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TWELFTH REPORT, APPENDIX, PART VIII.

THE MANUSCRIPTS
OF
THE DUKE OF ATHOLE, K.T.,
AND OF
THE EARL OF HOME.

Presented to both Houses of Parliament by Command of Her Majesty.

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HISTORICAL MANUSCRIPTS COMMISSION.

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CONTENTS.

THE DUKE OF ATHOLK  -  -  -  -  -  -  -  1
THE EARL OF HOME -  -  -  -  -  -  -  76
INDEX     -  -  -  -  -  -  -  186
SECOND REPORT ON THE MUNIMENTS OF HIS GRACE THE DUKE OF ATHOLE, K.T., AT BLAIR CASTLE, BLAIR ATHOLE.

The first report on the valuable collection of ancient Charters relating to the Earldom of Athole is printed in the sixth report of the Commissioners [Appendix, pp. 703–716]. The present report refers to the correspondence, which is very extensive, and of historical importance.

The first section of this Report includes the letters addressed by several Sovereigns of Scotland to various members of the family of Athole. The first of these bears the signature of King James the Third, and, though not a letter in the modern sense of that word, is so styled in the body of it. It is dated in August 1473, and appoints Sir William Murray of Tullibardine to be Stewart of Strathern during the King’s will, with full power to hold Courts and punish offenders within the stewary. This appointment was renewed for his life to Sir William Murray or to his son of the same name on 18th January 1482–3 [No. 2 infra]. By this writ the office of Stewart or Seneschal of the Earldom of Strathern, and the lordship of Balquhidder, was conjoined with those of Keeper of the Royal Forests, and “Coronator” within the bounds. This grant of 1453 has been stated to be the first bestowal of the office of Stewart of Strathern, but, as shown in the previous grant, the office was conferred ten years earlier. The office of Stewart of Strathern thus granted to Sir William Murray was the temporary revival in his person of the position held by the possessors of the barony of Tullibardine under the ancient Earls of Strathern. The ancient descent of the family of Murray of Tullibardine, now represented by His Grace the Duke of Athole, was, in the former report, only casually referred to; and, in connexion with this revival of an ancient office, a few words on this subject may be added.

There is no need to dwell on the origin of the ancient and powerful family which took their name from the province of Moray, where, so early as the time of King David the First, in the twelfth century, they had extensive possessions. Between 1203 and 1214 Hugh Freskyn, ancestor of the Earls of Sutherland, conferred on Gilbert de Moravia, Archdeacon of Moray, certain lands in Caithness. Gilbert became Bishop of Caithness, and was canonised after his death in 1245. He had two brothers, John and Richard de Moravia, the first of whom is claimed as the ancestor of the family of Tullibardine. He is named as Sheriff of Perth before 1219. His son Malcolm was also Sheriff of Perth, and his son, William de Moravia, became, in 1284, the first lord of Tullibardine. He acquired these lands with his wife Ada, daughter of Malise, Seneschal, or Stewart of Strathern, whose ancestors had been Stewarts of Strathern before 1200, or as far back as there are extant charters of the earldom. From William de Moravia, first of Tullibardine, and Ada, his wife, have descended, from father to son, the Murrays, Earls of Tullibardine, Marquises and Dukes of Athole. In 1473, therefore, the Stewartry of Strathern was revived in the descendant of the ancient possessor of the office, though it did not remain with the family of Tullibardine, but was afterwards
bestowed heritably upon Sir John Drummond of Cargill, ancestor of the Earls of Perth.

The letter by Queen Mary [No. 5 infra] was addressed to Margaret, Countess of Athole, widow of John Stewart, fourth Earl of Athole, who had died, not without suspicion of poisoning, on 20th April 1579 [cf. No. 58 infra]. The Earl of Athole was interred, it is said, with great magnificence in the Church of St. Giles, Edinburgh. King James the Sixth, then a boy of thirteen, gave permission, under his own hand, that the Earl’s remains should be laid “ewest [near] our dearest uncle and regent, of gude memorie the Erl of Murray.” [No. 4 infra.]

There was a formal inquest held upon the deceased Earl’s body, in presence of the King and the Privy Council, at Stirling on 16th June 1579, but the evidence seems to have been conflicting and more curious than scientific, though Alexander Preston, “Doctor in Medicine,” was a witness. The young Earl of Mar, son of the lately deceased Regent Mar, and his mother, Annabella Murray, of the Tullibardine family, were accused of the crime, but, probably, without reason, and it would appear that the deceased Earl of Athole had been an invalid for at least a year before his death, as there is, at Blair Castle, a royal permit to him to go abroad for preserving his health. It is, however, to the suspicions against the Earl of Mar and others accused of causing the Earl of Athole’s death that Queen Mary refers in the first part of her letter to the Countess. In the Queen’s allusions to her son, the young King, she retains a maternal remembrance of the infant she had left behind her when she fled to England. In the letter now reported on, Mary appears in a favourable light, showing a motherly regard for her son’s welfare, and anxiety about the state of his health. She refers to certain of his youthful ailments as having been endured by herself when she was of the same age as her son.

The Earl of Athole, son of the Countess, Queen Mary’s correspondent, died in 1596, leaving no male issue. The eldest of his four daughters, Lady Dorothea Stewart, married William Murray, second Earl of Tullibardine. In 1626 he petitioned King Charles the First that in right of his wife the title of Earl of Athole might be bestowed on him, as all heirs male were extinct, to which the King consented; but the Earl died before the arrangements were completed, and his son John became Earl of Athole. It is to this second Earl of Tullibardine that the letter [No. 7 infra] was addressed by King James the Sixth in view of a visit to his “native Kingdom” in the year 1617. The King’s letter is characteristic in its phraseology; and, in his desire to have, at an early point of his journey, a foretaste of the dainties of his northern realm, the requisition to the Earl is that he may send forward “capercaillicies and termigants” (ptarmigans) to meet the King at Durham, adding, “The rarieties of these foules will both mak their estimation the more precious, and confirm the opinion conceaved of the good chese to be had there.” The reference to the rarity of capercailzie is of some interest in these days, when great efforts are being made to naturalise the bird again in Scotland after having been long extinct there. The second Marquis of Breadalbane claimed that he succeeded in again restoring the capercailzie to Perthshire. We get also a glimpse of another wild animal, now unknown in Scotland, but which long infested the country, in a letter by an unknown writer, addressed, in 1604, to the “lord of Atholl,” and inter alia, requesting the loan of a “leische of houndis” with which to hunt the wolf. The writer promises faithfully to restore the hounds and to lend his own when his correspondent hunts [No. 59 infra].
John Murray, first Earl of Athole of that name, was the recipient of the letter [No. 61 infra] from Archibald, Earl (afterwards Marquis) of Argyll, requesting a meeting at Perth to take measures against the "lymmeris and brokin men," who then kept the Highlands in a state of turmoil. It has been stated by some that the Earl of Argyll used his commissions against such outlaws as a means of concussing those in the north opposed to his party, and a contemporary writer states that the Earl of Athole himself, and eight other gentlemen, were surprised and made prisoners. This took place apparently in 1640, and the Earl was brought to Edinburgh and detained there, as we learn from his remonstrance and appeal, addressed to the Committee of Estates and the Earl of Montrose. Of these letters the drafts, dated 7th September 1640, are reported on [No. 63 infra]. Argyll's view of the matter, which led to Athole's arrest, may be found in letter of date 30 May 1640 [No. 62 infra] in which the former states that the latter had been "averse from giving satisfaction" to the Committee of Estates. Argyll is afraid the Committee may be "forced to some hard course to distinguish their friends from their enemies." The Earl of Athole attached himself to the Royalist party, and probably gave but a tardy response to the letter of the Committee of Estates which they addressed to him about March 1640 [No. 64 infra], advocating a hearty union for the preservation of religion, life and liberty against the royal encroachments on these. Hence the dissatisfaction of Argyll.

The Earl of Athole's conservative opinions led him to join in the famous Bond by Montrose, known as the "Cumbernauld Band." It is said to have been written at Cumbernauld in August 1640; but this may be doubted, as Montrose, who was still a Covenanter, was then with the Scottish army on the Borders, and the fact of the Earl of Athole's detention in Edinburgh shows that his signature, at least, must have been appended at a later date. On 2nd March 1641, however, the Earl of Athole received a summons from the Committee of Estates to explain his reasons for subscribing the Bond referred to [No. 65 infra]. Three other missives of the same date [Nos. 66-68] were also sent to the Earl, whose activity, in the cause of the Committee, did not correspond to their expectations. Indeed, all the letters addressed to the Earl about this period, and especially the two undated ones [Nos. 69, 70], signed by General Alexander Leslie, show that the Earl of Athole, and his district generally, were in no wise very responsive to the demands of the Covenanters, either for men, money, or the subscription of the Covenant.

The first Earl of Athole was succeeded, in 1642, by his son the second Earl. He is said to have taken an active part with the Royalists under Glencarn in 1653, but no papers remain to attest the fact. It was to his kinsman and brother-in-law, the Earl of Tallibardine, that the letter [No. 74 infra], of date 30th August 1651, was written by the Earl of Loudoun. The letter is an urgent appeal for help against Cromwell and his "sectaries," who had, two days before, taken prisoners the Earl of Leven and other noblemen. A letter from Oliver Cromwell himself, addressed to General David Leslie, is given in No. 73 infra. It bears no date, but must have been written a month or two before the battle of Dunbar in 1650, while yet the two armies were watching each other's movements. It is simple and plain spoken in its tone. To the Countess of Tallibardine was written the letter [No. 75 infra] giving a glimpse of the situation between the Royalist army and that of Cromwell's, before the King's sudden march into England in 1651.
The second Earl of Athole was created a Marquis in 1676. None of the letters at Blair Castle, addressed to him before that date, are important. But the epistles of 1677 and 1679, both apparently to the Marchioness of Athole, the one written by H.R.H. the Duchess of York and the other relating to the Princess Mary, and her marriage to the Prince of Orange, are of interest [Nos. 13 and 85 infra].

In 1673 the Marquis was in the West with the Highland host, and the letter [No. 86 infra], apparently written by his eldest son, who was styled Lord Murray, gives a glimpse of the situation. In 1684 the Marquis was appointed Lieutenant of Argyllshire, with powers of intromission over the estates of the Earl of Argyll, who had been forfeited in the year 1681. Argyll had escaped to Holland, and it may be that some news of his doings, and those of the Duke of Monmouth, had led the Government to establish the head of the Athole men in the stronghold of Argyll. At all events the Marquis of Athole's presence tended to check the expected rising of the Argyllshire Highlanders when a descent was actually made by their chief in May 1685. The result is well known. After a short, inglorious, and comparatively bloodless campaign, the Earl of Argyll was made captive, and beheaded, at Edinburgh, on 30th June 1685. The particular history of the affair—the Marquis of Athole's occupation of Argyllshire, his dealings with the Privy Council, on the one hand, and with those opposed to him, on the other, may be learned from the papers detailed in the second division of this report. The first Marquis of Athole died in May 1703, and was succeeded by his eldest son, who, as John, Lord Murray, was for some time Secretary of State, and was created, in 1696, Earl of Tulibardine for life. He took an active part in State affairs, and to him most of the correspondence between 1686 and 1715 is addressed. We have, in the letters of this period, various indications of the condition of Scotland, interspersed with news of the war in Flanders, and the proceedings there. A letter dated 3rd January 1689 [No. 91], partly written by the Marquis of Athole, Lord Murray's father, refers to an attempt by the Jacobite Earl of Perth to escape, frustrated by the vigilance of the Marquis. The letters of the year 1689, which are addressed to Lord Murray by parties on both sides of politics, show sufficiently the difficulties with which a great Highland Chief had to contend. Lord Murray especially was in a delicate position. His father was absent in England, suspected of being friendly to King James. He himself, as was natural, was very anxious that the armies should not pass near his property, which was liable to be pillaged by one as readily as by the other [cf. No. 96].

Doubts have been expressed as to Lord Murray's conduct on the eve of the battle of Killiecrankie, but he seems to have been faithful to Mackay, though his highlandmen, in their fondness for plunder, broke away from his control, and pillaged the retreating Royalists. Lord James Murray (of Dowally), a younger brother of Lord Murray, openly put himself at the head of the Athole men who joined the Jacobites. He did so, it is alleged [No. 116], that he might control the propensities of the Highlanders, and save his father's houses from ruin. Later, Lord Murray, by his influence, induced his clan to desert the rebel leaders; but it would appear that, though General Mackay exonerated Lord Murray from blame, the Royalist troops made considerable havoc in the Athole district [cf. Nos. 110, 116]. The letters relating to the rising of 1689 will be found in Nos. 96 to 116, the last of which contains a short notice of the gallant defence of Dunkeld by the Cameronians. One or two
minor historical points emerge from these documents. General Mackay,
in his Memoirs, says he reached Perth "about the 22nd or 23rd of
July," a statement which has been found difficult to reconcile with his
reaching Killiecrankie on the 27th. But his own letters, as now
reported, show that he reached Perth only on the 25th July, going the
next day to Dunkeld, thus arriving at Killiecrankie on the 27th.

Another point, which has given rise to much controversy, is the
death of Dundee at Killiecrankie. Several historians have maintained
that Dundee was not killed on the battlefield; and that, although
mortally wounded, he was carried alive to Blair Castle, the head-
quarters of his army, a distance of three miles, and there wrote a letter
to King James, giving an account of his victory, and stating that his
wounds were not mortal. Mr. Mark Napier, in his memoirs of Dundee,
has printed that letter [Vol. III., pp. 652-3] and maintained its
authenticity with characteristic vehemence [ibid., pp. 657—672]. The
original letter is not known to exist, and no evidence is afforded of its
having ever been seen. James Macpherson, of Ossian fame, published
the letter from a copy of it preserved in the Bodleian Library, Oxford.
The copy letter is said to be in the handwriting of the period, on one
side of a sheet or leaf of paper, and the Speech of Dundee to his army
on the other side.

Lord Macaulay's account of the death of Dundee is in his usual
graphic style. He explains that the horse (Lord Dunfermline's regi-
ment of cavalry) hesitated to advance; "Dundee turned round, stood
up in his stirrups, and, waving his hat, invited them to come on. As
he lifted his arm, his cuirass rose and exposed the lower part of his
left side. A musket ball struck him; his horse sprang forward and
plunged into a cloud of smoke and dust, which hid, from both armies,
the fall of the victorious General. A person named Johnstone was
near him and caught him as he sank down from the saddle. 'How goes
the day?' said Dundee. 'Well for King James,' answered Johnstone.
'But I am sorry for your Lordship.' 'If it is well for him,' answered
the dying man, 'it matters the less for me.' He never spoke again;
but when, half an hour later, Lord Dunfermline, and some other friends,
came to the spot, they thought that they could still discern some faint
remains of life. The body, wrapped in two plaids, was carried to the-
Castle of Blair." In a note to that passage Lord Macaulay adds:
"Macpherson printed a letter from Dundee to James, dated the day
after the battle. I need not say that it is as impudent a forgery as

Among the authorities referred to by Macaulay are the depositions of
Nisbet and Osburne, two of the witnesses examined in the process of
forfutucre against the representatives of Dundee. These witnesses
depose as to seeing the dead body of Dundee on the field of battle.
Another witness is even more explicit on the point. James Malcolm,
son to the Laird of Balbadie, had joined in arms with Dundee at the
Glen of Ogilvie in May 1689. He was afterwards with Dundee at
Killiecrankie, and he deposes "that he saw the said late Viscount of
Dundie lying dead of the wounds he receaved that day in the feight."

Another and more recent historian thus describes the alleged letter
of Dundee to James:—"The letter is so happily expressed as to be a
forgery on its face; for, it is not to be imagined that he who vainly
struggled after grammar, with all his senses with him, would command
it when mortally wounded and utterly unfit for that species of command
with which he was familiar. The tenor of the rapid events of the day,
as well as the testimony of the witnesses so often referred to, shew that he expired speedily.” [Burton's History of Scotland (1689-1748), Vol. I., pp. 133, 134, n.]

After all that has been written by partisans on both sides it was hardly to be expected that any additional evidence would be discovered bearing specially on the death of Dundee. But there have been discovered, in the Athole correspondence, two letters which have a direct bearing on the subject. The first is from Lord James Murray of Dowally to his brother, then Lord Murray, afterwards first Duke of Athole. It is dated from Tullimet, 28th July 1689 [No. 107]. Tullimet is situated in the parish of Logierait, being the adjoining parish to Moulin, in which Killiecrankie is situated. Lord James Murray, the writer of the letter, took part in the rising along with Dundee. As Dundee’s head-quarters were at Blair Castle, Lord James’ brother, Lord Murray, was anxious for the safety of the muniments of his father, the Marquis of Athole, to whom Blair Castle belonged. Lord James informs his brother that he had written to Dundee about his father’s papers, and had heard of Dundee “being killed.” Lord James had the best means of information, being in communication with both parties engaged in the rising, and his testimony, on the day following the evening of the battle, of Dundee “being killed,” disproves the story of his having been carried alive, three miles, to Blair Castle, and there writing a letter to King James, boasting of his victory, and treating his wounds as not “mortal.”

There is still another letter, dated also from the same place of Tullimet, 29th July 1689—two days after the battle on the evening of the 27th. The writer was Thomas Stewart, proprietor of the estate of Stenton, near Dunkeld, but then at Tullimet. He explains the proceedings of the adherents of King James, and their threats against all who would not join them. He adds that “their orders, since the death of Dundee, are given out by one Cannone, one Scots officer, who cam from Irland.” There were none killed of Dundee’s party, save Dundee himself, two brothers of Glengarry, a second son of Sir Donald MacDonald, one Robert Ramsay, and Pitcur, who was deadly wounded. It is added: “My Lord Dundie was shot dead one the head of his horse.” The writer is very precise in his information, and he draws a distinction between the shooting dead of Dundee and the deadly wounding of Halyburton of Pitcur, who died afterwards.

These two letters are new and important evidence on the disputed question. They corroborate the previous evidence that Dundee was killed on the battlefield.

Another letter in the Collection [No. 126] is an important testimony to the tragic fate of the Viscountess of Dundee at the “Castle of Antwerp” in Utrecht. Like the death of Dundee himself, the death of his Viscountess has also formed the subject of controversy. It has been said that the roof of the room in the “Castle of Antwerp,” in which she was staying for a night, was purposely injured, by the landlord, and some of his accomplices, cutting the beams which supported the roof. Upon a signal being given they let it fall in, to smother the whole company of Jacobite friends who were there assembled. [Napier’s Memoirs of Dundee, Vol. III., p. 677]. It is well known that Dundee’s widow married, a few years after his death, Alexander Livingstone of Kilsyth, known as Viscount of Kilsyth, and that she met a tragical fate in Holland. The exact circumstances of her death, however, have never been clearly understood, and the letter [No. 126] now reported on, from one who was actually in the house, where the Viscountess met her death,
will be read with interest. The writer of the letter, Mr. Stewart, who is not identified, states that it was owing to the weight of turf or peat used as fuel, and stored in the chamber, immediately above that of the Viscountess, in the “Castle of Antwerp” in Utrecht, where the lady was, that the catastrophe happened. The joists of her chamber suddenly gave way, under the great weight of 300 tons of fuel, and she, her infant son, and her maid, were buried in the ruins, her husband, and Mr. Walkinshaw of Barrowfield, being also injured, but not fatally. The letter now reported on was written immediately after the event. But another letter, also by an eye witness, printed in a privately circulated work, “The Edmonstones of Duntreath,” 1875, adds the fact that the bodies of the mother and son were embalmed. The fatal accident took place on 16th October 1695; and, in 1795, exactly a century later, much interest was excited by the embalmed bodies being discovered, in the family vault at Kilith, in a state of remarkable preservation. The vault was, some years later, closed up.

The letters to Lord Murray, afterwards Earl of Tulibardine, and the other letters here reported, between 1692 and 1700 [Nos. 117–146], refer chiefly to the lawless condition of the Highlands of Scotland. Complaints similar to that of Viscount Tarbat [No. 140] poured in on the Government from all hands, and suggestions for remedies were not wanting, as in No. 120. Another letter of Viscount Tarbat [No. 146] is also interesting in what he says as to the Island of Inchkeith, in the Forth, and his recommendations to the Government to fortify it. A letter in the peculiar style of Simon Fraser, afterwards famous as Lord Lovat, will be found at No. 143. The case of Cornelius Con, reported by the Lord Advocate in No. 139, has a considerable resemblance to, and may have suggested the treatment of, Lady Grange at a later date.

The letters to Lord Murray after he became Duke of Athole, and during the reign of Queen Anne, call for no special mention; but attention may be directed to the sarcastic sketch of political parties by George Lockhart of Carnwath [No. 154]. Some school-boy letters of Lord George Murray, afterwards the famous leader in the rising of 1745, will be found in Nos. 158, 159. There are two letters from the famous Rob Roy [Nos. 152 and 161], the second of which contains a half humorous complaint against the Duke of Montrose, with whom he had, shortly before, fallen into money difficulties. In this epistle, Rob Roy concludes “there is vast differs [difference] between Dukes,” and extols the Duke of Athole; but his mind underwent a change some years later after his seizure and imprisonment, in 1717, by that Duke, referred to in No. 180. The freebooter, shortly after his capture or surrender, escaped, apparently owing to connivance of his captors, the Athole men, while the military were on their way to receive his person, and, three weeks afterwards, on 25th June 1717, he fulminated a manifesto “to all lovers of honour and honesty,” complaining in no measured terms against the Duke of Athole, who “coy-duk’d” him. [“The Red Book of Menteith,” by William Fraser, 1880, Vol. I. p. lxxiii.]

The letter, No. 162 infra, written in May 1714, gives a curious glimpse into the manners and customs of Edinburgh society of the period. A later letter by the same writer [No. 164] shows that Queen Anne’s death was not deeply regretted by her Scottish subjects. The letters [Nos. 165–177] referring to the insurrection of 1715 relate chiefly to the conduct of the Duke of Athole’s own family.
There are also, in the Athole Charter chest, a number of letters between the years 1715 and 1744, which are not here reported in detail. They, in general, relate to the state of the Highlands, the independent companies, various murders and other lawless doings, but are, as a rule, not of special public interest.

The papers in the Athole Charter chest, relating to the Rebellion of 1745-6, are numerous, but, owing to special circumstances, access cannot be obtained to them for a detailed report of their contents. An inventory of these, and other Athole papers, was prepared by the late Mr. Carrington, who was, for some time, a private secretary to John, fourth Duke of Athole. The inventory bears date 29 September 1830, and a description, from that inventory of the correspondence and papers, relating to the Rebellion of 1745-6, is appended to the present report.

The papers now reported on are arranged as follows:

DIVISION I.—ROYAL LETTERS, 1473-1715.

DIVISION II.—PAPERS RELATING TO THE MARQUIS OF ATHOLE'S LIETENANCY IN THE SHIRES OF ARGYLL AND TARTEN IN 1684 AND 1685.

Section 1. Reports, Depositions, and other Papers.
Section 2. Letters from the Privy Council to the Marquis of Athole.
Section 3. Miscellaneous Letters relating to Argyll's invasion.

DIVISION III.—MISCELLANEOUS CORRESPONDENCE, 1579-1721.

To this Division is appended also a brief Inventory of Correspondence and Papers relating to the Rebellion of 1745-6.

DIVISION I.—ROYAL LETTERS, 1473-1715.

1. Letter under the Privy Seal of King James the Third appointing and constituting William of Murray of Tullibardine, Knight, Stewart of Strathern, giving him full power to hold courts, punish offenders, &c., within the said Stewartry, and to do all other things which properly belong to the office of Stewart, also constituting Sir William the King's Forester, and also Coroner within the same bounds. This letter to endure for the King's will. Dated at Edinburgh in August 1473. Signed by the King. [The date is worn away.]

2. Letter under the Great Seal appointing Sir William Murray of Tullibardine, Stewart of the Earlom of Strathern, and lordship of Buthquhidder, for the term of his life, with the offices of Keeper of the Royal Forests, and of Coroner within the bounds of the said Earldom, giving him full power to hold courts, punish transgressors, and to do all other things which to the said offices belong. Dated at Edinburgh, 18th January 1482-3.

3. Letter under the Privy Seal of King James the Fourth granting to Sir William Murray of Tullibardine, Knight, for his faithful service and because of his age, exemption from attendance on any temporal
court or passing upon any assise, except he be charged thereto by the King in person; and charging all the King’s officers to observe such letters. Dated at Stirling 20 April 1607.

4. Letter King James the Sixth to John Stewart, Earl of Athole. 24 May 1579.

Richt trait cousing we greit you hertlie weill. Vnderstanding the corps of our richt trait cousing, and counselour, zour fader, now resting with God, to be zit vnburyed, and that we think meitt that our nearest freindis and kynnismen departing this lyff, in our aige, suld be placed in buriall ewest others, and that in sic honorable and publack places as we mycht the rather be moved to remember thame, and thair gude service, in thair lyvetymes, and thair posteritie for thair sakes. As spesiale we wishe the corps of our cousing zour fader to be conveyed to Edinburgh, and thair placed ewest our nearest vncle and regent of gude memorie, the erll of Murray, quhilk we doubt not saibie honorabill for you, and to we it wil be acceptable. Thus we committ zow in the protection of the Almichtie. At our castell of Strueling, the xxviiij of Maij 1679.

JAMES R.

To oure richt trait cousing the erll of Athole.

5. Letter (entirely in the Queen’s own handwriting) Mary Queen of Scots to the Countess of Athole. 18 March [c. 1580].

My good Ant, I hard, be my Secretarai, your fethful good will and keer towards me, as also off yowr too sisters, and am herteli soir thai that he mith not schou his commission to my soon, for it had been for his well and myn too, as he is lik to perseasen, be the dealings off our fals traitours, that, not content off yowr good lords death be poisin[г] g him so vikedli, bot, as I hir zet, consell yowr soon to agri with his murtherer and meri on off his greatest frindes daughtar, a great enamy to me, by yowr consent, that I am sur yow woulde neuuer hauee guuen on makin yowr frindes privi to it. Wel, quhosoouer is wise lath cas nou to look about them, for me soon, and all thae he lyks or trusts in, ar in as great desanger nou as euuer they war, and my poor boy as sor enned as euuer I was, for as young as he is; bot the Stuarts not thay aill in on tank lyk to fil that they war never mord off bot to serve wthr folkes tournes. I am sur yow schal hir mor. Nau seeeth that he vnderstood not be yowr sister that yow wald haue had the toknes, for he wald wilingli half lef them vth yow. I pray yow enquir quast Dem Corgi hes doon with the little goons. I wald nou me soon had them, and knou off me soon iff he hes had me book and pictur; the Lord Seiton, and last, G. the book. I pray yow let me hir the treuth off his helth, for sum fires me that he is sikli and not lyk to lue. I had me self a great siknes and indigistion off stomak in his zeris, and vll not fir fort thai; bot let me knou if he hes an schort end or host: for Gods seek tak hid to him and see him off. God wats quhio sor I haue forthocht that I pat him not at the furst with yow, qhuan I was so great a ful as to trust that vthankful fals woman. God will redres all our wranges on day, quhom I besik to haue yow and yours in his protection. Commend me to yowr sisters and yowr daughtar. This xviiij off Marche.

Your loouing and assured good cusignes and frind.

MARIE R.

To my richt trusty cusignes the Contes off Athel.

6. Letter by King James the Sixth, relative to a contract between Sir John Murray of Tullibardine and Ludovic, Duke of Lennox, as to
the lands of Balquhidder, promising to maintain Sir John in these lands. And, because certain persons in these lands, not dependent on the lord thereof, by pretended assignations of their goods, defraud their own masters, his Majesty wills the removal of such from the lordship. Dated —— 1586. Signed by the King.

7. King James the Sixth to the Earl of Tullibardine.

James R. Right trustie and right welbeloved consen and counsellour, wee greete yow well. Albeit our knowledge of your dutifull affection to the good of our service, and your cuntries creditie, doth sufficientlie persuade vs that yee will earnestlie endeavour your selve to exspresse the same, be all meanes in your power; yet there being some thinges in that behalfe requisite whiche seeme, notwithstanding, of so meane moment, as, in that regard, both yee and others might neglect the same, yt our loue and care of that our natue kingdome made vs not the more narrowlie to trie the nature and necessitie, and accordinglie to giue order for preparation of everie thing that, in any sorte, may importe the honour and creditie thereof; whiche consideratone, and the knowne commoditie yee haue to prouidce capercaillys and termightis, haue moved vs hereby, verie earnestlie, to requieste yow to imploie both your owne paynes, and the travellis of your freindis, for provision of some of each kind of the saidis foules to be, now and then, sent to vs be way of present, be meanes of our deputis thesaurer, and so as the first sent thereof may meet vs the 19th of Aprile at Durham, and the rest as we shall happen to lay and rancounter them in other places on oure way from thence towards Berwick. The varietie of these foules will both mak their estimation the more precious, and confirme the opinion conceaued of the good cheare to be had there. For whiche respectis, not doubting but yee will, so much the more earnestlie, endeavour your selfe to giue vs good satisfactio or anent the premisses, as yee will doe vs acceptable service, wee bid yow farewel. At Whitehall the 14th of March 1617.

8. Letter King Charles I. to the Earl of Traquair as to the Earl of Tullibardine's pension.

Charles R. It is our pleasure that with diligence yow pay vnto our right trustie and welbeloved Cousen and Counsellour, the Earle of Tullibardine, or his assignes, the whole arrears of his pension due vnto him, and that, immediatlie thereupon, yow see his pension legallie surrendered, that hereafter our Exchequier may be fred of that charge. And it is likewise our pleasure that yow pay vnto him, or them, such fies as shalbe found resting due vnto him, as keaper of our forrest of Glenalmond: for both which these presents shalbe your warrant. Given at our Mannour of Greec[n] with the 28th June 1637.

To our right trustie, and welbelowed Cousen and Counsellour, John Earle of Traquare, Lord Treasurer of Scotland.


My Lord Athole, What I wrightte to my Lord Tillibardine was to you too, and I am abundantly satisfied with your answere and resolutions: continew in these endeavours and be in as good and [. . . .]ous a posture as the present condition of your aylaires will permitte. You may be assured that I have a particular care of you, and when it is opertune will giue you a testimony of my respects and will ever remaine, your affectionate frind

St. Johnstone September 30.
10. The same to the same. Cortachie, 4th October 1650.

My Lord, thais to certifie yow that I am now in Anguss this Fryday at night and it is my express will and desyr that your lordship, with all your freindis and followaris, fute and horses, repair to me with all imaginable dilligence and come to the head of Cloway quhair ze shall receave further ordours.

Your very louing frind,

CHARLES R.

Cortachie 4 October 1650.

11. The same to the same. Perth, 6th October [1650].

My Lord Athole I command you that, vpon sight hereof, that you lay doune armes, and lett evry man returne to his owne home, and likewise all that are with you do the like. I am, your affectionat frind

CHARLES R.

St. Johnstone October 6.

12. The same to the same, as Lord Privy Seal. 4th August 1675.

Charles R. Right trustie and right welbeloved Cousin and Councillor, Right trustie and welbeloved Councillor, We greet yow well. Althogh we have approved the proposition made to us by our Privie Councill for putting small garnisons in such places in that our kingdome, where scandalous feild conventicles have been kep of late, (which we hope may be a meane to curb that fachous humor) yet, because we will leave no lawfull way unattempted which may probably tend to the peace and quiet of that our kingdome. And becaus we have reason to beleiv that our good people are engagd into such seditious courses, by such preachers who have been declared fugitives, and yet runne up and doune to stirr up the people to sedition by feild conventicles, and that if they were apprehended our people wold be quiet: Therfor we doe authorize yow to imploy such persons as yow shall thinke fitte to appre hend Welsh, or such of those preachers at Feild Conventicles as are, or shall be declared, fugitives, and to bring them to prison, with power to yow to promise suitable rewards for this service.—The whole not exceding five hundred pounds sterl; and we shall immediatly dispatch precepts to our Thessaurie for such summes as yow shall promise. And, becaus this requires the greater secrecie, we have made choys of yow two, of whose seale for our service we have had great and many experiences: so, not doubting of your diligences, we bid you farewell.

Given at our honor of Hamton Court the 4th of August 1675 and of our reign the 27 yeer.

By his Majesties command

LAUDERDALE.

13. Letter H.R.H. the Duchess of York (Mary of Modena) to the “Marquisse of Atholl.” [c. 1679.]

St. Iamssis the 18 of March.

I beleene you will wonder as mutch to haue no answer of your letter to me as i did to be so long without any from you, for i had not yours of the 24th till within these three or four days: the truth is, if i had had it before, i had hardly been able to answer it, for i haue had no time to myself at all between the company, and my owne wertinesse for my journey, whiche no sooner ouer but i gott a violent cold, for which i was forced to keepe my bed som days, and be lett blood; now i thank God i am quitt well, and haue been this weikes in this houe, when i am always better pleased then in any other, beeing near my children. The Queene King and duke are at Newmarket but i stayd behind to have
the satisfaction of seeing my mother, whom I have expected this week, and hope she will be hear tomorrow: she comes on purpose to see me before she goes back into Italy, for then God knows whether I shall ever see her again. Now that I have given you an account of myself, whiche I am sure you love me enough to be glad of; I must thank you a thousand times for all the kind expressions of your letter to me, and a thousand times mor for all your kyndnesse to me all the time that I was with you: I do assure you you cannot be kynd to one that is mor your friend then I am, or that will take mor peines to find out the occasions of showing it to you; pray beleue it and be assured that my friendship to you shall last as long as I live.

MARY.

If you love me dont writ to me with any ceremony.


"The losse you have had since I saw you is, I believe, so very great that I dont know what to say upon it. 'Tis so naturell and so just to be very much troubled that no body can go about to diswade you from it; there is nothing but religion (which teacheth submission in all things to the will of God) which can lessen that concern you have, and I believe you have so great a shere of it, that you will be best able to help yourself. However I could not forbear letting you know how sorry I am for your losse, and indeed for Duke Hamilton himself." The Queen then refers to Lady Katherine's own critical condition of health, and concludes "I hope . . . that God will assist you by his grace to bear all he has laid upon you. He only can. I am your affectionate friend

MARIE R."

15. Letter King George the First to the Duke of Athole. St. James's, 10th August 1715.

My lord Duc d'Atholl. J'ay esté bien aise de voir dans votre lettre du 2me de ce mois les marques que vous me donnes de votre fidelité envers moy. Je me repose sur les assurances que vous venes de me reiterer dans cette occasion importante; et Je tâcherai de vous con- vaincre de plus en plus combien Je suis

Votre affectionné ami

GEORGE R.

DIVISION II.—PAPERS RELATING TO THE MARQUIS OF ATHOLE'S LIEUTENANCY IN THE SHIRES OF ARGYLL AND TARBET, IN 1684 AND 1685.

§ 1. Reports, Depositions, and other Papers.

16. A report by the Marquis relative to his instructions, stating that he had marched to Argyllshire with nearly 1,000 men, and had maintained them till a tax could be levied on the shire. That Lord Neil Campbell and Ardkinglass were apprehended and others bound over to appear before the Council. That the arms all over the shire were collected at Inverary. That indulged ministers were forbidden to officiate, and put under caution, &c. No date. [c. September 1684.]

17. Paper narrating that at Inverary on 2nd and 15th September 1694, Mr. John Duncanson, minister at Kilbrandon, and other indulged
18. Depositions of various persons examined before the Marquis of Athole. (1.) Robert Campbell in Wige deponed on 11th September 1684 in relation to the conveyance of Argyll's papers, that a "half barrall" of papers had been received for Robert Campbell, brother to Ardinglas, and carried from place to place, and on the 8 September were put on board a small vessel. (2.) Colin Campbell of Inangreg and Duncan, his son, deponed (date not given) that Argyll's spy came to Athole's camp, was met by Lochiel and questioned as to the number of Argyll's men. That Lochiel assured the spy that Argyll need not fear to advance as many in the camp would join him, and pointed out where particular clans lay, &c. (3.) William Campbell, brother of Sir Colin Campbell of Ardinglas, on 11th September 1684, gave information as to some gentlemen whom he had warned of their intended apprehension.

19. Paper, without indorsement or date, giving the substance of two consultations on 18th and 22nd May [1685] held by certain gentlemen in Cowal, who unanimously resolved to join Argyll, and then debated whether it were best for them to join with Atholl, and then slip away from him, or seek opportunity to ruin him, or to side with Argyll at once, the former course being adopted. It was afterwards determined that the greater part of the country should at once repair to Mr. Charles Campbell. They further encouraged themselves with hopes of success (1) because Monmouth's rising in England, and Gray and Melville's landing in the south and west of Scotland, would divert the attention of the King's forces. (2.) Many of those with Athole were affected to Argyll as McAlasters, some McDougalls, Lamonts, &c., but especially Breadalbane's men. It was also thought that as Athole would be guided by Breadalbane, though the latter might be true to the King, yet he must needs be advised by his own men, and so Athole might be entrapped by Argyll's faction. They believed therefore that the King's party would thus be brought to destruction and Argyll's party and fame be thus greatly increased.

20. Draft report made by the Marquis of Athole to the Privy Council on 9th July 1685, narrating the incidents of his campaign against Argyll. The principal items are his leaving Edinburgh on 18th May, reaching Inverness with his men on 30th May, being joined by the Earl of Breadalbane. On 4th June, a party under Captain Sudde Mackenzie had a skirmish with some of Argyll's men under Charles Campbell, who were driven to their boats. Then follows a record of marching and countermarching in pursuit of Argyll, with a slight affair of outposts near Ardinglas. The King's ships in the meantime had blockaded Argyll's vessels, the latter had deserted Elangreg, and, on 16th June, Lochiel was despatched towards Lochgoil in pursuit. Lochiel's men, however, on nearing the enemy, did not attack but began to plunder. Athole's men then left him for lack of provisions, but the McLeans and Clan Ranald remained. Carnasserew House, where there was a garrison, was summoned to surrender, and afterwards partly blown up by treachery. On 3rd July the Marquis was summoned by the Council. [Another document, of date 17th August 1685, signed by Captains Suddey McKenzie, William Oliphant, and Lieut. Duncan Menzies, corroborates the statements made in the Report by the Marquis of Athole.]
21. Two depositions (1) by Archibald Clark of Braelechane on 3rd June 1685, as to the reports of Argyll’s spies, with statements as to Lochiel and others similar to those already stated; implicating various parties in Argyll’s rebellion, among others a “brother of Skelmorlie’s,” who came in disguise to Bute, but did not stay long there so far as the deponent knew, &c. (2) A deposition at Inverary, on 5th October 1685, by a certain Thomas Oro, tending to prove that Lochiel carried on correspondence with Argyll, and that inter alia it was reported that if Lochiel’s men were in the van of Athole’s army they would have no ball in their guns, and, if in the rear, they would fire on the King’s forces in front.

§ 2. Letters from the Privy Council to the Marquis of Athole.

22. Letter, signed by Lord Chancellor Perth, suggesting that too many Lowlanders might embarrass the Marquis’s movements; referring him to the Earl of Dumbarton as to ammunition and arms. “My dear Lord, things are not as wee would deyare in provisiones and so matters most be carried on with what wee have, evry on for himself; the event wee hope will satisfy all.” The standing forces were posted between Ayr and Renfrew, the militia at Glasgow, the greatest fear being for the west and borders. Lochiel and Glengarry had received instructions to co-operate with the Marquis. “All is quiet like sleep in England . . . the gentlemen of Argyleshyre are imprisoned this day.” Edinburgh, 21st May [1685]. Written by Lord Tarbat.

23. Letter, dated 25th May 1685, signed by “Queensberrie, Perth, Dumbarton, Tarbat. S. D. Falconar.” That they had information of Argyll’s being in Kintyre; urging diligence in joining with Breadalbane; hoping that “old Lochiel” will shortly be with the Marquis, &c.

24. Letter, dated 26th May, signed “Queensberrie Comt,” intimating that Major Buchan, Captain Douglas, and Captain Oliphant, all good men, having held commissions abroad, were sent to join the Marquis, as good officers would be necessary to him.

25. Letter, dated 27th May, signed by the Duke of Queensberry and others, stating that the Duke of Gordon would be at the orders of the Marquis; that, until the King’s vessels could blockade Argyll’s, the standing forces on the west coast could not be divided, but, after that assistance could be concerted upon where necessary; with further information as to movements of the troops, &c.

26. Letter, dated 30th May, informing the Marquis of the plots against him (referred to in No. 19 supra), and that Breadalbane’s men might leave him and seize his person; bidding him be careful and prudent in the disposition of disaffected men.

27. Letter, dated 3rd June, in answer to some misconstruction of their letters, assuring the Marquis of their entire confidence in his conduct, and full appreciation of his difficult position. The parliament was expected to close shortly.

28. Letter, dated 6th June, intimating that the Earl of Dumbarton was still on the west coast, that the Falcon frigate was now at Ayr, and the Earl of Granard had 1,000 men ready to cross, when required, to join the Marquis. That the rebels at Sanquhar were being pursued
by Claverhouse. That all is quiet in England and Ireland. A post-
script requests special instructions as to the Irish forces.

29. Letter, dated 7th June, directing the Marquis's special care
towards Stirling, if Argyll should march thither, but leaving matters
to the Marquis's own discretion.

30. Letter, dated 8th June, acknowledging a despatch of the 5th.
That 1,000 bolls of meal would be despatched by sea under convoy to
any place appointed. That England was still peaceable. That a ship
had been taken having on board 5,000 arms, and some Dutch officers,
who were to have begun a rebellion. Urging concert with the Duke
of Gordon.

31. Letter, dated 13th June, acknowledging a despatch of 10th regret-
ting an untoward mistake of Lochiel's [see No. 45 infra], and also the
want of provisions. That Argyll's ships are blockaded, but suggesting
that he may yet make his escape by boats and so descend on the west.

32. Letter from the Privy Council of Scotland to King James the
Seventh. Draft, undated, in Lord Tarbat's handwriting.

May it please your Majestie, The Marquis of Atholl haveing now
for 12 moneths been almost constantlie employed as your Majesties
lieutenant in Argyll and Tarbat shyre, where he alwayes kept a body of
people for suppressing the rebellious intentiones of that people,
whom he disarmed, and brought to give all the obligations which ether
law required, or humane faith could bear, by which many have been
kept off from joining in the late rebellion and others who did wer
renderd less hurtfull. And that at this tymhe he was, dureing the
whol course of the commotion, with a body about 4,000 men acting
so as the great design of Argyle prolonging the war, and sculking
securlie amongst these almost inaccessible mountaines, was therby
defeat and he forced to leave them, and was classlie pursued and hasted
by the Marquess to his ruine, which was all he could doe since he fled
thys hyres. And all this with so great toyle and expense to the
Marquiss. All that your Majestie was put to charge on that body
beeing towards 500 p's Sterling for meall, to supply some militia and
other assistants after ther twenty dayes provisiones was exhausted.
Wherfor wee judge ourselfs obliged, by the nature of the trust where-
with your Majestie hath honored us, to lay such services before your
Majestie as on of the motives which may incite others, and further
encourage him to so exemplary service which hath been now, and
may be hereafter, of so good use to your Royall interest. The more
particular account given by him to us wee have transmitted to your
Majesties Secretaries. Yesterday wee had further information of the
takeing of Charles Campbell, soune to the late Argyle, by on of the
Marquiss officers left by him at Inneraray, and wee hope mor of your
Majesties enimies will come to the like fate, he haveing employed
several parts in search of them, and that all of them may so fall
befor your Majestie is the earnest wishe, and shall be diligently in-de-
vored by. May it please your Majestie, most humble most faithfull and
most obedient subjects and servants.

33. On the same paper with the preceding is a draft letter to the
Secretary of State, with the report made by the Marquis of Athole
[No. 20 supra] as to his campaign, and referring to some continued
threatenings from small parties of rebels. The Council again assure his
Majesty of their fidelity.
§ 3. Miscellaneous Letters relating to Argyll's Invasion.

34. Letter, Dugald Campbell of Kilberry (one of those who joined Argyll), to the Laird of Lamont, dated 20th May 1685. That the Earl of Argyll had commanded the writer and Dunmor and others with a party of men to charge Lamont to come in to the Earl "for maintaining the Protestant religion; our lives and liberty, conforme to declarations emitted thairament, otherwise to stand to your hazardis." That if Lamont came not in with his friends, &c., his goods were to be driven off. The writer would be glad to see Lamont to have his word (not to join the King), and promises in that case protection.

35. Letter, dated at Otter, 21 May 1685, from Patrick Steuart of Ballechin, to the Marquis of Athole, informing the latter of his movements. That he had been delayed for want of boats. That Argyll had landed, and "all Iylla is rissin with him except the ballzie who has taikin him to the hills." That Argyll’s party "maik the peopell belive that the Duik of Munmuth is lendett in England with 3000 men, and soo manie landit in Eyrland, and soo manie in Orkney, that the poor peapell is cuming in fast to them." He asks for meal, and for more men from Athole, and he hopes to force the rebels into "ther gerissene or to cheaisse them to the sea." He expected to reach Inverary soon.

36. Letter from the Earl of Kintore to the Marquis of Athole. Edinburgh, 28 May 1685. Sending a surgeon's chest. "I used all indeavour possible to get it, which at last I did, telling my Lord Commissioner that I had ordered on, and if the King did not allow it, it could not be wanted, though it should come out of your own charge, which was not very reasonable, and which my Lord Commissioner consented too." Lord Kintore concludes by suggesting that an inactive policy against Argyll might be best, to draw him out, or that he may be reduced for lack of provision.

37. Letter signed "Will Hamilton" (address wanting, but probably sent to Marquis of Athole), Dumbarton, 26 May 1685. Advising his correspondant of the "burning and demolishing the castell of Carick, which I did on Munday last, as I was ordered by the Secrett Comite, and really I belive it was so tymously done as it prevented the rebels possesing of it." A party of them had designs upon the castle. All the passages of Bute, the Clyde and the Leven were well guarded, &c.

38. Letter, dated Ayr, 25 May 1685, from the Earl of Dumbarton to the Marquis of Athole, bidding him not to be too rash, as Argyll's men would probably be well armed, therefore not to fight unless obliged. He promises supplies of ammunition, &c.

39. Letter, dated June 1st [16]85, the address and name of writer being torn off, probably to the Marchioness of Athole, giving her some information as to the movements of the Marquis; that the writer's "unfortunat and unhapie brother is at the Tarbat" with Argyll. That report states "that ther is not above 1500 of the rebels, and the on half of thos men are forced and taken out of ther houses and beds in the night time," also that Argyll does not stay on land at night, "but alwis doth et night goe a shipboard." The writer promises intelligence as often as it can be obtained, and hopes that Argyll's "rebellious shamful atempt" may be brought "quicklie to nothing."
40. Letter, Mr. Fleming to the Marchioness of Athole.

3 June [16]85.

May it please your ladyship, My Lord upon intelligence that the late Argyle's son Charles was to be in Cowall Monday last, for conveying all the men he could, for joining his father, his lordship sent out Captan Suddey Mckenzie with a partick who discovered him fleeing to his boats. He followed so closelie that he tooke four prisoners and killed others in their boats. This success though it be not very great yet surely it will both make many, already joined with the late Argyle, fall from, and discourage others from joining, which is as much as my Lord could desire. I hope in God it is a good beginning, for, had not they conveyed themselves away in their boats the rebells being partie had been defeated: this accowt my lord had this morning from Suddey Mckenzie, but he is not yet returned, he is expected this evening. I am, May it please your Ladyship, your ladyships most humble, most obedient and most humble servant

M. J. FLEMYNG.

My lord lieutenant and Lord Murray and Lord William is blessed be God very wee. I begg pardon for this ill writ.

41. Letter, the Earl of Dumbarton to the Marquis of Athole.

Air, 4 June 1685.

My Lord, I doubt not but your Lordship has heard of Argyll's being in Bute and that his son Charles in Cowall has sent about the firse Cross; his ships have been cruising up and down the Coast near Largs, and this morning I have news of his having landed some men at Greenock, whither I have sent some horse and dragoons to observe his motion and will march myself, as I shall have notice of his being landed; if your lordship hear of his landing you must march that way with all possible dilligence. Yesterday, Captn Talbot, with the Falcon frigate, came upon this coast and sent his L1 ashore who tells that the Maremaid frigget, commanded by Captn Jesford, went into Mull, and, as he imagens, may be cruising by the back of Cantyre; if your Lordship can send to him, give him notice to come upon this Coast with all possible speed. I have news that the men that were landed at Greenock are gone again, and, as I was writing this, the Kings Fisher, commanded by Captain Hamilton, who also commands the whole squadron, came to an anchor in this Bay, so wee are now in a pretty good condition to recieve the Rebels, both by sea and land, and wee are preparing somewhat else for him: so, I intreat your Lordship to take great care, and be in readiness, in case he should offer to make towards you that you be not surprised. Just now there is a gentleman come from my Lord Granard to me who tells me that there is 4,000 foot and 900 horse ready to land in Scotland, in case we should have use for them, and I also here that the three Dutch Regiments are come to Leith. The yacht which came first, and is now lying under Dunbarton Castle, I have ordered to be in readiness to sail when I send her word. I am, my Lord, Your Lordships most humble and obedient servant,

DUNBARTON.

This was not sent away till the 5th at 2 in the afternoon.

(Doro.)—To the Marques of Atholl, Lord Privie Seall of Scotland and Lord L1 of Argyll-shire, Inverara.

42. Letter to the Marchioness of Athole, unsigned, dated Edinburgh, 5 and 6 June [1685], acknowledging the receipt of hers by Lord U 60048.

B
Lovat, whom the writer likes "the more I know him the betere," and considers him a very good natured young nobleman. That the Duke of Gordon is ordered to march to Argyleshire, but they are likely to have little or nothing to do. Argyle has quit the sea at Tarbet and they know not where he is. Strong parties have been sent out to discourage the country. The writer thinks that Argyle will try to reach Galloway. (6 June.) Information has come that Argyle has taken two ships belonging to Glasgow, laden with planks, and has thrown the planks into the sea, and that it is believed he will thus ship his men to Galloway, as there is no hope of his doing any good in the Highlands. "He is certainly in a most miserabh desperat conditione . . . his men neither dar nor will sichte." Rumours that the Duke of Monmouth was proclaimed king in Galloway, and that Argyll had tried to land at Largs, but was beaten off.

43. Letter, the Earl of Dumbarton to the Marquis of Athole, dated at Glasgow 9 June 1685, intimating that 1,000 bolls of meal were ready, which would be sent to the men-of-war lying off Cowal, to be landed under their protection. That Argyll is believed to be marching towards the Marquis, who is advised not to be rash, but to post himself where he need not fight unless he thinks fit. 2,000 foot are expected from Ireland. If Argyll marched past the Marquis the latter was to follow him. The Earl then gives instructions as to the precedence of Lords Lietuants, and concludes by stating that the King's ships Kingsfether, Falcon, Mermaid, with a yacht, were cruising round Bute, and would attempt to burn Argyll's vessels at Elangreg with a fireship.

44. Letter, signed Archibald Stewart, dated Stirling, 9th June 1685, and addressed to the Marchioness of Athole, informing her that Argyll was "in see desperat a condition that he knowes not what hand to turn him to. General Dalzel is heir and above 4,000 men, besides the Lord Marques of Atholls armie on the right hand and the Earl of Dumbartons on the left. All the forces Argyll has is not above 2,000 and many of them presset. I think a few dayes will put ane end to this affayr," &c.

45. Letter, Mr. Fleming to the Marchioness of Athole, Inverary, 10th June 1685.

That the night before he wrote, the Marquis learning that the rebels had a design to alarm his camp, had sent out 200 men, "under the command of Lochiell, who, upon a mistake in the midst of the night, fell upon some of the horse guards, instead of the enemy, and hath killed three or four and wounded as many." The rebels were encamped on the other side of Lochfyne, but it was thought if they could have safe passage they would go to the west.

46. Letter from "Anna McLeane" to the Marquis of Athole [no place and no date], acknowledging receipt of his letters addressed to Allan McDonell of Morar and Alexander McDonell of Kenloch, requiring them to meet him with 200 men at Strathfillan, and informing him that "everie one of the Lairds kine and kinderred want to Wist (Uist) to burry the corps of our maister the Captaine of Claranald," and that they had not returned. That the letters had been forwarded and would receive satisfactory answers.

* This was Hugh, 11th Lord Lovat, son-in-law of the first Marquis of Athole.
47. Two letters from George, first Duke of Gordon, dated from Straithilan on 14 and 15 June 1685, intimating the number of his own force (1,000 to 1,100 men), and that the Council had ordered a junction of their forces, &c.

48. Series of letters from the Earl of Breadalbane to the Marquis of Athole, and also to the Laird of Ballechin (Mr. Patrick Stewart). These are undated, and chronological arrangement is therefore difficult, but they must all have been written in the latter half of May 1685.

(a.) To the Marquis of Athole from Castle Kilchurn, 23 May 1685. That Auchenbrek is joined with Mr. Charles Campbell, who gives out that Monmouth has landed in England. Young Kilberry, Galaclay, Ila, Kintyre, and most of the shire have joined them yesterday; he drives the cows of those who demur. Lochnoll's family, Dunstaffnage, and Calder's men have not yet joined. That he had sent a party to Dunstaffnage and hoped it might succeed, notwithstanding the stormy weather which might stop them.

(b.) To the Same. Castle Kilchurn, Sunday, 8 a.m. [27th May]. Acknowledging the Marquis's of 22nd. Recommending the seizure of all boats on Lochfyne, on that side of the Otter, and the securing of them at Inverary. That he would secure all the boats (18 or 20) on Lochow, at particular places named. Nearly all the Campbells and all the Lowlanders of Kintyre have joined Argyll. Argyll, it was reported, had lost one of his smallest ships, having sent her to seize an Irish ship laden with victual, but the latter having 24 guns, sank Argyll's vessel with a broadside. The Irish ship was, however, taken by Argyll's other two vessels. The appearance of the King's ships will probably force Argyll to make a "Highland warf of it." After referring to some minor details, and the plundering of part of his lands on Lochow, the Earl bids the Marquis "forget not to haist after you the lather gunns with a gunner and amunition for them, both for field service and to fright them (the rebles) out of any house they will garison." &c. [The letter is holograph, and is signed "Breadalbane."]

(c.) To Stewart of Ballechin. Sunday, 10 o'clock. Probably same date as preceding. Advising delay in engaging the enemy, until a sufficient force be gathered on the King's side, as the rebels had gained the start of the royalists, and would "ventur all on ther first brush, having no way to be recruited with men or provision but a desperat game." The Earl advises Stewart to provide his garrison with water, provisions, and good men, well commanded, the rest to march towards the head of Lochfyne to meet the Marquis of Athole. The Earl trusts Argyll will not pass him, but the delay in the rendezvous of the King's men will enable them to come fresh and well victualled, &c.

(d.) To the Marquis of Athole. Castle Kilchurn, Sunday, 12 o'clock. That Ballechin had written that Argyll was on his march upwards from Kintyre, and that the Earl had advised delay in engaging the enemy, and given other instructions. "If Argyll has quitt his shipps, and tak him to the land work, he will stryv to run over as much ground as he may to gain reput to his pairtie, for its his interest to put all on a day." Desires the Marquis to hasten if possible his arrival.
(e.) To the Same. Castle Kilchurn, Monday, 5 a.m. [28th May].

Sending an enclosure. That he has agreed that Ballechin and his men come to Glenurchy, which is "a saif ground." Ballechin and Mr. Fleming are to consult with the garrison as to holding the place and its ability to stand a siege. Lord Breadalbane reckons the probable number of the rebels at 2,500. He proposes that a party of King's troops should march from Stirling to where he is, where they may meet the enemy, who ought to be overpowered, and he thinks that disciplined soldiers are necessary. That he had written to the General commanding at Stirling. [The enclosure in the Earl's letter is a note from his "brother and servant," McNachtan, dated 24 May 1685, stating that the gentlemen of the shire had resolved to join with the Earl.]

(f.) To the Same. From the foot of Cruachan Ben, Tuesday [29th May.]. That Argyll had appointed the men of Lorn to march to Tarbet where he is. The rebels quartering in Lorn and Argyll "much affront" the Earl's men coming in from these places.

(g.) To the Same. Castle Kilchurn, Tuesday 6 p.m. Acknowledging the Marquis's of 25th from Ford Lyon. That he had sent an express to Ballechin. That the Earl of Argyll's sons, Achinbreck and Barbrek had marched for Tarbet, and that Argyll's movements from there were uncertain but by beacons fired on the top of "Ilas" (Islay) and Mull of Kintyre, it is conjectured he will ship at Tarbet, and land where first appointed. The Earl thinks, however, that if Argyll has been stopped by the King's ships he will be forced to come to the Earl's neighbourhood. That he had employed persons to go among the common people to persuade them to leave the rebels whom fear for their cows had caused them to follow, though the gentry had joined Argyll from affection. The Earl concludes "Such men as would join us out of Argyll and Lorn ar altogether disabled by the force that is upon them. Craignes was coming to me with my men under his command, but he was gayt to tak his castle on his head, and they hav killed all his koues. Some others ar in the same condition," &c. In a P.S. "Young Kilbirrie and on McMillan ar reasing the men of Couell to join the rebelis."

(h.) To Stewart of Ballechin. Castle Kilchurn, Tuesday, 6 p.m. containing information similar to the previous letter.

(i.) To the Same, written from "Castell Glenurchy 9 at night." [Date doubtful, but about 26th May.] Advising Stewart to order his men so, "that if they (the rebels) come to you they may be such fools as to fight with lime walls, and secuir the rest of your men so as to joyn the Marquis. . . . Leave your garison well man'd and provyded, and he (Argyll) cannot lye four dayses befor it, when all the King's forces will be vp who ar from all places gathering." The Earl repeats his opinion that "these two houses" (not named) should be secured by as many men as they will hold, the rest to march to join the Marquis, to make a full body not to be resisted by the rebels. That the cows of his men on Lochow had been seized, but he had promised to pay the loss if the men came to him. Advises Stewart further to disappoint Argyll of any engagement with his party, as he also hopes to do,
that the Marquis of Athole may have the matter wholly in
his own hands, &c.

49. Letter, dated "Glendarrewell, Tuesday 16 June" [1685],
addressed "Deer Cousin." Writer unknown. Narrating incidents of
the campaign that after the Marquis knew of the approach of the King's
ships close to Elangreg, he marched from Inverary after Argyll about
Lochfyne, and reached Glendarule on 15th June, that the rebels had
decamped in great confusion, sending an order to Elangreg (about 5
miles off) for the ships and garrison to provide for themselves, as the
royal troops were on the march. The castle and ships were immediately
and wholly evacuated, only the prisoners brought from Orkney being
left, who then made a sign to the King's ships by getting off a boat
"with a whyte clout instead of a flagg." The King's ships then took
possession of both the castle and the rebel vessels, while Athole was
drawing up his army in some uncertainty. A party had been
despatched under Lochiel, to follow and give intelligence of the enemy.
The Marquis with a party, including the writer, had gone to the Castle
of Elangreg and found a considerable quantity of powder, ball, and
piques. A sergeant and 20 men were detached to form a garrison and
receive from the seamen in possession the ammunition, of which "there
is, and hath been, such store, as if the whole kyngdome had been to be
conquer'd with drums, trumpets and amunition without men and horses."
They had intelligence that Argyll had crossed Loch Long in to the
Lennox. The writer expresses a low opinion of Argyll's qualities as a
military leader, there being many places where he might have much
annoyed the King's troops, and made no attack, nor attempted anything
"lyke a man aither of curage or conduct." The writer concludes
"without vanetie I beginne to wareie of this campaine, since I see it is
not by faire fighting wee are lyke to have a speedie isew of it, for I
have realie to tender a hairst to take pleasore in the lowing of herds of
cows, and blesting of sheipe, and skriking of women following them in to
owe camp, and if my honoure, which I am possible more tender off then
is necessarie for a man in my circumstancis, hade not obliged me, and
will still, to stay so long as I think it concerned, I was never at a lyfre
more onplaisant to me, amongst such a pack as I could not have thoght
hade been on arth, and I have no plaisore but in saving the countray so-
farr as possible," &c.

50. Letter, signed "Haldane," also written from the Camp at Glen-
derule to "The Laird of Lannrik," of date 16th June 1685, refers to
the sudden march of Argyll "towards Loch Goyl," and adds some par-
ticulars to the account given in the preceding letter as to Elangreg,
namely, that the rebels in deserting the place, left "a train of match
burning amongst the amunition for blowing up of the Castel, but it was
prevented by some of the Orkney Gentelmen whom they had most
inhumanlie left upon the top of the house to be blowen wp with
it, for they got som way to win down, and got a boat, and acquainted
the King's ships with the condition of the Castel, and they imediatile sent
boats, and did, accordingly, fynd the Castel descarted and the match
within an inch of giving fyr." The writer then relates the finding of
so much warlike ammunition in the Castel, the march after Argyll, who
has gone down towards Roseneath and the Lennox, &c.

51. Letter, signed "C. Mackenzie" to the Marchioness of Athole.

Sterling 19 June 1685.

Madam, I have nothing to add to the accoompt Captain Stewart has
given your Ladyship off our good news off Argyles totall defeat, his
own being prisoner at Glasgow, hauing been taken with some Ben-
throu lairds My Lord Ross and Sir Adam Blaires being wounded in the 
neck, Captaine Clesland killed, five hundered of them fled back toward 
the Hylands, who wer yesternight at Buchman ; ther was lykways a 
Dutchman, that hade been with the Rebbels, taken at Kilisly, who tells 
he knew of no forrainers with him bot 4 or 5 Dutchmen, all the rest 
Scotts men, whose names he could not remember, only he remembered 
off Mr. Charles Campbell, Sir John Cochran and his son, John Balfoure, 
the Bishops murderer, and on Lapnes, whose name is Elphantoune: 
the Dutchman's own name is Clowes Johnstoune. Madam, I hope you 
will pardon the shortnes off this acccount, since tym will add no more, 
but that I am in all humble deutiye, Madam your most faithfull humble 
servant

C. MACKENZIE.

After writing hereof we have gotten ane acccount that Sir John 
Cochran, Mr. Rumball, and the partie with them who had killed Cle-
slan, and wounded Ross, and Sir Adam Blairs, and fled into a house near 
to Paselaye, and no doubt we will have ane acccount off them shortly, 
which, with all other good news that comes to my hands, your Ladyship 
shall be acquainted off.

52. The Same to the Same.

Sterling 20 June 1685.

Madam, I have little to add to what I wrot yesternight, only I have 
gott a more particular acccount off Argyles being taken, and some few 
more. He was taken flying all alon, in disguise, with a blew bonet on 
his head: he came by a troupe off gentemen, under my lord Cochran's 
command, and passed them, being so disguised, without being noticd, 
till he came to a little water beyond Paselay, still in vein of the forsaid 
troupe; and, when he came to the water, he quit his hors, and was 
passing the water, on foot, which, some of the troupe perceiving, told ther 
officer that certtainly he behooved to be a rebell that quit his hors so, 
on which, the commanding officer sent down on off the troupe, who was 
ryding for the Laird of Beltries, to bring him back: he overtook him 
just in the middle of the water, and called to him to yeeld; but Argyle, 
instead off yeelding, fyred his pistoll at the trooper, but missed: then 
the trooper lighted from his hors to reach him the better: thenArgyle 
fyred ane other pistoll at him, but missed lykways: then the trooper 
gave him two slight wounds on the head, on which he surrendered him-
selfe; be this tyne the wholl troupe came towards them, and severalls 
on them, att first sight, knew him, and he them, particularly young 
Greenock, to whom Argyl gave two purses off gold, his gold watch, and 
a gold box, in which they say ther was a good many jewels. Achin-
brake and Collonell Fouertoun were lett slip away be some of the Baro-
frew (Renfrew) gentlemen, who hade them in ther reverence. Collonell 
Elet (who is thought a wary considerable person) with other 2 rebels, 
er sent in prisoners to Glasow, be Dougalstoune. Sir John Cochran, 
and Polwart, are fled into the moses twist Renfrew and Cunningham, 
and two hunder off the pretiest men, amongst the rebells, with them, 
Collonell Douglas, and the Rigement under his command, with some 
troupes of hors and dragounes, are gone to stope ther escape; and Dum-
barton, with the rest off the forces, ar marched straight after them; this 
is as particular ane acccount of all our news here (besyd what your lady-
ship heard last night) as I can give at present, and, when more comes to 
my hand, your ladyship shall be informed of them be, Madam, Your 
ladyships most faithfull humble servant

C. MACKENZIE.
53. Letter, unsigned, written by a lady to the Marchioness of Athole. The first line of the letter with place and date has been torn away.

We were all waiting to see Ar[gyll] cum in and go up the way, in great disgrace, which he was not much concerned in; yet, when the hangman tayd his hands about his bak, with aye tow tyd about his midell, and then to the hangman who went befor him, I confess it mad him chang colours. When he cam to the watergait, wther Captain Gram resaued him, he put it in his opsiion ather to go in a cart, which was ther redy for him or go up the way on foot, as hawe wryt befor; he said, tho he was not very strong for waking, he had rather wak, for he nather loud that coch nor the cochman, which was the hangman. This day ther is a great many prisoners coming in to town; his lady has not got liberty to sic him yet; I doe not know if she will. I had a letter from Sir Patrick last night, but was wryt four or five days ago; he said my lord was in very good helth. It is thought my Lord Marquess is in Glasgo by this tym; your Ladyship will certainy get ane account of all that past at Ar[gyll] his ships and the castell. I have sent your Ladyship all the prented pespers, and the last gazet, with Sir Patrick his letter, which I think no wors then a gazet; they ar still in pershut of Sir John Couchran and I trust in God he is taken.

54. Letter, Mr. Fleming to the Marchioness of Athole. Ardkinglas, 21 June 1685. The letter begins with a short account of the affair of Elangreg, already narrated [see Nos. 49, 50 supra] adding nothing new. That the rebels fled “night and day untill they wer out of the shyre,” followed closely by the Marquis, who had reached Ardkinglas in his pursuit, when he heard of the dispersion of the rebels by the King’s troops, near Kilmarnock in Dumbartonshire, though no particulars had yet reached him. That the Marquis had sent out parties to intercept the rebels returning. On 23rd June, Mr. Fleming adds a P.S. that Argyll is taken, and that his son Charles and others had garrisoned a house in Argyle from which the Marquis must drive them.

55. The Same to the Same. Inverary, 25th June 1685. That six hundred men had marched against the Castle (or house) of “Carnareceth” [Carnassary] belonging to Campbell of Auchinbreck, and had summoned the garrison to surrender, who refused. Preparations were being made for a siege.

56. Letter, Campbell of Lochmell to the Laird of Ballechin (Patrick Stewart), 14th July 1686. That the writer had gone to Dunstaffnage as ordered, but neither Brolose nor Ardgour were there to give an answer. He desires a warrant to receive from Ardgour the brazen gun to be kept for Ballechin. He then refers to some cattle taken from Inverliver, part of which had been carried to Glencoe, but had been arrested by the Appin men. Again desires instructions about the gun.


My Lord, Since your lordship so generously disavowed, I hear that a petition should be guen into the Counsell; and now that my daughter is in that affair recommended to your Lordship, is that I am so well satisfied with that, I am not by this to make long solostitations for what I am assured vere much your lordship will doe to on brough so low as now she is. This is rather to give your lordship my humbell thanks
DIVISION III.—MISCELLANEOUS CORRESPONDENCE, 1579–1721.

58. Draft letter by John Stewart, fifth Earl of Athole, relative to his father's death, 29th April 1579. Address wanting. He writes that it has pleased God to call his father from this life "be extraordinar meanis of vickit personis, throw venemus and extreme poysoun," as has been manifested, at the sight of honourable persons "besyd the sycht and judgement of Doctors cherurgians and potingers," to be testified in due time. That he himself was young, and, hitherto, had had no care but for his books, but he had received his father's blessing and injunctions to serve the King and country and his friends. That being resolved of the murder of his father, he begs his correspondent's aid, giving in return a promise of assistance when required. He has delayed the burial of his father, but will give due notice thereof, looking for his correspondent's advice and counsel in the meantime, &c.

59. Draft letter (writer unknown) for "my lord of Atholl," 1st June 1604. The letter chiefly refers to matters of business, but the writer begs Lord Athole to come to his own house, or appoint a meeting within 14 days after receipt, for, he says, "I purpoise, God willing, schortlie to hunt the wowlf vnto the quhilk glue (if) your lordschip hes ane leisie of gud houndis to lene for ane deye I vill send for thame, and restoir vnder pane of crydet, and, ypone lyk conditioniss, quhen your lordschip huntis, will send my awin folpis (whelpes)."

60. A copy of the correspondence which passed betwixt Archibald, Lord Lorne, afterwards Earl and Marquis of Argyll, and Lord Wentworth, afterwards Earl of Stratford, then Lord Deputy of Ireland, in reference to the proceedings of the covenanting party in Scotland. Dates from 25th July 1638 to 19th March 1639. With two letters from Lord Wentworth, one to the King and the other to Lord Cottington, of dates 22nd and 23rd April 1638. [More than one MS. copy of these letters was circulated and is in existence. It is not necessary here to do more than indicate the contents of the letters, which begin with a question by Lord Lorne as to certain of the Clandonald, to which the Lord Deputy answers with a reflection upon the conduct of the Covenanters in resisting the introduction of prelacy. Lord Lorne defends their proceedings, and the correspondence closes with a regret on the part of the Lord Deputy that the Earl of Argyll had joined the Covenanters.]


Argyll writes that it has ever been his desire to have His Majesty's authority respected, and peace kept in the country, and he has heard that a number of "lymeris and brokin men," taking advantage of the times, trouble and harrass the King's lieges in the Highlands. To remedy this he proposes that those noblemen and gentlemen who have interest should meet for mutual consultation and agreement as to the measures to be taken for redress, "quhairthrow his Majesties good subjectes may live in peace and quyntenes." The Earl of Athole is
therefore requested to attend a meeting with Argyll, and others, to be held at Perth on 14th March next. A list of gentlemen is sent, and the Earl is to warn others.

62. The Same to the Same. 30th May 1640.

My noble Lord, The generall and Committe her show me what paines they had taken, in the fairest way they cowl, in requyreing your Lordship and people to joyne with the rest of the kingdom, in the ordiner way, of mentening our religion, lawes and liberties; and that your Lordship and they, notwithstanding thereof, continuow averse from giving satisfacones. Wherefore, out of my respect to your Lordship, and interest in the cause, intreatis your Lordship to consider better of their reasonable desyres (which is the commoun way resol ved be the estaitis) and labour to give them content before they be forced to tak some hard course to distengwishe their friends from their enemies, whiche I wishe your Lordship may nevir prove bot ane good patriot for your countrie. This I desyre the rather that I be not chairged with any thing that may prove grieoue to my friends; for if I be comandit be the Estaitis and generall to doe any thing, for furtherance of the commoun cause, I most obey, as I am tyed in dewtie but [I] wold rather wishe your Lordship, and countrie people, be showing your good affeccion to the caus and countrie as my earnest desyre is. To oblige me quherein I can approve myself, Your lordsfhip friend and servant

Argyll.

Edinburgh penult Maij 1640.

I expect your Lordship ansuer.

63. Two letters, both drafts, written on the same day, Edinburgh, 7th September 1640, addressed by the Earl of Athole. (1.) To the General and Committee of Estates at the Camp, in which the Earl refers to his appearance before the Lords of Committee, in the Earl of Argyll's presence, when no more was laid to his charge than at first. That he had then begged a speedy trial, when, if he had wronged the public cause, he might be punished. He had further offered in case of delay to give good security for himself and friends. These offers were refused, but he prays the Committee to accept caution and release him in the meantime, as not only do his house and neighbourhood suffer wrong, but he had also borne in patience all suspensions and calumnies against himself, which were hindrances to his possession of his own rather than conducive to the public advantage, "as trueth, the dochter of tymne, will try." (2.) To the Earl of Montrose, then with the others at Newcastle, informing him of the refusal of the Committee to release him on bail. He complains of this strict dealing, and encloses the above letter to the Committee to be presented by Montrose. He offers to give personal attendance on the Committee if necessary, but concludes by beseeching Montrose to use his best means to rid him of the net in which he is "so intanglit" that without help, he can neither do good to himself nor be "steadabill" to his friends.

64. Letter from the Committee of Estates to the Earl of Athole. [No date. c. March 1640.]

Noble Lord, These who wer resident at Edinburgh for the common affaires having received advertisement from Court of the great preparations of warr in England, togidder with a copy of the Earl of Northumberlands Commissions to be Captain Generall by Land, and Admiral by sea, with power to him to be Generall of all the forces of England, to joyne with his Majesties forces in Scotland, and to subdue
kill slay and destroy all these in Scotland who shall resist him. This made them desire a meeting at Edinburgh, the tenth of this moneth, of so many noblemen and commissioners as wer nearest at hand and could comodiously come, in so short a time, and, because the storm wes great at that tyme, they did forbear to trouble your lordship, which wee, and they, both, hopes your lordship will not take as a neglect of duty, but rather as an unwillingnes to put yow to extraordinary paines. Our Commissioners have had a hearing befor his Majesty and these of the private Commity or Cabin Counsell in England where (in so short a tyme as they had) they have labord to vindicate this nation and the proceedings in parliament from these aspersions layd wpom ws, but have gottin no answers. All preparations of warr in the meanse tyme goes on, so that nothing can be conjectured but that, doe or say what wee will, wee shall have no peace. The Earle of Traquair has avowed to the King, and before our commissioners, that he did not assent in the assembly to the abrogating of Bishops, neither did he ever subservie the Covenant, or that there wes an act of counsell for that effect. Thir are so manifest wrontruths that it is wonderfull any man should be so shameles. But your Lordship may easily perceive by this what is meant towards ws, and what is the quarrell they have against ws. The Deputy of Ireland is gone to hold parliament there, the 27 of this moneth, and hes undertaken to haue eight thousand men in Scotland against May day. The Kings ships are extraordinarily victualled, and will be ready to come out in the begining of the next moneth. Our own innocency, and the equety of our cause, hes made ws euen to deceive our selves in the hopes of peace as wele in wronging our liberties, by leting in Englishmen to the castle of Edinburgh, and in delaying to make any preparation for our owne defence, least it might give coloure or shaddow of misconstructions to our enemies, who takes advantage of euerie thing wee doe, and interprets all to the wickedest sence, whereby wee haue run our selves in that danger that hardly can wee recover it wiles wee double our diligence in the little tyme wee haue to doe euerie thing, hastily and readily, that may put ws in som measure able to resist a suddaine check, when and where it shalbe offred. A harty vyon will be our strongest outward meanes of safety, and nixt, a readines to contribute our advyece, assistance, meanes and fortunes for the preservation of our religion liffes and liberties which euerie one of ws ought, and should, intreate others to doe, and, by our example, encourage our neighbours, seeing the bussines does not only and chiefly concerne the glory of God, but also the keping of this ancient kingdome from slavery, either in the ruine and witter overthrow thereof, or becominge a province. Wee earnestly intreate your Lordship wilbe pleased to goe on in your presbytery in subcerving the Band, and taking wp the rentall and payment of the tenth pennie, as the rest of the shyre wherein your Lordship dwells, and all the shyres of the kingdome, does. If your Lordship hes any doubt concerning any charges your Lordship has been formerly at, the common course used for all the rest of the Country can be refusied to none, farre lesse to your Lordship, whom wee casteame as one of our cheefe freinds, and to whom wee shall euer approve ourselves to be, Your Lordships affectionat freinds and servents, MONTROSE, MAX, LOThian, YERBTER, BALMERSNOCH, DALHOUSE, FORRIBSTER, BURGHLEY, LYON, NAPER.

65. Letter by the Committee of Estates to the Earl of Athole, Edinburgh, 2nd March 1641, intimating that it was the determination of all those who witnessed the giving up, before the Estates, of the
bond subscribed by the Earl and others (the Cumbernauld bond) that,
as some of the others had publicly explained their intentions in signing,
so the Earl, and the rest of the subscribers, should be summoned also
to give their testimony. The Earl is therefore requested to come to
Edinburgh for the purpose stated, and specially desired not to "neglect
this advertisement, lest the samyn may produce farther jealousie,"
while his appearance may clear him and remove any "scruples"
which others may entertain against him in this matter. A P.S. fixes
the diet of hearing on the the 17th March. Signed by Lord Balmerino
and several other members of Committee.

66. Letter, the Same to the Same. Same date. Remarkng on
the great slackness in the public cause within the presbytery of Dunkeld,
the reason whereof the writers conceive to be that no good order was
taken by the Committee for War. The writers suggest as a remedy
that a number of persons may be elected for the Committee of War
who may be responsible to the Committee of Estates for all public
business. They further suggest several names of gentlemen to be
added to the War Committee. Signed by "Balmerinch" and
others.

67. The Same to the Same. Same date. Intimating the next session
of Parliament on the 13th April next, and most earnestly desiring the
Earl's special attendance at the diet, "and so much the rather because
it is expected that the graytest busines can fall out in our tyme, will
offer to be agit, to wit the conclusions of the Treattie of the settled
peace betwix the two nationes, and the setting of this great work qubilk
God hes so far advancit." Signed by the same members of Committee
as the foregoing.

68. On 2nd March 1641, also, the same Committee of the Estates
write to "The Committie of Warre at Dunkeld," beginning "Your
division have bene farre short of many of your nebybouris in per-
formeing of all publict dewties and we think it strange that of all the
ordouris instructiones and warrandis sent to yow from this table there
is little or nothing performed among yow." That the slackness of the
Committees of War throughout the country caused slack performance
of public business. The remedy suggested is that a certain number
of gentlemen be elected to sit, instead of all the gentlemen in the
county being on the Committee, and that those elected should be
responsible to the Committee in Edinburgh. A list of names is given,
&c.

69. Letter, undated, from General Alexander Leslie to the Earl of
Athole. [1640?] Acknowledging receipt of the Earl's, which, how-
ever, is declared to be no answer to what was desired by the Committee
of Estates that the Earl's regiment should be sent out according to
instructions. . . . [paper torn]. That the Earl's letter went quite
on other grounds, excusing disobedience to the warrant because of its
peremptoriness, and other matters, in regard to which the General says,
"Now for answer to all this, I cannot wonder enough how your lord-
ship and these men who are not satisfied with that warrant should
think that the Committee, and the great affaires of the kingdom that
are dayly cranng dispatch at their hands, should have time at their
will to grant to a few in Athol who are disaffectcd, vnill they please
themselves to come and capitulate, and soe tride time in comming and
returning. Your lordship knoweth best how oft they have been desired
to come and give reasons for their demands, and they should reseeue
satisfaction, which they did slight; and now they would begin a treatie
when the publique affaires doe strat more, and the burden of keeping
men together." No answer, therefore, can be returned but that the
Earl must send out his men with all diligence, and those named in
the warrant may come with the regiment or after it, and plead their
own cause. For this effect it is that the Earl of Argyll has commission
to see things really performed, and all obedience given to orders from
the Committee. The Earl of Argyll was to receive instructions that
night "to carie himselfe and his people as he finds their behaviour in
Athol, which wee expect, now at last, they will soo help and amend,
that I may both to them and to your lordship have just occasion to
continue your lordship's affectionat freind and servand. A. Leslie."

70. Letter, dated "25 April," signed by "A. Leslie, Kinghorne and
Stormmouth," addressed to "The Earle of Athol and the rest of the
Gentlemen of the division of Athol." That the writers had been glad
to know of the coming of two gentlemen, who, on behalf of that
division, had come to the great meeting of the Estates, to give reasons
why obedience had not been given to the general orders as to payment
of the 10d. duty over the whole kingdom, for defraying the public
charges in the late troubles, as a bad report of the behaviour of Athole
had filled the ears of the Committee. But, when the gentlemen came,
and the writers had looked at their commission, the reasons of denial,
&c., they concluded that the commission came from particular persons,
disaffectted to the common cause. The writers then discuss the reasons
of denial: "What is that first to alledge that neither you nor the
Earle of Athol receaue any of that money directlie or indirectlie? Cannot
all the parts of the kingdom and particular persons say soo
much, or doe you thinke the publiack defence of the kyngdome, with soo
great an armie, and manie other charges, hath not taken all that
which is craued, and much mor, and how shoule it bee payed, if
euerie particular man might alledge I gott none of it; and for the
charges that you have been in your two voyages (marches) vnto
the north, wee doe beleue that Angus and other parts may alledge much
mor, and all the rest of the kyngdome for the south. As for your
second reason, of your povertie, wee doe beleue that is common to
you, with all the rest of the kyngdome; if you had any thing that
might cast the ballance in your favour, when you shew better ground
for your particular exemptation then others, wee thinke it will not bee
refused vnto you that particular respect bee had vnto your inhabilitie,
when it appears. As for the third and last that you cannot send out
the fourth man, for fear of broken men, this is a weake pretence, for
who will trouble you except you sett your selfe against the common
saftie of the whole kyngdome, and soo draw the wrath of this whole
kyngdome vpon you for shewinge soo euil example to all the rest, being
situate in the midds thereof." "For this and mekill mor" the writers
have sent the deputies back, in all haste, with the above "faithfull
advice," and have bid them return with "better resolutions" on an early
day. They conclude by beseeching the Earl and the others not to
hazard all, for denying a part, and, for feare of broken men, let not all
the countrey broke in vpon you; learne in time from your freinds to
distinguish betwixt the general good of the whole kyngdome, and the
particulars of a few euil men that are among you. Hast your answer
... and know by this that they are your best freinds who gies you
this aduice."

71. Letter, signed "Will Carr," probably William (Drummond), after-
wards 2nd Earl of Roxburghe, to his cousin Lady Lillias Drummond.
29

London, 27 April 1642. The letter begins with compliments and then states that his Highness (probably the Prince of Orange) was in good health. "Hee and the Duke of York went to Hull, and that night were very well receiv'd by the Goerner, lickewise, the next day, had the same entertainment, when about diertime there came newes that the kinge was at the port. It was so unexpect'd to the goerner, that hee conieted a plott and immediatly made fast the portes, which done, he adrest him selfe one the wall and ther made an horrible reffusall for his Majestie's entrance who stayd sum tym e in the raine and so return'd, but neither Ducke, nor my Prince, was suffer'd to goe out untill the King was gone, and then, with much ceremony, were conducted out 2 by two. I dare nott say this hath bred sum icelousie of his hynes, but I am shure it will doe noe good nether in his privatte or general affaires."

72. Letter addressed to "the Countesse of Tillibardine my deare cosen." [Place of writing not stated.] Date 16th October 1644. Signed V. D. The writer is anxious to know of Lady Tillibardine's safety. He had heard of her flight from her own home, but understood she was in a place of safety. He gives some incidents of the Civil war. Lord Essex had made a "gallant recruit" again, and Sir William Waller's strength was increasing. The city had sent out 5,000 men under the command of Sir James Harrington, their General Major. "The King is intrenching near to a hous of faire Mrs. Bogers, near Salisbury, and they say has a very great army likewise. The parliament are about sending propositions to his Majestie; I wish them good speed but I fear it much they shall misse of it. Their have bin many houses burnned by accident in Oxford this last weke. The queene we heere is well recoverd, but has not drunk of the watters of Bourbon, though shee was see near them, ever since her being in France; but, by the two phisitans the Queen Regent sent, shee was advised not to drinks of them. My Lord Goring, whoe is made Earle of Lewes, wee heere is out of office their, and my Lord Jermin manages all affaires. Her Majestie has a guard of Cuirassiers whereof Will. Crofts is Lieutenant Colonel. Her Majestie is to come shortly to Paris, and from thence to goe (and) live at Caen in Normandy during pleasure. The abysse doe contribute very largely toward that they call her cause, which tytle will not att all comend it to mee. Your freinds at the Hague are all well. . . and the Princesse Louise is something better. The Prince of Orange is come to the Hagh by this time. . . there were great preparations to receive him. The Conte de Steran, Commissary General to his army, is dead, having bin designd successor to Stakenbrook in the place of Lieutenant General. Sir Henry Herbert is likewise dead, and Sir Ferdinando Knightley is made a Collonell. . . Their was thanksgiving at the chappel at Whitehall for the deliverance of the Princesse and the Duke and their family from danger of the plague. . . The day before, the Duke of York's birthday was solemnised with a venison pasty and the Princess Elizabeth invited the Prince Elector to dine with her, but his highness having some businesse to doe that day, sent his excuse, but came in the afternoone, and plaid at purposes, and such like playes, with her highnes, till prayer time. Their was noe other companie their but Mrs. Couett, or the Lady Diana Couett, which you will, the meriest widdow that ever I saw, . . and my Lady Carr and her daughters, and my Lady Gray and Mrs. Neull and Mr. Harrington and Prince Griffen . . . I doe not heere anything of the Prince Electors going away yet, and I hope hee will not, without his errand, which I beleue will not be dispatched in hast, it being
supplies of money which is not easily parted with in this age. . . . . Sir Kenelm Digby has tempted fine Mrs. Jerbier and her younger sister to turne nuns and bee caried them into the cloyster himselfe, surly bec will have the maners to turne fryer. . . . etc. In a P.S. the writer says "Sir William Drummond . . . is over head and cares in loue with Mademoiselle Henrictte de Dona; Conte Maurice of Nassau hath the government that Conte de Stearne had. . . . Colonel Hurry is wheeld about to London againe but is a prisoner yet, bec was sent with a guard from Sir William Wallers quarters to the parliament. My Lord Pagett is likewise come to the Parliament againe. My lord of Quenouille is dead in Whitehall, and to be buried at Waltham Abby by my lord of Carille. My lord Say's daughter is to marry the famous Colonel Norton."

73. Letter, Oliver Cromwell to General David Leslie, commanding the Scottish army. [1650.] *Old copy.*

Sir, I received yours of the 13th of this instant, with the paper yow mentioned therein, inclosed, which I causd to be read in the presence of so many officers as could well be gotten together on a sudden, to which your Trumpet can witnesse. We returne yow this answere by which, I hope in the Lord, it will appeare that wee continue the same which wee have professed our selves to the honest people of Scotland, wishing to them as to our owne soules: It being no part of our businesse to hinder any of them from worshipping God in that way they are satisfied in their consciences by the word of God they ought (though different from us) but shall therein be ready to performe what obligation lyes upon us by the Covenant. But that, under pretence of the Covenant mistaken and wrested from the native intent and equitie thereof, a King should be taken in by yow to be imposed upon us, and this caused the call of God and of the Kingdome, and this done to the satisfaction of God's people in both nations, as is allledged, together with the disowning of malignants although hee who is the head of them, in whom all their hope and comfort lyes, be received, who hath, at this verie instant, hath a Popish partie fighting under him in Ireland, hath Prince Rupert (a man who hath had his hand verie deep in the blood of many innocent people in England) now in the head of our ships, stolen from us upon a malignant account, who hath the French and Irish ships daily making depredations upon our coasts, and strong combinations by the malignants in England to raise armes in our bowells by vertue of his commission, he haveing of late issued out verie many to that purpose. And how the interest yow pretend yow have receivd him upon, and the malignant interest in the ends and consequences centred in this man, can be severed, we cannot discerne, and how wee should beliue that, whilst known and notorious malignants, fighting and plotting against us on the one hand, and your declaring for him on the other, should not be an espousing of a malignant quarrell, partie, or interest, but be a meere fighting upon former grounds and principles, and in defence of the cause of God and of the kingdome, as hath beene these twelve years last past, as yow say, for the securitie and satisfaction of the people of God in both nations, or the opposing which should render us enemies to the godlie with yow, wee cannot understand, especially considering that all malignants take their confidence and encouragment from the late transactions of your kirk and state with your king; for, as wee have alreadie said, so we tell againe, it is but satisfying securitie to those that imploie us, and are concerned in that wee seeke, which wee conceiv will not be by a few formall and faind submissions from a person who could not otherways tell how to accomplish his malignant ends, and
therefore counseled to this compliency by them who assisted his father, and hauing hitherto acted him in his most evil and desperate designs, and now are againe set on foot against which how you will be able, in the way you are in, to secure us or your selues is (for as much as concerns us) our dutie to looke after. If the state of your quarrell be thus, upon which, as you say, you are resoluted to fight our armie, you will have opportunitie to doe that, else what means our abode here. And, if our hope bee not in the Lord, it will be ill for us. Wee committe both you and ourselves to him that tryes the heart, and searches the reines, with whom are all our wayes, who is able to doe for us and you above what we know, which we desire may be in much merde to his poore people, and to the glorie of his great name. And, having performed your desire, in making your papers so publick as is before expressed, I desire you to doe the like by letting state kirk and armie haue the knowledge theroff. To which end we have sent inclosed two copies and rests, Your humble servant

O. C.


74. Letter, the Earl of Loudoun to the Earl of Tullibardine, from Comrie, 30th August 1651, urging him, in name of the Committee of Estates, to attend a meeting to be held at the Kirk of Killin on the 5th September, to resolve what was fit to be done for the safety of the kingdom against "those trecherous sectaries" who had invaded the kingdom, and had taken "a number of noble Lordes and vther members of the Commity;" also for the service of the King who was hazarding his life in the same cause, and for the "preservation of religioun, our liberties, estaitts, and lyues, from perpetuall slaverie and ruine." The Earl's presence is urgently desired.

75. Letter, signed "Margaret Hay," to the Countess of Tullibardine. [Undated, but c. August 1651.]

Dear Madame, The neues I heer frome Sterllinge is that the Sectuaries earmie is retaierd bak towrds Lethgoe: when they cam forwarde they marcht so furiously, as if they had intended to fallen on instantly, till they cam to the uther seyd of the uther, uther our earmie war layinge, and both of them in uther seiwes. That night, very leat, the King went to a Counsell of war, uther they resolute to draue out the holl earmie, which they did about naie aclocke at night, with very leittle noyes sume ould aseyd to mead ane infall, at severall pleases, by sume of ours, both horces, and foute, but hauing the uther to pas it was thought to great heserd to meak such ane attemp, fearing ther retarv in any disorder might hauie indeynyerd the bodie of our earmie. The generall of the Artilleryr undertouke uther his ordinanes to beat them from ther Leiger, which he did and put them to disorder, but they rallied, and mead ther retreat orderly eneughe, so they haue not gainde much honor by this interprieses, God be bliest I hop it sall be encouragement to ours. Our ea[r]mie is returnd to ther Liger againe. This is all I know of the particulars which ye wil know mor perfytly frome uthers. I shall unie your Lord and you ane goud jorney, and a seaf returne. My selfe and chelde are in health, I thanke God; and Jeane is very sensiblable of your Ladyships favoure to her. Non shall mor heily esteime of your undeserved respeckes, nor mor frequendy shall stude such ane returne as youre worthe deseregues and mey chelleyng frome, Deir Madame, Your most affectionat cusan and humble servant

MARGARET HAY.
I humbly thank your Lord for his rememberance of my brother; he was something troubled by his ryding to fast, in hot weather, but he is well now; he went to the Earmie on Wedensday last.

76. Letter from James (Sharpe) Archbishop of St. Andrews, from Edinburgh, 26 July 1664, to the Earl of Athole, intimating a meeting of the Commissioners for visiting the University of St. Andrews (of whom his Lordship was one) to be held on the second Tuesday of August, and requesting the Earl's presence thereat.

77. Letter, A. Robertson of Strowan, dated from "Kandlocharnoch," 28 August 1667, addressed to "My Lord Strathord." That the writer had done what he could as to the oxen and horses taken from Lord Strathord's men, but could get no confession, only that "his" (person not named) had confessed that "his and his accomplices had nine head of oxen and four pairs of horse not belonging to any of your lordships tenants. He was content to meet with your lordship's men heir to see the goods proven against him and to satisfie for them if any honest man would declar what the goods he had belonged to any of your lordships tenants, or he would cause his neighbors to clear that the two oxen he had by your lordships men weir the goods he had, and that he had no other," &c.

78. Letter from Andrew (Honyman), Bishop of Orkney, June 16, 1673, entreating the Earl of Athole's interest in a cause against the bishop as to teinds, &c., that his advocates may have a fair hearing, as he himself is disabled by illness from appearing before the Council. He was charged with riot, but the accusation was unjust, and he relies upon the Earl's wisdom and goodness that he be not overborne in his righteous cause owing to absence.

79. Copy, letter from the States General of the United Provinces to King Charles the Second.

16 December 1673. Protesting their true desire for peace, that any statement to the contrary was a misrepresentation; offering the restitution of the New Netherlands and other places taken by the Dutch in the late war; answering at length the King's objections to separating himself from the French alliance, while the States cannot break with their allies except at the risk of destruction to themselves and danger to Europe. They conclude by strongly pressing a rupture of the French alliance.

80. Letter from George, Earl of Linlithgow, from Edinburgh, 25 June 1674. [Address wanting, probably to the Earl of Athole.]

My Lord, To give you a short account of what materiale things has passed in Counsell ... the Commyty has been going on in their examinations, and imprisonement of keepers of Contventickles and the tvo zelous sisters Mrs. Cambell, and Mrs. Jonstoune, continuous still yther veyr without aplicatione to the Counsell. This day the Fyff gentillmen appirred, being 11 in number, all of them fryned and sent to the tootech, except the Laird of Naughtonu quo deponed he neuer was at any contventikle in his lyff. The actt of parliament was the Counsells reall for euerrye fld contventickle, the half of eny yeirs valued rent; only one quo was your lordship's Steuart deput is fryned in two thousand marks mor for having sheltered Mr. Vaitch in his hous and one Suet in faff hundereth marks for his extravaugant spitches at the bar. If vee all doe our doubtes, I houp this storm will be vethered. The Deuk of Lauderdaleall ... is very earnest that resolut courses may be
33

taken with that krou and he is in the right," &c. (Signed) LINLITHGOW.

81. Anna, Countess of Argyll to the Countess of Athole.

DEAR MADAM, Inverary the 23 of September 1675.

I was verie solisitas all this sumer to know how your Ladyship and all yours war, and how you keep your health, and was onc[e] going to send in to you but I was hindered by my ouen sikness, and my Lord sent me word you was well, which was verie exceptabell to me: my dear Lord has been in the condision of a soger this fortnight,—the particulars of all he hes wrot to your Lord, which makes me say no mor bot that, in all places I can be in, I am verie disayrous to be so hapie as to hear of your welbeing, and all yours, for I am with all respek and loue a wellwisher to you and am, Dear madam, your most affection[at] and most humbell servent.

ANNA ARGYLL.

Pray madam give me lue to present my humbell servite[e] to your Lord and I am my Lady Jan's servent and my suit LADY EMILIA.

82. Letter signed "Jo: Murray," from Tullibardine, 20 June 1675, addressed to the "Laird of Belachen" (Stewart of Balchinch), desiring the Laird to send to Blair and cause his brother "send down heire this weik, withowt feall, thrie pair of Einglis Blankites that is in my Lord's chamers att Blair, becaus ther is som strengeris to be heire att my lord Pearth's buriali." Also desiring the Laird to "caus gett wyld fowl and wenison agains that tyme." That venison had been written for eight days previously, but none had as yet come "qubich my ledie thinks strange of."

83. A letter, signed Alex. Murray, dated 11 November 1675, addressed to Charles Murray, referring, inter alta, to the Duke of Lauderdale. First stating that the King was very well satisfied with the affairs of Scotland, the writer adds: "Tho the House of Commons hes not, as yeett, begun to meddle with him [the Duke of Lauderdale], yeett it is beelived, they may among ther other grievances, when they come in course, strive to have a hitt att him. Bot, He assure yow, hee is not anyways affrayed of them, nor hes noe reasons to bee soe. Ther are some of our ingrate degenerate cuntreymen (who inveys all good men that hes other loyalty or honnesty within ther brests) who dayly attends att the Commons doores, lyke as many porters, ambitious to be slaves to them, to betray ther owne cuntrey and cuntreymen. Bot these men shoon evanish'd yeisterday, and stole themselves away, when my lord, the Marques of Montroies, the Earles of Kingborne & Aboyne, and, att least, 10 or 12 Scots gentlemen attending them, came all in togethier to the Court of Requysts, and ther stayed all the forenoon to countinance the Duke of Lauderdale, which was very much taken notice of by every body that was ther," &c.

84. John, first Marquis of Athole, to his eldest son, John, Lord Murray, when at College. 3 April 1676.

"Tullibardine 3 April 16[76]. Dear Jacke. Remember what I told you at parting. Consider you have but little tymie to stay at the Colledg, therefore make good use of it. You are growing towards a man and it will be a shame for you not to take paines; and let not others that has not see good a spiritt have the better of you by minding there bookes. Be busie now and ye will play enough hereafter. Dear Jack, remember you cannot bring back tymie: besides you cannot pleas me in nothing see much as in this, and it will enable you to serve your king

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and country. Be sure you conferr your lessons with your Tutor before ye goe to schooles; it will be of great advantage to you. I will crave an account of this from Mr. John Hardie. Of all things forgett not your devotions; let that bee the first and last thing ye doe, for you know to fear God is the beginning of wisdom. Remember your Creator in the dayes of your youth, and it will be easie to you when you grow old. This will make you hapie heere, and in the world to come. God bless you dear Jack, and grant you mind these things, and I assure you of a kind father. Athole."

Addressed: "For my Lord Murray."

85. Copy or draft letter, apparently to the Marchioness of Athole, relating to the proposed marriage of H.R.H. the Princess Mary to the Prince of Orange.

"October the 23 [1677]. Upon Sunday betwenee 3 and 4 a clock his R.H. tooke Lady Mary into his closet and told her of the resolution was taken to marry her to the Prince of Orange speedily. It was soe great a surprise to her to be married and leave Father and Mother and all our little world here and all in 2 or 3 weeks that she express her resentment in teares only. After half an hour being together [the] Lady Governess was called into the closet and the Duke told her the King thought fitt to bestow his daughter upon the Prince of Orange and hee thought fitt to lett her know it and desired her to prepare her self to carry his daughter speedily into Holland. Monday morn. a counsell being called and satt the Duke came to them and told them his Majesty had been pleased to think fitt to bestow his daughter upon the Prince of Orange and that he was very well pleased with it; that some had reported that he intended to subvert the government and bring in Popery; that it never was in his thoughts, and that he hoped this marriage was a sufficient demonstration of his real intention with much more to the same purpose. Presently upon the Counsell rising the King came to Lady Mary, gave her joy and told her she was noe more his neece but his daughter and soe he should ever call her. About 3 a clock the Prince made his first address in the same closet the same persons being present. Att 4 a clock all the counsell came to give her joy; the Lord Chancellor spake but soe low that very few heard a full sentence. Madam, here is a generall joy bells and bonfires and too much drinking. This daye the judges were to congratulat Lady Mary and the Prince in their severall apartments, Judge Rainsford being speaker. Att 4 a clock the Prince is to come to Lady Mary to make an acquaintance with her, the Lady Governess being present onely. The Duchess is very neare her time and is very much troubled to part with Lady Mary and soe are all that know her. 'Tis thought she will be married within 5 dayes and be carried away suddenly after. I have sent your Ladyship a prophecy out of Nostradamus by which you may see wee may expect a sonne. Deare Madam you may conclude by this that I shall not faile to give your Ladyship a true account of what passes here."

86. Letter from Ayr, dated 20th February 1678, addressed "For my Lady," probably to the Marchioness of Athole, perhaps written by John, Lord Murray, giving a sketch of matters in the West in the year of the "Highland Host." The writer says: "On Monday the 18th . . . we came to Aire about 3 a clock. My father went to the Committee where ther was little done for all the express. Its impossible to tell when we shall returne, for the Counsell themselfes knowes not till the Counsell att Edinbourgh sends them orders. Every body thinkes it will
be about a fortnight. All are extreme weary here, many of the Perthshire gentlemen are going home without liberty; the bearer of this, Fullerton, says he will be quite undone if he does not go. . . . I cannot think of any thing more to tell you only they say that within 5 or 6 days there will not be a bitt meate in the town, it's beginning to grow scarce already. The reason is, the country people dare bring nothing to the town for fear of Mar's and Caithnes men, who will intercept it, so they choose rather to eate it themselves, but I believe we will soon change our quarters, so then there will be no want. We have just done dinner. My Lord Marr and Glencarne and Caithness has been dining with my father, who, God be thanked, keeps his health very well. . . . None that dwells in the west dare keep a horse about 50l. Scots, after the first of March."

87. Letter, James Earl of Arran, afterwards 4th Duke of Hamilton, to his sister Katherine, Lady Murray. From the Camp before Luxembourg, 3rd June 1684. After a reference to her health, he states that he and his brother are well, that they had suffered much fatigue. That the surrender of the town had been expected two days ago "beacous they sent out to capitallt, but they only mean cuuse of that pretence to meask upp some of ther workes that wee had destroyted, and begun that night to fier hardder than ever." In the end the town had yielded, and the siege was over. The Earl had been 30 hours in the trenches, and was very weary. He and his brother had both been ill of fever, but were better. "He and I lie in the Prince de Conty's tent, and ar taikn as much cair off as wee could be at Hamilton. I ame to goe post from hence to find the King, which I doe belie will be at Versailles; but I shall only staye a day or two ther, and ask leave to goe to the Marishall de Shomberg's armie, which is in Flanders. My brother goes straigst thither. . . . Wee have lost in this siege about two thousand five hundred men, and about 150 officers, killed and wounded, which is but vere little, considering the strent of the place which is lookt upon by all Yeourp as the best fortification in the world. If the town had not yeelded when it did wee had taiken itt by assault tomorrow, for all the orders weer given out for that purpose." After stating that he had, the day before, seen Lord Charles Murray in good health, the Earl adds: "They say wee ar goeing to bisidge some towns in Flanders; when I know the certainty I shall wrytt . . . ."

88. Copy letter (the Earl of Melfort) to the Chancellor of Scotland, stating that the King was resolved to know the mind of all the Secret Committee as to what he designed to propose in the ensuing Parliament, whether they will concur, and instructing the Chancellor to ascertain the Marquis of Athole's opinions (who had been absent from the Council). The writer concludes: "I am oblidged to signifie to you that the king is resolved to know how his servantes incline to please him, that he may take measures accordinglie." London, 17 April 1686.

89. Letter, Earl of Melfort to [the Marquis of Athole]. Windsor Castle, 28 September 1696. That he had heard of the Marquis's apprehensions as to a Commission under Lord Strathallan to go into Argyleshire, and assuring the Marquis that whatever may have happened in Argyle, without the latter's knowledge, that he stands exonerated. That the King is persuaded that the Marquis did him good service in Argyleshire. That the Earl will interest himself and nothing shall come as a complaint before the King that he can hinder.
90. Letter from James, Earl of Perth, Chancellor, intimating to Lord Murray that the Council intended to call out only a fourth part of the militia of the kingdom, and he is desired to thank the gentlemen who had turned out, and to allow them to return home, that they might send out their proportion of militia, &c. Edinburgh, 16 October 1688.

91. Letter, the Marchioness of Athole (Lady A. S. Stanley) to her son, Lord Murray, then apparently in London, dated 3 January 1689. That his father is troubled at not receiving letters. She wishes him to write under another cover, as some letters had been intercepted. "My lord intends, God willing, to goe next week, and you will wonder when I tell you I haue bin almost tempted to wish he had gon from me with the crowd, who considered their own interest and safety which he did not, for I swear he has nothing but trouble hear to keep the poore country from being altogether in confusion; and everybody thinks their would have bin nothing but cutting of throastes if he had not stayed. God help us when he is gon." She again hopes to hear from her son, and adds: "D[uke] Queensberry wint with his great traine 3 daies agoe," On the same day "late at night" the writer adds: "Since the writing of my letter, 2 hours agoe, my lord has receiued one from my lord Bradallbane, the only one from any of you since your parting hence, wherein he tells you all desire his coming up with all the hart imaginable which, accordingly, he intends, God willing, Tuesday... He thought his stay more necessarie for the Prince of Orange service and the good of his countrie, which certainly would have bin in the greatest confusion imaginable if he had left it sooner. The first day of the new year he made his Highness declaration [be] proclaimed with sound of trumpett, and with all solemnitie, at the cross hear in Edinburgh. [The following is in the writing of the Marquis]:—The E. of Pearth hed med his escape if I had not ordred the looking betar to hime. I haue put upde others that wer disaffected to the Prince of Orange. Neuer mane hes bene in trubell I haue bine in sinese you want; pray lett the Prince of Orange knoue so much. Sir Johnne Drumpble and all cane bire me witness of this. If all this be not considered as urarie goud service I haue ill louke; hooeuer, I haue done my doutie for my religion, the Prince of Orange, and my countrie, which is [a] satisfacione to me. Adoue my deare Jacke." The writer concludes by repeating his intention of settting out shortly.


My Lord, Long er this I hope your Lordship is safe in your own country, which most be a satisfaction to all your friends with you, tho no smal lose to us here. The Earle of Arran is in the Tour for treason, but not close; Doctor Burnot is made Bishop off Salisbury; the Earle of Nottingham joint Secretary with the Earle of Shrowsbury. The king having quit the chimney money, hes wonderfully pleased at the people off England. It is not to be doubted but your Lordship will promot his Majesties interest to your pour, for therin is the only saty of the protestant religion. The great God hes honored him to be the happy instrument off delivering his church; it will be your glory, my lord, to be active for his Majesty, and I am sure your lordship will have abundant peace and satisfaction in your owne mynd, and much esteem from all good men in so doing at present, and praise for ages to come in the churches. You know who says a good name is better than great riches.
I know your lordship stands in need of no argument of myn to appear in so great and so good a work; pardon my zeal and allow me the great honor always to be, My lord, your lordships most humble and most obedient servant

London 1689.

MART 5.

Many of the bishops have taken the oaths to the king. It[s] said the most part will that have not yet. We ar nou very unanimous. Ther ar thre regiments going from this to Scotland. Major general Mackals, Ramsey and Balfours. Eight thousand men ar going to Holand. Thirteen regiments ar to be raised here at present.

93. A letter, not signed, addressed to Lord Murray. “Perth May ii, 1689. This day, be 3 in the morning, Dundie, withe about 80 or 90 hors, entred the town and surprise[d] the laird of Blair, and all his officers, and hathe carried them withe him prisoners, and taken all ther horses and armes withe severall horsis belonging to the new leavie. Amongst the rest of the prisoners I was on myself, and my arims taken from me, but I recouerd them againe. This will make a great noyse at Edinburgh, and its like the shire may suffer for it, althohe I am confident bothe this toune and shire is very innocent. Ther is parties just nou searching for ammunition, and he is just nou refreshing his horsis in the Inshe and it is thought he will call at Scoon. Wher he gose after this, I knou not. I would gladly knou w enn your lordship intends for Falkland.”

94. Letter from “Do. Robertsone,” dated “Calvein 26 May 1689,” addressed to Alexander Robertson of Strowan, beginning “Honoured chief, it seems our trist will not hold, therfor I wish yow to take the most cred[itable] way to begin in your kings service.” The writer wishes him to delay his journey, if possible, for a day or two, as the countrymen whom he is to command are not ready to march. [On the third page of this letter is another by “Mari Baillie,” dated Cari, May 25, 1689. Gentlemen, tho’ you heaeue no kindnes for my son, yet, for God’s seack, haue it for the Lord of Stroun. He is going to Bade-noch just now; for Cristea seack com in all beast and stop him, for he will not be aduaised be me. I am, your humbell servant, Mari Baillie. For Faskelly, Caluiein, Hachlieky, Blarpetie, and all the rest of the Robertsons in Atholl.]}

95. A letter, addressed to Lord Murray, signed “Mari Baillie,” dated “Cari May 29,” 1689: That the writer never was, or will be, accessory to anything that may offend Lord Murray in word or deed, “and if that child who is cald the leard of Stroun heath spock anything that did not becom him, I humbely beg your lordship may impute it to his childeanes which is always accompanied with folly and be so good as to pardon him. As for me he heath altogether discarted my intrest and aduices, and is only reueld be his frinde in Atholl, and, indid, I am not ill plised with it, but the most part of them have wronged me extremely.” The writer begs that, since she is in that desolate place, Lord Murray would order the men in Bonranoch to help her if in trouble from thieves and robbers. “I belive this is too muche for me to aske, but not for your Lordship to grant.” In a P.S. the writer adds: “My Lord, consider my letter to the Robertsons and Calvien to Alexander [the preceding letter] bot let it not be known, for God’s seck, that I sent it, for they will kill me.”
96. Letter, not signed, but in the handwriting of the Duke of Hamilton, to Lord Murray. He is glad the letter can give such a good account of the Atholl men, of whom the Council were about to send a bad report to the King. He comments on “Balachquhan” (Stewart of Ballechin) as behaving not as King William’s subject. In regard to Lord Murray’s complaint about Ramsay’s men passing through his country, Hamilton thinks they cannot be blamed. “Where armies comes such things will fall out, and is not to be avoided, but men must not go from their duty notwithstanding.” Had Ramsay been with Mackay in the present state of Dundee’s army, as reported, they “had done his bussines.” “If Dundie come to your countries its impossible to aivode our troops comeing there, for he must be followed wherere he is, be the consequence what itt will, and I wish you may take such courses as nether your father, yourself, nor your countrymen may be blamed, but neutrality will not long be allowed of,” &c. Holyroodhouse, 30 May 1689.

97. Letter from [John] Haldane of Glenelg to Lord Murray, dated 16 June 1689, excusing himself from meeting Lord Murray at Tullibardine, which he wished to do, but was obliged to attend Parliament. He complains of Lord Eglinton, who “after having comited unheard of incivilites by his trouperas has given out in al companys that he will represent this as the most disaected countrie in Scotland, and that he will petition that ther may be mor forces brought to eat us up,” particularly the country of Athole.

98. Letter, the Same to the Same, dated Edinburgh, 21 June 1689.

Befor I cam from hom I heard that ther wer som Highlanders in arms upon the acount your lordship wretches of, but has not since my hear-coming heard anie noise of it. Ther is daily and from evrie corner of our countrie coming compleants of these people which ar quartered amongst us. I hav myself represent to manie of the counselfers how ill we ar used by them and that besyds ther paying almost nothing for ther dyet, they ar extrem rude in talking away some gentlemen’s horses and most peolpe’s arms.” He believes they have no good authority for such proceedings.

99. The Same to the Same, dated at Edinburgh, 30 June 1689.

I hav not as yet been in the house [of Parliament] by reson that evrie member who went in ure oblidged to taik the oth of alegance, and I do acknowledge that I am so litel fond of oaths as not to be desyrous to taik anie mor nor what I hav alreadie ingudged in” &c.

100. Letter, John Graham, Viscount Dundee, to Leonard Robertson of Strathloch and John Robertson of Bleatoun. (?)

Stron 10 July 1689.

Sir, By certain accounts from Ireland I am sure the king is just at the landing. The enemie knows this and are now designig, I hear, to make a last endeavor, being in despair to prosper if the king land. They strugle to ruine all honest men. I hope, seing you have caryed yourself so well hitherto, and that so litell tym will relewe us and yow from your trobel intirly, that yow will not lose your honour, nor wrong your consences, by joyning with the rebells or looking on till honest men be ruind, which is wors. Therfor I require you in the Kings name and authoritie, and intreate you as your friend, to rise in armes and come to Blair of Atholl or any other place, in that contray,
that shall be thought most convenient by Pitcur and the rest of the loyall gentrie of your countrey who will joyn him. You need not have the least apprehension; I will bring such a body of men to your immediet assistance as will confound all the enemies dares appear. Som are marcht already. I will be with you, or meet you, with 4000 Highlanders, Islanders, and Lochaber only, besyds all that will join us from Badenough, Atholl, Mar and other loyall contrys. I have a boat going immeadiatlie for Irland, to acceant the King of all this, and to heasent to pour in troupes on all hands, and advise himself to land in the west. I sent Mr. Hay to him who landed in Irland ten days agoe, to press his landing, which I am sure you will see immeadiatly: so you have a glorious occasion, and no great danger, and I will assure you I will bear testimony of all your good actions, and see you rewarded, I am, Sir, your most humble servant,

DUNDIE.

I am resolved that whoeuer refuses, in any part of the kingdom, to joyn the kings standard, at my call, who have his Maiesties commis- sion and authoritie to make war, I will hold them as traitors, and treat them as enemies, but I need not suspect any of you, and I designd not to have stirrd for som tym, had I not heard that Major-General Mackay wes to fall upon your contrey and Mar.

101. Letter from Leonard Robertson of Straloch to Lord Murray, of date 14 July 1689, enclosing the above letter of Dundee, a circular sent to every gentleman in the district. Three hundred Kintyre men and Highlanders have joined Pitcur at Blair-Athole, and the district is threatened with ruin, unless Lord Murray be present in person.

102. Letter from Major-General Hugh Mackay to Lord Murray, with threats against Stewart of Ballechin, who commanded Blair Castle for King James.

My Lord, I am com here from Sterling today, and doe intend for Dunkell tomorrow and from thence to Blair for I will not leave that fellow behind me, in the Castell, but your lordship can freely cause tell him that, if he oblige me to goe out of my way, and so hinder my march, I shall cause hang him at the gate, for his Rebellion now, as well as what he did before, by imprisoning my messenger, and sending my letters to the enemy. If your lordship could light upon som trusty men, to send them to Lochaber, to get sure intelligence of the motions of Dundie, and the Highlanders, it wold be of notable advantage to vs, and haply be a meane to spaire vs some marches, to which otherways we might be subject som tymes. If the Castell of Blair did surrender, I might haply take my marches another way. I wish your Lordship may take mesures to sound the Athole men, to the end wee may take our mesures as wee know them inclined. This is all at present from, my Lord, your Lordships most humble and obedient servant,

H. MACKAY.

St. Johnston,
July the 25th 1689.

103. Letter to Lord Murray from Patrick Steuart of Ballechin, of date 26th July 1689, intimating that he is content to serve King James as long as he lives. "I am informed that my Lord Dundie wil be heir with his quhill armie this night. In my humbell oppinion your lord- ship wold be pleased to cause your wassells lay doun ane methad to provyd meitt for them that our place off the cuntrie doe not be
104. A letter, without signature, addressed to Lord Murray from Perth, 25 July 1689. That the writer had shown to Major-General Mackay Lord Murray's letter, "and delt with him that his armie might not march the Atholl road. He told me that it was a thing impossible that he could pas by Blair Castell, wintill it wer in the Kings hands, or your lordships. The Generall with most of the armie marches tomorrow, and is to incamp neir Dunkeld. Mackay declares if the castell be not in your hand, or he com, that he will hav it, cost what it will, and declares that he will hange Ballachan over the highest wall of it. He also declares that if your lordship wer not ther on the head of your men, or in the least he wer oposed, he wold burn it from the on end to the wther. Macay desyerd me to wret to Dunkeld that meat and drink might be provided to them for ther money. I hav wret a leyn to Robertson for that effect; if ye think fit ye may second it, and, if ye judge it convenient, Macay wold gladlie see you at Dunkellid, but if ther be aney hazard in leving of your men we [would] much reather ye wold stay. If ye hav aney furder comandes for me; if it be possibell I will be at Dunkeld the morou." [Endorsed as despatched from Dunkeld on July 26.]

105. Letter, Major-General Hugh Mackay to Lord Murray. "Dunkell the 26th July 1689. My Lord, Having heard that your lordship hath retired from the Castell of Blair the mater of six mile on this syde of it, and not knowing what may be the raison therof, I sent this expres desyng your lordship may give speedy account, what you have learn'd of the enemy and whether his approach be not the raison of your retreat, which, if it be, I desyre your lordship may defend the passe and keep it free for vs till I be with you, which, God willing, shall be tomorrow in the forenoon. Your lordship then shall be pleased to post yourself in the entrance of the passe on the syde towards Blair, and let me know, by an express, how matters goe there. My Lord, it shall be ill look'd on if your men should now favour the enemy, and certainly very disadvantousious [to] my Lord your father, and the contrarie is the readieast way to rub of the jealousies which the former behaviour of that contrey did beget of him in men's spirits," &c. "H. MACKAY."

106. Letter to Lord Murray from Patrick Steuart of Ballechin, Blair Castle, 27 July 1689. The writer recommends Lord Murray to wait a day, and to summon men to meet him in good order at Pitlochry. He excuses himself from meeting his Lordship there, having received "orders from his Majesties livetenant to defend this place for his Majesties service, quhilk I resolve, God willing, to doe." He is also informed by Dundee that forces from Ireland had landed at the Castle of Dowart, and that the King would shortly land with a great army. "Ceretanie they ar at Lochaber yestarday, the wynd blowing soe fair. Ther is not ane man betuixt this and Lochaber except that partie off Argylabirmen that was heir," who had marched to the north. The writer does not doubt but Lord Murray will declare for King James, whose restoration the writer greatly desires. His Lordship's vassals will obey his commands better than "aney man in Scotland, but iff your Lordship be off ane other mynd as God forbid it is to noe purpose your lordship came to this contrey, for it will bring all the airmes heir and maik it the sesit off the wair till it be revind, Whereas, upon your
107. Letter to Lord Murray from his brother, Lord James Murray (of Dowally), from Tullemit, 28 July 1689. That, for all the care taken to keep the Athole men from joining, they were so engaged “in blood and plunder” that they were ready to join, and the writer had written to Dundee about his father’s papers, when he heard of Dundee “being killed.” This will lose them the victory, and he will use it as an argument to the Athole men, &c.

108. Another letter from Tullemit, dated July 29, 1689, signed “Thomas Stewart” [of Steaton, near Dunkeld], stating that Strowan Robertson and Duncan Menzies, with an advanced party of King James’s forces, had passed on their way to Angus. They threaten to kill all who refuse to join them. Their orders, since the death of Dundee, are given out by “one Canning, ane Scots officer who cam from Ireland.” There were none killed of Dundee’s party, save Dundee himself, two brothers of Glengarry, a second son of Sir Donald McDonald, one Robert Ramsay, and Pitcur was deadly wounded. “My Lord Dundie was shot dead one the head of his horse,” &c. The letter is endorsed “Stenton’s July 29.”

109. Letter to Lord Murray from R. Campbell of Glenlyon. Chesthill, 29 July 1689. He complains of Colonel Menzies [of Weem] and others. He has not been able to command even a horse to carry bread for his family. He reminds Lord Murray that the men of Glenlyon were not under his command, though the writer would have led them to meet Lord Murray, had Colonel Menzies not contradicted the order to do so, &c.

110. Letter, Major-General Mackay to Lord Murray.

St. Johnston the 4th August 1689.

My Lord, I have kept your servant a little longer here then he wished, because I had very little tymre to wryt. What men may speack to my disadvantage I doe not much care, for I defey them to get a man more zealous and upright for the cause; and, if they attack mee in point of conduct, they must know the trade better then I to condemne mee with all. When the King thinks he can be better served of another in Scotland no man shall be more ready to resign the charge in another’s hand then my self, to serve his Maiesties interest elsewhere, if he have occasion for mee: so that those men who will charge mee with any blame, will loose their aime, for I am prepared for those rencontres, having no other interest in the whole mater but that of conscience for my Religion, and affection to my soueraigne, and the Countrey wherein I was born, for whose peace and settlement I shall, not only pray, but, with God’s assistance, willingly fight. What touches your lordship in this matter I can neither say lesse or more of it; only that I thought myself bound to beleev your declaration to me till the contrarie appeared, and for your intelligence that the enemy was but two thousand strong, I can assure you that, in the opinion I was then of my own forces, if you had spock of double that number, I had not made one step otherways then I did; for, certainly, by all the judgement I could make of their forces, they were not stronger then I, so that I had more thoughts to attack them in their Camp, then to see them cum to meet mee, but their resolution, as well as my mens lachetée, were by a providence which we must reverence, though wee can’t comprehend the raisens of
it: however, I value myself in nothing but affection and sincerity for
the advancement of this cause, wherein, I thank God for it, I am un-
stained; for my own conscience is worth a thousand witnesses to mee:
whether now my Lord the carriage of your men was by conivance or
against your inclination and commands I can testify nothing of it, but
charity wold make mee believe rather the later; but surely your men
have ruined those disordered forces three tymes more then the enemy,
and Lt. Colonel Lauder tells mee he found none of your men ypon the
past as hee came vp; withall your Lordship gave mee much assurance
they wold not joyn Dundie as long as you were in the Country, not-
withstanding that, I know your brother, whom I saw with you that
morning, to be actually at present with that party, with the greater
parte of Atholemen, so that, my Lord, I can say little or nothing to your
Lordships vindication, and as little to accuse you, except it bee by the
practis of the kingdom who make the chiefs answerable for their clens
and followers. I confesse that I, who know the custum of highlanders,
am hardly persuaded that the Atholemen wold take these violent
measures against the government, if they had no other grounds for it
then Baleacan and his brothers authoritie; but, that the fault should
lye at your door, I will not say, but sure I am it lyes somewhere. I wish
with all my heart it had been otherwise for the respect I had allways
for my Lord, your father, and his family; for I thank God for it that
the Enemyes have goten but sober advantage by their victory; if your
lordship hath any credit with your countreymen you should advye
them to draw off in tyme, as, I am informed, they will take the hills
shortly: I mean their guests, but I leave this to your own consideration
and their hazard, I am, my Lord, Your Lordships most humble and
obedient servant

H. MACKAY.

111. Letter to Lord Murray from James Stewart of Kinrorie. 6th
August 1689. “My lord, I humbly thank your lordship for your care
and offer givine your vassalles. I hop ther will be feu, or non, soe
foolish, as not to imbrace and lye hold one it. For my cume pait...
. . I neither acted nor connivelyed att any misdemouers, and am soe
represented to the Highlanders that I had ane hand in what came vpone
them, that all my cornes and movables, and my tennents alsoe thers, are
quyte destroyed. . . . I assure your lordship albeit they should
burne all my interest (as they have severall tymes threthniten to doe) I
shall, God willing, doe nothing without your lordships comands, and to
my pover shall be readiness to obey what your lordship shal injoyne,” &c.
Signed “Ja Stewart.”

112. Letter to Lord Murray from Mr. Leonard Robertson, Binvrak-
ie, 7th August 1689. That he would have written sooner, but durst not
send a bearer. “Howevere, our cuntrey hath exactlie followd your
lordships instructions, althought somewhat to there prejudice as to
there moveables. I have seen your lordshipe letter to the vassalles, which
I think non but ane madman will refuse to imbrace. I find Robert
Robertson is att extraordinarie paines, which I hope will prove wearie
successfull. As for our cuntrie I know they are fullie resolved to live and
die with your lordship exceptinge wrerie feue,” &c. “Mr. Leo. Rotson.”

113. Letter, “C. Graham,” apparently to the Marchionees of
Athole, in reference to the state of affairs in the house at Dunkeld.

My Laddy, Yesterday, General-major Mackay did send me a letter
from my laddy Ducees of Hamilton concerning the papers hou where
in this house. I was send here after they ingadgement, and found the greatest confusion that ever I saw in the house, being the house taken up by the wounded shoulders and officers. I did all what was in my power to prevent disorders. I send for the gardner, orderd him to take down al the hangers and furnisement bedis, and I orderd them to be put in one room, and put sentrys upon them of my own men, and al things that I found, sints my coming here, I did seal [and] saved it. For the papers they are buried I offered a guard to Mister Stuart of Stenton to [have] convoyd them away, but he thought they where safe where they where now, for the cair I took for the house, and the preserivation of not being burnt, by the mutinious shoulders, I refer myself to Mister Stuart and your gardner. I pity the house to see rain coming running down, being the least was cut for defense of the shoulders; therefore, your ladyship be pleased to order this to be mended with al spad. I shall see the house free from al inconveniences before I shall leave it, at least I shall tel the general of the danger the house should be in in case I cam to be removed before Angus reddgement were marched. I thought it my duty to acquaint your ladyship of this, and assuring that I am, My laddy, Your most humbel and most obedient servant

C. GRAHAM.

Dunkeld 7th day of August 1689.


115. Letter, John Lord Murray to his brother, Lord James Murray, Edinburgh, August 24, 1689. He expostulates with Lord James for countenancing the rebels in direct opposition to their father's commands, and shows the folly of the course taken. He offers on the authority of Duke Hamilton free pardon to Lord James, and even to Ballechin, if they come in at once, &c. [There is also a draft circular letter of same date, urging the recipients to yield obedience to the Government.]

116. Letter to Lord Murray from Sir Patrick Moray of Ochtertyre, Fowlis, 3 September 1689. "The number which the Highlanderes raised and brought alonges out of Atholl, after the victory their was but small, with on or two Heritores besides old Ballachan; his brother, Alexander Steuart, being left by them as Governour of the Castle with some Irishes. All the rest, both vassales and people, stayed peaceably at home, save that they grudged greatly at the garisons oppression. Major-Generall McKay having caused publish and fix ane paper on the cross of Dunkeld, bearing that all who should repair to their own dwellings, and live quietly, would receive no molestation from him, afterwards on the 17th of the last month, my lord Angus his regiment was posted at Dunkeld, the noise wherof immediatly alarmed the whole country, who heard that they were Cameronianes and Argyles men, names most odious to them, and receaved informations from all handes that they were come with a peremptory commission to burn and kill all before them, without distinctions, which was firmly beleived they would effectuat, tho they hade wanted orderes, being they fell a plundering that toun, abusing all the men who upon confidence of the former assurance stayed in and about it. Wheirupon those from Moulin downward, that side, came next day to the hill head; at the east end of the town, and sent a letter to those within, importing themselves to be a watch for preserving the country from theevos, and desiring to know if they had a design to plunder and destroy, that, in
case they 'hade not, their should no molestacione be given them in their abod or march but civil treatment. Cleveland [Cleland] returned answer that he came to execute King Williames commandes, that he was not to plunder but to press ane indemnity, and treat all as enemies, who would refuse it. Upon this reply, that partie retired a little up the country, and Alexander Steuart, with such as followed him, came in vein of the town on the 20th, having dispatched postes to hasten up Canan with the Highland army, who came and attacked the town timously next day. Whilst those within fired the east end, the Highlanders kindled some houses in other quarters and after a little sharp encounter retreated towards the craiges, these within having betaken themselves to your Lordships house, Mr. Burtes, John Bennermanes, the late Commissaries, the steeple and church, which is all that remains unburnt. The Highlanders, having disagreed among themselves, and hearing that Laneire was near upon their backes with a body of horses, marched up the south of Tay, plundering all the way the length of Killichassie, whence they crossed to Blair, and had fired the castle, were it not that my Lord James got it preserved with great difficulty, as before he had with much ado saved the house at Dunkeld when they encamped their, the consideration whereof I understand was the only motive which engagéd him to join them at first. He is now at Edinburgh. Those of Atholl who were with Canan deserted him, save only old Balliachen, his brother, with his three sohes, who continue as obstinat as before they were treachrous. In the mean time M'Kay came to Perth, wheir Argyle, with all the rest of his forces, were gathered, consisting of about five or six thousand foot and horse. The sounders did great abuses their and in the neighbourhood during their abode, pillaging houses, seizing cattell and carrying in vast quantities of shorn cornes, notwithstanding their was abundance of forage and provision layd in to their Commissary and offered them for pay." Various persons had come in asking the benefit of the indemnity from Mackay, on behalf of the Athole men engaged in the rebellion, yet, in his march to Dunkeld and Blair, he had burned numerous places, and his soldiers every where "broke and pillaged all within doores, and destroyed the cornes, and all they could reach without. They stript the cloathes of such as mett them. Att Blair McKay imposed and caused advance two hundred cowes with as many sheep for provision to his camp. Many of the inbringeres were stript and robed of their beastes, yet they were made afterwardes to refund them without the least pay or allowance." On receiving Blair Castle from those who had been left in charge, Mackay issued orders for all the vassals and tenants to appear before him, and deliver up their arms and swear allegiance, which they have done. Those that had never joined the rebels were treated with equal severity with the others. The soldiers seize everything at their pleasure, particularly horses, and the planting about Dunkeld and Blair has been maliciously and unnecessarily destroyed. Those vassals who had joined the rebels, as well as those who did not, are now sensible of the justice of Lord Murray's conduct, and they will henceforth give cheerful obedience. They are amazed at the little shelter they have under the indemnity, and that when they take the benefit of it, they are ruined entirely.

117. Letter, in the handwriting of John, Lord Murray. [Address wanting.] Edinburgh, May 29. There is a Commission under the Great Seal from the King, to the person in the notte inclosed, empowering us to examine any that concerns the murder of the Glencoe men, and what relates to it, and to call for any we judge can give information
and examine them upon oath. We have sent for Coll. Hill and Live. Coll. Hamilton, and others, and have examined the Major-General, Major Forbes, and any we thought could make discoveries here. I have sent to acquaint the Laird of Glencoe, and any of his people that can give best information of the matter of fact, who, I hope, will get satisfaction for their goods. I have also writ to Glengarie to come to give what information he can. The Earle of Breadalbane gives out that he is sure nothing will be made out against him, because the orders and letters in that affair did come from a freind of his who, every body concludes, he advised, I mean the Master of Stairies. But it concerns the whole nation to have that barbarous action fully and clearly made out, and laid on to the true author and contriver of it, whoever it be, and innocent blood is a crying sin, which all have reason to endeavour to bring the authors of it to light. I know none has been more sensible of this then my father, wherfore, I doubt not but his Grace will assist to bring it above board which has now for some yeares layen hid, and perhaps may always, if, by this opportunity, be not discovered. I desire his Grace will acquaint me who he thinks can give best information of the contrivance. I kno Baradon knows all the intertigue of it, and of the capitulation Breadalbane made with the Highlanders, but its to be suspected he will not be ingenious where his master is concerned. I kno also Cackock understands the bussines, and the private transactions Breadalbane had with the Clans, which is desired by the Government here be discovered truly, and will bring the Glenco affaire to be best understood, wherefore I have sent a protection to Cackock that he may be in no hazard. I believe his late message to my father will incline him to be the reader to come to and be ingenious, but I leave it to my father to doe it in as he thinks fitt. If his Grace does send I intreat he may doe it when this comes to his hand, and cause him come first to his Grace who will be pleased to send one with him straight here to my lodgings, lest he be tampered by others. I think he ought not to kno anything untill he comes to Dunkeld, and it were not amiss that the gentleman he sent with his letter came with him. But I shall add no more now, but expects my fathers answer what he does in it as I do not think proper to send for Major Menzies now, or that he know anything of this till Cackock be here. I shall be glad to hear my dear father and mother are well, and how his Grace likes Blaire. If it hold what is talkt is designed, to call some to the Lords of the Treasury to accompt for malversations, his Grace will I hope reader gett justice, since I believe there is few in the kingdom but would have obeyed the Kings letter but themselves. We are sworn not to divulge the particulars of the Glenco bussines untill the examination be ended; when it is, your Grace shall see that it has been a more horrid bussines then was imagined. I send a good many gazettes and news letters which I forgott the last occasion. Cackock will have reason to be satisfied he can come here in safty, and we may end the Glenlyon bussines in which I shall be advised by your Grace, who will consider that those poor people ar, this yeare, almost starving, having no meale and of the few beasts they had gott. My lodgings are in the Cowgate at the foot of Liberton Wind.

118. Letter to Lord Murray, not signed, apparently from the Marquis of Athole. January 25, 1693. Recommending the bearer, Mr. Comrie, who is commissioned by his brethren, ministers in the north, to acquaint the Council that they have prayed for King William and Queen Mary. The writer desires Lord Murray to use his influence with the Duke of
Hamilton and others, that the ministers may not be troubled with citation, "for you know they are all very good men."

119. Letter to Lord Murray from "Mich[ael] Malcolm," dated Edinburgh, Tolbooch, 19 June 1693. The writer expresses his experience of Lord Murray’s kindness, and begs a favour. That some two or three years ago, he had been seized by the Government, confined in Edinburgh for a time and then liberated on bail. That he had been again charged to appear before the Council, but on appearing had refused to take the oath [of allegiance] and was committed to prison. He refers to Lord Murray’s knowledge of how peaceably he had lived under the Government, and he begs his Lordship’s influence that he may be liberated on bail, or confined to any place in Fifeshire, or "att least to anay prisone ther, for hear, I doe seriously declare, [I] cannot live, but in danger of my lyfe, the aire being so gross and the prisoners so manay." He begs Lord Murray to add this to his former favours.

120. Letter to Lord Murray, on the state of the Highlands, and proposed remedies, by J[ames] Stewart [of Ardvorlich].

My LORD,
M’Crorranstone, 18 Jan. 1694.

Heauring that your Lordship wes to make some stay att Court, I judged it my dutie (considering your Lordships inclynations, and capacitie to represent and gitt the grivances of the countrie redress’d), to give you the truble of a short account of the same, in soe farr as I then understood. This I sent by the post, about two moneths agoe, but knowes not whither it came to your Lordships hands. However least that hes miscarried I shall gie your lordship this short account of what I wrot then, att more lenth, which was how miserable this countrie is abus’d by a pack of villanies that hes noe uthere trade but stealings and robbing, and yet noe course takine to surpres them; altho it be trew that ther are noe great spreadhs takine away, since the garrison wes planted att Innerlochey, Yet I never remember in a peaceable tymne to see such complaints of stealing of horses, and uthere beasts, as ther hes bein this tymne bygone, and such swarms of idle rogues goinge, without any body to notice them, and to gue the poor justice, or redress, for his loss, except when accidentall he falls upon his beast in some of ther hands that with much adoe, he gettis restored, and in that same caice, ordinarlie, the task, all money, and what other expenses he’s att to gett notice of it, surpasses the valow of the thing, and, allthough the theif be takine in the fang, the poor man is forced to lett him pass for want of justice. For your lordship knowes that poor people hes not wherupon to follow such persuets before the Justices att Edinburgh, that requyreing more money than many of them are worthes. I could give severall instances, even since my last to your lordship, wher the theif hes ben takine with the fang, and, for want of money to persew him att Edinburgh, hes ben lett goe againe, upon his givinge some satisfacion for the guid stofine. The rogue thus lett pass, possibile before he sleep, will not miss to steal as much from the nixt neighbour, as aine nimble practiced of late. This keeps the countrie in a continual truble, which is become a perfect nursery of theives, for they are now sure that all ther hazard is restitutione, altho’ the matter be clearely proven against them, in aine actione of spuizie. I told lykeways your Lordship how these same persons that were robbing the countrie, and had noe charge in aither armes, the tymne of the late trubles, takes up money from poor people, under the notion of watchmen, without any ordour from the Counsell, and the people are
gad to glue it them for fear of worse. In some places they give them 5 lib. scots yeartie out of the 100 lib. of rent. This is more then three months cess comes too, and, ordinarie, they are (notwithstanding of ther undertaiking to watch the country) more deep in theevie then the commonest rogue that steps. It wold take, my Lord, a volume to repeat the many different methods they haue to oppress the countrye. When I wrote my last to your Lordship ther was some reports that the circuit courts were to sitt shortlie, but nou we hear no certainie of it. In a worde, if they do not sitt and that verrie quicklie, I cane persuade your lordship the state of the countrye will become daylie worse. My Lord, I shall not now give your Lordship the trouble of the repetitione of the necessitie of the courts, and of ther being the best means that ever hitherto wes found for crubbeing theives and brokine men, as daylie experience hes showine; neither shall I truble your lordship to tell of the ordinarie and most effectuall method of guardeing them, and bringeing in such brokine men as shall be dinunce by them, haueing severall tymes spokine of it to your lordship and writting fullie of it in my last: only that my humble opinione is still that ther is a necessitie to haue honest men appoynted for that service as best knowes the Highlands, otherways thes courts will become contemptible when their acts are not exactlie putt in executione, and fugitives not brought to justice, which as I told your lordship any partie of the standing forces, not being acquainted in the breas, cannot be judged capable to doe. I know non fitter to raise such men then your lordship. If ye had a regiment appoynted for this use whereof at least the one half brae men (the garrisons being still att Innerloche), ye might make the Highlands more peaceable, for anything I know, then ever; and, I am apt to believe, if your lordship wold once appear in it, ye might haue abundan- ance of men, with verrry little truble to the countrye in raising them, that wold serve the government as faithfullie as any receaves their paye.

Neither cane I see what prejudice it cane doe to the government to haue such a regiment, seing they may be reddie upon everye occasione to joynie the armie when the goverment hes need of them. This being trulie considered, and, in the mean tymie, what good they may doe to the countrye in this statioone, it will be found that they may prove the most usefull regiment in the kingsome. My Lord I shall truble your Lordship noe farder, only that I must mynd your lordship that, as rogues both hates yow, and fears yow, soe all honest men here loves yow, and hes great hopes of yow, and that your lordship will now act, whill ye have opportunitie, for the good of the countrye. It will undoubtedlie tend to your honour to frustrat neither the expectationes of the one or uther, which soe weell quadratis with your character and statioone. It will much truble me to think that my last should haue miscarried, soe I beseech your lordship to doe me the honour to acquaintance me if it hes com’d to your hands, which is all from my lord. Your lordships most humble and most obedient servant

J. STEWART.

My lord, If the circuit courts do sitt, I doubt not but your lordships advyce will be requeryd in nominating the Commissioners. Soe I intreat your lordship to remember to gett in the governours of Sterlings and Dumbarstone Castles to be tua of the Commissioners for they may be of use to thes courts in many caicces. I am stille of the mynde that your lordship should not declyne to be in the Commissione, for, such as your lordship being jouyn’d, wold make thes courts appear the more splendid, and with the more authoritie.
121. Letter to Lord Murray, in London, from "Patrick Murray," dated Edinburgh, 1st March 1694. The writer expresses his pleasure that Lord Murray had accepted a regiment, as he had wished him to have a charge under Government. "I hope, in your station, you will invade to make it as easy as possible to ev'ry bodie, which I am perswad'd is not only the trew meen to make ev'ry man live hapelie, which is the end of all Government, but the surest meen for the suppor't of it, and I am sure this wee now injoy is the best ever wee knew or redd off, and wold have been the most universall satisfactorie, hade it not been for the sever usag those ministers, [who] preach under Episcopasie, mett with, and the methods which are still folowed to draw them into such snarres as may make them still obnoxious to the Government, which I am of opinion that if those methods had been used by there brethren, which they might justly have expected from a Gospill ministrie, there might have been a verie hapie reconsolment amongst all [who] were good of our Churchmen, which wold have tended extremelie both to a religious and civil good, for there is so much corrup'tion even in the best of men that even there religion is not able to mak them plaised with those they think injurs them in there particular and wordlie concern." The writer asserts "without vanetie" that he bears no grudge to the Government for some "harde measure" dealt to himself, but he is not yet "so mortifi'd" as to be pleased at those who occasioned it. He expresses his regard for the King and desire of service, &c.

122. Letter from Colonel John Hill, Fort William, to Lord Murray, dated 14th July 1694, relating to recruiting and other provisions affecting Lord Murray's regiment. In a P.S. Colonel Hill adds that, if he could get the justice Courts to sit at Fort William, in which he had hitherto failed, he would be as good as his word in punishing thieves. He hopes "to break the neck of theft."

123. Letter, unsigned, apparently from a lady, probably to Lord Murray, dated at Hackney, 6 March 1694–5. Giving an account of how the young master of Murray, in her charge, saw the lying in state and the funeral procession of Queen Mary. "There appeared much gravity in the mourners, and among them all we observed my Lady Darby weeping."

124. Letter, Lord George Hamilton (fifth son of William, third Duke of Hamilton) to Lord Murray, from the camp before Namur, 29th July 1695. Refers to the death of the Major of his regiment (the Royal Scots) and to a narrow escape of his own elder brother, Lord Selkirk, "the other day being nigh our batt'ries, where the king was a little behinde, lying upon his belly as we were all, a canon bullet grazed just before him, it being a hard roky ground, broak the stones before him, and with on hit his hat so much that you may shut thyrow your hole hand, and cut him in the forehead, which knoked him down at first, but immediatly [he] came to himselfe. He keeps his chamber, but I hope will be very well in a few days. Since we took all their intrinchements we have made servall batt'ries very nigh to the walls of the towne which we now beat en brech. Our trenches are so nigh to the counterscarp that, I beleive, in two days att furthest, we shall attack it. Yesterday, a little fort of thers, wher ther was a
captn and sixty men, surrendered after we had applied the myners to blow them up, for our canon could not doe it much hurt. By all appearance they intend to make a very good defence, for they ar making a great retrenchment well pallisadoed in the toun, behinde the place we are making our breach, and then, wher the Sambre divides the toun, they are breaking down ther bridge, and beat down all the houses of the other side, which it seems they intend to defend. Wher ther is a Marshall of France, and so great a garison, you may be seare all will be done thats possible, but I hope in God we shall come well through all," &c. "G. Hamilton."

125. The Same to the Same, from Namur, 5 August 1695. Announcing the capitulation of the town. "We were masters of both counterscarps and had a good breach; we had made an attaque two days before upon the breach, and another upon the second counterscarp. We made our lodgement upon the counterscarps, but, by our bridge, which gave us communication to the breach, being break, wer forced to return. It was a very great action for above 3 hours. The first counterscarp was karied five or six days before the second, when a great fire lasted for above 4 hours; we lost abundance of men att both attaks. The capitulation is, they restore us the first toun, with all the forts on this side, which we had not attaked; the second toun they keep, and [the] castle. But the second toun is but very small; it's divided by the Sambre. I dont know if the capitulation be not so as that we cant attak the Castle by the toun on this side. We have truce till to-morrow at 12 a'clock, and then I suppose we will begin hotly with the Castle, which is the strongest place any man can imagine. ... they have got thir two days time to kari all to the Castle, they send all their sick and wounded to Dinant . . . Just now orders are come to be in a readiness to march tomorrow morning. I am told ther will be nigh 30 battalions that will march. I suppose we are to join my Lord Athlone, who lys by Fleur. He has kept his health well, but would be glad if this campaign were ended. His brother Selkirk had gone to Liege, &c.

126. Letter, "J. Stewart" to [address wanting], giving an account of Lady Dundee's death.

Utrecht October 17, 1695.

Sir, I am heartily sorry that I am obliged to give you the account of so bad newes; but, knowing your care and concerne for the familie, I could nott omitt to acquainte you therof by the very first. On Tuesday night being the 15 of this instant Kilseith, with my Lady Dundee and familie, arived here in perfect good health, about six of the cloacks, and went to lodge att the Castle of Antwerp, till they should be better accommodated. They dined both at the publick table yesterday where my lady was extraord[in]ary good company. Five or six more of our country men dyed likewise with them. They went above steers to the Chamber about two a cloack, for my lady was to receive some visits from some of our country men. I parted with my lady about the quarter of an hour after two, to goe to my chambre, to lay by the books which I had att my colleges in the forenoon; and, before I gott the lenth of my chambre, there came on running to me with the sad news that the chamber wherein they where had fallen upon them, and that it was thought that they were all killed: and, after I came there, I found, to my sad regraite, it was so. Kilseith was, by great providence, gotten out, but his legs were a little squised, and all his cloaths torn. Mr. WalkenShaw of Barrowfield, who had been paying my lady his
respects, was gotten out about three quarters of an hour thereafter. He was sore bruised, but nothing of him broke he will certainly be well enough within two or three days. But the poor Lady Dundee, with her son, and chamber maid, were killed with the fall. It was an hour thereafter before the ladies body could be got out, but it could easily be known by, seeing her corps, that she had been killed with the fall of the jists. The house itself is not fallen, only the people to whom the house belonged had bin, all that day, careering up their trufa to the chamber immediately above there, and, after they had carried up the last sackfull of 300 (sic) tuns, the weight of that great quantity of turff broke doune the loft aboue them. The thing was so sudden that, if the chamber had bin full, there could have been no more saved. The thing that saved Barrowfield was a table which he stood by; and the thing saved Kilsith was that the weight lighted on his back, and threw him close to the door; where he was almost kilde whene they were breaking up the door, for he had neither place to go back nor forward. Kilsith is the most affickted man that ever was; and no wonder, after [the deaths] of so fine a lady, child and good servant, so sudinly, and by such a maner. We have writing for Mr. Gray, and the Lord Conservator, who will certainly be heir this night, for thier letters were despatched yesterdaineight. So you may be assured that all the service I can doe Kilsith shall nott be wanting; he is so very ill that wee dare nott leave him alone night nor day. I will nott trouble you no more att this time, but continues, Sir, Your most obliged and most obedient servant

J. (?) STEUART.

127. Letter from "Alex" McDonell, brother of Glencoe, dated Perth, 6th January 1696, to Mr. John Murray, brother to Ochtertyre, begging him to acquaint Lord Murray that the writer's brother [Macdonell of], Glencoe, and his friends, wished him to intercede with the King for reparation to be made to them, as promised by Parliament.

128. Letter to Lord Murray, then Secretary of State for Scotland, dated Edinburgh, 18 February 1696, expressing a hope that Lord Murray will exert himself for the reforming of the Highlands, "on of the greatest works that can be done in this kingdome, and, ther is nothing that can tend more for the doing of it, then the setting up of scooles for incouragin of learning, which will give the people more knowledge, and be ane meane to reforme them, and the only way to make this effectual is, to gott fonde for maintaining of ther scooles, which may be gott of the Bishops rents, as the synod of Argyll hath alredy gott the revenues of the Bishopricks of Argyle and the Isles, for maintaininge the scolls of that shyre." He presumes to remind Lord Murray of this.

129. Letter to Lord Murray, signed "Geo. Ridpath," dated 27th February 1696. That he had not yet found the lodgings of the Bishop of Glasgow and Dr. Monro. "He (the Dr.) is certainly a very dangerous man and formerly concern'd in a designe of assassinating or seising the King, upon the intended invasion from La Hogue..." so that if he could now be seised with his papers it might be very good service. ... There's one Simon Wild, an outed clergymen, the Dr.'s great confident, and, if he could be taken, might be made a very useful tool, but I know not where he lodges. ... I found that Lees Coffee house in Piccadilly, near the corner of St. James's street, is much frequented by our Scots Jacobite clergy; and that, when a certain person came into the same, accidentally, this week, they stole out of the
house. There is a room [up] one pair of stairs where they hold their
consults, as I am informed." The writer begs to remain unknown as
the giver of this information.

130. Letter to Lord Murray, unsigned, but apparently from Lord
Justice Clerk Cockburn. Edinburgh, 29th February 1696. On re-
ceiving Lord Murray's letter of 24th, the writer, with the Chancellor,
and Sir Thomas Livingstone, resolved to make some arrests, ere the
news became public. The ferries were therefore secured and orders
given to the troops. Sir William Sharp was arrested, and an officer
was sent to secure Lord Home. Orders were also given for apprehen-
sing Sir William Bruce and others. A council had been summoned, and
had the King's letter; they recommended to the Treasury that the
castles and garrisons should, be furnished with necessary provisions for
a month at least, and supplies also made to the troops, with other
warlike preparations. Lord Strathmore was committed to the custody
of Edinburgh Castle.

131. A short letter from Lord Strathmore of same date, begging
Lord Murray's influence for his liberation. He concludes: "I am
extremely surprised to hear of that designed assassination of the king,
and there's non can abhor it more then ..." "Strathmore."

132. Letter from James [Ramsay], Bishop of Ross, to Lord Murray,
excusing himself for not waiting on his Lordship. "The truth is I am
soe infirm that I was not able to goe up three steps of a stair; so I
hope your Lordship will forgive me, as also to allow me to tell your
lordship that age and poverty have trysted together with me. I never
had any great designe upon the world; soe long as my wife lived she
made some shift, now I have nothing but what a daughter supplies,
who will not have five hundreder merks yearly to maintain me, and
three or four children, beside herself and servants." He refers to
Secretary Johnston's kindness, and adds: "I expect good things of
your lordship, and, though I can promise no other returne, yet you
shall be sure of the fervent prayers of, [etc] J. Rossen." Canongate
14 April 1696. [The Bishop died in October 1696.]

133. Letter from "Da. Moncrieff, dated 5 May 1696, and Adam
Cockburn, Justice Clerk, dated 9 May 1696, both referring to the
release of the political prisoners, no orders regarding them having
come from London.

134. Letter to Lord Murray from James Stewart of Ardvorlich,
dated Edinburgh, 14 July 1696, recommending the raising of inde-
dependent companies to preserve order in the Highlands, which he repre-
sents as in a very unsettled condition, much thieving and lawless
depredation being practised which could not be checked by the ordinary
legal means.

135. Packet of letters from the Rev. William Carstares, between
May 1696 and October 1697. The following are the more historical
passages in the letters. (1.) Breda, 22 May 1696. Excusing delay in
replying to Lord Murray by the king's absence at Loo, and an intended
meeting with the States Deputies. (2.) Ghent, 28 May 1696.

"There is as much discourse of peace here as can be where your lord-
ship is, but I can[not] yet learn what foundation it hath; the king
reviews his armie about this place this day, and tomorrow the other
part of it that is encamped betwixt this and Bruges. What he will
doe afterwards is uncertain, but it is thought he will goe for Brabant to the armie that is there." The writer suggests that matters should now be arranged for the ensuing Scottish Parliament. (3.) Warr, 18 June 1696. After some praise of Earl Portland, and reference to Lord Murray's instructions. "It is not certain whether the king will march towards Dinant or not. We have a strong army here, and it is said will be joined by the Landgrave of Hesse with a strong body of Germans. The descent in the French armie is great." He refers to the promotion of several Scots officers. (4.) Camp at Coribais, 15 June 1696. Intimating the King's wish that Lord Murray should represent him in Parliament, and wishing him success. There is no news—a small party of the enemy found skulking near the camp were attacked, and all cut off. The king is willing that Sir William Bruce and the others, arrested in Scotland, [cf. Nos. 130, 131 supra] should continue at liberty on bail. (5.) Camp at Gemblours, 29 June 1696. "The French armie in Germany repassed the Rhine upon the first motion that the Prince of Baden made with his, and it is thought he will passe the Rhine too, having left the guarding of the lines to the militia of the country. The Landgrave of Hesse is with his troops near Liege; his general the Count Van-der-Lipp was with the king yesterday, and is I suppose returned this day. The Duke of Savoy is now in no fear for Turin. We are still in the dark as to the kings design. We have no Scots regiments here, but Colonel Robert Mckays and Fergusons." (6.) Camp at Gemblours, 2 July 1696. The discourse of peace is now more warm. The King of France had sent proposals to the Hague to the allies, and a final answer had been sent by the confederates to France, a positive reply being expected on 8th July. It is said the allies insist upon the treaty of Munster. (7.) Gemblours, 6 July 1696. They are still in the dark as to the issue of the discourse about peace, and uncertain as to what the King will undertake this campaign. For two days there has been "much talk of a cessation betwixt the king of France and the Duke of Savoy and that the French armie is retired nearer Pignerol, and that very advantageous conditions are offered to that Duke if he will make a separat peace, as that Pignerol shall be given as a present to him, and two millions of Livers paid down presently, and a million after the peace, the Duke of Burgundie married to his daughter, all that is taken from him restored, and, if he please, the French king to enter into an alliance with him, offensive and defensive for 25 years; but what truth is in all these things I cannot tell: that Duke hath been hitherto firm to the confederates, though his Dutchese, his mistresse and severalls of his Court are, as I hear, inclined to the French, and many think he will be firm to the Allies still." The King wishes Earl Malvile to be President of the Council. (8.) Gemblours, 13 July 1696. The prospects of a peace are uncertain. "It is affirmed still that the Duke of Savoy hath concluded a treatie with the French, but that it is not yet signed. The Landgrave of Hesse came hither yesterday, and is returned this day to his camp which is still near Liege. A French partie was this day beat by some of our men, and about 30 or 40 made prisoners. It is said we shall march from this to a place called Gennap tomorrow, or upon Wednesday. It is talkt that great preparations are made at Ghent for a siege, but, whether or not, any such thing is designed, I know not. The Earl of Roxbrough is at the point of death, at Brussels, being, as I hear, given over by his Physicians." (9.) Attre, near Aeth, 20 July 1696. Since his writing they had marched from Nivelle to Soignies, and thence to Attre. He refers to the title to be conferred on
Lord Murray. "I hear just now that Marischall Boufflers hath repassed the Sambier upon Saturday last, at la Boussiere, and is come with about 15,000 men to Queveren, within two leagues of Mons. He hath also sent one of his Generalls, called Ximenes, with about 14,000 to join Villeroi; Count Guiscard is lying about Dinant, with 5 or 6,000 men; Count Tallard is with 10,000 at Pont Esparies. It seems the enemie is afraid that we attempt something in Flanders; . . . It is reported that the Emperor is resolved to continue the warr upon this side of Italie, and it is hoped that the king of Spain will doe the like, for the Governour of Millain is very much for it, and, if it be so, the Duke of Savoy will be in an ill taking if he sign the treatie with the French," &c. (10.) Attre, July 23, 1696. . . . "The peace betwixt France and Savoy is lookt upon by many as fullie concluded. It is thought we shall stay in this camp some time; some of our men did, a day or two agoe, meet with two partie of the enemie, defeated them, killed some and, as I hear, brought in above 70 prisoners. Boufflers is at present, as is reported, at St. Amand." (11.) Objecting to the title of Marquis proposed by Lord Murray, dated at Attre, 27 July 1696. (12.) Attre, 30 July 1696. As to allowance for Murray as Commissioner to the Scottish Parliament. The King had only granted the title of Earl. The war-news is slight and indefinite. (13.) Camp at Corbaix, July (sic, should be June) 25, 1696. The King's designs not known.

Prince Vaudemont detached Mons. Overkirk with 8,000 horse to surprise several squadrons of the enemie that were at a distance from their armie but he came too late; but his march hath so alarmed the French that both Villeroi and Boufflers have sent strong detachments from their armie towards Mons, fearing we may have a design upon that place, though I cannot see that there is any." (14.) As to instructions and regulations for Lord Murray, now Earl of Tullibardine, in which the King trusts to his prudence. The King requires that the session of Parliament should be short. Loo, September 4, 1696. There are also letters of date 15 July 1697, from Camp, near Brussels; 5 August 1697, and 4 October 1697, from Loo, but they contain nothing of importance.

136. Packet of letters from Mr. Robert Pringle, Under Secretary of State, also between May 1696 and September 1697. Many of these are similar in their contents to those of Mr. Carstairs, and need not be referred to, but a few additional items may be noted. (1.) On September 13, 1696, Mr. Pringle writes, inter alia, "Yesterdye we had account here of the Queen of Spain's death, not without suspicion of poison. . . . This morning there came letters here which gives account of an engagement that has been betwixt the Imperialists and the Turks, in which the first were the attaquers. . . . the advantage does not appear to have been great on either side. Prince Vaudemont has passed the Canal betwixt Ghent and Bruges, and is encamped not far from Villeroi, who had drawn near Bruges, its thought with a design to bombard it, and its believed if Villeroi doe not retire, that there may be some action on that side." (2.) Writing from the Hague, 30 April 1697, Mr. Pringle says: "Yesterday, in the afternoon, was the first meeting of the Plenipotentiaries at Reswick; the place of treatie. It was without all solemnitie and formalitie, the several Plenipotentiaries having gone there as it were by chance. I doe not hear of anie thing that passed save the showing to the Mediateur, and exchanging the several credentials, and declaring by a publick act that the assuming of titles by anie of the Plenipotentiaries in there credentials should not be drawn in consequence, nor prejudice the pretensions of others to the
same. I hear there is another conference to be the morrow. Its talked here amongst our countrymen that those commissionated by our African Companie to manage there affairs in Hamburgh are comming here to address the King for redress. It seems to be a very nice point for the King to concern himself publickly in, and therefore I hope they will be prudent and cautious in there resolutions." (3.) Cocklebergh, 28 June 1697. . . . "The armie continues still in this camp employed wholly in making of fortifications for the securitie of Brussels after the armie is gone, and which it is beleived will be sufficient at any time with 20 or 30 battalions to defend it from bombarding." It is reported that, after the work is finished, the King will besiege Dinant, but the writer thinks this not probable. (4.) Cocklebergh, 15 July 1697, sending the King's reply to the African Company's address. (5.) Loo, 5th August 1697. . . . "Its said the King goes from this for the Hague on Monday, to meet the Czarr of Mosovie [Peter the Great] who is to be at Nimeguen the morrow night." (6.) Loo, 23 August 1697. Expressing his pleasure that the King's answer to the African Company has satisfied them. (7.) Loo, 13 September 1697. Announcing the "good and acceptable news of peace . . . the treatie [of Ryswick] was signed late on Frydays night, by the Spaniards first, and then the Dutch, and, about an hour after, by the English, who were immediatly embraced, and caressed by the French Plenipotentiaries, with many compliments and assurances of there master's respect and honour for the King, and of his desire to be in friendship and alliance with him. . . . Yesterday we had here account of an entire victorie obtained by the Imperialists, under the command of Prince Eugene of Savoy, over the Turks, of whom 12000 are killed, a considerable number made prisoners, 72 pieces of canon taken, and about 4000 wagons. The further particulars its like your lordship will have in the Gazette."

137. Letter from Margaret Balfour, wife of Lord Rollo, to Lady Tullibardine, begging her to plead with Lord Tullibardine to prevent a pardon being given to Graham of Inchbrakie, who had killed the writer's son, the Master of Rollo. Lady Rollo describes the murderers as hating her son to the death only because he was faithful and bold for King William while they were Jacobites. Dated at Canongate, 20 March 1697.

138. Letter from Colonel John Hill to Lord Tullibardine, from Fort William, 2 July 1697. As to the state of the Highlands and measures taken to suppress disorder. He hears that some intend to create some trouble to Lady Lovat, but trusts this will be prevented. He adds: "I could wish some decision were made of the difference betwixt McIntosh and Keppach; it would tend greatly to the settlement of the peace of the country. There is a discourse of a commission of fire and sword, which can tend to noe advantage, but to destruction, as well as the unsettling the country (now in a very peaceable condition) especially considering that (if I get orders) I can give McIntosh the possession with twelve men as well as 1200, and, if it be the growing rents, I can doe that also with ease as they come due, but, for the bygones, the country is not able to pay them, except tyme be given, and to turne them all out of the land where they have lived so many hundred years, and (of late years), soe ill that hardly any will receive them, they will of necessity turne loose and abuse the country, which will not be easil remedied . . . and I presume to think it very reasonable that in private concerns, where the publique may be dammaged, the best
methods should be considered both for doing justice to the injured partie, and preserving the King's peace, which is the publick interest," &c.

139. Letter from Sir James Steuart, Lord Advocate, to the Earl of Tulibardine. Edinburgh, 21 October 1697. "The storie of Cornelius Con is thus. The man was a priest, and falls in love with Kildein's daughter, and is accepted. Kildein, Earl Seaforth's uncle, is a papist, and condemns the intrigue as both base and irreligious. Cornelius quits his religion, and carries away his mistress, and marries her, but is, shortly thereafter, seized and imprisoned, and his keeping with all severity committed to one McClellan, by Earl Seaforth, who, as its said, gives McClellan 100 lib. sc. yearly for his pains. What hardships Cornelius suffered at first I cannot be particular in, but, after his being removed from island to island, when Lieut. Walkingshaw was last sent by the Counsell's order, he found he had been kept in a bare rock in the sea, where no house [was], but that Cornelius had three places of shelter against the weather that by walking and lying he had paved to a smoothness, and that McClellan, who lives in an island about two miles distant, sent him in provisions once in the sax weeks or once a quarter, but McClellan getting notice of the coming of the partie, by a boat that went from the main island before the Lieut. could stay her, had, two days before, carried Cornelius away so that all the Lieut. found was Cornelius sheltering places, and in one of them in the cliff of the rock the shoulder bone of a sheep with these words written on it, Doctor Cornelius Con carried away such a day, and, on the other side, his imploring King William's justice, with some broken words, the rain having effaced the rest, as if directing to find him out by Stornway. This bone is in the clerk of counsel's hand. Kildein, tho' blind, fied, but wrote a letter to the Lieut. complaining of the wrong Cornelius had done him, but purging himself of violence or revenge, and plainly enough insinuating that Earl Seaforth was his persequiter. Withall, he said, his daughter had left Cornelius and hated him more than ever she loved him. This is the sume of what was informed," &c.

140. Letter from Sir George Mackenzie, Viscount Tarbat, dated Edinburgh, 21 October 1697, to the Earl of Tulibardine, beginning "My Lord, I have left the north for a while, not so much to be nearer the sume, for that difference is small, but to be nearer better company, for, whilst I was there, I was at expeence of 600 lb. scots in watch money, and yet I had a spreac'h carried of within three miles of my house, having guarded the more distant places with greater care. It may be easily concluded that the vulgar will blame the Government, when the rash bush will not keep the cow; much more when mony soldiers on pay, and expensive private wat[c]hes to boot, cannot, at least will not, doe it. Since the Governours in Scotland have nether provinces to gains, nor foreigners to oppos, they have scarce another field of honor, ether for witt or courage, but to preserve the innocent, and lett rogues know that men have the execution of lawes in their hands; else these people can not know whther men or women are in there trust, and if our Counsell think persones or places not worth their care, because of 100 myles distance, its good the king does not trust American colonies to their care." Lord Tarbat adds, that he expatiates on this because he has received news of the seizure of Lord Saltoun, and Lord Mungo Murray, by the Frasers of Beaumont, and also a report that Lady Lovat had been carried off. He draws the conclusion that it is "unjust in the Government to concerne themselves always so little for the north, and a shame to them to have the kings autority and lawes so oft basfield by rogues."
141. Letter from Patrick Murray of Dollary to the Earl of Tullibardine. Edinburgh, 23 October 1697. Referring to the disbanding of various regiments, and giving a long account of the capture of two notorious thieves, named McInnire and Neill Bayne, who were taken by some country people, and hanged by the Marquis of Athole at Blair Castle.

142. From the Same to the Same. Edinburgh, 27 October 1697. . . . "Seaforth hath committed great crymes and ryots, wherof I beleve your lordship might have some account before. He caused carie a priest, who hade disoblige[d] him, to ane island, and kept him ther all alone, without fyre or cloathes, these seaven yeares past, only he sent him some meall to keep in his lyfe. This being represented to the counsell, they ordered Seaforth to be cited, that he might produce the man, and [he] getting notice that he was to be cited, it is said that the man is now murdered." [Cf. No. 139 supra.] Seaforth is also charged with causing assault Bayne of Tulloch, a gentleman who had a money claim upon him. The writer proceeds: "If Seaforth take such a deeper course as the Beauforts have done they may make a considerable tumult in the north. Beaufort, in on of his letters to Collonell Hill, says he cane have 1500 men at his command; and Tulloch tells me, who came lastly from the north, that he had once actually 800. He tells me byysds that he [Fraser of Beaufort] erected two gibbets, the on wherof he said was to hang the lords on, and the other for hanging the gentlemen," &c.

143. Letter from the Earl of Marchmont, Chancellor of Scotland, to the Earl of Tullibardine, dated Edinburgh, 13 November 1697. He refers to the seizure of Lord Saltoun, and Lord Mungo Murray, by the Frasers of Beaufort, and encloses copies of letters from Simon Fraser younger of Beaufort, afterwards well known as Lord Lovat, to Colonel Hill, giving his version of the affair. There is also a reference, in the Chancellor's letter, to the outrage upon Lady Lovat, and to the movements of troops to be sent against the Beauforts. [There are, from this date, a number of letters more or less bearing upon Simon Fraser's treatment of the Dowager Lady Lovat, but these add nothing to what is known upon this subject, and need not be further referred to in this Report. The seizure of Lord Saltoun and his party, however, was an affair of a different character, and it is somewhat amusing to read Simon Fraser's account of it, which gives the aspect so strongly from his own point of view.] His letter is therefore quoted. It is not dated, but the letter enclosing the account to Colonel Hill is dated 8th October 1697. "Right Honoured, The great sense I have of your great honour and ingenuitie, and the particular favours I had from you makes me now presume, tho in a maner one outlaw, to pay my humble respects to you and give you a breife account of my dangerous circumstances. But befor I begin, I must say that I served the Government as faithfully, and to as good purpose, as many of my statione in the army, and was always readie to wenter my blood in his Majesties service; and if I had, or will have, my birth-right preserved, I will allways furnish eight hundreth men to the Kings service; but my enimies have been so mallicious that they ruined my honour, they destroyed my right and intrest, and reduced my father and me to a most dispeakeable conditione. They nether suffered us to follow the law, nor would they ever make any friendly terms with us, but did oppress, persecute [and] destroy our intrest, contrair to the law of God and nations. Yet, notwithstanding of all this, I designed
to goe with a petitione to my master the king where our just rights were made open. But their happened one unlucky accident that is lyke, if God and good friends doe not prevent it, utterly to extirpate not only my fathers famillie, but the wholl name of Fraser; what they are and were in this, and preciding governments, I believe you sufficiently know. The thing is this; notwithstanding that wee are all convinced that my lord Atholl does designde to marry the pretended heiress to one of his grand-children, yet, to divide our name in factiones, he did give out that he designed to give the heiress to my Lord Fraser of Saltone his sone. This Saltone being a verie worldly man, was verie greedie of the thoughts of it, and my father being informed that he did designe to prosecute the matter, without asking the consent of the name, wrote a letter to him, and fifty gentlemen subscribing it with him, to forbid Saltone to medle in that affair, without the consent of the name, and particularly not to come to this country till he was called, otherwise that he would make a breach that he could not make up. Notwithstanding of this fair advertisement he came and intruded upon us and made it his whole business to callumniate me to my friends and to tell that I had noe right and that I gave over all my pretensions to him. All the people I spoke to cryed out against me upon this head so that I found not only my intent but my reputatione at the stake which made me write a lyne to my Lord Saltone to meet me in the head of the country to give answere to all that I had to say to him, in fair and honourable terms. Instead of keeping the appointment he tooke horse inmediately and sixtene horsemen well armed and mounted and as I came about two myles from Inverness I was surprised to hear of his coming. I had eight horsemen with me all without pistolls save one and my self, and my father with a small partie of foot had crossed Lochnes to meet with Salton. I was so incensed against Salton and his callummys and slighting to meet with me or my father that I was resolved to die or be fit syds with him. So I was with these eight gentlemen ryding on to the meeting; Saltone appears with his sixtine horse. So I told those was with me I designed to fight him and accordingly wee went on and when they were within pistole shoot wee desired them to stand and fight. So there was none of them that would stir save Salton that cocked one of his pistols, so wee cryed out that they behoved to fight or be taken and accordingly I came and took Saltons pistols from him and all the rest stood stupified with their arms bef ore them. They were so many more in number that wee could not wenter in amongst them to disarne them but stood with our armes presented till wee sent for some foot and then made them all prisoners and keeps them in a house every one separat from another. I know that this unhappie accident may ruine not only me but the whole name who have unanimously joyned with me, but I hope that your clemencie that was allways readie to preserve the people that you were among will now be a parent to preserve this poore name and famillie and all the relations that will wenter with them. My ladie Lovat and I is upon a treatie and has written to you to send no forces against us because I told her that my pledges were my security and that they would certainly suffer befor me or myne. Upon all my honour this is the true account of the matter and I throw my self at your feett hoping that you will give me your advice and doe what lyes in your power, which is much, to preserve the lyves of fifteen hundreth that are readie to dye with me who am yours while I live. SIM. FRASER.” Another letter from the same writer to Colonel Sir John Hill, of date 8th October 1697, en-
closing the above memoir, and adding "I hope your good and Christian temper will importune you to save me and the whole name notwithstanding of all that I could gather to a head of men, since my Ladie Lovat is with me under capitulatione and that she has obliged herself upon honour that none will trouble us till our treating be over. I will keep no body of men at all together but few pretty follows to guard myself and the prisoners. I hope you will pitty him who is in all dutie and sincerity," &c.

144. From Adam Cockburn, Lord Justice Clerk, to Lord Tullibardine. Edinburgh, 18 December 1697. That the African Company notwithstanding contrary advice, have voted an address to the Government. "Scots humours seem no less warme in prosecuting this bussines then the Inglish are in opposing it and if the Inglish do persist I know not a more effectuall way for that company being brought to some good account. T'was the notice the parliment of Ingland first took of it made the wholl nation throng in to have some share, and I'm of opinion the resentments people are acted by, are the greatest supplies [that] furnishes life to that affaire."


146. Letter from George, Viscount Tarbat. Edinburgh, 1st March 1698. He refers to the military movements against the Frasers of Beaufort. He expresses regret that the Government in Scotland do not, more readily, resent outrages committed in the hills or northern parts, "the mischeevous consequences are so apparent that remote people will scarce dare to call their cares their owne, for they have fruitfully complained of violence as to their religion, properties, and persones, and, when our lawes are so uneffectuall in their execution, it were more profitable to want the snare of lawes, which invite men to complain, then to have them in hands that dare not or will not apply them. Yet, at the same tyme, a Commission of fyrse and sword is given out against Keppach, and the trust and execution lodged in Brigadier Maitland. I ever thought McIntosh opprest, and to the scandal of the Government, and am glad to see Keppach frighted from the barbarous violence wherein he and his predecessore have insulted law and justice these 200 years. But prudence should be the concomitant both of justice and power. I have herewith sent your lordship a letter directed by Keppach to me, which came to my hand the day after the Commission of fyrse and sword was voted. I was ill, and abed, so I sent it in by the Earl of Liven to Concell, who presented it. By it he offers to put McIntosh into peaceable possession of all the land, and to find surty not to disturb the peace nor his possession. Now this is all that's possible to be had of him or his, for, albeit McIntosh have just decreets for the bygone rents, yett nothing can be had of the foxe but the skin; and could a fox live after he wer stript of the skin, he would be no wise hunter, who wold persue a skinless fox till he bitt him. It's certaine that all the violence in the world can get no more of him [Keppach] but the land and his lyfe, and if he give the first frankly, the next is not worth pursuing, and, to be sure, he will sell it dear. But that which weighs most with me is that its ill circumstaintt when the Frasers are outlawes; and, albeit Keppach hath a wrong cause, yett it was handed down to him, and he hath always shewd desyre to agree, but now he shews desyre to obey. . . . My lord allow me
now when Scots matters are, as is said, concluded at present, to mind
my particular of Royston, as I gave it in writing to yow. I am not to
urge your moveing, if ether it look inconvenient or very difficult, but if
it can be with ease, I am still of opinion that it is convenient for the
king. But if that be not practicable, then if this can be throughed it
will be a favour, viz., that the King may buy Inchkeith from me, for,
on an ingeniers telling King Charles that it was the most proper place
in Scotland for an useful fort to the King of Britaine, I did purchase
it, and I shall be lucky if my design be made effectuell by your lord-
ship. It was by it that the French kept Leeth 2 years both from
Queen Elizabeth, and the Scots lords, after they had lost all Scotland,
but these two places only. The bargain I propose for it is to have the
value of its rent which sometymes was 400 merks, sometymes 300,
sometymes 200, sometymes none: my predecessor, ScotsTarbat, gave
10000 merkes for it, I gave about 5000. But the fort is as good as
intire, regular, exact and all of eslar, and unbatterable almost for
strength and thickness. I will expect a half, or at least a third, of
what the building of it now would cost, and the payment I would have
is the rent I pay out of a mill in Rosse about 50 lib. ster. per ann. If
it be done it most be by ane instruction, not recomending, but order-
ing, to purchase it, at the value of rent and half of what masons may
apprise the standing and sufficient stone work."

147. Copy letter from Lord Basil Hamilton to the Earl of Tullibard-
dine. London, 4 January 1700, with some account of disaster at New
Caledonia. His reception at Court had not been favourable, but a good
inclination had been springing up to their company ¼ by many and con-
siderable people, and I was not unhopeful, but that, out of all our mis-
fortunes, some good might have sprung, when, on a sudain, wee were
stunned with a most melancholy account, and unfortunate, of Jamison's
ship, and most of our men in these ships. It is not to be expressed
the melancholy condition I'm in; I'm touched to the very soull and
ashamed to be seen. We shall appear to be despicable to the world; it
seems God Almighty sees it not time yett to deliver us from our misery,
but to tryst us with affliction on the back of affliction. The melancholy
story in short is thus. Captain Forbes who went with Jamisons is
come here from Jamaica, an. . . sayses they landed att Caledonia
the 20th of August, were wonderfully healthy in their passage, lost butt
on man by the way, the few that were sick recovered all when they
came there, tho it was the very worst of the season, the rains easy to
live in, nothing such as we have account of, gives a good account of the
strength, the fortifications not demolished, butt the huts burnt. They
had noe account of the misfortune of the Colgone till they came there,
were resolved to have taken all their provisions ashoar, and stayed till
the Rising Sun should have arrived, and to that effect had begun to
build their huts, taken some of their cannon ashoar, and severall of
their men ashoar upon the works, when the melancholy disster happened.
Drawing of a little brandy in an open vessell to send to the men that
were at workes, on of the fellows drops the candle amongst the brandy
and setts all afire. Jamison and severall of the land officers were ashoar
and came to her in boats in all haste butt noe saving of her—all was
destroyed." The writer is anxious that Lord Tullibardine should come
up, and others. He had endeavoured to give a fairer view of the com-
pany's affairs to several great people, these affairs being much misпре-
sent. He expresses a wonder "if our Kirk, who has, at this time,
lected the interest of our country, will think it fit now that they
and the nation humble themselves for these sad indications of Gods
wrath against us; there carriage at this time has mett me oft been cast in my teeth.” Lord Basil mentions that the crew of Jamison’s ship reached Jamaica in another vessel, where the men were compelled to take service with the people, as they failed to obtain it under Government, and, “getting good wages, and a plentyfuller dyett, and drinking too much, fell most of them sick and dyed above 150 of them.”

148. Letter to Lord Tullibardine from Andrew Bell, apparently a printer or publisher in London.

My Lord, I presume to beg the favour of your Lordship if Mrs. Anderson, the King’s Printer, moved to have an Act in her favour for printing all Mr. Flavells works, and withall to have these from England prohibited, the right of which I have lately purchased, and am actually printing, which right cost me a vast deal of money. I hope your lordship will use all your interest to oppose it. At least [. . .] it waved for this Session, the effecting of which will be of mighty advantage unto me. I should not have been so forward to move in this business but I have actually so many subscribers in Scotland according to my proposals, and, if there be a prohibition allowed of, the country would lose more by those subscriptions than it could be benefited otherwise. From the above considerations I hope your lordship will use your endeavour in the Parliament, especially with some members, I having always been forward to serve my country, and suffered for it very much of late. Humbly begging pardon for this trouble, I am, Your lordships most humble and obedient servant

Andrew Bell.

London Novr. 26th 1700.

149. Letter from Sarah, Duchess of Marlborough to [address wanting, probably to] the Earl of Tullibardine. “St. James’s the 17th of March 1702[–3].” If I were not entirely satisfied of your Lordships goodness, and that you are not ignorant of the perpetuall bury of my life, I should have very little hopes of pardon for acknowledging noe sooner the favours I received soe long since; but as you have been witnesse of the last I will not take up your time in apologies but assure you that I will never fail in any thing that can bee of the least service to you, nor did I omit telling the queen what was proper of your letters, and as to the titles she said she would certainly doe it but it was agreed that it was not yet the time. I am very sorry for your Lordship’s loss and wish it were possible to live without such misfortunes, which I am sure must touch one extremely that has your good nature, but this is of a sort that you had reason to expect, which ought to moderate your affliction, but I have been soe unfortunate as to loose an only son, with all the appearance of health and strength, at sixteen year old (I thought), with all the good qualities that I could pray for. There is but one stock of fortune that can be more severe, and, after naming it, I can say noe more, but that I am, with all the respect imaginable, Your Lordships most faithfull humble servant S. Marlborough.”

150. Letters from Lord Godolphin to the second Marquis of Athole (formely Lord Tullibardine) during the year 1703. (1.) The first, of date at Windsor, 5 June 1703, conveys, generally, the Queen’s satisfaction with the conduct of the Marquis. (2.) June 19, 1703. Several of the Queen’s servants, besides Athole, “are uneasy at the last clause in the Act relating to the claim of Right; but, since it has passed in Parliament, the inconveniences that may attend it must be submitted to till a more favourable conjuncture offers for remedying them.”
am not able to judge what additions may bee made to your Act for security of the kingdom, but, in general, I think any body may judge that neither that, nor this kindome, can bee very secure when they are not under the same succession, and in this both reason and experience seem to agree.” (3.) 27 June 1703. Referring to the proposed addition to the titles of the Marquis and explaining the Queen’s delay in conferring new titles till the Parliament was over. (4.) 17 July 1703. Her Majesty “thinks the Act for putting peace and warr out of the power of the successor may at this time be of the greatest inconvenience imaginable, both to England and Scotland, and must inevitably have the consequence of a separation instead of a union between the two nations, and of enforcing Scotland into the arms of France, whose religion and government is incompatible with them, instead of continuing in friendship with their nearer neighbours who are of the same religion with themselves.” The Queen therefore desires that this Act be not pressed upon her, and, “if it should bee said the same thing is already done in England . . . , the case is quite different, for that Act relates particularly to the succession of the House of Hannover, established in England, and provides only that, in case any warr should arise in Hannover, or among its neighbours, England shall not thereby bee actually engaged in that warr without the consent of the Parliament.” (5.) 24 July 1703. Expressing the Queen’s dissatisfaction with some points of Athole’s procedure in Parliament, and (6.) 9 August 1703. That the Queen is not pleased with the clauses proposed by the Earl of Roxburgh, or the Lord Advocate, “as tending each of them to make a perfect separation, instead of an Union, between her two kindomes, which, as it is both hers and their interest, so it will always bee her Majestys aime and inclination, and therefore she will never bee willing to consent to any Act that shall establish a succession in Scotland, different from that of England, whilst she has hopes that a comunication of trade, and all reciprocall advantages to both nations, may be attained for their mutuall advantage by a Commission of Union authorised by Act of Parliament in both kindomes, and those considerations seem to make this session of Parliament a very improper time to make any settlement concerning the succession of Scotland, which might bee much more reasonable after a Union was found to bee impracticable, from which it is, at present, so far, that the most fundamental points of it were adjusted last winter, and the want of time was the greatest obstruction to the perfecting of it.”

151. There are several letters, during 1703 and 1704, from the Duchess of Athole, the Duke of Hamilton and others relating to the famous Queensberry and Lovat plot, and to the punishment inflicted on Baillie of Jerviswood, but the letters reveal no new facts in the case, and are of no special importance.

152. Letter to the Duke of Athole from Robert Campbell, better known as “Rob Roy.” Glengyle, 20 May 1704. “My Lord, May it please your Grace, in your grace’s absence Fownab prest tuo of your men and sent them to Edinburgh for recréits. Their names is John and Duncane McEune Voirs late Mcgrigore in Glenlyone. Duncan, living at the tym wnder the Earle of Bradalbine, was brought back. John remains still there. Your grace was pleased to protect these tuo men formerly. Therfor I humblie beg that your grace may be pleased to cause liberat this poor man, whe hath left a wyfe, and maney smal children, behind him. If not, Fownab may heirafter dispose of your
153. Copy letter from George Hamilton, Earl of Orkney, &c., giving his account of the battle of Blenheim. “Camp at Hochstet the 14th Augst. 1704. I am hardly able to give you an account of the great victory we gained yesterday, I am so weary. I bless God I have no wounds, tho my horse was shot under me. Wee marched yesterday by break of day to attack the enemy in their camp. The fight continued from morning till dark at night, and ended very happily . . . it is the greatest that has been fought these 50 years, and, if it has cost us dear, the enemie has pay'd well for it. We have the Marishall de Tal- lard prisoner and a great many more General officers, whose names I doe not yet know. Pray send notice to the Countess du Roy that the Marquis de Blanazeque her sone is my prisoner. We have taken 28 battallions of foot, and 12 squadrons of dragoons, prisoners, and, I doubt not but it will be pleasing to you to know that I was the Generall who commanded the latter end of the day the attack where these 28 battalions and 12 squadrons were taken. I beat them two or three times and forced their refrechments but was still beat out again, till at last I sett fire to the village, which did incommodat them very much, and then I thought it proper to try if they would capitulate. The conditions I granted them was to receive them prisoners at discretion, and that I would suffer none of them to be plundered, which I took care to pre- vent. Without vanity I think wee did our parts yesterday; I brought on the horse where I saw there was occasion, and put things right wherever I perceived any disorder. Lieut.-Generall Ingolsby was with me, and behaved himself very well. Our left wing pushed the enemy first. Prince Eugene push'd them likeways in the beginning, but was beat afterwards, and rally'd again, and repulsed them two or three times. He had his horse shot under him. . . . Lord Cutts had attacked with 20 battalions in the morning the post I took but he could never take it.” Referring to the casualties in his force, the Earl adds, “I can not yet be more particular, but my Regiment is now no more a regiment. The enemy were stronger than we; they had 82 battalions of foot, and 150 squadrons [of horse], and we had 66 battalions and 160 squadrons. God would have it so, and we ought all to be for ever thankfull. I was yesterday 20 hours on horseback, and am so hoarse you could not hear me speak. We encamp'd last night on the ground where the enemys lines were drawn up; we haue their cannon and some baggage,” &c. He desires a copy of this to be sent to his brothers Charles and Archibald.

154. Letter from George Lockhart of Carnwath to the Duke of Athol. London, 15 October 1705, giving a sketch of the political situation. . . . “In the first place, her Majesty having now, more than ever before, devoted herself and interest to the Whigs, the Tories have no hopes of being successfull in allmost anything they'll propose, during this parliamnet, and will be foiled in the very beginning by Smith's (a Whigish lawyer) being elected Speaker.” The Tories are highly exasperated, and breathe revenge, and threaten to call over the Prince of Hanover to reside in England, which will, if effected, be a home thrust on her Majesty, her ministry and the Whigs. The latter threaten to repeal the present settlement of the Crown, and to propose another and more acceptable successor. “Who this is, or if both parties be serious, time only most determine.” The Churchmen are apprehen-
rive of their danger, and the Earls of Rochester and Nottingham are in correspondence with the Court of Hanover. "From hence we may observe that they dont so much value in England who shall be King, as whos King he shall be." The writer comments on the attitude of the Whigs and Tories respectively to the Act of Security, and to the Alien Act, which last, he thinks, will be repealed. He then proceeds, "Twere too much of partiality not to owne that Scotland is just now very poor, and divided into parties and factions, but... England, in general, and ev'n London (wheer if ther be mony it will be found) is proportionally as much strained as we are, and blessed by God, their divisions, animosities and-double-dealings are such that one woud think the day of judgement were approaching, for here's father, son, wife, husband, brothers and the nearest relatives calling one another villains and rascals, and ready to cut one anothers throats, and were ther not a certain dog that made the swine eat ther meat, tho' not in exact, yet in some better order, than otherwise they woud, ere many weeks this nation woud be wallowing in blood; and, if it be true that thers a peace on agitation, ther will soon be a reel... For, if the Whigs drive on, and succeed in all their projects they've designed, the Church has no way to save themselves, but by letting the world see they do still disown the practicall part of the doctrine of non-resistance, and 'tis very probable they'll maintain that argument since they're proposing it evry Sunday, even in her Majesties chapell. To summe up all, the advancement of the Whigs, and ther avowed designes, are att once like to awaken a great many from a dead sleep, and push them to desperate measures, and sure, since the siege of Jerusalem, never was ther such a divided, I may rather say such a sub, sub, subdivided nation in the world, and, tis evident, if wee'll stand our ground, yea be but half honest, wee'll be dreaded and courted by all sides... I have given your Grace the best account I could of matters as they stand here; this is the view wee have of them, and time must determine what conclusions will follow such premises." The writer meant to write to Lord Stormont, whom he believes will be well pleased, and will join with Athole "in wishing the ancient Kingdome may manage her cards right in such a nice tho to her advantagious game," &c.

165. Letter, John, Marquis of Tullibardine, to his father, the first Duke of Athole. Camp at Heslein, between Tournay and Courtray, 17 July 1706. Since his joining at Roular, the Duke (of Marlborough) had been "civill enough," and distinguished him from the other Aide-de-camps. "I went with him to Ostend and was in the trenches the night before it surrendered. Ther was very hot firing; the bombs from our battris set fler to severall places of the toune at once. The 1st march we made after coming from Roular was to Arlebeck, where we encamped some days. Wee have been here a weeke, its talked wee goe from this either to beseige Tournay or Menneim. Two days agoe my Lord Duke went out to meet the Prince-Royall of Prussia [afterwards Frederick-William I. and father of Frederick the Great]: he is a course like youth delights in troops; I know no more of him. They say he is to stay a month with us; his troops nor the Hanoverians are not joyed yet, but will in a few days, as will Mr. Ouerkirk's army that was at Ostend. The French are getting another army which will be stronger then ours. The Duke of Vandome is in such high esteem that they concive great hopes upon his joining, which will be soone. This is a very fine countrie, abounding in excellent fruits of all sorts, and graine. All is spoil where the armey comes; the trees broke in pulling the fruit, and cornes cut or trode downe which are
just ripe. Every camp spoils several thousand pounds worth besides what is usefull to men and horse. The boors are so used to it that they looke upon it without much regrate, and are not in an ill condition. This makes me thinke one year of peace would doe more than set them up," &c. [The writer of this was killed in 1709.]

156. Letter from Lord William Murray [known afterwards as Marquis of Tullibardine, and a prominent Jacobite] to his father, the first duke of Athole, dated at Spittalhead 29 August 1708. The letter contains nothing important—a slight sketch of an unsuccessful attempt at landing on the coast of France, in which his ship took part. The letter is in a round school-boy hand. Signed "W. Murray."

157. Letter, Mr. John Martin, Schoolmaster, Perth, to the first Duke of Athole, as to the education of his son, Lord George Murray, 6 July 1709. "May it please your Grace. Lord George [Murray] being at present in good health, and profiting at his books, I shall not fail to take care of him in all things that concern his health, learning and morals, so far as lyes within the compass of my power, looking upon it as my greatest honour to bear the quality of . . . your Grace's most humble servant. Jo. Martin."

158. Lord George Murray to his father, the first Duke of Athole. Not dated [c. 1709]. "May it please your Grace, I receaved your Grace's letter and ame very willing to be as good a schollar as lisy in my powr, because it is your Grace's will, which I am bound to obey, and also thinks it my grate hapines to doe. The class wherein I am have got a new book, viz. Horas, which your Grace will be pleased to send down if in the Liberary, otherwise it most be bought at Edinshurf. Cornat Murray brought my sword from Edinburgh, but I want a sword belt, which are to be sold in this Town if your Grace will be pleased to allow [it] to be bought. The mony which I received from your Grace is almost done; which I shall send an accompt off, per nixt, and how it was spent. The coppy of your Grace's letter shall be sent, per nixt, and your Grace will be pleased to excuse me for not sending it at this occasion because I will lose my lesen. I am &c. &c. George Murray."

159. The Same to the Same. Perth, 16 March 1710. "May it please your Grace, When I was in the school this forenoon, there was a Grandsone of Ledy Rollos who was whipt, and I, by the privaledge I received at Candlemis, went to protect him but the schoolmaster would not allow me; and, when I asked him why I might not doe it, as well as formour kings, he answered that it was he that gave the privaledge, and he could take it away again, and I told him that it would be an afront. He answered that he would not allow me to doe it, and ordered me to sit down, that it was non of my busines. After he had done me the afront, I resined all the privaleges I had. I cane assure your Grace I gave much pains to my book, especially sins I saw your Grace last, which the schoolmaster can't say against, but now I may say that it is impossible for me to give pains after such an afront. I would [have] gon out of the school if I had [not] thought that it would offend your Grace; and hope your Grace will not allow me to be so affronted, and let me stay no longer at school, or els I will be mossed by evry one. I am &c. George Murray."

160. The Same to one of his uncles [address wanting]. Dunkirk, 6th January 1713. "My Lord, Sir James Ebercornby has lett me see a
Letter from your lordship concerning me, to have an account of my expences, which, I believe, he will send this post; wherein your Lordship will perhaps think I have been too extravagant; but, if your lordship will be pleased to think what I have had to do with it, you'll find it extremely resonsable. For I have bought with it this suit of mourning (the occasion of which I am verrey sorry for), a bege coat, with tow wigs, a hat, shus and stoones several pairs, above twenty pistols for drugs and doctors, and have more to pay stil for them. I also paid for my dyet from the time I came to Gent [? Ghent] to the first of October last, and a great many other things. I keep my belth very ill, and have relapsed several times in to my faver, but I lov this please very well if I could keep my halth. I hop your lordship will excus this ill writ. I am ... your ... diutiefull nevoy GEORGE MURRAY."

161. Letter, "Rob Roy" to the Duke of Athole. Portnellan, 27 January 1713. "May it please your Grace, I am hopefull your Grace has heard how the Duke of Montrose is offering to ruine me upon the accompt of cautionrie that I engaded to his grace. I have offered to him the whole principle soume with a yeirs annuallrent which he positively refuses the same. The reasone why he did refuse it was, he sent me a protectione, and, in the mean tyme, that I had the protectione, his grace thought it fitt to procure any order from the Queen's advocate to Funnab [Campbell of Finab] to secure me, and had a partie of men to put this order in executione against me. This was a most ridiculous way to any noble man to treat any man after this manner. Funnab is still promissing to put this order in executione, but, if I can, his Grace and he both will not doe it. God knowes but their is vast differes betweene dukes. Blessed be God for it that its not the Athole-men that is after me, altho it were if your Grace would send to me the least foot boy, I would come without any protectione. Your Grace was always charitable and kynd to me beyond my deserveings; if your Grace would speake to the advocate to countermand his order since its contrary to law, it would ease me very much of my troubles. And I beg pardon for this trouble, and for the superscriptione hereof, & I am your Graces servant while I am alive, Rob: Roy."

162. Letter from Mr. John Douglas, apparently a writer in Edinburgh, to the Duke of Athole. Edinburgh, 21 May 1714. "I must inform your Grace of a new insult that they [the clergy] have mett with at Aberlour. The Laird of Braico, Duff, being patron of parioch, presented one Mr. Lindsay, wherewith the Presbytirye were very well satisfied, and proceeds to his ordination, but one Mr. Hay, an Episcopal minister, (who was some time agoe bainished by the Lords of Justiciary) having intruded therein, and leaving a deputt for him to preach in that church, he himselfe haveing gone to an other parioch, when the Presbytirye came there, and people, to ordain Mr. Lindsay, they were mett with a prodigious mobb headed by a known Papist, beat them, fired some small shott upon them, where severals were wounded, that, in shortt, they were forced to fly for their lives, and security of their persons, and if these things be nott taken notice of by the Government there will be no living. My Lord, I must cens your Grace laugh after this melancholy storiee, att an rancounter which happened this day on our streets be twixt the Earl of Rothess, and our street hainkey caddies [porters]. Your Grace will pleas remember that Rotes, Hadintoun and rest of the Squadrone gott hattes traced with whyt silver galoun, quich they termed Hannoverian hattes, so severall other zelotice gentlemen followed the like example, and some
put on an H. in the cock. So this day all our street cadies were vamped up in the like ordor; whereupon Rothes attacks one of the boyes, asks him how he came to make the nobility and gentry, to quihch the cadie replied that he might wear a Hannoverian hatt as well as his lordship. Whereupon Rothes runn after him upon the street, and, in the heat of the action, a stone overtook the caddie's foot, that he fell, Rothes went heles ore head over him, his weeg and Hannoverian hatt went to the durt. They both fell in a perfitt puddle, where he was bemsattered ore head and ears. However, he apprehended the cddie, beat him, with his own hand most unmercifully, carried him befor the magistrates, and all the rest of the noble crew, where the offendent was incarcerat in the guard (a noble attchivement for a peer of our land) to make our common cadies first sufferers for the Hanoverian family. Immediately after doun comes Sir T. Dalziell, maddily drunk, equippd in his night goun and cape, with slippers, to the cross and hearing the fray that had happend with Rothes, he runnes after every man that had an Hanoverian hatt, so that for a quarter of an hour you would have seen nothing but the Hannoverian hats running, and Sir Th. Dalziell in his dress persueing, about our cross. Att lenth (he) catchd hold off one or two of them, putt them above his cape and paced about the cross, and after threw them up upon our cross. (So never better happens by distinguishing characters)." &c.

163. Letter to the Duke of Athole from "James Erskine," Lord Justice Clerk, better known as Lord Grange. Edinburgh, 6 August 1714, referring to the death of Queen Anne, and to the letter written by the Lords of Council to the Elector of Brunswick. Intimating that the new King had been proclaimed in Edinburgh, and that new oaths were to be taken by those in office. Desiring Athole to come to Edin-burgh, unless his presence in the country is better for the King's service.

164. Letter, Mr. John Douglas to the Duke of Athole. Edinburgh, 12th August 1714. . . . "we have noe great news . . . but Duke Marlebrugh makeing so publik an entry, when so good and gracious a mistres lying a corps, as it were insulting her ashes, is very much taken notice off, especially when, in all his successfull campaigns, he never would allow of any such parade, and the scurvie mobb that followed him cryed out with Hozas, God bles King John and Queen Sarah, our King and Queen protectors of England, and after went, and thought to have mobbd the Earl of Oxford, but were prevented by having secured against them with closs doors and windows. And we in this place are nothing inferior to them in our disrepect to so good a soveraigne; for the day, or the day after, the proclamation, the Dutch of Argyll had a splendid baal in her Majesties own house in the Abby, where she herselfe danced a reel with Baillie John Campbell (who is a great politician and generall informer of all the Highland motions and conversations) and one Robert Campbell, a scrubb wrytter. It would gall any body to see the insolent haughty carriage of our squadc Lords, who meett and caball among themselves as if they were constitue governors by the soveraigne, writtes to the justice for more forces, and does every thing that way, as if absolute governors in this place. These Argyll, Montrose and Roxbrugh are begining already to differ amongst themselves," &c.

165. Copy letter, the Duke of Athole to the Provost of Perth. Blair Castle, 27th July 1715. Referring to rumoured preparations by the
Jacobites, and offering to send two or three hundred men, if required, to guard the burgh at the town's charges.

166. Letter from the magistrates of Perth in reply. Perth, 20th July 1715. An obsequious epistle, neither accepting nor refusing his offer. They are to write to the Justice Clerk, and will tell of his Grace's generosity, &c.

167. Copy letter from the Duke of Athole to the Commander of the Forces at Stirling. Blair Athole, 7th September 1715. Sending information of the Earl of Mar's raising his men with their arms, and asking as to the guarding the pass at Stirling and the fords near it. Athole will stop Mar's passage through his country and will guard the fords and boats on Tay, between Dunkeld and Loch Tay. He asks for a small party of dragoons.

168. Copy letter, General Wightman to John, Duke of Athole in reply. Stirling, 8th September 1715. That all care will be taken to hinder Mar's designs. General Whetham is at Edinburgh, but the troops asked will no doubt be sent.


My Lord Duke,

I have had the honour of your Graces letter, and am very sensible your Grace has omitted nothing that lay in your power to do for the service of his Majesty. I am particularly to return your Grace thanks for the sending the detachment of your men to Perth; and, had they been made use of as they ought, and as your Grace designed, by the Magistrates, they had certainly prevented the enemy entering the Place.

I find your Grace was of opinion that the Troops that are encamp'd here should have advance'd to Perth; but when I have the honour to see your Grace I am confident I shall be able to convince your Grace that there were unsurmountable objections to that march I am loosing no time in preparing everything to put us in a condition to oppose the Rebels, and shall be very soon ready to doe it effectually.

Mr. Fairfull, who will have the honour to deliver your Grace this letter, has made a proposition to me in relation to the men of Monteth, and Strathallen, which must be submitted to your Grace.

I must beg the favour of your Grace to let me have what intelligence you are able to procure of the designs, as well as motions, of the Rebels, and I doe assure your Grace I shall not be wanting, as it is my duty, to represent your services to his Majesty. I have the honour to be, with the greatest respect, Your Graces most obedient and most humble servant

Argyll.

Camp at Stirling September the 18, 1715.

A Notta.—The above-mentioned Mr. Fairfoull wrote a letter to his Grace that he could not venture to Blair in Athole, the Rebels being betwixt Stirling and that place. Neither was there any other sent by the Duke of Argyll to the Duke of Atholl, during the whole time of the Rebellion. But the D. of Atholl found means to send upwards of
20 expresses to the D. of Argyll, to which the D. of Argyll did always return civil answers.

[This note is written on a separate piece of paper, enclosed in the letter.]

171. Copy letter from the Earl of Nottingham to the Duke of Athole. London, 13th September 1715. Acknowledging, on behalf of the King, the repeated assurances the Duke had given of his fidelity. The King “is so far from imputeing to your Grace the criminal indiscretion of your son [the Marquis of Tullebardine], that he would gladly shew his mercy towards him, if he would yet render himself a proper object of it, by his returning from those who are no less enemies of their country then of his Majesty. Your Grace seems to have hopes of prevailing with him to return to his duty, if he could be secure from a prison, and his Majesty gives me leave to assure you of it, provided that he immediately, without the least delay, quits the party in which he is engag’d, and leaves them and comes to London, which will be the best evidence and security which he can give of his future fidelity to his Majesty, and best and most effectual means of obtaining his pardon. I hope your Grace will lose no time in advertising him of it, for, besides what I have already said to induce him to take this step, I might add, that, if he neglects this opportunity, I am very confident his Majesty, and every body, will very soon have reason to conclude that my Lord Tullibardine’s submission will be of necessity, rather then of choice, and, consequently, he will loose the grace of an action which might now recommend him to his Majesty’s favour.” [A note states that this is an attested copy of part of Lord Nottingham’s letter, which was given to Lord James Murray (afterwards second Duke of Athole), and delivered by him to his father.]

172. Copy letter, the Duke of Athole to the Earl of Sutherland. Blair Castle, 9th October 1715. “My Lord, I have been longing extremely to hear that your lordship was in the north, which, till this day, I have had no account of. The Earl of Marr is still at Perth, and master of all the country’s herabout benorth Forth, except this house, and my country about it, and he, and Lord Tullibardine, have got a great many of my men to join them, which it was impracticable to prevent, since there is not on weel affected to our King, on this side of Forth, that could give me any assistance. I am convinced your lordship is perswaded that it will be of the greatest service to his Majesty, and the Protestant interest, that you come with what men you can raise, to Perthshyre, with the utmost expedition, and I shall joyne your lordship with what men I can raise in Athole. If your lordship bring betwixt two and three thousand men with what you can have of the Laird of Grant’s, wee will soon recover the north side of Forth, and dissipate the rebells, if they continue so long on this side; but I hear they designe to pass the Forth in a few dayes. I shall add no more, but all depends on the quickness of your march, and I shall continue in this place untill your lordship come, or that I hear from your lordship,” &c. A postscript is added desiring the Earl to communicate the letter to Lord Reay, whom the Duke hopes will come also. On March 2 1716, the Duke notes that he never had any answer to this letter “‘tho I was certainly informed his lordship received it, neither did he ever write or send any message to me, tho’ there was no other Lieutenant on the north side of Forth.”
173. Letter from the Earl of Sutherland to Ross of Kilarvock and others.

Dunrobin 11th of October 1715.

GENTLEMEN, I receaved last night your letter of the 8th from Coloden, and rejoype very much to find you are all weel. I wrote a letter to Kilaikie by Mr. Thomson from Kindace of the ninth, giving ane account that, being informed of the superiority of the enimys forces, by young Foulis, Newmore, Culcarne and Culkanrie who see them in full march, a retreat was agreed upon as the only proper methode to secure the North, and, by God's blessing we made it without the loss of a bagadge horse. Ther are but two passess in this country for five and twentie miles from the sea. My men are in one readines from all corners to fall upon them. The Monro's and Rosses are see to. If you send some men hither, if they attack this place, and march with the rest to joyn the weel affected Frasers, and se goe about upon them, they will, in a manner, be in a hose nett; if they retire back I shall indeavour to be upon them. I leave to yourselves to judge what is most proper. You may easily consider that, if they master this house, all the north is ther own. Ther is no time to be lost, so I shall add no more, but that I am most worthy friend, your most affectionate humble servant

SUTHERLAND.

My lord Reay is going to bring down his posse if quick despatch be made to attack Seafforth, upon his own quarters. Lett the number be what they please, it will contribute to make them leave this country if they were in it. I leave all to your own Judgments; consider the criticalnes of the juncture. Mr. Gordon, the bearer, can tell you many more particulars, though he was not att the retreat, as also concerning their number, adieu.

174. Letter from Hugh Rose, elder, and Hugh Rose, younger, of Kilarvock, Colonel William and Captain George Grant to [address wanting, but probably to] the Duke of Athole. Kilarvock, 13 October 1715. "My Lord, severalls of us mett here last night in order to transport our men be sea, and assist the Earle of Sutherland, who have been some dayes bygone very much distressed by a numerous enemy off McDonells and McKenzies, hade luckily occasione to converse with a gentleman just come from Blair, with your Graces letter to the Earle. He was pleased, at your Graces desyre, to give us the import of it, and we are overjoyed to have, in conjunction with your Grace, ane opportunity for doing all we can to serve the Government, and extiricate ourselves, if possible, from the hardships and oppressions we are like to meet with, if thes country rebells are allowed to proceed in the course they seem to intend at present. Your Grace will see by the inclosed [the previous letter, No. 173], which came late last night to our hands, how the Earle of Sutherland is circumstanced, and is now lying at such a distance that it will be utterly impossible to transport such a number of men as were necessary to make head against our enimys, who grow stronger dayly, and are apt to represent any attempt we make, if not successful) in a manner that may discourage the generality of those who are otherways weill affected, and might be of great use, hade they any tolerable power to execute ther good intentione." The remainder of the letter has been partly torn, but the writers state that if the Earl of Sutherland finds it safe and practicable to quit his own country, and join the Duke, they will heartily assist so good a cause with their people, and make as strong a party as possible. Signed, "H. ROSE, GEORGE GRANT, HUGH ROSE, WILL. GRANT."
175. Letter (copy) from the Duke of Athole in answer to the above. Blair Castle, November 15, 1715. Acknowledging their letter of 13 October which he had received only on 4th November. He had sent on their letters to the Duke of Argyll, and Brigadier Grant, but had not yet received a reply, though he can no longer delay, telling them that Mar had been defeated on the Sheriffmuir: "I have yet no particular account of this action, but by some deserters who came to this country last night, who say that the Earl of Mar's Horse fled at the beginning of the action, and that there left wing were entirely routed and fled, of which there were about 300 Atholl men, with Seaforths men, Strathmores, Struan Robertson's, and Fascallies and the cannon [which] were with them were taken. There are severals taken prisoners, but the particulars are not known. They also say that Earle of Maraball and Lord Drummond are kill'd, and the Marquis of Tullibardine made his escape that night to Perth with some few horses. I designe, as soon as I can get what men I have together, to march to Perth, and recover that town from the rebells. I intreat that, as soon as this comes to your hands, you will march with what number of Grants men you think proper towards this place, to joine me in dispersing any of the rebells may gether togerther, and if I be gone further down the country before you can come, I shall leave a letter for you what place to come to." He urges this for the King's service, &c. [From a separate memorandum by the Duke of Athole, dated Blair Castle, 30th March 1716, it appears that the bearer of Athole's letter to Sutherland was Grant of Delrauchnie. Sutherland gave no answer, and, when questioned on the subject by Captain George Grant, at the Duke of Athole's instance, "would give him no satisfaction about it."

176. A letter of the first Duke of Athole to his son James, afterwards second Duke. Dunkeld, 30 May 1716. Inter alia, the Duke refers to his brother, Lord Nairne's remission, and also hopes that his nephew, Lord Nairne's son, may be reprieved. He understands that the King's granting the lives of his son Charles, and his brother Nairn, on his account, is reckoned a great favour. He has acquainted General Cadogan etc. with Fraserdale's circumstances, and the actings of "his vilanous antagonist Simon Fraser." Lord James is not to interest himself in any of the vassals who have proved treacherous.

177. The Same to the Same. Huntingtower, 23 June 1716. "Dear James. I received your letter of the 16th in which you acquaint me you was informed that I was to have only one thousand pound, instead of two, which I sent up in an account of expenses and particular losses for my adherrence to the Government. This is treating my account like a taylor or apothecary's bill, which I did not expect after the services I have done the Government; for it is very wel known that, if I had not keep't possession of the castle of Blair, that the Earl of Mar had cross't the Forth with all his army, at the same time when that part of them did who march't to Preston; and if the wholl rebells had gone into England at that time, it may be easily judged what the consequences might [have] been. But I need not tell you the particulars of my services, since you know them so wel, and, I hope, are frequently represented by you, as I hear they are by my Lord Ross, the Justice Clerk, and General Cadogan, who you will let know that I expect at least a thousand pound for plundering my house of Tullibardine by his Majesties forces, and particularly my Library. . . . I can hardly believe what is contain'd in the Edin' Corrant that Simon Fraser, who is there called Lord Lovate, to which he has no manner of
right, and that he has got a independent company. I have also fre-
quently heard that the Duke of Argyle has countinued that persons
which I hope is not true. General Ross is the fittest person to inquire
at the Duke of Argyll about this, and to lett his Grace know that I doe
not beleive it, since his Grace can not but very wel know, that I made
appear befor the Queen in Council at St. James's, and also befor the
Scotts Parliament, to which his Grace was Commissioner, the villainous
plot Simon Fraser was guilty of to raise a rebellion in the Highlands,
and also to take away the life of the late Duke Hamilton, my life and
fortouns, and several others. I hope you will have as little to
do with my Lady Nairne as possible, for there cannot be a wors woman.
I impute the ruine of my three sons to her artifices. Give my service
to my brother Nairne, and tel him I received his letter. I am very
glad to heare the princesse has concerned herself effectuallly for my
nephew.”

178. Letter, the Same to the Same. Huntingtower, 19 July 1716.
Chiefly desiring to know what were the powers of a Lord Lieutenant of
a county in England, as he had been annoyed by the conduct of General
Sabine, and other King's officers, in regard to rebel prisoners, and com-
plaining of the plundering and other impositions made by the troops.

179. Letter, the Same to the Same. Huntingtower, 7th February
1717. Announcing the birth of a son, by his second wife. Expressing
anxiety about the sum due by Government for compensation, and which
had not been paid.

180. Letter, the Same to the Same. Dunkeld, 2 December 1721.
Referring inter alia to various ecclesiastical and University matters.
The last paragraph only may be quoted. “Since the long promised
pension is so long delayed, I desire my Lord Aberdeen and you will
propose that I may have justice done me in repairing the losses I sus-
tained, by plundering my house and liberry at Tulibardine by the
Swiss, under the King's pay, immediatly after I had done his Ma-
jestie some services the time of the rebellion. If it be said this woud
bring on a claim by others which might be heavy to the Government.
But my case is singular; there is none that has done any service but
has been considered by places or pensions soon after the rebellion, and
has ever since reaped the profits. Besides, there is not one that has
been servisable to the government has had their house, furniture and
liberry, which is an irreparable loss [destroyed] but my self, it being an
old liberry of most valuble bookees.”

181. Letter (copy) from the first Duke of Athole to General Car-
penter. Logierait, 4th June 1717. “Sir, I doubt not but Collonel
Brooks acquainted you that I have delivered up all the arms that came
in from the country, and were lying at Dunkeld, on Saturday last to
Captain Corsby. Yesterday Robert Campbell, commonly called Rob.
Boy, surrendered himself to me, who I sent prisoner to this place where
he is keep't in custody. He says he has not lain three nights togither
in a house these twelve months. I have write to Court that he is now
my prisoner. Several that have been concerned in the late rebellion,
and other disaffected persons in this country, and northern shires, have
grown very insolent of late, whither it is in expectation of a general
indemnity, or that they have encouragemt from abroad, I know not,
but there is ground by their behaviour, and some information I have
lately, that they are still expecting a descent. I doubt not but the
commanding officers in the several towns and garrisons have your
orders to seize upon any rebels, or disaffected persons, at the desire, and upon a written information from the Lord Lieutenant, Deputy Lieutenants, any magistrate or Justice of Peace," &c.

Correspondence and Papers relative to the Rebellion of the Years 1745-6 from Mr. Carrington's Inventory of 1830, referred to in the Introduction to this Report.

[Division No. 2.] "Bundle No. 15. Correspondence with Lord George Murray . . . . and Lady George, from 1731 to 1745. N.B. The last of Lord George Murray's letters in this bundle, dated 3 September 1745, contains his reasons for joining the cause of the Pretender."

[Ibid.] "Bundle No. 36. Thirty-five miscellaneous letters for the year 1745. . . . The following letters, &c. relative to the Rebellion in Scotland, viz.—

Two letters from Sir John Cope to the Duke of Athole, proposing that his Grace's people should be enlisted to serve in Scotland for 3 months, and proposing to act in concert with the Duke.

Nine letters from Mr. Macintosh, Edinburgh, on the state and proceedings in Edinburgh of the Highland army.

A letter from the Justice-Clerk; one from Earl Home, one from J. Edward of Solagirth, with copy of a letter from the Marquis of Tullibardine, commander-in-chief of the rebels.

Eight miscellaneous letters.

Journal of the Prince's landing and proceedings 1745.

Two lists of the numbers of the rebel army in Scotland upon 14 October."

[Ibid.] "Bundle No. 37. Letters and papers for the year 1746.

Feb. 5th. Narrative of the retreat of the rebels by way of Perth.

Feb. 9th. Copy of an order by the Duke of Atholl to the vassals to come to Dunkeld, &c.

Summons to James, Duke of Athole to attend the trial of Lord Lovat.


Feb. 18th. Copy of his Grace's answer [and other relative papers].

Feb. 27th. Return of arms, &c. taken from the rebels at Blair Castle.

March 17. Letter to the Duke of Athole from R. Robertson, Kirkmichael, to learn his Grace's sentiments as to his endeavouring to bribe Lord George Murray's secretary to reveal the designs of the Prince.

March —. Copies of letters to the Lord Justice Clerk with intelligence, from 17th to 23rd March.

Copy address, Justices of the Peace, &c.

Robert Stewart's account of the battle [of Culloden], the 24 April.

List of those in the Bill of Attainder.

List of vassals who have been in the rebellion. 16 May.

Proceedings in the House of Lords preparatory to the trials of the Earls of Kilmarnock and Cromartie, and Lord Balmerino.

Summons to attend the trial of the above peers.
Three letters giving an account of the illness and death of the Marquis of Tullibardine in the Tower of London, the 9th July 1746.

July 10. Letter from Lord Dunmore to the Duke of Athole, conveying the King's consent to his wearing mourning for his brother.

Sept. 4. Copy Order from the Duke of Athole to Baron Reed, to raise vassals and join the King's standard.

Sixteen miscellaneous letters and papers relating to the rebellion.

Memorial of Gregor Murray, a prisoner at Dunkeld, and eleven of his papers relative to the rebellion, being orders from the Marquis of Tullibardine, the commander-in-chief of the rebels, to raise troops, &c.

Several letters and papers in favour of persons to be tried, attainted or condemned, for the part they had taken in the rebellion, viz.,—Sir James Kinloch; Alex. and Charles Kinloch; Alex. Macgrowther; Stewart of Ballechin's son; Mr. Mercer; Gordon of Glenbucket; Mr. Farquharson; Lady Nairne's daughter.

Division No. 3.—Correspondence and papers of Lord George Murray, relative to the affairs of 1745–6, and various journals and memorandums of Lord George Murray's copies of some of these originals, and various other memoranda and papers as described below.

1745, Nov. 14. Letter from the Prince (signed Charles P. R.) to Lord George, accepting his resignation as Lieut.-General, and his future services as a volunteer, dated at Brampton, Nov. 14, 1745.

1745, Dec. 20. "Journal of the Marches of H.R.H. the Prince Regent's army, from the time they entered England, the 8th Nov., till their return to Scotland, the 20 Dec. 1745."

1746, January. Memorial of Lord George Murray, 6 Jan. 1746, that the Prince should, from time to time, call a Council of War, and upon sudden emergencies a discretionary power should be vested in those who had commands, &c. This is the original paper delivered by Lord George into the Prince's own hands, and it contains the Prince's answer in his own handwriting, dated the 7 January 1746, refusing to adopt the advice proposed, and complaining of the way in which he was treated, &c. [This Memorial and the Prince's reply, were printed in the preface to the first report on the Athole muniments. (Historical MSS. Commission, Appendix to 7th Report, p. 704.) There are two copies of the memorial and answer, one "with a long note by Sir John M. McGregor, with this concluding remark, "This memorial, and the answer, seem to develop in a great measure the causes of the early and easy suppression of the last attempt made for the re-establishment of the Royal House of Stuart."]

1746, Jan. 23. Letter from Prince Charles to Lord George; reasons for not visiting him at Falkirk.

1746, Jan. 24. Letter from the Prince to Lord George [similar in tenor].

1746, Jan. 25. Letter from the Prince from Bannockburn; reasons for keeping with him the Athole Brigade.

Account of the battle of Falkirk, 9 pages. Copy of what was presented "to his Royal Highness as the opinion of the officers at Falkirk 29 Janry. 1746," advising an immediate retreat to the Highlands. Signed by Lord George Murray and the heads of the clans. [Two other copies.]
"Account of the precepetat Retreat, or Flight from Falkirk," in the handwriting of Lady George Murray, except the last 7 lines in Lord George's writing. [Also a copy.]

Feb.—Original Order by the Duke of Cumberland, 20 Feb. 1746, to Capt'n. Campbell of Knockbuy, to march and take up post with certain companies, to attack the rebels, and to give them no quarter.

Sketch of the ground from Nairn to Inverness, including Culloden.

April 12. One of the proposals for an enterprise by the Highland army, 12 Ap. 1746, viz., to order 5,000 of the best troops to march into Athole, to send an advanced party to seize the passes of the Tummel and Tay, and to prevent the retreat of the Prince of Hesse. This paper is not signed, but is supposed to have been a proposition of Lord George Murray's [with a copy.]

April 15. The Original Orders previous to the battle of Culloden by Lord George Murray, Lieutenant-General, and in his handwriting, dated Culloden 14 to the 15 April 1746, in duplicate. Order of battle of the Highland Army at the battle of Culloden.

April 17. Letter from Lord George Murray to the Prince, written the day after the battle of Culloden, dated Ruthven in Badenoch, 17 April 1747 [sic 1746], lamenting the late loss and present situation of their party, and mentioning some truths showing the error of setting up the Royal Standard without positive assurance from H.M. Christian Majesty that he would assist with all his might; of the unfitness of Mr. O'Sullivan and Mr. Hay for their situations, and specifying the instances in which they failed in their duty; of the fatal errors as to the situation chosen for the battle; want of provisions; and concluding by hoping H.R. Highness would accept of his demission, &c. in Lord George Murray's handwriting, [also an imperfect copy.]

May 10. Copy of a letter, dated 10th May 1746, relative to the conduct of the Highland army, and as to what happened the day of the battle of Culloden and the preceding day. This is in the handwriting of Lady George Murray. [There is also a copy, with a note by Sir J. M. Macgregor, to the effect that the letter is supposed to have been written to a friend by Lord George Murray, because copied by his wife. It is added that "in a letter of Lord George, dated Emeric, Aug. 5, 1749, to Mr. William Hamilton, he alludes to a letter which he wrote the 10 May 1746, and left at the Scots College at Paris in such a way as makes it pretty certain the letter was written by him.""]

Remarks upon the above letter in the handwriting of Lord George Murray, but not signed. Copy or draft of a letter of 79 pages, in the handwriting of Lord George Murray, containing an account of the most material circumstances that fell out from the time the Prince landed in Scotland till the battle of Culloden.

Account of the arrival and progress of the Prince through England and Scotland till his coming to Inverness [with copy].

Copy of a letter from Lord George Murray to Mr. Hamilton of Bangour, dated the 25 May 1746, giving an account of the principal occurrences in which he had an immediate concern, from the time of his joining the Prince to the battle of Culloden; 42 long pages [with another copy].

1747. Memorandum in the handwriting, and signed by, Lord George Murray, of a message he received on the 11 July 1747 at 9 at night at Paris, by Mr. Stafford from the Prince, desiring Lord George not to go near him for he would not see him, and that it would be well for him to leave Paris as soon as he could.
1749. Two letters from Mr. William Hamilton to Lord George Murray for information relative to the transactions of 1745, one dated Feb. 16, 1749, the other July.

1749. Letter from Lord George to Mr. Hamilton, dated 5 August 1749, respecting the battle of Culloden, &c.

1747 to 1756. Eight letters (signed James R.) from the Pretender to Lord George Murray from 1747 to 1756, from Rome, &c., conveying sentiments of his good opinion and kindness towards him; to allow him 400 livres p. month; as to the state of the Prince’s affairs and prospects; about a pension from the French Court; relative to Lord Macleod, &c.

1754. A letter signed “Henry Cardinal” (son of the Pretender) to Lord George Murray, dated June 10, 1754, sentiments of esteem and friendship.

1760. Letter signed “James Edgar,” written by command of the “King” (the Pretender), conveying compliments of condolence to Lady George Murray on the death of her husband, Lord George. Dec. 9th.

Copy of a letter from the Pretender to the Prince, not dated.

Some memorandums on a publication relative to the affairs of 1745.

1716 to 1724. A Paper endorsed “Journal from the time I came into France the 9th May N.S. 1716, to August 22, 1724.”

1746–1748. Journal of Lord George Murray from 16 Dec. 1746 to 20 August 1748, consisting of seven sheets in the handwriting of Lady George, with some corrections in the handwriting of Lord George.

Journals of Lord George Murray through part of Germany, Silesia, Poland, Prussia, &c., &c., &c.

Edinburgh, 32, Castle Street, 5th October 1888.  

William Fraser.
The muniments now reported on relate to the family of Home, an ancient and famous Border House, of which the Earl of Home is the chief representative. As is well known, he is also the heir of line of the still more distinguished family of Douglas, Earls of Douglas and Earls of Angus, and as such his lordship has inherited a large portion of their ancient territories; but the Douglas muniments are not the subject of the present report.* The documents of the Earls of Home, so far as those are preserved at the mansion of the Hirsel, are not of very remote date, owing to the fact that the ancient barony of Home and the lands comprehended in it have for the most part passed out of the possession of the Earls of Home. But as the lands held by the Home family were situated in several counties in Scotland, the muniments now reported on contain a considerable amount of miscellaneous information which is of value to local antiquaries.

Before commenting on the papers reported on, a brief sketch of the family of Home preceding the date of the earliest writ may be given.

Under the title of Earl of Home the authors of the Peerage of Scotland trace the descent of the Home family as a branch of the great House of Dunbar, Earls of Dunbar and March. The three earliest generations which are given by these writers are (1) Patrick second son of Cospatrick Earl of Dunbar and March: (2) William the son of Patrick and the Lady Ada of Dunbar, the wife of William: (3) Their son William de Home.

From the constant family tradition, as well as from the long inheritance of the territory of Home, and the bearing of the surname of Home and the arms of the Dunbars, Earls of Dunbar and March, there is much probability in favour of the alleged princely descent. But strict legal evidence regarding the existence of the earliest generations of the Home family is lacking in that portion of the Home muniments which is preserved at the family residence of the Hirsel and to which this Report solely refers.

The family residence of Home Castle was occasionally garrisoned by English, French, and Scotch officers during Border warfare. A frontier castle so occupied was not the safest repository for the muniments of the owner. It is thus not matter of surprise that charters of the twelfth and thirteenth centuries, which were usually of small size, are not now to be found at the modern residence of the Earl of Home. Whether such evidence may yet be discovered in the other portion of the Home muniments now in the custody of the family solicitor in Edinburgh, remains to be ascertained when full inspection has been obtained of these additional documents.

The first direct male ancestor connected with the territory of Home is Sir William, lord of Home, Knight, who is referred to in a charter dated in 1268, granted to the monks of Kelso by his son, also designed William, Lord of Home. The lands dealt with in the charter had been

* "The Douglas Book," in four volumes 4to., 1685, contains the history and muniments of the Douglas family.
granted to the Abbey of Kelso by Ada, daughter of Patrick, fifth Earl of Dunbar, known as Ada de Courtenay, from the name of her first husband. She was lady of the territory of Home, which she received from her father as a marriage dowry on her union with William de Courtenay. He died about the year 1217, and two years later she married Theobald de Lascelis, becoming a widow for the second time in 1225. She thereafter married, as her third husband, William, said to be a grandson of Cospatrick, third Earl of Dunbar, who it is stated became in her right lord of Home, and the descent of the family of Home in a direct male line is traced from him.

But in the absence of more ample evidence doubt may be entertained whether the Sir William, lord of Home, named in the writ of 1268, was the husband of Ada de Courtenay, or, if he were, that he was identical with William of Dunbar, grandson of Earl Cospatrick. William of Dunbar was the son of Patrick, lord of Greenlaw, second son of Earl Cospatrick, and inherited his father's lands of Greenlaw. He also held the lands of the Hirsel. He is usually said to have taken the designation of Lord of Home after his marriage with Ada de Courtenay. But as we have said there is a lack of strictly legal evidence that William, Lord of Greenlaw and Hirsel, and William of Home were the same person. William of Greenlaw was married, and his wife is described as M. the Countess. Though she is usually said to be his first wife the dates seem to make it doubtful whether he married Ada of Courtenay.

While, therefore, there is no doubt that Ada de Courtenay was a daughter of the Earl of Dunbar, there is no proof yet discovered in the Home muniments now reported on that she was married to a member of the same family, and the Sir William, Lord of Home, named in the charter of 1268, was probably not her husband as usually stated, but her son who inherited the territory of Home through her, and took his surname from his lands. Even should fuller evidence of the descent of the Earls of Home from the Earls of Dunbar and March in the male line not be forthcoming, they have still the distinction of showing descent in the female line through Lady Ada of Dunbar from these great Border Earls.

Sir William, Lord of Home, was succeeded before 1268 by his son William, also styled Lord of Home, who disputed the grant made by Ada de Courtenay to the monks of Kelso, but afterwards yielded the matter, and in 1269 bound himself to confirm their title to the lands when he should assume military or knightly arms (arma militaria) and in the assumption of arms change his seal. Who succeeded to William, Lord of Home, is not certain, but Galfrid de Home is named in the Ragman Roll of 1296. Various other persons bearing the surname of Home are mentioned in English records relating to the lands during the period between 1333 and 1338, when the south of Scotland was overrun by Edward the Third and Balliol, but for want of definite information it is uncertain who was Laird of Home at the period. In the later part of the reign of King David the Second, John of Home is referred to, and he is probably identical with the Sir John Home named in the foundation charter of the college church of Dunglas [No. 123 infra] granted about 1450 by his great grandson Sir Alexander Home. Sir John was succeeded by his son, Sir Thomas, who married Nicolas Pepdie, heiress of the barony of Dunglas in East Lothian. He was succeeded by his son, Sir Alexander, the first of that name, who married Jean or Janet Hay. This Sir Alexander was a faithful adherent and attached friend of Archibald, fourth Earl of Douglas, under whom he acted as deputy warden of the priory of Coldingham. Home of
Godscroft, the historian of the Douglases, after noting the details of the battle of Vernet in France, where both the Earl of Douglas and Sir Alexander Home were killed, explains the reason of the latter's presence in France by a story illustrative of the friendship between him and the Earl. When Douglas in reply to the request of the King of France was preparing in the beginning of 1424, to sail with a Scottish force to that country, Sir Alexander Home, it is said, wished to send his brother, David Home of Wedderburn, but when he accompanied the Earl to the ship, the latter "embracing him kindly said to him, Would I have believed, Sir Alexander, that ever you and I could have separated from one another; to whom he replied, Surely then, my Lord, I shall not part." He then, adds the historian, sent back his brother David with instructions to care for his family in his absence or in case of his death, a charge which was afterwards fulfilled with much fidelity. This story has been discredited by a statement in an old manuscript in the Harleian collection, and also by Holinshed, that Sir Alexander Home was killed at Crevant in July 1423. Godscroft's tale, however, is so far supported by the first writ now reported on [No. 1 infra] which is the last disposition made by Sir Alexander Home of his affairs, and which does appoint his brother David as one of his executors. The date of the Will made at Dunglas, on 3rd February 1423-4, also coincides with the date of the Earl of Douglas's expedition to France, which left Scotland some short time after the 6th of that month, but the terms of the document seem to imply that Home settled his affairs in view of an intended departure which was not so sudden as Godscroft represents. He does not refer definitely to the proposed expedition, but provides in the first clause of his Will that a commemorative mass should be celebrated for him at Whitekirk, a church at some considerable distance from his residence at Dunglas, but particularly famous for the sanctity of its shrine and the alleged miracles wrought by its tutelary saint, the Virgin Mary. The testator also provides that if it should happen him to die in that year, an immediate mass should be said for him. This clause seems to imply that he contemplated a special cause of death and made provision accordingly. The document is interesting from the glimpse it gives of the sources of wealth then possessed by a prominent baron, and also of the prices of cattle and grain at the period. A few months before making his will, Sir Alexander Home had made a grant of lands to the chapel of the Virgin at Dunglas [No. 122 infra, 30 November 1423].

Sir Alexander Home was succeeded by his son of the same name, who about two years after his father's death married a distant kinswoman of his own, Marion Lauder. Who she was is not very clear, but she appears to have been one of four daughters of John Lauder and Katherine Lauder, whose identity has not been ascertained, and grandchildren of Sir Robert Lauder. The Retour of Marion and two of her sisters as heirs of their grandfather Sir Robert Lauder, and of Marion and a fourth sister as heirs of their mother Katherine Lauder will be found in Nos. 60, 113, and 271 infra. The sisters were heiresses of a fourth part each of Crailing, Hownam, Swinside, and other lands, and appear to have married into the families of Home, Rutherford, and, apparently, Wardlaw [cf. Nos. 61 and 114 infra].

Marion Lauder and Alexander Home were connected in the fourth degree of consanguinity, though the particular descent is nowhere stated, and therefore required a Papal dispensation to marry. This they obtained on 11 April 1426 [No. 119 infra], but apparently had not patience to wait for it, and married in the interval. In con-
sequence they had to undergo a formal divorce and be reunited under a second dispensation, ere they could consider themselves lawfully married or their children legitimated [Nos. 120, 121 infra], the last writ giving the date of the consecration of Robert [Strathbrow] as bishop of Caithness. [Cf. Keith, p. 214.]

Sir Alexander Home, the second of that name, was a somewhat prominent personage and took an active part in public affairs, but the principal fact recorded regarding him in these papers is his foundation of the collegiate church of Dunglass, in East Lothian, which is fully detailed in No. 123 infra. The foundation was made at the instance, and with the consent, of the good James Kennedy, bishop of St. Andrews. The founder enumerates among those whose souls are to benefit by his grant, his great grandfather, Sir John Home, his grandfather, Sir Thomas, and his father, Sir Alexander, his two brothers, Thomas and George, and his two uncles (or cousins), Patrick and David Home, and other relatives. The number of clergy to be maintained on the foundation was three, one of whom was to take the style of provost, each presbyter or chaplain receiving an annual salary of 12 merks with a house and garden. Four boys also were to be maintained for singing in the choir. Rules are laid down for the proper conducting of service in appropriate vestments. The continued residence of the clergy, except at stated periods, is also required, except as they receive leave of absence from the patron; with other regulations for the conduct of the clergy. After its foundation the collegiate church received various grants of land from neighbouring proprietors, and these donations became prebends of the college under the patronage of the granters and their heirs [Nos. 124–127, 129, 278, and 279 infra].

The lands of Trefontanis or Three Fountains, granted by King James II. [No. 127] are said to have belonged to a religious house of that name in Lammermuir founded by King David the First. The foundation of Dunglass was confirmed by Pope Nicholas the Fifth on 2 January 1451 [No. 128 infra].

Sir Alexander Home was succeeded by his son, the third Sir Alexander Home, who lived until about 1491, and in 1473 was created first Lord Home. Little reference is made to him in the papers now reported on, but in 1468, he and his grandson and heir, Alexander, afterwards second Lord Home, joined in a division of the lands of Crailling and others, with the families of Rutherford and Wardlaw, who also claimed a share in these lands, evidently through the heiresses of John and Katherine Lauder [No. 114 infra. Cf. also No. 61].

Alexander Home, the eldest son of the preceding, died before 1468, in the lifetime of his father. His eldest son, Alexander, afterwards second Lord Home, became the most prominent member of his family, and took high rank in the State, holding the office of Great Chamberlain of Scotland under King James the Fourth. This position he owed to the active part he and his grandfather took in establishing that King upon the throne. Many of the charters now reported on refer to this Lord Home, who was in high favour with the King, but none of them are worthy of special mention, except perhaps Nos. 187 and 247, which illustrate the manner in which the King disposed of casualties in his hands to Lord Home. In No. 247 we have the provost of the collegiate church of St. Mary at St. Andrews receiving the Chamberlain as tenant in the college lands of Balmain in Fife, at the King's desire, in place of John Ramsay, Lord Bothwell, the favourite of King James III., who had been forfeited; while in No. 187, John Scott, baron of Wilton, while acknowledging the King's right, desires to take advice before
receiving Lord Home as his tenant in the lands of Harden in Roxburgh-
shire. Besides other influential appointments, Lord Home held that of
governor or guardian to John, Earl of Mar, &c., younger brother of
King James the Fourth, and in that capacity made a grant [No. 8
infra] to the Master of Huntly of the lands of the Earldom of Mar for
a rental on behalf of the young prince.

The son of the preceding, Alexander, third Lord Home, succeeded
his father in 1506 [No. 11 infra] and also held the office of Great
Chamberlain; but falling under the displeasure of the Regent Albany,
he was in 1516 arrested, tried on a charge of treason, and executed.
His brother George, however, received a grant of the forfeited lands,
and was duly restored by Parliament, a fact which is implied or referred
to in several writs [Nos. 78, 130, 178, 188, 189, 197, and 249 infra].
Alexander, third Lord Home, married Lady Agnes Stewart, daughter
of James Stewart, Earl of Buchan, by whom he had a daughter Janet,
who, however, did not succeed to her father's estates, but renounced
all the rights which she had through her grandfather, Alexander, second
Lord Home, or his wife, her grandmother, Nicolas Ker, who was
daughter and heiress of George Ker, of Samuelston, in favour of her
uncle, George, Lord Home, who bestowed on her and her husband,
John Hamilton, the lands of Samuelston, in the county of Haddington,
under a clause of reversion [Nos. 259, 260 infra].

George, Lord Home, married Marion Halyburton, second daughter and
one of the three heiresses of Patrick, Lord Halyburton, of Dirlston [Nos.
18, 25 infra], and their son, Alexander, Master of Home, was in 1537
a party to an interesting contract between him and King James the
Fifth, in which it is proposed that the Master should marry the King's
natural daughter (her christian name is not stated in the contract) by
Elizabeth Beaton. The sum of 2,000l. was promised by Lord Home,
and his son, the Master, of which sum 1,000l. was already paid to the
King, and the other 1,000l. was still due to the King, who, among
other conditions, promised to ratify to the Master and his father their
lands and possessions [No. 17 infra]. There is, however, no evidence
that this contract was ever carried out, and it would appear, if the lady
referred to in the contract be identical with the Margaret Stewart
named in No. 21 infra, that she died young. The name of this
daughter of King James the Fifth seems to be unknown to history.

The writ [No. 21] last mentioned, which is mutilated, is apparently
dated before December 1547, and refers to George, Lord Home, as then
deceased; but the next document [No. 22 infra] contradicts that view,
as George, Lord Home, is represented as a party to a contract in March
1549, and this last date is corroborated by Nos. 24 and 275 infra, where
George, Lord Home, is said to have died two years before April 1551.
This appears to cast doubt on a statement made by some writers that
Lord Home was severely wounded in a skirmish the day before the
battle of Pinkie [September 1547] and died not long after that
conflict.

The important contract to which he was a party in March 1548–9
certainly could not have been made long before that date, as Monsieur
d'Esse, one of the parties, did not reach Scotland till June 1548. It
refers to the keeping of the castle of Home, and provides for its being
garrisoned by a force paid by Government, a portion of the building
being reserved for the use of Lord Home and his family. At the date
of the contract the castle was in the hands of the English, who had also,
as we learn from the writ, despoiled Lord Home's estates, so that he
could not in any case have maintained the fortress, but some months
later it was retaken by the Scots and French.
In October 1557 Home Castle was visited by the Queen Regent, who there granted a special commission to Alexander, Lord Home, to resist a threatened invasion from England, which, however, did not then take place [No. 26 infra]. Two years later a garrison of fifteen men was posted in the castle, and a sum of 75L Scots monthly appointed for their maintenance [No. 27 infra]. The garrison was also continued in the time of the Regent Morton [No. 33 infra].

Alexander, fifth Lord Home, was for a time a supporter of the Regent Murray and of the King's party, receiving as a mark of the regent's favour various privileges and grants. One of these [No. 28 infra] deals with the lands in Ettrick Forest leased by Lord Home from the Crown, but which, owing to the disturbed condition of the country, had been laid waste. Another grant [No. 30 infra] bestowed on Lord Home's eldest son was part of the abbacy of Arbroath, John Hamilton, the commendator, having left Scotland [cf. No. 287 infra], and a process of "barratry" being led against him. Notwithstanding these marks of favour, Lord Home, in 1569, joined the Queen's party, and was one of those who held for her the Castle of Edinburgh. On the surrender of that fortress, in June 1573, Lord Home was imprisoned and died two years later while still in captivity. We learn this from No. 39 infra, in which his son makes complaint against the treatment to which he alleges his father was subjected by the Regent Morton and the Earl of Angus. The complaint against the latter deals with a comparatively petty quarrel about the teinds of Cockburnspath, in which parish Angus and Home were neighbouring proprietors, a dispute afterwards settled by arbitration in 1586 [No. 42 infra]. Large sums were paid to the Regent Morton [cf. No. 32 infra] for a lease of Lord Home's lands while he was under forfeiture, but the lessee, Andrew Ker of Fawdonside, was a connection of the family.

Alexander, fifth Lord Home, although, as we have seen, he was contracted to a natural daughter of King James the Fifth, did not marry her, but, as his first wife, Margaret Ker of Cessford, by whom he had issue one daughter. He married, secondly, Dame Agnes Gray, daughter of Patrick, Lord Gray, and widow of Sir Robert Logan of Restalrig, by whom she was the mother of Robert Logan of Restalrig and Fasiceale, who after his death was accused of complicity in the Gowrie conspiracy [cf. No. 94 infra].

Alexander, sixth Lord Home, son of the fifth Lord and Agnes Gray, owing probably to his father's imprisonment, chose curators during his father's lifetime [No. 31 infra]. In 1578 he was by a special Act of Parliament restored to his rank and estates and was duly served heir to his father [Nos. 34-36, 38 infra], his uncle, Andrew Home, commendator of Jedburgh, having been appointed his guardian, he being still a pupil. In 1581, he again chose curators, one of the principal of whom was William, Lord Ruthven (first Earl of Gowrie), to whom also the casualty of the young lord's marriage had been granted by the King giving him a right to exact a fine or certain sum of money if Lord Home refused to marry the lady proposed by Ruthven as his wife. As a result of this gift we have [in No. 40 infra] a writ recording a curious ceremony, a notary's instrument narrating that on 31st May 1584, Lord Ruthven's procurator appeared at Lord Home's lodgings in the High Street of Edinburgh, and in his name offered to the young nobleman the choice of two of Lord Ruthven's daughters as his future wife. These were Lilias and Dorothy Ruthven, whom the procurator set forth as "Virginnis vndefameit and of lauchfull age to marie," requiring Lord Home to accept either of them and to complete the marriage. This
formal offer, though of the actual making of such we have very few records—was in strict compliance with feudal law, which required such intimation to be made to any marriageable heir by the superior, or the person (as in this case) to whom the casualty of his marriage had been granted, that the heir might accept or refuse the proposed union in due form. As we learn from this writ Lord Home simply accepted the intimation and promised to give an answer to Lord Ruthven himself. What that answer was we do not know, or whether later events broke off the intended union, but Lord Home married neither of the young ladies thus offered to him, his first wife being Christian Douglas, daughter of William Douglas of Lochleven, afterwards Earl of Morton, and widow of Lawrence, Master of Oliphant.

Excerpts from a drapery account incurred by this lady as Lady Home for herself and her son the little Master of Oliphant (she had no children by Lord Home) will be found in No. 43 infra. A household book of this period giving the expenses of a month's residence of Lord and Lady Home at Coldingham in 1652 will be found at No. 95 infra. The notes given of prices of beef, mutton, game and fish, are of interest.

Alexander, sixth Lord Home, was a favourite of King James the Sixth and accompanied that King to England on his accession, was made a member of the English Privy Council, and in 1605 was created Earl of Home. The friendship between the King and his subject was probably strengthened by their similarity of taste, both being fond of sport. Lord Home's breed of hounds were distinguished for their swiftness, so much so that King James, who on one occasion was drawn into a competition, describes them as "flying feinds." [Report on MSS. of Duke of Hamilton, p. 67]. The Earl died in April 1619, and his last instructions to an old servant shortly before his death related to his dogs, and the hope that his son, the second Earl, would become a huntsman [No. 49 infra]. We learn from an account referred to in No. 59 that the second Earl did take an interest in horses and hounds, but probably not to such an extent as his father.

James, second Earl of Home, was a minor at his father's death under the guardianship of his mother Mary Sutton, Lady Home, and others [No. 76 infra]. He died without issue in 1633, and was succeeded in his title and in part of the estates by his kinsman, Sir James Home of Coldenknowes, descended from John Home, a younger brother of Alexander, second Lord Home. He received the lands of Crailing and others, and was known also as John Home of Errolton or Earlston. He died in 1493, and notices of him and his descendants will be found among the papers now reported on [cf. Nos. 97, 102-112, 261-265 infra]. James, third Earl of Home, who was the direct ancestor of the present Earl, died in 1666 and was succeeded by his oldest son, Alexander, fourth Earl of Home, whose appointment as one of the gentlemen of the bed chamber to King Charles the Second in 1671 [No. 52 infra] is the paper of the latest date here noted, and concludes the series of writings bearing on the more personal history of the members of the family of Home.

The wris from this point onwards are not of a consecutive character, but are divided into groups relating to various lands once possessed by the family of Home, but which have for the most part passed out of their hands. These scattered writings, however, as already stated, contain a good deal of miscellaneous matter not unworthy of notice. Thus, in No. 53 infra, we have the name of one of the less known preceptors of the Knights of St. John at Torphichen, Friar Andrew Meldrum. The Templars seem to have held lands in the parish of Auldcambus, now part of the parish of Cockburnspath, their superiors being the Priory of
Coldingham, who also held the teinds of the parish last named [cf. Nos. 54–57 infra]; one of the latest priors being John Maitland, better known as the first Lord Thirlstane.

The lands of Auldcaty in Linlithgow and Arbirlot in Forfarshire [Nos. 60–63 infra] also belonged to the Homes for a time, coming into the family through their alliance with the Lauders. In Nos. 64–66, is a series of writs bearing the name of James Stewart, second son of Queen Joanna Beaufort, widow of King James I., by her second husband Sir James Stewart, the “Black Knight of Lorn.” In 1457 he received from his brother-uterine, King James II., the lands of Bedshiel, in Berwicke, forfeited by Mark Haliburton, a faithful friend and sometime secretary of James, ninth and last Earl of Douglas. In this writ the grantee is styled simply James Stewart. In the next writ dated 10 March 1470, he is designated Sir James Stewart of Auchterhouse, Knight, in a charter by his nephew, Alexander Duke of Albany, Earl of March, &c. In the last writ we find him as Earl of Buchan resigning the superiority of Bedshiel to Lord Home. This was in 1494, and probably pressure was brought to bear on him as he had taken the side of King James the Third at the battle of Sauchie. The seal and signature of Alexander Duke of Albany are appended to writ No. 65; cf. also Nos. 279, 280.

In 1567 Alexander, fifth Lord Home, received a grant of the office of Sheriff of Berwicke, formerly held by the Earls of Bothwell. We learn that he was installed by delivery to him of staff and book, at the church of Lauder and the market cross of Duns. In the time of King Charles the Second, the office was valued at 2,000/ Sterling [Nos. 67–72]. The office was for a time held by Ludovick, second Duke of Lennox, and also during the Commonwealth by persons appointed by Cromwell [No. 96 infra].

Nos. 73–75 show the parentage of, and deal with some transactions by, Mr. David Borthwick of Lochhill, a prominent member of the Scottish bar, a Lord Advocate, and senator of the College of Justice. He was, it would appear, the son of a burgess of Haddington. He amassed a considerable fortune, which, it is said, was dissipated by his son, James Borthwick. His seal and signature will be found in No. 75.

Nos. 77, 78, and 79–82 deal with the lands of Braidley in Roxburghshire and Birgham in Berwicke, but the writs require no special mention. A herald will be amused at the curious quartering of the seal referred to in No. 78. The lands of Birgham were granted by William, eighth Earl of Douglas, to Sir Alexander Home, and at a later date were given by King James the Third to Alexander Bruce, one of his favourites (ancestor of the Brues of Earlshall), who exchanged the lands in 1490 for Lord Home’s lands in Fife.

The writs of Chirnside [Nos. 83–91 infra] give the names of several members of the ancient family of Spens hitherto unknown to genealogists, and the terms of one document seem to imply an earlier alliance between the families of Dunbar and Spens than the marriage with Margaret Dunbar of Kilconquhar. The same writ also gives the name of a son of George, eleventh Earl of Dunbar, of whom nothing is known.

The charters relating to the Cowdenknowes [Nos. 97–112 infra] may be of interest to the local antiquary to decide whether the “hal orchard” described as the manor of Earlston is identical with the ruined building traditionally known as the Rhymers’ Tower. The Cowdenknowes was the mains of Earlston, and no fortalice is recorded as existing there until 1506, when King James the Fourth in a charter to Mungo Home refers to the mains of Erslton calle “Calden knollis”
MSS. OF THE
EARL OF HOME.

with fortress and manor thereon [Register of Great Seal]. Notice
may be directed to the family agreement detailed in No. 112 by which
the Coldenknowes family agreed to live together so long as they can
agree among themselves, the household accounts to be carefully kept
and audited by the mistress of the house every Saturday. In this writ
Sir James Home of Whithrig, father of the third Earl of Home, refers
to his own five brothers, while only three are known to genealogists.
Unfortunately he does not name them.

In No. 118, under date 1477, we get the name of a Prior of
Lesmahagow, and of the then sub-prior of Kelso, not previously known.
Passing over the writs of Dunglass as already noticed, there are in
Nos. 130–147 some writs of the nunnery of Eccles. This nunnery or
priory is said to have been founded by Earl Cospatrick of Dunbar in
1155. In the reign of King James the Fifth, if not before that date,
the then Lord Home was appointed hereditary bailie of the priory
lands [No. 130 infra]. These comprised various small portions of
land as enumerated in No. 146, and certain church lands in the parishes
of Eccles, in Berwickshire, and Bothkennar, in Stirlingshire [No. 132].
There were for a time two rival 'prioresses, but the one recognised by
the Crown was Marion Hamilton, apparently a member of the Inner-
wick family. After the annexation of the monasteries to the Crown
in 1587, the abbacy passed through various hands, under grants from
King James the Sixth, and at a date about 1616, the temporalities of
the priory were erected into a barony in favour of Sir George Home
of Pincarton and Eccles. He has been confounded with Sir George
Home of Spott, Earl of Dunbar, but the latter died in 1611.

Eskdale [No. 150] and Ewesdale [Nos. 151, 152], Fogo and Gordon,
the writs of which are in Nos. 153–174, all belonged, in one form or
another, to Lord Home, as also part of Greenlaw [Nos. 175, 176], but
none of these writs require special mention, except No. 171, which
refers to a raid made on Lord Home's lands of East Gordon, and
No. 173, which illustrates the hardships endured by tenants and others
when those entitled to teindsheaves, which must be lifted before the
others were taken from the fields, delayed to secure their property in
a reasonable season of the year.

The lands of Greenwood, Harden and Hoscoat, in the vale of
Borthwick water, in the shire of Roxburgh, were granted to Lord
Home, Great Chamberlain, and his son, and among the writs dealing
with them [Nos. 177–180, 185–191, 196–199] we have notices of the
Turnbulls and Hepburns as at one time possessors of Greenwood and
Harden before they came into the hands of the Scotts, who are also
named, while Hoscoat was one of the ancient holdings of the Lords
Borthwick, who took their family name and title from the Borthwick
valley.

Two writs [Nos. 200, 201] showing the acquisition of Howlaw in
Berwickshire [cf. also No. 192] from James, Master of, afterwards
ninth Earl of Douglas, who in return received the lands from John,
Lord Haldiburton of Dirleton, are followed by a series of writs of some
interest to genealogists. These [Nos. 202–208] relate to the Scotts
of Howpalsey said to be represented by Lord Napier and Etrick.
It appears from the writs now reported on, compared with No. 117 infra
and Charters in the Great Seal record, that Alexander Scott of Abbenton
or Abington was the first Scott who held Howpalsey in property, the
lands having been in possession of the Stewarts of Dalswinton and
Garlies till about 1468, when King James the Third granted
them to Alexander Scott on the resignation of Alexander Stewart,
younger of Dalswinton. This seems to dispose of the alleged pedigree.
given by some peerage writers of the Scotts of Howpasley as descending from a remote source, and although the present write throw no light on the point, there seems reason to believe that Alexander Scott of Abingdon and Howpasley was identical with Alexander Scott, the second or third son of Walter Scott of Kirkurd and Buceleuch. That Alexander had two sons, Walter and Adam. Alexander Scott of Howpasley was succeeded [No. 204 infra] by Walter Scott of Howpasley, who was named as an executor by David Scott of Buceleuch in 1492, and he was afterwards tutor to the young laird of Buceleuch, an office usually filled by a relative.

Walter Scott appears to have had issue a daughter, Janet Scott, who was his heir [No. 205 infra] in 1530, before which she was apparently under the guardianship of Robert Scott, designed tutor of Howpasley, who seems to have been her uncle, and to whom she may have resigned the estate of Howpasley. King James the Fifth in 1536 granted under the great seal to Robert Scott of Howpasley and Isabella Murray, his wife, the lands of Appletreehall, &c., which had belonged to Robert’s father and were in the King hands, through the forfeiture of Alexander, Lord Home. This proves that Robert Scott and the late Walter Scott must have been brothers, and the former, as is evident from the writs now reported on, carried on the line of the family. Janet Scott married Thomas McDowal of Mackerstoun, but Robert Scott of Howpasley was succeeded in 1578 by his son, Sir Walter Scott of Birkenside, who in turn was followed, in 1580, by his son, Walter [Nos. 206–208], though the latter was not infeft till 1588.

Among the writs of Huntlywood [Nos. 209–212] may be noted the instrument by Alexander, Earl of Huntly, telling why he had issued a duplicate charter to Lord Home, because some malicious person had torn away the seals of the first grant, thus showing the importance then attached to sealing as the mode of authenticating documents.

In the writs of Bolton, East Lothian, which follow [Nos. 213–220; cf. also No. 129] we have references to a member of the Hepburn family whose name appears to be wholly unknown to peerage writers, and yet he was for many years Master of Hailes and the nearest heir to the earldom of Bothwell. He was the brother of Adam Hepburn, second Earl of Bothwell, who was killed at Flodden on 9th September 1513, and must have been the next in age, as in 1515 he describes himself as tutor lawful and heir of his nephew, Patrick, Earl of Bothwell. The legend on his seal [No. 129] is not clearly decipherable, and it cannot be ascertained what property he possessed, but at a later date he obtained through Lord Home the lands of Bolton. Up to 1537 he is designed Master of Hailes, which seems to imply that his grand nephew, James, afterwards the famous Earl of Bothwell, was not then born. He is also designated in the same way in 1559, after his nephew’s death, he being also the next heir to his grand nephew.

Patrick Hepburn of Bolton, Master of Hailes, appears to have had only one son, and to have been succeeded by a granddaughter, who married James Hamilton of Sprouston, perhaps identical with the laird of St. John’s Chapel [No. 232 infra].

The Papers which relate to the Abbey of Jedburgh and Restennet, now in Lord Home’s possession [Nos. 221–226], do not call for special remark. The writs of the lands of Lambden [Nos. 227–231] show some generations of the old Merse family of Hatesly. They also held Mollerstein for a time [Nos. 252, 253], the last named writ recording a feud between them and the Brownfields, also a Berwickshire family. The names of Rany, Letham and Redpath occur in charters of the lands of Letham [Nos. 233–237], which in 1478 Edward Redpath resigned into
the hands of Alexander, Duke of Albany, to be given to Alexander
Home. The house called "The Wolt of Letham" is alluded to in these
writes.

The writs of Leyacres and Friarsness [Nos. 238–243] and those of
Samuelston [Nos. 256–260] deal with the later members of a family of
Kers not named by any genealogists. The first of the family of whom
anything is known is a Richard Ker, whose son and heir, John Ker,
was an adherent or attendant upon James, second Earl of Douglas, and
received from the Earl between 1384 and 1388 the lands of Samelston,
or Samuelston, in the county of Haddington. Sir John Ker died in
1418, and was succeeded by his son, John, who in 1440 was succeeded
by his brother, George [No. 256 infra]. The latter was apparently
the father of George Ker of Samuelston, who married Marion Sinclair,
and whose daughter and heiress, Nicholas Ker, married Alexander,
second Lord Home, great chamberlain of Scotland. As formerly stated,
the lands of Samuelston were given by George, fourth Lord Home, to
his niece, Janet Home, who married John Hamilton. The lands of
Leyacres and Friarsness, however, formerly belonging to George Ker of
Samuelston, were inherited by, or granted to his granddaughter, Eliza-
abeth Home, who had been married, first, to Thomas Hay, younger of
Yester, and then on a report of his death abroad, to James Lord Hamil-
ton, first Earl of Arran, from whom she was [vide Report on Hamilton
MSS.] divorced in 1504, because her first husband was discovered to
be alive. In the present Report, however, she is described as Elizabeth
Home, Lady Hamilton, so late as 1531, and appears to have retained
the designation till her death in 1544 [cf. Nos. 241, 242], when her
brother George Lord Home was served her heir.

From No. 245, we learn that there was an old family of Manderston
of that Ilk. In Nos. 254, 255, compared with No. 171, we have
reference to one of these plundering raids so common in Scotland,
accompanied, in one case at least, with loss of life. The marauder was
Ninian Chirnside of East Nisbet, who in 1523, made a foray upon Lord
Home's lands of East Gordon and Huntlywood, and there depopulated
his tenants. Either at that time or apparently at a later date Chirnside
was instrumental in causing the death of David Home, prior of Colding-
hame, a younger brother of George, fourth Lord Home, who with other
relatives, demanded satisfaction. It may be noted that a Ninian or
Ringan (the two names being synonymous) Chirnside, otherwise known
as Captain Ringan Chirnside, was a prominent actor in the troubles
between England and Scotland at a later period, but whether he was
identical with the Laird of East Nisbet is not certain.

The lands of Smalholm belonged for a time to the Homes of Earlston
and Coldenknowes, having been exchanged with Thomas Ker, a brother
of the Laird of Cessford, for lands in Crailling and Hownam [Nos. 261–
265]. The lands described in No. 266, as the Charterhouse lands of
Sprouston, were granted in 1433 by Archibald, fifth Earl of Douglas,
to the Prior and Monastery of the Carthusians founded in Perth by
King James the First; but how the lands came into the hands of the
Hamiltons of St. John's Chapel does not appear. There are also a few
memorials of another old ecclesiastical foundation, the Abbey of St.
Bothan, said to have been founded by one of the Countesses of March
for a community of Nuns. We learn from the writs now reported on
[Nos. 267–269] what lands belonged to the priory, at least in its later
days.

The remaining Writs, relating to Tinnies in Yarrow, Thornton in the
county of Haddington, and Upsettington in Berwickshire, do not merit
special notice, or have already been touched upon.
The muniments as reported on are divided into two sections:—

1. Documents, more or less of a personal nature relating to the principal members of the family of Home.

2. Old Charters and other documents still in the charter chest at Hirsel relating to lands formerly possessed by the Home family.

Section I.—Documents, more or less of a Personal Nature relating to the Principal Members of the Family of Home.


The original is in Latin, but a translation is here given.

Inventory of all the effects of Alexander of Hum made at Dunglass the third day of the month of February 1423 A.D., in presence of trustworthy men, namely, Patrick of Hum, his brother, Alexander of Hum, his son and heir, William Hall (de Aula), his chaplain, and John Bewclase.

First he acknowledges himself to possess 1,300 ewes price of each 3s. = 156l. [sic, lege £196] Item he acknowledges 23 score barren sheep and ten sheep price of each sheep 2s. = 47l.; Also 48 rams commonly called “twpis” price of each 2s. = 4l. 16s.; Also 800 young sheep commonly called “hoggis” price of each 14d. = amount 56l. Total value of all his sheep 263l. 16s. He likewise acknowledges himself to have four score and four cows each valued at 13s. 4d. amount 56l.; also 21 bullocks of two years old, price of each 6s. 8d. amount 7l.; Also 52 calves, price of each, 40d. amount 8l. 13s. 4d.; Also four score and fourteen oxen, value of each 13s. 4d. amount 62l. 13s. 4d. Total of all his oxen and cows 134l. 6s. 8d. Also twenty chalders of corn [or wheat “frumenti”] growing, each boll valued at 40d. amount 534l. 6s. 8d.; Also “in the Slad” in oats and barley 13l.; also in Dunglass in oats sown and to be sown 24 chalders price of each chalder 20s. amount 24l. Also in Aldcambus and Hundwood 15 chalders of oats, each chalder of the supposed value of 20s. amount 15l. Also in barley to be sown in Dunglass and Aldcambus twenty chalders 32s. amount 32l. Total amount of all his produce 136l. 16s. 8d. Amount of all the foresaid effects 534l. 9s. 4d.

These are the debts which are due to him by others: First, the Bishop of St. Andrews, 10 nobles; Sir William Lyndyssay 10 merks; Walter of Ogilvy 10 merks; John of Manderston, 8 merks, one ox and one mart [for winter beef] of annual rent. Also the burgesses of Edinburgh 40 nobles. Amount of my debts 40l. and 10 nobles.

As nothing is more certain than death or more uncertain than the hour of death. In the name of God Amen. I, Alexander of Hume make my testament in this manner, namely, I give and bequeath my soul to God Almighty and the blessed Mary, and I declare and ordain that a chaplain may celebrate [a commemorative mass] in the church of the blessed Mary which is called Whitekirk; and because that chaplain may be more readily got at the feast of Whitsunday next to come, and if it happen me to die, which God forbid, in that year, I wish that immediately after my death there may be celebrated on account of my death services in accordance with church usage, and that one chaplain may celebrate once a year in the church of St. Michael of Aldhamstocks Also I give and bequeath to Christiana my daughter two hundred pounds; also I give to Jonet my daughter one hundred pounds. Also I give and bequeath to Alicia my daughter one hundred merks. Also
to George my son 50 merks, and the residue of all my goods to my son Alexander, for supporting the burdens incumbent on me as on him, and that he may dispose the same effects with the advice and assistance of my living executors, whom I ordain and constitute to be the persons underwritten, namely Patrick Hepburn laird of Wauchtan, Patrick of Hume, David of Hume, my brothers, and the said Alexander, my son, that they may dispose of the same goods with the advice and protection of my superior the lord of Hailes that he may defend them and compel them to fulfill my desire, by giving them power to do all and sundry which of right belong and are known to belong to the office of executors, as they shall desire to answer to the supreme Judge. And in token of this testament my seal is affixed to the presents. At Dunglass, year, day and month beforenamed.

2. Letters by Alexander of Hume, cousin or kinsman of Alexander of Hume lord of that ilk, resigning into the hands of the latter as his over lord, his whole lands lying in the town [villa] and territory of Hume, with the pertinents within the earldom of March, with all claim and right which the grantor had in the same. At Dunglass 1st June 1433.

3. Discharge by Patrick Lord Hailes to Sir Alexander Home of that Ilk: “Be it kend till all men be thir present letters, me Patrick Hepburn lorde Hailes to hafe ressuait be the handis of Sir Alexander Home of that Ilk kynaich all and syndry sommys of monec sucht to me be him through the cause of maryage of Adam my sone and airc and Helene the dochter of the saide Sir Alexander. Of the sommys alli and syndry beforisaid I held me veile content fully assytheyt and paide and quhitelemys and dischargis the saide Sir Alexandir his airis executouris and his assignais of alli and syndry the said sommys for me myn airis executouris and myn assignais for euermare be thir present letters. In vitnes of the qubilk thing to thir present letters me seille is to hyngyt at Hailes the thryd day of the moneth of Febuare in the yher of Gode a thousand foure hundredeth and sexty.” The grantor’s seal is still attached, partly broken.

4. Contemporary copy of an agreement in the form of an indenture, between George Lord Gordon on the one part and Alexander Seton his brother on the other part, to the effect that neither Lord Gordon nor his heirs shall make any impediment to the entry of Alexander Seton to the lands belonging to his mother the late Giles Hay, but shall rather help and further him “thareto, in als fer as he may with his worship,” and specially anent the recovering of the lands of Tulibody, except the lands of the forest of Bune and Avin with the tenandries lying within them, which Lord Gordon shall enjoy heritably without any obstacle, of the said Alexander and his heirs, for which lands Lord Gordon shall give to his brother the lands of Touchfrasale [Touchfraser] and the Drippis, lying in the sheriffdom of Stirling and that by charter and sasine within forty days. Providing that because James Lord Livingstone and Sir John Colquhoun of that Ilk held part of Touchfraser and the Drips from Alexander Earl of Huntly for their lives, Lord Gordon shall give his brother a portion equal to what they hold from the lands of Huntly and Gordon until he enters to Touchfraser, etc., and shall by means of James Bishop of St. Andrews and other friends, prevail on their father the said Earl of Huntly to consent to fulfill this arrangement, so that Lord Gordon and Alexander Seton may be put in fee of the forest of Bune and Avin, and the lands of Touchfraser and Drips respectively, the franktenement being reserved to the Earl. Dated at
Stirling 3rd February 1464–5. Thomas Lord Erskine, Alexander Spence son and heir to Murdow Spence, and others witnesses. The seal of the Bishop of St. Andrews is said to have been appended on behalf of Lord Gordon and that of Thomas Lord Erskine on behalf of Alexander Seton.

5. Contemporary copy of another Indenture between the same parties "for the stanching of all debatis and contraveries betwixt them and thare airs in tyme cummyng" especially as to the lands belonging to the late Giles Hay. Alexander Seton binds himself and his heirs never to lay claim to the lands of Culsabbarte, Aynze and Boyne, in return for which renunciation Lord Gordon shall infeft him in 100 merks of the lands of Gordon and Huntly, until he obtain the barony of Tulibody in the sheriffdom of Clackmannan, and also in 40 pounds of the same lands until the Laird of Stobhall shall receive him as tenant in the lands of Drips, etc. George Lord Gordon also shall resign in his brother's favour the lands of Touchfraser, etc. And as to other lands that formerly belonged to Giles Hay mother to Alexander Seton, Kynmondy in the earldom of Buchan, Rate and Geddes in the sheriffdom of Nairn and Fothirty in the earldom of Ross, George Lord Gordon shall further and help Seton in recovering these lands "as he sulde do til his broder and man, and at the said Alexander saill keip his service to the said lordes his brodyr and in lyke yse the said lordes to kep gude and asfald lordship to hym, as the letters of lordship and maurnent maid betnex thame of before proportis."

Dated at Edinburgh 10 April 1470.

6. Letters by Robert, Abbot of Kelso, Andrew Ker of Cesfurde, John Murray of Cranstoun, Sir James Liddayle of Halkarston, knight and James Ker of Gaitslaw, in which they bind themselves by the faith of their bodies, their heirs, executors and assignees to "a vorschipfull man" John Home, his heirs, etc., in the sum of two hundred merks Scots "for the contract of matrimony to be made betuix the saide Jhone and Mergret the dochter of the saide James Ker" to be paid upon the high altar of St. Nicholas' Kirk in Home, as follows, forty pounds on the completing of the marriage and twenty pounds at each term of Whitsunday or Martinmas thereafter till the whole sum be paid; and if it should happen that John Home be heir to Alexander Home [of that Ilk, afterwards Lord Home] his brother, the granters bind themselves to pay a further sum of four hundred merks, to be paid in termly sums of fifty merks until fully discharged. Dated at Kelso 20 March 1471–2. The five seals once attached are now gone.

7. Commission by King James the Fourth, constituting and appointing his beloved and faithful cousin and councillor Alexander Home of that Ilk, apparent heir of Alexander Lord Home, to be Great Chamberlain of Scotland for the whole time of his life, giving to him full powers belonging to the office. Dated at Edinburgh 7th October 1485.

8. Tack or Lease by Alexander Hume of that Ilk Great Chamberlain of Scotland, in which he declares himself to "have sett and to male lattin, and be thir present letters settie and to male lattie to ane noble and michty lord, Alexander Gordoun, Maister of Huntlie" all and sundry the lands of the Earlom of Garriach, and all and sundry the lands of Strathdon lying within the earldom of Mar and the sheriffdom of Aberdeen, and that for six years from Whitsunday next after this date; which lands are assigned to the grantee during the said space
90

"for the sustentation and expense of a richt noble and mightly lord, John of Mar and Garriach" in terms of letters under the great seal; the lands to be held by Lord Gordon for six years, with all their profits, he having power to remove and input tenants. Lord Gordon during the six years is to pay such rents and duties as are contained in the Exchequer Rolls, and he is also during the same period to have the keeping of the Castle of Kildrunny, with power to appoint constables, jailors and other officials, and as payment for the service the Chamberlain assigns to him a hundred merks from the lands, yearly during the six years, as he had formerly for the keeping of the same. Further the Chamberlain leases to Lord Gordon the lands, castle and others, after the issue of the six years for as long as it shall happen to himself to have the same assigned to him for the sustentation of the Earl of Mar and Garriach. With clause of warrandice. Dated at Edinburgh 26 March 1491. Signed by the granter, whose seal is still appended, bearing quarterly, 1 and 4 three papingoes for Pepdie; 2 and 3 a lion rampant for Hume. Crest a stag's head. Legend "S. Alexandri Hume."

9. Acquittance by Alexander Ramsay of Dalwosly knight and Elizabeth Douglas, his mother, lady of Dalwosly, narrating that the late Alexander Ramsay of Dalwosly, father and husband of the grantees respectively, held the half lands of Fogo in the sheriffdom of Berwick heritably to him and his heirs under reversion of the sum of four hundred merks Scots, which sum Alexander Lord Hume Great Chamberlain of Scotland has now paid to the grantees for the said half lands, and that (therefore) discharge him of all claims, Elizabeth Douglas adding a special clause of discharge to Lord Hume for all rents due to her from these lands. Dated at Edinburgh 1st July 1494. Witnesses John Ogilvy of Tingsk, Robert Douglas of Lochleven, George Hume of Ayton, David Barclay of Cullerny and others. Signed "Alxand9 ramsay" "Elezabeth dougli of Dolwsey."

10. Letters of Procuratory by Alexander Lord Hume Great Chamberlain of Scotland, appointing Patrick Hume of "Pollart" [Polwarth], Adam Crichton of Ruthven and Patrick Heriot, or one of them to appear for him in the burgh of Dundee on the 24th July instant, there to ask and receive from Alexander Lord Gordon or his procurators a charter of 10£ worth of his lands of East Gordon to be given heritably to Lord Home and his heirs, with the usual precept of saise, the writ to be granted under Lord Gordon's own seal and in proper form; also in Lord Home's name to pay to Lord Gordon 200 merks in full payment of a sum of 300 merks for the alienation by him to Lord Home of the said land, delivering to Lord Gordon at the same time a letter of reversion in the usual form, and also requiring a lease from him to Lord Home of the land in East Gordon, and also of the land apprised to the late Mr. Alexander Inglis Archdeacon of St. Andrews, for 10 years from the date of redemption of the 10£ land. With full power to the procurators to act for the granter. Dated at Kilkeran in Kintyre 16 July 1496. Signed "Alex". hom."

11. Precept by Patrick (Hepburn) Earl of Bothwell, Lord Hailes and Sheriff Principal of Berwick, etc., constituting and appointing William Sinclair in Morhame, Alexander Lauder of that Ilk, George Haithie of Brunhill, Charles Murray and George Wedderheid burgesses of Lauder, and any one of them, his very lawful and undoubted Sheriff deputes of the said sheriffdom of Berwick, giving them full power as such to receive the brief or briefes of Inquest from the King's Chancery.
raised or to be raised by Alexander Hume, Great Chamberlain of Scotland, son and heir of the late Alexander Lord Hume by decease of his father, upon the lands and annual rents pertaining to him through that decease, and lying within the sheriffdom of Berwick, and all other briefs whatever that shall be directed to the sheriffs of that sheriffdom or their deputies by Alexander Hume or other person; with full power to decide on such briefs, and otherwise as in due form. At Hailes 29th September 1506. Signed "Patrik Erle off Bothvile."

12. Agreement in the form of an Indenture between Alexander Earl of Huntly on one part and Alexander Lord Hume on the other part, to the effect that if the king should lead a forfeiture upon the barony of Gordon in the sheriffdom of Berwick or on any part of it, because of alienation of the same to Lord Hume, the latter shall deliver an authentic copy of the confirmation which he has got or shall get upon the lands which he holds of the Earl of Huntly in heritage without reversion, and as to the lands held by Lord Hume from the Earl, which are wadset (mortgaged) or under reversion, Lord Hume with the Earl's aid shall use lawful diligence to obtain a confirmation upon these lands that would save them from forfeiture; and if forfeiture be led and the wadset lands are declared to belong to the king, then the Lord Hume shall assist the Earl to recover the lands from the king in order that the Earl may give them again to Lord Hume under such reversions as at present; and Lord Hume shall not labour in any other way for himself as to these lands in hindering the Earl, but only to have them in wadset as they now are, the Earl having his superiority. And if forfeiture shall be led upon the lands of Gordon and they are declared to belong to the king and if the Earl receive new infestment thereof, he shall infest Lord Hume in the lands he now has in the barony as he now holds the same. It is provided that this contract shall not prejudice Lord Hume in his action of warrantice in terms of the charter to his late father, and the parties are bound to observe this agreement under a penalty of 1,000L Scots. Dated at Edinburgh 24 January 1506-7. Witnesses William Scott of Balwery, Adam Creichton of Rothesay, knight, Master James Haliburton, Master John Davyson, Robert Turnbull, and Thomas Haidly. The writ was made in duplicate and this copy is signed "Alex Erle of huntle."

13. Assedation or Lease by King James the Fourth in favour of Alexander Lord Hume granting to him "oure thre husband landis with their pertinentis of oure toune of Grenlaw, quhilkis William Reipith occupit of befor, lyand within oure erldome of Marche and sherifsdome of Berwik" in lease for five years from the date hereof; to be held and enjoyed by him and his subtenants, with all profits, he paying yearly therefor all rents of the lands used and wont according to the king's rental. Given under the privy seal at Dunfermline 16th May 1509. "James R."

14. Charter under the great seal of King James the Fourth, granting to Alexander Lord Hume, his great chamberlain and warden of the east and middle marches of the kingdom towards England, the lands and barony of Hume and Dunglas, with the advowson and right of patronage of the provostry and prebendes of the collegiate church of Dunglas, with various other lands and baronies, etc., enumerated, all which were resigned by Lord Hume, and were incorporated by the king into one free barony to be called the barony of Hume, etc. Dated at Edinburgh 4th February 1509-10. The great seal is still attached, somewhat broken [It is unnecessary to give this writ at length, as it is recorded in the
15. Bond of manrent by Thomas Rutherfurd of that Ilk, John Rutherfurd of Hundolee and George Rutherfurd of Huntill, and each of them conjointly and severally, in which they bind themselves by the faith and truth in their bodies to Alexander Lord Hume "That we and ilk ane of us ar becumin and be thir presentis becumin the saidis lordis men and servandis, and bindis and oblisus us as said is to tak the said lordis auffad trew and plane pait in all his actionis and querellis leiffull and honest movit or to be movit be him or againis him; and to ryde and gang with him with our kyn and freyndis when and whar it sall pleiss hym againis all that dee and leif may, our allegiance to our souerane the king allanerlie exceptit," etc. in usual form. At Edinburgh 18 May 1516. Witnesses Andrew Ker of Fairniehirist, Master Abraham Creichton and Sir Archibald Rutherfurd. Signed "Thomas rufurd of y' ilk." "Johne ruderfurid hiddole." "George rufurd of h'thill.

16. Assedation and lease by George Lord Home, as successor and assignee of George Inglis of Louchand in and to a reversion by the late William Redpath of Grenlaw for the redemption of 20s. worth of land lying in the tenandry of Greenlaw and sheriffdom of Berwick, granting in lease to his "traist frende" Andrew Redpath, son and heir to the late William Redpath of Grenlaw, the said 20s. land for four years from the date hereof; To be held to Andrew Redpath, his heirs assignees and subtenants, for a yearly rent of 20s. With clause warranting the lands for four years. Dated at Home, 6th November 1525. Witnesses John Home, Robert Trotter, Ralfe Trotter, William Tunno, and James Thomson. Signed "George l. hom."

17. Contract between King James the Fifth and Alexander Master of Hume, beginning "It plesis the kingis grace to contract and appoynt with Alexander Hume sonne and apperand air to George Lord Hume and fear of the landis and lordechip of Hwme, and the said lord frank tene mentar of the samin" to the effect that as the king formerly gave infeftment to Alexander Hume in five and to Lord Hume in liffe of the lands and lordship of Hume and of all other lands which belonged to the late Alexander Lord Hume brother of George Lord Hume; and had presented them to superiors of other lands, and had given them the offices, etc. belonging to the late Lord Hume, and that for their good service and also for the sum of 2,000L Scots promised by George Lord Hume for himself and his son, of which 1,000L has been paid to the king and 1,000L, is owing, "and now his bernes at his perfyte age of twenty five yeiris eftir all reuocatioune made be him, and remanyng of the samyn gude mind beneuolence and consideratioun as of befor, and being of intentioun for the singular wele of the living and hous of Hwme and affectioun he beris thereafter, wills intendis and promissis to contract his bernes dochter naturall borne of Elizabeth Betoun, in lauchfull marriage and matrimony with the said Alexander and faulzieing of him bo deces, with Andro Hwme his bruthir germane, quhilk faulzieand with any vther that sall happen to succeed heretablie to the said Alexander in the lordechip of Hwme, how sone thay salbe of lauchfull age to contract the said mariage." The king also of new ratifies and gives to Alexander Hume in five and George Lord Hume in liffe of all lands and baronies, etc. belonging or that might have belonged to the said late Alexander Lord Hume or Nicholace Ker his mother; and further promises to infeft Alexander, with George Lord Home and Marion Haliburton his wife, in the said Marion's lands and heritage.
The king shall ratify this writ in the next parliament and shall then also restore the said Alexander and George to all honours dignities and rights of succession, as if the said late Alexander Lord Hume had not been forfeited. The king also remits the sum of 1,000L, due by George Lord Hume and also any sum which may be claimed from him as security that John Hume of Blacader should leave the country, with other similar provisions, including one that the Humes shall not pay too high a rent for the teinds of Kelso. It is also arranged in obedience to the king's wish that as the Humes' lands of Thornton (in Berwickshire) are "commodious" to him, they shall be exchanged for thirty husband lands in feu of Fishwick with fishings &c., in the barony of Coldingham and shire of Berwick. The year of the writ is 1537 but day and month are blank and there is no sign that the privy seal was affixed, and the document is not signed. The contract does not appear either to have been completed or acted upon.

18. Letters by Marion Haliburton second sister and one of the three heirs of the lands and lordship of Dirleton, and "one of the three aeries and successors to vmquhile Walter lord Haliburton & Halsingston" with advice and consent of George Lord Home, and also of Alexander Home their son, and Master James Poulis of Coltinton clerk register, and Master Abraham Creichton provost of Dunbias his curators, appointing procurators on her behalf to pass and warn John Haitlie, alleged possessor of the lands of Mellerstains in the sheriffdom of Berwick to appear in the parish kirk of the burgh of Haddington on 23 March next there to receive upon the high altar the third part of the sum of 116L. Scots extending to the sum of 38L. 13s. 4d. Scots for the redemption of the third part of the lands of Mellerstains alienated by the late Walter Lord Haliburton to the late James Whitlaw, in terms of a reversion; and to require John Haitlie to remove, quitclaim and overgive to the grantor the said third part, with all charters etc. thereof; also to deliver to Haitlie the sum of 38L. 13s. 4d., that he may fulfil the reversion, etc. Dated at Edinburgh 26 February 1539–40. Signed "Meryon l. hom," "George l. hom," "Alex" hom," and by the latter's curators. Seal affixed, but the impression is wholly defaced. [According to an indorsation, warning was duly given to Haitlie on 2nd March 1539–40.]

19. Mutual bond of maintenance between Patrick Earl of Bothwell, Lord Hailes, Crichton and Liddesdale, Great Admiral of Scotland, on one part, and George Lord Home on the other part, as follows; either of the parties "ar bundin and oblist to uther and be the tennour heirof bindis and oblisisis ayther of thame to uthiris to assist fortfeito ryse supplie and concure be thameselfis kyne fynydis and servandis in help and supporving of uthiris in resitiing the legisis of Ingland the auld inimes of this realme at all tymes necessar whene thai sall happin to invaid the samyn; and sall inlikewise ayther of thame be their selfis kyne freynydis and servandis at thair utter power support help menteyne diffinde supplie and tak plane parte with uthiris in all thair honest and leiffull cawissis actionis querrellis and debatis qhilkis ony of thame sal happin to haif ado in ony cume aganis ony persone or personis whatamever within the realm or without the samyn, our souerane lady and hir Gracis authorize allanerly exceptit," etc. Subscribed in duplicate at Haddington 1st June 1545 before James Cockburn of Langton, John

* This is a mistake for Patrick, which was the real name of the lady's father, as appears from a later writ and other evidence.
Mees of the Earl of Home.

Home of Coldenknowes, George Brown of Colstoun, Alexander Home, Mr. David Borthwick and other witnesses. This writ is signed by "Patrik Erle Bothwine."

20. Bond of a similar nature between George Lord Home and Alexander Master of Home his son and apparent heir, on one part, and John Abbot of Jedburgh, George Home of Wedderburn, John Home of Coldenknowes, George Home of Ayton, George Home of Spot and George Home his son and apparent heir, John Home of Blacadder, Alexander Home his eldest brother, John Home of Elistoun, William Home of Lochtullo, Patrick Home of Polwarth, George Home of Broxmouth and George Home his eldest son and apparent heir, on the other part that they and each one "sall in all tyne to cum during all the dayis of their lifetimes be trew and auald kynnismen and frendisys to the saide lord and Maister" and otherwise in usual form, with special reference to resisting the English, in return for which George Lord Home and his son bind themselves to be "gude trew lord and Cheif" to the Abbot and the others, who further bind themselves to each other to take each other's part and do "as brethren and kynnismen faithfull and true aucht and said do to uthiris" for their lives; the whole parties swearing on the gospels to keep this bond. Dated at Linlithgow 4th October 1646. Witnesses, Mr. Abraham Creichton, Official of Lothian, Mr. Alexander Creichton, vicar of Innerwick, Mr. John Hamilton and John Young, notaries. Signed "George I. hom" "Alex. Mr. Home" "Jhone ab of Jed." "George Howm of Wodd?burn" "Jhon howm of Coldenkoins" "George howm of atovn" "George howm of spot" "Jhon howm of blaktt" "Patrek howm of Polwart" "Jon howm" "Alexander howm." 

21. Gift by Marie (of Guise) Queen Dowager of Scotland, granting the (casualty of) marriage of Alexander Lord Home son and heir of the late George Lord Home, to which she had right by disposition in her favour made by "umquhile Margaret Stewart donatour, haiffand the gift of umquhile ane maist noble and excellent Prince King James the fyft of gude mynde quhome God assolze maid to hir" in favour of Alexander Lord Home himself, for his good service. [The date of the writ has been defaced by decay, leaving visible only the words "fyft yeire" which is presumed to mean the fifth year of Queen Mary's reign, some time before December 1647. George Lord Home is said to have been severely wounded in a skirmish with the English on 8th September 1547, two days before the battle of Pinkie, and to have died not long afterwards. This would agree with the apparent year of this gift, though the following writ appears to contradict the statement, and in an Inventory of Home writs in 1637, the date of the grant is said to be 1550.]

22. Contract between "Princess Marie, be the grace of God Queene Dowriar of Scotland, James Erle of Arrane Lord Hamilton &c. tutour to oure Souverane lady, protectour and governour of hir realme, and the rycht honourable Monseigneurs D'Esse, Lieutenant, and D'Oyse, Ambassator, to the maist Cristin King of France in the parts of Scotland for thame seifis and takand upoun thame the burding for the saide maist Cristin king for fulfilling of the conditionis and articulis under writtin and the righ noble and mychit lord George Erle of Huntlie Lord Gordoun and Badzenach etc., Chancellare of Scotland, Lieutenant Generall of the north parts thairof and knycht of the maist noble ordour of Sanct Mychael in France, and the remanent lordis of the
secret counsale of this realm of Scotland under subscrivand, for tham-
selfis on that ane part, and the noble and mighty Lord George Lord
Hume and Alexander Master of Hume his son and apperand air, or
that uthir pairt in maner forme and effect as efirr followis. That is to
say that forsamekle as the house and castell of Hume pertenyng to the
saidis lord and maister of Hume is ane greit streth upon the est
bordouris of this realm twort Ingland and maist able in thai pairtis to
kaip garesonis and men of weir baith for resisting and invading of out
said Inymeyis of Ingland and becaus the saidis Lord and Maister or
Hume threw the instant weiris had with our saidis auld inymeyis ar
allutterlie hereit and diastoyit in sic maner that thai may noch sustene
and kaip thair said house and castell in men prouisionis and munitionis
as efferis to the effect eftorsaid Regairding neveirthless thair awne
honour and libertie of this reame likeas thai have evir done in tymes
bypast, but ony intelligence with our saidis auld inymeyis, of thair awne
frie motife will and desire saill deliver to the saidis maist noble princess
Queene Dowriar, my lord Governour, Lieutenant, Ambassatour, Chanc-
cellare and Counsale forsaidis or ony uthiris quham thail saill pleiss
depute in thair names, the said house and castell of Hume, with all and
sindry munitionis being within the samyn to be surelie stretht and
kept be thame baith for resisting and persewing of our saidis auld
inymeyis as said is, within dais nixt effirr the day of the dait
heirof; For the quhilk caus the saidis Queene Dowriar, my lordis
Governour Lieutenant and ambassatour for thame selfis and takand
upon thame the burding for the said maist Cristin King of France, and
the said Chancellare and Lordis of Counsale forsaidis for thameselfis ar
bundin and oblist and be the tennour heirof bindis and obllisiss thame
and thair airis be the faithis and treuthis in thair bodinis, the said house
and castell being deliverit in maner forsaid. That thai sall restoir and
cans the samyn be delwyet agane with all and sindry munitionis that
salhappin to be ressauit thairin conforme to the Inventare to be maid
thairupoun subscrivit be the hand of thair savar of the saidis castell
and munitionis quhilkis castell and munitionis salbe als gude and
sufficient in all thingis at the restitution and deliverance as thai war
the tyme of the ressaung of the samyn within twenty dayis nixt effirr
the saidis Queene Dowriar my lord Governour Chancellare and Counsale
foirsaidis beis requirit be the said Lord Hume or Maister of Hume or
thair airis to the restitution and deliverering of the samyn ; and in the
meyntyme quhill the said restitution and deliverance be maid the
saidis Queene Dowriar my lord Governour Lieutenant Ambassatour
Chancellare and Counsale forsaidis salt resaue and cans be resauint in
the said house and castell the saidis Lord and Maister of Hume thair
freindis and garesonis to remane and mak dwelling in the west quarter
thairof fra the yettis south or in north quarter of the samyn and to
have fre ische and entre thairin so oft as thail pleiss to resort thairto
for defens of, the centre on thair awne expensis ; provyding alwais
that the warding watcheing and keping of the said yettis of the samyn
Castell salt remane annerlie with the personis to quham it salt pleis
the saidis Princess, Lieutenant, Ambassatour, Chancellare and Counsale
foirsaidis [to commit] the care and keping of the said house and
castell." From this point the writ is somewhat decayed, but the
remaining clauses provide that the appointed keepers of the Castle may
not molest Lord Home, his son or their friends in any way in possession
of their lands, and also that the writ may be registered in the books of
"Marie R." "James G." "Huntly."
23. The following is a somewhat curious protest made by certain parties in regard to their signing a contract to which Alexander, Lord Home, objected, but as the Protest is without date, it cannot be clearly connected with the previous writ, but may refer to it. "We Robert Maister of Erskin, Schir Johnne Campbell of Lundy Knycht and Maister Johnne Bellenden of Auchenoule Justice Clerk to our Soverane lady, in the action and cause persewit against us be Alexander Lord Hume tuiching the inserting of ane contract allegheat maid betwixt the said Alexander Lord Hume on that ane pairte and Mary Quene Drowriar of Scotland and us as cautioners for her Grace on that uthir pairte in the buiks of oure Soverane ladis Counsale to have the strenth and effect of ane decret thairof with executurials thairupoun as at mair lenth is contenit in the supplicatione gevin thairupoun &c., Sayis and allegaes that the said pretendit contract suld not be insert nor yit haif executurials thairoupoun aganis us or ony of us as cautionaries for saidis because we subscribit the said pretendit contract and consentit thairto and to the effect and tennour thairof be justfe feir and dreddouris that mycht fall in ony constant man, be ressoun that the tymes of the subservicing thairof and dversae tymes and days immediatlie of befoir ane nobill and mychtly prince James Earl of Arrane Lord Hammilton &c. protectour and governour of this realme and the said Marie Quene Drowriar heirof requestit solistit and effectualie prayit us to subservie the said pretendit contract and becum cautionaries for fulfilling of the punctis thairof quhilkis we wald nocht have done without we had been sua requestit and prayit to do the sanye be the prince and princess forsaid, quhilkis desire and request maid be the prince of ony realme is sufficient feir to the subjectis thairof be the commoun law, and ony subject contractand or oblisand thaimse at command and request of the prince of thair realme nocht uthir ways contenit to have done it, is haldin to do the sanye be just feir and dreddour that mycht fall on ane constant man ut bene decidit Jasini § quadrupli numero 58 justi de Acti; Attour the said nobill prince tutour and governour of this realme and Marie Drowriar heirof the tymes of the making and subservicing of the said pretendit decret and dversae tymes and days immediatlie of before nocht ony requestit us to subservie the samin as said is bot inlikelihood commandit and chargit us be thameselfis in proper person to peryt and subservie the said pretendit contract in all poyntis quhatsumeuir it buir and to tak na regard of the enormyte thairof and nocht to considier nor wey ony inconvenientis to happein thairthrow, as we wald eschew thair uter indignation, certifying us gif we refusit that we suld incur thair uther displessour and that thai suld stand our unfreindis at the uther power in all behalffis and neuer suld have guid mynde and kinedens thaireftir bot suld euir suffer sic inconvenientis hurt and damage as thai be thair princellie power or uthir ways mycht do to us or ony of us in all tymes coming quhilkis just feir and dreddour that may fall on ony constant man, quia non solum mine principis, sed etiam vultus terribilis principis si potestatis inducit justum metum . . . . whairfor we subscriu the said pretendit contract be sic just feir and dreddour as mycht fall on (ony) constant man and thairfor incontinent effir the subservicing thairof and effir the departing furth of the presens of the said prince and princess, and place, We in presens of ane notare solempnibil reoukit the samin and thairfor now it sucht nocht to be insert in the said buiks nocht to have the strenth and effect of ane decreit thairoff."

Signed J. Scott.
24. Return of Inquest made before Mr. John Sinclair and Mr. John Preston sheriffs of Berwick, Roxburgh and Selkirk in that part by commission from the queen, by Patrick Hepburn of Bolton, Alexander Dunbar of Cumnock, Andrew Ker of Hirsell, knight, Guthbert Wauchope of Nadrymeschal, Andrew Johnstone of Elphinstone, Edward Sinclair of Dryden, William Dalmafoy of that Ilk, George Halliburton of Gogar, David Kincaid of Coates, Robert Ker of Wodheid, Robert Dunbar of Durrus, Richard Edzar in Wester Monkrig, Richard Multtare in Brochstoun, John Lowrestoun in Gorgie and Mr. Robert Wynmaun in Ritho; who on oath declare that Alexander now Lord Hume is nearest and lawful heir of his late father George Lord Hume, in the lands of Stowislie, Grundiston, Harden, Brudle, Hoscotes and Greenwood in the sheriffdom of Roxburgh; the lands of Boswelland in the town of Hume, the lands of Frieness in the lordship of Lauderdale, and three husband lands in Roucburn, all in the sheriffdom of Berwick; also the office of Stewart of the earldom of March and barony of Dunbar in the sheriffdoms of Berwick and Edinburgh and constabulary of Haddington; the office of bailiary of the churchlands belonging to the prior and convent of Coldingham, with 20l. yearly fee, the office of bailiary of all the lands wherever situated in Scotland belonging to the priorees and convent of Eccles, with 5l. yearly fee, and the office of bailiary of all lands within the kingdom belonging to the Abbot and convent of Dryburgh, with 10l. yearly fee: which lands of Stowislie, Grundiston and Harden are valued at 10 merks Scots yearly and are held in chief of Patrick Earl of Bothwell for service due and wont; the lands of Brudle, 5l. Scots yearly value, are held in chief of James Douglas of Drumlanrig, knight, brench for a red rose on 24th June; the lands of Hoscotes worth 3 merks yearly are held in chief of John Lord Borthwick for service due and wont; the lands of Greenwood, worth 40s. yearly, are held in chief of — Turnbull of Minto for service, etc.; the lands called Boswellanls are valued at 4l. yearly and are held in chief of the Abbot and convent of Kelso for service; the lands of Frienes valued at 3 merks yearly are held of John Sinclair of Herdmansston for service, etc.; the lands in Rouscburn of 40s. yearly value are held in chief of Robert Logan of Restalrig son and heir of the late Elizabeth Hume, elder daughter and one of the heirs of the late Patrick Hume of Fastcastle, the immediate superior being David Spottiswood of that ilk, who during his life, lost the superiority by refusing to receive the late George Lord Hume as his immediate tenant in the lands, held for service: The offices of Stewartry, and bailiaries above named are held in chief, respectively from the Crown, and the Priories of Coldingham and Eccles and the Abbacy of Dryburgh: the lands and offices being in the hands of the various superiors by the death of the late George Lord Hume, who died about two years past. Return dated at Edinburgh 16 April 1651. Eight seals attached. (1) Seal bearing the Hepburn arms, with buckle in base of shield. Legend “S. Alexandri Hepburn.” (2) Shield bearing eagle with displayed wings. Legend “S. Roberti Lavder.” (3) Shield bearing the three cinquefoils of Hamilton, with mollet in centre. Legend “S. David Hamilton.” (4) Shield bearing two stars in chief and a crescent in base. Legend “S. Alexandri Youl.” (5) Shield bearing three mollets two and one with fees between. Legend “S. Alexandri Purve.” (6) Shield bearing three boars’ heads, two and one. Legend “S. Johannis Abyrerrumny.” (7) Shield bearing an eagle, displayed, with two heads. Legend “S. Alexandri Aicheson.” (8) Shield bearing a portcullis. Legend “S. Johannis Lidd . .”
word being defaced. It is of some interest to note that these seals do not bear the name of any of the jurors who are recorded as present.

25. Assignation by Marion Haliburton, Lady Hume, one of the three heirs and daughters of the late Patrick Lord Haliburton of Dirleton, in favour of her son Alexander Lord Hume, of the various reversions following. A reversion by the late Thomas Sinclair to the late George Lord Haliburton of the lands of Highfield until he infests him in a 10l. land in the "Brayis of Lounthiane," of date at Edinburgh 2 May 1460: a reversion by Alexander Sydserf of that 1l. of the lands of Arnisdal within Kinloss for 100l. (Scots) with a lease for five years at 5l. yearly rent dated at Dirleton 28 September 1505: a reversion by Patrick Grahame son to William Earl of Montrose, to the ladies of Dirleton, Jane, Marion and Margaret, of the lands of Nether Crago for 100l. and a five years lease at ten merks yearly, dated at Edinburgh 6th July 1512: a reversion by Walter Boyd of Petkindy to George Lord Haliburton over four merks annual rent of the mill of Abernyte dated at Dirleton 30th November 1492: a reversion by James Scrimgeour constable of Dundee to George Lord Haliburton of the mains and castle of Ballegarno and 11 merks annual rent of the town of Ballegarno for 200 merks, dated at Haddington 24 January 1494-5: a reversion by Alexander Lord Hume to Adam Hepburn, son and heir to Archibald Hepburn of Thornden, of the lands of Lambdenrig, as to a sum of 64l. 16s. (Scots) to be paid to the said Adam by George Haliburton, dated at Haddington 10th February 1464-5: a reversion by James Master of Douglas to John Lord Haliburton of the lands of Betschiel for 40l., dated at Haddington 4th December 1449: a reversion by Robert Crichton of Kynneil to George Lord Haliburton of the lands of Auchindowny in the barony of Forgandenny, for the sum of 180 merks and now in the lard of Sauche's hands, dated at Perth 21 June 1467: a reversion by Sir Thomas Hume to George Haliburton of two ploughgates of land of Lambdenrig, upon 100l. and a seven years lease for 5l. yearly, dated at Haddington 1st March 1475: a reversion by George Creichton of Blackness to George Lord Haliburton of 6 merks annual of "Culter Chubhair" in Forgandenny, upon 16 merks, dated at Dirleton 20 July 1444: a reversion by James Schaw of Sauche to George Lord Haliburton of a ten merk land in the town of Abernyte until he receive a ten merk land in Nether Crago, dated at Edinburgh 16 April 1465: a reversion by Walter Haliburton, son of Henry Haliburton of Myrtoun, to George Lord Haliburton of the lands of Mirlesmoure and others extending to four husbandlands, until he be infests in a 10l. land in the sheriffdom of Perth, dated at Dirleton 5 May 1470: a reversion by William Liusesay Laird of Rossy to Walter Lord Haliburton, of the lands of Formakle in the sheriffdom of Forfar for 189 merks, dated at Dundee 15th August 1417: a reversion by Walter Boyd of "Pyncdy" to George Lord Haliburton of four merks annual rent from the mill of Abernyte dated at Edinburgh 10 February 1470-71: and a reversion by James Master of Douglas to John Lord Haliburton of the lands of Howlaw for 500 merks, dated at Dirleton 2 May 1505 [sic, but read 1451], cf. No. 200 infra]; granting to Alexander Lord Hume, and transferring to him all her right and title to these reversions and obligations, etc. Dated at Edinburgh 28th March 1552. Mr. Alexander Creichton parson of Abbotsrule and others, witnesses. Signed "Maryn l. hom."

Last fragments of the seal now remain.

26. Commission by Mary Queen of Scots in favour of Alexander Lord Hume, because she and her mother Mary the Queen Dowager regent of
the kingdom, are certainly informed that their old enemies of England, war having arisen, are about to invade the kingdom, the queen's subjects and lieges, with every cruelty, fire and sword, wherefore for resistance of these enemies and defence of the lieges, the queen appoints Alexander Lord Hume Warden of the Middle and Eastern marches of the kingdom towards England, and Justiciary within the bounds, granting to him full power of convocating the lieges within the said marches, and compelling them to advance as an armed force, as it may seem necessary against the enemy for resistance or invasion: with full authority for the execution of justice and other necessary powers. Dated at Hume Castle 21 October 1557. Signed by the Queen regent. "Mari R."

27. Precept by Francis and Mary, king and queen of Scots, dauphin and dauphiness of Vienne, addressed to the treasurer of Scotland for the time, setting forth that Alexander Lord Hume was ordained "To have and hold within his place and castell of Home in all tymes coming during his lyftyme, Tsuelf hagbuttarias, twa cannonwas and ane capitaine aboue thaim" to remain in the castle to keep it during Lord Hume's lifetime; and ordering the Treasurer to furnish to Lord Hume 76l. Scots monthly for the support of the force keeping the Castle. Given under the privy seal at Edinburgh 1st October 1559.

28. Letter by James (Stewart) Earl of Murray etc., Regent of Scotland in favour of Alexander Lord Hume, remitting and discharging to him the rents due by him from lands and steadings in Ettrick Forest held by him in lease from the Crown—these lands having been laid waste and destroyed—and also disposing to him the feu duties payable by him for these steadings for the next ensuing seventeen years. Edinburgh 30th December 1557. Signed "James Regent."

29. Letter of Reversion or Backbond by William Lord Ruthven (afterwards first Earl of Gowrie) acknowledging that Alexander Lord Hume has assigned to him and his heirs two reversions, one of the lands of Arnotflat, and the other of the lands and mill of Nether Craigow, and binding himself and his heirs that Lord Hume shall have as much of the lands and mill named in the reversions as belonged to him before the assignation, etc. At Perth 30th March 1568. Signed "Ruthven."

30. Gift by the Regent Murray to Alexander Hume son and apparent heir of Alexander Lord Hume, bestowing on him the teind sheaves and other emoluments of the churches and parishes of Mains, Murroes, Pambrode and Arbrilott for the crop of 1568 and following years, the same being at the Regent's disposal as a part of the property of the Abbey of Arbroath, through John [Hamilton] Commendator of that Abbey being accused of "barratric." Edinburgh 23 August 1568. "James Regent."

31. Extract decree of the Court of the sheriffdom of Forfar held in Dundee by Ninian Guthrie of Kingany and James Scrimgeour of Balbuichie, sheriffs depute, in regard to the edict raised at the instance of Alexander Master of Hume and Alexander Lord Hume his father and lawful administrator for his interest, summoning Andrew [Home] Commendator of Jedburgh, Mathew Hume of Cloichtow, nearest kin to the Master of Hume on the father's side, and Patrick Lord Gray, Robert Gray of Drummaly, Andrew Gray of Donynald and John Gray of Low partly nearest kin on the mother's side, to hear and see curators "ad lites et negocis" chosen by the Master of Hume in terms of the Act of Parliament. Andrew Gray of Donynald appeared by his procurator Alexander
Whitelaw of Newgrange, but the other persons summoned did not appear, and Patrick Ogilvy of Inchmartin and the said Andrew Gray were nominated curators ad lites to Alexander Master of Hume, and their appointment ratified by the Sheriffs, George Gray of Mavis acting as security. Decree given 16 February 1570-71.

32. Discharge by James (Douglas) Earl of Morton Regent of Scotland to Andrew Ker of Fawdonside of 5,000 merks Scots, the first term payment of 10,000l. Scots named in the Tack granted by the king and regent to the said Andrew of the lands and possessions of Alexander sometime Lord Hume, for the term of five years. 10th February 1573-4, at Holyrood house. Signed “James Regent.” [Another similar payment of 5,000 merks, was made and acknowledged on 26 February 1574-5.]

33. Discharge by the Regent Morton to Andrew Ker, acknowledging receipt of 300l. Scots being half of 600l. appointed to be paid for the sustenance and expenses of twelve persons remaining in and keeping the Castle of Hume for the king’s use, for which sum of 600l. to be paid yearly during the regent’s will, William Lord Ruthven, John Lord Harres, Patrick Master of Gray, Patrick Ogilvy of Inchmartin and the said Andrew Ker of Fawdonside are become cautioners. Discharge dated Holyrood house 10th February 1573-4. Signed “James Regent.” [There are three other similar discharges, dated 22 March and 24 July 1575 and 1st February 1575-6, in favour of Agnes Gray, Lady Home, for the pay of a garrison in Home Castle under the command of James Douglas the regent’s “servitor.”]

34. Contemporary copy of retour made before Messrs. Edward Henryson, John Marjoribanks and Henry Macelzane, advocates, commissioned to act as sheriffs of Edinburgh, Haddington, Berwick and Roxburgh, by David Hume of Ninewells, Alexander Hattle of Lambden, William Redpath of Greenlaw, John Edgar of Weddilie, George Ethington of Saltcotes, Oliver Edgar of Wester Monkri, Ninian Spottswood of that Ilk, Robert Dickson of Buchrig, Alexander Redpath of Angel-row, John Dickson of Newton, James Cockburn of Choulaie, Robert Dickson of Overmain, John Dickson of Cambis, Alexander Tumny of Hairbeuch and John Dickson of Littlebank, who declared that Andrew [Home] Commendator of the Monastery of Jedburgh is the nearest agnate or kinsman on the father’s side to Alexander Home lawful son of the late Alexander sometime Lord Hume; that he is above twenty-five years of age; that he is prudent in his own affairs and fit to administer those of another, and that he is not the immediate successor of Alexander Home, who has three lawful sisters surviving; so by the law of this kingdom the said commendator is found to be tutor to Alexander Home. Done at Edinburgh 30th May 1575.

35. Contemporary copy of retour made before the Macers of the Court of Session and Mr. Edward Henryson, advocate, as sheriffs in that part, by William Lord Hay of Yesier, John Lord Harries, Alexander Master of Mar, Archibald Stewart provost of Edinburgh, John Cockburn of Skirling, Andrew Ker of Fawdonside, James Heriot of Traboun, Alexander Hume of Hunthill (?), John Kerton of Billie, Thomas Fawside of that Ilk, Andrew Rutherford of Hundalee, Ninian Spottswood of that Ilk, David Ethington of that Ilk, John Edgar of Wedderlee and John Rutherford of Hunthill, who declare that the late Alexander Lord Hume father of Alexander Hume died last vest and
seized as of fee, at the faith and peace of the king by his pacification, approved by Act of Parliament dated at Stirling Castle 25 July 1578; and that Alexander Hume is the nearest and lawful heir of his father, and of lawful age. Retour dated at Edinburgh 18 August 1579.

36. Retour of Special Service in favour of Alexander Lord Home as nearest and lawful heir of his father the late Alexander Lord Home, in the lands of Dirleton, Haliburton, Home and others named, which have been in the king's hands since the death of the late Lord Home in August 1575. Retour made by Robert Lord Stewart earl of Orkney, Andrew Earl of Rothes, Patrick Lord Lindsay of Byres, William Lord Ruthven, Treasurer of Scotland, Andrew Lord Stewart of Ochiltree, James Lord of Innermeath, Henry Lord Sinclair, Alexander Master of Mar, Captain of Edinburgh Castle, James Seyton of Tullibody, John Edmestoun of that Ilk, James Johnstone of that Ilk, Patrick Hepburn of Waughton younger, Andrew Ker of Faudonside, Andrew Murray of Balvaird and Gilbert Wauchope of Niddrymerschell; dated at Edinburgh 17 November 1580.

37. Act of Curatory setting forth that Alexander Lord Hume being beyond the age of tutorship desired to choose curators ad lites, and William Lord Ruthven and Andrew [Home] Commendator of Jedburgh nearest of kin on the father's side, with Mr. Thomas Lyon of Baldukie Master of Glamis, and Gilbert Gray parson of Lindie as nearest of kin on the mother's side, were cited before the lords of Council, and they being present, Lord Hume chose William Lord Ruthven, James Lord Ogilvie, Andrew Commendator of Jedburgh, John Lord Herries, Mr. Thomas Lyon, and Sir Lewis Bellenden of Auchnoull knight, or any two of them, Lord Ruthven being always one, to act as his curators ad lites, and Patrick Creichton of Strathur and William Ruthven of Baldane—became their cautioners. Edinburgh 18 February 1580–81.

38. Instrument of Sasine following on a Crown precept from the Chancery of King James the Sixth (of date 7th January 1580–81) for infesting Alexander now Lord Home as heir of his father the late Alexander Lord Home in terms of the Retour above referred to. The lands enumerated and the yearly rentals are as follow, the lieren of the heir's mother (Dame Agnes Gray) being reserved:—The third part of the barony of Dirleton, including the third of West Fenton, the yearly rent = 53l. 6s. 8d. Scots; the third of the lands and barony of Haliburton, yearly rental = 6l. 13s. 4d.; the third of the barony of Lambden otherwise called Hassingtoun, yearly rent = 3l. 6s. 8d.; the third part of the barony of Segie (in Kinross) rent = 13l. 6s. 8d. yearly; the third of the half of the barony of Ballegarno and Abernyte and the third of the barony of Forgangdenny (in Perthshire) yearly rental 37l. 6s. 8d.; the lands and barony of Dunglas, with mill etc. = 40l. yearly; the lands and barony of Home with the lands comprehended therein, yearly rental 50l.; the lands and barony of Hassendean including Appletreihall, yearly rent 10l.; the lands and barony of Hownam-mains, including Over Chatto, Over Crailing and Lyne, yearly rent 10l.; the half of the lands of Innerlawn (Stirlingshire) yearly rent 20l.; the barony of Eweendale (with lands comprehended) in Dumfriesshire yearly rental, 20l.; the lands of Samelstoun (county of Haddington) yearly rent 30l.; and the lands of Layhouse (same county) yearly rent 20l.: of all which lands sasine was given in the usual form at the Castle of Home on 9th January 1580–81.
39. Paper entitled "The pointis quhairin the Lord Home and his vmquhile fader that restis with God hes bene vere rigoronsale and vnkyndlie visit in tyne bigane be the Erll of Anguss and vmquhile the Erll of Mortoun his fadir brothir, and desiris the same to be considerit be the honourable freinds nomian to commoun upoun the controversies standing betuix thaim. First the grite rigor and extreme dealing uait be the said vmquhile Erll during the tyne of his regiment, toward my said vmquhile fader, ending his lyfe in miserable captiviety in prisoun nochtwithstanding the procurement and mediatioun of the hail noble men of this realme for his releif upoun reasonable conditiones and favour shewn to vtheris fallin in the like calamitie, and quhat grite sowmes of money wes payit for ane schort tak of his leving besyde the intromettting and vptaking of divers his rentis and gudis, I will omit to mak ony lang or speciall reheursall thairof being as notourlie known to mony.

Item the said vmquhile Erll contrar equitie and rascous causis intrometti and vptak the hail furnes of the barony of Broxfield to his use, qhilkis than justis apperntenit to my sister, now Countess of Marischall, be virteu of lauchfull infeftment with confirmation dewlie following thairon.

Item the tyme of my vmquhile fadir's truble the Erll of Anguss and his tennentis of Cokbrandspeth wrongoulsie and without ony maner of ordoure kest dou and distroyit the dyke, callit the park dyke, biggit of al and standing thir mony yeris for dividing of my propri landis of Dunglass fra the landis of Cokbrandspeth, quhairthrow the tennentis of Cokbrandspeth hes cumit in and revin outhe ane grite part of my propri landis of Dunglass and alswa pasturit thair gudis thairon, tending to mak the same propri to the ground of Cokbrandspeth to my grite hurt and skait.

Item the said Erll the tyme of my fadir's truble purcheast ane presentatioun and infeftment of his lands of Auld Cambuss qhilkis he had pertening to him heretablie haldin in fewferme of the Commendtare and convent of the Abbey of Coldingham, as alswa ane presentatioun and gift of the office of Bailliary of the said Abbay and of the office of Schirefschip of Berwik qhilkis of befor pertenit to my vmquhile fader heritable and held courtis efter he was chargit to repossess me thairto.

Item the said Erll the tyme of the samyn truble intromettiit with the teynd schaves of Cokbrandspeth, qhilkis pertenit to my said vmquhile fader in tak and assedation of vmquhile Dame Elizabet Lamb priores, and convent of the Abbay of St. Bothans and quhairof he wes in possessioun be teyndying leading collecting vsing and in spending thairof peccable durese and sindrie yeiris preceding his truble as is notourlie known; and the said Erll the tyme of the said truble vnkyndlie purcheste ane pretendit tak of the same teyndis of Dame Elizabet Home priores of the said Abbay, he nor his predecessouris nevir having ony tak title or possessioun thairof befor the saidis trubles. Item I having just and vndoutit right to the teyndis forsaidis nocht onlie be tak and assedation thairof acquirit to me and my siris be the said Dame Elizabet Home priores of said Abbay, quhairof thair is durese yeiris as yit to ryn, but alswa be rason of the pacisfica- tioun grantit unto me and ratiflet in parliament it is ordinit that I said be repossesit in all landis possessiounes and teyndis qhilkis pertenit to my said vmquhile fader and whairof he wes in possessioun befor his trubles and I being in possessioun of the saidis teyndis and having led and stakkit the same in the bernyard whair the same yit to be set, the crope of this yeir lxxxii. and ane pairt of the sittis lying thershen in the berne, the said Erllis servandhis of his causis and command to the nover of xx. personis aruit vpon the xiii. day of Februar instant come to the said berno, enterit thairrin and be force and way of deid reft
40. Notarial Instrument narrating that Mr. Patrick Whitelaw of Newrange, procurator on behalf of William Earl of Gowrie, lord Ruthven and Dirleton etc. the "donator and haiffand be gift to him his aires and his assignais, of his hienes, the mariage of Alexander now Lord Home" passed "to the personal presens of the said Alexander Lord Home" and there read the Earl's letters appointing him procurator "To offer to the said Alexander Lord Home Lelias Ruthven or Dorathie Ruthven dochteris lauchfull to the said nobill lord being virginis vnde fameit of lauchfull age to marie and as parteis aggerebill to him to that effect or ony of thame" as the letters bear, and in conformity therewith the procurator "offerit to the said Alexander Lord Home the said Lelias Ruthven and Dorathie Ruthven or ony ane of thame as parteis aggerebill to him in mariage being virginis vnde fameit and of lauchfull age to marie and requireit the said Lord Home to tak and receive any of the saidis twa dochteris in lauchfull spous to him and to compleit the said mariage; Quhilk Lord Home acceptit the said offer and anseret be wald gif the said erle of Gowrie ane anser.

Upon which offer the procurator required instruments from the notary. Done in "the dwellinghous of William Hoppringill tailyourb burgess of Edinburgh, foirancitis the salt tron, quhair the said lord was than judge." Witnesses, Patrick Master of Gray, younger, George Home of Spott and others. 31st May 1582.

41. Acquittance by George Earl Marischall, heir and executor to his grandfather the late William Earl Marischall, acknowledging receipt from Alexander Lord Home, Andrew Commendator of Jedburgh and William Earl of Gowrie, of 4,000 merks part of a larger sum promised in name of tocher with Dame Margaret Home the granter's wife, discharging the said parties and their cautioners David Wemyss of that Ilk, Mr. David Lundie of that Ilk, — Cockburn of Skirling knight, and — Lauder of Haltoun knight, of the sum named. Dated at Aberdeen 16 March 1582-3. Witnesses, Robert Commendator of Deer, John Keith apparent of Craig, Robert Innes of Kinkell and Mr. William Davidson, burgess of Aberdeen. Signed "George erll Marschall."

42. Contemporary copy of Decree Arbitral pronounced by William Douglas of Lochleven and George Home of Wedderburn, neutral friends and judges arbitrators, chosen between Archibald Earl of Angus Lord Douglas, Dalkeith and Abernethy on the one side, and Alexander Lord Home on the other, who have agreed to submit to the award pronounced, regarding the rights which either party has or can claim to the teindsheaves of the parish kirk and parish of "Colbranaspeth" (Cockburnspath) and regarding other disputes between them. The arbiters having accepted office pronounced decree to the effect that although the Earl of Angus has held the said teindsheaves by title for many years and now has them, and further entered thereto bona fide, with "na vnkyndie menit towards the house of Home but being sua ordinat be ane decreit arbitral of his hail freindis, quha alson has adjuiteit, for the saidis teindsheaves, his proper heritas of Pittendreich in Murray to Archibald Douglas sone natural to vmuqhilie James Erle of Mortoun" yet the arbiters find that the first possessor and "kyndlie

The account begins on 14th March 1588-9 and is continued at intervals to 18 August 1589. A few of the entries may be given to indicate the character of the whole.

Item in the first ii. ellis of fynie blak welvet to be your ladyships slevis at xii. lib. [Scots] the ell - xxiiii\ii\0 0
Item iii. ellis blak crap of silk at xxiii/ ell - iii\ii\ xii/ 0
Item half vnce blak silk - - - - viii/
Item mair ii. do. [dozen] fynie braid florans ribans blak at xl do[zen] - - - - iii\ii\ 0 0

The sum of these and other entries on 14th March 1589, amounts to £38 2/ 6d Scots which is voucheed under Lady Home's own signature "Cristane lady home."

On 14th April 1589, there is "delyuerit at your ladyships command to your ladyship's taillyour and to George Hoyme 15 ellis fynie blak stekikt silk tassatie to be ane goune to your ladyship at iii\ii\ xv/ ell, summa - iii\ii\ x\ii\ v/ 0

On 17th April Lady Home's tailor, Peter Sanderson receives "ane vnce half vnce blak wattene passemens at xxiiij vnce - - - - x\ii\ v/ 0

On same day "Item for iii. ellis half ell of burret to eik out the burret goune [bought on 14th] at xxx/ ell - v\i\ v/ 0

Mair 8 ellis of worsat rubans to the taillis of the goune at xii\ell - - - - viii/ 0

Item for tua ellis of blak gray to mak one front and steifing to the schulderis - - - - x\i\ 0

Item the 14 day of May 1589 delyuerit to Georg Hoyme viij. ellis grene Inglis stemen to be the paig claythis at xiv/ ell. Summa is - - - - x\ii\ xv/ 0

On 7th June 1589 there was delivered to Peter Sanderson "3 vnce les tua drop vychet of fynie blak sarg paseementis at xxxij/ vnce - - - - 3\ii\ 9/ 0
44. Obligation by George Home of Wedderburn, Alexander Home of Hutounhall, Alexander Home of North Berwick and John Cranston of Moreston, binding themselves to obtain for Alexander Lord Home a nineteen year tack of ten chalderons of victual to him and his heirs in such form as he shall think good, or else a gift or customary as good as the tack of victual, and that within a year after date; failing in which they bind themselves to pay and deliver to Lord Home the ten chalderons of victual yearly until the foreshaid tack or gift be obtained. Providing that the parties shall not be bound to continue such payment to the heirs or executors of Lord Home without special assignation or disposition. Edinburgh 25 August 1591. Signed by the parties.

45. Letters of Procuratory by Alexander Earl of Home Lord Jedburgh and Douglas &c, appointing his “daylie servitor” Andrew Kneland his procurator, giving him power to appear for Lord Home in the parish kirk of Edinburgh called St. Giles on 17th December instant, there to deliver, or consign in case of refusal, a rosenoble of gold, good weight and current in Scotland, to Sir John Home of Northberwick knight, Gavin Home of Johnstealgh and Alexander Home, eldest lawfull son to Mr. Adam Home parson of Polwarth, who are heirs male or apparent heirs male and successors to Alexander Home of Northberwick, and pretended heritable possessors of the lands under named, for redemption from them of the lands of Thornton with manor place, mill etc. in the constabulary of Haddington and Sheriffdom of Edinburgh (and by annexation in the Sheriffdom of Renfrew) which had been alienated by the Earl to the said Alexander Home under reversion for payment of a rosenoble; and to require the said parties to fulfill the reversion, etc. Dated at Home 15th December 1605. Captain Thomas Tyrie and others witnesses. Signed “E. home.”

46. Extract Decree by the Lords of Council and Session in regard to the summons raised at the instance of Alexander Earl of Home,
Lord Jedburgh &c. against Walter Scott of Tushlaw and Robert Scott his eldest son, born between him and Elizabeth Gledstanes his wife, narrating that in September 1597 the pursuer agreed with Walter Scott and his son for the alienation of Lord Home's lands of Cauchobank in the lordship of Ettrick Forest and sheriffdom of Selkirk, to Walter Scott in liferent and to Robert Scott and his heirs male, etc., under reversion, redeemable for the sum of 400 merks, upon which a charter was framed by the Earl's solicitor and brought by Walter Scott to the Castle of Home where it was signed by the Earl and delivered by him to Scott and his son, who as they could not write, promised to procure the signatures of two notaries to the reversion, a promise which was renewed, but on hearing the case and referring the matter to Walter Scott's oath of verity, the Court acquitted him of the promise, leaving Lord Home to pursue the other defender. Edinburgh 23 December 1609.

47. Discharge by Lord Jedburgh [Sir John Ker] in favour of Alexander Earl of Home of the sum of 1,440 merks Scots received on account of Elsoun or Alison Ker the grantor's daughter, part payment of a sum of 42,000 merks contained in an obligation made by the Earl and his cantoners in favour of the said Alison. Discharge written and signed by the grantor at Jedburgh 10th October 1611. Signed "Jedbrut."

48. Contract between Alexander Earl of Home and Sir William Cockburn of Langton, in which the former agrees to assign to the latter a charter granted under reversion of 10,000l. Scots by James Maitland of Lethington to Earl Home of the lands of Simprin, Sir William Cockburn in return agreeing to dispose to Lord Home the lands of Upsetlingtonshiel granted to Sir William by John Anchineraw there under reversion of 6,000 merks, with other 9,000 merks in money. Reserving to the Earl and Sir William Cockburn the crop for this year, 1616, of the lands of Simprin and Upsetlingtonshiel respectively. Dated and signed at Hutounhall and Langton 26 February and 13 March 1616. Witnesses Alexander Home, son to Sir James Home of Eccles, Mr. Alexander Home minister there, Mr. Samuel Home brother of Sir John Home of Hutounhall, and others.

49. Obligation by Alexander Earl of Home, etc., binding himself and his heirs, to give to his servant Robert Douglas for good service, yearly and termly during his life the teinds of Fogo, with the silver rent paid yearly, that he has been in possession of for ten years past "together with the teind peis of Cockburnspeth I did also allowe him for bying of booteis, and if my wyff sould meddilli with the samyne to satisfy him for thame yeirly during his lyftym as thay shall best accord." The Earl also leaves to Douglas the keeping of his house of Hirsel, with 30 bolls of oats, he paying yearly therefor to the Earl's son a "cuppell off sufficient fyn houndis as he and my son can best accord, and the oifs to be payit out of the teinds off the Hyrsall as also ane hundrith thrusill off nit strawe. I do also leiv to him the forty peeces of dowill angellis he did deleywer to Sir Thomas Fairfaixe of Gylling for ane horse and at his owin sight to chuse whither he think the horse or the mony the better and tak whichever off thame he will for his best commodity. I do also give him frely the twenty four peeces of my Lord Montgomery is debtfull to me, to dischair ref sum lyttill bassicnes I hav spanyed him." The Earl also gives frely to Douglas all the suits of clothes and cloaks of the Earl's in his custody that he may dispose of them to his profit. The Earl concludes "Last of all by this my bond of fre gift my will is,
suchevir doggis as ar at hom in my house be keipt together and that he [Douglas] will be caiffull to se my sonne ane hunesmane till God blise him farder in yeris." Written and dated at Channel row the 18th of February 1619. Signed A. E. Home.

50. Signature under the Cachet of King James the Sixth for a charter to be passed under the great seal granting to James now Earl of Home, son and heir of the late Alexander Lord Home, the lands of Hirsell, as described, lying in the sheriffdom of Berwick, with fishings etc., also the mill called Fyreburn mill and the mills of Coldstream wasted and destroyed in time of war, with power to rebuild the same, etc. Which lands, mills etc., were held heritably in feufarm by Sir John Ker of Jedburgh knight, and were resigned by him, with consent of his spouse Margaret Whytlaw and of Mr. William Ker of Mylnrig his son for their interest, in terms of a Contract of Excambion made with the late Alexander Earl of Home on 6th, 20th and 23rd days of June and July 1611. To be held the said lands and others to James Earl of Home of the king and his successors, paying yearly 60L. Scots in name of feufarm. Dated at Edinburgh 28 June 1621.

51. Agreement between the Countess of Home [Mary Sutton] on one part and Robert Scott of Headshaw on the other part, to the effect that the Countess for herself and taking burden for her son the Earl of Home, consents that Robert Scott shall enter to and possess the lands of Hartwoodburn for one year from Whitsunday last, paying a rent to the Earl for the year of 600 merks, the Earl obtaining a decree of removing against Sir Robert Scott of Haining and his tenants conform to warning; providing that, if the Earl fails to procure such decree, then 200 merks is to be deducted from the 600 merks of rent. It is further agreed that Lady Home shall use her influence with the Earl to procure for Scott a three years' lease of the lands from Whitsunday next at 600 merks yearly. Dated at Edinburgh 26 July 1622. William Lord Keith Master of Marischal, and others witnesses.

52. Certificate declaring that Alexander Earl of Home is sworn and admitted one of the Gentlemen of the Privy Chamber in Ordinary to King Charles the Second with all privileges belonging to the office, including freedom from arrest without the leave of the Lord Chamberlain. Given under the hand and seal of Henry Earl of St. Alban, Lord Chamberlain of the Household, 11th December 1671.

Section II.—Old Charters and other Documents still in the Charter Chest at Hirsell, relating to Lands formerly possessed by the family.

Lands of Auldcairn.

53. Letters by Nicholas of Wardlaw appointing James of Parkle and others his procurators for resigning his templar lands, held of the Master of the order of St. John of Jerusalem of Torpichen, lying in the town and territory of Aldecairn in the barony of Coldingham and sheriffdom of Berwick, into the hands of his overlord Friar Andrew Meldrum Master of Torpichen, with full powers, &c. The grantee, because his seal is unknown to many, procures the seal of Sir David of Home [now wanting] in addition to his own [also wanting]. Witnesses William Towers of Inverleith, Sir William Hall, rector of Hutton, and others. At Cockburnspath, 30th December 1438.
54. Precept of Sasine by William Drax prior of the House (domus) of Coldingham for infefting Sir Alexander Home of that Ilk, knight, in a tenement with certain lands adjoining, in the town and territory of Alloambeus, which tenement had been in due form resigned by Nicholas of Wardlaw. Dated at Coldingham 8th November 1440. Seal gone.

55. Tack or Lease by John [Maitland] Commendator of the Abbey of Coldingham, granting to Alexander Lord Hume and Dame Agnes Gray his wife, the longer liver of the two and their heirs, a lease for 19 years of the teindsheaves of the lands of Alloambeus, Reidcleuch, Piperdene and Wyndelaws extending in all to twenty-four husbandlands, held in feu farm from the Abbey by Lord Home; the yearly rental being 40 marks. With clause of warrantice and a provision that if war arise between England and Scotland before the issue of the lease, so that Lord and Lady Home cannot realise the teindsheaves and profits, then the lease shall run as many years after the war as the rents fail during the time thereof. Dated at Coldingham 27 March 1568. Signed by the Commendator and six of the Convent. Seal attached, showing Virgin and Child, but much defaced.

56. Charter by Alexander Lord Hume, granting, in terms of an antenuptial contract betwixt them, to his wife Dame Agnes Gray, for her liferent use, the lands of Alloambeus, Reidcleuch, Piperdene and Wyndelaws in the barony of Coldingham and shire of Berwick. To be held in feu farm of the Abbey of Coldingham for a yearly feu duty of 20L Scots. Dated at Fastcastle 3rd May 1568. Witnesses James Cockburn apparent of Chawseley, Gilbert Gray provost of Foulis and George Gray of Mavis. Signed Alex' L. Home. Seal attached. Shield bearing quarterly, 1st a lion for Home, 2nd three popinjay for Pepsie, 3rd (somewhat defaced—perhaps a unicorn), 4th a bend charged with three mascles, for Halyburton. Over all an escutecheon charged with an orle for Lanleith. Crest a deer couchant. Legend "S. ALEX-
ANDRI F. DÑI DE HOVME."

57. Charter by John [Maitland] Commendator of Coldingham confirming the preceding grant to Lady Home. Dated at Coldingham 1568, day and month blank. Signed by the Commendator, etc. Seal attached somewhat broken.

58. Two accounts of Intromissions by William Craw, chamberlain of Alloambeus for the years 1596 and 1597, on behalf of Alexander Lord Home and Christian Douglas Lady Home. These accounts contain the charge and discharge, of the wheat, barley, and oats grown on the lands of Mains of Alloambeus, with other produce, and record all payments for working and other expenses, made either in grain or money for these years. None of the entries merit special notice here, though one or two details might be interesting to a local antiquary.

Connected with these may be noticed—

59. An account of Intromissions with the rents of the Earldom of Home for the crops of the years 1630, 1631 and 1632 or from Martinmas 1631 to Martinmas 1633. The most of the entries in this account are not of great public interest, but the following facts may be noted.

The Scottish Convention of Estates having on 28 July 1630 made a subsidy to King Charles the First of 30s. on each pound land, the earldom of Home was assessed with other estates, the sum being payable in four terms or half years. We find from this account that for each term, the Priory of Eccles paid 172L 4s. 5d.; the Provostry of Dunglas
27l. 10s. 4d.; the parsonage of Chirnside 20l. 13s. 4d.; the parsonage of Upholdington 20l. 13s. 4d., all these ecclesiastical lands being in possession of the Earl of Home. On the "Erdome of Merch" he was charged (under deduction of Cottfields) 264l. 8s.

For the same period the Earl paid for the lordship of Haliburton 22l. 10s., also for Gordon, Hantly and Fogo 300l. all Scots money. The Earl however obtained relief of part of the sums thus paid.

The Earl of Home (James, second Earl) went to England, apparently to Court, in the end of the year 1631, and after that date, there are frequent entries relating to the changing of money and procuring "gold" to send to him in London, the money being conveyed by servants sent up, and on one occasion by the Countess his mother who also went to London. Thus on 1st June 1632, she received in "ane purse sealed wp" to take to the Earl 1,244l. 13s. 4d. in gold, the sum paid for changing it being " xviiiii. twelve pound peices att viiiis. the peice, and iiiii. double angels att vis. viijid. the peice" = 32l. 17s. 4d.

Two days before, the sum of 2,229l. 6s. 8d., was sent up by another hand "all in gold" also composed of 12l. pieces and double angels. The latter coin was sometimes valued at 8s. by the money changers, as 2l. was paid for five double angels paid on 16 February 1632 as a lawyer's fee, which amounted in Scots money to 66l. 13s. 4d.

Several entries in the account show that the second Earl of Home also took an interest in sport, and on one occasion his horses and dogs were sent up to London. The entries relate to the care bestowed on hounds and horses, and an animal named "Sweepstakes" apparently a horse, had a special attendant.

The Earl of Home died in 1633, and his eldest sister Margaret Lady Doune, afterwards Countess of Moray was served heir to him in certain lands. The sheriffs fee on the occasion of giving her sasine, paid in lieu of the old casualty of the sasine ox, was fifty merks.

There is another account of rent Intromissions for two years and a half 1667–1669, but it contains nothing worthy of special notice.

**LANDS OF ALCATHY.**

60. Instrument of Sasine setting forth that in presence of the subscribing notary and other witnesses James of Parkle laird of that Ilk and sheriff depute of Linlithgow inquired of Robert Nicholson [Nicholai] the king's mayor of fee within the sheriffdom if the king's mandate for sasine directed by letter to his bailies had been implemented—the tenor of which was a precept by King James the First (dated at Edinburgh 23 October 1436) following on a retour of service of Mariota, Beatrice and Christian of Lauder, sisters, as nearest and lawful heirs of their grandfather the late Robert of Lauder, knight, and commanding the sheriff of Linlithgow &c. to infetl them in the late Robert's lands of Alcathy in the shire of Linlithgow, held in chief of the baron of Kynnell, that barony being then in the king's hands by reason of ward: To which inquiry the mayor replied and affirmed on oath, that at the capital message of the lands he had duly given sasine to James of Rutherford laird of that ilk, and Alexander Hume laird of that ilk as attorneys for the ladies. These things were done in the market-street of the burgh of Linlithgow at 6 p.m. on 11th December 1436. Witnesses Thomas Malvil, Alexander Hathwy, William Young of Walterston, John Ranaldson and John Adamson of Paridowan, Robert Anderson of Alcathy, John Gibson, serjeant, James of Parke, Simon Michelson and Patrick Robinson.
LANDS OF ARBIRLOT.

61. Charter by Sir Alexander Home of that ilk, knight, and Alexander Home son and heir of the late Alexander Home son of the said Sir Alexander, granting to their kinsman Thomas of Home of Crowdy, their whole lands of Aberillot [Arbirlot], Newton, Cathlie and their quarter of the mill of Arbirlot, lying in the barony of Rescobie and Sheriffdom of Forfar, in free exchange for his lands of the baronies of Crailing Hownam, and his lands of Swynset belonging to him of hereditary right by the death of his mother the late Elizabeth Landier, lying in the sheriffdom of Roxburgh: To be held the said lands of Arbirlot and others to Thomas Home and his heirs of the bishop of St. Andrews and his successors for 25s. yearly of annual rent in name of feufarm. Charter dated at Home 30th July 1468. Witnesses Alexander of Cockburn son and apparent heir of Alexander of Cockburn of Langton, George Lyle of Stanyphant, David Home of Spott, Archibald Hephurn, burgess of Haddington, Thomas Forman son and apparent heir of Nicholas Forman of Hutton and others. Two seals appended — the first, bearing quarterly 1 and 4th a lion rampant for Home; 2nd and 3rd three popinjays for Peddie of Dunglass. Supporters two lions — Crest on a coronet over the helmet a deer's head. Legend "S. ΔΝΙ ALEX-ANDER HOM." The second seal bears the same quarterings, with the addition of an escutcheon over all (defaced, but probably an orle for Landale) shield plain — no crest, helmet, or supporters. Legend "S. ALEXANDRI HOU.""}

62. Charter by Henry Wardlaw of Torry, superior of the fourth part of the lands of the lordship of Abbirrillot (Arbirlot) granting and confirming to Sir Alexander Home of that ilk, great Chamberlain of Scotland, three quarters with a half quarter of a fourth part of the whole lands of Arbirlot in the barony of Rescobie in the sheriffdom of Forfar, which lands had belonged to Robert Harwar and were formally resigned by him, at Linlithgow: To be held the said lands to Sir Alexander Home in fee and heritage. Reddendo, services due and wont. Charter dated at Linlithgow 30th November 1490. Witnesses, Sir James Liston, James Bonar, Stephen Brounfield, David Vallanche and others. Seal attached, shield, bearing three mascles two and one, legend defaced.

63. Precept of Sasine by the same Henry Wardlaw, directing David Ogilvy of that ilk, John Ogilvy his son and apparent heir, Alexander Hay of Gurdy, John Horing of Wormet, John Duly of Essindy or Richard Law, to act as his bailie to infest, in terms of a charter, James Hering of Tullibole, in the lands of Arbirlot, Croudy, Newton, Cathlie and the mill, in the sheriffdom of Forfar, resigned by Robert Harwar. Precept dated Edinburgh 14th February 1490—91. Signed "Henry Wardlaw off Torry, etc." Seal attached.

LANDS OF BEDSHEIL.

64. Charter by King James the Second granting to his sincerely beloved brother James Stewart [afterward Earl of Buchan] the whole lands of Betschele [Bedsheil] within the sheriffdom of Berwick, now in the king's hands by the forfeiture of the late Mark Haliburton. To be held in fee and heritage of the Crown for a red rose at midsummer. Charter dated at Edinburgh 31st March 1457. Witnesses, George Bishop of Brechin, Chancellor, Patrick Lord Grabham, John Lord
Darnley, Robert Lord Boyd, James of Livingstone of Calendar, great chamberlain, William Murray of Tullibardine and Ninian Spot comptroller. Signed by the King “James R.” and having the great seal appended. [This charter is not in the extant Record of the Great Seal.]


66. Charter under the great seal of King James the Fourth granting to Alexander [second] Lord Hume, great chamberlain of Scotland, the superiority of the lands of Bedshire, resigned by James Stewart Earl of Buchan, at Dundee. Charter dated at Edinburgh 24 June 1494. [Recorded in Register of Great Seal, Lib. xiii. No. 136.] Other documents in the home charter chest relating to Bedshire are (1) Instrument of Resignation of the Superiority by James Stewart Earl of Buchan. Dundee 24 July 1490. Witnesses Archibald Earl of Angus, Laurence Lord Oliphant, Matthew Steuart, son and heir apparent of John Earl of Lennox, James Ogilvy of Airlie and Henry Wardlaw of Torry. (2) Precept by the king directed to Adam Crichton of Kippendavie and others to infest Lord Home in Bedshire. 24 June 1494. (3) Instrument of Sasine following thereon, of date 27 August 1494.

THE SHERIFFSHIP OF BERWICKSHIRE.

67. Charter under the great seal by King James the Sixth with consent of James Earl of Murray, Regent, granting to Alexander Lord Hume, warden of the Eastern marches of Scotland towards England, and the heirs male of his body whom failing to his heirs male whomsoever, the office of the Sheriffdom of Berwick with the office of bailiary of Lauderdale over and within the customary bounds and over all their inhabitants, which were enjoyed in times past by James formerly Earl of Bothwell or his predecessors, sheriffs and bailies of the said sheriffdom and bailiary; the said offices being in the king’s hands by the forfeiture of the said Earl, to whom they belonged heritably: To be held the said offices with all their powers to Lord Hume of the king and his successors for due administration of justice, and rendering an account yearly to exchequer. Dated at Edinburgh 26 December 1567. Fragment of great seal appended. An indorsation on the deed narrates that Lord Home appeared before the Privy Council on 16 January 1567–8, accepted office and gave his oath de fidei administratione.

68. Precept of Sasine following on the above charter for infesting Lord Home in the offices of Sheriffship of Berwick and bailie of Lauderdale. 26 December 1567.

69. Instrument of Sasine in terms of the said precept, narrating that infestment was given to Lord Home’s attorney by the delivery to him of staff and book. Done on 9th January 1567–8 in the courthouse of
the burgh of Lauder and on the 11th and 12th in the church of Langton and at the market cross of Duns respectively, as the usual places for holding courts of the sheriffdom and bailiary.

70. Resignation by Ludovick Duke of Lennox etc., with consent of John Lord Thirlstane, Chancellor, and Walter Prior of Blantyre, resigning the office of the sheriffship of Berwick into the hands of the king in favour of Alexander Lord Home. At Edinburgh 2nd August 1592. Signed “Lenox,” “Thyrstane,” “Blantyre.” [Following on this is a precept of sale under the quarter seal in favour of Lord Home. At Holyrood house 2 October 1592.]

71. Signature under the sign manual of King Charles the First (countersigned by the Earl of Lanark) for a grant under the great seal to James Earl of Home to be sheriff principal of the sheriffdom of Berwick. Given at Oxford 9th April 1643.

72. Signature under the sign manual of King Charles the Second granting the same office to Alexander Earl of Home [son of James Earl of Home] with all privileges; the said office being redeemable by the king for the sum of 2,000l. sterling. Countersigned by the Earl of Lauderdale. At Whitehall 12th March 1667.

The Lands of Bogend and Others.

73. Charter by James [Stewart] Commendator of Kelso, John Abbot of Lindores, coadjutor and administrator of the Abbacy of Kelso, with consent of the convent and also of King James the Fifth (father of the Commendator) granting to Mr. David Borthwick son and heir of the late David Borthwick Burgess of Haddington in feufram the 53s. 4d. lands of Bogend, 20s. lands of Fogorrig, 4l. lands in Gordon 40s. lands in Mellostains, 40s. lands in Nenthorne and 30s. lands in the town of Newton, extending to 13l. 3s. 4d. lands in the sheriffdom of Berwick: To be held to the grantees in feufram and heritage of the Abbey of Kelso for a total yearly feuduty of 18l. 9s. 4d. Scots and other dues. Dated at Kelso 19th February 1539–40. Signed by the king and the grantees “James R.” “Jacobs cómëdatarius de Calco” “Johannes Administrador de Calco” and apparently by 21 members of the monastery. Two seals of the monastery and a fragment of the king’s privy seal attached.

74. Extract registered Contract between George Lord Home on the one part and Mr. David Borthwick Burgess of Haddington on the other part, by which the latter agrees to sell to the former 4 merks worth of land of the Bogend, with 6 merks worth in West Gordon and 20s. worth in Green-rig in the sheriffdom of Berwick, and to inform Lord Home in lientent and Alexander Home his son in fee in these lands, held of the Abbey of Kelso; in return for which Lord Home agrees to pay Borthwick 280 merks Scots. Dated at Edinburgh 23 March 1540–41.

75. Charter by Mr. David Borthwick of Aldingstoun, feuar of the lands underwritten, granting and feuing to Alexander Lord Home and Dame Agnes Gray his spouse the lands of Bogend and others described in No. 74 supra. To be held, for the same feuduty, of the Abbey of Kelso. Dated at Edinburgh 8th December 1569, James Cockburn younger of Choilsie being among the witnesses. Signed “Mäister Dauid borthwick w’my hand &c.” Seal attached, slightly defaced, the shield bearing the three cinquefoils of Borthwick with something
like a boar's or dog's head between. Legend "S. M. DAVID BORDEHUK DE LO'VIL."

The following writ also apparently refers to part of the lands dealt with in the foregoing charters:

76. Letters of Confirmation by James (second) Earl of Home with consent of his mother and other curators, ratifying a Charter dated at Edinburgh 22 July 1622, by James Fairbairn portioner of West Gordon, with consent of his spouse Jean Preston and his son Henry Fairbairn, granting and alienating in terms of an Obligation dated July 1622, to Mr. Archibald Halden brother german of James Halden of Glenneagles, the 4l. Kirklands of West Gordon, with the marsh of "Abbot's moss," in the sheriffdom of Berwick as formerly occupied by the late Henry Fairbairn the grantee's father, and George Fairbairn; To be held of the Earl of Home for a penny yearly if asked, and paying yearly 4l. to the Abbacy of Kelso. Letters of Confirmation which reserve to the Earl of Home the right of redemption, dated at Edinburgh and Canongate 20th and 25th July 1624.

LANDS OF BRAIDLEY.

77. Charter by William Douglas of Drumlanrig knight and lord of the barony of Hawick, granting and selling to Alexander Lord Home great chamberlain of Scotland, the lands of Braidlie in the barony of Hawick and sheriffdom of Roxburgh. To be held of the grantor and his heirs for a banch duty of a red rose at Midsummer. Dated at Jedburgh 14th January 1512-13. Witnesses, Andrew Ker of Fairneyhirst, Andrew Macdowall of Mackerston, William Maitland, William Scott, David Routlege and James Blair. Grantor's seal appended. Shield bearing quarterly, 1st and 4th, three stars in chief with heart (uncrowned) in base, for Douglas; 2 and 3 a bend between six cross-croslets for Mar. Legend "S. WIELMY DOUGLAS." [This Charter was followed by a precept of sasine of same date, also with seal attached.]

78. Precept of Sasine by James Douglas of Drumlanrig directed to this bailies, narrating that George Lord Home had presented to him a royal precept in the third form under the quarter seal requiring sasine to be given of the lands of Braidlie, which the late Alexander Lord Home, brother german of George Lord Home, held of the grantor as superior, who therefore directs sasine to be given to George Lord Home. Precept dated at Edinburgh 19th March 1523-24. Seal of grantor appended, containing a curious specimen of bad heraldry. The shield bears quarterly, 1st and 4th, three cross-croslets two and one—no bend; 2nd and 3, three stars on a chief (?) arranged as a fess, surmounted by an uncrowned heart occupying the chief place. Legend "S. IACOB DOUGLAS" [de Drumlanrig?]

LANDS OF BRIGHAM AND BRIGHAMSHIELS.

79. Charter by King James the Second granting and confirming to William Earl of Douglass, a charter in favour of the latter by John Lord Haliburton, of date at Dirleton 11th April 1450, of the lands of Brigham and Brighamshiel and others described. Charter of Confirmation dated at Stirling 17 May 1450. [This writ is recorded in the Register of Great Seal. Printed vol. 1424-1513, No. 555.]

80. Precept of Sasine by the said William Earl of Douglass &c., directed to Richard of Ethynton [Edington] of that Ilk, Adam Forman
of Hutton, Robert of Airth and Alan Clerk, as bailies to infest Sir Alexander Hume of that Ilk, knight, in the lands of Brigham and Hasington, formerly belonging to the lord of Dirleton in the sheriffdom of Berwick and earldom of March and also in a husband land in the town and territory of Hutton with the hospital of the same as stated in the Earl's charter. Dated at Jedburgh 28 April 1451. Earl's seal appended. A savage man kneeling, armed with a club and bearing on left arm a shield with the Earl's armorial bearings. Legend imperfect.

81. Transumpt made 6th April 1458, of Charter by King James the Second granting to Alexander Hume son and apparent heir of Alexander Hume of that Ilk, knight the lands of Brigham, Brighamshiel, East Mains of Hasington and others, annexing them to the barony of Hume, in the sheriffdom of Berwick; To be held to the grantee and a series of heirs of entail, of the king and his successors. Dated at Edinburgh 28 February 1452-3. [Printed in Register of Great Seal, vol. 1424-1518, No. 596.]

82. Charter by Alexander Bruce of Brighame granting and confirming to Alexander Home of that Ilk, great Chamberlain of Scotland, the grantor's lands of Brigham in the Earldom of March and Sheriffdom of Berwick, in true excambion or exchange for the lands of Maw, the lands of Urwell in the barony of Kinnesswood, the lands of Kinnauld and the lands of Balmain, all in Fifeshire, with two tenements (as particularly bounded and described) in the city of St. Andrews; To be held, the lands of Brighame to Alexander Home from the grantor of the king and his successors for services due and wont. At Edinburgh 24 May 1460. Grantor's seal appended, bearing the Bruce arms. [There is also a letter of Regress by Bruce of same date, binding him to defend Home in his possession of Brighame and if necessary to give regress to the lands exchanged.]

LANDS OF CHIRNISIDE.

83. Precept by George of Dunbar, second son of George of Dunbar, Earl of March, appointing his kineman Robert Spens ("de Spens") as bailie to infest the granters beloved and special kineman Hugh de Spens in the whole lands and annual rents of Chirnside in the Earldom of March, wadset or mortgaged to the grantee. Dated at Dunbar 8th April 1431. [This writ is followed by another of same tenor directed to Walter of Spens as bailie and describing the lands as within the sheriffdom of Berwick. At Dunbar 15 November 1431.]

84. Transumpt (dated 11 June 1448) of a Charter under the great seal of King James the First, granting and confirming to Hugh of Spens the lands of Hardens and five pounds of lands in the town of Chirnside lying near the lands which Hugh is said to hold in that town, in the king's earldom of March and sheriffdom of Berwick; To be held to Hugh and Matilda his wife, the longer liver of them two, and their heirs male, of the king and his successors for three pleas of court and other services. Dated at Edinburgh 30th July 1436. Witnesses John elect confirmed to the Church of Moray, Sir John Forester of Corstorphine, Chamberlain, William Foulis Archdeacon of St. Andrews, Privy Seal, Sir William Crichton Master of Household and others. [This charter is not recorded.]

85. Letters under the privy seal of King James the Second declaring that notwithstanding the king's general revocation of grants of lands,
offices &c. made on his majority at the last General Council at Stirling, Sir Alexander Home of that Ilk, knight, shall have power to possess the lands of Chirnside in the earldom of March, etc., as he held them previous to the revocation. At Stirling 13th November 1444.

86. Charter by Walter of Spens son and heir of the late Hugh of Spens granting and confirming to Sir Alexander Home of that Ilk, knight, his whole lands of Chirnside, namely four husbandlands, a merk's worth of land lying within husbandry in cotlands, a merk's worth of land and eight merks of annual rent of the four mains lands, of each main land two merks, lying in the town and territory of Chirnside in the sheriffdom of Berwick and earldom of March; To be held to Sir Alexander Home from the grantor and his heirs, for the services due to the overlord of the lands. Dated at Chirnside 31 January 1447. [On the same day the grantor gave a formal letter of resignation of the lands, quitting all his claims in favour of Sir Alexander Home.]

87. Extract from Register of Great Seal by Sir John Hay of Lands, Clerk Register, of Charter by King James the Second granting to Sir Alexander Hume of that Ilk knight the whole lands of Chirnside in the sheriffdom of Berwick; To be held for three pleas of court yearly at Dunbar. Dated at Edinburgh 26 June 1451. [Printed, No. 455 of Register of Great Seal 1424–1513.]

88. Instrument of Sasine following on a precept, dated at Dunbar, 19 June 1478, by Alexander Duke of Albany, etc., for infefting, in terms of a charter, Alexander Home of that Ilk in the lands commonly called Parks mains and ten husbandlands and three cotlands, lying within the territory of Chirnside, extending to twenty-two merks. Sasine given by Patrick Home son of the late David Home of Wedderburn, as bailie, at the principal message, on 22 June 1478. Witnesses George Ker of Samuelston, George Roulle, Thomas Edington, George Trotter, William Hering, William Atkynson, Ranald of Dunbar and others.

89. Transumption (made 22 May 1487) of Charter by King James the Third in favour of Alexander Home of that Ilk of the lands of Chirnside, with the patronage of the church there, etc. Dated at Edinburgh 11th January 1488–4. [Printed, No. 1573 of Register of Great Seal 1424–1513.]

90. Precept of Sasine under the quarter seal, in terms of the foregoing charter. Edinburgh 17 January 1488–4. [This is followed by an instrument of sasine in terms of the precept, which was directed to Patrick Home of Polwarth, Henry Hately of Mellerstains or Robert French of Thornydikes. Sasine given by Patrick Home on 26 January 1488–4. Witnesses Philip Nisbet, son and heir apparent of the laird of West Nisbet, Patrick Home of "Balwiphi" and others.]

91. Charter by Alexander Home grandson and apparent heir of Alexander Lord Home, and lord of Chirnside, granting and confirming to his uncle Patrick Home of Fascastle all and whole the mains of Nine-wells extending to four husbandlands in the west part of the town of Chirnside, with six husbandlands in the east part of said town; To be held to Patrick Home of the grantor and his heirs for service due and wont. Dated at Home 9th September 1485. Witnesses, John Home of Crailing, William Home and others. Seal appended. [There are also with the above writes an extract of a charter by King James the Fourth to the said Alexander Home, of Chirnside and other lands dated 4 January 1469–90,—which is printed in Register of Great Seal at supra No. 1914—and the original relative precept of sasine.]
92. The Abbacy of Coldingham was erected into a temporal lordship in favour of Alexander first Earl of Home in 1610, but was sold by the second Earl in 1621. The papers now in the Home Charter Chest relating to the Abbacy are neither numerous nor important, the most of them dealing with teinds and other duties, and of no historical importance. Of these miscellaneous papers only two need be noted:

93. Decree by the Lords of Council and Session against Alexander Lord Home for violently withholding from Mr. John Spens of Condie "yeonomus" of the Abbey of Coldingham from the 12th to 30th days of September 1564 the teindsheaves of the lands of Auld cambus, Redlaw, Woodend and mill, Chaister, Reidheuch and Windelaws, for crop 1564, which was the patrimony of the Abbey. Edinburgh 22 July 1566.

94. Summons at the instance of Dame Agnes Gray Lady Home, Robert Logan of Rentarig her son, and Alexander Lord Home her husband for his interest, narrating that Lady Home and her said son have in lease or assedation to them their heirs, &c., the teindsheaves and other teinds of the lands and mains of Fastcastle, called West Lumsden, both parsonage and vicarage, with the teind fish of the boats in Eyemouth, belonging to the house and living of Fastcastle, leased to them by the Commendator and Convent of Coldingham; and that Alexander Home of Manderston and Alexander Home his son and apparent heir alleging him to be constituted Chamberlain to the said Abbey under order from the Regent [Murray] and the Privy Council, had charged the feuars and tenants of the Abbey to make payment to them of the teinds of the crop and fishing for the year 1570: further stating that the lease by the Priory to Dame Agnes Gray and her son was for 19 years at a yearly rent of 20l. Scots and was of an earlier date than the letter of Chamberlainry to Alexander Home, while there are yet several years of the lease to run. Wherefore the said Alexander Home and his son are summoned before the lords of session that the letters to them may be suspended. Given under the signet. Edinburgh 16 February 1570–1. The execution of the summons written on the back states that Alexander Home and his son were both found at the Abbey of Coldingham on 2 March 1570–71.

95. Household book or Account book (much mutilated at the beginning) dealing with the teinds and other fruits of the Priory of Coldingham and of Eyemouth for 1592 and especially referring to October and November of that year, when Lord Home (Alexander sixth Lord) and Lady Home resided at the Abbey for some time, Lord Home having received a grant of the Priory on the forfeiture of Francis Stewart Earl of Bothwell, whose insurrection in that year Home assisted in suppressing. The book gives formal account of the grain produce of the lands, and records the payments made to the workmen and others who harvested the crops. There is also an account of payments on behalf of the household beginning on 25 October 1592, the date of Lord Home's entry to Coldingham, and consisting of entries of candles, wine, firing, fowls and other provisions, including ale, aquavitae, and butcher meat. None of the entries contain special historical references, but an idea of the prices paid may be given.

It may be noted that the Abbey required to be prepared for the reception of Lord and Lady Home and there is a memorandum of payments for staining, fitting up and mending parts of the building,
for casting turf to be used as thatch and also for cleaning dung away from the stables and kitchen.

The prices of articles run as follows:—Candles 26s. 8d. (Scots) per half stone. A "stack" of peats or turfs for "elding" or firing seems to have varied in price from 3l. 2s. to 6l. but size and other matters may have caused the difference in price. Wine cost 10s. the pint. The measures given are, a "rowber" (? ) of wine containing eight pints, a "fleckett" = one quart and a muthchin, and a "barrikin" containing 8 pints. Of fowls, hens cost about 4s. (Scots) apiece; capons apparently 5s. each; plovers 6s. 8d. the couple; partridges 6s. each, a woodcock 5s. Ale was valued at 3fl. 6s. 8d. for the ten gallon barrel. The sums paid for butcher meat, were, for "a beiff" 7l., for "a mutton" 36s. Meal appears to have cost 3fl. a ball. Six salmon cost 4l. 10s. Scots. Of small articles, pepper cost 2s. 4d. an ounce; butter 40d. a pound; a string of onions 2s.; two hundred herrings = 32s.; two hundred oysters = 13s. 4d. Three firlots of salt cost 24s. Five pounds of "plowmdameis" cost 16s. 8d.; "vi. drop weight of saifron = xiiis."; an ounce of ginger = 2s. An ounce of "saucour" (sugar) = 2s. A quire of paper = 4s. Eggs and fish are also named among other provisions but the exact price cannot be determined. After the miscellaneous articles comes the following:—"Item, for saip to weesche with, viij. sindrie tymes getting at ilk tyme a pund a quarter of a pund at xxviijd. the pund. Summa xxx. and vd."

The bill for "aqua vitae" comes next, amounting, for the period from 1st to 25 November inclusive, to 6l. 4s. The purchases each day vary from one to four gills, each gill costing 2s.

96. A volume, bound in parchment, containing about 400 pp. of MS. entitled in a modern hand "Records of the Courts of the Barony of Coldingham 1611 to 1654." This description however is not accurate. The records of the barony court begin on 18th May 1611 and continue only to 6 January 1615, occupying the first 200 pp. of the MS.; while the remainder contains decrees of the Sheriff Court of the sheriffdom of Berwick from 12th October 1652 to 6 October 1654. Lord Home was present in person at the first court recorded in the volume, and various neighbouring lairds appeared either in person or by their representatives to pay the feudal homage due for their lands. The absentees were fined by the presiding baron bailie in "ane angell cunze of gold" and orders were given to restrain their effects. At this court also, in answer to numerous complaints by vassals and tenants that they were frequently obliged to make double payments of rents and duties, Lord Home arranged to appoint yearly or termly a commissioner to receive payment, to whom alone payments should be made and whose receipt should be sufficient. The particulars of the Courts, though perhaps of interest to the local antiquary or genealogists, need not be detailed here, consisting as they do, chiefly of complaints by one tenant against another, distrains for rents &c.

The same remark applies to the record of the decrees of the Sheriff court which chiefly relate to questions between creditors and debtors. Lieutenant Colonel John Mayor was sheriff-principal and William Ross of Drumgarland his deputy. They appear to have been appointed under Cromwell's judges in Scotland.

LANDS OF COWDENKNOWES, ETC.

97. Instrument of Sasine following on a mandate from the king narrating that John Home of Whitrig as bailie, gave sasine to Henry
Hately of Mellerstain as attorney for Archibald Earl of Angus of the lands of the whole lordship of Erslilton (Earlston) with mill, cottages &c. [in the sheriffdom of Berwick]. Sasine given on the lands 12th August 1483. Thomas Hoy, William Purves senior and William Purves his son, Archibald Leirmonth and others witnesses.

98. Letters by Archibald Earl Angus &c. binding himself to Alexander Home apparent heir to Alexander Lord Home, to the effect that as the Earl had sold to Home the mains of the lands of Erslilton, and ten acres belonging to the mill of Erslilton, extending to a pound's worth of land, also the lands of Philpston, Faula and Wollsstruther-meadow, extending to 5l. worth of land, also five husbandlands of the town of Erslilton at the east end, next the said mains, within the sheriffdom of Berwick, so if Alexander Home be vexed or troubled in his possession of the lands by the Earl or his heirs in any way, except because of war with England, the Earl binds himself and his heirs to pay 1,000 merks Scots, within the Church of St. Giles, Edinburgh, within 40 days after such disturbance. Dated at Douglas 14th August 1484. Earl's seal appended.

99. Precept by the said Earl directed to Walter Ker of Cessford, Henry Hately of Mellerstain, John Lernmonth of Erslilton and others as bailies to infeft Alexander Home, grandson and apparent heir of Alexander Lord Home, in twenty pounds worth of the lands of Erslilton, namely the mains of Erslilton with pertinents, the "lang akers" for 2l., Carelside for 1l., the "Thowellscrouk" for 1l., the "hal orchard" which is called the manor of the same, the mains with the Coldenknows for 6l., the five husbandlands next to and on the east side of the manor for 5l., and Philpston, Fawlo and Willestruder meadow for other 5l., all in the lordship of Earlston and sheriffdom of Berwick, in terms of the Earl's charter. Dated at Edinburgh 11th October 1484. Seal appended.

100. Charter by Archibald Earl of Angus, granting to the same Alexander Home, great Chamberlain of Scotland, the mains of Erslilton with pertinents, called the Cowdenknowes and the other lands as above described; To be held of the Earl and his heirs in fee and heritage for a reddendo of one penny payable on the lands of Cowdenknowes, if asked. Dated at Edinburgh 28 January 1488–9. Witnesses, James Carnichael the Earl's brother [uterine], Patrick Home of Polworth, John Home of Whitrig and others.

101. Instrument of sasine in the lands following on the above charter. Sasine given by William Haig son and heir of James Haig of Bemerside, as bailie, on 22 March 1488–9.


103. Instrument of Sasine following on a precept by King James the Fourth (dated at Lauder 9th November 1493) for infefting Kentigern
or Mungo Home as heir retourned to his father the late John Home in the lands of Ersilton, Brotherstanes and Whitrig, with mill, and in 5l. of annuall rent of the lands of Merton called Mudwells lands, and 10l. lands of Todrig, united into the barony of Ersilton in the sheriffdom of Berwick; commanding the bailies also to take security for 80 merks, of the rents of the lands while in the king's hands for one term (half year) since John Home's decease. Sasine given 11th November 1493 on the green of Ersilton by the bailie Patrick Focard serjeant of the sheriff of Berwick.

104. Instrument of Sasine narrating that John Home of Coldenknowes as superior gave sasine, in terms of a charter, to George Lord Home of the lands of Philpston, Coldenknowes and others described in No. 98 supra. Done on the lands of Philpston 20 March 1527-8.

105. Retour [Contemporary extract] of Alexander Lord Home as heir of his father the late George Lord Home in the 20l. lands of Ersilton, Coldenknowes and others above described, held brench of John Home of Coldenknowes as superior. Edinburgh 16 April 1551.

106. Letter of Warrandice by John Home of Coldenknowes binding himself to warrant and keep scathless Alexander Lord Home at the hands of George Vode (Wood) touching a bond by them to the said George for the entry of John Rutherford signed by Lord Home at the granter's desire. Dated at Home 28 December 1552. Witnesses Mr. Alexander Crichton parson of Abbotrule, Alexander M'Dowall of Todrig and others. Signed "Jhon Howm of Coldenkois knyft."

107. Letters of Reversion by Nicholl or Nicholas Purves burgess of Edinburgh and Elizabeth Sinclair his spouse, to the effect that although John Hume of Coldenknowes has sold to them the husband-land and half husband-land lying in the town of Ersilton in the sheriffdom of Berwick, which the late Thomas Purves father of Nicholas formerly occupied, yet upon John Home or his heirs making payment to the granters, on St. James's altar in the church of St. Giles, Edinburgh, the sum of 100 merks Scots, with a four years lease of the lands at 30l. yearly, they bind themselves to resign and upgive the lands in favour of John Home. At Edinburgh — 1554. The parties sign under the guidance of a notary. Seals attached, the first showing a shield bearing on a fesse between three muscles, three cinquefoils. Legend "S. NYCHOLE POURVES"; the other seal bearing an engrailed saltire. Legend "S. ELIZABETH SINCLAR."

108. Precept by John Hume of Coldenknowes as superior, for infesting Alexander Lord Home as heir of his father George Lord Home in the lands of Philpston and others including Coldenknowes. Dated at Coldenknowes 12 May 1553. Signed "Jhon Howm of Coldenkois knyft."

109. Old Inventory, without date, but written in the time of Sir James Home of Coldenknowes [c. 1570–1590] containing the writs of the lands belonging to him. Some of the writs enumerated are given above, others may be found in the public records. Three writs of a miscellaneous character (not now in the Home Charter Chest) may be noted. (1) A licence, dated 28 November 1536, by John Home of Coldenknowes granting leave to certain men of Dryburgh to pull heather on his moor (of Earlston) and that only for the Abbot's lifetime. (2) An instrument by which the "gudeman of St. John's Chaapel" grants that his pasturing his goods upon Earlston Moor is only by the tolerance
of John Home of Coldekenowes and during the latter’s will only. 23
May 1540. (3) A decree of the Privy Council as to the Comonuty
of Earlston, in favour of Sir John Home of Coldekenowes, knight, touching
the fuel, and corn that was sown on the moor by Sir John. 9th
August 1554.

110. Instrument of Sasine following on a precept in a charter (dated
at Edinburgh 7 June 1610) by Sir John Home of Coldekenowes knight,
granting to Mr. James Home of Eccles, William Cairncross of Col-den-
more, Mr. Robert Home of Carlsode, Mr. William Home of Grad-
er and John Home of Houlatsone, their heirs &c. the lands and barony of
Erslato, with mill &c., lying in the sherifffdom of Berwick. Sasine-
given on 13 June 1610 to Alexander Home natural son of Mr. James
Home of Eccles as attorney for the grantees. Among the witnesses to
Sir John Home’s charter are his natural son Thomas Home, Nicolas
Cairncross son of the said William Cairncross, Mr. Alexander Home-
minister of Eccles and others.

111. Instrument of Sasine following on a precept in a charter (dated
at Edinburgh and Coldekenowes 11th and 12 July 1612) by Sir John
Home of Coldekenowes and Sir James Home of Whitrig his son, with
consent of their respective wives Dame Beatrice Ruthven and Dame
Anne Home granting the lands of Erslato to John Nasmyth surgeon
to the king under reversion of an annual rent of 3,000l. Scots. Sasine-
given to James Nasmyth of Posso attorney for the grantees on 12 July
1612.

112. Agreement between Sir John Home of Coldekenowes on the
one part and [his son] Sir James Home of Whitrig and the latter’s
wife Lady Anna Home on the other part. (1) First, for the common
good of both parties and avoiding of other inconveniences, they agree
to dwell and hold house together at their equal charges, and “to con-
tinue so long as they can agree among themselves according to the bill
of household quhilk they shall set down and subscribe with their handis,
and that praisuable veiklie Ladie An[na] shall heir the household com-
tis taine everie Saterday at morn or night.” (2) Sir John shall infest
his son Sir James in his whole lands before 25 December next Sir James
taking over his father’s debts, on condition of getting immediate pos-
session of the lands of Mersington and the teinds of Smalholm, with
1,000 merks yearly from Coldekenowes—the rights of Dame Beatrice
Ruthven not being prejudiced—reserving the furniture &c. of the house
of Coldekenowes, as it stands, to Sir James after his father’s death.
(3) Sir James, for his affection to his brothers and sisters further agrees
to bestow on his eldest sister Catherine at her marriage, as tocher 12,000
merks, and 8,000 merks on the younger sister Marie. He shall also
bestow on each of his five brothers (names not given) 3,000 merks,
dividing the portions due to any who may decease, among the survivors
equally—this payment not to be made till Sir John’s death, after which
Sir James shall “entertain” his brothers “according to their estat”
it until he make the said payments. With clause of registration of the
Agreement, etc. Dated and signed by the parties at Coldekenowes 1st
September 1612. Witnesses James Sinclair of Murki, John Sinclair
his natural son, (who also wrote the agreement), Sir James Home of
Eccles and others.

LANDS OF CRAILING AND OTHERS.

113 Testam of Isaacste made at Hawick before Archibald Douglas
sherrif of Roxburgh by Richard Rutherfurd, knight, Thomas Cranstoun,
Nicholas Rutherford, John of St. Michael, James Gledstanes, James Langlands, William Turnbull, Robert Gledstanes, Thomas Jonston, Richard Turnbull, Robert of Hepburn, Symon of Dalgleish, Alexander of Newton, Andrew Ker, William Fresal (Fraser), Robert Loraine, Walter Turnbull, Alexander of Chesholm, Patrick Ingis and Patrick Hage, who declare that the late Katrina of Lauder, mother of Marion Lauder, died last vest in the barony of Hounam and in the lands of Swynset in the sheriffdom of Roxburgh, and that the said Marion is nearest and lawful heir of her mother in the fourth part of said barony and lands, the fourth part of Hounam being valued at 10l. per annum and in time of peace at 25 merks yearly, and held of the king for forinse service, while the lands of Swynset (fourth part) are valued at five merks, in time of peace six merks, and are held blench for a penny at midsummer. The lands have been in the king's hands, through the death of the late John of Lauder spouse of the said late Katrine, for the space of three years. Retour dated 27 June 1424. Two seals and a fragment still appended—seal first, being that of "Nicholas de Rutherfurde" bearing an orle, three martlets in chief; Legend defaced; seal second, apparently that of John of St. Michael— a deep chevron between three boar's heads two and one—legend illegible; fragment of seal of Thomas Cranston.

114. Notarial Instrument setting forth that Sir Alexander Home of that Ilk, knight, Alexander Home his grandson and apparent heir, James Rutherford of that Ilk, Andrew Ker and Walter Ker his son, and Thomas Home of Teuningham have agreed among themselves as to the division of the undernamed lands as follows; that Sir Alexander and Alexander Home shall have the lands of Crailing with mains and mill; James Rutherford shall have the lands of Fulogy (?) Cunningham and 20 merks of the lands of Swynside; Andrew Ker and his son shall have Samieston, Ranaldston, Hounam, Cuthbershope and five nobles in Bereshope; and Thomas Home shall have Caphope-town with mains and mill and three husband-lands in Swynside which Patrick Douglas and William Douglas presently occupy in farm, and Caylesfield. Done in the monastery of Dryburgh on 21 June 1468, in presence of Walter Abbot of Dryburgh, George Home of Blook, Alexander Cockburn of Langton, Adam Nisbet of that ilk, Andrew Ormiston of that ilk, David Dunbar, David Purves, Robert Lauder of Whitelade, George Cranston, James Haig of Bemerside, John Trotter, Archibald Manderston, Thomas Edington of that ilk, Adam Purves, John Anysley of Dolphinston, George Douglas of Bonjedworth, Messers. Philip Yle and James Newton rector of Bedrule, George Dauison, William Pringle, Robert Rutherford of Chatto, Robert Hall, Adam Hardy and Alexander Hatley. [Another copy of this instrument states that Andrew and Walter Ker were procurators for and acting in name of Henry Wardlaw of Torry.]

116. Notarial Instrument narrating that John Hume of Crailing freely resigned in the hands of Alexander Hume of that Ilk his overlord, his whole lands of Crailing with mains and mill, in the sheriffdom of Roxburgh, reserving a reasonable terce to his wife Margaret. Done near the manor of Fastheuch on 30th April 1479. Witnesses David Ranton of Billie, James Ker of Crukeyschaws, Robert French of Thordykes, James Ogle of Pople and John Roule.

116. Charter by Alexander Hume lord of the fee of the lordship of Hume, with consent of his father George Lord Hume, franktenementar of the lands, granting to John Ker of Fairnyhirst and Katherine Ker his wife, their heirs &c. the whole lands of Crailing and Hounam in the barony of Crailing and Hounam, lying in the county of Roxburgh.
reserving one acre of land immediately adjoining the Brewhouse on the west side, with two tenements, House and Chast. To be held to the grantees of the grantor and his heirs for services due and wont. Place, month and day blank, year 1547. Signed "George L. Hom." "Alex' M. Hoom." Two seals attached. The first shewing a shield couched, bearing quarterly 1st and 4th a lion rampant for Home; 2 and 3, three papagoes for Pepdie; over all an escutcheon with an orle for Landale. Crest a deer couchant. Legend "S. Georgi Domini de Home." The second seal has a shield couched, quarterly 1st Home, 2nd Pepdie, 3 a unicorn, 4th on a bend three masses for Haliburton, over all, an orle as before. Legend "S. Alexandri F. Domini de Home." [There is also a precept of sasine, signed and sealed by the same parties —— 1547.]

DALSWINTON AND OTHERS.

117. Charter by King James the Second under the great seal, granting to Alexander Stewart, son and apparent heir of William Stewart of Dalswinton, knight, the lands of Dalswinton in Dumfries-shire, Garlies in Galloway, Minto and others in Roxburghshire and Glasserton in the shire of Wigtown; to be held of the king and his successors for services due and wont. Reserving a reasonable terce to Elizabeth wife of William Stewart. Dated at Edinburgh 13 January 1458-9. Fragment of great seal appended. [This charter is printed in Register of Great Seal 1424–1513, No. 663, where however the grantee is described as Andrew Stewart.]

DERINGTON.

118. Instrument narrating that Edward Redpath (not otherwise designed) resigned into the hands of his superior, Robert Abbot of the Monastery of Kelso, the lands of Deryngton in the sheriffdom of Berwick in favour of Alexander Home apparent heir of Sir Alexander Home of that Ilk, knight, and his heirs &c. Done in the chambers of the said lord Abbot 5th December 1477. Witnesses Andrew Ker of Cessford, Walter Ker of Caverton, Sir Alexander Wedall, prior of Lesmahagow, Sir John Glassinwright, subprior of Kelso, and others.

DUNGLAS, ETC.

COLLEGIATE CHURCH OF DUNGLAS.

Before dealing with the writs immediately relating to Dunglas, reference may be made to other ecclesiastical writs contained in the same packet:—

119. Dispensation by Pope Martin the Fifth, addressed to the Bishop of St. Andrews or his vicar in spiritual things, narrating a petition made to the Papal See on the part of Alexander of Hume, and Marion of Lawedre, stating that they desire to be joined in marriage but because they are related doubly in the fourth degree of consanguinity they cannot fulfill their wishes; in answer to which the bishop is ordained to dispense with the impediments that the parties may freely marry and remain together, etc. Given at St. Peter's, Rome, 11th April, 9th year of Pope [1426]. This document is followed by—

120. Letters of sentence by John Lanerok, master in arts and licentiate in decrees, rector of the parish church of Cambuslang, and official
of the Court of St. Andrews in the parts of Lothian, narrating that
before him sitting as judge in the church of the monastery of Holyrood
in Edinburgh, there appeared in judgment Alexander Home lord of that
Ilk, pursuer, and Marion of Lauder his pretended wife, defender, against
whom the pursuer proposed that the marriage betwixt them if marriage
it ought to be called, could not stand in right, when they were related in
the fourth and fourth degrees of consanguinity; petitioning that, such an
obstacle being proved, divorce ought to be pronounced between him and
the said Marion and that their marriage should be quashed and declared
null. Wherefore the case being debated and the oath of calumny, etc.,
administered, witnesses produced and the case closed, the judge on
6th October 1427, gave sentence declaring the matrimonial contract
between the said Alexander and Marion to be null and void, for that
cause separating them from each other and giving them licence to marry
whom they please. Seal of office, once appended, is now wanting.

This sentence was in accordance with the requirements of the canon
law, but the parties applied for another dispensation, in terms of which
we find:—

121. Letters, addressed to all the children of mother Church, by Robert
Bishop of Caithness, appointed to give effect to a Dispensation from the
Penitentiary of Pope Martin the Fifth, of date 4th January 1427–8,
narrating that Alexander Home and Marion Lauder had presented a
petition to the Papal See to the effect that they formerly knowing that
they were related in the fourth and fourth degrees of consanguinity had
contracted marriage "per verba de presenti" and having consummated
their union had begotten children; that when knowledge of this impediment
came to their ordinary, he rightly celebrated a divorce, which they
obeyed, and had abstained from intercourse and still abstain; but they
further petition that if they remained divorced much scandal may arise,
and for this and other causes they desire, and ask of new to be joined
in marriage; which petition the Pope grants in the usual form, and the
Bishop of Caithness by the power conferred upon him confers full permis-
sion upon the petitioners to marry of new, and declares their offspring
legitimate. At Edinburgh 1st April 1428, the bishop procuring the
use of the round seal of the Bishop of Argyll, his own not being avail-
able, before Sir Robert Lauder, knight, lord of Eryngton, Malcolm
Fleming lord of Cumbearnald, and two chaplains Thomas Tod and
John of Strabrok. [The bishop refers to the date as in the first year of
his consecration to the see of Caithness.]

122. Charter of Confirmation by King James the Second of a charter
by Alexander Hume lord of that Ilk granting to the chapel of the
Virgin Mary of Dunglas and the presbyters there serving God, on be-
half of the souls of the grantor, his parents, his wife, brothers, sisters and
others, those three husband-lands with a half land, lying in the town and
territory of Kelso in the sheriffdom of Berwick, namely two husband-
lands with half land, lying on the east side of the town of Kelso and on
the south side of the street thereof, and one husbandland on the east
side of the town on the north side of the street, and an acre of land
with mansion place, lying in the town and territory of Dunglas near
the fount called Bryan's Well; To be held to the grantees from the
grantor and his heirs in perpetual alms, with pasture for two cows and
one horse with the animals of the Laird of Dunglas, etc. Dated at
Edinburgh 30th November 1423. The confirmation charter (which
does not appear in the extant Record of the Great Seal) is dated at
Falkland 22 August 1450, and is for some reason done in duplicate,
both copies being in the Home Charter Chest. It describes the charter of 1428, as by the late Alexander Home father of Alexander Home of that Ilk, knight, to the chapel of the Virgin Mary at Dunglas, now lately founded as a Collegiate Church, a statement which enables us better to fix the date of the following writ.

123. Foundation Charter of the Collegiate Church of Dunglas by Sir Alexander Home:

In laude et honorem Dei et Dominii nostri Ihesu Christi beate et gloriosae Virginis Marie et omnium Sanctorum Ego Alexander de Hvmne de eodem miles maters deliberatione prehabita cum autoritate Bene-
rendi in Christo patris ac domini domini Jacobi, Dei et apostolice sedis graciae, episcopi Sancti Andrei de consensu et assensu Alexandri de Hvmne primogeniti et hereditis mei ad perpetuam rei memoriam pro
repudione memorie Daud, Roberti, Roberti, Jacobi et Jacobi predecess-
orum et successorum suorum Regum Scocie, Domini Alexandri de Hvmne patris mei et Jonete matris meae, Thome de Hvmne sui mei et
Nicholae vxoris sue et Iohannis de Hvmne prausi mei, milium, omni-
uque aliorum antecessorum meorum, ac Mariote vxoris meae, filiorum et filiarum meorum procreatorum et procreandorum, necon Thome et Georgii de Hvmne fratrum meorum sororumque meorum, ac Patriei de Hvmne de Raechburn et Domini Daud de Hvmne de Wedderburn, miliitis, vxorum filiorum et filiarum eorumsecum ac Roberti de Nesbit et Margarete vxoris sue et
omnium successorum meorum animarum salute In capella beate Marie de Dunglas Sancti Andrei diocesis tres capellanias perpetue quibus tres
capellani perpetui presbiteri quorum vnus in honore et preeminencia
cesseris personis in eadem capella pro tempore degentibus quod chori et
diuini cultus regimen in eadem preponentur prepositusque vocabatur
deputabuntur facio constituto et ordine ac prout sequitur imperpetuum
fundus, videlicet, primam capellaniam super duodecim mercaitis terrarum
et annuorum redditionum de Kello jacentium infra vicecomitatum Berwici,
quae capellaniam proposito pro tempore existente assigno; Secundam
ero capellaniam super duodecim mercaitis terrarum et annuorum reddi-
tuam de Balwisy et Gordouenhal infra vicecomitatum de Fyfe jacentium;
Tercian autem capellaniam super duodecim mercaitis terrarum et annu-
orum redditionum de Balwisy et Gordouenhal prefatis infra vicecomitatum de
Fyfe predictum jacentium. Necnon xij. mercaitis terrarum et annuorum
redditionum de Hatoun, Hirrsale, Colbrandspeth et Pinkertoun infra predictum
vicecomitatum Berwici jacentium, quatuor pruers in choro antedicti col-
lugii et cantandum et diuinum serviciuni celebrandum ac in ecclesia vt con-
gruit ministrandum, deputandis cuilibet prefatorum pruerorum tres marcas
anuatas in foro laudis ordinio et constudio Et renominatas terras regi-
gubernari et assedari ac earum firmas redditis proventus ac annuos
reddittus antedicti, leuari et recepi volo atque ordinio per prepositum et
capellanias dictarum capellaniarum, annuis singulis prout ad eos spectabunt,
secundum medium et formam racionables ac honestos cartarum meorum
exinde manufactorum, terras autem et earum firmas, redditis, proventus et
annuorum redditionum predictis quatuor pruers assignatos, per prepositum
ante dicti colliegii, regi, gubernari, assedari, leuari, recipi et dictis prueria
secundum portionem cuilibet eorum contingemt distribui volo et
ordinio. Mansum vero secundi capellani erit in parte australi ville de
Dunglas proximam ecclesiam antedictae, cum horto sufficienve in longitudi-
dine et latitudine, Mansum vero prepositi erit in villa de Dunglas ex
parte australi eiuidem proximam mansioni secundi capellani antedicti,
da partem borealem eiuidem, cum horto sufficienve vt premissum est.
Mansum vero tertii capellani erit in villa de Dunglas consequentem.
post mansum prepositi, ad partem borialen eiusdem, cum horto sufficiente vt premium sum est, et cum libero introito et exitu cuiuslibet mansorum predictorum ante et retro, cum omni libertate, prout in cartis suis continetur cuiuslibet eciam ipsorum prepositi et capellorum, pasturam vnius equi proprii, et vnius vacce propri cum eorum sequelis vnius anni in communis pastura de Dunglas libere concedo, sicquod huiusmodi pasturam alius nequeant assecare; volo insuper et consensu eiusdem domini episcopi ordine quod dicti prepositus et capellani in locis et manis prescriptis per me eis assignatis, per se ad meum et heredum meorum dominorum de Dunglas voluntatem resident, et si a residencia huiusmodi per xv. dies aliquis eorum se absenteren, suas capellania seu secessus penitus omnino vacare, tribus temporibus anni duntaxat exceptis, quorum quolibet licet sibi se absenterare per xij. dies ad majus licencia patroni, si presens fuerit, super hoc petita et obtenta: Volo eciam quod quicunque aliquis capellanus ad aliquam capellaniarum predictarum per patronum presentatus et institutus in eadem concubinam tueruit vel aliqui adheserit, ita quod cognosci poterit, si ter monitus eam non dimiserit exinde sua capellania consuetudine vacare, alteri capellano ydoneo conferenda. In premissis autem hortis prepositi et capelliorum pomeria plantari volo et ordino et decenter preservare, ut prepositum et capellanos et alius capelliorum hoc facere neglexerit cedat hortus ipius, preposito in suis vssus applicandus pro tempore vste capellani predicti: Si autem prepositus suum hortum plantare vt dictum est neglexerit cedat hortus ille in vssus et fabricam ecclesiae providencia patroni gubernandus, et hoc pro tempore illius prepositi negligenis solum, et duntaxat ad suum successorum libere ruenterundus et sic de hortis capellonorum successoribus eorumdem libere ruenterundis: Nec est intentionis mee quod aliquis capellanus in dicta capellania sit institutus et celebres a promotione cuiuscunque beneficio curati quoquomodo perinde impediatur, sed beneficio huiusmodi habitum seu habendum licite retinere valeat, si sibi debite conferatur cum omnibus huiusmodi capellania simplicia beneficia coseventur: Conueniantque prepositus capellani et pueri predicti in ecclesia collegiata antedicta prout moris est in ecclesiis similibus collegiatis ad pulsacionem campane singulis diebus horis competentibus in habitu decenti, salem in superpellicio et nigra almussa furrata de pelibus agninis, ad missas et horas canonicas celebrandas quas horas canonicas et missas aliaque diuina mysteria, more aliarum ecclesiariarum collegiariarum decantari volo et celebri, prout prepositus statuerit, tam in missis quam aliis horis, diuina servicia celebri ac eidem preposito predicti capellani et ali clerici vel ministri quicunque in ipsorum primo ingressu oediencia manualem facere teneantur. Necnon in curis meis capitalibus et alius infra dominium de Dunglas tenendis, dum per me vel heredes meos ad hoc requisit fuerint, prefati prepositus et capellani suas presencias pro suis conciliius in licitis et honestis dandis exhibere teneantur: In omnibus autem alius et singularis ius ordinarii concernentibus, ipsa ecclesia beate Marie ac prepositus capellani clerici et ministri pro tempore ministrantes in eadem, Episcopo Sanctiandree eorum ordinario et ministris suis in omnibus et per omnia subiacebunt, preterquam quod presentationes ipsorum prepositi et capellonorum quociens ipsa prepositura et capellanie vacuerint vel eorum aliqua vacuerit, ad me et heredes meos, et dicti prepositi admissio et institucion ad episcopum predictum sed eorum capellonorum admissiones et instituctiones ex meis et heredum suorum dominorum de Dunglas presentationibus, ac eiam reformaciones et correctiones defectum circa regimen servicii et diuini cultus in ipsis ecclesiis contingenciam ad ipsum prepositum vel eius locum tenentem cum canonica in hiis correctione pertinebunt, quos quidem defectus in
penas pecuniarias per ipsum prepositum vel eius locum tenentem leuandas, ac in dicte ecclesie necessariis exponendae puniri ac multari ordino et constituto, et dictarum capellaniarum debilitate et structuam ac reddituim exillitate consideratis: Nolo successorem prepositi vel aliquem capellani annam vel onus aliud ratione mortis predecessoris sui seu quassi aia causa sed ductatet reparaciones mansorum restitutiones vt enesillum petere quoquomodo vel exigere Quodque idem prepositus et capellani panem et vinum cotidie pro sacramento altariae ac eiam libros et ornamenta pro diuino cultu inibi congruenia et necessaria ac luminaria in consimili statu quo . . . [illegible] . . . et receperint deinceps sustinbunt suis simpitibus et expensis circa quorum defectus prepositus correctiones habeat eosque multatib prout supra. Et insuper volo et eiam ordino quod prefati prepositus et capellani clerici et ministri quilibet secunda feriali vel alia vacante ciusuibet ebdomide seruicium siue vigilias mortuorum in choro dicte ecclesie celebrari teneantur, et post offertorium ciusuibet missae in ipsa ecclesie diebus ferialibus et alis, submissa voce celebrande, psalmum De profundis, cum oracione fidelium, Deus etceteris, pro mea et pronominaeorum personarum animabus, missam celebrante qui eiam populum ad orandum exhortetur, deuo eicere teneantur. In quorum omnium et singulorum fidem et testimonium ac perpetuo firmitate haec aprimto pro perpetuo duraturo fundacionis collegii antedicti Ego Alexander de Hymve de edem miles antedictus [meum sigillum] vnsuem sigillo Alexandri primogeniti et hereditis mei apponi fecl, et ad omnium predictorum corroborationem et confirmacionem magis efficacem et erectionem collegii antedicti sigillae prefati reuerendi in Christo patris et domini dominii Jacobi Sancti Andree episcopi et capituli sui Sancti Andree sunt apennis in domo capitulari monasterii Sancti Andree duodecimo die mensis Marci Anno Millesimo quadragentesimo tertio. [This date, although it is so written in the original, is evidently a clerical error, as certain references in the charter imply a much later date. The actual date of the document cannot be clearly ascertained, but from the allusion in the preceding charter of 22 August 1450 to the recently erected collegiate church of Dunglass, the present writ was probably granted a few years before, perhaps 1443.] The four seals which were once appended are now wanting.

124. Charter by King James the Second, under the great seal, confirming a charter (dated at Dunglass 5th August 1460) by Alexander Home lord of that of Ilk, knight, [the same grantor as in the previous writ], granting to the Collegiate Church of Dunglass, those four hundred lands lying in the town of Chirside and one merk's worth of land lying within the husbandry in cotlands of the value of one merk, and eight merks of annual rent from the four mainlands, from each main two merks, lying in the town and territory of Chirside in the earldom of March, and that for the souls of King James and of Bishop James Kennedy, Alexander Home the grantor's father and others. To be held of the grantor in perpetual almsgift he holding the same in fee and heritage. Witnesses, Alexander Home, the grantor's firstborn son, Thomas and George Home, the grantor's brothers, Patrick Sinclair rector of Aldhampstocks, John Otterburn Archpresbyter of the Collegiate Church of Dunbar, and others. Confirmation Charter dated at Falkland 22 August 1450. [Printed in Register of Great Seal 1424–1513, No. 389.] The original charter by Sir Alexander Home is still extant in the Home Charter Chest. Seal appended. Home arms, quartered with Pepdie, Supporters a horse or unicorn and griffin. Crest a deer's head and neck. Legend "S. ALEXANDRI DE HVMVE."
125. Charter by King James the Second, confirming a charter (dated at Hailes 7 August 1450) by Patrick of Hepburn lord of Hailes and of Aldhampstocks, granting to the Collegiate Church of Dunglas an annual rent of thirteen merks Scots to be uplifted from the town and territory of Aldhampstocks, for the welfare of the souls of King James, Bishop Kennedy, Sir Alexander Home of that Ilk, Robert Nesbit and William Chirnside. To be held in pure alms until the granter or his heirs can infold the church in 12 merks of land in convenient places in the sheriffdom of Edinburgh or of Berwick, etc. Witnesses, William and George Hepburn, brothers of the granter, and others. Confirmation Charter dated at Falkland 22 August 1450; fragment of great seal remaining. [Printed at supra, No. 387.]

126. Charter by King James the Second under the great seal confirming a charter (dated at Jedburgh 26 April 1451) by William Earl of Douglas and Avandale &c. [now deceased] granting to the Collegiate Church of Dunglas one husband land lying in the town and territory of Hutton, as formerly possessed by Andrew Tait and resigned by him, also the parish church of Hutton and hospital of the same; with the advowson of the church and hospital to Sir Alexander Hume knight; To be held to the said church, and the advowson to Sir Alexander Hume, in pure alms for the welfare of the granter's soul and that of Margaret his spouse, etc. No witnesses to the earl's charter. Confirmation Charter, which does not appear in the extant record of the great seal, is dated at Wigtown 25 May 1458. Witnesses George Bishop of Brechin, Chancellor, Thomas bishop of Galloway, James Lord Livingstone, William Murray of Tulibardine, and Ninian Spot, comptroller.

127. Charter under the great seal by King James the Second granting, on behalf of King James [the First] and Queen Joanna, his father and mother, and also of himself and Marie his consort, to the College of Dunglas and the susenance of the chaplains there, the lands of Trofantenis in the earldom of March and sheriffdom of Berwick. To be held in pure alms. Dated at Edinburgh 11th January 1451-2. Fragment of great seal still appended. [Cf. Printed Register of Great Seal, vol. 1424-1513, No. 520.]

128. Bull by Pope Nicolas the Fifth narrating the terms of a petition made to the Papal See by Alexander Home, knight, lord of Home, to the effect that he desiring by a happy commerce to change earthly things into heavenly and temporal into eternal, had, for the welfare of his own soul and those of his progenitors and friends, of the goods granted him by God, caused a church to be built in the town of Dunglas in St. Andrews diocese to the honour of Mary the mother of Jesus, and at his own cost to be constructed in a godly manner; and had founded and endowed it for certain persons serving there, with one provost who should preside, with consent of James Bishop of St. Andrews and under certain conditions; having also procured authority for its erection into a Collegiate Church, the right of patronage and presentation &c. being reserved to the granter, his heirs and successors, the petitioner humbly prays the Papal See to confirm the building, erection and endowment, which the Pope does in set form, confirming and approving the same. Further considering that the whole rent assigned for the foundation and endowment of the church are not wholly sufficient, and understanding that the rectory of the parish church of Dunglas so abounds in wealth that the rector for the time can be sufficiently provided for life, without the greater and lesser teinds, and
desiring that the Provost of the said church of St. Mary and other persons there should be fitly provided, the Pope appropriates and applies the greater and lesser tithes of the rectory, estimated at the yearly value of 5L sterling, to the use of the said provost and others, without prejudice to the rights of the rectory or similar benefices; providing that the parish church shall not be defrauded of its funeral dues &c. Given at Rome 2nd January 1450–51.

129. Presentation by Patrick Hepburn, tutor lawful and heir of Patrick Earl of Bothwell his nephew, narrating that he had granted to Sir Archibald Ellem, chaplain that prebend of 13 marks lying in the town and territory of Aldhampstocks, founded in the collegiate church of Dunglas, vacant by the death of Sir Andrew Dikkyson, last possessor; therefore presenting the grantee to Mr. James Haliburton, Provost of the College to be admitted, provided, placed in possession and properly installed in the choir and in his place in the chapter. Dated and signed by the grantee at Hailes 27 May 1515. George Home [brother and] apparent heir of Alexander Lord Home being a witness. Signed "Patrik mast' off halis.” Seal attached. Shield couché on a chevron two lions pulling at a rose; an anchor in base. Crest, a horse's head and neck. Legend "S. PATRICI HEPBURN DE DUNGALSTON (?)."

WRITS RELATING TO THE PRIORY OF ECCLES.

130. Letters under the quarter seal, by King James the Fifth directed to the Prioress and convent of Eccles, narrating that as the office of bailiary of Eccles conferred by the Prioress and convent upon the late Alexander Lord Home, father of George Home, has fallen in the king’s hands by the forfeiture of Lord Home for treason, and as the king is unwilling that the convent be prejudiced by such forfeiture in its superiority of said office, he presents to the Prioress &c. the said George Home, with consent of John Duke of Albany, governor of the kingdom, that he may receive and be infest in the office of hereditary bailiff of the convent. Edinburgh — August 1522.

131. Instrument of Sasine following on a precept in a charter (dated at Eccles 8 May 1567) by [Marion Hamilton], Prioress of Eccles, granting to Alexander Hamilton of Innerwick, the lands of the town of Eccles extending to sixteen husband lands, also the lands of the main of Eccles, extending to other sixteen husband lands, with mill &c. [in the county of Berwick.] Sasine given on 14 May 1567, by George Home of Broxmouth as bailiff, witnesses, Gilbert Wauchop of Stotteneuch, James Launder of Muircleuch, James Hamilton in Westhall, and others, including Robert Fraynche, minister of the word of God.

132. Lease by Dame Marion Hamilton, Prioress of Eccles, with consent of the convent, in favour of Alexander Hamilton son and apparent heir of Alexander Hamilton of Innerwick, granting to him the teindsheaves personage and vicarage of their four kirk and parishes called “our Lady parochin, Sanct Johnnis parochin, the Magdaline and Sanct Cudbertis parochinnis” belonging to the said Priory of Eccles, for the term of nineteen years from the date hereof, namely of the town and lands of Eccles and the main, and all other lands within the four parishes; to be enjoyed by the lessee during the said term; reserving always to the Prioress the fruits of the personage and vicarage of Bothkennar with the kirklands, during her lifetime; for which teinds the lessee shall pay the pensions and portions yearly and termly from Whi-
sunday next to the whole sisters of the said place during their lives; because Alexander Hamilton of Innerwick father of the lessee has paid to the Prioress and convent certain great sums of money, which they acknowledge and now discharge; and the lessee shall relieve the Prioress of the third of the Abbey, at the hands of the king and his comptroller, and of the contribution for the Lords of Session, yearly, in respect of the whole payment; the said lessee being bound to pay no rent or duty for the said teinds, but only the pensions of the sisters as long as they live, and after their deaths he shall pay to the possessors of the Abbey 200 merks yearly, Scots money. Dated and sealed at the said Abbey 11 December 1567. The sisters, seven in number including the Prioress, sign by a notary. Their names are Marion Hamilton, Prioress, Katherine Dickson, Katherine Gradan, Giles Palmer, Marion Douglas, Elizabeth Schoriswood and Marion Cranston. Seal attached. Small oval, "Virgin and Child."

133. Similar lease by the Prioress to Alexander Hamilton of Innerwick, conceived in precisely the same terms, except that the lessee is to relieve the Abbey of the third, at the queen’s hands instead of the king’s. Ten members of the convent sign by a notary, on 8th March 1567–8, the names of the three additional sisters being Clara Napier, Janet Sinclair and Agnes Hog. Seal attached.

134. Letters under the quarter seal of King James the Sixth with consent of James Earl of Murray, Regent, narrating that as the sixteen husband lands of Eccles and also the mains of Eccles, bounded by the lands of Alexander Lord Home, called Stanrig and Wrangomhill on the east, the lands of Shells belonging to Patrick Home of Reidbraes on the south, the lands of Brangaswalls belonging to John Home of Coldenknowes, knight, and the lands of Ednam belonging to John Edmonstone of that Ilk on the west, and the lands of Dudrig belonging to George Home of Ayton on the north, within the lordship of Eccles and sheriffdom of Berwick, which were held in feu farm from the Prioress and Convent of Eccles by Alexander Hamilton of Innerwick, were now by reason of his forfeiture for treason, in the hands of the king, the latter being unwilling that the Convent should suffer loss, presents Alexander Lord Home to the Prioress as a tenant in the lands of Eccles, &c. At Edinburgh 30th May 1568. Part of seal remaining. [A duplicate of the above was issued on 30th June 1568.]

135. Letters by Alexander Lord Home appointing procurators to appear for him in presence of Dame Marion Hamilton prioress of the Abbey of Eccles and present to her a charter of feu farm by her and the convent in favour of Lord Home of the lands and mains of Eccles, which had been granted in feu to Alexander Hamilton of Innerwick and were now forfeited to the King, the said charter being in conformity with the King’s presentation, and to desire her to subscribe the charter; also, if she refused to do this, to make formal protest that Lord Home may have his legal remedy. At Edinburgh 20 August 1568. Witnesses Gilbert Gray, provost of Foulis and others. Signed “Alexr I Home.” Signet impressed—a lion rampant for Home. Endorsed is a notarial statement narrating the presentation of the charter in due form to the Prioress, who replied that she had formerly given right in the said lands and mill to Alexander Hamilton of Innerwick, and could not make two rights thereof and accordingly she refused to sign the charter to Lord Home, whose procurator then protested. Done at Bothkennar on 23 August 1568.
136. Lease by the said Dame Marion Hamilton, Prioress of Eccles, granting to Alexander Lord Home, heritable and principal bailie of the Abbacy for his services, &c. the teind sheaves of the lands and mains of Birgham, lands of Fairmyrig, and Whitrig lying in the sheriffdom of Berwick, with the teind sheaves of the lands held by Lord Home from the Abbey; to be held to him in lease for the space of five years, without payment of any yearly or other duty for that period. Dated at Thornton, the day and year being blank. The prioress signs by a notary. [165—] A duplicate is dated 1st September 1594.

137. A document, of which the date cannot be clearly ascertained, but which may be inserted here.

Letters by Alexander Lord Home, bailie heritable of all the lands and heritages belonging and annexed to the Abbey of Eccles, directed to his officers, narrating a complaint made to him by his "derrast cusynnes Dame Elizabeth Hum priorice of the said Abbey of Eccles nunray" that though she is provided by the Court of Rome in the said Priory, yet the rents and emoluments are withheld wrongfully from her and her convent by the intrusion of one Dame Marion Hamilton alleging herself prioress, who has dilapidated and is daily dilapidating and wasting the patrimony of the Abbey, whereby the complainant and the convent can get no living and are reduced to poverty; further that the parties had consented that the whole rents &c. of the benefice should be placed in neutral hands until it be decided to whom the Abbey shall belong, the buildings meanwhile being kept up: in terms of which and a petition by the parties, Lord Home directs his officers to arrest and secure the rents and grain belonging to the Abbey in the hands of the various tenants, especially of the current crop, under the usual penalties. This writ which is apparently a copy, is unsigned and the day of date is blank, the year being given as 1509, which appears to be erroneous.

138. Extract Decree by the lords of council and session in an action by Dame Marion Hamilton prioress of Eccles against Sir James Home of Sinlaws, knight, who claimed a right to a third of the rents of the Abbacy under a five years tack of the same from the king's comptroller. The parties appeared, as also Lord Home for his interest, and the Court decided that the kirk and ministers are to receive their third of the abbacy without reference to any leases by the Comptroller or any other, and they discharged any action taken by Sir James Home against the Prioress. Edinburgh 16 December 1670.

139. Lease by Mr. James Home, Commendator of the Priory of Eccles, in favour of Alexander Lord Home in liferent and of his heirs after his death, whom failing the grantor's heirs, whom failing, of Sir James Home of Coldenknowes the grantor's father, granting to them in succession the teindsheaves of the four parishes abovenamed [No. 132 supra], excepting the 32 husbandlands of Eccles, and the lands of Mersington belonging to Sir James Home, for a term of 19 years from Lammas 1588, at a yearly rent of 113l. 6s. 8d. Scots. Dated at Edinburgh 4 August 1588. John Home of Carside, George Home portioner of Gullane and others, witnesses.

140. Lease by the same Commendator of the same teindsheaves in favour of his own eldest son and apparent heir, George Home, and his heirs male for 19 years, at the same rental. Dated at Eccles 19 June 1601. Two seals attached—one of the Priory, the other that of the grantor.
141. Charter under the great seal of King James the Sixth constituting and appointing Mr. Alexander Home lawful son of the late David Home minister of the Church of Coldingham, to be commendator and Abbot of the Abbacy of Eccles and the teinds &c., which formerly belonged to Mr. James Home Commandator of the said Abbacy, and are now in the king's hands because of the said Mr. James being on 1st and 3 May 1604 put to the horn at the instance of Marion Lumsden, relicit of the late John Haitlie of Mellerstanes, James Haitlie now of Mellerstanes his son and their kinsmen and friends, and his remaining unrelaxed, etc. giving and granting the said Abbacy to the said Mr. Alexander Home, with appropriate dignity, and full powers over the benefice, &c. At Edinburgh 7 November 1607. Great seal attached.

142. Assignation by Sir George Home of Pincartoun, knight, granting with consent of Sir James Home of Eccles his father, and assigning to Sir John Home of Blacader the tack or lease of the teinds of Eccles made to the grantor by his father on 19 June 1601 [No. 140 supra]. Dated at Eccles 10th December 1616. Witnesses Mr. Alexander Home, minister at Eccles, Alexander Home, the grantor's lawful brother, and others.

143. Extract Decree of the Parliamentary Commissioners for the Plantation of Kirks, narrating that they had provided for the kirk of Eccles a constant stipend of 800 merks Scots money yearly, payment of which they had imposed upon Sir George Home of Pincartoun, in whose favour the priory of Eccles had been erected, and for his relief they had ordained Alexander Earl of Home to renounce his tack of the vicarage and parsonage teinds [as in No. 139 supra] so far as regards the vicarage teinds, in return for which they extend his lease of the parsonage teinds for other nineteen years. Edinburgh 18th February 1618.

144. Assignation by William Home lessee of the teinds of Eccles under a lease from his brother Mr. Alexander Home [cf. No. 141 supra] of date 3 August 1620, assigning his rights and lease in favour of Alexander Fouls apparent of Collinton; also substituting the grantee in his interest in an action at the instance of the king's advocate and the grantor against James now Earl of Home as heir of his father Alexander Earl of Home, for reduction of their rights. At Edinburgh 26 June 1622.

145. Charter under the great seal by King James the Sixth constituting and appointing Mr. John Home, provost of Dunglas as Commendator of Eccles, in place of Mr. Alexander Home [as in No. 141 supra]. Given at Edinburgh 17 September 1622.

146. Signature under the sign manual of King James the Sixth for a charter under the great seal, narrating "That the monastical superstition for the quhilk the Abbacies and Priories of auld were erectit and foundit anow be the lawis of this Realme allutterlie abolisht." and their patrimonies annexed to the Crown; also that the Parliament held at Edinburgh 24 June 1609, in consideration of the good service of Sir George Home now of Eccles, knight, and the late Sir James Home of Coldenknowes, knight, his grandfather, captain and keeper of the Castle of Edinburgh, both in his Majesty's private matters and in the public affairs of Scotland, had by a special act disjoined the temporalities of the Priory of Eccles from the Crown, together with the parish church.
of Eccles called the Lady Kirk, with the chaplainries called St. Johns, St. Cuthberts and St. Magdalesn chapels, lying in the sheriffdom of Berwick, and the parish kirk of Bothkennar in the shire of Stirling; also considering that Mr. Alexander Home, Commendator of the Abbey, had resigned in the king's hands the monastery and manor place of the Abbey with "the mansion thereof now callit the new work" and the churches above written, his Majesty grants to the said Sir George Home now of Eccles, the lands following formerly belonging to the priory, the lands of Eccles, the mains of Eccles, half a husband land in Burnouses, a husband land in Ernieway, a croft in Darnchester, a croft in the west end of Liten, a half husband land and two crofts also in Liten, the Nuncroft in the town of Birgham, a husband land in Bangsworthall, a half husbandland called the Nuncrofts in Hassington, a quarter land called the Nuncroft on the north side of Mersington, a husbandland at the west end of Mersington, two husbandlands called the Nunbank occupied by James Dunill in Byreleuch, a husband land called Lynntroddland, the moss called the Nun-moss on the west side of Fawside, the myre or meddow called the Numytre within the lands of Todrig, all lying in the sheriffdom of Berwick; three husbandlands of Wenside lying in the constabulary of Haddington and shire of Edinburgh; four husbandlands of Grubethwa, two husbandlands in Langnewton, two husband lands in Stitchell with twenty two "sownis" of goods to be pastured in the lordship of Stitchell, lying within the shire of Roxburgh; pertaining to the priory of Eccles, together with the advosons of the four churches named: All which lands &c. the king has united and erected into one whole and free barony to be called the Barony of Eccles, dissolving the monastery for ever, discharging payment of all monks' portions and pensions for ever and providing that the barony shall henceforth be taxed as a temporal lordship only; farther, dissolving the rectories or parsonage teinds of said churches from the Abbacy and erecting them into the churches of Eccles or Lady Kirk comprehending the chapels, and Bothkennar. To be held the whole lands of Eccles and others as described, to the said Sir George Home and his heirs of the king and his successors in banch farm. Day, year and place of signature left blank.

147. Signature under the sign manual of King Charles the Second for a charter under the Great Seal to be made in favour of James Earl of Home heir male and of tailzie to the late James Earl of Home, last deceased, who was assignee of the late Sir George Home younger of Eccles and to his heirs male etc., of the parish kirk and parish of Eccles called Ladykirk, with the three chapels as before described, with the advowson of said church, and the teindsheaves (except those of 16 husband land sometime belonging to the late Sir George Home of Eccles and now to Sir James Home of Eccles his son) all which the late Sir George assigned to the late Earl of Home on 17th December 1624 and 6th February 1625; his Majesty grants the same of new to James Earl of Home to be held in banchfarm for 40d. Scots yearly. Dated at Whitehall 30 June 1664.

148. Among miscellaneous papers under this head may be noted Copy of Orders by the Commissioners under the Commonwealth for visiting Universities and placing and displacing ministers. (1) Order to the effect that as Mr. Andrew Rutherford is elected minister at Eccles and "hath a lauffull call by certain Godly and wellaffected persons in the said parish to exercise his ministeriall duties" the Commissioners approve, and authorise him to uplift the stipend, forbidding any one
to disturb him in his parish, providing that he shall not revile the Government nor keep the people disaffected by praying or preaching against it. At Edinburgh 10 July 1654. (2) An order by the same, that as Mr. Andrew Rutherford is established in Eccles, the Commissioners desire the conjoint sheriffs of Berwickshire to prevent Mr. John Jameson (a former minister) from preaching in the parish to Mr. Rutherford’s disturbance. 24 July 1654. (3) A summons to Mr. John Jameson to appear before the Protector’s Council on 7th February 1655-6. Dated 1st February 1656 and served upon him in his “chamer in the Tofts.” (4) Order by the Council that in regard Mr. Jameson has preached on the borders of the parish of Eccles, and “taken a libertie to renew the memorie of Charles Stewart to his auditors to stir vp their affection to him” the Council require that he shall not preach any more in the parish or on the borders of it. 8th February 1656.

Lands of Eltrive.

149. Contract between Alexander Lord Home on the one part and Robert Scott of Thirlestane on the other part, by which Lord Home alienates and disposes to Robert Scott the lands of Eltrieff and Corseleuch lying within the lordship of Ettrick Forest and sheriffdom of Selkirk presently occupied by Scott and of which he and his predecessors have ever been kindly tenants, Lord Home binding himself to infest Scott in due form; to hold of the King for a yearly payment for Eltrieff of 50l., and for Corseleuch of 12l. yearly payable at “Barilismes and Anderismes” (St. Bartholomew’s day—24 August, and St. Andrew’s day—30th November) in name of feufarm; under reversion to be granted by Robert Scott to Lord Home for redemption of the lands. Lord Home, also, considering that Scott and his predecessors have ever been kindly tenants and possessors of the lands, agrees that this contract shall not in any way prejudice their interests; further if at any time he should alienate any other “rowme” in Ettrick Forest to any person without reversion, he binds himself either to dispose the reversion of Eltrieff and Corseleuch to Scott, or if they have been redeemed, to dispose the feu to him, the value of the buildings on the lands being estimated by four men, two wrights and two masons: For which Scott binds himself to pay to Lord Home 1,000 merks Scots, as arranged. Dated and signed by the parties at Edinburgh, 19th December 1590. [The writ is much torn and mutilated.] A valuation in terms of the above was made on 12 April 1622, but the document is too much destroyed to be intelligible, and in February and March 1632 preparation for redemption was made by summoning Robert Scott, son of the late Walter Scott of Burnfoot, and John Scott, son and heir of the late Sir Robert Scott of Thirlestane, knight, to appear in St. Giles Church, Edinburgh, to receive the 1,000 merks principal and seven hundred additional, as the value of the house at Eltrieff, for the redemption of Eltrieff and Corseleuch.

Bailiary of Eskdale.

150. Charter under the great seal, by King James the Fourth, granting to Alexander Lord Home, Great Chamberlain of Scotland, the office of bailiary of the lordship of Eskdale in the sheriffdom of Dumfries; To be held to Lord Home and his heirs of the king and his successors in fee and heritage; with the usual powers. At Linlithgow
2nd August 1495. Witnesses Robert Archbishop of Glasgow, Archibald Earl of Angus, Chancellor, Archibald Earl of Argyll, Patrick Earl of Bothwell, John Lord Drummond, George Abbot of Dunfermline, George Abbot of Paisley, and Mr. John Fraser, dean of Restalrig. [This charter does not appear in the extant Register of the great seal. It was followed by a precept of sasine of same date, and by formal investiture on 24th September 1495, given on the lands of Staplegorton, at a spot on this side of the cemetery of the church there, in the lordship of Eskdale, before John Lindsay Master of Crawford, Alexander Seton of Tullibody, Bartholomew Glendinning, son and heir of the Laird of Glendinning, and others, witnesses.]

EWESDALE.

151. Notarial copy of a charter by George Lord Home, granting and letting in feu farm to Ninian Armstrong and David Armstrong and their heirs and assigns of equal or lesser rank, all and whole his 40l. land of the upper parish of Ewesdale called the Over parish, lying in the sheriffdom of Dumfries; To be held with the whole pertinents including one half of the herezelds (due by the tenants) to the grantees for a yearly payment of 20 merks Scots in feu farm, with service at the grantees' courts in Ewesdale and other homages. Dated at Home 10th June 1528. On 22 October 1556, Ninian Armstrong, son and heir of the said late David Armstrong, produced the principal charter in presence of Alexander Lord Home, declaring it to be the old principal charter, and it was duly copied.

152. Signature [unsigned and undated] by King James the Sixth, for a charter to be granted under the great seal to Alexander Earl of Home, giving to him for his good service, the lands and lordship of Ewesdale containing the lands of Fiddiltown, Blackhall, Glenvorang, Glenraunch, Hardway, Mossaul, Unthank, Mosspeble and others in said lordship, with advowsons of the churches, especially of those called the "Over and Nethir kirkis," etc., lying in the sheriffdom of Dumfries; Likewise the 10l. lands of old extent of the said lands of Ewesdale, comprehending the lands of Meikledale, Arkleton, Torona, Flank, Howgill, Glendovane, Sorbie, Burngrains, Bus, Bliss, and Easter Wester and Middle Wres, lying in the said lordship and sheriffdom; which some time belonged to the late John Lindsay, some time of Wauchops, and were forfeited by him to King James the Fourth, who disposed them to Alexander lord Home, grandfather's brother of the Earl [cf. Register of great seal, printed vol. 1424–1513, No. 2963] and by him they were forfeited to King James the Fifth who bestowed them on Robert Lord Maxwell; the first series of lands named having been resigned by their proprietor the Earl of Home, and the second series forfeited by John Lord Maxwell, the king now grants the whole to the Earl of Home and unites the whole lands into one barony to be called the Barony of Ewesdale; To be held for services due and wonth. [Date blank, but if the grant was ever completed it must have been between 1607 and 1619.]

LANDS OF FOGO AND GORDON, ETC.

153. Letters of Lesses by Alexander Seton of Tullibody granting to Alexander Home, grandson and apparent heir of Sir Alexander Home of that Ilk, knight, the lands of Fogo, in the sheriffdom of Berwick,
in lease for the space of eight years from date at a yearly rental of
40 merks and a half Scots; with power to appoint sub-tenants, etc.
Sealed at Dunglass 3 April 1473. Seal impressed; broken. Shield
showing, apparently quarterly, 1st and 4th, three crescents, two and
one, for Seton, without the royal treasure; 2 and 3rd three shields, two
and one, for Hay.

154. Precept of Sasine by George Earl of Huntly, lord Gordon,
directed to Alexander Cockburn of Langton, Adam Nisbet of that Ik,
and others, as bailies to infeft Alexander Ramsay of Dalwolsey, in terms
of a charter of sale, in the half of the lands of Fogo, lying in the sheriff-
dom of Berwick. Dated at Edinburgh 16 December 1480. Seal
attached, quarterly 1st 3 boars’ heads for Gordon; 2nd 3 lions’ heads
for Badenoch; 3rd three crescents in royal treasure; 4th three cinque-
foils. Crest a buck’s head.

155. Letter of Reversion by the above Alexander Ramsay to the
said Earl of Huntly, binding himself that when the Earl or his heirs
paid to Ramsay or his heirs the sum of 400 merks Scots, in the collegiate
church of St. Giles, Edinburgh, on the altar there of the Holy Cross
„de Lucano,” then the granter and his heirs shall resign in the Earl’s
favour the said half land of Fogo, sold under reversion. At Edinburgh
17 December 1480, witnesses, James Innes of that Ik, Alexander Seton
of Meldrum, Robert Ramsay of Cockpen, William Duddingston of that
Ik and others. Seal attached. Eagle displayed. Legend “S. ALEX-
ANDR RUMSAY.”

156. Charter by the said George Earl of Huntly, granting, for
services done to himself and Alexander his eldest son, to Alexander
Home of that Ik, the half lands of Fogo in the Earlry of Huntly
and sheriffdom of Berwick; To be held to the grantee and his heirs
male, whom failing, to John Home brother german of the grantee, &c.
whom failing to George Home uncle of the said Alexander and John,
&c. whom failing, to their heirs whomsoever of the name of Home,
succeeding hereditarily or by entail to the lordship of Home, of the
Earl of Huntly and his heirs in fee and heritage for ward and relief and
services due and wont. Dated at Kildrummy 16 September 1483,
witnesses Alexander Gordon, the grantor’s firstborn son, James Ogilvy
of Drummaketh, Walter Ogilvy of Auchleven, William Keith of “Ythe”
and others. Seal attached, ut supra. [A precept of sasine of same
date, was followed by an instrument of sasine given on the lands by
Patrick Home of Polwarth as bailie, 25 September 1483; witnesses
George Cranston of Harlaw, Alexander Hately of Lambden, and
others.]

157. Letters of Resignation by Alexander Ramsay of Dalwolsey
knight, narrating that his father the late Alexander Ramsay had re-
ceived a charter from George Earl of Huntly of the lands of Fogo,
under reversion [cf. Nos. 154 and 156 supra] and that as the sum of
400 merks had now been paid to him as heir to his father he therefore
with consent of Elizabeth Douglas his mother appoints Robert Lundy
of Balgonie, Peter Crichton of “the Pows,” Robert Colville, director of
Chancery, Symon of Hill, Archibald Inglis and Patrick Heriot, as his
procureurs for resigning the said lands into the hands of the Earl of
Huntly to be at the latter’s disposal. Dated at Edinburgh 1st July
1494; witnesses John Ogilvy of Fingask, Robert Douglas of Lochleven,
David Berclay of Cullerny, George Home of Aytoun, Master Henry
Lindsay, Peter Carmichael and others. Signed "Alyxand' Ramsay." Seal attached, defaced.

158. Charter by the same Alexander Ramsay of Dalwolsy, knight, with consent of his mother, granting and alienating to Alexander Lord Home, for a sum of money, the half lands of Fogo; to be held bensch of the grantor. Dated at Edinburgh 1st July 1494. Same witnesses as in previous writ. Same signature. Two seals attached, the first, an eagle displayed. "S. Alexandri Ramsay"; the second, bearing a buckle between three stars, two and one. "S. Elisabht Dovglas." [This was followed by Precept of Sasine of date 2nd July 1494. Addressed to Adam Crichton, son and apparent heir of James Crichton of Ruthvenray, and others to act as bailies.]

159. Obligation by Archibald Earl of Angus Chancellor of Scotland, Alexander Ramsay of Dalwolsy, knight, and George Home of Ayton Curator of the said Alexander, binding themselves to Alexander Lord Home, great Chamberlain of Scotland, that as Alexander Ramsay has sold to Lord Home his half of the lands of Fogo, and has duly resigned the same and given charter and sasine accordingly, and because Lord Home has paid to Ramsay the sum of 400 merks Scots, [Cf. No. 9 of this Report] which sum Sir Alexander has by the advice of the Earl of Angus and George Home of Ayton delivered to his sister Elizabeth Ramsay for her marriage; therefore the said Sir Alexander Ramsay or his heirs of line or tailizie shall at his and their lawful age ratify and approve the said charter and precept of sasine made to Lord Home and also the letter of procuratory for resigning the lands; and if Sir Alexander or his heirs will not do this on being required, then the parties bind themselves to repay to Lord Home the sum paid by him, giving security over their lands to that effect. Dated at Edinburgh 5th July 1494. Same witnesses as in preceding writs. Signed "A erl of Angus" "Alyxander Ramsay" "George Hovm of Byton." Two seals attached—those of the Earl of Angus and Sir Alexander Ramsay—the third seal being wanting.

160. Charter by Alexander Earl of Huntly, granting to Alexander Lord Home, great chamberlain of Scotland, the half lands of Fogo, which had been resigned by Alexander Ramsay of Dalwolsy knight. To be held of the grantor in fee and heritable for payment of one penny at Whitsunday yearly in bensch farm if asked. Dated at Edinburgh 14 March 1503. Witnesses Alexander Irvine of Drum, Alexander Gordon of Megmar, Walter Ogilvy of Boyne, Adam Crichton of Rothven, knights, and others. Signed "Alex' Erle of huntle." Seal attached. Same arms as before. Supporters two hounds. [Infeftment on this Charter was given on 23 July 1505, by Thomas Huntly as bailie.]

161. Letters by Alexander of Seton Lord of Tullibody and of the lordship of Gordons, Fogo and Huntly, setting and leasing to "a vorschipfull man" Sir Alexander Home of that Ilk, all his lands of the lordship of Gordons, Fogo and Huntly, namely, Rennilton, Hecaspeth, Fawsidie, Wolstruther, Melstaires and Faunes, for all the terms of the grantee's life, at the same yearly rental as at present. At Edinburgh 7 August 1471.

162. Instrument under the hand of a notary narrating that Alexander Seton of Tullibody, of his own free will and by advice of the two lords aforesaid, in due form, for himself and his heirs renounced his whole lands of Fogo and whole lands of Easter Gordon, except the St. lands
of the mains of Easter Gordon, with charters thereupon resigning them in favour of his brother George Earl of Huntly etc. for the half lands of Tullibody and the lands of Touch-Fraser; reserving to the granter the mains of Easter Gordon and the lands of Mellerstains, Hamilton, Haxpeth, Wolstruther, and Fawns, in the sheriffdom of Berwick: Upon which Mr. Gilbert Hay of Ury in name of the Earl asked instruments. Done in the college church of St. Giles, Edinburgh, on 14th June 1490, in presence of Thomas Lord Erskine, Alexander Lord Home, Alexander, son and apparent heir of Lord Erskine.

163. Precept under the quarter seal by King James the Fourth, in terms of a charter, for infefting Alexander Gordon, son and apparent heir of George Earl of Huntly, in the lands [and lordships of Huntly and Gordon in the sheriffdom of Berwick, which had been resigned by the Earl in the king’s hands. The precept is dated at Stirling 13 June [1490] and is directed inter alios, to Alexander Home of that Ilk and John Home of Ersliton. [The latter, on 9th August 1490, in terms of the precept, passed to a house in the Easter town of Gordon, and when the precept was read by the notary he passed to the ground where, as was said, the principal mansion of the whole lordship of Huntly and Gordon was formerly situated, and there gave sasine in due form to the attorney for the granter. Witnesses, Robert French of Thorndikes, William Haig, son and heir apparent of James Haig of Bemerside, and others.]

164. Letters of Obligation by Alexander Lord Gordon, master of Huntly, to the effect that as he had made Alexander Home of that Ilk, great chamberlain of Scotland, his procurator to redeem and outquit the lands of Eastshaw, Westshaw and Piperland, lying in Touch Fraser in the sheriffdom of Stirling, from Humfrey Colquhoun of Luss, and to resign these lands in favour of Alexander Seton of Tullibody, and thereafter to receive from him resignation of the mains of Gordon in the sheriffdom of Berwick; wherefore Lord Gordon binds himself within forty days after the redemption of Eastshaw &c. to infeft Alexander Home and his heirs in the lands of the mains of Gordon, under reversion for redemption on payment of 100 merks Scoti; and if Lord Gordon fail in this he binds himself to pay 1,000 merks. At Edinburgh 26 March 1491. No witnesses. Signed “Alex lorde gordo.” Seal impressed, in a very broken condition, bearing quarterly, 1st Gordon, 2nd Badenoch and 4th Seton, the third quarter being broken off. [On 1st April 1493, Alexander Lord Gordon signed a precept of sasine in terms of a charter, to Alexander Home of that ilk of the mains of Gordon, and on 23 March 1493–4, infeftment in the lands was given to him under the title of Alexander Lord Home, his eldest son Alexander acting as attorney.]

165. Charter by the same Alexander Lord Gordon granting to Alexander Lord Home, great chamberlain of Scotland (the same grantee as in the preceding writ) three husbandlands, as described, in the town and lordship of Gordon extending yearly to 40s. of lands, with the right of patronage of the chaplainry or chantry of the chapel of the Virgin Mary of Huntly lying in the same lordship within the sheriffdom of Berwick; To be held of the granter and his heirs in fee and heritage, for one yearly suit in the chief court of the lordship of Gordon, after Christmas, with ward and relief. At Inverness 8th November 1492. Witnesses, Alexander Gordon and Thomas Turnbull, knights, Walter Ogilvy of Boyne and others. Signed along with a precept of same
166. Agreement between Alexander Lord Home on the one part and Alexander Lord Gordon, to the effect that the latter shall wadset or mortgage ten pounds worth of his lands in Easter Gordon to the former for the sum of 300 merks Scots, and shall deliver a charter of the lands in Dundee on 24 July next [cf. No. 10 of this Report] for which charter Lord Home has paid in advance 100 merks and shall pay the remainder in Dundee and grant reversion of the lands, as narrated in the previous writ referred to. Written in duplicate and signed interchangeably by the parties, this copy being signed by "Alexander Lord Gordon" at Kilkerran in Kintyre 28 June 1498. Witnesses Sir Patrick Home of Polwarth, knight, George Gordon, John Garrioch, John Crichton and Walter Chapman notary public.

167. Charter, in terms of the above agreement, by Alexander Lord Gordon, granting to Lord Home land in Easter Gordon of the yearly value of 10s. Scots. To be held bensch of the granter. At Dundee 24 July 1498. Not signed. Seal appended, perhaps by a procurator. Witnesses, Adam Crichton of Felde, knight, Patrick Heriot. [Sasine in the lands was given on 10 August 1498.]

168. Signature or letters under the Signet of King James the Fourth addressed to William (Elphinstone), Bishop of Aberdeen, keeper of the Privy Seal, narrating that the king had confirmed and approved three charters (1) Charter by the late George Earl of Huntly to Alexander Lord Home, of the half lands of Fogo in the earldom of Huntly and sheriffdom of Berwick (2) Charter of Sale by Alexander Lord Gordon, then Master of Huntly, to Lord Home of the mains of Gordon, and (3) Charter by the same to the same, of three husbandlands in the town and lordship of Gordon, with the patronage of the chantry of St. Mary's Chapel of Huntly; and that for the services done by Lord Home the king grants for himself and his successors that the taking of sasine by Lord Home before the king's confirmation shall not prejudice him nor his heirs, but that the confirmation shall be of as full force as if it had been made before the sasine was taken, so that the king or his successors may claim in future no right to the lands on the ground of alienation without the royal confirmation or consent; wherefore the keeper of the privy seal is commanded to prepare a charter of confirmation to Lord Home in more ample form. At Edinburgh, 1st April [1503].

169. Series of Letters of bailiary over the preceding lands (1) Letters by Alexander Seton of Tullibody appointing Sir Alexander Home of that Ilk, knight, his bailie for life, over all his lands of the lordship of Gordon, Fogo and Huntly, with full powers; given and sealed at Home 7 November 1471. Witnesses, Alexander Cockburn of Langton, Patrick Nisbet, Eumond Ogill and others. (2) Similar letter by George Earl of Huntly appointing Sir Alexander Home of that Ilk and his heir apparent Alexander Home as bailies over the Earl's lands of Fogo for the term of six years, reserving the mill and its tenants: with the usual powers. Dated at Aberdeen 27 July 1472. Signed "George erl of howntle." In absence of the Earl's seal, that of his kinsman and squire Walter Ogivy of Auchleven is impressed—now broken—but shewing, quarterly 1st and 4th an engrailed cross; 2 and 3 a lion passant; over all, in centre of shield, a crescent. (3) Similar letter
by Alexander Seton to Alexander Home, grandson and heir of Sir Alexander Home, for life, over the lands of Gordon, Fogo and Huntly.

At Dunbar, 1st April 1473. Seal impressed. Witnesses Patrick Dunbar, Alexander of Cockburn, Robert French of Thornyikes and others. (4) Similar letter to the said Alexander Home by George Earl of Huntly, as bailie for life of the Earl's lands of Gordon and Fogo. Dated and signed at Redpath on 21st July 1482, the seal of James Ogilvy of Findlater being impressed on behalf of the Earl. Witnesses, William Keith, son and apparent heir of Gilbert Keith of Inverurig, knight, Walter Ogilvy of Auchleven, John Home of Crailing, David Ogilvy of Tollmado. [On the same day and before the same witnesses, the Earl of Huntly granted to the same Alexander Home a lease for life of the lands of Fogo with the whole bailiary of Gordon and Fogo, with power to output and input tenants and deal with the lands as he pleases, for a yearly rental of 40 merks Scots; for which lease and bailiary Alexander Home is bound in manrent service to the Earl.]

170. Precept of Clare Constat by Alexander Earl of Huntly for infesting Alexander Home as nearest and lawful heir of his father the late Alexander Lord Home, great chamberlain, in three husband lands in East Gordon with the advowson of the chantry of Huntly, also the lands and wood of Huntlywood, with the "Forstersteeds" and the mains of Gordon, five husband lands in the Middle third part of East Gordon and five husband lands in the east part of Easter Gordon, also three husband lands in Todrig and the lands of Fogo and Ramillanlaw, all lying in the lordship of Gordon and sheriffdom of Berwick. Dated and signed at Edinburgh 18 October 1506.

171. Notarial Instrument narrating that in presence of the notary and witnesses there appeared Thomas Alanson, the widow of the late John Sampson, John Haisty, John Millar, Edward Lyle, John Home, Margaret Wauch, Cuthbert Brady, Thomas Fairbairn, William Knox, David Richardson, Janet Knafe, Margaret Steill, Thomas Millar, Mariota Wauch, William Paterson, Mariota Erskine, David Sampson, Robert Redpath, William Hall, Elizabeth Richardson, John Dawson, Patrick Dawson, William Knafe, Thomas Ingliis, Jonet Ingliis, Thomas Haisty, Andrew Rannald, Alexander Alanson, Alexander Robeson, Patrick Costerstoun, Edward Steill, John Arnot, Edward Steill, William Kinnard, John Forfar, Henry Steill, James Lermouth, Stephen Richardson, Edmund Brady, Charles Richardson, Alexander Weir, Cristal Richardson, Henry Richardson, John Howden, Jasper Sluthman, Thomas Lauder, William Staide, Janet Home, Andrew Turner and Margaret Benstoun, inhabitants and tenants in East Gordon and Huntlywood, who, for certain sums of money, and favours done to them by George Lord Home, unanimously and solemnly made, appointed and ordained him, of their own free wills, to be their cessioner and assignee in and to certain goods, moveable and immovable, namely sheep, oxen, cows, calves, horses, pigs, cocks, hens, geese, . . . ducks, fuel, grain, barley, oats, hay, vessels tin, wooden, brazen, wine, silver and golden, woollen and linen cloths, garments, jewels monetary and not monetary, victuals, meat, utensils, domiciles, houses, yards, fields, and mansions, despoiled, robbed, taken, ravaged, burned, devastated, destroyed and detained from them, as they affirm, by Ninian Chirnside of East Nisbet and his accomplices in the months of October and November 1523; and to other spoils taken by Chirnside from other persons as they allege and to the profits of such spoils and goods accruing in time past; trans-
ferring all their title and claim to the goods enumerated in favour of Lord Home. Done in the town of East Gordon 10th September 1524.

172. Gift under the privy seal by King James the Fifth granting to George Lord Home the ward casualties of the lands of Huntly, Gordon and Spottiswood Redpath, lying in the sheriffdom of Berwick, which belonged to the late Alexander Earl of Huntly and are now by his decease in the king’s hands by reason of ward; To be held the said ward, with the relief and nonentry duties to Lord Home until the lawful age of the rightful heir, the said duties having been gifted to Henry Lord Methven and resigned by him. Given at Edinburgh 15 March 1529–30.

173. Notarial Instrument narrating that Thomas Hog principal officer and sergeant to Alexander Earl of Home, at the latter’s verbal command “quhilk I notar vnderwritin hard gevinn, past to Kelso and thair in the cheptour (now haldin for the queir sen the destruction of the Abbey) with hie and vnderstandabill voice in the said lordis name, and his tenentis and adherentis, requirit and warnit my lord commendatour and convent of Kelso in tymne of his mea, thair chaimeillains and factouris quhatsumeur, To cum ypon Wodinisday and Thursiday nixt thaireftir the xvi and xvii days of October instant to Home, Fogo, Gordoun and Grencelaw, and thair to teyled, and teyndis away leid of thair cornis, quhilk teyndis he and his predecessouris hes bene in vse and possessiouin of befoir, sau that thair stok in poyn of tinsell may be away led; otherwise certifying thame that in caise that then nocht the saidsis day to the saidsis placis to the effect foresaid that the said lord, his tenentis and adherentis in respect of this laulfull warning wald leid thair stok respective sen it was grettil contrar ane common weill that for sik ane small the hail gret suld perische, and sen thai culd nocht gudlie suffer the samin to byde forthir hasard of woder and kep forthir and mair skaith.” Done in the said place on Sunday 13 October 1555, in presence of Sirs Adam Chatto, subprior, Michael Chatto, Thomas Simson, James Ancrom, Alexander Wood, Thomas Turnat, Randolph Gledstanes, monks, Richard Palmer, James Wallace, William Swanston and John Trotter.

LANDS OF MIDDLE-THIRD OF GORDON.

174. Letters of Procuratory by Alexander Lord Home, appointing procurators to resign in the hands of George Earl of Huntly as superior, the whole lands of Middlethird, as occupied by John Acheson senior and John Acheson junior, in the lordship of East Gordon and sheriffdom of Berwick, for new infeftment to Lord Home and Margaret Ker his spouse. Dated at Home 20 September 1552. [This is followed, in the Home Charter chest, by a Precept of Sasine by George Earl of Huntly, Edinburgh 17 December 1552, and Instrument of Sasine 7th September 1553.]

LANDS OF GREENLAW.

175. Letters under the signet or summons by King James the Sixth narrating that Alexander Lord Home had obtained a decree of Council finding the two merk land lying in Greenlaw in the sheriffdom of Berwick, between Lord Home’s lands on the west and east, the water of Blackadder on the north and the lands of the late William Redpath
on the south, and three merks worth of lands in the tenandry of Greenlaw, to be redeemed by Lord Home from William Redpath now of Greenlaw, heir and successor to the late William Redpath of Greenlaw, Helen Brownfield his spouse, and Alexander Redpath their son and apparent heir, pretended possessors of these lands, in terms of a reversion by the late William Redpath to the late George Inglis of Lochend, assigned to Lord Home; wherefore the king requires the parties named to resign the lands in favour of Lord Home. Edinburgh 10th March 1568—9. [In terms of this Lord Home issued a formal precept of warning requiring Redpath, his wife and son, and their tenants to remove from the three merk land in the tenandry of Greenlaw; dated at Floors 3 April 1569.]

176. Letters of Tack or Lease by William [Ker] Commentator of the Abbey of Kelso, with consent of his father Robert Lord of Roxburgh, as his lawful administrator and tutor, and also with consent of Andrew Ker of Fenton, "Iconimus" and administrator of the said abbey, leasing to Sir George Home of Spott, knight, Treasurer to the king, for all the days of his lifetime, and to an heir male succeeding, for his lifetime and to the nearest heir for nineteen years and also for a second period of nineteen years, the teind-sheaves and other teinds great and small, parsonage and vicarage of the whole parish and parish church of Greenlaw with all duties thereof, lying in the sheriffdom of Berwick; for payment of a yearly rent of 200 merks. Dated, signed, and sealed at Edinburgh and Halydean respectively on 17th and 18th August 1602. Witnesses, inter alios, John Spottiswood and Mr. Thomas Moir the grantor's "pedagog." Three seals attached, the Lord of Roxburgh's, the Abbey seal and the seal of Andrew Ker, all much defaced. [By another writ of same dates, the Commentator appointed procurators to resign the teinds in the king's hands in favour of Sir George Home.]

LANDS OF GREENWOOD.

177. Charter under the great seal by King James the Fourth granting to Alexander Lord Home great Chamberlain &c. the whole lands of Greenwood (Girnwood) in the sheriffdom of Roxburgh, which had belonged to and were resigned by Thomas Turnbull of Greenwood, knight; to be held of the king and his successors for services due and wont. At Falkland 22 March 1492—3. [Cf. Register of Great Seal, printed Vol. 1424—1513, No. 2147.]

178. Letters by King James the Fifth under the quarter seal, addressed to William Turnbull of Minto, requiring him to receive George Lord Home as tenant in his lands of Greenwood, in place of the late Alexander Lord Home (brother of George) who had been forfeited for treason. Edinburgh — August 1522.

179. Precept of Sasine by William Turnbull Laird of Minto for infesting (in terms of the above letters) George Lord Home in the lands of Greenwood. Dated at Minto 10th June 1525. No witnesses. Seal attached, shield bearing a bull's head affrontée. "S. Villelminus Turnhul." [Sasine was given on 15th March 1526—7, at the capital messuage of the lands.]

180. Act of the Justiciary Court of the king in the sheriffdom of Roxburgh, held at the burgh of Jedburgh in the Courthouse there on
Monday 19th April 1535 before Archibald Earl of Argyll &c. Justice General; there appeared in judgment Robert Scott of Allanhaugh, indicted and accused for art and part of oppression done to George Lord Home, in detaining from him the rents of the lands of Greenwood and Lyn for the space of nine years last past. The accused compounded for the king's remission and found Adam Scott his brother and himself as securities for satisfying parties. Extracted by Nicholas Craufurd of Oxengangs, Clerk of Justiciary.

Templarland in Haddington.

181. Instrument of Sasine following on a precept of Sasine (dated at Torphichen 20th April 1506) by William Lord of St. John, directed to John Hepburn of Rollandston, templar bailie in the constabulary of Haddington, for infesting Nicholas Ker as heir retourned to her father the late George Ker of Samuelston, in a tenement of templar land in the burgh of Haddington on the north side of the high street between the land of the late George Ker on the west and the land of Adam Cockburn on the east. Sasine given on 28 April 1506. The bailie's seal is attached, shewing the Hepburn arms, but not very legibly.

182. Transumpt made in due form on 9th July 1543, in the court of the burgh of Haddington, from the protocol book of the deceased James Kellie, notary public, of an instrument of sasine, narrating that George Lord Home was duly infest in a tenement of land in Haddington which had belonged to his mother the late Nicholas Ker, on 2nd January 1527–8; witnesses, William Lord Herries and others. Seal with device, attached, said to be that of Thomas Dickson, one of the bailies of Haddington.

183. Transumpt similar to the preceding, made on 23 January 1542–3, of a similar protocol narrating that George Lord Home was infest in a tenement of land in Haddington belonging to his mother, on 2 March 1527–8. Seal attached, said by the bailies to be their seal of office, bearing what appears to be a ram, and the legend "S. THE TOWN OF HADDINGTON" a device which differs from the present seal of the burgh.

184. Return of Inquest made within the burgh of Haddington at the templar land of John Getgud before Mr. Alexander Forrouss, templar bailie of Walter Lord of St. John's preceptor of Torphichen &c., by John Cutlar in Haddington, John Brouneshill there, Adam Bard there, Thomas Lethane there, Robert Johnesoun there, John Forrous of Lucasland, Archibald Daill in Barro, John Wilson in Morham, Robert Fell in Colstoun, Thomas Fell there, Patrick Tempill in Yester, Thomas Forrous in Dirleton, John Sinclair there, Alexander Robison there and John Foular in Gullane, who declare that George Lord Home is the nearest and lawful heir of his mother the late Nicholas Ker, lady of Samuelston, in a templar land in Haddington of a yearly value of 13s. 4d. Scots, held of the Lord of St. John in chief, and which had been in the hands of the superior for 16 years past. Dated 5 December 1542. Two seals appended.

Lands of Hardem, etc.

185. Letters of Reversion [contemporary copy] by John Turnbull, dwelling in Borthwick, to the effect that although John Lord Lindsay
of the Byres and of the barony of Chamberlain Newton had granted to him the lands of Stowleis in the barony of Chamberlain Newton within the sheriffdom of Roxburgh, formerly belonging to and resigned by the late William Lindsay of Garmilton, yet the grantor binds himself and his heirs on payment of 100 merks Scots money "now rynmand that is to saye, the ald ynglis groit for xij penneis the schoytis crownyt groit for xij penneis the scottis demy and the scottis crowne of gold for ten schillingis the ynglis noble of the he[nry?] for twenty four schillingis and the franche crowne of gold for allowing schillingis" in the church of St. Giles, Edinburgh, on forty days notice, to resign and upgive the lands in favour of Lord Lindsay. Dated at Haddington 31st August 1468, before William Home, Archibald Hepburn, Thomas Borthwick, David Lindsay of the Mount, William Lindsay his brother and others. The seal of Sir John Swinton of that Ilk is said to have been appended.

186. Letters under the quarter seal by King James the Fourth addressed to John Scott, baron of the barony of Wilton, requiring him to receive Alexander Lord Home, great Chamberlain of Scotland, as his tenant in the lands of Harden lying in the sheriffdom of Roxburgh, which had fallen in the king's hands by the decease of the late John Turnbull who died a bastard without lawful heirs. At Linlithgow 16 June 1491.

187. Notarial Instrument narrating that John Murray, son and heir of Patrick Murray of Falahill, as procurator for Alexander Lord Home presented to the said John Scott, baron of Wilton, the king's letters requiring him to receive and infest Lord Home in the lands of Harden in that barony, and requested fulfillment; to which request Scott replied that the lands of Harden had been and were in his hands and belonged to him by hereditary right, although the king had the right of presenting to him a tenant in the same; that he wished to receive Lord Home and no other, and he desired to advise with the King's Council and skilled lawyers and so deferred to fulfil the premises, although the procurator earnestly besought him to implement the letters. Done near the place of habitation of the said John Scott, of Huntlee, in the forest of Ettrick, on 26 June 1491.

188. Instrument of Sasine, following on a precept (dated at Bolton 16 March 1525–6, by Patrick Hepburn Earl of Bothwell &c. with consent of Patrick Hepburn, his tutor, in favour of George Lord Home, brother german of Alexander Lord Home, deceased, whose possessions had been forfeited for treason, but were now restored to his brother, for infesting the said George in his late brother's lands of Stowisle and Grundston and also the lands of Harden in the sheriffdom of Roxburgh, held of the Earl in chief. Sasine given by Gavin Ewald the Earl's bailie, at the capital message of the lands of Harden on 31st January 1526–7. Adam Scott of Newhall, Adam Scott, brother german of Symon Scott of Fenwick, and others, witnesses.

189. Letters under the quarter seal by King James the Fifth directed to Patrick Earl of Bothwell, presenting and requiring him to receive George Lord Home as his tenant in his lands of Groundston and Stowisle in the barony of Chamberlain Newton, and of Harden in the barony of Wilton in the sheriffdom of Roxburgh, also a croft called Ridawayis croft and two husband lands in the town of Benstoun, in the sheriffdom of Edinburgh and constabulary of Haddington; cancelling former presentations granted in the king's minority &c. Edinburgh 1st April 1538.
190. Letters of Reversion by William Scott in Todrig, deferentor, and Walter Scott his son and apparent heir, of the lands named, narrating that although Alexander Lord Home has sold to them his lands of Harden with tower, mains &c., excepting only an acre of land on the east side of the same, in the barony of Wilton and Sherifdom of Roxburgh, they bind themselves on payment to them of 160 merks Scots in the parish church of Jedburgh, to resign the lands in favour of Lord Home. Dated at ——. 1550. Witnesses Mr. Alexander Crichton parson of Abbotrule, Robert Riddell, brother german to Walter Riddell of that Ilk, and others. [In terms of a letter of procuratory by Lord Home, dated 22 March 1555—6, William Scott in Harden was summoned there, to receive payment of the sum of 160 merks in the Abbey Church of Melrose. Summons given 31 March 1556.] There is a difficulty as to the date of the reversion, which reads like 1559, and it may refer to a second loan, as the redemption money was to be paid at Jedburgh.

191. Charter by William Lindsay Lord of Byres granting to Andrew Lindsay his natural son, his whole lands of Stowisle and five moor lands in the town of Grundiston, lying in the barony of Chamberlainnewton within the shire of Roxburgh, remaining in his hands after the infielment of 10 merks of land made to William Gourlay, which lands the grantor had by grant of the late King David through forefeiture of certain lieges; To be held brench of the grantor. Witnesses Sirs John Haiburton, William Seton, George Leslie, William Borthwick and William Stewart, knights, John Seton, William St. Clair, William Elphinstone and others. [No date.] Seal attached. Shield showing a less chequy with two [or three] mollets in chief, two griffins supporters. A peacock's head and tail for crest. "S. WILLI DE LINDAYS.

LANDS OF HASSENTON AND OTHERS.

192. Charter under the great seal by King James the Second granting to Alexander Home of that Ilk, knight, the lands of East Mains of Hasinton and of Plewland and of Howlaw, lying within the shire of Berwick, and which were resigned by the grantee at the monastery of Candida Casa (Whithorn): To be held in fee and heritalo of the king and his successors for services due and wont. Dated at Wigtown, 25 May 1458. Witnesses (to resignation and charter) George bishop of Brechin, Thomas bishop of Galloway, James Lord Livingstone, Robert Lord Fleming, John Lord Darnley, William Murray of Tulibardine, Messrs. Thomas Vaus, dean of Glasgow, and Ninian Spott. [Not in extant Register of Great seal.]

193. Letters of Reversion by Nicholl Brounfield in Hardacres to the effect that although Alexander Home, son and heir apparent of George Lord Home and Marion Haiburton, and heir of the lands and lordship of House and the third part of the lands and lordship of Dirleton, with consent of his said father and mother and of his curators Mr. James Paulie of Colliston, Clerk Register, and Mr. Abraham Crichton, provost of Dunglass, has sold to the grantor the third part of the east main of Hasinton, called Hardacres, in the caridom of March within the shire of Berwick, yet the grantor, so soon as the sum of 36L. 14s. Scots is paid to him on the altar of the Abbey of Eccles, binds himself to resign the lands in favour of Alexander Home. Dated at Edin-iburgh 15 December 1541. Seal attached, bearing a saltire. Legend illegible.
194. Letters of Reversion by James Brounfield in Hassington Mains, narrating that although Alexander Lord Home has sold to him four pounds worth of the lands of Hassington Mains, now occupied by the grantor, lying in the barony of Home by annexation and sheriffdom of Berwick, yet the grantor binds himself that so soon as he receives payment, on the altar of St. James the Apostle in St. Giles, Edinburgh, of 200 merks Scots, along with the delivery of a five years lease of the lands at a yearly rental of 4l., he will resign the lands in favour of Lord Home. Dated at Edinburgh 30th December 1555. Seal attached. Shield showing a saltire. Legend “S. JAMES BROWNEFDLD.”

LANDS OF HASSENDEAN AND HOBSLIEHILL.

195. Letters of Reversion by Gilbert Elliot of Stobbs, narrating that Alexander Earl of Home had sold to him the lands of Middle Mains of Hassendean, and the lands of Wester Hassendean, commonly called Horsliehill, with tower, fortalice &c., in the barony of Hassendean and Sheriffdom of Roxburgh, to be held bensch of Lord Home, as stated in the contract of alienation dated at Dunglas and Edinburgh 29th and 30th January 1616; yet nevertheless the grantor binds himself to James Lord Dunglas, eldest son of Lord Home, that on payment of 8,000 merks Scots, he will resign the said lands of Hassendean. Dated at Edinburgh 30th January 1616. Witnesses, William Scott younger of Harden, Mr. Samuel Home bailie of Coldingham and others. [On 17 May 1630, Gilbert Elliot of Stobbs and William Elliot, his eldest son, acknowledge receipt from James Earl of Home of the sum of 8,000 merks, and declare the lands named to be duly redeemed. Witnesses, Mr. Gilbert Elliot, lawful son to the said Gilbert, Mr. John Home Provost of Dunglas and others.] Seal attached bearing three bends “S. Gilberti Elliot de . . . . .” the last word being illegible; it is not Stobbs.

LANDS OF HOSCOAT.

196. Instrument narrating that, in terms of Letters of Procuratory (dated at Hernheuch 13th February 1493–4) by Robert Turnbull of “Thoscoat,” (Hoscoat) the lands of Hoscoat lying in the sheriffdom of Roxburgh were resigned in the hands of William Lord Borthwick the superior; and were by him conferred upon Alexander Master of Home, son and apparent heir of Alexander Lord Home. Resignation made on the ground of the lands of Crichton in presence of Patrick Earl of Bothwell, Patrick Home of Fastcastle, &c. on 15th March 1493–4.

197. Precept of Sasine by William Lord Borthwick for infesting George Lord Home as tenant presented to him in place of his brother the late Alexander Lord Home, who had been forfeited and executed for treason, in the lands of Hoscotts in the sheriffdom of Roxburgh. Dated at Borthwick 26 September 1522. Seal attached. Shield couched bearing three cinquefoils two and one. Supporters two lions sejant. Crest a horse’s head and neck. Legend “S’WILLEM BORTHWilk.” [Sasine was given in terms of the above precept on 12 May 1524.] The Precept is also signed “W. L. borthwik.”

198. Precept of Sasine by John Lord Borthwick for infesting Alexander Lord Home as nearest and lawful heir of his father the late George Lord Home in the lands of Hoscoat in the barony of Borthwick and sheriffdom of Selkirk. At Edinburgh 11 February 1555–6, witnesses...
John Grierson of Lag, Thomas Hoppringle of that Ilk, and others. Signed "Jhon l. bothwilk." Seal attached, three cinquefoils on shield; no supporters or crest. Legend "S. Iohannis dni de Borthwilk." [Sasine followed on 17 February 1555–6, in presence of William Scott of Harden, William Scott junior, his son, and others.]

199. Letters by Alexander Lord Home appointing procurators to summon William Scott in Harden, or others, possessors of the said lands of Hoscoat, to be present in the Abbey of Melrose on 21 May next, there to receive on the altar of the Virgin the sum of 40l. Scots as redemption of the said lands of Hoscoat. Dated at Home 22 March 1555–6. Signed "Alex l. Home."

**LANDS OF HOWLAWS.**

200. Charter by John Lord Haliburton, granting for service done, to James Master of Douglas, knight, the lands of Howlaws in the earldom of March and sheriffdom of Berwick; To be held blech of the grantor. Dated at Dirleton 11th April 1450, witnesses William Earl of Douglas &c. William Lauder of Haltoun, Thomas Cranston of that Ilk, John Sinclair of Herdmanston, Mr. Adam Auchinleck rector of Glasgow, George Ker of Samelton, and James of Dunbar. Fragment of seal appended. [A precept of sasine was granted at same time directed to James Dunbar of Dernchester and others.]

201. Charter by James of Douglas brother german of William Earl of Douglas, &c., granting to Alexander Home lord of that Ilk, for service done and to be done to the said Earl, the lands of Hollow or Howlaws, in the earldom of March and shire of Berwick; to be held blech of the grantor. Dated at Jedburgh 29 April 1451. No witnesses. Seal appended. A savage man kneeling, bearing in his right hand a club and on left arm a shield bearing quarterly, Douglas, Galloway, Morey of Bothwell and Lauderdale. Legend broken. [A Precept of Sasine dated (perhaps by mistake) 28 April 1451, is directed to Richard Edington of that Ilk, Adam Forman of Hutton and others for infesting the grantee who is styled Sir Alexander Home of that Ilk, knight. Seal appended.]

**PAPERS RELATING TO THE SCOTTS OF HOWPASLEY.**

202. Letters of Reversion in the usual form, by Alexander Scott of Abbenton in favour of William Livingstone of Drumry, for the redemption of the lands of Midshiels and Appletreehall (except a fourth part of Appletreehall leased by Henry Turnbull) lying in the regality of Sprouston and barony of Lang Hassindane in the sheriffdom of Roxburgh, on payment of 500 merks in gold and silver on the altar of the holy rood de Lucano in St. Giles Church, Edinburgh. Dated at Edinburgh 16 November 1470. Witnesses Andrew Durie of that Ilk, John Beton of Balfour and others. Seal appended. Shield bearing a bend charged with two crescents and a mullet. Another mullet in sinister chief point, probably as mark of cadency. "S. Alexandri Scott."

203. Letters of Assignation by William Livingstone of Drumry, with consent of Robert Livingstone his son and apparent heir, assigning to Alexander Lord Home, chamberlain of Scotland, three letters of reversion (1) A letter by the late Alexander Scott of Howpaslot (Howpasley) of the lands of Midshiels and Appletreehall, for 500 merks, (2) a letter by
Walter Turnbull of the lands of East Mains for 200 merks; and (3) a letter by John Scott of the lands of Clarilaw for 200 merks; with full powers which the granter might claim in terms of the writs assigned. Dated at Falkland 5th February 1493-4. Witnesses, Sir William Menteith of Kerse, knight, Mr. William Scott of Flawerig, Mr. Alexander Moncreiff, vicar of Menmuir, and Cristall (Christopher) of Blair. Two seals attached—of the granter and his son, the first bearing a shield couched with three cinquefoils. "S. VLMUS LEVINGTON," the second seal bearing a similar device, "S. ROBERTI LEVINGTON."

204. Letter of Reversion by Walter Scott of Howpsley in favour of Alexander Lord Home, for redemption of the lands of Appletreehall (excepting a portion reserved by Lord Home of half a merk's worth of land on the north side) in the sheriffdom of Roxburgh, by payment of 200 merks on the altar of St. James the Apostle in St. Giles Church, Edinburgh, and delivery of a five years' lease of the lands at a yearly rent of 12 merks. Dated at Edinburgh 6 May 1502. Witnesses Mr. James Haliburton, George Home son of Lord Home and others. Seal attached. Shield bearing two stars in chief, with a lion's head erased, in base. Legend "S. WALTERI SCOT DE HOWPSALET."

205. Contemporary copy, by a notary, of an Instrument of sasine following on a precept of Clare Constat by George Lord Home in infesting Janet Scot as nearest and lawful heir of her father the late Walter Scott of Howpsley in the lands of Midshiels and Appletreehall in the barony of Hassendean and sheriffdom of Roxburgh held of the granter in chief, under a charter of infestation. Precept dated at Edinburgh 21 May 1530. Sasine given at Appletreehall to Janet Scot daughter and heir of the said Walter, appearing by her attorney Simon Scott, on 4th May [sic. 24th May or 4th June] 1530. [It may be noted in reference to the seal carried by Walter Scott of Howpsley as above, that the lady here described as his daughter and heiress used a seal (figured in "The Scotts of Buccleuch" by Sir William Fraser K.C.B., Vol. I., p. 537, No. 7) showing a bend sinistrewise (probably a mistake of engraver) charged with three mollets, with a bird in the dexter chief and a crescent in sinister base of shield. This seal is said to be attached to a writ of date 1532. The same work (Vol. II., p. 169,) shows that in 1540 Janet Scott of Howpsley was married to Thomas Macdowall of Macketston.]

206. Extract Decree by the Lords of Session in regard to a summons at the instance of Alexander Lord Home against Robert Scott of Howpsley, elder, Andrew Turnbull in Hornishill, Sym Sanderson, David Wood, "Hob" or Robert Davidson, Paul Turnbull, Alexander Hay, and Sir Walter Scott of Howpslay, knight, younger, to the effect that Lord Home had warned the said parties, and also Robert Scott in Howpsley, pretended tenants of his lands of Midshiels, Appletreehall, Braedlies, Cotlaw, Barnside and mill, all lying in the sheriffdom of Roxburgh, to remove from these lands at Whitsunday last, yet they refused to do this and occupied the lands by violence. On the case being called, Lord Home and Robert Scott of Howpsley appeared by their advocates, but Sir Walter Scott younger of Howpsley did not appear, and the Lords directed letters of removing &c. to be issued in terms of the summons. Edinburgh 16 January 1562-3.

207. Instrument of Sasine following on a precept (dated Edinburgh 24 October 1579) from the Chancery of King James the Sixth for infesting Sir Walter Scott of Birkenside knight, as nearest and lawful
heir retoured to his father the late Robert Scott of Howpsalay, in the lands of Appletreehall and Midshiells in the barony of Hassindean and shire of Roxburgh, held of the king in chief, and directing William Douglas of Cavers as sheriff principal of Roxburgh to give sasine, he taking security for 10l. of the rents of the lands for the year they had been in the king's hands and 10l. due for relief. Sasine given 9th November 1579. Witnesses James Douglas, younger of Cavers, Martin Douglas of Tofts and others.

208. Instrument of Sasine, following on a precept (dated Edinburgh 1st May 1588) from the chancery of King James the Sixth directing the sheriff of Roxburgh (James Douglas of Cavers younger) to infest Walter Scott of Howpsalay as nearest and lawful heir retoured to his father the late Sir Walter Scott of Birkenside knight, in the above-named lands of Appletreehall and Midshiells, the sheriff taking security for 75l. of the rents of the lands for the period of seven years and one term they had been in the king's hands and for 10l. of relief duty. Sasine given 23 May 1588, John and David Scott, brothers german of Walter Scott of Chamberlain Newton, and others witnesses.

THE LANDS OF HUNTLYWOOD.

209. Charter by Alexander Lord Gordon Master of Huntly granting to Alexander Lord Home, chamberlain of Scotland, the lands and wood of Huntlywood, also the lands called of Forester stead, bounded between the lands of Fawside and West Gordon on the east part and extending towards the south to the mains, and the mains of Huntly and the lands called the Chantry lands on the south part and thence extending to the west to the lands of Moriston and Ledgerwood on the west part and so extending towards the north to the lands of Corsby and Bassindean on the north part, lying in the sheriffdom of Berwick— with the exception reserved to the grantor of the tower manor of Corsby and the lake; To be held brench of the grantor. Dated at the manor of Findlater 8th September 1490, before James Ogilvy of Findlater, knight, Walter Ogilvy of Auchleven and William Keith, son and heir apparent of Gilbert Keith of Inverugy, knight. Seal wanting. [There is a duplicate of this writ, with seal attached; also a precept of sasine dated 9th September 1490. Seal.]


211. Letters or Instrument by Alexander Earl of Huntly narrating that in the lifetime of his father the late George Earl of Huntly, he had granted charter and precept of sasine of the above named lands to Alexander Lord Home, who used the writs and took possession, but that "the said chartir and precept of sesing was be evil avisit personis tane, and the sells that war hingand that pullit thairfra and distroyt," considering which the Earl, desirous that the loss of the seals should not prejudice Lord Home's possession, caused make new copies of the charter and precept, to which he appended his seal; fully ratifying the new writs. At Edinburgh 28 March 1503, Robert Innes, George Hervey and others witnesses. Seal attached.

212. Instrument of Sasine following on a charter and precept of sasine (date omitted) by Alexander Earl of Huntly with consent of
Elizabeth Gray, his spouse, selling and alienating to Ninian Seton of Tullibody, knight, son and heir of the late Alexander Seton of Tullibody, knight, the lands of Huntlywood, Forestert-seal (or steed), with the advowson and donation of the chaplainry called the Chapel of Huntly, alias the Chantry of Huntly and Huntlywood, in the lordship of Gordon and sheriffdom of Berwick. Sasine given on 23 December 1518.

213. Instrument of Sasine narrating that William Lord Herries as attorney in name of Marion Haliburton, daughter and one of the heirs of the late Patrick Lord Haliburton, and wife of George Lord Home, along with Patrick Hepburn, Master of Hailes, sheriff-depute of Patrick Earl of Bothwell, sheriff principal of the sheriffdom of Edinburgh, in the Constabulary of Haddington, passed to the principal messuage of Bolton, and there—in terms of a precept from the Chancery of King James the Fifth dated at Edinburgh 9th June [1531] to the effect that Patrick (Haliburton) Lord Haliburton, father of Marion, died last vest and seised in the whole barony of Dirleton, with castle &c., also in the whole barony of Bolton with tower, manor place &c., lying in the Constabulary of Haddington, and that Marion Haliburton is one of the lawful and nearer heirs of the said Lord Haliburton of the said lands, namely of the third part; directing the sheriff to give her sasine, taking security for 1,055 l. 11 s. 1 d. of the rents of the third part of the lands during the nine years and one term they had been in the king's hands since 5th June 1522, and for 200 l. 3 d. of the rents of the third part of the lands of Bolton for the same time, because the said Marion asserted that she had not obtained sasine of the said third part of the lands under another precept of date 5 June 1522, although security of the rents and relief for the terms preceding that date is entered in the Response books (Libri Responsionum) in Exchequer—the said Patrick Hepburn gave sasine to Lord Herries on behalf of Marion Haliburton of the third part of the lands of Bolton. Done on 30th October 1531.

214. Letter of Reversion by Patrick Hepburn, master of Hailes, and Patrick Hepburn, his son and heir, to the effect that though Alexander Home, eldest son of George Lord Home and of his spouse the above designed Marion Haliburton, and heir of the lordships of Home and Dirleton, has with consent of his father &c. sold to the said Master of Hailes in liferent and his son Patrick in fee, the manor place of Bolton and the third part of the barony of Bolton in the Constabulary of Haddington, and also in warrandice thereof, the lands of Kello in the sheriffdom of Berwick, yet the granters bind themselves, on payment of 600 merks Scots on the altar of St. James the Apostle in St. Giles Church, Edinburgh, and on delivery of a lease of the barony for the term of seven years, at 13 merks yearly during the life of Dame Helen Schaw Lady Dirleton, and 20 merks yearly after her decease, to resign the said third part of Bolton in favour of Alexander Home. Dated at Edinburgh 14 August 1536. Witnesses, William Lord Herries, Mr. Abraham Crichton, parson of Chirnside, John Herries, Florence Herries and others. Signed “Patrik mast’ of Halis,” “Patrik Hepbroun yovngar.” Two seals appended—both bearing the Hepburn arms, and legend “S. PATRICI HEPBURN M. DE HALIS.” Sasine was given to
the Master of Hailes and his son of the third part of the barony of Bolton on 9th November 1537, in terms of a precept by Alexander Home, dated 12 August 1536.]

215. Letters under the Privy seal by King James the Fifth confirming the sale of the lands of Bolton made to the Master of Hailes and his son. Edinburgh 10 April 1538. Privy Seal attached.


217. Letters of Procuratory by Andrew [Home] Commendator of the Abbey of Jedburgh, assignee of his brother, Alexander Lord Home, in and to the letters of redemption of the lands written, appointing procurators to summon Patrick Hepburn Master of Hailes, Mary Hepburn his "niece" (granddaughter), daughter of the late Patrick Hepburn his son, and James Hamilton of Sprouston, her husband, to receive the redemption money of the manor place, with the third part of the barony of Bolton and the third of the mill of Bolton, in the Constabulary of Haddington, and of the warrandice lands of Kello in Berwickshire. At Edinburgh 12th March 1558–9. Signed "Andro Comedatr of Jedburgh." [The letters of Assignation by Lord Home are dated 6th March 1558–9.] Seals affixed in both cases.

The parties met at the appointed time and place, but owing to legal difficulties and rival claims between Patrick Master of Hailes and his nephew [the late] Patrick Earl of Bothwell, and the absence of the granddaughter, payment of the money was delayed and it was consigned, with the lease, in the hands of James Lindsay, treasurer of the burgh of Edinburgh, as narrated in a notarial instrument of date 9 May 1559. The Abbot of Jedburgh raised an action before the Lords of Session, who on 8 July 1561 decided that the lands were redeemed, and ordered the rents to be paid to the pursuer. Patrick Earl of Bothwell had died before the date of this decree. Letters of horning were then issued on 25 July 1561, for the removal of Patrick Hepburn of Bolton, Master of Hailes, and the others from possession of the lands.

218. Precept of sasine under the quarter seal of Mary Queen of Scots, for infesting Andrew (Home) Commendator of Jedburgh in the third part of the barony of Bolton, &c. from which the Hepburns had removed. Edinburgh 4 September 1561. [This precept was followed by sasine on 3 November 1561, given by Alexander Yule of Garmilton, sheriff depute of Haddington, on the mains of the lands.]

219. Contract between Andrew Home, Commendator of Jedburgh, assignee of his brother, Alexander Lord Home, and also executor of his mother the late Dame Marion Haliburton, Lady Home, on the one part and Patrick Hepburn of Bolton occupier of the lands written, on the other part, to the effect that the Commendator for himself and as executor foresaid, acknowledges receipt and full payment from Patrick Hepburn, of the rents of the third part of the lands and barony of Bolton, with the manor place and third part of the mill of all years since he had right to them for himself or through his mother and he discharges Hepburn fully; Patrick Hepburn on the other hand exonerating and acquitting Alexander Lord Home, his heirs &c. of all action of warrandice that he might move against him as heir to the
late George Lord Home his father, of the said lands since the alienation made to the said Patrick by the said George; further exonerating and acquitting the said Commendator of all action possible against him for his distraining from Patrick's lands nine oxen in July 1561, and because the Commendator alleges that Hepburn is due to him as executor of his mother the sum of 10L, the rent of the lands for the term of Martinmas 1558, Hepburn obliges himself to obtain the discharge from the officer who was appointed to distrain that sum for the said lady's share of the taxation then ordered by the Government, or else to pay the said when required. Dated and signed by both parties at Edinburgh 27 February 1563–4. Signed "Andro Comdat" of Jedburgh "Patrik Hepburn in bolton."

220. Letters of Reversion by Andrew Home, Commendator of Jedburgh, in favour of his brother Alexander Lord Home, for redemption of the said third part of the barony of Bolton on payment of 600 merks, and delivery of a lease for seven years at 20 merks yearly. Dated at Edinburgh 6th May 1563. Seal attached bearing the usual quarterings, without the orle for Landale. Legend "S. ANDREE HYME."

PAPERS RELATING TO THE LORDSHIP OF JEDBURGH.

221. Instrument of sasine following on a precept of Clare Constat (dated at Edinburgh 1st June 1587) by the above named Andrew Home, commendator of Jedburgh, for infefting Alexander Lord Home as son and heir of his father the late Alexander Lord Home in the following lands:—the lands of Vlstown, over mains of Vlstown, lands of Gritbills, Prior meadows, Chepmanside with the wood thereof, the lands of Spittalstanes, three husbandlands in Crailing Nether, a half husbandland in Over Nisbet, a husbandland in Nether Nisbet, lands of Plewlands, of Sinlawes, called Newhall, Haughhead, a land in Cessford burn, lands of Justicelye with teinds, lands of Old Jedburgh, lands of Rowcastle, one piece of land in Langnewton, lands and town of Abbotsrule, lands of Bowatside, lands of Grange with mill, the lands of Fodderley, Over Bonchester, Nether Bonchester, with woods, the lands of Maxsde, Gorthon Scott, with woods, Hartishaugh Langraw, with their teinds, lands of Raperlaw, of Firth, with teinds and woods, West Byres with their teinds, lands called Brewnlands of Raperlaw, lands of Belshes with mill, lands of Over Anerum with mill and cotlands, lands of Hyndhousefeld, Castlewood and Castlehill with woods, along with the acres lying at the place of the Friars Minorites of Jedburgh, and the main lands of Spittell called Anerum Spittell and manor of the same, with mill, all lying in the sheriffdom of Roxburgh; also of the tenement lying in the burgh of Jedburgh on the south side of the high street, bounded by the tenement of Robert Rutherford on the south and west, the monastery and cemetery on the east, the highway on the north and the water of Jedburgh on the south; also the main lands of Restennet with loch and eel-ark of the same, lying in the sheriffdom of Forfar; which lands are held in feufarm of the Abbot and convent of Jedburgh. Sasine given of the lands in the county of Roxburgh only, at the manor of Anerum Spittell, on 10th November 1587, William Ker, apparent of Anerum, acting as attorney for Lord Home. Witnesses John Forret of Fingsark, Robert Ker son lawful of Robert Ker of Wodheid, Robert Grymislaw son of --- Grymislaw of Little Newton, and others named. [Among the witnesses to the precept of Clare Constat are Thomas Seyton of Northrig, Thomas Young, writer, and Mr Robert Young, his brother.]
222. Draft or contemporary copy of Signature (unsigned and undated) by King James the Sixth narrating that on 18 March 1559-60 the lands of the Abbey of Jedburgh (or those named in the preceding writ) had been granted in feu farm by the Abbot and convent of Jedburgh to the late Dame Marion Haliburton, grandmother to Alexander now Lord Home, confirmed by a charter under the great seal of Mary Queen of Scots, and the king on account of Lord Home's services ordains a charter of Confirmation to be made to him of all the lands contained in the said charter of feu farm granted by the late Andrew Home, Commander of Jedburgh, to which the king adds other lands from the temporality of the Abbey of Jedburgh and priory of Restennet. To be held in feu farm of the king, who erects the whole into a lordship to be called the lordship of Jedburgh. Dated —— 1600.


224. Procuratory of Resignation by the said James Earl of Home with consent of his curators, appointing a procurator to resign the lands of Jedburgh &c. in the hands of the king in favour of Sir John Ker of Jedburgh, knight, in terms of a contract between the parties. Dated and signed at the Canongate 27 July 1624.

WRITS RELATING TO THE LANDS AND MAINS OF RESTENNET.

225. Letter of Reversion by Christian Wood, relict of the late John Strang of Balcasky, to the effect that although Andrew Home, brother german to Alexander Lord Home, had sold to her an annualrent of 36 bolls victual, namely 24 bolls of bear "with the heretic," and twelve bolls oatmeal, to be paid between Yule and Candlemas, and delivered in Dundee according to the measure of that town, from the lands of Restennet, within the lordship of Restennet and sheriffdom of Forfar; yet the grantor binds herself, on the payment of 600 merks Scots and all byrun annualrents, within the parish church of Edinburgh "in the place quhaire the hie poulet is situat" to resign and upgave all claims to the lands. Dated at Cupar in Fife, 24 October 1567. Seal wanting. Signed "Creestyn Wod lady balcasky w' my hand."

226. Letter of Reversion by Alexander Erskine of Gogar and Margaret Home his spouse, sister german of Andrew Home, Commander of Jedburgh and Restennet, heritable feuar and proprietor of the lands named, narrating that though the Commander had sold to them the
lands of Mains of Restennet, with the moor, moss, loch, fishing &c. and had also granted to them in different and to their heir for life and to his heir for 19 years, a lease of the teindsheaves of the mains and lands of Restennet, also the teindsheaves of the towns and lands of Forfar, Auchterforfar and Burnside, and also the vicarage of the parish of Restennet teinds, &c., in the parish of Restennet and sheriffdom of Forfar, yet for redemption of the lands the grantors bind themselves to give four separate reversions for four separate sums of 2,000 merks, to the effect that as each sum of 2,000 merks is paid, the grantors shall pay to the Abbot a yearly rent of 60 bolls victual, or 200 merks in money, and on payment of the full sum of 8,000 merks, the grantors shall resign the lands. Dated and signed at Edinburgh — day of ——, 1584. Signed "Alex' Erakyn" "Margaret Home." Two seals attached, the first showing only the Erakine arms, legend "S. ALEXANDER ERSKIN"; the second showing the Home quarterings, impaled with the Erakine arms, legend broken. [The remaining papers affecting the lands are unimportant.]

THE LANDS OF LAMBDEN.

227. Notarial instrument narrating that Sir John of Haliburton, lord of that ilk, publicly stated and admitted that he had leased one quarter of his lands of his lordship of Lambden to Thomas Haytli (Hately) and Alexander Hately, brothers-german, sons of the late John Hately, squire, for their lifetime, which quarter of the lands of Lambden the said John Hately held of the grantor and his predecessors in farm, in past years, under letter and seal of the grantor, as he affirmed in presence of many trustworthy persons; the said brothers, Thomas and Alexander, performing to Sir John Haliburton, for the land, service due and wont and as good and fitting as the said late John Hately their father did to Sir John or his predecessors in time past, without fraud or guile; also the said brothers shall pay to Sir John yearly for the lands 5l. for their life, as more clearly expressed in the letter; which lease with the letter he affirms and ratifies and for the tenant's greater security he publicly promised firmly to observe in all points. Done in the house of John Aplin of Dirlerton on 7th June 1447. Witnesses, David of Lauder of the Bass, John Lauder his brother natural, and others. John Hately, brother of the said Thomas and Alexander asked instruments.

228. Instrument of Sasine of the east half of the lands of Lambden in the sheriffdom of Berwick, given to John Hately as attorney for James Lord Haliburton. Done at manor of Lambden 8th November 1500; witnesses, Thomas Hately, squire, and others.

229. Precept of Clare Constat by Janet Haliburton, elder daughter and one of the heirs of the late Patrick Lord Haliburton, now under tutory of Mr. William Wawan, official of St. Andrews, in the Archdeaconate of Lothian, and canon of Aberdeen, and Mr. Andrew Haliburton, rector of Cranshaws, directed to Alexander Hately of Meirdean, Thomas Hately in the Plewland and James Hately, as bailies for infesting John Hately as nearest and lawful heir of the late Alexander Hately of Lambden, his father, in the east fourth part towards the south, of the lands of Lambden, and the mill of the same, in the earldom of March and sheriffdom of Berwick; held of the grantor in chief and in her hands as superior by the death of the late Alexander Hately and Helen his spouse, father and mother of the grantee, who is to receive sasine according to a charter by the late George Lord Haliburton to the late Alexander Hately and his wife. Dated at Edinburgh 26 February
1507-8. Two of the three seals once appended, now remain—First the granter's seal, shield bearing quarterly, 1st and 4th, on a bend three maces for Halyburton, 2nd three bars for Cameron of Ballegarno, and 3rd a bend for Vaux of Dirleton. Legend "S. Jonete due .. Haliburton"; second a small oval seal bearing apparently three cups, probably Wawan's seal. [This precept was followed by sasine on 1st June 1508.]

230. Precept of Clare Constab by Patrick Lord Ruthven, superior of the lands, directed to James Hately and Patrick Hately as bailies for infesting Alexander Hately as eldest son and nearest lawful heir of his father, the late Alexander Hately of Lambden, in the above named fourth part of Lambden. Dated Edinburgh 11 November 1664. Witnesses George Hately, John Hately of Bromshill and others. Signed "Patrik Lord Ruthven." Seal attached, much defaced.

231. Charter by Alexander Haltie (Hately) of Lambden, hereditary feu lands of the lands underwritten—in terms of a contract (dated 26 June 1609.) between Alexander Earl of Home &c. on one part, and the granter with consent of his wife Mariota or Marie Home, Mr. John Home, brother german of the said Marie, and Mr. James Seton, lawfull son of the late James Seton of Tullibody, for their interest, on the other part—selling and alienating to the Earl of Home and his heirs, the said east part of the lands of Lambden; to be held from the granter, of Thomas Viscount of Fenton, Lord Dirleton &c. as superior, in feus—farm for a yearly feu duty of 10 merks: reserving to Cristine Cockburn relict of the late Alexander Hately of Lambden and now spouse of John Home of Sledgen, her liferight in the lands. Dated at Edinburgh 29 June 1609. Witnesses Mr. Alexander Seton, brother german of John Seton of Tullibody, Mr. Robert Home of Carolside and others. Signed by the parties, a notary acting for Marie Home. Seal attached. Shield bearing, on a bend, three boars' heads. Legend "S' Alex' Haltie de Lamb." [Lord Home was infest in the lands on 3 July 1609. Alexander Brownfield, senior, in Hardacres, bailie.]

THE TEINDS OF LAUDER.

232. Extract decree of the Lords of Council and Session, in reference to the letters purchased at the instance of William Lothian, Andrew Allan, George Hoppringle, William Murray, Alexander Home, George Halyburton, James Hamilton of St. John's Chapel, William Wilson and remaining tenants and occupiers of the lands under-named, and Robert Home in Reidheuch for himself and as executor testamentary nominate and confirmed to the late Mr. Andrew Home, portioner of Lauder, for his interest, against Margaret Home, daughter-natural to the said late Mr. Andrew Home, and James Home of Prendergast her spouse, which letters narrate that whereas Margaret Home and her spouse—alleging her to have a lease from David [Erskine] Commissary of Dryburgh of the teindsheaves of the town and lands of Lauder, the forest of Lauder, Mortcleuch, Over Woodhead, St. John's Chapel, the town and lands of Caideslie, St. Leonard's Chapel, Trabourn, Pilnuir, Blackchester, Muirhouse, Helkethland, Alston, Rogerslaw, Burngrange, Whitelaw, Blyth, Erniscleuch, Egrow, Sundon, Lamelaith, Wantonwaite, Thirltane, Ladyparts, Garnewis, Over Shiel, Nether Shiel, The Houch, The West Mains, The East Mains, Woldiselaschleuch, Burncastle, Armitage, and all other teindsheaves which the said late Mr. Andrew Home held of the Abbacy of Dryburgh, for certain years
to run, and that the said Margaret has been and is in possession thereof, which is not true,—have by sinister information obtained from the lords of Council letters to summon the said tenants to pay her the rent of the teindsheaves for the crop 1567. Considering that neither the tenants nor the said Robert Home were summoned, since the teindsheaves justly belong to him as executor foresaid, and also that the tenants have paid to him the teindsheaves before the procuring of the letters and received full discharges, and that the said letters are wrongfully obtained and ought to be suspended; the Lords, on parties appearing, decided that Margaret Home and her spouse should refund to Robert Home as executor foresaid the sum of 200 merks for the teinds of part of the lands, while they were to deal with the remainder. Edinburgh 9 July 1568. [The document is much torn and the decree can therefore only be briefly stated.]

THE LANDS OF LEITHAM.

233. Letter of Resignation by Christiana Rany one of the heirs of the late John of Letham, resigning freely all those lands falling to her by hereditary right through the decease of the late John of Letham, her uncle ("patrius"), lying in the town and territory of Letham, in the Merse, within the sheriffdom of Berwick, into the hands of James, King of Scots, her overlord, with all her rights and claims; procuring the seal of Alexander of Grahame, lord of Elwinston, to be appended. At Dulkeith 10th November 1437. Witnesses Sir William Monipeny, knight, Henry Douglas of Logton, John Giffard, John Graham and others.


236. Charter by the same Alexander Duke of Albany granting to Alexander Home of that Ilk, for his faithful service done and to be done, twenty husbandlands in the town and territory of Letham as far as the bounds of Mersington on the east side, the Lambden burn, with the house commonly called the "Wolt," in the earldom of March and sheriffdom of Berwick. To be held for three suits at the granter's chief court and one at his Justiciary, yearly. Dated at Dunbar 30th December 1482. Witnesses, Archibald Earl of Angus, James Stewart Earl of Buchan, Sir James Lyddale, knight. Seal appended, in good condition—formerly described. [This writ was accompanied by a precept of sasine of same date. Seal appended.]

237. Charter under the great seal by King James the Third, confirming the preceding charter by the Duke of Albany, to Alexander

LANDS OF LEYACRES AND OTHERS.

288. Notarial Instrument narrating that, in presence of the notary and witnesses, there appeared Adam Crichton of Ruthven and Patrick Heriot, as procurators for Alexander Lord Home, great chamberlain, who, as they stated expected the arrival of George Ker of Samelston (Samuelston) and Mariota his spouse, for security to be made to Lord Home of some lands in terms of a contract betwixt them, specially regarding the lands of Ledaris (Leyacres) near Samuelston, and Friarsness, lying in the sheriffdom of South Berwick and other lands within the kingdom of Scotland; also for providing security to the said George and Mariota on the part of Lord Home in terms of the contract; as they were duly summoned. But as the said George Ker and his wife did not appear, the procurators protested that this should not prejudice Lord Home, but that it shall be lawful to him to have regress to the money named in the contract and that Ker and his wife should not in future dare to exact any money in terms of the agreement. Done in the Church of St. Giles, Edinburgh, before the altar of St. Thomas, bishop and martyr, on 7 December 1500.

239. Notarial Instrument narrating Letters of Procuratory (dated at Edinburgh 9th August 1501) by George Ker of Samuelston and Marion Sinclair, his spouse, appointing Alexander Home, son and apparent heir to Patrick Home of Polwart, and others, as procurators (1) to resign in the hands of John Sinclair of Herdmanston superior of Friarsness, the feu of the lands of Friarsness in the sheriffdom of Berwick in favour of Alexander Lord Home and Nicolas Ker his spouse; (2) to resign in the hands of Alexander Gourlay laid of Kingscrag (Kincraig near Elle in Fife) superior of the lands, the lands of Leyacres in the sheriffdom of Edinburgh and constabulary of Haddington, also in favour of Lord Home and Nicolas Ker; reserving the franktenement of the lands to the granters in litterent: In terms of which letters, Thomas Inglis one of the procurators passed to the presence of the said Alexander Gourlay and begged him to accept the resignation of the lands of Leyacres in favour of Lord Home and his wife, but Gourlay replied that he wished to be advised by lawyers and friends on the subject and was for the present unwilling to receive the resignation. The procurator on this asked instruments. Done within the town of Kilconquhar (in Fife) near the dwelling place of Michael Trail, John Balnave and others witnesses, 21 February 1501-2. [The original procuratory of 9th August 1501, is also in the Home Charter Chest. Signed "Georg Ker of Samelston." Two seals impressed; the first, of which the legend is illegible, but probably that of George Ker, showing a shield bearing a unicorn passant; while the second seal bears the engrailed cross of Sinclair.]
240. Letters under the signet of King James the Fifth narrating a complaint by Dame Nicolas Ker, Lady of Samuelston, [widow of Alexander Lord Home,] that whereas she has the lands called Frierness, lying in Lauderdale, belonging to her in heritage and held by her of William Sinclair of Herdmanston in chief, and has obtained sasine and possession thereof without trouble, until lately the said William Sinclair had privately made her be called in his courts and as she is informed, has led a pretended process and decree against her touching her heritage, without warning her to appear for her defence, and thereby vaxes and disturbs her and her tenants in possession of her lands to her great damage, if she should be removed from her heritage by such private and inordinate process led by her superior in his courts, as is alleged: Wherefore the king directs his messengers to charge William Sinclair to give an exact copy of his process and decree to the complainant that she may find her action for reducing the same, and also that in the meanwhile he shall not disturb the complainant her servants or tenants in possession of the lands. Dated at Glasgow, 25 May 1519. Endorsed on the writ is the certificate of execution, stating that the messenger passed to the Castle of Herdmanston and in terms of the charge required William Sinclair of that Ilk to give him a copy of the process led against Nicolas Ker which was granted on paying the expense; and further required Sinclair to cease molestation against her and her tenants. 9th June 1519.

241. Charter by William Sinclair of Herdmanston granting and confirming to Elizabeth Home, Lady Hamilton, for the singular love and favour which he bears to her, and the grateful services done by her to him, the lands of Frieress lying in the fee of Carfra within the lordship of Lauderdale and sheriffdom of Berwick, which formerly belonged to the late George Ker of Samuelston, grandfather of Elizabeth Home, and were recognized under a process by the superior, and adjudged to him, in the time of Nicolas Ker daughter and heireess of the said George Ker: To be held to the grantee in fee and heritage, for the service formerly rendered. Dated at Herdmanston 2nd January 1530–31. Witnesses Mr. Robert Galtbrath rector of Spott, William Preston rector of Belton, Alexander and James Sinclair, brothers of the granter, with others. Signed "William Sinclair of Herdmanston." Seal attached. Shield couché bearing a cross engrailed. Crest a griffin's head and neck. Legend "S. WILLMI SINCLAIR DE HERDMINSTON." [A precept of sasine was granted on same day—seal attached—followed by sasine on 19th January 1531, given by Robert Smiberd as bailie for the granter.]

242. Return of Inquest made before William Murray, sheriff depute of Berwick, by Robert Edgar of Wedderlie, Robert Lauder of that Ilk, Cuthbert Cranston of Eastmains, George Wedderate, George Wauchope, burgess of Lauder, John Home, natural son of the late Alexander Home lord of that Ilk, great chamberlain of Scotland, Niuian Home in Rymmeltonlaw, John Alane in Newbigging, Thomas Trottar in Fulscholaw, George Johnstone in East Gordon, John Short in Bellitaw, Jasper Sleyth, George Trotter in Prontounon, Patrick Sleych, and Robert Huyd (Hood); who being sworn declare that George Lord Home is the brother and nearest and lawful heir of his sister, the late Elizabeth Home, in the lands of Frieress in the sheriffdom of Berwick and lordship of Lauderdale, held in chief of John Sinclair of Herdmanston for ward and relief, and valued presently at 40s. yearly, but in time of peace 6s. 8d.; also in three husbandlands of Rawburn in same sheriffdom, held in chief of David Spottiswood of that Ilk, banch, for four white
158

MSS. OF THE
EARL OF HOME.

robes at Midsummer if asked, and valued at 3l. yearly, in time of peace
10th. The said lands have been in the hands of the superiors by the
decease of the said Elizabeth, for the space of two years or thereabout.
Eight seals are still appended, the names of their owners being on the
tags. (1) Robert Lander. A griffin rampant. (2) George Wedderall
or Wedderane. A lion rampant; but this does not appear to be his own
seal, as the legend bears the name of "Niniane Houme." (3) Ninian
Home, as above. (4) Seal of Cuthbert Cranston, device illegible.
(5) John Allane who uses the seal of . . . . Robertsson—a tree, with
branches displayed. (6) George Johnstone—a seal, too broken to be
described, but not showing the Johnstone arms. (7 and 8) George and
Thomas Trotter—seals showing a chevron with a crescent on the apex.
[This retou was followed by a precept of sasine in favour of Lord
Home by John Sinclair Lord of Herdmanston, dated 10 July 1546, and
infeftment given the same day.]

243. Precept of Clare Constat by John Sinclair of Herdmanston for
infefting Alexander Lord Home as nearest and lawful heir of his father
the late George Lord Home in the lands of Farness. Dated at Edinburgh
5th May 1552. Signed "Jhone Synclar of Herdmostoun wth my hand."
Seal attached—not very legible. [Infeftment followed on 15th May
1552.]

LANDS OF LUCHHEILD, IN FIFE.

244. Charter of William of Lindsay, knight, lord of Rossy, granting
to his kinsman David Stewart lord of Durisdeer, the lands of Luchheild,
lying in the sherifffdom of Fife: To be held from the grantor and his
heirs of Murdoch Duke of Albany, Earl of Fife and Menteith and his
successors, in ward and relief, for services due and wont. Dated at
Cupar in Fife, 11 May 1423. Witnesses William Hay, lord of Naughton,
and others.

MAWDRISTOUN (NOW MANDESTON).

245. Notarial Instrument narrating that a well born virgin Janet of
Mawdriston of that Ilk, in her virginity and of her own free will gave
up and resigned her lands of Mawdriston [not otherwise described] into
the hands of Alexander Home of that Ilk as superior. Done on the
lands 15 May 1480, Witnesses George Ker of Samuelston, George
Home of Wedderburn, John of Mawderston, George of Mawderston,
William of Mawdriston and others. Endorsed in a nearly contem-
porary hand "Resignation of Manderston," &c.

LANDS OF MAW AND OTHERS IN FIFE.

246. Charter by King James the Fourth under the great seal,
granting to Alexander Home of that Ilk the lands of Maw, formerly in
possession of John Ramsay, sometime called Lord Bothwell, and for-
fetted by him, lying in the sherifffdom of Fife. To be held for the
services due and wont. Dated at Edinburgh 21 May 1489. Great
seal attached. [Cf. Register of Great seal, printed vol. 1424–1613, No.
1841.]

247. Charter by James Allerde (Allardice) provost of the collegiate
church and chapel royal, and of the blessed Virgin Mary of the city of
St. Andrews, Archdeacon of Moray and canon of Glasgow, granting
and confirming to Alexander Home of that Ilk great chamberlain &c., and admitting him as their tenant, presented by the king in place of John Ramsay, sometime Lord Bothwell, forfeited, to the third part of the lands of Balmene (Balmain) in the sheriffdom of Fife; To be held to him of the grantor and his successors, provosts of the said collegiate church of St. Andrews, in fee and heritage for services due and wont. Dated at Edinburgh 8 July 1489. Witnesses, David Renton of Billie, George Home of Wedderburn and others. Seal attached. Shield bearing a fess between three swines' heads, two and one. Legend "SIGILLUM JACOBI ALLIRDZ CANONICI GLASGUEN." [On the same day a precept of Sasine was directed to John Lundie of that Ilk and others to infeft the grantee. Seal appended.]

248. Procuratory of Resignation by Walter Strang of Petcorthly, son and heir of the late Thomas Strang of Petcorthly, appointing procurators to resign his half of the lands of the Maw in the sheriffdom of Fife, into the hands of King James the Fourth as overlord, in favour of Alexander Lord Home. Dated at Edinburgh 15 April 1506. Seal appended, defaced. [There is another procuratory by Walter Strang, dated at Kilconquhar 18 January 1507-8, in the same terms in favour of Alexander Lord Home, but this is no doubt the son of the first grantee, who died in 1506, perhaps before the lands were resigned. The grantor's seal is appended—a chevron between three maces, two and one. Legend, apparently "S. WALTERI STRANG."]

249. Contract between George Lord Home and his son Alexander Master of Home on the one part, and John Lord Lindsay of the Byres on the other part, narrating that the lands of South Kinnalde, half lands of Maw and the lands of Urwell in the sheriffdom of Fife, formerly possessed by the late Alexander Lord Home were, after his forfeiture, granted by the late King James the Fifth to the late Patrick Lord Lindsay of the Byres grandfather of the said John Lord Lindsay, but the lands were afterwards restored with others, to George Lord Home, brother of the deceased Alexander Lord Home, by the king with consent of Parliament, and all persons to whom the lands had been granted were charged to restore them. For obedience to this mandate, it is agreed that Lord Lindsay shall resign the above-named lands and otherwise promote their possession by George Lord Home, while the latter shall discharge the byrun profits of the lands; and as to the third of the lands of Balmain Lord Lindsay shall clearly show either that the lands were redeemed by or sold to his predecessor or Sir John Lindsay of Pitcurvie, from Alexander Lord Home. Dated at Edinburgh 28 February 1545-6. Witnesses Walter Lord of St. John's, Sir John Campbell of Lundy, knight, Robert Douglas of Lochleven, John Home of Coldenknowes and Abraham Crichton, provost of Dunglas. Signed "Jhone lord Lyndsay" "george l. hom."

250. Precept by Alexander Lord Home, directing his officers to pass and warn the tenants and occupiers of his third part of the lands and barony of Segie, third part of the mill thereof &c. formerly possessed and occupied by the late Mr. William Schaw, provost of Abernethy, lying in the sheriffdom of Kinross, namely James Schaw of Sauchy and others, including Robert Thomson in Segie, David Thomson his son, there, Watt Thomson there, Alexander Thomson there, his son; the "guid wyfe" of Lathangy, William Schaw her son, occupiers of Over Crago, Janet Anderson and — Wilson her son, there, pretended tenants and occupiers of the lands named, to remove from the lands at Whit-
sunday next; and also to give forty days warning of such removal on a Sunday forenoon "in tyme of sermone or prayers" in the parish church of Urwell, in which parish the lands are situated. Dated at Edinburgh 8th April 1591. Signed "Alex' l. home."

**The Lands of Mawes in Perthshire.**

251. Letters of Tack or lease by Patrick Lord Gray granting for service done and to be done, to George Gray son lawful of the late Andrew Gray some time in Petcur, his sub-tenants one or more, all and whole the lands and barony of Mawes, that is to say, Middle Mawes, Morganstown, Milltown and Mill thereof, and Patrick Sowter's tack with houses, crofts &c. lying in the barony of Mawes and sheriffdom of Perth, in lease for the whole term of George Gray's lifetime; To be held of the grantor and his heirs, paying yearly during the lessee's life to the Abbey and Convent of Scone the services due and wont and to Lord Gray a penny brench if asked. With clause of warrant &c. Dated at Huntly in Gowrie, 15 December 1542. Seal attached—a lion passant within an engrafted bordure. Supporters two lions. Legend "S. PATRYK LORD GRAY."

**The Lands of Mellerstain.**

252. Process in regard to the redemption of the lands or one third of the lands of Mellerstain in terms of the Procuratory by Marion Hulton, Lady Home [No. 18 supra]. The parties met in the parish church of Haddington and Lady Home's procurator required John Hately of Mellerstains to receive the sum of 36L 13s. 4d., being a third part of a sum of 116L for which the lands were mortgaged by the deceased Walter Lord Hulton, but Hately refused to do so on various grounds. The parties debated the various reasons for refusal at some length, and in the end the money was consigned in the hands of Nicholas Swinton, bailie of Haddington, for Hately's benefit. The statements made in the process add nothing to what is known regarding the Home and Hulton families, and need not be detailed. Done at the high altar of the Collegiate Church of Haddington on 23 March 1539–40. Witnesses John Sinclair of Gosford, John Hepburn of Fortune, Mr. David Borthwick and others.

253. Letters of Assurance by William Brounfield, tutor of Greenlawdean, Adam Brounfield of Hardacres, Alexander Brounfield in the Mains, Andrew Brounfield in Pittlesheuch, Alexander Brounfield in Eastfield and Alexander Brounfield in Gordon Mains, for themselves, and each taking burden for their household and servants, except that Adam Brounfield refuses to be bound for his brothers, and Andrew Brounfield takes burden also for John Brounfield of Howlehead, his sons and servants, but excepts his own brother James Brounfield, assuring Alexander Haitlie [Hately] in Lambden, John Hately in Broomhill, George Hately in Hordlaw, Lawrence Hately in Haltiburton and Leonard Hately, brothers, their children, household, men and servants, and Patrick Hately in the Kleyis, his sons and servants, that they shall be unharmed and unmolested by the grantors, their brothers, sons, householdmen or servants for three years next to come from the date, under penalty of 1,000L Scots, to be paid by the breaker of this assurance. At Edinburgh, April 1568. Signed by the parties. The document is endorsed "The assurance betuix the Brounfieldis and Haitlies"
LANDS OF EAST NISBET.

254. Letters of Tack or Lease by Ninian Chirnside of East Nisbet in favour of Patrick Anderson of these five husbandlands of his lands of East Nisbet, lying "at the Welquartar, merchand to Crags Wallys descendand to Forfar den and sus done the burne as the braid medo gais to the brig and to the Hair crag and sa est the heid of the Wellbank levelland vp to the west nuke of the Chesteris in the fredome of Nisbet" and sheriffdom of Berwick, leasing the same to Anderson and his heirs &c. for the term of six years, the lessee rendering yearly to the grantor at his dwelling place four "dawarks" of turfs in summer at the time of the casting of turfs only; and as to the rent the grantor acknowledges receipt of 40l., now paid as the rent of the five husbandlands at two merks yearly for each husbandland. Dated at Edinburgh 28 October 1520. Not signed. Seal, formerly impressed, now wanting.

255. Letters under the signet of King James the Fifth, directed at the instance of George Lord Home, John [Home] Abbot of Jedburgh, Elizabeth Home Lady Hamilton, Marion Home Countess of Crawford, brothers and sisters of the late David [Home], prior of Coldingham, Jane Home, lawful daughter, John Home, Alison Home, Isabel Home, son and daughters natural of the late Alexander Lord Home, brother german of the said late David Home, to warn and charge Ninian Chirnside of East Nisbet and William Cockburn of that Ilk, sometime tutor of Langton, as pledge and surety, to appear before the King's Council on 26 February next to be decerned to pay to the complainers the sum of 20,000l. Scots in compensation for the cruel reasonable slaughter and murder of the said late David Home prior of Coldingham, done by Ninian Chirnside and his accomplices under silence of night in the year 15 . , "because Chirnside, being accused of the deed before the Justiciary Court held at Haddington on 24 May 1529, offered composition and offered himself and Cockburn as security for satisfaction to the complainers. At Edinburgh, 16 January [1533-4].

LANDS OF SAMUELSTON AND OTHERS.

256. Return of Inquest held at Lauder before Laurence of Abernethy of Rothiemay bailie of the regality, by William Hoppringle of that Ilk, Alan Lauder, Gilbert Lauder, John Sinclair, Hector Lauder, Nicholas Forman, David Chirnside, John Lauder of Burngrains, William Lauder, Adam Crosby, Thomas Lauder, William Nisbet, Robert Lorane, William Leis, William Wedall and Alexander Learmonth, who being sworn declare that George Ker is nearest and lawful heir of his brother the late John Ker in the lands of Samuelston, valued at 40l. yearly, in time of peace only, held in chief of the Earl of Douglas, lord of the regality of Lauder, for a white rose at Midsummer, and now in the superior's hands for the space of one month since the death of the late John Ker. Dated at Lauder, Monday 31 October 1440. Three seals remaining.

257. Extract, made in 1618, of Charter by King James the Third, granting to George Ker of Samuelston and Elizabeth his spouse the lands of Samuelston in the Constabulary of Haddington and sheriffdom

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of Edinburgh, and the lands of Hutcounhall lying in the sheriffdom of Berwick, resigned by the said George. Dated at Edinburgh 11 July 1465. [Cf. Register of Great Seal, printed vol. 1424—1418, No. 840.]

260. Letters of Reversion by Janet Home, daughter of the late Alexander Lord Home, to the effect that though George Lord Home her uncle, brother german of the late Alexander Lord Home, her father, has granted his lands of Samuelston, with tower &c., tenantry of a part thereof let to James Ker in feu for 7 marks yearly, &c., lying in the constabulary of Haddington and sheriffdom of Edinburgh, to her and her heirs male only, to be born between her and her nominee spouse, John Hamilton, natural son of the late James Earl of Arran, whom failing, the lands to revert to Lord Home, yet the grantor, with consent of her nominee spouse, binds herself that when she or her heirs receive upon the altar of St. James the Apostle in St. Giles' Church Edinburgh, a charter &c. conferring upon her or them lands of equal value with Samuelston and situated in Lanark, Renfrew, Stirling, Linlithgow or Edinburgh, she will renounce the lands of Samuelston in favour of her uncle. Dated —— 1531 (probably 24th August 1531).

261. Letters of Obligation by James Hamilton of Finnart, knight, in favour of George Lord Home, narrating the grant to the above-named Janet Home, "doughter naturall" of the late Alexander Lord Home, and her nominee spouse, John Hamilton, brother of Sir James, of the lands of Samuelston; and also narrating that Lord Home had delivered to her a sufficient tocher and that she had renounced, for herself and her heirs, all lands or rights she had through the late Alexander Lord Home, her grandfather, or Nicolas Ker, her grandmother; which obligation and renunciation the grantor binds himself to see fulfilled, under a penalty of 10,000 merks Scots in case of failure. Edinburgh 25 August 1531. Signed "James Hamilton." Seal impressed, A shield conchée bearing the three cinquefoils of Hamilton with a treasure. Supporters two antelopes. Crest a lion's head. Legend "I. H. D. F." (Jacobs Hamilton Dominus de Finnart).

[Janet Home, also, on 23 August 1531, consented to be voluntarily and legally interdicted from in any way alienating or mortgaging the lands of Samuelston—and signet letters were issued accordingly.]

LANDS OF SMALLHOLM.

261. Precept of Sasine by Walter Ker of Cessford, directed to Robert French of Thornyikes, William Redpath of Greenlaw and James Haig of Bemerside, as his bailies for infesting John Home,
brother german of Alexander Home, grandson and heir of Alexander Lord Home, in terms of a charter, in the lands of Smalholm in the county of Roxburgh formerly belonging to and resigned by Thomas Ker. Dated at Kelso 27 October 1483. Witnesses John Home, dean of the chapel royal, James Rutherford of that Ilk and others.

262. Charter by Walter Ker of Cessford, granting and confirming to John Home of Whitrig, the whole lands of Smalholm lying in the barony of Cessford and sheriffdom of Roxburgh, which lands were resigned by Thomas Ker brother of the grantor, for infesting John Home in exchange for certain lands in the baronies of Crailing and Hownam, handed over by John Home to the said Thomas Ker; To be held the said lands of Smalholm, to the said John Home, and the lawful heirs male of his body, whom failing to Alexander Home his brother, whom failing to George Home of Ayton, uncle of the foresaid brothers, whom failing to Patrick and Thomas Home, brothers of George, successively, and to the heirs male of the body of each heir respectively, whom failing to the heirs of Alexander Home, of the granter and his heirs in fee and heritage, for a benschudy of one penny yearly if asked. Dated at Smalholm 24 May 1484. Seal attached, defaced. [On 25 June 1484, infestment was given to John Home of the lands of Smalholm in terms of the precept of 27 October 1483 supra. Bailie, James Haig laird of Bemerside, whose seal is attached, partly broken, showing two bars.]

263. Instrument of Sasine following on a precept of Clare Constat (dated at Halidean 24 October 1494) by Walter Ker of Cessford, for infesting Kentigern (Mungo) Home as nearest and lawful heir of his father the late John Home of Ersilston, in eighteen husbandlands lying in the town and territory of Smalholm in the barony of Cessford and sheriffdom of Roxburgh, held of the granter in chief. Sasine given by William Haig son and apparent heir of James Haig of Bemerside, as bailie, on 28 October 1494.

264. Precept of Clare Constat by William Ker of Cessford and Robert Ker, his son and apparent heir, for infesting Sir James Home of Coldenknowes, knight, as nearest and lawful heir of his father, John Home of Coldenknowes, knight, in the same eighteen husbandlands of Smalholm, held of the granters; reserving to Dame Margaret Ker, mother of Sir James her interest of the lands. At Halidean 8th December 1587. Signed “Cesfurde” “Robert Ker.”

265. Extract Instrument of Sasine in favour of George Pringle of Wranholm of four husbandlands and a half in Smalholm in terms of a charter and precept by Sir James Home of Whitrig, knight, with consent of his wife Dame Anna Home and Sir John Home of Coldenknowes, his father. Sasine given 3rd November 1617.

SPROUTON.

266. Agreement between Francis (Stewart) Earl of Bothwell etc., with Archibald Earl of Angus, John Collace of Balnамom and David Collace of Auchfarie, his curators, on the one part, and James Hamilton of St. John’s Chapel and John Hamilton, his son and apparent heir, on the other part, to the effect that forsuchas James Hamilton and his son have sold to Earl Bothwell all and whole their lands of Sprouton called the Charterhouse lands extending to twenty pound land with the
lands of the Abbaye of Kelso to the lands of Redden and sua furth to the south quhill it cum the merchis of the landis of Halden, and vpoun the west pairt begynand at the Halyairdis and thairfra passand toward the north to the watter of Tweid with all liberteis and proffiss of the said watter and sua vp Pacow burne as Yemisdaill passis toward the south quhill it cum to the Myrryacleuch and fra the heid of the Myrryacleuch passand toward the south quhill it cum to the Merchis of Lempetlaw and last passand quhill it cum to Haldenis Stank lying in the barony of Sprouton and sherifdom of Roxburgh, and they shall infsett the said Earl in due form, to be held in feue of the Prior and convent of the Charterhouse beside Perth, with other provisions, including the assignation in favour of the Earl of Bothwell of a decree obtained by James Hamilton against the late William [Ker] last Commandator of the Abbaye of Kelso and the late Walter Ker of Cessford, knight, for removing from the said Charterhouse lands; For which causes the said Earl of Bothwell with consent of his curators binds himself to pay to James Hamilton and his son the sum of 2,500 merks Scots, or else to infsett them in an annuarent of 250 merks Scots to be uplifted from his lands and mainis of Sprouton in the sherifdom of Roxburgh, his lands of Northfield, lying in the sherifdom of Berwick, and his lands of Ouer Hailles presently occupied by Robert Hepburn son to Patrick Hepburn of Wauchton, in the barony and lordship of Hailles, with other relative clauses which need not be detailed. Dated and signed by the parties at Innerwick and Laduer 21 and 28th October 1583, in presence of Alexander Hamilton of Innerwick, Sir James Maxwell of Calderwood, knight, John Hamilton, younger of Samuelston, Mr. Thomas Craig and Mr. John Preston, advocates, Mr. Robert Collace, younger of Balmanno, Mr. David Home [better known as Home of Godscroft, the historian] James and Andrew Hamilton, sons of the said James Hamilton of St. John's Chapel, and other witnesses. Signed "Bothuell" "Johnne Hymlytoune youngar of Sanctiohnes chappell" (his father signs by a notary) "Anguss" "Jhone Collace of Balnaño" "D. Collace" "Inne-

**LANDS OF ST. BOTHANS OR ST. BATHAN.**

267. Charter by Dame Elizabeth Lamb prioress of the monastery of St. Bothans, and convent of the same, leasing and granting in feuform to Alexander Lord Home, their whole lands, namely the lands of St. Bothan's extending to two husbandlands with 15 acres of arable land adjoining the same, the lands of Franpath, of Hardassels with mills both grain and cloth mills, lands of Blackarsan, four husbandlands in Quikkwiswood, two husband lands in Stenton, and two husband lands in the mains of Kimmerghame, lying in the sherifdom of Berwick; To be held of the granters and their successors in feuform or rental and heritage for the following yearly feuduty. For the two husband lands of St. Bothans 40s.; for the 15 acres of arable land at 5s. an acre = 3l. 10s. (sic); for Franpath 3l.; for Hardassel 3l.; the grain mills 3l., and the fulling mills 3l.; the lands of Biakarston 20l.; the four husband lands in Quikkwiswood 4l.; two husbandlands in Stenton 42s.; and the two husbandlands in Kimmerghame 40s.; with an augmentation of rental, in addition = 13s. 4d.
Dated at St. Bothans 16 June 1565. Witnesses, Mr. Mark Lamb, brother of the prioress, Alexander Home of Hutouinhall, Bartholomew Samson and others. The prioress and another lady "Dame Janet Craw" the only two who sign the deed, do so by the hand of a notary. Seal attached not very legible—a small oval with, apparently the Virgin and Child.

268. A blank lease (date, term and entry blank) by Dame Elizabeth Home, prioress of St. Bothans, in favour of Dame Agnes Gray Lady Home, of the teindsheaves of the lands of Quixwood, Hardhaseil, Frampath and of 30 acres of arable land lying in the town and territory of St. Bothans, and also the teindsheaves of the Mains of Waughton in the Constabulary of Haddington and shire of Edinburgh, at a rent of 4L yearly for the teindsheaves of Quixwood and other lands, and for the teinds of Waughton 20 bolls meal and 20 bolls bear. [156—] 269. Lease by Dame Elizabeth Home, prioress of the Abbey of St. Bothans, for herself and as commissioner for her husband Adam [Cumming] Commendator of Beauty (in terms of a Commission by him dated 1st November 1607,) for fulfilling a decree arbitral pronounced by the Lords of Session on 10 June 1613, between the grantor and her husband on one side, and Alexander Earl of Home, lessee and possessor of the teindsheaves of the lands named, on the other side, granting and leasing to Lord Home for his lifetime and after his death for the lives of three succeeding heirsmale, and thereafter for three terms of nineteen years, the teindsheaves of the towns, lands and mains of Cockburnspath, Chapelhill, Two Hoprigs, Foulfurdleyes, Clowes, Lathinside, Easetershills and Wester Shiels, lying in the parish of Cockburnspath and sheriffdom of Berwick; at a yearly rental of 40L money. Dated at Edinburgh 27 July 1613. Witnesses Mr. Laurence M'Gill, advocate, Alexander Vans, burgess of Edinburgh, Patrick Redpath, brother of the Laird of Redpath, Mr. James Ogrie, servant to the said Mr. Laurence, and others. Signed "Elizabetit Home prioris of Sant bothanis." Large oval seal appended shewing Virgin and Child. Legend illegible.

LANDS OF SWYNSET.

270. Charter by Robert the Third, King of Scots, granting and confirming to William of Laundels and Jonet his spouse and their lawful heirs, all the lands which belonged to the late Robert Burell in the lands of Swynset, and of Raynaldston in the sheriffdom of Roxburgh, forfeited by Burell; To be held for service due and wont. At Edinburgh 4th January [1590-1]. [ Cf. Printed vol. of the Register of Great Seal, 1814, p. 180, No. 22.]

271. Letters, in the vernacular, by Archibald Douglas [of Drumlanrig], sheriff of Roxburgh, acknowledging that he had received two briefs from the king's chancery requiring him to give heritable saise to Marion of Lauder, and Elizabeth of Lauder, daughters and heirs of the late Katherine of Lauder, their mother, that is to say, to Marion of Lauder the "chemys" or manorhouse quarter of the whole barony of Hownam with the pertinents and of Swynset—to the said Marion and Elizabeth her sister the whole half; that is to say, the manorhouse quarter to Marion and another quarter to Elizabeth: which precepts the sheriff declares he has fulfilled by giving saise to "Dawy of Hywe" as acting for Marion and Elizabeth Lauder, namely to the said Marion at the "chemys" of the barony of Hownam, and at Swynset to the said
LANDS OF THORNTON.

272. Retour of Inquest made before William Sympill, knight, sheriff of Renfrew, by John Maxwell Laird of Nether Pollok, George Maxwell of Finlawston, William Fleming of Barrochan, Uchtreid Knox of Cragenes, Robert Sprewel of Coldoun, John Wallace of Johnstone, Robert Langmore of Achinbothy, Robert Hall of Foulbar, Thomas Knox of Seilnyland, Thomas Hall of Lechland, Hugh Montgomery, Thomas Montgomery, James Mason, John Craufurd of Eastwood and William Maxwell of Akinhead, who being sworn, declared that John Montgomery is nearest and lawful heir of his father, the late Hugh Montgomery, in the lands of Thornton [in the county of Had-idington,] within the bailliary of Renfrew, valued at 40 merks yearly in time of peace, held in chief of the lord Steward of Scotland for ward and relief, &c. now in the hands of the king as tutor of the Steward of Scotland, since the decease of the late Hugh Montgomery, about five months before the date of Inquest. Done at Renfrew 7 October 1477. Five seals attached; one bears a fess cheque, without other charges, legend "S. WIELMI SYMPELL"—the others are not clearly decipherable.

273. Instrument of Sasine narrating that John Montgomery of Thornton acknowledged that he had granted to his beloved Alison Hamilton, daughter of Sir Archibald Hamilton of Innerwick, knight, his lands of Nether Thornton, the capital message of the same, his lands of Over Thornton, his lands of Wester Akingall and Easter Akingall, Creichnot and Monynett, for the whole time of her life in feu-farm, and to the children to be begotten between him and the said Alison, as contained in his charter in virtue of which he personally with his own hands gave sasine to the said Alison of the lands at the principal message, December 16th 1477. Witnesses Sir William Simson, chaplain, Robert Horsap, William Froide, Robert Blakwood, Alexander Spens and William Adam. In addition to the usual notary's docquet, the writ bears the granter's signature "Jhoïn off Mongmurry off Throntown," and his seal is appended, quarterly 1st and 4th three fleurdelis, 2nd and 3rd three annulets. Legend "S. JOHANNIS MONG-

LANDS OF TINNES, IN YARROW.

274. Charter under the great seal of King James the Fourth, granting to Alexander Lord Home, the whole lands and place of the forest of Tinnes lying in the forest of Ettrick and ward of Yarrow within the sheriffdom of Selkirk; To be held to Lord Home and his heirs male, whom failing to the eldest heir female without division, of the king and his successors, in feu-farm and heritage, for yearly payment of (the old rental of the lands having been 50l. Scots) the sum of 50l. Scots in augmentation of rental, doubling the feu at entry of heirs and making cultivation and building on said lands; also Lord Home and his heirs shall furnish and maintain for each ten pound worth of land, two horsemen, one with a lance, and a baggage horse, for the king's service in war, etc. Dated at Edinburgh, 26 October 1512. Great seal
attached partly broken. [Cf. Register of Great Seal, printed vol. 1424–1513, No. 3775.] A precept of assise was issued on same day.

275. Return of Inquest held at Edinburgh, before and by the same sheriffs and jury as in No. 24 supra, declaring that Alexander Lord Home was nearest and lawful heir of his father, the late George Lord Home, in the lands and place of the forest of Tinneis in the forest of Ettrick, ward of Yarrow, and sheriffdom of Selkirk, valued yearly at 50l. and in time of peace at 6l. Dated 16 April 1551, George Lord Home having died two years before.

276. Decree by the Lords of Council and Session in terms of an action raised at the instance of Alexander Lord Home, proprietor of the lands of Tinneis with the place &c. lying in the lordship of Ettrick Forest and sheriffdom of Selkirk, decerning against John Stewart of Traquair, Alexander Stewart in the Shiellaw, James Hoppringle in the Tinneis, William Tait there, James Scott there, George Hoppringle of Torwoodles and James Dodds in the Tinneis, requiring them to fit and remove from their occupation of the lands. At Edinburgh 3 February 1564–5.

277. Letter of Reversion affecting the lands of Tinneis by John Hoppringle (Pringle) son to the late James Hoppringle in Tinneis with consent of John Hoppringle of Buckholm, having right through the late John Home, brother german to the late Alexander Home of Manderston, granted in favour of Alexander Earl of Home—but the dates and sums are blank and the writ unsigned and without testing clause. [c. 1606.]

LANDS OF UPSETLINGTON.

278. Charter by King James the Second, confirming a Charter (dated at Benystoun 8th June 1460) by Alexander Benystoun of that Ilk, laird of Upsetlington, granting to the Collegiate Church of Dunblane for the welfare of the souls of King James (the Second), his Queen Mary (of Guelph), of the grantor and his spouse Janet, of his father and mother, brothers and sisters, &c. his lands of Upsetlington lying in the earldom of March and sheriffdom of Berwick, to be held to the provost and chaplains of the church in pure alms for the giving of their prayers. Confirmed at Edinburgh 6 July 1460. Witnesses, Thomas bishop of Aberdeen, George bishop of Brechin, Ninian bishop of Galloway, Andrew Lord Avondale, Chancellor, James Lord Livingstone, great chamberlain, Patrick Lord Graham, Messrs. John Arou, archdeacon of Glasgow, keeper of the Privy seal, and George Ledale, rector of the Forest, secretary. [This writ which is dated only a month before the king's death at the siege of Roxburgh Castle, does not appear in its place in the extant register of the great seal.] Fragment of great seal attached.

279. Charter by Alexander Duke of Albany &c., confirming the above charter by Alexander Benystoun. The Duke's charter is dated at his castle of Dunbar 23 March 1477–8. Witnesses, Sir James Ledale of Halkerston, knight, David Rantoun of Billie, Mr. George Ledale, rector of Forest (Carluke), Mr. Malcolm Drummond, rector of Dunbar, John Ellem of Butterdean. Signed "A. Albany." Seal appended, partly broken. Two days later the Duke granted the following:—

280. Letters by the Duke of Albany &c. to the effect that, though he had confirmed the charter and gift by the late Alexander Benystoun
of that Ilk of the lands of "Owpsidlingtoune" to the College church of Dunglass, yet "we promit faithfully tharestour till our wellbelouit cousinges the lorde Home and Alexander Home his newo [grandson] that what tyme that can fynd or diuisse ony oder waye to mak the said college mare seker of the said landis wyth pertinents and we be requir. be thaim we sail mak the said college also seker of the said landis as we may and as thai can diuisse wythout inconvenientis and gif thaim evidentis thairupone." Given under the Duke's signet at Dunbar 26 March 1478. "A. Albany &c." Signet affixed now obliterated.

281. Contemporary copy of Instrument of Sasine narrating that John Littlejohn, bailie of a stout squire David Hering, laird of Glascune, gave sasine of the lands of Easter Upsetlington with tenants and tenandries, and the presentation of the church of said barony lying in the sherifdom of Berwick to Mark Hood as attorney of James Hering "de Cluny" son of the said David and his apparent heir, in terms of a charter. Done at the mansion of the lands 30th January 1490-91. Witnesses, George Home of Wedderburn, David Thornside, Philip Wood and others.

282. Precept of Sasine by James Hering of Tulibole and baron of the barony of Upsetlington, directing his bailies to infest Alexander Home of that Ilk great chamberlain of Scotland in the lands of the barony of Easter Upsetlington, the patronage of the church of Upsetlington, with fishings of Halyweill on the water of Tweed. Dated at Edinburgh 30th March 1491. Seal attached shield bearing, on a bend a lion and a rose. Legend "Jacobi Hering."

283. Charter by King James the Fourth under the great seal granting to Alexander Lord Home, great chamberlain, upon his own resignation, the lands of the barony of Easter Upsetlington with the fishery of Halywele on the water of Tweed, and with the patronage of the church of Upsetlington, in the sherifdom of Berwick, also the lands of Todrig in the same sherifdom resigned by John Home of Ersilton; which lands the king unites and incorporates with the barony of Home; To be held to Alexander Lord Home and the following heirs and the heirs-male of their bodies in succession—to Alexander Home, George Home, John, Patrick and William Home, all sons of Alexander Lord Home, failing whom to his brother John Home, then successively to George Home of Ayton and Patrick Home of Fastcastle, brothers german, uncles of Lord Home, of the king and his successors in blench farm. Dated at Edinburgh 14 July 1491. [Cf. Register of Great Seal, printed vol. 1424-1513, No. 2050, where the charter is given under date 4 July.] Two precepts of sasine were issued on same day in favour of Lord Home.

284. Summons under the signet of King James the Sixth directing messengers to summon David Home of Wedderburn, heir and successor to the late Sir David Home of Wedderburn, knight, who was son and heir of the late George Home of Wedderburn, pretendent heritable possessor of the lands underwritten, Jane Hepburn relict of the late George Home, brother to the said David Home now of Wedderburn, pretendent liferentrix of said lands, and John Hamilton now her spouse, to appear before the Council on 25 December next, at the instance of Alexander now Lord Home, baron of Upsetlington, grandson, heir and successor of the late Alexander Lord Home, great chamberlain, his grandfather, to answer for postponing and deferring to resign in favour of Lord Home the lands of Ramrig and Greenside (excepting one acre of land) lying
in the barony of Upsettlington and sheriffdom of Berwick, redeemable under reversion by Lord Home for the sum of 300 merks and a lease of the subjects for 12 years at a yearly rent of 24 merks, and which have been redeemed by him, but which the defenders refuse to resign. Signed at Edinburgh 30th October 1597.

285. Instrument of Sasine following on a charter and precept of sasine by Mr. Thomas Ogilvy, provost of the collegiate church of Dun- 
glas, and the prebendaries there, with consent of Alexander Lord Home as patron of the church, granting (of date at Dunglas 11 August 1594) to John Home of Hutonhall the lands and town of Upsettlington with grain mill, mill lands &c. belonging to the prebend of said church called the prebend of Upsettlington, in the sheriffdom of Berwick. Sasine given on 10 September 1594 by David Home of Ninewells as bailee, to James Home, brother german of John Home of Carrolside, as acting for the grantee. Witnesses, George Nisbet in West Nisbet, Thomas Home, son of John Home in Chirnside, Achilles Home, George Nisbet in Upsettlington, James and William Nisbet, his sons, with others. [Among the witnesses to the charter are Gasper Home of Law- 
field and Mr. Alexander Home his brother.]

286. Letters under the signet of King James the Sixth, narrating a complaint by Isobel Home relict of the late Alexander Home of Hutton- 
hall, and his executrix, to the effect that Alexander Lord Home, now Earl of Home, had alienated to the said late Alexander Home of Huttonhall and the pursuer his spouse, and to George Home their fourth lawful son, the lands and barony of Easter Upsettlington also called Ladykirk with the manor place, and fishings of Halywell in the water of Tweed, and the patronage of the church of Upsettlington in the sheriffdom of Berwick, and further had granted in warrantice of the above, the towns and lands of Kello, Reidloch and Chirnside with mills &c. and the patronage of Chirnside parish Church, in the same, and had bound himself by a clause of warrantice in favour of the grantees and specially obliged himself to free the lands from an annual rent of 400 merks due yearly to his sister german, Mistress Isabel Home, never- 
theless he has not redeemed this sum, which the pursuer had paid to the late Mrs. Isabel Home, Mr. James Home of Eccles, her spouse, and Alexander Home their second lawful son, from the year 1587 to the year 1608; further the pursuer complains that Lord Home had leased to “Harie” Home in Hutton, 40 acres of the lands of Easter Upsett- 
lington for 19 years for 40s. yearly, and he had laboured the lands till his death in November 1589, while after his decease his second lawful son Alexander Home, with Jasper Home his tutor, peaceably held the lands; Wherefore, the complaint concludes, Lord Home ought to repay to the pursuer the arrears of the annual rent disbursed by her and should also make payment to her of the rental of the said 40 acres, equal to 40 bolls of bear yearly, and Lord Home is therefore summoned to appear before the Council to answer the complaint or be decreed to repay the sums. Signed at Edinburgh 5th September 1608.

PAPERS OF A MISCELLANEOUS CHARACTER.

287. Extract decree of the Lords of Council and Session, in terms of a summons raised at the instance of King James the Sixth and James Earl of Murray, regent of Scotland, against John [Hamilton], Com- 
mandator of the Abbey of Abirbrothok (Arbroath), and John Hamilton, provost of the College Kirk of Bothwell, for violating an act of King
288. Letters by Sir Alexander Home of Manderston "Considering that not onlie I am obliest to serue and acknowledge ane noble and potent lord Alexander Lord Home my verie gude lord and cheife, ane member of his house, but also in respect of the lait affinitie contractit with his lordship be my mariage, proximitie and neirness of blude to him of my bairnis, and that the said noble lord has laitlie grantit to me ane new infeftment of fewerme of my landis of Manderston as the samyn of the dait of thir presentis beirs"; for which causes Sir Alexander binds himself in the usual form of bonds of manrent to serve and assist Lord Home. Dated at the Canongate of Edinburgh 26 August 1595. Witnesses John Home of Huttonhall, Jasper Home of Lawfield and others.

289. Bond of Relief between John Lord Sinclair, James Lord Johnston, Sir Patrick Douglas of Kilspindie, Sir Archibald Douglas of Spott, Sir Robert Douglas of Blacarston, knights, and Alexander Home of Haliburton, as cautioners for James Earl of Home in an agreement between him and Robert Earl of Roxburgh (dated at Broxmouth and Edinburgh 27 and 28 November and 4th December 1641) by which contract the Earl of Home has, for the sum of 20,000L Scots, alienated to the Earl of Roxburgh his lands of Broxfield with manors and in the sheriffdom of Berwick, but under reversion, and the cautioners bind themselves mutually to relieve each other of their respective shares of the said sum of 20,000L, when it is required to be paid. Signed by the parties at Edinburgh 4 December 1641.

290. Receipt and discharge by Janet Sinclair relict of the late John Haliburton of Merton in favour of James Earl of Home for the sum of 440 merks, one half year’s interest of 11,000 merks, secured over the Earl’s lands of Leithholme. Dated at Edinburgh 25 June 1647. Witnesses, Mark Haliburton, son of the said John Haliburton, and Alexander Haliburton, grandson of the same.

SUPPLEMENTARY REPORT on the MANUSCRIPTS of the EARL OF HOME.

Since the date of the foregoing Report on the Home Muniments at the Hirsel, inspection has been obtained by me of the additional Home Muniments which are preserved in Edinburgh under the custody of the Law Agent of Lord Home. These are contained in nine Charter chests. Through the courtesy of Lord Home and his Agent these boxes were transferred to my own custody. This greatly facilitated my inspection of the entire collection as contained in these nine Charter chests.

From an inspection of the two first of the nine Charter boxes intrusted to me, I was led to anticipate that if the remaining seven boxes contained similar charters a lengthy second report would be required. But on examining the seven boxes, the contents were found to be chiefly
law papers relating to the family and estates of Home and very few of any historical character. A short report supplementary to the foregoing report is all that is now necessary to complete the account of the collections of the Earl of Home. The writers now reported on have for convenience of reference been numbered consecutively with those in the former report.

The earliest writ in point of date, although unfortunately it no longer exists in the Home Charter chest, but is noted from an old Inventory, is that described as a Charter by King William the Lion to William Home, son of John Home of the lands of Home. As this charter, if correctly stated, must have been granted before 1214, it appears to record an earlier member of the family than is known to genealogists. The other charter of King William's noted, is also not known to be extant.

The writ of the lands of Letham transcribed in No. 291 infra is of much interest, giving as it does so many names of persons and places in Berwickshire at that early period. The Scandinavian character of some of the christian and surnames referred to in the document is suggestive. The provisions about brewing, purchase of beer, fines of courts, and the destination of the lands granted are of interest. The granter of the writ, John of Letham, was a vassal of Patrick third Earl of Dunbar, and he grants the lands named to his son Ketel, who apparently gives name to part of the territory, Ketelshiel. The family of Letham seem to have continued in possession of that estate until 1437 when it descended to Christiana Rany, a niece and one of the heirs of John of Letham, her uncle, and she resigned the lands into the hands of King James the Second [No. 233 supra]. The date of the writ is not inserted, but the original was probably granted about 1269, as one of the witnesses is Sir Thomas Randolph, Chamberlain, who entered on office in that year.

The grant No. 292 infra by King James the First in 1425 to his chaplain, Thomas Lauder, of the Maisondieu or Hospital of Berwick-on-Tweed, is of interest, while No. 293 infra apparently connects itself with an incident in Scottish history. In 1435 Henry Percy, son of the Earl of Northumberland, with a force estimated at four thousand men invaded the Scottish border, but was met at Piperden, a place not far from Dunglas, and defeated by a Scottish army under William second Earl of Angus and other Scottish Wardens. The fight took place on 10 September 1435 and it is not improbable that the services referred to in the writ now reported on, granted by that Earl to his squire, Alexander Home, were rendered on that occasion. The writ is dated at Tantallon on 10 February 1436, and bestows the lands of Linlithgow for life.

An old Berwickshire family of Duns is referred to in No. 294 infra, and one of their number appears also as a procurator in No. 296 infra, which relates to the lands of Tyningham and the surrender of part of them into the hands of the Bishop of St. Andrews. No. 298 infra is a grant by the Prior of Coldingham in favour of Sir Alexander Home of the office of Bailiary over the possessions of the Abbey. This office had been held by the Earls of March and then by the Earls of Douglas, the latter enjoying a fee of 100L yearly. Sir Alexander Home however was to receive only 20L yearly. In the following writ [No. 299 infra] we have the name of a wife of Sir Alexander's grandson and heir, afterwards Alexander second Lord Home, who is not known to history, Isabel Douglas. The family of Douglas to which she belonged has not been discovered, but because she and her husband were related in the third and fourth degree, a formal divorce was pronounced between them. The steps of the relationship are not given.
MSS. OF THE EARL OF HOME.

In 1488, the same Alexander Home was appointed steward of the King's Earldom of March and barony of Duabar, for nine years [No. 300 infra]. A grant of nonentity of the lands of Earlston to his son is given in No. 301. An additional chaplainry endowed by Sir Patrick Home of Polwarth and Helen Shaw his wife in the church of Dunblane is commemorated in No. 302. Nos. 303, 304, 305 and 306, though interesting, are not specially noteworthy and may be referred to for their respective subjects.

In No. 307, however, we have a document worthy of special notice, an agreement between King James the Fifth and the Homes for the expulsion of the Douglasses from their Berwickshire possessions. Up to June 1528, King James had been virtually under the control of Archibald sixth Earl of Angus, but in that month the King threw off the Earl's authority, and in the September following, procured the forfeiture by Parliament of all the estates held by the Earl of Angus, his brother Sir George Douglas and their uncle Archibald Douglas of Kilsimnede. After the forfeiture Angus and his vassals betook themselves to France, and one of the places held by the Earl was Coldingham Priory, which is the chief subject of the agreement now reported on. In this contract the Homes undertake to expel the Earl of Angus and his supporters from Coldingham and Colbrandspath, and also from the bounds of Berwickshire, and to keep them out of that neighbourhood. In return they demand that the King shall promote John Home, Abbot of Jedburgh, Lord Home's brother, to be prior of Coldingham, in room of a former prior, Adam Blackadder, who is to receive another benefice and that they shall obtain a lease of the lands of Cockburnspath. They make various other stipulations as to remissions and the furnishing of a sufficient force to aid them in their warfare against the Douglasses. Nos. 308 and 309 indicate that the King complied with some of these requests, but it does not appear that John Home ever became Prior of Coldingham, while it is doubtful if the contract was fulfilled.

Nos. 310–312 need not here be detailed, but attention may be drawn to the terms of the Commissions to Lord Home narrated in No. 313, especially to the one dated on 2 January 1558, which virtually appoints Lord Home as a negotiator for peace with England. Only a few weeks before this date, the Queen Regent against the advice of her Councillors had endeavoured to precipitate hostilities with the southern kingdom. Lord Home himself had headed a series of raids on the English and was only checked by a defeat received in September 1557. Now however he is authorised to treat for a peace between the two kingdoms as part of a general treaty between France, England, and Scotland. Such a conclusion, however, was not reached until after the death of the English Queen Mary, when a final treaty was made with her successor Queen Elizabeth.

From No. 314 we learn that Lord Home received a pension from the French King. Of the remaining writs including those noted from old Inventories [Nos. 317 infra], those granted by King William the Lion have been already referred to, but attention may be drawn to No. 317 (4) the acknowledgment by Archibald Earl of Wigtown, afterwards fifth Earl of Douglas, of a loan of 1,000 nobles from Sir Alexander Home on 9th February 1424. This connects itself on the one side with the probable date of Sir Alexander Home's departure for France with the Earl's father, and on the other with the Earl's journey to England to meet King James the First, the sum of money being perhaps intended to defray expenses. The Notes given [No. 318 infra]
also from old Inventories, of the Papal bulls granting Indulgences to
the collegiate church of Dunglas, will be found interesting.

291. Transcript, dated 8th October 1426, of an early writ of the
lands of Letham, c. 1269.

The Charter transcribed is as follows:—Omnibus hac scriptum
visuris uel audituris, Johannes de Letham silius dominus Johannes de
Lethame, salutem; Noveritis me dedisse et concesisse et hac presenti
carta mea confirmasse Ketell. filio meo et heredibus suis de corpore
uo exsuntibus illa tosita et crosta que Radulphus Bercarius, Walterus
Aleywe et Ketell Dudeman de me tenuerunt in villa de Lethame,
que iscent inter tofum et crostum Duncani filii Nicholai de Lethame
ex vna parte, et tofum et crostum Johannis Sutoris ex altera, et
descendunt usque in aquam de Lambden; et tofum et crostum que Adam
Newbonde tenuit, cum tanta extensione versus magnam viam ante
hostium suum aquilonare quantam predictus Duncanus et heredes sui
habent uel habere poterunt ante hostium suum ex eadem parte; et
totam terram quam Nicholaius filius persone venditit Johanni de
Blakeder, quam idem Johannis mihi resignavit in plena curia comitis
Patricii de Dunbar, et mihi quietam clamavit pro quodam finali con-
cordia inter me et predictum Johannis confirmata; dedi et predicto
Ketell et heredibus prenominati suis, tofum et gardinum quod
Alexander Dossel tenuit et septem acras super Langrig orientales,
juxta vadum petarie, cum vno prato quod vocatur Leppoke, saluis mihi
et heredibus meis libero introitu et exitu cum animalibus nostris; et tres
acras super le'Crukes inter le Linthelanda et pratum meum et vnam
acram et vnam particatam super quam bercaria quondam fuit fundata;
et duas acras super Belchester juxta viam de Hersil in parte orientali;
et totam terram quam eni de Duncano filio Nicholai silicet duodecum
acras super Sowth Langrig iuxta viam de Hersil ex parte occidentali;
et terram cum prato quam predictus Duncanus venditit Waltero filio
Johannis de Blakedir, quam idem Walterus postea mihi vendidit que
lacet super Belchester australi; et totam terram arablem quam Dun-
canus tenuit et habuit super Belchester aquilonarem, cum prato quo
lacet inter collis Belchestrile preter vnam acram propinquorum terre
me in oriente; et mediatatem terre quam idem Duncanus habuit super
le Crukes et vnam acram in augmentationem in eadem cultura et
totum pratum quod predictus Duncanus habuit in Hemmingleth aratum
et inaratum; et sex acras jacentes in parte occidentali iuxta vadum
petarie, et illam terram que vocatur le Tofis que mea fuit, saluis mihi
et heredibus mei libre introitu et exitu cum animalibus nostris. Pra-
terea dedi et concessi predicto Ketell et heredibus suis predictis pastu-
ram in dominio meo ad decem bouses et sex vassces, cum earum sequelis
duorum annorum et ad quatuor equs ibidem pascendos; et vnam
brasianum super terram suam vbcinque viderit sibi melius expedire;
et volo quod homines mei communiter bibant et emant de ceruisia
hominum suorum sicut de ceruisia hominum meorum; vlo etiam quod
homines sui, libere et sine aliqua defensione dominorum uel balliornorum
suorum, emant brasium et alia victualia in terra mea sicut et homines
mei in terra sua si minime habeant; volo etiam quod dictus Ketell et
heredes sui prenominati habeant sufficientem sustentationem in petaria
mea apud Ketelshcel et brusaria in mora mea comburenda in domo sus,
adeo bene apud Lethame quam apud Ketelscel, ita quod non vendant
uei distruant; volo etiam quod predictus Ketell et heredes sui libere et
sine multura et in mediate post blda mea molant ad molendinum meum
de Lethame: et si contingat quod predictus Ketell uel heredes sui in
curia mea uel heredum meorum pro aliquo delicto ecceiverint, volo quod amerciam et eorum sit duodecim denarii argenti et non amplius, et si homines predicti Ketell uel heredum suorum in curia mea uel heredum meorum ecceiverint, volo quod amerciam et eorum reuetentar predicto Ketell et heredibus suis, adeo bene hominum suorum de Ketelselchel sicut hominum suorum de Letham, sine aliquo contradicte mei uel heredum meorum; et si ita contingat quod predictus Ketell non habuit heredem de corpore suoi, volo quod juveniores fratres sui de suo patre et mater descendentes omnia predicta habebant, successisse, quousque perueniatur ad aliquem predictorum fratrum quem heredem habere contingat de corpore suo, et si nullus eorum predicto modo heredem habuerit, volo quod omnia predicta michi et heredibus meis reuetentar sine aliquo diminutione: Tenendas et habendas sibi et heredibus suis de me et heredibus meis in feodo et hereditate, libere, quiete, pacifice et honorifice, cum omnibus libertatibus et aysiamentis predicte ville de Lethame pertinentibus; reddendo michi et heredibus meis annuatim vnum denarium uel vnum per cirotecharum albarum in die natali Domini pro omnibus servicia secularibus: Ego vero Johannes et heredes mei omnia predicta, predicto Ketell filio meo et heredibus suis sicut preactum est contra omnes homines et feminas warantizabimus acquietabimus et defendemus imperpetuum. In cuius rei testimonium, presenti scripto sigillum meum apposui; hiis testibus, Domino P[atricio] f[ilio] comitis, Domino Thoma Ranulphi, etc., camerario Socie, Domino Ricardo de Polworth, Domino Henrico, etc., Magistro de Eccles, Domino Gilberto, etc., Magistro de Calstrome, Philippo de Haliburton, Adam de Gordon, Duncano de Lethame, Waltero de Lethame, Roberto de Lethame, Rolando Harhame et Adam Harhame cum multis aliis.

[The notary who transcribed the writ adds the following docquet:]
Et ego vero Jacobus Gibson clericus Sancti Andreæ diocesis publicus auctoritate imperiali notarius, suprascriptum cartam coram his testibus, videlicet, Johanne de Gordou, Willemo et Henrico de Lewingston de Calentor et Thoma de Spens cum multis aliis, legi, tenui et diligenter examinaui non rasad non abolitam non cancellatum sed omni prorsus vicio et suspicione carentem sanam et integram in pergamo scriptum sigillatumque vero sigillo dicti Johannis de Lethame in cera alba, portans infrà rotundum sigilli vnum scutum, cum cruce in medio scuti; ideoque ad instanciam probe mulieres Cristine Rayney de uerbo in uerbum copiauu et hanc publicam formam redegi, manuque mea propria scripti et hic me subscripsi, signumque meum consuetum apposui, rogatus et requisitus in fidem et testimonium omnium praeecessorum. — J. G.]

292. Charter under the great seal, granted (apparently by King James the First) in favour of the King's chaplain "Thomas de Lawedre" of the House of God or Hospital lying in the burgh of Berwick upon Tweed; to be held to him for the whole time of his life with all lands, teinds, rents and profits, etc. belonging to said hospital, as freely as is granted to any other hospital in the Kingdom of Scotland; the king also commands all those concerned to pay to the grantee all things necessary for the support of the hospital. Dated at Edinburgh 8th June in the 20th year of reign [1425].

[The charter has no date and the seal, once appended, is now wanting, but the handwriting and other considerations indicate that it is of the reign of King James the First.]

293. Charter of William Douglas, second Earl of Angus, to Alexander Home of that ilk, 1435–6, the formal portions omitted.
Omnibus hanc cartam visuris uel audituris, Willemus de Douglas comes Angusie et dominus Vallis de Ledale et foreste de Jedworth ac gardianus marchie orientalis Socie versus Angliam, salutem in Domino sempiternam; Scistiis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et speciali nostro armigeru Alexandro de Home de eodem, pro suo servitio et consilio nobis impensis et impendendis, pro toto termino vite sue, totas terras nostras integras de Lyntlawys cum pertinencias, cum terra nostra que vocatur Manyys de Cruiksefylde et terra nostra de Prestoun, jacente propius terra de Lyntlawys, dum ipse habuerit plenarie complete viginti libratis terre cum pertinenciis insimul et integre, infra regalitateam nostram de Bonkyll et infra vicecomitatum de Bervyk; Tenendas et habendas totas predictas terras de Lyntlawys, Cruiksefylde et de Prestoun cum suis pertinenciis, predicto Alexandro pro toto termino vite sue, cum omnibus commoditatibus... per omnes rectas metas... durante tempore supradicto; Et si contingat dictum Alexandrum propter guerram inter marchias dictis viginti libraribus terre de Lyntlawys, Cruiksefylde et de Prestoun pacifice non gaudere, nos vero dictus comes, durante tempore guerre viginti librasi usualis monete Socie de [terris] nostrias obligamus nos, pro nobis et heredibus nostris et successoribus, predicto Alexandre ne suo certo antturnato annuatim persolvere: Reddendo inde annuatim nobis et heredibus nostris et successoribus predictus Alexander, pro toto tempore vite sue, pro dictis terris cum pertinenciis vnum denarium nomine alberirma ad natitatem sancti Ioannis Baptiste ad capitale messugium tantum modo si petatur, et presenciam suam in nostro itinere per se uel per suos procuratores, pro omnibus aliis serviciis, ... Dated at Tantallan, 10th February 1435-6.


Omnibus hanc cartam visuris uel audituris Willemi de Duns, filius quondam Willemi de eodem, salutem in Domino sempiternam: Scistiis me dedisse concessisse et hac presenti carta mea confirmasse dilecto meo et speciali amico, Walerto de Spens, filio et heredi Hugonis de Spens, duas partes vnus husbandi terre cum pertinenciis, jacentes in villa et territorio de Duns ex parte boriali, inter terram que vocatur Wynschelisland ex parte occidentali, ex parte vna, et terram Ricardi de Wehirle ex parte orientali, ex parte altera, infra comitatam Marchie et vicecomitatum Berwici pro sua magna gratitudine, auxilio et consilio mihi sepius impensis et inpostorum impendendis; Tenendas et habendas predictas duas partes husbandi terre cum pertinenciis predicto Walerto et heredibus suis, a me et heredibus meis... sicut ego predictus Willemus uel predecessores mei predictas duas partes husbandi terre cum pertinenciis tenni, uel possedi, tenuerunt uel possidere, aliquo tempore retroacto. Reddendo inde annuatim predictus Walerus et heredes sui domino superiori servicium debitum et consuetum tantum, pro omnibus aliis serviciis, ... At Dunbar, 12 February 1437-8.

295. Charter under the great seal, by King James the Second, granting to Adam Turnbull the lands of Greenwood in the sheriffdom of Roxburgh, which were resigned by Walter Dalglies, of Greenwood; To be holden to Adam Turnbull as Walter Dalglies held the lands, for services due and wont. Dated at Edinburgh 27th February, 3rd year of reign [1439]. Witnesses, James Douglas lord of Dalkeith, William Lord of Crichton, Chancellor, Robert Crichton of Sanguhar, John Cockburn and William Cranston, knights, and Thomas Myrtoun, dean of Glasgow. [See also Registrum Magni Sigilli, vol. 2, No. 223.]
296. Notarial Instrument narrating that James of Hyll or Hill, parishioner of the parish church of Tyyngham, St. Andrews diocese, appeared in presence of a reverend father in Christ, James [Kennedy] Bishop of St. Andrews, and in terms of a letter of procuratory and a letter of resignation, both of which were produced and read, he in name of David of Lauder, resigned two husband lands, one brawland, and five lands called commonly "cottland," lying within the territory of Tyyngham in the constabulary of Haddington, into the hands of the bishop, as lord superior of the lands, who accepted the resignation and thereafter granted the same lands, by delivery of staff and baton, to Thomas of Hume there present. The letter of procuratory is given at length by the notary. By it David of Lauder appoints James of Levyngham, captain of Stirling Castle, Archibald of Dundas, Duncan of Dundas, Eustace of Duns, squires, [scutifers], and James of Hyll, as his procurators, in due form, for resigning the lands. This letter and the letter of resignation, also given in full, were dated at "le Crag," 20 June 1443. Thomas of Hume asked instruments, and these things were done in the palace of the bishop within the city of St. Andrews, in presence of Mr. John Legate, Archdeacon, Andrew Young, rector of New, David Ramsay, canon regular of St. Andrews, Mr. William Mudy, vicar of Cargill, dioce of Dunkeld, Sir William Knollys, dean of Haddington, David Maxwell, Henry Stratton and Robert of Spens, esquires, witnesses. David Kay, notary. 27th June 1443.

297. Notarial Instrument narrating that Sir Alexander Home of that Ilk, knight, as procurator on behalf of Andrew Tayt, resigned a piece of land, templar-land belonging to Tayt, lying in the town of Hutton in the earldom of March, into the hands of Friar Andrew Maldrum, preceptor of the order of St. John of Jerusalem, of Torphichen in Scotland, superior of said templar-land; and the resignation made, the Preceptor granted the land to Sir Alexander in the usual form. Done in the castle of Stirling at 11 o'clock a.m. on 14 November 1443; witnesses, Patrick of Home, Archdeacon of Teviotdale, Gilbert Forester, archdeacon of Brechin, Edmund Hay and Alan Clerk. John of Atheray, notary.

298. Charter by John, Prior of Coldingham, with consent of his chapter, granting and confirming to Sir Alexander Hyme of that Ilk, knight, for his good deserts and services done and to be done to the monastery, the office of bailiary of the whole kirk lands and annual rents wherever pertaining to the monastery, with the sum of 20l. Scots yearly, as the fee for exercising said bailiary; To be held in the said office and fee of 20l., to Sir Alexander and his heirs, with the power of appointing substitutes, of the convent and their successors in fee and heritage, with all the usual privileges: The prior and convent also grant that after the decease of Sir Alexander, if it happen that his heirs are under lawful age, George Hyme son of Sir Alexander shall enjoy the office of bailiary with the fee, and administer the same until the majority of the said heirs, and failing George Hume, the nearest tutores of Sir Alexander shall hold the office. Dated at Coldingham 2nd August 1465. Signed by the Prior and ten monks, the prior signing thus "Nos Joh p'or obligamus nos ad p'missa." [A notary's docquet affixed names the following persons, apparently as witnesses to the transaction, John Brown, James Fleming and James Lamaden, chaplains, John Ellem of Butteriden, William Aldyncraw, and Peter of "Antegaulis." Thomas Tochrice, notary.]
Miss of the

299. Decree of separation between Isobel Douglas and Alexander Hume, 1476.

Cristi nomine Inuocato Nos Johannes Ottiurburn Archidiaconus Candidus case ac Officialis Sanctiandree infra Archidiaconatum Laudonie judex pro tribunal sedentes in quadam causa matrimonial tendente ad divorcium, coram nobis mata et adhuc pendente indecisa, inter nobilium domicellam Isabella Dowglais, actricem, ab vna, et nobilium virum Alexandrum Howme apparentem heredem Alexandri Domini Howme, reum, partibus, ab alia, Cognoscentes auditis prius partium predictarum petitionibus, responsionibus, allegationibus et rationibus hincinde exhibitis, dicitque cause meritis per nos visis, discussis et ad plenum intellectualis jurisprudentiam communicato consilio et secuto, solum Deum pro oculus habentes eiusque nomine sanctissimo primitus inuocato, per hanc nostram sententiam diffinitiis quam ferimus in his scriptis pronunciassimus, decernimus et declaramus matrimonium de facto et non de jure contractum inter dictos Alexandrum et Isabellam nullum fuisset et esse, et pro eo quod dicti Alexander et Isabella se inuicem attingunt in tertio et quarto gradibus consanguinitatis, ipsosque propertas ab inuicem separassmus et separat es esse decernimus, et quicquid alter ab altero receptum causa dotis aut donationis propter nuptias restitutionum fore et restitui debere et hoc omnibus quorum interest notum facimus per presentes; lecta, lata et in scriptis redacta fuit hoc nostra sententia diffinitiis, in ecclesiis beati Egidii de Edinburgh loco consistorialis solito et consuetu, penultime die mensis Maii anno Domino millesimo quadringentesimo septuagesimo sexto, indicatione nona pontificatus sanctissimi in Christo patris et domini nostri, domini Sixti, diuina providencia pape quarti, anno quinto, hora vindicata ante meridiem vel ecocirca, in presentia dicti Alexandri Howme, rei in causa, et domini Jacobi Fulfuod dicte Isabelle procuratoris; presentibus ibidem venerabilibus et discretis viris magistris et dominis Riscardo Roberti, Johanne Flemynge, Gilberto Ottiurburn, de Suthhek, Slayns et Pinkartoune, Rectoribus, William Fawayd, Kentigerno Crychtoune, Johanne Moffet, Alexandro Ottiurburn, presbytria, Johanne Carmychell, Patricio Howme, armigeris, et Henrico Mayr notario publico, testibus ad premissa vocatis pariter et rogatis. George Cotis, notary.

300. Commission by King James the Fourth, appointing Alexander Home, grandson and heir of Alexander Lord Home to be steward of the King's earldom of March and barony of Dunbar, for the period of nine years immediately following the date hereof, giving him full power of holding courts of Stewartry in the earldom and barony, with all other usual authority. Given under the great seal at Edinburgh 31st July 1468.

301. Letters under the Privy Seal by King James the Fourth, granting to Alexander Hume, son and apparent heir of Alexander [second] Lord Hume, the rents and duties of the twenty shilling worth of land lying in the town of Erslitoun [Earlston] in the earldom of March and sheriffdom of Berwick, for all the time they have been in the king's hands since the decease of the late David Whitelaw, the king's tenant of the lands, and for the whole time that they shall be in the king's hands by nonentity of the righteous heirs. Given under the privy seal at Edinburgh 29th April 1503.

302. Precept of Sasine by Patrick Home of Polwerto, knight, directed to David Home of Wethirburn, knight, James Pringyll, Alexander U 60048.
Pringyll, Robert Wod, Thomas Ruthirfurd, Alexander Home and
William Matheson as his bailies, Because with consent of his wife
Helen Schaw he has given and granted in perpetual alms for one
chaplain celebrating and to celebrate mass, chanting and to chant within
the collegiate church of Our Lady of Dunglas, and principally at the
altar of St. Cuthbert situated in the south aisle of the said church, the
lands of "Vigorushalch" with their pertinentes, lying in the sheriffdom
of Roxburgh, along with an annual rent of forty shillings Scots, due to
the granter from the main lands of Mordington lying in the sheriffdom
of Berwick; therefore the granter and his wife command the bailies
give seisin of the said lands and annual rent to the one chaplain or
prebendary, according to the tenor of the charter of foundation of said
prebend. The precept is dated at Dirleton 16th September 1503, and
the seals of the granter and his wife are still appended. The first
bears a lion rampant for Home, the legend being broken and not very legible;
while the second seal bears three covered cups, two and one, for
Shaw, with a mollet in centre of the shield. Legend "S. ELENE SHAW."

303. Retour of Inquest made in presence of William Douglas of
Cavers, knight, sheriff of Roxburgh, by the following jurors, William
Cranstoun of that Ilk, Ralph Ker, Andrew Ker of Fernihirat, Alexander
Seton, knight, William Ker, Mark Ker, John Murray, Roger Langlands,
John Riddell of Whittoun, James Edmondston of Ednam, William
Turnbull of Minto, David Pringle of Smalhame, George Turnbull,
John Scott, John Gurlaw, Robert Ker, and John Moll of that Ilk, who
on oath declared that the late Alexander Lord Hume, father of Alexander
Hume, bearer of the present writ, died last vest and seased in the lands
of the barony of Hownam mains, Over Chatto, Over Crailing with the
manor and mill thereof; the lands of Greenwood, Lyne, Stoudly,
Grundiston and Harden, in the county of Roxburgh; that Alexander
Hume is the nearest and lawful heir of the late Alexander Lord Hume,
his father, and that he is of lawful age; that Hownam mains, Over
Chatto, and Over Crailing were valued at 36l. Scots, and in time of peace
10l. Scots, old extent, and were held of the king, for ward and relief;
that the lands of Greenwood were valued at 3l. Scots and in time of
peace at 2 merks old extent, and were held of William Turnbull of
Minto as superior, for one penny blench; that the lands of Lyne were
valued at 2l. Scots, in time of peace 1 merk, and were held of the king
for ward and relief; that Stoudly and the five merk lands of Grundiston
were valued at 5l. Scots, in time of peace at six merks, and were held
of the Earl of Bothwell as baron of the barony of Chamberlain-Newton
for one penny blench; that Harden was valued at 10 merks, in time of
peace at 5 merks and held of Earl Bothwell as baron of the half barony
of Wilton for one penny blench—[but William Cranston of that Ilk,
John Gurlaw, and David Pringle said that Harden was held for ward
and relief.] Also that all these lands were in the hands of their respec-
tive superiors, because of the death of the late Alexander Lord Hume,
who died forty-three days last past. Retour dated at the burgh of
Jedburgh 22 October 1506.

304. Letters or precept under the privy seal by King James the
Fifth, directed to James [Bosston] Archbishop of Glasgow, chancellor
of Scotland, narrating that the king had with consent of his mother,
Queen Margaret, and of the lords of his council, granted to Alexander
[third] Lord Hume, great chamberlain of Scotland, his heirs and
assignees, the ward of all the lands and others, as well property as
tenandry, of the late Patrick Lord Haliburton of Dirleton, now by his
decease, in the hands of the king, until the lawful heirs obtain sasine; also the marriages of Janet Haliburton, Mariota Haliburton and Margaret Haliburton, daughters and heiresses of the late Lord Haliburton, and failing them by death, the marriage of any other heir of the said lord; To be held the ward and nometry of the said lands to Alexander lord Hume, and in case he make no disposition of the same during his life, to John Hume his natural son by Katherine Stirling, whom failing, to Lord Hume's nearest heirs, with the rents and profits of the lands; Lord Hume paying into the royal treasury one thousand mersks by way of composition for the said ward and marriages, and giving the services of himself and his friends in defence of the kingdom. Given at Perth, 14 December 1513.

305. Letters under the quarter seal by King James the Fifth, directed to the subprior and convent of the priory of Coldingham, relating to the office of bailiary granted to the late Alexander Hume of that ilk, knight, [cf. No. 298 supra] which office has fallen in the kings hands by the forfeiture for treason, of the late Alexander Lord Hume, great grandson of Sir Alexander; the king being unwilling that the priory should suffer prejudice, presents to them, with consent of his tutor John Duke of Albany, George Hume, brother german of the said Alexander Lord Hume, exhorting them to receive him as their heritable bailie. Dated at Edinburgh—August 1522.

306. Return of Inquest made in presence of James Douglas of Cavers, sheriff of Roxburgh, by the following jurors Andrew Ker of Farnymirst, George Douglas of Bunjedward, James Murray of Pawlayhill, George Rutherfurd, son and apparent heir of John Rutherford of Hundlee, George Turnbull of Bedrule, William Halden of that ilk, William Ker, William Kykton, Lanset Ker, George Turnbull in Bedrule, Thomas Leirmonth, James Douglas, Richard Alans, George Fawlay of Wellis, and Robert Richardson, who declared on oath that the late John Hume, uncle of John Hume bearer of the present writ, died at the king's peace, possessed of the lands of Syndlows in the sheriffdom of Roxburgh; that John Hume is the lawful and nearest heir of his late uncle, and is of lawful age by a royal dispensation in virtue of a royal act passed at Twizelhauch in Northumberland, before the conflict at Flodden, because the late John Hume died fighting under the king's banner at Flodden against the English; that the lands of Syndlows are valued at 10s. Scots and in time of peace, and are held of the king for ward and relief; and that they have been in the hands of the Crown since the death of John Hume at Flodden on 9th September 1513. Dated at the Courthouse of Jedburgh, 28th July 1523.

307. Letters under the quarter seal of Mary Queen of Scots, of date 3 September 1550, ratifying the following contract, dated 9th October 1628—

At Edinburgh the nyt day of October the yeir of God 1550 et and xxviiij yeiris In presens of the kingis hienes and lordis of counsale, competit George lord Hume and John [Home] Abbot of Jedburgh, with their kyn, frendis and seruandis and tuke vpone hand and takis apone thame to expell Archibald sumtyme erle of Angus his assistaris and part takaris, oure souerane lordis rebellis convict for cromes of lese maieste, furth of the placis of Coldinghame and Colbranspeth and kep the samyn fra thame, and sail do thair vitr power and deligence to expell thame and hold thame furth of the boundis of the Merse, and nocht to thole thame to hauie resset thairintill, nor thole thame cum throw the
boundis of the Merse to the inverted partis of the realm, peace standard betwixt the realmis of Scotland and Ingland; for the quhair caus the kingis grace grantis to my lord Hume and my lord of Jedburgh his brother thir desiris followand; In the first the kingis grace sall cause the said Abbot of Jedburgh, be consent of Master Adame Blacaster priour of Coldinghame, to be promouit to the said priory, and his grace to satisfy and pleis the said Master Adame thairfor with vther benefice; Item the kingis grace sall gif in reward to the said Lord Hume, the lands and baronies of Bonkle and Prestoun, with their pertinence, tenand and tenandriis to be haldin of oure souerane lord as vmyquhil the said Archibald erle of Angus had the samin of befoir; Item the kingis grace sall cause his moder the quene to mak one letter of tak, with his auise and consent, to the said abbot of Jedburgh, his sirs and assignais, of the lands of Colbrandspeth with the tour and fortalice of the samin with their pertinence, siclik as he had it of befoir of his said derrest moder, for the space of xix yeiris, and sall pleise the lard of Keir for the takkis and rychtie that he hes of the samin; Item the kingis grace promittis that he sall, at the request of the Lord Hume and Abbot of Jedburgh, grant and gif ane remission to any persons nocht beand yit convict of lese maleste, now beand in company or partakar with the said vmyquhil erle of Angus, duelland within the bounds of the Merse or Teuedale, with their esechitis, sua that thai laif in the said erles company and his partakaris within vj dayis, and remane trow liegis to our souerane lord in tymie to cum, and sall grant ane remission to the said lord Hume, his kyn, frendis and partakaris now dependand apoun him for all crimes bigane, the Twedys and all vthairis beand at the slauchter of vmyquhil John Lord Fleming beand exceptit furth of the said remissionis; Item gif thair be ony maner of persons within the said bounds or Lammernure that fra thyn furth assistis to the said vmyquhile erle, or his partakaris, beand convict thairfor slanerele, the kingis grace grantis their esechitis baith of gudis mouahile and immouahile to the said lord Hume and Abbot of Jedburgh, to be dispoit be thame as thai sall think expedient; Item the kingis grace grantis to the said lord and his bruder for the expulsioon of the saidis rebellis and keping of the said house and strethsis aboun writtin, lx speris furnist in all expense for the space of thre or four monthis, with xxiiij cuculnaaris with cuculringis, pulder and expense for the space of ane moneth and langar if neid beis; Item gif it sall happein my lord Hume or any oth landit men, beand in his company and takand part with him, to be slane in his persute or resistance of the saidis trawtiris, rebellis, assistaris and partakaris, the airis of thame that sall happein to be slane in maner forsaid sall haff the samyn prui-legis of the act maid at Twislehauch granit to the airis of thame that sall happein to be slane vnder the kingis baner in Ingland; Item the kingis grace sall cause the lordis and baronis of Loutheane, or vthairis to the number of four hundreith or five hundreith men, to pas with the said lord Hume and his broder for expulsioon of the saidis rebellis, traitouris and assisteris, furth of Coldinghame and thair to remane for the space of thre or four dayis, sua that in the mentyyme thai may prouide the said place of Coldinghame, for the keping thairof, with sic besynes as salbe thought expedient; Item our souerane lord ordanis lettres to be direct to command and charge all and syndrie his liegis, duelland within the bounds of the Merse, Est Loutheane, Lawmernure and Tevidale that thai and ilk ane of thame sall reddily answerr, help, supple and defend the said lord Hume and his broder in persecutioon and resisting of the saidis rebellis, traitouris and their partakaris als oft as thai salbe requirit, vndir the panis that quha disobeyis salbe reput and haldin as art and part
takaris with the saidis tratowris in their trasonabil deidis and puneist thairfor as the saidis principale tratowris, and gif it sall happen the saidis tratowris and rebellis to birne ony cornis pertenand to the said lord Hume, the Abbot of Jedburgh, or ony vthairis quhilkis takis thair part for expulsioun and resisting of thame, our soverane lord sall hawe consideratioun thairof and cause thame, sa beand scaithit and brint, to be recompenis. [Extracted, and confirmed under the quarter seal, 3 September 1550.]

308. Composition or letters stating that a remission had been compounded for by Symon Furd in the Tofts, Robert Diksoun in Bouchrig, Robert Stevinsoun in Chanabank, John Diksoun in the Bus, John Allanisoun in Godiscroft, William Farle in Puddingraw, James Brunefield in Hassington maims, Nicholas Tuisy in Fulschotlaw, Patrick Brunefield in Hassington, William Diksoun in Bouchrig, Robert Diksoun in Letham, William Brunefield in Gordoun maims, Edward Brunefield in Grynlaw, Robert Diksoun in Hassington mains, Patrick Diksoun, brother of John Diksoun of Kames, John Diksoun of Belchester, Robert Diksoun his brother, all abiding in the sheriffdom of Berwick, for their treasonable intercommuning with, and assistance given to Archibald sometime Earl of Angus, George Douglas his brother, their uncle Archibald Douglas and their accomplices, in their treason committed against the peace of the king and his lieges; and for all crime charged against the said persons, that they shall not be fined or punished for offences committed before the date hereof. Signed by the lords compositors at Haddington 3 June 1529. "Jhon lord Arskin" "D. de Ab'brothoke" "G. p'or de Plusardi" and two other signatures, one being that of the treasurer, and the other not readily decipherable.

309. Gift under the privy seal by King James the Fifth in favour of George Lord Hume, his heirs and assigns, of all goods movable and immovable, whatsoever, in the sheriffdom of Berwick, which belonged to Archibald sometime Earl of Angus and George Douglas his brother, and also of all rents and duties of the lands and baronies of Bonkle and Preston for the term of Whitsunday past and the term of Martinmas to come, now in the king's hand by the forfeiture of the earl and his brother. Dated at Edinburgh, 20th September 1529. [On the same day the king granted to Lord Hume the escheated goods of those persons residing in the bounds of his lieutenancy, convicted of not riding with him in the royal service for resisting and expelling the rebels.]

310. Charter under the great seal by King James the Fifth, narrating a commission directed to James Johnstoun and Thomas Hamilton, macers, as sheriffs of Berwick in that part, stating that Elizabeth Hume, and John Hume, son natural of the late Alexander Lord Hume, had a gift of the nonentries of the lands of Hutounhall with mill, etc. lying in the sheriffdom of Berwick, during the period in which the lands were in the hands of the Crown from the decease of the late George Ker of Samuelston, by which commission the sheriffs summoned all parties interested to appear in the courthouse of Edinburgh for their interest, on 16th March 1528–9, on which date the said Elizabeth and John Hume, and George Lord Hume, Janet Hume, daughter of the late Alexander Lord Hume, and Patrick Hume, brother of the late David Hume of Wedderburn, appeared by their procurators or in person, when it was found that the lands had been in the hands of the king and his father for the space of twenty-three years and a half and that the rents of the lands were 100 merks yearly. The sheriffs decreed the lands to be apprised for payment of the nonentry duties to the said Elizabeth and
John Hume, and 5 chalders of oats, price of the chaldar with the straw 4l. Scots, 14 bolls of wheat price of the boll 12s., 2 chalders of barley, price of the chaldar with the straw 5l. 6s. 8d., and 4 bolls of peas, price of the boll with the straw 6s. 8d. extending in all to 40l. Scots were seized on the lands. The lands were apprised for 2,289 merks 5s. 8d. in complete payment of 2,360 merks the full sum of the non-entries; and on 14 February 1530–1, as no person was found to buy, and no objection was offered they were sold and assigned to the said Elizabeth Hume, to whom the king grants the lands in due form to be held for ward and relief. He also desires that the proprietors shall have regress if the said sum be paid, within seven years. Given at Edinburgh 22 January 1531–2. [Cf. also Registrum Magni Sigilli, vol. 3, No. 1111, where Elizabeth Hume is described as "fille naturali quondam Alexandri Domini Hume.]"

311. Charter by King James the Fifth under the great seal granting to John Hume, son natural of the late Alexander Lord Hume last deceased, for his services against the English, the lands of Greenlaw and others described, in the earldom of March and sheriffdom of Berwick; to be held in feu farm to the grantee and his heirs, failing whom the lands to pass to George Lord Hume and his heirs. Given at Edinburgh 20 August 1583. [This writ is only briefly noted here, being in the Home charter chest, but it is fully given in Vol. 3 of the printed Registrum Magni Sigilli, No. 1302.]

312. Letters under the Privy seal of King James the Fifth granting to Alexander Hume son and heir apparent of George Lord Hume, "all gudis mouable gold siluur conzeit and vncunzeit, cleathing abilzeamentis, insicht, nolt, schpe, horse, harniss gunnis artilizery, gun powder, orniss, catell, dettiis, takkis, obligatios, soumes of money, richtis reveersionis, assignaginis . . . and specialie the reveersionis letters and assignaginis vnder writtin" which belonged to the late Alexander Lord Hume, and fell in the kings hands by reason of forfeiture, having been granted by him in his minority to Agnes Countess of Bothwell, Elizabeth Mertyn and others, and afterwards revoked: With power to the grantee to use the said goods and specially to use the following reversions and assignations for redemption of the lands named in them, all in favour of the late Lord Hume. (1) An assignation by the late William Livingstone of Drumry with consent of Robert Livingstone, then his son and apparent heir, dated 5 February 1493–4, of three reversions, one by the late Alexander Scot of Howpsalot over Midshiels and Appletreehall for 500 merks, another by Walter Turnbull for 200 merks over the Eastmain of Hassendean and the third for 300 merks by John Scott over the lands of Clarilaw all lying in the barony of Hassendean and sheriffdom of Roxburgh: (2) A reversion by the late Walter Scot of Howpsalot for 200 merks over Appletreehall, dated Edinburgh 6th May 1502: (3) An assignation dated Edinburgh 9th June 1512 by George Inglis of Lochend of two reversions by the late William Redpath of Greenlaw, one for 40 merks over a two merk land and another for 40l. over a three-merk land both in the tenantry of Greenlaw within the sheriffdom of Berwick: (4) An assignation, dated Edinburgh 31 March 1491, by the late James Hering of Tulibole, baron of Upsetlington, of a reversion by the late George Hume of Wedderburn over the lands of Greenside and Ramrig in that barony and sheriffdom of Berwick: (5) A reversion by the late David Hume of Wedderburn, knight, over the same lands for 300 merks, dated Edinburgh 13th November 1508: (6) A reversion by Robert Scot of Stirkshaw over the lands of Harden, barony of Wiston,
sheriffdom of Roxburgh for 100L, dated Edinburgh 3 January 1501–2; (7) A reversion dated at Hailes 27 October 1478 by the late Patrick Earl of Bothwell for 100 merks over two merks worth of land and a craft called "Ryde awayis craft"; (8) A reversion by the late William Ker of Mersingtoun for 300 merks over twenty merks of land in the barony of Broxfield and sheriffdom of Roxburgh [no date given]; (9) A reversion [no date] for 200 merks over the same lands by the late Thomas Ker of Mersingtoun; and (10) An obligation, dated Edinburgh 15 May 1516, for 1,000 merks by Andrew Ker of Fernihirst and the late Thomas Ker, his son and apparent heir. Gift dated at Stirling 24 June 1535.

313. A series of Commissions of Lieutenancy and Wardenry to George Lord Home and his son between 1529 and 1562.

1. Commission under the quarter seal of King James the Fifth, appointing George Lord Hume the royal lieutenant within the bounds of the Merse, Lauderdale, Teviotdale, East Lothian and Lammermuir, for preserving peace and resisting rebels, with all necessary powers. Edinburgh 6 September [1529].

2. Commission by Mary Queen of Scots, with consent of James Earl of Arran, Governor of the kingdom, to whom it clearly appears that the lieges inhabiting the eastern marches of Scotland have perpetrated and do daily commit assaults and acts of injury, which if not reformed, may become occasion for breaking the peace lately made with the Queen's grand uncle, Henry King of England: Wherefore the Queen appoints George Lord Hume warden within the bounds of the Merse and of the East marches opposite England, for the space of one year from date, giving to him full powers of wardenry, for holding courts, "days of trew," and punishing transgressors. Given under the great seal at Edinburgh 17 August 1546.

3. Commission by Queen Mary, narrating, that because of the services done to her by Alexander Lord Hume, and because her poor subjects on the east marches are grievously despoiled and disturbed by thieves, robbers and other malefactors, she for the suppression of such evils has appointed Lord Hume warden on these marches towards England and also justiciary of that wardenry, committing to him a full and special mandate of Wardenry and Justiciary. Given under the great seal, 16 July 1550.

4. Letters under the great seal by Mary Queen of Scots. . . . Noueritis quod quum charissime matri nostro, Marie regine, dotarie et regni nostri regentis, relatum sit, quod Comes Northumbrie vicissimo sexto die mensis Decembris nonissime elapse, ab Anwik scripsaret dicto nostro consanguineo Alexandro Domino Hume, gardiano orientalium et mediariam marchiarum regni nostro versus Angliam, penes intercommunicationem inter dictum nostrum consanguineum ac dicti comitis fratrem que ante fuerat, tangentem pacem atque mutuum amicitiam inter hoc nostrum regnum regnumque Anglicum habendas, declarando memorati comitis bonam affectationem ad easdem totis illius viribus procurandas, ac pro huiusmodi expeditione, desiderando prefatum nostrum consanguineum locum convenientem appunctuandi, vbi eius frater sufficienter auctorizatus cum eo desuper late intercommunicatione valeat, cui pacis proposito quum Deo optimo maximo admodum gratum sit, idque Christianos homines libenter amplectit deceat, et maxime principes quorum id precipuum munus est, nos ita animates sumus ut si quo modo inter Christianos principes omnes pacis vinersalis tractande ratio iniri possit lubentes nostram tam pro operi naure cupiamus operam." Wherefore the queen appoints Alexander Lord Hume to be her procurator and special com-
missioner, giving him full power to meet with the Earl of Northumber-
land, his brother, or any other holding commission from Mary Queen of
England, to learn from them how that queen is disposed towards the
public peace of the world ["totius orbis"] and of these kingdoms, also
to confer and treat with them on her part; and if there be any hope that
from such treaty public peace may arise between her and other princes,
Lord Hume is empowered to conclude, in the interval, a temporary truce
of eight or fifteen days or at the most of two months. Given at Edin-
burgh 2nd January 1557–8. Signed by the Queen Regent, "Marie R."
5. Letters under the great seal by Mary Queen of Scots . . . Nouer-
tia quod nos ad commune bonum regni nostri, quietem et tranquillitatem
ligeorum nostrorum eiusdem ac pro bono regimine super limitibus jam
paedis tempore et specialiter intra bondas de Liddesdale observando, sic
quod ligei et subditi regni nostri nec serenissime sororis et consanguineae
nostre Regine Anglie super inhabitantibus infra dictas bondas causan
habent conquendi, imperatorum respectum et zelum habentes et viden-
tes dictos inhabitantes de vno gardiano, seu custode et rectore ad bonum
regimen inter illos ponendum restitutionemque subditi Anglie facien-
dam destinatos esse casu quo ipsis priuatas incursiones, equetationes aut
furta super eis faciant seu committer," therefore the queen appoints
Alexander Lord Hume to be warden, keeper and ruler of the bounds of the
lordship of Liddesdale, with the usual powers. Dated at Linlithgow
12 August 1562.

314. Letters of Procuratory by Alexander Lord Home, constituting
and appointing his kinsman Captain James Borthwick and those whom
he names as substitutes, as procurators and factors with equal powers,
to exact and obtain from the treasurer of the most Christian King of
France, Lord Home’s yearly pension of 2,000 livres [" libravm Turon-
ensium"] granted annually to him by the said king, and payment
thereof for the present year 1556; also to require payment of past
years, and to grant acquittances. Dated at Edinburgh 7th January
1556–7. Mr. Alexander Crichton, rector of Abbotsrule and others,
witnesses. Signed by Lord Home and two notaries. Seal attached.

315. Official copy of summons and execution indorsed, directed
against Sir John Ker of Hirsell, who casting off his due obedience
owed to the King [James the Sixth] " has treasonable maid maid
kopit conventicles and vnsachfull assemblies and at last be himself his
freindis, men, tenentis and servandis takin armes and comm to the feilds
aganis ws and oure authoritie, awayting to put their treasonfull inter-
prysis to execution givy that be not spedelie repressit’; for which
reason Sir John is to be charged to appear before the Privy Council
under the penalty of escheat. Letters of charge given under the signet
at Edinburgh, 10 April 1589 and executed at Sir John’s dwelling place,
called Hirsell or Spylaw, on 12 April following.

316. Letters by King James the Sixth, constituting Alexander [sixth.]
Lord Home the undoubted and irrevocable commendsor of the priory
and abbacy of Coldingham, and in respect that the temporality of the
same was annexed to the Crown, the King grants the benefice and com-
mandership so far as regards the spirituality of the same, to Lord
Home for the whole term of his life, being now vacant in the King’s
hands on account of the forfeiture of Francis [Stewart] sometime Earl
of Bothwell and so by the disability of John [Stewart] last commen-
dator of said priory, son of said Francis; and the priory and abbacy
are granted with vote and place in parliament and with the privileges
belonging to the said priory, benefice and dignity of the same: With the churches, teindsheaves and other teinds belonging to the said spirituality free from all payment of the first year’s fruits, the fifth penny yearly for monks portions, or of other imposts on the fruits of the benefice exigible from Lord Home during his life, notwithstanding any act of parliament or other statutes to the contrary: Commanding the Lords of Council Session and Exchequer to give Lord Home letters of horning to ensure payment of the rents of the priory. Given under the great seal, at Dalkeith, 10th August 1592.

317. Memoranda taken from Old Inventories of Home Writs of Charters which do not now appear in the possession of Lord Home, but of which a note may be interesting to historians.

Extracts from an Inventory dated 6th March 1637.
(1.) “Item ane chartour grantit be King William to William Home sone to Johne Home of the lands of Home and castell thairof.” [1165–1214.]
(2.) “Item ane chartour grantit be King William to Robert of Cambray of the lands and Baligarnoche daithit primo December without the yeir of God.”
(3.) “Item ane ratificacions of George erl of Marche to George Inglis his armour beirar of the landis and possessiones of the toun and territorie of Grenlaw, seillit. Daithit 8 September 1422.”
[These writs are not in an Inventory of 1679, which is the next in date of the whole papers.]

318. In addition to the Papal Bull by Nicolas the Fifth [No. 128 supra] confirming the erection of the church of Dunglass into a Provostry, the following writs are noted in an Inventory of date about 1710:

“Item, Bull of Pope Nichole granting seven years and seven quartains [quarters] relaxation of penances to such as yearly visit the collegde Kirk of Dunglass on the feast of Assumption &c. dated 2d January 1454 years.”

“Item Bull by Pope Pius uniting the vicarage of Edrom and tithes thereof to the said collegiat church of Dunglass, dated 12th November 1459.”

“Item Bull of Indulgence by Pope Pius to the collegde Kirk of Dunglass and remitting certain penances to the persons that shall visit the said Kirk yearly at the feast of Assumption, dated the 12th of November 1459.”

“Item Bull by the Pope [Paul II.] anent the possession of the Collage Kirk of Dunglass dated at Rome the 13th of August 1470 years.”

“Item Bull of Indulgence by Pope Sixtus to the Hospital of Dunglass, dated 5th August 1480 years.”

WILLIAM FRASER.

Edinburgh, 32 Castle Street,
26th April 1890.
INDEX.

A.

Abbotsford. See Arabroath.

Abbotsmoss, the marsh of, 118.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.

Abbotsrule, 151.

Abbotsrule, 155.
Andrews, St.—cont.

pro Así of the church, see in the city
of, James Allardice, 158, 159.
Jacobus Gibson clericus Sancti An-
droe diocesis, 174.
city of, 114, 176.
dioce of, 124, 127, 176.
church of St. Mary at, 79.
collegiate church of, 158, 159.
monastery of, 128.
University of, 32.
Angierow. See Redpath.
Angus, 25, 41.
earl of, 76.
Archibald [fifth] earl of, 111, 118
quarter, 134, 136 ter, 155.
—, Chancellor of Scotland, 186.
—, his brother James Carmichael, 118.
Archibald [sixth] earl of, 172, 180,
181 bis.
—, agreement between king James
V. and the Homes for the expulsion
of, 179 et seq.
—, forfeiture of his estates, 172.
—, his brother George Douglas, 181.
—, his uncle, Archibald Douglass, 181.
Archibald [eighth] earl of, 81 bis,
102 bis, 104, 164.
—, his agreement with Francis
Stewart, earl of Bothwell, 165.
—, decree arbitral by arbitrators
between him and Alexander lord
Home, 103.
William [second] earl of, 171, 174,
175.
lord, his regiment, 48.
redemption, 48.
Annandale, 111.
lord of, 111.
Anne, queen, 7 bis, 66.
Antepius, Peter of, 176.
Antwerp, the castle of, viscountess Dundee
at, 6, 7, 49.
Anwick or Anwik, 183.
Anyley of Dophinston, John, 121.
Appin men, 28.
Appletrewhall, 83, 101, 146 ter, 147 quarter,
148 bis, 182 bis.
Arbrilot, Abbrirrolot, Aberrolot: church
of, 99.
lands of, 83, 110 passim.
lordship of, 110.
mill of, 110.
Arbroath, Aberbrothk, or Abirbrothk
abbey, John Hamilton commen-
dator of, 81, 99, 169.
abbot of, 81, 99.
D. de, 181.
Ardgour, 23 bis.
Ardkinglas, 23 bis.
apprehended, 12.
Robert Campbell brother of, 13.
— See Campbell.
— affair of outposts near, 13.
Ardwirich. See Stewart.

Argyll:
Archibald [second] earl of, 134.
Archibald [fourth] earl of, 142.
Archibald lord Lorne [eighth] earl
and marquis of, 3 passim, 24,
25 bis.
— joined the Covenanters, 24.
— letters of, 24, 25.
Archibald [ninth] earl of, 13 passim,
14 passim, 15 passim, 16 passim,
17, 18 passim, 19 passim, 20 passim,
22 passim, 24, 44.
— in Kynure, 14.
— estates of, 4.
— escaped to Holland, 4.
— letters relating to his invasion,
8, 16.
— his ships, 15.
— his vessels, 13, 18.
— his spy, 13, 14.
— defeat of, 81.
— taken, 22, 23.
— beheaded at Edinburgh, 4.
— his son Charles Campbell, 15,
17 bis, 23.
— his sons Achievement and Bar-
brek, 20.
— his lady, 23.
Anna countess of, letters of, 23, 35.
Colin [first] earl of, 118.
John, second duke of, 66, 67, 68 bis,
70, 71 bis.
— commander-in-chief, letter of,
67.
duchess of, her ball, 66.
Athole men in the stronghold of, 4.
bishop of, 123.
bishoprick of, 50.
synod of, 50.
Argyll's men, 43.
Argyll, shire of, 8, 12, 15.
Aryglshire, Aryglshrie, Argdglyshire,
12, 14, 17, 19, 35 bis.
Highlanders, rising of, 4.
men, 40.
marquis of Athole lieutenant of, 4.
Arkleton, 134.
Ariebeck, 63.
Armeanstrang:
David, 134 bis.
—, Ninian, his son, 134.
Ninian, 134.
Armitage, 154.
Arnot, John, 139.
Arnoctat, lands of, 98, 99.
Arous, John, archdeacon of Glasgow, 167.
Arran:
James lord Hamilton, first earl of
Arran, 86.
— his wife Elizabeth Home, 86.
James [Hamilton] late earl of, his
natural son John Hamilton, 162.
James [Hamilton, second] earl of, 94,
95, 188.
James earl of, fourth duke of
Hamilton, 36.
— letter of, 35.
See Hamilton.
Arrest of freedom from, 107.

Arkam. See Arkm.

Athray, John of, 176.

Athlone, lord, 49.

Atholl, Duke of, 27, 28, 37, 38, 39, 43, 44, 58, 74.

—, family of Murray of Tullibardine represented by, 1.

—, members of the family of, 1.

—, [members of] descended from William de Moravia, 1.

—, duke of, his muniments, 1.

—, —, first report on, 73.

—, earldom of, charters relating to, 1.

—, charter chest, letters in, 8.

—, —, papers in, 8.

Blair, of, 38. See Blair Atholl.

—, brigade, 73.

—, men, 7, 38, 39, 41 bis, 42 bis, 70.

—, in the stronghold of Argyll, 4.

—, Robertson's in, 37.

—, gentlemen of the division of, 28.

—, the Stewarts earls of: 

James Stewart, fourth earl of, 2.

—, his death, suspicion of poisoning, 2.

—, interred in the church of St. Giles, Edinburgh, 2.

—, Margaret, his widow, countess of, 2.

—, —, her son, 2.

—, —, letter of Mary queen of Scots to, 9.

James Stewart, fifth earl of, 2, 24.

—, his four daughters, 2.

—, his daughter lady Dorothy Stewart married William Murray earl [second] of Tullibardine, 2.

—, John [Murray], her son, earl of, 2.

—, letter of king James VI. to, 9.

—, letter relative to his father's death by, 24.

John Stewart, sixth lord Innermuth, created earl of: 

—, my lord of Atholl, 3.

—, letter to, 24.

John Murray [first] earl of, 2, 3 passim, 24, 28 ter.

—, letter from the earl of Argyll to, 3, 61.

—, made prisoner, 3.

—, brought to Edinburgh, 3.

—, his remonstrance and appeal to the Committee of Estates, 3.

—, attached himself to the Royalist party, 3.

—, joined the Cumbernauld Band, 3.

—, his son the second earl, 3.

—, letters of Archibald earl of Argyll to, 24, 25.

—, letter to the general and Committee of Estates by, 25.

—, letter from the earl of Argyll to, 3, 61.

—, made prisoner, 3.

—, brought to Edinburgh, 3.

—, his remonstrance and appeal to the Committee of Estates, 3.

—, attached himself to the Royalist party, 3.

—, joined the Cumbernauld Band, 3.

—, his son the second earl, 3.

—, letters of Archibald earl of Argyll to, 24, 25.

—, letter to the general and Committee of Estates by, 25.

Atholl—cont.

John Murray [first] earl of—cont.

—, letter to the earl of Montrose by, 25.

—, letters from the Committee of Estates to, 25, 26, 27 ter.

—, letters from general Alexander Leslie, 27, 28.

—, his regiment, 27.

—, lord John Murray, second earl and first marquis of: 

—, 5, 4 passim, 8, 13 passim, 14, 15 passim, 16 passim, 18, 19 passim, 20 passim, 21 passim, 35.

—, created marquis of, 4.

—, lieutenant of Argyllshire, 4, 17.

—, occupation of Argyllshire by, 4.

—, papers relating to his occupation of Argyll and Tarbat, 8, 13 et seq.

—, [his expenses as] lieutenant in Argyll and Tarbatshire, 15.

—, dealings with the Privy Council, 4.

—, his son lord John Murray created earl of Tullibardine, 4.

—, muniments of, 4.

—, Lord Privy Seal, 11, 17.

—, depositions of persons examined before, 18.

—, report to the Privy Council of his campaign against Argyll, 18, 15.

—, Lochiel's men in his army, 14.

—, plots against, 14.

—, letter by, 4.

—, letters from king Charles II. to, 10, 11 ter.

—, letters from the Privy Council to, 14 et seq.

—, letter of Patrick Stewart of Balloch to, 16.

—, letter from the earl of Kintore to, 16.

—, letter from William Hamilton to, 16.

—, letters from the earl of Dumfart to, 16, 17, 18.

—, letter from Anna McLean to, 18.

—, letters from George duke of Gordon to, 19.

—, letters from the earl of Breadalbane to, 19 ter, 20 ter.

—, letter from Anna countess of Argyll to, 23.

—, letter from James Sharpe, archbishop of St. Andrews to, 32.

—, letter from Andrew Honyman, bishop of Orkney to, 32.

—, letter from George earl of Lintlaw to, 32.

—, letters to his son John lord Murray, 38, 45.

—, letter from the earl of Melfort to, 35.

—, letter from James earl of Perth to, 36.

—, letter from Robert Murray to, 36.
Athole—cont.

Athena—cont.

John lord Murray, duke of—cont.

letter of major-general Hugh Mackay to, 39, 40, 41.
letters of Patrick Stewart of Ballechin to, 39, 40.
letter from his brother lord James Murray to, 41.
letter from R. Campbell to, 41.
letter from James Stewart to, 42.
letter from Mr. Leonard Robertson to, 52.
letter from John Robertson to, 43.
letter to his brother lord James Murray, 43.
—, offering a free pardon, 43.
letter from Sir Patrick Moray to, 43.
—, letter in his handwriting, 44.
letter from the marquis of Athole to, 45.
letter from Michael Malcolm to, 46.
letter from James Stewart to, 46, 49, 51.
letter from Patrick Murray to, 48.
letter from Colonel John Hill to, 48, 54.
letter from a lady to, 48.
letters from lord George Hamilton to, 48, 49.
letter to, 50.
letter from Geo. Redpath to, 50.
letters from lord justice clerk Cockburn to, 51 bis, 58.
letter from lord Strathmore to, 51.
letter from James Ramsay, bishop of Ross to, 51.
letter from Da. Moncrieff to, 51.
letters from the reverend William Carstairs to, 51 et seq. 
letters from Mr. Robert Fringe, under secretary of State, 53 et seq.
letter from Sir James Stewart lord advocate to, 55.
letter from viscount Tarbat to, 55, 58.
letters from Patrick Murray to, 56 bis.
letter from the earl of Marchmont to, 56.
letter from Captain John Slesser to, 58.
letter from lord Basil Hamilton to, 59.
letter from Andrew Bell to, 60.
letter from Sarah duchess of Marlborough to, 60.
letters from lord Godolphin to, 60 et seq.
Athole—cont.
John lord Murray—cont.
—— letters from the duchess of Athole and duke of Hamilton to, 61.
—— letters from Robert Campbell, Rob Roy to, 61, 65.
—— letter from George Hamilton, earl of Orkney to, 62.
—— letter from George Lockhart to, 62.
—— letter from [his son] John marquis to Tallibardine to, 63.
—— letter from [his son] lord William Murray to, 64.
—— letter from Mr. John Martin to, 64.
—— letter from [his son] lord George Murray, 64 bis.
—— letters from Mr. John Douglas to, 65, 66.
—— letter from James Erkine, lord Justice Clerk to, 66.
—— letters to the provost of Perth from, 66.
—— letter from the magistrates of Perth to, 67.
—— letter to the commander of the forces at Stirling from, 67.
—— letter from general Wightman to, 67.
—— letter from general Whetman to, 67.
—— letter from John second duke of Argyll to, 67.
—— letter from the earl of Nottingham to, 68.
—— letter to the earl of Sutherland from, 68.
—— letter from Hugh Rose the elder, Hugh Rose the younger, colonel William and captain George Grant to, 69.
—— letter in answer to the above from, 70.
—— letters to his son James [afterwards duke], 70 bis, 71 ter.
—— letter to general Carpenter from, 71.
duchess of, and countess of Tallibardine:
—— letter from Margaret Balfour, wife of lord Rollo to, 54.
—— letters relating to the famous Queensbury and Lovat plot, 51.
James Murray [second] duke of, 68.
—— letters from his father, the first duke of Athole to, 70 bis, 71 ter.
—— letters from sir John Cope to, 72.
—— letter from the duke of Cumberland to, 72.
—— his reply [to the above], 72.
—— letter from R. Robertson, 72.
—— order to his vassals by, 72.
—— summons to attend the trial of lord Lovat, 72.
—— summons to attend the trial of the earl of Kilmarnock, &c., 72.

Athole—cont.
James Murray, duke of—cont.
—— letter from lord Dunmore to, 73.
—— order to baron Reed to raise vassals from, 73.
John Murray, fourth duke of, 8.
Atkinson, William, 115.
Attander, bill of, 72.
Attre near Aeth, 52 bis, 53 bis.
Auchenbreck. See Auchinbreck.
Auchfairn. See Collace.
Auchinbreck, Auchenbreck, 19.
See Campbell.
Auchincraw, John, 106.
Auchindowny, lands of, 98.
Auchinleck, Adam, 146.
Auchleven. See Ogilvy.
Auchmoull, Auchmoule. See Bellenden.
Auchterhouse. See Stewart.
Auchterforfar, lands of, 153.
Auldquems, Alcambus, 87 bis, 109, 115.
chamberlain of, 108.
lands or territory of, 107 bis, 108, ter.
Mains of, 108.
parish of, 98.
See Andison.
Avandale. See Douglas.
Avin. See Bune.
Avondale, Andrew lord, chancellor, 167.
Ayaze, lands of, 89.
Ayr, Aire, 14, 34.
rector of, David Livingston, 156.
Falcon frigate at, 14.
Aytoun or Aytoun. See Home.

B.
Baden, prince of, 52.
Badenoch, Badenough, 37, 39.
Ruthven in, 74.
Badzenach, 94.
Bailie, Mari, letter of, 37 bis.
Ballechlie, the laird of, 5.
Balbuckie. See Strang.
Balcaisky. See Strang.
Baldane. See Ruthven.
Baldkiel. See Lyon.
Balechan. See Ballechin.
Balfour:
Margaret, wife of Lord Rollo, letter of, 54.
See Beton.
Balfoure, John, 22.
Balfours regiment, 37.
Balgonia. See Lundy.
Ballgarnoch, lands of, 185.
Balliol, 77.
Ballachan. See Ballechin.
Battlechquhan. See Ballechin.
Ballechin, Battleshan, Battlechquhan, Bale-
achan, 19, 90 bis, 40, 49, 43, 44.
brasen gun to be kept at, 23.
laid of. See Stewart of Ballechin.
Ballegarno:  
barony of, 101.
mains and castle of, 98.
town of, 98.
Balmain, or Balmene, 159 bis.
lands of, 114.
in Fife, 79.
Balmerino, lord, 26, 72.
Balmerinoch, lord, 26, 27.
Balmamoo. See Collace.
Balmaves, John, 156.
Balquhidder, Buthquhidder:  
lands of, 10.
lordship of, 18.
Balvaar. See Murray.
Balwery. See Scott.
Balwiphi. See Home.
Balwey, 154 bis.
Band, the, 26.
Bangour. See Hamilton.
Banguswalls, land in, 132.
Bannermanes, John, 44.
Banockburn, 78.
Bareldon, 45.
Barclay or Berkeley, of Cullerny, David, 90, 185.
Bar, Adam, 142.
Baronfrew [Benfrew], 22.
gentlemen of, 22.
Barro. See Dall.
Barroch. See Fleming.
Barrowfield. See Walkenshaw.
Bass. See Launder.
Bathans, St. See Bothans, St.
Bayne:  
Neil, 56.
of Tulloch, 56.
Beaton, Betoun:  
Elizabeth, 80, 92.
James, archbishop of Glasgow and
chancellor, 178.  
See Beton.
Beaufort, queen Joanna, 85.
Beaufort. See Fraser.
Beanofte, the, 56 bis.
Beauly, commendator of, Adam Cumming,
165.
Bedrule:  
rector of, James Newton, 191.
See Turnbull.
Bedshiel, Betschele, Betsbield, 111.
documents relating to, 111.
lands of, 80 bis, 98, 110, 111 bis.
Belchester, 173 passim.  
See Dickson.
Bell, Andrew; letter of, 60.
Bellenden of Auchnoule:  
John, 96.  
of Auchnoule, sir Lewis, 101.
Bellisaw. See Short.
Belshae, 151.
Beltries, laid of, 22.

Bemerside. See Haig.
Benstoun:  
Margaret, 139.
town of, 143.
Benystoun, 167.
Alexander, laid of Upsetlington,
167 ter.
—, his spouse Janet, 167.
Bercarius, Radulphus, 173.
Berclay of Cullerny. See Barclay.
Berehope, 121.
Berwick, Berwik, or Berwyk, 10.
county of, 129.
sheerif of, 97, 100, 119.
sheerifs of, 181.
sheerif principal of, 90.
sheerif deputy of, William Murray, 157.
sheerifdom (vicecomitatus) of, 90 bis,
91 ter, 92, 98, 97 bis, 107 bis, 108,
110, 112 ter, 113, 114 quater, 115
bis, 118 ter, 119, 120, 129, 129, 124
bis, 127 bis, 129, 130, 132 bis, 134,
135 bis, 137 ter, 139, 139, 140 ter,
141, 144 bis, 145, 146 bis, 149 bis,
150, 153 bis, 155 ter, 156 bis, 157
bis, 161, 162, 164 bis, 165, 167, 168
bis, 169 ter, 170, 173 bis, 177, 178,
181 ter, 182 ter.
sheerifship of, 109.
North. See Home.
Berwick-on-Tweed, hospital of, 171, 174.
Berwickshire, 85 bis, 84 bis, 85, 86, 93 bis,
150, 171, 172.
office of sheerif of, 83.
sheerifs of, 133.
sheerifship of, 102, 111 ter, 112.
an old family of, 171.
possession of the Douglasses in, 172.
Beton of Balfour, John, 146.
Beton. See Beaton.
Betschele, Betsbield. See Bedshiel.
Bewclase, John, 87.
Billie. See Ranton.
Binnavrickie, 42.
Birgham, lands in, 83 bis, 114, 130, 132.
See Brigham.
Birkenside. See Scott.
Bishops, abrogating of the, 96.
Blacadder, or Blacader. See Home.
Blacarston. See Blackarston. Douglas.
Blacadder, Blacader, Blacadder, Blaken-
der, Blakeder:  
Adam, 172.
—, prior of Coldingham, 172, 180.
—, Johannes de, 173.
—, Walterus flius Johannis [de,
173.
the water of, 140.
See Home.
Blackarston, Blackarston, 164 bis.
See Douglas.
Blackchester, 154.
Blackhall, 134.
Blackness. See Creighton.
Blackwood. See Blakwood.
Blair, Blair, 32 bis, 39, 44 quarter, 45.
Castle, 1, 2, 59 bis, 40 ter, 44, 56, 66, 68, 70 ter.
Dundee's head-quarters at, 6.
Dundee carried to, 5.
arms taken from the rebels at, 72.
a gentleman from, 69.
Cristall (Christopher) of, 147.
James, 113.
the laird of, 37.
Athole, 1, 56, 59, 67 bis.
Blaires, Sir Adam, 25 bis.
Blakeder, Blaceder. See Blackadder.
Blackwood, Robert, 166.
Blantyre, Walter Prior of, 112 bis.
Blannazque, marque de, 69.
Blairpete, 37.
Bleattoune. See Robertson.
Blenheim, account of the battle of, 62.
Biles, 184.
Blick. See Home.
Blyth, 154.
Bodleian library, 5.
Bogend, lands of, 119 passim.
Bolton, Bolton 85, 143.
barony of, 149 bis, 150 quarter, 151.
lands of, 85, 149 bis, 150 bis.
——, writs relating to, 149 et seq.
manor place of, 149.
mill of, 150.
principal message of, 149.
See Hepburn.
Bonar, James, 110.
Boscastle:
neither, 151.
over, 151.
Bonisdowr. See Douglas.
Bonkle, lands of, 180, 181.
Bonkyl, regalis de, 175.
Bonnanoek, 87.
Borders, Scottish army on the, 3.
Border warfare, 76.
Borthwick, Borthuirk, Borthwyk, 112, 145.
David, 94, 160.
David Borthwick son of David, 112.
David, burgess of Haddington, 112 quarter.
of Aldingston, David, 112.
of Lochhill, David, 88, 113.
——, his son James, 88.
capt. James, 114.
lord, 84.
John lord, 97, 145, 146.
Thomas, 143.
William, 144.
——, [third] lord, 145.
——, [fifth] lord, 145 ter.
barony of, 145.
water, 84.
See Turnbull.
Boswelland, lands of, 97 bis.
Bothans, Bothan or Bothans, St.:
abbey of, 86.
proces of, 104.
dame Elizabeth Lamb, 102, 164.
dame Elizabeth Home, 102 bis, 165 ter.
——, and convent, 109 bis.
Bothans—cont.
lands of, 164 ter, 165.
town and territory of, 165.
Bothkennar, 84, 139, 151.
parish kirk of, 82.
parsonage and vicarage of, 128.
Bothwell, Bothwell, Both ville:
Adam Hepburn, earl of, killed at Flieden, 85.
Anna countess of, 182.
Francis Stewart earl of, 116, 168 bis, 164 ter, 184.
——, his son John Stewart, 184.
James [Hepburn], the famous earl of, 85.
——, sheriffdom of Berwick enjoyed by, 111.
John Ramsey, sometime lord, 79, 158, 159.
See Ramsay.
Patrick late [1476] earl of, 183.
Patrick [Hepburn] earl of [1489], 118.
Patrick [Hepburn], earl of [1494, 149], 164, 145.
Patrick [Hepburn], earl of [1506], 90, 178 bis.
Patrick [Hepburn], earl of [1515, 1551], 85, 98, 94, 97, 198, 143 bis, 149, 150 bis.
——, sheriff of Edinburgh, 149.
college Kirk of, John Hamilton pro-
vest of the, 169.
earldom of, 85.
See Moray.
Bouchrie. See Dickson.
Bouillers, Marschall, 58 bis.
Bourbon, waters of, 99.
Boussiere, la, 53.
Bowaterside, 151.
Boyd:
Robert lord, 111.
of Petkindy, Walter, 98.
of Pyncady, Walter, 98.
Boyne:
lands of, 89.
See Ogilvie.
Brady:
Cuthbert, 139.
Edmund, 139.
Braico, Duff, the laird of, 65.
Braidie or Braidley, lands of, 88, 97 bis, 113 ter, 147.
Brailehane. See Clark.
Brampton, 73.
Brangawalls, 129.
Breandalbane, Bradallbane:
earl of, 18 ter, 14 bis, 19, 20, 86, 45 ter, 61.
——, letters of, 19, 20.
marquis of, 2.
Brechin:
archdeacon of, Gilbert Forester, 176.
George [Shorewood], bishop of, 110, 131, 144, 167.
——, chancellor of Scotland, 110.
Breda, 51.
Brewer, the, 122.
Brewlands, 151.
Brigham, Brighame, lands of, 144 bis.
— and Brighamshiel, lands of, 113 bis, 114.
—— See Brigham. Bruce.
Britaine, king of, 59.
Brockton. See Mulrare.
Broolee, 23.
Bromell. See Hately.
Brooks, colonel, 71.
Broomall. See Hately.
Brotherstanes, 119.
Brownhill, John, 142.
Brownfield, Brownfield, or Brunefield:
James, 145 bns, 160.
Nicholl, 144.
Stephen, 110.
in Eastfield, Alexander, 160.
in Gordon Mains, Alexander, 160.
in Gordon Mains, William, 181.
in Grynaw, Edward, 181.
in Hardacres, Adam, 160 bns.
in Alexander, 154.
in Hardacres, John, 160.
in Howlaw, John, 160.
in the Mains, Alexander, 160.
in Piteleebuch, Andrew, 160 bis.
tutor of Greenslawdean, William, 160.
See Brownfield.
Brown:
John, 176.
of Colston, George, 94.
Brownfield, 85.
Helen, 141.
See Brownfield.
Broxfield, 102.
barony of, 183.
lands of, 170.
Broxmouth, 170.
See Home.
Bruce:
Alexander, 83.
Sir William, 5, 52.
of Brighame, Alexander, 114.
of Eastiehall, 83.
arms, the, 114.
letter of regress by, 114.
Bruges, 5, 53 bns.
Bromhill. See Hately.
Brunefield. See Brownfield.
Brunswick, the Elector of, 66.
Brussells, 52, 54.
camp near, 53.
Bryans Well, 123.
Bucleuch, laird of, 85.
See Scott.
Buchan:
James Stewart, earl of, 80, 83, 110, 111 bis, 155.
earl of. See Stewart.
cairdom of, 89.
major, 14.
Buchanan, 22.
Buchtrig. See Dickson.
Buckholm. See Hoppringle.
 Bull of Pope:
 Nicolais, 185 bis.
 Paul II., 185.
 Pius, 185 bis.
U 60048.

Bull of Pope Sixtus, 185.
Bune and Arrin, forest of, 88 bis.
Bunjesward. See Douglas.
Burrell, Robert, 165.
Burghley, lord, 28.
Burgundie, duke of, 52.
Burniecastle, 184.
Burnfoot. See Scott.
Burngrains, 184.
See Lauder.
Burngrange, 154.
Burnhouse, 182.
Burnside, lands of, 147, 153.
Burnot, doctor, bishop of Salisbury, 36.
Butes, Mr., 44.
Bus, 185.
See Dickson.
Butre or Bute, 14, 18.
Argyll in, 17.
passages of, 16.
Buthquhadder. See Balquhudder.
Buterdean, Buterden. See Ellerm.
Byreleuch, 132.
Byres, West, 151.
See Lindsay.

C.

Caddies or Cades, street, 65, 66.
Cadogan, general, 70 bns.
Caen, Cane, 29.
Caideslie, 154.
Cairncress:
Nicholas, 120.
of Colmalties, William, 120 bis.
—— his son Nicholas Cairncross, 130.
Caithness, 1, 95.
bishop of, 1.
Robert [Strathbreck], bishop of, 79, 123.
men, 95.
Calco:
Johannes commendator de, 112.
Johannes administrator de, 112.
—— See Kelso.
Calder's men, 19.
Calderwood. See Maxwell.
Caldestrone, magister de, 174.
Caledonia (New), 59.
Calendar, Caletar. See Livingstone.
Calvein, 37 ter.
Cambis. See Dickson.
Cambray, Robert of, 185.
Cambuslang, rector of the parish kurch of, 132.
Cameronianes, 43.
defence of Dunkeld by the, 4.
Campbell:
Mrs., 32.
lord Niel, 19.
bailie John, 66.
Charles, 13 bis, 19, 22.
—— son of Argyll, 15, 17, bis, 23.
Campbell—cont.
Robert, brother of Ardkinglas, 13.
—__, Rob Roy, 7, 71.
—__, letter of, 61, 65.
—__, a scrubb wryter, 56.
William, 13.
of Ardkinglas, Sir Colin, 13.
of Auchinbrooke, 23.
of Finab, 65 bis.
See Funnab.
—__, Duncan, his son, 13.
of Kilberry, Dugald, 16.
of Knockboy, captain, 74.
of Lochnoll, letter of, 28.
of Lundy, Sir John, 96, 159.
in Wigo, Robert, 19.
Campbelle, the, 19.
Canan, 44 bis.
Candida Casa [Whithorn], archidiaconus de Johannes Outiburn, 177.
See Whithorn.
Candle, [price of], 117.
Cannone, a Scot officer, 6, 41.
Canonbie, priory of, 102 bis.
Canongate, 51, 54, 152.
Cantyre, 17.
Capercaillie, Capercaillies, 2, 10.
Caphope-town, 121.
Capook, 45 quater.
Carfr, 157.
Carhill, vicar of, William Mudy, 176.
See Drummond.
Carich, castle of, 16.
Cario, 37 bis.
Carlisle, Carillie, lord, 80.
Carluke, 167.
Carroll: James, brother of the earl of Angus, 118.
Peter, 136.
Carmichael, Johannes, 177.
Carnarcoeth, castle of, 23.
Carnassary. See Carnarcoeth.
Carnasserie House, 13.
Carnwath. See Lockhart.
Carroiside, Carroiside. See Home.
Carpenter, general, 71.
Car: lady, and her daughters, 29.
Will, letter of, 28.
Carrick. See Carick.
Carstairs, Rev. William, letters of, 51, 52, 55.
Carthusians. See Perth.
Castle Glenurchy, 20.
Castle Kilchurn, 19 ter, 20 ter.
Castlehill, 151.
Castelwood, 151.
Canrobank, lands of, 106.
Cavers. See Douglas.
Caverton. See Ke.
Caylesfield, 121.
Cessford, Cessfurde, 168.
the laird of, 86.
barony of, 163.
burn, 151.
See Ke.

Chaister, 116.
Sir Thomas Randolph, the, 171, 174.
lord, 107.
Chamberlain Newton, Barony of, 143 bis, 144, 176.
See Scott.
Chasabank. See Stevinsoun.
Chancellor:
the [lord], 84, 51.
Andrew lord Avondale, 167.
Archibald, earl of Angus, 186.
of Scotland, the earl of Marschmont, 56.
George bishop of Brechin, 110.
George, earl of Huntlie, 94.
of Scotland, James Beaton, archbishop of Glasgow, 178.
John lord Thirlestane, 112 bis.
William lord of Crichton, 175.
of Scotland, letter of, 85.
See Perth.
Channel Row, 107.
Chantry lands, lands called the, 148.
Chapelhill, 165.
Chapman, Walter, 138.
letter of, 10.
letters of, 10, 11 ter.
letter to, 82.
Charles P. R., letters signed, 73.
Charterhouse lands, 86, 163, 164.
See Perth.
Chatte, 192.
Adam, sub-prior of Kelso, 140.
Michael, 140.
Over, 101, 178 bis.
See Rutherford.
Chimpanside, 151.
Chesholm, Alexander of, 191.
Chinney money, 86.
Chirnside, 128 bis, 169.
David, 161.
Ninian or Ringan, 86.
William, 127.
of East Nibbet, Ninian [or Rinsan],
86, 139 bis, 161 ter.
lands of, 114 et seq.
parish church of, 169.
parson of, Abraham Crichton, 149.
parsonage of, 109.
writes of, 83.
See Home.
Choualie, Chowsaly. See Cockburn.
Clackmannan, sheriffdom of, 89.
Clandonald, 24.
Clan Ranald, 13.
Clanranaud, the captain of, 18.
Clare, William St., 144.
Clarlaw, lands of, 147, 189.
Clare of Brechin, Archibald, 14.
Claverthouse. See Dundas.
Clelland, captain, 22 bis.
Cleeland. See Cleveland.
Clergy; insult to, 65.
Clerk:
—, Alan, 114, 176.
—, Register, 115.
—, James Foulis, 144.
Cleveland [Cleland], 44.
Clochdow. See Home.
Clovays, the, 104.
Cloway, 11.
Clowes, lands of, 165.
Cluny. See Heriot.
Clyde, passages of the, 16.
Coates. See Kincaid.
Cochran, Cochran, Sir John, 23 bis, 23.
—, his son, 22.
lord, 22.
Cockbrandespath, Cockburnspeth. See Cockburnspath.
Cockburn:
—, Adam, 142.
—, lord Justice Clerk, 51 bis.
—, letters of, 51, 58.
John, 175.
of Chousie, James, 100, 108.
—, the younger, 112.
of Langton, Alexander of, 110, 121, 122, 128, 139.
—, his son Alexander, 110.
of Langton, James, 93.
—, Sir William, 108 ter.
tutor of Langton, William, 161.
of Skirling. —, 103.
—, John, 100.
Cockburnspath, Cockbrandespath, Cockburnspath, Colbranspath, Coldbran-
peth, 102 passim, 107, 124, 165, 172, 172, 180.
lands of, 172.
parish of, 82, 103, 104, 165.
teinds of, 81.
teind peis of, 106.
teind sheaves of, 103, 104.
tower of, 103.
Cocklebergh, 54 bis.
Cockpen. See Ramsay.
Cockbrandespath. See Cockburnspath.
Colbranspath. See Cockburnspath.
Coldanedknollis. See Coldenknowes.
Coldenknowes, Coldanedknowes, Cowden-
knowes, Coldanedknollis or Coldenknolis, 83 ter, 86.
family, 84.
charters relating to, 83.
lands of, 117 et seq.
See Home.
Coldingham. Coldinghame, 82, 108 bis, 116 et seq, 172, 175, 179, 180 bis.
minister of, David Home, 181.
abbey of, 116.
abbey, 109, 108 bis.
—, chambelain of, 116.
—, commentator of, Alexander sixth lord Home, 184.
—, John Maitland, 108 bis.
—, John Stewart, 184.
—, "yeonomous" of, 116.
—, church of, 131.
convent of, 97.
priory, 88.
—, sir Alexander Home, deputy warden of, 77.
—, held by the earl of Angus, 172.
prior of, Adam Blackadder or Blac-
ater, 172, 180.
—, David Home, 86, 161 ter.
—, John, 171, 176 bis.
—, John Home, 172 bis.
—, William Drax, 108.
sub-prior and convent of, 179.
the bailiary of, held by the earls of
March, 171.
—, earls of Douglas, 171.
—, grant to Alexander [first] lord Home, 171, 176, 172.
the bailie of, Samuel Home, 145.
Colliston. See Colliston.
Colisweir. See Auchfaisir.
Colleison of Balmahoone, John, 163.
—, Robert, the younger, 164 bis.
Colliston, Alexander Foulis apparent of,
181.
Colloken. See Colloden.
Collyns, the, 59.
Colmislie. See Cairncross.
Colquhoun, Sir John, 88.
of Lass, Humfreys, 137.
Colstoun. See Brown. Fell.
Colville, Robert, 135.
Committee, the secret, 35.
Commons, House of, 33.
Commonwealth, the, 88, 182.
Conrie, 81.
Mr, 45.
Cor, Cornelius, 7.
—, the storie of, 55 passim.
Conde, Conty, prince of, 35.
Condie. See Spence.
Conservator, the lord, 50.
Conty, prince de, 35.
Convienticles, keepers of, 32.
preachers at field, 11.
Cope, Sir John, letters of, 72.
Corbais, 58.
camp at, 52.
Coroner, coronator, 1, 8.
Corseby, Corbi, captain, 71.
Dem, 9.
lands of, 148.
tower manor of, 148.
Corsecleuch, 183 quater.
Corstorphine. See Forester.
Cornachie, 11.
Costerstoun, Patrick, 139.
Costfields, 109.
Cotis, George, 177.
Cotlaw, lands of, 147.
Cottingham, lord, 24.
Counell. See Cowal.
Coust, Mrs., 29.
lady Diana, 29.
Council, Counsell, Counsell, the, 32, 34
bis, 35, 45, 46 bis, 55 bis, 56, 58, 71.
lords of, the, 66, 101, 155.
president of, the, 52.
Privy, 11, 116, 120, 184.
——, letters from the, 14.
——, report to, 13.
the English Privy, 82.
and session, lords of, 116, 154, 167.
——, decree by the lords of, 105, 169.
Session and exchequer, lords of, 185.
Courtenay:
Adas de, 77 passim.
——, daughter of the earl of Dunbar, 77.
William de, 77 bis.
Courtray, camp between Tourmery and, 68.
Covenant, the, 3, 26, 80 bis.
Covenanter, 3, 24.
Cowell, Cowell, Counell, 17 bis, 18.
gentlemen in, 13.
men of, 20.
Cowdenknowes. See Coldenknowes.
Cowgate, the, 45.
Crag, le, 176.
Cragnes. See Knox.
Crago, Craighow, Nether, 98 bis, 99.
——, lands and mill of, 99.
——, Over, occupier of, 159.
Crag. Thomas, 184 bis.
See Keith.
Craignes, 29.
See Knox.
Craigow. See Crago.
Craill:
barony of, 163.
lands of, 76, 78, 79, 89, 86, 191 ter.
and others, lands of, 120 et seq.
Nether, 151.
Over, 101, 178 bis.
and Hounam, barony of, 121.
Hounam, barony of, 110.
See Home.
Cranshaw, rector of, 153.
Cranston, Cranston:
George, 121.
Marion, 139.
Thomas, 120, 191, 146.
William, 172, 178 bis.
of Eastmain, Cuthbert, 157, 158.
of Harlaw, George, 185.
of Moreisoun, John, 105.
See Murray.
Crawford, Crawford:
David earl of; master of the House-
hold, 156.
countess of, Marion Home, 161.
of Eastwood, John, 166.
of Oxgangs, Nicholas, 142.
See Lindsay.
Craw.
dame Janet, 165.
William, 108.
Crawford. See Crawford.
Crichton. See Crichton.
Crichton, lands of, 164.
Crichton, Crichton, See Crichton.
Crychtourne:
lord, 93.
Abraham, official of Lothian, 94.
——, parson of Churnside, 149.
——, provost of Dunglass, 92, 98, 144,
159.
Adam, son and heir of James
Crichton of Ruthvenady, 186.
Alexander, 98, 119, 144, 184.
John, 188.
Rentgohn, 177.
William, lord of, chancellor, 175.
Sir William, master of the Household,
114.
of Blackness, George, 98.
of Felde, Adam, 188.
of Kippinaday, Adam, 111.
of Kenmil, Robert, 98.
of the Powis, Peter, 185.
of Ruthven or Rothen, Adam, 90,
91, 136.
of RuthVENDAV, Adam, 186.
of Ruthvenady, James, 186.
of Sangar, Robert, 175.
of Strathard, Patrick, 101.
lands of, 145.
Crofts, Will, 29.
Cromartie, earl of, 72.
Cromwell, Oliver, 8, 83.
letter of, 30.
and his secretaries, 3.
Cromwell's army, 3.
judges in Scotland, 117.
Cresty, Alan, 161.
Croudy, 110.
Crowdy. See Home.
Cruschan Ben, 20.
Crookes, le, 173 bis.
Crokiestyle, Manyes de, 175 ter.
Crukytchewa. See Ker.
Crychtoun. See Crichton.
Cairnessies, guard of, 29.
Calearme, Cullkane, 69 bis.
Cullerna, See Barclay.
Cullden, Colloch, 69, 74 passim, 75.
account of the battle of, 79.
order for the battle of, 74.
Culibabarte, lands of, 89.
"Culter Chauchair," 98.
Cumberland, duke of; letter of, 72.
—— , order by, 74.
Cumbernauld Band, 3, 96.
See Fleming.
Cumming, Adam, 165.
See Beauly.
Cumnock. See Dunbar.
Cuniardon, 121.
Cunningham, 22.
Cupar, 57, 158.
Cuthberhope, 121.
Cuthill, 110 bis.
Darlton, 98 passim, 101, 113, 178.
Jane, Marion and Margaret, the ladies of, 96.
lady of. See Schw.
lord, 114, 154.
Vaux of, 154.
barony of, 101, 149.
lordship of, 93, 144, 149.
See Afpain. Forrons. Gowrie.
Halliburton. Sinclair.
Dirumple, Sir Johnne, 86.
Dedds in the Tintina, James, 167.
Dollary. See Murray.
Dolphinston. See Anysley.
Dona, Henrietta de, 80.
Donvaid. See Gray.
Dosdel, Alexander, 178.
Dougalstonne, 28.
Douglas, Dowglais, 118, 145.
book, the, 76.
captain, 14.
collonell, 92.
family of earls of Douglas and earls of Angus, 75.
historian of the, 78.
See Home of Godcrofts.
muniments, 76.
warfare against the, 172.
weits of, 84.
earls of.
Archibald, fourth earl of, 77, 78 passim.
Archibald [earl of Wigton] afterwards fifth earl of, 86, 178.
James, second earl of, 86.
James, ninth earl of, 88, 84.
William, eighth earl, 83, 113 bis, 146 bis.
and Avendale, William earl of, 127.
Margaret his spouse, 127.
earl of, lord of the regality of Landerv, 161.
See Home of Godcrofts.

—, bailiary of Coldingham abbey held by, 171.
Archibald, sheriff of Berwick, 180.
nearest relative of the earl of Angus, 181.
son of James earl Mortoun, 103.
See Wigtown.
Elisabeth, 90 bis, 135, 136.
George, brother of the earl of Angus, 181 bis.
Sir George, 172.
Isabel, 171, 177 passim.
James [Jacobs], 100, 113, 179.
James master of, 98 bis, 146.
John, letter of, 65.
Marion, 129.
Patrick, 191.
Robert, 106.
William, 104, 113, 121.
of Blaearston, Robert, 170.
of Bonjedworth, or Bonnedward, 170.
George, 179.
of Cavend, James, 179.
—, the younger, 148 bis.
Douglas—cont.
of Cavens, William, 148, 178.
of Dalkeith, James, 175.
of Drumlanrig, Archibald, 165.
——, James, 97.
——, William, 113 bis.
of Kinnyston, John, 104.
——, William his son, 104.
of Kilsindie, Archibald, 172.
——, Patrick, 170.
of Lochleven, Robert, 90, 135, 159.
——, William, 108.
of Logston, Henry, 155.
of Spott, Archibald, 170.
of Totte, Martin, 148.
Doune, Margaret lady, 109.
Dounly, James, 132.
Dowally, lord James Murray of, 41.
See Murray.
Dowart, castle of, 40.
D’Oyser, monseigneur, 94.
Draperies account of lady Home, 104.
Drax, William, prior of Coldingham, 108.
Dripis, Dripis, the, 88 passim, 89.
Drum. See Irvine.
Drumgarland. See Ross.
Drumlanrig. See Douglas.
Drummayl. See Gray.
Drummond:
lady Lilias, letter to, 28.
lord, 70.
John lord, 134.
sir William, 30.
William, second earl of Roxburgh, 38.
of Cargill, sir John, 2.
Drumisketh. See Ogilvy.
Drumry. See Livingstone.
Dryburgh:
Walter, abbot of, 121.
commender of, David Erskine, 154.
abbacy of, teindsheaves held of the, 154.
convent of, 97 bis.
men of, 119.
monastery of, 131.
Dryden. See Sinclair.
Dudeman, Ketell, 173.
Dudleston, William, 185.
Dudrig, lands of, 129.
Duff. See Braco.
Daly of Esindry, John, 110.
Dumbarton, Dumbartoune, 16.
early of, 14 ter, 22.
early of his army, 16.
letter from, 16, 17, 18.
castle, 47.
Dumbartonsirh, 23.
Dunfermline, Dunfermline, 91.
George abbot of, 124.
Dunfermline’s regiment, lord, 5.
Dumfries, sheriffdom of, 123, 124 bis.
Dumfriesshire, 101, 122.

Dunbar, 114 bis, 115 bis, 155, 168, 175.
three generations of, 76.
family of, 83.
house of, 76.
early of, Ada de Courtney, daughter of, 77.
Cospatrick, third earl of, 77 bis, 84.
——, his son Patrick, 76.
George eleventh earl of, a son of, 83.
sir G. Home of Spott, earl of, 94.
Patrick third earl of, 171, 173, 174.
and March, earls of, 76 bis.
—— See March.
Lady Ada of, the wife of William, 76.
——, their son William de Home, 76.
David, 121.
Georg of, 114.
James of, 146 bis.
Patrick, 139.
Ralf of, 111.
William, [said to be a] grandson of Cospatrick, third earl of, 77 bis.
——, his wife, 77.
William son of Patrick, 76.
archdeacon of the collegiate church of John Otterburn, 186.
rector of, Malcolm Drummond, 167.
barony of, 97, 172, 177.
battle of, 3.
castle of, 111, 155, 157.
of Cumnock, Alexander, 97.
of Dernheaster, James, 146.
of Durris, Robert, 97.
of Kilconnah, Margaret, 83.
Dunbarton castle, 17.
Duncanson, John, 15.
Duncany, 162.
See Lamby.
Dundas:
Archibald of, 176.
Duncan of, 176.
Dundee:
John Graham, of Claverhouse, viscount, 6, 15, 37, 38 bis, 39 bis, 40, 41 passim, 42.
carried to Blair castle, 5.
death of, 5 passim, 6 passim.
headquarters at Blair castle, 6.
letter of, 88.
agreed letter to king James, 5.
lady, account of her death, 49, 50.
viscountess, her fate and death, 6, 7.
marrige with Alexander Livingstone, 6.
Mr. Mark Napier’s memoirs of, 5.
constable of, James Stingemore, 98.
[burgh of], 99, 100, 111 bis, 119 ter, 153.
Dunfermline. See Dunfermline.
Dungallston. See Hopburn.
Dunglass, Dunglass, Dunglass, 78 ter, 87 bis, 89 bis, 110, 115, 125, 126, 135, 145, 169, 171.
chapel of the Virgin of, grant (or charter to), 123, 124.
Dunglass—cont.
capella beate Marie de, 124.
churche of, 77, 79 bis, 172, 178.
a church to be built in the town of,
127.
college of, 127.
collegiate church of, 91, 122, 126 bis,
127 bis, 128, 167, 168.
— foundation charter of, 124.
— indulgence granted to, 173.
— Thomas Ogilvy, provost of, 169.
laird of, 125.
domains de, 125 bis.

James lord, 145.
provost of, Abraham Crichton, 93,
144, 159.
— James Haliburton, 138.
— the collegiate church, Thomas
Ogilvy, 169.
provostry of, 108.
rectory of the parish church of, 127.
bull of pope Nicolas V. relating to,
127.
Papal bull confirming the erection of
the church of, 185 bis.
bull of indulgence to the hospital of,
185.
bull of indulgence to the kirk of,
185.

Pope Paul II. anent the possession of
the college kirk of, 185.
bull uniting the vicarage of Edrom
to the church of, 185.

communis pastura de, 125.
lands of, 91, 102 bis.
town and territory of, 123.
dominum de, 125.

Dun.

Dundee, 146.

Dundee, See Steward.

Dunia. See Dunbar.

Earlshall. See Bruce.

Earlston, Earlston, or Errolsoun, 119 passim,
130, 177.

Earlston, See Earlston.

Earlsheilis, 165.

Eastfield. See Brownfield.

East Mains, 147, 154.

Easterwood, 157 bis.

Eccles, Eccles, 84 bis, 129 passim, 130,
131.

Alexander Home, minister of, 106,
120, 131.
Andrew Rutherford, minister of, 132,
133 bis.

John Jameson, a former minister of,
135 ter.

bailiery of, 128.

barony of, 182.

kirk of, 181.

parish kirk and parish of, 182.

parish church of, called the Lady
Kirk, 139 bis.

with the chaplainries, 139 bis.

lands of, 129, 130, 182 passim.

lands and mains of, 129.

teinds of, 129.

town and mains of, 129.

abbey of, 130, 144.

convent of, 97 bis.

nunnery of, 84.


George lord Home bailie of, 128.

monastery of, dissolving the, 129.

prior of, Elizabeth Hum, 180.

— Marion Hamilton, 84, 128 bis,
129 ter, 130 ter.

prior of, convent of, 128, 129.

priory of, 108.

—, write relating to, 129 of seq.
Ecclesi—cont.
    priory of, its temporalities, 181.
    —— commissary of, Alexander
    Home, son of David Home, 181 bis,
    182.
    —— James Home, son of sir
    James Home, 180 bis, 181.
    —— John Home, provost of
    Dunglass as, 181.
    See Home.
Edgar:
    James, 75.
      —— of Wedderlie or Wedderlie,
      John, 100 bis.
    —— Oliver, 100.
    See Edgar.
Edinburgh, Edinburgh, 5, 8 bis, 9, 13, 14,
  17, 85 ter, 36 ter, 97, 89 bis, 84, 85, 87,
  88 bis, 48, 44 bis, 46 ter, 48, 50, 51 bis,
  55, 56 ter, 59 ter, 61, 64 ter, 65, 66
  quarter, 67, 72 bis, 76, 69 bis, 90, 91 bis,
  99, 128, 93, 97, 98 passim, 99 ter, 100,
  101 ter, 109, 104 bis, 103, 106, 107 bis,
  109, 110 bis, 111 bis, 112 ter, 113 ter,
  114 ter, 115 ter, 116 bis, 118 bis, 119
  bis, 120 bis, 122, 123 bis, 127, 128, 129
  126, 120 bis, 131 quarter, 133 bis, 135
  ter, 186 quarter, 187, 138, 139, 140 bis,
  141 ter, 148, 144, 145 quarter, 146, 147
  quarter, 148 bis, 149, 150 ter, 151 ter,
  152, 153 bis, 154 bis, 155, 156, 158 bis,
  159 ter, 160 bis, 161 bis, 162 ter, 165
  ter, 166, 167 bis, 168 bis, 169 bis, 170
  passim, 174, 175, 177 bis, 179 bis, 181,
  183 passim, 183 quarter, 184 ter.
    the burgesses of, 87.
    castle of, 26, 51, 81, 101.
    —— the keeper of the, 181.
    church of St. Giles, 2, 105, 118, 119,
    183, 135, 137, 143, 145, 146, 147,
    149, 153, 155, 156, 177.
    the cross in, 86.
    courthouse at, 181.
    justices at, 46.
    monastery of Holyrood in, 123.
    parliament holden at, 181.
    provost of, Archibald Stewart, 100.
    treasurer of the burgh of, James
    Lindsay, 150.
    sheriff of, 100.
    sheriffdom of, 97, 105, 127, 148, 156,
    162 bis.
    —— Patrick earl of Bothwell, sheriff
    of, 149.
    shire of, 182, 165.
    earl of Argyll beheaded at, 4.

Edington:
    David, 100.
    Richard, 146.
    Thomas, 115, 121.
    See Ethynton.
Edmeston, John, 101.
Edmeston of Ednam, James, 178.
Edmonstone:
    John, 129.
      of Duntreath, 7.
      Archibald, 118.
      Ednam, lands of, 129.
      See Edmontoun.
      Edrom, vicarage and tithes of, 185.
      Edward III., 77.
      Edward of Scozgirth, J., letter of, 72.
      Edser in Wester Monkrikg, Richard, 97.
      See Edgar.
      Kel-er, 151.
      Eglinton, ord, 88.
      Egropy, 154.
      Elasgreg, 19, 21 ter, 28 bis.
      Argyll's vessels at, 18.
      castle of, 21.
      Elector, the prince, 29 bis.
      Elet, collonell, 22.
      Elie in Fife, 156.
      Elinstone, 121.
      Elizabeth: princess, 29.
      queen, 59, 172.
      Ellem, sir Archibald, chaplain, 126.
      of Buttersden, John, 185, 187, 176.
      Elliot of Stotura, Gilbert, 148 bis.
      William Elliot, his son, 145.
      Gilbert Elliot, his son, 143.
      Elphinstone, 22.
      William, 144.
      —— bishop of Aberdeen, 185.
      See Johnston.
      Eltriffe, Eltrive, lands of, 183 passim.
      Elwald, Gavin, 143.
      Elwinston, lord of, 155.
      Emerich, 74.
      Emperor, the, 53.
      England, Ingland, or Anglia, 2, 14, 15, 19,
      20, 36, 59, 60, 61 passim, 62, 63
      bis, 70, 71, 78, 82, 86 bis, 91, 93,
      95 passim, 99 bis, 108, 111, 118,
      170, 172, 173, 180 bis, 165.
      Henry [VII.], king of, 183.
      "king John and queen Sarah, pro-
      tectors of," 66.
      Mary queen of. See Mary, queen.
      queen of (regina Anglia), 184.
      lord Home, negotiator for peace with
      172.
      Monmouth's rising in, 13.
      —— landing in, 16.
      forces of, 26.
      the private Commyttie or Cabin Coun-
      sell in, 26.
      preparations of war in, 25.
      progress of the prince through, 74.
      English, 64, 70, 60, 81, 94.
      blankets, 39.
      services against the, 182.
      Erinseleuch, 154.
      Ernslaw, 132.
      Erroll, William, earl of, 118, 156.
      Errolton, John, 118.
      See Home. Leirmouth.
      Erdelakine, Erdelakin, Arakin, Erakyn:
      David, commendant of Dryburgh,
      154.
      James, lord Justice Clerk, better
      known as Lord Grange, letter to the
      duke of Athole from, 66.
      John, 181.
Erkine—cont.
Mariota, 129.
Robert maister of, 96.
Thomas lord, 89 bis, 127.
— his son, Alexander, 137.
of Goger, Alexander, 152, 159 bis.
— his spouse Margaret Home,
152.
Erkington. See Lauzer.
Ekdale, 84.
barillery of; 182 bis.
lordship of, 182, 184.
Ese, d'. See d'Ese.
Esex, lord, 29.
Essindly. See Duly.
Estates, Committee of, 3 passim, 25 passim, 37, 28, 31.
letters of, 25, 26, 27 ter.
General and Committee of, letter to, the, 25.
Convention of, 108.
meeting of the, 25.
Edington of Saltcoates, George, 100.
Ethynon, Richard of, 118.
See Edington.
Engene, prince, 62.
Europe, Yeuroup, 82, 85.
Evesdale, 84, 101, 184 passim.
barony of, 154.
Exambion, contract of, 107.
Exchequer:
the response book in, 149.
rolls, 90.
and Council Session, 183.
Eyemouth, 116.
See Coldingham.
Eytton. See House of Aytoun.

F.

Fairbairn:
George, 113.
Henry, 113 bis.
James, 113.
— Jean Preston, his spouse, 113.
Thomas, 139.
Fairfaxe of Gylling, sir Thomas, 106.
Fairfull, Fairfoul, Mr., 67 bis.
Fairlie in Puddinglaw, William, 181.
Fairneyhirst. Fairnlechirst. Fairnyhirst.
See Ker.
Fairmyrig, lands of, 130.
Falkhill. See Murray.
Falcon frigate, 14, 17, 18.
Falconcar, S. D., 14.
Falkirk:
account of the battle of, 73.
revert from, 74.
Falkland, 37, 123, 126, 127, 141, 147.
Farquharson, Mr., 73.
Fasallicies, 70.

Faskelly, 37.
Fastoselle, 108.
— house of, 116.
mains of, 116.
See Home. Logan.
Fastheuch, manor of, 121.
Paula, Fawlo, 118 bis.
Fawes, Fawna, 186, 187.
Fawdonside. See Ker.
Fawlay of Wailis, George, 179.
Fawlayhill. See Murray.
Fawlo. See Paula.
Fawns. See Fauns.
Fawside, Fawyd, 182, 186.
Thomas, 100.
William, 170.
lands of, 148.
Feld. See Crichton.
Fall:
Thomas, 142.
in Colston, Robert, 143.
Fonton:
Thomas viscount of, 154.
West, 101.
See Ker.
Fenwick. See Scott.
Feniheret. See Ker.
Fiddletown, 134.
Fife, Fyff, 158 ter.
gentlemen, 32.
vicecomitatus, 134 bis.
Balmain in, 79.
Elle in, 155.
Kileconquhar in, 156.
sheriffdom of, 158 bis, 159 ter.
See Albany.
Fifeshire, 46, 114.
Finnab. See Funnab.
Findlater, 148.
See Ogilvy.
Fingask. See Forret. Ogilvy.
Finlawston. See Maxwell.
Finnart. See Hamilton.
Fire and sword, commision of, 58 bis.
Firth, 151.
Fishing, 93.
upon the water of Tweed, 164.
of Halywell, on the water of Tweed, 165 bis, 169.
teinds of, 116.
Fishwick, 93.
Flanders, 53 bis, 53.
war in, 4.
Flack, 134.
Flavell's works, Mr., 60.
Flaweraig. See Scott.
Fleming, Flemynge:
Mr., 20.
Mr. [M. J.], letter of, 17, 18, 23.
James, 176.
Johannes, 177.
John lord, 180.
Malcolm, lord of Cumbernauld, 123.
Robert lord, 144.
of Barrochbin, William, 166.
Fleuri, 49.
Flodden, 85, 179.
Floutts, 141.
Fraser, Fraser, Fraser:
John, dean of Brechin, 184.
Simon, lord Lovat, 7, 70, 71.
—, called lord Lovat, 70.
—, afterwards lord Lovat, 55 ter.
—, letters of, quoted, 55, 58.
sir William, 147.
of Beaumont, 55, 56 ter.
military movements against, 58.
Saltone, lord, 57.
— See Saltone.
whole name of, 57.
outlaws, 58.
the well affected, 69.
See Fresel.

Fraserdale, 70.
Fraynch. See French.
Frederick the Great, 63.
Frederick-William I, 65.

French:
the, 68, 75, 80.
at Leith, 59.
alliance, 82 bis.
army, 52 bis.
in Germany, 52.
court, pension from the, 75.
king, the, 59, 173.
parl, 82.
pleiopotentiaries, 54.
ships, 30.
treaty with the, 52, 53.

French of Thornylicks, Robert, 115, 121,
127, 139, 162.
Fresel (Fraser), William, 121.
Freskyn, Hugh, 1.
Frierness, Frierness, 86 bis, 97 bis, 155
bis, 157 ter, 158.
See Sinclair.
Froide, William, 166.
Fulford, Jacobus, 177.
Fulerton, —, 85.
See Foulerton.
Fulogy, lands of, 121.
Fuscheotlaw. See Trotter.
Furnab [Campbell of Finab], 65 bis.
Furd in the Tofts, Simon, 161.
Furgason, 52.
Fyfe. See Fife.
Fyrebarn mill, 107.

G.

Gairrach, earldom of, 89.
See Mar.
Gaithaw. See Ker.
Gallychyl, 19.
Galloway, 18 ter, 146.
Nehan bishop of, 167.
Thomas bishop of, 157, 144.
See Garlies.
Garlies, 84.
in Galloway, 129.
Garmilton. See Lindsay. Yule.
Garnswa, 134.
Garroch, John, 138.
Geddes, 89.
Gembourne, 59 quarter.
Genna, 59.
Gent. See Ghent.
George L., letter of, 12.
Germans, 53.
Germany, 75.
French army in, 52.
Getug, John, 142.
Ghent, Gent, 51, 52, 53, 65.
Gibson:
Jacobus, 174.
Giffard, John, 155.
Giles, St.:
the parish kirk of Edinburgh called, 105.
See Edinburgh.
Girnock. See Greenwood.
Glamis:
Alexander lord, 156.
John lord, 111.
master of, 101.
— See Lyon.
Glasclune. See Heriot.
Glasgow, Gliesco, 14, 18 bis, 23, 157.
archbishop of, James Beaton, 175.
— See Chancellor.
— Robert, 134.
archdeacon of, John Arns, 167.
bishop of, 50.
— Robert, 118.
canon of, James Allerces, 159, 159.
death of, Thomas Myrton, 175.
— Thomas Vane, 144.
elect of, George, 156.
rector of, 146.
Argyll, a prisoner at, 22.
prisoners sent to, 22.
Glasserton, 182.
Glassinwright, sir John, sub-prior of Kelso, 129.
Gledstanes:
Elisabeth, 106.
James, 151.
Randolph, 140.
Robert, 181.
Glenbucket. See Gordon, 72.
Glencairnus, Royalists under, 3.
Glencairn [lord], 85.
Gleno, Glosco, 23.
Macdonell of, 50.
Alexander M' Donell, brother of, 50.
laird of, 45.
affair, 45.
business, 45.
men, murder of, 44.
Glennderrewell, 21.
Glennderrew, 21.
camp at, 51.
Glenfinning:
Bartholomew, 134.
laird of, 134.
Glendovane, 134.
Gleneagles. See Haldane.
Glengarry, Glengarrin, 14, 45.
two brothers of, 6, 41.
Glengyle, 61.
Glendy, Glendyone, 45, 61.
Glenniegles. See Halden.
Glenuchan, 124.
Glenurchy, 20.
Glenvorrane, 184.
Glesgo. See Glasgow.
Godiscroft, Godiscroft. See Allanesoun.
Home.
Godolphin, lord; letters of, 60, 61 passim.
Godiscroft, Godiscroft. See Allanesoun.
Home.
Gogar. See Erskine. Haliburton.
Gordon, Gordon, 84, 88, 89, 91, 109, 112,
134, 139 passim, 140 bis.
Adam de, 174.
[sir] Alexander, 137.
Alexander lord, 90 passim, 137 passim,
138 passim, 148.
George, 188.
— lord, 88 passim, 89 ter.
— letters of, 19.
and Badenach, George earl of Huntly, lord, 94.
See Huntly.
Johannes de, 174.
Mr., 69.
barony of, 91.
lands of Middle-third of, 140.
lordship of, 137 bis, 139, 149.
manor of, 137 bis, 139.
Mains. See Brounfield.
town and lordship of, 137, 138.
Pogo and Huntley, lordship of, 136
bis, 158.
of Glenbucket, 73.
of Megmar, Alexander, 136.
East, 84, 86, 90 bis, 139, 140.
— lordship of, 140.
— See Johnstone.
Easter, 136, 137 bis.
— lands of, 138 bis.
— town of, 137.
West, 112, 113 bis, 148.
Gordounnal, 124 bis.
Gorgie. See Lowrestoun.
Goring, lord, made earl of Lewes, 29.
Gorthon Scott, 151.
Godford. See Sinclair.
Gourlay:
Alexander, laird of Kingscraig, 156
ter.
William, 144.
Gowrie:
William earl of, lord of Ruthven and
Dirlton, 108 bis.
— — his daughters, 108.
conspiracy, 61.
See Huntly. Ruthven.
Goyl, loch, 21.
Graden, Katherine, 129.
See Home.
Graham, Graham:
Alexander of, 155.
C., letter of, 42.
John, 155.
Patrick, 98.
—, lord, 110, 167.
—, son of William, earl of Montrose, 98.
of Inchnabrinie, 54.
See Dundee.
Gram, captain, 28.
Granard, lord of, 14, 17.
Grange, 151.
lady, 7.
lord. See Erskine.
Grant:
brigadier, 70.
captain George, 70.
colonel William and captain George, letter of, 69.
laird of, 68.
of Delachlan, 70.
Grant's men, 70.
Gray:
Elizabeth, 149.
George, 160 bis.
Gilbert, provost of Foulis, 108, 189.
Patrick, master of, 100, 103.
—, lord, 81, 99, 160 bis.
landing in Scotland, 19.
lady, 99.
Mr., 50.
of Donyald, Andrew, 99 bis, 100.
of Drummaly, Robert, 99.
of Low, John, 99.
of Mavis, George, 100, 108.
in Etcur, Andrew, 160.
parson of Lindie, Gilbert, 101.
Greenlaw, Grenlaw, Grymlaw, Grynaw, 84, 91, 140.
William of, 77 passim.
—, M., his wife, 77 bis.
parish and parish church of, 141.
lands of, 77, 140 et seq., 183.
tenancy, or tenantry of, 93, 188.
territorie of, 183.
See Brounfield. Redpath.
Greenlawdean. See Brounfield.
Grenock:
men landed at, 17 bis.
young, 22.
Greenrig, 112.
Greenside, 168, 182.
Greenwicht, 10, 153.
Greenwood, Gurnwood, 84 bis, 97 bis, 141 quater, 142, 175, 178 bis.
See Dalgleys. Turnbull.
Grierson of Lag, John, 146.
Griffin, prince, 29.
Grithills, lands of, 151.
Grubehauch, 182.
Grundiston, 97 bis, 148 bis, 144, 178 bis.
Grymslaw:
of Little Newton, —, 151.
—, —, —, his son, Robert Grymslaw, 151.

Grynaw. See Brounfield. Greenlaw.
Gueldres, Mary of, 167.
Guiscard, count, 58.
Guis, Mary of, 94.
Gullane. See Foular. Home.
Gurdy. See Hay.
Gurlaw, John, 178 bis.
Guthrie of Kilmarnock, Ninian, 96.
Gylling. See Fairfax.

H.

Hachlesey, 37.
Hackney, 48.
Haddington, Hadintosh, 65, 83, 93, 98 ter, 112 bis, 142 bis, 145, 181.
bailies of, Nicholas Swinton, 160.
bailies of, 149.
burgh of, 93, 142 bis.
—, court of the, 149.
burgesses of, 110.
church of, 160.
collegiate church of, 160.
constabulary of, 97, 105, 149 bis, 139, 142, 145, 150, 156, 161, 168, 166, 176.
county of, 80, 86 bis, 101, 166.
dean of, William Knollys, 176.
Justiciary Court at, 161.
sheriff of, 100, 150.
Templand of, 148 bis.
See Cutlar.

Hage, Patrick, 121.
Hague, Haugh, the, 99 bis, 52, 58, 54.
Haig:
James, laird of Bemerside, 118, 121, 157, 165, 183 ter.
—, his son, William Haig, 137, 168.
William, 114, 137, 168.
barony and lordship of, 164.
lord, 58.
—, Patrick, earl of Bothwell, 98.
superior lord of, 88.
Over, 164.
master of. See Hepburn of Bolton, Patrick.

Haining. See Scott.
Hairbeuch. See Tunsay.

Haisty:
John, 139.
Thomas, 139.

Haistie. See Hotlie.
Haldane of Gienecles, John, letter of, 21, 38 ter.

Halden:
Archibald, 113.
William, 179.
of Gienecles, James, 118.
Haliburton, Halyburton:
lands, 101.
barony of, 101.
lordship of, 109.
Haliburton—cont.
  Alexander, 170.
  Andrew, 158.
  George, 154.
  —— lord, 98 passim, 158.
  master James, 91, 147.
  James, provost of the church of Dunblane, 128.
  James, lord, 158.
  Janet, 158, 154, 179.
  sir John, 144, 153 bis.
  ——, sir John, his predecessor, 158.
  John lord, 98 bis, 118, 146.
  Margaret, 179.
  Marion, wife of George lord Home, 80, 92, 93, 98 bis, 144, 149 ter, 150, 159, 160 bis.
  —— assignation of reversions by, 98.
  Mariota, 179.
  Mark, 88, 110, 170.
  Patrick lord, 149, 158.
  ——, his daughter Janet Haliburton, 158.
  ——, heir of, 149 bis.
  Philippus de, 174.
  Walker lord, 98 bis, 98 bis, 160.
  of Dirleton, John lord, 84.
  ——, Patrick lord, 80, 98, 178, 179.
  ——, his daughters, Janet, 149, 170.
  of Gogar, George, 87.
  of Morton, John, 170 bis.
  ——, his relict Janet Sinclair, 170.
  of Myrtoun, Henry, 98.
  of Pitcur, 6.
  See Hately, Home.
  Halidean. See Halydean.
  Halkerston, Halkarston. See Lidale.

Hail:
  Robert, 121.
  of Foulhar, Robert, 168.
  of Lenchland, Thomas, 166.
  (de Aula), William, 87.
  William, 139.
  sir William, 107.

Halanton, 98.

Haltoun. See Lauder.

Halydean, Halidon, 141, 163.

Halywell. See Tweed.

Hamiburgh, 54.

Hamilton, 45:
  MSS. 86.
  captain, 17.
  colonel, 45.
  duchess of, 42.
  duke, 12, 48, 46, 71, 82.
  ——, letters of, 88, 61.
  ——, William [fifth], 48.
  ——, his son lord George, letter of, 48, 49.
  ——, George, earl of Orkney, 62.
  Andrew, 164.
  Alison, 166.
  David, 97.

Hamilton—cont.
  Elizabeth Home, lady, 86, 157 bis, 161.
  lord Basil, letter of, 69.
  James, 164.
  —— lord; first earl of Arran, 86.
  ——, his wife Elizabeth Home, 86.
  John, 80, 86, 94, 163, 163, 163.
  ——, commendator of Arbroath, 81, 99, 169.
  ——, provost of the college kirk of Bothwell, 169.
  ——, son of the earl of Arran, 163 bis.
  Marion, priess of Eccles, 84, 128 bis, 129 ter, 152 ter.
  Thomas, 181.
  Will; letter of, 16.
  Mr. William, 74, 75 bis.
  of Bangour, Mr., 74.
  of Finnart, James, 162 quater.
  of Innerwick, Alexander, 128, 129 passim, 154 bis.
  ——, his son Alexander Hamilton, 188.
  ——, sir Archibald, 166.
  of St. John's chapel, the, 16.
  James, 154, 163 bis, 164 bis.
  John, the younger, 164.
  of Samuelston, John, the younger, 164 bis.
  of Sprouston, James, 84, 150.
  of Westhall, James, 128.

Orkney.

Hampton Court, 11.

Hanover, Hannover, house of, 61.

any war in, 61.

court of, 63.

prince of, 63.

Hanoverian, Hannoverian hatts, 65, 66 passim.

Hanoverian, the, 63.

Hardacres, 144 bis.

See Brounfield.

Harden, 84 bis, 97 bis, 114, 142 et seq, 143 quater, 144, 178 ter, 182.

in Roxburghshire, 80.

See Scott.

Hardhassells, 164 bis, 165.

Hardie, John, 34.

Hardy, Adam, 131.

Hardway, 134.

Harbame:
  Adam, 174.
  Bollandus, 174.

Harlaw. See Cranston.

Harleian collection, 78.

Harrington:
  Mr., 39.
  sir James, 39.

Hartishauk Langraw, 151.

Hartwoodburn, lands of, 107.

Harwar, Robert, 110 bis.
Hassendean, Hassindean:  
barony of, 101, 145, 147, 149, 182.  
Lang, barony of, 146.  
eastmainis of, 182.  
lands of, 145.  

Hassington, Hassington:  
Lands of, 114, 144 passim, 145 biss.  
East Mains of, 114.  
the Nethercofts in, 192.  
See Bronsfeld. Dickson. Lambden.  

Hately, Haity, Haiity, Haytly:  
family of, 95.  
Alexander (divers), 131, 158 passim.  
—- his spouse, Helen, 153.  
—- his brother, Thomas, 158 quarter.  
—- their brother, John Hately, 153.  
—- their father, John Hately, 159 biss.  
George, 154.  
James, 153, 154.  
John, 93 quarter, 158.  
Leonard, 160.  
Patrick, 154.  
Thomas, 91, 158.  
of Broomhill, or Brumhill, George, 90.  
—- John, 154, 160.  
in Haliburton, Lawrence, 160.  
in Hordlaw, George, 160.  
in Kewlis, Patrick, 160.  
of Lambden, Alexander (several persons), 109, 129, 145, 153 passim, 160.  
of Lambden, Alexander, 153 biss.  
—- his son, John Hately, 153.  
—- Alexander, 154.  
—- his relict, Cristina Cockburn, 154.  
of Lamden, Alexander, 154 biss.  
—- his wife, Mariota or Marie Home, 154.  
of Lamden, Alexander, 154.  
—- his eldest son, Alexander Hatly, 154.  
of Meirdeen, Alexander, 158.  
of Mellerstanes, James, 181.  
—- John, 131.  
of Mellerstanes, John, 160 passim.  
—- Henry, 115, 118 biss.  
of the Plewland, Thomas, 158.  

Haughead, 151.  

Hathway, Alexander, 109.  

Hawick, 190.  
barony of, 113 biss.  

Hay:  
Mr., 39, 65, 74.  
Alexander, 147.  
Edmund, 176.  
Giles, mother of Alexander Seton, 88, 89 biss.  
Jean or Janet, the wife of sir Alexander Home, 77, 124.  
Margaret, letter of, 81.  
of Gurdy, Alexander, 110.  
of Lands, Sir John, 115.  
—- lord of Naughton, William, 158.  
of Ury, Gilbert, 157.  

Hay—cont.  
of Yester, the younger, Thomas, 86.  
—- his wife, Elisabeth Home, 86.  
—- William, lord, 100.  

Headsaw. See Scott.  

Heather, licence to pull, 119.  
Hepseth, Hepseth, 185, 187.  

Halseltand, 154.  

Hemmellingloth, 178.  

Henry:  
[VIII.], king of England, 183.  
cardinal (son of the Pretender), letter signed, 75.  

Henryson, Edward, 100 biss.  

Hepburn, Hepburn:  
arms, 97.  
—- family, 85.  
Adam, 98.  
Alexander, 97.  
Archibald, 110, 148.  
George and William, 127.  
Jane, 168.  
Mary, 150.  
—- James Hamilton her husband, 150.  
Robert of, 121, 164.  
William and George, 197.  
—- lord of Hailles, 88, 197.  
of Bokon, Patrick, master of Hailles, 85, 97, 129 biss, 145, 149 passim, 150 quarter, 151.  
—- his son Patrick Hepburn, 149 ter, 150 ter.  
—- his "nece" Mary Hepburn, daughter of his son, 150.  
of Dungallston, Patrick, 128.  
of Fortune, John, 160.  
of Rollaudenton, John, 118, 142.  
of Thornilden, Archibald, 98.  
laird of Wauchon, Patrick, 89.  
of Wauchon the younger, Patrick, 101.  
—- Patrick, 164.  
—- his son Robert Hepburn, 164.  

See Bothwell.  

Hepburns, notice of the, 84.  
Herbert, sir Henry, 39.  
Hermondston, Hermondston, 157.  
castle of, 157.  
See Sinclair.  

Heresolds, 184.  

Hering:  
William, 115.  
de Cluny, James, 168.  
laird of Glasdune, David, 168.  
—- his son James Hering de Clany, 168.  
of Tulp adolescence, James, baron of Upcaldington, 110, 168 biss, 182.  
of Wormt, John, 110.  

Herriot:  
Patrick, 90, 135, 138, 156.  
of Trabmoun, James, 100.  

Harries:  
Florence, 149.  
John, 149.  
—- lord, 100 biss, 101.  
William lord, 142, 149 ter.
Hersell, 178 bis.
Hervey, George, 148.
Harlem, camp at, 63.
Healy.
    Landgrave of, 52 ter.
    Prince of, 74.
Hench, the, 154.
Hexapth. See Hexapth.
Highfield, lands of, 98.
Highland:
    army, the, 44, 73, 74 bis.
    at Culoden, 74.
    host, the, 4, 34.
    war, a, 19.
Highlanders, 38, 39 ter, 42, 43, 44 bis, 45.
    custom of, 43.
    Argyllshire, 4.
Highlands, Ilyands, 8, 8, 18, 22, 24, 47
    bis, 50.
    of Scotland, lawless condition of, 7.
    letter to Lord Murray on the state of the,
    46.
    motions, 66.
    to preserve order in, 41.
    rebellion in the, 71.
    retreat to the, 73.
    state of the, 46, 54.
Hill, Hyll: colonel [John], 45, 56 ter.
    John, letter of, 48, 54.
    sir John, letter to, 37.
    James of, 176 bis.
    Symon of, 135.
Hindhousefield. See Hyndhousefield.
Hirsell, Hirsell, Hirsale:
    charters, &c., in the charter chest at,
    107 et seq.
    or Spyall, dwelling-place called, 184.
    Home muniments at, 170 et seq.
    house at, 106.
    lands of, 77.
    ——, with fishings and mills, 107.
    mansion of, 76 bis.
    rents from, 124.
    See Ker.
Hochstel, camp at, 62.
Hog:
    Agnes, 129.
    Thomas, 140.
Hogue, la, 50.
Holmished, 78.
Holland, Holand, 6.
    earl of Argyll escaped to, 4.
    men going to, 37.
Hollaw. See Howlaw.
Holyrood:
    house, 38, 100 bis, 112.
    in Edinburgh, monastery of, 128.
Home, Hom, Houm, Hovm, Hoyme, Hume,
    Hwme, 110, 115, 119, 122, 138, 140,
    146, 155.
    earldom of, 108 bis.
    name of, 77.
    John [before 1214], 171.
    William Home son of John [1165—
    1214], charter by king William the
    Lion to, 171, 185.
    William de, 76.

Home—cont.
sir William lord of [1265], 76, 77.
    William lord of, son of the preceding
    sir William, 76, 77 bis.
    Galfrid de [1296], 77.
    sir John [1450], 77, 79, 124.
    —— Mariota, his wife, 184.
    ——, his son sir Thomas, 77.
    ——, his great grandson sir
    Alexander Home, 77.
    sir Thomas, 77, 79, 124.
    —— [his wife], Nicholas
    Pepdie, 77, 124.
    ——, succeeded by his son sir
    Alexander the first of
    that name, 77.

sir Alexander:
    the first of the name, 77.
    married Jean or Janet Hay, 77,
    124.
    friend of Archibald fourth earl of
    Duglas, 77.
    deputy warden of Coldingham
    priory, 77.
    killed at the battle of Verneuil, 78.
    story illustrative of the friendship
    between him and the earl [of
    Douglas], 78.
    his brother David Home of Wed-
    derburn, 78.
    statement that he was killed at
    Clevant, 78.
    his will made at Dunglas, 78, 87.
    commemorative mass at White-
    kirk, 78.
    grant of land to the chapel of the
    Virgin Dunglas, 78.
    succeeded by his son sir Alex-
    ander Home, 78.
    inventory of his effects made at
    Dunglas, 87.
    testamen of, 87.
    the late Alexander Home, 124.
    loan to Archibald earl of Wig-
    town afterwards earl of Douglas,
    172, 185.
    his departure [with the earl of
    his brother Patrick of Ham, 87,
    88.
    his daughter Alicia, 87.
    his daughter Christiana, 87.
    his daughter Jonet, 87.
    his son Alexander, 87.
    his son George, 88.

sir Alexander [the second of the
    name], 78, 79, 83, 88, 108, 114,
    115 ter, 127 ter, 171, 174, 175, 176.
    succeeded his father, 78.
    married Marion Lauder, 78.
    ——. See Lauder.
    ——, their consanguinity, 78, 122, 128
    bis.
    Papal dispensation to marry, 78,
    122, 123.
    ——, sentence of the official of the
    court of St. Andrews on their pre-
    tended marriage, 123.
Home—cont.
sir Alexander [the second]—cont.
— letter by the bishop of Caithness giving effect to the papal dispensation, 128.
—, his pretended wife Marion of Lander, 128.
—, his foundation of the collegiate church of Douglas, 79, 128.
—, confirmation of his charter to the chapel of Douglas, 128.
—, his father Alexander Home's charter to the chapel of Douglas, 128.
—, his foundation charter of the collegiate church of Douglas, 128 et seq.
—, the souls to be prayed for, 79.
—, his great grandfather sir John Home, 79, 128.
—, his grandfather sir Thomas Home, 79, 128.
—, and Nicholas his wife, 128.
—, his father Alexander, 79, 124, 126.
—, his brothers Thomas and George, 79, 124, 126.
—, his uncles (or cousins) Patrick and David Home, 79.
—, succeeded by his son Alexander Home, 79.
—, his wife Mariota, 124.
—, his mother Joneta, 124.
—, his son Alexander, 124, 126.
—, charter of William Douglas, earl of Angus to, 174 et seq.
—, resigned land into the hands of friar Andrew Meldrum, 176.
—, confirmation of his charter granting lands in Chirnside to the collegiate church of Douglas, 128.
—, his charter extant in the Home charter chest, 126.
—, bull of Pope Nicholas upon his petition [relative to founding] the church of Douglas, 127.
—, grant of the lands of Hollow to, 126.
sir Alexander [the third of the name], first lord Home, 89, 110, 115
quarter, 118 bis, 121 ter, 129, 130, 124, 136, 127 bis, 136 bis, 139 quarter, 165, 158 bis, 163, 166, 171 ter, 177.
—, succeeded his father, 79.
—, created lord Home, 79.
—, his grandson and heir, Alexander, second lord Home, 79.
—, division of the lands of Crailing, 79.
—, his eldest son died in his lifetime, 79.
—, his grandson, 171.
—, his son George Hume, 176 bis.
—, discharge by Patrick lord Hailles to, 88.
—, his brother John Home, 185.
—, their uncle George Home, 185.
Home—cont.
sir Alexander [the third]—cont.
—, bailie for life over the lordship of Gordon, Fogo, and Huntly, 138.
—, grant of the bailiary of the priory of Coldingham, 171, 179.
—, charter by the prior of Coldingham granting the office of bailiary, 176.
Alexander, master of:
—, son [and heir apparent of Alexander Home of that ilk], 110, 114.
—, died in the lifetime of his father, 79.
—, his eldest son Alexander, afterward second lord Home, 79.
—, holding the office of Great Chamberlain of Scotland, 79.
—, high favour with the king [James IV.], 79.
—, guardian of John earl of Mar, 80.
—, his younger brother John Home, 82.
—, his procurator Patrick Murray, 148.
—, his procurators, Adam Crichton and Patrick Heriot, 156.
—, his son Alexander, master of Home, 145.
—, his son George Home, 147.
—, his widow dame Nicolas Ker, lady of Samuellston, 157.
—, his sons Alexander, George, John, Patrick, and William Home, 168.
—, his uncles George Home of Ayton and Patrick Home of Fastcastle, 168.
—, his wife Isabel Douglas, 171.
—, decree of separation [from his wife], Isabel Douglas, 177.
—, steward of the king's earldom of March, and barony of Dunbar, 172, 177.
Alexander, third lord, Great Chamberlain of Scotland, master of Home, 91 passim, 92, 112, 126, 134, 135, 145, 150 quarter, 162 quarter, 177, 178 ter, 179 bis, 188 bis.
—, succeeded his father, 80.
—, held the office of Great Chamberlain, 80.
George, fourth lord—cont.
—his mother the late Nicholas Ker, 142.
—his heir of his sister Elisabeth Home, 157.
—[contract] to expel Archibald sumtyme erle of Angus, 179 et seq.
—commission by James V. appointing him the royal lieutenant within the bounds of the Horse, &c., 188.
—appointed warden of the Marches, 183.
—appointed bailie of Eccles priory, 128.

—[his proposed] marriage with a natural daughter of King James V., 80, 81, 92.

supporter of the Regent Murray, 81.
—joined the queen’s party, 81.
—imprisoned and died, 81.
—his son’s complaint, 81.
—[his first wife] Margaret Ker of Cessford, 81.
—[their] daughter, 81.
—See Gray, Agnes.
—their son Alexander sixth lord Home, 81.
—grant of the office of sheriff of Berwickezie, 83, 111.
—[his brother] Andro Hume, 92, 152.
—bailie of Eccles, 130.
—his brother Andrew Home, 92, 152.
—commissions to, 172.
—headed a series of raids on the English, 172.
—pension from the French king, 172, 184.
—warden of the Marches toward England, 183 passim.
—warden, &c. of the lordship of Liddendale, 184.

Home—cont.

Alexander, sixth lord—cont.

---, whose curators, 81 bis., 101.  
---, restored to his rank and estate, 81.  
---, his uncle Andrew Home commissary of Jedburgh, 81, 99.  
---, offer of Lord Ruthven's daughters in marriage, 81, 103.  
---, [his first wife], Christian Douglas, 82, 104, 108.  
---, [her] drapery account, 82, 104.  
---, favourite of King James VI., 82.  
---, a member of the English Privy Council, 92.  
---, created Earl Home, 89.  
---, his hounds, 82.  
---, his son James second earl Home, 83.  
---, [his wife], Mary Sutton, lady Home, 83.  
---, right to the teindseaves of Colbranaph, 103 et seq.  
---, his eldest son James lord Douglas, 146.  
---, commissary of Coldingham, 184.  
James, second earl of Home, 107 bis., 113 bis., 116, 121, 183, 185, 145, 152 ter.  
---, a minor at his father's death, 82.  
---, his mother, Mary Sutton, lady Home, 82.  
---, died without issue, 82.  
---, succeeded by his kinsman sir James Home of Coldenknowes, 82.  
---, went to England, apparently to court, 109.  
---, gold sent to him in London, 109.  
---, took an interest in sport, 109.  
---, his sister, Margaret lady Doune, 109.  
---, grants of the lands of the abbacy of Jedburgh, priory of Canonbie, &c., 152.  
of Coldenknowes, sir James, third earl of Home, 183 bis., 170 bis.  
---, descended from John Home, younger brother of Alexander, second lord Home, 82.  
---, succeeded the second earl, 82.  
---, his son Alexander the fourth earl, 83.  
---, his father, sir James Home of Whitrig, 84.  
---, sheriff principal of Berwick, 112.  
---, his son Alexander earl of Home, 112.  
---, [his alienation] of the lands of Broxfield, 170.  

Home—cont.

Alexander, fourth earl of: 171.  
---, succeeded his father, 83.  
---, appointment as one of the gentlemen of the bedchamber of King Charles II., 82, 107.  
---, grant of the same office [sheriffdom of Berwick], 112.  
lord [1696], an officer sent to secure, 81.  
dearl of [1745], letter from, 79.  
[the present earl]:  
---, heir of the family of Douglas, 81.  
ears of Douglas and Angus, 76.  
---, his manuscripts, 76.  
---, supplementary report on his manuscripts, 170 et seq.  
---, muniments in the custody of his law agent, 170.  
---, charters which do not now appear in his possession, 185.  
the family of, 76 et seq.  
ears of, 76, 77.  
and James V., agreement for the expulsion of the Douglases between, 172, 179.  
 Achilles, 169.  
Agnes, 105.  
---, her son. See Logan, Robert.  
Alexander, 154.  
---, minister of Eccles, 106, 120, 181.  
---, son of David Home, commissary of Eccles, 151 bis., 159.  
---, his brother William Home, 181.  
---, brother of Gasper Home of Lawfield, 169.  
---, brother of John Home of Blaeddor, 94 bis.  
---, cousin of Alexander Home, lord of that ilk, 88.  
---, son of James Home of Eccles, 169 bis.  
---, son of Patrick Home of Polworth, 166.  
---, son of Alexander lord Home, 168.  
Alice, daughter of sir Alexander Home, 87.  
Alien, natural daughter of Alexander lord Home, 161.  
Andrew, brother of Alexander lord Home, 92, 152.  
---, abbot of Jedburgh, 149.  
---, commissary of Jedburgh, 81, 99, 100, 101 bis., 108, 150 quarter, 151 quarter, 159 bis.  
---, his sister Margaret. Home, 182.  
Anna, 190 bis., 169.  
David, 79, 88.  
sir David of, 107.
Kentigern or Mungo, son of John Home of Erelston, 88, 119, 168.
Margaret, wife of George earl Marischall, 108.
—, spouse of Alexander Erskine of Gogar, 151, 158.
—, daughter natural of Andrew Home, portioner of Lauder, 154 bis, 155 bis.
—, See also Margaret Haliburton.
Marion [Haliburton] lady, wife of George lord Home, 80, 29, 98, 98 bis, 144, 149 ter, 150, 152, 160 bis.
—, countess of Crawford, 161.
Mariota or Mary Home, wife of Alexander Haitle of Lambden, 154.
Mary Sutton, lady, 82, 107.
Mungo, 83.
—, See also Kentigern Home.
Patrick [1476], 177.
—, archdeacon of Teviotsdale, 176.
—, brother of Alexander Home, 87, 88.
—, brother of George Home of Aytoun, 162.
—, son of David Home of Wedderburn, 115, 181.
Samuel, bailie of Coldingham, 145.
sir Thomas, 98.
Thomas [1443], 176 bis.
—, brother of George Home of Aytoun, 163.
—, son of John Home in Chirnside, 169.
—, son of sir John Home of Coldenknowes, 120.
William [1468], 143.
[1485], 115.
—, brother of Alexander Home, commendator of Eccles, 131.
of Aytoun, Aytoun, or Eyton, George [1484-1494], 90, 185, 136 bis, 163.
—, uncle of Alexander lord Home [1491], 168.
[1545 and 1568], 94, 129.
of Balwphi, Patrick, 115.
of North Berwick, Alexander, 105 bis.
—, sir John, 105.
of Blaeder, John, 95, 94.
—, his brother Alexander Home, 94.
—, sir John, 131.
of Block, George, 121.
of Broxmouth, George, 94.
—, his son George Home, 94.
of Carrolside, John, 130, 169.
—, his brother James Home, 169.
—, Robert, 120, 154.
in Chirnside, John, 169.
—, his son Thomas Home, 169.
of Cleichtow, Mathew, of kin to the master of Hume, 99.
Home—cont.
of Coldenknowes, sir James, 83.
—, — [about 1570-1590], 119, 168.
—, his son James Home, commendant of Eccles, 180 bis, 131.
—, his son sir James Home, 168.
—, grandfather of sir George Home of Eccles, 121.
—, John [1547-1568], 94 bis, 119 passim, 129, 159.
—, sir John [1612, 1617], 120 passim, 163.
—, his wife Beatrice Ruthven, 120 bis.
—, his natural son Thomas Home, 120.
—, his son sir James Home of Whitrig, and his wife Anna Home, 120 bis, 163.
of Crailing, John, 115, 121, 189.
—, his wife Margaret, 121.
of Crowdy, Thomas of, 110 bis.
of Dunblane. See Home, sir Alexander [first of the name].
of Earston, or Earston, John, a younger brother of Alexander lord Home, 89, 96, 137, 168.
—, his son Mungo (or Kentiggeon) Home, 119, 168.
—, lands belonging to, 86.
of Eccles, sir George, 131, 132 ter.
—, his son, sir James Home 182.
—, sir James, 106, 120, 131.
—, his son Alexander Home, 106.
—, his son sir George Home of Pincartoun, 181.
—, son of sir George Home, 132.
—, Mr. James, 120 bis, 169.
—, his spouse Isabel Home, 169.
—, his lawful son Alexander Home, 169 bis.
—, his son natural Alexander Home, 120.
of Elistoun, John, 94.
of Fastcastle, Patrick, his daughter Elisabeth Hume, 97.
of Godsclough, David, historian of the Douglases, 77, 78 bis, 164 bis.
of Gradan, William, 120.
of Guille, George, 130.
of Halderton, Alexander, 170.
of Houltsone, John, 120.
of Hunthill, Alexander, 100.
of Hutton, Harie, 169.
of Huttonhall, Alexander, 105, 165, 169 bis.
—, his relict Isobel Home, 169.

Home—cont.
of Huttonhall, Alexander—cont.
—, his son George Home, 169.
—, John, 182, 170.
—, sir John, 106.
—, his brother Samuel Home, 168.
of of that ilk, Alexander, 144, 176.
of Johnnycleugh, Gavin, 105.
portion of Lawler, Andrew, 154 ter.
of Lawled, Gaspar or Jasper, 169, 170.
—, his brother Alexander Home, 169.
of Lochtullo, William, 94.
of Manderston, Alexander, and his son Alexander Home, 116 ter.
—, John Home, brother of the late, 167.
—, sir Alexander, 170.
of Ninewalls, David, 100, 169.
of Pincartoun, sir George, son of sir James Home of Eccles, 131 bis.
—, his brother Alexander Home, 181.
—, and Ecles, sir George, 84—of Polwarth or Polwart, Patrick, [1485-1501], 90, 115 bis, 118, 135, 148, 156.
—, his son Alexander Home, 156.
—, [1545], 94.
—, sir Patrick, 158, 173, 177.
—, his wife Helen Shaw, 178, 178.
parson of Polwart, Adam, 105—
of Prendergast, James, 154.
of Rachburn, Patrick, 79, 134.
of Reidbraes, Patrick, 129.
of Reidhead, Robert, 154, 155 bis.
of Rymmeltonlaw, Ninian, 157, 158.
of Sinlaws or Syndlaws, sir James, 180 bis.
—, John, uncle of John Hume, 179 ter.
of Slegden, John, his spouse Cristine Cockburn, 154.
of Spott, David, 110.
—, George [1545], 94.
—, his son George Home, 94.
—, [1592], 108.
—, his George, treasurer of the King, 141 bis.
—, sir George, earl of Dunbar, 84.
of Terningham, Thomas, 181 bis.
of Wedderburn, David, his son Patrick Home [1478], 115.
—, [1503], 177.
—, [1631], 159.
—, heir of sir David Home of Wedderburn [1587], 168 bis.
—, his brother George Home, 168 bis.
—, sir David, son of George Home of Wedderburn, 168.
Home—cont.
of Wedderburn—cont.
David, brother of sir Alexander
Home, 78, 124.
—, —, his brother Patrick Hume,
161.
—, —, [1480–1491], 148, 158,
159, 182.
—, —, [1545], 94.
—, —, his son sir David Home,
168.
of Whitrig, sir James, 84, 190 ter, 168.
—, —, his father sir John Home
of Coldenknowes, 120.
—, —, his wife lady Anna Home
190 bis.
—, —, his sister Catherine, 190.
—, —, his sister Marie, 190.
—, —, his five brothers, 84, 120.
John, 117, 118 bis, 163 passim.
barony of, 76, 91 bis, 101, 114, 145,
168.
est of, 76, 80, 81, 99, 100 bis, 101,
106, 185.
—, lease of, 95.
charter chest, 111, 116, 119, 124, 126,
140, 156, 171, 182.
charter, 87, 171, 183.
documents, 87 bis.
manuscripts, 76.
writes, 94.
lands, 93, 101.
lordship of, 92, 135, 144, 149.
territory of, 76 bis, 77, 88.
town of, 97.
St. Nicholas' kirk in, 89.
See Ker.
Honyman, Andrew. See Orkney.
Hood, Mark, 168.
See Huyd.
Hoppringle, Hoppringill: George, 154.
(Pringle), John, 167.
Thomas, 146.
in Buckholm, John, 167.
in the Tweenes, James, 167 bis.
of Torwoodlee, George, 167.
Hoprigs, 104.
Hordlaw. See Hately.
Horn, put to the, 131.
Hornishill. See Turnbuck.
Horsap, Robert, 166.
Horsahill, lands of, 145.
Hoscoat, Hoscote, Hoscotes:
lands of, 84 bis, 97 bis, 145 et seq.
See Turnbuck.
Houlsteane. See Home.
Hounam. See Hownam.
Household, master of the. See Craufurd.
Crichton, Sir William.
Hodswen, John, 159.
Houlehad. See Brownfield.
Houllow or Hollow:
acquisition of, 84.
lands of, 98, 144, 146 bis.
Hownam, 76, 86, 131 ter.
barony of, 101, 121 bis, 168, 165 bis,
178.
mainis, 123, 178.
See Crailing.
Howpysely, 84, 85.
See Scott.
Howpyselot. See Scott.
How, Thomas, 118.
Hull, 29.
Hume. See Hume.
Hundale, Hundalee. See Rutherford.
Handwood, 87.
Hunthill. See Hume. Rutherford.
Huntingtower, 70, 71 bis.
Huntly, Huntley, Huntle, Huntleis,
Hownshlie, 109, 135, 139 bis, 140, 148.
Alexander Gordon, master of, 80, 89,
185, 137 passim.
Alexander, earl of, 85, 88, 91 passim,
136 bis, 139, 140, 148 bis.
—, Elizabeth Gray, his spouse,
149.
George earl of, chancellor of Scotland,
94, 146 bis.
—, lord Gordon, 135 passim,
158 ter, 139 bis, 140, 156.
—, —, his son Alexander Gordon,
185 bis, 137 bis, 149.
Thomas, 136.
in Gowrie, 160.
castlerep of, 185, 188.
chantry of, 129, 149.
the kirk of, 149.
St. Mary's chapel of, 138.
lands of, 88 bis, 89.
lordship of, 137 bis.
mainis of, 148.
Huntdywood, 85, 86, 139 bis, 148 bis, 149.
Hurry, colonel, 30.
Hatton, Hutoun, 114, 124, 127, 176.
Adam Forman of, 114.
parish church of, 127.
the rector of, 107.
See Forman.
Home.
Huttonhall, Hutonball, 106, 163, 181.
See Home.
Huyd (Hood), Robert, 157.
See Hood.
Hynshouse field, 157.

I.

Ila, 19.
Ilangreg. See Campbell.
Ilwa. See Islay.
Impartialists, the, 58, 54.
Inch. See Inche.
Inchbrakie. See Graham.
Inchkeith, isles of, 7.
[sale to] the king of, 59.
Tauchmartin. See Ogilvy.
Inglis:  
Alexander, archdeacon of St. Andrews, 90.
Archibald, 135.
George, armour bearer of George earl of Marche, 185.
Jonet, 139.
Patrick, 121.
Thomas, 139, 156.
of Lochend, George, 92, 141, 182.
Ingolby, lieutenant-general, 62.
Inneralowm, 101.
Innerlochy, garrisons at, 46, 47.
Innermeath, James lord, 101.
Innerwick, 164.
  family, 84.
  vicar of, 94.
  See Hamilton.
Innes:  
James, 135.
Robert, 148.
of Kinkell, Robert, 103.
Innes, Inch, 97.
Inversalloun, land of, 162 bis.
Inverary, 12, 14, 15, 16, 18, 19, 21, 24, 33.
  arms collected at, 12.
Inverleith. See Towers.
Inverliver, 23.
Inverness, 57, 74, 137.
Inverugil. See Keith.
Inverury. See Keith.
Ireland, Ireland, 6, 15, 80, 88, 89 bis, 41.
  deputy of, 26.
  lord deputy of, 24.
  forces from, 40.
Irish:  
  forces, 15.
  ship, 19 bis, 30.
Irishes, 43.
Irvine of Drum, Alexander, 136.
Islanders, 89.
Islay, Isla, 50.
Isles, bishopric of the, 50.
Italy, 53.
Iylla, 16.

J.

Jacobites, 4, 54, 64, 67.
  clergy, 50.
Jamaica, 59
James:  
I., king, 86, 109, 114, 127, 155, 171, 172, 174 bis.
  ——, his widow, 83.
  ——, his consort Marie, 127.
  ——, his queen, Mary of Gueldres, 167.
  ——, charter of, 110.
III., king, 1, 8, 83 bis, 84, 115, 161.
  ——, his brother, the duke of Albany, 111.

James—cont.

IV., king, 79, 80, 88, 90, 91 bis, 111, 115, 118 bis, 125, 184, 157, 138, 141, 145, 158, 159, 166, 168, 170, 177.
  ——, his natural daughter, 80, 81.
  ——, his daughter, Elizabeth Betons, 92.
  ——, chancery of, 101.
  ——, letters of, 2, 9 bis, 10.
  ——, his uncle and regent earl Murray, 2.
VII., king, 4, 5, 6, 89 bis, 40, 41.
  ——, letter to, 15.
  ——, alleged letter from Dundee to, 5.
James B. [the Pretender], 75.
James's, St. 11 bis, 60, 71.
street, 50.
Jameson, John, minister of Eccles, 133 ter.
Jamison, 59 bis, 60.
Jamison's ship, melancholy account and unfortunate of, 59.
Jedburgh, Jeddart, 106, 113, 114, 127, 146, 151, 152, 166, 178, 179.
  lord [Sir John Ker], 106.
  ——, Alison, his daughter, 106.
  ——, burgh of, 151.
  ——, courthouse in the burgh of, 141.
  ——, lands of, 153.
  ——, lordship of, 152 bis.
  ——, papers relating to the, 151 et seq.
  ——, parish church of, 144 bis.
  ——, water of, 151.
  ——, abbot of, 150.
    ——, Andrew Home, 149.
    ——, John, 94.
    ——, John Home, 161, 179, 179, 180.
  ——, the abbot and convent of, 151, 152.
  ——, commendator of. See Home, Andrew.
  ——, Friars Minorites of, 151.
  ——, abbey, lands of, 152.
    ——, teinds and spiritualities of, 152.
    ——, temporalities of, 152.
    ——, writs relating to, 152.
    ——, monastery of, 100.
and Restonnet, abbacy of, 85.
  See Home. Ker.
Jedworth, foresta de, 175.
Jerbier, fine Mrs., and her younger sister, 30.
Jermin, lord, 29.
Jerusalem, St. John of. See Torphichen.
Jerviswood, bailie of, 61.
Jesford, captain, 17.
Joanna, queen, 157.
John, St.:  
  the lord of, 142.
  Walter, lord of, 142, 159.
  William, lord of, 118, 142.
  See Torphichen.
John's Chapel, St., 154.
the gudeman of, 119.
laird of St., 85.
See Hamilton.
Johnesleugh. See Home.
Johnston, Johnstone, Johnstoun, John-
esoun, Jonston:
Mrs., 32.
Clowes, a Dutchman, 22.
James, 101, 170, 181.
Robert, 142.
Secretary, 51.
Thomas, 121.
a person named, 5.
of Elphinstone, Andrew, 97.
of East Gordon, George, 127, 158.
See Wallace.
Johnston, St., [letters dated at], 39, 41.
Justice Clerk:
the, 67, 72.
the lord, 72.
lord Bose the, 70.
college of, 83.
See Cockburn. Erska.
Justiceley, lands of, 151.
Justiciary:
clerk of, 149.
the lords of, 65.
court at Haddington, 161.

K.

Kames. See Dikson.
Kandlochranoch, 32.
Kay, David, 176.
Ker, the laird of, 180.
Keith:
William lord, Master of Marischal, 107.
of Inverugy or Invergill, Gilbert, 139, 148.
—, his son William Keith, 189, 148.
apparent of Craig, John, 103.
Wills of Thie, William, 135.
Kellie, James, 142.
Kello lands of, 124, 149, 150 ter, 169.
Kelso, or de Calco, 89, 119, 183.
abbey of, 77, 112 ter, 113, 164.
abbot of, Robert, 89, 118, 122.
coadjutor and administrator of the
abbacy of, 112.
commendant of, James Stewart, 112.
—, his father king James V., 112.
—, William Ker, 164.
—, William Ker, son of
Robert lord of Roxburgh, 141.
commendant and convent of, 140.
convent of, 97, 140.
monks of, 76, 77.
sub-priore of, 94.
— Adam Chatto, 140.
— sir John Glassinwright, 129.

Kelso—cont.
toids of, 98.
See Calco.

Kenloch. See McDonell.
Kennedy, James:
— John, lord, 156.
See St. Andrews.
Kennyston. See Douglas.
Kepplach, 58 passim.
letter by, 58.
commission of fyre and sword against,
58.
McIntosh and, 54.

Ker:
Andrew, 121 quater.
—, his son Walter Ker, 121 bis.
George, heir of the lands of Samuel-
ston, 86, 161.
—, father of George Ker of Samuel-
ston, 86.
James, 156.
James, tenandry of a part of Samuel-
ston let to, 159.
John, 86, 161.
sir John, 86.
sir John, lord Jedburgh. See Jed-
burgh.
Katherine, 151.
Lanalet, 179.
Margaret, mother of sir James Homes, 148.
Mark, 178.
Nicholas, daughter of George Ker of
Samuelston, 80, 86, 92, 142 ter, 156 bis, 157 bis, 162.
— her husband Alexander lord
Home, 86, 156 bis, 157.
Ralph, 178.
Richard, 86.
Robert, 178.
Robert, son of William Ker of Cess-
ford, 163 bis.
Thomas, 86, 163 ter.
—, son of Andrew Ker of Ferni-
herst, 153.
Walter, son of Andrew Ker, 121 bis.
William, 170, 174.
—, commendator of Kelso, 164.
—, son of Robert lord of
Roxburgh, 141.
of Altonburn, Andrew, 166.
of Anerum, William, 151.
of Caverton, Walter, 129.
of Cessford, or Cesurde, Andrew,
129.
—, Margaret, 81.
—, Robert, 89.
— Walter, 118, 163, 163 bis, 164.
— William, 163.
—, his son Robert Ker, 163.
of Cruckitschaw, James, 131.
of Fairniesherst, Fairniesherst, Ferni-
herst, or Fairnirhirst, Andrew, 92, 113, 179, 179, 183.
—, his son, the late Thomas
Ker, 183.
Ker—cont.
of Fairnicherst—cont.

John, 121.

—,—, his wife Katherine Ker, 121.
of Fawdonside, Andrew, 81, 100
quater, 101.
of Fenton, Andrew, 141 bis.
of Gaithew, James, 89.

—, Mergret, his dochter, 89.
of Hirsel, Andrew, 97.

—, sir John, 184.
of Jedburgh, sir John, 107, 152.
of Mersingtoun, Thomas, 183.

—, William, 183.
of Myning, William, 107.
of Samuelton, Samuelton, or Samels-
toun, George, 86, 142 bis, 146, 158, 161
bis.

—,—, his spouse Elizabeth, 161.

—,—, George, 80, 86, 156 ter, 157, 181.

—,—, his spouse Mariota or
Marion, 86, 156 bis.

—,—, his daughter Nicholas
Ker. See Ker, Nicholas.

—,—, his granddaughter Elizabeth
Home, 86, 157.
lady of Samuelton, Nicholas. See
Ker, Nicholas.
of Wodheid, Robert, 97, 151.

Kers, members of a family of, 86.

Kers. See Menteith.

Ketelabads or Ketelschel, 171, 178 bis,
174.

Kilberry, Kilberrie, young, 19, 20.
See Campbell.

Kilblandell, minister at, 12.

Kilchurn, Castle, 19 ter, 20 ter.

Kiloquhar, 156, 159.

See Dunbar.

Kildaen, earl Seaforth's uncle, 55.

Kildein daughter, 55.

Kildrummy, 185.
castle of, 90.

Kilgany. See Guthrie.

Kilkerran in Kintyre, 90, 188.

Killichassie, 44.

Killericanie, 5 bis, 6.
battle of, 4.
death of Dundee at, 5.

Killin, meeting of the kirk at, 31.

Kilmarnock, earl of, 79.
in Dumbartonshire, 23.

Kilraine, 69.

Kilravock, 69.

Hugh Rose, the elder and younger of,
69.

See Ross.

Kileaith, Kilayth, 49, 50 bis.
with lady Dundee, 49.
a Dutchman taken at, 22.
vault at, 7.

See Livingstone.

Kilspindie. See Douglas.

Kimmerghame, two husband lands in, 164.

Kinesaid of Coates, David, 97.

KineCraig. See Kingscraige.

Kinnace, 69.

King, the (the Pretender), 75.

King's printer, the, 60.

Kingsfaher, the king's ship the, 17, 18.

Kinghorne, earl of, 28, 38.

Kingscraige, Kincraig. See Gourlay.

Kingston, 98.

Kirkell. See Innes.

Kincloch, Alex. and Charles, 75.
sir James, 75.

Kinnaldie, South, 159.

Kinnaldy, lands of, 114.

Kinnard, William, 139.

Kinnaswood, barony of, 114.

Kinrorie. See Stewart.

Kinnor: sheriffdom of, 159.
See Segré.

Kintore:
letter from the earl of, 16 bis.

Kintyre, Kintyre, 19 ter.

marquis of Argyll in, 14.
men, 39.
mull of, 20.

Kilkerran in, 90, 188.

Kippendavy. See Crichton.

Kirk at Killin, meeting of the, 31.

Kirs, commissioners for the plantations
of, 131.

Kirkmichael, 72.

Kirkurd. See Scott.

Kleyis. See Hately.

Knafe:
Janet, 139.
William, 139.

Kneland, Andrew, 105.

Knightley, sir Fernando, 29.

Knockbuy. See Campbell.

Knolty, William, dean of Haddington,
176.

Knox:
William, 139.
of Craganes, Uchtred, 166.
of Schynland, Thomas, 166.

Kynmonty, lands of, 89.

Kynnel, baron of, 109.

See Crichton.

Kintyre. See Kintyre.

Kyrtoun, William, 179.

L.

Ladykirk, 169.

Ladypar, 154.

Lag. See Grierson.

Lamb:
dame Elizabeth, princess of St. Both-
sans, 109, 164.

Mark, 165.
Lambden:
aqua de, 173.
burn, 155.
lands, 85, 155 passim, 154 bis.
otherwise Hastington, barony of, 101.
See Hately.
Lambdenrig, lands of, 98 bis.
Lamb of Dunsany, Patrick, 162.
Lamelaith, 154.
Lammermuir, Lammermuir, Lawmer-
mure, 79, 160 bis, 168.
Lamont, laird of, 16 quater.
Lamonts affected to Argyll, the, 18.
Lanark:
earl of, 112.
lands situated in, 169.
Landale, 192.
Land.
See Hay.
Lane, with a body of horses, 44.
Langlands:
James, 191.
Roger, 178.
Langmore of Achinbothy, Robert, 166.
Langnewton, 129, 151.
Langraw, 151.
Langrig, 173 bis.
Lanc of Mon., 106.
church of, 112.
See Cockburn.
Lanrik, the laird of, 21.
Lanpes, 39.
Larges or Large, 17, 18.
Lascallies, Theobald de, 77.
Latham. See Latham.
Lathangy, the guid wyfe of, 159.
See Shaw.
Lathinside, 165.
Landers, the, 93.
Lauder, or Lawdred, 116, 161 bis, 164.
lieut-colonel, 49.
Aidan, 161.
Alexander, 90.
Beatrice, Christian and Mariota, 109.
David of, 176 bis.
Elizabeth of, 110, 165 passim.
Hector, 161.
John, 78 bis, 121 bis, 153.
John and Katherine, 79.
Katherine or Katrina, 78, 79, 121, 165.
Marion, 78 ter, 121, 122, 123 bis, 155
passim.
Robert, 97, 157, 158.
sir Robert, 76 bis, 109.
Thomas, or Thomas de Lawdred, 171,
174.
Thomas [1440], 161.
[1523], 159.
William, 161.
of Bass, David, 158.
—, his brother John Lawdred, 158.
of Burngrains, John, 161.
lord of Erykton, sir Robert, 128.
of Hazloune, —, 103.
—, William, 146.
of Muirech, James, 188.
of Whiteside, Robert, 121.
burgh of, 112.

Lauder—cont.
a burgess of, 157
burgesses of, 90.
church of, 83.
forest of, 154.
regality of, 151.
the teinds of, 154.
teindshaves of, 154.
See Home.
Lauderdale, Lauderdale, 146, 157 ter,
188.
duke of, 11, 82, 83 ter.
earl of, 112.
barony of, 111 bis.
lordship of, 97.
Landopie, archdeaconatus, 177.
Lauvrok, John, 122.
Laundels:
William of, 165.
—, his spouse Jonet, 165.
Law, Richard, 110.
Lawfield. See Home.
Lawmermuir. See Lammermuir.
Leacres. See Leysacres.
Learmouth. See Leirmouth.
Lechland. See Hall.
Leida. See Lidale.
Ledgerwood, lands of, 148.
Lee coffee house, 50.
Legate, John, archdeacon of St. Andrews,
176.
Leirmouth, Leirmouth, Lernmouth:
Alexander, 161.
Archibald, 118.
James, 139.
Thomas, 179.
of Ersilton, John, 118.
Les, William, 161.
Leith, Leith, 17.
the French keetp, 59.
Leithholme, 170.
Lennox, 21 bis.
—, his son Matthew Stewart, 111.
Ludovic, duke of, 9, 88, 112 bis.
Leonard's Chapel, St., 154.
Leslie:
general Alexander, 3, 27, 28.
—, letter of, 27, 28.
general David, 3, 30, 81.
George, 144.
Leemshawgood, prior of, 84.
Sir Alexander Wedall, 129.
Letham, Lethame, Latham:
family of, 171.
Duncan de, 174.
Duneanus filius Nicholai de, 173.
Johannes de Lethame filius Johannis
de, 175, 174.
John of, 155 bis, 171 bis, 178.
—, his son Ketel, 171, 178 et 174
passim.
Robertus de, 174.
Thomas, 149.
Walterus de, 174.
homines de, 174.
lands of, 85, 155 passim, 171, 178.
the house called the Wolt of, 86, 185.
Loudoun: See Inglist.

Loudoun: earl of, 3.

Louise, princess, 39.

Louthian. See Lothian.

Lowat, lady, 54, 55, 56 bis, 57, 58.

Lowlands, the, 19.

Lowestoun in Gorgie, John, 97.

Lucasland. See Forrons.

Lachheild in Eife, lands of, 158 bis.

Laudemont: James, 176.

Lauder, 181.

west, 116.

Lauders: David, 103.

John, 159.

Lundy of Balgonie: Robert, 135.

See Campbell.

Lussa. See Colquhoun.

Luxembourg, camp before, 85.

Lyday. See Ludial.

Lyke: Edward, 139.

of Stamy, George, 110.

Lyndsey, sir William, 87.

See Lindsay.

Lyne, Lyn, 101, 142, 178 bis.

Lyndroolld, 132.

Lyntlawes. See Linlaws.

Lyon, Lyon: David, 105.

Thomas, 101.

[lord], 26.

of Bauds, Thomas, master of Giamis, 101.

McAlisters affected to Argyll, 13.

Macaulay's, lord, account of the death of Dundee, 3.

MacCaizine, Henry, 100.

McClellan, 55 passim.

McCorranstoun, 46.

McDonell, Macdonnell:
Alexander, brother of Glencoe, 50.

sir Donald, 41.

[son of], 6.

of Kenloch, Alexander, 18.

of Morar, Allan, 18.

See Glencoe.

McDonells, the, 69.

McDouglalles affected to Argyll, 18.

Macedowall of Mackerston, Andrew, 113.

Macedowall of Mackerston, Thomas, 85, 147.

Macedowall of Stodrig, Alexander, 119.

McEun Voirs, John and Duncan, 61.

McGill, Laurence, 165.

McGregor, sir John M., 73, 74.

McGregor, license, 61.

MacGowther, Alex., 73.

MacIntosh, Mr., letters of, 73.

McIntosh, Mcintosh, 54 bis, 58 ter.

McInuir, 56.

Mackay, Macay, MacKay, Macan:

major-general Hugh, 4 bis, 5, 37,

38, 39 bis, 40 ter, 49, 43, 44 quater.

letters of, 39, 40, 41.

Mackays, colonel Robert, 52.

Mackenzie:

C., letter of, 21, 22.

captain Suddey, or Suddie, 13 bis,

17 bis.

sir George, viscount Tarbat, letter of,

55.

McKenzies, the, 69.

Mackerston. See Macedowall and Mac- dowall.

McLean, Anna, letter of, 18.

McLeans, 13.

MacLeod, lord, 75.

McMillan, 20.

McNachtan, 20.

Macpherson (of Ossian fame), James,

5 bis.

Maine:

church of, 99.

of Hastington, east, 114.

West, 154.

See Brounefield. Cranston.

Maisondieu, 171.

Maitland:

brigadeer, 58.

John, 108 bis.

[son of], 36.

of Lethington, James, 106.

Majorbanks, John, 100.

Makston. See Macedowall.

Malcolm:

James, son of the laird of Balbadie, 5.

Michael, letter of, 46.

Malignants, 30 ter.

Malvol, Thomas, 109.

Man, lord of, 111.

Manderston:

Archibald, 121.

John of, 87.

family of, 86.

lands of, 170.

See Home. Mawbristoun.

Marr, Marr, 89 bis, 113.

Alexander master of [1515] 100, 10k.

[son of], 41.

of Edinburgh Castle, 101.

earl of [1604], 25, 35.

[1715], 67 ter, 68, 70 ter.

[172], the Bogenf, 2.

[about 1580], son of the Regent, 2.
Mar—cont.

earl of, his mother Annabella Murray, 2.
— suspensions of poisoning the
fourth earl of Athole, 2.
and Garschiss, John, earl of [1491],
80, 90 bis.
— earldom of, 89.
lands of the earldom of, 80.
March, Merch:
countess of, 85.
— earl of, held the bailiary of Coldingham
abbot, 171.
— earl of. See Albany, Alexander duke of.
—, George of Dunbar, 114, 185.
— earldom of, 88, 91, 109, 114 quarter,
115, 118, 129, 157, 144, 146 bis, 155,
155 bis, 167, 172, 175, 176, 177 bis, 182.
—, steward of the, 97.
Marches:
— the east or eastern, 183 bis.
— the east and west, 155.
towards England, warden of the, 99.
of Scotland, 111.
Marchmont, earl of, Chancellor of Scot-
tland, letter of, 56.
— Maremaid frigget, the. See Mermaid.
Margaret, queen, 178.
Marieshall:
— William, lord Keith, master of, 107.
See Marshall.
Marishall, countess of, 102.
— George earl, 108 bis.
— William earl, 108.
Marlborough, Marlebrugh, duke of, 63, 66.
— Sarah, duchess of, letter of, 90.
Mary, papal dispensation to, 78.
Marshall, earl of, 70.
See Marischal.
Martin, Mr. John, 64.
V., pope, 122, 123.
Mary, queen, and king William, 45.
— funeral procession of, 48.
— queen of England, 12, 179, 184.
or Marie, queen of Scots, 2 bis, 98,
99, 150, 152, 179, 183 ter, 184 bis.
—, letter from, 9.
— the queen dowager, 98.
— quee dowriar of Scotland, 94.
— quee dowriar of Scotland, con-
tract with Alex. lord Home, 96.
and Francis, dauphin and dauphiness
of Vienne, 99.
— princess, 34.
— princess, her marriage with the
— prince of Orange, 4, 54 passim.
Mason, James, 166.
Matheson, William, 178.
Matrimony, contract of, 89.
Mavis. See Gray.
Maw, lands of, 114, 158, 159 bis.
and others in Fife, lands of, 158.
See Maw.
Mawdriston:
— George of, 158.
— John of, 158.
— William of, 158.
Mawdriston, Janet of, 158.
Mawdiston now Manderston, 158 ter.
Mawes, lands and barony of, 160.
in Perthshire, lands of, 160.
See Maw.
Mawis. See Gray.
Maxai, 151.
Maxwell, David, 176.
— John, lord, 184.
—, laird of Nether Pollok, 166.
Robert, lord, 124.
of Akinhead, William, 166.
of Calderwood, sir James, 164 bis.
of Finlawston, George, 166.
Mayor, Rust—colonel John, 117.
Mayr, Henricus, 177.
Megmar. See Gordon.
Meikledale, 184.
Meirdean. See Hately.
Meldrum, Andrew, master of Torphichen,
83, 107, 176.
See Seton.
Melfort, earl of, letter of, 35 bis.
Mellerstains, Mellerstanes, 85, 98 bis, 186,
137, 160 bis.
See Hately.
Mellostaines, lands in, 118.
Melrose, abbey of, 146.
— abbey church of, 144.
Melville, earl, 13, 52.
Menmuir, vicarof, Alexander Moncrieff,147.
Menneim, 63.
Menteith of Kerse, sir William, 147.
See Albany.
Monziez, Duncan, 41.
— lieutenant Duncan, 13.
major, 45.
Mercer, Mr., 73.
Merch. See March.
Mermaid frigget, Maremade, the, 17, 18.
Mesre, the, 155, 179, 180 ter, 188 bis.
Merstington, 120, 130, 183 bis, 155.
See Ker.
Mertseynne, Elisabeth, 183.
Merton, 119.
See Halliburton.
Methven, Henry lord, 140.
Michael, John of St., 121.
Michelson, Simon, 109.
Mibachiels, lands of, 146 bis, 147 bis, 148
bis, 162.
Milan, Millais, the governor of, 58.
Miltia, the, 56.
Millar:
— John, 139.
— Thomas, 139.
Milltown, 160.
Ministers, indolgied, 12.
Minorities of Jedburgh, 151.
Minto, 129, 141.
See Turnbull.
Miristlesmuir, lands of, 98.
Modena, Mary of. See York.
Moffet, John, 177.
Moll, John, 178.
Moncrieff:
— Alexander, vicar of Menmuir, 147.
—, letter of, 51.
M군

Monipensy, Sir William, 155.
Monmouth, Munmouth, duke of, 4, 16, 18, 19.
Moarnmouth's rising, 13.
Mouro, Dr., 50.
Mouro's, the, 69.
Mous, 53 bis.
Mont, of, men of, 67.
Montgomery, Moggumur: lord, 106. Hugh, 150.
Thomas, 166.
of Thornton, the late Hugh, 166 bis.
—, John, 148, 166 quater.
Montrose, or Montroies : bond by, 3.
arl of, letter to, 25.
—, 3, 25.
—, with Scottish army, 3.
marquis of, 33.
duke of, 7, 56, 68.
William earl of, his son Patrick
Grahame, 98.
Monynett, 166.
Morar. See McDonell.
Moravia: Gilbert de, archdeacon of Moray, 1.
John and Richard de, 1.
See Tulibardine.
Moray: archdeacon of, Gilbert de Moravia.
—, James Allerdice, 158.
countess of, 108.
John elect of, 114.
of Bothwell, 146.
of Ochtertyre. See Murray of Ochtertyre.
province of, 1.
Mordington, lands of, 178.
Morganstown, 160.
Morham, Morham, 90.
Moriston, Moriston: lands of, 145.
See Cranston.
Morray: Jo., 33.
See Murray.
Morteleuch, 154.
Morton, Morstoun, James Douglas earl of,
regent of Scotland, 81 ter, 100 ter, 109, 108.
See Douglas of Lockleaven.
Moscoie, the castr of, 54.
Mosscauld, 134.
Mosspezie, 134.
Moulin, 43.
parish of, 5.
Mount, the. See Lindsay.
Mudwalks. lands called, 119.
Mudy, William, vicar of Cargill, 176.
Muirlech. See Lauder.
Muirhouse, lands of, 154.
Mull, 17.
Multraroe in Brochtoun, Richard, 97.
Munster, treaty of, 59.
Murrill. See Sinclair.
Murray—cont.

lord James—cont.

—, joined the Jacobites, 4.
—, took part in the rising along with Dundee, 6.
—, free pardon to, 48.
—, got Blair castle preserved, 44.
—, with much ado saved the house at Dunkeld, 44.
—, motive which engaged him to join, 44.
—, those of Atholl, who were with Canan, deserted him, 44.
—, letter to lord Murray from, 41.
—, letter from lord John Murray to, 48.

lord James, second duke of Athole.

See Athole.

John, 178.

or Murray, Jo., letter to the laird of Belachan from, 38.

John, brother of Ochtertyre, letter from Alex. McDonell, brother of Glencoe, to, 50.

lord John. See Athole [first duke of].

lady Katherine, letter from her brother James earl of Arran to, 35.

—, See Athole [first duke of].

lord Mungo, seizure by the Frasers of Beaumont, 53, 56.

Robert, letter to the Marquis of Athole from, 38.

William, 154.

—, sheriff deputy of Berwick, 157.

lord William [son of the first marquis of Athole], 17.

cornet, 64.

the young master of, 48.

of Salvair, Andrew, 101.

of Cranstoun, John, 89.

of Dollyar, Patrick, letter to lord Murray from, 48.

—, —, letters to the earl of Tullibardine from, 56 bis.

do Oswally, lord James, 6 passim, 41.

do Uralhill, Patrick, 141.

—, —, his son John Murray, 143.

do Fawayhill, James, 179.

or Murray, of Ochtertyre, letter to lord Murray from, 48.

—, —, his brother, Mr. John Murray, 50.

do Tullibardine, sir John, contact between him and the duke of Lennox, 9.

—, William, 111, 127, 144.

—, sir William, steward of Strathern, 1 bis, 8 bis.

—, king’s forester and coroner, 8.

Pittendreich in, 103.

James Stewart, earl of, the regent, 2, 9, 81, 99 bis, 111, 116, 129, 161, 169.

See Athole passim.

Murroes, church of, 99.

Mylarieg. See Ker.

Myron, Thomas, dean of Glasgow, 172.

Myrtoun. See Haliburton. Marton.

Nairn, 74.

sheridom of, 89.

Nairne, lady, 71.

—, her daughter, 73.

lord, 70.

—, his son, 70.

Namur, 48, 49.

Naper (lord), 26.

Napier:

Clara, 159.

Mark, 5.

and Etrick, lord, 84.

Nasmyth, James, surgeon to the king, 120.

of Posso, James, 120.

Nassau, Coutt Maurice of, 80.

Naughton. See Hay.

Naughtonne, laird of, 82.

Nenthorne, lands in, 112.

Nesbit, Robert, 127.

Robertus de, et Margareta uxor sua, 124.

See Nisbet.

Nether Crago or Craigow:

See Crago.

Nether Pollok. See Maxwell.

Netherlands, New, 32.

Neuill, Mry., 29.

New, rector of, Andrew Young, 176.

Newbigging. See Alane.

Newbod, Adam, 173.

New Caledonia, account of disaster at, 59.

Newcastle, 25.

Newgrand. See Whitelaw.

Newhall, 161.

See Scott.

Newmarket, 11.

Newmore, 69.

Newton, Newton, 110 bis, 119.

Alexander of, 121.

James, rector of Bedrule, 121.

See Dickson, Grymilaw.

Nicholson, Duncauns illus, 175.

Nicholas, Nicolas, Nicholas V., pope, 79, 127, 185 bis.

Nicholas’ kirk in Home, St, 89.


Niddrymurechell. See Wauchope.

Nimegus, 54.

Ninehulls, main of, 115.

See Home.

Nisbet, Adam, 121, 135.

James, 169.

Patrick, 166.

William, 115, 161, 162.

depositions of, 5.

east, 86, 161 bis.

—, the laird of, 86.

—, See Chirnside.
Nisbet—cont.
Nether, 151.
Over, 151.
in Upsellington, George, 169.
West, laird of, 115.
in West Nisbet, George, 169.
See Neish.
Nivelle, 92.
Normandy, 29.
North, the, 69.
Northfield, 164.

Northrig. See Seton.
Northumberland, 179.

earl of, 171, 183, 184.
———, his commission, 25.
Norton, colonel, 30.
Nottingham, Nottingham, earl of, 68.
———, joint secretary, 36.
———, letter of, 68.

Nudymerschal. See Wanchope.

O.

Ochiltree, Andrew Lord Stewart of, 101.
Ochtertyre. See Moray. Murray.
 Ogill, Esmond, 198.
 See Ogle.

Ogilvy, Ogilvie:

David, 110.

James lord, 101.

John Ogilvy son of David, 110.

Thomas, provost of the church of Dunglass, 169.

Walter of, 87.

of Airlie, James, 111, 118.

of Auchleven, Walter, 185, 138, 139.

———, William, 148.

of Boyne, Walter, 136, 187.

of Drumketh, James, 135.

of Findlater, James, 139, 148.

of Fingask, John, 90, 135.

of Inchmartin, Patrick, 190 bis.

of Tollmache, David, 199.

the glen of, 5.

Ogle of Pople, James, 121.

See Ogill.

Ogill, James, 165.

Oliphant, captain, 14.

Laurence, lord, 111, 118.

———, master of, 82.

William, 13.

Orange, prince of, 4, 29 bis, 34, 36 quater.

———, his marriage with the princess Mary, 54 passim.

Ore, Thomas, 14.

Orkney, 16.

Andrew Honyman, bishop of, letter of, 32.

George Hamilton, earl of, letter of, 62.

———, Charles and Archibald his brothers, 63.

Orkney—cont.


gentlemen, 21.

prisoners from, 21.

Ormiston, Andrew, 191.

Osborne, depositions of, 5.

Ostend, 68 bis.

O'Sullivan, Mr., 74.

Ottar, 19.

Ottiburn, Alexander, 177.

Gilbert, 177.

John, archbishop of the collegiate church of Dunbar, 196.

Johannes, archidiaconus Candida Case, 177.

Ouverkirk. See Overkirk.

Ower Chatto. See Chatto.

Ower Craigle. See Craigle.

Owerkirk, Ouverkirk, Monar, 53, 68.

Overmains. See Dickson.

Owspeidwartoun. See Upsellington.

Oxengange. See Craufurd.

Oxford, Oxford:

earl of, 66.

Bodleian library at, 5.

house burned in, 29.

Oywel, d'. See D'Oywel.

P.

Pagett, lord, 30.

Paisley, George abbot of, 134.

Palmer:

Giles, 129.

Richard, 140.

Panbride, church of, 99.

Papias, 65.

Pardovan. See Adamson.

Paris, 29, 74.

Scots College at, 74.

Park, James of, 109.

Parker, James of, 107, 109.

Parks mains, 115.

Parliament:

the, 29, 30.

Scottish, 52.

Paselaye, 29 bis.

Paterson, William, 139.

Paul II, pope, bull anent the possession of the college kirk of Dunglass, 185.

Pentland Hills, camp at, 81.

Pepdye, 192.

———, Nicholas, wife of sir Thomas Home, 77, 124.

Perey, Henry, 171.

Perth or Perth, 3, 5, 10, 25, 37, 40, 44,

64, 67 bis, 65, 70 bis, 98, 99, 179.

earl of, 4, 33.

James earl of, Chancellor, letter of, 36.

earl of, his escape, 36.

lord Chancellor, 14 bis.

earls of, 2.
Perth—cont.
capercailzie in, 2.
convent of the Charterhouse beside, 164.
prior and monastery of Carthusians in,
magistrates of, letter of, 67.
provost of, letter to, 66.
retreat of the rebels by, 72.
sheriff of, 1.
——, Malcolm, 1.
sheriffdom of, 98, 160.
Perthshire, Perthshire, 68, 160.
gentlemen, 95.
See Forgandenny.
Petoorthy, See Strang.
Petcur. See Gray. Fitcur.
Peter the Great, 54.
Petkindy. See Boyd.
Philston, 118 bis, 119 ter.
Piacadilly, Leas coffee house in, 50.
Pigercoll, 53 bis.
Plumuir, 154.
Pincarton, Pincarton. See Home.
Pinkartou, rector de, 177.
Pinkerton, 124.
Pinkle, battle of, 80, 94.
Piperden, Pipersden, 109 bis, 171.
Piperland, 157.
Piteruvie. See Lindsay.
Pitour, 6, 39 bis, 41.
See Hallburton. Petour.
Pitochry, 40.
Pitendrigh, 108.
Pitlleshurch. See Brounfield.
Pius, pope:
bull of indulgence to the kirk of Dunglass, 185.
bull uniting the vicarage, &c. of Edrom to the church of Dunglass, 185.
Plague, danger of the, 29.
Pliewland, 144, 151.
See Hately.
Pluscardin, G., prior of, 181.
Poland, 75.
Pollart. See Home.
Pollock, Nuther. See Maxwell.
Polvart, 32.
Polvirth. See Home.
Powlworth, Richardus de, 174.
Pont Esperies, 53.
Poplic. See Ogle.
Portland, earl, 52.
Portnellan, 65.
Posso. See Naameth.
Powis, the. See Crichton.
Prendergast. See Home.
Presbytery, the, 65 bis.
Preston, Preston, 70, 175 ter, 180, 181.
Alexander, Doctor of Medicine, 2.
Jean, spouse of James Fairbairn, 118.
John, sheriff, 97.
——, 164 bis.
William, 127.
Prentender, the, 72, 75 bis.
Henry [his son], 75.
letters from the, 75.
See Prince.
Reidloch, 169.
Reidpath. See Redpath.
Remitton. See Hamilton.
Renfrew, 14, 152, 166. builiary of, 159.
sheriff of, 166.
sheriffdom of, 105.
See Baronfrew.
Rentthrou lairts taken, 22.
Renton of Billie. See Renton.
Requests, Requysters, court of, 33.
Rescobie, barony of, 110 biz.
Response Book, 149.
Restalrig, John Fraser dean of, 154. See Logan.
Restennet, lands of, 152.
lordship of, 159.
with lock and cel-ark, the mains lands of, 151.
the mains of, 153.
the parish of, 153.
teindsheaves of the mains and lands of, 153.
writes relating to the lands and mains of, 152.
privity, temporalities of, 152.
See Jedburgh.
Rhaize, the, 52 biz.
Rhymer's tower, 83.
Richardson, Charles, 139.
Cristal, 189.
David, 159.
Elizabeth, 139.
Henry, 159.
Robert, 179.
Stephen, 139.
Ridaway's croft, 143.
Riddell, Robert, 144.
Walter, 144.
of Whitton, John, 178.
Ridpath, Geo., letter of, 50.
See Redpath.
Right, Act relating to the claim of, 60.
Rising Sun, the [ship named the], 59.
Robert III., king of Scots, 165.
Robert, Ricardus, 177.
Robertson, Roberstson, Rotsone, 40.
Do., letter of, 37.
John, 104.
or Rotsone, Leonard, letter of, 42.
Robert, 42.
E., letter of, 72.
men, Struwan, 70.
Strawon, 41.
of Blaettounne, John, letter to, 38.
- - - , letter to, 38.
of Strawon, A., letter of, 32.
- - - , Alexander, letter to, 37.
Robertsons in Atholl, 37.
Robertson, 158.
Robeson, Alexander, 139.
Robison, Alexander, 142.
Robinson, Patrick, 109.
Rob Roy. See Campbell, Robert.
Robson, Paton, 166.  
William, 166.  
Rochester, earl of, 63.  
Rogers, faire Mrs., 29.  
Rogerslaw, lands of, 154.  
Rollo, lord, 54.  
Hepburn.  
Rollo, lord, 54.  
the master of, 54.  
lady, 54, 64.  
Rome, 75, 128, 170, 185.  
St. Peters, 128.  
the court of, 130.  
Ross, Hugh, the elder, of Kilravock,  
letter of, 69.  
—, the younger, of Kilravock,  
letter of, 69.  
Roseneth, 21.  
Rose, John, 118.  
general, 71.  
lord, 32 bis, 70.  
of Drumgarland, William, 117.  
of Kilravock, letter to, 69.  
James Ramsey, bishop of; letter of, 51.  
William, elect of, 156.  
eardom of, 89.  
Rosses, the, 69.  
Rose, mill at, 59.  
Rosse.  
See Lindsay.  
Roseth, Roseth, earl of, 65 bis, 66 quater.  
Andrew, earl of, 101.  
Rothiemay.  
See Abernethy.  
Rothven.  
See Crichton.  
Rotsone.  
See Robertson.  
Roumburn.  
See Rauchburn.  
Roule, James, 121.  
Roulle, George, 115.  
Roumlar, 63 bis.  
Routiege, David, 118.  
Rowcastle, 151.  
Roxburgh, Roxbrough, earl of, 61, 66.  
—, at the point of death (1696), 52.  
Robert, earl of, 170 bis.  
earl of.  
See Drummond.  
Robert, lord of, 141 bis.  
Roxburgh Castle, 167.  
county of, 121, 151, 163, 178.  
sheriff of, 97, 100, 148 bis, 165, 178.  
—, Archibald Douglas, 120.  
sheriffdom of, 97, 110, 113, 121, 141 bis, 143 quater, 144 bis, 145 ter, 146, 147 ter, 151, 163 bis, 164 bis, 165, 175, 178, 179, 182, 183 bis.  
Roxburghshire, 80, 83, 84, 122, 132, 148.  
Roy, countess du, 62.  
Roy, Rob.  
See Campbell, Robert.  
Royal letter, 8 bis.  
Royston, 59.  
Rumball, Mr., 22.  
Rupert, prince, 30.  
Rutherford, Ruthirfurd, the family of, 78, 79.  
Andrew, minister at Eccles, 132, 138 bis.  
Sir Archibald, 92.  
David, 104.  
George, son of John Rutherford of Hundalee, 179.  
Rutherford—cont.  
John [1552], 119.  
James of [1486], 109.  
— [1468], 121 bis.  
—, [1488], 163.  
Nicholas, 121.  
Nicholas de, 121.  
Richard, 120.  
Robert, 151.  
Thomas [1166], 29, 178.  
of Chatto, Robert, 191.  
of Hundalee, Andrew, 100.  
of Hundalee, John, 92, 179.  
—, his son, 179.  
of Hunthill, George, 92 bis.  
—, John, 100.  
Ruthven, Beatrice, wife of sir James Home, 120 bis.  
Dorothee and Lelias, 81, 103.  
Patrick lord, 154 bis.  
—, his daughters Lelias and Dorothy, 81, 103.  
—, treasurer of Scotland, 101.  
of Saldane, William, 101.  
in Badenoch, 74.  
See Crichton.  
Gowrie.  
Ruthven David.  
See Crichton.  
Ruthven David.  
See Crichton.  
Rymneltonlaw.  
See Home.  
Ryewick, Reyswick, the pleiopotentaries at, 53.  
treaty of, 54.  
S.  
Sabine, general, 71.  
Salisbury, the king near, 29.  
Doctor Burnet, bishop of, 36.  
Salman, Simon, 155.  
Saltcoats.  
See Edington.  
Saltone, lord Fraser of, 57.  
Saltoun, lord, 55, 56.  
—, Simon Fraser's account of the  
seizure of, 56 et seq.  
Sambre, Samber, the, 49 bis, 53.  
Samelson.  
See Samelson.  
Samleston.  
See Samelson.  
Samanston, David, 139.  
John, his widow, 139.  
Samson, Bartholomew, 165.  
Samelson, Samelson, Samelson, Samelson:  
lands of, 80, 88 bis, 101, 121, 161 ter, 163 passim.  
Leases near, 156.  
lady of.  
See Hamilton.  
Ker.  
Sanderson, Peter, 104.  
Sym, 147.  
Sanquhar, rebels at, 14.  
See Crichton.
Scotland—cont.

people should be enlisted to serve in,
72.
order of St. John of Jerusalem in.
See Torphichen.
progress of the prince through, 74.
the rebellion in, 72.
regiments going to, 37.

Scots, Scottish, 80.

Francis and Mary, king and queen of,
99.

Mary queen of. See Mary, &c.
Robert III., king of, 165.
army, 30, 31.
border, invasion of, 171.
college at Paris, 74.
lords, 59.
matters, 59.
officers, 52, 76.
Parliament, 58, 71.
regiment, 93.
the royal, 48.

Scott, the [family of], 84.
Adam, brother of Robert Scott of
Allanhaugh, 142.
—, brother of Simon Scott of
Fenwick, 145.
Alexander, son of Walter Scott of
Kirkurd and Buccleuch, 85.
—, his sons Walter and Adam,
85.
—, canon of Aberdeen, 156.
David and John, brothers of Walter
Scott of Chamberlain Newton,
148.

J., 96.
John, 147, 178, 182.
—, brother of Walter Scott of
Chamberlain Newton, 148.
Robert, son of Walter Scott of That-
law, 106 bis.
Simon, 147.
William, 113.
—, son of William Scott of Harden,
146.
of Abington or Abbenton, Alexander,
84 bis, 146 bis.
of Abington and Howpsalcy, Alex-
ander, 85.
of Allanhaugh, Robert, 142.
of Balwery, William, 91.
of Birkenside, sir Walter, 85, 147,
148.
—, his son Walter Scott, 85, 148.
of Buccleuch, the, 147.
—, David, 85.
—, Walter, 85.
of Burnfoot, Walter, 133.
—, Robert Scott, his son, 133.
of Chamberlain Newton, Walter,
148.
of Fenwick, Symon, 145.
of Flawang, William, 147.
of Harden, William, 146 bis.
— William Scott his son, 145,
146.
of Headshaw, Robert, 107 bis.

Q
Scott—cont.

of Howpastley or Howpastlet, the, 84, 85 bis.
—, papers relating to, 146 et seq.
—, Alexander, 146, 182.
—, Janet, 85 bis, 147 ter.
—, Robert, 85 ter, 147 ter, 149.
—, his wife, Isabella Murray, 85.
—, Walter, 85, 147 quater, 182.
—, his daughter Janet Scott, 85, 147.
—, sir Walter, the younger, 147 bis, 148.
of Kirkurd and Buecleuch, Walter, 85.
of Newhall, Adam, 143.
of Thriskaw, Robert, 182.
of Thirlestane, sir Robert, 133 passim.
—, John Scott, his son, 133.
[the Tinnie], James, 167.
of Todrig, William, 144 bis.
—, Walter Scott, his son, 144.
of Tushlaw, Walter, 166 passim.
—, Robert, his son, 166.
baron of Wilton, John, 79, 143 ter.
See Wilton.

Scrimgeour:
of Balnibhie, James, 99.
James, constable of Dunoon, 98.
Seaford, earl of, 55 ter, 56 passim, 69.
Seaford's men, 70.

Seal:
record of the great, 123.
register of the great, 92, 111 bis, 118,
114, 115 bis, 122, 126, 127 bis, 134,
141, 144, 156, 158, 162, 165, 167,
168, 175, 182 bis.

Sectaries, Secktuaries, 31.
treachery, 31.
security, act of, 63.

Segie:
(in Kinross), barony of, 101, 159.
See Thomson.
Seton, Lord, 9.
See Seton.
Skelkirk, 97.
lord, 48, 49.
shireifdom of, 106, 133, 145, 166,
167 bis.
Selnyland. See Knox.
Sempill, John lord, 118.
See Sympill.

Session:
lords of, 129, 147, 150, 165.
masters of the court of, 100.
See Council.
Seton, Seiton, Seyton :
Alexander, 88 passim, 89 ter, 139.
—, his mother Giles Hay, 88, 89
bis.
—, brother of John Seton of Tullibody, 554.
—, knight, 178.
James, son of the late James Seton
of Tullibody, 154.
John, 144.
William, 144.

Seton—cont.
of Maldrum, Alexander, 135.
of Northrig, Thomas, 131.
of Tullibody, Alexander, 134 bis, 136
bis, 137, 138.
—, James, 101.
—, John, 154.
—, his brother Alexander
Seton, 154.
Lord, 9.

Sharp, sir William, 51.
Sharpe, James, archbishop of St. Andrew's,
32.
Shaw, Helen, wife of sir Patrick Home,
172, 176 bis.
See Schaw.

Sheriffmoor, 70.
Shiel—law. See Stewart.
Shiells, 104, 129.
Neither, 154.
Over, 154.
Wester, 165.
Ships, the king's, 19.
Siomberg, marshal, 35.
Shorewood. See Brechin.
Short:
John, 128.
in Belllaw, John, 157.
Shrewsbury, Shrewsbury, earl of, 36.
Silesia, 75.
Simprin, lands of, 106 bis.
Simpson:
Thomas, 140.
William, 166.

Sinclair, Synclar:
Alexander, 157.
Elizabeth, spouse of Nicholas Purves,
119 bis.
Henry lord, 101.
James, 157.
Janet, of Eccles priory, 129.
—, relict of John Halliburton of
Merton, 170.
John, 161.
—, lord, 170.
—, sheriff, 97.
—, son of James Sinclair of Mur-
kill, 120.
Marion, spouse of George Ker of
Samuelston, 86, 156.
Patrick, rector of Aldhampstocks,
126.

Thomas, 98.
—in Dirleton, John, 142.
of Dryden, Edward, 97.
of Gosford, John, 160.
of Herdmaston or Herdemston, John
[1546–1551], 97, 157, 158 ter.
—, [1450], 146.
—, superior of Friariness
[1501], 156.
—, William, 157 passim.
in Morhame, William, 90.
of Murklin, James, 120.
—, his son John Sinclair, 120.

Sinlaws, Sydneyslaws, 151, 179.
See Home.
Stearne, conte de, 30.
Stell:
Edward, 192 bis.
Henry, 139.
Margaret, 139.
Stenton, 6, 164 bis.
See Stewart.
Stenton's letter endorsed, 41.
Sterling. See Stirling.
Stewart. See Stuart. Stewart.
Stevenson in Chanabank, Robert, 181.
Stewart or Stuart:
Mr., 7.
captain, 21.
Alexander, brother of old Ballachan, 43, 44.
——, 122.
Andrew, 122.
Archibald, letter of, 18.
——, provost of Edinburgh, 100.
lady Agnes, daughter of the earl of Buchan, 80.
lady Dorothy, 2.
J., letter of, 49.
James [earl of Buchan]. See Buchan.
sir James, lord Advocate, letter of, 55.
James, commissary of Kelso, 112.
——, his father, 112.
John, commissary of Coldingham, 184.
—— earl of Athole, 2.
Margaret, 80, 94.
Matthew, son of the earl of Lennox, 111.
Robert, account of the battle of Culloden, 72.
Robert lord, 101.
Thomas, 6.
William, 144.
of Ardverich, James letter of, 46, 51.
of Auchterhouse, James, son of queen Joanna Beaufort, and afterwards earl of Buchan, 83 ter.
——, at the battle of Sauche, 83.
of Ballechen [Belachen, Ballacham, Ballacham, Buchan], Patrick, or “Old Ballacham,” 19 bis, 38, 43.
——, letters of, 15, 39, 40.
——, letters to, 19, 20, 23, 33.
——, his men, 20.
——, his son, 75.
——, major-general H. Mackay's threats against, 39.
——, free pardon offered to, 43.
of Dalwinton, 84.
Alexander, 84.
——, William, 129.
——, ——, Elizabeth, his wife, 129.
lord of Durisdeer, David, 158.
of Kinrorie, James, letter of, 42.
sir James, the black knight of Lora, 83.
of Ochiltree, Andrew lord, 101.
of Shiellaw, Alexander, 167.
of Stenton near Dunkeld, Thomas, letter of, 41.
——, mister, 43 bis.
Stewart—cont.
of Traquair, John, 167.

Stewartry:
courts of, 177.
office of, 97.

Stiran, conte de, commissary-general, 29.

Stirkshaw. See Scot.

Stirling, Katherine, 179.
her son John Hume, 179.

Stirling, Sterling, Sterlings, Striueling, 2, 15, 20 bis, 39, 67 bis, 115 bis, 137, 162, 183.
camp at, 67.
castle, 9, 47, 101, 176 bis.
commander of the forces at, letter to, 67.

the pass at, 67.
news from, 31.
shepherd, 98, 137, 169.

Stirlingshire, 84, 101, 132.

Stobhall, 132 bis.

Stobbs. See Elliot.

Stokhall, laird of, 89.

Stodrig. See M'Dowall.

Stormont, lord, 63.

Stormouth [lord], 98.

Stornoway, 55.

Stottenclenuch. See Wauchop.

Stouley, 178 bis.

Stowialoe, Stowiolae, lands of, 97 bis, 143 ter, 144.

Strabrok, John, 123.

Strafford. See Wentworth.

Strang:
of Balcasey, John, 152.
of Petworth, Walter, 159 ter.

Strathallan, lord, 35.

men of, 67.

Strathbrough, Robert, bishop of Caithness, 79, 183.

Strathdon, 89.

Strathern, earls of, 1.

steward or seneschal of the earldom of, 1, 8.

Stewart of, 1 ter, 8.

— Ada, daughter of Malise, seneschal of, 1.

Stewarts of, 1.

stewary of, 1.

See Murray.

Strathfillan, 18, 19.

Strathlock. See Robertson.

Strathmore, lord, 51.

—, letter of, 51.

Strathmores, 70.

Strathord, lord, letter to, 32.

—, men of, 33.

Strathurd. See Creighton.

Straton, Henry, 176.

Striueling. See Stirling

Strowan. See Strowan.

Strown, lands of, 37 bis.

Strowan, Strown, 38.

See Robertson.

Stuart or Steuart, memorie of Charles, 133.

house of, 75.

of Stenton, mister, 43 bis.

See Stewart.

Suet, one, 32.

Sundon, 154.

Suthock, rector de, 177.

Sutherland, earl of, 69 ter, 70.

—, letter to, 68.

—, letter of, 69.

—, bearer of letter to, 70.

earls of, 1.

Sutor, Johannes, 173.


See Home.

Swanston, William, 140.

Swinside, Swynside, 78, 121 bis.

Swinton, sir John, 145.

Nicholas, bailie of Haddington, 160.

Swissa in the king's pay, 71.

Swynside. See Swinside.

Swynset, 110, 121 bis, 165 passim.

Syderarf, Alexander, 98.

Sympill, William, 166 bis.

See Sempill.

Sycnlar. See Sinclair.

Syndlaws, Sinclair, 151, 179.

See Home.

T.

Tait, Tayt, Andrew, 127, 176.

William, 167.

templar land belonging to, 176.

Talbot, captain, 17.

Tallard, count, 53.

Marshall, 62.

Tantallon or Tantallan, 171, 175.

Tarbat, Tarbet, 16, 18, 20 ter.

[George] viscount, 7 bis, 14 bis.

—, letters of, 55, 58.

—, draft letter, 15.

Scots, 59.

See Mackenzie.

Tarbet, shire of, 8, 12, 15.

Tay, the, 44, 67.

lock, 67.

passes of, 74.

Tayt. See Tait.

Teinds, 185.

of crop and fishing, 116.

of Lauder, 154.


of Lauder, 154.

held of the abbacy of Dryburgh, 154.

Temphill in Yester, Patrick, 143.

Templand. See Haddington.

Tenningham. See Home.

Termagant, 10.

Touchfrenale. See Touch-Fraser.
Teviotdale, Teasedale, 180 bis, 183. archdeacon of, Patrick of Home, 176.
Theatrum Scotie, 58.
Thirlstone, Thirlstone, John, lord Chancellor, 119 bis.
[lands of], 154.
lord. See Maitland. Scott.
Thomson, Mr., 69.
Alexander, 159.
David, 159.
James, 92.
Watt, 159.
in Segie, Robert, 159.
Thorndean. See Hepburn.
Thornside, David, 168.
Thornton, 130.
lands of, 93, 105, 166.
Nether, lands of, 166.
Over, lands of, 166.
write relating to, 86.
See Montgomery.
Thornydikes. See French.
Thoscoat. See Turnbull.
Three Fountains. See Trefonstantis.
Tineis, Tennes, in Yarrow, writes relating to, 86.
forest of, 166, 167.
in Yarrow, lands of, 166, 167 bis.
Tochruc, Thomas, 176.
Ted, Thomas, 123.
Tedrig, lands of, 119, 132, 139, 168.
See Scott.
Tofts. See Douglas.
Tolbooth, Tolbooth, the, 32, 46.
Tollmade. See Ogilvy.
Toyes, the, 62.
Turnbull. See Turnbull.
Torona, 134.
Torphichen, 142.
master or preceptor of, friar Andrew Meldrum, 82, 107, 176.
preceptor of, Walter, lord of St. John, 142.
the order of St. John of Jerusalem of, 107, 176.
Torry. See Wardlaw.
Toorwoodlee. See Hoppringle.
Touch-Frasier, Touchfresals, lands of, 88
passim, 89, 137 bis.
Tournay, 63 bis.
Tower, Tour, the, 36.
Towers of Inverleith, William, 107.
Trabroun, lands of, 154.
See Heriot.
Trail, Michael, 156.
Traquair, earl of, lord Treasurer of Scotland, 10, 26.
See Stewart.
Treasury, the, 51.
lords of the, 45.
Trefonstantis, or Three Fountains, lands of, 79, 127.
Trottar, Trotter, John [1468], 121.
[1555], 140.
George, 115.
Raffe, 92.
Trottar—cont.
Robert, 92.
in Fulschotlaw, Thomas, 157, 158.
Prontounen, George, 157, 158.
Tullibody. See Tullibody.
Tullbole. See Hering.
Tullach, 86.
Tullibardine, the Murrays, earls of:
William de Moravia, first lord of, 1.
Ada, his wife, 1.
the Murrays, earls of Tullibardine, descended from, 1.
the marquises and dukes of Athole, descended from, 1.
Murray, second earl of, 9, 10.
marrried lady Dorothy Stewart, 3.
petitioned that the title of earl of Athole might be bestowed on
him, 2.
his son, John Murray, first earl of Athole, 2, 3.
See Athole.
letter signed V. D., date 16 Oct 1644, to, 29.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Yarrow, lands of, 166, 167 bis.
letter from king James VI. to, 2, 10.
warrant for his pension, 10.
countess of, 3.
Turks, 53, 54.
Turnet, Thomas, 140.
Turnball, Tornbull:
Adam, 175.
George, 178.
Henry, 146.
John, 145.
Paul, 147.
Richard, 121.
Robert, 91.
Thomas, knight, 137.
Walter [1424], 121.
—— [1493-4], 7, 147, 182.
William, 121.
of Bedrule, George, 179 bis.
in Borthwick, John, 142.
of Greenwood, Thomas, 141.
in Hornishill, Andrew, 147.
of Minto, William, 141 ter, 178 bis.
——, lands held of —, 197.
of Thoscoat (Hiscoat), Robert, 145.
Turnbulls, notices of, 84.
Turner, Andrew, 139.
Tushilaw. See Scott.
Tweed, Twedys, the, 180.
fishings upon the water of, 164.
fishings of Halyweill on the water of, 168 bis, 169.
Tweelc frauch, Twizelcrauch, 179, 180.
Two Hoprigs, 165.
Tyningham or Tynyngham, 171, 176.
parish church of, 176.
Tyrrie, Thomas, 105.

U.

Uchtershuse. See Stewart.
Uist or Wist, 18.
Ulstoun, Ulston, lands of, 151.
over mains of, 151.
Union, the, 61 ter.
United Provinces, States-General, letter of, 52.
Universities, commissioners for visiting, 132.
Unthank, 184.
Upsetlington, Upsettingtoun, lands of, 86, 167 et seq.
baron of. See James Hering.
barony of, 168 ter, 169 bis.
parsonage of, 109.
patronage of the church of, 168 bis, 169.
prebend of, 169.
See Benystoun.
Nisbet.
Upsettingtonshill, lands of, 106 bis.
Urwell, lands of, 114, 159.
parish church of, 160.
Ury. See Hay.
Utrecht, 6, 49.

V.

Vaititch, Mr., 32.
Vallanche, David, 110.
Van-der-Lipp, count, 52.
Vandeomont, duke of, 65.
Vaudemont, prince, 58 bis.
Vaus, Alexander, 165.
Thomas, dean of Glasgow, 144.
Vaux de Dirleton, 154.
Veureuil, battle of, 70.
Versailles, 35.
Vienne, Francis and Mary, dauphin and dauphiness of, king and queen of Scots, 99.
Vigoroschalch, lands of, 178.
Villeroy [marshal], 53 quarter.
Vlston, lands of, 151.
mains of, 151.
Vode (Wood), George, 119.
See Wood.

W.

of Barrowfield, Mr., 7, 49, 50.
Wallace, James, 140.
of Johnstone, John, 166.
Waller, sir William, 29, 30.
Walterston. See Young.
Waltham Abbey, 30.
Wantonlaw, 154.
War, committee of, 27 quarter.
council of, 73.
Warlaw, family of, 78, 79.
Nicholas of, 107, 108.
of Torry, Henry, 110 ter, 111, 121.
Wauch, Margaret, 139.
Mariot, 139.
Wauchop of Stotencleuch, Gilbert, 198.
Wauchope, George, 157.
of Niddrymerschell, Gilbert, 101.
of Noudrymerschel, Cuthbert, 97.
See Lindsay.
Wauchton, mains of, 165.
feants of, 165.
See Hepburn.
Wavre, 52.
Wedall: sir Alexander, prior of Lesmahagow, 122.
William, 161.
Wedderate or Wetherall, George, 157, 158.
Wetherall. See Wedderate.
Wetherburn, Wetherburn. See Home.
Wederlee, Wetherlie. See Edgar.
Wetherlie.
Weir, Alexander, 139.
Wellis. See P沃尔玛.
Welsh, to apprehend, 11.
Wemys, David, 108.
Wemald, 182.
Wentworth, lord, earl of Strafford, lord
deputy of Ireland, 24 bis.
Wester Monkrig. See Edgar. Edzar.
Wester Sheepils, lands and mains of, 165.
Westhall. See Hamilton.
West Mains, the, 154.
Westershaw, lands of, 137.
Wetherburn. See Home.
Wetherlie, Weddirlie:
Ricardus de, 175. See Edgar. Home.
Whetham, general, 67.
— letter of, 67.
Whigs, the, 62.
Whitehall, 10, 30, 119, 192.
— chapell at, 29.
Whitekirk, the, 78.
— church of the B. Mary of, 87.
Whitelaw, Whitlaw, Whytlaw:
Archibald, archdeacon of Lothian, 156.
David, 177.
James, 98.
Margaret, 107.
of Newrengro, Alexander, 100.
— Patrick, 103.
— lands of, 154.
Whithorn, monastery of, 144.
— See Candida Casa.
Whitaw. See Whitelaw.
Whitrig, lands of, 119, 190.
— See Home.
Whitslade. See Launder.
Wittoun. See Riddell.
Whytlaw. See Whitelaw.
Widdersh, George, 90.
Wightman, general; letter of, 67.
Wigtoun, Wigtown, Archibald Douglas earl
of, 172, 185.
— See Douglas.
Wigtown, 127, 144.
— shire of, 132.
Wild, Simon, 50.
Willesgroder meadow, 118.
William [III. of England], king, 38, 44,
45, 54, 55.
— queen Mary wife of, letter of,
12.
— the Lion, king, 171 bis, 172, 185
bis.
Wilson, —, 159.
— William, 154.
in Morham, John, 142.
Wilton, barony of, 143 bis, 144, 182.
half barony of, 178.
John Scott baron of, 79, 143 ter.
— See Scott.
Windelaws, Wyndelaws:
— lands of, 108.
Windsor, 60.
castle, 35.
Wist. See Uist.
Wod, Robert, 178.
See Wood.
Wodtheil. See Ker. Woodhead.
Woldenschleuchte, 154.
Wolstruther, Wolfstruther, meadow, 118.
— lands of, 185, 187.
Wolt, the house called the, 86, 155.
Wood, Wode, Wod, Wode:
— Alexander, 140.
— Christian, lady Balcaskey, 152 bis.
David, 147.
George, 119.
Philip, 168.
Robert, 178.
Woodend, 116.
Woodhead, over, lands of, 154.
See Ker.
Wormet. See Hering.
Wran, lands of middle, 154.
Wrangholm. See Pringle.
Wrangomill, lands called, 129.
Windelaws. See Windelaws.
Wynram in Ratho, Robert, 97.
Wynscheliland, 175.

X.

Ximenes, general, 58.

Y.

Yarrow, Tinnies in, 86.
— See Tinnies.
ward of, 166, 167.
Yester [lord], 25.
See Hay, Templehill.
Yle, Philip, 191.
York, duchess of, Mary of Modena, 4.
— letter of, 11.
duke of, 29 bis.
Youl, Alexander, 97.
Young, Andrew, rector of New, 176.
John, 94.
Robert, 151.
Thomas, 151.
of Walterston, William, 109.
Ythe. See Keith.
Yule of Garmilton, Alexander, 150.
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