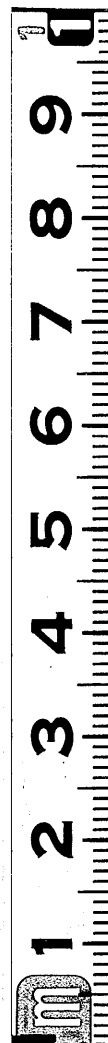


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*B. h. 4.* THE ~~STATUTES~~  
**STATUTES**  
~~OF~~ OF *Law 67*  
**GEORGE HERIOT'S**  
**Hospital.**

Prov. Chap. 3. Vers. 9, 10.  
*Honour the LORD with thy Substance,  
 and with the First-fruits of all thine  
 Increase; So shall thy Barns be filled  
 with Plenty.*

Heb. Chap. 13. Vers. 16.  
*But to do Good, and to Communicat,  
 Forget not: for with such Sacrifices  
 GOD is well Pleas'd.*

EDINBURGH,  
 Printed by Order of the Magistrats,  
 Ministers, and Council of George  
*Heriot's Hospital, Anno*  
 D O M. 1696.



( 3 )



THE  
**S T A T U T E S**

OF

GEORGE HERIOT'S Hospital.

*To the Honour of Almighty  
 GOD, to the Edification  
 of His Holy Church, and  
 to the Example of  
 all others.*

Here begins the **STATUTES** and  
**ORDINANCES** of the Hospi-  
 tal, Founded, Builde, and Erected  
 upon the only Charges of the Right  
 Worshipful *George Heriot* of pious  
 Memory, sometime Burges and Gold-

A 2

smith

( 4 )

smith of the City of *Edinburgh*, and late Jeweller to the two Renowned Princes, King *James* of happy Memory, and King *Charles* now Reigning. Compiled by *Walter Balcanquel*, Dean of *Rochester*; after Consultation, Advice, and mature Deliberation had thereanent, with the Provost, Baillies, Ministers, and Council of *Edinburgh*, conform to the Power given to him in the Testament of the said Umquhile *George Heriot*, and Codicil annexed thereto, and true Meaning of the same.

C A P.

( 5 )

C A P. I.

*De Nomine Hospitalis.*

**F**irst, this Foundation and Hospital, shall (for all time to come) perpetually and unchangeably be called by the Name of *George Heriot* his Hospital, and in all Leases lett from the said Hospital to any Tennent, and in all Bargains, Evidents, Writings, or any other Writings whatsoever, wherein the Hospital is Interested, it shall be called by that Name, and none else; and shall be Erected, Buildd and finished, with all Diligence in the Bounds thereto designed, be the Provost, Baillies, Ministers and Council of *Edinburgh*, with consent of the said Dean of *Rochester*, contained in the Act of Council made thereanent, of the date the 22 day of *June* 1627. And that conform to the Pattern given by him to them, to that effect.

A 3 C A P.

( 6 )

## C A P. II.

*De Fundatore Hospitalis.*

**L**east the Memory of so pious a Work should perish, and for the provocation of others to the like Piety; but above all, for the testifying of thankfulness of the Poor there to be maintained, unto Almighty God. He who readeth *Prayers* every Evening and Morning in the Chappel of the Hospital, shall, amongst other Blessings, give thanks unto God in express words, for the bountiful maintenance, which they living there, receive from the Charity of their pious Founder. The like mention shall be made in every *Grace* which shall be said after Meals, but especially upon the first *Munday* of *June*, every year, shall be kept a solemn Commemoration and Thanksgiving unto God, in this Form which followeth. In the Morning about eight of the Clock of that day, the Lord Provost, all the Ministers, Magistrats, and ordinary Council of the City of *Edinburgh*, shall assemble themselves in the Committee-chamber

( 7 )

chamber of the said Hospital, from thence all the Schollars and Officers of the said Hospital, going before them two by two, they shall go with all the Solemnity that may be, to the *Gray-Friers* Church of the said City, where they shall hear a Sermon, preached by one of the said Ministers, every one Yearly in their Courses, according to the Antiquity of their Ministry in the said City. The principal Argument of the Sermon shall be to these Purposes, to give God thanks for the charitable maintenance, which the Poor maintained in the Hospital, Receive by the Bounty of the said Founder, of whom shall be made honourable mention, to exhort all men of Ability according to their Means, to follow his Example, to urge the necessity of good Works, according to Mens Power for the Testimony of their Faith, and to clear the Doctrine of our Church from all the Calumnies of our Adversaries, who give us out, to be the Impugners of good Works. After the Sermon ended, all above-named

( 8 )

named shall return to the Hospital, with the same Solemnity and Order they came from it, where shall be payed to the Minister who Preached, to buy him Books, by the *Thesaurer* of the Hospital for the time, being out of the *Thesaury* or Rents of the Hospital, the Sum of

C A P. III.

*De Gubernatoribus Hospitalis.*

**T**He perpetual Governours of the said Hospital, shall be the Lord Provost, Baillies, Ministers, and ordinary Council of *Edinburgh*, for the time being, and their Successors, for whose Prosperity and Happiness by the name of Governours, the Reader of Divine Service in the Chappel, and the Scholars in all Graces after Meals, shall pray in express Words. Likeas the said Hospital and whole Estate thereof, shall be Guided and Governed by the Provost, Baillies, Ministers, and Council for the time. And according to the Plurality of the Voices of the saids Provost, Baillies

( 9 )

Baillies, Ministers, and ordinary Council of the said Burgh for the time, the whole Estate of the said Hospital, both for the Rents and *Thesaury*, and all things which may depend thereupon: as also the Election of all Officers, Schollars, and Bursers thereunto any way belonging, shall be wholly ordered, governed and ruled, these Cautions being provided, which are hereafter in any part of these Statutes mentioned; But no Member of the said Council of *Edinburgh*, nor any of the said Ministers, shall ever have any Voice or Interest in any Business, which may any ways concern the said Hospital, either for Rents, or Elections, or any other thing, untill such time as he or they, shall in the presence of the Council and Ministers of *Edinburgh*, take a Corporal Oath, laying his hand upon some part of the Holy Gospel, in these Words, *I A. B. do faithfully swear and promise before God, that to the best of my knowledge and power, I shal carry and demean my self in all matters which concern the Rents,*  
the

( 10 )

*the Election of the Officers or Schollars, or any thing els belonging to George Heriot's Hospital: And if I know any going about at any time, to Defraud or Defeat the Intention of the said Pious Founder, I shal reveal it to this Assembly or their Successors. So help me God: and the Contents of the Bible.* Before which Oath Personally taken, no Person above-mentioned, shall intermeddle with any thing belonging to the said Hospital, and if any one shall give his Voice, before the said Oath administred and taken, all Conclusions or Elections resolved upon at that Meeting, shal be utterly void, and of no effect to all Purposes whatsoever.

C A P. I V.

*De iis, quæ generaliter Electiones, & Hospitalis Negotia spectant.*

**T**Here shall be no Election of Schollars, or any Officers any ways belonging to the Hospital, nor any Transaction which concerns any way the Estate, or any other thing belonging to the  
the

( 11 )

the Hospital, be made or done, but in the Committee-Chamber of the said Hospital, or in some other Place within the Buildings of the said Hospital, whensoever there shall be any Election, of Officers or Schollars. *First*, the eldest Minister of the Town then present shall distinctly read unto the whole Electors, the ensuing Statute concerning the Election of the Schollars, or the Officer or Officers which are to be Chosen; after which he shall briefly desire them in the Fear of God, and according to their Oath which they have formerly taken for their Fidelity to the Hospital, to give their Suffrages, according to the true Meaning and Intention of that Statute presently read unto them, and then immediatly, and not before, they shall proceed to the Election.

And because it is fit, that the Master of the Hospital should be well regarded in his Place, to breed the greater Respect unto him in all Elections and other Business which any way concern the Hospital, he shall have a single  
Suffrage

( 12 )

Suffrage and Voice, as well as any of the rest of the Electors of the said Hospital.

The Compiler of these Statutes, *Walter Balcanquel* Dean of *Rochester*, during his natural Life, shall have a single Suffrage in all Elections and Business concerning the Hospital, whensoever he shall be in the City of *Edinburgh*.

It is Ordained, that in all things belonging to the Hospital, either Elections, Rents, or Government, or any other thing whatsoever, all these who by the Statutes have a Voice, shall be warned by the Officer of the Hospital, who shall be elected by the Governours to that effect, and they being warned, what shall by the manyest Voices of these who compear, be concluded, shall stand in Force and Effect.

C A P. V.

*De Electione & Officio Thesaurarii.*

**U**Pon the first *Munday*, after the Election of the Magistrats of this Burgh yearly, there shall be chosen by

( 13 )

by the saids Governours and Master of the Hospital, a sufficient able man to be *Thesaurer* of the said Hospital for a year thereafter, whose Office shall be, to receive all the Hospital Rents, to keep all Stock and Monys belonging to the Hospital, to pay all Wages and Allowances due to the Officers and Schollars, or any other belonging to the Hospital: to look diligently to the Reparation of the Building of the Hospital: to deliver Weekly to the Master of the Hospital, so much Mony as to provide the Dyet of the whole Hospital: and every *Friday* at Night, to take the Master and the Caterers Accompts, how they have Dispersed the saids Monys, whose particular Accompts he shall keep by him on a File, subscribed by the said Master and Caterers Hands, and it shall be in the said *Thesaurer* his Power to Comptroll or Allow of the saids Accompts; which Weekly Accompts (both for the Dyet of the Hospital, and all other Charges incident to the same any way) he shall upon the last Day of every Moneth,

( 14 )

Moneth, if it be not *Sunday*, and in that case, upon the next Day following, deliver up to the four Auditors of the Hospital, these Weekly Accompts of all Charges belonging to the Hospital.

He shall be Elected by the Plurality of Suffrages of the ordinary Council, and Ministers of *Edinburgh*, the Master of the Hospital, and Doctor *Balcanquel*, if he be there present; after which Election the Clerk shall administer to him this Oath, in presence of the Governors, upon some part of the Holy Gospel, *viz. I A. B. Elect Thesaurer of George Heriot his Hospital, do Swear and faithfully Promise, with my best Skill and Power, to Discharge all that is required of me, by the Statutes of the said Hospital. So help me God: and by the Contents of this Book.*

He shall yearly make his Accompts, and at his removing from his Office, shall deliver to the succeeding *Thesaurer* all Accompts and Papers which any way belong to his Office, and may give all Insign for the Discharge of the same, which Papers shall be always kept and digested

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digested in good Order, in the Thesaur-house of the said Hospital.

If the Thesaurer shall die, or by any Necessity be removed, the Governors within ten days of his Death or Removal, shall proceed to the Election of a new one, observing in his Election all things before mentioned.

C A P. V I.

*De Electione & Officio Auditorum.*

**O**N the same day of the Election of the Thesaurer, there shall be chosen yearly, four Auditors of his and all other Accompts belonging to the said Hospital, *viz.* One of the Baillies of the said Burgh, one of the Ministers of the same, one of the Merchants, and one of the Crafts-men of the Council of the said Burgh, who shall ilk last day of every Moneth, if it be not *Sunday*, and then the next day following, hear and perfect the *Thesaurer* his Accompts, for the Moneth last past, and shall have power to Comptroll or allow them, and whatsoever Monethly Accompts shall



( 16 )

shall be perfected, and subscribed by the said hands of the Thesaurer, and any two of the said Auditors, shall be taken for a good Monethly Accompt, and not otherwise, reserving always to the whole body of the Governors that power, to Comptroll all the whole Accompts, which shall hereafter be declared.

The day after the end of every three Moneths, or at the furthest within four days after, the said Thesaurer and Auditors, shall deliver up unto the whole body of the Governours assembled in the Committee-Chamber, their Accompts for the three Moneths last past, fairly written in a Book; they shall be read publickly, and there either controlled or allowed; the Allowance shall be under the hand of the Register of the Hospital, with these words *ex Jussu Dominorum Gubernatorum Hospitalis*, which Book of Accompts for three Moneths so allowed, for the space of eight days after, shall ly open upon the Table in the Committee-Chamber, so that if  
any

( 17 )

any one of the Governors, (but none else) have a mind to peruse them, they may, and if they shall find any Oversight or Fault in them, they are charged by vertue of their Oath of Fidelity to the Hospital, taken at the first, to reveal it to the rest of the Governors, who shall take order to correct and amend it.

The Auditors and Thesaurer, within four days of the last Moneth of every year, shall deliver up the whole last years Accompts to the whole body of the Governors, assembled in the Committee-Chamber, where they shall be allowed or comptrolled every way, as is expressed in the Quarterly Accompts.

The Election of the *Auditors*, shall be by Plurality of Suffrages, and in all respects, as is expressed in the Election of the Thesaurer.

After the Election, the Auditors shall give their Oaths in presence foresaid, as is taken by the Thesaurer *mutatis mutandis*.

The Auditors shall be yearly chosen, as the Thesaurer is, and if any of them  
B shall

( 18 )

shall happen to decease, the Governours shall proceed to the Election of one in his place, within the time prefixed, in case of Removal or Death of the Thesaurer.

It is to be observed, that the Monthly, Quarterly and Yearly Accompts of the Thesaurer, and Auditors Accompts, shall comprehend all manner of layings out for the Hospitals Dyet, Wages, Cloaths, Prentice-fee, Reparations, and all things else. As also all manner of Comings in, whether Rents or Stock in the Treasure-house; so that upon the fitting of every Monthly, Quarterly and Yearly Accompts, there may clearly appear, what Rents remaineth in the Thesaurer his hands, and what Stock in the Treasure-house: and if at any time the Charges to be laid out, shall come to be more than the Rents received, because of the late coming in of the Rents sometimes, the Thesaurer shall borrow so much of the Stock of the Treasure-house, with the allowance of any two of the Auditors, who shall see it presently repayed

( 19 )

repayed again to the Treasure-house, upon the coming in of the Rents.

C A P. V I I.

*De Electione & Officio Registrarii.*

**T** Here shall be chosen by Plurality of Voices of all them, who have Voices in the Election of the Thesaurer, a Register or Clerk of the Hospital, who shall hold the same Office during his natural life, unless for his misdemeanor he shall be removed by them, whom in one of the ensuing Statutes, shall have power so to do: his Office shall be fairly and faithfully to keep, order, and digest all the Evidents, and all other Papers whatsoever belonging to the said Hospital: as also as Clerk, to sit with the Governours of the Hospital at all their Meetings: and there *in modo & forma*, to enact all Orders and Resolutions, made by the said Governours: Likewise he shall have the sole Benefit, of drawing and engrossing all manner of Evidents, Securities, and Writings, which are made betwixt the Hospital

( 20 )

Hospital, and any Party; and shall receive therefore, no greater Fee than is usually payed to other Writers to the Signet, or to the Clerk of the Town of *Edinburgh*, in such cases.

After his Election, and before his admission into the place he shall receive the Oath in the same form as is before express in the Oath of the Thesaurer *mutatis mutandis*. Upon his Death or Removal, the Governours of the Hospital, shall proceed within ten days to the Election of a new one, in the same form and manner as is before express. The Register shall have Quarterly payed him by the Thesaurer of the Hospital, fifty *Merks Scots*. And the said Register shall receive as a Fee, from him or them to whose use any thing is Sealed, and no more.

## C A P. VIII.

*De Sigillo Hospitalis.*

**T**Here shall be one Common Seal for the said Hospital, Engraven with this Device: *Sigillum Hospitalis Georgii*

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*Georgii Heriot*, about the Circle, and in the middle, the Pattern of the Hospital: no Security, or Evident, nor Deed, shall be reputed to be a Security, Evident, or Deed of the Hospital, unless it be Sealed and Confirmed with the said Seal.

The keeping of the said Seal shall be after this manner: It shall be kept in a *Chest* which shall have four several *Locks* of four several Works, so that one *Key* can but open one *Lock*. On the 24th. day of *June* in every year, if it be not *Sunday*: and in that case the next day following, the Governours of the Hospital, shall cause to be delivered one of the *Keys* of the said *Chest*, to the *Dean of Gild* of the said Burgh, for the time being: at which time also by Plurality of Voices, they shall choose three more of their own Number, to keep the other three *Keys*; of which, the one shall be one of the Ministers of the Town, the other a Merchant of the Body of the Council, the third one of the Deacons of the Crafts; three several

ral Keys shall be delivered to them accordingly, but not without this Oath first administred unto them by the Clerk, in Preience of the Provost, or one of the Baillies of the said Burgh, and remanent Governours. *I A. B. Do faithfully Swear and Promise, to carry my self to my best Skill and Power, in the keeping of the Seal of George Heriot his Hospital, and that I shall never suffer (so far as lyeth in my Power to hinder) the Seal of the said Hospital to be put to any Security, Evident, or Writing whatsoever, unless it be first so Decreed and resolved upon, by the Suffrages of the major part of the Governours of the said Hospital. So help me God: and the Contents of this Holy Book.* Their Office shall continue only for one whole year: and this to have beginning, so soon as the Hospital shall be Finished, Builded, and Perfected.

C A P. I X.  
De Electione Magistri.

**B**Ecause no Body can be well governed without a Head, there shall be one

one of good Respect chosen *Master of the Hospital*, who shall have power to govern all the Schollars, and Officers who live within the same: his principal care shall be, to see that the Schollars be brought up in the Fear of Almighty God: And therefore, he shall in the Chappel of the Hospital every Tuesday, Thursday, and Sundays some part of the Afternoon, Catechise and Instruct the Schollars, in the common Grounds and Principles of Faith and Christian Religion, and shall not offer to meddle further with any Points of Divinity, than the Doctrine of the Catechism: and he shall expone no other Catechism unto them, but such as shall either be made, or appointed and approved by the Ministers of *Edinburgh*, for the time being: after the end of every Catechism he shall read a Prayer, and not conceive one of his own. The Prayer shall be delivered him by the Ministers of *Edinburgh*, in which, there shall be express thanks unto God for the raising up their Founder, and an express

Petition

Petition for the prosperity and happiness of the Council and Ministers. Next he shall have a special care, that the Schollars and inferior Officers of the House, be brought up in good Manners; and therefore that in all cases of Misdemeanours, as Swearing, Fighting, Lying, spoiling of their Cloaths or Chambers, or the like, they receive due Correction and Chastisement. Thirdly, his care shall be as is above-expressed, that every Week once, he take the Butlers, Bakers, Brewers, Cooks, and all other Officers Weekly Accompts, and shall deliver them to the Theiaurer. And therefore, the Governours shall have a special care, that the Master to be elected at all times, have these Qualities, that he be a man fearing God; of honest life and conversation; of so much Learning as he be fit to teach the Catechism; a man of that discretion, as he may be fit to govern and correct all that live within the House; and a man of that care and Providence, that he may be fit to take the Accompts of the same;

a

a man of that worth and respect, as he may be fit to be an Assessor with the Governours, having a Sufirage given unto him in all Busineses concerning the Hospital, by the 4th. Chapter of these Statutes: he shall be an unmarried man, otherways let him be altogether uncapable of being Master: his Election shall be by the plurality of Suffrages, of all those who ( by the Statutes before mentioned in the fourth Chapter) have Voices in Elections: And we Charge the Consciences of the Governours *in the Lord*, that in the Election of him, all particular and personal Respect laid aside, they only look unto the fitness of the man, and observe the true meaning and Intention of this Statute.

C A P. X.

*De sequentibus Electionem Magistri.*

**A**fter his Election, and before his Admission, the Clerk in presence of the Governours there present, shall require him first to take the Oath of Allegiance, and afterward the Party elected

lected

( 26 )

lected, laying his hand upon some part of the Gospel, shall Swear further thus:  
**I A. B. Elected Master of George Heriot of his Hospital, do Swear and faithfully promise before God, that to my best Power, I shall Discharge all which the Statutes of the Hospital require from me, and shall do my best to see all the Statutes of the said Hospital observed, by others, whom they do Concern, and I do promise all faith and obedience to the Lord Provost, Bailies, Ministers, and Council of Edinburgh now present, and to their Successors. So help me God, and the Contents of this Holy Book.** After which Oath taken, he shall have by some of the Governors of the Hospital, Possession of the Masters Lodgings delivered unto him, and there publicly in the Hall of the said Hospital, all the Schollars and all Officers living in the House, shall be assembled together, and some one of the Governors, whom they shall think fittest, shall declare unto them, that this is he, whom they have chosen to be Master and Governor over them: And there-

( 27 )

therefore, do command them to yield unto him, all respectful obedience in all things, that he shall command them, upon pain of being expelled from the said Hospital: the Master of the Hospital, within the Precincts of the same, shall never go without his Gown. In the Hall he shall have his Dyet, he and the Schoolmaster in the upper end at a little Table by themselves. He shall have a care to see the Committee Chamber, & Garden with all the Walks, kept fair and clean without spoiling: But especially, that the Chappel, the Hall and all the Office-houses, be kept sweet and clean, as likewise the Schollars Chambers. He shall have given yearly unto him, a new Gown, and Quarterly for his Wages, Fifty Pounds Scots Money.

C A P. X I.

*De Amotione aut Castigatione Magistri ubi opus sit.*

**I**F at any time the Master shall Marry, his Place *ipso facto* shall be void. If at any time he shall be Convicted before

( 28 )

before the Governours of the said Hospital as a Fornicator, Adulterer, Drunkard, or notorious Swearer and Blasphemer, he shall *ipso facto* be deposed. If at any time he shall be found Remiss or Negligent in his Place, let him be publickly Admonished by the Governours of the Hospital, which Admonition shall be Registrat in the Hospital-Book. If he offend in the like kind again, let him receive a second publick Admonition, which also shall be Registrat: After which, if he shall offend in the same kind the third time, let him receive a third publick peremptory Admonition, which is likewise to be Registrat. After which three Registrat Admonitions; If ever he Offend again in the Premises, let him be irrevocably Deposed by the Governours; in which case they are presently to proceed to the Election of a new *Master*.

If at any time the Master of the Hospital shall ly a whole Night out of the Hospital (except in cases of violent detention,) without leave of the Lord  
Provost

( 29 )

Provost of *Edinburgh* for the time, or in his absence one of the Ministers of the said Burgh, he shall receive a publick Admonition from the Governours, and Forfault a whole Quarters Wages, which in no case shall be pardoned. If he do so the second time, he shall receive a second publick Admonition, and Forfault two Quarters Wages, in no case to be remitted to him; after which, if he shall Offend again in that kind the third time, and shall be thereof sufficiently Convicted before the Governours of the Hospital, he shall be absolutely Deposed.

Whensoever the Masters Place of the Hospital shall be void, either by Death, voluntary Cession, Deprivation, or any other way, the Governours shall within forty days Elect and Admit another into his Place, in Form and Manner above-mentioned, els it shall be absolutely in the power of the Lord Chancellor of *Scotland* for the time being, to Nominat, Present, and Admit into the said Place, whomsoever he shall please, being qualified according to the Statute  
before

( 30 )

before-written, but still to be admonished, mulcted, and deposed by the Electors, according to his Offences, mentioned in this Statute.

C A P. X I I.

*De Electione & Officio Didascali.*

**A**ND because, that the Schollars shall be brought up in Letters, there shall be a Schoolmaster, whose Office shall be to teach the Schollars to read and write Scots distinctly, to Cypher and cast all manner of Accompts: As also to teach them the Latin Rudiments, but no further. He shall be careful to see the Schollars keep their Chambers clean, their Cloaths handsome, to keep good order in the Chappel, & in the Hall, and els-where. He shall correct them for all their Faults. For his Qualities of Life, good Report, &c. For the manner of his Election, Admission, Admonition, Mulcting, Deposition, and the Election of a new one in his Place, it shall be in all points observed, as is expressed in the Statutes which concern the

( 31 )

the Master. He must be Un-married, he shall yearly have a Gown given him, without which he must never go within the Precincts of the Hospital: He shall receive Quarterly from the Thelaurer of the Hospital for his Stipend.

C A P. X I I I.

*De Electione Discipulorum.*

**T**HERE shall be chosen and admitted into the Hospital at the first, so many poor Schollars as the Revenue of the Hospital shall be able to maintain, *deductis deducendis*: who shall all be Children of Burgesses, and Free-men of the said Burgh, and amongst these, the Kinsmen of the said Umquhile George Heriot to be preferred: all others indifferently to be admitted without any respect, but according as the plurality of Voices shall fall. We do charge the Consciences of the Electors *in the Lord*, that they choose no Burgess Children into these places, if their Parents be well and sufficiently able to maintain them, since the Intention of the Founder,



( 32 )

der, is only to relieve the Poor. All these Schollars when they are admitted, must not be under seven years of Age compleat, and they shall not stay in the Hospital, after they are of the Age of sixteen years compleat; at which time, if it be found by their Masters, that they are like to prove hopefull Schollars, the Hospital out of the Thesaurie-house, shall allow them for the space of four years, to bring them up in the Colledge of *Edinburgh*, the yearly allowance of and their *Regent* shall be bound to take nothing for teaching them. If by their Masters they shall be thought not fit to be Scollars, then they shall be bound out Prentices, to some such Trade as by the Governours shall be thought fit: the Thesaur-house of the Hospital paying for their Prentice-fee and no more. And the Governours taking good Security of their Masters, for performing of Covenants with the Prentices, so bound: but after the Schollars, have learned to read and write *Scots* distinctly,

( 33 )

ly, and the *Latine Rudiments*, they shall be put out to the free Grammar-School of *Edinburgh*, there to be taught, until such time as they be either fit for the Colledge, or to be Prentices, they shall all come to, and go from the School together, at all times of the Meeting, or scalling of the Grammar-School, orderly, and in their Gowns. The Master of the Grammar-School shall yearly receive from the *Thesaurer* of the Hospital, for teaching of these Schollars

The Election of them shall be thus, at two times in the year, that is to say, upon the second *Munday* of *October* after the Election of the Magistrats yearly, and upon the third *Munday* of *April* thereafter, ensuing yearly, the Governours shall assemble themselves in the Committee-House, and shall there carefully examine, how many places of Schollars have been voided since the last six Months, either by Death, putting to the Colledge, being made Prentices, or any other way whatsoever:

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( 34 )

as also they shall examine the Revenue and Estate of the Hospital, whether it be able to maintain any more, then according to the number of the places voided, and according to what they find after both these Searches and Examinations, we<sup>s</sup> do charge their Consciences *in the Lord*, that they do presently Elect and Admit so many Schollars qualified, as is before expressed; which Schollars, besides their Bedding, Lodging, Washing, Common-fires, shall be allowed from the Thesaurer of the Hospital, yearly for their Dyet and for their Cloaths

The Election of them shall be by Plurality of Suffrages, as is expressed in other Elections.

They shall be comely and decently Apparellled as becometh, both in their Linnings, and Cloaths; and their Apparell shall be of sad Ruffet Cloath, Doublets, Breeches, and Stockings or Hose, and Gowns of the same Colour, with black Hats and Strings, which they shall be bound to wear during their abode in the said Hospital, and no other.

C A P.

( 35 )

C A P. X I V.

*De Electione & Officio Promi.*

**T**Here shall be chosen a *Butler* by Plurality of Voices, to continue in that Office during his natural life; he shall not marry without the consent of the Governours asked and obtained; his care shall be to take charge of all the Bread and Drink, and laying the Table-Cloaths at the times of Meals in the Hall; he shall be in all things, obedient to the Master of the Hospital; and if he shall be convicted before the Electors of Fornication, Adultery, of being a Drunkard, a common Swearer, or of willful and often disobedience to the Master of the Hospital, he shall be presently expelled the Hospital. For his Wages he shall Quarterly receive for himself, and for his Boy.

The Butler shall be charged with the keeping of all the Silver-plate that belongs to the Hospital; as also with all other, Spoons, Salts, Stoups, Cups to Drink in, and Candlesticks which belong to the Hall-service.

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C A P. X V.

*De Electione & Officio Coqui.*

**T**Here shal be chosen a man of good and honest report to be *Cook* of the Hospital, whose Election, Admission, Licence to Marry, Punishment and Expulsion, shal be observed in all Points, as is expressed in the former Chapter, in the case of the *Butler*. He shal be charged, besides the cleaning and dressing of the Hospitals Dyet, with the keeping of all the Utensils belonging to the Kitchen. He shal receive Quarterly, Wages for himself for his Boy. He shal deliver up his Accompts for Bread, Drink, Candle, and other things belonging to his Charge, to the Master, so often in the Week as he shal require.

C A P. X V I.

*De Electione & Officio Opsonatoris.*

**T**Here shal be chosen a man of good and honest Report to be *Caterer*, whose Office shal be faithfully and at the

the best rates, to buy good and wholesome Meat for the Dyet of the Hospital, as also to deliver up his daily Accompts (clean and fairly written) to the Master of the Hospital, so often in the Week as he shal require them from him. His Election, Admission, Licence to Marry, his Punishment or Expulsion in all Points to be observed, as is expressed in the two former Statutes, concerning the *Butler* and *Cook*: he shal receive Quarterly for his Wages

C A P. X V I I.

*De Electione & Officio Janitoris.*

**T**Here shall be chosen a Man, Unmarried of honest Report, to be *Porter* of the Hospital. He shal be a man of good Strength, able to keep out all sturdy Beggars, and vagrant Persons. He shal lock the Gates at all times of Prayers and Meals, every Night he shal lock up the Gates, and bring the Keys of them up to the Master at Seven of the Clock in Winter, and at Nine in Summer. He shal keep the

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Court very clean, he shal sweep clean the Chappel every day, and the Hall after every Meal; he shal see the Walks kept clean and fair, and make all the publick Fires in the Hall; and if at any time he dispose himself to Marry, he shal dimit his Place, or else be deprived of the same. His Election, Admission, Punishment, or Expulsion, shal be in all Points observed as is expressed in the Statutes which concern the three former Officers. He shal have for his Quarterly Wages and every year a Gown, which he must wear continually at the Gate.

These four Officers, viz. the Butler, Cook, Caterer, and Porter, shal have their Dyet in the Hall immediatly after the Master have dined, and the Schollars risen from the Table, with whom likewise the Masters man shal be allowed his Dyet.

C A P. X V I I I.

*De Electione & Officio Hortulani.*

**T**Here shal be provided for the Hospital a good and sufficient Gardiner,

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*diner*, whose care shal be to look well to the Committee Garden, whereof the Master is to have the use; to the Kitchen-Garden, and to all the Walks and Hedges belonging to the Hospital. The Governours to Elect, Place, and Displace the Gardiner at their pleasure, he shal receive Quarterly for his Wages

C A P. X I X.

*De Electione & Officio Fæminarum.*

**T**Here shal be chosen Six Women, of good and honest Report, Un-married, and who must never Marry; they shal be of the Age of Fourty five years at the least; their Charge shal be diligently to Wash all the Linnings, that belongeth either in general to the Hospital, or in particular to any Schollar, and to make all the Schollars Beds, and Sweep their Chambers, and to attend such of them as shal be sick. Their Election, Admission, Punishment, or Expulsion, is in all Points to be observed as in the case of the Hospital-Butler is expressed in

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in the 14 Chapter. They are to have their Dyet in some Room by themselves; they are to be charged with, and answerable for all the publick Linnings of the Hospital, and the particular Linnings of the Schollars. They shal receive Quarterly for their Wages, every one of them.

All these Officers before-mentioned, in case of Misdemeanour, shal be punished by the Master of the Hospital; and therefore there shal be a pair of Stocks, placed at the end of the Hall in the Hospital, in which the Master shal command to be laid any Officer for any such Offence, as in his Discretion shal seem to deserve it; and the Master likewise shal have Authority to lay in the same Stocks, any vagrant Stranger of mean Quality, who within the Precincts of the Hospital shal commit any such Offence as may deserve it. The Officer for executing the Masters Command in this Point of Justice, shal be the Porter of the Hospital.

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All these Under-Officers, viz. Carterer, Butler, Cook, Porter, Women, and Gardiner, shal find sufficient Security for their Intromission, and discharge of their Duties in their Offices.

C A P. X X.

*De Electione & Officio Medici, Pharmacopole & Tonsoris seu Chyrurgi.*

**T**Here shal be appointed *One Doctor of Physick*, who for Visiting and Looking to all the Sick in the Hospital, shal receive yearly from the Treasurer, *One Apothecary* who shall be payed for all his Bills of Drugs, if they be Subscribed with the Doctor of Physick his Hand; *One Chyrurgian Barber*, who shall Cut and Poll the Hair of all the Schollars in the Hospital; as also, look to the Cure of all those within the Hospital, who any way shal stand in need of his Art, and shal receive for his Wages yearly

C A P.

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## CAP. XXI.

*De iis quæ generaliter Hospitalem spectant.*

**F**irst, for the Service of Almighty God, there shall be in the Chapel of the Hospital every day in the Morning, betwixt Seven and Eight of the Clock, Divine Service read by the Master of the School in this order. First, shall be read the ordinary Confession of Sins; Next, some one or more of the Psalms in Prose; after that, one Chapter of the Old Testament; and after that, one of the New Testament, both of them in order as the Ministers of *Edinburgh* shall direct; after which, shall be said the *Creed*; after that, a Prayer shall be said, in which Thanks shall be given to God for all his Spiritual and Temporal Blessings; amongst his Temporal Blessings, for the present Maintainance which they receive from God by the Hands of their bountiful Founder: Moreover, they shall pray for the life and happy Reign of our  
Sovereign

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Sovereign Lord the King, the Queen, & all of the Royal Progeny; for the Lords of his most Honorable Privy Council and more especially for the Provost, Baillies, Ministers, and Council of *Edinburgh*, their most religious and honoured Governours; beseeching God to raise up unto them such Benefactors, as may by the Testimony of their good Works, bear witness to the Holiness of our Profession and Religion. This Prayer is not to be conceived by the School-master, but to be read by him every day, as it shall be delivered unto him, Penned by the Ministers of *Edinburgh*.

Every Meal before Meat, Grace shall be said in the midst of the Hall, by one of the Schollars, and it shall be a set Form of Grace, pronounced in the midst of the Hall, after the said Schollar hath first read one of the Psalms; after Dinner the same Schollar shall say the Grace, giving God Thanks, amongst other things, for their Founder, and praying for their Governours. This Grace likewise,

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wise, is to be in a set Form, as it is to be delivered unto them by the Ministers.

Every Sunday, the Master, the School-master, and all the Schollars, in order two and two, shall go solemnly in order in their Gowns, and all the Officers of the house that can be spared, going after them, to the *Gray-frier* Church, both to the Forenoon and Afternoon Sermon, and there shall sit in such a place as shall be appointed for them; and in that decent order, return back again from the Church to the said Hospital. All the Schollars in the Chappel, Hall, Church, and all other places whatsoever, shall take place, according to that rank and order in which they are elected and admitted to be Schollars of the Hospital, and no otherways.

There shall ever be kept in the Treasure house of the Hospital, so great a Stock of Mony, as in all probability is able to defray the Charges of these Schollars, who are maintained in the Hospital;

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Hospital; and pay the Prentice-fees of all such as are to be bound out Prentices, and pay the Charges of Reparations, and all other common Charges whatsoever, belonging to the Hospital.

Twice every year, that is to say, upon the second *Munday of October* after the Election of the Magistrats yearly, and upon the third *Munday of April* thereafter ensuing yearly, being six Months distant one from another: the Electors shall visit the said Hospital, hear and determine all Complaints that can be made, either against the Master, School-master, or Officers: shall reform all Abuses which they find in the same; see that all parts of the Hospital be teight and in good Reparation, and enquire whether the Schollars Diet be good and wholesome, their Cloaths honest and seemly, their Beds and Chambers sweet and cleanly according to the Allowances bestowed upon them, and set straight all other things which need to be amended.

All the Moneys which by Debts, Rents,

Rents, or any other way shal belong to the Hospital, besides that which shal come in to the Stock of the Treasurehouse, shal be bestowed upon Land, and no otherways, for all time to come whatsoever.

C A P. X X I I.

*De Reservatis.*

**T**He Compiler of these Statutes Doctor *Balcanquel*, doth reserve unto himself, full power for the filling up of all Blanks in these Statutes, and all the power which he now hath, for the determining of the Stipends, or Wages of all persons, to whom by these Statutes, Wages or Stipends are to be allowed, until such time as after the Building and erecting of the said Hospital, and a perfect Examination of the clear probable Revenue of the said Hospital, after the perfecting and clearing of all manner of Accompts and Deductions, either in his own presence, or by the Information of the Lord Provost, Baillies, Ministers and Council of *Edinburgh*

*Edinburgh*, it may appear unto him, what Wages the Revenue of the Hospital is able to allow to all such, [as by the Statutes before mentioned, are to receive Wages and Allowances : as also, he doth reserve unto himself, all the power which is given unto him, by the last Wil of the pious Founder, or the Codicil thereunto annexed, for the ordering and settling of the ten Bursars places therein mentioned, until such time as the building of the said Hospital shal be finished.

And if it shal please God, that the said *Walter Balcanquel* (before the times above-mentioned) depart this life, he doth by these Presents, transmit the whole power now resident in him, concerning these two Points, of determining Stipends and Wages, and ordering and settling of the Ten Bursars, to the Lord Provost, Baillies, Ministers and Council of *Edinburgh*, for the time being, whom he doth earnestly beseech *in the Lord*, to take all faithful and possible pains, that these two Points be conscientiously



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onably settled, according as they shal find the Revenue of the Hospital will give leave.

To prevent all Corruptions in after times, there shal never be made by the Electors, any prælection of any place whatsoever belonging to the Hospital, nor shall the prælection or Election of any Officer or Schollar, before the place unto which he is prælected or elected be actually void, stand good, but it shal be void *ipso facto*: and therefore, before the Hospital Building be finished, and fit to receive these who are appointed to inhabit in it, there shal be made no Election nor Prælection of any Officer or Schollar belonging to the Hospital, excepting only such as must of necessity attend the Fabrick of the said Building, or the present Revenue, Moneys, or Estate presently belonging or intended for the said Hospital, and these after the Building is finished, or before, to leave their places, unless they be then again *de novo* chosen by the Electors, but after the house is fitted for the

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the receiving of those who are to live in it; then all Elections shal go as is expressed in the Statutes before-mentioned.

The Compiler of these Statutes *Walter Balcanqual* Dean of *Rocheſter*, doeth reserve unto himself, during his own natural life, all power for adding unto, or diminishing from, or altering of these present Statutes accordingly, as upon emergent occasions, he shal be thereunto induced by his own Conscience, or Consultations with the Lord Provost, Magistrates, Ministry, and Council of *Edinburgh*; or by the Advice of those who are Learned in the Laws of the Realm of *Scotland*: Otherways if from the said Dean of *Rocheſter* in his Lifetime, these Statutes shal receive no Addition, Diminution, nor Alteration, then these Statutes being subscribed with his Hand, and sealed with his Seal at any time before his Death, shal have the Strength, Validity, and Force to all Purposes whatsoever, of the

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Statutes mentioned in the Will of the Founder, by which and no otherways the said Hospital shal be *perpetually Governed, Ordered, and Directed for Ever hereafter, unto the End of the World.*

And if there shal arise any Controversie concerning the Interpretation of the said Statutes, or of any Part, Sentence, or Word in the same, It is Ordained, That those five mentioned in the Founders Will, *viz.* The Lord Chancellour, the two Arch-Bishops, the Lord President of the Colledge of Justice, the Lord Advocat to His Majesty of this Realm of *Scotland* for the time being, shal have sole and whole Power to Interpret the same, and to Determine all Controversies arising about the Interpretation of the same. So that whatsoever any three of these five met together, and all Parties Interessed being Conveened, shal Judicially or Extra-Judicially declare in their Consciences, to come nearest the true Meaning of these Statutes,  
That,

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That, and nothing but That, shal be taken for the true Meaning of the same, and in all Points, without further Scruple be observed and followed.

And that these Statutes may never be concealed, there shal be one true Copy of them for ever kept, and Registrated in the Books of Session, one in the Register of the Council of *Edinburgh*, one in the Register Office of the said Hospital, and more in other Places needful, if any shal be thought upon, that so any Party Interessed in them, may have open and free Recourse unto them.

C H A P. XXIII.  
C O N C L U S I O.

**A**ND, now finally, I the Unworthy Servant of GOD, *Walter Balcanqual* the Composer of these Statutes, do Onerate and Charge the Consciences of you the Lord Provost, the Magistrats, the Ministry, and Council of the City of *Edinburgh*, and of all those who shal be your *Successors*, unto the second coming of the Son of GOD,  
and

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and that by the Bowels of our Lord JESUS CHRIST, who one day will come to Judge the Quick and the Dead, and take a particular account of every one of you for this particular Stewardship, wherewith you are trusted, by the Zeal and Honour of our Reformed Religion, which by this Pious Work of the Founder, is Illustrated and Vindicated from the Calumnies of the Adversaries to our Holy Profession, by that Pious Respect which you his Fellow-Citizens ought to carry to the Pious Memory, and last Will of of the Religious Founder, your Worthy Citizen *George Heriot*. And lastly, For the Clearing of your own Consciences, and your own particular Accounts in that great Day of the LORD, let none of you who Read these Presents, nor your Successors, who in after Ages shal come to Read them, offer to Frustrate the Pious Founder of his Holy Intention, either by taking directly or indirectly from this Hospital, any thing which he in his Piety hath Doted unto  
it,

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it, or by altering of it, or bestowing it upon any other use, though you shal conceive it to be far more Pious, or Profitable; Or to go about to alter any of these Statutes and Ordinances, after they shal be once delivered up unto you, compleatly Subscribed and Sealed, as you will answer the contrary, at the uttermost of your Perrils, in the Day of the Lord JESUS, to whom, (being fully assured of your Godly Care, and Zealous Conscience in these particulars,) with His Father, and the Holy Ghost, Three Persons, but One undivided Essence of the *Godhead*, as for all other Their Blessings, so in particular, for the great Charity of this most Pious and Religious Founder, be Ascribed, as is most due, all Praise, Honour and Glory from Age to Age. A M E N.

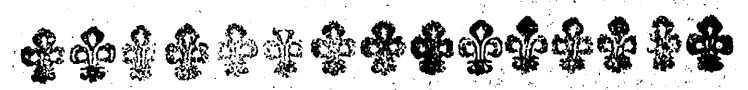
*Ego*

**E**GO Gualterus Balcanqual S. S. Theologiae Doctor Ecclesiae Cathedralis Rossensis Decanus; Civis Edinburgensis natus & juratus; Pientissimi viri Gualteri Balcanqual Civitatis Edinburgenae circiter quadraginta tres annos Pastoris vigilantissimi filius; potestate ad id mihi facta ex Testamento & Codicillo clarissimi optimique Viri Georgii Heriot Gemmarii Regii, Trado Clarissimis, Reverendissimis, Spectatissimis viris, D. D. Praefecto, Bailivis, Pastoribus, reliquisque Senatoribus Edinburgensis Ordinariis, Statuta haec viginti tribus capitibus comprehensa, observanda, habendaque in perpetuum, pro Statutis seu Ordinationibus illis in Testamento & Codicillo Georgii Heriot commemoratis, reservatis mihi-met semper cunctis & singulis, quae per Statuta haec reservantur: Ita est quod Syngrapha & Sigillo meo ratum esse jubeo,

Gualterus Balcanqual.  
Locus Sigilli.

Edinburgi 13 Julii, anno post Incarnatum Redemptorem, 1627. annoque regni Domini nostri Caroli primi, tertio.

A List



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