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Royal College of Surgeons of Edinburgh.

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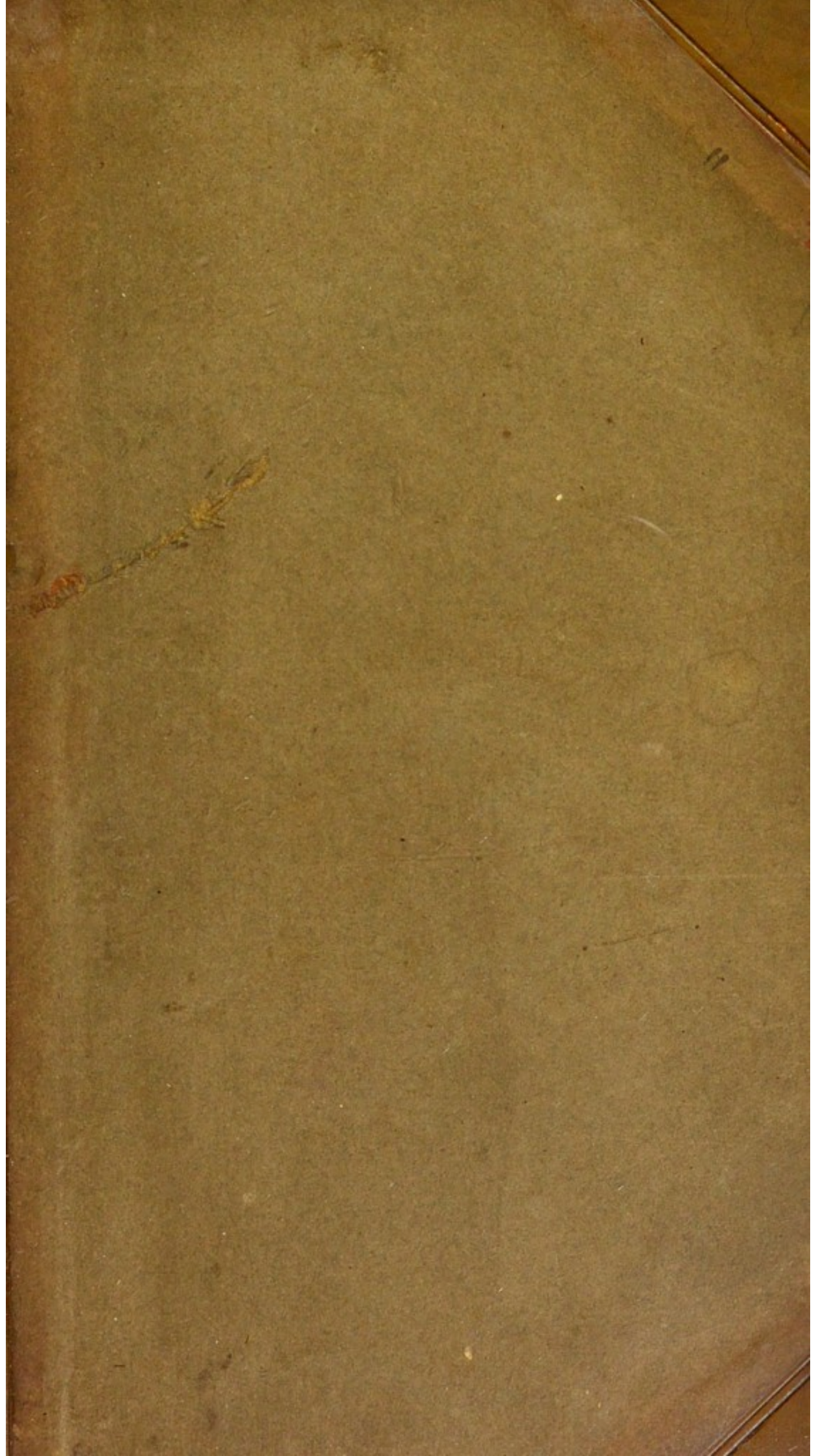
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Royal Scots
VIVE DEO UT VIVAS



James Craig
No Surgeon 92

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ROYAL GRANTS

DOCUMENTS, &c.

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A
COLLECTION
OF
ROYAL GRANTS
AND OTHER
Documents,
RELATIVE TO
THE CONSTITUTION AND PRIVILEGES
OF
The Royal College of Surgeons
of Edinburgh.

MDV.—MDCCCXIII.

PRINTED AT EDINBURGH.
MDCCCXVIII.

COLLECTION

ROYAL GRANTS

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No. I.

THE COPYE OF THE BARBORIS SEILL OF
CAUSE AS FOLLOWIS

Jul. 1, 1505.

TO ALL AND sindrie to quhais knaulege thir
present letters sall cum The Prouest Baillies
and Counsale of the burgh of Edr Greting in God
euirlesting Witt your vniuersities Thatt the
day of the dait of thir presentis Comperit before
ws sittand in Jugement In the tolbuith of the
said burgh The Kirkmaister and brether of the
Surregianis and barbouris within the samyn And
presentit till ws thair bill and supplicatioun de-
syring ws for the louing of God honour of oure
Souerane Lord and all his lieges And for wor-
schip and polecy of this burgh and for the gude
reull and ordour to be had and maid amangis
the saidis craftis in tymes to cum Thatt we wald
grant and consent to thame the privilegis reullis

and statutis contenit in thair said bill and supplicatioun quhilk efter followis To yow my Loirdis Provest Baillies and worthy Counsall of this gude toune richt humblie menis and schawis your daylie seruitouris The Kirkmaister and Brether of chirurgenees and barbouris within this burgh Thatt quhair we beleve itt is weill knawin till all your wisdomes quhow thatt we uphald ane altar situat within your college kirk of Sanct Geill in the honour of God and Sanct Mongow our patrone and hes na importance to uphald the samyn but oure sober ouklie penny and upsettis quhilk ar small in effect till sustene and uphald oure said altar in all necessar thingis convenient thairto And because we ar and ever was of gude mynde till do this gude toune all the steid plesour and seruice that we can or may baith in walking and wairding stenting and bering of all uther portabill chairges within this burgh at all tymes as uther nichtbouris and craftis dois within the samyn We desyre at your Lordshipis and wisdomes till geve and grant to ws and oure successouris thir reulis statutis and privilegis vnder writtin quhilkis ar consonant to resoun honour till oure soverane Lord and all his lieges proffeitt and lowabill to this gude toune IN THE FIRST thatt we nicht have yeirly chosin amangis ws ane Kirk-

maister and ourisman To quhome the hail bre-
 ther of the craftis foirsaid sall obey for thatt
 yeir ITEM thatt na maner of persoun occupie
 nor use any poyntis of oure saidis craftis of Sur-
 regerie or barbour craft within this burgh bott
 gif he be first frieman and burges of the samyn
 and thatt he be worthy and expert in all the
 poyntis belangand the saidis craftis deligentlie
 and avysitlie examinit and admittit be the mais-
 teris of the said craft for the honorabill seruyng
 of oure Soverane Lord his liegis and nyctbouris
 of this burgh And als That everie man that is to
 be maid frieman and maister amangis ws be ex-
 amit and previt in thir poyntis following THATT
 IS TO SAY That he knaw anotamea nature and
 complexioun of every member In manis bodie
 And in lykewayes he knaw all the vaynis of the
 samyn thatt he may mak flewbothomea in dew
 tyme And als thatt he knaw in quhilk member
 the signe hes domination for the tyme for every
 man aucht to knaw the nature and substance of
 every thing thatt he wirkis or ellis he is negli-
 gent And that we may have anis in the yeir ane
 condampnit man efter he be deid to mak antomea
 of quhairthrow we may haif experience Ilk
 ane to instruct utheris And we sall do suffrage for
 the soule And that na barbour maister nor servand

within this burgh hantt use nor exerce the craft of surregenrie without he be expert and know perfytelie the thingis abone writtin And quhat person salhappin to be admittit frieman or maisteris to the saidis craftis or occupeis ony poynt of the samyn sall pay at his entry for his upsett Fyve Pundis usuall money of this realme of Scotland to the reparatioun and uphalding of oure said altar of Sanct Mongow for devyne service to be done thairatt with ane dennar to the maisteris of the saidis craftis at his admission and entres amangis ws Exceptand that every frieman maister of the saidis craftis ane of his lawfull gottin sounis to be frie of ony money paying Except the dennar to be maid to the maisteris efter he be exemmit and admitted be thame as said is ITEM That na maisteris of the said craft sall tak ane prenteis or feit man in tyme cuming to use the surregeane craft without he can baith wryte and reid And the said maister of ony of the saidis craftis that takis anie prenteis sall pay at his entres to the reparatioun of the said alter tuenty schillingis And that na maister of the said craft resset nor ressave ane uther maisteris prenteis or servand quhill the ische of his termes be run And quha that dois in the contrair thairof als oft as he failyeis sall pay xx s. to the repara-

tioun of the said alter but favouris ITEM Every
 maister that is resauit frieman to the said craft
 sall pay his ouklike penny with the preistis meil as
 he sal happin to cum about And every servand
 that is feitt man to the maisteris of the said
 craft sall pay ilk oulk ane halfpenny to the said
 alter and reparatioun thairof And that we haif
 powar to cheise ane chaiplane till do devyne ser-
 vice daylie at our said alter at all tymes quhen
 the samyn sall vaik And till cheise ane officiar
 till pas with ws for the ingathering of oure quar-
 ter payment and ouklike penneis And to pas be-
 foir ws on Corpus Christj day and the oatauis
 thairof and all uther generall processionis and
 gatheringis siclike as utheris craftis hes within
 this burgh And that ane of the maisteris of the
 foirsaid craftis with the chaiplane and officiar of
 the samyn pas at all tymes neidfull lift and raise
 the saidis quarter paymentis fra every persoun
 that aw the samyn And gif ony disobeyis that
 we may poynd and distrenyie thairfoir all tymes
 haifand ane officiar of the toune with ws ITEM
 That na maister nor frieman of the said craft
 purches ony Lordschip incontrair the statutis
 and rewlis abonewrittin in hindering or skaith-
 ing of the craftis foresaidis or commoun weill thair-
 of under the payne of tynsall of thair friedomes

ITEM That all the maisteris friemen and brether of the said craft reddelie obey and cum to thair kirkmaister at all tymes quhen they sall be requyritt thairto be the said officiar for to heir quarter comptis or till avyse for ony thing concernyng the commoun weill of the saidis craftis And quha thatt disobeyis sall pay xx s. to the reparatioun of the said altar And that na persoun man nor woman within this burgh mak nor sell ony aquavite within the samyn Except the saidis maisteris brether and friemen of the saidis craftis under the paine of escheit of the samyn but favouris Beseking heirfoir your Lordschippis and wisdomes at the reuerence of God that ye will avyse with thir oure sempill desyris statutis rewlis and privilegis abone writtin and grant ws the samyn ratefeit and apprevit be yow under your seill of cause And with the grace of God we sall do fit service and plesure till the kingis grace and gude toune that ye salbe contentit thairof And your delyverance heirintill humblie I besek The quhilk bill of supplicatioun with the reullis statutis and privilegis contenit thairintill being red before ws in Jugement and We thairwith beand rypelie and distinctlie avysit thinkis the samyn consonant to resoun and na hurt to our Soverane Lordis hienes ws nor nane

utheris his liegis thairintill And thairfoir We con-
 sent and grantis the samyn to the foirsaidis craf-
 tis of surregenry and barbouris and to thair suc-
 cessouris And in sa far as we may or hes powar
 confirmis ratefeis and appreis the saidis statutis
 reullis and privilegis in all poyntis and articlis con-
 tenit in the supplicatioun abonewrittin And this
 to all and syndrie quhome it efferis or may effere
 We mak it knawin be thir our lettres And for the
 mair verificatioun and strenth of the samyn we haif
 to-hungin our commoun seill of cause At Ed^r the
 first day of the moneth of Julij the yeir of God
 ane thousand fyve hundreth and fyve yeiris

No. II.

CHARTER OF CONFIRMATION, BY KING
JAMES IV. IN FAVOURS OF THE SURGEONS
AND BARBERS OF EDINBURGH.

Oct. 13, 1506.

JAMES, by the Grace of God, King of Scots,
To the provost and bailies of our burgh of
Edinburgh, that now are or shall happen to be
for the time, and to all other and sundry our of-
ficers, leidges, and subjects, whom it effeirs, to
whose knowledge these our letters shall come ;
greeting : Forasmuchas the craftsmen of Surgery
and Barber craft, within our said burgh of Edin-
burgh, have made certain statutes and rules to be
had and kept among them, for the honourable
serving our leiges, in their crafts, and reparation
of their altar in the College-kirk of St Geill with-
in our said burgh, and upholding divine ser-
vice at the same in time coming, as is contained
at length in the letters of ratification and confir-

mation, made by the provost, bailies, and council of our said burgh, under their common seal of cause, made to the said craftsmen thereupon, shown and produced before us, and a part of the Lords of our council. We therefore, understanding that the said statutes are made for keeping of good rule among the said craftsmen, and upholding of divine service, and are not prejudicial, nor hurting of us nor our leiges, ratifies, approves, and for us and our successors, by these our letters, authorises and confirms the said statutes and rules, to be observed, used, and firmly kept among the kirkmaster and craftsmen of Chirurgery and Barber crafts foresaid, that now are or shall happen to be within our said burgh in time coming, in all points and articles contained in the said letters under the common seal of the said burgh, given to them thereupon, and after the tenor, form, and effect of the same. Wherefore, we charge strictly, and command you, all and sundry, our provost, bailies, and others, our officers, leidges, and subjects foresaid, that none of you take upon hand to do or attempt any thing in contrair, or breaking of the said statutes and rules, or of this our confirmation given thereupon, in anywise in time coming, under all the highest pain and charge that after may follow. Attour,

if any of the said craftsmen disobey, or acts in contrair the said statutes in any ways, that ye, the said provost and bailies, present and to come, in our name and authority, compell them to obey and fullfill the said statutes as effeirs, in all things, after the form of your said letters, as ye will answer to us thereupon, and under the pains foresaid.

Given under our Privy Seal, at Edinburgh, the
13th day of October, 1506 years, and
of Our reign the 17th year

No. III.

LITERÆ CHIRURGICIS BURGorum REGNI
SCOTIE.

Maii 11, 1567.

MARIE be the grace of God Quene of
Scottis To all and sindrie oure Admi-
rallis Wardanis Lieutenantis Schirreffis Stew-
artis, Crownaris Justices Justice-clerkis The-
saurare Thesaurare-clerkis Provestis Alder-
men and Baillies of oure burrowis and all utheris
oure officiaris and ministeris of oure lawis and
thair deputis present and to cum liegis and sub-
dittis quhome It efferis quhais knowlege thir
oure letters salcum greting FORSAMEKLE as
we understanding be suir Information that the
Chyrurgianis of all realmes ar for the weale of
the liegis of the samyn exemit fra bering of ar-
moure or passing In battell In all weiris wa-
pinschawingis raidis gaderingis assembleis and
armyis And als fra all passing upoun assyissis or
Inqueistis in actionis criminall or ciuile Except sa-
fer as appertenis to the jugement of thair awin
craft To the effect that thai may be reddie to
serve the remanent liegis with thair occupatioun

as tyme sall require And we considering that cunnyng men of the occupatioun and craft of Chirurgicalrie ar als necessair to be within this oure realme as in uther partis And willing to gratifie the Chirurgicalis duelland within oure borrowis of this oure said realme and to gif thame and utheris thair posteritie of that occupatioun the gretar occasioun to studie the perfectioun of the said craft and occupatioun to the uttermost of thair Ingynis THAIRFORE and for diuers utheris ressonable caussis and considerationis moving ws WE haue gevin and grantit and be thir oure letters gevis and grantis Licence To all and sindrie chirurgianis Inhabitantis of oure burrowis of this oure said realme now present and thair posteritie being for the tyme chirurgianis quhilk are hable and qualifiit personis and efter examinatioun before the dekin and brethir of that occupatioun within oure burgh of Edinburgh and of ane doctoure of medicene gife he may be present salbe fund hable and worthie to use and exerce the said craft and na utheris That thai sall nocht beir armoure nor pas in battell in ony oure oistis raidis gaderingis assembleis wappinschawingis or weiris to be maid be ws or oure successouris yow oure or thair saidis Lieutenantis or wardanis be burgh sey or land within this

oure said realme or outwith the samyn And
 alsua for all comperance and passing upoun ony
 inqueistis or assyifsis In actionis Criminall or ciuile
 oure Justice airis Justice courtis shirref courtis
 burrow courtis or utheris for serving of brevis
 apprysing of landis or ony uthir maner of actionis
 quhatsumeuir Except safer as concernis the Juge-
 ment and sicht of thair said craft allanerlie Exem-
 and and dischargeand thame thairfra In tyme
 cuming AND will and grantis that the chirur-
 gianis now present and thair posteritie of that oc-
 cupatioun nor nane of thame salbe callit nor ac-
 cusit thairfore nor incur ony danger or skaith
 thairthrow In thair landis personis or gudis in
 onywyise In tyme cuming Nochtwithstanding ony
 oure actis statutis proclamationis or chargis
 speciall or generall maid or to be maid In the
 contrare or ony pains contenit thairintill Anent
 the quhilkis we dispence with thame and thair
 posteritie be thir presentis Dischargeing thame and
 thair successouris chirurgianis being for the
 tyme off all actioun and cryme that may be Im-
 pute to thame or ony of thame thairthrow
DISCHARGEING alsua all and sindrie yow
 oure saidis Admirallis Wardanis Lieutennentis
 Schirreffis Stewartis Crownaris Justices Jus-
 tice-clerkis thesaurare thesaurare-clerkis Pro-

vestis Aldermen and Baillies of oure burrowis
 and all utheris oure officiaris and ministeris of
 oure lawis and youre deputis present and tocum Off
 all calling attecheing arreisting sumonyng ad-
 jorneying poinding troubling or intrometting with
 the saidis chirurgianis now present and thair suc-
 cessouris of that craft or ony of thair landis or
 guidis on onywyise In tyme cuming ffor the said
 remaning at hame or passing upoun assyissis or
 Inqueistis as said is (except before exceptit)
 and of youre offices in that parte for euir be
 thir presentis PROVYDING alwayis that thai
 beir chargis In payment of stent within burgh as
 nichtbouris dois In all tyme cuming And als that
 thai be present with oure armyis reddie to do thair
 cure and dewitie to all sic personis as sall have
 mister thairof GEVIN under oure privie seile
 AT EDINBURGH the ellevint day of Maij The
 yeir of God I^m V^c threscore sevin yeiris And of
 oure Rignne the twenty fyve yeir

Per signaturam Manu S. D. N. Regine
 subscriptam.

In dorso. IN Curia Justiciariæ S D N Regine Tenta et
 Inchoata in pretorio burgi de Edinburgh decimo
 nono die mensis Maii Anno Domini Millesimo

quingentesimo sexagesimo septimo per discretum
virum Magistrum Thomam Craig Justiciarium
Deputatum Nobilis et potentis Domini Archibaldi
Comitis Ergadie Domini Campbell et Lorne
Justiciarii generalis dicte S D N regine Totius
Regni sui ubilibet constitut. seu vocat. et Curia
legitime affirmata

Vis. et Admiss. per Dictum Justiciarium Depu-
tatum quoad assisas extra Burgum tantum

JOANNES BELLENDEN

Clericus Justiciariæ

Decimo octavo mensis Augustj Anno I^m V^c oc-
tuagesimo secundo

Product. vis. et admiss. in Curia Chamberarie
burgi de Ed^r

WILLIELMUS MAKARTNAY

Clericus Camerarie

No. IV.

CONFIRMATION BY KING JAMES VI. OF THE
SEAL OF CAUSE, AND RATIFICATION
THEREOF BY KING JAMES IV.

JAMES R.

Jun. 6, 1613.

OURE SOVERANE LORD Ordanesane letter
of Confirmatioun to be maid under his hienes
previe seill of the kingdome of Scotland in dew forme
Ratiefe and appreve and for his hienes and his suc-
cessouris perpetualie conferme and the letter of Ra-
tificatioun and approbatioun maid gevin and grantit
be the provest baillies and counsale of the burgh
of Edinburgh under thair commoun seill of caus of
the dait at Ed^r the first day of Julij the yeir of
God I^m V^c and fyve yeiris To and in favouris of the
Chirurgianes and barbouris of the burgh foirsaid
of diuers and sindrie previledgis fredomes liber-
teis and Immuneteis at lenth specefeit in the said
seall of caus quhilkis the kirk maister and brether
of the said craft for the tyme be thair supplica-
tioun craveit to be grantit to thame be the saidis
provest baillies and counsale quhairwith thay
beand ryplie avysit thocht the samen consonant

to resoun And thairfor the saidis provest
 baillies and counsale consentit and grantit the
 saidis previledges liberteis and Immuneteis to the
 saidis chirurganes and barbouris and thair suc-
 cessouris and Ratefeit the samen As the said let-
 ter of Ratificatioun and approbatioun under the
 commoun seall of caus of the burgh foirsaid at mair
 lenth proportis And siclyke Ratefeand appreve-
 and and for his hienes and his successouris per-
 petualie confermeand the letter of Ratificatioun
 and approbatioun maid and grantit be King
 James the fourt of maist worthie memorie under
 the previe seill of the dait at Edinburgh the xiiij day
 of October the yeir of God I^m V^c and sex yeiris
 Ratifiand appreveand authorizand and confirmand
 the saidis Reulis statutis and previledges contenit
 in the foirsaid letter gevin under the commoun seill
 of caus of the burgh foirsaid As in the letter of Ra-
 tificatioun foirsaid under the said previe seill of
 the dait abone writtin at mair lenth is contenit
 And In lykmaner Ratifiand appreveand and for
 his hienes and his successouris perpetualie con-
 fermeand The letter of Exemptioun maid and gran-
 tit be umquhile Quene Marie oure soverane lōdis
 darrest mother of worthie memorie under the
 previe seill of the dait at Ed^r the ellevint day of
 May the yeir of God I^m V^c thriescoir sevin

yeiris Exemeand the chirurgianis inhabitantis
 within the burrowis of this realme fra beiring of
 armour and passing in battell in ony oistis raidis
 gadderingis assembleis wapinschawingis or weiris
 and fra all compeirance and passing upone inqueis-
 tis or assyses in ony actiounes criminall or civile
 As the said letter of exemptioun at mair lenth
 proportis With all actis and decreittis gevin be
 the saidis provest and baillies of the burgh foirsaid
 In favouris of the Deacone and bretherene of the
 saidis chirurgianes and barbouris within the said
 burgh and all that hes follouit or may follow
 thairupoun IN all and sindrie heidis claussis ar-
 ticles conditiounes and circumstances thairof efter
 the formes and tennouris of the samen in all poin-
 tis AND our said soverane Lord willis grantis
 and for his hienes and his successouris ordanis and
 declairis Thesaidis letter gevin under the commoun
 seill of caus of the said burgh of Edinburgh be the
 saidis provest baillies and counsall thairof letter of
 Ratificatioun maid be the said umquhile King James
 the fourt of most worthie memorie and letter of
 exemptioun grantit be his hienes darrest mother
 and this his hienes confirmatioun of the samen
 Ar and Salbe of als gryte availl force strenth
 and effect to the saidis chirurgianis and barbouris
 of the said burgh of Edinburgh and thair succes-

souris chirurgianis and barbouris of the samen
 For bruiking and Josing of all and sindrie the
 previledges liberteis prerogatives and Immuneteis
 quhatsumeuir specifeit and contenit in the saidis
 thrie letteris and everie ane of thame efter the ten-
 nouris and contentis thairof in all pointis As gif the
 samen wer at lenth word be word ingrossit and in-
 sert heirintill and at lenth confermit Anent the
 quhilk and all faltis that may follow thairthrow
 objectionunes and imperfectionunes quhatsumeuir
 quhilkis ony wayes can be objectit or opponit
 aganis the thre severall letteris abone specifeit
 and validiteis thairof Oure said Souerane Lord
 for his hienes and his successouris hes dispensit
 and dispenssis for euer be thir presentis Gevin
 be oure said Souerane Lord AT Greinwitche
 The Sext day of Junii The yeir of God Im
 VI^c and threttene yeiris

AL. CANCELL^s

S. T. HAMILTON

ALEX^r HAY

JO. PRESTOUN

S. A. DRUMMOND

S. J. MURRAY

No. V.

ACT OF COUNSELL IN FAVORS OF THE
DEIKIN AND BRETHREN OF THE CHI-
RURGIANES OF EDINBURGH.

Sept. 10, 1641.

THE QUHILK DAY Sir Alexander Clark
of Pittinbreiff Provost Willame Reid Johne
Smyith James Murray Patrick Baxter baillies
Peter Blaikburne deane of gild Willame Trotter
thesaurer Togidder with the Counsell George
Suittie Stephan Boyd Johne Bynnie Johne Fley-
meing Johne Fairholme Johne Jowssye Johnne
Adinstoune of the merchands Richard Maxwell
of the Hammermen Togidder also with the dey-
kins of crafts Thomas Patersone of the tailyeouris
James Guthre of the skynners David Dowglas of
the Chirurgianes Johne Ormestoune of the ham-
mermen Thomas Cleghorne of the goldsmyiths
and Johne Boog of the cordiners of the counsell
being conveynit in counsell Forsamekle as the
Provost baillies and counsell Considering that it

is alsweill expedient for the good of his Majesties
 liedges who resyds outwith the bur^t of Edinburgh
 and within the liberties perteyning to the said
 burgh That in the mater belonging to the airt of
 chirurgerie they be provydit with skilfull and
 honestmen and not left to the arbitrament and
 imposter of wemen and ignorantes **THAIRFOR**
 they discharge and inhibits all and sindrie quhat-
 somever persones not being friemen of the Chi-
 rurgianes within this burgh and hes not given
 sufficient proff of thair qualificatioune and know-
 ledge in the said art of chirurgerie To use and
 exerce any point of the said airt within the bounds
 and priviledges perteyning to the said burgh of
 Edinburgh And appointes the Magistratts to be
 Judges in all contraversies which sall aryse be-
 tuixt the inhabitants of the said bounds and the
 brethreine of the said craft **EXTRACTUM** de
 libro actorum consilij burgi de Edinburgh per me
 Magistrum Alexandrum Guthre communem cle-
 ricum dictj burgj Testantibus his meis signo et
 subscriptione manualibus.

A. Guthre.

No. VI.

ACT OF PARLIAMENT, IN FAVOURIS OF THE
CHIRURGIOUNES AND BARBOURIS OF EDIN-
BURGH.

Nov. 17, 1641.

IN THE PARLIAMENT haldin at Edin-
burgh the sevintene day of November the
yeir of God I^m VI^c fourtie ane yeiris OURE
SOVERANE LORD with advyse and consent
of the estates of Parliament now presentlie
conveinit RATIFIES and APPROVES and
for his hienes and his successouris perpetuallie
confermis all and quhatsumevir priviledges
liberties and Immuniteis maid gevin and grantit
be the provest bailleis and counsall of Edin-
burgh under thair comoune seall of caus of the
dait at Edr the first day of Julij the yeir of
God I^m V^c and fyve yeiris To and in favoures of
the Chyrurgianes and barbouris of the said burgh
Quhilkis all and sundrie priviledges freedoms li-
berties and Immuniteis at lenth specifeit in the said

seall of caus The kirk master and brethrene of the said craft for the tyme be thair supplicatioune cravit to be grantit to thame Be the saidis provest bailleis and counsall quhairwith they being well and ryplie advyissit thocht the samene consonant to reassone And thairfore the saidis provest bailleis and counsall consented and granted the saidis priviledges liberteis and Immuniteis to the saidis chirurgianes and Barbouris and thair successouris and ratefiet the samyne as the said letter of ratificatioune and approbatioune under the comoune seall of caus of the said burgh mair fullie proportis **AND SICLYK** Ratefies and approves the letter of ratificatioune and approbatioune maid and grantit be King James the fourt of most worthie memorie under his Hienes privie seall of the dait the thretine day of October the yeir of God I^m V^c and sex yeirs Ratifieand and approveand authorizeand and confirmeand the saidis reulis statutis and priviledges contenit in the said letter under the said commone seall of caus of the said burgh of Edinburghas in the said uther letter of ratificatioune under his hienes privie seall of the date abonewrittin at mair lenth is contenit **AND IN LYKE MANNER** Ratefies and approves the letter of confirmation and approbatioun maid and grantit be King James the saxt of blissed memorie

his majesties dearest father under his Hienes
privie seall of the dait at Greinwitche the faxt
day of Junij I^m VI^c and threttine yeires Quhair-
by his majesties umquhile dearest father willis
and grantis and for his hienes and his succes-
souris ordainis and declairis the said letters given
under the comoune seall of caus of the said burgh
of Edinburgh be the proveist bailleis and counsall
thairof letter of Ratificatioune maid be the said
umquhile King James the fourt of most worthie me-
morie To be gude valeid and effectuell to the saidis
Chirurgianes and Barbouris In all tyme cuming as
the said confirmatioune of the dait foirsaid at mair
lenth beiris Togidder also with ane lait act dait-
tit the tent day of September I^m VI^c and fourtie
ane yeirs Quhairby the proveist bailleis and
counsall of the said burgh of Edinburgh, considder-
ing that it is expedient for the gude of his majesties
lieges who reseidis without the burgh of Edinburgh
and within the liberties perteining to the said
burgh that in the mater belonging to the arte of
chirurgerie they be provydit with skilfull and ho-
nest men and not left to the arbitrament and im-
postour of women and ignorantis And thairfore
they dischairgit and inhibite all and sundrie per-
sounes quhatsumevir not being friemen of the chi-
rurgianes within the said burgh and hes not gevin

sufficient prooffe of thair qualificatioune and know-
ledge in the said airt of chyrurgerie To use and ex-
erce any point of the said arte within the boundis
and priviledges of the said burgh and appointed
the magistrates to be Judges in all contraversies
quhilk sall arryse betwixt the Inhabitantis of the
saidis boundis and brethrene of the said craft as
theact mair lenth beiris **AND FARDER** his Ma-
jestie and estates foresaid Considdering the daylie
evillis and inconveniences that arryse be reasone of
ane number of men and women who at thair awine
hand without libertie and nevir being bred in the
arte of chirurgerie Tak upone thame to exerce
the dewteis and pointis of that arte within the
suburbis and about the said burgh of Ed^r to the
hazard and loise of the lyves of manie gude sub-
jectis and to the great hurt of the brethrene of
the said craft whais burdingis are great in his
majesties service and comoune effairs of the
said burgh **THAIRFORE** His Majestie with
advyse foresaid discharges all and quhatsum-
evir persones (except they be friemen of the
said craft in Edinburgh) to use and exerce any
point of the arte of chyrurgerie within the said
burgh of Edinburgh or any subsurbis about the
samene or belonging thairto and jurisdictione
thairof **WITH POWER** to the Deacone and mas-

teris of the said arte present and to cum at all tymes convenient to pas search seik tak and apprehend all sick persones exercising the said arte within the said burgh suburbis and jurisdictione thair of foirsaid not being friemen of the said arte within the said burgh and to caus thame set caution to desist In tym cumming And gif they failyie to unlaw thame in the sowme of twentie poundis Scottis money toties quoties And this to be done with concurse of the Magistrates of the said burgh and the unlawis to be divydit equallie betwixt the saidis magistratis for the use and releife of thair poore and the masteres of the said arte for the commone use of thair craft And the saidis Magistratis to be Judges in all contraverseis sall arryse hearanent betwixt thame and any within the saidis boundis And ordanis the magistratis foresaids to concurre with thame to that effect foirsaid *Extractum de libris actorum parliamenti per me dominum Alexandrum Gibsone Junio rem de durie militem clericum rotulorum registri ac consilij S. D. N. regis sub meo signo et subscriptione manualibus*

ALEX. GIBSONE, *Clericus Registri.*

No. VII.

ACT OF TOWN COUNSEL IN FAVOURS OF THE
CHIRURGIANS OF EDINBURGH.*Jun. 27. 1655.*

THE WHILK DAY Archibald Tod Provost
of the brugh of Edinbrugh Hew Hammiltoun
Robert Sandilands and Robert Murrey Baillies
George Suittie Dean of Gild Andrew Bryssone
Thesaurer Johne Jossie Johne Mairjoribanks Tho-
mas Calderwood David Wilkie Archibald Ker
James Ker George Reid Merchands Gilbert Som-
mervell Tailyeour Johne Scott Wright together with
the Deakens of Craftis Johne Milne of the Mais-
sones Johne Thomsone of the Tailyeouris Andro
Halyburton of the Cordiners and David Callen-
der of the wrights being conveind in Counsell
FORSAMEIKLE as wpon complaint given in to
the Counsell the Tuentie tua day of Junij Instant

be William Burnet Deaken of the Chirurgians for
 himselfe And In name and behalfe of the remanent
 Brethren of their calling Agains Johne Hammil-
 ton Apothecar and William Jaksone his servand
 forexerceing some poyntis of Chirurgie (as diverse
 others persones doe) to their greathurt and prejudice
 And against severall acts of Parliament and Coun-
 sell in the contrair Desyreing They may be cen-
 sured in an unlaw of Twentie pund Scotts so oft
 as they shall be found guiltie conforme to the Act
 of Parliament And that the said William may
 be censured for his misbehaviour beside Speciallie
 seeing be act of Counsell the Tent of September
 I^m VI^c and fourtie ane yeirs All and whatsomever
 persones not being Friemen Chirurgians within
 this brugh ar Inhibite and dischaired To exerce
 any poynt of the said Airt within the bounds
 and priviledgis of this brugh And siklyke be act
 the eight day of December I^m VI^c fourtie thrie
 yeirs All Apothecars unfriemen Chirurgians and
 their servands are dischaired in speciall And
 Theirfoir of new againe To dischaire them and all
 and sundrie persones whatsomever wnfriemen To
 exerce any pairt or poynt of their Calling heireftir
 under the paine of punishment and payment of
 the unlaw of Twentie pund toties quoties ipso facto
 being proven And siklyke to cleir all differences

liklie to aryse betuix them or any other persone
 whatsoever And to ratifie their rights whereby
 they may Injoy their liberties without trouble or
 molestatioun As the bill more fullie bears THE
 COUNSELL being willing that the Chirurgians
 sould Injoy their liberties and priviledgis peace-
 ablie without trouble did appoynt certane of their
 number to meitt theirwpon To heare Pairties And
 to sie their Rights And to report The Committee
 of the Counsell being conveind Compeird the Dea-
 ken and Brethren of the Chirurgians and the said
 Johne Hammiltoun and William Jacksone with
 others of the Apothecars being concerned theirin
 as they conceived Both Parties being heard And
 the Chirurgians produceand their Rights And the
 Apothecars afoirsaid produceand none But some
 of them alledging That the Magistratts onlie sould
 be their Judges And others of them That the Act
 of Counsell of the eight day of December Im
 VI^c fourtie three yeirs did not extend to any
 other Apothecars and their servands but those
 insert therein allanerlie WPON Report wheirof
 made to the Counsell they Find themselves
 propper Judges and the most competent Inter-
 preters of their owen Acts Or the Magis-
 tratts be themselves to be Judges Reserving
 alwayis to ather Pairtie to have their ad-

dresse to the Counsell in such contraversies
 If either of them find themselves greived **AND**
DECLAIRES the Act of December Im VI^e
 fourtie three To extend to the whole Apothecars
 and their servands present and to come As if They
 wer specialle insert theirin And also That the
 Apothecars wnfriemen of the Chirurgians hes no
 libertie bot as burgesses And siklyk That the
 operatiouns and applicatiouns conteind in the Act
 of December 1643 wpon the liveing and dead
 bodies of Men Women and children and the cure-
 ing of the diseases theirin specified As tumouris
 woundis ulcers luxatiouns fractures cureing of
 virolls et cætera and their accidents by operatiouns
 applicatiouns dyett Medicaments and what els
 requisite to the compleit cuire belongs properlie
 to the friemen Masters Chirurgians of this burgh
 being tryed in Theorie and Practice suorne and
 admitted to the degrees of Mastership in Chirur-
 gie be the foirsaid Incorporation allanerlie And no
 other persone whatsomever **AND THEIRFOIR**
STATUTS and **ORDAINES** That whatsomever
 persones Apothecars or their servands or any other
 persone whatsomever who ar not ffriemen Chirur-
 gians of this burgh shall be found guiltie of using
 or exerceing any cuire operatioun or applicatioun
 chirurgicall afoirsaid or any pairt or poynt of their

Calling within this brugh or Jurisdiction theirow
 That they shall be punished and lyable in payment
 of the said unlaw of Tuentie pund conforme to the
 Act of Parliament So oft as the samen shall be
 proven against them *Prout de jure* wpon com-
 plaint one or more *ipso facto* without any farther
 processe of law And sieing the said William
 Jacksone is found to have contraveind the said
 Act of December 1643 Ordaines him to pay the
 said unlaw of Tuentie pund toties quoties for ilk
 fault And referrs the censure of his misbehaviour
 to the Baillies LYKAS the Provest Baillies and
 Counsell doe heirby RATIFIE and APPROVE
 the whole former Acts of Counsell made and
 grauntit in favouris of the Chirurgians of this
 Brugh As if the samen were speciallie insert heirin
 And Ordaines the Apothecares or any others con-
 cerned theirin To be wairned to the Counsell
 againe ffryday nixt That Intimation may be made
 heirof And none may pretend ignorance of the
 samen Extract &c

W THOMSONE

No. VIII.

ACT OF COUNSELL IN FAVOURIS OF THE APO-
THECARS AND CHIRURGIAN APOTHECARS
OF THE BRUGH OF EDINBURGH.

Feb. 25. 1657.

THE QUHILK DAY the Baillies Dean of Gild
Thesaurer Counsell and Deakens of Crafts
being conveind in Counsell Compeired the whole
number of Apothecars and Chirurgical Apothe-
cars of this Brugh and presented a Supplica-
tioun subscryved with their hands Quhair of the
tenour followis TO the right honorabill the Pro-
vest Baillies and Counsell of the Brugh of
Edinburgh The Supplicatioun of the Apothecares
and Chirurgical Apothecares of this Brugh wnder-
subscryveand Humblie Sheweth That quhair-
as It is notourlie knowen to your Lordshipis Off
how great concernement the Airt of Apothe-
carie is to the Cittie of Edinburgh and Inhabi-

tants theirow And that hitherto any persone being a Burges might at their own hand Profes and practise the said Airt without giving any prooffe of their qualificatioun Quhairby great prejudice may aryse to the people wnes tymeous remeid be provydit And sieing all orderlie meanes would be used In tyme comeing ffor the tryell and qualificatioun of all those your Lordshipis Burgesses before they be admitted to the exercise of the said Airt And lykwayis persones would be appoynted for searcheing out of faultie and wnsufficient drogs and wther disordouris of that kynd relateing to the said Airt IT IS THEIRFOIR our humble desyre That your Lordshipis would be pleased To Impower ws and our successouris allanerlie In all tyme comeing To try and examen the abilities and qualificatiouns of all those your Lordshipis Burgesses (without exceptioun) who intend to profes and practise the said Airt of Apothecarie within this Brugh and liberties theirow They first giving in their bill to the Counsell for their recommendatioun from your Lordshipis to ws for that effect And eftir tryell Being found qualified be us and our foirsaidis Then wpon our report to your Lordshipis of their qualificatioun That They be admitted be the Counsell To the exercise of the said Airt of Apothecarie And that

E

without exaction or payment of any dewes quhat-
 somever AND SIKLYK That your Lord-
 shipis would dischaige any persone or persones
 heireftir To profes or practise the said Airt of
 Apothecarie or any pairt or poynt theirow within
 this Brugh and liberties of the samen Quho sall
 not be found qualified and admitted In maner
 foirsaid AND SIKLYK That your Lord-
 shipis would be pleased with our advyce To make
 choyse of Two or more of our number from tyme
 to tyme As neid requyres To visite the sufficiencie
 of all sort of drogs And quhair they find any
 faultie or unsufficient To report the same to the
 Magistratts That they may be condignelie punish-
 ed for their fault And their fyne applyed to the
 use of the good Town And They lykwayis to take
 notice and report any wther disordouris relaiting
 to the said Airt As the samen sall come to their
 knowledge from tyme to tyme That the Counsell
 may give ordour to them to rectifie the same As they
 sall sie caus And your Lordshipis answer The un-
 dersubscryvers being these Jo: Hamilton P Hep-
 burne Sam: Honter Tho Kinkaid present deaken
 of the Chirurgians Ja: Borthuick J Foulis Da:
 Kennedy Neill Murdo Ja: Calandar Rob: Camp-
 bell D Calderwood Walter Turnbull Rob Ken-
 nedy D Scott Jo Kennedy William Hendrie

QUHILK SUPPLICATION The Counsell
 haveing taken to their serious consideratioun
 In all the heads and articles theirow And
 being sensible of the great concernement of
 that Airt to this Cittie and Inhabitants their-
 of And what prejudice may aryse to them If
 any burges at their awen hand Sould profes
 and practise that Airt without first giveing prooffe
 of their qualificatioun In a decent and ordourli way
 And ffinding That no persones of whatsomever
 qualitie or degree Ar so fitt and able ffor tryell and
 examinatioun of such who desire to be admitted
 to the said Airt as the Petitioners themselfis and
 their successouris in the said professioun **AND**
LYKWAYIS That it is most necessar That
 tryell be made of the sufficiencie of all sort of
 drogs **AND SIKLYK** That what other good
 overtures sall be made be the Petitioners and
 their foirsaidis to the counsell for the good of
 the people and weill of the said Airt That the
 samen may be taken to consideratioun **THEIR-**
FOIR The Counsell have thought fitt To Statute
 and Ordaine Lykas be thir presents They **STA-**
TUTE and **ORDAINE** That from hencefurth
 No persone be admitted to the professioun
 and practise of the said Airt of Apothecarie
 within this Brugh or liberties theirow But such

as haveing obtained the friedome of being bur-
 gesses and Gild brether of this Brugh Sall make
 their addres by Petitioun to the Counsell for
 their recommendatioun to the Apothecares and
 Chirurgical Apothecares and their successouris
 for their tryell and examinatioun And that report
 be made be the Apothecares and Apothecar Chi-
 rurgians and their foirsaid To the Counsell of
 their abilities and qualificatioun in the said Airt In
 Which caice the Counsell ar to admitt them to the
 said Profession And the saids Intrants to be frie
 of any exaction or payment of any dewes whatsom-
 ever Ather to the saids Apothecares and Chirur-
 gical Apothecares or to the Counsell And for that
 effect The Counsell gives power warrand and com-
 missioun to the saids Apothecares and Chirurgical
 Apothecares and their foirsaid In all tyme come-
 ing To try and examen the abilities and qualifica-
 tioun of all such persones who intend to profes
 and practise the said Airt within this Brugh and
 liberties thei of being recommended In maner
 foirsaid AND STATUTIS and ORDAINES
 that na maner of persone or persones whatsom-
 ever within this Brugh or liberties thei of In any
 tyme heireftir Presume or take upon hand To
 profes or practise the said Airt of Apothecarie

or any pairt or poynt theirow privatlie or publictlie quho sall not be fund qualified and admitted In maner abone-written Wnder the paine and punishment of the Contraveiners In their persones and estates And SIKLYK STATUTIS and ORDAINES That the Baillies one or more for the tyme With the Dean of Gild And two or more of the Apothecares and Chirurgical Apothecares and their foirsaides To be nominat and appoynted be the Counsell being persones of most approven Integritie and skill Sall from tyme to tyme visite the sufficiencie of all sort of drogs within this Brugh and liberties theirow and seize upon such drogs As they sall find unsufficient And report the same to the Counsell Quhairby the havers and users theirow may be condignelie punished in their persones and estates according to the qualitie of their fault And their fynes and penalties applyed to the use of the good Toun And the Counsell hereby desyres the Petitioners and their foirsaides ffor their Incowragement in the said Airt To represent to them from tyme to tyme such wther good and reasonable overtures as may tend to the better Improvement of the said Airt and good of the People Quhilk They will take to consideratioun And doe theirin As they sall sie

caus And the Counsell doe heirby declaire That
 this present Act In favouris of the Chirurgian
 Apothecares and Apothecars foirsaid Is no way
 of Intentioun To erect them in a Corporatioun
 But meirlie for the Improvement of the said Airt
 and good of the People And this without preju-
 dice alwayis of the premissis In all poyntis And
 Ordains the extract heiroy one or more to be
 given out under the seale of office and subscrip-
 tioun of their Clerk Quhairanent thir presentis
 sall be a warrand **EXTRACTUM &c**

W THOMSONE

No. IX.

RATIFICATION IN PARLIAMENT IN FAVOUR
OF THE CHIRURGEONS OF EDINBURGH.

Aug. 22 1670.

AT EDINBURGH the Twentie two day of
August 1^m VI^c Thrie score Ten years OUR
SOVERAIGNE LORD and estates of Parlia-
ment Understanding That the Arte of Chirurgearie
Is ane Ancient worthie and frie airt most necessar
for the healthes and lyves of his Majesties sub-
jectis And that the Incorporation of the Chirur-
geanes and Barbors of Edinburgh Are ane able
and famous Incorporation Wherby the leidges
have found large experience of ther abilities in
peace and war to ther great advantage AND
SICLYKE Understanding That the airt of Phar-
macie Is ane Ancient frie and necessarie airt for
the health and lives of his Hienes subjectis And
that the brotherhood of Apothecars and Chirur-
gean Apothecars are ane able and famous bro-

therhood And that they have given good prooffe therof **THEREFORE** for conservation of the healthes and lyves of his Majesties leidges And for ther greater encouradgement and increase of ther skill and knowledge in the said airts *respectivè* (They being as nurseries in these airts to this Our Soveraigne Lords ancient kingdome) And for preventing the dangerous practice of Ignorant and unskilfull people that assumes the practices of these airts to the losse of the lyves of his Majesties good subjects which have bein too frequent **OUR SOVERAIGNE LORD** with advice and consent of the estates of this present Parliament Hes Ratified and Approvin And for his Highnes and his successors perpetuallie Confirmed **LYKEAS** Our said Soveraigne Lord with advice and consent forsaid Be thir presents **RATIFIES APPROVES** And for his Hienes and his successors perpetuallie Confirmer **THE HAILL ACTS** Gifts Grants Rights priviledges liberties and Immunities following viz Ane act made given and granted be the provest bailies and Counsell of Edr under ther commoun seall of Caus To and in favors of the Chirurgeans and Barbors of the said burgh dated at Edinburgh the first day of July I^m V^c and fyve years And the haill Rights priviledges Liberties and Immunities therein contained And Siclyke Ane letter of Ratifica-

tion and approbation made and granted be King James the fourth of worthie memorie wnder his hienes privie seall of the date the Threttein day of October I^m V^c and six years to the saids Chirurgeans and Barbors of ther saids Rights priviledges and liberties granted to them be the seall of caus And also ane letter of exemptione made and granted be umquhill Quein Marie wnder the privie seall dated the Eleventh day of May I^m V^c sixtie sevin years Exeimand the Chirurgeans Inhabitants within the burrowes of this realme fra bearing of Armour and passing in battell In any hosts Roads Gathering assemblies Weaponshawings or wears And fra all Compeiring and passing upon Inqueists or assyses in any actiones Criminall or civill And exeiming them from all watcheing and wardeing AND lykewayes ane letter of Confirmation and approbation made and Granted be king James the Sixth of blessed memorie wnder his hienes privie seall of the date at Greinwich the sixth day of June I^m VI^c Threttein years Confirmeand to the saids Chirurgeans and Barbors the said act and seall of caus and letters of Ratification granted be king James the fourth And letter of exemption forsaid grantit be Quein Marie And in lyke manner Ane act of Parliament dated at Edinburgh the sevintein day

of November I^m VI^c fourtie ane years made and granted be his Majesties umquhill dearest father of eternall memorie with advice and Consent of the estates of Parliament To and in favors of the saids Chirurgeans and Barbors AND SIC-LYKE Our said Soverane Lord with advyce and consent forsaid Hes Ratified and Approvin And for his highness and successors perpetuallie Confirmes Lykeas Our said Soverane with advyce and consent forsaid be thir presents Ratifies Approves and for his hienes and his successors perpetuallie Confirmes the actis following viz Ane act granted be the Provest baillies and Counsell of Edinburgh In favors of the saids Chirurgeans and Barbors Against Unfriemen dated the Tenth day of August I^m VI^c and fourtie nyne years ITEM Ane uther act granted be the saids provest baillies and Counsell of Edinburgh In ther favors Anent ther rights liberties priviledges and Immunities And prohibiting of unfriemen dated the Twentie two day of Junii I^m VI^c fiftie fyve years And also ane uther act Anent the rights priviledges liberties and Immunities and exemption of Chirurgeans fra watcheing and wardeing and others mentionat in the said act Granted be the toune counsell of Edinburgh to them dated the nynth day of November I^m VI^c and Thriescoir years And als our

said Soverane Lord with advyce and consent for-
said Hes Ratified Approvin and Confirmed And be
thir presents Ratifies Approves and perpetuallie
Confirmes Ane act granted be the saids provest
baillies and toune counsell of Edinburgh wnder
ther seall of Caus In favors of the Apothecars and
Chirurgian Apothecars Anent visitours examina-
tion of Intrants and prohibiting of unfriemen to
compone droggis and uthers therin mentioned
dated the Twentie fyfth day of Februarie I^m VI^c
fiftie sevin years And another act granted
to them be the provest baillies and counsell of
Edinburgh for conveyning regulating and ordering
the brotherhood dated the first day of Aprile I^m VI^c
fiftie nyne years As also Ane uther act con-
taining ane oath of the said toune Counsell Tender-
ed be them to the Intrants at their admission
dated the Eightein day of March I^m VI^c Thrie-
scoir four years And the haill rights priviledges
liberties and Immunities respectivè contained
in any of the saids gifts grants and actis Grantit
In favors of the Incorporation of the Chirurgians
and Barbors And of the brotherhood of the Chirur-
gean Apothecars and Apothecars or that may
any wayes be Interprett or conceived in any of
ther favors As the samyne haill actis in themselves
at more length proport AND MAIR ATTOUR

Our said Sovereigne Lord with advyce and consent
 forsaid Hes Ratified and approvin And for his
 hienes and his successors perpetuallie Confirmed
 Lykeas Our said Sovereigne Lord with advyce
 and consent forsaid Be thir presents Ratifies Ap-
 proves And for his highnes and his successors per-
 petuallie Confirmes All uther giftis grants decreits
 made and granted be his Majesties Royall predi-
 cessors And all actis of parliament and actis of
 Burrowes And all and everie ane of the actis of
 courts and toune Counsell of Edinburgh and
 uthers And any Ratifications therof In favors of
 the saids incorporation of the Chirurgeans and
 Barbors and brotherhood of the Apothecar Chirur-
 geans and Apothecars of Edinburgh And everie
 ane of them ther successors children prentices
 and servants respectivè Anent ther rights liberties
 Immunities and priviledges of the Incorporation or
 brotherhood respectivè Off quhatsumever dates
 tenors or contents the samyne be of or beir With
 all that hes followed or may follow therupon IN
 ALL AND SUNDRIE the haill heids poynts
 clauses provisiones articles circumstances and
 conditions of all the saids acts giftis grantis de-
 creits Ratifications and others particularly and
 generallie above nominat Grantit In favors of the
 saids Incorporation and brotherhood respectivè or

any of them after the formes and tenors of the samyne In all poynts DISPENSING with the generalitie heirof And admitting allowing decerning and Ordaining this present Ratification and confirmation to be als valide effectuall and sufficient to the saidspersones and ther successors respectivè As if all the saids giftis grants acts of parliament actis of Burrowes decreits and actis of court and toune counsell of Edinburgh and uthers And Ratificationes wer all and everie ane of them at length and verbatim speciallie and particularlie Insert and Ingrossit and contained heirintill Notwithstanding to eschew prolixitie The same is not sua done Anent the which and all uther defects and Imperfectiones Our said Soverane Lord with advyce and consent forsaid Hes dispensed And for his highnes and his successors be thir presents dispences for ever Notwithstanding of quhatsumever exception of law may or can be proponed objected or alledged in the contrair Which his Majestie with advyce foirsaid Renunces and Discharges for ever With full power to the saids persones and ther successors To make use of all the saids actis or any of them without prejudice of ane to other To ther best advantage and behove As they shall think fitt And for the better effectuating of the haill premissis and ends forsaid Our said Soverane

Lord with advyce and consent forsaide Ordaines
 the Magistrats and Counsell of Edinburgh and
 ther successors To maintaine the Chirurgeans
 aforsaid ther children prentices and servants in
 ther haill rights Liberties Immunities and privi-
 ledges quhatsumever Granted in ther favors Not-
 withstanding any of them shall exerce any other
 thing besides as burges and Gild Brother And as
 if they did not the samyne And siclyke Ordaines
 the Magistrats of Edinburgh and uthers Judges
 Shirreffis and Magistrats within the said burgh and
 Shirreffdome thair of and thair officeris To assist
 and concurre with the Deacon and brethren of the
 Incorporation of the chirurgeans and harbors and
 with the visitours and brethren of the brother-
 hood of the Chirurgeon Apothecars and Apothe-
 cares or any of them and ther successors respectivè
 against any persone or persones who sall exerce
 or practise any pairt or poynt of the saids airts
 respective within the liberties of Edinburgh or any
 uther place within the Sheriffdome thair of without
 licence or friedom from them respectivè under their
 sealls and their clerks hands (The major pairt being
 ane quorum) And against any persone or persones
 who contraveins any of ther respective rights liber-
 ties and priviledges within the bounds forsaids As
 also against any persone or persones amongst

themselves Contraveiners of ther oune actis or orders heirafter And to exact fynes unlaues and penalties therefore from them and other transgressors as aforesaid And to search take apprehend poynd and warde them And the Ane halfe of the fynes of the unfriemen To belong to the Counsell of Edinburgh And the other halfe to the Incorporation and brotherhood forsaide respectivè And if any persone sall find themselves prejudged and wronged be the determination of aither of the saids Incorporation or brotherhood respectivè Contrair to the lawes Rights Liberties priviledges and power Granted to them or aither of them **THAT** then and in that caice they shall have their recourse to the Magistrats and Counsell of Edinburgh Who may determine in these cases for both pairties **EXTRACTED** furth of the records of parliament Be me Sir Achibald Primerose of Chesters Knight and Baronet Clerk of his Majesties Counsell Registers and Rolls

Al. PRIMEROSE *Clericus Registri*

No. X.

RATIFICATION IN PARLIAMENT OF A GIFT
AND PATENT GRANTED BY KING WILLIAM
AND QUEEN MARY, IN FAVOURS OF THE
CHIRURGEONS AND CHIRURGEON APOTHE-
CARIES OF EDINBURGH.—FEB. 28. 1694.

July 17. 1695.

OUR SOVEREIGN LORD with advice and
consent of the Estates of this present Parlia-
ment HAS RATIFIED and approven and for his
Highness and his successors has perpetually con-
firmed Likeas our Sovereign Lord with advice
and consent foresaid by thir presents Ratifies and
Approves and for his Highness and his successors
perpetually confirms ANE GIFT and PATENT
granted by our Sovereign Lord and Lady King
William and Queen Mary to and in favours of
the Chirurgeons and Chirurgeon-Apothecaries in
Edinburgh of the date at Kensington 28th Fe-
bruary 1694 years and past their Majesties Great

Seale of this their ancient kingdom of Scotland
 Whereof the tenor follows GULIELMUS ET
 MARIA Dei gratia Magnæ Britanniae Franciæ
 et Hiberniæ Rex et Regina fideique defensores
 OMNIBUS probis hominibus ad quos præsen-
 tes literæ pervenerint Salutem QUANDOQUI-
 DEM Nos ex ingenti nostro zelo quo omnes Artes
 et Scientias Infra imperii nostri fines florere et
 promoveri volumus Regio nostro pectore serio ex-
 pendamus quam utilis et quam necessaria et
 domi et foris sit illa Societas seu Collegium
 Chirurgorum quæ in antiqua nostra civitate Edin-
 burgi est constituta Quæque literatura et experi-
 entia proba institutione et multis perigrinationi-
 bus exteris comparata nullis uspiam terrarum in
 ea arte cedat etiam quam celeberrimis Quumque
 peritia in illa arte Chirurgica et estimatio ortum
 suum præcipue ducat a notitia illa quam habent
 artis pharmaceuticæ qua sua medicamenta et
 pharmaca usque adeo rite componere norunt ut iis
 erroribus et commissis quæ Pharmacopæis meris
 accidere solent quæque non possint non evenire si
 duæ illæ artes diversis et divisis exerceantur
 manibus non subjiciantur Quum denique attente
 consideramus post factam illam Senatus Edin-
 burgensis prudentia Societatem Chirurgorum et
 Chirurgorum Pharmacopæorum quam prosperos

habeat illa conjunctio successus Quippe quæ artes illas in perfectionem quam maximam evexerit et medium præcipuum sit quo multis clarorum virorum liberis de victu atque amictu satis commode prospicitur et Exercitus nostri et Classes Chirurgis doctissimis et expertissimis abunde instruuntur et ab eorum discipulis in iis nostri Regni locis ubi Medici et Pharmacopæi perpauci admodum sint et rari ea cura et fide subditorum nostrorum saluti adeo bene prospicitur atque hactenus neque factum fuerat neque fieri potuit usque eo ut nostrum mereantur adspectum gratiosum favorem et benignitatem. ITAQUE certiores vos omnes esse volumus, NOS ex proprio nostro motu certa scientia et prærogativa regali (sine tamen præcedentis cujuscunque juris ipsis concessi præjudicio, sed ad eorum omnium speciatim munimen et propugnationem) DAMUS concedimus ratum facimus Approbamus et Confirmamus prædictæ Societati seu Collegio Chirurgorum Edinburgensium et suis in ea Arte successoribus in perpetuum OMNIA jura privilegia libertates Immunitates et concessionem a quocunque Regum nostrorum prædecessorum vel a Senatu urbano Edinburgensi vel ab Ordinibus Regni in suis conventibus publicis ipsis data et donata Cum omnibus donis literis patentibus actis decretis et con-

stitutionibus inde sequentibus in eorum favorem et commodum æque speciatim atque generatim contentis in approbatione Serenissimi Regis Caroli secundi beatissimæ memoriæ ac Ordinum Regni in suo publico Conventu vigesimo secundo die mensis Augusti anno domini millesimo sexcentesimo septuagesimo EA autem sunt sequentia viz Acta præfecti prætorum et consulum urbis Edinburgensis suo sigillo urbano munita primo die Julii Anno domini millesimo quingentesimo quinto In commodum et favorem Chirurgorum et Barbæ Tonsorum ejusdem urbis cum omnibus juribus privilegiis et libertatibus in eo urbis diplomata contentis ET similiter etiam confirmationem et approbationem illius diplomatis factam et concessam prædictis Chirurgis a prædecessore nostro Jacobo ejus nominis Quarto Scotorum Rege beatissimæ memoriæ sub secreto ejus sigillo de data decimo tertio die Octobris Anno domini millesimo quingentesimo sexto ATQUE etiam Exemptionis epistolam a quondam serenissima MARIA Scotorum Regina sub suo secreto sigillo factam et concessam de data undecimo die mensis Maii anno domini millesimo quingentesimo sexagesimo septimo ET similiter Epistolam præmissa in eorum favorem concessa confirmantem et approbantem ab Jacobo Sexto Scotorum Rege bea-

tissimæ memoriæ sub privato suo sigillo de data sexto die Junii anno domini millesimo sexcentesimo decimo tertio NECNON decretum seu actum Ordinum in publico suo Conventu decimo septimo die Novembris anno domini millesimo sexcentesimo quadragesimo primo in eorum favorem factum SICUT et in eundem finem decretum Magistratus et Senatus Edinburgensis decimo die mensis Augusti anno domini millesimo sexcentesimo quadragesimo nono conditum ET ab eodem Magistratu et Senatu aliud Senatus consultum eodem tempore conscriptum vigesimo secundo die Junii anno domini millesimo sexcentesimo quinquagesimo quinto ET ab iisdem alterum nono die mensis Novembris anno domini millesimo sexcentesimo sexagesimo ITIDEM et aliud ejusdem Magistratus et Senatus Civitatis decretum in favorem Chirurgorum Pharmacopæorum et Pharmacopæorum Edinburgensium vigesimo quinto die Februarii anno domini millesimo sexcentesimo quinquagesimo septimo factum ET aliud in eorum favorem ab iisdem primo die Aprilis anno domini millesimo sexcentesimo sexagesimo quarto a Senatu Edinburgi urbis conditum in eorum favorem Cum libertatibus et privilegiis iisdem additis et in dicta approbationis litera Ordinum in suo publico Conventu habita contentis vigesimo secundo die mensis

Augusti anno domini millesimo sexcentesimo septuagesimo IN OMNIBUS CAPITIBUS clausulis circumstantiis et contentis secundum eorum formam et tenorem in omnibus punctis eorundem **ATQUE PORRO** quum apprime animo volvimus quam multa quam eminentia et quam comoda sint ea a Chirurgis Pharmacopæis officia nostris subditis fideliter præstita **NOS IGITUR** majores ut ipsis animos addamus et ad populi nostri majus commodum et levamen virtute prærogativæ nostræ Regalis (ad quam solummodo institutio Societatum eorumque privilegiorum concessio et extensio indubitate pertinent) Et post plenam hac in re experientiam habitam ex proprio nostro motu et certa scientia **NON SOLUM DE NOVO DAMUS** Concedimus approbamus et in perpetuum confirmamus prædictis Chirurgis et Chirurgis-Pharmacopæis suisque in dictis artibus et vocationibus successoribus Omnia et singula eorum jura privilegia libertates et Immunitates quæcunque perprieus illis concessa Et speciatim absque præjudicio generalitatis antedictæ sed in eorum ulterius munimen prædictam illam Exemptionis literam a Serenissima Maria Regina præfatis Chirurgis de data supradicta concessam quam prædictis Chirurgis Pharmacopæis eorumque discipulis et servis per præsentem extendi vo-

lumus Ac ulterius declaramus eam comprehendere Omnes militias et avocationes (quæ verba nunc valent usu) æque ac Exercitus Equitatus Convocationes armilustria aliaque inibi contenta et dictos Chirurgos et Chirurgos-Pharmacopæos eorumque prædictos ab istis servitiis tam in personis quam in rebus et bonis Et ab omni solutione pecuniæ ratione eorundem liberos esse et immunes ordinamus talibus solutionibus quæ per acta Regni Ordinum in suis Commitiis publicis imponentur vel quam dicti Chirurghi ullo tempore præterito solvere consueverunt exceptis **PROVISO** tamen illi vel tales eorum qui maxime idonei habebuntur præsentés sint cum exercitibus nostris ad præstandam suam curam et officium omnibus quibus opus fuerit parati quum vocati erint **VERUM ETIAM DAMUS** concedimus comprobamus illis ipsismet eorumque successoribus plenum et liberum privilegium licentiam et potestatem faciendi et excercendi utramque artem **CHIRURGIAM** et **PHARMACIAM** et suos etiam discipulos in arte utraque instruendi examinandi et admittendi eos quos in utraque arte satis eruditos et ad utramque faciendam satis idoneos magistros invenerint Atque etiam constituendi et præscribendi visores speculatores seu iudices Qui an sana sint an corrupta Pharmacopæorum phar-

maca seu medicamenta judicent et sententiam
 dicant atque ut omnibus suis prius concessis sibi
 privilegiis æque plene et speciatim fruantur atque
 hic verbatim inserta essent concedimus **ATQUE**
SIMILITER quum in memoriam revocamus in
 literis illis patentibus a serenissimo Rege Carolo
 Secundo beatissimæ memoriæ concessis quibus
 Medici Edinburgenses in Collegium eriguntur
 Chirurgorum et Chirurgorum-Pharmacopæorum
 Edinburgensium privilegia sarta et tecta seu in-
 tegra et indemnia Chirurgis ibidem reservantur
 et præstantur atque cautum est et declaratum
 quod non obstantibus prædictis literis patentibus
 prædictos Chirurgos et Chirurgos-Pharmacopæos
 solos et omnino potestatem Edinburgi habere cu-
 randi omnia vulnerum genera collisiones ossium
 fracturas et dislocationes contusiones tumores
 ulcera et similia et omnia accidentia ab his orta
 quæ solius Chirurgiæ operationum sunt subjecta
 at morbi omnes internæ originis medicis solis
 committendi sunt (exceptis ut supra excipitur)
ATQUE si quæ inter Medicos et Chirurgos
 Pharmacopæos lis aut contraversia de hisce rebus
 oriatur Ratum esse et judicatum volumus prædic-
 tum Medicorum Collegium nullam habere potesta-
 tem erogandi mulcturam in Chirurgos aut Chirur-
 gos-Pharmacopæos qui cives Edinburgenses sunt

sine consensu præfecti vel prætoris alicujus ejus
urbis Et in casu absentiae vel detrectationis eorum
ad status nostri Concilii Dominos appellationem
utriusque fieri volumus. **NOSQUE** intellegentes
prædictas literas patentes ita caute conceptas in sen-
su et intentione et ad effectum infra mentionatum
ITAQUE Nos volumus et declaramus scientiam
illarum literarum patentium in favorem quorundam
Medicorum Edinburgensium conceptarum curam
morborum omnium ab origine internorum ad solos
Medicos privatim pertinere At vero morbos omnes
et languores ab externa causa provenientes et
eorum accidentia sive medicamentis interne mi-
nistratis sive externe applicatis curentur proprium
esse et verum Chyrurgorum operationum subjecta
et ad Chyrurgos et Chyrurgos-Pharmacopæos
tanquam negotii sui et artis partes necessarias et
naturales proprie pertinere **ET VOLUMUS** et
definimus hos veros rectos et fixos inter utramque
artem futuros perpetuo limites Et ut omnes **Judices**
nostri atque subditi hæc in commodum Chyrur-
gorum et Chyrurgorum-Pharmacopæorum cum
omni favore quantum admitti potest interpreten-
tur **ET DENIQUE** ut in omni controversia
inter Medicos et ipsos Chyrurgos Magistratus et
Senatus Edinburgensis sint soli et in prima in-
stantia judices quippe in similibus casibus erga

cives suos nativi admodum et commodi sunt arbitri At vero si altera utra pars de injuria aliqua vel juris procrastinatione conqueratur tum et in eo casu nominamus et constituimus status nostri Concilii Dominos solos et unicos judices cum plena potentia definite et ultimo decernendi et determinandi in ea re sicut in aliis nostri Domini rebus facere consueverunt **ET PRÆTEREA** Quia nos ex bona et matura deliberatione Reviximus Ratificavimus et Approbavimus prædictum illud Senatus Edinburgensis actum in anno domini millesimo sexcentesimo quinquagesimo septimo factum pro unienda et erigenda fraternitate Chyrurgorum-Pharmacopæorum et Pharmacopæorum in unam Societatem ob fines et usus inibi specificatos IDCIRCO Nos id ipsum in omni tempore futuro efficax fore ordinamus cum hoc additamento Quod si Pharmacopæi quovis tempore aut quavis occasione cum Chyrurgis-Pharmacopæis modo et ad fines in dicto acto præscriptos concurrere recusarunt tunc et in iis casibus Chyrurgi-Pharmacopæi solam habebunt potestatem et per se ipsos procedant in probandis et examinandis Intranantibus Pharmacopæis ac etiam in visitandis Pharmacopæorum officinis eorumque pharmacis et medicamentis ac cognoscant et in iisdem determinent secundum genuinum sensum

et intentionem predicti acti **ET NOS ANIMO PERPENDENTES** quam necessarium sit pro bono et salute omnium nostrorum subditorum ut ab ignorantia et erroribus imperitorum qui in chyrurgia et pharmacia absque ulla probatione praticare audeant immunes reddantur **IGITUR** per præsentes declaramus et ordinamus Ut nemini in futurum permittatur in Chirurgia vel Pharmacia operari super corpora humana mortua vel viva infra civitatem Edinburgi ejusque suburbia tres Lothianos vicecomitatus de Fife Peebles Selkirk Roxburgh et Berwick sed illis qui prius per Chyrurgos-Pharmacopæos Edinburgenses probati et approbati fuerint et eorum testimonia semetipsos ad hunc effectum approbantia et permittentia habuerint et hoc sub talibus pœnis quas Dominis nostri Secreti Concilii in contemptores boni ordinis et nostræ in præmissis auctoritatis infligere visum fuerit **NOSQUE** itidem commendamus Magistratibus Edinburgi eosque ordinamus ut præfatos Chyrurgos et Chyrurgos-pharmacopæos in prædictis eorum integris juribus privilegiis libertatibus et immunitatibus protegant et defendant omnemque debitum concursum in suppressendis et puniendis personis libertatem non habentibus qui praticare præsumunt absque examinatione et approbatione ut dictum est eis

præbeant ET POSTREMO Hanc nostram
 præsentem literam et concessionem in hoc nostro
 currenti seu quovis alio subsequenti parlamento
 Ratificaturum iri in verbo principum promittimus
 IN CUJUS REI TESTIMONIUM præsentibus
 Magnum Sigillum appendi præcepimus DATUM
 apud Aulam nostram de Kensington vigesimo
 octavo die mensis Februarii anno post Chris-
 tum natum millesimo sexcentesimo nonagesi-
 mo quarto Regnique nostri quinto Per sig-
 naturam manu S. D. N. Regis supra scriptam
 Magnum Sigillum est appensum IN ALL
 AND SUNDRIE the haill heads points clauses
 conditions articles and circumstances of the
 said Gift and patent and of the haill other
 acts gifts grants decreets ratifications and others
 particularly and generally therein mentioned
 granted in favours of the said Incorporation of
 the Chyrurgeons and Chyrurgeon-Apothecaries
 of Edinburgh of whatsoever dates forms tenors
 and contents the same may be of In all points
 DISPENSING with the generality thereof and
 admitting and allowing decerning and ordaining
 this present Ratification and Confirmation to be
 als valid effectuell and sufficient to the said Sur-
 geons and Surgeon-Apothecaries *respectivè* as if all
 the said Gifts Grants Acts of Parliament Acts of

Burrows decreets and Acts of Court and Town Council of Edinburgh and others and Ratifications thereof were all and every one of them at length and verbatim specially and particularly inserted ingrossed and contained hereintill Notwithstanding to eschew prolixity the samen is not so done WHEREANENT and all other defects and imperfections Our said Sovereign Lord with advice and consent foresaid has dispensed and for his Highness and his successors dispenses for ever notwithstanding of whatsoever exception of law may or can be proponed objected or alledged in the contrary which his Majesty with advice and consent foresaid renounces and discharges for ever WITH full power to the said Chyrurgeons and Chyrurgeon-Apothecaries and their successors to make use of all the said acts or any of them without prejudice of one to another to their best advantage and behoof as they shall think fit and expedient AND for the better effectuating of the haill premisses and ends foresaid Our Sovereign Lord with advice and consent foresaid Ordains the Magistrates and Town Councill of Edinburgh and their successors To maintain and defend the said Chyrurgeons and Chyrurgeon-Apothecaries and their successors in their haill

rights liberties immunities and privileges whatsoever granted in their favours notwithstanding any of them shall exerce any other office or employment besides as burghess or gild-brother and as though they did not the same
 AND SICLIKE Our Sovereign Lord with consent foresaid ORDAINS the magistrates of Edinburgh and other judges sheriffs and magistrates within the said burgh and also within the sheriffdoms of the Three Lothians Fife Peebles Selkirk Roxburgh and Berwick and their officiars to assist and concur with the deacon and brethren of the Incorporation of the Chirurgeons and Chirurgeon-Apothecaries of Edinburgh and with the visitors and brethren of the fraternity and brotherhood of the Chirurgeon-Apothecaries and Apothecaries of the said Burgh or any of them and their successors *respectivè* against any person or persons who shall exerce use or practise any point or part of the said arts of Chirurgery or Pharmacy within the said burgh of Edinburgh or suburbs thereof or in any part of the said sheriffdoms above mentioned or Barber craft within the said burgh of Edinburgh or suburbs thereof but such as shall be first tried approven and admitted by the Chyrurgeons and

Chyrurgeon-Apothecaries of Edinburgh (the major part being a Quorum) and have their certificates approving and licensing them for that effect under their seals and their clerks hands and against any person or persons who contraveens any of their respective rights liberties and privileges within the haill bounds aforesaid and also against any person or persons among themselves contraveeners of their own acts and orders hereafter and to exact fines unlaws and penalties from them the one half of the fines of unfreemen to belong to the several magistrates within the respective jurisdictions and the other half to the Incorporation or brotherhood *respectivè* foresaid And if any person shall find himself prejudged and wronged by the determination of either of the saids Incorporation or brotherhood *respectivè* contrary to the laws liberties privileges and power granted to them or either of them Then and in that case they shall have their recourse to the said severall Magistrates in the first instance and thereafter to the other judicatories in manner specified in the said Gift who may determine in these cases for both parties IT IS ALWAYS hereby PROVIDED and declared That this Ratification shall be nowise hurtfull or prejudiciall

to a former patent of Erection of the Royall College of Physicians at Edinburgh in November 1^m VI^c Eightie ane years but that all their liberties privileges and immunities contained in their said patent be reserved entire to them sicklike as if thir presents had never been granted
 EXTRACTED forth of the records of Parliament by George Viscount of Tarbat Lord Macleod and Castlehaven &c Clerk to his Majesty's Councils Registers and Rolls.

TARBAT *Clericus Registri.*

No. XI.

ATTESTED DOUBLE OF THE DECLARATIONE
 BY THE ROYALL COLLEDGE OF PHISI-
 CIANES IN FAVOURIS OF THE CHIRUR-
 GEONE-APOTHECARIES ANENT REUNIT-
 ING SURGERY AND PHARMACY.

July 22, 1695.

I UNDER Subscribed doe declare in name of
 the Colledge That quhairas we have now
 Rid marches with the Chirurgeons in Edinburgh
 we will not any maner of way oppose the reuniting
 of Chirurgerie and Pharmacy And seing Dr Dick-
 sone was fully Impowered by us to settle with
 the Chirurgeons, I by this doe Homologate what
 he hath done in this bussiness in name foresaid
 AT Ed^r this 22 day of July 1695 Sic subscri-
 bitur ROB^t TROTTER P. C. Reg.

This is the just and authentick double of the
 principall Declaratione to which the same

does relate nothing being added thairto nor
diminished thairfrae that may any maner of
way alter the true meaning and import of
the words contained in the said originall
Declaratione the samen being exactly com-
paired with the said principall Declaratione
by us Nottaris publick undersubscribing and
aggreeing thairwith in omnibus AT Ed^r
the twenty two day of Apryll I^m VI^e nyntie
Eight yeiris before these witnesses Gabriell
Rankin Alex^r Home W^m Robertsons and
Thomas Broune wrytters in Ed^r

Ita esse ut premittitur ego Hugo Somervell
Nottarius publicus in premissis requisitus
subtus meis signo et subscriptione manualibus attestor

HUGH SOMERVELL N. P.

Et ego vero Jacobus Scott connotarius
publicus in premissis requisitus attestor
his meis signo et Chirographo

JA. SCOTT No. Pub.

THOMAS BROWN *witnes*

AL. HOME *witnes*

GAB. RANKEN *witnes*

W. ROBERTSONE *witnes*

No. XII.

ACT OF THE TOWN COUNCILL OF EDINBURGH
IN FAVOURS OF THE CHYRURGEAN APO-
THECARIES AND APOTHECARIES.

Jun. 24. 1696.

THE WHICH DAY The Lord Provost
Baillies Council and Deacons of Crafts be-
ing conveened in Council Takeing to their consi-
deration their Act of the date the Twenty fifth day
of February 1^m VI^c and fifty seven years Erect-
ing the Chyrurgeon Apothecaries and Apothe-
caries into one ffraternity for visitation of their
Shops and Examination of entrant Apothecaries
Which Act has not now for many years had its
due effect by reason of some differences betwixt
the severall Societies therein concerned Which
now seem to be entirely removed by a late Agree-
ment betwixt the Phisitians and Chyrurgeon
Apothecaries The Council DOE THEREFORE

RATIFIE and CONFIRME their said Act of the date forsaid, in the whole tenor heads clauses and contents thereof And Ordaines the same to take effect in all tyme comeing And in respect there are but very few of these of the Old Fraternity now liveing THEY DOE THEREFORE Adjoyne to them all those of the Incorporation of the Chyrurgeans who were freemen of the Incorporation before the Twentie nynth day of August I^m VI^c and nynty four years AND ORDAINES them in all tyme comeing to make up one Society with those who shall hereafter (being examined and found qualified) be admitted by the Council Conforme to the foresaid Act of Erection WHEREOF the tenor follows &c.

[Printed No. VIII. p. 32.]

A. MACLEOD.

No. XIII.

**ACT OF THE TOWN COUNCILL OF EDINBURGH
IN FAVOURS OF THE APOTHECARIES AND
CHYRURGEAN APOTHECARIES.**

Dec. 9. 1696.

THE WHICH DAY The Lord Provost
Baillies Council and Deacons of Crafts or-
dinar and extraordinar being conveyened in Coun-
cil ANENT the Petition given in be the Visitors
of the Brotherhood of the Chyrurgeon Apo-
thecaries and Apothecaries of this Burgh for
themselves and in name of the said Fraternity
SHEWING That where there were severall
Persons within this burgh and liberties thereof
took upon them to Professe and Practise both
Privatly and Publickly in the Arte of Apothecary
and keep open Chops without any warrand or
allowance from the Council and without giveing

any tryall of their Qualifications in the said Arte Albeit the Council by their Act the Twenty fifth of February 1^m VI^c and fifty seven years Erecting the Petitioners into a Brotherhood Ratified in the Council the twenty fourth of June 1^m VI^c and ninty six years have discharged the same Which might undoubtedly tend to the great prejudice and danger of the Leidges and Inhabitants of this Burgh without the Council provide Remeed BESEECHING therfore the Council to Discharge all such persones from Professing and Practizing in the said Arte of Apothecary or to keep open Chops or putt out signes untill first they make their application to the Council for a Recommendation to the Petitioners and their ffraternity for tryall and examination of their Qualifications in the said Arte And upon their Report to admitt them according to their qualifications Conforme to the Councils constant custome and practise heretofore observed in the lyke case And upon their Application to one or more of the Magistrats for the tyme the Petitioners might be Patronized and have concurrence for putting their said Act of Election to full execution against the Contraveeners According to Justice As the Petition bears THE Council Remit-

ted the same to ane Committee of their owne number to consider and Report WHO in obedience thereunto Reported That they were of opinion the desyre of the Petition should be granted And that the Magistrats give their Concurrance for putting the Act of Erection of the Brotherhood of the Apothecaries and Chyrurgeon Apothecaries in execution in the termes of the said Petition and Act of Erection As the Report under the hands of the Committee bears WHICH being considered be the Council they approved thereof and Discharged AND hereby DISCHARGES all Persones whatsoever from Professing and Practizeing in the said Arte of Apothecary or to keep open Chops or putt out Signes untill first they make their Application to the Council for a Recommendation to the saids Visitors and their Fraternity for tryall and examination of their Qualifications in the said Arte And upon their report of their being Qualified The Council declare they will admitt them conforme to their constant Custome and Practize heretofore observed in the lyke cases And the Council hereby APPOINT and ORDAINE the Magistrats for the tyme being one or more to give their concurrence for putting the said Act of Erection of

the Brotherhood of the Apothecaries and Chyrurgian-Apothecaries to execution in the terms of the said Petition and Act of Erection RESERVEING liberty to all Gild brethren to sell their simples Whereanent thir Presents shall be a Warrant EXTRACTED

NASMYTH *Clericus Deputatus,*

No. XIV.

CARTA ERECTIONIS CHIRURGORUM CIVITATIS
EDINENSIS IN SOCIETATEM PER NOMEN ET
TITULUM COLLEGII REGII CHIRURGORUM
CIVITATIS EDINENSIS ET NOVA PRIVI-
LEGIA CONCEDENS.

Mar. 14. 1778.

GEORGIUS Dei Gratia Magnæ Britanniæ
Franciæ et Hiberniæ Rex fidei Defensor
OMNIBUS probis hominibus ad quos hæ nostræ
literæ pervenerint Salutem QUANDOQUIDEM
Collegii ac Sodalitii Chyrurgorum Civitatis Edi-
nensis Petitionem nobis suppliciter oblatam per-
speximus atque cognovimus Cujus sententia hæc
est Civitatis Edinensis Chirurgi id est qui
quotiescunque manibus opus est in ægrotis cu-
randis adhibentur facti creati et constituti sunt
in Societatem vel Collegium eosque et priores
Scotiæ vel Britanniae septentrionalis Reges et

ordinum Conventus ejusdem Regni variis honoribus ac privilegiis sæpius donarunt Gulielmus deinde Tertius et Maria Magnæ Britanniae Reges suo Rescripto vel Diplomate regio Londini dato pridie kalendas Martias anno millesimo sexcentesimo nonagesimo quarto omnia et singula prius concessa confirmarunt Quod Principum Rescriptum Conventus Ordinum totius Regni decimo quinto kalendas Augustas Anno domini millesimo sexcentesimo nonagesimo quinto sanxerunt Atque hinc sperarunt Nos judicaturos ipsos non minus quam qui antehac arti huic perutili operam dedissent opem regiam et patrocinium meritos esse In cujus rei testimonium multos præceptis hujus Artis ab ipsis acceptis maxima cum laude ac felicitate in Classibus Exercitibusque nostris ut dicebant ut igitur evaderent haud impares Collegiis ac Sodalitiis cujuscemodi apud complures finitimas Civitates Nomine ac Titulo Regii Collegii Chirurgorum insigniri volebant huc accedebat quod ex auctoritate regia iisque Supremi Concilii decretis Collegium statuere et postulare consueverit ut omnes sodales quotannis aliquod in medium conferrent et quemcunque Socium adsciscunt ex eo quandam pecuniæ summam exigere quod omnes hæ pecuniæ in sortem unam coactæ fuerunt cujus ex usuris et fractibus pauperibus viduis

atque Orbis consuli solitum sed nec inde quidem pauperibus satis consulere potuerint optimum igitur factu rati acervum ita augere ut inde viduis atque orbis uniuscujusque Sodalis et etiam Clerici provideri posset consilium inierint quod in omnium sodalium Conventu habito tertio Idus Julias Anno Domini millesimo septingentesimo septuagesimo septimo cognitum spectatum et comprobatum fuerit Præterea rogarunt ut hisce regiis rescriptis Supremique Concilii decretis in honorem suæ Societatis et Collegii jam factis nobis placeret regium nostrum diploma addere eique sigillum nostrum in Scotia loco Sigili magni ex fædere in Angliam et Scotiam juncto servatum appendi mandare quod Societatem suam nomine ac titulo Collegii regii Chirurgorum Civitatis Edinensis honestaret ut nobis autoribus et adjuvantibus facilius Consilium suum exequi possent ea ratione quæ in Chartula petitioni annexa memorassent NOS itaque Consilium Supplicum imprimis frugiferum atque salutare existimantes et quod adjuvemus quam maxime dignum diploma vel Cartam nostram regiam probari et expediri Sigillo supra dicto adhibito mandamus ad faciendum creandum et constituendum sicut et Nos pro nobis metipsis et successoribus prærogativa nostra regia et speciali gratia Facimus Crea-

mus et Constituimus Chirurgos Edinenses et jam petentes et quicumque in posterum recte ac legitime Socii adsciti fuerint in Societatem vel Collegium legitimum sub nomine ac titulo COLLEGII REGII CHIRURGORUM CIVITATIS EDINENSIS sub hoc nomine atque titulo duraturum perpetu umque futurum ob eas causas et ad eas res conficiendas quæ in Cartis regiis ante datis memorantur vel in hac Carta postea memoranda ut agere prosequi defendere ac respondere item ut agi excipi defendi et responderi possint in omnibus atque singulis Curiis nostris ad Capitalem sortem quoque conficiendam unde cujusque Socii nec non et Clerici viduis et orbis consulatur Statuentes quoque ut et Nos pro nobismetipsis regiisque nostris successoribus Statuimus et Ordinamus omnes ac singulos qui recepti fuerint Socii in hoc Collegium ante kalendas Augustas Anno Domini millesimo septingentesimo septuagesimo septimo vel qui voluntatem et consilium sese huic Collegii Socios adjungendi pecuniamque conferendi ante kalendas Februarias anno Domini millesimo septingentesimo septuagesimo octavo per literas sua manu scriptas indicaverint solvere Collectori nominando ut infra dicetur quinque Libras Anglicanas cum usuris legitimis a Calendas augustas Anno Domini millesimo

septingentesimo septuagesimo septimo et quemadmodum solverint singuli Socii kalendis Februariis millesimo septingentesimo septuagesimo octavo ita kalendis Februariis quotannis redeuntibus Socios Singulos quamdiu vivent tantundem solvere ordinamus cum quinta parte si neglexerint mulctæ vel pœnæ nomine et cum omnibus usuris ac fructibus inde orituris a kalendis Februariis quibus repræsentari oportebat usque dum debitum totum solverint unumquemque etiam qui sodalis hujus Consilii fuit kalendis Sextilibus Anno Domini millesimo septingentesimo septuagesimo septimo et voluntatem accedendi huic Consilio per literas sua manu scriptas ante kalendas Februarias Anno Domini millesimo septingentesimo septuagesimo octavo non significaverit commodis et fructibus hujus Consilii omnibus in omne ævum excludi volumus et ordinamus omnes autem adscitos hujus Consilii Socios a kalendis Sextilibus anno Domini millesimo septingentesimo septuagesimo septimo ad hunc usque diem et posthac adsciscendos ipso facto Concilii participes esse statuimus et quamprimum kalendæ Februariæ venerint quinque libras Anglicanas singulis solvent et kalendis Februariis quotannis redeuntibus tantundem Collectori unumquem solvere oportet cum eadem quinta

parte poenæ vel mulctæ causa si neglexerint et cum iisdem usuris ut supra statutum est Et quo magis cautum sit de his pecuniis ab omnibus Sociis pro rata portione conferendis quisque Instrumentum vel Instrumenta legitima ac firma qualia Collegio videbitur manu sua subscribet et tradet Et quandoquidem ex Consilio ab omnibus Sociis inibi et comprobato præter has annuas pensiones ab omnibus ac singulis Collatoribus faciendas Constitutum sit Societatis Quæstorem de pecunia Societatis publica Collectori ad Consilium hoc perficiendum delecto kalendis Februariis Anno Domini millesimo septingentesimo septuagesimo septimo viginti quinque Libras anglicanas pendere idem facere kalendis Februariis Anno Domini millesimo septingentesimo septuagesimo octavo tantundemque solvere eodem ejusque anni tempore per sæcula omnia Nos igitur auctoritate nostra pecunias jam numeratas comprobamus et justa Constitutionem præcedentem tantum pecuniæ ex Ærario Collegii communi quotannis in posterum numerari ordinamus Et si Sociis hujus Collegii rite convocatis per Cartulam biduum saltem ante Conventum domi cujusque relictam videbitur pauperibus aliquo anno satis prospectum alios sumptus necessarios factos viginti quinque libras Anglicanas supra memoratas

ex communi *Ærario* jam enumeratas pecuniam tamen publicam superesse tum demum *Quæstorem* pendere jubebunt *Collectori* præter viginti quinquelibras *Anglicanas* tantum argenti quantum *Sociis* rite convocatis visum fuerit Sed nihil tale præcipietur nisi omnibus *Sociis* in quatuor partes æquales distributis tres ex hisce partibus adsint præsentem itidem *Societatis Clerico* utrum onera hujus *Consilii* ferre commodisque frui eodem modo iisdemque conditionibus quibus *Socii* adsciti ante kalendas *Sextiles* Anno Domini millesimo septingentesimo septuagesimo septimo velit noliteve optio dabitur sed hæc eadem optio nulli futuro *Clerico* dabitur nisi in conventu omnium *Collatorum* intra annum post *Clericum* delectum habito partes tres ei suffragentur Nos etiam constituimus atque sancimus ut si *Collatores* qui kalendis *sextilibus* Anno Domini millesimo septingentesimo septuagesimo septimo hujus *Concilii* *Socii* fuerunt et qui in hac Carta postea dicti sunt *Collatores* ab origine superstites erunt kalendis *Februariis* Anno Domini millesimo septingentesimo octogesimo et postea viduis relictis morientur Atque si *Collatores* hujus *Collegii* adsciti *Socii* post kalendas *sextiles* anno Domini millesimo septingentesimo septuagesimo septimo qui in hac Carta dehinc vocati sunt *Collatores* adscititii et qui su-

perstites erunt kalendis Februariis quibus quartam pensionem annuam facere oportebat postea viduis relictis moriantur ex his Collatoribus cujusque vidua jure postulabit et accipiet duodecem libras et decem solidos Anglicanos ut redditum semestrem Idibus Maiis ejus anni qui mortem Conjugis proximus sequetur Anno semper aestimato a kalendis Januariis ad kalendas Januarias et Idibus Maiis quotannis redeuntibus quamdiu vivet vel vidua manebit viginti quinque Libras Anglicanas ut redditum annum accipiet qui annuus redditus morte viduæ aut secundo matrimonio nullus fiet Collatores autem et ab origine et adscititii si superstites fuerint temporibus supra memoratis et postea mortui fuerint vidui relinquentes unum vel plures filios aut filias qui annum ætatis desimum sextum nondum compleverint hæc stirps Idibus Maiis anni proximi post mortem patris anno aestimato a kalendis Januariis ad kalendas Januarias jure suo sibi vindicabit et accipiet Centum Libras Anglicanas omnis que pecuniæ inter liberos si sint plures æqualiter dividenda sin autem quis e Collatoribus ab origine decesserit ante kalendas Februarias Anno Domini millesimo septingentesimo octogesimo et si quis e Collatoribus adscititiis decesserit ante kalendas Februarias quibus quartam annuam pensionem

facere oportebit nec vidua nec liberi ullum fructum hujus Consilii percipere poterunt NOS PRÆTEREA eadem auctoritate præcipimus constituimus et Ordinamus Quemcunque Socium Collegium adsciverit a kalendis sextilibus Anno Domini millesimo septingentesimo septuagesimo septimo si tempore quo adscitus annum ætatis quadragesimum expleverit et obierit vidua relictæ aut sobole minore sedecem annis priusquam justam summan atque legitimam quinque Librarum Anglicanarum duodecies pependerit aut pendere debuerit tantum detrahi viduæ aut proli quantum pecuniæ sine usuris jam enumerata defuerit ad explendas duodecem pensiones annuas aut sexaginta libras Anglicanas eadem auctoritate nostra regia **STATUTUM ET DECRETUM** est si quis e Collatoribus pecuniam annuam per sex annos non solverit hujus viduam aut prolem post mortem Conjugis vel patris omni redditu omnibusque fructibus quos aliter percepturi fuissent excideretalem tamen Collatorem iisdem quibus cæteri Socii legibus teneri et ad satisfaciendum Collegium de his sex annuis summis jam debitis et ad summam legitimam quot annis quoad vivet enumerandam Si enim quid tale delictum aut pecuniis annuis jam debitis aut in posterum solvendis aliquem liberaret fieri potest ut quidam Collatores sponte delin-

querent atque ita subsidium proprium Consilio huic saluberrimo negarent Namque ratio instituta inter alia principia hoc maxime nititur Collatorem unumquemque quoad vivet pecuniam annuam conferre oportere licet compertum habeat nec se nec suos unquam Societati oneri fore ne quid autem mali ex hac pæna perutili oriatur si tribus Collatorum partibus in Consilio rite Convocato visum fuerit delictum non dolo malo aut injuriam faciendi animo fuisse admissum sed infortunio vel egestate ortum tum his tribus Collatorum partibus licebit hujus qui deliquerat ac viduus decesserat stirpi sedecem annis minori emolumentum dare justum dummodo ei detrahant annuas pensiones jam debitas cum usuris legitimis et si viduam reliquerit licebit ei concedere redditum annuum eo tempore quo ad eam si Conjux defunctus nihil deliquisset rediturus esset dummodi ei detrahant omnes annuas pecunias a marito mortuo debitas cum usuris legitimis eadem auctoritate nostra regia **EDICTUM STATUTUM ET DECRETUM** est omnes ac totas pecunias annuas et a Collatoribus et ex *Ærario Collegii* communi enumerandas ante Idus Maias Anno Domini millesimo septingentesimo octogesimo primo conferri oportere ab illis quorum fidei commissæ fuerint sumptibus administrandi deductis in sortem unam capitalem Quæ

sors ad Libras Anglicanas quater mille et quingentas augeatur oportet Et quoniam nisi sors capitalis tali incremento augeatur ratio instituta neque esse neque valere potest annuus igitur sortis proventus vel fructus Idibus Maiis Anno Domini millesimo septingentesimo octogesimo primo et singulis Idibus Maiis sequentibus sic destinandus est primo ad sumptus administrandi suppeditandos secundo ad sortem augendam Quæ res ut effici possit Idibus Maiis anno Domini millesimo septingentesimo octogesimo secundo millesimo septingentesimo octogesimo tertio millesimo septingentesimo octogesimo quarto millesimo septingentesimo octogesimo quinto centum et quinquaginta Libræ Anglicanæ Idibus Maiis Anno Domini millesimo septingentesimo octogesimo sexto millesimo septingentesimo octogesimo septimo millesimo septingentesimo octogesimo octavo millesimo septingentesimo octogesimo nono millesimo septingentesimononagesimocentum Libræ Anglicanæ Idibus Maiis Anno Domini millesimo septingentesimo nonagesimo primo millesimo septingentesimo nonagesimo secundo millesimo septingentesimo nonagesimo tertio millesimo septingentesimo nonagesimo quarto millesimo septingentesimo nonagesimo quinto millesimo septingentesimo nonagesimo sexto millesimo septingentesimo nonagesimo sep-

timo millesimo septingentesimo nonagesimo octavo millesimo septingentesimo nonogesimo nono millesimo octingentesimo quinquaginta Libræ Anglicanæ Atque ex hoc tempore Idibus Maiis quotannis redeuntibus triginta libræ Anglicanæ fœnore locabuntur usque dum Sors capitalis ad quater mille et quingentas libras Anglicanas aucta fuerit tertio ad Collatorum viduis ac liberis consulendum Sin autem quovis anno fructus hujus sortis annuus administrationes impensas Sortis capitalis justum ac legitimum incrementum emolumenta eo anno orbis debita et reliquias emolumentorum annis superioribus orbis liberis debitorum si quæ jam fuerint exsuperet quicquid supererit fœnere locabitur una cum legitimo incremento quod supra memoravimus ad capitalem Sortem exaugendam Contra autem si quolibet anno totus capitalis Sortis proventus annuus ad onera supra memorata sustentanda non sufficiat nihil tamen ullo modo sorti capitali quantacunque tum fuerit detrahendum est nec in ulla re obstare licebit quo minus sors capitalis ut supra statutum augeri possit Sed hic defectus primum emolumenta orbis debita deinde viduarum redditus annuos pro rata parte minuat nullo respectu habito ad annos quibus hi redditus vel illa emolumenta debita fuerint Quicquid autem hoc anno desit quod anno sequente vel annis

sequentibus supererit hoc modo suppeditabit Imprimis impensis administrationis deductis et Sorte capitali ut supra statutum legitime aucta pecuniæ anno superiore viduis debitæ solventur deinde pecuniæ hoc anno viduis debitæ enumerabuntur tertio emolumenta anno superiore vel annis superioribus orbis liberis debita præbenda respectu semper habito ad tempora quibus deberi cæpta sunt Postremo liberis orbis hunc in annum qui jam volvitur consulendum Sed postquam sors capitalis ad quater mille et quingentas Libras Anglicanas aucta fuerit si aliquo anno hujus sortis proventus annuus plusquam satis sit ad sustinenda omnia onera hujus anni et ad pecunias annis superioribus debitas solvendas quicquid pecuniæ superfuerit Collatores in Concilio omnium rite convocato per Chartulam biduum saltem ante cujusque domi relictam et cui Concilio Collatorum tres partes interesse necesse est vel fænore locabunt ad capitalem sortem augendam vel viduis dividant ut pluribus visum fuerit Sin autem quid sorti capitali abstrahatur aut a debitoribus non solvenda aut aliquo casu vel inter augendum vel cum ad summam justam ac legitimam aucta fuerit id damnum ex ea parte proventus annui quæ impensis Collegii legitimis superfuerit fænore locanda resarciatur NOS quoque eadem auctoritate EDICI-

MUS CONSTITUIMUS ATQUE ORDINAMUS nemini ex ullius Collatoris Creditoribus licere annuos viduorum redditus aut liberis debita emolumenta prehendere detinere distrahere aut aliquo modo afficere quod si audeant facere qui creditores nihilominus tamen hæ pecuniæ annuæ viduis ipsis vel cuiquam ab ipsis potestatem accipienti et eodem modo Liberorum orborum Curatoribus et Tutoribus vel eorundem hæredibus Executoribus et assignatis solventur et si non sint tutores vel curatores pecuniæ debitæ homini aut hominibus probis qui ad easdem accipiendas a fidei Commissariis nominati fuerint solvendæ et qui has pecunias in usum et commodum ejus vel eorum quorum sunt destinabunt NOS quoque EDICIMUS CONSTITUIMUS ET ORDINAMUS Collatores sex esse fidei commissarios ad Consilium exequendum sortem capitalem curandam (quorum tres agere poterunt) et quendam de numero suo eligere qui in omni conventu præsidebit et una cum cæteris fidei commissariis sententiam dicet et cujus suffragium sententiis paribus prævalebit et hos fidei commissarios bis quotannis convenire jubemus Conventumque priorem habere mense Martio secundo martis die ad accipienda et referenda viduarum et orborum nomina quibus annui redditus et emolumenta legitima Idibus

Maiis sequentibus debebuntur quorum omnium nomina in Album relata penes Collegii Clericum manebunt et omnibus quorum referat patebunt contra autem omnibus objicere licebit et objecta scripta ad Conventum fidei Commissariorum alterum mense Maio et die luno secundo agendum Præter hos duos Conventus annuos alios pro re rata agere poterunt quos Præses vel suo arbitrio vel duobus fidei commissariis petentibus convocabit Nos etiam eadem nostra auctoritate regia DICIMUS COMPROBAMUS ATQUE CONSTITUIMUS hos sex e Collatoribus ab initio fidei Commissarios esse scilicet Robertum Walker Joannem Balfour Alexandrum Wood Gulielmum Chalmers Josephum Robertson et Thomam Hay ut curant peragantque omnia suæ fidei commissa usque ad kalendas Sextiles anno Domini millesimo septingentesimo octogesimo primo Quibus kalendis sextilibus millesimo septingentesimo octogesimo primo Robertum Walker munere se abdicare ordinamus atque eodem modo kalendis Sextilibus anno Domini millesimo septingentesimo octogesimo secundo Joannem Balfour kalendis Sextilibus anno Domini millesimo septingentesimo octogesimo tertio Alexandrum Wood kalendis Sextilibus anno Domini millesimo septingentesimo octogesimo quarto Gulielmum Chalmers kalendis sextili-

bus anno Domini millesimo septingentesimo octogesimo quinto Josephum Robertson et kalendis sextilibus anno Domini millesimo septingentesimo octogesimo sexto Thomam Hay munere sese abdicare volumus Et kalendis sextilibus anno Domini millesimo septingentesimo octogesimo primo in locum Roberti Walker supra memorati et singulis kalendis sextilibus sequentibus in locum abdicantes alter fidei commissarius subrogandus est atque semper volventibus annis hoc ratum manebit kalendis sextilibus fidei commissarius cujus nomen in Albo primum munere sese abdicabit in cujus locum alter sufficiendus est Sin autem pluribus collatoribus ita visum fuerit cuivis fidei commissario munus prorogare licebit ejus autem nomen tum in Albo scribitur novissimum et alterum sexennium hoc munere fungetur perinde ac si primo electus esset Atque si vel morte alicujus fidei commissarii vel abdicatione aut quovis alio modo locus relictus sit vacuus vel si designatus suscipere nolit alter subrogandus sed sanctum et constitutum est neminem nisi Collatorem fidei commissarium fieri licere idque in Consilio omnium Collatorum rite convocato per Chartulam biduo saltem ante domi cujusque relictam Sin autem quis fidei Commissarius rite vocatus a conventu abfuerit Collectori solvere

jubemus mulctæ nomine unum solidum anglicanum in communem utilitatem conferendum nisi fidei Commissarius in Conventu proximo aut in aliquo Conventu postea habito fidem faciat se abfuisse morbo vel infirma valitudine prohibitum

PRÆTEREA Nos eadem auctoritate nostra regia **VOLUMUS CONSTITUIMUS ATQUE ORDINAMUS** pecunias ad sortem capitalem exaugendas destinatas fænorii fidei commissarios locare subinde ut res postulabunt atque obligare homines bona vel hæreditates ad eas pecunias renumerandas ut sibi videbitur tutius sortique utilius

NOSQUE Ordinamus syngraphas omnesque alias obligationes ita concipi ut pecuniæ creditæ rependendæ sint fidei commissariis pro tempore aut ex his ullis tribus quibus jus erit ac potestas pecunias creditas recipiendi et syngraphas aliasque obligationes assignandi dissolvendi et debitores omnino liberandi et absolvendi atque etiam ad omnes has pecunias recuperandas ut prosequi convenire et omnibus modis agere possint Sed diligentur cavendum ne quid hujus pecuniæ publicæ a fidei commissariis hujus Collegii Socio vel Sociis ullis quamcunque ob causam fænorii locetur fidei commissarios quoque jubemus Collectorem et Clericum ad Consilium adjuvandum eligere qui suis muneribus quamdiu fidei Commissariis placuerit

fungentur Sin autem fidei Commissariis visum fuerit utroque fungi munere eidem licebit atque huic Collectori potestas erit conveniendi prosequendi legeque agendi ad recuperandas annuas pecunias et a Collatoribus et ex *Ærario* communi solvendas et omnes etiam pecunias quas Collator aliquis moriens debuisset annuis etiam viduarum redditibus aut emolumentis orborum legitimis fidei Commissariis cognoscentibus et comprobantibus tantas pecunias detrahet idem Collector quantas mariti aut patres morientes eorumve hæredes et Executores debuerant et quas nondum recuperare potuerant *œre alieno* cujusque mariti atque patris suæ viduæ ac suæ stirpi assignato NOS etiam ea auctoritate nostra regia Statuimus ac Ordinamus Collectorem munus suum suscipientem sese syngrapha obligare vel Instrumento aliquo alio legitimo et fidei commissariis satisfacere ad munus fideliter fungendum et Chartulis agnoscentibus pecunias annuas et a Collatoribus et a Collegii Quæstore acceptas nomen suum subscribere Tabulasque accepti et expensi conficere et in promptu habere et tales quales fidei commissariis visum fuerit ut omnibus temporibus quomodo habeat sese sors capitalis fidei commissariis ostendere possit Clericum itidem Tabulas conficere ac servare oportet fidei Commissariorum Conventus atque

res gestas referentes Quæ Tabulæ omnibus ac singulis Collatoribus semper patebunt Inque Conventu omnium Collatorum mense Augusto et diē Lunæ secundoquotannis habito Collector Administrationis suæ rationem reddet Tabulasque accepti et expensi anno jam acto proferet quas Tabulas Collatores rite convocati inspicient et cognoscent et tanti quanti rationem reddiderit Collectorem fidejussorumque ejus liberabunt et absolvent IN CUJUS REI TESTIMONIUM præsentibus Sigillum nostrum per unionis Tractatum custodiendum et in Scotia vice et loco magni Sigilli ejusdem utendum ordinat. appendi mandavimus APUD Aulam nostram de St James's decimo quarto die mensis Martii Anno Domini millesimo septingentesimo septuagesimo octavo Regni-que nostri anno decimo octavo.

Per Signaturam manu S. D. N. Regis
suprascript.

Written to the Seal and registred the twelfth
day of May 1778.

ALEX WATSON, *Dep^t*

Sealed this fourteenth day of May one thou-
sand seven hundred and seventy eight years

THOS COCKBURN

No XV.

AN ACT FOR CONFIRMING A CHARTER, OR LETTERS PATENT, GRANTED BY HIS MAJESTY TO THE ROYAL COLLEGE AND CORPORATION OF SURGEONS OF THE CITY OF EDINBURGH, SO FAR AS RELATES TO A SCHEME OF RAISING A FUND FOR A PROVISION FOR THE WIDOWS AND CHILDREN OF THE MEMBERS OF THE SAID CORPORATION, AND OF THEIR CLERKS, WITH CERTAIN ALTERATIONS; AND FOR ESTABLISHING THE SAID SCHEME, AND IMPOWERING THE CORPORATION, AND THE TRUSTEES AND OFFICERS ELECTED FOR MANAGING THE FUND, EFFECTUALLY TO CARRY THE SAID SCHEME INTO EXECUTION.

(27TH GEO. III. c. 65.)

WHEREAS the Members of the College and Corporation of Surgeons of the City of Edinburgh, having formed a Scheme for raising a Fund for a Provision to the Widows and Children of the Members thereof, and of their Clerk, which was unanimously approved of in a

General Meeting of the said Corporation, held upon the eleventh day of July, in the year one thousand seven hundred and seventy-seven, did obtain from his Majesty his Royal Charter or Letters Patent, under the Seal appointed by the Treaty of Union to be kept and used in Scotland, in place of the Great Seal formerly used there, bearing date the fourteenth of March, in the year one thousand seven hundred and seventy-eight, whereby his Majesty did of new incorporate the then Members of the said College and Incorporation, and the Persons who should thereafter be legally admitted Members thereof, into one Body Politic and Corporate, or legal Incorporation and Society, under the title and name of The Royal College of Surgeons of the City of Edinburgh, with the usual privileges: And for effecting the said charitable Scheme of raising a Fund for a provision for the Widows and Children of the Members of the said Corporation, and their Clerk, did ordain, That the Persons who were Members of the said Corporation and College, at the Feast or term of Lammas one thousand seven hundred and seventy-seven, and whose accession and desire to become Contributors to the Scheme for raising the said Fund, was declared by writing under their hands be-

fore the term of Candlemas in the year one thousand seven hundred and seventy-eight, should make payment to a Collector, to be named in manner after mentioned, of the sum of Five Pounds Sterling each, with legal Interest from the said term of Lammas one thousand seven hundred and seventy-seven ; and should also make payment, as at the said term of Candlemas one thousand seven hundred and seventy-eight, and at each succeeding term of Candlemas during their respective Lives, of the like sum of Five Pounds Sterling, with a fifth part more of penalty in case of failure, and the legal interest of the said respective sums from the aforesaid terms of payment during the not-payment : And that the persons who were Members of the said Corporation at the said term of Lammas one thousand seven hundred and seventy-seven, and whose accession to the Scheme was not declared by writing under their hands before the said term of Candlemas one thousand seven hundred and seventy-eight, should be excluded from the benefit thereof for ever : As also, That all Persons who had been admitted Members of the said Corporation since the said Term of Lammas one thousand seven hundred and seventy-seven, or who should be admitted after the date of the said

Charter, should, in consequence of their admission, be held to accede to the Scheme, and should make payment of the sum of Five Pounds sterling at the first term of Candlemas after their respective admissions, and the like sum at each succeeding term of Candlemas during their respective lives, with penalty and interest as aforesaid: And, in order more effectually to secure payment of the respective sums or rates due by the Contributors, they should sign and deliver such deed or deeds for that end as should be judged valid and necessary by the Corporation: And as by the Scheme devised and agreed to by the said Corporation, it was appointed, That over and above the sums to be annually paid by Contributors as aforesaid, there should be paid at the said term of Lammas one thousand seven hundred and seventy-seven, by the Treasurer of the Corporation, to the Collector of the Scheme, for the benefit thereof, the sum of twenty-five Pounds sterling out of the funds of the Corporation; and the like sum of twenty-five Pounds sterling at Candlemas one thousand seven hundred and seventy-eight, and at each succeeding term of Candlemas: His Majesty, by his said Royal Charter, approved of the payments which had been made, and authorised the said annual payments out of

the Corporation Funds, to be made in future, agreeable to the preceding article : And in case at any time thereafter it appeared to the Members of the Corporation, at a General Meeting, regularly summoned by a billet left at their respective houses, at least two days previous to the meeting, that the funds of the Corporation were more than sufficient in any one year to maintain their poor, to defray their other necessary expenses, and to pay the aforesaid sum of twenty-five Pounds sterling, they should appoint the Treasurer to pay to the Collector of the Scheme such additional sum for that year as they should judge proper, it being always understood, and expressly provided, That no order should be issued for such additional payment, unless three-fourths of the Members were present : And his Majesty further ordained, That the then present Clerk of the Corporation, should have it in his option to become a Contributor to the Scheme, and to be entitled to the benefit thereof, upon the same terms with the Members of the Corporation who were admitted before the term of Lammas one thousand seven hundred and seventy-seven ; but declaring, That no future Clerk should be entitled to that privilege, except with the approbation and special allowance of three-fourths of the

Members of the Corporation, Contributors to the Scheme, signified at a General Meeting, and within one year after his admission. And his Majesty also ordained, That the Contributors who were members of the Corporation at the term of Lammas one thousand seven hundred and seventy-seven, and who should survive the term of Candlemas one thousand seven hundred and eighty, and leave Widows, and the Contributors who had been, or should be admitted members of the Corporation after the said term of Lammas one thousand seven hundred and seventy-seven, and who should survive the term of Candlemas, at which their fourth year's rate became due, and leave Widows, such Widows should be entitled to annuities, as follows: *Videlicet*, to twelve Pounds ten Shillings sterling, as an half year's annuity at the term of Whitsunday immediately following the year in which their respective husbands died, and computed from the first of January to the thirty-first of December; and twenty-five Pounds sterling as a full years annuity at each term of Whitsunday thereafter during life, and their continuing unmarried; but in case of their death or marriage, the said annuity should immediately cease, and not be due for any term happening after either of these events: That the

original and future Contributors, who should survive the respective terms above mentioned, and die Widowers, leaving a Child or Children under sixteen years of age, such Child or Children should, at the term of Whitsunday immediately following the year in which their respective Fathers died, computing said year from the first of January to the thirty-first of December, be entitled to receive one hundred Pounds sterling, which sum should be equally divided amongst them, if there were more than one Child; provided, That if any of the original Contributors should happen to die before the term of Candlemas one thousand seven hundred and eighty, or any of the future Contributors before the term of Candlemas, at which their fourth year's rate would have been due, neither their Widows nor Children should be entitled to any benefit from the Scheme, but should be entirely excluded therefrom: And by the said Royal Charter it was further ordained, That if any person who had been, or should be admitted a member of the Corporation after Lammas one thousand seven hundred and seventy-seven, was at the time of his admission forty years of age, or upwards, and happened to die leaving a Widow, or leaving a Child or Children under sixteen years of age but

no Widow, before he had paid or been liable to pay twelve years rates ; in that case there should be retained out of the annuity due to his Widow, or out of the provision due to his Child or Children, such sum as, together with the sums paid by him, without computing interest thereon, should amount to twelve years rates, *videlicet*, sixty pounds sterling ; and that if any Contributor to the Scheme allowed his annual rate to run on unpaid for six years, his Widow, or Child or Children, should forfeit the respective annuities and provisions to which they would have been entitled after his decease : Declaring, That such Contributor should nevertheless be obliged to pay the foresaid annual rates in arrear, and also continue liable in payment of his annual rates during life ; because if such forfeiture should exempt, either from payment of the annual rates in arrear, or the rates that might thereafter fall due, some Contributors might voluntarily incur the forfeiture, whereby the Scheme would be deprived in so far of its proper support ; the data (on which the calculation was instituted) supposing the annual rate of every Contributor to be paid by him during life, though he might have no prospect of bringing any burden upon the fund : But to prevent any disagreeable

consequences that might follow the forfeiture aforesaid, in case it should appear to the Contributors at a General Meeting, where at least three fourths of them were present, that the failure in payment of any Contributor was occasioned, not with a view to injure the fund, but from the decay of business, or other misfortunes, it should be competent for such meeting to allow, in case he died a Widower, his child or children to draw their respective provisions, after deducting therefrom a sum equal to his arrears and interest ; and in case he left a Widow, to enter her on the roll of annuitants, as soon as the annuity that would have fallen due to her, had there been no forfeiture or arrears, should amount to a sum equal to these arrears, and interest, calculated in a progressive account : And it was further ordained, That the whole annual rates payable by the Contributors, and the sums payable out of the Corporation's stock, before the term of Whitsunday one thousand seven hundred and eighty-one, should be applied by trustees (after payment of the expence of management) towards raising a Capital stock of Four Thousand Five Hundred Pounds sterling, and that the annual produce of the fund at the said term of Whitsunday one thousand seven hundred and eighty-one, and at

each term of Whitsunday thereafter, should be applied as follows: *videlicet*, First, for defraying the expence of Management: Secondly, for raising the Capital, the following sums should be lent out in each year: *videlicet*,

At the term of Whitsunday one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, and one thousand seven hundred and eighty-five,—one hundred and fifty pounds.

At Whitsunday one thousand seven hundred and eighty-six, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, and one thousand seven hundred and ninety,—one hundred pounds.

At Whitsunday one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand seven hundred and ninety-five, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred

and ninety-nine, and one thousand eight hundred,—fifty pounds.

And at each Whitsunday thereafter, till the said capital of four thousand five hundred pounds was completed,—thirty pounds.

And Thirdly, for payment of the annuities due to the Widows of the Contributors, and the provisions due to their children; and if the annual produce aforesaid in any one year exceeded the charges of management, the sum so ordered to be applied for raising the capital, and the annuities and provisions due to the children for that year, and the arrears of any annuities and provisions of former years after mentioned, if any such were, such excess or surplus should be lent out, together with the foresaid sums, for the purpose of raising the capital. And, on the other hand, if in any one year the annual produce was not sufficient for defraying the annual burdens, as aforesaid, yet no incroachment should on that account be made upon the capital, so far as then raised, nor should the further raising thereof, in manner above directed, be thereby stopped or retarded; but such deficiency or shortcoming should first affect the Children's provisions proportionally, and then the annuities of all the Widows proportion-

ally, without regard to the order of time in which those provisions became due, and the same should again be made good to them out of the surplus of the annual produce for the succeeding year or years, in this order: *videlicet*, First, After payment of the expence of management, and of the sum to be applied for raising the stock or capital as aforesaid, the Widows' annuities unpaid in the preceding year should be made good: Secondly, The Widows' annuities of the current year: Thirdly, The Children's provisions of the former year or years, according to the order of time in which they became due: And Lastly, the Children's provisions for the current year; provided always, that when the said capital was raised, if in any one year the annual produce should be more than sufficient for payment of all the burdens of that year, and arrears of former years, the surplus should be applied by the Contributors at a General Meeting, regularly summoned by a billet left at their respective dwelling houses, two days previous to the Meeting, and where at least three fourths of them were present, either towards the further raising of the capital, or should be divided amongst the Widows then on the fund, as should appear most advisable to a Majority of the Meeting. And if the aforesaid capital of four thousand

five hundred pounds, when made up in whole or in part, happened to be diminished, either by the insolvency of the debtors, or by any other accident whatsoever, such diminution should, from time to time, be made up by after surpluses, to be lent out as aforesaid: And ordained, That the annuities payable to the Widows, and the provisions payable to the Child or Children of the Contributors as aforesaid, should not be liable to be arrested, or otherwise affected or attached by their creditors; but should, notwithstanding such arrestment or attachment, be paid to the Widows themselves or their order, or to the tutors and curators of the said Child or Children, or to their heirs, executors, or assignees; and if the Child or Children had no tutors or curators, then, and in that case, the provision to which they were entitled should be paid to such person or persons as should be named for receiving the same, by the Trustees for the management of the Fund, to be applied for the use and behoof of the said Child or Children respectively: And by the said Charter it was likewise ordained and appointed, That the Trustees for managing the Scheme should consist of six Contributors, whereof three to be a quorum; and they should have power to elect a Preses at every Meeting, who, in case of an

equality of votes in any question, should have the casting vote as Preses, besides his vote as a Trustee : That they should have two stated Meetings in each year ; the first to be held on the second Tuesday of March, for making up a list of the Widows and Children entitled to annuities and provisions at Whitsunday thereafter ; which list should lie open to the inspection of all parties interested, in the Clerk's hands ; and the said parties might give in their objections in writing, if they any had, to be by him laid before the Trustees, for their determination at the second stated meeting, which should be held on the second Monday of May yearly : That besides the foresaid two stated meetings, they might hold such occasional meetings as circumstances required ; which the last Preses, either of himself, or upon the application of any two of their number, should have power to call : And his Majesty by his said Royal Charter and Letters Patent, nominated, appointed, and confirmed the following six Contributors to be the original Trustees, *Videlicet, Robert Walker, John Balfour, Alexander Wood, William Chalmers, Joseph Robertson, and Thomas Hay*, who were to continue to execute that trust till Lammas one thousand seven hundred and eighty-one : And ordained, That the

said *Robert Walker* should go out of office at the said term of Lammas one thousand seven hundred and eighty-one, the said *John Balfour* at Lammas one thousand seven hundred and eighty-two, the said *Alexander Wood* at Lammas one thousand seven hundred and eighty-three, the said *William Chalmers* at Lammas one thousand seven hundred and eighty-four, the said *Joseph Robertson*, at Lammas one thousand seven hundred and eighty-five, and the said *Thomas Hay* at Lammas one thousand seven hundred and eighty-six: That one should be elected at the said term of Lammas one thousand seven hundred and eighty one, to supply the said *Robert Walker's* place, and one at each of the foresaid succeeding terms of Lammas, to supply the then vacancy: That in all time thereafter the eldest Trustee, that is, the first Trustee in the list, should go out of office at Lammas yearly, and another be elected in his room; but that, notwithstanding of the said general rule, if a majority of the Contributors inclined to continue any Trustee in office, when it came to his turn to be removed, they should be at liberty so to do, which Trustee, being then considered as the youngest, should be placed last in the list, and continue in office during the same period as if he

had been then elected for the first time : That if a vacancy happened by the death or demission of any of the original or future Trustees, or in any other manner of way than as aforesaid ; or in case one elected declined to accept, another should be elected in his place, it being always understood, and expressly provided, that it should not be competent to elect any person as Trustee but one of the Contributors ; and no election of a Trustee should be made but at a general Meeting of the Contributors, regularly warned by billets left at their respective houses, at least two days previous to the Meeting : And if any Trustee should be absent from a Meeting to which he was regularly summoned, he should forfeit and pay one Shilling to the Collector, to be applied by him to the use of the Scheme, unless he satisfied the Trustees at their next or some after Meeting, that his absence was occasioned by indisposition : And that the sums to be applied for raising the Capital should be lent out by the Trustees, from time to time, upon such real or personal securities as they should judge sufficient and best for the interest of the fund, the bonds and other securities for the same to be taken payable to the said Trustees, or any three of them, and to their successors in office ; and the said

Trustees for the time, or any three of them, should have power to assign and discharge the said bonds or other securities, and to suit all manner of execution necessary for recovering payment thereof, or concerning the same any manner of way: But expressly providing, That no money should be lent by the Trustees to any Member or Members of the Corporation upon any account whatsoever; and that the Trustees should chuse a Collector and Clerk to the Scheme, to continue in their office respectively during the pleasure of the Trustees; both of which offices might be filled by one person, if the Trustees judged proper; which Collector should have power to carry on all suits for recovery of the annual rates, and other sums payable for support of the fund, and all arrears that might be due by any Contributor at the time of his decease; and should retain, at the sight and direction of the Trustees, from the Widows' annuity, or from the Childrens' provisions, such sums as should be due by their respective husbands or fathers, or their heirs and executors, which had not been, or could not be recovered from them, upon assigning to such Widow or Children respectively, such debt: And that the Collector should, on his admission to the office, grant bond, with a sufficient cautioner, to

the Trustees, to the extent of One Hundred Pounds sterling, for the faithful discharge of his trust; and should subscribe all the receipts for the annual rates, and for the annual sums paid by the Corporation, and keep regular books, shewing the state of the funds under his management, in such manner as the Trustees should appoint; and the Clerk should also keep a book for recording the sederunts of the Trustees; which books were at all times to be open to the inspection of every Contributor: And the Collector should exhibit to the Contributors at a general Meeting, to be held on the second Monday of August yearly, a state of the funds under his management, and an account of the sums received by him for the preceding year, and the application of the same; which Meeting should have power to audit and pass the said accounts, and discharge him and his surety of the sums accounted for.

AND WHEREAS the Members of the said College and Corporation, and the Trustees and Officers elected by them for managing the said fund, have proceeded in the execution of the said Scheme agreeably to the regulations in the said Charter and Letters Patent herein above mentioned; and it is found by experience that the said Scheme will be of great benefit to the Wi-

dows and Children of the Members, but that the same would be still more beneficial and effectual if the alterations upon the said Scheme, and Regulations in the said Letters Patent herein after mentioned, were made, and if the authority of Parliament were interposed for carrying the said Scheme, subject to the said alterations, into execution.

AND WHEREAS *John Shiells*, one of the Members of the said College and Corporation at the time the said Scheme was instituted, did not accede thereto; and therefore in terms of the said Letters Patent stands excluded from the benefit thereof; but the said *John Shiells* has since declared his willingness to become a Contributor, paying all the annual rates since the institution, which the Contributors are willing to agree to, if they were not prohibited by the terms of the Scheme, and of the said Letters Patent.

May it therefore please your MAJESTY,

That it may be ENACTED, AND BE IT ENACTED by the KING's Most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Par-

liament assembled, and by the authority of the same, That the said Charter and Letters Patent, and all the Regulations, Ordinances, and Appointments therein contained, and herein above recited, relative to the Scheme for raising a fund for a provision to Widows and Children of the Members of the said College and Corporation, and all the proceedings had in consequence thereof, agreeable to the terms of the said Letters Patent, shall be, and the same are hereby confirmed, in so far as the same are not altered by this present act, and that the said Scheme shall be carried into execution hereafter, in conformity to the said Regulations, Ordinances, and Appointments, subject to the alterations herein after mentioned.

AND BE IT ENACTED by the authority aforesaid, That no present or future Member of the said College and Corporation, who is a Contributor to the said fund, and who shall have paid his annual rate or contribution for twenty-four years successively, with interest and penalty if incurred, shall be obliged to pay or contribute more thereafter during his life; any thing in the said Charter or Letters Patent, or in the deeds executed by the Contributors, to the contrary notwithstanding.

AND BE IT ENACTED by the authority aforesaid, That in lieu of the sum of twenty-five pounds, which by the Scheme and the said Charter and Letters Patent is appointed to be paid annually out of the funds of the Corporation to the Collector of the said Scheme for raising the capital, there shall be paid by the Treasurer of the Corporation, and out of their funds, at the term of Candlemas one thousand seven hundred and eighty-eight, and at each succeeding term of Candlemas thereafter, to the Collector of the said Scheme, the sum of one pound sterling for each person who is a Member at the time, and whose Widow and Children may eventually be entitled to the benefit of the Scheme: And further, That the said Treasurer shall pay over to the Collector of the Scheme the half of the entry money paid by each and every person who shall hereafter be admitted Members of the said College and Corporation, and that towards raising and augmenting the capital or fund for providing the Widows and Children of the Members Contributors.

AND BE IT ENACTED by the authority aforesaid, That in case at any time hereafter it shall appear to the Members of the said College and Corporation at a General Meeting, to which they shall

be regularly summoned by a billet left at their respective houses at least two days previous to the Meeting, that the funds of the Corporation are more than sufficient in any one year to maintain their poor, and to defray the other necessary expences, and to pay the sums of money aforesaid to the Collector of the Scheme; then it shall be lawful to appoint the Treasurer of the Corporation to pay to the said Collector such additional sum for that year, as shall be judged proper; provided that no order for such additional payment shall be made, unless three fourths of the members of the College or Corporation are present at such General Meeting.

AND BE IT ENACTED by the authority aforesaid, That the Widows of Contributors who have survived the term at which their fourth annual rate became due, as well those Widows who are already entitled to the benefit of the fund, as those who shall hereafter come to be so entitled, shall each be entitled to, and receive the following annuities: That is to say, at the first term of Whitsunday after the decease of their respective husbands, and at each succeeding Whitsunday during their lives, and till Whitsunday, which will be in the year of our Lord one thousand eight hundred and

one, Thirty Pounds sterling; and at the said term of Whitsunday one thousand eight hundred and one, each Widow shall be entitled to, and receive Forty Pounds sterling, and the same sum annually thereafter during their lives; any thing in the said Scheme, as originally framed, or in the said Charter and Letters Patent, to the contrary notwithstanding: But provided nevertheless, That the annuity of any Widow of a Contributor who shall marry again, shall, from and immediately after such her marriage, cease and determine.

AND BE IT ENACTED by the authority aforesaid, That there shall be no deduction upon any account from the Widows' annuities the first year after they have come on the fund, but that the arrears of Contributors shall be paid by deducting a sum not exceeding one-third of the annuity each subsequent year, till the said arrears are paid up; and in case any Contributor, who has become a Member of the Corporation at the age of forty years or upwards, shall die before he has paid twelve years rates, the deficiency shall be made up in the same manner.

AND BE IT ENACTED by the authority aforesaid,

That if a Contributor shall survive the term upon which the payment of his fourth annual rate became due, and shall die a Widower, leaving a child or children under sixteen years of age, such child or children shall, at the term of Whitsunday immediately following the death of their father, be entitled to, and receive One Hundred Pounds sterling; which sum, if there be more than one child, shall be equally divided amongst the children: Provided, That if any of the Contributors shall happen to die before the term of Candlemas, at which the fourth annual rate would have been due, neither their Widows nor Children shall be entitled to any benefit from the Scheme, but shall be entirely excluded therefrom.

AND WHEREAS it is found necessary, in place of the capital mentioned in the said recited charter and Letters Patent, that there should be a capital of Eleven Thousand Pounds sterling, upon the supposition of there being forty Contributors, (the present number being thirty-seven) and that the capital should be increased Two Hundred and Fifty Pounds sterling for each Contributor above that number: BE IT ENACTED by the authority aforesaid, That the trustees in whom the management of the said Scheme is vested

shall, besides the sum already raised, being Three Thousand One Hundred and Fifty Pounds or thereby, apply the whole annual rates, together with the money paid by, or received from the funds of the Corporation, and the profits of the stock, First, in defraying the expences of management: Secondly, In lending out the following sums annually, for increasing and raising the capital: That is to say, At the term of Whitsunday in each of the years of our Lord one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand seven hundred and ninety-five, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, and one thousand eight hundred,—the sum of Two Hundred Pounds sterling: At the term of Whitsunday in each of the years one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, one thousand eight hundred and four, and one

thousand eight hundred and five,—the sum of One Hundred and Thirty Pounds sterling: At the term of Whitsunday in each of the years one thousand eight hundred and six, one thousand eight hundred and seven, and one thousand eight hundred and eight,—the sum of One Hundred and Fifteen Pounds sterling: At the term of Whitsunday in each of the years one thousand eight hundred and nine, one thousand eight hundred and ten, one thousand eight hundred and eleven, one thousand eight hundred and twelve, and one thousand eight hundred and thirteen,—the sum of One Hundred Pounds sterling: At the term of Whitsunday in each of the years one thousand eight hundred and fourteen, one thousand eight hundred and fifteen, one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen,—the sum of Fifty Pounds sterling: And at the term of Whitsunday in the year one thousand eight hundred and nineteen, and in each year subsequent, the sum of Thirty Pounds sterling, till the capital of Eleven Thousand Pounds is completed: And Thirdly, For payment of the annuities due to the Widows of the Contributors, and the provisions due to their children; and if the annual produce aforesaid in any one year shall

exceed the charges of management, the sum so ordered to be applied for raising the capital, and the annuities and provisions due to the Widows and Children for that year, and the arrears of any annuities of former years after mentioned; if any such were, such excess or surplus shall be lent out together with the foresaid sums, for the purpose of raising the capital: And, on the other hand, if in any one year the annual produce shall not be sufficient for defraying the annual burdens as aforesaid, yet no encroachment shall on that account be made upon the capital, so far as then raised; nor shall the further raising thereof, in manner above directed, be on that account stopped or retarded, except in the case of a Contributor or Contributors leaving a child or children entitled to provision from the fund as aforesaid; in which case the capital stock may suffer a diminution, and shall contribute to make up what the produce of the current year in which the event happens is deficient, to answer or pay the sum or sums to which such child or children is or are entitled; but in every other case, such deficiency or shortcoming shall affect the annuities of all the Widows proportionally, without regard to the order of time in which their annuities became due, and the same shall be restored to

them out of the surplus of the annual produce for the succeeding year or years as above mentioned : Provided always, That when the said capital is raised, if in any one year the annual produce shall be more than sufficient for payment of all the burdens of that year, and arrears of former years, the surplus shall be divided amongst the Widows then on the fund : And if the aforesaid capital of Eleven Thousand Pounds, when made up in whole or in part, shall happen to be diminished, either by the insolvency of debtors, or by any other accident whatever, such diminution shall from time to time be made up by after-surplusses to be lent out as aforesaid : Provided always, That such diminution did not happen by payments to the child or children of a Contributor, in which case the sums so paid shall be replaced by annual payments of Twenty Pounds for each One Hundred Pounds advanced.

AND BE IT ENACTED by the authority aforesaid, That the Trustees now in the management of the said Scheme and Fund, elected agreeably to the said recited Letters Patent, and the Trustees hereafter chosen conformably thereto, and the quorum of them, or the Collector of the said Scheme, shall have full power to ask, demand, levy, sue, and

use all manner of legal diligence for recovery of the annual rates payable by Contributors, and interest thereof, and penalties, if incurred; and also of the sums payable by or out of the funds of the said College and Corporation, and all sums lent out for or due to the common fund, or making part of the capital, and the profits thereof, and otherwise to act agreeably to the regulations of the said Letters Patent; the accounts of the Collector being exhibited to a General Meeting of the Contributors at the term of Lammas yearly, in place of the second Monday of August, as directed by the said Letters Patent.

AND BE IT ENACTED by the authority aforesaid, That the said John Shiells shall be admitted to all the benefits of the Scheme, in the same manner as if he had originally acceded thereto; provided that he shall pay into the hands of the Collector of the Scheme the sum of Fifty-five Pounds sterling within six weeks from and after the passing of this act, and continues to pay the common annual rate of a Contributor for the year one thousand seven hundred and eighty-eight, and in each subsequent year during his life, till he has paid twenty-four years rates in all, if he shall so long live.

AND BE IT ENACTED, That the expence of obtaining this act shall be paid out of the common funds of the said College and Corporation, and not out of the money contributed or collected for the purposes of providing for the Widows and children of the Members.

AND BE IT FURTHER ENACTED, That this act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all judges and other persons whatsoever, without specially pleading the same.

No. XVI.

AN ACT FOR ALTERING AND AMENDING AN ACT MADE IN THE TWENTY-SEVENTH YEAR OF HIS PRESENT MAJESTY, FOR CONFIRMING A CHARTER, OR LETTERS PATENT, GRANTED BY HIS MAJESTY TO THE ROYAL COLLEGE AND CORPORATION OF SURGEONS OF THE CITY OF EDINBURGH, AND FOR ESTABLISHING A FUND FOR A PROVISION TO THE WIDOWS AND CHILDREN OF THE MEMBERS OF THE SAID CORPORATION AND THEIR CLERK.

21st May, 1813.

WHEREAS his Majesty by his Royal Charter or Letters Patent, under the Seal appointed by the Treaty of Union to be kept and used in Scotland, in place of the Great Seal formerly used there, bearing date the fourteenth day of March in the year of our Lord one thousand seven hundred and seventy-eight, did of new incorporate the then Members of the College and Corporation of Surgeons of the City of Edin-

burgh, and the persons who should thereafter be legally admitted Members thereof, into one body, Politic and Corporate, or legal Incorporation and Society, under the title and name of the ROYAL COLLEGE OF SURGEONS OF THE CITY OF EDINBURGH, with the privileges and under the regulations, ordinances, and appointments therein contained :

And whereas, by an Act passed in the twenty-seventh year of his present Majesty, intituled, An Act for confirming a Charter or Letters Patent, granted by his Majesty to the Royal College and Corporation of Surgeons of the City of Edinburgh, so far as relates to a Scheme for raising a fund for a provision for the Widows and Children of the Members of the said Corporation, and of their Clerk, with certain alterations; and for establishing the said Scheme, and empowering the Corporation, and the Trustees and Officers elected for managing the fund, effectually to carry the said Scheme into execution, the said Royal Charter or Letters Patent, and all the regulations, ordinances, and appointments therein contained, relative to the Scheme for raising a fund for a provision to the Widows and Children of the Members of the said College and Corpora-

tion, and of their Clerk, and all the proceedings had in consequence thereof, agreeably to the terms of the said Charter or Letters Patent, were confirmed, in so far as the same were not altered by the said recited act; and the said Scheme was directed to be thereafter carried into execution in conformity to the regulations, ordinances, and appointments specified in the said Charter or Letters Patent, subject to the alterations in the said recited act mentioned :

And whereas the Members of the said College and Corporation, and the Trustees and Officers elected by them for managing the said fund, have proceeded in the execution of the said Scheme, agreeably to the regulations, ordinances, and appointments in the said Charter or Letters Patent contained, as altered by the said recited Act; but it has become expedient to make farther and other alterations upon the same, which cannot be effected without the aid and authority of Parliament :

May it therefore please your MAJESTY,

That it may be enacted, and be it enacted by the king's most excellent Majesty, by and with the

advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the passing of this act, the said Charter, or Letters Patent, and all the regulations, ordinances, and appointments therein contained, subject to the alterations in the said recited act mentioned, relative to the Scheme for raising a fund for the purposes before mentioned, and all the proceedings had in consequence thereof, shall be, and the same are hereby confirmed, except in so far as the same are altered by this present act, and that the said Scheme shall be carried into execution hereafter in conformity to the said regulations, ordinances, and appointments, subject to the alterations hereinafter mentioned.

And be it enacted, That the regulation, in the said recited act contained, that no Member of the said College and Corporation, being a Contributor to the said fund, and who shall have paid his annual rate or contribution for twenty-four years successively, with interest and penalty, if incurred, shall be obliged to pay or contribute more thereafter, during his life, shall be, and the same is hereby repealed, in so far as concerns future

Contributors; and from and after the passing of this act, every future Contributor to the said fund, in order to entitle his Widow to any benefit from the same, shall continue to pay his annual rate or contribution, during all the years of his life, in terms of the regulation in that behalf, contained in the said Charter or Letters Patent; but in so far as concerns the present Contributors to the said fund, the said regulation, in the said recited act contained, shall subsist and be effectual.

And be it enacted, That every person who shall, from and after the passing of this act, be admitted a Member of the said College and Corporation, shall, in consequence of such admission, be held to accede to the Scheme for raising a fund for a provision to the Widows of the Members thereof, and shall make payment, if under the age of forty years, of the sum of five pounds sterling to the Collector of the said fund for the benefit thereof, at the first term of Candlemas after his admission, and the like sum at each succeeding term of Candlemas, during his natural life, with a fifth part more of penalty in case of failure, and the legal interest of the said respective sums from the aforesaid terms

of payment during the non-payment thereof ; and every person so hereafter admitted a Member of the said College and Corporation, who shall, at the time of his admission, have completed his fortieth year, shall, over and above the said annual rate of Five Pounds sterling, and over and above the sums which by the laws of the said College and Corporation now are, or hereafter shall be, paid by persons on their admission, pay a fine of Twenty-five Pounds sterling to the Collector of the said fund for the benefit thereof ; and for each year that his age shall exceed forty years, shall pay a further sum of Two Pounds sterling ; any thing in the said Charter or Letters Patent, or in the said recited act contained to the contrary notwithstanding.

And be it enacted, That from and after the passing of this act, every Contributor to the said Fund who shall marry, shall intimate his marriage to the collector of the said fund within three months after such marriage shall take place ; and if any such Contributor so marrying shall neglect to make such intimation within the space of three months as aforesaid, or shall die within that period, without having made such intimation, the Widow of such Contributor shall forfeit the an-

nunity to which she would otherwise be entitled, unless she shall be placed on the roll of annuitants, in manner hereinafter mentioned.

And be it enacted, That from and after the passing of this act, every Contributor to the said fund, who shall marry after having attained the age of fifty years, shall, upon each such marriage after the age of fifty years, if the age of such Contributor shall exceed that of his wife, pay to the collector of the said Fund for the benefit thereof, a fine of Three Pounds sterling for each year that the age of such Contributor shall exceed that of his wife; and it shall be incumbent on every such Contributor to produce evidence of his own age and that of his wife, to the satisfaction of the said Contributors or their Trustees, in case he shall be dissatisfied with the ages at which they shall be disposed to rate him or his wife.

And be it enacted, That the Collector of the said fund shall, at the term of Lammas in every year, make up a statement of all arrears of contributions and fines due by the Contributors to the same, and shall lay such statement before the Trustees of the said fund, at a meeting to be called by him to consider the same, and the said

Trustees shall give such directions thereon as they shall think proper, and shall enter in their sederunt book a minute, authorising the said Collector to use legal diligence against such Contributors in arrear as they shall think necessary, and the said Collector shall be bound and obliged to raise and execute such diligence accordingly, and the Lords of Council and Session are hereby authorised and required, upon the application of the said Collector, to issue their warrant for letters of horning, and other legal diligence, in the name of such Collector, against all such Contributors in arrear, on production of a certificate signed by the Collector, certifying, that the individuals complained of are liable in the arrears, interest, and penalties, stated in such certificate; and no suspension of a charge on such letters or diligence shall be granted without consignation of the whole sums charged for.

X And be it enacted, That from and after the passing of this act, it shall not be lawful for the said trustees to lend out any part of the funds under their management on the personal security only of any individual or individuals.

And be it enacted, That the said annuities

shall be paid to the persons entitled thereto, without deduction for, or on account of any tax upon property or income, already imposed, or hereafter to be imposed by Parliament; and the Treasurer of the said Royal College and Corporation of Surgeons shall, on the first day of August in the present year one thousand eight hundred and thirteen, and on the first day of August in every year thereafter, out of the funds of the said College and Corporation, repay to the Collector of the said fund the whole amount of the tax upon property or income, that may have been paid by him on the said fund for the year preceding.

And be it enacted, That instead of the annuities directed by the said recited act to be paid to the Widows of Contributors who may have survived the term at which their fourth annual rate became due, as well those Widows who are already entitled to the benefit of the fund, as those who shall hereafter come to be entitled to the benefit thereof, shall each be entitled to, and shall be paid the following annuities: That is to say, at the first term of Whitsunday after the passing of this act, with regard to those already entitled to the benefit of the said fund, or at the first term of Whitsunday after the decease of their

respective husbands, with regard to those hereafter to become entitled to the same, and at each succeeding term of Whitsunday during their lives, or while they shall continue in viduity, and until the term of Whitsunday, which will be in the year of our Lord one thousand eight hundred and twenty-three, the sum of Fifty Pounds sterling, and at the said term of Whitsunday one thousand eight hundred and twenty-three, each Widow shall be entitled to, and shall be paid the sum of Sixty Pounds sterling, and the same sum annually thereafter, provided the stock or fund then collected shall amount to a sum equal to Three Hundred and Ten Pounds sterling for each Contributor to the Scheme who shall be then alive ; but if such stock or fund shall not then be of that amount, the annuity payable to each Widow shall continue to be only Fifty Pounds sterling, until the said stock or fund shall amount to a sum equal to Three Hundred and Ten Pounds for each Contributor alive at the time ; and at the first term of Whitsunday after the stock or fund shall amount to that sum, each Widow shall be entitled to, and shall be paid an annuity of Sixty Pounds sterling ; and the legal representative of any Widow dying, shall be entitled to receive that portion of her annuity which shall have accrued

between the preceding term of Whitsunday and the day of her death : Provided always, that every Widow of a Contributor, entering into any subsequent marriage, shall cease to be entitled to her annuity as the Widow of such Contributor, from the day of her entering into such subsequent marriage, but shall be entitled to receive that portion of her annuity which shall have accrued between the preceding term of Whitsunday and the day of such subsequent marriage.

And be it enacted, That from and after the passing of this act, every Widow entitled to the benefit of the said fund, who shall reside in any other part of Scotland than in the city of Edinburgh, or the liberties thereof, shall, in order to entitle her to receive payment of her annuity, be obliged to transmit to the collector of the said fund, annually, a certificate, signed by a minister and two elders of the parish wherein she resides, certifying, that she was alive and unmarried at that term of Whitsunday when the annuity of which she claims payment became due ; and in case any Widow shall reside elsewhere than in that part of the United kingdom called Scotland, she shall be obliged to transmit to the collector of the said fund, annually, a certificate to the same effect,

signed by a clergyman and two respectable inhabitants of the parish wherein she may reside.

And whereas, it is found necessary, that the capital or stock of the said fund should be further increased : Be it enacted, That in place of the capital or stock in the said recited act mentioned, such capital or stock shall be increased to the sum of twenty-five thousand pounds sterling ; and when the number of Contributors shall amount to more than sixty-five, the said capital or stock shall be increased to the sum of four hundred pounds sterling, for each Contributor above that number, in manner hereinafter mentioned.

And for effecting these purposes : Be it enacted, That the trustees of the said fund shall apply the whole annual contributions, together with the money paid by or received from the funds of the said corporation, and the profits of their capital or stock, first in defraying the expences of management : In the second place, for payment of the annuities to widows, as in the said recited act and this act mentioned ; and in case of any deficiency or shortcoming in any year, the annuities to Widows in that year shall be rateably diminished, without regard to the order of time in which

their annuities first became payable ; provided always, that any such diminution shall be made up to the Widows from the surplus of any future year or years : And in the third place, in increasing the capital or stock of the said fund, by lending out the surplus of each year, in manner as by the said recited act and this act directed, until the same shall amount to the said sum of twenty-five thousand pounds, and in keeping up the same to that amount, in the event of any diminution thereof, from insolvency of debtors, or from any other cause whatsoever ; and if the number of Contributors shall not exceed Sixty-five when the said capital or stock shall have been increased to the said sum of twenty-five thousand pounds, the surplus, which was previously applicable to the increase of the said capital or stock, shall be applied in increasing the annuities then payable to the Widows of the Contributors, and be equally divided among them ; but if the number of Contributors shall exceed sixty-five before the said capital or stock shall be increased to the said sum of twenty-five thousand pounds, the surplus produce of the funds, under the management of the said trustees, shall be applied in increasing the said capital or stock till the same shall amount to the said sum of twenty-five thousand pounds, and

to a further sum of four hundred pounds sterling for each Contributor above the said number of sixty-five: And if the number of Contributors shall be increased to more than sixty-five after the said capital or stock shall amount to the said sum of twenty-five thousand pounds, but before such surplus shall have been divided among the widows, such surplus shall continue to be applied in increasing the said capital or stock till the same shall amount to a further sum of four hundred pounds sterling, for each Contributor above the said number of sixty-five: but if the surplus shall, in any one year, have been divided among the widows of the Contributors, such capital or stock shall be increased to the said further sum of four hundred pounds for each Contributor above the said number, by applying the sum of one hundred pounds sterling out of the said surplus annually; or in case such surplus shall not amount to one hundred pounds, by applying the whole of such surplus annually towards the increase of the said capital or stock until the same shall be increased to the said further sum of four hundred pounds, for each such Contributor above the said number of sixty-five; and the surplus produce of the funds, if any, after effecting these purposes, shall go towards

increasing the annuities then payable to the widows of the Contributors; and similar proceedings for the further increase of the said capital or stock shall be had from time to time upon every increase of the number of the Contributors as occasion may require: Provided always, that if from unavoidable circumstances the order of proceeding hereinbefore specified shall be interrupted, the same shall be resumed as early as circumstances will again permit.

And be it enacted, That, from and after the passing of this, the provisions by the said recited act, declared to be payable in certain events to the Child or Children of Contributors to the said fund, shall cease and be no longer payable, any thing in the said charter or letters patent, or in the said recited act contained to the contrary notwithstanding.

And be it enacted, That after the decease or resignation of Mr William Balderston, writer to the Signet, the present clerk to the said corporation, no future clerk thereof shall be elected, otherwise than during pleasure; and no such future clerk shall be entitled to become a Contributor to the said fund, any thing in the said charter or

letters patent, or in the recited act, contained to the contrary notwithstanding.

And be it enacted, That where any Contributor shall have forfeited the annuity to which his Widow would have been entitled after his decease, from his having allowed his annual rate to have run on unpaid for six years, and it shall appear to the Contributors at a special meeting assembled, that the failure in payment of any such Contributor was occasioned, not with a view to injure the fund, but from decay of business, or other misfortunes or accidents, it shall be competent for any member present at such meeting to make a motion to reinstate such Contributor in arrear in the same situation as if such forfeiture had never taken place, on payment of all arrears due by such Contributor, with compound interest thereon from the terms at which the respective rates became due ; or in case any such Contributor so in arrear shall be dead, leaving a Widow, to make a motion to enter her on the roll of annuitants, as soon as the annuity that would have fallen due to her, had there been no forfeiture or arrears, shall amount to a sum equal to these arrears, and compound interest thereon, from the terms at which the respective rates became due ;

or in case any Contributor shall have neglected to intimate his marriage within three months after the same shall have taken place, or shall have died within three months after having married, without having intimated such marriage to the Collector of the said fund, in manner hereinbefore mentioned, to make a motion to reinstate such Contributor, if then alive, in the same situation as if such forfeiture had never taken place ; or if such Contributor shall be dead, to enter the Widow of such Contributor on the Roll of Annuitants, as soon as the annuity which would have fallen due to her, had due intimation of her marriage been given, shall amount to a sum equal to any arrears that may have been due by her husband, and compound interest thereon from the terms at which the respective rates became due ; and if such motion shall at a second special meeting of Contributors be approved of by three-fourths of the Contributors then present, it shall be competent for such meeting to reinstate such Contributor, or to place on the roll of annuitants such widow, on the terms before mentioned, any thing in the said charter or letters patent, or in the said recited act contained to the contrary notwithstanding : Provided always, That no special meeting shall be held in relation to these purposes, or any

of them, unless a notice, written or printed, specifying the purpose, and the time and place of meeting, shall have been left at the dwelling-place of each Contributor residing within the city of Edinburgh, or the liberties thereof, two days before the day of such meeting.

And be it enacted, That in case at any time hereafter it shall appear to the Members of the said College and Corporation of Surgeons, at a general meeting assembled, that the funds of the Corporation are more than sufficient in any one year to maintain their poor, and to defray their other necessary expences, and to pay the sums of money by the said Charter or Letters Patent, and by the said recited act and this act directed to be paid to the Collector of the Widows' fund; then it shall be lawful for any Member present at such meeting to make a motion that the Treasurer of the Corporation be appointed to pay to the said Collector such additional sum as may be judged proper; and if such motion shall, at a second general meeting of the Members of the said College and Corporation, be approved of by three-fourths of the Members there present, it shall be lawful for such meeting to appoint the Treasurer of the said College and Corporation to pay to the

said Collector such sum for that year as may have been judged proper, any thing in the said Charter or Letters Patent, or in the said recited act contained to the contrary notwithstanding: Provided always, that no such purpose shall be taken into consideration at any such general meeting, unless a notice, written or printed, specifying the purpose, and the time, and place of meeting, shall have been left at the dwelling-place of every Member of the said Corporation residing within the city of Edinburgh, or the liberties thereof, two days before the day of such meeting.

And be it enacted, That the expences of applying for and obtaining this act shall be paid out of the common funds of the said College and Corporation, and not out of the money contributed or collected for the purpose of providing annuities for the Widows of the Members thereof.

And be it enacted, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such, by all judges, justices, and others, without being specially pleaded.



