto, in all poynts quhilk is of the dait ye day of September instant: And lyke-ways, for thame and thair successoures, be thir presents, exoneris, quyteclames, and dischairges the said Thomas Speir of his pairt of the monethlie contribution willinglie offerit and grantet be him to the intertenement and sustentatioun of the pure within the guid toun for all the dayes of the said Thomas' lyfetye allanerlie, and hes cawset deleitt his name furth of the rollis of the said contributioun, swa that he himself sall nocht be burdenit yairwith in tyme coming with this prouisioun in this dischairge: Lykeas it is expresslie provydet be the said contract that after the said Thomas' deceis, his aires and successouris sall nocht be exemit be vertw of this discharge nor contract foresaid fra the payment of thair ordinaire contributioun to the pure of the guid toun as otheris of yair qualiteis sall be burdenit with *pro rata* in all tyme hereafter.”

Terms of Mortifications.

21st Sept. 1593.
Council Records,
vol. ix. p. 218.

£200 (Scots).

RICHERT DOBY'S MORTIFICATION.

“Efter dew consideratioun had of the contract and appoyntment maid betuix Richert Doby, last thesaurer of this burgh, on the ane pairt, and Alexander Hunter, presently thesaurer of the kirk of the said burgh, Jhonn Aichinsoun and George Barclay, present maisteris of the hospitall thairof, in name and behalf and for the utilitie and proffeith of the said kirk and puir within the said hospitall, on the other part, anent the debursing and payments maid be

30th Nov. 1593.
Council Records,
vol. ix. p. 232.

Terms of Mortifica-
tions.

260 merks.

the said Rychert to the saidis thesaurer of the kirk and maisteris of the Hospitall foresaid of the sowme of threttein scoir merks money to be imployet vpoun aue yeirlie annuelrent of twenty-sex merks money for sustentatioun of ane awld puir in the said hospitall, for the quhilk caus it is agreit be the said contract that the said Rychert sall be releuit, exonerit, and dischairgeit of his yeirlie contributioun of sextein pundis sextein shillings grantit be him for sustentatioun of ane awld puir within this burgh."

YE MINISTERS, ELDARES, AND DEYKINS OF YE KIRK, AND MAISTERS
OF YE HOSPITALL.

Council Records,
vol. x. p. 188.
2d June 1598.

12,000 merks.

Town Treasurer's
Accts., 1596-1612,
p. 173.

"The sam day the contract betuix ye toun and ye ministers, eldares, and deykis of ye kirk and maisters of ye Hospitall anent ye xij^m merk of ye kirk's money, tayne vpoun ye commoun guid, beand red and considderit, thay stuid content yairwith, and ordanet ye prouest and baillies clerk and thesaurer to suberyve ye samyn in ye toun's name, and ye thesaurer to be charget with the ressait and employment of the said sowme."

CORNELIUS INGLIS'S MORTIFICATION.

Commissary Records, TESTAMENT of "Cornelius Inglis, merchant, burges of Edinburgh," who died
4th Feb. 1604. on 22d February 1603.

500 merks.

Inter alia,—"Item to the pure of the Hospitall of Edinburgh the soume of fyve hundreth merkis to be imployit vpoun landis or annuel rentis, my aires haifing the presentatioun of ane pure."

ROBERT JOLLIE'S MORTIFICATION.

Council Records,
vol. xi. p. 172.
12th April 1605.

100 merks.

"The sam day comperit Robert Jollie, merchant, and maid and constitute the maisters of ye toun's hospitall, in ye name of ye pure yairof, his cessioners and assignayes in and to ye sowme of ane hunder merks awand to him be ye gude toun, as borrowet mony at ye King's ma^{ties}. passing to Ingland, conform to ye Act maid yairvpoun ye day of ."

JAMES INGLIS'S MORTIFICATION.

Council Records,
vol. xi. p. 173.
3d May 1605.
1000 merks.

"Mair ressauet be Patrik Cochraine, pnt. the^r, in name of ye toun, ane thousand merks fra James and William Nicolsons, in name of ye exe^{rs}. of vmqle James Inglis, togidder w^t ye sowme of fyve hunder merks in name of

ye exe^{rs} of vmqle Cornelius Inglis, left be ye defunct to ye said hospitall." Terms of Mortifications.
(See above, page 222.)

It appears from the Minute of 3d May 1605 that Hector Rea, the town treasurer, "resauit in name of ye toun the soume of ane thousand merks money fra Roger Maknacht and Robert Bannatyne, Maisters of ye Hospitall and in name yairof, qlk wes imployat agane be ye said the^r vpoun ye redemption of ane thousand merks, qlk Ro^t Dalglesche had vpoun ye comoun gude, and ye Hospitall is putt in his plaice yairof."

Council Records,
vol. xi. p. 173.
1000 merks.

Of date 8th November 1605, "The sam day the said Baillies and Counsell grantis yame to haif resauet fra Frances Kynlo^t in name of ye Hospitall of yis bur^h; the sum of twa thousand pundis money of yis realme, be delyuerance y'of Pat. K. Cochrane, laitt the^r; and employed be him for redemptioun of ane pt. of ye annuell re^t of iij^l 1 mk., qlk George Fowliss, goldsmy^t, had vpoun ye comoun gude vpoun reuersioun of thre thousand and fyve hunder mks., and y'fore oblist yame at y^r successone to pay to ye said Hospitall ye sowme of twa hunder pundis zierlie anuell, y'fore ay eq^l ye lawfull redemptioun y'of be paym^t of ye said principall sowme conform to ye extract to be maid y'vpoun."

Council Records,
vol. xi. p. 187.
£2000 Scots.

The sources whence these two sums are derived do not appear.

"M. Jhoun Layng, Keper of his Maiestei's Signett, productet and delyuerit, to ye said baillies and counsell, ye sowme of Twa hunder pundis money, awand to yame be ye said M. Jhoun for ye alienatioun and dispositioun maid to him of ane sumtyme waist land now bigget be ye said M. Jhoun, lyand on ye west syde of Sanct Mary Wynd, within the said burgh." The price was ordered "to be employed on land or annual-rent, ten ye hunder to ye use of ye ministry and Hospitall of ye said burgh"; the profit to be paid to the Collector of Kirk Livings to the use foresaid.

Council Records,
vol. xi. p. 203.
28th May 1606.

This sum has not been traced as having been employed for behoof of the Hospital.

JOHNE ROBERTSOUN'S MORTIFICATION.

"Item, thair is yet awand to the poore of the hospitall left be umquhile Johne Robertsoun, elder to thame, 8th May 1608, to be payit be his executors James Arnott, Robert Dowgall, merchant, and Gilbert Robertson, wryther, £266, 13s. 6d."

Hosp. Accounts,
1612-13.

£266, 13s. 6d.

There is an entry in the Hospital accounts, "There was addebted by the heiris of Johne Robertsoune still due to the poore of the hospital of £161, 'by and attour' the sum £105 received."

Hosp. Accounts,
1613-14.

Terms of Mortifications.

SIR JOHNE SCHARP OF HOUSTOUN'S MORTIFICATION.

Hosp. Accounts,
1611-12.

"Item, thair is yet awand left be umquhile Sir Johne Scharp of Houstoun, the 14th of Juin 1608, to the poore of the hospitall, the sowme of £433, 6s. 8d."

MRS ALESOUN WILSOUN OR LYNDESAY'S MORTIFICATION.

22d June 1610.
Council Records,
vol. xii. p. 37.

"Fyndis expedient to accept the offer made to the toun be Alesoun Wilsoun, relict of Alexander Llyndesay, to witt yt sche sall delyuer to the toun, or mak over sufficient securitie of the sowme of thre thowsand merk, pertening to hirsell and the toun to pay hir anuell thairfore induring hir lyfetye, at twelf of the hunder, and after hir deceis, the sam to be imployet be ye toun as followis to witt, twa thousand markis thereof to the sustentation of twa bursars in ye Towns College, thre hunder marks to the sustentatioun of the pair in the Hospitall. . . ."

300 merks.

MRS INGLIS'S MORTIFICATION.

Hosp. Accounts,
1611-12.

"Mair for the legacie of umq^{h^{le}}. Eleze^t. Tod, relict of umq^{h^{le}}. James Inglis quhilk she left to the Hospitall, £333, 6s. 8d."

JOHNE HOWESON'S MORTIFICATION.

Hosp. Accounts,
1611-12 and 1617-18.

"Item, an annual-rent of fyftie merkis yeirlie dotit to the hospitale be Mr Johne Howeson, minister at Cambuslang, and is in the gude towne's hands, with the wryttis thairof, and is laid on the common mylnis of this burche, under reversioun of fyve hundreth merkis, nochtwithstanding be reason of the lyferent of the said Mr Johne Howeson and his wyfe we have ressavit nothing."

500 merks.

ROBERT SMITH'S MORTIFICATION.

Hosp. Accounts,
1611-12 and 1635-36.
£200 Scots.

In 1635-6 £200 was "received in extinction of arrears amounting to £337, 6s. 8d., of an annual-rent of 22 merks, dottit by umquhile Rob^t Smith, elder, to the Hospital, furth of the lands lyand in M'Duff's Close, in Leyth."

There was a payment to account entered in 1611; and no payment was made from that date to account, 1635-6.

JAMES DONALDSON'S MORTIFICATION.

Hosp. Accounts,
1612-13.
£400 Scots.

"Left in legacy be umquhile James Donaldson to the said hospitall the soum of £400."

CHARLES SCHERARE'S MORTIFICATION.

Terms of Mortifications.

"The quhilk day . . . beand convenit in counsell: Forswamekill as Charlis Scherare, Scottisman, and now indwellard in Dort in Holand hes instantlie at the making heirof, gevin payet and delyuerit vnto thame the sowme of ane thowsand marks, vsuall money of this realme, to the effect and for the caussis vnderspecificyet quhairof thai hold thame weill content satisfeyet and payet and exoneris and discharges the said Charlis, and all others quhom it effeyris, of the sam for euir; and forther, they be thir presents byndis and oblissis thame and thair successouris in thair said offices, to dewlie and sufficiently be chairtour and precept of sesing, with sesing followand thairvpoun to infest the said Charlis in lyferent induring all the dayes of his lyfetye, and after his deceis, to cum to Issobell Scherare, his sister, induring all the dayes of hir lyfetye, and after hir deceis, to cum to Jhonn Scherare, cousing germane to him, induring all the dayes of his lyfetye, in all and hail ane annuelrent of ane hunder merk money, foresaid to be vplifted yeirly, and termelie at twa termes in the yeir, Witsounday and Mairtymes, in wynter be equall portiones furth of all and hail thair commoun mylnes of the said burgh lyand vpoun the Water of Leyth, begynnand the first termes payment at Witsounday last; to be haldin of thame and thair successouris in frie blaynche for payment of ane penny vpoun the grund of the said mylnis gif be asket alanerlie, with sufficient clause of warrandice, to be contenit in the said infestments as effeyris; and to mak the said Charlis and his said sister and brother, sour, gude, and thankfull payment of the aid annuelrent in maner foresaid, als weill thay nocht beand infest as infest in the samyn; and after thair deceissis, the said prouest, baillies, and deykinis of crafts, byndis and oblissis thame and thair foresaidis to tak, imploy, and bestow the said pryncipall sowme of ane thowsand merkis, the ane half thairof to weill help and sustentatioun of the maister and regents of thair college of lettres, situat within the said burgh, and the other half to the sustentatioun of the puir of thair Hospital, situat in the Trinity College of the said burgh, and na otherwayes to imploy and bestow the samyn in all tyme cuming, bot to the vse foresaid; and thai ordanet Jhonn Jaksoun, merchant, thesaurer to thair present kirk counsell to resau the said pryncipall sowme, and pay the annuell thairof in maner foresaid, swa lang as he reteynis the said sowme and chairget thairwith."

30th July 1613.
Council Records,
vol. xii. p. 124.

500 merks.

Council Records,
vol. xlv. p. 133.
31st July 1717.

This legacy was in the hands of the Council at the date of the purchase of Dean, and was invested in that purchase.

ALEXANDER MORESOUN'S MORTIFICATION.

"Item, ressavit from Mr Alexander Moresoun, 4th of January 1615, quhilk was left in legacie be his father to the puir, the soume of £200."

Hosp. Accounts,
1614-15.
£200 Scots,

Terms of Mortifications.

GILBERT PROMROIS' MORTIFICATION.

Hosp. Accounts,
1615-16.
£200 Scots.

"Item, ressavit . . . 25 May 1616, for Gilbert Promrois' legacie, £200."

JHONE NASMYTH'S MORTIFICATION.

Hosp. Accounts,
1615-16.
£666, 13s. 4d.
(Scots).

"Item, ressavit 27 day of July . . . for the legacye of Jhone Nasmyth, £666, 13s. 4d."

KIRK TREASURER.

Hosp. Accounts,
1618-19.
£1000 Scots.

"Item, the compters chairges themselves with the soume of ane thousande pund payit to thame be Androw Simpsoun, kirk the^r, at Whit^r 1619, conform to the Act of the Sessioun of the Kirk made thairanent to be employit to the use of the hospitall."

ARCHIBALD JOHNSTON'S MORTIFICATION.

Commissary Records,
28th April 1619.

TESTAMENT of Archibald Johnston, merchant, burgesse of Edinburgh, who died on 5th March 1619.

500 merks.

Inter alia,—"Item to the puir of the Hospitall in Edin^r, for their maintenance and support I leve the sowme of fyve hundreth merkis, item, other fyve hundreth merkis to the honest puir within Edinburgh, to be payit and distributit be my spous with aduyse of ony of the ministeris of Edin^r."

Council Records,
27th May 1619.

This was delivered to the masters of the Hospitall.

WILLIAM RIG'S MORTIFICATION.

Commissary Records,
18th August 1620.

TESTAMENT of "William Rig, elder, merchant, burgesse of Edin^r," who died July 1619.

Will dated 23d
March 1619.
200 merks.
27th May 1619.
300 merks.

Inter alia,—"Item I leve to the vse of the Hospitall to be gevin to the maister thair of the sowme of twa hundreth merkis. Item I leve to the puir within the toune to be gevin in to the Session of the Kirk ane hundreth merkis. . . . Item eikis to the formar legacie of the Hospitall thrie hundreth merkis, and to the legacie left to the puir twa hundreth merkis."

PATRIK ELEIS'S MORTIFICATION.

Commissary Records,
12th Dec. 1620.

TESTAMENT of Patrik Eleis, elder, merchant, burgesse of Edinburgh.

Inter alia,—"Item he leivis to the Hospitall of the burghe the sowme of

fyve hundreth merkis, the rent thair of to be payit to sick personis as salbe presentit be his airis. Item he ordanis the sowme of twa hundreth pundis to be payit and distribute to the wedowis aiged personis and orphantis within the burgh of Edinburgh be Patrik and James Eleiss his sones and Johne Smyth his guidsonne at thair discretiounes."

Terms of Mortifications.

500 merks.

"The quhilk day . . . the Counsale being convenit: Forsuamekle as vmq^{le}. Patrik Eleis, elder, merchand, burges, and sumetyme thesaurer of this burgh, in his lyftyme dottit and mortifiet to the vse of the poore of the Hospitall the soume of seven hundreth merkis vsuall money of this realme, with this prouision, that he and his aires nicht haue the richt and libertie of presentatioun of sic ane puire in the said Hospitall in all tyme heirafter, to quhome the guid toun is subject, and quaha salbe fund meitt and qualifiet to be placeit therin, as at lenth is contenit in the Act of Sessioun maid theranent, of the daitt the 16 of August 1610: And sielyik the said vmq^{le}. Patrik, be his lre will and testement, left in legacie to the puire of the Hospitall the soume of vther fyve hundreth merkis vpoun this provesioun, that his aires nicht haif the richt and libertie of presentation of sic ane puir in the said hospitall in all tyme heirafter, to quhome the guid toun is subject; Q^{ik}. soume Patrik and James Eleis, his sonnes, and Johne Smith, his sonne-in-law, for fulfilling of his legacie theranent, hes presentlie delyuerit to James Speir and Eduard Ker, present m^{ris}. of the Hospitall, q^{of} the saids m^{ris}. grants the ressaite, and dischairges theme of the same: Thairfore the saids provest, baillies, and counsall grants vnto the aires of the said vmq^{le}. Patrick the richt and libertie of presentation of tua sick puire in the said Hospitall to quhome the guid toun is subject, and quaha salbe fund meitt and qualifiet to be plaicet therin to be intertayniet in the said Hospitall in all tyme coming, conforme to the ordour obseruit therintill, and ordaine the saids m^{ris}. of the Hospitall to be chairgit therwith in their comptes."

14th Feb. 1621.
Council Records,
vol. xiii. f. 139.

700 merks.

See Hospital
Accounts, 1611-12.

500 merks.

JAMES AINSLIE'S MORTIFICATION.

TESTAMENT of James Ainslie, merchant, burges of Edinburgh.

Inter alia,—"Mair to the pure of the Hospitall v^c merkis."

Commissary Records,
29th Sept. 1623,
500 merks.

MISS ISSOBELL BROWN OR MASSOUN'S MORTIFICATION.

"The quhilk day Alexander Clerk, Provest (&^c), . . . being convenit in Counsall, compeirit Issobell Broun, relict of vmq^{le}. Johne Massoun, merchand, burges of this burgh, and delyverit to Alexander Speir, thesaurer, in name of the guid town, all and hail the soume of fyve hundreth merkis guid and vsuall money of this realme of Scotland, to be employit be the said thesaurer and his successouris vpoun annualrent, according to ten for ilk hundreth, and

29th Oct. 1623.
Council Records,
vol. xiii. f. 224.

500 merks.

Terms of Mortifications.

the same to be payit to the said Issobell during all the dayes of her lyftyme, and thairefter tua hundreth merkis of the said soume to be payit to the maisteris of the Hospitall, in name of the said hospitall, and vse of the puire of the same. . . . And also ordains the said Alexander Speir, and his successoris in his said office, to mak pay^t : . . . and after hir deceis, to mak pay^t of the said soume of tua hundreth merkis, of the said fyve hundreth merkis to the maisteris of the Hospitall for the tyme, in name of the said hospitall."

HEW WICHT'S MORTIFICATION.

Commissary Records,
11th Feb. 1625.
500 merks.

TESTAMENT of Hew Wicht, merchant, burgess of Edinburgh.

Inter alia,—"To the Hospittill of Edinburgh v^c merkis for helping of sume puire to be presentit be the said David M'Call" (son-in-law and executor of the said Hew). "To the pure of Edin^r j^c.^{1b}."

22d May 1635.
Council Records,
vol. xiv. f. 339.

"Lyckas the said David compeirand for him, his aires, exe^{ris}, and assig^{nis}, renunced and farder richt to the presenting of any poore in the said Hospitall heirefter."

RACHELL ARNOT'S MORTIFICATION.

Hosp. Accounts,
1625-26.
500 merks.

"The compters chargist themselves with the soume of fyve hundreth merkis moir ressavit be thame from Mr Joseph Fergusson for umquhile Rachell Arnot, his mother, left be hir to the poor of the Hospitall."

PATRICK BANNATYNE'S MORTIFICATION.

Hosp. Accounts,
1625-26.
£200 Scots.

"In primis, the compters chairgis thameselvis with the soume of twa hundreth pund from . . . pro umquhile Mr Patrick Bannatyne, his father, vpon the thretteine day of December, left be him to the pure of the Hospitall."

KIRK TREASURER.

Hosp. Accounts,
1627-28.
£2466 Scots.

"Item, the soume of twa thousand four hundred threiscorre six pund, ressavit be thaim from Alexander Monteath, kirk the^r, upon the 24th day Apryll 1628, for the use of the said Hospitall."

PATRICK TWEEDIE'S MORTIFICATION.

Commissary Records,
1st April 1628.

TESTAMENT of Patrick Tweedie, merchant, burgess of Edinburgh.

Inter alia,—"Imprimis to the puir of Pebillis ij^c.^{1b} to be employit vpoun feildland by thrie of my narrest freindis that fears God and the annuell theroff

<p>to be gevin yeirlie vnto them by the saidis freindis, and this nocht to be done partiallie. Item to the pair of Edinburgh to be imployit and distributed in the same verie forme as the tother abone-written leve vnto them also ij^c ii^b. Item to the pair of Leithe to be imployit and distributed in the same verie forme I leive iij²⁰ vj^{ii^b}. xiiij^s. iiij^d. Item to the ministeris of Edinburgh to be imployit and distributed in the same verie forme abone-written I leive vj^c. iij²⁰ vj^{ii^b}. xiiij^s. iiij^d. the yeirlie annuell rent thairof to be gevin to the saidis ministeris for euir.”</p>	<p>Terms of Mortifications.</p>
<p>“Compeired Chairles Hammiltoun, merchand, and Thomas Quhyt, maisters of the Hospitall, and grantit theme to haue ressavit frome Gilbert Williamesoun, merchand, and Maister Johne Galloway, writter, executors confermit to vmq^{le}. Patrik Tuedie, merchand, burgess of this burgh, the soume of tua hundreth pundis Scottis money, left in legacie be him to the poore of this burgh, to be employed vpon land to the said vse. Quhairfore the proveist, baillies, and counsall exoneris,” &c.</p>	<p>£200 Scots. 23d Jan. 1635. Council Records, vol. xiv. f. 325. £200 Scots.</p>

JOHNNE JOWSSIE'S MORTIFICATION.

<p>“The same day forsuaimeikle as the saides maisteris of the Hospitall hes also ressavit from William Dick, in name of Maister Robert Johnnestoun, exe^r to vmq^{le}. John Jossie in Londoun, the soume of ane thousand merkes, left in legacie be the said vmq^{le}. Johnne to the said hospitall; thairfore ordains theme to be chairgit therwith in thair comptes.”</p>	<p>28th Jan. 1629. Council Records, vol. xiv. f. 122. 1000 merks.</p>
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JOHNNE RAE'S MORTIFICATION.

<p>“The quhilk day the proveist, baillies, deyne of gild, thesaurer, counsall, and deacones of craftes, being conveynit in counsall, compeired Eduard Forquhare, merchaud, and in name of Arthour Rae, ane of the exe^{rs}. of vmq^{le}. Mr Johnne Rae, late maister of the grammar scoole of this burgh, and produced the soume of fyve hundreth merkis left in legacie be the said vmq^{le}. Mr Johnne to the poore of the Hospitall of this burgh.”</p>	<p>26th May 1630. Council Records, vol. xiv. f. 165. 500 merks.</p>
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JOHNNE BYERES'S MORTIFICATION.

<p>“The same day compeared Thomas Charteres, ane of the baillies of this burgh, and in name of Agnes Smith, relict and executrix confermit to vmq^{le}. Johnne Byeres, and gaive in the soume of ane hundreth pundis vsuall money of this realme, left in legacie be the said vmq^{le}. Johnne for the vse of the hospitall ather to buy land, or for releiff of sua meikle of the debt lyand vpon them for the land acyured to the said vse, which soume was instantlie delyverit to Johnne Kinblo and James Guthrie, present maisters of the</p>	<p>18th Jan. 1632. Council Records, vol. xiv. f. 222. £100 Scots.</p>
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Terms of Mortifications.

Hospital; and thairfore the saids proveist, baillies, and counsall dischaarges the said Agnes Smith of the said legacie, and considdering that the said hospitall is addebtet in certane soumes for the landis acyurit to thair vse; thairfore they ordayne the saids maisteris to imploy the said soume in part of releiff of the said debt, and the said maisters to be chairgit in thair comptes, with the ressaift of the said soume, and to be discharged thairwith as imployed in maner abone writtin."

JAMES DALGLEISCHE'S MORTIFICATION.

Register of Deeds,
vol. 449.
17th Feb. 1632.

By Assignation, dated 6th, and registered in the

4000 merks.

1000 merks.

£2000 Scots.

James Dalgleische, merchant, burgesse of Edinburgh, in which, "out of the zeall" which he bears "to God's glorie and to the weill and support of Chrystis puir indigent memberis remayning within the Hospitall of the said burgh, situat and foundit at the fute of Leythe Wynd, presentlie being," he assigned "to the prouest, baillies, and counsell" of the said burgh of Edinburgh, "a bond by John Fleming, of Carwoode, and others, in favour of the said James Dalgleische, for 4000 merks (Scots), with the interest and penalties therein mentioned, of date 13th June 1626; and a bond by the said John Fleming and others to the granter for 1000 merks, with interest, &c., dated 3d February 1627;" and by another assignation recorded on the same day, two other bonds in his favour by Lawrence Sinclair, of Hous, for £1000 (Scots) each.

It appears from the Minutes of Council that there was litigation as to Fleming's estate, and the sums eventually realised by the masters of the Hospital from this mortification were paid as follows, viz. :—

Hosp. Accounts, 1631-2; 1641-2-3.	1632.	£1200 0 0
	1642. To account of his legacy of 5000 merks,	800 0 0
	1643. Composition in discharge of legacy,	1167 10 0
		<hr/>
		£3167 10 0

WILLIAM KELLIE'S MORTIFICATION.

2d March 1632.
Council Records,
vol. xiv. p. 224.
1000 merks.

"Ressaut frome the relict of vmq^{re} Mr Williame Kellie the soume of ane thousand merkis, left in legacie be the said Mr Williame Kellie to the vse of the poore of the Hospitall of this burgh, founded at the foote of Leith Wynd."

JAMES WINRAHAM'S MORTIFICATION.

Commissary Records,
11th August 1632.
500 merks.

TESTAMENT of James Winraham of Libberton, in the shire of Edinburgh.

Inter alia,—"Item I leiv to the Hospitall of Edinburgh v^{re} merkis. To the puir of Libbertoun iii^{re} merkis."

“Ressauit frome the exe^{rs} of vmq^{ls} James Wynrahame of Libbertoun, the soume of fyve hundreth merkis, vsuall money of this realme, left be him in legacie to the Hospitall of this burgh, foundit at the foote of Leith Wynd.”

Terms of Mortifica-
tions.

16th Jan. 1633.
Council Records,
vol. xiv. p. 254.

MARGARET PRESTOUNE OR ELEIS'S MORTIFICATION.

TESTAMENT of Margaret Prestoune, relict of vmquhill Patrick Eleis, merchant, burgess of Edinburgh: after nominating Marion Eleis, her eldest daughter, as her executrix, she adds, “I ordane hir to pay to hir lauful brother and sister and poor of the Hospital of Edinburgh vnderwritten to whom I leive the samyne as follows.” Then follow the legacies to her son and youngest daughter, after which there is added, “Item I leiv to the said poor in the Hospitall of Edinburgh thrie hundreth merkis money forsaid.”

Commissary Records,
25th Oct. 1632.

300 merks.

JOHNE HAMILTOUNE'S MORTIFICATION.

TESTAMENT of Johne Hamiltoune, merchant, burgess of Edinburgh; bequeathing,
Inter alia,—“Item I leive to the Hospitall in Edinburgh for the poor therof Thrie hundreth merkis. Item I leave to be gevin in to the Sessioune of Edinburgh for the poor one hundreth merkis.”

Commissary Records,
28th Nov. 1632.

300 merks.

ALLANE LEVINGSTOUNE'S MORTIFICATION.

TESTAMENT of Allane Levingstoune, merchant, burgess of Edinburgh.

Inter alia,—“I leive to the pure of the Hospitall of Edinburgh one Thowsand merkis Scottis money. To be mortefeid and imployed vpone annuelrent to thame be the sicht advyse and directioun of the consall and ministrie of Edinburgh,” and the tutors of his son Thomas Levingstoune.

Commissary Records
30th Jan. 1633.

1000 merks.

ARTHOUR RAE'S MORTIFICATION.

TESTAMENT of Arthour Rae, writer, indweller in Edinburgh.

Inter alia,—“Item I leive to the poore of the Hospitall of Edinburgh the soume of fyve hundreth markes.”

Commissary Records,
8th July 1633.
500 merks.

ROBERT BROUN'S MORTIFICATION.

“Compeirit Charles Hammiltoun, ane of the maisters of the Hospitall, and confest that he had ressauit fra Johnnie Hammiltoun, apothecar, in name and behalf of the exe^{rs} of vmq^{ls} Mr Robert Broun, indueller in this burgh, the

21st March 1634.
Council Records,
vol. xiv. p. 294.

Terms of Mortifications.

soume of fyve hundreth merkis vsuall money of this realme, left be the said vmq^{le}. Mr Robert in legacie to the said hospitall."

500 merks.

JANET BANNATYNE'S MORTIFICATION.

13th June 1634.
Council Records,
vol. xiv. p. 301.
200 merks.

"Ressauit frome George Foulles, M^r. of His Ma. cunziehous, the soume of twa hundreth merkis and sextein pennyes left in legacie to the poore of the Hospitall be vmq^{le}. Janet Bannatyne, his said spous."

CHRISTIANE RIG OR RAE'S MORTIFICATION.

29th July 1635.
Council Records,
vol. xiv. p. 344.
300 merks.

"Ressauit frome Alexander Barbour, wrytter, the soume of thrie hundreth merkis left in legacie be vmq^{le}. Christiane Rig, relict of vmq^{le}. Maister Johnne Rae, sumetyme scoolemaister of this burgh, to the Hospitall of this burgh, foundit at Leith Wynd foote."

THOMAS BANNATYNE'S MORTIFICATION.

Commissary Records,
28th Oct. 1635.
1000 merks.

TESTAMENT of Thomas Bannatyne, merchant, burges of Edinburgh.

Inter alia,—"Item to the puire of the Hospitall j^m. merks. Item to the poore of Edinburgh j . merks."

JAMES HOG'S MORTIFICATION.

Commissary Records,
1st Sept. 1636.
100 merks.

TESTAMENT of James Hog, merchant, burges of Edinburgh.

Inter alia,—"Item, I leawe to the poor of the Hospitall j^c. merkis."

DAVID RAMSAY'S MORTIFICATION.

23d Dec. 1636.
Council Records,
vol. xiv. p. 408.
100 merks.

"Compeired Maister Cornelius Ramsay, student, and gaive in to the Hospitall of the said burgh the soume of ane hundreth merkis together with the soume of threttyenyne merkis as for bygane annuelrent thairof, left in legacie be vmq^{le}. David Ramsay, his brother, to the said hospitall, which was instantlie delyverit to Richard Maxwell, ane of the maisteris of the said hospitall."

DAVID AIKINHEID'S MORTIFICATION.

Commissary Records,
14th Sept. 1637.

TESTAMENT of David Aikinheid, merchand, burges of Edinburgh (and Lord Provost).

200 merks.

Inter alia,—"Item I leive to the poor of our Hospitall of Edinburgh tua

hundreth merkes. Item I leive to be dedicat to honest men and women being burgesses to be distribut be my executors tua hundreth merkes.”

Terms of Mortifications.

JOHN WINRAHAME'S MORTIFICATION.

TESTAMENT of John Winrahame, merchant, burgess of Edinburgh, said to be dated “29 of Januar, ane thousand sex hundreth ‘threttie yeires.’”

Commissary Records,
15th Dec. 1637.

Inter alia,—“Item I leawe to Mungo Huntar in the Hospitall ten merkis yeirlie during his lyftyme. Item I leave to the rest of the poore in the Hospitall in Leith Wynd futt to be devydit amongst thame & the said Mungo ij^a merkis.”

200 merks.

SIR HENRY WARDLAW'S MORTIFICATION.

TESTAMENT of Sir Henry Wardlaw of Pittravie, Knight (dated 29th January 1636).

Commissary Records,
8th Feb. 1638.

Inter alia,—“Item in the first for ane support and help of the building of the new Kirkes. of Edin^r ane thowsand thrie hundred threthi-thrie pundes 6/8^a. Item to be delyverit to the primer and regentes of the colledge of Edin^r to buy buikes ij^c xxxiii^b 6/8^a. Item to the poor housholders of the toune of Edin^r j^m merkis. Item to the Hospitall at the fuit of Leith Wynd j^c ¹⁰ etc.”

£100 Scots.

MRS MERTEIN'S MORTIFICATION.

“The quhilk day . . . compeired Williame Wilkie, baillie, and produced ane bond maid be James Mertein to the counsall, quhairby he obleissis himselff to pay theme the soume of ane hundreth merkis, left in legacie be his vmq¹⁰ mother to the building of the parliament hous, with the soume of ane other hundreth merkis left also in legacie be his said vmq¹⁰ mother to the poore in the Hospitall, to be payit betuixt and the first day of August nixt as the bond, of daitt the 22 of this instant, at more lenth beires; thairfore the counsall delyvered the said bond to the said Williame, and ordaynit the said soumes to be vpliftet the said tyme and delyvered the aue to the maisters of the Hospitall, and the other to the present thesaurer of the building of the said hous, and thay to be chargit therwith in his compts.”

23d March 1638.
Council Records,
vol. xv. p. 49.
100 merks.

PETER SOMERVEILL'S MORTIFICATION.

TESTAMENT of Peter Somerveill, merchant, burgess of Edinburgh.

Commissary Records,
4th April 1638.

Inter alia,—“Item I leive to the Hospitall ij^c merkes. Item I leive to the puire of the sessiounne j^c merkes.”

200 merks.

Terms of Mortifica-
tions.

ISOBEL FARQUHAIR'S MORTIFICATION.

Commissary Records,
29th June 1638.

TESTAMENT of "Isobel Farquhair, relict of Arthour Rae, sumtyme wryter in Edin^r."

50 merks.

Inter alia,—"Item I leave to the poor of the Hospitall in Edinburgh the soume of fyftie merkis."

ROBERT MASSOUN'S MORTIFICATION.

Commissary Records,
31st Jan. 1639.

TESTAMENT of Robert Massoun, merchant, burges of Edinburgh.

200 merks.

Inter alia,—"Item I leawe to poore of the Hospitall of Edinburgh the sowme of ij^c merkis to be imployit vpone land or annualrent to ther behove be the sight and advyse of the said hospitall."

ROBERT JOHNSTON'S MORTIFICATION.

Extracts from the Last Will and Testament of ROBERT JOHNSTON, of London, proved in the Prerogative Court of Canterbury.

Will & Testament,
30th Sept. 1639.
Codicil, 12th Oct.
1639.

"Item, I geve and bequeath vnto the Provest, and Bailiffes, and Common Councill for the tyme being of the Cittye of Edinbrough, in the said kingdome of Scotland, one thousand pounds starlinge, to bee ymployed in stocke to sett the poore of ye said cittye at worke, and doe appoint the increase of the stocke to be distributed amongst ye poore of the said cittye yearely. And my will is, that this some be payed within one yeare after my decease, uppon securitie to bee given by the said Provest, and Bailiffes, and Common Councill vnto my executors hereafter named for ymployeinge and distributinge the increase accordingly.

"Item, I give and bequeath vnto the said Provest, Bailiffs, and Common Councill for the tyme being, another thousand pounds starlinge, to be ymployed in stocke, or otherwise to be put out for proffitt, to buy gownes, stockings, shoes, sherts, and clothes vnto the poore children of Mr Heriott's Hospital, which some I appoint to be payd for the mayntenance of the said poore, when they are placed in the said Hospitall orderly, according to the intencion of the founder, and not before the said Provest, Bailiffs, and Councill geving securitie vnto my said executors for the ymployeing of the same accordingly. . . .

"Item, I geve vnto my sister, Agnes Johnston, if shee be liveing at the tyme of my decease, ye some of five hundred marks vsuall money of ye realme of Scotland, and yearely to be payed vnto her dureing her naturall life by the Provest, Bailiffes, and Common Councill of Edinburgh aforesaid, forth of ye proffitts of five hundred poundes starlinge w^{ch} they are vndebted unto me vpon this condicon, that my said sister, Agnes Johnston, release and discharge

vnto my executours hereafter named, and debtors, all clayme and demannd, title, right, and interest which shee may have or can make vnto any heritable obligacons, or other my goods and chattells, or to any of them whatsoever.

“I doe absolutelie give and bequeath all the surplusage, rest, and residue of my estate, goods, chattells, reall and personal, some and somes of money whatsoever in maner and forme followeing, that is to say, I give and bequeath vnto the said Provest, Bailiffes, and Common Councell of Edinbrough, one thousand pounds starlinge more, they putting in sufficient securitye vnto my said execut^{rs} and superuis^{rs}, to imploy the said some on stocke or mortgage of landes towardes the reliefe of the poor people of the said Cittie of Edinburgh in perpetuitie. Alsoe, I give and bequeath vnto the Provost and Bailiffes of Aberdine, in the said realme of Scotland, sixe hundred pounds starlinge, vpon their putting in a sufficient sureties vnto my said executors and overseer to imploy the said some in a stocke, to remayne in perpetuitie for ever, that the poore people of the said Cittie of Aberdine may be sett at worke in lawfull trades and manufactures for ye benefitt of the commonwealth, whereby the aged, blind, lame, and impotent people of the said Cittie of Aberdine maye bee releaved yearlie out of the profitt and increase of ye said stocke.

“Item, I geve and bequeath vnto the Provest and Bailiffs of Dundie, in the said realme of Scotland, vpon their putting in of sufficient securitie vnto my said executors and superuisor, the some of one thousand poundes of lawfull money of England, to be employed in a stock or wedsett of land in perpetuitie for ye yearlie maintenanc of the aged and impotent people of the said Towne of Dundie.”

18th March 1642.—“The Provest, Baillies, and Counsell, knowing the necessitie of Agnes Johnstoun, his sister, did bestow upon her ane yeirlie pensioun of fyve hundreth merkis yeirlie during all the dayis of her lyfytyme to have been reimbursed forth of the foirsaid legacie quhenver the samen sould happen to fall; and understanding also that soumes and legacies of that nature hes been vsuallie bestowit upon the Hospitall for reliefe of the said poore. For which caus the saidis Provest, Baillies, and Counsell hes, with consent of the ministre and severall sessiouris of the parocheris of this burgh, assigned the samen to the masters of the said hospitall in name thereof, and hes causit Sir William Dick of Braid, in whais handis the soume wes, give band to the saidis masteris for payment thairof at Whitsunday next.”

Terms of Mortifications.

Robert Johnston's Mortification.

Council Records,
vol. xv. f. 227.

THOMAS SPENS'S MORTIFICATION.

TESTAMENT of Thomas Spens, baxter, burges of Edinburgh.

Inter alia,—“I leave and ordane to be gevin to the poore of the hospitall of Edinburgh the sowme of xl^{li}. Scottis money.”

Commissary Records,
21st Nov. 1639.
£40 Scots.

Terms of Mortifications.

KATHEREIN PRESTOUN'S MORTIFICATION.

11th Dec. 1639.
Council Records,
vol. xv. f. 108.
100 merks.

"The same day compeired William Cochrane, ane of the maisters of the Hospitall, and grantet him to have ressaut from Katherein Prestoun, spous to the deane of gild, the soume of ane hundreth merkis, left verballie in legacie be vmq^{le} Elspeth Prestoun, his sister, to the poore of the Hospital."

DAVID MAKCALL'S MORTIFICATION.

18th Dec. 1639.
Council Records,
vol. xv. f. 109.

1000 merks.

"Thairfore, and in humble performance thairof, I be the tennour heiroyf, give, dott, and dispone the particular soumes of money respectiue efter following to be imployit vsit and disponit be the proveist, baillies, and counsall of Edinburgh, to the particular pious vses respectiue efter specifiet with consent of the persoues vnder naymit in maner vnderwrittin, viz. Item, the soum of ane thousand merkis money foiresaid [usual money of Scotland], to be imployit upone land or annualrent, for helping to sustein the poore in the Hospitall at Leith Wynd foote my aires and assignayis being patrounes and presenters of the poore therto, sua far as the annuelrent thairof will susteyne. Lyikas the saids proveist, baillies, and counsall of the said burgh of Edinburgh, be the acceptatioun heiroyf, obleissis thame and thair successouris at the sight, and be the advyse of my aires and successouris, and of Sir Thomas Hope of Craighall, knight, his Ma. advocate, Sir Johnne and Sir Thomas Hope, his sounes, and of Dauid Jonkein, my brother, to imploy, wair, and bestow the haill foiresaid principall soumes of money, respectiue, particularlie aboue specifiet, immediatlie efter thair ressaitt thairof, apone land for annuelrent in maner and to the particular vses and behoove respectiue particularlie aboue specifiet and no otherwayis, viz. to be given vpone sufficient infetment of the commoun mylnis of Edinburgh, for payment of yeirly annuelrent thairfore to the behoove respectiue aboue specifiat mentionat according to the lawis of this kingdome."

DAVID RICHARDSON'S MORTIFICATION.

Commissary Records,
7th Feb. 1640.
£100 Scots.

TESTAMENT of David Richardson, merchant, burges of Edinburgh.

Inter alia,—"I leive to the poore of the Hospital i^c lb." "

DAVID CRUICKSHANK'S MORTIFICATION.

Council Records,
vol. xv. f. 136.
13th May 1640.
£229 Scots.

"Ressaut the soume of tua hundreth tuentie nyne pundis in full contentatioun of the soume of fyve hundreth merkis left in legacie be the said vmq^{le} David to the poore of the Hospitall, conforme to ane decreitt of the commissairs, daitted the last of Januar 1640."

ROBERT ELLEIS'S MORTIFICATION.

"Ressavit . . . left in legacie be umquhile Robert Elleis student, £200."

Terms of Mortifications.

Hosp. Accounts,
1641-42.
£200 Scots.

JOHN INGLIS'S MORTIFICATION.

TESTAMENT of John Inglis, elder, merchant, burges of Edinburgh.

Inter alia,—"Item I leawe in legacie to the Hospitall of Edinburgh at Leith Wynd foott the sowme of v^c merkis."

Commissary Records,
24th Jan. 1642.
500 merkis.

BARTILMO SOMERVELL'S MORTIFICATION.

TESTAMENT of Mr Bartilmo Somervell, portioner of Sauchtoun-hall

Inter alia,—"I leave to the Sessioune of Edinburgh for helping of the poore of the said towne the some of twa thowsand merkis money foirsaid (Scots). Item I leave to the poore of the Hospitall of Edinburgh the sowme of vther twa thowsand merkis money foirsaid."

Commissary Records,
10th Feb. 1642.
2000 merkis.

JOHN FLEMING'S MORTIFICATION.

TESTAMENT of John Fleming, baillie, and burges of Edinburgh.

Inter alia,—"Item to the thesaurer of the Kirk Sessioune of Edinburgh for the vse of the poore iii^c merkis. Item to the Hospitall of the said burgh at the foott of Leith Wynd v^c merkis."

Commissary Records,
15th June 1642.
500 merkis.

ISOBELL ALLANE OR ALSCHRUDER'S MORTIFICATION.

TESTAMENT of Isobell Allane, relict of David Alschruder, merchant, burges of Edinburgh.

Inter alia,—"To the Hospitall of Edinburgh at the foott of Leith Wynd v^c merkis money to be distributt at the discretione of the provest and baillies of Edinburgh or of the Kirk Sessione there."

Commissary Records,
11th July 1642.
500 merkis.

JAMES TROUP'S MORTIFICATION.

"The same day forsamakle as John Hillstoun, merchant, burges of this burgh, haveing adebted to him be vmq^{ie} John Davie, mer^d the soume of thrie hundreth thrie scoir seven pundis principall with the bygane annualrentis thairof, lykwayis the said vmq^{ie} John Davie being adebtit to James Troup, merhand, burges of the said burgh, all and hail the soume of fyve hundreth pundis, principall with certane bygane @ rentis conforme to his band maid to

Council Records,
vol. xv. p. 268.
7th Dec. 1642.

500 merkis.

Terms of Mortifications.

the said James Troup, hes constitute the said John Hillstoun his cessionar and assigney; wpon the quhilkis twa bandis the said Johne Hillstoune hes comprysit the ground richt and propertie of the twa husband landis of Heriot hows and Heriot towne, pertening to the said vmq^{ie}. John Davie, with the haldings belonging thairto, lyand in the baronie of Borthink and sheriffdome of Edinburgh. And the said James Troup, haveing intrusted his said band to the said John Hillstoun, and being willing to mortifie his soume and pairt and portioun of the saidis landis to the vsc and vtilitie of the Hospitall at Leith Wynd fute, and poor thairin, of his awin free good will; and the said John Hillstoun, being willing for the soume of thrie hundreth and fyftie merkis, to dispone his pairt of the saidis landis, the saidis provest, baillies, and counsell ordaines the maisteris of the said hospitall to accept of the said bargane, and to pay to the said John the said soume of thrie hundreth and fyftie merkis, and to resave from him ane Dispositioun of the said hail apprysing and land apprysit be him in mauer foirsaid, and the same sall be allowed to them in thair comptis and ordaines the masteris of the said hospitall present and to come to be chairgit with the dewties of the saidis landis in all tyme heirefter."

The property thus acquired was subject to a liferent, and yielded nothing till 1655, from which date till its sale it yielded £100 a-year. The accounts for the year 1697-8 contain the following entry:—

"Item—With the price of Heriot House, sold at Whitsunday to Mr James Dallrumple, £1700" (Scots).

Trin. Hosp. Accts.
1697-8.
£1700 Scots.

JOHN TROTTER'S MORTIFICATION.

"The same day compeird John Trotter, merchand, and declaired, that his father in his lre will and testament had bequethed to the Hospitale at Leith Wynd fute, the soume of ane thowsand merkis, and for this effect gave in ane band and subscrivit be Williame Hooome, of Aittoun, contening thairin the soume of ane thowsand merkis payable to the said umq^{ie}. John Trotter, his father, and efter his deceis to the said hospitall at Leyth Wynd fute, as the said band of the dait at Duncce Castle, the fyftein day af July j^m. vj^c. fourtie ane yeiris at mair lenth beiris; Which band was instantlie delyvered to Patrik Thomsonsone and Gilbert Somerville, present maisters of the said hospitall; Quhairfore the counsell ordaines them to be chairged thairwith, and with ane yeiris annuelrent thair of in thair comptis."

23d. Dec. 1642.
Council Records,
vol. xv. p. 271.
1000 merks.

JOHN SPENSE'S MORTIFICATION.

Commissary Records, TESTAMENT of "Mr John Spense, sone lawfull to vmquhile Thomas Spense, 8th Nov. 1643. baxter, burgess of Edin^r."

Inter alia,—"And to the poore of the Hospitall of Edinburgh the sowme of iiij^c. merkis."

400 merks.

ANDREW BEATTIE'S MORTIFICATION.

"The same day, forsameikle as umq^{le} Andro Beattie, tailyeour, burges of this burgh, hes left to this burgh certane soumes of money be his lettre will and testament, to the severall vses eftirmentionat efter the deceis of Alisone Skirving, his relict, and with reservatioun to her of her lyfrent of the samen soumes, viz. . . . and the soume of uther fyve hundreth merkis to the kirkis of this burgh. . . . The saidis provest, baillies, and counsell, has distribute the soumes of money in maner efter following, viz. . . . they appoint" [several sums contained in certain bonds amounting to 500 merks], "and quhilk soumes they ordane William Sandilands and Thomas Cleghorne, present masteris of the Hospitall, to uplift and resave with the bygane annualrentis thair of; and if neid beis to cause execute the bandis for that effect, and ordaines the saidis thesaureris and masteris of the Hospitall to be chairgit with the foirsaidis soumes, and bygane annualrentis thair of in thair comptis."

Terms of Mortifications.

12th Oct. 1644.
Council Records,
vol. xvi. p. 10.

500 merks.

WILLIAM PORTER'S MORTIFICATION.

"The soume of three hundreth merkis for the vse of the poor in the Hospitall of the said towne at the fute of Leith Wynd."

30th Dec. 1646.
Council Records,
vol. xvi. p. 152.
300 merks.

MARGARET RICHARDSON OR LINDSAY'S MORTIFICATION.

TESTAMENT of Margaret Richardson, relict of vmquhile David Lindsay, merchant, burges of Edinburgh.

Commissary Records,
15th June 1647.

Inter alia,—"Item I leive to the poore of the Hospitall of this burgh the sowme of v^c merkes money foirsaid (Scots). Item I leive to the poore of this parochie quhair I duell to be payit to the kirk thesaurer for thair vse the sowme of ij^c merkes."

500 merks.

THOMAS DODS'S MORTIFICATION.

TESTAMENT of Thomas Dods, plumber, burges of Edinburgh.

Commissary Records,
14th Sept. 1647.

Inter alia,—"Item ther is auchtand to me be the toune of Edinburgh be band ij^m merks quherof I appoint the ane half to be applyit to the use of the Hospitall at Leith wynd fitt and the vther half thereof to George Hall my sister sone: Item ther is auchtand to me be compt betuixt John Edgar and me the sowme of viij^c lb. quhilk sowme I also destinat to be imployit to the use of the said hospitall at Leith Wynd fitt."

1000 merks.

£800 Scots.

In satisfaction of the town's debt, on 2d June 1648 a bond was granted by the town to the master of the Hospital for 1000 merks.

Hosp. Accounts,
1649-50.

Terms of Mortifications.

WILLIAM MAXWELL'S MORTIFICATION.

Hosp. Accounts,
1649-50.
£266, 13s. 4d.

"Item, resait from Patrick , kirk the^{er}; in name of the umq^l W^m Maxwell of Kirkhouse, left in legacie be ye said umq^l W^m Maxwell to the said Hospitall, the soume of four hunreth merkis, . . . £266 13 4."

JAMES HARRES'S MORTIFICATION.

Hosp. Accounts,
1649-50.
£200.

"Item, delyverit be James Harres, quho is now ane of the Hospitall, to the compters, vpon the day of July 1650, for the use of the said hospitall, the sum of twa hundreth pundis, . . . they have assayand to him the a'rent yairoff during his lyfytyme, upon ye quhilk condition the samyn was taken in be them, and in no other ways, . . . £200 0 0."

SIR THOMAS CROMBIE'S MORTIFICATION.

Hosp. Accounts,
1651-52.
£451.

"Item, resavit from Johne Reid, merchant, in name of umquhile Sir Thomas Crombie, of , left in legacie be him to ye said Hospitall, the soume of . . . £451 0 0."

JOHN TROTTER'S MORTIFICATION.

Commissary Records,
16th July 1652.

TESTAMENT of John Trotter of Mortounhall.

Inter alia,—"And also I ordane my said sone (John, his eldest son and heir) and his tutors to pay to the thesaurer of the Hospitall for the intertenement of the poore thairof j^m merkis."

1000 merkis.

WILLIAM COCHRAN'S MORTIFICATION.

Council Records,
vol. xix. p. 86.
18th Jan. 1656.
£400 (Scots).

"Producit the deceist William Cochran his confirmed testament, quhairin he leives to the good town. . . . And the hail bygane annualrentis of the foirsaid principall soume of eight hundreth pundis, he ordaines the samen so soon as the samen sall be gotten in the one half thairof to be payit to the Hospitall of Leith of Edinburgh at Leith Wynd fute, and the wther half to the session of Edinburgh."

Hosp. Accounts,
Nov. 1668-69.
£333, 6s. 8d.

"Item with three hundred threttie three pound sex shilling eight pennies received from."

JAMES WYSEMAN'S MORTIFICATION.

Commissary Records,
15th March 1656.

TESTAMENT of Mr James Wyseman, one of the Regents of the College of Edinburgh.

Inter alia,—"Item I leive to Walter Cheisley present thesaurer the sowme of money principall annuelrent and expenses conteaned in Mr John Algearis

band, etc., to be uplifted and used be him for the vse of the poor of the sex Kirks Sessioune of the Kirk of Edinburgh. . . . Item I hearby leave and dispone the sowne of ten thousand merks to any other pious use as for the helpe of the poor of the Hospitall of the College or any other my said executor (David Dick) with adwye of Lawiers sall fall one.”

Terms of Mortifica-
tions.

10,000 merks.

PATRICK THOMSON'S MORTIFICATION.

TESTAMENT of Patrick Thomson, merchant, burgess of Edinburgh.

Commissary Records,
15th May 1662.

Inter alia,—“Item, I leave and dispone in legacie to the Hospitall in the futt of Leith Wynd called the tunes Hospitall ffor suply of the poor members therof, to remaine with the stock of the said hospitall in all tyme comeing, the sowme of fyve hundreth merks vsewall money. Item, to the poor persones who have contributiounes from the Kirk Sessioune of Edinburgh the soume of ane hundreth pund money forsaid.”

500 merks,

LAIRD OF STENHOUSMILNE'S MORTIFICATION.

“Item, with twa hundered pound receaved from the Laird of Stenhouse- milne, which was left be his father in legacie to the Hospitall, . £200 0 0.”

Hosp. Accounts
Nov. 1668-69.
£200.

JAMES GRAY'S MORTIFICATION.

“Item, with the soume of ane hundred and threttie-three pound six shilling eight pennies received of a legacie from James Gray, merchant, will, £133 6 8.”

Hosp. Accounts,
Nov. 1669-70.
£133, 6s. 8d.

JAMES ELIES'S MORTIFICATION.

“The which day the counsall taking to their consideratioun that unq^{le} James Elies, merchand, burges of Edinburgh, and sometime ane of the baillies of the said burgh, be his letter, will, and testament, subscribet with his hand, of the date the tuentie-fyft day of November j^m vj^e and fyftie years, did therby nominat Mr James Elies, now of Stenhopfaulds, his sone, therin designed James Elies, his eldest lawfull sone, his onlie executor, testamantar, and intromettar, with his whole goods and geare, and left in legacie to the poore of the Trinitie Hospitall of Edinburgh the soume of thrie hundreth merkis, which he ordered his said executor to pay to the counsell and sessions of Edinburgh, performing to him and his airs the oblidge ments underwritten, viz., That he and his airs should have the wright and presentatioun of the poore persones in the said hospitall in all tyme comeing who shall be fund meet and qualified to be placed therein, conforme to ane act of the kirk-sessions and of the counsell of Edinburgh: Which soume the said Mr James Elies hes

Council Records
vol. xxvi. p. 167.
23d Nov. 1670.

300 merks.

Terms of Mortifica-
tions.

delivered to Thomas Robertson and David Mure, present masters of the said hospitall, whereof the saidis masters grantes the receipt and discharges the said Mr James of the samen: Therefor the saidis provost, bailzies, and councill grants unto the airs of the said umq^{ie} James Elies the presentatioun of the poore in the said hospitall, who shall be fund meet and qualified to be placed therin, when soever the same shall vaik to be interteined in the said hospital, conforme to the order observed therintill; and ordanes the saidis masters of the hospitall to be charged therwith in their compts," &c.

GEORGE JOLLIE'S MORTIFICATION.

Council Records,
vol. xxvi. p. 174.
30th Dec. 1670.

500 merks.

"Foralsmuch as the deeiest George Jollie, merchand, burges of Edinburgh, be his letters of destination of the date the tuentie ane day of Julij j^m vj^c sextie sex yeirs, did leave to the Trinity Hospitall of this burgh at the foot of Leith Wynd, the soume of fyve hundreth merkis Scottis money, and that Richard Lothian, merchand, be his postscript subjoynd to the said destination oblidged him, his airs and executors, to pay the said soume to the said hospitall as the postscript beirs, and that Thomas Robertson, merchand, and David Mure, armorer, present masters of the said hospitall, had reported that conforme to the said destination and postscript, the said Richard Lothian had made payment to them of the said fyve hundreth merks for the use of the said hospitall."

ROBERT SANDILAND'S MORTIFICATION.

Council Records,
vol. xxvii. p. 7.
15th Feb. 1671.
300 merks.

Council Records,
18th Nov. 1674.

300 merks.

"The same day Thomas Robertstone, ane of the masters of the Trinity Hospitall, reported that Robert Sandilands, youngar, merchand, hes given freelie to the said hospitall thrie hundred merks Scotts money which he hes receaved."

"Present maisters of the Trinitie Hospital, and signified that Robert Sandilands, *junior*, merchant, burges of Edinburgh, had in anno 1670 mortified to the said hospital three hundred merks Scots money, and that he hes at the present tyme mortified the lyke soume of three hundred merks to the hospitall, which they had lykewayes receaved, and that they were informed the said Robert was desyrous to have Agnes Sandilands, relict of vmq^{ie} John Roxburgh, burges of Edinburgh, to be brought into the Hospital to be interteined therein, she being about the aige of sixtie-four years . . . The councill efter serious consideratione had of the premises, doe return the said Robert Sandilands hearty thanks for his so pious a work, and desyred the said maisters to record his name in the hospitall hall amongst the rest of the benefactores, and albeit there was no place at present vacant in the Hospital, yet they ordaine the saids maisters to admitt the said Agnes to the Hospital to be interteined therein, and declare that the first place that falls vacant she shall be preferred thereto, and no other installed therein."

"It : receaved in gift from Rob. Sandilands, . . . £120 0 0."

18th Nov. 1674.
Hosp. Accounts,
1676-77.

WILLIAM LORIMER'S MORTIFICATION.

"Item, received from William Lorimer as a gift to the poor of the Hospitall, £333 6 8."

Terms of Mortifications.

Hosp. Accounts, 1671-72.
£333, 6s. 8d.

ALEXANDER HOME'S MORTIFICATION.

"The same day compeired Alexander Home, present thesaurer of the Canogate, who out of his charitie, sure good will benevolence made offer and acordingle payed to Thomas Robertstone, one of the present masters of the Trinitie Hospitall at the foott of Leith Wynd, the soume of ane thousand merks Scotts towards the increse of the stocks of the said hospitall, founded for menteining of the beidmen therof, decayed burgesses and burgesses wifes."

Council Records, vol. xxvii. p. 22.
3d May 1671.

1000 merks.
Increase of capital.

THOMAS MURRAY'S MORTIFICATION.

"The same day James Kirk, ane of the maisters of the Trinity Hospital, reported that John Hall, lait baillie, had payed in three hundreth merkis to the Hospitall, which was left in legacie to the Hospitall by the deceist Thomas Murray, lait baillie. The counsell appoynts the said Thomas Murray his name to be recorded in the hospitall hall amongst the rest of the benefactours."

Council Records, vol. xxvii. p. 201.
10th April 1674.
300 merks.

JOHN M'MORLAND'S MORTIFICATION.

TESTAMENT of John M'Morland, merchant in Edinburgh.

Inter alia,—"To the poor of the toune of Edinburgh ane hundreth merks. To the Trinitie Hospitall the soume off ffour hundreth merks."

Commissary Records, 21st April 1676.

400 merks.

JOHN ANDERSON'S MORTIFICATION.

TESTAMENT of John Anderson, merchant, burges of Edinburgh.

Inter alia,—"Item I leave and bequeath to the Hospitall at the ffoot of Leith wynd the sowme of ane thowsand merks Scots, and I ordaine my name to be putt up ther as vse is in the lyk caices."

Commissary Records, 19th May 1676.

1000 merks.

JOHN PENMAN AND JAMES PENMAN'S MORTIFICATION.

"Anent the petition given in by James Penman, senior, late Surgeon-Major to his Majesties Garrison att Gibraltar, setting furth that the deceast John Penman, late Baillie of Edinburgh, the petitioner's grandfather, haveing in the year one thousand six hundred and eighty mortified to the poor of the Trinity Hospitall the sume of one thousand pounds Scots money, and did

1680.
Hospital Records, vol. ii. p. 126.
21st Dec. 1743.
Hosp. Accounts, 1743-44.
£1000 Scots.

Terms of Mortifica-
tions.

Penman's Mortifica-
tion.

£2000 Scots.

intend had he lived to have enlarged his donation so as to have been entitled to the presentation of a member into the said Hospitall; that the petitioner out of a regard to the pious intentions of his grandfather, and with a designe to encourage such good and charitable work as the mentainance of old and decayed people who cannot provide for themselves, did humbly propose to the Council to mortifie to the said Hospitall a further sune of two thousand pounds Scots, which with the forsaid one thousand pounds already given by his grandfather, will make in all three thousand pounds Scots upon the Council, as administrators aforesaid, givinge to the petitioner and his heirs and assigneys a right to present a member into the said Hospitall, either a man or woman, a burges or not burges without distinction, and on such other conditions as usuall and as should seem agreeable to the Council: Praying therefor the Council as administrators forsaid to consider the premisses, and upon the petitioner paying to the treasurer of the said Hospitall the said two thousand pounds Scots, to grant to him and his heirs and assigneys a right to present a member into the said Hospitall, man or woman whether burgeses or not, as they should think fitt, as the petition bears. Which having been read in Council, the same was remitt to a committee of their number, and they to report. Accordingly Baillie David Inglis this day reported from the said committee, that they haveing considered the said petition were of opinion that upon the petitioner's paying in to the Trinity Hospitall two thousand pounds Scots, the Council should grant to him during his lifetime allenary a power and privilege of presenting any one person after the decease of another to be entertained in the said Hospitall, in terms of the statutes thereof, whether a burges or not, and that after the said Doctor James Penman's decease they should grant a power and privilege to his heirs or to his immediate assigney and their heirs (debarring all other assigneys) a power and privilege of presenting att large any person they please for two vices or times; but that the person to be presented by them the third time or vice, shall be a burges or the child or widow of a burges and none other, and that this grant and privilege should be under such other limitations and restrictions as the rest of the donars are, and agreeable allways to the practice and statutes of the Hospitall, as the report under the hands of the committee bears; which haveing been considered by the Magistrates and Council with the deacons of crafts, ordinary and extraordinary Governours and administrators of the said Trinity Hospitall, approved of the said report, and upon the petitioner making payment to the treasurer of the said Hospitall of the sune of two thousand pounds Scots, they did and hereby do grant to him during his lifetime allenary a power and privilege of presenting any one person after the decease of another to be entertained in said Hospitall, in termes of the statutes thereof, whether a burges or not; and after the said Doctor James Penman's decease they did and hereby doo grant a power and priviledge to his heirs or o his immediat assigney and their heirs (debarring all other assigneys), a power and priviledge of presenting att large any person they please for two vices or

times. But that the person to be presented by them the third time or vice shall be a burges or the child or widow of a burges and none other, all to be entertained in the said Hospitall as aforesaid, every one of such persons behaving themselves in the said Hospitall orderly and decently, and before their entry disponeing and conveying their whole goods and effects to the Hospitall in the usuall forme, and bringing alongst with them a sufficient feather bed and bedding of cloaths, declaring hereby that the person to be first presented in virtue of this grant shall only be received into the Hospitall att the end of six months after payment makeing of the said two thousand pounds Scots, and that it shall not be in the power of the petitioner or his forsaid to present a person to be entertained in the said Hospital untill after the elapse of year and day from the decease of the person last presented."

Terms of Mortifications.

Penman's Mortification.

JOHN THORBURN'S MORTIFICATION.

"John Thorburn mortified in Sepr. '80, £281 6 8." Hosp. Accounts, Nov. 1680-81.
£281, 6s. 8d.

HARIE WALWOOD'S MORTIFICATION.

TESTAMENT of Harie Walwood, merchant, burges of Edinburgh: appointing William his eldest son his sole executor, and *inter alia*,—"That he pay to the Thesaurer of the &c. Hospitall for the vse of the poor therof j^m merks Scottis money." Commissary Records, 23d Sept. 1684.
1000 merks.

JOHN GOVEIN'S MORTIFICATION.

"Item, the good toun is due the legacie left be John Govein to the Hospitall, 15th July 1684, 500 merks prin", £333 6 8." Hosp. Accounts, Nov. 1685-6.
£333, 6s. 8d. Scots.
"Item, three years @ rent yrof fra the 15th July 1684 to the 15th day of July 1687, 60 0 0."

JANET ROSS'S MORTIFICATION.

"Item, from John Riddell for Jannet Ross, her legacie of 500 merks, £333 6 8." Hosp. Accounts, Nov. 1685-86.
£333, 6s. 8d. Scots.
"Ane yeares @ rent thereof from Lambes 1686 to Lambes 1687, 20 0 0."

PATRICK'S AIKENHEAD'S MORTIFICATION.

"The said day, the Council having considered ane representation given in by Mr Patrick Aikenhead, Commissar-Clerk of Edinburgh that did leave in legacie to the Trinity Hospitall of this burgh one thousand rix- 21st Nov. 1689.
Council Records, vol. xciii. p. 195.
1000 rix-dollars.

Terms of Mortifica-
tions.

dollars, and y^h for maintaining of two merch^{ts} in said Hospitall, who shall be always nominate and presented by the said Mr Patrick Aikenhead, his aires or assigns, which, being considered by the Council, they doe accept of the s^d offer, and hereby allows and consents the nomination and presentation of the said two merchants to be maintained in the said Trinity Hospitall upon the said fond, to be solely in the persone of the said Mr Patrick Aikenhead, his heirs, succe^{ts}, or assigns, in all tyme hereafter."

ROBERT DEANE'S MORTIFICATION.

Hosp. Accounts,
1692-3.

1000 merks.

The first notice of this Mortification occurs in the accounts for the year Nov. 1692 to Nov. 1693, where Thomas Robertson is mentioned as having paid £40 "for ane year's annualrent of 1000 merks contained in two bonds granted by him and his brother to the deceased Robert Deanes, and left be him to the Hospitall."

These bonds appear the last time in the accounts 1689-99, when they were paid up.

Hosp. Accounts,
Martinmas 1696.

"Itt: more resting be the aires of Thomas Robertson, viz. Thomas, Mr Hary, John, and William Robertsones, two five hundereth m^k bond granted be them to the deceist Rob^t Deanes, mer^t, and failzieng of him be deceiss, to the s^d Hospitall the @ rents yrof preceeding mer^t (1696) be all payed, £666 13 4."

JOHN GLENDIE'S MORTIFICATION.

28th Nov. 1694.
Council Records,
vol. xxxv. p. 102.

Hosp. Accounts
Nov. 1695-96.

£600 Scots.

"The sum of £50 steg. left by Glendie to the poor."

"Item, of legacie be the deceist Mr John Glendie, £600 Scots."

JAMES ALEXANDER'S MORTIFICATION.

Deed of Mortifica-
tion, dated 23d
October 1695.

Registered in Books
of Council and
Session 17th July
1697.

"Be it known to all men by this present letters, me, Master James Alexander, sone lafull to the deceast Mr John Alexander, pearson of Hoddom, for as much as the deceast James Earl of Annandale, desyned in the bond under wryn, Earle of Hartfield, be his heritable bond dated," &c. Here follows the narrative of various debts due by the Earl of Annandale, and the securities held for the same. "And lykeways Sir James Johnstoun of Westerhall, knight, as principal umquhill Walter Scott of Harwood, the deceast John Scott of Ronaldburne, and John Johnstoun, younger of Westerhall, as cautioners, souerties, and full debtors for and with him be thir bond," &c. Here follows the narrative of debts due by Johnstoun, and securities held for the same. "And forasmuch as it being the dutie of everie Christian in gratitude to God Almighty, and in obedience to His commands, and in charitie and compassion to oyr neighbours, to give, bestow, and employ a part of what God in his providence hes given ym towards the subsisting of the indigent members of Christ's

body, therefore after dew consideration and deliberation, witt ye me to have given, granted, mortified, dotted, and disponed. Lykeas I, the said Mr James Alexander, be thir presents, freely and willingly, give, grant, destinat, mortify, dote, and frae me, my aires successors, and all others my assignees simpliciter, dispone to, and in favours of, the Hospital founded by

Terms of Mortifications.

Alexander's Mortification.

at the foot of Leith Wynd, commonly called the Trinity Hospitall, and the poor thereof after specified, and to John Miller, present theasurer thereof, and succeeding theasurers of the same, for the use and behove and to the effect after specified, All and Hail the soume of fourtie thousand merks Scotts money, for a stock and principal soume, the yearly profit and interest whereof I by thir presents dedicat, appoint and ordain to be employed towards the accomodating and intertaining of twelve indigent persons, viz., eight men and four women, or failzing the said number of men qualified and applying in maner aftermentioned, als many women in their place as will make up the full number, or failzing the said number of women, als many men qualified and applying in maner after mentioned in their place as will make up the full number, that so there may be at no time any vaccancie more or fewer according as the yearly annualrent and profite of the said mortified principal soume will extend to at the rate after specified, who have been of good reputation and have not fallen into decay through their own vice or prodigalitie, to be received into the said Hospitall, being for the time unmarried and not under fiftie years of age at their entrie, and to remain and continew unmarried in the said Hospitall during their lyfetime, and to be accomodate and intertained therein, at the rate and expense of the other persones who are or shall be received in and entertained upon the former mortificatione belonging to the said Hospitall, which at present is estimat to one hundered and twentie pundis for ilk person, and the superplus of the annualrent of the said principal soume of fourtie thousand merks, which, at sex for the hundered, conforme to the present lawes and Acts of Parliament, extends to two hundered and fourtie merks yearlie, I do hereby destinat and appoynt to be equallie divided amongst the saids twelve indigent persones, being twentie merks money forsaid to ilk ane of them yearlie to be employed and bestowed upon" . . . "by and attour the ordinary allowance of the other persones in the said Hospitall, the saids indigent persones being always subject to the laws of the said Hospitall, and for that effect immediately upon the decease of any of the saids persones ane or mae, ane brod with intimation in great capital letters shall be affixed upon or above the outer gate of the said Hospitall, intimating the said vaccancie until the s^d vaccancies be supplied. And in caise by the frugall and verteous manadgement of the said Hospitall, the expense and charge of accomodating and intertaining the saids twelve persones in maner forsaid shall not extend to and exhaust the hail annualrent yearlie of the said principal soume, then and in that caise I doe heirby destinat and appoynt the superplus thereof to be employed yearlie and joyned to the said stock, and the annualrent of the new stock to be employed for

40,000 merks.

Terms of Mortifica-
tions.

Alexander's Mortifi-
cation.

intertaining of more of the lyke indigent persones at the rates forsaid so far as the samen will reach, provyding always lykeas it is heirby expresslie provyded and declaired that the patrons underwritten of this present mortification shall be obleidged to receive into the benefite thereof such persones men or women qualified in maner foresaid. First, those of my own kindred, freinds and relatives upon father or mother side: secondlie these of my own sirname of Alexander, who shall apply for the benefite thereof within the space of three score days nixt after any vaccancies shall occure, and that whither they be burgesses of Edinburgh or not, and failzing thereof such indigent persones qualified in maner forsaid, as the saids patrons underwritten shall think fitt. And the ase and benefite of the said vaccancies is hereby appoynted to run up and be added to the said stock, except the necessarie expenses of the burialls of the saids persones by whose decease the said vaccancies occurs. And which mortification above written I doe heirby appoynt and ordaine to take effect by the saids patrons their receiving in and admitting of the said indigent persones within the space of six months at fardest nixt after my decease, and sua forth thereafter in maner above and after mentioned in all time coming: And for the said Hospitall and indigent persones forsaid their furder and better securitie, and more effectuell perfeiting of this my grant and mortification of fourtie thousand merks money forsaid of stock, witt ye me to have given, granted, annailzied, and disponed, lykeas I, the said Mr James Alexander, be thir presents gives, grants, annailzies, and frae me, my aires, and all others my assigneys, under and with the provisions and declarations above specified, and reservations of my own liferent and other provisiones and declarations after mentioned, simpliciter, dispone to and in favours of the said Hospitall and indigent persones forsaid, and of the said John Miller, merchant in Edinburgh, present theasurer of the said Hospitall, and his successors in the said office of theasurer and patrons after specified, as feoffees of trust and administrators for the use and behove of the said Hospitall and indigent persones forsaid, All and Hail the said principal soume of eighteen thousand fyve hundereth merks Scotts money forsaid, contained in," &c. (here follows an enumeration of the securities, a reservation of his own liferent, and an obligation to get himself infest in the lands forming the subject of the securities, and "to infest the said Hospitall and indigent persones, at the least the said John Miller, present theasurer of the said Hospitall, and his successors in the said office of theasurer, and patrons after mentioned as feoffees in trust," &c.): And provyding allways, lykeas it is hereby expresslie provyded and declaired, and shall be provyded and declaired, in the respective infestments appoynted to follow hereupon: That how often and whensoever the soumes of money above mortified and disponed, or any part thereof, shall be uplifted be the said John Miller, theasurer, and his successors in office, theasurers of the said Hospitall, and patrons forsaid, they shall be bund and obleidged, lykeas by y^r acceptation heireof they for themselves aud in name of their successors bind and obleidge them and their successors in the said offices als oft of new againe

to secure, wair, bestow, and imploy the same upon sufficient and well holdine land, or other good and sufficient securitie for annualrent, payable to the said theasurer of the said Hospitall and patrons thereof and their successors, in name and behalf, and for the use and behove of the said Hospitall and indigent persones forsaid: And with this express provisione and declaration allways, lykeas it is heirby expresslie provyded and declaired as my will, to be inviolablie observed after my decease, that the saids twelve indigent persones, and such as may be added, shall be accomodate and intertaind in maner above mentioned upon the annualrent of the said soume of fourtie thousand merks money forsaid, and new stock, in caise the samen shall be augmented; and that it shall in noways be in the power of the said theasurer and patrons, and their advyce or command, to apply any pairt of the said prinicipal soume of fourtie thousand merks money forsaid, and augmented stock, for or to the maintinance and accomodatione of the saids twelve indigent persones, or any other maner of way, but that the said prinicipal soume of fourtie thousand merks money forsaid, and augmented stock, shall remain entier, and be unbroken upon or medled with, nor applyed to any other use, but to remaine as a perpetuallie mortified stock to the use and behove forsaid in all generations to come: And that the said theasurer and patrons, and their successors in office, shall still be lyable for, and bound and obleidged, lykeas by their acceptatione heirop they bind and obleidge them and their successors to observe, performe, and fulfill the trust above written, reposed in them in the hail circumstances and poynts thereof forsaid," reserving always to the granters of the foresaid "securities and their aires and successors the reversioun competent to them." "Lykeas I," under the reservations and other provisions and declarations, "make, constitute, and ordain the said Hospitall and indigent persones fors^d; and the s^d. John Miller, present theasurer, of the s^d. Hospitall, and his successors in the s^d. office of theasurer and patrons of this present mortification as feoffees of trust and administrators for the use and behove of the s^d. Hospitall and indigent persons fors^d; my cessioners and assignees in and to the forsaid securities, &c., whilk mortification, disposition, and assynation @ wryⁿ. I bind and obleidge me and my forsaid to warrant, &c.: And for the good and effectual performance, management, and right applicatione of this my grant and mortificatione, witt ye me to have nominat and appoynted, lykeas I, the said Mr James Alexander, be thir presents nominate, appoynt, and earnestlie requist the Right Honourable the Lord Provost and Bailzies and Counsell of Edinburgh, and their successors in office for the communitie thereof, and ministers of the said burgh present and to come, to be the sole and undoubted patrons of this my grant and mortificatione: And farder, I hereby nominate, appoint, and earnestlie entreat the Right Honourable the Lords of Counsell and Sessione for the time being to take the inspectione and oversight of this my grant and mortificatione, that the samen be punctuallie and exactlie keeped, observed, and fulfilled be the saids patrons and theasurer of the said Hospitall for the

Terms of Mortifica-
tions.

Alexander's Mortifi-
cation.

Terms of Mortifications.

Alexander's Mortification.

time being, according to the tenor of this my present gift and mortificatione in all poynts; with full power to the saids Provosts, Bailzies, Town Counsell, Communitie, and Ministers of Edinburgh, and their successors in office, to present, receive, and admitt the said indigent persons to the benefite of this my grant and mortification; they always observing the order above prescribed." Here follow clauses of registration, reservation of power to alter dispensation of the delivery, and obligation to deliver the writs, and a precept of sasine to be granted under the reservations and declaratons and provisions above mentioned.

Recorded in Books of Council and Session
17th July 1697.

By an eik to his mortification, dated 25th February 1697, Mr Alexander conveyed certain further obligations to the trustees named in his original deed: "After dew consideratne and deliberatne, God Almighty having inclyned my heart to make and grant thir presents as ane addition to be added to the s^d. mortificatne of fourtie thousand merks for intertaining and accomodating more poor and indigent persones in the s^d. Hospitall in the tearmes, at the rates and under and with the qualificatnes and provisions contained in the s^d. prinⁿ. mortificatne of fourtie thousand merks money fors^d.; witt ye me to have given, granted, mortified, dotted and disponed lykeas I, the s^d. Mr James Alexander, be thir presents frielie and willinglie give, grant, destinat, mortifie, dotte, and frae me, my aires, and successors, and all oysr, my assigneys, simplr assigne, and dispone to and in favours of the s^d. Hospitall, and poor and indigent persones to be received in upon this present eik and additione to my s^d. mortificatne a ment^d. upon the qualificatnes and tearmes par^{tie}. yrin ment^d.; and at the rates and under the provisions, reservatnes, and declaratnes par^{tie}. yrin exprest, and to the s^d. John Miller, present treasurer of the s^d. Hospitall, and succeeding theasurers of the samen, and patrons above ment^d. of my s^d. prinⁿ. mortificatne, as feoffees of trust and administrators, All and Haill the bonds contained in the original mortificatne, and certain additional bonds and bills of exchange;" "sua sone as the samen can be recovered, and to joyne and accumulate the samen in ane haill and prinⁿ. soume, and to eik and add the s^d. haill prinⁿ. soume sua recovered to the s^d. prinⁿ. soume of fourtie thousand merks mo^r. fors^d. accumulate and mortified in maner fors^d.; and to wair, bestow, and imploy the same upon weill holdine land, or upon oyr good and sufficient securitie for a rent payall to the s^d. treasurer and patrons for the time, and y^r. successors for the use and behove of the s^d. poor and indigent persones to be taken into the s^d. Hospitall in maner prescribed by the s^d. prinⁿ. mortificatne, as to the ordinar profits and arent yrof, which I doe heirby appoynt and ordaine to be imployed for intertaining and accomodating als many moe indigent persones of the qualitie fors^d.; as the samen will extend to, at the rate and conforme to the s^d. prinⁿ. mortificatne of fourtie thousand merks money fors^d.; and expresslie in the tearmes yrof; and it is heirby speciallie provyded and declared that it shall noways be in the power of the s^d. treasurer and patrons and y^r. successors in office, or any oyr persone, or persones, neither by nor w^out advyee or command to apply any pairt of the fors^{ds}. soumes now added and eiked, and to be accu-

mulate in maner fors^d. for or to the supply and mentinance of the s^d. poor and indigent persones, or any oyr maner of way, but that the s^{ds}. soumes heirby mortified and to be accumulate in maner fors^d. shall be eiked and joynd to the fors^d. prin^l. soume of fourtie thousand merks mo^r. fors^d. contained in the s^d. prin^l. mortificatne, and shall remaine y^w. inteir, and be unbroken upon or meddled with, nor applyed to any oyr use, but to remaine as a perpetuallie mortified stock to the use and behove fors^d. in all generatnes to come, and that the said theasurer and patrons, and y^r. successors in office, shall still be lyable for and bound and obleidged. Lykeas, by yt^r. acceptane heiroyf, they bund and obleidged y^m. and y^r. suceissors in office to keep, observe, performe, and fulfill the trust @ wryn hereby reposed in y^m.; in the hail circumstances and poynts yrof fors^d.; and that the sd^e. Lords of Counsell and Sessione be inspectors and overseers of the said theasurer and patrons as to this eik and additional mortificatne, conforme to the tearmes of my s^d. prin^l. and mortificatne in all poynts," &c.

Terms of Mortifications.
Alexander's Mortification.

SIR JOHN HALL'S MORTIFICATION.

"The same day John Miller, theasurer of the Trinity Hospital, reported that Sir James Hall of Dunglas had acquainted him that his father, Sir John Hall of Dunglas, late Lord Provost of Edinburgh, hade mortified to the Trinity Hospitall, for the use of the poor thereof, the sum of ane thousand merks, which he is ready instantly to pay, providing the @ rent thereof yearly be payed to the theasurer of the said Hospitall, for the use of the said poor; which, being considered by the Council, they accept of the said sum of ane thousand merks with all kindness and thankfulness."

Council Records,
vol. xxxv. p. 227.
1st Jan. 1696.

1000 merks.

The following entry occurs in the Hospital Accounts for the year from November 1695 to November 1696 :—

Hosp. Accounts,
7th Nov. 1695 to
7th Nov. 1696.

"Itt. of legacie left be the deceist Sir John Hall of Dunglass, £666 13 4."

DAVID LINDSAY'S MORTIFICATION.

"The same day John Miller, theasurer of the Trinity Hospitall, reported that Alexander Lindsay had acquainted him that his father, David Lindsay, merchant, burgess of Edinburgh, and late baillie yrof, had mortified to the Trinity Hospitall, for the use of the poor thereof, the sum of five hundred merks Scots, which he is ready instantly to pay, provided the @ rent thereof yearly be payed to the theasurer of the said Hospitall for the use of the poor; which, being considered by the Council, they accept of the said sum of five hundred merks with all kindness and thankfulness."

Council Records,
vol. xxxv. p. 249.
17th April 1696.

500 merks.

The following entry occurs in the Hospital Accounts for the year from November 1695 to November 1696 :—

Hosp. Accounts,
7th Nov. 1695 to
7th Nov. 1696.

"Itt. from Baillic Lindsay, £333 6 8."

Terms of Mortifications.

WILLIAM GRIERSON'S MORTIFICATION.

Hosp. Accounts,
Nov. 1696-97.
£200 Scots.

"Item, what he (the treasurer) received of William Grierson, merchant in Edinburgh, as a donation to ye said Hospitall, . . . £200 Scots."

SIR ROBERT BAIRD OF SAUGHTONHALL'S MORTIFICATION.

Hosp. Accounts,
Nov. 1697-98.
500 merks.

"Item, ye 500 m^{ks.} rec^{d.} of Sir Robert Baird of Saughtonhall as a donation to ye Hospitall, and £20 as one year's interest thereof, . . . £353 6 8."

MR TRUMBLE'S DONATION.

Hosp. Accounts,
Mart. 1699-1700.
200 merks.

"Item, received from Mr Trumble, as a donation left by his brother, the baxter, 200 m^{ks.} and £14 lib. of @ rents, . . . £147 6 8."

LADY PENNECOOK'S LEGACY.

Hosp. Accounts,
Mart. 1701-2.
500 merks.

"To cash received for Lady Pennecook's legacie, . . . £351 13 4."

THOMAS SIEVWRIGHT'S MORTIFICATION.

Hosp. Accounts,
Mart. 1705-6.
200 merks.

"Thomas Sievwright's mortification and John Sievwright's gift, . . . £133 6 8."

MRS WOOD'S MORTIFICATION.

Hosp. Accounts,
Mart. 1710-11.
£180 Scots.

"Received from Mistris Wood, . . . £180 0 0."

BAILIE MURRAY'S MORTIFICATION.

Hosp. Accounts,
Mart. 1710-11.
£333, 6s. 8d.

"Received Bailie Murray's mortification, . . . £333 6 8."

SIR JAMES M'LRUGE'S (OF VOGRIE) MORTIFICATION.

Council Records,
vol. xlv. pp. 141, 150.
21st May and 13th
June 1718.
2000 merks.

"The deceast Sr James M'Lurge of Vogrie" had, by his testament or disposition, of date the 6th day of March 1711, "legated the sum of two thousand merks to the T. H." (Trinity Hospital).

This sum was paid to the town, and it remained in its hands till the purchase of the estate of Dean in 1734.

SIR JOHN CLARK'S MORTIFICATION.

Terms of Mortifications.

"The same day Baillie James Laing reported that Sir John Clark, Penicuik, Knight Baronet, had given a compliment to the Trinity Hospital of Fifty pounds sterling money, and accordingly paid in the same to James M'Ghie, present treasurer of the said Hospital."

Council Records,
vol. xlvi. p. 79.
22d Jan. 1720.

"From Sir John Clark of Pennicuik, £600 0 0."

Hosp. Accounts,
Marts. 1719-20.
£600 Scots.

BESSIE GRANT'S MORTIFICATION.

"From Bessie Grant, £666 13 4."

Hosp. Accounts,
1716-21.

£666, 13s. 4d. Scots.

GIFT BY TOWN OF PRICE OF PATRONAGE OF KIRKURD.

"The same day, anent the petition given in be James M'Ghie and W^m Wightman, Thes^r of the Trinity Hospital, for and in name and behalf of the s^d hospitall, shewing that, . . . the exigencies of the poor of the s^d hospital being great, and the fund for their supply (though managed with the greatest frugality) are but very scant, they therefore . . . begged leave to represent that the Laird of Rachan was willing to purchase the right of patronage of the parish of Kirkurd, which belongs to the said hospitall, and that at such rate as was usuall in such cases, or should be found responsible. And as the s^d patronage has been of no manner of advantage to the hospitall for tyme past, and as litle probability of its being at any tyme heirafter, they take it that the honourable Counsel would judge it to be for the interest of the Hospital that it be disposed of." . . .

Hosp. Records,
vol. xlvi. p. 65.
8th Jan. 1720.

"The Counsel remitted the same to ane Committee of their number to consider and report," and afterwards approved of the report, which bore that they "did find that the patronage of the parish of Kirkurd was no part of the property of the Trinity Hospital, but belongs to the good toun; and were of opinion that the Counsel ought to dispose the same to James Geddes of Rachan upon payment of four hundred pounds Scots money as the pryse thereof. And were further of opinion in respect the state of the Trinity Hospital Requyers assistance, and that this patronage is a part of the property of the Trinity Colledge, out of the revenue whereof the Trinity Hospital was founded and formed. That therefore the price of this patronage be applyed for the behoof of the said Trinity Hospital."

The accounts contain the following entry:—

"From Geddes, for the patronage of Kirkurd, disposed to him £400 0 0 (Scots)."

Hosp. Accounts,
1716-21.

£400 Scots.

Terms of Mortifications.

Dated 15th May
1723.

Hosp. Records,
vol. i. p. 21.
15th July 1723.

Book of Mortifications and Rights of Presentation to Hospital, pp. 33-7.
£200 stg.

LADY GRIZEL SEMPILL'S MORTIFICATION.

MORTIFICATION by Lady Grizel Sempill. Registered in the Books of Council and Session the first day of July 1723.

“We, Grizel Lady Sempill, do hereby, with and under the reservations and provisions under written, bind and oblige us, our heirs, executors and successors, to pay to Andrew Donnel, merchant in Edinburgh, present treasurer of the Trinity Hospital at Edinburgh, or to his successors in office, for the use and behoof of the said Hospital, the sum of two hundred pounds sterling money, and that at the first term of Whitsunday or Martinmas next after my decease, with fourty pounds sterling money penalty in case of failzie, and annualrent for the said principal sum yearly, termly, and quarterly, and proportionally so long as the samen shall happen to remain unpaid after the term of payment above written, reserving nevertheless full power and liberty to me at any time of my life, and even in the article of death, to alter and innovate these presents as I shall think fit, and even recall and cancel the same as we, the said Grizel Lady Sempill, shall think fit, and that by a deed or writing to be subscribed by myself alone. . . . But with express condition and provision always, as it is hereby expressly conditioned and provided, that in case these presents remain unaltered, or that the aforesaid sum be effectual to the said Hospital, that then, and in that case Elizabeth Dowger Countess of Stairs, during all the days of her lifetime, and after her decease Archibald, Earl of Roseberry, our brother and his heirs and assignees shall have all time thereafter the power and liberty of presenting to the said Hospital an old man or an old woman of the age required by the rules and constitutions of the Hospital, to be alimented and maintained in that Hospital, and upon the death of the person so to be presented, to present another in the place of him or her deceasing, and so furth to present one from time to time in all time thereafter as oft soever as he or she presented shall happen to fail by decease, and whilk man or woman so to be presented from time to time the said Hospital and the gubernators and managers thereof shall be bound and obliged to aliment and maintain fully, as well as they do any other of the poor old men or poor old women in the said Hospital ; with and under which condition and provision these presents and no otherways, And we hereby recommend to the said Countess Dowager of Stairs during her life, and after her death to the Earl of Roseberry and his foresaids, to prefer in the presentation a poor old woman, if such a one as they are pleased with does occur to them at the time, and if a poor woman does not occur, then to present a man.”

Hosp. Records,
vol. i. p. 2.
15th July 1723.
500 merks Scots.

MRS MARGARET HAMILTON OR ERSKINE'S MORTIFICATION.

“The Treasurer acquainted the Council that he had received payment of fyve hundred merks Scots that was mortified by the deceast Margaret

Hamilton, relict of Peter Erskine, druggist in Edinburgh, for the use of this Hospital." Terms of Mortifications.

WILLIAM BROWN'S (OF DALGOURIE) MORTIFICATION.

MORTIFICATION by Master William Brown of Dalgourie. Registered in the Books of Council and Session the third day of August 1723. Dated 5th August 1719.

"Be it known to all men by these presents, Me, Mr William Brown of Dalgourie, For as much as, I being Resolved and fully determined, out of an principal of pure charity and beneficence to the Trinity Hospital at the foot of Leith Wynd in Edinburgh, founded for the use and maintainance of old and decayed men and women, and out of respect to the memory of the deceased Mr James Brown, advocate, my father, who advised and desired me to mortify part of the means and estate he left me for the use of the poor, or any other pious use I pleased, in case I should not have children and heirs of my own body, which is also my own opinion and resolution; And considering that the governors and treasurer of the said Hospital, are men of probity, integrity, and honesty, and as I am informed doe administer and manage faithfully the means, estate, and rents belonging to the said Hospital for the use and ends of that pious and charitable design, Therefore I do hereby make, constitute, and ordain the governors and treasurer of the said Trinity Hospital, situate at the foot of Leith Wynd, opposite the College Church, in Edinburgh, for the time being, and their successors in office for the use and behoof of the said old decayed men and women, being of good fame and reputation (preferring always any of my own relations, and those of the surname of Brown, or Keith), in and to the soume of three thousand merks Scots money contained in a bond granted to John Lord Hay of Yester, and Charles Hay, Master of Yester to me. . . . In and to the sum of one thousand merks contained in a bond granted by Mr Matthew St Clair of Hermiston, doctor of medicine . . . declaring the samem sums not to be payable till after my decease; And in and two the annualrents of the said principal sums that shall be resting the time of my decease and in all time thereafter during the not payment thereof with the penalties thereof, and in and to the said bond, hail heads, clauses, and articles thereof, and to all that may follow thereupon, turning and transferring the samem from me to and in favors of the saids governors and treasurer of the said Trinity Hospital, with full power to them and their successors in office to ask, crave, receive, intromit with, and . . . reserving to myself power and liberty of cancelling, altering, or changing this present assignation and uplifting the foresaid sum in hail or in part at any time in my lifetime. And in case by the rules and constitutions of the said Hospital, any who gives or mortifies the sum of three thousand merks Scots money shall have the right of presentation and patronage of any old decayed man or woman to the said Hospital, I do hereby assign and

3000 merks.

1000 merks.

Terms of Mortifications.

Brown's Mortification.

dispone to Charles Brown of Colstown, and his heirs of line, male, talzie, conquest, and provision, who shall use and bear the sirname, arms, and designation of Brown of Coalstown, secluding singular successors and assignees; And failzieing of them as above said, I assign and dispone the said right of presentation to the Provost, Bailies, and Town Council of Edinburgh for the time being, and their successors in office; And I request and desire the Lords of Council and Session to interpret this, my assignation and mortification, in the most favourable and benign sense and manner, for the ends and purposes."

GEORGE WATSON'S MORTIFICATION.

Commissary Records,
28th August 1723.
3000 merks.

TESTAMENT of George Watson, merchant, burgess of Edinburgh.

Inter alia,—"Item, he appointed 3000 merks of the said sum (of 20,000 merks) to be paid to the Trinity Hospitall, as by the constitution of that Hospitall will maintain a man or a woman therein of the name of Watson or Davidson, preferring always the name of Watson to the name of Davidson."

Hosp. Records,
vol. i. p. 23.
27th July 1724.

"The same day the Treas^r reported that he had received from John Parkhill, as Treas^r to the Merchant Company, an assignation and translation to a bond of Two hundred pounds sterling money, granted by John Hay, merch^r, and late Baillie of Edin^r, to the deceast George Watson, merchant, and which sum of Two hundred pounds sterling money was mortified by the said George Watson to this Hospital, and by which right the Merchant Company had a presentation of an old man or woman to this hospitall."

WILLIAM WAIRDROP'S MORTIFICATION.

Hosp. Records,
vol. i. p. 24.
11th Jan. 1725.
1000 merks.

"The Treasurer reported that Andrew Wairdrop, glazier, had payed into him the sum of One thousand merks mortified to this Hospitale by the deceased William Wairdrop, dyster, his brother-german."

JOHN WIGHTMAN'S (OF MAULDSLY) MORTIFICATION.

Hosp. Records,
vol. i. p. 32.
9th Dec. 1728.
700 merks Scots.

"The same day the Thesaurer reported that John Wightman of Mauldsly, late Lord Provost of Edinburgh, had mortified and paid into him the sum of 700 merks Scots money towards extinguishing the late heavy reperations expended in repairing the Hospitall; and also that he the said John Wightman had mortified to the Hospitall the sum of £200 sterling, in order to have the right and privilege vested in him his heirs and successors whatsomever, of presenting a man or woman to be admitted into and maintained in the said Hospitall, in the termes of the statutes thereanent, which being considered by the Councill, they in respect of the said mortified sum of £200 sterling, granted

and disponed, and hereby grant and dispoine to the said John Wightman and his heirs and successors whatsoever, the right and privilege to present a man or woman to the Councill of Governours of this Hospitall, who shall be qualified in all respects as the statutes made in that behalf directes, who shall be admitted into and maintained in the said Hospitall at the end of six months from the date of the said mortification, which commences upon the day of _____ next; and also the right to present a man or woman qualified as above at any time after the decease of the person formerly presented: Providing always that no person be presented by the said John Wightman, his heirs and successors whatsoever, upon the decease of another until twelve months are elapsed after the last person's decease."

Terms of Mortifications.

Wightman's Mortification.

In the discharge of the Treasurer's Accounts for year 1st November 1728 to 1st November 1729 occurs this entry:—

"Lent to John Erskine, of Balgownie, on his heritable bond to the Hospital, dated 20th March, bearing interest from Candlemas 1729, Provost Wightman's Mortificatione, of which the Skinners of Edinburgh have the presentation."

The Incorporation of Skinners now present.

Hosp. Records
vol. vi. p. 357.
9th August 1797.

RODGER HOG AND THOMAS HOG'S MORTIFICATIONS.

"The same day the Thesaurer reported that Rodger Hog, merchant, and late Baillie of Edinburgh, deceased, had mortified to this Hospitall £200 sterling money, for the right and privilege of a presentation of a man or woman to be admitted into and maintained in the said Hospitall, in the termes of the statutes thereof, and that John Hog of Cambo, collector of the cess of Edinburgh, his brother-german and heir, was willing to grant bond to the Hospitall for the said sum of £200 sterling, bearing @ rent from Martinmas last 1728 years, and to sink five years' interest thereof from that term to the term of Martinmass 1733 years, towards extinguishing the late heavy expenses laid out in making necessary reparations in the said Hospitall before he used the right of presentation aftermentioned, and that upon his obtaining a right of presentation in the termes of the statutes, which being considered by the Councill, they authorised the said Andrew Gardner, their thesaurer, to accept of the said John Hog's bond for the foresaid mortified sum of £200 sterling, bearing annual rent as @ _____; and the bond being so granted and received by the Thesaurer, the Councill have granted and disponed and hereby grant and dispoine to the said John Hog and his heirs and successors whatsoever, the right and priviledge to present a man or woman to the Councill of Governours of this Hospitall, who shall be qualified in all respects as the statutes made in that behalf directes, who shall be admitted into and maintained in the said Hospitall, and to begin and commence at the said term of Martinass 1733, and to be presented as

Hosp. Records,
vol. i. p. 33.
9th Dec. 1728.
£200 stg.

Terms of Mortifications.

Hog's Mortification.

Hosp. Records,
vol. vii. p. 147.
27th Aug. 1806.
£50 stg.

above; and als grant and dispone to the said John Hog and his heirs and successors whatsoever, the right and priviledge to present a man or woman qualified as above at any time after the decease of the person formerly presented: Providing always that no person be presented by the said John Hog or his heirs and successors whatsoever upon the decease of another, until twelve months are elapsed after the last person's decease."

"A memorial for Thomas Hog of Newliston, who was in right of a donor of the sum of £200, willing to make a further payment of £50 to bring him under the 3d of the Statutes of 1720, was read, and followed by a minute in these terms: Which memorial having been considered by the Magistrates and Council, they as Governors and administrators of said Trinity Hospital, agreed that on the memorialist's making payment of the sum of One hundred pounds sterling to Mr James Carfrae, treasurer of the said Hospital, for behoof thereof, to grant to the said Thomas Hog, Esquire, and his heirs and successors whomsoever, the right and privilege to present a man or woman to the Council of Governors of said Hospital not under fifty years of age, whether a burges of this city or not, to be entertained therein agreeable to the statutes and acts of said Hospital made thereanent: Providing always that no person shall be presented by the said Thomas Hog, Esq., or his heirs and successors, upon the decease of another, until twelve months are elapsed after the death of the former presentee."

ROBERT MURRAY'S MORTIFICATION.

Dated 13th Dec.
1726.

MORTIFICATION by Mr Robert Murray, merchand in Edinburgh, dated 13th December 1726. Registered in the Town Court Books of Edinburgh the 10th of December 1730.

£2400 Scots.

"I, Robert Murray, merchand in Edinburgh, do hereby bind and oblige me, my heirs and successors, with and under the reservation and declaration hereafter mentioned, to pay within the space of year and day next after my death, the soume of two thousand four hundred pounds Scots money to the treasurer of the Hospital of Edinburgh, commonly called the Trinity Hospital, for alimending and maintaining in the said Hospital, according to the rules and constitutions thereof, a needy or poor person of good character and reputation, to be presented by my trusty friend Mr Joseph Cave, engraver to His Majesty's mint in Scotland, or by his heirs or successors, and for alimending and maintaining in the said Hospital such another person of good character, as in the event of a vacaney by the death or removal of the person so presented and maintained in the said Hospital, he, the said Mr Joseph Cave or his foresaids shall happen to present to be maintained there, and so furth for alimending and maintaining such a person of good character as he, the said Mr Joseph Cave or his foresaids, shall from time to time present to be maintained there, so oft as a vacaney occurs by the death of him or her who

shall have been formerly maintained in the said Hospital upon the foresaid fund."

Terms of Mortifications.

"On production of this deed and satisfaction of the legacy by Murray's trustees, the Council, for the reasons foresaid, have in the terms of the foresaid deed of mortification, granted and disposed and hereby grant and dispose to the said Mr Joseph Cave and his heirs and successors, the right and privilege to present a man or woman to the Council of Governors of this Hospital, who shall be qualified in all respects as the statutes of the Hospital made in that behalf directs, who shall be admitted into and maintained in the Hospital in the end of six months after payment of the foresaid mortified sum, and also grant and dispose to the said Mr Joseph Cave and his foresaids, the right and privilege to present a man or woman to the said Hospital qualified as above, at any time after the decease of the person first presented: Providing always that no person be presented upon the decease of another untill twelve months are elapsed after the last person's decease."

Hosp. Records,
vol. i. p. 43.
15th Nov. 1732.

ROBERT WILSON'S MORTIFICATION.

"The same day the Thesaurer reported that one Robert Wilson, burges of Edinburgh, deceast, by his disposition subscribed by him of the date the sixth of February 1724 years, had sold and disposed to and in favours of Janet Wilson his daughter, and to the heirs and bairns lawfullie to be procreat of her bodie, which failzieing, to the Trinity Hospitall at the foot of Leith Wynd, these his tenement of land and their pertinents lying in the Cowgate, immediately below the foot of the Colledge Wynd, and that under certain restrictions and conditions in manner therein mentioned. That the said Janet Wilson had dyed without issue, and that the substitution had now fallen to the Hospitall. But that the said disposition laboured under this nullity, to witt, that the granter did not outlive 60 days from the date thereof, and had neither been at kirk or mercat, and that one Isobell Bickerton, a town's pensioner, who was the granter's lineall heir, had a designe to serve herself heir to him and thereby disappoint the will of the granter, unless some proper and cautious methods were fallen upon to prevent it. Which being considered by the Council, they appointed Baillie Fenton, Thesaurer Donaldson, Provost Drummond, and John Keir, or any two of them, as a Committee to call the said Isobell Bickerton before them, and to be aiding and assisting to the Thesaurer in using their endeavours to procure her to ratifie and approve of the said disposition, so as to make the same effectual to the Hospitall."

Hosp. Records,
vol. i. p. 30.
8th Jan. 1728.

JOHN YOUNG'S MORTIFICATION.

"The same day John Young, Taylior, having mortified to this Hospital

Hosp. Records,
vol. i. p. 43.
15th Nov. 1732.

Terms of Mortifica-
tions.

Young's Mortifica-
tion.

£250 stg.

two hundred and fifty pounds sterling, with half a year's rent thereof, the Council allowed him to present William Young, his brother, and after his decease granted him a presentation at large in terms of the statutes, and appointed the Treasurer to be charged with the said mortification and interest."

" At Edinburgh, the 12th day of February, in the year one thousand seven hundred and thirty-three.

Hosp. Records,
vol. i, p. 44.
12th Feb. 1733.

£250 stg.

" Which day the Right Honourable the Lord Provost, Magistrates, and Council of the City of Edinburgh, governors and administrators of the Trinity Hospital, being assembled. There was given into the Council a petition by John Young, tailor, burges of Edinburgh, shewing that some considerable time ago the petitioner, out of a pious intention, mortified to the said Trinity Hospital the sum of two hundred and fifty pounds sterling money, and six months' interest of the same, and thereupon the Council, by their Act dated the fifteenth of November last, were pleased in the terms of the statutes to allow him then to present a man to the said Hospital, and also to grant and dispone to him and his heirs and successors the right and privilege to present any person whatsoever he should think fit, who would be qualified in all respects as the statutes of the said Hospital made in that behalf directs, at any time after the decease of the person formerly presented, as in the said Act was at more length narrated; And now that he had not taken out the extract of the said Act of Presentation, and that thereby it was still in the power of the Council to grant it in the terms after-mentioned, viz., That failing heirs of his own body, the substitution of presenting might run to and in favour of the Incorporation of the Taylors of Edinburgh, with this reservation, that if any of his brothers, sisters, or their children should be in that situation of life to apply for the same, the Taylors of Edinburgh be obliged to present such relation, and which failing, that their presentation should be to none other than a burges, a burges' relict, or burges' children conform to statutes, which could be of no manner of loss or prejudice to the Hospital, and would be an encouragement to others to make like donations when such a small request was granted them. Craving therefore it might please the Council to order his right of presentation after the decease of the person he has already presented to run in favours of him, the said John Young, and the heirs of his body, and which failing, to and in favours of the said Incorporation of the Taylors of Edinburgh, with the reservation above mentioned, and to ordain the Act of Presentation to be extracted accordingly, as the petition subscribed by the said John Young bears; Which being considered by the Council, they for the reasons therein set forth altered the former right of presentation, and of new granted and disposed to the said John Young during all the days of his lifetime, and after the decease of William Young his brother-german already presented by him, and failing also the said John Young himself by decease and heirs of his own body granted and disposed, and hereby

grant and dispone to the Incorporation of the Taylors of Edinburgh the right and privilege to present a man or woman to the Council of Governors of this Hospital, who shall be qualified in all respects as the statutes of the Hospital made in that behalf directs, who shall be admitted into, and maintained in, the said Hospital according to the known custom thereof, but with this express reservation and condition, that if any of the said John Young, his brethren or sisters, or their children shall be in that situation of life as to apply for being admitted upon the foresaid mortification, that then and in that case the said Incorporation of the Taylors of Edinburgh shall be obliged to present any such relation of the said John Young's, and which failing that their presentation shall be none other than a burges, a burges' relict, or burges' children, conform to the statutes, providing always that no person be presented either by the said John Young himself, or any other in the substitution above-mentioned until twelve months are elapsed after the last person's decease."

Terms of Mortifications.

Young's Mortification.

By disposition, dated 5th, and recorded in the Books of Council and Session the 24th September 1798, Young's heirs conveyed the right of presentation to the Incorporation of Tailors, who in turn by disposition and conveyance, dated 13th September 1828, in consideration of the price of £300, conveyed their right of presentation to the Incorporation of Cordiners. This conveyance contains warrandice against claims by the founder's kin. It was on 22d October 1828 confirmed by the Provost and Magistrates, "but without any warrandice against them as Governors of the Hospital."

ALEXANDER BROWN'S MORTIFICATION.

"The same day the Treasurer reported that Alexander Brown, pewtherer, burges of Edinburgh, deceased, had by his disposition, dated the 3d of March 1733, registered in the Burgh Court Books of Edinburgh the fifth of April said year, left to this Hospital the sum of nine hundred merks Scots money, to be paid at the first term of Whitsunday or Martinmas after year and day from the said Alexander Brown's decease," etc.

Hosp. Records,
vol. i. p. 46.
12th Nov. 1733.

900 merks.

MRS MACKILWRAITH'S MORTIFICATION.

"Mrs Ann Mackilwraith has disponed a house at the foot of Peebles Wynd to the Hospital, reserving her own and the liferent of Ann Lumsden, her niece."

Hosp. Accounts,
1729-1734.

Sold to South Bridge trustees for, including interest,	£74	10	8	Hosp. Accounts, 1793-94.
She also paid	43	0	0	£117, 10s. 8d.

ANDREW GARDNER'S MORTIFICATION.

"I, Andrew Gardner, merchant in Edinburgh, and late treasurer to the Trinity Hospital, at the foot of Leith Wynd, for certain weighty causes and

Council Records,
vol. lvi. p. 111.
10th Sept. 1735.

Terms of Mortifica-
tions.
Gardner's Mortifica-
tion.

considerations me moving, Do hereby bind and oblige me, my heirs, executors and successors whatsoever, to contract and pay to Thomas Gardner, merchant, and present treasurer to the said Trinity Hospitall, and his successors in office, the sum of ten pounds sterling annually, or such a sum as shall correspond or answer to the legal interest of two hundred pounds sterling money, principally during all the days and years of my lifetime, at the terme of Candlemas and Lambmass yearly by equal portions, beginning the first term's payment thereof at Candlemas next (1736) years, and so forth at each term of Lambmas and Candlemass during my lifetime, which sum is to be applied for the better mentinance and support of one or more decayed Burgesses of Edinburgh, or of one or more widows or children of such Burgesses, or of such other objects of charity as I shall name during my lifetime, and shall be paid them at such times and in such proportions as I shall direct by a writt under my hand, thereby oblidging myself and my foresaids that one half of the said annual sum of ten pounds sterling shall be bestowed on a burgess of Edinburgh, widow or child of Burgess, and when it shall please God to call me by death, I bind and oblige me and my foresaids to content and pay to the said Thomas Gardner, treasurer to the said Hospital and his successors in office, for the use and behoof of the said Trinity Hospital, the sum of two hundred pounds sterling money against the first term of Whitsunday or Martinmas next after my decease, and that under the penalty of fourty pounds sterling money of liquidat penalty in case of failzie, together also with the due and ordinary annual rent of the foresaid two hundred pounds sterling, from and after the foresaid term of payment whenever the same shall happen, and ay and while payment thereof, Declaring, nevertheless, that it shall be leisem and lawfull of the Council of Edinburgh, as Governors of the said Trinity Hospitall for the time, to appoint the yearly annual rent or interest of the said principal sum of two hundred pounds sterling money to be paid to the same persons, and in the same way and manner as the same was and has been in use to be paid during my lifetime, and upon the death or removal of any of them, to such oyr Burgess, widow, or child of a Burgess, or oyr proper object of charity as shall by my heir be appointed to succeed, the one half being always to be bestowed on a Burgess as aforesaid, but if after tryall at any time hereafter it shall appear to the Council of Edinburgh, Governors foresaid, and to me and my heirs, that the whole of the interest of the said principal sum should be applied for the maintenance of an old man or woman in the said Hospital, then and in that case, my said heirs shall be entitled to the right of presentation of a person to be maintained and received into the said Hospital, qualified in all respects as directed by the statutes of the Hospital, consenting to the registration hereof," etc.

£200 stg.

After various communings with regard to this mortification, the Governors, on 31st July 1745, "granted to Thomas Gardner and his heirs the power and privilege of presenting a member of the Trinity Hospital, from time to time qualified in all respects, as is provided by the statutes in favour of the donor of £200 sterling, and subject to all regulations made by Acts of Council relative thereto."

REBECCA BROWN'S MORTIFICATION.

"Reported by Thomas Young, city treasurer, that the deceased Rebecca Brown, residenter in Leith, did make a gift of two hundred pounds sterling to the Trinity Hospital, to be payable at her death by her executors."

The legacy was settled by the executors delivering a bond for £200 by John Cockburn of Ormiston and his brother.

Terms of Mortifications.

Council Records,
vol. lvi. p. 283.
17th March 1736.

£200 stg.

REV. WILLIAM BROWN'S MORTIFICATION.

TESTAMENT of Mr William Brown, one of the ministers of the gospel at Edinburgh, who died upon the 23d of March 1736.

Commissary Records,
30th Sept. 1736.

Inter alia,—"I also do hereby dispone and bequeath to the Trinity Hospital in Edinburgh the sum of two hundred and fifty pounds sterling, and the presentation to be in the hands of the ministers of the Old Greyfriars by turns, begining at the eldest: Likeways one thousand merks money to each of my two sisters, and failzing them, to their children; also one thousand merks money foresaid to the Orphan Hospitall of Edinburgh: all which sums of money to be payable the first time after the death of my said spouse" (Bridget Balfour).

£250 stg.

JAMES AND WILLIAM MELROSE'S MORTIFICATION.

"Considering that Mr James Melrose, merchant in Edinburgh, deceased, by his letter will and testament, dated the 21st of August 1732, registered in the Town Court Books of Edinburgh the 28th of February 1734, did legate and bequeath to William Melrose of Witham, in the County of Essex in England, his brother-german, the sum of Six hundred pounds Scots of principal, and @ rents thereon due, contained in a bond granted by the deecast Henry Ker of Frogdon, to him, dated the 16th of July 1707: Also, the said Mr James Melrose did leave and bequeath to the Trinity Hospital for the use and behoof thereof, the sum of Two hundred pounds Scots of principal, and annual rents due thereon, contained in a bond granted by James Goodall, younger of Abbots-haugh, to him, dated the 31st of May 1712: Also, the said William Melrose, by his letter of attorney to John Anderson, coppersmith in Edinburgh, dated the 21st of July 1736, appointed him to sue for and recover the said sum of Six hundred pounds Scots from the representatives of the said Henry Ker of Frogdon, and to apply the same and all interest and increase thereof when received to the only use and benefit of the said Trinity Hospital."

Hosp. Records,
vol. ii. p. 5.
8th August 1737.

£200 Scots.

£600 Scots.

Terms of Mortifications.

MRS JANET MELVILL'S MORTIFICATION.

Register of Deeds,
etc., M'Ken. Office,
vol. 161, part 2.
7th Nov. 1737.

£250 stg.

“Be it known to all men by these presents, me, Janet Melvill, relict of Mr Andrew Melvill, doctor of medicine in Edinburgh, for as much as I, by my right and disposition of the date the sixth of May seventeen hundred and thirty years, for the causes therein specified, did give, grant, and dispoine to the deceast Mr Andrew Melvill, minister of Monymeall, and to the heirs lawfully procreat or to be procreat of his body, which failling, to the other persons therein named, All and hail the lands, sums of money, and others, with and under the severall burdens and reservations therein exprest, and seeing that the said Mr Andrew Melvill has now departed this life, and that the children procreat and left by him are all under age. . . . Therefor wit ye me to have mortified: Likeas I hereby mortifie the sum of two hundred and fifty pounds sterline, or such other sum as by the rules and constitutions of the said Trinity Hospitall shall entittle me and my heirs, or such other persons as I shall appoint, to present any one person quhatsoever, whether burgesse or not, to be maintained in the said Trinity Hospitall: and so often as the person so presented shall happen to dye or leave the said Hospitall, to supply the vaccancy by naming and presenting another in place of the person so dying or leaving the Hospitall, according to the rules of the said Hospitall: And I do hereby mortifie the sum of two thousand merks, or such other sum as by the laws and constitutions of the said Maiden Hospitall, founded by the Company of Merchants and Mary Erskine, shall entittle me and my foresaids to name and present any one girl quhatsoever, however descended, whether the daughter of a merchant, governor, or benefactor to the said Hospitall or not, without distinction, to be educated and maintained in the said Hospitall, according to the rules and orders thereof: And I do hereby appoint the said respective sums of two hundred and fifty pounds sterline, and two thousand merks Scots, to be paid by the heirs of the said Mr Andrew Melvil's body, or others succeeding to the subjects particularly conveyed by the said right and disposition, into the treasurer of the said respective Hospitals, or such other person as by the rules and constitutions thereof are impowered to receive such donations, at the first term of Whitsunday or Martinmas after my decease, with a fifth part of the said sums, respective of penalty, in case of failie, and with the due and ordinary annual rent of the said principal sums during the not payment after the said terms of payment: Hereby declaring that the said right and disposition in favours of the said Mr Andrew Melvill and the heirs of his body, and other persons therein substituted to them, to be expressly burdened with the said respective sums mortified as above, and obliging them: Likeas they, by their acceptance of the said right and disposition, oblige themselves to make payment thereof at the terms and to the persons above appointed: And I hereby impower the governors and managers of the said respective Hospitals to call and pursue for the said sums of money respectively mortified as above, from the

persons hereby made lyable in payment thereof: And in respect that it is my will and pleasure that the right of naming and presenting proper persons to the said respective Hospitals, in consequence of the above donations, shall not devolve to my nearest of kin: Therefor I hereby declare that the right of patronage, and presenting and supplying the vacancies as said is, shall belong to the heirs of the said Mr Andrew Melvill's body and the heirs of their bodies; and failing them, to the other persons substituted to them in the said disposition, in the order therein laid down, and during the pupillarity and minority of the heirs of the said Mr Andrew Melvill, to be in the persons above named, to be tutors, curators, and administrators to them, with power to them to name proper objects, and present them to be educated and maintained in the said respective Hospitals, and to supply the places of such of them as shall dye or leave the said Hospitals as often as such vacancies shall happen, and generally every other thing that by the rules and constitutions of the said Hospitals to the right of presentation and patronage does belong."

Terms of Mortifica-
tions.

Melvill's Mortifica-
tion.

MRS CAMPBELL OR WIGHTMAN'S MORTIFICATION.

"At Edinburgh, the 8th day of February, in the year 1744.

"Which day the Right Honourable the Lord Provost, Magistrates, and Council of the City of Edinburgh being assembled, there was presented and read a petition by Mrs Catharine Campbell, relict of John Wightman of Mauldslie, late Lord Provost of Edinburgh, setting furth that the petitioner, out of regard to this city and the welfare of the poor burgesses thereof, had resolved to mortify to the Trinity Hospital the sum of two hundred pounds sterling for the maintenance of old decayed burgesses or their widows or children, and hoped the Council would thereupon grant to the petitioner, and her heirs and successors, the usual powers and privileges granted to donors of the like sum by the statutes of the Hospital. Which petition, together with a report from a committee of the said governors, to whom the same was remitted, having been considered by the Magistrates and Council, with the deacons of crafts, ordinary and extraordinary governors and administrators of the said Hospital, they approved of the said report; and in the terms thereof agreed (upon the petitioner's making payment to Thomas Trotter, treasurer to the said Trinity Hospital, of the sum of two hundred pounds sterling, and with and under the condition after-mentioned) to grant a power and privilege to the petitioner, and her heirs whatsoever, of naming and presenting any one person after the decease of another to be entertained in the said Hospital as a member thereof, such person to be thus named and presented being always burgesses, or the relicts or children of burgesses, not married, nor under the age of fifty years; and that the person that shall happen to be first presented by the petitioner shall not be received into the Hospital until the elapse of six months from the time the said two hundred pounds shall be paid into the said Hospital; and that the petitioner

Hosp. Records,
vol. ii. pp. 131-33.
Dated 8th Feb.
1744.

£200 stg.

Terms of Mortifica-
tions.

Mrs Wightman's
Mortification.

and her foresaids shall not be at liberty to present of new until after the elapse of a year and day after the decease of the person last presented : And which power and privilege is granted with and under this condition, and no otherways: That in case at any time hereafter the interest or annualrent of money shall by law be reduced to a lower rate than five per cent., upon the death of every poor person or hospitaler who shall be exhibited or presented in virtue of these presents, after annualrents or interest shall be so diminished, his or her room and place shall be, and remain, vacant and unfilled up until the annualrents arising and falling due from the said stock of two hundred pounds, on which they fall to be alimanted, shall run up to a sum which, when conjoined with the said stock, shall produce an annualrent or interest equal to what the said two hundred pounds does now produce at the rate of five per cent.; and that all future grants, powers, and privileges of exhibiting and presenting should be expressly with and under the above condition, and no otherways."

This presentation is now vested in the Lord Provost, Magistrates, and Council, as Governors of Trinity Hospital, under conveyance by Robert Auld in their favour, dated 8th, and registered in the Burgh Court Books of Edinburgh 10th July 1797.

PATRICK GORDON'S MORTIFICATION.

Hosp. Records,
vol. ii. p. 221.
6th Dec. 1750.

"Patrick Gordon, watchmaker in Edinburgh, by his deed of legacy dated the thirteen and regisd. in the said Burrow Court Books of Edinburgh the twenty-eighth days of the said months of June last, did legate and bequeath to the managers of the Trinity Hospital in Edinburgh, for the use of the said Hospital, the sum of one hundred pounds sterling."

£100 sterling.

JAMES WILKIE'S MORTIFICATION.

Hosp. Records,
vol. iii. p. 117.
22d March 1758.

Hosp. Accounts,
1753.

£200.

"Baillie Patrick Lindsay produced in Councill an extract of a disposition and assignation by James Wilkie of Balchristie, merchant in Edinburgh, whereby he assigns and makes over the sum of two hundred pounds to and in favours of the Trinity Hospital, and to the Governors of the said Hospital and their successors in office for the time, towards the maintenance and subsistance of an old man or woman there, of the surname of Wilkie to be preferred, and failing of such to any other person of any other name, that William Hog, merchant in Edinburgh, or Thomas Hog, merchant there, his son, or John Webster, writer in Edinburgh, shall appoint to be maintained in the said Hospital, to be presented by the above named persons from time to time, and failing of them by decease by the whole ministers of Edinburgh for the time, which disposition and assignation is dated the 11th day of June 1750, and registered in the Commissary Court Books of Edinburgh the 23d day of March 1753 years."

JOHN GORDON'S MORTIFICATION.

“Baillie Robert Forrester represented in Councill that he had got a letter from Thomas Trotter, treasurer to the Trinity Hospital, bearing that he, the said Mr Trotter, had upon the twenty-first current received one hundred pounds sterling from the representatives of Mr John Gordon, late factor to the Earl of Hopetoun, as a legacy bequeathed by him to the Hospital.”

Terms of Mortifications.

Hosp. Records,
vol. iii. p. 30.
27th Nov. 1754.
£100 stg.

THOMAS CROCKAT'S MORTIFICATION.

“I, Thomas Crockat of Johnstonburn, merchant, and late Dean of Guild of Edinburgh, being fully resolved to mortify of my means and estate the sum of ten thousand merks Scots money to the Trinity Hospital at the foot of Leith Wynd, Edinburgh, do, by these presents, Bind and Oblige me, my heirs, executors, and successors, to make payment to the treasurer of the said Hospital for the time, for the use of the said Hospital, of the said sum of ten thousand merks Scots money of principal at the first term of Whitsunday or Martinmas next after and immediately following the decease of me and of Mary Cave, my present spouse, and longest liver of us two, with one thousand merks of penalty in case of failie, and annualrent of the said principal sum during the not payment thereof, after the said term of payment: Providing always that the Governors of the said Hospital shall receive into the Hospital so many old men or women as the interest of the said mortified sum will maintain, in terms of the statutes and regulations of the Hospital, and shall keep and entertain them accordingly; and that the said Governors prefer my nearest of kin, of whatever surname, before all persons whatever, and next to them shall prefer such old men or women as have the surnames underwritten, in the order after set down, before all person of other names: To wit,—They shall prefer, first, the surname of Crockat; secondly, the surname of Evan; thirdly, the surname of Shiells; fourthly, the surname of Cave; fifthly, the surname of Brown; sixthly, the surname of Murdoch; seventhly, the surname of Ker; eighthly and lastly, the surname of Young; and I hereby nominate and appoint the minister and kirk-session of Wester Greyfriar Church in Edinburgh for the time to be patrons of the said mortification, and to present the persons who are thereupon to be maintained in the said Hospital, give preference as before described.”

Hosp. Records,
vol. iii. p. 252.
8th May 1765.
Dated 16th April
1761.

10,000 merks.

Act of the Governors agreeing to receive one nominee on this mortification at Whitsunday 1797, and that the interest of the remainder of the money, after setting aside £50 for the presentee, shall remain with the Hospital until the surplus remaining sum of £205, 11s. 1^d., with simple interest at 5 per cent., shall amount to £350, when the kirk-session shall be allowed to name second nominee, due Whitsunday 1811.

Hosp. Records,
vol. vi. p. 340.

Terms of Mortifications.

THOMAS FRASER'S MORTIFICATION.

DISPOSITION and ASSIGNATION—Thomas Fraser to his Trustees, per
Illy Campbell.

Dated 21st Aug.
1758.

Reg. of Deeds, etc.
Dalr. Office,
vol. 195.

19th June 1764.

Hosp. Records,
vol. iv. p. 17.
30th April 1766.

Ib. vol. iv. p. 58.
1st June 1768.

“Be it known to all men by these presents, me, Thomas Fraser, writer in Edinburgh, and of the city clerk’s office there: Forasmuch as I am fully resolved to dispoine and make over my means and effects in favours of the persons after named my trustees, Therefore, and for certain good causes and weighty considerations moving me to the granting of these presents, to have assign’d, transferred, and dispoined, and I hereby for the ends and purposes and under the conditions after mention’d, assign, transfer, and dispoine from me my heirs, and all others my assignies, to and in favours of Charles Fraser of Inverallachy, Esq., Alexander Fraser of Strichan, one of the Senators of the Colledge of Justice, Robert Fraser of Markness, near Inverness, James Fraser, apothecary at London, lawfull children of the deceast Alexander Fraser, late of Phapachy, George Fraser, deputy-auditor in the excise office in Scotland, William Fraser, jun., writer to the signet, William and John Frasers, writers to the signet, William Leslie of Melross, living in the town of Banff, whose grandfather George Leslie, late of Birdsbank, and late sheriff-clerk of Banff, was my uncle on the mother side, Robert Grant, writer to the signet, John Spottiswood of Spottiswood, Esq., and Doctor William Fraser, for present in England, my nephew, and any three of them, the said William Fraser junior being alwise one of the three whom I hereby appoint to be a quorum, and failling of all of them by decease or non-acceptance, to the Honourable Lord Provost, Dean of Guild, and Treasurer of the city of Edinburgh, and their successors in office for the time being, All and sundry goods, gear, debts, sums of money, household plenishing, and all other moveables, together with all and sundry bonds, heretable and moveable, bills, obligations, promissary notes, decreets, accompts, accompt books, gold and silver coined and uncoined, books, cloaths, and body abulzements, with all other subjects of whatever nature, name, and designation, real and personal, heretable and moveable, that do now belong or that shall happen to pertain and belong to me the time of my decease, together with all processes presently depending at my instance before the Court of Session, or any other inferior court within this kingdom of Scotland, wherein I have any concern as pursuer or defender, as the same shall be contained in an inventor or list thereof, already made or that shall afterwards be made by me relative thereto. . . . Providing allways, as it is hereby expresly provided and declared, that my saids trustees, and failling of them as aforesaid, the said Lord Provost, Dean of Guild, and Treasurer, and their successors in office, shall be oblig’d as by their acceptation hereof they become bound and oblig’d with all convenient speed after my decease, to lay out and secure the subjects above dispoined, and every part thereof, together with the produce of the subjects to be sold upon land, or other sufficient security, and to take the rights

and securitys thereof conceived, in favours of them or any three of them bearing the annual rent or interest thereof, payable to them for the behooff of my said nephew in liferent during all the days of his life for his maintainance and alimentary provision allenarly, but not to be affectable by his creditors for any of his deeds or debts, and after his decease I hereby appoint and ordain the sum of Eight hundred pounds sterling of the subjects liferented by him to be properly and perpetually secured upon land or any other sufficient security, and the interest thereof in all time coming to be applied for the support, maintenance, and education of two boys of the name of Fraser, equally betwixt them, and who shall be habite and repute to be of a virtuous, sprightly, promising genious, and that upon a competition or comparative tryal betwixt four boys of that name not exceeding fourteen years of age, and the worthiest two and of the best promising genious and capacity to be preferred, conform to a certificate under the hand of the keeper of the Advocates' Library for the time being, to be paid to them quarterly or half-yearly as shall be thought proper and convenient, ay and while they finish their courses at the college of Edinburgh, the professors of said college certifying at least once every year their good and virtuous deportment, and their abilitys for divinity, law, or physick, and the same interest to be continued and paid regularly to them equally, after they shall have pursued their courses at the said college for the space of three years compleat, they alwise making their election within three months after they shall have finished their courses as aforesaid, whether to follow divinity, law, or physick, secluding always from the forsaid competition and from any benefite arising from this deed, the children and descendants of Thomas Fraser of Gartuleg in Strathherrick, and Hugh Fraser, now of Dumballoch, in the Aird, Simeon and Levi brethren in iniquity, the cause of this seclusion is known to the world, and more particularly to the distressed family of Lovat, and likewise to the family of Culloden, and I hereby burden and affect the liferent provided to the said Doctor William Fraser, my nephew, and after his decease, the said sum of eight hundred pounds sterling, with the payment of six pounds sterling yearly, to Helen Forrester, lawfull daughter of the deceast Mr John Forrester, once heretable sherriff-clerk of Inverness, my sister daughter, to be paid to her at the first term of Whitsunday or Martimass after my death, and so furth yearly and termly during all the days of her life, and after the liferent provided to my said nephew shall cease by his death, or his not complying with the conditions to be hereafter mention'd, and after that the said sum of eight hundred pound sterling is sufficiently secured for the purpose already mention'd, I ordain and appoint the remaining part of my effects to be paid and disposed of by my said trustees, and failling of them as aforesaid, by the Lord Provost, Dean of Guild, and Treasurer of the said city of Edinburgh, in manner underwritten, viz., I leave and bequeath to the Trinity Hospital of Edinburgh two hundred and fifty pounds sterling for the maintainance and support of any indigent person of the names of Fraser or Leslie, my mother's kin, which shall be received therein alternately upon this condition, that my name shall be put

Terms of Mortifications.

Thomas Fraser's
Mortification.

£250 stg.

Terms of Mortifica-
tions.

Thomas Fraser's
Mortification.

up in a broad with gilded letters in the said Hospital, the expence of which to be paid out of my effects, as also that one of the name of Fraser shall be the first that shall enter the said Hospital upon the said mortification, and thereafter one of the name of Leslie alternately, and which one of either names shall first apply for preference to said Hospital after the death of the first intransit within a month thereafter, shall alwise according to their dilligence in applying be preferred to the benefite of said mortification in the said Hospital in all time coming, But it's hereby declared, that in case Margaret Hodgeson, spouse to Ffrancis Wood, merchant in Edinburgh, with whom I have lived as a lodger since the sixth of June seventeen hundred and forty-four, be reduced to such circumstances as to stand in need of the benefite of said mortification in the said Hospital, that she be first of all preferred thereto, and thereafter the said Francis Wood, and last of all Margaret Wood, their daughter: Item the sum of one hundred pounds sterling for helping to begin a fund for a fundling hospital, in hopes of preventing the wickedness and unnaturality of womens destroying the fruit of their own wombs: Item fifty pounds sterling to the poor of the nonjuring Episcopal clergie in Edinburgh, to be distributed by three of the oldest and most dignified of the said apostolick venerable clergie in Edinburgh for the time, and that to the most necessitous of their poor: Item fifty pounds sterling to the poor of the city of Edinburgh in the poor's house, upon this condition that my name be put up in their hall in a decent broad and gilded letters, and thereafter continued in said hall, the expences of which to be paid out of my effects: Item to the Orphan Hospital of the said city thirty pounds sterling, upon the like condition: Item fifty pounds sterling to the Royal Infirmary of Edinburgh, for the better care and usage of any of the name of Fraser or Leslie, who may be received therein, upon the like condition that my name be put up in the hall of said Infirmary upon a decent frame in gilded letters, and this to be continued in all time coming, the expences of which to be paid out of my effects: Item the sum of thirty pounds sterling to the Society of the Procurators of the city of Edinburgh, the interest of which sum to be applied yearly to the most necessitous of their poor, as the oldest three of the said society shall see cause, with the consent of the majority of the remnant brethren of the said society: Item to each of the saids George and William Frasers, junior, thirty pounds sterling for their trouble and care in my affairs, the said George Fraser's thirty pounds not affectable by his creditors for his debts due to them, but I appoint and ordain him to divide the said sum betwixt his two sons, James and Andrew Frasers, as he shall think proper, and according to their dutiful behaviour towards him as their parent, and after the first sum of eight hundred pounds is laid out and secured as aforesaid, and the donations and legacies above mentioned are fully satisfied and paid, I hereby declare and ordain the remaining part of my effects (if any be) to pertain and belong to the saids George and William Frasers, junior, two of my said trustees, and to Simon Fraser, white iron smith in Edinburgh, equally betwixt them their heirs and assignies." . . .

JOHN BROWN'S MORTIFICATION.

"From the executors of John Brown, feuar, Lasswade, £100."

Terms of Mortifica-
tions.

Hosp. Accounts,
1755-60.
£100 stg.

JAMES HUNTER'S MORTIFICATION.

"At Edinburgh, the 17th day of April, in the year 1765.

Hosp. Records,
vol. iii. pp. 249-
250.
17th April 1765.

£250 stg.

"Which day the Right Honourable the Lord Provost, Magistrates, and Council, with the deacons of crafts, ordinary and extraordinary governors and administrators of the Trinity Hospital, being assembled, the treasurer of the Trinity Hospital represented to the Council that he had received from Mr Alexander Hunter, merchant in Edinburgh, two hundred and fifty pounds sterling as a Mortification to the said Hospital by his son, the deceased Mr James Hunter, merchant, for which the said Mr Alexander Hunter desired to have the right of presenting one member of the Hospital during his life, and the right of presentation continued with his heirs in the usual manner. Which being considered by the Magistrates and Council, they, with the deacons of crafts, ordinary and extraordinary governors and administrators of the said Hospital, did, and hereby do, grant and dispone to the said Mr Alexander Hunter, his heirs and assignees whatsoever, a power and privilege of naming and presenting any one person whatever after the decease of another, whether a burges of this city or not, to be entertained in the said Hospital agreeable to the statutes thereof."

MRS BEECH'S MORTIFICATION.

"Be it known to all men by these presents, me, Isobel Beech *alias* Drummond, relict of George Beech, merchant in Edinburgh . . . considering that I am now far advanced in years, and that it is proper for me to settle my worldly affairs in my own lifetime, and being resolved to appropriate any small share of worldly substance that shall belong to me at my death for the charitable ends and purposes after mentioned, and for that effect to grant these presents in manner underwritten. Therefore to have given, granted, assigned, and disposed, as I by these presents under the conditions, provisions and reservation underwritten, give, grant, assign, and dispone to and in favour of the Master and Assistants of the Merchant Company of the city of Edinburgh, and their successors in office, for the use and benefit of the said Company and for the purpose after mentioned, All and Hail the foresaid first storey or dwelling-house of that great tenement of land sometime pertaining to the said deceast Mungo Johnston of Lockerbie, thereafter, etc. . . . and sicklike I hereby assign and dispone to the said Master and Assistants of the said

Dated 27th May
1766.
Minute of Meeting
of Master and
Assistants of Mer-
chant Company,
11th May 1769.

Terms of Mortifica-
tions.

Beech's Mortifica-
tion.

Company, and for the purposes after mentioned, all and sundry goods, gear, debts, sums of money, heritable and moveable, gold and silver coined and uncoined, jewells, rings, merchant ware of all kinds, silver plate, household furniture, utensils, and domicils and others whatsoever presently belonging to me, or that shall happen to belong to me at my death, or that shall be due and resting to me at my death. And I hereby declare that it is my intention, will, and pleasure that the subjects hereby assigned and disposed, or the prices and values thereof, in case the said Master and Assistants think fit to sell the same, shall be stocked out and sett apart, and the interest thereof applied for maintaining a man or woman in the Trinity Hospital of Edinburgh, duly qualified in terms of the statutes of the Hospital, to be presented by the Master, Assistants, and Treasurer of the said Company, from time to time, and as often as the same shall vaik in all time coming after my decease, which person so to be presented shall be a decayed merchant burghess of Edinburgh, and member of the said Merchant Company, or the relict or lawful son or daughter of such merchant burghess and member of the said Merchant Company; and in case any such of the surname of Beech or Drummond apply, the name of Beech is always to be preferred in the first place, and the name of Drummond in the next place to all others."

The house and personal property having only yielded £139, 18s. 9d. of free produce, the Merchant Company advanced from their own funds the balance required for the purchase of a presentation, and, on 11th May 1769, procured one in the following terms: "Know all men by these presents, us, John Dalrymple, etc., governors and administrators of the Trinity Hospital at the foot of Leith Wynd: Whereas upon a proposal given in to us by the Merchant Company of Edinburgh, for purchasing a right of presentation to the Trinity Hospital, we by our Act of Council, of date the 28th day of August last past, did resolve and agree to grant to them the said right and priviledge upon their making payment to the treasurer of the said Hospital of the sum of two hundred pounds sterling: And whereas Mr William Burn, treasurer to the said Merchant Company, has upon the 16th day of October instant, made payment to Bailie John Brown, present treasurer to the said Hospital, of the fore-said sum of two hundred pounds sterling, Therefore, and in pursuance of our other Act of Council, of date the said 16th of October instant, witt ye us to have given, granted, and disposed, as we hereby give, grant, and dispone, to and in favours of the Master, Assistants, and Treasurer of the said Merchant Company for the time being, for behoof of the said Company, a full right, power, and priviledge of naming and presenting a burghess, widow of a burghess, or child of a burghess, from time to time, after the decease of one another, to be entertained in the said Trinity Hospital, in terms of and agreeable to the statutes thereof, all and every one of the said persons so presented behaving themselves orderly and decently as becometh, and before their entry disposing and conveying their whole goods and effects in favours of the said Hospital, and each of them bringing alongst with them a sufficient feather bed and

£200 stg.

bedding of cloaths, and granting a disposition in favours of the Hospital agreeable to the said statutes." Terms of Mortifications.

JANET CALLANDER'S MORTIFICATION.

DISPOSITION—Janet Callander to the Trinity Hospital of Edinburgh.

Dated 6th June
1774.

"I, Janet Callander, daughter and only surviving child of the deceast Patrick Callander, skinner and glover in Edinburgh: Whereas I am well satisfied of the usefulness of the charitable foundation the Trinity Hospital of Edinburgh, and of the comfortable subsistence it affords to any aged persons that would otherways be destitute, and without a decent support in their helpless old age, am therefore resolved to give and bequeath a certain part of my estate after mentioned, in favours of the Governors of the said Hospital, to inable them to provide for suport and admitt two additional members into said Hospitall: Therefore witt ye, as heritable proprietrix of the subjects after disponed, and with and under the burdens, conditions, and reservation herein after expressed, to have assigned, disponed, and made over, as I hereby, for the purposes and under the burdens, conditions, and reservations after expressed, give, grant, assign, and dispone at, and after my decease to and in favours of the Lord Provost, Magistrates, and Town Council, and others, the Governours of the said Trinity Hospital, and their successors in office as Governours of the said Hospitall, and their assignies whatever in trust, only for the purposes and under the burdens and conditions and reservations after exprest, All and hail that tenement of land, back and fore, under and above, high and laigh, some time called Handsides Land, lying on the south side of the High Street of Edinburgh, at the head of the close called the Skinner's Closs, disponed by James Handyside to John Walker, and purchased by ane judicial sale before the Court of Session by the deceast James Callender, writter in Edinburgh, my brother, and by him disponed and transferred to the also deceased John Callender, glover, burges of Edinburgh, my other brother, and bounded betwixt the tenement of land pertaining to William Lindsay, thereafter to George Kirkwood, thereafter to the heirs of umquhile James Donaldson, goldsmith, on the west the lands of umquhile William Tod, locksmith, and umquhile Walter Chapman on the east, the King's High Street of the north, and the wast land of umquhile John Barelay on the south parts, one the one side, and others, with all right and tittle which or either of my said brothers had, have, or can pretend thereto, or to any part or portion thereof, and to the effect that the said Governours and their foresaid may be infeit and seased in the said tenement, and other in trust and for the purposes and the conditions and reservations after expressed, I hereby make, constitute, and ordaine and each of them my procurators, for resigning likeas I hereby resign . . . and which

Reg. of Deeds, etc.
M'Ken. Office,
vol. 219.
10th April 1776.

Terms of Mortifica-
tions.
Janet Callander's
Mortification.

tenement of land and others before disposed, are at present sett and rented at about Eighty pounds sterling yearly, which I compute to be worth at least Eight hundred pounds sterling, and therefore I hereby burden the Governours of the said Hospital, in the first place, with the following annuities to the persons after mentioned, to witt to Janet Smibert, relict of William Romanis, late baillie in Lauder, ffive pounds sterling yearly, and each year during her life after my decease, and to each of Janet Mar and Marr, her sister, both daughters procreate betwixt Margaret Ffortune and James Marr, portioner in Ridpath, five pounds sterling to each of them yearly, and each year during their lives, payable these three annuities yearly at two terms in the year, Whitsunday and Martinmas, by equall portions under a fifth part of each term, payment of penalty in case of ffaillie and annual rent during the not payment, beginning the first term's payment of each of the said respective annuities at the first term of Whitsunday or Martinmas that shall next follow my decease, being the term at which the said Governours there entery to the said subjects does commence, and that for the half year preceeding, and so on half yearly thereafter during each of the said annuities there naturall lives; and further, I hereby burden the Governours of the said Hospital with receiving and admitting into the priviledges of the said Hospital, to be maintained therein according to the rules thereof, two aged persons, men or women, as the patron presenters after appointed shall think proper and deserving objects of the charity to be admitted and received as ffollow, the first person to be admitted within nine callander months after the term at which the said Governours their entry to the rents of said subjects does commence, and the other person to be admitted within nine callander months after the decease of any two of the foresaid annuitants, and I hereby nominate and appoint the corporation of skinners in Edinburgh to be patrons for nominating and prescribing the said aged person, one after another according to the direction to the Governours of the said Trinity Hospital for the benefit of the charitable donation, according to the rules of said Hospitall in all time coming, and hereby recommend to them to preferr always in the first place any of my own or my ffather's relations, that shall applie however distant, and failing any of my own relations, to preferr in the next place any of their own friends, their wives or children, according to the rules of the said Hospitall, whom all ffailling, to any needy deserving aged person that shall be properly recommended to them all which burdens and conditions before mentioned I appoint to be insert in the infestment to follow hereon."

CHARLES SELKIRK'S MORTIFICATION.

Hosp. Records,
vol. vi. p. 94.
14th June 1786.
£100 stg.

"Letter engrossed stating that Mr Charles Selkirk, late merchant in Glasgow, bequeathed £100 to Hospital, which was paid in September 1785."

JAMES REOCH'S MORTIFICATION.

Terms of Mortifications.

“ James Reoch, solicitor-at-law, executed a trust-disposition and settlement, and codicil thereto, dated respectively 14th June and 8th October 1792, whereby he disposes, assigns, and makes over, with and under the burdens, provisions, conditions, and reservations therein mentioned, to and in favour of William Muirhead, merchant in Edinburgh; and failing him, Mrs Elizabeth Reoch, his only daughter, spouse of the said William Muirhead; James Hamilton, upholsterer, late in Cannongate; Bailie George Rae, fish-hook maker in Leith Wynd; and John Moir, Writer to the Signet, in trust for the purposes therein mentioned, all and sundry his real and personal estate therein enumerated; and they are taken bound, *inter alia*—*Secundo*, to make payment to the said Mrs Elizabeth Reoch, and failing her, the said William Muirhead, of a free liferent annuity during all the days of their joint lives and the life of the survivor, of £50 sterling, and that at two terms in the year, Whitsunday and Martinmas, by equal portions, with interest from each of the said terms until payment, at the first term of Whitsunday or Martinmas immediately following his decease. *Tertio*. That they shall make payment to Ann Reoch, his grand-daughter, of the sum of £800 sterling, and that at the first term of Whitsunday or Martinmas after her majority or marriage, which of these should first happen, with interest from the first term of Whitsunday or Martinmas after the death of the said James Reoch until payment; as also to dispoise and make over, or sell and account to her for the price of his house in Murdoch's Close, and to pay her the rents thereof in the meantime, excluding always the *jus mariti* and administration of the husbands of the said Mrs Elizabeth and Ann Reoch; and declaring that the sums to be payable to his said daughter and grand-daughter, in virtue of the foresaid trust-disposition and settlement, should not be affectable by the debts or deeds of their husbands, but be under their own private and exclusive management; and their own receipts and discharges shall be sufficient to the receivers to all intents and purposes. *Quarto*. That the remainder of the said James Reoch's estate should be lent out, upon proper securities taken, to the trustees for behoof of William Reoch, his grandson, in liferent, and the lawful issue of his body in fee; which failing, to the said Ann Reoch, his grand-daughter, in liferent, and the lawful issue of her body in fee; which failing, the said Mrs Elizabeth Reoch, his daughter; all which failing, he appointed the said trustees to acquire the right of as many presentations in the Trinity Hospital of Edinburgh as what remains under their administration of his said estate will purchase, under the name of Reoch's donation; and the title to present the paupers shall be by them vested in the preses, treasurer, and clerk to the Solicitors-at-law of Edinburgh for the time being, who shall be bound to present, within six months after a vacancy comes to their knowledge, and on all occasions to prefer old men or women of the name of Reoch in the first place; and failing persons of that name applying, those of the name of Wright, Dun,

Dated 14th June
1792. Registered
in the Books of
Council and Session
(Office, Durie), 9th
April 1793.

Terms of Mortifications.

Reoch's Mortification.

Muirhead, or Balfour, if such shall apply; and in case persons of none of these names do apply, then to present such indigent persons as they shall judge most necessitous and deserving of the benefit of the charity. And in order that information of the vacancies may come to the knowledge of the persons entitled to the charity, the said preses, treasurer, and clerk to the Solicitors-at-law, patrons foresaid, shall be bound to advertise the vacancies in the Edinburgh newspapers, within ten days after they are advertised thereof, and describe the persons entitled to a preference, and to whom to apply." . . . And it is declared, "that in case any doubt or question shall arise as to the import and validity of said deed, or any article thereof, the same shall be determined by the said trustees, or any two of them, whose option given thereon shall be final to all intents and purposes."

MISS CHRISTIAN GARDEN'S MORTIFICATION.

Hosp. Accounts,
Nov. 1804-5.
£183, 19s. 8d.

"To a legacy bequeathed by Miss Christian Garden, daughter of the deceased Mr George Garden, merchant in Banff, p. Alexander Ritchie, W.S., £183 19 8."

MRS ELIZABETH CAMPBELL'S MORTIFICATION.

Hosp. Records,
vol. vii. p. 277.
9th Sept. 1812.

£400 stg.

"The memorial of the Incorporations of Skinners and Furriers, Edinburgh, sheweth, that Mrs Elizabeth Campbell, as appears by the extract from the Records of the Trinity Hospital herewith produced, having had a sum of money bequeathed to her by her sister in New York at her own disposal, was in 1807, in consequence of her having paid the sum of ninety pounds sterling into the funds of the said Hospital, received into it for life. That the said Mrs Elizabeth Campbell now proposes, with the consent of the trustees in America and of her friends here, at or about the time of Martinmas next, to pay to the said Governors the further sum of three hundred and ten pounds sterling, making with the former ninety pounds the principal sum of four hundred pounds sterling, for the purpose of purchasing a presentation at large in said Hospital, and that she agrees to invest the perpetual and unrestricted right of nomination of said presentation in the Incorporations of Skinners and Furriers in Edinburgh, as more fully appears from a memorial submitted by her to said Incorporation (which is also herewith produced), on condition of the said Incorporation agreeing to pay her ten pounds sterling yearly during the course of her natural life, and of their naming said presentation *Campbell's presentation*. That having fully considered said memorial, the Incorporations have agreed to the proposals contained in it, as appears by an extract from their records annexed to said memorial and herewith produced, provided the honourable Governors give their sanction to the transaction, and agree to Mrs Campbell's proposal as above narrated; all which is agreeable to the statutes of the said Hospital. Signed

by appointment of the meeting by John Bathgate, deacon, William Ritchie, deacon, Thos. Miller, boxmaster; Skinner's Hall, Edinburgh, 14th May 1812." Follows the foresaid Report: "Edinburgh, 9th September 1812. The Committee having considered the memorial, are of opinion that the prayer thereof should be granted, upon condition that the sum of three hundred and ten pounds be paid to the treasurer at Martinmas first, and that the Incorporations be restricted from presenting until the decease of said Mrs Elizabeth Campbell, and agreeably to the other regulations of the Hospital. (Signed) Archd. Mackinlay, B." "Of which Report the Magistrates and Council as governors and administrators of said Hospital, approved and granted and enacted accordingly."

Terms of Mortifications.

Campbell's Mortification.

JOHN MENZIES'S MORTIFICATION.

"I, John Menzies, boot and shoemaker, Potterrow, Edinburgh, considering it to be my duty to settle my affairs in such a way as to prevent all disputes in regard to them after my decease, and having full trust and confidence in the integrity and ability of the persons after named for executing the trust hereby reposed in them, have therefore assigned and disposed, as I do by these presents, with and under the burdens, provisions, and reservations after-mentioned, give, grant, assign, and dispo[n]e to and in favour of Robert Dryburgh Menzies, ship-builder in Leith, Thomas Menzies, shipbuilder there, John Rothead Forrest, appraiser in Edinburgh, and Francis Rankine, glass manufacturer, Leith Walk, Edinburgh, or the acceptors or acceptor, survivors or survivor of them, and to such other person or persons as shall be assumed in manner after-mentioned (the major part accepting and surviving at the time being always a quorum), as trustees for the ends and uses and purposes after-mentioned, and to their assignees, All and whole (1) certain subjects in Potterrow; (2) subjects in Advocate's Close, Edinburgh; (3) laigh shop in the north side of the High Street of Edinburgh; (4) subjects in Barony of Portsburgh." "As also all other lands and heritable estate of every description that shall belong to me at the time of my death, as also my whole moveable means and estate of whatever kind or denomination, heirship, moveables included, that shall belong to me at the time of my decease." Here followed a clause binding himself to grant all necessary deeds for implementing the general disposition of heritable and moveable means; and a clause appointing his trustees to be his executors, "but declaring always that these presents are granted in trust for the uses and purposes following, viz., *inter alia*."—1st, payment of debts and certain small legacies; 2d, certain liferent provisions for an uncle, named Mansfield Stewart. This was followed by certain farther legacies and annuities, chiefly payable only on the death of the uncle. "Lastly, that the residue of my said heritable and moveable estate, which may remain after providing as hereinbefore directed, including the amount set aside for payment of the foresaid annuities to the said Susan M'Vean, Thomas Cranstoun, and Margaret Dempster, as they

Dated 13th August 1833. Recorded in the Sheriff-Court Books of Edinburgh, 5th April 1842.

Terms of Mortifica-
tions.

Menzies's Mortifi-
cation.

respectively lapse, shall be held by my said trustees and the yearly proceeds thereof paid by them in two terms in the year Whitsunday and Martinmas to Jess and Ann Menzies, daughters of the Reverend Archibald Menzies, minister of Dull, Perthshire, equally, during their lives, exclusive of the *jus mariti* of their husbands, their own receipts and discharges for the same being hereby declared to be binding, and in the event of the said Jess and Ann Menzies, or either of them, leaving lawful issue, then my said trustees shall, upon the death of the survivor of said Jess and Ann Menzies, such survivor being entitled to the liferent of the whole, denude of the said trust-estate, heritable and moveable, and assign, dispoise, and convey the residue and remainder thereof in favour of such issue of said Jess and Ann Menzies or either of them, equally, share and share alike, providing the said child, or the eldest of said children, shall then have attained the age of twenty-one years, but not sooner, and their heirs and assignees, and failing lawful issue of either of the said Jess or Ann Menzies, I direct said trustees, on the death of the longest liver of said two persons, to convert my heritable estate (not herein otherwise appropriated) into money, and that either by public roup or private bargain, as to them may seem most expedient, and to apply the proceeds thereof, and the whole other residue of my said estate, in the purchase of presentations to the Trinity Hospital in favour of wives of decayed inhabitants of the city or county of Edinburgh, said presentees not to be under fifty years of age, and to have resided twenty years within the said city or county, and the name of Menzies to be preferred if the applicant be of good character; and upon the death of my said trustees, original and assumed, the patronage shall devolve upon the ministers of St Cuthbert's and Hope Park Street Chapels of Ease, the Magistrates of Easter Portsburgh, the Deacon and Box-master of the Incorporation of Shoemakers of Easter Portsburgh, and the Treasurer of the Trinity Hospital all for the time being, the majority of voices to carry the presentation."

REV. DR ROBERT BLAIR'S (OF BARTON) MORTIFICATION.

Hosp. Records,
vol. x. p. 452.
13th Feb. 1838.

EXTRACT from the Will of Rev. Robert Blair, Doctor of Divinity, and Rector of Barton St Andrews, in Baxton Bendish, in the county of Norfolk, and diocese of Norwich, deceased, dated 1st December 1837. Proved in the Prerogative Court of Canterbury, 5th January 1838.

£500 stg.

"I give and bequeath to the Governors for the time being of the Trinity Hospital in the said City of Edinburgh, the sum of five hundred pounds, new three and a half per cent. bank annuities, to be applied by them for the purposes of the same Hospital."

THOMSON PAUL'S MORTIFICATION.

Terms of Mortifications.

“Further, that in pursuance of the arrangement to that effect contained in the Council's act, of date the 14th current, there was paid to the treasurer of the Hospital, upon the 20th current, by Mr Thomson Paul, Writer to the Signet, the sum of four hundred and fifty pounds sterling, as the purchase money of one of the foresaid rights of presentation. Therefore, the Lord Provost, Magistrates, and Council, governors and administrators foresaid, did and hereby do give and grant to the said Thomson Paul, and to his heirs and successors whatsoever, full right and title to present to them from time to time any person whatever, man or woman of irreproachable character, who is not married and under fifty years of age, to be admitted into and maintained in the said Hospital.”

Hosp. Records,
vol. xi. p. 428.
28th June 1842.

£450 stg.

WILLIAM LENNIE'S MORTIFICATION.

“EXCERPT from additional Deed of Settlement by William Lennie, Esq. of Ballochneek, dated 10th May 1852, and recorded in the Books of Council and Session 29th July 1852.”

Hosp. Records,
vol. xiii. p. 476.

“In the fifth place, I direct and appoint my said trustees at the first term of Whitsunday or Martinmas that shall happen twelve months after my decease, or as soon thereafter as conveniently may be, and with entry thereto at that term, to dispoise, convey, and make over my lands and estate of Nether Auchenreoch and others, lying in the parish of Urr and stewartry of Kirkeudbright, as described in a disposition in supplement granted by me in favour of my said trustees, dated third January eighteen hundred and fifty, to and in favour of the Lord Provost, Magistrates, and Council of the city of Edinburgh, to be held by them thereafter in perpetuity in trust for the ends, uses, and purposes after mentioned, viz.—First, For payment of all burdens, taxes, and necessary expenditure for repairs of the said lands and others, and of the expense of managing the same; and I earnestly enjoin the said Lord Provost, Magistrates, and Council to be economical in their management. Second, That out of the proceeds of the said lands and others they shall apply the sum of forty-eight pounds sterling annually in providing four bursaries of twelve pounds each, for assisting students in the University of Edinburgh, whose circumstances may require such assistance, which bursaries shall be called the Lennie Bursaries, and be given annually, and shall not be continued to any student for a longer period than four years, nor given for any other purpose than obtaining a literary education; and in distributing the said bursaries, the said Lord Provost, Magistrates, and Council shall give a preference to persons who are poor of the names of Lennie, Paton, Stobie, or Ronaldson; and next, to poor lads coming from the country, who have been engaged in some trade or

Terms of Mortifica-
tions.

Lennie's Mortifica-
tion.

other industrious pursuit, and who manifest a desire and capacity for a literary education; but on no account shall a Roman Catholic or Jesuit be appointed to any of the said bursaries. And as it is my earnest desire that young men should be trained up in habits of independence and self-reliance, I enjoin every individual who shall receive the benefit of one of my bursaries to repay the amount so received by him to the said Lord Provost, Magistrates, and Council as soon as he is able to do so, and at all events within ten years if possible from the time of his ceasing to be a bursar, and which sum or sums so to be repaid shall be expended by the said Lord Provost, Magistrates, and Council in providing other bursaries to be distributed on the conditions above set forth; but as an encouragement to bursars to repay as aforesaid, I declare that they shall have the appointment of the individual who shall receive the amount so repaid by them, and failing such appointment at the ordinary period of distributing the bursaries, the same shall be distributed by the said Lord Provost, Magistrates, and Council; and I hereby empower my said trustees to make such farther rules and regulations in regard to the said bursaries as they may consider necessary to carry my intentions into full effect, and which rules and regulations if so made, shall be embodied in the conveyance to the said Lord Provost, Magistrates, and Council (which shall be at the expense of the trust thereby created), who shall be bound to abide by and fulfil the same. Third, the said Lord Provost, Magistrates, and Council shall annually pay over one-half of the free residue of the proceeds of the said lands and others to the treasurer for the time being of the institution known by the name of the Trinity Hospital, Edinburgh, of which they are the Governors, for the use and behoof of parties who shall be appointed to receive annual pensions therefrom, in amounts similar to those at present granted by the governors of that institution, but not exceeding ten pounds annually to each pensioner; but declaring that the parties who shall receive the benefit of my funds are not to be restricted to burgesses, or their widows or descendants, but shall be selected solely on account of their poverty and good character, a preference being always given to those who have seen better days, and are either unmarried or widows or widowers, who are fifty years of age or upwards. And I direct that my bounty shall not be given to burgesses, or their widows or descendants, while there are other parties claimants of the class above indicated by me. Fourth, The said Lord Provost, Magistrates, and Council shall pay over annually the remaining half of the free proceeds of the said lands of Nether Auchenreoch and others to the treasurer for the time being of the institution in Edinburgh, known by the name of James Gillespie's Hospital, for the use and behoof of the said Hospital, and with the view of enabling the Governors thereof to extend the benefits of that institution, but that only on condition that the said Governors shall cause the bedrooms of the whole inmates of the said Hospital to be properly heated, either by fires or other heating apparatus, during such periods of the year as may be necessary for the comfort of the aged inmates of that institution, and at all events from the fifteenth day of October to the

fifteenth day of May in each year; and this shall be done at the sight and to the satisfaction of my said trustees while the trust continues to exist, and afterwards at the sight and to the satisfaction of the said Lord Provost, Magistrates, and Council, who are hereby charged with seeing this provision and condition strictly carried into effect. And also on the further condition that my said trustees, during the lives of them and the survivors or survivor of them, and the said Lord Provost, Magistrates, and Council after their decease, shall be allowed the right and privilege of presentation of as many inmates of the said Hospital in perpetuity as the amount of the funds before and hereinafter appointed by me to be paid over for behoof of the said Hospital as aforesaid, will annually support and maintain, and declaring that in the event of the Governors of the said Hospital declining to comply with the conditions hereinbefore stated, and coming under such obligation to that effect as may be satisfactory to my said trustees, then and in that case the said James Gillespie's Hospital shall be deprived of the share of my means and estate above and hereinafter appointed to be paid to the treasurer thereof, and the sums so appointed to be paid for behoof of that Hospital shall be paid over to the treasurer for the time being of Trinity Hospital aforesaid, and applied for the purposes of that institution, but under the declaration before inserted in regard to preferring other claimants to the benefits aforesaid to burgesses or their widows or descendants. And declaring farther, as a condition of the bequest hereinbefore and after made for behoof of Trinity Hospital aforesaid, that my said trustees, and the survivors and survivor of them, shall have the power during their and his life of appointing the individuals who shall receive the benefit of the annual income appointed by me to be paid to the said Hospital, and thereafter the right of appointment shall be in the said Lord Provost, Magistrates, and Council as Governors of said Hospital; and I hereby authorise and empower my said trustees to make all such rules, regulations, conditions, and arrangements as they may consider necessary for carrying my intentions as above expressed into full effect, and to enter into all such engagements with, and require such obligations from, the said Governors of the said two Hospitals as they may consider necessary for that purpose. In the sixth place, Whereas I have in the before-written supplementary trust deed appointed my said trustees to convey and make over my lands and estate of Ballochneck and others therein mentioned to the said Thomas Stobie, and the heirs of his body, whom failing to the said William Ronaldson and his heirs, under burden of the payment of the annuities therein mentioned, and whereas I have by these presents appointed the other annuities hereinbefore bequeathed to be paid out of, and to form real burdens upon, the said lands and estate, I declare and appoint that the same shall be paid by the said Thomas Stobie and his foresaids so long as the same are payable to my said trustees, who shall pay the same to the respective annuitants entitled thereto, and failing his doing so, my said trustees shall be entitled to sue for and recover payment of the same from the said Thomas Stobie and his foresaids, and out of the said lands and estate burdened there-

Terms of Mortifications.

Lennie's Mortification.

Terms of Mortifica-
tions.

Lennie's Mortifica-
tion.

with; and whereas the said annuities, after deducting those which have lapsed by death, amount in all to two hundred and thirty-seven pounds a-year, I direct and appoint that, notwithstanding the lapse of these annuities, the sum of two hundred pounds a-year shall be payable by the said Thomas Stobie and his foresaids in perpetuity of the said lands and others; and as the annuities before appointed to be paid to the parties before mentioned shall respectively cease, the amount so falling in after the same shall be reduced to two hundred pounds a-year, shall be paid by the said Thomas Stobie and his foresaids to the said Lord Provost, Magistrates, and Council, and shall be by them divided equally between James Gillespie's Hospital and Trinity Hospital aforesaid, and applied for the same uses and purposes, and under the whole conditions, provisions, and declarations which are hereinbefore specified in regard to the portions of the free proceeds of the said lands of Nether Auchenreoch and others, so that ultimately, after the said annuities shall all drop, the said sum of two hundred pounds shall be payable annually out of the said lands of Ballochneck and others to the said Lord Provost, Magistrates, and Council in perpetuity for the purposes foresaid, and shall form a real burden thereon."

ANDREW WEMYSS'S MORTIFICATION.

Council Records,
vol. cclxxiv. p. 227.
20th April 1858.

"I, Andrew Wemyss, trunk and portmanteau manufacturer in Edinburgh, in order to regulate the management and distribution of my means and estate after my decease, do hereby, with concurrence and approbation of Mrs Mary Thomson or Wemyss, my wife (who concurs for herself and for all right and interest she may have in the premises), give, grant, dispoise, convey, assign, and make over to the said Mary Thomson or Wemyss, my wife, in liferent for her liferent use allenary (except as after mentioned), and to the Right Honourable the Lord Provost, Magistrates, and Council of the City of Edinburgh, governors and administrators of the Trinity Hospital in Edinburgh, and their successors in office as governors foresaid, as trustees for executing the trust hereby created in fee, and to their assignees, all and sundry, the whole lands and heritable estate of whatever kind, as also the whole movable and personal means and estate of whatever kind which shall belong to me at the time of my death, with the whole vouchers and instructions of the said movable and personal estate, and the writs and evidents of the said personal estate, and the writs and evidents of the said heritable estate, and particularly without prejudice to the said generality the effects and sums of money which may be contained in any inventory made up and subscribed by me as relative hereto, and which shall be as sufficient as if every particular thereof were herein inserted. And I appoint my said dispoisees for their respective rights of liferent and fee my sole executors; and I oblige myself and my heirs and successors to infest my said spouse and the said trustees for their respective rights of liferent and fee in due and competent form, and to grant all deeds necessary for that purpose, and also

all deeds needful or proper for carrying these presents into effect. And I assign the writs and evidents and title-deeds of my heritable estate, and I assign the rents; but declaring that these presents are granted, and to be accepted and taken always with and under the burden of my just and lawful debts and obligations, death-bed and funeral expenses, and the expense of executing this trust, and of such gifts or legacies as I may think proper to leave by any deed or writing to be executed by me, and specially with and under the burden of payment at the first term of Whitsunday or Martinmas which shall happen next after the death of the longest liver of my said wife and me, of the following legacies, videlicet:—To John Wemyss, residing in Liverpool, my brother; Robert Wemyss, at present in Francisco or elsewhere abroad; Jane M'Kenzie, daughter of Donald M'Kenzie, late merchant in Edinburgh, and Elizabeth Wemyss, my sister, now deceased, the sum of five pounds sterling each; and I hereby direct and appoint my said trustees, if I have not done so previously to my death, to execute and grant to any of the foresaid parties to whom I may have made advances of money or otherwise, if required by any of them and at their expense, discharges and acquittances of all claims against them for and in respect of such advances, and to hold such claims as renounced and discharged, as I do hereby renounce and discharge them accordingly; declaring however that any securities which I hold, or may hold, for the debts or obligations of the said parties shall form part of my estate, it being only their personal obligations unsecured which I intend to discharge; and declaring further, that the said provisions shall be in full of all that my said brothers and sisters can ask or expect from me, or from my said estate, from love, affection, or otherwise. Further, I do hereby give to my said spouse full power and liberty to dispose of, in any way she may think proper, the sum of one thousand pounds sterling of my said means and estate, or any portion thereof, and that either during her lifetime in the event of her surviving me, or by will or *mortis causa* deed to take effect after her and my death; and I hereby direct and appoint my said trustees, if my said spouse shall exercise the said power and liberty, to apply and make payment of the foresaid sum of £1000 sterling, or part thereof, in such way and manner as the same shall be so disposed of by my said wife, and failing such disposal, the said sum shall form part of the residue of my means and estate. Further, I do hereby direct and appoint my said trustees, immediately after my death and the death of the said Mary Thomson or Wemyss, to invest, or cause to be invested or reinvested, in such way and manner as they may at any time, and from time to time consider proper, either in the purchase of land or other heritable subjects, or upon heritable security, city bonds, or other securities, in their own names, or in the names of the directors or managers of the School of Arts, the sum of £200 sterling, the annual accruing interest or revenue arising therefrom to be applied in providing and securing prizes to the students in the said School of Arts, and that in such way or manner as shall be considered expedient by the directors or managers of the said institution, declaring that in the event of this bequest

Terms of Mortifications.

Wemyss's Mortification.

Terms of Mortifica-
tions.

Wemyss's Mortifica-
tion.

lapsing by the said School of Arts ceasing to exist, the said sum of £200, or the investments representing the same, shall revert to and form part of my said means and estate. Further, after the death of the said Mary Thomson or Wemyss, my trustees shall hold and possess the whole residue and remainder of my said means and estate as governors and managers of the said Trinity Hospital, and shall invest the same, and from time to time as may be required reinvest the same either in the purchase of land or other heritable subjects, or on heritable security, city bonds, or other securities, in their own names, and shall apply the annual accruing interest, produce, or revenue arising therefrom, for and towards the maintenance and support of decayed merchants or tradesmen who have carried on business within the municipal boundaries of the City of Edinburgh for at least ten years, or the widows of such merchants or tradesmen, and that among so many and in such proportions and payments to each as they shall see fit, but always on the express condition that the parties to be benefited shall be of strictly moral character, and of fifty years of age and upwards. And I hereby give power of sale to my said trustees, and that by public or private bargain, and power to borrow and powers of compromise and submission, and in general power to them to do, or cause to be done, everything necessary for the execution of the trust hereby created, or which I myself could have done before executing hereof, and for these purposes to grant, subscribe, and deliver all writs and deeds requisite and necessary; and I revoke all previous settlements executed by me, and the said Mary Thomson or Wemyss hereby accepts of the provisions hereby made in her favour in full satisfaction to her of all that she or her representatives could ask, claim, or demand, by and through my death, under her marriage settlements, *jure relictae*, or otherwise; and I, with consent foresaid, reserve full power to revoke these presents in whole or in part, and I dispense with the delivery hereof, and I consent to the registration hereof, and of any codicils or additions hereto for preservation. Moreover I desire my notary public, to whom these presents may be presented, to give to the said Mary Thomson or Wemyss, and to the said Lord Provost, Magistrates, and Council of Edinburgh, sasine in liferent and fee respectively of the lands and others above disposed in which I may stand infeft. In witness whereof these presents written upon this and the two preceding pages of stamped paper by John Lindsay, clerk to Patrick Graham, Writer to the Signet, are subscribed by me, and by the said Mary Thomson or Wemyss, at Edinburgh, the 16th day of February, in the year 1858, before these witnesses, William Dick, veterinary surgeon to her Majesty the Queen, and Professor of Veterinary Medicine of the Veterinary College, Edinburgh, and the said Patrick Graham. (Signed) A. WEMYSS, MARY WEMYSS. William Dick, witness; Patrick Graham, witness."

II.

EXAMPLES of Payments made or Conveyances granted by persons desiring to be in the Hospital, or by friends on condition of their admission. Examples of Payments by or for Applicants.

AGNES CLERK.

It was reported, "that conforme to the Councill's apoyntment the last councill day, the friends and relationes of Agnes Clerk, relict of v^mq^r Malcome Broune, skinner, burgess of Edinburgh, had given band to them, for the use of the Trinitie Hospital, for four hundred merks Scots money vpon the accompt of her admisione to be ane of the beidwomen of the said hospital. The Council therefore admitts and receaves the said Agnes Clerk to be ane of the beidwomen of the said hospitall." Council Records, vol. xxviii. p. 57. 31st March 1675. 400 merks.

JAMES GILCHRIST.

The Council, on "ane petition given in by James Gilchrist, lawful son to the deceist James Gilchrist, mer^t, burgess of Edinburgh, craving, for the reasons yrin represented, to be ane member of the Hospitall, have preferred, and hereby prefers, the said James Gilchrist to be ane of the members of the Trinity Hospitall, and appoints the m^{rs} or theasurers of the said hospitall to receive and intertain him as ane of the members yrof; and that allenarly upon the said James Gilchrist, with consent of his mother-in-law, y^r disponing to the said hospitall ane high shop belonging to him in fee, and liferented by her, lying upon the south side of the street of Edinburgh near to the Netherbow." Council Records, vol. xxxvi. p. 11. 10th June 1698.

It appears from a subsequent minute that the shop was sold for 1200 merks, and the price was entered in the Hospital Accounts. Council Records, vol. xxxvi. p. 303. 24th May 1699. 1200 merks.

JANET LOWRISTON OR FRASER.

"Authorize and appoint the present masters to receive and intertain Janet Lauriston, relict of John Fraser, candlemaker, Burgess of Edinburgh, as ane member of the Trinity Hospital, upon her paying ane thousand merks to them for the use thereof, and granting ane disposition of her liferent of the house possesst by her, and garret thereto belonging, with the two houses in the Candlemaker Row." Council Records, vol. xli. p. 136. 26th August 1713. 1000 merks.

"1713. Aug^t 31.—To cash from Janet Lowriston, relict of John Fraser, in frei gift to ye Hospitall, £666 13 4." Hosp. Accounts.

Examples of Payments by or for Applicants.

Hosp. Accounts, Mart. 1719-20.

Council Records, vol. xlvi. p. 125. 20th April 1720. 1000 merks.

LADY MARGARET HAMILTON OR BLAIR.

"Lady Margaret Hamilton, relict of William Blair of that ilk, £666 13 4."

"The same day Baillie James Newlands reported that Lady Margaret Hamilton, relict of William Blair of that ilk, had given to James M'Ghie, mer^t, present treasurer of the Trinity Hospital, the sum of One thousand merks Scots for the use of the said hospital, and was desirous the Council would be pleased to prefer Bessie Watson, relict of James Scott, burgess."

Bessie Watson was "ordainit" to be admitted, on granting a disposition *omnium bonorum*, and otherwise complying with the rules of the Hospital.

MISS MARION JOHNSTON.

Hospital Records, vol. viii. p. 37.

17th November 1819.—Read another report from the said Committee on the Petition from Marion Johnston craving to be admitted a House Member of the Trinity Hospital by purchase, and which report bore that the Committee were of opinion the said Marion Johnston should be admitted upon paying £300, of which report the Governors approved."

£300 stg.

MISS VIOLET MAITLAND.

Hospital Records, vol. xii. p. 396. 22d Feb. 1842.

EXCERPT of Letter from Miss Violet Maitland, an inmate of the Hospital, to the Treasurer.

"*Edinburgh, 5th February 1842.*—Sir, I propose to remain in the Trinity Hospital on the following conditions:—First, to pay in about one month the sum of two hundred pounds sterling for the time I have been in the Hospital, and one hundred and fifty pounds sterling for my future bed, board, clothing, and allowances as at present, and the Hospital to pay to me six pounds sterling yearly by quarterly payments during my life."

£200 stg.

£150 stg.

The Hospital Committee reported that the proposed payment should be accepted, which was approved of by the Governors.

MISS JACOBINA HORSBURGH.

Hospital Records, vol. xii. p. 396.

"8th September 1846.—And the Committee having at this and a former meeting carefully examined the different petitions from out-pensioners craving to be appointed as inmates, agreed to recommend to the Governors to elect the following upon the usual conditions, and specially subject to the arrangement as to inmates newly appointed recently made by the Governors:—

"1. Miss Jacobina Horsburgh, daughter of the late Richard Horsburgh,

musical instrument maker, and burgess of the city, born 2d September 1784. . . . In the case of Miss Horsburgh, she is to convey to the Hospital a house in East Broughton Place belonging to her, reserving to her the rents thereof down to Whitsunday next."

Examples of Payments by or for Applicants.

It is stated in the printed accounts of the Hospital for this year, that the stock had been increased by "value of house No. 6 East Broughton Place, acquired during this year, on admission of Miss Jacobina Horsburgh to the benefit of the Hospital, £180 0 0."

1st Nov. 1846 to 31st October 1847.

£180 stg.

MISS JANE M. GIBB.

Jane M. Gibb, daughter of the late John Gibb, burgess and guild brother, admitted a member on her paying £50 to funds of Hospital.

Hospital Records, vol. ix. p. 114. £50 stg.

III.

Examples of Property received under the *dispositio omnium bonorum*.

EXAMPLES of Property received on death of inmates, under the *dispositio omnium bonorum* granted by inmates.

The inmates were generally buried at the expense of the Charity; some examples are given below:—

Hosp. Accounts, 1611-12.	“Margaret Craik, ‘in Kist at her death,’	£10 10 8.”
Hosp. Accounts, 1613-14.	“Deceased Member’s Kist,	3 12 6.”
	“Do. do.,	10 5 8.”
Hosp. Accounts, 1614-15.	“Lawrence Mercer’s Kist,	8 0 0.”
Hosp. Accounts, Mart. 1698-9.	“Received from Mrs Ross, for ye bed and other things when she died, after all was paid,	19 14 6.”
Hosp. Accounts, Mart. 1698-9.	“Received for Mr Karr, his bed,	17 7 6.”
Hosp. Accounts, Mart. 1699-1700.	“Item, received from Mrs Willson, for ye things after her death, £10 lbs. 11s. 6d. Given of itt to ye sick people, 5 furteen shilling pieces—rests,	6 19 0.”
	“Item, received from Mistres Deans, 7 lib. Scots. Given out of it, £2 lib. 18s. for ye sick people—rests,	4 2 0.”
Hosp. Accounts, 1st Nov. 1776 to 1st Nov. 1777.	“To cash for the effects of dead members:— For Abram Wightman’s effects, For John Mathie’s do., For Margaret Andrew’s do., In part of the effects of Ja. Campbell,	£1 6 8 8 14 3 ⁶ 2 10 10 150 0 0 —————162 11 9 ⁶ .”
Hosp. Accounts, 1st Nov. 1776 to 1st Nov. 1777.	“Funeral expences of the following late members:—* 1776, November 4, Abram Wightman, 1777, January 4, Mrs Andrew, 1777, March 18, Mrs Stevenson,	£1 17 6 1 17 6 1 17 6 —————5 12 6.”

* While the Charge side shews receipts from realising property of the deceased, the Discharge shews the expenses incurred in connection with their funerals.

"To cash received for the effects of dead members:—					
In further part of the effects of James Campbell,		£15	0	0	
For Mrs Suttie and Mrs Somervil's effects,		1	8	2	
		<hr/>			£16 8 2."
"Funeral expences of the following late members:—					
1777, November 1, Mrs Clerk,		£1	17	6	
1778, May 18, Mrs Suttie,		1	17	6	
1778, May 23, Alison Somervil,		1	17	6	
1778, January 8, Wm. Balfour,		2	2	0	
		<hr/>			7 14 6."

Examples of Property received under the *dispositio omnium bonorum*.

Hosp. Accounts, 1st Nov. 1777 to 1st Nov. 1778.

Hosp. Accounts, 1st Nov. 1777 to 1st Nov. 1778.

During the period 1744 to 1845 the sums received from this source amounted to £785 11 10

ROBERT HUNTER.

"The Treasurer of Trinity Hospital begs leave to represent to the Committee that Robert Hunter, who was admitted a member of the house in August 1815, now very old, and rather an imbecile man, complained last week to the chaplain of having been robbed in the house during the night, without being able to condescend on what he had lost. This led the chaplain to insist upon seeing his repositories, and on inspecting his boxes, drawers, etc., various sums of money were found concealed in different places, amounting in all to £92, 18s., composed partly of gold and bank notes, all of them of a distant date, and some of them near fifty years old. It appears, both to the treasurer and the chaplain, that Hunter was unconscious of being possessed of such a sum, for on the very day before this happened he borrowed a penny from one of the servants, declaring that he had not one farthing in the world. He appears at all times in the most beggarly condition—often almost naked, though he has good clothing fast locked up. It is now discovered, too, that he has heritable property at the Castle of Clouts* worth £10 per annum.

Hospital Records, vol. viii. pp. 97 and 100, 4th Dec. and 9th Dec. 1820.

"The treasurer considers it a fixed point that no person is admissable into the Hospital but such as are absolutely without means of support. Of course, when this person was admitted, the Governors have been imposed upon. It appears to him as clear, from Statute 5th, that this money, as well as the heritable property, has fallen to him as treasurer of the Hospital, for behoof thereof. The Committee directed the treasurer to take immediate possession of the £92, 18s. for behoof of the Hospital, to continue his inquiries in regard to the heritable property, and to confer with Hunter's relations, and report to the Committee.

"The treasurer reported that, on a second examination of Hunter's repositories, the chaplain found secreted throughout his room, but under no

* A tenement in St Leonard Street, built by a Society of Tailors.—J. C.

Examples of Property received under the *dispositio omnium bonorum*.

lockfast, various small sums of money, amounting in all to £31, 7s. 6d., and this has been disposed of as the last sum was."

MISS PATISON.

Council Records, vol. ccxc. p. 179. 25th April 1865.

Read Report by the Trinity Hospital Committee, to whom was remitted petition of Misses Patison, residing in William Street, praying to be relieved of claim preferred against them for the residue of the estate of their late aunt, Harriet Patison, an indoor pensioner of Trinity Hospital, and who had granted a disposition *omnium bonorum* in favour of the Governors; of which report the tenor follows:—"Edinburgh, 17th April 1865.—The Trinity Hospital Committee having considered this petition, are unanimously of opinion that there is no circumstance connected with the case that should induce the Governors to forego the just claim of the Hospital to the whole residue of the estate of Miss Harriet Patison. They therefore recommend that a claim for the residue should at once be made, and that it be remitted to the Committee to endeavour to effect a settlement.—(Signed) JAMES THOS. ALEXANDER, B. Chairman *pro tem*."

The Governors approved of the foregoing Report, and resolved and remitted accordingly.

Council Records, vol. ccxciv. p. 196. 4th Dec. 1866.

The Clerk reported the following letter from the city's agents regarding the settlement effected with the representatives of the late Miss Patison:—"Edinburgh, 25th July 1866. Dear Sir,—Trinity Hospital—Miss Patison's Exy.—We send you herewith assignation by the executors of the late Miss Patison, in favour of the Governors of Trinity Hospital, of the whole estate which belonged to her, and particularly of the sum due on Mr Low's bill p. £250, which we also send herewith, endorsed by the executors with reference to the assignation. The first instalment of £50, due by Mr Low, was paid by him at Whitsunday last, when we at same time paid the account of Mr Patison, W.S., in terms of the arrangement with the Governors. Beyond that bill it is believed there is no other asset belonging to 'the estate.'"

The Hospital Committee, and afterwards on 4th December 1866 the Governors, approved of the settlement.

MISS DENHAM.

(Not received under *dispositio omnium bonorum*.)

Hosp. Records, vol. xiii. p. 192. 28th August 1849.

"Edinburgh, 25th August 1849.—The Treasurer of Trinity Hospital begs to inform the Governors that he has received fifty pounds from the estate of the late Miss Jane Denham, allocated from the residue of her funds by Charles Ferrier, Esq., in terms of powers conferred upon him by the last will and testament of the deceased. . . .

"The late Miss Denham received the out-pension of the Hospital for thirteen years, and ended in March 1849. (Int^d) J. G."

IV.

EXCERPTS from Statutes of Trinity College Hospital.

Excerpts from
Statutes.*27th February 1650.*

“Item, That nane be admitted to the hous but burges men or burges wyfs, single persones, and burges bairnes of guid report, at the sight of the Counsell, and be thair electioun.” Council Records, vol. xvii. p. 234.

“Item, That nane gett any monis out of the Hospitall rent but onlie suche persones quho sall remain within the Hospitall.”

20th November 1672.

“The Councell statutis and ordaines that no maried persons be installed as beidmen and women in the said hospitall; and such as sall be installed thairin sall be ancient decayed burgesses and burgesses’ relictis, and before they be admitted thairto that the maisteris of the Hospitall present and to come sall tak exact tryall of thair lyfe and conversatione and necessity, and vpon thair report then the said beidmen and women to be admitted.” Council Records, vol. xxvii. p. 109.

21st January 1674.

A set of statutes was enacted having reference chiefly to the conduct of the inmates.

Excerpt from Town Council Records, 10th April 1700.

“The same day Bailie Ferguson reported from the Committee anent the affairs of the Trinitie Hospitall that the said Committee had prepared the following resolutions, which they desyred him to report to the Councill. (1^{mo.}) That all persones who come in to the Hospitall, or that are in it already, may be obledged by the Councill’s Acts to dispone all goods and gear they have at their entry, or that they shall acyure dureing their abode yrin (the chaplain and good wife excepted), for the use and behooff of the said Hospitall, and give up a true Inventar of the same. (6^{to}) That since there are now fifty-one Council Records vol. xxxvi. p. 511.

Excerpts from
Statutes.

persones allready in the Hospital, that the Councill would reject any bills that would come in hereafter without a vacancy, especially since there is no place for building rouses to them in the Hospital, as the Report under the hands of the Committee bears. Which being considered be the Councill, they approved of the said Report."

24th August 1720.

Council Records,
vol. xlvi. p. 199.

"Particularly having made out a stated account of the Hospital's revenue and expense, they found the present yearly revenue of the Hospital to be four hundred and seventy-nine pounds, seventeen shillings, tenpence two-thirds sterling, and the amount of its annual expense taken at a medium of ten years, viz., from Martinmas 1707 to 1717 years, to be five hundred sixty-one pounds, ten shillings sterling; whereby it appears the Hospital has been super expended in the sum of eighty-one pounds, twelve shillings, one pence, and third sterling annually during these years, and that the super expense of one year in the two years from Martinmas seventeen hundred and sixteen to Martinmas seventeen hundred and eighteen is thirty-nine pounds, ten shillings, and ninepence, and five-sixths sterling, although the number of persons in the Hospital has been less in these as in former years. Having noticed the funds out of which the said payments or expense has been paid, they found it to be the incident donations made to the Hospital, and a debt of three hundred thirty-three pounds, six shillings, eight pence sterling due by the heirs of the deceast William Cleghorn. . . . Having calculated the expense of maintaining a person in the Hospital, they found it to be nine pounds sterling, and the charge of a chaplain, housekeeper, and servants, maintenance of the fabrick, public burdens, and incidents, to be one hundred and twenty-five pounds sterling per annum; whereby it appears the Hospital is not able to maintain on its present revenue more as forty persons. . . . That for replacing the donations and such part of the stock as has been sunk in super expense, no greater number of persons as forty be admitted into the Hospital till the sum of five hundred pounds sterling is added to its present stock."

14th November 1720.

Hospital Records,
vol. i. p. 1.

A committee of inquiry made the following report:—"They find the yearly present revenue of the Hospital to be four hundred and seventy-nine pounds, seventeen shillings, tenpence, and two-thirds of a penny sterling, and the amount of its annual expense, taken at a medium of ten years, viz., from Martinmas one thousand seven hundred and seven years, to Martinmas one thousand seven hundred and seventeen years, to be five hundred and sixty-one pounds ten shillings; whereby it appeared that the Hospital had been super-expended in the sum of eighty-one pounds, twelve shillings, one penny,

and one-third of a penny, annually during those years, and that the super-expenditure of one year in the two years, from Martinmas 1616 to and sixteen, to Martinmas 1617, of and eighteen years, is thirty-nine pounds, ten shillings, ninepence, and five-sixths of a penny, although the number of persons in the Hospital had been less in these as in former years. Having noticed the funds out of which the said super-expenditure had been paid, they found it to be the incidental donations made to the Hospital, and a debt of three hundred and thirty-three pounds, six shillings, and eightpence due by the deceased William Cleghorn. Having looked into the source of those evils, they found the cause of irregularities in the government of the Hospital to be the want of a book of statutes modelling the constitution thereof, and of a well chosen council of governors, to take upon them the administration of its affairs, and the occasion of super-expenditure to be the admission of persons into it without considering the revenue, arising from the want of books of accounts, so modelled as to shew the exact state of the Hospital, and to what number of persons the revenue's adapted. Having calculated the expense of maintaining a person in the Hospital, they find it to be nine pounds sterling, and the charge of a chaplain, housekeeper, and servants, maintenance of the fabric, public burdens, and incidents, to be one hundred and twenty-five pounds per annum; whereby it appeared the Hospital is not able to maintain on its present revenue more than forty persons." . . . It was recommended, "that for replacing the donations, and such part of the stock as had been sunk in super-expenditure, no greater number of persons as forty be admitted in the Hospital till the sum of five hundred pounds sterling is added to its present stock."

7th December 1720.

STATUTE I.

"The Hospital shall be governed by a Council of Governors, consisting of twenty-one persons: whereof the Lord Provost, the four Bailies, the Dean of Guild, and the Treasurer of the city of Edinburgh, during their continuance in office, shall be seven; the persons who sit in the Town Council in the character of old Magistrates, during their continuance in Council in that character, shall be seven more; and the Deacon Convener, the two Ministers of the College Kirk for the time being, and four tradesmen to be chosen by the Town Council, shall be the other seven."

Hospital Records,
vol. i. p. 5.
19th Dec. 1720.

STATUTE III.

"The persons to be admitted into and maintained in the Hospital shall be no other than old men or women, Burgesses, Burgesses' wives, or children of burgesses, not married nor under the age of fifty years, or shall be persons of the age and state of life before-mentioned presented by the Donators of Two hundred and fifty pounds sterling; and the number of persons to be constantly

Excerpts from
Statutes.

entertained shall be so many as the Revenues of the Hospital can conveniently maintain, after deduction of the charge of management and maintaining the fabrick."

STATUTE IV.

"The Donar of the sum of Two hundred pounds sterling, shall be privileged to present a man or woman to the Council of Governors, qualified in all respects as in the foregoing statute; or the donar of Two hundred and fifty pounds sterling, shall be privileged to present any person whatsoever of the age and state forementioned, to be admitted into, and maintained in the Hospital, at the end of six months after payment of the respective sums before-mentioned, and the Privileges shall deseend to Heirs and Successors whatsoever: Providing, nevertheless, that no person be presented upon the decease of another till twelve months are elapsed after the last person's decease."

STATUTE V.

"All persons admitted into the Hospital shall be provided with decent apparel, wholesome food, and convenient lodgings; furnished with clean linen, bed and bed clothes; shall have such allowance payed them weckly for petty incident expenses as the Council of Governors shall think fit, and shall be decently buried at the Hospital's expense. But each person shall bring into the Hospital at their admission, a bed and bed clothes for their own use, and shall sign a writ by which they transfer and dispone to the masters, for the behoof of the Hospital, all the goods and gear, money or effects, they are possest of at their admission; and shall further solemnly promise before the Council to demean themselves orderly in the Hospital, to be obedient to the orders of the Council, and to obey the Governour and Governess in all their just and lawful commands."

Excerpt from Decreet-Arbitral of Lord Ilay, dated 12th March 1729-30.

"And finds, decerns, and declares that the Council, ordinary and extraordinary, have the sole power and right of governing the Trinity Hospital, and cannot delegate the same to any other person or persons whatsoever."

Excerpt from Minutes of Council, dated 24th February 1731.

"And considering that severall weil disposed persons, from a pious and charitable disposition, may inclin to purchase a privilege of one nomination of a man or woman to be presented to the Trinity Hospital, rather then to go the full length of a purchase of a right to present, whereby the funds of

the Trinity Hospital may in time be considerably increased. Therefore they do hereby staitut and ordain, that heirafter the donor to the said Hospital of the sum of One hundred pounds sterling, at leist, shall be intituled to a priviledge for once, and no oftner, of nominating to the Council a man or woman not under the age mentioned in Statut, unmarried, and of a sober life and conversation, whom the Council shall be obleidged to present to the said Hospital, notwithstanding the man be not a burges, or the woman shall not be a relict of or a daughter to a burges, to be maintained in the said Hospital dureing all the days of his or her natural life, and appointed this to be entered in the said statuts as the cheyster."

8th February 1744.

"The Governours enact, statute, and ordain, that all grants, powers, and priviledges of exhibiting and presenting hospitalars to be made and granted to whatever person or persons who, in consideration thereof, shall gift or mortify any sum or sumes of money to the use of the said Hospitall, shall in all time comeing be with and under the following condition, viz., That in case that at any time hereafter, the interest or @ rent of money shall be by law reduced to a lower rate than five per cent. upon the death or removall of any poor person or hospitalar who shall be exhibited and presented in virtue of any such powers and priviledges (after @ rents or interest shall be so diminished), his or her room and place shall be and remain vacant and unfilled up untill the @ rents arising and falling due upon such principal sumes as shall be so gifted and mortified shall run up to a sume which, when conjoined with the principal sumes, shall produce one @ or interest equal to what such principal sumes would produce at the rate of five per cent."

Hospital Records,
vol. ii. p. 135.

28th August 1771.

"Baillie Wright, from the Committee on the Trinity Hospital Affairs, to whom the proposal from the Merchent Company for purchasing a right of presentation to the Trinity Hospital was remitted, reported they had caused make a calculation of the expense of maintaining a member thereof upon a medium of the annual expense for the last six years preceding the first November 1770, and find it to be fifteen pounds, nineteen shillings, and sixpence sterling per annum. That at present a right of presentation of a burges (such as that now proposed to be purchased) is rated at two hundred pounds sterling of purchase money, and one as large as (£250) two hundred and fifty pounds. From whence it is evident that the Hospital must lose upon every presentation they sell at this rate, especially considering that no more than four per cent. can be had for money lent for any length of time, payable half-yearly, which

Hospital Records,
vol. v. p. 21.

Excerpts from
Statutes.

the Hospital's affairs require; and therefore were of opinion that before disposing of any more of these presentations, the Council should fix such a price thereof as is adequate to the annual maintenance of the presentee."

25th March 1772.

Hospital Records,
vol. v. p. 45.

The Magistrates enacted and statuted in terms of the Report of a Committee, by which they "did find that neither the interest of two hundred pounds for a restricted presentation, nor the interest of two hundred and fifty pounds for a presentation at large formerly paid for rights of presentation to the Hospital, are adequate to the present expense of maintaining a member therein, and therefore were of opinion that the Council as Governors of the Hospital, should for the future fix and settle the same in manner following, viz., for a right of presentation at large, three hundred and fifty pounds, and for a restricted presentation, to witt for a burges or gild brother's widow or child, three hundred pounds, and the Committee were further of opinion that the statutes of the Hospital should be reprinted with the above alteration." "Further, the Committee were of opinion that the Council should appoint the purchase money of a patronage to be advertised in the newspapers, and also to be printed on a board over the Hospital gate, as the Report under the hand of the Committee bears. Which being considered by the Magistrates and Council, they, with the Extra^r Deacons, approved of the said Report, and did, and hereby do, enact, statute, and appoint accordingly."

Resolution adopted 2d September 1795.

Hospital Records,
vol. vi. p. 273.

"That in future each Member, previous to his or her admission to the Hospital, should not only continue to grant a disposition *omnium bonorum* in favour of the Hospital of everything they are possesst of previous to their admission as at present, but that in the same deed they should bind and oblige themselves, in the event of their succeeding to any heritable or moveable subject other than what they are possesst of at the period of their admission, to assign and dispone at least so much thereof as will completely reimburse the Hospital of every charge and expense its revenue may have been put to, on such member happening to succeed to or acquire any future accession of fortune, whether heritable or moveable; and upon refusing to comply with the above, such person or persons should forfeit the benefit of the Hospital, and be dismissed therefrom, and that in their stead needy persons should be admitted from time to time. And the Committee are also of opinion, that this regulation should be intimated and read to every person who shall in future obtain the benefit of the Hospital, previous to such admission taking place: It being always understood that this regulation is meant only to extend to those to be admitted by the

Governors on the Burges Fund, and not to affect persons admitted in consequence of Presentations from the Representatives of those who purchased rights of Presentation.”

Excerpts from
Statutes.

17th May 1797.

A representation was read, which bore:—“That it is now found that the interest arising from the above sums is inadequate to the expense of supporting a member in the Hospital at present owing to the prices of all the necessaries of life, and after consulting the Treasurer of the Hospital, the representer was of opinion, and moved, that the Governors should pass an Act declaring and ordaining that in future the sum to be paid for a presentation at large shall be the sum of four hundred pounds sterling, and for a restricted presentation, to wit, for a burges or guild brother, burges or guild brother's widow or child, the sum of three hundred and fifty pounds sterling. Which representation and motion having been seconded, the same was unanimously approved of; and the Council ordained that the respective sums before mentioned shall be paid for rights of presentation to the Trinity Hospital from and after this date, and that this Act shall continue in force untill the same shall be altered by the Magistrates and Council.”

Hospital Records,
vol. vi. p. 352.

22d August 1821.

“Your Committee, in going over the present Statutes and existing Acts of the Governors, with a view to adapt them to the present times, have not found much to alter. They have endeavoured to embody in the following Statutes such detailed rules as at present stand on the authority of Acts of the Governors passed since the Statutes were framed; and in presenting the regulations underwritten for their consideration, the Committee beg leave to suggest that if the Governors shall think fit to adopt them, it will be necessary to suspend the operation of all the Acts of the Governors containing separate regulations, and which are henceforth to be considered as superseded by the following Statutes:—

Hospital Records,
vol. viii. pp. 162-
174.

“1st. The sole Governors of the Hospital are, and shall be, the Lord Provost, Magistrates, and Council of Edinburgh, with the Deacons of Crafts Ordinary and Extraordinary, in Council assembled.

“2d. The Council of Governors (whereof a quorum is declared to be the same as the quorum of the Town Council by the Sett) shall have power and authority to govern the Hospital; to censure, punish, and expel persons entertained in it; to chuse, censure, and dismiss all Officers and Servants; to direct its economy within and without doors; to act with the Treasurer; and in general to order all its affairs as occasion requires, determining and concluding by majority of votes. And as the ordinary stated meetings of the Town Council are on Wednesday weekly, all business respecting the Hospital shall

Excerpts from
Statutes.

be then and there transacted, and a separate and distinct record thereof kept as at present, without prejudice to the Governors to meet oftner, or at other times and places, as they shall see cause.

“3d. The persons entitled to be admitted into and maintained in the Hospital, or to receive an out-pension, shall be either Burgesses, wives of Burgesses, or children of Burgesses, not married, or under the age of fifty years, and the number of Persons to be constantly entertained shall be so many as the Revenue of the Hospital can maintain, after deduction of the charge of management, and of supporting the fabric.

“4th. The donor of the sum of Three hundred and fifty pounds sterling shall be entitled to present to the Council of Governors a man or woman qualified in all respects as in the foregoing Statute; and the donor of the sum of Four hundred and fifty pounds shall be entitled to present to the Governors any person whatsoever who is not married nor under fifty years of age, to be admitted into and maintained in the Hospital at the end of six months after payment of the respective sums before mentioned; and the said privilege shall descend to his heirs and successors whatsoever, providing nevertheless that no person be presented upon the decease of another, till twelve months shall have elapsed.

“5th. All persons admitted into the Hospital shall be provided with decent apparel, wholesome food, and convenient lodging, and furnished with clean linen, bed, and bed cloaths. They shall have such allowance paid to them weekly for petty incident charges as the Council of Governors shall think fit, and shall be decently buried at the Hospital's expense. And each person shall solemnly promise to demean themselves orderly in the Hospital, to be obedient to the orders of the Governors, and to obey the Treasurer, Chaplain, and Mistress in all their just and lawful commands, and shall sign a deed by which they transfer and dispose to the Treasurer, for behoof of the Hospital, all the goods and gear, money and effects, they are possessed of at their admission. And, moreover, in terms of the Act of the Governors, 2d September 1795, they shall likewise, in the same deed, bind and oblige themselves, in the event of their succeeding to or acquiring any heritable or moveable subjects other than what they were possessed of at the period of their admission, to assign and dispoise at least so much thereof as will completely reimburse the Hospital of every charge and expense its revenue may have been put to on their account, and upon refusing to comply with the above, such person or persons shall forfeit the benefit of the Hospital, and be dismissed therefrom, and that in their stead needy persons shall be admitted from time to time. And it is ordered that this regulation shall be intimated and read to every person who shall in future obtain the benefit of the Hospital, previous to their admission thereto; it being always understood that this Regulation is meant only to extend to those to be admitted by the Governors, and not to affect persons admitted in consequence of presentations from the Representatives of those who purchased rights of presentation.

"6th. That a Treasurer shall be appointed, with a suitable salary, and in all time coming he shall, before entering on his Office, find caution to the satisfaction of the Governors to the extent of five hundred pounds, for the faithful discharge of his trust; and that a Chaplain, Mistress, and other officers and servants shall be appointed by the Council as the exigencies of the Hospital require.

"7th. The business of the Treasurer shall be to frequently visit the Hospital in order to inspect the conduct and behaviour of all the officers, servants, and persons entertained in it, to report to the Governors what he may observe amiss, to receive the Revenue, and in general to perform the whole duties of a factor, to defray the expense of the Hospital, and to keep regular Books of Accounts in the form to be prescribed to him by the Governors, to inspect the behaviour of the people in the Hospital in a particular manner, to superintend the execution of the Governors' orders, and keep all the papers belonging to the Hospital in the Charter House in due order.

"8th. The province of the Chaplain shall be to inspect the manners and behaviour of all the persons in the Hospital, particularly of the men, and to report what he finds amiss to the Treasurer; to discourse with them, counsel, advise, and reprove them as occasion requires; to officiate by praying with them in the morning and evening, asking God's blessing and returning Him thanks at meals; and further, to do what else the Governors shall from time to time direct concerning his office. He shall be maintained and entertained in the Hospital at bed and board, and his Salary shall be such as the Governors shall appoint.

"9th. The business of the Mistress shall be to inspect the manners and behaviour of all persons in the Hospital, particularly that of the women, and to report what she finds amiss, and officiate as housekeeper, taking charge of the provisions of meat and drink brought into the Hospital, overseeing the dressing and disposing thereof, and accounting for it to the Treasurer; and further to do whatever the Governors shall from time to time direct concerning her office. She shall be maintained and entertained in the Hospital, and her Salary shall be such as the Governors shall appoint.

"10th. That the Surgeon shall make a monthly report of the state of Health of the Inmates, and before any person presented to the Hospital shall be admitted to the House, the Surgeon shall be required to see them, and to report to the Treasurer whether the person presented labours under any disease that may render it dangerous and improper to receive him or her into the House; and in the event of the Report of the Surgeon being against the admission of any person, the Treasurer shall immediately bring the matter under the notice of the Governors.

"11th. All the members of the Establishment shall be obliged to attend prayers evening and morning, except in case of sickness, and the names of absentees shall be marked in a Book and reported to the Treasurer, in order that he may lay the same before the Governors.

Excerpts from
Statutes.

"12th. All the Inmates shall be in the house by Eight o'clock at night, both in the winter and summer. The Bell to be rung at that hour, the roll to be called, and the persons absent to be marked in a Book to be kept by the Chaplain for that purpose. The doors to be locked at the above hour, and none to be admitted into or go out of the house thereafter without the express permission of the Chaplain or Mistress.

"13th. Every Governor shall at his admission, and before he enter upon the exercise of his Office, take the following oath, to be administered to him by the City Clerk, viz. :—I, _____, do faithfully promise and solemnly swear that I will punctually observe the Statutes of this Hospital, and demean myself uprightly, disinterestedly, and honestly, in the choice of officers and servants, and in all matters which concern the Hospital. And if I, at any time, find any person attempting or endeavouring to embezzle its revenue or defraud it in any manner, I will vigorously oppose him, and reveal it to the Council of Governors. This I promise and swear by God, as I shall answer to God at the great day.

"Every Treasurer shall in like manner, before he enter upon the exercise of his Office, take the following oath, viz. :—I, _____, now appointed Treasurer of the Trinity Hospital, do faithfully promise and solemnly swear that I shall faithfully and honestly perform all that is required of me by the Statutes of this Hospital by God, and I shall answer to Him at the Great Day. And the same oath *mutatis mutandis* shall be taken by the Chaplain and by the Mistress. (Signed) JOHN TURNBULL, *Preses.*"

"The Governors having considered the foregoing Report, Statutes, and Regulations, approved of the same, enacted and declared in terms thereof, directed the same to be printed for the use of the Governors."

*Resolutions adopted with Reference to the Closing of the Hospital,
9th December 1845.*

"1. That the Inmates now on the roll shall continue in the meantime to receive ten shillings per week, in the manner and under the conditions stated in the Minute of the Governors, dated 23d April 1845.

"2. That application shall be made to the Governors of James Gillespie's Hospital, to receive into that Hospital, on such terms as may be agreed on, such of the present Inmates of Trinity Hospital as would prefer this to the money allowance which they are now receiving.

"3. That until the erection of a new Hospital, every person hereafter chosen by the Governors for admission into the house shall receive twenty pounds per annum in full of every claim, to be paid by the Treasurer in such manner as shall in each case be judged most expedient, provided their conduct in all respects shall be such as is required by the Statutes. At the opening of

the new Hospital, their state of health shall be certified by the Surgeon ; and, if satisfactorily reported on by him, they shall provide the furniture required by the Statutes. If the report be unsatisfactory, or if they fail to provide the furniture, said persons shall continue to receive the annual allowance as before.

“4. That letters should be addressed by the Treasurer to those individuals and public bodies who are entitled to present persons for admission into the Hospital, requesting them, under the very peculiar circumstances of the Hospital, to require every person to be hereafter presented by them for admission to conform to the above arrangement.

“5. That such letters should explain that, if more agreeable to the patrons to present two qualified persons on occasion of each vacancy, each of whom should receive one-half of the proposed money allowance, the Governors have no objection to their doing so,—it being of course understood, that when the new Hospital shall be ready, neither of such sets of presentees should be entitled to admission while both are alive, and that on the death of either, the survivor should be entitled to admission only on the footing of article 3^d.”

Excerpts from
Statutes.

22d August 1854.

“Read Report of the Committee to whom was remitted Representation by the Clerks regarding the mode of recording the Council’s proceedings as Governors of the Hospital; which Representation and Report are of the following tenor:—

Hospital Records,
vol. xiv. p. 153.

“Edinburgh, 7th August 1854.

“The Clerks beg to submit the following statement to the Magistrates and Council, as Governors of Trinity Hospital :—

Hospital Records,
vol. xiv. pp. 157-
160.

“Anterior to 1720, their proceedings in reference to Trinity Hospital were engrossed in the Council Records, in common with those regarding other matters under their charge. In the year mentioned, the management of the Hospital and all its concerns, excepting the election of inmates, was devolved on a body called the Trinity Hospital Council, consisting of twenty-one persons, whereof six were not members of the Town Council.

“The Council thus constituted had a Clerk of their own, and, as a necessary consequence, a separate record of their proceedings was commenced to be kept.

“Matters continued on this footing until 1730, when it was determined by Lord Islay’s Decree-Arbitral, that the sole power and right of governing the Hospital belonged to the Town Council, and that they could not delegate the same to any other person or persons whatsoever. The separate clerk was, however, permitted to continue until 1737, when the Council determined that the office of clerk to them, in their character of Governors, was inherent in the Town Clerks, and the person then in office in the separate character was superseded.

Excerpts from
Statutes.

“Notwithstanding that the reasons which had obviously led to the keeping of a separate Record no longer existed, the Record has continued to be kept down to the present day, sometimes more and sometimes less perfectly than at others.

“In the opinion of the clerks this system is attended with various disadvantages. The making up of the separate Record is very apt to be regarded as a secondary piece of business. The Minutes are never read in Scroll, and are thus not subjected to review, neither are they signed in open Council like the ordinary Minutes of the Town Council. Other disadvantages might be stated, but these seem sufficient to warrant the clerks in submitting for consideration, whether the principle according to which the proceedings of the Town Council in reference to every other trust under their charge, such as the College, the High School, Dr Bell's Trust, Mr Lennie's Trust, are engrossed in one and the same record with the more strictly municipal transactions of the Council, should not be again extended to their actings in reference to the affairs of Trinity Hospital.

“No fear need be entertained that by the proposed change there would not be the same facility of access to the Records as at present. The index to the Council Records, which is faithfully kept up, would afford everything that could be desired on this head.

“If the Governors acquiesce in the foregoing views, it will be necessary to rescind so much of the existing Statutes as directs a separate Record of their proceedings to be kept. (Signed) JOHN SINCLAIR.”

“*Edinburgh, 14th August 1854.*

“The Trinity Hospital Committee having considered this Representation, approve thereof, and Recommend to the Governors,

“1. To resolve that from and after the ensuing annual election of Councillors the Minutes of the Council, as Governors of Trinity Hospital, shall be engrossed in the Council Records, and dealt with in all respects in the same manner as the other Minutes of the Town Council.

“2. To rescind so much of the existing Statutes as directs a separate Record to be kept of the Council's proceedings as Governors of the Hospital.

“(Signed) AD. MORRISON, P.”

“The Governors approved of the foregoing Report, and Resolved and Rescinded accordingly.”

14th October 1862.

“*Edinburgh, 10th October 1862.*—The Treasurer's Committee having considered the representation by the City Accountant, and having conferred with the Trinity Hospital Committee, beg to recommend that a sum of £80 per annum be

Hospital Records,
vol. xiv. p. 160.

Council Records,
vol. cclxxxv. p. 122.

charged against the Hospital funds, for management, as from Candlemas last, at which date the charge of the Hospital accounts devolved on the officials in the City Chambers. The sum to be so charged will fall to be placed to the credit of the City's Municipal Account. (Signed) JOHN GREIG, Tr.'

Excerpts from
Statutes.

"The Magistrates and Council approve of the foregoing Report, and directed accordingly."

8th September 1863.

"Two inmates admitted to Hospital on Burgess Fund, and four out-pensioners appointed on Burgess Fund."

Council Records, vol.
cclxxxvii. p. 118.

Gift of a Right of Patronage.

"*Edinburgh, 2d November 1732.*—They, for the many great and good services done by the said Andrew Gardner to this Hospitall, granted and disponded to him and his heirs and successors the right and privilege to present a man or woman to the Council of Governours of this Hospitall, who shall be qualified in all respects as the Statutes of the Hospitall directs, and who shall be admitted into and maintained in the said Hospitall according to the known custom thereof: Providing always that no person be presented by the said Andrew Gardner or his forsds. untill twelve months elapse after the decease of the first person to be presented, and so furth for the future."

Hospital Records,
vol. i. p. 46.

V.

REGULATIONS as to Admission of Burgesses and Guild Brethren.

Regulations as to
Admission of
Burgesses, etc.

"28th September 1871.

"The Magistrates and Council approved of the following Report:—

"Previous to the passing of the Act of Council 8th October 1861, it was a sufficient qualification for admission as burges of the city, that the applicant had carried on business on his own account for one year, or been a householder for three years of uninterrupted occupancy within the ancient or extended royalty at the time of admission. And these conditions were subject to exceptions in favour, (1), of persons entering in right of their masters; (2), of persons entering any of the City Trades Incorporations; (3), of persons entering the Merchant Company; (4), of the officials of the city and Heriot's Hospital. By the Act of Council of 8th October 1861, above referred to, it was declared, 'That unless a specific motion for admission of honorary burgesses, and in the case of persons elected members of Council, no person should in future be admitted a burges of the city who shall not produce satisfactory evidence that he has carried on business as a master within the city for at least three years immediately preceding the date of the application, or that he has resided at least six years within the city immediately preceding the date of application, and occupied as owner or as tenant a private dwelling-house assessed at not less than £15 sterling of annual rent for at least three of these years.' By Act of Council of 4th February 1862, the exception in favour of persons entering the Merchant Company was revived; and by another Act, of date 7th July 1868, the exception in favour of the officials of the city and Heriot's Hospital was renewed. The difference between the existing conditions and those in force prior to October 1861, consists, therefore, in the exclusion (1), of persons entering in right of the masters in the Incorporated Trades to whom they have served regular apprenticeships; (2), of persons desirous of becoming members of such incorporations, burges-ship being a condition of entry; and (3), the condition of six years' residence instead of three, or carrying on business for three years instead of one year. The Committee unanimously recommend that the exception in favour of apprentices and proposed members of the Trades Incorporations be revived, and that the former condition shall qualify citizens for admission, viz., that the party shall have carried on business on his own account for one year, or been a householder for three years of uninterrupted

occupancy at the time of admission, within the city; with this qualification, that the claimant shall instruct payment by him of the police and poor rates chargeable against him during such periods." Regulations as to Admission of Burgesses, etc.

EXCERPT from Act of Council, dated 18th May 1869.

A petition by Helen Stevenson or Marshall, who kept shop 144 Cowgate in her own name, and stating that her husband was alive but not living with her, and that she had four children, and "desired admission in order that they might give her the power to purchase a Burgess ticket in the name of her husband, so that her children may have a chance of reaping some benefit from it in the event of anything occurring to herself," was remitted to a Committee, who reported:—

. . . "Having regard to the fact that the essential conditions of burgess-ship in this city at the earliest times has been, as it is expressed in the old Records, that they should 'hald stob and staik therein and walk ward, pay extentis and shattis within the burgh conforme to their substance,' and that there is sufficient precedent for doing so, the Committee are of opinion that the woman herself should be admitted burgess. She fulfils all the conditions above-mentioned, and there appears no good ground in reason or equity why she should be excluded from any benefit attaching to the fulfilment of these conditions.

"W. CHAMBERS, L. P."

The Magistrates and Council approved of the general principle.

14th June 1869.—Under remit of powers, the Committee authorised admission of Mrs Marshall as burgess, and she was admitted. Guild Record, of date 21st June 1869.

FEES OF ADMISSION.

Burgess or Guild Brother.

In right of father, wife, or master,	£4 5 0
As stranger,	£5 5 0

Burgess and Guild Brother.

If father, wife, or master, a Burgess and Guild Brother,	£8 5 0
If father, wife, or master, a Burgess only,	£9 5 0
If stranger,	£10 5 0

Burgess.

Any person elected councillor,	£0 11 0
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Regulations as to
Admission of
Burgesses, etc.

19th Sept. 1865.
Council Records,
vol. ccxci. p. 111.

MERCHANT COMPANY.

Approved of a report recommending that as regards persons joining the Merchant Company, the Council should restrict the fees on admission of Guild Brethren to one half of those at present exacted, making the total fees payable by Burgesses and Guild Brethren joining the Merchant Company as follows:—

I. If father or father-in-law a Burgess and Guild Brother,		£6 5 0
Burgess,	£4 0 0	
Guild Brother,	2 0 0	
Stamp,	0 5 0	
	<hr/>	
	£6 5 0	
II. If father or father-in-law a Burgess only,		£6 15 0
Burgess,	£4 0 0	
Guild Brother,	2 10 0	
Stamp,	0 5 0	
	<hr/>	
	£6 15 0	
III. In other cases,		£7 15 0
Burgess,	£5 0 0	
Guild Brother,	2 10 0	
Stamp,	0 5 0	
	<hr/>	
	£7 15 0	

VI.

EXCERPT from Observations by Governors of Trinity Hospital
on Draft Report.Excerpt from
Observations by
Governors.*Alexander Mortification.*

The Governors entirely object to the inference drawn by the Reporter on page 53, "That the ordinary administration in reference to this mortification may be restored to the tenor in which it was directed by the truster, and the patronage placed in the hands, not of the Provost, Bailies, and Council alone, but in conjunction with the ministers of Edinburgh, present and to come." For two hundred years the Lord Provost, Magistrates, and Council have administered this mortification; and they maintain that, if in point of law the ministers of Edinburgh had originally a right of presentation along with the present Governors, that right has lapsed by non-usage. If a conjunct administration was again proposed, it could lead to nothing but litigation, and endless questions as to the amount of the funds of the mortification, the proportionate increase thereon, and a separate system of accounts, which the Governors maintain is not required. A question might arise also as to who, in the present day, were included under the title of the ministers of Edinburgh. A general expression of this kind is used in the Charter of the Royal Infirmary; and it has been maintained, in reference to that description, that any minister labouring in any settled charge in Edinburgh, whatever was his denomination, was eligible for a governor for that institution.

Observations on Scheme proposed by Reporter.

The Lord Provost, Magistrates, and Town Council have no objections to the scheme proposed, except to the extent after mentioned. They consent that a portion of those who are presented to the benefit of the Charity should be selected from the class of persons labouring under incurable disease, and they are also disposed to make trial for a short time of the alteration on the scale of payments proposed by the Reporter; but they are very strongly of opinion that, for the permanent administration of the Charity, there should be only two scales—the one scale being £15, instead of £10; and the other £25, instead of £20. At first it may be considered prudent to have four scales; but the

Excerpt from
Observations by
Governors.

Governors ought to have the power to drop the £10 and £20 annuities when they feel it expedient to do so, and return to two scales as heretofore, increased as above explained.

The Governors also approve of a more efficient surveillance than has hitherto been exercised over the recipients of the Charity. But they decidedly object to the suggestion made by the Reporter, that the recipients of relief should not be limited to burgesses. The applicants are so numerous at present, that, if the restriction as to their being burgesses were taken away, it would almost be impossible for the Governors to overtake, investigate, and to decide upon the claims of the parties applying. The Governors would therefore suggest that the rule should be—That, in the first instance, the applicants should be confined to burgesses; and if at any time there should not be a sufficient number of applicants from the burgess class whose claims were strong enough to entitle them to admission into the benefits of the Hospital, that the Governors should have power, in that event only, to extend the benefits of the Charity to those who are not burgesses.

The Governors are further of opinion that permanent residence in Edinburgh should not be made obligatory on the recipients of the benefits of the Charity. There is no doubt that their removal from Edinburgh interferes with their proper superintendence; but the Governors are of opinion that everything necessary in this respect would be attained by making a rule, that the consent of the Governors to their removal from Edinburgh should be necessary before such removal, so as to entitle them to continued relief from the fund. In order to secure better superintendence, the Governors would propose that, instead of a lady superintendent, as suggested in the Report, the medical officer be entrusted with the superintendence of the whole pensioners, and that he should be bound to visit each one of them at least twice a year, and give in a report on each case to the Governors after his visitation. In the event of any of the pensioners residing at such a distance as would prevent a personal call from the medical officer, then the Governors think he should be authorised to employ a medical man in the place where the pensioner or pensioners reside, to report on their state and condition, and that that report should be produced to the Governors along with the medical officer's half-yearly report.

The Governors have further to suggest that, instead of laying down an absolute rule that one-fourth of those on each scale presented by the Governors should be selected from the class of persons labouring under incurable diseases disabling them from exerting themselves to earn their own livelihood, the rule should be that *not more than* one-fourth on each scale should be selected from that class. The Governors ask the rule to be altered as they suggest, because it may frequently occur that it would be impossible to get such a large number of the class referred to applying for the benefits of the Charity. This has been their past experience, and they are satisfied it is likely to occur again.

VII.

FORM OF DISPOSITION exacted from Beneficiaries on the Inmate Roll.

Form of Dis-
position
exacted from
Beneficiaries.

DISPOSITION (*Omnium Bonorum*) by
in favour of the Treasurer of the Trinity Hospital of Edinburgh, for
behooof thereof.

I, _____, considering that the Lord Provost, Magistrates, and Council of the City of Edinburgh, Governors and Administrators of the Trinity Hospital of said City, by their Act of date the _____ day of Eighteen hundred and _____, admitted me a Member of the said Hospital and that upon the usual conditions, particularly upon condition of my granting a Disposition *Omnium Bonorum* in favour of the said Hospital, in manner underwritten: Therefore I do hereby Assign, Dispone, Convey, and Make Over, to and in favour of _____, Treasurer of the said Hospital, and his Successors in Office, in name and for the use and behoof of the said Hospital, the whole heritable and moveable means and estate at present pertaining to me, dispensing with the generality hereof, and admitting these presents to be as valid and effectual to all intents and purposes as if every particular hereby conveyed were expressly engrossed herein and set down: Surrogating and Substituting the said Treasurer and his foresaids, in name and for the use and behoof of the said Hospital, in my full right and place of the premises for ever; Receipts and Discharges to grant in whole or in part which shall be sufficient to the receivers, and generally every other thing in the premises to do, which I could have done myself before the granting hereof; And further, in terms of the Statutes of the said Hospital, I Bind and Oblige myself, my heirs, executors, and successors whomsoever, in the event of my succeeding to any heritable or moveable estate at any future period of my life, to assign, dispone, and convey to the Treasurer of the said Hospital for the time, at least so much thereof as will completely reimburse the said Hospital of every charge and expense its Revenue may have been put to on my account, and that immediately upon my succeeding to or acquiring any accession of fortune, whether heritable or moveable; Moreover I do hereby with and under the provision and declaration aftermentioned, Give, Grant, Assign, and Dispone to and in favour of the said _____, Treasurer of said Hospital, and his Successors in Office, in name and for the use and behoof of the said Hospital, All and Sundry Lands and Heritages, and in general the whole estate, heritable and moveable, real

Form of
Disposition
exactd from
Beneficiaries.
—

and personal, of what kind or denomination soever or wheresoever situated, at present belonging and addebted, or that shall belong and be addebted to me at the time of my death; together with the whole vouchers and instructions, writs and evidents of, and concerning my said estate, with all that has followed or may be competent to follow thereon; Providing and Declaring always that the said Treasurer and his foresaids shall account to my heirs and assignees for the residue of my said estate after reimbursing the said Hospital of every charge and expense its Revenue may have been put to on my account; And I hereby Nominate and Appoint the Treasurer of the said Hospital for the time to be my Sole Executor, with full power to intromit with my whole moveable estate, to give up Inventories thereof, to confirm the same, and generally to do everything competent in the premises; And I Bind and Oblige myself and my foresaids to warrant these presents to be good and valid to the said Hospital from my own proper facts and deeds done or to be done in prejudice hereof; And I Consent to the registration hereof for preservation and execution. In Witness Whereof.

VIII.

TEINDS OF WEMYSS.

Teinds of
Wemyss.

EXCERPT from Minutes of Council of 26th April 1842.

Read a Report by the Law Committee, to whom was remitted Report by the clerks concerning the City's Teinds, both which are of the following tenor:—"In terms of the remit made to them on 29th ultimo by the Magistrates and Council, 'to examine into the state of the Teinds belonging to the Lord Provost, Magistrates, and Council, in the view of ascertaining their value, and how far it may not be possible to render them more available,' the clerks have made the requisite inquiries, and have now to report:—

Report by the Clerks.

"That the Lord Provost, Magistrates, and Council, as Patrons of the University or College of Edinburgh, are titulars of the whole teinds of the parishes of *Currie* and *Gogar* (now annexed to Corstorphine) in Midlothian; *Wemyss* in Fife; *Kirkcud* in Peebles; *Lempitlaw* (now annexed to Sprouston) in Roxburghshire; and *Dumbarney* in Perthshire; and of the vicarage teinds only of *Livingston*, Linlithgowshire. . . .

"That in Table 7, page 45, of the 'Third Report of the Commissioners of Religious Instruction in Scotland,' it is stated that the teinds of the parish of Wemyss amount to £1319, 14s. in money, while the minister's stipend is only £253, 11s. 3d., leaving an apparent unappropriated surplus of no less than £1066, 2s. 9d., which, if correct, would belong to the Town Council. But unfortunately that statement is qualified by the terms of the Report itself (pages 7 and 8), which bears 'that the value of the gross teinds was obtained either from decrees of valuation, or, *where the teinds have not been previously valued*, from the rental of the lands, the fifth of the rent being taken to be equal to the teind; but that the Commissioners had been unable in many instances to discover whether the postponed teinds have been valued or not, and may therefore have stated them at their present value, when in truth the heritors may be in possession of decrees of valuation which they have not yet found it necessary to exhibit, or which may have been lost.' Wemyss is one of the parishes in the predicament referred to; and, as appears from the process in the Teind Office, the gross teinds were estimated at the fifth part of the proven rent, owing to the non-production of the decree of valuation which has been lying buried in the City's Charter-House these two centuries. This decree bears date 17th July 1635, and declares the value of the teinds in all time

Teinds of
Wemyss.

coming to be thirteen chalders, nine bolls, two firlots, one peck, two lippies and half of a lippy of victual, two parts bear, and one-third meal for the parsonage, and £250 Scots in money for the vicarage teinds. This amount of teinds appears to have been estimated at the money value of 2000 merks, or latterly, £113 sterling, which sums were paid for many years by the heritors of Wemyss to the Town Council, who in turn paid out of them the minister's stipend. Their value, calculated according to the fair prices of 1841, including the vicarage money payment, is about £204. The actual stipend, however, amounts to an average annual value of £253, 11s. 3d., considerably exceeding the amount of the whole valued teind, which seems to be owing to the heritors' ignorance of the existence of the decree of valuation; but as the teinds have been really valued and exhausted, the Town Council have obviously no farther interest in the matter."

"*Edinburgh, 20th April 1842.*—The Committee having considered this Report, are of opinion that the proper steps should be taken to put an end to the possession of His Grace the Duke of Buccleuch of the teinds of Lempitlaw, and that steps should also be taken to surrender the teinds of Livingstone.

"(Signed) ALEXANDER S. LOGAN."

The Magistrates and Council approved of the foregoing Report of the Law Committee, and recommitted, in order that the same might be carried into effect.

IX.

LETTER from the Rev. R. H. STEVENSON, D.D., on behalf of himself and the Ministers of Edinburgh, to Professor Macpherson.

Letter from Rev.
Dr Stevenson.

9 Oxford Terrace, 11th March 1873.

Alexander's Mortification.

MY DEAR SIR,—On referring to the deed of Mr James Alexander, in which he bequeathed certain sums of money to be applied to the relief of “indigent” persons, I have no doubt that the ministers of Edinburgh are therein appointed to act conjointly with the Magistrates and Council of Edinburgh in the administration of the trust.

The ministers of Edinburgh under whose notice I brought the matter, are of the same opinion; and although it does not appear that they were ever called to any meeting at which persons were elected to the benefits of the Alexander fund, they are unanimously of opinion that their right to a share in the administration is unquestionable; and I am requested to intimate to you their unanimous desire, that in reporting to the Court on that and the other matters remitted to you, you would do them the favour to report this opinion, and also their wish that the Court would be pleased to issue such order as shall in future secure to them their proper rights as “patrons” of Alexander’s Grant and Mortification.—I am, Dear Sir, yours most truly,

R. H. STEVENSON.

Professor MACPHERSON.

X.

ALEXANDER'S MORTIFICATION.

TRINITY HOSPITAL—Abstract of Payments from 1st November 1819 to
1st November 1820.

Maintenance and Medicine,	£794	1	3
Clothing,	108	0	2
Coals and Candles,	134	7	6
Salaries—			
Chaplain,	£30	0	0
Governess,	30	0	0
Women, Servants, and Porter,	21	6	0
		81	6 0
Public Burdens,		0	3 9 $\frac{1}{2}$
Plenishing and Utensils,		86	14 8
Funeral Expenses,		2	15 0
Repairs to Hospital,		198	12 9 $\frac{6}{12}$
Incidental Expenses, viz.—			
Insurance,	£1	0	0
Newspaper,	4	13	0
		5	13 0
		£1411	14 1 ¹⁰
Less—Effects of Dead Members,		17	5 1
		£1394	9 0 ¹⁰
Cost of 35·816 Inmates, being average during year,	£38	18	8
ALEXANDER FUND—			
Inmates, 4 in number, at above rate,	£155	14	8
Out-Pensioners, 4 in number, at £6 each,	24	0	0
Amount of Expenditure,	£179	14	8
Income at 5 per cent. on £2270, 0s. 8d., being,	113	10	0
Over-payment for the year,	£66	4	8

XI.

RETURN shewing the number of Presentations to Trinity Hospital presently held by the Governors themselves, and the names of other Patrons and number of Presentations held by each. Number of Presentations, etc.

NAMES OF PATRONS.	No. of Presentations.
1. The Governors on the Burgess fund, "So many as the revenues of the Hospital can maintain, after "deduction of the charge of management, and of supporting "the fabric." Statutes, § iii.—Provision must of course be made, in the first instance, for the presentees of those who have acquired rights of presentation.	1
2. The Governors of Alexander's fund, besides six out-pensioners,	2
3. Incorporation of Skinners and Furriers,	4
4. Do. of Shoemakers,	1
5. The Merchants' Company,	2
6. The Ministers of Edinburgh,	1
7. Do. of Old Greyfriars,	1
8. The Kirk-Session of New Greyfriars,	2
9. The Earl of Rosebery,	1
10. Do. Dalhousie,	1
11. Lady Forbes,	1
12. Mr Hog of Newliston,	1
13. Representatives of Captain Innes,	1
14. Trustees of Thomas Fraser,	1
15. Andrew Gairdner's heirs,	1
16. M. Whyte Melville,	1
17. Thomson Paul, W.S.,	1
(Exclusive of Governors),	20

(Signed) JOHN SINCLAIR.

City Chambers, Edinburgh,
29th May 1845.

XII.

EXCERPT from List of In-door Pensioners for 1871, given in by the
Governors.

Excerpt from
List of In-door
Pensioners for
1871.

3. Incorporation of Skinners and Furriers, . . .	{ Janet Clark, Janet Leggat, whom failing, Jane Leggat, John Wight, Melville Hutchison,	4
4. Do. of Shoemakers, . . .	Elizabeth Morison,	1
5. The Merchants' Company,*	{ Elizabeth M'Naughton, half-pension (Beech's Mortification), Ann Calder, half-pension,	$\frac{1}{2}$ $\frac{1}{2}$
6. The Ministers of Edin- burgh.†		
7. Do. of Old Greyfriars, . . .	{ Ann Calder, half-pension, Alison Moffat, do.,	$\frac{1}{2}$ $\frac{1}{2}$
8. The Kirk-Session of New Greyfriars,	{ Ann Brown, Xavaria Crockat,	2
9. The Earl of Rosebery, . . .	Jessie Matthew,	1
10. Do. Dalhousie,	{ (Brown of Dalgourie Mortification, belongs to Lady Susan Brown Bourke).†	
11. Lady Forbes,	Lilias Ferguson,	1
12. Mr Hog of Newliston.†		
13. Representatives of Captain Innes (Murray's Mortifi- cation, belongs to Mr Andrew Grierson, W.S.)	{ Betty Gillespie,	1
14. Trustees of Thomas Fraser,	James Leslie,	1
15. Andrew Gairdner's heirs,	Hannah Grierson,	1
16. M. Whyte Melville,	Mary M'Donald,	1
17. Thomson Paul, W.S.,	Margaret Currie,	1

Penman's Mortification is omitted by the Governors from both lists, as they had bought it up.

* Had exercised only half their right.

† This presentation vacant. There were thus four private rights of presentation unexercised. As private patrons are not entitled to fill up vacancies for twelve months, it is possible that the patrons had no right to have filled up these.

XIII.

STATEMENT of Over and Underpayments to Beneficiaries on Alexander
Mortification.*From 1st November 1800 to 15th September 1873.*

Assuming Income at 5 per cent. on £2270, 0s. 8d. or £113, 10s. per annum.

Years.	Sums paid to Beneficiaries.	Overpayments beyond £113, 10s. per annum.	These Overpayments, less Year's Interest on Accumulations.	Underpayments.	Compound Interest at 5 per cent. on Accumulations, less Overpayments.	Accumulations of Underpayments and Interest.
1801	£54 3 11	£ ...	£ ...	£59 6 1	£ ...	£59 6 1
1802	53 11 11	...	...	59 18 1	2 19 4	122 3 6
1803	56 8 0	...	...	57 2 0	6 2 2	185 7 8
1804	59 17 6	...	...	53 12 6	9 5 4	248 5 6
1805	82 6 1	...	...	31 3 11	12 8 3	291 17 8
1806	76 4 6	...	...	37 5 6	14 11 10	343 15 0
1807	88 0 10	...	...	25 9 2	17 3 9	386 7 11
1808	94 9 6	...	...	19 0 6	19 6 5	425 14 10
1809	103 14 7	...	...	9 15 5	21 4 9	455 15 0
1810	86 13 10	...	...	26 16 2	22 15 9	505 6 11
1811	98 17 7	...	...	14 12 5	25 5 4	530 12 3
1812	122 3 7	8 13 7	...	...	18 11 8	563 16 4
1813	128 4 10	14 14 10	...	...	13 9 0	577 5 4
1814	160 19 8	47 9 8	18 12 5	...	...	577 5 4
1815	146 3 0	32 13 0	3 15 9	...	...	577 5 4
1816	135 3 0	21 13 0	...	...	7 4 3	584 9 7
1817	150 6 0	36 16 0	7 11 6	...	...	584 9 7
1818	133 1 0	19 11 0	...	...	9 13 6	594 3 1
1819	147 16 8	34 6 8	4 12 6	...	...	594 3 1
1820	179 14 8	66 4 8	36 10 6	...	...	594 3 1
1821	150 6 0	36 16 0	7 1 10	...	...	594 3 1
1822	171 19 0	58 9 0	23 14 10	...	...	594 3 1
1823	173 1 8	59 11 8	29 17 6	...	...	594 3 1
1824	173 0 3	59 10 3	29 16 1	...	...	594 3 1
1825	166 17 3	53 7 3	23 13 1	...	...	594 3 1
1826	121 1 6	7 11 6	...	...	22 2 8	616 5 9
1827	134 11 8	21 1 8	...	...	9 14 7	626 0 4
1828	144 0 0	30 10 0	...	...	0 16 0	626 16 4
1829	141 19 2	28 9 2	...	...	2 17 8	629 14 0
1830	143 5 8	29 15 8	...	...	1 14 0	631 8 0
1831	119 0 10	5 10 10	...	...	26 0 6	657 8 6
1832	111 4 2	...	...	2 5 10	32 17 4	692 11 8
1833	107 15 11	...	...	5 14 1	34 12 6	732 18 3
1834	106 5 4	...	...	7 4 8	36 12 10	776 15 9
1835	86 16 2	...	...	26 13 10	38 16 9	842 6 4
1836	90 7 0	...	...	23 3 0	42 2 4	907 11 8
1837	78 0 1	...	...	35 9 11	45 7 7	988 9 2
1838	61 17 0	...	...	51 13 0	49 8 6	1089 10 8
1839	83 16 11	...	...	29 13 1	54 9 6	1173 13 3
1840	93 10 6	...	...	19 19 6	58 13 7	1252 6 4
Carry forward, .	£4616 16 9	£672 15 5	£190 6 0	£595 18 8	£656 7 8	

STATEMENT of Over and Underpayments to Beneficiaries on Alexander
Mortification—*continued.*

Years.	Sums paid to Beneficiaries.	Overpayments beyond £113, 10s. per annum.	These Overpayments, less Year's Interest on Accumulations.	Underpayments.	Compound Interest at 5 per cent. on Accumulations, less Overpayments.	Accumulations of Underpayments and Interest.
Brought forward,	£4616 16 9	£672 15 5	£190 6 0	£595 18 8	£656 7 8	
1841	103 5 4	...	...	10 4 8	62 12 4	£1325 3 4
1842	71 15 5	...	...	41 14 7	66 5 2	1433 3 1
1843	77 18 4	...	...	35 11 8	71 13 2	1540 7 11
1844	87 9 4	...	...	26 0 8	77 0 5	1643 9 0
1845	97 2 8	...	...	16 7 4	82 3 5	1741 19 9
1846	79 0 0	...	...	34 10 0	87 1 11	1863 11 8
1847	79 0 0	...	...	34 10 0	93 3 6	1991 5 2
1848	85 10 0	...	...	28 0 0	99 11 3	2118 16 5
1849	88 0 0	...	...	25 10 0	105 18 9	2250 5 2
1850	88 0 0	...	...	25 10 0	112 10 3	2388 5 5
1851	86 10 0	...	...	27 0 0	119 8 3	2534 13 8
1852	86 10 0	...	...	27 0 0	126 14 7	2688 8 3
1853	88 0 0	...	...	25 10 0	134 8 4	2848 6 7
1854	80 10 0	...	...	33 0 0	142 8 4	3023 14 11
1855	88 0 0	...	...	25 10 0	151 3 9	3200 8 8
1856	88 0 0	...	...	25 10 0	160 0 5	3285 19 1
1857	86 10 0	...	...	27 0 0	169 5 11	3582 5 0
1858	88 0 0	...	...	25 10 0	179 2 3	3786 17 3
1859	72 13 4	...	...	40 16 8	189 6 10	4017 0 9
1860	86 10 0	...	...	27 0 0	200 17 0	4244 17 9
1861	93 13 4	...	...	19 16 8	212 4 10	4476 19 3
1862	120 0 0	6 10 0	...	...	217 6 11	4694 6 2
1863	117 10 0	4 0 0	...	...	230 14 4	4925 0 6
1864	120 0 0	6 10 0	...	...	239 15 0	5164 15 6
1865	115 0 0	1 10 0	...	...	256 14 9	5421 10 3
1866	96 13 4	...	...	16 16 8	271 1 6	5709 8 5
1867	117 10 0	4 0 0	...	...	281 9 5	5990 17 10
1868	115 0 0	1 10 0	...	...	298 0 10	6288 18 8
1869	115 0 0	1 10 0	...	...	312 18 10	6601 17 6
1870	117 10 0	4 0 0	...	...	326 1 10	6927 19 4
1871	110 0 0	...	...	3 10 0	346 7 11	7277 17 3
1872	104 3 4	...	...	9 6 8	363 17 10	7651 1 9
1873	121 13 4	8 3 4	...	...	374 7 9	8025 9 6*
	£7788 14 6	£710 8 9	£190 6 0	£1207 4 3	£6818 5 3	

* To the above sum of . . . £8,025 9 6
Add the Capital 2,270 0 8

TOTAL £10,295 10 2

NOTE.—Professor Macpherson has furnished some of the data on which the sums paid to the Beneficiaries have been calculated.

It is also to be noted that, in making the above calculations, no allowance is made for expense of managing the fund; and that if a charge of 2½ per cent. were allowed on the revenue, including Interest on Accumulations, these Accumulations, instead of being £8025, 9s. 6d., would only amount to £6595, 11s. 6d.

III.

OBJECTIONS for the LORD PROVOST, MAGISTRATES, and COUNCIL of the CITY of EDINBURGH, as GOVERNORS OF TRINITY HOSPITAL, to the REPORT of Professor Macpherson, dated 15th July 1874.

I. OBSERVATIONS on the SUGGESTIONS made by the Reporter with reference to Alexander's Mortification, pages 129 to 146.

1. The Governors object to the rectification of accounts suggested by the Reporter, and to the accuracy of the relative state of over and under payments printed in the Appendix, p. 317-8.

It is not alleged against the predecessors of the Governors that they have diverted any part of the aggregate fund derived from the numerous private and public benefactions reported on, and constituting the Trinity Hospital Charity, to any other purpose than the support of indigent inmates and pensioners of the Hospital. It is only said that the funds derived from Alexander's Mortification have not been kept distinct from the other Hospital funds, and that the record of admissions to the Hospital does not shew a sufficient number of admissions specially charged against Alexander's Mortification. But it appears, from the terms of Alexander's will, as quoted on page 51, that the purposes of that bequest are no ways distinguishable from that of the general fund, except in so far as a limited preference is to be given to applicants of the testator's kindred, or bearing the surname of Alexander, failing which the patrons are to select "such indigent persons, qualified in manner aforesaid, as the said patrons underwritten shall think fit." It consists with the experience of the present Governors and their officials, that during their administration there have not been as many applications from persons of the name of Alexander, being proper objects of charity, as the fund would maintain; and in the absence of such applications, the Governors have been in the practice of appointing indigent

persons without reference to name or relationship, in terms of the alternative power quoted above. They believe that the same scarcity of applications from parties having preferential claims has existed for a very long time ; and accordingly that appointments were often made from the ordinary class of applicants, such appointments not being always noted in the minutes as appointments under Alexander's Mortification, because there was no strong reason for marking the distinction.

2. The proposed rectification of accounts can only be effected by withdrawing money from the general fund, and bringing it to the credit of a capital account in name of Alexander's Mortification. The Governors submit that it would be *ultra vires* of them to diminish the capital of one charity, in order to compensate supposed misapplications of the revenue of another charity, in its past administration.

3. The Governors object to the proposed introduction of the ministers of Edinburgh into the management of the Charity, in the capacity of joint patrons under Alexander's Mortification. The Reporter observes (page 143) that "it does not appear that the ministers of Edinburgh ever desired, or even as a body heard that there had been conferred on them a special interest in this fund." This is possible, but is obviously in the highest degree improbable, and the Governors submit that the presumption is that the ministers declined the trust, and were willing to leave the patronage, as well as the management of this fund, in the hands of the Town Council, to be administered by them as part of the Trinity Hospital Charity. They further submit that, having regard to the length of time during which the Governors have exercised the patronage of Alexander's Mortification, they ought now to be deemed and taken to be lawfully constituted patrons thereof.

4. The Governors respectfully submit to the Court that, in the exercise of its power of adjusting a scheme adapted to the present circumstances and requirements of the Charity, it would be expedient, instead of bringing more money into a trust which confers a preference on individuals of a particular name, rather to set aside that preference altogether, and to merge the Alexander

fund in the general hospital fund, so that the pensions derived from it should be open to the poor of any name. Apart from the preference, there appears to be no reason for a separation of funds.

5. If the proposed rectification of accounts is entered upon, the Governors object to the results and the details of the said state, to the rate of interest, to the allowance of compound interest, to the allowance for expenses (which ought to be increased to 4 per cent.), and to the proposed extension of the inquiry beyond the usual limit of forty years.

2. OBSERVATIONS on the SUGGESTIONS made by the Reporter as to a Scheme, pages 206 to 218.

1, 2, 3, and 4. The Governors have no observations to make on the first four recommendations made by the Reporter as to the future application of the funds and administration of the Charity.

5. This recommendation, as worded, would imply that the Reporter proposes to extend the benefits of the Charity to parties resident in Leith as well as Edinburgh. This is contrary to the terms of the foundation. It is supposed that what the Reporter had in view was to provide that, while leave must be granted to foundationers who desire to reside in the country and still to remain on the roll of pensioners, such leave should not be required if the removal is simply to the adjacent burgh of Leith. If so limited, the Governors do not object to the rule.

6. The same observations apply to the wording of this rule.

7. In this rule the Reporter suggests that the medical officer's salary should be fixed at £105. He seems, however, to overlook that he is fixing a rule which is to be operative for an indefinite time, during which the value of money may change. The Governors suggest that the amount of the salary should be left in their discretion, or that the rule should be altered so as to read that the salary should not be less than £105.

8. The same remarks apply to the proposed rule with reference to the lady visitor, with this additional objection, that the rule proposes to make it imperative on the Governors to employ a lady visitor. The propriety of doing so, the Governors maintain, should be left to their discretion.

9. The Governors object to the proposed rule, in as far as it proposes to introduce four scales instead of two as at present. The Governors are strongly of opinion that for the permanent administration of the Charity there should only be two scales, the one scale being fixed at £15 instead of £10 as at present, and the other being fixed at £25 instead of £20 as at present.

10. In this proposed new rule the Reporter suggests that the "applicant shall in no case receive more than will make his or her income, taking all allowances into account, amount to £50, unless in the case of beneficiaries having others dependent on them, in which case the Governors may extend the limit to £60, never, however, granting a pension of more than £25." This would render it necessary that the Governors, after a pensioner had been admitted on the list, should make an investigation annually as to whether the recipient had succeeded to any property, or what he or she had earned during the twelve months; and this they conceive would be impracticable. If a pensioner ceases to be a proper object of charity, he should be withdrawn from the pension list.

11. Following up the objections to Rule 10, the Governors suggest that the words, "subject to the general rule as to maximum income" should be deleted from this rule.

12. If the Court resolve to retain only two scales of pensions, this rule will fall to be altered.

13. The Governors object to the last clause of this rule that "any pensioner who marries shall forfeit his or her rights." An absolute condition in restraint of marriage would be regarded by many as improper, and such conditions, when made by testators, are discouraged by the law. The Governors have no objec-

tion to a rule being made to the effect that, in case of a pensioner marrying, his claim should be reconsidered.

14. It is proposed to add to this rule, after the words "confined in lunatic asylums," the words, "supported by the Parochial Board."

15, 16, 17, 18, 19, 20. No objections.

In respect whereof, &c.

JOHN M'LAREN.

IV.

NOTE for the LORD ADVOCATE in the Process of Declarator, &c., at the instance of Margaret Clephane and Others, Members, Beneficiaries or Pensioners of the Trinity Hospital, Edinburgh,—*Pursuers*; against the Lord Provost, Magistrates, and Council of the City of Edinburgh, as Trustees and Governors of the said Hospital,—*Defenders*.

Humbly sheweth—

Nov. 30, 1875.

Of this date their Lordships of the First Division of the Court of Session were pleased to pronounce the following Interlocutor:—"Edinburgh, 30th November 1875.—The Lords having resumed consideration of the cause, and heard counsel on the questions reserved by the Interlocutor of 20th July 1875, before further procedure, appoint intimation to be made to the Lord Advocate, in terms of the 16th Section of 'The Trusts (Scotland) Act, 1867.'

"JOHN INGLIS, *I.P.D.*"

This Interlocutor was accordingly intimated to the Lord Advocate, and his Lordship having considered this Process, and in terms of the 16th Section of "The Trusts (Scotland) Act, 1867," appears and intervenes for the interests of the Charity, or any object of the trust or the public interest.

In respect whereof.

C. J. PEARSON.

V.

REPORT by Professor MACPHERSON, *in causa* Clephane and Others against the Magistrates and Town Council of Edinburgh, as Governors of Trinity Hospital.

Edinburgh, 20th July 1875.—The Lords having resumed consideration of the Petition to apply the judgment of the House of Lords, with the Report of Professor Macpherson, and heard counsel,—Find that the funds mortified by Master James Alexander, in the year 1695, have been hitherto held, administered, and applied by the petitioners, in the same way as the funds belonging to the Trinity Hospital, and have been immixed with, and dealt with as part of, the funds of the said Hospital: Find that, in terms of the said James Alexander's Mortification, the funds mortified by him fall to be held and administered by the Lord Provost, Magistrates, and Council of the City of Edinburgh, and the Ministers of the said City, present and to come, and to be applied,—in the first place, in relief of poor persons of the founder's kindred; in the second place, in relief of poor persons of the name of Alexander; and lastly, in relief of other poor persons, all as directed by his deed of mortification, dated 23d October 1695: Find that for this purpose it is necessary to ascertain the present amount of the capital of the said funds mortified by the said James Alexander, and to set apart the same, to be administered and applied as aforesaid: Find that, in the year 1700, the said funds amounted in all to £2270, and that the said funds to that amount have been immixed as aforesaid with the funds and property of the Trinity Hospital, from an early period down to the present time, and must be held to have participated proportionally with the said funds and property in the increase of value of the aggregate funds and property, between the year 1700 and the year 1873: Remit of new to Professor Macpherson to ascertain the value of the whole funds and property of the said Hospital as in the year 1700, drawing back to the said date the value of all additional

gifts and legacies received by the Hospital after the year 1700, on such terms as may seem reasonable, also to ascertain and fix the amount or value of the whole aggregate funds and property as in the year 1873, and to report what is the present amount of the said Alexander's funds, taken in the same proportion to the present value of the whole aggregate funds as the sum of £2270 bears to the value of the whole Hospital funds and property in 1700, ascertained as aforesaid: And having considered the recommendations of the Reporter on pp. 124 to 132 of the Report, and the Objections thereto (No. 73 of process), Approve of the first four heads of the said recommendations: As regards the 5th and 6th heads, delete the words "or Leith": In the 7th head, vary the recommendation by declaring that the salary of the medical officer shall not be less than £105: Vary, in like manner, the 8th head, by declaring that the salary of the lady visitor shall not be less than £63: Sustain the objections to the 9th and 10th heads of the recommendations: Vary the 11th head, by striking out the words, "subject to the general rule as to *maximum* income": Sustain the objections to the 12th, 13th, and 14th heads: In place of the 17th head, substitute the words, "Private rights of patronage can only be exercised after the lapse of twelve months from the death of the last presentee": *Quoad ultra* approve of the recommendations of the Reporter, and remit to him of new to prepare a scheme for the administration of the Trinity Hospital and its funds and estate, and also a separate scheme for the administration of the Alexander Mortification: Appoint counsel to be heard on the question raised as to the appropriation of a sum of £4000 on pp. 107 *et seq.* of the Report, and also on the question, Whether the administration and patronage, both of the Trinity Hospital and also of the Alexander Mortification, ought not to be vested for the future in a committee or committees of the whole body of Trustees or Governors: And in order to the due execution of the remits aforesaid, renew the powers and authority conferred on the Reporter by the Interlocutor of 20th July 1869.

JOHN INGLIS, *I.P.D.*

To the Lords of the First Division of the Court of Session.

MY LORDS,

In obedience to the prefixed Interlocutor, the Reporter begs now to submit —I. His report as to the present amount of the funds mortified by the late

Master James Alexander ; II. An amended scheme for the administration of the Trinity Hospital and its funds and estate, and also a scheme for the administration of the Alexander Mortification, for the relief of a certain class of indigent poor persons, with a preference for those of the founder's kindred and name.

I.

Of this date a tentative state, prepared in obedience to the prefixed Inter-locutor, was communicated to the defenders, who, of this date, while other branches of the case were under discussion before the Court, lodged a note of objections, which they followed up of this date by lodging a state shewing their effect.

August 1875.

4th Jan. 1876.

21st June 1877.

The objections raised questions of importance, some of which however appear to have been already determined. They have led to a reconsideration of the whole principles adopted in the tentative state ; (1) as to what ought to be included in the valuation called for by the Court ; (2) at what rate the money value of heritages should be estimated ; and (3) how gifts between 1700 and 1873 could be reasonably brought into the accounts.

The Remit was "to ascertain the value of the whole funds and property of the Hospital as in the year 1700, drawing back to the said date the value of all additional gifts and legacies received by the Hospital after the year 1700, on such terms as may seem reasonable ; also to ascertain and fix the amount or value of the whole aggregate funds and property as in the year 1873." In dealing with the value at 1700, the tentative state did not take into account the value of the church or the value of the Hospital buildings. In like manner, the whole amount of the church fund, which had been kept in a separate account, was left out of view in putting a value on the estate as in 1873 ; and no value having been put, as at 1700, on the Hospital buildings in which the beneficiaries lived, the price of the buildings with compound interest was subtracted, as in 1873, from the general estate with which it had been mixed up from the date of their sale in 1845.

The defenders made no objection to the church fund, both in 1700 and 1873, being kept entirely out of view, nor to the proposed withdrawal of the

price of the Hospital buildings from the aggregate estate in 1873, but claimed to have also withdrawn from the value in 1873 the price of a servitude attached to the Hospital buildings, and which was valued and paid for separately from these buildings. Whatever be the proper mode of dealing with the price of the Hospital buildings, it seems to the Reporter that the defenders are well founded in their contention that the value of the servitude should be treated in the same way.

It will be convenient to consider separately,—whether there should be included in the valuations, (1) the church, (2) the Hospital buildings, (3) the lands of Quarryholes and Blinkbonny, and also (4) the mode of ascertaining the value of these lands, and (5) the rate at which the legacies and donations in 1700 are to be drawn back.

(1.) With regard to the omission of the Trinity College Church Fund, although directed “to ascertain the value of the whole funds and property of Trinity Hospital,” the following explanation is offered. This fund, though “applicable to the enlargement and maintenance of the Charity,” as has been fixed by the judgment of the House of Lords, has always been treated as distinct from the other Hospital estate, and was not alluded to in the general discussions. In 1700 the church was of no patrimonial value to the Charity. That value has arisen from its destruction, not from any increment in its value as a church, nor from any expenditure of the other funds of the Charity on it. There was no immixing of the Alexander Trust Fund with that part of the Hospital property. The rebuilding of the church provides the Alexander trust beneficiaries with all the spiritual benefits that Mr Alexander could have expected his trust to derive from its existence, and there seems no equity in giving in addition any patrimonial benefit. In order to avoid such a result, if the church fund be taken into account in 1873, it seems to the Reporter that the value of the church would need to be taken into account also in 1700, and no possible way of stating a value as at that date has occurred, except to draw back the amount of the fund in the same manner as modern donations are to be drawn back; the result would be the same as its omission at both dates.

(2.) The case of the Trinity Hospital buildings is somewhat different, and appears to the Reporter attended with more difficulty. It may be a question

Clephane v. Mag. of
Edin., Feb. 15, 1864,
H. L., 2 Macph. p. 7.

whether it was not a condition of the Alexander bequest taking effect, that its beneficiaries should be admitted and housed in the Hospital,—a valuable patrimonial right. The number of the contemplated Alexander pensioners amounted to about one-fourth of all the beneficiaries at the time, so the trust derived a most material benefit. The Hospital building was not only part, but an essential part of the property of the Charity, and it would almost seem as if the Alexander trust should be credited with one-fourth of the value of it at 1700, which would considerably enlarge the proportion to which it would be entitled of the aggregate fund and property as in 1873, at which date the number of beneficiaries on the general fund had largely increased, while that of the Alexander foundation had never been kept up.

There have been discussions in regard to a somewhat similar question in connection with college bursaries, and decision seems to go this length, that where there was a contract between a university and the founder of a bursary, implying that the beneficiaries should be accommodated in “same manner, measure, and quality” as certain other bursars on a previous foundation who were entitled to certain payments *una cum cameris et aliis asiamentis infra idem collegium gratis*, the failure of accommodation in the university buildings, not by the sale of the buildings, but by their destruction or use for other university purposes, whereby the bursars under the older foundation were deprived of accommodation, left no special claim for accommodation, or any equivalent, to the bursars under the later mortification so long as they received treatment precisely the same as that meted out to the bursars whose provision was the measure or standard referred to. The inference would seem to be that the beneficiaries under the second foundation must just follow the general fortunes of those under the earlier.

In the case which has to be dealt with, the beneficiaries were “to be received into said Hospitil,” “and to be accommodate and intertained therein at the rate and expense of the other persones who are or shall be received in and intertained upon the former mortification belonging to the said Hospitall.” “And which mortification I do hereby appoynt and ordain to take effect by the said patrons their receiving in and admitting the said indigent persones within the space of six months at fardest next after my decease and sae forth . . . in all time coming.” It is to be observed that the patrons named were not

Burnet against
King's College,
23d Feb. 1844.
T. D.
H. L., 28th
Aug. 1846.
5 Bell's App.
409.

First Report.

identical with the Governors of the Hospital, though the latter claim to be sole patrons, and did receive in the Hospital and did there accommodate and entertain the Alexander beneficiaries. But it is possible to read the words "receiving in and admitting" as applicable to admitting to the benefit of the Alexander Mortification, not of the Hospital, although the whole tenor of the deed shews that the truster fully expected them to be received into the Hospital, "the said indigent persons being always subject to the laws of the Hospital."

Here, as in the case of the Burnet Mortification, the expected accommodation has disappeared; but here, unlike the Burnet Mortification, there is a *surrogatum* in the shape of a price. The price has not been treated by the defenders as separate from the general estate. It has been mixed up with it, and has borne its share of the ordinary payments; nay, inasmuch as after the Hospital was closed, the pensioners who had been inmates received for life a higher rate of pension than any others in respect of their loss of accommodation, the interest of the price may be said in a certain sense to have been devoted to the various classes of pensioners entitled to residence, while the balance, if any, of that interest must be held to have borne its share of the general expenditure of the Charity.

If acceptance of the bequest implied a contract, it might be held that it amounted to an engagement that accommodation for twelve beneficiaries should be provided in all time, which might lead to a claim for so much of the price of the Hospital as would furnish that amount of accommodation; or that, as the Alexander beneficiaries were about one-fourth of the whole, the price of the Hospital buildings should be drawn back to 1700, as the only mode of giving them a value at that date, and the proportion effecting to the Alexander trust added to the capital of that estate, the balance only being added to the estate of the Hospital at that date. The effect of this would be materially to increase the proportion of the general estate of the Hospital at 1873, to be set apart for the purposes of the Alexander trust.

These views seem to the Reporter unduly favourable to the Alexander trust, as almost immediately after the death of the truster a change in the rate of interest made the income of the trust too small to support the full number of beneficiaries. This suggests that even assuming a general obligation to have been undertaken to support the Alexander beneficiaries, the

principles should be applied which underlies the decision in the case of Burnet, that the second foundation must follow the general fortune of the older. If this view be correct, then it was an error in the tentative state to withdraw the price of the Hospital buildings, with interest, from the aggregate estate in 1873. The effect of not withdrawing them, as in 1873, will be to give to the general Hospital estate, to the original Alexander estate, and to each additional foundation of later date, a share in the value of that price, in proportion to their respective values as in 1700.

In this view the Alexander fund will not receive any *special* proportion of the value of Hospital buildings as a *surrogatum* for the loss of accommodation, but merely a share of it, as part of the aggregate estate with which the Alexander fund was immixed, and out of which, to a large extent, the fabric of the Hospital was from time to time maintained, so as to have a value in 1846, when it was wanted by the Railway Company.

The Accountant has prepared states (1) shewing the effect of this last view, as well as (2) shewing the effect of withdrawing the prices of the building and servitude accumulated to 1873 at rates adopted for the other calculation of the values of the separated donations; (3) shewing the effect of holding the Alexander fund entitled to $\frac{1}{4}$ of the prices of the building and servitude with accumulations.

(3.) In the tentative state referred to, there were taken into account as at 1700 the whole lands acquired before that date, including Quarryholes and Coatfield; and as at 1873, not only these, but also those acquired since 1700, including Blinkbonny.

But as the Reporter reads their objections, the defenders object to the value of the landed estate of the Hospital existing in 1700 having been taken into account.

They say, "To the extent of considerably more than one half, the Hospital's present landed estate existed and was the property of the Hospital long before 1700, and in any increment of value of what then existed, the Alexander fund has no right to participate."

This applies to the bulk of the lands of Quarryholes and Coatfield; and the defenders also object to the lands of Blinkbonny being included, for they

add: "The remaining portion of the Hospital's landed estate was not acquired by the application of the Alexander fund, and the same remark is also applicable to this part of the Hospital's estate."

This objection, as regards the first acquired lands, seems merely to open a question apparently excluded by the terms of the Interlocutor, and that not *per incuriam*, but after having been brought under the notice of the Court at the advising on 20th July 1875.

As regards the lands last acquired, the objection seems equally excluded by the terms of the Interlocutor which, while it directs the ascertainment of "the value of the whole funds and property as in the year 1700," speaks also of "the increase of the aggregate funds and property between the year 1700 and the year 1873." It is thought that the value of the old lands could not be struck out without the price of every portion sold since 1700 being also struck out, which the defenders have not contended should be done; and without, on the other hand, deducting the sums out of the general estate expended from time to time on improvements, with interest; in other words, without a strict accounting as regards each estate from 1700 to the present time.

The point fixed by the Interlocutor, "that the funds mortified by Master James Alexander in the year 1695, have been hitherto held, administered, and applied by the petitioners in the same way as the funds belonging to the Trinity Hospital, and have been immixed with and dealt with as part of the funds of the Hospital," seems to exclude the possibility of holding that the Alexander fund had nothing to do with acquisition of lands subsequent to 1700, and equally to exclude the view that the increase since 1700 of the value of the lands, whether acquired before or after that date, so far as dependent on general management and improvement expenditure—and that expenditure, whether judicious or not, has been very large, commencing in the case of Blinkbonny in the very year of the purchase—has not been contributed to by the Alexander fund.

In case, however, the Reporter errs in his reading of the judgment of the Court, he has obtained from the Accountant an alternative statement, leaving out of view, both in 1700 and 1873, the value of the lands possessed at the earlier date.

(4.) The mode adopted in ascertaining the value of the Hospital lands at different dates was also objected to by the defenders.

In accordance with the Reporter's request, the Accountant, in the tentative state referred to, had converted the land in 1700 at twenty-two years' purchase, and in 1873 at thirty years' purchase, in this last adopting the valuation of the City Chamberlain, who, in his annual accounts, in stating the value of the stock of the Hospital, has for many years past converted the gross land rental at this rate. But in their annual valuations, the Governors have from time to time approved of varying rates. Towards the end of last century, they converted the rental at twenty-five years, about 1830-1845 at thirty-six years, and since 1848 at thirty years' purchase.

The adoption of different rates of conversion at 1700 and 1873 was objected to by the defenders, on the ground that the conversion should be at the same rate at both periods, "because the adoption of the lower rate in 1700 enlarged the proportion which the Alexander fund bore to the whole, and the adoption of the higher rate in 1873 gave it the benefit, not merely of an augmented rental, but also of an increased rate of valuation."

This may truly be the result, but it does not seem to the Reporter to follow necessarily that the Alexander fund will obtain an undue share of the present value of the whole stock and property of the Hospital. If there have been both augmented rental and increased rate of valuation, the Reporter is unable to see why the Alexander fund should not participate in both.

The augmentation of rent has been very great—in 1744, the rent was £445, 2s. 9d. ; in 1845, £1971, 8s. 7d. ; in 1873, £2408, 13s. 3d.—and probably may in a large degree have been attributable to the change in the value of money, but the defenders can hardly say it is not to some extent attributable to the improvement expenditure which has taken place by their order. From 1745 to 1845 it amounted to £11,697, and from that date to 1873 to £2355. The defenders themselves contend that not only the feuing but even the agricultural value of half of the lands is due to the expenditure of £4000 during the earlier of these periods. The Reporter has elsewhere expressed his views on the question of the cause of the feuing value, but this general increase of the rent from £445 to £2408 depends on other causes.

See Report, 15th
July 1874, pp. 36, 37.

Report, dated 3d
March 1877.

Assuming the value of the lands to be what they would bring, the Reporter felt great difficulty in fixing a rate of conversion as at 1700. He has no reason to suppose that there was such general security of property all over the country

as to make any stateable rate of conversion generally applicable. In the management of the Hospital there had been a purchase in 1644 at ten years' purchase, one in 1679-80 (a house) at seventeen and one-third years' purchase, and one in 1738 at twenty-two years' purchase.

Registrum de Panmure, p. lx.

In a recent publication it appears that the Panmure estates, confiscated in 1715, were sold at nineteen years' purchase. The Reporter has had access, through Mr Dickson of the Register House, to the proceedings in relation to the sale of estates forfeited in 1715. He confined his examination to the cases of East Reston, Linlithgow, Carnwath, and Winton, the examples south of the Forth, where it seemed most likely that the value would be dependent on nearly the same conditions as those affecting ground adjacent to the town. These estates were all exposed at seventeen or eighteen years' purchase, and the highest price given for any was just short of twenty-two years' purchase. He has no data which enable him to estimate the causes which may have affected the rates of purchase in each case. Possibly from the extent of land thrown into the market at once the rate may have been kept low. Possibly it may have been affected by the state of feeling with reference to the attainted family. In none of the cases referred to do the estates seem to have been bought for any member of the attainted family.

In the absence of anything like guiding data, the rate has been adopted at which the first investment in land was made by the defenders' predecessors after the Alexander fund "had been immixed with, and dealt with as part of, the funds of the Hospital."

This much is evident, that the lower the rate of conversion applied in 1700, the higher would be the proportion of the Alexander fund (which was ascertained absolutely) to the whole funds and property of the Hospital, and the Reporter certainly thought that if he had erred in making the rate twenty-two years' purchase, he had done so by adopting a rate of conversion too favourable for the general fund as against the Alexander fund.

The defenders have not aided by suggesting any data for fixing any other rate of conversion, as representing the value in 1700, and their only reason for contending that the same rate should be applied in 1700 and in 1873, viz., that otherwise the Alexander fund would have a double advantage of increased rent and higher rate of conversion, does not appear to be sound. On the face of

the accounts, the land rent is greatly increased, and the valuation of the defenders' officers is not the same as the rate at which the lands were purchased; in short, the general estate has had the benefit of both these kinds of increase, and it seems then strictly in accordance with the principle of the Interlocutor, that the Alexander fund, which has been immixed with it, should have the benefit of both.

But since the tentative state was given out, a new view has been started of the true value of the lands, and started by the defenders. They contend, in the discussions as to the making of the Calton Bridge and Road, that the Hospital lands of Quarryholes and Coatfield, lying between Leith and Edinburgh, have so increased in value as to yield an adequate return for an expenditure upwards of fifty years ago, which, if accumulated at compound interest, would amount to a very large sum; and, in support of this view, evidence has been led that a portion had been feued at a rate which, if converted at twenty years, would give not thirty, but about three hundred years' purchase of the agricultural rent; and a higher feu-duty has been obtained for other parts of those lands. The feus already given off, if they were converted at twenty years' purchase, would represent an increase of the value of Quarryholes amounting to £10,000 or £12,000, and the farther offers which have been made to and rejected by the defenders, converted at the same moderate rate, would represent a farther increase of nearly £30,000. Yet the defenders seek to apply a rate of conversion lower than they adopted in their own books a quarter of a century ago.

Report, dated March 1877.

Supra, p. 9.

In these circumstances, it was thought necessary to obtain from men of skill a valuation, as at first August 1873, and the Reporter selected Mr William Watherson, Edinburgh, and Mr James Galloway, Leith, who had given him minute information as to the feuing rates of all the adjoining lands. The Reporter cautioned the valuers that he did not ask what was the highest possible rate, but what would be a fair value, say as between members of a family jointly interested, who agreed that the lands should not be forced into the market, but that one should take them at an equitable valuation.

The valuers have stated two values. £80 per acre, as what might have been expected if the feus were granted without restrictive conditions, and £60 where there were such restrictions.

Whether either, and if either which, of these views is to receive effect,

depends on whether, in the whole circumstances of the case, in settling the accounts between the two trusts jointly interested, those in possession are entitled to decline feuing or putting a feuing value on the lands till after the settlement of the present action, although portions of the land had been disposed of at very high prices long before the date fixed by the Court for ascertaining the value; and whether, if bound to put a feuing value, they are bound to put the very highest value that could be obtained for any kind of building not objectionable as a nuisance; or whether they, as trustees, are entitled to regulate the character of the buildings. If the agricultural value is not to be taken as conclusive, the Reporter is inclined to think the trustees might regulate the amenity of the property by restrictive regulations. Therefore he asked the Accountant to prepare states shewing the value on the assumption of the City Chamberlain's ordinary valuation, and alternatively also on the lower valuation by the men of skill, which it may be mentioned is far below the rates actually received for choice portions of the estate, and below the rate given recently for a feu of the lands of Drum, which are surrounded on all sides by the Hospital lands of Quarryholes.

See Tables appended to Second Report.

The same point arises with reference to the lands of Blinkbonny, acquired after the Alexander fund was immixed with the general estate. Had a private party availed himself of the possession of trust funds to enter into an important and successful speculation, it is not thought that there would be room for a doubt as to the right of the trust, not merely to interest, but to a share of profits. There is another point of difference between the case of the value of Blinkbonny and that of Quarryholes, viz., that the defenders have not yet feued any part of them, but have only proceeded the length of having feuing plans prepared.

In their own books they now value these lands at thirty years' purchase as regards the agricultural rent, slightly over £5 per acre, which would give a value of above £150 per acre. They sold to the Cramond Road Trust, in 1852, a little more than an acre at the rate of about £200 per acre, and over six acres, in 1868, to the Caledonian Railway Company, at near £600 per acre.

In these circumstances, the Reporter did not consider that he would be

justified in not bringing before the Court the question of whether the proper value of Blinkbonny be thirty years' purchase of the rental, or whether it should be stated at what it would probably fetch in the market. It may be prudent for a body not *compelled* to sell, to abstain from feuing till the value of the land is forced up to the highest point, like the Quarryholes estate, by the feuing of all the surrounding ground; but this is a question of separating trust funds which have been immixed with one another, the two being dealt with as one general estate out of which lands were bought.

The Reporter having failed to get the defenders to agree to a valuation higher than that entered in the Governors' books, felt that he had no alternative but to obtain a valuation from the same gentlemen whom he had consulted with reference to Quarryholes. They have stated that in their opinion the lands of Blinkbonny were in 1873 worth on an average, £40 an acre of feu-duty, but as it would very likely take long to feu, they would capitalise at sixteen years' purchase, or £640 per acre. Although Blinkbonny is not ready for feuing in the same sense as Quarryholes, still adjoining ground on the north and east and south is being gradually feued at increasing rates, some of them considerably higher than that fixed on by the valuers, and land nearer Edinburgh fetches four or five times as much per acre.

Unless such a course were considered inconsistent with the due separation of the trusts, all difficulty as to true value, and all risk of injustice might be avoided, by allotting to the Alexander Mortification a proportion of the moveable funds of the general estate, and a proportion of the income derived from time to time from any land in the value of which the trust may be found to possess an interest.

The Reporter has thought it right here also to have alternative views presented to the Court.

(5.) The mode of dealing with the various donations since 1700, so as to prevent the Alexander fund being affected by them, favourably or unfavourably, has been a subject of much anxiety.

The instruction given by the Court is to "draw them back to the year 1700 on such terms as may seem reasonable."

Various rates were tried. The legal rate of interest—the rate actually

obtained from time to time—rates suggested by the increased value of the estate, assuming it to have arisen from accumulation, and various other rates. The objections lodged to the tentative state embraced objections to the rates which had been adopted, but in consequence of the view ultimately adopted, it is unnecessary to make any remark on this part of the objections.

Had the donations been granted and invested with the intention that they should accumulate, the question might have been one of accumulation of interest, but they were given that their interest might be expended, and that it was expended appears from the comparative views of the state of the funds given in the first Report. During the hundred years from 1642 to 1744 the expenditure exceeded the ordinary income by £2433, 17s. 5d. During the period from 1744 to 1845, the ordinary income exceeded the expenditure by £333, 18s. But this excess was only apparent, for it afterwards turned out that there had been for a long period underpayments of teind amounting to a very large sum (pp. 38 and 95), which if paid at the right time would have turned the balance the other way, even if no loss had ever occurred from the city bankruptcy. It seems to follow, that the increase in value of the aggregate estate, at least up to 1845, was not due to any accumulation of interest, but to rental increased, whether owing to improvement of the subjects, or to change in the value of money, or both. After that date it is to a large extent accounted for by non-expenditure of the increase of revenue arising from the price of the Hospital, and of the land sold to the Railway Company, both at Blinkbonny and Quarryholes.

But much more important than the increase from accumulation of income since 1845 is the increase depending upon feuing value, which has been enormously augmented of late years.

After repeated consideration of the whole circumstances, the Accountant states: "He came to the conclusion that no arbitrary rate of five or four per cent., or any other rate of *interest*, can with propriety be adopted as the measure of the rate of discount or accumulation to be applied to any part of the fund. The Accountant, however, after making numerous tentative calculations, ascertained that if the funds and estate at 1700, and the various donations subsequently made to the Hospital from the dates when these sums were respectively received, are brought down to 1873, and compounded annually at certain small

Report, 15th July
1874, pp. 36, 37, and
Accountant's First
Report.

percentages, the sums so found are equivalent to the amounts of the fund and estate at that date, and that therefore these small percentages are the true rates at which the fund and estate have increased on an average of the whole period. It is no doubt true that the rate of increase in value may have varied during the period, but the Accountant believes that no data are in existence by which any certain judgment could be given on the point, and he believes that the approximations made are as close an approach to the truth as can be arrived at, the calculation at compound rates causing the increment to accumulate to a larger extent during the later period. He has therefore drawn the gifts and donations back to 1700 at the rates so found, and adding the sum thereof to the estate at that date, he has calculated that as the amount thereof then was to the Alexander fund, so is the estate in 1873 to the amount of the Alexander fund in 1873."

The rate ascertained and applied in the manner stated, of course, varies with each view of what is to be considered the present value of the estate.

The results of the calculations may be thus summarised:—

I. A. Assuming the value of the Stock of the Hospital to have been at 1st August 1873 as stated by the City Chamberlain (including Quarryholes, Coatfield, Blinkbonny, etc., and the price of the Hospital buildings and servitude), £86,143, 4s. 10d., the rate of increment is 18s. 11 $\frac{1}{2}$ d. per cent., and the value of the whole funds and property at 1700 (including the Alexander fund, subsequent gifts drawn back at the rate mentioned, and the land converted at twenty-two years' purchase),—was £16,896 4 10

1. These figures make the Alexander fund, as at 1st August 1873, (including *pro rata* share of the price of the Hospital and servitude), £11,579 0 0

2. If the price of the Hospital and servitude be excluded in 1873, the rate of increment is 17s. 7 $\frac{1}{2}$ d. per cent., the value of the funds and property in 1700 is £17,042, 4s. 6d., and the Alexander fund will amount to £10,382 0 0*

3. If there be given to the Alexander fund a fourth of the price of the

* In the state given in by the defenders on 21st June, they bring out the amount of the Alexander fund, if the whole Hospital lands are to be taken into account, as £9,976, 5s. 0d.

Hospital and servitude, instead of a *pro rata* share, it will amount to £12,443 14 0

B. Taking the City Chamberlain's valuation, but excluding lands belonging to the Hospital at 1700, and also the price with increment of all such lands subsequently sold, the value of the aggregate funds and property in 1873 was £40,382 6 8

The increment in this calculation is 16s. 10³/₄d. per cent., and the amount of the funds in 1700, excluding lands, but including the Alexander Mortification and subsequent donations drawn back, was £9,423 11 2

1. These figures make the Alexander fund, as at 1st August 1873 (including a *pro rata* share of the price of Hospital and servitude), £9,723 0 0

2. Excluding price of Hospital and servitude, the increment is 14s. 0³/₄d. per cent., the value of the funds and property in 1700 is £9,786, 18s. 8d., and the Alexander fund will amount to £7,609 0 0

3. If there be given to the Alexander fund a fourth of the price of Hospital and servitude, instead of a *pro rata* share, it will amount to £9,569 10 3

II. A. Assuming that the value of Quarryholes and Coatfield and of Blinkbonny is to be taken at Messrs Watherston and Galloway's valuations (Quarryholes and Coatfield being taken at the lower sum put on them by these valuations), the value of the aggregate funds and property (including the price of the Hospital buildings and servitude) as at 1st August 1873, was £291,249 19 6

The rate of increment in this calculation is £1, 14s. 1¹/₂d. per cent., and the value of the whole funds and estate at 1700 (including the Alexander fund, subsequent gifts drawn back at the rate mentioned, and the land converted at twenty-two years' purchase), was £15,561 11 5

1. These figures make the Alexander fund, as at 1st August 1873 (in-

cluding a *pro rata* share of the price of the Hospital and servitude), £42,493 0 0

2. If the price of the Hospital and servitude, as in 1873, be excluded, the rate of increment is £1, 13s. 8½d. per cent., the value of the funds and property in 1700 is £15,592, 5s. 2d., and the Alexander fund will amount to £40,906 0 0

3. If there be given to the Alexander fund a fourth of the price of the Hospital and servitude, instead of a *pro rata* share, it will amount to £43,461 9 8

B. Excluding the lands belonging to the Hospital at 1700, and the price, with increment, of all such lands subsequently sold, the value of the aggregate funds and property, as at 1st August 1873, amount to £117,154 16 0

The rate of increment in this calculation is £1, 11s. 2½d., and the value of the funds in 1700, excluding lands, but including the Alexander Mortification and subsequent donations drawn back, was £8,064 0 7

1. These figures make the Alexander fund, including a *pro rata* share of the price of the Hospital and servitude, £32,977 0 0

2. Excluding price of Hospital and servitude, the rate of increment is £1, 10s. 0¾d., the value of the funds in 1700 is £8,148, 13s. 1d., and the Alexander fund will amount, in 1873, to £29,990 0 0

3. If there be given to the Alexander fund a fourth of the price of the Hospital and servitude, instead of a *pro rata* share, it will amount to £32,415 11 5

The Reporter has only to add, that if any sum should be awarded to the general Hospital fund in consequence of the transactions which took place in connection with the Calton Bridge and Road, unless it be ordered to be accumulated at compound interest, it will not materially affect the *proportion* to which the Alexander fund is entitled.

II.

In obedience to the latter part of the Interlocutor, two schemes are now submitted to the Court—the first, an amended scheme for the administration of the general charity of Trinity College Hospital; the second, a scheme for the administration of the Alexander Mortification.

They were both communicated to the defenders with a request for suggestions. The first is intended simply to give effect to the amendments which the Court directed on the scheme originally submitted, and no suggestions have been made by the defenders. The only addition made since the scheme was communicated to the defenders is article nineteen:—The consequence of carrying out the Interlocutor of the Court will be to withdraw some of the capital of what has been held as the Hospital estate, and to relieve the Hospital of the Alexander pensioners now on the roll. On the other hand, there is a probability of a great and early increase of income accruing to the Hospital from feuing their lands. In order to bring these matters before the Court, the Reporter has framed Article 19 of the scheme for administration of the Trinity Hospital.

The Reporter has further to state in reference to this branch of the case, that a short time before the death of the late Mr Andrew Grierson, W.S., who had right to a presentation to the old Hospital, he received from him a claim to have his right transferred from the list of restricted to that of unrestricted presentations. To which he had replied, that he had already reported on the subject, and saw no ground to alter the opinion indicated in his first report, but that he would hand in his application when his final report was given in. The importance of Mr Grierson's claim is diminished by the effect of recent legislation as to what constitutes a burgess.

May 1877.

Of this date remarks were received from the defenders.

Upon the scheme which has been framed for the Alexander trust, which follows as closely as possible that which the Court have approved of as applicable

to the Hospital generally, the number of beneficiaries is left to depend entirely upon the sum which the Court may order to be set apart for that trust. If any one of the sums brought out by the Accountant be adopted, there will be no difficulty in giving effect to the truster's will that there should be at least twelve pensioners on his foundation. In some views that number will be largely exceeded. The narrative part of the Interlocutor seems to fix that the patrons, July 20, 1874. in electing to the benefits of the Charity, are not tied down to any name, but merely bound to give a preference to relatives, and to those of the name of Alexander who apply within two months. Should the funds set apart amount to a considerable sum, it is not improbable that it may turn out that the number of Alexanders is so small that this foundation will be even wider in its range than the general charity of Trinity College Hospital, the patrons—a larger body than the Hospital Governors—being entitled to elect indigent persons of good reputation, without regard to place of birth, or previous residence, for the deed of foundation imposed no restriction as to the place of birth of beneficiaries, or as to their being burgesses, or as to their place of residence prior to election. But the contemplated residence in the Trinity Hospital implied residence in Edinburgh after election; this, however, was never enforced as a condition in the case of persons elected *outdoor* pensioners.

The following explanations are offered of some of the proposed regulations:—

Regulation 3 has been framed more from seeing the intimate connection which the founder desired to be maintained between his mortification and the Trinity Hospital, than from any convenience arising from it, now that the Hospital buildings no longer exist. But even now it may be favourable to the efficient working of both charities, that each should have officers fully conversant with what is doing under the other.

Regulation 4. The truster stated that he considered the cost of each beneficiary in the Hospital to be £120 Scots, and provided that each should receive twenty merks, "by and attour the ordinary allowance to the other persons in the said Hospital." This being one-ninth more than the other inmates of the Hospital, the scheme proposes that one-ninth more than £25, the highest rate fixed by the Court for Trinity Hospital pensioners, be added

to this sum, as giving the amount to be paid to the Alexander pensioner:—
£27, 15s. 6d.

Regulation 5. This will probably be unnecessary.

Regulation 6. This regulation has been adopted in regard to the general fund, and was specially provided for by Mr Alexander.

Regulation 8. Up to this time the Governors have always acted on the rule here suggested, as regards the females applying for the benefit of the fund.

Regulations 9 and 11. The original deed created two specific restrictions in regard to marriage—that the beneficiaries should be unmarried when elected, and “remain and continue unmarried in the said Hospital during their lyfetime.” These corresponded with restrictions enforced by the rules of the Hospital at the date of the Alexander deed of foundation. As regards the general Hospital, the Court has removed the restriction. The conditions may be separately regarded—the first as in favour of the unmarried indigent, from the feeling that they had most need of the comforts of the Hospital, and the second as made in behalf of the administration of the Hospital rather than one in restraint of marriage; and it is for the Court to say whether one or both may disappear, when the motive which may be supposed to have suggested them has disappeared with the removal of the Hospital. The defenders desire the instructions of the truster to be abrogated. There is, however, a distinction between altering a rule laid down by managers of a charity and abrogation of provisions by a founder. The Reporter thought that this might be done on both points as regards any pensions over and above the original number fixed by the truster; and he has introduced Regulation 11 as to beneficiaries marrying, in the terms approved by the Court as to the Hospital pensioners.

Regulations 10 and 15 are framed mainly that it may be considered whether this trust is in all its rules to follow as closely as possible the Trinity, to the rules of which the Alexander pensioners were to conform. There was a long-continued practice on the part of the Governors of the Hospital to have out-pensioners as well as pensioners living in Hospital, and this practice they applied to the Alexander Mortification. But it is quite manifest that the truster did not for a moment contemplate any such

distinction. All the original pensioners were to be lodged in the Hospital. He directed accumulation of the fund, with a view to more pensioners being elected, likewise to live in Hospital; so the case to be dealt with is not a *casus improvus* by the testator, but one which he did foresee, and did deal with; and it seems to the Reporter that the testator's intention will be best carried out by the whole income of his original and augmented mortification being expended in the support of qualified persons on a scale slightly higher than the highest recognised by the scheme for Trinity College Hospital. In the deed of mortification there is no trace of any restriction such as that expressed in Regulation 15.

Regulation 12. The defenders object to being instructed to advertise so largely as is suggested in this article. Dumfries has been suggested as a proper place in which to advertise, as being the county with which the founder was connected. The only object in advertising elsewhere out of Edinburgh is to give as much effect as possible to the founder's intention to favour people of his own kin and name, but he contemplated no notice being given except by vacancies being intimated on a board put up at the Hospital.

It is understood that the income of the aggregate estates, including the Trinity College Church fund, is now upwards of £4000 a-year. Till it was settled what proportion should be allocated to the Alexander Mortification, it was thought unnecessary to attempt to exhaust the income in the schemes submitted.

Humbly reported by

NORMAN MACPHERSON.

30th June 1877.

Scheme for the Administration of the Trinity Hospital.

1. The beneficiaries must not be under fifty years of age, except in the case specified below Art. 4.

2. They must be of good reputation when appointed; and maintain their character.

3. They must be in decayed circumstances, and not from their own improvidence or misconduct.

4. One-eighth of the whole beneficiaries shall be persons labouring under incurable disease.

There shall be no limit in point of age in the case of persons who, by supervening incurable disease, are prevented from labouring as they have formerly done for their own livelihood.

It shall be in the power of the Governors to select a larger number of incurables, if they think fit, from among applicants possessing the ordinary qualifications as to age, etc.

5. Applicants must have at some time resided in Edinburgh for two years; and for that period have supported themselves by their own industry, or at least without aid from any charity; or be widows or children of burgesses.

6. The beneficiaries must, after their appointment, reside in Edinburgh, unless they have relatives elsewhere with whom they can reside, and where, for this or other special cause, which shall be recorded, leave to reside elsewhere is granted by the Governors on suitable provision being made for receiving periodical reports as to the condition of the beneficiary to whom such leave is granted.

7. There shall be a Medical Officer on the staff of the Charity, whose duty shall be to attend the beneficiaries in the case of sickness, and report to the Governors, subject to such regulations as may be fixed from time to time. His salary shall not be less than £105.

8. There shall also be a Lady Visitor on the staff of the Charity, whose duty shall be to visit all the beneficiaries resident in Edinburgh and Leith, and report to the Governors upon them, subject to such regulations as may from time to time be fixed. Her salary shall not be less than £63.

9. There shall be two scales of Pension, £25 and £15—it being in the power of the Governors to put those elected on whatever scale they think fit, on consideration of the circumstances of the applicant and the state of the pension roll.

10. Presentees by private patrons shall be entitled to receive pensions on the highest scale.

11. It shall not be a disqualification that an applicant for the benefit of the Charity has a living spouse ; but where a marriage occurs in the case of any beneficiary, his or her claim to receive benefit from the Charity shall be reconsidered by the Governors.

12. No pensions shall be paid to, or in respect of, parties in receipt of parochial relief, or supported by parochial boards in lunatic asylums.

13. The benefits of the Charity shall be forfeited by misconduct, of which the Governors shall be the sole judges.

14. In every case of death of a beneficiary a sum of £5 will be allowed for funeral expenses.

15. Private rights of patronage cannot be exercised till after a lapse of twelve months from the death of the last presentee.

16. Vacancies on private rights of patronage shall be intimated to the patrons so soon as they are brought to the notice of the trustees, or their clerk.

17. There shall be preserved in volumes, containing no record of the proceedings of the Town Council as representing the community, a separate record of the whole proceedings of the Lord Provost, Magistrates, and Council, as Governors of Trinity College Hospital, or of any committee or committees of their number to whom matters connected with the administration of the Charity or its property are remitted.

18. It shall be in the power of the Governors, as trustees of the Wemyss bequest, when its income falls in, to fix a uniform amount of pension, or distribute it according to any of the scales subsisting at the time.

19. If the withdrawal of the Alexander fund should diminish the income of the Hospital, so that all the pensioners cannot be placed on the above scales, no vacancies occurring on the roll of pensioners shall be filled up unless or until the income is sufficient to support the new pensioners on the above rates ; and as the free income of the Hospital increases, it shall be expended as nearly as may be, one-half in providing pensions on the higher scale, and the other in providing pensions on the lower scale.

Proposed Scheme of Distribution of the Free Income of the Charity.

UNLIMITED PRESENTATIONS ON £25 SCALE.

<i>Mortifier.</i>	<i>Patron.</i>	
William Brown of Dalgourie	Lady Susan Brown Bourke	1
Lady Grizell Sempill	Earl of Rosebery	1
Rev. William Brown	The Minister of Old Greyfriars	1
Mrs Melville	Mr White Melville of Bendochie	1
James Hunter	Lord Forbes	1
Mrs Campbell	The Incorporation of Skinners and Furriers	1
Rodger Hog . . . . .			Mr Hog of Newliston . . . . .	1

} 7

PRESENTATIONS LIMITED TO BURGESS CLASS ON £25 SCALE.

(It is a question whether or not this limitation applies to Hog's Mortification. A like question is raised by Mr Grierson with reference to Murray's Mortification. He claims right to an unrestricted presentation.)

John Young	Incorporation of Cordiners	1
Mrs Beech	The Merchant Company	2
George Watson		
John Wightman	The Incorporation of Skinners	2
Mrs Campbell		
Robert Murray	Mr Andrew Grierson, W.S.	1
Andrew Gairdner	Mr G. W. Gairdner, London	1
James Wilkie	The Ministers of Edinburgh	1
James Penman	The Magistrates and Council	2
Mrs Campbell or Wightman		

} 10

PRESENTATIONS LIMITED TO CERTAIN NAMES OR FOUNDER'S KIN,
ON £25 SCALE.

Four of the above	Young, Watson, Wilkie and Beech.		
Thomas Crookat	{ Minister and Kirk-Session of Wester or New Greyfriars 2 Incorporation of Skinners 2 Lord Provost, Dean of Guild, and Treasurer 1	} 5	
Mrs Callender			
Thomas Fraser			
Total on £25 scale,		22	£550
On £25 scale Presentation by Private Patrons	22	£550	
On £25 scale Unlimited Presentation by Magistrates and Council	38	950	1500
On £15 scale do., do.	100		1500
Total beneficiaries		160	£3000
For Salary of Medical Officer	£105		
„ Lady Inspector	63		
	£168		
Less share paid by Alexander fund	13		155
			£3155

Form of Application for the Benefit of the Hospital.

STREET,
18 .

EDINBURGH,

GENTLEMEN,—I beg to apply for the benefits of *Trinity College Hospital*.

The particulars of my claim are set forth in the annexed schedule, and the documents in support of the application are herewith lodged.

I am, your most obedient servant,

To the Governors of
Trinity College Hospital, Edinburgh.

Schedule.

1. Name and designation of the applicant, with his or her present or former occupation.
2. Date and place of birth of the applicant.*
3. Present residence of the applicant, and his or her residence during the five preceding years; and if a householder, for how long.
4. (a) If the applicant is married, state the name, age, and condition of the spouse.
(b) If a widower or widow, give date of death of spouse.
5. (a) In the case of a female applicant, state the name, profession, and place of residence of her father, his circumstances in her youth, and the date of his death.
(b) If the applicant is a widow, the profession and place of residence of her husband, and his circumstances must be stated.
6. (a) The children of the applicant, if any, and their names, ages, designations, and occupations.
(b) State whether any children are receiving any aid from any charitable institution.
7. How is the applicant at present supported, or what are his or her sources of income? State the amount.†

* This must if possible be proved by a certificate by the Registrar, or, if that cannot be obtained, such evidence as will satisfy the Governors.

Persons are elected to the benefits of the foundation in the month of _____ and the pension or annuity will commence to run and be payable _____ . The persons eligible for election to the benefits of the foundation are old men and women, aged fifty and upwards, who have resided in Edinburgh or Leith for at least two years, or are of burgh families. The unsuccessful applicants will have their petition returned on applying to the Treasurer immediately after the _____ meeting of Governors. The petitions not called for before the end of _____ will be *considered as withdrawn*, and not again reported to the Governors.

† Should it be found on inquiry that any information respecting means of support, whether regular or casual, has been falsely stated or withheld, the applicant will be excluded from benefit; or if such be not discovered until after admission, the person will be liable to be removed from the pension list.

-
8. The Christian congregation with which the applicant is in connection, and how long he or she has been so.*
 9. State generally the present condition of health, mental and bodily.
 10. State who are the nearest relatives of the applicant, and what aid they afford.
 11. State any circumstances strengthening the applicant's claim.
 12. State whether the applicant is a burghess of Edinburgh, or the widow or child of a burghess, and produce the burghess-ticket.

Declaration of the Applicant.

I hereby declare that, in the above answers, I have given a true statement of my whole circumstances, and if the Governors are pleased to elect me, I promise to conform to the rules made or to be made by them regarding pensioners.

(Applicant signs here.)

Certificate to be signed by two Householdors.

We believe that the answers given to the printed questions on the preceding page are all true; and we hereby certify, from personal knowledge, after careful inquiry, that the applicant is destitute, and a proper object of the Charity, and is a sober, honest, and well-behaved person.

(Signatures of Householdors, who will please add their addresses and designations after their signatures.)

Medical Certificate.

The application must be accompanied by a Medical Certificate if the applicant claims specially as an incurable.

* This is to be certified by the minister; or if the charge be vacant, by two seatholders.

Scheme for the Administration of the Alexander Mortification.

1. The Governors and Patrons of the Mortification shall be the Lord Provost and Bailies and Council of Edinburgh, and their successors in office, and the Ministers of the burgh, present and to come.

2. All funds belonging to the Mortification shall be vested in the names of the Treasurer of the Trinity College Hospital, the Lord Provost and Bailies and Council of Edinburgh, and their successors in office, and the Ministers of the burgh, present and to come, for behoof of the Trinity Hospital and the indigent persons after mentioned.

3. The Officers of the Mortification shall be a Treasurer, a Clerk, a Medical Officer, and a Lady Visitor, and shall be the persons holding the like offices under the Governors of Trinity College Hospital; and the funds of the Alexander Mortification shall bear a share of the cost of these officials in the proportion which the income of the Mortification bears to that of Trinity College Hospital.

4. The free income, after meeting expenses of management of the fund set apart as belonging to the Alexander trust, shall be divided amongst twelve beneficiaries, eight men and four women, provided it does not amount to more than £27, 15s. 6d. for each, being the highest Trinity College allowance plus one-ninth.

5. Should the income not suffice, the number of beneficiaries shall still be twelve, but the allowance shall be restricted to £16, 13s. 4d. per annum in the cases of so many of the beneficiaries as may be necessary to enable the rest to receive the full allowance.

6. In the case of the death of each beneficiary, £5 shall be allowed for funeral expenses.

7. The beneficiaries shall be indigent persons of good reputation, who have not fallen into decay through their own vice and prodigality—*First*, Those of the kindred of Mr Alexander of Knockhill, who died in 1696, either upon his father's or his mother's side; *secondly*, those of the surname of Alexander, who shall apply within three score days next after any vacancy; and *thirdly*, other persons qualified as aforesaid as the patrons shall think fit.

8. All persons bearing the name of Alexander, whether as their parent's name or their husband's name, shall be deemed to fall within the favouring clause of the bequest.

9. The beneficiaries shall be unmarried when elected, and not under fifty years of age, and shall "remain and continue unmarried during their lifetime."

10. Should the free income of the fund be more than sufficient to provide for twelve beneficiaries on the highest scale above mentioned, it shall be applied to the support of additional beneficiaries; and they may, at the discretion of the Governors and patrons, be paid at the rate of £16, 13s. 4d., but on this condition, that there shall not at any time be more beneficiaries on the lower than on the higher rate. There shall be no restriction in respect of sex or marriage in the selection of these additional beneficiaries.

11. Where a marriage occurs in the case of any beneficiary, his or her claim to receive the benefit of the Charity shall be reconsidered by the trustees.

12. Immediately on ascertaining the death of any beneficiary, it shall be the duty of the clerk of the trust to advertise the occurrence of the vacancy in newspapers in Edinburgh, Glasgow, Dundee, Aberdeen, and Dumfries, stating the preference that will be given to the founder's kin, and persons of the name of Alexander, if they apply within six weeks.

13. It shall be the duty also of the clerk to summon a meeting of the patrons at an early date after the expiry of the said six weeks, provided any applications have been received; and failing such applications, it shall be the duty of the said clerk to summon a meeting on the first convenient day, and failing any applicant entitled to preference, it shall then be the duty of the patrons to appoint some other indigent person of good reputation who has not fallen into decay through vice or prodigality.

14. No pension shall be paid to, or in respect of, parties in receipt of parochial relief, or supported by parochial boards in lunatic asylums.

15. Applicants not claiming on the footing of being entitled to a preference, must have resided in Edinburgh for two years, and for that period must have supported themselves by their own industry, or at least without aid from any charity.

16. The beneficiaries must, after their appointment, reside in Edinburgh or Leith, unless they have relatives elsewhere with whom they can reside, and

whenever for this or other special cause, which shall be recorded, leave to live elsewhere is granted by the Governors, suitable provision must be made for receiving periodical reports as to the condition of the beneficiaries to whom such leave is granted.

17. The benefits of the Charity shall be forfeited by misconduct, of which the patrons shall be the sole judges.

18. A separate record shall be kept of the proceedings of the trustees of the Alexander fund and of the money transactions of the trustees, in books containing no entries except those relating to it.

19. The Governors and patrons of the Alexander fund shall, as soon as possible after the annual audit of their accounts, report to the Lord President of the Court of Session an abstract of the receipt and expenditure and investments of the Alexander trust, and a list of the beneficiaries, their residence prior to appointment, and at the date of their report, with their ages and the dates of their appointment, and of the vacancy to fill which they were appointed.

Applications for the benefit of this mortification may be made in a form almost identical with that proposed for applicants for admission to the Trinity Hospital pension roll.

VI.

OBJECTIONS for the LORD PROVOST, MAGISTRATES, and COUNCIL of the CITY of EDINBURGH to the foregoing REPORT, dated 26th October 1877.

1. The report is objected to in so far as it proposes that the value of Trinity College Church, Trinity Hospital, and the relative servitude right therein mentioned, should be taken into account in allocating the increment of the trust funds and estate between the Trinity fund proper and the Alexander fund, and the alternative views submitted by the Reporter are maintained to be well founded, in so far as these subjects are excluded from the calculation.

2. The report is objected to in so far as it proposes that the value of the lands of Quarryholes and Coatfield should be brought into the account in allocating the increment of the trust estate between the Trinity fund proper and the Alexander fund, and that on the ground that these estates were the property of the Governors by a title prior in date to the acquisition of the Alexander bequest; that the Alexander fund has not and could not be im-mixed with an heritable estate previously acquired; and that the said heritable estate did not participate in any profit which the Trinity Hospital Trust may have derived from the employment of Mr Alexander's money. The alternative views of the Reporter in which these lands are excluded are supported.

Note.—This objection does not apply to the lands of Blinkbonny, as they were acquired after the year 1700, and are therefore, under the Interlocutor of 20th July 1875, to be held as part of the Trinity fund with which the Alexander bequest was immixed.

3. The report is objected to in so far as it applies different principles of valuation to the valuation of the Hospital property at the two periods of 1700 and 1873; and it is submitted that, while for purposes of sale or other purposes extrinsic to the trust, it would be proper to value at a greater number of years' purchase in 1873 than in 1700, yet, in a question of allocation between two beneficiaries, the revenues of the trust ought to be capitalised by applying the same number of years' purchase or years' value to both periods, otherwise the Alexander fund will be augmented in a *double ratio* at the expense of the general fund.

4. The same objection is stated on the ground that while, in cases of diversion of trust-funds, beneficiaries have been held entitled to participation in the profits or revenues derived from the employment of their money, it is submitted there is no rule to the effect that beneficiaries are entitled to participate in the increment in the value of capital resulting from general causes, and not from a use involving risk or hazard to the immixed trust-funds.

5. The objectors do not understand the Reporter to express an opinion in favour of the assumption of a prospective feuing value for the property as at 1873, but alternative views are submitted, based on that assumption. These are objected to, and it is submitted that the valuation appearing in the Hospital accounts, and quoted without remark in Professor Macpherson's principal report, is the true value for all the purposes of this cause.

6. Appended hereto is the original or "tentative" state prepared by Mr Gillies Smith, under Professor Macpherson's directions, and communicated to the objectors; and on the opposite page is a copy of that state, with certain corrections applied to it, shewing the effect of the alterations submitted by the objectors to Professor Macpherson. Instead of giving his opinion as between these limits, the Reporter has, as he himself explains, reconsidered the whole subject, and has presented various alternative views, to which the preceding objections apply. The objectors are willing to accept the

“tentative” state as the basis of settlement, and if this course should be approved by the Court, the above objections will fall to be modified. The corrected state is referred to as shewing the effect of the objectors’ propositions.

In respect whereof,

JOHN M’LAREN.

APPEN

STATES of the ALEXANDER FUND as at 1st August 1873, original, and as of Heritable

STATE of the ALEXANDER FUND at 1st August 1873, prepared on principle laid down in Interlocutor of Court, dated 20th July 1875.

The Trinity Hospital funds, including the Alexander fund, and taking the value of lands at 22 years' purchase, amounted in the year 1700 to £12,449 11 4

See State appended page 2.

The capital sums received between the years 1700 and 1873 amounted to £7,560, 8s. 0d.
 The present value of these sums, drawn back to the year 1700, at 5 per cent. compound interest, are 974 2 9
 Total as at 1700, drawing back to that year, at 5 per cent. compound interest, capital sums subsequently received, £13,423 14 1

The funds and estate at 1st August 1873 amounted, per Tabular Statement of Revenue and Expenditure of City Accounts, for the 10 years ending 1st August 1873, to £86,183 4 10
 Deduct—Price received for Hospital, £6,000 0 0
 Interest thereon, at average rates, actually received on the Hospital funds and estate, from 5th May 1846 to 1st August 1873, . 7,199 19 4
13,199 19 4
£72,983 5 6

Total as at 1700, including subsequent receipts drawn back.	Alexander Fund in 1700.	Total Fund at 1873.	Alexander Fund in 1873.
Then, as 13,423 ¹⁰⁴ :	2270 ⁰³² :	72,983 ²⁷³ :	12,341 ²⁴³ :
Say, Amount of Alexander fund, in this view, at 1st August 1873, <u>£12,341 18 10</u>			

DIX.

altered to give effect to the equalisation of Rates of Interest and of Valuation Properties.

STATE (by Mr A. Gillies Smith, C.A.) of the ALEXANDER FUND at 1st August 1873, prepared on principle laid down in Interlocutor of Court, dated 20th July 1875, as altered to meet certain objections thereto by the Governors of the Trinity Hospital.

The Trinity Hospital funds, including the Alexander fund, and taking the value of lands at 27¼ years' purchase, amounted in the year 1700 to . . . £14,289 7 1

The amount in Mr Gillies Smith's state (the number of years' purchase of land rent being 22), is . . . £12,449 11 4

Add, 5¼ years' purchase of £4205, 4s. 8d. Scots=£22,077, . . . 1,839 15 9
9s. 6d. Scots, in sterling, . . .

As above, . . . £14,289 7 1

The capital sums received between the year 1700 and 1873 amounted to . . . £7,560 8 0

The present value of these sums, drawn back to the year 1700, at 3½ per cent. compound interest, is . . . 1,563 7 7

Total as at 1700, drawing back to that year, at 3½ per cent. compound interest, capital sums subsequently received, . . . £15,852 14 8

The funds and estate at 1st August 1873 amounted, per Tabular Statement of Revenue and Expenditure of City Accounts for the 10 years ending 1st August 1873, to . . . £86,183 4 10

(The amount here stated includes a valuation of the Hospital properties at from 10 to 30 years' purchase of the annual rental, viz., 10 years for houses, 21 years for feu-duties, and 30 years for lands, the average being 27¼ years.)

Deduct—Price received for the Hospital, . . . £6,000 0 0
And for extinction of servitude on “Ireland's Woodyard,” . . . 500 0 0

Together, . . . £6,500 0 0

And interest at 3½ per cent. per annum, to 1st August 1873, on £6000, from 5th May 1846, . . . £9,322 6 0

And on £500, from 15th May 1848, . . . 691 19 3

Interest, . . . 10,014 5 3

Deduct, . . . 16,514 5 3

£69,668 19 7

Total as at 1700, including subsequent receipts drawn back.	Alexander Fund in 1700.	Total Fund at 1873.	Alexander Fund in 1873.
Then, as 15,852 ^{·73} :	2,270 ^{·03}	: : 69,668 ^{·13}	: 9,976 ^{·24}

Amount of Alexander fund, in this view, at 1st August 1873, . . . £9,976 5 0

VII.

ADDITIONAL REPORT by Professor MACPHERSON *in causa* CLEPHANE and OTHERS against the MAGISTRATES and TOWN COUNCIL of EDINBURGH, as Governors of Trinity Hospital.

Edinburgh, 19th March 1878.—The Lords having resumed consideration of the cause, with the Report by Professor Macpherson, dated 7th June 1877, in answer to the remit contained in the Interlocutor of the Court, dated 20th July 1875, and objections thereto for the defenders, No. 123 of Process, and heard counsel for the defenders,—Find that in ascertaining the value of the whole funds and property administered by the defenders, as Governors of the Hospital in the year 1700, no account is to be taken of the Trinity College Church or of the Trinity Hospital buildings, or of any lands held and possessed by the Governors for the Hospital in the year 1700, and thereafter retained by them *in forma specifica*; and on the other hand, Find that, in ascertaining the value of said whole funds and property in the year 1873, no account is to be taken of the prices received by the defenders for the said church and for the said Hospital buildings (including the price of a servitude in favour of the said Hospital building mentioned in the said report), inasmuch as such prices are of known amount, and either have been kept separate or are readily separable from the aggregate funds and property which comprehend the funds and property belonging to the Alexander Mortification: Find that the price or prices of parts of the lands held and possessed by the defenders in 1700, but since sold, must be included in the account of the value of the said whole funds and property in the year 1873, inasmuch as the said price or prices have been immixed with the aggregate funds and property which comprehend the funds and property of the Alexander Mortification; and on the other hand, that in ascertaining the value of the said whole funds and property in the year 1700, the said price or prices must be drawn back to the said date on

the same terms on which additional gifts and legacies, received since 1700, are to be drawn back, as hereinafter directed: Find that lands acquired by the defenders, as Governors, since the year 1700, by purchase and not by donation or mortification, must be taken into account in ascertaining the value of the said aggregate funds and property in the year 1873, and are to be valued at the price at which the same might reasonably be expected to sell if publicly exposed for sale in the year 1873: Approve of the valuation ascertained and reported by Professor Macpherson, and appoint the value of the said lands to be taken at £640 per acre in the year 1873: Find that the sum of £5730, 9s. 2d., which the defenders are appointed by Interlocutor of this date to restore to the Trinity Hospital, but without interest, is to be reckoned as part of the said aggregate funds and property as existing in the year 1873: Find that the mode adopted by the Accountant, and reported by Professor Macpherson, of drawing back to the year 1700 the value of all additional gifts and legacies received by the Governors of the Hospital since 1700, and immixed with the said aggregate funds and property, is a reasonable and equitable mode, and approve thereof accordingly, as applicable not only to the said additional gifts and legacies, but also to the price or prices obtained for portions of the lands held and possessed by the Governors in 1700, and subsequently sold: Further, in accordance with the above finding, sustain the first and second objections stated by the defenders to the report: Find that the third objection has been obviated by the above findings: Repel the other objections and decern: Remit of new to Professor Macpherson to prepare, with the assistance of the Accountant, a state shewing the amount as in 1700 of the Trinity Hospital estate and of the Alexander fund respectively, and the amount of the said two estates or funds respectively in the year 1873, upon the principles settled by the previous Interlocutor of 20th July 1875.

Signed 20th March 1878.

JOHN INGLIS, *I.P.D.*

To the Lords of the First Division of the Court of Session.

MY LORDS,

In obedience to the prefixed Interlocutor, the Reporter met with the Accountant, and considered the bearing of the findings it contains upon the

notes previously prepared by the Accountant. The latter has since made the necessary calculations, applying the findings of your Lordships to the data upon which the accounts previously lodged were based.

The amounts of the Trinity Hospital estate estimated in terms of prefixed Interlocutor, and of the Alexander fund respectively, in 1700 and in 1873, were as follows:—

1700.	1873.
<p>AMOUNT of the Trinity Hospital estate, including the value of gifts and legacies received since 1700, and of prices obtained for portions of land then held and subsequently sold, drawn back to that date,— but exclusive of the value of Trinity College Church, the Hospital buildings and servitude, and of all lands held in 1700 not since sold,</p> <p style="text-align: right;">£8795 19 0</p> <p>Amount of the Alexander fund,</p> <p style="text-align: right;">£2270 0 8</p>	<p>AMOUNT of Trinity Hospital estate, exclusive of the Trinity College Church and of the Trinity Hospital buildings and servitude, and of lands held by the Governors for the Hospital in the year 1700, and retained by them,</p> <p style="text-align: right;">£118,330 8 7$\frac{3}{4}$</p> <p>Amount of the Alexander fund,</p> <p style="text-align: right;">£30,537 19 0</p>

The Accountant's Report and relative appendices are lodged herewith.

Humbly reported by

NORMAN MACPHERSON.

5th July 1878.

VIII.

OBJECTIONS for the LORD PROVOST, MAGISTRATES, and COUNCIL of the CITY of EDINBURGH, as Trustees, Administrators, and Governors of the Trinity Hospital of Edinburgh, to REPORT by Professor MACPHERSON, dated 6th July 1878.

The Magistrates and Town Council of Edinburgh, as Governors of Trinity Hospital, have had communicated to them the Report by Professor Macpherson, dated 5th July 1878, and boxed 6th July, and relative state therein referred to, and which report was allowed to be seen in terms of the prefixed Interlocutor.

The state referred to in the report embraces minute calculations, extending from 1700 to 1873, and it is impossible for the Magistrates and Town Council within the time allowed them fully to check these calculations. Reserving any objections, therefore, which may exist to these calculations, and while maintaining their objections formerly stated against any part of the value of the lands of Dean Park and Blinkbonny, or the ground at Coatfield, acquired since 1700, being apportioned to the Alexander fund, and also to the method in which these lands have been valued, and to the price or prices of parts of the Trinity Hospital's other lands held and possessed in 1700, but since sold, being dealt with in the manner in which they are in the said state, the Magistrates and Council have to state the following additional objections in regard to the way in which the state has been made up.

The Magistrates and Council object to the report and state—

1. Because the Reporter has included in the "state of prices received for parts of the lands held in the year 1700, but sold prior to 1st August

1873," set out in No. 132 of process, Appendix No. 5, p. 9, the following sums:—

1724. For part of Hospital's garden at the foot of Leith Wynd,	£5 11 0
1794. For house at foot of Leith Wynd,	30 0 0
1840. For Old Physic Gardens,	600 0 0
1844. Do. balance,	1500 0 0
	£2135 11 0

These were all lands held like the Hospital itself before 1700, and formed the Hospital preeinets, and the price thereof should have been included along with the price of the Hospital buildings and of the right of servitude, and been excluded from the account as directed by the Interlocutor of 19th March 1878.

2. Because the Reporter in the state deals in a different manner with the prices received for parts of the lands held and possessed in 1700, but sold prior to 1873, from the manner in which he deals with the price of the Hospital buildings and servitude, inasmuch as he carries the one back to 1700 and not the other.

In respect whereof,

JOHN M'LAREN.

XIV.

CHARTER by KING JAMES VI. granting Trinity Church and Hospital to Sir SIMON PRESTON, Provost, and his successors the PROVOSTS, BAILLIES, and COUNCIL of the BURGH of EDINBURGH. Edinburgh, 12th November 1567.

JACOBUS Dei gratia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem. SCIATIS quod nos et charissimus consanguineus Jacobus comes Moraviae dominus Abirnethy etc. nostri regni Regens animo ferventi et zelo ducti ad supportandum et adjuvandum paupertatem penuriam et inopiam multarum et diversarum honestarum senium et inpotentium personarum a quibus in earum senectute per eventum et adversam fortunam res et bona deciderunt, ne propter extremam famem penuriam et indigentiam sue necessarie sustentationis omnino perirent et morirentur, Nos propterea pietate et bona conscientia moti ad prestandum eis juvamen et auxilium prout eorum indigentia et necessitas requirit, ac etiam intelligentes quod hec predicta in omnibus commoda principia et initia capere non poterunt nec commode per-

JAMES, by the grace of God King of Scots: To all the good men of his whole land, clerics and laics, greeting. Know ye that we and our dearest cousin James earl of Murray lord Abernethie, &c., Regent of our kingdom, moved by fervent and zealous purpose to support and assist the poverty, penury, and want of many and divers honest, aged, and impotent persons, who in their old age have lost their means and substance by accident and bad fortune, so that they may not utterly perish and die through extreme hunger, penury, and want of their necessary sustenance; we therefore, moved by piety and good conscience to afford them such help and assistance as their indigence and necessity require; as also understanding that the aforesaid purpose cannot in all respects be conveniently begun and commenced, nor conveniently per-

formari et ad finem perfectum pervenire valeant absque nostro supplemento auxilio et auctoritate ; intelligentesque quod dominus Symon Prestoun de eodem miles animo est deliberato firmo et constanti proposito ad edificandum construendum ac cum omni cura et diligentia dotandum unum Hospitale cum rationabili sustentatione talibus predictis honestis indigentibus et impotentibus personis senibus et etate provectoris egrotis, incolis et inhabitantibus infra nostrum Burgum de Edinburgh, ac etiam aliis senibus indigentibus et impotentibus qui idonei fuerint inventi ad acceptandum talia beneficia et gratitudines in dicto hospitali fundando. Nos propterea et Regens noster predictus intelligentes predictum propositum et opus omnibus modis non solum bonum et divinum fore, sed etiam volentes prestare occasionem aliis nostris subditis et ad alliciendos animos quorundam aliorum nostrorum ligeorum et subditorum ad simile propositum et opus talem divinam vocationem acceptandum, cum avisa-mento et consensu dominorum nostri secreti consilii expediens et necessarium fore duximus ad gratificandum dictum dominum Symonem prepositum dicti nostri Burgi de Edinburgh dono et donatione talis loci nunc in nostris manibus vacantis et ad nostram donationem spectantis et pertinentis, magis convenientis et idonei ad construendum et edificandum reparandum et performandum dictum

fected and accomplished, without our supplement, aid, and authority ; and understanding that Sir Simon Prestoun of that Ilk, knight, intends with deliberate, firm, and set purpose to build, erect, and with all care and diligence endow an Hospital, with reasonable support for such foresaid honest poor and impotent persons, aged and advanced in years, or sick, indwellers and inhabitants within our Burgh of Edinburgh, and also for such other old indigent and impotent people as shall be found fit for receiving such benefits and charity in the said Hospital so to be founded : Therefore, we and our foresaid Regent, perceiving that the said purpose and work will be in every respect not only good and divine, but also willing to give occasion to others our subjects, and to incline the minds of certain others of our lieges and subjects to accept such a divine call to a similar purpose and work, with the advice and consent of the lords of our Privy Council, have deemed it expedient and necessary to gratify the said Sir Simon, provost of our said Burgh of Edinburgh, with the gift and donation of such a place now vacant in our hands, and belonging and pertaining to our gift, as shall be most fit and convenient for constructing and building, repairing and perfecting the said Hospital, with the houses, buildings and yards thereof, which the

Hospitale cum domibus edificiis et hortis eiusdem, ubi major populi et gentium multitudo et confluentia tam extraneorum quam aliorum nostrorum ligeorum huius nostri oppidi frequentare videntur, et prope dictum locum quotidianum accessum ad dictum nostrum oppidum ac etiam regressum a dicto nostro oppido maxime habent, occasione cuius quotidiana elemosyna et auxilium ad dictum Hospitale augetur et inerescet. QUARE nos propter bonum fidele et gratuitum servitium nobis nostro Regenti predicto et etiam predictis dominis nostri secreti consilii per dictum dominum Symonem Prestoun prepositum predictum temporibus retroactis et preteritis factum et impensum, ac etiam propter nonnullas alias occasiones et considerationes animum nostrum moventes erga dictum dominum Symonem Prestoun Prepositum Ballivos Consules et Communitatem dicti nostri Burgi de Edinburgh, dedimus concessimus et disposuimus, ac tenore presentis carte nostre, damus concedimus et disponimus dicto domino Symoni Prestoun nunc preposito dicti nostri Burgi de Edinburgh et successoribus suis Prepositis Ballivis Consulibus et Communitati eiusdem Burgi pro tempore existentibus, totam et integram ecclesiam vocatam Ecclesiam Collegiatam Trinitatis cum cimiterio domibus edificiis ruinatis et edificatis pomariis hortis croftis columbario et pertinentiis eiusdem quibuscunque per prepositum et pre-

greatest multitude and concourse of people, as well strangers as others our lieges of this our town, are seen to frequent, and near which they chiefly have daily access to and egress from the town, whereby the daily alms and contributions to the said Hospital are increased and will increase: THEREFORE, for the good, faithful, and gratuitous service rendered and performed by the said Sir Simon Prestoun, provost foresaid, towards ourself, our foresaid Regent, and the said lords of our Privy Council, in times bygone and past, as well as for other causes and considerations moving us in favour of the said Sir Simon Prestoun, Provost, the Bailies, Councillors, and Community of our said Burgh of Edinburgh, we have GIVEN, GRANTED, and DISPONED, and, by the tenor of our present charter, GIVE, GRANT, and DISPONE, to the said Sir Simon Prestoun, present provost of our said Burgh of Edinburgh, and his successors, the Provosts, Bailies, Councillors, and Community of the said Burgh for the time being, All and Whole the church called the Collegiate Church of the Trinity, with the churchyard, houses, buildings, ruinous and built, orchards, yards, crofts, dovecot, and pertinents thereof whatsoever, formerly occupied and inhabited by the provost

bendarios dicte Ecclesie Collegiate perprius occupatis et inhabitatis, unacum loco et parte cum edificiis et hortis hospitalis vocati Hospitalis Trinitatis vulgo Trinitie Hospitall dicte Ecclesie Collegiate contigue adjacentibus cum horto ex parte occidentali eiusdem jacente ad caudam sive finem vici seu vinelle nostre vocati Leyth Wynde, in manibus nostris nunc existente et ad nostram donationem seu dispositionem deveniente tanquam prefati Collegii et loci indubitati patroni, per ordinem actorum et statutorum a tempore reformationis religionis nuper factorum et ordinatorum, ac pro edificatione et constructione dicti hospitalis domorum hortorum et policiorum eiusdem pro sustentatione pauperum et egrotorum per ipsos infra eandem locandorum et nulli alio usui tantummodo. TENENDAM et HABENDAM totam et integram prefatam ecclesiam vocatam Ecclesiam Trinitatis cum hortis domibus edificiis pomariis croftis columbario ac domibus dicti hospitalis vocati Hospitalis Trinitatis cum omnibus locis partibus et possessionibus earundem per prepositum et prebendarios dicte Ecclesie Collegiate perprius occupatis et possedatis [possessis], dicto domino Symoni Prestoun nunc preposito dicti nostri Burgi de Edinburgh et successoribus suis Prepositis Ballivis Consulibus et Communitati dicti nostri Burgi pro tempore existentibus, de nobis et successoribus nostris in libera alba firma imperpetuum per omnes

and prebendaries of the said Collegiate Church, together with the place and part, with the buildings and yards of the hospital, called the Hospital of the Trinity, lying contiguous to the said Collegiate Church, with the yard lying on the west side thereof, at the foot or end of our street or vennel called Leith Wynd, now in our hands, and at our gift or disposal as undoubted patron of the said College and place, according to the tenor of the acts and statutes made and ordained shortly after the time of the Reformation of religion, and for the building and construction of the said Hospital, houses, yards and policies of the same, for the sustentation of the poor and sick to be placed by them within the same only, and for no other use whatever. To HAVE and TO HOLD all and whole the said church called the Church of the Trinity, with the yards, houses, buildings, orchards, crofts, dovecot, and houses of the said hospital called Trinity Hospital, with all the places, parts and possessions of the same, formerly occupied and possessed by the provost and prebendaries of the said Collegiate Church, to the said Sir Simon Prestoun, now provost of our said Burgh of Edinburgh, and his successors, the Provosts, Bailies, Councillors, and Community of our said Burgh of Edinburgh for the time being, of us and our successors

rectas metas et divisas prout prefata ccelesia cum pomariis hortis columbario et aliis prescriptis et earundem pertinentiis jacent in longitudine et latitudine in domibus edificiis hortis etc. cum libero introitu et exitu viis et passagiis earundem usitatis et consuetis cum omnibus aliis et singulis commoditatibus libertatibus asiamentis privilegiis et justis suis pertinentiis quibuscunque spectantibus seu juste spectare valentibus seu que in futurum pertinere dinoscuntur, libere quiete plenarie integre honorifice bene et in pace absque revocatione aut contradictione quacunque; cum plenaria potestate dicto domino Symoni nuuc preposito et successoribus suis Prepositis Ballivis Consulibus et Communitati dicti Burgi pro tempore existentibus desuper disponendi prout ipsis visum fuerit; proviso tamen quod astricti erunt ut loca et alia prescripta usui prescripto et nullo alio modo nec usui applicabuuntur. REDDENDO inde annuatim dictus dominus Symon Prestoun nunc prepositus dicti nostri Burgi de Edinburgh et successores sui Prepositi Ballivi Consules et Communitas dicti nostri Burgi pro tempore existentes, nobis et successoribus nostris unum denarium argenti super fundo prefati loci in festo Penthecostes nomine albe firme si petatur tantum. Proviso omnimodo quod hec presens donatio et dispositio,

in free blench farm for ever, by all the just marches and divisions, as the foresaid church, with the orchards, yards, dovecot, and others before written, and their pertinents, lie in length and breadth, in houses, buildings, yards, etc., with free ish and entry, ways and passages of the same used and wont, with all and singular commodities, liberties, easements, privileges, and their just pertinents whatsoever, belonging, or which ought justly to belong, or which are known to belong, to the same, in future, freely, quietly, fully, wholly, honourably, well and in peace, without any revocation or gainsaying whatsoever; with full power to the said Sir Simon, now provost, and his successors, the Provosts, Bailies, Councillors, and Community of the said Burgh for the time being, to dispone thereupon as to them shall seem good: PROVIDING always that they shall be bound to apply the places and others foresaid to the use before set forth, and to no other purpose. GIVING therefor yearly, the said Sir Simon Prestoun, now provost of our said Burgh of Edinburgh, and his successors, the Provosts, Bailies, Councillors, and Community of our said Burgh for the time being, to us and our successors, a silver penny, on the ground of the said place and others, at Whitsunday, in name of blench farm, if asked only. PROVIDING always that this present gift and grant shall be in no degree prejudicial to the provost and prebendaries of the said

preposito et prebendariis dicte Ecclesie Collegiate, juxta ipsorum infeofamenta jura et donationes tantorum pauperum vocatorum vulgo beidmen in dicto hospitali, vocato The Trinitie Hospitale predicto, nunc locatorum et dotatorum, secundum tenorem erectionis desuper faete, minime prejudicet. IN CUIUS rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reverendissimo in Christo patre Johanne Archiepiscopo Sanctiandree etc.; dilectis nostris consanguineis Jacobo comite de Mortoun domino Dalkeyth cancellario nostro, Wilelmo comite Mariscalli domino Keyth; venerabili in Christo patre Johanne commendatario monasterii nostri de Coldinghame nostri secreti sigilli custode; dilectis nostris familiaribus consiliariis Magistro Jacobo M'Gill de Rankelour Nether nostrorum rotulorum registri ac consilii clerico, et Johanne Bellenden de Auchnoule milite nostre justiciarie clerico. Apud Edinburgh duodecimo die mensis Novembris anno Domini millesimo quingentesimo sexagesimo septimo, et regni nostri anno primo.

Collegiate Church, in regard to their infeftments, rights, and donations to so many of the poor, commonly called beidmen, now placed and endowed in the said hospital, called the Trinity Hospital foresaid, after the tenor of the erection made thereupon. IN WITNESS whereof we have ordered our Great Seal to be appended to this our present charter. WITNESSES, the most reverend father in Christ John archbishop of St Andrews, etc.; our beloved cousins, James earl of Mortoun lord Dalkeith, our chancellor, William earl Marischall lord Keith; the venerable father in Christ John commendator of our monastery of Coldingham, keeper of our privy seal; our beloved familiar councillors, Mr James M'Gill of Rankeillour Nether, clerk of our rolls register and council, and John Bellenden of Auchnoule knight, our justice clerk. At Edinburgh, the twelfth day of the month of November, in the year of our Lord one thousand five hundred and sixty-seven, and in the first year of our reign.

XV.

CHARTER by KING JAMES VI. confirming QUEEN MARY'S Charter of 13th March 1566, and of new granting the Kirk-livings to the PROVOST, BAILIES, COUNCIL, and COMMUNITY of the BURGH of EDINBURGH. Stirling, 14th April 1582.

JACOBUS, Dei gratia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem: SCIATIS nos, eum avisamento dominorum nostri secreti consilii, quamdam cartam et infeofamentum per nostram charissimam matrem pro tempore regni nostri Reginam post suam perfectam etatem cum avisamento et consensu dominorum ejus secreti consilii factam datam et concessam dilectis nostris Preposito Ballivis Consulibus et Communitati Burgi nostri de Edinburgh et eorum successoribus super donatione dispositione et confirmatione omnium et singularum terrarum tenementorum domorum edificiorum ecclesiarum capellaniarum hortorum pomariorum croftarum annuorum reddituum fructuum devoriarum proficuorum emolumentorum firmarum eleemozinarum lie daill sylver obituum et anniversariorum quorumcunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas

JAMES, by the grace of God King of Scots: To all good men of his whole land, clerics and laics, greeting. Know ye that we with the advice of the lords of our Privy Council have fully understood a certain charter and infektment, made, given, and granted by our dearest mother, Queen of our realm for the time, after her perfect age, with the advice and consent of the lords of her Privy Council, to our lovites the Provost, Bailies, Councillors, and Community of our Burgh of Edinburgh and their successors, in regard to the gift, grant, and confirmation of all and sundry lands, tenements, houses, buildings, churches, chapels, yards, orchards, crofts, annualrents, fruits, duties, profits, emoluments, rents, alms, daill silver, obits, and anniversaries whatsoever, which any time belonged or are known to belong to any chaplainries,

alteragia prebendas in quacunq̄ue ecclesia capella aut collegio infra libertatem dicti Burgi nostri de Edinburgh, fundata seu fundanda per quemcunq̄ue patronum, in quarum possessione capellani et prebendarii earundem perp̄p̄ius fuerunt, ubicunq̄ue prefate domus tenementa edificia pomaria horti annui redditus anniversaria fructus proventus et emolumenta jacent, aut prius leuata fuerunt respective, cum maneriebus locis hortis pomariis terris annuis redditibus emolumentis et devoriis quibuscunq̄ue que Frat̄ibus Dominicalibus seu Predicatoribus et Minoribus seu Franciscanis dicti Burgi nostri de Edinburgh perp̄p̄ius pertinuerunt; unacum omnibus et singulis terris domibus tenementis et hortis jacentibus infra dictum nostrum Burgum et libertatem ejusdem, cum omnibus annuis redditibus de quacunq̄ue domo terris aut tenemento infra dictum nostrum Burgum leuandis, quibuscunq̄ue capellaniis alteragiis ecclesiis mortuariis aut anniversariis ubicunq̄ue sint infra regnum nostrum donatis dotatis et fundatis; Ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis, aut que per quemcunq̄ue ecclesiam extra dictum nostrum Burgum, a Preposito aut Ballivis ejusdem de communi redditu ejusdem pro suffragiis celebrandis demandari poterint, cum pertinentiis, ac de omnibus aliis privilegiis libertatibus et facultatibus in carta et infeofamento donationis et

altarages, [or] prebends, founded or to be founded in any church, chapel, or college within the liberty of our said Burgh of Edinburgh, by any patron, in the possession of which the chaplains and prebendaries of the same formerly were, wherever the said houses, tenements, buildings, orchards, yards, annual rents, anniversaries, fruits, profits, and emoluments are situated, or were formerly uplifted respectively, with the manor places, yards, orchards, annualrents, emoluments, and duties whatsoever, which formerly belonged to the Dominican or Preaching Friars and the Minorites or Franciscans of our said Burgh of Edinburgh; together with all and sundry lands, houses, tenements, and yards lying within our said Burgh and the liberty of the same, with all annualrents uplifted from any house, lands, or tenement, within our said Burgh, given, granted, and donated to chaplainries, altarages, churches, burials, or anniversaries, wherever they be within our kingdom; as also with all and singular annualrents and other duties customary, or that could be demanded by, any church outwith our said Burgh, from the provost or bailies of the same out of the common good of the same, for the celebration of suffrages, with the pertinents; and of all other privileges, liberties, and faculties at length specified and contained in the said

dispositionis predictis desuper confectis ad longum specificatis et contentis tenendis de dicta charissima nostra matre et successoribus suis, de mandato nostro visam lectam inspectam et diligenter examinatum sanam integram non rasm non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse, sub hac forma :

MARIA Dei gratia Regina Scotorum : Omnibus probis hominibus totius terre sue clericis et laicis, salutem. SCIATIS quia nos impensius munus nostrum erga divinum servitium perpendentes, et pro ardenti zelo quem ob intertenendam policiam et equabilem ordinem inter subditos nostros, percipue vero infra Burgum nostrum de Edinburgh, preservandum habemus ; considerantes itaque nos ex officio teneri (et) munus erga Deum complecti debere, eujus providentia regimini hujus regni proponimur, sicque nobis ex officio incumbere omni honesto modo pro ministris verbi Dei providere, et quod hospitalia pauperibus mutilatis et miseris personis, orphanis et parentibus destitutis infantibus, infra dictum nostrum burgum preserventur, post nostram perfectam etatem, cum avisamento dominorum secreti consilii nostri, dedimus concessimus disposuimus, ac pro nobis et successoribus nostris pro perpetua confirmavimus, necnon tenore presentium damus concedimus disponimus, et pro nobis et nostris successoribus

charter and infestment of gift and disposition made thereupon, to be held of our said dearest mother and her successors,—by our command, seen, read, inspected, and diligently examined, perfect, whole, not erased, not cancelled, nor in any part suspect, in this form :

MARY, by the grace of God, Queen of Scots : To all good men of her whole land, clerics and laics, greeting. Know ye that we more carefully reflecting upon our duty towards the service of God, and out of the ardent zeal which we have for maintaining the civil polity, and preserving good order among our subjects, but chiefly within our Burgh of Edinburgh, and also considering that we by our office are bound and ought to be careful of our duty towards God, by whose providence we are set over the government of this kingdom, and that it is incumbent on us in virtue of our office, by all honest means to provide for the ministers of God's word, and that hospitals for poor mutilated and miserable persons, orphans and children deprived of their parents, may be maintained within our said Burgh, did, on attaining our majority, with the advice of the lords of our Privy Council, give, grant, dispoñe, and for us and our successors for ever confirm, and do by the tenor of these presents give, grant, dispoñe, and for us and our successors

pro perpetuo confirmamus predilectis nostris Preposito Ballivis Consulibus et Communitati dicti nostri Burgi de Edinburgh et ipsorum successoribus imperpetuum, Omnes et Singulas terras tenementa domos edificia ecclesias capellas hortos pomaria croftas annuos redditus fructus devoria proficua emolumenta firmas elimozinas lie daill silver obitus et anniversaria quecunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas alteragia prebendarias, in quacunque ecclesia capella aut collegio infra libertatem dicti nostri Burgi de Edinburgh fundata seu fundatus per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius feurant, ubicunque prefate domus tenementa edificia pomeria horti annui redditus anniversaria fructus proventus et emolumenta jacent aut prius leuata fuerunt respective, cum maneriis locis pomeriis terris annuis redditibus emolumentis et devoriis quibuscunque que Fratribus Dominicalibus seu Predicatoribus et Minoribus seu Franciscanis dicti nostri Burgi de Edinburgh perprius pertinuerunt; unacum omnibus et singulis terris domibus tenementisque jacentibus infra dictum nostrum Burgum et libertatem ejusdem, cum omnibus annuis redditibus de quacunque domo terris aut tenemento infra dictum nostrum Burgum leuandis, datis fundatis et donatis quibuscunque capellaniis alteragiis ecclesiis mortuariis aut anniversariis, ubicunque sint infra

for ever confirm to our well beloved the Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh, and their successors for ever, All and Singular the lands, tenements, houses, buildings, churches, chapels, yards, orchards, crofts, annual-rents, fruits, duties, profits, emoluments, rents, alms, daill-silver, obits, and anniversaries whatsoever, which anywise belonged or are known to belong to any chaplainries, altarages, and prebends, founded in any church, chapel, or college within the liberty of our said Burgh by whatsoever patron, in possession whereof the chaplains and prebendaries of the same formerly were, wheresoever the foresaid houses, tenements, buildings, orchards, yards, annual rents, anniversaries, fruits, profits, and emoluments lie, or were formerly uplifted respectively, with the manor places, orchards, lands, annualrents, emoluments, and duties whatsoever which formerly belonged to the Dominican or Preaching Friars, and to the Minorites or Franciscans of our said Burgh of Edinburgh; together with all and sundry lands, houses, and tenements lying within our said Burgh and the liberty of the same, with all annual rents leviable from any house, lands, or tenement within our said Burgh, given, founded, and granted to whatever chaplainries, altarages, churches,

regnum nostrum; ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quameunque ecclesiam extra dictum nostrum Burgum a Preposito aut Ballivis ejusdem de communi reddito ejusdem pro suffragiis celebrandis demandari poterint, eum pertinentiis. TENENDAS et HABENDAS omnes et singulas prefatas terras tenementa domos edificia pomeria hortos croftas annuos redditus fructus devoria proficua emolumenta firmas elemozinas obitus anniversaria ecclesias capellas fratrum loca hortus cum pertinentiis prefatis Preposito Ballivis Consulibus et Communitati et eorum successoribus de nobis et successoribus nostris imperpetuum, prout eadem jacent in longitudine et latitudine, in domibus edificiis muris muremiis lignis lapide et calce, cum libero introitu et exitu etc. ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuseunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, ad predictas terras tenementa domos edificia pomeria hortos croftas annuos redditus fructus devoria et alia prescripta cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet, in futurum, libere quiete plenarie integre honorifice bene et in pace absque revocatione aut contradictione quacunque. CUM POTESTATE memoratis Preposito Ballivis Consulibus et

burials or anniversaries, wheresoever they may be within our kingdom, and also with all and sundry annualrents and other dues customary, or that could be demanded by any church outwith our said Burgh from the Provost or bailies of the same out of the common good of the same for celebrating suffrages, with the pertinents. To HOLD and TO HAVE all and singular the foresaid lands, tenements, houses, buildings, orchards, yards, crofts, annual rents, fruits, duties, profits, emoluments, rents, alms, obits, anniversaries, churches, chapels, friars' places, and yards with the foresaid pertinents to the Provost, Bailies, Councillors, and Community, and their successors, of us and our successors for ever, as the same lie in length and breadth in houses, buildings, walls, timber, wood, stone, and lime, with free ish and entry, etc., and with all and sundry liberties, commodities, profits, and easements, and their just pertinents whatsoever, as well not named as named, as well under the ground as above the ground, belonging to the foresaid lands, tenements, houses, buildings, orchards, yards, crofts, annual rents, fruits, duties, and other things aforesaid, with their pertinents, or which may justly belong thereto in any manner of way, freely, quietly, fully, wholly, honourably, well, and in peace, for the time to come, without revocation or challenge whatsoever. With

communitati et ipsorum successoribus, per seipsos et ipsorum collectores quos constituent, prefatos annuos redditus fructus devoria proficua emolumenta quecunque levandi et recipiendi ubicunque perprius levata fuerant, prefatas terras et tenementa locandi et removendi, loca diruta extruendi et reparandi, eademque in hospitalia aut alios similes usus legitimos, prout ipsis cum avisamento ministrorum et seniorum dicti nostri Burgi videbitur, reducendi et applicandi, adeo libere in omnibus sicuti prefati prebendarii capellani et fratres prescripti eisdem perprius gaudere easdemque possidere potuissent; memorati autem Prepositus Ballivi Consules et eorum successores tenebuntur et astrieti erunt ministros lectores et alia ecclesiastica onera prefatis annuis redditibus proficuis et devoriis secundum valorem et quantitatem earundem sustinere, locaque et edificia reparanda in hospitalitatem et alios usus prescriptos applicare. CONSIDERANTES itaque quanta fraude ingens numerus dictorum prebendariorum capellanorum et fratrum prescriptorum, qui post alterationem religionis terras annuos redditus et emolumenta ipsorum capellaniis prebendis et aliis locis respective perprius mortificata disposuerunt alienarunt et in manibus quorundam particularium virorum extradonarunt; ac etiam quod

power to the above mentioned Provost, Bailies, Councillors, and Community and their successors, by themselves and their collectors whom they shall appoint, to uplift and receive the said annual rents, fruits, duties, profits, and emoluments whatsoever, wherever they were formerly uplifted, to let and remove [from] the foresaid lands and tenements, to build and repair the ruinous places, and to restore and apply the same to hospitality or other similar lawful uses, as to them, with the advice of the ministers and elders of our said Burgh, shall seem fit, as freely in all respects as the said prebendaries, chaplains, and friars before written might have enjoyed and possessed the same aforesaid. Moreover, the said Provost, Bailies, Councillors, and their successors shall be holden and obliged to support the ministers, readers, and other ecclesiastical charges out of the said annualrents, profits, and duties, according to the value and quantity of the same, and to apply the places and buildings to be repaired for hospitality and other uses foresaid. Besides, considering how dishonestly a great number of the said prebendaries, chaplains, and friars foresaid, have, since the change of religion, dispooned, alienated, and given away into the hands of certain particular persons, the lands, annual rents, and emoluments previously mortified to their chaplainries, prebends, and other places respectively; and also that very many of our

plerique legii nostri quarundem terrarum tenementorum et annuorum reddituum per ipsorum predecessores mortificatorum jus sibi acclamarunt per brevia capelle nostre aut alias sasinam tanquam heredes suorum predecessorum (qui easdem ecclesie perprius dotarunt) recuperarunt, quod evenit partim negligentia officiariorum dicti nostri Burgi et partim collusionione dictorum prebendariorum capellanorum et fratrum prescriptorum. Quocirca cum avisamento prescripto omnes et singulas hujusmodi alienationes dispositiones et sasinas quibus primum propositum et animus fundatorum infringitur alteratur et variatur deducendo easdem in particulares usus, ad effectum quod eedem in usus suprascriptos converti poterint per presentes rescindimus et annullamus. Quamquidem hanc nostram declarationem volumus tanti esse roboris et efficacie ac si persone que easdem dispositiones obtinuerunt particulariter citate essent ipsarumque infeofamenta absque ulteriori processu rescinderentur. Ac etiam cum avisamento prescripto unimus et incorporamus omnes et singulas terras tenementa domos edificia ecclesias cimiteria capellas pomaria hortos croftas annuos redditus fructus devoria proficua emolumenta firmas elemozinas obitus anniversaria fratrum loca hortos eorundem cum suis pertinentiis in unum corpus, imposterum appellandum Fundatio nostra Ministerii et Hospitalitatis de Edinburgh.

lieges have claimed for themselves, by briefes of our chancery, the right to certain lands, tenements, and annualrents mortified by their predecessors, or otherwise have obtained sasine as heirs of their predecessors, who previously gifted the same to the church, which has happened partly by the negligence of the officers of our said Burgh and partly by the collusion of the said prebendaries, chaplains, and friars, foresaid. Wherefore, with advice aforesaid, we, by these presents, rescind and annul all and sundry such alienations, dispositions, and sasines, by which the first purpose and will of the founders is infringed, altered, and changed, by perverting the same to individual (or private) uses, to the effect that the same may be converted to the purposes above set forth. And this our declaration we will to be as strong and effectual as if the persons who obtained the same dispositions had been particularly cited and their infeftments rescinded without further process. As also, with advice foresaid, we unite and incorporate all and singular the lands, tenements, houses, buildings, churches, cemeteries, chapels, orchards, yards, crofts, annual rents, fruits, duties, profits, emoluments, rents, alms, obits, anniversaries, friars' places, yards of the same, with their pertinents, into one body to be called in all time coming our Foundation of the Ministry

Volumus etiam quod unica sasina, per prefatos Prepositum et Ballivos aut ipsorum aliquem, dicti ministerii et hospitalitatis nomine, apud Pretorium dicti nostri burgi semel accepta, tam sufficiens erit sasina perpetuo in futurum ac si eadem super particulares terras ad dictos capellanos prebendarios [et] fratres pertinentes aut ipsis in prefatos annuos redditus anniversaria firmas proficua et devoria prescripta debitas sumeretur, non obstante locorum distantia. Preterea per presentes nolumus capellanos prebendarios et fratres qui ante dictam alterationem provisi erant per hoc presens nostrum infeofamentum prejudicari, sed reservamus illis usum dictorum fructuum et devoriorum durante eorum vita tantum. PRECIPiendo itaque nostrorum computorum rotulatoribus presentibus et futuris ipsorum collectoribus factoribus et aliis quorum interest in genere necnon in specie, quod ne quis eorum recipere aut leuare presumat dictos fructus particulariter suprascriptos pro quovis tempore preterito seu futuro, neve impediunt aut impedimentum ullum faciant memoratis Preposito Ballivis Consulibus Communitati et ipsorum successoribus in pacifica possessione eorundem. Requirendo et ordinando etiam dominos Sessionis nostre quatenus literas in omnibus quatuor formis ad instantiam dictorum Prepositi Ballivorum

and Hospitality of Edinburgh. We will also that one sasine, taken once for all at the Tolbooth of our said burgh by the foresaid Provost and Bailies, or any of them, in name of the said ministry and hospitality, shall be as sufficient sasine for all time coming as if the same were taken upon the particular lands belonging to the said chaplains, prebendaries, and friars, or in the foresaid annualrents, anniversaries, rents, profits, and duties foresaid due to them, the distance of the places notwithstanding. Besides, by these presents, we will that no injury be done to the chaplains, prebendaries, and friars who were in possession before the said change of religion by this our present infeftment, but we reserve to them the use of the foresaid fruits and duties during their lives only. Directing, accordingly, our comptrollers, present and future, and their collectors, factors, and others whom it concerns in general as well as in special, that none of them presume to receive or to levy the said fruits particularly above described for any time whatsoever, past or future, or offer any obstruction or impediment to the foresaid Provost, Bailies, Counsellors, Community and their successors in the peaceable possession of the same. Requiring and ordaining also our lords of Session that they direct letters in all the four forms at the instance of the said Provost, Bailies,

Consulum Communitatis et ipsorum successorum ad effectum suprascriptum dirigant. Neenon precipiendo quibuscunque intromissoribus cum dictis fructibus quatenus ipsis de eisdem prompte intendant pareant et gratam solutionem faciant. IN CUJUS rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. TESTIBUS, reverendissimo in Christo patre Johanne archiepiscopo Sanctiandree etc.; dilectis nostris consanguineis, Georgio comite de Huntlie domino Gordoun et Badyenacht, cancellario nostro, Jacobo comite de Boithuill domino Hailis Creychtoun et Liddisdaill, regni nostri magno admirallo; dilectis nostris familiaribus consiliariis, Richardo Maitland de Lethingtoun, nostri secreti sigilli custode, Jacobo Balfoure de Pettindreich, nostrorum rotulorum registri ac consilii clerico, et Johanne Bellenden de Auchnoule nostre justiciare clerico, equitibus auratis; Apud Edinburgh decimo tertio die mensis Martii anno Domini millesimo quingentesimo sexagesimo sexto et regni nostri vicesimo quinto.

QUAMQUIDEM CARTAM et infeofamentum in omnibus suis punctis et articulis conditionibus et modis ac circumstantiis suis quibuscunque in omnibus et per omnia forma pariter et effectum ut premissum est, approbamus ratificamus ac pro nobis et successoribus nostris pro perpetuo confirmamus. INSUPER nos cum

Councillors, Community and their successors to the effect above written. Also commanding all intromitters with the said fruits that they give prompt attention (and that they) obey, and make willing and ready payment to them of the same: IN WITNESS whereof we have commanded our great seal to be affixed to this our present charter. Witnesses, the most reverend father in Christ John archbishop of St Andrews, our beloved cousins, George earl of Huntly, lord Gordon and Badyenacht, our chancellor, James earl of Bothwell, lord Hailes, Crichton and Liddisdale, high admiral of our kingdom, our familiar councillors, Richard Maitland of Lethington, keeper of our privy seal, James Balfour of Pittendreich, clerk of our rolls register and council, and John Bellenden of Auchnoule, our justice-clerk, knights. At Edinburgh, the thirteenth day of the month of March in the year of our Lord One thousand five hundred and sixty-six, and the twenty-fifth of our reign.

WHICH CHARTER and infestment in all its points and articles, conditions and modes and circumstances whatsoever, in all and by all, in the like form and effect, as premised, we approve, ratify, and for us and our successors confirm for ever. FURTHER we, with advice foresaid, for divers good and reasonable causes and con-

avisamento predicto pro diversis rationabilibus causis bonis et considerationibus nos moventibus de novo tenore presentium damus concedimus et disponimus prefatis Preposito Ballivis Consulibus et Communitati dicti Burgi nostri de Edinburgh et eorum successoribus, omnes et singulas prenominatas terras tenementa domos edificia annuos redditus capellas loca hortos pomaria croftas census firmas proficua emolumenta et alia respective et particulariter superius specificata, per ipsos imperpetuum applicanda in sustentationem ministerii, pauperum auxilium, reparationem scolarum, propagationem literarum et scientiarum, pro eorum et successorum suorum arbitrio uti eis magis utile videbitur. Quibus etiam pro nobis et successoribus nostris plenariam ac liberam committimus potestatem quoscunque alios annuos redditus annua proficua quecunque tam extra quam intra dictum nostrum Burgum, que in posterum per quoscunque bono zelo ac liber[ali]tate sua motos ad alimentum ministrorum evangelii, auxilium pauperum, ac sustentationem gymnasiolorum pro instaurandis scientiis et doctrina, donari et dotari contigerint acceptandi; Quas etiam terras annuos redditus et proficua suprascripta perprieus donata et fundata ac in posterum donanda et fundanda ut premissum est, nos pro nobis et successoribus nostris nunc prout extunc et tunc prout exnunc confirmamus ratificamus

siderations moving us, of new by the tenor of these presents, give, grant, and dispone to the foresaid Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh and their successors, all and sundry the before named lands, tenements, houses, buildings, annualrents, chapels, places, yards, orchards, crofts, dues, rents, profits, emoluments, and others severally and particularly above specified, to be applied by them in all time coming to the sustentation of the ministry, the help of the poor, the repairing of schools, the propagation of letters and sciences, at the discretion of them and their successors as shall seem to them most advantageous. To whom also we, for ourselves and our successors, grant full and free power to accept whatever other annualrents and yearly profits, as well without as within our said Burgh, may in time coming happen to be given and doted by any persons, moved by good zeal and their own liberality, for the maintenance of the ministers of the gospel, the help of the poor, and sustentation of schools for the increase of science and learning; which lands, annualrents, and profits above written, formerly doted and founded and to be hereafter doted and founded as aforesaid, we, for us and our successors, now as then and then as now, confirm, ratify, and mortify, and the same we mortify as freely as any

et admortizamus ac easdem adeo libere mortificamus sicuti aliquę terre redditus tenementa et possessiones ecclesie ullo tempore precedenti mortificate fuerunt. PRETEREA nos pro nobis et successoribus nostris ratificamus approbamus et confirmamus renunciacionem et dimissionem per familiarem servitorem nostrum Joannem Gib factam de omnibus jure et titulo que ipse virtute nostre donacionis pretendere potuit ad preposituram Ecclesie beate Marie de Campis, (vulgo lie Kirk of Feild), cum fructibus terris possessionibus redditibus et devoriis ejusdem preteritis presentibus et futuris, in favorem dictorum Prepositi Ballivorum Consulium et Communitatis pro seipsis et eorum successoribus ac nomine et ex parte ministerii et pauperum. Ac quia intra privilegia et libertatem dicti nostri Burgi nunc diversa extant vasta et spatiosa loca que preposito prebendariis sacerdotibus et fratribus tempore preterito pertinuerunt maxime apta et commoda pro constructione domorum et edificiorum, ubi professores bonarum scientiarum et literarum ac studentes earundem remanere et suam diuturnam [diurnam] exercitationem habere poterint ultra et preter alia loca convenientia pro hospitalitate; Ideo nos, enixe cupientes ut in honorem Dei et commune bonum nostri regni literatura indies augetur, volumus et concedimus quod licebit prefatis Preposito Consulibus et eorum successoribus edificare et reparare

lands, rents, tenements, and possessions of the church were mortified in any time bygone. MOREOVER, we for us and our successors ratify, approve, and confirm the renunciation and demission made by our familiar servitor, John Gib, of all right and title to which he, by virtue of our gift, could pretend to the provostry of the Kirk of Saint Mary in the Fields, commonly called the Kirk of Field, with the fruits, lands, possessions, rents, and duties thereof, bygone, present, and to come, in favour of the said Provost, Bailies, Councillors, and Community, for themselves and their successors, and in name and on behalf of the ministers and the poor. And because there are now within the privileges and liberty of our said burgh divers waste and spacious places which formerly belonged to the provost, prebendaries, priests, and friars, very fit and commodious for the construction of houses and buildings where the professors and students of the liberal sciences and letters might stay and have their daily exercise, besides and beyond other places convenient for hospitality [or charity]. Therefore, we, earnestly desiring that for the honour of God and the common good of our kingdom literature should daily increase, will and grant that it shall be lawful to the said Provost, Councillors, and their successors, to build and repair

sufficientes domos et loca pro receptione habitatione et tractatione professorum scolarum grammaticalium, humanitatis, et linguarum, philosophiæ, theologiæ, medicine, et iurium, aut quarumcunque aliarum liberalium scientiarum, quo declaramus nullam fore rapturam predictæ mortificationi; Ac etiam prefati Prepositus Ballivi et Consules ac eorum successores cum avisamento tamen eorum ministrorum pro perpetuo inposterum plenam habebunt libertatem personas ad dictas professiones edocendas maxime idoneas uti magis convenienter poterint eligendi cum potestate imponendi et removendi ipsos sicuti expediverit, ac inhibendo omnibus aliis ne dictas scientias intra dicti nostri Burgi libertatem profiteantur aut doceant nisi per prefatos Prepositum Ballivos et Consules eorumque successores admissi fuerint; Proviso quod presentes nullatenus prejudicabunt nec actoribus nec reis nec aliis interesse habentibus in ejectione et causa prosequuta penes decimas garbales de Dumberny Potie et Monereif ad capellanos Ecclesie Beati Egidii de Edinburgh pertinentes neque juri patronatus ejusdem, sed quod utrique parti et omnibus interesse habentibus usque ad finalem exitum et decisionem in hujusmodi ut congruit prosequi et defendere liceat presentibus aut quibuscunque in eisdem contentis non obstantibus. Pro-

sufficient houses and places for the reception, habitation, and entertainment of the professors of the schools of grammar, humanity, and the languages, philosophy, theology, medicine, and law, or any other liberal sciences, whereby we declare there shall be no abstraction from the foresaid mortification. And also the said Provost, Bailies, and Councillors, and their successors, with advice, however, of their ministers, shall have full power in time coming to choose the most suitable persons as they can most conveniently for teaching the said professions, with power to place and remove them as shall be expedient; and discharging all others from professing or teaching the said sciences within the liberty of our said Burgh, unless they shall have been permitted to do so by the said Provost, Bailies, and Councillors and their successors. Providing that these presents should nowise prejudice either the pursuers or defenders or others having interest in the ejection and cause instituted ament the teind sheaves of Dumberny, Potie, and Moncrieff belonging to the chaplains of the church of Saint Giles of Edinburgh, nor the right of patronage to the same, but that it may be lawful to either party and all having interest to prosecute and defend the said pleas to the final issue and decision as in such case is meet, these presents, or anything contained in the same, notwithstanding. Providing also that the ministers present and to come

viso etiam quod ministri deservientes apud dictas ecclesias pro presenti et in futurum sustentabuntur de promptioribus fructibus earundam secundum ordinem desuper sumptum seu sumendum. IN CUJUS rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus. TESTIBUS, predilectis nostris consanguineis et consiliariis Esmo Lennocie duce comite de Dernlie domino Tarboltoun Dalkeith et Aubigny, &c., magno regni nostri camerario, Colino Argadie comite domino Campbell et Lorne, &c., cancellario ac justiciario nostro generali; reverendissimo ac venerabili in Christo patribus Patricio Sanctiandree archiepiscopo, Roberto commendatario monasterii nostri de Dunfermling, nostro secretario; dilectis nostris familiaribus et consiliariis Alexandro Hay, nostrorum rotulorum registri ac consilii clerico, Lodovico Bellenden de Auchnoule milite, nostre justicie clerico, Roberto Scott, nostro cancellarie directore, et magistro Thoma Buquhannane de Ybert, nostri secreti sigilli custode. Apud Castrum nostrum de Striviling, decimo quarto die mensis Aprilis, anno Domini millesimo quingentesimo octuagesimo secundo, regni que nostri anno decimo quinto.

servings in the said churches, shall be sustained out of the readiest fruits of the same according to the orders made or to be made thereupon. IN WITNESS whereof we have caused our great seal to be affixed to this our present charter of confirmation. WITNESSES, our well beloved cousins and counsellors, Esmo duke of Lennox earl of Darnley lord Tarbolton Dalkeith and Aubigny, etc. great chamberlain of our kingdom, Colin earl of Argyll lord Campbell and Lorne etc., our chancellor and justice general; the most reverend and venerable fathers in Christ, Patriek archbishop of St Andrews, Robert commendator of our monastery of Dunfermline, our secretary; our beloved servants and counsellors, Alexander Hay, clerk of our rolls register and council, Louis Bellenden of Auchnoule knight, our justice clerk, Robert Scott, director of our chancery, and Master Thomas Buchanan of Ybert, keeper of our privy seal. At our castle of Stirling, the fourteenth day of the month of April, in the year of our Lord one thousand five hundred and eighty-two, and in the fifteenth year of our reign.

XVI.

CONTRACT between the Provost, Bailies, Council, and Deacons of the Burgh of Edinburgh, and Mr Robert Pont, Provost of Trinity Colledge, in regard to the renunciation of the Provostry. Edinburgh, 26th April 1585.

AT Edinburgh the xxvj day of Aprile, the yeir of God, j^m v^c four scoir fyve yeirs, it is appointit aggreit and finalie contractit betuix the honorable parteis following, to witt, the Provest, Bailleis, Counsale, and Deaconis of the Burgh of Edinburgh for thame and thair successouris on the ane parte, and Maister Robert Pont, provest of the Trinitie Colledge beside Edinburgh, on that vther pairt, in maner eftir specifit: That is to say, the said Maister Robert, movit be gude zeale, conscience, and eirnest affectioun to advance the Hospitallis and Colleges of the said Burgh, foundit or to be foundit be the saidis Provest, Balleis, and Counsale, and thair successouris within the samin for help and sustentatioun of the puir, seik, ageit, decrippit, faderles and orphenis, and for instructioun of the youth in letteres and virtew, quhairby cheritie may incresee to the glorie of God and his trew relligioun within this realme: Thairfore the said Maister Robert sall personalie be himself or be his patent letteres of procuratioun seillit and subscriuit with his hand in dew forme, puirlye and simple dimitt, renunce, and resigne, lyke as the said Maister Robert be the tennour of this present contract, puirlye and simple dimittis, renunces, and resignis in the handis of our Souerane Lord all and hail the said benefice of the Trinitie Colledge beside Edinburgh, with all and sindrie kirkis, teyndschaves, vtheris teyndis, gleibis, manssis, biggingis, orchardis, yairdis, annuelrentis, advocatioun, donatioun, and richt of patronage of prebendaries, chaiplainreis and donatioun of beidmenschippis, bedlyaris and vtheris offices pertening to the said Provestrie and Hospitall of the Trinitie Colledge foundit beside the samin, togidder with the paroke kirk, personage, and vicarege of Sowtra and Lempetlaw and vtheris kirkis and teyndis annex to the said provestrie; and with the place, orchard, and yaird callit Dingwall Castell, pertening to the samin, and

all and sindrie vtheris fructis, emolumentis, richtis, casualiteis, proffittis and dewiteis quhatsumeuir pertening and belanging to the said provestrie, quhairneuir the samin lyis within this realme, in favouris of the saidis Provest, Bailleis, Counsale, and Communitie of the said Burgh of Edinburgh, and thair successouris to remane with thame perpetualie in all tyme cuming, in puir and perpetuall almous, to be applyit and disponit be thame to the maintenance, help, and support of thair saidis hospitallis, college, and scuillis, the puir and scolleris of the samin, as thai sall think expedient, and as thai will ansuer to God at the lattir day; and all richt and titill of richt quhilk the said Maister Robert had, hes, or ony wyis may clame and haif to the said benefice and pertinents thairof forsaidis in tyme cuming, renunceand and dischargeand the samin for him and his successouris in faouris and to the effect foirsaid for cuir; And sall deliuer to the saidis Provest, Bailleis, and Counsale, the foundation, erectioun, charteris, sesingis, giftis and vtheris evidentis and writtis quhatsumeuir quhilk he has presentlie in his handis or salhappin heireftir to obtene, with the rentallis, decreittis, and letteres concerning the said provestrie, college, and hospitall, and sall mak or renew the said dimissioun and resignatioun at quhat tyme or howoft he salbe requirit thairto. And the said Maister Robert is content and consentis that the saidis Provest, Bailleis, and Counsale sall enter presentlie to the possessioun of the said college, hospitall, place, castell, houssis, biggings, yairdis, and pertinentis of the samin; with power to thame to mak and constitute bailleis, chalmerlains, factouris, maisteris of the hospitall, clerkis, seriandis, beddellis, and vtheris officieris neidfull, and to hald courte and courtis vpoun quhat place and als oft as thai sall think expedient; and to intromett and vptak the teyndis, fructis, males, fermes, annualrents, and vtheris emolumentis and dewiteis pertening to the said provestrie and hospital presentlie and in all tyme cuming, begynnand the first intromissioun at the said xxvj day of Aprill instant; and to do all vther thingis concerning the premissis, siclyke and als frelie as the said Maister Robert micht haue done befor the making of this present contract. For the quhilkis caussis, and for divers vtheris gude deidis, gratitudis and plesouris, done and schawin be the said Maister Robert for the weill of the said Burgh, and to the effect he sall nocht be preiugeit nor hurt in the yeirlie dewitie that he ressauit of the said benefice, or at the least neir the valour thairof, the saidis Provest, Bailleis, and Counsale hes instantlie

payit and deliuerit to the said Maister Robert the sowme of thre hundreth merkis vsuale money of this realme in contentatioun for all gressumes, entres syluer, and vtheris casualiteis quhilkis he mycht haif ressauit of the said benefice during his lifytyme; of the quhilkis he haldis him weill content and payit and discharges thame thairof be thir presentis. And forder bindis and oblissis thame and thair successouris to content and thankfullie pay to the said Maister Robert yeirlie during all the dayis of his lifytyme the soume of ane hundreth threscoir pundis money foirsaid at tua termes in the yeir, Witsounday and Martymes in winter be equale portiones, begynnand the first termes payment at the feist of Martymes nixtocum. And for the mair suir and thankfull payment of the said yeirlie dewitie to the said Maister Robert, the saidis Provest, Bailleis, and Counsale, for thame and their successouris, bindis and oblissis thame within the space of ane moneth eftir the dimissioun of the said benefice, to infett the said Maister Robert or ony vther he pleissis in his name, in ane annuelrent of ane hundreth threscoir pundis money foirsaid yeirlie, to be vplifftit during his lifytyme at the termes foirsaidis, furth of thair commoun mylnis pertening to thair said toun of Edinburgh, sufficientlie be charter and sesing or at the leist be ane sufficient sesing to be given thairupoun; and to caus James Ros thair thesaurar present be actit in the commissaris buikis of Edinburgh for yeirlie payment of the said annuell sa lang as he bruikis the said office, and lykewyis thair thesauraris to cum within ane moneth eftir thair entre to the same actit as said is, to pay the said annuell during the tyme of thair offices bering respectiue and that during the said Maister Robertis lifytyme. And the said Maister Robert binds and oblissis him to warrand and mak the yeirlie rent of the said benefice frelie to be worth yeirlie the said soume of ane hundreth threscoir pundis; and incais the samin benefice salbe of les avaiill heirefter be ony occasioun of his fact and deed or his predecessouris, in that cais the said Maister Robert bindis and oblissis him to defalk samelyke yeirlie of the soume aboue specifit quhilk the saidis Provest, Balleis, and Counsale ar oblist to pay to him as said is, according as thai sal happin to want of the rentall and yeirlie dewitie of the said benefice through occassioun of the said Maister Robert or his predecessouris as is aboue specifit; and siclyke to warrand the said dimissioun and resignatioun to be gude and sufficient in the selff to the effect foirsaid fra all richt and fact done be him in preiudice thairof.

And for the mair securitie, bayth the saidis pairteis ar content that thir presentis be actit and registrat in the buikis of counsell, or commissaris, or townis buikis of Edinburgh, and thair autoritie to be interponit thairto with executorialis to be direct thairupoun in forme as efferis, and for the registering heirop makis and constitutis thair lauchfull procuratouris in *communi forma promittendo de rato etc.* IN WITNES heirop bayth the saidis parties hes subscriuit thir presentis with thair handis, day, yeir, and place foirsaidis, befoir thir witnesses, Alexander Borthuik of Nether lany. Patrick Logy.

M. ROBERT PONT, prouest off the Trinitie College.
ALEXANDER BORTHUIK of Nethir lany.

XVII.

CHARTER by King James VI. to the Provost, Bailies, and Council of the Burgh of Edinburgh, of the Provostry of Trinity Colledge. Dunfermline, 23d June 1585.

JACOBUS Dei gratia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis quod nos et domini nostri secreti consilii divinum animi zelum Prepositi Balliuorum et Consulium Burgi nostre de Edinburgh pro propagatione et decoratione suorum hospitalium collegiorum et ludorum literariorum infra dictum Burgum fundatorum considerantes, et hoc pro sustentatione pauperum et instructione juventutis in virtute humanisque literis, animoque volentes nostro quam sit necessarium vti ipsis cum quodam patrimonio annuoque censu supportemus. IGITUR nos cum auisamento predicto dedimus concessimus et in perpetuum mortificauimus disposuimus et confirmauimus tenoreque presentis carte nostre damus concedimus ac in perpetuum mortificamus disponimus et confirmamus dictis predilectis nostris Preposito Balliuis et Consulibus Burgi nostri de Edinburgh nunc presentibus et eorum successoribus totum et integrum beneficium prepositure Ecclesie Collegiate

JAMES, by the grace of God King of Scots: To all good men of his whole land clerics and laics, greeting: Know ye that we and the lords of our Privy Council considering the holy zeal of the Provost Bailies and Councillors of our Burgh of Edinburgh for the extension and decoration of their hospitals colleges and grammar schools founded within the said Burgh, and that for the sustentation of the poor and instruction of youth in virtue and polite literature, and also pondering in our mind how necessary it is that we should support them with a certain patrimony and yearly income. Therefore we, with advice foresaid, have given, granted, and for ever mortified, disposed and confirmed, and by the tenor of our present charter, give, grant, and for ever mortify, dispone and confirm, to our said lovites the present Provost Bailies and Councillors of our Burgh of Edinburgh, and their successors, All and Whole the

Trinitatis prope Edinburgh cum omnibus et singulis ecclesiis decimis garbalibus alijs decimis glebis mansis edificijs pomarijs hortis annuis redditibus aduocationibus donationibus et jure patronatus prebendariorum et capellaniarum et donatione oratorum pauperum vocatorum vulgo beidmen et bedlyaris aliorumque officiorum dicte prepositure et Hospitalis Collegii Trinitatis, prope eundem fundatorum spectantibus vnacum ecclesijs parochialibus de Sowtray et Lempetlaw aliisque ecclesijs ac decimis dicte prepositure annexatis cum loco pomario et horto vocato Dingwall Castell eidem spectantibus omnibusque alijs et singulis fructibus emolumentis juribus et casualitatibus proficuis devorijs tenentibus tenandrijs et justis pertinentijs dicte prepositure spectantibus vbi-cumque infra regnum nostrum jacent; per dictos Prepositum Balliuos et Consules eorumque successores pro sustentatione seniorum decrepitorum orphanorum et pauperum infra dicta hospitalia ac pauperum scolasticorum infra dictum collegium et scholas omni tempore futuro intromittendis colligendis vtendis et disponendis, prout Deo Omnipotenti in extremo iudicio respondere voluerint; Quodquidem beneficium prepositure Collegii Trinitatis cum omnibus et singulis pertinentijs eiusdem superscriptis dilecto nostro oratori Magistro Roberto Pont

benefice of the provostry of the Collegiate Church of the Trinity near Edinburgh, with all and singular the churches, teind sheaves, and other teinds, glebes, manses, buildings, orchards, yards, annualrents, advocations, donations, and right of patronage of prebends and chaplainries, and presentation of poor orators, in Scots called beidmen and bedlyaris, and other officers of the said provostry and hospital of Trinity College founded near the same; together with the parish churches of Soltray and Lempitlaw, and other churches and teinds annexed to the said provostry, with the place, orchard, and yard called Dingwall Castle belonging to the same, and all other and singular fruits, emoluments, rights, casualties, profits, duties, tenants, tenandries, and just pertinents belonging to the said provostry, wheresoever they lie within our kingdom: To be intromitted, ingathered, used, and disposed of by the said Provost Bailies and Councillors and their successors, for the sustentation of the aged, decrepit, orphans, and poor within the said hospitals, and of poor scholars within the said college and schools in all time coming, as they shall answer to God in the last judgment. Which benefice of the provostry of Trinity College, with all and sundry pertinents of the same above written, formerly belonged to our beloved orator Mr Robert Pont, the last provost and possessor thereof, and has been demitted and

ultimo preposito et possessori eiusdem perprius pertinuit, et per ipsum eiusque procuratores et patentes literas in manibus nostris ad effectum prescriptum per fustim et baculum apud Dunfermeling vicesimo tertio die mensis Junii instantis dimissum et resignatum fuerat; ac totum jus et jurisclameum proprietatem et possessionem que et quas in eodem habuit habet seu quouismodo habere potuit omnino quiete clamavit in perpetuum. TENENDUM et HABENDUM totum et integrum dictum beneficium prepositure Ecclesie Collegiate Trinitatis cum omnibus et singulis ecclesiis decimis garbalibus aliisque decimis glebis mansis pomariis hortis annuis redditibus aduocationibus donationibus et jure patronatus prebendariorum capellaniarum et pauperum oratorum cum ecclesiis parochialibus rectoriis et vicariis de Soutra et Lempetlaw aliisque suprascriptis, dictis Preposito Balliuis et Consulibus eorumque successoribus ad effectum prescriptum in puram et perpetuam elemosinam de nobis et successoribus nostris in perpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine, in domibus edificiis boscis planis moris maresiis viis semitis aquis stagnis riolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistis siluis nemoribus et virgultis lignis tignis

resigned by him and his procurators and letters patent in our hands to the effect foresaid, by staff and baton, at Dunfermline, on the twenty-third day of the current month of June, and he has for ever entirely upgiven all right and claim of right property and possession in the same which he has, had, or could have in any manner of way. TO HAVE and TO HOLD all and whole the said benefice of the provostry of the Collegiate Church of the Trinity, with all and sundry churches, teind sheaves and other teinds, glebes, manses, orchards, yards, annual rents, advocations, presentations and right of patronage of prebends chaplainries and poor beadsmen, with the parish churches parsonage and vicarage of Soltray and Lempetlaw and others above written, to the said Provost Bailies and Councillors and their successors, to the effect foresaid, in pure and perpetual alms, of us and our successors for ever, by all their just ancient bounds and marches as they lie in length and breadth, in houses, buildings, woods, plains, moors, marshes, ways, paths, waters, ponds, streams, meadows, pastures, mills, multures and their sequels, hawkings, huntings, fishings, peats, turfs, coals, coal pits, rabbits, rabbit-warrens, doves, dovecots, forges, malt-

lapicidiis lapide et calce, cum curiis querelis et earum exitibus herezeldis bludewitis adiudicamentis dictarumque curiarum escheatis, cum communi pastura libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis tam subtus terra quam supra terram, procul et prope ad predictum beneficium prepositure antedictæ cum omnibus et singulis eiusdem pertinentiis spectantibus seu juste spectare valentibus quomodolibet, in futurum adeo libere quiete plenarie integre honorifice bene et in pace, in omnibus et per omnia, sicuti dictus magister Robertus aut alii sui predecessores dicto beneficio gauisi sunt, absque reuocatione contradictione aut obstaculo quocunque. FACIENDO inde annuatim dicti Prepositus Balliui Consules et Communitas dicti Burgi pauperesque dicti hospitalis scolasticique dicti collegii et scholarum eorumque successores deuotas et humiles quotidianas preces Dei Omnipotenti pro preseruatione nostri successorumque nostrorum ac sustentando ministros curam dictarum ecclesiarum seruientes dicte prepositure spectantium eorumque successores, vel soluendo tertiam partem fructuum dicte prepositure pro eorum sustentatione ad eorum optionem et electionem tantum: Insuper cum potestate

kilns, breweries, heaths, woods, groves, thickets, firewood, timber, stone quarries, stone and lime, with courts suits and their issues, herezelds, bludewites, adjudgments and escheats of the said courts, with common pasturage, free ish and entry, and with all other and singular liberties, commodities, profits and easements and their just pertinents whatsoever, as well named as not named, as well above the earth as below the earth, far and near, belonging or that could justly belong in any manner of way, to the foresaid benefice of the foresaid provostry, with all and singular the pertinents of the same for ever, as freely quietly fully wholly honourably well and in peace, in all and by all, as the said Master Robert or others his predecessors enjoyed the said benefice, without revocation contradiction or obstacle whatsoever. RENDERING therefore yearly, the said Provost Bailies Councillors and Community of the said Burgh, and the poor of the said hospital, and scholars of the said college and schools, and their successors, devout and humble daily prayers to God Almighty for the preservation of us and our successors, and sustaining the ministers serving the cure of the said churches belonging to the said provostry, and their successors, or paying the third part of the fruits of the said provostry for their sustenation, at their option and choice allenarly. Moreover, with power to our lovites Master

XVIII.

CHARTER by King James VI., confirming his previous Charter of 23d June 1585, and of new granting Trinity College and the whole endowments and property thereof, to the Provost, Bailies, Council, and Community of the Burgh of Edinburgh. Holyrood, 26th May 1587.

JACOBUS Dei gratia Rex Scotorum : Omnibus probis hominibus totius terre sue clericis et laicis, salutem : SCIATIS nos cum auisamento et consensu dominorum nostri secreti consilii quandam donationem dispositionem et mortificationem per nos factam per nostram cartam nostro sub magno sigillo de data apud Dunfermeling vicesimo tertio die mensis Junij Anno Domini millesimo quingentesimo octuagesimo quinto dilectis nostris Preposito Balliis Consulibus et Communitati Burgi nostri de Edinburgh et eorum successoribus de toto et integro beneficio prepositure Ecclesie Collegiate Trinitatis prope Edinburgh cum omnibus et singulis ecclesiis decimis garbalibus aliis decimis glebis mansijs edificiis pomariis hortis annuis redditibus advocacionibus donationibus et jure patronatus prebendariorum et capellaniarum dicti Collegij, ac cum donatione oratorum pauperum vulgo vocatorum beidmen et bedlyaris aliorumque officii-

JAMES, by the grace of God King of Scots : To all good men of his whole land, clerics and laics, greeting : Know ye that we, with the advice and consent of the lords of our Privy Council, have fully understood a certain gift, disposition, and mortification made by us by our charter, under our great seal, dated at Dunfermline on the twenty-third day of the month of June, in the year of our Lord one thousand five hundred and eighty-five, to our lovites the Provost, Bailies, Councillors, and Community of our Burgh of Edinburgh, and their successors, of All and Whole the benefice of the provostry of the Collegiate Church of the Trinity, near Edinburgh, with all and sundry churches, teind sheaves, and other teinds, glebes, manses, buildings, orchards, yards, annual rents, advocations, donations, and right of patronage of the prebends, and chaplainries of the said College, and with the presentation of poor orators, in Scots called beidmen and bedlyaris, and other officers

orum dicte prepositure et hospitalis Collegii Trinitatis prope eundem fundatorum spectantibus, vna cum ecclesiis parochialibus de Sowtray et Lempitlaw aliisque ecclesiis et decimis dicte prepositure annexatis, cum loco pomario et horto vocato Dingwall Castell eidem spectantibus, omnibusque aliis et singulis fructibus emolumentis juribus casualitatibus proficuis devoriis tenentibus tenandriis et justis pertinentiis dicte prepositure spectantibus, vbicunque infra regum nostrum jacent, de mandato nostro visam lectam inspectam et diligenter examinatum, sanam integram non rasam non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse sub hac forma:—

JACOBUS Dei gratia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem [*etc. as before, No. XVII., page 388*]:

QUAMQUIDEM donationem dispositionem et mortificationem in omnibus suis punctis et articulis conditionibus et modis ac circumstantiis suis quibuscunque, in omnibus et per omnia forma pariter et effectu vt premissum est, approbamus ratificamus ac pro nobis et successoribus nostris pro perpetuo confirmamus: INSUPER nos pro bono fideli et gratuito seruitio nobis et nostris predecessoribus bone memorie per dictos Prepositum Balliuos Consules et Communitatem dicti nostri Burgi eorumque predecessores omnibus temporibus retroactis prestito et

of the said provostry and Hospital of Trinity College, founded near the same, together with the parish churches of Soltray and Lempitlaw, and other churches and teinds annexed to the said provostry, with the place, orchard, and yard called Dingwall Castle, belonging to the same, and all other and singular fruits, emoluments, rights, casualties, profits, duties, tenants, tenandries, and just pertinents belonging to the said provostry wheresoever they lie within our realm,—by our command read, inspected, and diligently examined, whole, entire, not erased, not cancelled nor suspected in any part, in this form:—

JAMES, by the grace of God King of Scots: To all good men of his whole land, clerics and laics, greeting [*etc. as before, No. XVIII., page 388*].

WHICH gift, disposition, and mortification in all its points, articles, conditions, and modes and circumstances whatsoever, and in all and by all, in the like form and effect as aforesaid, we approve, ratify, and for us and our successors for ever confirm. MOREOVER we, for the good, faithful, and free service rendered and performed to us and our predecessors of happy memory by the said Provost, Bailies, Councillors, and Community of our said Burgh, and their predecessors, in all time

impenso; Ac considerantes bonum et diuinum animi zelum quem erga sustentationem ministrorum euangelii inde residentium habent et gerunt et [qui] postea Deo volente infra dictum nostrum Burgum remanebunt, ac etiam vt studia humanarum literarum infra idem florere et increfcere possunt et quod per hospitalium sustentationem indigentes morboque laborantes confortari possunt; super quibus diuinis respectibus et causis et alijs ad publicam honestatem decorationemque dieti nostri Burgi tendentibus pro reipublice eiusdem propagatione burgum principale regni nostri existentis, vbi nos nostrique tres status regni sepiissime residentiam habemus, dicti Prepositus Balliui Consules et Communitas magnas pecuniarum summas hactenus contulerunt, et absque nostro rationabili iuamine et supportatione suas diuinas animi intentiones perficere et complere non sunt habiles nec personas officia ministrorum collegii et ludorum literariorum gerentes cum pauperibus imbecilibus impotentibusque sustentare possunt; Ideo nos nobiscum plene resoluti maturaque deliberatione et auisamento prehabita omnes fructus proficua et emolumenta dicti collegii Collegii Trinitatis nuncupati permutare tam ad prepositum quam ad prebendarios capellanos et alia eiusdem membra spectantia et pertinentia, seruitia pro

bygone; and considering the good and godly zeal which they have and bear towards the sustaining of the ministers of the gospel now residing, and who by the will of God shall afterwards reside, in our said Burgh, as also that the studies of polite letters may flourish and increase within the same, and that by the upholding of hospitals the poor and those labouring under disease may be comforted; Upon which godly accounts and causes, and others tending to the public credit and decoration of our said Burgh, and for the advancement of the commonweal of the same, being the principal burgh of our kingdom, where we and the three estates of our realm very often reside, the said Provost, Bailies, Councillors, and Community have heretofore contributed great sums of money, and without our reasonable help and support they are not able to perfect and complete their pious intentions, nor can they sustain the persons filling the offices of the ministry, college, and grammar schools, with the poor, imbecile, and impotent. THEREFORE we, after mature deliberation and advice, being fully resolved with ourselves to alter the destination of the whole fruits, profits, and emoluments of the said College called Trinity College, as well those belonging and pertaining to the provost as to the prebendaries, chaplains and other members thereof the services for which these were formerly founded being now nowise necessary,

quibus hujusmodi fundate fuere prius nunc minime necessaria existentia et eandem in usum ministrorum professorum literarum et pauperum sustentationem transferre cum auisamento et consensu antedicto de nouo dedimus concessimus et mortificauimus tenoreque presentis carte nostre damus concedimus et mortificamus prefatis Preposito Balliuis Consulibus et Communitati Burgi nostri de Edinburgh antedicti eorumque successoribus in perpetuum ad vsus subscriptos tantummodo, totam et integram predictam preposituram Trinitatis Collegii cum omnibus et singulis ecclesiis decimis garbalibus ac aliis decimis glebis mansis edificiis pomariis hortis annuis redditibus aduocationibus donationibus ac jure patronatus prebendariorum et capellaniarum dicti Collegii cum donatione oratorum pauperum vulgo beidmen et bedlyaris nuncupatorum, aliorumque officiorum dicte prepositure et Hospitalis dicti Collegii prope eandem fundatorum spectantibus, unacum ecclesiis parochialibus de Sowtraw et Lempitlaw aliisque ecclesiis et decimis dicte prepositure annexatis cum loco pomario et horto vocato Dingwall eisdem spectantibus omnibusque aliis et singulis fructibus emolumentis juribus casualitatibus proficuis deuoriis tenentibus tenandriis et justis pertinentiis dicte prepositure spectantibus vbicumque infra regnum nostrum ad burgum seu terras jacent. Ac cum omnibus et singulis ecclesiis

and to transfer the same to the use of the ministers, the teaching of literature, and the sustaining of the poor, with advice and consent foresaid, of new have given, granted, and mortified, and by the tenor of our present charter, give, grant, and mortify to the said Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh and their successors for ever, for the uses underwritten only, All and Whole the foresaid provostry of Trinity College, with all and sundry churches, teind sheaves, and other teinds, glebes, manses, buildings, orchards, yards, annualrents, advocations, donations, and right of patronage of prebends, and chaplainries of the said College, with the presentation of poor orators in Scots called beidmen and bedlyaris, and other officers of the said provostry and Hospital of the said College, founded near the same, together with the parish churches of Soltray and Lempitlaw, and other churches and teinds annexed to the said provostry, with the place, orchard, and yard called Dingwall, belonging to the same, and all other and singular fruits, emoluments, rights, casualties, profits, duties, tenants, tenandries, and just pertinents belonging to the said provostry, wheresoever they lie within our realm, to burgh or to land, and with all and sundry churches, teinds, fruits, duties, emoluments, annualrents, and

decimis fructibus deuoriis emolumentis annuis redditibus et proficuis quibuscunque ad omnia et singula prebendaria et capellania dicti Collegii aut ad singulos predictos prebendarios in communitate, seu alicui vni eorum in proprietate spectantibus, aut per ipsos ipsorumve aliquem possessis antea, cum omnibus redditibus proficuis emolumentis terris et tenementis ad prefatum Collegium prepositum prebendarios et membra eiusdem vel ad sustentationem ecclesie domorum edificiorumque dicti Collegii fundatis et mortificatis, cum potestate dictis Preposito Balliuis et Communitati ac Consulibus eorumque successoribus leuandi recipiendi et intromittendi per seipsos eorum factores et procuratores eorum nomine omnes et singulos fructus proficuos et emolumenta predicta ac huiusmodi ad ministrorum sustentationem Collegii ludorum literarum et pauperum secundum eorum bonam discretionem super quam eorum conscientiam oneramus applicandi; Necnon volumus et concedimus tenoreque presentis carte nostre decernimus et ordinamus quod prefati Prepositus Balliui Consules et Communitas eorumque successores ad aliquem prebendarium seu capellanum ad prebendaria seu capellania dicti collegij nunc vacantia seu que postea quando vacare contigerit aut contigerint aliquodve particulare titulum ipsis huiusmodi concedendum, minime astricti aut obligati erunt, quibusvis

profits whatsoever belonging to all and sundry the prebends and chaplainries of the said College, or to each of the said prebendaries in common, or to any one of them in particular, or formerly possessed by them or any one of them, with all the rents, profits, emoluments, lands, and tenements founded and mortified to the foresaid College, provost, prebendaries, and members of the same, or to the upholding of the church, houses, and buildings of the said College. With power to the said Provost, Bailies, and Community, and Councillors, and their successors, to uplift, receive, and intromit with, by themselves or their factors and procurators in their name, all and sundry the foresaid fruits, profits, and emoluments, and to apply the same to the sustaining of the Ministers, College, Grammar Schools, and Poor, at their own good discretion, whereanent we burden their consciences. As also we will and grant, and by the tenor of our present charter decern and ordain, that the said Provost, Bailies, Councillors, and Community, and their successors, shall nowise be bound or obliged, any clauses contained in the said foundation notwithstanding, to present any prebendary or chaplain to the prebends or chaplainries now vacant, or that may hereafter become vacant, nor to grant to them any special title to the same; which

clausulis in dicta fundatione contentis non obstantibus, quas tenore presentis carte nostre desoluimus et abrogamus vt hec presens nostra mortificatio validum effectum capiat, et quod predicta proficua simul inuicem collecta et congregata in vno rentale ad vsus prescriptas disponantur ; preterea nos cum auisamento predicto volumus et concedimus quod prefati Prepositi Balliui Consules et Comunitas dicti nostri Burgi eorumque successores plenum jus proprietatis habent et omni tempore futuro habebunt in et ad omnes et singulas terras tenementaque ad predictum collegium prepositum prebendarios hospitalarios et membra eiusdem annexata seu spectantia, et similiter ad superioritatem omnium terrarum de ipsis eorumve aliquo tentarum, feodatarios et alios tenentes earundem intrandi, firmas et deuorias per ipsos debitas leuandi, pro reductione recognitione et nonintroitu citandi, simili modo sicuti aliqui alij superiores per leges nostri regni fecerunt seu facere possunt, et sicuti dicti prepositus prebendarii et hospitalares ratione eorum fundationis vel alias ullo tempore preterito fecerunt seu facere potuerunt, Et quia domus dicti hospitalis Trinitatis Collegii nuncupati nunc ruinosa extat et absque magnis expensis minime reparari potest, et eiusdem reparatio nunc minime est necesse quia dicti Prepositus Balliui Consules et Comunitas hospitale magis idoneum in vna parte dicte Ecclesie Col-

clauses we by the tenor of these presents annul and abrogate that this our present mortification may receive valid effect, and that the foresaid profits may be all collected and gathered together in one rental and disponed to the foresaid uses. Besides we, with advice foresaid, will and grant that the foresaid Provost, Bailies, Councillors, and Community of our said Burgh, and their successors, have and shall have the full right of property, for all time coming, in and to all and sundry lands and tenements annexed or belonging to the foresaid College, provost, prebendaries, hospitallers, and members of the same, and likewise to the superiority of all the lands holden of them or any of them, of entering feuars and others tenants of the same, of uplifting the rents and duties due by them, and of summoning for reduction, recognition, and non-entry in the same manner as any other superiors by the laws of our kingdom have done or may do, and as the said provost, prebendaries, and hospitallers did or might have done by reason of their foundation or otherwise any time bygone. And because the house of the said Hospital called Trinity College is now ruinous and cannot be repaired in anywise without great expenses, and the repairing thereof is now in no wise necessary, because the said Provost, Bailies, Councillors, and Community have built and repaired

legiate situatum magis aptum et conueniens quam dictum vetus hospitale fuit construxerunt et reparauerunt, ac illud cum sufficienti furnitura et necessariis pro asiamento pauperum et morbis laborantium in eadem recipiendorum, nos pro nobis et sucessoribus nostris volumus et concedimus quod licebit prefatis Preposito Balliuis Consulibus et Communitati eorumque sucessoribus tot pauperes infra Hospitale per ipsos nuper reparatim sustentare, ut per eos super redditibus dicti hospitalis Trinitatis Collegii conuenienter sustentari possunt, pro quibus tenore presentis carte nostre obligati et astricti erunt; necnon dictum uetus ruinosum Hospitale quocunque profitabili vsui ipsis magis videbitur expediens applicare; TENENDAM et HABENDAM totam et integram predictam preposituram Trinitatis Collegii cum omnibus et singulis ecclesiis decimis garbalibus et aliis decimis glebis mansis edificiis pomariis hortis annuis redditibus aduocationibus donationibus et jure patronatus prebendariorum et capellaniarum dicti Collegii cum donatione oratorum pauperum vulgo beidmen et bedlyaris nuncupatorum aliorumque officiorum dicte prepositure et Hospitali dicti Collegii prope eandem fundatorum spectantibus vnacum dictis ecclesiis parochialibus de Sowtray et Lempitlaw aliisque ecclesiis et decimis dicte pre-

a more suitable Hospital, situated in a part of the said Collegiate Church, more fit and convenient than the said old Hospital was, and have provided the same with sufficient furniture and necessaries for the relief of the poor and those labouring under disease to be received into the same, we, for us and our successors, will and grant that it shall be lawful to the said Provost, Bailies, Councillors, and Community, and their successors to sustain as many poor within the Hospital lately repaired by them as may be conveniently maintained upon the rents of the said Hospital of Trinity College, for which, by the tenor of this our present charter, they shall be obliged and astricted; as also to apply the said old ruinous Hospital to whatever profitable use shall seem to them most expedient. To HOLD and HAVE all and whole the foresaid provostry of Trinity College, with all and sundry churches, teind sheaves, and other teinds, glebes, manses, buildings, orchards, yards, annualrents, advocations, donations, and right of patronage of prebendaries, and chaplains of the said College, with the presentation of poor orators in Scots called beidmen and bedlyaris, and other officers of the said provostry and Hospital of the said College, founded near the same, together with the said parish churches of Soltray and Lempitlaw, and other churches and teinds annexed to the

positure annexatis cum prenominato loco pomario et horto vocato Dingwall Castell eidem spectantibus, omnibusque aliis et singulis fructibus emolumentis juribus proficuis denoriis tenentibus tenandriis ac justis pertinentiis dicte prepositure spectantibus vbiunque infra dictum regnum nostrum ad burgum seu terras jacent, ac cum omnibus et singulis dictis deuoriis decimis fructibus ecclesiis emolumentis annuis redditibus et proficuis quibuscunque ad omnia et singula dicta prebendaria et capellania dicti Collegii aut ad singulos predictos prebendarios in communitate seu alicui eorum vni in proprietate spectantibus, aut per eos ipsorumque aliquem antea possessis, cum omnibus redditibus proficuis emolumentis terris et tenementis ad predictum Collegium prepositum prebendarios et membra eiusdem vel ad sustentationem ecclesie domorum edificiorumque dicti Collegii fundatis et mortificatis, prefatis Preposito Balliuis Consulibus et Communitati dicti nostri Burgi de Edinburgh eorumque successoribus, ad vsus et effectum suprascriptos solummodo, de nobis et nostris successoribus in pura et perpetua elemosina in perpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris maresiis viis semitis aquis stagnis riolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus

said provostry, with the forenamed place, orchard, and yard called Dingwall Castle, belonging to the same, and all other and sundry fruits, emoluments, rights, profits, duties, tenants, tenantries, and just pertinents belonging to the said provostry, wheresoever situated within our kingdom, to burgh or to land; and with all and sundry the said duties, teinds, fruits, churches, emoluments, annualrents, and profits whatsoever belonging to all and sundry the said prebends and chaplainries of the said College, or to each of the foresaid prebendaries in common, or to any one of them in particular, or previously possessed by them or any of them; with all the rents, profits, emoluments, lands, and tenements founded and mortified to the said College, provost, prebendaries, and members of the same, or to the maintenance of the church houses and buildings of the said College to the foresaid Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh, and their successors, to the uses and effect above written only, of us and our successors in pure and perpetual alms for ever, by all their just and ancient marches and divisions as they lie in length and breadth, in houses, buildings, woods, plains, moors, marshes, ways, paths, waters, ponds, streams, meadows, pastures and feeding grounds, mills, multures, and their sequels, hawkings, huntings,

venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasiniis brueriis et genestis siluis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus herezeldis bludewitis et mulierum marchetis cum communi pastura liberoque introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictam preposituram cum vniuersis et singulis ecclesiis decimis et deuoriis antedictis cum suis pertinentiis particulariter prescriptis spectantibus seu iuste spectare valentibus quomodolibet, in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla reuocatione contradictione impedimento aut obstaculo quocunque; FACIENDO inde annuatim dicte Prepositus Balliui et Communitas dicti nostri Burgi pauperesque dicti hospitalis scolasticique dicti collegii et scholarum eorumque successores deuotas et humiles quotidianas preces Deo Omnipotenti pro preservatione nostri successorumque nostrorum ac sustentatione ministrorum curam dictarum ecclesiarum seruientium dicte prepositure spectantium eorumque successores, vel soluendo tertiam partem fructuum dicti prepositure pro eorum sustentatione ad eorum optionem

fishings, peat and turf, coals, coal pits, rabbits, rabbit-warrens, doves, dovecots, forges, malt kilns, breweries, heaths, woods, groves and thickets, firewood, timber, stone quarries, stone and lime, with courts and their issues, herezelds, bludewites, marchets of women, with common pasturage, and free ish and entry, and with all other and singular liberties, commodities, profits, and easements, and their just pertinents whatsoever, as well not named as named, as well below the earth as above, far and near, belonging or that could justly belong in any manner of way to the foresaid provostry, with all and sundry churches, teinds, and duties aforesaid, with their pertinents particularly before written, freely, quietly, fully, wholly, honourably, well and in peace in all time coming, without any revocation, contradiction, impediment, or obstacle whatsoever. GIVING therefor annually the said Provost, Bailies, and Community of our said Burgh, and the poor of the said Hospital, and scholars of the said College and Schools, and their successors, devout and humble daily prayers to Almighty God for the preservation of us and our successors, and the sustaining of the ministers serving the cure of the said churches belonging to the said provostry, and their successors, or paying the third part of the fruits of the said provostry for their

et electionem; Ac preterea quod prefati Prepositus Balliui Consules et Communitas eorumque successores omnes fructus annuos redditus et proficua prescripta ad vsus predictos impensare et conferre astricti et obligati erunt; et quod nobis et successoribus nostris pro huiusmodi computabiles existent quandocunque requisiti fuerint; reseruando nihilominus totis prebendariis dicti Collegii adhuc viuentibus tantas deuorias annuatim ut vnusquisque eorum recipere consuevit, de quibus deuoriis prefati Prepositus et Balliui illis responderi facientur durante eorum vita tantum. IN CUIUS rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus: Testibus, predilectis nostris consanguineis et consiliarijs Joanne domino Hamiltoun etc. comendatario monasterii nostri de Abirbrothok, Archibaldo Angusie comite, domino Dowglas Dalkeyth et Abirnethie, reuerendissimo ac venerabili in Christo patribus Patricio Sancti Andree archiepiscopo, Waltero priore de Blantyre nostri secreti sigilli custode; dilectis nostris familiaribus et consiliariis domino Joanne Maitland de Thirlstane milite nostro secretario, Alexandro Hay de Eister Kennat nostrorum rotulorum registri ac consilii clerico, Lodouico Bellenden de Auchnoule milite nostre iusticiarie clerico, et magistro Roberto Scott nostre cancellarie direttore: Apud Halierudehous

sustenance, at their option and choice. And, moreover, that the foresaid Provost, Bailies, Councillors, and Community, and their successors shall be bound and obliged to lay out and expend all the foresaid fruits, annualrents, and profits to the foresaid uses; and that they shall be accountable to us and our successors for the same whenever they shall be required; Reserving nevertheless to all the prebendaries of the said College at present living so much of the said duties yearly as each of them was in use to receive, for which duties the said Provost and Bailies shall be made answerable to them during their lifetime only: IN WITNESS whereof we have commanded our great seal to be affixed to this our present charter of confirmation: WITNESSES, our well beloved cousins and councillors, John lord Hamilton, etc. commendator of our monastery of Arbroath, Archibald earl of Angus lord Douglas Dalkeith and Abernethy; the most reverend and venerable fathers in Christ, Patrick archbishop of St Andrews, Walter prior of Blantyre, keeper of our privy seal; our beloved servants and councillors, Sir John Maitland of Thirlstane knight, our secretary, Alexander Hay of Easter Kennet, clerk of our rolls register and council, Louis Bellenden of Auchnoule knight, our justice clerk, and Master Robert Scott, director of our chancery: At Holyroodhouse, the

vicesimo sexto die mensis Maij anno Domini millesimo quingentesimo octuagesimo septimo et regni nostri vicesimo.

twenty-sixth day of the month of May, in the year of our Lord one thousand five hundred and eighty-seven, and the twentieth of our reign.

XIX.

CHARTER by King James VI., confirming his Charter of 23d June 1585, and of new granting to the Provost, Bailies, Council, and Community of the Burgh of Edinburgh, the whole revenues of Trinity College. Holyrood, 29th July 1587.

JACOBUS Dei gratia Rex Scotorum : Omnibus probis hominibus totius terre sue clericis et laeis, salutem : SCIATIS quia nos post nostram perfectam et legitimam etatem viginti vnus annorum completam in parlamento nostro declaratam, et generalem reuocationem nostram in hujusmodi factam, nunc moti ardenti zelo et diuina intensione Prepositi Balliuorum Consulium et Communitatis Burgi nostri de Edinburgh in suorum ministrorum euangelii prouisione infra dictam nostram Burgum seruientium qui nulla certa aut constituta stipendia ex nostris tertijs beneficiorum habent ; et quod ipsi magnas pecuniarum summas pro edificatione vnus hospitalis vbi Collegium Reginale vulgo the Quenis College perprius stetit pro pauperam et miserabilium personarum sustentatione contulerunt, et quod preterea Collegium infra dictum nostrum Burgum nuper erexerunt in quo bone litere scientieque professe sunt pro regni commoditate et ad publicam honestatem et decorationem dicti nostri Burgi pro

JAMES, by the grace of God King of Scots : To all good men of his whole land, clerics and laics, greeting : KNOW ye that we, after our perfect and lawful age of twenty-one years complete declared in our parliament, and our general revocation made in the same, now moved by the ardent zeal and godly purpose of the Provost, Bailies, Councillors and Community of our Burgh of Edinburgh in providing for their Ministers of the gospel serving within our said Burgh who have no certain or ascertained stipends out of our thirds of benefices ; and that they have contributed large sums of money for the building of an Hospital where the Queen's College formerly stood, for the sustentation of poor and miserable persons ; and that besides they have lately erected a College within our said Burgh, in which polite letters and sciences are taught, for the benefit of the kingdom, and for the public credit and decoration of our said burgh,

re[i]publice eiusdem propagatione burgum principale huius nostri regni existentis vbi nos nostrique tres status regni sepissime residentiam habemus ; Qui quidem ministri hospitale et collegium antedicta absque nostro rationabili iuvamine et supportatione minime bene sustentari possunt non obstantibus magnis expensis tam de communi bono dicti nostri Burgi quam de particulari contributione ex his qui ad iuvanem et supplementum dicti diuini operis se prebuerunt per predictos Prepositum Balliuos Consules et Communitatem hactenus desuper confecti. Et considerantes nos nostramque quondam charissimam matrem diuersas terras redditus decimas et annuos redditus ad sustentationem dicti ministerii hospitalis et collegii dotasse concessisse et mortificasse quas volumus cum prefatis Preposito Balliuis Consulibus Communitati et eorum successoribus in perpetuum remanere, Et intelligentes easdem minime sub annexatione terrarum ecclesiasticarum nostre corone comprehendere, et quod e nostra generali reuocatione nuper facta excepte sunt ; IDEO ratificauimus approbauimus ac pro nobis et successoribus nostris pro perpetuo confirmauimus tenoreque presentis carte nostre ratificamus approbamus ac pro nobis et successoribus nostris pro perpetuo confirmamus donationem infeofamentum et mortificationem per nostrum quondam charissimam matrem in sua perfecta

for the advancement of the commonweal of the same, being the principal burgh of this our kingdom, where we and the three estates of the realm very often reside ; which Ministers, Hospital, and College foresaid could not be well sustained without our reasonable help and support, notwithstanding the great expenses, as well from the common good of our said Burgh, as from the particular contributions of those who have devoted themselves to the support and aid of the said pious work thus far executed thereanent by the said Provost, Bailies, Councillors, and Community. And considering that we and our late dearest mother have given granted and mortified diuers lands, rents, teinds, and annualrents for the sustentation of the said Ministry, Hospital and College, which we wish to remain with the said Provost, Bailies, Councillors, Community, and their successors for ever. And understanding the same not to be comprehended in the annexation of the church lands to our Crown, and that they are excepted from our general revocation lately made, Therefore, we have ratified, approved, and for us and our successors, confirmed for ever, and by the tenor of our present charter, ratify, approve, and for us and our successors confirm for ever the gift, infeftment, and mortification made, given, and granted by our late dearest mother in her perfect age

etate factam datam et concessam predictis Preposito Balliuis Consulibus et Communitati dicti nostri Burgi et eorum successoribus pro ministrorum et pauperum infra idem supportatione et iuvamine, de omnibus et singulis terris tenementis annuis redditibus alijsque proficuis et emolumentis quibuscunque jacentibus infra dictum nostrum Burgum et libertatem eiusdem que quouismodo perprius pertinuerunt ad quascunque capellanas collegia prebendaria fratres cuiuscunque ordinis aliasque personas beneficiatas, prout dicta donatio et mortificatio de data decimo tertio die mensis Martij anno Domini millesimo quingentesimo sexagesimo tertio¹ sub magno sigillo dicte nostre quondam charissime matris latuis proportat. NECNON aliam donationem et dispositionem prefatis Preposito Balliuis Consulibus et Communitati dicti nostri Burgi et eorum successoribus per nos nostro sub magno sigillo factam datam et concessam de Ecclesia Collegiata Trinitatis vulgo the Trinitie College nuncupata cum eisdem cimiterio mansionibus domibus et hortis, cum hospitale Hospitalis Collegii Trinitatis nuncupato et horto eiusdem, sic ut dicti Prepositus Balliui et Consules vnum hospitale desuper construere et erigere possunt pro sustentatione pauperum honestorum seniorum et indigentium personarum infra dictum

to the foresaid Provost, Bailies, Councillors, and Community of our said Burgh and their successors, for the support and help of the Ministers and Poor within the same, of all and sundry lands, tenements, annualrents, and other profits and emoluments whatsoever lying within our said Burgh and the liberty of the same, which formerly belonged in any manner of way to any chaplainries, colleges, prebends, friars of whatsoever orders, and other beneficed persons, as the said gift and mortification, of date the thirteenth day of the month of March in the year of our Lord one thousand five hundred and sixty-three,¹ under the great seal of our said late dearest mother more fully sets forth. As also another gift and disposition given and granted by us under our great seal, to the said Provost, Bailies, Councillors, and Community of our said Burgh and their successors, of the Collegiate Church of the Trinity commonly called the Trinity College, with the cemetery, mansions, houses, and yards of the same, with the Hospital called the Hospital of Trinity College and yard of the same, so that the said Provost, Bailies, and Councillors may construct and erect an Hospital thereupon for the sustentation of honest, poor, aged, and indigent persons within the said Burgh,

¹ Should be 1566.

Burgum, prout dicta donatio et dispositio de data duodecimo die mensis Novembris anno Domini millesimo quingentesimo sexagesimo septimo similiter latius continet; Et etiam aliam donationem mortificationem et annexationem prepositure dicti Collegii Trinitatis cum omnibus terris redditibus proficuis et emolumentis, ac cum aduocatione et donatione oratorum pauperum vulgo lie beidmen et bedlaris dicti hospitalis, et omnibus aliis juribus et preuilegiis dicte prepositure spectantibus prout in dicta mortificatione de data vicesimo tertio die mensis Junii anno Domini millesimo quingentesimo octuagesimo quinto latius continetur: VNACUM nostra confirmatione et nova donatione dicte prepositure cum singulis terris proficuis et emolumentis eidem ac prebendariis et capellanis eiusdem collegii in proprietate seu communitate spectantibus, prout dicta donatio et noua dispositio de data vicesimo sexto die mensis Maii anno Domini millesimo quingentesimo octuagesimo septimo latius proportat. NEC NON annexationem archidiaconatus Laudonie cum terris redditibus decimisq; garbalibus eidem spectantibus ad prefatum collegium infra dictum nostrum Burgum pro iuventutis instructione nuper erectum annexatis et mortificatis prout hujusmodi de data quarto die mensis Aprilis anno Domino millesimo

as in the said gift and disposition, of date the twelfth day of the month of November in the year of our Lord one thousand five hundred and sixty-seven, is likewise more fully contained. As also another gift, mortification, and annexation of the provostry of the said College of Trinity, with all lands, rents, profits, and emoluments, and with the advocation and presentation of poor orators, in Scots called beidmen and bedlaris of the said Hospital, and all other rights and privileges belonging to the said provostry, as in the said mortification, of date the twenty-third day of the month of June in the year of our Lord one thousand five hundred and eighty-five, is more fully contained. Together with our confirmation and gift of new of the said provostry, with singular lands, profits, and emoluments belonging to the same, and to the prebendaries and chaplains of the same college, in particular or in common, as the said gift and disposition of new, of date the twenty-sixth day of the month of May in the year of our Lord one thousand five hundred and eighty-seven, more fully sets forth. As also the annexation of the archdeaconry of Lothian, with the lands, rents, and teind sheaves belonging to the same, annexed and mortified to the foresaid College lately erected within our said Burgh for the instruction of youth, as the same, of date the fourth day of the month of April in the year of our Lord one thousand five hundred and

quingentesimo octuagesimo quarto proportat; Vnacum decreto dominorum nostri consilii et sessionis per quod decernitur et declaratur quod dicti Prepositus Balliui Consules et Communitas jus ad decimas fructus emolumenta rectorie ecclesie de Dunbarny habent pro rationibus et causis in dicto decreto contentis, de data decimo nono die mensis Martii anno Domini millesimo quingentesimo octuagesimo tertio, in omnibus et singulis punctis capitibus et clausulis ac circumstantiis in eisdem particulariter et respective contentis. INSUPER nos de nouo dedimus disposuimus et mortificauimus tenoreque presentis carte nostre damus concedimus disponimus et mortificamus prefatis Preposito Balliuis Consulibus et Communitati dicti nostri Burgi de Edinburgh eorumque successoribus pro ministrorum et pauperum sustentatione ac pro intertenemento dicti collegii per ipsos nuper erecti, omnes et singulas terras redditus decimas aliaque proficua et emolumenta de particularibus in dictis superioribus donationibus et mortificationibus contenta ac in prefato decreto per dictos dominos consilii promulgato de data antedicta cum ipsis pro usibus in hujusmodi specificatis et contentis et non aliter, juxta formam et tenorem earundem in perpetuum remansura. Prouiso quod dicti Prepositus Balliui Consules et Communitas et eorum successores tenebuntur sustentare

eighty-four sets forth. Together with the decree of the Lords of our Council and Session, by which it is decerned and declared that the said Provost, Bailies, Councillors, and Community have right to the teinds, fruits, and emoluments of the parsonage of the church of Dunbarny for the reasons and causes contained in the said decree, of date the nineteenth day of the month of March in the year of our Lord one thousand five hundred and eighty-three, in all and singular the points, chapters, and clauses, and circumstances in the same particularly and respectively contained. Moreover, we of new have given, dispered and mortified, and by the tenor of this our present charter, give, grant, dispone, and mortify to the said Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh and their successors, for the support of the Ministers and Poor, and for the upholding of the said College by them lately erected, all and sundry lands, rents, teinds, and other profits and emoluments, particularly contained in the said former gifts and mortifications, and in the foresaid decree pronounced by the said Lords of Council of the date aforesaid, to remain with them for ever for the uses therein specified and contained, and not otherwise, according to the form and tenor of the same. Providing that the said Provost, Bailies, Councillors,

ministros apud suas ecclesias pro presenti ibidem seruientes, et similes qualificatas personas [qui] in hujusmodi curas in posterum ordinati erunt deseruire, secundum tenorem donationum et mortificationum dictis Preposito Balliuis Consulibus et Communitati eorumque successoribus perprius ad hunc effectum factarum vt premissum est. IN CUIUS rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus, TESTIBUS etc. apud Halyrudehous vicesimo nono die mensis Julii anno Domini millesimo quingentesimo octuagesimo septimo, et regni nostri vicesimo primo.

and Community, and their successors, shall be held bound to support the ministers in their churches serving there at present, and similar qualified persons who shall be ordained to serve in the same cures for ever, according to the tenor of the donations and mortifications to the said Provost, Bailies, Councillors, and Community, and their successors, formerly made to this effect as is premised. IN WITNESS whereof we have commanded our great seal to be affixed to this our present charter. Witnesses etc. At Holyroodhouse, the twenty-ninth day of the month of July, in the year of our Lord one thousand five hundred and eighty-seven, and the twenty-first of our reign.

Which sum has been paid to the following Creditors on the Estate, purst. to three several Warrants of the Commissrs., and the grounds of their respive. debts assigned by sd. Creditors to the Hospital. As the Hospital has right to crop 1734, the interest of these debts incurred from and after Whit. 1734 is chargeable on the Hospital:—

Time when Paid.	No.	Creditors' Names.	Assigners.	Principal Sums Paid.	Annual Rents Paid.							
				£ s. d.	£ s. d.	£	s.	d.	£	s.	d.	
1735, Whitsunday	1	To Captain Lewis Lermont	Dr John Lermont	105 0 0	5 5 0	2029	7	11	3	101	9	4
	2	To Mr Thomas Moubray	Himself	55 11 1 ³ / ₄	2 15 6 ² / ₃							
	3	To Wm. Robertson	Himself	105 0 0	5 5 0							
	4	To Capt. James Douglas	Himself	200 0 0	10 0 0							
	5	To the Assignees of Dirleton	Alex. Innes	150 0 0	7 10 0							
	6	To the Baxters of Edinr.	Their Box Mr.	138 17 9 ¹ / ₂	6 18 10 ² / ₃							
	7	To Janet Oswald	James Stuart	80 0 0	4 0 0							
	8	To Mary Bell	John Young	111 2 2 ² / ₃	5 11 1 ¹ / ₂							
	9	To Sr. James Nicolson	Mr George Buchan	122 14 7 ¹ / ₂	6 2 8 ² / ₃							
	10	To James Crokot	Geo. Arbuthnott	111 2 2 ² / ₃	5 11 1 ³ / ₄							
	11	To John Chancellor	{ Mrs Jean, Agnes, & George Lockhart }	55 11 1 ³ / ₄	2 15 6 ² / ₃							
	12	To John Carlisle	Himself	100 0 0	5 0 0							
	13	To Wm. Richardson	Himself	111 2 2 ² / ₃	5 11 1 ¹ / ₂							
	14	To James Crokot	Himself	55 11 1 ¹ / ₂	2 15 6 ² / ₃							
	15	To Alex. Douglas	Himself	111 2 2 ² / ₃	5 11 1 ¹ / ₂							
	16	To James Thorntoun	Himself	111 2 2 ² / ₃	5 11 1 ³ / ₄							
	17	{ To Mr Wm. Brown of Lind- saylands }	Himself	111 2 2 ² / ₃	5 11 1 ¹ / ₂							
	18	To Thomas Hamilton, Esq.	Himself	138 17 9 ¹ / ₂	6 18 10 ² / ₃							
	19	To Sr. Wm. Stuart	Hugh Sommervail	55 11 1 ³ / ₄	2 15 6 ² / ₃							
Lammas	20	To Margaret Gallaway	Robt. Pratt	166 13 4	10 8 4	1352	4	5	3	84	10	3
	21	To Helen Paterson	Herself	100 0 0	6 5 0							
	22	To Elizabeth Muir	Wm. Veitch	111 2 2 ² / ₃	6 18 10 ² / ₃							
	23	To Mr John Crichtoun	Mr Alex. Monro	55 11 1 ³ / ₄	3 9 5 ¹ / ₂							
	24	To Mr Wm. Grant	Himself	83 6 8	5 4 2							
	25	To Janet Thomson	Herself	55 11 1 ¹ / ₂	3 9 5 ¹ / ₂							
	26	To Hannah Pearson	Herself	150 0 0	9 7 6							
	27	To Mary Pershaw	Herself	55 11 1 ³ / ₄	3 9 5 ¹ / ₂							
	28	To James Maul, Esq.	Wm. Maul	150 0 0	9 7 6							
	29	To James Scott	Himself	38 6 8	2 7 11 ¹ / ₂							
	30	To James Watson, Esq.	Himself	100 0 0	6 5 0							
	31	To John Murray	Mary Murray	175 0 0	10 18 9							
	32	To Janet Foulis	Herself	55 11 1 ¹ / ₂	3 9 5 ¹ / ₂							
	33	To Thomas Pringle	Janet Pringle	55 11 1 ³ / ₄	3 9 5 ¹ / ₂							
Martinmas, 1736, March 27 Do.	34	To Mrs Jean Baird	Capt. Robt. Baillie	160	2	11	3	12	0	11
	35	To Captn. James Muirhead	Alex. Muirhead	55 11 1 ¹ / ₂	5 3 7 ² / ₃							
	36	To Christian & Agnes Brouns	Themselves	53 15 9 ² / ₃	5 0 4 ¹ / ₂							
						109	6	11	10	4	0	3
						3651	1	4	208	3	10	1

By sundry incidents disbursed on account of the purchase and first year's crop of these lands, viz., crop 1734 :—

	£	s.	d.	£	s.	d.
To Mr Archd. Murray, advocat, of consultation about the security of the purchase, and to his servant,	2	9	6			
To his servant for the search into the registers,	2	19	6			
To Mr Archd. Stewart p. rect. for cess before the hospital lands were disjoined in the cess books from Shore of Dean,	5	14	1½			
To Ditto for drawing the hospital's discharge to the commissrs. of Dean, for his clerk's dues and for stamp paper, etc., p. order of the council, p. rect.,	6	9	6			
Charges and incidents at many meetings of the governours with the commissrs. of Dean and others anent the purchase,	2	15	2½			
					20	7 10

By the charge of inclosing 52 acres of the hospital's purchase at Dean, divided into three parts, built round with stone walls harled and copped with stone and lime, as also the highway towards the Q'ferry Road, built with a wall of stone and lime. The charge of winning stones, cartage, building, lime, sand, gates, doors, batts, lands, &c., being included, viz. :—

	£	s.	d.	£	s.	d.
To John Fergusson, mason, undertaker p. acct.,	404	7	8			
Deduce overcharged in the article of coping,	9	7	8			
					395	0 0
To his acct. of incident charges not provided for by the contract with him by the council,	3	15	6			
To the charge of blowing all the great stones in the said 52 acres, and carrying them off the ground, and for powder, &c., for gathering and cartage of the small stones, &c., p. acct.,	37	8	4½			
					41	3 10½
By sundry accts. of smith work, viz. :—						
To John Craig, for work at the quarry, p. acct. discharged,	2	15	7			
To Alex. Cleghorn for batts and bands, p. do. July 19,	3	7	11½			
To John Craig for do. and quarry, p. do. Dec. 5,	9	18	10½			
					18	18 10
To Colin Alison, wright, for gates, doors, p. accts.,	8	1	8½			
To the charges of casting a ditch for carrying off the waters from damaging the dykes to John Douglas and others, p. acct.,	2	14	0			
					10	15 8½
Carry forward,					465	18 5

	£	s.	d.
Brought forward,	465	18	5
Tho the accomptant was authorised by the council to uplift £544, 13s. st. contd. in Sr. James Johnston's hereble bond to the hospital to replace the above charge which, as it was well secured, and the interest duly paid, he judged it more for the interest of the hospital to uplift only the sum due by Mr John and Mr Charles Cockburn, their bond being £200 stg., and the meantime to advance the rest himself,	200	0	0
Balance due to him on acct. of the inclosing,	265	18	5

An abstract of the foregoing accts. shewing the amount of the payments made by Thomas Gardner, treasr. to Trinity Hospital, to the several creditors on the estate of Dean, in full of the price payable by the hospital, with the interest paid to sd. creditors incurred after Whit. 1734. As also his other payments of incidents in relation to the purchase, &c., and charge of inclosing 52 acres of the hospital's ground. Shewing also the several prinl. sums due to the hospital uplifted by order of the council towards paying the price of the purchase, &c., charge of inclosing, with the rent of sd. lands, crop 1734, also applied for said purpose, all stated in acct. apart, examined by a committee and approved of by the council the 10th May 1738.

	Dr.	Cr.	
	£	s.	d.
Thomas Gardner, treasurer to Trinity Hospital:—			
To the following principal sums uplifted at Whitday. 1735, viz.—			
Thos. Dundas of Lethems, bond for	£166	13	4
One of the city of Edinburgh's bonds for	1950	0	0
	2116	13	4
By 19 prinl. sums paid to creditors on the estate of Dean at Whity. 1735, as p. preceding page,		2029	7 11 $\frac{1}{3}$
To the following prinl. sums uplifted at Lamm. 1735, viz.—			
Russel & Nasmith's bond for	£55	11	1 $\frac{1}{3}$
Sr. James Cuninghame's bond assigned to	300	0	0
3 bonds of the city of Edimr. for	511	2	2 $\frac{2}{3}$
Part of B. John Hay's bond for £200,	166	13	4
	1033	6	8
By 14 prinl. sums paid to creditors on Dean (as p. particulars on preceding page) at Lam. 1735,		1352	4 5 $\frac{1}{3}$
To the following prinl. sums uplifted at Marts. 1735, viz.—			
Carry forward,	3150	0	0
	3381	12	4 $\frac{4}{8}$

	£	s.	d.	£	s.	d.
Brought forward,	3150	0	0	3381	12	4 $\frac{1}{8}$
John Erskine of Balgownie's bond assigned to	£200	0	0			
Messrs Chapman & Cumming's bond for	60	0	0			
				260	0	0
By one prinl. sum pd. at Marts. 1735 to a creditor on Dean, as p. preceding page,					160	2 1 $\frac{1}{8}$
By 2 prinl. sums pd. 27 March 1736 to creditors on do. as p. do.,					109	6 11
To John Hogg of Cammos, bond uplifted at Whitday. 1736 for	200	0	0			
To the remains of B. John Hay's bond uplifted at Lamm. 1736 for 200,	33	6	8			
By interest paid to the foresaid creditors on the estate, incurred from Whit. 1734 till they were paid,					208	3 10 $\frac{1}{8}$
To the rents of the lands purchased, crop 1734, applied towards paying said a'rents as p. particulars on page,	170	1	8 $\frac{5}{8}$			
By incident disbursemts. on accot. of the purchase and crop 1734, as p. particulars on the preceding page,					20	7 10
By charge of enclosing 52 acres of the foresaid ground divided into three parts, as p. do.,					465	18 5
To Messrs John and Charles Cockburn's bond uplifted at Cand. 1737, towards paying in part the said charge of inclosing,	200	0	0			
Balance due to Thomas Gardner on the foresaid accot., which, by the committee's report dated 10th May 1738, he is allowed to borrow, to bear interest at 4 $\frac{1}{2}$ p. cent. from Whitday. 1738,	332	3	1 $\frac{1}{8}$			
				4345	11 6	4345 11 6

Notc.—The foresaid sums exclusive of the balance are carried to Abstract pages 29 and 30.

THOMAS TROTTER, Merehant in Edinburgh,—his Accounts as Treasurer to Trinity Hospital, from 1st November 1739 to 1st November 1749, being for crops 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, and 1748.

Charge from 1st November 1743 to 1st November 1744.

	Conversion of Victual.	Money Rent.	Total.	
Barley. B. F. P. L.	To amount of tack duties on farm rents crop 1743, the fiars of barley said crop being 9s. 4d., of wheat, 10 shill. p. boll, at which prices the following quantities of victual for this crop, both tack and feu-duties, are convented.			
151 2 0 3	John Pew, maltman in Leith, in right of James Henderson, mercht. p. tack,	£70 14 5 $\frac{1}{4}$	£4 4 11 $\frac{1}{2}$	£74 19 4 $\frac{1}{2}$
122 3 2 0 $\frac{1}{2}$	Lilias Anderson, or Alex. Sheels, for Nether Quarryholes, p. tack,	57 6 11	0 10 11 $\frac{1}{2}$	57 17 10 $\frac{1}{2}$
	Richd. and John Cleghorn, at Dean, p. tack, viz.—			
	For Maiden Craig, Blackrig, and Longrig, &c., after deduction of 2s. 4d. for 15 falls ground,	24 1 8 $\frac{1}{2}$	8 4 4	
51 2 1 3	For 23b. 3f. 0p. 3 $\frac{1}{2}$ l. wheat for said lands,	12 18 0 $\frac{1}{2}$		
14 2 2 0	For Broad Latch without tack,	6 16 6		
		£43 16 3	£8 4 4	52 0 7
	Charles Sawers, at Bellsmill, for the lands of Hungrierig and at Dean, p. tack,		46 15 9	46 15 9
	Willm. Henderson and John Edington, for the three new parks on the west of Dean, p. tack,		89 5 0	89 5 0
	Rents of houses and gardens from Mart. 1743 to Mart. 1744, as p. particulars page 2d,		10 10 0	10 10 0
40 0 0 0	The heirs of James Henderson, mert., p. charter for 10 acres ground, to which Wm. Mitchell, mert. in Leith, had right disponed by him to David Ramsay, shipmr. in Leith, the 6th Decemr. 1742,		18 13 4	
880 2 2 2 $\frac{1}{2}$	Carry forward,	£18 13 4	£331 8 6 $\frac{5}{8}$	

Barley.							
B.	F. P. L.						
380	2 2 $\frac{21}{2}$			Brought forward,		£18	13 4
113	2 2 $\frac{31}{2}$	The heirs of Thomas Mercer, p. charter, for 40				£331	8 6 $\frac{5}{8}$
		acres $\frac{1}{4}$ fall,		£53	1 0 $\frac{1}{4}$		
494	1 1 2	And in money,		3	0 0 $\frac{5}{12}$		
				<hr/>		£56	1 0 $\frac{2}{3}$
		The creditors of Jasper Brown, wright, viz., Wm. Mitchell and James Milroy, merchts.; Eliz. Crokot and Thos. Young, brewer; John Watson, selater; Patrick Jameson, mason; and James Veitch, glazier, for one acre, part of Lilius Anderson's tack, per charter, dated 14th Decemr. 1743,				2	15 6 $\frac{2}{3}$
		James Reid, merchant in Leith, for six acres of said ground, being part of sd. tack,				18	8 0
		John Carnegie, vintner in Edinr., for 2 acres 1 rood 6 falls of sd. ground, being part of Do.,				6	9 7 $\frac{1}{2}$
		Fcu-duties of houses, park, &c., from Mart. 1743 to Mart. 1744, as p. particulars page 3d,				11	6 8
				<hr/>		113 14 2 $\frac{5}{8}$	
		To interest incurred on the following principal sums due to the hospital, viz.—					
		Of £1725 7 8 $\frac{1}{2}$ contained in the Marquis of Annandale's bond from Cand. 1743 to Lam. 1744, at which term the prinl. sum was discharged as p. act of council, dated 1 Augt. 1744,				£129	8 0 $\frac{3}{4}$
		Of 1250 0 0 thereof for 20 days from 2nd to 22 Augt. 1744, for which Ronald Crawford, writer, gave security,				3	8 0
		Of 475 7 8 $\frac{1}{2}$ the remains of sd. principal for 3 months from Lam. 1744 to Mart. 1744,				5	18 10
		Interest at 4 p. cent. of £500 of sd. money lent to sd. Ronald Crawford from 8 Sepr. to Mart. 1744,				£3	10 1
		At 4 p. cent. of £520 of do., lent to the City of Edinburgh, from 8th Sept. to 3rd Decr. 1744,				5	0 3
		At 4 p. cent. of £450 of do., lent to Provost Stewart from 8 Sepr. to 18 Decr. 1744,				5	0 1
				<hr/>		13	10 4
		Of £135 18 1 $\frac{1}{8}$ Resting of Glenbervie and Scotsraig's bond, from 11 April 1743 to Mart. 1744,				10	14 11 $\frac{5}{8}$
		Of 30 0 0 due by B. Thomas Heriot, p. bond, from 11 Sepr. 1743 to do.,				1	15 0
<hr/>				<hr/>		<hr/>	
Over	£165	18	1 $\frac{1}{8}$	Carry forward,		£164	15 2 $\frac{7}{8}$
						£445	2 9 $\frac{1}{8}$

	Brought forward,	£27 14 2	£656 5 10 ²
Mrs Little £2, Mrs Murray £2, 15s.,	.	4 15 0	
Mrs Scholler and Mrs Melvine,	.	3 2 4	
Adam Rae and Mrs Carmichael,	.	5 8 3	
			40 19 9
All the rest of the members who have died were buried at their friends' expence, some of them having died out of their house.			
To charges decerned against Robert Douglas in Leith, p. decret before the sheriffs,	.	£8 0 0	8 0 0
To ditto against William Mitchel at Saw Mill, p. do.			
			<u>£705 5 7⁵</u>

To principal sums uplifted, viz. :—

1743. April 11.	From William Forbes, writer, of dividends payle. out of the estates of Drummur, Glenberrie, and Scotsraig, as p. page 6th, £97, 13s. 2 ¹ / ₂ d., whereof applicable to the principal, charged page 6th, £58, 19s. 6 ³ / ₄ d.		
1744. Aug. 2.	From Ronald Crawford, writer, as doer for the Marquis of Annandale, upon the magistrates and Council their signing disposition and conveyance in favours of Charlotta, Marchioness of Annandale, and Simon Mitchell of Gray's Inn, ingrossed in the hospital's minutes the 1st instant,	£1725 7 8 ¹ / ₂	£1725 7 8 ⁶
	To donations or mortifications received to be added to the hospital's stock, viz. :—		
1744. Oct. 31.	From Wm. Douglas, writer in Edinburgh, a donation of £100 Scots, for which the accomptant granted bond of this date, obliging him and his successors in office to pay to Rod. Douglas, brother-german to said William, for his alimentary use allenary, the interest thereof during his life, p. act of council, dated 2d Novr. 1743, which sum falls to the hospital after said Rod. Douglas's decease,	£8 6 8	
1744. Feb. 2.	From Dr James Penman, late surgeon-major Giberalter (whose grandfather, B. John Penman, A. ^o 1677 or 1680, mortified £83, 6s. 8d. st. to the hospital), a donation of £166, 13s. 4d. st. to have a presentation at large during his life, his heirs or assignees to have the privilege only of two vices, or times of presenting at large, but for the 3d vice restricted to present a burges, or the child or widow of a burges, and from presenting till year and day are elapsed from the death of the person last presented, as p. acts of council, dated 2d. Novr. and 21st December 1743,	166 13 4	
1744. March 28.	From Catharine Campbell, relict of John Wightman of Maulslie, late provost of Edinburgh, a donation of £200 st., for which she, her heirs and successors, are allowed a presentation in terms of the statutes, the person to be presented not to be received till six		

Carry forward,	£175 0 0	£1725 7 8 ⁶
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Brought forward,	£175 0 0	£1725 7 8 ⁶	
months after payment of said sum, and the lapse of year and day thereafter from the death of the person last presented, as p. act of council, dated 8th February 1744,	200 0 0		
	<u> </u>	375 0 0	
To other donations applicable to the hospital's revenue, viz. :—			
From the Incorporation of Goldsmiths for admitting James Cockburn, son to James Cockburn, goldsmith, a member, p. act of council, dated 23d March 1743, .	£10 0 0		1743. April 8.
From Mary Sinclair, daughter to the deceased Oliver Sinclair, merchant, for being admitted a member, as p. act of council, dated 18 Janry. 1744,	30 0 0		1744.
	<u> </u>	40 0 0	
By act of council of this date John Moodie, mert. in London, son to Moodie, wigmaker, burgess of Edr., on his paying to the accomptant £100 st., was ordered to be admitted a member.			1742, July 14.
By act of this date Susanna Broun, daur. to the deceased James Broun, mert., burgess, was ordered to be admitted a member on her paying to the accomptant 400 mks.			1743. March 23.
NOTE.—The two last sums were not paid to the accomptant, because the sd. two members were not admitted in virtue of the foresaid acts.			

THOMAS TROTTER, Merchant in Edinburgh,—his Accounts as Treasurer to Trinity Hospital from 1st November 1739 to 1st November 1749; being for crops 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748.

Discharge from 1st November 1743 to 1st November 1744.

By principal sums lent on heritable security, vizt., To Mr James Baillie, Writer to the Signet, p. heritable bond on his lands of Petlethie, in Fife, wherein his son B. Robt. Baillie, Mercht. in Edinr., is personally bound with him, dated 23d Nov., bearing interest from Marts. 1744,	£600 0 0	
To Joseph Douglas of Edrington, p. heritable bond on his whole estate, dated and bearing interest from 18th December 1744, with an infetment following thereon,	1800 0 0	
	<u> </u>	£2400 0 0

THOMAS TROTTER, Merchant in Edinburgh—his Account as Treasurer to Trinity Hospital, from 1st November 1739 to 1st November 1749, being for Crops 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, and 1748.

CHARGE from 1st November 1742 to 1st November 1743, viz. :—

		Conversion of Victual.	Money Rent.	Total.
		£ s. d.	£ s. d.	£ s. d.
To amount of the tack duties or ffarm rents, crop 1742. The fiars of barley, said crop being 10 mks. or 11s. 1 $\frac{1}{3}$ d. ; p. of wheat, 11 sh. p. boll, at which prices the following quantities of victual, for this crop, both tack and feu duties are converted :—				
BARLEY.	John Pen, maltman in Leith, in right of James Henderson, mercht., p. tack,	84 3 10	4 4 11 $\frac{1}{2}$	88 8 9 $\frac{1}{2}$
B. F. P. L.	Lilias Anderson or Alexander Sheels, for Nether Quarry Holes, p. tack,	68 5 4 $\frac{1}{3}$	0 10 11 $\frac{1}{2}$	68 16 3 $\frac{1}{6}$
151 2 0 3	In money, as per last year's account, £18 10 11 $\frac{1}{2}$			
122 3 2 0 $\frac{1}{2}$	Deduce ffewed thereof on the 1st, as p. Act of Council, dated 8th April 1741, to the following persons, who are to enter at Mart. 1741, viz. :			
	To James Reid, mercht. in Leith, 5 acres 2 roods, at £2 6 8, £12 16 8			
	To John Carnegie, vintner in Edinr., 3 acres, at £1 14 5 $\frac{1}{3}$, 5 3 4			18 0 0
	Remains payable by sd. Lilias Anderson, £0 10 11 $\frac{1}{2}$			
	Richd. and John Cleghorn, at Dean, p. tack, viz. :			
51 2 1 3	For Maidencraig, Blackrig, and Longrig, after deduction of 2s. 4d. for 15 falls of ground,	28 13 5 $\frac{1}{3}$	8 4 4	
	For 25 b. 3 f. 0 p. 2 $\frac{1}{2}$ l. wheat for said lands,	14 3 10 $\frac{1}{3}$		
14 2 2 0	For Broad Latch without tack,	8 2 6		
		<hr/>	<hr/>	<hr/>
		50 19 10	8 4 4	59 4 2
				<hr/>
		Carry forward,		216 9 21 $\frac{1}{2}$
				<hr/>
340 2 2 2 $\frac{1}{2}$				

		Brought forward,		£	s.	d.
To Interest incurred on the Bonds due to the Hospital,				490	7	5 $\frac{1}{3}$
viz. :—						
On £1725	7	8 $\frac{1}{2}$	Due by the Marquis of Annandale from Cand. 1742 to Cand. 1743,	£	s.	d.
				86	5	4 $\frac{1}{2}$
194	17	8	Resting of Douglas of Glenberrie's Bond, from 22d April 1742 to 11th April 1743,	9	9	0
30	0	0	Due by B. Thos. Heriot, from 11 Sept. 1742 to 11 Sept. 1743,	1	10	0
138	17	9 $\frac{1}{3}$	Resting of Hugh Cleghorn's Bond, from Mart. 1742 to Mart. 1743,	6	18	10 $\frac{2}{3}$
544	13	0	Due by Sir Jas. Johnston, p. her ^{ble.} bond, from do. to do.,	27	4	7 $\frac{1}{2}$
				<hr/>		
				131	7	10 $\frac{2}{3}$
Applicable to Prinl.	2633	16	1 $\frac{5}{8}$			
£58	19	6 $\frac{5}{8}$	The remains of Glenberrie and Scotsraig's registered bond and adjudication, delivered to Alex. Young, writer, is	194	17	8
Int.	38	13	7 $\frac{1}{2}$			
				<hr/>		
£97	13	2 $\frac{1}{3}$	Interest thereof from 22d April 1739 to 11th April 1743, charged above, and preceding three years, is	38	13	7 $\frac{1}{2}$
				<hr/>		
				233	11	3 $\frac{1}{2}$
Whereof received by the accomptant, 1743, April 11, from Mr Wm. Forbes, writer, as the dividend pay ^{ble.} out of the estate of Paterson of Downmuir, when sold, of the prinl. of £200 st., and bygone a'rents, £85 4 4 $\frac{1}{3}$						
Interests of sd. £85, 4s. 4 $\frac{1}{3}$ d., from Whit. 1741 to Cand. 1743, 7 9 1 $\frac{1}{3}$						
Received further as the share of sd. £200 and interest, pay ^{ble.} out of						
Glenberrie's Estate, £2 12 0 $\frac{1}{2}$						
Scotsraig's Estate, 2 7 8 $\frac{1}{6}$						
				<hr/>		
				4	19	8 $\frac{2}{3}$
				<hr/>		
				97	13	2 $\frac{1}{3}$
<hr/>						
Remains of sd. prinl., bearing interest from 11th April 1743,				135	18	1 $\frac{1}{8}$
				<hr/>		
				680	14	10 $\frac{10}{3}$

THOMAS TROTTER, Merchant in Edinburgh—his Accounts as Treasurer to Trinity Hospital, from 1st November 1739 to 1st November 1749, being for crops 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, and 1748.

Charge from 1st November 1747 to 1st November 1748.

Barley.	Conversion of Victual.	Money Rent.			
B. F. P. L.	£ s. d.	£ s. d.	£	s.	d.
	To amount to tack duties or farm rents, crop 1747. The fiars of the barley being 11s. 2d., and of the wheat 13s. 8d. p. boll, at which prices the following quantities of victual, both tack and feu duties, are converted, viz. :—				
	John Pen, maltman in Leith, in right of				
218 1 0 1	James Henderson, merchant, . . .	121 17 3 ⁶	5	4	5 ⁸
	Lilias Anderson, relict of Alex. Sheels, for				
122 3 2 0 ¹ / ₂	Nether Quarry holes, per tack, . . .	68 12 2 ¹⁰	0	10	11 ⁶
	John Cleghorn, at the Dean, for Blinkbonny, &c., p. tack, and Broad Latch, without				
66 0 3 3	tack,	36 19 7 ⁴	8	4	4
	Ditto for 25 b. 3 f. 0 p. 3 ¹ / ₂ l. wheat at 13s. 8d. p. boll,				
		17 12 8			
	Charles Sawers, at Bells Miln, for Hungryrig, &c., at Dean, p. tack,				
			46	15	9
	Wm. Henderson and John Edington, for the three parks on the west of Dean, p. tack,				
			89	5	0
	Rents of houses and gardens from Mart. 1747 to Mart. 1748, as p. particulars on page 2 ^d , £10, 10s.,				
			10	10	0
	Mrs Ann M ^t Ilwraith, midwife, having on the 20th Oct. 1733 disposed to the Hospital a home at the foot of Peebles Wynd, reserving her own liferent, and of her niece, Anne Lumsden, in which the Hospital is infett, being insured, and the premium paid Mrs Lumsden for one year's rent thereof to Whitday 1748,				
			2	0	0
407 1 2 0 ¹ / ₂		245 1 9 ⁸ / ₁₂	162	10	6 ²
			407	12	3 ¹⁰

Feu-Duties, Crop 1747, viz. :—

Barley.			Conversion of Victual.	Money Rent.		
B.	F. P. L.		£ s. d.	£ s. d.	£	s. d.
407	1 2 0 $\frac{1}{2}$	Brought forward,			407	12 3 ¹⁰
40	0 0 0	The heirs of James Henderson, now David Ramsay, shipmr. in Leith, for 10 acres of ground,		22 6 8		
46	3 3 1 $\frac{1}{2}$	The heirs of Thomas Mercer, for 15 acres 34 falls of ground,	26 4 4 ⁹	2 0 6 ³		
494	1 1 2	The creditors of Jasper Brown, for part of Lilius Anderson's ground, p. charter,		2 15 6 ³		
		James Reid, merc. in Leith, for 6 acres of sd. ground,		18 8 0		
		The herds of John Carnegie, vintner, for 2 acres 1 rood and 6 falls of sd. ground,		6 9 7 ⁶		
		Feu duties of houses, parks, &c., from Mart. 1747 to Mart. 1748, p. particulars page 3 ^d ,		11 6 8		
			<u>26 4 4⁹</u>	<u>63 7 0⁵</u>	89	11 5 ²
To interest incurred on the Hospital's bonds in the year to Mart. 1748, viz. :—						
The treasurer having received of interest on Mr Douglas of Edrington's bond of £1800 incurred preceding Mart. 1747, £262, 10s., and there being only charged on him in the preceding three years to said term £260, 17s. 6d., the difference is here stated, being, £1 12 6						
The foresaid prinl. sum being paid up by Edrington, at Mart. 1747, was lent out by the treasr. from 20th Novr. 1747 to Cand. 1748, at 4 p. cent., 15 9 8						
Of £2000 0 0 lent to the city of Edinburgh pursuant to Act of Council, dated 7th Jany. 1748 on the citie's bond, payle. out of their duty on ale, bearing 4 p. cent. interest from Cand. 1748, is to Mart. 1748, $\frac{3}{4}$ year, 60 0 0						
<u>£77 2 2</u>						
Of	600 0 0	due by Mr James Baillie, writer to the signet, p. heritable bond, wherein Mr Robert Baillie, his son, is personally bound for $\frac{1}{4}$ to Mart. 1748,		30 0 0		
	544 13 0	due by Sr James Johnston, p. heritable bond for said year,		27 4 7 ⁸		
	<u>£3144 13 0</u>	Carry forward,		<u>£134 6 9⁸</u>	<u>497</u>	<u>3 9</u>

THOMAS TROTTER, Merchant in Edinburgh,—his Accounts as Treasurer to Trinity Hospital, from 1st November 1739 to 1st November 1749, being for crops 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, and 1748.

Discharge from 1st November 1747 to 1st November 1748.

By Cash lent to the City of Edinburgh, pursuant to Act of Council dated 7th January 1748, the principal sum paid up at Mart. 1747 by Joseph Douglas of Edrington, being £1800, with £200 more of the Hospital's revenue as p. the Council's bond dated 3d February 1748, payable to the accountant and successors in office, out of the Citie's duty on ale, bearing interest at 1 per cent. below the legal, from Candl^r. 1748, . £2000 0 0

THOMAS TROTTER, Merchant in Edinburgh,—his Account as Treasurer to Trinity Hospital, from 1st November 1749 to 1st November 1752, being for crops 1749, 1750, and 1751.

Charge from 1st November 1749 to 1st November 1750.

To Interest for one year to Lammas 1750 incurred on the following Bonds, &c., due to the Hospital, viz. on—

£2000	0	0	due by the City of Edinburgh, interest at 4 p. c.,	£80	0	0
600	0	0	due by the deceased Mr James Bailie, p. heritable bond, wherein Mr Robt. Bailie, his son, is personally bound, at 5 p. cent.,	30	0	0
544	13	0	due by Sir James Johnston, p. heritable bond at ditto,	27	4	7 ⁸ / ₁₆
138	17	9 ¹ / ₂	only resting of Hugh Cleghorn's bond for 6000 merks at ditto,	6	18	10 ⁸ / ₁₆
135	18	1 ² / ₂	only resting of Glenberrie and Scotsraig's bond for £200 sterling,	6	15	10 ¹⁰ / ₁₆
£3419	8	10 ⁶ / ₁₆		£150	19	5 ² / ₁₆

THOMAS TROTTER, Merchant in Edinburgh,—his Account as Treasurer to Trinity Hospital, from 1st November 1749 to 1st November 1752, being for crops 1749, 1750, and 1751.

Charge from 1st November 1751 to 1st November 1752.

1752. Nov. 23. N. S.—To cash from Sir James Johnston for his grandfather's heritable bond to the Hospital (see Discharge, page 12th, where this sum and £5, 7s. more, in all £550, is lent to the City of this date), £544 13 0

THOMAS TROTTER, Merchant in Edinburgh,—his Account as Treasurer to Trinity Hospital, from 1st November 1749 to 1st November 1752, being for crops 1749, 1750, and 1751.

Discharge from 1st November 1751 to 1st November 1752.

1752. Nov. 23.—By cash lent the City of Edinburgh, bearing interest at 1 per cent. below the legal, from this date, for which the Council has granted bond, dated 13th December 1752, £550 0 0

THOMAS TROTTER, Merchant in Edinburgh,—his Account as Treasurer to Trinity Hospital, from 1st November 1749 to 1st November 1752, being for crops 1749, 1750, and 1751.

Discharge in the Abstract of the Accounts from 1st November 1749 to 1st November 1752.

By five principal sums contained in bonds due to the Hospital, as per charge transferred to next account, £3424 15 10⁶/₁₂

XXI.

EXCERPTS from VOLUME OF ACCOUNTS OF TRINITY HOSPITAL, 1752-64.

THOMAS TROTTER, Merchant, Edinburgh,—his Accounts as Treasurer of Trinity Hospital, from 1st November 1752 to 1st November 1754, being for Crops 1752 to 1753.

CHARGE on THOMAS TROTTER, Treasurer to Trinity Hospital—*continued.*

Dates when Uplifted.	To Principal Sums Uplifted during this Accot., viz.	In the Year to Lam.		TOTAL.
		1753.	1754.	
1753. Aug. 24.	From Mr Robert Baillie, merchant, for his, and Mr James Baillie his deceased father, p. their heritable bond for		£600 0 0	
.. Dec. 24.	From the heirs of Hugh Cleghorn for the remains of his bond of 6000 merks,		138 17 9 ¹ / ₂	
	Total carried to General Abstract, page 13th,		<u>£738 17 9¹/₂</u>	
	<i>Follows Mr Trotter's discharge, viz.—</i>			
	By principal sums lent during this account viz.—			
.. Aug. 24.	To the city of Edinburgh, bearing interest at 4 p. cent. from this date, for which the Council granted bond payable to the Treasurer and his successors in office for behoof of the Hospital, dated 12th September 1753, for		£500 0 0	
	To Mr Robert Baillie, merchant, and Mr George Baillie, of Haddington, his brother, p. their conjunct bill of this date, payable 15th November 1753, for £200 st., whereof £100 st. is proper to stock, and £100 proper to revenue,		200 0 0	
.. Dec. 27.	To the city of Edinburgh, bearing interest at 4 p. cent. from this date, for which the Council granted bond payable as above, dated 16th January 1754, for		150 0 0	
1754. Nov. 28.	To the said city, paid into the city's cash account of this date, being John Gordon's legacy charged on the preceding page, for which no bond was granted by the city, being repaid to the Treasurer, together with the foresaid £150, at Whitsunday 1755, with the interest incurred on both to said term,		100 0 0	
	<i>Note.</i> —If the above £100 had not been charged on preceding page, it ought not to have been discharged here, as it comes not properly within the period of this account.			
	Carried to General Abstract, page 14,		£950 0 0	

XXII.

The late LORD COCKBURN on TRINITY HOSPITAL.*

At the east end of what was formerly "The Physic Garden"—the low flat ground between the North Bridge and Leith Wynd, stand two venerable relics—Trinity Church, the best, and almost the only, ancient Gothic edifice in Edinburgh; and Trinity Hospital, a very curious place.

More than fifty years ago, this Garden was the favourite open-day haunt of the literature and polite flirtation of Edinburgh. But, in those days the Assembly-room was in a close (still called the Assembly Close) in the High Street; St Cecilia's Hall was in the Cowgate; the Canongate was occupied by the nobility and gentry; the ploughed fields now covered by the New Town were no more thought of than the fields of Fife. Ever since the Physic Garden was removed to Leith Walk—where it was called the Botanical, and from whence it has made another move to its present situation at Inverleith, the old place has been gradually falling every year into a more neglected and squalid condition. Although probably the North Loch, with its bad drainage and burghal sediments, was seldom an inoffensive neighbour, yet in spite of its lowness this must have been rather a good site originally, when there were no buildings to the north or east. The Calton Hill, with its rockiest face, stood right in front on the north; the sea must have been visible on the east; the Castle rose on the west; and the ridge of the Old Town bristled up to the south. Holyrood had not a better position.

The Hospital is for the benefit, not of common paupers, but of old men and women once in the prospect of a better fate. A few of them are presented by the heirs of donors. All the rest must be burgesses of Edinburgh, or of burgesses' families; and they are selected by the Town Council. There are generally about thirty-five or forty in the house, and many more out of it.

* Memorials of His Time, by Henry Cockburn, pp. 435-44. Edinburgh: Adam and Charles Black, 1866.

The institution was founded in 1462 by Mary of Gueldres; but the building underwent considerable alteration about 1587. It would not be easy to produce anything meaner than its outside. It consists merely of a respectable commonplace house, at right angles to which there runs a long, thin, two-storied building like a long granary—all cased in a dingy rough-cast, without any attempt at ornament or proportion. There is a bit of garden about a hundred feet square; but it is only turf, surrounded by a gravel walk. An old thorn and an old elm, destined never to be in leaf again, tell of old springs and of old care. And there is a wooden summer-house, which has heard many an old man's crack, and seen the sun soften many an old man's wrinkles.

But the door is no sooner opened, than antiquity is seen standing within it. Narrow stone stairs, helped out by awkward bits of wooden ones; oak tables of immovable massiveness; high-backed carved chairs with faded tapestry on their seats and elbows; a few strong heavy cabinets; drawers, and leaves, and bolts, and locks, and hinges, once the pride of their inventors, and now exciting a smile at ancient carpentry; passages on miscalculated levels; long narrow halls, and little inaccessible odd-shaped rooms; these and other vestiges of the primary formation arrest and delight the visitor. All the apartments except four are very small.

Of these four, one seems to be their academic grove. It is a long place, apparently for mere lounging; for it contains nothing except a large shelved press, which is the library. This library consists, so far as I can guess by the eye, of about 500 or 600 volumes. Many of them are suitable for the readers; many not. There are several beautiful books of the sixteenth and seventeenth centuries. These, some think, it would be no disrespect to the ancient donors to sell for the purchase of more useful works. The chaplain, however, with a just pride in his antiquities, is shocked at the proposal; and he is right. There is sometimes a good deal of reading among these aged students; at present very little. It comes in fits like other fashions. A second of these long apartments is used as a chapel and banqueting room. There are two long tables, with chairs, and a passage between the tables. The pensioner's position is the same, whether he is at dinner or at sermon. An old low pulpit stands at the end of the room; and before the pulpit there is a black article, said to be positively "John Knox's sacramental table." The third of these rooms

seems to extend the whole length of the building. It is about ninety or a hundred feet long, and was originally about thirty or thirty-five feet wide. But its width has been contracted by operations, which have converted it into a city for human beavers. Along one side a range of ten wooden cabins projects into the room. It is just a range of wooden boxes, placed on the floor, along one side of the wall. Each box is about seven feet square, detached from its neighbour, and with its own door and window—all the windows looking into the room. These cabins, each of which houses a pensioner, narrow the room to the extent of their own depth, on the one side. On the opposite side, it is narrowed by a partition reaching from the floor to the ceiling. Between this partition and the outer wall there are two rows of cabins, one above the other. The lower row is entered by doors opening into the long room. The upper row is reached by neat wooden stairs. There are five of these stairs; and most picturesque they are. They project into the room, all to the same extent—probably three feet, and all with the same curve to the left, not unlike outer stairs to hay lofts. Each of the five leads to a small landing place, off which are two cabins.

There are thus thirty cabins in that room; ten in the form of boxes, on the floor, on one side; and twenty within the partition on the opposite side, ten of which are below and ten above; these last ten reached by the five outside wooden stairs. And between these lines of pigmy palaces there is a space of about fifteen or eighteen feet left free, along the whole length of the room. These human pigeon-holes have immemorially been termed “arks” —a name which, holding ark to mean chest, describes them very correctly. Each ark contains the bed, chair, table, and little mirror, of its single inhabitant, and any other article of comfort or decoration that the occupier may happen to have. They are all neat and comfortable. Several contain chests of drawers; and some are gay with ornament. One duenna had her cupboard, with her own books, and her umbrella hanging from a brass hook, and every “coigne of vantage” graced by shells, and human figures, and trees, and animals—all cut by herself, out of pasteboard, and gloriously painted. Several others have carried with them into these sad though kindly retreats similar articles; plainly once the pride of their better days.

The fourth long apartment is lined on one side by another row of cabins

and there is space for an opposite row if required. Besides these roosts, which being both the parlour and the bed-chamber are truly the ark of each occupant, there are common rooms, with fires and carpets, where the inmates repair when they want talk, heat, or a social doze. The walls of the chapel are entirely covered with wooden tablets, containing inscriptions in gilt letters on black grounds, immortalizing the memories of the various donors of merks or pounds Scots. The name of many a citizen, illustrious in his day, is there; the title of many a family, once green bay trees, now dead roots. I observe one donation in 1632; and, no doubt, there are some still older.

The community is presided over by a chaplain and a governess. The chaplain spends most of his day there, and may reside constantly if he pleases. However, he can never be long absent; for besides worship twice a day, he has to ask a blessing on all their meals. His drawing-room is scarcely ten feet square. But it is dignified by old chairs, an old table, an old desk, an old mirror, besides books and prints. The little cheerful round incumbent talks so happily of his own position, and so affectionately of every individual pensioner, that a bishopric, nay even a Scotch kirk, could scarcely increase his delight. The elysium of the queen is fully as tiny, and as old, and as nice. Besides being graced by various achievements of her own needle, it is enlivened by a blue parrot, on a bright perch, and a canary in a brass wire cage with doors and windows like a cathedral. On my last visit she insisted on my entering her bedroom—smaller than even the parlour; but what a coverlet of patch-work! Cheerfulness beamed from her face, and pride elated her heart. How cruel that, with such a pair, celibacy is the law of the place.

The subjects of these two sovereigns seem to be as happy as age, when combined with final destitution and with the recollection of more hopeful days, can probably ever be. They are decent in their apparel, clean in their domicile, and, so far as a stranger can discover, are kindly used, and kindly thought of. That they are followed into the last asylum that can ever shelter them by grateful recollections, and even by some friendships, as well as by discontent, jealousy, quarrels, and all other passions that cling to the still beating heart, is certain. They are human. They doubtless have their magnates, their disputed principles, their wrongs, intrigues and factions. The dulness of their day is, no doubt, relieved by occasional dissention and

ingratitude. But there is as little of this, I understand, as generally enlivens hospitals. And certainly their bodies are not ill cared for. Everyone seems proud of his own ark. They sit in these retreats, and come out, and go in—opening and shutting their own front doors, as if each felt that it was he who had got the state room.*

One of the present female pensioners is ninety-six. She was sitting beside her own fire. The chaplain shook her kindly by the hand, and asked her how she was. "Very weel—just in my creeping ordinary." There is one Catholic there—a little merry woman; obviously with some gentle blood in her veins, and delighted to allude to it. This book she had got from Sir John Something; her great friend had been a Lady Something Cuningham; and her spinet was the oldest that had ever been made; to convince me of which she opened it, and pointed exultingly to the year 1776. Neither she, nor the ninety-six year old, was in an ark, but in an ordinary small room. On overhearing my name, she said that she was once at Miss Brandon's boarding school in Bristo Street, with a Miss Matilda Cockburn, a "little pretty girl." I told her that I remembered that school quite well, and that that girl was my sister; and then I added, as a joke, that all the girls at that school were said to have been pretty, but all light-headed and much given to flirtation. The tumult revived in the vestal's veins. Delighted with the imputation, she rubbed her hands together, and giggled till she wept, and exclaimed, and protested, and giggled more, and appeared to force back recollections that made her blush. She said she liked her fellow pensioners, "but no' their religion; an' they dinna like mine." Of the last fact I had a tolerable proof, on going into a room where several of the women were. One of them asked me if I could tell them the name of a bird they had just got, and which was in a cage there. I told them it was a cardinal. On which the presbyterian sybils burst out into a jocular, but not ill-natured, roar—"A

* Arnot (History of Edinburgh, p. 563) gives a bad account of their conduct in his day. He states that in 1778 their mutinies, dishonesty, and dirt had "aroused the attention" of the Governors. I understand that this is all quite inapplicable to their present state. If the attention of the Governors was quietly *kept up*, instead of requiring to be *aroused* by great excesses, things would generally go on better.

caardinal! hear that! a caardinal! od ou' maun send it doon to the Caatholic!" This is Trinity Hospital. Time, in its course over Edinburgh, has left no other such picturesque deposit.*

* In a short time, the place shall know it no more! But the public will be gratified by a railway station. Trinity College Church too—the last and finest Gothic fragment in Edinburgh, though implored for by about four centuries, will disappear for the accommodation of a railway! An outrage by sordid traders, virtually consented to by a tasteless city, and sanctioned by an insensible Parliament. I scarcely know a more curious instance of ignorant insensibility than the apology that is made for this piece of desecration. It is said that the edifice is to be replaced, *exactly as it is*, in some better situation. And it is really thought that the Pyramids would remain the Pyramids, or Jerusalem Jerusalem, provided only their materials were replaced in London. Oxford would be Oxford, though in Manchester if its stones were preserved. These people would remove Pompeii for a railway, and tell us they had applied it to a better purpose in Dundee.

XXIII.

ANCIENT SCOTTISH LAWS

REGARDING

POOR PEOPLE, SORNERS, BEGGARS, ETC.*

KING JAMES I.

FIRST PARLIAMENT—xxvj. of Maij 1424.

SEC. 7. *Sornares or Companies ouer-lyand the Kingis Lieges, suld be arreisted, and satisfie the King and partie.*

ITEM, The Parliament statutis, and the King forbiddis; That na companies passe in the Countrie, to lye [live] vpon any the Kingis Lieges; or thig or sojourne horse, outhere on Kirk-men or husbands of the land. And gif onie complaint be maid of sik trespassoures to the Schireffe of the land; that he arreist sik folk, and challenge them, and taxe the Kingis skaith vpon them: and gif they be convict of sik trespassse, that they be punished, and finde burrowes till assyith the King and the partie complainand. And gif sik persones takis ony skaith in the arreisting of them, it salbe impute to them selves. And in case that na complaint be maid to the Schireffe, the Schireffe sall inquire at ilk head court that he haldis, gif ony sik faultoures be within his Schireffedome. And gif onie beis founden, that they be punished, as is before written.

* THE LAVVS AND ACTS OF PARLIAMENT, MAID BE KING IAMES THE FIRST, AND HIS SVCESSOVS KINGES OF SCOTLAND. *At Edinburgh*, IMPRENTED BE ROBERT VVALDE-GRAUE, *prenter to the Kinges Majestie*, 15. Martii, anno dom. 1597.

SEC. 25. *Of the age and marke of Beggars, and of Idle men.*

THE KING hes statute be consent of the hail Parliament ripelie advised, that na Thiggeres be Thoiled [permitted] to beg, nouthur to Burgh nor Land-wart, betuixt fourteene and three-score ten zeires, bot they be seene be the councelles of the Tounes, or of the Lande, that they may not winne their living vther waies. And they that salbe thoiled to beg, sall haue a certaine taken [token] on them to Land-wart of the Schireffe: And in the Burrowes, they sall haue takin of the Alder-men, or of the Baillies. And all vther persones hauand na takins, nouthur of lande, nor of Burgh, salbe charged be open Proclamation, to labour and passe to Craftes, for winning of their living, vnder the paine of burning on the cheike, and banishing of the Countrie. . . . (Sec. 42). And that in euerie Burgh out throw the Realme, the chalmerlaine sall enquire in his aire zeirle, gif the Alder-men and Baillies, hes keiped the act, and the forme of the statute. And gif they hauc broken it, they sall be [fined] in fiftie shillings to the King. ITEM, the Schireffe failzieng of the keeping of the said act, to be punished in likewise.

THIRD PARLIAMENT—xj. of March 1425.

SEC. 66. *That euerie man that hes nocht of his awin, sall labour for his living.*

ITEM, The King, with consent of his Parliament, hes statute and ordaned, that ilk Schireffe of the Realme, within his Bailliarie, inquire diligentlie, gif onie idle men, that hes not to liue of their awin, be receiued within his boundes: after the quhilk inquisition the Schireffe sal gar arreist sik idle men, and gar keepe them in fastnesse quhill it be knawin quhairupon they liue. And that the Countrie salbe vnaskaithed of them: Thereupon the Schireffe sall receiue gude and sicker burrowes. After the quilk burrowes founden, the Schireffe sall assigne fourtie daies to sik idle men to get them Maisters, or to fasten them to lawfull Craftes. And they fourtie daies beand gane, gif they be founden mair idle, the Schireffe sall arreist them againe, and sende them to the Kingis prison, to abide and be punished at the Kingis will. And that this be done alsweill in Burrowes, as on lande throw all the Realme.

SEVENTH PARLIAMENT—FIRST OF MARCH 1427.

SEC. 103. *Of Beggars.*

ITEM, The King hes statute, with consent of his hail Parliament and Councill, and eiked to the Statutes maid in his Parliament of Beggars, the Chalmerlaine in his air ilk zeir sall inquire, gif the Alder-men and Baillies haue kepted the Statute: And gif they haue broken it they salbe [fined] in fourtie shillings to the King.

KING JAMES II.

SEXT PARLIAMENT—xix. of Januar 1449.

SEC. 22. *Of the away putting of Sornares, feinziel fooles, and vagabondes.*

ITEM, It is statute and ordaned, for the away putting of Sornares, ouerlyars, and maisterful beggars, with horse, houndes, and vther guds, that all officiares, baith Schireffes, Barronnes, Alder-men, Baillies, alsweil within the Burgh, as outwith, tak ane inquisition at ilk courte that they hald of the foresaid things: And gif ony sik be founden, that their horses, houndes, or vther gudes, be escheit to the King, & their person put in the Kinges waird, quhill the King haue said his will to them. And alswa that the said Schireffe, Baillies, and Officiares inquire at ilk court, gif there be onie, that makis them fuiles, and are bairdes, or vthers sik like rinnares about. And gif onie sik be funden, that they be put to the Kings waird, or in his irones, for their trespasses, als lang as they haue ony gudes of their awin to liue vpon, that their eares be nailed to the Trone, or till ane vther tree, and their eare cutted off, and banished the cuntrie. And gif thereafter they be funden againe, that they be hanged.

ELLEUENTH PARLIAMENT—iiij. of August 1455.

SEC. 45. *Sornares suld be punished to the death.*

ITEM, Quhair euer Sornares be ouertane in time to come, that they be delieured to the Kingis Schireffes, and that foorthwith the Kingis Iustices do Law vpon them, as vpon a thief rieuer.

KING JAMES III.

TENTH PARLIAMENT—vi. of August 1477.

SEC. 77. *Of Beggers and Sornares.*

ITEM, For the stanching of maisterfull-beggars and sornares, that dailie oppressis and herryis the Kings Lieges: It is statute and ordained, that the auld statute made of before in our Sovereine Lordis time, King *Iames* the First, be put to sharp execution, but favoures: That is to say, quhair euer ony commoun sornares beis ouer-tane in time to cum, that they be arreisted and delivered to the Kingis Schireffes. And that they be fourth-with brocht to the Kingis justice, to do and execute the law on them, as on a commoun thiefe and riever. And that dittay be tane thereof zeirly, and punished, as said is, in the justice aire.

KING JAMES IV.

SEXT PARLIAMENT—xj. of March 1503.

SEC. 70. *Anent Beggars and their Qualities.*

ITEM, Anent beggars, that the statute of King *Iames* the First maid vpon starke beggars, be observed and keiped. And that the Schireffes, Provostes, Baillies within Burrowes, baith of Royaltie and Regalitie, Spiritualitie and Temporalitie, see that this act be execute and keiped: And that they thoil nane to beg within them, except cruiked-folke, seik-folke, impotent-folke, and weak-folke, vnder the paine of payment of ane mark, for ilk vther begger, that beis foundin.

KING JAMES V.

FOURTH PARLIAMENT—vij. of June 1535.

SEC. 21. *All Beggars suld begge within their awin Paroch, and have the marke thereof.*

ITEM, For refraining of the multitude of maister-full and strang beggars: It is ordained, that the acte maid therevpon of before be King *Iames* the First,

apprieved and ratified be vthers our Soveraine Lordis Predecessoures, be observed, keiped, and put to scharpe execution in all poyntes, with this addition: That na beggers be thoiled to beg in ane Parochin, that ar born in ane vther, and that the headesmen of ilk Parochin make takinnes (tokens, medals, or badges) and giue to the beggers thereof, and that they be susteined within the bounds of that parochin, and that nane vthers be served with almous within the bounds of that parochin bot they that bearis that takinne allanerlie, vnder the pains contained in the said act. And that the Iustice Clerke make inquisition and take dittay herevpon at every iustice-aire. And als ordainis letters to be direct to command and charge the Provost and Baillies of *Edinburgh*, and all vthers Provostes, Baillies of Burrowes, Schireffes, and vthers Officiars of the Kingis, to put this acte to execution in all poyntes, and the samin to be published at all places neidfull, swa that nane sall pretend ignorance, or alleage they knew not the samin in time to-cum.

KING JAMES VI.

SIXTH PARLIAMENT—XX. of October 1579.

SEC. 74. *For Punishment of Strang and Idill Beggers, and Reliefe of the Pure and Impotent.*

FORSAMEIKLE as there is sindrie lovabill Acts of Parliament maid be our Soveraine Lords maist nobill Progenitours, for the stanching of maisterful and idle beggers, away putting of sornares, and provision for the pure: Bearing, that nane sall be thoiled to beg, nouthor to Burgh nor to land, betwixt 14. and 70. zeires. That sik as makes themselues Fules and ar Bairdes, or vthers sik-like runners about, being apprehended, sal be put in the Kingis Waird or irones, sa lang as they hauc ony gudes of their awin to liue on. And fra they haue not quhairvpon to liue of their awin, that their eares bee nayled to the Trone, or to an vther tree, and their eares cutted off, and banished the countrie, and gif there-after they be found againe, that they be hanged.

ITEM, That nane bee thoiled to begge in ane Parochin, that ar borne in ane vther. That the heades-men of ilk Parochin, make takinnes, and giue to the beggars theirow, that they may bee susteined within the boundes of that

Parochin. And that nane vther bee serued with almes, within that Parochin, but they that beares that takinne allanerlie, as in the Actes of Parliament maid their-ament, at mair length is contened. Quhilkes in time bygane, hes not bene put to dewe execution, throw the iniquitie and troubles of the time by-past, and be reassoun that there was not heir-to-foir ane ordour of punishment, sa speciallie devised, as nede required, bot the saidis beggares, besides the vthers inconvenientes, quhilks they daylie produce in the commoun wealth, procures the wrath and displeasure of GOD, for the wicked and vngodlie forme of living, vsed amangs them, without mariage or baptizing of a great number of their bairnes. THEREFOIR now, for avoyding of the inconvenients, and eschewing of the confusion of sindrie Lawes and Actes, concerning their punishment, standing in effect. And that sum certaine execution, and gude ordour may follow their-ament, to the great pleasure of Almichtie GOD, and commoun weill of the Realme. IT IS thocht expedient, statute and ordaned, asweil for the vtter suppressing of the saidis strang and idle beggers, sa contageous enimes to the commoun weill: As for the charitabill releeving of aged and impotent pure peopill, that the ordour and forme following bee observed: That is to say, that all persones, being aboue the age of fourtene and within the age of three-scoir and ten zeires, that heirafter ar declared and set fourth be this Acte and ordour, to be vagaboundes, strang and idle beggars, quhilkes sall happen at any time heirafter, after the first day of Ianuar nixt-tocum, to bee taken wandering and misordering themselues, contrarie to the effect and meaning of thir presentes, salbe apprehended, and vpon their apprehension be brocht befor the Provests and Baillies within the Burgh, and in everie Parochin to Landwart, befor him that salbe constitute Iustice be the Kingis Commission, or be the Lords of Regalitie, within the samin to this effect: And be them, to bee committed in waird, in the commoun prison, stokkes or irons, within their iurisdiction, there to be keiped, vnlatten to libertie, or vpon bande or sovertie, quhill they be put to the knowlege of ane Assise, quhilk salbe done within sex dayes thereafter. And gif they happen to be convicted, to bee adjudged to be scourged and burnt throw the care, with ane hote irone: The processe quhair of salbe registrate in the Court buikes. Except sum honest and responsall man, will of his charitie, bee contented then presentlie, to Act him-selfe befor the Iudge, to take and keip the offender in his service, for ane hail zeir nixt following

Vagabounds and
idle beggars suld be
punished.

under the paine of twentie pound, to the vse of the pure of the Toun or Parochin. And to bring the offendour to the head Court of the jurisdiction at the zeires end, or then gude pruife of his death, the Clerke taking for the said Acte, twelue pennies onely: And gif the offender depart and leaue the service within the zeir, against his will that receiuis him in service: Then being apprehended, he sall be of new presented to the Iudge, and be his command, scourged and burnt throw the eare, as is foirsaid. Quhilk punischment, being anis received, hee sall not suffer againe the like, for the space of three scoir dayes there-after, bot gif at the ende of the saidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he sall be adjudged, and suffer the paines of death as a thief.

Of him quha flies fra his master's service.

And that it may be knawen, quhat maner of persones ar meaned to bee idle and strang beggares, and vagabounds, and worthie of the punischment befoir specified. IT IS declared, that all idle persones, ganging about in ony Countie of this Realme, vsing subtyll, craftie, and unlauchfull playes, as Iuglarie, Fast-and-lous, and sik vthers. The idle peopill calling themselues *Ægyptians* [gypsies, tinkers, or muggers] or any vther, that feinzies them to haue knowledge or Charming, Prophecie, or vthers abused sciences, quhairby they perswade the peopill that they can tell their weirdes, deathes, and fortunes, and sik vther phantasticall imaginations: and all persones being hail and starke in bodie, and abill to woorke, alledging them to haue bene herried or burnt, in sum far pairt of the Realme, or alledging them to be banished for slauchter, & vthers wicked deides: and vthers nouthur hauand land nor Maisters, nor vsing ony lauchfull merchandice, craft or occupation, quhairby they may win their livings, and can giue na reckoning how they lauchfullie get their living: and all Minstrelles, Sangsters, and Tale-tellers, not avowed in speciall service, be sum of the Lords of Parliament or great Burrowes, or be the head Burrowes & Cieties for their commoun Minstrelles: al common labourers, being persones abill in bodie, living idlie, and fleeing labour: all counterfaicters of licences to beg, or vsing the same, knowing them to be counterfaicted: all vagabound schollers of the Vniversities of *Saint-Andrewes*, *Glasgow* and *Abirdene*, not licenced be the Rector and Deane of Facultie of the Vniversitie, to aske almes: all Schip-men and Mariners, alledging themselues to be schip-broken, without they haue sufficient testimonialles, salbe taken, adjudged, esteemed and punished, as strang

Quha suld be esteemed vagabounds and idle beggars.

Of them quha mainteines or receipts vagabunds.

beggares and vagaboundes. And gif ony person or persones, after the said first of Ianuar nixt-tocum, giues money, harberie or ludgeing, settis houses, or shawis ony vther reliefe, to ony vagabound or strang begger, marked or to be marked, wanting an licence of the Provest and Baillies within Burgh, or of the Iudge within that Parochin: The samin being dewlie provin at the Court, they sall pay sik vnlaw to the vse of the pure of the Parochin, as be the Iudge, at the Court salbe modified, swa the same exceed not fiue punds. And alsua, gif any person or persones, disturbis or lettis the execution of this Act ony maner of wayes, or makis impediment against the Iudges and ordinarie offeciars, or vthers persones, travelling for the dew execution heirop, they sall incur the same paine quhilk the vagabound suld haue incurred, in case he had bene convict. Providing alwaies the schipmen and souldiours, landing in this Realme, haue licence of the Provest or Baillie of the towne, or Iudge in the Parochin, quhair they war schippe-broken, or first entred in the Realme, sall, and may passe, according to the effect of their licences, to the rowmes quhair they intend to remayne. And that the licences onelie serue, in the jurisdiction of the giver; Sa that gif the person travelling hame, haue farther journey, he procure the like licences of the Iudge of the nixt Parochin or town, throw quhilk he mon passe, and sa fra Parochin to Parochin, quhill he be at his resting place. And that there be certaine persones, ane or maa nominate, in everie Burgh and Parochin, be the officers and Iudge thereof, for searching, receiving, and convoying of the vagaboundes, to the commoun prison, Irones or stokkes, vpon the comoun charges of the Parochin. Quhilkes persones sa erected, sal be halden to do their dewtie diligentlie, as the saidis Iudges will answere therevpon. And seeing charitie wald, that the pure, aged, and impotent persones, suld be als necessarilie provided, as the vagaboundes and strang beggars repressed, and that the aged, impotent, and pure people, suld haue ludgeing and abiding places, throughout the Realme, to settle themselues intill.

IT IS therefore thocht expedient, statute and ordaned, that the Lorde Chanceller, according to the direction, of sindrie lovabill Actes of Parliament heirtofoir maid, sall call for the erectiones of all Hospitalles, to be produced befor him, and inquire and considder, the present estait thairof, reducing them, sa far as is possible, to the first institution, as may best serue, for the helpe and reliefe of the saidis aged, impotent, and pure peopill. And als that the Provests

Of them quha staies
the execution of this
Act.

Of soldiers and schip-
broken men.

Searchers of vaga-
boundes.

Reparatio of Hospi-
talles for aged and
impotent persones.

and Baillies of ilk Burgh and towne, and the Iustice constitute, be the Kings commission, in euery Parochin to landwart, sall betuixt and the first said day of Ianuar nixt-tocum, take inquisition of all aged pure, impotent and decayed persones, borne within that Parochin, or quhilkes war dwelling, and had their maist commoun resorte in the saide Parochin, the last seven zeires by-past, quhilkes of necessitie mon live bee almes, And vpon the said inquisition, sall make ane Register buike, contening their names, and sur-names, to remaine with the Provests and Baillies within Burgh, and with the Iustice in everie Parochin to Land-wart: And to the effect, that the number of the pure people of everie Parochin, maye be knawin, statutis and ordanis, that all pure peopill, within fourtie dayes after the Proclamation of this present Acte, at the mercat Croce of *Edinburgh*, repayre to the Parochin, quhair they were borne, or had their maist commoun resorte or residence, the last seuen zeiris by-past, and there settill them-selues, vnder the paine, to bee punished as vagaboundes and contravenars of this present Proclamation: And the said space of fourtie dayes being by-past: That then, the Provests and Baillies within Burrowes, and the Iudge constitute, be the Kingis commission in ilk Parochin, to Land-wart, make a Catalogue, of the names of the saidis pure people, inquire the men and wemen, quhair they wer borne, quhidder they ar maryed or vn-maryed, quhen, and be quhom they war maryed, and quhat bairnes they haue, and quhair their bairnes wer baptized, and to quhat forme and trade of life, they addresse them-selues, and their saidis bairnes: Gif they be diseased or haill, and abill in bodie, and quhat they get commounly on the daie, be their begging: And sik as necessarilie mon be susteined be almes, to see quhat they may be maid content of their awin consentis, to accept dailie to liue vnbeeggand, and to provide quhair their remaining sall be, be themselues, or in hous with others, with advise of the Parochiners, quhair the saidis pure peopill may be best ludged and abyde. And therevpon, according to the number, to consider quhat their neidefull sustentation will extende to everie oulk: and then, be the gude discretions of the saidis Provests, Baillies and Iudges, in the Parochinis to Land-wart, and sik as they sall call to them to that effect, to taxe and stent the haill inhabitantes within the Parochin, according to the estimation of their substance, without exception of persones, to sik ouklike charge and contribution, as salbe thocht expedient and sufficient, to susteine the saidis pure peopill. And

Inquisitio suld be taken of aged, pure and impotent persones.

All pure people suld returne to their awin parochin. And of their sustentatioun.

Collectors for almes. the Names of the inhabitants stented, togidder with their taxation, to bee likewise registrate: And that at their discretion, they appoynt over-seers and

Ouersaers. Collectours in everie Burgh, Toun and Paroche, for the haill zeir, for collecting and receiving of the said oulklie portion, quhilkes sall receive the same, and deliver sa meikle theirof to the saidis pure people, & in sik maner, as the saidis Provests and Baillies within Burgh, and Iudges, in the Parochin of Land-warte, *respectiue*, sall ordane and command; And that ouerseeres of the saidis pure peopill, be appoynted be their discretions, to continue also for a zeir. And at the end of the zeir, that the taxation and stent Roll, be alwaies maid of new, for the alteration that may be throw death, or be increas or diminution of mennes guddes and substance. And that the Provests and Baillies in Burrowes or tounes, and the saidis Iudges, in the Parochinnes to Land-wart, sall giue an Testimonialles to sik pure folk, as they finde not borne in their awin Parochin, or making residence therein, the last seuen zeires, sending or directing them to the nixt Parochin, & sa fra Parochin to Parochin, quhil they be at the place quhair they wer borne, or had their maist commoun resort & residence, during the last seuen zeires preceeding; there to be put in certaine abiding places, & susteined vpon the commoun almes, and oulklie contribution, as is befoir ordaned, except Leprous peopill, & bedfast peopill, quhilks may not be transported. Providing that it be leifful to the pure peopill, sa directed, to their awin abiding places, with Testimonialles to aske almes in their passage, sa as they passe the direct way, not resting twa nichtes togidder in ouy ane place, without occasion of seekenesse or storme impeede them.

The stent Roll. And gif ony of the pure peopill refuse to passe and abide in the places appoynted, or after the appoyntment, be found begging, then to be punished be scourging, imprisonment, and burning throw the eare, as vagabounds and strang beggars: and for the second fault, to be punished as thieues, as is befoir appoynted. And gif the persones chosen Collectoures, refuse the office, or having accepted the same, beis found negligent therein, or refusis to make their compts everie half zeir anis, at the least, to the Provests and Baillies in Burrowes, and to the saidis Iudges in Land-wart, and to deliuer the super-plus of that quhilk restis in thair handes, at the end of the zeir, or halfe zeir, to sik as salbe chosen Collectours of new: Then ilk-ane of the Collectours so offending, sall incur the paine of twentie punds, to the use of the pure of that Parochin,

Testimonialles to bee given to the pure.

Of the pure refusand to returne to their awin parochin.

Collectors.

and imprisonment of their persones, during the Kingis will : For quhilkes paines, the saidis Provests, Baillies and Iudges, sall poynd and distrenzie : And gif ony persones, being abill to further this charitable woorke, will obstinatlie refuse to contribute to the reliefe of the pure, or discourage vthers from sa charitabill ane deede ; The obstinate or wilfull person, being called befoir the saidis Provests and Baillies within Burgh, or Iudges in the Parochin to landwart, and conviet thereof, be ane Assise, or sufficient testimonie of twa honest & famous witnesses his nichtbours, vpon the supplication of the saidis Provests, Baillies and Iudges, to the Kings Majestic, and his privie Councell : the obstinate and wilful person or persons, salbe commanded to waird in sik pairt, as his hienes, and his Councell sal appoynt, and there remaine, quhil he be content with the ordour of his said Paroch, and performe the same in deede ; And gif the aged and impotent persones, not being sa diseased, lamed or impotent, bot that they may woork in sum maner of wark, salbe bee the ouerseers in ony Burgh or parochin, appoynted to wark, and zit refusis the same : Then first the refuser to be scourged, and put in the stokkes : and for the second fault, to be punished as vagabounds, as said is. And gif any beggers bairne, being aboue the age of fiue zeiris, and within fourteene, male or female, salbe liked of, be ony subject of the Realme of honest estait : The said person, sall haue the bairne, be ordoure and direction of the saids Provest & Baillies within Burgh, or Iudge in every Parochin to Landward. Gif he be a man-child, to the age of xxiiij. zeires, and gif sche be a woman child, to the age of xviiij. zeires, and gif they depart, or be taken or intised from their Maister or Maistres service, the maister or maistresse, to haue the like action and remedie, as for their hired servand or prentises, asweil against the bairne, as against the taker, and intiser theirot. And quhair collecting of money may not be had, & that it is ouer great ane burding to the Collectours, to gadder victualles, meat & drink, or vther things, for reliefe of the pure in sum Parochinnes ; That the Provest and Baillies, in Burrowes, and the saidis Iudges, in the parochinnes to landwart, be advise of certaine of the maist honest parochiners, giue licence vnder their handwrits to sik, and sa many of the saidis pure people, or sik vthers of them, as they sall think gude, to aske and gadder the charitable almes, of the Parochiners, at their awin houses. Sa as alwaies, it bee speedely appoynted and aggried, how the pure of that Parochin, salbe sustained within

Of them quha refusis to contribute to the help of the pure.

Of the pure refusand to woorke.

Of beggers bairnes.

Collection of victualles, meat and drinke.

Expenses of prisoners. the same, and not to be chargeable to vthers, nor trouble-some to strangers. And seeing be reasson of this present act and ordour, the commoun prisoners, irones and stokkes of everie head Burgh of the Schire, and vthers Townes, ar like to be filled, with ane greater number of prisoners, nor of befoir hes bene accustomat, in sa far, as the saidis vagaboundes, and vthers offendours, ar to be committed to the commoun prison of the Schire or towne, quhair they were taken, the same prisoners being in sik townes, quhair there is great number of pure peopill, mair nor they ar weil abill to susteine and reliefe: And sa the Prisoners are like to perish in default of sustenance: Therefoir the expenses of the prisoner, salbe payed be a pairt of the commoun distributions, and oukly almes of the Parochin, quhair he or sche was apprehended, allowand to ilk person daily ane punde of Ait breade, and water to drink. For payment quhair of, the presenter of him to prison, sal giue sovertie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and their Baillies over all the Realme, and their deputes, see this present act, put to dew execution in all poyntes, within their jurisdictions *respectiue*, as they will ansvere to God, and our Sovereine Lord thereupon. And quhat ever doubt or ambiguitie sall happen to arise vpon this present Act, or ony pairt thereof: OVR Sovereine Lord, with advise of his saidis three Estaites, committis the interpretation, explanation, supliement, and ful execution thereof to his Majestie, with advise of his priuie Councill.

Execution of this Act.

Interpretation of this Act.



INDEX.

A.

ACCOUNTS of King's Treasurer, 10.
— Trinity Hospital Excerpts, 410.
Adam, Robert, City Chamberlain, 46, 198.
Administration, New Scheme, Trinity Hospital, 14.
Advertising a Vacancy, 43.
Advocate, Lord, Notes for, 324.
Ages of Pensioners, 89.
Aikenhead, Patrick, 160, 245.
Aikinhead, David, Mortification, 232.
Ainslie, James, Mortification, 227.
Alexander Fund, 2, 34, 36, 44, 48, 51, 65, 307, 315.
— Abstract of Payments, 1819-20, 314.
— Amended Scheme, 342, 352.
— Amount of, 339, 341.
— Expenses of Management, 142.
— Objections to New Scheme, 355.
— Officials, 98.
— Original Patrons, 143.
— Materials for Accounting, 138.
— Right of Patronage, 162, 199.
— Special Names, 169.
— State of Funds, 358, 362.
— Terms of Bequest, 129, 246.
— Trustees, 97.
— Trnst-Estate, 199.
Alexander of Knockhill, 37, 129.
Allan, John, 151.
Almoner for the Poor, 11.
Alschruder, Isobel Allane or, Mortification, 237.
Anderson, John, Mortification, 243.
Annandale, Earl of, 131.
— Estate, 131.
Applicants, Conditions of the, 25.
Applicants, Importunity of, 56.

Application, Form of, 21, 216, 349.
Archibald, Michael, 123.
Arnot, Rachel, Mortification, 228.
Assessment, Voluntary for Poor, 12.
Auchenroch, Lands of, 71, 72, 120.

B.

BAILIE, James, of Pitleithie, 132.
— Robert, 132.
Baird v. Magistrates of Dundee, 144.
— Sir Robert, Mortification, 252.
Ballochneck, Estate of, 73, 120, 156.
Bannatyne, Janet, Mortification, 232.
— Thomas, Mortification, 232.
— Club Publications, 107.
— Patrick, Mortification, 228.
Beatie, Andrew, Mortification, 239.
Beech, Mrs, 19, 215, 271, 348.
— Special Name, 169, 215, 349.
Begging, Laws relating to, 9, 10, 435.
Beidman's Rents, 195.
Beidmen, 3, 91, 108, 109, 110, 113, 114, 160, 163,
164, 171.
Beneficiaries, 2, 5, 8, 206.
Blackfriars Hospital, 104, 105.
— Feus, 115.
Blair, Lady Margaret Hamilton or, 238.
— Rev. Dr Robert, Mortification, 278.
— President, 144.
Blinkbonny, Lands of, 94, 196, 331, 340.
Boarding Out, First case 172.
Bog, Robert, 219.

Bourke, Lady Susan Brown, 19, 149, 169, 214, 348.
 Brown, Alexander, Mortification, 261.
 — John, Mortification, 271.
 — Rebecca, Mortification, 263.
 — Rev. William, 19, 170, 214, 263, 348.
 — Robert, Mortification, 231.
 — Special Name, 169.
 — William, of Dalgourie, 19, 169, 214, 255, 348.
 Broune, Agnes Clerk or, 103.
 Burges Men, 291.
 — Wyfs, 291.
 Burgess Rights, 57.
 — Regulations as to Admission, 304.
 — Female, 305.
 Byeres, Johnne, Mortification, 229.

C.

CALEDONIAN Railway Company, 12.
 Calender, Mrs, 20.
 — Janet, Mortification, 273.
 — Special Name, 169, 215, 349.
 Calton Hill, Sites on, 124.
 — Road, 188.
 — — and Bridge, 191, 196.
 Campbell, Mrs, 19, 81, 170, 214, 215, 276, 348.
 — Mrs, or Wightman, 19.
 Canongate Poor, 12.
 Cave, Special Name, 169.
 Chaplainries and Altarages, 105.
 Chapter of College, 171.
 Charitymongers, 63.
 Charters, 14.
 — James VI., 365, 371, 388, 393, 404.
 — 1567, 105.
 Church, Trinity College, 5.
 Clark, Sir John, Mortification, 253.
 Clerk, Agnes, 285.
 Clephane and Others, 325.
 Coatfield, Lands of, 123, 124, 128, 331, 340.
 Cockburn, Lord, on Trinity Hospital, 429.
 Cochran, William, Mortification, 240.
 Collector of Kirk Rents, 105, 107, 110.
 Committee worried by Applicants, 27.
 Common Poor, 11.
 Cordiner's Incorporation, 19, 151, 152, 215, 348.
 Corporation and Hospital, 3.
 Cost of Professor Macpherson's Report, 15.
 Court of Session Regulations, 13, 23, 43.
 Crichton Trust, 77.
 Crockat, Thomas, 20.
 — Mortification, 146, 267.
 — Special Name, 169, 215, 349.
 Crombie, Sir Thomas, Mortification, 240.
 Crown and Hospital, 3.

Cruikshank, David, Mortification, 236.
 Cuthill v. Burns, 133.

D.

DALHOUSIE, Earl of, 315, 316.
 Dalgleische, James, Mortification, 230.
 Dean Bank, Lands of, 94, 123, 196.
 Dean of Guild, 20, 169, 215, 349.
 Deane, Robert, Mortification, 246.
 Dearths, Effects of, 6.
 Deas, Lord, 145.
 Debts, *desperat*, 122.
 Denham, Miss Jane, 290.
 Dick, Sir William, 128.
 Disposition *Onnium Bonorum*, 85, 204, 290, 309.
 Distribution of Charity, Scheme for, 19.
 Doby, Richard, 159, 221.
 Dods, Thomas, Mortification, 239.
 Doig, Mrs Elizabeth Jennings Bradford, 78.
 Domestic Servant Difficulty, 61.
 Donaldson, James, Mortification, 224.
 Donations, Smaller, 78.
 Douglas of Glenbervie, 122.
 — Thomas, 103.
 Duncan, Special Name, 169.

E.

EASTERN Road, 190.
 Edinburgh University Property Arrangement Act, 105, 111.
 Eleis, James, 160, 241.
 — Margaret Preston or, Mortification, 231.
 — Patrick, Mortification, 160, 163, 226.
 Elleis, Robert, Mortification, 237.
 Ellicock, Lord, 112.
 Endowed Schools (Scotland) Commission, 35.
 Established Clergymen of Edinburgh, 40.
 Erskine, Mrs Margaret Hamilton or, 254.
 Evans, Special Name, 169.
 Expenses in Law Pleas Allocation, 46.

F.

FARQUHAR, Isobel, Mortification, 234.
 Females, First Election of, 163.
 Ferguson, Bailie, 86.
 Fettes Endowment, 34.
 Feuing Hospital Lands, 196.
 Filial Responsibility, 63.
 Fines, Allocation of, 102.
 Fleming, John, Mortification, 237.
 Forbes, Lady, 316.
 — Lord, 19, 170, 214, 315, 348.

Forbes, Sir William, 192.
 Founder's Kin, 42.
 Fraser or Lowrison, Janet, 285.
 Fraser Mortification, 158, 268.
 — Thomas, 20.
 — Trustees of Thomas, 315, 316.
 — Special Name, 169, 215, 349.
 Funds, Comparison of, 115.
 — Investment of, 120.

G.

GAIRDNER, Andrew, 19, 215, 315, 316, 348.
 — G. W. London, 19, 215, 348.
 — Historical Account, 170.
 — Mortification, 50.
 — Thomas, 410.
 Garden, Miss Christian, Mortification, 276.
 Gardner, Andrew, 303.
 — Mortification, 161, 261.
 Gibb, Jane M., 287.
 Gilchrist, James, 285.
 Gillespie's Hospital Governors, 72, 149, 156.
 Glendie, John, Mortification, 246.
 Gordon, John, Mortification, 267.
 — Patrick, Mortification, 266.
 Govein, John, Mortification, 245.
 Grant, Bessie, Mortification, 253.
 Gray, James, Mortification, 241.
 Greyfriars, Old, Minister of, 19, 170, 214, 315, 316, 348.
 — New, Minister of, 20, 315.
 — Wester or New, Kirk Session of, 147, 169, 215, 315, 316, 349.
 Grierson, Andrew, W.S., 19, 215, 316, 342, 348.
 — William, Mortification, 252.
 Grothal, Lands of, 106.
 — Prebendary of, 105.
 Guild Brethren Admission Regulations, 304.

H.

HALL, Sir John, Mortification, 251.
 Halkerstoun's Wynd, 6.
 Hamilton, John, Mortification, 231.
 Harres, James, Mortification, 240.
 Heriot's Hospital, 59, 189, 191, 193.
 — House and Towne, 123.
 Heriot, James, 10.
 Hog, James, Mortification, 232.
 — Mr. of Newliston, 19, 150, 214, 315, 316, 348.
 — Rodger, 19, 150, 214, 257, 348.
 — Thomas, Mortification, 257.
 Holy Cross Altarage, 105, 106.
 — Trinity Church, 102.
 Home, Alexander, Mortification, 243.

Hope Park Street Chapel, 154.
 Hopetoun, Earl of, 111.
 Horsburgh, Miss Jacobina, 288.
 Hospital Master, 113.
 Hospital, Trinity College, 5.
 Howeson, John, Mortification, 224.
 Hunter, James, 19, 170, 214, 271, 348.
 — Robert, Extraordinary Case, 289.

I.

ILAY, Lord, 143.
 Incurables, 26, 27.
 Infirmary, Royal, 13.
 Inglis, Cornelius, 159, 222.
 — James, Mortification, 222.
 — John, Mortification, 237.
 — Lord President, 34, 43, 324, 326, 360.
 — Mrs, Mortification, 224.
 Inmate Roll, 160.
 Innes, Captain, Representatives of, 315, 316.
 Inspector, Lady, 20.
 Interest, Overpayment of, 186, 317.
 — Underpayment of, 187, 317.
 Interlocutor, Court of Session, 1880, 15, 40, 58.
 — First Branch, 101.
 — Second Branch, 120.
 — Third Branch, 126.
 — Fourth Branch, 159.
 — Fifth Branch, 170.
 — Sixth Branch, 173.
 — Seventh Branch, 174.
 — Eighth Branch, 186.
 — Ninth Branch, 200.
 — 1875, 325.
 — 1878, 360.
 Ireland's Woodyard, 124.

J.

JAIL, New, 188.
 James I., 9, 435.
 — II, 437.
 — III., 438.
 — IV., 9, 438.
 — V., 438.
 — VI., 10, 104, 439.
 — Charters, 365, 371, 388, 393, 404.
 Johnston, Archibald, Mortification, 226.
 — Marion, 286.
 — Robert, Mortification, 234.
 — Sir James, 131, 132, 133.
 Johnstoun, R., 102, 127, 140.
 Jollie, George, Mortification, 242.
 — Robert, Mortification, 222.
 Jowssie, Johnne, Mortification, 229.

K.

- KELLIE, William, Mortification, 230.
 Kerr Special Name, 169.
 Kinlock, David, 219.
 Kinnear, Lord, Interlocutor, 75.
 Kinross, Helen Gilchrist, 79.
 Kirk, Ministers, Eldares, and Dikens of, 220, 222.
 — Session, 120.
 — Treasurer, 226, 228.
 Kirkurd, Patronage of, 102, 114, 253.

L.

- LANARK Magistrates *v.* Wylie, 144.
 Law, Faculty of, Exemption from Taxes, 11.
 Lennie Trust, 69, 120, 124, 125, 155, 163, 279.
 Letters from Applicants, 67.
 Levingstoune, Allane, Mortification, 231.
 Leyth, Lands in, 113, 114.
 Lindsay, David, Mortification, 251.
 — Margaret Richardson or, Mortification, 239.
 Litill, Clement, Mortification, 220.
 Lord Provost, 20.
 Lords, House of, 36.
 Lorimer, Wm., Mortification, 243.
 Lyndesay, Mrs Alesoun Wilson or, 224.

M.

- MAGISTRATES and Council, Edinburgh, 19, 215, 348.
 Maitland, Violet, 286.
 Marjoribanks, Sir John, 191.
 Married Persons not Eligible, 290.
 Mary of Gueldres, 3, 4, 5, 110.
 — Queen, 104, 164, 371.
 Massoun, Isabel Brown or, Mortification, 227.
 — Robert, Mortification, 234.
 Maxwell, William, Mortification, 240.
 Medical Officer, 20, 44, 209, 349.
 Melrose, James and William, Mortification, 263.
 Melvill, Mrs, 19, 170, 214, 264.
 Melville, White, of Bendochie, 19, 170, 214, 315, 316, 348.
 Menzies, John, Mortification, 153, 197, 277.
 Merchant Company, 162, 169, 215, 306, 315, 316, 348.
 Mertein, Mrs, Mortification, 233.
 Miller, Miss Marion, 79.
 Ministers of Edinburgh, 19, 215, 315, 316, 348.
 Moresoun, Alexander, Mortification, 225.
 Morham, Robert, 196.
 Murdoch, Special Name, 169.
 Murray, Bailie, Mortification, 252.
 — David, 103.
 — Robert, 19, 215, 253, 348.
 — Thomas, Mortification, 243.

M'

- M'CALL, David, Mortification, 160.
 M'Calzeoun, Thomas, 6, 107, 220.
 Mackilwraith, Mrs, Mortification, 261.
 M'Laren Burgess Act, 59.
 — John, 323, 357, 364.
 — Duncan, 60.
 M'Large, Sir James, of Vogrie, 252.
 M'Morland, John, Mortification, 243.
 Macpherson, Professor Norman, Reports, etc., 15
 40, 101, 219, 319, 325, 360.
 Makcall, Thomas, Mortification, 236.

N.

- NAMES, Special, 169.
 Nasmyth, Johne, Mortification, 226.
 North British Railway, 14, 120, 196.

O.

- OBJECTIONS, Edinburgh Town Council, to Report,
 319, 363.
 Observations by Governors on Draft Report, 307.
 Ousteane, John, 122.
 Out-door Relief, 6.

P.

- PARISH Council, City, 13, 64.
 Parochial Board, City, 12, 153.
 Parochins, Division of Town into, 5.
 Patison, Miss, 290.
 Patronage, Rights of, 159.
 — Private, purchased, 160.
 — Sales of, 197.
 Patrons, Private, and Pension Scale, 149.
 Paul Thomson Mortification, 160, 161, 170, 194,
 279, 315, 316.
 Paul's Work, 128, 158.
 Payments, Examples of, for or by Applicants, 235.
 Pearson, C. J., 324.
 Penman, James, 19, 215.
 — Mortification, 151, 160, 161, 194, 243, 316.
 Pennecook, Lady, Legacy, 252.
 Pensioners, Hospital, 48.
 — Out-door, 170.
 — — Reasons for, 171.
 Pensions, Amount of, 49, 210.
 — Half, 149, 316.
 — Not for Common Poor, 13.
 — Personal to Applicants, 66
 Physic Gardens, 120.
 Pitleithie Estate, 132.
 Poetic Application, 68.

Pont, Provost Robert, 5, 10, 108, 384.
 Poor Rate, 11.
 Porter, William, Mortification, 239.
 Portsburgh Easter, Magistrates, 154.
 Powis, Superiority of, 114.
 Prebendaries, 4, 108.
 Presbytery of Dundee *v.* Magistrates, 140.
 Presentation, Purchase of Rights of, 194.
 — Private Rights of, 54, 81.
 — Price of, 82.
 Presentations, 19, 20.
 — Return of, 315.
 — Unlimited, 216.
 Prestoun, Katherine, Mortification, 236.
 — Sir Symon, 4, 5, 7, 9, 56, 57, 92, 365.
 Promrois, Gilbert, Mortification, 226.
 Property, Examples of, on Death of Inmates, 238.
 Provost, Lord, of Edinburgh, 20, 112, 169, 215, 349.
 Provosts, 4.

Q.

QUARRYHOLES, Lands of, 123, 196, 331, 340.

R.

RAE, Arthur, Mortification, 231.
 — Johnne, Mortification, 226.
 — Christiane Rig, Mortification, 232.
 Ramsay, David, Mortification, 232.
 Records, Hospital, 24, 198.
 Redbraes, Lands of, 94.
 Reformation, The, 3, 5.
 Regent, Lord, 4.
 — Terrace, 193.
 Regulations, Administration of Hospital, 16.
 — Court, Weakness of, 42.
 Relief, Original Method of, 201.
 Reoch's Mortification, 153, 197, 275.
 Report, Professor Macpherson, 101, 219.
 Revenues, Trinity Hospital, 90.
 Richardson, David, Mortification, 236.
 — Sir Thomas, 106, 107.
 Rig, William, Mortification, 226.
 Robertson, John, Mortification, 223.
 — Robert, 105, 107.
 Rosebery, Earl of, 19, 148, 169, 214, 315, 316, 348.
 Ross, Janet, Mortification, 245.
 Royal Terrace, 193.
 Royalty of Edinburgh, 12.

S.

ST ANTHONY'S Altarage, 105, 106.
 St Cuthbert's Minister, 154.

St Cuthbert's Poor, 12.
 St Giles' Charters, 107.
 St James' Altarage, 102, 105, 106.
 Sandiland, Robert, Mortification, 242.
 Scharp, Sir John, Mortification, 224.
 Schaw, Margaret, 103.
 Schedule, Form of, 66.
 Scheme, Professor Macpherson's, 200.
 Scherare, Charles, Mortification, 225.
 School of Arts, 157.
 Scotsman Article, 25.
 Seaman's Hospital, 114.
 Selkirk, Charles, 274.
 Sempill, Lady Grizel, 19, 169, 214, 254, 348.
 Sessiou, Lords of, 131.
 Sexes, Proportion of, 137.
 Shields, Special Name, 169.
 Shoemakers' Incorporation, 154, 316.
 Sievwright, Thomas, Mortification, 252.
 Simpson, Andrew, 226.
 Skinners' Incorporation, 19, 20, 169, 215, 315, 348, 349.
 — and Furriers' Incorporation, 19, 170, 214, 315, 316, 348.
 Smith, Gillies, 115, 121, 139, 174, 359.
 — Robert, Mortification, 224.
 Somervell, Bartelmo, Mortification, 237.
 — Peter, Mortification, 233.
 Speirs, Thomas, 159, 221.
 Spence, Bishop, 158.
 Spens, Thomas, Mortification, 235.
 Spense, John, Mortification, 238.
 Spittal Mylne, Lands of, 110, 114.
 Statutes of Hospital, 291.
 Stenhousemilne, Lands of, 241.
 Stevenson, Rev. Dr R. H., 40, 41, 313.
 Superintendence of Pensioners, 208.

T.

TAILORS, Incorporation of, 151.
 Theophrastus, Letters of, 84.
 Thomson, Mrs Grace Kincaid Good, 148.
 — Patrick, Mortification, 241.
 Thorburn, John, Mortification, 245.
 Tolbooth Wynd, 12.
 Treasurer of Edinburgh, 20, 169, 215, 349.
 Treasurer's Report on Scheme, 46, 47.
 Trinity College Church, 92.
 — Fund, 125, 180, 182, 328.
 Trinity Hospital, Amended Scheme, 200, 214, 342.
 — Amount of Funds, 1700-1873, 362.
 — As it now exists, 1.
 — Buildings, 160, 323.
 — Burgess Qualification, 166.
 — Charity Funds, 124.
 — Closing of Hospital, 300.

Trinity Hospital, Comparison of Funds, 115.
 — Described by Lord Cockburn, 429.
 — Donations, 337.
 — Excerpts from Old Accounts, 410.
 — Expense of Inmate 1720, 292.
 — — Management, 185, 302.
 — Form of Application, 349.
 — Governors of, 95.
 — Gross Annual Income, 174.
 — Income 1720, 292.
 — Investment of Funds, 120.
 — Lands Valuation, 332.
 — Number of Presentations, 167.
 — Original Amount of Property, 103.
 — Original Method of Relief, 201.
 — Out-door Pensioners, 171.
 — Present Amount of Property, 120.
 — Revenues, 90.
 — Scale of Payment, 173.
 — Selection of Beneficiaries, 159.
 — Separate Records, 302.
 — Social Condition of Beneficiaries, 164.
 — Sources of Property, 101.
 — Statutes, Old, 293.
 — Terms of Grants or Mortifications, 126.
 Trotter, John, Mortification, 238.
 — of Merton Hall, Mortification, 240.
 — Thomas, 415, 419, 420, 423, 425, 426, 427, 428.
 Troup, James, Mortification, 237.
 Trumble, Mr, Donation, 252.
 Tweedie, Patrick, Mortification, 228.

V.

VISITOR, Lady, 44, 45, 88, 209, 349.
 Vthrogall, Vassals of, 111.
 — Lands of, 110, 114.

W.

WAIRDROP, William, Mortification, 256.
 Walwood, Harie, Mortification, 245.
 Wardlaw, Sir Henry, Mortification, 233.
 Watson, George, 19, 215, 256, 348.
 — Special Name, 169, 215, 349.
 Wemyss, Earl of, 111, 112.
 — Easter, Teynds of, 111, 112.
 — Family, 196.
 — Mr, 113.
 — Teinds of, 114, 311.
 — Trust, 75, 119, 120, 124, 125, 157, 169, 282.
 — Wester, Teynds of, 111, 112.
 Westbury, Lord Chancellor, 7.
 Westerhall Bonds, 134.
 — Estate, 131, 132.
 Wicht, Hew, Mortification, 160, 228.
 Wightman, John, 19, 215, 256, 348.
 — Mrs Catherine Campbell or, 19, 160, 194, 215,
 265, 348.
 Williamson, David, 11.
 Whytfoord, John, 172, 173.
 Wilkie, James, 19, 215, 266, 348.
 — Special Name, 169, 215, 349.
 Wilson, Robert, Mortification, 259.
 Winraham, James, Mortification, 230.
 Winrahame, John, Mortification, 233.
 Wood, Mrs, Mortification, 252.
 Workhouse, City Charity, 11.
 Wright, Bailie, 82.
 Wyntoun, Earl of, 122.
 Wyseman, James, Mortification, 240.

Y.

YOUNG, John, 19, 215, 259, 348.
 Young's Mortification, 151, 160, 194.
 — Special Name, 169, 215, 349.



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