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THE REGISTER

OF THE

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THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND

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VOL. V.

A.D. 1633–1635.

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HIS MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE DEPUTY CLERK REGISTER OF SCOTLAND.

H.M. GENERAL REGISTER HOUSE,
EDINBURGH.
1904.
INTRODUCTION.

The period covered by the present volume of the Privy Council Register extends from January 1633 to March 1635. The central event of these years was the long-deferred visit of Charles I. to his northern kingdom, which was fraught with such momentous consequences for himself and for his subjects, equally in Scotland and England. The outstanding events in England during the period were the confirmed ascendancy of Laud in the ecclesiastical policy of Charles, the beginnings of Wentworth's policy of "Thorough" in Ireland, and the incipient discontent in connection with the levying of Ship-money. Directly or indirectly all these events had their own bearings on affairs of Church and State in Scotland. The main pre-occupation of Western Europe at large was still the Thirty Years' War, of which the most notable events during our period were the fall of Wallenstein and his assassination in February 1634. Out of its fervent Protestant sympathies Scotland had from the beginning been profoundly interested in a conflict in which it saw the fate of its own religion at stake; it had sent its own contingents to the assistance of the Protestant cause, and both the Privy Council and the nation had warmly responded to the appeals of the Palatinate ministers for charitable aid towards the alleviation of their miseries.

In the Introduction to the preceding volume of the Register, the Council an account was given of the reconstruction of the Council in March 1631. During the period covered by the present volume the Council remained substantially the same body as it was then vol. v.
reconstructed. Certain changes in its personnel have to be noted, however, which are directly connected with Charles's policy both as regards Church and State. At different times the following persons were admitted into the Council:

James, 4th Duke of Lennox,
William, 9th Earl of Errol,
Richard, Earl of Portland, Lord High Treasurer of England,
Thomas, Earl of Arundel and Surrey, Lord Marshal of England,
Philip, Earl of Pembroke and Montgomery, Lord Chamberlain of England,
William, Earl of Salisbury,
James, Earl of Carlisle,
Henry, Earl of Holland,
William Laud, Bishop of London,
Sir Harry Vane, Controller of His Majesty's Household,
Sir John Cooke, Secretary of State for England,
Theophilus, Earl of Suffolk,
John, Earl of Kinghorn,
Thomas, Lord Binning,
John Guthrie, Bishop of Moray,
John Maxwell, Bishop of Ross,
William Forbes, 1st Bishop of Edinburgh,
David Lindsay, 2nd Bishop of Edinburgh,
Sir John Carmichael of that Ilk,
William, Lord Alexander.

The nine Englishmen above named were all appointed Scottish Privy Councillors during Charles's visit. In the reconstructed Council of 1631 only the Earl of Carlisle (a Scot by extraction) had been admitted to the Council, but in adding to the number of English members Charles was only following the example of his father—an example which was also followed by Charles II. The presence of Laud's name is to be noted as bearing on Charles's ecclesiastical policy and explaining Laud's close conversance with Scottish affairs. The addition to the Council of two more Scottish bishops—the bishop of Moray and the bishop of the newly-created See of Edinburgh—may be regarded as further evidence of Charles's policy with reference to the Church of Scotland. More notable in the same reference, however, was the appointment of Archbishop Spottiswoode to the Lord Chancellorship—an office which had not been held by an ecclesiastic since the Reformation.
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In the preceding volume of the Register there were two matters that bulked more largely than any other—the "Association for the Fishing" and the "Burning of Frendraught." Of the first we hear little in the present volume; connected with the second, on the contrary, we find more numerous entries than on any other topic. The tragedy of the "Burning" occasioned an outbreak of disorder in the surrounding country which all the efforts of the Government were unable to suppress. As far as the Council is concerned, it may be said that its main pre-occupation throughout the period was its fruitless endeavour to deal with these "disorders in the North." Next in the number of entries devoted to it is the matter of the King's visit, in connection with which, however, little new light will be found in this volume. We have the record of no grave deliberations on the momentous questions which were exercising the minds of the King and the nation, and which a few years later were to issue in the revolt that gave birth to the National Covenant; nor will there be found any documents that give a new complexion to the important actions or events of the time. Even in the case of the trial of Lord Balmerino, there are but one or two unimportant notes that add nothing to our knowledge of an event which was the occasion of such intense excitement among the various parties who now divided the Scottish people. As will afterwards be seen, the numerous entries regarding the King's visit almost exclusively relate to the external preparations that were made for his reception. The history of the Privy Council since the beginning of the 16th century is the sufficient explanation of this fact. Neither James VI. nor his son took the Council into their confidence in the high matters of Church and State. In concert with a few trusted advisers both kings hatched the schemes which they meant to impose on the country; and the function of the Council was simply to register and enforce these schemes when they were fully ripe. Though the Register throws little light on the secret springs of the royal policy, however, it would be a serious mistake to conclude that it is devoid of historical interest and importance. Questions of policy apart, the Register is in the fullest sense a record of the
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life of the time. There was hardly an interest of the people in all their ranks and degrees which did not receive the attention of the Council and which does not find a place in its records. Manners, customs, trade, commerce, manufactures, standards of feeling and opinion—on all these subjects, all-important for the historical portraiture of any period, its pages supply a mass of information which is to be found in no other source. Only a close examination of the complete record itself can reveal the wealth of vivid detail which it contains, and all that can be essayed in a general introduction is to draw attention to certain classes of facts which are of special importance. For the sake of continuity the same method of selection and arrangement will be followed as in the case of the previous Introductions.

DOMESTIC LEGISLATION.

The Act revoking the grants of Church and Crown lands, which passed the Privy Seal in October 1625, had been the outstanding event of Charles's reign so far as it yet had gone. According to a contemporary, that Act was "the groundstone of all the mischief that followed after, both to this King's government and family." (Balfour, Annales, II., 128). In previous Introductions the history of the Act has been related so far as it is recorded in the pages of the Register. The salient fact in connection with its history was the reluctance and dilatoriness of all parties connected with its administration. The process that was supposed to be going on was the valuation of stock and teind by the sub-commissioners, who were expected to give in their reports to the chief commissioners sitting in Edinburgh. Year followed year, however, and still through the remissness of all the commissioners alike the business dragged slowly on. It was in September 1629 that the "Decreits Arbitral" had been pronounced, and, though we are now at the opening of 1638, the valuation was apparently still far from being an accomplished fact. The evidence of the present volume is to the same effect as that of its predecessors: the lay and ecclesiastical com-
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missioners alike exerted their ingenuity in shirking the odious duty that had been imposed on them. For example, in February 1633, we find no fewer than three urgent exhortations to the chief commissioners to be more attentive to their duties (pp. 29, 32, 35). From the beginning the bishops had been hostile to the Act, and such of them as had been appointed on the Commission had distinguished themselves by the perfunctory discharge of their office. As the Council was held responsible by Charles for the carrying through of the valuations, it was occasionally at its wits' end how to keep the commissioners to their task. "Forsameekle," runs one entry, "as the progresse of the Commissioun for the Surrenders in this approacheing moneth of Marche is lyke to be frustrat and hindered by the absence of some of the clergie who wer entrusted to attend that service, whilk will not onelie be offensive to his Majestie, bot hurtfull to manie of the subjects who look for ane outred and dispatche of thair bussines in that moneth" (p. 32); and the entry proceeds to enjoin the bishops of Argyle, Dunkeld, and Caithness to appear at the next meeting of the Commission "under the pane of rebellioun." It may have been in the Council's despair at the hopelessness of the existing Commission that in July 1633 it created a new Commission, and rigidly fixed the terms of its meeting (p. 124). The new Commission, however, proved to be as remiss as its predecessor: at a sederunt which took place in the following November no fewer than six members failed to appear and had to be threatened with pains and penalties (p. 141). Thus, while the nation was in lively agitation over Charles's ecclesiastical novelties, this slow business of the valuations was widening the breach between him and the greater and lesser barons who had resented the Act of Revocation from the beginning.

In the present volume we find the usual proceedings against Roman Catholics, still existing in considerable numbers in certain parts of the country. Since the energetic action of the Council against Papists in 1629 its efforts appear to have somewhat slackened, either from the success of that action or from a feeling that it had done its utmost to extirpate the dreaded pest. An
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incident that happened at Dumfries, however, called for a
decisive exercise of its authority. In February, 1634, the
Councillors received a “supplication” from the Presbytery of
Dumfries to the following effect. Two dwellers in the Presbytery,
Robert Rig, wright “at the Brigend of Dumfries,” and Elspeth
Maxwell, “callit of Conheth,” had taken upon themselves to get
married by a Papist priest one Sunday night “with candle light
above the brig of Clowden in the fields.” Such an act, urged the
supplicants, must be punished according to the laws of the land,
and they prayed the Council not to fail in its duty. Robert Rig
and Elspeth Maxwell were not the only Papists in their bounds,
and the Presbytery specified certain persons who had been
lodged in the town gaol for the crime of hearing mass, and for
whose future treatment they must look to the Council (pp. 260,
606). In due course all the accused parties, twenty-one in all,
made their appearance before the high tribunal, when the usual
question was put to them. Would they conform to the “religion
presently profest within this kingdome,” and express their con-
trition for their past backsliding? Eight expressed themselves
as “heartilie sorrowfull for the scandall they had given to the
kirk,” and were charged to find lodgings in Edinburgh and to
keep strictly within doors till such time as they were “relieved.”
Seven, on the other hand, refused to deny their faith, and were
consigned to the Tolbooth, there to remain at their own
expense till it should please the Councillors to release them
(p. 292). In Aberdeenshire, also, Papists still continued to hold
their heads high in spite of all the repressive legislation that had
been directed against them. Certain of them who were under
sentence of exile obstinately remained at home, while others who
had been in exile had openly returned without the necessary
licence. The reason for this audacity is not far to seek; in the
Catholic Earl of Huntly they had a patron and protector who, so
far as circumstances would permit, did his utmost to shield all
of his own faith who were in any way dependent on him. It is
ture that the Council held him strictly to account for the enforce-
ment of the laws against Papists, and that at this very period he
was under a summons to appear before it to answer for neglecting
his responsibilities. It is to be noted, however, that whenever
the Council was disposed to take stringent measures against him,
Charles intervened in his favour, as he did on the occasion of the
present summons, and stayed further proceedings against one
whose position and authority it was a matter of policy to
conciliate (p. 53).

A significant fact to which our attention is drawn in the
present volume is the recrudescence of disorder in the “Middle
Shires,” as James VI. was pleased to call the English and Scottish
Border Counties. In 1609 the Earl of Dunbar reported to
James that the Middle Shires were as “lawful, as peaceable, and
as quiet as any part in any civil kingdom in Christianity.” It
was mainly by James's ingenious device of a Joint-Commission of
English and Scots that this happy result had been attained, and,
so long as this Commission lasted, the Borders had remained
in a tolerably satisfactory condition. After James's death, how-
ever, the Commission had lapsed, and it was straightway made
clear that the ancient spirit of the Borders was not dead. By
the year 1628, three years after Charles's succession, the state of
things in these districts had become such as to force itself on the
attention of the Council. The device of King James, which had
proved so effective for the repression of the mischief, naturally
suggested itself to the Councillors, and they recommended to
Charles the resuscitation of the Joint-Commission. In a letter
to the Council, March 1628 (Vol. II., 254, Second Series), Charles
granted the necessary warrant for the appointment of such a
Commission, but for reasons which are not specified the Council
did not take action. In 1635, however, there came such reports
of the condition of the troublesome districts that some strenuous
action was imperative. In the new warrant which Charles sent
down for the appointment of a Commission we have the revelation
of a state of things which recalls the worst days of the Borders.
Such a passage as the following might lead us to believe that
the times of Johnnie Armstrong were revived in all their vigour:
—“diverse malefactors . . . . . combyning thameselfes
togidder and making unlawfull assembleis and conventions
togidder, als weill in places publict as privat, doe daylie goe
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armed and leade about, als well by day as by night, ane armed power to attempt and committ diverse wicked and lewde attempts, contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had and respectively used, by illusing, assaulting, wounding, mayming, and wickedlie killing diverse of our subjects and others, robbing and spoyling of thair goods, and some taking and imprisouning and in prison keeping in extreme hunger and cold even unto death, untill they sall make great and greevous fynes for the redemption of thair persons, and also committing murtheres, manslaughters, burglareis, ravishmentis, robreis, felloneis, waists, beside burning of houseis and barnes full of corne" (pp. 496–7). Another reform of James VI. for the maintenance of good order in his northern kingdom had been the appointment of Justices of Peace, the efficacy of whose functions he had seen exemplified in England. The office had not fallen into abeyance like the Joint-Commission for the Middle Shires, but it is evident that for some years the new system had been but imperfectly administered throughout the country at large. Not only was there an insufficient number of Justices for each shire, but those who held the office were remiss in the discharge of their duty. It was to remedy both of these evils, therefore, that in September 1634 a full complement of Justices was nominated for the whole kingdom, and that the terms of their commission were precisely defined. The Commission exactly followed the Act of 1609 which had created the office; the Justices were to have no concern with the administration of the law, but were to confine themselves to binding over disorderly persons to appear before the Council (pp. 378–391). It was not till the reign of Charles II. (1661) that the Justices received powers to judge in the case of breaches of the peace. Still in connection with the administration of justice we have to note the continued existence of the "Commission of revising the laws." There are several entries under this head (pp. 11, 32, 138, 206, 227, 280), all of which go to show that Charles had a keen personal interest in the work of the Commission, but beyond specifying the names of its members and times and places of
meeting, these entries tell us nothing of any results which had followed from their deliberations.

Of the great enterprise known as the "Association for the Fishing," which was described in the preceding volume of the Register, we do not hear much in the present volume. The scheme, however, had been fairly launched, and the boats belonging to the Association were now busy at work in the Scottish seas. Two impediments to the conduct of their business had arisen, to which the attention of the Council had been directed; contrary to royal proclamation, foreign vessels were frequenting the Western Islands for the purpose of fishing, and, contrary to the terms under which the Association had been formed, its ships were being subjected to exorbitant dues by the "landlords and heritors" of the Islands. With the object of investigating and checking these practices, therefore, the Council granted a commission to Lord Lorne (afterwards the "great" Marquis of Argyle) and the Bishop of the Isles to call the heritors and landlords before them, and, if possible, to come to some mutual understanding. On these persons being duly summoned they made some interesting statements regarding the levying of fishing dues in the Islands. In the time of the herring fishing every boat had to pay for the right of anchorage a barrel of ale or meal (the choice was left to the owner); for every anchor laid on the shore six shillings and eightpence; and for every last of herring caught three pounds in money; while every Saturday's fishing went to the landlord or heritor. In the case of the Association boats, the parties alleged that they had made considerable abatement in the dues exacted; from each of its boats engaged in the herring fishing they had only levied thirty-six shillings, and from each engaged in grey and white fishing they had only taken twenty marks. As for anchor and harbour charges, only such dues had been exacted as had been determined by a contract which had been duly registered in the books of the Council. On being asked on what grounds they claimed the right of imposing all these dues, their reply was that it was "ane ancient custome and in use to be done past memorie of man." Regarding the illicit fishing by foreigners, they declared that the
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Council had been misinformed; no foreign ships had fished in their waters since the Association had begun its work (pp. 414–416). What was the result of the enquiry by Lorne and the Bishop does not appear from the present volume.

The most important trade legislation of the Council was with reference to the sale of plaiding, i.e., coarse woollen cloth. The manufacture of plaiding had for several centuries been by far the most important of Scottish industries. It was manufactured in all parts of the country—even in the Western Islands, from which it was procured by traders from the Netherlands and Denmark; it employed the largest number of hands of any industry, and its export brought in the largest return. The national income from the export of salt, which came next in importance, was only about half what was realised from the export of plaiding, which, leaving salt out of account, was nearly equal in value to all other exports taken together. Such being the economic importance of plaiding, it was matter of prime concern that its manufacture should receive careful encouragement.

At the Convention of Estates which had met in 1630, the burghs had presented a petition drawing attention to a serious mischief which had arisen in connection with the trade. In selling their material the manufacturers had come to adopt the method of selling it in the form of "hard rolls" instead of "open folds." Several evils had resulted from this practice; cloth of inferior quality was foisted upon the buyer who had not the opportunity of examining it when it was presented in the form of rolls; and as often as not the purchased cloth was not of the length and breadth alleged by the seller. Thus not only the lieges were defrauded, but foreign markets would be lost if cloth of inferior quality should continue to be exported. Charles himself became warmly interested in the question, and urgently referred its settlement to the Council (pp. 304, 318, 477, 478). It was in the northern parts of the kingdom that the mal-practices were most prevalent, and to obtain the necessary information the Council appointed a Commission of northern barons and representatives of the burghs—their instructions being to visit the markets and fairs and ascertain to what extent the alleged dishonest dealing
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prevailed. After considerable delay the Commissioners gave in their report, on which the Council founded the following deliverance:—In all time coming plaiding sold in market must be "layed out in folds to the view of the buyers"; when the buyer has once marked and sealed the purchased cloth, he shall not be at liberty to resile from his bargain; if the buyer insists on measuring the cloth the seller shall have the liberty to re-measure it; and finally, "for eschewing of fraude and deceat," all plaiding must be measured with "a lawfull ellwand sufficiently sealed" (pp. 526–7).

Tobacco was another commodity which received the attention of Charles I. and his Council. The following exordium from an Act for regulating its sale will explain the concern of both:—"Forsamekle as the Kings Majestie, consideringe the great abuses and inconveniences heretofore occasioned in this kingdom through the ungoverned sale and immoderate use of tobacco, quhilk, being first brought in this kingdom in small quantitie and used onelie for physick, is now growin to that excesse, being generallie and promiscuouslie vented and sold in all places and be all persons at thair pleasure and takin so excesivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majesteis subjects hes thereby beene endangered; for redresse of quhilkis abuses and preventing thairof in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that nane bot suche as upoun examinationoun sall be found to be fitt sall be permitted to sell or utter the same by small or retaile" (p. 271). The method adopted to check the evil was in accordance with the usual practice of the time. Two Commissioners, Sir James Leslie and Thomas Dalmahy, a dependent of the Marquis of Hamilton, were appointed for a period of seven years with the sole right of granting licence to sell the commodity in question. Such persons as received the licence were to pay a stipulated sum to the Exchequer, and were to give a guarantee that they would dispose of no tobacco except such as was "wholesome and uncorrupt" (pp. 271–3). It was speedily found, however, that these safeguards were of little avail against knavish retailers
encouraged by the inveterate users of the weed. As a further check on illicit dealers, therefore, a fine of a hundred marks was imposed in every case of sale without licence (p. 336). The unlawful traffic went on as busily as ever, and the Council took the further step of empowering sheriffs and provosts and bailies to take action against all known offenders (pp. 393–4). Evidently, however, the Councillors were engaged in a hopeless task. By ingenious devices which eluded the reach of the law tobacco continued to be sold by all manner of unauthorised persons. The ingenious traffickers would employ their children or servants or other “unresponsible persons” to dispose of it in secret, or by another shift they would slump the price of the tobacco with the price of other goods (pp. 430–1). Apparently at its wits’ end, the Council finally announced that heads of families would thenceforth be held responsible for the sale of tobacco by all persons dependent on them, but, as succeeding entries (pp. 462, 501) show, the health of his Majesty’s subjects continued to be as greatly endangered as ever by the surreptitious vending of a “corrupted and rotten” substitute for the genuine article.

An illustration of the fiscal principles of the time is found in connection with a new impost on the export of coal. For two reasons, Charles told his Scottish Council, he had deemed it politic to raise the export duty on coal in his southern kingdom; the necessities of the Exchequer justified the step, and, moreover, if an adequate duty were not imposed on the export of coal, the lieges at home would be sufferers, as the coal-owners would be tempted to send their commodity to foreign countries where it would fetch a higher price. In consistency with his policy in England, therefore, Charles proposed to raise the duty on coal exported from Scotland to six shillings sterling on the chalder. His intention was no sooner announced than the coal-owners as a body lodged a vehement protest with the Council. The Council was thus in an embarrassing dilemma; it sympathised with the coal-owners, but it had been too well schooled to say this in plain words to its master. In a discreet letter to Charles the Councillors told him that they had at once taken steps to see his order carried into effect; they had, indeed, received a
petition against the intended duty, but they had "forborne" to meddle with it; his Majesty would himself see the petition, and would decide thereupon according to his "royal wisdom." In point of fact, the reasons adduced by the coal-owners convinced Charles that the proposed duty was excessive, and that it would be injurious both to his own interests and those of the trade. Instead of raising the duty to six shillings, therefore, he fixed the rate at double the existing duty (pp. 217, 223-4, 258).

By way of encouraging native manufactures three Monopolies. monopolies were granted during the period covered by the present volume. To Sir James Galloway and Richard Ferar, Esquire, was granted a monopoly for thirty-one years for the making of steel (p. 219), and, Nathaniel Udward's monopoly in soap having expired, it was transferred to Patrick Maule of Panmure (p. 399). An "accomplished gentleman," Sir Philibert Vermitty, having devised improved methods in the manufacture of glass, the Council besought his Majesty to grant him a monopoly "for the better encouragement of him and others of his qualitie" (p. 513).

Certain items regarding the Burghs may be noted, as some of The Burghs—Aberdeen. them at least do not appear in their own records. In September 1632 the authorities of the burgh of Aberdeen came to the conclusion that a new water supply was urgently necessary for the health of the community. From the description of the existing water supply it would appear that this resolution was taken not a moment too soon; the water with which the town had hitherto been supplied, we are told, was "filthillie defyllit and corruptit, not onlie be gutteris daylie rynning in the burne, but also be litteris and the washing of clothis, and abyssing of the watter in sindrie partis, with uther sorts of uncleannesse" (Extracts from the Records of the Burgh of Aberdeen, 1625–1642, p. 50). The proposal of the authorities was that a new source should be provided, and that in imitation of "the neibour countrie" fountains should be erected in different parts of the town. But before the proposal could be carried into effect, the consent of the whole body of the indwellers must be obtained, and with this object a general town meeting was
duly convened. As had so often happened in the past history of Aberdeen and other burghs, however, a disagreement between the Crafts and Guild Brethren threatened to prevent the execution of the good work. The Crafts recognised its necessity, but they pertinaciously refused to submit to the imposition of a specific tax, though they expressed their willingness to contribute a round sum to the general expenditure. In these circumstances the magistrates had but one resource; they appealed to the Privy Council to bring the refractory Craftsmen to reason. The Lords of Council had no hesitation in the matter; finding the proposed work "neerlie to concerne the weale and credite of the said town," they delegated to the magistrature full powers of law to impose and exact such a general tax as should be found requisite to carry out its scheme (pp. 25–27).

In the case of Edinburgh we find but one item of general interest—a dispute between the burgh and the Lord High Constable (the Earl of Errol) on the question of their respective jurisdiction within the municipal bounds. The contention of the Constable was that "within four miles of his Majesty's person, Parliament, or Council," the burgh had no jurisdiction in matters of "slaughter, blood, or riot." In the case of one, John Keith, who had been "censured" by the Constable for assault within the four miles' limit, the Edinburgh magistrates had taken it upon them to supplement the Constable's censure by committing the assailant to ward. In justification of their proceeding they maintained that by a charter of James III. they possessed full right "in judging and censuring of all maters of slaughter, blood, or ryot committed be anie person or persons within the liberties of thair said burgh." The question then arose as to what was the legitimate judicatory to decide the point in dispute. The Constable maintained that, as his office was "a prime office" of the Crown, the decision should lie with the Privy Council; on the other hand, the town contended that, as the question was one of heritable rights and therefore purely civil, the right of judgment could pertain only to the Court of Session. By the order of the King the Council deliberated on the knotty point, and concluded that the Lords of Session were
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the only competent judges in the case. To the Court of Session, therefore, the dispute was referred, with injunctions that speedy justice should be administered to both appealing parties (pp. 298, 300). In further connection with the towns may be noted the complicated dispute that arose regarding St. Anthony's Hospital in Leith (pp. 608, 634); the decay of trade in Dundee, which had gone so far as to necessitate a reduction of the town's taxation (p. 287); and the erection of Stranraer into a free burgh, which was keenly disputed by its neighbour, Wigtown (p. 594).

The everlasting question of the currency still continued to puzzle the wisdom of the Council. In spite of its endless proclamations, foreign pieces still flowed into the country, with the result of displacing and depreciating the native coinage. As we learned from the last volume of the Register (p. 155), the burghs had made the ingenious proposal that, by way of partially remedying the evil, all coal-owners and salt-owners should be forbidden to accept foreign money in exchange for their commodities. With some doubts as to its wisdom the Council acted on the suggestion, and their hesitation was speedily confirmed. First one of these parties and then another represented that foreign merchants were in the Forth prepared to purchase coal and salt, but had no Scottish money to conclude a bargain, and must, therefore, be driven to Newcastle to procure what they were in search of. In these circumstances the Council had no other course but to grant a temporary remission of its ordinance: in the case of the merchants then in the Forth foreign coin might be received, but for the present the remission must extend no further. Finally, the whole body of coal and salt-owners represented to the Council that, if the existing arrangement continued, not only their own special trade but the prosperity of the whole country must be stricken. Within a year, they protested, not one of their works would be going, as through the loss of their foreign trade they would be unable to pay the weekly wages of their employees. Bound by its own ordinance, yet recognising the force of the complaint, the Council conceded the demand of the petitioners, though the
concession was only to hold till the day of its next meeting (pp. 341–2). Only one other item connected with the currency calls for notice. In 1629 and 1631 a quantity of copper had been coined into small pieces "for releife of the poore and for the better intercourse and change of small monies." Experience seems to have proved that the result had been generally beneficial, as again (1634) a similar issue was repeated—1500 stones of copper being coined into penny and two-penny pieces (p. 230).

The visit of Charles resuscitated the time-honoured laws against regrating and forestalling. As these crimes have not come up for notice in previous Introductions, it may be as well to produce the legal definitions of each as they are given in the proclamation to be presently noted. A forestaller is described as "whoever buyes or causes buy anie merchandice, victual, or other goods whatsomever comming be land or water to anie faire or mercat to burgh or land to be sauld frome anie part within or without this kingdome, or who makes anie contract or promise thereanent before the goods be brought to the faire or mercat place to be sauld, or who sall make anie motioun be word, writt, or message for raising of the prices or deerer selling of anie of the saids goods, or who sall disswade or move anie persouns comming to faires or mercats to bring their commoditeis thereto." Regraters were those "who ever getts in thair possessioun in anie faire or mercat anie kynde of vivers quhilks sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other faire or mercat within foure myles thairof." Regrating and forestalling had been a natural development under the economic system that had prevailed in Western Europe throughout the Middle Ages, and in every country the legislature had vainly endeavoured to suppress them. Considerably before the reign of Charles, however, new economic developments had in certain countries removed the conditions which had given birth to the regrater and forestaller. In Scotland, however, the ancient conditions continued with little modification; and regrating and forestalling throve as vigorously as ever. If the Council had not troubled
itself of late with these infringements of the law, it was due to
the fact that every effort had long been made to put an end to
them. In view of the King's approaching visit, however, it
determined to make another vigorous effort to suppress the
inveterate mal-practice. The motive of its action is explained
in the following expressive passage, which, moreover, gives us
an interesting glimpse into the avocations of a considerable
proportion of the inhabitants of every burgh in the kingdom:—
"Whereas," the passage runs, "the bypass oversight and
impunitie givin to persons formerlie offending in this kynde hes
givin boldnesse and encouragement to nombers of base and
unworthie people still to continew in that unlawfull and wicked
trade, especiallie within the burgh of Edinburgh, Leith, and the
Cannogait, West Port, Potteraw, Pleasance, and others parts
about the burgh of Edinburgh, where diverse base fellowes,
powtrie men, and others attends and awaites upon the hie streits
leading to the said burgh, and there rancountering with the
persons bringing in wyld foule, powtrie, and others commoditeis
and vivers to the mercat of Edinburgh they there buy the same
at small and unworthy prices, brings the same quyetlie to the
burgh of Edinburgh and suburbs thairof, and keepe the same
in thair houses and sellers, brings out the same in small parts
and portiouns to the mercat and pretending a skarsitie quhair
they have abundance and sufficiencie in thair sellers and houses,
ye hight and raise the prices at thair unruelie appetites, shame-
fullie and mischantlie abusing his Majesteis good subjects and
fosters and interteanes both a skarsetie and dearth of these
kynde of commoditeis," &c. (pp. 67–69). There was no need
for the Council to restate the pains and penalties which the
crimes in question entailed; these had been known to many
generations of Scottish subjects. By proclamation at the Town
Cross, therefore, the lieges were merely reminded that the laws
against regrating and forestalling were not a dead letter, and
that they would now be enforced with greater stringency than
ever.

Colonel Robert Monro, who had distinguished himself under
Gustavus Adolphus,¹ came before the Council with a proposal to

¹ He was the cousin of the Colonel Robert Monro known as the "Black
Baron."
which it gave its hearty consent and warrant. Since the out-
break of the Thirty Years' War successive levies of Scots had
been raised for service in the Protestant cause. From first to last
many thousands of Scots had fought in different parts of Germany
under Gustavus and other leaders, and numbers of them were
now broken with age or wounds, uncared for either by their own
country or the princes under whom they had served. It had,
indeed, been a condition of service under the King of Sweden
that all who were wounded, officer or private, should receive a
pension for the rest of their lives and be allowed either to settle
in Sweden or return to their native country, but through
culpable neglect in soliciting the Swedish "Director of the
Warres" this pledge had hitherto remained unfulfilled. In the
first place, therefore, the Colonel besought the Council for an
authoritative warrant to approach the Director and exact
the fulfilment of this pledge. It was a reproach to Scotland in
the eyes of other nations, however, that on its own account it
had done nothing to alleviate the condition of the soldiers who
had been sent abroad to fight in the cause of religion. His
proposal, therefore, was that a hospital should be erected in
Scotland to receive such soldiers as were unfit for further service,
where they might spend the rest of their lives in the ease
and comfort which they deserved. For the maintenance of the
hospital contributions would be forthcoming from such officers
in foreign service as had risen to honour and riches. As a
further source of revenue to the maintenance of the institution
the Colonel made another suggestion. During the past ten
years great sums of money had been expended in purchasing
arms from foreign countries to equip the levies that had been
sent beyond sea. Would the Council grant to him and his heirs
a three years' monopoly for the making of such arms which
they would sell at a cheaper rate than they could be purchased
from abroad? The arms thus manufactured would be stored in
a magazine within the hospital, and their sale would go far to
support it. As the only reward for his labours in building up
the institution he would crave that the charge of it might be
entrusted to himself during his lifetime, and that thereafter the
governor should be an officer who had served seven years abroad in his Majesty's service. As Monro had taken care to gain Charles's approval of his scheme before submitting it to the Council, he found no difficulty in dealing with that body. Without delay the Lord Advocate was instructed to draw up a Commission, authorising Monro to proceed with his collection from the Scottish officers serving abroad. As a guarantee that all would be done in honour the Colonel was to receive from the Clerk of the Council a book containing eighty-eight leaves, stamped by the Clerk, in which he was to enter the names of the contributors and the sums received, and annually exhibit it for the satisfaction of the Council (pp. 333–6, 349, 353–356).

Charles still clung tenaciously to the scheme of founding a New Scotland colony in Canada which had been projected in the days of James VI. and had received that King's enthusiastic encouragement. From the preceding volume of the Register it appeared that there had been a growing disposition to make light of the new title of Nova Scotia Baronet, and steps had been taken to convince the lieges that the dignity was not to be safely slighted. It was a more serious blow to the prospects of the colony, however, that by a late treaty made with France the Scottish colonists had been forced to evacuate Port Royal, where they had made their original settlement. From Charles's surrender of that territory it was concluded that he had ceased to countenance the enterprise, and to obviate this impression Charles wrote an urgent letter to the Council. His earnest wish, he wrote, was that the Earl of Stirling, the founder of the colony, "with all such as sall adventure with him sall prosecute the said work and be encouraged by all lawfull helps." The special point to which he desired the Council to attend, however, was the position of such English and Irish persons of quality as had taken part in the enterprise. To obtain their patents these persons had been put to greater trouble and expense than their Scottish fellow-colonists. It was in the interests of the colony that these disadvantages should be removed, and that thenceforth natives of all the three countries should be placed on the same footing when desirous of becoming colonists and Nova Scotia baronets (pp. 210–11).
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DOMESTIC INCIDENTS.

The outstanding incident of the period was Charles's long-deferred visit to his native country. As has already been said, the Register throws no fresh light on the significance of that event in relation to affairs of Church and State. The two main errands on which Charles had come were to receive his Scottish Crown and to hold his first Scottish Parliament. The Register supplies us with some details regarding the coronation ceremony, but they add little to what is recorded in the "Annales" of the Lyon-King-of-Arms, Sir James Balfour. On the proceedings in Parliament the Register is equally silent, and, in short, if our knowledge of events were confined to its record, we should hardly be aware that there were issues before the nation which were big with revolution. As has already been said, almost all the entries bearing on Charles's presence in Scotland have reference to the preparations made for his reception and entertainment. In making these preparations the Council had the precedent of what had been done in the case of James VI.'s visit in 1617. Apparently the Council's most anxious concern was the state of the roads which the royal retinue was to traverse. Throughout the 17th century the public roads in England were in worse condition than they had been in the Middle Ages, and the same is probably true of Scotland. The measures adopted to facilitate the royal progress are, at least, a sufficient illustration of the difficulties of transit in the latter country. In every district through which the King was to pass Commissioners were appointed whose duty it should be to see that the highways were not impassable and that a sufficient number of vehicles were provided for the transport of the belongings of the King and his train. As it was arranged, every parish, in proportion to its resources, was to supply horses and carts to convey the royal baggage through its bounds—the penalty of failure being six pounds (p. 70). If the public ways were in such a state of disrepair, not less so were the various abodes where the King was to make his stay. An official visitation of
the Palaces of Holyrood, Linlithgow, and Dunfermline, and of the Castles of Edinburgh and Stirling, had revealed that all of them required "present and tymous reparation" (p. 52). In Holyrood portions of the tapestry were found "verie evill worn and eatin and spoyled with rattouns." One piece especially, "marked with the figure of 18s." was in so hopeless a condition from these causes that it was of no use "bot to be cutted," and the keeper of his Majesty's Wardrobe was instructed to utilise this precious piece in patching the rest (p. 37). After some hesitation between Holyrood Kirk and the Kirk of St. Giles, Charles had decided on the former as the most appropriate place for his coronation. That it might be made more worthy of the occasion, therefore, it was to undergo additions and repairs without and within which would materially alter the character of the edifice (p. 12). Not the least difficulty connected with the coming visitation was how the royal following was to be "commodiously and hantsomely lodged." With a view to ensuring this end, every town in which the cortege was to halt was strictly charged to be "weill and sufficientlie furnished with all kynde of vivers and provisioun for men and hors, that thair lodgings be cleane, hantsome, and neate, that the bedding and naperie be cleane and weill smelled, that the puter vessells be of sufficient largeness, that no filth nor middings be seene upon thair streets, and that no beggers be seene upon thair bounds" (p. 5). How to feed man and beast in such a host was a further matter requiring grave consideration. But in this matter, also, the Council had an advantageous precedent in connection with the visit of James VI. All the leading burghs were ordered to provide a number of cattle in proportion to their relative resources, which taken together might suffice to regale such a multitude of mouths (p. 4). Another detail shows how greatly the honourable Councillors had at heart the repute of their country. It had come to their ears that James Liddell, who had "served his late Majestie in his bakehous and pattislee," and had "caried himselfe with great discretioun therein," was still alive. As it chanced, Mr. Liddell was at this moment under certain "civill hornings"
which prevented the exercise of his calling. So indispensable, however, did the Council regard his services, that they summoned him from his residence and granted him immunity on condition of his exercising his skill in giving satisfaction to his Majesty and his followers (p. 48). But not only man but beast also had to be entertained, and, if we are to believe the splenetic Sir Anthony Weldon, this had not been the lightest burden that had been laid on the country during the sojourn of James VI. in 1617. Warned, perhaps, by this former experience, the Council took high measures to prevent its recurrence: it empowered the officers-of-arms to "fence and arrest" as much hay and straw as was likely to be needed—a pledge of doubtful security being given that the owners would one day be satisfactorily indemnified (pp. 31, 54). Besides providing good cheer, the Council had likewise to ensure that amusements should not be lacking for his Majesty and his train, and, if Charles were his father's son, they knew that nothing would give him greater pleasure than the sport of good hunting. The entries under this head reveal what we know from other sources—that poaching was a universal practice of the time. From one entry, for example, we learn that "diverse persons dwelling ewest to his Majesteis parke of Falkland daylie haunts and resorts throw the same, makes rods and passages therein, hunts and hawkes throw the same, breaks down the paille and dykes thereof, halds and pastours thair bestiall and goods within the saide parke, quhairthrow his Majesteis awne deir ar verie farre weakened and driven to the point of starving" (p. 8). As the most effectual means of checking these misdemeanours, announcement was to be made in the neighbouring churches "in tyme of sermoun or prayers" that offending parties would be fined at the discretion of his Majesty's Council. Another proclamation forbade all the lieges to "sell, slay, buy, or eate anie kynde of pertridges, blacke cockes, earth hennes, termigants, capercailyeis, and murefoullis, nor no vennisoun," from January to March 1633, under the penalty of a hundred pounds, and likewise forbade all hunting of hares within eight miles of any of the royal preserves (p. 17). From the moment the royal train entered
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the kingdom, and at each stage of its progress, it was to be met by the magnates of the neighbourhood—special care being taken that “no rascalls, commouns, nor others” should be of their number, but only such as were “weill horse and in good equippage” (p. 100). The preparations in the capital likewise received the anxious consideration of the Council. On one point it was specially urgent: all beggars and vagabonds must be swept from the town during his Majesty’s sojourn there, and the reason alleged for this step is a convincing proof of its necessity; through the remissness of the town authorities, we are told, the town was swarming with these persons, who “by thair shamefull exclamatioun and crying so troubles and wearies the noblemen and others his Majesteis subjects walking upon the streets as they cannot conveniencielie attend thair lawfull affaires and bussines at the Counsell and Sessioun” (p. 47). Other matters with which the Council concerned itself were the removal of malefactors’ heads from the West Port, the provision of sand for the strewing of the Canongate, and of various conveniences in connection with the church during the ceremony of the coronation. On another point, it is worth noting, the Council was specially insistent—that thechieftains of the Western Islands should be present “in thair best order” to welcome his Majesty, the reason adduced being that his English followers would thus see what “ane loyall and dewtifull affectioun” was entertained for him in the remotest corners of his northern kingdom” (pp. 33, 36). Such, as far as the Register indicates, were the principal matters with which the Council was concerned in connection with the royal visit. Throughout the two months which the visit lasted the business it transacted was equally unimportant. It was in private conference with its members that Charles unfolded his schemes for the future government of the country, but of these schemes no record will be found in the following pages, and the fact is significant as another proof of the impotence of the Council in all affairs on which the fate of the nation depended.

In the successive volumes of the Register, from the beginning Levies for Foreign Service of Charles’s reign, we have had to note the frequent levying
of contingents for service on the Continent. Hardly a year had passed without some detachment of Scots being sent abroad on this errand. Hitherto these detachments had been engaged to fight under the standard of some Protestant leader, such as Gustavus Adolphus, but we have now to note a new departure, consequent on a change in Charles's foreign policy. In 1633 Richelieu had adopted his remarkable policy of supporting the German Protestants against the Catholic Emperor, and the result had been a *rapprochement* between France and England. It was in consequence of this alliance, therefore, that Charles authorised Sir John Hepburn to raise a body of 1200 Scots for service in France, where they were to remain as a standing regiment (p. 65). Another contingent, the levying of which is recorded, was destined for service still further afield. It was a Scotsman, Sir Alexander Leslie, who at this time commanded all the foreign forces in the service of the Emperor of Russia. Leslie had already a detachment of Scots serving under him, but he was desirous of adding to their numbers, and applied directly to Charles for a licence to raise them. For reasons which are not stated Charles was favourably disposed to Leslie, and specially empowered the Council to grant him a warrant for the levy of 200 Scots to join their fellow-countrymen in Russia (p. 79).

Among the miscellaneous functions of the Council that of guarding the maritime trade of the country was not the least exacting and important. Chief among its cares in this connection was that all roads and harbours should be in a satisfactory condition. In the previous volume of the Register we saw that an alarm had been raised as to the state of the Forth between Kinghorn and Alloa—"the cheefest place for trade" in the kingdom. Skippers, native and foreign, were in the habit of depositing ballast wherever they came to anchor, and it was discovered that, if this practice continued, the Forth beyond Kinghorn would cease to be navigable. To avert this disaster the Council had appointed a Commission, which was followed by no result till the burghs were consulted and were enjoined to give in an annual report on the condition of the water in question. What appears to be the first of these reports was presented to the Council by
the town-clerk of Edinburgh, and its purport proved that the alarm that had been raised was not without foundation. In spite of the Council's injunctions, skippers were still depositing their ballast at their pleasure, with the result that by the diverting of the current sandbanks were being formed, one of which had been found to be nearly a mile in length (pp. 133–4). As has been more than once noted in previous Introductions, the trade of piracy was still pursued with an audacity which made a voyage across the German Ocean a veritable running of the gauntlet. In the present volume there is recorded the seizure of three Scottish ships by Dutch, Spanish, and Algerian freebooters respectively. The story told to the Council by the owners of the second vessel well illustrates the daring with which the corsaire pursued their calling. The "George of the Queenisferrie" was conveying a cargo to the staple port of Campvere, in Zealand, when within three leagues of its destination it was attacked and captured by a craft sailing under Spanish colours. With the whole crew and passengers of the captured vessel aboard, the Spaniard put out to some twenty miles from Campvere, when half of the Scots were thrust into an open boat, and the other half were conveyed to San Sebastian, in Spain. Here the latter were subjected to close confinement, and after repeated examinations were "violently thrust" into an English ship bound for London. The ground of complaint on the part of the Scots was that they had been handled in this fashion when the Kings of England and Spain were at peace. With this complaint, therefore, they appealed to the Council, which took the only course that was open to it: it laid the matter before Charles and besought him, in the interests of his Scottish subjects, to have the offenders brought to justice, and restitution made to the aggrieved parties (p. 78). The fate of the third vessel was one of frequent occurrence. Captured by three Turkish rovers in the Bay of Biscay, its crew were conveyed to Algiers, and were subsequently offered their freedom on the payment of 24,000 marks. In this extremity they had recourse to the usual expedient, and appealed to the Council to authorise a national subscription in their favour—an appeal to which the
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Council, as was its wont, gave its ardent support (p. 142). The case of Captain Robertson and the Hamburghers, which has already been before us in the two preceding volumes of the Register, is another illustration of the difficulties of the Council in its surveillance of the foreign trade of the country. What we gather from the whole story is that, though the Council was impotent in affairs of Church and State, it was animated by genuine zeal for the welfare and honour of the kingdom. The beginning of the whole business had been the capture of Robertson's vessel by two Hamburghers and the slaughter of certain of his crew. At the Council's request Charles had appealed to the magistrates of Hamburg for redress, but the reply had been so unsatisfactory that, with Charles's consent, letters of reprisal had been granted to Robertson and his heirs. First Robertson himself and, after his death, two other captains, Orrock and Scott, plied the Commission to such purpose that the Hamburg authorities appealed to Charles for its recall—at the same time undertaking that justice would be done to Robertson's heirs. Now, therefore, there came a letter from Charles with which it is evident that the Council was far from being satisfied. They were to cancel the letters of reprisal, to restore the ships and cargoes that had been taken under their cover, and to dispatch "some understanding person" to Hamburg to come to terms with the authorities of that city. While the Council did all these things in accordance with Charles's commands, however, they indicated that they had little hope that the affair would be concluded according to his expectation. In the event of justice being refused or delayed, therefore, they besought him to renew the letters of reprisal that the injured parties might indemnify themselves for their losses (pp. 3, 16, 19). What was the result of the conference at Hamburg does not appear in the present volume.

The period covered by the present volume of the Register was marked by an unusual interest in witches, both in England and Scotland. In 1634 took place the famous trial of the witches of Lancashire—a county that had long had a notoriety...
for producing these persons. The charges brought against them were as extraordinary as any that have been recorded in the case of Scotland, and they received as universal credence in the one country as in the other. The Lancashire witches were accused of raising the storm in which Charles had such a narrow escape in crossing from Burntisland to Leith in the summer of 1633; one was charged with transforming herself into a dog, and another with causing her pail to trundle after her by merely telling it to do so. Bishops, judges, and men of letters gave their faith to such stories, and with the approval and to the delight of a London audience the Lancashire witches were introduced upon the stage—the object of the piece being to show how a sceptical gentleman had been converted to a belief in witchcraft by finding the charge brought home to his wife, whom he thereafter delivers cheerfully to the gibbet. (Gardiner, *History of England*, Vol. VII., pp. 323–326, Ed. 1894). In Scotland during the same period we have no such wholesale proceedings as in the case of the Lancashire witches, yet the business of the Council in this sphere of its duties was even more onerous than usual. There was the case of Elizabeth Bathgate of Eyemouth—a case which reveals one of the most deplorable aspects of the general delusion. According to the woman’s own story, she had been all her life “haldin and esteemed by all hir neighbours als honest ane woman” as any in her native town. Some “malicious” persons, however, lodged information against her as being addicted to devilish practices, and in strict accordance with the existing law she was committed to the Tolbooth of Duns by the order of Sir Patrick Home of Ayton and Mr. John Home, her minister. There she was detained for some weeks without being brought to trial, when she appealed to the Council that her case should be heard. The Council gave orders that the trial should take place in the Tolbooth of Edinburgh on the 11th February 1634, and charged the Laird of Ayton to produce her in that place by the 31st of January. She was now conveyed to Edinburgh and still detained in ward at the expense of her husband, who appears to have been convinced of her innocence. When the day fixed for her trial came,
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her prosecutors failed to appear, alleging that they could not travel at such an unseasonable time of the year, and the date was postponed till the 11th of March. The unfortunate woman urged that the weather was not likely to be more genial in March than in February, and craved that she might at least be released from ward, under caution that she would remain in Edinburgh—a petition which the Council did not see its way to grant. Meanwhile, her prosecutors, twelve in all, including the Laird of Ayton, his wife, and the minister of Eyemouth, had obtained a commission to lead precognitions against her in the town of Duns. Against this proceeding, however, the accused successfully protested; it was against all law, she urged, that “unfriends” should be accepted as witnesses, and that she should not have the opportunity of rebutting such evidence as might be adduced against her. The members of the Council had as little doubt in the reality of witchcraft as the majority of their countrymen, but their action, on the whole, was directed to restraining the zeal of the ministers and local judges. It was in accordance with this motive, therefore, that they ordered all the witnesses against her to appear at her trial and “verify their depositions in her presence upon oath” (pp. 176, 593, 605).

Here the case ends, as far as the present volume is concerned; but the story, so far as it goes, illustrates the most lamentable results of the unhappy possession of the public mind—the delay of the law, the terrible suspense of the accused, the dismay and shame of family and kin, the gratuitous accusation from which no one was safe if the finger were raised by private malevolence or public caprice. In another case recorded we seem to have an example how the dreaded charge could be vamped up by ingenious malice or a morbid imagination. George Fraser and his spouse, Giles Chalmer, were a respectable couple living at Outlaw, in Banffshire. George fell ill, and requested his minister, the Rev. James Melville, to summon Dr. Douglas of Banff to prescribe for him. Minister and doctor, both together, visited the sick man, and after examination of the patient, the doctor penned a letter which the minister’s man conveyed to the doctor’s wife in Banff. In accordance with the directions con-
tained in the letter, Mrs. Douglas "under silence of the nicht" proceeded to a certain part of the house garden to which she was directed, moistened it with a cauldron of hot water, as the ground was hard frozen, and, plucking all the herbs that grew on the spot, at once despatched them to her husband for the use of his patient. By the application of these herbs, with the addition of "wine seck," the invalid was straightway restored to his wonted health. It was doubtless the mysterious proceeding in the collection of the herbs that afforded a pretext to a neighbour, Alexander Stewart, to bring an accusation of witchcraft against Fraser and his wife. According to the indictment, Fraser in his sickness had applied to a notorious warlock, John Philip, who had been burned for sorcery. By the warlock's advice Fraser procured water from a south-running well in a white pitcher, and washed himself twice daily with the same till he was cured. So diabolical were the properties of this water that a cat treading on some of it that had been spilled went instantly mad, sprang at the throat of a kirk officer, and "almost worried and strangled him." The rest of the extraordinary story it is needless to relate. Fraser and his wife, however, were luckier than most persons against whom the finger of suspicion was pointed. He had been an "elder of the session for seventeen years," and was able to produce two ministers and a reader to avouch his innocence of all unholy practices—a testimony which was supported by the collective Town Council of Banff (pp. 565, 570-1, 575). In connection with the same subject attention may be drawn to the detailed account of a witch trial to be found at p. 544.

But the main pre-occupation of the Council, so far as we gather from the Register, was the unsatisfactory condition of the Highlands generally, and specially of the district of Moray. During the closing years of James VI. both Highlands and Borders had been brought to a state of tranquillity and order such as they had known in no previous reign. This had been a result on which James had set his heart from the time that he had made himself master of his kingdom, and of which he had never lost sight, even after his migration to England. His son, on the
other hand, engrossed as he was in the affairs of his southern kingdom, had neither leisure nor inclination to pay the same attention to the two troublesome districts. From the beginning of his reign, therefore, there had been a gradual slackening of discipline, equally on the Borders and in the Highlands. Reference has already been made to the unsatisfactory condition of the Borders, but in the case of the Highlands there now prevailed a state of things which recalled the worst days in their history before the reign of James VI. Due abatement must always be made for the exaggerated language of statutes, but after every legitimate reserve the following sentence from a proclamation denouncing the Marquis of Huntly and a long list of other persons sufficiently explains the perplexity of the Council in its dealings with the Highlands:—“Disorders are growin to that hight,” this sentence runs, “that almost nowhere in the north countrie can anie of his Majestis subjects promise saiftie to thair persons or meanes, the breake of his Majestis peace in these parts being so universall and fearefull as the verie burrowes and towns themselfs are in continuall danger and feare of some suddane surprise by fire or otherwayes from thir brokin men” (p. 440). Who these “brokin men” were we are told in the same proclamation: they were those of the “Clan-gregour, Clanlauchlane, Clanranald, and others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hielands, as also diverse of the name of Gordoun and thair dependers and followers” (p. 439). Of all these contemners of the law the most audacious were the Macgregors and the Gordons, and in the case of both there was a special reason for their defiance of justice. The Macgregors, as a proscribed clan, had no territory which they could call their own, and they were thus driven to find a home wherever circumstances would allow them to settle and pick up a living. Wherever there was mischief afoot, wherever some head of a clan required assistance in his dealings with his neighbours, there the Macgregors for a time found a welcome as useful allies. The general lawlessness that now prevailed throughout the Highlands gave them precisely the employment they needed, and wherever a deed of plunder or
slaughter was perpetrated the Macgregors were suspected of having had a hand in it. In the case of the Gordons, the other offending clan, there was also a special reason for their outrages against law and order. Viscount Melgum, the son of the head of their clan, with others of their name, had perished in the Burning of Freendraught; they were convinced that the Laird of Freendraught had deliberately perpetrated the deed; and, as he was not brought to justice, they took the law into their own hands. There had been serious disorder before the Burning of Freendraught, but it was that event that produced the state of things with which we find the Council impotently endeavouring to cope throughout the period before us.

In the reign of James VI. two laws had been passed with reference to the Highlands, which, strenuously enforced, had resulted in their comparative tranquillity by the close of that King's reign. By the first of these Acts, passed in 1582, landlords and bailiffs were made responsible for the apprehension of all thieves carrying booty who passed through their bounds, and in the event of their failing to effect arrest they were to make good to the plundered parties the value of their loss. By the second (1592), sheriffs and other judges were enjoined to do their utmost to lay their hands on all "sorners, oppressors, vagabonds, and beggars" within their respective jurisdictions. Under the effective administration of the preceding reign these Acts had been found adequate for the attainment of the desired result, but in the existing state of the unruly districts more drastic measures were found to be necessary. A letter from Charles, which arrived on 25th September 1633, urged the Council to more vigorous action. During Charles's visit to Scotland he had been petitioned by certain nobles and gentry "in the countries next adjacent to the Hielands" to take some course for suppressing the widespread disorder, and he now urged the Council to call these persons together and take their advice as to the best method of attaining this end (pp. 130 1). The meeting was held in November, with the result that all the parties interested in restoring law and order were charged to report to the Lord Chancellor the names of all outlaws known
to them, and the crimes with which they were charged (p. 149). A further result of the deliberations was that sheriffs, stewards, and bailiffs were ordered to apprehend with all speed every outlaw on whom they could lay their hands (p. 150). In the course of the following year it was convincingly proved that these measures had been taken to little purpose. As has already been said, the principal sufferer from the prevailing lawlessness was the Laird of Frendraught, and so little was his position improved by the efforts made by the government that in August 1634 he had to petition the Council for a special commission to deal with the spoilers of his lands and goods (p. 350). From the whole shire of Moray so many outrages were also reported that commission of fire and sword was granted to certain gentlemen of the district to pursue the perpetrators to the death (p. 363). Next the Council took a step which had been found so effective in the case of the Western Islands in the days of James VI. : it issued an order that all chiefs, in whose domains any outlaws were to be found, should appear in its presence, and give a pledge for their apprehension or extirpation (p. 364). Among all these chiefs the Marquis of Huntly was the most important, both by reason of his great authority and because it was the men of his name who were specially distinguishing themselves by their defiance of the law. It was still against the unfortunate Laird of Frendraught that the Gordons were plying the work of slaughter and plunder: "not onlie," we read, "is all [that] gentlemans lands layed waist, his haill goods and bestiall spoyled, slaine, and mangled, some of his servants killed and cruellie demayed, bot also the haill tennents of his lands and domesticks of his hous have left his service and lands, and himselfe with the hazard of his life hes beeene forced to steale away under night and have his refuge to his Majesteis Counsall " (p. 405). For all this mischief the Council insisted that Huntly must be held responsible, and he was summoned to appear before its bar along with the chiefs who had incurred similar responsibility. But, with his previous experiences of the Council in his memory, Huntly was not disposed to respond very eagerly to its summons, and the unseasonable time of the year, his age, and
infirmities afforded a convenient excuse for his delay. But on this occasion Charles himself insisted on Huntly's appearance along with his brother chiefs (p. 450), and the threat of letters of treason convinced him that the authorities were inexorable. On the 9th of January 1635, "in ane gryt storme," he started on his southward journey nearly two months after his original summons. It took him fully five weeks to accomplish it—the tardiness of his progress being sufficiently explained by the state of the roads, the inclemency of the weather, and his feeble health. According to a contemporary historian, Huntly "wes never inclynet to warr nor trubill him self, bot by the pryde and insolence of his kin wes diverss tymes drawin in trubill" (Spalding, Memorials of the Troubles, p. 73). When he appeared before the Council he urged his innocence of all the "publict misdemeanours and nefarious acts" in connection with which he had been summoned, and pledged himself to do his utmost to put an end to them. As a guarantee of his sincerity, he prayed for a commission to bring the offenders to justice, and gave his word of honour that he would "reallie execute the same." Considering his advanced age and his position, this was all that the Council could demand of him, and he was permitted to return home with the desired commission (pp. 507–9). One other pledge, and a sufficiently exacting one, was required of him before he was allowed to depart: "to find caution for the indemnity of Fendraught aganis the haill name of Gordon within the schire-domes of Abirdein, Bamff, Murrey, Forres, Elgine, Narne, Cromartie, and Innernes, and frome othirs whome he may stop or latt" (p. 512).

In the last volume of the Register we left two persons, John Meldrum and John Toshe, under trial for complicity in the Burning of Fendraught. On their guilt or innocence we find no fresh light in such entries as refer to them. On July 23rd, 1633, seven assessors were appointed for the examination of Meldrum (p. 122), and by the 10th of August he was found guilty of "aert and part of the burning of the towre of Fendraught and foreknowledge of the same"—his sentence being execution at the Market Cross of Edinburgh, (pp. 128–9). In the
hope that he would make some confession pointing to the
complicity of others his execution was postponed, but, if he made
any such confession, it has not been preserved.¹ In the case of
John Toshe there are mysterious circumstances which suggest
that facts were known to the members of Council which do not
appear in its records. The commission for Toshe's arrest had
been issued in November 1630; in February 1631 the Council
ordered that he should be put to the torture; in July a Com-
mission was appointed for his trial; and after all this delay we
find Huntly in November of the same year craving the Council
that his trial should again be postponed. It was at this stage of
the proceedings that we left Toshe in the preceding volume. In
December 1633 he was still in the Tolbooth of Edinburgh,
where he had now lain for more than three years "in great
misery and want." The cause of his "misery and want" was
that Huntly, at whose instance he had been arrested, had ceased
to contribute to his maintenance. In a petition to the Council
Toshe now declared that, unless he were speedily cared for, he
must "starve with hunger and cold." The result of the petition
was that Huntly was forced to pay up the arrears due to the
prisoner and to pledge himself to proceed with the prosecution
at the earliest date possible (pp. 163, 175). At length, June
20th, 1634, Toshe was formally tried for complicity in the
Burning of Frendraught, and an incident at the close of his
examination may be the explanation of Huntly's delay in the
prosecution. Just as the assessors were about to retire to con-
sider their decision, Toshe craved permission to make a statement.
Before the trial, he declared, he had sent a messenger to
Huntly to avouch his innocence of the crime laid to his charge.
In reply Huntly had despatched two of his people to Toshe with
a communication to the following import:—He, Huntly, knew
that Toshe was innocent, though he knew also that he was a
knave; but he was willing to come to terms with him; if he
would confess to complicity in the crime, and at the same time

¹ In Appendix No. 1 to Spalding's "Memoriales of the Trubles (Spalding
Club) will be found extracts from the Justiciary Records containing the
account of Meldrum's trial.
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delate the Laird of Frendraught, he, Huntly, pledged himself to obtain his remission and make him besides a gift of 10,000 marks. Summoned before the Council the following day, Toshie stoutly maintained these allegations, but, on hearing the evidence of Huntly's two agents, the Council found him to be "most false and malicious," and adjudged Toshie "to be sett upon the most eminent part of the croce with ane paper on his head" (pp. 291–2). On the main charge brought against him, however, the assessors were unable to come to a decision, and a fortnight later we find him still in the Tolbooth and again complaining to the Council that Huntly still refused to contribute to his maintenance (pp. 317–8). Huntly, in fact, now that the trial was over and had not ended according to his wishes, plainly told the Council that he had nothing more to do with Toshie and that it might dispose of him as it pleased. Thus left with the sole responsibility for the unfortunate Toshie, the Council appealed to Charles for direction, but Charles took no heed to their appeal. At length, November 1634, four months after the trial, the Council concluded of its own accord that it was "no ways reasonable to burden his Majesty's Treasurer" with Toshie's further maintenance, and released him from ward on the double condition that he should not fail to appear if ever again summoned on the old charge, and that he should never approach within twenty miles of the houses of the Marquis of Huntly and the Earl of Errol (pp. 419–20). It had taken four years for the Lords of Council to arrive at this impotent conclusion.

The same herald who summoned Huntly to appear before the Lady Rothiemay. Council bore a similar message to another person who had been much more energetic as a fomenter of the "troubles" in the North. This was Katherine Forbes, the Lady Rothiemay, whose son had been one of the victims in the tragedy of Frendraught. Since the day of his death his mother had never ceased to seek revenge on the Crichtons, who, she was convinced, had been the deliberate perpetrators of the deed. In alliance with the Gordons, who had a similar injury to avenge on the same parties, she organised those raids on Crichton's lands of which we have already heard. The House of Rothiemay became the nest of all
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who were ready to bear a hand in this work, and was converted into a veritable fortress with "men, victual, poulter, bullet, and other warlike furniture" (p. 446). On the herald presenting himself before this stronghold, and demanding the keys, the Lady, we are told, "humlie obeyit, for then no Gordouns wes within." "Bot," adds the chronicler, "he returnit no soner south, bot also sone the Gordouns cam bak agane to Rothiemay, strak wp the yetis and durris, and duelt thairin noblie" (Spalding, p. 59). Lady Rothiemay was as dilatory as Huntly in reporting herself to the Council, and (17th March 1635) another summons was addressed to her in which her various misdemeanours were expressively enumerated. "Forasmuch," the summons begins, "as in all the disorders and troubles quhilks hes of lait fallin out in the north parts of this kingdome, Katharine Forbes, Ladie Rothiemay, hes had a speciall hand, not onelie by a covert and secreit forme of supplee and releffe givin be her at the beginning of the saids troubles to the principall actors and ringleaders therein, bot in end with ane plane and high hand she hes publicltie and avowiedie tane upon her the patro-cinic and defence, so far as in her lyes, of the saids rebellis," and directions follow to the various sheriffs and magistrates between Banff and Edinburgh to pass her on to the provost and bailies of the latter town (p. 515). On the same day as this summons was issued, a charge was given to the sheriff of Banff to take possession of the House of Rothiemay, and to maintain it with a sufficient garrison at the expense of the estate (p. 516). The sequel of the Lady's experiences belongs to a later period than that covered by the present volume.

Still in connection with the "disorders" in the North an interesting fact remains to be noted. From a complaint lodged with the Council by Lord Ogilvy of Airlie, bailie of the lordship of Coupar, we hear of an ancient custom that prevailed in Glenisla, which is described as "the highest land in the shirefdome of Angus and most subject to the depredatiouns and incursiouns of the Hieland theeves and lymmars." Placed in this dangerous neighbourhood, the old abbots of Coupar had made an arrangement for the protection of their crops which had been
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maintained till recent times. From the first of July till the close of harvest twelve picked men were appointed to keep watch in the fields, and maintained at the expense of the feuars with a weekly allowance of two pecks of oatmeal and half a silver mark. The complaint of Ogilvy was that during the last three or four years this arrangement had been neglected through the "uncharitablenes" of certain persons, with the result that "great prejudice had followed to the country people." The Council, as in duty bound, readily granted him the necessary powers to bring the "uncharitable" feuars to reason (pp. 151–2).

Information which we receive regarding the Orkneys would seem to show that they were passing through a period of manifold trial. First we hear of a petition from them to his Majesty and his Three Estates enumerating three heavy grievances under which they had long suffered and were still suffering. Letters of lawburrows had become so common that sometimes a single "malicious" person would procure them against no fewer than a hundred poor people. Unable to pay the expense of a journey to Edinburgh to find the requisite caution, these persecuted persons were forced to give up such means as they possessed and were thus reduced to destitution. A second iniquity was that pointed goods had to be conveyed to the market-crosses either of Kirkwall or Scalloway—a condition which it was often impossible to meet owing to tempestuous weather in the intervening seas. Finally, poor creditors were unable to press their debtors because decreits of horning and caption were beyond their means to procure. In the case of all these complaints the Council lent a gracious ear, and made arrangements that the grievances should be removed (pp. 122–3). But not only were the Orcadians afflicted by the injustice of the law—in 1634 they were visited by a famine of unprecedented severity. In a supplication presented by the bishop of Orkney and the bishop of Caithness (for the dearth was equally severe in Caithness) we have a picture of misery presented in language of such point and force that it deserves to be quoted:—"The ground yeilds thame no cornes and the sea affoards no fishes unto thame as formerlie it wount to doe. The picture of death is
scene in the faces of manie. Some devour the sea ware; some
eate dogges; some steale foules. Of nyne in a familie seven at
once died, the husband and the wyfe expyring at one tyme.
Manie are redacteo to that extremitie that thay ar forced to
steale and therafter ar execute; and some have desperateli
run in the sea and drownned thamselfses. So great is the famine
there that the people of meane estait have nothing and these of
greater ranke have nothing that they can spare" (p. 284). To such
an appeal the Council could not turn a deaf ear, and it authorised
a voluntary contribution from all the lieges, of which the Rev.
Matthew Wemyss, minister of Holyrood, was appointed the
general treasurer (p. 320). What was the result of the appeal
does not appear from the present volume, but seven months
after (February 1635), we find the inhabitants of the Orkneys
and Shetlands directly approaching the Council, and craving its
warrant to send representatives to Charles himself to tell him
the full tale of their misery (p. 659).

Ecclesiastical Affairs.

It has already been said that there is little in the present
volume to remind us that the nation was passing through a
religious crisis which on a day close at hand was to issue in a
revolution that affected the destinies of the united kingdom.
There is one entry in our record, however, which, read in the
light of other contemporary testimony, gives us a momentary
glimpse of the forces that were working towards the national
cataclysm. In a letter to the Council Charles draws its atten-
tion to a circumstance which had been brought to his notice.
By the law of the land every Scottish subject was bound to
communicate, at least once a year, and within his own parish.
But this law, he had been informed, had of late years been set at
nought "by the disorderlie behaviour of some disobedient
people." "When their occasions or their humour served them,"
these disobedient persons left their own parishes and ran to seek
the communion "at the hands of suche ministers as they know
to be disconforme to all order." Such contempt of the law could
not be permitted, and the object of Charles's letter was to let his
subjects know that he would not have his decrees thus mocked
with impunity (pp. 421–2). Little as we hear of them in our
record it was precisely these "dissobedient people" that were to set both King and Council at defiance, and for a period of twenty years to shape the law according to their own minds.

Since the first days of the Reformation the maintenance of the ministers of Edinburgh had sorely troubled the authorities of the town. The stipends had often been inadequate, they had been irregularly paid, and there had always been a difficulty in levying them. Hitherto the necessary sums had been drawn from the common good, but experience had proved that this arrangement gave satisfaction neither to the town nor to the ministers. It was for this reason, therefore, that the magistrates submitted to the Parliament of 1633 a proposal for another arrangement, at once more equitable and more effective, for the raising of the necessary stipends. Both the King and the Estates were of opinion that some new arrangement was highly desirable, and the Privy Council was empowered to see it carried through. There were two alternative methods of raising the requisite fund on which there appears to have been some difference of opinion. The one was to impose the necessary tax on feu duties, the other to impose it on house rents. The former had the approval of the Council; but the latter was preferred by the town authorities, and their proposal was eventually embodied in an Act which received the Council's sanction. As prescribed by this Act, the sum of 12,000 marks was to be annually raised on the rentals of all the inhabitants of the burgh—four men being chosen out of each parish to fix the values of the rentals. As new houses might be built, and old ones would decrease in value, the provost and bailies were, every year or every two years, to appoint new valuators to report such changes as were thus rendered necessary in the rate of taxation. Only the rentals of those who resided in the town for "the most part of the yeere or halfe yeere" were to be subject to taxation; and the Lords of Council and Session were to be exempted—probably because they were not in the habit of residing all the year in town. In consenting to the imposition of this tax the town magistrates expressly stipulated "that the ground right and propertie of the houses sall not be affected" (pp. 209, 213, 232, 234).
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A few details regarding individuals of more or less prominence in their time may close this survey of the contents of the present volume. Among those who lay under the displeasure of the government were Lord Ochiltree, Lord Balmerino, the Earl of Airth, and one George Nicoll, whose case excited considerable interest in the country at large. The charge under which Ochiltree lay was narrated in the Introduction to the preceding volume of the Register. Accused of a false charge of treason against Charles's favourite, the Marquis of Hamilton, he had been sent down to Edinburgh to abide his trial. He was lodged in the Tolbooth in November 1631, and, though again and again the date of the trial had been fixed, it had for unknown reasons been as often postponed. At length, in September 1632, the Council received a mysterious letter from Charles intimating that it would receive from the President his commands for their further dealings with Ochiltree. What these commands were we are not told, but from the present volume we learn that in May of the following year Ochiltree was by the King's order conveyed from the Tolbooth of Edinburgh to the Castle of Blackness, there to be kept "in close prison" till a further royal order was received (p. 101). As we learn from other sources, he was detained in that fastness till 1652, when he was released by the order of the Commonwealth of England (Douglas, Peerage, p. 329, Edin., 1813). Regarding Lord Balmerino, whose trial took place during our period, and which excited such widespread interest in the nation, we find but one entry and that of a trivial kind (p. 416). The disgrace of William, 6th Earl of Menteith, who had filled the offices of Lord President of the Privy Council and Lord Justice-General, has its chief interest from its connection with the genealogy of the House of Stewart. In 1631 he was granted a patent of the Earldom of Strathearn in virtue of his descent from David, Earl of Strathearn, eldest son of Robert II., by Euphemia Ross, and in the eyes of many like Drummond of Hawthornden this seemed a dangerous acknowledgment, which virtually involved the legal right of the new Earl to the throne itself. Strathearn himself seems to have had his head turned by the contemplation of this claim, and
incautiously went about declaring that he "had the reddest blood in Scotland." If we are to believe Drummond, who in his "Considerations to the King" pointed out to Charles the impolicy involved in the grant of the Earldom, it was a matter of public concern that Strathearn should be taught that he had incurred the penalty of treason. We may believe, therefore, that it was rather in deference to public opinion than from any alarm on his own part that Charles called the late President so sharply to account, by depriving him of every office which might encourage him in his folly (p. 139). A less exalted personage than the President of the Council incurred the displeasure of Charles and his advisers, and in the public opinion of the time was the innocent victim of political expediency. George Nicoll, the son of an Edinburgh tailor, had been clerk to Sir Archibald Acheson, Secretary of State for Scotland, and in this position, it is to be supposed, he had been witness of such mal-practices on the part of certain high officials that he took it upon him to lay his information before the King himself. Among those he accused were personages no less exalted than Viscount Duplin, the Lord Chancellor, the Earls of Morton and Strathearn, Lord Traquair, and the Lord Advocate, Sir Thomas Hope. Besides being an informer, Nicoll was likewise an ingenious projector, and among his communications to Charles he revealed to him "ane discoverie of his Majestie's title to the Lewes," and suggested a method for the improvement of the Orkney and Shetland Islands. In a letter to the Council Charles professed that he was satisfied neither with Nicoll's allegations against the various officials nor his suggested schemes of improvement (p. 8). That Charles had considered Nicoll's charges sufficiently serious, however, is proved by the fact that the parties accused were summoned to London to face their accuser. But to have arraigned the most important members of his Scottish Council on the evidence of a person like Nicoll would have been an act of impolicy, which, as affairs now stood in Scotland, Charles could hardly have dared to commit. The subsequent proceedings regarding Nicoll certainly suggest that public opinion was correct in condemning them as a gross perversio
original command, he was to receive a fair trial before the Lord Justice-General, and the advocates were actually chosen who were to plead in his defence. On further thoughts, however, Charles saw fit to change his mind, and in a second letter he wrote to the Council we have a significant commentary on the whole affair. "Though we wer pleased," his Majesty wrote, "upon some false and malicious calumnies suggested unto us by ane George Nicoll aganis some of our cheefe officers to give order to our Justice Generall and Advocat for persewing and causin his punishment be speedelie sentenced according to justice, yitt upon some considerations now moving us we ar heirby pleased that yow withdraw that caus from the judicatorie of the Justice Generall, and having callit the said Nicoll before yow that yow caus censure and punishe him in suche maner as yow shall thinke fitt." By this ingenious arrangement Nicoll's judges were the very parties whom he had accused, and their sentence—the pillory and perpetual banishment—certainly read a lesson to all would-be reformers. As he stood exposed at the town cross to the public gaze, we are told, he received "much compassion from the promiscuous beholders, who generally believed he suffered wrongfully" (pp. 8, 21, 30, 37-8, 58).

A supplication from one James Paul, who had been a merchant in Poland, reveals the difficulties under which wandering Scots sought their fortunes in that country. For some years everything went well with him, and he won "the commendatioun als weil of strangers as of natives with whom he had commerce." In due time he married "ane honest woman in that country," and "did so panefullie travell" with her in the matter of religion that from being a Papist she became "ane zealous professor of the truthe." Now, however, his fortunes took a turn for the worse. The Jesuits resented his perversion of his wife, and he was forced to leave that part of the country where he had made himself so comfortable. Some two years later he was present at the funeral of a brother Protestant when the craftsmen of the place, hounded on by the Jesuits, made an onslaught on the mourners. In the encounter that ensued Paul's brother was slain, "whilk moved the supplicant to
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revenge his death by killing the man who killed him.” As several of the craftsmen had fallen in the mêlée, a rigorous prosecution followed, with the result that twelve Scots and Germans were imprisoned—some of them under sentence of death. Through the favour of the “chief governor,” Paul was suffered to go free, but his wife was detained and subjected to various inflictions with the object of persuading her to renounce her adopted religion. All means of persuasion having failed to shake her constancy, she was at length permitted to join her husband, who now “by the advyce of the whole ministrie” returned to his native land. The invariable custom of unfortunate Scots in the circumstances of Paul was to lay their story before the Council, with a petition that they might be recommended to the charity of their countrymen, and Paul followed the usual course with the desired result. He received a licence to make his appeal to “such as have been travellers in the country of Pole, and to all archbishops, synods, presbyteries, kirk sessions, and magistrates of burghs” (pp. 470–1). The result of the appeal is not recorded.

As quaint illustrations of the miscellaneous duties of the His Majesty’s Council, two entries in the present volume should not be passed over. His Majesty’s camel, which apparently had excited the curiosity of the nation, had lost its keeper, and after various formalities it was at length entrusted to the custody of John Graham, gentleman of his Majesty’s guard, whom the Council confirmed in his office in the following terms:—“The Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrand to the said John Grahame and suche as he sall nominat and appoint to carie the said camele throughout this kingdome and to show the same to the people in suche forme as thay sall thinke fitt by towcke of drum or sound of trumpet frome tyme to tyme without trouble or latt to be made unto thame, thay behaving thameselfes modestlie and honestlie according to the lawes of this kingdome and forbearing to make show of the said camele upon the Sabbath day or in the tymé of divine service” (p. 126). The other entry, referring to the death of a child run over by a coal-cart, must be read in all
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its circumstantial details, to understand its quaintness and pathos, appearing where it does in the formal record of the Privy Council (p. 456).

I have again to thank the Rev. Henry Paton, M.A., for his valuable assistance in the preparation of this volume.

P. HUME RROWN.
REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &C.
The whilk day Mr John Schairp, advocat, sonne in law to umquhill, Sir John Hamilton of Magdalens, lait Clerk of Register, compeirand personally befoir the Lords of Secret Counsell, produced and exhibite before the saids Lords the key of the studie of the Exchequer Hous within the whiche the keyes ar of the chambers in the Castell where the publict registers and records ar keepe, quhilk key of the said studie was delivereid to the Clerk of Counsell, and [the] saids Lords ordains the said Mr John Schairp and others, the freinds of the said late Clerk of Register, to meit with Sir John Hay of lands, knight, Clerk of Register, upon the morn in the Exchequer Hous, at ight of the clocke in the morning, and that they with the Clerk of Counsell opin the studie in the Exchequer Hous and take furth thairof the keyes of the chambers in the Castell where the records ar keepe, and to sight and survey the saids writts and registers; and that they compeir befoir the saids Lords at twa of the clocke in the afternoone to the effect the saids Lords upon report of their proceedings may take such course and order for satisfaction of either partie as in reasoun sall be found fitting.

The Lords of Secret Counsell ordains Mr William Wallace, servitor to the lait Clerk of Register, who was personallie present, to repone in the Castell suche writts and rollis as he by order frome the said lait Clerk of Register tooke furth of the same.

Whereas the Kings Majestie is resolved, God willing, to honnour this his

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ancient kingdom with his royall presence this approachinge spring, and it being necessar and expedient for his Majesteis more contented recep-
tioun here that his parkes and speciallie that of Falkland be carefullie kepted and hayned and that the hunting and slaying of deir and vennisou within the same be forborne, quhairthrow his Majestie may have the better occasioun of his sport and game, these ar thairfoir to recommend unto your lordship the care of this busines quhairin we doubt not bot your lordship will be als respective as to the dewtie of your place appertanes. So committing your lordship to the protection of the Almighty, we rest. Halyrudhous, 2 January, 1633. Subscriber, Stratherne, B. Yles, B. Dumblane, Arch. Achesoun, S. Johne Hay, S. Thomas Hop.”

Holyrood House, 8th January 1633.

Sederunt—Stratherne, præses; Privy Seal; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Traquair; Secretary; Clerk, Register; Advocate; Sir James Baillie.

Declaration of Mr. John Sharp and Mr. John Wallace anent the Registers.

“The whilk day M’ Johne Scharp, younger, advocat, sone in law to unquhull Sir Johne Hamilton, lait Clerk of Register, and M’ William Wallace, servitour to the said lait Clerk Register, compeirand personallie before the Lords of Secreit Counsell, declared upon oath that to thair knowledge the hail registres and writts that wer in the keeping of the lait Clerk of Register ar still extant in the Charter hous and studie in the Exchecker, and that none of thame hes beene abstrackted since the death of the said lait Clerk of Register.”

“The whilk day Sir Johne Hay of Lands, knight, Clerk of his Majesteis Registers and Rollis, compeirand personallie before the Lords of Secreit Counsell, declared that in obedience of his Majesteis letter and conforme to the directioun thairof he had receaved from M’ Johne Scharp, sone in law to the lait Clerk of Register, the key of suche roumes in the Castell and Exchecker hous togidder with the evidences, registres and publict records that wer in the keeping and custodie of the lait Clerk of Register and declared that he was satisfied and content thairwith. Quhairupon the said M’ Johne Scharp for himselfe and in name and behalfe of the airs and executours of the said lait Clerk of Register and of his servants asked and took instrumentes.”

“The whilk day the missive letter underwrittin, signed be the Kings Majeste and direct to the Lords of Privie Counsell, being presentit to the saids Lords and read in thair audience, they ordaine the same to be insert and registrait in the bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas we wer pleased by our letters to yow for dating at Westminster of the letters patents of the Association for the Fishings
exped under the great seales of both kingdomes whiche sould have bene
dated at Camburie, these ar thairfuir to approve what is done by yow
notwithstanding of our former warrand, and to will yow to pas ane Act
of Counsell thereanent for warrand of what is done or anie other
evidence to that purpose yow sall thinke fitt, for whiche these sall be a
sufficient warrand to yow. We bid you heartillie farewell. Frome our
Court at Whitehall, the twelffe day of December, 1632."¹

"The whilk day the missive letter underwrittin, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, was presentit to the
saids Lords and read in thair audience, of the whilk the tennour
followes:—CHARLES R. Right trusty and right weilbelovit coseine and
counsellor, right trusty and weilbelovit cousines and counsellers, and
right trusty and weilbelovit counsellours, we greet yow weil. Having
considerit how short a tyme was appointed to thame of Hamburgh for
doing justice in that causs concerning [the] late Captane Robertsons and
his partners and the willingnesse of that State to doe the same with
diligence, as we have understood by a commissioner sent by thame
expresslie for that purpose, we have thought it reasonable to allow
thame a longer tyme for doing thereof; and it is our pleasure that yow
caus send some understanding person thither with a procuratorie to
persew the partieis there; and in the meane tyme that yow caus delyver
the shippes and goodes that wer takin from thame for that caus. And
whereas the said commissioner hath givin us sufficient suretie and satisfac-
tion for payment of such soumes as sall be found due whonever the sen-
tence sall be pronounced, it is our further pleasure that the letters of
reprisall grantit for this effect be discharged and suspended untill we sall
find caus for renewing of thame, which we meanto to doe heerafter if justice
be delayed or refused by them. For, as we desire to deale justlie with
our neighbour estats, so we will not have our subjects to suffer unjustlie
by thame. So recommending this to be done with diligence, we bid
yow farewell. Frome our Court at Whitehall, the 23 of December,
1632. Quhilck missive being read and considerit be the saids Lords,
they ordaine the Erle of Linlithgow, Admirall, the Erle of Rothes, and
rest of the said Captane Robertsons partners to be warned to Tuesday
nixt to heare his Majestie's letter obeyed."²

"The whilk day the missive letter underwrittin, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, being presentit to
the saids Lords and read in thair audience, they ordained the same to
be insert and registrat in the bookes of Privie Counsell, of the whilk the
tennour followes:—CHARLES R. Right trusty and right weilbelovit
cousine and counsellor, right trusty and weilbelovit cousins and counsellours, and
right trusty and weilbelovit counsellours, we greet yow

¹ An account of the "Association for the Fishing" will be found in the Introduction to the preceding volume of the Register.
² See Indexes to the three preceding volumes of the Register regarding the relations of Captain Robertson to the Hamburghers.
weill. We have sufficientlie expressed our resolution to yow for repairing (God willing) the nixt sommer to that our ancient kingdome for receaving our crowne and holding a parliament there, having writtin unto yow that a speciall and tymely care might be had for giving order to provide in generall for all things necessar and decent for our reception and interteanement during our abode there. Bot becaus there be divers things in particular concerning our interteanement whoifor in a peculiar manner a speciall care shoulde be had by our Treasurars, principall and deputie, upon whom we have now imposed a charge whoifor, and that the tymely foreseeing and provyding for the same will require more than ane ordinar care and burdein, our pleasure is that from tyme [to tyme], as our saids officers or anie of thame sall have occasioun to require your advice and aide, yow furthwith assist and concurre with thame or anie of thame in the speedie executioun of what we have particularlie imposed upon thame, or in anie other thing yow sall finde requisite for our service in that kynde. We bid yow farewell. From our Court at Whitehall, the 28 of December, 1632."

A letter for releasing of Alaster Grant and setting him to libertie, notwithstanding that his remissioun is not at this tyme grantit. Continewis to this day aucht dayes that order may be tane for securing Ballindalloch."

A Committee to be appointed in connection with his Majesty’s visit.

Holywood House, 10th January 1633.

Sedunt—Privy Seal; Wintoun; Annerdaill; Lauderdaleall; Air; Bishop of Dumblane; Bishop of the Yles; Traquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir James Baillie.

Charge to the provists and bailies of certain towns to appear before the Council and to number the cattle they are prepared to supply on the occasion of his Majesty’s visit.

"Forsameekle as a littill before our soveraine lords darrest father of famous and blissee memorie come to the kingdome in the 1617 yeere of God the magistrates of the burrowes and towns, particularlie underwrittin, undertooke to caus feed and hous in readines the number of fend nolt underwrittin aganis his Majestie comming, they ar to say, the burgh of Perth sax score fed nolt, the burgh of Dundie 300 fed nolt, the burgh of Stirline 20 ky and 20 veillis, the citie of Glasgow 300 fed nolt, the citie of St. Andrews 60 fed nolt, the burgh of Couper 24 fed nolt, the town of Alloway 30 fed nolt, the burgh of Dumfermelin sevin fed nolt, 16 ky, 12 young oxin, the burgh of Innerkeithing ten fed nolt, the burgh of Dysart 12 fed nolt, the burgh of Pittinweme 10 fed nolt, the burgh of Anstruther Wester 4 fed nolt, the burgh of Anstruther Easter 12 fed nolt, the burgh
of Monroe 36 fed nolt, the citie of Brechin 100 fed nolt, the burgh of Forfar 20 fed nolt, the town of Kylmure 32 fed nolt, the burgh of Linlithgow 24 fed nolt and 24 young oxin, the town of Dalkeith 20 fed nolt and ky, the town of Mussilburgh 12 fed nolt, the town of Newbottill 30 fed nolt, and the Justices of Peace within the sheriffdom of Perth sevin score fed nolt. And whereas the King's Majestie is resolved, God willing, to satisfie the long wishes of his good and loving subjects by honnouring this his ancient kingdome with his royall presence this approachinge spring there is the lyke necessitie for the credite and reputatioun of the kingdome and for his Majestie's contented recepctioun here that sufficient provision be made of all things necessar for the furnishing of his Majestie's hous and tryne; therfor ordains letters to be direct to command and charge the provest and bailleis of the burrowes and towns particularlie abonewrittin to compeir be ane of their number sufficientlie instructed, and Sir Patrik Ogilvie of Inchemartine, conveyenner of the Justices of Peace within the shirefdom of Perth, to compeir personallie before the Lords of Privie Counsell upon the 24 day of Januar instant to resolve and assure the saids Lords what number of fed nolt they will undertake and promise to have in readinesse again his Majestie heerecomming, under the pane of rebellioun, etc., with certificatioun, etc."

"Forsameekle as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royal presence this approachinge sommer, and whereas it imports verie muche to the honnour and credite of the kingdome that his Majestie's tryne and followers, amongst whom there will be a great number of the nobilitie and of others persons of good ranke and qualitie of the kingdome of England, be commodiouslie and hantsomelie lodged in all the towns where his Majestie will reside for the tryne, and that these towns be weill and sufficientlie furnished with all kynde of vivers and provision for man and hors, that their lodgings be cleane, hantsome and neat, that the beding and naperie be cleane and well smelled, that the puter vessells be of sufficient largenesse, that no filth nor middings be seene upon their streets and that no beggers be seene upon their bounds; and seing his Majestie will honnour the towns following, to wit, Edinburgh and the Cannogait, Linlithgow, Stirlin, Dunfermeline and Falkland with his royall presence, and that during his Majestie's stay at Dunglas ane great part of his tryne and followers must be lodged in Dumbard and Hadinton, and during his abode in Seaton some of his tryne must be lodged at Tranent, Mussilburgh and Dalkeith, therfor it becomes thame tymouslie to foresee and to provide that there be no enlaike of anie kynde of provision and furnishing in thair towns and that all things be se orderlie and hantsomelie prepared and dressed within the same as may give his Majestie and his tryne contentment. And for this effect ordains letters to be direct charging the provests and bailleis of the burrowes and towns particularlie abonewrittin, as alsua the bailleis of Leith, West Port and
Potterraw to compeir be ane of thair nber sufficiently instructed for thair toun before the Lords of Privie Counsell upon the 24 of Januar instant and to bring and produce with thame ane perfyte catalogue and roll of the hall lodgings and stables within thair touns and what number of persons everside lodging will commodiouslie and convenientlie lodge, and what number of horses thair stables will conteane; and that the said catalogue and roll conteane the names of the persons, owners of the saids lodgings and stables, and in what parts of thair touns the saids lodgings and stables ar; and to underly suche forder order as shall be injoyynd unto thame both anent the keeping of thair touns cleane from filth and provyding the same sufficientlie with all kynde of furniture for men and hors and anent suche others things as shall be prescryved and injoyynd unto thame under the pane of rebelliou, etc., with certificatioun, etc."

"Forsameekle as it is understand to the Lords of Secret Counsell that there is great appearance of trouble and unquyetnes lyke to fall out betuix 'Johne, Erle of Annerdaill, James Maxuell of Sprinkell and James Johnstone of that Ilke anent the meiths and marches of certane lands contraverted betuix thame, quhilkis will not faile to produce forder inconvieninces to the breake of his Majestie peace without remedie be provydit; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the saids three parteis to compeir before the saids Lords upon the day of Marche nixt to underly suche course and order as shall be tane with thame tuicheing the observing of his Majestie peace and keeping good rule and quyetnes in the countrie under the pane of rebelliou, etc., with certificatioun, etc.; and in the meane tyme to command, charge and inhibite the saids parteis that they nor nane of thame presomme nor take upon hand to invade, persew, trouble nor molest one another for whatsoever deid, caus or occasioun otherwayes nor be order of law and justice, every ane of thame under the pane of ten thousand merkes; certifeye thame that failyeis and does in the contrare that they shall be decerned to have incurred and to incurre the said pane of ten thousand merkes, and letters and executorials shall be direct againis thame for payment thairfoir to his Majestie thesaurar, deputie thesaurar and receivers of his Majestie rents in his Majestie name and to his Majestie use in forme as effeirs."

"The Lords of Secret Counsell assignes to the commissaries for the burgh of Edinburgh and to the officiars of the Cunziehous Tuesdays nixt to produce and give in to the Counsell thair answeres in writ to the proposition sent doun be his Majestie for rectifeing the abuse of the course of dollers."

**Sederunt**—Stratherne; Privy Seal; Wigton; Air; Bishop of Dumblane; Bishop of the Yles; Carnegie; Traquair; Secretary; Clerk Register; Advocate.
“The Lords of Secret Counsell nominats and appoints David, Lord Carnegie; Adame, Bishop of Dumblane; John, Lord Traquair; Sir Archibald Achesone, Secretar, and the Maisters of his Majesteis Worker to convene and meit the morn at Halyrudhous at eight of the clocke in the morning, and there to sight and survey the Churche of Halyrudhous and to consider what is fitting to be helped and repaired therein, and bow and upon what charges the same may be performed, and to report to the saids Lords upon Thursday nixt.”

“The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords Thesaurars of this kingdom, principall and deputie, being presentit to the Lords of Privie Counsell be Johne Lord Steuart of Traquair, and read in their audience, the saids Lords after consideratioun of the said missive ordained the same to be insert and registret in the bookes of Privie Counsell, there to remaine for the warrand of his Majesteis thesaurars principall and deputie their proceedinges in the maters specifit in the said missive, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousin and counsellour and right trustie and weilbelovit counsellour, we greit yow weil. As we have hitherto sufficientlie expressed to our Counsell our absolute resolution for repairing, God willing, the nixt sommer to that our ancient kingdome for receaving our crowne and holding a parlament there, so in regarde that in a peculiar maner it concerneth your charge to foresee and make readie all suche provisions and things necessarie as ar requisite and decent for our receiptioun and interteanement during our abode there, our speciall pleasure is that yow carefullie consider what is fitt and requisite to be provided for that purpose, and that accordingly yow take a tymelie course that the same be in readinesse, and that particularlie yow foresee that suche of our houses where we ar to be, be putt in good order, and to that effect that yow give speciall order to our Maisters of warke that nothing be deficiant upon thair part, and that yow carefullie survey the estait of our wardrob, by causing amend, change and provide of new (if neid be) all suche wardrob stuffe as is requisite ather for our standing houses or removes: Commanding to this purpose Sir Johne Achinmowtie, Maister of our Wardrob, to whome we have writtin concerning the same, to give yow a particular compt of the estait thairof, and whome we require from tyme to tyme to be directed by yow for performing our service in this kynde, so that nothing therein be defective or indecent. And generallie we will expect at your hands suche a care and readinesse to see everie thing for our journey so provided as may best give us content and be to the honnour of that our ancient kingdome. We bid yow farewell. Frome our Court at Whitehall, the 28 day of December, 1632. Followes the direction on the backe. To our right trustie and weilbelovit cousin and counsellor and to our right trustie and weilbelovit counsellour, the Erle of
Morton, and the Lord of Trasquair, our Thesaunaris principall and deputie of our kingdom of Scotland."

"The whilk day Sir Archibald Achesone of Glencarnie, knight baronnet, Secretar to our Soverane Lord, produced and exhibitie before the Lords of Privie Counsell the missive letter underwritten, signed be the Kings Majestie and directed to the saids Lords concerning M't George Nicoll his tryell before his Majestie's Justice for certane crymes mentiooned in the said letter, quhilck being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains the said letter to be insert and registrat in the booke of Privie Counsell and ane extract thereof to be givin to Sir Thomas Hope of Craighall, knight baronnett, his Majestie's Advocat, to be made use of be him in the criminal pursue againis the said M't George Nicoll, of the whilk letter the tennour followes:—Charles R. Right trusty and right weirbelovit cousin and counselleur, right trustie and weirbelovit cousaines and counsellours, and right trustie and weirbelovit counsellours, we greet yow well. Some papers being presented to us by one George Nicoll, who did thereby pretend the increasie of our revenew and good of our service, offering withall to qualifie some great neglects and abuses committit by some of our cheefe officers to our prejudice, we wer pleased to call him before us and heare him at lenthe at sevrall tymes. Bot finding that, in the one he had most boldlie suggested unto us unjust and malicious calumnies againis our officers and, in the other had whollie succumbed in what he had undertakin to make good for our benefite; wherewith we being justlie offended ar heirby pleased to acquaint yow with the same becaus of the foolish and scandalous rumors that have beene spread by this means, and to remitt him thither to be punished that all others not warrantit with verie just and evident grounds may by his exemple be terrified frome attempting the lyke hereafter. To whiche purpose we have appointed our Advocat to persewe him before our Justice Generall or his depute till a finall sentence be givin againis him according to justice; and till that tyme we ar willing that he remaine as a delinquent in saife and close custodie within the tolbuith of our burgh of Edinbugh. We bid yow heartilie farewell. Frome our Coart at Whitehall, the 21 of December, 1632."

"Forsameekle as it is understand to the Lords of Secret Counsell that diverse persons dwelling ewest to his Majestie's parke of Falkland daylie haunts and resorts throw the same, makes rods and passes therein, hunts and hawkes throw the same, breaks down the paull and dykes thereof, halds and pastours their bestiall and goods within the said parke, quhairthrow his Majestie awne deir ar verie farre weakened and driven to the point of starving; and if anie of his Majestie deir happen at some tym e to rake out of the parke the countrie people theerabout hunts and slayes thame, in high and proud contemp of his Majestie, and spoyle of his gayme now at his intended heere-comming.
Thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite all and sinderlie his Majestis lieges and subjects, be opin proclamationoun at the mercat croce of Falkland and at the parish kirks nixt adjacent to the said parke upon Sundae before noone in tyme of sermon or prayers, that none of thame presoome nor take upon hand to resort nor repaire within the saiden parkes, hunt nor hawke therein, breake doun the paill nor dykes of the same, nor putt, hold nor pastour anie bestiall or goods within the saiden parkes and medowes but licence of the Erle of Annerdaill, his Majestis foster and keeper of the saids parkes; and siclyke that none of thame presoome nor take upon hand to hunt nor slay anie of his Majestis deir that sall happin to raike out of the said parke, under the panes following, to witt, to be punished in their persons be warding in the palace of Falkland, and forder to be fynned in suche soumes of money as sall be imposed upon thame at the sight and discretiou of his Majestis Counsell."

"The whilk day John Sicnlare, baillie and commisioner for the burgh of Edinburgh, John Achesone, general of the Cunziehous, and George Foullis, maister of the Cunziehous, compeirand personallie before the Lords of Privie Counsell, gave in everie one of thame their several answeres with their overtures to the proposicion made be M' Briot for rectifieing the abuse and course of dollers within this kingdome; the advisement and consideracion of whiche answeres and overtures the saids Lords continewes till this day ancho daye."

"Charges aganis the shirefis for productiou of the act of election of commissioners to the parliament."

"Misisse to be writtyn to the commisioners appointed for revising of the lawes for a meiting to be keepe neere upon the 20 of Februar."

"Charges aganis the Marquis of Huntlie for exhibition of certane excommunicat rebellis dwelling upon his ground."

"Forsamecke as the Kings Majestie is resolved, God willing, to honoun this his ancient kingdome with his royall presence this approaching sommer; and whereas there will be ane number of occasiouns daylie intervenencon his Majestis contented recepition heir for the honnour and credite of the countrie qhilkis will require a daylie sitting of some of his Majestis Counsell, and may not abide the ordinair meitings of a full number thairfo; and the Lords of Secret Counsell being carefull to forsee all occasiouns qhilkis may advance the tymous dispatche and

\[^{1}\text{See Index to previous volume of the Register for Briot's proposals for the reform of the currency.}\]
orderlie disposing and provyding of all things concerning this important mater, thairfor the saide Lords hee givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Vicount of Dupline, Lord High Chancellour of this kingdome; William, Erle of Morton, Thesauraur; William, Erle of Stratherne, Lord President of his Majesteis Council; Thomas, Erle of Hadinton, Lord Privie Seale; Adame, Bishop of Dumblane; David, Lord Carnegie; John, Lord Steuart of Tracquair, Deputie Thesauraur; Sir Archibald Achesone of Glencarnie, knight baronnet, Secretar; Sir John Hay of Lands, knight, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; and Sir James Baillie of Lochend, anie twa of thame with the said Thesauraur or Deputie Thesauraur, to convene and meit daylie in his Majesteis Exchequer Hous at Edinburgh about nyne of the clocke in the foremoone, and to begin the morne the 18 of this instant, or at suche others tymes and places as the saids commissioners or anie twa of thame with the saids Thesauraur or Deputie Thesauraur sall appoint, and there to conferre, advise, consult, conclude and determine upon all and every thing fitting and requisite to be prepared and provydit, aganis his Majesteis heerecommg and to give directions thereanent be missives or otherways as they sall thinke good. Firm and stable halding and for to hold all and whatsomever things sall be lawfullie done heerin."

"The whilk day the Lords of Secret Counsell having heard the relation and report made be William, Vicount of Air, tuicheing the executioung of the submissioun made unto him and some others mentioned in the said submission be John, Erle of Annerdaill, James Maxwell of Springkell and James Johnstone of that Ilk.
See ante, p. 6.

Directions of Council anont certain lands in dispute between the Earl of Annan-dale, James Maxwell of Springkell and James Johnstone of that Ilk."

"The Lords finding be his report that he could not settle the differences between the saides partes, and that there was appearance of trouble and inconvenient lyke to fall out betuixi thame to the breake of his Majesteis peace; thairfor the saide Lords for preventing thairof rand it meit and expedient that all the saides partes sould be bound for thameselfs and takand the burdein upon thame for thair men, tennents and servants, to observe and keeee his Majesteis peace eache of thame with others and that nane of thame sould interrupt others nor thair tennents and servants to pastoure promiscuously in the bounds contrverted betuixi the saides partes and particularlie mentioned in the said submissioun till it be decyded be order of law to whom the saide ground and moesses contrverted appertenas; and siclyke that they and ilke ane of thame sall absteane and forbear frome all casting and winning of peatts and fewell within the saids bounds and moesses contrverted untill the first day of Junij nextto come, ilke ane of thame under the pane of fyve thousand merkes; as alsa that they and ilke ane of thame sall compeir personallie before the saide Lords upon the first Counsell
day of April nixtoCOME and underly suche forder order as the saids Lords saill injoyne unto thame under the panes respective abowritten. Lykea the saids James Johnestoun and James Maxwell, being callit upon and compeirand personallie and this present ordinance intimat unto thame, they reverentlie acquiescit thereunto and actit and oblieist thame to observe, keepe and fulfill the same in everie point under the panes respective foresaids; lykea the said Vicount of Air promeist to speeke with the Countesse of Annerdaill anent this mater, and if she fand not the lyke obligement for the said Erle, her husband, that than he sould act himselfe as cautioner for him in maner and to the effect abowritten. Lykea the saids Lords declares that this enacting of the persons particularie abowritten nor promiscuous possession foresaid saill not be prejudicall to thame nor nane of thame anent thair right and possession of the bounds and moises foresaids nor anent anie actioni competent to thame be vertew thairof whilks aR all reserved to the saids parteis to be persewed and discust before the Judge competent be the ordinar course of law and justice."

"Ordains the Maister of his Majesteis Workes who was present to Holyrood Kirk. attend the Committee the morne anent the reparatioun of the kirk of Halyrudhous."

"Missives writtin to the commissioners for revising of the lawes; The revision of the lawes.

and suche as wer this day present ar warned apud acta to convene with

the rest upon the 28 of Februar nixt."

After our verie heartilie commendatiouns. Whereas the King's c. January 1633. Letter of Council to the Commissioners for revising the laws.

Majestie is most solist and earnest that the commissioun grantit for revising of the lawes be carefullie followed out by these to whos charge the same is committed that according to the intent thairof all things may be in readinesse to be rectified and ordered in the nixt Parliament, for the better effectuatung of the whiche bussines there is a meeting of the whole commissioners appointed to be heere at Halyrudhous upon the 20 day of Februar nixtoCOME, and yow being one of that number, these are to request and desire yow that yow faile not, all excusses set aside, to keepe the said dyet preciselie and to concurre with the rest of the commissioners by your best advice and endeavours for performance of these things which by the said commissioun ar concredie to your care. Whiche looking assuredlie yow will doe we commit yow to God.

Sederunt—St Andrewes; Privy Seale; Wintoun; Bishop of Dumblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Holyrood House, 22nd January 1633. Clerk Register; Advocate.

"Forsameekle as the Lords of Secret Counsell ar informed that at the Order of Parliament for election of commissioners for the small barons and freeholders within the severall shirfdomes of this kingdome to attend his
Majesteis parliaments and generall counsellis, there was no electioun
made at all of the saids commissioners within manie of the shirefdomes
of this kynodome, at least the same was not formallie nor lawfullie led
according to the order prescryved be the Act of Parliament, quhilik is
ane great omission and neglect of dewtie in these to whois charge the
said electioun appertained, and throw occasion whairof his Majesteis
service and the publicit affaires of the estait to be intreated at this
approcheing parliament will receave verie great hurt and prejudice
without remeid be provydit; thairfor the Lords of Secreet Counsell
ordains letters to be direct charging the shireffs of the shirefdomes of
Edinburgh principall, constabularie of Hadinton, Beruick, Roxburgh,
Selkirk, Peebles, Lanerk, Dumfreis, Wigtown, Linlithgow, Stirling,
Air, Renfrew, Dumbartane, Clackmannans, Fyfe, Kinroscher, Perth,
Forfar, Kincardin, Aberdein, Bannf, Elgine, Forres, Narne, Inverness,
Cromartie, Caithnes, Sutherland and Orkney, and thair deputs and the com-
missioners who wer nominat within the saids shirefdomes to attend the said
parliament this last yeere bygane and who hes not made anie nomina-
tioun nor electioun at all, that they and everie one of thame with all
convenient diligence convene the small barons and freeholders within
the saids shirefdomes respective and at thair meetings that they nominat
some speciall persons, freeholders of his Majesteis, to be commissioners
for the saids shirefdomes respective at all parliaments and generall
counsellis during this present yeere, and that they compeir before the
Lords of Privie Counsell upon the days particularlie underwrittin, viz.,
the saids haill sheriffs and thair deputs and commissioners dwelling
benorth the Water of Tay upon the fourtene day of Marche nixtocome,
and the saids haill shireffs and thair deputs and commissioners foresaids
dwelling besouth the said Water of Tay upon the 26 day of Februarie
nixtocome, and that they and everie one of thame bring and produce
with thame before the saids Lords the dayes respective abonewrittin and
formall record and act in writt sealed and subscribed according to the
forme and order prescryved be the said Act of Parliament concerning
the nomination and election of the saids commissioners, under the pane
of rebellion, etc., with certification, etc."

"Forsameoekle as the King's Majestie has resolved that his corona-
tioun sall, God willingly, be in the Abbey Kirk of Halyrudhois, and whereas
it is verie requisite both for the credite of the countrie and for the
solemnitie of this important actioun that the said kirk be repaired and
ordered in suche a decent and comelie maner as is most fitting for suche
ane great and honnourable actioun, thairfor the Lords of Secreet Counsell
ordains and commands James Murray and Antony Alexander, Maisters
of his Majesteis Workes, to enter with all possible diligence to the
repairing and ordering of the said kirk in the particulars following, viz.
—to take down the east gavell within the great arche where the old
window is, and to erect and build up ane faire new window of good stane
worke, and a window in the east end of the north yle; and forder to build up the north-west steeple with stone, timber and leade, and to make it fitt to receve a pale of bells; as also to helpe and repaire the south-west steeple so farre of it as must be in sight, and to repaire and make new the great west doore with stone and timber; and also to repaire the hail west gavell with some lights to be struckin out therein with the two turnepycches to partlie takin down and well repaired and thacked in good order; as also to remove the hail lofts and desakes, and to repaire the hail breaches and defects of all the pillers, and to helpe the plaistering of the north yle and to swettin and set it off in good sort conforme to the south yle; as also to prepare and have in readines als manie daillis, trees, sparres, and naillis as sall be thought necessar for erecting of the King's Majestis throne and others degrees of honnour with suche barricats and lofts as sall be necessar; and ordains the saids maisters of warkes to begin to the saids warkes with all possible diligence and to provide warkmen and all materials necessar where ever they can be best and soonest had; for doing of whilk premises this present act sall be to thame ane warrand; and ordains his Majestis Thesaurar and Deputie Thesaurar to furnishe moneyes fra tyme to tyme as the necessitie of the service sall require."

"The Lords of Secreit Counsell, finding it necessar and expedient for the honnour and credite of the kingdom and for his Majestis contented reception heere, that the hie wayes and passages throug the quhilk his Majestis progress will ly be mended, helped and enlarged and made passable for coaches and horses, thairfor the saids Lords hes nominat and appointed the persons following within the bounds particularie underwritten to ryde the saids hie wayes and passages and to consider what places neid aither enlarging or mending of the wayes, furirs, bridges or passages, and after exact consideration thairof to prescryve and publishe the order whilk they sall find most meit and easie to repair the necessar defects foresaid by the travellis and charges of the inhabitants within the saids bounds, and the saids orders to be perffyted betwix the day of nixto come; and that it be straitlie injonied to the shireffs and justices of peace to have ane care to see the directionn to be givin to thame and the order and rule to be set doun in this bussines to be performed, and that they rander ane acount of the diligence of the country where they dwell to his Majestis Counsell upon the day of that if ane thing be restit undone and perffyted they who sall be found negligent or undewtfull may be censured and punished; and if all of thame who ar in the commissioun sall not ben present that suche of thame as ar present doe that quhilk is injonied to be performed be the whole; and that the saids commissioners report to the Counsell upon the day of their whole proceedings in this mater and of the order to be sett doun be thame and be the shireffs and justices of peace and all that hes proceedit therein.
Followes the names of the commissioners nominat and appointed for this service, viz.—for the ways and bounds betuix Beruick and Dunglas, the Lairds of Langton and Blacader, Sir James Baillie, M' James Nicolson of Colbrandspath and the Erle of Homs baillie; for the bounds betuix Dunglas and Seaton, the Erle of Wintoun, the Lord Yester, the Laird of Wauchtoun, Sir Robert Hepburn and M' James Syderf of Rouchla; for the bounds betuix Seaton and Dalkeith and fra that to the West Port of Edinburg and fra Dalkeith to Leith and fra that to the West Port, the Erle of Lothiane, the Lord Ramsay, Sir William Niabet, the Laird of Prestoun, the Laird of Lugtoun and the Laird of Edmiston; for the bounds betuix Edinburg and Linlithgow, the Erles of Wintoun and Linlithgow, the Lairds of Dunbar and Corstorphine, John Dundas of Newliston and Thomas Dalyell; for the bounds betuix Linlithgow and Stirline, the Erles of Linlithgow and Wigton, the Lairds of Pownais and Keir; for the bounds betuix Stirline and Dumfermline, the Erle of Mar, the Lairds of Clackmannan, elder and younger, the Laird of Tulliallan, John Areskine of Balgowne, Sir Johne Preston of Walifeld and Alexander Bruce of Ava; for the bounds betuix Dumfermline and Falkland, the Erle of Rothes, the Lord Burlie, the Laird of Balward, the Lairds of Pitfirran and Randifurd and M' Thomas Wardlaw; for the bounds betuix Stirline and Falkland, the Lairds of Cleish, Aldie, Dowhill, Sauchie and Alexander Bruce of Ava; for the bounds betuix Falkland and Bruntilland, the Lords Melvill, Burlie and Wemes, the Lairds of Balvaird, Balmowto and Balfoure.”

“The Lords of Secret Counsell finds it verie necessar and accordlinglie ordains Johne, Lord Stewart of Tracquair, deputie Thesaurar, to caus buy ten or twelffe hors for the forderance of his Majesteis carrage, and to advance sax hundreth pundis Scotch money to Andrew Ker, stabler, who is imploied to buy thir hors, and that upon compt, and for the qhilk soume the said Andrew, being present, promeist to be comptable and answerable; and ordains him to use all possible diligence in this mater.”

“The Lords of Secret Counsell gives and grants warrand and comission to thir presents to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, to survey the hail lodgings in the Cannogait, and how manie of thame ar commodious for lodgings of the strangers who ar to come with his Majestie or of the noblemen of this kingdome; and that the said Deputie Thesaurar dispose of the saids lodgings as he sall thinke meit.”

“The whilk day in presence of the Lords of Secret Counsell compeirde personallie Williame, Viscount of Air, and become actit and obliest as cautioner and soueretie for Johne, Erle of Annerdaill, for himselfe and takand the burdein on him for his men, tennente and servants, that the said Erle sall observe and keepe his Majesteis peace with James Maxwell of Springkell and James Johnestoun of that Ilke, and that the said Erle nor his men, tennents nor servants sall not interrupt the saids
James Maxwell and James Johnestoun nor their tennents and servants to pastour promiscouslie in the bounds and moseses contraverted betuix the saide partieis and particularlie mentioned in the submission made be thame to the said Vicount of Air and some others nominat therein till it be decyded be order of law to whome the said ground and moseses apperteane; and siclyke that the said Erle sall abesteane and forbeare from all casting or winning of pettis or fewell within the saids bounds and moseses contraverted untill the first day of Junij nixtocome under the pane of fyve thousand merkes; as alsua that the said Erle sall compeir personallie before the saids Lords upon the first Counsell day of Aprile nixtocome and underly suche forder order as the saids Lords sall injoyne unto him in the mater under the said pane of fyve thousand merkes. Lykewise the saids Lords declares that this cautionioun found be the said Erle nor promiscuous possessiou foresaid sall not be prejudiciall to him anent his right and possession of the bounds and moseses foresaids nor anent anie actioun competent to him be vertew thairof quhilkis ar all reserved to the said Erle to be perswede and discust before the judge competent according to the course of law and justice."

"Continewes the cunzie and the pearle till Thursiday nixt."

"Continewes his Majesteis letter anent the Hamburghers till Thursiday, and ordainis the Hamburghers to have a copie of the defence givin in be the pairtners of Captane Robertson."

"After our verie heartillie commendationis to your good lordship."

The Kings Majeste having resolved, God willing, to satisfie the hopes and the earnest wishes of his good and loving subjects of this his ancient kingdome, to have the happiness to see his Majestie heere in this appreacheing sommer it becomes thame thairfoir to contribute thair best means for preparing all things necessar for his Majesteis contented recepccion and speciallie that the hie wayes and passings where his Majesteis progress will ly be enlarged and mended and made passable for coaches and cairts, and where anie fuirds or bridges in these bounds requires reparatioun that they be helped with all possible diligence. And becaus the giving of directions and the presacryng of the order how this bussines sall be followed out must necessarilie be committed to some persouns well affected to his Majesteis service within everie shire there is ane choise and list made of some selected noblemen and others for this effect and namelie of your lordship with the Laird of Dundas and Corstorphine, John Dundas of Newlistoun, and Thomas Dalzell for the haitl bounds betuix Edinburgh, and Linlithgow, and thairfoir these ar to requeist and desire yow to appoint some short day when and where your lordship with the others commissiouns may meet, and that yow conveene with yow the shireff of the shire and the conveener of the justices of peace within the same, and that yow ryde the hie wayes where his Majesty is to pas and consider qhat places need ather enlarging or mending of the wayes, fuirds, bridges or passages, and after exact con-
sideratioun theirof that yow prescryve and publishe the order quhilk yow sal finde most meit and readie to repaire all necessar defects be the travells and charges of the inhabitants within the saids bounds, and to be perfycted with diligence betuix and the first day of May nixt; and that yow straitlie injoyne to the shireffs and justices of peace to have ane care to see your directions and the order and rule to be set doun be yow in this bussines performed and that yow command thame to rander ane accompt of the diligence of the countrie where they dwell to his Majesteis Counsell upon the tent day of Marche nixt that if anie thing be restand then unperfytte these who sal be found negligent and undewtfull may be censured and punished. And if all of yow who ar in this commissiou sall not be present that suche of yow as sall be present doe that quhilk is heirby injynned to yow; and desiring yow to make report unto his Majesteis Counsell upon the xxiiij day of Marche nixt of all your proceedings in this mater and of the order to be set doun be yow and the shire and justices of peace how farre is proceedit heerin, we committ yow to God. Frome Halyrudhous, the 22 day of Januar, 1633. Subscribitor, St. Andrewes, Hadintoun, Wintoun, Iles, Carnegie, Arch. Achesoun, J. Hay.

Holyrood
House, 24th
January 1633.

Sederunt—Stratherne, prses; Privy Seal; Mar; Linlithgow; Acta June
Wintoun; Wigtoun; Bishop of Dumblane; Bishop of the Yles; 1632-June
Carnegie; Secretary; Clerk Register; Advocate; Sir James 1634.
Baillie.

Letters of reprisal granted to the late Captain Robertson against the Hambourghers to be sus-
pended.

"The Lords of Secreit Counsell having considderit and at lenth debaited his Majesteis letter sent unto thame concerning the Hamburgers and the shippes and goods tane frome thame be vertew of the letters of reprisall grantit to umquhill Captaine Robertseone and to Captane James Orrrock, the saids Lords in obedience of his Majesteis pleasure signified by his said letter, finds that the letters of reprisall sall be suspended and surcease till his Majesteis give new order thereanent; that the parteis interested in the letters of reprisall sall send a sufficient person authorized with a lawfull procuratorie to Hambourgh to perswe redresse and reparition of the wrong susteamed by thame, and in the meane tymne that the ship and goods takin and intrometted with be vertew of the letters of reprisall sall remaine where they ar, caution being found to make the same furth-cummand to the persons having right thereto after satisfactiou made be the Hamburgers; allowing alwayes the Lord Admirall of this kingdom to sell suche perishable goods as cannot be preserved to the best availl; and that ane letter be writtin to his Majestie to acquint him therewith and humbelie to desire his Majestie that for the priviledge of the countrie and the parteis ease the suretie for satisfactiou found in England may be transferred and renewed heere, which being done, that in England to be voide."
"Forsameekle as our soverane lords awne earnest desire, the heartie
wishe and prayers of his most loving subjects of this kingdome and the
effaires of the estate both for receaving of his crowne and holding of a
parliament, hes invited his Majestie thir diverse yeeres bygane to
honour the same with his royall presence, and the impediments qhilks
fra tyme to tyme wer ane latt and hinder of the accomplishement of his
Majesteis intended journey hither being now by Gods assistance
removed, his Majestie hes resolved, God willing, in this approacheing
spring to begin his journey heere. And whereas his Majesteis repaire
hither will necessarilie draw with his Majestie great numbers of the
nobilitie and gentrie of the kingdome of England, for whois recreatioun,
exercis and pastyme necessar it is that there sall be ane forbearance
of the slaughter of wyld feule and vennisoun for some certane space,
whereby the same may be the more abundant for the use and inter-
teanement of his Majesteis Court and for the credite and reputatioun of
the kingdome; thairfor the Lords of Secreit Counsell ordains letters to
be direct to command, charge and inhibite all and sindrie his Majesteis
lieges and subjects of what qualitie or degree soever they be, be opin
proclamation at the mercat croces of the heid burrowes of this king-
dome and others places neidfull that name of thame presoome nor take
upon hand to slay, sell, buy or eate anie kynde of peuridges, blacke
cockes, earth hennes, termigants, capercailylieis and murefoulis nor no
vennisoun at anie tyme after the publication heirof whill the last day
of Marche nixt under the pane of ane hundreth pund to be incurred be
everie persoun contraveening the premisses as oft as he or she sall failzie
or contravene; whilk contraventioun and failzie sall be tryed ather be
thair awne oath or be witnesses as accords of the law: And whereas the
person or persons contraveening ar not able to pay the said soume they
shall be punished in thair persons by warding and feeding upon bread
and water at the arbritrement of his Majesteis Counsell: And siclyke to
intimat and declare to all and sindrie person or persons that who ever
will reveale and show to his Majesteis Counsell or Deputie Theauruar
where and be whome anie of the kyndes of wyld feule foresaid and
vennisoun is slaine, sauld, bought or eatin and will furnishe probatioun
for the same, that not onelie thair names sall be concealed, bot they sall
have twenty pundis of everie contraventioun that sall be tryed and
decerned be thair meanes: And siclyke to command, charge and inhibite
all and sindrie his Majesteis lieges and subjects be opin proclamationiun,
as said is, that none of them presoome nor take upon hand to hunt hares
ather with ratches or grewhounds within aucht myles of the palaces of
Halyrudhous, Linlithgow, Stirline, Dumfermeline or Falkland under the
panes contesnait in the former Acts of Parliament and Secreit Counsell
made thereanent, certifieing thame that sall doe in the contrarie that the
saids panes sall be inflicted upon thame without favour: and siclyke to
command and charge all and sindrie stewartis, justices of peace, magistrats
within burgh and all others bearing anie office, charge or commandement under his Majestie, everie one of thame within their awne bounds, limits and jurisdiction, that they and everie one of thame have anie speciall care and regarde to see this proclamatioun proecesslie observed and keepe within their bounds and that they suffer no mercat to be made nor kept for anie kynde of the wyde foule abonesspecifit, nor none to be sauld in houses nor sellers bot that they appoint searchers and visitors to discover and try where there sall be anie breake of this ordinance, as they will answer to his Majestie and his Counsell upon the dewtifull discharge of their offices."

"The Lords ordains the burrowes that ar charged anent fed beiff and loodgings and the awners of hay to attend the Committee the morne in the Exchequer Hous at nyne of the clocke in the morning."

Sederunt ante meridiem—Stratherne; Privy Seal; Linlithgow; Wintoun; Areskine; Bishop of Dunblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Clerk of Register; Advocate; Sir James Baillie.

Letter from his Majesty anent the Lady Lusse.

Eodem die, post meridiem, Sederunt ut supra except Areskine, Yles and Advocat.

"The Lords of Secret Counsell hes thought meit and expedient and
accordingly ordains and commands John, Lord Stewart of Tracquair, dollars to be
Deputie Thesaurar, and Sir Thomas Hope of Craighall, his Majesty's
Advocat, to persay by all lawfull meanes and tryell the importers of the
dollars since the dait of the proclamatioun made thereanent and the
exporters of his Majesty's proper coyne, and to procead aganis thame
with all possible diligence in the tryell and probatioun thairof."

"The Lords of Secret Counsell having heard and considderit the
propositioun made by Alexander, Erle of Linlithgow and Admirall of
this kingdome, tuicheing John Brown, indweller in Paisley, now prisoner
in the tolbuith of Glasgow, for buying of some pyrat goods, the saids
Lords allowes the said Lord Admirall to putt the said John to libertie from
and fredome furth of the said tolbuith, he first acting himselfe for his
compeirance before the said Lord Admirall when ever he sall be lawfullie
charged to that effect under the pane of death; anent the doing whairof
this act sall be unto the said Lord Admirall ane warrand."

In the Sederunts the Thesaurar is added to the number of those who The Treasurer.
are to prosecute the importers of foreign money.

Most sacred Soverane. Your Majestie's letter of the 23 of December Holyrood
House, 28th January 1633.

Letter of
Council to his Majesty anent
the Ham-
burghers and
the late
Captain
Robertson.

Sedante, Novem-
ber 1632-January 1633.
Ld. Lctts, 1622-35.
Pa. 285, b.

Seante, p. 16.

did signifie unto us that your Majestie doeth thinke it reasonable to
grant a longer tyme to the State of Hamborrow for doing justice unto
the partners of Captane Robertson, deceased, for reparatioun of his and
their losses and wrongs done by Captane Longue and Utenhold, and
theirfor required us to send some understanding person thither with a
procuratioun to persay the partieis there and in the mean tyme to caus
delyver the shippe and goods that wer takin be vertew of the letters of
reprisall formerlie granted to the said Captane Robertson and his
partners and also requiring us to discharge or suspend the said letters of
reprisall until the same may be renewed be your Majestie, becaus the
commissioner for Hamborrow hath givin unto your Majestie sufficient
securitie and satisfactioun for payment of suche soumes as sall be found
dew when soever the sentence sall be pronounced. In humble obedience
of your Majestie's said letter we did call before us the parteis interested
and they being heard with the Lord Admirall for his interested we have
givin order to suspend the saids letters of reprisall until your Majestie's
further pleasure be knowne, and have required the parteis and partners
to send some understanding person authorized with a procuratioun to
persay thair caus in Hamborrow and they have undertakin to doe the
same in hope your Majestie will be graciously pleased to revive or
enlarge the saids letters of reprisall if justice sall happin ather to be
refus'd or delayed in Hamborrow after suche tymse as your Majestie
may be pleased to appoint for doine of justice there, and in the meanse
tyme we have takin suretie of the parteis and partners to make suche
of the goods as ar extant furthcoming to suche parteis as sall be found
to have best right thereunto after satisfactioun made to the said Robert-
soun, his airis, executors or partners for thair losses susteannie, becaus
the saids goods wer takin bona fide be vertew of the saids reprisalls after
that the parteis losses and wrongs wer provin before the Judge of the
Admiralitie of England, as we ar informed. And in regarde that some of
the goods ar perishable and cannot be preserved anie longer, thairfowr we
have ordaind suche to be sault at the best advantage at the sight of
your Majestieis Admirall and the same being so sold we have takin
securitie to make the prices thairfowr furthoming to anie parteis interessed
after satisfactioun made to the heyres, executors, partners or assignees of
the said Robertsoun, as said is; and if the State of Hamborrow hes found
securitie to your Majestie for satisfieing of quhat sall be adjudged, we doe
humbelie pray your Majestie to transmitt the said securitie into this
kingsdom that the parteis being now forced to use in suche a forran countrie as Hamborrow may not thereafter be compelled to seke execu-
tioun agains the suretieis in England or in anie forran countrie quhaiof
the lawes and customs ar unknowne to thame. And as by your Majestieis
said letter we doe perceave your Majestieis royall care not onelie to deale
justic with your nighbour States but also to preserve your Majestieis
good subjects from wrong and prejudice so we doe humbelie pray and
beseeche your Majestie to continew in that royall and princelie resoluc-
tioun as a marke of your Majestieis justice and equitie commendable to
the world and all succeeding posteritiie; and so with our humble and
heartie prayers for your Majestieis long health and happines, we rest,
etc. Halyrudhous, 28 January, 1633. Subscribitur, Stratherne,
Hadintoun, Wintoun, Linlithgow, Carnegie, Tracquair, B. Dumblane,
Secretar, Clerk Register, James Baillie.

Holyrood House, 29th
January 1633.

Sederunt—Stratherne; Privy Seal; Linlithgow; Winton; Bishop
of Dumblane; Bishop of the Yles; Lord Areskine; Carnegie;
Tracquair; Secretary; Advocate.

Ansen the
provision for
the Lady Luss.
See ante, p. 18.

Decision anent "The whilk day the Lords of Secret Councell having read, and
considerit the propositiouns made by Nicholas Briot for reforming the
abuse of the course of forran coyne with the answeres made thereto be
the Burrowes and officers of the Coynehous, togidder with the overtures
propounded be thame for rectifieing the abuse, and finding the bussines to
be of great weight and hardlie upon the suddane to be resolved, they
have thairfowr continewed this mater to ane further deliberatioun and
required the Burrowes, who wer present, to give a sufficient procuratorie
to the towne of Edinburgh to compeir before the Councell and to conferre
and treate with thame anent the money at suche tymes as they sall be
callit."

"The whilk day in presence of the Lords of Secret Councell com-
peirde personallie Johnie Colquhoun of Balvie, brother to the Laird of
Lusse, and Mr Johnie Andersone, chamberlane to the Lady Luss, unto
whome the saids Lords made intimation of his Majestieis directioun for
tryell of the Laird of Lusse his estait, and ordains thame to conveene the
factors and chamberlans and to sett down a perfyte rentall of the said
estait, holding and burdeins thairof, and of the ladeis conjunct fee lands,
and to report to the Counsell the first Counsell day of Marche nixt.”

Sedentur—Stratherne; Winton; Lauderdaill; Bishop of Dumblane;
Bishop of the Yles; Areskine; Carnegie; Secretary.

Holyrood
House, 31st
January 1633.

“Forsameekle as it is verie necessar and expedient for the better accom-
modating and lodging of his Majestie and his tryne in his Majesteis
awne houses of the castellis of Edinburgh and Stirlinie, and of his palaces
of Linlithgow, Falkland and Dumfermeline and Halyrudhous that all
persons who dwellis within the saids houses or possesses anie roumes or
chambers within the same sall remove thame selfs, thair servante and
Gounds, furth thairof and leave the same voide and red and deliver the
keyes thairof to his Majestie Thessurar or Deputie Thessurar, or to the
Maisters of his Majesteis Warkes, to the intent that all the saids houses
may be readie and patent to his Majestie barbinger and that he may
designe and appoint the same to suche of his Majestie tryne as he sall
thinke mexit; thairfor ordains letters to be direct charging all persons
dwelling within anie of his Majesteis houses foresaidis or who possesses
anie chambers or roumes within the same to remove thame selfes, thair
servantes and goods furth thairof and leave the same voide and deliver
the keyes thairof to his Majestie said Thessurar and Deputie Thessurar,
or to the Maisters of his Majesteis Workes, to the intent and purpose
foresaid, within 48 hours after the charge under the pane of rebellioun,
etc., and if they faillyie to denunce, etc.”

“The Lords of Secret Counsell having read; heard and considderit the
desire of the petitioun givin in be Mr Laurence McGill, Mr Robert
McGill, Mr Thomas Nicolsons, youngier, and Mr John Gilmour, advocats,
procuratours constitute be the Lords of Counsell and Sessioun for the
defence of Mr George Nicoll in his criminal tryell before his Majestie
Justice upon Fryday nixt, the first day of Februar, for the causes con-
teanit in the dittay givin in aganis the said Mr George thereanent, and
the saids Lords being weil advised with the said petitioun and desire
thairof, they find the same in the point underwrittin allanerlie to be
reasonable, and conforme thereto the saids Lords ordains ane copie of the
said dittay to be givin to the saids advocats the morn in judgement and
frome thence furth ordains the provest and bailleis of Edinburgh and
keeper of thair jayle to grant accesse within the said jayle to the said
advocats to the intent they may conferre with the said Mr George anent
his lawfull defences till Tuesday nixt, quhilck is the dyet of new ap-
pointed for his tryell, and if the saids advocats hes anie thing to propone
to the saids Lords on the behalfe of the said Mr George quhilck requires
the saids Lords thair advice and opiniouin before the said Mr George be
entered upon pannell, the saids Lords ordains the saids advocats to give information thereof to the Earl of Strathtyne, Lord Cheefe Justice of this kingdome, betuix and Moonaday nixt at night, to the intent he may conveene his Majestie's Counsell upon the morne thereafter at nyne of the clocke in the forenoon in the Exchequer hous for hearing of the saids advocats. But the saids Lords declares that they will not heare nor admitter any thing to be propounded be thame upon their owne behalfe for their declyning to defend the said Mr George agains the criminnall persute foresaid.'

"The whilck day the Lords of Secret Counsell, according to ane warrand and directioune in writt signe be the Kings Majestie and this day presentit unto thame, ordains and commands the provost and baillies of Edinburgh to sett Alaster Grant, prisoner within their tolbuith, to libertie and fredome furth of the same that he may repaire to the parts where he was borne or ellis where for his dispacthe of his lawfull effaires, notwithstanding his Majestie hes not as yitt grantit ane remissioun to him; commandinge all and sundrie his Majestis judges, officers and lieges that none of thame presoom to trouble the said Alaster Grant for anie caus or occasioun bygane proceeding frome the grounds of his present imprisonment till his Majestie give warrand for that effect, quhairerent the extract of this present act sall be unto the saids provost and baillies ane sufficient warrand. Followes his Majesties missive for warrant of the act abonewritin. CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors and right trustie and weilbelovit counsellers, we greit yow, weill. Being pleased at this tyme upon some speciall considerations of our owne knowledge moving us hereunto to caus release Alaster Grant... Frome our Court at Whitehall, the fourth day of December, 1632."

"The whilck day Alaster Grant, lait prisoner within the tolbuith of Edinburgh, being brought down from the said tolbuith and exhibite before the Lords of Privie Counsell, he actit and oblesit him selfe that Johne Grant, fear of Ballindallach, his wife, barnes, men, tennants and servants sall be harmesse and skaithlesse in thair bodeis, lands, roumes, possessiouns, goods and geir, and in no wayes to be troubled nor molested therein be the said Alaster Grant nor no others of his causine, sending, hounding out, command, ressettt, assistance nor ratihabitioun whome he
may stop or latt directlie nor indirectlie in tyme comming, otherwyses nor be order of law and justice under the pane of fuye thousand merkes."

"The Lords of Secret Counsell gives and grants warrand and commission be thir presents to John, Lord Steurt of Traquair, Deputie Thesaurar, and the Maisters of his Majestis Warke, or anie of thame, to repaire to suche of his Majestis houses and palaces as his Majestie is to visite at his heerecomming to make a survey of the saids houses, and to consider what is fittting to be repaired and amended therein for his Majestie better and more contented accommodation within the same."

After our verie heartilie commendations. Whereas amongs others preparations quhils ar now in hands and must be tymously foresene and in readiness againis the tyme of his Majestis heerecoming that of the carrage is not the least bot doeth als neerlie concerne his Majestis honnour and service and the credite of the countrie as any other service that will occurre in all his Majestis progress throughout the same, and quhaires this service cannot be well done bot by the shires where his Majestis progress and journy will ly, as was done when his Majestis lait deir father of eternall memorie was comming to this kingdome, we must thairfoir lay a part of this service upon yow; and for this effect these ar to request and desire yow to conveyne the rest of your brethren and justices of peace within that shire and to advise and resolve among your selfes how and in what maner his Majestis carrage may be most formallie and orderlie caried fra Bervick to Dunglas for readie and thankefull payment, or if yow will follow the order prescryved be your selfes the tyme foresaid of his Majestis darrest father his coming to this kingdome that accordinglie you will conveene the whole brethrein of the benshe to burgh and land within that shirefdom so soon as convenientlie may be and make ane particular distribution of the said shirefdom in parishes, appointing some of your number for everie parish, to try what number of cairts and hors for carrage every parish to burgh and land may furnishe for his Majestis carrage upon his Majestis expenses, and that yow appoint a constable in everie parish who sallbe answerable that the cairts and hors for carrage designed to everie parish sall be in readiness for his Majestis service when ever they sall be advertised be the principall constable of the shire who sall have the charge of advertisement, and you sall appoint within that shirefdom two constables who sall be answerable to the maisters of his Majestis carrage that they sall caus the other constables appointed to everie parish to have the cairts and hors for carrage designed to the parish in readiness, and that they sall come and lift his Majestis carrage at suche tymes and places as they sall be advertised and if yow find anie other course more meet and fitt to be followed for the furtherance of this great service nor this, you sall sett doun your judgment and opinioun thereanent
in writ and report the same to his Majestie's Counsell upon the xiiiij day of March next; which recommending to your care and diligence as a piece of service, be this importation of the credite of the country we commit yow to God. Frome Halyrudhous, the last day of Januar, 1633. Subscribitur, Stratherne, Hadintoun, Wintoun, B. Yles, Arch. Achesoun.

Sedent—Stratherne; Mar; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Carnegie; Lord Melvill; Lord Traquair; Secretary; Advocate.

Caution by John Gordon of Shielis for Thomas Gordon, brother to James Gordon of Letterfoure, that the said Thomas sall ather depart furth of his Majesteis dominions betuix the last day of April nixtocom or otherways that he sall resort to the parish kirk and heare sermoun and that he sall behave himself modestlie without giving of offence or scandal to the Kirk; and that he sall not ressett nor intercommun with Jesuits, seminarie nor messe preists, and that betuix the said day he sall report ane certificat frome the bishop of his diecio of his conformitie in the premisses under the pane of ane thousand merkes in caise he failie in anie point thairof. And the said Thomas, being personallie present, actit and obeleist him to relieve his cautioner of the premisses and of all pane and danger he may incure thairthrow.

"Forsameekle as the Lords of Secret Counsell find it meet and expedient that all things requisite and necessar for the solemnitie of his Majesteis coronacion sall be tymoulzie foresene and provydyt, and in speciall that his Majesteis crowne, scepter and sword, quhilks ar the honours of that great and royall actioun, sall be sighted and that what is deficient and wanting therein sall be helped; thairfoir the saides Lords ordaine and commands the captane, constable and keepers of the castell of Edinburgh, to whois credite and trust the keeping of these honours is committed, to delvery the same to John, Lord Steuart of Traquair, Deputie Thesaurar, to the intent that he may give order and direction for helping and repairing of what sall be found be the saids Lords to be defective and wanting therein; anent the delverye of the quhilk honours this present act, with a note of the said Depute Thesaurar under his hand upon the receipt of the same, sall be unto the said captane, constable and keepers of the foresaid castell of Edinburgh a sufficient warrand."

"Ane Act anent the repairing and helping of some things deficient and wanting in the castell of Edinburgh."

The Castle of Edinburgh.

Warrant for delivery of the crown, sceptre and sword to the Deputy Treasurer for inspection.

Holyrood House, 7th February 1633.

Sedent—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Traquair; Secretary; Advocate.
"Anent the supplication presentit to the Lords of Secret Counsell be the provest, bailleis and counsell of the burgh of Aberdeen, makand the mentiouin, that where they having takin to their consideratioun the great necessitie wherein their toon stood throw want of pure and cleane water and how that the water wherewith their toon was served may be com-pelled to come frome ane little loche at the side of their toon, whilk is so filthie, defyled and corrupted not onelie by gutters daylie running in the loches but alsua by the listers who washe all their cloathes in the said loche and by the neighbours of the toon who washe all their clothes there; and suche of the neighbours as dwell ewest to the loche they cast all their filth and excrementes in the same, so as the water comming therefra to the said toon is so corrupted and unsavourie in the taste and of suche ane greene and uncomelie coloure as nather the neighbours of the toon nor strangers repairing thereeto can make use of the said water. And the saids supplicants being carefull in imitation of others parts and in speciall of their neighbour countrie where great care is tane for pres-erving of their water to provide a remeid for the serving and furnishing of their toune with pure and cleane water, they concluded and fand it meit and expedit with uniforme voice that ane draught should be drawin frome a spring within a myle of their toon by the quhilk the waterould be drawin fra that spring to their toon, and that some fountanes should be erected in the most convenient parts of their toon for that effect. And becaus this worke could not be brought to perfectiou bot upon the commoun charges of the toon, the supplicants thairfoir warned the haill neighbours of their toon be towcke of drwn to convene with thame upon the fourteene day of September last for giving of their advice anent this worthie and commendable worke and there consent to ane taxatioun to be imposed upon their toon for that effect. And according to this appointment the haill communitie of their toon, both gild brether and craftsmen having convenned in their tolbuith upon the 19 day of September last, and the overtour and propositioun foresaid and the expediencie and necessitie thairof for the furnishing and serving of the said toon with pure and cleane water and the erecting of fountanes for that effect being intimat and shawin to thame, the haill bodie of the said toon all in one voice agreed upon the expediencie and necessitie of the said worke and the erecting of fountanes to that effect, and all the gild brether consented to be stented for defraying of the charges of that worke. And when as the deacon conveenner of the crafts his consent to the stenting was craved for himselfe and in name of the remanent crafts of the toon, he for himselfe and in name of the haill bodie of the crafts, acknowledging the necessitie of the bringing of water and erecting of fountanes to that effect, consented to contribute and to be stented with the rest of the neighbours of the toon toward the maintenance and uphalding of the water draught and fountanes to be erected, as said is; bot they made some scruple to be stented in anie soumes of money for
bringing the worke to perfectioun, but offered a certane soume of money to that effect provyding that they wer free of the taxationoun. And upon this little difference betuix the crafts and gild brether this important worke, tending so farre to the weale of the said tooun and preserving of the health as weil of strangers repairing thereto as of the proper inhabitants of the same, is lyke to be frustrat, to the disgrace of the said tooun and to the heavie greefe of the weil disposed citiouns thairof. And the gild brether, upon whome the most part of the burdein of this worke will ly, refuires in anie caise to be stented unless the commoun and observed custome in maters of this kynde be observed, and that the haill inhabitants of the said burgh als weill gild brether as crafts be stented; quherein they respect not so suche the payment of the soume, quhilk they will freelie and willinglie underly, as the preparative quhilk the refuisall of the crafts may produce in maters of this kynde heer-after. And whereas this oppositioun and contradictionoun made be the crafts being trewlie considderit as ane mater of no moment and aucht not to be respected in so important a caus as this, seing thair part of anie stent to be imposed upon the said burgh will onelie extend to the aucht part, being sett and collected at the greatest rigour, and the portioun of the gild brether will extend to sevin parts of aucht, and the stent to be imposed upon the crafts being considderit with thair offer there will not pas three hundreth pounds in difference betweene thair offer and the stent quhilk is a mater of no moment and not worthie to be respected in suche a commoun caus so needlie importing the weale and credite of the said tooun:—Humbelie desyrying thairfoir the saids Lords that the saids supplicants may have commissioun and warrand be act of Counsell in maner and to the effect underwrittin, lykes at mair lenth is conteunit in the said supplicationoun. Quhilk being read, heard and considderit be the saids Lords and they being therewith and with the two acts of the counsell of the said burgh of Aberdein containing their proceedings in this mater weill and throughlie advised, and finding this worke needlie to concerne the weale and credite of the said tooun, thairfoir the saids Lords hes givin and grantit, and be thir presents gives and grants, warrand and commissioun to the saids supplicants to sett done ane certane soume of money toward the forderance and advancement of the worke foresaid to be paid be the haill neighbours and inhabitants of the said tooun, and to nominat and appoint certane stenters to stent thair neighbours, and the said stent being sett done, ordains letters to be direct charging the persouns stented to make payment of that soume that they and ilk ane of thame sall be stented to to the collectours to be nominat and appointed be the saids provest, baillies and counsell of Aberdein to that effect within three dayes after the charge, under the pane of rebellioni, etc., and if they faillyie to denunce, etc.; and if neid beis to poyn and distreinzie; with power lykeways to the said provest, baillies and counsell of Aberdein to commit to waird suche of
the persons stented as refuse to make payment of their stent to the saide Collectours, as said is, to remane therein upon their awne expenses till they make payment of their said stent."

"Forsamekle as at ane latit visitatioun of the Castell of Edinburgh be some of his Majestis Counsell it was found that sindsie parts within the said castell needs to be helped and repaired, both for the credite of the countrie and for his Majestis more contented receptioun and lodging within the said castell; thairfore the Lords of Secret Counsell ordains and commands the Maisters of his Majestis Warkes to sett too workemen with all convenient diligence for repairing, helping and mending of suche things as ar necessity to be helped and mended within the said castell, and that they begin at these quhilkis ar most necessity to be repaired and may not suffer delay and so goe on with the rest as the tyme and necessitie sall require, letting his Majestis Thesaurar or Deputie Thesaurar know from tyme to tyme the course and progresse of their proceedings and at what worke they begin, quhereanen this act sall be unto the saids maisters of worke ane warrand."

"The Lords of Secret Counsell ordains the hall proclamatiouns made the tyme of King James the Sxt of blessed memory his comming to this kingdome to be renewed according as the saids Lords sall give order."

"A letter from his Majestie for continewing the keeping of the shireff courts of Lanerik in the same place quhair they wer accustomed to be haldin till his Majestis heerecomming or that his Majestie signifie his pleasure heereanent."

Sederunt—Stratherne; Privy Seal; Wintoun; Wigtoun; Bishop of Dumblane; Areskine; Ies; Secretary; Advocate.

"Forsamekle as one Robert Tough of Dysert, being of lait prisoner in the Poultry of London for certane soumes of money dew by him, did under pretence to use his meanes to pay his creditours intreate John Atkinson, doore keeper of the said prison, to goe abrode with him to that effect, as is ordinarlie accustomed there, but having escaped and ran away from his keeper to this kingdome to shelter himselfe heire from the dew course of justice, whereby he is lyke to undoe his keeper in being made lyable by his escape to pay the debt, and defraud his creditours of what is justlie dew unto him [sic]; whiche being contrarie to the dew course of justice which mutuallie ought to be keaped amongst all his Majestis loving subjects and ane act in him worthies of censure and punishment, thairfor the Lords of Secret Counsell, according to ane warrand and direcition in writ signed be the Kings Majestie and this day exhibite unto thame, ordains letters to be direct to messingers of armes charging thame to pes, searche, seeke and take the said Robert Tough where ever he can be apprehendit, and to bring, present and exhibite him before his Majestis Counsell to be tane order with as his
Majestie hes directed; commanding heirby all and sindrie shireffe, &c., June 1582—June 1584. the saids messingers in the taking, convoy and exhibition of the said Robert before his Majesties Counsell; with power to saids messingers to arrest the said Robert his ship and all others goods knowne to belong unto him to remaine under arrestment till he satisfie his creditor of what is dew unto him and of all other charges occasioned by his escape; and if neid beis to take the sailes frome the raes of the said ship quhaither she depart not. Followes his Majesties missive for warrand of the act abonewritten. CHARLES R. Right trustie and right weilbelovit cousinie and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we gret yow weill. Being informed by John Aitkingsone, doorekeeper of the prison in the Powtrie in Londoun, that one Robert Tough of Dysert, being of late prisoner in the said prison, for certaine soumes of money dew by him, did under pretence to use his meanes to pay his creditours intreate the said Aitkingsone, his keeper, to goe abroad with him to that effect, as is ordinarlie accustomed heir; bot having escaped and run away frome him to that our kigdom to shelter himselfe there frome the dew course of justice, quhereby he is lyke to undoe his keeper in being made lyable to [sic] his escape to pay the debt and defraude his creditour heir of what is justlie dew unto him, this being contrarie to the dew course of justice quhilk mutnellie ought to be keepe among all our loving subjects, and ane act in him worthie of censure and punishement, our pleasure is that with all possible diligence yow give order for arreisting of his shippe and all others goods knowne to belong unto him that they may be furth with comming for the payment of his creditours of what is dew unto him and of all other charges occasioned by his escape; otherways that yow caus apprehend him if he can be found there and keepe him in close prison till he satisfie the parteis according to justice; and to that purpose that yow give suche order as yow sal thinke fitt: whiche recommending to your speciall care, we bid yow farewell. Frome our Court at Whitehall, the 18 day of Januarie, 1633."

Holyrood
House, 14th February 1633.

Sederunt—Stratherne; Privy Seal; Wintoun; Areskine; Bishop of Dumblane; Bishop of the Yles; Advocate.

Warrant from his Majesty for preventing fishing on Sundays.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennour follows:—CHARLES R.—Right trustie and right weilbelovit cousinie and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we gret yow weill. Being informed of a barbarous custome used by some persons in fishing of salmon and other fishes upon the Sunday and in tyme of divine service and adminis-
tration of the sacraments contrarie to ane ancient and laudable custome, that none did fish from the setting of the sunne upon the Saturday at night till the nixt Mounday morning at the ryng thairof, we have thought fitt to recommend unto you the rectifieing of that abuse; and to that effect that you give warrand to our shireffs where the abuse is committed and to others our officers and subjects whom yow sall thinke most fitt to appoint to see your order tuiching the same putt in execution according to the manner to be prescribed by yow. We bid yow farewell. Frome our Court at Whitehall, 13 of Aprile, 1632. Qhilk missive being heard and considerit be the saids Lorde they ordaine the same to be insert and registrat in the bookes of Privie Counsell, and continewes the making of the proclamatioun till the first Counsell day of Marche nixt."

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Lord Melville; Secretary; Advocate.

"Forsameekle as George, Marques of Huntlie, being writtin unto be direction of his Majesteis Counsell to have sent Raufe Rayling, an English carver, being in his companie and service to the intent he might have beene employed in some service in his Majesteis worke quhilks ar now in hands for his Majesteis more contented reception in this kinglym the said Marqueis hes sighted the direction sent unto him and hes not sent the said Raufer heere, so as that part of service quhill wes to have beene committed to the said Raufe is lyke to be shaiking louse and disappointed; thairof the Lords of Secret Counsell ordains letters to be direct charging the said Marqueis of Huntlie to send over and exhibite the said Raufe before the saids Lords upon the day of to the intent he may be imployed in suche of his Majesteis warke as he sall be directed be the masters of his Majesteis warke under the pane of rebellion, etc., with certificatioun, etc."

"Forsameekle as in the course and order prescryved and sett doun for the monethly attendance of the commissioners for the teinds upon the charge concretis unto thame, Johne, Erle of Wigtoun; Alexander, Erle of Linlithgow; Patrik, Bishop of Aberdein; Androw, Bishop of Argyle; and Adame, Bishop of Dumblane, wer appointed to attend for the moneth of Marche nixt, whilk moneth being now approacheing, necessar it is for the forderance of that service, quhilk hes had so manie delays and continuauons, that the commissioners foresaid give their attendance presecialie whairthrow this service be not longer delayed nor hindered, thairof ordains letters to be direct charging the commissioners particularie abonewrittin to attend and await upon the said commission during the moneth of Marche nixt and not to absent themselfes therefra without a scene caus to be allowed be the commissioune under the pane of rebellion, etc., with certificatioun, etc."
“Anent the application presented to the Lords of Secret Counsell be M'r George Nicoll, makand mention that where there has been at diverse tyme suplications givin in to the saids Lords by the said suppliant and his advocats in his name for restitution to him of certane papers whiche wer takin from him since his commitment within the tolbuith of Edinburgh, and for licence to have paper, pen and inke beside him to write privatiie at all occasions all suche informations for his defence in that criminall persute moved aganis him as soull happilie occurre in his mynde, that he might give the same to his advocats when they can convenientlie repaire to him to that effect, of the whiche suplication he hes never as yitt gottin anie answer fra the saids Lords albeit that the desire of the same is most reasonable, in respect that the foresaid papers will furnishe unto him defences in the foresaid criminall persute as may appear by the onelic titles and names of these heid papers, viz., One of the saids papers being the copie of his relatioun whiche wes givin to his Majestie; another of thame the copie of the estimat whiche wes lykewayes givin to his Majestie; the third of thame being ane citatioun of the particular records for the proffe of his said relatioun; the fouth of these said papers being ane certificat sealed and subscriyed be Captane Alexander Mure and twa witnesses of his Majesties directions givin to the suppliant by the said Captane Moore for wryting and delyverie of the said relatioun; the fyft of these saids papers being ane discoverie of his Majesties title to the Lewes; the sxt being ane overtur for the improvement of Orkney and Zetland; the sevint of thame being ane litle paper conteaining some particular memorandums concerning the saids relatiouns, and the eight of these saids papers writtin on ane whole scheit of paper and another halfe scheit of paper being ane scroll of the questions and objections maid unto the suppliant before the Kings Majestie with his severall answers thereunto, togidder with some particular defences tuiching the said criminall persute forethought on be himselfe. Lykes after all these saids papers wer takin from the suppliant be Androw Whyte, he being callit into the lower Counsel hous before the right honourable the Erles of Stratherne and Linlithgow, the Lord Clerk Register, Advocat and Justice Depute, the said Erle of Stratherne proomitt upon the nyntene day of Januar last that all the foresaid papers soould be delveryed to the said suppliant before anie reale proceeding soould be used aganis him. Humbelely desyryng thairfor the saids Lords that they would be pleased to give order for the present delyverie unto the suppliant of all the saids papers whilk wer violentlie takin from him be the said Androw Whyte, or otherways that the samine be deposited in the hands of the clerkes of Privie Counsell, and that he may have the authentick doubles thairof subscriyed with the said clerkes hands and also that he may have the libertie of paper, pen and inke beside him for the effects foresaid, lykes as mair lenthe is conteinat in the said suplicationn. Quhilk
being read in audience of the saids Lords, Sir Thomas Hope of Craighall, knight baronnet, his Majestis Advocat, tooke instruments upon the giving in of this petitioun and of the particular writts therein mentiouned, whils wer the writts takin from the said Mr George Nicoll be Androw Quyte, and that there was no other writts takin from him."

"The whilk day James Sinclair and James Strudgeoun, dagmakers in the Cannogait, compeirand personallie before the Lords of Secret Counsell, become actit and obleist conjunctlie and severallie as cautioners and souerteis for Johne Sinclair, one of the servants of the Cunziehous, that he sall compeir before the saids Lords upon Thursday nixt and offer as he sall be required to answer tuicheing the counterfooting of the copper coyne, under the pane of and hundredth ponds."

"The Lords of Secret Counsell ordains Johne Greg, one of the persons challenging for the copper coyne, to exhibite the said Johne before the saids Lords upon Thursday nixt to answer upon the counterfooting of the copper coyne."

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Tracquair; Secretary; Advocate; February 1633. Sir James Baillie.

"Forsamekcle as there is a great necessitie that sufficient provision be made of straw and hay for furnishing of his Majestis awne equerie and the horts of his tryne and followers the tyme of his Majestis comming and remaining in this kinsdomme, thairfor the Lords of Secret Counsell ordains letters to be direct charging officers of arms to pas, fence and arresist the hail strae and hay within the shiredomes of Linlithgow, Stirlin and Clackmannan and suche parts thairof as ar ewest to his Majestis castell of Stirlin and palace of Linlithgow and within the regalitie of Dumfermline and the north side of Forth and suche parts of the shiredome of Fife as ar ewest to his Majestis palaces of Dumfermline and Falkland, to remaine under arresiment unintrommetted with or put away in hall or in part, bot to be kepted and preserved for the use of his Majestie and his tryne and followers; and to command and charge the awners and possessours of the said strae and hay to make their addresse to the persons following who will attend thame in the bounds underwritten upon the dayes after specifieit, that is to say, those within the shiredomes of Linlithgow, Stirlin and Clackmannan, to Robert Rollock, servitour to the Erle of Mar, and David Balfour of Balloch, or anie of thame, who will attend thame at the burgh of Linlithgow upon the day of for these within the shiredome of Linlithgow and at the burgh of Stirlin for these within the shiredome of Stirlin and Clackmannan; and these within the shiredome of Fye ewest to the regalitie of Dumfermline to the Laird of Pitfirran, Mr Thomas Wardlaw and the said David Balfour, or anie twa of thame, who
will attend thame at the burgh of Dumfermeline upon the day of ; and these within the shiref dome of Fife ewest to the palace of Falkland to make their addresse to James Kynningmond, Chamberlane of Fyfe, and to the said David Balfoure, who will attend thame at the burgh of Falkland upon the day of ; and at their meetings at the places respective foresaid that they agree with the persons foresaid which are appointed to attend thame as said is upon the price of their said hay and straw, and according to the said agreement they shall receive tymous and thankfull payment; and that the owners and possessours of the said hay and straw keep the dyets foresaid in the places respective abonewritin assigned unto thame and there attend the persons foresaid which are to agree with thame in maner foresaid under the pane of rebellium, etc., with certificacion, etc.”

"Forsameekcle as the progress of the Commission for the Surrenders in this approacheing moneth of Marche is lyke to be frustrat and hindered by the absence of some of the clergie who were entrusted to attend that service, whilk will not onelie be offensive to his Majestie, but hurtfull to manie of the subjects who look for ane outred and dispatche of their bussines in that moneth; thairfor the Lords of Secret Counsell ordains letters to be direct charging Alexander, Bishop of Dunkeld; Androw, Bishop of Argyle; and Johne, Bishop of Cailtines, to make their addresse to the burgh of Edinburgh in dew and lawfull tyme agains the first day of Marche nixt and to attend the said commission during that whole moneth, under the pane of rebellium, etc., with certificacion, etc.”

"Forsameekcle as the Lords of Secret Counsell hes appointed and be the tenour heirof appointe the sevint day of Marche nixt for a meeting of the whole commissioners nominat be the King’s Majestie for revising of the lawes at the Counselhous in Halyrudhous at twa of the clocke in the afternoone towards the taking of some solide course for bringing of that worke to some good perfectioun, thairfor ordains ane maissor or officer of armes to passe to the mercat croce of Edinburgh and there be opin proclamatioun to make publication and intimatioun heirof quhairthrow none of the saids commissioners pretend ignorance and to warne all the saids commissioners to attend and await the said dyet for the cause foresaid, with intimatioun as efeirs.”

"The Lords of Secret Counsell gives and grants warrant and commission to Adame, Bishop of Dumblane, Sir Archibald Acheeone, Secretar, Sir Thomas Hope, Advocat, and the Justice Deputys to examine the persons challenged for the copper coyne; and ordains the officers of the Counzielhous to give in interrogatories whereupon they ar to be examined.”

"After our verie heartlie commendatiouns to your good lordship, Whereas the sevint day of Marche nixt is appointed be his Majesties Counsell for ane meiting of the whole commissioners nominat be the Kings Majestie for revising of the lawes, to be heere at Halyrudhous at twa of the clocke in the afternoone, to the effect some solide course may
than be tane for bringing that worke to ane perfection quhilk his Majestie hes so earnestlie recommendit to the saids commissioners, of whome your lordship being one, these ar thairfoir to request and desire yow, all excusisse sett aside, to keepe the said dyet precesslie. Quhilk looking assuredlie your lordship will doe, we committ your lordship to God. Frome Halyrudhous, the 23 day of Februar, 1633. Subscriptur, Stratherne, Hadinton, Areskine.

Sederunt—Stratherne; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Secretary; Advocate.

**Holyrood House, 26th February 1633.**

"The Lords of Secret Counsell in respect of the decease of James Sinclair of Murkll, lait shireff of Caithness, ordains a new commissioun of shireffship to be past and exped under the great seale to Sir James Sinclair, his sonne; and that ane commissioun be givin to the Erle of Seaforth, the Bishops of Ros and Murray, or anie of thame, to take his oath."

"Missives to the cheefe ylanders to be heere at his Majesteis coming to this kingdome in their best order."

"The Lords assigns to the Lord Areskine Thursday nixt to report his diligence anent the election of commissioners to the Parliament."

Sederunt—Stratherne; Wigtoun; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Areskine; Lord Melvill; Traequair; Secretary; Advocate.

**Holyrood House, 28th February 1633.**

"Forsameckle as amongs the manie preparations quhilk must be tymouslie foreseen and in readines again the tyme of his Majesteis comming to this kingdome that of his Majesteis carrage is not the least, but doeth als neerelie concerne his Majesteis honnour and service and credite of the countrie as anie other service that will occurre in all his Majesteis progresse throughout this countrie; and whereas this service cannot be done bot be the helpe of the inhabitants of the shirefdomes through quhilk his Majesteis progresse will ly and of the nixt adjacent parts, as wee done the tyme of his Majesteis latte deir fathers comming to this kingdome, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shireffs of Beruick and Roxburgh for the east part of Tiviotdaill, and baillie of Lauderdaill, the shireffs of Hadinton, Edinburgh, Linlithgow, Stirling, Clackmannan, Fyfe, Perth, and thair deputs, and the convesners of the Justices of Peace within the saids shirefdomes, that they and everie ane of thame within thair awne bounds and offices respective convene the barons and landed gentlemen within thair bounds with all convenient diligence and at thair metting that they resolve and conclude upon some certane,
solide and sure course how his Majesteis carriage may be caried through their bounds upon his Majesteis charges and expenses; and for this effect that they make a particular distribution of the saids shirefdomes in parishes, appointing some of their number for evey parish to try what number of cairts and hors for carriage evey parish may furnishe, and that they appoint a constable for evey parish who shall be answerable that cairts and horses for carriage designed to evey parish shall be in readines for his Majesteis service as they shall be directed and advertisest; and siclyke that they nominat and appoint twa other constables for evey parish who shall have the charge to advertise the constable of the parish to have the cairts and horses for carriage in readines at the tymes to be appointed; and lykewayes that they appoint twa constables for eache shirefdom who shall be answerable to the Maisters of his Majesteis carriage that they shall cause the other constables appointed in evey parish have the horses and cairts for carriage designed to the parish in readines to come and lift his Majesteis carriage at suche tymes and places as they shall be advertisest and that the saids shireiffs, baillie and conveneners of the Justices of Peace compeer personallie before the saids Lords upon the day of Marche nixt and make ane perftye report in wrritt of thair proceedings in this bussines, under the pane of rebellioun, etc., with certificatioun, etc.

"Forsameeke as the Lords of Secreit Counsell are informed that the whole or most part of the lodgings and stables within the Cannogait ar alreadie tane up be some persons of this kingdom so that suche of his Majesteis tryne and followers as necessarlie must be lodgde neere his Majesteis person during his abode at Halyrudhous will not be commodiouslie accommodat in lodgungs and stables within the said Cannogait, but will be constrained to seek thair lodgungs in remote and farre places from his Majesteis hous and palace, to the disappointing and neglecting of his Majesteis service; whilk will not onelie be offensive to his Majestie, but will be a great discredite to the countrye that his Majesteis proper domesticks, who must necessarlie attend his royall person, sall be disappointed of thair lodgungs; thairfoir the Lords of Secreit Counsell hes thought mett heirby to intimat and declare that all these who hes tane or myndes to take lodgungs and stables in the Cannogait that they will be frustrat and disappointed of thair intents and that all the saids lodgungs and stables will be tane up and marked for his Majesteis owne tryne and followers be his Majesteis harbingers at thair heerecomming, and ordains letters to be direct to make publicatioun heirof be opin proclamatiou at the mercat croce of Edinburgh and the Cannogait, and to warne all persons who hes tane or myndes to take lodgungs and stables in the Cannogait that they provide thame selffes of lodgungs and stables [elliswhere], otherways assuring thame that they will be disappointed, and that the saids lodgungs and stables will be tane up and marked for his Majesteis tryne and followers."
"Forsameekle as there is great appearance of new delay and hinder in the progresse of the commission for the teinds by the absence of some of the clergie who wer nominat to attend that service; and whereas the Bishop of Brechin hes beene long spared and that without his presence that service is lyke to be cassin louse; thairfor the Lords of Secret Counsell ordains letters to be direct charging the said Bishop of Brechin to come and make his addresse heere to attend the said commission till Wednesday nixt, the sext day of Marche, provided to attend for that moneth, under the pane of rebelliuon, etc., with certificatioun, etc."

"Forsameekle as Sir James Sinclar of Murkhill is nominat to be shireff principall of the shirefdome of Caithness for the yeere to come, and whereas it is necessar that he give his oath for faithfull administra
tiou of that service; and the saids Lords being unwilling to draw the said Sir James to unnecessar travaillis and charges in appearing before thame to give his said oath, thairfor the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissiou to Patrik, now Archbishop of Glasgow, Coline, Erle of Seaforit, and John, Bishop of Murrey, or anie one of thame, to take the said Sir James his oath for faithfull discharge of the office of shireship within the bounds foresaid, and to make ane formall report theirif in writt to the saids Lords, to the effect the same may be recorded and registrat in the bookes of Privie Counsell, wherament thir presents sall be to thame ane warrand."

"The whilk day in presence of the Lords of Secret Counsell comeprid personallie Sir Johne Hamilton of Trabroun, knight, and promeist upon his honnour and credite that he sall never invade, trouble nor persew M' Thomas Forrester, minister at Melros, directlie nor indirectlie for his bodelie harme at anie tyme hereafter."

"Forsameekle as the great worke of the valuations quhilik his Majestie cheefelie intendit for the weale of the Kirk and ease of his subjects in the mater of their teinds, and wherein so muche tyme and so great charges hes beene spent thir diverse yeeres bygane, hes not had suche ane progresse as his Majestis earnest affectioun and the importance of so great a bussines required; and in manie presbyteries where the valuations ar cloosed there is no report made of the same to the great commissiou, but the valuations ar holdin up outhier be the coosenage of the clerkes to the subcommissioners or ells upon some neglect of the subcommissioners thame selfis, whairthrow his Majestis service is judifie and his subjects greeved with long and fructlesse attendance, to his Majestis high offence and contempt of his royall auctorite. And thairfor the Lords of Secret Counsell ordains letters to be direct charging the conveneners of the subcommissioners thame to give in their reports of the valuations."

Letters to be addressed to the Bishop of Brechin requiring him to attend the meeting of the Commission for the Surrenders.
thame to the Lords and others of the great comissionoun to be scene and considerit be thame within ten dayes nixt after the saieds conveenners and clerkis beis charged thereto under the pane of rebellion, etc., with certificatoun to thame that failyeis, the saids ten dayes being bypast, that letters sall be direct simpliciter to putt thame to the horne and to escheit."

"After our verie heartilie commendations. We have heerewith sent unto yow ane commission of shirefship within the bounds of the shiref-
dome of Caithnes not doubting bot yow will be carefull to approve your-
selwe worthie of that trust concrdeite by us unto yow in the faithfull
administration of that office. And because yow must give your oath for faithfull execution of that office, and we being unwilling to putt yow unto unnesser travells and charges in appearing before us for that purpose, we have thairfoir exped ane commission to the sometyme Bishop of Ros, now Archbishop of Glasgow, the Erle of Seaforst and the Bishop of Murray, or anie one of thame, to take your oath for the dewtfull discharging of that office, quhilik commission we have lykewayes heere-
with sent unto yow. And thairfoir these ar to requeist and desire yow to make your addresse heere to the saids commisioners or anie of thame ewest unto yow, and show thame the twa commisions foresaids and accordingly give your oath unto thame or any of thame for the faithfull administration of the said office of shirefship, and immediatelie thereafter that yow caus conveene the small barons and freeholders within the said shirefdom to make choise of twa of the specialls of thair number to be commisioners for that shirefdom for the ensewing Parliament and all other generall conventious for this yeere, and that yow report the commi-
ッション of thair nomination and electioun subscriyed and sealed conforme to the Act of Parliament to us with all convenient diligence, as yow respect the forderance and advancement of his Majestis service. Quhilk looking assuredlie yow will doe, we commit yow to God. Frome Halyrudhous, the last day of Februar, 1633. Subscributur, Stratherne, Wigtoun, Launderdaill, Lorne, Areskine, Melvill, Arch. Achesoun."

"After our verie heartilie commendations. Whereas the Kings Majestie continewes constant in his resoluioun to honour this his ancient kingdome with his royall presence this approacheing sommer and out of his princelle and tender regarde to the credite of this countrie being carefull that the noblemen and others of the kingdome of England who ar to accompanie his Majestie heere may see ane perfyte and full obedience and ane loyall and dewtfull affectioun in all the subjects of this kingdome to his Majestis service, and that no part nor corner of this kingdome is disobedient, it is thairfoir verie requisite and expedient that the principalls and chiftans of the clans in the Yles sall be heere in the beginning of the moneth of Junij nixt to the intent his Majestie may conferre with thame in maters concerning the Yles and accordingly may have occasioun to remember and acknowledge thair obedience as the occa-
sioun of thair adoes sall be presented, and that the strangers who ar to
accompanie his Majestie may see that the most remote part of this kingdome and Yles thatrof ar sattled under ane perfyte obedience and peace. And thairfor these ar to request and desire yow to make your addresse here againe the tyme foresaid of the approacheing moneth of Junij, quhilk will be but ane little anticipatioun of the ordinar dyet of your compeirance upon the tent of July, and we hope that by his Majestie gracios and favouable acceptance of yow yow sall find your journey weill and worthilie bestowed. And so looking for your precise keeping of this dyet we commit yow to God. Frome Halyrudhous, the last day of Februar, 1633, Subscribitur, Stratherne, Wigtoun, Lauderdaill, Melvill, Lorne, Areskine, Arch. Achesoun.

Sedent—Stratherne; Murrey; Wintoun; Wigtoun; Bishop of Holyrood; Dumblane; Lord Lorne; Areskine; Melvill; Tracquair; Secretary; Advocate.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presentit to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellors, we gret yow weill. Though we wer pleased upon some false and malicious calumnis suggesting unto us by ane George Nicoll aganis some of our cheefe officers to give order to our Justice Generall and Advocat for persewing and causing his punishment be speedillie sentenced according to justice, yitt upon some considerations now moving us we ar heirby pleased that yow withdraw that caus from the judicatorie of the Justice Generall, and having callit the said Nicoll before yow that yow caus censure and punishe him in suche maner as yow shall thinke fitt, that by his exemple others may be terrifit frome attempting the lyke heerafter; for whiche these prentes sall be sufficient warning unto yow and everie of yow. We bid yow fareweill. Frome our Court at Whitehall, the 23 of Februarie, 1633. Quhilk letter being heard and considerit be the saids Lords and they rypelie advised therewith, they find the same in respect of the tryell takin be his Majestie to be ane sufficient warrand to the Counsell for censuring and punishing the said M' George without forder tryell or inquyrie; and continewes the advisement upon the forme of the punishment to be inflicted till the morn at nyne of the clocke in the morning in the laich Counsellous of Edinburgh."

"Forsameekle as there is sindrie peeces of his Majestie's tapestrie verie evil wore and eaten and spoyled with rattounes so that they can serve for little use unlesse they be helped; and whereas there is ane peecye of his Majestie's tapestrie marked with the figure of 18s evil spoyled and eaten with rattounes as it cannot be helped and will not serve

Letter from his Majesty requiring the Council to censure and punish George Nicoll, without further trial. See ante, p. 90.

Warrant for the repairing of a piece of his Majesty's tapestry.
for no use bot to be cutted and the other peeces of the said tapestrie helped and mended therewith; thairfoir the Lords of Secreit Counsell ordains and commands the keeper of his Majesteis wardrobe to delver the said peece of spoyled tapestrie marked with the figure of 18s to suche as hes the charge of mending of his Majesteis tapestrie and to caus the same be cutted and the other peeces of tapestrie helped and mended therewith; anent the doing whairof the extract of this act sall be unto the whole officiers of the wardrobe ane warrand.”

“Forsameekle as at the late visitatioun of his Majesteis houses of Linlithgow, Stirlin and Dumfermline there wes sindrie things found there quhilkis necessaritie required to be helped and repaired for his Majesteis better and more contented recetion and loodging there; the Lords of Secreit Counsell ordains and commands the maisters of his Majesteis warkes that with all convenienc diligence they enter warkemen to the repairing, beiting and mending of his Majesteis houses according to the report of the visitatioun, and to helpe, mend and repaire all suche other things within the saids houses as they sall be directed and warranted be the Lord Thesaurar, principall or deputie, anent the doing whairof the extract of this act sall be unto the saids maisters of warke ane warrand.”

Edinburgh, 5th March 1633.

Mr. George Nicoll to be pilloriid, whipped, and banished.

Sedunt—Ante meridiem, ut die prædicto unacum Carnegie.

“Forameekle as M’ George Nicoll having most impudentlie suggested unto his Majestie some false and malicious calumneis aganis the cheefe officers of the estait and whiche reflected a foule aspersioun upon his Majesteis Counsell, Exchecker and whole bodie of this estait, to the discredite of the kingdome, and he being callit thereupon before his Majestie at severall tymes and having undertakin to make good what he had falselie suggested he was not onlie found be his Majestie to be ane false calumniator and liar, bot he succumbed altogidder in what he had undertakin to make good for his Majesteis benefite: Whiche being a mater most offensive to his Majestie in regarde of the foolish and scandalous rumours that by this meanes hes beene spread, his Majestie was thairfoir pleased after dew examination and tryell of the said M’ George his false and malicious calumneis to recommend his exemplar punishment to his Majesteis Counsell, who having takin the same to thair consideratioun and finding the preparative and exemple of the said M’ George his mischant cariage to be most dangerous, and that the impunitie thairfo may encourage others false calumniators and liars to offend in the lyke kynde heerafter; thairfoir the saids Lords after verie good advice finds and declares that the said M’ George hes most falselie, foullie, foolishlie and malicioualie calumnat his Majesteis cheefe officers, Counsell and Exchecker and the bodie of the kingdome in maner foresaid, and that he deserves most exemplar and severe punishment to be
inflicted upon the said M' George in maner following, to witt; the saids Lords decerns the said M' George to be banished his Majesteis whole dominions during the course of his lyfe and that he never returne againe within the same under the pane of death; as alsua they decerne and ordaine him to be caried by the hangman of the burgh of Edinburg fra the tolbuith of the burgh of Edinburgh where he presentlie remaines, fightered in the armes, to the style at quhilk the Lords of Sessioun enters to the tolbuith upon the sxt of Marche instant at eight of the clocke in the morning and there to stand whill after nyne, and that then he be caried fra the style to the mercat croce of the said burgh having all this tyme fra his coming out of the tolbuith to his returne backe agane to the same ane paper upon his head with this inscriptioun in great letters—' Heir stands M' George Nicoll who is tryed, found and declared to be a false calumniator and liar'; and that he stand upon the croce with the said paper upon his head fra the said houre of nyne till the houre of twelffe, and that than the hangman declare publiclieth that the said M' George is found to be a false calumniator and that accordinglie he is declared infamous, and thereafter that the said hangman give him sax whippes upon his naiked backe and thereafter carie him backe to the tolbuith naiked in the shoulders there to remaine till the occasioun of some ship be had to transport him; lykewise the said M' George Nicoll being personallie present this sentence was read and intimat unto him; and the Lords ordains the provest and bailleis of Edinburgh to see the same put in executioun.'

Sederunt, post meridiem—Stratherne; Wintoun; Wigtoun; Bishop Holywood of Dunkeld; Bishop of Dumblane; Lorne; Areskine; Melville; Carnegie; Tracquair; Secretary; Advocate.

"Forsameekle as the slaying, selling and eating of flesh in Lentroun hes beene upon verie good respects and consideratious by diverse Acts of Parliament and Secret Counsell straithlie prohibite and forbidden under certane panes mentioned and conteanned in the saids Acts; by the whilkys lykewayes the slaughter of wylde foule and vennisoun hes beene alsua discharged, as in the acts made to this effect at mair lent is contaneit; and whereas now there is ane greater necessitie of the precise observation of the saids acts nor there wes at anie tyme heretofore, seing his Majeste is resolved, God willing, in this approacheing sommer to honnour this his ancient kingdome with his royall presence and that the credite and reputation of the countrie requires that his Majeste and his tryne sall be abundanitlie furnished with all kynde of fleshes, wylde foule and vennisoun during the tyme of his abode here; nevertheless the Lords of Secret Counsell are informed that great numbers of persons of all rankes and qualiteis, preferring their awne privat contentment to his Majesteis obedience and to the honnour and credite of the countrie and
to their awne devout, ceases not in tyme of Lent to sell, slay and eate flesh at their pleasure; as alas the slaughter, destruction and selling of wylde foule in sellers and others quyet places is as frequent since the tyme of the making of the lait proclamatioun aganis the slaying and selling of the same as it wes at anie tyme proceeding; by the quhilk publict and disgracefull contempt of his Majestie's auctoritie and laws there is verie great appearance that there will be ane universall skarsetie and death not onelie of all kynde of fleshes bot of vennisoun and wylde foule at this approacheing tyme of his Majestie herecomming, quhair-upon will not onelie follow the discredit and disgrace of the countrie bot the high misconentment and offence of his Majestie, if anie thing sall be enlaiking that may concerne his royall receptioun heere: And whereas the bypast connivence and oversight givin to persons offending in this kynde is one of the cheefe enducements quhilk procures this universall contempt and breake of the law, and the Lords of Secreit Counsell finding by experience that the dew execution of the law aganis persons offending is the most powerfull meane to detersane thame under obedience, thairfor the saids Lords hes resolved with all rigour and extremitie and without respect to persons to punishe all suche who darre presoome heer-after to violat the law in this so important a tyme when the observatioun of the same tuiches the countrie so neerelie in honnour and credite; thairfor ordains letters to be direct to command, charge and inhibite all and sindrie his Majestie's lieges and subjects of what estait, qualitie or degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that name of thame [presoome] nor take upon hand during this forbid din tyme of Lent to eate or make readie for eating anie kynde of flesh under the panes following to be uplifted of everie person so oft as they fallyie; that is to say, of everie erle ane hundrith pondus, of everie lord ane hundrith merks, of everie baron fourtie pondus, and of everie burges, oastler and common cooke that sellis meate and drinke fourtie pondus, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whom they sall be tryed: As alas that no fleshers presoome nor take upon hand to slay or sell fleshe during the tyme foresaid under the pane of fourtie pondus so oft as they fallyie: And by and attour the payment of thir pecuniell soumes the offenders sall be severelie punished in thair persons be wairding and otherways to the terour of others to offend in the lyke kynde hereafter: And siclyke to command, charge and inhibite all and sindrie his Majestie's lieges and subjects of what estait, qualitie and degree so ever they be, that name of thame presoome nor take upon hand to hunt, shoot or slay anie deir or rae in anie of his Majestie forests or parkes or in anie other part of the kingdome, or to hunt haieres ather with ratches or grewhounds within aucht myles of his Majestie palaces of Halyrudhous, Linlithgow, Stirline, Dumfermeline and Falkland and burrowes of Perth and Brechin; certefeing all
suche who sall presoome to doe in the contrair that they sall be punished in their persons and goods with all rigour conforme to the acts and proclamations formerlie made thereonent: And siclyke to command, charge and inhibit all and sindrie his Majesteis lieges and subjectes that nane of thame presoome nor take upon hand to sell, slay, buy or cate anie kynde of lambe nor anie powtes nor other kynde of wylde foule untill the tyme of his Majesteis comming to this kingdome under the pane of fourtie punds to be incurred be everie person or persons contravenning so oft as they sall happen to faylie, certeining thame that sall faylie or doe in the contrair that besides the payment of the particular soumes abonewrittin they sall be punished in their persons be warding and otherways to the terour of others: And siclyke to command all and sindrie shireffs, stewartes, provests and baillies within burgh, and all others bearing anie office or charge within this kingdome that they and everie ane of thame within the bounds of their severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point and that they caus attend their mercats and carefullie foresse that no lambs nor no kynde of wylde foule, young nor old, be bought or sold within the same; and where they sall happen to discover anie person or persons contravening thir presents in anie point of the premises that they take speciall notice of thame and informe the Lords of his Majesteis Privie Counsell thairof to the intent the offenders may be callit, conveenned, persewéd and punished accordinglie, as they and everie ane of thame will answer to the saides Lords upon the dewtifull discharge of their offices.”

“CHARLES R. CHARLES be the grace of God King of Great Britane, France and Ireland, defender of the faith, to all and sindrie our lieges and subjectes whome it eiffiria to whois knowledge thir our letters sal be conforme, greiting. Forsameekle as we have givin and grantit and be the tennour heirof givis and grants libertie and licence to the Lords of our Privie Counsell, Sesiounn and Exchecker, and to suche as sall accompanie thame at the table to eate flesh during this forbiddin tyme of Lent and upon Wednesday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding quhatsoever acts and proclamations made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocat, our Justice Clerk and thair deputis, and all others our judges, officers and ministers of our lawes, of all calling, accuseing or anie wyues proceeding aganis the saids Lords of our Privie Counsell, Sesiounn and Exchecker or persons accompanying thame at table, as said is, or anie of thame, for the caus foresaid; discharging thame thairoif and of thair offices in that part simplicitie be thir presenta. Given under our Signet at Halyrudhous, the fyft day of Marche, and of our reignie the aught yeere, 1633. Subscriptur, Stratherne, Wintoun, Wigtoun, Lorne, Areskine, Dunkelden, Melvill, Carnegie, S. Thomas Hop.”
Anent the supplication presentit to the Lords of Secret Counsell in the name of Ladie Lillias Grahame, Ladie Lus, makand mentiouin, that where it is not unknowne to the saids Lords how that John Colquhoun of Lus, her husband, having cassin aff all fare of God, hes diverted himselfe frome the said Ladie her societie and companie and hes transported himselfe aff this kigndome, taking himselfe to ane louse and dissolwe maner of living, to the utter wracke of his estait and of his said spous and thair aucht childrein. And nevertheless it is of veriteie that Umphra Colquhoun of Balvie, his brother german, is so farre piteing the said Lades estait that he hes caused arrest and sequestrat be himselfe and others in his name to his behove the haill rents and living of Lus and all that belongs thereto, be the quhilk arrestments the said Lady is altogidder debarrad fra all kynde of maintenance for her and her aucht bairnes, and he intends to make thame to starve, without remeid be provydit; humbelie desyring thairfoir the saids Lords to have respect to her and her aucht destitute children and to take suche course with the said Umphra that she be not forder troubled be him nor his pretendit arrestments, but that she be answered of suche competent meanes for interteameent of her and her bairnes as the saids Lords sall find meit; lykeas at mair lenth is conteanit in the said supplication: Quhairunto the said Umphra being callit to answer, and he compeirand personallie and the said supplication being read in his audience and he heard thereupon and all that he could propone and alledge in that mater being consdererit be the saids Lords and they weill advised therewith; and understanding that it is his Majestieis gratious will and pleasure that the said lady sall not be prejudged in her conjunct fie rent nor no part thairof of the lands and living of Lus dew to her be infeftments of the same; thairfoir the saids Lords finds and declares that the said Ladie Lus hes full right, title and interesse to intromett with, uplift and receave the haill mailles, fermes, rents, kaynes, customes, mulfures and dewtie quhatsoever of her conjunct fie lands underwrittin, they ar to say, of all and haill the lands and baronie of Colquhoun with the manour places of Dunglus, houses, yairds, orchards, fishings and yaires on the Water of Clyde, mylnes, mulfures, loches, tennentis, tennendries and service of free tennentis, of all and haill the lands of Garskub, with the manour places, mylnes, mulfures, fishings, yairds, orchars; tennentis, tennentreis and service of free tennentis of the same, all lying within the shirefdome of Dumbartane; of all and haill the lands of Sauchie with the manour places thairof, orchards and yairds of the same, mylnes, mylnue lands, fishings, croves and yle ark, loches, tennentis, tennendreis and service of free tennentis of the same lying within the shirefdome of Stirlin; and of all and haill the lands of Colquhouns Glen, tennentis, tennendreis, service of free tennentis of the same; and of all and haill the mylnue and mylnue lands of Sauline lying within the shirefdomes of Stirlin and Fyfe respective; as lykeways of all and haill the 5th land
of old extent of Wallacestoun and Ardackmoir, with all their pertinents lying within the parish of Cardross and shirefdom of Dumbartane, and of the mylnes bigged or to be bigged upon the lands of Wallacestoun; and of all and haill the 14s. land of Woltoun lying within the lordship and parish of Cardros and shirefdom of Dumbartane; and siclyke of all and haill the lands of Bortland of Sauline lying within the shirefdom of Fyfe; and of all and haill the lands of Gartshiach within the old meiths and merches of the same lying within the territorie of Dumbartane; and in all and haill the tenement of land with the houses and yairds thairof callit the Manse of Lus lying in the citie of Glasgow on the south side of the Hie Streit thairof callit the Rottoun Raw, and of all right and title that he had or could acquire of the teinds, personage and vicarage of the haill lands abowne writtin, of the crop and yeere of God 1632 yeeres, and of all yeeres and termes to come, till the King's Majestie signifie his forder pleasure towards her; and decerns and ordains the factours and chamberlans of the living of Lus to make thankefull and tymous payment to the said ladie of the maillia, fermes, kaynes, customes and dewteis of her said conjunct fee lands of the crop and yeere foresaid and in tyme comming notwithstanding anie arrestments made or to be made thereupon, quhilk the saids Lords declares sall have no force nor executioun to debarre or hinder the said Ladie of her conjunct fee rent or any part or portioun of the same. And if by anie priour infeimate, rights or securiteis the said Dame Liliais sall be prejudged of anie part of her conjunct fee rent quhairunto she wes provydit be her contract of mariage the saids Lords finds and declares that in course of justice she aucht to have als mekle out of the readiest of the living of Lus as will correspond to that quhairof she sall be prejudged be the saids priour infeimate. And for this effect the saids Lords hes modified and modifieis unto her suche a proportioun to be payed to her out of the whole rent and living of Lus as will correspond to her said conjunct fee rent, and that the whole estait and living of Lus sall be answerable to her towards her payment for what she wants and hes not receaved in tyme past. And the saids Lords declares that since the tyme that the said Ladie her husband diverted from her, quhilk wes in the moneth of July, 1631, that she hes and sall have good right to als muche of the rent and dewteis of the living of Lus as she wanted that yeere; and ordain Robert and David Colquhons, present chamberlains of the living of Lus, who wer personallie present, to answer and make payment to her of so muche of the rents and dueiteis of the living of Lus as will correspond and answer to that quhilk after compt and reckonning there sall be found to be restant to her of the said crop and yeere 1631; And ordains letters to be direct heirupon, if neid beis, in forme as effairs.”

“Forsameekle as the Lords of Secret Counsell ar informed that the whole or most part of the lodgings and stables within the burgh of Stirline, Linlithgow, Dumfermeline and Falkland ar alreadie tane up be
some persons of this kingdom, so that suche of his Majesteis tryne and followers as necessarie allie must be lodged neere to his Majesteis person during his abode at the Castell of Stirline and palaces of Linlithgow, Dunfermline and Falkland will not be commodiouslie accommodat in lodgings and stables within the saids burrowes but will be constrained to seeke their lodgings in farre and remote places frome his Majesteis said castell and palaces, to the disappointing and neglecting of his Majesteis service; whilke will not onelie be offensive to his Majestie but will be a great discreetie to the countrye that his Majesteis proper domesticks, who must necessarie attend his royall person, sall be disappoynited in their lodgings. Thairfor the Lords of Secret Counsell has thought good heirby to intamite and declare that all these who hes tane or myndes to take lodgings and stables in anie of the saids burrowes that they will be frustrat and disappointed of their intents and that all the saids lodgings and stables will be tane up and marked for his Majesteis awne tryne and followers be his Majesteis harbengers at his heerecomming; and ordains letters to be direct to make publication heirof be opin proclamatioun at the mercat croces of Linlithgow, Stirline, Dunfermline and Falkland, and to warne all persons who hes tane or myndes to take lodgings or stables in the saids burrowes that they provide thamselfes of lodgings and stables ellisewhere otherwise assuring thame that they will be disappointed, and that the saids lodgings and stables will be tane up and marked for his Majesteis tryne and followers."

"Forsameekle as for the better furthering and advancing of his Majesteis warkes quhilks ar now in hands and must be perfytied again the tyrne of his Majesteis heirecomming, necessar it is that choise be made of craftesmen throughout all the parts of the kingdom and that they be compellit to enter to his Majesteis warkes where they will receave honnest wages and thankfull and tymous payment and that no other imployement quhatsomever sall hinder thame; thairfor ordains letters to be direct charging Thomas Campbell, Robert Aitkine and Alexander Henrie, maissoms in Culros, William Smith, John Simsons, elder and younger, Robert and David Aitkins and George Cumming, maissoms in Torriburne, to make their addresse to the maisters of his Majesteis warkes at Halyrudhous and there to enter to his Majesteis warkes as they sall be directed be the maisters of his Majesteis warkes within three dayes after the charge, under the pane of rebellion, etc., with certificacion to thame that faileys that not onelie sall letters be direct to denunce thame rebell and to escheit, etc., bot with that warrands sall be grantit to apprese thame and to bring thame to his Majesteis Counsell to underly their deserved punishment."

"The act anent the punishing of Nicoll exped and subservyd."

"Robert Young, candlemaker, cautioner for James Dobie, flasheur, according to the former act till the 24 of this instant."
"The Lords of Secret Counsell hes added and adjoyyned and be the tennour heirof addes and joynes George, Erle of Wintoun, Johne, Erle of Lauderdale, Archibald, Lord Lorne, and Johne, Lord Areskine, to the Committee formerlie grantit upon the sevintene of Januar last for meting with his Majesteis Thessaurar or Deputie Thessaurar and advising with thame anent the preparatious for his Majesteis coronatou[n] and heerecoming."

"Forsameeke as for his Majesteis more commodious and easie passage from his palace of Halyrudhous to his North Yaird it is necessar that ane entrice and passage be made over fra the said palace to the said yaird in suche ane comelie forme as may best give his Majestic contentment, and for this effect that ane doore be struckin throw the north side wall of the great towre of the said palace betweene the twa rounds for ane entrice to the said yaird; for quhill purpose ordains and commands the miasters of his Majesteis Warke to caus strike throw the said door, and to make the said entrice and passage in a comelie and decent order, whereanent thir presents sall be to thame ane warraid."

"Forsameeke as the Lords of Secret Counsell ar informed by petitioun from Sir Robert Montgomerie, younger of Skelmurelie, who is choisn be the barons and freeholders of the shiref dome, of Bute to be ane of the commissioners at the ensowing parliament for that shiref dome, that the said Sir Robert is nather ane baron nor freeholder of his Majestie in anie of his lands within that shiref dome and so cannot be ane commissioner for the Parliament, quhairby his Majesteis service in that particular may be verie farre prejudged without remeide be provydict, thairfor the Lords of Secret Counsell ordains letters to be direct charging the sheriff of Bute and his deputis to take tryell of the exception foresaid propouned be the said Laird of Skelmurelie, younger, and if they find the same to be trew, that with all convenient diligence they conveene the barons and freeholders within the said shiref dome and proceid to the electioun of some other persoun in place of the said Laird of Skelmurelie, younger; and that they report the commiission of his nomination and electioun subscribit and sealed according to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellioun, etc., with certificatioun, etc."

"The whilk day in presence of the Lords of Secret Counsell compeird personallie Johne Gordoun of Sheillis and become actit and obleist as of Shiels for cautioner and souertie for Margaret Gordon, goodwife of Cormellat, that she, being fred and relieved furth of the tolubith of Edinburgh, where she presentlie remaines, she sall compeir personallie before the saids Lords
upon Thursday next, the 14 day of March instant, and underly their will and pleasure tuiceing her religiou under the pane of twa hundret merkes. *Sic subscribitur, JOHN GORDOUN.*

"A letter from his Majestie commanding that no innovation nor change be made in anie of the lands or other things belonging to the Erle of Home without consent of partie or course of law, and for making the writts and evidents concerning the said Erle his honnour and inheritance furthecommand to parteis having best right thereto."

*Sederunt—Stratherne; Privy Seal; Mar; Murrey; Perth; Wigtoun; Lauderdaleill; Melvill; Areskine; Bishop of Dumblane; Bishop of the Yles; Lorne; Traquair; Secretary; Advocate; Sir James Baillie.*

Decision anent to the writs and evidents of the late Earl of Home's estate, in consonance with a letter from his Majestie anent the same. Anent the supplication presentit to the Lords of Secret Counsell be James Home, narrest appearand air to James, Erle of Home, makand mentioun, that where it has pleased his Majestie out of his gratious disposition to intimat his pleasure to the saids Lords be his missive letter for taking suche order with the writts and evidents of the estait of Home as the same may be put in safetie and made furthecommand to suche parteis as sall be found to have best right thereto, humbelie desyryng thairfor the saids Lords to give direction to thair Clerk to seale up the hail kists and coffers now presentlie standing in the Countesse of Homes lodging in the Cannogait that no person have accesse thereto whil it be found to be some legall course who sall have best right thereto, and to caus registrat his Majestie said letter, lykes at mair lenth is conteanit in the said supplication. Quhairunto James, Erle of Murrey, being warned to answer, and he compeirand personallie and the said James Home compeirand be George Home, servitour to the Lord Newavery, it was answered be the said Erle of Murrey that the desire of the said supplication aucht not to be granit becaus the Kings Majestie by his letter directed to the saids Lords and whereupon the said supplication is founded hes signified his royall pleasure and princelie direction that no innovation nor change be made in anie of the lands or other thing belonging to the said lait Erle without consent of parteis or course of law, bot that they may continew in the estait wherein they now ar, and that the Ladie Doun, sister to the said Erle of Home and daughter in law to the said Erle of Murrey, is in present possession of the saids writts and evidents be virtew of good and sufficient rights standing in her person as air to the said Erle of Home, her brother, and that the said James Home had no right ather to the living of Home or to the saids writts, and that conforme to the desire of the said letter the said Ladie Doun aucht to reteane the possessioun of the saids writts as having onelie right thereto. Quhilk answer made be the said Erle of Murrey being heard and considdeireit be the saids Lords and they being therewith and with his
Majestie's letter foresaid and with others the reasons and allegation of both the said partie weill advised, the Lords of Secret Counsell finds that the desire of the said supplication ancht not to be grantit, and thairfoir refuses the same, and allowes the partieis cled with ane standing right to the said Erle of Home his living and writs to retane and keepe their possioun till the questioun anent thair saids rightes be decydit and discust in the ordinar place and judgement. Followes his Majestie's missive abonementouned:—CHARLES R. Right trusty and right weilbelovit cousine and counseler, right trusty and right weilbelovit cousines and counsellors, and trusty and weilbelovit counsellors, we greit yow weill. Whereas we ar informed that diverse questions in law ar lyke to arise concerning the succession of the lait Erle of Hume to his lands and estait, and being willing that all our good subjects have justice equallie administrd according to our lawes, and in the meanye tyme to prevent anie disorderlie courses and that no persone be defrauded of that which heerafter may be adjudged justlie to belong unto him it is, our pleasure that yow give order with diligence that no innovation nor change be made in anie of the lands or other things belonging to the said Erle without consent of parteis or course of law, bot that they may continew in the estait wherein they now ar. And if in the meanye tyme anie person have takin upon thame to take possession of anie lands, houses or other things belonging to the said Erle, that the same be put in the estait wherein it wes at the tyme of his death; and our further pleasure is that yow take suche a course as yow in your judgement sall thinke fitt according to the lawes of the kingdom that the writs and evidente concerning his honnour and inheritance may be made furthcomming to the use of suche persons as by the lawes of that kingdom sall be found to have just right thereunto; whiche recommending unto your speciall care, we bid yow farewell. Frome our Court at Whithall, 15 February, 1633."

"Forsameekle as by diverse acts and proclamations made and published heretofore all strong and storied beggers wer charged to have retired thamselfes to thair owne parishes and not to have resorted nor repaired toward the burgh of Edinburgh, the Cannogait and others partes nerethereto, and direction were givin to the magistrates of the Cannogait, the West Port, Pottermaw, and others parts about the burgh of Edinburgh and to the owners of the houses in the raw callit St Ninians Raw or the Theefe Raw at the foot of Leith Wynde to have keept their bounds free of the saids strong and starchie beggers and not to have suffered thame to have had anie beild, ressett or residence within the same, notwithstanding quhairof it is of truth that great numbers of thir vagabound beggers repairs fra all parts of the countrie toward the Cannogait and others touns about the burgh of Edinburgh where they ar ressett, hoored and keeped and by thair shamefull exclamations and crying so troubles and wearies the noblemen and others his Majestie's
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Subjects walking upon the streits as they cannot convenientlie attend their lawfull effaires and bussines at the Counsell and Session; whilst all proceeds from the careless negligence of the magistrates and owners of the lands within the saids bounds; and if order be not tane heerewith before his Majesties comming to this kingdome his Majesties Court will be pestered with thir beggarlie lymmars and the countrie discredited and shamed; thairfoir ordains letters to be direct charging the bailleis of the Cannogait, West Port and Potterraw, the baillie of the regaltie of Brouchtoun, Sir George Toures of Innerleith, Sir Thomas Thomesone of Duddingston, the baillie of Restalrig, James Bannatyne and the relict or airs of umquhill Mr Umphra Blensells, heretours of the lands of St Ninians Raw, to compear personallie before the saids Lords upon the 19 of this instant to underly suche order as shall be injoyned unto thame tuiching the keeping of their bounds free of the saids vagabounds and beggers; and that they have no ressett nor beild there under the pane of rebellioun, etc., with certificatioun, etc.”

“Forasameekle as the small barons and freeholders of the shireidomes of Dumbartane and Renfrew have made choise of Sir Ludovick Houstoun of that Ilke to be ane of the commissioners for both the saids shireidomes at the ensweing parliament, and whereas there is great skarsetie of freeholders within the shireidome of Dumbartane and great plentie of the same in the shireidome of Renfrew, thairfoir the Lords of Secreit Counsell hes thought meit and expedient that the said Sir Ludovick sall be receivd commissioner for the said shireidome of Dumbartane and that ane new election and choise sall be made of ane commissioner in place of the said Sir Ludovick for the shireidome of Renfrew at the said ensweing parliament. For qubilke purpose ordains letters to be direct charging the Shireff of Renfrew and his deputies to conveene the small barons and freeholders of the said shireidome with convenient diligence and at thair meeting to make choise of some other sufficient and qualified person in place of the said Laird of Houstoun to be commissioner for shireidome at the said parliament, and to report the said commissioun of his nomination and election subscribit and sealed to the saids Lords conforme to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellioun, etc., with certificatioun, etc.”

“Forsameekle as James Liddell, servitor to our soverane Lords lait darrest father of blessed memorie, having long and faithfullie served his said late Majestie in his bakehous and pattislee and, when his said late Majestie come to this kingdome in the 1617 yeere of God, the said James wes imployed in that same charge and service and caried himselfe with great discretiou in therein; and the Lords of Secreit Counsell, considering that the said James his service in the imployement and charge foresaied will be most necessarie at this tyme when his Majestie comes heir, and to the intent he may attend the same service without feare of anie civill hornings that he underlyes, thairfoir the Lords of Secreit
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Counsell gives and grants unto the said James thair warrand, libertie and licence to make his addresse heere and to attend the service foresaid and suche preparations as concernes the same fra the first day of Aprile nextocome to the first day of August thereafter, and in the meanetyme to be untroubled, arrestcd or warded be vertew of anie civill hornings, captiouns or other warrand execute aganis him for anie debts; discharging heirby all shireffs, stewartes, bailleis of regaliteis, provestes and bailleis within burgh, and all others judges, officiers and magistrates to burgh and land and als all messangers of armes of all taking, apprehending, warding or arreisting the said James Liddell be vertew of anie civill hornings, captiouns or other warrand execute aganis him for anie debts; discharging, etc."

"The quhilk day in presence of the Lords of Secreit Counsell com- peired personallie Margaret Gordoun, goodwife of Cormellat, and actit and obleist herselth that she sall make her addresse with convenient diligence to her owne dwelling hous, and that she sall remayne within her owne parish and not transgresse the bounds thairof, and that she sall behavie herselfe modestlie without giving mater of offence or scandall to the Kirk, and that she sall not ressett Jesuists nor preestes, under the pane of ane thousands punds incaise she faillie in anie point of the premisses."

"The Lords of Secreit Counsell, in regarde of the solemniteis and showes quhilk ar to be made be the magistrates of the burgh of Edin- burgh at the West Port of the said burgh at his Majestie entrie within the same, gives warrand and allowance be thir presents to the saids provest and bailleis of Edinburgh to caus take off the heads of some malefactours whilks ar sett up upon the said West Port, quhereanent thir presents sall be to thame ane warrand."

"The whilk day in presence of the Lords of Secreit Counsell com- peired personallie Archibald, Lord of Lorne, and gave in the missive letter unterwritten, signed be the Kings Majestie and directed unto the said lord, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit counsellour, we greit yow weil. Being informed that your father and predessours have these manie yeeres used the office of cheefe maister houshould to our royll progenitours of that our kingdome, our pleasure is, in regarde of your fathers absence from thence, that yow at our comming there, God willing, this next sommer supplyes his place in anie thing that may concerne that office as he hath formerlie done, wherein not doubting bot that yow will weil and carefullie discharge yerselfe, we bid yow farewell. Frome our Court at Whitehall, 15 of Februarie, 1633. Followes the direction on the backe—To our right trustie and weilbelovit counsellour the Lord of Lorne. Qhilk missive being heard and considdert be the saids Lords they ordaine the same to be insert and registrat in the bookes of Secreit Counsell, and allowes of his Majestie royall pleasure mentiouned therein.

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in making choise of the said Lord of Lorne to supplie his fathers place of cheefe maister houshold; and accordinglye interposn their auctoritie thereto."

"The Lords ordains missives to be writitin to the dukus, marquesiss Sederunts, and erles to attend the coronatioun with their crownes and robs of crimsoun velvet emermed." 

"The Lords allowes of the propositioun made be the provest and bailleis of Edinburgh aent discharging the wearing of plaidis."

"After our verie heartillie commendatiouns to your good lordship. The Marquesis of Huntlie having exhibite the goodwife of Cornellig before us and we having questioned her upon some point concerning her religioun, we find her to be ane obdured ignorat papist without all hope to be reclaimed, and she appeares verie willing and readie to accept of banishment, qhilkis (as we conceive) she does purposelie to concilat pitie and favour in fowrane parts as one persecuted for religioun. And because this will be disgracefull to the natioun that suche ane old foolish wife sould take this advantage aganis the proceedings of our Kirke, we have forborne to give eare to the motioun of her banishment, and we have tane this course with her and actit her that she sall remaine within her awne parish and that she sall behave herself modestlie without giving mater of offence or scandall to the Kirk, and that she sall not resset Jesuits nor pristes under the pane of ane thousand pundis, and we have remitted her to your lordship to underly qhat forder your lordship sall injoyne to her, wherein your lordship sall use your awne discretion, etc. Subscribatur, Hadintoun, Eglintoun, Lauderdale, Iles, S' Thomas Hope. Halyrudhous, 15 Martii, 1633."

Sederunt—Privy Seal; Wintoun; Dunkeld; Dumblane; Iles; Lorne; Melvill; Secretary; Advocate.

"Forameekle as the Kings Majestie by his letter written and directed to the Lords of his Privie Counsell hes signifiied his royall pleasure and princielie comandement that without forder delay these persons, who wer entrusted be the saids Lords to receave and keepe the shippe and goods of Hamborrow sequestrat at his Majestis direction, sall deliever the same to the persons of Hamborrow having right to receave thame, as Fol. 199, b. his Majestis letter beirse, thairfor the Lords of Secret Counsell ordains letters to be direct charging the Erle of Rothes, Sir Patrik Hepburn of Wauchton, Sir George Blackburne, Androw Ainslie, George Arnot, and Johne Cowane, partners in the letters of reprissall grantit to Captane Robertzene, to compeir personellie before the saids Lords upon the 26 day of Marche instant to heare and see his Majestis pleasure and direction mentioned and contenit in the saitt letter satisfied and obeyed, or ellis to shaw a reasonabill cause why; with certificatioun to
thame and they fallyye that the desire of the said letter sall be grantit. Followes his Majesteis miseive abonementioned,—CHARLES R. Right trustie and right weibelovit cousine and counsellor, right trusty and weibelovit cousines and counsellors, and right trustie and weibelovit counsellors, we gret yow weill. We have understood by your letter that yow have discharged the letters of reprisal grantit to [the] late Captane Robertsone till we sall find caus for renewing thairof, bot have not givin order to delvery the ship and goods, according to our letter writtin to yow of lait tuicheing that purpose; wherein seing that course was intended by ws upon good consideratious we still continew in our former resolution tuicheing the same. And thairfoir it is our pleasure that without further delay yow caus these persons who wer entrusted by yow to receave and keepe the ship and goods sequestrat by the command of our letters to delvery the same to the persons of Hamburgh having right and power from that state to receave thame, and receave their discharges thairupon, and we will be carefull to see that our subjects interested be repaired by having speedie justice and payment of that whiche sall be found justlie dew unto thame, they alwayes requyryng justice as is signified by our said letter. Wherein not doubting of your conformitie to this our pleasure we bid yow farewell. Frome our Court at Whitehall, the 4 day of Marche, 1633."
will monethlie contribute to that good worke, and tuicheing suche as salbe refractar and sall refuse to contribute, with power to the saids baillies to impose suche a proportionable and reasonable soume upon thame as they in their disrepetioun sall thinke fitt and as the partes may reasonable pay without their scene hurt, and to make report of their proceedings againis the persons who sall be refractarie and who sall refuse to contribuie in this so necessar ane worke to the saids Lords to the intent they may give their approbatioun thereto accordinglie.

"After our verie heartlie commendatiouns to your good lordship. Whereas the Kings Majestie is resolved, God willing, in this approaie of sommer to honnour his this ancient kingdome with his royall presence as well for receaving of his crowne as for halding of ane Parliament, quhilk is proclaimed to be haldin at Edinburgh and to begin upon the 18 of Junij nixt with continuite of dayes, at the quhills solemniteis his Majestie lookes that the nobilitie of this kingdome out of their dewartful respect to his Majestie obedience and to the honnour and credite of their countrie will give their presence and assistance; and thatforth according to his Majestie direction sent to us in this mater these ar to request and desire your good lordship to prepare your selfe and to be in readiness to kepe the appointed tyme of these solemniteis in that statelie and decent forme as besemeth the dignite of suche actioues, viz. with your rob of crimsoun velvet emermyned and your crowne at the coronation and with your scarlet rob at the Parliament; and no wayes doubting that yow will be wantin in anie thing whiche to your dewtie in so important a bussines so neerelie concerning his Majestie in honnour and state, and whiche is the first that occurred in that kingdome, belongeth, we commit yow to God. Frome Halyrudhous, the 19 day of Marche, 1633. Subscribitor, Hadintoun, Wintoun, Areskine, Dunkelden, Melvill, Arch. Achesoun.

Sederunt—Privy Seal; Perth; Lauderdale; Areskine; Bishop of Dumbline; Bishop of the Yles; Lord Melvill; Secretary Advocate.

"Forsameekle as at the lait visitations of the Castells of Edinburgh and Stirlie, the palaces of Halyrudhous, Linlighthow and Dumfermline, it is found that there is sindrie parts in the saids castellis and houses quhilkis require a present and tymous reparatioun; and whereas be ane contract past betuix his Majestie and the maisters of his Majestie's warke the saids maisters of warke hes undertane to interteane and uphold all his Majestie's houses in als good estait as they wer at the making of the said contract, and the Lords of Secret Counsell considering that there will be ane verie great difficultie to distinguishie the ordinar warke undertaken to be uphaldin be the maisters of warke frome the extraordinar warke whilk must be repaired upon his Majestie's charges, and seein this
will breid ane great confusion in that service and will hinder and interrupt the tymous helping of his Majesteis saids houses; and whereas the necessitie of the tymous repairing of the saids houses and of the palace of Falkland is so important for the credite of the countrie as they cannot suffer delay, thairfor it is agreed and ordain'd by his Majesteis Counsell, with consent of the Lord Deputie Thesaurar for himselfe and takand the burdein on him for the Lord principall Thesaurar and of the saids maisters of warke, that for the moneth of March instant, April and May nixt, the Lord Deputie Thesaurar sall furnishe and advance fra tyme to tyme moneths for the furtherance and advancement of his Majesteis warkes in his houses foresaid, and that his Majeste seall beare the whole charges thairof als weill of that whilk is undertaken be the saids maisters of warke as of the extraordinarie service whereunto they ar not lyable. And the saids maisters of warke out of their respect to his Majesteis service ar content to dispense with thair parts of the said contract for the three moneths foresaid allanerie and with the payment of thair monethlie allowance for the three moneths foresaid, provyding that this be not prejudiciall to thair contract, but that the same stand in force thereafter."

Sederunt—Stratherne; Privy Seal; Wintoun; Wigtoun; Perth; Holyrood
Gallouay; Lauderdaill; Bishop of Dunkeld; Bishop of Dum-
blane; Bishop of the Isles; Lord Lorne; Areskine; Melvill;
Tracquair; Secretary; Advocate; Sir James Baillie.

"The whilk day the missive letter underwrittin, signed be the Kings Letter from his
Majesty and direct to the Lords of Privie Counsell, was presentit to the
said Lords and read in thair audience, of the quhill the tennour fol-
lowes:—CHARLES R. Right trustie and weilbelovit cousine and coun-
seller, right trustie and weilbelovit cousines and counsellours and right
trustie and weilbelovit counsellours, we gret yow weill. Whereas we
have heard that yow have charge our right trustie and right weilbelovit
counsellour, the Marques of Huntlie, to present before yow some excommuni-
cated persons upon the 28 of the last month whiche (as we ar
informed) he could hardlie doe with that speed that was required, in
regarde to his great age and infirmitie of bodie and that the shireships
of Aberdein and Innermes ar out of his hands and otherways disposed of
by us, being resolved to be further informed frome yow tuiching the
estait of that bussines at our being now verie shortlie, God willing, in
that our kingdom, our pleasure is that till that tymie yow suffer no
processe to be prosecuted aganis him tuiching that purpose, leaving yow
in the meanie tyme to take what other order yow sall think fitt for ap-
prehending and presentong of the saids persons before yow and leaving
all others whatsoever anie wayes interested to proceed tuiching that
bussines according to the dew and ordinarie course of our lawes; and for
your so doing these presents sall be your sufficient warrand. Frome our Acta, June Court at Whitehall, the 15 day of Marche, 1633. Qhilk missive being heard and considerit be the saids Lords, they ordaine the same to be insert and registrat in the booke of Privie Counsell, and ane copie thairto be sent to the Bishop of Aberdein."

"Forsameekle as the small barons andfreeholders within the shirefdomse of Stirling he make choice of William Livingstoun of Kilsyth to be ane of thair commissioneres at the approacheing parliament, who being heavilie diseased with infirmite and sickenesse and being upon the point of his departing furth of this kingdom for recovering of his health, he cannot attend upon his charge at the said parliament; and thairfoir necessar it is that some other person be nominat in place of the said Laird of Kilsyth to attend the parliament as commissioneer for that shire; thairfoir ordains letters to be direct charging the shiriff of Stirling and his deput to convene the small barons and freholders within the said shirefdomse with convenient diligence and at thair meeting to caus choise be made of some other sufficient baron and freholder in place of the said Laird of Kilsyth, and to report the act of his electioon subscribit and sealed, conforme to the Act of Parliament, upon the 24 day of Aprole nixt, under the pane of rebellion, etc., with certification, etc."

"Forsameekle as it is understand to the Lords of Privie Counsell that there is no electioon made at all of commissioneres within the shirefdomse of Fyfe to attend this approacheing parliament wherein some excuse was pretendid upon the absence of the principall shiriff who was at Court for some of his Majesteis speciall affaires, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shiriff principal of Fyfe and his deput to convene the small barons and freholders within the said shirefdomse and at thair meeting to caus choise be made of twa commissioneres, freholders of the said shirefdomse, conjunctlie and severally to be commissioneres for the said shirefdomse at this approacheing parliament; and that the said shiriff and his deput report ane act contenning thair nominatioon and electioon subscrived and sealed, conforme to the Act of Parliament, to the saids Lords upon the 24 day of Aprole nixt, under the pane of rebellion, etc., with certification, etc."

"Forsameekle as there is great necessitie that tymous provision be made of strae for furnishing his Majesteis hous and equerie and the noblemen and others that are to accompany his Majeste on his coming to this kingdom, thairfoir ordains letters to be direct charging officiers of arms to pas, fennce and arreist the hall strae als well being in stackes as otherwises within the parishes of Libberton, Duddingston, Restalrig, etc., to remaine under arreisment undispossed, sauld or putt away in anie waies, bot that the owners thairof preserve and keepe the same for his Majesteis use, for the qhilk the owners sall receave tymous and thankfull payment frome his Majesteis Thesaurar and Deutie Thesaurar;
certificating all and sundry persons who shall break this arrestment or dispose upon the same so to be arrested that they shall be callit and exemplarlie punished to the terror of others."

"Forsameckle as the warrant formerlie grantit be the Lords of Privie Counsell to Sir Alexander Home, younger of Manderstoun, for his safe repaire and remaining within this kingdom to the effect he might take some course and order for satisfactioun of his creditours, expyres upon the last of this instant; and whereas the said Sir Alexander has been disabled frome using the benefite of the said warrant toward the satisfactioun of his said creditours be reasoun of his necessar attendance upon his Majestye service at Court and that he is now shortlie to come to this kingdom in company with his Majestie where he intends, God willing, to use his best endeavours to give all his creditours contentment, so farre as in him lyes; thairfor the saids Lords prorogats the warrant grantit to the said Sir Alexander to the effect abonewrittin until the last day of August next; discharging in the meane tyme all shireffs, stawarts, bailleis of regaltieis and thair deputys, provestis and bailleis within burgh and others judges, officers and magistrats to burgh and land and als all messingers of armes, of all taking, apprehending, warding or arrestin the said Sir Alexander be vertee of anie civill hornings, captiouns or other warrant execute againis him for anie debts, dischargeing, etc."

"The whilk day James Maxuell of Innerweik, one of his Majesties bedchamber, produced and exhibite before the Lords of Privie Counsell ane booke conteaining the forme of his Majesties coronatioun with the missive letter underwrittin signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour followes:—CHARLES R. Right trusty and right wellbelovit cousin and counsellor, right trustie and wellbelovit cousins and counsellers, right trustie and wellbelovit counsellours, and trustie and wellbelovit counselours, we greit yow weill. Haveing perused and approved this forme intended for our coronatioun, whiche we Doe send you heerewith to the effect that all things may be prepared accordinglie in dew tyme whiche ar requisite for that purpose, our pleasure is that yow call before yow all suche persons to whom yow shall find anie charge concerning the same dooth belong and that yow give special order to everie one of thame that they be carefull to discharge thair part of the said service wherewith they ar entrusted. And if anie difference be amongs thame tuczheing thair particular offices that yow so compose thame as there may be no trouble hereafter bot that the service may be performed in good order to our contentment and for the credite of that our kingdom. So remittit this to your care as a mater that doeth speciallie concerne our service, we bid yow farewell. Frome our Court at Whitehall, the fourth day of Marche, 1633. Quhilk missive and booke being read in hearing of the saids Lords, they allowed and approved of the said booke
and forme of his Majesteis coronatioun therein conteanit, and ordainèd the booke to be delveryed to the said James Maxuell qhilk wes 1534. accordingly done."

"Missives to the shireffs to convene the freeholders within their several shires and there to advise what soumes of money will be requisite towards the provision and making of footmantes and defraying the charges of the commissioners choosin to the Parliament, and accordinglie to modifie and sett down the soum and to distribute the same among the freeholders."¹

"The shireff of Bervick tooke the 24 of Aprile to report anent the carriage. Hadintoun tooke the same day. Corstorphine, comperand for Kilaythe, shireff of Clackmannan, promeist to caus the shireffes depute to undertake and report the day foresaid."

Holyrood House, 28th March 1633.

Patent from his Majesty erecting the barony of Airth into an Earldom, and attaching the said Earldom to the Earldom of Menteith.

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdom, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seale bearing daith at Whitehall, the 21 day of Januar last, whereby his Majestie wes pleased, in remembrance of the worthie and faithfull services done to his Majestie be his right traist cousine and counseller, William, Erle of Monteith, President of his Majesteis Privie Counsell, to erect the lands and baronie of Airth, pertainie hertable to the said Erle of Monteith, in ane free erledome to be callit in all tymes comming the erledome of Airth, and to annexe and unite thereunto the lands and erledome of Monteith, without prejudice always of the chartour of the erledome of Monteith grantit be his Majesteis_predecessour of famous memorie, King James the First, to Malissous, Erle of Monteith, and his airis, unto whom the said William, Erle of Monteith, is undoubtèd air of lyne and successioun served and retoured, qhilk chartour is of the daith the sayt day of September, 1428 yeeres, and in the 22 yeere of the said king his raigne. Lykeas our said Soverane Lord by his patent foresaid hee made and constitute the said William, Erle of Monteith, and his airis Erles of Airth and hes unite and annexed the said erledome of Monteith to the said erledome of Airth with all the libertei, priviledges and immunitieis perteaning to ane free erledome, especiallie with the place, prioritie and precedence dew to the said Erle and his predecessors as Erles of Monteith in all parliaments, conventiouns, publist meetings and otherways before all erles quhatsoever made and creat since the said saxt of September, 1428; and hes ordained

¹ By an Act of the Restoration Parliament of 1661 it was ordainèd that the shires should provide footmantes for their commissioners, who were to restore them at the rising of the Parliament. Acts of Parl. of Scot., vi. 285, b.
the said Erle and his airs to be callit in all tyme comming Erles of Airth, and to bruike and injoy the honnours, dignitie and precedencie dew to thame be vertew of the chartour foresaid grantit to the said Malissus, Erle of Monteth, before all others, as the said patent more fully proports. Quhilk patent being read in the saide Lords audience, and heard and considerit be thame and they acknowledging his Majestie princelie remembrance of the said Erle of Airth his faithfull services, they in humble and dweitifull obedience to his Majestie royall pleasure and directioun allows the said Erle and his airs to be callit in all tyme comming Erles of Airthie, and to have the rank, place, vote and precedence in all pacliaments, generall counsells, privat and publict meetings, according to the date of the chartour abonewrittin grantit to the said Malissus, Erle of Monteth. Lykes the said Erle of Hadintoun delyvered the said patent to John, Lord Steuart of Tracquair, Deputie Thesaurar, in name of the said Erle of Airth, whois absence upon knowne necessity of his imployement in his Majestie affaires, was excused, and the said Lord Tracquair receaved the said patent in name of the said Erle of Airthie with all humble and dweitifull respect."

"Anent our soverane lords letters direct makand mentioune,—For sameekle as the Kings Majestie by his letter writtin and directed to the Lords of Privie Counsell hes signified his royall pleasure and princelie commandment that without forder delay these persons who wer entrusted be the saide Lords to receave and kepe the ship of Hamborrow, callit the Jonas, and goods being therein sequestrat at his Majestie directioun, sall delyver the same to the persons of Hamborrow having right or power frorme that state to receave thame, as his Majestie letter beiris: And anent the charge givin to Sir Patrik Hepburne of Wauchtown, Andrew Ainalie, John Couane, Johne, Erle of Rothes, and Sir George Hamilton of Blai curious, partners in the letters of reprissall grantit to unquhill Captane Robertson and Adam Livingston and Robert Forrest, who hes the trust and keping of the goods, to have compeiried personallie before the Lords of Privie Counsell; to witt, the saids partners at ane certane day bygane, and the saids Adam Livingston and Robert Forrest this present day, to have heard and seene his Majestie pleasure and direction mentiouned in the said letter satisfied and obeyed in all points, or ellis to have shawin ane reasonabill caus why the same sould not be done, with certificatcion to thame and they faillyed that the desire of his Majestie said letter sould be grantit, lykesat mair lenth is conteanit in the saids letters, executious and indorations thairof: Quhilk being called and George Arnot, Andrew Ainalie and Johne Cowane compeirand personallie with the saids Robert Forrest and Adame Livingston, who had the trust and keping of the goods abonewrittin, and Barthold Oldehues, skipper of the said ship, in name of the towne of Hamburgh compeirand lykewayes personallie, the reasons and allegatiounes of the saids parteis togidder with his Majestie missive letter foresaid direct
frome his Majestie to the saids Lords concerning this purpose being read, Acts, June 1632-June 1634.

advised, the Lords of Secret Counsell descernis and ordains the persons foresaid compeirand to rander and deliever to the said Barthold Odlehues, skipper of the said ship, in name of the said towne of Hamburgh, the ship and goods abonewrittin, at the sight of Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, unto whome the saids Lords hes remitted and remitts the modificacion of the charges to be payed be the strangers for lebearing and keeping of the saids goods; and ordains letters to be direct heirupon if neid beis in forme as effairs.”

“Forsameekle as there is a sentence givin and pronounced againis M’ George Nicoll decerning and ordaining him to be banished his Majestie dominions and not to returne agane within the same during his lyfetyme under the pane of death, as the said sentence more fullie proports; for execution of quhilk point of the said sentence the Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to caus attend the commoditie of some ship going for Flanders or France and to take the said M’ George out of their tolbuith and to caus convoy him in secure therrefra to the towne of Leith and there to imbarke him in the said ship going for France or Flanders giving strait direction to the maisters, skippers and mariners of the said ship that they in nowayes presosome to sett the said M’ George on land till they come to thair port in France or Flanders under the highest pane that they may incurre in that behalfe, as the saids provest and bailleis will answer upon thair obedience; quhereanent the extract of this act sall be their warrand.”

“The Lords having heard the petitioun givin in be the Erle of Angus Sederunts, November 1632-January 1633. and the Erle of Erroll as constable and the Erle of Wigtoun as great Usher tuicheing the rights and dewtie is acclame be thame in the service of the coronatian, the Lords assignes to thame Saturday in the forenoone in the laich counsellhous of Edinburgh to give in thair clames and instruct the same.”

“After our verie heartilie commendatiouns. Whereas it is cleerlie Royal Letters, 1632-33. provided be diverse Acts of Parliament that the charges and expenses of the commissioners for the small barons and freeholders at Parliaments and Generall Counsells sall be payed be these for quhom they have place and voice at these meetings, and seing choise is made of commissioners for that shireldome to attende at the approacheing Parliament, who must be furnished with foote mantella and apparell suitabe to the dignitie of that solemnitie, these ar thairfor to request and desire yow to convene the small barons and freeholders of that shireldome with convenient diligence and shew unto thame the necessitie of thair contributing in this earand and accordinglie deals with thame that they will willingie condend and agree to suche a reasonable and proportionable soume towards the charges and expenses of thair commissioners and for thair
foote mantells and apparellaung as the importance of that great action and the honnour of the countrie requires, lettung thame understand that if by intreating they will not doe that quhilk in reason and justice they sucht to doe, that by course of law they will be compellit to doe the same. And so committit yow to God, we rest, etc. Edinburgh, 29 Martij, 1633. Subscriptur, Airth, Linlithgow, Wigtoon, Melvill.

Sedereunt—Melvill, prases; Wintoun; Linlithgow; Wigtoon; Edinburgh, Gallonay; Bishop of Dumblane; Bishop of the Yles; Arskine; 30th March 1633. Traquair; Secretary; Sir J. Baillie.

"Forsameekle as James Bowie, cooke of ane ship of Dundie, callit The Hope for Grace, being lying at Kincarne within the lordship of Culros taking in salt, cruellie and unmercifullie with ane knyfe woundit to the death quhilk Andre Milne, sone to James Milne in Mylnetoun of Erroll, and one of the mariners of the said ship, upon the 25 day of Marche instant about sax of the clocke at night within the said ship; after the committit of the quhilk cruellie murder he was tane with the bloodie hand and brought to the tolbuith of the burgh of Culros, where he now remains; and whereas the tryell of this cruellie slaughter is onelie proper to the Lord Admirall of this kingdome and to his office and jurisdiction, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the baileis of Culros, in whois waird the said James now remains, to deliver him to Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, or anie in his name having his sufficient warrant to receave him, to the intent he may be brought to the said Lord Admirall and that he may give warrand and direction for his tryell and punishment, within 24 hours after the charge under the pane of rebellion, etc., with certificaciuin, etc."

Most sacred Soverane, Your Majestie's letter of the 4th of Marche concerning your Majestie's coronation with the forme of the said coronation was delievered unto us upon the 26 of the said month by James Maxwell of Innerweik, one of your Majestie's bedchamber, and after perusal and reading of the said letter and forme of coronation, William Erle of Erroll, your Majestie High Constable of this kingdome, finding nother himselfe nor his office anie wayes mentionned therein did exhibite a supplication unto us setting furth that as by his office he is High Constable of this kingdome and consequentlie the cheefe swordman therein, so the ceremoneis concerning the sword ar onelie performable by him at your Majestie said coronation, and that the honnours, privileges and dignities concerning the sword ar onelie dew and proper to him in the right of his said office; and thairfoir did intreate us to mainteane him in the possessiouin and exercise of his said office at the said coronation, as by his supplication more at large may appeare. And in regarde your Majestie's said letter did require us to give order to suche
of your Majestie's officers as have anie charge in your Majestie said Royal Letters, 1633-33. 
several services quhairwith they ar intrasted and so to compose all 
differences as that glorious actioun may be performed in good order to 
your Majestie contentment and for the credite of this your Majestie 
anient kingdome, thairfor we in humble obedience of your Majestie 
said direction have at large considerit of the said Lord High 
Constable his supplication and of his said office and doe find that he, in 
the right of his place as lieutenant generall and supreme officer nixt 
unto his Majestie, having the command and governement of your 
Majestie armie of this kingdome, and that he is onelie judge in militarie 
affaires and in all actions concerning the officers and companeis of the 
said armie and of all ryote, disorders, blood and slaughter committed 
within foure myles of your Majestie sacred persoun or of your Majestie 
Parliament and Counsell representing the royall autoritie, and that unto 
his charge doeth belong the guarding of your Majestie owne royall 
person in tyme of Parliament or coronatioun, togidder with the command 
of all guards or men at armes attending upon your Majestie at suche 
publict tymes, and that the keyes of the Parliament hous ought to be 
committed to his keeping, and that in tyme of Parliament he ought to 
ryde upon your Majestie right hand and carie a white battoun in tokin 
of his command and that he ought to sitt in the Parliament hous apart 
frome the rest of the nobilitie upon your Majestie right hand having 
the honours lying beside him, all whiche we humbelie represent to your 
Majestie royall consideratioun, whereby your Majestie may be gracioslie 
pleased to give order for preserving the said High Constables libertie 
and priviledges als weill in the coronatioun as Parliament and conven- 
tions, he being your Majestie cheefe officer unto whom all the ceromoneis 
of the sword and honors of the said office doe dewlie and properlie 
belong, so farre as we can learne or find by mater of record or otherways, 
and the rather because we doe perceave in your Majestie said High 
Constable a most noble and generous zeale to imitate the honnour and 
glorie of his noble progenitors, whois famous and valorous actiouns in 
tyme of warre and wisdome and vertew in tyme of peace and at all 
publict solemniteis did not onelie merite and dignifie the said office but 
also hes ever hitherto honorablelie preserved the same in reputation 
without anie spot or blemish since their first patent thairof grantit be 
King Robert the Bruce unto Gilbert, Lord Hay, first constable of that 
name, unto whom the said William, Erle of Erroll, by a long continewed 
descent hath lineallie succeeded in the said office after the death of manie 
of his noble ancestors killed in the warres and service of your Majestie's 
most noble progenitors, as is deservedlie recorded with commendatioun 
to all posteritie by the historeis and records of this your Majestie 
anient kingdome. So praying God to blesse and prosper your Majestie 
in all your royall affaires and with a long and happie raigne over us, we
humbelie take our leave and sall ever rest as in dewtie bound to be, etc.

Achesoun, James Baillie.

Soderunt—Airthe, preses; Mar; Galloway; Dumblane; Melvill; Holyrood
Traquair; Secretary; Sir James Baillie.

House, 2nd
April 1633.

"The Lords of Secret Counsell according to ane warrand and directiou
in writt, signed be the Kings Majestie and this day presented unto thame,
ordains and commands his Majestis Justice, Justice Clerk and their
deputes to continew the dyet appointed to John Grant of Glenmorestoun,
Patrik, John and Duncan Grants, his three sonses, for their compeairce
before he said Justice and his deputies in the tolbuith of Edinburgh upon
the 18 day of Apriale instant to underly the lawes for ressett, suppale and
assistance of James Grant, brother to umquhill Patrik Grant of Carron,
and for art and part with him of diverse slaughters, heirships, thefts and
opressions, at lenth specifie in the criminal letters raised againis
thame at the instance of Johne Grant of Ballindallach and his Majestis
Advocat for his Majesteis interesse, untill the twelth or 12th of Julij nixto-
come, takand first new cautioon of the said Laird of Glenmorestoun and
his saids three sonses for their entrie and compeairce before the said
Justice the said twelth day of Julij nix to underly the law for the
crymes abonewrittin under the panes conteaunt in the criminal letters
raised heereant, viz., the said Johne Grant of Glenmorestoun under the
pane of 3000 merkes, the saides Patrik Grant, his sonne, under the pane
of 2000 merkes, and the saides John and Duncan Grants, either of thame
under the pane of ane thousand merkes; and that the saids
Justice, Justice Clerk and their deputies dispense with the personal com-
peirce of the parteis, cautioon being found in manner abonewrittin,
anent the doing whairof the extract of this act sall be unto the saids
Justice, Justice Clerk and their deputies, ane warrand. Followes his
Majestis missive for warrand of the act abonewrittin:—CHARLES R.
Right trustie and weilbelovit cousine and counsellor, right trustie and
weilbelovit cousines and counsellors, and right trustie and weilbelovit
counsellers, we greit yow weill. Whereas by our letter we wer pleased
to require our right trustie and weilbelovit cousine and counsellor, the
Erle of Tullibardin, to use his best endeavours for settlling the differences
amongst the name of Grant, having to that effect writtin to yow to give
him your best assistance, whiche yow did, bot in regarde of the short-
nesse of tymne and the remotenesse and distance betweene the dwellings
of the parteis interested could not convenientlie at that tymne be effectt,
though (as is certified) the said Erle had takin great panes, to the end
these differences may be the better takin away, we intend before our
returne frome that our kindgome to caus examine thame frome the
beginning for certifieing us of the trew estait thereof that they may be the more easilie composed and ordered as we sall find just causa. In respect whairof and that no complaint of that kynde come before us, speciallie at the tyme of our being there, our pleasure is that all criminall causes and actions now depending amongst these of that name be deferred till the tyme before our said returne, and to that effect that yow give order accordingly to our officers and others whome it doeth concerne. We bid yow farewell. Frome our Court at Whitehall, the 21 of Marche, 1633."

"Forsameekle as our Soverane Lords predecessours, considering the great hurt that the making of mureburne did produce in sindrie parts of this kynodome not onelie by corrupting of the air and destroying the floorishe of all trees and herbes neere to the parts where the mureburne was made, if the same fell out (as commounlie it does) in the spring tyme, bot by the spoyle of all kynde of wylde foule who ar bred and fed in mures, thairfoir his Majesteis saids predecessours with advice of their Estates in Parliament did by divers acts forbid and discharge the making of mureburne in anie part of this kynodome after the moneth of Marche yeerelie under certane panes menitioned in the saids acts, as the same at lenth heirs. Notwithstanding whairof the Lords of Secret Counsell ar informed that the careless advertinge to the precise observation of the saids acts hes renewed the former abuse of making of mureburne at all tymes and seasones to the great hurt of the commounweale, and if it be not looked to in tyme will make ane great skarsetie of all kynde of wylde foule this yeere when his Majestie is to honnour this his ancient kynodome with his royall presence. Thairfoir the saids Lords ordain letters to be direct to command, charge and inhibet all and sindrie his Majesteis lieges and subjects, be opin proclamatioun at the mercat croces of the heid burrowes of this realme and others places neidfull, that none of thame presoom nor take upon hand to make ane mureburne this present yeere nor at anie tyme heerafter after the said moneth of Marche yeerelie under the panes conteanit in the acts and constitutions made and published heereanent of before; certifieing thame that sall faliye or doe in the contrair that they sall be callit, konvened, persewed and punished conforme to the saids lawes with all rigour: And to command and charge all and sindrie shireffis, stewarts, bailleis of regaliteis, justices of peace, and others judges, officers and magistrats quhatsoever that they and everie ane of thame within the bounds of thair awne limits, offices and jurisdictioun have a speciall care and regarde to see this present act and ordinance preceialie keepe, and to notifie the names of the contraveenners to his Majesteis Counsell to the effect the saids contraveenners may be callit, persewed and punished accordinglie, as the saids shireffis, stewarts, bailleis, justices of peace and others magistrats forsaids will answer to his Majestie and his Counsell upon the dewtifull discharge of thair offices."
"Forsameekle as the persons underwrittin being nominat and appointed to have surveyed the hie waies through the quhilks his Majestie progresse in this kingdome lyes and to have givin order and direction for repairing, mending and enlarging of the same be the labours and travellis of the persons nixt adjacent, and to have reported their proceedings to the saids Lords at ane certaine day in the moneth of Marche now bygane, they ar to say—for the bounds betweene Bervik and Dunglas the lairds of Langtoun and Blacader, Mr James Nicolson of Colbrandspeth and the Erle of Humes baillie; for the bounds betweene Dunglas and Seaton, the Lord Yester, the Laird of Wauchtoune, Sir Robert Hepburne and the Laird of Rouchla; for the bounds betweene Seaton and Edinburgh the Erle of Lothiane, the Lord Ramsay, the Lairds of Prestoun, Lughtoun and Edmistoun; for the bounds betweene Edinburgh and Linnithgow the Lairds of Dundas and Corstorphin, John Dundas of Newlistoun and Thomas Dalyle; for the bounds betweene Linnithgow and Stirline, the Erles of Linnithgow and Wigtoun, the Lairds of Powmais and Keir; for the bounds betweene Stirline and Dumfermline, the Erle of Mar or Lord Aresske, the Lairds of Clackmannan, elder and younger, the Laird of Tuliallane, John Aresske of Balgownie and Sir John Preston of Walifeld; for the bounds betweene Dumfermline and Falkland, the Erle of Rothes, the Lord Burlie, the Lairds of Balvaird, Pitfirran and Randifurd and Mr Thomas Wardlaw; for the bounds betuix Falkland and Bruntilland the Lords Burlie and Wemes, the Lairds of Balvaird, Balmouto and Bafoure; lykeae missives wer directed to the persons particularlie abonewrittin for this purpose, but they have beene so carelesse and negligent herein as no kynde of diligence hes beene done be thame, at the least there is none of their diligence reported; so as this piece of service, quhill his Majestie so earnestlie recommendit to his Counsell and quhill imported so mucche the honnour and credite of the countrie, is lyke to be frustrat and cassin louse, to his Majestie high offence without remeie be provydit: Thairfor ordains letters to be direct charging the persons particularlie abonewrittin to convene and mait in manner following, viz.—these who ar appointed for the waies betweene Bervik and Dunglas with the Laird of Blacader, and these who ar appointed for the waies betweene Dunglas and Seaton with the Lord Yester, and these who ar appointed for the waies betweene Seaton and Edinburgh with the Erle of Lothiane, and these that ar appointed for the waies betweene Edinburgh and Linnithgow with the Erle of Linnithgow, and these that ar appointed for the waies betweene Linnithgow and Stirline with the said Erle of Linnithgow, and these that ar appointed for the waies betweene Stirline and Dumfermline with the Erle of Mar or suche as he sall appoint, and these who ar appointed for the waies betweene Dumfermline and Falkland with the Erle of Rothes or suche as he sall appoint, and these that ar appointed for the waies betweene Falkland and Bruntilland with the
Lord Burlie; and that they convene with thame the shireff of the shire and convenner of the justices of peace within the same and that they ryde the his wayes through whiche his Majesteis progresse will ly and consider what parts thairof need ather to be enlarged or mended, and that they preseryve and publishe the order quhilk sall be found most mett and readie to repair all thir necessar defects upon the charges and travellis of the inhabitants within the saide bounds; and that they make report of thair proceedings herin dewlie and formallie in writ to the Lords of Privie Counsell upon the 24 day of Aprile instant under the pane of rebellion, etc., with certificatien, etc."

"The Lords of Secret Counsell gives and grants full power, warrand and commission be thir presents to the Lords of the Committee appointed for giving direction to his Majesteis heerecomming to call before thame the transgressours of the proclamationouns made anent wylde foule and to censure and punishe thame accordinglie."

"The Lords of Secret Counsell gives and grants warrand to Johne, Lord Steuart of Traquair, Deputie Thescuar, to caus apprehend and committ to ward within the tolbuith of Edinburgh suche persons as wer cited to this day for buying and selling of wylde foule and compeire not."

"Thomas Wilkie, powtrieman, sworne, deonnis upon his great oath that nather he, his wife, nor nane at his directiouin sold nor bought anie powtris since a fourteene dayes before the proclamationoun."

"Johne King, powtrieman, sworne upon his great oath, made the lyke depositiouin."

"Forsameekle as choise is made of James Hopper of Bourhouses to be his Majesteis gentleman harbinger during his Majesteis abode in this kingdome for designing, marking and taking of ludgeings, houses and stables for his Majesteis tryne and followers through all the parts of this kingdome where his Majesteis progresse will ly, quhairfoir necessar it is that he be acknowledged in all and everie thing concerning his charge and that no opposition be made unto him; for quhilk purpose ordains letters to be direct charging all his Majesteis lieges and subjects whome these presents doe or may concerne, to reverence, acknowledge and obey the said James Hopper and his deputis and servantis in all thinges belonging to his charge and office, and for this effecte to make their houses and stables patent and opin to thame and to suffer thame to designe and Fol. 206, a.

marke the same to suche of his Majesteis tryne as they sall appoint, and that they receive in thair houses the persons to be directed and allotted unto thame, and that they in no wayes presoume after the marking of thair houses and stables to receave anie others in thair houses and stables but suche as sall be allowed and allotted for thame. And if anie persoun or persons sall or darre presoume to oppose or gainstand the directions of his Majesteis said harbenger in anie point concerning his charge, to
charge all magistrates to burgh and land, within whose bounds the disobedient persons dwell, to apprehend their persons and commit thame to ward till directions be givin for their order punishment, as the saids magistrates will answer upon the duetifull discharge of their offices."

Sederunt—Privy Seal; Mar; Wintoun; Linlithgow; Wigtoun; Edinburgh, 24th April
Lauderdaill; Bishop of Ros; Areaskine; Melvill; Secretary; 1683.
Sir James Baillie.

"The Lords of Secret Counsell, according to ane warrand and direction in writ signed be the Kings Majestie, and this day presented to thame, gives and grants full power and commission to Sir Johne Hepburne, knight, or to anie other whom he shall appoint, to levy and take up in this kingdom one regiment of twelff hundred men out of all suche persons within the said kingdom as he shall find willing to goe with him, and to transporte thame to the kingdom of France for the service of his Majesteis darrest brother, the Frenche king, and to be ane standing regiment there; with power to him for this effect to nominat and appoint captains and all others officers and members of the said regiment of twelff hundred men, and to caus towcke drums, dispyle culours and to doe and performe all and everie other thing quhilik toward the levyng and transporting of the said regiment is necessar; he alwayes giving suche satisfaction to everie ane of the said regiment as sall be agreed upon betuix him and thame conforme to the custome in the like caises: Firme and stable halting and for to hald all and quhatsomever things sall be lawfullie done heerin: Charging heirby all magistrates to burgh and land and others his Majesteis subjects to acknowledge the said Sir Johne Hepburne in this charge and trust committed unto him and to forder him in everie thing tending to the levyng and transporting of the said regiment of twelff hundred men. And if anie persoun or persons quhatsomever sall inroll thameselfes and take his pay and thereafter sall abandon their charge and steale away, that than and in that cause the saids magistrates to burgh and land doe justice to the said Sir Johne, his captains, officers and commanders, aganis thir fuditive and ronne away soldiours conforme to the lawes of this kingdom, as they will answer upon the dewtie of their offices. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greet yow weill. Whereas we wer formerlie pleased to give order that no levy of men whatsoever for anie forranie part sould be made within that

1 In 1633 there had been a rapportement between Charles and Richelieu, who had adopted the policy of supporting the German Protestants against the Emperor in the Thirty Years' War.

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our kingdom unless a speciall directioun wer givin frome us of new for that purpose, we will yow still to continew the same course. But considering that the standing regiment demanded by Sir Johne Hepburne, knight, for the service of our brother, the Frenche king, is of another nature, the intertaneament whairof being to be continued may serve to good use for sindrie of the subjects of that our kingdome, in regarde of this and other causes knowne unto us, our pleasure is that yow grant unto the said Sir Johne Hepburne, or to anie other whom he sall appoint, ane commissioneun with ane sufficient warrant to levay and transport twelue hundred men for the purpose abonesaid of all suche persons within that our kingdome of Scotland as he sall find willing to goe with him thither, granting him libertie to towcke drummes for that purpose, with als large priviledges as anie general, colonell or commander hath had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the like caises; for doing whairof these presents sall be unto yow a sufficient warrant. Frome our Court at Whitehall, the 28 of Marche, 1633."

"Forsameeke as by divers Acts of Parliament made by our soverane lord his royall progenitours of good memorie it is cleerlie provided, statute and ordained that the charges and expenses of the commissiouners to be directed from the small barons and freeholders of the severall shirefdomes of this kingdome to Parliaments sall be defrayed and payed be the saids small barons and freeholders, as in the saids acts at length is contenait; and whereas the unwillingness of manie of the small barons throughout the severall shirefdomes of this kingdome to contribute to this so necessar ane earand, importing the saids small barons so neerelie in honnour and credite, hee beene ane great lett and hinder to these who wer nominat commissiouners to accept and attend that charge, whereupon hes followed the hinder and disappointing of his Majestie's service, wherein of tymes the saids small barons pretendit excuses that there was no cleere soume sett down for the charges and expenses of the saids commissiouners, and that thairfoir they know not how to contribute in suche ane earand, for removing of the qubil preteddit doubte and to take away all excuses that the saids small barons and freeholders may pretend in this caise heerafter, the saids lords hes for this present yeere modified to everie commissiouner who sall be directed from the small barons and freeholders of eache shirefdom of this kingdome to this approacheing parliament alannerlie the soume of 300 merks, whilk will make for eache shirefdom where there is twa commissiouners 600 merkes. And by and attour this soume, qubil is onelie destinat and appointed for the ordinar charges and expenses of the saids commissiouners, it is lykewyse ordained be the saids Lords that each commissiouner for everie shirefdom eall have ane footmantell of velvet pasmented as accorda, whilk will make two foot mantells for eache shirefdom, and that thir
footemantells sall be the proper footemantells of the shiref dome, and
that at everie head court after Michaelmes thir footemantellis sall be
delyvered by these who wer commissioners the yeere preceeding to these
who sall be nominat to be commissioners for the succeeding yeere, and
that the expences of thir footemantellis sall be lykewayes payed be the
sai ds small barons and freeholders. And for this effect the saids Lords
ordains letters to be direct charging the haill shireffs within this kingdome
to convene the small barons and freeholders of the same with all con-
venient diligence, and at thair meetings to propone and shaw unto thame
this present act and ordinance, and accordinglie to deale and travell with
thame to sett down a competent price for twa velvet footemantellis for
everie shiref dome and to joyn the said price of the footemantellis to the
allowance and modificacion of 300 merkes modified and sett down be
the saids Lords for the charges of eache commissioner and to make ane
proportionall distribution of the said haill soume both for footemantells
and charges of the commissioners amongs the pund lands of everie shire-
dome, appointing suche a soume to be payed out of the pund lands as
will correpond and answer to the soumes particularie abonewritten, and
to charge the small barons and freeholders within everie shiref dome to
convene and meit with the saids shireffs at the dayes and places of
meiting to be appointed be thame and there to concurre and joynye with
thame in setting down the prices of the footemantells and in distributing
of the saids prices with the others charges foresaid of the commissioners
amongs the pund lands perteaneing to the said small barons and free-
holders, to the intent that letters may be direct for payment of this
important and necessarie contributioon out of the lands and rents perte-
teaneing to the saids small barons and freeholders; and that the saids
shireffs report thair diligence heerin to the saids Lords betuix the
15 day of May nxct to the intent the saids Lords may thereafter take
suche course and order for payment of the said contributioon by letters
of horning and otherwayes as they sall think meit."

"Forsamelek as the forestalling and regraiting of merceats is a cryme
most hurtfull and pernicious in a commoun weale and tending to the
fostering and interteaning of dearth and contempt of all good order and
governement, and hee thairfor beene verie straitlie prohibite be diverse
Acts of Parliament made be his Majesteis predecessours of famous
memorie, in the quhilks acts it is speciallie found and declared that
whoever buyes or causes buye anie merchandice, victuall or other goods
whatsoever comming be land or water to anie faire or mercat to burgh
or land to be sauld frome anie part within or without this kingdome, or
who makes anie contract or promise thereanent before the goods be
brought to the faire or mercat place to be sauld, or who sall make anie
motion be word, writ or message for raising of the prices or deerer
selling of anie of the saids goods, or who sall disswade or move anie
persoues comming to faires or mercats to bring their commoditeis thereto,
sall be repute, haldin, esteemed and judged as forestallers, and who ever getts in their possession in anie faire or mercat anie kynde of vivers quhilk sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other faire or mercat within foure myles thairof sall be repute and haldin regraters, as in the saids acts conteeing divers others clauses for restraining this pernicious and wicked abuse of regrating at lenth is conteainit. And whereas the bypast oversight and impunitie givin to persons formerlie offending in this kynde hes givin boldnesse and encouragement to numbers of base and unworthy people still to continew in that unlawfull and wicked trade, especiallie within the burgh of Edinburgh, Leith, the Cannogait, West Port, Potterraw, Pleasance and others parts about the burgh of Edinburgh, where diverse base fellowes, powtrie men and others attends and awaits upon the he streits leading to the said burgh and there rancountering with the persons bringing in wylde foule, powtrie and others commoditeis and vivers to the mercat of Edinburgh they there buy the same at small and unworthy prices, brings the same queties to the burgh of Edinburgh and suburbs thairof and keepe the same in their houses and sellers, brings out the same in small parts and portious to the mercat and pretending a skarsetie qhair they have abundance and sufficiencie in their sellers and houses they hight and raise the prices at their unruelle appetites, shamefullie and mischantlie abusing his Majestie good subjects, and fosters and interteanes both a skarsetie and dearth of these kynde of commoditeis; and if some course and order be not tane with thame for restraining of thir pernicious and mischant abuse foresaid, speciallie at this tyme of his Majestie comming to this kingdome, thir wicked and mischant fellowes will abuse the countrie and foster and interteane ane artificiall dearth and skarsetie of thir commoditeis and vivers, to the discredite of the natioun and hurt of the subjects. Thairfoir ordains letters to be direct charging officers of armes to pas to the mercat croce of the burgh of Edinburgh and all others places neidfull, and there be opin proclamatioun to mak new intimacion of the Acts of Parliament formerlie made aganis forestallers and regraters, and accordinglie that yow command, charge and inhibite all and sindrie his Majestie lieges of what condition so ever they be that nane of thame presoom nor take upon hand anie longer to use this pernicious and wicked trade of regraiting and forestalling, and that they buy no kynde of wilde foule nor tame foules nor no other kynde of vivers comming to the burgh of Edinburgh or to anie other burrow touns or commoun mercats within this kingdome till the same be brought be the countrie people to the mercat place and there sauld be thame in parcellis to his Majestie subjects: Commanding heirby the provest and bailleis of Edinburgh, Leith, Cannogait, West Port, Potterraw, and of all others burrowes and touns within this kingdome, who ar constitute his Majestie justices and commissioners for
execution of the saids Acts of Parliament, that they and everie one of thame within their several bounds, offices and jurisdictiones have ane speciall care to see the saids Acts of Parliament preceialie kepted within their bounds and this pernicious and wicked trade of forestalling exactlie tryed and punished, conforme to the saids acts, as the saids provests and bailleis will answer to the saids Lords of Privie Counsell upon the dewtfull discharge of their offices and at their highest charge and perrall."

"Forsamekle as the Lords of Secret Counsell ar informed that hes bigged stables upon the walls and gardens of his Majestis palace of Falkland quhairby they have farre impeded and hindered the passage to his Majestis said palace and hes so obscured the sight to the entrie and port of his Majestis palace as is most disgracefull to the same; and whereas it is ane great and intolerable presumptioun that anie person durst have presoomed to have bigged anie kynde of houses upon the wallis of his Majestis gardens and orchards without ane lawfull warrand and right established in thair persons, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the saids persons to compair personallie before the saids Lords upon the fyftene day of May nixtoome bringand and produceand with thame the rights, titles and securiteis, if anie they have, toward the bigging of the saids stables, to be scene and considerit be the saids Lords and to heare and see suche order tane thereanent as the saids stables may be demolished, cassin down and tane away, or ellis show a reasonable caus why the same sowld not be done, and that they compier personallie to the effect fore-said under the pane of rebellioune, etc., with certificatoune, etc."

"Forsamekle as altho the mater of his Majestis carriage be one of the most important peces of service that will occurre in his Majestis whole progresse throughout this kingdome and must be perfytte be the inhabitantis of the particular parishes within this shirefdomes through quhilk his Majestis progresse will ly, and that for this effect the shireff of Hadintoun and the conveener of the justices of peace within the same wer earneestlie writtin unto be the Lords of Privie Counsell to have resolved uppon some solide and settled course, with the concurrence of the justices of peace, barons and gentlemen of the shirefdom, for lifting of his Majestis carriage at Dunglas and carying of the same to Seatoun, as wes done when his Majestis darrest father of blessed memorie came to this kingdome, the saieds Lords ar informed that the said shireff and conveener of the justices of peace hes verie farre slighted and negleced the directions sent unto thame concerning this mater and hes done little or no diligence at all therein, so as by appearance the service of the carriage for that shirefdom of Hadintoun, quhilk will be the second service that will occurre in his Majestis progresse heir, is lyke to be frustrat and disappoint, to the great discredit and shame of the country and to the reproache of the gentlemen and others
of the shirefdome, who were thought to be inferior to no others of his Majestie's subjects in all points of submissive devoutie and obedience to his Majestie, without remeide be provydit: Thairfor the Lords of Secret Counsell ordains letters to be direct charging the shireff of Hadintoun and his deputies and the conveener of the justices of peace within the same to convene the remanent justices of peace and the barons, gentlemen and freeholders within the said shirefdome at the burgh of Hadintoun upon the day of , and at thair meeting that they resolve and conclude upon some solide and sure course for the lifting of his Majestie's carrage at Dunglas and bringing of the same therafter to Seatoun, and for that effect that after notice takin and constables elected that they appoint and prescryve what number of hors provided for carrage everie parish within the said shirefdome will furnishe, and that they make and sett downe ane perfyte note thereupon in writt and deliwer the same to the maister of his Majestie's carrage, and that the number of hors for everie parish extend to the double of that number qubhik was furnished in 1617 yeere of God, quhairoff they sall recese note under the hand of the Clerk of the Counsell: And siclyke to command and charge the barons, gentlemen and fewers in the several parishes of: the said shirefdome be opin proclamatioun at the mercat croze of Hadintoun to convene with the said shireff and conveener of the justices of peace the day and place foressaid and to concurre and joyne with thame in all and everie thing tending to the furtherance and advancement of his Majestie's service in the carrage, under the pane of rebellion, etc., with certificatioun, etc.; and forder under the pane to be callit and convened before his Majestie's Counsell and exemplarlie punished as slighter and contemnors of his Majestie's service with all rigour and extremitie to the terrour of others to committ the like."

"Forsameekle as the Shireff of Bervick, according to ane warrand and directioun sent unto him be the Lords of his Majestie's Privie Counsell, hes tane particular notice of the number of hors for carrage and of thair furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carrying of his Majestie's carrage fra Berwick to Dunglas and hes made and presented to the saids Lords ane roll of the saids parishes conteaning the number of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readiness for lifting of his Majestie's carrage at the tymes and places to be appointed, that is to say—for the parish of Lennell, where Johne Thomesone and Harie Mader are nominat to be constables, fyve score sax hors; for the parish of Eckles, where Johne Home in Lietouny, Peter Cranstoun in Tofts, and Robert Corser in Hassaintoun ar nominat constables, sevin score foure hors; for the parish of Ladykirk, where George Parke in Harden and Raufe Trotter in Ladykirk ar nominat constables, threttie hors; lykeas Sir George Ramsay of Wyliecleuch and undertooke for
thir three parishes abonewrittin to caus the number of horses abone specifis be in readines at the tymes and places to be appointed; for the parish of Fogo, where Robert Trotter in Fogo and Johne Trotter in Calford ar nominat constables, fourtie auntch hors and foure cairts; for the parish of Home, where Nicoll Bruntfeild in Home and Adame Trotter there ar nominat constables, twente foure hors; lykeas Cockeburne of Ryala undertooke for thir twa parishes to have the number of horses abonewritten in readines at the tymes and places to be appointed; for the parishes of Gordon and Bassindene, where George Broun in Bow and William Ellen in Bassindene ar nominat constables, three score sax hors; lykeas Alexander Cranstoun of Morestoun and of Wedderlie undertooke to have the number of hors givin up in thir twa parishes in readines at the tymes and places to be appointed; for the parish of Erslitoun, where George Pringle is nominat constable and who also undertakes to have the number of horses allotted to that parish in readines, fiftie hors; for the parish of Ligertwod, where Richard Fraser in Ligertwod is nominat constable, twente sax hors; lykeas Cranstoun of Corsebie undertooke to have the number of hors given up in this parish in readines at the tymes and places to be appointed; for the parishes of Coldinghame and Eymouth, where Johne Richartsone, messenger, and Johne Rentoun in Eist Restoun ar constables, sevin score foure hors and 20 cairts; lykeas the Laird of Rentoun undertooke to have the number of hors and cairts allotted for this parish in readines at the tymes and places to be appointed; for the parish of Aittoun, where James Wight in Aittoun and Johne Haistie in Quebitrig ar constables, 48 hors and 16 cairts; lykeas Alexander Home undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parishes of Lamertoun and Mordingtoun, where Alexander Torres and William Measlane in Lamertoun ar nominat constables, 20 hors and 4 cairts; lykeas Johne Rentoun undertooke to have the hors and cairts givin up in this parish in readines at the tyme and places to be appointed; for the parish of Chirneside, where George Broun in Chirneside and David Cowane in Edingtoun ar nominat constables, 66 hors and ten cairts; lykeas of Edingtoun undertooke to have the hors and cairts givin up in this parish in readines at the tyme and places to be appointed; for the parish of Foulden 24 hors and 6 cairts; lykeas Johne Wilkie in undertooke to have the hors and cairts givin up in readines at the tymes and places to be appointed; for the parish of Edrem, quhair James Lamb in Lambismynle and Robert Jaffrey in Blacader ar nominat constables, foure score auntch hors and ellevin cairts, lykeas the Laird of Blacader undertooke to have the hors and cairts givin up in this parish in readines at the tyme and places to be appointed; for the parish of Hutton, where James Aitkine in Fisheweik and Johne Hoggert in Paxtoun ar nominat constables, 46 hors and 3 cairts, and the Laird of Blacader undertooke to have the hors
and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Swintoun, where David Cas and David Robertsone in Swintoun ar nominat, 44 hors and 7 cairts; and for the parish of Hiltoun, where Henrie Strang is nominat constable, 12 hors and ane cairt; lykeas the Laird of Swintoun undertooke to have the hors and cairts givin up in thir twa parishes in readines at the tymes and places to be appointed; for the parish of Greinlaw, where James Ridpath in Greinlaw and Alexander Trotter in Howlares ar nominat constables, 50 hors; lykeas of Rowingtoun undertooke to have the hors and cairts givin up for this parish in readines at the tymes and places to be appointed; for the parish of Polwart, where Androw Swanstoun is nominat constable; 16 hors and twa cairts; lykeas George Home undertooke to have the hors givin up for this parish in readines at the tymes and places to be appointed; for the parish of Colbrandspeth and Aldcambes, where James Tait in Colbrandspeth and Johne Robertsone in Aldcambes ar nominat constables, 52 hors and 6 cairts, whairof 42 hors for Colbrandspeth and 12 hors and twa cairts for Aldcambes; lykeas Mr James Nicolsoun of Colbrandspeth undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Butterdane, where Alexander Broun is nominat constable, 8 hors and one cairt; lykeas Cockeburne of Butterdane undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Langtoun, where Johne Fortoun in Stobswood and William Hunter in Langtoun ar constables, 40 hors and 6 cairts; lykeas the Laird of Langtoun undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Longformachus, where Johne Anderson is nominat constable, sax hors and one cairt, and for the parish of Cranscharke and Reburn, where Robert Swintoun and William Robertsone in Bowingtree ar nominat constables, 8 hors and twa cairts; lykeas the Laird of Langtoun undertooke to have the hors and cairts givin up in thir twa parishes in readines [at] the tymes and places to be appointed; for the parish of Dunce, where Thomas Balfoure in Dunce and Cuthbert Younger there ar constables, 80 hors and ten cairts; for the parish of St Bothans, where James Suddes is nominat constable, 8 hors; for the parish of Ellem, where Androw Fortoun in Dyishanche is nominat constable, 20 hors; lykeas the Laird of Wedderburne undertooke to have the hors and cairts givin up for thir three parishes in readines at the tymes and places to be appointed; for the parish of Quhitson, where James Innerweik and Johne Jaffrey in Quhitisome ar nominat constables, 38 hors and 4 cairts; for the parish of Simpren, where George Broun is nominat constable, ellevin hors and one cairt; lykeas the Laird of West Nisbit undertooke to have the hors and cairts givin up for thir twa parishes in readines at the tymes and places to be appointed; for the parishes of Bonkill and Prestoun,
where James Gray in Lintlawes and Patrik Scot in Prestoun ar nominat constables, 64 hors and sax cairts; lykeas the Laird of Cumledge undertook to have the hors and cairts givin up for this parish in readines at the tymes and places to be appointed. Lykeas the baron[...]

...within the said shirefdome nominat and elected the persons underwrittin, they ar to say, Patrik Cockeburne of Chappelcleuche and John Smith to be generall constables for the hail shirefdome, to witt the said Patrik Cockeburne for the east end of the Merce be east Quhattitoure and the said John Smith for the west end of the Merce be west Quhattitoure. Lykeas alsua the shireff of Roxburgh according to the charge and direction givin to him hes tane the like notice of the number of hors for carriage quhilk everie parish in the east part of Tiviotdaill may furnishe that is to say, for the parish of Kelso, where Alexander Pringill is nominat constable, and for Maxwelheuche, where Andrew Parke is nominat constable, and for Broxfeild, where William Gray is nominat constable, 56 hors; and for the parish of Sproustoun, quhair James Parke is constable for the Earl of Roxburghs part, and quhair George Davidsoun called Burges is nominat constable for the Lord Cranstouns part, and where Alexander Halden is nominat constable for Lempitlaw, and where Andrew Ker of Tochester is nominat constable for Halden, 40 hors among thame; lykeas Ker of Broomlands undertook that the number of hors givin up for thir twa parishes sall be in readines at the tymes and places to be appointed; for the parish of Smailholme and for the Earl of Roxburghs part thairof, where John Wilsone is nominat constable, sevin hors; and for the Lord Cranstoun and his vassalls part, where George Quyte is nominat constable, ten hors; for Gallasheills part, where John Rutherfurde is nominat constable, sevin hors, inde 24 hors; for the parish of Ednem, quhair John Smith and William Brown ar constables, 25 hors; and for the parish of Stitchell, where Robert Donaldson is constable, 25 hors; and for the parish of McKairstone, where James Fuird is constable, 20 hors, for the parish of Roxburgh, where John Blaikie and James Lusmells ar constables for the Earl of Roxburghs part, and where John Moffet is constable for Hietoun Finlay and Farnington, 25 hors; lykeas Andrew Ker of Massindew undertook to have all thir hors givin up, as said is, in readines at the tyne and places to be appointed; for the parish of Eckfurde, where John Harlaw is appointed constable for the Ladie Bothuel her part, whilk is the fourt, ten hors; and for the Earl of Roxburgh his part of Cavertoun and Cessfurde, where William Kae is constable, and quhair David Ormestoun is constable for Ormestoun, 30 hors; and Rutherfurde, Mowmaynes and Mersingtouns lands ar joynned to make up thir 30 hors; inde out of Eckfurde 30 hors; lykeas the goodman of Roxburgh undertook to make the hors givin up for this parish to be in readines at the tymes and places to be appointed, except for the Ladie Bothuells part; for the parish of Crailling, where Adam Mader is constable, aucht hors; and
for Nisbit, where Johne Baxter is constable, sucht hors; inde 16 hors; lykeas Androw Dowglas undertooke for the sucht hors out of Crailling, and Thomas Ker of Ancrome undertooke for the sucht hors out of Nisbit that they all be in readines at the tyme and place to be appointed: for the parishes of Yettam and Marbotill, quhair George Alexander is constable for Marbotill, and Androw, alias Dand Tait, is constable for Yettam, and Johne Burne is constable for the Erle of Roxburghs part, 24 hors; lykeas Ker of Lochtoure undertooke to have the hors givin up for Marbotill in readines, and the goodman of Roxburgh undertooke that the hors givin up for Yettam sall be in readines at the tymes and places to be appointed; for the parish of Lintoun, where Nicoll Young is constable for Lintons part and Walter Ker for the Erle of Lothians part and Androw Ker for Gradens part, 12 hors: Lykeas the said shireff nominat and appointed John Rutherfurde, messenger, to be generall constable for East Tiviotdaill, as in the acts made to this effect at lenth is conteanit. And whereas thir persons abonewrittin who ar givin up to furnishe the number of cairts respective abonespecifit or bound in dewtie to have their hors, cairts and others instruments and necessars for carrage in readines at Berwick upon the day of Junij nixto come a'irle in the morning and thair to lift his Majestis carrage and to carie the same thairfra to Dunglas or otherways as they sall be directed for that day be the maisters of his Majestis carrage, notwithstanding the Lords of Secret Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send their hors to Berwick for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke eneuch that a part of his Majestis carrage will ly behind, to the discredite and shame of the hoall natioun without remeide be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the haill parishes particularlie abonewrittin and constables appointed for eache parish, and the undertakers particularlie abonespecifit that they and everie ane of thame doe and performe that quhilk to thair charge and dewteis in the service foresaid apperteane, and for this effect that they direct and send and caus the number of hors abonespecifit, appointed and allowed for everie parish weill furnished with all things necessar for carradge, be at the town of Berwick upon the said day of Junij nixtocom before three of the clockes in the morning, and there to lift his Majestis carradge and carie the same thairfra to Dunglas or otherways as they sall be directed be the maister of the carradge, upon his Majestis charges and expenses, under the pane of sax pundis for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majestis carradge, as said is: And to command and charge the generall constables of the shire to poyn the readiest goods and gear of the persons disobeying for the said soume of sax pundis for everie hors that sall be absent and sall not keepe the precise tyme and place of metting.
at the sight and direction of the master of his Majestie's carriage, and
to make the said soume furthcummand to these whom the saids Lords
shall appoint in this ear, and siclyke to command and charge the
constables of each parish to bring with thame and to deliver to the
masters of his Majestie's carriage ane list and roll of the number of
horses that shall come and attend the said service and a list and roll of
the horses that shall be absent, to the intent that the owners of the absent
horses may be punished for their faily and disobedience by poynding
for the saids sax pundis, as said is; certifewing the saids constables who
shall not give up the said list and roll in manner foresaid that they and
everie ane of thame shall incurre the said pane of sax pundis for everie
absent hors, or not givin up be thame as absent, and shall be punished for
the same accordinglie."

"Forsameekle as Alexander, Erle of Linlithgow; Sir George Forester
of Corstorphine, shireff of Edinburgh; Sir Walter Dundas of that Itke,
John Dundas of Newlistoun and Thomas Dalyell of Manerstoun, shireff of
Linlithgow, being nominat and appointed be the Lords of Secriet Counsell
to survey and ryde the bounds betuix Edinburgh and Linlithgow through
quhilks his Majestie progress will ly, and to tak notice and to informe
thameselfes what parts of the saids wayes needed to be enlarged and
repaired and made passable for horses and coaches and to subscryve and
sett doun an order quhilk they shoulde find most meit and readie to repaire
all these necessar defects upon the charges and expences of the inhabi-
tants within the saids bounds, and to have reported their proceedings
dewlie and formalie in writt to the saids Lords upon this present 24 day
of April instant, the saids commissioners for obedience of the charge and
direction givin unto thame in this mater, having riddin the saids hie
ways and remarked what needed to be enlarged or repaired therein they
have givin in their report to the saids Lords for the shirefdome of Lin-
lithgow as followes, to witt—They have found that at the marche betuix
Catelbeck and Carlowrie there is ane evill gait whilk must be helped be
calsey or ane bridge, and that the calsey beside Todshauche must be
lifted and layed of new, and that at the east end of Kirklistoun at the
foote of the east part the bounds to be calseyed through the haill toun to
the foote of the west peth and to be aucht foot of breadth, and that the
peth be west Kirklistoun be dicht and made cleane, and that the holes be
filled and stones removed fra it; and that the way fra the east end of
George Grayes house to the west end of Nicoll Smiths hous be calseyed;
quhilk the said John Dundas of Newlistoun tooke in hand to doe; and
fra thynge furth that the wayes quhilks comes fra the marche of Over
Newlistoun and the meyne bridge betweene Dundas lands and New-
listouns lands be repaired and helped, and that the cotters bridge be
calseyed at the south end ten rude south ward along the burne side
and that the northside be calseyed twa rude; that the old calsey on
the south side of Wincieburgh and the south end thairof be repaired
and made new a rude or twa at ilke end longer nor it is; and that the
way throw Ald Cathiwmure be calseyed sax rude; and the rest of the
way to be dicht and clodded and stones tane out thairof; that the west
end of the three myle hou be calseyed three rude in lenth betweene
the houses; that the way forenent Peter Drumonds hou be calseyed
three or foure rude; that the Pilgrims hill and that part thairof quhilks
was mended laitlie be helped of new agane and cassin fra the heid
of the peth thairof to the Magdalene Burne. And whereas the hail
ways betuix Edinburgh and Linlithgow ar encroacched upon and
diminished the breadth thairof lesse nor the Act of Parliament, they
ordained thame all to be enlarged agane and the hail ways to be dicht
and made cleane of all hills, braes and stones, as the report of the saids
commissioners beiris. And forder they having considerit that there is
now greater danger in the hie ways nor wes in the tyme of our soverane
lords umquhill darrest father of blessed memorie by decayed bridges and
brokin calseyes quhilkis ar necessar to be helped and bigged and new
 Sesso to be made whilc cannot be done but great charges and
expenses; thairfor the saids commissioners thought meit and expedient
that the sameould be done be ane taxatioun to be imposed upon the
hail lands whateormever lying within the said shirefdome of Linlithgow
and hail bounds thairof, as the report of the saids commissioners shawin
to the saids Lords beiris. Quhilk report being read, heard and con-
siderit be the saids Lords and they allowing of the panes and travells
tane be the saids commissioners and of the course and order sett doun
be thame for repairing of the saids hie ways; and whereas yett they
have not condescended particularie what charges the perfytting of thir
workes will necessarlie require and how the saids charges sall be imposed
upon the inhabitants of the shirefdome, thairfor the saids Lords ordains
the saids commissioners to convene and meit of new within the burgh
of Linlithgow upon the savint day of May nxt, and there to resolve and
conclude upon some certane soume for repairing of the saids hie ways
and helping and mending of the bridges within the said shirefdome and
how and be whome the said soume sall be payed; and to sett doun thair
report in writt heereanent to the Lords of his Majestis Privie Counsell
betuix and the 15 day of May nxt to the intent the saids Lords may
direct letters of horning for payment of the said soume in forme as
effeirs.

"The Lords of Secret Counsell finds it meit and expedient that the
inhabitants within the lordship of Culros, the lands of Crombie, Sauline
and Culta sall concurre and joyne in the lifting of his Majestis carrage
fra Stirling to Dumfermeline; and that the parishes of Bothkenner,
Fawkirk, Denny, Morvinside, Slamanna Mure, Airth, Donypace sall
concurre and joyne in lifting of his Majestis carrage fra Linlithgow to
Stirling."

"The Lords declares and ordains that the inhabitants of West
Lothiane sall lift his Majestis carrage at Halyruhdous and carie the
same thairfra to Linlithgow."
“The Lords for the better orderance and advancement of the service of the carriage ordains and commands the generall constables within everie shirefdome to paynd for the soume of sax pundes for everie horse that sall be absent fra the service of the carriage and to make the same furthercommand to these whom the saied Lords sall appoint to receave it.”

“Forsameikle as William, Erle of Lothiane, William, Lord Ramsay, Sir John Hamiltoun of Preston, David Crichtoun of Lugtoun and Mr James Raith of Edmistoun being nominat be the Lords of Secret Counsell commissioners for surveying and ryding the hie wayes betwixt Seatoun and Edinbugh and fra Seatoun to Dalkeith and frome that to Edinburgh, and to have considerrit what parts of the saids hie wayes needed to be enlarged or repaired and to have sett down some solide and certane course how the saids wayes and the necessar defects therein might be repaired and helped upon the charges and expences of the inhabitants within the said shirefdome, the saids commissioners hes accordinglie ridden the saids hie wayes and they have found the defects thairof to be in the parts and places following, to wit—in the hie way at the backe of Prestoungrange, at Smetoun peth bewest Gilmertoun in the south side of the damme on the north side thairof, at Libbertoun kirk, at the dammes of Libbertoun on both sides of the bridge, in the hie way leading fra Libertoun Whinnes to the calsey and that halib calsey leading to Edinburgh, and at that west part of the West Port of Edinburgh neere to the tolbuith thairof where there is ruinous houses and great heapes of stones; and that in the way betweene Seatoun and Edinburgh they have onelie found the defects to be at the backe of Prestoungrange and at Edgebucklinbrae, as in the report made be thame to the saids Lords at lenth is conteainit. Quherin as the saids commissioners hes done thair dewtie in that part of the service committed unto thame tuicheing the ryding of the saids wayes, ytt they have failed in preseryving and setting down the course and order how and be whome the defects foresaid of the saids hie wayes may be enlarged, repaired and mended, so as that peece of service, quhilk is verie important for the credite of the countrie, is lyke to be delayed and cassin house without remeind be provydit. Thairfor ordains letters to be direct to command and charge the commissioners abonewrittin in the mater foresaid to convene and meet of new upon the sevint day of May nixt and at thair meeting that they resolve, conclude, prescryve and sett down some certane, solide and sure course how, be whome and upon whos charges the defects foresaid in the saids wayes sall be enlarged, repaired and mended, and to report thair conclusions thereanent to the saids Lords betuix and Fryday the tent of May nixt under the pane of rebellion, etc., with certificatyon, etc.”

“The Lords assignes to the shireff of Bervick Fryday come eight The highways of Berwick dayes for meeting with the justices of peace for repairing the defects of the hie wayes, ordaining him to report his proceedings to the Counsell the first Counsell day of Junij.”
The highways of Clackmannan and Stirlingshire.

Edinburgh, 24th April 1633.
Letter of Council to his Majesty anent a Scottish ship which has been seized by one of Spain.

"The Lords assignes to the Shireff of Stirline and John Areskine of Balgonie for Clackmannane the fytene of May to report ther diligence anent the hie wayes."

"Most sacred Soverane, A petitioun being exercished this day at the Counsell table be George Suttie, Charles Hamiltoun, John Kniblo and Robert Glen, merchants burgesses of Edinburgh, for thamselfis and in name of the remanent owners of the ship callit "The George of the Quenisferrie," quhairof William Allane is maister, purporting that notwithstanding the happe peace standing betweene your Majestie and the King of Spaine for the quiet of your Majesteis good subjects and the fredome and increasse of trade, yitt contrarie to the said peace and law of all nationis, the saids shippe and goods loadned therein being in Februarie last in her way to the staple port of Campheir in Zeland, wes within three lieges of the said stapple port persewed and boorded by ane freebooter of St. Sebastioun in Biskay, subject to the said King of Spaine, and the companie and equippage of the said shippe putt under boord as prisoners untill the said ship was caried twentie myles frome the said stapple port, quhair the said freebooter tooke the halfe of the companie of the said ship and putt thame in a ship boat exposing thame thairby to the injurie of the sea and extreme hazard of thair lyfes before they could come to the shoaere and caried the maister of the said shippe and remanent companie to the said town and port of St. Sebastian where they wer all made close prisoners untill after strict examinat ions the commoditie of ane English ship being found they wer violantle thrust into the same to be shipped for Londoun, not being permitted to goe before anie judge to compleane of the wrongs or to supplicat for restitutiuon or reparatiiun. And thairfor the saids parteis greeved hes humebie prayed us to represent the saids greevances unto your most sacred Majestie, and the said supplicatiiun being read in Counsell and the equitie thairof dwelie considered and the exemple of suche wrongs being conceaved to be verie pernicious and hurtfull to the trade of your Majesteis dominionys and also dishonnorable to your Majesteis governement (if the same sould be passed over without punishment), thairfor we have thought it our dewtis to lett your Majestie understand of the saids wrongs and humebie to beseeke your Majestie to write your royall letters to his Majesteis ambassadors in Spaine to lett his Majestie know that suche wrongs hes beene done by his Majesteis subjects of St. Sebastians aganis the commoun peace and agreement made betweene your most sacred Majestie and him, and that restitution and reparatiiun may be made to the parteis greeved, and suche exemplar punishment inflicted upon the offenders as all others by thair exemple may be terrified frome attempting the like hereafter under the sacred bond of peace, whereupon dependeth the lyfe and fortounes of most good subjects under the blessed protection and governement of all peacefull and happe princes. So hoping your Majestie will in your wounded princlie
1633. CHARLES I.

Royal Letters, maner so express your fatherlie care of your good subjects as the saids supplicants may feele the effects and comfort of the same, we humbllie take our leave, etc. Edinburgh, 24 Aprilis, 1633. Subscribitur, Hadintoun, Mar, Wintoun, Linlithgow, Lauderdaill, Wigtoun, Pa. B. of Ros, Melvill, Areskine, Arch. Achesoun."

*Subscribe*—Privy Seal; Mar; Linlithgow; Wigtoun; Lauderdaill; Edm. Bishop of Ros; Areskine; Melvill; Secretary; Sir James 1633.

Baillie.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is a number of houses within the Cannogait conducd to sindrie noblemen or tane up be his Majesteis harbenger to the use of his Majesteis tryne and followers, and whereas thir noblemen looked to have had ane peaceable entrie to thair houses to the intent they might have layed thair provisoun and furnishing tymouslie within the same and otherways might have prepared the saids houses in suche forme as they might best have beene accommodat therein, ytt the possessours of the houses conducd and tane up in maner foresaid, refusis now to remove thefra, at the least they linger and delay the time of their removall, so as the noblemen who has conducd thir houses and wer resolved to have keeper houses for interteeing of the nobilitie and others who ar to accompanie his Majestie thither, as lykewise the strangers for whois use the saids houses wer tane up, ar lyke to be frustrat and disappointed of thair houses, to his Majestie high offence and discrede of the countrie, without remed be provydit. Thairfor the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas to the mercat croce of the Cannogait and there be opin proclamatioun to make intimationen and warning to all the inhabitants of the Cannogait whois houses ar conducd for noblemen or tane up for his Majesties tryne and followers, that they remove thameselfis furth thairof and leave the same veide and red to the saids noblemen and others foresaid besuix and the fyftene day of May nixtocome, certefeing thame that sall failyie and doe in the contrair, the said fyftene day of May being bypast, that letters of horning sall be direct agains thame charging thame simpliciter to the effect foresaid."

*Subscribe*—Chancellor; Treasurer; Privy Seal; Mar; Areskine; Tracquair; Sir James Baillie.

Hollyrood
House, 1st May 1633.

"Forsameekle as the Kings Majestie, having beene formerlie pleased upon good considerature knowne to his Majestie to grant his licence to Sir Alexander Leslie, knight, generall colonell of the forранe forces of the Emperour of Russia, for leveying and transporting a regiment of men out of his Majestis dominions for the said Emperour his service, bot
understanding that there laikes ane companie for compleiting of the same whiche his Majestie willeth to be leveyed and transported from this kinglydome by Captaine James Forbes for the said use, that therefor the Lords of Scret counsell, according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presentit unto thame, gives and grants full power and commissioun to the said Captane James Forbes to levey and take up ane companie of twa hundreth men according to his commissioun out of all suche persons within this kinglydome of Scotland as he sall find willing to goe with him, and to transport thame toward the service of the said Emperour of Russia for compleiting of the regiment foresaid of the said Sir Alexander Leslie, colonell general, as said is; with power to him for this effect to nominat and appoint officers and commanders over the said twa hundreth men, and to caus towcke drummes and display cullours, and to doe and performe all and everie thing quhilik towards the leveying and transporting of the said number of men sall be found necessar, he alwayes giving suche satisfaction to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the like caises: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: Charging heirby all magistrates to burgh and land and others his Majestis subjects to acknowledge the said Captane James Forbes in this charge and trust committed unto him and to forder him in everie thing tending to the leveying and transporting of the said companie of men. And if anye persoun or persons quhatsomever sall inroll thameselfes and take his pay and thereafter sall abandoun their charge and steale away, that than and in that caise the saids magistrates to burgh and land doe justice to the said Captane James Forbes, his officers and commanders, aganis thir fugitive and runne away soulidours, conforme to the lawes of this kinglydome, as they will answer upon the dewtie of thair offices. Followes his Majestis missive for warrand of the act abowrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers right trustie counsellers and trustie and weilbelovit counsellers, we greet yow weill. Having beene formerlie pleased for good considerations knowne unto us to grant our licence to Sir Alexander Leslie, knight, generall colonell of the forrane forces of the Emperour of Russia, for leveying and transporting a regiment of men out of our dominions for the said Emperour his service, but understanding that there laikes one companie for compleiting the same, whiche we will to be leveyed and transported frome that our kinglydome by Captane James Forbes for the said use, our pleasure is that yow grant unto the said Captane James a commissioun with a sufficient warrand to levey and transport two hundreth men, according to his commissioun for the purpose abonesaid, of all suche persons within our said kinglydome of Scotland as he sall find willing to goe with him thither, granting him libertie to towcke drummes

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for that effect with als large priviledges as anie hes had heeretofoire in
the lyke kynde, he alwayse giving suche satisfactioun to everie one of
the said nomber as sall be agreed upon betuix him and thame according
to the custome in the like caioses; for doing whariof these presents sall
be unto yow sufficient warrand. From our Court at Whitehall, the 28
of Marche, 1633."

"The Lords of Secret Counsell ordains and commands the Directour
of our soverane lords Chancellarie and his deputys to direct and give out
precepts for warning the whole nobilitie, prelates, commissioners for the
small barons and burrowes to attend his Majesteis Parliament, quhilke is
proclaimed to be haldin at the burgh of Edinburgh and to begin, God
willing, upon the 18 day of Junij nixtocom; anent the doing whariof
this present act sall be unto thame ane sufficient warrand."

Sederunt—Chancellor; Treasurer; St. Andrewes; Glasgow; Privie
Seal; Tracquair; Clerk Register.

"Forsameekle as the Kings Majestie hes appointed his soverane and
high court of Parliament of this kingdome to be haldin at the burgh of
Edinburgh to begin, God willing, upon the 18 day of Junij nixtoco-
me with continuatioun of dayes, wherein his Majestie will be most
willing to give all his subjects contentment, ather by generall lawes or
particular acts authorized by his royall consent, whilks being rypleyie
advised sall be found expedient to be past; but whereas experience in
bypass parliamentis is yitt recent how that diverse persons, partlie be
ignorance and partlie be fraude, ar accustomed presooming upon the
short sitting of the parliament to give in manie bills or articles con-
taining maters, prejudiciall ather to his Majesteis crowne or to his
subjects quhilks the shortnesse of tyme or multitude of bussines permitteth
not to be so narrowlie examined as need wer; thairfoir his
Majestie, following the order and rule prescryvd be the act of Parlia-
ment, ordains that all suche persons as intends to give in anie articles or
petitionns to this approacching Parliament sall delver and give in the
same to the Clerk of his Majesteis Registers betuix and the first day of
Junij nixtocom, to be presented be him to suche of the Estaits and
Counsell as sall be appointed to heare thame, to the intent that things
reasonable and necessarie may be formallie made and presented in a
booke to the lords of the articles in the Parliament tyme, and all impert-
tinent, frivolous and improper maters rejected, and that no article or
supplications wanting a speciall tytle unsubscryved be the presenter
sall be read or answered in Parliament except suche as sall be past and
givin in be his Majestie himselfe under his hand and sall be thought good
be his Majestie for the commoun weale of the kingdome; and ordains
letters to be direct to make publication hearof be opin proclamation at
the merce croce of Edinburgh and others places neidfull whairthrow

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nane pretend ignorance of the same. Followes his Majesties missive for warrand of the act abonewritten:—Charles R. Right trustie and right weibelovit cousine and counsellor, right trustie and weibelovit cousines and counsellors, and right trustie and weibelovit counsellers, we greit yow weill. Whereas we understand that it hes beene the accustomed forme that all pettiouns to be presented in Parliament wer delyvered to the Clerk of Register for the tyme twentie dayes before the holding thairof and that proclamations wer accordinglie made to that effect, we being willing to continue anie suche receaved and approved custome have heirby thought fitt to require yow to caus the like proclamations be made in dew tyme before the ensewing parliament whereby our good subjects may take notice of what is fitt to be done in the like caises. We bid yow heartlie farewell. Frome our court at Whitehall, the 23 of Aprile, 1633."

Sedent—Chancellor; Treasurer; St. Andrewes; Glasgow; Privy Seal; Wintoun; Wigtoun; Lauderdale; Viscount Air; Bishop of the Yles; Traquair; Secretary; Clerk of Register; Advocate; Sir James Baillie.

Anent the conveyance of his Majestys baggage in the shire of Midlothian.

"Forsameekle as the shireff of Edinburgh, according to ane warrand and direction sent unto him be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and their furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carying of his Majestis carrage fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow, and hes made and presented ane roll of the saids parishes containing the number of hors designed to everie parish with the names of the persons that are appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majestis carrage at the tymes and places to be appointed; that is to say, the town and incorporatioun of Mussilburgh threttie carts with three hors in ilke cart, and threttie hors with crelliss and hochemis; the rest of the parish of Inneresk threttie carts, three hors in ilke cart, with other threttie hors with crelliss and hochams, and William Tod in Fisherraw, constable for the town and burgh, and Patrik Cluny in Inneresk, constable for the rest of the parish; the town and parish of Dalkeith aucthene carts with cairt graith, and 72 horses for the saids carts and crelliss and hochams, and Johne Stevinsoun and James Hog in Dalkeith, constables; the town and parish of Newbottill, 9 carts 3 hors in ilke cart, with other 30 hors with crelliss and hochams, and Andrew Davidsoun at Newmylnes, constable; the parish of St Cuthberts 18 hors with cart graith, whairof ten frome the baronie of Brouchtoun, sax of Innerleith and twa of Ravilstoun, with sevinscore horses, for serving the carts, whairof nyne hors with crelliss and hochams for the Deane, the rest also for crelliss and hochams, and Johne
Oliphant in Brouchtoun and Johne Aldinstoun in North Leith, constables for the baronia of Brouchtoun, Johne Wod in Dalry and Johne Stewart in Dalry mylnes, constables for the baronia of Innerleith, Orchardfield, and Ravilstoun, Williame Archibald in Deane, constable for that baronia, and Johne Neilsone in Smiddlegreene, constable for the baronia of Braid and remanent of the south side of St. Cuthberts parish, comprizing Braid, Merchinstoun, St. Geilligrange, Craighous, Wrightshouses, lands of Borrowmures stentit to threttie horses of these horses appointed to be furnish be the parish of St. Cuthbert; the parish of Libbertoun, 3 carts with 48 horses, a part for the carts and rest with creillis and hochams, and Mr Hew Douglas in Nidrie and David Duffie in Gilmermertoun, constables; the baronia and parish of Kirknewtown 30 hors with creillis and hochams, and Johne Anderson, smith in Kirknewton, constable; the parish of Currie threttie sax hors with creillis and hochams, Johne Cuninghame, elder, in Byrna, and Williame Bishop in Langbirdmistoun, constables; the parish of Lessuade, comprizing the parish of Lessuade, the parish of Pentland, Glocorse, St. Katharines and baronia of Melvill unte to Lessuade, 70 horses with creillis and hochams, Johne Dobie in Rosline, Charles Hynd in Lonheid, and Henrie Meane, constables; the parishes of Carintoun and Cokpen 30 hors with creillis and hochams, Johne Cuninghame in Carintoun and Johne Pentland there, constables; the parish of Hales 18 hors with creillis and hochams, and Johne Borthuick, constable there; the parish of Borthuick 30 hors with creillis and hochams, James Wilson in Halkerton, James Ker in Cassiltoun, and Johne Paterson in Borthuick myln, constables; the parish of Crichtoun 30 hors with creillis and hochams, Michael Dewar in Crichtoun, constable; the parish of Heriot 18 hors with creillis and hochams, and James Pringle at Heriot myln, constable; the parish of Stow 30 hors with creillis and hochams, and William Sandelandes there, constable; the parish of Cranstoun, with that part of Soutray in this shirefdome, twelwe carts, and 48 horses for the saids carts and the rest by and attend the service of the cairts for creillis and hochams, and Samuel Thomesoun, constable there; the parish of Cramound fittie hors with creillis and hochams, and Alexander Howesone in Over Cramound and Thomas Cleghorne in Piltoun, constables; the parish of Temple and Morphet 30 hors with creillis and hochams, Robert Baxter and Robert Knox, constables there; the parish of Ratho 30 hors with creillis and hochams, James Mure in Dalmahoy and David Wilson younger in Bonytoun, constables; the parish of Calder and Caldercleir 75 hors with creillis and hochams, Johne Johnestoun in Calder and Johne Smith in Achenownehill, constables; the parish of Corstorphine and Gogar 36 hors with creillis and hochams, whairof sax for Gogar and 30 for Corstorphine, Florence Gairner, constable for Corstorphine and Florence Listoun for Gogar; the parish of Pennycuik, with the annexes thairof, twelwe horses for creillis and hochams, and Johne Simsone there, con-
stable; the baronie of Restalrig and possessors of the lands of that baronie 30 hors with creillis and hochams, Johne Young at the Abbeylon and Johne Ros in Restalrig, constables; the parish of Duddingston foure carts and 18 hors for serving in the carts and the rest of the hors with creillis and hochams; the parish of Natoun sax carts, with three hors in ilke cart, and 6 hors forder with creillis and hochams, Johne Carthra in Edmonstoun and Nicoll Stevensoun in Natoun, constables; the baronie of Ingleston, Halbars, Halvais, and Brig, a part of the parish of Kirkliston, lying on the east side of Almound, within this shirsfdome of Edinburgh, xxtene horses with creillis and hochams, Alexander Johnesbon in , constable there. And the hall justices of peace, barons and freholders of the said shirsfdome elected, nominat and appointed James Hamilton and Alexander to be grand and generall constables for raising and charging the hall constables of the parish for provyding the saide horses and carts and others foresaid in dew tyme, who accepted upon thame the said office; as in the act made to this effect at lenth is conteanit. And whereas thir persouns aboneswrittin who ar givin up to furnishe the number of cairts respective abonespecifit ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at Seatoun upon the day of Junij nixt, airlie in the morning, and at Dalkeith upon the day of the same moneth thereafter, and at Edinburgh upon the first day of Julij nixt, and there to lift his Majesties carrage and carie the same fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow or otherwayes, as they sall be directed for these dayes be the maister of the carrage, nevertheless the Lords of Secret Counsell apprehends that some undewitfull persons will ly backe and shunne this service and nather bring nor send thair hors to the places respective foresaid for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke enoue that a part of his Majesties carrage sall ly behind to the discredite and shame of the hall natioun without remeide be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the hall parishes aboneswrittin and constables appointed for each parish that they and every ane of thame doe and performe that quhilk to thair charge and dewteis in the said service apperteanes, and for this effect that they direct and send and caus the number of horses abonespecifit, appointed and allowed for everie parish weill furnished with all things necessar for carrage be at Seatoun upon the fourtene day of Junij nixt, and at Dalkeith upon the fyftene day of the same moneth, and at Edinburgh upon the first day of July nixt, before three of the clocke in the morning, and there to lift his Majesties carrage and carie the same therefra to Dalkeith, Edinburgh and Linlithgow respective or otherwayes, as they sall be directed be the maister of the carrage, upon his Majesties charges and expences, under the pane of sax pund for everie hors that sall
be absent and shall not come in due and lawfull tyme to lift his Majesteis carriage, as said is; and to command and charge the generall constables of the shire to paynd the readiest goods and geir of the persons disobeying for the said soume of sax pundis for everie hors that shall be absent and shall not keepe the precise tyme and place of meeting at the sight and discretion of the maister of his Majesteis carriage, and to make the said soume furthecomand to these whome the saids Lords shall appoint in this earand; and siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of his Majesteis carriage one list and roll of the number of horses that shall attend the saids services and a list and roll of the horses that shall be absent, to the intent that the awners of the absent horses may be punished for their failyrie and disobedience by paynding for the saids sax pundis, as said is; certifieing the saids constables who shall not give up the said list and roll in maner foresaid that they and everie one of thame shall incurr the said pane of sax pundis for everie absent hors or not givin up be thame as absent and shall be paynd the same accordingly.

"Forsamekle as the baillie of Launderdaill, according to ane warand and direction sent unto him be the Lords of Privie Counsell, hes take particular notice of the number of hors for carriage and their furniture that everie parish within the said baillerie may convenientlie furnishe for lifting and carrying his Majesteis carriage fra Berwick to Dunglass, and hes made and presented one roll of the saids parishes conteying the number of hors designated to everie parish, with the names of the persons that ar appointed to be constables in the parish, and to have the charge to caus the hors in the parish to be in readines for lifting of his Majesteis carriage at the tymes and places to be appointed, that is to say, the parish of Nenthorne, where Richard Scot in Little Newton, Walter Pringill in Nenthorne and Thomas Newton in Newton ar constables, twentie hors; the parish of Mertoun, where Andro Greinfeild in Mertoun, James Haig in Bimerside, and Alexander Lockie Wester in Mertoun, ar constables, 40 hors; the parish of Lauder, where Androw Murrey in Lawder, Androw Bathgait in Langhald, and James Waderston in Kaidalie, ar constables, 72 hors; and the parish of Chingilkirk, where Johne Simson in Glengett, John Wilsoun in Collilaw, and Johne Somervell in Hilhou, ar constables, twentie sax hors; as in the acts made to this effect at length is contenatin. And whereas thir persons abonewrittin, who ar givin up to furnishe the number of hors respective abonespecifit, ar bound in dewtie to have their hors and others instruments and necessaries for carriage in readines at Berwick upon the twelffe day of Junij nixt, arie in the morning, and thair to lift his Majesteis carriage and carie the same threfra to Dunglass or otherways as they shall be directed for that day be the maister of the carriage, notwithstanding the Lords of Secreit Counsell apprehends that some undewfull persons will ly backe and shunne this service and nather bring nor send their hors to Berwick for that use,
albeit there is nothing to be craved of thame bot for readie and thankfull payment, so as it is like enoufh that a part of his Majesteis carrage wil lye behind to the discrede and shame of the haill natioun without remeind be provydit; thairfor the saids Lords ordains letters to be direct charging the haill parochiners of the parishes abonewritten and constables apponted for eache parish that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid appertanees; and for this effect that they direct and send and caus the number of horses abonespecifit, appointed and allowed for everie parish, furnished with all things necessar for carrage, be at the town of Bervick upon the twelue day of Junij nixtoome before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dunglas or otherwayes as they sall be directed be the maister of his Majesteis carrage, upon his Majesteis charges and expenses, under the pane of sax pundis for everie hors that sall be absent and sall not come in dew and lawfull tymne to lift his Majesteis carrage, as said is; and to command and charge the constables of the said parish to poyn the readiest goods and geir of the persons disobeying for the said soume of sax pundis for everie hors that sall be absent and sall not kepe the precise tymne and place of meiting at the sight and discretion of the maister of his Majesteis carrage, and to make the said soume furth-cummand to these whom the saids Lords sall appoint in this earand; and siclyke to command and charge the saids constables to bring with thame and to deliuer to the maister of his Majesteis carrage ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the owners of the absent horses may be punished for thair falyie and disobedience by poynnding for the saids sax pundis, as said is; certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurr the said pane of sax pundis for everie absent hors or not givin up be thame as absent and sall be poynnded for the same accoordinglie.”

“Forsameekle as the shireff of Hadintoun and conveenner of the justices of peace within that shire, according to ane warrand and direction sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and their furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carrying of his Majesteis carrage fra Dunglas to Seatoun, and hes made and presented ane roll of the saids parishes contening the number of hors designed to everie parish, with the names of the persons that ar apponted to be constables in the parish, and to have the charge to caus the hors of the parish be in readines at the tymes and places to be apponted, that is to say, for the parish of Elstanefurde, where Robert Baptie is constable, sax carts and 8 hors beside; for the parish of Prestonkirk, where Richard Ramsay is constable, 35 carts; for the
parish of Baro, where John Geddes is constable, ten carts; for the parish of Bothans, where Johne Hay is constable, 17 carts; for the parish of Pencaitland, where George Rentoun is constable, 30 carts; for the parish of Ormestoun, where Johne Harlaw is constable, 8 carts; for the parish of Abirladie, where William Horsburgh is constable, 30 carts; for the parish of Aldamstockes, where George Wat is constable, 14 carts; for the parish of Boltoun, where Thomas Gottray is constable, 8 carts; for the parish of Quhittinghame, where James Dowglas is constable, 24 carts; for the parish of Hadintoun, where Robert Spence, James Home and James Veitch ar constables, 80 carts; for the parish of Morhame, where Johne Stevin is constable, 6 carts; for the parish of Quytkirk, where Johne Bowie is constable, 12 carts; for the parish of Spott, where Johne Fortoun is constable, 12 carts; for the parish of North Berwick, where Richard Fergusson is constable, 18 carts and 44 horns; for the parish of Garvall, where James Dickson is constable, 30 horns; for the parish of Innerweik, where William Clerksoun is constable, 18 carts and 52 single horns; for the parish of Dirletoun, where James Caldeleuchie is constable, 40 carts and 12 single horns; for the parish of Saltoun, where Alexander Wylie and Robert Marvingstoun are constables, 17 carts; for the parish of Humbie and Keith, where William Borthuick is constable, 10 carts; for the parish of Prestoun, where Walter Rose and Johne Browne ar constables, 30 carts; for the parish of Tyningham, where George Shortous and Robert Ewat ar constables, 12 carts; for the parish of Stentoun, where Alexander Cromby is constable, ten carts; for the parish of Sowtray, where Borthuick is constable, 4 carts; for the parish of Dumbar, where George Kirkwood and Alexander Gulane ar constables, 80 carts; and for the parish of Tranent, where is constable, 60 carts. And they have nominat Patrik Chrystesoun and Johne Thomesoun, messengers, to be generall constables for the said shirefome, as the roll givin in heirupon beirs. And whereas the persons abonewrittin who ar givin up to furnishe the number of carts abonespecificit ar bound in dewtie to have their cairts and other necessar for carrage in readines at Dunglas upon the 13 day of Junij nixt, airlie in the morning, and there to lift his Majestis carrage and carie the same therefra to Seatoun or otherways, as they shall be directed for that day be the maister of the carrage, nevertheless the Lords of Secret Counsell apprehends that some undewtiful persons will ly backe and shumne this service and nether bring nor send their hors to Dunglas for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is like enough that a part of the carrage sall ly behind, to the discrude and shame of the natious without remeidd be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the halil parishes abonewrittin and constables appointed for eache parish and the generall constables of the shire, that they and everie ane of thame doe and performe that quhilk
to their charge and dewtie in the said service appertane, and for this effect that they direct and send and caus the number of carts abone speicifeit and hors with creells and hochams appointed and allowed for everie parish weill furnished with all things necessar for carriage, be at Dunglas upon the 13 day of Junij nixt before three of the clockes in the morning, and there to lift his Majesteis carriage and carie the same therrefra to Seaoun or otherways, as they sall be directed be the maister of the carriage, upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carriage, as said is, and to command and charge the generall constables of the said shire to paynd the readiest goods and geir of the persons disobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meeting at the sight and discretioin of the maister of the carriage, and to make the said soume furthcommand to these whom the saids Lords sall appoint in this earand, and siclyke to command and charge the constables of the saids parishes to bring with thame and to delyver to the maister of his Majesteis carriage, ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the owners of the absent horses may be punished for thair failijie and disobedience by poundning for the saids sax punds, as said is, certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be punished for the same accordinglie."

"Forsameekle as the conveenner of the justices of peace within the shiredome of Linlithgow, according to ane warrand and direction sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carriage and of thair furniture that everie parish within the said shiredome may convenientlie furnishe for lifting and carrying his Majesteis carriage fra Linlithgow to Stirlin, and hes made and presented ane roll of the saids parishes conteaining the number of hors designed to every parish, with the names of the persons that ar appointed to be constables in this parish, and to have the charge to caus the hors in the parish be in readyes for lifting his Majesteis carriage at the tymes and places to be appointed, that is to say, the parishes of Kinneill and Caribdin, where James Gib in Kinneill Kers, Richard Bryce, officer of Kinneill, and Thomas Naper, officer of Caribdin, ar constables, 80 hors with necessars to that effect and for drawing carts and waynes; the parish of Abercorne, where Gilbert Dick in Meidhope and Gawin Mowbray in Duddingstoun ar constables, 50 hors; the parish of Dummeny, where Johne Howdoun in Dummeny, Mathow Pantoun in Echling and Johne Young in Upcraft ar constables, sax score hors; the parish of Kirklistoun, where Thomas Young in Wincheburgh, David Neiff, James
Seatoun, William Paterson in Kinpont, and George Lin ar constables, 80 hrs; the parish of Strabrock, where Henrie Potter, James Hoge in Howstown, and Robert Adesoun in Newbigging ar constables, 40 hrs; the parish of Eglsmachin, where Robert Clerk in Waterston and James Wright in Bangour ar constables, 30 hrs; the parish of Livingstoun, where James Fleming and George Whyte in Whytburne ar constables, 40 hrs; the parish of Bathgait, where Johne Nemot in Eastoun and Andrew Yett in Bathgait ar constables, 40 hrs; the parish of Torphichen, where Alexander Paterson in Torphichen and William Adie in Drum-bowie ar constables, 40 hrs; the out parish of Linlithgow, where William Hart in Bickartoun and Patrik Keir in Baytoun ar constables, 80 hrs. And the saids justices of the peace hes chosin Henrie Mekle in Feathermyline, Patrik Dennystoun and Peter Robertson, shireff officers, to be general constables of the said shirefdome; as in the act made to this effect at length is conteanit. And whereas the number of horses givin up for this shirefdome will not be sufficient for carrying and transporting his Majestie's carriage from Linlithgow to Stirling, thairfor the saids Lords hes adjouyned the parishes underwittin, lying within the shirefdome of Stirling, for carrying and transporting his Majestie's carriage from Linlithgow to Stirling, quhilkis parishes ar givin up in the report made be the shireff of Stirling to furnishe the number of hors following, that is to say, the parish of Bothkenner, whairof Alexander Callendar and John Cowie are constables, 80 hrs; the parishes of Fawkirke, Morvingside, Denny and Slamannamure, whairof John Wyse, William Burne, Alexander Craufurd and George Grahaame ar constables, 400 hrs; the parish of Airth, where Alexander Guidlet and John Hall ar constables, sax score hrs; and the parish of Donypace, where William Howet and James Forrester ar constables, 60 hrs; as in the report givin in heirupon at length is conteanit. And whereas the parishes foresaid who ar givin up to furnishe the number of horses respective abonespecificar bound in dewtie to have thair hors, cartes and others instruments and necessars for carriage in readines at Linlithgow upon the second day of July nixt, airlie in the morning, and there to lift his Majestie's carriage and carie the same therefra to Stirling or otherwayes as they sall be directed for that day be the maister of the carriage, nevertheles the Lords of Secret Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to Linlithgow for that use, altho that nothing is to be craved of thame bot for readie and thankfull payment, so as it is lyke enough that a part of the carriage sall ly behind, to the discrède and shame of the hailt natiou without remede be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the hailt parishes abonewrittin and constables appointed for cache parish and the generall constables of the shire that they and everie one of thame doe and performe that quhilke to thair charge and dewtie in the service foresaid appertenean, and for this effect
that they direct and send and caus the number of horses abonespecifit, appointed and allowed for everie parish well furnished with all things necessar for carrage be at the burgh of Linlithgow upon the said second day of July nixt before three of the clocke in the morning and there to lift his Majesteis carrage and carie the same therefra to Stirline upon his Majesteis charges and expences, under the pane of sax pund for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift the carrage, as said is, and forder under the pane to be punished in their persons as disappointers of his Majesteis service; and to command and charge the generall constables of the said shire to paynd the readiest goods and geir of the persons dissobeying for the said soume of sax pund for everie hors that sall be absent and sall not kepe the precise tyme and place of their meeting at the sight and discretiou of the maister of the carrage, and to make the said soume furthecommand to these whom the saids Lords sall appoint in this earand; and siclyke to command and charge the constables of each parish to bring with thame and to delvyver to the maister of the carrage ane list and roll of the number of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the owners of the absent horses may be punished for thair faylyie and dissobedience by paynding for the saids sax pund, as said is; certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sallIncur the said pane of sax pund for everie absent hors or not givin up be thame as absent and sall be paynd for the same accordinlie; and siclyke to command and charge the shireffs of Stirline and Linlithgow and thair deputys and the conveneders of the justices of peace within the same, that thay within thair severall bounds, offices and jurisdictiones have ane speciall care that the particular constables within everie parish and generall constables of the shire, as alua the parochiners of everie parish doe and performe all and everie thing quhilk to thair severall charges appertene, as the saids shireffs and conveneders will answere upon the dewtifull discharge of thair office."

"Forsameckle as the shireff of Stirline and Clackmannan, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and of thair furniture that every parish within the said shirefdom may convenientlie furnishe for lifting and carryng his Majesteis carrage from Stirline to Dunfermeline and hes made and presented ane roll of the saids parishes containing the number of hors designeig to everie parish with the names of the persons that are appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majesteis carrage at the tymes and places to be appointed, that is to say, the parish of St. Niniane, whairof Alexander Bennie, Androw Craufurd, Andro M'Kay, Robert Johnestoun and Robert
Richartson e ar appointed constables, 300 hors; the parish of Larber, whairof Johne Burne and William Johnestoun ar constables, 60 hors; the parish of Mornyabroch, whairof Johne Kneilland and Johne Forrester ar constables, 40 hors; the parish of Campseie, whairof Johne Wilsoun, Thomas Gray and Johne Lennox ar constables, 100 hors; the parish of Galfrone [sic], whairof Patrik Naper and James Yuill ar constables, 30 hors; the parish of Fintrie, whairof Johne Pale is constable, 30 hors; the parish of Kippane, whairof Duncane Buchannan and Johne Gilfillan ar constables, 100 hors; the parish of Kincardin, whairof William Mitchell is constable, 30 hors; the parish of Kilmaddock, whairof Johne Mitchell, elder, and David Dog ar constables, 100 hors; the parishes of Dumblane and Blackfurde, whairof Andro Ker and Johne Bryce ar constables, 200 hors; the parishes of Lecrope and Logie, whairof Johne Gentleman, Thomas Hendsoun and Johne Galloway ar constables, 95 hors; the parish of Alveth, whairof Johne Monteth and Alexander Young ar constables, 40 hors; the parish of Tillicultrie, whairof Thomas Alexander and Robert Hutson ar constables, 40 hors; the parish of Doller and Muckart, whairof James Patoun, Johne Alexander, Johne Dryesdaill and Johne Kirk ar constables, 80 hors; the parishes of Alway and Tillibodie, whairof Thomas Miller and Johne Archibald ar constables, 80 hors; the parish of Clackmannan, whairof Williame Andersoun and Robert Quyhte ar constables, 80 hors; the parish of Tulliallane, whairof Alexander Stewart is constable, 20 hors; the parish of Culros, whairof Robert Henrie and — ar constables, 100 hors; and the parish of Stirlane, whairof James Fotheringham, ane of the bailleis of Stirlane, hes tane the burdein, 60 hors. And the saids shirreff and justice[s] of peace within the saids shirefdomes have appointed William Wallace and Williame messengers, twa of the shiref officers, to be generall constables of the shire to warne the particular constables whom they ordained, with advice of the landslords and their officers, to divide and sett the number of horses foresaid amonge the maisters and tennants of the parishes, and where carts may possiblie be had that they be charged for, and where nane can be had that they be furnished with hochams, creillis and towes as in the report made heerupon at lenth is conteanit; lykaes the saids Lords hes appointed the parishes of Sawline and Crombie to be joynned to the saids shirefdomes of Stirlane and Clackmannan for lifting his Majestes carrage frome Stirlane to Dumfermeline, qhilkis parishes ar givin up to conteane the plewes underwrittin, viz., the parish of Sawline, where Thomas Scotand is constable, 29 plewes, and the parish of Crombie, where Thomas Wilsoun is constable, 12 plewes, and everie twa single plewes to furnishe ane cart and twa hors or twa hors for carrage; as in the report of the shirefdom of Fyffe at lenth is conteanit. And whereas the parishes foresaid who ar givin up to furnishe the number of hors abonespecificat ar bound in dewtie to have their hors and carts and others instruments and necessars for carrage in readines at
Stirline upon the fayrt day of July nixt, arie in the morning, and there

to lift his Majesteis carrage and carie the same therefra to Dumfermelie,

nevertheles the Lords of Secret Counsell apprehends that some undewti-

full persons will ly backe and shunne this service and nather bring nor

send their hors to Stirline for that use, albeit nothing is to be craued of

thame bot for readie and thankfull payment, so as it is like eneugh that

a part of the carrage sall ly behind to the discredite and shame of the

hail natiou, without remeid be provydit; thairfoir the saide Lords

ordains letters to be direct charging the parochiners of the hail parishes

abonewritten and constables appointed for everie parish and the generall

constables of the shire that they and everie ane of thame doe and per-

forme that quhilk to thair charge and dwtie in the service foresaid

apperteaneis, and for this effect that they direct and send and caus the

number of carts and horses abonespecificit appointed and allowed for

everie parish, weill furnished with all things necessar for carrage, be at

the burgh of Stirline upon the said fayrt day of July nixt before three

of the clocke in the morning, and there to lift his Majesteis carrage and

carie the same therefra to Dumfermelie upon his Majesteis charges and

expences, under the pane of sax pundis for everie hors that sall be absant

and sall not come in dew and lawfull tyme to lift his Majesteis carrage,

as said is, and forder under the pane to be punished in thair persons as

dispointers of his Majesteis service. And whereas the constables of

the parishes of Campsie, Dumbelane and Blackfurde, Tulliallane and

Culros, and Johne Wilson, one of the constables of Kippen, hes not

accepted that charge upon thame, to command and charge the saide

constables to accept the said charge upon thame, and accordinglie to doe

and performe all and everie thing quhilk to thair places apperteaneis,

within three dayes nixt after the charge under the pane of rebeilioun,

etc., and if they failie to denunce, etc. And siclyke that yow command

and charge the generall constables of the said shire to poynd the

readiest goods and geir of the persouns disobeying for the said soume of

sex pundis for everie hors that sall be absant and sall not keepe the

precise tyme and place of thair meiting at the sight and discretioun of

the maister of the carrage, and to make the said soume furthcommand

to these whome the saide Lords sall appoint in this earand. And siclyke

to command and charge the constables of eache parish to bring with thame

and to delyver to the maister of the carrage ane list and roll of the

number of the hors that sall come and attend the said service and a list

and roll of the horses that sall be absant, to the intent that the awners

of the absent horses may be punished for thair failie and disobedience

by poynding for the saide sax pundis, as said is. Certifieing the saide

constables who sall not give up the said list and roll in maner foresaid

that they and everie ane of thame sall incurre the said pane of sax pundis

for everie absant hors or not givin up be thame as absant and sall be

poynded for the same accordinglie; and siclyke to command and charge
the shireiffs of Clackmannan and Stirline and their deputys and the conveeniers of the justices of peace within the same that they within their several bounds, offices and jurisdictionis have ane speciall care that the particular constables of everie parish and generall constables of the shire, as alsua the parochiners of everie parish, doe and performe all and everie thing quhilk to thair several charges apperteanes, as the saids shireiffs and conveeniers saill answer upon the dewtie of thair offices."

"Forsameekle as the conveenier of the justices of peace of Fyffe and Kinroescher, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors that everie parish within the saids shirefdomes may conveniently furnishe for lifting and carrying his Majestis carriage fra Dumfermeline to Falkland and frome Falkland to Bruntilland and hes made and presented ane roll of the saids parishes conteaining the number of plewes within everie parish and appointing everie fotche plew to furnishe ane cart and twa hors where carts ar, and two horses where no carts ar, and two single plewes ane cart with twa hors or two hors for carriage; and they have divydit the saids shirefdomes in fourre presbyteryes, and within everie presbytery hes appointed generall constables, to witt, for the presbyterie of S't Andrewes, Peter Greg, messenger there; for the presbytery of Cowper, Laurence Burrell, messenger there; for the presbytery of Dumfermeline, Robert Stirk, messenger there; and for the presbytery of Kirkaldie, James Pitblado, messenger there, who ar to charge the particular constables of everie parish to advertise the parochiners to have thair hors and carts in readines as they sall be required to that effect.

Lykeas for this purpose they have appointed the persons underwrittin constables in everie parish who all have accepted the charge and givin up the number of plewes within eache parish in maner following, viz.,

In the presbytery of S’t Andrewes: the parish of Kemback, where David Cowper in Dura and Thomas Gibsoun in Blebohall are constables, aucht fotche plewes; the parish of Forgund, where Johne Hendersoun and Johne Miller ar constables, 24 fotche plewes; the parish of Ferrie, where Thomas Imbrie and James Adam ar constables, 5 fotche plewes; the parish of Leuchars, where William Short and George Greeve ar constables, 40 fotche plewes; the parish of Largo, where William Henderson is constable, 20 fotche plewes; the parish of Newburne, where David Simsoun is constable, ellevin fotche plewes; the parish of Kilconquhar, where Johne Drummound is constable, 31 fotche plewes, and a single pleuche; the parish of Abircrombie, where Johne Bedesoun is constable, 4 fotche plewes; the parish of Carnbie, where Johne Beanes and Henry Ramsay ar constables, 32 fotche plewes; the parish of Kilynnie, where Thomas Andersoun and James Russell ar constables, 12 fotche plewes; the landwart of Craill where Patrik Danskein is constable, 19 fotche plewes; the parish of Kingsbarnes, where William Corstorphine and Alexander Brig ar
constables, 23 foteche plewes; for the landwart parish of St Andrew, where William Keir, John Smith, John Miller and William Alexander are constables, fiftie foteche plewes; the parish of Dynnnow, where William Hendersoun is constable, 6 foteche plewes; and the burrowes following are ordained to furnish the number of horses following, to Witt, the burgh of St Andrew 12 hors, the burgh of Craill 8 hors, Anstruther Wester 3 hors, Anstruther Easter 6 hors, Kilrynnie twa hors, and Pittinwene 3 hors. For the presbyterie of Cowper: the landwart of the parish of Cowper, where Robert Balfoure in Balgarvie and Alexander Ballingall in Kilmorran are constables, 16 foteche plewes and ane single plew; the toon of Cowper 8 carts; the parish of Cults, where Andro Daniel of Bunzeoun and Patrik Grundestoun in Barblaire are constables, 9 foteche plewes; the parish of Kettill, where William Bettie in Orkie and David Rymour there are constables, 25 foteche plewes; the parish of Falkland, where Androw Burrell and David Strachane are constables, 19 foteche plewes; the parish of Stramiglo, where James Ballingall and Johne Sunzeour in Fitgornoch are constables, 20 foteche plewes; the parish of Achtermuchtie, where Henrie Sim there and Michael Gudwillie in Dempstertoun are constables, 18 foteche plewes; the parish of Cullessie, where George Scot there and William Thomeson of Newtown are constables, 20 foteche plewes; the parish of Ebdie, where Johne Swintoun in Grange and Johne Tod in Burneside are constables, 25 foteche plewes and ane single pleuche; the parish of Monymaill, where William Ballingall there and Robert Moreis of Ferrie are constables, 25 foteche plewes and ane single plew; the parish of Creich, where James Clerk in Leuchrie and Robert Williamsoun in Balmedieside are constables, 9 foteche plewes and one single plew; the parish of Dunbug, where Walter Duncane in Johnestoun and Johne Spittell in Heighome are constables, 8 foteche plewes and one single plew; the parish of Fink, where James Bott at the mylne of Ballinreich and Thomas Bowman there are constables, ellevin foteche plewes; the parish of Balmernoch, where James Bertlitt in Kirkton is constable, 9 foteche plewes; the parish of Kilmenie, where Johne Hendersoun there and Thomas Ramsay in the Starr are constables, 24 foteche plewes and one single plew; the parish of Logie, where Androw Bell in Dunbrac and Alexander Ramsay in Cruvie are constables, 12 foteche plewes and one single pleuche; the parish of Achtermansie, where David Suntar there and Johne Ferrie in Colluthie are constables, 6 foteche plewes and ane single pleuche; the parish of Dairsie, where Johne Gourlay in Middeludie and Johne Walker in Pittorie are constables, 15 foteche plewes and ane single pleuche; the parish of Sires where ar constables, 31 foteche plewes and one single pleuche; the parish of Newburgh, where Patrik Ramsay is constable, ten hors. In the presbyterie of Kirkaldie: the parish of Bruntiland, where Johne Anderson there is constable for the burgh and Henrie Johnestoun in Newbigging for the parish, 26 single plewes; the parish of Kingorne, where
William Heich is constable for the burgh and James Lichtoun in Pittedie for the parish, 40 single plewes; the parish of Kirkaldie, where James Spedie and Androw Alexander ar constables for the burgh and David Knox in Tarburn and Thomas Lamb in Raith for the parish, twentie single plewes; the parish of Dysert, where Thomas Cokin in Donykeir is constable, 20 single plewes; the parish of Merkinche, where Androw Wilson there and Walter Morgane in Babirnie ar constables, 64 single plewes; the parish of Ballingrae, where Johne Pudgall in Corshill and Robert Meldrum at Incheagall myne ar constables, 12 single plewes; the parish of Leslie, where James Robertsoun there is constable, 30 single plewes; the parish of Kinglassie, where Thomas Currou in Stentoun and Androw Low in Pitlithie ar constables, 24 single plewes; the parish of Achterdirrey, where Robert Kilgour in Pitkeny and Johne Stirk in Balregie ar constables, 25 single plewes; the parish of Achtertull, where Johne Crawford there and Thomas Adestoun in Clentrie ar constables, 9 single plewes; the parish of Portmooke, where Androw Baith in Kirknes and George Bickartoun in Kynneswod ar constables, 21 single plewes; the parish of Kennoquhy where is constable, plewes; the parish of Wemec where is constable, plewes; and the parish of Skoony where ar constables, plewes. As lykewyse the constables of Kirkaldie gave up 12 hors for that burgh; the constables in Dysert 12 hors for that burgh; the constables in Kingorne 20 hors for that burgh; the constables of Bruntilland 20 hors for that burgh. In the presbyterie of Dumfermline: the parish of Dumfermline, where David Mitchell and James Angus ar constables, sevin score plewes; the parish of Carnock, where William Gibbon is constable, 20 plewes; the parish of Orruell, where Robert Paterson and Harrie Livingstoun ar constables, 24 plewes; the parish of Baith, where Johne Orrock is constable, 4 plewes; the parish of Aberdour, where William Alexander and William Andersoun ar constables, 16 plewes; the parishes of Innerkeithing and Rassayth, where Mr Johne Murrey, Johne Thomsoun and Williamb Thamesoun ar constables, 35 plewes; the parish of Dalgaty, where Johne Hendersoun is constable, 17 plewes; and the parish of Torreburne, where Androw Mudie is constable, 6 plewes; as in the report made hereenant at leinth is conteanant. And whereas the parishes foresaid who ar givin up to conteane the number of fotche plewes and single plewes abonewritin, and everie fotche plew to furnishe one cart and twa hors where carts ar, and twa hors where no carts ar, and two single plewes one cart with twa hors or twa hors for carrage, ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at Dumfermline upon the fyft day of July nixt and at Falkland upon the tent day of the said moneth, ariele in the morning, and there to lift his Majesties carrage and carie the same fra Dumfermline to Falkland and fra Falkland to Bruntilland the dayes respective foresaid, nevertheles
the Lords of Secret Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send their hors to Dumfermeline and Falkland for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is like enough that a part of the carriage sall ly behing, to the discredite and shame of the natioun without remeide be provydyt; thairfor the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for everie parish and the generall constables of the presbyteries, that they and everie aene of thame doe and performe that quhilk to thair charge and dewayte in the service foresaid apperteanes; and for this effect that they direct and send and caus the number of carts and horses abonespecifit appointed and allowed for everie parish, weill furnished with all things necessar for carriage, to be at the burgh of Dunfermeline upon the said fyft day of July nixt and at the toon of Falkland upon the said tent day of July nixt before three of the clocke in the morning and there to lift his Majesteis carriage and carie the same fra Dunfermeline to Falkland and fra Falkland to Bruntilland respective upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tymte to lift his Majesteis carriage, as said is, and forder under the pane to be punished in thair persons as disappointers of his Majesteis service at the arbitrement of his Majesteis Counsell: And siclyke to command and charge the generall constables of the saids presbyteries to paynd the readiest goods and geir of the persons disobeying for the said somme of sax punds for everie hors that sall be absent and sall not keepe the precise tymte and place of thair meiting at the sight and discretion of the maister of the carriage, and to make the said somme furthcomand to these whom the saids Lords sall appoint in this eand. And siclyke to command and charge the constables of eache parish to bring with thame and to delveryer to the maister of the carriage aene list and roll of the number of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair faylye and disobedience by paynding for the saids sax punds, as said is; certifeye the saids constables who sall not give up the said list and roll in maner foresaid that they and everie aene of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be paynded for the same accordinley. And siclyke to command and charge the shireffs of Fyffe and Kinrocher and the conveneners of the justices of peace within the same and provestes and baillies of the burrowes foresaid that they within thair severall bounds, offices and jurisdictionous have aene speciall care that the particular constables of everie parish and generall constables of the shire, as alsa the parochiners of everie parish, doe and performe all and everie thing quhilk to thair severall charges apperteanes as they will answer upon the dewtifull discharge of thair offices."
"Forsameke as, altho by ane former act and proclamatioun made and published at the mercat croces of the Cannogait, Linlithgow, Stirlin, Dunfermline and Falkland, intimation was made to all his Majestie's subjects who had tane anie loodgings and stables within anie of the said burrowes and towns that they would be frustrat and disappointed thairof, and that the saids loodgings and stables would be tane up and marked for his Majestie awne tryne and followers, notwithstanding the Lords of Secret Councill ar informed that diverse persons hes tane loodgings in the towns and burrowes foresaid, so that suche of his Majestie tryne and followers as necessarie must be looged noere to his Majestie awne person during his abode and towns particularie abone-writtin will be disappointed of thair loodgings and will be constrained to provide for thameselfes in remote and farre places from his Majestie to the disappointing and neglecting of his Majestie service and to his Majestie high offence and discredit of the country; thairfoir ordains letters to be direct to make new publicatioun of the said former proclamatioun at the mercat croces of the burrowes and towns abonenwrittin and to warne all persons who hes tane or myndes to take anie loodgings or stables within the same that they provide thameselfes elliswhere, assuring thame if they failie that they will be disappointed and that the saids loodgings and stables will be tane up for his Majestie awne tryne and followers."

"Forsameke as it is understand to the Lords of Privie Councill that some trouble hes latelie fallin out betuix Johne Coileyar and Johne Williamesoun, burgesses of Kirkaldie, qhuhilk hes raised suche an heats and animositie betuix thame and thair freinds that eache of thame ar seeking the occasion of thair awne privat revenges to the disturbing of his Majestie peace and to the heave trouble and disquyeting of the burgh of Kirkaldie: thairfoir the saids Lords ordains letters to be direct charging both the saids partis to compeir personullie before the saids Lords upon the fowrt day of Junij nixt to underly suche order as saill be tane with thame for the peace and quyet of the country, under the pane of rebellion, etc., with certification, etc.; and in the mean tyme to command and charge thame to observe and keepe our soverane Lords peace ilke ane of thame with others, and that none of thame prescoome nor take upon hand to invade or persew one another for whatsoever deid, caus or occasiony otherways nor be order of law and justice, either of thame under the pane of three thousand merkes, certifieing thame that does in the contrare that they shall be decerned to have incurred and to incure the saids panes and letters, and executoriells sail be direct aganis thame for payment thairof to his Majestie thesaurer in forme as effeiria."

"Forsameke as for the better provisioun and furnishing of his Majestie hous with butter, cheis and all kynde of wylye foule and powtrie during his Majestie abode in this kingdome, choice is made of..."
Andrew Russell, William Lindsey, Charles Coshe, and James Chalmers to have the charge of that service, and they are nominat to be his Majestie's caterers during his abode in this kingdom, quhairfoir necessar it is that they be fodered and assisted in everie thing quhilk may concern their office and charge in the service foresaid; and thairfoir the Lords of Secret Counsell ordains letters to be direct charging all and sindrie shireffs, stewarts, provests and bailleis within burgh and others his Majestie's officers to burgh and land to concurre and assist the saids caterers in the making of their provision and furnishing for his Majestie hous and in all and everie other thing belonging to their office and charge during his Majestie's remaining and abode in this kingdom, and to command, charge and inhibit all and sindrie his Majestie lieges and subjects that none of thame presomne nor take upon hand to molest or trouble his Majestie's saids caterers in following out of their charge and service upon whatsoever culour or pretext, under the pane to be punished in their persons and goods as disappointers and hinderers of the tymous provision and furnishing of his Majestie hous; and siclyke to command and charge all and sindrie his Majestie lieges and subjects to suffer and permitt the saids caterers and suche persons as saill be nominat and appointed be thame to take and slay wyde foule in anie bounds or parts of this kingdom for the furnishing of his Majestie hous, as said is, as they and everie ane of thame will answer upon the contrarie at thair highest charge and perrell."

"Forsameekle as in the report latelie made be the sheriff of Edin burgh principall and some of the justices of peace within the same anent the repairing of the bieways betuix Edinburgh and the furde of Kirklistoun, sindrie parts within the saids bounds are found necessarlie to be repaired and tynouslie to be helped for his Majestie more sure and easie passage that way toward Linlithgow, but as yitt they have resolved upon no course how the defects in the said way saill be repaired, quhairthrow that service is lyke to be disappointed if some tymous and speedie order be not tane for helping of the same; and thairfoir ordinates letters to be direct charging Sir George Forrester of Corstorphine, knight, shireff principall of Edinburgh, Sir William Nisbit of the Deane and Alexander Foullis, younger of Colintoun, commissioners nominat for ryding and sighting of the saids bieway and who hes made thair report, as said is, that they convene the justices of peace and the landed men, barons and gentlemen within the shiref dome of Edinburgh with all convenient diligence, and at thair meeting that they resolve upon some solide and sure course how and be whome the saids bieways saill be enlarged, mended and helped and made passable for horse, coaches and carts, and that thay report unto the saids Lords upon the fourt day of Junij nixt ane direct and cleere ansuer that the saids bieways ar repaired and mended, at the least that the same saill be perfytted and done before the occasioun of his Majestie ryding that
way, under the pane of rebellion, etc., with certificatioun, etc. And siclyke to command and charge all his Majestie's lieges and subjects whome this service does concerne that they and everie ane of thame doe and perforne that quhilk in this caise sall be injoyned unto thame, as they and everie ane of thame will ansuer upon the contrarie at their highest charge and perrell, and under the pane to be punished in their persons and goods as crossers and hinderers of his Majestie's service."

"Forsamekle as in the report made be the commissioners nominat for surveying and sighting of the hiewayes where his Majestie's progresses will ly within the shiredome of Linlithgow no report is made how and be whome the saids hiewayes sall be enlarged and mended, but that point is ytt left undiscusst and clered, so as his Majestie's service is lyke to be disappointed if tymous remeide be not provydet; thairfoir ordains letters to be direct charging the shireff and justices of peace within the shiredome of Linlithgow to convene and meit within the tolbuith of Linlithgow with all convenient diligence and there to prescrive and sett doun the rule and order how and be whome the saids hiewayes sall be enlarged and mended and made passable for horsees and cartes, and lyke-wayes how his Majestie's carrage sall be lifted and caried fra Linlithgow to Stirline, with power to thame for this effect to sett doun suche acts and ordinances thereanent as they sall thinke meit and to see the saids acta receave dew and full executionioun accordinglie, and that they report to the saids Lords upon the fourth day of Junij nixtocoone ane exact accompl of their diligence and that the saids wayes ar or sall be in dew tyme before his Majestie comming that way well repaired and the hors for carrage made sure, under the pane of rebellion, etc., with certificatioun, etc. And siclyke to command and charge all his Majestie's lieges whome this service does concerne that they and every ane of thame doe and perforne that quhilk in this caise sall be injoyned unto thame as they and everie ane of thame will ansuer upon the contrarie at their highest charge and perrell and under the pane to be punished in their persouns and goods as crossers and hinderers of his Majestie's service."

"The Lords of Secret Counsell for the better forderance of the service of his Majestie's carrage within the shiredomes through quhilkis his Majestie progress lyes ordains and commands the shireffs and conveneners of the justices of peace of the saids shiredoms to caus choise be made of some honest and famous persons wha ar messengers to be generall constables for the saids shiredoms, to the effect that incaise of disobedience to be givin to thame for the service of the carrage they may use charges againis the disobedientes for performance of thair dewtieis."

"The whilk day in presence of the Lords of Secret Counsell compeired personallie George, Earle of Wintoun, and promeist and undertooke that Andrew Whyte of Markill, keeper of the tolbuith of Edinburgh, sall be harmellesse and skaithlesse of John Hepburne, sone to Sir Robert Hepburne of Barelute, knight."

Obligation by George, Earl of Wintoun, for Andrew White, keeper of the Tolbooth of Edinburgh.
"After our verie heartilie commendations. We are informed that yow have made choice of Sir George Hay, knight, Master of Dupline, to be one of the commissioners for that shiref dome at this approacheing Parliament, but upon good consideratious it is not thought fitt that he sall supplee that charge at this tyme but that choice be made of some other baron and gentleman of good ranke and qualitie to attend that service; and thairfor these ar to request and desire yow to convene the small barons and freeholders of that shiref dome with all convenient diligence, and at thair melting that yow shew unto thame the necessitie of a new commissioner to be choisin in place of the said Sir George Hay to attend the said Parliament and that yow deale and insist with thame to make choice of some famous and worthie gentleman to be commissioner in place of the said Sir George Hay, and that the small barons have ane speciall care that thair commissioners be weill and honorable sett out and provided with foote mantells and other furniture fitt to that honorablie action wherein they ar employed, upon the charges and expences of the saide small barons and freeholders, as is done in the remaunt shires of this kingdome, and conforme to the lawes and Acts of Parliament made to that effect. And recommending this to your care and diligence as a point of his Majestie service, quhill may not suffer delay, and that yow report the Act of the electioun autentiklie subservit and sealed to his Majestie Counsell betuix the last day of this instant, we commit yow to God. Frome Halyruthous, 15 May, 1633. Subscribitur, Geo. Cancell., Mortoun, St Andrewes, Hadintoun, Glasgow, Winton, Wigtoun, Launderaill, Air, Jo. Iales."

"After our verie heartilie commendations to your good lordship. Whereas the Kings Majestie intends, God willing, to be at Dumfermeline upon Thursday the fourth of July now approacheing and to remove therefra towards Falkland upon the morne thereafter, being the fyft, it is thairfor verie necessar for the honnour and credite of the countrie that his Majestie sall be attended and accompanied from Dumfermeline to Falkland be your lordship, as baillie of the regalitie of Dumfermeline, accompanied with the noblemen, barons, vassalls, feeurs and gentlemen of the said regalitie weill horsed and in good equippage, and for this effect these ar to request and desire your good lordship to give tymous warning and advertisement to the saide noblemen, barons, vassalls, gentlemen and fewers of the said regalitie within the shiref dome of Fyffe that they and everie one of thame, weill horsed and in good equippage and appareel, prepare thameselffes to meet your lordships at Dumfermeline upon the said fyft day of July nixtocome and to attend and await with your lordship upon his Majestie convoy therefra towards Falkland, and your lordship is to have a speciall care that no rasealls, commouns nor others be suffered to be in your lordships companie, bot gentlemen weill horsed and in good equippage; and for the commouns they ar not to be hindered
1633.

CHARLES I.

Royal Letters, 23. 33.
fol. 231, a.

To stand upon the gait sides and to get a sight of his Majestie; and recommending this to your lordships care as a point of service highlie concerning his Majestie's contentment, your lordships owne honnour, and credite of the countrie, we committ your lordship to God. Frome Halyrudhoues, 17 May, 1633. Subscribitur, Geo. Cancell., Mortoun, Tracquair, J. Hay, S' Thomas Hop."

Sederunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Bishop of Glasgow; Lauderdale; Viscount of Air; Tracquair; Clerk Register.

Holyrood House, 20th May 1633.

Warrant from his Majesty for the removal of Lord Ochiltree from the Tolbooth of Edinburgh to the Castle of Blackness.

The whilk day the letter underwrittyn, signed be the Kings Majestie and this day presented to the Lords of Secret Counsell, wes read in their audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weelbelovit counselle and counsellor, right trustie and right weelbelovit counsilles and counsellors, and trustie and weelbelovit counsellors, we greit yow weill. Whereas for good considerations knowne unto us we have thought fitt that the Lord Ochiltree* be removed from our tolbuith of Edinburgh to our castle of Blacknes, thairfoir it is our pleasure that immediatlie upon sight heirof yow give order for removing of the said lord from our said tolbuith to our said castell, there to remaine in close prison till our further pleasure be signified thereanent, for doing whairof these presents sall be unto yow ane sufficient warrand. Frome our Court at Theobalds, the 13 of May, 1633. In obedience of quhilk letter the saids Lords ordains the saids Lord Ochiltree to be transported fra the tolbuith of Edinburgh, where he now remaines, to the castell of Blacknes be the shireff of Edinburgh, unto whome the saids Lords ordains ane letter to be wrettin ordaining the said shireff, accompanied with a sufficient number of gentlemen, his friends, to receave the said lord fra the provest and bailleis of Edinburgh the morn at twa of the clocke in the afternoone and to convoy and transport him in safetie therefra to the castell of Blacknes, and there to delver him to the Erle of Linlithgow, keeper of the said castell, unto whome the saids Lords lykewaysordains ane missive to be writtin commandyng the said Erle to attend at the Blacknes the morn at twa of the clocke in the afternoone and there to receave the said Lord Ochiltree from the said shireff and to committ him to waird within the said castell and to kepe and detene him therein till he understand forder of his Majestie's will and pleasure concerning him; and ordains ane warrand to be direct to the provest and bailleis of Edinburgh to delver the said Lord Ochiltree to the said shireff of Edinburgh to the intent he may be conveyed be him to the said castle of Blacknessse."

* Here ends this volume of the Register of Royal and other Letters.

* For the previous proceedings against Lord Ochiltree see Index to the proceeding volume of the Register.
Sederunt:—Chancellor; Treasurer; Privy Seal; Bishop of Glasgow; Acts, June 1633. 
Lauderdale; Viscount Air; Clerk of Register; Secretary; Sir 1634. 
Robert Douglas; Master of Requests.

"The whilk day the missive letter under writtin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennour followes:—Charles R.—Right trustie and wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, right trustie and wellbelovit counsellors and trustie and wellbelovit counsellors, we greet yow weill. Whereas according to our commissioune the first of July, 1631, directed to certane commissioners for trying what privileges and dignitieis belong to the office of high constaburie of that our kingdome, report hes beene made unto us of what is justlie dew unto the said office, we doe approve the same; but understanding that there are other dignitieis and charges which doe belong unto our high constable at the tyme of our coronatioun whiche the saids commissioners have not takin to thair consideratioun, which he alledgedh doe lykewayes belong to his office, as you may know by that part of the booke of the coronatioun margined whiche he will produce unto yow, wherein you will find particularie mentioned what he thinkes belongs unto him; our pleasure is that yow take the premisses into your serious consideratioun, and if you find his allegations just, that you authorize him for discharging of the same and whatsoever ellis yow find to be justlie dew unto his place, that no hinderance nor trouble be in the execution thairof at our being there; whiche recommending to your care we bid yow farewell. Frome our court at Theobalds, the 11 of May, 1633."

Letter from his Majesty anent 
the circulation of foreign coin.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presented to the said Lords and read in their audience, of the whilk the tennour followes:—Charles R.—Right trustie and right wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, right trustie and wellbelovit counsellors, and trustie and wellbelovit counsellers, we greet yow weill. Whereas we have beene pleased to write unto yow at severall tymes that the abuse tuaiching the forran coyne now current in that our kingdome might be remedied, and whereas at this tyme certane overtures herewithin enclosed have beene presented unto us touching that purpose, we ar hereby pleased to remitt thame unto your consideration requrying (after yow have callit the commissioners of our free burrowes before yow for acquainting thame with the overtures and for hearing what propositioun they can make or what they will contribute thereunto and finding anie of those overtures fitt for rectifying of that abuse or anie other propositioun to be thought upon by your selfes or others) that yow certifie us at our comming what course is fittest to be takin for the publict good and credite of that our ancient kingdome;
whiche recommending unto your care we bid you farewell. Frome our
court at Theobalds, the 15 of May, 1633. Qahilk missive being heard
and considerit be the saids Lords they have remitted and remitta the
consideration of this mater to the Estates of Parliament."

In the Sederunt here "Iles" is added.

"A letter to the shireff of Hadintoun to attend the Erle of Wintoun
for making his Majestie convoy from Dunglass to Seatoun."

"A letter from his Majestie anent the difference betuix some
noblemen."

"The Thessaurair, Lauderdaleil, Air, Secretar, Maister of Requesste to
attend his Majestie at Bervick."

"The Counsell to meet his Majestie at Seatoun."

Sederunt:—Chancellor; Treasurer; Privy Seal; Glasgow; Linlithgow;
Lauderdaleil; Air; Lorne; Bishop of Dumblane; Bishop of the
Yles; Melvill; Carnegie; Traquair; Secretary; Clerk of Register;
Advocate; Master of Requests.

"Forsameekle as the Kings Majestie, by his letter directed to the
Lords of Privie Counsell, hes signified his royll will and pleasure that
his trustie and weilbelovit cousine, the Duke of Lennox, shall be
promoved and advanced to be ane of his Majesties privie counsell of this
kingdome, in humble obedience of whilk letter the saids Lords hes
receaved and admitted and be the tennour heirof receaves and admits
the said Duke of Lennox to be one of the privie counsell of this king-
dome and to bruike and injoy all honours, digniteis and priviledges
proper and daw to that place; and whereas the necessitie of the said
Duke of Lennox his attendance upon his Majesties royll person at Court
disables him to come heere at this tyme to give the accustomed oath of
alledgeance and of a privie counsellor, and the saids Lords being loath
that upon this occasion he shall be prejudged of that favoure which his
Majestie hes beene gratiouslie pleased to vouchesafe upon him, thairfor
the saids Lords, according to the warrant and direction of the said letter,
hes givin and grantit, and be the tennour heirof gives and grants full
power and commision be thir presents to James, Marques of Hamilton,
William, Vicount of Stirlin, principall Secretar of this kingdome, and to
suche others of the Privie Counsell of the said kingdome as shall be at
Court, or to ane one of thame with the said Vicount of Stirlin, to
minister unto the said Duke of Lennox the oath of alledgeance and of a
privie counsellor, and that the said Vicount of Stirlin, his
Majesties Secretar, make ane note and act thairupon and report the

3 James, fourth Duke of Lennox, afterwards Buckingham, and distinquished by his devotion
married to the only daughter of the Duke of
Buckingham, and distinquished by his devotion
to Charles in his misfortunes.
same to be insert and registrat in the bookes of Privie Counsell to the intent that accordinglie the said Duke of Lennox may be acknowledged, honoured and respected as one of the honnourable Privie Counsell of this kinglyme. Followes his Majestie's misse for warrand of the act abonewritten:—Charles R.—Right trusty and weilbelovit cousine and counsellor, right trufty and weilbelovit cousines and counsellers, and right trufty and weilbelovit counsellours, we gret yow weill. Understanding the sufficiencie of our right trufty and weilbelovit cousine, the Duke of Lennox, and of his affection to our service, we ar moved in regarde tohairof and of other speciall considerations knowne unto us to advance and promove him to be one of our Privie Counsell of that our kinglyme; but he being resident about our person, and we being willing that in the meane tymne he be admitted thereupon with als muche diligence as may be before our comming there, our pleasure is and we doe heirby require that with all conveniencie yow send hither unto our Court where we sall be for the tymne a commission unto some of our Privie Counsell of that our kinglyme who sall be heere for administring unto him the oath accustomed in the like cases or suche as yow sall thinke fitt to that purpose whereby he may be admitted to be one of our Privie Counsell and receaved in that place as one of your number, for doing whairof these sall be your warrand. Frome our court at Worspe, the 21 of May, 1633.”

"Forsameelkle as it is understand to the Lords of Privie Counsell that there is numbers of persons within the burgh of Edinburgh, the Cannogait and Leith, and in the Cannomylnes whos tane houses, chambers and stables within the saids burrowes and touns, the present possessours of quhilkis houses, chambers and stables lingers and delayes thair removing therefra till after the terme of Wilssonday, whilk is the ordinair terme of removing and quhilk will fall out in the verie mean tymne when his Majestie, accompanied with his tryne and followers, will be heere and the fitting and removing at that tymne will be verie unseasonable and untynymous and will produce verie great confusion and disorder and disappoint numbers of his Majestie's tryne and followers of thair lodgings and stables, to the great discreete of the countrie and to his Majestie's high offence if some present course be not tane to prevent the same; thairfor the Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh, the baileis of Leith and the Cannogait, and baileis of the baronie of Brouchtoun that they and everie ane of thame within thair awne bounds and jurisdictionous, caus the hail persons who ar presentlie dwelling in anie lodgings and houses formerlie tane be others or whikls ar designed and givin up for his Majestie tryne and followers, to remove therefra and to leave the same voide and red, to the intent the persons who hes tane the same may tymouallie and peaceablelie enter thereto and be the more readie to prepare and dresse the same for the recept and interteaining of suche of his Majestie tryne
as all be billeted and directed to thame, and that all the saids houses
whilk ar tane, as said is, be made voide and patent for the intrant
tement ten dayes before his Majestie comming, as the saids provest and
baileis will ansuer upon thair obedience. And siclyke that they caus
publict intimatious be made throw thair toouns be sound of drum that
no persons whatsoever presoome nor take upon hand to take any
loodgins or stables whilkis ar designed and tane up be his Majestie
harbenger bot that they be kept free for receaving of suche as all
be billeted and directed to thame, and if any saill doe in the contrarie
heirof that the saids magistrats have a specilll care and regarde that
the persons, takers of the saids loodgins, houses and stables be disap-
pointed thairof and the same preserved and kepted for the use of
his Majestie tryne and followers, as they will ansuer upon the contrarie
at thair pearrell.”

"Forsamekle as the Kings Majestie, by his letter writtin and directed
to the Lords of his Majestie Privie Counsell, hees signifed his royall will
and pleasure that the saids Lords sould informe thameselves from suche
persons to whome the Laird of Lus bes entrusted the menaging of his
estait how the said ladie is provided, what is the estait of the hous and
living of Lus as it now is, with the haill debts wherewith it is burdened,
and what will fall to his Majestie be the Laird of Lus his escheit, to the
intent that his Majestie may accordinglie give suche ane ansuer as in his
princeslie judgement he sal thinke fitt to ane humble suite made to his
Majestie in the behalfe of the Ladie Luss that she might have sufficient
maintenance allowed for her interteanement, becaus, as she affirmd, she
had name for the present tym; in obedience of thilk letter the saids
Lords hes alreadie tane some panes and travells to informe thameselfs in
this bussines and ar to follow out the rest of the tryell and examina-
tiou in all the particulars concerning the same, and in the meanetyme
reason and justice craves that the whole rents and dewteis of the living
of Luss sal be sequestrat in the hands of the chamberlans and intro-
metters therewith to remaine in their hands undisposed or givin up to
anie person or persons bot to be made furthcummand to his Majestie
and his officers as they sal be required thereto; and for this effect ordains
letters to be direct charging the whole chamberlans and intrometters
with the rents and dewteis of the living of Lus to reteane in their hands
the saids haill rents and dewteis alreadie intrometted with be thame and
wherewith they sal intromett and uplift at anie tym thereafter, and that
they in no wayes presoome nor take upon hand to make payment or
delyverance of anie part or portion thairof to anie persons whatsoever,
but that they reteane the same and make the same furthcummand to his
Majestie and his officers as they sal be required thereto, under the pane
to be callit, pereywed and punished as contemners of his Majestis royall
commands and directions and to be made answerable and comptable to
his Majestis officers for all that they have receaved or sall heerafter
receave of the saids rents and living.”
"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Secret Counsell, was presented to the saids Lords and read in thair audience, of the whilch the tennour folowes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellers, we gret yow weill. Whereas there ar diverse differences (as we ar informed) concerning some priviledges at our coronation and parliament amongst our right trustie and weilbelovit cousine, the Duke of Lennox, our right trustie and weilbelovit cousine and counsellor, the Marqueis of Hamilton, our right trustie and weilbelovit cousines, the Marqueis of Huntlie, the Erle of Angus, the Erle of Erroll, and our right trustie and weilbelovit cousine and counsellor, the Erle Mairshell, we ar desyrous that before our being there all differences of this nature may be removed; and thairfor it is our pleasure that yow call the saids partieis before yow, or suche as they sall appoint to answere for thame in thair absence, and having heard what things in this kynde ar contraverted amongst thame and the reasons and alledgeances of eache partie therein, that then, if yow can, compound the differences amongst thame, or, if yow can not, than to report the trew estait thairof with your opinion what is to be done therein at our coming thither. So expecting your care and diligence heerin we bid yow farewell. Frome our court at Theobalds, the 13 of May, 1633."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilch the tennour folowes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellours, we gret yow weill. Whereas by our letter unto yow of late we wer pleased to approve the certificat that wes returned unto us concerning the office of our High Constable, remitting to your serious consideration the justnesse of the allegaiouns therein containned; being since informed by the commissioners of our free burrowes that they ar likelie to be verie muche wronged thereby, as we desire not to derogat anie way frome the said office in what is justlie dew thereunto, so it is no way our intentioune to prejuisd anie of our saids burrowes in thair lawfull rights grantit by our royall progenitors unto thame; it is our pleasure that yow call thair commissioners before yow, and having heard thair objections in the said matter in presence of the other partie, if yow sall find thair differences to arise upon thair rights and possessioune that if yow can, yow compone the differences betweene thame, or, if yow can not, than to report to us the trew estait of the bussines with your opinion what is to be done upon it at our coming in so farre as concerns the said difference; whiche recommending to your care we bid yow farewell. Frome our court at Theobalds, the 13
of May, 1633. Qhililk misive being heard and considdirrit be the saids Lords and they advised therewith they ordaine the parteis be thair commissioners and agents to be warnit to compeir before the saids Lords upon Fryday nixt."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Mairshell; Wintoun; Linlithgow; Roxburgh; Perth; Lauderdaleil; Bishop of Dumblane; Viscount Air; Bishop of the Yles; Lord Lorne; Melvill; Carnegie; Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas; Sir James Baillie.

"The Lords of Secret Counsell gives and grants full power and commis- sion be thir presents to Patrik, Archbishop of Glasgov; Johne, Bishop of the Yles; Robert, Lord Melvill; Sir Archibald Achesoun, Secretar.; Sir James Galloway, Maister of Requests, and Sir Robert Dowglase, knight, or anie foure of thame, to try what priviledges are dew to Williamie, Erle of Erroll, Lord High Constable of this kingdome, at the tym of his Majesteis coronamation."

"The Lords of Secret Counsell gives and grants full power and commis- sion be thir presents to George, Vicount of Dupline, Lord High Chancellor of this kingdome; Williamie, Erle of Mortoun, Thesaur.; Thomas, Erle of Hadinton, Lord Privie Seale; Alexander, Erle of Linlithgow; Robert, Erle of Roxburgh; and Sir Johne Hay, Clerk of Register, or anie foure of thame, to hear the differences betuix the Constable and Mairshell and to use their best endeavours for composing of the same, and in caise of variance to report to the Counsell; and ordains the saids commissioners to conveene and meet for this effect the mornie at eight of the clock in the morning in the said Lord Chancellers hous;"

"The Lords of Secret Counsell assigns to Johne Sinclar and William Gray, balleis of Edinburgh, Tuesdy nixt to anser to the certificat made to his Majestie concerning the office of constabularie and priviledges thereto belonging for what concerns the towne of Edinburg, and ordains the doule of the said certificat to be givin to the balleis to be advised thairwith."

"The Lords of Secret Counsell, according to ane warrand and direc- tion in writ, signed be the Kings Majestie and this day presented to thame, ordains and commands the generall maister cunyear and others officers of his Majesteis cunziehous, to delyver to Nicolas Briot, Frenchman, the quantitie of copper coyne sequestrat be thame for the inequallity of the weight, to the intent the same may be mingled and reduced to the merk weight, anent the doing whairof thir presents, with the said Nicolas his ticket upon the receit of the said copper coyne, sall be unto the said generall maister cunyear and others officers of the cunzie-
hous ane warrand. Followes his Majestis missive for warrand of the act abonewritten — CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. We have sent the inclosed petition to be considerit by yow, and if yow find the errour therein mentioned to have fallen out (as is probabilie affirmed) by a casual oversight in the workmen and not by a designe in the petition, our pleasure is that (without consequene of anie toleratioun in tymre to come) yow take for the present suche course as without prejudice to our good subjects of that our kingdome may best tend to the petitioners demand; and for your so doing these presents sall be your sufficient warrand. Frome our court at Whitehall, the 5 day of Aprile, 1633."

"The Lords of Secret Counsell ordains and commands the maister of his Majestis wardrop to delyver out of the wardrob to his Majestis officers suche moveables and houshold stuffe upon inventar as belongs to everie mans place at the sight and appointment of the greene cloath, to whome the Lords remitts the orders to be sett down for securing the redelyverie of what they sall receive."

"The qulhik day the Erle of Angus, compeirand before the Lords of Privie Counsell, produced an infeignment bearing the Erles of Angus to have the first place in sitting and voting in Parliament and conven- tions, leaders of the vantgaid of the Kings armeis, and cariers of the crowne in Parliaments."

"A missive from his Majestie tascheing the priviledges acclaymed be the Constable to be dew unto him the tymre of the coronatioun, for clereng qhailrof a commission ordained to be past," as on p. 107 ante.

"The whilk day M' Briot produced ane warrand under his Majestis hand direct him to the fabrication of the medalls appointed by his Majestie for the coronatioun; according qhailrof the Lords ordains the said M' Briot to proced to the working and printing of ane hundreth peeces of gold at the worth of 20s. sterline the peece, and twa thousand peeces of silver at twelffe pence the peece, of the weight and fynnesse of his Majestis standart."

Directions to the master of the wardrobe.

Anent the privileges of the Earl of Angus.

Anent the privileges of the High Constable.

Warrant to Mr. Nicholas Briot to construct medals commemorating the coronation.

Holyrood House, 3rd June 1633.

Sederunt — Chancellor; Treasurer; Privy Seal; Glasgow; Lauder- dail; Air; Areskine; Bishop of Dumblane; Bishop of the Yles; Melvill; Naper; Traquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir Robert Douglas; Master of Requests.

Directions anent the conveyance of his Majestys baggage from Holyrood to Dunglas.
of his Majestie's carriage and his aydes to have carts and others necessar for carriage in readines; and whereas the parishes of Mussilburgh and Hadinton ar thought fittest be the master of the carriage to be imploied in this service; thairfoir the saids Lords ordains letters to be direct charging William Tod in Fisherraw, constable of the town, and incorporatiouen of Mussilburgh, where there is 30 carts, with 3 hors in ilke cart, and 30 hors with creillis and hochams givin up for lifting his Majestie's carriage, to caus bring and send the number of carts and horses abonewrit, at the least so manie of thame as the maister of his Majestie's carriage or his aydes sall injoyne unto thame, from Mussilburgh to Edinburgh for lifting of his Majestie's provision from Halyrudhous to Dunglas upon Wednisdaw nixt, the fourt of Junij instant, at three of the clocke in the morning; and siclyke to command and charge Robert Spence, James Home and James Veitch, constables of the parish of Hadintoun, where there is 80 carts givin up for carriage, to caus bring and send so manie of the saids carts and hors as the maister of the carriage or his aids sall injoyne unto thame to Hadintoun upon the said fyft day of Junij instant at ten of the clocke in the forenoone for lifting his Majestie said provision therefa to Dunglas, under the pane of sax ponds for ilke hors that sall be absent and sall not kepe the tymes respective foresaids, qubilks panes sall be uplifted of thame without favoure; and siclyke to command and charge the provest and bailleis of Hadintoun and the bailleis of Mussilburgh to have ane speciall care that the parochiners within their bounds send in the number of carts and horses foresaids in maner abonewritten, as they will answere upon the dewtiful discharge of their offices."

"The Lords of Secrete Counsell, considering that there is a verie great necessitie that James Liddell, serjant of his Majestie's paistrie, be assisted and furnished with a sufficient number of skilled and able persons to serve his Majestie in that service upon his Majestie's charges during the tym of his being in this kingdome, thairfoir the saids Lords ordains and commands, the proveste and bailleis of Edinburgh, Linlithgow, Stirlin, Dumfermeline, Falkland, and of all others burrowes and townes of this kingdome, and all others his Majestie judges, officers and magistrats to burgh and land, that they and everie ane of thame caus suche persons, inhabitannts within their bounds, as sall be givin up to thame be the said James Liddell to attend and await upon the said James and to follow and obey his directiouns in all and everie thing concerning that service, as the saids proveste and bailleis will answere upon the dewtiful discharge of their offices."

"Sedereunt ut die predicto."

"The Lords of Secrete Counsell, considering that there is a verie great necessitie that Thomas Spence, Crystall Russell and Thomas Stennop..."
baxter to his Majestie, be assisted and furnished with a sufficient number of skilled and able persons to serve his Majestie in that service upon his Majestie's charges during the time of his being in this kingdom, therefor the said Lords ordains and commands the provost and bailies of Edinburgh, Linlithgow, Stirling, Dumfermline and Falkland, and of all others burrowes and towns of this kingdom, and all others his Majestie judges, officers and magistrates to be thame and land, that they and everie one of them cause suche persons, inhabitantes within their bounds, as sall be givin up to thame be his Majestie's baxter to attend and await upon thame and to follow and obey their directions in all and everie thing concerning that service, as the saids provest and bailies and others foresaid will anuer upon the dewtfull discharge of their offices."

"To advise with the King whether the English sall ryde together after his Majestie or if they sall ryde promiscuouslie with the natives."

"Avisandum anent the eleemosynar, as alsua anent the forme of ryding at the coronatioun, and tuicheing the order of the bishops ryding."

Holyrood House, 8th June 1633.

Directions anent the high-way between the Watergate of the Cannogait and Leith.

"Forsameekle as the heie wayes betuix the Water yet of the Cannogait and the town of Leith is verie unpassable in sundrie parts thairof for hors and coaches, quhilk will be a verie great discredit to the countrie if in suche an eminent place so neere his Majestie palace his Majestie common heie sall not be passable; therefor the Lords of Secret Counsell has thought meit, concluded and ordained that the said heie betuix the water yet and Leith sall with all convenient diligence be enlarged, helped and repaired be the Lord Balmerinoch, the fewers of Restalrig, the baron baillie of Brouchtoun and baillies of the Cannogait with the helpe and assistance of the inhabitantes within these bounds; and theirfore ordains letters to be direct charging the persons particularlie abowenwritten that with all convenient diligence they putt too warckemen to helpe, repaire, enlarge and mend all the defects in the way betuix the Water yet and Leith and make the same faire, easie and passable for hors, coaches and carts, and perfyte and mend the same betuix and the 15 day of Junij instant at night, certifeing thame if they failie they that sall be callit and convenned before his Majestie Counsell and sall be severelie censured and punished as commenrrs of his Majestie royall directionis in a peece of service so highlie concerning his Majestie contentment and credite of the countrie."

"Forsameekle as in the report made to the Lords of Secret Counsell
be the shireffs of Edinburgh and Linlithgow and justices of peace within the saids shirefdomes anent the repairing of the hie wayes and passages within the saids bounds there is no settled nor sure course resolved upon how part of the hie wayes fra the west part of the parish of Cramound to Kirklistoun furde, wherewith that part callit the Briggs stands, saill be helped and repaired, quhilk for the present is so ruinous and the calsey leading to the saids Briggs so brokin as there is no sure passage that way nather for hors nor coaches, quhilk will be ane verie great hinder to his Majestie in his remove fra Halyrudhous to Linlithgow and will be ane very great discredit to the countrie, if in such ane eminent part, and in the hie way betuix the west and east parts of this kingdome, his Majesteis passage saill be interrupted or be hard and difficill. And whereas the necessitie of the repairing of these bridges will require a present doing by some selected parts of the countrie who lies most ewest and ar nixt adjacent thereto, thairfoir the Lords of Secriet Counsell hes resolved, concluded and ordained that the saids Briggs saill be helped, repaired and made passable for horses and coaches be the parochiners of Cramound and Kirklistoun, quhilk ar the nixt adjacent parishes to the saids bridges, and within the quhilk parish of Kirklistoun the westmest of the bridges stands; and thairfoir ordains letters to be direct charging the shireffs of Edinburgh and Linlithgow and the conveeniers of the justices of peace within the saids shirefdomes that they with all convenient diligence, eache of thame respective within thair awne bounds, conveene the noblemen, barons and gentlemen of the saids twa parishes and at thair meiting that they propone and show unto thame the present necessitie of the repairing of the saids bridges and how the burdein thairof is layed upon thame, and that they sight and consider the saids bridges and in what estait they presentlie stand, and what charges and expences the reparatioun thairof and making the same passable for cartes and horses will require, and how and be whome the same saill be payed, and that they have a speciall care to see the course to be sett down be thame preciselie keeped and the saids bridges to be sufficientlie repaired betuix and the tyme of his Majesteis progress that way; and wherein they saill crave the auctoritie and assistance of his Majesteis Counsell upon report to be made thairof unto thame it saill be grantit; and that the saids shireffs and justices of peace proceed and goe on in this bussines, quhilk may suffer no delay, with all diligence, as they will answer upon the dewtie of thair offices."

"A letter to his Majestie shawing the towne of Edinburgh thair refusall to answer to the certificat returned to his Majestie concerning the privilegdes due to the office of constabularie in respect of the Burrowes absence and that they wer not conveenied to that effect; and that the Constable desired that the towne of Edinburgh might anser for what concerned thame in their particular interesses, seying at this time of the Parliament the questioun would onlie fall out betweene the Constable
and the town, whiche the town refusied to doe, alledging that they could not divide their interesse frome the free burrowes."

"Avisandum anent the first of the Lyons articles, as lykeways anent the ryding at the coronatioun."

Sederunt—Chancellor; St. Andrewes; Privy Seal; Glasgow; Lin-lithgow; Perth; Roxburgh; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Areskine; Melville; Naper; Tracquair; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas.

"The Lords of Secret Counsell having takin to their consideratioun the forme and order fittting to be observed at his Majestie's entrie within the burgh of Edinburgh,

"It is thought meit that the Scottich nobilitie sall proceed and ryde immediatlie before his Majestie, and that the English nobilitie sall ryde behind his Majestie, and that the nobilitie sall keepe thair rankes without mixing up with the gentrie, and that the Lord Mairshell have ane care that they ryde in order without presasse or confusioun.

"The Lords thinkes fitt that his Majestie about the west end of the long gait neere to St. Cuthberts church sall take his great hors whereupon he is to enter in the town, and that the heretour and tenent of the ground sall be satisfied of the skaith whilk they sall susteane upon that occasioun.

"That a sword be caried before his Majestie at his entrie within the town, and that the same be delveredy be the Lord Chamberlane to suche a nobleman as the King sall appoynt for the carying thairof.

"Anent the caryng of the canopie the tyme of his Majestie coronioun, it is thought meit that there be ane list of twelvfe noblemen sonses presentit to his Majestie to the intent his Majestie may out of these make choice of sax for the service foresaid.

"It is thought meit that the haill noblemen and bishops, with sax commissioners for the gentrie and sax for the burrowes, sall that morning of the coronioun goe to the Kings presence and there make tender of thair dewtie in name of the Estaitis in the words sett down in the booke of the coronioun, quhilk speche sall be delveredy be the Lord Chancellor.

"That his Majestie be consulted anent the order and place to be kepeed be the Lords Chancellor and Constable in thair ryding the tyme of the entrie, coronioun and parliament, as lykeways anent the place and order of ryding of the bishops the tymes foresaidis.

"Remitts to his Majestie who sall be almoner the day be the almoner on the day of the coronatioun, coronatioun.

The Honours.

"That the honnours be caried be the same persons at the coronatioun who ar to carie the same at the parliament, to witt, the eldest in creatioun.
"Remitts to his Majestie who shall carie the spurre.

"The apparrelling and disrobing of his Majestie the day of the coronatioun and during the action thairof belongs to the Lord Chamberlain in the right of his office.

"The girding of the King with the sword, as lykaways the drawing of the sword, perteanes to the Constable.

"The presenting to his Majestie of the temporall lords who ar to give their oath and kisse his Majesteis cheeke is dew to be done by the Constable.

"That his Majesteis pardon be not extended to Johne Toshe, bot that he be excepted therefra and frome all benefite of the same."

"The whilk day the Lords of Secret Counsell, according to and warrand and direction in writ, signed be the Kings Majestie this day presented unto thame, receaved and admitted Williame, Erle of Erroll, Lord High Constable of this kingdome, to be one of the Privie Counsell of the said kingdome, and to bruike and injoy all honours, digniteis, liberteis and privileges proper and dew to that place; lykewise the said Erle being personallie present and acknowledging with all humble and dewfull respect his Majesteis gracious favour shawin unto him by preferring and promoting him to this place of dignitie and honnour, he with all dew reverence on his knees made and gave the oath of alledgeance and the oath of a privie counsellor. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R.

Right trusty and wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, and right trusty and wellbelovit counsellors, we greet yow weill. We, being informed of the sufficiencie of our right trustie and wellbelovit cousine, the Erle of Erroll, and of his affection to our service, ar moved in regarde thairof and of his charge in our service as High Constable of that our kingdome to admit and promove him to be one of our Privie Counsell thairof; thairfoir our pleasure is and we doe heereby require yow that, having administered unto him the oath accustomed in the like caises, yow admit him to be one of your nomber, for doing whairof these presents sall be your warrand. Frome our court at Yorke, the 28 of May, 1633."

"Forsameekle as the commissioners nominat for surveying of the high wyees betewen Stirline and Dunfermeline and making the same passable for coaches and carts having tame some course and order in that mater, and thair directions being satisfied throughout the saids haill bounds, except within the parish of Logie, the inhabitants whairof hes refused and refuses in anie caise to contribute thair helpe in that most important busines, although it be weill knowne unto thame that the mainest defects and greatest dificultieis for passage within the saids haill bounds is within that parish; and as that peece of service is like to be neglected

1 He was the ninth Earl of Errol.
to his Majestie's offence and hazard of his whole tryne going that way: charging the haill parochiners of the said parish of Logie and constables within the same, and the shireff of the shire and his deputys, that they and all of thame concurring togither contribute their best helpe, fordevance and assistance towards the repairing of all the defects of the commone way within that parish and making of the same passable for coaches and carts in dew tyme before his Majestie comming frome Stirline to Dumfermeline under all highest pane, charge and offence that they by thair dissobedience may incurre, to witt, by censuring and punishing of thame not onelie in thair persons but in thair goods and geir with all rigour and extremitie to the terreur of others."

Holyrood House, 13th June 1633.

Sederrunt—Chancellor; Privy Seal; Erroll; Mairsheil; Linlithgow; Perth; Roxburgh; Areskine; Naper; Melvill; Traquair; Clerk Register; Master of Elphinstoun; Justice Clerk; Master of Requests; Sir Robert Douglas.

No coach with more than four horses to enter his Majesty's court.
The gallows at the east end of the Links of Edinburgh to be taken down.
The trumpeters to meet his Majesty on Leith Links.

"The Lords of Secret Counsell ordains that no coache enter within his Majestie court with moe then foure hors."

"The Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to caus take down the gallowes and malefactor hanged thereon at the east end of the linke."  

"The Lords thinkes it meit that the magistrats of Edinburgh and the Erle of Roxburgh, as superiour of the Cannogait, be required to provide sand in abundance for covering their streits, as lykewayes that they be remembered anent the extortioune of chamber maillis within thair bounds."

"The Lords thinkes meit that the trumpetters the day of his Majestie entrie meit his Majestie and sound upon the linke of Leith."

"The Lords thinkes meit that the gentlemen pensioners sall forbeare to ryde or to attend his Majestie person the tyme of his entrie and coronatioune."

"Forsamekle as the Kings Majestie having sent home to this kynedome with Edward Kellie, one of his Majestie chappell for the tyme, twa bibles and ten gilt booke unnoted for the use of his Majestie chappell, the said Edward at his departing out of this kynedome left the saids bookes in the custodie and keeping of M'r Joyn Melvill, his brother-in-law, who senzyn eleyvered the same bookes to M'r Joyn Hart, maister, of the grammar schoole of the Cannogait, in whos keeping they now remaine; and whereas the King's Majestie is now at the good pleasure of God happilie arrayved in this kingdom, and that there will be daylie use of the saids bookes in his Majestie chappell, thairfoir the Lords of Secret Counsell ordains a maissier to pas and charge the said M'r Joyn Hart to eleyver the bookes foresaid to Adame, Bishop of Dumblane, deane of his Majestie chappell, or to suche in his name who sall have
his power to receive the same, to be keepe be him as deane of the chappell for the use of the chappell, within sax houres nixt after the said Mr. Johne beis charged thereto, as he will answer to his Majestie and the saids Lords upon his obedience, and under all highest pane, cryme and offence that he may committ aganis his Majestie in that behalfe."

"To remember to provide chalmer pots and other easments for the Churche at the Coronatioun."

"That the whole bodie of the Counsell meit his Majestie the morn, in his remove from Seatoun to Dalkeith."

"That there be twa voleyes, if possible the same can be done before his Majestie take hors for his entrie, and that there be another voley at his lighting at Halyrudhous."

"That the Erle of Roxburgh give order for sanding the Cannogait."

"Eodem die post meridiem, sederunt."

Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Linlithgow; Wigtoun; Perth; Roxburgh; Annerdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Naper; Master of Elphinstoun; Secretary; Justice Clerk; Master of Requests.

"A warrant to Mr. Johne Hart for delyvering to the Bishop of Dumblane suche musick booke as he receaved from Edward Kellie."

[No record of Sederunt.]
and Thesaurer; then the twa archbishops; nixt to thame the erles and vicounts; then the bishops, and last the lords. And that the tow of Edinburgh sall have a standing guaird upon either side of the streete, whiche sall not budge nor remove fra the tyyme of his Majesteis entering within the West Port till he pas furth of the libertie of the said tow; and that the volly to be givin be the castell of Edinburgh sall begin and be fullie delvered betuix the tyyme of his Majesteis entering upon the Long gait and his coming to the place appointed for taking of his great hors whereupon he is to make his entrerie within the said tow."

Sederunt—Chancellor; Privy Seal; Glasgow; Erroll; Linlithgow; Iles; Melvill; Naper; Secretary; Justice Clerk; Master of Requests; Clerk of Register; Sir James Baillie.

[No record of business.]

Sederunt—Chancellor; Treasurer; Privy Seal; Duke of Lennox; Bishop of Glasgow; Mar; Wintoun; Roxburgh; Annerdall; Viscount Stirlin; Bishop of the Yles; Lord Areskine; Lord Tracquair.

Richard, Earl of Portland, Lord High Treasurer of England, and other Englishmen admitted members of Council. The whilk day the Lords of Secrete Counsell by his Majesteis warrand and directioun receaved and admitted Richard, Erle of Portland, Lord High Thesaurer of England; Thomas, Erle of Arrundell and Surrey; Lord Mairehall of England; Phillip, Erle of Pemburgh and Montgomery, Lord Chamberlane of his Majesteis houshold in England; William, Erle of Salisbury; James, Erle of Carlill; Henrie, Erle of Holland; William, Bishop of London; Sir Harie Vaine, Comptroller of his Majesteis hous; and Sir John Cooke, principall Secretar to his Majestie for the kingdome of England; to be of the Privie Counsell of this kingdome and to bruike and injoy all honnours, dignites, liberties and priviledges proper and dew to that place; lykeas the saied noblemen and others foresaids being personallie present and acknowledging with all humble and dewtiful respect his Majesteis gracious favour shawin unto thame by preferring and promoting of thame to this place of dignitie and honnour they with all dew reverence on their knees made and gave the oath of alledgeance and the oath of a privie counsellor."

Sederunt—Chancellor; Treasurer; Privy Seal; Duke of Lennox; Marquis of Hamilton; Erroll; Mairehall; Wintoun; Linlithgow; Perth; Wigtoun; Roxburgh; Annerdall; Viscount Stirlin; Lord Lorne; Melvill; Naper; Justice Clerk.

1 In reconstituting the Privy Council in March, 1631, Charles had nominated only one noble with an English title—James, Earl of Carlisle, originally Lord Hay of Tala, a Scoot by birth. In Charles's original Privy Council four Englishmen had been members.
"The whilk day the Lords of Secret Counsell, by his Majestie's warrand and directioun, receaved and admitted Theophilus, Erle of Suffolke, to be one of the Privie Counsell of this kynsdome and to bruike and injoy all honours, digniteis, libertees and priviledges proper and dew to that place; lykeas the said Erle being personallie present and acknowledging with all humble and dewtifulfull respect his Majestie's gracious favours shawin unto him by preferring and promoving of him to that place of dignitie and honnour, he with all dew reverence on his knees made and gave the oath of alledgeance and of a privie counsellor."

"The Lords of Secret Counsell having at lenthe heard the defences betuix William, Erle of Errol, Lord High Constable of this kynsdome, on the one part, and William, Erle Mairshell, on the other part, anent the libertees, priviledges and extent of their offices respective in guarding the parliament hous during the sitting of the parliament; and the saide Lords having lykeways read, heard and considderit the acts of Privie Counsell formerlie past in this mater, and having alsa consulted the Kings most excellent Majestie thereaenent, and both the saide parteis being at lenthe heard before his Majestie, and all that they or either of thame could propone and alledge anent the libertees and priviledges of their said office and extent thairof being considderit be his Majestie, and his Majestie, being therewith well advised, the Kings Majestie, with advice of the Lords of his Privie Counsell finds, decernis and declares that the keeping of the keyes of the parliament hous and the havynge of ane guard without the hous for guarding of the same properlie belongs to the Lord Constable, and that he sall have onelie sax men within the hous for guarding and opening of the utter yett, and of thir sax men that three be on either side of the utter yett of the parliament hous, and that there be ane stoupe sett up upon the braid stanes of the parliament hous to be ane marche betuix the saide Constable and Mairshell and thair guards; and siclyke finds and declares that the guarding of the parliament hous within frome the stoupe foresaid to the bar belongs to the Mairshell; and decernis both the saide parteis to conforme thameselfes to this present act and ordinance so that no mater of contest fall out betuix thame and thair servants upon this occasioun hereafter."

"The whilk day the Kings Majestie, with advice of the Lords of his Privie Counsell, ordains the toun of Edinburgh to have ane standing guarde on either side of thair streit the day of his Majestie's coronatioun, and ordains that none of the said toun sall stirre nor remove under all highest pane; and his Majestie declares that the burgh of Edinburgh thair having of a moving guarde and compassing his Majestie therewith the day of his Majestie entrie within the burgh sall not be a precedent nor militat in consequence in tyme comming in favours of the toun of Edinburgh except they can qualifie and instruct that they have bee in possessioun
of guarding of his Majestie persoun with ane moving guarde in tyme bygane."

"The quhilk day the Lord Chancellor exhibite a patent under the great scale, bearing date at Theobalds, the 8 of May last, quhairby his Majestie was pleased for the causes contenteit in the patent to prefer Johne Gordoun of Lochinvar to the dignitie of ane Vicount to be callit in tyme comming the Vicount of Kenmure, Lord Lochinvar, and delyvered the patent unto him; who, being personally present, receaved the same with all due reverence on his knees."¹

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Lauder- Fol. 108, a. dail; Traquair; Clerk Register.

"The quhilk day ane patent was produced creating the Vicount of Air, Erle of Dumfreis, quho receaved the said patent from the Lord Chancellor."²

Sederunt—Chancellor; Treasurer; St Andrewes; Privy Seal; Glasgow; Erroll; Mairsth; Linlithgow; Annderdaill; Lauder- daill; Tullibardin; Viscount of Belheavin; Lord Lorne; Lord Areskine; Naper; Secretary; Clerk Register; Justice Clerk.

The Lord High "The Lords of Secrhet Counsell gives and grants warrant and commissioun be thir presents to George, Erle of Kinnoull, Lord High Chancellor, to delyver unto the noblemen of this kingdome who ar advanced be his Majestie to honnours and degrees of dignitie thair patents in presence of the Clerk of Counsell."

"Forsamekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble like to fall out betuix William Drummond of Ricketoun, who hes the charge of the Laird of Keirs effaires during his absence furth of this kingdome, on the ane part, and Laurence Oliphant of Condie, on the other part, anent ane portion of land questionable betuix thame, quhilk will not faile to produce forder inconvenientes without remeid be provydit; thairfoir ordsines letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the 23 day of July instant to underly suche order as sall be tane with thame for observing his Majestie peace and keeping good rule and quetynes in the countrie, under the pane of rebellioun, etc., with certificatioun, etc."³

¹ A curious story is told regarding Gordon. In right of his mother he claimed the Earledom of Gowrie, and by way of furthering his claim he sold his barony of Stichell, and presented the proceeds to the Duke of Buckingham, whose good offices he thus sought to secure. The day following Buckingham fell by the hand of Falton.—Douglas, Peerage of Scotland, II., 27 Ed. 1813.

² William, seventh Lord Crichton of Sanquhar, had been created Viscount of Ayr in 1602.

³ William, seventh Lord Crichton of Sanquhar, had been created Viscount of Ayr in 1602.
In the Sederunt the Bishop of the Ilis is added.

“The quhilk day the Lord Chancellor produced ane patent makand Sir David Lindsay of Balcarres, Lord Lindsay of Balcarres, quhilk the said lord receaved from the said Lord Chancellor with all dew reverence on his knees. And siclyke the said Lord Chancellor produced another patent under the great seale makand the Lord Kinloss, Earle of Elgin, qhilk wes delievered to the Lord High Thesaurar of this kynodme in name of the said Erle. As alsua he produced ane thrid patent makand Sir Robert Douglas, Vicount of Belheaven, qhilk wes delievered to the said Sir Robert, who being present, receaved the same with all dew reverence.”

In connection with the charges against the Laird of Rickartoun and Laurence Oliphant of Condie it is here added, “Of quhilk dyet the Laird of Rickartoun, being present, wes warned apud acta.”

Sederunt—Chancellor; Treasurer; Privy Seal; Lauderdale; Annerdaill; Dumfries; Secretary; Clerk of Register.

Holyrood House, 12th July 1633.

The Laird of Rickartoun and Laurence Oliphant of Condie.

“The whilk day the Lords of Secret Counsell, by warrand and directioun frome the Kings Majestie, receaved and admitted John, Earle of Kingorne, to be one of the Privy Counsell of this kynodme and to bruike and injoy all honnours, digniteis, libertieis and priviledges proper and dew to that place, lykeas the said Earle of Kingorne, being personallie present and acknowledging with all humble and dewtifull respect his Majestie gracious favoure shawin unto him by preferring and advancing of him to this place of honnour and dignitie, he with all dew reverence on his knees, his hand lying on the halie evangell, made and gave his solemn oath of alledgedance and the oath of a privye counsellor.”

Sederunt—Chancellor; Privy Seal; Bishop of Glasgow; Erroll; Mairishell; Wintoun; Perth; Kingorne; Tullibardin; Roxburgh; July 1633.

Annerdaill; Dumfries; Traquair; Belheaven; Bishop of Dumblane; Bishop of the Yles; Lorne; Areskine; Melvill; Naper; Secretary; Clerk Register; Advocate; Justice Clerk.

The whilk day Thomas Crombie of Kemnay, as shireff of Aberdein, Alexander McKenzie of Culcowie, as shireff of Innernee, and Sir

1 Of the first Lord Balcarres it has been said that “he chose a private life, without ambition, that in his time, and was a laborious chemist.”—Douglas, "Regnum Scotiae," I., 167.

2 Sir Robert Douglas of Spott had been page of honour and master of the horse to Henry, Prince of Wales. Subsequently he served as a gentleman of the bed-chamber to James VI. and Charles I. It is of Belhaven that Burnet tells the well-known story, illustrating the opposition of the Scottish nobility to the Act of Revocation.—Burnet, "Hist. of his own Time," I., 20.
William Grahame of Claverhous, as shirreff of Forfar, compeirand per-
sonallie before the Lords of Privie Counsell, accepted the office upon
thame and gave their oath for faithfull administratioun thairof."

"The whilk day M' James Cockburne, provost of Hadintoun, was
admitted shirreff depute of Hadintoun and gave his oath according to his
former gift grantit to him thairof during his lyfetyme:—Forsamekle as
M' James Cockburne, shirreff depute of the shirefdom of Hadintoun,
hes exercised that office thir manie yeeres bygane, both for the good of his
Majesteis service in that kynde and to the good lyking of all his
Majesteis subjects whome it did concerne, and his Majestie consideriing
that in regarde of his long practishe in that service and sufficiencie oth-
werways, great prejudice would arise therein to his Majesteis service and to
his Majesteis subjects if he wer removed; thairfoir his Majestie, with advice
of the Lords of the Privie Counsell, hes made and constitute and be thir
presents makes and constitute the said M' James Cockburne shirreff
depute of the said shirefdom of Hadintoun, and gives and committs
unto him the office thairof with all fees, dewteis, escheits, unlawees and
forefeyts belonging thereto siclyke and with als great freedome and
autoritie as the said M' James or anie his predecessours in the said
office hes or might have lawfullie done at anie tyme heeretofore; shirreff
courts within the tolbuith of Hadintoun and others accustomed places
and seates within the said shirefdom to sett, begin, affixe, affirme, hold
and continew, sutes to make be callit, absents to amerchiat, unlawees,
amerciament and escheits of the saids courts to aske, lift and raise
and for the same, if neid beis, to poynd and distreinzie, and to proceed
and minister justice in all and sindrie acziouns and causes proper and
competent to the said shirreff depute, and to give decreits and sentences
thereupon, and to caus the same decreits and sentences receve execu-
tioun accordingli; breews of our soverane lords chancellarie of what-
somever nature direct and to be direct to the said shirreff depute to
receave, opin and casus be proclaimed, and accordingli be put to
executioun, assyses and witnesses als oft as neid beis, ilke persoun under
the usuall and accustomed panes, to summound, warne, choose and caus
be sworne, officers, serjants, dempsters and others members of court neid-
full to make, create, substitute and ordaine, for whome the said shirreff
depute sall be haldin to anser; with power alsua to the said shirreff
depute to aske, crave, receave, intromett with and uplift his Majesteis
blenche dewteis and entreisis of free tennents within the bounds of the said
shirefdom and, if neid beis, to poynd and distreinzie thairfoir, and
to make compt thairof in the Exchecker; and to receave the mustours
and weapounshawings of the inhabitants within the said shirefdom at
suche tymes as sall be appointed thereto be his Majesteis lawes and
proclamatiouns, and to punishe the absents accordingli; as alsua to raise
and convene the inhabitants within the said shirefdom at all tymes and
occasionis neidfull for the forderance and advancement of his Majesteis
service and persue of his Majestie's rebellis, tratours and disobedient
persoun, and generallie all and sindrie others things to doe, exercise and
use quhilkis ar proper and competent to the office of a shireff depute and
quhilkis of law and conseutude of his realme ar knowne to perteane;
firm and stable halde and for to hald all and quhatsomever things sell
be lawfullie done heerin; this commission for the space of ane yeere
nixt after the dait heirof but revocationn to indure."

"Forsameeke as it is understand to the Lords of Privie Counsell that
there is some variance and contraversie standing betuix William
Drummound of Rickartoun, who hes the charge of the Laird of Keir his
affaires during his absence furth of this kingdome, on the one part, and
Laurence Oliphant of Condie, on the other part, anent ane peace of land
questioned betuix them and quhilk either of thame hes teilled and sawin
and intents to sheare and lead, quhilk is like to produce farther incon-
venients to the breake of his Majestie's peace; quhairupoun both the
said parteis being callit before the Lords of Privie Counsell and all that
they had to propone and alledge in this mater being heard and considerit
be thame, the saids Lords for the better observing of his Majestie's
peace betweene the said parteis gives and grants full power and com-
mission be thir presents to Sir George Affleck of Balmanno, one of the
senators of the Colledge of Justice, as ane neutrall and indifferent
persoun to caus sheare and stowcke the said cornes and to leade and
stacke the same upon the expences of the selfe in some neutrall and
indifferent place there to remaine and to be made furthcommand, after
tryell and cognizion to be tane who hes the best right thairto, to the
person or persons having the right; discharging heirby both the saids
parteis frome all meddling or intrometting with the cornes or crop
growing upon the said debateable peace ground, bot to suffer and permitt
the said Lord Balmanno to caus shear, stowcwe, leade and stacke the same
in maner foresaid as they and everie ane of thame will answer upon the
contrarie at thair perrell."

"The quhilk day, in presence of the Lords of Secreet Counsell, com-
peird personallie John Murrey, sometime callit Laird of MGregour,
Patrik Murrey alias MGregour, his brother, and Alaster Camroun of
Glenneveis, and become actit and obleist conjunctlie and severallie as
cauetioners and souertais for Angus Camroun, tutour of Glenneveis, and
Alaster Steuart alias MGregour, prisoners within the Tolbith of Perth,
upon occasioun of ane slaughter committed in Lochaber, that they sell
observe our soverane lords peace and keepe good rule and quyetness in
the countrie, and siclyke that they sell compier personallie before the
Lords of Privie Counsell whenever they sell be lawfullie charged to
underly thair will and pleasure anent the said slaughter and peace of the
countrie, either of thame under the pane of a thowsand merkes in caise
he faillie in anie point of the premisess."

"The Lords of Secreet Counsell gives and grants full power and com-
mission to Lord Lorn to
mission be thir presents to Archibald, Lord Lorne, to deale and travell for ane agrement and removall of the feud betuix the Laird and tutor of Glenneveis and the Clanlacilane in Lochaber."

"The whilk day, in presence of the Lords of Secret Counsell, compeired personallie Johne Gordoun of Buckie and craved the Erle of Perth, the Lords Melvill and Naper, Sir Archibald Achesoun, Secretar, Sir Thomas Hendersoun of Chesters, Sir George Afeck of Balmanno, and Sir John Scot of Scottistarvet, or anie foure of thame to be assessours to the justice deputis in the tryell of Johne Meldrum; quhairupon the saids Lords ordained the names of the saids assessours to be notified to the said Johne Meldrum to heare what he hes to object aganis thame."

"The Lords ordains the Commissioners for the Surrenders, upon Thursaday nixt quhairof publict intimatioun wes made at the Counsellous doore."

"The quhilk day Alaster Camroun, Tutour of Glenneveis, for himselfe and takand burdeine upon him for all whom he may stoppe or latt, acted himselfe for keeping of the peace and for his compeirance before the Counsell when he sall be lawfullie charged, under the pane of ane thousand pundis."

"Charges aganis the Clanlacilane for keeping of the peace with these of Glenneveis under particular panes."

"M' David Leitch his recommendatioun prorogat to the first of August, 1634."

"Forsameekle as the inhabitants of Orkney and Zetland, having by their Commissioners petitiouned the King's Majestie and the estaitis of this kingdome convened in the last parliament held at Edinburgh in the moneth of Junij last anent the great oppression and trouble whilk they have underlyne and still underlys by frequent letters of lawborowres and arreisments used aganis thame be malicious persons, of whomme sometymes one will raise letters aganis ane hundredth poore people, knowing their povertie and inabilitie to come to Edinburgh, to find lawbowreres and find cautious for lousing of arreisments, sue that manie of thame ar upon this occasioun reduced to great povertie and forced to quiteit their possessiouns; and anent letters and preceptis of pounding whereby the partis having interesse ar obliged to bring the goods pounded to the mercat croces of Kirkwall and Skalloway and thare to use the order of comprysing, quhilk oftyme is impossible to be done in respect the whole countrie consists of ylends, and the weather is so tempestuous and unseasonable as there is no passage betuix the saids ylends; and, thirdlie,
anent acts of warding upon the shireffs decreits where the soumes ar small and the parteis not able to raise horning nor captioun theraupon: Qwhilks three articles being heard and considerrit be his Majestie and the saids three Estaitis, and they being carefull that the equitie, expediencie and conveniencie of the three articles abonewrittin sould be tried, they remitted and recommended the same to the Lords of Privie Counsell and gave power and commissioun to thame to consider, advise and try the saids articles and everie one of thame, and to decerne, statute and ordain thereaenent as they sould thinke expedient for the good and weale of the lieges. And his Majestie and his Estaitis foresaid ordained the decreits, statuts, ordinances and determiniouns to be made, givin and pronounced be the saids Lords of Privie Counsell anent the articles abonewrittin or anie of thame to have the strentch, force and effect of anie sentence and act of parliment, as the act and reference of the parliment made to the saids Lords of Privie Counsell more fullie reports. Whilks reference being this day exhibite to the saids Lords of Privie Counsell and they having takin the same to thair consideration, and having at great lenth reasouned, conferred and deliberat thereaenent and anent the conveniencie and expediencie of the saids articles, and preferring the weale of the subjects to all privat respects of parteis interesse, the saids Lords of Privie Counsell, according to the warrand and power grantit to thame be act of parliment, as said is, hes statut, ordained and concluded, and be the tennour of this present act statuts, ordinains and concluid that in all tyme coming when anie letters of lawborrowes or arreisment sall be raised be anie persoun or persoouns aganis anie of the inhabitannts of Orkney and Zetland that the letters beare in expresse and cleere words the cautio for the lawborrowes and for lousing of the arreisment to be found in the shireff court bookes of Orkney and Zetland and in no other place, books nor registers whatsoever; and ordinance his Majesteis Secretar, who was personallie present, to caus intimation to be made to the writers to the signet and keepers thairof that they write no letters of lawborrowes and arreisment aganis anie inhabitannts of Orkney and Zetland but after the tennour, forme and substance abonewrittin and no other wayes, as they will answer upon the contrarie at thair perrell. And siclyke the saids Lords statuts and ordinains that in all pouyndings to be heerafter made within the bounds of Orkney and Zetland, the goods being apprysed and offered upon the ground to the partie and the nixt Sabboth day at the parish kirk doore in lawfull tyme of day, that the comprysing and offer sua to be made sall be als lawfull as if the comprysings and offers were made at the heid burgh of the shire. And forder the saids Lords statuts and ordinains that in small soumes not exceding ane hundreth pondus that the acts of wairding upon the decreits of the shireff of Orkney and Zetland sall be direct conforme to the order used within burgh becuase suche small soumes may not beare the ordinar charges for horning and captioun."
THE whilk day, in presence of the Lords of Secret Counsell, compiered personallie the persouns underwrittin; they ar to say, George, Erle of Kinnoull, Lord High Channeller of this kynne; Thomas, Erle of Hadintoun, Lord Privie Seale; Patrik, Archbishop of Glasgow; George, Erle of Wintoun; Johne, Erle of Perth; Johne, Earl of Kingorne; William, Erle of Dumfreis; Johne, Erle of Tracquair; Johne, Erle of Wemen; Archibald, Lord Naper; George, Lord Corstorphine; Johne, Bishop of Ros; Adame, Bishop of Dumblane; Andrew, Bishop of Argile; George, Bishop of Orkney; Sir Johne Hay, Clerk Register; Sir Thomas Hope, Advocat; Sir James Galloway, Master of Requesits; Sir Robert Spotevord of Newabbe, Sir John Charters of Amisfeild, Sir William Douglas of Cavers; Johne McNacht, Archibald Tod, and Edward Edger, burgesses of Edinburgh; Mr Alexander Guthre, town clerk there, and accepted upon thame the new Commission for the Surrenders and Teinds and gave thair oath for faithful discharge thairof. And the said Lords ordains missives to be direct to the rest who wer absent, they ar to say, William, Erle of Mortoun, Lord High Thesuarur; Johne, Archbishop of St. Andrewes; William, Erle Mairstal; William, Erle of Stirling; David, Erle of Southesk; Alexander, Bishop of Dunkelden; Johne, Bishop of Murrey; David, Bishop of Brequin; Sir George Elphinstoun, Justice Clerk; Sir James Lokhart younger of Lee, Sir Robert Greir of Lag, Johne Boill of Kelburne, Sir Patrik Ogilvie of Inchemartine; Sir David Crichtoun of Lugtoun, Johne Sinclair, baillie of Edinburgh; Gabriel Cuninghame, burges of Glasgow; Robert Tailysour, burges of St. Andrewes; William Meklejohn, burges of Bruntland; and Mr Robert Cuninghame, burges of Kingorne; to compeir before the Counsell upon the xxv day of September nixt to accept the said commission upon thame and give thair oath.

"The Lords of Secret Counsell apponts the first quarter and session for the commissioners of the Surrenders and Teinds to begin upon the first day of November ixnt and to end upon the xxiiij day of December thereafter and the second quarter to continew fra the tent of Januar till the rysing of the session and the thrid to continew sitt the moneths of Junij and July; lykeas the saids Lords hes nominat and apponted the persouns underwrittin to attend for the first session; to witt, the twa archbishops, the bishops of Dunkelden and Dumblane, the Erles of Perth and Dumfreis, the Lords Naper and Corstorphine, the lairds of Amisfeild, Cavers, and Kelburne, with anie one of the Lords of Session, Mr Robert Cuninghame, burges of Kingorne, and twa for the burgh of Edinburgh; and before the dissolving of this first session the Lords will appoint commissioners to attend the second session."

"The whilk day, in presence of the Lords of Secret Counsell, compiered personallie Sir James Galloway, Master of Requesits, and protested that his ranking and the ordering of him in the new Commission for the Tithes after the Advocat and Justice Clerk sall not be prejudiciall to him anent his place and precedence dew to him in the right of his office; lykeas
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Sir Thomas Hope of Craighall, knight baronnet, his Majestie's Advocate, protested in the contrary in respect of the precedence due to his place as an officer of estate be the space of two hundredth yeeres before the Maister of Requiesta was an officer of estate and of the tenour of the commission and sederunt of the last parliament directed be his Majestie, himselfe being personallie present.

"The whilk day James Pringill of Quhytbanke, shireff principall of Selkirk, compeirand personallie before the Lords of Privie Counsell, accepted the said shireffship upon him and gave his oath for faithfull discharge thairof."

"Assignes to the Bishops of Orkney and Argyle the first commission day in Junij nixt for their attendance upon the Commission for Tithes."

"The quhilk day the Lord Chancellor produced ane patent under the great seale, bearing date at Halyruthous the 24 of Junij last, makan Alexander Forbes of Pitsligo, Lord Forbes of Pitsligo; quhilk patent was delyvered to Johne Forbes, sonne to Alexander Forbes of Boyndic."

Sederunt—Chancellor; Privy Seal; Glasgow; Mairshelf; Wintoun: Holyrood House, 30th Perth; Annerdaill; Dumfreis; Tracquair; Bishop of Dunblane; July 1633. Melvill; Naper; Secretary; Clerk Register; Advocate.

"Forsameakle as it is understand to the Lords of Secret Counsell that the Council upon the fourt day of July, 1629, about twelffe of the clocke at night there was a suddane and fearefull fire raised upon the four corners of Mr. David Leitch, minister at Dundrennan, his hous, and the fire upon a suddane become so fearefull as the said Mr. David his wife, young childrein and familie, who wer all sleeping in their beds, with verie great difficulty escaped in their sarke, and on a suddane the hous and all that wes within it was burnt in ashes, to the utter wracke and undoing of the said Mr. David, who is ane learned and famous man in his calling and of good report among his brethren, and who formerlie had sufficient meanes of his awne and wes verie charitable in relieving the necessiteis of others. And in the discoverie of this treasonable fact, whairof their is manie pregnant presumptions that it was not accidentall but done be the hand of man, the said Mr. David hes beene verie solist and diligent thir diverse yeeres bygane and in the prosecucion of that discoverie hes bestowed all that he could procure by his credite, whereanent the said Mr. David, having petiцииed the Kings Majestie at his late being in this konedm, his Majestie wes gracionslie pleased to recommend the said Mr. David to the saids Lords of Privie Counsell that by their generall recommendacion to the whole konedm the said Mr. David his distresses and losses might be suppleed; and thairfoir the saids Lords hes recommendit, and be the tenour heirof recommends the said Mr. David to the favourable and charitable consideracion of all and sindrie archbishops
and bishops, noblemen, barons and gentlemen, provests and bailleis within burgh, presbyteries and sessionals of kirkis and others his Majestis subjects, as weil to burgh as land, requesting thame and everie one of thame to extend suche proportioun of their benevolence and charitie for the releef of his distressed estait as they sall thine fitting, and to delver the same to whome the saids Lords hes intrusted with the collection of the said contributioun to the behove of the said M' David within the presbyterie of , and that everie one of the saids archbishops and bishops give order and direction to the ministers within their several dioceesi to caus intimat and read this recommendatioun at their parish kirkis to their parochiners upon a Sunday before noone in tym of sermon and prayers, and to stirr up the people to extend their benevolence and charitie to the said M' David. This recommendation till the first day of August jn' thrie threttie foure yeeres to endure."

"Forsameekle as one of his Majestis camels being committed to the custodie and keeping of umquhill Robert Grahame, now deceased, the same camele by ane reference upon a petitioun presented to his Majestie by Edward Grahame, brother to the said Robert, was appointed and committed to the custodie of the said Edward, who by ane assignatioun subscribed with his hand and under his scale of the daft the ellevint day of May, 1633, hes made and constitute John Grahame, gentleman of his Majestis Guarde, his deputie to take into his custodie the keeping of the foresaid camele wheresoever and in whois custodie the same can or may be found, as in the assignatioun made to him for this effect at lenth is contenait. According wherunto the said John Grahame hes now gottin fra David Johnstoun, sometyme servitor to Richard Grahame, the camele foresaid and hes the same in his keeping; and thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrand to the said John Grahame and suche as he sall nominat and appoint to carie the said camele throughout this kingdom and to show the same to the people in suche forme as they sall thine fitt by toweck of drum or sound of trumpet frome tym to tym without trouble or latt to be made unto thame, they behiving thameeselfis modestlie and honestlie according to the lawis of this kingdom and forbearing to make show of the said camele upon the Sabbath day or in the tym of divine service; this warrand for the space of halfe a yeere after the daft heerof to induce."

"The nixt Counsell day in the vacancy appointed to be upon the 25 of September nixt at the palace of Halyrudhouse."

"The quhilk day the Lord Chancellor produced and delvered the Erle of Quenisberreis patent to George Deanes, his servitor; and the Lord Fraseris patent to Johne Baird, writter to the signet."

"The Lords prorogates Captane Coleis protectioun till Mertimes nixt."
Sederunt:—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Holyrood House, 31st July 1633.
Roxburgh; Annerdaill; Dumfreis; Bishop of Dumblane; Naper.
Secretary; Clerk Register; Advocate.

"Forsameekle as the commission of shireship grantit to James Dumber of Boigis within the bounds of Elgine and Forres is expired upon the first day of August approaching, and the Lords of Secret Coursell understanding the good and worthie dispositioun of Alexander Dumber of Grange toward the forderance and advance of his Majesteis service and that he will behave himselfe with that respect whilk becomes ane shireff within the bounds foresaidis, thairfoir the saids Lords hes made and constitute and be the tennour heirof makes and constitutes the said Alexander Dumber of Grange shireff principall within the saids bounds of Elgine and Forres, and gives and grants unto him the office thairof with all fees, dewteis, escheits, unlawes and forefeyts belonging thereto, siclyke and with als great fredome and auctoritie as anie of his predecessours in the said office hes or might have lawfullie done at anie tyme heretofore, shireff courts within the burrowes of Elgine and Forres and others accustomed places and seates within the said shireffidome to sett, begin, affixe, affirme, hold and continew; sutes to make be callit, abents to amerciat, unlawes, amerciament and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinzie, and to proceid and minister justice in all and sindrie actionis and causes criminnall and civill proper and competent to the said shireff, and to give decreite and sentences thereupon, and to caus the same decreite and sentences receave executioun accordinglie; breewe of our soverane lords chancel- larie of whatsoever nature direct and to be direct to the said shireff to receave, opin and caus be proclaimed, and accordinglie to be putt to executioun; assizes and witnesses als oft as neid beis, ilk ane of thame under the usall and accustomed panes, to summond, warne, choose and caus be sworne; deputis under him in the said office with officiaries, serjants, dempsters and others members of court neidfull to make, create, substituite and ordaine, for whome the said shireff sall be haldin to answer; with power alsua to the said shireff to aske, crave, receave, intromett with and uplift his Majesteis blenshe dewteis, castell wairds and others entrees of free tennents within the bounds of the said shirefdome, and if neid beis to poynd and distreinzie thairfoir, and compy thairof in his Majesteis exchecker to make; and to receave the mustours and weapounshavings of the inhabittantes within the said shirefdome at suche tymes and places as sall be appointed be his Majesteis lawes and proclamatious, and to unlaw and punishe the abents accordinglie; and to raise and conveene the inhabittantes within the said shirefdome at all tymes and occasiouns neidfull for the forder-

2 This is given in the Sederunts as a post meridiem meeting.
ance and advancement of his Majesteis service and persute of his Majesteis rebels, traitours and disobedient persons; and generally all and sundrie others things to do, exerce and use quhilks ar proper and competent to the office of a shireff, and quhilks of law and consuetude of this realme ar knowne to perteane: Firme and stable holding and for to hald all and whatsoever things sail be lawfullie done herein: And ordaines letters to be direct charging officers of armes to pas to the mercat croes of Elgine and Forres and others places neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge all and sundrie his Majesteis liegues and subjects to reverence, acknowledge and obey, rise, concurre, fortifie and assist the said shireff and his deputis in all and everie thing tending to the executioun of this commission and to doe nor attempt nothing to the hinder nor prejudice theairf, as they and everie ane of thame will answere upon the contrarie at their highest charge and perrell. This commission for the space of ane yeere next after the dait heirof but revocation to indure."

"The whilk day M' James Ferquharsoun, writter to his Majesteis signet, compeirand personallie before the Lords of Privie Counsell under-tooke to make payment to John Toshoche, prisoner in the tolbuith of Edinburgh, of his allowance untill the first day of August approacheing."

Sederunt—Privy Seal; Annerdaill; Bishop of Dumblane; Melvill; Naper; Clerk Register; Secretary; Advocate.

[No record of business.]

Post meridiem.

Sederunt—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Roxburgh; Annerdaill; Dumfries; Bishop of Dumblane; Naper; Secretary; Clerk Register; Advocate.

Patent to Lord Almond.

"The quhilk day the Lord Chancellor produced and delveyered the Lord Almonds patent to Mr Alexander Johnestoun in name of the said Lord."

Sederunt—Erroll; Mar; Wintoun; Perth; Roxburgh; Dumfreis; Tracquair; Bishop of Dumblane; Bishop of the Yles; Areake, Naper; Secretary; Clerk Register; Advocate.

John Meldrum sentenced to be hanged and quartered for being art and part in the burning of Frendraught.
depute presentlie to proceed to the sentencing of the said John Meldrum and to pronounce doome againis him, ordaining him to be hanged to the death at the mercat croce of Edinburgh and thereafter his head to be cutt aff and suche others his members as the justice deputes sall thinke fitt, and to caus affixe and putt up the same in suche publick places of the kingdome as they sall thinke expedient and to continuue the executioun of the said doome and sentence untill Tisday in the afternoone.

"The Lords of Secret Counsell nominates and appoints and therewithall orduains and commands the Bishops of Dumblane and Rosse, Mr Harrie Rollock, Mr David Mitchell and Mr Thomas Sydserfe to resort and repaire to John Meldrum, prisoner in the tolbuith of Edinburgh, and to enter in conference with him and to use their best travellis and endeavours for bringing of the said Johne to a confessioun of the truthe of that foule cryme whereof he is convict, and discharge the jaylour of the tolbuith, his servantes, and all others quhatsoever to be present at the said conference, requiring the said Bishop of Dumblane to take the faithfull promise of the rest of his brethren and not to reveale what the said Johne sall delvery unto thame."

"The whilk day the Lords of Secret Counsell, considering that Johne Meldrum of Ridhill being convict of airt and part of the burning of the towre of Fendraught, for the whiche sentence and doome of death is pronounced againis him, may notwithstanding of his present obstinacie and denyall of his guiltines of that cryme by the travellis of the ministers be brought to the acknowledgement of the truthe, in whiche caise or if otherwise he sall make it appeare that others hes beene actors in the deid, and sall accordinglie reveale and detect thame, the Lords of Secret Counsell orduins and commands the provest and bailleis of Edinburgh to continuue the executioun of the said sentence of death untill they receave new order concerning the same and that upon a warrand to be direct unto thame subscribed by ane one counsellor, to whome the Lords gives power to subscryve the said warrand of continuation, the same being always craved be the ladeis and others partieis interested."

Sederunt—Privy Seal; Winton; Perth; Wigtoun; Galloway; Holyrood House, 25th September 1633.

Sir James Baillie.

"Forsameckle as the disordoured and brokin clannes in the Hielandes being by force of authoritie and carefull executioun of the lawes reduced to obedience and the peaceable and good subjects in the countrie settled in a full suretie of thair persons and goods, thir disordered lyemars being now wearied of this long and happie peace and resooming thair former unhappie course of lyfe upon hope of impunitie they have begun to breake louse and not onelie to make privie stouthes bot opin heirships and others insolencesis upon his Majesteis good subjects, to the great order anseth the suppression of acts of theft and violence which have of late become frequent in the Highlands."
disgrace of his Majestie's governement; for repressing and preventing of the fudder growth of whois disorders ther is be his Majestie's speciall command and directioun a meeting of the speciall noblemen, barons and gentlemen in the countries nixt adjacent to the Hielands appointed to be heere at Halyrudhous upon the day of November now approaching with his Majestie's Counsell upon some substantious and solide course how thir brokin lyammars may be totally and fullie supprest and the countrie freed from fudder trouble of thame. And to the intent that in this meane tyne and till the generall course be substantiouslysettled and concluded the subjects may in some measure repose in suretie under his Majestie's protectioun, the Kings Majestie, with advice of the Lords of his Secret Counsell, hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to suche of the Lords of his Privy Counsell as sall be present in the countrie foresaid for the tyne and all shireffs, stewarts and others under officers and to all others his Majesties good subjects to pas, searche, seeke and take all criminall rebellis in the Hielands and others disorderlie persons, sorneres and oppressours who darre presomme to committ anye disorder upon anye of his Majesties good subjects, wherover they may be apprehended, and to bring and present thame to his Majestie's Justice to underly their deserved punishment. And if anye of the saids disordered persons sall fall or come in the hands of anye of his Majestie's Counsell or in the hands and power of anye of the shireffs and stewarts, with power to thame to proceed and minister justice upon thame conforme to the laws of this kingdome; for quhilk purpose his Majeste with advice foresaid hes made and constitute be the tennour heirof makes and constitutes the saids Lords of his Majestie's Privy Counsell, shireffs and stewarts, in whois hands the saids disordered lyammars or anie of thame sall fall, our souerane lords justices in that part, with power to thame or suche of thame, as said is, justice courts at whatsoever places convenient to sett, begin, affixe, hold and continew, sutes to make be callit, absente to amerchant, unlaws, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynyd and distreinylie, and in the same courts the saids disordered persons to call, be dittay to accuse and thame to the knowledge of ane assaise to putt, and as they sall happin to be found culpable or innocent to cause justice be ministrat upon thame conforme to the lawes of this realme, assays neidfull for this effect, ilke person under the pane of fourtie pundis, to summound, warne, choose and caus be sworn, clerkes, serjants, dempsters and others officers and members of court neidfull to make, creat, substitute and ordaine, for whome they sall be haldin to answer; and if it sall happin the saids disordered persons or anie of thame for esewing of apprehensioun to flee to strents and houses, with power to the saids commissioners and justices or any of thame to follow and persew thame and to make opin doores and use his Majestie's keyes; and all others things necessar and lawfull to doe and
use quhilk in suche caises ar usuall and accustumed; and that letters be direct to make publication heirof be opin proclamatiaun at all places neidfull, and to command and charge all his Majesteis lieges and subjects that they and everie ane of thame upon knowledge and notice to be givin to thame of the disorders of thir lymmar, rise, concurre, fortifie and assist the saids justices and commissioners, conjunctlie and severallie, in all things tending to the executioun of this commissioun, as they and everie ane of thame will answere upon the contrare at thair highest perrell."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentit to the saids Lords and read in thair audience, of thir whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellors, and trustie and weilbelovit, we gret yow weil. Whereas we wer humbelie pettiouned at our being there by a number of the nobilitie and gentrie of that our kingdome that some course might be takin for repressing the insolenceis and thiefs of certane disorderlie persons in diverse parts thairof, we intended than to have heard the mater debated before ws in Counsell there that by your advices some good course concerning it might have been established, yitt in regarde of the shortnesse of our stay and multiplicitie of our affaires it tooke not than effect. But considering how much the justice it doeth concerne ws to represse all oppression and in honour to maintaine the peace and rights of our good subjects and with all that the speedines of the remedie may prevent the effects whiche by delay may prove otherwayes more prejudicial to the petitioners and disgracefull to the government there, we have thought good to send yow herewith the inclosed pettioun, and it is our special pleasure that, having considerit thairof and callit for suche of the petitioners as yow sall thinke expedient for receaving thair more ample information in the particulars, yow take suche present order as they may be fred of all just feares in tyme coming, the offendres be severelie punished for what is past by all possible meanes, and the peace of the countrie established; wherein expecting ane exact accompt of your speedie endeavours, as yow will be answerable unto ws, we bid yow farewell. Frome our Court at Greenewich, the last of July, 1633. Quhilk missive being heard and considerit be the saids Lords, and they advised therewith, they ordaine letters to be direct to the noblemen and gentlemen who hes subscryved the pettioun mentioned in his Majesteis letter to be heere at Halyrudhous upon the day of November nixt to give thair advice to the Counsell anent the most effectuall meane for repressing the disorders in the Hielands.

"Followes the tennour of the missive writtin to the noblemen:—After Letter of Council to the noblemen who our verie heartilie commendations to your good lordship. Upon
information made to the Kings Majestie that some of the disordered clans and lawlesse lymmars in the Hielands were begining to renew their former accustomed theevish trade of thift, sorning and oppressing his Majesteis good subjects in the incontricie, his Majestie has bee pleased to recomend upto his Counsell the tymous and speedie redresse and curbing of thir disorders and preventing of the forder growth of thame be the advice of the noblemen, barons and speciall gentlemen in the bounds nixt adjacent; lykenes in the obedience of his Majesteis royall direcution there is a meiting appointed to be heir at Halyrudhous for that effect upon the day of November nixtto come; at the quhilk meeting seeing your lordships presence and good advice is requisite, these ar thairfoir to request your good lordship to kepe the same preceislie. Quhilk looking assuredlie your lordship will doe, we commit your lordship to God. Frome Halyrudhous, the xxvj day of September, 1633."

"The whilk day Sir David Crichtoun of Lughtoun, as Shireff of Edinburgh, Sir Samuel Johnestoun of Elphinstoun, as Shireff of Hadintoun, James Cockeburne of Rysla, as Shireff of Berwick, Dundas younger of that Ilke, as Shireff of Linlithgow, Sir Robert Greir of Lag, as Shireff of Dumfreis, Sir Andro Rollock of Duncrub, as Shireff of Perth, Sir William Baillie of Lamington, as Shireff of Lanerk, and Robert Maxuell of Dinwiddie, as Stewart of Annerdaill, compeirand personallie before the Lords of Privie Counsell accepted the office of shireffiship within the bounds respective abonewritten upon thame and gave their oath for faithfull discharge of the same."

"The Lords of Secret Counsell considering the necessar absence of Sir William Cumingham of Caprintoun, who is now nominat to be Shireff of Air, Walter McAwlay of Ardincaple, who is nominat to be Shireff of Dumbartane, Alexander Dumbar of Grange, who is nominat to be Shireff of Murrey, and Mathow Wallace of Aunchans, who is nominat to be Baillie of Kylesteuart, for the yeere to come, and that they could not convenientlie compeir before the saids Lords this present day to accept the office upon thame and give their oath, thairfor the saids Lords hes givin and grantit, and be the tennour heirof gives and grants full power to Patrik, Archibishop of Glasgow, to take the oaths of the said Sir Williame Cuninghame and Mathow Wallace, and to the said Archibishop or Archibald, Lord Lorne, to take the oath of the said laird of Ardincaple, and to James, Erle of Murrey, and Johne, Bishop of Murrey, or either of thame, to take the saids Laird of Grange their oaths for the faithfull discharge of the office of shireffiship within the bounds respective foresaid, and to make ane formall report thairof in writt to the saids Lords to the effect the same may be insert and registrat in the Bookes of Privie Counsell; whereanent the extract of this act sall be to thame ane warrandy."
“The whilk day David, Bishop of Brechin, Sir Patrik Ogilvie of Inchemartine, Sir David Crichtoun of Lughtoun, Johne Boill of Kelburne, and William Meklejohn, burges of Brunntland, compered personally before the Lords of Privie Counsell and accepted the commission for the Surrenders and Teinds upon thame, and gave thair oath for thair faithfull discharge of the same.”

“Forsamekle as there is no allowance nor fees modified and sett doun for the service of the clerkes of Privie Counsell to be payed unto thame be suche gentlemen and others who are promoted to the dignitie of knights at the creatiou of noblemen; and the Lords of Privie Counsell understanding that others his Majestis officers and serveants have thair fees modified and accordinlie payed unto thame be the saids knights; and the saids Lords considering the actual service that the saids clerkes of Privie Counsell doe performe at the making of the saids knights and in forming and wryttin the acts of thair creatiou and registaring of the same; thairfor the saids Lords hes modified and sett doun and accordinlie decernis and ordains all suche knights as wer made at the creatiou of noblemen the tyme of his Majestis late being in this kimgdome or saill heerafter be made at the creatiou of anie noblemen to make payment to the saids clerkes of Privie Counsell of the soume of fourtie pundis as for the fees and allowance now modified and sett doun to be payed be everie one of the saids knights to the saids clerkes for thair service the tyme foresaid; and ordains letters to be direct heirupon if neid beis in forme as effeiris.”

“The whilk day in presence of the Lords of Secret Counsell compeird personally M’ Alexander Guthre, toun clerk of Edinburgh, and gave in the report underwrittin anent the surveying of the water of Forth, of the quhilh the tennour followes:—The 3 and 4 of September, 1633, the water of Forth being surveyed by James Stevisone in Pittinweme and Androw Law in Anstruther and Alexander Ezat in Culros; to witt, the tryell of dangers and shalnesse of the water the last day and the first day of the strame and tenth and ellevint dayes of the moone being the deadest tyme of the strame at low water; to witt, at the Powmouth of Alloway right over and over whill yee come to the Insche of Alloway is nyne foot or thereby and halfe ane cabill lenth of breadth nearest to the north side; and the south side of the channel will be about foure foote; and at the Powis entrie there is chingill ballast ane penney stone cast and more lying there, and as for the ballast that is cassin wee see the parts where it hes been cassin bot sees none of it be resoun the tyde careis it all into the river; there wes fyeve Flemings there, bot saw no part where thair ballast wes lying. And betuix the Insche and Elphinston crooves there is bot foure foote depe at low water and fyeve foot depe of water on the north side at low water; and a little beneath Elphinston crooves at ane houres floode sevin foote water and twa part to Johpe Yairs nuike there is aucth foots, nyne foots, ten
foots, ellevin foot, tweluse foot whill yee come to the nuike. From John Yairs nuike to Hegenis nuike at two hours flood in the channell there is nyne foote depe and so narrow that there is no turning be reasoun there is ane banke of sand meekle of ane myle of length that is scene all up at laich water in ane streame tyde; and be our judgement it is the ballast caeting in the river that hies the wyte of it. As for exemple we coming down at this tyme of the flood we fand ane Fleeming sticking fast upon the banke, and had beene casting her ballast at that same place, whois name of the skipper is Caismais of Roterdame.

"And at Airth Powmouth there hies beene ballast cassin at the syde of the Pow, but it is all washin away. From Heiginis nuike to Kingorne at halfe flood there will be three faddom and a halfe andoure faddome. From Kingorne at full sea there is sax faddom ay whill yee come forment the Inche Panis that wes of old andoure faddom and a halfe to the new pans and three faddom and a halfe at ane hours falling water; and frome the Woodnes to Blacknes all down the channel at halfe eb there will be sax faddom sevin faddom sucht nyne ten and ellevin faddom; and as for the ballast on the shoare we see no new ballast castin bot that hies beene castin of old tyme. Sic subscriitur, James Stevinsoun, Androw Law, Alexander Ezat."

The disorder in the Highlands.

Protection to William Bannatyne of Corhous.

A Scotch ship seizd by the Low Countries.

The meeting about the disorders in the Highlands is here stated to be on "the first Counsell day after the 20 of November."

"A letter from his Majestie for a protectionn to be givin to William Bannatyne of Corhous, qulik the Lords grants untill the 26 of November nixt that in the mane tyme he may warne his creditours to compeir and heare the said protection signed be his Majestie past and exped."

"A letter to his Majestie concerning a Scottish ship takin be the Estates, Fol. 111, a, and another to the Secretar to be shawin to the Lords there."

Holyrood House, 26th September 1533.

Warrant to the sheriff of Peebles to shear and stalk the crops of certain lands in dispute between Mr., Robert Burnet of Cringilltie and the provost and bailies of Peebles.

"Forsameekle as M' Robert Burnet of Cringilltie, on the one part, and the provest and bailleis of Peebles, on the other part, pretending right and title either of thame to a part of the lands of Hameldonhill lying within the shireffdom of Peebles they have both sawin the saids lands this present yeere, and for mainteening of their pretendit possessioun they both intend with the concurrence of their freinds and suche as will doe for thame to shear and leade the cornes growing upon the saids lands, whereupon great inconveniences ar like to fall out to the breaking of his Majesties peace and disquyetting of the countrie without remeid be provydit; thairfor the Lords of Secret Counsell hes nominat and appointed and be the tenour heirof nominats and appointes the Shireff of Peebles and his deputs, or anie of thame, as neutrall and indifferent
persons to caus sheare the cornes growing upon the portioun of land foresaid this present yeere, and to caus leade and stacke the same upon the expences of the selfe in some neutrall barnyaird there to stand unintromett with be anie of the saids parteis ay and whill it be decyded be order of law before the judge competent to whome the same appertenees. And ormdains letters to be direct to command, charge and inhibite both the saids parteis that nane of thame presoome nor take upon hand to meddle or intromett with the saids cornes or anie part thairof, but to suffer and permit the said shireff and his deputs to sheare, collect, leade and stacke the saids cornes in maner foresaid as they and everie ane of thame will answere upon the contrare at thair perrell and under the pane to be callit, perseewed and punished as disturbers of the publict peace with all rigour."

Sederunt—Privy Seal; Perth; Annerdaill; Lauderdale; Southesk; Melvill; Naper; Advocate; Sir James Baillie.

"Forsameekle as for removing of all troubles and inconveniences that may fall out amongst his Majestie subjects this present yeere anent the leading of teinds and for cleering of all doubs and misconceptions that may be conceaved ather anent his Majestie resoluution or anie acts formerlie made concerning the teinds, the Lords of Secret Counsell hes heirby thought meit to signifie and declare and with that gives warrand and power to all and sindrie heretours and lyverenters who led their teinds be warrand this last yeere bygane, and whos teinds are valued and approvin, and suche as have beene in use and possessioun of leading thir diverse yeerees bygane, to leade the said teinds this present yeere, they first finding cautioune and souertie actit in the booke of Secret Counsell for tymous and thankfull payment to the titulars of thair teinds of the valued teind rent according to the valuatioun made and to be made and approvin of the same; discharging heirby all others his Majestie lieges and subjects that nane of thame presoome nor take upon hand to leade anie teinds this present yeere, except suche persons as hes beene in use and possessioun of leading of thair teinds thir diverse yeerees bygane and suche as hes beene warranted be the Commissioners for the Teinds to doe the same. And ormdains letters to be direct to make publicatioun heirof be opin proclamation at the mercat croce of Edinburgh and other places neidfull quhairthrow nane pretend ignorance of the same."

"Forsameekle as one of the cheefe causes qhilks procure the contempt of the law and not execution of justice to his Majestie distrest subjects through all the shires of this kingdome proceedes from the undewtfull refusall of his Majestie subjects to concurr with his Majestie shireffs and others officers in the execution of his Majestie lawes and of these points of dewtie proper to thair charge and office.
quhairthrow the number of rebellis universallie increases, stouths, thiffs and others insolenceis hes a daylie course and progresse, and his Majestis subjects ar frustrat and disappointed of that confort and releafe quhilck the ordinar magistrates sould minister unto thame, to the high contempt of the law and misregarde of his Majestis auctoritie; for remeid whairof the Lords of Secret Counsell ordains letters to be direct to command and charge all and sindrical his Majestis lieges and subjects throughout the severall shirefdoms of this kingdome that they and everie one of thame rise, concurre, fortisfe and assist his Majestis shireffis and their deputs, everie one within their awne bounds, in all and everie thing concerning the executioun of their office and charge, under all highest pane, charge, cryme and offence that they and everie one of thame may committ againis his Majestie and under the pane to be callit, persewed and punished for their contempt and disobediencie with all rigour to the exemple of others."

"The quhilck day William Smith, cordonner burges of Edinburgh, became cautioner for William Young in Dalkeith for the indemnitie of M' Nicoll Bannatyne under the pane of 500li."

"The Lords ordains the Commissioners of the Middle Shires to be writtin for to November for order taking with the disorders in the Borders."

"A commision to Dinwiddie for taking some incestuous persons and exhibitiuon of thame to justice."

"Forsameekle as the Kings Majestie for diverse good considerations tending to the good and advancement of his Majestis service hes thought meit and expedient and givin order and direction that the sessionis of his Majestis Counsell, Exchecker and Commissionn for the Surrenders and Teinds sail at all tymes hereafter be keeped within the burgh of Edinburgh; lykeas the Lords of Secret Counsell hes appointed and ordained that the ordinar meetings of his Majestis Counsell, Exchecker and Commissionn sail be upon the ordinary dayes at one of the clockes in the afternoone and sail sitt till foure of the clocke at night and no longer; thairfoir ordains are maisser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamatioun to make publicatioun heirof, whairthrow nane pretend ignorance of the same. Followes his Majesties missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit
1633.

COUNCILLERS, we gret yow weill. Whereas we have writtin to our town of Edinburgh for causin raze with diligence the east wall within the church of Sanct Geeles and the west wall therein between the Lambmesse ensuwing to the end that those wallis being removed the devencie of the order and largenesse of the fabrick may appeare and be made usefull as the cathedral church of the bishoprick of Edinburgh, to whiche purpose we have designed the same; and whereas we have signified our pleasure unto thame for finishing the new tolbuith betweene this and Lambmesse, in both whiche they will be at charges especially in building that hous for our service; thairfor and for their better encouragament and enabling to the like good and publict works, we have herereby thought fitt speciallie to recommend unto yow to further thame therein in what yow can lawfullie and convenientlie doe, and to see the said easter wall razed with all diligence and the other betwix this and the tyme designed. And our further pleasure is that now and at all tymes heereafter yow causing the sessions of our Counsell, Exchequer and Commission for Surrenders to be keepe within that toune, whiche for their good and advancement of our service have resolved to have done; for your so doing these presents all be your sufficient warrand.

From our Court at Whitehall, the 11 day of October, 1633."

This day having been assigned to Thomas Miller, merchant in Leith, to compear and make count and reckoning of his intendation with certaine wines and aquavitie, and the prices thereof, in terms of a decree pronounced at the instance of Margaret Robertstone, daughter of the deceased Captain David Robertstone, James Robertstone, his son, and George Scot; spouse to the said Margaret, against John, Earl of Rothes, Andrew Ainslie, George Arnot and John Cowane on 27th September last; and the said Thomas Miller, John, Earl of Rothes, George Arnot and Andrew Ainslie appearing by Mr John Paip, advocate, as their procurator, and the said Margaret and James Roberton and George Scot appearing by Patrick Scot, their procurator, the Lords, with consent of parties, continue the case till the 14th instant and warn parties thereof apud acta.

Sedentum — Chancellor; Privy Seal; Marquis of Hamilton; Murrey; Wintoun; Perth; Annerdale; Lauderdaill; Clerk 1633.

Register; Advocate.

"The Lords of Secret Counsell, according to ane warrant and direction in writ signed be the Kings Majestie and directed to the saith Lords and this day presented unto thame and read in their audience, receaved and admitted Thomas, Lord Binning, to be one of the Privie Counsell of this kynodome and to bruike and enjoy all honnours, dignitez, libertez and priviledges proper and dew to that place; lykes the said Lord Binning being personallie present and acknowledging with all
humble and dewtful respect his Majesteis gracious favour shawin unto him by preferring and promoving of him to that place of dignitie and honnour, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgedance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R. Right trusty and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellors, we greet yow weill. Understanding perfytelie the sufficiencie of our right trustie and weilbelovit the Lord Binning and of his affectiuon to our service, we ar moved in regarde thairof, and for his further encouragement and enabling for our service, to advance and promove him to be one of our Privie Counsell of that our kingdome. Our pleasure is and we do heirby require yow that having administred unto him the oath accustomed in the like caises yow admitt him to be one of our Counsell, receaving him in that place as one of your nomber, for doing whairof these sall be sufficient warrand. Frome our Court at Whitehall we bid yow farewell, the first day of November, 1633.”

“The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame and read in their audience, ordains and commands Sir Johne Hay of Landes, knight, Clerk of his Majesteis Registers, to fill up the blankes in the commissioun of the lawes in maner following: to witt, that the number of sevin sall make a sessioun and that the Lord High Chancellor, the Erles of Mortoun and Traquair and the President of the Sessioun for the tyme be of the quorum, and that they all or one of thame be alwaies present; and the tyme of endurance of the said commissioun to be betuix and Witsunday, 1635 yeeres, and to be prorogat during his Majesteis pleasure; anent the filling of the quhilka blankes in the commissioun foresaid the extract of this act sall be unto the said Clerk of Register a sufficient warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellors, we greet yow weill. Whereas it is expedient that the blankes in the commissioun of the lawes toucheing the number of persons to make a sessioun, the quorum, the tyme of indurance and prorogatioun be filled up; it is our pleasure that seven make a sessioun, that our Chancellor, the Erles of Morton and Traquare and President of the Sessioun for the tyme be of the quorum, and that they all or one of thame be alwaies present, the tyme of endurance of the said commissioun to be betweene this and Witsunday, 1635 yeeres, and to be prorogated during our pleasure. To whiche purpose we require yow to give warrand to our Clerk of Register by ane act of our Privie Counsell for filling up of our said commissioun.
accordinglie, for whiche these present sall be your warrant. So we bid yow farewell. Frome our Court at Whitehall, the 11 day of October, 1633."

"A letter from his Majestie anent the renewing of the commissiouns of the Justices of Peace, quhereanent the Directour of the Chancelarie and Clerkes of the Privie Counsell ar ordained to be warned to Tuesaday night."

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Annierdale; Lauderdale; Traquair; Bishop of Dunkeld; Binning; Secretary; Clerk Register; Advocate; Sir James Baillie.

"The whilk day George, Erle of Kinnoull, Lord High Chancellor of this kingdome, reported and declared to the Lords of his Majestie Privie Counsell and Exchecker that he had latelie receaved ane letter directed from his Majestie to him conteaining a declaration of his Majestie royall will and pleasure aganis William, Erle of Airth, for some treasonable speeches spokin be him and the fault committed be him in his service to the eredome of Strathern as in the said letter at lenth is conteainit; whiche the said Lord Chancellor exhibite before the saids Lords and declared that accordinglie he had writtin for the said Erle to come and heare his Majestie will and pleasure intimat to him. Quhereupon the said Erle having made his addresse to this burgh and compeirand this day before the saids Lords of his Majestie Counsell and Exchecker and the letter foresaid sent from his Majestie to the said Lord Chancellor being at lenth read and intimat unto him, the said Erle with all dew reverence acquiesced unto his Majestie royall will and pleasure, and offered him readie and willing to make ane full and actuall surrender in the hands of the Lords of his Majestie Privie Counsell and Exchecker, as in his Majestie hands, of the places, charges and offices whiche formerlie he had in the state of Presidentship in the Counsell, Justice Generall and place in Sessioun, with all the honnors, fees, priviledges and immunitiez dow to him be vertew thairof, to be disposed of as his Majestie sall be pleased to appoint, togidder with the pensioun allowed to be payed to him out of the Exchecker; lykesas the said Erle compeirand and personallie before the saids Lords of Privie Counsell, as said is, resigned and surrendred, lykes as be the tennour of this present act he resignes and surrenders in the hands of the saids Lords of Privie Counsell, as in his Majestie hands, the offices particularlie underwrittin; to witt, of presidetnship of his Majestie Counsell, Justice Generall and place in Sessioun, with all gifts, letters, patents and warrants grantit to him for injoying of the same places, with all honnours, dignitieis, fees, priviledges and immunitiez whatsomever dow to him be vertew of the same, to be disposed of as his Majestie sall be pleased to appoint. And for the mair securitie the
said Erle in presence of the saids Lords subscriwed the dimissiou and surrender underwrittin and consented that the same should be insert and registrat in the bookes of Privie Counsell and Exchequer ad futuram rei memoriam, upon the subscriwing of the whicch dimissiou and surrender the said Lord Chancellor asked instruments. And the saids Lords of Privie Counsell ordains the said dimissiou and surrender with the letter foresaid sent to the Lord Chancellor to be insert and registrat in the bookes of Privie Counsell and Exchequer ad futuram rei memoriam; of the whilk dimissiou and surrender the tennour followes:

—Be it kend till all men be thir present letters, me, William, Erle of Airth, forsameekle as it hes pleased his sacred Majestie by his Hienes letter direct to my Lord Chancellor of the dait the nynt of October last to declare that whereas his Majestie upon the commissioun for tryell of some treasonable speeches spokyn by me hes found sufficient prooffes to beleve the same and I by my owne acknowledgement confessed als muche in effect, togidder with the great fault committed by me in my service to the erledome of Stratherne, in regarde whairof his Majestie by his said letter hes found that I am not worthie to injoy the charges qubikls I have formerlie borne in the estait nor yitt the pension allowed to be payed to me furth of the Exchequer, and hes commanded the said Lord Chancellor to require me to surrender up into his Majesteis hands my charges and places of presidentship in Counsell and Justice Generall and place in Sessioun to be disposed of as his sacred Majestie sall be pleased to appoint, togidder with the gift of my pension formerlie granitit to me by his Majestie; thairfoir and for obedience of his Majesteis sacred will and ordinance witt yee me to have resigned and surrendered, lykees as I, compeirand in presence of the Lords of his Majesteis Secret Counsell and Exchecker, resigne and surrender in thair hands, as in the hands of his sacred Majestie, the places, offices and charges of president in Counsell, Justice Generall and place in Sessioun, togidder with my pension of fyve hundred pundis sterline granitit to me be his sacred Majestie with all gifts, letters, patents and other warrands whatsoever granitit to me be his Majestie for injoying the saids places or for bruiking the said pension, with all honnours, digniteis, fees, privelidges and others immunitieis whatsoever dew to me be vertew of the saids gifts or any of thame comming, to the effect his Majestie may dispose thereupon at his pleasure; and for the mair securitie I am content and consente that thir presents be insert and registrat in the bookes of Secret Counsell, Sessioun and Exchecker ad futuram rei memoriam, and for that effect makes and constitute, etc., my procurators to compeir and consent to the registrating of the premises in maner foresaid. In witnes whairof I have subscriwed thir presents with my hand at Edinburgh, the aucht day of November, the yeere of God i+s+vj+ threttie thrie yeeres. Sic subscribitur, AIRTHIE. Followes the tennour of the missive abonewrittin:—CHARLES R. Right
trustie and right weilbelovit cousine and counsellor, we greet yow weill. 
Whereas upon the commission for treyll of some treasonable speeches 
spokin be the Erle of Airthe we found sufficient proofe to beleev the 
same, and in regardy lykewayes he by his owne acknowledgement 
con-fesseth in effect als muche, togidder with the great fault he committed 
in his service to the eredume of Stratherne, as is conteanne under his 
hand in his late submission, we thairfor find that he is not worthie to 
inyo the charges whiche he hes formerlie borne in the estait by our gift 
and appointment nor the pension allowed to be payed to him out of our 
Exchecker. Wherefore we have thought good heirby to signifie the same 
unto yow, and it is our pleasure that yow require the said Erle in our 
name to surrender up into our hands these his charges of presidentship 
of the Counsell, Justice Generall and place in Sessioun, to be disposed of 
as we sall appoint, as lykewayes the gift of his said pension, and that 
in the meane tymye yow confyne him to his owne houses and the bounds 
belonging thereunto, whiche ar not neere to Halyrudhous where the 
public meetinges of our estait ar kepte; and for your so doing these 
presents sall be your sufficient warrand. Frome our Court at Whytehall, 
the nynt day of October, 1633. Followes the direction on the backe 
of the letter:—To our right trusty and right weilbelovit cousine and 
counsellor, the Erle of Kinnoull, our Chancellor of our kingdome of 
Scotland."

"The Lords of Secret Counsell, according to ane warrand and direct-
tioun in writ sent frome his Majestie to the Lord High Chancellor of 
this kingdome and be him exhibite and shawin unto thame, hes 
confyne and be thir presentis confynes William, Erle of Airthe, to his 
owne houses and bounds belonging thereunto, quhilks ar not neere unto 
the palace of Halyrudhous where the public meetinges of the estait ar 
kept. And the said Erle of Airthe being present and this act anent 
his confyning being intamit unto him he in submissive reverence promest 
to give dewtiful obedience thereunto."

"Forsamekle as the Erle of Dumfreis, the Lords Naper and Corstorphine, 
the lairds of Amisfield, Cavers and Kelburne, commissioners for 
the Surrenders and Teinds, wer nominat and appointed to have attended 
the first quarter sessioun; to witt, fra the first of November to the 24 of 
December, anent the dispatche of the affaires of the said commissioun, 
and they being writtan for to that effect they have not keepe the said 
dyet and sessioun, quherthrow his Majesties service is like to be frustrat 
and disappointed and his Majesties subjects ar heavilie prejudged in 
their affaires; thairfor ordains letters to be direct charging the commis-
missioners foresaid to compeir personallie before the saids Lords at a 
certane day to heare and see suche order tane anent this mater as the 
necessitie of his Majesties service and good of the lieges doeth require, 
under the pane of rebellion, etc., with certificatioun, etc."

Act confining 
the Earl of 
Airth to his 
own house.
Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Perth; Annerdaill; Lauderdaill; Bining; Dunkeld; Dumblane; Master of Elphinstoun; Secretary; Advocate; Clerk Register.

[No record of business.]

Sederunt—Chancellor; Privy Seal; Annerdaill; Lauderdaill; Dumfreis; Traquair; Bishop of Dunkeld; Bishop of Dumblane; Bining; Secretary; Clerk Register; Advocate; Sir James Baillie.

The Council recommends a general subscription by the lieges for the ransom of certain Kirkaldy sailors who have been taken by the Turks, and are now detained in Algiers.

"Anent the supplication presented to the Lords of Secrete Counsell be John Balcanquall, maister of the good ship called The Blessing of Kirkaldie, Daniel Hay, James Hay, George Balcanquall, Johne Huchecoun, James Burt, James Hutcheoun, William Logane, Alexander Moyes, Thomas Nicolsone, Johne Scot, Johne Robertson, Alexander Law, George Scot, Johne Wemes, James Broun, Johne Aitoun, Robert Logane, Henri Ronnaudsone and William Stevinson, all indwellers in Kirkaldie and of the companie and equipage of the said ship, makand mentiou that where in the moneth of July last they having loadened thair said ship, which wes of the burdein of three hundreth twnne, in the toun of Rotchell with great salt, and they having loused frome thair port and being upon thair dew course home toward this kingdome they wer fearfullie persewed and sett upon be three Turkish men of warre and after a long combat betuix thame, the supplicants having stood to thair defence so long as they might, they were in end overcome and boorded, thameselfes tane, miserablie bound, used as slaves and caried to Argiers in Barbarie, where they ar lying in great slaverie and miserie and subject to all the contumeleis that these miserable miscreants can inflict upon thame, and in end they have ransomed the supplicants to above twentie foure thousand merkeis, quhilk soume they are unable to pay, being bot poore mariners, numbers of thame having the charge of wyffes and barneis who now miserablie suffers penurie and want, being deprevyd of the comfort and maintenance they had be the supplicants, and who will persif if some course be not tane for thair releef; humbelie desyring thairfoir the saids Lords that they might have thair letters of recommendation in maner and to the effect following, lykeas at mair lenth is conteainit in the said supplication. Quhilk being read, heard and considderit be the saids Lords, and they being trewlie informed of the miserie and slaverie wherein the saids supplicants ar, and finding it ane mater of Christiane charitie and compassion and that it concerns the credite of the natioun to see thame releeven, thairfoir the saids Lords hes recommended and be the tennour heirof recommends the saids supplicants to the favourable, charitable and christiane consideratoune of the haill estaitis, both spirituall and temporall, within this kingdome, and to the
whole persons of whatsoever ranke, qualitie and degree within the same, requesting and desiring thame and everie ane of thame to extend suche proportion of thair liberalitie and charitie to the saids supplicants as the necessitie of the caus requires; and the saids Lords hes committed and be the tennour heirof commits the collection of this contributiou and benevolence to John Coilyear, baillie of Kirkaldie, John Williamsone, Henrie Miller, elder, William Williamsone, James Denniestoun, George Hutcheoun, Thomas Allane and David Bennet, indwellers in Kirkaldie, who ar men of approvin honestie and reputatioun and will deale faithfullie in this bussines and conceale nothing that will be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie ane of thame full power, warrand and commission to deale and travell with the whole archbishops and bishops, noblemen, barons and gentlemen, synods, presbyteres and sessiones of kirks, burrowes, towns and villages, and with all others his Majesteis subjects, als well to burgh as land, within this kingdome, anent thair benevolence and charitable and christiane contributioun to be givin for the releef of the saids supplicants; quhilk commissioners sal have ane booke delivayed unto thame be the clerk of his Majesteis Counsell, whairof everie leafe sal be marked be the said clerk, within the quhilk booke the saids Lords requestes all and everie persons who sal contribute to this worke to insert or caus to be insert the soumes of money that they sal contribute and advance in this earand, and, if any person or persons be sleuthe or negligence sal refuse or forget to insert their said contributioun, ordains and commands the saids commissioners to insert the same themselves, and that they report thair diligence in the premises with thair bookes conteaning the names of the whole persons contributers and soumes of money collected be thame to the saids Lords upon the xxviiiij day of September nixt, to the intent the saids Lords may know what soumes ar collected and how the same sal be employd; and the saids commissioners sal give thair great oath at the reporting of thair diligence and bookes foresaid thet they have not omitted nor left out of the said booke anie of the persons names that contributed nor the soumes nor no part thairof that sal be advanced in this earand; requeisting all and sindrie archbishops and bishops within this kingdome to give direction to the ministers within thair dioces that thay admonishe and stirre up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus."

"A commission to James Naismith of Posso, Mr James Lawson of Carnemure, and Jonas Hamiltoun of Quotquot, or anie twa of thame, for putting of John Melros to ane assise for the crymes conteanit in his confessioun."

"The quhilk day John Young, prissoner in the tolbuith of Edin-burgh for theft, compeirand personallie before the Lords of Privie Counsell, actit and oblieist him to compeir personallie before his Majesteis Obligation by John Young, who is accused of theft, to appear before
Justice and his deputes to underly the law for the cryme of thieft when ever he shall be lawfullie charged, under the pane of fyte hundred merkes."

Sedement—Chancellor; Earl of Hadinton, Privy Seal; the Marquis of Hamilton; the Earl of Murrey; the Earl of Perth; the Earl of Annerdaill; the Earl of Roxburgh; the Earl of Lauderdaill; the Earl of Southesk; the Earl of Traquair; the Bishop of Dunkeld; the Bishop of Dumblane; the Lord Binning; the Maister of Elphinstone; Sir Archibald Achison, Secretary; Sir John Hay, Clerk Register; Sir Thomas Hope, Advocate; Sir James Baillie.†

The Lords of Secret Council, having seen and considered the accounts given in by Thomas Miller, merchant burgess of Edinburgh, respecting his selling of thirty-five tuns and two puncheons of wine which were shipped at Nants in Britaigne and brought to Leith in the Hamborrow ship, called The Whyte Swan, in which accounts he has not condescended upon the allowance due to himself for his fifteen months attendance upon the said wines, judge that this allowance should be referred to some skilled merchants as most fit persons to determine what he should receive. This being proposed to George Scot, spouse to Margaret Robert- sone, who was personally present with Mr. David Heriot, his procurator, and to Mr. John Paip, younger, advocate, who appeared as procurator for George Arnot and the remenant partners, and to Thomas Miller, who was also personally present, and they desired to nominate some persons to determine the allowances foresaid and also about the two last articles of the accounts, viz., the sum of £300 expended in defence of Jacob Jansoun, and the costs of procuring licence from his Majesty for reserving the goods when they were seized—Mr. John Paip nominated Andrew Purves, merchant burgess of Edinburgh, and Mr. David Heriot nominated George Scot, younger, merchant burgess of Edinburgh. These two persons accordingly the Lords ordain to meet and deal with the matter. They are to advertise the two agents above-named and Thomas Miller of the date of their meeting, and then hear them upon the points remitted to them, and report their decision thereupon to the Lords on the Fol. 1, b. 28th instant.

Complaint by James Crichton of Fendraught, as follows:—On May last William Davidsoun, servitor of Alexander Chalmr in Utin stoun, at the instigation of the said Alexander, with twenty horses carrying loads and burdens, came "in despite and contempt of the said compleuner to the yett of Fendraught, and miskening the hie way went throw the greene haynnd graurse, growand cornes, medowes, parcks and planting of Fendraught, brocke don the dykes and planting thairof, raid throw ane myle of his sawin ground and growing cornesc, and pitifullie

† Extended Sedement at the commencement of a new volume of the Decreta.
spoyled and trode the same; cutted, hewed and brake doun the trees and planting of the wod, and when the compleanners servants desired thame to goe out the hie way, quhilk wes neere by, and some of the said William Davidosns companie desired him lykewayes to doe the same, they onelie refused, threatening the compleanners servants and saying unto thame—'How darre yow so muche as forbid anie people of Strabogie land bot to suffer thame to doe to yow and your maister as they please; and if this can doe your maister anie hurt we and all our people sall use no other way in tyme comming:'—and said to his companions that he would goe no other way, but if there wer anie way throw the hous and close of Fendraucht he sould goe that way and noe other in despit of the Laird of Fendraucht, for he knew the Marquesis of Huntlie would think him the better man for doing of that; and with that minassed and persewed the compleanners servants and threatened to have killed thame with their swords if they had not fled for their saftetie. The complainer has thought it right to make remonstrance hereof to their Lordships that they may redress this wrong and take some order for his security and that of his dependants. Charge having been given to the said Alexander Chalmer and William Davidsoun, and the complainer appearing by Mr. James Baird, his procurator, but not the defenders, the Lords ordain the latter to be put to the horn.

Complaint by Sir John Maxwell of Nether Pooke, as follows:—Complaint by Sir John Maxwell of Nether Poolek, against Sir George Elphinstone and Sir Archibald Douglass, his son-in-law, present keepers of the said castle, of his commission and dealt with them for the delivery of the same. They refuse, however to deliver the castle in any case to him unless they be compelled so to do. Charge having been given to the said Sir George Elphinstoun, Sir Archibald Douglass and Dame Isabel Elphinstoun, his spouse, present keepers of the said castle, to deliver the same to the complainer, and remove themselves and wives, children and servants therefrom within twenty-four hours, under the pain of rebellion, or else compear before the Lords and show a reasonable cause why they should not; and the said cause being called upon 5th November instant, when the pursuer compeared by Mr. William Cochrane of Cowden, Sir George Elphinstoun by Mr. James Baird, and Sir Archibald Douglass personally for himself and his wife, the Lords, after hearing parties, continued the cause till this day. It being now called of new, and the pursuer compearing by his said procurator, but no appearance being entered for any of the defenders, the Lords ordain letters to be issued to charge the latter to render the said castle to the pursuer within twenty-four hours,
under the pain of rebellion, and if they disobey, to put them to the horn. Complaint by John Cuthbertson,  
cordiner in the Canongate, as follows:—Last Council day their Lordships committed him to ward in the tolbooth of Edinburgh upon the complaint of William Cuthbertson, his brother, that “he put his servants out of the hous and going in to the same with ane hammer” broke up the “kists.” He “must reverence the course of justice, so it is most trew that the compleanners said brother has apoyled him of his hail partage and purchase” for which he has him under process before the Lords of Session. Now by his warding he is not only “cassin louse of his calling” but debarked from this pursuit. Charge having been given to the said William Cuthbertson to compear, and the pursuer compearing but not the defender, the Lords ordain the the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded for the above cause.

Edinburgh,  
21st November 1633.

Sedentum—Chancellor; Privy Seal; Marquis of Hamilton; Errol; Perth; Roxburgh; Annerdail; Lauderdale; Dumfreis; Southesk; Traequair; Lorne; Arskine; Bining; Bishop of Dunkeld; Bishop of Dumblane; Master of Elphinston; Secretary; Clerk Register; Sir James Baillie.

“Forsameekle as it is understand to the Lords of Privy Counsell that William Johnestoun, brother to the tutour of Eshesheillis, having lyin in the filthie sinne of whoordame with Margaret Hunter the space of three years togidder, betuix whome there wer three children procreates, he sensynne fell in a more detestable and odious sinne with the daughter of the said Margaret Hunter, betuix whome there wes a childe procrest, and after this incestuous matche he is returned backe agane to the said Margaret Hunter and incestuouslie cohabites with her, to the great offence of God, scandall of his trew religiou and contempt of law and justice; for the whilk they ar lawfullly and orderlie excommunicat be the orders of the kirk. Thairfoir the Lords of Secrett Counsell gives and grants commissioune be thir presents and with that commands and ordains James, Lord Johnestoun, who wes personallie present and is cheefe to the said William and a speciall person in that countrie who can be burdened with his apprehension and exhibition, to pase, searche, seake and take the saids William Johnestoun and Margaret Hunter wherever they may be apprehended and to bring, present and exhibite thame before the saids Lords to be tane order with for the abominable and incestuous cryme foresaid, and all things necessar for thair apprehension to doe and use quhilkis in suche caises is neidfull; ferme and stable halding and for to bald all and whatsomever things sall be lawfullie done hearin.”
Supplication by James Livingstoun of Beill, one of his Majesty's Bedchamber, as follows:—He has come to this country to settle with George Lawder of Bass and Isobel Hepburne, his mother, who, however, dare not repair to this burg, for concluding the business in respect of some fournings under which they lie, and he therefore craves that their lordships would grant them a protection. The Lords grant them their protection until 1st February next, provided that before the 20th December next they deliver up to the said James such writs, evidences, and securities as they are obliged to do by their contract; otherwise this protection to be null.

Complaint by Elspet Nisbitt, lawful daughter of the deceased Alexander Nisbitt, procreated between him and Agnes Killie, his spouse, and Sir James Baillie of Lochend, brother-in-law to the said Elspet, for his interest, as follows:—After the death of the said Alexander Nisbitt, the education of the said Elspet and her deceased brother James, with the administration of their estate, was committed to Sir Alexander Nisbitt of West Nisbitt, their [nearest] kinsman. He accordingly had the full intromission with all that belonged to them for several years until the expiry of the minority of the said James, who then wishing to take the management of his estate into his own hand and to have an accounting with Sir Alexander, dealt with him and their friends thereabout. Sir Alexander was induced to agree, and for this effect a meeting was arranged to take place at Edinburgh on 1st November instant. "But some five days before the day of the meeting the said James was visited with an untimely death by the shott of ane haquebut at the said Laird of West Nisbitt's awne yet; and the said Sir James, being at his burial, dealt with the said Laird to delver the said Elspet, his sister-in-law, to him to have remained with his wife, her sister, where she might be free of all indirect purposes to be intended against her person, estate and fortunes. And the said Sir Alexander seeming to allow of the motion, he onelie excused himselfe that he could not on a suddane send her till her mourning cloathes wer readie and than he faithfullie promisst to send her to the said Sir James, and that sheould not be dealt with nor urged to doe anie thing to her prejudice. Quhairupon the said Sir James offered the said Elspitt in mariage to the said Sir Alexander his eldest sonne if he thought it for the weale of his house; quhereunto the said Sir Alexander replied 'God damme him and that his hous sinke if anie barne of his sould marie the said Elspitt or that he sould doe anie thing to her prejudice,' and his onelie desire was that the said Sir James sould not deale in her mariage without his advice and that at their meeting in Edinburgh he sould in a freindlie maner sattle all things questionable anent his intromission foresaid. Quhereunto the said Sir James agreed and promisst faithfullie to doe the same. And there-
after the said Sir Alexander called twa of the said Sir James his servants, named Mr Robert Lawder and John Symountoun, and repeated all his former words and promises before thame and desired thame to report the same to the said Sir James his wife, aunt to the said Sir Alexander; and upon the morne after the burial he wrote ane letter to the said Sir James renewing his promise anent Elspitt, and the said Sir James returned ane answer to the said Sir Alexander assuring him of ane faithfull performance of all that he had promised; and the said Sir James his servant desyruing ane answer in writthereunto the said Sir Alexander answered he could rather wryte nor say more nor he had done unless he would subscryve blankes, and that he could ather prove ane honest man or a knave. And the said Sir James and the said Elspitt, leaning to his faithfull promise in thir particulars, yitt notwithstanding most undewtifullie and unchristianelie, taking advantage of the simplicitie of the said Elspitt by alluring and threatening speeches, entised her to subscryve unto him sindrie writs and would never suffer her to reade one lyne of thame or to know the tennour of the same, but made her to understand that all wes for her weale; and it is verie likelie that thir write subscryvit be her hes beene discharges of his intromission with her and her unquhill brothers estait and some dispositions of her estait and living in his favors. Qhilk being a mater of verie bad exemple and of a dangerous and wicked preparative that minors entrusted to the care and custodie of thair frends sall be circumveennd and abused after this forme, the complainers have thairfuir preesooned to give notice heirof to the Lords of Privie Counsell to the intent they may take suche order heereanent as the nature and circumstances of the caus requires.” Charge having been given to the said Sir Alexander Nisbit to compair personally this day and produce before the Lords all such papers as he has caused the said Elspet to subscribe, and both pursuers and defender compairing, the latter objected that the production of the writes in question was a matter for the Lords of Council and Session. To this it was replied that their Lordships’ own jurisdiction was competent, seeing that the said Elspet constantly affirmed that allurements and threatenings were used by the defender to obtain her signature. The Lords find the libel relevant, and ordain the defender to exhibit the said writes unregistered to the Clerk of Council to-morrow before night (which he promised to do); and the writs being delivered, they ordain the said Elspet to be sequestrated with John, Earl of Traquair, and that both parties have access to confer with her, Sir Alexander in the forenoon and Sir James in the afternoon.

”The Lords ordains the gentlemen that wer writtin for anent the disorder of the Hielands to convene and meet among themselfe and to sett down thair overtures in writ for repressing of the disorders and makand the theves furthcummand to justice; and that everie one apart

1 Torn.
give in to the Chancellor a roll of the brokyn men and theevenes with the names of these under whome they dwell; and to acquaint the Chancellor when they ar readie to make their report, to the effect the Counsell may be conveened to receave the same."

"Ograde the Commissioners of the Middle Shires to met and advise upon the best meanes and wayes for supressing of shift in these bounds, and to consider the overture made thereon in the Erle of Nithsdail's name howe the shift was this day produced, and to report to the Counsell."

Sederunt—Chancellor; Privy Seal; Bishop of St. Andrewes; Perth; Edinburgh, Southesk; Areskine; Bishop of Dunkeld; Bishop of Dumblane; Clerk Register; Advocate.

[No record of business.]

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Roxburg; Annerdaill; Launderdaill; Dumfriess; Southesk; Traquair; Lorne; Areskine; Secretary; Clerk Register; Advocate; Sir James Baillie.

"The Lords of Secret Counsell, having at lenth debated and considerit the best and most effectuell meanes for suppresing of shift in the Highlands, they find the acts alreadie made thereon to be sufficient if the same wer putt to dew executiou. And for this effect ordains the noblemen and barons interestid to give in to the Chancellor a roll of the names of fugitives and theevenes with the crymes committed be thame and qualificacion thereof, the place of their haunt and ressett and name of the persounes under whome they dwell, to the effect order may be givin for their apprehension and exhibitiou to justice."

"The Lords ordains the noblemen and barons who subscrivyd the petition to conveene togidder and consult what forder is fitt to be done for redresse of the disorders, and to report on Tisday next."
Register of the Council 1633.

In countrie highly to his Majesteis contempt and disgrace of his government; thairfor the Lords of Secret Counsell ordains and commands all his Majesteis shireffs, stewarts and bailleis, euerie ane of thame within thair awne bounds, to have a speciall care of the preservation of thair saids bounds, and for this effect to pass, searche, seeke, hunt, follow and persew all disordered lymmars, theeve's and brokin men that sall haunt and resort within the same and, being apprehended, to commit thame to waerd and to deteane thame therein till justice be ministrad upon thame conforme to the lawes of this realme; and all things necessar for thair apprehension to doe and use quhils in suche a cause as necessar and usuall, firme and stable haldeing and for to hald all and whatsomever things sall be lawfullie done herin; and ordains letters to be direct charging all and in all his Majesteis lieges and subjects to rise, concurre, forfitse and assist his Majesteis said shireffs, stewarts and baillies in all and euerie thing tending to the execution of this commission and in the perseute and apprehension of the saids disordered and lawlesse lymmars, as they and euerie ane of thame will anwer upon the contrare at thair highest perrell.

[Sederunt as recorded above with the addition of Lord Binning.]

Complaint by William Bannatyne of Corbous as follows:—He petitioned his Majesty for his royal protection for a year, so that he might take some course for satisfaction of his creditors. His Majesty signed the same and sent it down with a missive to their Lordships, willing them to dispose of it as they should think fit for the good of his creditors. They accordingly ordained that his creditors should be warne to this day to see the said protection granted and meanwhile granted him an interim protection. Charge having been given to Thomas Lindsey, James Weill and George Kincaid, merchants in Edinburgh, George Ker, tailor there, Thomas Robesoun there, Daniel Hay there, John Muil in the Cannogait, Gavin Lindsey in Leith and Mr. Alexander Kinneir, creditors of the complainer, to compair this day, and the pursuer compearing, and of the creditors James Weill, John Muil, Gavin Lindsey and George Ker, and parties having been heard, the Lords grant the complainer a protection till 10th January next so that meanwhile he may use his best diligence for satisfying his creditors. This they enjoin him to do with diligence; and further they ordain him to produce the writs and securities of his lands before them on 9th January, in order that the said Thomas Lindsey may obtain security for the payment of what is due to him.

Complaint by Edward Maxwell of Hills, John Lindsey of Achinskeoch, Fol. 6, a. younger, James Maxwell of Knock, and William, James and Robert Maxwell, sons of the said Edward, as follows:—The said Edward is proprietar of the lands of Ochiltrie, Killuchatt and others in the parish.
of Pennyghame and sheriffdom of Wigtoun, and he obtained decrees of removing against the possessors thereof and charged the sheriff of Wigtoun and his deputies to put the same to execution. He looked that no opposition would be made to this, yet upon May last Alexander Dunbar of Achingalie, Robert Dunbar, his son, John M'Ke, called of Glassock, Alexander Stewart in Tarfreg, Thomas Keith in Monygoiff, John and Robert M'Ke, sometime in Ochiltrie, John Dunbar, younger, of Machirmoir, David and John Dunbar, sons of Alexander Dunbar of Achingalie, and others, armed with swords, lances, great stings and other invasive weapons, came to the “crewees of Crie” where the complainers were that night, broke up the doors of the house, came to the chamber where the complainers were, and sought to take their lives, which they would have done, “were not their awne better defence and help of some people in the house.” They “sware manie execrable oaths that no man sould possesse the lands foresaid without their consent and that they would respect no letters nor law of the kingdome nor anie proceeding that could be used agenis thame; and as yitt they keeps and deteane the possession of the saids lands and hes fortified the houses of the same with all sort of men and provision.” Charge having been given to the said John and Robert M'Ke and Alexander, John and Robert Dunbar, as parties, and Finlay M'Gill and Gilbert M'Crie in Crues of Crie, as witnesses, and the said James Maxwell, son of Edward Maxwell of Hills, appearing for himself and the remanent pursuers, but the foresaid cited defenders and witnesses not compairing, the Lords after hearing other witnesses find that the said John M'Kie, called of Glassock, came to the chamber foresaid with a drawn sword, committing thereby a great offense, for which they ordain him to enter into ward within the tolboth of Edinburgh within six days after being charged upon pain of rebellion; but they assizlie the rest of the defenders, as the two witnesses proved nothing against them; and they ordain the two witnesses cited who compaire not to be put to the horn.

Complaint by James, Lord Ogilvie of Airlie, his Majesty’s bailie of the lordship of Cowper, as follows:—"In Glenyla, which is the highest land in the shire-dome of Angus and most subject to the depredations and incursions of the Hieland theeyes and lymmers, there wes yeerlie put furth be ordinance of court ane watche, consisting of twelve men, for the defence of that countrie, which watchemen went furth yeerelie the first of July and remained constantlie watching in the feilds whill the last of September, who be their panefull travellis and diligent watcheing preserved the countrie people from the oppressions and thysts of these Hieland lymmers with verie small charge to the countrie people; for everie one of the said watchemen had onelie allowed unto thame for thair weekelie interteaneement twa peckes aitt meale and half ane marke of silver, but anie forder benefite or fee whatsoever. This custome of watching wes first institute be the Abbots of Cowper, superiors of the
saids lands of Glenyla, and putt in executioune be the said supplicants predecessours, thair bailleis, and ever since the dayes of these abbeys till this tyme this forme of watching hes beene keept and continued whill now of late that certane uncharitable persons, refusing to give the foresaid maintenance for interteament of the watchemen hes, be thair evill behaviour, made the said watche to desist and cease thir three or foure yeereis bygane, quhrethrow great prejudice hes followed to the countrie people; for manie of thame hes thair goods stollin away and thair houses spulyied thir three or foure yeereis bygane." He therefore craves that the Council would both ratify the acts of court appointing the said yearly watch and their remuneration, and pass an act of Council ordaining the said watch to be maintained and appointing their maintenance, so long as there is any disorder in the said country; appointing the supplicant and his successors to hold a court yearly for this effect, to nominate one of the twelve as commander over the others, and to take the feuars of the said country obliged to pay the said maintenance during the term of watching. The Lords allow the said Lord Ogilvie to appoint and hold a court for procuring the consent of the feuars towards the setting forth and maintaining of the aforesaid watch, and to report to the Council "the names of these that disassenta."

The Lords assign the 5th of December next to William Dalyley, son of Lord Dalyley, for his complaining before the Council and producing what writs he has concerning the conjunct fee lands of Elspet Scot, widow of Walter Chisholme of that Ilk, and as on account of some civil hornings issued against him he cannot safely resort hither the Lords grant him their protection until 10th December next.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Sir William Murrey of Touchadame, Sir Alexander Seatoun of Graden, Sir John Stirline of Carden, and William Stirline of Ardoch, as follows:— On 3rd October last John Fawside of that Ilk became cautioneer in their Lordships' books for Janet Lawson, widow of Sir John Edmiston of Ednam, that she would remove from the place of Ednem and lands of the same, and also take her goods off the meadows thereof and repone the complainers therein, except the particular farms of which she was in possession before the riot committed by her against them, and that within six days after the date of the act of caution under a penalty of 3000 merks. Nevertheless upon the said 3rd of October the said Dame Janet directed her brother-in-law, Mr. William Cockeburne, to the town of Ednem, and by her order he commanded the tenants to lead in their corns unentended and in no wise to permit the complainers or their servants to lead the teinds, nor to furnish carts to them for this purpose, which formerly they were in use to do. Further, the said Mr. William Cockeburne, understanding that the complainers were coming to Ednem to receive possession, "to ludifie and mocke thame sent to Williamie Cranstoun in Morestoun, who formerlie posset the saids lands, in their
name to come and receive possession upon the morn thereof, being the fourth day of October, but that same day he strake off the locks of the chamber doore, tooke the same with him, left the doores opn, drave the ladie goods over ane little burne, and so, as if he had satisfied the said act, tooke instruments that he had offered possession upon the complainers, who wer not there to receive the same; but within a short space thereafter the same wer brought backe agane to the Maynes of Ednem, where they pastoured; and when the complainers come to receive possession the said Mr William absented himself and departed so as the complainers could find none to give thame possession, but found the ladie goods pastouring upon the ground; and having past throw the ground they found the tennents leading their cornes unattended," stating that they did so by order of Mr William Cockeburne in the lady's name. Further, the said William Cranstoun having brought his goods and oxen to the lands of Ednem on the said 4th of October to take possession, Alexander Fawside, son to the said lady, George Fortoun, her servant, with a great number of shearers, about three score persons, armed with forkes and great staves, at the said lady's instigation, pursued the said William Cranstoun's servant and goods for their lives with stones and forks, drove them back to the lands of Stitchell and threatened to "fell" them if they came there. The complainers complained to James Cockeburne of Rysla, sheriff of Berwick, and craved redress at his hands, but he replied that "he could not helpe thame, because he was not shireff in that part, and the shearers wer all the ladie servants." Thereupon the complainers went out of the town and caused the goods to be brought back so as to take possession and see if any responsible person would hinder them, when the said son and servant, seeing this, came, accompanied by the company of shearers foresaid, from the place where they were shearing about a quarter of a mile away, and with swords, staves and stones, pursued them for their lives, wounded several of their servants, and barbarously injured some of the cattle. Thereafter Thomas Brown in Ednem "caused ring the bell of Ednem, and when the ministers wife stayed him he upbraided her with contemptuous speeches and thereafter come furth with William Dickson, younger, William Brown, and Charles Robertsoun in Ednem, with others their complices, and with convocation of his Majesties lieges to the number of an hundred persons boddin with swords, forkes and lang speirs, all of the speciall causing and hounding out of the said Ladie Ednem, and of new set upon the complainers, hurt and woundit their servants, slew ane of their oxin, hurt the rest with forkes, and drave thame away be the space of ane myle, ever striking thame with their forkes; and within ane houre thereafter the said Dame Jonet her selfe come to Ednem, and finding her directious in the violences foresaids to be satisfied, she allowed of the same." However, to take away all pretextts and excuses, the complainers sent George Stirline to her to ask if she would give them possession and
suffer them to lead the teinds, which she refused, saying that she would do no more than she had done. So she still keeps her goods upon the ground, and discharges the tenants to attend the complainer's courts or pay their rents, whereby she has contravened the said act. Her cautioner should therefore be decreed to pay the penalty of 3000 merks, and her ladyship and other persons named should be punished for the insolencies foresaid. Charge having been given to the said Dame Janet Lawsoun, John Fawsyde of that Ilk and Alexander Fawsyde, her sons, George Fortoun, his servant, Thomas and William Broin, Charles Robertson and William Dickson, younger, and the pursuers not appearing, but Dame Janet Lawsoun being personally present and producing an instrument under the sign and subscription of James Mader, notary, dated at Ednem, 22nd November instant, to the effect that William Broin in Ednem, as procurator for her, went to the two barns of Ednem Maynes called "the peis barn and the oatt barn at ynye houres in the morning or thereby and opened the barn doores," and declared that he was ready to repone Sir William Murrey of Touchadame, Sir Alexander Seatoun of Kilcreuche, Sir John Stirline of Carden, William Stirline of Ardoch and William Cranstoun in Moreistoun to the possession thereof, and was willing to deliver the keys thereof to them, and because none of these persons, nor any one in their name, attended to receive the same, he passed to the personal presence of Marion Seatoun, wife of the said William Cranstoun, who was in the manor place of Ednem for the time, and delivered to her four keys, being the keys of the whole doors, back and fore, of the said barns, which he desired her to receive so that the persons foresaid should enter into possession, and that the said Marion Seatoun took the said keys, therefore the Lords assoiszie the said lady and remenant defenders and also her cautioner from the conclusions of this summons, and declare them free thereof.

[In the sederunt here Bining is added.]

"A letter to the Marquis of Huntlie to give order to his bailleis to have a speciall care that no brokin men be suffered to come through his bounds or to find reseett therein, wherein if he be found remisse he to be punished for his connivence and made debtour for the wrong."

Edinburgh, 28th November 1633.

Sederunt—Treasurer; Marquis of Hamilton; Erroll; Murray; Winton; Perth; Roxburgh; Annerdaill; Lauderdaill; Southesk; Traquair; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Areskine; Bining; Master of Elphinstoun; Secretary; Clerk Register; Advocate.

Complaint by Alexander Watsoun, burgess of Aberdein, and Margaret
Cargill, his spouse, as follows:—On 17th May, 1631, Alexander Irwing in Alter was put to the horn at their instance for not paying to them a debt of £200 and 100 merks of expenses, and he abides most proudly and contumeliously thereat, slighting all legal execution by captions and otherwise, having the assistance and countenance of his friends who dwell round about him. Charge having been given to the said Alexander Irwing, and the pursuer appearing by Alexander Watsoun, merchant burgess of Edinburgh, but not the defender, the Lords ordain letters to be direct to heralds and pursuivants to go and charge the said defender to enter himself in ward within the Castle of Blackness within fifteen days, under the pain of treason.

Complaint by John Blacke in Stalfloure and Margaret Miller, his spouse, as follows:—On 31st July last John Wallace, elder of Burnbank, William Wallace, his son, John Kennedie of Barleith, Robert Harper there, and William QuhYTE in By... (torn) came by way of hamesucken, armed with swords, whingers and other weapons, to the complainer's dwelling house in Stalflour, broke up the doors, sought for him through all the corners of the house, and not finding him, they "cruellie strake and woundit his wife with swords on her face and hands to the effusion of her blood in great quantitie and left her for dead; lykeas she hes ever since lyin bedfast." They also unlawfully took away a black cow and three sheep belonging to the complainer. The pursuers compairing by John Pitcairne, their procurator, who declared that he passed from that part of the complaint concerning the taking away of the cow and sheep, and the defenders being personally present, and parties and their witnesses having been heard, the Lords assolzie the defenders, because the witnesses failed to substantiate the complaint. They also ordain the said John Pitcairne to pay ten merks to each of the witnesses.

Complaint by William Drummond, second son to James Drummond of Mylnab, and by the said James as tutor and administror to him, as follows:—On 10th August last, while the said William, a boy of thirteen years of age, was in the market place of Monzie doing his lawful business and looking for harm from no man, Donald McEwin, son to Donald McEwin in Tillibancher, John McCollein in Druminnerinoch, Donald McNeill in Wester Abirlednoch, Andrew McHaish in Comrie, Thomas Toshchye in Monvyaird and John Dow Soir in Clathick, "being putting ane great whinne stone of foure or fanye quarters weight in the publict mercat place, they, at the least one or other of thame, without giving the compleiner ane advertisement, and when he could not flee, kust the stone at him and strake him therewith in the right side of the head a little abone the eare, dang him dead to the ground, brake his harnpanne with ane great bruising and contusioun of his head and to the great effusion of his blood, and he wes takin up dead and carried to his fathers, and therefra in ane hors litter to Perth where he hes lyin under
the cure of Doctour Robertson, as he does yitt, in great hazard of his lyfe and to his fathers great charges and expences." The pursuer appearing by the said James Drummond, his father, and the defender not appearing, the Lords ordain them to be put to the horn and escheat.

"The Lords ordains his Majesties Thesaurar and Master of the Wardrop to give furth of the Wardrope to the Bishop of Dumblane, Deane of the Chappell, suche furniture and apparrerling as is requisite and fitting for celebracion of the communicion within the said chappell."

"Continewes the overtures anent the Hielands till Tuesdy nixt."

Sedentum—Treasurer; Privy Seal, Marquis of Hamilton; Erroll: Murr: Perth; Roxburgh; Annerdall; Lauderdale; Southesk; Traquair; Lord Lorne; Lord Areskie; Binning; Bishop of Dunkeld; Bishop of Ros; Bishop of Murray; Secretary; Clerk Register; Advocate.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and directed to the saids Lords, and this day presentit unto thame and read in their audience, receavd and admitted Johne, Bishop of Murry; to be one of the Privie Counsell of this kingdom and to bruike and injoy all honnours, dignities, privileges and immunitie proper and dew to that place; lykeas the said Bishop of Murrey being personallie present and acknowledging with all humble and dewtfull respect his Majestie gracious favour shawunto him in promoving him to that place of dignitie and honnour, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majestie missive for warrand of the act abonewrittin:

CHARLES R.—Right trustie and weillbelovit cousine and counsellor, right trustie and weillbelovit cousines and counsellers, and right trustie and weillbelovit counsellers, we greit yow weill. Understanding the abilitie and sufficiencie of the reverend father in God, the Bishop of Murrey, and his affection to our service we are moved in regard thairof and for his better encouragement and enabling to doe ws good service heerafter to promove and advance him to be one of our Privie Counsell of that our kingdom; thairfor we doe hereby will and require that, having caused administer unto him the oath accustomed in the like caises, yow admitt him to be a privie counsellor, accepting him as one of your nombor, for whiche these presents sall be your warrand. We bid yow farewell, from our Court at Whitehall, 11th of October, 1633."

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords and read in their audience, receaved and admitted Johne, by the Glasgow Assembly of 1638. Keith, Cat. of Bishops, p. 152. John Guthrie, after being successivly minis- ter at Perth and Edinburgh, had been promoted to the See of Moray in 1623. He was deprived.
Bishop of Rosse,¹ to be one of the Privie Counsell of this kingdome and to bruike and injoy all honours, digniteis, priviledges and immunitieis proper and dew to that place. Lykeas the said Bishop of Rosse being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in promoting him to that place of dignitie and honnour he with all dew reverence on his knees made and gave his soleme oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abone-writtin:—Charles R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellors, we greit yow well. Understanding the abiliteis and sufficiencie of the reverend father in God, the Bishop of Rosse, and his affection to our service, we ar moved, in regarde theairof and for his better encouragement and enabling to doe ws good service hereafter to promove and advance him to be one of our Privie Counsell of that our kingdome; therefore we doe heirby will and require that, having administered unto him the oath accustomed in the like caises, yow adimit him to be a privie counsellor, accepting him as one of your number, for which these presents shall be your warrand. We bid yow fareweill, frome our Court at Whitehall, 11th October, 1633."

[Sederunt as recorded above.]

Complaint by Arthur, Lord Forbes, as follows:—He is heritably infeft in the lands and Mains of Harthill, and the tower and fortalice thereof, and his right and peaceable possession thereof was never questioned until lately that Adam Abircomby of Aldrayne (on account of some particular grudges between him and John Leith, called of Harthill, whom he has at the horn and under charge to render his houses and enter himself in ward) caused charge the complainer and his servants, keepers of the house of Harthill, to render the same, and intends in case of his refusal to enforce the charge by all other legal execution. Now the complainer is both "ignorant and innocent" of the quarrells between the said Adam Abircomby and John Leith, and never liked them, and in his pursuit of John Leith, Abercomby ought not to have involved the complainer, whom not only he has thereby injured, but he has also abused their Lordships. Still, for obedience of the charge, he has found caution in 3000 merks that he will deliver the house if their Lordships find he ought so to do. He therefore craves suspension of the charge. The pursuer compearing by George Stewart, his procurator, and Adam Abircomby being personally present, the Lords, after hearing parties, find no reason for granting suspension; and they further ordain that execution

¹John Maxwell had been appointed to the See of Ross during Charles's visit to Scotland. Keith, See of Ross during Charles's visit to Scotland. p. 202. His predecessor, Patrick Lindsay, was trans-
proceed against the said Lord Forbes, if he be in possession of the house of Harthill, for rendering it to the Sheriff of Aberdein, unto whom their Lordships have given a commission for taking it.

“...A commissioun to the Shireff of Aberdein for taking the house and lands of Harthill and keeping of the same upon the rents of Harthill till it be decyded before the judge ordinar to whome it appertaines charging the lieges to concurre and assist the said shireff in taking and keeping of the said hous.”

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Perth; Galloway; Annerdaill; Southesk; Dumfreis; Tracquair; Lorne; Bining; Bishop of Murray; Bishop of Ros; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Sir James Baillie.

Complaint by Mr. James Spence, minister at Tulliallan, Christian Bonar, his spouse, and Christian Spence, his daughter, as follows:—“Sir John Blacader of Tulliallane, forgetting that respect and obligation quhil he oweth to the said minister as his ordinarie pastor, hes resolved in contempt of law so farre as in him lyes to wracke and undoe him and his poore famillie.” Accordingly, on 4th April last, he came to the com-

plainers glebe and farm lands adjacent, which the minister had already tilled, and removing the minister’s ploughs “caused striek three or foure of his awne plewes upon the said ministers teilled lands.” When the minister’s wife and daughter then went forth to intreat him to desist from so violently oppressing his own pastor, Sir John “shamefullie and cruellye with ane pycked stalffe strake, hurt and woundit him [sic] upon the headis, gardeis and shoulders, and others parts of their bodeis, and gave thame manie bauche and blue strakes till he brake the stalffe upon thame; and thereaffere verie barbarouslie with his hands and feet he strake, hurt and woundit the saids twa women, and rave the said Christiane Bonars ruffe in peeces from her craig.” The said Mr. James Spence and his wife appearing for themselves and their daughter, but the said Laird of Tulliallane not compearing, the Lords ordain him to be put to the horn and escheat.

This day having been assigned to John, Earl of Rothes, to appear and state his objections to Patrick Halket of Lumfynnance being set at liberty, and the said Patrick Halket appearing but not the Earl of Rothes, the Lords continue the matter until the 10th instant, and ordain Mr. David Aitton, who formerly appeared in the said Earl’s name, to pay for the entertainment of the said Patrick his modified allowance of 8s. daily.

Supplication by the bailies of the town of Hamilton as follows:—In the month of June, 1616, they represented to their Lordships the necessity of repairing and maintaining the bridge of Bothwell over the water of Clyde, “whiche wes in perrell of decaying through the great...
innundatioun of waters, floods and parts of yee quhilkis brake and came down the water in the winter season and by the violence and force of the same shooke and made louse the pillars thairof; and their Lordships then empowered them to collect a toll of 2d. for every load and 1d. for every burden of all victual, goods and merchandize passing over the said bridge for the space of nine [sic] years from the date of their commission which was 11th June, 1616, and to apply the same for the repair and upkeep of the bridge. The necessitie of repair continues with the recurrence of the above causes, and they therefore crave a continuance of their foresaid commission. The Lords renew the commission in the same terms for the space of nineteen years.

This day being appointed for hearing Andrew Purves, merchant burgesses of Edinburgh, and George Scot, younger, also merchant burgesses there, commissioners nominated by Mr. John Paip, younger, advocate, as procurator for George Arnot, merchant burgesses of Edinburgh, and Mr. David Heriot, advocate, as procurator for George Scot, skipper in Dysert, as to the allowance to be made for daily wages to Thomas Miller, merchant in Leith, for his fifteen months' attendance upon the wines and aquavitae which was embarked at Nants in Britaine and brought to Leith in a ship of Hamborrow called The Quhyte Swan, and as to the two last articles of his accounts, viz., (1) £300 paid out in defence of Jacob Jansoun, and (2) the costs of procuring the licence from his Majesty "for reserving the goods apprehended and retaining of the same in the first end of the said George Arnot and his partners their losses sustemade be thame"; and George Arnot compearing personally along with his procurator, the said Mr. John Paip, the latter produced a report signed by the said Andrew Purves and George Scot. The foresaid George Scot also appearing with his procurator, Mr. David Heriot, and Thomas Miller also being present, the Lords, after hearing the report and parties thereon, allow of the same in so far as regards the daily allowance to be paid to the said Thomas Miller; and remit the two last articles of his account abovementioned to the decision of the Lords of Council and Session.

They further ordain the said report to be recorded in the Books of Privy Council, which is accordingly done as follows:—"Be it knowne that we Andro Purves and George Scot, merchant burgesses of Edinburgh, undersubscribers, having according to your Lordships Act scene and considerit the three particulars therein contenit, the one taichein Thomas Miller his daylie allowance for his attendance upon the wynes containit in the said act, the second anent the compt givin in of the soume of 300 fl. debursed be George Arnot in defence of Jacob Jansoun his persuets for restituciation thairof, the thrid anent the soume of sax thousand four hundred merkis givin out be the said George to procure libertie from his Majestie to reteane the saids wynes in the first end of their losses sustained be thame of the Hamburrrers; after consideracion takin be us of the saids three particulars we declare that
according to our judgement the allowance for the said Thomas Miller daylie his attendance upon the saide wynes be the space of fyftene moneths conteanit in the said act sould be twentie shillings. And as to the other twa particulars abonespecifie, declares that we can nowayes judge thereupon, they being twa particulars gevin in be the said George Arnott quhilk he declares he hes gevin out in maner foresaid. Quhilk declaration we testifie to be of veritie be thir presents subscrivyed with our hands at Edinburgh the thrid day of December jaevo and threttie three yeeres. *Sic subscribitur, A. Purves; Geo. Scott.*

Complaint by John, Earl of Annendall, John Henderson, his bailie, and Sir Thomas Hope of Craughall, King's Advocate, for his Majesty's interest, as follows:—Though the wearing of hagbutts and pistoles is prohibited, yet, when the said Earl of Anperdaill, as tacksman of the teinds of the lands of John Maxwell of Castelemilk, directed his said bailie thither in the time of the last harvest to require the teind sheaves or else the value of the same from the tenants, and the first tenant he came to having declared his willingness that the said bailie should lead the teinds, and the bailie accordingly having led two or three cartfuls of them, John Maxwell of Castelemilk on hearing this, not only stopped the said bailie from proceeding, but, accompanied by William Irwing, son to the Goodman of Bonshaw, armed with swords, hagbutts and pistoles, lay in wait for the said bailie who they had learned was coming from Graintney with some of his master's money. Having passed a considerable time in 'ane oastler hous in the hie way,' they came forth and followed the said bailie for half a mile to the house of Alexander Rae, and entering it they 'patt violent hands in the said bailieis person, the said Johnie with fearefull execrations crying unto him 'Thow ar ane priests sone; thou led my teinds; the preist is not heir with his gowne to save thee. Thow must now wait my pleasure till we trye we.' And than he and the said Williame held the points of their drawn swords to the said bailleis bailie. And he having asked whether it wes in earnest, he with ane great oath bade the bailie take it as he fand it. Who having replied that it wes ane shame to thame, being foure, to sett upon him, who wes ane single man, the said Johnie replied, 'I have now my tyme, take thow thyn when thow can get it. I will lett the see my pistolls, come butt I have bullets in my pocket'; and with that sent for his powdler horne and charged thame, and said to the said bailie, 'Jonas, will goe furth with me and we sall try our selfises.' And when the Goodman of the hous spake but one word in favour of the said bailie the said Johnie pulled up ane stap and kust at his face so as he behaved to leave his awne hous. And after this forme they keeped the said bailie be the space of three houres untill with the helpe of some weomen he escaped and lap on horebacke.' Charge having being given to the said John Maxwell and William Irwing to appear this day, and the pursuers
appearing but not the defenders, certain witnesses produced by the pursuers were examined, whereupon the Lords find that the said John Maxwell of Castlemilk and William Irwing "come to the said Alexander Rae hous, where the said Johne Rae [sic] was the tymne libellit, and sat down either of thame on the said Johne Hendersons side and would not suffer him to rise, till the said William Irwing layed down ane drawin sword upon ane boord and the said Johne Maxwell tooke the same and wagged the same above the said Johne Hendersons head, held the plummett to his breast, and when the said Johne demanded if he was in earnest the said Johne Maxwell bade him tak it as he fand it; and that the said Johne Maxwell had ane pistolet." For this "verie great insolence" the Lords ordain them to be charged to enter into ward within the tolbooth of Edinburgh within six days until order be taken with them.

Complaint by John, Earl of Annerdaill, and Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows:—The said Earl is entitled to uplift thirty-two marts or ky out of the thirty-two parishes of the Stewartry of Annerdaill, and has peaceably exercised this right of uplifting the same out of anie market of every one of the said parishes. Accordingly, on 18th October last, he sent his bailies to take a cow out of each of the parishes, and on that day they took one out of each of five parishes, of which one was from the lands of Blakedhous within the parish of Pennersex, and they drove the said five cows from eight o'clock in the morning till five in the afternoon when they came to Egliphicchin, where they intended to rest for the night, and next day to go through the remainder of the parishes. But William Bell in Blakedhous, and . . . Bell, his son, getting notice hereof, came to Egliphicchin about twelve o'clock, "thinking to have found the said Erles servants and the ky there, rypped the houses of the town for the kow quhilk wess tame out of Blakedhous, and understanding that they wer not come there as yitt they dermed themselves about the entrie of the town, and when the said Erles servants preest to enter, they violentlie ref the kow from thame, and the said William drew his sword and threatened to hoghe thame if they cryed or hindered thame to carry away the kow. And they, having cryed that the said William had committed ane manifest oppression upon thame, the said William proudlie ansered that he vowed the same and that he had beene before his Majestie Counsell before." Charge having been given to the said William Bell, and the pursuers and he compearring, he confessed the taking away of the cow and placed himself in the said Earl's will for the same. He also bound himself and became cautioner for his said son under a penalty of 300 merks not again to impede the Earl of Annerdaill's servants in uplifting the said laidner mart or cow from the lands of Blakedhous.

Complaint by Eispeth Scot, the poor widow of Walter Chisholme, son of Complaint by Eispeth Scot, widow of.
Walter Chisholm, against William Dalziel, servitor to the Earl of Queensberry, whom she accuses of illegally holding the Mains of Chisholm, which lawfully belong to the complainant.

and apparent heir of the deceased Walter Chisholme of that Ilk, as follows:—By her contract of marriage with the said deceased Walter Chisholme the Mains of Chisholme were disponed to her in liferent with the mill, mill lands and pertinents thereof, in recompense of her tocher, yet William Dalyell, servitor to the Earl of Queensberry, of whom the lands are held, under pretext of a pretended right granted to him by her husband, has intruded himself therein, and detains from her now for many years both the lands and their profits, so that she and her children are reduced to great misery and are like to starve. She petitioned the King when he was lately in Scotland, who recommended her case to the consideration of their Lordships. Charge having been given to the said William Dalyell to compear and produce his titles, and both pursuer and defender compearing, the Lords, after hearing them, refer the matter to the decision of the Lords of Council and Session.

This day George Leith of Barns, compearing personally for obedience of the act whereby Alexander Forbes of . . . became cautioner for him to that effect, obliged himself at no time hereafter to intercommune with John Leith of Harthill during the time of his rebellion, under the penalty of 500 merks.

Supplication by Robert Livingstoun, merchant burgess of Edinburgh, as follows:—Their Lordships know how heavily he is distressed for the debts of the Laird of Donypace, which moved the King to sign a protection in his favour in May 1632 for the space of two years, but which for some reasons was stopped by their Lordships. Now the Laird of Lawretoun, who has the right of the estate of the said Laird of Donypace, has for the second time summoned the supplicant and other creditors of the Laird of Donypace before the Lords of Session to see order taken for selling the said estate for their relief, but in regard of some garnisons under which he lies he dare not appear, and therefore craves their Lordships’ protection. This the Lords grant until the term of Whitsunday next.

[Sederunt as above with the addition of Areskine.]

Salt and coal owners.

“The Lords continewes the owners of the coale and salt till a new adver-
tisement.”

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Galloway; Southeak; Tracquair; Bishop of Murray; Bishop of Ros; Bishop of Dunblane; Lord Areskine; Bining; Secretary; Clerk Register; Advocate.

The Councell continues its recommendation for a subscription “Forsameekle as the Lords of Secret Counsell, having past and exped letters of recommendation to M’ Johne Rattray, minister at Rattray, for collecting ane voluntarie contribution and support for bigging of the
bridge of Erigh frome the whole estaits both spirituall and temporall within this kingdome beyond the water of Tay and within the whole shirefdomne of Perth and stewartrie of Stratherne, and from the haill synods, presbytereis, sessionoues of kirks, burrowes, towns and villages and all his Majesteis subjects als weill to burgh as land within the said bounds, as the saids letters of recommendatioun and prorogatioun thairof at lenth beiris; and whereas the said M' John hes advanced great soumes of money upon the bigging of the said bridge, whilk is now brought to ane good perfecution and made passable for men and hors to the great confort of his Majesteis lies repairing that way; and seing the said bridge is not yett fullie perfytted and the said minister hes not gotten relefe of his advancements thairfoir and for the fordering of so good and pious ane worke, the Lords of Secreit Counsell hes of new prorogat and continewed and be the tennour heirof prorogat and continewes the letters of recommendatioun foresaid grantit to the said M' John Rattray for collecting the said voluntarie contribuition within the whole bounds abonewrittin till the terme of Martimes nixt after the dait heirof in all and sindrie points, clausses and articles conteanit in the saids letters of recommendation and former prorogation of the same.”

“The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to putt Agnes Sparke to libertie and fredome forth of thair tolbuith and suffer her pas where she please in so farr as she is warded within the same for a peecce of his majesteis silver plaitt wherewith she was deprehended and quhilk she affirms she receaved frome one of James Fentons servants; quhereanent thir presents sall be unto the saids provest and bailleis a sufficient warrand.”

[Sederunt as recorded above.]

Complaint by John Toshe, prisoner in the tolbooth of Edinburgh, as follows:—Their Lordships know how that for the past three years he has been in this prison in great misery and want, and though he is kept there at the instance of the Marquis of Huntlie, whom their Lordships ordained to pay his charges and expenses, yet both he and Mr. James Farquharson, his agent, refuse to do so; and now, as those who have furnished him with necessaryes decline any longer to do so, he is likely to starve with hunger and cold. Charge having been given to the said Mr. James Farquharson, and the pursuer and he both compearing, the Lords ordain Mr. James Farquharson to pay the arrears of the pursuer's allowance, and that a letter be written to the Marquis of Huntlie to take order for payment of the said allowance for the time past and to come, and to fix a day for the prosecution of the pursuer and certify the Counsell thereof. They also ordain the said Mr. James Farquharson to report the Marquis's answer to them within twenty days.
Complaint by Katherine Murrey, daughter of Captain David Murrey, sometime Captain of His Majesty’s ship called The Unicorne, as follows:—

She has been warded in the tolbooth of the Cannogait for “five quarters of an yeere bygone at the instance of William Cuthbertson, burgess of the Cannogait, for the soum of threttie foure pundis principall and sucht pundis of expenses,” which had been assigned to him by Barbara Dowglas; and at the instance of George Kincaid, merchant, for £200 of principal and £40 of expenses. These persons have not paid for her support in ward, but the “keepers of the hous hee advanced her in hope of payment and her father who remains at Londoun, and others her freinds, whome she hase implied, miskens her, so as she is forced now to meane her selfe to the said Lords least she starve, seing the keepers of the hous will advance her no more.”

William Cuthbertson comparring, and consenting to her liberation so far as she is warded at his instance, but George Kincaid not comparring, and the said Katherine Murrey being personally present, having been produced by Mr. James Wilkie and James Simson, bailies in the Cannogait, the Lords ordain them to put her to liberty in respect of the consent of William Cuthbertson, but yet without prejudice of any lawful action which the said George Kincaid may have against her upon his return to the kingdom.

Complaint by Barbara Dowglas, as follows:—On 25th November last, the Lords assign to the defender this day eight days to recover decrees against the pursuer proving her his debtor, and ordains the pursuer to be kept in ward meanwhile in the tolbooth of Edinburgh, two shillings daily being paid to her for her entertainment by the defender.

Supplication by Edward Johnstoun, merchant burgess of Edinburgh, as follows:—On his petition to their Lordships showing that he had come home to this his native country to gather in his debts for satisfying his creditors and providing some support for himself in his old age, they granted him a protection until 17th December. He is still very busy in this business and craves an extension of the time. This the Lords grant till 10th January next.

Supplication by Robert Crichtoun in Carne, as follows:—Archibald Patersoun in Carne out of pure malice has caused him to find caution in the Books of Adjournal to compear before the Justice and his deputies on 18th December instant to underlie the law for the alleged stealing, resetting and concealing of thirty sheep, and he has found caution and is resolved to keep the diet, but on account of some civil hirnings, he cannot appear without a protection. He craves accordingly; and the
Lords grant him their protection for four days after [sic] the said 18th of December, "and for the space of four days thereafter."

Complaint by Katherine Maxwell, widow of John Ramsay, one of his Majesty's trumpeters, as follows; — In May last John, Earl of Traquair, came to her lodging in the Cannogait and commanded her to keep it for his Majesty's use for the sum of 800 merks, which accordingly she did. Thereafter, when his Majesty came to Scotland, John Acheson, harbinger, came to her at the direction of the said Earl, with some of the keepers of his Majesty's robes, the clerk of the spicery, several officers of the "foul ding-house," the sergeant clove his Majesty's "laidner" and some others their servants, to the number of sixty men, "as their tickets left be thame recommending the compleuner to the said Erle for payment of the said soume beiris." After the King's going to England she went to the said Earl "at the greenecloath requesting him to pay her the said soume, who refused to doe the same in regarde the compleuner could not show him his hand writt beereupon." Charge having been given to the said Earl, and both he and the compleuner appearing personally and having been heard, the Lords assoisizie the said Earl from the foresaid complaint and all points thereof, because they, "having demanded of the said Katharine if she could produce anie verificatioun quhairby to prove that the said Erle of Traquair tooke her lodging and directed his Majesteis servandes to the same and promeist her aucth hundreth merkes for the use of the said lodging, she granjit that she had no verificatioun."

Thomas Crombie of Kemnay, sheriff principal of Aberdein, having been appointed by their Lordships commissioner for taking the oath of verity of Arthur, Lord Forbes, as to his resetting John Leith of Harthill, and to have taken caution of him not to reset him nor intercommune with him during his rebellion, compared by Adam Abircrombie of Aldrayne, who produced a report subscribed by the said Lord Forbes, the said sheriff and Mr. Patrick Chalmer, sheriff-clerk of Aberdein, containing the Lord Forbes's declaration upon the matter, which the Lords ordained to be registered in their books. The report here follows. It is dated at the Kirk of Kintor, 22d November, 1633, and narrates that Arthur, Lord Forbes, there and then compeared before Thomas Crombie of Kemnay, sheriff principal of Aberdein, and conform to the commission by the Lords of Council to the said sheriff dated at Halyrudhous, 8th November instant, "did most willingly offer to give his oath," and being sworn he deponed "That he did never in contempt of law receipt, supplie nor intercommoun with the said John Leith or kepe anie societie or company with him; neither could the said Lord refuse but he was forced and urged to speake and conferre with the said John, and suffer and permit him to come to his hous of Puttachie for taking order with the rents and dewties of the lands of Harthill dwe to Katherine Forbes, Lady Harthill, father sister to the said noble Lord; and that was the cheefe and onelie caus that moved the said noble Lord to have anie metting or
conference with the said John Leith; nather did the said noble Lord ever concurre and assist the said John Leith in anie of his wrangs or perturbation of the countrie.” Being asked about the special dates given in the commission of his having intercommuned with the rebel, his lordship replied, “That he could not remember himselfe upon anie particular day or tyme and yitt could not refuse bot he had spokin, mett and conferred with the said John Leith for taking order with his fathers sisters rents and dewteis and to helpe and supplie her in her great age and necessitie,” and that he was never charged by any warrant in particular not to do so. Being required to find caution that he would not hereafter intercommune with the said John Leith under the penalty of 3000 merks, his Lordship declared, “That he was denuded of his haill estait in favours of his sone and that he was onelie lyverenter of a verie small and meane portioum thairof, and sua thairby was not abill to find anie suche cautioum and souertie, nather would anie of his freinds become cautioon for him since he had no estait to relieve thame,” and yet to testify his obedience he offered willingly to enact himself in the said penalty not to intercommune with the said John Leith during his rebellion. And he earnestly intreated the said shireff to bear testimony of his readiness so to do.

This day having been assigned to John, Earl of Rothes, to compair and depone against the liberation of Patrick Halkett of Lumfynnamne, the said Earl appeared by Mr. David Aittoun, his procurator, and the said Patrick Halkett being personally present, the said procurator in name of the Earl of Rothes adhered to the former modification made to the said Patrick of 8s. daily, and refused to assent to his liberation until he find caution for the indemnity of the said Earl. The Lords likewise modify to the said Patrick 2s. daily for his jailor fee, which is to be paid to him by Mr. David Aittoun in name of the said Earl.

Complaint by John Stewart of Coldingham, against Robert Douglas of Blackerton, who refuses to meet the arbitrators whom the complainier and the said Robert Douglas had nominated for the settlement of the dispute between them.

Delecta.
November 1633. April 1635.
Fol. 20, a.
Supplication by Mr. William Hay of Badinspeck and Alexander Gardin of Blackfuird as follows:—They have been charged at the instance of Margaret Leslie, the widow, Agnes, Elspitt, Helen and Violet Leslie, the daughters, William Leslie, the brother, and the remanent kin and friends of the deceased James Leslie, alias Robsoun, sometime servant to William Seatoun of Meldrum, to find caution in the Books of Adjournal to appear before the Justice and his deputies in the tolbooth of Edinburgh on 17th December instant and underlie the law for the alleged slaughter of the said James Leslie; and they have found caution so to do and purpose to keep the said diet. “Bot becaus in maters of this kynde tuicheing his Majesteis subjects in thair lyffes and fortounis it is verie hard to hazard thair lyffes upon the unconstant and ignorant voices of ane contrie assise, who ar commounlie choisin be thair parcie sewer and ar persons for the most part at thair devotioune, the saids supplicants thairfoir pre-somes humblie to represent to thair Lords thair innocencie of that slaughter and thair forme, maner and circumstances how thair fell out, to witt:—In the moneth of August last the saids supplicants and John Garne, brother to the saids Alexander, being at the mercat of Aldrayne, callit S' Laurence fair, attending thair lawfull effaires, and the said M' William perceaving certane oxin in the mercat quhilk was in commoun betuix the said umquhill James Leslie and William Robertzoun, his partner, the said M' William entered in termes with thame anent the price of one of the said oxin, and in end they agreed; and the said James having immediately thereafter repented himselfe of the bargaine and some alteration having fallen out thairenent, the mater was brought to the hearing of the baillie who had the charge of the mercat and decerned in the said M' Williams favours, decerning the oxe to be his; and so he being posssett with the oxe, and having caused carie the same away, the said umquhill James followed, and the said John and he ran-countering togidder a great way frome the place where the supplicants stood, and some swaggering speeches interchanged betuix thame, they fell in end in persute the one of the other, and the said John
being waldin till he gatt three deidlie wounds on the head with a sting, and having freed himselfe of these who held him he gave the said James ane little straikes on the head not three inches long, and he lived thereafter, going and walking on his feete the space of dayes. And all the tyme of this conflict the supplicants came never neere thame, had no medleing nor doing with thame and assisted neither partie. Lyke as the said Iohn, knowing his owne guiltines of the said slaughter, hes tane the cryme upon him, is fugitive from the lawes and denounced rebell. And the partie perceiving that they cannot come to their intent agenis him they have tane thame to the compleiners, who ar innocent men." They crave that their Lordships would appoint some precognitions to be taken locally upon the business. The Lords having heard and considered the supplication, and "considering that precognitions of this kynde ar not usall nor warrantable be law, and yitt being carefull to be informed of the trueth," ordain the Justice and his deputies, after hearing the parties, to continue the diet if they find cause until 19th December, and to informe their Lordships that day of the state of the process and allegations on either side. Meanwhile they grant their protection to the suppliants until the 20th December, so that they be not troubled nor arrested before that date.

Complaint by John Moffatt in Craginpuattock now in Craginvoy, as follows:—Gilbert Greirson of Chappell, having procured from Beatrix and Agnes Gordon, the daughters and heirs-portioners of the deceased Roger Gordon of Corse, some right to the lands of Quhysterseide, or at least to the arrears of rents thereof since their said father's death, raised a process in their name before the Lords of Session and obtained a decree against the compleiner for far greater sums than he and his authors were wont to pay. He further raised letters of hornng thereupon but these the compleiner legally suspended. Since then on August last the compleiner and the said Gilbert came to an agreement whereby the compleiner was to pay 700 merks, and of this sum he instantly paid 320 merks to the said Gilbert in name of the said heirs, and promised the rest at last Martinmas upon the said Gilbert obtaining a discharge from the said heirs to him of all liabilities and arrestments in their hands against him. But the said Gilbert, "craftillie resolving to force the compleiner to pay the rest of the soume without procuring the discharge foresaid, he verie unhoneste raised letters of captioun upon the hornng foresaid fra the quhilk the compleiner wes relaxed and quhilk wes lawfullie suspendit, and knowing that he had not the suspensioun upon him bot that it wes in his procurators hands, he accompanied with James Grahame, messenger, upon the sevint of December instant, tooke and apprehended the compleiner upon the calsey of Edinburgh, being ane sickenie, aged man, and when he desired thame ather to send for his relaxation, or suffer him to goe gett the same, they altogidder refusied and harled the honest man to the tolbuith of Edinburgh, where he
presentlie remaines.” Charge having been given to the said Gilbert Greiroun, and James Grahame, and to the provost and bailies of Edinburgh to produce the complainer, and the pursuer and James Grahame appearing personally and Greiroun by James Gibsoun, his procurator, and parties having been heard, the Lords, having seen the suspension referred to, dated 6th May last, find that the complainer was unlawfully apprehended, and ordain the provost and bailies of Edinburgh to set him at liberty so far as he is warded for the cause abovewritten.

sedentur—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Lauderdale; Dumfreis; Southesk; Tracquair; Bishop of Murray; Bishop of Dumblane; Lord Lorne; Lord Areekine; Lord Binning; Master of Elphinstone; Secretary; Clerk Register; Advocate.

Complaint by George Scot, skipper, burgesses of Dysart, as follows:—In an action of suspension pursued by Margaret Robertsoun, his spouse, daughter of the deceased Captain David Robertsoun, and by James Robertsoun, his son, for whom the complainer became cautioner before their Lordships, against John, Earl of Rothes, Andrew Ainalie and George Arnott, burgesses of Edinburgh, for relieving them of a decret recovered against them by Jacob Jansoun, factor and commissioner for Jacob Galyear, indweller in Nante, Martin Calstaire, merchant in Amsterdam, and Charles de Longue, merchant in Roterdame, anent certain wines and aquavitie specified in the said decret “and of that rateable part of the distresses and burdeins sustaine be thame,” the Lords, on 27th September last, found the letters of horning executed against the complainers “orderlie proceed” against them for payment of their proportion of the sum of £5376 paid by the said Earl and his partners to the said Jacob Jansoun for the said wines and aquavitie, deducting therefrom the 2500 merkes which were received from Thomas Miller, merchant in Leith, “who intromettet with the saids wynes and dispossed thereupon be the said George Arnott his direction for the prysc of some of the saids wynes and aquavytie and deleyved be the said Thomas to the [sai]d Jacob Jansoun as ane part of the wholl totall soume of 5396[ sic] pundis,” and their Lordships declared that if it were found on accounting that the complainer had paid more than the proportion due by the said Captain Robertsoun, he should have repetition from the said George Arnott and his partners. Their Lordships accordingly then ordained Thomas Miller to appear before them on 5th November last and make count and reckoning of his intromissions. On that day, with consent of parties, the case was continued to 14th November, when their Lordships ordered (as narrated ante p. 144 and p. 159), which account being seen and considered, it will be evident that the said Thomas has paid for cellar rents and other charges £682 15s.
and his daily allowance of 20s. for fifteen months will amount to £450, while he has paid to the said Jacob Jansoun £5396, extending in all to £6528 15s. Now the said Thomas received for wines and aquavitae £5469 19s. 4d. according to his accounts, which being deducted leaves £1058 16s. 8d. due by the whole owners to the said Thomas Miller and George Arnot, and of this sum the complainant's part for three-sixteenths, for which he takes burden for the said James and Margaret Robertsoun, is £60 for each sixteenth, or £199 8s. 6d. in all. Their Lordships ordained the complainant to pay £699 5s. to the said George Arnot, and for this sum he has his acquittance, and so it is evident that he should now receive back from him £499 16s. 6d. But Arnot and his partners will not pay this unless compelled. Parties having been cited, and the pursuer comparing by Mr. David Heriot, his procurator, and the defenders by Mr. John Paip, their procurator, and having been heard, the Lords ordain George Arnot to make payment and restitution to the said George Scot of the said sum of £499 16s. 6d., the said George Scot finding caution in the books of Privy Council for payment of his part of the said sum and charges with the interest thereof which shall be recovered against him before the judge ordinary.

Complaint by William Watson, servitor to David Haldane, tutor of Gleneigeis, Patrick Watson, his brother, and the remenant kin and friends of the deceased Michael Watson in Bogtoun of Reidnocht, as follows:—James McQuiben, alias Baron Leitch of Blairquhoill, being a long time at the horn at the instance of the complainers for not appearing before the Justice and his deputes to underlie the law for the slaughter of the said Michael Watson, they raised letters of caption against him and intrusted the execution thereof to William McIlroy, messenger, who apprehended the said James McQuiben on 26th October last within the burgh of Stirling, and delivered him to James Fotheringham, bailie of the said burgh, in the dwelling house of John Howston, cordiner there, charging him by virtue of the saidcaption to produce his prisoner before His Majesty's Justice, but the said bailie very undutifully suffered the said rebel to escape "to the disappointing of justice and the compleiners heavi greefe and displeasure, who to their great charges and expences, having tane great panes and travellis anent the apprehending of the said rebell that justice might be ministrat upon him for the said slaughter, ar by the neglect of the said bailie putt from all hope of his apprehension heerafter." Parties being cited, the said William Watson compared for himself and the remenant pursuers, and James Fotheringham also comparing personally, explained "that Johne Howstoun, burges of Stirling, being deidlie hurt upon the heid with one suddene and raclelesse fall and there being no chirurgiane within the burgh of Stirlin nor neere about who would undertake to cure him the said David Halden, out of his tendar respect to the hurt man, who lay in hazard and perrell of his lyfe, dealt with the said James McQuiben, who is known to be a skilfull
chirurgiane, to come to the burgh of Stirlinie for curing of the said John Howstoun, and that the said David proemist to the said James to warrand him and to putt him free away againe." Accordingly James McQuiben came and attended to the said John Howstoun, and then the pursuer caused charge the said bailie to apprehend him, of which notice having been given to the said David Halden, he came to the said bailie and dealt earnestly with him to let the said rebel go, obliging himself to relieve the said bailie of all danger he might incur therethrough; and in consideration of the case he was moved to deliver the said rebel to the said David Halden so that he might attend to the injured man. David Halden, being also present, corroborated what had been said and offered to underlie whatever burden might fall upon the bailie for this cause. The Lords exoner the bailie and relieve him of all danger in this matter on account of the necessity of the case, John Howston's life being in peril, but they ordain David Halden to make offers of assytement to the pursuers at the sight of some discreet persons and according to the ability of the said James McQuiben, and that, should these be refused, both parties appear before their Lordships on the first Council day of March next, when their Lordships will modify the satisfaction to be made for the slaughter of the said Michael Watson as they may judge meet.

Complaint by Alexander McGumphie, tenant to Alexander, Earl of Galloway, the said Earl, his master, for his interest, and Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows:—Notwithstanding that the wearing and bearing of hagbutts and pistols is strictly forbidden, John Gordoun, sometime in Pentraik, tenant to the said Earl in these lands, but removed therefrom at Whitunday last, when the said Earl and Alexander McGumphie entered to the peaceable possession thereof, on 10th June last, while his Majesty was in this kingdom and "insolent persons should have forborne their rash, foolish and lawlesse actions," accompanied by Thomas Gordoun, his brother, William Campbell in Cannelburne and others to the number of persons, armed with hagbutts, pistols and other weapons, came to the lands of Pentraik and with gavelocks, axes and other instruments brought with them for the purpose, "brake up the haille doores of the houses of the saids lands, tooke the lintells and stanchells out of the windowes and carried the same away with thame," and sought for the said Alexander McGumphie, threatening to have his life wherever they might find him; and to this end they lie in wait for him in all parts of the country so that he dare not remain but must quit the farm and leave it upon the said Earl's hands. Charge having been given to the said John and Thomas Gordoun and William Campbell, and the pursuers appearing, Sir Thomas Hope personally and the said Earl and his tenant by Thomas Stewart, servitor to the said Earl, but none of the defenders, the Lords ordain the latter to be put to the horn and echeat.
Complaint by James Alexon in Balgonie as follows:—On 13th October last, being Sunday, he was at sermon at the kirk of Abirnethie, both forenoon and afternoon, and foregathering with Gilbert Geddes in Abirnethie, for whom he is cautoner in certain sums of money, he in a friendly way desired him to relieve him of his engagements. At this the said Gilbert took such offence that “after the afternoones sermon about the glomming he lay at await for the compleaner and er ever he was awar strake him behind his baekte with ane shod padell and swore with manie execrable oaths that he sould never gett out of his hands. Bot the compleaner being with difficultie rescued from him be some people and he tane sworne not to trouble the compleaner anie farder,” yet shortly thereafter he came “backe frome his awne hous with the said padell in his hand and dermed himselfe in a quyet part of the way, and er ever the compleaner wes awar, as he wes going home to his awne hous, he gave him ane cruel straive with the said padell behind the lug upon the vaine organe, brake the padell upon his head, felle him to the ground to the effuisoun of his blood in great quantitie and perrell of his lyfe; since qubilk tyme he has ever lyin under the cure of chirurgians to his great charges and expences, and is not yit fullie cured.” The pursuer compereing personally, but Gilbert Geddes not compereing, the Lords ordain him to be put to the horn and escheat.

Supplication by Barbara Dowglas, as follows:—On Tuesday last she was committed to ward in the tolbooth of Edinburgh at the instance of William Cuthbertson, cordiner in the Cannogait, and for want of maintenance, “being bot ane poore damoell having nather freinds nor moyen, she is lyke to sterve for hunger and cold.” Though their Lordships ordered him to pay to her 2s. daily for her support, she has received from him but 4s. in all, “nather will he ken her any farder bot thinkes to caus her sterve for plaine fault and avowes so to doe.” The Lords, on considering this petition, ordain the said William Cuthbertson to make payment of the foresaid modification to her every forty-eight hours, wherein if he fail, they ordain the provost and bailies of Edinburgh to liberate the supplicant in so far as she is warded at his instance.

Supplication by Sir Alexander Strauchane of Thornetoun, Arthur Straton, sfor of that Ilk, John Barclay of Johnestoun, Robert Middletoun of Caldham, George Barclay of Brigtoun, Robert Barclay of Syde, and Mr. George Law, son of the deceased James, Archbishop of Glasgow, for himself and the heirs and executors of the said Archbishop, all creditors of David Barclay of Mathers, as follows:—The said David is willing to dispose his lands for the satisfaction of his creditors, but his good intention is likely to be frustrated by the rigour of some of his creditors who seek “to take unhonest advantages of him” to his and the supplicants’ heavy prejudice; and they therefore crave that their Lordships would grant a protection to the said David. This the Lords do until 20th January next.
"The like warrant granted to Fergus Grahame of Blastwood till the twentie ane day of December instant to the effect he may compet before the saids Lords in the action persewed agains him at the instance of the Erle of Annerdail."

Supplication by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun as follows:—The protection granted to them expires on 1st January next, and during its time they have paid away large sums of money to many of their creditors, and they are now in treaty with some gentlemen for the sale of their lands so that they may satisfy the rest. They therefore crave a continuation of the time. The Lords extend the period of their protection until the last day of January next.

"The like prorogatyon granted to Archibald Stewart, merchant burges of Edinburgh, till the twentie day of Januar nixt."

Sederunt—Privy Seal; Galloway; Lauderdaill; Dumfreis; Traquair; Bishop of Murrey; Bishop of Dumblane; Lord Areakine; Lord Binning; Master of Elphinston; Clerk Register; Secretary; Advocate; Sir James Baillie.

"Forsameekle as the Lords of Secret Counsell, having wrettin their letters to the shireffs of Striline, Clackmannan, Eiffe, Kinrosber, Renfrew, Argyle, Tarbet, Kincardin, Banff, Eligne, Forres, Narne, Cromartie, Caithnes, Orkney and Zetland, and to the bailleis of Kyle, regis, Lauderdaill and Cunninghame and to the stewarts of Stratherne and Monteith, to have sent in to the saids Lords ane perfyte roll and list of the whole barons and landed gentlemen within the saids shireff domes, baillereis and stewarteis respective to the intent that out of these rolls choise might have beene made of suche persons as wer most meit to serve his Majeste and the estait as justices of peace, the saids shireffs, stewarts and bailleis hes slighted and neglected the direc- tion sent unto thame in this mater and hes made no report at all of their diligence and obedience, to his Majesteis high contempt, hinder of his Majesteis service and hurt of the countrie. Thairfor the saids Lords ordains letters to be directIOng the shireffs, stewarts and bailleis particularlie abowenwritin, their deputys and clerkes to compeir personallie before the saids Lords upon the day of Januar nixtocom or ells to send in to the saids Lords that day ane perfyte list and roll of the haill barons and landed gentlemen within the bounds of their offices respective to the effect abowenwritin, under the pance of rebellion, etc., with certification etc."

Complaint by John, Earl of Annerdail, as follows:—On 13th April last Fergus Grahame of Blastwood was put to the horn at his instance for not paying a yearly duty of 1100 merks and a termly penalty of 55 merks for certain years specified in the hornings, and for nonfulfilment of a contract, but he contemnuously abides at the horn, enjoying his
rents and living as if he were an answerable and obedient subject. The
said Earl compearing by Thomas Maxwell, his procurator, and the
defender being personally present, the Lords, after hearing parties, ordain
the defender and all others keepers of his house at Blaistowd to render
the same to the herald pursuivant, executor of the letters, and the said
Fergus to enter into ward in the Castle of Blackness within six days
after being charged thereto, under the pain of treason; but the Lords
continue the outgiving of the letters until Candlemas next so that in the
meantime the defender may use his best endeavours for giving satis-
faction to the Earl of Annerdaill.

The Lords for the better enabling of Fergus Grahame of Blaistowd to
"Manasses Vaultroller, also bookebinder, having to ensnare the com-
pleaneler and urge him to serve him threatened and minased him with an
pretendit captiouin sinistrouruslie purchast be him againis the compleaneler,
and quhilk wes suspendit and the suspension neglected and lost be him;
quhairof the said Manasses having knowledge and taking his advantage
thairof forced the compleaneler for feare of imprisonment not onelie to
give him satisfaction thairof bot be ane minute of contract or indentour
to behind [sic] himselfe to his service for sevin moneths tyme after the
date of the said minute, which is of the xvij day of Marche last; and that
same day he gave the compleaneler ane generall discharge, as the said
minute having speciall relation to the discharge, and the said discharge also
will testifie. Conforme to whiche minute and condition the compleaneler
entered to the said Manasses service, and having trewlie and dewlie
served the sevin moneths agreed upon, the said Manasses, to find out
some meane to ensnare the compleaneler of new in his service, in a
familiar conference betuix thame was advantanglie affirming that in a
short space he would beate ane greater number of strokes upon a booke
than the compleaneler knew he was able to doe. Whereunto the com-
pleaneler having soberlie anserued that he could beate as manie strokes
upon a booke in as short a tyme as he could, bot that he was not able
to doe what the said Manasses had affirmed, for whiche onelie word
the said Manasses than vowed he sould have the compleaneler in prison
the nixt morning, and according to his promise went and sought furth
the caption whiche he had discharged and therewith caused apprehend
the compleaneler and putt him in closec weir in the tolbuth of Edin-
burgh where not onelie [he] bot his wife and poore children, who wer
interanneed be his service, hes beene and ar redacted to suche miserie
that they ar like to sterve." Charge having been given to the said
Manasses Vaultroller, and the pursuer compearing, as also the defender
with Mr. Alexander Fouller, his procurator, the Lords, after hearing
parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, in so far as warded on the foregoing cause, he having obliged himself to compear before their Lordships on 9th January next and underlie their pleasure in the matter under the penalty of £100.

Sederunt—Privy Seal; Lauderdale; Southesk; Tracquair; Melville; Edinburgh, Bishop of Dumblane; Clerk of Register; Advocate; Sir James 1634.
Baillie.

"The whilk day the twa missive letters underwrittin direct be the Marquies of Huntly to the Lords of Privie Counsell, the one anent brokin men coming throw his bounds and the other anent his perseute of Johne Toshe for the burning of Fendraucht, wer presented to the said Lords and read in thair audience, of the whilks the tenour followes:— My verie honornable good Lords, I recieve your lordships letters concerning the tymous payment of Tosheis modified allowance and anent the taking of ane day for his tryell. As to the first, I have alreadie takin suche order as I hope sall give your lordships contentment, whairof M' James Ferquhardseone will informe your lordships in particular. As to the other, the mater tuiches me so neere that if my health had served me I sould have putt it to tryell er now, bot seing the season of the yeere is not fitting for a man of my age and disease, as I hope your lordships will consider, I intend, God willing, in the spring of the yeere to come over and sett that processe so in order that it may come in the first convenient day of June nixtocombe and by Gods grace not to leave it till the finall decision thairof. So to your lordships wise consideration heerin with the remembrance of my dветifull service to your lordships I rest, your lordships most loving to serve yow, HUNTLIE. Boig, penult Decembris, 1633.—My verie honornable good Lords, I recieve your lordships letter whereby I perceave your lordships ar informed that I give connivence and is negligent in latting brokin lymmars pass through my bounds and carelesse in taking order therewith. My lords, I am sorie I sould be so expounded to your lordships, for there is none that sall be more willing within the kingdome to suppress and take order with suche men (accoring to my power) then I sall be; lykeas it is weill knowin in thir parts what pains I have takin and caused take thir tymes bypast in apprehending and executing some of these brokin men that wer takin in my bounds, for your Lordships knowes what skaith I have latelie receaved be suche men in lossing of my neir freinds and spoylling of my tennents whereby some of my roumes thare ar waistid; so I will assure your Lordships I sall not be carelesse heerin, for I have givin speciall command and direction to my bailleis alreadie that no suche brokin men be suffered to haunt or repaire in anie of my bounds as they will be answerable to his Majestie and your Lordships, for there is nane that hes more reason than I have to
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regrait the disorder of suche men, whilk I intend to shaw your Lordships at my over coming; and will humbelie intreate your Lordships not to belieue the misreports of my enemie heerin till your Lordships heare my selfe who shall ever be most willing in this and in anie other thing quherin I can serve your Lordships to give you contentment, as I sall ever remaine your Lordships most loving to serve yow, HUNTLY. Boig, 22 December, 1633."

"The whilk day, in presence of the Lords of Secreit Counsell, compeird personallie M' James Ferquharson, agent to the Marquies of Hnltle, and actit and obelast himself to make payment by himselfe and others to be appointed by him of the modification allowed to Jothe Toche, and that weekelie, ay and whil the said Jothe be brought to his tryell or that the said M' James be releaved and another deputed be the said Marques of Hnltle for payment of the said weekelie allowance."

[Sederunt as recorded above.]

Complaint by Walter Howeson in the Fisherraw, as follows:—On 17th December last Patrick Edmonstoun of Wolmet and William Scot, bailie of Mussilburgh, came to him on the highway as he was coming from Fisherraw to Edinburgh for his lawful business, "patt violent hands in his person, caried him perforce with shame to the tolbuith of Mussilburgh, where they keeped him be the space of foure days and foure nights, and would not suffer none to come neere him to furnishe him meate nor drinke," he being his Majesty's free liege, and they having no commission for his apprehension. Parties being cited and all personally comparing, and they and their witnesses having been heard, the Lords find that the pursuer was "unorderlie committed and deteaned in ward not being rebell, upon the naked complaint of the said Patrik Edmonston," and they discharge the said bailie "of all summur committing of persons in tymne comming upon the naikd complaint of parteis craving lawbowrers, but upon letters of captioun proceeding upon their disobedience to find lawbowrers," and the Lords further ordain the Laird of Wolmet to pay ten merks to the pursuer for the procuring of his imprisonment.

Complaint by Elizabeth Bathcat, spouse to Alexander Pea, maltman in Eymouth, and her said husband for his interest, as follows:—On some malicious information charging the said Elizabeth with "the odious cryme of witchcraft," Sir Patrick Home of Aittoun and Mr. John Home, minister at Eymouth, without any commission to that effect, apprehended her and carried her to the tolbooth of Dunce, where she is now prisoner, though she is his Majesty's free liege "and ever heeretofore repete, haldin and esteemed by all hir nighbours ales honest ane woman as is in that toun." She has offered to find caution to underly her trial, but "she is informed there is no other thing sought be her enemie and
evillwillers who are conscious to her innocencie, but only by long imprisonment to deters her under that foule imputation miserablie in waird." The pursuer appearing by her said husband, and Mr. John Home appearing personally, the Lords, after hearing parties, appoint the 11th of February next for her trial before his Majesty's Justice in the tolbooth of Edinburgh; and they ordain the said Laird of Aitoun to bring and enter her in ward within the tolbooth of Edinburgh before the 31st of January, and the provost and bailies of Edinburgh to receive and keep her there until her trial, and further until she is relieved. They also ordain that a copy of her indictment be given to her at least ten days before the day appointed for her trial so that she may prepare her defence; and they excuse the absence of the Laird of Aitoun in respect of "his notour indisposition and inabilitie to travell in this unseasonable tyme of the yeere."

"Supplication by John Steuart of Coldingham and Francis Steuart, his son, as follows:—The protection granted to them expires on the 10th instant, and as their Lordships know "he is ordained to follow out the valuation of the kirks of Coldingham before the great Commissioune, and the morne is one of the dyets assigned unto him, and almost everie other sitting day of the Commissioune in this sessione he has one dyet or other for valuing some of the kirks of the prorie of Coldingham." He therefore craves an extension, and the Lords grant this "till Saturday come eight dayes at night."

"The like warrant granted to Mr. John Oliphant till Saturday come eight dayes againis anie of his brother Sir James Oliphants debts."

This day having been assigned to David Robertsoun, bookbinder, to appear before their Lordships and underlie their pleasure in the dispute between him and Manasses Vauntroller, bookbinder in Edinburgh, and Robertsoun comparing personally and the said Manasses by Mr. Alexander Fouller, his procurator, the Lords, after hearing parties, ordain the said Mr. Alexander Fouller to exhibit the said Manasses before them on Tuesday next, the 14th instant, to underlie their pleasure for his "unjust warding of the said David."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Wintoun; Edinburgh, 14th January 1634.

Kingorne; Roxburgh; Annerdaill; Dumfreis; Southesk; Trac quar; Bishop of Dumblane; Lord Lorne; Lord Arekine; Lord Melvill; Bining; Secretary; Clerk Register; Advocate; Sir J. Baillie.

"The Lords of Secret Counsell nominates and appoints the Erles of Winton, Roxburgh and Southesk, the Lord Lorne, the Secretar and Sir James Baillie or anie three of thame to convene and meet with the commissioners for the burrowes and to conferre and reason with thame and to assist thame with their best advice tuicheing suche things as ar

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to be represented be thame to his Majestie concerning the increase of trade and libertie of fishing."

"Forsamekle as the termes and dyets appointed be the late act of Parliament for giving up the inventars of the moneyes dew to the lieges of this kingdom and subject in payment of twa of ten is now expired and in a maner the subjects hes slighted the saids dyets and few hes givin up their inventars but hes wilfullie incurred the danger of concealement, quhillk is the foresfaltour of the hail rent or annuuerent of the moneyes dew to thame ather be band or wodsetts, quhilks wodsetts ar now by decreit and sentence of the Lords of Counsell and Sessioun found and declared to fall within the compas of the said act of Parliament; and whereas his Majestis officers ar loath to take advantage of the rigour of the law if the lieges will yitt in a dewtfulfull obediencie give up their inventars, thairfor the Lords of Secret Counsell hes appointed and assigned and be the tennor of this present act appoints and assignes to the subjects all the dayes betuix the fyft day of Februar nixtoome and the last day thairof for giving up of their inventars of all borrowed moneyes subject in payment of twa of ten, with certification to all suche person or persons who sall not in dew tyme give up their inventars of their borrowed moneyes within the terme foresaid that they sall incurre the penaltie conteanit in the said act of Parliament; to witt, the losse of that termes rent or annuuerent whilk they sall conceale and not give up. And whereas these who hes alreadie givin up thair moneyes or who sall heerafter give up the same within the terme and dyet foresaid delayes to make payment of twa of ten answerable to thair borrowed soumes, thairfor the saids Lords ordains, conforme to the said act of Parliament, that all suche as faylieis to make payment of that whiche is dew to be payed be thame that they sall lykewayes incurre the pane conteanit in the said act; to witt, the payment of the triple of the taxation for eache terme wherein they faylie; and ordains letters to be direct charging officers of armes to pas and make publication heirof be opn proclamation at the mercat croce of Edinburgh and remanent heid burrowes of this kingdome, wherethrow none pretend ignorance of the same; and to command and charge all shireffs, stewarts, bailies of baillereis, baillies of regalities and provests aad baillies of free burrowes, everie ane of thame within thair awne bounds and jurisdictions, to keep and hold thair courts the dayes foresaids; to witt, fra the fyft to the last of Februar, and to attend with thair clerkes and members of court to the effect foresaid; and to command all his Majestis lieges who ar lyable in payment of the said taxation to repaire to the saids courts, everie one within thair awne bounds, and give up thair severall inventars and make payment of the said taxation conforme thairto under the panes particularlie abonewrittin, mentionned and conteanit in the said act of Parliament; to witt, they that faylieis to give up thair inventars to incurre the losse of thair rent or annuuerent for the terme of Martimes
last and they that hes alreadye givin up thair inventars or sail give up
the same at the termes and dyets foresaid by now appointed and sail not
make payment of the said twa of ten within twenty daies after the
charge that they sail incurre the triple of the said taxation.

[Sederunt as recorded above adding Lauerdailly and omitting the
Treasurer, Kinghorn and Roxburgh.]

Complaint by George Fraser of Outlaw and Giles Chalmers, his spouse,
as follows:—Thomas Stewart of Ryland has for long borne them deadly
hatred, and "beacaus he durst not seeke ane violent and personall
revenge againis the said George, he resolved to wound him and his said
spous in thair credite." Accordingly, under the borrowed name of
Alexander Stewart, "who wes ane meere ignorant in this bussines
knew nothing thairoff, and never gave his consent thereto," he raised
criminal letters against them with consulting with the
deceased John Philpe, whom (as he anledged) "they knew to be a
notorious warlocke and sorcerer, for cureing of the said George of some
disease by devillish and unlawfull cures and for seeking of responses
from the said unquhull John Philpe," and to appear before his Majestys
Justice in the tolbooth of Edinburgh on 21st November last to answer
thereto. This citation the complaier obeyed and produced a testimo-
nial of the infirmity of his wife and of her inability to travel at this
unseasonable time of the year, and he also produced a certificate under
the hand of the said Alexander Stewart, attested by Mr. James
Melvill, minister, and other famous witnesses, that this prosecution was
instituted by the said Thomas Stewart without the knowledge or con-
sent of the said Alexander. The said Thomas also "most effrontedlie
presented himself in judgement the day foresaid as informer and
assisted at the bar; bot knowing the compleasers innocencie of that
pretendit persute he stail frome the same and would not insist, as ane
instrument tane thereupon beiris." Now, seeing the said Thomas has
most injuriously and calumniously traduced the complainers and done
what in him lay to destroy their credit and reputation, and has put
them to great expense in drawing the said George by the space of a
hundred miles from his own house, while he had still the greater part
of his corn to win, he ought to be censured by their Lordships accord-
ingly. The pursuer compearing for himself and his wife, and the
defender being also personally present, production was made by George
Fraser of the summons foresaid, of an act of adjourn under the hand
of John Bannatyn, clerk-depute of the Justiciary, testifying that the
said Thomas Stewart compaered judicially at the bar with William
Dowrie, producer of the criminal letters, against the said George
Fraser and his spouse, and that the procuratory for producing of the
said letters was brought to Edinburgh by the said Thomas Stewart, his
Majesty's Advocate no way compearing in the case to insist against George Fraser and his wife; also that the said George appeared and offered himself to the strictest trial, but refused all manner of continuation, and that his Majesty's Justice, in respect of the non-comppearance of his Majesty's Advocate to pursue, ordained the diet to desert and discharged the issuing of any new letters against the said George and his spouse until after Whitsunday next, when, if such were sought, the purchaser must find caution in the Books of Adjournal for reporting the same and insisting in his pursuit under the penalty of £1000; this act of Adjournal bearing date 21st November last. Further, the said George Fraser produced a certificate under the hand of Alexander Anderson, messenger, and several famous witnesses, by whom the summons was executed, that he received the same from the said Thomas Stewart with a roll of the persons who were summoned upon the assize, the summons being obtained at the command and upon the expenses of the said Thomas, dated 6th January instant; and also a certificate signed by the provost, bailies and council of Bamff showing that the complainer and his spouse had resided "during their householding within foure or fyve myles to the burgh of Bamff, that they have lived and caried themselves honestlie, christianelye and soberlie as become Christians of their estait and qualitie but scandallye or reproach in so far as they could ever learn or try," dated at Bamff, 30th December last; likewise a testimonial under the hand of Mr. James Melvill, minister at Ava, Mr. William Chalmer, minister at Innerbundie, and of the reader of the kirk of Ava in name of the elders thereof, showing that the said George and his wife are "honest and faithfull christians, free not onelie of the odious cryme of witchecraft and sorcerie bot of all other publict crimyes and imputations, and that the said George hes beeene an elder of the session of the kirk of Ava the space of xvij yeeres bygane and yitt remaines an elder of the said kirk as ane man of speciall note within the parish," the said testimonial bearing date at Ava, 14th November last. All which being seen and read by the Lords, and parties having been heard, they find the complaint clearly verified against the said Thomas Stewart, and ordain him to pay as a fine the sum of £100 to the said George, and further, that he be committed to ward within the tolbooth of Edinburgh and there remain upon his own charges until he be relieved by their Lordships.

Complaint by Magnus Fraser, sometime in Stanyles, John Wallace, sheriff officer of Bamff, and Andrew Baird, Alexander Winchester and Patrik Wemes, bailies of Bamff, for their interest, as follows:—Although the apprehending and imprisoning of free persons without a warrant is a crime of dangerous example, yet on 4th June, 1629, or thereby Thomas Stewart, fiair of Ryland, accompanied by a number of lawless men came to the house of the said Magnus Fraser in the "Hie Streit
of Bamff, patt violent hands in his person, caried him perforce to the
tolbuith of Bamff, and reft the keyes of the tolbuith frome the toun
officer and without concorse of the saids bailleis or anie other lawfull
warrant whatsoever committed the said Magnus, being his Majestieis
free liege, to prison within the said tolbuith, tooke away the keyes of
the tolbuith untill the saids bailleis upon notice of this wrong come
and releved him." Further, the said Thomas Stewart accompanied by
Archibald Gabriel and others, on 6th March last, came under cloud
and silence of night by way of hamesucken to the dwelling house of the
said John Wallace in Murihill with the intention of taking his life
because that he had refused to deliver up to him some sheriff's precepts
with the executions thereof which he had against the said Thomas at
the instance of George Fraser of Outlaw and others, and missing the
said officer, he in despite cast down his said house upon his wife and
family, "leaving no part of the roofe thereof up, and almost smored
thame, and thereby not onelie destroyed the hail plenishing, vivers and
other provision being in the hous, but also forced the officers wife and
her familie under night to flee naikd for safetie of their lyffes be the
space of ane myle." Parties having been cited, and Magnus Fraser,
John Wallace and Thomas Stewart all comparing personally and they
and certain witnesses having been heard, the Lords find Thomas
Stewart guilty of the illegal apprehension and imprisonment of the
said Magnus Fraser, and that the house of John Wallace was "tirred"
at his special command and direction, and ordain him to pay 100
merks to each of these persons, and also to pay to each of the
witnesses, if a footman 20 merks, and if a horseman £20; and
further to be committed to ward within the tolbooth of Edinburgh
until he make these payments and is relieved by the Council.

Complaint by Alexander M'Claine, sometime in Barvenack, and now
in Carisdouche, and Andrew M'Lunqua in Dowis, as follows:—On
May last Patrick Agnew of Barmail, John M'Croicht there, John
M'Keithie there, Fergus Liburne in Mekle Berintrae and John
M'Carnuk in Mowrea, with others their accomplices, armed with swords,
stakes and other invasive weapons, came to the lands of Barvenack,
sought for the said Alexander M'Claine to have taken his life, but
missing him, "they medled with fynye of his sheepe, wirred sevin of the
same and hurt and woundit ane great nombre of his bestiall." They
then lay in wait for the said Alexander, and on his coming home to his
own house, "er ever he wes awar they gave him manie bauche, blae and
bloodie straikes with rungs upon the head and others parts of his bodie
to the effusion of his blood, felde him to the ground, pulled furth his
sword and threatened to kill him if ever he revealed this wrong; and
becaus he would not promise to doe the same they gave him a number
of wounds with their saids rungs upon the head and left him for dead." Further, on September last the said Patrick Agnew "shamefullie and
cruellie persewed the said Andrew M'Cunquha neere to his owne hous, being an aged man, reft his cloake from him, pulled off his breekes, doublet coate and shoes, tooke his purse and twenty punds therein from him, hurt and woundit him with runges and others weapons upon the head and others parts of his bodie to the effusion of his blood and perrell of his lyfe, thereafter kuist him in ane pett pott where he had miserablely drowned if his wife had not happilie come furth and rescued him." Charge having been given to the said Patrick Agnew, John M'Crotchert, John M'Keathie, Fergus Lilburne and John M'Carnuck, Fol. 34, b. and the pursuers compeiring personally, but not the defenders, the Lords, after hearing witnesses, find that the said Patrick Agnew, "hurt and woundit the said Alexander M'Claire the tyme libellit and left him lying bleeding on the ground," and that the said Patrick "strake the said Andrew M'Cunquha the tyme libellit, tirred him and kuist him in ane pett pott," and therefore they ordain the whole defenders to be charged to enter in ward within the tolbooth of Edinburgh until order be taken with them for their insolence, on pain of hornig. The Lords further ordain the pursuers equally between them to pay the witnesses, to each footman £10, and to each horseman 20 merks.

This day having been assigned to Mr. Alexander Fouller for exhibiting Manasses Vaultroller, bookbinder in Edinburgh, before the Council, to underlie their pleasure for his unlawfully imprisoning David Robertson, bookbinder in Edinburgh, within the tolbooth thereof, and David Robertson comparing by Bessie Ramsay, his wife, but the said Manasses Vaultroller not comparing, the Lords ordain the provost and bailies of Edinburgh to put the said David to liberty, and that notwithstanding of any arrestments made upon him since 19th December last, as the date on which he was ordained to be put to liberty.

Sedentum—Chancellor; Treasurer; Privy Seal; Glasgow; Winton;
Kingorne; Roxburgh; Annerdaill; Dumfreis; Southesk;
Tracquair; Bishop of Dumblane; Lord Lorne; Lord Areskine;
Lord Malvill; Lord Bining; Secretary; Clerk Register;
Advocate; Sir James Baillie.

Supplication by John Cuming of Kirktoun of Aberlemo, as follows:— He has an action of reduction and another of spuulzie depending before the Lords of Session against Robert Rollock of Bulgarro, on the success of which his whole standing and estate are involved and certain points of evidence have been referred to his oath. But Rollock, taking advantage of his distresses, has raised letters of caption against him to debar him from attending and giving his oath and so to frustrate him of justice; and though the debts for which he has raised these letters are satisfied, he instigates his other creditors to deal rigorously with him. He therefore craves their Lordships' protection; and this the Lords grant until the last day of March next.
"The like warrant granted to Edward Johnestoun until the said last of March; and another granted to John Stewart of Coldingham for attending the valuation of the kirks of Coldingham until the first of May next."

Supplication by John Talbert in Poofald and Agnes Forsythe, his spouse, as follows:—The said Agnes bought from one William Ogilvie, who has been a beggar in the country these thirty years past, two ells and half a half of gray cloth, which was afterwards proved to have been stolen by Ogilvie from the deceased David George in Grange. After the theft David George had made search for Ogilvie, and when he found him, took him towards the said Agnes's house for the recovery of the cloth, but on the way Ogilvie "killed and murdered the said David George and kist him in a peit mose where he lay two days before anie notice wes had where he wes or what had befallin him." When he was found, "and the brute rysing that he and the said William Ogilvie were comming to the supplicants hous to have gottin backe the clooth, James, Lord Desfurde, baillie principal of the regalitie of Strathyla, and Thomas Inneis, his depute," challenged the said Agnes and her spouse as guilty not only of stealing the said cloth, but also of the aforesaid murder, and cited them to answer before them thereupon on 8th January instant. They then in respect of their non-compearance pronounced them fugitives and rebels, although at that time and for divers weeks and days before "the said John wes so heavillie diseased with ane contagious sickenesse and fluxe as wes no possibilitie for him to kepe that dyet," of which two certificates were at that time produced; and Patrick Wilsoun, procurator fiscal of that court, who as such compeared and prosecuted the said John, himself declared in judgment that on account of his sickness it was not possible for the supplicant to attend. Further the said supplicant and his spouse were charged for the same murder and theft before the Sheriff of Bamff and his deputes; but this notwithstanding, the said bailie and his deputes proceeded against him and most unjustly convicted him of the said theft and murder; and also maliciously so, for the following reasons:—(1) The said bailie depute, who was the supplicants' judge, was in debt to the supplicant 400 merks of which he could obtain no payment, and he purposely moved this prosecution and conviction against the supplicant so that he might, as bailie of the regality, obtain his escheat. (2) The said bailie and his deputes are no proper judges of the crime of murder, "quhilk is a point of the Crowne and pertaines onelie to his Majestis Justice Generall; nather could they be judges to slaughter bot in recenti facto where the partie is takin with hote blood within 24 hours, and this wes twentie days after the fact. (3) The resetter of theft cannot be callit nor convict till the principal thefe, who is fugitive, be discusst and convict, for be the law complices in a cryme cannot be accused before the principal malefactor, quhilk is daylie practised before his Majestis Justice."
Thus their Lordships may see how partial, informal and malicious are the proceedings of the said judges against the supplicant, "who is and honest man of good report, being past three score fifteen yeeres of age, and during all this tyme he has carried himselfe without rebuke or scandall in any wise." They thus hope to appropriate the supplicant's whole estate "to the wracke of him and his poore familie now in his aged and latter dayes." He had complained to the Lords of Counsell and Session, who referred him to the Justice, but he refuses to interfere without a warrant from the Lords of Privy Council, "supreme judges of the kingdome." The Lords, having heard and considered the matter, grant warrant to the Justice, Justice Clerk, and their deputies, and withal command them to give out letters to the supplicant against the Lord of Desfurde, and his deputies and their clerk, also against the sheriff of Bamff and his deputies and their clerk, and all persons at whose instance he was pursued before either of them, summoning them to appear before the Justice and his deputies on such day as they shall appoint for the reponing of the supplicant against the aforesaid conviction, and for any of the said persons who intend to pursue him for the foresaid crimes before the Justice, taking a day therefor and finding caution for doing so; as also for putting the supplicant in such case under caution in 300 merks for underlying his trial for the foresaid crimes or any others to be laid to his charge; and likewise to discharge all persons, including the said bailie of the regality of Strathylia and the sheriff of Bamff, and any acting by their authority, from meddling with the estate of the supplicant by virtue of the aforesaid conviction until it be found that it is just and lawful. And their Lordships upon "verie good respects and considerations" hereby grant their warrant to the supplicant to intromit with his own goods without peril or danger of law; he having found caution in 300 merks in their Lordships' books that the said goods will be forthcoming to the parties having best right thereto in the event of his conviction, and that in addition to the value of the said goods.

Complaint by the King's Advocate and John Kennedy, notary, burgess of Ayr, against James Stewart, apparent of Halrig, for illegally raising criminal letters against George Cochrane of Newtown in Ayr.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary, burgess of Air, his informer, as follows:—James Stewart, apparent of Halrig, having without any just ground raised criminal letters in the borrowed names of John, Earl of Traquair, Deputy Treasurer, and of his Majesty's Advocate, against George Cochrane in Newtown of Air for his compearing before his Majesty's Justice on 7th November last to answer for the crime of adultery committed by him with Janet Watsoun, spouse of William Rodger, indweller in Air, committed the execution of the letters to John Howestoun and John Cooke, messengers, "and he and they colluding togidder in the falset underwritten resolved to make their filthie and unlawfull advantage upon his Majesteis good subjects under pretext and cullour of the saids letters." Having summoned the said George, they drew up a list
of sixty persons to pass upon his assize and caused charge every one of them to keep the said diet under the penalty of 100 merks, and then the said James and the two messengers dealt indirectly with these persons, promising that for some reasonable composition they should be warranted to remain at home, of which offer all of these poor men "being glade to be freed of that trouble seeing they had their harvest upon their head and the weather was so unseasonable that they could not travel," availed themselves, some giving £5 6s., some 5 merks, some a dollar and six shillings, some half a dollar and four shillings, and some 12s.; extending in all to over £100. At the reporting of the letters they gave in a roll of only seventeen assizers, and of these five or six had compounded, and twelve did not compear and were fined. Further, the said James, "not content with this coozening scaffold," caused extract the roll of the persons of assize thus fined and "misknowing the ordinary clerk who has the charge of wrytting letters for the Thesaurarie, they addrest thame selfe to Robert Wallace, Writter to the Signet, and dealt with him to write letters of horning" against these persons for payment of their fines, as at the instance of the said Deputy Treasurer, who never employed them in any such service, and having thus charged them, he is now dealing with these persons to compound for their fines, threatening them with horning if they refuse. "This is ane heavie burdein and a foule coozening policie wherewith his Majestys good subjects ar so mischantlie abused and coossedn be the said James and his twa messingers foresaid, and if some exemplar order be not tane for trying and censuring heirof, numbers of his Majestys subjects throughout the haill kingdome will suffer by the like forme of doing." Charge having been given to the persons complained upon to comppear, and the pursuers and John Howstoun compearing personally, but James Stewart and John Cooke not compearing, the Lords ordain James Stewart and John Cooke to be put to the horn and escheap, and continue the case of John Howstoun until Tuesday next, directing him in the meantime to attend his Majestys Treasurer and Advocate anent this matter on the morrow in the Exchequer House.

"The Lords nominate the Erles of Wintoun, Roxburgh, and Southesk, the Lord Lorne, Secretar, and Sir James Baillie or anie three of thame to conveene and meit with the commissioner of the burrowes and to conferre and reason with thame and to assist thame with thair best advice tucheinge suche things as ar to be represented be thame to his Majestie concerning the increase of trade and libertie of fishing."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Kingorne; Annerdaill; Southesk; Tracqaur; Areskine; Binning; Melvill; Secretary; Clerk Register; Advocate.

"The Lords of Secret Counsell ordains the burrowes to meit with the Anent the increase of
commissioners nominat be the saids Lords anent the increase of trade and libertie of fishing the morne at eight of the clocke in the morning and to conferre and reason togidder for the better cleering of the doubts and prejudices concerning the trade and libertie of fishing."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary, burgess of Air, narrating as formerly (p. 184 ante), and that on the 16th the pursuers for instructing the complaint had produced a letter written and subscribed by the said John Howstoun in which he declared that he passed from the charge given by him to a number of persons particularly named in the said letter to appear as assessors, and that he did so with consent of the said James Stewart; and that they also produced other documents proving his having agreed with several of the persons charged. The cause being called as adjourned from the previous diet, and John Howstoun not now compearing, the Treasurer Depute reported that he and his Majesty's Advocate had examined the said John Howstoun upon the points contained in the complaint, a great part of which he confessed, stating that he acted by the direction of the said James Stewart. The Lords accordingly find the complaint verified and proven against the said John Howstoun, and ordain that he be charged to enter into ward within the tolbooth of Edinburgh within six days and there remain on his own charges until relieved by their Lordships, under the pain of rebellion.

John Howston, messenger, who was involved in the complaint of John Kennedy, notary, to be deprived of his office.

The Lords of Privy Council having found and declared by their sentence this day "that Johne Howston, messinger, hes verie farre abused and wronged a number of his Majesties subjects by charging of thame without a warrand to compeir before his Majesties Justice to pas upon the assise of George Cochrane in Newtown of Air for the alleged cryme of adulterie committed be him, and for componing and agreeing with numbers of thame and taking of compositions frome thame to byde at home, quhilk is a foule coosening, scafferie and deserves exemplar punishment" ordain and command the Lyon King of Arms and his brother heralds to convene the said John Howston before them and deprive him of all further exercise of his office as a messenger of arms.

Complaint by John Baigrie in Lufnes, as follows:—He was indebted to Margaret Alexander in 300 merks and she was indebted to Sir Patrick Hepburne of Wauchtoun for the rents of certain lands she held from him, for payment of which Sir Patrick arrested in the complainer's hands the sum he owed to her and recovered decree therefor before the Sheriff of Hadintoun and his deputes. The complainer, having thus satisfied Sir Patrick, recovered decree before the said sheriff ordaining
his bond held by the said Margaret to be cancelled, and he never expected to be troubled therewith any more. But the said Margaret Alexander has registered the bond, and in collusion with John Oliver, messenger, caused the complainer to be denounced; and thereupon by letters of caption the said John Oliver on "being the Lords Sabbath," apprehended him, having no "respect to the Lords day and to the laws of the countrie quhairby the executioun of letters of captioun is inhibite upon Sunday," and they kept him prisoner until they forced him to subscribe a new bond for the sum foresaid. Charge having been given to the said John Oliver and Margaret Alexander and John, Helen, Bessie and Katharine Cuthbert, her children, to compear and produce the said band extorted from the complainer and see it destroyed, and the pursuer appearing personally and also the said Margaret Alexander and John Cuthbert for himself and the other defenders, the pursuer produced a precept of poinding under the seal of the sheriff of Hadintoun and the subscription of the sheriff clerk, at the instance of the said Sir Patrick, for poinding the pursuer's goods for payment of 200 merks due to the said Sir Patrick, and also the extract of a decree by the said sheriff against the said Margaret for production of the two bonds given by the pursuer to her for payment of the 300 merks so that they might be cancelled and destroyed, which decree is dated 10th May, 1632. The Lords, having seen and considered these documents and also examined the said Margaret Alexander and John Cuthbert as to the truth of the pursuer's being compelled to sign a bond for 230 merks, which bond was registered in the Books of Counsell and Sessioun on 20th November last, when both confessed that this sum of 230 merks was the same as that contained in the first bond for 300 merks of which payment was made to Sir Patrick Hepburne, and that the pursuer was due no other sum unto them, find the last bond for 230 merks registered as foresaid void and of no force, and to have no execution in time coming.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Edinburgh, 22nd January

Kingorne; Anwerdaill; Lauderdaill; Southesk; Traquair; 1634.

Dumblane; Areskine; Binning; Melvill; Clerk of Register; Advocate.

"Anent the supplication presented to the Lords of Secret Counsell be Sir John Achinmowtie of Gosfurde makand mention that where he, as maister of his Majestis wardrobow be his gift, is not onelie appointed keeper of all his Majestis wardrob stuffes but also of naperie, vessell, fire warke and all other plenishing belonging to his Majestis housses within this kingdome, quhilks goods and geir foresaid wer all inventare be vertew of ane commission under his Majestis great seale of the date at Whitehall, the thretene day of Apirl, 1626, direct frome his robe.
Majestie to ane certane number of the saids Lords to that effect, quhill inventar is subscribed with the supplicants hand, whereby the supplicant and his airs ar bound to make furthcummand everie particular conteanit in the said inventar; and it is not unknowne to the saids Lords that be vertew of their warnand of Counsell upon the penult of May last the supplicant was directed to give out of his custodie all and whatsoever plenishing belonging to his charge (except that whiche did concerne the wardrob); and being latelie desired be the Lord Thesaurar to goe to the storehous to take notice what things were wanting, he finds a great deale of losse so that he cannot undergoe nor meddle with that charge without the saids Lords their warnand and, renovation of his booke and inventar. Humbelie desyreth thairfoir the saids Lords to deal with his Majestie for procuring of ane new warnand and commission whereby the supplicants charge may be renewed and that his booke and inventar may burdein him with no more nor the saids Lords sall see delveredy to him; or to make anie other course herin quhill the saids Lords sall Fol. 256, a. thynke most fitt for his Majestie service and the supplicants exoner- tion; lykes as mair lenth is conteanit in the said supplication. Qhilk being read, heard and considdirit be the saids Lords and they weill advised therewith, the Lords of Secret Counsell nominats and appoints and therewithall gives full power and commission be thir presents to William, Erle of Morton, Lord High Thesaurar of this kynodme, John, Erle of Annerdaill, David, Erle of Southesk, John, Erle of Tracquair, deputie Thesaurar, Thomas, Lord Binning, Sir Archibald Achesone, his Majestie Secretar, and Sir John Hay, Clerk of his Majestie Registers, or anie three of thame, the saids Lord Thesaurar or Deputie Thesaurar being one of the three, to consider the said supplicant his booke and charge, what part and portion thairof hes beene givin furth by warnand to particular officers, how muche thairof hes beene redelyvered and what is wanting, and accordinnglie to renew and reforme the said supplicant his booke to, be the ground and warrant of his charge in tyyme coming."

[Seerunt as recorded above.]

Complaint by Archibald Dunbar of Baldune, Harry Gordoun of Kilsture, and Michael McKie in Kirkland, as follows:—They have been informed that they have been put to the horn at the instance of Fergus Lilburne in Mekle Berintrae and his Majesty's Advocate for failing to appear before their Lordships as witnesses in their action against John McCulloch of Ardwell for causing the said Fergus subscribe a bond as mentioned in the complaint (ante, p. 181). Now they were never lawfully charged either personally or at their dwelling places to appear; and, further, this alleged charge was executed against them at the direction of Alexander, Earl of Galloway, without the knowledge of the said
Fergus, "who knew nothing of the same and never bestowed ane turner in raising or executing of the saids letters." The complainers never imagined that the said Earl would charge them as witnesses in this matter, seeing that at the making of the said bond, which was done in Edinburgh, the complainers were in Galloway and knew nothing about it. Nor could they imagine that the said Earl would seek an advantage against them at that time of the year, viz., September, when they behaved to attend their harvest. Nevertheless they have found caution, each in 300 merks, to appear before the Council this day as witnesses, and further in £100 to satisfy the Treasurer, Deputy Treasurer and Receivers of his Majesty's rents for their echeats if found liable to do so; in respect whereof they crave suspension of the horning. The pursuers compearing personally but the King's Advocate and Fergus Lliburne, who had been cited as defenders, not compearing, the Lords suspend the said horning as craved.

Complaint by Alexander, Bishop of Dunkeld, Sir Robert Bruce of Clackmannan, William Bruce of Fingask, and Alexander Lindsay, fear of Dunkeld, John Colt, mason, and others against Mr. David Williamsson, minister at Kilespindie, for themselves and in name of the heretors and parishioners of the parish of Kilespindie, and John Colt, mason, as follows:—By a decree of the Lords of Council and Session the said parishioners were ordered to repair the kirk and bellhouse of Kilespindie, and in obedience thereof they purchased a great number of stones at Innergowre, and with great difficulty and expense transported them thence partly by sea and partly by land to the said kirk. They then agreed with the said John Colt for building the said bellhouse, and he commenced the work, and "had takin twa trees of fyve quarter long and layed thame in the wall for strenthening thairof," when "Mr. David Williamsone, minister to the saids parochiners, upon the penult of December last, come to the warke and vere despitefullie raised up a part thairof, tooke away the two trees, drew doun the scaffold, kuist the maissons warkloomes away, and boasted and minassed the said Johne Colt with manie disgracefull speeches, calling him and his men false lownes, patt violent hands in his person, buffettet him on the face, uttering manie contumelious speeches againis the saids heretours and parochiners calling thame also false; and hes tane away the keyes of the kirk dooers and bellis out of the bellous quhiulks he keepes and deteneas frome the compleaners, to the intent the measure of the hous may not be had to conforme the same to the bellis; and he hes so terrifed and affrighted the said Johne Colt that he darre not anie longer serve at that warke but hes gevin the same over." The pursuers appearing by Mr. David Falconner, their procurator, and the defender by Mr. James Nicolsone, his procurator, and parties and their witnesses having been heard, who failed to prove any part of the complaint, the Lords assoilzie the defender.

"James Lyon of Aldbar and Lindsey, fear of Eddy, to be insert in the commission of the Justices of peace within the shire-dome of Forfar."
Complaint by Mr. Alexander Hamilton of Kinglassie, as follows:—Some twenty years ago James Carnes in Kinglassie entered into service with the complainer in his coal work of Kinglassie, and he afterwards made him grieve and overseer of the same, expecting that he would show himself worthy of the trust reposed in him. Nevertheless, the said James Carnes having received certain sums of money due to the complainer, and being in debt to him personally otherwise, has not only made no accounting thereof, but also within term day has most unthankfully left the complainer’s works and drawn away the workmen who served under him so that for the past fifteen weeks the complainer’s works have been laid waste; “and now to mocke and scourne the complainer heis caused charge him to find him lawborowers.” Both pursuer and defender appearing personally and they and their witnesses having been heard, the Lords find that the said James Carnes “hes verie unlawfullie and undewtfullie left the perswers workes within termes, having had the oversight thairof thir manie yeeres bigane,” and they ordain him to be warded within the tolbooth of Edinburgh until they release him.

Coalmasters to inform foreign traders that they must purchase coal and salt with his Majesty’s coin.

On a supplication from the coal-owners the Council relieve them from the act requiring them to take only Scottish coin from foreigners trading with them.

“The Lords of Secret Counsell ordains and commands Johne, Erle of Wemese, Mr Alexander Hamilton of Kinglassie, and Alexander Bruce of Alveth, who wer personallie present, to make intimation to the strangers traders with thame for coale and salt that they bring no dollers for payment of thair coale and salt bot that they bring his Majesteis proper coyne for the same or suche species of gold and silver as have course be the act and proclamation made hereaneant.”

“Anent the supplication presentit to the Lords of Secret Counsell be Johne, Erle of Wemese, Mr Alexander Hamilton of Kinglassie and Alexander Bruce of Alveth, makand mention that where by ane act of Counsell of the dait at Halyrudhous, the 18 of July, 1631, the supplicants wer inhibitit to receave anie dollers for coale or salt from strangers trading with thame, qhillk act they have been most carefull to obey and ar yitt verie willing that the same sould receave dew obedience, and for this effect they have at diverse tymes intimat the same to the saids strangers who trade with thame anent their coale and salt and have represented unto thame the danger and inconvenients that would ensow both to the
supplicants and thame by importing and bringing in the saids dollers; and now, as the supplicants are informed, there is ane great number of strangers and speciallie Hollanders arryved within the firth for buying of great coale from thame, who have the most part of their provision and stolling in dollers, it being impossible to thame, as they affirme, to import within this countrie gold or other species of coyne allowed to have course heere, and that in respect of the great skarsetie of these monies in their owne countrie: Humbelie desyryng thairfuir the saids Lords to take suche present course and order in this mater as the supplicants be not cassin louse frome trading with the saids strangers to the undoing of their coale warkes and haill estats, quhilks by that trading ar Uphaldin and maintaunne and without the quhilk not onelie saill they heavlie suffer but also great nombers of the countrie people who live by their saids workes will be brought to beggerie; lykeas at mair lenth is contennt in the said supplication. Qhillk being read, heard and considerit to be the saids Lords and they advised therewith, the Lords of Secret Counsell upon considerable respects hes givin and grantit and be the tennour hereof gives and grants libertie and licence to the saids supplicants to receave payment in dollers frome the strangers come heere in the lait flet presentlie lying in the Firth at the ordinar rate of lvij s. for the coale and salt to be sold be the saids supplicants to thame without pane or danger to be incurred be thame therewith in thair persons or goods, notwithstanding of the act of Counsell and proclamation made and published in the contrare; whereaneant and all panes contennt therein the saids Lords dispenses be thir presents in the particular abone-written allanerie, but prejudice alwayes of the said act of Counsell and proclamation published thereupon and panes therein contennt to be incurred be the contraveenners in tyne coming in caise of new contravention."

[Sederunt as recorded above.]

Complaint by George Chalmers of Balbithen, as follows:—He has been resident in England for several years past, and, being indebted in some small sums to several persons in this country, and some small burdens lying upon his estate of Balbithen, William Seatoun of Meldrum, his brother-in-law, pretending only the welfare of the complainer and his wife and children, and the preservation of their estate till their return wrote to the complainer to London in January, 1622, desiring him to sign certain writs inclosed in his said letter, whereby he would have power to deal with the complainer's lands and rents during his absence; and he promised that he would then pay the complainer's debts, ente- tain his wife and children, preserve his estate until he should return to Scotland, and repone him therein. This letter, all written with his own hand, is dated at Aberdein, 25th January, 1622. The complainer,
confiding in the said William Scatoun as his brother-in-law, signed the writs, and by virtue thereof Scatoun has intromitted with the complainant's estate since 1621, but has made no accounting thereof, neither has he paid the complainant's creditors, though their claims only amounted to 11,000 merks, and the yearly rent of the said estate was over twenty chalders of victual, besides other casualties: Having received information of this behaviour he has come to this kingdom, and has raised an action against Scatoun, to defeat which Scatoun has caused him to be denounced upon some bonds which he has paid with the complainant's rents, and taken out letters of caption against him, and has also stirred up certain of the complainant's creditors, whom he ought to have satisfied, to trouble him in the same way. Charge having been given to the said William Scatoun fol. 48, b. of Meldrum to compear and see their lordships' protection granted to the complainant, and both being personally present, the Laird of Meldrum declared that he had no horning against the said George Chalmers, and would not in this way debar him from pursuing in any action, and he also consented to their Lords granting to him their protection, which the Lords did accordingly until 31st March next.

"The protection granted to Fergus Grahame of Blastwood prorogat till the first day of March nixt in so farre as concernes the Erle of Annderaill."

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Kingorne; Roxburgh; Annderaill; Lauderdaill; Southesk; Bishop of Murrey; Advocate.

Direction to William Gray and Mr. Alexander Guthrie to meet with the commissioners of the burghs, and confer with them anent the circulation of foreign dollars.

"The quhilk day the Lords of Secrete Counsell required Williame Gray and Mr. Alexander Guthrie to meit and conferre with the commissioners of the burrowes anent the estat of the coyne current in the kingdome and to sett down in writt their advice and opinion anent the course of dollers and how the abuse thairof may be most convenientlie remedied and good moneys imported within the kingdome, and what they crave to be reformed in the order of payment of the bulyeoun, coýnage thairof and officers wages dew for the same, and to report their opinions thereanent to the saids Lords upon Thursday nixt at nyne of the clocke in the forenoone in the laich counselhous of Edinburgh; and ordains the officers of the cunyiehous to be warned to that dyet."

Sederunt—Chancellor; Treasurer; Winton; Roxburgh; Annderaill; Lauderdaill; Dumfreis; Southeak; Tracquair; Lord Lorne; Clerk Register; Advocate.

"The Lords of Secrete Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords and read in thair audience, receaved and admitted Williame, Bishop
of Edinburgh, to be one of the Privie Counsell of this kingdom and to bruike and injoy all the honnours, priviledges, digniteis and immuneitis proper and dew to that place; lykewise the said William, Bishop of Edinburgh, being personallie present and acknowledging with all humble and dewtfull respect his Majesteis gracious favour shawin unto him in preferring and advancing him to this place of honnour and dignitie, he with all dew reverence on his knees, his hand lying on the halie evangell, made and gave the oaths of alledgedance and a Privie Counsellor. Followes his Majesteis missive for warrand of the act aboneswrittin:—CHARLES R.—Right trustie and right weibelovit cousine and counsellor, right trustie and right weibelovit cousines and counsellers, right trustie and right weibelovit counsellers, and trustie and weibelovit counsellers, we greit yow weil. Being informed of the sufficiencie of our right trustie and weibelovit William, Bishop of Edinburgh, and of his affection to our service, we ar moved in regard to thereof and for his better encouraging and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdom; therefor our pleasure is and we doe heirby require yow that, having administred unto him the oath accustomed in the like eaises, yow admit him to be one of your number, for doing whairof these presents sall be your warrand. From our court at Whitehall, the 18 of Januarie, 1634."

"The Lords of Secreit Counsell nominates Thomas, Erle of Hadintoun, Lord Privie Seale, Johne, Erle of Lauderdale, David, Erle of Southes, Johne, Erle of Tracquair, Johne, Bishop of Ros, Archibald, Lord of Lorne, Sir Johne Hay, Clerk of Register, and Sir Thomas Hope of Craig-hall, Advocat, or anie twa of thame with the Lord Privie Seale, to meet and conferre with Sir John Scoet, Director of the Chancery, in any concernyng the prices of his office, and to try what hes beene customable takin in his uncles and his awne tyme and what prices he now takes, and to report to the Lords what they find therein."

"Anent the supplication presentit to the Lords of Secreit Counsell be Robert, Erle of Roxburgh, makand mention that where Alexander, Erle of Linlithgow, being charged be vertew of letters raised at the instance of Sir William Bannatyne of Brouchtoun to make payment to him of the summes of money underwrittyn for his releefe of the foure termes of the taxation grantit in the 1621 yeere of God and of the first three

1 William Forbes, first bishop of Edinburgh. the 20th January 1634, and he died that same "His patent from the King, to be the first year on the first day of April following." Cat. bishop of Edinburgh," says Keith, "bears date of Bishops, 60.1.
terms payment of the taxation grantit in the 1625 yeere of God for his lauds lying within the regalitie of Brouchtoun and parish of Faw Kirk, extending in the hail to the soume of 794 l. xvij s. money, the said Erle made payment to umquhil Archibald Prymoirs, clerk of the taxes, who had power, warrand and commission frome the collector of the said taxation to uplift the same and to grant acquittances thereupon, of the soume of 454 l. iiiij s.; and as for the remanent of the said soume extending to 340 l. xij s., the said Erle by a suspension purchas be him againis the said charge consigned the said soume in the hands of Archibald Prymerose, lykaes umquhil David Crichton of Lugton, Thomas Kincaid of Wareinston, and some others fewers of the baronie of Brouchtoun being charged be letters raised at the instance of the said Sir William to make payment unto him of some certane soumes of money for their parts of his releefe of the twa taxes abonewrittin, the saids persons by ane suspension raised by thame consigned the soumes of money following in the hands of the said Archibald Prymerose, viz., the Laird of Lugton the soume of xix l. xvij s. viij d., Thomas Kincaid of Wareiston xlij l. xiiiij s. iiiij d., Thomas Fleeming and the provest, bailleis and counsell of Edinburgh xxvj l. iiiij s. iiiij d., umquhill Mr. John Jacksone ix l. iiiij s. iiiij d., James Duncane of Ratho xxvj l. xvij s. viij d., Fol. 258, a.

Alexander Heriot, burges of Edinburgh, v l. xvij s. x d., the provest, bailleis and counsell of Edinburgh for the mylnes of Bonytoun x l. xvij s. x d., and for the lands of Lochflat xxxvj l. iij s. iij d., umquhill Patrik Eleis ix l. j s. iij d., umquhill Johne Byres xlij l. v s. iij d., Mr. James Watson iiiij s. vj d., William Scot v l. xvij s. viij d., and Katharine Vau vj l. vj s. Qhillks twa suspensions being callit, to witt, the one upon the xxij day of July, 1628, and the other upon the xxxij of Februar, 1629, the Lords of Counsell and Sessioun, in respect of the consignations foresaid, suspended the letters abonewrittin and ordained the consigned moneys to be givin up to the said Sir William Bannatyne, excepting allanerlie the soumes consigned be the said town of Edinburgh, as the twa decreits givin heirupon at lenth beiris. And whereas it pleazed God to call the said umquhill Archibald frome this lyfe before the consigned moneys foresaid wer givin up, and that now the said Erle is burdened be the collectors of the saids twa taxes with payment of the consigned moneys abonewrittin, and he knowes not whom to crave nor againis whom he can have anie execution, seing there is none to represent the said umquhill Archibald; and whereas it is againis equitie, reason and justice that the burdein of these consigned moneys sould ly upon the said Erle and that he sould be troubled for payment of the same; humbelie desyring thairfoir the saids Lords to give command and warrand to the collectors of the saids twa taxes and to the auditors of their comptes in maner and to the effect following, lykaes at mair lenth is conteanit in the said supplication. Qhillk being read, heard and considerit be the saids Lords and they finding the desire of
the said supplication reasonable, thairfoir the saids Lords ordains and
commands the collectors of the saids twa taxations to defese and allow
to the said supplicant, in part of payment of the taxt of the baronie of
Broughton for the twa taxations abonewrittin, the haill moneyes abone-
spacesfeit, consigned and conteanit in the twa decreits foresaidis, excepting
always the soumes foresaidis consigned be the said toun of Edinburgh;
and siclyke ordains the auditors of the saids collectors thair compts to
allow the consigned moneyes abonespecefeit in thair compts, quhereceanent
the extract of this act sall be to thame a warrand."

[Sederunt as recorded above.]

Complaint by Sir John Hay of Baro, Clerk of Register, as follows:—
"By the libertie and priviledge of his place and office the keeping of all
the registers of the Chancellarie is dew to him and the extracts thairof
sacht onelie to pas by the said compleuner." He had informed Sir John
Scot, Director of Chancery, of this, and dealt with him for the delivery
of his registers "to be putt in his Majesteis register and kepeed thare,"
but Sir John Scot "makes some scruple and difficultie to delver the
sais registers without the saids Lords thair warrand." The compleuner
compearing personally and Sir John Scot compearing by John Scot, his
son, and parties having been heard, the Lords ordain Sir John Scot to
deliver to the said Clerk Register "the registers of all heretable infe-
ments and seasings being in his charge and keeping, to the intent the same
may be putt in his Majesteis Register and there be kepeed be the
said perserwer according to the right and dewtie of his place, he giving to
the said Sir Johne his ticket and discharge upon the receipt of the saids
registers"; seeing Sir John could assign no reasonable cause why this
should not be done.

This day, in presence of the Lords of Privy Council, compeared person-
ally John Leslie, younger of Pitcape, and taking burden on him for
John Gardin, son of the Laird of Blackfuird, elder, and all others who
might lawfully "be challenged and burdeined for the slaughter of unqu-
hill James Leslie, alias Robertson, sometimes servant to William
Seatoun of Meldrum," and also compeared personally the said William
Seatoun, taking burden upon him for Margaret Leslie, widow of the
said deceased James Leslie, William Leslie, his brother, and all others
his kin and friends (the said Margaret Leslie being also personally
present) and submitted the question of the assishment to be paid to the
said widow and her children to the judgment of George, Earl of Winton,
and Archibald, Lord Lorne, with John, Earl of Kingorne, as oversman
in case of variance, who accepted the nomination and promised to give
their decision thereupon before 15th March next. In respect whereof
the Lords ordain that the criminal diet appointed to Mr. William Hay of
Badinspeck, Alexander Garne of Blackfuird, and John Garne, his brother,
Complaint by Robert Lammert, fleshier in Kingorne, as follows:—On August last he was apprehended on letters of caption at the instance of Janet Davidsoun as widow, Christian and Margaret as children, John Dow as father, Christian Shortes as mother, William Dow, indweller in Dunfermline, as brother, and the remnant kin and friends of the deceased Thomas Dow, for the alleged slaughter of the said Thomas. He remained a long time in ward in Kingorne, but not being able to maintain himself there the bailies brought him over to Edinburgh in September last and dealt with the Justice deputes to take him off their hands and put him to his trial. This they refused to do as they knew of no prosecutor. The bailies thereupon represented the matter to their Lordships, who committed the complainer to the tolbooth of Edinburgh and ordained him to take out letters against his party either to put him to trial or consent to his release. Parties being cited and the pursuer appearing personally, and also the said Janet David [sic], she took the 25th February instant for prosecuting the pursuer before his Majesty's Justice for the slaughter of her husband; whereupon the pursuer asked instruments.

Complaint by Sir David Barclay of Cullerne, heritable bailie of the regality of Lundores, as follows:—He and his predecessors, as bailies foresaid, have been in the constant practice of holding courts in St Katharines Chapel within the burgh of Newburgh for administering of justice unto the vassals and feuars of the said regality, who are also bound to give suit and presence before the complainer there, and their right has never been questioned till that on 13th April, 1632, when the feuars were convened with the complainer in the kirkyard of Newburgh for holding court in the said chapel, Mr. David Orme, minister at Newburgh, locked and made fast the doors and debarrd the complainer from entering; and, being unwilling to make any trouble or commotion in such a place, they gave way. Again on 8th October that same year, when the feuars of the said regality were convened with Mr. Michael Barclay, the complainant's depute, for holding the head court after Michaelmas, Mr. David Orme repeated his conduct as above, and thus he frustrates the gentlemen and others his Majesty's subjects within that jurisdiction of justice, to their heavy hurt and prejudice. Charge having been given to the said Mr. David Orme, and he and the complainer both
compearing personally, Mr. David Orme produced to their Lordships an Act of the Presbytery of Cowper, dated at Cowper, 30th January last, "bearing the advice of the brethren of the said presbytery to the said defender to use all good means for keeping of the kirk of Newburgh for the service of God," and in case of any seeking to act contrary to the order of the kirk and Acts of Parliament thereon "he should cause the kirk door;" the said act being signed by Mr. John Moncreiff, moderator, and Mr. John Moreis, clerk of the said presbytery. The Lords in respect of this act assist the defender.

Acta June 1634
1622-June 1634.
Fol. 258, a.

Sederunt—Privy Seal; Glasgow; Winton; Annderdaill; Dumfreis; Edinburgh,
Southesk; Bishop of Mury; Bishop of Ros; Bishop of Dunblane; Lord Lorne; Lord Areskine; Lord Melvill; Clerk Register; Advocate.

"The whilk day the missive letter underwrittin, signed be the Kings Majesty and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennour followes:
—CHARLES R.—Right trusty and right weilbelovit cousine and counsellor, right trusty and right weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow weil. Understanding that, though our right trustie and right weilbelovit cousine and counsellor, the Marques of Hamilton, collector of our late taxation and of twa of ten for eache hundreth of annuellen money payable by the borrowers to us, hath beene carefull during the tyme of his being there to remove all impediments which may frustrat us of the benefite intended for us by the acts made thereon, yitt there ar manie (as we ar credibill informed by the said Marques) who againis the dewtie of good subjects, not affecting the good of our service heerin, endeavours by all meanes to defraude us of the said benefite by changing or antedating their bands or otherways to prejudice us; in regarde suche persons does merite severe punishment whereby others may be terrified from committing the like heerafter, our pleasure is that whencesover anie person sall be cited before yow for suche crymes yow proced with expedition to their tryell by examining of the notars and witnesses who ar thought to be accessorie to their proceedings, and that yow use all other lawfull meanes whereby the same may be tryed, that according as yow find thame guiltie yow caus punishe thame exemplarlie to the terour of others, conforme to the lawes of that our kingdome. Which speciallie recommending to your care, we bid yow farewell. From our court at Whitehall, the 25 of Januarie, 1634. Quhilk missive being read, heard and considirrit be the saids Lords and they advised therewith, the Lords of Secret Counsel ordains and commands Sir Thomas Hope of Craighill, his Majesteis Advocate, to proceed upon information to be givin to him to the perusit of the persons guiltie of the crymes conteanit in the said letter. Quhere-
upon his Majesteis said Advocat having declared that he was informed that David Beattson of Cardon had offended in that kynde, the saids Lords ordains the said Advocat to persewe the said David."

[Sureutn as recorded above.]

Complaint by George Arnot, merchant burgess of Edinburgh, as follows:

—George Scot, skipper in Dysert, upon their Lordships’ decree ordaining the complainer to pay him £499 16s. 6d. (see ante p. 169) has charged him to make payment thereof, and intends to denounce him if he fail therein; and that wrongfully, because the said George Scot, since the time of the granting of the first letters of reprisal to the deceased Captain David Robertsone, his father-in-law, against the Hamburgers, was always reputed, as he indeed was, a partner in that business, he being master of the ship sent out by his said father-in-law, who was captain thereof, and contributing his counsel and assistance in everything that concerned that employment; and in the second letter of reprisal granted by his Majesty for behoof of the widow and children of the said deceased Captain, the said George Scot has not only his interest as son-in-law, but is expressly mentioned by name. And, further, when the Lord Admiral required Captain Orrock, who was captain of the ships sent out under these second letters, to find a cautioner, he obtained the Laird of Tulliallan, as such, but the said George Scot became bound to relieve the said Laird; whereby showing that he was a party. And truly if there had been any gain by these second letters of reprisal he would have been ready enough to have sought his part of the same; so ought he therefore to bear his share of the loss. Now the sum claimed by George Scot is but a small part of the loss sustained by the complainer therein, and no restitution should therefore be made, but on the contrary George Scot, who by his own declaration is proved to be a partner and possessed of three sixteenths parts, and has taken burden for the children of the said Captain Robertson, should be decreed to pay his part of the other two sums contained in the last articles given in the end of Thomas Miller’s account, viz., £300, and 6400 merks, which the complainer can swear that he has paid in addition to the sum given to Jacob Jansson. Moreover, the complainer cannot be decreed to pay any more of the foresaid sum of £499 16s. 6d. than his proportion, because although the decreet against the said George Scot decrees him to pay £680 to the complainer, that is, for Scot’s part of the loss of the wines and aquavitie paid to Jacob Jansson and for the relief of the whole owners according to their proportions respectively; and as the complainer’s interest is only an eighth, so he is only liable for his eighth part. Finally, by Thomas Miller’s account it will be found that £1400 have been disbursed in addition to the satisfaction made to Jacob Jansson, of which George Scot should pay three sixteenths, being 100 merks or thereby, and of this the complainer...
should have retention conform to their Lordships’ decreet ordaining George Scot to pay his part of the whole losses of the wines and aquavitae. However, the complainer has found caution to make payment in terms of their Lordships’ decree if it be found he should do so, and meanwhile craves suspension of the horning. The pursuer complaining by Mr. John Paip, his procurator, and the defender by Mr. David Heriot, his procurator, and having been heard, the Lords remit the case to the Lords of Council and Session, ordaining George Arnot to find caution in the Books of Privy Council that if George Scot prevail in this cause he will pay him the sum charged for with due interest since 17th December last, the date of his decreet.

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, as follows:—Commemorating his hard estate, their Lordships granted to him their warrant for the security of his person until he reached the age of fourteen years. He had been left in his minority by his father nothing but a burden of debt, in ignorance of which those who had charge of his education had served him heir to his father, whereby he would have been in daily hazard of arrest by his father’s creditors. He is now approaching the age foresaid, and, as this is the chief and only time in which he can profit in literature, he craves an extension of the time of his protection. The Lords grant an extension for one year from the date hereof, but only against the supplicant’s person.

Complaint by William Home, sometime in Chirneside Mylne, as follows:—Upon a complaint made to their Lordships by John Home of Plewlands and John Miller, his servant, for hurting of the latter, the complainer was imprisoned in the tolbooth of Edinburgh for three days and ordained to find caution, but whether to the said John Miller or John Home he knows not. Now, the prosecution of the complainer was most unjust, for John Home only intended to disposse his of mill of Chirneside, “whairf he craufildie acquired ane pretendit minute of ane contract from the Erle of Home in England in lecto opiritudinis; so the complainer did nothing to the said Johne Miller at that tyme but onelie stopped him and xartene others of his complices who violente come in feare of ware at the direction of the said Johne Home to disposessse him of his said mylne.” He has already found caution in the Books of Session to the said John Home for his indemnity, but for the present he is quite unable to find any further caution, as since the complainer’s imprisonment John Home “hes violentlie extruded his wife and bairnes furth of the said mylne and would not suffer them to carie anie thing away with thame but hes redacted thame to beggarie.” No man will now become cautioner for him. Moreover, he has been now about four months in ward—a term of imprisonment far exceeding the demerit of his offence—and he is thereby prevented from obtaining justice against John Home and is like to starve for famine. Reason and
Complaint by Robert Young, maltman, burgess of Edinburgh, against John Lowrie, bailie of Innerleith, for delaying to pronounce judgment on James Clerk, who had been found guilty by the said bailie of theft from the complainant.

Complaint by Robert Young, maltman, burgess of Edinburgh, as follows:—Some goods having been stolen out of his houses in Edinburgh, he received intelligence that James Clerk, "browster at the West Port," had reset part thereof. He accordingly caused John Lowrie, bailie of Innerleith, within whose jurisdiction James Clerk dwells, to search his dwelling-house, who found within the same and in "kists therein certane" cods, codwairs and . . . . . qihilks wer stollin from the compleaner, having his name upon the same." Being thus "apprehended with the said fang" and accused by the complainer before the said bailie, the said James Clerk, and also Jean Wast, his spouse, were convicted by a con-
dign inquest before the said bailie in his baron court of Innerleith on 24th September last, and their sentence was referred by the persons of inquest to the said bailie. But for what cause the complainer knows not the bailie has delayed to pronounce doom and sentence against them. Charge having been given to the said John Lowrie and both he and the pursuer personally compearing and having been heard, the Lords ordain John Lawrie to apprehend the said James Clerk and commit him to ward until he satisfy the pursuer for the stolen goods reset by him and also until he find caution for the pursuer’s indemnity in time coming.

Sederunt—Treasurer; Privy Seal; Glasgow; Winton; Annderdaill; Lauderdaill; Kingorne; Southesk; Traccair; Lorne; Areskine; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Clerk Register; Advocate.

"Ane act in favours of Sir John Scot anent the prices of his office."

Sederunt—Chancellor; Treasurer; Glasgow; Winton; Annderdaill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Clerk Register; Advocate.

Letter from his Majesty anent a muster general. The whilk day the missive letter underwrittin, signed be the Kings majestie and directed to the Lords of Privie Counsell, was presented to the saide Lords and read in thair audience, of the qhilik the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, and
right trustie and wellbelovit counsellors, we greit yow well. Whereas in our late parliament holdin in that our kingdome the office of mustourmaister generall was ratified as a purpose verie necessarie for the good and honour thairof, the consideration of the fee for discharging that service and the means for jeveying thairof being by ane act of that court remitted unto yow and recommended by us in a speciall maner; our pleasure is that yow proceed according to the said act, having always a speciall care both that the said charge be putt in execution in the most convenient way for the good of that kingdome and lykewayes that the nobleman to whos care the overseeing of it is entrusted by us may be encouraged to it by a good and competent allowance to be leyved in suche kynde as yow sall thinke most fitting. Whiche recommending to your speciall care we bid yow farewell. Frome our court at Whitehall, the 22 of November, 1633. Quhilk missive being read, heard and considerit be the saids Lords, they ordained letters to be direct to the burrowes of Edinburgh, Dundee, Perth, Glasgow and Aberdeene and to the shireffs of Edinburgh, Fyffe, Hadinton, Perth, Forfar, Kincardin and Aberdein, willing thame to send their commissioners hither from their burrowes and shires respective to the saids Lords upon the xviiij day of Marche nixt to give their advice anent the businesse abone-writtin."

"Anent the supplication presented to the Lords of Secret Counsell to be Sir John Scot of Scottistarvet, knight, Director of our soverane lords Chancellarie, makand mention that where in the 1606 yeere of God when the supplicant wes minor and that his umquhill uncle exercised the directorie of the Chancellarie, the Lords of Privie Counsell for the tym being sett down a booke of rates conteining the prices of all writis and seales that should be tane from the lieges in all tym thereafter, and the clerkes of the Session, writers to the signet and others clerkes and keepers of seales wer warned to the setting down of thir prices; bot the suppliants said umquhill uncle, knowing that how soone the supplicant come to majoritie he would cleame the right of his awne place and office, he being thairfoir carelessse what could become of the same and of the prices to be modified and sett down thereanent he never sollicitand the Lords therein nor did not so muche as once to kythe or opin his mouth in that earand, and so by his silence and carelessse and negligent convenniece the saids Lords sett down the prices of all writis passing the Chancellarie in a farre lower degree and measure nor formerly wes payed for the same; and how soone it pleased God that the supplicant acquired the right of his owne office and wes possest therein and finding a sensible prejudice done to him anent the prices of writis passing his office be the negligence and silence of his uncle who possest the same for the tym, the said supplicant pettiouned the Kings majestie in the moneth of Februar, 1626, that a commission and reference might be givin to the commissiouns for the greevances to take to thair consideration the prejudice done
to the supplicant in the saids prices. Lykeas at that same time his Majestie by his letter directed to his exchequer declared that it was his royall pleasure that the saids prices concerning the suppliants said office shold be sayled be the saids commissioners and in the meane tyme that he shold be suffered to take the accustomed prices; since quhilk tyme the commissioners for the greevances never mett in judgement, and upon occasion thairof the supplicant still lyes under the censure of the said act of Counsell made in his minoritie. Quhereupon the said supplicant humbelle petitioned his Majestie and his Estates conveened in the lait parliament, and they having tane the suppliants petition to their consideration they remitted and referred the decision and determination of his petition with the modification of the prices contenit in the same unto the saids Lords to be sett down and determined be thame, quhilk determination his Majestie and his Estates declared shold stand as ane constant modification in all tyme thereafter and shold have the force, streth and power of ane Act of Parliament, as the said reference shawin to the saids Lords of Privie Counsell beiris. And trewe it is that by a constant and uncontrolled rule observed in all tyme bygane in the Chancellarie anent the prices of all writts and evidents passing that office the halfe of the price that is payed at the great seale or the double of the price of the privie seale hes ever beene the price of writte passing from the Chancellarie to the great seale never heerfore querrelled; and there is not a subject in the kingdome that will or can compleane upon the supplicant for breaking of this rule or for exceeding the prices therein observed; and for the prices of others writts the supplicant hes heir sett down the same to be considerit be the saids Lords; to wit, all commissions passing the quarter seale for serving of breves in favors of ane erie or lord xij m. vj s. viij d.; in favors of a baron vj m. xij s. iiiij d.; in favors of a burges or yeaman iiiij m. vj s. viij d.; ane tutor dative under the quarter seale for a meane person iiiij m. vj s. viij d., for a baron vj m. xij s. iiiij d., for a lord of parliament x m.; ane presentation upon foresfautour or bastardrie of lands or annuel rents of small availl within brugh iiiij m. vj s. viij d., of great availl vj m. x iiiij s. iiiij d.; ane brewe or attorney to a lord of parliament xxvj s. viij d., to a baron xijij s. iiiij d., to a burges or yeaman vj s. viij d.; the registration of a retoure to a lord of parliament xl s.; the precept of a retoure under the quarter seale, of a baronie of land x m., of other small lands haldin of his Majestie v m. vj s. viij d.; precept of land within burgh haldin of a superior iiiij m. vj s. viij d.; and for the rest eache of thame iiiij m. vj s. viij d.; ane summounds of error of small availl under the quarter seale vj m. xij s. iiiij d., and of great availl x m. Thir being the prices whereby the supplicant rules his office, he thairfor humbelle represents the same to the saids Lords thair consideration, that by act of Counsell he may be allowed and warrantted to take thir prices in tyme coming, quhilk ar so moderat as he perswades himselfe that no subject can or
will oppose himselfe thereto; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the sais Lords, and they being carefull to be weill and trewlie informed of the estait of this bussines and what wer the prices payed of old in the said Sir Johne his late uncles tyme and sensyne in his awne tyme for infeftments and others writts concerning that office, the sais Lords for this effect appointed a committee of some of their awne number to try and examine this mater and to report to the sais Lords what they could find therein. Quhilkis persons of the committee having at diverse meetings at lenth conferred heirupon, and having callit before thame certane of the writeris to the signet and agents of longest experience and best knowledge in maters of this kynde, and having examined thame upon oath concerning the sais prices, and having reported their depositions in writt under thair hands to the sais Lords of Secreit Counsell, who wer this day conveenmed in counsell in a frequent number, and the sais Lords having conferred the sais depositions of the writeris and agents and prices depounded be thame with the prices foresaid sett down be the said Sir Johne in this his supplication and they being therewith weil advised, the Lords of Secreit Counsell finds and declares that there hes beene no materiall change in the prices of the chancellarie tane be the said Sir Johne since his entrie to that office fra the prices tane in the tyme of his said lait uncle, bot that the said Sir Johne hes kept a good mediocritie and behaved himselfe discreetlie and respectivlie therein; and to the intent that all mater of question and contestation anent the saids prices may heerafter be removed and that persons take not occasion without ground or reason to scandall and reproache the said Sir Johne thereanent the sais Lords hes appointed, modified and sett down be the tenor of this present act appoints, modifies and setts down the prices following as a constant rule and order to be observed and keepeled in the chancellarie be the said Sir Johne and his successoris and to be tane be thame in all tyme heerafter for infeftments, letters and writs passing at the chancellarie; that is to say, for infeftments, confirmations and others writs passing directilie frome the chancellarie to the great seale with the precept raises the said Lords by the precept of the same, and for the quarter seale to be appended to the precept, the halfe of the price dew to be payed for the great seale; and that all commisions for serving of brees of favors of ane erle or lord of parliament sail pay xiiij li. vj s. viij d., in favors of a baron vj li. xiiij s. iiiij d., in favors of a burges or yeaman iiiij li. vj s. viij d., tutorie datives in favours of a lord of parliament, ten punds, in favors of a baron vj li. xiiij s. iiiij d., in favors of a meane mau iiiij li.; and if there be moe pupils in the tutorie nor one, to pay the halfe of the price sett down upon the severall qualiteis of the pupils foresaid per capita; presentations upon foresfaiour or bastardrie of lands or annualrents of smmall avail within burgh iiiij li. vj s. viij d., and of great avail vj li. xiiij s. iiiij d.; ane breeve or attorney to a lord of
parliament xxvj s. viij d., to a baron xiiij s. iiiij d., to a burges or yeaman vj s. viij d.; registration of a retoure fourtie shillings; the precept of a retoure under the quarter scale of a baronie of land ten pundis, and of other small lands haldin of his Majestie fyve pundis; precepts of land within burgh haldin of a superiour iiiij ft. vj s. viij d., and for all other precepts following thereupon iiiij ft. vj s. viij d.; a summons of error of small availl under the quarter scale viij. xiiij s. iiiij d., and of great availl ten pundis. And the saide Lords ordains the Director of the Chancellarie and his successours to furnishe parchment to all infeftmants, summouns of error and others writs quhillis may be conteanit and writtin within the bounds of a through of paper, and where the infeftmants, summouns of error and others writts ar of large extent and bounds the parchement to be furnished be the partieis; and alsua ordains the Director of the Chancellarie and his successors to furnishe walxe and parchement to all attorneyes and breeves, and that the walxe for the quarter scale and great seal be furnished be the partieis."

[Sederunt as recorded above.]

Complaint by James Grahaume in Corrilaw, John Johnestoun, son of Robert Johnestoun called of Kirkhill, and John Johnestoun, son of the deceased James Johnestoun in Howgill, as follows:—On 1st January last Alexander Fareis in Sibbelbieside was slain by Umphra Jardane in Cannabis in the dwelling-house of William Jardane in Bagray, "where they wer at the drinke for the tyme." Thereupon "the relict, father, and other freinds of the said Alexander, tooke thame directlie to the said Umphrayz as the notour and knowne person who slew the said Alexander," pursued him criminally before his Majestye's Justice for the same, "and upon composition payed and receaved be thame frome the said Umphra, they past thame to the bar and tooke thame to the compleanners who had nothing to doe with the said umquhill Alexander and never meded in that mater directlie nor indirectlie, but becaus it unhappilly fell out that the compleanners wer in the hous for the tymne and apprehending the danger of the law they durest not hazard upon aie commoun countrie assyse but takes thame to his Majesties gracious favoure, and pardon, quhillis his Majestie was graciously pleased at his late coronation to voucheasfe upon all his Majesties good subjectes who stood in danger of the law for anie slaughters, they procuring and expeding their remissioun within yeere and day and giving satisfaction to the parties interested." Accordingly, on 8th July last, the compleanners caused make the most submisive offers they could "in hormage" with 800 merks in money to Janet Jardane, widow of the said Alexander Fareis, Rodger Fareis, his father, John, James and Robert Fareis, his brothers, and the tutors and curators, of the said Alexander's bairns, but they refused these offers and intend maliciously to take all the advantage.
they can out of the complainers to their hurt and the disappointing of his Majesty's gracious and royal pardon. Charge having been given to the said widow, father, and brothers of the said Alexander Fareis, and to John, William, Jean, and Janet Fareis, the children of the said Alexander, and their tutors and curators, if they any have, to appear before the Lords on 4th February instant, and the said James Grahame appearing personally, the two John Johnstoun by John Johnstoun of Betok, their procurator, and Janet Jardane and John Fareis, also compearing personally, James Johnstoun [sic, i.e., Grahame] gave in certain offers in writing on behalf of himself and the other two complainers, which offers were given up to the said Janet to be advised with until the 6th instant. On which day the defendants having stated that they were not satisfied with the offers made to them, their Lordships requested John, Earl of Annerdale, and William, Earl of Dumfries, who were personally present and were acquainted with both parties, to call them before them and deal with them to come to a settlement and restoration of friendship, and report this day. The said Earls having reported that they had travelled between the parties and had given their opinion as to the amount of assisitemet, and that the point upon which they now stood was as to the gift of the pursuers' escheat, and the expenses made by the defendants thereupon, the Lords ordain that each of the three pursuers pay 500 merks in full assisitemet to the said widow and children of Alexander Fareis, and that such of the defendants as are donators to the escheats of the pursuers make sufficient assignations to them of their own escheats; and the said assisitements having been paid, the Lords ordain that a remission for the said slaughter be passed to the pursuers.

Supplication by Alexander Lindsay of Dunrod, as follows:—He entrusted William Wallace of Johnstoun, his sister's son, with his estate and living for the payment of his debts, but he, in disposing thereof and paying a great part of his debts, “he dealt verie unhonestlie with the supplicant and tane assignations to the debts quhilks he hes payed, allying that he is superexpeended.” This is to the supplicant's great prejudice and the frustrating of his creditors' satisfaction, but he dare not come to Edinburgh for prosecution of the said William without their Lordships' warrant, which accordingly he craves. The Lords grant him their protection till Whitsunday next.

“The like warrand grantit to Sir George Home of North Berwick for selling of his lands to pay his creditours until the said terme of Witsonday nixt.”

Supplication by John Carruthers of Holmaynes, as follows:—He is at the horn on some civil grounds at the instance of the Earl of Annerdaill, who has raised also letters of caption against him, “and hes ane decreit of improbation of the hall rights and writts of his lands and heritage quhereby he is disabled to take anie course by selling of his estait for releefe of his debts.” But he has entered into an agreement.
with the said Earl for disposing part of his lands to him for relief of his creditors, which necessitates his coming to Edinburgh for the advice of lawyers, and this he can only do under their Lordships' protection, which he therefore craves. The Lords grant him their warrant until 15th April next.

"Missives to the commissioners for surveying of the lawes to compere before the Counsell upon the ellevant of Marche to accept the commiision upon thame. The counsellors present warned apud acta."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Kingorne; Lauderdaill; Annerdaill; Southesk; Bishop of Edinburgh; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Bining; Clerk Register; Advocate.

Complaint by John Keith, servant to Mr. Thomas Nicolson, younger, advocate, as follows:—During the time of his Majesty's being lately in Scotland some quarrells fell out between him and James Tennent, in which the said James was hurt. The complainant was thereupon brought before the Lord High Constable of this kingdom and censured, and then the provost and bailies of Edinburgh troubled and warded him for the same cause, which obliged him to procure his liberty by warrant from their Lordships, and the Lord High Constable, seeing his authority vilipended and misregard by the magistrates of Edinburgh, made remonstrance thereof to the Lords of Session and obtained decree on 23d July last declaring that the said magistrates had done wrong in judging the complainant after that he had been dealt by him. Yet, notwithstanding hereof, the provost and bailies of Edinburgh daily molest him by sending their officers to him upon the calsey when he is attending his master and threatening to commit him to ward unless he compear before them and answer for the wrong aforesaid, for the which he has already undergone censure. Charge having been given to William Reid, Robert Fleming, Edward Ferquhar, and David McCaw, bailies of Edinburgh, for themselves and in name of the provost, and also to Archibald Halden, Constable depute, and the pursuer and Constable depute appearing personally, also Sir Alexander Clerk, provost, and the said Robert Fleming, for themselves and in name of the other bailies, who for justification of their procedure produced an indictment granted by King James the Third whereby for very considerable causes therein mentioned he appointed the provost and bailies of Edinburgh heritable sheriffs within themselves with as ample powers and jurisdiction as any other sheriffs within the kingdom, the said indictment bearing date 16th November, 1482, 23d year of the said king's reign. By virtue of this right they had dealt with the pursuer; and in producing the same they protested that they did so only for the satisfaction of their lordships and not to have their rights decided in this judgment; and desired that they might
be remitted to the judgment of the Lords of Council and Session for the decision of their controversy with the Lord Constable and their right and possession continued till then. The Lords, having heard parties and considered the right produced and the decree of the Lords of Session and their own warrant, find that the provost and bailies have done wrong in contravening the decree and warrant foresaid by arresting and warding of the pursuer after being discharged thereby from so doing, and they admonish them to forbear the like unlawful procedure in time coming until they summoned the Earl of Erroll, Lord High Constable of this kingdom, to appear before the Council to hear and see their rights produced and the said provost and bailies reponed against the decree foresaid recovered against them by the said Constable. Whereupon the said provost and bailies protested that this decree and sentence should not be prejudicial to their rights, privileges, liberties and possession, nor to the exercise thereof, and should be no interruption of the same in their deciding and administering justice in such like cases. Further, the Lords ordain the pursuer to pay £30 to James Tennent in respect of and satisfaction for his hurt, and also to find caution in their Lordships’ books for his future indemnity, under the pain of 500 merks.

Complaint by James Clerk, indweller outwith the West Port of Edinburgh, as follows:—Robert Young, maltman, alleging that Margaret Crawford, his servant, took out of his house in Edinburgh certain goods in August or September last and gave the same in keeping to Agnes Clerk, the complainer’s daughter, who was then servant to Robert Gordoun, and also alleging “that after ryping made be John Lowrie, baillie of the baronie of Innerleith, there wes found of the said Robert Young’s goods in the compleaners hous a cod, codwair, and twa servitts, not worth xxiiiij. 8. Scottish, quhilks the rypers with their awne hands took away with thame, albeit it be most trew that the saids cods, codwair and servitts were trewlie layed in pledge to the said Agnes Clerk and givin be her in custodie to the said James Clerks wife quhill the same had beene lously be payment of xxx. 8. or thereby,” with advice of the said bailie, his kinman and friend, and one who for several years past has manifested great enmity against the complainer, as all the inhabitants of the West Port know, caused summon the complainer to compear before the said bailie in his court to pass upon the assise of one Duncan Simson “for a bloodshed,” and then without any citation or indictment given to the complainer the said James “instantlie made up ditty againis the compleaner as a ressetter of the saids goods that the said Robert Young alledged he wanted, and whereof they alledged they fand a part in the compleaners hous; and refusing always to heare anie reasoun did remitt the compleaner and the forged dittay againis him to the knowledge of ane inquest or assise, and as he is informed, hes caused convict and fyle him of a ressett, albeit it be most trew that there wes never a theefe followed nor declared in the said mater, and that the
goods found in the complainers house were laid in pledge be the said Robert Youngs servant to the said Agnes whill the same wer loused, as said is." He is informed that supplication has been given in to their Lordships to appoint his doom, and that the same has been delivered back to the said bailie, "who with convocation of the hail inhabitants at the West Port upon the tent of this instant at ten houres at even come to the complainers dwelling houes to have drawn him furth of his houes, and in the meantime intends in the most shamefull and scandalous maner he can to defame and disgrace the complainer, albeit ane innocent and knowne to be of good lyfe and conversation; and quhilk process is summarlie deduced without anie legall forme againis the said complainer upon verie malice to wracke and undoe him, his hous and familie." Charge having been given to the said John Lowrie and Robert Young, and they and the pursuer-compearing personally and having been heard, the said bailie declaring that the pursuer "is knowne to be a commoun ressetter of theves and stollin geir," the Lords ordain the pursuer to be committed to ward within the tolbooth of Edinburgh and there remain upon his own expenses until he shall be prosecuted criminally before his Majesty's Justice and his deputes upon such crimes as shall be laid to his charge by the defenders or any others.

Complaint by William Maxwell of Monreith, as follows:—Upon a horning raised against him in the borrowed name of Fergus Lilburn in Berintrae, but really by and at the expense of Alexander, Earl of Galloway, for not compearing before their Lordships as a witness in an action by the said Fergus against John McCulloch of Ardwell, about a band alleged to have been extorted from the said Fergus by the said John, the said Earl raised letters of caption, and on Friday last, while the complainer was attending his lawful pursuits before the Lords of Council and Session, caused apprehend him in the Exchequer House and warded him in the tolbooth of Edinburgh, where he presently remains. This he has wrongfully done, because the complainer never received a lawful charge to compear in the case foresaid or he would have obeyed, and he has found caution to appear before their Lordships this day as a witness in the said case under the penalty of £100 and to pay £100 for his escheat to the Treasurer, Treasurer Depute and Receivers of his Majesty's Rents, if he be found liable so to do. Charge having been given to the said Fergus Lilburne, and to Sir Thomas Hope of Craighall, his Majesty's Advocate, for his Majesty's interest, and the pursuer appearing personally, but none of the defenders, the Lords suspend the horning against the pursuer, he finding caution acted in the books of Privy Council in 300 merks that he will appear before their Lordships in the above matter whenever lawfully cited.

Complaint by Richard Davidsoun in Tofts and Andrew Hog in Crailling, as follows:—Out of a preposterous affection to Sir James Ker of Crailling, "whome they tooke to be a man answerable in law and goods
for whatsoever debts he would undertake," they became cautioners for his Crailling, who, having become caution for Sir James Ker of Craill, him in large sums, for which they are now heavily distressed and are without hope of any relief. It is very difficult for them between terms to provide money to "outred their debts," but they are hopeful if they had till the term that they would so clear themselves as that none of Sir James's creditors would have cause to complain of them. Charge having been given to Mr. John Rutherfurde, provost of Jedburgh, John Moscrop, Adam Ainslie, Adam Rutherfund, Mathew Foul den, Ragwell Bennet of Chesters, Thomas Newbie, messenger, and Adam Hislop, creditors of the complainers, to compear and see a protection granted to them, and the pursuers comparing by Mr. John Sandelands, but none of the defenders comparing, Mr. John Sandelands produced a letter of continuation subscribed by Robert Halyburton, elder, John Ker, Mr. William Stirline, Andrew Dougall, Alexander Borthuick, Elspet Robertoun and Elspet Paterson, creditors of the said pursuers, whereby they supersede all personal execution on their part against them as cautioners for Sir James Ker until 1st June next. The Lords grant the pursuers their protection so far as regards the debts of Sir James Ker until Whitunday next.

"A letter from his Majestie for a ratable imposition to be levied and takin up for a competent stipend and dwellinghouse to everie minister of Edinburgh according to the proportion and mail of the said burgh. The Lords ordains the provest and bailies of Edinburgh to be warned to Tuisday and a cope of the letter to be delveryed to thame for their better information and answer."

"Ordains Alexander Dunbar, sone to Robert Dunbar of Moynes, to remaine in toun quhill he find caution for the indemnitie of Archibald Torrie, messenger, and to compier this day acht dayes."

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Rox—Edinburgh, 13th February 1634.

The quhilk day a letter was produced from his Majestie tuiching the furtherance of the plantation of New Scotland and ane act past thereupon accordinglie."

"The quhilk day the Chancellor, Thesaurar, Privy Seale, Mairshell, Roxburgh, Annerdaill, Clerk Register and Advocat accepted upon thame the commissioun grantit unto thame under his Majesteis great seale dated at Theobalds, 14 Septembris, 1633, for passing of infeftments of New Scotland."

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Rox—Edinburgh, 16th February 1634.

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Act of Council, "Forsamekle as his Majesteis late der father of blessed memorie for the honnour of this his ancient kingdome of Scotland did grant the first patent of New Scotland to his Majesteis right traist cousine and counsellor William, Erle of Stirlin, and was willing to conferre the title of knight baronnet upon suche of his well deserving subjects as should contribute to the advancement of the worke of the plantation in the said countrie, his Majestie was pleased to give order for effectuating of the same, according to his commissioun directed to the Lords of Privie Counsell for that purpose. And his Majestie understanding perfytelye that the said erle did begin and prosecute a plantation in these parts with a farre greater charge than could be supplied by the meanes foresaid and the rater in regard of the late discouragement of some by his Majesteis commanding the said Erle to remove his colonie frome Port Royall for fulfilling of ane article of the treatie betuix his Majestie and his brother the Frencye king, to make everie thing betuix thame to be in the estait wherein it was before the warre, hearing that there was a rumour givin out by some that his Majestie had totallie left his purpose to plant in that countrie as having surrendred his right thairof; and thairfor least anie further mistakeing sould arise heerupon his Majestie hes thought good heirby to cleere his intention heerin; whiche is that the said erle with all suche as sall adventure with him sall prosecute the said worke and be encouraged by all lawfull helps thereunto alsweill by compleeting the intended number of baronnetes as otherwayes. And whereas some of the subjests of the kingdome of England and Ireland of good qualitie, who, having takin land in New Scotland haldin of his Majestie, did accept of the said dignitie there, and wer obliged to contribute als muche toward the said plantation as anie others in that kynde, wer putt to greater charges at the passing of their rights than the natives of this kingdome wer at in the like caises, thairfor his Majestie hes thought meit heirby to declare his royall will and pleasure that whosoeuer anie of his Majesties subjests of qualitie fitt for that dignitie within the kingdoms of England or Ireland, having takin land haldin of his Majestie in New Scotland and having agreed with the said erle for part of a supplie towards the said plantation and that it is signifeyd so by Fol. 261, to him to the saide Lords of Privie Counsell that till the number of baronnetes formerlie condescended upon be compleite the saide Lords sall accept of thame and give order that their patents be past at als ease a rate as if they were naturall borne subjects of this kingdome. And the saids Lords ordains letters to be direct charging officers of armes to pas and make publicaion heirof be open proclamation at the mercat croces of the heid burrowes of this kingdome and others places neifull where-throw nane pretend ignorance of the same. Followes his Majestie missive for warrand of the act abonewritten:—Charles R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, trustie and weilbelovit coun-
sellers, and trustie and weilbelovit, we greit yow weill. Whereas our
lait deir father for the honnour of that his ancient kingdom did grant
the first patent of New Scotland to our right trustie and right weilbelovit
cousine and counsellor, William, Erle of Stirling, and wes willing to con-
ferre the title of knight baronnet on suche of his weil will deserving subjects
as sould contribute to the advancement of the worke of the plantation
in the said countrie, we wer pleased to give order for effectuating of
the same according to our commission directed to yow for that purpose.
And understanding perfytalie (as we doubt not but is weil knowne to
yow all) that the said erle did begin and prosecute a plantation in these
parts with a farre greater charge than could be supplied by the meanes
foresaid and the rather in regard of the late discouragement of some by
commanding him to remove his colonie frome Port Royall for fulfilling of
ane article of the treatie betuix our brother the Frenche king and ws to
make everie thing betuix us be in the estait wherein it wes before the
warre, hearing that there wes a rumor givin out by some that we had
totallie left our purpose to plant in that countrie as having surrendered
our right thairof; least anie further mistaking sould arise heerupon
we thought good hereby to cleere our intention therein, whiche is that
our said erle with all suche as sall adventure with him sall prosecute the
said worke and be encouraged by all lawfull helpes thereunto als weil
by completing of the intended number of knight baronnetts as other-
ways. And being informed that some of our subjects of good qualitie
in this our kingdome and Ireland who having takin land in New Scot-
land holdin frome us did accept of the said dignitie there and wer
obliged to contribute als muche toward the said plantation as anie other
in that kynde wer putt to greater charges in passing of thair rights
then the natives of the kingdome wer in the like caise, it is our pleasure
that whatsoever anie of our subjects of qualitie fitt for that dignitie
within this our kingdome or of Ireland having takin lands holdin of us in
New Scotland and having agreed with our said erle for thair part of a
supplee toward the said plantation and that it is signified so by him
unto yow, that till the number of baronnetts formerlie condescended upon
be compleit yow accept of thame and give order that thair patents be
past at als easie a rate as if they wer natall subjects of that our
kingdome. And this yow make knowne to suche persons and in suche
maner as you sall in your judgements think fitt, for doing thairof these
preseets sall be your sufficient warrand. Frome our court at St James,
the 27 of September, 1633."

"The whilk day George, Erle of Kinnoull, Lord High Chancellor, Commissi-
William, Erle of Morton, Lord High Thesaurur, and Thomas, Erle of
Hadinoun, Lord Privis Seale of this kingdom, William, Erle Mairsell,
Robert, Erle of Roxburgh, Johne, Erle of Annerdaill, Sir Johne Hay,
Clerk of his Majestis Registers, and Sir Thomas Hope of Craighall, his
Majestis Advocat, accepted upon thame the commissiion grantit unto
thame under his Majesties great scale dated at Theobalds, 14 Septembris, 1633, for passing of infeltments of New Scotland."

Edinburgh, 18th February 1634.

Sedemult—Chancellor; Privy Seal; Glasgow; Wintoun; Perth; Roxburgh; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Clerk Register; Advocate.

Proclamation against eating of flesh in Lent.

"Forsamekle as the slaying, selling and eating of flesh in tyme of Lent hes beene upon verie good respects and considerations by diverse acts of parliament and Secret Counsell straitlie prohibite and forbiddin within this kyndome under certane paines mentioned and contenit in the same acts; nevertheless the Lords of Secret Counsell ar informed that diverse persons of all rankes and qualiteis, preferring their awne privat contentment to the obedience of the law, ceasess not in tyme of Lent to slay, sell and eate flesehe at their pleasure, to the great hurt of the commoun weale and contempt of all good order and government. And whereas the persons offending in this kynde presoumes of oversight and impunitie be reasoun of the convinence allledged shawin to thame in tyme bygane, whilk is aie great inducement to thame to continew in their willfull contemp and breake of the law, thairfoir the Lords of Secret Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoome to violat the same in this point; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majestis lieges and subjects of what estait, qualitie or degree soever they be, be opin proclamation at the mercat croches of the heid burrowes of this kyndome and others places needfull, that none of thame presoome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesehe under the panes following to be uplifted of everie person contraveeing so oft as they failyie; that is to say, of every erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baron fourtie punds, of everie burges, caister and commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whom they sall be tryed: As alsua that no fleshers presoome nor take upon hand to sell or slay flesehe during the tyme foresaid of Lent under the pane of fourtie punds so oft as they failyie: And by and attour the payment of the pecuniall soumes foresaid the offenders sall be punished in their persons at the discretion of his Majestis counsell: And siclyke to command and charge all and sindrie shireffs, stewartis, provestis, and baillieis within burgh and all others bearing anie publict office and charge within the kyndome that they and everie ane of thame within the bounds of their severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point, and where they sall happen to discover anie person or persons contraveening thir
presents that they take notice of their names and informe his Majestis Counsell thairof to the intent the offenders may be callit to their answer and punished accordinglie."

"CHARLES R.—Charles, be the grace of God King of Great Britaine, License to the Council to eat flesh in Lent.
France and Ireland, defender of the faith, to all and sindrie our liegeand subjects whome it efferis to whos knowledge thir our letters sall come, greiting. Forsamekle as we have givin and grantit and be the tennor heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sesioun and Exchecker and to such as sall accompanie thame to eate flesh during this forbiddin tyme of Lent and upon Wednisdai, Fryday and Saturday for the space of ane yeere nixt after the dait hereof without pane or danger to be incurred be thame therethrow in their persons or goods, notwithstanding whatsoever acts and proclamations made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocat, and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie wasies proceeding aganis the saids Lords of our Privie Counsell, Sesioun and Exchecker and persons accompanying thame at table, as said is, or anie of thame for the caus foresaid; discharging thame thairof and of their offices in that part simpliciter be thir presents, givin under our signet at Edinburgh, the auchtene daye of Februar, and of our regne the nynt yeere, 1634. Sic subscribiture, Morton, Hadinton, Glasgow, Winton, Perth, Annerdaill."

"The qhillik day the provest and bailleis of Edinburgh compeirand personallie tooke this day twentie dayes to answer his Majestis letter anent their ministers stipends."

"Alexander Narne of Sandfurde added to the number of the justices of peace within the shireofdome of Yffe."

"Certane orders established anent the justices of peace within the shireofdome of Narne."

Sederunt—Treasurer; Privy Seal; Glasgow; Winton; Perth; Linlithgow; Annandaill; Dumfreis; Southeak; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Bining; Master of Elphinston; Clerk Register; Advocate.

Complaint by Mr. Archibald Camroun, minister at Incheallioch, as follows:—For over twenty years he has been minister at this church, and has striven, amid many difficulties, to maintain a peaceable ministry, so that "in peace and quyetnes he might discharge his calling to the comfort of these people over whom it hes pleased God to make him overseer." But all his weak endeavours have proved, and are like to prove ineffectual owing to the violent and masterful oppression of Sir John Buchannan of that Ilk, George Buchannan, apparent thereof, John
Grahame, called Rednoche, now in the West Mains of Buchannan, chamberlains and factors to the saids Lairds of Buchannan, elder and younger, and William Blair of Finwick, who combine either to debar him wholly from his ministry or make it unprofitable to the parishioners. For this purpose they have withheld his stipend and other dues, for non-payment of which they have been twice put to the horn, viz., in August, 1631, and March, 1632; and now again lately in November, 1633, the said Sir John is denounced for non-payment of the said stipend and not relieving the complainer of his Majesty’s taxations; and further being charged to find caution for his indemnity, they disobeyed, and were again put to the horn in January and December, 1632; all which they neglect as if they were not subject to the King, law or justice. And, further, they oppress him with all the rigour, malice and extremity they can devise. They debar him from possession of his glebe, which he only recovered after thirteen years, process before the Lords of Council and Session and at great expense, but which they have since, for some seven or eight years, laid and held waste, threatening with death all who would help him in labouring the same; and, when in 1632 he had caused till his said glebe, he durst not sow it for fear of his life. All this time he has been forced to make his abode in the town of Dumbartane, which is seven miles distant from any part of his parish, and he could never reside at his own kirk. When on one occasion he resolved to repair his manse at the said kirk, so that he might live there, and had agreed with craftsmen for the work, having sufficient timber upon his own glebe to accomplish it, the said John Grahame of Rednoche, Robert Buchannan in Arachmoir, Finlay M’Moreia there, John M’Nair, alias Miller, at the Myln of Buchannan and John Crokkit in Achinkyle, tenants of the said Sir John, came at his bidding on 7th February, 1632, to his said glebe and manse and cut and carried away the whole timber with which he should have repaired the manse, so that he is unable “in anie caise to reside within his parish, to the dishonour of God, disgrace of the gospel, trouble to the compleaner, and greefe of his parochiners.” When, on 10th February last, the complainer demanded of the said John Grahame why he had thus cut and taken away his timber, “he, in face of the haill congregation being conveenned for the tyme after the preaching, avowed that as he had begun he would continew, protesting with manie fearfull othes that he should give his life before the compleaner gott ane sticke there to big his manse.” Further, John Hart, the compleaner’s kirk officer, having by means of a contribution from the Kirk-session built a boat for ferrying the complainer and others, the parishioners and country people, over the Water of Enrick to the kirk, which is within a bow-shot of the water, the said George Buchannan, knowing that the complainer “beoved to come everie Sabboth day be the space of sevin myles from Dumbartane to the said boate, and that if he wer disappointed thereof he beoved to goe other three myles
about throw moseses and mures," discharged the said officer, keeper of the
said boat, under all highest pain, from ferrying the complainer; and so
upon the 10th and 17th November last, "being Sunday," when he came
to the said passage " within a bow-shot to the kirk," and on the 17th,
when Robert Martine, the complainer's own servant, had got passage, the
said officer, by direction of the said George, refused to take the com-
plainer, and thus forced him to make the detour of three miles " throw
moseses and mures and pas the said water to the endangering of his lyfe,
being sore wearied with dangerous travelling." By which shameful and
violent oppressions he " is reduced to great necessite, his poore flocke
frustrat of the confort of his ministrie, and encouragement givin to
persons wickedlie disposed to runne at random in all impietie in hope
of connivence and oversight." Charge having been given to the said
Sir John Buchannan of that Ilk, George Buchannan, apparent of that
Ilk, John Grahame of Rednoche, John McNair alias Miller, John
Dowlear and Robert McAndrew to compear upon a bygone day, and these
having been called on the 18th instant, there compearred the pursuer,
John Grahame and George Buchannan, who said he would answer for
his father and the remenant defenders, when George Buchannan and the
pursuer agreed to submit all the points of this complaint and the
adjustment of terms for their living in peace and quietness in time
coming to the decision of Patrick, Archbishop of Glasgow, and Adam,
Bishop of Dumblane, who accepted the reference and appointed the 19th
instant to the parties to appear before them for consideration of their
matter. And the case being again called this day the saide judges
arbitrators reported to the Lorde that they had met with the parties,
Sir John Buchannan being also personally present and undertaking to
abide by their decision, and had heard them at great length, and
they now declared as their sentence that Sir John Buchannan should
pay to the pursuer £400 for the tack duty of the teinds of his lands
of Inchecallioch for the year 1633, the pursuer giving him a sufficient
discharge for the same; also that Sir John pay to the pursuer before
Whitsunday next £300 which he is due to him by bond, and find
cautio for doing the same; further, Sir John shall relieve the pursuer
of the taxation of the parsonage of Inchecallioch for the years 1631,
1632 and 1633, by either paying over the said tax to the pursuer or
reporting a discharge from the collectors to him before Whitsunday
next. And for this and the payment of £300 the said John Grahame
became cautioner for Sir John. Further, they ordained the said George
Buchannan to pay to the said Mr. Archibald the sum of £200 formerly
modified by the Council to be paid him in this matter before Whitsun-
day next, which he enacted himself to do precisely; and they enjoined
the said Lairds of Buchannan, elder and younger, for themselves and all
their dependents, to suffer Mr. Archibald to have the use of the boat for
his transport to the kirk, as others have, and not to molest him in the
peaceable using of his glebe. The Lords, having considered this report, approve the same, and interpone their authority so that it may have the strength of an Act of Council, being registered in the books of Council; and in respect of this agreement, they, with the pursuer's consent, assize the whole defenders from this pursuit.

Supplication by the inhabitants and freemen who dwell above the Grayfriar Wynd of the city of Glasgow, as follows:—In the month of June, 1594, they petitioned the Estates of Parliament then in session at Edinburgh for the establishing of a market above the said Wyndhead "for support and releafe of the supplicants, their wyffes, familieis, and barnes, and upholding of thair houses and lands, the same being the most commodious and cheefe part of the said citie for receipt of his Majestie and his Court when occasioun sall offer of his repairing in the countrie, quhilkis ar now altogidder become ruinous and almost decayed, be reasoun of the removing of the clerge therefra since the reformacion of the religioun that susteanned and upheld the same of before." Thereupon commission was given by his Majesty and the Estates to Walter, Prior of Blantyre, Lord Privy Seal, Robert Boyd of Badinhauchie, David Forsythe of Dykes, the ordinary ministers and the provost and bailies of the said city, or the most part of them, to remove the "beir and maist mercat frome the place where it presentlie stands and to establishe the same abone the wynd heid of the said citie, and to remove the salt-mercat to the old staticion where it stood for the commoun benefite of the haill inhabitants of the said citie." The supplicants have often desired the said ministers and provost and bailies of Glasgow, as being the most part of the said commissioners to give effect to this commission, but they have hitherto "drifit and delayed" the matter. The supplicants crave that their Lordships would ordain the said commissioners to carry out the commission and desist from further impeding the same. The Lords remit to Patrick, Archbishop of Glasgow, to travel between the parties for the settling of the said markets, and if he cannot succeed to report to them in whose default this arises, so that they may take further order therein.

Supplication by John, Earl of Cassillis, bailie principal of Carrick, and his deputes, as follows:—Thomas Cowdown, servitor of John Mure in Carnay, having been apprehended within the supplicant's bounds for the crime of "conversing with a meir," and having confessed the same in the presence and hearing of several honest and famous persons, their lordships granted a commission to the supplicants for his trial. They accordingly appointed a justice court to be held at Maybole on 7th February instant, and the prisoner being entered and charged, "he past impudentlie frome his former confession and onelie grantit that he had a purpose and intentioon to commit the fact and that no forder followed thairupon." The assize was divided, four convicting him of both the intention and the fact, and ten of the intention only; and as the suppli-
saints know not how far they may lawfully proceed upon such a conviction they have postponed giving sentence until they could consult their Lordships thereon. The Lords, in respect that in the face of the prisoner’s denial proof cannot be obtained of the fact, ordain the said bailie of Carrick and his deputes to pass sentence of banishment upon the said Thomas Cowden, who is never to return to this kingdom under the pain of death. They are to allow him some days for his departure.

Sederunt—Chancellor; Treasurer; Privy Seal; Winton; Anner-
dail; Lauderdale; Dumfreis; Southesk; Clerk Register; 1634.
Advocate; Sir James Baillie.

The whilk day the letter underwrittin signed be the Kings majestie and directed to the Lords of his majestis Privie Counsell was produced before the said Lords be George, Erle of Kinnoull, Lord High Chancellor of this kingdom, and read in their audience, of the whilk the tenor followes:—CHARLES R.—Right trustie and weilbelovit cousine and coun-
counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. In regard of the great prejudice likelie to ensay by diminution of the rent raised to us upon coale transported from this our kingdome if there be not some reasonable imposition layed upon coale transported from that our kingdome in like maner that there be no suche disparitie of prices betuix thame when they ar sold in forrane parts as they ar for the present, everie chalder that goeth frome hence payinge unto us twelve shillings foure penneis sterling, whiche notwithstanding is no impediment to the transporting of thame, bot by tyme breeding a great skarsetie at home may make manie to suffer where now a few onelie ar benefited by venting of thame abrod; yitt we are willing that there be a difference of the imposition the frome what is takin heir in respect of considerations that necessarie concern the estate of the several kingdomes; theairfor being content that the one halfe onelie of that imposition be takin there, our pleasure is that six shillings sterline money be imposed to our use upon everie suche quantitie of all coales whatsoever transported from thence into anie part beyond the seas not being of our dominions as will be answerable in proportion to the water measure of the chalder of sea coale used at Newcastle upon Tyne; and that yow give order to our Advocat to draw up for our signature suche warrand and order for laying and leveying of that imposition to the use of us and our successors at all tymes hereafter as yow to that purpose saill thinke fitt, and thereafter lett it be furthwith sent to us docquetted by our Advocat, for whiche these saill be unto yow and him sufficient warrand. We bid yow farewell. Frome our court at Whitehall, the 17 of Februar, 1634. For obedience of the quhilg letter the sais Lords ordains his Majestis
Advocat to draw up for his Majesteis signature suche warrand and order for laying and levying of the said imposition to the use of his Majestie and his successors at all tymes heerafter to the intent it may furthwith be sent to his Majestie docket be the said Advocat."

"Forsamkle as the Kings Majestie hes tane great pannes for settling of the differences betuix the Erles of Roxburgh and Buccleuch and Francis Stewart, sone to the lait Erle Bothwell, and his Majestie is very willing after so long a tyme that all possible meanes be used for putting these differences to a finall determination, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the persons underwrittin, tutors and curators and others to whome the said late Erle of Buccleuch his childre and thair estait ar entrusted; they ar to say, Sir John Scot of Scottisstarvet, Sir William Scot, of Harden, Laurence Scot, advocat, Mr William Scot, his sone, Robert Scot of Hartwodmyre, Hew Scot of Gallosesheillis, and Francis Scot his brother, and William Scot, sone naturall to the said Erle, to compeir personallie before the saids Lords upon the xxv day of Februar instant, to the intent they may draw up a procuratory or factorie in thair names giving power to suche of thair awne number as they sall thinke fitt, who may stay at Court and who ar best acquainted with the estait of the bussines, to sattle and finallie compose the same in his Majestie presence, and the same being legallie and perflytie done to be delvered to the Erle of Roxburgh that at his coming to Court these matters may be fullie concluded, under the pane of rebellion, &c, with certification, &c. Followes his Majestie missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellers and trustie and weilbelovit counsellers, we greet yow well. Having beene pleased to take upon us great pannes for settling the differences between the Erles of Roxburgh and Buccleuch and Francis Steuart, sone to the lait Erle of Bothuell, and being most willing after so long a tyme that all possible meanes be used to putt thame to a finall determination, we doe heirby require yow to call before yow the tutors and curators and others to whome the lait Erle of Buccleuches childrein and thair estats are entrusted, requyryng thame in our name to draw up a procuratory or factorie in thair names giving power to suche of thair awne number as they sall thinke fitt who may stay heir and who ar best acquainted with the estait of that bussines to settle and finallie compose in our presence the saids differences between the Erle of Buccleuches childrein and the said Francis, that the same being legallie and perflytie done to be delvered to the Erle of Roxburgh that at his coming hither these matters may be fullie concluded; whiche speciallie recommending to your care, we bid yow farewell. From our Court at Whitehall, the 12 of Februarie, 1634."
1634.  

**CHARLES I.**

Sederrunt—Chancellor; Treasurer; Privy Seal; Glasgow; Mairshail; Edinburgh, 25th February 1634.

Winton; Perth; Murrey; Roxburgh; Annandaill; Lauderdaleill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Bining; Clerk Register; Sir James Baillie.

Supplication by Sir James Baillie of Lochend, knight, James Richardson of Smetoun, Robert Achinmowtie, servitor to the Earl of Wemess, James Dowglas of Lugtoun, John Schaw, John Meyne, Stevin Boyd, and Robert Chrystie, merchants, burgesses of Edinburgh; Andrew Whyte of Markill, George Aitkine, Robert Ker, and John Mure in North Bervick, creditors of Alexander Hamilton, son of Sir Alexander Hamilton of Lawfield, as follows:—The said Alexander is indebted to them in certain sums of money and they understand that he is well minded to give them all possible satisfaction if he were at liberty to go about and deal with them to this end. They have therefore agreed to supersede all legal execution against him till 31st March next, but the said Alexander is unwilling to trust to this alone and desires their Lordships' protection before he will come in, and this they therefore crave. The Lords grant their protection to the said Alexander Hamilton until 31st March next.

"The like protectionn prograt to James Mathesoun till the terme of Whitsonday nixt."

"The quhilck day a patent under his Majesteis hand givand to Sir James Galloway and Richard Ferar, Esquire, the sole previleged and power of making of steele for the space of threttie one yeeres, being produced, red and heard in Counsell, the same wes allowed and past."

"The Lords assignis this day aucth dayes to the Erle of Weemes, Lord Sinclair, Tuliallan, Alexander Bruce and Mr Alexander Hamilton for tharme selves and in name of the rest of the coale maisters, and to William Dick, John Sinclair and Mr Alexander Guthrie for the town of Edinburgh and in name of the borrowes, to give in their reasons aganis the imposition commandit be his Majeste be to uplift of the coale transported from this kyndome."

Sederrunt—Privy Seal; Glasgows; Linlithgow; Kinorgne; Annerdaleill; Southesk; Bishop of Edinburgh; Bishop of Murrey; Bishop of Dumblane; Melvill; Advocate.

Sederrunt—Chancellor; Treasurer; Privy Seal; Mairshail; Murrey; Edinburgh, 4th March 1634.

Winton; Perth; Kinorgne; Roxburgh; Annerdaleill; Lauderdaleill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Melvill; Lord Bining; Clerk Register; Advocate.

Complaint by Christian Stewart, widow of John Mowat of Huguland and Complaint by daughter of the deceased Robert, Earl of Orkney, and James Mouat of Stewart.
Ure, her brother-in-law, as follows:—On 27th July, 1631, when the said Christian was in the isle of Papa with some of her servants collecting the duties of her different lands there, as she has been in use to do since the death of her said husband, at the instigation of James Sinclair of Quendaill and Mr. Gilbert Mowat, her "unnatural brother-in-law," Patrick Umphra of Sand, and Gilbert Cogill of Gardie, came to her, and without any occasion given by her, "and without respect to her age and parentage part violent hands in her person, gave her manie bauche straikes in diverse parts of her bodie, strake her to the ground where she being lying swonnong in pitful maner the saids persons verie barbarouslie tred and tramped upon her with their feit and thereafter violentlie reft from her servants the dewtie qubils they had receave from her tentons." Further, the said Mr. Gilbert, not content with this, resolved "to wracke the gentlewoman," with Mr. James Mowat, his eldest son, John Anderson, hangman ("who hanged his awne father, being the said Mr. Gilberts domestick servant"), Mans Mowat, James Irwing in Muros, Daniel Rasimsoun in Oxinsetter, Daniel and Malcolm Mowat in Collafirth. Michael Pitcairn in Housatter, Christopher Michelsone in Quoyfirth, John Hall in Norwich, Donald Nicolson in Clodasetter, Gregor Johnestoun in Soulem, Harie Anderson in Hamer, Bert Williamsoun in Vrafith, and Henry Finlasoun in Skalloway, and others of the lieges to the number of persons, armed with swords, staves and other weapons, came under cloud and silence of night to the lands of Remshell belonging to the said Christian and violently reft and took away thence twelve oxen pertaining to the complainers; moreover the said Mr. Gilbert, "out of ane imperious and tyrannicall humour," has discharged the tenants of her lands of Oliberrie, which were disposed to her by her late father, from giving her any days' work, in consequence whereof for the past twelve years these lands have "lyin ley to her heavie hurt and prejudice." When the said James Mowat, her brother-in-law, lent her six oxen to labour these lands (which formerly were four ploughs but are now only one plough of land) the said Mr. Gilbert, accompanied by the foresaid persons, came thither on . . . and not only violently reft and took away the said oxen, "bot with that cruellie hurt and woundit the said Christiane with rungs upon the head and others parts of her body." Charge having been given to the said James Sinclair, Patrick Umphra, Gilbert Cogill, Mans, Daniel and Malcolm Mowats, James Irwing, Daniel Rasimsone, Michael Pitcarme, Christopher Michelsone, John Lyell, Donald Nicolson, Gregor Johnestoun, Harie Anderson, John Anderson, Robert Williamsoun, and Henry Finlasoun, but none of them compearing, the Lords ordain them to be denounced rebels and escheated.

Another complaint by the said Christian Stewart, Robert Mowat, her son, and Magdalene Androisdaughter, spouse to Robert Fraser, her tenant, as follows:—Mr. Gilbert Mowat, minister at North Mabei, brother of the husband of the said Christian, "being unmyndfull of the..."
manie good offices done to him be her said husband in breeding him at the schooles and other wayses promoving him in his studiaes, he has now after her said husbands decease most unthankfullie recompesed his loving and kynde dealing toward him with maine unnaturall and udewtifull outrages, intolerable in a person of his profession." As, for example, on 13th July, 1630, he, accompanied by Mr. James Mowat, his son, John Andersoun, their servant, Thomas Mowat, his son, Mans Mowat, Robert Williamsoun in Vrafirth, Andrew Andersoun in Hamer, Thomas Rasimsoun in Orabister, John Lyell in Norwich and Henry Sinclair of Swming, with others of the lieges armed with swords and other weapons, came to the said Christian's liferent lands of Papagurd, of which her late husband had heritable tacks from gentlemen of Norway, the proprietors thereof, and "imperiouslie, without anie right or warrand, commanded the compleasers tennents of the same lands to pay unto thame the dewtieis and maills thairof," and, the tenants refusing, "they forciblie brake up the tennents doores, entered within their houses and medied and intromitted with their haill goods and gear." Again, on July, 1631, these persons, "with sindrie others brokin men in great troupees come under cloud and silence of night to the saids lands of Papa, violentlie brake up the tennents doores, tooke and apprehended the said Magdalene Fraser, being ane poore woman, caried her perforce with thame as ane malefactor to the jogs where they intended disgracefullie to have putt her in the same if they had not beene stayed. And the said Robert hearing heirof, and having come to the said Mr. Gilbert, his uncle, and regraited that his mother and her tennents sould be thus used, he and his complices for this onelie caus gave him manie bauche and blae striaikes in divers parts of his boddy, tooke his sword frome him and brake it in peeces. And the said Katharine [sic] having compleanned heirof to James Mowat of Ure, her brother-in-law, unto whois protection her husband had left her, and he, having writtin certaine letters to some burgomaisters in Norway to advertise the heretours of the saids lands of Papa there of the said M' Gilbert his cariage aganis the said Christiane, and having delyvered thir letters to Andrew Sinclair in Bullaserter to have beene carried be him to Norway, how soone the said M' Gilbert gott notice heirof he dealt with Henrie Sinclair of Swming, who wes to go to Norway in ship with the said Androw to intercept the saids letters, who accordinglie, when the said Androw was sleeping, staw the letters out of his powtche and brought the same to the said M' Gilbert," Charge having been given to the said Thomas and Mans Mowat, John and Andrew Andersoun, Robert Williamsoun, Thomas Rasimsoun, John Lyell and Henry Sinclair, and Christian Stewart comparing personally for herself and the other pursuers, but none of the defenders obeying the citation, the Lords ordain the latter to be put to the horn and escheat.
Supplication by James Lyoun of Aldbar, Frederick Lyoun of Brigtoun and Mr. David Lindsay of Pittscandlie, cautioners for George Lammie of Dunkenie, and William Halyburton of Kincapell, as follows:—They are engaged to several persons in certain sums of money on behalf of these two gentlemen and are very willing to satisfy their claims, but, as these two gentlemen dare not appear in public so as to give information in the making count and reckoning, the suppliants cannot proceed therein unless their Lordships grant a protection to the said Lairds of Dunkenie and Kincapell. This they accordingly crave, and the Lords grant the same to them till 1st August next.

"The like protection grantit to David Barclay of Mathers until the first day of August nixt."

Complaint by James Clerk, maltman at the West Port, as follows:—John Lawrie, bailie of the barony of Dalry outwith the West Port of Edinburgh, maliciously, on the information of Robert Young in Edinburgh and the advice of the baron clerk, searched the complainant's dwelling for goods alleged to have been stolen from the said Robert Young by Margaret Crawfurdf, his servant, and finding "ane old cod, codwair and twa servits" (which they alleged belonged to Young, and which the complainant never before saw or knew of, as they had been pledged by Margaret Crawfurdf with Agnes Clerk, the complainant's daughter, servitrix to Robert Gordoun in Edinburgh, for ale or lent money, some 36s., as the said Margaret showed to Robert Young before the search was made, but whom he kept in the house until the bailie had cast the complainant into prison at the West Port), the said bailie without any theft being declared or giving him a copy of his indictment summarily sent him to the trial of an assize, who, as the bailie alleges, convicted him of reset of theft. The bailie then petitioned their Lordships to define a proper sentence, and the complainant also petitioned for the annulment of the conviction and that he might be heard in his own defence. But this notwithstanding the said bailie with convocation of his friends at the West Port, and of the common people there, who all stood in dread of him, has alleged a number of instances of theft and reset of theft against the complainant which he offers to prove, although no person injured has complained or can complain to make good the same. All they can condescend on are these things formerly named, the cod, codwair and servets, pledged with his said daughter, and only had in keeping until they should be redeemed. Their Lordships accordingly continued the case, and therewith also the complainant's action against John Blacke, who at the said John Lawrie's command, accompanied by a great number of West Port people, drew the complainant out at the window of a house in King's Stables, which is outwith the West Port, and strike and dang him to the effusion of his blood. Further, their Lordships committed the complainant to the tolboth of Edinburgh until his accusers pursued him criminally before the Justice-General for reset,
which they undertook to do, and to give him a copy of his indictment for the use of his advocates; but they delay obedience, to his great hurt, disgrace and injury. Charge having been given to the said John Lawrie, and Robert Young, and to Mr. John Adamesoun, Edward Cunynghame, sometime bailie of the West Port, and the said John Blacke, and they all, with the exception of Mr. John Adamesoun, comparing along with the complainer and having been heard, the said Robert Young took the 19th March instant for the prosecution of the complainer before the Justice. The Lords accordingly ordain him to deliver a copy of the indictment to the complainer on the 11th and to prosecute on the 19th under penalty of the payment of the complainer’s expenses while in the tolbooth of Edinburgh on this charge.

“A letter from his Majestie conteining certane overtours to be established among the chirurgians and their apprenctises, quhairament ordains the doctors of medicine to be callit.”

“The Lords ordains his Majestie’s Advocate to draw up a signature for his Majestie’s hand tuiching the impost of sax shillings sterline to be layed upon the chalder of coale transported furth of this kingdome and to exhibite the same to the Counsell upon Thursday next to the effect the Counsell may be advised with the draught thairof before the same be sent up to be signed by his Majestie.”

“The quhilk day the owners of the coalehewares and the burrowes gave in their reasonis aganis the imposition commanded to be layed upoun the coale of this kingdome transported beyound se.”

Sederunt — Chancellor; Treasurer; Privy Seal; Kingorne; Edinburgh,
Boxburgh; Annerdaill; Bishop of Murrey; Bishop of Ros; 1684.
Bishop of Dumblane; Binning; Melvill; Clerk Register;
Advocate.

“The Lords of Secret Counsell hes assigned and be the tennoir heirof assignes to Johne, Lord Torphichen, who wes personallie present, this day Torphichen.
eight dayes for cleering to the saids Lords that the superioriteis of the lordship of Torphichen ar of a different nature fro the superioriteis of others eerections annexed to the crowne, and that thairfoir they aucth not to be comprehended in the act of annexation.”

“The whilk day Sir Thomas Hope of Craighall, his Majestie’s Advocate, produced and exhibite before the Lords of Privie Counsell ane signature for his Majestie hand toucheing ane impost of fittie sevin shillings aucht permies Scottish to be takin of the chalder of coale transported furth of this kingdome beyound se, whiche being read in audience of the saids Lords they ordain the same to be docquetted be his Majestie said Advocate and sent up to his Majestie inclosed in a letter whiche was this day subscrived be the saids Lords, of the whilk the tennoir followes:—Most sacred soverane, In humble obedience
of your Majestie's royall command conteanit in your letter direct unto us of the 17 of Februar last taitheing the imposition of sax shillings sterline upon everie chalder of coale answerable to the measure of Newcastle transported frome this kingdome beyond sea, we gave present order to your Majestie's Advocat to draw up ane signature of the same for your Majestie hand, being ane impost of lvij &. viij d. Scotish money to be imposed upon ilke chalder of coale of Scotish measure which was found to be proportionable to the direction conteanit in your Majestie's letter; and he, having carefully performed and exhibite the same unto us to be sent up to your Majestie, in the meane tyme some of the coalemaisters and commissioneris of the burrowes getting notice of this imposition and apprehending their awne interesse and prejudice therein they offered unto us their greevances and reasons in writt anent the said imposition earnestlie desyryng us to recommend the same unto your Majestie's gracious consideration; wherein we have forborne to meddle, finding it more agreable to our dewtie to satisfie your Majestie command nor to hearken to thair petition which we had no warrand to receave, and we have left thame to thameselfs to sollicite your Majestie in what may concerne thair particular interesse or prejudice of the publict, being confident that your Majestie after hearing and consideration of thair demands will take suche course therein as to your royall wisdome sall appeare convenient. We have heerwith sent up to your Majestie the signature doquetted with your Majestie's Advocats hand, and what forder your Majestie sall be pleased to recommend heerin sall be in all submissive dewtie obeyed. And so, with our earnest prayers to God for your Majestie long and happy raigne, we rest, etc. Edinburgh, 6 Martij, 1634. Sic subscribitur, G. Kinnoull, Morton, Hadinton, Kingorne, Annerdaill, Bining, Meluill, B. Murrey, B. Dumblane, S. Thomas Hope."

[Sederunt as recorded above.]
sheriffs of Inverness and Caithnes and their deputes against these broken
and lawless limmars, with a missive to the Earl of Sutherland directing
him, if he found the complaint true, to execute the commission. The
Earl has done what he can, but there are so few persons named in the
commission, and as the sheriff of Inverness has no deputes under him who
will undertake this service, humble petition is therefore made that
their Lordships would renew the commission to the persons underwritten.
The Lords agree to this and grant a commission to John, Earl of Suther-
lund; George, Earl of Seaft; Hew, Lord Lovat; Donald, Lord Ree;
, Master of Ree; Thomas Fraser of Streachine, Sir John
McKenzie of Tarbet, Thomas Fraser of Strowy, Alexander Chisholme of
Comar,
Fraser, apparent of Culbokie; Mr. Alexander McKenzie
of Culcowy, Alexander McKeinzie of Coull, Alexander McKeinzie of
Garloch, Rorie McKeinzie, apparent of Coull; Rorie McKenzie of
Davachmarock, Kenneth McKeinzie of Suddie, Rorie McKeinzie of
Towy, Hector McKeinzie in Gleneg, Hector McKeinzie of
John Bayne of Tullich, Duncan Bayne of Logie, John Monro of Lumlair,
Robert Monro of Assint, Hew Monro of Ardullie, Ferquhair Monro of
Teannaird, Robert Monro of Teannowch, John Monro in Fyres, Hector
Monro of Coull, Hector Monro of Culcragie, Sir John Gordon of Embo,
Alexander Ros, sir of Cunliche, Colin McKeinzie of Kincraig, George
Ros of Innerchasley, Alexander Ros, apparent thereof; David Ros of
Pitcalnie, Walter Ros of Innercharron, Walter Ros of Kindeice, Alex-
ander Ros of Pitkeirie, John Ros of Aldeice, David Ros of Moddat,
Andrew Monro of Delnie, Alexander Ros of Ferne, Hugh Ros of Kirk-
breth, George Ros in Pitmaduthie, Hew Gordon of Bellon, John McKy
of Strathie, Angus McKy of Bighous, Hew McKy of
, Donald
Neilsone of Assint, and Hew Monro of Achunagart, jointly and severally,
to seek for, apprehend and cause justice to be administered upon these
limmars, and for this cause to hold courts, etc.; with power of fire and
sword, and permission to bear hagbuts and pistols in the execution of
this commission.

Complaint by James Mitchelhill, burgess of Selkirk, as follows:—He Complain by
was indebted to Alexander Wright, burgess of Edinburgh, and Beassie
Wallace, spouse to James Pringill, in certain sums of money, for which
they comprised some of his lands in Selkirk; and William Mitchelhill, William
Mitchelhill, his brother, for illegal dealing in connection with the com-
plainter's lands.

was long in great misery. The complainer brought the case before their Decretes, Lordships, who ordained them to submit their differences to the bailies November and others of the burgh of Selkirk, and they, having decreed the complainer to pay to the said William the sums contained in the apprising, he sold certain of his said lands and did so. Since then he made another bargain with him, and sold him other lands worth 3200 merks, of which the said William gave the complainer 300 merks in part payment; but now, having obtained possession, he will neither perform his condition nor suffer any others to buy these lands, but also puts all his creditors upon him, who daily threaten him with captions and imprisonment, whereby he will miserably starve and his wife and ten children be brought to extreme necessity and beggary. Charge having been given to the said William Mitchellhill, and he compearing and also the pursuer and Elspit Ormestoun, his spouse, and having been heard, both parties agreed to submit their disputes to the decision of James Elliot, John Lidderdaill, George Currour and Thomas Halywell, burgesses of Selkirk, who being all present accepted upon them this office, and promised to give their judgment before 31st March next. By this both brothers agreed to abide, and that the complainer might have all freedom to attend the arbitration the Lords grant him their protection until 6th April next. And the Lords recommend the arbitrators to see that of the sums of money, if any shall happen to be decreed, to be paid to the said James Mitchellhill, the said Elspit Ormestoun be secured during her lifetime in the interest of one thousand merks.

Complaint by Janet Jardane, widow, and the bairns, kin and friends of the deceased Alexander Fareis in Sibbalbeside, as follows:—The said Alexander was cruelly slain by James Grahame in Corriellaw, John Johnstoun, son of Robert Johnstoun, called of Kirkhill, and John Johnstoun, son of the deceased Gilbert Johnstoun in Howgill, and the complainers, hoping to have the benefit of the law against them, instituted legal proceedings which has cost them over 500 merks; and now the said James, to frustrate the course of justice and disappoint the complainers of the benefit of his escheat, has applied for a remission to himself and his two associates on the ground of his Majesty's royal favour on his late happy coronation. For this their Lordships ordained them to pay each to the complainers 500 merks, and then the complainers to renounce the escheat of the said James. Hereby the complainers are in a worse case than before; for the two Johnstouns are but poor men and no payment can be looked for from them, and they will thus only receive less than it has cost them to obtain justice. Charge having been given to the said James Grahame to see himself decreed to make payment of the whole £1000, seeing one of the said Johnstouns is his son-in-law and the other his near and tender kinsman and friend, and that he has acted for them throughout this business, or otherwise that the complainers should be suffered to retain his escheat;
and the pursuers compiring by Mr. William Maxwell, their procurator, and the said James Grahame being personally present, the Lords, after hearing parties, continue the case until 10th June next, so that meanwhile the complainers may prosecute these three men before the Justice to determine their guilt or innocence of the said slaughter. And the Lords descern that James Grahame shall not hereby be prejudged of the benefit of his Majesty’s pardon, nor the expiry of the time reckoned against him.

This day compeared personally Robert Stevensoun, agent in Edinburgh, and found caution in 300 merks that Francis Hamiltoun, younger, of Silvertounhill, and his family and possessions, would not be molested by him nor by any of his causing.

Sederunt—Chancellor; Treasurer; Glasgow; Mairstiel; Kingorne; Roxburgh: Annerdaill; Lauderdaill; Traquair; Bishop of Edinburgh; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Bining; Clerk Register; Lord Melvill; Advocate.

"The whilk day George, Erle of Kinnoull, Lord High Chancellour of Scotland, William, Erle of Morton, Thesaururer, Patrik, Archibishop of Glasgow, Johne, Erle of Lauderdaill, Johne, Erle of Traquair, Johne, Bishop of Ros, Adame, Bishop of Dumblane, Sir Robert Spotswod, President of the Session, Sir John Hay, Clerk of Register, Sir Thomas Hope of Craighall, his Majestie’s Advocat, Sir Alexander Gibson of Durie, Sir Thomas Henderson of Chesters, Sir Andro Fletcher of Innerpeffer, Sir James Learmonth of Balcolmie, Mr. George Halyburton of Foderance, Sir Lewes Steuart, Mr. Andro Aittoun and Mr. Thomas Nicolson, elder, advocates, John Boll of Kelburne, Mr. Alexander Guthre, toun clerk of Edinburgh, and Johne M’Kesone, clerk of Carrail, compeirand personlie before the Lords of Privie Counsell, accepted upon thame the commissioun for surveying of the lawes and gave thair oath de fidei administratio.

"The Lords of Secrete Counsell gives and grants commission be thir presents to Patrik, Archibishop of Glasgow, Johne, Erle of Traquair, John, Bishop of Ros, Adame, Bishop of Dumblane, Sir Johne Hay, Clerk Register, Sir Thomas Hope, his Majestie’s Advocate, Sir Alexander Gibson of Durie, Sir Andro Fletcher of Innerpeffer, Sir James Learmonth of Balcolmie, Mr. George Halyburton of Foderance, Mr. Andro Aittoun, Mr. Alexander Guthre and Johne M’Kesone, to conveene and meet togidder and to consult and advise anent the forme, maner and order of prosecucion of the commissioun for surveying the lawes, reuniting to the Erle of Traquair and Clerk of Register the appointing of the tyme and place of their meeting; and ordains the saids commissiouns to report thair proceedings hererin to the Counsell upon the 29 or last of this instant."
"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousinie and counsellor, right trustie and right weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we gret yow well. Whereas for the better governement and preservation of the peace within all the parts of that our ancient kingdome according to our lawes and to the effect our poore subjects may not unnessesarlie be putt to charges by havinge recourse for justice to our Counsell in everie several greevance that may be incident, justices of peace wer established in severall parts of that kingdome where it was thought necessarie, we have further thought fit to that purpose to require yow according to the laudable custome of governement used in this our kingdome to caus establisse in suche maner as is requisite in that kingdome everie bishop to be a justice of peace within his owne dioeces, and withall that yow require thame to give yunto yow ane list of the most able and sufficient ministers within thair dioeces where it is most necessarie that a justice of peace be established, and that accordinglie yow caus settle suche of thame as yow sall thinke fitting to that purpose; whiche recommending to your speciall care, we bid yow farewell. From our court at Newmercat, the secund day of Marche, 1634. Qubilk being read, heard and considerit be the saids Lords, they ordaine missives to be writtin to the bishops for reporting to the Counsell the list and roll mentionned in his Majesteis said letter betuix and the last of this instant, quhaireof the bishops present ar warned apud acta."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentit to the said Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousinie and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellors, we gret yow well. At our being of late in that our kingdome we wer pleased to grant to M' William Wishart, minister at Leith, a gift of the preceptorie of Sanct Anthons for the benefite of the hospitall of Leith and their kirsessioni, for the use whairof some rents of that preceptorie (as we ar informed) ar still accustomed to be payed, and that the remnant of that benefice hes beene of a long tyme suppressed, being disposed of to some persons by our late royall father; hearing that the said M' William hes past that gift in his owne name, whereby not onelie that part of the said benefice dedicated to the hospitall and kirsession may by tyme be wrested to a particular frome the intended publict use bot that lykeways our right trustie and weilbelovit cousinie, the Erle of Dumfermline, will be prejudged in his right and possession of certan lands now holdin of us whiche ancientlie belonged to that preceptorie and wer
acquired (as we are informed) by his late father upon valuable considerations, our pleasure is that having callit the parteis interested before yow yowde with thame to submitt the differences heerin unto your selves or suche of your owne number as yow sall appoint for taking a faire course to settle the same, so that no prejudice may ensue by the said gift to the said hospital, kirk sesion, or to the said erle; but if the said Mr. William will not condescend thereunto that yow advertise us thairof and with your opinions concerning the same; and in the meane tyme that yow give order to stop anie proceeding tuichinge the same in anie of our judicatoreis till our further pleasure be signified therein, for whiche these sall be your warrant. We bid yow farewell. From our Court at Whitehall, the 28 of October, 1633. Qubilk missive being heard and considerit be the saids Lords and they advisit therewith, the Lords of Secreit Counsell ordains the said Erle of Dumfermline to exhibit to his Magesteis Advocat his evidents concerning the said benefice this night or the morn, and ordains the said Advocat to report upon Thursday nixt the estait of the bussines to the Counsell."

[Sederunt as recorded above.]

Complaint by John McAlaster in Callendar, his spouse, and Duncan, his servant, as follows:—On 13th January last Archibald Grant of Dalvey, Patrick McInahene, his servant, Patrick Grant of Culhoiche, Duncan Grant, his brother, and Ferquhar Over, his servant, armed with swords, targes, durkes, staves and other weapons, came by way of hamesucken to the said John McAllaster's house in Callendar, violently broke up the doors, and sought for him all through the house to take his life, "stogged the beds of the hous with their swords, and missing him, they shamefullie and cruellie strake, hurt and woundit his wife, violentlie threw her over ane great gurning or kist and left her almost dead, and with ane drawin durke they hurt and woundit the compleiners said servant on the head to the great effusion of her blood." Being masters of the house, they took away "ane haquebut with ane hieland axe" and other goods belonging to the pursuer. The pursuer appearing by John Grant, apparent of Ballindalloch, but the defenders not compearing, the Lords ordain them to be denounced and echeated.

Complaint by Edie Hendersoun in Duntrull, as follows:—About half a year ago he was apprehended by William, Earl of Queensberry, one of the commissioners of the Middle Shires, and put in ward in the pledge chamber of Dumfries upon some points of theft. He has earnestly intreated the Earl either to give him a lawful trial or put him to liberty, but the Earl excuses himself by saying that there cannot be a trial unless a full number of the commissioners be present, and that it is uncertain when they will meet, as they have not kept a Commission court for some years past. The complainer may thus be kept in per-
petual prison unless a remedy be provided. Charge having been given
to the said Earl, who compared by George Dean, his procurator, and the
complainor appearing by William Crichton of Hill, his procurator, the
Lords, after hearing parties, find it very far from equity and justice that
the pursuer, who has ever been willing to offer himself to trial, should be
thus kept indefinitely in ward, and they hereby appoint the Sheriff of
Dumfreis and his deputys to hold courtes and put the said Edie Hender-
son upon his trial of what is laid to his charge and do justice therein.

"The Lords continueas the dyct assignct to the town of Edinburgh
for answering his Majesties letter anent the sattling of their ministers
stipends till Thursday nixt, quhairof intimation was made to Mr
Alexander Guthrie, who was personally present."

"A letter frome his Majestie for coyning the like quantitie of copper
money as by former warrant was last ordaine." 

"The Lords appoints Moonday nixt the sevintene of this instant for a
treatie anent the coyne, quhairof orduine intimation was to be made to the
town of Edinburgh and officers of the coyheous and that missives be
direct to the Bishop of Brechin, the Erle of Wintoun and Southesk to
kepe the said dyct; the counsellors present being warrned apud acta."

Sederunt—Chancellor; Treasurer; Erroll; Kingorne; Winton; Acts, June
Roxburgh; Annerdaill; Tracquair; Bishop of Dumblane; 1632-
Areskine; Bining; Melvill; Clerk Register; Advocate.

"Forsamekle as the Kings Majestie, having by ane former act of the
tent of Januar, 1632, found it meit and expedient, concluded and ordeaine
that there could be fyftene hundreth stone weight of copper, unmixed
with anie other metall, wroght and forged in manner specefite and sett
doun in the said act, and that for releefe of the poore and for the better
intercourse and change of small moneys among his Majestis subjects,
his Majestie is now informed that this quantitie of copper money ordeaine
be the said act to be coynd in this kigdom is now fullie vented and
that notwithstanding thairof the necessitas of the countrie ar not as yeit
thereby sufficientlie supplied; and thairfoir the Lords of Secret Counsell,
according to his Majesties expresse command, warrand and direction in
writt sent unto thame in this mater, hes concluded and ordeaine and be
the tenor of this present act concludes and ordains that there shall be
other fyftene hundreth stone weight of copper coynd in this kigdom in
peenie and twa pennie pieces of the like weight, print and circum-
scription as the penneis and twa pennie pieces formerlie wrocht be
vertw of the said act of the tent of Januar, 1632, and conforme to the
tennour thairof in all points; anent the printing and outputting of the
quhils twa pennie and pennie pieces this present act shall be unto these
whome it concerres and apperteanes ane sufficient warrand; and that
letters be direct to make publication thairof be opin proclamation at all
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places neidfull wherethrow none pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonentvittin.—

CHARLES R.—Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellors and right trustie and trustie and weilbelovit counsellours, we greet yow weill. Whereas we ar informed that the quantitie of copper money last ordained to be coynned there is now fullie vented and, that notwithstanding, the necessitie of the countrie is not thereby yitt sufficientlie suppled, it is thairfoir our pleasure that yow give present order for the coynage of the like quantitie as by your former warrants wes last ordained, for whiche these presents sall be your warrand. Whitehall, the 26 of Februarie, 1634.”

“The whilk day Johne, Lord Torphichin, compesirand personallie before the Lords of Privie Counsell, gave in to the said Lords ane petition in writt preferred be him to the Parliament conteaining the reasons whereby he intends to evince that the superioritie of the lordship of Torphichin are of a different nature frome the superioritie of others ejections, and that thairfor they aucht not to be comprehended in the act of annexation whereby all superioritie of ejections are annexed to the crowne, and that for satisfaction of the terme assigned to the said lord for that effect. Whiche petition wes ordained to be givin up to his Majesteis Thessaurar and Advocat for his Majesteis interesss to be advised therewith and with their answer to the same till this day aucht daies lykeas the said petition was presentlie delveryed to his Majesteis said Advocat, who receaved the same.”

[Seurunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, as follows:—Robert Stirk, messenger in Dumfermeline, was employed to summon an assize for the trial of Robert Lammert, now prisoner in the tolbooth of Edinburgh, for the slaughter of Dow, and a roll of forty-five persons was given to him to charge, and which number he should not have exceeded; yet he summoned a far greater number, and componed and agreed with many for remaining at home and deleting their names out of the roll, viz., with Andrew Kedie in Kirkaldie for 20s. and a pint of 2s. ale; David Hallo for 12s.; George Smith in Kirkaldie for a long piece of tobacco; Walter Crichtoun there for 20s. and a chopin of wine; Henry Greg there for 19s.; Matthew Haigie, weaver there, for 10s. and a pint of ale; Walter Sobert, weaver there, for 4s. and a pint of ale; and Alexander Stope and Thomas Oswall

1 In 1568 Sir James Sandilands of Calder was invested with the title, power and jurisdiction of Lord St. John of Jerusalem. After the Reformation he resigned the lands he held as Preceptor of the Order of St. John into the hands of Queen Mary, who re-granted them as a temporal lordship.—Douglas, Peerage, II., 503.
there, for a pound of tobacco between them; whereby he has very far abused his Majesty’s good subjects. He is now prisoner for this in the tolbooth of Edinburgh, and it is necessary that before he be released this matter should be tried and so dealt with that others shall be terrifed from doing the like. Charge having been given therefore to the said Andrew Keadie, David Hallow, George Smith, Walter Crichtoun, Henry Greg, Walter Stoddart, Alexander Stope, Thomas Oswell and John Hog, to appear as witnesses, and the pursuer and Robert Stirk compearing personally, the latter being brought from the tolbooth by Andrew Quynt, jailor and keeper thereof, and the said Andrew Keadie, David Hallo, Walter Crichtoun, Henry Greg, Matthew Hegie, Walter Stoddert, Alexander Stop and Thomas Oswell, who also compered, and being sworn and examined, every one apart, by the said Lords, having confessed that they componed and agreed with the said Robert Stirk and Robert Adame, his man, at his direction for eliding of their names from the said roll, the Lords find the complaint verified, and they accordingly deprive the said Robert Stirk of his office of messenger and declare him to be incapable of exercising the said office hereafter. They ordain him to return his blazon to the Lyon Herald, and to repay to each of the persons with whom he componed the double of the money received from them; and this having been done, he is to be set at liberty.

"The Lords of Secret Counsell finds it more expeditent that the imposition craved be the town of Edinburgh for maintenance of the ministers and payment of their stipends shall be layed upon the lands within burgh according to the proportion of the maillis dew for the same than upon the inhabitants according to the rate of the maillis that they pay for their houses, quhairnent ordains the bailleis and clerk present to acquaint the counsell of the town heirwith and to report their answer upon Tuesday next."

"The Lords continewes the mater anent the preceptorie of St. Antons till Tuesday next."

Sederositi—Chancellor; Treasurer; Glasgow; Mairshell; Murrey; Winton; Kingorne; Roxburgh; Annerdaill; Lauderdaill; Traquair; Bishop of Edinburgh; Bishop of Ros; Lord Areskine; Lord Melvill; Master of Elphinston; Clerk Register; Sir James Baillie.

"The whilk day in presence of the Lords of Secret Counsell compaired personallie Sir Thomas Hope of Craighall, his Majestie’s Advocate, and reported to the saids Lords that he had scene and considderit the right of the preceptorie of St. Antons and that he finds that M’ Johne Hay of Kennet was lawfully provided thereto upon dimission of Alexander Hay, his father, last preceptor of St. Antons, and that the said benefice was suppreste be the said M’ Johne his infektment and ratification thairof.
in Parliament and thereafter dispounded be the said M' Johne to the Erle of Dumfermline who sold the teinds thatrof to the Laird of Colinton; in respect of which supressioun and extinguishing of the said benefice the said Advocat declared that he fand the said M' Johne Hay, the Erle of Dumfermline and the Laird of Colintoun their rights to be valuable and sufficient in law."

"The Lords of Secret Counsell continewes the bussines anent the mustour-maister till Thursday nixt and ordains the Erles of Rothes, Sea- fort, Quenisberrie, and Wemes, the Vicount of Stormont, the Bishop of Edinburgh, the Lords Hereis, Loudoun, Balmerinoch, and Johnestoun, to be warned to keepe that dyet and to give their information and advice to the Counsell anent that mater."

"The whilk day M' James Cockburne, provost of Hadinton, com- perand personallie before the Lords of Privie Counsell, accepted upon him the commission for surveying the lawes and gave his oath de fidei administratone."

"Forsameelke as Johne Hairup, sometyme in Dernton, being apprehended and made prisoner in the jayle of Durhame for the felonious stealing of twa oxin pertaining to Johne Osburne of Scottiswod, twa oxin pertaining to Thomas Bittelston of Benwell, and other twa oxin pertaining to Jeane Schaftooc, widow in Newcastle, the said Johne Hairup, fearing the event of his tryell, made one escape furth of the said jayle and for eshewing of punishment fled to this kingdom of Scotland where he was apprehended by warrand and direction from the Erle of Roxburgh and is presentlie prisoner heere; whairof notice being givin to the justices of peace within the countie palatine of Durhame they by thair letter under thair hand hes ernestlie required that delyverie be made to thame of the said Johne Hairup to the intent he may underly his deserved tryell and punishment at the jayle delyverie now shortlie to be haldin at the citie of Durhame upon the 26 of Marche instant. Thairfoir the Lords of Secret Counsell gives and grants thair warrand and allowance to the said Erle of Roxburgh to delyver the said Johne Hairup to suche person or persons as sall have warrand and power from the saids justices of peace or others having interesse to receave him; quhereanent the extract of this act sall be to the said Erle of Roxburgh a warrand."

"Anent the supplication presentit to the Lords of Secret Counsell be George Bruce of Carnock and Alexander Bruce of Alva, makand mention that where there is some strangers of Breme and Holland come up the firth to thame for coale and salt and they have nothing to pay for the same bot dollers, and the supplicants darne not takte thame in regarde of the lait prohibition givin out be the saids Lords agais the receaving of dollers for coale or salt; and thir strangers are now upon the point of their departure toward Newcastell for taking in their loading of coales, wherewith the saids supplicants have heirby thought meit to acquaint the saids Lords and how farre they ar interest and prejudiced in the
dispachte of thair coale and salt quhilks lying on thair hands will make thair trade of coale and salt unusefull and unprofitable to thame and sus thair water workes quhilks ar intertwemann at excessive great charges will perishe without all hope or possibilitie of recoverie without remeaid be provydit. Humbelie desyrieng thairfoir the saids Lords to give unto the saids supplicants thair warrand and allowance to receave dollers frome the strangers that ar now come in for thair coale and salt; lykees at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considerit be the saids Lords and they well advised therewith, the Lords of Secret Counsell gives and grants thair warrand and allowance to the saids supplicants to receave dollers frome thir strangers that ar now come in for thair coale and salt without pane or danger to be incurred be thame thenethrow in thair persons or goods, notwithstanding of the prohibition and discharge made in the contrare, quhereanent the saids Lords for this tyme dispenses, the supplicants first finding caution actit in the booke of Secret Counsell that they sall not receave dollers for anie coale or salt to be sold be thame hereafter under the panes conteanit in the acts and proclamations formerlie made hereanent."

"Forsamekle as the act underwrittin tuicheing the provision of the ministers stipends of the burgh of Edinburgh being givin in be the provest and bailleis of the said burgh to the Kings Majestie and Estates of this kingdom conveenid in the late Parliament holdin at Edinburgh in the moneth of Junij last, humbelie craving the same to have beene past and exped in Parliament, his Majestie and the Estate having dewlie considerit the said act and being willing that the same with the equitie and justice thairof and expedienie and convenienie of the same sould be carefully and exactlie considerit, his Majestie with advice of the saids Estates wee graciously pleased to remitt and recommend the act foresaid to the Lords of Privie Counsell, to whom his Majestie and Estates foresaidis gave full power and commissioun to consider, advise and try the said act with the equitie, necessitie and expedienie thairof and to decrene, statute and determine therein as they sould thinke expedient for the good and weale of his Majesteis lieges. Lykees his Majestie and Estates foresaidis ordained the decreits, statuts, ordinances and determinations to be made, givin and pronounced be the saids Lords of Privie Counsell anent the said act to have the force, strentth and effect of ane sentence and act of Parliament in all tyme comming, as the said act and reference of the Parliament made to his Majesteis counsell thereanent at lenth beirs; of the quhilk act givin in be the saids provest and bailleis of Edinburgh to the Parliament the tennour followes:—Forsamekle as there is nothing more consonant to equitie and reason then that all suche persons that daylie injoyes in plentie that blessing of the Word of God and heares the same preached and does participat the benefite of the Churche sould contribute to the maintenance of the ministris in those places where they
receive the saids benefites, and our Soverane Lord and Estate of this present parliament understanding that ever since the Reformation the hail inhabitants of the said burgh of Edinbrugh hes enjoyed the foresaids benefites and blessings, and the commoun good of the towne whiche hes beene givyn to thame for maintenance of policie hes beene that way imployned throw the inlakie of other sufficent means for interteaneing the ministrie of the said burgh; for remeide whairof and to the intent that these who serves at the altar may be interteanned of the altar and the said commoun good may be rightlie applied to the use whereunto the same was appointed, our Soverane Lord and Estate foresaids statuts and ordains that the soume of twelffe thousand merkes sall be uplifted yerelie of the whole inhabitants and indwellers within the said burgh (the Lords of his Majesteis Counsell and Sessioun being onelie excepted) and that according to the quantitie and proportion of the mailli they pay or the housses where they reside may pay. And for this effect ordains the provest, bailleis and counsell of the said burgh to appoint and make choise of foure sworne men out of ilke parish within the said burgh who upon their oath sall value and estimat the maillis of the housses of the said burgh and sall give in ane roll thairof under their hands what everie hous built and possest may communibus annis in constant rent pay of yerelie mailli to the end that according to the soumes whereunto the saids maillis will surmount the said soume of twelffe thousand merkes may be convenientlie divydit be thame amongs the saids indwellers and inhabitants (except as is before excepted). And becaus that new housses may be built and others housses may lykewayes come to decay and ruine so that the maillis thairof may be omitted or defective, and the inhabitants of the saids new housses free of the foresaid burdein, thairof ordains the provest, bailleis and counsell of the said burgh ilke yeere or ilke twa yeeres, as they sall thinke expedient, to appoint new extentors and valuers for valuing of the saids hous maillis, and according to the said valuatyon and distribution and divisioun of the said soume declares the whole indwellers and inhabitants to be subject to contribute to the interteaneament of the said ministrie according to the rollis to be givyn furth to suche as sall be appointed be the saids provest, bailleis and counsell for ingadderet of the said soume, under the subscription of their common clerk; and incase of the refuisall of anie persons ordains the said provest and bailleis to direct their officers to poynyd their goods or waird their persons for the same without any farther sentence or processe of law; and ordains the said soume so ingadderet to be applied onelie for for sustentation of the said ministrie. And the provest and bailleis of the said burgh being callit and at lenth heard heirupon before the saids Lords, they declared that the imposition crave in thame to be layed upon the inhabitants according to the proportion of thair hous maillis is onelie crave to be a square and rule for taxynge of the inhabitants,
and that thereby the ground right and propertie of the houses shall never be affected. Quhilk act being read, heard and considderit be the Lords of Privie Counsell, and they having lykewayes heard and considderit the reference made be the Parliament to thame and the declaration foresaid made be the saide provest and bailleis, and being well advised therewith, the Lords of Secret Counsell finds and declares that the course and order preaceryved and sett down in the act foresaid givin in be the provest and bailleis of Edinburgh to his Majestie and Parliament tuicheing their ministers stipends and settling thairof is a verie good and faire course tending to the weale of the said burgh and settlin the ministrie thairof in thair stipends, with this speciall provision and exceptioun that the Lords of his Majesties Privie Counsell and Lords of Session sall no ways be subject to contribute to this imposition bot sall be speciallie excepted and reserved furth thairof, and with declaration and qualification of the generall name of inhabitants that the same is and sall be onelie suche persons who take houses for ane yeere or halfe yeere within the said burgh, remains and resides therein with thair families the most part of the yeere or halfe yeere; and that thir persons allanerlie and no others sall be comprehended under the generall name of inhabitants. And thairfoir the Lords of Secret Counsell hes allowed and approvin and be the tennor heirof allowes and approves the said act in the hail points, clauses and articles thairof with the exceptioun, declaration and qualification abonespecefeit, and hes interpounded and interpons thair auctoritie thairto, and ordains the same to have the strenth, force and effect of ane act of Parliament conforme to the reference foresaid of the Parliament and of ane act of Counsell in all tyme comming. Followes his Majesties missive anent the act abowewrittin :—Charles R.—Right trustie and wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellors and right trustie and wellbelovit counsellers, we greit yow weill. Whereas there was a petition preferred be the towne of Edinburgh to the late Parliament haldin by us in that our kingdome tuicheing their ministers stipends and settlin thairof, whereby it wes desired that the imposing of the same might be layd ratablie upon the inhabitants as they wer found able, the consideration and determining of whiche petition was remitted unto yow, seing the establishing and provyding of the churches of that towne is a purpose thairof we doe vere muche approve, our pleasure is that yow consider of the said petition, and if yow find that the course propounded be thame cannot convenientlie take effect, that the said imposition may be ratablie layd and takin up according to the proportion of the maill of the said burgh, appointing thereby to everie minister a competent stipend and a commodious dwelling hous according to their degree; whiche recommending to your care we bid yow farewell. Frome our Court at Whitehall, 11 October, 1633."
1634.

CHARLES I.

"The qhillk day ane warrand wes past for coyning 1500 stane weight of copper money in maner as wes before ordained."

Sedawnt—Chancellor; Glasgow; Treasurer; Privy Seal; Erroll; Mairsell; Murrey; Wintoun; Kingorne; Roxburgh; Lauder; daill; Tracquair; Bishop of Dumblane; Lord Areskine; Lord Binning; Lord Melvill; Master of Elphinston; Clerk of Register; Advocate; Sir James Baillie.

"The whilk day John, Lord Torphichin, compeirand personallie before Anent the Lords of Privie Counsell, gave in to the saids Lords the verification of the reasons contenit in his petition to the Parliament for cleering the erection of the lordship of Torphichin to be of a different nature from others erections and thairfoir not to be comprehended in the act of annexation, which he instructed by production of certane writs and evidentes upon inventar qhillikes wer givin up to his Majesteis Advocat to be advised therewith till this day aucth dayes; and the saids Lords resolves to the said Lord Torphichin his further reasons for cleering and evincing of his said petition to be propounded be him that day."

"Forsamekle as it hes pleased the King's Majestie by his letters patent under the great seale to give and grant to the Lord of Spynie the office of generall mustormaister within this kingdome, the regil ing and ordering of the whiche patent and prosecucion of the service therein contenit, with the modification of the fees answerable to the said charge and employment, wes by reference from the Estats committed to the saids Lords; thairfoir the Lords of Secret Counsell ordains the noblemen and commissioners for the small barons and burrowes that wer present to make choice of foure of thair nombre for everie one of the saids three Estats to attend upon the Lord Privie Seale, the Arch-bishop of Glasgow, the Erles of Roxburgh and Tracquair, the Bishop of Dumblane, and Clerk of Register (without excluding anie other of the Counsell who sall be pleased to be present) and to convene with the saids Lords the morne at eight of the clocke in the morning in the laich counsellous of Edinburgh and to confer and reason anent the forme and order of prosecucion of the said service and modification of the fees dew for the performance thairof; of the whiche dyet and assignement the Lord Spynie, being personallie present, wes warned apud acta. In oheidence of the qhillk act and ordinance the noblemen present made choice of the Erles of Rothes, Quenisberrie and Wemes and the Lord Lowdoun, the commissioners of the shires nominat and made choice of Sir Patrik Hamilton, the laird of Aldbar, Sir Patrik Murrey, and the laird of Pitmedden, and the commissioners for the burrowes made choice of William Dick, Mr Robert Ferquhar, Mr James Cockburne, and Mr Alexander Guthrie, whom the saids Lords allowes to come nee and meet
with their several Estates for their better light and information anent the ordering of the particulars abovenamit, and ordains the committee to report their proceedings to the Counsell upon Tuisday nixt."

[Sederunt as recorded above.]

Complaint by James, Lord Desfurde, bailie principal of the regality of Strathyla, and Thomas Inneis, his depute, as follows:—Upon sinister information made to their Lordships by John Tarbert in Poolfald that he and his said depute had cited the said John and his spouse to a justice court on the 8th January last to answer for the reset of 2 ½ sills of gray cloth stolen by one William Ogilvie, and for the alleged cruel murdering of David George and casting him into a peat moss, and that notwithstanding the production of two certificates of the sickness and inability of the said John to travel, they had proceeded with the case, declared them fugitive and intended to deal with their goods, their Lordships granted letters against the complainers for their compearance on 11th March before the Council and production of the proceedings in the case. These letters had been granted without citation of the complainers, who could then have adduced many good reasons for their procedure and "convinced the said Johne of manie grosse and impudent untruthes." He represented that they had cited him for murder, and this was the chief reason of their Lordships granting the letters; but they never did nor intended to do so, "but left the same and the discoverie thairof to God and tyme, quhilk is the mother of trueth, and they onlie callit thame for a cleere, notour and undeniable ressett of thift, and for thair contumacie and not compeirance, declared thame fugitives, and meddled no farder with thame, bot simplie for the dewtie of thair charge and office arrested thair goods." This is all they have done, and for this these persons have brought the honour and credite of the said lord, and the justice and equity of his court in question. "If base criminalls of this kynde sall for impetrating of impunitie of their misdeeds be suffered or oversee to call in doubt the equitie and proceedings of the judges of the kingdome, who ar voide of all privat respects and hes nothing bot honour, justice and good consciente before thair eyes, the saids Lords may consider what sall be the event and how depe it may draw in consequence and exemple." Charge having been given to the said John Talbert and his spouse to compear to see the Justice discharged from proceeding in this matter and the case remitted back to the complainers, and the pursuers compearing by Mr. Roger Mowat, their procurator, and the said defender compearing personally with Mr. James Gibson, his procurator, the Lords, after hearing parties and seeing the process produced, remit the matter back to the said Lord of Desfurde, as bailie of the regality of Strathylaes, and ordain him first
to proceed against the principal person, committer of the theft libelled, and after that, having made choice of some "unsuspect person in place of the said Thomas Innes, his baillie," to try the said John Talbert, and if he find him guilty, to report his conviction to their Lordships before passing sentence, so that they may advise him thereupon.

Sedent—Chancellor; Glasgow; Erroll; Marshell; Murrey; Winton; Kingorne; Linlithgow; Lauderdale; Southesk; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register; Advocate.

"The Lords of Secret Counsell, in humble obedience of a letter directed unto thame from the Kings Majestie in favors of Thomas Meinzeis, burges of Aberdee, gives and grants their warrend and licence to the said Thomas to resorte and repaire saffellie and peaceable to and fra in the countrie at his pleasure till the first day of Junij nixtocome to the intent that he may dispose upon his estait at his pleasure, quhilks the saids Lords declares it lawfull for him to doe, and they recommend to the Lords of his Majesteis Exchecker to make the like declaration in favors of the said Thomas, becaus the said Thomas, being personallie present, actit himselfe that he sall carie himselfe modestlie without scandall or offence and that he sall acquaint the Bishop of Aberdein with this his obligement, to the intent the said Bishop may looke to his cariage and certifie the Counsell of the same the first Counsell day of Junij nixtocome, togidder with his opinion tuiching a forder prorogation of the said warrend and of a warrend to be grantit to him to perseg and defend in all his actions and causes without anie doubt or question in law in so farre as may concerne his religion and for what tyme the said warrend sall be grantit; discharging in the meanetyme all shiriffs, stewarts, baillies of regalitis, provests and bailies of burrowes, and all others judges, officers and magistrates to burgh and land, and als all messengers of armes of all taking, apprehending, warding or arresting the said Thomas be vertew of anie horninges or captiones raised or to be raised aganis him for maters concerning his religioun, discharging, &c. Followes his Majesteis missive for warrend of the act abonewrittin:—Charles R.—Right trustie and right weilbelovit cousine and counseller, right trusty and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. We have beene humbelie petitioned by Thomas Meinzeis that we would be graciously pleased so farre to grant him the benefite of our lawes as to recover by a legall way suche moneyes as ar justlie dew unto him and to sell his estait there that he may abandon the kingdome without staying anie longer to give any offence to the present professed religiou and the rather becaus hitherto
in humble obedience of our commandement expressed in our former letters touching this purpose to the Lord Chancellor and Bishop of Aberdein he hath, as we are informed, givin no just caus of offence, bot hath caried himselfe moderatlie and quetlie; for whiche respect we are heirby pleased seriouslie to recommend unto yow that he may have justice speedilie administrd unto him ather in the persute or defence of anie action in law concerning him and that he may als frellie without anie doubt or questin in law in so farre as may concerne his religion, dispose and sell his estait as anie our lawfull subjects whatsomever within the kingdome might or may doe, and to that effect that yow give suche order to our Colledge of Justice and otherways as yow sall thinke fitt and as may best conduce to the granting of his humble sute, to the effect he may repaire to these parts abrod where (as we are informed) his wife and children doe live; for doing whairof these presents sall be unto yow and all others whom it may concerne a sufficent warrand. We bid yow farewell. Frome our Court at Whitehall, the 12 day of Februarie, 1634.”

“Anent the supplication presentit to the Lords of Secrett Counsell be Johne, Erle of Wemes, makand mention that where there ar some Bremers and Hollanders come to the firth for buying of coale and salt frome him and they have no monies to give for the same bot dollers allanerlie, quhilks the said supplicant is inhibite to receve for his coale and salt frome anie strangers, so as if they sall not be served be the supplicant and others maisters of coale in this countrie they will go to Newcastell, and the supplicant will be frustrat of the sale of his coale, and thereby his workes will be brought to decay, to his great hurt and prejudice and undoing of numbers of poore people; halebill desyiring theirfoir the saide Lords to grant to the said supplicant their warrand and allowance to receve dollers frome the saide strangers for the price of his coale and salt; lykewise at mair lenth is conteanit in the said supplication. Quhill being read, heard and considdrit be the saide Lords and they advised thairwith, the Lords of Secrett Counsell gives and grants warrand and allowance to the said Erle of Wemes to receve dollers frome the said Bremers and Hollanders now lying in the firth for the price of his coale and salt without pane or danger to be incurred be him therethrow, notwithstanding the act and proclamation made in the contrary, quereannent and all panes conteanit therein the said Lords dispenses be thir presents, the said supplicant first finding caution actit in the bookes of Secrett Counsell not to receve anie dollers frome strangers for their coale or salt after the dispatche of these who presentlie ar in the firth, under the panes conteanit in the acts and proclamationuns made heerenent.”
Complaint by Patrick Halket of Lumfynnnance, as follows:—For many years he has been detained in ward, first in the tolbooth of Dysert and now in that of Edinburgh, at the instance of John, Earl of Rothes, whom he has never offended. All his creditors are willing that he should be liberated, and the only stop is his finding caution for the indemnity of the said Earl. As no one will become cautioner for him, seeing he has no estate, he is willing personally to give his oath and act for the Earl’s safety. Charge having been given to the Earl of Rothes, and he comparing by Mr. David Aitoun, his agent, the pursuer also being personally present, and having been heard, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer, who promised upon his great oath to keep ward within the burgh of Edinburgh and town of Leith till the first Council day of June next, when their Lordships will take further order with the case; declaring that if the said Patrick contravenes this order it shall be lawful for the said Earl and his said agent to apprehend and imprison him. Further, their Lordships modify the sum of 8s. daily to be paid to him by the said Earl of Rothes until the said first Council day of June.

Supplication by James Smith, servitor to the Earl of Wintoun, as follows:—He desires to build some houses and policy in Seaton and has prepared a great quantity of material, but cannot obtain sufficient timber in this country. He must therefore send to Norway for this, and proposes to pay for it by sending thirty-six bolls of wheat of his own growth. He craves their Lordships’ license so to do. The Lords grant him liberty to export the said quantity of wheat to the town of Birren in Norway, he paying the ordinary custom and bullion for the same.

Supplication by John, Lord Areskine, as follows:—He is engaged in several great sums of money for Sir George Home of Manderstoun “who in outward show and professioun seems to be most solist and carefull” to ease him by selling of some of his lands. This can only be conveniently done in Edinburgh by the advice of procurators, but Sir George dare not and will not come here without a protection, which therefore the supplicant craves may be granted to him. The Lords grant their protection to the said Sir George Home until 20th June next.

Sederunt—Chancellor; Glasgow; Erroll; Wintoun; Linlithgow; Edinburgh, 27th March 1634.

Kingorne; Roxburgh; Galloway; Southesk; Tracquair; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register; Advocate; Sir James Baillie.

“The whilk day Sir Thomas Hope of Craighall, knight baronet, his Majesteis Advocat, compeirand personallie before the Lords of Privy Counsell declared that he would make no report concerning the erection Anent the erection of the lordship of Torphichen. See ante, p. 337.
of the lordship of Torphichin till the Lord Torphichin should first give in Acta, June 1632–June 1634 the said lord, being present, who took the first counsel day in Junij nixt to propose what forder he would use and alledge in the mater foresaid."

[Sederunt as recorded above.]

Complaint by Thomas Hay of Parke, as follows:—He has a parcel of ground of his lands of Drochdull lying upon the south side of the burn of Paltantoun, called Quhytshittle, within the parish of Glenluce, and of which by their infeftments he and his predecessors have been in peaceable possession by tilling, sowing and reaping the same for the past forty years, and it was so laboured by his deceased father and grandfather and their servants in the years 1625, 1626 and 1627. In this present year he directed his servants to proceed to till the ground when James Cathcart of Granoch, John and Robert Cathcart, his sons, Alexander Agnew of Tong, Andrew Agnew, his son, Gilbert M'Renie in Cremunoche, Alexander M'Lanoch there, Thomas M'Raik there, John Neilson there, William Gordoun in Torrie, and William M'Naw there, and others armed, and in a tumultuous manner, came to them while going at his plough, and threatened that if they did not loose their ploughs and depart they would take their lives; and further they "broddit and dang the oxin" in the plough and took them out of it. Again, on 20th February last, while the complainant was absent in Edinburgh on business they came and sowed the said parcel of ground, and, when the complainant's wife came to them and "in modest and gentle termes" desired them to forbear such lawless and insolent doings, "they injured her with manie disgracefull words, avowing if she or anie of thame came over the burne to thame where they wer sawing that they sould washe their feet and send thame home in a pair of blanketis; wishing that the compleiner had beene present himselfe" that they might have taken their advantage of him. Charge having been given to the persons accused to appear before the Council, and the pursuer compearing personally, with the said James Cathcart of Ganoch, John Cathcart, his son, William Gordoun, William M'Naw, Robert Cathcart, Gilbert M'Renie, Thomas M'Raik and John Neilson, the said James Cathcart represented that he was infett in the piece of ground in question and had been in peaceable possession thereof for the past six years, and moreover it was surrounded on all sides by his other lands. After hearing parties and their witnesses, the Lords find that the pursuer and his predecessors and their tenants have been in possession of the piece of land in question by tilling and labouring thereof for the last twenty years and until the sowing above libelled, "and that the said James has committed ane great insolence and ryot in sawing of another mans pos-
session," and discharge him from meddling further therewith until he evict the pursuer by order of law; specially from shearing the corns sown or preventing the pursuer from shearing them as being sown upon his own heritage. John Cathcart is convicted of having used the threatening speeches complained of, and for this and the riot he and James Cathcart are warded in the tolbooth of Edinburgh upon their own expenses until the Lords release them. Further, the Lords ordain the said James Cathcart to pay the witnesses, every horseman £10 and every footman 10 merks.

Complaint by Thomas Abirrrombie, second lawful son of the deceased Thomas Abirrrombie of that Ilk, as follows:—About seven years ago he was waylaid and pursued for his life by the deceased William Martine, son lawful of the deceased Alexander Martine of Giblistoun. Martin had been visiting his wife's sister at Anstruther, and on his way home with the complainer, being drunk, he gave complainer a great stroke in the arm with the complainer's own sword, who was then obliged for safety of his life to draw his dagger and close with the said William, giving him a stroke upon the thigh, wherewith "he fell in reid land," and, being suffocated with drink, died. The complainer had no intention of injuring the said William "whome he loved most interelie, and unto whome he had done sindrie good offices, as namelie he procured unto him from his eldest brother ane dwelling hous and yaird," and but the day before this unhappy accident the complainer made the said William bailie of the barony of Edinburgh, and disposed to him several casualties belonging thereto. Since that time the complainer has resided in Ireland and has caused his friends offer assithement to Isobel Forrester, widow of the deceased William, and to Mr. Alexander and Isabel Martine, his children, but they refuse to entertain these. Now, the complainer understanding that at his Majesty's late coronation in Scotland he was graciously pleased to remit all such sudden slaughters committed before the said coronation if sought within year and day thereafter and satisfaction were made to the party, he has caused David Walker, burgess of Leslie, as his procurator, to go to the said Isobel and offer and tell down to her for herself, and the barns and kin of the said William 400 merks in name of assithement and for a letter of slains to be given to him thereon; but this she refused to do, as an instrument under the hand of John Nicoll, notary in Falkland, will show. Further, on 21st November last, George Abirrrombie, as procurator, made the same offer to her on the complainer's behalf, which she likewise refused, as an instrument under the hand of John Mitchell, notary, shows. Charge having been given to the said Isobel Forrester and Mr. Alexander and Isobel Martine, who did not compear, and the pursuer appearing by George Abirrrombie, his procurator, the Lords modify the assithement to be paid as 500 merks, for payment of which the pursuer is ordained to find caution and upon payment to receive a letter of slains.
Complaint by Sir Thomas Hope of Craighall, King's Advocate, with Patrick Small, elder and younger, in Newtyle, and John Small there, parties grieved, as follows:—In violation of the law against wearing hagbuts and pistols, on 15th March instant, Patrick and James Andersoun, lawful sons of Laurence Andersoun at the mill of Newtyle, Patrick Andersoun, son natural of the said Laurence, and William Andersoun, servitor to the said Laurence, all armed with swords, forks, durks and other weapons, and the prohibited hagbuts and pistols, came to the complainers' lands in Newtyle while they were peaceably sowing the same and pursued them for their lives, giving them many bloody wounds on the head and other parts of their bodies, and "left thame lying wallowing on the ground in their blood as dead persouns and threatened to kill thame if they laboured these lands." They then went to their houses and threatened to kill their wives and children. Parties being cited and the pursuers comparring personally, but of the defenders only William Andersoun, and they and certain witnesses having been heard, the Lords find that the said Patrick and James, lawful sons, and Patrick, the bastard son of Laurence Andersoun, assaulted the pursuers, the said Patrick, the bastard, and James Andersoun wounding them with a fork, and the other Patrick wounded the said John Small on the head with a baton and on the hand with a whinger, and that they would not suffer the pursuers to sow their corns; for which they ordain the said Patrick, the bastard, and James Andersoun to enter into ward within the tolbooth of Edinburgh within six days after being charged so to do and there remain until released by their Lordships; and they assoilzie the said William Andersoun, against whom nothing was proved. Further, the said Laurence Andersoun, who was personally present, took the next Council day to exhibit his lawful son, Patrick, before their Lordships to underlie their censure for his offence; and their Lordships ordain the said Laurence to pay each of the witnesses in the case, 40s. for their expenses.

Complaint by Gilbert Tailyour, messenger in Mylnehous, as follows:—On 9th August while he was sitting in his own meadow which he has in tack from the Laird of Amisfeild, beside his "mawer," David Murehead and John Armeastrang, servants to Robert Maxwell of Dinwiddie, and John Dinwiddie in Broomhill, John Dinwiddie in Burne, and John Murebane, tenants of the said Robert Maxwell, at the instigation of the said Robert, came, armed with swords, staves, whingers and other weapons, and assailing the complainier unawares, gave him many cruel wounds on divers parts of his body, specially a cruel stroke on the right hand with an "edged whinger," and another with a baton on the forehead "wherewith they dang out a peece of his harm panne" to the great effusion of his blood and peril of his life; and they took away the complainier's whinger with them. Charge having been given to all the persons complained upon, and the pursuer compearing and also the said
Robert Maxwell for himself and in name of the other defenders, his tenants and servants, for whom he said he would answer, and parties and witnesses having been heard, the Lords assize the defenders, against whom no part of the complaint was verified, but they commit the pursuer to the tolbooth of Edinburgh for eight days for his unjust complaint against the defenders, and ordain him to pay five merks to each of the witnesses produced.

Another complaint by the said Gilbert Tailyeour, as follows:—On 30th March last he charged John Maxwell of Castelmilk at the kirk of to find law-surety to David Haliday in Roberthill, whereupon the said John, with John Irwing his servant, Robert Maxwell of Dinwiddie and David Mureheid, his servant, armed with swords and other weapons, fiercely pursued him for his life, and the said John with a whinger gave him a bloody wound on the head, and his servant with a whinger gave him another on the , while the said Robert Maxwell and his servant also struck out at him with whingers, and they would have killed him but for the interposition of the gentlemen who were present. Charge having been given to the said Robert Maxwell and David Murehead, and they and the pursuer personally compearing and having been heard, the Lords assize the defenders, who gave their oath of verity that the complaint was untrue.

Complaint by Andrew Fouller in Fisherraw, as follows:—John Smart there and Thomas Smart, his son, have conceived a deadly hatred against him, and with the object of taking his life they, on the 14th instant, when they knew he would be in Mussilburgh doing his business, lay in wait for five or six hours for his return at night, and set upon him at the back of the town of Fisherraw, “violentlye slang him to the ground and with their baill force gave him a number of cruell strokes with spauds upon the sides and others parts of his bodie and brake three ribs of his side.” They left him lying and some neighbours carried him home, where he swooned thrice that night, and ever since he has been bedfast “in great pane and dollar.” The parties having been cited and the pursuer appearing by Mr. Alexander Fouller, his procurator, but the defenders not compearing, the Lords ordain them to be put to the horn and escheated.

Complaint by David Rae, messenger, as follows:—On 14th March instant he was employed by John Moir, portioner of Aberargie, to execute letters of caption against Gilbert Geddes in Abermethingie, and having gone to the bailies of Abermethingie with the copy of the letters in his hand to charge them to apprehend the said Gilbert, the said Gilbert, suspecting the design, furiously ran at the complainer with a drawn whinger, struck at him therewith six or seven times, also gave him three or four strokes with his foot and “dang him backe over upon his backe.” He would then have “sticked him with his whinger if the people had not tane him aff him and convoyed him to ane hous. But at
last he lap frome thame and of new sett upon the said messinger with
his drawin durke and swore manie execrable othes that he sould stick
him and the bailleis; and when the people tooke the durke frome him
the said Gilbert with his feit gave the said messinger manie bauche and
blae straikes and had not failed to have slaine him wer not he wes
rescued be the people.” The pursuer compearing personally, but the
defender not, the Lords ordain the latter to be put to the horn and
escheated.

Sederrunt—Chancellor; Glasgow; Erroll; Winton; Linlithgow;
Kingorne; Roxburgh; Southesk; Traquair; Bishop of Dum-
blane; Lord Areake; Lord Bining; Lord Melvill; Clerk
Register.

Supplication by Isobel Sinclair, spouse of Robert Huldie in Eymouth,
and the said Robert for his interest, as follows:—On 14th December
last Sir Patrick Home of Aittoun, at the desire of Mr. John Home,
minister at Eymouth, apprehended the said Isobel and put her in ward
in the jail of Eymouth upon the bare suspicion that she was guilty of
witchcraft, and after keeping her there all that month, he in January
procured a commission to some gentlemen of the country for her trial.
On hearing this she “wes exceedinglie rejoysed and earnestlie dealt with
the said M’ Johne Home to caus put her to her tryell with diligence.”
But he still keeps up the commission and keeps her imprisoned in great
misery and under the imputation of this odious crime. “The said M’
Johne, being conscious to himselfe of his unconscionable behaviour
toward the suppliant, he upon xvj day of Marche instant sent to her
said husband and desired him to come to him, and when he come he
promeist to get his wife putt at libertie and to caus others smart and
spend muche if he would follow his counsell, whilk wes to move his wife
to say to the commissioners appointed for her tryell that she wes with
barne, at the least that she feared that she wes with barne. And accord-
inglie at his direction that afternoone the said suppliant wes brought
furth of the jayle and delveryed to her husband, who caried her to
Aittoun behind him on horseback, where the said M’ Johne with some
of the commissioners and the said Laird of Aittoun and others gentleman
being present, she wes desired to give her great oath and swear that
she wes with barne; quhilk she refused and said that she feared onlie
that she wes with barne. Quhereupon the commissioners, having tane
counsell to putt her to libertie in the meane tyme, the Laird of Cumledge
come in and alledged that seing she wes tane and keeped so long prisoner
without ane warrand and that the saids Lords had direct ane commissioun
for her tryell thairfuir they could not put her to libertie without the
saids Lords thair warrand; and thereupon they resolved that her said
husband behoved to come in to Edinburgh with the said M’ Johne upon
the morne and procure this warrand. And accordinglie her said husband prepared himselfe and come upon the morne in the morning to the said M· John to attend his going to Edinburgh; but M· John, alleging her husband was but ane poore man and had manie barnes, desired him to remane at home and he would do the turne and send him word againe Fryday of the Counsells answer anent her libertie. And so her husband, simplie believing him, stayed at home. Bot upon Fryday M· John wrote home to the Laird of Aitoun and his wife that the Counsell sitts onlie upon Thursday and thairfore he could not gett the turne done and desired the supplicant's husband to have patience till the next weeke." Their Lordships will see by these indirect courses the injury done to the supplicant, and that this was but a trick of the minister to prevent her complaining to their Lordships before the rising of the Session; and she craves that their Lordships would command the Laird of Aitoun or Sir John Home of Blacader, David Ramsay of Edington, Patrick Home of West Restoun, and Mr. Alexander Lawder of Gungreene, the commissioners named for her trial, to put her to liberty on finding caution in 500 merks to appear before the said commissioners, or their Lordships, or any other judges they may appoint on a lawful charge. The Lords, after hearing the said Mr. John Home, who was present, ordain the said Sir Patrick Home to put the supplicant to liberty on the conditions above stated.

"Ane act past in favors of the tooun of Edinburgh anent the ministers stipends."

"The Lords thinkes meit and therewithall gives power to the Erle of Hadintoun, in absence of the Lord Chancellor, and to the Erle of Winton, in absence of the Erle of Hadintoun, to convene the Counsell in the vacance upon incident occasions requiryng a present resolution and dispatche."

"The Lords ordaine the lairds of Balbegino and Moncur of that Ilke to be adjoyned to the justices of peace of the shirefdom of Perth."

"The quhilk day the Lords declares that Robert Dunbar of Moynes, entering his person in waird within the tolbuith of Edinburgh for obedience of the charge givin and execute againis him upon the complaint of Archibald Torry, messenger, sall be free of all arreisments to be layed upon him for civil causes and sall not be detained be vertew thereof after his releasement frome his waird be the Counsell for the caus abovewrittin."

_Sederunt—Privy Seal; Glasgow; Erroll; Murrey; Winton; Edinburgh; Linlithgow; Kingorne; Roxburgh; Galloway; Lauderdale; Southesk; Traquair; Lord Bining; Lord Melvill; Clerk Register._

"Forsamekle as the Lords of Privie Counsell ar informed that in the Commission the moneth of last Johne Finlay in Canlert of Abiryeldie came..."
under cloud and silence of night to the dwelling houes of Andrew Acta, June 1632-June 1634 in Dubbitoun, brake up the doores thairfof and spoyled and herryed the honest man and tooke away be stouthreffe his whole moneyes and what ells wes within the houes and he is now become fugitive and outlaw for the same; and whereas the impunitie of suche disordered and brokin lymmars may prove dangerous to his Majesteis good subjects and embolden the saids lymmars to continew in thair wicked trade of life, thairfoir the Lords of Secret Counsell hes given and grantit and be the tennor heirof gives and grants full power, auctoritie and commissioun, express bidding and charge, to James, Lord Carnegie, and Alexander Gordoun of Abiryeldie, conjunctlie and severallie, to pas, searche, seeke and take the said John Finlay where ever he may be apprehended and to bring, present and exhibite him before his Majesteis Justice and his deputys to underly his tryell and punishment for the cryme foresaid as accords; and generallie all and sindrie others things to doe, exerce and use quhilkis for apprehensioun and exhibition of the said Johne is requisite and necessar; firme and stable halding and for to hald all and quhatsumever things sall be lawfullie done heerin; commanding hearby the provest and bailleis of Edinburgh to receave the said Johne Finlay frome the saids commissioners, or suche as sall have the charge of his convoy, and to commit him to ward within thair tolbuith, therein to remane upon his owne expensses till justice be ministrat upon him, as said is, as the saids provest and bailleis will ansuer upon the contrare at thair perrell."

"Forsamekle as it is understand to the Lords of Privie Counsell that Johne Leith of Harthill, being a long tymne bygane rebell and at the horne als weill for civill as criminall causes, quhenupon not onelie followed the executioun of captiouns bot also of letters of treason, and ample commissiouns were direct aganis him, all quhilks he hes disobeyd and alights the executioun thairfof by keeping his hous of Harthill as Fol. 271, b ane hous of warre and associating unto himselfe great numbers of brokin men and sorners with whom he hes latelie verie heavillie infested diverse parts of the countrie beside Aberdin, by spoyling of the housses of numbers of his Majesteis good subjects, binding and carrying of thameselfses captives to the hillis, to the great terroour of the countrie people; and now at last he is happilie tane and apprehended by the hazardous travellis and adventures of the gentlemen who wer entrusted with commissioun aganis him, in whois custodie and keeping he presentlie remaines. And whereas the exemplar tryell and punishment of suche disordered and brokin men imports verie neerelie the peace and quyetness of the countrie, thairfoir the Lords of Secret Counsell hes thought fitt and expedient that the said Johne Leith and Angus Schaw and pypper Boyne, two of his complices who wer tane with him, sall be brought heir to Edinburgh to underly thair tryell in maner following, and thairfoir ordains letters to be direct charging the shireff of Aberdin to receave
the said Johne Leith and his twa complices from the commissioners who has him in keeping within ane hour after they shall be presented unto him, under the pane of rebellion and putting of thame to the horne, and if they failie, to denunce, etc., and to transport and carie thame to the shireff of Kincardin; and siclyke charging the said shireff of Kincardin and his deputys to receave the said Johne Leith and his saids complices from the said shireff of Aberdein and suche as sall have the charge of their convoy within ane houre next after they sall be presented unto thame, under the said pane of rebellion, and to transport and carie thame in suretie to the shireff of Forfar and his deputys; and siclyke to command and charge the shireff of Forfar and his deputys to receave the said Johne Leith and his twa complices from the said shireff of Kincardin and his deputys and to transport and carie thame to the shireff of Fyfe and his deputys; and siclyke to command and charge the said shireff of Fyfe and his deputys to receave the said Johne and his saids complices from the said shireff of Forfar within ane houre next after they sall be presented unto thame, under the said pane of rebellion, etc., and to transport and carie thame to the bailleis of Kingorne and to command and charge the saids bailleis of Kingorne to receave the said Johne Leith and his twa complices from the said shireff of Fyfe and his deputys within an houre after they sall be delvered unto thame, under the pane of rebellion, etc., and to transport thame over to the bailleis of Leith; and siclyke to command and charge the said bailleis of Leith to receave the saids Johne Leith and his saids complices from the saids bailleis of Kingorne within ane houre next after they sall be presented unto thame, under the said pane of rebellion, &c., and to carie him in suretie to the provest and bailleis of Edinburgh, and to command and charge the saids provest and bailleis of Edinburgh to receave the saids Johne Leith and his twa complices from the bailleis of Leith within ane houre next after they sall be presented unto thame, under the said pane of rebellion, &c., and to committ thame to ward within their tolboith, therein to remaine upon their awne expenses till forder order and directioun be givin anent thair tryell as accordis; and if the saids shireffs and bailleis and thair deputys failyeis the tymes respective foresaid being bypass, to denunce thame rebellis and put thame to the horne and to escheit, etc."

“The Lords of Secreit Counsell continewes the mater anent the mustour maister till the moneth of Junij nixt and ordains ane missive to be writtin to his Majestie heerament, of the quhilk the tenor followes:—Most sacred soveraine, Whereas the ordering of the patent grantit be your Majestie to the Lord of Spynie of the office of generall mustour maister within this kingdome, with the modification of the fees dew to him for discharging of the service, wes by reference of the lait parliament remitted to the Counsell, the prosecution whairof being by a letter from your Majestie recommendit unto us, we accordinglie wrote for some commis-
sioners for ilke estait, with whome we having kepeed sindrie meetings and conferred that with thame concerning that purpose, ther occurred some difficuteis that upon the suddane could not be resolved; for the better clearing whairof we have continued this busines till Junij nixt, and have heirby thought good to acquaint your Majestie with the reason of this short delay, whiche we intreate your Majestie favouable to accept. And so praying God to blesse your Majestie with a long and happy raigne, we rest, etc. Frome Edinburg, the 29 of Marche, 1634. Sic subscribitur, Hadinton, Glasgow, Mairshell, Winton, Roxburgh, Lauderdaill, Southesk, J. Hay, S. Thomas Hop.”

Complaint by Agnes Duncan, indweller in the Cannogait, as follows:—

John Seatoun, bakery there, without any legal process, moved the bailies of the Cannogait to imprison her in October last, and has kept her there now for five months, alleging that she is due to him £60 “for certane aill run be her to hime quhilk she fristed” out at his command to honest men and neighbours about,” and of which he has since received payment as he cannot on his conscience deny. She has frequently urged the bailies to cite him to make count and reckoning and so determine the state of the matter, but he refuses to obey the citations, and the bailies will neither grant her her liberty nor modify her maintenance, and she is like to starve. Charge having been given to the said John Seatoun, and to Mr. James Wilkie and James Simson, bailies of the Cannogait, to produce the complainer, and she comparing personally, but the defender not, the Lords ordain the said bailies to liberate the pursuer.

Supplication by George Chalmer of Balbithane, as follows:—The pro-
tection granted by their Lordships to him for attending an action before the Lords of Session between him and William Seatoun of Meldrum about the latter’s intromissions with the supplicant’s estate expires on the 31st instant, and the Lords of Session have appointed Sir John Scot, one of their number, to audit the accounts and convene parties before him on 1st June next. He therefore craves that his protection be extended, and the Lords grant this until 30th June next.

Supplication by Edward Johnstoun, merchant burgess of Edinburgh, as follows:—Their Lordships’ protection to him for ingathering of his debts expires on 31st instant. He has brought his affairs to “some good point,” and now wishes to go north to uplift some debts there whereby he hopes to pay all his debts. He therefore craves an extension. This the Lords grant until 17th December next.
Sederunt—Privy Seal; Winton; Annerdaill; Bishop of Dumblane; Lord Binning; Master of Elphinstone; Advocate; Sir James Baillie.

Complaint by Patrick Dunbar of Inchebek, as follows:—John Dunbar of Moynes is at the horn at his instance for not paying to him 800 merks of principal and 200 merks of expenses, and also for not delivering to him £10 for each of sixteen bolls “charitie” beir from 1st April, 1606, to 6th July, 1612. All legal execution has proved ineffectual and he has been kept out of his money from 1612 to 1622, when the complainer procured letters of treason against him and by which on 30th May, 1622, John Dunbar, messenger, charged the said rebel to render his house of Moynes, and enter himself in ward within fifteen days, or be held and reputed as a traitor. He, however, still stands out in his disobedience. Charge having been given to the said rebel to appear and see order given to the King’s Advocate to pursue him as a traitor for his forfeiture, and both pursuer and defender being personally present and having been heard, the Lords ordain the King’s Advocate to pursue the defender as a traitor for his disobedience, but the Lords continue the giving out of the decree until 3d June next, on which day he has given his great oath that he will appear before the Council and underlie such further order as they shall then see cause to take with him. And meanwhile that he may go about and deal with his creditors, the Lords grant him their protection until 8th June next.

Complaint by William Cunningham, burgess of Kingorne, and John and James Brown there, as follows:—On 8th April instant the complainers were in an inn in the town of Wemse kept by Isobel Dick, spouse to the said William Cunningham, when Patrick McKeinzie, indweller in Orkney (who has lived with the said Isabel Dick in double adultery, having a wife of his own, since 1621, for which they are under the censures of the Kirk), also being there, not content with his former wicked conversation with the said William’s wife, now resolved to take his life. He, for this effect, directed Thomas Cowane, Robert Dick, David Drybrow and Patrick Ramsay in Wester Wemse to set upon the complainers in the said house, and they came “to the complainers as they wer sitting at ane table, and first certaine weomen gripped thame be the armes untill the persons foresaidis with great rungs gave the complainers manie bauche, blae and bloodie straikes in diverse parts of their bodenis, wherewith they dang out twa of the said James Brown his fore teeth and brake the said William Cunningham’s head to the great effusion of his blood; thereafter rave all his cloathes and perfors came him out of his owne hous, and had not failed to have slaine the complainers wer not thair owne better defence and helpe of the nighbours.” Charge having been given to the said Thomas Cowane, Robert Dick, David Dry-
brow and Patrick Ramsay, and the pursuers compearing personally, but
the defenders not, the Lords ordain the latter to be put to the horn and
escheathed.

Supplication by John Leith of Harthill, as follows:—His youth and
the follies incident to youth have brought upon him many heavy troubles
and inconveniences, and he is now at last close prisoner in the tolbooth
of Edinburgh, deprived of the presence and comfort of his friends, who
are refused access to him, and who could give him their counsel and
advice in his present distress. This he thinks to be so great as that no
man underlies greater, seeing he has not the means of supporting his
natural life, "and his credite is become so shorte as nane will undertake
to furnishe him, he being deprived of all possibilitie and meanes to
releve thame, his small estait being burdened with lyverents whairof
the greatest part, qhilk will surmount to twentie four hundred merkes,
is in the hands of Adame Abircrombie, who hes so heavilie persecuted
the supplicant, partlie be law and indirectlie be his craft and policiie, as
the supplicant is now undone, for in all the informations that he hes
made to the saids Lords agains him he hes made thame seeme to be
mountanes; and becaus the supplicant feared to compeir to justifie his
owne doings all wes tane for good coyne that was objected again him,
and he wes made to be a verie rebellious and disobedient person in the
saids Lords their hearing, whereas if he had beene so happie as to have
compeird and justifie his owne doings, the most part of the informations
made agains him would have evanished in smoke, and he is now verie
willing to answer to anie thing that the said Adame or anie other hes to
lay to his charge." He craves that the Lords will appoint a day in June
next for his trial. The Lords appoint the 24th of June next and ordain
the said Adam Abircrombie to be cited to prosecute that day, and that
meanwhile the friends of the supplicant have access to him in the
tolbooth to confer with him and assist him in this business.

Complaint by James Crawford, goldsmith, burgess of Edinburgh, and
William Hog, his son-in-law, as follows:—James Peirsone was made
assignee by Robert Peirsone, his father-in-law, to the sum of 1000 merks
in an alleged bond granted by the complainers to the said Robert; and
the matter of the debt was judicially submitted to the arbitration of Mr.
Alexander Gibson of Durie and James Inglis of Inglestoun with his
Majesty’s Advocate as oversman. But meanwhile the said James has
privately taken out protestation against the complainers and stirs up their
other creditors against them to the same effect, so that, unless their
Lordships provide a remedy, they will be frustrated of the benefit of the
law. Charge having been given to Robert and James Peirsone and Alex-
ander Lokhart to compeir and see protection granted to the complainers.
and both pursuers and defenders compearing and having been heard, the
Lords grant their protection to the complainers in respect of any claims
by the defenders (no limit being stated as to time) but with this proviso,
that if the pursuers do not obtain relaxation from the horn either by payment of the claims of the defenders, or by obtaining a decree upon the foresaid submission they will never get any further protection.

Supplication by Charles, Earl of Dumfermline, bailie of the regality of Dumfermline, and his deputes thereof, as follows:—Their Lordships have heard of "the most cruell, barbarous and detestable murder committed by Patrik Drummond, now prisoner in the tolbiuth of Dumfermline, upon umquhill Donnald Fraser, and his wife, who wes great with childe, and their twa children, who wer all fyve in nomber." It has pleased God to cast him into their hands, and as such a crime deserves the most exemplary punishment that can be devised, they crave their Lordships' direction in the business in respect of the following points:—(1) If they may proceed in the trial without a citation; (2) What doom they shall pronounce; and (3) What they shall do with his wife, Christian Abercromby, who knew her husband's intention to commit these murders and counselled him thereto. The Lords having considered the matter, with the depositions and confessions of the said Patrick and his wife, direct the supplicants (1) To proceed against the said Patrick and his spouse upon an orderly citation of six days; (2) To pronounce doom against the said Patrick, "ordaining his right hand to be cutt aff and thereafter himselfe to be hanged to the death and to be quartered and drawin and his head to be sett upon the tolbiuth of Dumfermline, and his hand to be sett upon the hous where the murder wes committed"; and (3) To proceed likewise against Christian Abercrombie and "sentence her to be hanged to the death with her husband."

Supplication by George Melvill of Garvock, as follows:—He has procured a patent from his Majesty for manufacturing silks within this kingdom, and has expended a large part of his fortune and estate upon the perfecting of his work, and even launched himself into debt. He has brought it to good perfection, but there are some evil-disposed persons, who are resolved to defeat his purpose, to the hurt and prejudice of the commonwealth, and have stirred up his creditors to execute captions against him. If he had a short time and leisure granted to him to follow out his works and to attend some actions he has before the Court of Session he would easily content his creditors; and so he craves their Lordships' protection. This the Lords grant until 1st August next.

Supplication by Sir Alexander Home, apparent of Manderstoun, as follows:—Upon learning his father's resolution to sell part of his lands for satisfying his creditors their Lordships granted to him their protection to that end. The supplicant is in the same situation as his father, and without him nothing can be finally concluded. He therefore craves their Lordships' protection. This the Lords grant till 30th September next.

Complaint by Isobel Dick, spouse of William Cunningham, mariner in Kingorne, and Elapot Dick, widow of James Ridpath in Wester
Wemes, as follows:—"The said Willame, having most unkyndely and undewtifully deserted and left the said Isobell, his spous, her societie and companie, and dispouned upon her hail movables and plenishing and what belonged to her, intending thereby to reduce her to beggerie, the honest woman was forced upon this occasion to shift for herselfe and hes lived apart frome him by selling and buying of Scottish cloath, woollen and linning, and venting of all, wyne and beir in the Wemes and elliswhere now be the space of twelffe yeeres and abone, looking that her said husband would not have troubled her in this her honest and lawfull purchase. Notwithstanding quhairof he hes resolved by all meanes directlie and indirectlie to wreake and undoe her; as, namelie, he hes made simulat bands unto persons to whom he wes no wayes debtfull, and hes thereupon oftin and diverse tymes pouynded her hous. And not content therewith, upon the day of April last, the said Isobell being in Edinburgh buying wynes for furnishing her hous, the said Willame, accompanied with James and George Brouns, cordonners in Kingorne, come to the said Isobells hous in Wester Weems about foure houres at night, remained within the same till aucht houres, shott the servants forth of the hous and with ane great yrne rod brake her dressers, almeres, aikin boords, bed and kists, brake twa silver tasses of ten unce weight and tooke the same away, togidder with threttie pundis of silver and threttie elne of cloath, dranke ane great quantitie of wyne and beir being in the hous, lowed the plowckes of the puncheons and barrells and spilt the wyne, aill and beir aorth the hous, cruellie strake, hurt and woundit the said Elspitt Dick, tramped and tred upon her with their feit and had not failed to have slaine her and to have broken and destroyed all that was in the hous if the neighbours had not stayed thame." The pursuers compassing personally, but not the defenders, and witnesses having been heard, the Lorde find that the said William Cunningham came to the said Isabel Dick's house in the Wemes, "strake up ane chalmer doore and rolled the barrells aorth the ground," and has thereby done a wrong to the said Isabel, she living separate from him in a house by herself; and they ordain him to pay two merks to each of the two witnesses produced in the case, and to find caution in 300 merks for the future indemnity of the said Isabel. And the Lords assolzie the said James and John Broun, as the witnesses proved nothing against them. They also ordain Isabel Dick to find caution in 300 merks in the books of Privy Council for the indemnity of the defenders.

Complaint by William Hendersoun, messenger in Edinburgh, and Alexander Lokhart, merchant burgess there, as follows:—On April last the said William Hendersoun was charged by George Neill, messenger, by virtue of letters of caption at the instance of the said Alexander Lokhart against William Hog in Pleasance, to apprehend the said William, and on the 25th April he proceeded to the dwelling house of the
said William and apprehended him there, commanding him to go to ward with him. Thereupon the said William Hog, Margaret Crawfurd, his spouse, Bessie Shortes, his servant, Annas Hamiltoun and John Haistie, his spouse, and James Ralston, writer in Edinburgh, with staves, "trepouring yrnes and taings felde the messenger to the ground, cruellie woundit him upon the mouth, nose, eares and others parts of his bodie to the effusion of his blood, quhereby his head swelled so big that he could notheare, see nor speake, barbaroulie baih him throw the right arme left hand, thoub and little finger, tooke his blasoun frome him, rave his ruffe and cloathes aff him and with thair said weapons and felt so pitifullie bled, bireed and bruised his sides, legges, hoghes, thighs and haill parts of his bodie, as he is not able to stirre, specke, heare or see, bot is lying bedfast in great perrell of his lyfe." Charge having been given to these persons, and the pursuers comptearing personally and of the defendants James Ralston, John Haistie and William Hog, the two latter appearing also for their wives and servants, and parties having been heard and witnesses examined, the Lords asssoitzie the defendants, as nothing was proved against them.

Counter complaint by William Hog in Pleasance, as follows:—On 25th April last Thomas Mowat, John Oliver and William Henderson, messengers, came to his dwelling house in Pleasance under cloud and silence of night, put hands on him and would have carried him to ward, although he produced to them a protection granted to him until 8th May next, which the messenger proudly refused to acknowledge, neither would they shaw their warrant. Further, they violently struck, hurt and wounded the complainer and his wife and children, rave his clothes and had almost strangled him but for the help of the neighbours. Charge having been given to the said messengers, and the pursuer comptearing, also of the defendants, William Henderson and John Oliver, and they and witnesses having been heard, the Lords found it proved that the said William Hog presented and showed his protection to the said William Henderson, and that Henderson refused to respect it, whereupon Hog took instruments; in respect whereof the Lords admonish the said messenger "to be more respective of the Counsellis protection in tyme comming."

Complaint by James Lesly, messenger in Edinburgh, and James Scott, son of Thomas Scot, merchant burgess of Edinburgh, as follows:—On 15th November last the said messenger went to the dwelling house of Jean Stirline, daughter of the Laird of Keir, in the burgh of Edinburgh, to poind her goods in terms of a precept from the Commissariot of Edinburgh obtained against her by the said James Scott for a debt of 20 merks and 26s. 8d. of expenses, when the said Jean craved a sight of the warrant, and having received it, "she brunt it in the fire, swearing with manie excerable oathes that she did not care for anie lawes in the kingdome, and then drew ane knyfe, threatening therewith to take the
messengers lyfe and avowing to have his lyfe by som sligt man whom he could not know." Charge having been given to the said Jean Stir-
line, and both pursuer and defender comparreng, the pursuer for pro-
bation referred to the defender’s oath, and she, being sworn and denying
the accusation, the Lords assoilzie her.

Complaint by Mr. David Aittoun, agent in Edinburgh, as follows:—
He is charged at the instance of Patrick Halket of Lumfynance to pay
to him 3s. for every day from 25th March last until 3rd June next, in
terms of a decreet by their Lordships, and he intends if he do not pay
within a short space to put him to the horn. Now, for obedience of
the charge, shortly after receiving it he sent Mr. John Abircrombie, his
procurator, to Edinburgh, who on the penult of this instant month [it
would be April] made offer of payment to the said Patrick in the com-
plainers name of the said sum, amounting to £28, upon receiving a
sufficient and lawful discharge, which the said Patrick refused to give,
as an instrument thereupon taken under the hand of Mr. James Cheyne,
notary, shows. He has therefore consigned the sum in the hands of the
Clerk of Council to be given up to the said Patrick upon his granting
his discharge for the same, and craves suspension of the hornng.
Parties comparring and having been heard, the Lords suspend the horn-
ing in respect of the consignation of the money, and also ordain the
Clerk to give up the said money to the said Patrick Halket.

The Lords understanding that some oxen and horses were lately stolen
from Griffon Wm. Kills of Harnan in the county of Northumberland and
brought within this kingdom, and that three of the said oxen and a grey
gelding were sold to James Tennent of Blackhall and are presently in
his possession, of which reason and equity crave that restitution should
be made to the said Griffon Wm. Kills, if it can be proved that these
belong to the said Griffon, give therefore authority to John, Earl Tor-
phichin, to call the said James Tennent before him and cause him to
exhibit the said oxen and horse, and take such a course as shall secure
their being forthcoming to the true owner. He is to find out from whom
Tennent bought them, the price he paid for them, make note of the size
and any marks by which the animals can be distinguished, and report
the same in writing to their Lordships.

In the same matter, the Lords, understanding that on 10th October
last ten oxen were stolen from the said Griffon Wm. Kills and brought
into this kingdom, of which seventeen [sic] were brought to Falkland
upon Hallow day last and sold to the following persons, viz:—one to
James Lathreis in ; two to James Hartlie in Falkland, who
sold them to David Paterson and he again sold them to Andrew Melvill,
tenant to Lord Durie; other two were bought by James Sibbald of
Bowsie; another was bought by George and William Melvill in Dony-
face; and two were bought by Andrew Bowman in ; and that
these are still in possession of these persons, who ought in reason to
make restitution thereof to the said Griffon Wmkills, if he can prove them to be his; the Lords therefore grant permission to John, Earl of Rothes; John, Earl of Annerdaill; and Sir Thomas Hope of Craighall, his Majesty's Advocate, or any two of them, to meet when and where it may be convenient, call the possessors of the said oxen before them with the said oxen, and taking such means as shall secure their being made forthcoming to the true owner, note the size and peculiarities of the animals and "how they are gaired and marked," and report to the Clerk of Council with all diligence.

Complaint by Griffon Wmkills of Harnam in Northumberland, as follows:—Ten oxen were stolen from him on 10th October last out of his lands of Harnam and brought to this kingdom, of which seven were brought to Falkland upon Hallow day last and sold there, one to James Lathreis in for ten dollars, and this ox was in his possession on 30th April last; two were bought by James Haitlie in Falkland; other two by James Sibbald of Bouslie; and one by Andrew Bowman in which are either yet in their possession or were sold by them. "The good intelligence and mutual neighbourhood betwixt the two kingdoms craves that in matters of this kynde sumar justice should be done to complainer," and therefore that these persons should make restitution or pay him £6 sterling as the value of each ox. But, they will not do so unless compelled. Charge having been given to the said James Lathreis, James Haitlie, James Sibbald, Andrew Bowman, and Robert Durie, by whom the complainer's said oxen were bought, and in whose possession they presently remain, or who have disposed of them, and both the pursuer and the defenders appearing, and the latter being questioned, James Lathreis and James Sibbald acknowledged buying and having still the oxen libelled at the market of Falkland; James Haitlie said that he bought two and sold them to David Patersoun, who again sold them to Andrew Melvill, tenant to Lord Durie, and Robert Durie denied that he bought any, but said that George and William Melvill in Donyface bought one; in respect whereof the Lords assisstie James Haitlie and Robert Durie, reserving action to the pursuer against the havers of the goods; and that justice may be done to the pursuer, they ordain John, Earl of Rothes, John, Earl of Annerdaill, and Sir Thomas Hope of Craighall, his Majesty's Advocate, or any two of them, to convene the defenders before them and other havers of the said goods, and cause them to exhibit the same, and report as formerly directed to the Clerk of Council, so that the same may be sent to the Justices of Peace in Northumberland, to whom, or any two of whom, the Lords give power to take evidence of the identity of the oxen stolen. And James Sibbald and James Lathreis protest that if their oxen die during the dependence of the trial they shall be free of the delivery thereof or of their value.

"A letter from his Majestie anent a commission for the Middle Shires to be drawn up be the Advacat, quhairament ordains a letter to VOL. V.

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be writtin to the Secretary to send down a double of the commission past in England to the effect the like may be formed heir."

"The Lords ordain Patrick Halket to be keepe in warde till the next Counsell day, and ordain M' David Aitoun to pay his modificatioun weckelie and failyeing thairof to pay the double."

Cristell Sandie, "Ane missive to the Lord Johnestoun for apprehending Cristell Sandie and others."

Edinburgh, 3rd June 1634.

Sederunt—Chancellor; St. Andrewes; Treasurer; Privy Seal; Wintoun; Wigtoun; Galloway; Annerdaill; Dumfreis; Traquair; Bishop of Dumblane; Clerk Register; Advocate.

Proclamation to be made that the impost on coal is henceforth to be doubled.

"Forsamekle as the extraordinarie transportation of coale to forrane parts bee by diverse acts of parliament prohibite, notwithstanding upon some good considerations the transportation of coale is tolerat for payment to his Majestie of a certane custome, and his Majestie being sufficientlie informed that for diverse respects importing the good of his seruice it is requisite that there be a further imposition of custome, and that it may be takin without prejudice of the trade or of the owners of the coalepots, to whome his Majestie will give no just caus of discouragement, thairfor his Majestie, with advice of the Lords of Privie Counsell of the kingdome of Scotland, have ordained, and be the tenor heirof ordains, that the custome formerlie raised upon coale be doubled by the addition of just so muche thereunto as hae beeene formerlie payed, and that this new additioun with the said former custome be imposed and leveyed upon and of the chalder of Scottish measure of coale transported or to be transported from Scotland to anie part beyond the seas, not being of his Majesties dominions, and that for and towards satisfacition to his Majestie and his successors of all customes and impositions whatsoever to be leveyed and takin of the said coale so to be transported. And his Majestie ordains and commands his officers to whose charge it appertaneeth to have a speciall care and regardes that this impost and custome so raised upon the coale be trewlie uplifted and payed to his Majestie use in the same maner as the said impost was leveyed before, and that the Lords of his Majesties Exchequer grant letters heerupon for payment of this new additiun of custome with that quilk wes formerlie grantit in forme as effeiris. Thairfor his Majestie with advice of the Lords of Privie Counsell ordains letters to be direct to make publication heirof be opin proclamation at the mercat croises of the heid burrowes of this kingdome and others places neidfull, wherethrow none pretend ignorance of the same."

"The whilk day the signature underwrittin, signed be the Kings Majestie, anent the doubling of the custome formerlie raised upon the coale transported beyond sea being presented to the Lords of Privie Counsell and read in thair audience, the saids Lords allowed of the said
signature, past, exped and subscriyed the same in Counsell, and ordains
the same to be registrat in the bookes of Privie Counsell and letters of
publicationun to be direct thereupon, of the quhilk signature the tennor
followes:—CHARLES R.—Our soverane lord ordains ane letter to be made
under the great seale of Scotland makand mentiou that whereas the
extraordinarie transportation of coale to forrane parts hes beene by diverse
acts of parliament prohibite, notwithstanding upon good considerations
the transportation of coale is tolerated for payment to his Majestie of a
certane custome; and his Majestie being sufficientlie informed that for
diverse considerations importing the good of his Majesties service it is
requisite that there be a forder imposition of custome, and that it may
be takin without prejudice of the trade or of the owners of coaldepotts,
to whome his Majestie will give no just reason of discouragement, thuir-
foir his Majestie, with advice and consent of the Lords of his Majestis
Privie Counsell of the said kingdome, hes ordained, and be the tennor
heirof ordains, that the custome formerlie raised upon coale be doubled be
the addition of just so muche thereunto as hes beene formerlie payed, and
that this new addition with the said former custome be imposed and
leveyed upon and of the chalder of Scottish measure of coale transported
or to be transported from Scotland to anie part beyond the seas, not
being of his Majestis dominions, and that for and towards satisfaction
of his Majestie and his successors of all customes and impositions what-
soever to be leviedy and takin of the said coale so to be transported.
And his Majestie ordains and commands his Majestis officers to whois charge it apperteanes to have a speciall care and regarde that this impost
and custome so raised upon the coale be trewlie uplifted and payed to his
Majestis use in the same maner as the former impost wes leviedy before,
and that the Lords of his Majestis Exchecker grant letters heerupon
for payment of this new addition of custome with that quhilk wes
formerlie payed in forme as effeiris. And his Majestie, with advice and
consent foresaid, ordains publication to be made heirof be opin proclamation
at the mercat croces of the heid burrowes of the said kingdome and
others places neidfull wherethrow lane pretend ignorance of the same,
and that thir presents be a sufficient warrand to the Director of the
Chancellarie for writting of the same to the great seale and to the Lord
Chancellor for appending the great seale thereunto, without anie forder
precepts to be direct thereupon. Given at his Majestis court of
Whitehall, the tent day of Aprire, 1634. Sic subscribitur, Geo. Cancell.
St. Andrews; Morton; Hadinton; Winton; Wigtoun; Galloway;
Annandail; Dumfreis; Traquair; Bining; Ad. B. of Dumblane; J
Hay; S. Thomas Hop. Followes his Majestis missive anent the
signature abonewrittin:—CHARLES R.—Right trustie and right weib-
lovit cousine and counsellor, right trusty and weilbelovit cousines and
counsellers, and right trustie and trustie and weilbelovit counsellers, we
Warrant from
his Majesty
for the above
signature.
greit yow weill. Whereas we intended to have imposed sax shillings
sterline upon everie chalder Scotich coale, Newcastle measure, transported from Scotland to forrane parts, yitt, upon humble remonstrance made to us by our trustie and weiblovit M. Robert Bruce in behalfe of the colemasters of that kingdome of the estait of the coale trade there, we have beene pleased to signe a signature onelie for doubling of the former impost raised upon coale, which we require may be exped under our great seale with diligence, for which these presents shall be warrand. We bid yow heartilie farewell. Frome our court at Whitehall, the 10th of Aprile, 1634."

"The Lords of Secreit Counsell allowes and approves of the presbyterie of Dumfreis thair taking and committing of certane persons, hearers of messe, whome the Lords ordains the provest and bailleis of Dumfreis to exhibit before thame."

"Forsamekle as Elspit Maxwell, callit of Conhaith, being lawfullie and orderlie excommunicat for poperie and having lyne under that censure this long tymne bygane, as she does yitt unrelaxt, in contempt of the law and scandal of the kirk, sho hes sensyne to the forder contemt and misregarde both of the kirk and law, made a pretendit mariage by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light, for the quhilk she is now prisoner in the jayle of Dumfreis; lykeas Elspit Maxuell, spouse to Robert Redick, Agnes Maxuell, her sister, Barbara Maxuell, callit the pope, Jeane Beatie in Dumfreis, Jonnet McNacht, spouse to James Andersone, fleshar, Johne Hirstane, Agnes Jackson, spouse to Marke Broun, Margaret Maxuell, Barbara Logane, wedow, Charles Maxuell, Helene Dobie, Marion Redick, Johne Thomsone, Jeane Maxuell, spouse to Johne Irwing, Jonnet Redick, spouse to Johne Maxuell, messenger, Marion Geddes, spouse to Adame Sturgeon, younger, Jonnet Johnestoun, spouse to David Fraser, Johne Maxuell, callit captans Jock, and Robert Moresone, all indwellers in Dumfreis, ar, or latelie wer, lykewayes prisoners in the said jayle for hearing of messe and being present thereat sindrie tymes within thir twlfte moneths bygane as their confessouns beiris; and whereas thir persons hes verie farre offended God, contemned the law and scandalled the kirk, and hes givin evill exemple to others to doe the like, if connivence and oversight be givin unto thame, thairfor the Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Dumfreis, within whois jayle the persons foresaidis ar or wer latelie, to bring or to caus thame be saifelie and surelie convoyed and brought to the burgh of Edinburgh and exhibite before the saids Lords at a certane day to the intent suche order may be tane with thame as may give terroure to others to committ the like, under the pane of rebellion and putting of the saids provest and bailleis to the horne, with certification, etc."
In the complaint by Griffon Wmkelis of Harnam in the county of Northumberland (narrating the former proceedings of the Council in this matter, ante pp. 256, 257), and that the commissioners appointed had performed their part, as it now remains with the said Griffon to prove his ownership of the cattle he claims and this will be done with least inconvenience to his witnesses in England where the theft was committed, the Lords grant a commission to Sir John Fenwick, knight baronet, and Sir John Dalaveill, knight, jointly to meet at such times and places as may be convenient and take evidence respecting the goods alleged to have been stolen, their size and other distinguishing features, and make report thereof and of the depositions of such persons as shall be adduced as witnesses in writing to their Lordships, that, after comparing their report with the evidence taken in Scotland, they may do justice in the business.

Supplication by Alexander Livingstoun of Greenyairds, as follows:—

He lately petitioned his Majesty for a protection so that he might go about and take some course for the satisfaction of his creditors, and his Majesty has declared his willingness to grant the same if their Lordships are satisfied with his proposals, which he desires shall be heard by them, Charge having been given to James Sinclair, servitor to the Laird of Polmais, Margaret Sinclair, his sister, John Smart in Hiltoun of Cawa, David Adame there, John Jarves in Achinbowy, William Merschell in Denny and Henry Simsoun, his son-in-law, William Walker in Milnetoun of Ochtirbannock, William and Alexander Rannalds, indwellers in Stirling, William Yair in Elphinstoun, Andrew Leckie in Kippen, Barbara Schaw in Stirling, Andrew Forsyth, lorimer there, James Robeson, merchant there, and John Mayne in Sauchie, creditors of the supplicant, to compare and see a protection granted to him or show some reasonable cause for its refusal; and the pursuer compearing personally but none of the defenders, the Lords grant him their protection until 1st January next.

This day Mr. David Prymois, advocate, compearing personally before the Lords as procurator for Sir Coline Campbell of Glenurquhie and John McEane Dowy of Ronaquhill, gave in a copy of letters raised against them by Alexander Fleeming of Mones, John Campbell of Murthlie, Alester McEane Voir in the Brae of Mones and John Cormane there, charging them to present John Dow Ylach McLauren as their man and tenant, and under prosecution by them for theft, and protested that as he was now here with the said John McEane Dowy ready to answer to these letters, and none of those who had raised the letters had appeared to prosecute, nothing further should be done in this matter against them until a new warrant was obtained and their expenses paid to them.

Complaint by John Clerk in Cars of New Abbey, as follows:—

He was summoned to pass upon the assize of Robert Miller, younger in Lochefitt, in a stewar court of the Stewartry of Kirkcudbright held at
Carganlurg on 23rd April last, and having compeared, the Steward and his deputies urged him to find caution to appear before them on 7th May last and underlie the law for componing with John Mulligane, who had stolen some malt from the complainer, and some other things to be laid to his charge, and they intend to proceed against him most wrongfully; for this prosecution is maliciously intended to bring his good name and credit into disgrace by James Ferguson, vassal and tenant to the Earl of Nithsdale, principal steward of the said stewartry, "and in respect of this contingencie and dependence quhilk he hes with the said steward and with John Maxwell of the Threeve, his principal depute, who is oyes of kin with the said James, they ar verie suspect and cannot in law be judges to the compleener in this mater." Further, as to John Broun in Brigend, another of the deputies, there is a deadly feud, still unreconciled, between him and the complainer's brother, Matthew Clerk, whom the said depute hurt, wounded and bruised about Michaelmas last. And they may very well be suspected from their form of procedure, as they have given him no summons, nor copy of indictment; and he knows of no accuser, but is informed that they are to proceed against him per inquirendis upon crimes alleged to have been committed by him a long time ago, of which he is most innocent, and that in the time of vacance when they have no power to sit without a dispensation, as they believe the complainer will not then have any remedy. To testify his readiness to obey the law he has instantly found caution in 300 merks to appear before the Justice and his deputies on a lawful citation, and so craves that the said steward and his deputies may be discharged from proceeding against him. Charge having been given to the said John Maxwell and John Broun, stewards depute, and Robert Shennan and Thomas Hutton, their clerks, and to the said James Ferguson, and the pursuer compearing personally, and the defenders by Mr. John Paip, younger, advocate, as their procurator, and having been heard, the Lords remit the trial of the complainer to his Majesty's Justice and his deputies and discharge the said steward and his deputies from proceeding against the pursuer and his cautioners in the cause labelled.

Complaint by Gilbert Verte in Rigfutt, servitor and tenant to Archibald Douglas of Lumaden, and the said Archibald for his interest, as follows:—On March last the said Gilbert was going peaceably at his plough when William Cockburne of that Ilk and John and Alexander Cockburne, his sons, armed in warlike manner, came furiously to him and, "after threatening him with death and other injuris if he laboured that land," the said Alexander Cockburne, with a great baton he had in his hand, gave him a number of cruel and deadly wounds upon the head to the great effusion of his blood and peril of his life. Further, on 6th May last, when the said Gilbert was leading out his muck upon a cart through the common highway to a piece of "beir land" possessed by him as tenant foresaid, these persons came in a great
rage and fury upon him, stopped and debarred him from going any farther, "loused his cart, threatened to take his lyfe, for the saufetie quhairof he was constrained to flee, leaving the cairt standing, as it is yitt, upon the hieway." By this means, as there is no other way for him to lead his muck, he has lost the occasion and season of sowing of his beir seid, which will thus make this land unprofitable to him and his master. Again, when the said Gilbert had tilled another piece of land and sown it with beir, these persons came on 26th May to it and sowed and harrowed it over again, whereby they intend in this illegal way to dispossess the complainers of the said land and appropriate it to themselves. Charge having been given to the persons complained upon, and pursuers and defenders personally compearing and having been heard, the Lords find that the said Alexander Cockeburne assualted the said Gilbert Verte with a rod to the effusion of his blood, and ordain him to pay £40 to the said Gilbert as a fine for the said insolence, and not to depart from Edinburgh until he pay this sum; but they assizlie the said William and John Cockburn, because probation being referred by the pursuers to their oaths, the defenders denied the charges laid against them, except in the case of the said Alexander, who confessed the foresaid assault. And the Lords ordain the said Laird of Cockburne, for himself and his two sons, on the one part, and the said Laird of Lumsden, on the other part, to find law-surety in the books of Privy Council in 1000 merks for the indemnity of each other.

Complaint by the moderator and brethren of the presbytery of Dumfries, as follows:—They cited before them on 31st December and 14th January last Robert Rig, wright at the Brigend of Dumfries, for marrying Elspet Maxwell, an excommunicated Papist, who confessed that he was married "be a pothie preist upon the xvjth of November last, being Sunday at night, with candle light, abone the bridge of Cluden in the feilds, and that foure wer present at the mariaghe beside the preist whairof some wer men and some wer woemen whome he knew not, becaus they had their faces covered." Charge having been given to the said Robert Rig, and he compearing this day before the Council, and the pursuers compearing by Mr. Thomas Ramsay, minister at Dumfries, the said Robert Rig confessed the truth of the above libel and humbly craved their Lordships' pardon for the same. The Lords find that the said Robert Rig "hes violat and contravened the lawes of this kingdome in marryng an excommunicat woman by a preist who hes no power to exerce anie function within this kingdome," and ordain him to be warded in the tolbooth of Edinburgh upon his own expenses till they release him, permitting no person from the said Elspet Maxwell, his wife, to have access to him by word or writ."

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Charles Murray, son to Sir David Murray of Cloyneyard, Charles Murray, his son, Charles Maxwell, his sister's son, John Murray in Barnbarrow.
Charles Cairnem, Peter Mulligen, Hew Lanrick, Thomas Broun, Robert Rannell and Simon Elliot, all in Barnbarrow, tenants to the said Charles Murrey, elder, parties grieved, as follows:—In violation of the laws prohibiting the wearing of hagbuts and pistols, on February last, Paul Redick of Barnschein, Roger Lindsey of Maynes, and Robert Redick, his servant, with others of the lieges, armed with swords, staves and other invasive weapons and the prohibited hagbuts and pistols, came to the said Charles Murrey's lands of Barnhowrie, broke up the doors of the tenants' houses, thrust them violently out of them, hurt and wounded them with their said weapons, drew one of the tenant's horses over his wife's belly, pulled down the byres of the said lands, put forth the goods from the same, possessed themselves of the said houses, stopped the tenants ploughs, and threatened them with death if they laboured the same, tilled and sowed the said lands, and by way of bangsterie and oppression keep possession thereof as yet. Charge having been given to the said Paul and Robert Redick and Roger Lindsey, and Paul Redick and Roger Lindsay compearing as defenders, and the said Charles Murrey compearing for himself and the rest of the pursuers, who for probation referred to the oath of verity of the defenders, and they denying the charge upon oath, the Lords assoisltie the two defenders present. And the said Paul Redick bound himself by act in their Lordships' books in 300 merks to exhibit the said Robert Redick before the Lords on the first Council day of July.

The Lords assign the 10th June instant to Williame Cuninghame, burgess of Kingorne, and John and James Broun there for proving a complaint by them against Patrick Ramsay in Wester Wemes of assaulting them by griping them by the arms and holding them until with great runges he and his accoiples gave them "manie bauche, blae and bloody straikes in diverse parts of their bodis whairwith they dang out twa of the said James Broun his fore teeth, [and] brak the said William Cuninghams head to the effusion of his blood." The com- plainers are warned apud acta, and letters are ordered to be issued for the citation of such witnesses as they may name.

Supplication by George Lawder of Bas and Isobel Hepburn, his mother, as follows:—In the winter season their Lordships granted them a warrant to come in and deal with James Livingstoun, one of his Majesty's Bedchamber, about the differences between them, but the season was so rough and stormy that they could not well take advantage of that protection; but they are now content to conclude this matter, if their Lordships will renew their protection; and they crave accordingly. The Lords grant them a protection until 1st November next, providing that before 1st August they deliver to the said James Livingstoun the whole writs of the barony of Beill in terms of their contract with him, otherwise this protection shall then expire.

"The quhilk day the Lord Torphichin tooke the twelffe of this instant.
for producing of suche others writts and probatioun as he would use for 

cleering the erection of the lordship of Torphichin to be different from 
others erectors, and that thairfor the same aucth not to be compre-
hendit within the act of annexation of superioriteis to the Crowne."

Sederunt—Chancellor; Treasurer; Privy Seal; Kingorne; Gal-
loway; Annerdaill; Traquair; Bishop of Dumblane; Lord Lorne; Lord Bining; Clerk Register; Advocate.

"The whilk day John, Lord Torphichin, compeirand personallie before 
the Lords of Privie Counsell, declared that he had no forder to say nor 
what he hes alreadie allegit for cleering the erection of the lordship of 
Torphichin to be of a different nature from others erectors except that 
his Majesteis Advocats answers furnishe him a new ground; whereupon 
his Majesteis said Advocat toke this day aucth dayes to give in his 
answers to the reasons adduced be the said Lord Torphichin."

The whilk day in presence of the Lords of Secret Counsell com-
peirand personallie Thomas Broun of Glen, and entered and exhibite before 
the saids Lords John Broun of Lochhill, ane excommunicat Papist and 
rebell, for not conformite to the religious presentlie profet within this 
kingdome, and that for obedience and satisfaction of the band made and 
given be the said Thomas Broun as cautioner for the said John Broun 
to the moderator and brethrein of the presbyterie of Dumfries; in respect 
of whilk exhibitioun the saids [Lords] exoneris and releevs the said 
Thomas Broun of his band and obligement foresaid and of the pane 
conteanit therein, and ordains the said John Broun of Lochhill to be 
committed to waerd within the tolbuith of Edinburgh therein to remaine 
upon his awne expenses ay and whilk he be freed and releevd be the saids 
Lords."

[Sederunt as recorded above.]

Supplication by Andrew Wardlaw of Torrie, as follows:—Out of a 
"vehement and earnest desire" to satisfy his creditors and clear himself 
of debt he is resolved to dispose of his whole estate, both lands and coal, 
and content himself with what may remain. But he cannot do so 
without the advice of lawyers, and dare not come to Edinburgh for this 
without their Lordships' protection, which he accordingly craves. The 
Lords grant him this until 1st July next.

"The like protection grantit to Mr Johne Hamiltoun, minister at 
Cragie, untill the first of August nixtocoome."

Supplication by Patrick Fleming of Carbraine, as follows:—He is 
engaged as cautioner for the deceased Thomas Fleming of Langhird-
miston, his brother, in great sums of money, and is now heavily distressed 
for the same owing to his recent death, and also for debts due by John

Edinburgh, 12th June 1634. Supplication 
by Andrew 
Wardlaw of 
Torr for 
protection 
that 
he may satisfy 
his creditors.

Edinburgh, 12th June 1634. Supplication 
by Patrick 
Fleming 
of 
Carbraine.
Fleeming of Carwod. He is resolved to disburden himself by selling his estate if their Lordships will grant their protection to him for this purpose. The Lords grant him their protection until 1st November next.

Supplication by Sir John Campbell of Calder, knight, as follows:—Being indebted to several creditors, he caused Stevin Boyd, merchant burgess of Edinburgh, grant bond for their payment at Martinmas next, and for Boyd's relief he assigned to him 1700 merks and twelve chalders of victual dispensed to him yearly during his lifetime by John Campbell, his eldest lawful son, in satisfaction of his whole estate, which in his simplicity and fatherly love he had dispensed to his said son. Steven Boyd has caused charge the suppllicant's said son to fulfil this agreement to him, but the said John, knowing that the suppllicant is not yet relaxed from the horn, intends to make him unable to live or to relieve the said Steven Boyd. Out of his love to his said son he convened certain of his best friends at Innerara for settling all questions between them, and the suppllicant referred himself to their determination; but his said son refused to do this, and has raised letters of suspension against the said Steven Boyd, and lawburrows against him, “his naturall father,” and by hornings intends to debar him from appearing before the Lords of Session to concur with Boyd in his action against the said John. The suppllicant is willing to submit all differences to their friends, of whom many are now in Edinburgh, or to any other neutral men, but his son utterly refuses. He therefore craves a protection, which the Lords grant until 1st August next.

Supplication by Sir John Scot of Newburgh, knight, as follows:—Their Lordships know that he has been long debarred from the lands of Newburgh upon a statement made to his Majesty that he had been evicted therefrom. He had complained of this to the King, who had accordingly given order for reducing the title granted by the Lords of Exchequer and for granting him a protection for three years to prosecute the business. He had prepared himself to do so, but meanwhile his friend who acquired the foresaid title has agreed to content himself with the rents of part of the lands until he is paid, and the suppllicant is now desirous of satisfying all his creditors, but cannot appear to prosecute his affairs before the Lords of Session, and his “good intention to doe a dawtie to all men,” without their Lordships' protection, which he therefore craves. The Lords grant him this till 1st November next.

"The like protectionit to M' John Oliphant, advocat, againis all hornings or other execution used againis him for anie of his brothers debts till the last of December nixtocoome."

Complaint by Robert Dick and Patrick Ramsey in Wester Wernes, as follows:—They are informed that William Cunninghame, mariner in Kingorne, and John and James Broun there, have obtained decree from their Lordships ordaining them to be put to the horn for not compearing to answer their complaint against them, whereas they were never law-
fully charged or they would have obeyed, and as they have each found and others, caution in 200 merks to compear they crave their horning may be sus-

pende. Charge having been given to the said William Cunningham and

John and James Broun, who all appeared along with the said Patrick

Ramsay, and having been assoilzie the said Patrick Ramsay from the same

because the witnesses proved nothing against him, and suspend the

horning in his case, but they continue the case as against Robert Dick

till 15th July; and ordain 20s. to be paid to each of the witnesses by

the producer.

Complaint by Alexander, Earl of Galloway, and Sir Thomas Hope of

Craighall, knight baronet, and King’s Advocate, as follows:—After

lengthened legal proceedings the said Earl obtained decree from the

Lords of Council and Session against John McCulloch of Ardwell for

violent spoliation of the Earl’s teind sheaves of the lands and parish of

Mertoun, dated 21st December last, and thereupon he raised letters of

horning and entrusted the execution thereof to Thomas Stewart, mes-

senger, for poinding of the said John McCulloch’s goods upon the lands

of Mertoun. Accordingly the messenger and a number of witnesses

went on 13th January last to the barnyard of Mertoun to point the

corn there, when Alexander McCulloch, son and apparent heir of the said

John, and at the command of his said father, produced to the messenger

the copy of a suspension alleged to have been purchased by his said

father of the said horning, and gave this copy to James Lathreis,

servitor to the said Earl, declaring further that he had sent a boy

named John McCulloch with another copy to the Earl’s house of Glasser-
toun; and further, in presence of the messenger and witnesses, the said

Alexander wrote out a third copy which he gave to Ninian Garrow, one

of the said Earl’s servants. All three copies were written by the said

Alexander. The messenger, believing the suspension to be genuine,
desisted from the poinding; and when the said James Lathreis demanded
the production of the original suspension, the said Alexander declared that
his father had taken it to Edinburgh, but affirmed that these three
copies were true and lawful copies, and that he would stand to their
truth at his peril. Now the said Earl has found from the Clerk of the
Bills before the Lords of Session and Keepers of the Signet, that no such
suspension has been passed by the said Lords nor presented to the Signet,
whereby it is evident that John McCulloch and his son have fraudulently
drawn up and used the same to frustrate the said Earl in obtaining the bene-
fit of the laws, and so they ought to be exemplarily punished. Charge
having been given to the said John and Alexander McCulloch, and pursuers
and defenders compearing, and they and witnesses having been heard,
the Lords find that the said Alexander McCulloch wrote and delivered
two copies of the aforesaid suspension without any lawful warrant,
thereby committing a very great offence, for which they ordain him to
be warded in the tolbooth of Edinburgh upon his own expenses until they release him; he having confessed that for the safety of his father's corns he did so. But the Lords assize the said John McCulloch, against whom the pursuers and their witnesses proved nothing. Further, the Lords ordain the Earl of Galloway to pay the witnesses in the case, giving 10s. daily to each footman and 20s. daily to each horseman.

Complaint by Patrick Alexander, son of John Alexander in Boghead, Fol. 94, b. Patrick Mowat in Torreis of Harthill, John Gray, son of Alexander Gray in Nether Carden, John Scot in Aldharthill, Johne Littlejohn the Mill of Carden, Alexander Elmsie in Aldharthill, William Chalmer in Kirkton of Oyne, John Alexander there, and John Alexander in Boigheid, as follows:—They are informed that they have been put to the horn doubly at the instance of Adam Abircrombie of Auldrayne, James Abircrombie, his cousin, Patrick, George and William Leith, sons of the deceased John Leith of Harthill, 1 for not finding caution in their Lordships' books each in 400 merks for their indemnity, and 2 for failing to appear before their Lordships and answer for their resettling of John Leith of Harthill. Now they were never lawfully charged so to do, or they would have obeyed, and have suspended the charge of lawburrows for its exhorbitance, they being but poor tenants who by the law are limited to law-surety of £40, and they would have cleared themselves of the other charge. They have found caution for obedience each in £100 and also for payment of their escheats of £20 to the Treasurer, Depute Treasurer, and Receivers of his Majesty's Rents, if found liable therein, and so crave suspension of the hornings. Charge having been given to the persons named, and John Alexander in Kirkton of Oyne comparing personally, but none of the defenders, the Lords suspend the horning in the case of the said John Alexander.

Complaint by James Mitchelhill, merchant burgess of Selkirk, in which he craves continuance of his protection. In the recent action before their Lordships against his brother, William Mitchelhill, which was submitted to some neighbours of the town, their Lordships granted to the complainer their protection for one month that he might sell his lands and pay his creditors. He has not been able to find a buyer, and the matter would require a longer time. Charge having been given to the said William Mitchelhill, Agnes Lawsooun, widow of Mr. John Ker and Gawin Lindsey, the complainer's creditors, and the complainer comparing by Elizabeth Ormiston, his wife, and the said Agnes Lawsooun and Gawin Lyndsey also being present, and Agnes Lawsooun consenting on the understanding that she shall not be removed in the meantime out of the house whereof she is in possession in security of her debt, the Lords grant to the complainer their protection until Martinmas next.

"The like protection grantit to Alexander Bothwell of Newholme till the first of August next."
Complaint by Alexander Peebles of Chappelhill, Katharine Peebles, his daughter, Elspet Gall, his spouse, Isobel Gall, her sister, and Patrick Anderson of Tillillum, as follows:—They are informed that they have been put to the horn at the instance of George Fleeming, deacon of the Hammermen in Perth, for not finding caution for his indemnity in their Lordships' books—Alexander Peebles and Patrick Anderson, each in £1000, and each of the others in £500. They have been wrongfully denounced, for whenever they received the charge they sent a bond of cautionry to their agent in Edinburgh, who mistaking the warrant, and supposing it to have proceeded from the Lords of Council and Session, found the caution in their books and obtained suspension long before the expiry of the time. When the error was discovered, they sent in haste to suspend the charge, but the said George Fleeming, "taking advantage of the sleuth and negligence of the compleancers agent did quyetie steale thame to the horne upon verie malice," as the caution they had found might have satisfied any fear of them he may have had. And as to this he never has given and never can give his oath that he dreads bodily harm from them, which must precede an act of lawburrows. Further, the amount of caution is very far in excess of what can legally be demanded from persons in their position, who are but burgesses and indwellers in Perth, and so not liable beyond 100 merks. However, they have found caution in their Lordships' books for obedience and also for payment of their escheats of £40 and £20 respectively if found liable therein, and therefore crave suspension of the horning. Charge having been given to the said George Fleeming, who complained, and the said Alexander Peebles and Patrick Anderson appearing for themselves and the other pursuers, the Lords, after hearing parties, in respect of the suspension raised before the Lords of Session, suspend the letters of horning above complained of.

Complaint by Sir Patrick Agnew of Lochnaw, knight baronet, commissioner of the small barons and freeholders of the sheriffdom of Wigtoun, as follows:—Conform to the charge entrusted to him, he very diligently and carefully attended his duty all the time of the Parliament and his "outred and furnishing both with abuilyements fitting to the place quhairin he served and for his footemantell, besides the charges of his daylie interteanement, wes verie burdensable to him." Their Lordships modified 300 merks as the amount to be paid to each commissioner of the small barons, in addition to the price of the footmantle, by the barons and freeholders who sent him, and the complainer having charged his constituents to that effect, none of them convened, but they intend to leave the whole expense upon him. The complainer provided himself with a footmantle which cost 600 merks, and this, with the 300 merks above modified, amounts to 900 merks. There are 821½ merklands owned by the small barons and freeholders within the sheriffdom, and the whole amount being distributed among these makes 14s. 8d. payable by
each merkland; but the said small barons and freeholders refuse to pay the same unless compelled thereto. Charge having been given to Sir John McDougall of Garthland, Florence McDougall, widow of Hugh Kennedie of Chappell, William Agnew of Croache, Thomas McKie of Drumbuy, William McKie of Myrtoun, William Gordoun of Craichlaw, Katharine Maxwell, Lady Monreith, Hew Gordoun of Grange, Alexander Gordoun of Auchlane, Alexander McKie of Barrawer, William Maxwell of Monreth, Harie Mure of Carnefeild, John McCrystene of Monkhill, John Ahanna of Sorbie, Alexander Stewart of Phizgill, Patrick McClellan of Glenturke, Patrick Vaus of Lybreck, John Murrey of Brouchtoun, Archibald Dumbar of Baldune, Alexander McKie, tutor of Kerequerne, John Gordoun of Barskeoche, Robert McCulloch of Drummorrell, John McCulloch of Ardwell, Patrick Vaus, appearand of Barnbarroch, and Sir John Vaus of Barnbarrach, small barons and freeholders of the said sheriffdom; and the pursuer compairing personally with the said John McCulloch of Ardwell, but no other of the defenders, the Lords ordain them to be charged to make payment to the pursuer of 14s. 8d. for each merkland possessed by them within ten days after being charged upon pain of horning.

In the action pursued before the Lords of Privy Council by Janet Jardane, widow, and the children, kin and friends of Alexander Fareis in Sibbelbieside, against James Grahame in Corrielaw, John Johnstoun, son of Robert Johnstoun, called of Kirkhill, and John Johnstoun, son of the deceased Hew Johnstoun in Howgill, for payment of £1000 as assitement for the slaughter of the said Alexander Fareis (See ante p. 226), which was on 6th March continued to 10th June and then to this day, Janet Jardane and the other pursuers compaired by Mr. William Maxwell, their procurator, and James Graham, who compaired personally; the Lords, after hearing parties, ordain the said James Grahame to pay the assitement formerly assigned to him of 500 merks, upon receipt of a sufficient discharge, and a sufficient assignation to himself by the donator of his escheat; and they ordain the like in the case of the two Johnstoun. If this be not done within a month, they are to lose the benefit of his Majesty's general pardon and stand the course of law. On consignation of the money a remission is to be exped to the said James Grahame.

Complaint by William Grym, braibner in Dunlappie, as follows:—On last a "suddane chaudmellie," arose between him and James Low in Dunlappie, in which both received some blows. Some weeks thereafter the said James died, not from any wounds received in the above encounter, but of an old disease under which he laboured. His widow and children, however, charge him with being the cause of his death, and to escape a criminal prosecution he betook himself to his Majesty's general pardon, and offered to make such assitement to the widow and children as indifferent friends should determine after con-
sideration of the facts of the case, the complainer always protesting that he was not the cause of James Low's death. They refused his offer, as an instrument taken thereupon shows, and they intend to debar the complainer from the benefit of the general pardon. Charge having been given to Marjory Ferne, relict, and James, George, Margaret, Magdalene and Katharine Low, children of the said deceased James Low, and the pursuer compearing but not the defenders, the Lords modify to the pursuer the sum of 300 merks to be paid by him to the defenders as assentement, who are thereupon to grant him a letter of slains so that he may procure his Majesty's remission.

"A letter from his Majesty that no protection be granted heerafter to anie person in prejudice of William Dick. The Lords ordains William Dick to be advertised be the clerk before anie protection be given out." William Dick.

Proclamation to be made that Sir James Leslie and Thomas Dalmahoy have been appointed commissioners to grant licences for the sale of tobacco, and that only persons who receive their licence shall be allowed to sell it.

"Forsamekle as the Kings Majestie, considering the great abuses and inconveniences heerefore occasioned in this kimgdome through the ungoverned sale and immoderat use of tobacco, quhilk, being first brought in this kingdom in small quantitie and used onelie for physick, is now grown to that excess, being generallye and promisciuoslie vented and sold in all places and be all persons at their pleasure and takin so excessivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majestie subjects hes thereby beene endangered; for redresse of quhils abuses and preventing thairof in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that nane bot suche as upon examination sall be found to be fitt sall be permitted to sell or utter the same by small or retails and these to be licenced by auctoritie frome his Majestie, putting in at the receaving of the licence sufficient band als well for selling of wholesome and uncorrupt tobacco as for keeping of good order and rules in thair severall houses and shops. And his Majestie forder considering that the fittest way for effecting of this reformation will be to commit the prosecution and ordering thairof to some persons of trust and sufficiencie to be authorized be his Majestie for that purpose, and his Majestie reposing speciall trust and confidence in the fidelitie and abilitie of his trustie and weibelovit servant, Sir James Leslie, knight, and Thomas Dalmahoy, servant to his Majestie truste counsin and counseller, James, Marqueis of Hamilton, thairfuir his Majestie by his letters patent under the great seale of the dait at Whitehall, the 19 of Aprile, 1634, hes givin, grantit and committed to the saids Sir James Leslie and Thomas Dalmahoy, thair airs, executouris and assigneyes, his Majestieis full, free and absolute power and auctoritie during the space of seven yeeres nixt immediatlie fol-
lowing the dait of the said patent, for and in his Majestis name to treate, article and transact with suche and so manie persons as they upon examination sall finde fitt to be licencised to sell or utter tobacco by small or retaile upon suche conditions and upon suche fyne and rent or soumes of money to be payed thairfor to his Majestis use as his Majestis commissioners and the parteis receavers of the licences can agree upon; with power to the saids commissioners and thair foresaidis to receave frome the hands of the saids persons the fynes and rent or soumes of money so to be agreed upon. And for the better preventing of suche abuses as hes beene heeretofore committed in the sale of that commoditie his Majestis pleasure is that everie suche person or persons as sall be by the saids commissioners so licencised sall at the receaiving of thair licences putt in sufficient suretie as weil for selling no tobacco bot suche as sall be wholesome and uncorrupt as for keeping of good order and rule in thair severall chops and housses; and for avoyding the counterfooting of the licences that the saids commissioners or thair foresaidis have a stampe or seal to be affixed and sett to everie suche licence so to be grantit by thame. Thairfor the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull quherethrow naent pretend ignorance of the same; and to command and charge all his Majestis officers and magistrats to burgh and land that they be sydyng and assisting the saids commissioners and his foresaidis in puttynge this his royall will and pleasure in executioun; and siclyke to command, charge and inhibite all and sindrie his Majestis lieges and subjects that bane of thame presoome nor take upon hand after the fyftene day of September nixtocoome to sell or utter tobacco in small or retaile within this kingdome bot suche and so manie as sall be licencised by the saids commissioners, under the pane of confiscation of the said tobacco, beside suche arbitrarie pane as his Majestis Counsell sall appoint. Followes his Majestis missive for warrand of the act abonewrittin: —CHARLES R. —Right trustie and right weelbelovit cousin and counsellor, right trustie and right weelbelovit cousins and counsellors, right trustie and trustie and weelbelovit counsellors, we greit yow weil. Whereas for reformation and prevention of the abuses heeretofore occasiooned through the ungoverned sale and immoderat use of tobacco, we have resolved to order the sale of that commoditie throughout our dominions that none but suche as upon examination sall be found to be fitt may be permitted to sell or utter the same by small or retaile, and those to be licencised by authoritie frome us putting in at the receaiving of the licence sufficient band als weil for selling of wholesome and uncorrupt tobacco as for keeping good order and rule in thair severall housses and chops; the prosecution and ordering of whiche service within that our kingdome we have beene pleased to committ (during the space of seven yeeres) to our
trustie and weilbelovit servant, Sir James Leslie, knight, and Thomas
Dalmahoy, as by our gift dated at Whitehall, the 19 day of Aprile, 1634
yeares, may appeare; our pleasure is that, according to this our royall
intention, yow take order that after the xv day of September nixt
ensewing no person quhatsomever presoome to sell or utter tobacco in
small or by retaile within that our kingdome bot suche or so manie as
shall be thereunto licencised by our saids commissioners, under pane of our
high displeasure and suche a penaltie as yow sall thinke fit to impose
on suche as sall hapin to transgresse, the one halfe theairof to belong to
the informer and the other halfe to the saids commissioners; and that
yow make this our pleasure knowne to all our loving subjects by letters
of publication theairof direct by yow in dew forme, for doing whairof, as
also unto yow of our Exchequer for expeding the said grant, these
presents sall be a sufficient warrand. So we bid yow farewell. From
our court at Grenewiche, the 29 of May."

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Wintoun; Edinburgh,
Perth; Kingorne; Wigtoun; Roxburgh; Galloway; Annerdaill. 17th June
1634.
Lauderdaiil; Southesk; Tracquair; Bishop of Dumblane; Lord
Lorne; Bining; Clerk Register; Advocate; Sir James Baillie.

"The whilk day Sir Johne Hay of Baro, knight, Clerk of our soverane
lord's Registers and Rollis, produced and exhibite to the Lords of Privie
Counsell the letter underwritten signed be the Kings Majestie, and
directed unto him under his Majestis cashett, by the quhilk letter his
Majestie, out of his gracious and tender respect to the weale of his sub-
jects, recommendit to the said Sir Johne and therewithall commandit him
to call before him the whole keepers of that Register which was estab-
lished be act of parliament holdin at Edinburgh in the moneth of Junij,
1617 yeeres, and whiche was annexed and incorporat to and with the
Clerk Register his office as a proper part and pendicile of the same, and
in the quhilk Register all reversions,1 seassings and others writts specified
in the said act wer ordainit to be registrat within threescore dayes after
the dates of the same, and to take speciall notice of the clerkes and
keepers of the said register thair dewtweis in the discharget of thair office
and if thair registers wer marked conforme to the said act of parliament;
and where anie abuse or omission had beene by negligence of the keepers
of the saids registers in not causin the same registers to be marked by
the Clerk Register for the tyme, or his deputs, conforme to the said act of
parliament, to rectifie the same; as in the letter foresaid directed be his
sacred Majestie to the said Clerk Register for this effect at more lenth is
conteanit. Quhilk letter being read, heard and considderit be the saids
Lords, and they with all humble and dewtfull respect acknowledging his

1 For previous legislation regarding reversions see Index to Acts of Parl. of Scot., s.n. Reversions.
Majesteis gracious and tender care for the ease and securitie of his subjects in this mater, they have ratified, allowed and approvin, and be the tenor of this present act ratifieis, allowes and approves the said letter and warrand foresaid directed be his Majestie to the said Clerk of Register in the hail points, clauses and articles thairof, and ordains the same to be insert and registrat in the bookes of Secreit Counsell and to have the force and effect of ane act of Counsell in tyme coming; of the quhilk letter and warrand the tennor followes:—CHARLES R.—Whereas, by ane act made in the 22 parliament of our late royall father, holdin in June 1617, a publict register is ordained wherein all reversions, seassings and others writte therein specified should be registrat within threescore dayes after the date of those writte, under the restrictions mentioned in the act, and that those registers should belong to the Clerk of Register and his deput for the tyme, to be annexed and incorporated to and with his office as a proper part and pendicle thairof, with power to appoint suche deputeis for their lyffes or otherwayes, as he sould thinke expedient, to be resident at the places and to the effect specifit in the act, they being always of good fame, literature and conversation, appointing those registers to be marked bey him or his saieds deputis with a note of the particular number of thair leafes, as in that act at more lenth is mentioned. Bot we being informed that some of the keepers of those registers have by negligence or otherwayes omitted to caus the Clerk of Register for the tyme or his deputis marke thos registers according to the said act, whereupon great prejudice may arise to our subjects, our pleasure is and we doe heiby will and command yow to call before yow the whole keepers of those registers and to take speciall notice of thos dweitis in discharge of thair saids offices and to see abuses therein rectified for the ease and securitie of our subjects, and if anie of thame have omitted to marke the saids registers whiche yow finde to be trewlie writtin and filled, knowing the keepers thairof to be reputed honest men, that yow marke or caus your deputeis appointed to that effect to marke thame, and thereafter we doe heiby ordaine the same to be als sufficient to all our subjectis interested as if the same had beene marked before the writting and filling thairof, whereanent these saill be sufficient warrand. Givin at our manour of Greenewich, 13th May, 1634. Followes the direction of the warrand:—To our trustie and weilbelovit counseller, Sir John Hay of Barro, knight, our Clerk of Register. And forder, the saied Lords declares and ordains that the marking of all suche bookes and registers (as ar not or hes not beene marked in dew tyme) be the said Clerk Register and his deputis saill be als sufficient to all his Majesteis subjectis interested as if the same had beene marked before the filling and writting thairof. Followes his Majesteis misive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellors, and right trusty and trusty and weilbelovit counsellers, we greit yow weill.
Whereas we have by our warrant required our Clerk of Register to call before him the whole keepers of these registers in which by act of Parliament of our late royall father all reversions, seassings and others mentioned in that act as appointed to be registered, and to take notice of their dewties in discharge of their saids offices and particularlie to marke suche of their registers as have by their neglect or ignorance beene omitted to be marked by the preceeding Clerkes of Register, whiche we ordaine to be als sufficient as if they had beene marked before the writting and filling thereof, to the intent our subjects interested may not suffer by the not putting of that act in dew and tymelie execuution, our pleasure is and we doe hereby require yow to ratifie and approve our said warrant by act of Counsell and to enact that the marking of the saids bookes (if anie be unmarked) be the said Clerk of Register present and his deputys all be als sufficient to all our subjects interested as if the same had beene marked before the filling and writting thairof, for whiche these saill be unto yow sufficient warrant. We bid yow farewell. From our mannour of Greefiewiche, 13th May, 1634."

"The whilk day the missive letter underwritten, signed be the Kings Majestie and directed to the Lords of Privie Counsell, anent the celebration of the communioni yeerelie in his Majestie chappell of Halyrudhous upon the first Sondays of the moneths of July and December, being presented to the saids Lords and read in their audience, the saids Lords, in humble obedience of his Majestie royall pleasure mentioned in the said letter, ordains the same to be inacted and registrat in the booke of Secret Counsell to haue the strent of an act of Counsell in all tyme coming, of the qhillik missive the tenor followes :—CHARLES R.—Right trustie and right weelbelovit cousine and counseller, right trustie and weelbelovit cousines and counsellers, and right trustie and weel belovit counsellers, we greit yow weill. Whereas we wer pleased not long since that yow could repair to our chappell at Halyrudhous for receaving the holie communion there upon everie Sunday immediatlie ensawing the dounsitting of the Session in the winter and sommer seasons yeerelie, bot, having now upon some good considerations knowne to us resolved to alter the same, we are heirby pleased to declare that it is our speciall will and pleasure that yow receave the same yeerelie upon the first Sondays of the Moneths of July and December, whiche we will have to be inviolable keeped, and to that purpose that yow not onelie preceed to encourage all others by your good and heartie exemple, bot where occasion sail offer and in so far as yow can lawfullie and convenientlie doe, that yow proceed with auctoritie for seing this our royall and pious intention dewlie performed, whiche we will take as good and faithfull service done unto us. So willing yow that yow caus insert these our letters in your bookes of Counsell, we bid yow farewell. Frome our mannour of Greenwiche, 13 May, 1634."

"The whilk day the missive letter underwritten, signed be the Kings Majestie requiring the Council to attend Communion on the first Sundays of July and December in the Chapel Royal of Holyrood.
re-appointement of commissioners for the taxation.

Majestie and direct to the Lords of Privie Counsell, was presented to Acta, June 1632-June 1634, fol. 277, a.

the saide Lords and read in their audience, of the whilk the tennor follows:—CHARLES R.—Right trustie and weibelovit cousine and counsellor, right trustie and weibelovit cousines and counsellers, we greet yow weill. Whereas at diverse tymes we have beene pleased to recommend to yow the speeclly tryell of the lamentable accident of the burning of the towre of Fendracht and that the same may be done without respect of persons, yitt complaint hath beene made unto us that suche ane exact tryell thairof as is requisite for cleering thairof hath not beene as yitt heard, our pleasure is that having selected some of your owne number for assisting the Justice generall or his deputs for the said tryell yow have a special care that with all possible diligence they proceed aganis all suche persons in a legall maner who by apparent presumptions hes beene anie wavyes accessorie to the said haynous crime, leaving nothing undone whiche may contribute to the tymelie tryell thairof. Whiche recommending to yore care, we bid yow farewell. Givin at our court in Seaton, the 15 day of July, 1633. Quhilk missive being read and considereit be the saide Lords and they advised therewith, the saide Lords hes appointed and be the tennour heirof appoints a meeting of Counsell to be in the laich counselhouse of Edinburgh upon Fryday nixt the twentie of this instant, quhilk is the criminall dyet appointed to Johne Toshe for his tryell anent his guiltines in burning the towre of Fendracht, for assisting the Justice deputs and their assessors in the resoluution of suche doubts as sall occurre in the said tryell."

"The Lords of Secretit Counsell continewes the number of the commissioners formerlie choisin for hearing the compts of the taxations, and the saide Lords nominate the Erles of Lauderdale and Southesk and the Clerk of Register for hearing the Thesaurars comptes."

[Here ends this volume of the Acta, with this docquet:—This booke begins upon the 28 day of July, 1630, and ends upon the sevintene day of Junij, 1634.

(Signed) J. Prymrois.

[Sedunt as recorded above.]

Complaint by Mr. James Raith of Edmistoun, as follows:—He hase 1635.

frequently complained to their Lordships of the many insolencies committed upon his tenants and servants by Patrick Edmistoun of Wolmet, who has renewed the same, and takes advantage of those who bear with him and refuse to enter into contestation save in an orderly and legal way. There was a common highway for men and horses "and for all cadgers and others carrying coales and ale from Natoun and other little touns there about leading directlie to and fra the compleanners hous and the kirk," which the complainer and his tenants has used without inter-
ruption for many years with his predecessors before him; until upon Saturday, 24th May last, the said Patrick "gave out a number of threatening and minassing speeches againis the complainer in his awne hous, avowing with manie fearfull oathes that if the complainer came to the kirk the morne thereafter that he would stay and interrupt him." Accordingly he directed Robert Dickson, his servant, James Elphinstoun in Malsfurde, Robert Crawfurde in Newton, sometime his servant, Patrick Kein in Wolmet, and William Caldwell, tenant of the said Patrick Edmontoun, to await upon the complainer and his tenants and servants and interrupt and hinder them in going to the kirk. Accordingly, these persons, armed with swords, long staves and other weapons lay in wait, "kuist ane sewche and bigged up ane dyke of stones to stoppe the passage;" and when the complainer's tenants and servants came forward on their way to the kirk, they stopped them, telling them that they had warrant from their master, Wolmet, so to do, and threatened them if they persisted. The complainer himself, coming on horseback with his son, when he saw the opposition, and fearing worse, directed his servants to forbear and take another way. And there being another road and passage which they were accustomed to use in going to the kirk, and which has been a highway for men and horses past all memory, the said Patrick "caused lykewayes big up that rod with great stones and kuist a sewche upon the same to stoppe and impede the passage." Further, Archibald Hill, his servant, who had waited at the end of the said road with a "long pycked forke" in his hand, avowed that if Thomas Mowat, the complainer's servant, had been there he would have stricken him through the body with his fork. Not content with all this, on the Monday after, the said Patrick came on horseback in a bragging and boasting manner to the complainer's meadow and hained grass and rode through the same, making great destruction and spoil, and thence rode directly to the complainer's gate, "and in mockage and derision callit for drinke, raid about his hail dykes, and in swaggering maner made provocatioun to the complainer to come out." And again on 28th May the said Patrick, accompanied by the said James Elphinstoun and Robert Crawfurde, came to the complainer's meadow and rode through the same for the purpose apparently of making roads and passages there. He has suffered many other insolencies, and borne with them, but finding he can obtain no peace thereby he is obliged to have recourse to their Lordships. Charge having been given to the persons named and both pursuer and the defenders compairing, and having been heard, the Lords remit the "cognescing of the wayes and passages foresaid" to the Lords of Session as judges competent, and meanwhile until their decision, they ordain that they be made passable to the pursuer and his tenants as they have been for the past two years, and to be used by the pursuer at his peril.

Counter complaint by Patrick Edmiston of Wolmet and Bessie Fovens, Counter-complaint by his servant, as follows:—It is well known in the country how that the
said Patrick and his predecessors have had great distresses and troubles about the colheuch of Wolmet for many years past. It cost several of his predecessors their lives, and himself above 36,000 merks. Recently he agreed with the Laird of Nidrie, who pretended right to the said coal, “and being fullie possesse therein “he” had verie good success in the winning of his coale.” But his neighbour, Mr. James Raith of Edmistoun, out of envy at seeing him thrive, has now begun to vex and trouble him and his tenants to draw them to endless lawsuits, and so wreck and undo him. For instance, in November last the said Mr. James directed Thomas Ewart, his servant, to a barn in Edmistoun where the said Bessie Fovens “was caiffing sax firlots of her awne beir,” who put violent bands on the woman, thrust her from her beir, and took away the same, and further prosecuted the woman criminally before the Justice as a thief, though conscious of his own iniquity, he passed from the charge. But he did less against the woman than the complainer, her master, who was drawn to great expense in defending her. Again, “he hes caused John Hill of that Ilke, his vassall, to hoghe the stoupes of his colheuch quhill yees ewest to the compleanners coale pot and thereby intends to fill and ditt his levell and so to destroy his coale.” Further, on 22nd, 26th and 27th May last the said “M’ James Raith [sent] his bastard sonne [James] to the commoun hie way leading from the town of Edmistoun to the Cottrie, quhill hes beene and is ane ordinarie and commoun hie way past memorie of man, and there the said James awaited upon the coale-carriers comming from the compleanners coale pot in to Edinburgh and kuist the creecles aff the poore creatures backes and would not suffer thame to goe that way.” Moreover, on 24th and 27th May last, he sent John Carfrae and Thomas Hewat, his servants, to the common way through the meadow of Edmistoun, which for over a hundred years has been an ordinary way for all his Majesty’s lieges, and when the complainer’s servants came and tried to pass they violently stopped them and forced them to return. Further, there being an ordinary coal way and kirk road between the Hyndslands and Coninghamheid, used by the said Mr. James himself and all the country people past memory of man, “the said M’ James in despitie of the compleanner hes now caused make the said way arable ground, and hes resolved in place of this commoun way to make ane commoun kirkgait and coale gait to himselfe, his tennents and others throw the compleanners proper lands.” Charge having been given to the said Mr. James Raith, and James Raith, his son, and pursuers and defenders both comparuing, and having been heard, the Lords remit the question of the ways and passages to the Lords of Session, and meanwhile ordain the defenders to repone them as they were for the past two years, and suffer the pursuer to use them at his peril and hazard.
1626, ordained them to find caution in 3000 merks for each other's indemnity. His cautioner was the now deceased Sir Robert Hepburn of Alderstoun, and the said Mr. James has charged him to find new caution under the pane of hornig. He pleads that this is causelessly done, for although there were then jars between them, these were all reconciled and removed, and the said Mr. James has not made and cannot make faith that he dreads harm or oppression at the hands of the complainer. Besides, the penalty is too high, such as is imposed in matters of riot and blood, and 500 merks is the legal penalty for persons of his quality. He has, however, found caution for obeying the charge, which he craves may be suspended. Both pursuer and defender being present, the latter declaring that though he had received no citation he was ready to answer the reasons of suspension; and parties having been heard, the Lords grant suspension in respect of the new caution found by the pursuer, but declare that the amount of caution shall remain at 3000 merks.

Complaint by John Maxwell of Milnetoun, as follows:—In the month of April, 1612, he was the unhappy occasion of the death of John McNacht of Kilquhanittie, father of Roger McNacht, now of Kilquhanittie, and this slaughter has ever since been a most heavy grief and sorrow to him. He has done all in his power to give satisfaction for this, but nothing will content his party but the extreme rigour of the law. He is therefore obliged to betake himself to his Majesteis general pardon proclaimed upon his coronation. The time for this has almost expired, but the complainer, being all this time in Ireland, only heard of it lately. Charge having been given to the said Roger McNacht and to John McNacht, merchant burgess of Edinburgh, his tutor or curator, and they and the pursuer comparing personally, the pursuer gave in an offer of assementment under his hand, which he said was all he was well able to give. This offer the Lords gave to the defenders to advise with until the 19th instant, when they are to inform their Lordships concerning the pursuer's estate and conditions and also how the said slaughter fell out. And they declare that this delay shall not prejudice the pursuer in regard to the time for his pardon.

Supplication by James Somervell of Playne, as follows:—He is selling his lands in order to satisfy his creditors, and has found a purchaser willing to end the bargain if he can obtain the consent of his creditors to the transaction. The supplicant could secure this if he had a protection, which he therefore craves. The Lords grant him until 1st November next.

"The lyke protectiongrantit to Johne Gordon of Innermerrickie for taking order with his cautioners for the Lord Gordon and the Laird of Dunkintie and the debts of umquhill William Gordon of Rothenay, unto whois pupill the said Johne Gordon is tutour, till the said first day of November nixt."
Complaint by George Wallace in Claymill, as follows:—On 6th April last, "being Pasche Sunday and the Lords Sabbath," Alexander Couttie at the Mill of Melgin, John Donde there, John Couttie, servitor to Arthur Ball there, John Sowter, servitor to the said Alexander Couttie, Patrick and John Couttie, sons of Alexander Couttie in Daawche, James, William and John Glasse there, Alexander Yffie at the Mill of Culase, Thomas Couttie and Alexander Yuile at the Mill of Snabaff, Patrick Cowlts at the Mill of Towy, and James Sowter, servitor to Alexander Reid at the Mill of Kildrynnie, with others, all armed, came under cloud and silence of night, by way of hamesucken, to the complainers dwelling house in Claymill, and finding the doors closed, "they forciblie and violentlie bresched and dang up his doores and in a verie furious maner with drawin swords and dukkes in thair hands they searched and sought his said hous throw all the parts thairof for Jonet Wallace, the complaineers daughter, whome thay in thair beastlie humour thought to have forced and abused at thair pleasure; quhil thay had not failed to have done wer not she naikd in her sarke brake ane hole throw the upper part of the hous and with hazard of her life lap down from thence and escaped." Having missed his daughter, they attacked himself barbarously and inhumanly, gave him a number of cruell and bloody wounds to the effusion of his blood, and left him in a manner as a dead man within his own house. Charge having been given to all the persons named, except Alexander Couttie at the Mill of Melgin, and the pursuer comparing personally, but none of the defenders, the Lords ordain them to be put to the horn and escheated. And the Lords modify £5 to be paid to each of the witnesses by the pursuer.

"A letter from his Majestie for conveening of the commissiones appointed for surveying of the lawes, quhereanent ordains missives to be writtin to the commissioners to be heir the fyftene of July."

"A letter from his Majestie for dispatching the commissions for the justices of peace for whiche purpose and for revising the rollis appoints Thursday nixt."

"A letter from his Majestie tuicheing the differences betuix the Constable and toun of Edinburgh, quhereanent ordineth both parteis to be warned."

"A letter from his Majestie tuicheing the Lord Spynie his patent."

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Sederunt—George, Earl of Kinnoull, Chancellor; William, Earl of Morton, Treasurer; Thomas, Earl of Hadinton, Privy Seal; James, Marquis of Hamilton; Patrick, Archbishop of Glasgow; William, Earl of Erroll; George, Earl of Winton; John, Earl of Perth; John, Earl of Wigton; John, Earl of Kingorne; Robert, Earl of Roxburgh; Alexander, Earl of Galloway; John, Earl of Annerdaill; John, Earl of Lauderdaill; William, Earl of Dumfries; David, Earl of Southesk; John, Earl of Traquais; Adam,
Bishop of Dunblane; Archibald, Lord Lorne; Thomas, Lord of Binning; Robert, Lord Melvill; Alexander, Master of Elphinstone; Sir John Hay, Clerk of Register; Sir Thomas Hop, Advocate; Sir James Baillie of Lochend.

"The Lords of Secrete Counsell, according to ane warrand and direction in writ signed be the Kings Majestie and this day presentit unto thame gives and grants thair warrand and licence to Alexander Blair to haunt frequenent and repaire in all parts of this kingdome at his pleasure for recovering by course of law of suche lands and goods as he dooth succeed unto by the death of his late brother, and that for the space of ane yeere after the dait heirof without pane or danger to be incurred be him therethrow in his person or goods, notwithstanding of anie act made aganis him for his abandoning this kingdome, whereannet the saids Lords dispenses be thir presents; provyding always that he carie himselfe soberlie and modestlie without scandall, wherein if he failie this licence to be voide, and he sall be subject to suche other punishment as he may incurre by law. Followes his Majestie missive for warrand of the act abonewrittin:—CHARLES R.—Right trusty and weilbelovit counsile and counsellor, right trusty and right wellbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellors, we greet yow weill. Whereas we ar informed that about the beginning of our raigne the petitioner, Alexander Blair, wes made by act of Counsell to abandoun that kingdome, whiche we ar confident yow caused doe upon verie good consideratious; bot being now humblie petitioned by him that in regarde of the death of his brother, to whome he dooth succeed in his right to certane lands in that kingdome, he may repaire thither for recoverie thairof, our pleasure is that yow grant him suche a tyume for that purpose as yow sall think necessarie that he may seeke for his right according to justice and the lawes of that our kingdome. Not doubting of your conformitie to this our pleasure we bid yow heartillie farewell. From our mannour at Greenewicke, the 30 day of May, 1634."

"Forsamekle as in the Parliament haldin at Edinburgh upon the 28 day of Junij last bypass it wes statute and ordaine be our soverane lord with advice of his estait of Parliament that all and whatsoever persons of the Clangregour who sould happen to be within this kingdome upon the xv day of Marche last bypass sould give their compeirance that day before the Lords of Privie Counsell, and failyeis thairof the nixt Counsell day thereafter following, to the intent that suche of thame as hes already found caution and whois cautioners ar dead might find new caution for thair good behaviour in tyume comming and renounce thair names and that suche of thame as hes not found caution might find caution with certifieation to thame that compeiried not that letters sould be direct to the Lords of his Majesteis Privie Counsell to denounce thame his Majesteis rebellis and putt thame to the horne, and that than it sould be lawfull
to anie of his Majestie's good subjects to take and apprehend thame wherever they might be had and to present thame to the next judges and magistrate to burgh and land to the intent they might present thame before his Majestie's Counsell to be tane order with for their rebellious; as the said act of Parliament containing a dispensation with whatsoever slaughter, mutilation or hurting that could fall out in the taking of the saids rebellis more fully proprots. And, altho it was expected that these of the Clangegour sould have embraced his Majestie's favour shewin unto thame and sould have givin their compeirse before his Majestie Counsell to the the effect foresaid, yitt few or none of thame hes compeirred but hes neglected thair dewtie and obedience in that point and so hes justlie and worthilie incurred the pane conteasnit in the certification of the said act of Parliament agenis the said Clangegour. And the Lords of Secret Counsell being loath to take that advantage of the said clan whilk thair contempt and disobedience deserves, they thairfoir thought meit to prorogat and be the tennor of this present act prorogats the terme foresaid appointed be the Parliament to the said Clangegour for thair compeirse before his Majestie Counsell untill the twenty day of July nixtoome, with this special declaration that the said act of Parliament sall stand in full force according to the tennor thairof agenis all suche persons of the said clan as sall be deprehended in the act of anie lawlesse deid; thairfoir the saids Lords ordains letters to be direct charging officers of armes to pas and make publication heirof at the mercat croces of Edinburgh, Perth, Stirling, Dumbartane and others places neidfull, wherethrow none pretend ignorance of the same, and to intimat and declare to all these of the said clan who sall neglect and contenme this favour offered unto thame and sall not give thair compeirse the said twenty day of July, that the rigour and extremetie of the said act of parliament sall be prosecute and followed out agenis thame."

"Forsamekle as one Thomas Drummond, having latelie eruelle and barbarouallie murdered and slaine ane poore honest man beside Dumfermline, his wife and barnes, with whome he lay that night, and immediateli thereafter having fled to the west country to lurke there a while among his freinds till he sould have found opportunitie of passage to Ireland, and notice being givin heresof to the right reverend father in God, Patrik, Archbishop of Glasgow, he out of his respect to justice wrote to Bryce Sempill of Cathcart to doe his best diligence for apprehending of this murderer; who accordingly out of the dewtie of ane loyall subject and worthie gentleman made searche for the said murderer and with no small hazard apprehended him and his brother, whereupon the said murderer was presented to justice and suffered his condigne punishment. In regarde thairof and the said Bryce Sempill his worthie and generous cariage in this mater the Lords of Secret Counsell hes allowed and approvinn and be the tennor heirof allows and approves
of the said Bryce Sempill and his associates their service foresaid and
gives thame heartie thankes for the same, and declares that they will be
mynddefull of the said service whonesoever the occasion of anie of the said
Bryce his effaires and bussinesses sall occure before thame."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet,
Advocat to our soveraine lord, compeirand personallie before the Lords of
Privie Counsell, gave in his answers to the reasons givin in be the Lord
Torphichin for proving the erection of the lordship of Torphichin to be
of a different nature frome others erections; whiche wer givin up to the
said Lord Torphichin, who was personallie present, to be advysed there-
with to this day fyftene dayes."

[Sederunt as recorded above.]

Complaint by William Cairmount in Margfas, Margaret Scot, widow of
John Cairmount there, and Janet Cairmount, her daughter, as follows:—
John, Lord Hereis, as lord of the regality of Terregles, put them under
cautione to appear before him and his deputys on 31st May last for their
alleged marking of a sheep and other matters, and intend to proceed
against them for the same, but most wrongfully; because (1) They are sus-
pect judges in this matter, seeing that on May last the said Lord
sent William Ferguson, his officer, and others of his servants to the said
William Cairmount's dwelling house, where they put violent hands upon
him, carried him as their prisoner to the place of Terregles and kept him
there ten days "with heavie bolts of yrne upon his legges," though he
was his Majesty's free liege, not taken with the fang, nor refusing to stand
his lawfull trial. After they had kept him thus in prison in great
misery the said Lord caused summon an inquest and brought the said
William forth to his trial, but "finding that the assysoers wer not
weil labourd upon and that they would cleange the compleauer, slipped
furth and said he would hold no court that day," and caused the said
William and the rest of the complainers find caution as aforesaid. (2)
"Not onelie is John Charters in Barnecleuche, bailie depute to the said
lord, his man, vassal and servant, bot the hail assysoers whombe he is now
to use, and his procurator fiscall, Hamiltoun, ar ather tenents of
his lands or domesticks of his hous or persons within degrees desendent
to the said lord in consanguiniteit or affinitie," and the persons who have
delated the complainers are tenants to Robert Maxwell of Orchardtown,
"who and the said Lord Hereis ar brether barnes, and they ar verie
ininfamous persons, not worthie of his Majesteis unlaw, who, having beene
convict for diverse crimes before the said Lord Hereis his late father,
wer forced to compone with him for thair lyffes, and they have now
nothing to live upon bot suche desperat and malicious challenges,
whereby they intend to prey upon the compleurers and others his
Majesteis good subjects by making thair eccheits fall in the said Lord
Hereis his hands, who for their service as they suppose will give thame a part thairof." (3) The complainers have never been lawfully cited nor received a copy of their indictment, which illegal procedure is especially dangerous in Lord Hereis towards them who by his conduct has made himself a party and cannot be their judge. Further, to testify their innocence they have found caution in the books of Adjournal to stand their trial for anything that can be laid to their charge before his Majesty's Justice and his deputes, and crave that their trial be remitted to them and the parties complained against discharged from further proceedings. Charge having been given to the said Lord Hereis and John Charters, and to Mr. Cuthbert Cuninghame, their clerk, and the said William Caimunt appearing personally for himself and the other complainers, and Lord Hereis also appearing and producing the indictment against the pursuers, the Lords having heard parties, remit the trial of the pursuers to his Majesty's Justice and his deputes, without prejudice of the regality rights of the said Lord Hereis, who is given liberty to sit with the said Justice in this trial by himself or his bailies if he desires so to do, and discharge him and his deputes, procurator fiscal and clerk, of all further proceeding in this matter. Supplication by John, Bishop of Caithness, and George, Bishop of Orkney, as follows:—"The pitifull and deplorable estait and condition of the people within the countreis of Caithnes and Orkney, of whom great multituds by famine have miserablie perished this yeere, hae moved the supplicants out of their bound dewtie and Christiane commiseration of thair calamitie to represent to the said Lords the desolat ion quhilk in these bounds is like to fall out if some present course be not tane for preventing the same. For this last harvest, before the cornes wer fullie rypped and cutt down, suche tempestuous and bitter weather blew from the ocean upon these parts that the cornes wer so blasted as they never filled, and what seemed to be filled did na ways answer the peoples expectation, the bell of aititis in manie parts not giving ane peck of meale, and where there appeared to be ane chalder of beir the same did not render the fourt part to be seed; quherby the thrid rig lyeth unsowin and in manie parts the halfe is not sowin; quhilk hes caused so great dearth and famine in these parts that multituds doe in the opin feilds and there is none to bury thame, bot where the minister goeth furth with his man to burie thame where they ar found. The ground yeelds thame no cornes and the sea affords no fishes unto thame as formerlie it wount to doe. The picture of death is scene in the faces of manie. Some devour the sea ware; some eate dogges; some steale foules. Of nyne in a famillie seven at once died, the husband and the wyfe expyryng at one tyme. Manie ar redacted to that extremitie that they ar forced to steale and thereafter ar execute; and some have desperatlie run in the sea and drownned thame selfis. So great is the famine there that the people of meane estait have nothing and these of
greater ranke have nothing that they can spare." They crave that their
Lordships would grant their letters of recommendation in favour of these
poor people. This the Lords do, and recommend "the pitifull and
disposable estait of the poor people in the countrie of Orkney and
Zetland to the charitable consideratioun of his Majestis Privie Counsell," 
the Senators and members of the College of Justice, the provost, bailies,
council and community of Edinburgh, and all other well-disposed Chris-
tians within the kingdom to burgh and land; also to the inhabitants of
Caithness, and sheriffdom of Aberdeen and parts benorth the same,
exhorting thame to extend their charity and benevolence to the relief of
these poor people.

Supplication by John Alie, burgess of Jedburgh, as follows:—William
Alie, his brother, died lately under the burden of some debts, for pay-
ment of which he served himself as his heir, and was resolved with all
possible diligence to dispose of certain of his lands for satisfying his
creditors. But Ragwell Bennet of Chesters, father-in-law of his said
deceased brother, intending to appropriate his whole means and estate to
himself, has taken assignations to his whole debts, and designs to com-
prise the lands therefor, and trouble the complainer with captions and
other legal diligence; for he will neither buy the lands himself nor give
the supplicant time to dispose of them to others, and they are of three
times the value of the debt upon them. He craves their Lordships' pro-
tection; and this they grant until 1st November next.

"The like protection past and exped to James Home of the Abbey of
St Bothans for attending the commissioners for the teinds till the first of
August next."

Supplication by James Spence, merchant burgess of Edinburgh, as
follows:—Most of his creditors have consented to supersede diligence
against him for a certain time, and the only one who stands out is
William Thomesone, merchant burgess of Edinburgh, who has obtained
intromission with his whole estate, which is of the value of £10,000
more than he is justly due to him, and he intends to prejudge the rest
of the supplicant's creditors of their satisfaction unless a remedy be pro-
vided. Charge having been given to the said William Thomesone, and
he compPEARing and also the pursuer by Mr. Robert Trotter, his pro-
curator, upon the said William Thomesone giving his consent the Lords
grant their protection to the said James Spence till the 24th July next,
so that he may clear his accounts with the defender, providing that the
pursuer appear before their Lordships on the 24th instant and nominate
auditors of his accounts and find caution for the indemnity of the
defender, the which if he fail to do this protection shall be thence-
forth void and null. And the Lords declare that the granting of this
protection shall be no bar to any criminal pursuit which the defender
may bring against the pursuer.
"A letter concerning Francis Stewart and the Earl of Buccleuch, tuicheing the particulars of his Majestie's decree arbitral and exposition thairof, quhairanent ordains the partieis advocateis to be warned."

Sederunt—Chancellor; St. Andrewes; Privy Seal; Glasgow; Fol. 121, b. Anmerdaill; Southesk; Lorne; Clerk of Register.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Acta, June 1634-Kingorne; Anndandaill; Dumfreis; Bishop of Ros; Bishop of 1634-April 1636. Dumblane; Lord Melvill; Lord Lorne; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Sir James Baillie.

Letter from his Majestie conveying the Commission to Archibald, Lord of Lorne, and Neill, Bishop of the Isles, to inquire into the exactions levied by the landlords and heritors of the Isles from their tenants, and into the presence of foreign traders in the said Isles.

"Forsamekle as the Kings Majestie, being informed of the great exactions and dewteis raised be the heretours of the Yles upon his Majestie subjects of the Association for the Fishing within his Majestie kingdoms and how that strangrrs ar brought in and thair vessels loadned with fishes and others native commodites contrare to the lawes of this kingdom; his Majestie out of his royall and pryncelie regarde of the weale of his subjects and good of the Association hes by his letter, writtin and directed to the Lords of his Privie Counsell, seriouslie and earnestlie recommendit unto thame the taking of ane particular accompt and tryell by whome and upon what ground or warrand these dewteis ar uplifted and takin, and to discharge what sall not be found to be dew of that kynde, and to take order with strangers who resort and trade to the Yles contrare to the lawes and to the course intendit by the patent of association, as his Majestie said letter at lenth beiris. Qhilk being this day presented and read in Counsell, and the Lords having considerrit the same and being well advised therewith, the saids Lords, in humble and dewartfull obedience of his Majestie directioun, being carfull to give his Majestie satisfaction therein, hea givin and grantit and be the tennor heirof gives and grants full power and commission, express biddin and charge to Archibald, Lord of Lorne, and Neill, Bishop of the Yles, conjunctlie and severallie, to repaire to the Yles with convenient diligence and to call the landlords and heritours of the Yles before [thame] and to examine thame and to take particular tryell beside what dewteis they exact of his Majestie subjects of the Association resorting there, what is the ground leave of these exactions and by what warrand they doe the same; as alsu to take tryell and informe thameselfes how and by whom strangers ar brought in and thair vessels loadned with fishe and others commodites; and to report thair diligence heerin in writt to the saids Lords upon the first Counsell day of November nixt to the intent suche forder course and order may be tane heerin as his Majestie by his letter hes directed. Followes his Majestie missive for warrand of the act foresaid:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellors,
right trustie and trustie and wellbelovit counsellors, we gret yow weill. Whereas it is not unknowne unto yow with what care we have intended the good of the Association of the Fishing within these our kingdoms for the use of our subjects and that we will be provident to protect thame from the exictious of the heretours in the Yles who, as we ar informed, without warrant exacts sindrie dewteis of thame to their great prejudice, bringing in strangers and loading their vessels with fishes and other native commodities contrare to our lawes; our pleasure is that yow call before yow the landlords of those Yles where the fishing ar and take ane accomt of thame by knowing upon what warrant they take these dewteis; and that yow discharge what yow find not dew in that kynde upon verie good grounds, sending unto us a note of all that is exacted and of their ground leave; and that yow take order with strangers who resort and trade there contrare to our lawes and the course intendit by the patent of association. So expecting that no suche misdeemnor be committed in tymne comming, we bid yow farewell. From our manneour at Grenewiche, the 26 of May, 1634."

"A letter from his Majestie for renewing the stent rollis of the burgh of Dundie in respect of the decay of trade in that toun, quherenand ordains the commissioners for the borrowis to be warnt to the first of July."

"A letter for putting certane acts of parliament to execution for quyeting of the Hiellands."

"Mr Wmkill's proces given up to the Advocat to be advysed thair with till Thursday."

"Assignes Thursday nixt to Scottistarvet and Sir William Scot, tutors to the Erle of Bucleuche, and to Mr Robert Craig, advocate for Francis Stewart, who were personallie present, to answer to his Majestie letters direct concerning the decreit arbitrail given be his Majestie betuix thame."

"The quhilk day the Lords modifies the fyne of v° merkes quherin Robert Dumbar of Moynes was decerned to Archibald Torrie to iij merks and discharges the j° merks quherin he was fyned to the King, and ordains him to find caution for the indemnitie of the said Archibald and that he sal not ressett nor supplie Thomas Dumbar, under the paine of j° f. In respect quherof the Lords suspends the saids three horneings, and the fyne being payed and caution fund in maner forsaide ordains the said Robert Dumbar to be relaxed fra the proces of the saids hornoings."

"The Lords of Secret Counsell, according to ane warrant and direction to
in writ signed be the Kings Majestie and this day presented and read in their audience, gives and grants their warrand to Sir Hew Wallace of Cragie and to his cautioners to haunt, resort and repaire to and fra in all parts of the countrie for doing their lawfull affaires at thair pleasure for the space of ane yeere nixt after the dait heirof, and during that space not to be takin, apprehendit, warded nor arrestit be vertew of anie letters of horning, captioun or others warrands past aganis thame for civil causes; discharging hearby all judges, officers and magistrates to burgh and land of all taking, warding or arrestin of the said Sir Hew or his cautioners be vertew of anie letters of horning, captioun or others warrands for civil causes, discharging thame thairof and of thair office in that part for the space of ane yeere after the dait heirof. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. —Right trustie and right wellbelovit cousine and counsellour, right trustie and right wellbelovit cousines and counsellours, and right trustie and trustie and wellbelovit counsellours, we greit yow weill. Whereas at the humble sute of our free burrowes we recommendit to yow that no protection be grantit without dew and just ground and consideration; but calling to mynde that Sir Hugh Wallace of Cragie hes beene a long suter to us to have payment of these monies descended upon for reducing to our crowne of his two ancient heretables offices, in regard whairof and other good considerations mentioned in our former warrand tuicheing that purpose, our pleasure is that yow grant unto him and his cautioners a protection for one yeere, for which these sall be your warrand. We bid yow heartlie farewell. Frome our mannour at Greenewiche, the 28 of May, 1634."

[Sederunt as recorded above.]

Complaint by John Maxwell of Milnetoun, as formerly narrated (ante p. 279). Parties again comparing and the offer made by the pursuer with answers thereto by the defendants, and the report of the pursuer's rental and estate, being produced and considered by them, the Lords modify the assithement to be paid by the pursuer at £1000, which, if the defendants refuse to receive, is to be consigned in the hands of the Clerk of Council before this day eight days, and to be given up by him to the party on their delivering a full discharge and letter of alains. After sentence was pronounced, "the said persewer, humblelie upon his knees express his unfaine greefe and sorrow for the said slaughter and craved God and the partie pardon for the same. Lykeas the saids defenders, and Alexander Gordoun of Erlestone, mother's brother to the said Rodger, who was personallie present, in humble obedience of the saids Lords their command and direction, and for the peace and quyet of the countrie, chopped hands with the said persewer in tokin of reconciliatioun.
and freindship," in respect whereof the Lords ordain a remission to be exped to the pursuer for the said slaughter in terms of his Majesty's pardon.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Adam Abircombie of Aldrayne, as follows:—In contravention of the laws forbidding the wearing of hagbuts and pistols, on March last, John Leith of Harthill, with convocation of a great number of sorrowers and broken men, armed with bows, targes, hagbuts and pistols, came under cloud and silence of night, by way of hames sucken, to the dwelling house of Henrie Clerk, tenant to the complainer in Aldrayne, "brasht the doores thairof, tooke one of the said Adams men, callit Thomas Clerk, and band him hand and foote, held another of his servants, callit Johne Mitchell, till they searched the said Henrie his hous, resolving if they had gottin him to have slaine him, and missing him they tooke a broust of new beir, dranoute a part thairof and spilt the rest upon the floore, brake up his kists and beefe fatta, cutted his seckes with swords and durkes, spulzie and away tooke his haill salt beiff, muttoun and other victuall being within the hous, with his bed cloathes and what ellis they could find in the hous. And thereafter the same night they came to the dwelling hous of George Mathesone, another of the complainers servants, strake up his doores, searched the poore man throw the haill hous with candle light, and missing him they threatened to hold his wifes sole to the fire whil she sould tell both where her husband and his moneyes wer; and they took with thame suche small geir as they fand in the hous. And upon the 17 day of the said moneth of Marche they came of new to the said Henrie Clerk's hous, patt violent hands on his person, tooke him captive, being his Majestis free subject, band his hands and caried him as a prisoner with thame to the dwelling hous of John Alexander in the hill brae on the north side of Bannachie where he lay two nights in the yrnes, and caried him over the hill to the dwelling hous of Thomas Gordoun in the Glentoun upon the south side of the said hill, quhair they layed him three nights in the yrnes. And the said John gave command to his Hieland men to sticke the said Henrie how soon they perceaved anie man to come to releev him; and before he leff the poore man goe he tooke him deepelie sworn that he sould never strike pleuche nor harrow in the lands of Aldrayne, and he forced the said Henrie to give him ane hundredth merkes. And when his poore wife had sauld her best plenishing to gett this hundredth merkes and she having offered the same to him for her husbands releef, he refusied the same till Johne Leith of Newlands his wife became cautioner for the other doller. Lykeas the said Johne Leith of Harthill be himselfe and his commissioners threatned the whole tennents of Aldrayne nather to strike pleuche nor harrow upon the saids lands, otherwayes he vowed to God to hang thame everie man over thair awne balkes. Upon occasioon whereof the haill labourers and occupyers of the lands of Aldrayne left the ground, so as there wes not a reiking.
hous within aucht plewes of the saids lands, aucht crofts and a myle of ground, except onelie John Ker, who maried one Leith to his wife. And the said Johne his freinds, as namelie, M' Andrew Logy, person of Rayne, George Gordoun of Newtown, Normand Leslie of Tulloche, George Leith of Threefeld, John Leith of Newlands, and Alexander Leith, brother to the said John Leith of Harthill, knowing that thir particular points and oppressions abowenwritten wer cleer and undenyable they resolved, so farre as in thame lay, to obscure the same and that no discoverie sould be had thairof; and for this effect they came to the Henrie Clerkes hous upon the day of , and not onelie there bot in all other parts where they rancountered him they threatened him to give unto thame ane discharge of the wrongs abowenwritten, protesting and avowing with manie fearefull othes to opin him quicke if he gave not the said discharge, or if ever he revealed or complained upon the oppressions abowenwritten; lykeas the poore man for just fear of his life gave the said discharge. And how soone the compleaner gott knowledge of thir great insolences committed upon his poore man he demanded of him if he would compleane, who answered that he nather would nor durst compleane, and that it would cost him his life if it were knowne he had a purpose to compleane.” Charge having been given to the said John Leith of Harthill, George Gordoun, Alexander and John Leith, M' Andrew Logie and Henry Clerk, the last named for concurring with the compleaner in this business; and the pursuers compearing personally, also the said John Leith of Harthill, Henry Clerk, M' Andrew Logie, Normand Leslie and George Leith of Threefeld, and parties and their witnesses having been beard, the Lords find the complaint verified against the said John Leith of Harthill in the matter of Henry Clerk, in illegal convocation of the lieges, usurpung authority and wearing firearms, and they ordain him to be carried back to the tolbooth and there remain until further order be taken with him. But the Lords assoiszie Normand Leslie, M' Andrew Logie and George Leith, the complaint against whom was referred for proof to their own oaths of verity, and which they thereupon denied. Further, the Lords modify to Alexander Leslie £10, and to William Leslie and Andrew Peirie, each £5, for their expenses as witnesses, to be paid by the pursuers.

“The qhillk day the Advocate reported that he had conferred the twa probations and tryell takin anent the goods stollin from Griffon Wmkellis, and finds the tyeell to agree, quhereupon the Lords ordains the parteis havers of the goods to be charged to compier to heare and see thame decribed to deliver the goods to the said Griffon or the prices thairof.”

“The qhillk day the parson of Leith, being assisted with M’ James Baird his advocate, declared that he was content of his owne consent that the kirk and session of Leith being secured in their right be the advice of his Majesteis Advocate and of M’ Andro Aittoun and M’ Thomas
Sederunt—Chancellor; Treasurer; Privy Seal; Wintoun; Perth; Kingorne; Wigtoun; Roxburgh; Galloway; Dumfreis; Stirlin; Sowtheek; Traquaire; Lorne; Melvill; Naper; Bishop of Ros; Bishop of Dumblane; Secretary; Clerk Register; Advocate.

Supplication by George, Marquis of Huntlie, as follows:—Upon Friday last, 20th June, John Toshcoche was tried before his Majesty's Justice for the burning of the Tower of Fendraught, and at the close, when the Justice and his assessors were going to retire to consider the case, "the said Johne, in presence of the Justice and assessours and some of the nobilitie who were present, publickly affirmed by solemne oath upon his knees that he having sent one to the supplicant to shaw his innocencie that the supplicant returned him worde againe be James and David Abercrormie that he knew verie weele that he was innocent of that cryme, bot that he knew him to be a knave, and that he rather parted Fendraught then him, and that the supplicant offerit him be the saides personis that he would confesse the cryme and delate Fendraught as guiltie thairof, and sua lay it upon him that the supplicant would purches to the said John his remission and give him ten thousand merks for his rewarde"; whereby the said John did all in his power to persuade the judges of his innocency and to impute to the suppliant the "most foule, filthie and detestable cryme of falset and subornation." When the said John was brought to his answer for this before their Lordships on 21st June last, he "most impudentlie and afferntedlie avowed and abode be the same," but their Lordships, after examining the said David and James Abercrormie, and other witnesses given up by the said John himself, found his statements to be most false and malicious. The supplicant therefore craves that the said John be publickly and most exemplarily punished, as otherwise it will leave an infamous blot upon him. The Lords, having heard this petition, and also of new examined the said John Toshcoche upon the said speeches, who denied having uttered them, or having complained of or against the said Marquis, the Lords find it proven by the testimony of witnesses and otherwise that the said John Toshcoche did utter the speeches libelled against the said Marquis and no others, and so deserves a more severe punishment than they will for certain reasons now inflict, but for vindication of the said Marquis they ordain the provost and bailies of Edinburgh to cause the said John be carried to the market cross of Edinburgh by their officers.
and executioner on Monday, the 7th instant, "and there to be sett upon the most eminent part of the croce with ane paper on his head, and to stand frome ten of the clocke in the fornoone till twelffe of the clocke, and thairafter to be caried backe to his warde be the saids officers and executioner; and that there be written upon the paper in great letters—Heir stands John Toshe who is found and declared to have maliciousla calumniat the Marques of Huntlie, and that thairfore he is heirby declared to be a notorious liar and a knave."

Supplication by Andrew Wardlaw of Torrie, as follows:—The protection granted to him by their Lordships has expired and he is still in treaty with several gentlemen for the sale of his lands to pay his creditors, but the business cannot well be perfected without a prolongation of his protection. This accordingly he craves; and the Lords grant him till 4th November next.

Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, his son, as follows:—Their protection expires this day, and they have procured a purchaser for their lands, and securities are presently being drawn up. Further time is therefore required to complete the transaction, and this they crave. The Lords extend their protection to the 15th instant:

"A letter from his Majestie for ane protection under the great seal to James Arnot for seaven yeares and ane signature past thereupon accordinglie."

"The Lords ordains the Thesaurarius principall and deputie to convene the officiars of his Majestie cunyiehous before thame and to command thame in the Counsells name to suffer and permit Mr Briot and his servants to worke the copper coyne in maner as the same wes formerlie wrought."

"The Lords appoints Moonday in the forenoone to the tutors of the Erle of Buccleuche and their advocate and Francis Stewart his advocate to convene and meit with his Majestie Advocat anent his Majestie directioun in the maters contraverted betuix the partis."

Sedumus—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Acta, June 1634—April 1635; Kingorne; Wigtoun; Roxburgh; Gallouay; Annerdail; 1634; 1635; Launderdail; Southiske; Dumfreis; Tracquair; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Clerk Register; Advocate.

Ament Papists in Dumfries. "Ament our soverane lords letters direct makand mentioune, foresamekle as Elspitt Maxuell, callit of Conhaith, being lawfullie and orderlie excomunicat for poperie and having lyne under that censure this long tymne bygane, as she does yitt unrelaxt, in contempt of the law and to the scan dall of the kirk, she hes sensyne to the forder contempt and misre-
garde both of the Kirk and law made a pretendit marriag by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light, for the quhilk she is now prisoner in the joyle of Dumfreis; lykeas Elspitt Maxuell, spous to Robert Redick, Agnes Maxuell, her sister, Barbara Maxuell, callit the pape, Jean Beatie in Dumfreis, Jonnet McNoucht, spouse to James Anderson, fleisher, John Horstane, Agnes Jackson, spous to Marke Broun, Margaret Maxuell, Barbara Logane, wedow, Charles Maxuell, Helene Dobie, Marion Redick, John Thomasone, Jean Maxuell, spous to Johnir Irving, Jonnet Redick, spous to James Maxuell, messinger, Marion Geddes, spous to Adame Sturgeoun, younge, Jonnet Johnestoun, spouse to David Fraser, and Robert Morison, and Johni Maxuell, callit Captane Jock, all indwellers in Dumfreis, ar or latelie wer prisoners in the said joyle for hearing of messe and being present thereat sindrie tymes within thir twelwe moneths bygane, as thair confessions beiris. And whereas thir persons hes verie farre offended God, contenmd the law and scandalled the Kirk, and hes gevin evill exemple to others to doe the like, if connivence and oversight be givin to thame; and anent the charge givin to Johnir Irving, provest of Dumfreis, Thomas Maxwell and Johni Williamsone, bailies of the said burgh, within whois joyle the persons foresaid remains or latelie wer prisoners, to have brought or to have caused the persons foresaid be brought and saifolie and surelie convoyd to the burgh of Edinburgh and exhibite, before the Lords of Privie Counsell this present day to the intent suche order might be tane with thame as might give terour to others to committ the like, under the pane of rebellion and putting of the saids provest and bailies to the horne, with certification to thame and they failyd letters sould be direct simpliciter to putt thame thereto, lykeas at mair length is conteainit in the saids letters, execuitions and indorsations thairof. Qhilks being callit and M' Thomas Ramsay, minister at Dumfreis, togidder with Johni Williamsone, one of the bailies of Dumfreis, compeirand personallie, who for obedience of the charge exhibite before the saids Lords the haill persons abonewrittin except the said Robert Morison, who conpeire be Harbert Morison, his brodier, and Charles Maxuell, who conpeire be Williami Maxuell, his father, and Agnes Jackson who, in regard of her notour sickenesse, wes excused. Qhilks haill persons present being demanded be the saids Lords whether or not they would conforme to the religion presentlie profest within this kigndome and if they were sore that they had transgressed the lawes of the countre by thair hearing of messe, the saids Jonnet McNacht, John Horstone, Helene Dobie, John Thomasone, Jonnet Redick, Marion Geddes, Jonnet Johnestoun and Margaret Maxwell declared that they were heartilie sorrowfull for the scandall they had givin to the Kirk and violating of the lawes of the countre by hearing of messe, and craved the Counsell pardon for the

1 See ante, p. 263.
same, and gave their faithfull promise in all tyme comming to obey the lawes and constitutions of the Kirk, and for that effect to resort to the kirk, heare preachings and to communicat, and that they could not heare messe nor ressett jesuits. And the saids Elspitt, Barbara, Jeane and Agnes Maxwellis, Jeane Beatie, Barbara Logane and Marion Redick refused to conforme to the religioun presently profeast within this kingdome, in respect whairof the saids Lords ordains thame to be committed to waerd within the tolbuith of Edinburgh therein to remaine upon their awne expenses till they be fred and releeved be the saids Lords. And the saids Lords ordains the others persons foresaid who promised conformitie to keepe waerd within the burgh of Edinburgh and not to come furth of their lodgings till they be releeved, for quhilk purpose the said Marion Geddes nominat the hous of Robert Young, stabler, to be her lodging houes, and the remanent persons nominat the hous of David Edgar, indweller in Edinburgh, to be their lodging hous. Lykeas the said Harbert Moreson actit himselfe to exhibite his said brother Robert before the saids Lords upon Tuisday nixt, under the pane of v° merkes. And in regarde the said Charles Maxwell has removed himselfe furth of this kingdome since the charge givin for his exhibition, the said Lords ordains the said William Maxwell, his father, to exhibite him before the saids Lords if ever he returne within this kingdome, and the saids Lords finds and declares that the said William has incurred the pane of three hundreth merkes conteanit in his band givin to the provest and bailis of Dumfreis for entrie of his said sone whenever he sould be lawfullie charged and suspends the execution of the said band againis him during his sonnes remaining furth of the countrie.”

Complaint by Griffon Wmkills of Barnam in Northumberland, as follows:—He narrates the proceedings already taken in his matter (see pp. 256, 257 ante) and the commissions granted for taking evidence, whereby the following witnesses and evidence were adduced:—Andrew Melvill in Sconie deponed that he had two black oxen in his possession, “both of the heict of twelff nieves or thairby,” which he bought from David Paterson in , of which one is marked on the outside of the nearest horn with the letters G and F graven with an iron, “having his farrest lugge first cutt over and then lotted doune a pice”; while the other ox had a mark with a burning iron like an O on the outside of the nearest horn, with both ears “cuttit right over and the narrow lug was lotted under the cutt.” James Lathreek in Balwinerie declared that the ox which he bought at Fakland and which was in his possession was
a black coloured ox, with the letters G and F on the outside of the nearest horn and “cutted right over the narrowst lugge.” James Sibbald in Bowsalie declared that he bought two oxen at Fakland, one of which was dead, and the living one was marked on the ears with a “skellope yron.” George and William Melvill in Donyface declared that the ox they are troubled for is dead, and they produced one of his horns having the letters G and F on the outside. And James Tenent declared that he bought two oxen from one John Tagarde, which he sold to Henry Grinlay in Hathornesyke, who still has them in his possession, and which being inspected by John Wmkills, son of the said Griffon, he affirmed that the black ox only belonged to him and his father, and that the other branded ox belonged not to them. As for the commission given by their Lordships to Sir John Fenwick and Sir John Dallaveill (ante p. 261), they accepted the same and reported what they found; and it has now been reported by those to whom their Lordships remitted the comparing of these probations that the two substantially agree, and therefore the persons who have his cattle ought to restore them to the complainant or pay their price, which they refuse to do unless compelled. Charge having been given to the said James Tenent, James Lathreish, James Sibbald, and George, William and Andrew Melvill, and they, with the exception of James Lathreish and Andrew Melvill, comparing along with the pursuer, the Lordes, after hearing parties, ordain Andrew Melvill, James Lathreish and James Sibbald to deliver to the pursuer his said oxen which are now alive and in their possession, or pay him £6 sterling for each of them. For obedience of which ordinance the said James Sibbald promised to bring his one ox, and the said George Melvill undertook for Andrew Melvill that he would bring his two oxen to Fakland on Tuesday next and have them in readiness at James Haltie's house there for delivery to the pursuer; and John, Earl of Annandaill, promised on behalf of James Lathreish that he would likewise deliver the ox he had. Their Lordships, however, assoilzie James Tenent, because before the raising of this action he had sold the goods to Henry Grinlay in Hathornesyke, against whom the pursuer has competent action for repetition.

Supplication by George Ker, tailor and burgess of Edinburgh, as Supplication by George Ker, tailor and burgess in Edinburgh, follows:—“In the late seditions, muttonie and tumult quhill fall out within the burgh be the procurment of some prentises and jorneymen, James Foorde, his apprentice, is given out as one of the chief, and it is lyke enough that he hes beene to bussie thairin,” for as soon as he heard that order was being taken therewith he fled. The provost and bailies have put it upon the supplicant, as his master, to exhibit the said James Foorde, but, being only a private man, he cannot do so without the concurrence of the magistrates of the place where he now resides. He therefore craves their Lordships' warrant. The Lords grant hereby warrant and commissioun to the sheriff of Hadintoun and his deputys, within whose bounds the said apprentice presently is, to search for and
apprehend him and hand him over to the magistrates of Edinburgh to be tried and censured for his crime by them.

Supplication by Fergus Graham of Blastwood, as follows:—For relief of his debts he is in treaty with the Earl of Annerdaill and Robert M‘Brair of Almigill, two of his principal creditors, and is in hopes thereby to secure the satisfaction of all of them, if their Lordships will secure him from the danger of the law for a certain space. The Lords grant him their protection until this day eight days at night.

Mr. William Wishart, parson of Restalrig, having procured from his Majesty when lately in this kingdom a gift of the preceptory of St. Anthons beside Leith, the Earl of Dumfermeline, the Kirk-session and poor of Leith, Sir James Foulls of Colintoun and Mr. John Hay of Easter Kennet, to whom the whole patrimony of the said benefice was lawfully disposed after it was suppressed by Act of Parliament, on getting notice that the said gift had passed the Privy Seal, summoned the said Mr. William before their Lordships to hear and see the said gift cancelled, as prejudicial to their rights. The King was thereupon informed of the matter and has been pleased by his letter to direct their Lordships to call the parties before them and, getting them to submit the business to their judgments, take such a fair course as that no harm shall ensue to parties interested through the said gift. Parties having been frequently heard, in the end, on 26th June last, the matter was called of new when there compared the said Mr. William Wishart and his procurator, Mr. James Baird, advocate; also Robert Hepburne, advocate, for the Earl of Dumfermeline; and Mr. Alexander Hay for the said Mr. John Hay, his father. The Laird of Colintoun, and Sir James Hamilton of Ridhall, compared personally. James Home, Mr. John Elphinstoun and Alexander Hay, indwellers in Leith, appeared for themselves and in behalf of the poor of Leith; and Margaret Dick, widow of Andrew Creich, and Katharine Creich, his daughter, appeared by Mr. John Cant, spouse of the said Katharine. The said Mr. William Wishart, to show that he did not purchase the said gift for his own private benefit but only for the use of the Kirk-session and poor of Leith, declared that he was content that the preceptory should be suppressed and his gift thereof cancelled so far as concerned the said Earl of Dumfermeline, the Laird of Colintoun and other parties foresaid, but that as to the Session of Leith, he would not agree to the suppression thereof unless it were found that they were fully secured; and therefore he consented that if it should be found that the Kirk-session and the poor of Leith were already secured in the possession of what they presently enjoy of the said benefice by the advice of Sir Thomas Hope of Craighall, his Majesty’s Advocate, Sir Luces Stewart, Mr. Thomas Nicolsone and Mr. Andrew Aytoun, advocates, he was content that his said gift should be totally cancelled. Their Lordships accordingly remitted the verification of this fact to these advocates, who had seen the evidents produced by the town of Leith, and
this day report was made thereof by the said Advocate. They had found
the said preceptory to be suppressed and extinguished by an infestment
granted by the late King James the Sixth proceeding upon the demission
and surrender of the deceased Alexander Hay, Clerk of Register, who
was lawfully provided thereto, and who had power to make such demis-
sion both of the lands and teinds, as they had been exempted from the
Act of Annexation made in 1587, with power to his Majesty to dispose of
them as he pleased, and that by the said infestment, which is dated
at Dalkeith, 28th March, 1591, and ratified in Parliament on 5th June,
1592, it is provided that no gift shall be granted of the said preceptory
to any person thereafter; and further that the Kirk-session and the poor
of Leith were sufficiently secured in their right to so much of the pre-
ceptory as was dedicated to their use, their rights flowing from the said
Mr. John Hay. The Lords accordingly find that the said preceptory has
been now for long and is for ever suppressed and extinct, and in accord-
ance with the foregoing agreement they declare the gift thereof granted
to the said Mr. William Wishart cancelled, and order it to be deleted
out of the register; and further that no gift of the said preceptory shall
hereafter be granted to any person until all parties are cited to object.
Moreover, William, Earl of Mortoun, Lord High Treasurer of this
kingdom; Thomas, Earl of Hadinton, Lord Privy Seal; Mr. Adam
Hepburne, keeper of the said seal, and Mr. Alexander Hay, writer to the
Privy Seal and keeper of the register thereof, compare before the
Lords, and Mr. Adam Hepburne having produced the principal signature
and warrant of the said gift, and Mr. Alexander Hay having produced
the Register of Benefices in which the said gift to Mr. William Wishart
and his act of cautionry thereunto are inserted, and the said gift from
the Privy Seal being produced by the said Mr. William Wishart, the
said signature and the gift following thereupon under the Privy Seal were
by command of the said Lords judicially and in their presence cancelled
and destroyed, and the said register scored and expunged in part that
thereof wherein the said gift and act of caution were inserted.

"The quhilk day the Lord Torphichen promise to deliever this night
his answers to the Clerk of Counsell to be givin up to his Majesteis
Advocat to be answered be him aganis the nixt Counsell day."

"The quhilk day Robert Alexander and
twa of the commissioners for the burrowes, produced one report anent
the danger ariseng by casting of ballast in the river of Forth. The Lords
ordains the commissioners present to advise with the remanent burrowes
anent the remeiding of the abuse fouseaid and to report their oppinioun
upon Tuesday nixt."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Edinburgh
Kingorne; Wigtoun; Roxburgh; Gallouay; Annderdaill; Launder-
daill; Southeek: Dumfries; Traquair; Bishop of Ros; Lord
"The Lords of Secret Counsell gives and grants full power and commission be thir presents to Patrik, Archbishop of Glasgow, to relieve the papists prisoners in the town and tolbuith of Edinburgh furth of their waerds and to suffer thame to goe home upon suche conditions as the said archbishop sall be pleased to prescryve."

"Forsamekle as there hes beene sindrie declinators propounded of late aganis some of the Lords of his Majesteis Secret Counsell in actions persewed before thame as being contingent in blood and within degrees defendant to the parteis, persewer or defendant, whiche exceptioun, however it be ordinarie and receaveable in inferiour judicatoreis, ytt aucht not to be suesteanned in the full extent thairof aganis the saide Lords, the Secret Counsell being a pryme and soverane judicatore, and the Lords thairof for their honnour and integritie being intrusted be his Majestie with the governement and managging of the weightiest and most important effaires of the state; for regulatung and bounding of whiche declinatour in tyme comming and to the effect it may be knowne how farre and aganis whome it aucht to be extended, the Lords of Secret Counsell finds and declares, statuts and ordains that in tyme coming a declinatour or exception sall be onelie competent and suesteanned against the saide Lords and everie ane of thame where they ar father son and brother in blood or be law to the partie, persewer or defender, in whiche caise they sall not sitt nor judge in that actioun whereupon the declinatour is propounded; and that no declinatour sall be receaved nor admitted aganis anie of the saiden Lords being outwith these degrees foresaid except for partial counsell allanerlie."

"Anent the terme assigned to Harbert Moresoun, indweller in Dumfreis, to have exhibite Robert Moresone before the Lords of Privie Counsell this present day to have underlyne thair will and pleasure anent his hearing of messe, compeired personallie the said Harbert and in obedience of the Counsellis ordaince exhibite the said Robert, his brother, before thame, whome the saide Lords ordains to be committed to waerd within the tolbuith of Edinburgh, therein to remaine till he be fred and releeved be the saide Lords."

[Sederunt as recorded above.]
cate, for the wounding of James Tenent, servitor to Sir James Nicolson, of Colbrandispeth, after he had been censured by the said Lord Constable; and ordaining the complainers to desist and cease from all censuring of any matters of slaughter, blood or riot, within four miles of his Majesty's person, Parliament or Council, where the said Earl is present by himself and his deputies; the other on 15th February last at the instance of the said Mr. John Keith, finding that the complainers had done wrong in apprehending and warding him, thus contravening the said first decreet. These decrees were pronounced for "null defence" and non-production of their writs, with this reservation in clear and express terms that their Lordships' satisfaction to produce their rights showing that from time immemorial they have been in possession of all the points in controversy between the Constable and them, with this protestation that their Lordships will then be pleased to remit the trial of the validity thereof to the Lords of Session as judges competent, and that their production shall infer no acknowledgment against them that they submit the decision of their rights to any other judge than the Lords of Session, but only produce their rights for the respect and reverence they owe to their Lordships. They crave, therefore, that these two decrees be suspended. Charge having been given to the Earl of Erroll, Lord Constable, Mr. Archibald Haldane, his depute, and the said Mr. John Keith; and Sir Alexander Clarke, provost, William Rid and Robert Fleeming, bailies, and Mr. Alexander Guthrie, town clerk of Edinburgh, comparing personally with Mr. Thomas Nicolson, elder, their procurator, and the Earl of Erroll and Mr. John Keith being also present with Mr. Robert Learmonth and Mr. Rodger Mowat, their procurators, the said Earl and Mr. John Keith produced the two decrees foresaid, and the town of Edinburgh for instructing their right "in judging and censuring of all matters of slaughter, blood or riot committed be anie person or persons within the liberties of their said burgh," produced a charter granted to them by King James the Third, ratified in Parliament in 1621, by which they are constituted heritable sheriffs within themselves, and another charter of the office of sheriffship within Leith with a gift of justiciary whereby they are made justices of peace within Edinburgh and Leith, both granted by his Majesty's late royal father. Thereupon Mr. Thomas Nicolson craved that seeing this question was one which depended upon the town's heritable rights and that it was the law and custom of this kingdom that all such matters should be decided by the Lords of Session, as also because his Majesty had by a letter to their Lordships (which was recorded in their books, and of which an extract was produced) indicated his royal will and pleasure that all actions which should be raised before their Lordships against the town of which the trial depended upon their infestments should be remitted to the decision of the Lords of Session,
their Lordships would now remit the matter to them. It was answered on behalf of the Constable that the matter now in question did not concern the heritable rights and infeftments of the town but only the extent and exercise of the privileges due to the office of Constabularie, which had been cleared by the reports made thereof to his Majesty by the commissioners appointed to that effect and of which the said Constable was in possession by virtue of the two decrees foresaid. Further, the said office is a prime office of the Crown, and so their Lordships are most proper judges as to the extent and privileges thereof. As for the said letter it cannot be respected, being a private letter purchased by the town against their vassals of Leith, and of which there is no mention made in their summonses. To this it was replied for the town that the report referred to as made to his Majesty concerning the privileges of the office of Constabularie cannot be respected and cannot militate against them as they were never called in the matter; and though the said office of Constable be a prime office of the Crown, yet this action being grounded upon heritable rights is merely civil and so proper only to the Lords of Session. The Lords, after advising, remit the whole matter as it now stands to the Lords of Council and Session as the competent judges therein, intreating them to grant speedy justice to the parties and to proceed therein according to the direction of his Majesty's letter written to the Council hereafore, of which the tenor follows:—"CHARLES R.—Right trustie and right weibeloved cousin and counsellor, right trustie and right weibeloved cousins and counsellers and trustie and weibeloved counsellors, wee greete yow weele. Having considered of your letter and of the differences betuix our right trustie and right weibeloved cousin and counsellor, the Erle of Erroll, our Heich Constable of that our kingdom, and the citie of Edinburgh, and of the suspension raised by thame of the two decreits obteaine by the said Erle before yow, and finding that the question now doeth aryse which sauld be the convenient judicatorie before whom the caus sauld be decydit, whither before yow or before our Session, in regard of the nature of their right they pretend to have, wee have thought fitt heirby to require yow that (if yow sall find your selfes competent judges in this difference according to the lawes and customes of our said auncient kingdome) yow proceede thairin. Bot if yow sall find that it properlie belongeth to our Session, remitte it unto thame; bot with all that no dilatories nor tedious fornes of lawes be used; and that before whiche of yow this sall happen to be heard, wee command that yow deferr sentence untill yow acquaunt us with the particulars of the proces. Wee bid yow faireweele. From our Manor at Greenwich, the fourteenth day of May, 1634."

Anent the term assigned to James Spence, merchant burgess of Edinburgh, to appear before their Lordships and nominate auditors of the accounting between him and William Thomson, merchant burgess there, as also to find caution for his indemnity, both of these persons
appeared this day, and with mutual consent nominated John Fleeming, John Binning and James Barnes, merchants burgesses of Edinburgh, or any two of them, as auditors foresaid; and the said James Spence declared that he could not find caution for the indemnity of the said William, but offered to enact himself to this effect. The Lords accepted thereof, and the said James became bound under a penalty of 1000 merks that he would not molest the said William Thoméseone, his wife, family, servants or goods, otherwise than by order of law.

Complaint by Griffon Wmkills of Barnam in the county of Northumber- land, as follows:—In his process before their Lordships for recovery of his stolen oxen out of his room of Harnam, James Tenent in Blackhall was given up as having three of them in his possession, and he on being examined thereupon by John, Lord Torphichen, declared that he bought two oxen from one John Tagart which he sold to Henry Grinlay in Hathornesyeke. These two oxen were inspected by John Wnkills, son of the said Griffon, who declared that one of them, a black ox, belonged to him and his father, but that the other, a brandit ox, did not.

After comparison with the probation taken in England, it has been found that this black ox is one of those stolen from the said Griffon, and should therefore be restored to him or its value of £6 sterling be paid. Charge having been given to the said Henry Grinlay, and the pursuer compearing by Mr. John Paip, advocate, his procurator, the said Henry compereared personally and promised to produce and make offer of the said ox to the pursuer or any one in his name at the West Port of Edinburgh on Thursday the 10th instant. And the Lords reserve to him his action of relief against the said James Tenent.

Sedentum—Chancellor; Privy Seal; Glasgow; Kingorne; Anner-Edinburgh, 9th July 1634.
dail; Bishop of Ros; Lord Naper; Advocate

This day John Tagart, nolt-driver, was exhibited before their Lordships by John, Earl of Annandaill, and, being examined as to his purchase of the goods sold by him at Fawkland fair about Allhallowmass last, declared "that ten dayes before the said feist of Alhalowmes, being in the dwelling hous of William Armestrang of Newlandhill and seeing eyght great oxin upon his ground he entered in bargane with the said William anent the pryce of the same, and they agreed upon the soume of fourtie shilling sterline for the pryce of ilke ox, upon condition alwayes that what more or lesse sould be gottin for the same, they sould be equallie sharers and entresed therein; and declares that Thomas Bell in Ker, within the debatable lands, had the charge and keeping of the said goods before the[y] came in the possession of the said William Arme- strang or that he sauld the same to the deponer."

This day John, Earl of Annandaill, acted himself in presence of their Lordships to exhibit the said John Tagart before them on July instant.
Charge against the said William Armstrong and Thomas Bell, as follows:—Eight oxen lately sold at the fair of Falkland having been claimed by Griffon Wmkills, Englishman, and the havers of these oxen having all declared that they bought the same from John Tagart, nolt-driver, who has this day declared (as above), for the further clearing thereof, the Lords ordain the said William Armstrong and Thomas Bell, now prisoner in the jail of Dumfries, to compear before them on July instant (the provost and bailies of Dumfreis to bring and exhibit the said Thomas) that they may be examined as to how and from whom they bought the said goods.

Edinburgh,
10th July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Roxburgh; Annerdaill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Binning; Lord Melvill; Master of Elphinston; Secretary; Advocate; Sir James Baillie.

Act ordaining that henceforth protection be granted only on special cases and on the condition that the annuallents of creditors be always paid.

"Forsamekle as diverse complaints having beene made to the Kings Majestie by sindrie of his subjectts, speciallie by the free royll burrowes, of the great prejudice they susteaneed by the frequent granting of protectionis, his Majestie wes graciously pleased by his letter writtin and directed to the Lords of his Privie Counsell to recommend to thame that no protections pass hearafter bot upon considerable causes and upon speciall provisioun that the annuallents be payed. In humble obedience of the quhilk letter the saids Lords according to his Majesties most gracious and comfortable direction ordains that no protections pass hearafter bot upon considerable causes and upon speciall provisioun that the annuallents be payed to the creditours; and ordains thir presents to be insert and registrat in the bookes of Privie Counsell and to have the streth of ane act of Counsell in tyme comming. Followes his Majesties missive for warrand of the act abonewrittin:—

CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellers, and right trustie and trusty and weilbelovit counsellers, we greit yow weell. Whereas diverse complaints have beene made unto us by sindrie of our subjectts, speciallie by our royll free burghes, of the great prejudice they susteane by the too frequent granting of protections, passing over the Acts of Parliament touching that purpose, we have thought fitt to recommend unto yow that nane pas hearafter bot upon verie just and considerable causes with speciall provisioun that the annuallents be payed to the creditours, and that yow caus the acts made tueicheing the same to be keepe, that no occasion of greevense be givin to our good subjectts by breache thairof. Whiche recommending to your speciall care, we bid yow farewell. Frome our mannour of Greenewiche, 14 May, 1634."

Commission to John, Lord Lindsay,
Andrewes, and reported to the says Lords that in obedience and conforme to ane commission direct to him be the says Lords for apprehending of Hercules Guthre in , and Guthre, his sone, and exhibiting thame before the says Lords to the effect they might be delyvered to his Majestis Justice to underly the law for the cruell murder of ane young infant procreat in fornication betuix Guthre, daughter to the said Hercules, and Kyme in , he made searche and inqyrie for the says Hercules Guthre and his said sone and had accordinglie tane and apprehendit the said Hercules, whome he hes committit to waerd within the tolbuith of St. Andrewes, where he presentlie remains, and that his said sonne was fled and removed furth of the countrie. Whiche report being heard and considerit be the says Lords, they allowed of the said Lord Lyndsey his diligence and carigie in the said bussines; and seing the said cruell and barbarous fact was committed be the says persons dwelling within the regalitie of St. Andrewes, whairof the said noble lord is heretable baillie, thairfor the says Lords hes recommendit to the said Lord Lyndsey to proceed be himselfe or his deputis in the tryell and sentencing of the said Hercules for the murther foresaid according to the lawes of the kingdome and merite of the fact, and to caus summond the said Guthre to compeir before him and his deputis to underly the law for the said cryme, and in caise of his compeirance to proceed accordinglie aganis him and if he be absent and compeir not, to declare him fugitive according to the custom and order of court observed in the like caises."

"The whilk day, in presence of the Lords of Secrete Counsell, compeirde personallie Doctour Alexander Ros, commissioner for the diocie of Aberdein, and made report to the says Lords of the insolenceis of the papists in the North. Quhill report being heard and considerit be thame, they ordaine letters of captioun to be direct aganis suche of the says papists as ar excommunicat rebellis, and ordains suche as actit themeselfis to remove furth of the countrie and hes not removed to be charged to compeir before the says Lords to heare and see thame decerned to have incurred the penaltis contenanit in the says acts. And, tuiching suche as by licence frome his Majestie hes returned within the kingdome, the says Lords gives power, warrand and commissioun to Patrik, Bishop of Aberdein, to call and coneveene the says persons before him and to caus thame exhibite their licences and to take tryell of their behaviour and cariage and of their contraveening the conditions of the says licences. And the says Lords ordains the said bishop and the magistrats of the burgh of Aberdein to take tryell and examinacion of the disrespective behaviour and rayling words uttered be Andersone, indweller in Aberdein, aganis the ministrie, and in caise of her refuisall to compeir before thame, or probation of the fault, with power to thame to committ her to waerd and to punishe her according to the merite of her offence."
Anent the erection of the Lordship of Torphichen. See ante, p. 287.

Edinburgh, 10th July 1634.

Complaint by Mr. David Falconer of Glenferquhar, advocate, as follows:—At his instance, on 23rd June last, Sir John Blacader of Tullialan was put to the horn for not paying to him £2205 of principal and £400 of expenses; but he takes no heed of the said horning, and goes about, enjoying his rents and living as if he were an obedient subject. The pursuer appearing by Sir Alexander Falconer, his brother, but the defender not comparing, the Lords ordain the latter to be charged for the rendering of his house and fortalice of Tullialan and to enter himself in ward within the Castle of Blackness, within six days after being charged thereto.

Supplication by Robert Keith in Garvell, as follows:—On the 4th instant, when he was peaceably walking upon the High Street of Edinburgh, some of the town officers, at the direction of the provost and bailies and upon the information of William Dick and William Gray, merchants burgesses of Edinburgh, apprehended him and have imprisoned him within their tolbooth, though he is his Majesty's free liege, and has committed no offence, nor have they any lawful warrant for their action. Charge having been given to the said William Dick and William Gray and to William Rid, one of the bailies of the said burgh, to exhibit the complainer; and he being presented by Andrew Quyte, keeper of the tolbooth, and the said William Dick comparing, but not William Gray, the Lords, after hearing parties, find that the pursuer was unlawfully apprehended and warded, and they ordain the provost and bailies of Edinburgh to liberate him, in so far as he is in ward for the above cause, since the pursuer has acted himself in 1000 merks that he will not molest the defenders nor any pertaining to them.

"A letter from his Majestie tcheing the presentinge of plaund to Sederunt, 1633-January 1635. Fol. 128, b."

"A missive anent the fishinge of pearle and discharching all former gifts thairof, quhereaneant ordains Robert Buchane to be warned."

"Anent the price to be tane betuix the boll of beir and the boll of malt, quhereaneant ordains the balleis of Mussilburgh and Dalkeith to heard."

Anent the peirand personallie before the Lords of Privie Counsell produced before the saids Lords his dupsy to the Lord Torphichin his reply anent his erection; quhereunto the Lords ordains the Lord Torphichin who was personallie present to answere this day aucht dayes."

[Sederunt as recorded above.]
"Anent the Correction houses ordains the justices of peace to House of cor-
landward and magistrates within burgh to convene and set down over-
tours thereanent and to report in November."

"Ane act and proclamation discharging all bleitching with lyme Bleaching with
under the pane of punishing the contraveeners thairof in their persons
and goods at the discretion of the Counsell."

Sederunt—Chancellor; Treasurer; Privy Seal; Marquis of Hamil-
ton; Winton; Roxburgh; Lauderdaill; Dumfreis; Southeak;
Tracquair; Clerk Register; Advocate.

The whilk day, in presence of the Lords of Secret Counsell, compeir
personallie Johne, Earl of Tracquair, deputie thessaurar, and produced
and exhibite before the saids Lords ane contract past betuix the King
his most sacred and excellent Majestie and the right noble lord James
Marques of Hamilton, by the whiche his Majestie with advice of the
Lords of his Privie Counsell and Exchequer for and in satisfactioun of the re-
causes therein conteamit he dispouned and assigned to the said Marques
of Hamilton the taxations of twa of ten ordinarie and extraordinarie and
concealments thairof grantit to his Majestie be his Estates in the Parlia-
ment haldin at Edinburgh in the moneth of Junij, 1633; whiche being
read in the presence and hearing of the saids Lords they allowed thairof,
and accordinglie past and subservyed the same, and therewithall ordain
the said contract to be insert and registra in the bookes of Privie Coun-
sell according to the directioun of the said contract. Of the whilk
contract the tennour followes:—CHARLES R.—At Wanstead, within the
kingdome of England, and at Edinburgh, within the kingdome of
Scotland, the threttie and twelffe dayes of Junij and July the yeere
of God j°vj° threttie foure yeers. It is appointed, agreed and finallie
contracted betuix the Kings most excellent Majestie, with advice and
consent of his Hienes right traist cousins and counsellers, William, Erle
of Morton, Lord Dalkeith and Aberdour, etc., High Thessaurar, comptroller,
collector generall and thessaurar of his Majestie new augmentations
within this his Hienes kingdome of Scotland, and Johne, Erle of
Tracquair, Lord Linton and Cabertoun, etc., depute be his Majestie
in the said office, and of the remanent lords of his Majestie Counsell and
Exchequer within the said kingdome of Scotland, on the ane part, and
his Majestie right traist cousine and counsellor, James, Marques of
Hamilton, Erle of Arran, and Cambridge, Lord Aven and Innerdaill, on
the other part, in maner, forme and effect as after followes, that is to say:—Forsamekle as his Majestie be his Hienes gifts, letters and patents
under his Hienes great seale, with consent of his Majestie sauds
thesaurers, comptroller, collector principall and depute, and with consent of the
Lords of his Majestie Exchecker foreshaid, gave and granted to the said
James, Marques of Hamilton, his airis and assigneyes, all and haill

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the customes and imposts of wynes for the space of saxeene yeeres after the first day of August, and the dait at Whitehall, the twentie fyft day of Februar, to threttie ane yeeres aforesaid, at mair lenth is contingit; as lykewyse his Majestie be another gift and letters patent under his Hienes great seal, with consent of the saied thesaurars, comptroller principall and depute, and Lords of Exchecker, ratified and approved the said former gift of the dait, tenor and contents foresaid, and als of new gave, grantit and dispounded to the said Marqueis and his foresaid all and hail the saids customes and imposts of wynes, als weill old as new, perteaning and dew to his Majestie at anie tym belowing the dait of the said gift, and als all and hails these new imposts of wynes ordained to be uplifted from the merchants of whatseover wynes imported within this kingdom or exported out of the same and dew to be payed be the booke of raits, and that for the space of saxeene yeeres next after his entrie thereto, quhilk is appointed to have beene and begun upon the first day of August, 1631 yeeres foresaid; and siclyke made and constitute the said Marqueis and his foresaius undoubted assigneyes in and to the contract and appointment made betuix his Majestieis right trast cousine and counsellor, Johne, Erle of Mar, Lord Arskine and Garioch, etc., his Majestieis thesaurar, comptroller and collector generall for the tym, with advice and consent of the Lords of his Majestieis Exchecker, on the ane part, and William Dick, merchant burges of Edinburgh, on the other part, whereby the saids imposts of wynes ar sett to the said William Dick for the space of fyve yeeres after his entrie, quhilk was upon the first day of November, 1629 yeeres, for the yeerelie payment of ane hundred and twelffe thousand merkes Scottich money, and that in so farre as the same might be extendit to the terme of Lambmes, 1631 yeeres, and of all yeeres and termes to runne of the said tace; lykeas his Majestie promise to ratifie the said gift in the next parliament and to dissolve the said imposts of wynes frome his Majestieis crowne for the said space of saxeene yeeres to the effect the said James, Marqueis of Hamiltoun, may bruke the samine during the said space, as in the said gift of the dait at Whitehall the 16 day of Marche, 1631 yeeres foresaid, lykewyse at mair lenth is contingit: Lykeas conforme thereto our said Soverane lord, with consent of the Estates of Parliament, be thair act of the dait at Edinburgh the 28 day of Junij, 1633 yeeres, did not onelie ratifie and approve the foresaid twa gifts, letters and patentis of the daitts, tenors and contents respective abonespeciefeit, but also be the foresaid act tryed and fand the reasons and causes of the granting of the saids gifts to the said James, Marqueis of Hamilton, to have beene and to be just, seene and reasonable causes tending to his Majestieis honnour and public good of the kingdom; and thairfoir his Majestie and Estates foresaid dissolved the saids imposts and customes of wynes, old and new, contingit in the saids twa gifts and either of thame fra his Majestieis crowne and frome all acts of annexation.
whereby the saids customes and impostes of wyne old and new and others conteanit in the saids gifts wer annexed to the crowne be his Majestie or anie of his Hienes predecessors, to the effect the said Marqueis and his foresaids may peaceable bruike and enjoy the same for the said space of sxtene yeeres conteanit in the saids twa gifts and according to the tennor thairof in all points, and als to the effect his Majestie might of new give and dispone to the said Marqueis of Hamiltoun and his foresaids the saids customs and impostes of wyne, old and new, and others mentioned in the saids gifts, liberties and priviledges for uplifting thairof for the said space of sxtene yeeres, quhilks wes and began at the said feast of Lambmes in anno 1631 yeeres, as in the said act of Parliament of the dait foresaid at mair lenth is conteanit. And lykewayes after the said act of dissolution, and conforme thereto, our said Soverane lord, with advice and consent of the saids thesaurars principall and depute, and of the remanent Lords commissioner of his Majesteis Exchecker foresaid, be his Hienes gift and letters patent under his Hienes great seal of new gawe, grantit and dispouned to the said Marqueis and his foresaids all and haill the saids impostes of wyne, old and new, dew to his Majestie in anie tymne bygane preceeding the dait of the said last gift and letters patent, quhilks ar of the dait the day of July last bypast, and als all and haill the saids new customes and impostes of wyne ordainit to be uplifted frome merchants of quhatsomever wyne imported within this kynsdome or exported furth of the same, according as the samyn impostes of wyne ar sett doun and appointed to be payed in the booke of raits, and that for the said haill space of sxtene yeeres after the said Marqueis his entrie thereto, quhilk wes and began at the said feast of Lambmes, 1631 yeeres, as in the said last gift and letters patent conteaining diverse and sインドie others clauses, conditionis, liberties and priviledges conceawed in favors of the said Marqueis and his foresaids lykewayes at mair lenth is conteanit. And foresamakle as his Majestie is resolved to freith the saids customes and impostes of wyne, old and new, quhilks wer his Majesteis annexed proprietie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favors of the said Marques and his foresaids lykewayes at mair lenth is conteanit. And foresamakle as his Majestie is resolved to freith the saids customes and impostes of wyne, old and new, quhilks wer his Majesteis annexed proprietie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favors of the said Marques and his foresaids lykewayes at mair lenth is conteanit. And foresamakle as his Majestie is resolved to freith the saids customes and impostes of wyne, old and new, quhilks wer his Majesteis annexed proprietie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favors of the said Marques and his foresaids lykewayes at mair lenth is conteanit. And foresamakle as his Majestie is resolved to freith the saids customes and impostes of wyne, old and new, quhilks wer his Majesteis annexed proprietie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favors of the said Marques and his foresaids lykewayes at mair lenth is conteanit.

Thairfor the said Marqueis hes renounced, quytclamed, surrendred, simpliciter discharged and overgivin, lykeas he be the tennor heirof renunces, quytclames, surrenders, simpliciter discharges and overgives frae hime, his airis and assignyees, the foresaids haill customes and
imposts of wynes, old and new, and the haill forenamed gifts and others rights abonementionned made to him that rof, with all benefite and commoditie competent or that may be competent to him thereby during the haill yeeres, tymes, termes and space therein mentionned as yitt to rin after the expyreing of the tacks after specesfit, with all right, title, interesse, clame of right, proprietie or possesionoun quhilk he or his foresaid had, hes or may pretend, clame or have thereto to and in favors of his Majestie and his Hienes successors in all tymne coming for ever, exceptand and reservand aways furth and fra this foresaid surrender and renunciatioun the haill bygane yeeres since the daith of the saids gifts conteanit in the foresaid tacks sett be the said Erle of Mar, etc., with consent foresaid to the said William Dick, in respect the said Marquesis hes made right and givin discharges that rof to the said William Dick; and als exceptand ane disposition made be the said Marquesis to and in favors of the said William Dick, his airis, executours and assigneys, of all and hail the saids customes and impostes of all and quhatesomever wynn that could be imported within this kingdome or transported furth that rof for all the space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the first day of November nixtocom in this instant yeere of God, 1634 yeeres, with the exceptions and reservations conteanit in the saids letters of disposition, togidder with the assignation therein conteanit made be the said Marquesis to the said William Dick and his foresaid in and to the foresaid letters of gift, ratification and novodamus grantit and givin be his Majestie to the said Marquesis of the saids customes and impostes, haill heids, conditiouns, articles and clauses conteanit in the said gift, strenth, force and effect of the samie during the said space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the said first day of November nixtocom in this instant yeere of God abonewrittin. Quhilk discharge, disposition and assignation foresaid, conteaming diverse and sindrie others heads and clauses conceaved in favors of the said William Dick and his foresaid subscryved be the said Marquesis and his cautioners therein nominat, is of the daith the 17, 19, 20, 24, 26 and 30 dayes of May, 7, 9, 10 and 16 dayes of Junij, 1631 yeeres foresaid. To the quhilk discharge, disposition and assignation foresaid nor no heid, terms nor conditioun therein conteanit, this present surrender and renunciatioun sall no wayes be extendid, bot it is declared that this present surrender is made with the burdein of the said disposition and tack sett be the said Marquesis to the said William Dick for the said space of three yeeres and ane halfe yeere after the said first day of November nixtocom, and with this expresse conditioun that the said Marquesis, his airis and successors sall be free and exonered of all performance and fulfilling that rof to the said William Dick, and that his Majestie and his Hienes successors for releef of the said Marquesis and his foresaid sall observe, keepe and fulfill the same to the
said William Dick and his foresaid. And siclyke foresamekle as the saida thesaurars principall and depute ar addebed and awand to the said William Dick in the principall soume of twa hundreth and fiftie thousand merkes money of this realme of Scotland, borrowed and receivd be thame at his Majesteis speciall command and directioun for defraying of his Hienes honorable affaires, with the annuellent and profite of the said soume fra the terme of Witsunday, 1633 yeeres, to the terme of Witsunday last bypast in this instant yeere of God aboneswrittin, extending the same yeere annuellent to the soume of twentie fyte thousand merkes money foresaid, conforme to ane band and obligatioun made and grantit be the saida thesaurars principall and depute as principalls, George, Erle of Kinnoull, Chancellor of this realme, the Erles of Murrey, Buchane, Kingorne, Southesk, Quenisberrie, Lord Lorne, Lord Dalkeith, Maister of Dupline, Sir George Fletcher and James Douglas, thair cautioners, to the said William Dick thereupon, of the daft the 8, 12 and 24 daies of Junij and July 1633 yeeres; and siclyke the saida thesaurars, principall and depute, ar addebed and awand to James Arnot, merchant, in the soume of fyftene thousand sax hundreth three score sevin merkes, Scottish money foresaid, lykewayes borrowed fra him be thame at command and directioun and to the effect abonespeacefeit, with the soume of ane thousand fyte hundreth threescoure sax merkes money foresaid as for the annuellent of the said last principall soume fra the said terme of Witsunday, 1633 yeeres, to the said terme of Witsunday last bypast, 1634 yeeres, conforme to another band made be the saida thesaurars to the said James Arnot thereupon of the daft the nynt day of September, 1633 yeeres foresaid; quhillks soumes of money aboneswrittin borrowed, as said is, principall and annuellent, with the interst of the said annuellent fra Martimes last bypast to the said terme of Witsunday also last bypast, extends in the hail to the soume of twa hundreth fourscore twelffe thousand aucht hundreth fiftie sax merkes Scottish money foresaid: And lykewayes foresamekle as the saida thesaurars principall and depute gave precept and warrand for ansuering and making payment to the said William Dick of the soume of sevin thousand ane hundreth fourtie twa merkes Scottish money foresaid, also borrowed by thame fra the said William Dick at his Majesteis command and directioun and to the effect foresaid, extending the foresaid soumes of money principall, annuellent and interesse with the other soume foresaid conteanit in the said precept, in the hail to the soume of three hundreth thousand merkes money foresaid, and that the said James, Marqueis of Hamilton, at his Majesteis speciall directioun hes reallie and with effect made payment to the said William Dick for himselfe and in name of the said James Arnot of the foresaid hail soume of three hundreth thousand merkes money foresaid awand to thame in forme and maner abonespeacefeit, and upon the payment thairof hes reported backe frome the said William Dick the twa
bands respective abonespecifite unregistrat and the precept foresaid with the said William Dick his discharge for himselfe and takand the burdein on him for the said James Arnot on the backes thairof of the haill soune of money abonespecifite extending as said is, for exoneratioun of his Hienes saids thesaururs principall and depute of the same soumes and obligation therein conteinat; lykaes also the said Marquise at his Majesteis speciall directioun hes takin upon him the payment to the said Erle of Mortoun of aye yeerelie pension of fiftie twa thoussand merkes Scottish money foresaid grantit to him be his Majestie yeerelie during all the dayes of his lyftyme, of the dait the threttene day of Januar, 1632 yeeres, and that during the space following, viz., the terme of Witsunday nixtocom in anno 1635 yeere, and yeerelie and termelie thereafter ay and whil the ische and expyring of aye tack and assedeatioun sett be his Majestie to the said William Dick during his lyftyme, and after his deceasse to Mr Johne Dick, his sone, his airis and assignyees, of the erledome of Orkney and lordship of Zetland and others therein specifite, for the space of auctb yeeres therein mentionned, for payment of the yeerelie deway therein conteinat, of the quhill tack deway during the hail space of the said tack there is assignatioun made be his Majestie to certaine persons conteinat in the said tack, quhill tack is of the date the thrid day of November, 1629 yeeres, during the quhilks yeeres of the said William and Mr Johne Dick thair tacces foresaids yitt to rin the said Erle of Mortoun is debarred be the samine tack of his reall securitie of the said erledome of Orkney and lordship of Zetland foresaid, assigned and dispouned unto him in payment and satisfaction of his said pension; lykaes also the said Marquise hes obleist himselfe and be thir presents obleisseis himselfe and his airis to make payment to the said Erle of Mortoun of the foresaid soume and pensioun of fiftie twa thoussand merkes Scottish money foresaid yeerelie at twa termes in the yeere, Witsunday and Martimes, be equall portiouns, beginnand the first terme payment thairof at the said feast and terme of Martimes nixt to come in the said yeere of God 1635 yeeres, and so furth yeerelie and termelie thereafter during the hail yeeres and termes to rin of the foresaid tack sett be his Majestie to the said William Dick and his said sone in maner foresaid, and that furth of the taxatiouns assigned be his Majestie to the said Marquise for his awne payment and for payment of the said pensioun to the said Erle of Morton during the space foresaid; and incaise the said Erle of Morton sall happen to acquiere and obteane possessioun of the rents of the said erledome of Orkney and lordship of Zetland for payment of the said pensioun or receave otherways satisfactioun from his Majestie thairfoir at anie tyyme before the ische and expyring of the said tack sett to the said William Dick and his said sone than and in ather of the saids caisses the said Marquies to be fred and exonered of the foresaid obligement made be him for payment of the said pensioun to the said Erle of Mortoun in all tyyme thereafter during the
yeeres and termes therein to rin of the said William and Mr. Joyn Dick their tacks foresaid, he alwayes making payment to the said Erle of suche byganes of the said pensioun as he sall happen than to be restand awand after the said terme of Witsunday nixtoome to the tyme of the acquyryng of the said Erle his possessiou of the saids rents of Orkney and Zetland for payment of his said pensioun or satisfactiou otherwayes therefore in forme and maner abonewrrittin; and siclyke the said Marqueis, be his Hienes said direction and warrand, hes takin the payment upon him to Sir James Galloway, Maister of the Scottish Requeiste, of the soume of fyve hundreth pundis sterline promitt to him be his Majestie: For the whilks causes his Majestie being graciously pleased that the said James, Marqueis of Hamiltoon, be dwelie satisfied and payed of the said soume of fourtie thousand pundis sterline money foresaid for his said surrender and renunciation of his saids gifts and rightes of the saids impots of wyne and als repayed of the said soume of three hundreth thousand merkes Scottish money foresaid payed be him to the said William Dick in maner and for the caus abonerehearsed and of the annuelrent and profite of the said soume of three hundreth thousand merkes Scottish money foresaid presentlie payed and advanced to the said William Dick in maner and for the caus foresaid, as said is, according to the acts of parliament, beginnand the first terme payment of the same annuelrent at the feast and terme of Martimes nixto come in this instant yeere of God 1634 yeeres, as for the annuelrent of the said soume of three hundreth thousand merkes fra the terme of Witsunday last bypast to the same terme of Martimes nixtoome, and sua furthur yeerelie and termelie thereafter ay and whill the said Marqueis be compleitlie payed and satisfied of the said soume of three hundreth thousand merkes Scottish money foresaid; and lykewayes that the said Marqueis be reallie payed and satisfied of the said soume of fiftie two thousand merkes Scottish money foresaid, qhilk he is oblieat to pay to the said Erle of Morton for his said pensioun during the space abone rehearsed, and of the said soume of fyve hundreth pundis sterline money foresaid qhilk the said Marqueis is oblieat to pay to the said Sir James Galloway in maner foresaid; and his Majestie not having money in coffer for payment and satisfactiou to the said Marqueis of the foresaid soumes, and considering that his Majestie by his commissiou under his Hienes great scale of the dait at Greenewich the last day of July, 1633 yeeres foresaid, hes made, constitute and ordained the said Marquees collector generall of the grant of twa of ten and taxatiouns ordinar and extraordinar granitit to his Majestie in the moneth of Junij, the said yeere of God 1633 yeeres, and of the haille concealements of the said grant of twa of ten and of the taxatiouns ordinar and extraordinar foresaid during the haille yeeres and termes of the said grant of the taxatiouns foresaid, as the said commissiou of the dait foresaid at mair lenth beiris, thairfoir his Majestie, with advice and consent foresaid, hes assigned and
dispounded and be the tenor heirof his Hienes assignes and dispons to and in favours of the said Marqueis, his aires, executours and assigneyes, all and haill the first and readiest of the soumes of money arising and belonging to his Majestie be the said grant of twa of ten and of the taxatiouns ordinar and extraordinar respective foresaidis, togidder with the haill monies dw to his Majestie be the said grant of twa of ten and of the saids taxatiouns ordinar and extraordinar grantit to his Majestie in the said moneth of Junij, 1633 yeeres, and all annuelrents conceale or to be conceale furth of the same taxatiouns and grant of twa of ten foresaid, and that als weill of all yeeres and termes bygane as yeerelie and termelie thereafter during the haill yeeres and termes of the said grant of twa of ten and of the taxatiouns respective foresaidis, ay and whill the said Marqueis be compleitlie payed and satisfied of the said soume of fourtie thosand pundis sterline money foresaid of the first and readiest of the said grant of twa of ten and of the taxatiouns respective foresaidis, and that in satisfactioun of his said surrender and renunciation foresaid of his said right of the saids [sic] impost of wyne, and als ay and whill the said Marqueis be payed and satisfied of the said soume of three hundreth thosand merkes Scotish money foresaid payed be him to the said Williame Dick in maner, forme and for the causes abonespecefeit, and of the annuelrent and profite of the samine soume of three hundreth thosand merkes money foresaid, fra the said terme of Witsunday last bypast to the said terme of Martimes nixtocum and yeerelie and termelie thereafter ay and quhilk the repayment to him and his foresaidis of the samine soumes, and lykewayes of the said soume of fiftie twa thosand merkes Scotish money foresaid obleist to be payed be him to the said Erle of Mortoun for his said pensioun yeerelie during the space abone rehearsed, and of the said soume of fyve hundreth pundis sterline for quhilk he is bound to the said Sir James Galloway in maner abonespecefeit. And it is expresselie declared that the annuelrent dew to the said Marqueis for the said soume of three hundreth thosand merkes money foresaid payed be him to the said Williame Dick in forme, maner and for the caus foresaid sall rin continuallie for the haill yeeres and termes after the dait heirof whill the said soume of fourtie thosand pundis sterline money foresaid be compleitlie payed, togidder with the said soume quhilk the said Marqueis hes undertakin to pay to the said Sir James Galloway, togidder with the said pensioun dew to the said Erle of Morton to be payed yeerelie and termelie respective; quhilkis being payed and the said soume of three hundreth thosand merkes Scotish money being also payed be the said grant of twa of ten and taxatiouns foresaidis, that than and no sooner the said annuelrent sall ceasse; with this provisoun always that as the said Marqueis sall happen to be payed of anie part of the said sowe of three hundreth thosand merkes Scotish money foresaid lesse or mair that the annuelrent of the same soume of three hundreth thosand merkes Scotish money foresaid sall decrese.
proportionallie; with power to the said Marquis to detene in his awne hands whatsoever soumes of money arising or that shall happen to arise to his Majestie of the said grant of two of ten and that as weill of all the yeeres thairof bygane as to come, togidder with the haill moneyes alredie receaved or to be receaved be the said Marquis and his factors be way of composition frome anie of the burrowes of this kingdome or members of the Collidge of Justice or anie others persons whatsoever; and as with power to the said Marquis and his foresaid to uplift, ingadder, reteane and apply to his owne use the haill soumes of money of the saide taxations ordinair and extraordinair with the haill beneift of the same and haill concealements thairof and of the said grant of two of ten foresaid. Provying alwayes, lykes as it is heireby expresselie provydet and declared, that the said Marquis after the expyring of the yeeres of the said taxation, or sooner as it shall please his Majestie to command, shall be obelists to make compt to suche commissioners as his Majestie shall be pleased to nominat and appoint for that effect of suche soumes of money of the said grant of two of ten and of the taxations foresaid and concealements thairof as shall be intrometted with be him to the effect it may be knowne if there be anie superplus restand in his hands mair nor payes and compleit hisselfe of the haill soumes of money and annuel rents thairof adebetted to him and undertakin be him in forme and maner abonerehearsed, to the effect he may make payment of the said superplus to his Majestie and others having power of his Hienes to receave the same. And incase it shall be found after just compt and reckoning that the said Marquis is not fullie satisfied and compleitlie payed be his intromission of the haill soumes of money principall and annuel rents respective abonerehearsed than and in that caise his Majestie with consent abonewritten to be bound and obelist, lykes as his Hienes be thir presents with consent foresaid oblesasis him and his successors foresaid to make payment of the samne to the said Marquis and his foresaid in forme and maner abonespecefeite so farre thairof as shall be found trewlie restand awand unto him after just compt and reckoning, as said is, togidder with the annuelrent thairof of the first terme of Witsunday or Martimes after the making and fittig of the saids compta, and yeerelie and termelie thereafter, ay and quhill he be compleitlie payed of the samne soumes so to be found restand to him, as said is. And forsamekle as the said Marquis hes employed his honorable and loving freinds after specefeite to be cautioners for him for uplifting of the saids soumes presentlie payed to the said William Dick, and for other great soumes borrowed be the said Marquis for advancing of his Majestis service, thairfor the said Marques, incase of his awne deceasse before the said two of ten and haill taxations foresaid ordinair and extraordinair and concealements thairof be uplifted and ingadderit, be thir presents makes and constitute the persons following, viz., David, Erle of Southeek, and John Hamilton of Orbeston his vere lawfull and undoubted cessioners and assigneys in and to his
lordships part of this present contract and in and to the saids twa of ten and haill taxations ordinar and extraordinar and concealements thairof so farre as sail rest unuplifted the tyme of his deceas to the effect they may uplift the samyne and imploy the haill moneys thairof for releefe of thameselfes and suche others freinds to the said Marqueis who stands bound for the said Marqueis to his creditours; lykewise his Majestie, incasse it sail happe the said Marques to deceas before the full uplifting of the saids twa of ten and taxatioun ordinar and extraordinar and concealements thairof foresaid, now as then and now makes and constitut the saids David, Erle of Southesak, and John Hamilton of Orbestoun collectors of the saids twa of ten and taxations ordinar and extraordinar and concealements thairof in als ample forme as is conteanit in the foresaid commision of collectorie granitit he his said Majestie to the said Marques, quhilks ar heere repeated to the effect they may ingadder and uplift the same to the use foresaid. And for the mair securitie his Majestie, with consent foresaid, and als the said Marqueis, parteis contracters abonenamit, ar content and consents thir presents be insert and registrat in the booke of Counsell and Session, Secret Counsell or Exchecker to have the strent of ather of their decreits within this kingdom of Scotland, with letters and executorialis of honring and others requisite in forme as affeiris to pas heurupon; and for that effect they make and constitute Sir Thomas Hope of Craighall, knight baronnet, his Majesties Advocat, and Sir Lewes Steward, advocat, thair procuratours conjunctlie and severallie, promitten. de rata. In witnes of the quhilk thing his Majestie hes superscryved thir presents, as lykewise the said Marques and remanent persons consenters foresaid in tokin of thair consent have subscriyyed with thair hands thir presents, writtin be Mr John Drummond, servitour to Johne Mudie, Writter to his Majesties Signet in Edinburgh, dayes, moneth, places and yeeres of God respective abonenwritten. Sic subscribitur, J. Hamilton; Geo. Cancell.; Morton, Thb. Hadinton; Winton; Roxburgh; Lauderdaill; Dumfreis; Tresquare; Jo. Rossen.; Arch. Acheson; J. Hay; S. Thomas Hop; S. A. Strachan. Followes the docket of the said con-
tract:—Please your sacred Majestie, This contract is drawin up by your Majestis speciall warrand betuix your Majestie with consent of your Majestis officers, Counsell and Exchecker, on the one part, and your Majestis cousigne, James, Marqueis of Hamilton, on the other part, whereby the said Marqueis renuncis his right to the impost of wynes for sxtene yeeres gifted to him of before with exceptioun to William Dick of the said impost for three yeeres and ane halfe after the first of November nixtocum, for the quhilk your Majestie is to pay to the Marqueis fourtie thousand pundes sterline; and siclyke the said Marqueis hes payed to William Dick at this terme of Witsunday last bypast the soume of three hundred thousand merkes for releefe of the like soume wherein your Majestis thesaurars principall and depute wer
obliged to the said William Dick for your Majestie's affaires; as also the said Marqueis hes takin on him to make payment to the Erle of Morton of his yeeralie pension of fiftie twa thousand merkes for so manie yeeres as he is or saill be debarred from the rents of Orkney and Zetland by the tack sett be your Majestie to Williame Dick and his sone; as als he hes undertake the payment of fyve hundredth pundis sterline promitted by your Majestie to Sir James Galloway: In satisfaction of the quhilkis hail soumes and of the annuelrent of the saids three hundredth thowsand merkes your Majestie disponis to the said Marqueis all and whatsoever soumes of money arising to your Majestie by the grant of twa of ten or be the taxatiouns ordinar and extraordinar grantit to your Majestie latelie with the hail concealements thereof, and that als weill of all termes bygane as to come, ay and quhilk the said Marqueis be compleitlie satisfied of the premisses. And the said Marqueis is oblieht to make compt to suche commissiouns as your Majestie shall appoint of his intromission, and if there be anie surplus to pay the samine; and if after compt it saill be found that the said Marqueis is not fullie payed, in that caise your Majestie is bound to make payment of the rest, if anie be, to the said Marqueis with the proffe thairof; and the said Marqueis, in caise of his deceasal before the uplifting of anie of the saids hail soumes assigned to him, as said is, hes named David, Erle of Southesk, and John Hamiltoun of Orbestoun his assignees, with power to thame to uplift the samine and to apply the samine to the payment of his just debts; lykeas your Majestie in caise of the said Marqueis his deceasal makes thame collectoris of the saids hail taxatiouns and concealements in ample forme as is contenanit in the commissioun grantit to the said Marqueis.  

Sic subscribitur, S. Thomas Hop. Followes the consent of registratioun: Apud Edinburgh, 12 July, 1634, I, Sir Thomas Hop, Advocat, to his sacred Majestie, as procurator for his Majestie and the Lords of Counsell and Exchequer within subscriving, consent to the registratioun of this withinwritten contract in the bookes of Secreit Counsell, Exchequer, and Sessioun. Sir Lewes Stewart, procurator for the Marques, consentis. And the saids Lords ordains the principal contract to be givin up to the Clerk of Register to be keepd be him and to the effect he might caus register the same in the bookes of Counsell and Exchequer, whilk wes accordinglie performed.

"The whilk day the contract betuix his sacred Majestie, with advice and consent of the Lords of Secreit Counsell and Exchequer, on the ane part, and ane noble marqueis, James, Marques of Hamilton, on the other part, anent the dispositioun made to the said Marques be his Majestie of the taxatioun of two of ten and of the ordinair and extraordinar taxation grantit to his Majestie be the Estats in the moneth of Junij, 1633, in satisfaction of the soumes of money mentiouned in the said contract, being exhibitbe be John, Erle of Traquaire, deputie thesauriour, to be past and subscrived be the Lords of his Majestie Counsell and Exchequer, of
the quhilk number Sir Thomas Hope of Craighall, his Majesteis Advocate, is one, the said Sir Thomas protested that his docketting of the said contract be command of his Majeste and the subserving thairof be him this day sould not be prejudicial to him, his airis and executors of his gift of twa thousand pundis sterline dispouned to him be his Majeste nor to the twa precepts direct be his Majestie to his Majesteis thersaurars for payment of the said soume and annaulrents thairof, quhilkis precepts ar accepted be the saids thersaurars, but the same to stand in thair owne force unprejudged after the forme and tennor thairof in all points. To the quhilk protestatioun the said noble Marquezis, being personallie present, consented."

Complaint by Patrick Edmestoun of Wolmet, as follows:—He has been charged at the instance of Mr. James Raith of Edmestoun "to make patent and passable the wayes and passages leading from the said M' James his hou to the kirk at Natoun as they have beene thir twa yeeres bygane" in terms of their Lordships' decree, and he intends to put him to the horn for disobedience, although he has really and truly fulfilled the same in all points; for the charge is only of malice to draw the complainer from attending his affairs at home, and under the horn. He has found caution in 500 merks for obeying the said decree in case it shall be found that he has not done so, and craves suspension of the horning. Pursuer and defender both comparing and having been heard, and Mr. James Raith still insisting that the decree had not been obeyed, the Lords ordain that the said ways and passages be viewed, enlarged and made patent by the appointment and at the sight of Robert Prestoun of Craigmiller, as a neutral person for both parties, and grant their warrant to him for the same. He is to report his procedure so that what he ordains may be fully authorised to stand under the penalties contained in the acts of lawburrows by the said parties.

Complaint by Isobel Sewart, spouse of William Douglas, fiar of Pomerston, and the said William, for his interest, as follows:—On 29th June last, William Dowgalus in Pomerston came by way of hamesucken to the complainer's dwelling house and at the instigation of Marion Bruce, his mother, entered the same about 10 o'clock at night when the complainer was alone, and, without any offence given by her, "shamefullie patt hands in her person, she being great with chyld, gave her manie bauche and blae straiks in the face with his falded neiffes, darg her to the ground, strake her with his feete on the bellis, rugged out the haire of her head, and thairafter drew his dager and sword and had not fallyied
to have slain her thair with if her husband had not happily come for her lyffe; and then the said William flew.” Charge having been given to the said William Dowglas and his mother, and the complainer comparing by her said spouse, but not the defenders, the Lords ordain them to be put to the horn and escheated.

This day there compared personally John Robertison of Bletton, John Robertson of Bletton and others, Hew Campbell of Seat and John Campbell, his son, and produced a copy of letters at the instance of Duncan Ferguson in Meling, Christian McDuff, tenant of the Earl of Errol and their servants, charging them to appear this day before their Lordships and answer to a complaint of having hurt and wounded the said Duncan Ferguson's servants, and protested that seeing their accusers had not compared to prosecute their complaint, nothing further should proceed in this case against them until they were warned of new and their expenses paid. The Lords admit the protestation.

Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, as follows:—The warrant granted to them by their Lordships for selling their lands and paying their creditors expired this day, and they have fully settled with all their creditors by selling their lands to John Grant, brother's son to the late Laird of Grant, who has taken over all their debts, and nothing further remains to be done but to receive the money, which will require some further time. This accordingly they crave, and the Lords extend their protection till Martinmas next, reserving power to themselves to recall the same on the complaint of parties, the supplicants being first warned thereto.

Complaint by Mr. Andrew Ramsay, one of the ordinary ministers of Edinburgh, as follows:—On 5th February last, Alexander, Earl of Lithgow, as principal, Alexander, Lord Elphinstoun, Alexander Levingstoun of Pantaskane and John Levingstoun of Hayning, were put to the horn at the complainer’s instance for not paying him 8000 merks of principal and the interest due thereupon; but they pay no regard to the said horning. The pursuer comparing by Harie Osbourne, his procurator, and the defendants by Alexander Linton, their procurator, who produced a protection granted by his Majesty in favour of the said Earl of Lithgow and his cautioners until December next, the Lords find that the protection foresaid will secure their persons from warding in the Castle of Blackness; and further for certain considerations they supersede the granting of the certification of the said letters against Lord Elphinstoun and the Laird of Pantaskane for the rendering of their houses until their Lordships be further advised, but they ordain letters to pass for charging John Levingstoun of Haynings and the havers of his house to render the same within six days upon pain of treason.

Supplication by John Tochoche, as follows:—He is kept in ward within the tolbooth of Edinburgh without any maintenance and during the past month has been defrauded of the allowance modified by their
Lordships to him to be paid by Mr. James Farquharson in name of the Marquis of Huntlie, who also intends not to pay the same in time coming, and he therefore craves that order be taken herein by their Lordships. Both the supplicant and Mr. James Farquharson being personally present, and having been heard, the Lords ordain Mr. James Farquharson to pay John Toshoche what is in arrear of his maintenance and also to continue his payment in time coming until he report to their Lordships the Marquis of Huntlie's consent to the release of the supplicant.

"The quhilk day ane signature past and exped under the hands of the Lords of his Majesties Exchequer anent the making of soape in favor of John Pilmor being exhibit at the Counsell be the Advocaet was cancelled and the Lords of Exchequer thair hands riven thairfra."

"The quhilk day the Erle of Hadinton, Southesk, and Thomas Crombie of Kemnay accepted upon thame the commission for surveying of the lawis."

"The Lords continowis the commissioners for surveying of the lawis and the course and order to be followed out for prosecuting of the service till the first Counsell day of November nixt quhairof the Counsellers present, togidder withe the President of the Session, Balcolmie, Foderance, Kemnay, Kelburne, and John McKiesone, who were personallie present, are warned apud acta."

"The Lords ordains suche barons of the north as are in the towne to be warnit to Thursday to give thair opinion anent a dewtie to be uplifted towards the repairing of the calseyis in Cowiemouth."

The erection of the Lordship of Torphichen. Torphichin his answers to his Majesties Advocats reasons givin in aganis his erectioun till this day aught dayes, quhuberupon his Majestie said Advocate declared that he would make no forder answers to the Lord Torphichin in that matter, but wes content that the Lords sould consider of what wes alreadie givin in and accordance make report to his Majestie."

"The Lords of Secret Counsell having read, heard and considerit his Majestie missive letter writtin and directed unto thame whereby his Majestie recommendit unto thame the taking of some speedie course and order that the plaiding whiche formerlie hes beene in use to be presented to mercats and to be said in hard rollis sall in all tyme heerafter be presented to mercats and sold in opin folds, exposing it to the full view of the buyer, the saids Lords in humble obedience of his Majestie royall
directiou being carefull that this abuse, if anie be, whereby the buyers under trust ar deceased, sal be examined and after tryell removed, the saids Lords for this effect callit before thame some of the barons in the north with some commisshioners for the burrowes and recommendit to thame the making choise of some of their nomber to reparaire to the mercats in the north and to take tryell of the abuse foresaid and of the wrong alledged in the mettage. Lykea the saids barons nominat Thomas Areskine of Balhaggartie and John Leslie, yonner of Pitcaple for Laurenfaire, Sir Alexander Hay of Delgatie and William Dalgorno of that Ilke for Lambmesse and Collanfaire, Alexander Strauchane of Glenkindie and Forbes of Cossinda for Bartholfaire and Michaelfaire in Bir; and the burrowes nominat Androw Meldrum, baillie of Aberdein, Patrik Leslie there, Johne Leslie, deane of gild there; Mr Mathow Lumsden, George Moresone and Robert Cruikshanke, burgesses of Aberdein; unto the quhilk persons so nominat, as said is, the saids Lords gives power and commission to reparaire to the faires foresaid and to take tryell of the abuse foresaid and prejudice, if anie be, in presenting of plaing in rollis to the mercats and of the wrong done in the mettage and to report to the saids Lords what they will finde therein, with their opinion for remeiding thairof upon the first Counsell day of November nixt. Followes his Majestis missive anent the act abone-writtin:—CHARLES R.—Right trustie and right weillbelovit cousine and counsellor, right trustie and right weillbelovit cousines and counsellers, and right trustie and trustie and weillbelovit counsellers, we greit yow well. Whereas there wer diverse particulars presented to us and our Estates1 at our late parliament there by our royall free burrowes requiring dew consideratioun speciallie tuiching the fraud used by sellers of plaing in presenting thairof to mercat in hard rollis whereby under trust they deceave the buyers; our pleasure is that you take these particulars into your serious consideratioun, speciallie that tuiching tho plaing, causing an order to be speedilie takin and punctuallie keept that the said commoditie be sold at all tyne heerafter in opin folds exposing it to the full view of the buyer. So expecting all possible expedition heerin for dispatche of these commissioners of our burrowes that sal attend the same, we bid yow farewell. Frome our mannour of Grenewicke, 14th May, 1634.”

"Forsamekle as the Lords of Secret Councell ar informed that there hes beene ane verie great abuse overseene in this kingdome thir diversyeeres bygane by bleitching of cloath with lyme, quhilk cloath so bleitched becomes in short time so unsufficient and is so brunt with the lyme that it hes no continuance bot is eaten up and spoyled afor it be halfe wore, to the great hurt of the commoun weale; for removing of quhilk abuse and preventing the forder growth thereof the Lords of

1 Acts of Parl. of Scot., v. 49.
Secret Counsell hee discharged and be the tenor heirof discharges all his Majesty's lieges and subjects that none of thame presoome nor take upon hand at anie tyme after the publicacion heirof to bleitech anie cloath with lyme upon whatsomever callour or pretext, under the pane of punishing of thame in their persons and goods at the sight and arbitrement of the shireffs and justices of peace to landwart and of the magistrates within burgh according to the place and residence of the persons offenders and contraveenners of this present act and ordinance; and ordains letters to be direct to make publicacion heirof be opin proclamatioun at all places neidfull quherethrow nane pretend ignorance of the same; and to command, charge and inhibite all his Majesty's lieges and subjects that none of thame presoome nor take upon hand at anie tyme after the publicacion heirof to bleitech anie cloath with lyme under the pane to be punished in their persons and goods in maner foresaid: Commanding heirby all shireffs and justices of peace to landwart and all provests and baillies within burgh to have a speciall care, everie one of thame within thair owne bounds, to see this act and ordinance preceislie kept and the offenders and contraveenners exemplarielie punished, as they will ansuer upon the dwtie of thair office and obedience.

"The Lords of Secret Counsell nominate and appoints and therewithall gives full power and commission to M't Mathow Wemis, minister at Halurudhous, to receave all the moneys collected and to be collected and contributed towards the releeffe of the necessituous people of Orkney throughout all the parts of this kingdom; and ordains and commands all suche persons who ar entrusted with the collection of anie part of that contribution to inbring and deliver the same to the said M't Mathow, and ordains the said M't Mathow to make payment and deliverance of suche of the saids soumes as he sall receave to the Bishop of Orkney to be disposed and employed be him towards the supplie and releefe of the saids necessituous people; quhereanent the extract of this act, with the said M't Mathow his acquaintance to the particular persons from whom he sall receave the moneys foresaid, tegidder with the said Bishop his acquittance upon the recep of the saide moneys frome the said M't Mathow, sall be to the said M't Mathow and others persons respective foresaid ane warrand."

[Sederunt as recorded above.]
twelve workmen commence building with these stones at such parts of
the haugh as required to be strengthened. When information of this
was carried to the burgh of Linlithgow, Andrew Bell, provost, Christall
Creichtoun, James Gibbesone and Alexander Parke, bailies, William
Hamiltoun, late bailie, Charles Crawfurde, dean of guild, James Craw-
furde, treasurer, Robert and Mr. Andrew Ker, clerks of Linlithgow,
James Glen, owner of the mill of Linlithgow, Henry Raith, smith, John
Robert, deacon of the weavers, John Lawrie, deacon of the smiths, John
Bell, deacon of the bakers, Patrick Gibbesone, deacon of the cordiniers,
William Smith, litster, George Gibbesone, deacon of the tailors, Andrew
Mylne, chirurgeon, William Bell, burgess of Linlithgow, Thomas Gibone,
litster, James Parke, maltman, John and Andrew Duncan, maltmen,
James Robeson, younger, baker, James and John Bishop, millers, Andrew
Borthick, miller, John Gib, miller, and Robert Moriesone, in violation of
the laws against convocation of the lieges in arms for violent and insolent
deeds, assembled together “in a tumultuous and unseemlie maner the
communitie of the said burgh, to the number of three hundredth men,
armed with swords and long weapons, and came in a furious maner to
the compleanners workmen, boasted thame with manie injurious and
minassing speeccheis, threatning thame with death if they wroght anie
furder at that worke, and the provost particularlie discharged the worke
men saying, if they wroght thair he sould burie thame under the
stones. Whereupon the poore men for feare of thair lyves left the
worke that day. Yitt, be the diligence of the worke men, the worke wes
happilie putt up and perfytted upon the first of July instant, whereof
new information being made to the commons and bodie of the toun
they all conveene in ane most furious maner with swords, lances, hal-
berts, picks and Jedwart stalves upon the elvevent of this instant, came
in a tumultuous maner to the said hauche, trade doun the compleanners
cornes, diminished the whole worke of his fortification, drew the whole
stones wherewith he had fortified it and layed the same upon the northe
syde of the Water of Even, with drawin swords and halberts persewed
James and John Kennowies, the compleanners sones, who went there to
make [sic] thair lawles proceedings and take witnesse thairupon, strake
at thame with swords, and he having a sword at his belt undrawen they
break the same behind him, raiwe his cloths, preist to have castin him
in the water, vented manie disgracefull speeccheis in contempt of the law,
saying they counted not for the penaltie of the lawborrowis, and that
they soull rather spend fyve yeeres rent of the common good before
they had not thair will of the compleanner.” Further, James Mairstell,
the said Mr. Peter's servant, “being weeing corne, they reft him of the
wedock and brake it on him, bruised and trod him under foote.”
Charge having been given to the persons complained upon, and the
pursuers compareing personally, likewise Andrew Bell, provost, Cristall
Crichtoun, Alexander Parke and James Gibbesone, bailies, William
Hamilton, late bailie, Charles Craufurde, dean of guild, James Craufurde, treeasser, Robert and Mr. Andrew Ker, town clerks, James Glen, owner of the town mills, Henry Raithe, smith, John Robert, deacon of the weavers, John Lawrie, deacon of the smiths, Patrick Gibbsone, deacon of the cordiners, and William Smith, litster, comparring for themselves and the other defenders, the Lords, after hearing parties, remit with their consent their differences and this complaint to James, Marquis of Hamilton, that he may try the same and take such order therewith as he shall find expedient; and both parties bind themselves to abide by his decision.

Supplication by Mr. Alexander Skene, as follows:—Out of his natural affection to Mr. John Skene, his son, and being anxious to reclaim him from his follies, in the "hope that tyme and experience would have brought him to some greater conformitie and that by his vertew and industrie he should have fred himselfe of his debt," the supplicant took upon him "the burden of some pittie debts wherein his sone had verie unworthilie ingaged himselfe." But his son has now left the country without acquainting his father or "taking good nigh at him," and has taken with him a number of discharges for sums of money which the supplicant has paid for him, and left the supplicant to account with his creditors. This he cannot get done "upon a suddaine," although he will be most carefull to do so within a short time, and for this purpose he craves their Lordships' protection. The Lords, for "good and considerable respecte known to thame," grant him this till Martinmas next.

Supplication by Fergus Gra[c]hame of Blaatwood, as follows:—By virtue of their Lordships' protection, which now expires, he has given his principal creditor, the Earl of Annerdaill, satisfaction, and if their Lordships would prolong the time he would do the same to his remaining creditors. The Lords grant an extension till Martinmas next, but reserve power to recall this on the complaint of any party injured thereby, the supplicant being always cited to hearing thereof.

Supplication by the provost, bailies and council of the burgh of Aber-. Fol. 123, b. dene, as follows:—The calseyng in Cowiemont is now so worn and decayed that there will be no possibility of a passage that way in this approaching winter. They have done all they can for mending and upholding thereof, but the work is so great, and the many other burdens lying upon the burgh press them so hardly that it is not in their power to accomplish it. Yet no work in the kingdom is more important and necessary and if it be not timeously attended to, there will be no passage that way hereafter. The only way the suppliants can see for building and maintaining these calseys is by the imposition of a toll on all traffic, and they accordingly crave that their Lordships would grant a commission to them for nineteen years to uplift the following tolls, viz., 2d. from every foot passenger, 8d. from every horseman, 8d. from every horse load of goods of all kinds, 8d. from every ten sheep, 4d. from every cow
or ox, and 2s. for every cart; and for collecting the same to authorise them to build a port at the most expedient part of the passage, and to close the same so that none shall have passage but such as pay the fore-said duty, with power to poind the goods of such as refuse to pay. The Lords, having personal knowledge of the urgency of the matter, and having also heard some of the barons and gentlemen of the north thereupon, and finding no other way of accomplishing the same, grant the commission as desired.

"The quhilk day the Advocat produced ane letter direct from his Majestie to him for drawing up ane commission in favors of Sir Alexander Gordoun of Cluny for putting the acts of parliament in execution, aganis slayers of deir, rae, wylde foule and vennisoun, for quhilk purpose roe, wild fowl, and venison.

"The house of correction.

The Lords ordains his Majestie's Advocat to consider the signature anent the correction houss and to rectifie and amend what he saill find wrong or defective therein."

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Glasgow; Edinburgh, 22nd July 1634.
Erroll; Wigtoun; Kingorne; Roxburgh; Annerdaill; Stirlin; 1638.
Southeak; Traquaire; Bishop of Ros; Bishop of Dunblane;
Binning; Naper; Master of Elphinstoun; Secretary; Advocate; Sir James Baillie.

Complaint by William Andersone in Garthavell, as follows:—On July last David Andersone of Byres came to the complainer as he was peaceably walking beside his own house in Garthavell and suddenly "dang him to the ground" with a great rung, giving him "manie bauche, blae and bloodie stroks thervieth" to the effusion of his blood, until he broke the rung upon him. Further, on October thereafter, the said David Andersone, Margaret Tassie, his mother, and Thomas Allane and Ninian Hamilton, her servitors, armed with "bandit staves, swords, whingers" and other weapons, came by way of hameuken to the complainer's house under cloud and silence of night, about 10 o'clock, when the whole family except himself were in bed, for the purpose of taking his life, for fear whereof the complainer was forced to go out quietly by a back door. Missing him, they "stogged the beds in the hous" and cut and spoiled a great part of his plombishing. The same night they convened thirty-two shearsers and brought them to the complainer's lands in the Ward of Garthavell, which he holds in tack and has laboured for several years past, and which he had well limed and
sown, where they cut the whole crop and carried it off, extending to thirty-four bolls of oats. Charge having been given to the said David Andersone of Byres, Margaret Tassie, Thomas Allane and Ninian Hamilton, and the pursuer compearing and also David Andersone, the Lords, after hearing parties, assize and the said David from the first two points of the complaint, because the probate being referred to his oath of verity he aswore that they were not true; and the Lords remit the other point thereof to the ordinary judge.

Supplication by Thomas Brown of Nethergait, as follows:—John Broun of Lochhill was due 300 merks by a bond to James Greirson in Dumfreis, and the bond being registered and caption raised thereon, the said John was apprehended and was about to be placed in prison when the supplicant, at the desire of the said John Brown, gave his bond that he should either pay the sum or enter him in ward within the tolbooth of Edinburgh, where the said Thomas might arrest him. The said John was afterwards cited before their Lordships for his religion and committed to ward, and thereupon, to relieve him of his said bond, the supplicant took instruments of the said John's being in the foresaid ward, and made intimation thereof. The supplicant raised a suspension also before the Lords of Session, who have recommended to the Lords of Privy Council to consider whether or not they will release the rebel that the charges for his debt may have execution against him. Seeing the supplicant was never debtor to James Greir but only gave his bond for his being presented in ward, and seeing that Greir has now paratam executionem for arresting of the rebel in ward, the supplicant craves that their Lordships would declare it lawful that the said John Broun be arrested in ward by the said James Greir, so that the supplicant may be freed by the Lords of Session. The Lords grant the prayer of the petition.

Complaint by John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Innerquharity.

Complaint by John, Earl of Wigtown, against Thomas Porteous of Glenkirk and others whom.
year on 5th July he sent his servants to teind these lands, when Thomas Porteous of Glenkirk and William Cossier in Chappellgill, armed with swords and lances and the prohibited pistolets, came to them after they had drawn the just teind of the lambs of the said land, and violently debarred them from taking away the same, which they had pointed and separated from the stock; and the said Thomas Porteous, being on horseback, having a pistol on one side and a sword on the other, maliciously struck William Paterson, one of the said Earl's servants, "maine tymes about the lugs and upon the head and face with a rode, boasting and threatening him" and the remainder of the Earl's servants of their lives "if they meddled with any teind there. Charge having been given to the said Thomas Porteous, and he and the said pursuers comparing this day, and they and their witnesses having been heard, the Lords find it proved that the said Thomas Porteous struck William Paterson with a rod, hindered the teinding of the lambs and hounded away the lambs teinded; and for this insolence, aggravated by being against a nobleman of good quality and one of his Majesty's councillors, they commit him to ward within the tolbooth of Edinburgh until they release him. But as touching the point of wearing firearms the Lords assoilzie him, as the witnesses failed to verify the same.

Supplication by Mr. James Farquharsone, Writer to the Signet, as follows:—Upon the complaint of John Toshaco (ante p. 317) their Lordships ordained him to continue the payment of the modification formerly made to him and also to write to the Marquis of Huntlie either to pay this or consent to John Toshaco's release. The supplicant has written to the Marquis, and he utterly discharges him from paying the said modification since the day of his arraignment, and as to his release, the Marquis remits that to their Lordships. The supplicant therefore craves that he may be exonerated of all further burden in this matter. The Lords agree that he be exonerated of all further payment since the removal of the "Ladie Marques" from this town, and ordain John Toshaco to be detained as his Majesty's prisoner until his Majesty's pleasure concerning him be known. And they ordain a letter to be written to his Majesty of the state of this business and Huntly's refusal to pay since Toshaco appeared before the Justice.

"The whilk day the Lordis, haveing hard the reporte maid be the Edinburgh, 29th July committee appoitit to consider of the pouer and extent of a commissione 1634. craved be Cluny Gordoun to be grantit to him againis the slayaris of deir, rae, vennisone, hairis, and wyld foull, the Lordis recommendis to the committee to tak the mater to ther secund consideratione and to sett down their opinion in articlia toucheing the pouer of the commissioun and with quhat exceptionis and restrictionis the same is fitting to be grantit."
Sederunt—Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Wintoun; Wigtoun; Roxburgh; Annderaill; Launderdaill; Stirlin; Southesk; Tracquair; Bishop of Dumblane; Lord Bining; Lord Naper; Clerk Register; Advocate; Sir Robert Gordoun; Sir James Baillie; Secretary.

The whilk day the Lords of Secreet Counsell, according to ane warrant and direction in writ signed be the Kings Majestie and this day presented unto thame, receaved and admitted Sir Robert Gordon, knight baronnet, vice-chamberlane of Scotland, to be one of the Privie Counsell of this kingdom, and to enjoy all dignitez, priviledges and prerogatives proper and dew to that place; lykeas the said Sir Robert, being personallie present and acknowledging with all devoutfull respect his Majestie royall bountie and favour shawin unto him in preferring and advancing of him to this place of honoure, and [sic] he with all humble reverence upon his knees made and gave the oath of alledgance and of a privie counseller. Followes his Majestie missive for warrant of the act abonewritten:— Fol. 14, a.

CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding the habilities and affection to our service of our servant, Sir Robert Gordon, vice-chamberlane of that our kingdom, we ar pleased in regard therof and for his better encouragement and enabling for our service to advance and promove him to be one of our Privie Counsell of that our kingdom. Thairfoir it is our pleasure that, having administered unto him the oath accustomed in the like caises, yow admitt him to be one of your number of our Privie Counsell there, for doing whairof these presents sall be sufficient warrant. We bid yow farewell. From our court at Wanstead, the 4 day of July, 1634."

The whilk day in presence of the Lords of Secreet Counsell compeired personallie Sir Johne Achinnmowtie of Gosfuird and presented and exhibited before the saids Lords ane commission under the great seal of this kingdom made and grantit be the Kings Majestie to the Lord High Chancellor of this kingdom, the Archbishop of St. Andrews, the Lords High Thesaurar and Privie Seale, the Marques of Hamilton, the Erles of Launderdaill, Southesk, and Tracquair, the Bishop of Ros, the Clerk of Register and his Majestie Advocat, or anie three of thame, for visiting his Majestie wardrob, of whom the saids Lords Thesaurar and Privie Seale, the Erles of Roxburgh, Launderdaill, Southesk and Tracquair, the Clerk Register and Advocat being present, accepted the commission upon thame. And the saids Lords gives power to his Majestie Thesaurar to call unto him anie twa of the commissioners and to appoint tymes for visiting of the wardrob, conforme to the tennor of the said commission."

The whilk day, in presence of the Lords of Secreet Counsell, compeired personallie John, Lord Torphichin, and produced his triply to his
Majestis Advocats duply anent his erectioun; quhereupon his Majestis said Advocat tooke instruments and declared that he would reason no farther anent this mater."

"The whilk day, in presence of the Lords of Secreit Counsell, compeirid personallie Johne, Lord Torpichin, and reproduceed before the saids Lords the twa presentations made to him and his predecessors of the lordship of St. Johne whiche wer delveryverd formlerie be him to his Majestis Advocat with seals of leade hanging thesreath upon strings, quhilks the saids Lords rememmbred to be trew and his Majestis said Advocat did acknowledge and quhilks presentations now want the saids seals, the same being lost by eating of beasts or otherways; in regarde whairof the saids Lords declares that the wanting of the saids seals sall be no derogation to the validitie of the saids presentations but that the same sall have als great force and effect as when they had the saids hanging thesreath the tymse of the first production." 

"The quhilk day Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie before the Lords of Privie Counsell, desired Johne, Lord Torpichin, who was personallie present to declare (and accordinglie to produce) if he had any others writs quhilks might conduce for cleering of his erectioun nor he had alreadie produced; quhilk desire being heard and considerit be the saids Lords and they being therewith and with the answere made thereto be the said Lord Torpichin, alluding that the said desire was satisfied in his reasons and defences alreadie givin in, weill advised, the Lords of Secreit Counsell continewes the advisery of their interloquutor anent the Advocats desire and Lord Torpichins anwer made thereto, togiddher with the advisery of the hall reasons proppound hinc inde be either partie, till the sevintene day of September nixt, of quhilk continuatioun both the saids parteis, being personallie present, are warned apud acta."

[Sederunt as recorded above.]
before the Commissary of Stirlin on 14th August next, and they order the said Commissary to open the kist in presence of both parties and deliver to either of them such writs, gear and furniture as they shall agree upon to belong to each other, the pursuer first finding caution to make whatever she shall receive forthcoming to parties interested for loosing of the arrestment made on the defender’s hands [sic]; and such goods as both lay claim to shall be kept by the said Commissary, and he shall make an inventory thereof and report the same to the Council.

Complaint by Robert Dumar of Burgie, as follows:—On 20th and 21st July, 1631, James Gordon of Knockaspeck and William Gordon of Arradoull were put to the horn at his instance for not paying 6000 merks and expenses due by them, and they lie thereat unconcernedly. Charge having been given to the said William Gordon, and the pursuer comparing but not the defender, the Lords ordain that he and the keepers of his house of Arradoull be charged to deliver the same, and he himself to enter in ward within the Castle of Blacknies on six days’ warning under the pain of treason.

Complaint by John Henrie, sometime in Blacktoun and now in Brydhauche, as follows:—On 3rd April, 1633, Thomas Smyth at the Mill of Ryland, James Alexander in Murehill, and Henry Mers there, came by way of hamesucken to his dwelling house in Blacktoun, and entering therein put violent hands on the complainer and carried him captive with them for half a mile to the burn of Brydehauche, where “with swords and staves they gave him manie bauch, ble and bloodie strokis upon the face and others parts of his bodie, to the effusion of his blood, and had not failed to have slaine him were not he wee happielie releived be some neighbours.” Charge having been given to these persons named, as parties, and also to Mr. Thomas Mortimer in Brydhauche, John Din in Methel, Walter Walker in Ryland, Andrew Baxter, William Myll, James Merse, John Allan in Barrellmand, Andrew Eleis and Andrew Paterose as witnesses, and the pursuer comparing personally, but none of the defenders and witnesses, the Lords ordain the said defenders and witnesses to be put to the horn for their contempt.

Supplication by James Spence, merchant burgess of Edinburgh, as follows:—There being some important accountings between him and William Thomeson, merchant, their Lordships granted their protection to him on 19th June last upon the condition that he should appear before them on the following Council day and nominate auditors. He accordingly attended at the Council house door each meeting day between then and 8th July, but their Lordships’ other weighty affairs prevented his being heard. He then petitioned for an extension of his protection, but the said William, to frustrate this and also the accounting, has raised criminal letters against him, charging him to appear before the Justice to answer for “some forgit crymes.” This compelled the supplicant to use an advo- cation to attend some hearings, which has diverted him from that diligence.
which he would have bestowed on his accounts. Further, the said William detains from him an account book and some bonds, which he unwarrantably took out of a "dresser amrie" when the lands and houses called the Dameheid were entrusted to him. This account book is written by the said William Thomesone's own hand and was delivered by him to the supplicant, and there was a band whereby he obliged himself to answer for whatever should be found to be out of the said book. Without these the supplicant cannot get his accounts cleared, and he has therefore raised a summons at his own instance and that of his creditors against the said William before the Lords of Session. This being accessory to their Lordships' two protections, the Lords of Session have privileged him to come in upon six days' warning without "dyet, table or continuowation." There are many particulars that occurred in their accounts in which the auditors will find great difficulty as to whether they should be allowed or not; some will require the evidence of witnesses from the country, and in particular this one "that in Februar bygane a yeere, the said William ressavde a ship of fourescore tune loadned with butter and tallan at the herborie of Rowan to have been sauld be him as factor to the supplicant, the said William in his compt booke hes given up everie hundreth weight of the said butter and tallane to have beene sauld at twentie twa franks and ten souse, albeit the supplicant is able sufficientlie to prove, both by the merchants buyers of the goods at Ruan and by the depositions of diverse famous persons, that everie hundreth weight of the saids commodities were sauld at twentie twa franks." This must be proven in France by commission from the Lords of Session, and will take time, and he therefore craves the prorogation of his protection. Charge having been given to the said William Thomesone, and parties compearing on the 22nd of July, the Lords then granted protection to the supplicant till the 29th instant, provided that he appeared and brought with him the auditors of his accounts that their Lordships might know in whose default the delay had occurred. The said parties compearing again this day, together with John Fleeming and John Binning, two of the auditors nominated by their Lordships for hearing their accounts, and the Lords "understanding by report of the saids arbitrators that their hearing and proceeding in clearing of the saids comptes was interrupted by the saids parties thair passionat, unrewlie, and disreative behaviour aither to others in presence of the saids arbitrators," for avoiding the like and encouraging parties to proceed, ordain the auditors to go on with the hearing, clearing and fitting of the said accounts; and they also ordain William Thomesone to deliver to the supplicant a just copy of the foresaid book. They prorogate the supplicant's protection until 1st September next, with power to any of the Council who shall then be present to extend it for such a further period as they shall judge expedient upon the declaration of the arbitrators that he is not wilfully delaying their proceedings. And further, they declare
that if either of the parties misbehave to the other in presence of the
auditors, on the latter's complaint to any of the Council, or in their
absence to the magistrates of Edinburgh, the offending party shall be
committed to ward in the tolbooth of Edinburgh, and there remain until
further order be taken for his punishment.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate,
and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr.
William Falconer of , now her spouse, for his interest, as
follows:—In violation of the law prohibiting the wearing of hagbuts
and pistols, Alexander Gordon, now of Dunkintie, son of "the said
Margaret, after the decease of her husband," resolved to wreck his
mother in her liferent lands, came on May last, accompanied by
William Narne, his servant, James Gordoun of Letterfoure, Lachlan
McQueine, his servant, Robert Gordon of Mayne, his brother, Adam
Gordon in Ardquish, James Ros in Gilmoreyde, John Hepburne, son
of Alexander Hepburne, portioner of Innerlochtie, Finlay McInnariche
and others of the lieges, to the number of , armed with swords,
bows, darlochs, hagbuts, pistolets and other weapons, to the complainer's
liferent lands of Kirkton, and, entering within the house, locked the
same, took the keys with them, and would not permit her to enter nor
meddle with her beir and other provision which she had therein for
maintaining of herself and her children, "and they goe ravaging up
and doun the said lands threatening to make bullet bagges of the com-
pleasers skinnes and her tenants if they prest to labour the same." Further,
the 13th of the said month, when the complainant sent
William Leslie, her bailie, and Lawrence Troup, her clerk, to hold a
court upon her said lands, the persons foresaid, armed as stated above,
threatened the tenants with death if they acknowledged the said court;
and they sought for the said bailie and clerk, vowing to take their lives
if they held any courts there in the complainant's name. Again, on the
23rd of the same month, the said Alexander Gordon, Adam Gordon,
James Ros, Lachlan McQuein, William Narne and Finlay McNaroch, armed
as above, came to the complainant's liferent lands of Kirkhill and
razed to the ground the houses built thereupon. "And that same day
the said Alexander brake ane rung upon Annas Gordon his sisters head
and shot a pistole at her and violentlie shot her and her sex brethren
and sisters to the doore." Still further, on the 31st of the said month,
the said Alexander and his foresaid accomplices, all armed as above, came
to the complainant's liferent lands of Kirkton and razed to the ground
the whole houses, chambers, stables and all other buildings thereupon.
And on 1st June instant these persons, armed with guns, pistoles and
other weapons, came to the complainant's lands of Caldoicts and violently
took away the oxen of Robert Bairner, her tenant, when he was yoking
them in the plough. They daily wear hagbuts and ride armed therewith
in all parts of the country, threatening her tenants therewith so that her
lands are cast waste. Charge having been given to the said Adam Gordon in Ardewish and Lachlan McQuein, servitor to James Gordon of Letterfourie, and his Majesty's Advocate and Mr. William Falconer comparing, the latter also representing his wife, but the defenders not appearing, the Lords, after hearing the pursuers and their witnesses, find the complaint proven so far as regards the wearing of firearms, razing of the houses and taking away of the goods libelled against Lachlan McQuein, and the same, with the exception of the razing of the houses, against Adam Gordon, whom therefore they ordain to be charged to enter into ward within the tolbooth of Edinburgh within fifteen days, when, if they disobey, they are to be put to the horn. And the Lords ordain £10 to be paid by Mr. William Falconer to each of the witnesses for their expenses.

Supplication by James Robertoun of Ernock and James Robertoun, Supplication by James Robertoun of Ernock and James Robertoun, fiar thereof, as follows:—"He hes ane earnest purpose to give all his but dare not appear in public for proceeding therewith without their creditors satisfaction be selling and disponing upon certane of his land," Lordships' protection, which accordingly he craves. The Lords grant this "to the said supplicant" until 8th January next.

"The lyke protectione grantit to James Matheson for not payment to him of his fees untill the eight of Januar nixtocome."

Supplication by Alexander Hamilton, son of Sir Alexander Hamilton, Supplication by Alexander Hamilton, son of Sir Alexander Hamilton of Lawfell, as follows:—"He is resolved to take order with some cautioneries qubikls he underlyis for his father and also with his awne debts," if he could have time and opportunity to consult his lawyers. Moreover, he has some valuations to attend before the Commissioners for Surrenders and Teinds, and for these he craves a protection. The Lords grant him until 1st November next.

"Ane missive from his Majestie in favors of the Lord Gray and Edinburgh, 24th July 1634. Panmure anent the making of soape, ordaining their signature to be exped with diligence, and reserving to M'r Nathaniel Udward the yeeres of his lease of making of soape if it be found that he hes not forefeyte his patent, otherways the same to be furthwith discharge'd; quhereupon, M'r Nathaniel Udward being callit and heard anent this mater, the Lords assignes unto him Tuesday nixt for giving in his reasons anent the expeding of the said patent."

"A missive from his Majestie with some greevances inclosed therein anent the reformation of some abuses both in the Churche and Government within the Yles of Zetland, quhereanent ordains the Bishop of Orkney and William Dick, as schirreff of Orkney, to be warned on Tuesday nixt."

"The Lords appoints the first Counsell day in the vacance to be upon Next meeting of Counsell the xvj day of September nixt."
Edinburgh, 28th July 1634.

Sederunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Marquis of Hamilton; Bishop of Glasgow; Wintoun; Wigtoun; Kingorne; Roxburgh; Annerdaill; Lauderdale; Dumfris; Southesk; Stirline; Traquair; Binning; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Secretary; Clerk Register; Advocate; Sir Robert Gordoun.

Banishment of William Crawford for being art and part in stealing eight sheep.

"The whilk day Mr James Robertone, Justice Deput, compeirand personallie before the Lords of Privie Counsell, reported to the saide Lords that one William Crawford, being conveennd before his Majesteis Justice anent some points of thift, he was onelic convict of art and part of stealing of aucth sheepe; quhereupon the said Justice depute having consulted the saide Lords what doome he sould pronounce aganis the said William, and the saide Lords being weill and throughlie adviced with the Justice depute his desire foresaid, they have ordained and ordains him to pronounce doome of banishment aganis the said William, and to take him actit never to returme agane within his Majesteis dominions under the pane of death."

[Edinburgh, 29th July 1634.

Supplication by John Dormont and Robert Smith in Privick, tenants to James Chalmers of Gatgirth, and the said James Chalmers, their master, for his interest, as follows:—On May last certain persons within the bailiary of Kyle Stewart, unknown to the complainers, came to one of the said tenant's houses in Privick where he had sixty sheep, "and barbarouslie and crewelie sticked, gored and slew the said hault three score sheepe and left thame all deid. Qubilk being ane wicked and malicious barbariteit, whereof the lyke hes not bene hard," they crave their Lordships to grant a commission to John, Lord Lowdoun, and the bailie of Kyle Stewart for the discovery of the perpetrators by convening such persons before them as are suspected and given up in roll to them by the suppliants, and examining them thereupon. This the Lords grant, directing the said commissioners to take the depositions of such persons in writing and report these to their Lordships, and also to imprison any whom they may find guilty until the Council determine their punishment.

Supplication by Mr. Adam Bothwell of Quhelpesye, as follows:—His father has "now at the pleasure of God departed this lyffe," and, his estate having come to the supplicant as his heir, he is able to satisfy all his creditors, "and live honestlie upon his awne" if he had liberty to move about for settling his affairs. He therefore craves a protection. The Lords grant him this until the last day of November.

"The lyke protection granted [to] Alexander Bothwell of Newholme, his brother, for the lyke causes, dureing the space forsaids."
"The whilk day the Lords of Secret Counsell, according to ane warrant and direction in writt signed be the Kings Majestie and this day presented unto thame, receaved and admitted David, Bishop of Edinburgh, to be one of the Privie Counsell of this kingdom, and to bruike and enjoy all the honours, dignities, libertys and priviledges proper and due to that place; lykeas the said Bishop of Edinburgh, being personallie present and acknowledging with all dwetifull respect his Majesties royall bountye and favour showin unto him in preferring and advancing him to this place of honoure and dignitie, he with all dw reverence on his knees, his hands lying upon the halie evangel, made and gave the oath of alledgeance and of a privye counsellor. Followes his Majesties missive for warrant of the act abonewrritten:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellors, we greet yow well. Understanding perftly the sufficiencie and abitie of the reverend father in God, the Bishop of Edinburgh, and his affection to our service, we ar heiby pleased for his further encouragement and enabling thereto to promove him to be one of our Privie Counsell of that kingdom. Therfoir it is our pleasure and we doe heiby will and require yow to receave him as one of your number upon our said Counsell, and that yow take his oath as is accustomed in the like caises, for whiche these presents sall be your warrant. We bid yow farewell. Frome our marron of Greenewiche, 13 May, 1634."

"The whilk day, in presence of the Lords of Secret Counsell, compeir personallie Colonell Robert Monro and produced and exhibited before the saids Lords the missive letter underwrittin, signed be the Kings Majestie and direct to the saids Lords, togidder with some articles enclosed therein anent the erecting of an hospital for entertaining aged and lame souldiers in maner specefeit and conteanit in the saids letter and articles; of the whiche the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellors, we greet yow weill. Whereas Colonell Robert Monro hes caused represent unto us that diverse of our poore subjects, who have done good service in the warres abroad, doe ordinarlie ather become old or lame, whereby they ar unprofitable for further service and consequentlie burdensome to strangers and no credite

1 David Lindsay, second bishop of Edinburgh. It was in his presence that the famous riot took place in the Church of St. Giles on the first reading of Laud’s Liturgy, July 28, 1637.
to our other subjects there, for remedie and helpe of whiche persons he hath proposed that diverse of these whome it hee pleased God to blesse with preferment and meanes in those warres ar willing to give a voluntary contribution for erecting of ane hospitall within that our kingdome for their use and dedicating some yeerelie allowance thereunto besides what will accresse unto thame by the bountie of the prince in whois service they wer employed or by their paction with him otherwayes, according as may more fullie appeare by the inclosed information. To whiche purpose the said Colonell, being willing to undergoe great panes for settling that bussines upon conditions expressed in the information (whiche seeme to be faire and reasonable), hath beene a sueter unto us for his more warrantable proceeding therein to be authorized by our letters patents under our great seale; wherein his intention being verie commendable and the purpose worthie of dew respect and consideration, we have heirby thought fitt to recommend to yow seriouslie to consider of the information and of the most convenient way for authorizing him by letters patent or by what commissioun and warrand yow thinke fitt and necessarie and as may best agree with his demands in the information, and to that effect that yow give order to our Advocat for drawing up thairof, which we require may be furthwith expended under our cassets and great seale there, that the gentleman (of whois good cariage and service abroad we have beene pleased to take particular notice) be not put to further trouble or charge tuicheing the passing thairof; for whiche these presents sall be unto yow and our officers whome it doeth particularlie concerne sufficient warrand. So we bid yow farewell. From our mannour at Greenewiche, the 4th day of May, 1634. Followes the information:—

Colonell Robert Monro his Informatione to his Majestie honorable Privie Counsell of Scotland for giving instruction to thame of his Majesties letter grantit in his favors to the Counsell for the weale of his Majesties subjects abroad become old and lame in the warres to be amplifit and putt in forme as Mr James Philpe thinks most expedient.

First, thair honorable wisdomes hes to consider that in respect there ar manie worthie cavaliers of our nation serving the crowne of Sweden as colonellis, lieutenants colonells, majors, captans, and sindrie other inferiour officers, who be thair good cariage hes atteanned unto great credite and reasonable meanes, and certane others ar become old and unable to serve in the warres, in consideration whairof for the weale of suche persons unable and for the credite of our nation the said Colonell Robert Monro, according to his Majestie direction, desyres the Lords of the Counsell to give thair applause to his Majestie warrand in granting commissioun and letters patent under the greate seale to the said Colonell.
Robert Monro for gathering ane voluntarie contribution abrod frome the saide officers of our natioun whom God hes in a measure blessed for erecting ane hospitall within the kingdome of Scotland for mainteining of suche officers and soldiours, lame and decayed in the warres, for the credite of our natioun, and the said contributioun as could be had to be keeped be the English companie at Hamburgh till twa yeeres wer past that it wer fullie collected, upon the said Colonells fidelitie to his Majesties Privie Counsell and the cavalleirs that contributs and thereafter to be imploied be advice of the Counsell and suche others colonellis of the nation as the Counsell thinkeis fitting to make choice of to that effect to bring the worke to pas.

Secundo, the said Colonell being muche affected for the weale of his countriemen, lame and become old in the warres abrod, does signifie unto his Majestis most honorablie Counsell that it is particularlie at all tymes capitulat betuix the crowne of Sweden and all colonellis and officers of our natioun that incaise ather officer or soldiour become lame in that service that than and in that caise the crowne of Sweden is oblige that the said lame person, officer or soldiour, sall have ane honorablie pension during his lyfetyme in Sweden or in their options being desirous to retire to their countreis sall be honorablie rewarded and sent home; as alsa that suche colonellis or officers as dees in their service having wife and childrein sould be honorablie rewarded after their husbands decease; whiche both is altogether neglected for fault of solliciting the Director of the Warres. Thairfoir the said colonell for the weale of suche persons desires most humblie the Lords of his Majestis Privie Counsell to grant unto him their warrant for solliciting of suche bussines, as also the Counsellis favorable letter to His Excellence the Director of the Warres for fordering the same in most ample and convenient maner as they thinke most fitting, for the weale of the distressed subjects groning abrode for want that ar burdensome to strangers and small credite to their awne natioun.

Thridlie, the said Colonell desires of his Majestis Privie Counsell to consider what great leveyes hes gone out of Scotland thir ten yeares bygane and what great moneys hes beene givin for arming the soldiours, as also what skarsetie of armes is within our countrie incaise of forrane invasioin; quhilks moneys givin for armes could have beene weill bestowed within the kingdome; thairfoir the said Colonell in recompence of his good affectioun and intentiouns for the weale of his countrie and gaine to the subjects that strangers does gett, desires aine lease of three yeeres to him, his airis and assignyees, for making of picks, corsettes and muskettes within the kingdome to be sold be him or his foresaidis chaper as they can be brought frome anie other parts to the effect that suche armes as beis made and cannot be sold may be keept as the countreis magezene within the said hospitall to be erected, God willing.
Last of all the said Colonell desires of his Majestie Privie Counsell that the governement of the said hospital and rents thairof sall appertane to the said Colonell during his lyfetyme and thereafter to anie qualified officer that hes served sevin yeeres abroad that his Majestie honorable Counsell thinkes most fitting to undergoe the charge.

Qwhilk misse the informations foresaid being read, heard and considderit be the saids Lords and they advised therewith, the saids Lords nominats and apponts Archibald, Lord Naper, Adame, Bishop of Dunblane, Sir Archibald Achesone, Secretar, and Sir Robert Gordon to meet the morn at eight of the clocke in the morning heereanent and to confer with him and to report to the saids Lords their opinion.

"Forsamekle as the Kings Majestie, with advice of the Lords of his Secret Counsell, having by ane former act and proclamation of the dait, the fourteene day of Junij last, established ane order anent the sale of tobacco and for preventing the abusisses and inconveniences heretofore occasioned throw the ungoverned sale and immoderate use of the same, by the whilk it was stratelie prohibite and forbidden that none of his Majestis subjects sould presomme nor take upon hand after the fyftene day of September now approacheing to sell or utter tobacco in small or by retaile within this kingdome bot suche and so manie as sall be licencied thereunto be Sir James Leslie and Thomas Dalnahoy, his Majestis commissyners, unto whome and to thair airs, executours and assigneys for the space of seven yeeres his Majestie hes givin the full and absolute power and auctoritie to treate, article and transact with suche and so manie persons as they upon examination sall finde fit to be licencied to sell or utter tobacco by small or retaile upon suche conditions, fynes, rents or soumes of money to be thairfoir payed to his Majestis use, as they sall agree upon, under the pane of confiscatien of the said tobacco, besides suche arbitrarie pane as the saids Lords of Privie Counsell sall appoint; and whereas this pane and punishment appointed be the said former act and proclamation sall be verei uncertane and may breed mater of cavill betuix his Majestis commissioners and the transgressors of the said proclamation, thairfoir his Majestie, with advice of the saids Lords, for eshewing all mater of cavill, and to the intent the delinquents may know what danger they ar to incurre by thair contempt of his Majestis royall will and pleasure heerin, hes modified, appointed and sett dow the soume of ane hundreth merkes as a penaltie to be incurred be everie person or persons, toties quotas, who sall contraveene the said proclamation and without licence of our saids commissioners presomme to sell or utter tobacco by small or retaile or by the unce, pund or other proportion under and within ane stone weight, the one halfe of the said pane to belong to the informer and the other halfe to the saids commissioners, and that by and attour the confiscatien of the tobacco whiche sall be deprehended in the possession of the partie contraveenner and seller of tobacco in retaile without licence had thereto, as is abonementiouned. And
ordains letters to be direct to make publication heirof be opin proclama-
tion at the mercat croess of the heid burrowes of this kingdome and
others places neidfull, quherethrow naene pretend ignorance of the same.
Followes his Majestis missive for warrant of the act abonewritten:—
CHARLES R.—Right trustie and right weibelovit couseine and counsellors,
right trusty and right weibelovit cousines and counsellors, right trusty
and trusty and weibelovit counsellors, we greit yow weill. Whereas by
our former letter tuiching the ordering of the sale of tobacco we signified
our royall pleasure unto yow for establishing ane effectuall order that
none within that our kingdome sould presooone to sell and utter the
same by small and retaile bot suche as sall be thereunto licenced by our
commissioners appointed for that purpose, under pane of our high
displeasure and suche penaltie as yow sall thinke fitt to impose upon the
transgressors, to the effect that all mater of cavill may be takin away
and that the delinquents may know what danger they ar to incurre by
thair contempt, our pleasure is that in the letters of publication heirof
yow caus expresse als weill what is meant by small and retaile (to witt,
the unce, pound or other proportion under a stone weight) as the liquidat
soume that yow sall thinke condignlie to be inflicted \textit{toties quoties} by way
of penaltie upon the contemners of our royall will and pleasure heerin,
the one halfe thereof to belong to the informer, the other halfe to our
commissioners. Wherein expecting your care we bid yow farewell.

From our court at Bearercastell, the 25 day of July, 1634.”

“Anent the supplication presented to the Lords of Secret Coun-
sell be Sir Alexander Home, sonne to Sir George Hume of Manderston,
makand mention, forsomekle as the Lords of Secret Counsell, having
by ane former act and according to his Majestis direction sent unto
thame givin to the said supplicant thair warrant for securing of his
person and the better enabling of him to attend and settle his affairs
and bussines in the kingdome, his Majestie hes beene graciously
pleased sensyne upon the same considerable grounds by his letter
directed to the saide Lords in the said supplicant his favors to recom-
mand unto thame the passing and expeding of a new protection unto him, or
a prorogation of his former protection for the space of a yeere, in regarde
that his caise in a singular manner deserves his Majestis commiseration,
the said supplicant being his Majestis owne domestick servant;
humbele desyriing thairfoir the saide Lords to prorogat his former warrant
or to grant unto him a new warrant for some certane space, lykes a mair
lenth is contenat in the said supplication. Qhillk being read, heard and
considderit be the saids Lords, and they having lykewayes read, heard and
 considderit his Majestis missive letter direct unto thame in this mater,
and being therewith well advised, the saied Lords, in humble obedience of
his Majestis missive letter foresaid, hes givin and grantit and be the
tenor heirof gives and grants thair warrant to the saide Sir Alexander
to haunt, frequent and repaire to and fra in the countrie at his pleasure,

X
for the better attending and settling of his affairs and bussines and to be untroubled, arrested or warded be vertew of whatsoever letters of horning and captioune or other warrand whatsoever raised or to be raised agains him for civill causes during the space of ane yeere nixt after the expyring of the former warrand grantit unto him, quhilk expires upon the last day of September nixt; dischargeing in the meane tyme all shireffs, stewarts, bailies of regaliteis and their deputes, provests and bailleis of burrowes, and all others judges, officers and magistrats to burgh and land, and als all messengers of armes of all taking, apprehending, warding or arreisting of the said supplicant be vertew of anie hornings, captions or other warrand whatsoever during the said space of ane yeere nixt after the expyring of the former warrand foresaid grantit unto him, discharging, etc. Followes his Majesteis misseive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit and trustie and weilbelovit counsellours, we greit yow weill. Whereas we have at diverse tymes signified our pleasure unto yow for restraint of frequent granting of protections, especiallie by two letters of late, the one in favors of our free royall burrowes, the other in favors of William Dick, merchant, whairof we ar not unmyndefull, yitt we, having formerlie upon moost just considerations grantit unto our trustie and weilbelovit servant, Sir Alexander Hume, knight, a protection for some tyme now expired, whiche for the same reasons and in regarde that his caise in a singular maner deserveth our commiseration, especiallie he being our owne domestick servant, we have now thought fitt to renew and prorogat unto him for the space of one yeere; our pleasure is that you cause immediatlie expend the same under our great seale; notwithstanding anie of these letters before mentioneit or anie other directioin to the contrare, for whiche these presents sail be your warrand. We bid yow farewell. Frome our mannour of Greenewiche, the tenth day of June, 1634."

[Sederunt as recorded above.]

Supplication by Mr. Peter Kennowie of Ketleston, as follows:—He recently complained to their Lordships of a grievous wrong done to him by the provost, bailies and others of Linlithgow, which their Lordships, with consent of parties, remitted to the decision of the Marquis of Hamilton. The Marquis not being then present in Council, both parties went to him and entreated him to take the matter upon him, promising to abide by his decision. He desired them each to choose two gentlemen to go and view the place and take all pains possible for settling their differences and then report to him so that he might the more easily determine what should be done, whereupon the town of Linlithgow
made choice of William Drummond of Ricardtoun and Thomas Dalzell of the Bines, and the supplicant chose Archibald Campbell, brother of the Laird of Lawers, and Robert Drummond of Medope. These gentlemen met on Thursday last upon the ground and heard both parties at length, and the supplicant is informed that they have since made report thereof to the Marquis, and that he has also, after having the matter debated before him, declared what he would have them do to each other in this matter. But his party designs putting off until the time of year come that his grass and corns will be exposed to the overflowing of the water, and he craves that their Lordships would hear the report of the Marquis of Hamilton and interpose their authority therein. The Lords having heard the said report find that the Marquis “hes honorable and respectively behaved himselfe in the trying and ordering of the businesse committed unto him,” and approve the same; and they hereby ordain in terms thereof that the provost and bailies of Linlithgow shall “caus carie and transport the stones libellit and to repone and lay the same upon the hauche heid of the said compleaner his ground,” or as many stones of as large a size as were taken away. And they further ordain William Drummond of Ricarttown and Robert Drummond of Medope to see this done, and also to consider and set down a sure course whereby the complainer’s lands may be secured against the violence of the water in time coming, and see the same executed.

Supplication by Sir Patrick McErie of Larg, as follows:—There was a bridge twice built upon the Water of Comnewar within the diocese of Galloway, which is a common highway from both Scotland and England to Ireland, and many people making this journey have perished in this water. It has caused the country people great expense to build a bridge twice “with a calsey of a quarter of ane myle in length throw ane depth plow mosse leading thairto,” and both bridge and calsey are now so worn by the traffic that unless they are presently repaired they will go to ruine. Both bridge and calsey are upon supplicant’s ground and he will repair and maintain them if their Lordships will authorise the imposition of a small duty upon every “horse and nolt carried in droves betwene Scotland, Ingland and Ireland and passing be the said brig.” The Lords, understanding also from the relation of some of their own number the necessity of what is craved, grant a commission to the said Sir Patrick McErie of Larg to uplift the sum of six pennies Scots of every horse and nolt carried in droves as above for five years from this date, the same to be applied for the repairing of the said bridge and calsey, with power to appoint deputes for the collection of the said toll. And the Lords ordain Sir Patrick to report to them his outlay and diligence in the work before the expiry of three years so that, if necessary, the term of his said commission may be extended.

Supplication by Thomas McClennar of Collenie, and William Maxwell, Constable of the Traive, steward depute of Kircudbright, as follows:—
John Clerk in the Cars of New Abbey, being accused to them as guilty of several acts of theft, they, in the duty of their office, “caused arrest the said John to their court haladin at Carlwinkawe” on 3rd instant, where he very willingly entered on panel. Being put to the knowledge of an assize, all admitted by himself, he was acquitted on three points of his indictment, but found guilty of the last, which was the taking of a lamb from the lands of Culluchane in the year 1623. This being so mean a point and of so little importance the supplicants could not determine what punishment to inflict and so crave the direction of their Lordships herein. The Lords considering that the said crime falls under His Majesty’s general pardon, direct the supplicants to take the said John acted in the Stewart court books of Kirkcudbright not to commit the like crime in time coming under the pain of death.

Supplication by David, Bishop of Edinburgh, as follows:—In the Parliament held at Edinburgh in June, 1633, the Estates granted a taxation of 10s. upon the pound land to be paid at certain prescribed terms to the Lords of Session, and for the relief of prelates, lords of erection and others it was ordained that they should convene their vassals, feuars, tackmen, pensioners and others obliged for their relief at certain places on 14th September last for the preparation of a stent roll. This day is long since past, but at that time there was no person provided to the abbacies of Halyrudhous and Newabey, which are annexed to the supplicant’s bishopric, and so none could lawfully convene the said vassals and others. Now the supplicant has been provided to the said bishopric and he is burdened with the payment of the said taxation. The 13th of August next is also appointed to the prelates and other beneficed persons for convening their vassals, etc., and setting down a stent roll for the first term of the taxation granted to the King, and the supplicant craves that their Lordships would empower him to make up the roll for the taxation to the Lords of Session at the same time. The Lords grant what is desired.

Supplication by Lawder of Bas and Isabel Hepburne, Lady Bass, his mother, as follows:—“They have susteane verie great miserie, necessitie and want thir diverse yeeres bygane, and they are brought to that low estate that nather have they the means to enteraine thair naturall lyffe nor to cover thair personis from the cold and tempestuous winter; and if they might attend thair affaires in the countrie they are [in] good hope and they have verie probable possibilities to recover so muche of thair decayed and wrecked estate as would furnishe thame with meet and clothing dureing the course of thair naturall lyffe.” Their Lordships granted them a protection with the provision that they would deliver to James Levingstoun, gentleman of his Majesty’s Bedchamber, such writs of the lands he bought from them as are in their hands, and “they have bene verie solist and carefull to have given him
contentment thairin, bot the time hes beene so short and their necessities so pressed thame as they could not have occasion to do anie thing bot to forsie how and where they might get some means to enterteanie and preserve thair persons from hunger and cald." They crave that the Lords will prorogate their protection till Whitsunday next, and they promise that meanwhile they will do their diligence to recover all writs in their own hands, or which they know to be in the hands of others concerning James Levingstoun. The Lords extend their protection until 1st November next on condition that the suppliants deliver up all such writs as they have of the lands of Beill upon their oath before 31st August next, otherwise this protection shall then become void.

"The quhilk day Johne, Erle of Annerdaill, undertooke to make pay-ment to Thomas Bell, prisoner in the tolbuith, of the soume of iii j 8 dailie from this day furth till the nixt Counsell day upon the xvij of September."

Sedentum—Treasurer; Marquis of Hamilton; Annerdaill; Launder-daill; Stirlie; Southesk; Bining; Bishop of Dumblane; Naper; Secretary; Clerk of Register; Advocate.

"Anent the supplication presented to the Lords of Secret Counsell be the maisters of coalehews and saltpanns within this kingdoms, makkand mention that where the prohibitioun made be the saids Lords of the receaving of dollers for the price of thair coale and salt hes brought a verie great hurt and prejudice upon thame, and the continuance of this prohibitioun some short space will undue thair whole worke both for coale and salt, for the countrie dispatche of coale and salt will not in a yeere hold one of thair water works going, and there is no other money currant nor to be had abrod nor in this kingdoms bot dollers, and the suppliants refuissall to receave makes thame to sell thair coale and salt upon trust, quhilk hes of tymes faillit thame and made thame to come short of thair hope and expectatioun, sua thair thair works will necessarie be cassin up becaus few of the suppliants ar able to hold thame fordwards, thair weekelie debursements being so great and the payment of thair workemen being so important and necessar as the neglect of aene moneths payment will undue thair whole worke without hope or possibilitic of recoverie; and this prohibitioun strikes aganis none of the kingdome bot the suppliants, altho there be manie others whois trade and imploymeit is farre beyond thairs, and who interteanes thair trade both outward and inward most with dollers: Humbelie desiring thairfoir the saids Lords to tak e suche course and order heerin as no furder burdein nor prohibitioun be layed upon thame nor is layed upon the rest of the subject of this kingdome. Thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants thair warrand and licence to the saids suppliants to receave dollers for thair coale and
salt in tyme comming untill the first Counsell day of November nixto-
come, notwithstanding of the prohibition and discharge made in the
contrare, quhereanent and all that may follow thereupon the saids Lords
dispenses till the said first Counsell day of November nixt.”

[Sederunt as recorded above, adding “Ros.”]

Complaint by Mr. William Clogie, minister at Innerses, and the provost
and bailies of the burgh of Innerses for their interest, as follows:—
Though the pursuit and invasion of ministers for the lawful discharge of
their office has been very strictly prohibited by an act of the late Parlia-
ment, yet John Rid, son of William Rid, burgess of Innerses, having
conceived a hatred and malice against the said minister because he
reproved his vicious life and conversation, has resolved to take his life.
Learning that the said Mr. William was on 2nd July last walking upon
the bridge of the said burgh about nine o’clock at night, the said John
came to the bridge and twice or thrice passed the minister as if afraid
to do anything, till in the end “he turned and fell out in manie oppro-
brious and disgracefull speeches agains the minister, and first with his
sword he entendid to have slaine him but the minister be Gods provi-
dence having gottin in withint the lente of the sword so as the said John
could not get it drawin, he then made to his whinger, resolved to have
slaine the minister therewith if some of the neighbours of the town had
not hiapliely comed by and stayed him, holding him till the minister
wane home to his hous.” Information of this being conveyed to Duncan
Forbes, provost of Innerses, he convened the bailies and officers of the
burgh, who after advising went to the dwelling house of John Rid to
apprehend him; but found that in the consciousness of his guilt he had
fled from his “ludeingeous” and taken refuge in the dwelling house of
Andrew Fraser, Commissary of Innerses, where he was “resett and kept
quiet.” They then went to the stable where John Rid’s horse was and
arrested it until the said John Rid should either compair personally or find
cautiion to abide his triall; “bot this Andro Frisell, haveing rather regarde
to the wrong done to his pastor nor respect to the auctoritie wherewith
his Majestie had armed the Magistrates,” went to the close where the said
horse was arrested, accompanied by Donald Fraser in Keirmyllis, Francis
Duff, John Dumbar of Hemprigs, William Cudbert, William Stevinstoun,
John Dow Druman, James Duffe and others, armed with swords and
staves, and “in ane most barbarous forme the said Donald priest up the
stable doore, tooke out the horse, and montit the said Johnne Dumbar
upon him, who all in ane tumultuous forme came to the calsye calling to
sic who durst clame that horse.” The provost and bailies, then “drawing
neere to setle the tumult, commandit that this horse sould stay till he
were takin away by a legall course. Bot the said Donald, being covetous
of blood, made ane great preisse among the people, drawing his sword
and swearing by the eternall God that he should putt the sword throw the
provest his backe and bellie; and if he had not beene haladin he [had] not
failed to have beene the cause of great bloodshed that day, but the
provest for eshewing of trouble retired himselfe. And the said commissar
and his complices, triumphing as it were, tooke the horse with thame to
the port from whence the said John Dumbar was directed backe to the
said commissar his hous and tooke this Johne Rid out at one backe
doore, and convoyed him where the horse wes and deyverit the horse to
him, who monting himselfe thairon, he and the said commissar went on
thair jorney from Inermes to Edinburgh where they kepet companie till
the day of thair compeircance before the saids Lords drew neir." Charge
having been given to the said Donald Fraser in Keirmyllis, William
Cudbert, William Stevisone, Andrew Fraser, John Rid, John Dumbar,
and Francis Duff, and they all compearring with the exception of John
Rid, and the said Mr. William Clogie and Duncan Forbes, provost of
Inermes, appearing for themselves and the remanent pursuers, the Lords,
after hearing parties and their witnesses, find that John Rid "invadit
and threatened the said M' William Clogie, minister, shoring to have put
a sword throw him, and that he preist first to have drawin his
sword and then his whinger, bot wes stayed by some persons,"
for which insolence they ordain him to be charged at the dwelling
house of Laurence Cudbert in Inermes, "where the said John com-
monlie haunts and uses to ludge," and by open proclamation at the
market cross of Inermes, to enter himself in ward within the tolbooth
of Edinburgh within fifteen days, which if he disobey, he is to be put to
the horn and escheated. Further, the Lords find that the said Donald
Frisell "threatned the said Duncan Forbes, provest, with his sword and
a whinger, shoring to cleive his heid to his teeth, and to thrust his
sword throw him, and that he had not failed to have invadit and perse-
ued him if he had not beene stayed; as also that he assisted the
takeing of the key out of the stablers hand and takeing the horse furthe
of the stable." Further, they find "that the said John Dumbar assisted
the takeing of the horse out of the stable and that he monted himselfe thairon and raid away with the horse," notwithstanding the arrestment
thereof; and for these misdemeanours they ordain Donald Frisell to be
imprisoned in the tolbooth of Edinburgh upon his own charges till 17th
September next, and John Dumbar to be imprisoned therein till Monday
next and farther until he enact himselfe not to trouble the said burgh
hereafter, under the penalty of 1000 merks. The Lords assoilzie the
remaining defenders as nothing was proven against them.

Complaint by Mr. Laurence McGill, advocate, sheriff-depute of Edin-
burgh, as follows:—On 9th April last Duncan Richie, messenger,
charged him to apprehend and imprison Euphame Wachop in Wester
Duddingstoun against whom letters of caption had been raised by John
Forsyth, chirurgeon in the Cannogait. Accordingly on the 16th of that
month he went thither to execute the charge, not expecting that "in this
carrissie tyme of peace" any one would oppose his Majesty's officer in the
execution of his duty "within ane myle to the residence of the Privy
Counsell and Session. Yet Alexander Broun, officer in Wester
Duddingstoun, John Kirkpatrick there, and David Kirkpatrick, miller at
Duddingstoun, with convocation of the lieges, came to the complainer
while he was making search at Eupham Wauchop's house, and without
respect to the law or reverence to him "who hes beene these manie
yeeres shireff deput and verie famous in that charge, they shamefullie
rayled upon him with disgracefull and contumelious speeches, saying he
was over pert or anie McGill in Scotland to come and seek ane persone
in these bounds. And the said Alexander Broun threatened to pull out
his beard and trade him under foote." Charge having been given to Fol. 136, b.
these persons and the pursuer comppearing, but not the defenders, the
Lords ordain them to be put to the horn and escheated for their
compeft.

Complaint by Mr. Alexander Innes, minister at the kirk of Rothemay,
as follows:—On 21st January last Katharine Forbes, widow of William
Gordon of Rothemay, was put to the horn at his instance for not paying
to him the teinds, victual, vicarages and prices thereof for the years
1629, 1630, 1631 and 1632; and she was again put to the horn at his
instance on 20th June last for not delivering to him certain "threatis
of sits and beir." She proudly remains at the horn, and "in regard
of her birth and freindship in these bounds thinks her selfe secure and
able to stand out." Charge having been given to the said Lady Roth-
emay, and the pursuer comppearing but not her ladyship, the Lords ordain
charge to be issued against her for the rendering of her house of
and entering herself in ward within the Castle of Blackness within fifteen
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Complaint by Sir William Dowglas of Cashogill, as follows:—He is
warded in the tolbooth of Edinburgh at the instance of Mr. George
Dowglas of Penzearie for not flitting and removing from the lands of
Cashogill and Thrstane; also of Andrew Dalrumpie, wright, and Isobell
Ramsay, his spouse, as cautioner for William Frenche of Frencheiland, in
the sum of 600 merks and £60 of penalty; and of Elizabeth Johnstoun,
widow of Matthew Poole, Robert Poole, her son, and Mr. Thomas Ramsay,
now her spouse, for non-payment to them of 2000 merks of principal
and 200 merks of penalty as cautioner for the Tutor of Johnstoun and
Robert Johnstoun, his eldest son; and further at the instance of John
Menzie of Castlehill for not warranting him in the sum of 2225 merks.
He is like to starve for want of entertainment in ward, as he has nothing
to live upon, his rents having been all arrested by his creditors; and yet
if he had leisure and opportunity to sell his lands he could satisfy them
all. Charge having been given to these persons to comppear and consent
either to a maintenance or to the complainer's release so that he may sell his lands, and the pursuer compearing personally, but of the defenders only Isobel Ramsay, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, who has granted an ample commission to William, Earl of Dumfreis, Sir John Charters of Amisfeild, Sir John Murray of Ravelrig and Robert Crichton of Ryhill for selling his lands and satisfying his creditors, he signing it judicially in presence of their Lordships and binding himself to compair before the Council on the last Council day of July next to underlie their censure if before that time he has not satisfied his creditors.

Complaint by the farmers of his Majesty's customs and John Simson, messenger in Dysert, as follows:—William Williamsone in Kirkaldie lately laded a ship with coals but refused to give up a true note thereof, whereupon the said farmers employed the said messenger to charge him to do so, and in case of his disobedience to arrest his ship. On July last the said messenger performed the duty entrusted to him, whereat the said William Williamsone took great offence and accompanied by John Rany in he lay in wait for the messenger after he had arrested the ship, set upon him, and gave him "fourtie or fiftie straiks upon the head and others parts of his bodye to the effusion of his blood, rave the blasoun from his breust and as yitt keepes the same, reft the letters of citation from him and rave the same in peeceus, uttering manie disgracefull speeches againis the messenger his office and calling."
The pursuers compearing by John Fleming, customar, but the defender not appearing, the Lords ordain the said William Williamsoun to be put to the horn and escheated for his contempt.

Complaint by Sir Alexander Nisbet of that Ilk and John Home of Rentoun, commissioners for the small barons and freeholders of the sheriffdom of Berwick, to the late Parliament, as follows:—They have charged Sir John Home of Blacader, James Cockburne of Rysla, George Affleck of Cumledge and John Wilkie of Foulden to meet at the town of Dunc in and to make a distribution of the sum of 300 merks which the Lords of Privy Council modified to each of the complainers for their expenses, and also of the cost of their footmantles, each of which was £359 8s., among the said small barons and freeholders, so that each may know what he has to pay; but upon some frivolous excuses they have purchased a suspension of this charge. The case being called before their Lordships in June last, "some compeired," alleging that they had warrant from the said Sir Alexander and declaring that he passed from his part of said expenses and footmantle, whereupon their Lordships ordained the letters to have execution only in favour of the Laird of Renton. Now Sir Alexander gave no such warrant to any one to act thus for him, so that the Council have been abused and he wronged. Charge having been given to the said Sir John Hume of Blacader, James Cockburne of Rysla, John Wilkie of Foulden and John Achinleeke of
Cumlidge, and the pursuers compearing by Mr. John Sandelands, their procurator, but none of the defenders, the Lords find the letters raised by the pursuers against the defenders orderly, and ordains them to be put to further execution.

Complaint by John Logane, merchant burgess of Edinburgh, as fol- lows:—After a year and a half's imprisonment in the tolbooth of the Cannogait in great misery, he procured a decree from the Lords of Session in March last for his liberation, upon his paying to John and James Davidson, jailors in the Cannogait, "suche comptes and furnishings as they had furnished and advanced unto him in his great necessities during his imprisonment, quhilk James Polwart, indweller in the Cannogait, tooke in hand to doe in name of Robert Logane, merchant burgess of Edinburgh, the compleanners brother." But as they still refrain from entering into count and reckoning with the said jailors, he is being kept in miserable captivity till he starve. On 10th July last he procured a decree against the said Robert for payment of this debt to the jailors, as he has uplifted all the complainer's means; but the said Robert and James Polwart in his name desired him, for avoiding the payment of the said jailors, to break his ward and go out of the country, promising that he should not want money. Charge having been given to the said Robert Logane and James Polwart, and both they and the pursuer compearing, the Lords, after hearing parties, ordain the said Robert Logane to pay to the jailors what is due to them by the pursuer during his imprisonment in terms of the decree of the Lords of Session of 10th July last.

This day comperead Robert Alexander, Admiral depute in Fyffe, and presenting a summons against him at the instance of Mr. John Dairse, burgess of Anstruther Wester, whereby he was charged to produce the said Mr. John before their Lordships and liberate him from the tolbooth of Anstruther, and also to answer for his illegal apprehension of him, protested that seeing Mr. John Dairse had not comperead to prosecute, and that he was ready to have answered to the complaint, no further process should be allowed herein until he be charged of new and his expenses paid. Which protestation the Lords admitted.

Complaint by James Rodger and Alexander Smart, tenants to his Majesty in the lands of Balbrekie, as follows:—On July last Robert Durie of Easter Newton, Andrew Durie, apparent of Wester Newton, and George Melvill and George Craig in Wester Newton, came to the said lands of Balbrekie and to the Threiplands between the Tritoun and Balbrekie where the said tenants and their servants had won "darges of faill, fawell and divvet for their winter elding," as they had been accustomed to do past memory of man, and with spades and other instruments they cut and destroyed the said fuel, carried away the same upon carts, threatened and menaced his Majesty's said tenants and their servants and herds, and hounded their goods off the said lands, and they
daily hound and drive away their goods and molest their said servants whereby the complainers "ar verie disabled to pay the dewties of the landa." Charge having been given to the persons complained upon, and James Rodger compearing for himself and the said James Smal [sic] and Robert Durie appearing for himself and for Andrew Durie with John Dunlop, advocate, their procurator, and George Melvill and George Craig not compearing, the Lords, having heard parties, find that the said Robert Durie has done a great wrong "in cutting and carrying away of the saids turffs, falt and dovetts after the same wes wonne, brought and land [sic] upon his Majesties proper land," seeing he could not deny that the pursuers were there in use to win their fuel. They therefore continuing the pursuers in possession of their right of winning their fuel upon the said lands of Balbrekie and Threepland, as they have been in use to do, ordain the defenders to lead back the turfs, etc., and discharge them from further molestation of the pursuers until it be decided before the judge ordinary to whom the said right appertains, under the penalty of 500 merks. And the Lords direct George Melvill and George Craig to be put to the horn and escheated for their contempt.

Complaint by Elspeth Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburgh, and Mr. Gabriel Rankine, now her spouse, as follows:—On 26th January last John Maxwell of Castlemilk and Robert Greirson in Barjarge were put to the horn at their instance for not paying to them 500 merks of principal, with 25 merks as one term's interest, £50 of expenses, and other termly interests; but they take no regard of the said horns. The pursuers compearing by Thomas Maxwell, their procurator, but the defenders not compearing, the Lords ordain them to be charged to render their houses of Castlemilk and Barjarge and enter their persons in ward in the Castle of Blackness within six days after the charge under the pain of treason.

VicAllester in Glenco, John Gaer M'Allaster Roy there, Allane M'Fen
Mor VicEane Dowie VicAlaster there, and a number of other "disorderit
and brokin lynnars, some of the Clangregour and some of other clannis,
all for the most part dwelling in Glenco," but they can get no officer
who will venture to go to the place where these people dwell, "the most Fol. 140, a.
part having no dwelling place at all." They crave that their Lordships
would authorise the service of the summons to be at the head burghs of
the sheriffdoms in which they dwell; and this the Lords grant, admitting
the same to be as lawful as if it had been at their dwelling houses.

Supplication by Robert Lamert, indweller in Kingorne, as follows:—
He is in ward in the tolbooth of Edinburgh on the charge of "being
aart and part of the slaughter of Thomas Dow in Lochgellie," and has
been there now for a year in great misery, having nothing wherewith to
sustain himself "but suche as he ressave by the purse and crying furth
of the yronhous." He has now upon production of letters of slains
obtained a remission, which has passed the privy seal, but therein in
respect of his poverty he can proceed no further so long as he is in
prison. He therefore craves their Lordships' order for his enlargement.
The Lords ordain the provost and bailies of Edinburgh to release him.

Supplication by John Levingston, merchant burgess of Edinburgh, as
follows:—Their Lordships know that as cautioner for the Earl of Lin-
lithgow, Donypase, Banton, Andrew Levingston, brother to Banton, and
others, his friends, he is so distressed that he dare not go about "for
suiting his relieff and dispensing of his estate to these to whom he
stands cautioner." In the short time granted to him he has satisfied
Andrew Russell and Mr. William Arthure of 6000 merks, and he hopes
to satisfy the rest if he had a little further time. This he craves; and
the Lords grant him till 1st January next.

"The lyke prorogation grantit to M' John Hamiltoun, minister at
Blair, till the 4 of November nixt."

"The Lords ordains M' David Aittoun, who wes personalle present, to
advance to Patrik Halket his allowance weeklie with certification to
him if he failyie the Lords will ordaine the said Patrik to be putt to
libertie and to remaine within the burgh of Edinburgh conforme to the
first decreit."

"The Lords ordains the Bishops of Glasgow, Ros and Orkney, the
Secretar and Sir Robert Gordoun, to meit upon the grievances of Zet-
land the morne and to report to the Counsell upon Moonday; lykewise the
said grievances wer givin up to William Dick to be advised be the
Bishop of Orkney and him."

Sederunt.—Treasurer; Privy Seal; Marquis of Hamiltoun; Glas-
gow; Erroll; Kingorne; Roxburgh; Annerdaill; Dumfreis;
Stirlin; Traquair; Bishop of Edinburgh; Bishop of Ros;
Lord Bining; Lord Melvill; Lord Naper; Secretary; Advocate;
Sir Robert Gordoun.
"The whilk day in presence of the Lords of Secret Counsell commaund the personallie Sir Archibald Achesone, Secretar, and reported to the saided Lords the overtures propounded by Colonell Robert Monro for a voluntarie contribution to be collected towards the erecting of ane hospital for the maintenance and helpe of old and lame soulidours; whiche, being read, heard and considerit be the saide Lords, they ordain his Majesties Advocat to draw up ane commission giving power to the said Colonell for collecting of the said voluntarie contributioon abrood frome all colonells and officers of this natuoun as will vouchesafe anie meanes that way; and for the better ordering and assurance of the moneys that sall be collected to be made futhermund to the intendit use the saids Lords ordains the Colonell to have ane booke, the leaves quherof sall be marked be the Clerk of Counsell wherein he sall insert the particular soumes and names of the whole persons that sall contribute in that earand, and that he act himselfe to insert the same trewlie and faithfullie and to make report to the Clerk of Counsell yeerelie what soumes he hes receaved, to the effect the same may be delievered to suche persons as the town of Edinburgh sall appoint to receive it to be conveyed hither and imployed to the destinat use. And the saids Lords reserves to thameselffes the choice and appointment of the place wherein the hospital sall be erected. Lykeas the saide Lords for a recompence and in retribution of the Colonell his panes and travells to be takin in this bussines for the good and credite of the kingdome declares, nominats and appoints the said Colonell to be maister of the said hospital and to have the rule and governement of the same and of the rents thairof for his lyfetyme, reservong power to thameselffes after his deceas to make choise of some qualified officer who hes served sevin yeeres abroad whome the Lords sall thinke most fitting to undergo and to be entrusted with the charge of the hospital. And forde the saids Lords gives libertie and licence to the said Colonell, his airis and assigneynes, to make pick, musket and corselett for the service and strengthe of the countrie and to sell and dispone thereupon for their best advantage; and for that effect to imbring strangers for working of the same, provyding alwayes, lykeas it is heirby declared, that this grant and licence sall not be prejudicial to the free royll burrowes nor exclusive of thame to intend the like mysterie of making of armes whenever they sall be pleased to undertake the same."

[Sederunt as recorded above.]
Regist. of the Council.

November 1634.

Supplication by James Crichton of Fendraught, as follows:—Their Lordships know what heathen have been committed upon the complainer and his tenants by lawless and broken Highlandmen for some years past so that his lands have been cast waste, as tenants will not run the hazard of dwelling thereupon, being so often spoiled of their goods and their lives threatened; and now seeing that owing to the apparent scarcity this year the Highlands are likely to be wholly cast loose, and that already the broken limmers are become desperate and insolent, and are beginning to go about in bands, and other masterless men are going about singly and robbing the poor simple people, he craves that their Lordships would grant a commission to him and such as shall accompany him to search for, and apprehend all broken, lawless and masterless vagabonds within his own bounds and all such persons as are criminally at the horn for the crime of theft, murder and other crimes committed upon the supplicant and his tenants, and present them before the sheriff or before his Majesty’s Justice General and his deputes. The Lords grant the commission desired, and empower those concerned in its execution and while doing so to carry hagbuts and pistols for their own defence and better capture of these criminals.

Supplication by Jean Forbes, spouse of John Leith of Harthill, as follows:—Her husband is in prison in great misery and their house of Harthill has been taken from them both by Thomas Cromby of Kemnay, sheriff principal of Aberdene, by their Lordships’ command. They are in great extremity and misery for want of a dwelling house, not knowing where to go, and she therefore craves that the Lords would ordain the house of Harthill to be restored to her. The Lords, in respect that the said John Leith is now imprisoned in the tolbooth of Edinburgh, which purges the cause for which the said house was rendered, ordain the said sheriff to deliver the keys of the said house to the supplicant so that she may peaceably dwell therein and provide her against the winter for fire.
Complaint by Mr. James Watson, portioner of Sauchtoun, as follows:—On the 9th, 13th August, 1633, Sir John Blacader of Tulliallance was put to the horn at the instance of John, Earl of Carrick, for non-payment to him of a yearly annual rent of 7000 merks and 400 merks of expenses for each term's failure; and on 24th December last the said Sir John was again put to the horn by the said Earl for not paying to him 3500 merks for the Martinmas term's payment of the said annuity for the year 1633 with 400 merks of penalty for that term's failure. To these sums the complainant has been constituted assignee by deed dated 1st March last and registered in the Books of Council and Session, and he has raised caption thereupon against the said Sir John, which, however, he despises. The complainant accordingly craves letters of treason against him. The pursuer compearing, but not the said Sir John Blacader; and John Rind and Patrick Wood, merchant burgesses of Edinburgh, compared with Mr. Robert Bruce, advocate, their procurator, who submitted that the letters of treason for rendering of the house of Tulliallance could not be granted as they were in possession thereof by virtue of a charge of treason executed against the said Sir John at the instance of Mr. David Falconer, brother of Sir Alexander Falconer, apparent of Halkertoun, for debt due to him, which he had assigned to them; and for removing of all suspicion of collusion between them and the said Sir John, they enacted themselves judicially in their Lordships' presence that they would remove the said Sir John Blacader and his wife and children from the said house before 17th September next and hold them furth thereof during the said Sir John's rebellion. For this cause the Lords forbear granting letters at the complainant's instance for charging the defender to render his house of Tulliallance, but they ordain him to be charged to enter into ward within the Castle of Blackness within six days after the charge on pain of treason.

Complaint by James Aikman, merchant burgess of Edinburgh, as follows:—On 17th April last John Stewart of Coldingham and Margaret Home, his spouse, were put to the horn at the complainant's instance for not paying him £8135 of principal and £1000 of expenses and interest; but the said John Stewart contemptuously remains at the horn. Charge having been given to him and his said spouse, and they not compearing, but the pursuer appearing by his spouse, the Lords ordain the defenders to be charged to render their house of Coldingham, and enter themselves in ward within the Castle of Blackness within six days after being charged under the pain of treason.

Supplication by Charles Murray of Banhowrie, as follows.—He was put to the horn at the instance of Paul Redick of Barneshein for not removing from the lands of Barnehourie, and on just grounds he raised suspension thereof. Towards the end of the session, however, while his suspension was being discussed, the said Paul, conscious of the weakness of his cause, went quietly home, pursued the supplicant's wife and
servants for their lives, and violently reft away his goods and bestial off his lands, before any sentence was given in the action of suspension. Suspension having been granted because of the non-production of the original horning, etc., on 31st July last, it is very probable that some trouble and breach of the peace will arise in the approaching harvest as to the reaping of the corns of the said lands. He therefore craves that their Lordships would grant commission to Lancel Murray, bailie to the Laird of Cockpole, who is brother-in-law to the said Paul, to reap the corns of these lands of Barnehowrie this present year and stack them in some neutral place upon the charges of the said crop until it be determined by the judge ordinary to whom it appertains. The Lords grant the commission as craved to the said Lancel Murray and discharge both the parties from meddling therewith under all highest pain that may follow.

"The whilck day the Advocat exhibite before the Counsell a signature drawin up be him by warrant from his Majestie and according to the articles agreed upon be the Lords for a commissioun to Cluny Gordoun for putting the acts of Parliament to execution again the slayers of deir, rae, wylde foule, haires and others in ane unlawfull maner; whiche being read and heard by the Lords they allowed thatirof and past and subscryved the same."

"The Lords recommends to the Bishops of Glasgow and Ros and the Secretar to travell betuix the provost and minister of Innerneis and Donnald Fraser for reconcilie thame and removing of their differencis, and to report their proceedings to the Counsell upon Thursday next."

[No record of sedentum.]

This day in presence of Patrick, Archbishop of Glasgow, and Sir Robert Gordon, knight baronet, two of the Lords of Privy Council, to whom their Lordships gave warrant for the purpose, there compared Duncan Forbes, provost of Innerneis, for himself and the burgh of Innerneis, on the one part, and Donald Fraser in Keirmyllis on the other part, and submitted the further satisfaction to be made by the said Donald to the provost, bailies and Council of Innerneis, for his insolence to them (see ante p. 342) in addition to the imprisonment he has endured within the tolbooth of Edinburgh from 31st July last till this day, to the decision of John, Bishop of Moray, whom the Lords ordain to report his pro-cedure herein upon the first Council day of November next.

Edinburgh, 22nd August 1634.

Sedentum—Treasurer; Privy Seal; Marquis of Hamilton; Rox- burgh; Stirline; Traquair; Clerk Register; Advocate.
warrand direct to the Lords of his Majestis Privie Counsell anent the erecting and building of ane hospital within this kingdom for sustenta-
tion and supplee of these souldiours who ar or sall become unable to serve in the warres, and whereby Colonell Robert Monro is nominat and authorized to be collector and ingadderer of suche soumes of money as the colonells, majors and others officers serving in the warres sall be pleased out of thair bountie and liberalitie to bestow for that use, was presented to the Lords of Secret Counsell and read in thair audience and wes allowed and subscrived be thame and ordained to be past and exped the great scale in maner speecefeit in the said signature; of the quhilk signature the tennor followes:— "Our Soverane Lord, out of his gracious and royall disposition, care and affectioune to the weale of the subjects and natives of all his Majesteis kingdomes and dominions, being ever readie to hearken to all suche overtures and motions as may tend to the advancement, helpe and benefite of suche of thame as ar distrest and brought to necessitie for the good and credite of the nation; and being informed be his Majesteis lovitt Colonell Robert Monro for himselfe and in name of the rest of the colonells, captans, lieutenants and others officers of the Scottish nation who hes served in the warres with farrane princes, and speciallie under the crowne of Sweden, that ane good number of his Majesteis subjects who hes done good service in the warres abrod does in end ather be age or inabilitie through mutilation or dismembering become unprofitable for the warres and burdensome to strangers, quhilk betyme may carie some imputation and discride to the nation if reemed and helpe be not putt thereto; and therewithall, it being represented to his Majestie be the said Colonell Robert Monro that manie worthie persons of this nation following the crowne of Sweden, who be thair valour and courage hes atteanned to great credite, and whome it hes pleased God to blesse with preferment and reasonable meanes, and willing to give ane voluntarie contributioun for erecting of ane hospital within his Majesteis kingdome of Scotland for thair use and dedicating some yeerlie allowance thereunto, besides what will accresce unto thame be the bountie and liberalitie of the princes whome they have served or sall happen to serve heraftet, and for doing thairof did supplicat his Majestie to have his Majesteis warrand, power and auctoritie to that effect; and his Majestie out of his gracious and royall disposition being most willing to furder and advance all suche pious intentitouns and warkes did by his Majesteis letter direct to the Lord of his Majesteis Counsell of Scotland recommend the consideratioune of the said purpose and motioun with the cautious, provisions and conditions necessarie for bringing the samine to perfection. According to whilk the Lords of his Majesteis Secret Counsell having heard and considderit the propositions made be the said Colonell Robert Monro they have agreed and condescended with the said Colonell Robert Monro according to certane articles sett down and
express in the act made be the saids Lords of Secret Counsell of the
Acta, Jun 1634; April dait the fourth day of August instant, and his Majestie being most 1638.
willung that the said laudable pious purpose and intentioun be advanced,
Fol. 19. b. followed furth and prosecute to the end; thairfor his Majestie with Fol. 20. a.
advice of the Lords of Secret Counsell ordains ane letter to be exped
under his Majestie's great seale givand, grantand and committand, lykewise
his Majestie with consent foresaid gives, grants and committs full power
and libertie to the colonellis, majors, captans, lieutenants and others
officers of the natives of this kingdome who hes served or sall
happin to serve abrod in forrane warres under forrane princes, and
speciallie, but prejudice of the generalitie foresaid, to those who hes
served or sall serve in the warres under the crowne of Sueden, to build,
construct and erect within this kingdome of Scotland (according to the
articles, cautions and provisions agreed upon and express in the act of
Secret Counsell of the dait, the fourth of August instant) ane hospital
for supplie, maintenance and intertenement of suche of his Majestie's
subjekts who hes served or sall serve in the warres abrod under forrane
princes and who hes alreadie or sall hereafter become unable for forder
service be age or inabilitie be reason of wounds or mutilatioun or
other hurts and damages receaved in the warres and having ane
passe and testimoniall of their lawfull mission. And to the effect
that suche soumes of money as the saids colonells, majors, captans,
lieutenants and others officers whome God hes advanced with
meanes in thair services in the saids warres or others whatsoever of
their bountie and liberalitie ar willing to advance and contribute
for edifeing, construing and erecting of the said hospital and furnishing
of meanes and maintenance to the saids aged, lamed and mutilat
souldiers, may be collected and ingaddered, his Majestie with consent of
the saids Lords of his Majestie's Secret Counsell hes nominat, authorized,
made and constitute the said Colonell Robert Monro to be collector and
ingadderer thairof, and hes trusted him upon his oath and honour with
the ingadderung and collectioune thairof, according to the tennour of the
said act of Counsell and conditionis thereof therein conteanit; and to that
effect hes delvered to him ane booke conteanit 88 leaves all marked
be the clerk of Counsell within the quhilk booke everie person who sall
make ane contributioun for the said pious warke sall write and insert
his name with the soume quhilk he contribute and subservye the same
with his hand, according to the quhilk booke, subscriptions and contributiouns therein to be conteanneid, the said Colonell Robert Monro sall be
comptable to the Lords of his Majestie's Secret Counsell for the soumes
to be contribute to the said pious warke, and for this end sall be obliest
yeerelie to exhibite the said booke to the Clerk of Counsell with the
soumes of money and persons whos names sall be insert therein to the
Fol. 20. a.
effect the samine may be delvered to suche person as the provest,
bailieis and counsell of Edinburgh sall appoint to receave the same,
whom his Majestie and the Lords of Secret Counsell hes trusted and
burdened therewith to the effect that the saids soumes being receaved
and convoyed into Scotland may be imploied to the building and erect-
ing of the said hospital and furnishing of maintanence to the saids aged
and decrepit souluids according to the tennour of the said act of
Counsell. And his Majestie willis and grants that thir presents saill be
ane sufficient warrand to the witter and keeper of the great seale for
writing and appending the great seale hereunto without passing of other
registers and seales. Givin at Edinburgh, the twentieth twa day of
August, 1634. Sic subscribitur, Morton; Hadinton; Hamilton; Roxburgh;
Sterline; Traquaire; J. Hay; S. Thomas Hop. Followes the docket:—
Please your Lordships of Secret Counsell, These (drawin up be his
Majesteis letter direct to your Lordships) conteaines ane gift to be past his
Majesteis cashett and great seale granting power and libertie to all
colonells, majors, captns, lietennants and others officers of the natives
of this kingdome who hes served or saill serve in forrane warres under
forrane princes, and speciallie these who hes served under the crowne of
Sueden, to erect and build ane hospitall within this kingdome for suster-
tation and supplie of these souldiours who ar or saill become unable to
serve in the saids warres, according to the conditions specefeitt in ane
act of Counsell of the dait the fourth of August, 1634; and names and
authorizes Colonell Robert Monro upon his oath and honnour to be col-
lector and ingadderer of suche soumes of money as the saids colonellis,
majors, and others officers saill be pleased of their bountie and liberalitie
to bestow, and bearis ane delverye of ane booke conteaining so manie leaves
marked be the Clerk of Counsell, within the quhilk booke everie person
contributer saill insert his name and soume and subseryve the same,according
to the quhilk booke the said Colonell Robert Monro is to be comptable
to your Lordships, and to that effect is to exhibite the said booke with
the moneys insert in the said booke yeerely to your Lordships clerk of
Counsell to the effect the same may be delveryed to suche persons as the
provest, baillies and counsell of Edinburgh saill appoint to receave
the same, whome his Majestie and your Lordships burdeins therewith, to
the effect the same may be imploied to the use and effect foresaid—
S. Thomas Hop.”

“The whilk day in presence of the Lords of Secret Counsell compeired
personallie Colonell Robert Monro and actit and obleist himselfe upon
his faith, honnour and credite to doe his best endeavoure and diligence
towards the collecting and ingadderer of suche soumes of money as the
colonells, majors and others officers in this natioun serving in the warres
sall be pleased to vouchsafe for erecting and maintanence of ane hospitall
towards the helpe and supplie of old and lame souluids, and that the
whole soumes of money so to be advanced and delveryed to him be the
saids colonells and others officers foresaids sall be trewlie delveryed to
suche persons as the toun of Edinburgh sall appoint to be convoyed
hither and destinat to the use foresaid. And whereas by ane act of
Counsell of the fourth of August instant the said colonell is ordained to
have ane booke (the leaves whairof ar appointed to be marked by the
Clerk of Counsell) wherein he shall insert trewlie and faithfullie the
particular soumes and names of the persons that will contribute in that
earand, and to make report yeerelie to the Clerk of Counsell what
soumes he hes receaved, and the saids Lords considdering that by the
yeerelie exhibition of this booke the same may be miscarried, torne or
tint to the disappointing and hinder of the pious and good caus for
quhilk this contribution is intendid, thatfor the Lords of Secret
Counsell declares that the said colonell sending ane note yeerelie under
his hand to the Clerk of Counsell upon his honour and credite con-
taining the whole soumes of money that shall be receaved be him and
others in his name towards the advancement and interteament of the
said hospital shall be ane sufficient exoneration to him in that point, and
in that cause the saids Lords dispenses with the not exhibition of the
said booke yeerelie.”

Edinburgh,
17th September 1634.
Sederunt—Privy Seal; Murrey; Wintoun; Annerdaill; Lauder-
daill; Melvill; Bining; Master of Elphinstoun; Advocate; Sir
Robert Gordoun; Sir James Baillie.

“Sir James
Nicolson of
Cockburnspeth
accepts the
sherifffdom of
Berwick.

Mr. James
Cockburn
accepts the
office of
sheriff-depute
of Haddington.

Mr. James
Cockburn re-
appointed
sheriff-depute
of Haddington.

The whilk day Sir James Nicolsone of Colbrandspeth, shireff principall
of the shirefdom of Berwick, comperand personallie before the Lords of
Privie Counsell, accepted upon him the office of shirefship within the said
shirefdom of Berwick and gave his oath de fidei administratone.”

“The whilk day in presence of the Lords of Secret Counsell com-
peared personally Mr James Cokburne, shireff depute of the shirefdom
of Hadintoun, and accepted upon him the said office of shireff depute
within the saids bounds and gave his oath de fidei administratone.”

“Forsamekle as Mr James Cokburne, shireff depute of the shirefdom
of Hadintoun, hes exercised that office thir manie yeeres bygane both
for the good of his Majestie's service in that kynde and to the good
lyking of all his Majestie subjects whom it did concerne, and his
Majestie considering that in regard of his long practice in that service
and sufficiencie otherways great prejudice would arise therein to his
Majestie service and to his Majestie subjects if he wer removed; thatfor
his Majestie, with advice of the Lords of his Privie Counsell, hes
made and constitute, and be thir presents makes and constitutes,
the said Mr James Cokburne shireff depute of the said shirefdom
of Hadintoun, and gives and committs unto him the office thairof
with all fees, dewteis, escheits, unlawes, forefeyta and casulaties
belonging thereto, with power to him to ake, crave, receive and uplift
the same and to exerce the said office siclyke and with ass great fredome
and auctoritie as the said Mr James or anie his predecessours in the said
office hee or might have lawfullie done at anie tyme heeretofore, shireff courts within the tolbuith of Hadinton and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirm, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynnd and distrteinye, and to proced and minister justice in all and sindrie actions and causes, criminall and civill, proper and competent to the said shireff depute, and to cause the same be putt to executioun accordinglie; breeves of our soverane lords chancellarie of quhatsomever nature and qualitie direct and to be direct to the said shireff depute to receave, opin and caus be proclaimed and accordinglie to be putt to executioun; officers, serjants, dampsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said depute sall be haldin to ansuer; assyses and witnesses als oft as neid beis under the usuall and accustomed panes to summound, warne, choose and caus be sworne; with power to the said depute to aske, crave, receave, intrometit with and uplift his Majestis castell wairds, blenche dewteis and enrieisses for free tennents and, if neid beis, to poynnd and distrteinye thairfoir, and compt thairof in his Majestis Exchecker to make; as alseua to receave the mustours and weaponsawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed thereto be his Majestis lawes and proclamations and to unlaw and punishe the absents accordinglie, as alseua to raise and convene the inhabitants within the said shirefdome at all tymes and occasions needfull for the forderance and advancement of his Majestis auctoritie and service and persute of his Majestis rebellis, tratours and disсобedient persons; and generallie all and sindrie others things to doe, exerse and use quhilkis ar proper and competent to the office of ane shireff and quhilkis of the law and consuetude of this realme ar knowne to perteane: Firme and stable holding and for to hald all and quhatsomever things sall be lawfullie done heerin. This commissioun for the space of ane yeere nixt after the dait thairof but revocatiouns to indure."

"Forsamekle as the commissioun of shirefship grantit to Alexander James Dunbar of Boigis upon the last of July bygane and the Lords of Secreet Counsell understandin the good and worthie disposicion of James Dunbar of Boigis toward the forderance and advancement of his Majestis service, and that he will behave himselfe with that respect that becomes ane shireff within the saids bounds, thairof the saids Lords hes made and constitute and be the tennour thairof makes and constitute the said James Dunbar shireff principall within the saids bounds of Elgine and Forres, and gives and grants unto him the office thairof with the liberteis and priviledges pertaining thereto, with power to him to use and exerse the said office in all and sindrie the liberteis and priviledges thairof and to intrometit with and uplift the fees, dewteis, escheits, unlawes, forefeyts and
casualiteis proper and perteaneing thereto, siclyke and with als great Acta, June 1634- April 1636. deputs and clerkes, or anie their predecessours, hes or might have lawfullie done at anie tymte hereeretofore; shireff courts within the tolbuith of Elgine and Forres and others accustomed places and seats within the said shirefordome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerciat, unlawes, amerciaments and escheiss of the saids courts to aske, lift and raise, and for the same, if neid beis, to poyn and distreinie, and to proceed and minister justice in all and everie actioun and caus proper and competent to the said shireff, and to give decreits and sentences thereupon, and to caus the same decreits and sentences receave execution accordinglie; breves of our soverane Fol. 22, b. lords chancellarie of whatsoever nature and qualitie direct and to be direct to the said shireff to receave, opin and caus to be proclaimed and accordinglie to be putt to execution; assyses and witnesses als oft as neid beis under the usuall and accustomed panes to summount, warne, choose and caus be sworne; deputs under him in the said office with officers, serjants, dempesters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff sall be halvin to anser; with power to him to aske, crave, receave, intromett with and uplift his Majesties castell waridis, blenshe dewteis and interseises of free tennents and, if neid beis, to poynd and distreinie thairfoir, and comp thairof in his Majestis Exchecke to make; as alsua to receave the mustours and weaponshowings of the inhabitants within the said shirefordome at suche tymes and places as sall be appointed thereto be his Majestis lawes and proclamationis and to unlaw and punishe the absents accordinglie, as alsua to raise and conveene the inhabitants within the said shirefordome at all tymes and occasions neidfull for persute of his Majestis rebellis, trauers and dissobedient persons; and generallie all and sindrie others things to doe, exerce and use quhilks to the office of ane shireff ar proper and competent and qhilks of the law and consuetude of this realme ar knowne to pertane: Firme and stable haldding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordaines letters to be direct to make publicaioun heirof be opin proclamationoun at the mercat croces of Elgin and Forres and others places neidfull, quherethrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majestis lieges and subjects to reverence, acknowledge, obey, rise, and assist the said shireff and his deputs in all and everie thing tending to the forderance and advancement of this commisionoun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will anser upon the contrare at their perrell. This commisionoun for the space of ane yeere nixt after the daite heirof to in endure.”
for the yeere to come, and the Lords of Secret Counsell considermg
that in regarde of the shortness of tyme and necessitie of his Majesties
service the said shirefs cannot be brought heir to give their oaths
before his Majesties Counsell, thairfoir the Lords of Privie Counsell hes
givin and grantit and be the tennour heirof gives and grants full power,
auctoritie and commision, expresse bidding and charge to the noblemen,
counsellers and others persons aftermentionned to take the oaths of the
shirefs particularlie after specefeit for the faithfull discharge of the office
of shirefship within thair several bounds and jurisdictions; that is to
say, George, Erle of Kinnoull, Lord High Chancellor of this kingdome,
take the oath of Sir William Stewart of Garnettullie, shiref principal
of Perth; to Thomas, Erle of Hadintoun, Lord Privie Seale, to take the
oathes of Sir John Dalmahoy, shiref principal of Edinburgh, Walter
Cornwall of Bonhard, shiref principal of Linlithgow; Sir Patrick Murrey
of Elibanke, shiref principal of Hadintoun, Sir William Scot of Harden,
shiref principal of Selkirk, and Sir Robert Greirsone of Lag, stewart
principal of Annerdaill; and to Patrik, bishop of Glasgow, to take the
oathes of Walter McAulay of Ardincaple, shiref principal of Dumbart
ane, Sir James Hamilton of Broomehill, shiref principal of Lanerk,
James Chalmers of Gatgirth, shiref principal of Air, and Sir William
Cunningham of Cunninghamheid, baillie principal of Kylstewart; and
to David, Erle of Southesk, to take the oath of Sir John Carnegie of
Ethie, shiref principal of Forfar; and to Patrik, bishop of Aberdeen, to
take the oathes of Thomas Crombie of Kemnay, shiref principal of
Aberdeen, and George Baird of Auchmedden, shiref principal of Bamff;
and to John, bishop of Murray, to take the oathes of Alexander
McKeinzie of Culcowy, shiref principal of Inernnes, and James Dunbar
of Boiga, shiref principal of Elgine; and to Sir John Charters of Ams
feild or Sir Robert Greirsone of Lag to take the oath of John Dalyell,
sone to the Lord Dalyell, shiref principal of Dumfreis; and that the
said commisioners make and send in to the Clerk of Counsell and form
nal report in writt of the shirefs respective abonewritthin their oaths
to the effect the same may be insert and registrat in the booke of Privie
Counsell. And the said Lords ordains the said shirefs to make their addresse
with all convenient diligence to the commisioners particularlie
abonewritthin to give thair saids oaths for the faithfull discharge of thair
offices."

"Forsamekles as the disordered and brokin classes in the Hielands
being by force of auctoritie and carefull execution of the lawes reduced to
obedience now of a long tyme bygane, and his Majesties peaceable subjects
in the in countrie settled in a full suretie of thair persons and goods, thir
disordered lymmers being now wearied of this long and happie peace
they have upon hope of impunitie begun to breake house and not onelie
to make privat stouthes bot opin heirships and others insolences upon
his Majesties good subjects, to the disgrace of his Majesties governement,
and they ar the rather encouraged to goe on in their wicked and lawlesse
courses in regarde of the negligence of the shireffs, stewarts, bailleis of
regaliteis and others ordinar judges in not putting his Majesteis lawes
and acts of parliament into executioun aganis thir brokin lymmars and
sorners, as alsua because the landlords, bailleis and others whome it con-
cernes gives way to thir brokin men peaceable to pas and repas with
their spreaths and heirships throw their bounda. And whereas in
the parliament holdin at Edinburgh in the moneth of Junij, 1592, it
is statute and ordained that all shireffs and others judges ordinar, as
weill to burgh as land, within regalitie as royaltie, sall doe their exact
diligence in inquyryng, searching and apprehending of sorners, oppressours,
vagabounds and beggers wandering aorth the countrie and all simulat
theeves and egyptians; lykeas in the parliament holdin at Edinburgh in
the moneth of July, 1587, it is statute and ordained that if anie
person, landlord or baillie receave or ressett anie person fugitive
after the committing of thifts and depredations upon their lands
and stayes and arrests thame not when they pas throw their bounds
with trew mens goods refit and stollin, if the same comes anie way to
their knowledge or that it be triald that they might have stayed the
saidis reffeis and oppressious, in that caise they sall be holdin to present
the offenders to the lawes or to redresse the partie skaited, and where the
owners of the stollin goods followes not, the stayers and arreisters of the
saidis goods passing throw their lands sall be holdin to make certificatoun
be publicatioun at the mercat croces of the shire that the parties having
interesse may challenge thair goods in sax dayes space; and where the
lord of the ground never uses to make residence in the parts throw
quhilkis the theeves resort they sall be bound be thair baillies and
tennents to make thair arrestments and stay and to make publicatioun
of the same, if it be in thair power or comes to thair knowledge, and
that thair cheefe of the clan in the bounds where these brokin men dwellis,
throw the quhilkis these lymmars and brokin men reparaies in passing to
steale and reave or returning thairfra, sall be bound to make the like stay,
arrestment and redresse; as in the the saids twa acts of parliament at
lenth is conteanit. And the Lords of Secret Council understanding that
the execution of the saids acts will greatlie conduce towards the restraining
to the insolenceis of thir brokin lymmars and the good and quyet of the
countrie, thairfoir ordains letters to be direct charging all and sindrie
shireffs, stewarts, bailleis of regaliteis and others judges ordinar to burgh
and land and als all landlords, their baillies and tennents, where they
reside not thameselfes, and all chiftans of clans to doe thair exact
diligence in inquyryng, searching, apprehending, staying and arreisting of
all brokin men, sorners, vagabounds and sturdie beggers resorting and
repairing within thair bounds committing anie heirships, stouthes,
reffeis, depredatious and slaughter, and to committ thame to waerd
therein to remaine till justice be ministrat upon thame as accord.
under the panes conteanit in the saide acts of parliament; certifeyeing the
saide shireiffs, landlords and others foresaid, if they faile, that the
foresaid panes sall be execute upon thame without favour; and that
the saide landlords and their bailleis and chiftans of clans who are not
ordinarie judges exhibite all suche brokin men, soriners and disorderlie
persons apprehended be thame, as said is, to the shireiffs, stewartes and
others judges where they sall be apprehended, whome the saide Lords
makes and constitute his Majestie's justices in that part to the effect
underwrittin, givand, grantand and committand unto thame, conjunctlie
and severallie, full power, auctoritie and commissioun, expresse bidding
and charge courts of justiciarie at quhatsomever places and upon quhat-
somever dayes lawfull and convenient to sett, begin, affixe, affirm and
hold and continew, sutes to make be callit, absente to amerchiat, unlawes,
amerchiaments and escheits of the saide courts to ask, lift and raise and
for the same, if neid beis, to poynd and distreinyie, and in the same courts
the persons, soriners and brokin men apprehended be the saide shireiffs,
stewartes and others ordinair judges to burgh and land in any actual
thift, depredation or stoutreach or suspect and delate guiltie of the
saide crymes, or who sall be exhibite and presented unto thame as being
persons of the quallitie foresaid be the landlords, their bailleis and
tenants, to call, be dittay to accuse and thame to the knowledge of ane
assise to putt, and as they shall be found culpable or innocent of the
saide crymes to caus justice be ministrat upon thame conforme to the
lawes of this realme; assyse neidfull for this effect, ilke person under the
pane of fourtie pundis, to summond, warne, choose and caus be sworne;
clerkes, serjantis, dempsters and others officers and members of court
neidfull to make, create, substitute and ordaine, for whome the saide
commissioners sall be hailin to answar; and incais it sall happe the
saide brokin men and soriners for eshewing of apprehensioun to flee to
streinthes and houses, with power to the saide commissioners, shireiffs,
stewartes, landlords and others foresaid, conjunctlie and severallie, to
pas, follow and persew thame, assige the saide streinthes and houses,
raise fire and use all kynds of force and warrelyke ingyne that can be
had for winening and recoverie of the same and apprehending the saide
brokin men being therein; and if in persue of the saide brokin men,
they refusing to be tane and violentlie opposing the execution of this
commission, it sall happe thame or anie of thame or anie being in
companie with thame and within the saide streinthes and houses and
assisting thame to be hurt, woundit, mutilat or slaine or anie other
inconveniente to follow thereupon, the saide Lords declares that the same
sall not be impute to the saide commissioners nor persons assisting
thame in execution of this commissioun as cryme nor offence, and that
they nor none of thame sall not be callit nor accused thairfor criminallie
nor civillie be anie maner of way in tyme coming, exonerin thame
thairof and of all pane, crime and danger they may incurre therethrow
simpliciter be thir presents; with power to the saids shireffs and others judges ordinar to burgh and land, landslords, thair bailleis and tennents and chiftans of clans and suche as sall accompanie thame in execution of this commissioun to beare and weare hacquebut and pistolets in the executiou of the said commissioun and persute of the saids brokin men and sorners allanerlie, and no otherwayes, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsoever acts and statute made in the contrare, whereanent the saids Lords dispenses be thir presents; and generallie all and sindrie others things to doe, exercse and use quhilkis of the law and consuetude of this realme for executiou of this commissioun at knowne to pertane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done herin; charging heirby all his Majestis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioneris in all and everie thing tending to the orderance of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will anwer upon the contrare at thair perrell. This commissioun for the space of ane yeere next after the dait heirof to induce."

"Forsamekle as the Lords of Secret Counsell ar informed that ane great number of sorners and brokin men of the Clangegour, Clarnannal, Clanlachlane and others brokin clans dwelling under the Laird of McGregour, the Laird of Glengarrrie, Allane McEane Dowy and his sonnes, the Captane of Clarnannal, and elliswhere in the Hielands, have verie heavilie infested and spoyled diverse of his Majestis good subjects dwelling within the shireddomes of Murrey, as namelie upon the day of August last they came to the dwelling hous of Chalmer in Ormeestoun, band himselfe and his wife hand and foote, spoyled his houss and raff and away toke ane thousand pounds or thereby; and upon the day of the said moneth thereafter they in like maner spoyled and herryed the houss of Andro Geddes in Gairmocht; and upon the day of the said moneth they came to the houss of Johne Moir in Braemurray and robbed and spoyled the said Johne of his goods and gave Mr James Cumming, being in the houss for the tyme, ellevin wounds with his awne durke; lykeas in the moneth of Junij last they violently lifted and away toke ane heirship of fiftie head of oxin and ky aff the mont of Dolles; and in the moneth of July thereafter they thifteouslie staw three meirs from Thomas Gilzeane in Haltoung tidgger with ane black hors; and latelie in the moneth of September instant they violentlie drave away ellevin hors and meirs pertaining to Johne Hay in Orton; by the quhilkis and manie moe greevous oppressions, depredataions and heirships committed upon his Majestis good subjects in the incomtric of Murrey be thir brokin lymmars and sorners, who goe aforth the countrie in great troups and compaines armed with unlawfull weapons, the haill inhabitants in these boundes ar in continuall feare of thair lyffes and
spoyling their goods and darre not keepe their houses nor travell in the
countrie, as hes beeene represented to the saids Lords by ane commis-
sioner sent unto thame frome the barons and gentlemen of the countrie
of Murrey. And the saids Lords understanding that the peaceable and
free passage quhilk thorsornes hes frome the parts of thair abode throw
the lands of diverse barons and gentlemen to thir parts of the in countrie
of Murrey encourages thame to hazard upon suche desperat and wicked
attempts; and to the effect the saids barons and gentlemen use no
pretext or cullour for overseing of thir lymmars for want of power and
auctoritie to represse thair incursions and depredations, thairfoir the
Lords of Secret Counsell hes givin and grantit and be the tennour heirof
gives and grants full power, auctoritie and commission, expresse bidding
and charge to the persons particularlie underwrittin, they ar to say, Sir
Johne Grant of Freuchie, Sir Robert Innes of that Ilke, Huchooun Ros
of Kilraack, Alexander Dunbar of Grange, Alexander Brodie of Lethame,
Robert Dunbar of Burgie, M' James Campbell of Moy, John Grant,
appearand of Ballindallach, M' Samuel Falconer of Kyncorth, Robert
Leslie of Finrassie, Johne Inneis of Leuchars, Coline Campbell, sone to
Sir James Campbell of Calder, James Sutherland, tutour of Duffus,
M' David Steuart of Newtown and Walter Leslie of Glen, conjunctlie and
severallie, to convocat his Majesties lieges in armes and to pas, searche,
seeke and take all sorters, brokin men and lymmars committing ane
heirships, depredatiouns, stouthreaffes wherever they may be apprehendit
and to pas, follow and persew thame and to bring and exhibite thame
before the shireff or other ordinair judge where they sall be apprehendit
to underly thair deserved tryell and punishement; and incase it sall
happin anio of the saids brokin men and sorters for eshowing of appre-
hsenioun to flee to strentchs and houses, with power to the saids com-
missoners to pas, follow and persew thame, assiège the saids strentchs
and houses, rase fire and use all kynde of force and warrellike ingyne
requisite for wining and recoverie of the same and apprehending
the saids brokin men being therein; and if, in persute of the saids brokin
men, they refusiung to be tane and violentlie opposing the executioun of
this commisioun, it sall happen thame or anie being in companie with
thame or within the saids strentchs and houses and assting thame to be
hurt, woundit, mutilat or slaine, or anie other inconvenient to follow
thereupon, the saids Lords declares that the same sall not be impute to
the saids commissioners nor persons assisting thame in executioun of this
commissioun as crime nor offence and that they nor none of thame sall
not be callit nor accused thairfoir criminallie nor civillie be anie maner
of way in tyme comming, exonering thame thairfoir and of all pane, crime
and danger they may incurre therethrow simpliciter be thir presents;
with power to the saids commissioners and suche as sall accompany thame
in executioun of this commissioun to beare and weare hauequibuts and
pistolets in the actuall executioun of this commissioun and persute of the
said brokin men and sorners allanerlie and no otherways without pane or danger to be incurred be thame therethrow in their persons or goods, notwithstanding quhatsomever acts and proclamations made in the contrare, whereas and, all panes conteanit therein the saied Lords dispenses be thir presents; and generallie all and sindrie others things to doe, exercice and use quhilk for execution of this commissioun of the law and consuetude of this realme ar knowe to perteane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging all his Majesties lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saied commissioners in all and everie thing tending to the execution of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will answere upon the contrare at thair perrell. This commissioun for the space of ane yeere nixe after the day heirof to indure.”

“Forsameekle as it is understand to the Lords of Privie Counsell that great numbers of sorners and brokin men of the Clanggour, Clanlachlane, Clanrannald and others brokin clans dwelling under the Laird of M’Gregour, Patrik his brother, the Laird of Glengarrie, Allane M’Eandwy and his sonnes, and the Captane of Clanrannald, hes latelie verie heavilie infested and spoyled his Majesties peaceable and good subjects dwelling in the countrie of Murrey by committed diverse heirships and depredations upon thame, quhilk have beene represented to the saied Lords by ane commissioner direct frome the bishop and the barons and gentlemen of the diocese of Murrey; and whereas be the lawes of the countrie, acts of parliament and generall band the maisters and landlordis of thir brokin lymnars and chiftains of thair clans ar obliged to be answerable for thair good behaviour and for all sorners and brokin men resorting to, fra or throw thair bounds with heirships and depredations; thairfor the saied Lords ordains letters to be direct charging the saied Laird of M’Gregour and his said brother, the Lairde of Glengarrie, the Captane of Clanrannald, Allane M’Eanedwy and his saied sonnes, to compeir personallie before the saids Lords at a certane day to underly suche order anent the peace of the countrie and restraining of the depredations of the saied brokin men dwelling upon thair lands or being of thair clans for whome they ancht to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majestis oppressed subjects of thair losses and damages susteannel by the saieds brokin men, as by his Majestis said lawes and acts of parliament sall be found necessar and expedient for the good and the quyet of the countrie; and that they compeir personallie to the effect foresaid under the pane of rebellioun, etc., with certifica-

- tion, etc.”
Complaint by the bailies of the burgh of Dysert, as follows:—James Thomesone at the west end of the town of Dysert, "a verie turbulent and seditious fellow," having committed a number of insolencies against several of the inhabitants, for which he was censured by the complainers, lately on 7th February last assaulted William Hillock, one of the town officers, by striking him upon the head and face "with his neiff." For this he was challenged by Alexander Simsone, one of the bailies, who attempted to apprehend him, but he "drew a whinger and thairwith invitad and persweit the bailie of his lyffe, bidding him cum over his marche if he durst for his hanging, and so in this presumptious maner appealed him to the combat." The pursuers compearing by Alexander Simsone, bailie of Dysert, but the said James Thomesone not compearing, the lords ordain him to be put to the horn and escheated for his contempt.

This day John Tagart and William Arnewstrang, uoldrivers, appeared before the Lords of Secret Council, and being again examined anent the goods sold by Tagart in Falkland which he alleged he bought from William Arnewstrang and which were stolen from Griffin Wmkillis of Harnan in the county of Northumberland, the Lords find their evidence contradictory, but the evidence of Arnewstrang's guiltiness in selling the said goods to Tagart being "verie pregnant and apparent" they ordain him to be warded in the tolbooth of Edinburgh on his own expenses till the truth be further cleared and the stealers of the said goods discovered. They permit the said John Tagart to return home and attend to his own affairs as his Majesty's free liege.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and James Robesone at Brunstane Mylne, the party grieved, as follows:—In contravention of the laws forbidding the bearing of hagbets and pistols, on 4th instant John Manick came under silence of night to John, Earl of Lawderdaill's mill, lately built at Magdalene Brig, and "in a boasteous maner called for ludgeing." On being refused he attempted to take the life of the said James. "Havin a musket in his hand," he "bendit up the dog thairof, presentit the same to the persewer avowing to shoot him throw the bodie therewith. But the said James be Gods providence haveing gottin in to him, tooke the gun from him. He then in a most furious maner made to his sword, drew the same, intendit to have slane the said James thairwith if some people had not happielie comed by and stayed him." Pursuers and defender compearing, the latter accompanied by Alexander Watsone, merchant, as his prolocutor, who represented that this matter was presently in dependence before the Sheriff of Edinburgh and his deputies at the instance of the defenders, whom "the said James Robesone not onlie woundit in his bodie the tyme libellit bot also robbit of his purse and moneys
being thair in and of ane musket and rapper." To this it was replied that the said James Robson and Robert and James, his sons, on being pursued on the 8th instant before the bailie depute of the lordship of Musselburgh at the instance of their procurator fiscal for the alleged wounding and robbing of the said defender, were assoilzie therefrom, as the romlent of that court, being produced, proved. The Lords having heard parties and examined several witnesses, find that at the time mentioned the defender came to the pursuer's house accompanied by another soldier and having craved lodging from the pursuer was told that "he had no part bot his barne where his shearers behaved to ly. The defender repliyt that albeit the persewer wer hanged he soule ly in the best bed of his hous, and his companion soule ly in the barn; and that thairafter they threatened to shoot with thair haquebut at the persewers who happielie tooke the same from him." They find nothing proved against the pursuer as to his robbing and wounding the defender who, if he received any wrongs procured them to himself, and that his weapons were justly taken from him. They there ordain the defender to be warded in the tolbooth of Edinburgh until to-morrow night.

Complaint by Katherine Moesman, widow of James Nisbet, Burgess of Paisley, as follows:—Allan Lokhart, one of the bailies of Paisley, against whom she has some actions depending before the Lords of Session, maliciously to frustrate these caused her to be summoned before him upon "some forged quarrell," and because she did not appear fined her in £10 and threatened to imprison her. She therefore procured a suspension from the Lords of Session, which on returning home she showed to him; but he refused to acknowledge it, spoke most contemptuously of it, and ordered the officers and neighbours of the town to carry her to ward. The people, knowing how hardly the bailie had used her, refused to satisfy his unjust desire, whereupon he took a halbert out of an officer's hand and threatened her therewith, until, for fear of her life, she was forced to go to ward notwithstanding the suspension. Both pursuer and defender compearing, the Lords having heard parties and certain witnesses find the complaint verified and for his disgraceful contempt of his Majesty's authority they deprive the defender of his office of bailie of Paisley, declaring him incapable of the said office for three years to come; and their Lordships further fine him in £40 to be paid to the pursuer, and ordain him to pay the witnesses in the case, to every horseman £5, and every footman 40s., and to be imprisoned in the tolbooth of Edinburgh until he pay these sums and further until their Lordships release him.

Complaint by James Gibsone, advocate, as follows:—On 6th December, 1631, John Gordon of Ardlogie was put to the horn at his instance for not paying to him 330 merks, paid by the complainant as cautioner for Adam Gordon, iar of Ardlogie, son of the said John, and 500 merks due by the said Adam to the complainant himself, with due interest and
expenses; but he remains thereat most proudly. The pursuer compar-
ing but not the defender, the Lords ordain him to be charged to render
his house of Arlogie and enter himself in ward within the castle of
Blacknes within fifteen days after being charged under the pain of
pension.

Complaint by Barbara Blair, spouse of Oliver Fentoun in Wester
Estravie, as follows:—The said Oliver has long behaved himself most
inhumanely towards her, a "gentlewoman by whom he got the most
part of his means, by stryking and wounding her shamefullie to the
effusioon of her blood." On 24th May last, with a great rung he "gave
her manie cruell straikes upon diverse parts of her bodie, raive the
haire out of her head, shot her to the doores, and would not suffer her to
kkepe companie with him since that tyme in bed nor board, for no other
caus but because she wald not renunce her lyfrent to the said Olipher,
and hes thereby suffered the gentlewoman to live in the qualitie of ane
beggar this long tyme bygone, he in the meane tyme injoiring her whole
means; nather darre shoe go neir him to cohabit with him for feare of
her lyffe quhill he hes resolved to take." Charge having been given to
the said Oliver, as party, and to James Fentoun in Wester Estravie and
John Gardine in Coltoun, as witnesses, and the pursuer and defender
both comparing, but not the witnesses, the Lords, after hearing parties,
and finding that they cannot at present cohabit together, ordain the
defender to pay to the pursuer £20 for her entertainment until 4th
November next, until which day the Lords continue the discussion of
the mutual complaints of parties, and also to produce that day the said
James Fentoon, his son, and John Gardine, his servant, as witnesses,
ailing which they are to be put to the horn and their goods escheated
for their contempt.

Supplication by the provost, bailies and council of the burgh of
Dumfries, as follows:—Their Lordships having considered the great
expense to which they have been put by the building and restoring of
their bridge, which was almost entirely destroyed by the floods and
stormy weather, and how that they had done it by themselves, though
if such a thing had fallen out in any other place or burgh in the
kingdom, help would have been craved from the whole estates, and
knowing to what further expense they must be for upholding their said
bridge, on 17th July, 1627, granted them power to uplift for the space
of seven years the following tolls and duties, which for many years past
they have enjoyed and exercised, viz., of every pack passing along their
bridge, 2s.; of every horse, 16d.; of every cow, 16d.; of every sheep, 2d.;
of every lamb, 1d.; of every pack of skins, 2s.; and of every daiker
of hides, 12d.; as also of every barque coming up the river towards their
town, 13s. 4d.; and of every laden boat, 3s. 4d. The seven years have
now expired, but the need for the impost to the end stated is as urgent
as ever, for few weeks pass without something or other requiring to be
done to their bridge. They therefore crave that their Lordships would extend the time for such period as they think expedient. The Lords extend their former commission for the space of other seven years from the date of these presents.

Complaint by Robert Logane, merchant burgess of Edinburgh, as follows:—He has been charged at the instance of John and James Davidsone, jailors of the tolbooth of the Cannogait, to pay to them £300 for furnishing of meat and drink to his brother, John Logane, during his being in ward there, and they intend to put him to the horn if he do not pay. Now, he is wrongly charged, for he is in no way debtful to his said brother, but, on the contrary, the said John is due to him £400; and as he was neither arrested nor warded at the complainer’s instance, on no ground of law can he be burdened with the payment of his furnishings; but rather should Samuel Morresone, indweller in Leith, and Andrew Ker of Massindew, be required to pay the said amount, as they owe to the said John 3000 merks; and the decree by the Lords of Session upon which the charge is grounded is also given against them. Further, the sum charged is contrary to the terms of the said decree, which is in general terms, ordaining the complainer to pay such sums as after count and reckoning shall be found due; and he cannot be due more than one third of the sum claimed, seeing the said John, during the four months he was entertained by the said jailors, was dealt with but “sparinglie, haveing onelie one chopen of all and ane loaf in the day; and since Yuile last they never furnished him so muche as ane loaf of bread but he was interteained be John Polwart all that tyme.” Further, the said jailors were at one time content at the sight of the bailies of the the Cannogait to accept £100 in full satisfaction of their claim. So, too, if this payment is imposed upon the complainer, he will be liable most unjustly to be brought in for paying the expenses of his brother at any time hereafter when in ward at other men’s instance. Moreover, the decree of which suspension is now sought was granted on the ground that the complainer had in his hands all the means of the said John Logane, which is not yet proven, and therefore such decree is null, as nothing has been produced to show that the pursuer is debtor to the said John, and this will be verified upon discussion before the Lords of Session. And finally, the whole matter is one of collusion plotted by the said John Logane to whom the chargers have granted a backbond promising to hand over to him the surplus of the £300 after they are paid their outlays, which backbond is in the hands of Mr. Matthew Wenis, minister at Halyrudhous. For the truth of this he refers to the oaths of the chargers, to the account subscribed by the said John Logane and a later subscribed account which is in the hands of Henry Bannatyne, bailie of the Cannogait, which shows that the debt to the chargers is not half of what they claim. The complainer, however, has consigned the sum of £300 in the hands of the Clerk of Privy Council to be given up
by him to the said jailors if their Lordships so ordain, and he therefore craves suspension of the horning. Charge having been given to the said James Davidsone, and pursuer and defenders [sic] compearing, the Lords, after hearing the parties and considering the productions, suspend the horning as craved, and ordain James Prymerose, Clerk of the Privy Council, to pay out of the £300 consigned in his hands to James Davidsone £120 for furnishing, bed and jailor fee of the said John Logane until 23rd August last, and to John Davidsone for the same £60, as in full of all that is due to them, receiving their discharges therefor, and to return the balance to the said Robert Logane.

Complaint by the said Robert Logane, merchant burgess of Edinburgh, in the same case, in which their Lordships ordained him to cite the foresaid Samuel Moreson and Andrew Ker, for the relief of the complainant in the foresaid claim. The pursuer compearing and also the said Samuel Moreson, who confessed that as cautioner for the deceased James Moreson, burgess of Edinburgh, he was due £100 for the Whit-sunday's interest of the foresaid 3000 merks, and that at Martinmas next there will be due another £100 for that term's interest of the said sum which belongs to the said John Logane, the Lords, in respect that there is no verification produced by Robert Logan's being in debt to his brother, and that it is just and reasonable that the said John's jailor fee be paid out of his own money, ordain Samuel Moreson to relieve the said Robert Logane of the sums before decerned against him for the said jailor fee, and that without prejudice of the assignation made to the said Robert Logane of the said sum of 3000 merks and interests thereof for a debt of 1000 merks and interests thereof due by the said John to the said Robert Logane.

Complaint by Thomas Lyndsay, merchant burgess of Edinburgh, as follows:—William Bannatyne of Corehouse is at the horn at his instance for great debts, and contemns all legal process by hornings, captions, etc. The complainant accordingly summoned him before their Lordships to hear letters of treason granted against him, which, upon many promises by him of giving satisfaction to the complainant, were delayed, until their Lordships, finding that there was no sincerity in these promises, granted the letters, ordaining him to render his house, and enter himself in ward within the Castle of Blackness. These were executed against him in April last by Mr. William Dowglas, one of the macers of Privy Council, when the Laird of Corehouse's wife delivered to the said macer the keys of the house, which he kept for a time and then locked the gates and brought the keys with him. But in mockery of his Majesty's authority the said Laird of Corehouse has caused new keys to be made and he has entered into the said house again and now dwells there. The complainant has been at great expense in going to the utmost extent of the law, but the said Laird has not obeyed the letters of treason either in delivering his house or entering himself in ward, and so he ought to
be dealt with as a traitor to the terror of others to do the like. The pursuer compearing but not the defender, the Lords ordain his Majesty’s Advocate to pursue the latter criminally before his Majesty’s Justice as a traitor for disobeying the two charges of treason, but they supersede the outgoing of this decree until such time as Mr. William Dowglas shall have again required delivery of the said house and make report of the defender’s carriage and behaviour herein; and they ordain the said Mr. William Dowglas to go and require delivery of the said house, and to keep the same during the defender’s rebellion, certifying the said Laird of Corehous that if he disobey, this decreet shall be forthwith extracted and given to the pursuer.

The Lords of Council this day read and considered the letter sent to them by Robert Preston of Craigmelior to whom on 15th July last they granted commission for inspecting the ways and passages from the house of Mr. James Raith of Edimestoun to the kirk of Natoun which are in controversy between the said Mr. James Raith and Patrick Edimestoun of Wolmet. The letter sets forth that the said Laird of Craigmellor, for the better and more orderly conduct of the business, and the settling of the said differences, has thought it advisable to take the advice of David Prestoun of Quhythal, bailie of the regality of Mussilburgh, William Murray of Natoun, Alexander Hay of Monkton, John Hill of that Ilk, and Mr. John Melvill, minister of Natoun, or as many of them as he may conveniently obtain and as will concur with him, as being unsuspect persons and such as best know “how that kirk rod and horse way to the churche hes beene used in all tymes past.” The Lorde allow him to do so, and to report to them what they determine and do herein, so that their decision may be authorised and take effect under the pains contained in the acts of lawbrows between the parties.

Complaint by Sir James Nicolson of Colbrandspeth and Katherine Nicolson, spouse of Alexander Gordon of Aberzeldie, as follows:—After manie insolencies, unnaturall and violent wrongs committed upon the said Katherine be her said spouse,” she was forced to summon him before their Lordships, who after careful consideration of the case took a very good course in justice between them by modifying to her “a little portion out of her husband’s estate for entertaineing her and her children” during the time their Lordships thought meet to separate them. At that time her husband was resolved “to disherishe the compleancers children and to sell and put away his whole estate in defraud of thame,” and to prevent this she was constrained by her brethren, for the standing of his house and for the welfare of her children, to go home with her husband so that they might obtain infetment of some part of his estate to his son; and her husband then faithfully promised “that he sould carie that respective dewtie to the compleamer quhilk became ane husband to his wyfe,” and “gave his band under his hand that he sould
never strike, hurt nor wrong her in her bodie,” under a penalty of 2000 merks to be paid to the said Sir James, her brother, yearly for her maintenance during her life, the payment thereof to begin at the first term after such injury should be proved before their Lordships, and that by her own oath and deposition only. This bond has been repeatedly violated by the said Alexander Gordon, viz.:—On 15th October last “he fell out in manie opprobrious and disgracefull speeches aganis her, thinking to have stired her up to anger aganis him that therby he might have a quarrell aganis her; bot, finding that her patience could not be tempted that way, he then in a great rage and furie addrest himselfe to her, resolved to have putt violent hands in her person were not he was stayed be a gentleman named Arthur Ros present for the time.” Again, on 24th April last he “violentlie shot the compleaner to the doore, con-strayning her therby to go beg her ludgeing for twa nights in one of her tenants houses, dureing quhilk tyme he battened the poore servant woman that attendit her in her sicknes and shot her also to the doore.” In May last, when she had returned home to his house of Ballogie, “he after his accustomed maner fell out in his rayling speeches aganis her, threatening her to condiscend to anie thing he craved, and either to quyt him or renunce her conjunct sie, as formerlie he had urged her to doe, and to quyt her brethren or then to quyt him for ever.” When she refused, “he then threatned to cast her on a horse and to carie her bund to Aberzeldie, and if she preast to come away to compleane of her evill usage that he sould send twentie foure Hisland men in her way to wrong her, swearing manie execrable oathes that there wes no sinne to kill her. And, she presssing to come away to have sought some helpe in this her distresse and miserie, he came violentlie upon her, patt hands in her person till shoe sould give him the little money she had, and then he bade her go to the divell. And when he [sic] gave the money he would not give her so muche as a plaide to putt about her nor a sarke to putt on her backe, altho shoe intrettied him pitifullie to doe the same.” Finally, while she stayed with him at Ballogie, he frequently withdrew himself from the house for twenty days at a time without leaving her so much as a penny to maintain herself and her five children, or any victuals in the house, so that they were brought to the extreme point of famishing, and she was forced to go with the children in her hand begging from some of the tenants who, though they had been previously discharged by the Laird to give her even a peck of victual, were so moved with pity at her distress that they gave her of their own meal. Mr. Robert Forbes, minister at Eyght, knowing her necessity and want, sent her some victual from his house, and has sometimes met her and the children going to the tenants' houses to seek meat, and sometimes he took her home to his own house. At last, she was forced to come away with two of her children and beg from her friends, “sieing that both in tyme of her chyldbirth and ever since
she went home with him last, by abstracting of the ordinarie mentenance
from her and her bairnes he had brought her to the poynt of begging
alredie from his tenentes." Her husband having thus violated his band
and incurred the penalty, she craves that letters may be directed against
him for payment thereof. Charge having been given to the said Alex-
derand, Gordoun, and the pursuers comparring but not the defender, the
Lords, having seen the bond referred to (which was registered in the
Books of Counsell and Session), decern the defender to have incurred
the penalty contained in the bond, and ordain him to pay the same
yearly to the said Sir James Nicolson, beginning the first term's pay-
ment at Whitesunday next, 1635, and to continue the payment during
the said Katharine's lifetime. The truth of the complaints was estab-
lished by the oath and depositions of the said Katharine.

Complaint by Mungo Wright, cordwainer, servitor to the Earl of Rox-
burgh, now indweller in Leith, as follows:—In July last he agreed with
Thomas Davidsone, servitor to the Master of Forbes, to make their
soldiers six pair of shoes of the best sort at 20s. per pair, or £6 in all,
and having made the shoes, he brought them up to be delivered to the
said Thomas Davidsone, when James Broun, cordiner, burgess of Edin-
burgh, came to him within the celler of Thomas Martin in Edinburgh,
and from him and took away the whole six pairs of shoes, and has kept
them from him for the past ten weeks, though the pursuer is no way in
debt to him, has never wrongly him, nor usurped any privilege, seeing
the said shoes were bought and sold within the Earl of Roxburgh's
bounds. He is greatly injured thereby, being but a poor tradesmen
living by his craft. Charge having been given to the said James Broun,
and the pursuer comparring, also the defender, along with Mr. Alexander
Guthrie, town-clerk of Edinburgh, in behalf of the provost, bailies and
council of the said burgh for their interest, who pleaded that the defender
had done no wrong in seizing the said shoes as the deacon and brethren
of the cordiners of this burgh are warranted by their seal of cause granted
to them by the provost, bailies and council of this burgh, and confirmed
by the late King James, to seize and confiscate all unfraymen's work
brought within this burgh to be sold "aff the monendayes mercat and
outwith the said mercat, and whiche hes been their customeable practisce
past memorie of man"; and Mr. Alexander Guthrie desiring that the trial
of this matter might be remitted to the Lords of Session, the Lords,
after hearing parties, remit the case to the Lords of Session as judges
competent thereto.

Complaint by Archibald Torrie of Berwick, messenger, servitor to
James, Earl of Murray, as follows:—On 15th March, last Robert and
Thomas Dumbar, sons of John Dumbar of Moynes, Alexander Byres in
Moynes, John Lambie in Milintoun thereof, Andrew Wallace in Bruntoun,
John Henrie in Boghoill, Alexander Fletcher and Andrew Nytie in
Alderne, Robert Fletcher in Blakhill, David Lowsoun and David Dumbar
in Craighead, John M'Quiben in Boghoill, James Wallace in Ryduitte, of John
Dunbar of
Moynes, and
others, for
defiance of
horning under
which they lie
against the complainer with forbidden weapons in the execution of his
office. Further, on that same day the said Robert and Thomas Dumbar
were put to the horn for not paying to him, each of them, 500 merks, as
the fine imposed upon them for the insolence foresaid. But they all
contemn the said hornings, and they have resolved whenever they meet the
complainer to take his life. And although the said Robert Dumbar upon
some specious pretexte and informations of his innocence (which were
never verified, while the charges were fully proved) obtained from their
Lordships an immunity from warding, and a modification of the said fine
to 300 merks, on condition that he should pay this sum to the complainer
and find caution for his indemnity, as also for not intercommunicating
with his brother Thomas, who keeps his house in Murray as a house of
war, furnished with powder, lead and other warlike provision, yet the
said Robert has obeyed this ordinance in no point, but, having obtained
a protection for selling his lands, and having got this done and also had
his protection extended to Martinmas, he has scorned and mocked the
complainer and passed home to Murray. Charge having been given to
the persons complained against and also to the said Robert Dumbar to
produce the said protections and see them annulled, and the pursuer
comparing personally, and Robert Dumbar appearing by Mr. Thomas
Nicolson, younger, advocate, his procurator, who produced a letter of
suspension, orderly proceeded, against the said horning in the case of
Robert Dumbar, the Lords assizlie him, but they ordain letters of treason
to be issued against the other defenders, none of whom compared, for
rendering their houses, and for entering themselves in ward within the
castle of Blacknes, within fifteen days after being charged so to do.

Complaint by Mr. William Rutherford, son of the deceased
Rutherford, merchant, and Jerome Peirie, his tenant, as follows:—On
30th July last, he obtained a decret before the Commissioners for Sur-
renders and Teinds against John, Lord Bamerinoch, tacksman of the
teinds of the parish of Restalrig, giving warrant to the complainer to lead
the teinds of his forty-three and a half acres of land within the said
parish for this present year, 1634. Of this decret the complainer
caused make intimation at the Castle gate of Edinburgh to the said Lord
Bamerinoch on 21st August last. Yet, this notwithstanding, Dame Anna
Ker, Lady Bamerinoch, and James, Lord Cowper, accompanied by about
thirty persons, came on Monday last, early in the morning, at the insti-
gation of Lord Bamerinoch, to that part of his acres called the Southbrae,
and before the corns had been fully sheared entered to the leading of
the teinds. On information of this reaching the complainer he went to
them and showed his warrant and instrument of intimation, desiring them
to desist, and when they refused, he endeavoured to stop them from fill-
ing their sleds, but "they putt violent hands in his person, and held him
till they took away seventene thrawie and seven sheaves of wheit." Again, on the 11th of the same month, while the complainer was teinding
his corns upon the back of the brae, the said Lady Bamerinoch, accom-
panied by 120 persons armed with swords, lances, and forks, came at the
instigation of the said Lord Bamerinoch tumultuously upon the com-
plainer, and would not suffer him to lead his teind but threatened to
"fell him and his servants cold deid if they teindit anie, and then
violentlie reft thrie thrawie and a stouke of quheit and caried the same
away." Further, that same day, when the complainer had lawfully
teind the corns of Jerome Peirie, indweller in the Querrell Holles, his
tenant, by virtue of his said warrant, upon which the said Jerome had
taken instruments, the said lady and her accomplices came upon the
honest man as above, and, although he showed her the said instrument,
they violently teinded his corn over again and took away "threttene
thrawie and a stouk of quheit." Charge having been given to the said
Lord Bamerinoch and Dame Anna Ker, his spouse, and the pursuer com-
paring personally, and also the said Lady for herself and on behalf of her
said husband, the Lords assize the defenders, because the said Lady
produced before their Lordships an act of the Commissioners for the
Surrenders and Teinds dated 15th June, 1632, by which they declared
and ordained that the heritors of the Maynes and feu acres of Restalrig
should not have the benefit of leading of their teind until they made a
particular division of the true and constant worth of the teind rent of
every one of their proportions, and her Ladyship affirmed that this had
not yet been done. And in respect hereof the Lords further continues
the said Lord of Bamerinoch in his possession of the leading of the said
teinds and discharges the pursuers from all meddling therewith until the
matter be discussed by the Commissioners foresaid.

Complaint by Marion Murdoch, spouse of Charles Murrey of Banhowrie, and her said husband, for his interest, as follows:—Paul
Redick of Bancheyne, having obtained a decree before the Steward of
Kirkoudbright and his deputies against the said Charles Murrey for
removing from the lands of Banhowrie, Murrey raised an action of reduction
thereof before the Lords of Session, but, while the case was in hearing,
the said Paul "went home in great anger; and upon the 24 of Julij
last came to the ground of the saids lands, and finding John MeNeish the
complainers servant there, he, with a great batton prepared for the
purpose, strake him betweene the shoulders to the ground. And upon
the mornie thairafter he came to the saids lands and drave away violentlie
af thairof twentye head of bestiall belonging to the compleaner. And,
be caus the said Marion Murdoch, the compleaners wyff, wes takeing
dake tua milke ky of the said bestiall for the present use of her children,
the said Paul, for this onelie caus, with ane great square battoun gave
the gentlewoman a cruel wound upon the forehead wherewith he dang in her harnpan, to the great effusion of her blood, so as she fell doone deid to the ground and lay a long tyme a swoond, and the said Paul himselfe with the violence of the stroke fell also to the ground.” The pursuer compearring personally and also the defender, the former for proving her averments produced a rolment of the Steward Court of Kirkcudbright, dated 29th July last, when the said Paul, being prosecuted for this assault by the procurator fiscal, confessed “the stryking of the said Marion upon the noose and face with a stalve.” The said John McNeish referred for proof of the assault upon him to the defender’s oath of verity, who thereupon confessed the deed, for which great inoherence against the pursuers the Lords ordain him to pay to the said Marion £100 for the wrong done to her, and further they commit him to ward within the tolbooth of Edinburgh until they release him.

The Lords of Council, considering that Griffon Wmkills of Harnam has only received five of the eight oxen bought by John Tagart, nolt driver, from William Arrestrang, and sold by him to Falkland, the Lords ordain the said John Tagart to find sufficient caution to the said Griffon for paying him fifty merks for each of the three oxen yet amissing, Griffon Wmkills, their original owner. The said oxen shall be found to have been worth when they were sold to him; as also they ordain him to find like caution to James Haitlie in Falkland, James Sibbald in Bowsie and James Lachreish in Baquhornie (who bought some of the said oxen from Tagart and from whom the said Griffon has recovered the same) for repayment of the prices he received for them.

Complaint by Mr. James King, advocate, and Marion Hart, his spouse, as follows:—They have put Mr. John Oliphant, portioner of Brouchtoun, advocate, to the horn for not paying 3300 merks for which he became cautioner for Sir James Oliphant, his brother, and thereafter they raised letters of caption against him for charging the bailies of Edinburgh to apprehend and ward him until he should pay 1300 merks as the balance of the foresaid sum; but execution thereof was stayed by the production of a protection granted by their Lordships to him, though at the same time the complainers showed to the said bailies a writen undertaking signed by the said John on 16th January, 1634, that he would not make use of any protection obtained by him in this matter without their special consent thereto. Both pursuers and the defender appearing and having been heard, the Lords ordain the said Mr. John Oliphant to give security to the pursuers before 8th January next that he will pay the said sum of 1300 merks to them at the term of Whitensunday, 1636.

Complaint by Mr. John Dickson, Margaret Thomsons, his spouse, and Edward Dickson, their son, as follows:—On 6th September last they were on the ground of the lands of Flures for peaceably drawing their teind, when Thomas Drysdale, herald in Leith, Thomas Drysdale, Thomas
baker, James Mershell, messenger, William Dowglas in Leith, and others, followed the complainers, who, fearing assault caused James Bissett, messenger, charge them with letters of lawborrows. Notwithstanding of this, however; they assailed the complainers, violently hindered them in their teindings, hurt and wounded them with many "bauch and blae" strokes, "dang thame over their sleds backward to the ground and with knobis, stalsis, kents and rungis strake and bised the said Edward Dickson on the head, face and armes to the effusion of his blood." Charge having been given to the persons complained upon, and pursuers and defenders all compairing and having been heard, the Lords assoilzie the defendants, because the proof being referred to the evidence of witnesses, the complaints were not substantiated.

This day Edward Dickson, son of Mr. John Dickson in gave his bond of caution under the penalty of 100 merks that he would not molest Thomas Drysaill, herald, otherwise than by order of law.

"Ane commission past and exped to certane gentlemen aganis rebellis and brokin men, sorners upon the Laird of Fendraught and his servants."

"Ane signature anent the correctionn house, past and exped."

"Ane act anent Johnne Tagart and William Armeestrang, nolt dryvers, quhereby Tagart is warranteed to goo home and Armeestrang committed to waird."

"The Lords ordains Johnne Tagart to find cautiouin to Griffon Wmkells for payment of the soume of fiftie merkes for everie ane of the said Griffon his three oxin bought be him from William Armeestrange and sauld in Falkland and quhilks three oxin the said Griffon hes not receaved backe agane, as alsua ordains him to find cautiouin to the gentlemen in Fyffe for payment to thame of the prices receaved be him frome thame for Griffon Wmkells oxin quhilks he hes receaved backe agane; and the saids Lords reserves to the said Griffon actioun aganis the said William Armeestrang for recoverie from him of suche soumes of money as his oxin sal be found to have beene worth more nor the prices receaved be Johnne Tagart."

Edinburgh, 18th September 1594.

Sedent — Privy Seal; Wintoun; Wigtoun; Annerdaill; Melvill; Master of Elphinston; Advocate; Sir Robert Gordon; Sir James Baillie.

Anent the erection of the lordship of Torphichen. "The Lords of Secret Counsell continewes the advising of the procees anent the erection of the lordship of Torphichin with the defences, ansuers, replyes, duplyes and triplyes givin in hinc inde heereanent be the Lord Torphichin and his Majesteis Advocat till a more frequent meeting of the Counsell upon the fourt of November nixt, quhairof the said Lord Torphichin and his Majesteis said Advocat, being personallie present, ar warned apud acta."

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Complaint by James Spence, merchant burgess of Edinburgh, as follows:—When auditors were appointed for the hearing of his accounts with William Thomesone, their Lordships declared that upon their reporting his diligence in the matter they would extend his protection. He drew up his accounts and gave them to James Robesone, burgess of Edinburgh, to be delivered to the auditors, “but they being ignorantlie miscarried they came to William Thomesones hands who after he had read and copied the same till the tyme of hearing of thame was past, and by so doing, as the suppliant is informed, he hes purchast ane testifie under the hands of the auditors of the suppliant his postponing and not useing of diligence.” He intends thus to hinder the hearing of the accounts and frustrate the granting of his warrant, although he obliged himself not to do so until 17th November next, as an act of adjournal shows. Charge having been given to the said William Thomesone, who compeared personally, the pursuer compearing by Alexander Watsone, merchant in Edinburgh, his procurator, and partie having been heard, the Lords continue the pursuer’s protection until 4th October next, provided that within forty-eight hours he give up his accounts to the auditors; and if the auditors report to the Clerk of Council the pursuer’s diligence in this business, they authorise the clerk upon their desire to extend the pursuer’s protection to the 4th of November.

Supplication by Griffon WmKills of Harnam, in the county of Northumberland, as follows:—On 10th October last ten oxen were stolen from him, eight of which were sold at Fakland, and the other two, one red-coloured, and the other black, with a white flank and four white feet, were sold to Andrew Clerkson at Blaigburne mylne, as the supplicant has only recently learned, so that he could not formerly convene him before their Lordships. He now craves that warrant be granted to John, Lord Torphichen, to cite the said Andrew Clerkson before him and examine him as to his acquisition of these oxen, test the same, if they be yet in his possession, and if they are found to agree with those stolen from the supplicant to cause them be delivered to him; or if the said oxen have been sold to any others, to deal with them in like manner; or if the oxen be dead to cause the said Andrew to deliver to the supplicant such price as he received from the buyers for them. The Lords grant warrant as craved.

Supplication by John Arskyne, burgess of Monros, as follows:—He is very desirous to pay his debts by selling his lands, and he would accomplish the satisfaction of his creditors thus if he had opportunity of going about the country in safety to bargain with gentlemen of quality about them, and obtain the advice of lawyers. He therefore craves their Lordships’ protection. This the Lords grant until 1st January next.
“The lyke protection grantit to Patrick Fleeming in Bellochan and John Fleeming in Biggar to Yule nixt, and to James Crawfurde till the first of Januar nixt.”

“The whilk day the rolls of the justices of peace wer perused and allowed and ane signature past and exped thereanent.”

“The whilk day the whole commissions for the Justices of Peace were ordained to be renewed, and choise wes made of the persons particularlie underwrittin to be justices of peace within the bounds of the shirefdomes, stewartreis and bailiereis underwrittin, they ar to say:—

EDINBURGH PRINCIPALL.—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Secret Counsell and Session, the Erle of Lothiane, the Erle of Dalhousie, the Bishop of Edinburgh, the Lord Cranston, the Lord Forrester, the laird of Innerleith, Sir William Nisbitt of Deane, William Dick of Braid, Henrie Nisbit, portioner of Restalrig, Sir Thomas Thomesoun of Duddingstoun, Sir James Hamilton of Preistfeld, James Rig of Carbarrie, David Prestoun of Quhythill, Alexander Hay of Monktoun, M’ James Raith of Edmistoun, William Murrey of Natoun, the laird of Lughtoun, the laird of Craigmiller, the laird of Nidrie, M’ George Winrahame of Libbertoun, M’ Robert Cas of Fordell, the laird of Rosline, Sir John Nicolsoun of Lesuade, Sir Johne Murrey of Phillphauche, Sir Patrik Hamilton of Little Preston, James Pringill of Torsons, M’ Simoun Ramsay of Quhythill, the laird of Haltoun, the laird of Dalmahoy, Sir Lewes Lawder of Adistoun, the laird of Colintoun, the laird of Ridhall, Laurance Scoit of Bavela, Adame Cuninghame of Wodhall, Johne Cowper of Gogar, Sir Thomas Hope younger of Grantoun, M’ Johne Cant of Lawristoun, M’ William Adamsoun of Craigruk, M’ Thomas Young of Leny, M’ David Mitchell, minister at Edinburgh, M’ William Wishart, person of Restalrig, M’ Andro Lermont, minister at Libbertoun, M’ William Maxwell, minister at Stow, M’ Mathow Wemese, minister at Halyrudhous, M’ William Coline, minister at Cramond: The laird of Lughtoun, conveener.

CONSTABULARIE OF HADINTON.—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the laird of Fawside, the laird of Prestoun, the laird of Gosfurfd, the laird of Saltcoits, the laird of Wauchtoun, George Home of Furde, M’ Johne Hepburne of Gilmer- toun, M’ Johne Hepburne of Smetoun, Sir Patrik Murrey of Elibank, the laird of Adistoun, Sir Johne Seatoun of Barns, Johne Sinclar of Steinstoun, the laird of Kilspindie, the laird of Rouchla, the laird of Quhittinghame, the laird of Colstoun, the laird of Hirdmistoun younger, the laird of Ormestoun, the Laird of Elphinstoun, Sir William Seatoun, M’ Robert Balcanquall, minister at Tranent: Sir Patrik Murrey, conveener.
BERWICK.—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the laird of Wedderburne, the laird of Blacader, the laird of Swintoun, the laird of Langtoun, Johne Home of Rentoun, Johne Ramsay of Edingtoun, Sir George Ramsey of Wyliecleuch, Sir Alexander Nisbit of that Ilke, Sir Patrik Home of Ridbraes, Sir James Dowglas of Mordingtoun, Sir James Nicolson of Colbrandepeth, Johne Wilkie of Foulden, M' Alexander Belseis of Totta, Robert Dowglas of Blaikerstoun, Johne Stewart of Coldingham, James Cokburne of Rysla, the laird of Cokburne, Christopher Cokburne of Chously, James Rentoun of Billie, Captane James Hay of Qubitsome, George Achinleck of Cumledge, M' Joseph Johnstone of Hiltoun, George Broun of Thornsdykes, Peter Home of Harcaers, the laird of Gradin, George Trotter of Pintonsane, Home of Rowistoun, Robert Edyer of Wedderslie, Robert Dickson of Buchtrig, Johne Gaits minister and Bonkll, M' Christopher Knolls, minister at Coldingam, M' Johne Clapperton, minister at Ednem, M' Alexander Kinner, person of Qubitsom, M' Thomas Ramsay, minister at Foulden: James Cokburne of Rysla, convenener.

ROXBURGH.—The Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, Sir William Dowglas of Cavars, Sir William M'Dougall of M'Karstoun, Sir Walter Riddell of that Ilke, Sir James Pringill of Smallholmescaig, Johne Rutherfurde of Huntlihill, Johne Turnbull of Minto, Gilbert Elliot of Stobs, Johne Ker appearand of Lochtoun, Robert Pringill of Stitchell, Robert Elliot of Fawnesbe, William Dowglas of Bonjedburgh, M' George Dowglas appearand therof, Sir Thomas Ker of Gaitside, Andro Ker of Lintoun, Andro Ker of Gradin, Sir Thomas Ker of Cavars, Andro Ker of Broomland, Andro Ker of Massindew, Walter Veitche of Northswintoun, George Rutherfurde of Farintoun, Andro Ker of Roxburgh, Johne Halyburtoun of Murros, Johne Halyburtoun, fear therof, James Pringill of Buckholme, M' Thomas Forrester, minister at Melros, M' Walter Scot, minister at Cassiltoun, M' Thomas Bennet, parson of Ancrum, M' Robert Knox, minister at Kelso, M' Francis Harvie, parson of Yettom: the said Sir William Dowglas, convenener.

SELRK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Secret Counsell and Session, Sir Johne Murray of Philiphauche, Sir William Scot of Harden, Sir James Murey of Falahill, Hew Scot of Gallascheillis, George Pringill of Torwodie, James Pringill of Cadounlie, Andro Riddell of Hayning, M' Robert Elliot, younger of Stobo, Robert Scott of Dryup, Francis Scot of South Sintoun, Johne Murey of Sundhope, Robert Elliot of Fallineshe, Robert Scot of Hartwodmyres, James Pringill of Quhythbank, Andro Ker, shireff deput of Selkirk: the said laird of Harden, convenener.
PEEBLES.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Lord Yester, the Laird of Blackbarony, the laird of Dawick, the laird of Skirline, the laird of Rachans, the laird of Romanno, the laird of Smithfeild, the laird of Horsburgh easter, Cranstoun of Glen, Scot of Hundillishope, Burnet younger of Barns, the laird of Hinderland, the laird of Posso, the laird of Cairdrono, Sir David Murrey of Stanhops, Jonas Hamilton of Quoquet, Mark Hamilton of Neather Urd, M’ James Lawson of Carnmoure, Malcolm Inglis of Menerheid, M’ Theodor Hay, archdeane of Glasgow: the said M’ James Lawson, conveener.

LANERK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Marques of Dowglas, the laird of Minto, Sir Archibald Steward of Castlemilk, the laird of Torrens, the laird of Carh . . . , the laird of Blanterferme, M’ James Mureheid of Bredithoms, the laird of Hags, M’ James Baillie of Carnbrow, Johne Hamiltoun of Orbistoun, the laird of Halhill, the baillie of Monkland, the laird of Saksene (?), the laird of Ardrie, the laird of Kipbye, the laird of Lauchop younger, the laird of Clelland, the laird of Murdestoun, the laird of Allantoun, the laird of Udstoun, Sir James Somervell of Camnethan, the laird of Roploch, Sir James Hamiltoun of Trowyhill, Robert Hamiltoun of Milburne, Hamiltoun of Dalsere, Hamiltoun of Gardin, the laird of Calderwod, M’ Thomas Dalyell of Johnestoun, the laird of Lee elder and yonger, Lindsey of Belstane, the laird of Blaikwod, the laird of Carmichell, the laird of Stanebyres, Robert Baillie of Wolstoun, the laird of Hills, the laird of Prestane, Inglis of East Sheill, Weir of Cloburne, Baillie of St. Johnsairk, the laird of Coulterawes, the laird of Balkie, the laird of Glaspen, the baron of Carstairs, the laird of Lamington, M’ James Hamilton, dean of Glasgow, Doctor Walter Quhylfurd, sub-deane, M’ Robert Hamiltoun, minister at Lesmahagow, M’ Johne Strang, principall of the colledge of Glasgow: the said laird of Minto, conveener.

DUMFRIES.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Nithdaill, the Erle of Quenisberrie, the Lord Hereis, the Lord Dalyell, the laird of Lag, Robert Crichtoun of Ryhill, Duncan Hunter of Ballaggan, James Dowglas of Mortoun, M’ Samwell Kirkpatrik of Achnickle, Thomas Kirkpatrik of Closhburne, Johne Roome of Dawsontoun, the laird of Amisfeild, Sir John Maxwell of Conhaith, Edward Maxwell of Yle, Robert M’Brair of Almigill, Archibald Maxwell of Cowhill, Robert Maxwell of Portarack, Johne Maxwell of Gribtoun, Johne Dalyell of Newton, Johne Wilson of Croglen, Johne Dowglas of Killivarran, William Ferguson of Craigdaroch, Stevin Lawrie of
Maxweltoun, M' Thomas Ramsey, minister at Dumfreis, M' Johne McMillan, parson of Sanquhar: the said laird of Lag, convener.

Stuartrie of Annerdaill.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Lord Johnstone, Robert Maxwell of Dinwiddy, Robert Charters of Bodisbek, James Douglas of Mousell, James Johnstone of Thornik and Corheid, Murray of Dumereif, Edward Johnstone of Ryhill, Robert McBrair of Almigill, Andro Murrey of Moriquhat, Mr John Alexander, parson of Hoddom, M' George Buchanan, parson of Kirkpatrik juxta, John Richartsoun, steward clerk of Annerdaill: the said Robert Charters, convener.

Wigtoun.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Cassillis, the Bishop of Galloway, Sir Patrik Agnew of Lochnaw, Sir Johne McDougall of Garthland, Androw Agnew of Cultis, Alexander McDougall of Logane, Uthrid McDougall of Frewche, Johne Gordoun of Barsetcooch, Johne McCulloch of Ardwell, Johne Murrey of Broughtoun, Andro McDougall of Killaister, Hew Gordoun of Grange, Alexander Gordoun of Auchlaire, Gilbert Neilson of Craigciffe, Alexander Stewart of Fagill, Patrik Vaus of Lybrack, William Agnew of Cloack, William Baillie of Blairshinnoch, Johne Kennedie of Knockdaw, M' Gilbert Powre, minister at Giffard, M' Abraham Henderson, minister at Quitherne, M' Alexander Hamiltoun, minister at :

Steuartrie of Kirkcudbright.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Nithdaill, the Bishop of Galloway, Sir Patrick M'Cleir of Lurg, James Chalmers of Gatgirth, Johne Broun of Carsluith, Johne Foulleartoun of Carletoun, Wiilliam Gordoun of Kirkconnell, Johne Gordoun of Cardines, William Greirson of Bargaltoun, Thomas M'Clellan of Chappeltoun, Johne Maxwell of Newlaw, Thomas Liddiadaill of Yle, Johne Lennox younger of Cailie, James Linsey of Wauchope, Robert Lindsey of Maynes, Johne Maxwell of Hillis, Johne Glendoning of Partan, William Glendoning of Laggane, George Glendoning of Mochrum, M' Gilbert Gordoun of Schirmers, James Gordoun brother to Troquhain, Alexander Gordoun of Erlestoun, William M'Adam of Waterheid, Johne Maxwell of Threemerkland, Johne Broun of Mollance, Harbert Maxwell of Kirkeconnel, Johne Stewart of Allans, Lancelot Greirson of Dalske, M' Gwain Maxwell, minister at Kirkanders, M' James Soot minister at Terregles, Mr James Irwing, minister at Partan: the said James Chalmers of Gatgirth, convener.

Linlithgow.—The Lord Chancellor, the Archbishop of St Andrewes, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Erle of Abercorne, the Bishop of Edinburgh, the Lord Torphichin, the laird of Dundas, William Drummond of Rickartoun,


**Kyles Stewar.**—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord of Lowloun, Sir Hew Wallace of Cragie, Sir William Cunninghame of Caprintoun, James Chalmers of Gatgirth, Johnie Foulerton of Drehorne, David Blair of Adamton, David Dunbar of Enterkine, Mathew Wallace of Dundonndal, William Stewart of Hailrig, Harie Stewart of Barskimming, Johnie Foulerton of Corsieb, Allan Cathcart of Brounhill, William Wallace of Smeithstoun, William Wallace of Elderslie, William Wallace of Preistickschaw, M' William Cunninghame of Brounhill; the said laird of Caprintoun, conveener.

**Carick.**—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Earl of Cassillis, the Earl of Carick, Thomas Kennedy of Ardmillen, Hew Kennedy younger thereof, Johnie Mure of Achnadrainne, Sir Johnie Hamilton of Bargame elder, M' Rawfe Weir of Bennan, William Montgomery of Brigand, Gilbert Neilson of Craigcaffie, Robert M' Alexander of Coresayes, Sir Alexander Kennedy of Culzeane, Hew Kennedy of Drummellane, David Kennedy of Garrihorne, M' James Bonar of

CUNNINGHAME—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Eglington, the Lord Sempill, the Lord Lowdoun, Bryce Blair of that Ilke, Sir Bryce Blair younger thereof, Sir William Cuninghame of Cuninghamheid, Sir William Mure of Royalan elder and younger, Johne Crawfurd of Kilbirnie, Neill Montgomrie of Langschaw, Sir David Cuninghame of Robertland, Sir Robert Montgomery of Skelmurlie, Robert Montgomery of Hessilheid, Alexander Cuninghame of Corsehill, Johne Fraser of Knock, Johne Boill of Kelbarme, Patrik Shaw of Kelsoland, Robert Fairlie of that Ilke, Alexander Cuninghame of Waterston, Robert Boyd of Portincroce, Hew Ker of Kerland, Johne Dunlop of that Ilke, Gabriel Porterfield of Hapland, James Cuninghame of Aiket, William Hamilton of Brounnure, Johne Montgomrie of Cokilie, William Dunlop of Craig, James Mure of Thornetoun, Johne Hamilton of Grange, John Crawfurd of Crawfordland, M' Gawin Blair of Aldmure, Robert Barclay of Perstoun, David Blair younger of Adamtown, Robert Fergushill of that Ilke, Alexander Cuninghame of Montgneran, Thomas Neving of Monkredding, James Scott of Clonbeith, M' Gawin Hamilton of Ardoch, Patrik Crawfurd of Auchnamcs, M' William Wallace, minister at Kilmarnock: the said Bryce Blair of that Ilke, conveener.

DUMBARTANE—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Montrose, Walter M'Awlay of Ardincaple, John Naper of Kilmahew, William Sempill younger of Foulwood, Johne M'Farlan of Arroquhat, Umphra Nobill of Ardardane, Umphra Colquhoun of Balvie, Sir Archibald Dowglas younger of Maynes, John Bontain of Ardoch, Arturhe Darleith of that Ilke, Andro Stirling of Law, Robert Colquhoun of Ballarnik, Mungo Lindsey of Bonyll, Johne Dennistoun of Dalquhornie, Hew Crawfurd of Cloberhill, Mr George Lindsey, minister of Rosneath: the said Laird of Ardincaple, conveener.

BUTE.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session,


PERTH.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of

FORFAR.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,

ABERDEIN.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessione, the Marquieis of Huntlie, the Erle of Dunfermline, the Bishop of Aberdein, the Bishop of Murrey, the Lord Forbes, the Lord Piteligto, the Lord Fraser, the Maister of Forbes, Sir Alexander Irwing of Drum, Sir Alexander Gordoun of Cluny, Sir William Forbes of Monymusk, Thomas Crombie of Kemnay, Thomas Arekine of Balhaggartie, Mr Robert Gordoun of Straloch, Sir George Johnstoun of that Ilke, Johne Leslie of Boquhen, Johne Leslie, yonger of Pitcaple, Johne Forbes of Leslie, Alexander Seatoun of Pitmedden, James Crichtoun of Fendraught, William Seaoun of Meldrum, Mr Patrik Maiitlane of Achnacreiff, Johne Gordoun, yonger of Buckie, Alexander Udnie of Ochterellon, Turing of Foverne, Johne Seatoun of Mynees, William Forbes of Tolquhen, Walter Forbes of Thainstoun, George Gordoun, yonger of Geicht, Sir William Keith of Ludquharne, Johne Keith of Clakriache, Alexander Fraser, yonger of Phillorth, Thomas Fraser, yonger of Streachin, Johne Hay of Cremondmogat, Robert Irwing of Federerat, Alexander Keith of Balmuire, Mr James Buchan of Auchmacoy, Donald Ferquharson of Munaltir, Robert Ferquharsen of Finzeane, William Coutts, younger of Auchtertoull, Alexander Skeene of that Ilke, George Gordoun, yonger of Tillichowdie, Alexander Abircromby of Pitmedden, Patrik Leith of Quhythauche, Magnus Mowat of Boquhalle, Walter Barclay of Towie, George Baird of Auchmedden, Sir Alexander Hay of Delgatie, Sir James Gordoun, elder of Lesmoir, Sir William Forbes of Craigiewar, James Cheyne of Arnage, William Seatoun of Scheathin, Alexander Strauchane of Glenkindie, Johne Gordoun of Innermerkie, George Gordoun of Coelarachie, Patrik Urquhart of Lenthitie, William Seatoun of Udnie, Mr Robert Bissat of Lessindrum, Meldrum of Hiltoun, Alexander Lyoun of Muresk, Mr David Lindsey, minister at Belhelvie, Mr Johne Ros, minister at Birs, M Adame Barclay, minister at Aufurd, Mr William Strauchane, minister at Daviot, Mr Thomas Mitchell, minister at Tureff, Mr Thomas Rerers, minister at Lowmay, Mr Patrik Guthre,

**BANFF.**—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, George, Marquess of Huntlie, James, Lord Ogilvie, James, Lord Desfurde, Patrik, Bishop of Aberdein, the Bishop of Murrey, Johne Gordoun, elder and young of Bucky, George Hay of Rannas, James Hay of Maldovat, Alexander Abircombie of Birkinboig, Harie Gordoun of Glassauche, George Ogilvie of Halyairds, Thomas Abercombie of Sketh, M’ George Leslie in Cullen, Sir George Ogilvie of Banff, Robert Wilson of Brakanhillis, George Mortimer of Achenbadie, James Crichtoun of Fendracht, Berold Inneis of Knokreith, Sir George Ogilvie of Carnowssea, Walter Halket at the milne of Rothemay, Alexander Ogilvie of Kempcarne, Alexander Adamsoun of Brakie, Thomas Inneis of Pethnick, George Baird of Auchmeiden, Patrik Gistoun of Kilminitie, Johne Ogilvie of Milnetoun of Keith, Alexander Ogilvie of Knock of Strathly, Robert Spence of Tulloch, George Gordoun, elder and young of Baldornie, Alexander Gordoun of Birkinburne, Sir Robert Inneis of Balvenie, Adame Duff of Drummure, John Stewart of Ardbrack, Johne Gordoun of Innermerkie, Patrik Stewart of Kimmauchline, Sir James Gordoun of Lesmore, Brandane Baird of Northfield, Walter Grant of Findoun, of Auchintoull, M’ Johne Logie, minister at Ruthven, M’ William Forbes, minister at Mortlack, M’ Johne Stewart, parson of Abirlour, M’ Joseph Brodie, parson of Keith: the Laird of Birkinboig, conveener.

**ELGIN AND FORRES.**—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Erle of Seaforth, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, M’ Johne Inneis of Coketoun, Alexander Inneis of Coittis, Johne Inneis of Leuchars, Robert Leslie of Finrassie, James Sutherland, tutor of Duffus, Thomas M’Keinzie of Pluscardin, Patrik Dumbar of Westertoun, M’ Johne Hay, commissar of Murrey, James Spence of Kirkton of Alves, M’ Gavin Dumbar, chantor of Murrey, Patrik Grant of Elcheis, M’ William Cumine of Earnside, James Dumbar of Boigs, Alexander Dumbar of Grange, Robert Dumbar of Burgie, Niniane Dunbar of Grangehill, Alexander Brodie of Eastgrange, Tulloch of Tannachie, M’ Samwell Falconer of Kincorth, Dumbar of Dumphaill, Robert Dumbar of Easterburne, Hucheoun Ros of Killraack, William Ros, his brother, David Hay of Park, Patrik Grant of Ballindallach, Johne Grant, fear thairof, M’ Johne Guthrie, parson of Duffus, M’ Johne Brodie, deane of Murrey: the said Robert Leslie of Finrassie, conveener.

**NARIN.**—The Lord Chancellor, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and
Sessioun, the Bishop of Murrey, John Campbell, fear of Calder, Hucheoun Ross of Kilraack, Alexander Dumbar of Westgrange, David Hay of Lochlair, John Sutherland of Kinstarie, William Ros of Clava, Hay of Kinwiddie, Colin Campbell of Clunes, Dollars of Cantra: the Baron of Kilraack, convener.

Innernes.—The Lord Chancellor, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Marques of Huntlie, the Erle of Seafort, the Bishop of Murrey, the Bishop of Ros, the Lord Lovat, Sir John Grant of Frewchie, Hucheoun Ros of Kilraack, Pattrick Grant of Ballindallach, John Grant, appearand thairof, Mº Intoshe of Borlum, Lauchlan Mº Intoshe of Callachie, Alexander Mº Intoshe of Aldgowrie, Alexander Baillie of Dunane, Thomas Fraser of Streachin, Hew Fraser of Culbokie, Thomas Fraser of Strow, Hew Fraser of Balladrum, Alexander McKeinyie of Garloch, Alexander McKeinyie of Coull, Sir John McKeinyie of Tarbet, Rorie McKeinyie of Ridecastell, John McKeinyie of Fairbarne, Sir John Gordoun of Embo, David Ros of Pitscalnie, Walter Ros of Innercharron, Sir Donnald McDonnald of Slait, John McCloud of Dynvegane, Mº Angus McIntoshe, parson of Kingussie, Mº William Clogie, minister at Innernes, Mº Pattrick Durham, deane of Ros, Mº George Monro, chancellor of Ros, Mº David Monro, minister at Killerne, Mº Murdo McKeinyie, minister at Dingwell, Mº Ferquhar McGie (?), minister at Kintaill, Mº Donald Clerk, minister at Lochchals: the Laird of Streachin, convener.

Sutherland and Strathnayr.—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Erle of Sutherland, the Bishop of Caithness, Sir John Gordoun of Embo, Oliver Gordoun of Drummoy, Hew Gordoun of Ballone, Robert Murrey of Spainyedail, Robert Gray of Suordail, Robert Gray of Creich, Walter Murray of Pitgrudie, John McKy of Dilrett, Hew McKy of Erbobill, Donnald McLeod alias Neilson of Assint, Robert Monro of Assint, Robert Monro of Teonowar, Hector Monro of Findoun, Mº John Gray, minister at Dornoch, Mº Alexander Monro, minister at Culmaly, Mº James Gray, minister at Clyne, Mº James Thomsoun, minister at Loch, Mº John Sutherland, minister at Rogart, Mº David Monro, minister at Stromnitie, Alexander Monro, minister at Durnes: the said Sir John Gordon of Embo, convener.

Caithnes.—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Erle of Caithness, the Bishop of Caithness, the Lord and Maister of Berriddell, James Sinclair of Murkill, the Laird of May, elder and yonger, Alexander Sinclair, brother to the said Laird, the Laird of Dunbeith, the Laird of Fors, elder and yonger, John Sinclar of Scrabister, William Inneis of Sansett, Mº John Sinclar of Ulbister, Pattrick Mowat of Swinzie, Mº William Ablrnethie, minister at Thurso, Mº Andro Ogston, minister at Cansby, Mº William Smith, minister at
Durnet, Mr. John Smart, minister at Weik, Mr. John Monro, minister at
Ree, Mr. David Monro, minister at Lathorne: the laird of May, elder,
convenenner.

ZETLAND.—The Lord Chancellor, the Archbishop of St. Andrewes, the
Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and
Sessioun, the Bishop of Orkney, James Sinclair of Quendaill, James
Sinclair of Scalloway, Mr. James Mowat of Garth, Mr. Patrik Cheyne of
Vala, Patrik Umphra of Sand, James Sutherland of Steill, Laurence
Sinclair of Broch, John Giffart of Weddersala, Mr. Gilbert Mowat, mode-
rator of the prebyterie of Zetland, Mr. William Umphra, minister at
Brassay, John Adamsoun, minister at Nesting: the said James Sinclair of
Quendaill, convenenner.

Followes the tenor of the commission for the justices of peace:— Form of the
Our soverane lord ordains ane letter to be made under the great seal in
exchange form, makand mention that quhar his majestis darrest father of
everall memorie, with advice of his estaitis convenened in the Parliament
haldin at Edinburgh in the moneth of Junij, 1609, upon diverse great and
weightie considerations importing the peace and quyet of the countrie,
statute and ordained that within everie shirefdom, stewartrie and
baillerie of this kingdome choise sould be made of some godlie, wise and
vertrue persons of good qualitie, moyen and report making their resi-
dence within the same shires, stewartreis and baillereis, to be commis-
ioners for keeping his majestis peace, as in the said act of Parliament
at length is conteaneit; conforme to the quhilk choise being made at that
time of some selecte persons for eache shirefdom, stewartrie and baillerie
to be commissioners for keeping the peace within the same, nombers of
the persons so selected and chosen ar since that tyme departed this lyfe
and others upon diverse interveening occasions hes removed thameeselfes
out of the countrie, quherethrow that good and worthie course sett down
be the Estaitis of Parliament for keeping of the peace hes beene thir
diverse yeeres bygane neglected. Quhereupon our soverane lord and his
Estaitis conveneinde in the Parliament haldin at Edinburgh in the
month of Junij, 1633, not onlie ratified and approved the act of Parlia-
ment foresaid made be his Majestis darrest father and his Estaitis anent
the erecting of commissioners and justices of peace in the haill heids,
clauses and articles thairof, bot hes givin warrand to the Lords of Privie
Counsell for enlarging and amplifying the power and auctoritie of the
saids justices of peace, as in the said act of Parliament at length
is conteaneit. Thairfor the King's Majestie, with the advice of the Lords
of Privie Counsell, hes made and constitute and be the tenoun heirof
makes and constitute the persons particularie underwrittin, dwelling
and residing within the shirefdomes, stewartrie and baillerie particularie
afterspeciefit, they ar to say, etc., conjunctlie and severallie his Majestis
justices and commissioners for keeping of his Majestis peace within the
bounds of the shirefdomes respective abonewrittin and the provests and
bailleis of the burrowes and touns within the saids shires, Stewartis and bailiereis and everie ane of thame within the bounds of thair awne offices and jurisdictions, his Majestis justices and commissioners to the effect underwittin, lykeas his Majestie with advice of the saids Lords hes nominat, ordained and constitute and be the tenor heirof nominates, ordains and constituts the persons respective following to be keppers of the rollis within everie shirefdome, stewartrie and bailerie, that is to say, etc., qhilkis persons, keepers of the saids rollis, ar to nominat ane clerk to putt in forme and register the haill acts, writts and letters concerning the execution of this commissioun; givand, grantand and committand unto thame conjunctlie and severallie within the bounds of the saids hail shirefdomes, stewartrei and bailriere full power, auctoritie and commissioun, expresse bidding and charge to oversee, try and prevent all suche occasions as may breid trouble or violence among his Majesteis subjects or forcible contempt of his Majesteis auctoritie and breake of his Majesteis peace within the saids bounds, and to command all persons in whome they sall see manifest intentioun to make trouble ather by gadderin togidder ydle and disordered persons or by publict bearing and wearing of haquebutts and pistolets and others forbiddin weapons and suche other swaggering and ryotous behaviour to bind thamesellis and find cautioun under competent soumes to observe his Majesteis peace and for thair compearance before the Lords of his Majesteis Secret Counsell or before the Justice to underly suche order as sall be found convenient for punishiment of thair transgressiouns or staying of trouble and inimitie; and, if neid be, to take, apprehend and committ to ward all wilfull and disobedient persons, authors, committers and fosterers of the saids crimes and to require the dewtiffull and obedient subjects within the saids bounds to concurre with thame in preventing of all suche attempts and violence or for taking and warding of the saids wilfull and disobedient persons, authors, committers and fosterers of the saids crimes; ordaining heiri by the saids commissiouns to give trew advertisement and information to the Lords of Secret Counsell, Justice generall and his deputis, his Majesteis Thesaurar and others his Majesteis magistrats and officers, whome it effeiris, of the names of suche faithfull and unsuspect witnesses and assis to be summound in all crymes and disorders whiche sall hoppin to fall furth within the saids bounds as sall be found most meit and able for tryell and probatioun of the same, and for eschewing of suche as ar ather aged, sicklie or unable to travell or ignorant of the facts to be tryed be not unjustlie vexed or usecessarlie drawin from thair awne houses and affaires for maters quharin they ar not able to give anie light; and generallie all and sindrie others things to doe, exercise and use qhilkis ar requisite and necessar for the execution of this commissioun and according to the instructions sett down heeranent; firme and stable hallding and for to hald all and quhatsumeuer things sall be lawfullie done heerin. And that the said commissioun be
extendit in the best forme with all clauses neidfull, with command in the
same to all his Majesteis lieges and subjects to reverence, acknowledge,
obe, rise, concurre, fortifie and assist the saide commissioners conjunctie
and severallie in all things tending to the execution of this commissioun
as they and ilke ane of thame will answer to his Majestie and the saids
Lords upon thair obedience at thair highest charge and perrell; and that
thir presents be ane warrand to the great seale without anie forder pre-
cepte to be direct heurupon, and to induce during his Majesteis will
and pleasure and ay and quhill his Majestie speciallie discharge the
same. Givin at Edinburgh, the 18 day of September, 1634."

[The same commision is also given in Latin.]

[No Sederunt recorded.]

"The whilk day, in obedience and conforme to ane warrand grantit be
the Lords of Secret Counsell to Thomas, Erle of Hadintoun, Lord Privie
Seale of this kynsdome, for receaving of Sir Robert Greirsone of Lag,
knight, his oath for discharge of the offices of steward principall of the
Annerdaill for the yeere to come and conveener of the justices of peace
within the shirefdom of Dumfreis, compeired personallie the said Sir
Robert before the said Erle of Hadintoun and accepted upon him the
said office of steward principall of the said stewartrie and conveener of
the justices of peace of the said shirefdom of Dumfreis and gave his
oath for the faithfull discharge of the saids offices."

"The whilk day in presence of Thomas, Erle of Hadintoun, Lord
Privie Seale of this kynsdome, compeired personallie Robert Forbes of
Reresse, conveener of the justices of peace within the shirefdom of
Fyfe, and accepted upon him the said office of conveener and gave his
oath for the dewtifull discharge thairof."

"The whilk day, in obedience and conforme to ane warrand grantit be Edinburgh,
the Lords of Secret Counsell to Thomas, Erle of Hadintoun, Lord Privie
Seale of this kynsdome, for receaving of the oathes of Sir Patrik Murrey
of Elibanke, knight, shireff principall of the shirefdom of Hadintoun
for the yeere to come, and conveener of the justices of the peace within
the said shirefdom, and of Walter Cornwall of Bonhard, shireff princi-
pall of the shirefdom of Linlithgow, Sir Johne Dalmahoy of that Ilke,
shireff principall of the shirefdom of Edinburgh, and Sir William
Scott of Harden, shireff principall of the shirefdom of Selkirk for the
yeere to come, compeired personallie the saids Sir Patrik Murrey, Sir
Johne Dalmahoy, Sir William Scott and Walter Cornwall before the
said Erle of Hadintoun, and accepted upon thame the offices respective
foresaid and gave thair oathes for thair dewtifull discharge of the said
offices."
Edinburgh, 
2nd October 
1634.

Charge to Patrick 
Edmonston or 
Wolmet to 
appear before 
the Council for 
having defied 
the advice of 
the Earl of 
Winton who 
had been ap- 
pointed to re- 
port on a 
report on a 
dispute be- 
tween the said 
Patrick and 
David Preston 
of Whitehill 
about a wall 
between their 
respective 
coalheughs.

"Forsamekle as upon information made to the Lords of Secret Counsell of some appearance of trouble likely to have fallen farther betuixt David Preston of Quhythill and Patrick Edmonstoun of Wolmet upon occasion of the said Patrik his working of a marche and seinzie wall interjected betuixt the said Patrik his coale and the said David Preston his coaleheuche, by the working and piercing thairof the said David Preston his coaleheuche was in danger to be drowned to his particular losse and prejudice of the publict, the saide Lords directed thair missive letter to the Erle of Winton desyryng his lordship to conveyne the partie interested before him and to take tryell of the alledged wrong done be the said Patrik Edmonstoun in working of the said seinzie wall and of the prejudice that might flow thereupon to the said David Preston. According whereunto the said Erle, having callit the partie before him, repaired to the bounds, entered within the said Wolmet his heuche, and having carefullie considerit the estait thairof and of the said Patrik his course of working within the same, the said Erle fand the right of that part of the said Wolmet his coaleheuche towards the east and northeast to be questionable and that the said Patrik his working therein would assuredlie endanger the said David Preston his coaleheuche; quhereupon the said Erle, in the power and auctoritie of a Counsellor and according to the warrand direct to him for that effect, commandit the said Patrik Edmonstoun to forbear all forder working in that part of his said heuche till the differences and questions standing betuixt him and the said David Preston sould be cleer'd by the arbitration and appointment of some indifferent gentlemen to be chosin be either partie for that effect; quhereunto the said Patrik Edmonstoun promised all dewtyfull obedience and the said Erle rested satisfied with his promise, nowayes doubting that he sould have committed anything to the violation thairof. Notwithstanding, the saide Lords ar informed that the said Patrik Edmonstoun that same verie night that the said Erle had sighted the heuche and required the said Patrik to forbear working at the said seinzie wall entered his men to worke therein and ar still working thereat in contempt of the said Erle his charge and commandement, being a Counsellor, and to the said David Preston his apparent losse and irrecoverable overthrow of his heuche if the said seinzie wall sall be pierced; whiche being ane high and proud contempt in the person of the said Patrick Edmonstoun, and the matter itseflf, as it is questionable in the point of right so being verie considerable for the publict in the consequence thairof, the Lords of Secret Counsell ordains letters to be direct charging the said Patrik Edmonstoun personallie, if he can apprehendit, and sakyng thairof at his dwelling hous and coaleheuche foresaid to desist and cease from all working upon the marche of the said heuche and water sinke of the same ather toward the east or north till
the right thairof be decyded before the judge ordinair under the pane of fyve thowesand merkes, certifieing him, if he failie and contraveene, that he sall be callit before the saids Lords and upon tryell thairof sall be decyded to have incurre the said pane of fyve thowesand merkes, and letters sall be direct againis him for payment of the same in forme as effeiris; as alsa to charge the said Patrik to compeir personallie before the saids Lords upon the fourth day of November nixt to underly suche order as sall be prescryved unto him anent his orderlie working in the said merche and seinzie wall, and forder to ansuer upon his proud contemp and disobiedience of the Erle of Wintoun his charge and commandement, and to heare and see suche order tame thereanent as apperteenes, under the pane of rebbioun, etc., with certificacion, etc."

The Lords having granted protection to James Spence on 18th September last upon certain conditions then stated, and the auditors having by a certificate under their hand testified that he has duly and timeously delivered his accounts to them, has attended their diets, and received the accounts given in by the saide William Thomesone, to which he is ordained to answer, they now continue his protection until 4th November next.

"The Lords of Secret Counsell, with consent of Williame Thomesone, merchant burges of Edinburgh, and James Spence, also merchant there, gives and grants full power and commission be thir presents to Johne Fleeming and Johne Binning, auditors nominat be the saids Lords for hearing of the saids Williame Thomesone and James Spence thair accompts, to nominat and make choice of some Indifferent and neutrral persons of judgement and experience for appretiying the goods being in the said Williame Thomsons hands and acclaime be the said James Spence sometyme to have belonged to him."

Sederunt—Bishop of St. Andrewes; Privy Seal; Wintoun; Wigtoun; Traquare; Naper; Binning; Advocate; Sir James Baillie.

"Forsamekle as albeit by two severall acts of Counsell and proclama- Ansent the con- tions published thereupon all the subjects of this kynge dom we ravers of the the Acts prohibite to sell tobacco after the xv day of September now bygane against such as act without licence from his Majesties commissioner and formerers of tobacco, notwithstanding his Majestie is informed that certain refractorie persons, sellers of tobacco, having wilfullie neglected the tyme foresaid allotted unto thame and being obstinately averse from admitting his Majesties ordinances, doe seek to frustrat his Majesties service by delays, pretending that the tobacco whiche was formerlie in their hands is not yitt dispatched, altho they have had sufficient tyme to doe the same; and thairfoir his Majestie, with advice of the Lords of his
Secret Counsell, ordains the proclamations and acts formerlie made against tobacco to stand in full force according to the tenour thairof.

And for the more easie tryell of the contraveenners of the said proclamations his Majestie, with advice of the saids Lords, gives and grants power and commission to the shireffs of the shires and provests and bailies of the heid burrowes within the same in the optioun of the saids fermeros to call and convene before thame all and sindrie persons, contraveenners of the saids proclamations, within their severall jurisdictions, and to proceed to their tryell by oath or witnesses and accordinglie to decerne aganis thame; with power to the saids shireffs and provests and bailies within burgh to fence and hold courts for this effect and to create officers and members of court neidfull, and all other things to doe thereaenent quhilks in suche caises ar usuall and necessarie; and ordains letters to be direct to make publication herof be opin proclamation at the mercat croces of the heid burrowes of this kingdom and others places neidfull, quherethrow nane pretend ignorance of the same. Follows his majestis missive for warrant of the act abonewrittin.—CHARLES R.—Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellors, we greet yow weill. Whereas by this inclosed petition, as yow will perceave, there ar some things desired by the petitioners for advancement of our service committed to thair trust, our pleasure is that yow give thame your best assistance according to thair desires so farre as justice may permitt, and that no toleration be granted to the sellers of tobacco derogatory to the proclamations alreadie past. So not doubting of your care herin we bid yow farewell. From our honnour of Hampton Court, the secund of Octerber, 1634."

"The Lords of Secret Counsell continewes the advising of the processe anent the erectioun of the lordship of Torphichin till Thursday next."

[Seideryt as recorded above.]
1634.

CHARLES I.

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the provost and bailies of Irwing are acting. Still they have found caution in the Books of Secret Counsell to receive the said measures if their Lordships find that they ought to do so, under the penalty of 500 , and, therefore they crave suspension of this horning. Charge having been given to James Scot of Clowbeith, provost of Irwing, Alexander Cunynghame of Collennan and Mr. John Peblees, bailies thereof, and the said John Boyd comparing for himself and Robert Hog, but none of the defenders comparing, the Lords suspend the letters of horning as craved.

Complaint by the bailles, council and inhabitants of the burghs of Cowper, Anstruther and Craill, and the parishioners of Kilrinnick, as follows:—"There has been a common high road and passage from the burgh of Cowper to the townis of Anstruther and Craill and to the parish foresaid and diverse other parts upon the cost syde of Fyffe, and this way was ever acknowledged to be his Majesteis common high way and passage till lately that Maister David Methven of Craigton has, at his awne hand, without anie lawfull warrant, cassin a great sheuchie and biggit up the passage foresaid with a great dyke of stane and faill upon that part of the said passage qubilk gois throw the said Maister David his land; so as there is no passage that way for men or horse, but his Majesteis subjects are constrainyd to go farre about to their extreme hurt and prejudice; and when anie of the compleanners people or servants prisseth to come that way he shamefullie and unhonestlie persewis thame of thair lyves, hes dung and strakin sundries of thame and threatneth all suche as preisses to come that way of thair lyves." Charge having been given to the said Mr. David Methven, and he comparing along with Mr. John Paip, younger, advocate, as procurator for the pursuers, the Lords, after hearing parties, remit the matter to the Lords of Council and Session.

The Lords having been informed that trouble was likely to arise between David Prestoun of Quhythill and Patrick Edmestoun of Wolmet upon occasion of the said Patrick's "workeing of a seinzie wall" interjected betuix the said Patrick Edmestoun his coale and the said David Prestoun his coale heuch by the workeing and periteing thairof the said David his coale heuch was indangered to be demeaned to his particular loose and prejudice of the publick," they directed a missive to George, Earl of Wintoun, desiring him to convene the parties before him and take trial of the alleged injury. Accordingly the said Earl, having called parties before him, went "to the bounds, entered within the said Wolmet his heuch and haweing carefullie considerit the estate thairof and of the said Patrick his course of workeing within the same, the said Earle fand the right of that part of the said Wolmet his coale heuch toward the east and noreast to be questionable, and that the said Patrick his working thairin would assuredlie indanger the said David Prestoun his coaleheuch." The said Earl, therefore, in the capacity of a
Privy Councillor, in terms of his warrant, "commandit the said Patrick Edmestoun to forbeare anie forder workeing in that part of his said heuche till the differences and questionis standing betuix him and the said David Prestoun sould be cleded by the arbitration and appoyntment of some indifferent gentlemen to be chosin be either partie to that effect." To this the said Patrick promised all dutifull obedience. Yet the Lords are informed that the same night he "entered his men to worke thairin and are still workeing therat," in contempt of the said command, and to the apparent loss and irrecoverable overthrow of the said David Prestoun's heuch. Charge having been given to the said Patrick Edmestoun of Wolmet, who comparedd, as did also the said David Prestoun, the Lords, after hearing parties, remit the trial of the "workeing of the merche and seinzie wall libellit." to the Lords of Council and Session, but reserve to themselves the punishment to be inflicted upon the defender if it shall be found that he has no right to work in the said bounds; and in the meantime they ordain him to find caution in the Books of Privy Council in 5000 merks that he will not prosecute the work further until the right be discussed, in addition to the payment of the damage he may do thereby to the said David Prestoun; and also for obeying the decreet of the Lords of Session if it should be given against him.

Complaint by John Bairdie of Selvedge, vassal and feuar to Thomas, Earl of Hadinton, as follows:—He was recently cited before the bailies and council of Innerkeithing for production of the titles of his lands of Cruiks lying beside the burgh of Innerkeithing, but he obtained on very good reasons letters of advocation from them to the Lords of Council and Session. Having been on October cited of new to appear before the said bailies, he appeared before them along with John Murray, messenger, as procurator for him, and showed them the letters of advocation, giving them also a copy thereof, and took instruments thereupon and upon the discharge thereby of their proceeding. But not only did they ignore these letters and proceed in the case, but they fined him 100 merks in addition to three fines formerly decerned against him, and further committed him to ward within their tolbooth. When the complainer took instruments in the hands of their clerk, and protested for remeid of law, craving extracts, the bailies "imperiosialie discharged the clerk to give out anie extract, and as yitt keepes and deteanes the compleaner in ward." Charge having been given to James Bairdie and William Blaigburne, bailies of Innerkeithing, and to George Durie, clerk there, and the pursuer comparedd personally and producing the foresaid letters of advocation with an instrument taken at Innerkeithing on 28th October last under the hand of George Durie, notary, bearing that notwithstanding of the production of these letters and discharge given thereby the said bailies fined and imprisoned the pursuer as stated; and the said William Blakburne and James Bairdie being also present, and as repre-
senting George Durie, their clerk, whose inability to travel on account of his old age was certified by a testimonial signed by Mr. Robert Roche, minister at Innerkeithing, which they produced, the Lords, after hearing parties and examining the documents, find that the said bailies have done wrong in fining and warding of the pursuer, and admonish them to forbear the like unlawful procedure in time coming, discharging them from all proceeding against the pursuer in this matter, and from uplifting any fines from him for that cause. The Lords excuse the the non-compearance of George Durie, and ordain the pursuer and the said William Blakburne to find caution in 500 merks in the books of Secret Council for each other’s indemnity.

Complaint by Francis Bruntoun, procurator in Glasgow, and Donald Campbell, merchant there, for his interest, as follows:—On 19th August last, while the complainer was “procuring before the provost and bailies of Glasgow” for the said Donald Campbell, who was defender in an action against him by Ninian Gilhagie, merchant in Glasgow, and when he had “proposed some defences for the said Donald, the said Ninian, fretting thairat, in opin face of court, being accompanied with James Padie, his sone-in-lawe, shamefullie raylld upon the said procurer, calling him menwornie, with manie other contumelious speeches.” And the said James Padie came to him standing at the bar at the instigation of the said Ninian, repeated his opprobrious speeches and gave the complainer a cruel stroke with his foot on the leg, birsing and bruising it. Further, when on the 26th of that month the complainer rode out of Glasgow toward Calder to attend the Laird of Kelburne and his lady, the said James Padie and John Anderson, both burgesses of Glasgow and sons-in-law to the said Ninian, at the said Ninian’s instigation, lay in wait for him all the way from Glasgow to Calder to take his life. At last the said James “stayed his hors at the braes of Calder till the compleaner came to him and or ever he wes awar the said James shamefullie strake the compleaner on the face with his hand and falded neiffs to the effusion of his blood.” The complainer then flod back to Glasgow, for fear of his life, and these two persons followed and overtook when, after upbraiding him with opprobrious speeches, they “with their falded neiffs or some great rungs strake him on the eyes, face and nose to the great effusion of his blood, dang [him] backward aff the horse quhere he stuke to the stripes under the horse bellie, his face being to the ground and was trailld throw dubbs and myres be ane quarter of ane myle and had died under the horse wombe untill at last the strip brake and the horse left the compleaner wallowing in his blood; and being brought home he was so swelled that his wife, seeing so pitifull a spectacle parted with chyldye.” Charge having been given to the said John Andersoun and Ninian Gilhagie, and pursuer and defenders comparing and they and witnesses having been heard, the Lords find that John Andersoun assaulted the pursuer “and gave him a cuff,” for which they fine him
£20, to be paid to the pursuer, but they assuizie the other defender against whom nothing was proved. They further ordain John Anderson to pay to each of the witnesses £4 before to-morrow at 12 o'clock, otherwise to pay the double.

Anent the petition of the burghs that the pearl-fishing should be open to all the lieges and that Robert Buchan should be deprived of his patent for the pearl-fishing.

"Anent our soverane lords letters raised at the instance of the commissioners for the burrowes of this kingdom, makand mention that where they, having diverse tymes and last at the late Parliament petitioned the Kings Majestie anent the prejudice and harm sustaneed by the burrowes by conferring the power and priviledge of fishing and taking of pearl within the rivers of this kingdom in the person of one privat person whiche sould be communicat and be commoun to all, especiallie to the merchants of the free royall burrowes, his Majestie, after dew consideration of the compleaneers petition and of the equitie and justice thairof, wes gratiouslie pleased to give signification to the Lords of Privie Counsell of his Majesties royall will and pleasure that all patents or acts made for the ingrossing of the said priviledge in the person of one sall be discharged and libertie granted to all his Majesties subjects, especiallie the free burrowes, to fish pearle in all the rivers of this kingdom at their pleasure. And whereas Robert Buchan, burges of Aberdein, is the person who upon sinister information hes ingrossed the sole and full libertie of taking of pearle to himselfe, necessar it is for the better formalitie and order of proceeding that he be warned before his Majesties Counsell to heare and see his Majestis royall will and pleasure intimat unto him. And anent the charge givin to the said Robert Buchan to have compeired personallie before the Lords of Privie Counsell this present sext day of November instant to have brought, presentit and exhibite with him the patent or quhatsoever acts, warrands or priviledges grantit to him anent the taking and selling of pearle to have beeene scene and considerit be the saids Lords and to have heard and scene the same discharged and libertie grantit to all his Majestis subjects, especiallie the free burrowes, to fishe and take pearle in all the rivers of the kingdome at their pleasure, or ellis to have shawin a reasonable caus why the same sould not be done, with certification to him and he faiulyed the saids Lords would discharge and grant libertie in maner foresaid, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilks being callit, and the said persewers compeirand be Johne Sinclair, merchant burges of Edinburgh, Robert Tailyesour, burgess of St. Andrewes, Johne Sempill, provest of Dumbartane, and Lumsden, baillie of Aberdein, with M' Alexander Guthre, toun clerk.
of Edinburgh and clerk to the burrowes, and the said defender com-
peirand be M' Roger Mouat, his procurator, the reasons and allega-
tions of the parteis present being heard and considerit be the saids
Lords and they advised therewith, the Lords of Secreit Counsell
continewes the advising and discussing of this mater untill the first
counsell day of Marche nixtocome, quhairof the parteis present ar
warned apud acta."

"The whilk day the signature underwrittin, signed be the King's
Majestie in favors of Patrik Mauld of Panmure anent the making of
soape, being presented to the Lords of Privie Counsell and read in
their audience, and M' Nathaniel Udwart being callit for his intereste
and heard thereanent, the saied Lords past and exped the said signature
and ordained the same to be insert and registret in the bookes of Privie
Counsell, of the quhilk the tennour followes;—CHARLES R.—Our
Soverane Lord considering how necessar it is for the good and benefite
of his Majestie ancient kingdome that the same be furnished with
good soapes at reasonable prices within the selfe, and his Majestie
understanding that there was a patent grantit be his Majestie father
of happie memorie to M' Nathaniel Udwart of the sole making of soape
within the kingdome for the space of twentie one yeares, whairof their
is not manie yeares to rin, and his Majestie considering that the said
libertie of making soape is not a trade of such a nature as can be com-
municat to all his Majestie lieges and that the publict sould suffer if
the samine wer left indifferentlie to all, and that in this caise the choice
of the person pertaines to his Majestie as a part of his soverane preroga-
tive; and his Majestie being willing to provide for the continuance of the
said worke and to bestow libertie of making soape upon one of his
Majestie approvin servants who hes power and abilitie to undergo the
same, and his Majestie understanding that his Majestie daylie servant,
Patrick Mauld of Panmure, is willing to undergo the said worke and
to provide for all necessars for continewing the same to the good of the
kingdome; thairfor his Majestie, with advice and consent of the Lords
of his Majestie Secreit Counsell of the said kingdome, ordains ane letter
to be past under his Majestie great seale giving and granting, lykees
his Majestie be thir presents gives and grants, to the said Patrik Mauld of
Panmure, his airis and assigneyes, their servants, deputys and others in
their names,during the space of threittie one yeeres, the onelie sole and full
licence and libertie to make and caus to be made within the said kingdome
soape for washing of cloathes of all suche cullours and quantitie as they
sall thinke good and to sell the same to his Majestie lieges; with power
to thame for this effect to bring strangers for making of the said soape
and to employ thame or the natives of the kingdome therein, as they sall
thinke good, and to erect and sett up workes and to doe and use all things
quhilkis may bring that interprise to a good perfection. And if it sall
fall out that they cannot convenientlie gett the whole soape that sall
happen to be made to be solde within that kingdome, power is heriby
givin unto thame to transport the same furth of the kingdome where
tey shall think meit and to sell and dispone thereupon at their pleasure;
paying thairfoir his Majesteis custome dew to be payed for the soape
brought within the kingdome: Charging heriby all others his Majesteis
lieges and subjects and all strangers, except suche as sol be imploied be
the said Patrik Mauld of Panmure and his foresaids, that none of thame
presume nor take upon hand to make anie soape within the said king-
dome nor to doe nor attempt anie other thing to the hinder and prejudice
of the said Patrik Mauld of Panmure and his foresaids in this particular
bot to suffer and permitt thame peaceable and freellie to bruike and
enjoy the benefite of this his Majesteis patent and priviledge during the
said space of threttie one yeeres, as they and everie ane of thame will
ansuer to his Majestie and his Counsell upon the contrare at their highest
charge and perrell, and farther under the pane of confiscation of the haill
soape that sol be made be thame agains the tennour and prejudice of
this his Majesteis priviledge and patent. And for the furthernance of the
said workes his Majestie, with consent foresaid, gives and grants to the
said Patrik Mauld of Panmure and his foresaids during the space fore-
said licence, power and libertie to fishe and trade in the countrie and seas
of Gronland [sic] and in the Yles and others parts adjacent thereto and
that for provision and furnishing of the saids soape workes with oyle and
other materialls necesser thereto, and that without anie trouble, molesta-
tion, stop or impediment whatsomever to be made agains thame or anie
of thame be anie of his Majesteis subjects whatsomever in their persons,
shipping or goods, with free libertie and priviledge to thame to pas and
repas to and frome the saids seas and territoireis of Gronland and Yles
adjoyning thereto and to anie part, creik, harbour or road of the same als
freeellie and in als ample and beneficilll forme and maner as anie of his
Majesteis subjects quhatsomever had, have or anie wayes may acclame or
pretend thereunto, provyding alwayes that the said libertie be no farther
extended nor the furnishing of the said kingdome of Scothland and the said
Patrik Mauld of Panmure his soape workes within the same: Charging
straittie and commanding all his Majesteis lieges and subjects to permitt
and suffer the said Patrik Mauld of Panmure and his foresaids freellie,
peaceable and quaytellie to enjoy the saids libertie and priviledges of
fishing and making of oyle and others libertie belonging thereto as
foresaids within the said countrie of Greenland, seas and territoireis
thairfoir and Yles adjacent thereto, as they will be answerable upon their
obedience at their higheest perrell, with all coast, skaiith and damage to
be susteanned be the said Patrik Mauld and his foresaids. And his
Majestie, understanding that there ar certane necesser ingredients for
making of soape without whiche the same cannot possiblle be well made,
and that if these ingredients could be gottin within the kingdome itselfe it
would muche conduce to the advancing of the said interprise, thairfoir his
Majestie, with advice of his said Privie Counsell, gives and grante during
the said space of one and threttie yeeres to the said Patrik Mauld of
Panmure and his foresaids full and sole libertie, licence and power, and
to none others, to make pot ashes of all sorts of suche wod within the
same kingdome as is most fitt for the purpose and as can be most con-
venientlie spared, giving alwayes satisfaction to the owners thatrof, and
where the same cannot be made within the said kingdome, with power
and licence to thame to buy and import the same for the use aforesaied
frome forranse parts, paying the custome dew to his Majestie for the
same, as lykewayes with power to thame to make pot ashes of all sorts of
fairs and other vegetable things quhatsomever within the said kingdome
fit for that purpose, giving alwayes satisfactioun for the same to the owners
thairof, with power alsua to thame to make pot ashes within the said
kingdome for the use of the saids soace workes, and for that effect to
buy and bring in lykewayes frome forranse parts all ingredients fitt for
making thairof, provyded that custome be payed for the same. And,
for the better working, preparing and making of all suche pott and soape
ashes and of the severall compositions and ingredients thereunto, with
power to thame to erect store and workehouses fitt for that purpose and
all maner of ingynes, vessellis, coillis and instruments necessar for the
same. Paying alwayes yeerelie the said Patrik Mauld and his foresaids
to his Majestie and his Hienes successors for the said licence of making
of soape during the foresaid space the soume of twentie pundis sterline
at the feast and terme of Witsunday yeerlie, quhairof the first yeeres
payment to be and begin at Witsunday after the expyryng of Mr Nathaniel
Udwarts patent, and sua furth yeerelie thereafter during the said
number of yeeres. And his Majestie be thir presents suspends this
present gift and effect thairof sua long as the said former patent stands
in the person of the said Mr Nathaniel Uduart and his foresaids unexpir'd;
and his Majestie ordains thir presents to be ane sufficient warrand for
writting and appending the great seal without passing other registers
and soaces. Givin at Edinburgh, the sxt day of November, 1634.
Followes the docket:—Please your sacred Majestie, These licence your
Majestieis daylie servitour, Patrik Mauld of Panmure, for threttie one
yeeres, to sett up manufactureis for making soape in Scotland with sole
power to make and sell it therein and in forranse parts, paying suche
customeis as is payed for soape imported; for better making of whiche
commoditie power is givin to thame to fishe and trade in Greenland,
provyded that the commoditeis thairof be onelie for furnishing of
Scotland; and with sole power to thame to make pott ashes of all
materialis within the kingdome; and als licence, is grantit unto thame
(if the same cannot be provided within the countrie) to buy and import
pot ashes for the use aforesaied and siclyke to make pott and soape
ashes of wod, fairs and others vegetables within the kingdome, satisfieing
the owners, and to import all others ingredients for making of soape

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paying custome. They are to pay your Majestie yeereleie twentie pund eval.
sterline: suspending the effect of this gift so long as the patent grantid.
be your Majesties father of blessed memorie stands in the person of
M' Nathanael Udwart unexpired. S. Thomas Hop. Sic subscribatur,
Hadinton; Erroll; Winton; Wigton; Roxburgh; Traquaire; Binning;
Naper; J. Hay; S. Thomas Hop; James Baillie."

"The Lords continewes the advising of the processe anent the erec-
tioun of the lordship of Torphichin till this day aucth dayes."

[Decreta as recorded above.]

Complaint by Mr. George Sydserfe, minister at Colbrandspeth, as follows:
—Some two years ago certain gypesies and vagabond sturdy beggars broke
into and spoiled his house, and pursued himself with pistolets and swords.
They are ordinarily reset within the bounds of the lordship of Thornton
and Dunglas, of which George Home is bailie, and the said George Home
about that time received from the said gypesies a stolen horse, which he
still retains, and had very frequent intercourse and intelligence with
these vagabonds against the laws of this realm and contrary to the duty
of his place. For purging the bounds of these wicked persons and that
the gentlemen within whose bounds they resort, especially the said
George Home, should have no pretext for overlooking them by wanting
commission and power against them, the complainer procured a commis-
sion to the said George Home and certain barons in the country for
approhending and exhibiting these gypesies to the bailies of Dumbar or
Hadinton to underlie their trial. And now lately "great nombers of the
saids Egyptianis, sometymes fiftie, sometymes threescore, being soming
in East Louthian togidder in troupes, where not onelie they had spoyled
and herried diverse people both in the compleiners parish and els where,
but also had tane men and wyffes out of their beds and lyne in the same
thameselves; and the compleiner, being informed that upon the 26 of
Junij last these vagabounds were to be all night within the bounds of the
lordship of Thornetoun," he sent the said commission to George Home
earnestly entreating him to put the same in execution against these
gypesies, but he very undutifully refused the service and sent back the
commission, and suffered these vagabonds "to have beild and reset
within his bounds all that night." Charge having been given to the said
George Home as party, and to Thomas Symson in Dryburnefurde and
Alexander Frude in Thorntoun loche, as witnesses, and the pursuer
appearing by Mr. Thomas Nicolsone, younger, advocate, who produced
the commission above referred to, but neither the defender nor the witnesses
appearing, the Lords ordain them to be put to the horn and escheated
for their contempt.

Complaint by George Archibald, son of Andrew Archibald in
Barreledys, as follows:—On July, 1632, Mr. Andrew Logie, parson
of Rayne, George Leslie of Rothmeyes, George Leith of Threifeild, Patrick Leith of Kirkton of Rayne, William Arskyne, brother of the Laird of Pittodrie, and George Leslie, son of George Leslie of Boigs, came by way of hamesuckten to the dwelling house of the complainant’s father in Barreldykes, forcibly broke up the doors, violently seized the complainant, and without any lawful warrant carried him captive to Auldrayne and kept him as a prisoner for five or six hours in the house of John Ker there. Charge having been given to the said Mr. Andrew Logie, Patrick [Leith], George Leith and George Leslie, and the pursuer compearing by Andrew Archibald, his father, and Mr. Andrew Logie appearing for himself and the remanent defenders, the Lords after hearing parties assoilzie the defenders, who produced a precept signed by the Laird of Pittodrie, one of the Justices of the Peace, for the sherifldom of Aberdein, directing some of the constables to go and take caution from the said Andrew Archibald’s son for the indemnity of the said Mr. Andrew, and in case of his refusal to charge him to enter into ward; and showed that the said George Archibald only went some short distance with the constables to the house of John Ker in Auldrayne, who became cautioner for him, whereupon he was “dimmittit.” Further, the said Mr. Andrew produced to their Lordships a decreet arbitral pronounced by Patrick, Bishop of Aberdene, and the ministers of the burgh of Aberdene, proceeding upon a judicial submission between him and the pursuers, in which it was declared that the said Andrew and his son had committed “sundrie insolences and wrongs” against the said Mr. Andrew.

“...The protections given to Alexander Hamiltoun, yonger, of Lawfeild, and Patrick Fleeming of Carbraine prorogat till the 8 of Januar nixt.”

Complaint by William Robertson, burgess of Perth, as follows:—

On 19th May, 1633, he was in the kirkyard of Abernethie at the burial of his wife’s father’s brother, when Andrew Wemes in Abernethie, having a private malice in his heart against him, came to him; and “or ever he was awar tooke from him one of the spaiaks wherewith he had caried the corps and gave him manie banche, blae and bloodie straiks thairwith on the head and others parts of his bodie, to the effusion of his blood and perrell of his lyffe, quherthrow he lay long bedfast unable to travell to worke for his living.” Further, on 24th July, 1633, when he was going to the market in Cowper of Fyffe through the town of Abernethie, John Williamsoun, William Andersone, Andrew Hay and Andrew Furnie in Abernethie “patt violent hands in his person, and with their nieves, feete and knees bursed, bruised, hurtit and woundit,” him on the head and other parts of his body to the effusion of his blood and peril of his life; and because he said he would complain, they put him in the stocks for a day and a night, so that he lost his market to his great hurt. Charge having been given to these persons and also to Matthew Geddes, elder, in Abernethie,
William Millar there, Archibald Douglas, younger, there, William Hendersoun there, William Wallace there, Robert Thomesone there, John Flivisrar there, William Williamsone there and Allan Chapman, as witnesses, and the pursuer complaining but not the defenders nor witnesses, the Lords ordain the latter to be put to the horn and escheated for their contempt.

"Missives to the Bishop of Glasgow, the Erles of Murrey, Perth, Lauderdaill, Dumfreis and Master of Elphinstoun to be heir upon Tuesday nixt: and to the Erle of Soutcheak and Lord Lorne to be heir on Tuesday come aucht dayes to joyne with the Counsell in taking order with the insolenceis of brokin men."

8th November 1634.
The Earl of Buccleuch.

Sederunt—St. Andrewes; Privy Seal; Murrey; Perth; Rox-Acta, June 1634-April 1635. Edinburgh; Lauderdaill; Tracquair; Lorne; Bining; Bishop of Ros; Naper; Master of Elphinstoun; Clerk of Register; Advocate.

Anent plunders on the lands of Fendraught.

"The Lords of Secret Counsell, having heard the articles givin in name of the Laird of Fendraucht anent the heirships committed upon him, his tenents and servants, they continew their resolution thereanent and anent the meanes for preventing the disturbances of the countrie till Thursday nixt, ordaining in the meanetyme his Majestis Advocat to summound the parteis aganis whom Fendraucht sall give information to find cautiouin to underly the law for the crimes committed be thame, and ordains the clerk to produce upon Thursday the overtures formerlie givin in for quyetting the countrie with the acts and proclamatiouns made in September last."

[Sederunt as recorded above except Lorne.]

This day there compeed before the Lords William Thomeson and James Spence, merchants burgesses of Edinburgh, and John Fleming and John Binning, also merchants burgesses there, who were appointed to hear and audit the accounts of Thomeson and Spence, and declared the state of matters betweed them. This, they showed, would require "manie diets of probation and the heiring and judgment of the Lords of Session, at the least of some of their number, whom ye wer content soule be adjoyney" to the said auditors. Accordingly James Spence nominated Sir Andrew Fletcher of Innerpeffer, knight, and William Thomesoun nominated Sir John [sic] Hope of Craighall, knight,
and the Lords, willing to give all lawful furtherance to this business, approve of the arrangement and hereby grant commission to the four auditors to call the parties and their witnesses before them and examine them upon oath or other manner of probation. They also request the two senators of the College of Justice to accept this commission, and empower the Clerk of Council to direct letters against parties and their witnesses as may be required. And that James Spence may attend the proof and urge his claim before the commissioners the Lords extend his protection until 8th January next at night.

“A letter from his Majestie concerning the establishing of the justices of peace and authorizing thame with quhat further power sall be found fiting for quyetting the peace of the countrie, and that the ylanders be tyed to thair yeerelie compeirance.”

Sederunts—Bishop of St Andrewes; Privy Seal; Murrey; Perth; Tracquaire; Bishop of Edinburgh; Bishop of Ros; Lorne; Naper; Binning; Clerk of Register; Master of Elphinston; Advocate.

“Forsamekle as the Lords of Secret Counsell ar informed that great numbers of sorners and brokein men of the Clangregour, Clanlauchlane, Clannanald and others brokein clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hiedlands, as alsua diverse of the name of Gordoun and thair dependers and followers in the inconntrie, have this long tyme bygane and now latelie verie greevouslie infested his Majesteis good subjects in the north parts, especiallie the Laird of Fendraucht and his tennents, by frequent depredations, slaughters, heirships and barbarous cruelteis committed upon thame, and by ane late treasnable fire-raising within the said Laird of Fendrauchts bounds, whereby not onelie is all the gentlemons lands layed waist, his hale goods and bestiall spoyled, slain and mangled, some of his servants killed and cruelie demayed, but also the hale tennents of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesteis Counsell; and thir disorders ar growin to that hight that almost no where in the north countrie can anie of his Majesteis subjects promise saftetie to thair persons or meanes, the breake of his Majesteis peace in these bounds being so universall and fearfull as the verie burrows and touns thameselfes ar in continuall danger and feare of some suddane surprise by fire or otherways from thir brokein men. And the Lords of Secret Counsell, in this so deplorable estait of the countrie, finding it thair boundin dewtie to use all meanes possible for preserving the bonnour and credite of his Majesteis his auctoritie and lawes and reparation of the losses of his distressed subjects, they have thairfor resolved, upon trewe information of the authors of thir disorders, thair abatters and ressettters, to take suche exemplarie order thereanent

Change to the Marquis of Huntly and others to appear before the Council on the 16th December next to give information anent broken men in the Highlands for whom they are respons ble.
as the delinquents may underly thair deserved punishment and his Majesteis peaceable subjects be repaired in their losses and in tyme comming secured frome these incursions and disorders of thir brokin men; and for this effect ordains letters to be direct to heralds, pursuavants or messengers of armes charging the persons underwrittin, they are to say, George, Marques of Huntlie, and his bailleis, Johne Gordoun of Buckie, Alexander Gordoun of Carneborrow, William Gordon of Tulloch, Sir James Gordoun of Leamore, James Gordoun of Letterfours, Johne and Nathanael Gordons, sonnes to Johne Gordon of Ardlogie, Johne Gordon of Innermerky, Alexander Gordon his sone, Johne Gordon of Parke, Adame Gordon his brother, Duncane Braibner his greave, the Laird of Geicht, elder and yonger, Johne Gordon of Ardlogie, Sir Alexander Gordoun of Cluny, Allane M'glandy and his sonnes, the Laird of M'gGregour and Patrik his brother, the Laird of Grant, the Laird of Glengarrie, M'Rannald of that Ilke, elder and younger, Gordoun of Terrisoull, M'Innabrac of Glencoe, the Erle of Atholl, the Lord Lovat, Sir Robert Innes of Balvenie, Johne Grant of Glenmoreston, Grant of Rothimurchus, of Glenneveis, tutor of Glenneveis, Johne Ogilvie of Milnetoun, the Lady Rothemay, Alexander Strachan of Glenkindie, Thomas Gordon of Artlache, Johne Gordon his sone, Alexander Leith, brother to Harthill, Patrik Gordoun, brother to Johne Gordon of Achinhannach, Johne Gordon in Corskellie, Duncane Cumming in Achindoun, Johne Fordyce in Auchincreiff, and George Moreson in Rothemay, etc., maisters and landslords to thir brokin lymmars and chiftans of thair clans, and throw whois bounds thir brokin men have had thair repaire with thair heirships and depredations, and for whome in that caisse they acht to be answerable be the lawes of the countrie, to compeir personallie before the Lords of Privie Counsell upon the xvij day of December nixt to give information to the saids Lords anent the heirships, slaughters, depredations and others disorders committed upon the Laird of Fendraught, his tenants and servants and others his Majesteis subjects in the north since the burning of the towre of Fendraught, and foder to underly suche order anent the peace of the countrie and restraining of the depredations of all brokin men dwelling upon their lands or being of thair clans for whome they acht to be answerable be the lawes of the countrie, and tuisheing redresse to be made be thame to his Majesteis oppressed subjects of thair losses and damages susteanned by the saids brokin men since the burning of the said hous of Fendrauch, as by his Majesteis lawes and acts of parliment saill be found necesser; and that they compeir personallie to the effect foresaid under the pane of rebellion and putting of thame to the horne, and foder under all highest pane and charge that after may follow, with certification on thame and they fayrye that not onelie saill they be denounced rebells and putt to the horne but also suche foder exemplarie course saill be followed out aganis thame as his Majesteis honnour and the peace of the countrie requires."
1634. CHARLES I.

"Forsamekle as the Lords of Secret Counsell ar informed that Johne, Bishop of Murrey, M'r Williame Douglas, minister at Forgue, Normand, Leslie of Tulloche, Walter Halket at the milne of Rothemay, M'r Alexander Innes, parson of Rothemay, M'r Andro Massie, minister at Drumblæ, M'r Johne Reidfurd, minister at Kinbettock, James Hamilton of Cors of Kinmore, Johne Hamilton, his son, M'r Johne Annand of parson of Kinmore, Johne Tarrell in Rothemay, Adamsons, elder and younger of Braes, M'r Alexander Douglas, doctor of medicine in Bamf, Sir Alexander Hay of Delgatie, M'r Robert Blair, minister at Forglen, M'r Thomas Mitchel, parson of Tureff, Walter Urquhart of Crombie, Johne Gordoun of Carnefeld, Thomas Dorwart in Achanachie, Henrie in Quhytlunes, M'r Alexander Forbes in Tureff, Walter Barclay at the kirk of Kelth, Johne Gordoun, younger of Achanachie, Johne Reidfurd in Meyen, Johne Stevinsone there, Patrik and George Murreyes in Auchinnoul, Sir James Gordoun of Lesmore, Johne Gordoun of Buckie, M'r Richard Maitlane, minister at Abirchirdour, and M'r Johne Logie, minister at Rathven, can give information ament the heirships and depredations lately committed upon the Laird of Fendraught and of the authors, abbaters and hounds out of brokin men to the committting of the same; and the saids Lords being carefull to use all lawfull ways and meanes for discoverie of this mater to the effect that the offenders in this kynde may be knowne and punished and convenient remedies sett doun for preventing the like disorders in tyme comming, thairfor ordains letters to be direct charging the persons abonewrittin to compeir personnallie before the saids Lords at ane certane day, to depone what they know or sall be spirrit at thame in the mater foresaid under the pane of rebellion, etc., with certification, etc."

"Forsamekle as upon the 21 day of May, 1631, and 26 and last dayes of September last, Adame Gordon, sonne to Sir Adame Gordon of Parke, Johne Gordoun in Carnemhill, Donnald Kelles, Alexander Gow, William Gauld, Angus M'Innes, James Innes, Alexander M'Kercher, Johne Geina, Robert Couper, Johne Mill, and Andrew Marriche in Cabrache, Adame Gordoun in Stradoun, James, Patrik and Alexander Gordouns, his sonnes, George Gordoun in Auchtleres, James, Adame and Harie Gordons, his sonnes, and William Ros in Stradoun, sister sonne to James Gordoun of Letterfoure, wer orderlie denounced rebellis and put to the horne be vertew of criminal letters execute aganis thame at the instance of the Laird of Fendraught and his tenents for not finding sufficient caution and souerite actit in the bookes of Adjournall for their conpeiran before his Majesteis Justice and his deputs to have underlyne the law for diverse thifts, depredations and others crimes mentioned and conteinith in the saids letters of horning, as the same dewlie execute, indorsat and registrat beiris; quhilks hail persons have so herryed and wracked the said Laird of Fendraught and his tenents and others, his Majesteis.
subjects, in the north and goe on in suche ane insolent and lawlesse ravaging aorth the countrie as if his Majestie's auctoritie and the hand of justice was not able to overtake thame; and since they are all ather men, tennents and servants to George, Marques of Hunteilie, or dependers and followers upon him, as being of his clan, kin and surname, and who accomanie him at castig, hunting and all conventions, gadderings and mietings, and unto whome he is cheefe, and for whome be the lawes of the countrie, acts of parliament and Generall Band he sucht to be answerable and exhibite to their tryell; thairfoir ordains letters to be direct to heralds, pursuavents or messengers of armes charging the said Marques of Hunteilie, as maister, landlorde or cheefe to the rebellis particularie abonewritten, to exhibite and produce the saids rebellis before the saids Lords at ane certane day to the effect order may be tane for their punishement as accords, under the pane of rebellion, etc.; with certificacion, etc."

"The Lords of Secreit Counsell continewes the advising of the proccese anent the erection of the lordship of Torphichin till Tusiday come sucht dayes and ordains the Clerk of Counsell to advertise the Lord Torphichin heirof."

[Sederunt as recorded above.]

Edinburgh, 18th November 1634.

Supplication by Walter Troup, John Watsoun, Robert Colquhoun, John Castlelaw, Francis Marche, Robert Ros, Martine Thomesone, George Fergusoun, Stevin Tullidaff, Mr. Edward Miller, Eleazer McKiesoun, James Creichtoun, and Umphra Watsoun, all of his Majestie's Chapel, as follows:—In hope of receiving payment of that sum of money which the Lords Treasurer, principal and depute, received warrant to pay to them, they have contracted some debts, partly in furnishing their houses and partly in procuring some comely attire, seeing they most ordinarily attend his Majestie's Chapel, and for these debts they are now heavily distressed and threatened with imprisonment. If they had their money they could satisfy their creditors, and meanwhile they crave their Lordships' protection so that they may attend their service in the said chapel. The Lords grant their request as craved until 1st April next.

"All thir charges to be execute be heralds with displayed coat of armes and sound of trumpet."1

A missive to the Bishop of Murrey for conveening the gentlemen in Murrey to sett downe a report in writ of the disorders in the north and meanes for repressing the same.

"The Lords nominates the Erles of Tracquair, the Lord Lorne, the Bishop of Ros, the Lord Naper, and the Master of Elphinstoun to meit the morne at ten of the clocke in the forenoon for revising the rollis of the justices of peace."

1 Referring to the charges against broken men.
Sederunt—Sanct Andrewes; Privy Seal; Murrey; Wintoun; Perth; Edinburgh, Traquarre; Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; 18th Novem-
ber 1634. Bishop of Dunblane; Melvill; Master of Elphinstoun; Clerk
Register; Advocate; Sir James Baillie.

Anent the supplication presentit to the Lords of Secret Counsell be Thomas Areskine of Balhaggartie, Johne Leslie, younger of Pitcaple, Sir Ereskine of
Alexander Hay of Dalgatie, William Dalgarno of that ilke, Alexander
Strauchane of Glenkindie, and Forbes of Corsindae, commissioners
nomimat for taking tryell of the abuses committed in the faires in the
north by presenting of plaiding to mercat in hard folds and rollis, makand
mention that where the saids Lords ordained the saids supplicants to make
report the first Counsell day in November unto thame of what they
ould find in the matter foresaid committed to the supplicants, quherein
they have done their exact diligence, but in regarde of the terme quhilk
straites the complainers and compellis thame to attend at home for taking
order with their effaires they cannot compeir before the saids Lords at
the day prefixed unto thame; humbelle desyryng theairfor the saids Lords
to continew the dyet appointed for the supplicants compeirance and
report in the matter foresaid till the aucht of Januar nixt, lykeas at
mair length is contenant in the said supplication; quhilk being read,
heard and considderit be the saids Lords and they advised therewith, the
Lords of Secret Counsell hes prorogat and continewd and be the tenour
heirof prorogats and continews the dyet appointed for the supplicants
thair compeirance and report in the matter foresaid untill the said aucht
day of Januar nixt, quhairof John Sinclair, merchant burges of Edin-
burgh, Robert Tailleour, burges of St Andrewes, Johne Sempill, provest
of Dumfartane, and Lumaden, baillie of Aberdein, being personallie
present as commissioners for the burrowes in this mater are warned apud
acta."

"Anent a sup-
plication by
John, Lord
Balmesinoch, for
certain docu-
ments con-
ected with
his trial."

Anent the supplication presentit to the Lords of Secret Counsell be
Johne, Lord Balmerinoch, makand mention that where in the defence of
his life and innocencie challenged by the criminall persute depending
againis him at the instance of his Majesteis Advocat it is both just and
necesfar for the supplicant to have the principall paper givin in be him to
the Lords of his Majesteis committee togidder with the extract of the hall
depositions made in that processe under the clerks hand, togidder with
the principall letter writtin and direct by M' William Haig to the
suplicant frome Campeir, dated 27 Junij last, wherein he declares that
he cannot deny the penning of that supplication, quhilk letter the supple-
ciant produced before the said Lords of committee upon the first day of
August last bypast under protestation to have it up agane; and seing the
suppliant cannot convenientlly gett the saids Lords of committee
convenenn for giving up to him of the saids papers without which he can
have no deliberatioun with his lawyers in these his legall defences, and seing also the supplicant hes a great necessitie both for advice in this and all others his bussinesses to have the best helpe and counsell of his honorable friends and of conference with others that are concerned in his several affaires; humbelie desiring thairfoir the saids Lords to give order for present delyverie to the said supplicant of the papers foresaid and als to give warrand to the constables of the Castell in maner and to the effect underwrittin; lykeas at mair lenth is conteanit in the said supplication. Qhilk being read, heard and considderit be the saids Lords and they advised with, the Lords of Secret Counsell ordains the clerk of the committee and others whome it concernes to delyver to the said supplicant ane authentick copie or double of the scandalous libell for qhilk the supplicant is challenged, togidder with the double of the supplicant his awne deposition made before the committee in this mater and of the letter foresaid direct to him frome M' Haig, all under the hand and subscription of the said clerk of the committee; as alsua ordains and commands the constable of the Castell of Edinburgh to suffer and permitt James, Lord of Cowper, Alexander, Maister of Elphinstoun, Sir Walter Ker of Cavers, Sir Walter Dundas of that Iike, Michael Elphinstoun of Querrell, Robert Drummond of Medhope, Sir Lewes Stewart, M' Thomas Nicolsone, M' Androw Aittoun, Walter Hay, M' Alexander Peirson, and M' Johne Nisbit, advocats, to have acces and conference with the said supplicant on all occasions in presence of the said constable, and that the saids advocats make faite to some of his Majestis Counsell that they sall not meddle in anie bussines further nor what may concerne the supplicant his necessar and lawful defence; and the saids Lords inhibits and discharges the said Lord of Balmerinoch and his advocats and all others whome it may concerne to give anie copie of the scandalous libell to anie person whatsomever bot to keepe the same secret for their awne use and to reproduce the same at the bar after the closing of the caus; anent the doing of qhilkis premisses the extract of this act sall be to the said clerk of the committee, constable of the Castell, and others foresaid ane sufficient warrand."

[Sederunt as recorded above, substituting Naper for Melvill, and omitting Sir James Baillie.]

Complaint by

John Cowie in

Ruidmyre

Complaint by John Cowie in Ruidmyre, as follows:—Sir Alexander Falconer of Halkerton, elder, and Sir Alexander Falconer, his

1 The trial of Lord Balmerino is one of the most famous State prosecutions in Scottish history. During the session of the Parliament, which met in Edinburgh during Charles’ visit to Scotland in 1653, a section of the nobles had drawn up a "Supplication" in which they entered a protest against his ecclesiastical policy. Charles refused to receive the document. The charge brought against Balmerino was that an interleaved copy of the Supplication was found in his possession. His trial lasted from June 1634 till July 1635, and he was found guilty by a majority of eight to seven. At the suggestion of Laud, it is said, Charles received him to mercy.—Row, 378-379; Balfour, Annals, II., 116-120; State Trials, III., 691-711.
son, have causelessly conceived a grudge against him but fearing to attempt any violence, have resolved under colour of law either to do him some affront or force him to compone with them for crimes, of which he is innocent. For this end they first prosecuted before his Majesty's Justice one David Murray for the theft of some plough irons and Alexander Chrystie for setting the same, but the latter cleared himself, while the former fled, but was taken upon letters of caption by the said Laird of Halkerton, who took him to his own house and kept him there for several days during which he dealt both personally and by means of others with the said David Murray to accuse the complainer as the setter of the said plough irons, promising him his life and impunity if he did so, but threatening him with the extreme rigour of the law if he refused. Thus terrifled with the fear of death the said David falsely accused the complainer as the setter of the irons, whereupon the said Laird of Halkerton, "seeing the mater weele brought to his hand, and thinkeing that he was now sufficientlie armed to worke out his intendit purpose aganis the complener, sent for him, and told him that the said David had deponed aganis him in a poynyt concerning his lyffe, and craved some composition of him, promising to warrand him frome the challenge and make him fre." The complainer, however, conscious of his innocency, refused, and frankly told him "that some nyne yeeres auge he ressavd a pleche socke from this Murray quhilk he affirmed to the complener was a part of his mothers disploining of a roume," but as soon as he heard that Murray was suspected of stealing the plough sock he sent the same to the owner. The Laird of Halkerton, being dissatisfied with this answer, sent Mr. Alexander Simson, minister at Conveth, to the complainer, who earnestly dealt with him to give a composition and not suffer the matter to come to a public hearing; but he still refused. Thereupon the Laird of Halkerton took the said David Murray to Robert Keith of Quhytrigs, alleged sheriff depute of Kincardin, "with ane pleche soome for ane fang," and dealt with him to bring the complainer and Alexander Chrystie within the compass of the law for reset, and the said sheriff depute thereupon directed his precept to them to appear before him on 3d August last to hear Murray's depositions received against them. The complainer, however, "thinking such aforme of charg to be verie uncouth and not allowable be the lawis of this kingdome, and being visit that tyme with seicknes," neglected that diet, for which this pretended depute fined him £50 for contumacy, and charged him of new to appear before him in a justice court to be held at Stanehyve on 6th August to underlie the law for reset of the said plough sock; whereupon, although the charge was summary and illegal, for the law allows fifteen days to a man to plead for his life, the complainer offered caution to appear upon fifteen days' warning in terms of the Act of Parliament, but the clerk refused it, as an instrument taken thereupon shows. That same day the said David Murray was tried by an
assize before the said depute for the theft of the said plough sock, but the assize, “finding no fang with him and the alledged shift to be committed nyne yeeres agoe,” cleared him thereof; and thereupon the said depute by the procurement of Halkertoun declared the complainer fugitive, and intends to seize upon his whole goods, as what is sought in the complainer’s life, or else that he redeem it with his goods. This is a “mater verie dangerous and not allowable be the laws of this kingdome to admit ane convict and suborned theefe to bring the lyffe, fortunis and reputation of honest men in question, nather can anie shirreff pretend in maters of thift or other crymes quherupon the paine of lyffe may follow without speciall commissioun from the Counsell except the crimnall be takin with the fang, quhilk caisie is not heere; and furder the said pretendit depute is no depute to the said shirreff, but has usurped our soverane Lords power and auctoritie to take upon him the place of ane judge without anie lawfull warrand; and it is lykelie that he and the said depute hes colludit to make havok of the compleaner and his estate and to use his Majesties auctoritie as a clocce to their unjust designes.” Charge having been given to the said sheriff depute and Laird of Halkertoun, and the pursuer appearing but not the defenders, the Lords suspend and annul all the foresaid process against the pursuer and discharge the defenders from putting the same to further execution against him until they produce all documents in the case and the pursuer be warned to attend their production.

Complaint by Alexander Chrystie in Pitgarvie, as follows:—Sir Alexander Falconer, elder and younger of Halkertoun, and Patrick Falconer of Newtoun, for suind him at law on various false charges.
with the fang; yet the resot of which the complainer was assoilzie was alleged to have taken place twelve years since. Besides, the pretended sheriff depute’s authority is usurped. Charge having been given to the said Robert Keith and Sir Alexander and Patrick Falconer, and the pursuer appearing but not the defenders, the Lords suspend the precepts and other writs issued against the pursuer by the defenders and discharge them from all execution thereof until they produce the same before their Lordships and warn the pursuer to their production.

Complaint by James Edmonston of Hermitiecroft as follows:—He has been put to the horn, he is informed, at the instance of Sir John Halden of Glenniegis, James Muschet, far of Burnbanke, Harry Home of Argatie, William Caddell in Downe, John Stewart, William Fergusone, and Harry Murray, servitor to the said Sir John, for his not compearing to answer to a complaint by them against him for an alleged wrongful pursuit by him against them before their Lordships. Now, he was never lawfully charged and no knowledge thereof came to him, for, if it had, he would willingly have appeared. He has, however, found caution in their Lordships’ books in 300 merks to appear this day, and to pay 40 merks as his escate to his Majesty’s Treasurer and receivers of his rents if it be found he ought so to do, and he therefore craves suspension of the horn. Charge having been given to the persons named, and the pursuer compearing, but none of the defenders, the Lords suspend the hornings as craved.

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Sir Alexander Nisbet of that Ilk, party grieved, as follows:—In contravention of the laws against wearing of firearms, on 14th October last, John Cranston of Corbie, James and Thomas Cranston, his brothers, Thomas Cranston in Lawder, Thomas Cranston in Huntlywood, Willem Cranston in Ednem, William Seaton, uncle to the Laird of Touch, Alexander Home of Huntlywood, Alexander Home, far of Bassindene, Mark Home of Mostestoun, Andrew Haitle of Sнейp, Thomas Cranston in Bassinderd, William Home in Mostestoun, Patrick Yuill in Mellerstanes, George Malice in West Gordon, James Neilson there, James Fairbairne in the Slap and Archibald Gibeon in Gordoun, with convocation of the lieges to the number of 120 persons, a great many of whom were armed with lances, swords and steel bonnets, others with flails and long stings, and some with hagbats and pistols, came in a hostile and warlike manner to the barnyard in Rumiltonlaw which, with the lands and teinds of Rumiltonlaw, belongs by good right to the said Sir Alexander Nisbet, who had led and stacked his teinds there, “and in deepye of him they kuist doune a teind stacke quhilk he had in his barnyard, threw a great number of the cornes among the fieldis and tooke the rest away with thame.” When he heard of this, Sir Alexander sent his men, Thomas Nisbet and Patrick Abernethie, notary, to inquire why they thus oppressed him, when “they shamefullie strike the said Thomas on diverse
parts of his bodie and so bised and bruised him that he has never beene weele sen syne; and the said William Seatoun threatened the notarievowing to take a ticket aff his haffet if he gave out anie instrument in this mater.” Charge having been given to the persons named and the pursuers compariong personally and likewise all the defenders charged except Patrick Yueil and George Malice, the Lords, after hearing parties and several witnesses, find that the defenders most unlawfully convocated at the time and place libelled, thereby committing a great insolence and violation of the laws and for this they ordain them to be warded in the tolbooth of Edinburgh until they be released by their Lordships. They further find that Andrew Haitlie and John Cranstoun of Corsebie wore pistols at that time, and ordain them to be warded in the said tolbooth until they compeone with his Majesty’s Treasurer thereant; but their Lordships assozllie from this point of the complaint the said Thomas, James and William Cranstoun, and Mark Home. The Lords also ordain that Patrick Yueil and George Malice be charged to enter into ward within the tolbooth of Edinburgh within six days, until the Lords take order with them, on pain of horning. Evidence as to the wearing of pistols was taken by the oath of verity of the defenders.

Edinburgh, 20th November 1634.

Sederunt—Sanct Andrews; Privy Seal; Perth; Lauderdale; Dumfreis; Traquair; Lorne; Bining; Bishop of Edinburgh; 1634. April 1634. Acta, June 1634. April 1634. Fol. 53. a.

Report of Lord Lorne—sanct duties exacted by the landowners in the isles from the members of the Association for the Fishing.

“The whilk day, in presence of the Lords of Secret Counsell, comeiried personallie Archibald, Lord of Lorne, who for satisfaction of the commissioune direct be the Counsell to him and to Neill, bishop of the Yles, for tryell taking of the deuteis exacted by the Ylanders from his Majestie subjects of the Associatioun resorting in these parts and by what warrand and right they doe the same, exhibite before the saide Lords ane report in writt subscryved be the said Lord of Lorne and bishop of the Yles and some of the ylanders, todgger with ane letter direct from the Erle of Seafort to the Bishop of the Yles, bearing that in obedience of his Majestie desire he had forborne to exact anie deuteis frome the English, and that no strangers did reipare to anie of his lands; of the quhill report the tennour followes:—At Inveraray, the twentie nynt day of August j“v” threttie four yeeres. Quhill day, in presence of Archibald, Lord Lorne, and Neill, Bishop of the Yles, anent the commission direct unto thame be the Lords of his Majestie most honnorable Privie Council for calling of the landsiords and heretours of the Yles before thame and examining of thame what deuteis they exact of his Majestie subjects of the Associatioun resorting there, what is the ground leave of these exactions, and by what warrand they doe the same, as alsua to take tryell and informe thameselffes how and by whome strangers ar brought
in and their vessels laden with fishes and others native commodities; as the said commission of the dait at Edinburgh the twenty-fourth day of July last bypassed beiris. And the saids commissioners, having in humble and devout full obedience of the saids Lords their commission foresaid conveened the landlords and heretours of the Yles underwritten this day and place, they are to say, Sir Donnald M'CDonnald of Sleat, knight baronnet, John M'Cleod of Herries, John M'Cannal of Ilantur, captaine of Clanranald, Neill M'Neill of Bara, Sir Lauchlane M'Claire of Morverne, knight baronnet, Murdoch M'Claire of Lochbay, Lauchlane M'Claire of Coill, Lauchlane M'Charles V'Fingon for the Laird of M'Kynnon, and the foresaid commission being publickly read over in all their audiences thereafter the saids commissioners did interrogat and examine everie one of the saids ylanders in particular what dweitis they exact of his Majesteis subjects of the Association resorted there; and the saids Sir Donnald M'Donnald, John M'Cleod, John M'Cannal and Neill M'Neill of Bara una voce gave the answer and declaratioun following, viz., that it was the ancient custom before the dait of the contract after specieis (quhilk they think to be about fourteene yeeres since or thereby) to everie one of thame in whos bounds the herring fishing fell out to exact of everie barker or ship resorting thereto for anchorage or ground leve ane barrell of aill or meale in the owners optioun, and for ilke anker layed on shoare sax shillings auccht pennis, and out of everie last of herring slaine there three punds money, togidder with the benefit of everie Saturdayes fishing; and that now they exact ouelie from his Majesteis subjects of the Association for ilke ship and barker that comes to the herring fishing threttie sax shillings Scotch money, and for ilke ship that comes to the gray and whyte fishing twentie merkes, and this for anchorage and ground leve conforme to ane contract past betuix the said Sir Donnald, John M'Cannal, and unquhill Sir Rorie M'Cleod and some others of the ylanders on the ane part and certane of the burrowes in the east countrie on the other part in anno 1620 or thereby, quhilk they say is registrat in the bookes of Counsell.

2. They being interrogat what is the ground leve of the saids dweitis quhilk they now lift, they say they can make no division becaus the same is payable to thame be the said contract for ane ankerage and ground leve, which they refer to the contract itselie. 3. Being demanded by what warrant they uplift the saids exactions and dweitis foresaid they anser that they ar heretours of the ground and so may lawfully take up satisfactioun for ground leve and ankerage, it being ane ancient custom and in use to be done past memorie of man. 4. Being demanded how they can exact the particular exactions and dweitis foresaid from anie of his Majesteis subjects of the Association who have not contracted with thame, they anser that they take no more aff thame than aff those who have contracted, wherein they think they doe thame favour becaus they thinke they might uplift from thame the foresaid
ancient dextie and exactions that they wer in use to gett before the dait of the said contract in respect of the antiquitie of the custome and that they ar heretours of the lands and that they have made no condi-
tion with thame. Item, the saids Sir Lauchlane M^Claine, Murdoch M^Claine of Lochbuy, Lauchlane M^Claine of Coill and Lauchlane M^Charles V^Fington being all examined anent the premisses, they and ilke ane of thame declared that there is no fishings within their bounds wherethrow they may exact anie thing frome his Majestis subjects of the Associatioun, but if the fishings wer in these bounds they would be content to exact no more nor the saids north ylanders doe. And the saids hail ylanders being demanded how and by whose strangers wer brought in and thair vessellis loadned with fishes and other native com-
moditieis, they all in one voice answered that nane of thame nor anie within their bounds does anie suche thing, onelie the said Sir Donnald M^Donnald declares that the last yeere there came into Lochmadie to the herring fishing in his bounds ane Dutche ship frome Dubline having the deputie of Ireland his warrand and four French shippes with some
men of Air who transported no commoditieis away but herring and other
fishe. Upon the trueth of the quhilks answers and declarations abone-
written the saids ylanders and ilke ane of thame for thair awne parts offfered thame to give thair oaths of veritie. In witnes whairof the
saids commissioners and ylanders have subscriyyed thir presantes day, yeere and place foresaid. *Sic subscribitur, Lorne; Neill, Iles; Sir Donald Ma^donald of Sleatt; S. L. M^Laine, Morverne; J. M^Leod of Dunvegane;
Ma^rannald; we, Neill M^Neill of Bara, Lauchlane M^Claine of Coill
and Lauchlane M^Charles V^Fington abonewritten with our hands at the
ten led be the notars undersubcryvand at our commands because we
cannot write ourelffes, de mandato dictarum personarum scribere necessitates
ut asservant, ego, Georgius Campbell, notarius publicus, subscribo. Quhilk
being read in audience of the said Lords they allow of the said Lord of
Lorne and the said bishop of the Yles thair diligence heerin and
finds that they have carefullie performed what we committed unto
thame."

"The whilck day the Lords of Secreet Counsell, having heard and
considerrit the reasons propounded be Sir Lewes Steuart and M^ Thomas
Nicolson, advocate, who wer personallie present, why they aucht not to
compeir and defend the Lord Balmerinoch aganis the dittay whereupon
he is to be accused, the Lords allows of Sir Lewes Steuart his reason
of refuisall and thairfoir freiths and releevs him of all pleading for
the said Lord Balmerinoch, and ordains M^ Thomas Nicolsone to
repaire to the Castell of Edinbnrgh and to confer with the Lord
Balmerinoch and to assist him with his best advice in what he lawfullie
may for defence of his life."
[Sederunt as recorded above with the addition of Sir James Baillie.]

Complaint by Mr. George Buchanan, minister at Kirkpatrick justa, as follows:—He took great pains this year in winning the corns of his glebe and of another piece of land which he has in tack from Mr. Samuel Jonstoun, in which tack the teinds are included, and at the pleasure of God he succeeded in getting them "weele winne, led, stakkit and heidit." But upon October last George Johnstoun, son of John Johnstoun of Lockabie, William Johnstoun, called Crawfuird, James Little at the Myline of Hutton, David Grahame, called of Carnwath, bailie and officer to the Lord of Johnstoun of his barony of Hutton, William Grahame, called of Carnwath, John Graham, called of Dryffe, James Grahame, called Peters Jamie, Matthew Thorbrand at Johnstoun, and William Bell there, all men, tenents and servants to the Lord of Johnstoun, and Dame Sara Maxwell, Countess of Wigtoun, his mother, and others, to the number of forty persons, all armed in warlike manner, at the special instigation of the said Lord of Johnstoun and his mother, "came in a verie foule and raynie day to the compleanere barneyard," and without respect to the complainer's calling "being a minister," or his estate and condition, he "being ane poore man having nothing to live on but a small and unworthy stipend," and the foresaid corns, "verie maliciouslie kist doune his stakks and threw his cornes about the feilds, tooke a great part of thame away with thame, and destroyed the rest at thair pleasure. And when as the compleaners wyfe and bairnes came to thame and in verie faire and modest termes askit of thame the reason of thair lawles proceedings, they most shamefullie and unhonestlie pat violent hands in the compleaners wyfe and servants, his wyfe being great with chylde; they strake her on diverse parts of her bodie, especiallie in her heid and mouth, till they loused the whole teeth in her heid, to the great effusion of her blood, and she was so cruellie bettin be thame that she hes ever beene in danger of her lyffe and be appearance either she or her bairne will hardlie escape with their lyffe. Lykeas with the lyke shamefull violence they patt hands in the compleaners sister in law, harled her by the haire of her heid, and pulled out a great quantitie of the same and so mischantlie abused her that she hes fallin into ane heich feever and hes beene ever sensyne tyed to her bed without hope of recoverie; and the rest of the compleaners servants were so heavilie beaten that few of thame hes beene able to travell or work sensyne."

Charge having been given to the persons named, and to Hew, Viscount of Airdes, husband of Dame Sarah Maxwell, for his interest; and the pursuer comparing personally with Mr. Walter Whytthurde, parson of Moffat, and all the defenders being also present, except the Countess of Wigtoun and her husband, and parties and their witnesses having been heard, the Lords find that the said George Johnstoun, son of
William Johnstoun in Lokebie, William Johnstoun called of Crawfurde, James Little, Matthew Thorbrand, David, William, John and James Graham, and others of the lieges in convocation to the number of thirty persons came and cast down the complainer's corns which had been stacked for fourteen days, and for this insolence against a minister they ordain them to be warded in the tolbooth of Edinburgh and there remain until their Lordships release them; but they assoilzie them from the complaint of injuring and abusing the complainer's wife and sister-in-law. Further, they assoilzie the Lord of Johnstoun from the accusation of having hounded out these persons to this deed as he declared upon oath that it was not so. The Lords also find that no processe ought at present to be granted against the Countess of Wigtoun because when she received the charge she was about to embark for Ireland, as she stated to James Vauc, messenger, who executed the charge and was personally present. Moreover, the Lords ordain the Lord of Johnstoun to find lawburrows to Mr. George Buchannan in 1000 merks, and Mr George Buchannan to find lawburrows to the said Lord of Johnstone in 500 merks, in the books of Privy Council, and this being done they discharge all former similar bonds by either of them to the other in the Books of Session. And because the Lord of Johnstoun gave his oath that he dreaded oppression in his lands and goods from the said Mr. Walter Quhytburde, the Lords ordain the said Dr. Quhytburde to find lawburrows to him in 1000 merks in the books of Privy Council.

Counter-complaint by William and David Graham of Carnwath, William Jonstoun, called of Crawfurde, George Jonstoun, son of John Jonstoun in Lockabie, James Little at the Milne of Hutton, John Graham, called of Dryflis, James Graham, William Ker, Matthew Thorbrand and William Bell, as follows:—They were directed by William (sic), Viscount of Airdes, and Sara, Countess of Wigtoun, his spouse, to draw the teind sheaves of the forty shilling lands of the Kirkton of Kirkpatrick, which belongs to the said Countess in tack, and of which she has been in possession for several years past. Accordingly, in October last they went peaceably to teind the lands of Mr. George Buchannan, minister at Kirkpatrick, but they were refused by him, and "with manie disgracefull and contumelious speeches" he upbraided the said Countess and her husband. Thereafter, accompanied by Mr. David Vauc, James Johnstoun, shoemaker, Symont Vauc in , and James Vauc, notary, and others, armed in warlike manner with kents, swords and other weapons, he came upon the complainers and pursued them for their lives, wounding them to the effusion of their blood. Charge having been given to these persons, and pursuers and defenders comparing, the former referred for proof of their complaint to the oath of verity of the said Mr. George Buchannan,
who having been sworn and denying the truth of the complaint, the
Lords assize the defenders.

Complaint by William Elliot, bailie, James Elliot, George Anderson, Robert Scot, James, George and William Lidderdail, Robert and John
Dun, John Purves, Walter Scot, Thomas Scot, John Bryden, Robert
Wallace, James Thomesone, Michael Rathie, John Mudie, James, Patrick
and William Kene, John Minto, Symon and George Halyday, David
Elliot, George Haistie, William Purves, James Notman, James and John
Wauch, William Tait, John and William Smaill, John and Robert
Dalglish, James Turnor, John Haistie, Robert Yong, Michael Mitchel-
hill, George Johnstoun, George Wilkesone, Robert Hislop, Thomas
Brewhous, Ralph and John Sinton, Cuthbert Hall, William Scot of
Pillers, John Fletcher, Thomas Halywell, Alexander Yong, William
Daw, James and John Ewart, Malcolm and Thomas Turnbull, James
Anderson, William Thomesone, George Dobson, Robert Porteous,
Thomas Jackson, elder and younger, Robert Frier, Thomas Welshe,
William Nicoll and Andrew Shortreid, Robert Scot, George Riddell,
James, Patrick, Andrew and John Murray, William Graham, James
Ker, William Halywell, John and Robert Currouis, Robert Cowane,
James Murdo, James Johnstoun, Mr. William and Peter Watson,
George Porteous and William Scot, all burgesses of Selkirk, as follows:
—They are charged at the instance of Andrew Riddell of Hayning to
find caution for his indemnity in the books of Privy Council, each in
500 merks, within short space, under pain of horning. They are
wrongfully charged so to do, for they never wronged him nor any of his
tenants in word or deed, and he cannot give his oath that he dreads
harm at their hands, so that it is but of malice. This is further seen
in the extraordinary penalty, for they, being but burgesses and craf-
tmen, ought not to find lawburrows in more than £40. They have,
however, found caution for obeying if they be found liable, and meanwhile
crave suspension of the horning. Charge having been given to the said
Andrew Riddell, and the pursuers comparring by William Scot, bailie
of Selkirk, but the defender not comparring, the Lords suspend the
horning as craved, and also modify the sum of 400 merks each, in
which the pursuers have found caution as follows:—James Elliot, to 100
merks; Robert Scot, 200 merks; James Lidderdail, 200 merks; the
remaining persons save William Elliot to £40; and the said William
Elliot's caution is to remain at 400 merks.

Supplication by John Tosheoch, prisoner in the tolbooth of Edin-
burgh, as follows:—Their Lordships know how long he has been in
this prison in great misery and how that, the Marquis of Huntle
having passed from the prosecution of him, his maintenance has been
laid upon his Majesty's Treasurer until answer should be received from
his Majesty as to the disposal of his case, for which their Lordships
wrote. No answer has as yet been received, but the Treasurer refuses
longer to pay his maintenance unless he obtain a new warrant. He therefore craves that their Lordships will take some course either for his liberation or for his maintenance in ward and the payment of the arrears thereof. The Lords, after again seeing the letter written by the Marquis of Huntlie to Mr. James Farquharson, his agent, declaring that he would no longer insist against the suppliant nor pay for him, and considering that it is noways reasonable to burden his Majesty's Treasurer with the payment or that the suppliant should starve in ward, ordain the provost and bailies of Edinburgh to liberate him in so far as he is warded for the cause abovewritten; and the suppliant, having given his great oath that he is unable to find a cautioner, oblige himself to appear before his Majesty's Justice whenever lawfully charged to answer for the crime for which he was warded under the pain of £1000 and perjury, and in the like penalty that he will keep good rule and not molest any of the lieges; and they further discharge him from going within twenty miles of the houses of the Marquis of Huntlie or the Earl of Erroll in the north.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—The deceased Patrick Halket of Lymfinnane was on 28th April last warded in the said tolbooth, and remained therein until his death on 14th inst. There is due to the complainer his "jeweller fie, being foure shilling ilk 24 houris," extending to £40. He was kept in ward by Mr. David Aitoun, agent for the Earl of Rothes, who paid to him 8s. daily, but refuses to pay the jailor fee. Both pursuer and defender compearing, the Lords, with consent of the said Mr. David, ordain him to pay the said £40 of jailor fee.

Supplication by David Ross of Balnagoun, as follows:—Their Lordships considering the distressed condition of the suppliant on account of the debts incurred by his father and other predecessors, and how that their creditors, not content with proceeding against his lands, endeavoured all they could to imprison him, and so "interrupt his breiding at shoole" and debar him from access to his friends, granted him their protection for a year. This has now expired and his friends have brought him to Edinburgh and "put him to the college where he most attend his studies in philosophie." That the rigour of his predecessors' creditors may be restrained he craves an extension of his protection, and this the Lords grant for another year after the date hereof.

Complaint by John Charlech, *alias* M'Kynnon, Neill M'Ewin, against Hew Ross of Auchnacroich and others for assault and illegal warding.

Complaint by John Charlech, *alias* M'Kynnon, Donald M'Onill Oigsoun, Donald Dow M'Gillichrist, Angus M'Gillecryst and John Roy M'Ewin against tenants and servants to John M'Kynnon of Strathordaill, also the said John M'Kynnon for his interest, and Lachlan M'Charles in Torrell and Mr. Neill M'Kynnon, parson of Sait, as administrators for the said John, as follows:—In August last the said

1 Omitted at its proper place in the Register.
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tenants went from the place of their residence, which is the isle of Sky, to the county of Ros on their lawful business and were peaceably returning home when Hew Ros of Auchnacroich, accompanied by twenty four persons armed with swords, staves, bows, darlochs and other weapons, pursued them for their lives and, having seized them, "band thame with cords, bowstrings and belts, and caried thame captives to the said Hew his house where they keepe and deteane thame in close prison as yitt." Charge having been given to the said Hew Ros, and the pursuers appearing by Archibald, Lord Lorne, and the defender also comparing and producing a process of conviction of the said John McCharliche, Neill McEwin, Donald McConell Oig, Donald Dow McGilliechrist, Angus McGilliechrist and John Roy McEwin, whereby "they were lawfullie convict of diverse poynets of thist and slaughter and condemned, and accordinglie hanged for the same, in ane justice court haldin be John, Erle of Sutherland, shireff principall of the shirefdom of Sutherland, and his deputes in the palace of Dornook upon the fount day of August 1633," the Lords in respect thereof assolizie the defender.

"A missive to the Secretar desyring him to haisten and send down the conjunct commissioun of the Borders for the better quyetting and redresse of the disorders in these bounds."

Sederunt — Privy Seal; Glasgow; Perth; Wigton; Lauderdale; Edinburgh; Dumfreis; Traquaire; Lord Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Melvill; Clerk of Register; Advocate.

"Forsamekle as, albeit by diverse acts of Parliament and convention made and published heretofore all the subjects of this kingsdome wer straitlie commandit and ordained to communicat once everie yeere at the least within thair awne parishes without anie pretext of excuse whatsoever under certane panes mentioned and conteanit in the said acts, notwithstanding whairof his Majestie is informed of ane great abuse that hes of late yeeres prevailed in this kingsdome by the disorderlie behaviour of some disobedient people, who ordinarie, when the communis is ministrad in thair parishes and at all other tymes when thair occasions and thair humor serves thame, not onelie leaves thair awne parish kirkes but runnes to sekke the communis at the hands of suche ministers as they know to be disconforme to all good order, which is the meane of thair disobedience to his Majesties lawes; and thairfor his Majestie, with advice of the Lords of his Secreet Counsell, hes discharged and be the tennour of this present act discharges all suche wandrings of the people from thair awne teachers and parish kirks under the pane of his Majesties high displeasure, quhilk sall be execute upon thame without favour; as alsua his Majestie commands and ordains that all
his Majestie’s subjects shall communicate in their own parish kirks once at the least every yeare under the paines conteaunt in the acts of Parlia-
ment made heirant; certifying thame that shall fallyie and doe in the
contrarie heirof that they shall be callit and punished as noncommunicantes,
conforme to the saids acts, and ordains letters to be direct charging officers
of armes to pass and make publication heirof be opin proclamation in all
places neidfull, quhetherow name pretend ignorance of the same.
Followes his Majestie’s missive for warrand of the act abonewritten:—
CHARLES R.—Right trustie and weilbelovit cousine and counsellor,
right trustie and weilbelovit cousins and counsellors, and right
trustie and trustie and weilbelovit counsellors, we greet yow well.
We have beene informed of a great abuse that has prevailed within
these late yeeres in that our kingdome by the disorderlie behaviour of
some disobedient people who, leaving their own churches, runne
to seke the communie at the hands of suche ministers as they know
Fol. 35_a.
to be disconforme to good order, whichis the meanes of their dis-
obedience to our lawes and to intertane a schisme in the churche; the
repressing whairof being onelie in our power, it is our express pleasure that by opin proclamation yeow discharge all suche wandrings
of our people frome their owne teachers under pane of our high
displeasure; with certification that whosoever shall not communicat in their
owne parish churches once at least a yeere shall be callit and punished as
noncommunicantes according to the act of parliament made therenant.
Wherein expecting your diligence and for whiche these shall be your
warrand, we bid yow farewell. Frome our honnour of Hampton Court,
the 20 of October, 1634.”

“The Lords continuwes their further advising of the processe anent
the erecting of the lordship of Torphichin till Thursday nixt.”

[Sederunt as recorded above.]

Complaint by Archibald Grant of Dalvey, as follows:—He is informed
that he has been put to the horn at the instance of John McAllaster in
Callendar for not appearing before their Lordships to answer to the said
John’s complaint. Now he was never lawfully charged to do so or he
would have compaired and cleared himself, but he has found caution in
their Lordships’ books in 500 merks to compair and answer and to pay
£40 as his escheat to his Majesty’s Treasurer, principal and depute, if
found liable therein. He therefore craves suspension of the hornig. Fol. 177_a.
The pursuer compairing but not the defender, the Lords suspend the
horning.

Complaint by John Bannatyne, apparent of Corehouse, as follows:—

1 This entry is important as proving that a father even as late as 1634, and that they had a
number of ministers had continued to reject the considerable following of the laity throughout
ecclesiastical innovations of Charles and his
the country.
Upon a horning raised by Thomas Lindsay, merchant burgess of Edinburgh, against William Bannatyne of Corehos, his father, for non-payment of certain sums of money, letters were directed by their Lordships for the rendering of the house of Corehos to the herald or macer who should execute the same. Mr. William Douglas, macer, when he came, finding the complainer in the house, charged him as being a haver to render the same; and he at once obeyed, and delivered the keys thereof to the macer, who presently has them. But the house is his own property, and he was in possession thereof by his infeftment which contains no reservation in favour of his said father, and his right thereto has never been called in question till this present interruption. The said Thomas cannot claim one penny from him and he ought not to be distressed for his father's debts. If the said Thomas can show that his father has any right thereto, he is ready to find caution to render the same. But the said house is "ane old ruinous hous, deficient and faultie bothe in the rooffe, loftis and other parts thairof," and, if it stands waste through this winter without fire, it will be greatly injured. Charge having been given to the said Thomas Lindsay, and he comparing along with the pursuer, who produced his infeftment of the said house, the Lords, after inspecting the same and hearing parties, ordained the said Mr. William Douglas to deliver to the pursuer the keys of the said house and fortalice of Corehos to be kept by him as his own house.

"Edward Jonstoun his protection prorogat till the thrid of Junij nixt."

Supplication by Robert Stirk, sometime messenger in Dumfriermill, as follows:—Their Lordships know how that about a year since he was warded in the tolbooth of Edinburgh by Mr. Alexander Colville, Justice Depute, for taking compositions from some assisers in Kirkcaldie to remain at home. After fifteen days' imprisonment he was prosecuted for this by his Majesty's Advocate before their Lordships, and the charge having been proven against Robert Adam, the supplicant's servant, their Lordships ordained him to repay to the assisers the double of what he received, and took his blazon from him, depriving him of his office. He acknowledges his offence and the just procedure of their Lordships therein, and, as he promised that the like offence should never occur in him again, so he is persuaded their Lordships did not mean to seclude him for ever from his charge. Moreover, seeing the offence was not so much his own as that of his servant, and for it he has been warded, fined and suspended from his office for almost a year, as also that he is an old man, and has a family which he can only maintain by his service, in which, except for that one particular, he has for twenty years past lived unblameably towards all men, he humbly craves that their Lordships would grant a warrant to the Lyon and his brother heralds to restore to the supplicant his blazon and repone him to his office of a messenger. The Lords remit the supplicant to Sir James Balfour of
Kynnaird, knight, Lyon King of Arms, whom they ordain to take trial of his behaviour in his office of a messenger and report to them what favour his carriage therein may merit.

Complaint by John Broun, mason, servant to Patrick Urquhart of Leintie, for the time, and by the said Patrick for his interest, as follows:—On 9th September last Walter Strachan of Bahaggartie, Patrick Strachan, his son, George Jonstoun there, and others, armed with "Dense axis, haribets, stelves and others weapons invasive," came to the town of Leintie where the said John Broun and other servants of the said Patrick were doing their master's work, and without any offence given they "first mutilate ane of the saids workmen and cruelie persew the said John Broun of his lyffe with their saids wapons, gave him manie bauch and blae straikis throuth on the head, face, shoulders, and other parts of his bodie, and so bised and bruised him as he was not able to follow out his masters service." Charge having been given to the said Walter and Patrick Strachan, and George Johnstoun, as parties, and to Gilbert Johnstoun in Leintie, James Milne there, John Broun at the Kirk of Davie, James Tailzeour there, and James Touche, as witnesses, and the pursuers appearing by George Stewart, their procurator, but neither the defenders nor the witnesses compaireing, the Lords ordain both the latter to be put to the horn and escheated for their contempt.

"The whilk day the commissiouns for the Justices of peace were renewed and choise was made of the persons particularlie underwritten to be Justices of peace within the severall shirefdomes, stewartreis and bailereis after specifit, that is to say:—

For the shirefdom of EDINBURGH PRINCIALL.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the Erle of Lothiane, the Earle of Dalhowsie, the Lord Cranstoun, the Lord Corstorphine, the Laird of Innerleith, Sir Thomas Thomesoun of Duddingstoun, David Prestoun of Quhythill, William Murrey of Ntoun, the Laird of Lughtoun, the Laird of Rosline, Sir James Murray of Falahill, Sir Patrick Hamilton of Littlepreston, the Laird of Torsons, M' Simon Ramsay, the Laird of Dalmahoy, the Laird of Colintoun, Sir Thomas Hope of Granton, M' John Cant of Lawrestoun, Sir William Nisbett, M' David Mitchell, minister at Edinburgh, the parson of Restalrig, M' Mathow Wemes, minister at Halyrudhous, M' Andrew Learmonth, minister at Libbertoun: the Laird of Lughtoun, conveener.

CONSTABULARIE OF HADINTOUN.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the Laird of Prestoun, the Laird of Gofsaurid, the Laird of Saltcoitts, the Laird of Wauchtoun, Sir Patrick Murrey, the Laird of Kilspindie, the Laird of Ruchla, the Laird of Hermistoun, the Laird of Elphinstoun, the Laird of Qhitting-
hame, John Sinclair of Steinstein, William Dick, James Maxwell of Innerweik, the Laird of Congiltoun, Mr Robert Balcanquill, the minister at Dumbar: Sir Patrick Murrey, convener.

BERICK.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Laird of Blacader, the Laird of Rentoun, Sir George Ramsay of Wyliecleuche, the Laird of Westnisbitt, the Laird of Colbrandspeth, Robert Dickson of Bouchridge, Ker of Graden, Johne Wilkie of Foulden, James Cokburne of Rysla, Edyer of Wedderlie, the minister at Coldingham, the minister at Ednem, the parson of Quhistsome, the minister at Foulden, the minister at Bonkill: the Laird of Renton, convener.

BAILLERIE OF LAUNDER.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, Haliburton of Mertoun, the Tutor of Schaw, Gilbert Lauder of Quhitaled, Mr Alexander Home of St. Leonards, Charles Lawder of Parke, Walter Riddell of Hugston, the minister at Nenthorne, Mr James Burnet, minister at Lawder, and convener.

ROXBURGH.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, Sir James Pringill of Smailholmcaigs, Robert Pringill of Stichell, William Dowglas of Bonjedburgh, Sir Thomas Ker of Cavers, James Pringill of Buckholme, Androw Ker of Massindew, Mr George Dowglas, younger of Bonjedburgh, Rutherfur of Hunthill, the minister at Melros, the minister at Caissil- toun, the parson of Anrum, the minister at Kelso, the minister at Yettam: the Laird of Bonjedburgh, convener.

SKELKIRK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, Sir William Scot of Harden, Sir Johne Murrey of Philipauge, George Pringill of Torwolle, Androw Riddell of Hayning, Johne Murrey of Syndhope, Robert Scot of Hartwodmyre, James Pringill of Quhitybanke, Hew Scot of Galloscheilis, the minister at Kelso; Sir Johne Murrey, convener.

PEEBLES.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord Yester, James Geddes of Rachan, James Hay of Smithfeild, James Naismith of Posso, Sir David Murrey of Stenhope, Jonas Hamilton of Quotquot, Mr James Lawson of Carmmure, George Cranstoun of Glen, William Weitch of Dawick, Mr Theodore Hay, archdeacon of Glasgow: Mr James Lawson, convener.

LANARK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Laird of Minto, the Laird of Torrence, Sir Archibald Stewart of Castlemilk, the Laird of Roploch, Johne Dunlop of Garkirk, Johne
Hamiltoun of Orbistoun, Sir James Somervell of Cambusnethen, Sir James Hamiltoun of Broomhill, the Laird of Calderwod, the Laird of Lee, the Laird of Stanebyres, the Laird of Lamintoun, the Deane of Glasgow, Doctor Walter Quhitfurd, subdeane, Doctor Robert Hamiltoun, minister at Glasmurd, the minister at Lesmahago, the principal of the collegde of Glasgow: the Laird of Torrance, conveenner.

DUMFRUS.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Seissoun, the Erle of Quenisberrie, the Lord Hereis, Lord Dalylell, the Laird of Lag, Robert Crichtoun of Ryhill, M' Samwell Kilpatrik of Auchinleck, the Laird of Amisfeld, the Laird of Conhaith, Robert Maxwell of Portrak, John Dalyell of Newton, John Dowglas of Killiwarren, Archibald Maxwell of Cowhill, the minister at Dumfairseis, the parson of Sanquhar: the Laird of Lag, conveenner.

ANNERDAILL.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Quenisberrie, the Lord Hereis, the Lord Johnestoun, Robert Maxwell of Dinwiddy, James Johnestoun of Corhead, Edward Johnestoun of Ryhill, Robert Charters of Bodisbeg, M' Johne Alexander, parson of Hoddom, M' G. Buchannan, minister at Kirkpatrik juxta: Edward Johnestoun, conveenner.

WIGTOUN.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Seissoun, the Erle of Cassillis, the Earl of Galloway, Andrew Agnew, appearand of Lochnaw, the Laird of Garthland, Hew Gordoun of Grange, Alexander Gordoun of AUCHLaine, John Murray of Broughton, Johne Gordoun of Bathskoeche, Uchrid McDougall of Frewche, John Kennedie of Knokdaw, Gilbert Neilson of Craigcaffie, the minister at Stanykirk, the minister at Quibitterne, the minister at Monygafl: the Laird of Garthland, conveenner.

KIRKCUDBRIGHT.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Bishop of Galloway, the Lord Kirkcudbright, Sir Patrik M'Kie of Larg, James Chalmers of Gatgirth, M' Gilbert Gordoun of Schirmes, Alexander Gordoun of Erlesstoun, Johne Maxwell of Threemerkland, William Georgein of Bachitoun, Thomas McClellane of Chappeltoun, William Glendoning of Logane, William M'Adam of Waterheide, the minister at Kirkanders, the minister at Terregles, the minister at Partan: Sir Patrik M'Kie, conveenner.

LINLITHGOW.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Seissoun, the Bishop of Edinburgh, the Lord Torphichin, the Laird of Dundas, younger, the Laird of Rickartoun, Laird of Bonhard, M' Alexander Hamiltoun of Kingsla, Thomas Dalyell of Binns, M' Johne Scharp of Howstoun, Walter Murrey of Livingstoun, M' John Drummond of Wodocoil, M' Robert Boyd of Kippis, James Inglis of Inglestoun, Johne Dundas of Newlistoun,
M' George Hannay, minister at Torphichin: the Laird of Newlistoun
convenener.

Stirlin.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie
Scale, the Bishop of Edinburgh, the Laird of Keir, the Laird of Fintrie, the
Laird of Pownais, M' William Cuninghame of Broomhill, Sir James
Bruce of Balfoulis, Alexander Bruce of Alva, Livingstoun
of Westquarter, M' Thomas Nicolsoun of Carnok, the parson of
Fawkirk, the minister at Gargunnoch, the minister at St. Ninians, the
minister at Donypace, the minister at Kippen: the Laird of Polmais,
convenener.

Kyllestuart.—The Lord Chancellor, the Lord Thesaurar, the Lord
Privie Scale, the Archbishop of Glasgow, the Lord Lowdoun, the Laird of
Craigiewallace, the Laird of Caprintoun, the Laird of Dreghorne, William
Stewart of Halrig, Harie Stewart of Bariskimming, Foullertoun
of Corsebie, Allane Cathcart of Broomhill, William Wallace of Elleralie:
the Laird of Caprintoun, convenener.

Caith.—The Lord Chancellor, the Lord Thesaurar, the Lord
Privie Scale, the Archbishop of Glasgow, the Erle of Casailles, the Laird of
Ardmillane, the Laird of Barganie, elder, Montgomerie of
Brigend, David Crawford of Kers, David Kennedie of Kirkmichell, Sir
Alexander Kennedie of Culzeane, Walter Kennedie of Knockdon, Thomas
Boyd of Pinkhill, M' John Chalmers of Sauchrie, Cathcart of
Waterheid, John Corrie of Kelwod, the Laird of Kilkerrane. M' Rawfo
Weir of Bennen, M' Gilbert Ros, minister at Cammonnell: the Laird of
Culzeane, convenener.

Cuninghame.—The Lord Chancellor, the Lord Thesaurar, the Lord
Privie Scale, the Archbishop of Glasgow, the Erle of Eglinton, the Lord
Boyd, the Laird of Blair, the Laird of Cuninghamheid, the Laird of
Rowallan, elder, the Laird of Kilbirnie, the Laird of Skelmurelie,
Montgomerie of Hessilhead, Alexander Cuninghame of
Corshill, the Laird of Kelburne, Hew Ker of Kersland, the Laird of
Dunlop, James Cuninghame of Aikett, Johne Crawfurd of Crawfurd-
land, Thomas Nevin of Monkredding, the minister at Kilmarneock: the
Laird of Blair, convenener.

Dumbartane.—The Lord Chancellor, the Lord Thesaurar, the Lord
Privie Scale, the Archbishop of Glasgow, the Lords of Secret Counsell
and Session, the Laird of Ardincaple, John Naper of Kilmahew, the
Laird of Foulwood, younger, the Laird of M'Farlan, younger, Umpha
Noble of Ardardane, Arthure Darleith of that Ilk, of
Ballarmetie, the minister at Rosneith: the Laird of Ardincaple,
convenener.

But.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie
Scale, the Archbishop of Glasgow, the Laird of Skelmurelie, younger,
Paul Hamilton, captane of Arran, Hector Bellendein of Kames, Niniane
Stewart of Kilkattane, John Stewart of Eskog, Niniane Cuninghame of
Scoulack, John Campbell of conveenner.

Fyffe.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Erle of Rothes, the Erle of Wemes, the Lord Lindsey, the Lord Balcarres, the Laird of Newtown, the Laird of Lundie, the Laird of Airdrie, the Laird of St. Monans, elder, the Laird of Erlishall, the Laird of Reres, the Laird of Balfour, the Laird of Pitfirrane, the Laird of Fordell, the Laird of Cleishie, the Laird of Pittiedie, the Laird of Balvaird, the Laird of Auchinmowtie, Mr. Peter Hay of Nauchtoun, Alexander Narne of Sandfurde, Sir James Scot of Rossie, Mr. Alexander Gibeoun of Largo, Mr. Andro Aitoun of Logy, the Archdeane of St. Andrewes, the parson of Craill, the minister at Dumfermline, the minister at Merkinche, the minister at Sawlin: the Laird of Balvaird, conveenner.

Perth.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessoun, the Erle of Atholl, the Vicount of Storrmont, the Laird of Clakmannan, the Laird of Inchemartine, the Laird of Baltheyock, the Laird of Meginch, the Laird of Pitoure, Sir Patrick Hay of Leyes, William Kinman of Hill, the Laird of Kethick, younger, the Laird of Balgillo, the Laird of Gormock, the Laird of Glenurghy, the Laird of Weme, the Laird of Lawers, the Laird of Strowan Robertsoun, the Laird of Glenlyoun, the Laird of Garnetullie, Mr. Robert Narne of Strathurd, Sir John Prestoun of Walifield, the Laird of Moncreiff, Sir John Moncreiff of Kynmonth, the Laird of Balmedie, the Laird of Duncrub, the Laird of Glennegeis, the Laird of Ardoch, the Baron of Achyle, the minister at Perth, the Deane of Dumblane, the minister at Abruthven, the minister at Teallin, the minister at Megill, the minister at Rattray, the minister at Cluny, the minister at Dunkelden, the minister at Kinclevin, the minister at Forgangenny, the minister at Madertie, the minister at Killinny, the minister at Keappet: the Laird of Inchemartine, conveenner.

Forfar.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessoun, the Bishop of Brechin, the Lord Ogilvie, the Lord Spynie, the Lord Cowper, the Constable of Dundie, the Laird of Ethie, the Laird of Din, the Laird of Bonymoone, the Laird of Fintrie, the Laird of Bonytoun, the Laird of Powrie Fothinghame, the Laird of Aldbar, the Laird of Edyell, younger, the Laird of Strickmartine, the Laird of Innerquharrie, Durhame of Pitarrow, Halyburton of Killour, Hario Mauld of Dumbarro, the Laird of Panmure, the person of Kinnell, the minister at Glame, and Mr. William Malcomme, minister at: the Constable of Dundie, conveenner.

Aberdeen.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessoun, the Erle of Buchan, the Erle
of Dumfermeline, the Bishop of Aberdein, the Lord and Maister of Forbes, the Lord Pitsligo, the Laird of Drum, the Laird of Monymusk, the Laird of Clany, the Laird of Caskiben, the Laird of Kemnay, the Laird of Pitmedden, the Laird of Fendracht, the Laird of Tolquhoun, the Laird of Ludeharne, the Laird of Phillorth, younger, the Laird of Cremondmoogat, Donnald Ferquharson of Monaltrie, the Laird of Streachin, younger, the Laird of Skeene, the Laird of Towbarclay, the Laird of Auchenmedden, the Laird of Leamoir, John Udnie of Newburgh, the Laird of Foverne, Thomas Forbes of Watertoun, the Laird of Pitfoddellis, the goodman of Buckie, younger, the Laird of Geicht, younger, the Laird of Haddo, the Laird of Lethintie, Patrik Maitlane of Achinreiff, the Laird of Balhaggartie, the Laird of Leslie Forbes, the Laird of Newton, the Laird of Birkinbog, the Laird of Meldrum, the Laird of Hauchtoun, Walter Forbes of Thainstoun, the Laird of Cragiewar, Irving, elder, of Ardtamfoord, the Laird of Glenkindie, Alexander Forbes of New, George Leslie of Kincraigie, younger, William Gordon of Terpersie, John Ferquharson, elder, of Invercauld, Robert Ferquharson of Finzeane, the minister at Batheilvie, the minister at Birs, the minister at Aulfurd, the minister at Daviot, the minister at Turreff, the minister at Lounay, the minister at Logybuchan, the minister at Forge, the minister at Kinbettock, the minister at Kemnay: the Laird of Kemnay, conveener.

**BAMF.**—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Buchan, the Bishops of Aberdein and Murrey, the Lord Desfurde, George Hay of Rannas, the Laird of Birkinboig, the Laird of Bamff, the Laird of Fendracht, the Laird of Carnowssie, the Laird of Auchenmedden, Patrik Stewart of Kinmauchline, the goodman of Ballindallach, Walter Grant of Findoune, Alexander Adamesoun of Brakie, Mr. George Leslie in Cullen, Mr. John Logie, minister at Ruthven, the minister at Mortlack, the parson of Aberlour, the person of Keith: the Laird of Balvenie, conveener.

**ELGIN, FORRES, AND NARNE.**—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Earle of Murrey, the Earle of Seaforth, the Earle of Elgin, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, John Inneis of Leuchars, Robert Leslie of Finrassie, the Tutor of Duffus, Thomas McKeinyie of Plascardin, James Spence of Kirkton of Alves, the Deane of Murrey, the Chantour of Murrey, Mr. William Cumine of Carneside, James Dunbar of Boigs, Robert Dunbar of Burgie, Alexander Dunbar of Grange, Niniane Dunbar of Grangehill, Alexander Brodie of Lethin, Mr. Samwell Falconner of Kincorth, Hucheoun Ros of Kilraack, William Ros of...
INNERNES.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Earle of Seafort, the Lord Lovat, the Bishop of Ros, the Laird of Grant, the Baron of Kilraack, the Laird of Streachin, elder, the Laird of Tarbet, the Laird of Embo, Sir Donnald M*cDonald of Slait, John M*cCloud of Dinvegane, Alexander Baillie of Dunneane, Hew Fraser of Belladrum, Alexander M*cKenzie of Coull, David Ros of Pitculeane, Hew Ros of Tollie, Rorie M*cKeinzie of Ridecastell, the person of Kingussie, the minister at Innernes, the Deane of Ros, the Chancellor of Ros, the minister at Killepe, the minister at Dingwell, the minister at Kintail, the minister at Lochchale : the Laird of Streachin, conveenner.

ARGILE AND TARRET.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sesioun, the Bishop of Argile, the Laird of Ardkinlesse, the Laird of M*cLauchlan, the Laird of Ottir, the Captane of Dinnune, the provest of Kilmune, the Laird of Auchinbrek, the Laird of Dintrune, the Laird of Barbrek, Hector M*cNeill of Thyneis, the Laird of Glenfallach, the Laird of Loup, the Laird of Sanda, Archibald Campbell of Glencarradell, the Captane of Skinische, the Laird of Calder, younger, Johne M*cDougall of Donnoley, the Captane of Dumstafnes, the Laird of Lochinnell, the Pryor of Ardchattane, the Laird of Rara, Sir Donald Campbell, Duncan Campbell of Ballinay, Hector M*cClain of Dowart, Sir Lauchlan M*cClaine, the Laird of Lochbuy, the Laird of Coill, Allane M*cClaine of Ardgowr, Hector M*cClane of Kingarloch, Johne Camron of Lochiel : the Laird of Glenfallach, conveenner.

Edinburgh, 27th November 1634.

Sedentum—Bishop of St. Andrewes; Privy Seal; Glasgow; Murrey; Wintoun; Perth; Wigtone; Lauderdalell; Dunfreis; Traquaire; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Binning; Melvill; Naper; Master of Elphinston; Clerk of Register; Advocate; Sir James Baillie.

The Lordship of Torphichen.

"The Lords continewes their forder advising of the processe anent the erection of the lordship of Torphichen till the 4 of December nixt."

"The Lords of Secreit Counsell ordains and commands James Gordoun of Letterfoure, who was personallie present, to remaine and keepe waird within the burgh of Edinburgh and the Cannogait till the sxtene day of December nixt, and that he sall compeir personallie before the saids Lords that day under the pane of twa thousand merkes; lykeas the said James gave his great and solemnne oath to fulfill and obey this act and ordinance."

"Forsamekle as altho there hes beeene diverse acts of Counsell and proclamations published according to his Majestyes severall directions for ordering the sale of tobacco within this kingdome, yitt his Majestyes service is still hindered als weill by the sinistrous practises and evill example of some persons, who, being thameselfses obstinatlie averse frome admitting his Majesties ordinances, doe still seekes to frustrat
his Majestie's service and dissuades others by indirect subterfuges to doe
the like, who in hope to avoide the danger of contraventioun if they doe
not transgress in their owne persons seeke to delude the proclamations
by employing their children, servants and others unresponsible persons to
sell without licence, or by extraordinarie rates upon meate, drinks and
other commodites taking recompence for their tobacco: For preventing
and obviating of quhilks sinisterous practises his Majestie, with advice of
the Lords of his Secret Counsell, ordains that all delinquents in these or
anie other kyndes, whereby his Majestie's service is hindered, shall be
convened ather before the said Lords of Privie Counsell or others
nearest convenient judicatores and shall be severely censured according
to the nature and qualitie of their severall offences; and alsua ordains
that all maisters of famileis shall be answerable for their children,
 servants and others that shall happen to sell tobacco directlie or indirectlie
to their use and that all recompence takin for tobacco shall be repute and
punished as vendition: as alsua that suche persons as contraveene and ar
not responsall for the penaltie shall be punished with imprisonment or
other arbitrarie pane; and that letters be direct to make publication
heirof be opin proclamation, wherethrow nane pretend ignorance of the
same. Follows his Majestie's missive for warrant of the act abow-
written:—Charles R.—Right trustie and right weilbelovit cousine
and counsellor, right trusty and weilbelovit cousines and coun-
sellers, right trustie and trustie and weilbelovit counsellers, we gret
yow well. Whereas by the inclosed petition, as yow will perceawe, we
ar informed of diverse sinisterous practises tending to the hinderance and
deluding of our ordinances tiching the sale of tobacco in that our
kindgome, our pleasure is that not onelie in the points of that petitioun
bot generallie in all things which our commissionars sall from tyme to
tyme reasonablie desire yow give thame your readie assistance for
advancement of that our service and punishment of all suche as directlie
or indirectlie sall be found to transgress that we may nather be dis-
appointed of the benefite to arise thereby unto us nor our loving subjects
of the good of the intended reformation. Wherein expecting your
serious care, as yow will doe us acceptable service, we bid yow farewell.
From our court at Whithall, the 20 of November, 1634."

"Forsamekle as the Lords of Secret Counsell ar informed that Adam
Gordoun, brother to Johnie Gordon of Park, Alexander Gordon, yonger
of Innermkerk, William Gordon, son to Gordon of Gollachie;
Johnie Gordon, son to Thomas Gordon of Aitlache;
 son to Patrik Gordon in Sutherland,
Gordoun, son to
Johnie Gordon of Achinhannach, Nathaniel Gordon, son to Johnie
Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geichte
elder, Johnie Gordoun in Rothemay, Alexander Leith, brother to Johnie
Leith of Harthill, William Ros, son to Johnie Ros in Balliuet;
McGillivorie, servitour to Johnie Gordon of Park, and
Commission to
the sheriffs of
Aberdeen,
Fife,
Forres, Nairn,
and Inverness,
to raise all
famible person
within their
bounds and to
furne Adam
Gordoun,
brother to
John Gordon
of Park,
and
others, who
M'Abrabler, servitour to

and committers of the lait disorders and insurrections in the North and 1636.

of the heirships, depredations, fireraising and others disorders upon the

Laird of Fendraucht his tennents and servants, whose haill goods they

have lifted, laid their lands waist and hanged one of the poore tennents

upon the gallowes of Strabogie, and with ane high hand of rebelliuon

they have resolved to make thameselfes maisters of the said Laird of

Fendraucht his haill estait, and to possess thameselfes therein and to

keep the same by strentth of armes, in contempt and defiance of law

and justice, being assisted in their disorders and rebellious courses by

numbers of brokin Hielandmen and others with whom they goe up

down the countrie ravaging and oppressing his Majestie good sub-

jects and in speciall poore ministers who ar not of power to oppose

their violence, and that in so hostile and terrible ane maner as the

like has not beene heard at anie tyme heretofore, to the disgrace of

his Majestie governement and to the shame and reproache of his

Majestie officers and others his Majestie subjects of power, auctoritie

and commandement within whois bounds thir rebellious persons resort,

and whois dewtie it is in their alledgeance to his Majestie and

respect to the peace and quyet of the countrie to have repressed the

disorders of thir rebellious persons. Thairfor, the Lords of Secreet

Counsell ordains letters to be direct charging the shireffis of Aberdein,

Bamf, Elgine, Forres, Narne and Innernes to convene and raise in

armes the hail noblemen, gentlemen and others fesible persons within

thair several jurisdicctions and to pas, follow and persew the persons

particularie abonenwritten and all other brokin men being in thair

companie where ever they may be apprehendit within thair saids bounds,

and to exhibite and present thame to his Majestie Justice to underly

thair deserved punishment, under all highest pane that the saids

shireffis, noblemen and others his Majestie subjects may incure incais of

thair disobedience and neglect and foreslowing of this service; with power

to the saids shireffis and others foresaidis, for the better apprehension

and exhibition of the saids persons, to raise fire, beare and weare

haquebutts and pistolotes, assiege houses, and to doe and performe all

and everie other thing requisite and necessar for thair said apprehension

and exhibition, notwithstanding quhatsomever lawes, acts or statuts

made in the contrare whereanent and all panes containit therein and

all slaughters, mutilations, fireraising and others inconvenient qhilkis

sall happen to fall out in the person of the saids rebellious persons and

their assisters the saids Lords dispenses be thair presents, exonerating

the saids shireffis, noblemen, gentlemen and others his Majestie subjects

thairof and of all crime and danger they may incure therethrow: firme

and stable halding and for to hald all and whatsomver things sall be

lawfullie done hearin, charging heirby all his Majestie lieges whatsom-

ever and in speciall the inhabitants of the burrowes of Aberdein, Bamf,
Elgin, Narne and Innernes, everie ane of thame within thair awne bounds and jurisdictions, to rise, concurre, fortisie and assist the saids shireffis in all and everie thing tending to the apprehension of the saids rebellious persons under all highest pane and charge that after may follow and under the pane to be persewed and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severite.”

“Forsamekle as the Lords of Secret Counsell ar informed that Adam Gordoun, brother to Johne Gordoun of Parke, Alexander Gordon, yonger of Innermerkie, William Gordon, sone to Gordon of Gollache, Johne Gordoun, sone to Thomas Gordoun of Artlache, Gordon, sone to Patrik Gordon in Sutherland, Gordon, sone to George Gordon of Achinhannah, Nathaniel Gordoun, sone to Ardlogie, Robert Gordoun, brother to the Laird of Geicht, elder, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, William Ros, sone to Johne Ros of Ballivet, McGillivorie, servantour to Johne Gordoun of Parke, Aibrabler, servitor to, ar the authors and committers of the heirships, depredations, fireraising and slaughters wherewith most parts of the north countrie have beene hevillie infested; and the Lords of Secret Counsell, being carefull that all lawfull wayes and meanes be used for their apprehension and exhibition to justice, thairfoir ordains letters to be direct to command, charge and inhibit al all and sindrie provests and bailleis of burrowes and sea towns whatsoever, and all maisters and owners of shippes, skippers and mariners, that name of thame presomme nor tak upon hand to receave or transport in thair shippes or others vessells anie of the persons abonewrittin furth of the countrie, bot if anie of thame sail happin to come to be shipped and transported that they take and apprehend thame and commit thame in waerd till forder order be givin anent thair truell and punishment as accords; commanding heirby all customers and searchers to caus diligent attendance be givin at the seaports that name of the saids persons be imbaraked nor transported bot that they be takin and committed as aforesaid under all highest pane and charge that after may follow againis the saids provests, bailleis, maisters and owners of ships, customers and searchers.”

Sederunt—St. Andrewes; Privy Seal; Glasgow; Erroll; Wintoun; Edinburgh, Perth; Dumfreis; Southesk; Traquaire; Bishop of Ros; 1st December; 1634.
Bishop of Dunblane; Clerk Register; Advocate; Sir James Baillie.

“The Lords of Secret Counsell, according to ane warrand and direction in writt signed be the King Majestie and this day presented to the saids Lords, receaved and admitted Sir James Carmichael of that Ilk, admitted into the Council, knight, Justice Clerk of this kingdome, to be one of his Majesteis Privie

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Counsell of the said kingdom, and to bruike and enjoy all honours, digniteis, priviledges and immunitieis proper and dew to that place; lykewise the said Sir James, being personallie present and acknowledging with all dew reverence his Majestie royall favour shawin unto him in preferring and advancing of him to this place of honnour and dignitie, he in all humilitie upon his knees, his hand lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majestie missive for warrand of the act aboven writtin:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousine and counsellors, and right trustie and trustie and weilbelovit counsellors, we gret yow weill. Understanding the abilities and affection to our service of our trustie and weilbelovit Sir James Carmichell of that ilk, knight, our Justice Clerk of that our kingdome and one of our sweers,[sic? ushers] and being willing for his better enabling and encouragement to our said service to promove and advance him to be one of our Privie Counsell thairof, our pleasure is that, having administered unto him the oath accustomed in the like caises, yow admitt him upon our said Privie Counsell, receivin to be one of your nomber, for whiche these presents sall be your warrand. Givin at our honour of Hampton Court, the 14 of October, 1634."

"The whilk day ane letter, signed be the Kings Majestie and direct to the Lords of Privie Counsell, requiring three of the senators of the Colledge of Justice, whome the bodie of that judicatorie sould make choise of, to be appointed assessors for assisting William, Erle of Erroll, whome his Majestie hes nominat to be cheefe justice in the tryell of the Lord Balmerinoch, being presented to the saids Lords and read in their audience, the saids Lords desires John, Erle of Tracquivair, and John, Bishop of Ros, to present the letter foresaid the monre to the Colledge of Justice and to report their answer theraeant, lykwise the said letter was delverely to the said Erle of Tracquivair."

"The whilk day the Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh, who ses personallie present, to provide a guarde and to have the same in readines upon Wednesdaie nixt for keeping of peace and good order within thair burgh, and ordains thame to reipaire to the Castell of Edinburgh the said day at the accus- tomed hour, and to receave from the constable thairof the Lord Balmerinoch and to convoy him saifelie thence to the laich tolbuith of Edinburgh where he is to be impannelled for the crimes conteanit in his ditay, and that they attend in and about the tolbuith and return the said Lord saifelie backe to his waird, according as they sall be directed be the Erle of Erroll, cheefe justice in this tryell."

Sederunt—Privy Seal; Glasgow; Wintoun; Perthe; Wigtoune; Lauderdale; Dumfreis; Southeak; Binning; Bishop of Dumblane; Sir James Baillie.
Complaint by William Burdoun and Patrick Wright, servitor to the Laird of Cromelix, as follows:—About May last Donald MacConnachie V'Coull M'Gregour, alias Donald Mienst, a common thief, was apprehended with a fang of some stolen goods and brought before Walter Buchanan of Drumakill, bailie deputy of the regality of the Lenox, for trial and punishment. But against the duty of his place the said Walter dismissed the thief, who has ever since continued in his thievish trade and has lately stolen from the complainers four horses and mares. As this is owing to the said bailie's oversight he ought to present the thief before their Lordships to the end order may be taken with him. Charge having been given to this effect to the said Walter Buchanan, and the pursuer appearing but not the defender, the Lords ordain the latter to be put to the horn for his contempt.

Supplication by Thomas Gordoun of Dilspro, as follows:—He is engaged in certain sums of money for some of his friends of which he can obtain no relief, and has several important actions depending before the Lords of Session for improbation and reduction of some comprisings wrongfully led against him, and he designs to sell certain of his lands for the satisfaction of his creditors, but he dare not go about without their Lordships' protection, which he accordingly craves. This the Lords grant until the last day of March next.

Complaint by Mr. James Law, Keeper of the Signet, as follows:—On 8th October last George, Earl of Caithness, was put to the horn at the complainer's instance for not paying to him a yearly pension of eight bolls of malt or £4 as the price of each boll, and that for each year since 1594, in terms of a letter of pension granted by the said Earl to James Law, Snadoun Herald, the complainer's father, and assigned by him to the complainer. But the said Earl pays no heed to the said horning. Charge having been given to the said Earl, and the pursuer appearing by Alexander Hay, his servant, but the defender not comparring, the Lords ordain the said Earl to be charged by the Sheriff of Caithness, under the pain of treason, to render his house of which the said sheriff and his deputes are to keep, and make inventory of the contents thereof, and report the same to his Majesty's Treasurer.

Supplication by Sir George Ogilvie of Carnousseis, knight, as follows:—In order to satisfy his creditors he agreed lately with some gentlemen for the sale of his lands, to which he is necessitated not only by his own debts but by being cautioned for his brother-in-law, the Laird of Clunie, but his enemies, taking advantage of his distress and "intending to force him to sell his lands for halfe nocht, have moved some of the bargainers to resile from their agreement so as he cannot at this terme get moneyes for his lands." He therefore craves their Lordships' protection for a time, and this the Lords grant till Whitsunday next.
Letter from his Majesty anent the disorders in the North.

The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennour followes:—CHARLES R.—Right trusty and wellbelovit cousine and counsellor, right trusty and wellbelovit cousines and counsellers, and trustie and wellbelovit counsellors, we greet yow weill. Whereas at the tyme of our late Parliament holdin in that our kingdome we wer pleased to remitt to yow a petition than exhibited tuicheing some insolenceis bursting out in the Highlands and some of the northerne parts thairof, to whiche purpose we have sinne writtin unto yow at severall times; and now being crediblie informed that suche insolenceis and troubles ar come to a greater hight, to the great hurt of our good and peaceable subjects and to the great contempt of our auctoritie and lawes, we ar heirby pleased againe serioualie to recommend unto your care to see our acts of Parliament tuicheing the repressing of suche disorders putt in dew and tymelie executioun and to omitt nothing that may curbe the same ather by meanses of the execution of these acts or as yow sall think most fitt to conduce to that purpose whereby our peace may be preserved and all our good subjects fred of farther troubles and feares in that kynde, assuring yow that frome tyme to tyme upon your advertisement we will be syding and assisting unto yow in what may concerne that purpose. We bid yow farewell. Frome our court at Whitehall, the 24 of November, 1634.”
thame amongst the people, they be strictlie and exemplarlie punished according to the nature of their fault, and that the one halfe of the benefitie to arise ather by their confiscations or fynes sall be for the use of the discoverer and the other for our owne, as we sall be pleased to dispose of it; insertinglyke wayes in the said proclamatioun suche clauses and strict commands as may caus the use of these unlawfull and prohibited coyntes instantlie to cease amongst the people, with certification of suche punishment or fynes upon the contraveners as yow sall thinke expedient for the strict observation of what yow sall thinke fitting to ordaine for the reformation of the said abuse. All whiche serioulie recommendinge to your earnest and speedie care, we bid yow farewell. Frome our honour of Hampton Court, the 13 of October, 1634."

"The whilk day the act of Exchecker underwrittyn, subscryved be Sir John Hay of Baro, knight, Clerk of our Soverane Lords Registers and Rollis, being exhbitite to the Lords of his Majestie Privie Counsell and there read in their audience, and the saids Lords perceaving clerelie by the expresse words and tennour of the said act and of his Majestie letter direct to the Lords Thesaurar, principall and deputie, thereanent, whilk is the ground and warand of the said act, that it is his Majestie gracious will and pleasure that the said letter or suche others acts as sall be made thereupon sall be insert and registrat in the bookes of Privie Counsell for the further securitie and satisfaction of the Erle of Stirling or suche as he sall bargane with anent the coyning of the sax thousand stone weight of copper in maner speecfeite in the said act; thairfor the Lords of Secret Counsell, in humble obedience of his Majesties gracious will and pleasure in this matter, hes ordaine and ordains the said act of Exchecker to be insert and registrat in the saids booke of Privie Counsell, of the whilk the tennour follows:—At Edinburgh, the twentie sext day of November, the yeere of God j"mvi" threttie foure yeereas, the whilk day in presence of the Lords of Exchecker, sitting in full number, his Majestie letter underwrittyn, direct to the Erles of Mortoun and Tracquaire, Treasurers principall and deputie of the kingdome of Scotland, wes presentit, whairof the tennour followes. *sic suprascribitur, charles r.*—Right trusitie and weilbelovit cousines and counsellors, we greit yow weill. Whereas in consideration of a precept of six thousand lib. sterline grantit by our late deir father to our right trusitie and weilbelovit cousine and counsellor; the Erle of Stirline, our principall Secretar, for good and faithfull services done by him, and of a warand of ten thousand pundis grantit by us to him upon verie good considerations as may appeare by the same, we wer pleased to grant to him the benefitie arising by the coynage of the copper money within that our kingdome for the space of nyne yeeres and further till he sould be compleitlie payed of all soumes whatsoever dew by us unto him; now to the effect our said servant may have the more assurance to make bargane with others anent the said benefitie for his releefes and that there may be a
certane tymes appointed for his payment and for our having the benefite of the said coyne to returne to us, we doe heirby ratifie unto him his grant of the hail benehte arising dew to us by that copper coynage during the tymes ytt to runne of that his patent, and it is our speciall pleasure that yow grant a warrand suche as sall be requisite for the coynage of six thousand stone weight of copper without intermission immediatlie after the ending of the coynage of 1500 stone weight presentlie in hand and for continewng of the coynage (after the full perfytting of the said sax thousand stone) from yeere to yeere for the accustomed quantitie as wes coynde these twa yeeres past and that during the whole time ytt to runne of his patent if there sall anie of it remaine after the full perfytting of the coynage of the said 6000 stone, and that yow give order to our Advocat for drawing up a sufficient discharge of the saids two precepts to be signed by our said servant, with a discharge to him from us of his intromission with anie benefite arising by that coynage during the time past or to come of his patent (of the whiche we doe heirby likewise discharge him) and that without anie accompt to be made unto us or anie in our name for the same in regarde of his discharge of the saids two precepts; and that yow caus register this our letter or make suche further acts in Counsell or Exchecker as may be most expedient for the further securifie and satisfactioun of our said servant or suche as he sall have occasion to treat or bargaine with for making his best advantage of this our gracious intention towards him; for doing whereof these presents sall be unto yow and unto thame sufficient warrand. We bid yow farewell. From our court at Theobalds, the 18 of September, 1634. Qhilk letter being heard, scene and considered be the saids Lords and being therewith rypelie advised they ordained the same to be insert and registret in the bookes of Exchecker.

Extractum de libris actorum Scaccarii per me Dominum Joannem Hay de Baro, militem, clericum rotulorum registri ac Consilii S. D. N. Regis sub mei signo et subscriptione manualibus. Sic subscribitur, J. Hay, Cls. regri."

"The Lords continewes the advising of the processe anent the erection of the lordship of Torphichin till this day aucth dayes."

Edinburgh,
4th December
1634.

Complaint by Dame Lilias Grahame, Lady Lus, as follows:—Harbert Nisbet, indweller in Glasgow, formerly her servant, but whom she deservedly dismissed for many gross oversights within her house, is resolved to do her some affront and disgrace. Taking advantage of her being in Edinburgh in April last, he went to her stable within the city of Glasgow, and "with a great axe he cutted doune and destroyed the hail haiks, maingers, trivisses and all other timber worke being within the stable and threatened and boasted her servants who modestlie fand

[Sederunt as recorded above, omitting Dumfries.]

Deoctea,
November
1633-4 April
1636.

Complaint by Dame Lilias Grahame, Lady Lus, as follows:—Harbert Nisbet, indweller in Glasgow, formerly her servant, but whom she deservedly dismissed for many gross oversights within her house, is resolved to do her some affront and disgrace. Taking advantage of her being in Edinburgh in April last, he went to her stable within the city of Glasgow, and "with a great axe he cutted doune and destroyed the hail haiks, maingers, trivisses and all other timber worke being within the stable and threatened and boasted her servants who modestlie fand
fault with his doings, avowing to kill thame with his axe if they spake
anie farder of that mater to him." The pursuer compearing by John
Dunlop, her procurator, and the defender being also personally present,
probation was referred to his oath of verity when he confessed that he
came to the pursuer's stable at the time stated and took down two
boards which he had himself put up for keeping two horses separate
there. The Lords find that the defender has done wrong in entering the
pursuer's stable without her permission, and ordain him to find caution
in the books of Privy Council to enter himself in ward in the tolbooth
of Glasgow before Thursday next, the 11th instant, at night, and there
remain until he move some of the bailies of Glasgow to go in his name
to the pursuer and show her that he is to come to her and crave her
pardon on his knees. This having been done, the Lords ordain the
provost and bailies of Glasgow to liberate him; and also to do so if the
pursuer refuse his offer; and that within forty eight hours of his making
the same. For fulfilment hereof,

Niabet, father of the said
Herbert, enacted himself under the penalty of £100.

"The quhilk day the laird of Fendracht exhibite to the Counsell some
letters from his ladie and minister bearing that Adame Gordoun accom-
panied with a number of foote and hors had sett fire in the barnyard
of Fendracht and brint all the cornes being thereintill and had lykewise
sett fire to the hous and spoyled the hail tenants and layed the bounds
waist." 

"The Lords desires the Erle of Dumfreis to advise betuix and Tuisday
if he will accept of a commissioun of lieutennentrie for suppressing the
late insurrections in the North and for that effect that he confer with
some of his Majesties Counsell and suche noblemen and gentlemen in the
North as ar presentlie in the toun anent the meanes and wayes of
prosecution of the service.”

"The quhilk day the Bishop of Dumblane made intimation to the
Counsell that he would celebrat the communioun upon Sunday nixt.”

Sederunt—Bishop of St. Andrewes; Glasgow; Winton; Perth;
Wigton; Lauderdale; Southesk; Dumfreis; Bishop of Ros;
Bishop of Dumblane; Lord Bining; Naper; Master of
Elphinston; Clerk Register; Sir James Baillie.

“Anent our soverane lords letters direct makand mentiouen that where
the Lorde of Secret Counsell ar informed that great numbers of sorrows
and brokin men of the Clangregour, Clanlauchlane, Clarranald, and
others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others
parts of the Hielands, as also diverse of the name of Gordoun and thair
dependers and followers in the incondre have this long tymse bygane
and now latelie verie greevouslie infested his Majestie good subjects in
the north parts, especiallie the Laird of Fendraucht and his tentents, by
frequent depredations, slaughters, heirships and barbarous crueltieis committed upon thame and by ane late treasonable fire raising within the said Laird of Fendrauchs bounds, wherby not onlie is the gentlemen's lands layed waste, his hail goods and bestiail spoyled, slaine and mangled, some of his servants killed and cruelie demayneed, but also the hail tennents of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life has beene forced to steale away under night and have his refuge to the Lords of Privie Counsell; and thir disorders ar growin to that hight that almost nowhere in the north coutrie can anie of his Majesteis subjects promise safitie to thair persons or meanes, the breake of his Majestie peace in these parts being so universall and fearefull as the verie burrowes and touns themselves ar in continuall danger and feare of some suddeane surprise by fire or otherways from thir brokin men. And the Lords of Privie Counsell in this so deplorable estait of the coutrie, finding it thair boundin dewtie to use all meanes possible for preserving the honnour and credite of his Majestie his auctoritie and lawes and reparation of the lossee of his distressed subjects, they have thairfoir resolved upon trew information of the authors of thir disorders, thair abatters and ressetters to take suche examplar order thareante as the delinquents may underly their deserved punishment and his Majestie peaseable subjects be repaired in thair losses and in tyme coming secured from the incursions and disorders of thir brokin men. And anent the charge givin to George, Marques of Huntlie, Katharine Forbes, Ladie Rothemay, Sir George Gordoun of Geicht, Robert Gordon, his brother, Gordoun, yonger of Geicht, Sir Alexander Gordoun of Cluny, Johne Gordon of Innermerkis, Alexander Gordon, his son, James Gordoun of Letterfoore, Johne Gordon of Parke, Adame Gordoun, his brother, Johne Gordoun of Buckie, James Gordoun of Terrisoule, James Gordoun of Dunbennan, Johne Gordon, sone in law to Achinhanach, Johne Fordyce of Auchincreiff, William Gordon of Tulloch, Duncane Braibner, greave to Park, Johne Gordoun of Ardlogie, Johne and Nathaniel Gordons, his sonnes, Alexander Gordoun of Carnborrow, George Moresone in Rothemay, Johne Gordoun, sone to Thomas Gordoun of Artlache, Alexander Leith, brother to Harthill, James Gordoun, souldiour, Patrik Gordoun of Carnewhelpe, Patrik Sinclair at the Lewes of Fyvie, William Gordoun, sone to Gordoun of Gollachie, James Gordoun, sone to Badorne, Kemp, sone to Andro Kemp, flesher in Strabogie, William Beg and William Quhyte, Johne Gordoun in Corskellie, Alexander Duncane, braibner, William Mc'Gillivory, Williames Gordoun, brother to Achinhanach, James Gordon, sone to Patrik Gordoun in Sutherland, Johne Henrie in Robestoun, and Johne Gordoun, sone to Johne Gordon in Littleminie, to have compeired personallie before the Lords of Privie Counsell this present sixtein day of December instant to have givin information to the saids Lords anent the heirships, slaughters, depredations and others disorders committed
upon the Laird of Fendraucht his tennents and servants and others his Majesteis subjects in the north since the burning of the towre of Fendraucht and forder to have underlyne suche order anent the peace of the countrie, restraining the depredations of all brokin men dwelling upon their lands or being of their clans for whom they aucth to be answerable be the lawes of the countrie and tuicheing redresse to be made be thame to his Majesteis distressed subjects of their losses and damages susteanne be the saids brokin men since the burning of the said towre of Fendraucht as by the lawes and acts of Parliament sould be found necessar, and that they sould have compeirand personallie to the effect foresaid upon thepane of rebellion and putting of thame to the horne and forder under all highest pane and charge that after may follow, with cerficationoun thame and they faylyied that not onelie sould they be denunced rebells and putt to the horne but suche forder exemplarie course sould be followed out aganis thame as his Majesteis honnour and peace of the countrie requyres; lykeas as at mair lenth is conteanit in the saids letters, executions and indorsationous thairof. Qubilkis being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse and the saids Laird of Geicht, elder and younger, Sir Alexander Gordoun of Cluny, the Lairds of Innermerkie and Park, James Gordoun of Letterfoure, John Gordon of Buckie, James Gordoun of Terriouell, James Gordoun of Dunbennan, William Gordoun of Tulloch, Johne Gordoun, sone in law to Achannachie, and Johne Fordyce compeirand lykewayes personallie, and the saids Marques of Huntlie, Ladie Rothemay, and remanent defenders foresaid being ofymes callit and not compeirand, the Lords of Secreet Counsell ordains letters to be direct charging officers of armes to pas and denunce the said Marquis and remanent absenta our Soverane Lords rebels, and to escheit, etc. And the saids Lords ordains the haill parteis present to attend the Counsell upon Thursday nixt, the aucthenne of this instant. And the saids lords ordanis the saids Johne Gordoun of Buckie, James Gordoun of Letterfoure, James Gordoun of Dunbennan, Johne Gordoun of Park and James Gordoun of Terriessoull to find caution to keepe wyrd within the burgh of Edinburgh and not to remove furth thairof till they be releeved, everie ane of thame under the pane of twa thousand merke.

"Anent our soverane lords letters direct makand mentioun that where the Marquis of Huntly to be denounced for failing to produce certain rebels before the Council, bygane Adame Gordoun, sone to Sir Adame Gordon of Parke, Johne Gordoun in Carnhill, Johne Gordoun in Incheorsie, Donnal Kelles, Alexander Gow, William Gauld, Angus McInnis, James Inneis, Alexander McKeocher, Johne Geins, Robert Cowper, Johne Weir, Johne Milne and Andrew Marniche in Cabrach, Adame Gordoun in Stradoun, James, Patrisk and Alexander Gordouns, his sones, George Gordoun in Auchterles, James, Adame and Harie Gordouns, his sones, and William
Ros in Stradoun, sister sone to James Gordoun of Letterfoure, wer orderly denunced rebellis and putt to the horne be vertew of criminal letters execute aganis thame at the instance of the Laird of Fendraucht and his servants for not finding sufficient caution and souerie actis in the bookes of adjournall for their conpeirance before his Majestis Justice and his deputys to have underlyne the lawes for diverse thists, depredations and others crimes mentioned and conteanit in the saids letters of horning, as the same dewlie execute, indorsat and registret shawin to the Lords of Privie Counsell beiris; quhilske haill persons in contemt of the said processse of horning have since that tyme so beryed and wracked the said Laird of Fendraucht and his servants and others subjects in the north and goe on in suche ane insolent and lawlesse ravaging ahotr the countrie, as if his Majestis auctoritie and the hand of justice wer not able to overtake thame; and whereas they are all ather men, tentenns and servants to George, Marques of Huntlie, or dependers and followers upon him as being of his clan, kin and surname, and who accompanie him at casting, hunting and all conventions, gadder- ings and mectings, and who doe acknowledge him to be, as he is indeid, thair cheefe, and the onelie person of power and commandement within the bounds where they dwell, and for whome be the lawes of the countrie, acts of Parliament and Generall Band he aucht to be answerable and exhibite to thair tryell: And anent the charge givin to the said Marques of Huntlie to have compeirred personallie, brought and exhibite the saids rebellis before the Lords of Privie Counsell this present sxtene day of December instant to the effect order might be tane for thair tryell and punishment as accords under the pane of rebellion, etc., with certificatioun, etc., lykas at mair length is conteanit in the saids letters, executions and indorsations thairof; quhilske being callit and Sir Thomas Hope of Craighall, knight baronet, compeirand personallie for his Majestis interese and the said Marques of Huntlie being oftymes callit and not compeirand, the Lords of Secret Counsell orduins letters to be direct charging officers of armes to pas and denunce him his Majestis rebell and put him to the horne and to eschiet, etc.”

“Anent our Soverane Lords letters direct makand mention that where the Lords of Privie Counsell ar informed that Arthure Forbes in Barneh home, Mr Robert Blair, minister at Forglen, William Prat at Fyvie, John Gordoun at the milne of Melros, Normand Leslie of Tulloch, Mr William Douglas, minister at Forge, Mr Richard Maitlaine, minister at Abirchirdour, Mr John Logie, minister at Rathuen, Mr Andro Maissie, minister at Drumblot, Mr Andro Ker, minister at Glenbucket, Mr Thomas Mitchell, person of Turreff, MrHenrie Ros, minister at Raynie, Blacke Arthure Forbes, Alexander Strachane, elder of Glenkindie, Alexander Strachan, appearanand thairof, James Thomesoun in Towie, Mr Alexander Forbes in Turreff, Walter Ogilvie of Rigbyve, John Gordoun of Carnefeld, Thomas Dorwart in Achannachie, Walter Halket at the milne of
Rothemay, John Tarrell there, John Reiford and John Stevinsone in Meyen, George and William Murrays in Auchinnoull, can give some light and information anent the heirships and depredations latelie committed upon the Laird of Fendraucht and of the authors, abettors and bounts out of brokin men to the committing of the same; and the Lords of Privie Counsell being careful to use all lawfull wayes and means for discoveirie of this mater to the effect the offenders in this kynde may be knowne and punished and remeid sett doun for preventing the like in time comming: And anent the charge givin to the saids hail persons abone namit to have compeeird personallie before the Lords of Privie Counsell this present xvij day of December instant to have deponned and declared what they knew or should be speirit at thame in the mater abonewrittin under the pane of rebellion, etc., with certification, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thereoff: Qubils being callit and Sir Thomas Hope of Craighall, his Majestis Advocat, compeerand personallie for his Majestis interesse and the saids Arthur Forbes in Barnhome, William Prat, John Gordoun at milne of Melros, Normand Leslie, John Ogilvie, Mr William Douglas, Mr Robert Blair, Mr Thomas Mitchell, Mr Henrie Ros, Mr Richard Maitlane, Mr John Logie, Mr Andrew Mussie and Mr Androw Ker, ministers, compeerand lykewayes personallie, and the saids Laird of Glenkindie, elder and younger, compeerand be Mr William Forbes, advocat, and the saids Walter Halket, John Tarrell, and John Stevinson, compeerand be William Stevisnose, servitor to Mr Laurence McGill, advocat, and the said Mr Alexander Forbes compeerand be George Steuart, servitor to Walter Hay, advocat, and the saids John Gordoun of Carnefield compeerand be John Gordoun of Buckie, qubils persons undertooke to exhibite the witnesses for whom they compeeird upon the threttene day of Januar nixt: and the saids Arthur Forbes, Walter Ogilvie, Thomas Dorwart, George and William Murrays and John Reiford being oftyme callit and not compeerand, the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and denunce thame our soverane lords rebbels and putt thame to the borne and to eschelt, and ordains the persons present to attend the Counsell upon Thursday nixt."

[Sederunt as recorded above, omitting Naper.]

Supplication by Lieutenant-Colonel Hepburne, as follows:—He is sent hither by the French king "to levey ane review for the Scottish regiment serving under Sir John Hepburne, Colonell," and for this he has obtained a warrant from his Majesty. Captain James Maxwell, brother of the Earl of Nithisdaill, and Captain Thomas Lindsay, have undertaken the charge of two captains in this service, and before their departure they desire to settle with their creditors and take order with
in the Scottish regiment in France.

Edinburgh, 18th December 1634.

Sederunt.—St. Andrewes; Glasgow; Murrey; Perth; Winton; Acta, June 1634—April 1635. Fol. 41, a.
Lauderdaill; Southesk; Dumfreis; Tracquaire; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Master of Elphinstoun; Advocate; Sir James Baillie.

Bailiary of Kyle-Stewart.

Anent the disorders in the North.

"The whilk day John Foulerton, appearand of Corsebie, compeirand personnallie before the Lords of Secret Counsell, accepted upon him the office of baillierie of Kylesteuart and gave his oath for the faithfull discharge of the same."

"The whilk day Johne, Arch bishop of St. Andrewes, represented to the Counsell that nothing was concluded or deponned in Counsell (as he was informed) anent the disorders in the North bot the same was made knowne and divulged unto the brokin men in the North, and thairfor the said Archbishop recommendit to the Counsell secrecie in all things that sould be treated or deponned in Counsell anent the saids disorders under all highes pane."

"The Lords of Secret Counsell gives and grantz commissoins be thir presents to Johne, Archbishop of St. Andrewes, Johne, Erle of Lauderdaill, David, Erle of Southesk, and Johne, Bishop of Ros, to conveene and meit the morne at ten of the clocke in the foremoone in the President of the Sessions hous and to examine the witnesses and informers anent the disorders in the North."

"A missive from his Majestie anent the conjunct commission of the Middle Shires with a list of the names to be insert therein for either side."

"The whilk day Mr William Forbes, advocat, compeirand for the lairds of Glenkindie, elder and younger, Mr James Ferquharson, compeirand for Mr Johne Ridurd, minister, and William Stevinsone, agent, compeirand for Walter Halket, John Harrel, and John Stevinsoun, undertooke to exhibite thame upon the 13 of Januar to informe the Counsell anent the disorders of the countrie, and George Stewart, servitour to Walter Hay, undertooke to exhibite Mr Alexander Forbes."

Edinburgh, 22d December 1634.
"The Lords of Secret Counsell ordains letters of treason to be directed 
agnis George, Marques of Huntlie, for entering his person in wair 
in the castell of Edinburgh and randering of his houses within fyftene 
dayes after the charge under the pane of treasoun, upon report to be 
made to the Clerk of Counsell of the twa registrat hornings aganis the 
said Marqueis; the one for his not compeirance before the Counsell 
to underly suche course and order anent the disorders of the countrie 
as by the lawes of the countrie sould be found necessar and the other 
for his not compeirance and exhibition of certane rebellis of his kin 
and surname, men, tennents and servants."

"The Lords of Secret Counsell assigns to the gentlemen of the name of Gordoun, who wer present, the morne at eight of the clocke in 
the morne to advise and report to the Counsell what they will undertake 
anent the persue and exhibition of the brokin men in the North 
quicke or dead, and tuiching restitution and redresse of the skaith 
sustained by the Laird of Fendraucht, and for making the robbers and 
resetters of his goods answerable, and that they compeir resolved to find 
cautions for performance of what they sall undertake in the premisses."

"Forsameekle as in the tyme of the late vacance in the moneth of 
September last, when as the whole Counsell wer about their affaires and 
bussines at home, information was brought to Thomas, Erle of Hadintoun, 
Lord Privie Seale, who was onelie in toun for the tyme, that a great 
number of false and counterfoote copper penneys wer brought within this 
kingdome and outted among his Majesteis subjects as good coyne, 
quhereupon the said Erle out of the dewtie of his place as one of his 
Majesteis Privie Counsell gave power and warrand to Mr Alexander 
Kynneir, writter, to make inquryrie and tryell where and be whomse this 
false coyne hes beene imported and outted and to caus apprehend the 
delinquents and to committ thame to waird, there to abide their tryell 
and punishment; lykeas be vertew of this commissioun and warrand the 
said Mr Alexander hes apprehendit one 
Englishman, with a great quantitie of this false coyne and hes committed him to the jayle of 
Edinburgh where he now remains; and the Lords of Secret Counsell, 
considerring that the said Erle of Hadintoun did verie worthilie and upon 
considerable grounds grant the warrand foresaid and quhilk hes produced a 
verie good effect and successe, thairfuir the saids Lords hes ratified, allowed 
and approvin, and be the tennour heirof ratifeis and approves the 
warrand foresaid granit be the said Erle of Hadintoun, and finds and 
declares that he did verie worthilie and upon considerable and good 
grounds grant the warrand foresaid for the good of the kingdome, and 
exoners him of all and everie thing that may be impute to him or layed 
to his charge for that caus. And furder the saids Lords hes givin and 
grantit and be the tennour heirof gives and grants new power, commis- 
sioun and warrand to Mr James Gordoun, keeper of his Majesteis Signet, 
and to the said Mr Alexander Kynneir and to
as also to all judges, officers and magistrates to burgh and land, conjunctio
and severallie, to make diligent inquirie and searche where and by whome this false coyne, to witt, the copper pennies and copper farthings, hees beene imported or sall be imported and outted among his Majesteis subjects and to apprehend the persons guiltie and to intrommettt with the saids false penneis and farthings and to commit the persons guiltie to ward or otherwayes to exhibite thame and thair false coyne to his Majesteis Counsell as they may most convenientlie doe the same: firme and stable halding and for to hald all and quhatsomever thing sall be lawfullie done heerin."

"Forsamekle as Adame Gordon, brother to the Laird of Parke, and remanent brokin men of the name of Gordoun and others in the North, the better to strethen thameselfes in thair rebellion aganis his Majesteis auctoritie and lawes, have tane possession of the hous and fortalice of Rothemay (as would appear with the allowance of the Ladie Rothemay), quhilk hous they have fortissed with men, victual, poulder, bullet and other warlike furniture and keepe the same as ane hous of warre, ishing furth thairof at all occasions to spoyle, burne and slye suche of his Majesteis good subjects aganis whome they beare anie pretendid querrell, to the disgrace of his Majesteis auctoritie and undoing of numbers of poore people; thairfor the Lords of Secret Counsell ordains letters to be direct to heralds or pursuavants to pas and in his Majesteis name to command and charge the Ladie Rothemay and all havers, keepers and detainers of the hous of Rothemay to render and delyver the same to the said herald or pursuavent, executor of the saids letters, to be keepe be him in his Majesteis name till forder order be givin thereanent be the saids Lords, within twelffe houres after the charge under the pane of treason, with certification to thame and they fallyie the said pane of treason sall be execute upon thame without favour: comading hearby the shireff of Bamf to rise, concurre, fortifie and assist the herald or pursuavent, executor of the saids letters, as he will answer on the contrare at his perrell."

"Forsamekle as Adame Gordoun, brother to Johne Gordoun of Parke, Alexander Gordoun, younger of Innermerk, Gordon, sone to Gordoun of Gollache, Johne Gordon, sone to Thomas Gordon of Artlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordon, sone to George Gordon of Achinhannah, Nathaniel Gordoun, sone to Johne Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geicht, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, Williame Ros, sone to Johne Ros of Ballivet, McGillivorie, servitour to Johne Gordon of Park, McAbrabler, servitour to , ar become opin and avowed enemieis to his Majesteis auctoritie and lawes and to all his Majesteis peaceable and well disposed subjects in these parts of the North where they resort, and have committed fire raisings, slaughters, hearships and others barbarous cruelitie quhereby
they have demerite his Majestis high displeasure and the extremest execution of the law and to be abhorred and shunned as persons unworthy to live in a country subject to law and justice or to be partakers of the ordinarie benefite of humane societie, suche as meate, drinke, hous, harberie or anie sort of intelligence by word, writ or message, by the quhilks they may be strenthenned in their rebellion; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majestis lieges and subjects be opin proclamation at the mercat croces of Aberdeen, Bamf, Elgone, Forres, Narne, Inernes, Cromartie and others places neidfull that none of thame presoome nor take upon hand to resett nor supplye anie of the brokin men abonewratto nor to furnishe thame meate, drinke, hous, harberie nor no other thing comfortable and necessar unto thame nor to intercommoun, conferre nor have anie sort of intelligence with thame be word, writ nor message during the tyme of their rebellion under the panes conteant in his Majestis lawes and acts of Parliament made aganis ressetters of his Majestis rebellis, traitours and disobedient persons, with certificatcion to thame and they failye the saids panes sall be execute upon thame without favour."

"The quhilk day his Majestis Advocat, having of new reproduced the copie of the conjunct commission for the Borders with a letter direct to him frome his Majestie for drawing up a signature therenant, the Lords ordains the copie of the commissioun to be delveryed to the Erles of Dumfreis and Tracquair, and thame to conveene suche gentlemen of the Middleshire as ar in toune and to consider the commissioun, nature and power thereof, and to report their opinion therenant to the Counsell or to the Advocat with convenient diligence."

"The whilk day the gentlemen of the name of Gordoun, compeirand personallie before the Lords of Privie Counsell and having refusied the proposition made unto thame anent their undertaking aganis the brokin men in the North except in that part thairfoent thair diligence, quhilk the Counsell thought no waise satisfactorie, and the saids Lords, having considerdit the depositions of the witnesses produced for tryell of the disorders in the North, they find probable presumptions aganis James Gordon of Letterfour, John Gordoun of Innermerkie, John Gordon of Parke, William Gordoun of Tullo, James Gordoun of Terrisoule, and James Gordoun, baillie of Strabogy, of their accessioun to the saids disorders and thairfoent thame to be committed to waerd within the tolbuith of Edinburgh therein to remaine upon thair awne expenses
till they be fred and releevd be the saids Lords; and the saids Lords declares that during their abode in warid they shall be free of all arrestments for anie debts."

"The Lords of Secreet Counsell ordains the persons particularie underwrittin to find sufficient caution and souerite in the booke of Privie Counsell for the indemnity of the Laird of Fendraught under the panes following, viz., Robert Gordon, son to Thomas Gordon of Artlach, under the pane of j^m merkes, Sir George Gordon of Geicht, elder, under the pane of ij^m merkes, Gordoun, yonger of Geicht, and the Laird of Cluny under the pane of iiij^m merkes, the Laird of Innermerkie under the pane of j^m lib."

"The Lords of Secreet Counsell, according to ane warrand and direcit in writ, signed be the Kings Majestie and this day presentit and read in thair audience, gives and grants thair warrand to Alexander Hamilton, yonger of Laufeld, to haunt, resort and repaire to and fra in all parts of the countrie for doing of his lawfull affaires at his pleasure for the space of ane yeere nixt after the dait heirof and during that space not to be takin, apprehended, warded nor arrested be vertew of anie letters of horning, caption or other warrand execute or to be execute aganis him for civill causes, discharging heirby all judges, officers and magistrates to burgh and land of all taking, warding or arresting of the said Alexander Hamilton be vertew of anie hornings, captions or other warrands for civill causes, discharging thame thairof and of thair offices in that part for the space of ane yeere nixt after the dait heirof, as saide is, provyding alwayes the said Alexander pay the annuells of all suche debts as ar peculiarie his owne and not originallie contracted by his father. Followes his Majesteis missive abonewrittin.—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we ar informed that Alexander Hamilton, younger of Laufeld, being deepelie ingadged in debt for his father (of whois estait he never had anie benefite) and being forced for danger of arrests to keepe himselfe privat, is thereby disabled frome taking anie course ather for his owne releeffe or satisfaction of the creditours, whereby they ar like to suffer prejudice and his estait likeilie allogidder to perish; we, piteing the distressed estait of the gentleman, ar heirby pleased to recommend him unto yow that he may have libertie for one yeere to come in publicit for settling his affaires, provyding he pay the annuellis of all suche debts as ar peculiarly his owne and not originallie contracted by his father. We bid yow farewell. From our court at Whitehall, the 20th of November, 1634."
Mr. Richard Maitlane, minister at Abirchirdour, Mr. Robert Blair, minister at Forglen, and Mr. William Douglas, minister at Forgue, and everie and of thame the soume of ane hundredth pund as for thair charges and expenses in comming heir to give information anent the disorders in the North, to be payed to thame be his Majesties Thesaurar, Deputie Thesaurar and receavers of his Majestis rents out of the first and readiest of the escheit goods of the brokin men in the North."

Sedunt—Hadinton; Glasgow; Wintoun; Lauderdaill; Dumfreis; Southesk; Traquaire; Bishop of Ros; Bishop of Dumblane; Melvill; Naper; Clerk Register; Advocate; Justice Clerk.

Supplication by Sir George Gordoun, elder of Geicht, as follows:—He has an earnest desire and purpose to confer in matters of religion with the bishops, ministers and other clergymen in this kingdom so that he may be informed in several particulars thereof. Moreover, he is cited before the Lords of Session and some inferior judges to give his oath in certain actions against him; but he can do neither without their Lordships’ protection, because of some civil hornings under which he lies. This he therefore craves, and the Lords grant him until Whitsunday next, especially because the supplicant produced a certificate signed by the Archbishop of St. Andrews that the Bishop of Brechin and the ministers of Dundie have testified to him that the supplicant has given surety for satisfaction of the Kirk.

"Charges againis the Ladie Rothemay and all others, havers and keepers of the hous of Rothemay, to delyver the same to the executour of the letters, under the pane of treason, within 12 hours after the charge."

"A proclamation discharging all his Majestis lieges to ressett or intercommoun with the brokin men under the panes contaneit in the acts of parliament."

Sedunt—Hadinton; Glasgow; Traquaire; David, Bishop of Edinburg; Clerk Register; Advocate; Justice Clerk.

Supplication by Alexander Abernethie in Antrim in the kingdom of Ireland, brother-in-law of the deceased John Donaldson in Glenarnie, as follows:—Their Lordships know that the said John Donaldson was cruelly murdered in his own house by Captain John M’Donald and his accomplices, for whose capture on that account a commission was granted, in the and that one, James Ros, who was an actor in that affair, was apprehended in Glasgow, and is now in the tolbooth there. Seeing the trial and punish...
in-law of the
supplicant,
may take place
in Ireland
where the
slaughter was
perpetrated.

ment of this man will be more exemplary if these take place where the
slaughter was committed, the supplicant craves that their Lordships would
give warrant to the provost and bailies of Glasgow to deliver the said
James Roe to him and cause some of their burgesses accompany them to
Irving where the supplicant will obtain transport to Ireland. The Lords
grant the warrant as craved.

Edinburgh,
30th December
1634.

Sederunt—Privy Seal; Glasgow; Lauderdale; Dumfreis; Bishop
of Edinburgh; Bishop of Dumblane; Binning; Melvill; Naper;
Clerk of Register; Advocate.

Letter from
his Majesty
requiring that
the existing
laws should be
put in force
against the
Marquis of
Huntly and
other landlords
in the North
for failing to
repress the
disorders for
which they are
partly responsi-
ble.

“The whilk day the missive letter underwrittin, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, was presented to the
said Lords and read in thair audience, of the quhilk the tennor
followes.—CHARLES R.—Right trustie and right wellbelovit counsie and
counsellor, right trustie and right wellbelovit counsies and counsellers,
right trusty and trusty and wellbelovit counsellers, we greet yow weil.
Having latelie beene informed of the great disorders and ryots committed
in the northerne parts, whiche insolent beginnings we would have to be
repressed in time and the offenders to be seerelelie punished as the course
of justice requireth in the like cases, for whiche purpose we heare yow
have alreadie charged the landlords and cheefes of clans and, amongs
others, the Marques of Huntlie for the name of Gordoun, of whome some
(as we ar informed) have beene cheefe actors in these outrages, to
compeir before yow that order may be takin concerning the same; and
though we beleve that, as the said Marques professeth, he is not acces-
sarie to these violences committed by diverse of his name, yitt in regarde
it is presommed by some that if he be not guiltie of acting of it, at least
he might ather have prevented it at first or have takin a course for
redressing of it in some measure afterwards, our pleasure is that yow
putt our lawes in executioun aganis the saids landlords, cheefes of clans,
Marques of Huntlie and all others whome yow have for this purpose
cited or sall thinke fitt to cite heerafter, according to the Generall Band
or to anie order that our lawes doe allow for that effect. Whairof we
will yow to be carefull, as yow will be answerable unto us for your
diligence in a thing so seerelelie concerning us in honnour and justice and
the generall good of that our kingdome. We bid yow farewell. Frome
our court at Whitehall, the 16 day of December, 1634.”

“Forsamekle as the Lords of Secreit Counsell ar informed that James
Andersone in Damayes, Alexander Gordon in Mairdruim, Thomas Duff in
the Rais, Adame Barclay there, Johne Gordoun in Parkend of Strabogie,
Gordon, his son, Johne Spence in Bruntetane, James
Hamilton in Corse, Johne Hamilton, his son there, M' Johne Hamilton,
parson of Kynmore, M' Robert Jamesone, parson of Botarie, Alexander
Gordoun of Dunkintie, Donnalld Ferquharson in Monaltrie, younger,
Johne Gordoun, his servant, Donnalde Ferquharsone, baillie to the Marques of Huntlie, of Strathawin, Williame Steuart at the Boate of the Boig of Geicht, James Hay in Milpen, Johne Dunbreck of Ortane, Johne Robertsone at the Boate of Fiddith, Alexander Robertsone at the Boate of Skerudastane, Alexander Leslie in Riddrey, Patrik Innes, servitour to Balvenie, George Cumming in Belrynnes, William Gordon in Monymore in Glenlivet, Alexander Ogilvie of Knock, Mr Alexander Innes, parson of Rothemay, Mr John Strauchane, minister at Coltestoun, Sir James Gordoun of Lesmore, Sir George Ogilvie of Carnowsseis, Mr Johne Chalmere, minister at Inverrawn, Robert Dunbar of Burgie, Mr Gawin Dumbar, chantor of Murrey, Sir Robert Inglis of that Ilke, Alexander Lyoun of Muresk, James Hay of Murefald, James Schand in Lethers, Arthure Forbes in Aldtown of Towy, Thomas Alpine in Kildrynnie, John Areskine of Pittodrie, George Gordoun of Newtown, George Gordoun of Reynie, James Baird in Gullborne, Johne Mitchell in Easter Buchet, William Reid in Desorie, Johne Abirnethie of Tillidoun, George Abirnethie at the wakemilne of Rothemay, Patrik Gordon in Badinfoot, Gairdin, younger, of Blackfuird, Andro Meldrum, baillie of Aberdein, James Finlay in Troupesmilne, Mr Robert Bissat of Lessindrum, William Gollan in Coulerachie, Andro Strauchane in Endach, Mr Robert Gardin, commissar clerk of Murrey, and Mr William Scharpe, shireff clerk of Bamf, etc., can give some light and information anent the disorders in the North, the authors and abaters of the same, and there is probable presumptions agains some of the saids persons of their accession to the saids disorders; and the saids Lords being willing that all lawfull wayes and meanes be used for discoverie of the saids disorders and authors of the same to the effect, the offenders being knowne, order may be tane for their tryell and punishment and for the peace of the countrie in tyme coming, thairfoir the saids Lords ordains letters to be direct charging the persons foresaid to compair personallie before the saids Lords at a certane day and to depone what they know or sall be speirit at thame anent the disorders foresaid, authors and abaters of the same, and to underly suche order thereneant as the saids Lords sall thinke necessar, under the pane of rebellion, etc., with certification, etc."

"The Lords of Secrete Counsell gives and grants power and commissoune to Johne, Erle of Lauderdaill, Archibald, Lord Naper, Sir John Hay, Clerk of Register, and Sir Thomas Hope of Craighall, knight, or anie three of thame, to call before thame James Gordoun of Letterfoure and others of the name of Gordoun, prisoners in the tolbuith of Edinburgh, and to examine thame anent their knowledge and accession to the disorders in the North and to met the morne at twa in the afternoone."
"Missives to the shiriffs of Aberdein, Bamff, Elgine, Narne and Innernes requiring thame to putt their commission to execution against the brokin men and to report their diligence and acquaint the Counsell at all occasions with their proceedings with convenient diligence."

[No record of Sederunt.]

"Forsamekle as it is understand to the Lords of his Majestis Privie Counsell by information and advertisement from the right reverend father in God, Johne, Archbishop of St. Andrewes, of some trouble and unquietnes latelee fallin furthin within the citie of St. Androis betuix Patrik Mauld in St. Androis, sone-in-law to the Laird of Reres, on the ane part, and M' Patrik Lyndsey of Wolmerston and M' Johne and Robert Lyndseyes, his sones, on the other part, to the disturbance of the publict peace and apparent danger of further harme to ensue if the same be not tymphallie provydet, for remeid whairof the saids Lords ordains letters to be direct charging the persons abonenamit to compeir personallie before the Lords of his Majestis Privie Counsell at Edinburgh, or where it sall happen thame to be for the tyme, upon the aucht of Januar nixt to underly suche order for observatioun of his Majestis peace as by the saids Lords sall be prescryved unto thame, under the pane of rebellion, etc., with certification, etc.; and in the meanctime to command and charge the parteis foresaids to observe and keepe our Soverane Lords peace and not to invade nor persewe one another under whatsoever cullour or pretext under the panes following, viz., the said Patrik Mauld under the pane of four thousand merkes, the said M' Patrik Lyndsey under the pain of four thousand merkes, and either of his twa sones under the pane of ane thousand pundis; as lykewise to charge the persons after speecefeit, viz., etc., to observe and keepe his Majestis peace, as said is, and not to concurre nor assist anie of the saids parties in the violent and lawlesse reparatioun of their allledged wrongs under the panes respective following, viz., the said, etc., with certification to everie one of the saids persons if they contravene that they shall be covenenne, found and declared to have incurred the saids panes respective abonenamentioned, and letters to be direct for payment thairof in forme as effairse."

Sederunt—Privy Seal; Glasgow; Erroll; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Binning; Naper; Clerk Register; Advocate.

Letter from his Majesty appointing the Arch Bishop of St. Andrews to the followes:—CHARLES R.—Right trustie and right weilbelovit cousins and
counsellors, right trustie and weilbelovit counsellors, and trustie and weilbelovit counsellors, we greet yow weill. Understanding of the sufficiencie, long experience and affectioune to our service of the right reverend father in God, the lord Archbishop of St. Andrewes, it is our pleasure that he succed in the place of the late Erle of Kinnoull to be our High Chanceller, and that yow caus delyver unto him the great seale of that our kimgdome to be kepe by him as our Chanceller, with all the benefites, priviledges and immunitieis that have belonged to that place heirtfore; whereupon we will our Advocat to draw up a guift of the same during his lyfetyme to be sent unto us. And so we bid yow farewell. From our court at Whitehall, the 23 of December, 1634. Qhilk letter being read, heard and considderit be the saud Lords, they ordained ane missive to be writtin to the said Archbishop requiring his addresse hither with convenient diligence, qhilk wes accordinglie done.”

“The whilk day Mr. David Sibbald, keeper of the great seale under the Erle of Kinnoull, late Chanceller of this kimgdome, for obedience of his Majesteis letter and conforme to the command givin to him be the Lords of his Majesteis Secret Counsell, exhibit before the saud Lords his Majesteis great seale in twa peacees to be givin up and kepbe the right reverend father in God, John, archbishop of St. Andrewes, whom his Majeste has beene pleased out of a long experienced proffo of his sufficiencie and affectioune to his Majesteis service to make choise of and prefer to be High Chanceller of this kimgdome; the whiche great seale, in respect of the Archbishop of St. Andrewes his absence at this tyme, was delivir to James Primerose, clerk of his Majesteis Privie Counsell, to be keped be him till the said Archbishop his returne; and the saids Lords exoner and discharges the said Mr. David of the said seale and of the purse wherein it is keped for now and ever.”

“Charges aganis Patrik Campbell of Edinample for his compeirance and exhibitioun of twa lymmars being in his custodie, or ellis to shaw caus why, etc., under the pane of rebellioun, etc.”

Sederunt—Privy Seal; Bishop of Glasgow; Wigtoun; Lauderdale; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk of Register; Advocate.

“The Lords of Secret Counsell continewes the advising of the Lord Torphichins processe anent the nature of the erection of the lordship of Torphichin till the twentie nynt day of this instant, whairof ordsains intimation to be made to the said Lord to kepe the said dyet.”

“The Lords continewes the advising of the report anent the plaing Anent the till Tuesday nixt, quhairof John Sinclair, deane of gild of Edinburgh, plaing, compeirand for the burrowes, and Thomas Areakeine of Pittodie compeirand for the gentrie ar warned apud acta.”
[Sederunt as recorded above.]

Complaint by Mr. Archibald Cameron, minister at Inshecalzoche, as follows:—About twenty years ago he was admitted minister at this kirk and has ever striven with many great difficulties to maintain a peaceful ministry, but these efforts have been frustrated by the masterful oppression of Sir John Buchanann of that Ilk and George Buchanann, his son and heir apparent. They withhold his stipend, and, though he has frequently put them to the horn, yet they abide thereat as if they were in no way subject to the law, and for several years have persecuted him with all the malice they can devise. They have taken possession of his manse and debarred him from his glebe. A boat which was built for ferrying the complainant and the country people over the Water of Enrich, which is within a bow shot to the kirk, the said Lairds of Buchanann have refused to him, discharging the keeper of the boat to ferry him over under all highest pain, knowing that the complainant must come every Sabbath from Dumbartane to his kirk, which is seven miles distant therefrom, and that if he cannot cross by the boat he must go other four miles round through moss and muir to the hazard of his life. He had cited the said Lairds before their Lordships for this in February last, when the said young Laird compeared personally for himself and his father, and they submitted their differences to the decision of Patrick, Archbishop of Glasgow, and Adam, Bishop of Dumblane, who decided that the said Sir John should pay to the complainant £400 for the tack of the teinds of his lands in the parish of Inshecalzoche for the year 1633, and also £300 due by bond, and that before Whitsunday last; also that Sir John should find caution for these payments and for relieving the complainant of the taxation of the parsonage of Inshecalzoche for the years 1631, 1632 and 1633; as also that the said George should pay to him £200 as the expenses formerly decreed against him, and that before Whitsunday last. To this the Lords interponed their authority and further ordained the said Lairds of Buchanann to permit the complainant to have the use of the boat foresaid. But the said Lairds of Buchanann had never any intention of obeying this decree for which the complainant caused charge and put them to the horn on 1st November last, but this morning they disregard and the said George lies among his friends disdaining to acknowledge either law or justice. Parties being cited and the pursuer compearing by Aula McAula, writer in Edinburgh, his procurator, but not the defenders, the Lords ordain the said George Buchanann to be charged to render his house of and enter his person in ward within Blackniss within six days after the charge under pain of treason.

Complaint by Alexander Forbes of Auchintoul and William Gardiner, his tenant, as follows:—The lands of Castlehill and Boqigesyde belong to the said Alexander Forbes heretably, and for several years he has been
in undisturbed possession thereof until lately that Sir George Jonstoun of Caikiben has resolved by hangsterie and oppression to debar him therefrom. On 8th April last, without any lawful warrant he came to the said lands and caused point the tenants for their rents; and, because the said William Gardiner refused to pay anything until he was freed of the complainer, "the said Sir George vowed, or it were long, to take such order with him as he could not have ane cocke left to crow by day." Accordingly in September last, "some brokin men under night herryed and away toke the compleiners haill meanes, extending to more nor five hundrith merks, and persewe his selfe of his liffe." When the poor man, upon 4th October last, told the said Sir George, in the house of Drummoir belonging to Lord Forbes, "that he was aye as good as his word, the said Sir George, being loath that the mater sould come to heiring, sent his ordin minister, Mr Robert Cheyne, to the compleiner, to desire him to be silent." Also, on the 3rd of the said month, Alexander Knox, James Ogilvie, Patrick Jonstoun, Robert Gordoun, and others, servants to the said Sir George, and at his instigation, came to the said William Gardiner's cornyard, and cast "tua of his beir stakk be vertew of some letters qhilk wes suspendit and the suspension intimat to the said Sir George, and the rest of the servaunts armed with swords, durlks and other wapons, stod by reddie to offer violence to all suche as would presume to impede the said Allexander Knox in casting the stacks." Finding that notwithstanding of this he could not prevail upon the tenants to pay their rents to him, the said Sir George dealt with one Lachlan Ferquharson and twelve other Hieland men who are entertained by the gentlemen of the country by a monthly allowance as a watch against the disorders of the broken men, and persuaded them to go to the said tenants and threaten them that unless they paid their rents to Sir George, they would suffer their whole goods to be robbed. And accordingly, shortly thereafter, there were two horses taken from the poor man. Charge having been given to the said Sir George, and he compearing along with Alexander Forbes for himself and his said tenant, the Lords, after hearing parties, remit the part of the complaint anent the casting of the stacks and medling with the corns to the Lords of Counsell and Session, and continues the trial of the riot until that has been discussed.

Complaint by Jeane Chrystie, lawful daughter of the deceased Andrew Chrystie, indweller in Leith, as follows:—She has lived for the past two years in England with Grissell Lyn, her mother, and has now come "to her native soyle for gathering in some debts and airship falling unto her be her fathers deceasst," so as to pay her creditors and "to entertane herselife in ane honest ranke and condition." Being, however, engaged in her minority for certain of her parents' debts, she is in danger of caption unless she obtain a protection. "Charge having been given to George Low, Thomas Mudie, Isobel Edgar, Janet Purves
and James Creichtoun, her creditors, and the pursuer compearing, but no
none of the defenders, the Lords continue her former warrant until
Lammas next.

Complaint by the Provost and bailies of the burgh of Culros and
John Clerk for his interest, as follows:—"Upon the 26 of November
last there fell out a miserable accident within their burgh, to wit,
Edward Ezat, mariner in Culros, having a young child named Robert
Ezat, of the age of two yeares or therby, playing upon the steps of the
stair at the east syde of the said Eduard his hall door accompanied
with ane other yong bairne of his; in the meane tyme Johnhe Clerke,
coalcaer, indweller in the said burgh, come by the foot of the stair
with a horse laden with coals within a great coale cart, the head of
the said yong bairne was overtrade by the whele of the cairt
wherby the bairne, within ane hour thairafter, departed this lyffe; for
the quhilk the said John, pressing to have escaped, wes apprehendit and
committed to warde within the tolbooth of the burgh of Culros, where he
now remaines, protesting and affirming his innocencie, and that he wes at
the other syde of the horse and saw not the bairne till the head of the
bairne stayed the course of the cairt." The complainers thought right to
investigate the facts by examination of witnesses by whose statements
it clearly appears that the said John is innocent of the slaughter of the
said bairn; yet they cannot set him at liberty until they know
the Council's pleasure therein and, as he is but a poor man, he is
like to starve for cold and hunger in the said tolbooth. Charge having
been given to the said Edward Ezat, and the pursuers compearing by
James Kennowie, W.S., their procurator, but the defender not com-
pearing, the Lords having seen the act and rolment of the burgh of
Culros under the hand of Robert Forret, clerk of the said burgh,
setting forth that the said provost, bailies and council of the said burgh
being convened in the tolbooth, had called before them the said Edward
Ezat and Margaret Huttoun, his spouse, the child's parents, and asked
them if they would prosecute the said John Clerk for the bairn's
death, they "both in ane voice judiciaillie declared that they wald
nowayes prosecutte nor follow out such a bussines and that they wald
not persew the said John Clerke for the slacther and death of the
bairne, bot they desyrit that the said John at his releefe might be put
furth of the toun out of thair sight for appeasing thair greifa"; in
respect thereof ordain the said provost and bailies of Culros to put the
said John Clerke to liberty, but taking him first enacted in their burgh
court books to remove from the said burgh within twelve hours after
his release and in no case to return to the said burgh at any time
thereafter under the pain of death.

Complaint by Bethia Guthrie, widow of Walter Murray, overseer of
his Majesty's Works, as follows:—On 10th December instant, William
Ker, fiar of Yair, was put to the horn at her instance for not paying to
her 400 merks for the nonentry of the lands of Sunderland's, but he pays no heed thereto, and she now craves caption against him. The pursuer appearing by her procurator, John Dunlop, advocate, but the defender not appearing, the Lords ordain the sheriff of the shire wherein he dwells to apprehend him and to take possession of his house and goods.

Complaint by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamilton of Cander, now her spouse, as follows:—They are in debt to several creditors for sums contracted by the said Agnes in her widowhood as tutrix to James Hamilton of Stanehouse, her son, and are resolved to dispose of some of their lands for satisfaction of their creditors; while they have also some actions depending before the Lords of Session against the said James for recovery of sums paid for him during his minority, and another action against him before his Majesty's Council, but none of which they dare attend for fear of some horning they underly. Charge having been given to Sir James Hamilton of Broomehill, Gavin Hamilton of Raploch, James, Gilbert and John Hamilton, burgesses of Edinburgh, Agnes Byres there, Bessie Mader there, Isobel Cohound there, George Bannatyne there, John Robesone in Meikle Ernok, Arthur Hamilton of Auchingrein nan, John Hamilton in Glasgow, James Rowat in Dykehead, Bessie Boig in and John Bade, her spouse, James Hamilton of Stanehouse, Adam Hamilton in Homeheid, James Hamilton in Mylnehome, John Allan in Caulstrayne, Robert Stobo in Kittiemure, John Barre there, John Hamilton in Stanehous, John Coits there, John Alstoun there, John Miller there, John Maller there, Umpha Williamson there, Jonet Pet there, Margaret Bar in Walsoun, Sir James Hamilton of Fingaltoun, Allan Couper in Mylnburne, Thomas Harvie in Altonne, William Hamilton of Dasarff, Andrew Forrest there, Agnes Steill and her spouse, there, John Paterson in Mureheid, John Broun in Draffan, Quintin Weir in Southfeild, John and Alexander Fairlie in, William Lein in Cleuchbrae, Sir W. Baillie of Lamintoun, John Carmichell of Litlegill, James Hamilton, commissor clerk of Lanerk, Gavin Stevinsone, baxter in Edinburgh, James Cochrane, factor, John Shaw, merchant there, George Ker, tailor there, William Caldwell, merchant there, Alexander, Mr. Samuel and Patrick Tailfeir there, James Wilson, writer, James Leslie, tailor, Robert Wallace, servitor to Peter Algeo, James Keith, servitor to John Dunlop, Archibald Hutton, servitor to James Rig, John Ker in the Cannogait, Robert Raustane, writer in Edinburgh, Marion Tuedie and Mr. James Law, her spouse, all creditors to the complainers, to appear this day before the Lords, and the said Cudbert Hamilton appearing for himself and his said wife, and of the creditors only the said James Keit [sic], by his master, John Dunlop, advocate, and the said Mr. Samuel Tailfeir for himself and his two brothers, and having been heard, the Lords grant their protection to the said Cudbert and his wife for repairing
safely to and from Edinburgh until the last day of July next, the said Cudbert promising upon his honour and credit to appear before their Lordships on 21st July next and underlie their will and pleasure in the event of his not having before that time satisfied the said Mr. Samuel, Alexander and Patrick Tailfeir.

Complaint by Robert Chrystie, merchant burgess of Edinburgh, as follows:—In 1621 the Lords of Session, considering how greatly he was distressed on account of his being cautioner for Sir Alexander Hamilton of Innerweik, younger, granted him protection for a year, but he has not obtained relief of any of his burdens. On the contrary, he has been forced to pay 20,000 merks for the said Sir Alexander, and he is now reduced to the extremity of entrusting their Lordships for a further protection. Charge having been given to Mr. William Clerke, minister at Woltoun, Robert Aitkine, sone to the Commissary of Orkney, Mr. Harry Aitkine, Commissary of Orkney, Balmanno, son of Alexander Balmanno, writer, and Alison Reid, his mother, as creditors to the complainant, and the pursuer appearing but none of the defenders, the Lords grant him their protection until Lammas next.

Acts of caution by John Cuninghame, squire of Barwis, for Robert Forbes of Reres, and by the said Robert Forbes for the said John Cuninghame, also by the said Robert Forbes for William Forbes, apparent of Reres, his son, that they will not molest Mr. Patrick Lindsay of Wolmerstoun, Mr. John and Robert Lindsay, his sons, and George Lentron, merchant in St. Andros, nor their men, tenants, or servants, each under the penalty of 5000 merks, of which penalty one half is to go to the King’s Majesty and the other half to the party grieved.

Similar acts of caution by Mr. Patrick Lindsay of Wormeston for Mr. John and Robert Lindsay, his sons, and for George Lentron, merchant in St. Andros, and by George Lentron of Trustie for the said Mr. Patrick Lindsay, that they will not molest the foresaid Robert Forbes of Reres, William Forbes, apparent thereof, John Cuninghame, squire of Barwis, and Patrick Mauld in St. Andros, nor their men, tenants or servants, the said Mr. Patrick Lindsay under the penalty of 4000 merks, and the others under the penalty of £1000 each.

Sedent—St. Andrewes; Privy Seal; Glasgow; Murrey; Wigton; Acts, June 1634; April 1635; Gallouay; Lauderdaill; Dumfreis; Lorne; Bining; Naper; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk.

“Anent our Soverane Lords letters direct makand mentioune, forsakekle as the Lords of Privie Counsell ar informed that great numbers of sorneros and brokin men of the Clangregour, Clanaunlauchine, Clanranald, and others brokin clans in the Hielands, Loquhaber, Stradoun, Glencoe,
Bramar and others parts, as alsua diverse of the name of Gordoun and their dependers and followers in the countrie, have this long time bygane and now latelie verie greevousalie infested his Majesteis good subjects in the north partes, especiallie the Laird of Fendraucht and his tennents, by frequent depredations, slaughters, heirships, and barbarous cueltie committed upon thame, and by ane late treasonable fire raising within the said Laird of Fendrauchts bounds, whereby not onelie is all the gentlemen lands layed waist, his whole goods and bestiall spoyled, slaine, and mangled, some of his servants killed and cruellie demained, but also the hall tennents of his lands and domesticks of his hous hes left his service and lands, and hime selfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesteis Counsell; and thir disorders ar growin to that hight that almost nowhere in the north countrie can anie of his Majesteis good subjects promise saifetie unto themselffes bot ar in continuall danger and feare of some suddeane surprise by fire or otherways frome thir brokin men: And the Lords of Privie Counsell, in this so deplorable estait of the countrie, finding it thair boundin dweitie to use all meanes possible for preserving the honnour and credite of his Majeste his auctoritie and lawes and reparation of the losses of his distressed subjectes,they have thairfoir resolved upon trew information of the authors of thir disorders, thair abbaters and ressetters, to take suche exemplar order thereenant as the delinquents may underly thair deserved punishment and his Majesteis peaceable subjectes be repaired in thair losses and in time comming secured frome the incursions and disorders of thir brokin men. And anent the charge givin to Johne, Earle of Atholl, George, Earle of Seaforst, Arturhe, Lord Forbes, Alexander, Lord Pitalgo, Sir Alexander Irwing of Drum, Sir Coline Campbell of Glenurquhie, Sir James Campell of Lawers, Sir Johne Grant of Freuchie, Johne Grant of Glenmorestoun, M^Rannalds, elder and younger, M^Rannald of Glengarrrie, Allan M^Fanduy, Johne and Donnald Camrons, his sonnes, M^Innbruch of Glencoe, the Laird and Tutor of Glennevies, Johne Grant of Rathmurchus, the Laird of M^Intoshe, Hew, Lord Lovat, Patrik Grant of Ballindallach, Johne Grant, fear thairof, Sir Robert Innes of Balvenie, Gregour M^Gregour and Patrik, his brother, Thomas Crombie of Kemnay, shireff principall of Aberdein, William, Erle Maireshell, shireff principall of Kincardin, Sir William Steurat of Garnetullie, shireff principall of Perth, George Baird of Auchnedden, shireff principall of Bamf, Alexander M^Keinjie of Culcowie, shireff principall of Innernes, Johne Campbell, younger of Calder, shireff principall of Narne, and James Dumbar of Boige, shireff principall of Murrey, to have compeired personallie before the Lords of Privie Counsell this present thattene day of Januar instant to have givin information to the saide Lords anent the heirships, depredations and others disorders committed upon the Laird of Fendraucht, his tennents and servants and others his Majesteis peaceable subjects in the
North since the burning of the towre of Fenendraucht, and farder to have underlyne suche order anent the peace of the countrie and restraining the depredations of all brokin men dwelling upon their lands or being of their clans for whom they aught to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majesteis oppressed subjects of the losses and damages susteanned be thame since the burning of the said towre of Fenendraucht, as by the lawes and acts of Parliament sould be found necessar, and that they sould have compeired in maner and to the effect foresaid under the pane of rebellion and putting of thame to the horne, with certification to thame and they faillyed that not onelie sould they be denounced rebellis, etc., but also suche exemplarie course sould be followed out agais thame as the honnour and peace of the countrie requires; lykeas at maire lenth is conteanie in the said letters, executions and indorsations thairof. Quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personally for his Majesteis interese, and the saids Erle of Seaforft, Lords Lovat, Forbes, Piteligo, the Laird of Drum, the Laird of Grant, the Laird of Glencoe, the shireoffs of Banff, Aberdein, Innernees and Narne, compeirand personallie, and the said Erle of Atholl compeirand be Robert Stewart of Ballachin, his baillie, and the said Erle Mairshell compeirand be M' Robert Petrie, his procurator, and the said Laird of Glenruqhuie compeirand be Robert Campbell, his brother, and the said Johne Camron compeirand personallie for himselfe and his said father and brother, and the said Laird of Glennorestoun compeirand be Patrik Grant, his sone, who tooke the twentie fourt day of Februar nixt to exhibite his said father and actit himselfe to stay in toun till that time under the pane of ane thousand merkes, and the said Sir William Stuart compeirand be William Steuart, his sone, who produced ane testimoniall under the hand of M' William Glas, minister at Little Dunkelden, and others famous persons, testifeing upon thair conscience the said Sir William his inabilitie to travell in respect of the gutt and gravelle wherewith he is heavilie troubled, and the said Laird of Glenargarie compeirand be Johne M'Ilannald, his procurator, who produced ane testimoniall under the hand of the minister of Abertierf, Schiiuin Scheill, chirurgian, and Robert Abraham, notar, testifeing the said Laird of Glenargarie his inabilitie to travell or to keepe this dyet in respect of his decrepit age, being fourescore twelffe yeeres, and that he is lying bedfast, as the saids twa testimonialls beiris, and the said Laird of Balvenie being personally present, and the said Johne Grant, fear of Ballindallach, compeirand personallie for himselfe and his said father; and the saids M'Ilannalds, elder and younger, the Laird and tutour of Glenneveis, and Laird of Rathimurchus, and M'Gregour and his brother being ofttymes callit and not compeirand; the Lords of Secret Counsell ordains and commands the partieis present to attend the saids Lords
upon Thursday nixt, and the saies Lords excuses the absence and not compeirance of the saies Lairds of Garnetullie and Glengarrie in respect of testimonials foresaids, and ordains letters to be directe to denunce the saies Lairds of McRannald, Glenneveis, Tutor thairof, Rathmurechus and McGregour and his brother our Soverane Lords rebellis, and putt thame to the horne and to escheite, etc.

"Forsamekle as upon occasiion of some late trouble quhilk fell out in the citie of St. Andrewes betuix M' Patrik Lindsey of Wolmerstoun, My Johne and Robert Lindseys, his sonnes, and Lenton on the aene part, and Patrik Maud, indwellier in St. Andrewes, on the other part, the Lords of Secret Counsell patt the saies M' Patrik, M' Johne and Robert Lindseys and the said Lenton under good and sufficient caution for keeping of his Majestie peace with the said Patrik Mald ; in respect quhereof necessar it is that the said Patrik find the like caution, theairfor the Lords of Secret Counsell ordains letters to be direct charging the said Patrik Maud to find sufficient and responsall caution and souertie actit in the bookes of Privie Counsell for keeping of his Majestie peace with the saies M' Patrik, M' Johne and Robert Lindseys, and Lenton, and that they sall be harmelesse and skaithlesse in thair bodeis, lands, roumes, possessions and not to be troubled nor molested therein be the said Patrik nor no others of his causin, sendin, hounding out, command, ressett, assistance nor ratihabition whome he may stop or latt, directlie nor indirectlie, in time comming otherways nor be order of law and justice, under the pane of three thousand merkes, within saix days after the charge under the pane of rebellion, etc., and if he failie to denunce, etc."

"The whilk day, in presence of the Lords of Secret Counsell, compeirde personallie M' William Forbes, advocat, and exhibite before the saies Lords Alexander Strauchane of Glenkindie ; and siclyke compeirde personallie William Stevinsone, servitour to M' Laurence McGill, advocat, and exhibite before the saies Lords Walter Halket, John Tarrell, and Johne Stevinsone and that for obedience of the acts whereby they become obliest to that effect.

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale, reproduced before the Lords of Privie Counsell his Majestie letter by the whiche his Majestie hes made choise of the right reverend father in God, Johne, Archbishop of St. Andrewes, to be High Chancellor of this kingdome, and gave order for deliverie of the great seale to be kepeed be his lordship; according whereunto James Prymrois, clerk of his Majesties Privie Counsell, to whome the keeping of the seale, purs and mace wer formerlie committed, exhibite of new the said great seale, purs and mace whiche this day wes givin up to the said Chancellor, who receaved the same with all dutifull and thankfull respect to his Majestie for the great honnour whereunto it hes pleased his Majestie to advance
him, offering himself to employ his best care and endeavours for approving himselfe worthie of the trust reposed be his Majestie in him."

"The whilk day, in presence of the Lords of Secret Counsell, compeired personallie Mr. Patrick Lindsey of Wolmerstoun and become actit and obeist, as cautioner and souertie for Mr. John Lindsey, his sone, that he sall compeir personallie before his Majestis Counsell or Justice whenever he sall be lawfullie charged to answer upon his alleged persute, hurting and wounding of Patrik Mauld in St. Andrewes under the pane of fyve thousand merkes; as alsua the said Mr. Patrik become actit and obeist, as cautioner and souertie for Robert Lindsey, his sone, and Lenton in that, they sall compeir personallie before the saide Lords or before his Majestis Justice whenever they sall be charged to the effect foresaid, they being within the countrie, either of thame under the pane of fyve thousand merkes; and the saide Lords declares that this cautiou sall be without prejudice to the said Patrik Maud to charge the persons foresaid to find caution to underly the law according to the commoun course observed in like cases."

"The whilk day Mr. Francis Hay, writter to his Majestis signet, compeirand personallie before the Lords of Secret Counsell, produced and exhibite before thame his Majestis caschet wherewith he was entrusted be George, Erle of Kinnoull, late Chancellour of this kingdome, whilk caschet was delveryed to Johne, Archbishop of St. Andrewes, whome his Majestie hee made choice of to succeed in the place of the said late Chancellour."

"The whilk day the Lords of Secret Counsell hes recommendit and be the tennour heirof recommends to George, Earl of Seaforth, Arthure, Lord Forbes, Hew, Lord Lovat, Alexander, Lord Pitaligo, Sir Alexander Irving of Drum, Sir John Keinzie of Tarbet, William McIntoshe of that Ilke, Sir Robert Inneis of Balvenie, Johne Campbell, fear of Calder, Robert Campbell of Glenfallach, Mungo Campbell, fear of Lawers, and the shireiffs of Aberdein, Banf and Innernes, to give a trew and faithfull information in writt under their several hands upon their honour of their knowledge of the disorders in the North, of the causes, authors and instruments of the same, with their opinion anent the remedies for paceifeing the cuntrie and compesing the authors thairef, and that they delvery the same privillie to the Lord St. Andrewes betuix [and] the morn at twelie of the clocke."

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for prosecuting the reformation of the sale of tobacco, through the promiscuous selling whereof by all manner of persons, and everywhere, and often of that which is corrupted and rotten, the health of the subject is endangered; and for the remedy of which disorder his Majesty by

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1 Entered under 8th January, but with the following note on the margin:—"This act could be of the date the 13 day of January."
patent, dated at Quhythall, on 19th April last, granted absolute power to the said commissioners for seven years thereafter to regulate the sale of tobacco by granting licences to such persons as upon examination they should think fit to be entrusted with the retailing thereof and upon such terms as they should agree; whereupon proclamation was made forbidding all other persons to sell or retail tobacco within the kingdom under penalty of confiscation of the tobacco and such other punishment as his Majesty's Council should inflict. This proclamation being found unsatisfactory in respect of the penalty, his Majesty, with advice of his Privy Council, by a posterior act and proclamation fixed 100 merks as the penalty to be incurred toties quoties by every person who should contravene the same by selling or uttering tobacco by the ounce, pound or other proportion under and within a stone weight, of which penalty the half should go to the informer and the other half to the said commissioners, in addition to the confiscation of the tobacco. Yet, since the foresaid proclamation, John Peter and Robert Neish, burgesses of Forfar, have sold and uttered small quantities of tobacco at sundry times and so have incurred the penalty above mentioned. Charge having been given to the said John Peter and Robert Neish, and they comparing along with his Majesty's Advocate and the said Sir James Leslie, who referred to the defendants' oath of verity for probation, the said Robert Neish granted that he sold a quarter stone weight of tobacco, and John Peter confessed he had sold five pounds weight. The Lords in respect of their admissions ordain them to agree with the said commissioners for giving satisfaction for their offence before Tuesday, the 13th instant; and this matter being called this day, and it being found that they had not dealt with the said commissioners as directed, the Lords ordain them each to have incurred the penalty of 100 merks, and ordain letters to be issued for payment thereof against them.

"Continuethes the advising of the report anent the plaining till Thurs- day nixt."

Sedunt—St. Andrewes; Glasgow; Mar; Murrey; Wigton; Galloway; Dumfreis; Bining; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk.

"The whilk day, in presence of the Lords of Secret Counsell, compiered personallie Alexander Forbes in Turrell for obedience of the act whereby George Stuart, servitour to Walter Hay, undertooke to exhibite the said Alexander to give information anent the disorders in the North."

"The Lords of Secret Counsell, upon good and considerable reasons, of state, ordains Sir John Hay, Clerk of his Majesteis Registers, to discharge his clerkes and keepers of the registers of seassings of all receaving and registration in thair bookes of anie infeftment or seasing
to be takin be the Earle of Antrim or Lord Dinluc or anie others to thair behave of the lands of Kintyre."

"The Lords of Secret Counsell, having heard and considerit the petition givin in be Archibald, Lord of Lorne, anent the bargane and sale of the lands of Kintyre to the Earle of Antrim and his sone, and having considderit his Majesteis interesse therein (the saids lands being a part of his Majesteis annexed propertie) and the fearefull prejudices that may arise thereby to the disturbance of the publict peace if the Earle of Antrim and his sone or anie of the Claddonnald (contrare to the provision of the Earle of Argile his infeftment of the lands foresaide) sall recover the possession of thair wounted inheritance from whiche by his Majesteis royall force and auctoritie they wer worthilie expellep, the saids Lords thinkes meit in respect of the importance of the bussines that the Clerk of Register sall remonstrat the estait and consequence thairof to his Majestie, and in the meantime that his Majestie be intretted by a letter to give warrand to his Exchecker to stay all passing of anie suche signature till the Clerk of Register may convenientlie repaire to court and acquaint his Majestie with the trew estait of the bussines."

"The Lords of Secret Counsell, upon good and considerable reasons of stait moving thame, ordains letters to be direct charging Malcolm McNaughtane, baillie of Kintyre, James Steuart, chamberlane, Hew Campbell, commissar thairof, and all others, havers or keepers of the hous of Keadloch, Kilkerrren, alias Campbeltoun in Kintyre, perteaining to James, Lord Kintyre, to retane and kepe the possession of the saide hous and not to suffer the Earle of Antrim, the Lord Dinluc nor no others in thair name to apprehend possession of the same, notwithstanding of anie right or infeftment made and givin to thame thairof, ay and whill the saids keepers receave new order and direction from the saids Lords theraenent, as they and everie ane of thame will answer upon the contrare at thair highest charge and perrell; and siclyke to command, charge and inhibit John Nicoll, younger, writter in Edinburgh, Donnald and John McGillichristis, notars, that they nor none of thame presoome nor take upon hand to be notars to anie instrument of seasing to be takin of the lands of Kintyre or anie part thairof be the said Earle of Antrim, the Lord Dinluc or their attorneys to thair behave, notwithstanding of anie chartour to be exhibite unto thame of the saids lands, as they will answer upon thair disobedience at thair perrell and under the pane to be callit, persewed and punished as contemners of the saids Lords thair warrand and auctoritie."

"The Lords ordains the commission direct to the shireffis of Aberdein, Bamff and Innernes aganis the brokin men of the name of Gourdoun to be renewed, with power to thame to goe outwith the bounds of thair jurisdiccion and to follow and persew the saids brokin men and to raise how and cry, and to concurre with the nixt shireff as the necessitie of
the service sall fra tyme to tyme require, and if the saids brokin men
sall abandoun their houses and places of retreat, with power to the saids
shireffs to enter within the same and to keepe and fortifie the same till
they certify the Counsell and receive order thereanent."

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Dumfreis; Edinburgh,
Lorne; Bishop of Edinburgh; Bishop of Dumblane; Naper;
Clerk Register; Advocate; Justice Clerk.

"The whilk day the commissionis to the shireffs of Aberdein, Bamf,
Innernees, Elgine and Narne wer ordaind to be renewed. Lykeas Thomas
Crombie of Kemnay, shireff principal of Aberdein, George Baird of Auch-
medden, shireff of Bamf, John Campbell, fear of Calder, shireff of Narne,
and Alexander McKieynie of Culcowie, shireff of Innernes, com-
peirand personallie before the saids Lords, the commission and the
power and extent thairf wez intamit unto thame and the charge and
execution thairf wez seriouslie recommendit unto thair care. And
the saids Lords declared that what charges the shireffs sall bestow upon
the keeping and fortifieing of suche houses and strongholds as they sall
recover frome the rebells sall be thankfullie repayed unto thame, remit-
ting heirby to the saids shireffs to appoint amongs thamselfis the days
of their meetings and convocation of the lieges in armes, and ordaine
everie shireff to be leader of the compagnies within their owne bounds and
jurisdiction, with power to the saids shireffs to distribute and divide the
inhabitants within the saids shireftouns according to the bounds and place of
their residence and dwelling, as they sall thinke fitt, and accordingly to
appoint thame to attend upon the resort of the saids rebelis within their
bounds, and to hunt, follow and persew thame according to the tennour of
their commission. And, for the better execution of this service and furnishing
of vivers to the lieges who sall be eployed therein, the saids Lords gives
power to the shireffs respective to preservye and sett down the prices of
all victualls according to the accustomed rates recevied in the countrie
and to see the lieges answered of vivers conforme to the saids rates and
prices. And the saids Lords ordains the shireffs to certifie the Counsell of
their proceedings fra time to time as they will answer upon their
neglect."

"The Lords of Secret Counsell, in respect of the shireff of Narne his
necessar caus of abode heir, recommends unto him to give strict order to
his depute for execution of the commission foresaid agains the brokin
men."

"The whilk day, in presence of the Lords of Secret Counsell, com-
peirand personallie Johne Murrey, alias McGregor of Glenstrae, and
become actit and ableist as cautioner and souertie for Patrick McGregor,
his brother, that he sall compire personallie before the saids Lords upon the
twelve day of Februar nixt under the pane of fyve thousand merkes."

VOL. V.
[Sederunt as recorded above.]

Complaint by Thomas Nairne of Athroek and John Riache, his servant, as follows:—On September last, Patrick Grant, son of the late Mr. Robert Grant, accompanied by twelve persons armed with bows, targes, Lochaber axes and other weapons, came to the lands of Athroek, where the said John was pasturing his said master's goods, and, without any occasion of offence, they wounded him with their weapons on the head, arms and other parts of his body, to the effusion of his blood, "shamefully tir'd him of all his cloathes and sent him naked to his maister," thereafter with stones and staves striking and wounding his beasts, and chasing them off his lands and rendering them unprofitable. The pursuers compearing by Colin McKenzie, their procurator, but the said Patrick Grant not compearing, the Lords ordain him to be denounced rebel and escheated.

"The quhilk day Thomas Areskin of Pittodrie exhibite to the Counsell the report of the tryell takin by the commissioneris for the barons anent the presenting of plaiding to mercat in rolls; the advising quhairof continewd to this day aucht days, quherof Pittodrie for the barons and M' Alexander Guthre for the burrowes ar warned apud acta."

"A proclamation dischargng all merchants and others of all selling of bullet, poulder and other warrelke furniture to anis of his Majesteis lieges without the knowledge and allowance of the shiref of the shire till they be warranted in the contrary."

"Ordaine John Stevinson in Bamff to be committed to warde for traffiquing with Adame Gordoun."

Letter from his Majesty anent the disorders in the Highlands, and Act of Council in accordance therewith.

"The whilk day, in presence of the Lords of Secret Counsell, compeird personallie John, Erle of Tracquair, and presented and exhibite before the saids Lords the missive letter underwrittin, signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour followes: —CHARLES R.—Right reverend father in God, our right trustie and our right trustie and wellbelovit counsellour, right trustie and right wellbelovit cousines and counsellors, right trustie and trustie and wellbelovit counsellers, we gret yow weil. Whereas we did of late writ to yow at several times for taking order with the abuses and outrages committed in the north, and understanding since of the great care and panes yow have takin in the same by using the lawfull meanes for rectifieing thairof, we give yow heartie thanks, and doe desire yow earnestlie to continew so yow have begun, it being a bussines whiche we have so muche takin
to heart as importing in so high a measure the good of our service and the generall peace and quyet of that our kingdom. In regard whairof and that it is so presumptuous and extraordinarie a crime we will yow putt in execution anie law or president whatsomever whiche to hath beene used at anie time heithofores in the like caises, for doing whairof these presents sall be your sufficient warrand. Frome our court at Whitehall, the nynth of Januar, 1635. Qhilk missive being read, heard and considderit be the saids Lords, they ordaine Androw Quhyte, keeper of the tolbuith of Edinburgh, to separat James Gordon of Lettermoure, Johne Gordoun of Innermerkie, Johne Gordoun of Park and William Goreydoun of Tulloch, and to committ thame to severall chambers till they be examined anent the disorders in the north; and forder the saids Lords gives and grants full power and commissioun to Johne, Erle of Wigtoun, Alexander, Earl of Galloway, Johne, Earle of Traquair, Sir Johne Hay, Clerk of Register, Sir Thomas Hope of Craighall, knight baronet, his Majesties Advocat, when he may attend, and Sir James Carmichael of that Ilke, Justice Clerk, to examine the noblemen, barons and gentlemen in the North anent the disorders there and to try of thame who ar the brokien men by whome the peace of the countrie is disturbed, where they dwell, where and be whome they ar ressett, and who ar answerable for thame be the lawes of the countrie, and to report to the Counsell what they find by the saids examinations; and to meit the morn at eigh of the clockes in the morning."

"Missives to the erles of Erroll and Mairshell and Seafort, the Lords Forbes, Pitsligo and Desfurde for assisting the shireiffs of Bamff, Aberdein, etc., in the execution of their commissiouns againis the brokien men."

"The qhilk day the Erle of Traquair produced the conjunct commission of the Middle Shires."

"The qhilk day Alaster Robertesoun, compeirand before the Counsell to give informatiou anent the disorders in the North, the Lords ordains him to attend the committee the morn."
elder, John Goudoun in Rothemay, Alexander Leith, brother to Harthill, William Ros, son to John Ros in Ballivet, McGillivorie, servitor to John Gordon of Park, and McAbrabler, servitor to the authors and committers of the late disorders and insurrections in the North and of the heirships, depredations, fire raisings and others heevie oppressions committed upon the Laird of Fendraucht his tenants and servants, whois halie goods they have lifted, layed their lands waist, hanged one of the poore tenants upon the gallowes of Strabogie, burnt the said Laird of Fendracht his barnyaird, and compells suche of the tenants as remains upon the ground to pay thame blackemaill, and with ane high hand of rebellion they have resolved to make thameselffes maisters of the said Laird of Fendraucht his estait and to possesse thameselffes therein and to keepe the same by strent of armes in contempt and defyance of his Majesteis royall auctoritie; being assisted in their rebellions by numbers of breakin Hielandmen and others, with whome they goe up and doun the countrie ravaging and oppressing his Majesteis good subjects, and in special poore ministers who ar not of power to oppose their violence, and that in so hostile and terrible ane maner as the like hee not beene heard of at anie time heerthoreto, to the disgrace of his Majesteis government and to the shame and reproache of his Majesteis officers and others his Majesteis subjects of power, auctoritie and commandment in these parts where thir rebellious persons resort againis thair dewtie and alledgeance to his Majeste and affection quhilk thay ow to the peace and quyetnes of the countrie. For remeid whairof the Lords of Secret Counsell ordains letters to be direct charging the shireffs of Aberdeen, Bamf, Elgine, Forres, Narne and Innernes and thair deputs respective to conveene and raise in armes the halloe noblemen, gentlemen and others fesible persons within thair severall jurisdictions in proper person and to pas, follow and persew the saide breakin men and all others breakin men being in thair companie, where ever they may be apprehended, ather within thair awne bounds or outwith the same and to raise how and cry, and to certify the nixt shiriff and others ordinar judges to whois bounds thay sall flee and to concurre and joynye with thame frome time to time as the necessitie of the service sall require, that is to say, the shireffs of Bamf and Aber-
Dein to concurre and joynye with others within the shirefdomes of Aberdeen and Bamf, the shireffs of Bamf and Murrey to concurre with others within the shirefdomes of Murrey and Bamf, the shireffs of Innernes and Murrey to concurre with others within the shirefdomes of Innernes and Murrey, as alsa to concurre with the shiriff of Narne and his deputs within the shirefdom of Narne, so oft as thay sall be required everie ane of thame be another and to proceed and goe on in that service ay and whil the saide breakin men be apprehended and exhibite to his Majesteis Justice to underly thair deserved punishment, under all highest panes and charge that the saide shireffs and others his Majesteis
subjects may incurre incaise of thair disobedience, neglect or foreslowing of this service: Ordaining heirby his Majesteis saids shireffis to take particular notice and tryell of all suche of his Majesteis subjects who sail ather refuse, neglect or foreslow to give thair personall, euffauld and readie concurrence, or who having givin thair concurrence sail desert the service before they be dismist; and to give in ane list and roll of thair names to the Counsell to the effect suche order may be tane with thame as the importance of the service requires: With power to the saids shireffis and others foresaidis for the better apprehension and exhibition of the saids persons to raise fire, beare and weare haquebute and pistoleis, assiege houses, and to doe and performe all and everie other thing requisite and necessar for thair said apprehension and exhibition, notwithstanding quhatsomever lawes, acts or statuts made in the contrare, whereanent and all panes conteanit therein, and all slaughters, mutilations, fire raisings and others inconvenientes, quhils saill happen to fall out in the persute of the saids rebellious persons and thair assisters, the saids Lords dispenses be thir presents, exoneraming thairof and of all crime and danger they may incurre therethrough simpliciter. And if it saill happen the said brokin men to abandoun the places and houses of thair ressett and retreate, commanding heirby the saids shireffis to enter within the saids houses and to keepe and fortifie the same till they certifie the Counsell and receive order and direction theremainent. And incaise the saids brokin men for eshewing of apprehension saill happen to abandoun the in countrie and flee to anie part of the Hielands nixt adjacent perteaming to the Marques of Huntlie, the Earle of Mar, the Laird of Grant or anie others noblemen, barons or gentlemen, commanding heirby the saids Marques, Earle of Mar, Laird of Grant and others foresaidis and thair bailleis, everie ane of thame within thair awne bounds and jurisdictions, upon advertisement to be made be the saids shireffis unto thame that thir brokin men ar come within thair bounds to raise the countrie people, pes, follow and persew the saids brokin men with fire and sword untill they be apprehended as they will answer upon the contrare at thair highest charge and perrell, charging heirby the saids noblemen, barons and gentlemen and all others his Majesteis lieges and subjects quhatsomever and in especiall the inhabitannts of the burrowes of Aberdein, Bamf, Elgine, Narne and Innernes to rise, concurre, fortifie and assist in person the saids shireffis respective, notwithstanding of anie exemption pretendit be the burrowes, in all and everie thing tending to the apprehension of the saids rebellious persons and to attend and await upon the saids shireffis, till they be dismist be thame, under all highest pane and charge that after may follow and under the pane to be persewed and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severitie."
Complaint by Thomas Crombie of Kemnay, sheriff principal of Aberdene, as follows:—The Laird of Fendraucht has been charged to make payment to the complainant, as sheriff, of £106 for his Majesty's taxation and £57 for his part of the commissioner's charges at the late parliament and Convention of Estates of 1630; but he refuses to pay, alleging that his lands are harried and laid waste so that he has no benefit thereof and ought not therefore to pay taxation; but this notwithstanding these sums will come against the complainant in his accounts with his Majesty's Collector. The pursuer compearing and the Laird of Fendraucht being represented by David Seatoun, his servant, the Lords after hearing parties, and "compassionating the distrest estate of the Laird of Fendraucht in respect of the manie incursionis, heirships and depredationis committed upon his tenents," remit the matter to the Lords of the Exchequer and recommend to them the superseding of any execution against the said Laird of Fendraucht for payment of the taxation due to his Majesty out of his lands until further order be given in the matter, and as they may judge expedient.

Supplication by James Paul, merchant in Pole, as follows:—He has for "thse diverse yeeres bygane, lived in the condition and qualitie of ane merchant in the Kingdom of Pole with the commendation as weil of strangers as natives with whom he had commerce. Lykeas he tooke to his wyffe ane honest woman in that country with whom he did do painefullie travell in the mater of her religion, she being ane papist, as she is now become ane zealouss professor of the truth. But they have beene of late so vehementlie persecutted be the Jesuits that they were forced to leave those parts where they had thair means and trade and to come heir to this kingdom for refuge and saiftie. For about tua yeeres since or therby, he being at the burial of ane Protestant in Lubline, there fell out ane cruell conflict by the meanes of some Jesuits who hundit out a number of craftmen, louse people of thair profession, who cruelllie persewed the supplicant of his lyffe and with shot of musket, in the supplicants sight, killed his brother, quhilk moved the supplicant to revenge his death by killing the man who killed him, and the conflict wes so hote that there wes three or foure killed on the Jesuits syde. Quherupon they prosecutte the bussines with suche rigour that there wes tweloff of this nation and dutches imprisoned and some judged to death. But the supplicant, escaping narrowlie by the favor of the Vaywod of Bells, cheife governour there, they tooke his wyffe and delt with her in the mater of her religion by getting, draggand and shamefull handling of her; but she remained constant in the truth and could nather by fire or tortour be gayned to that idolatrous profession. And, at last, she also escaping
hes lived this long tyme bygane verie obscurelie, and the supplieant himselfe durst not apare in the countrey becaus of the extremitie of the law. Bot now, by the advyce of the whole ministrie, the supplieant and his familie are now comed to this kingdome to live heir as by ane ample testimoniall sent in his favours by the superintendent and ministers of the orthodoxe religion in these parts to the clergie of this kingdome and by ane testimoniall of the said Vaywod of Bells upon the truhte of the premisees more fullie appeare. And whereas the little meane quhilk the supplieant had is by this late inconvenient lost and it is impossible for him without the support of weile disposed Christians to live in ane honest condition of lyffe," he craves a recommendation from their Lordships of his necessitous estate to all his Majestys lieges, especially to such as have been travellers in the country of Pole, and to all archbishops, synods, presbyteries and kirk-sessions, and magistrates of burghs. This the Lords grant with the request to such that they will extend their beneficence and Christian charity to the supplieant.

Complaint by Martin Balfour, portioner of Lalatheine, as follows:—Complaint by Martin Bal- four, portioner of Lalathine, against David Lundie of Achter- mearnie, and especially in the year 1632 how he was prevented from leading his corns of the lands of Adie through the comonnty of Lalatheine to his own barnyard, when the Lords ordained the said David Lundie to suffer the complainer to do so. But Lundie pays no heed to their Lordships' decree, and, on 17th October last, "after the complainer had yolkit his carts to have brought home his corns of Adie to the barnyard of Lalatheine, the said David, accompanied with three or foure persons, came to the complainers servants who were bringing home his corns, violentlie patt thame from the corns, boasted, threatened and minasshed thame with death if they medlit any furder in that mater, so as the complainers servante for feare of their lyffes were forcit to leve the cornes and they stant upon the feilds senyne exposed to the injurie of wedder so that a great part of thame are rotten and the rest destroyed with beasts." Further, in July last, when the complainer's goods were pasturing upon his own lands the said David and his accomplies hounded and chased them, "broddit thame with stales," and still prevents them pasturing upon his own ground. Again, in 1632 they came to the complainers "biggit faulds and violentlie threw doune the same to the ground, and tooke the faill therof and biggit up the passage of the toure lone, so that the complainers goods can gett no passage to his propertie; and senyne he hes halding 5 deson of geisse upon the complainers lands of Lalathaine be whome his cornes ar eaten and his sheepe rotten and perisht. And in Junij last the said David came to the complainers commontie of Lalathaine, and hundit and chaist away his servants frome
casting faill theron.” Both pursuer and defender compearing personally, and they and witnesses having been heard, the Lords find the defender guilty of violating their former decree, for which they decern him to pay £8 as expenses to each of the three witnesses in the case, and to enact himself in 1000 merks to permit the pursuer and his servaunts to carry their corns of Adie through the commonty of Lalathaine to his said barnyard. And the Lords remit the remaining points of the complaint to be dealt with by the judge competent.

“The quhilk day the Advocat exhibite to the Counsell a draught of a generall band grounded and having relation to the acts of parliament made for the peace and quyestes of the countrie.”

“The Lords ordains charges to be direct aganis the noblemen, landlords and chifants of clans to find cautioun conforme to the acts of parliament.”

“The Lords continewes the advising of the report anent the plaing till this day aucht dayes.”

Patent for the appoyntment of John, Archbiskop of St. Andrews, as Lord Chancellor, exhibited to the Council.

“The whilk day Johne, Erle of Mar, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seal and privie scale of the dait at Whitehall, the fourteene of Januar instant, by the whiche his Majesteis hes beene graciously pleased out of his long experienced proffes of the wisdome, fidelitie and affection to his Majesteis service of the right reverend father in God, Johne, Archbiskop of St. Andrewes, primat and metropolitane of this kimgdome, to make choise of him to be Lord High Chancellor of this kimgdome in place of George, Erle of Kinnoull, late Chancellor of the said kimgdome, with all honours, liberties, privyledges and casualties dew and belonging to the said place; lykewise the said right reverend father in God, being personallie present and acknowledging his Majesteis gracious favour shawin unto him in preferring him to this high dignitie and trust, he recevied with all dew reverence and thankfulness his Majesteis patent foresaid from the said Earle of Mar and haldin up his hands gave his great and solemn oath that he sall trewlie and faithfullie discharge the place and detytie of ane Chancellor and sall keepe and use the great scale according to the trust reposed be his Majestie in him.”

“The Lords of Secreet Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords, hes recevied and admitted and be thir presents receaves and admits William, Lord Alexander, to be one of the Privie Counsell of this kimgdome, and to injoy all the honnors, digniteis, privyledges and
immunitieis proper and dew to that place; lykeas the said Lord Alexander, being personallie present and acknowledging with all dew reverence his Majestie's gracious favour showen to him in preferrning and advancing him to this honnour and dignite, he with all humilitie on his knees, his hand lying on the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majestie's missive for warrant of the act abovenewritten:—CHARLES R.—Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and trustie and weilbelovit counsellors, we greet yow weill. Understanding the habilitieis and affection to our service of our right trustie and weilbelovit William, Lord Alexander, and being willing for his better encouragement and enabling for our service heerafter to promote him to be one of our Privie Counsell of that our kingdome, it is our pleasure that, having administrd unto him the oath accustomed in the like caises, yow admitt him upon our said Counsell as one of your nomber, for whiche these presents sall be your warrant. Frome our court at Whitehall, 7 Januar, 1635."

"Anent the supplication presentit to the Lords of Secreit Counsell be John Murrey, alias McGregour of Glenstae, makand mention that where for obedience of the saied Lords their ordinance, he came to this burgh upon the ellevint of Januar instant, where he hes remained in sensyne attending the saied Lords thair will and pleasure towards him, and now it is of truthe that his wife and barnes ar presentlie sicke of a fever and he directed one poet to him to come and visite thame, quhilk journey, if the supplicant had licence, he would undertake and also bring and present with him hes brother Patrik at suche a day as they saw prescryve; humbelie desyryng thairfor the saied Lords to grant unto the supplicant licence to goe home, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read heard and considerit be the saied Lords and they advised therewith, the Lords of Secreit Counsell gives and grants libertie and licence to the said supplicant to pas home to his owne hous and to visite hes wife and children, he acting himselfe for his owne compeirance and for exhibitioon of his brother Patrik upon the sevintene day of Marche nixt under the pane of fyve thowsand merke."

"The quhilk day Adame, bishop of Dumblane, deane of the chappell, made intimation to the counsellors present that he was to celebrat the halie communioon in the chappell of Halyrudhous on Sunday nixt."

Sederunt—St Andrewes; Glasgow; Mairsheell; Mar; Murrey; Wigtoun; Gallouay; Lauderdaill; Dumfreis; Tracquair; Lord Lorne; Lord Alexander; Lord Naper; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreit Counsell gives and grants commission be thir appointment
of commission for examining Henry Ewbank, who is charged with uttering false coin.

Landlords and chiefnants to find caution for broken men.

Letter from his Majesty requiring the widow of Sir Archibald Acheson, late Secretary of the Council, to deliver the papers of the said Secretary.

presents to Williame, Erle of Dumfreis, Johne, Earle of Tracquair, Sir Johne Hay, Clerk of his Majestie’s Registers, Sir Thomas Hop of Craighall, knight baronet, his Majestie’s Advocat, Sir James Carmichell, Justice Clerk, and Mr Alexander Colvill, Justice Depute, or anie twa of thame to conveene before thame Henrie Yowman, prisoner in the tolbuith of Edinburgh, for alleged counterfootting and outing of false turnours, and to examine him where and frome whome he receaved thame and who ar the forgers and counterfootters of the same, and to report to the Counsell what they find therein.”

“The whilk day the Lords of Secret Counsell hes concluded and ordained that all landlords and chifants of clans sall find caution for observing of the acts of Parliament made aganis theeves, sorners and brokyn men conforme to the tennour thairof, and ordains suche as ar present in toun to find the said cautioun before their removall; and ordains letters to be direct aganis these that ar absent for their compeirance before the Counsell to find the said cautioun under the panes conteanit in the saids acts.”

“The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counsellor, right trustie and right weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greet yow weill. Understanding of several papers and others things whiche ar in the hands of [? the relict of] Sir Archibald Acheson, our late Secretarie there, whiche may concerne our service in the said charge, and being desirous for that effect that they shoule be delvered to our Secretarie for the time being, it is our pleasure that yow take order that she delver up unto our right trustie and right weilbelovit cousine and counsellor, the Earle of Stirline, or anie frome him, whatesomever seales, papers or warrrands left by her husband which may concerne the said office of Secretarie, for doing whairof these presents sall be your warrend. Frome our court at Whitehall, the 8th day of Januar, 1635. Quhilk missive being read, heard and considderit be the saids Lords, they ordaine John, Erle of Landerdaill, to make intimation to the said umquhill Sir Archibald his ladie of his Majestie will and pleasure mentiouned in the said letter and to require her to satisifie the desire thairof and to report her answer to the saids Lords upon Thursday nixt.”

[Sederunt as recorded above.]

Edinburgh, 27th January 1635.

Suppllication by Sir Colin Campbell of Glenurquhie as follows:—He was charged, among others, to appear before their Lordships on 13th instant to give such information as he could about the disorders of the north, and in respect of his “desease and infirmitie and of his inabilitie to travell
on horse or foote, knawin to the country where he dwells,” he has sent his brother had been accepted as his represent- 
vative by the Council.

however, that he should have some note or record of their excusing of his absence, and this he craves. The Lords grant the same, that
"understanding perfytlie the supplicants infirmitie and inabilitie to 
travell at this tyme of the yeere,” in respect of his brother’s compareancce 
to answer for him, they hereby excuse his absence and dispense therewith 
and with all danger he may incur therethrough.

"Charges at the instance of his Majestie’s Advocat and the Erle of
Seafto agenis the Captane of Clanranald and Sir Donnald Gorme to sett
caution for keeping of the acts of parliament and releef of the Erle
of Seafto thair superiour.”

"The Lord Louatt cautioner for Seafto, Seafto cautioner for the Lord
Lovatt and laird of Grant, and Robert Campbell cautioner for his brother
Glenurquhie.”

"The Lords assignes Thursday nixt to the Lords Forbe and Pitsligo,
the lairds of McIntoshe, Balveny, Glenree, John Camron and laird of
Caddell to find caution for observing the acts of parliament.”

"The Lords ordains commissions to be past and expede to suche Commissions
noblemen, barrons and landlords as sall crave the same for persute of
brokin men and sorners within thair bounds, ordaining thame once every
quarter of yeere to certify the Counsell thair proceedings.”

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Galloway; Edinburgh,
Lauderdaill; Dumfreis; Traquair; Bishop of Dumblane; Lord
Lorne; Lord Alexander; Lord Naper; Clerk of Register;
Advocate; Justice Clerk.

"The whilk day M’ James Gordoun, keeper of his Majestie’s signet, Warrant for
having exhibite before the Lords of Privie Counsell a number of false
and counterfoote turnours and farthings quhilks wer deprehended with
Henrie Eubank, Englishman, the saids Lords ordains the said M’ James
to caus delver the same to the generall and maister of the cumyheous
whome the saids Lords ordains to caus destroy, deface or melt the same
as they sall thinke expedient.”

"Forsamekle as there wes sindrie seales, signets, papers and warrands Charge to Sir
and other things concerning his Majestie service in the office of Secret-
arie in the hands of umquhill Sir Archibald Achesone, knight, his
Majestie late Secretarie, whiche now by his deceasce soold be delvered
to his Majestie trustie cousine and counsellor, the Earle of Stirlin, his
Majestie Secretarie, quhilike seales, signets, papers and writs a now in
the hands and keeping of Sir Leues Lauder, knight, sone-in-law to the
said umquhill Sir Archibald, who will not deliver the same without ane
warrand; thairfoir the saids Lords ordains letters to be direct charging
the said Sir Leues to compeer personallie before the saids Lords upon the
day of Februar nixt and to bring, produce and exhibite with him all
seals, signets, papers, letters, warrants and others writs and things
being in his hands and keeping concerning his Majesteis service in the
said office of Secretarie to the intent the same may be delyvered to the
said Erle of Stirlinie, or suche as hes warrand frome him, conforme to his
Majesteis direction sent down to that effect, under the pane of rebellion,
etc., with certificatoun, etc."

[Sederunt as recorded above.]

Edinburgh, 29th January 1635.
Supplication for protection by Andrew Wardlaw, son of the deceased Mr. Patrick
Wardlaw of Torrie, as follows:—Their Lordships, commiserating his
hard estate in being left by his father with nothing but the heavy
burden of his debts, and to whom he was served heir by those in charge
of his education who were ignorant of this state of matters, granted to
him their protection from personal caption for a space. As the present
is the only season wherein the supplicant can profitably educate himself,
he craves an extension of the protection. This the Lords grant for the
space of three years after the date hereof.

"The Lords continewes the mater anent the plaiding till Tuisday
nixt, quhoroft Pittodre for the barons and M'r Alexander Guthrie for the
burrowes ar warned apud acta."

"Continewes the advising of Torphichins processe till this day aucth
dayes."

"A proclamation anent the receavers and outters of false copper
coyne, and ordains a patterne of the false coyne to be sent to the
burrowes for their knowledge and discerning of the same and refuisall
thairof."

"A letter to the Erle of Stirlinie requiring his lordship to acquaint his
Majestie with the abuse croppin in this kingdome by the course of fals
copper coyne alledged to be strickin and falsified in England and outted
heir, and thairfoir to deyre his Majestie to write to the shireffs and
justices of peace in England quhain the said coyne is forged and falsified
to take tryell of the persons offenders and to punishe thame conforme
to the law and accordinglie to provide aganis the like abuse in time
cuming."

"The quhilk day the Laird of Grant become cautioner for Balveney,
the Laird of Caskibene cautioner for the Lord Forbes, Alexander Forbes
of Boyntie cautioner for the Lord Pitaligo, Sir Thomes Thomesone of
Duddingstoun cautioner for the Laird of Drum, Archibald Campbell
cautioner for the Laird of Lawers, elder and younger, the Laird of Caddell
and Schireff of Cromartie cautioners for others hinc inde, the Lord Lovatt
caucioner for Ballengowne, and Balingowne with consent of the shireff
of Cromartie, his curator, actit himselfe for Lovats releefe for their
observance of the acts of Parliament made aganis landlors and chiftans of clanes."

"The Lords ordains the committee to meit the morne at nyne hours Broken men for perusall of the rollis of brokin men."

"A proclamation discharging all his Majesties subjects of receaving Proclamation or ressetting in their bounds anie goods but suche as they know to be lawfull goods and quhairof there is no ground of suspicion that the same ar stollin, under the panes conteinait in the acts of Parliament made thereanent."

Act of caution by Sir Thomas Thomesone of Duddingston, knight, for Edinburgh, Sir Alexander of Irwing of Drum, knight, that he will observe the Acts of Parliament made for suppressing disorder and settling peace in the Hielands, Borders and other parts of the kindome, especially the Act made in the Parliament held at Edinburgh in December, 1567, cap. 21; that in the Parliament held at Linlithgow, in December, 1585, cap. 16; that in the Parliament held at Edinburgh, in July, 1587, cap. 93 and 94; and that in the Parliament held at Edinburgh, in June, 1594, cap. 227; and that he will fulfil all the articles thereof relating to heads and cheftains of clanes, under the penalties therein contained; with clause of relief. (Signed) S. THOMAS THOMSON; S. ALEX. IRWIN.

Similar act of caution by Sir George Johnston of Caskiben for Arthur, Lord Forbes; with clause of relief. (Signed) ARTHUR L. FORBES.

Act of caution by Sir William Forbes of Craigievar, knight baronet, for George Johnston of Caskiben, that he will observe the Acts of Parliament for maintaining peace by the heads of clans, etc., as above; with clause of relief. (Signed) S. G. JONSTON of yd Ilk. S. W. FORBES.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigton; Galloway; Lauderdale; Dumfreis; Traquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Alexander; Lord 1635. Naper; Clerk Register; Advocate; Justice Clerk.

"The whilk day the missive letter underwrittin, signed be the Kings Letter from his Majesty requiring that Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the quhilk the tennoor follows:—CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counsellor, right trustie and weilbelovit counsellor, right trustie and weilbelovit counsellor, we gret yow weil. Whereas we did formerlie write to yow that yow sould take into your consideration the fraude used by sellers of plaeding in presenting thairof to mercat in hard rollis, whereby under trust they deceave the buyers, and now understanding that upon good considerations yow have
delayed the commissioners of our free burrowes who did prosecute the rectifying of the same before yow till Januar nixt; it is our pleasure that at the said time after a dew tryell of the abuse yow caus such an order to be speedilie takin and punctuallie keept that the said commoditie be sold at all time hereafter in opin folds, exposing it to the full view of the buyer. So expecting all possible expedition herein for the speedie dispatche of these commissioners of our burrowes who sail attend the same, we bid yow farewell. Frome our court at Whitehall, the last of December, 1634. Qubilk missive being read, heard and considerit be the saids Lords, they continew the advising of the mater and the reports givin be the commissioners for the burrowes and gentrie anent the fraude foresaid used in presenteing of plaideing to mercate in hard rollis and anent the prejudice susteannit by the sellers in the mettage of their plaideing to be the commun metsters, till this day aucht dayes.”

“The Lords of Secret Counsell gives full power and commissioun be thir presents to Johne, Earle of Lauderdale, Johne, Earle of Traquair, William, Lord Alexander, Sir Johne Hay, Clerk of Register, Sir Thomas Hop, his Majesteis Advocat, and Sir James Carmichell, Justice Clerk, or anie three of thame, the said Erle of Traquair being one, to convene at suche times and places as the said Earle sail appoint, and to review, examine and collation the booke, rollis and charge of the taxaition of threttie shillings money upon the pund land grantit to his Majestie be his Estates in the moneth of Junij, 1633, and of the taxaition of ten shillings upon the pund land grantit to the senators of the Colledge of Justice, and after perusall of the saids rollis to summe and compare thame with the charge of former taxaitions and to report the same to the saids Lords.”

“The Lords of Secret Counsell ordains and commands the noblemen and barons who wer cited to compeir before the Counsell anent the disorders in the North and ar presentlie in town to find caution for observing the Acts of Parliament made anent landlords and chiftans of clans betuix and Thursday nixt.”

Act of caution by John Grant, apparent of Ballindallach, for William M’Intoshe of Kyllachie, and by the said William M’Intoshe for the said John Grant, that they will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) JOHNE GRANT; WM. M’INTOSCHIE.

Similar act of caution by Thomas Erskine of Pittodrie for George Baird of Auchmedden and by the said George Baird for the said Thomas Arskine; with clause of relief. (Signed) T. ERSKYNE; GEORG BAIRD.

Similar act of caution by Sir William Forbes of Monymusk for George Gordon of Newton, and by the said George Gordon for the said Sir
William Forbes; with clause of relief. (Signed) MONYMUSK, G. FORBES of
GORDON of NEVTON.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Mairshell; Mar;
Murray; Gallouay; Wigtoun; Dumfreis; Tracquair; Bishop of
Dumblane; Lord Alexander; Lord Naper; Clerk Register;
Advocate; Justice Clerk.

"The Lords of Secrete Counsell continewes the advising of the proccess
anent the lordship of Torphichin till the nynetene of Marche nixt, of the
quhilk continuatnion the Lord Torphichin and his Majesties Advocat ar
warned apud acta."

"Forsameekle as the Lords of Secrete Counsell, upon verie good
considerations importing the peace and quyet of the countrie, hes givin
order and direction that the Earle of Antrim his souene nor name of the
name of Clandonald nor no others to their behove sall apprehend
possession of the lands of Kintyre and Jura nor of the hous of Camloch
in Cambeltoun till his Majesties pleasure be knowne, so it is verie
expedient for the considerations foresaid that the said Erle nor his sone
nor their baileis in their names sall in no wayes be acknowledged within
the saids bounds nor allowed to hald courts within the same; and for this
effect the saids Lords ordains letters to be direct to command, charge and
inhibite the said Earle of Antrim, Lord Dinluc, his sone, and all others
constitue or to be constitute bailleis be thame that they in no wayes
presomme nor take upon hand to hald anie courts within the bounds fores
saids and that none of thame presomme to accept commissions of baillie
from thame to that effect under the pane of his Majestheig displeasure
and indignation; and sicelyke to command, charge and inhibite all
and sindrie the inhabitants of Kintyre and others his Majestis subjects
be opin proclamation at all places neidfull that name of thame presomme
nor take upon hand to compeir or answer nor to give sute and presence,
persew or defend in anie courts to be proclaimed, appointed or affixt to
be haldin in Kintyre or Jura be the said Earle, his sone, baileis or anie
in their names till his Majestis further pleasure be knowne, certifieing
thame that sall faiylie and doe in the contrare heirof that they sall be
callit to their answer and persewed accordingly."

"The whilk day Johne Nicoll, younger, sone to Johne Nicoll, writter to
his Majestis Signet, compeirand personallie before the Lords of his
Majestis Privie Counsell, and being demanded if he had givin out anie
extract of the instrument whereunto he was notar of the seasing givin
to the Lord of Dinluc of the lordship of Kintyre, he depouned and
declared that he had givin out no extract of the said seasing but ane
short minute bearing the day of the said seasing and witnesses present
thereat; quhilk declaration being heard and considerit be the saids
Lords and they advised therewith, the Lords of Secrete Counsell com-
mands and ordains the said Johne Nicoll, who was personallie present, that he in no wayes prosume to booke nor insert in his register nor to extract, give out nor to extend ane instrument of seasing of the said lordship in favor of the said Lord of Dunluce nor to offer or caus the same be offered to the register as he will answer upon the contrarie at his perrell. Lykeas the said Johne, being personallie present, promeist to give obedience to the saies Lords thair commandement in this mater. Followes his Majesteis missive in the mater abonewritten:—CHARLES R.
—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weil. We receaved your letter whereby we perceave yow have givin order to stop all proceedings in the bargane concerning the sale of Kintyre to the Earle of Antrim or the Lord Dinluce, his sone, for the which we give yow heartlie thankes, acknowledging the same to be good service done to us, tuicheing which purpose we had of late by our letter signified our pleasure to the Earle of Traquair to be imparted to our Exchecker, which apparentlie came not to his hands at the writting of your letter to us. We are heiby pleased for the considerations mentioned therein, whairof we have bene pleased to take particular notice, speciallie to recommend unto yow that, if the Lord Kintyre hath done anie thing contrarie to our royall intention heerin, that yow use your best endeavours to make it ineffectual and that yow lykeweyes prevent anie interest or possession the said Earle his sone or anie of that name may have in these lands by whatsoever maner of way, and to that effect that yow give suche order as yow to that purpose sall thinke fitt to prescribe, and in the meantime that yow signifie our pleasure heerin to our Exchecker that they give way to nothing contrarie to this our intention unless we sall be pleased to give further order theraeant; for whiche these presents sall be unto yow and thame sufficient warrand. We bid you heartilie farewell. From our court at Whitehall, 28 Januar, 1635."

"Forasamekle as the Lords of Secret Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraining the misrule and insolenceis of the lawlesse and insolent persons in the Hielands that the hail landslords and chiftans of clans in the Hielands sall be putt under caution for making of their men, tenents and servants, and suche as they aucht to answer for, obedient to the lawes and for redresse and satisfactioune of parteskaithed, conforme to the acts of Parliament made theraeant, thairfor the saies Lords ordains letters to be direct charging William, Erle of Erroll, George, Erle of Caithnes, Fol. 55, b. William Lord Berridaill, Johne, Earle of Sutherland, Donnald, Lord Rees, James, Lord Ogilvie of Airlie, Johne, Earle of Mar, Johne, Earl of Perth, Johne, Earle of Atholl, Mungo, Vicount of Stormont, William, Erle of Airth, Patrik, Earle of Tullibardin, James Lord of Downe, McFarlane of Arrochar, Colquhoun of Lus, Walter McAwlay of
Ardincaple, Archibald, Lord Naper of Merchinstoun, Halden of Glenneagles, Schaw of Knockhill, Schaw of Cambusmoir, the laird of Kippinros, Stirline of Keir, Sir Alexander Meinzeis of Wemne, Sir William Stuart of Garnetullie, Robertson of Strowane, Murrey of Strowane, John, Earle of Wems, Maxwell of Teling, Sir Patrik Ogilvie of Inchemartine, Thomas Fothringame of Powrie, Sir John Moncreiff of that Ilke, Toshoche of Cultisbrigane, Ogilvie of Clova, David Grahame of Fintrie, Lindsey of Edyell, McNannald of Glengarrie, Sutherland of Duffus, Mout of Boquhally, Sinclar of Dunbeth, Duncan Steart of Appin, M'Coul of Lorne, M'Coul of Rara, Campbell of Lochinell, Sir Robert Montgomerie of Skelmurelie, the Laird of Loup, Sir James Steurt, abirreiff of Bute, Bannatyne of Kames, Campbell of Achnbreck, Campbell of Ardkinlas, the Laird of M'Nauchtane, the Laird of M'Lauchlane, the Laird of Lamont, Campbell of Farbreck, the Laird of Duntrune, the Constable of Dundie, the Laird of Ellingreg, the Laird of Ottir, etc., to compeir personallie before the saids Lords upon the day of June 24, provided to find the said caution and soueraine conforme to the saids acts of Parliament in all points under the pane of rebellion, etc., with certification, etc.,

"The whilk day Stirline of Achyle, having reported to the Lords of Privie Counsell the letters and charges direct anent the stopping of the Earle of Antrim and his son from apprehending possession of the lands of Kintyre, and the saids Lords having heard the said Baron of Achyle at length thereon, they allow of his diligence and proceedings according to the warrant of the saids letters."

"The whilk day, in presence of the Lords of Secret Counsell, compeir personallie Johne Camron, son to Allane M'enduy of Lochyell, and Alaster M'Dornald of Glencoe and actit, band and obleist thame themselves to remaine and keepe waird in Edinburgh and twa miles about and not to depart till they find caution conforme to the acts of Parliament made aganis landlords and chiftans of clans, under the pane following, viz., the said Johne Camron under the pane of fyve thousand merkes and the said Laird of Glencoe under the pane of three thousand merkes; and the said John Camron actit himselfe to find the said caution betuix and the last of this instant or otherways give his appearance whenever he sall be charged at the dwelling houes of the said William Chalmers under the said pane of fyve thousand merkes."

Act of caution by John Forbes of Leslie for Arthur Forbes of Gyght, and by the said Arthur Forbes for the said John Forbes, that they will keep the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477, with clause of relief. (Signed) A. Forbes of Echt; J. Forbes of Leslie.

Edinburgh, 5th February 1635.

Mutual caution by John Forbes of Leslie and Arthur Forbes of Gicht.
Similar act of caution by Sir John Grant of Frewchie for Sir Robert Innes of Bavenie; with clause of relief. (Signed) ROBERT INNES OF BAWENI; S. J. GRANT, cationer.

Mutual caution by Sir Thomas Urquhart of Cromartie for John Campbell, siar of Caddell, and by the said John Campbell for the said Sir Thomas Urquhart; with clause of relief. (Signed) CROMERTIE; J. CAMPBELL, FIER OF CALDER.

Similar act of caution by George, Earl of Seaforth, for Sir John Grant of Frewchie, knight; with clause of relief. (Signed) S. J. GRANT; SEAafort, cationer.

Similar act of caution by George, Earl of Seaforth, for Hew, Lord Fraser of Lowatt; with clause of relief. (Signed) LOUATT; SEAfort, cationer.

Similar act of caution by Hew, Lord Fraser of Lowatt, for David Ross of Ballangowne; with clause of relief, in which Sir Thomas Urquhart of Cromartie, as one of the curators of the said David Ross, joins. (Signed) DAVID ROSS; LOUATT, catiner; Cromertie consentia.

"Chargeis aganis landlordis and chiftans of clans for thair compairance upon the xviij of Marche to find caution conforme to the lawes."

Act of caution by Alexander Forbes of Boyndie for Alexander, Lord Pitsligo, that he will observe the Acts of Parliament for the maintenance of peace by the chiftains of clans and others, as ante, p. 477; with clause of relief. (Signed) PETSLIGO; ALEXER FORBES, cationer.

"Similar act of caution by Hew, Lord Fraser of Lovat, for Thomas Fraser of Strachin, Thomas Fraser of Strowy, and William Fraser of Drumcharden, with clause of relief. (Signed) LOUATT, cationer; T. STRACHINE; THOMAS FRASER OF STROWY; W. FRASER OF DRUCHARDINE.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Acta, June 1634; Wigtoun; Gallousay; Dumfreis; Tracquair; Bishop of Edinburgh, 1635; Bishop of Dunblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secret Counsell ordains and commands Patrik, Archbishop of Glasgow, Johne, Erle of Tracquair, and Archibald, Lord Naper, to revise and consider the reports givin be the commissioners for the barons and burrowes in the North tuichinge the abuses in presenting of plaing to mercats in rollis and anent the mettage thairof, and, upon conference with the barons and burrowes, to foresee and resolve upon the best course how the plaing being presented to the mercat in folds may be preserved from spoyle by the injurie of the weather and to report to the saids Lords what they find therein."

The whilk day Johne Gordoun of Carnefeild, compeirand personallie before the Lords of Secret Counsell for obedience of the caution found
be him to that effect, the saids Lords ordains him to attend the com-
mittee appointed for examination of informers anent the disorders in the
North and not to remove till he be warranted be the saids Lords.

"Anent the supplication presented to the Lords of Secret Counsell be
Johne Gordoun of Buckie, makand mentioun that where at his last
appearance before the saids Lords he was ordained to find caution for
his compeairance upon the thrid of this instant to underly their pleasure
anent the disorders in the North, quhilk dyet he was fullie resolved to
keepe, bot the storne is so greate that nane can travell on hons or footh
and the suppllicant is aged and weake and become verie sickelie since his
last appearance before the saids Lords and without the hazard of his life
darre not adventure to travell till the storne breake, as ane testimoniall
under the hand of M' John Logie, minister, beiris, humbelie desyryng
thairfoir the saids Lords to continew the dyet of his appearance till
some convenient day after the storne breake; lykes as mair lent
is contein in the said supplication. Qhilk being read, heard and
considderit be the saids Lords and they advised therewith, the Lords of
Secret Counsell continewes the dyet of the said suppllicant his appear-
ance till the first counsell day of Marche nixt, the said suppllicant finding
cautio for his compeirance that day under the pane of three thosand
merkes."

"Forsamekle as the slaying, selling and eating of fleseh in time of
Lent has beene, upon verie good respects and considerations, by diverse
acts of Parliament and Secret Counsell straitlie prohibite and forbiddin
within this kynedome under certane panes mentiouned and contein in
the same acts, nevertheless the Lords of Secret Counsell ar informed that
diverse persons of all rankes and qualiteis, preferring thair awne privat
contentment to the obedience of the law, cesses not in time of Lent to
slay, sell and eate fleseh at thair pleasure, to the great hurt of the
commoun weale and contempt of all good order and governement. And,
whereas the persons offending in this kynde presoomes of oversight and
impunitie be reason of the connivence alledged shawin to thame in tyme
bygane, quhilk is ane inducement to thame to continew in thair wilfull
contempt and breake of the law, thairfoir the Lords of Secret Counsell
has resolved that with all rigour and extremitie they will execute the
law agaisn all suche persons as darre hereafter presoome to violat the
same in this point; and thairfoir ordains letters to be direct to command,
charge and inhibite all and sindrie his Majesteis lieges and subjects, of
what estat, qualitie and degree soever they be, be opin proclamation at
the mercat croces of the heid burrowes of this kynedome and others
places neidfull, that nane of thame presoome nor take upon hand during
this forbiddin time of Lent to eate or make ready for eating anie kynde
of fleseh under the panes following to be uplifted of everie person contra-
veening so oft as they fallyie; that is to say, of everie erle ane hundredth
punds, of everie lord ane hundredth merkes, of everie baron fourtie pund.
of everie burges, ostler and commoun cooke that sellis meate and drinke fourtie pundes, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsa that no fleshers presomne nor take upon hand to sell nor sall slay flesh during the time foresaid of Lent under the pane of fourtie pundes so oft as they failye; and by and attour the payment of the pecuniall soumes foresaid the offenders sall be punished in thair persons at the discretioum of his Majesteis Counsell. And sicyke to command and charge all and sindrie shireffs, stewartis, provests and bailleis within burgh and all others bearing anie publict office and charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point, and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof to the intent the offenders may be callit to thair anser and punished accordinglie.”

“Charles, be the grace of God king of Great Britain, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it efferis to whos knowledge this our letters sall come, greeting. Forsameekle as we have given and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Session and Exchequer, and to suche as sall accompanie thame at table, to eate flesh during this forbiddin time of Lent and upon Wednesaday, Fryday and Saturday for the space of ane yeere nixt after the daie heirof, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsomever acts and proclama- tions made in the contrair, whereanent and all panes conteanit therein we dispense be thir presents, discharging heirby our Justice, our Advocat and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Session and Exchequer and persons accompanying thame at table, as said is, or anie of thame for the caus foresaid, discharging thame thairof and of thair offices in that part simpliciter be thir presents. Givin under our signet at Edinburgh, the tent day of Februar and of our raigne the tent yeere, 1635. Sic subscribitur, Sanctandrows, Cancellarius; Glasgow; Mar; Galloway; Alexander; Ja: Carmichell.”

Edinburgh,
12th February
1635.

Sederunt—Chancellor; Mar; Murrey; Wigtoun; Galloway; Trac- quair; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Lord Alexander; Advocate; Justice Clerk.

Sir Lewis

“The whilk day, in presence of the Lords of Secreit Counsell, compeired Fol. 57, k.
personallie Sir Leues Lawder, knight, sone-in-law to umquhill Sir Archi-
bald Achesone, late Secretar of this kingdome, for obedience of the
charge givin unto him for exhibition before the saids Lords of the
signets, writts and warrands concerning the office of Secretary quhilks
wer in the said Sir Archibald his keeping and possessiou the time of his
deceasse, and brought, presented and exhibite before the saids Lords twa
signets in gold and ane signet in silver togidder with foure keyes of foure
presses quherin, as he affirmed, the haill writts and warrands concerning
the office of Secretarie ar keeped, and declared upon his oath that the
presses wer never opened since Sir Archibald his deceasse except onelie
at one occasionn for seeking out of ane bill of suspensiou at the instance
of Agnes Keith, relict of umquhill M' Alexander Keith, person of Duffus,
and George Gordon of Tillichowdie, her spous, agenis Margaret and
Annas Keiths, daughters to the said umquhill M' Alexander. Quhilk
bill wes also produced and exhibite be the said Sir Leues; lykeas the saids
signets, bill and keyes wer judicallie givin up to the Lord Alexander in
name of the Earle of Stirling, his Majestis Secretar for this kingdome.
In respect of the quhilk producition and delyverie made, as saide is, the
saids Lords exoneris and discharges the said Sir Lues and the airs and
executors of the said umquhill Sir Archibald of the saids signets and
keyes of the presses wherein the saids writts ar alleged to be and
declasses thame free thairof and of all danger that may incure there-
throw in tyme comming."

[Sederunt as record above, omitting Lord Alexander.]

Complaint by Arthur, Lord Forbes, and John Alshonner in Bogheid,
Patrick Alshoner, his son, John Knight there, and John Scot in Oldhart-
hill, servants to the said Lord Forbes, with Sir Thomas Hope, his
Majesty's Advocate, as follows:—Although the carrying of hagbuts and
pistols and convocation of the lieges in arms is strictly prohibited by
law, yet, on 13th October last, being Sunday, Adam Abercrombie of Ald-
rayne, John Lobane, Alexander Scottetrie, and Gauld, his servants,
Alexander Leslie in Pethnick, James and Adam Gordoun, sons of George
Gordoun in Logiealtoun, Alexander Leslie in Tocher, and others, many of
whom are his Majesty's rebels for the crimes of murder, slaughter, and
adultery, and some excommunicated, all armed with swords, halberts,
stavas, hagbuts and pistolets, came under silence of night to the dwelling
houses of Lord Forbes's servants, broke up the doors and cruelly pursued
the said servants for their lives, stopped the beds of the houses with their
swords, struck at the women with their pistols and hagbuts, put violent
hands upon the said Patrick Alshonner, and without any lawful authority
carried him away captive; and the said Adam and his accomplices daily
carry these forbidden weapons, going and riding therewith in all parts of
the country and threatening all the lieges against whom they bear any
Complaint by John, Earl of Cassillis, against Sir Patrick Agnew of Lochmaw, Sheriff of Wigtown, who, contrary to his caution to keep the peace with the complainer, has incited his son and others to assault the said complainer's tenant, John Kennedy of Knockdaw.

Complaint by John, Earl of Cassillis, and Sir Thomas Hope of Craighall, knight baronet, King's Advocate, as follows:—On 30th July, 1628, John Hannay of Sorbie and the deceased Andrew Hannay, apparent of Sorbie, his son, appeared before their Lordships and became cautioners in 10,000 merks that Sir Patrick Agnew of Lochmaw, sheriff of Wigtown, would keep the peace with the said Earl and not molest him nor any of his tenants, servants nor dependents, and the said Sir Patrick obliged himself to relieve his said cautioners; yet, on 26th December John Kennedie of Knokda, tenant of the said Earl in the lands having occasion to go to the town of Stranraer to buy a plough beam, having with him John McAbler, a ploughwright, and being perceived there by James Agnew, son of the said Sir Patrick living in household with his father, and for whom his father must answer, before he had time to enter a house for this purpose, the said James came off the He Street toward the said tenant, and "most disgracefullie toukit him and almost dang him to the ground. Wherwith the said John, having patiently comported and having onelie tauld the said James that the way was broad enough and that he might go by, he disdainefullie bade the said John kisse his ears, and with that he drew his sword and cruellie invadit the said John of his lyffe, who, preferring his obedience to his Majesteis peace to his owne passion and privat revenge, he left the said James and went to ane little hous hard by, thinkeing thairby to have eshewed farder trouble. But the said James continuowin in his bloodie resolution to have the said John Kennedie his lyffe, he drew unto himselfe Patrick Agnew, who is lykewayes in hauishold with his father oneforisfamiliat, and Patrick Agnew of Arreis and Alexander Agnew of Tung, and came verie furiozlie to the little hous where the Earles tenant wes and provokit him with many outrageous speeches to come furthe, calling him 'Debosht kneve' and bidding him come furth, if he durst, for his hanging, and threatened to brase and ding up the doores of the hous. And the said John Kennedie, feirig that the little hous wherein he wes could be no safftie for him, he resolved to have fled from that hous to a more sure hous in the toun; quhilke being forseene be the persons forsaids, who were standing about the hous with their drawn swords in their hands, how soone the said John preist to come furth they croyed one to ane ane other, 'Come behind him and about him and make him sure,' and with that they shamefullie persewed him of his lyffe, gave out a number of
straiks at him and gave him a cruel stroke on the shoulder quhilk had killed him if it had not lighted on his coat, quhilk wee of Yrish mantle. And the said Sir Patrick being hard by himself e all this tyme, attending the event of this bussines, accompanied with Ouchtrid Agnew of Galdnoch, William Agnew of Creoch, Ninian Agnew of the Tron, with a number of others their complices, all boddin in feare of warre, came furiosoislie upon the said Earles tenent and resolved to have ended that quhilk his sones had begune; to witt, to have tane the said John Kennedies lyffe, quhilk they had not failed to have done were not the provest and baillies of the burgh convened the bodie of the town and releived the said John from the personis that persewed him. Lykeas upon the 18 day of November last the said Sir Patrick sent the said Patrick, his sone, to the Meikle Larg where Fergus Lin in Larg dwells, to take from him by faire play or foule ane mairt perteaning to his Majestie quhilk Gilbert Mure, messinger, had lawfullie tane up to his Majesties use, and threatened to cast doune ane ree where the said mairt with the rest of the said Fergus his drift wes, bot, being stayed be the said Fergus, the said Patrick sent to his said father for more helpe, who immediatlie sent the said James, his sone, with sixe others boddin in feare of warre with swords, haquebuts, pistolets and others wapons invasive to assist the said Patrick, his sone, and how soone the said James came to the said Patrick he tooke a pistoll from his belt purposelie to have [slain] the said Fergus therewith, quhilk he had not failed to have done, were not he wes stayed be William McDonell in Clenneries and some others present for the tyme," the said Fergus being man and servant to the said Earl. The pursuers compring personally and also the said Sir Patrick Agnew as defender, and they and their witnesses having been heard, the Lordes considering the depositions "concerning the said Sir Patrick his cairiage and the cairiage of the said John Kennedie of Knockda by his provocation of the said Sir Patrick, his sones," find nothing proven against the said Sir Patrick to infer a contravention against him of the said Act of lawburrows, and accordingly assiselie him.

Counter complaint by his Majesty's Advocate, and Sir Patrick Agnew of Lochnaw, as follows:—On 22nd July, 1628, as aforesaid, John, Earl of Cassilia, and the said Sir Patrick were placed by their Lordships under caution of lawburrows, and both were ordained not to leave the town until they had done so. Sir Patrick obeyed and found caution, but the said Earl disregarded the Council's ordinance and passed home without finding caution, and has no intention of doing so; and Sir Patrick bore with this, being unwilling to bring the said Earl to a new hearing, and believing that their Lordships' decree for his finding caution would suffice to secure the infliction of the penalty in the event of the Earl's violation of the lawburrows. On 20th December last John Kennedie of Knockda, man and tenant to the said Earl of Cassilia, came at the said Earl's instigation to the town of Stranrawer,
armed with a mealzie coat, plait sleives, sword and batton in his hand of purpose to have funde the said Sir Patrick or some of his bairnes in the toune to have done thame some affront; and he perceiving James Agnew sonne to the said Sir Patrick, walking to the hous of the said John prest to come betuix the said James and the hous and to have persewed him of his lyffe; but, being impedit be some persons present for the tyme, he disadainfullie cryed, 'I have done a worse turne nor lay a batton on your head.' But the said John Kennedie, perceiving the said James walking throw the streit, he came out of the hous of with a drawin sword in his hand and verie hardlie persewed the same James of his lyffe and had not faileid to have slaine him, were not his awne better defence. And the cry being risen in the toun that the said James was persewed of his lyffe be the said John, Patrick Agnew, brother to the said James, came furth to have seen what the mater meaneit; but, how soone the said John saw him, he feircolie persewit him of his lyffe, strake and woundit him on the right hand, quhereof he is like to be mutilat. Informatioun of the quhilk disorder being brought to the said Sir Patrick, who wes present in the toun, he as judge in the countrey came furth of his ludgeing and commanded his Majesties peace to be keeped. And the said John Kennedie, not content heirwith, upon the morn phairafter, being Sunday, the said John convocat togidder the haill gentlemen of the parishes of Lesuade and Inishe of Gallouay, being tenents and followers to the Earle of Cassills, all boddin in feare of warre with swords, stalves, lances, and in hotile manier came to the said Sir Patrick his parish kirk resolved to have debarred him from the kirk, were not thair furie wes appeased be some gentlemen." And thus the said Earl has violated his band of lawburrows and ought to be decerned to have incurred the penalty thereof. Both pursuer and defender comparing and they and their witnesses having been heard, the Lords find nothing proven against the said Earl to infer a breach of the said act, and therefore assozlie him.

Edinburgh, 17th February 1635.

Sederunt—St. Andrewes; Privy Seal; Mairshell; Mar; Murrey; Acta June 1634, April 1635.
Wigtoun; Gallouay; Launderdaill; Traquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Alexander; Lord Melvill; Lord Naper; Clerk Register; Advocate; Justice Clerk.

Proclamation prohibiting the importation and circulation of certain foreign copper money.

"Forasmakle as it is understand to the Lords of Privie Counsell that of late there hes beene a great quantitie of false and counterfoote copper coyne brought within this kingdome in the species of turnours and farthings quhilks wer formerlie discharged to have course by act of Counsell, of the dait the tenth of November, 1631, as also there is sindrie others species of forranse copper coyne brought in and vented within this kingdome suche as Holland doyts, doubles and suche other
kynde of trashe unlawfull to have course and never allowed nor
 tolerat within this kingdome at anie time heerfore; and whereas it
is ane great disgrace to his Majesteis governement, ane contempt of his
royall auctoritie and scandall to the kingdome and great hurt to the
subjects that this false and counterfoote copper coyne, the farthing
tokens formerlie discharged or anie other forrane base copper coyne,
sould have anie course or passage within the kingdome; and the saide
Lords being carefull to obviate and prevent the forder growth and
incomming of this base copper coyne and that the same be fullie
restrained and discharged, the saide Lords for this effect hes thought
meit and expedient, concluded and ordained that there sall be ane full
restraint of importation of ane suche copper coyne be sea or land
within this kingdome at any time hereafter and that the course thairof
sall be altogether discharged. And thairfor the saide Lords ordains
letters to be direct to heraulds, maissers, pursuavants and officers of
armes, charging thame to pas to the mercat crozes of the heid burrowes
of this kingdome and others places neidful and there be opin pro-
clamatioun to command, charge and inhibite all and sindrie persons of
quhatsomever ranke and qualitie, als well natives as strangers, that
name of thame presoome nor take upon hand at anie time after
the publicatioun heirof to bring in within this kingdome be sea or
land or to vent and putt out anie of this false copper coyne, the
farthing tokens formerlie discharged, as said is, or anie other forrane
base copper coyne of quhatsomewer kynde or speces the same be of,
to have course and passage within the same, under the pane of con-
fiscation of the said base copper coyne to his Majesteis use, besides
the punishement of the contraveners in thair persons and goods at
the arbitrement of his Majesteis Counsell; and siclyke to command,
charge and inhibite all and sindrie his Majesteis lieges and subjects
that name of thame presoome nor take upon hand to receease in
wisselling, exchange, buying or selling, or to vent and putt out anie
of this false copper coyne, farthing tokens or anie other forrane base
copper coyne under quhatsomever cullour or pretence, under the pane
of confiscatioun of the same to his Majesteis use, besides the incurring
of his Majesteis high displeasure and punishement of thame in thair
persons at the arbitrement of his Majesteis Counsell, after consideratioun
had be thame of the nature and qualitie of thair offence. And for the
better execution heirof the saide Lords hes givin and grantit and be the
tenour heirof gives and grants full power and commissioun to all and
sindrie his Majesteis judges, officers and magistrates, and all ministers of
his Majesteis lawes to burgh and land, ilke ane of thame within the
bounds of thair offices and jurisdictions, to make diligent inquirie and
searche where and by whome this false copper coyne hes beene or
sall be imported and outted among his Majesteis subjects and
to apprehend the persons guiltie and to committ thame to
waird or otherways to exhibit thame before his Majesteis Counsell; with power allua to thame to meddle and intromett with the said false counterfoote copper coyne and to exhibit the same to his Majesteis Counsell; commanding also all the saids magistrates to burgh and land to concurre, fortifie and assist all and everie suche person or persons unto whom the saids Lords of Privie Counsell hes givin warrant and commissioun for searching and apprehending of all delinquents in this kynde, and that everie one of the saids judges, officers and magistrates within their severall bounds, limits and jurisdictions, have a special care to see this present act and ordinance observed and keepe, as they and everie one of thame will answer to his Majestie and his Counsell upon the dewtfull discharge of their offices. And besides and attour the pane and punishment foresaid appointed and sett down againis the imbringers, venters and outputters of this false and counterfoote copper coyne, the saids Lords declares that the forgers and counterfootters of the same sall be punished be death conforme to the lawes alreadie made anent false coyne. And to the intent that this false coyne may be the better discerned and knowne and that all pretex of excuse be tane away from such as sall receave vent, and out thame, the saids Lords hes ordained and ordains some few number of thame to be sent to the burrowes as a paterne quherby they may be knowne."

"Forsamekle as it is understand to the Lords of Privie Counsell that there is a number of the disordered and brokin lymmaris of the Hielands that of late hes brokin louse and in troupes and companis hes come down to the inçountrie and to others parts and bounds nixt adjacent to the Hielands where they have committed cruell and barbarous murders and slaughters and manie stouthreaffes, heirships, oppressions and depredations upon his Majesteis peaceable and good subjects dwelling in the inçountrie, and they ar the farther encouraged to continew in their lawlesse and insolent doings be reasoun that the landlords in whose bounds thir insolenceis ar committed pretends excuse anent the not following and persewing of thame throw default of speciall commissiouns not grantit and givin to thame for that effect; and whereas now manie of the landlords ar putt under cautio for making of thair men, tennents and servants and suche others as by the law they must be comptable for, obedient to law and justice, and it being verie necessair for the peace of the countrie and the better suppressing of thir brokin lymmaris that the saids landlords be armed with power and commissioun to follow and persewe thame with fire and sword; for qhilk purpose the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to the saids landlords and to thair bailleis, for whome they sall be answerable, to convocat his Majesteis lieges in armes and to pas, searche, seake, hunt, follow and persewe with how and cry all and sindrie theaves, sorners and maisterlesse persons, committers of murther, slaughter, fire-raising, reaffe, thift and oppression
within their bounds, and all ydele and maisterlese men wanting lawfull and sufficient testimonials of their birth, residence and trade of life wheresoever and in quhatsomever parts they may be apprehended, and to take and apprehend thame and to present and exhibite thame to the shireiffs of the shire and others judges ordinair next adjacent to underly thair tryeill. And for the better execution of this commission, with power to the saids commissioners and the persons that shall accompanie thame therein to beir, weir and use hacquebuts and pistolets in the execution of the same commission alane and in no other wayes, and with speciall provision that they doe not weir nor use thame againis none of his Majesteis lawfull and good subjects. And if thir brokin lymmers and vagabounds for eshewing of apprehension shall flee to strents and houses, with power to follow and persew thame, asseige the saids strents and houses, raise fire and use all kynde of force and warlike ingyne that can be had for wining thairof and apprehending the lymmers being therein; and if in persute of the saids lymmers or assieging the saids strents and houses there shall happen slaughter, mutilation or anie other inconvenient quhatsomever to fall out, the saids Lords declares that the same shall not be impute as crime nor offence to the saids commissioners or the persons assisting thame in executiou of this commission, exonerating and relieving thame of all pane, crime, skaith or danger that they or anie of thame may incurrer threthrow for ever. And forder, the saids Lords declares that in quhatsomever bounds the saids commissioners or thair servants shall depredhe anie stollin goods that the maister of the ground and bounds shall ather caus restore the goods to the owner with the interest and damage, or otherwayes that they shall be haldin to exhibite the stealers or the persons with whome the stollin goods shall be deprehended before his Majesteis Counsell or Justice to underly thair tryeill and punishement. And ordains letters to be direct to make publication heirof at all places needfyll and to command and charge all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the executiou of this commission and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and everie ane of thame will anser upon the contrare at thair perrell. And the saids Lords declares that they have grantit this commission with this speciall provision and expresse command to the saids commissioners that they once everie quarter of ane yeere certifie his Majesteis Counsell of thair proceedings, otherwayes this commission to be null.”

[Sederunt as recorded above.]  

Complaint by Alexander, Earl of Galloway, as follows:—Alexander

1 At the foot it is noted. ‘This Act is wrong daited for it sould be . . . ” [and the rest is cut away].

Edinburgh, 17th February 1635.
McKie, Burgess of Wigtoun, in the presence of certain honest and famous persons, publicly uttered certain reproachful and disgraceful speeches against the said Earl, closely affecting his honour and credit and the dignity of that place to which his Majesty has been pleased to advance him as a Privy Councillor. The Earl, having cited him to answer thereupon before the Council, McKie, fearing the event of his trial, wrote a letter dated 19th December, 1633, acknowledging that the Earl had most justly complained of him and that he deserved to be severely punished, and therefore he placed himself in the Earl's will to abide by his own sentence against him under a penalty of 600 merks. Hereupon the Earl adjudged him to "enter in the stocke of the burgh of Wigtoun upon the 4 day of August and to ly their with sackcloth on him at the mercat croce frome nyne of the clocke in the morning till twelve; and upon Sunday nixt following he should come to the kirk doore of the burgh of Wigtoun and in sackclothe stay at the doore, frome the ringing of the first bell till the thrid bell and after sermon that he should come before the pulpit and acknowledge his 'forsaid fault in audience of the congregation; and upon the Sabbath thairafter that he should pas to the parish kirk of Monyguff and doe the lyke." The said Earl charged him by a notary to obey this decree, but he plainly refused to do so, saying that he would rather pay the 600 merks. The pursuer comparing personally and the defender by Mr. John Gilmour, his procurator, this 17th of February, the said Mr. John declared that he had seen neither the summons, submission, decreet arbitral nor any other writs concerning this process, and he therefore desired that he might have inspection of these and a suitable day be appointed for answering. The Lords accordingly ordained these documents to be given to him and fixed 19th February for hearing. Upon which day parties again comparing as above, Mr John Gilmour objected that the sentence given by the said Earl was of the nature ecclesiastical, only proper to the Kirk, and could not therefore be imposed by him; and he therefore desired that the matter should be remitted either to the High Commission or some other Kirk judicatory. Which answer being taken by the Lords as a declination of their jurisdiction, they repel the same and find themselves judges competent to this pursuit, and they ordain the defender to fulfil the sentence of the Earl in all the points thereof before 1st August next, failing which they decern him to have incurred the penalty of 600 merks—but supersede the giving-out of letters for the recovery thereof till 1st August that they may know what obedience the defender has given in the meantime.

Complaint by John Henderson, bailie of Rutherfurde, as follows:—William Mader, baker in Jedburgh, having conceived a deadly hatred against him, resolved to have his life, and on November last lay in wait for him in the town of Jedburgh where the complainer was upon his lawful business. "About the evening, finding the honest man in ane
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Strait passage near the tolbuith of Jedburgh and finding ane fitt occasion to putt in execution his bloodie resolution, he came behind the baillies backe and or ever he was aware with ane great duke gave him ane cruel wound thretene insche depe, quhilk peirced through his clothes and entered in beneth his left shoulder and come furthe above his left pape to the great effusion of his blood and perrell of his lyffe, quherthrow he hes ever since lyne under the cure of chirurgerians in danger of his lyffe to his exceeding great expenses." The pursuer comparing but not the defender, the Lords after hearing witnesses find the complaint clearly proven against the defender and ordain him to be charged to enter into ward within the tolbooth of Edinburgh within six days, wherein, if he fail, he is to be put to the horn and escheate.

"The Lords ordainis missives to be direct to magistrates of burrowes desiring thame to concurre with Lieutenant Colonel Hepburne and his captans and officers for apprehending of suche of their souldiours as having willinge enrolled themselfes and takin pay saill disband and runne away, and upon tryell thairof to deliever thame backe to their captans; and if anie persons within the yeres of thair pretiship saill receave pay and thereafter be challenged be his master that the saids magistrates cause restitution to be made to the captans of the double what the prentes has receaved if he be able to repay the same and that the prentes be putt in the correction hous or otherways severelie punished for abusing both his maister and the captane and that no arrestment be layd upon anie souldiour that saill be putt in warde be thair captans if no diligence be done aganis them of before."

"A letter to the Secretare with a commicion for the middle shires desiring his Majestie to signe the same without inserting that claus in the end thairof bearing the commission to indure ay and quhill it be discharged by a privie scale, in regarde that claus is contrarie to the commoun receaved order of the Chancellarie."

Sederunt—St. Andrewes; Glasgow; Murray; Wigtoun; Gallochonay; Lauderdaill; Traequair; Bishop of Dumblane; Lord Alexander; Naper; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secret Counsell ordains all licenses for eating of flesh which saill pass in Counsell and pay composition to be registrat for a charge to the Thesaurar and Deputie Thesaurar."

"The whilk day, in presence of the Lords of Secret Counsell, com- peired personallie Archibald Steuart, servitour to the Earle of Antrim, and Mr Francis Hay, writer to our soveraine lords signet, and John Nicoll, younger, sone to Johne Nicoll, writer to our soveraine lords signet, for obedience of the charge execute aganis thame for that effect; and the said John Nicoll, being demanded if he had givin out anie extracts of the minute of seasing quherunto he wes notar quhilk
was givin to the said Archibald Stuart as attourney and in name of Randolph M'Donnell, Vicount of Dunluce, of the lands, lordship and baronie of Kintyre at the towre and fortilice of Donnawaitis upon the 16 of Januar last, he depounded and declared that he had givin out no extracts of the said minute but one to the said Archibald Stuart; quhilk minute the said Archibald, being commanded to be the saids Lords to exhibite, he in humble obedience of their command and direction exhibite the said minute, and being demanded if he had gottin anie moe extract of the said minute nor that quhilk he had now produced he depounded and declared that he had gottin no other extract of the said minute but the minute produced. Quhilk minute the saids Lords, in regards of his Majestis command and direction, ordains to ly in processe and not to be givin up to the partis; and the saids Lords declare that the production of the said minute made be the said Archibald Stewart at the command of the saids Lords sall be a sufficient exoneration to the said Archibald at his maisters hands and at the hands of all others having interesse. And the saids Lords discharges the said John Nicoll of all giving out of anie moe extracts of the said minute, and discharges the said M' Francis Hay of all registrating of the said minute, quhilk they, being present, promeist to obey. Lykeas the saids Lords made intimation to the said Archibald that it was his Majestis pleasure that no innovation sould be made in the possession of the lands of Kintyre but that the same sould remaine in the estait wherein it was before the bargane made be the Vicount of Dunluce with the Lord Kintyre till his Majestis forder pleasure wer knowne, and the saids Lords desired the said Archibald to acquaint the said Earle of Antrim his maister with this mater, quhilk he being personallie present promeist to doe."

[Decrees, November 1635.]


decree, April 1635. Fol. 192. a.

Edinburgh,
19th February 1635.

Ament the complaint by William Robertsone, burgess of Perthe, against Andrew Weimes in Abernethie, John Williamsone, William Andersone, Andrew Hoy, and Andrew Fairmie there for the assault upon the said William Robertsone on 13th May, 1633, by the said Andrew Weimes in the kirkyard of Abernethie when he was attending the burial of his wife's father's brother, and the assault by the other persons named upon him on 24th July, 1633, as he was passing through Abernethie to the market at Couper of Fyffie (see ante, p. 403), the said William Robertsone, Andrew Weimes and some of the others compearing personally and having been heard, the Lords remit the trial of the complaint to the bailie of the regality of Abernethie, within whose bounds the affair occurred, and ordain him to administer justice therein."

Complaint by Jean Fairlie, spouse of Duncan Crawford of Drumsing, Fol. 192. b.

Complaint by Jean Crawford, her daughter, and the said Duncan for his interest, as
follows:—On September last William Cuninghame of Drongane, Niven Craig, elder and younger, in Lean, William Craig, John and Peter Ranken, Patrick Murdo and McCrocher in armed with swords, staves and other weapons, came under cloud of night to "an holme of land perteaning to the said Duncan and shore and away toke a great quantite of cornes growing thereon, and when the com-
pleaneer's wyffe, daughter, and servant came to hinder thame, they put hands in their personis, gave thame manie bauch and blae stakies in diverse parts of thair bodie, threw thame to the ground, kuist the said Jean Fairlie in ane running water and so abused her that thairafter she parted with bairne to the hazard of her lyffe." Charge having been given to the said Niven Craig, elder, and William Cuninghame, they and the pursuer compeared, and proof of the truth of the complaint being referred to the defenders' oath of verity, and they, on being sworn, denying the same, the Lords assisilzie the defenders.

Sederunt—St. Andrewes; Glasgow; Murrey; Wigtoun; Gallouay; Lauderdaill; Traquair; Bishop of Dunblane; Lord Alexander; Naper; Clerk Register; Advocate; Justice Clerk.

"The whilk day, in presence of the Lords of Secreet Counsell, compeired personallie Sir Johne Grant of Freuchie and become actit and obleist as cautioner and souertie for Pattrick Grant, younger of Glenmorestoun, that he sall remaie within the toun of Edinburgh and not remove nor depart furth thairof till he be releevd be the saids Lords, under the pane of three thousand merkes. And in respect of the absence and not com-
pairance of Johne Grant, elder of Glenmorestoun, this day, qubilk was undertaite for his saide compeirance, ordains letters to be direct to denunc him rebell, and continuwes the outgiving of the letters till the tent of Marche nixt."

"The Lords of Secreet Counsell continewes the Marques of Huntlie his enteriting in waird within the castell of Edinburgh till Fryday nixt."

Act of caution by John Caddell of Migvie and John Sibbal, burgess of Aberdeen, for Alexander Strachan of Glenkindie, that he will observe the Acta of Parliament for the mainteneance of peace by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) ALEX. STRAQ of GLENKINDIE; JO SADELL of ESTER MIYIE; JO SIBBAL.

"The Lords of Secreet Counsell ordains and commands Sir Johne Scott, of Scottisstavet, Director of our Soverane Lords Chancellarie, to cause write and expede the conjunct commissioon for the Middle shires in the same words and termsens [sic] as it is conceaved and drawin up and signed be the Kings Majestie, notwithstanding that the said commissioon beiris not in 1638. expresss termes ane warrand to the said Sir Johne to pas and expede the same without anie forder precept to be direct thereupon, and notwithstanding of the claus insert in the said commissioon that the same
mission for the sall remaine and continew in full power and force according to the meaning and intent therein specifit untiill his Majestie sall declare his will and pleasure under his privie seale or great seale of Scotland in the contrarie, anent the writting and expeding of quhilck commissioun in maner foresaid this present act sall be unto the said Sir Johne a sufficient warrand.

"Followes the tennour of the commissioun abonementionued.

"Charles be the grace of God King of Great Britain, France and Ireland, Defender of the Faith, To our right trustie cousines, William, Marques of Dowglas, and Robert, Erle of Nithisdaill, and to our right trust cousines and counsellers, Robert, Earle of Roxburgh, Johne, Erle of Annerdaill, and William, Erle of Dumfreis, and to our right trust cousine, William, Erle of Quenisberrie, and to our right trust cousine and counsellor, Johne, Erle of Tracquair, and to our right trust cousines, Robert, Lord Kirkcudbright, and James, Lord Johnestoun, and to our trustie and weilbelovit counsellor, Sir James Carmichell, knight and baronnet, our Justice Clerk, and to our trustie and weilbelovits Sir William Soot of Harden, during the minorite of our right trust cousine, Francis, Earle of Buccleuche, Sir Johne Charters of Amisfeild, knight, Sir Robert Greir of Lag, knight, Sir William Dowglas of Cavers, knight, shireff of Tiviotdaill, and Sir Johne Maxwell of Conhaith, knight, and to our right trust cousine and counsellor, , Earle of Arrundell and Surrey, and to our right trust cousine, Algernonn, Earle of Northumberland, and to our right trust cousines and counsellers, Francis, Earle of Cumberland, Theophilus, Earle of Suffolk, and to our trust cousines, William, Lord Hawart, Henrie, Lord Montrevert, Henrie, Lord Clifford, and to our trustie and weilbelovits Sir Francis Hawart, Sir Johne Fenwick, knight and baronnet, Sir Richard Grahame, knight and baronnet, Sir George Dalton, knight, Sir William Carnewie, knight, Sir William Withrignton, knight, Sir Johne Leuthier, knight, one of our counsell of Yorke and to our weilbelovit Roger Widdertoun, Esquire, greeting. Whereas upon the humble complaint and intimation of our honest and loyall subjects within our shirefdomes of Berwick, Roxburgh, Selkirk, Peebles and Dumfreis and our Stewarties of Kirkcudbright and Annandail and our counties of Northumberland, Cumberland and Westmorland and of our subjects of the towns, villages and parishes of Norhame, callit the Holie Yland and Bedlingtoun, parcell of our County Palatine of Dureme and of our toun of Berwick upon Twede, als weill within our realme of Scotland as of England being, that diverse malefactors within our counteis, shirefdomes, stewarties, yland, villages, parishes and towns foresaids combyning thaneselfes togidder and making unlawfull assemblies and conventions togidder, als weill in places publict as privat, doe daylie goe armed and leade about als weill by day
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as by night ane armed power to attempt and committ diverse wicked and lewde attempts, contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had and respectivelie used, by ill using, assaulting, wounding, mayming and wickedlie killing diverse of our subjects and others, robbing and spoyling of their goods, and some taking and imprisoning and in prison keeping in extreme hunger and cold even unto death, until they shall make great and greevous fynes for the redempioun of thair persons, and also committing murthers, manslaughters, burglareis, ravishementis, robreis, felloneis, waists, beside burning of houssis and barnes full of corne, and others greevous, notorious and intolerable offences and outrages frome day to day committing, and also minassing and threatening with panes of life and death all suche as sall in our courts of justice prosecute anie of the offenders for the offences foresaid, to the great contempt of us, the breake of our peace and the terroour of our subjects of both our realmes. And albeit in a Parliament of our darrest father, late King of Scotland and England of famous memorie, baldin in our kingdome of England at Westminster in the countie of Midlesex, the eightene day of November in the fourth yeere of his happie raigne, by prorogatioun than baldin, certane provisions and ordinances wer than made to inquire of diverse misdemeanors within the kingdome of England committed and the samine to heare and determine before the Justices of Assize or commissioneris of oyer and derminer [sic] or jayle deliverie, assignes done and committed by our naturall subjects in our kingdome of England borne and no other; now, becaus it often happenneth that the saied offenders and delinquents, commiting the saied outrages and enormous offences in Scotland or England, doe privilie convoy thameselves from one kingdome to another and that there is not one deputed nor appointed who will follow thame frome the one kingdome to the other and so arrest and take thame, and because, if perhaps they shold be tane and arrested in the saied kingdomes and so be sent and remanded into the other where the saied offences wer committed, there might happen ane great space of time betnix his remanding and his coming to examinatioun and judgement, so that in the meane tymne they have opportunitie to escape and so become as outlawes to wander and lurke in places unknowne and uncertaine and so gett recept and harbour amongst thair favorites, freinds or parents, and oftentimes by confederacie and conspiracie of suche offenders by means of thair freinds and fators, and the jurors of the countrie, the truthe certanlie cannot be found out, nor dew punishment as wer fitt be executed upon thame, so that the hopes of impunitie begettis in thame a boldness of offending:—Know yee that we, being carefull to provide for the good estait, securitie, peace and quetness of our good and loyall subjects of our kingdomes of Scotland and England, as also to repress the suche offenders, and being unwilling to pas by suche offences by anie connivence quhatsoeuer without their dew punishment, putting singular
trust in your speciall care and circumspeictioun for the punishment and preventioun of anie of the offences foresaidis heerafter to be committed, have assignd yow and everie ane of yow and anie two or more of yow to persaw, follow, take and arrest all and everie suche persoun the offences aforesaid in our counteis, shirefdomes, stewartis, yland, toune, hamlets and parishes aforesaid or anie of thame committing, or fleing for anie suche offences from toune to toune, place to place, or frome one kingdome to another, until they sell be takyn and arrested; and that all our shireiffs, majors, bailliffis, justices of peace, provests and others our ministers and the rest of our loyall subjects in Scotland and England be with their whole power to yow thairin aiding and assisting as oft as they sell be by yow, one or more of yow, upon that occasioun and behalfe thereunto callit and warned, provided alwayes that the offenders foresaidis so takyn and arrested be brought to the jayle of that place or countie where the offence aforesaid was committed and thair being delyvered in saife custodie to be keeped untill, according to the lawes and customes, thair used, they be delyvered. And because it oft happeneth that for the haynousnes and outragiousnes of the crimes and trespasses by thame committed and for others causis and circumstances it is necessary that the present remedie of justice shold be executed upon the saids offenders, which cannot be if yee sould stay and wait for the coming of the ordinari justicies in the said place, we have assignd yow or anie three or more of yow, of whiche number one is to be in Scotland and the other of England borne, frome tyme to tyme and also oftin as yow sall hold it neidfull, and at suche dayes, times and places as yow sall appoint, to inquire by the oath of good and lawfull men of our saids counteis, shiredomes, stewartreis, island, toune, villages, or parishes aforesaid, in whiche suche offences have beene committed, by whomseover committed in our saids counteis, shirefdomes, stewartreis, island, toune, villages, and parishes aforesaidis, or anie of thame, by those whomse yow have so imprissonned, by yourseilffis or by your command or anie other of thair confederates and to heare and determine according to the truth of the fact of all and singular the aforesaidis premisses according to the lawes and customes of the place where the saids offences sall happen to be committed for whiche they ar to receave thair tryell, saving to us our amerciamentis, fynges, forefaltours and others dewteis thereby unto us perteaning. We command also all shireiffs, stewartis, bailliffis, and ministers of our counteis, stewartreis, toune, villages, and parishes aforesaid whomse it may heirin concerne that at suche dayes and places and
als oftin as yow or anie three or more of yow as is aforesaid sall thinke fitt and thairof give notice by your warrand in writting, they caus to come before yow or anie three or more of yow suche and so manie good and lawfull men of thair bailliffe weckes als weill within thair libertees as without by whome and whois oath you may inquiere of the offences foresaid. And forder, our will and pleasure is that these our letters of commissione sall be in dew maner made and sealed als weill under our great scale of Scotland as under our great scale of England, and without anie other or forder warrand frome us to be had and obeained in that behalfe, for quhilk purpose we have also caused a duplicat heirof to be made to pas under our great scale of England. And forder we will, and our pleasure and commandement is, that this our commissiouen and all powers and authoritieis thereby givin and grantit sall remaine and continew in full power and force according to our meaning and intent therein specified untill we sall declare our will and pleasure under our privie scale or great scale of Scotland to the contrarie, the statute baldin at Westminster in the fourth yeere of the raigne of our darrest father in England intituled Ane Act for abolishing of all memorie of hostilitye and the dependences thairof betuix Scotland and England for represing the occasions of discord and disorder in time to come, or anie other law, statute, caus or mater quhatesomever to the contrarie notwithstanding. In witness wherefo we have caused our great scale to be appended to thir presents. Givin at Whithall the auchtaine day of Januar, jvijth threttie fyve yeeres, and of our raigne of Scotland, England, France, and Ireland the tent yeare, 1635.

"Per signaturam manu suprmi domini nostri Regis suprascriptam. Per actum Dominorum Secreti Consilii."

Sederunt as recorded above, adding "Mairshell, Wintoun, Southesk, Bining, Bishop of Edinburgh, and Lord Melvill."

"The Lords remitts to the provest and bailleis of Edinburgh and other burrowes to take tryell of all arrestments layed upon soldiours presentlie in waird and if they have beene lawfullie tane on, and for thair more saife keeping committed be the captans, and no diligence nor arrestment used agenis thame of before, in that caise the Lords ordains the provest and bailleis to delyver the sooldiour whoes beene arrestit at the instance of his aledged creditours after his committing to be made furthcummand and disposed of be his captane conforme to the first compromit and agreement."

Sederunt—St. Andrewes; Mairshell; Murrey; Wintoun; Wigtoun; Edinburgh; Gallonay; Lauderdaleill; Southesk; Tracquair; Lord Alexander; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord Naper; Clerk of Register; Advocate.
"The whilk day, in presence of the Lords of Secret Counsell, compeird personallie George, Marques of Huntlie, and declared that with great infimitie and danger of his life he had made his addresse to this burgh in this unseasonable time of the yeere to give his appearance before the said Lords and to answer anent the disorders in the north and that for obedience of the charges execute aganis him for that effect, and he humbelie cravef of the saids Lords that they would be pleased to delegat some of thair number to confer with him anent that bussines to whome he hoped to give all satisfaction that is prestable be him. For quhilk purpose the Lords nominats and appoints the Erles of Lauderdale and Traquaire, the Bishop of Edinburgh, the Clerk Register and Advocat, or anie three of thame, to meit with the Marques the morne and at suche other times as they sall think fitt and to confer and reasoun with him anent the saids disorders, authors and abettors of the same, and to represent unto him the apparent presumptions of his accession and guiltines in the saids disorders and how farre he may be burdened in law with the redresse thairof, and to report his anser and thair opinion concerning the same to the saids Lords upon Tuisday nixt, till whiche time the Lords continewes all executioun aganis the Marques."

Edinburgh,
26th February
1635.

[Sederunt as recorded above, omitting Galloway, the Bishop of Edin-
burgh and Lord Melvill; and adding the Bishop of Glasgow, Mar-
Erroll, Dumfreis, Lord Binning, Bishop of Murray, Bishop of Ros,
and the Justice Clerk.]

Complaint by James Barclay, merchant burgess of Glasgow, as follows:—Their Lordships lately granted him their protection for citing his creditors to the 4th of November last to hear his protection extended; but, the time being too short, the citation (in which he used all possible diligence) was not found lawful. Charge having been given to John Cousignie, Mark Middlebanks and Thomas Cliburne, merchants in Newcastle, James and Harry Croft, William and John Vailzie, John Hoberoft, Thomas Belden, William Tailzour, Francis Mussill, Robert Brassie, Daniel Walden, Edward Claytoun, John Alfoord, Francis Hutcheoun and Robert Huiks, citizens of London, John Dason in Leids, Roger Ogden in Ratisdaill, John Cowper and Robert Graier in Chester, all creditors of the said James, but none of them compearing, the Lords grant their protection to the complainier till 1st August next.

Complaint by Sir Thomas Hope of Craigall, his Majesty's Advocate, Vol. 200, b.

and Sir Robert Innes of Balvenie, knight baronet, as follows:—Their Lordships have published several acts and proclamations forbidding the reset of the traitor, James Grant, and promising large rewards to any who would exhibit him, alive or dead; yet Thomas Grant, now tutor of Carrown, and Robert Grant, his brother, have ever since the escape of the said James from the Castle of Edinburgh harboured him in their houses,
kept company with him in divers parts of the country, and employed him for executing their private revenge against his Majesty's good subjects. For example, on 8th September last the said Thomas and Robert Grant, accompanied by the traitor James, James Grant of Inverouvre, Arthur Roy, his man, James McGrimon in , and James McCurieh there, all rebels, came to the Laird of Balvenie's lands of Strathavin and threatened the tenants with all possible violence. Charge having been given to the said Thomas and Robert Grant, and the pursuers comparring but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahey, his Majesty's commissioners for the sale of tobacco in small quantities (as ante, p. 462), narrating the promulgation of a new Act dated 4th November last and another of 27th November ordaining that all masters of families should be answerable for their children and servants in this matter, “and that all recompense taken for tobacco shall be repute and punished as vendition”; and that notwithstanding Patrick Weimes in Wester Weimes, Andrew Bruce, George Smart, John Gemlo, Charles Goldman, Patrick Lindsay, John Swan, James Annand, James Stanners, and Henry Guthrie, all merchants, burgesses of Dundie, Andrew Nicoll, Thomas Fleeming, James Petrie, David Wandles, Gilbert Nicoll, Thomas Bower, Walter Smith, Alexander McKene, Henry Brown, Robert Constable, younger, James Broune, Gilbert Auchinle, Henry Davidsone, William Hill, Robert Gray, and Katherine Downey, all burgesses of Dundie, James Ronald, William Jamie, Andrew Jamie, Andrew Dairse, Walter Jamesone, Walter Guthrie, John Traill, John Rainie, Alexander Strachane, James Murray, David Baxter, George Milne and John Harper, burgesses of Montrose, and Thomas Scot, Christian Cargill, James Watsone, John Winrham, John Gairdiner, John Scot and James Mitchell, indwellers in Brechin, have all violated the said Acts and should be decreed to have incurred the penalty thereof. Charge having been given to the said persons to compair and give their oath of verity upon the said complaint, and Sir Thomas Hope comparring with Mr William Wallace, as procurator for the other pursuers, but none of the defenders being present, the Lords ordain the latter each to have incurred the penalty of 100 merks, and letters to be issued for its recovery, one half of the said penalty to go to the informer and the other half to the commissioners foresaid.

"The Lords prorogats James Spence his protection till Tuesdye nixt James Spence's protection at night."

Sederunt—St. Andrewes; Gallouay; Southesk; Bishop of Edin- 
burgh; Bishop of Dumblane; Lord Melvill; Clerk Register; 
Advocate.
Anent the warding of the Marquys of Huntly.

"The Lords of Secret Counsell continewes the Marques of Huntlie his Acts, June 1634-April 1636. entering of his person in ward within the Castell of Edinburgh till the eighteene of this instant, he always remaining and keeping free ward within the towne of Edinburgh or the Cannogait."

"The Lords of Secret Counsell, upon the humble request and desire of James Crichtoun of Fendraught, ordains Sir Thomas Hope of Craighall, his Majesties Advocate, to concurre with the said James Crichtoun and to prosecute the informations givin or to be givin unto him not onelie concerning the peace of the countrie bot lykeways to assist, concurre and persew for and with him for redresse to be made to him of the particular wrongs, heirships, deprestations and others insolencies committed against the said James and his tennents be quhatsomever persons their complices, partakers, hounders out and ressetters and all others upon whome the saids crimes may be layed, and those who be the lawes of the kingdom aucth to be answerable for the committers of the same crimes; quhilk the said Lord Advocat, being personallie present, promeist to doe."

[Sederunt as recorded above.]

Edinburgh, 3rd March 1635.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir William Douglas of Cavers, Sheriff of Roxburgh, John Turnbull of Minto and Robert Scot of Quhytselede, as parties grieved, as follows:—

In violation of the laws prohibiting the carrying of hagbuts and pistols during the past three years, Walter Veitch in Gedderscot and others, for carrying prohitted weapons and shooting the complainers' doves.

Decretes, November 1635-April 1636.

Complaint by John Alison, burgess of Jedburgh, as follows:—

Ragwell Bennet of Chesters comprised some of the complainer's lands for debts far below the value of the lands, and obtained himself infeth therein, but not content therewith he raised horning and caption against the complainer, and having on 24th December last under trust drawn "the honest man" to Edinburgh, pretending that it was to come to terms with him, as soon as they met, he "verie unhonestlie caused commitit the honest man to warde within the tolbuith of Edinburgh, where he yitt remains." The pursuer comprising by his wife and the defender being personally present, the Lords, after hearing parties, ordain the pursuer to Fol. 203, b.
be put to liberty upon finding caution in the Books of Secret Council that he will re-enter to his said ward before the 24th instant under the pain of the payment of the sums due to Ragwell Bennet.

Sedent—St. Andrewes; Erroll; Mar; Murrey; Wintoun; Gal-
louay; Southesk; Traquair; Bishop of Edinburgh; Bishop of Dumblan; Clerk Register; Advocate.

"Forsamekle as the Lords of Secret Counsell ar informed that the rebell, James Grant, Robert Grant, his brother, and George Grant, his bastard sone, and others their associats does still continew their shifts, depreddations, fire raisings and others barbarous oppressions, to the dis-honour of God, contempt of his Majesteis autortie and lawes and disturbance of the north parts of this realm; and the saids Lords, calling to minde the acts of Parliament by the quhilks it is statute that the cheiffs and chiftans of clans sall be haltin to present and exhibite suche of their clan that they sall be charged for to his Majestie or to the Lords of Privie Counsell or to his Majesteis Justice and his deputys to underly the lawes at the time and place to be appointed; and they, being weill advised with the said acts and with the objections and reasons propounded be Sir John Grant of Freuchie and his advocates whairfoir he aucht not to be burdenned with the entrie and exhibition of the said James Grant, his said brother and sone, on the ane part, and the reasons of John Grant, fear of Ballindallach, compleanner, and Sir Thomas Hop of Craighall, knight baronnet, concurrand for his Majesteis interesse, on the other part; the Lords of Secret Counsell, notwithstanding of all the objections and reasons propounded be the said Sir John Grant and his advocates in the contrare, finds and declares that the said Sir John Grant aucht and sould be answerable for his hail kin and clan of the surname of Grant conforme to the lawes and practick of this kиндome, and thairfoir decernis and ordains the said Sir John Grant, as cheiff and chiftane of the surname of Grant, to bring and exhibite the said James Grant, Robert Grant, his brother, and George Grant, his bastard sone, before the saids Lords or before his Majesteis Justice upon the second day of Junij nixt. Lykeas the said Sir John Grant, being personallie present and this decreet and sentence intimat to him, he humbelie desired to be authorized with ane commission frome the saids Lords aganis the saids rebellis for the better enabling of him to the execution of the saids Lords decreet, qihilk the saids Lords thought reasonable, and ordained the said commission to be extendit in dew and ample forme."

"The Lords of Secret Counsell ordains and commands all the Coun-
sellers that ar landlords to find caution for observing the acts of Parliament made aganis brokin men upon the 24 of this instant."

The Privy Councillors and the broken men for whom they are responsible.
"The Lords of Secret Counsell ordains and commands George Baird of Auchmedden, shireff of Bamf, John Campbell, fear of Caddell, shireff of Narne, who wer personalie present, as lykewyses Thomas Crombie of Kemnay, shireff of Aberdein, to take out their commissions from the clerk of Counsell agains the brokin men of the name of Gordon and to make their addressse home with all possible diligence and to goe on in the reall executioun of the said commissioun, as they will answer upon the dewtie of their offices."

"The Lords of Secret Counsell nominates and appoints Johne, Earle of Tracquair, to be convenener of the committee appointed to confer with the Marques of Huntlie and to convene thame at such time and place as he sall thinke meet."

"The Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to putt James Gordon of Letterfourie, Johne Gordoun of Innermerkie, Johne Gordoun of Park, William Gordoun of Tulloch and James Gordoun of Terrisoull to libertie and fredome furth of thair tolbuith, they finding cautiou and souertie actit in the booke of Privie Counsell to compeir upon Tuisday nixt, the tent, that thay sall remayne and keepe ward within the burgh of Edinburgh and the Canno-gait till they be dismist, under the panes following, viz., the saide James Gordoun of Letterfourie, Johne Gordon of Innermerkie, Johne Gordon of Park, and William Gordon of Tulloch, everie ane of thame under the pane of fyve thousand merkes, and the said James Gordon of Terrisoull under the pane of j^m lb."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the sale of tobacco (as ante, p. 501), against David Quhylaw, Robert Baillie, John Wilson, John Duncansoune, John Rodger, James Pollok, Finla Bowie, Ninian Kincaid, James Gowan, Patrick Buchannan, John Mair-shel and Andrew Dinning, burgesse of Glasgow, for violation of the Acts concerning the sale of tobacco. Sir Thomas Hope comparring personally and the other two pursuers by their procurator, Mr William Wallace, there attended of the defenders, David Quhylaw, John Duncansone, John Rodger, Finla Bowie, Ninian Kincaid, James Gowan, Patrick Buchannan, and Andrew Dinning, all of whom being put upon oath respecting the verity of the complaint confessed (with the exception of Andrew Dinning, who denied the accusation and was assolized) that they had sold in small some quantity of tobacco which they had prior to the proclamation, and were accordingly deemed to have incurred the penalty of 100 merks. The Lords also find that the non-comppearing defendants have incurred the penalty foresaid and ordain letters to be issued for recovery of the same.
This day there came appeared before the Lords John Innes of Leuchars, George, James and Patrick Innes, his brothers, and Alexander Watsoun, servant to the said John Innes, and gave in a copy of summons against them by Sir Robert Innes of Balvenie, Mr Gavin Dumbart, chantor of Murray, and Walter Kinnaird of Coubin, curators chosen by Alexander Innes of Coxtoune, and Sir Thomas Hope of Craighall, his Majesty's Advocate, charging them with carrying hagbuts and pistols and with convocation of the lieges, coming to the house of Coxtoun, breaking up the doors thereof and keeping the same as a house of war fortified with men, powder, bullet and other warlike furniture, and also seizing upon the person of Alexander Innes of Coxtoune and keeping him as a captive, sequestrated from his friends; and protested that as they were now present ready to answer to the same, and no one appeared to prosecute, nothing further should be proceeded with in the case until they were cited of new and their expenses paid.

Complaint by James Jamesoun, white fisher in Meney, as follows:—Complaint by James Jamesoun against Andrew Brown in Newburgh and others for assault.

Supplication by James Stewart of Askamyle, as follows:—Supplication for protection by James Stewart of Askamyle.

The whilk day, in presence of the Lords of Secret Counsell, compeir'd the Marquis personallie George, Marques of Huntlie, and the saide Lords, having burdened him with the exhibition of the brookin men of the name of in the North. Gourdoun upon the acts of Parliament 1587 and 1594, they upon the
said Marques his earnest desire assignes to him Thursday nixt to consult with his advocats and to give in his answer thereanent in writ; and the saids Lords ordains Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocaet, to revise and consider the depositions tane anent the disorders in the north and the acts of Parliament made aganis chiftans of clans and to be in readines upon Thursday nixt to propone his reasons for fastening the saids brokin men upon the said Marques of Huntlie and to answer to all that sall be allledged be the Marques in the contrare.”

“The whilk day, in presence of the Lords of Secreet Counsell, compeird personallie Johne Grant of Glenmorestoun for satisfactioune of the act of cautionrie found be him for that effect, quhairupon James Gibsone, advocat, as procurator for Sir John Grant of Frenuchie, cautioner for Glenmorestoun, protested for the said Laird of Grant his releffie of his cautionrie, in respect quherof the saids Lords ordains the said Johne Grant of Glenmorestoun to remaine and keepe weirde within the burgh of Edinburg, the Cannogait and Leith, and not to depart till he be releaved be the Counsell, and to find caution to that effect under the pane of fyve thousand merkes, for quhilk purpose ordains the first caution to stand in force till Thursday nixt that caution be renewed.”

[Sederunt as recorded above, omitting the Justice Clerk.]

Complaint by Sir Thomas Hope, King’s Advocate, and Mr. Walter Whytefurde, sub-dean of Glasgow, one of his Majesty’s chaplains, as follows:—In violation of the laws prohibiting the carrying of hagbutts and pistolets James and George Cleland, sons of the deceased Sir James Cleland of Monkland, having conceived a hatred and malice towards the said Mr Walter and publicly and privately “professed and avowed with manie fearfull othes to have his lyffie,” came to the kirk of Monkland upon the 1st instant, being Sunday, armed with swords, pistols and hagbutts, “and without respect, being the Lords Sabbith, nor to the houes of God, they came within the kirk and sett thameselves, one at the one syde of the entrie of the quire and the other where they expected the said Mr Walter could have com’d that day to have preached, resolved if he had come to have put violent hands in his person.” Being disappointed in this, they went to the said Mr Walter’s house in time of divine service and threatened the servants and children, vowing that they would set the house on fire. After sermon they waited at the entry of the said house, and cruelly assailed Mr John Quhytfurde, the pursuer’s son, whom they would have killed if some gentlemen had not come to his rescue. On the following day, under the belief that the said Mr John had ridden to Glasgow, they followed with the intention of taking his life, but, missing him, they returned to the complainer’s house accompanied by David Shaw, James
and Thomas Moffate, servitors to Ludovick Cleland of Monkland, and others, armed as aforesaid, and searched through it all for the said Mr Walter or his said son, threatening his wife and "shoring to sett the hous in fyre and not to leive a sticker than iof standing, professing that if they had their turne done they caired not to be quartered in the morn, assuming to thamoselves the name of James Grant, and threatening to committ mae insolleceis than fell out be him." The pursurers comparring personally and also the said George Cleland, to whose oath of vertey the pursuers referred the truth of the complaint, and he denying the same, the Lords assozie him; and they further direct officers of arms to go and put the said James Cleland to the horn and esceat his goods for his contempt.

"The Lords contineues the processes anent the plaiding and pearle till this day aucth dayes."

"The Lords ordaines the Erle of Cassills to find law borrows to the cause of the shireff of Galloway under the pane of ten thouands pundus."

Sederunt—St. Andrewes; Privy Seal; Erroll; Mairshill; Winton; Edinburgh, 12th March 1635.
Gallouay; Lauderdaill; Dumfreis; Southesk; Traquair; Bining; 1636.
Lord Alexander; Bishop of Edinburg; Bishop of Dumblane;
Lord Naper; Master of Elphinston; Clerk Register; Advocate;
Justice Clerk.

"Anent the supplication presented to the Lords of Secret Counsell by the Supplication
George, Marques of Huntlie, makand mention that where for testification of his most willing and humble obedience to his Majestie and the saids Lords he hes, notwithstanding of his great age and infrimitie of bodie, be taken against him in connection with the broken men in the North, and that a commision be granted to him for suppressing the saide broken men.—
made his addresse heir in this unseasonable time of yeere, to the impairing of his health and endangering of his lyfe, to answer anent the late disorders committed in the north, quhairof, as he is most innocent and free frome the guilt and accession to suche publict misdemeanours and nefarrious acts, so he will concurre with his best power, service and furtherance for repressing of the same; but becaus the saids Lords wer pleased at the said Marques his last appearance before thame to urge him upon the acts of Parliament 1587 and 1594 with the exhibition of the brokin men of the name of Gordoun the said Marques will be sparing to make anie answer thereto as being loath to enter in dispute with his Majesteis Advocat or to decline anie service for the peace of the countrie that is prestable be him or in his power to performe; humbelle desyring thairfoir the saids Lords to forbear at this time anie proceeding againis the said Marques upon the acts of Parliament and to grant him a commissiouin for persute of the saids brokin men, whiche he is content to accept and will promise upon his honour and credite faithfullie and reallie to execute the same, and to imploy his freinds, ingadge his estait and use his best care, power and diligence for quyettin of the countrie
and imbring of the persons disturbers of the peace thairof and that betuix and suche a reasonable day as the saids Lords upon consideration of his present inabilitie sall appoint, at whiche time, if he report not real and satisfactorie diligence, the saids Lords may than as now proceed to the censuring of him if he be found guiltie according to the nature and merite of his offence; lykeas at mair lenth is contaneit in the said supplication. Qhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secret Counsell, upon the said Marques of Huntlie his earnest desire, forbeares all proceeding againis him at this time upon the acts of Parliament for exhibition of the brokyn men of the name of Gordoun, and ordains ane ample commission to be past and exped unto him and the persons to be nominat be him for whome he sall be answerable for their apprehension and exhibition upon the xvij day of Junij nixt before his Majestie Counsell or Justice, the said Marques first acting himselfe in the bookes of Secret Counsell that the haill name of Gordoun within the shirefdomes of Aberdein, Bamf, Elgine, Innerness, Narne, Cromartie, and all the said Marques his vassals and tennents dwelling within his lands or within the lands and bounds perteaneing to George, Lord Gordoun, his sone, and all others whome he may stop or latt and for whome he is answerable be the lawes of the kingdome and acts of parliament, sall live in peace and quietness free from all publickt insurrections and rebellions, and that the laird of Fendraucht, his ladie, barnes, vassalls, men, tennents and servants and others his Majestie peaceable and good subjects sall be harmlesse and skaitheless in thair persons, lands, goods and geir frome all incursions, heirships, fire raisings, publickt and opin oppressions to be committed upon thame be the said Marques or anie of the name of Gordoun within the bounds foresaid to the disturbance of the peace of the countrie, and that the said Marques be himselfe, his baillies and tennents sall caus stay and arrest all stollin goods that sall be lifted frome anie of his Majestie good subjects and caried throw his bounds conforme to the acts of parliament made thereanent and under the pane of satisfaction of the haill skaithe, domage and losse that the partes interested sall sustane in maner foresaid fra the dtai of the said act and in tyme comming; as alsua the said Marques acting himselfe to report to the clerk of the Counsell ane band of cautionrie for him of the tennour abonewrittin subcrryved be a number of responsall barons and gentlemen as cautioners for him in the presence of famous witnesses, to be insert and registrat in the bookes of Secret Counsell betuix and the day of nixt under all highest pane and censure that be the saids Lords may be inflicte upon him incaise of his failtie. And the saids Lords declares that this act and caution sall be without prejudice to the said Laird of Fendracht of anie former suretie or lawborrowes found unto him be the said Marques under pecuniall panes conforme to the tennor thairof.”
"The quhilk day the Lords of Secret Counsell declares that the Declaration
Marques of Huntlie his acting himselfe and finding of caution for
keeping the country in peace and quetynes and securing of his Majesties
lieses from the publick oppressiounes of the whole name of Gordoun and
that his acceptation of ane commission for persute and exhibition of the
rebellis and brokin men of the name of Gordon and others insert in the
said commissioun, sall not import againis the said Marques that he is
answerable in law for the saids persons, bot the same sall be with
express reservation and without prejudice to him of his lawful defences
competent to him upon the acts of parliament for byganes as accords of
the law."

"The whilk day James Crichtoun of Fendraucht, compeirand
personallie before the Lords of Secret Counsell, protested that the act
and suretie to be found be the Marques of Huntlie for the said Laird of
Fendraucht's indemnitie in time comming sall be without prejudice to the
said Laird of his action competent to him upon the acts of parliament
aganis the said Marques for byganes as accords of the law; quhilk
protestation the saids Lords admitted."

[Sederunt as recorded above, omitting the Master of Elphinstoun.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and
Alexander Stewart in Blairbowie, partie grieved, as follows:—Though
the carrying of hagbuts and pistols and convocation of the lieses in arms
is very strictly prohibited, on 23rd September last, John, Earl of Cassills,
Quintin Kennedie, James Currie, Uchthrid McDougall, William Adair,
James Kennedie and Archibald McAuld, domestic servants to the said
Earl, William Branster in Linstoune, John and Henry Davidson in
Burmouth, John Fultoun in Gultriehill, Andrew McCoshe in Craufurds-
toun, Thomas Davidson in Penniglen, Neill Gallouay, James Henders-
soun in Wodstoune, John Hendersoun in Gomerstoune, James Fleeming
in
James Campbell in Barnefund, John Kennedie of
Knockda, Thomas McArg in Milnetoun of Cassills, Thomas Mortoun in
Mains thereof, and Thomas Smith in Durinehill, with others, all at the
instigation of the said Earl, came under cloud and silence of night to
the barnyard of the said Alexander Steuart, "where his bere and cornes
were standing halked and crowned, and there the said Earle, without
forme or order of law, yockit a number of his foote boyes and kuiet tua
of the said Alexander his stalkes, ane of beir, ane other of corne, slang
ane great quantitie thairof over the barneyaird dykes among the filthie
myres, scattered the rest ather the feilds and intromettet and away
tooke what they pleased of the same. And the said Earle of Cassills and
John Kennedie of Knockda in this meanye tyme brake up the compleanners
barne doore and walked up and doun the same untill the personis foir-
saids had destroyed the compleanners hail cornes."

Further, on 1st and
3rd November, the said Earl and other persons foresaid came to the complainant's said barnyard, where the Earl caused his footboys and servants cast over five of the complainant's stacks, whereby his corn has been so spoiled and abused that he will scarcely have sufficient with which to sow his lands. And, on the said 1st of November, the said Quintin Kennedie, Uchtred McDougall and William Branster, by command of the said Earl, pursued the complainant for his life between Cassills and his own house, whither he fled for safety, but they broke up the doors and would have slain him but for his own better defence; and, on the said 3rd November, the foresaid Uchtred McDougall with a rung and his hands and feet cruelly hurt and wounded Gilbert Henderson, the complainant's son-in-law. Charge having been given to the said Earl, and he and the pursuers personally comparing and having been heard, the Lords "perceaving clerlie that there is suche miscontent betuix the saids parties as neither can the said Earl acknowledge the said Alexander as a kyndlie and dwtifull tenant, nor the said Alexander carie himselfe to the said Erle with that respect quhilk becometh ane humble tenant to his master and quhilk proceidit from the said Alexander his leiding of his teind of his saids lands after that the said Erle had servd inhibitions thairupon and given advertisement to the said Alexander not to medle thairwith," find it expedient that the Earl provide himself with another tenant in the lands held of him by the said Alexander, viz. the two mark land of Blairbowie, the keeping of the park of Cassills with the Newlands and meadow under the same; and that the said Alexander provide himself with another master. They therefore ordain the said Earl to pay to the said Alexander 1000 merks precisely at Whitsunday next with 300 merks additional of penalty in case of failure, and that in full satisfaction of damages done in the drawing by the Earl of his teind forth of the said Alexander's corns stacked in his barnyard, and of the expense to which he has been put in raising this complaint, as also in satisfaction of the right and kindness of the holding he has from the said Earl. And they ordain the said Alexander thereupon to renounce his tack and right and kindness thereof to the said Earl under reservation of the crop sown for this present year, with which he is to deal at his pleasure, always excepting the said Earl's teind of the same. The Earl is to have entry to the grass of the lands at Whitsunday, when the said Alexander is to remove all his goods therefrom and vacate the whole houses and buildings except the barn and barnyard for the keeping of his corns according to the use of the country. Further, the said Alexander is to make payment to the Earl of his ordinary rent at the term of Candlemas [sic] next precisely, and to be burdened with no further service, without prejudice to the Earl of any rents due to him for the year 1634. The Lords further extinguish all actions standing between the said parties, who both declared themselves content with their Lordships' decision and promised real obedience thereunto.
Complaint by Angus McEane Vic Dougall, servitor to Hector M’Lain of Kendlochallane, as follows:—On November last Charles McEane Vic Dougall, servitor to Hector M’Lean in Unibeg, John McEschan Vic Ean Roy in Gaydine, Donald Gow in Corunahennach, Gillespieck Geir M’Channanich in Skallashillbeg, John Dow M’Channaniche, Donald M’Condochie Vic Gillivoir, Archibald M’Shirrie in Leattir, Ewin M’Ewin there, Gillicalme M’Ean Vic Gillichalline there, and Donald Roy M’Gillean Vic Gowlay, all armed with bows, dartlocks, swords, targes and other weapons, cruelly pursued the complainant for his life, gave him many bauch, blae and bloody strokes, bound him with cords as if he had been a thief, carried him away and kept him prisoner for five days and five nights without meat or drink with the intention of hungering him to the death, if he had not made his escape. Charge having been given to the persons named and the pursuer appearing by James Logie, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Supplication by William Seatoun of Scathin, as follows:—He is distressed as cautioner for the young Laird of Pitcaple who has now fled to Ingland, and the suppliant has come to this burgh to deal with his joint cautioners for his relief, but his enemies have stirred up his creditors to seek personal execution against him and so debar him from lawful diligence against the Laird of Pitcaple. He therefore craves their Lordships' warrant for his safety. The Lords grant him their protection until 1st August next.

Act of caution by Sir John Grant of Freuchie for John Grant of Glenmorestoun that he will observe the acts of Parliament for the maintenance of peace by the chieftains of clans and others; with clause of relief. (Signed) GLEMMORISTOUN. S. J. GRANT, cationer.

The Earl of Cassillis and the Sheriff of Galloway to find lawborrowes to others under the paines conteanan in their former acts and to remaine within burgh and not to remove till they find the said cautoun.

Sederunt—St. Andrewes; Erroll; Mairshell; Wintoun; Gallouay; Edinburgh, Launderaill; Dumfreis; Southeak; Traquair; Binning; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

"The Lords of Secret Counsell remitts the informations and articles givin in aganis Androw Bruce of Mownes and others in Zetland to the consideration of John, Earle of Traquair, Sir John Hay, Clerk of his Majesties Registers, and Sir Thomas Hope of Craighall, his Majesties Advocaat, or anie twa of thame, ordaining thame to take tryell thairof and of the desire of the same and to report to the Counsell thair opinion thereanan."
Intimation to
Sir Alexander
Gordon of
Cluny and
others aent
the Marquis
of Huntly’s
commission
against the
broken men of
the North.

"The quibulk day Sir Thomas Hope of Craighall, knight baronnet, Advocaet to our soverane lord, made intimation to Sir Alexander Gordoun of Cluny, Johne Gordoun of Buckie and James Gordoun of Letterfoure, who wer personallie present, that there was a commissioun past to George, Marques of Huntlie, and unto thame and others nominat be the said Marques for persute and exhibition of the brokin men in the north, and required thame to advertise their freinds with all possible diligence to the effect they might be in readines to goe on in the reall executioun of the said commissioun againis the saids brokin men conforme to the tennour thairof."

[Seated as recorded above.]

Complaint by George Stevensone in Berboth, and Margaret Moirs, lawful daughter of Gilbert Moirs in Dalgairne, as follows:—They had led and stacked their corns for this year in thair yard of Dalcairne when Joh Moirs in Dalcairne, and others, his accomplies, came on January last, and very maliciously cast down their stacks, threw the corn about the fields and some over the dykes; and, coming again within 27 hours thereafter, carried off the same to his own barn, and threshed them at his pleasure. For avoiding further trouble the complainers complained to the bailie of Carrick, who caused arrest their corns; but the said John, with John M‘Maiben in and others, came to the complainers’ barn door, broke it up and meddled with the corns therein; and when the complainers came and would have threshed their own corn, they assailed them with swords, staves and other weapons, wounded them on the head and shoulders and forced them to flee for fear of their lives. Charge having been given to the said John Moirs and John M‘Maiben, and the pursuer comparthing personally but not the defenders, the Lords ordain the latter to be put to the horn and eschaited.

The Lords ordains the Marques of Huntlie to find caution for the indemnity of Fendraught againis the hall name of Gordon within the schiredomes of Abirdein, Bamff, Murrey, Forres, Elgine, Narn”, Sederunt as recorded above.

Edinburgh,
19th March
1635.

The Marquis of
Huntly
required to
find caution
that no injury
shall be done
to the Laird of
Fendraught
by any persons
for whom the
said Marquis
is responsible.

November
1633-April
1636.

Fol. 210. s.
wrong that shall be committed in the meantime and for redresse of byganes as accord of the law.”

“Most sacred soverane,—Whereas your Majestie hes ever had ane royall and princielie regard to this your Majesteis ancient kingdome by communicating of your princeleile favours in ane equall proportion unto the subjects of both your Majesteis kingdoms of Scotländ and England, amongst others the patent of the glasse workes is not one of the least whiche, having ane free passage in all others your Majesteis dominions, will much tend to the advantage of this kingdome, not onlie in the particular itselde but as being a meane to invite the maisters of others arts and ingenienes inventions to adventure with us as that weill accomplished gentleman, Sir Philbert Vermitty, hath done who, to his great charge, hath perfytte that worke of making of glasse in this kingdome quhereby manie of your Majesteis good subjects heir ar haldin at warke to their great advantage, and on his behalfe we will humbile presome to give unto your Majestie most humble thankes, humblie beseeking your Majestie for the better encouragement of him and others of his qualitie and parts to continewe your gracious favour towards him, for the whiche as all others your Majesteis royall and tender regards of the weale of this your Majesteis kingdome we sall ever remaine, etc. Subscribitur—St. Andrews, Glasgow, Wintoun, Wigtoun, Launderdaill, Dumfreis, Southesk, Traquair, Naper, J. Hay, Ja. Carmichael. Edinburgh, 17 Martij, 1635.”

Act of caution by John Grant of Glenmoreistoun for Patrick Grant, apparent of Glenmoreistoun, his son, that he will observe the acts of Parliament for the maintenance of order by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) PATRICK GRANT of GLENNMOREISTOUN.

Sedearn—Chancellor; Glasgow; Erroll; Mairshell; Wintoun; Wigtoun; Launderdaill; Dumfreis; Southesk; Bishop of Edin.; burgh; Bishop of Ros; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk.

"Forsamekle as it is understand to the Lords of Secreet Counsell that Charge for presentation before the Council of four broken men now in custody in the House of Fremdrouth, and amongst it is most probable and certane that thr foure lymmars who wer personall actors in all the insolenceis foresaidis can give a trew light and information to the saids Lords who..."
wer the principal authors, devisers, prosecuters and followers out of the Acte, Jane
disorders and troubles and where and be whome and upon whois ground
and lands the persons guiltie hes beene ressett and interteanyed; necessar
it is, that his four persons in whate hands be exhibite before
his Majesties Counsell to be examined and otherways tane order with
and punished as accord. For quhilk purpose the sauds Lords ordains
letters to be direct charging the shireff of Bamff and his deputys to make
their admirse, weill and substantioulie accompanied, to the said place of
Kynnaill and thair to receave from the Ladie Fendrach the four persons
abonewrattin and to bring and delyver thame to the shireff of
Aberdene and his deputys within 36 hours nixt after they be charged
thereo under the pane of rebellion, etc., and to charge the shireff of
Aberdein and his deputys to receave the sauds four persons from the
shireff of Bamff and his deputys or suche as saill have the charge of their
convoy within ane hour nixt after they be presentit to thame, and to
bring and delyver thame to the shireff of Kyncardin and his deputys within
24 hours thereafter under the said pane of rebellion, etc.; and to charge
the said shireff of Kyncardine and his deputys to receave the sauds four persons from the said shireff of Aberdein and his deputys within ane
hour nixt after they be presentit unto thame, and to bring, present and
exhibite thame to the shireff of Forfar and his deputys within 24 hours
thereafter under the said pane of rebellion, etc.; and to charge the sauds
shireff of Forfar and his deputys to receave the sauds four persons from
the said shireff of Kyncardin and his deputys within ane hour after they
be presentit unto thame, and to bring and exhibit thame to the provest
and bailleis of Dundie within 24 hours thereafter under the said pane
of rebellion, etc.; and to charge the sauds provest and bailleis of Dundie
to receave the sauds four persons from the said shireff of Forfar and
his deputys within ane hour after they be presentit unto thame, and to
bring and delyver thame to the shireff of Fyffe or his deputys within 24
hours thereafter under the said pane of rebellion, etc.; and to charge the
said shireff of Fyffe and his deputys to receave the sauds four persons
from the sauds provest and bailleis of Bruntilland [sic] within ane hour
after they be presentit unto thame and to bring and delyver thame to
the bailleis of Bruntilland within 24 hours thereafter under the said
pane of rebellion, etc.; and to charge the sauds bailleis of Bruntilland
to receave the sauds four persons from the sauds shireff of Fyfe and his
deputys within ane hour nixt after they be presentit unto thame and to
bring and delyver thame to the bailleis of Leith within 24 hours there-
after under the said pane of rebellion, etc.; and to charge the said bailleis
of Leith to receave the sauds four persons from the sauds bailleis of
Bruntilland within ane hour after they be presentit unto thame, and
to bring and delyver thame to the provest and bailleis of
Edinburgh within sex hours thereafter under the said pane of rebellion,
etc.; and to charge the sauds provest and bailleis of Edinburgh to
receave the saids foure persons frome the saids bailleis of Leith within ane houre after they be presented to thame and to committ thame to waerd till order be givin for thair tryell and punishment under the said pane of rebellion, etc.; and if anie of the persons foresaids faultyes in anie point heirof the tymes respective foresaids being bypast to denunce, etc."

"Forsamekle as in all the disorders and troubles quhilks hes of lait fallin out in the north parts of this kingdome Katharine Forbes, Ladie Rothenay, hes had a speciall hand, not onelie by a covert and secret forme of supplie and reliefe givin be her at the beginning of the saids troubles to the principall actors and ringleaders therein, bot in end with ane plane and high hand she hes publickly and avowdlie tane upon her the patrocinie and defence, so far as in her lyes, of the saids rebellis, hes ressett thame in her hous of Rothenay, hes fortified the same with men, victuals and all other warrelie provision and she and they concurreing togidder, hes keeped and keepes the said hous as ane hous of warre againis his Majestie and his auctoritie, and hes beene and is upon the counsell of all the passages in this rebellion, for the quhilk she, being callit to her answer before the Lords of Privie Counsell and takand upon her the guilt of the saids crimes, she absentd herselvse and compeird not and wes thairfoc renounced and registrat at the horne and con-tempnandlie remaines theare as yitt unrelaxt in high and proud contempt of his Majesteis auctoritie and lawes, and thairfoc it is verie necesser that she be exhibite before the saids Lords to underly her examinatioun and tryell as accordes. For quhilk purpose the Lords of Secreet Counsell ordains letters to be direct charging the shirreff of Bamff and his deputys to pes, searche, seeke and take the said Katharine Forbes where ever she may be apprehended within the bounds of his office and to bring and delyver her to the shirreff of Aberdein and his deputys within three dayes after the charge under the pane of rebellion, etc.; and to charge the said shirreff of Aberdein to receave the said Katharine frome the said shirreff of Bamff and his deputys within ane houre houre after she be delyvered unto thame and to bring and delyver her to the shirreff of Kincardin and his deputys within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shirreff of Kincardin and his deputys to receave the said Katharine frome the said shirreff of Aberdein and his deputys within ane houre after she beis presentit unto thame and to exhibite her to the shirreff of Forfar and his deputys within 24 houres thereafter with under the said pane of rebellion, etc.; and to charge the said shirreff of Forfar and his deputys to receave the said Katharine from the said shirreff of Kincardin and his deputys and to exhibite her to the provost and bailleis of Dundie within 24 houres thereafter under the said pane of rebellion; and to charge the saids provost and bailleis of Dundie to receave the said Katharine frome the said shirreff of Forfar and his deputys within ane houre after she beis
presentit unto thame and to exhibite her to the shireff of Fife and his deputs within 24 hours thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Fyffe and his deputs to receave the said Katharine from the saids provest and bailleis of Dundie within ane hour after she beis presentit unto thame and to exhibite her to the bailleis of Bruntilland within 24 hours thereafter under the said pane of rebellioun, etc.; and to charge the saids bailleis of Bruntilland to receave the said Katharine from the said shireff of Fyffe and his depons and to bring and exhibite her to the bailleis of Leith within 24 hours thereafter under the said pane of rebellioun, etc.; and to charge the saids bailleis of Leith to receave the said Katharine from the saids Provost and bailleis of Bruntilland within ane hour after she be is presentit to thame and to exhibite her to the provest and bailleis of Edinburgh within 24 hours thereafter under the said pane of rebellioun, etc.; and to charge the saids provest and bailleis of Edinburgh to receave the said Katharine from the saids bailleis of Leith within ane hour after she beis presentit unto thame and to committ her to waryd, there in to remaine till she be tryed and examined as accordes, under the said pane of rebellioun, etc.; and if they failyrie therein, the times respective foresaid being bypast, to denounce, etc."

"Forsamekle as one of the causes quhilks have procured the continuance of the disorders and troubles in the north hes proceede from the ressett quhilk the rebellis hes found in the hous of Rothemay, quhilk hous they have fortified with men and victual, poulder and leade, and keepes the same as ane hous of warre, and when they find the occasioun of anie mischeif or trouble to committ in the countrie they come out of the hous, prosecutes thair treasonable resolucions and returns back agane to the said hous where they ar ressett, and thinkes theameselfes as secure therein as if they wer lawfull subjects; and whereas it is ane great discredit to the countrie that ane handfull of treasonable lymmaris shold be suffered to have suche starting holes in the countrie for thair retreace and sureties after the committing of thair mischant and insolent villaneis, thairfor the Lords of Secret Counsell ordains letters to be direct charging the shireff of Bamf and his deputs, within whois office the said hous liyes, to pas to the said hous and to persewe and take the same, remove all persons furth thairof and putt a competent number of persons within the same, to be keepeed be thame upon the expenses and charges of the readiest of the rents and living of Rothemay during the time that they be warrand from his Majesteis Counsell sall have the charge and keeping of the said hous; and if neid beis with power to the said shireff and his deputs to convocat his Majesties lieges in armes for thair better assistance in the execution of the premisses, and to make opin doores and to use his Majesties keyes, and to doe all others things necessar for recoverie of the said hous and expelling of the rebells and thair complices furth thairof, and that the said shireff and his deputs effectuallie
execute this direction within three days after the charge as they will answer to his Majestie and his Counsell upon the due full discharge of their offices and under the pain to be called before his Majesties Counsell and to be persuaded and punished as remise, unworthy and negligent officers to his Majestie in the execution of his roiall commandements."

"Forsamekle as altho there hes beene diverse acts and proclamations made and published heeretofore againe the importation of the false and counterfoote copper coyne vented within this kingdome in the species of turnours and farthings, as also againe the importation of Holland doittes, doubles or suche other kynde of trashe unlawfull to have course and never allowed nor tolerat within this kingdome at anie time heeretofore under certane lanes mentionned and conteanit in the acts and proclamations made and published thereafore; notwithstanding suche hes beene and is the presumtion of numbers of his Majesties subjects in this kingdome and of strangers that they ceased not to bring within this kingdome great quantities of the saied copper peines and farthings and of the Holland doittes and doubles, so as in a maner the cuntrie is fillit with the same. And whereas it is a great disgrace to his Majesties government, contempt of his roiall auctoritie, scandal to the kingdome and great hurt to the subjects that this false and counterfoote copper coyne of the species foresaid and formerlie discharged, as said is, shall be suffered to have course or passage within this kingdome, and the saies Lords, being carefull to prevent the farther growth of this evil and to try and point out the persons guiltie of the same; the airfoir the saies Lords hes givin and grantit and be the tennour of this present act gives and grants full power, commission and warrand to M’ James Gordon, keeper of our Soveraine Lords signet, M’ Alexander Kinneir, writer, M’ Robert Ferguhar, merchant burges of Aberdein, Robert Keith, writer to his Majesties signet, Robert Gordoun in Cluny, Duncane Forbes, provest of Innernes, Robert Bettie, burges of Montrose, Archibald Stuart, merchant burges of Air, Captane David and Robert Alexander, burgesse of Anstruther, Alexander Wedderburne, burges of Dundie, M’ John Adamsone, shiref clerk of Hadintoun, Thomas Maxwell, brother to the Laird of Kirkconnell, Johne Montgomerie of Cocklie, George Hafightside, burges of Kelso, Johne Rutherfurd, burges of Jedburgh, George Aitkine of

William Strachan in Dunce, Johne Anderson, merchant in Glasgow, George Sinclair of Rapnes, and M’ James Mouat, fear of Garth, and to all judges, officers and magistrates to burch and land, conjunctlie and severallie, to make diligent inquery and search where and by whome this false coyne of the copper peines, copper farthings, and of the doittes and doubles hes beene or sall be imported and outted among his Majesties good subjects, and to apprehend the persons guiltie, and to intromett with the said false and forbiddin coyne, and to commit the persons guiltie to ward, or otherways to exhibite thame to his Majesties Counsell; with power also to thame to
meddle and intromett with the said false and prohibite coyne and to Acct. June 1631-April 1635. exhibite thame to his Majestis Counsell; firme and stable halding and for to hald all and quhatesomever things sull be lawfullie done heerin."

"The whilk day, in presence of the Lords of Secret Counsell, Vol. 72, a. compeired personallie the persons underwrittin and gave thair great and solemn oath in maner and to the effect following:—

Giacomo Lepomanno, sworn, depon that, he having served Sir Robert Mansfeild four yeeres and givin him his band, Sir Robert delyvered to the deponner backe his band, whereupon he being free he entered in service with Sir Philbert Vernatty, and denyes upon oath that he was seduced.

Francisco Maxalac, sworn, depon that [it] is ten yeeres since he served Sir Robert Mansfeild and that he is free of Sir Robert and hes beene serving in Germanie and wes since his returne in England, but Sir Robert did never challenge him nathier had anie service for him and that he was free of Sir Robert.

Christopher Farsy, sworn, depon that he served Sir Robert four yeeres under band and that Sir Robert having dismiss him and delyvered him backe his band within this halfe yeere and being free he entered in service with Maximilian Vernatti, brother to the said Sir Philbert, and denyes seducement.

Valeria Biondi, sworn, depon he served Sir Robert Mansfeild as a voluntar, but wes no wayes tyed to him by anie condition, and that it [is] seven moneths since he left him.

Francisco Biondi, sworn, depon he wes Sir Robert Mansfeilds servant sevin yeeres and wes bound to him onelie for four yeeres, which are expired, and that he was a freeman, and denyes seducement.

Francisco Ballanato, sworn, depon he wes Sir Robert Mansfeilds servant bot wes never bound to him, and that being a free man and hardlie used be Sir Robert he left his service, and denyes seducement.

Giovanni Rigetto, sworn, depon he wes in service with Sir Robert Vol. 72, b. Mansfeild bot wes never bound to him, whereupon he was conduced be Maximilian Vernatti.

Johne Roui, sworn, depon he hes served Sir Robert Mansfeild bot wes never tyed to him in anie condition and denyes seducement.

Charles Martine, sworn, depon he hes served Sir Robert bot wes never tyed to him, and being free he entered in service with Maximilian Vernatti.

Basteane Nicoll, sworn, denyes that ever he wes bound in anie condition to Sir Robert Mansfeild, bot wes a free man.

Johne M°Acombla, sworn, depon he hes served Sir Robert twa yeeres bot wes ever free and no wayes bound to him."
Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Seatoun, burgess of Aberdene, party grieved, as follows:—Though the carrying of hagbutts and pistolets and convocation of the liege in arms is strictly prohibited by the laws, yet on the said John Keith and Patrick Forbes, then chamberlain to the Earl of Mairshell, having set to the said James a tack of the lands of Liddoche of Skene, lying in the lordship of Skene, for five years, after they had lain four years waste, and the complainer having occupied the lands for some years and looking to obtain the benefit of the said tack, on 1630, the said John Keith and Patrick Forbes, Robert Keith, writer, John Leslie, Robert Gordoun, Alexander Thomsons, James Keith, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes, William Strauquhan, Alexander Norie, William Scoit, Robert Forbes, John Thomsons, and others, armed with swords, staves, hagbut, pistols and other weapons, came, at the special instigation of the said Earl, by way of hamesucken, to the complainer's dwelling house in Liddoche of Skene, put violent hands on him and carried him prisoner to the tolbooth of Aberdene and kept him there a long time until he was forced to renounce his tack. Thereafter Robert Keith, brother of the said John, being general chamberlain to the said Earl, augmented his tack duty, at which time his tack was renewed upon new conditions; and, when the complainer offered George Creichtoun, younger of Creichie, as cautioner for his performance of the conditions, the said Robert laboured with the said George to refuse to be cautioner. Again on the said John Keith and others, armed with swords, hagbutts and pistolets and other weapons, at the instigation of the said Earl, came to the complainer's dwelling house, "brake up the doores thairof, rugged doun the rooffe of the hous, barnis and chalmers, so as ten bollis of meale being in his chalmer, and ane stacke of corn containing sextene bollis aitts, being in his barneyard, were all lost. Lykeas about that same tymne the said Robert Keith himselfe came from Stanichyve to the compleanner in Con . . . and preist to have overrunne him with his horse and with ane braid suord hurt and woundit him on both the hands to the effusion of his blood. And upon Wednesday thairafter the personis forsaidis, boddin, as said is, came to the ground of the compleanners lands and dimolished and kuist doune the wallis of the saids houses and raised the same to the ground." Charge having been given to the said John Keith, Robert Keith, writer in Edinburgh, John Leslie, messenger, Robert Gordoun in Achrosk, Alexander Thomsons, servitor to the Earl of Mairshell, James Keith, younger of Kinnadie, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes in Rodgerhill, William Strachane in Kirktoun of Skene, Alexander Norie in Liddoche of Skene, William Scoit in
Robert Forbes in Milbowie, John Thomsone in Kirktoun of Skene, appearing personally and likewise the whole defenders, except John Keith, the officer, and Alexander Forbes in , (for whom the said Robert Keith produced two certificates under the hand of the minister of Kinneller and of the elders of the kirk of Skene, stating their inability to travel in regard of their age and the present storm), and parties and their witnesses having been heard, and in regard to certain points reference having been made to the defenders’ oaths of verity, the Lords assize the whole of the defenders, who admitted the taking of the pursuer, though they declared it was by virtue of letters of caption, as also the demolishing of his houses and ejecting of himself in terms of his own renunciation, and decrees following thereupon.

Complaint by Dame Agnes Falconer, widow and executrix confirmed to Alexander Keith of Benholme, and John, Master of Corstorphine, now her spouse, for his interest, as follows:—On 11th February last Mr. David and John Arakyne, burgesses of Montrose, were put to the horn at the instance of the complainers for not paying to them 10,000 merks of principal, 2000 merks of expenses, with interest of the principal sum at 10 per cent. and £100 of penalty for each term’s failure in payment of the interest. They intended to follow up the horning by caption and other legal process, but this was frustrated by the said John purchasing a protection from his Majesty, in which the complainers reverently acquiesced. In the said protection there is the special provision that the said John shall pay the annual rents of the sums due to the creditors, but he has not acknowledged them in either the principal sum or the interest, and will not do so. The complainers, however, are confident that the Council will allow them the benefit of the law with regard to the annual rents, and they will wait patiently for the payment of the principal sum during his protection. Charge having been given to the said John Arakyne, and he compearing by Mr. John Sandilands, advocate, his procurator, and the said John, Master of Corstorphine, appearing as pursuer, the Lords, after hearing parties, grant warrant to all sheriffs and other judges to enforce letters of caption and other legal diligence against the said John Arakyne for making payment to the complainers of their annual rents notwithstanding of the said protection; but the Lords supersede execution hereof till Whitsunday next.

"The qhilk day the Laird of Fendraucht produced a letter from his ladie bearing that she had takin fours of the brokin men that accom-panied Adame Gordoun and wes partaker with him and the rest of the rebellis in their lawlesse courses, for whois exhibitionn afore the Counsell ordanis letters to be direct charging the shireffs to exhibithe thame fra hand to hand to the tolbuith of Edinburgh."

"Continewes the processe anent the pearle and plaiding till this day sucht dayes."
"Continuues the Marques anser to the Counsellis ordinance till the morne at nyne of the clocke in the morning."

"Ballindalloch cautioner for exhibition of Dunkintie before the Counsell the morne under the pane of 20 merkes."

**Sederunt**—St. Andrewes; Wintoun; Wigtoun; Lauderdaleill; Edinburgh, Dumfreis; Southesk; Traquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Bining; Lord Alexander; Lord Naper; Clerk of Register; Justice Clerk.

"The quhilk day the Lords of Secret Counsell finds and declares that the cautious to be found be the Marques of Huntlie for securing of the Laird of Fendraucht frome all incursions, heirships, fireraising, publicke and opin oppressions to be committed upon him be the name of Gordoun, and that the Marques his acceptation of one commissioun for persute and exhibition of the brokin men and rebellis sall not make him answerable in law for the name of Gordoun and sall be without prejudice to the Marques of his lawfull defences competent to him for byganes as accords of the law."

"The quhilk day the Laird of Fendraucht, compeirand personalitie, protectes that ane suretie to be found to him be the Marques of Huntlie for his indemnity in time coming sall be without prejudice of his action competent to him for byganes as accords of the law, qhuhilk protestatioun the Lords admitt."

"Ordinis the Marques to find cautious to keepe Fendraucht free frome all incursions, heirships, &c., to be committed upon thame be the name of Gordon under the pane of redresse of the whole skaith that sall be done."

**Sederunt**—St. Andrewes; Privy Seal; Glasgow; Erroll; Mairshall; Edinburgh, Wintoun; Wigtoun; Lauderdaleill; Dumfreis; Southesk; Traquair; Bishop of Oz; Lord Bining; Lord Alexander; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk.

"Forsamekle as the persons underwrittin, they ar to say, the tutor of Glenneveis, McRannald younger, Adame Gordon, callit of Parke, Alexander Gordon, younger of Innermerkie, Johne and Nathaniel Gordons, sonnes to Johne Gordon of Ardlogie, James Gordon, callit the soildiour, William Gordon, sone to Gollachie, Johne Gordon, sone to Littlelime, James Gordon, sone to Baldornie, James Gordon, sone to Patrik Gordon in Sutherland, Robert Gordon, brother to the Laird of Geicht elder, Alexander Gordon, callit of Drumheid, William Gordon, callit of Achinhannah, Johne Gordon in Corsekellie, Alexander Gordon of Carneborrow, Alexander Leith, brother to Harthill, Adame..."
Gordoun, servitour to Adame [Gordoun] of Park, Johne Gordoun in Stra-
doun, Adame Gordoun there, James, Patrick and Alexander Gordons, his
sonnes, George Gordoun in Auchterles, James, Adame and Harie Gordons,
his sonnes, Johne Gordoun in Carnehill, Johne Gordoun in Incheochorie,
Johne Gordoun in Wodheid of Rothemay, Duncane and Johne Dow
Brabners, Alexander Duncane, brabner, William Cok, William McGil-
vich, William Quyte, Robert Copland, Alexander Kemp, William
Beg, James Cruikshanke, whois father dwells in Rothemay, George
Moresone there, Johne Proffite, servitour to Nathaniel Gordoun, William
Ros, sister sone to Letterfoure, Johne Boyes alias Grant, Johne Moore
in Stradoun, Johne Rayne, McEwin Conneill and Johne McEwin in
Loquhaber, Alexander Baillie, baillie to the Marques, Duncan McGregour
McEanduy in Stradoun, Angus Fiar and Johne McGillespick, Donnald
Kelles, Alexander McKercher, Robert Couper, Alexander Gow, James
Inneis, Johne Weir, William Gauld, Johne Geins, Johne Milne, Angus
McInneis, and Androw Marniche, all in Cabrach, ar delated to be and
have beene the authors and committers of the manie slaughters, fire
raisings, heirships, depredations and others barbarous oppressions where-
with his Majestie peaceable subjects in the north partes have beene
greevouslie infested these diverse yeeres bygane, to the dishonnor of God,
disgrace of his Majestie government and disturbance of the publict
peace and quyetnes of the countrie, for the quhilks they ar all, at the
least the greatest part of thame, denounced rebellis: And George,
Marques of Huntlie, being callit to his answer heirupon and being urged
upon the acts of Parliament with the exhibition of the saids persons, the
said Marques, being loath to enter in disputhe how far by the lawes of
this kigndome he might be burdened for the saids rebellis and brokin
men, he, by his peticioun givin in to the Lords of Privie Counsell, did
humblelie supplicat thame to forbearre all proceeding aganis him upon the
acts of Parliament and to grant a commisioun to him and to the persons
underwrittin for the persute and exhibition of the saids brokin men;
quhereunto the saids Lords, at his earnest desire, wer pleased to yeeld.
And thairfor the saids Lords hes givin and grantit and be the tennour
heirof gives and grants full power, autoritie and commissioun, express
bidding and charge to the said George, Marques of Huntlie, and to the
persons underwrittin, nominat and givin up be the said Marques and for
whome he sall be answerable, they ar to saye, George, Lord Gordoun,
James, Lord Desfurde, Sir Alexander Irving of Drum, Williame Seaton
of Meldrum, Meinyeias of Pitfoddells, Sir Alexander Gordon of
Cluny, Sir George Gordoun, elder of Geicht, George Gordoun, younger of
Geicht, Sir Robert Inneis of Balvenie, Sir Walter Inneis, his sone, Sir
James Gordon of Leamore, Alexander Gordoun, his sone, Johne Gordoun
of Haddo, Johne Gordoun of Craig, Johne Gordoun of Buckie, Johne
Gordoun of Hiltoun, Mr Robert Gordoun of Straloche, Robert Gordoun,
his sone, Johne Gordoun of Park, Johne Gordoun of Innermerkie,
Williamse Gordoun of Tulloch, James Gordoun of Letterfoure, George Gordoun of Newtoun, Williamse Gordoun of Terpersie, Johne Gordoun of Corrochrie, George Gordoun of Tillichewdie, Patrik Gordoun of Kirkhill, Patrik Gordoun of Kincerage, Johne Gordoun of Bialak, Johne Inneis of Leuchars, Alexander Seatoun of Pitmedden, George Gordoun of Cockerachie, Harie Gordoun of Glassauche, Alexander Gordoun of Achannachie, Williamse Gordoun of Knockaspeck, Robert Gordoun, baillie of the Einzie, James Gordoun of Dunbennan, Williamse Gordon of Minmore, Williamse Gordoun of Braichlie, and George Gordoun of Baldormie, conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, search, seeke, follow and persue the rebellis and brokin men particularlie abonewritten and all others whom the Lords of Privie Counsell sall give in valentine to thame wheresoever they may be apprehended, and to bring, present and exhibite thame before his Majesteis Counsell or Justice upon the xvij day of Junij nixt to underly thair deserved gyell and punishment; and incase it sall happen the saids rebellious persons and brokin men for eshewing of apprehension to flee to strenths and houses, with power to the saids commissioners to pas, follow and persue thame, assiege the saids strenths and houses, raise fire and use all kynde of force and warrelie ingyne that can be had for winning and recoverie of the saids strenths and houses and apprehending of the saids rebellis and brokin men being therein; and if in perseute of the saids rebellis and brokin men, they refusing to be tane, it sall happen thame or anie of thame or anie being in companie with thame or within the saids strenths and houses and assisting thame to be hurt, woundit, mutilat or slaine or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in execution of this commiision as crime nor offence, and exonerating thame thairof and of all pane, crime and danger they may incurre therehrow simpliciter be thair presents. And for the better execution of this commision, with power to the saids commissioners and persons assisting thame therein to beir and weare haquebutts and pistolets in the execution of the saids commissioun alannerlie and no otherways; and generallie all and sindrie others things to doe, exerce and use quhilkis for execution of this commiission of the law and consuetude of this realme ar knowne to perteane; firme and stable halde and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commiission and to doe nor attempt nothing to the hinder nor prejudice thairof, and for this effect to be in readines in thair best and most warrelie furniture, and to convene and meit with the saids commissioners at suche times and places as they sall be warned thereunto be missive letters or otherways, and to attend
and await upon thame for prosecution of this commission aganis the saids brokin men under all highest pane and charge that after may follow."

"The Lords of Secret Counsell ordains and commands the maissers of Counsell to pas and charge all the barons and landed gentlemen of the name of Gordoun presentlie in toun to find caution for keeping of the acts of Parliament made aganis landlords and chiftains of clans and not to remove furth of the toun till they find the said caution, under the pane of horning."

"The whilk day, in presense of the Lords of Secret Counsell, compeird personallie Johnne Murrey, alias McGregour of Glenstrae, for obedience of the act whereby he was obliest to appeare himselfe and exhibite his brother, Patrik, this day, and he produced an testimoniall under the hand of the minister of Comrie and others bearing that his brother was hewlie diseased of ane fever, quhilk testimoniall the saids Lords finds unsufficent in regarde the same is not made upon soull and conscience; and thairfor the saids Lords ordains the said John to act himselfe to compeir personallie and exhibite his brother Patrik before the saids Lords upon the first Counsell day of Junij nixt, and that the said Johnie sall answer to anie complaint to be moved aganis him be the Erle of Rothes under the pane of ten thousand merkes. In obedience of the quhilk ordinance the said Johnie, being personallie present, actit himselfe to the effect foresaid and declared that he was content presentlie to assigne the soume of ten thousand merkes adddebted be Sir Robert Spotewod, President of the Colledge of Justice, to him and to make the same lyable and furthcomand, lykeas he presentlie assignes the said soume to the effect foresaid incaise of his faillie and not performance of the premises."

[Sederunt as recorded above.]
Culnan, James Auld in Galdinoch, John Biggart there, John Gurrown in French, Uchtred Neilson there, Thomas M'Clunie there, with others their complices, came to ane tua merkland in the compleanners parish where he had some goods pasturing, and in despitye of the compleaner, without respect to the Lords Sabboth, drave away nyne of his nolt and cruelie strake, hurt and woundit thame so as they were unable to stirre." Charge having been given to the persons complained upon, and the pursuer compearing personally, also the said Uchtthrid M'Dougall for himself and the remanent defenders, for whom he said he would answer, the Lords, having heard parties and witnesses produced in the case, who failed to prove any part of the complaint, asszieze the whole defenders.

"The Lords continuues the advising of the processe anent the erection of the lordship of Torphichin till the first Counsell day of Junij nixt."

"The Lords grants protectiou to James Spence till Tuesday nixt at night."

"A proclamatioun continewing all actions before the commission for the surrenders till Junij nixt."

"The whilk day M' William Douglas, maisser, compeirand personallie before the Lords of Privie Counsell, declared and testifiied that, according to the ordner givin unto him for charging the hail barons of the name of Gordoun being in toun for the time to find caution for keeping the acts of parliament made aganis broken men, he had warned and charged the Laird of Abirydiel to sett the said caution; quhereupon the said laird being oftymes callit and not compeirand, rather caution found be him to the effect foresaid, the saids Lords in respect of the said laird of Abirydiel his contumacie and neglect of the Counsellia ordinance ordains letters to be direct to denunce him his Majesteis rebell, etc."

"The whilst day Donnald Farquharson of Monaltrie, compeirand personallie before the Lords of Secret Counsell to give satisfactiou unto thame and underly his tryell anent the disorders in the north, the said Lords ordains him to remaine in toun and not to depart till he be dissait the Counsell, qwhilk the said Donnald promist to obey."

"The Lords of Secret Counsell ordains and commands George Marques of Huntlie, to find new, sufficient and responsall cautioners actit in the bookes of Privie Counsell for the indemnity of the Laird of Fendraught under the pane of ten thousand merkes, conforme to the charge of lawborrowes execut aganis him."
"The Lords of Scuriet Counsell continewes the processe anent the pearle till the first Counsell day of Junij nixt, quhairof Mr Alexander Guthre for the burrowes, being personallie present, and Mr Robert Petre for Robert Buchan, being also personallie present, ar warned apud acta."

"Forsamekle as the fraud and deceit used in the northland faires and mercats of this kingdome by presenting of the plaideing brought there to be sold in hard rollis to the great hurt and prejudice of his Majesteis subjects, buyers of the same, being humblie represented to the King his sacred Majestie and his Estaites conveenend in the Parliament haldin at Edinburgh in the moneth of Junij, 1633, and they, having considerit thairof and being carefull that the abuse (if anie be) sould be reformed and mended, his Majestie and Estaites of Parliament for this effect remitted the tryell and cognition of the said abuse and fraude to the Lords of his Majesteis Privie Counsell and to thair determinatioun to be givin therein, givand power to thame to take tryell of the said abuse and fraude and to decrene and determine therein as they sould think expedient and agreeable with reason and equitie and the good of the subjects, whose determinatioun, sentence and decreit to be pronuncied in this mater his Majestie and his Estaites declared to have the force, strenght and auctoritie of ane decreit, sentence and act of Parliament, as the said act of remitt beiris. Conforme to the quhilk act and to ane missive letter writtin sensyne be the Kings Majestie to the saids Lords, earnestlie recommendinge unto thame the taking of some speedie course for reforming of the said abuse and fraude, and they being verie carefull to be trewlie informed of the estait of this bussines to the intent they might with the greater warrand proceed and determine therein, the saids Lords for this effect callit before thame some of the barons in the north with the commissioners for the burrowes and recommendit unto thame the making choise of some of thair nomber to reipare to the mercats in the North and to take tryell of the said abuse and of the wrong alledgit done in the mettage; and the choise being accordinglie made be the barons and burrowes, and the persons choisin, at the least a nomber of thame, having repaired to the saids mercats and informed thameselfs sufficienitlie anent the premises, they have givin in their report in writt to the saids Lords. Quhilk reports being read, heard and considerrit be the saids Lords and they having lykewayes heard some of the saids commissioners thameselfs both for the barons and burrowes and all that was proposid and alledgit be thame in this bussines, and being weill and throughlie advised therewith, the saids Lords hes taken the course and order following whiche they decrene and ordaine to stand as a constant rule and to be observed in all time comming in buying and selling of plaideing; to wit, the saids Lords hes ordaine and ordains that in time comming all plaideing to be presented to be sauld in mercats sall be layed out in folds to the view of the buyers, and the Lords leaves it arbitrarie to the owners of the plaideing to bring it to the mercats in rollis; and if the
merchant buyer sell upon sight of the plaiding in folds marke and seale the same, in that case it sell not be leasome to the merchant to resile from the bargane for the caus of insufficiencie; and the Lords declares and ordains that the partie seller shall have the metting of the plaiding if he please without prejudice to the buyer if he please to mett the same over agane; and for eshewing of fraude and deceate in the mettage the saids Lords decernis and ordains that all plaiding sell be mett with ane lawfull elwand sufficientlie sealled and that aff the ground and that nane sell lay thair hand upon the same whil it is in metting bot the person who metts the same; and ordains letters to be direct to make publication heirof be opin proclamatious at all places neidfull wherether none pretend ignorance of the same, and to command and charge all his Majesteis lieges whomese presents doe or may concerne to conforme thaimselfis in buying and metting of thair plaiding to this present act and ordinance, and that nane presoone upon whatsoever cullour or pretext to violat the same under the pane to be callit, persewede and punished as contemners of the saids Lords thair ordinance; and siclyke to command and charge all persons who hes the charge of keeping of the saids mercats to have a speciall care that this act and ordinance be preceaisie kept in the saids mercats as they will be answerable upon the dewtful discharge of thair offices.”

[Sererunt as recorded above, omitting the Bishop of Dumblane.]

Complaint by William Crawfurde of Pennifadzeoch, Gabriel Powerfield of Hapland, Alexander Powerfield of that Ilk, and James Blair, burgess of Irving, creditors of Mr Matthew Crawfurde, brother of Lesnoreis, as follows:—An agreement has been entered into for the sale of the lands of Lesnoreis to the Earl of Dumfreis for their satisfaction, the only thing wanting being the signature of the said Mr Matthew, who has some interest therein. The said Earl has sent to Ireland for him for this purpose, but he dare not come to this country without their Lordships’ protection, and this accordingly they crave. The Lords grant their protection to the said Mr Matthew against all legal diligence for civil debts until 1st August next.

The Lords of Sercret Council, for the better enabling of Eufame Wauchop in Dudingstoune to seek in some debts due to her for satisfying her creditors, grant to her their protection till 1st August next.

Supplication by Mr Alexander Livingstoune, son of the deceased Mr William Livingstoune of Eister Greinyairs, as follows:—“Out of the trew filial respect that he did ever carie to his father,” he at his special request became cautioner for him to several persons, by whom he is so molested “that he cannot have a competent space in regards of some inhibitions impeding him to make moneyes of that meine patrimonie left
be his father for his releiffe of the saids ingadgments." He therefore craves their Lordships' protection. This the Lords grant till 1st August next.

\textit{Sederunt—St. Andrewes; Glasgow; Erroll; Mairnhell; Mar; Murey; Wintoun; Wigtoun; Lauderdaleill; Dumfreis; Southesk; Traquair; Lord Bining; Lord Alexander; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate; Justice Clerk.}

\textit{Lawbowres by the Marquis of Huntly for the security of the Laird of Frendraught.}

The whilk day, in presence of the Lords of Secret Counsell, comparie personallie Johne Gordoun of Buckie and produced and exhibite ane band of lawbowroes made and subscryved be George, Marques of Huntlie, and certane reponsall barons for the indemnitie of the Laird of Fendraucht conforme to the Counsell ordinance made thereanent of the dait the 21 of this instant, quhilik band, being seene and considderit be the saids Lords, they ordaine the same to be insert and registrat in the booke of Privie Counsell to have the strent of ane act and decreit of the saids Lords, of the quhilik band the tennour followes:—We, Sir Alexander Gordoun of Cluny, knight, Sir George Gordoun of Geicht, George Gordoun, younger of Geicht, Johne Gordoun of Buckie, Johne Gordoun of Hilton, James Gordoun of Letterfoure, Donald Ferquharsone of Monaltrie, Robert Gordoun of Cowdranie, George Gordoun of Newton, conjunctlie and severallie, be the tennor heirof binds and obeissis us as cautioners and souertais for George, Marques of Huntlie, that James Crichtoun of Fendraucht, his wife, barnes, men, tennents and servants saill be harmelesse and skaiithelesse in thair bodeis, persons, lands, heritages, tacks, steidings, roumes, possessions, cornes, cattell, goods and geir and on na wayes troubled nor molested therein be the said George, Marques of Huntlie, nor be no others of his causing, sending, hounding out, command, ressett, assistance and raithabition whome he may stop or latt directlie nor indirectlie in time comung otherwayes nor be order of law and justice under the pane of ten thousand merkes; and that for obedience and satisfaction of the letters of lawbowroes used and execute at the instance of the said James Crichtoun of Fendraucht aganis the said George, Marques of Huntlie, thereanent. And I the said George, Marques of Huntlie, binds and obeissis me, my airis and executours to warrand, freith, releeffe and skaiithlesse keepe the forenamit persons, my cautioners abowenwrittin, of all coast, skaithe and damage, interest or expenses the saill sustene or incurrre therethrow at all hands and aganis all deidlie. And we, the forenamit cautioners, binds and obeissis us, conjunctlie and severallie, to releeve ilke ane others proportionallie and pro rata for our awne parts of the haill contentes of this present band. And for the mair securitie we ar content and consents thir presents be insert and registrat in the booke of Secret Counsell to have the strent of
ane decreeit of the Lords thairof, that letters of horning upon ane single charge of sax dayes and others executiorialis necessar may pas heiron; and to that effect constitute, etc., our lawfull procurators, etc. In witnesses quhereof this presents [written] be Thomas Hunter, servitour to M' James Ferquharson, writer to his Majesteis Signet, we have subscriyed thir presents [sic] with our hands at the Cannogait and at Edinburgh the twentie saxt day of Marche, j[v] threttie fyve yeeres, before thir witnesses, M' William Paip, servitour to the said noble Marques, the said Thomas Hunter, M' James Ferquharson and Johne Gordoun of Sheills. *sic subscribitor, Huntly; S' Alexander Gordon; S' George Gordon; Jhon Gordon; J. Gordoun; J. Gordoun; Robert Gordon; D. Farcharson; M. J. Farquharson, witnes; Johne Gordon, witnes; M' W. Paip, witnes; T. Hunter, witnes to the said noble Marques his subscripcion. And the saids Lords discharges the former cautioun found be the Marques for the said Laird his indemnity, and the saids Lords declares that this cautioun sall be without prejudice to the said Laird of Fendraucht of the generall cautioun found be the said Marques for the haill name of Gordoun."

"The whilk day, in presence of the Lords of Secret Counsell, com-Declaration by John Grant, peired personellie Johne Grant, appearand of Ballindalch, and reported and declared to the saids Lords that he was informed by a letter from his wife that the persons underwrittin, viz., Johne Dow McGregour, Patrik Roy McGregour, Robert McGregour, McInstalker, and Donald McInstalker, his brother, and McArthur, being in persute of James Grant, rebell, and his complices, and not darring to sett upon him in respect of his forces, being sartene or moe in nomber and they onelie sax, they attendit the opportunitie till the said James his company sould dissolve, and accordinglie perswaid Finlay McGrinnan and Cuming in Belynyes of Stradoun, killed the said Finlay and sent his head heir to be presented to the Counsell, took the said Cuming alyve and caried him three myles of purpose to have caused exhibite him to the Counsell, bot, the countrie rising and preassinge to releve him, they wer forced to kill him. Quhilk report being heard be the saids Lords, and the said Finlay McGrinnans head being presented before thame, they allow of the saids persons thair taking and killing of the said Finlay McGrinnan and Cuming, and finds that they have done good service therein, exonerung thame of all crime and offence that may be impute to thame for this caus. Lykes the saids Lords ordains the baillies of Edinburgh to caus affixe the said Finlay McGrinnans head upon the Neather Bow port; and the saids Lords ordains Johne, Earle of Tracquair, his Majesteis Deputie Thesaurar, to delyver to the partie bearer and imbringer of McGrinnans head the soume of ane hundreth merkes in satisfaction of his hazard and charges and for encouragement of others cheerefullie to goe on in the lyke service in time comming."
"The whilk day ane signature under his Majestis hand containing a commission to Sir James Lokhart, younger of Lee, and his assignees to put in execution the acts of parliament made againis slayers and transports of herring and white fishe contrarie to the tennor thairof, being produced and read in Counsell, the Lords of Secret Counsell nominates and appoints John, Erle of Traquair; Johne, Bishop of Murrey; Thomas, bishop of Brechin; Archibald, Lord Naper; Sir Robert Spotswod of Donypace, president of the Sessioun; Sir Johne Hay, Clerk Register; Sir Thomas Hope of Craighall, his Majestis Advocat; and Sir Alexander Strauchane of Thornetoun or anie fyve of thame to convene upon Saturday next at eight of the clocke in the morning and to heare the said Sir James Lokhart and the burrowes present in toun what can be alledged for or againis the patent and tuicheing the conveniencie of the same, and to report to the Counsell upon Tuesday next. Lykeas Fol. 71, a the patent was delvered to Mr Alexander Guthrie who was personallie present to the effect he may impart the same to the commissioners for the burrowes and be consulted thereanent with their assesseurs; and ordains the said Mr Alexander to attend the committee the day and time foresaid."

"The Lords of Secret Counsell allowes Donnald Ferquharsone of Monaltrie to goe home, he finding caution for his compeirance before the saids Lords upon the xvij of Junij next, under the pane of ane thousand pundis."

"The Lords of Secret Counsell nominates and appoints Johne, Bishop of Murrey; Johne, Bishop of Ros; Sir Johne Hay, Clerk of Register; and Sir James Carmichell, Justice Clerk; to examine Thomas Grant, prisoner in the tolbooth of Edinburgh, upon suche interrogators as shall be givin in againis him and to report his depositions to the saids Lords upon Tuesday next."

[Sederunt as recorded above.]

Complaint by Robert Fletcher of Ballinshe and Mrs Elizabeth Lindsay, his spouse, as follows.—Ludovick Lindsay, brother german of the said Mrs Elizabeth, assigned to the complainers two obligations made by the deceased Sir John Lindsay of Bath, knight, and the deceased George, Earl of Craufurde, to the said Ludovick and his brothers and sisters, upon the payment to them of certain sums of money of which his part amounted to 10,000 merks with interest since the date of the assignation. This assignation the said Mrs Elizabeth caused David Yeoman, notary in Dundie, intimate to Alexander, Lord Spynie, before famous witnesses within the burgh of Dundie on 15th May last, whereupon "the said Earle, desyring inspection thairof, especiallie as he pretendit to know the date and witnesses insert thairin, and perceaving the same to be in the notars hands, he violentlie threw and thrusted the same out of his
hands and went away thairwith. And when, as the said Mistris Elizabeth priest to oppose his violence, he violentlie thrust his elbow in her syde and hurt her verie dangerouslie, she being great with chyld, and ranne in haist to ane other roune, whither the said Mistris Elizabeth having followed him and in faire terms desyred him to redelyver the said assignation, promissing if he restored the same she said frielie forgive him this wrong, he, in furie, with manie execrable oaths, threatened her of her lyffe, drew his suord, and vowed to God if her husband entered in such a course against thame he sould thrust the same throw his bodie, and desyred the said Mistris Elizabeth to prove her assignation for he would not restore the same; but keeps the same intending to frustrat the compleaner of the soumes of money conteneat thairin.” The pursuer and defender both compearing and having been heard, the Lords continue the case until the second Council day of June next. And James Lyon of Auldbar compearing personally became cautioner in 10,000 merks for the said Lord Spynie that he would appear that day and produce the said assignation “haill in itselfe, uncancelled, riven or destroyed in anie poynt,” and that he nor none of his causing would molest Sir Andrew Fletcher of Innerpeffer, knight, or any of the pursuers or those belonging to them; while the said Lord Spynie bound himself also to relieve his cautioner in the premises.

Complaint by Mr James Mouat of Garth, commissioner appointed by his Majestye’s distressed subjects within Orkney and Zetland “for giving remonstrance to the saids Lords of the intolerable bondage and thraldom wherein his Majesties distrest subjects of the saids countreyes hes lived thir diverse yeere bygane,” as follows:—He and some famous and worthy persons joined with him made their address to his Majestie with their grievances, who, finding it expedient that an investigation into the same should take place on the spot, made choice of and appointed Sir Robert Gordon, knight, as his Majestie’s commissioner for this service. But, many occasions falling out whereby Sir Robert was disabled from attending to the business, it had lain over for a long time, and the heavy hand of God lying on their countries for the past two years made the complainers forbear to follow it out. “Bot now it hes pleased God to offer to the compleaner the occasion to waken this mater in so farre as Androw Bruce of Mounes, the choise ringleader in all the disorders and oppressions within these bounds, accompanied with Alexander Tyrie and William Tyrrie, his sister sone, declared fugitive for thift, and robberie, Mathow Robertzene in , Patrick Sands, notar, John Smith, John Banks, and William Kirknes, fugitives and oppressors of his Majesties subjects, are all heir in tooun, manteane and assisted by the said Androw Bruce, who, having lurked thir seven or eicht weeks bygane in Angus and Stratherne for eshewing the occasion to be warmit before the saids Lords, and thinkinge that now at the last day of the session the saids Lords would not take the paines to take notice of thir...
matters, they now kythed in publict and hes given out verie scandalous informations aganis the compleaner misconstruing all thair proceeding as alledgit buildit without ground. Lykeas the poore oppressed people and the compleaner in thair name craves but a legall and formall tryell in the countray where they dwell be suche commissioners as sall be lawfullie electit and choosin to that effect and that the said Andro and his complices attending hear with him may be putt under sure band and caution for thair compeirance to thair tryell upon a lawfull citation."

Charge having been given to the said Andrew Bruce, John Smith, William Kirknes, Alexander Tyrie and Patrick Sands, and both pursuer and defenders being present, the Lords after hearing parties ordain the pursuer to insist against the defenders before the Council between now and Lammas next; and decern the said Andrew to find caution for his compeareance then in 2000 merks and also in 1000 merks for each of the other defenders, for whom he declared he would accept the burden; the Lords declaring that their finding themselves to be judges in this matter shall be without prejudice of his Majesty's Commissioners for other points of the business.

"Thomas Gordon of Dilspro his protection prorogat till Lammas nixt."

Supplication by Sir George Ogilvie of Carnousie and William Forbes of Tolquhon, John Ogilvie of Birnes and Walter Ogilvie of Ridhyve, his cautioners, as follows:—On his honest intention being known to their Lordships to sell his lands for satisfying the claims upon him as cautioner for his brother-in-law, the Laird of Clunie, their Lordships granted him their protection till Whitsunday next. He had bargained with some men of quality in the matter, but his unfriends wish to force him to sell his lands "for halfe nocht," and, as the business will require some further time, he craves an extension of his protection. The Lords grant him this till 1st August next.

Complaint by GeorgeLesk, merchant burgess of Aberdene, as follows:—Andrew Wilsoun in Keith, Patrick Wilsoun, his brother, John Wilsoun in , Andrew Crystie in , Robert Sherers in , John Tailzeour, servitor to John Wilsoun in , William Ruddoch in Reidhill, and David Riddoch in Fortrie, with a great many accomplices, animated with a deadly hatred at him and resolved to have his life, assaulted him at Lammas last with drawn swords, durs, halberts and other weapons in the town of Keith, while he was attending the market there, and would have killed him but for the timely help of some friends. Again, on 2nd September last, they assailed him in the same town behind his back at unawares with similar weapons, and wounded him on the head, shoulders and other parts of his body. The pursuer compearing and of the defenders John Wilson and Andrew Crystie also being present, the said John Wilsoun produced a "rolment of court of the regaltie of the barronie of Strathyla hadlin at the Grange upon the
9 of September, 1634, be Thomas Innes of Pethnick, baillie depute of the said regalitie,” showing that the said John was therein accused of the blood-drawing of the said George Leak at St. Ruffus Fair, for drawing of swords and troubling of the King’s market, and that the said John confessed both, notified by the hand of Walter Barclay, notary, clerk of the said court. In respect whereof the Lords ordain the said John to be committed to ward within the tolbooth of Edinburgh until they release him; but they assويل the said Andrew Crystie, who denied upon his oath of verity any intention of invading the pursuer or anyone, but confessed having drawn a sword “to redd the saids parties.” The Lords ordain also the remaining defenders to be put to the horn and escheated for their contempt.

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty’s commissioners for the retail of tobacco (as narrated ante, p. 462), against Patrick Broun, elder, George Broune, his son, Alexander Lesence, Thomas Lesence, Robert Dawsone, Patrick Dawson, George Sinclair, James Andersone, elder, James Andersone, “chopman,” Alexander Robiesone, webster, James Ferguson, James Sandie, Robert Smith and William Lamb, indwellers in Hadinton, also Thomas Forbrand, Robert Jacksoun, elder and younger, Richard Sandie, Richard Broune and William Nisbet in Dumbar; Archibald Rynd, Thomas Deines, Edward Cunynghame, John Mure, William King, John McEane, William Alexander, John Scot, Janet Chancellor, William Menzie, Richard Dobie, Archibald Andersone, John Garnes, Jasper Suttie, Walter Borthicke, Robert McColme and Robert Black, indwellers in Edinburgh, for contravention of the said acts against the unlicensed sale of tobacco. The pursuers appearing by his Majesty’s Advocate, who also appeared for himself, and the whole defenders also being present and probation being referred to their oaths of verity, the Lords assويل such of them as deponed negative; but Archibald Rynd, John Mure, John McEane, William Alexander, John Scot, Janet Chancellor, William Menzie, Richard Dobie, and Archibald Andersone, who acknowledged that they had sold small quantities of tobacco, the Lords decren to have incurred the penalty of 100 merks each, and ordain them to pay the same, of which one half is to go to the informer and the other half to the commissioners.

Act of caution by John Gordon, elder of Buckie, and John Gordon of Hiltoun, his son, each for the other, that they will observe the Acts of Parliament for the maintenance of order by chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) JRON GORDON, J. GORDOUNE.
Sederunt—St. Andrewes; Privy Seal; Glasgow; Erroll; Wigton; Lauderaill; Traquair; Lord Alexander; Bishop of Edinburgh; Bishop of Murrey; Bishop of Rois; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk.

"The quhilk day Johne, Archbishops of St Andrewes, Lord High Chancellour of this kingdome, produced and exhibite unto the Lords of Secret Counsell the missive letter underwrittin, signed be the Kingis Majestie and direct to the saids Lords, of the quhilk the tenor followes:— CHARLES R. — Right reverend father in God, right trustie and weilbelovit cousine and counsellor, right trustie and trustie and weilbelovit counsellers, we greet yow weill. Having upon your advertisement understood the inconvenientes likelie to arise by the sale of Kintyre to the Lord of Dunluce, we wer thereupon pleased furthwith to caus stay the bargane wherein we doe acknowledge your care and give yow hearty thankes for the same. We being now willing that the said bargane be made so ineffectuell (notwithstanding whatsoever proceedings betuix the parteis), as the said lord, his airs or successors cannot thereby at anie time heerafter pretend anie interest or clame to these lands, it is our pleasure that yow take suche a course as yow sall find may best conduce to this purpose, and that besides yow giv yow order to our Advocat for drawing a renunciation in a sure and legall maner whiche we will to be sent with all diligence unto our Secretarie for that kingdome for seing the same subscribed be the Lord Dunluce, that it may be returned registred and keepe amongs the records thairof; for doing whairof these presents sall be sufficient warrant. We bid yow heartilie farewell. Frome our court at Whitehall, the 25 of Marche, 1635. Quhilk missive being openned and read in the saids Lords audience and they in all submissive reverence acknowledging his Majestis royall care and his princelie and just directions and commandement mentionned in the said letter, they in humble obedience thairof intimat his royall pleasure to Sir Thomas Hop of Craighall, knight baronnet, his Majestis Advocat, and gave him inspicioun of the said letter to be advised therewith and that he might the better know his Majestis pleasure thereanent. ' And his Majestis said Advocat, having read and considderit the said letter in the saids Lords presence, he promest to give all dewtfull obedience thereunto. And whereas he alledged that the sight and inspection of the contract made anent the bargane and sale of Kintyre with the Lord Dunluce would be ane great helpe unto him in the drawing up of the renunciation mentionned in the said letter, thairof Johne Nicoll, witter to the signet, and Johne Nicoll, his sone, who wer formers and drawers up of the said contract wer sent for and, being demanded upon oath if they had the said contract or anie minuts or scrollis of the same, they both denied the having of the said contract, and, being commanded be
the saids Lords to looke out all the minutis and scrollis concerning the
same and to delyver thame to his Majestis said Advocat, they promeist
faithfullie to doe the same.”

“The Lords of Secret Counsell continewes the report of the Marques The Marquis
of Huntlie his diligence in the execution of his comission againis the
brokin men of the name of Gordon untill the first Counsell day of July
nixt.”

“The Lords of Secret Counsell continewes the passing of Sir James Postponement
Lokhart his signature till the first Counsell day of Junij nixt, of the
quhilk continuation the said Sir James Lokhart, John Sinclar and Mr.
Alexander Guthre for the burrowes, being personallie present, ar warned
apud acta. And the saids Lords requires the saids John Sinclair and
Mr Alexander Guthre to advertise the burrowes of this mater and to
have their reasons readie in writt againis the passing of the said
signature the day foresaid, with certificatignon to thame, if they faillye,
the saids Lords will proceed without respect to the burrowes interesse.”

[Sederunt as recorded above.]

Complaint by Patrick Mauld in St. Andrews, as follows:—Mr Patrick Complaint by
Lindsay of Wolmerstoun has long entertained a malicious grudge against
him and sought all occasions of troubling him; and learning that in
last the complainer’s servant, James Murdoche, while going
about the fields with a gun in his hand seeking hawks’ meat, had been
prevailed upon by a tenant to shoot a “cer tyke,” which the tenant
alleged had done him £100 worth of damage by pulling the tails from
his sheep and oxen, the said Mr Patrick, as baillee depute of the regality
of St. Androse, cited the said James before him, and fined him for not
compearing, “avowing it should cost the boy his hand.” It was then
thought meet in order to propitiate Mr Patrick that the boy should
place himself in his will, which notwithstanding, the said Mr Patrick
“avowed to have the boyes hand in despye of all the Maulds in Scotland
or England”; and Robert Lindsay, son of the said Mr Patrick, came to
the city of St. Andrews and, without any warrant, took the boy and put
him in the tobooth, where he still remains. Some friends of both parties
then intervened for an amicable settlement, “and accordinglie the saids
Mr Patrick Lindsay, Mr John and Robert Lindsayes, his sones, met with
the compleaners in the house of Margaret Blythe in St’ Andros upon the
24 of December last, where after mutuell salutations, interchange of
drinks and full reconcillement, as appeired, one of the friends proposon to
the said Mr Patrick that, sicing all differences were composed, he would
be pleased to releese the boy. Wherunto the said Mr Patrick answered
that he had done enough in drinkinge to thame, but for the boy all the
Maulds in Scotland or Ingland, yea not King Charles himselfe, sould
procure his libertie. Upon the whiche speeches the said Mr John and
Robert Lindesayes, before the compleuner wes awar, shott over the boord on him, closed him to the wall that he was not able to resist their furie. They cruelie persewed him of his lyffe with tua drawin whingers, and ane suerde, gave him tua bloodie wounds (for the whiche he now compleanes allenerlie), a great stroke in the left arme and ane other throw the left hand, wheranent, becaus mutilation is lykelie to follow, the compleuner declares he will not insist,” protesting that this pursuit shall not prejude him of his criminal action against the persons complained upon before the Justice for mutilation. The said Mr Patrick cherishes and maintains his sons in their proceedings and furnished them with weapons, having said, as the complainer is informed, at the delivery of one of the whingers, “that it had beene dipped in better blood nor the blood of anie Mauld in Scotland or Ingland.” And, further, the said Robert Lindsay “in a bragging maner with a durke at his syde casts himselfe of tymes in the compleasers way, useing all meane to provoke him to new trouble, for avoyding quhairof the compleuner hes withdrawn himselfe to the Elie, contenting himselfe to seeke redresse in a peacable way before the Judge ordinar.” Charge having been given to the said Mr Patrick, Mr John and Robert Lindsay, and the pursuer comparing, also Mr Patrick and Mr John Lindsay, and the said Robert by his father, who produced a certificate that he was at the sea, the Lords, after hearing parties and their witnesses, find that the said Mr John assaulted and wounded the pursuer as labelled, and they ordain him to be warded in the tolbooth of Edinburgh on his own charges until they release him. They assoilzie the said Mr Patrick Lindsay, as upon probation being referred to his own oath of verity concerning his arming his sons and uttering the “slanderous speeches” referred to, he denied the same; and they excuse the absence of Robert Lindsay in respect of his being at the sea.
MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1633-MARCH 1635.
PRIVY COUNCIL PAPERS.

1. "CHARLES R.—right welbeloved cousin and counsellour, 8th January 1833. Lanark, whither they should be holden at the town of Hamilton Lanark, the decision whereof was debated before the sheriff-courts of Lanark.

yow concerning the sheriff-courts yow did delay till our right trustie and right cousin and counsellour, the Marquise of Hamilton, who was then absent heard for his interest at his returne; and wee being moved therein upon consideration and having heard that it is prejudicaill to the inhabitants of ather ward of that shire, our pleasure is that yow proceed no further in the said cause nor that anie innovation be made therein but continue as hitherto it hath been, till our coming there or till wee shall signifie our further pleasure therein, that thereafter (all parties being heard for their interest) the best course may be taken herein which is most agreeable with the lawes and practique of that kindome and best ease of our subjects. And so wee bid yow farewell. From our Court at Whythall, the eight day of Januar, 1633." Addressed to the Viscount of Duplin, Chancellor, the Earl of Strathern, President of the Council, and the rest of the Privy Councillors of Scotland.

2. Supplication by Robert Craw of West Restoun, as follows:—He is charged to appear before the Commissioners for Surrenders and Teinds to-morrow, the 8th instant, to testify to the value of the teinds of the kirk of Coldingham; and he is willing to do so but cannot with safety on account of some horrnings he underlies as cautioner for Mr Alexander Home, minister at Aitoun. He therefore craves their Lordships' protection for a time. [On the back] "Apud Edinburgh, nono January, 1633; Fiat ut petitur to Saterdaye come eight dayes at night. LAUERDAILL, SOUTHESE, TRAQUIARE, BINNING, MELUILL."

3. Supplication by John Stewart of Coldingham and Francis Stewart, 9th January his son, as follows:—Their Lordships' protection granted to them is about to expire, and he has been ordained to follow out the valuation of the kirks of Coldingham before the great Commission. To-morrow is one of the diets, and on almost every sitting-day of the session he will have one diet or other about the valuation of the kirks of the priory. Moreover, on last Council day their Lordships remitted the articles given in by the supplicant anent the intromissions of Robert Dowglas with his

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1 The original letter is torn.
estate to the Lords of Council and Session, and so he must attend upon this and other necessary business. They therefore crave an extension of their protection. [On the back] "Apud Edinburgh, nono Januarij, 1633. Fiat ut petitur till Saterday come eight dayes at night. LAUDERDAILL, SOUTHESK, TRAQUAIRE, BINNING, MELUILL."

4. Original of royal letter respecting the trial of Mr George Nicoll, printed ante, p. 8. Marked at the foot, "xv Januair 1633. Produced this day and ordanit to be gevin up to the Advowat to be maid use of be his lordship in the crimannal judgement." Addressed on the back to the Viscount of Dupplin, Chancellor, the Earl of Strathern, President of the Council, and remanent members of the Privy Council of the kingdom of Scotland.

5. Supplication by Robert Buchane, burgess of Aberdeen, as follows:—

His Majesty is due to him for pearls by the valuation of his Majesty's jewellers £400 sterling, as his precept directed to their Lordships in February, 1627, and allowed by them in July following, in which they ordained the Treasurers, principal and depute, to pay the same, shows; and now there is due for additional pearls supplied to his Majesty by the like valuation, the further sum of £85 sterling. Their Lordships caused this precept to be registered in the books of Exchequer on 17th July, 1630, along with another from his Majesty of the same date, and the supplicant craves that their Lordships would now cause payment to be made to him of these sums with due interest, so that his own debts contracted on account of these pearls may be liquidated, and that he may thereby be enabled to repair to his Majesty's Court with other pearls of price and worth. [On the back] "Apud Halyrudhouse, 26 January, 1633. Fiat ut petitur for the principall sowmes and ane act to be maid heirupon. ARCH. ACHESON, I.P.D."

6. Extract under the Signet, subscribed by James Prymoirs, of the Charge to persons dwelling within the Castles of Edinburgh and Sterline, and the palaces of Halyrudhouse, Linlithgow, Falkland and Dumfermeline to remove themselves and their belongings (printed ante, p. 21).

7. Supplication by of Harviestoun, as follows:—He has been a long time prisoner in the tolbooth of Edinburgh, having been apprehended upon a commission granted to the Erle of Marishell, when he had a protection past his Majesty's hand ready to have received the great seal. Having nothing of his own to maintain himself, his whole estate having been seized by his creditors, the Lord Chancellor, he is informed, long ago gave commandment to Robert Leith, chamberlain to the said Earl, to pay to the supplicant a certain sum. The said
Robert acknowledges having received the warrant but refuses to pay, maintenance of the applicant while in ward.

"Apud Halyrudhous 4 Februar, 1633. Fiat ut petitur. WINTOUN, I.P.D."

8. Supplication by John Gordoun of Parke, as follows:—Their Lordships have bound him and his brother, Patrick Gordoun, over to keep the peace with all the lieges, and for the indemnity of the Laird of Bamff under a penalty of 3000 merks. There is the like necessity for the Laird of Bamff being bound over to them in the same way, and he craves that he be required to find caution of lawburrows to him and his brother in 3000 merks in their Lordships' books. [On the back]

"Apud Halyrudhous 14 February, 1633. Fiat ut petitur for laborowins allanerlie under the pane of three thousand merks. WINTOUN, I.P.D."

9. Original of royal letter relating to the writs of the late Earl of Hume, printed ante, p. 47. Directed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratherne, President of the Council, and the remnant Lords and others of the Privy Council of Scotland. At the foot there is noted, "Product be the Secretar the aught of March and be him deyverit to the President of the Counsell, who, in respect the Counsell sat not that day, deyverit the same to the Clerk to be exhibite to the Counsell upoun the xij of Marche instant."

10. "To all and sundrie quhome it effeiris, be it knawin that we, baillies of the burgh of Banff for the tyme underscoryen, be thir presentes testifie and declair that upone the fourt day of Junij or theirbye, in the yeir of God i"vj" and tenspte nye yeiris, Magnus Fraser in Stanyeley, haweinge in peceable and quyet maner cum to the said burgh of Banff for doing and expeding of his lauffull affairs and adoin for the tyme and being walking on his Majesties his calisy in peceable maner, as said is, Thomas Steuart, fier of Ryland, haiffing lyke wayses upone the said day cum to the said burgh and finding the said Magnus to be within the fredome of the samyn for the tyme causit aine of the ordinair officeris of the said burgh apprehend and taik the said Magnus Fraser and put him in firmance and ward within the tolbuith of the said burgh, deetin him thairintill ane certane space thairafter, and that but onye directioun comand or allowance of us or ony of us or ony uther magistrat or office beirer within the said burgh haweinge power for that effect, and but letters of captione or onye wther warrand of his Majesties lawes direct to that effect in as far as we culd trye and understand, and held the said Magnus in firmance, as said is, till the samyn came to our knowlidge, at quhat tyme and eftir sufficient trysall taikin of the premises we releisit the said Magnus out of ward and set him at libertie agane as ane of his Majesties frie
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leiges. In faithe and witnes quheroff (teatefeing the premisses to be of vertie) we haif subscryvit thir presentes with our handis at Banff the first day of Merche, the yeir of God j^"^y" and threttie thrie yeiris." (Signed) "A. Baird, ballie; Alex' Wynchester, balliwe; J. Wynchester cl."
pass from a process interset by them against him before the Lords of Council and Session for making of false bonds, which would have cleared the alleged slander. If they had known that he would steal forth such a decree against them they would have proved the same before the High Commission and showed that they had done no wrong to him, because in August last, when the said Alexander Law and William Williamsoun asked John Hagie, skipper in Dysert, if he had in his keeping two bonds granted to him by one of his creditors drawn up by the said David Bennet, and if they were forged by him, he answered that they were true bonds and that he had them, upon which they took instruments in the hands of George Lambie, notary. They have further recovered decree against the said John Hagie before the Lords of Council and Session for exhibition of the said bonds, dated 22nd February last, so that until this matter is tried they cannot be convicted of slandering the said David. Further, they are informed that the Archbishop of St. Andrews is to give order for discharging the booking of that decree of the High Commission, which did not require the ministers to cite the said Law and Williamsoun but only ordained the latter to confess the slander when required by the ministers. They have, however, found caution, and crave suspension of the horning. The said David Bennet is accordingly required to compear before the Lords on 4th June next and to produce the letters of horning, etc. Dated at Halyruddous, 14th March, 1633. (Signed) J.A. Prymbois. [On the back] Note of execution hereof on 25th May, 1653, by Thomas Allane, messenger, against the said David Bennet, at his dwelling house in Kirkcaldy; witnesses, Mr John Ayton of Kynnaldie and Thomas Meassone in Kirkcaldy. (Signed) Tho. Allane, mess'.
still should they not be required to crave pardon therefor till the issue of their action before the Lords of Session against John Hagie, skipper in Dysart, who has in his possession two false bands made by the said David Bennet, and against the said David Bennet for his interest, commenced on 22d February last. They have raised horning and caption against Hagie for disobedience, which he has by collusion with Bennet suspended, and they intend to discuss the same with all diligence.

16. "The dittayis giwen in to our sessioun off Sanday the 17 day off March, j“vj” threttie and thrie yeiris, upon Marrione (Richart) Layland off wicchcraft.

The quhilk day annent the tryell off James Fischer, the said Marriones oy, that quhair the said James Fischer confessit and told befoir the sessioun that upon ane sax or sewin yeir since that the said James being keiping Magnus Smyth his suyne and going up a lone old house, callit the house of Howing Greinay, the quhilk old howse being standing woyd and weast and the wather being cold and stormie, the said James went in to the said old house to flee from ane cold schwrr and quhen he cam in to the old house he saw the said Marrioun, his guiddome, siting within the fornamente olde howse, accompanied with Cattrein Miller, and deponit that he did sie ane blak man siting betuix the said Catrein and the said Marrione and deponit that the said Catrein cryt fearcelie, 'Cause take him for he will tell upon us;' the said Marrioun answerit and said, 'Let him alone for he will not be belewit.'

Item, itt is deponit be Margrett Sinclar, spous to James Fea, that that nightt that tha wer in the stockis Catherine Miller said to Marion Layland, 'The plague of God upon thy oy, for giff yow had done that quhilk I bad ye he had nott beine troubling us now!'

Lykwayis the said Marrioun Layland did wasche the feit of James Davidsouene cat into his bait water becaus he could not get no fisch that yeir thinking thairby and saying that the said James in tyme coming wold get more fisch in respect of hir work in wasching off the catis feit into his bait watter; and quhen scho had waschin the cat thairin did take the water quherin the cat was waschin and did cast it after him quhen he did goe to the sea.

Lykewayis the xxiiij day off March Magnus Smyth deponit that the boy presentlie upone the morning thairafter told the said Magnus that he did sie the dewill and told him the quhole fashion. Lykwayes the same day David Jock and his wyff trytt and confessit that upon fyre or sax yeir since that the said Marrioun cam to the said David Jok his house and the said David was going to the sea and was making mone that he had not luck to get fisch that yeir. The said Marrioun anserit and said that that might be easillie mendit and callit for the thing that goid about the fyre quhilk was the cat and said that scho wold wasch the cat his head and feit into the water quharin the bait was to be leipit
and said that scho wold take that watter and cast itt about him and upon him and into his sea caschie and into his bate coubbie and quhen he cam to the sea he should get fisch.

Farther, it is deponit be Margret and Elspet Sandisones that the said Elspet upon fuye or sax yeur since contrakt ane deadlie disease in so farre that scho was seneceles and myndles for ane long space, the said Marrione cam to the said Elspetis house and made ane watter quhilk scho callis ane remeddie for forespeaking. The said Marrioun tuilk watter into ane round coupe and went out into the byre and tuilk sumthing out off hir purse lyke unto great salt and did put it into the watter and did spit thrie severall tymes into the watter, and scho confesit hersell quhen scho had dune so scho auditt in bitt quhilk is ane nourne terme and to [be] exponit into right longuag is also mikill as scho did blow hir breath thairin, and sent it into the woman with the servaunt woman off the house, and directit that the woman should be waschin hand and face thairin and scho should be restorit to hir health againe. This the said Marrioun confesit befor the sessionoun and it is granitit be the woman that the watter was made unto, that the said Marrioun said unto the laes that iff ever the laes reveillit it againe scho should never thryve and so schune after that the laes reveillit the wordis scho diet.

Quhilk day it is oonfesit be Robert Drewir and his wyff that Abusing of the people.

threttein yeur since the said Marrioun and Robert Drewir was duelling both at ane house and ane biging, that thair was ane powr woman that was travelling off chyld in the said Marriones house and desyrit ane soupe off milk from the said Marrioun, quhilk in no wayis the said Marrioun wold grant. The pure woman sent in to the saide Robertis house and got ane soupe off milk frum his wyff and immediatlie thairefter the said Robert his wyff loesit hir proffit off hir haill milk. Quherfor the said Robert Drewiris wyff cam in to the said Marrioun Layland and did lament for hir proffit that scho wantit. The said Marrione ansuerit the woman and said, 'Goe thy way to the sea and tell nyne boares off the sea come in, that is to say, nyne waves off the watter and let ane off the nyne goe back agane and the nixt thairefter take thrie luiffullis off that watter and put within thy stowpe and quhen thow comes heame put it within this kirne and thow will get thy profite agane.'

The last day off March compeirit Helin Hamilton, spouse to James Keith, and deponit that scho and hir haill famillie was straitit with drouth for the space of xx dayis ore ane monnith that no drink could quench thair drouth, quharfor the said Helin and hir husband alledgit the said Marrioun for the great thrist that they had. Upon ane Sunday the said Marrioun cam to the said Helines house and had ane muchkin off small aill with hir into ane chapping can and offerit it to the said Heline and hir famillie to drink, and the said Helin refusit to drink it; bot the said Marrion urgit it more and more upon hir and said that scho had ane sonicie hand and hir mother befoir hir day and made everie ane off thame to

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drink thairoff, and immediatlie thairafter thair thirst was easit and the heavie wycht that was upon them was easit during the tyme off thair thirst and drouth.

The samen day William Fotherg benorth depoit be him that the said Marrioun cam to his house to get almis, and his wyff, not being at leasur to guve hir almis, scho went to the dore and did say going to the dore that scho should loss also mikill schortlie, and aught dayis after that his best cow dieit.

Qhilk day deleit be Margret Thomson, spouse to James Rowsay, to James Cok in Lopnes, Nicoll King and Magnus Skea, qhilk are thrie elderis off our sessioun, that the said Marrioun cam to Stronsay to the said Margretis house, and the said Margret had nyne ky qhilk was not riddin, and scho said to hir, 'Give me almis and befoir this day fyftein dayis ilk kow on your aught sall be riddin, qhilk almis scho gave hir, and befoir that day aught dayes ilk kow that scho had was riddin.'

The 7 day off Apryll, jw threttie and thrie yeirs, qhilk day annent the dittayis off wychaft given in to the sessioun upoun Catrein Miller compeirit Hew Peace and Wrsulay Fee, his spowse, and deponit that upon ane sax yeir since that the said Wrsulay wantit the profeft of hir milk and the said Wrsulay sent hir servant woman and milkit the said Catrein Milleris kow and did put it in to hir kirne and immediateli quhen scho kirnit the milk scho got ix markis butter quhar befoir off also mikill milk also mony dayis milk also mony mealtit off milk during the tyme that scho wantit hir profit did not get bot tua markis butter and quhen scho had the best scho got not bot tua markis butter ay and qhilk that scho got the milk off hir cow. And four and xx houris after the said Wrsulay contrakit ane deadlie disease qhilk conteinuit for the spacce off sax weikis and at the end off the sax weikis the said Marrione cam to the said Wrsulay and deayrit ane drink off milk from hir kirne and said if scho got it scho should get hir health, and scho gave hir ane drink off milk and scho was presentlie better off hir disease, and losit the profit off hir milk and wantis it as yitt.

Farther deponit be Margret Orrok, laufull daughter to William Orrock, that the said William had ane horse qhilk was seik; the said Catrein bad the said Margret get thrie sundrie sortis off silleris and put them within ane siwe and sifit them over the bak off the horse, qhilk was seik and he would be hail.

The 14 day of Appryll, 1633. Deponit be Barbaray Sinclair, spouse to the said William Orrock, that scho had ane kow that was standing hail into the byre and the said Catrein cam in to the said Barbarayis house to cnock sum bair, and presentlie the kow fell seik; quhen scho gied away with the corne that scho was knoking and the word did ryse that the kow was seik the said Catrein cam to the house
and whin scho cam in and saw the oow scho was restorit to health
againe and did eat her meat weill enough.

The 19 day of Appryll. Deponit be Margret Browne, spouse to
William Flet, that whar the said Margret discordit with Catreine
Miller the said Margret contrakit ane deadlie diseas and scho said to
the said Margret, 'Evill might thow put the yeir aff the.' Thairefter scho
contrakit ane senslesnes quhilk continuat for the space off ane half
yeir and at the half yeiris end the said Margret cam to hir and the
said Catrein tuik her by the hand and immediateli got hir health and
sy since was weill.

The samen day compeirit Catrein Sowenis and deponit befoir the
sessione that the said Catrine Miller wrongit hir in respect that scho
found fault with hir becaus scho did take keall out off her maisteris
yaird and hir daughter did tak keall out off the yaird and did goe
game to Catrine Milleris house with the keall and told hir mother
that the said Kairtrine Souanes fand fault with hir for takeing away off
the keall. The said Catreine Miller sent hir daughter bak to the house
with the keall and did cast the keall upon the said Catrine Sowenes
breist, being nurisch to Johne Browne in the tyme, and presentlie scho
loseit hir milk for the space of xiiij dayis, and at the ischow off the
xiiij dayis the said Catrine Miller cam to the house quhar the nurisch
was and told the guid wyff off the house that scho had dreamit that iff
scho wold giwe hir daughter almis the nurisch shoulid get hir milk
againe, and quhen scho got almis scho got hir milk againe als weill as
it was befoir.

The samen day compeirit David Peace and deponit that the said
Catrine Miller had ane sone keping his ky and becaus that he did put
away the boy frome the ky scho said that he should rew it; and
immediateli ane off the ky dieit and schort after the rest dieit also.

The 21 day off Appryll. Deponit be James Fee, bailyie, that the said
Catrine Miller had ane sone keping John Browne his ky and guidis,
and the boy was put from the guidis and scho did curse and pray ewill
for the guidis, and thereby the most pairt off them dieit and the rest
that leiwit did never guid not yit yeild milk since the boy ged from
them. Farther it is deponit be Wrsulay Fee that the said Catrein
Miller cam in to Hew Peace hir husbandis house and did pray ewill for
John Brownes guidis and said, 'God let his guidis newer thryve better nor
hir sone did.'

Quhilk day deponit be Jennet Fotherg, spouse to Johne Peace,
yownger, that whar the said Jennet was angris with hir for comming so
earlie ilk morning to hir guidmotheris house befoir the sone ryseing,
presentlie the said Jennet fallis into ane extraordinarie diseas so that
scho might not gowe out of hir guidmotheris house into hir awin house,
quhilk was both clos togidder, bot did creip upon handis and felt quhilk
scho cam to hir bed; and the said Catrine cam in to hir and did lay hir
hand upon bir head and did caus give hir ane sowpe off milk and scho grew alse weill and in alse guid health as ewer scho was befoir, and all this was dune within the speace off tua houris.

Farther deponit be William Roy, elder, that the said William discordit with hir and scho did strik him upon the back betuixt the shoulderis with hir hand and presentlie the power off his body was takin away in so farre that he could not [do] no duetie off ane man towards his wyff quhar tua nightis befoir he was alse ape and abill for his wyff as ewer he was befoir and neuer since the discord was weill as he should be."

17. Bond of caution by Thomas Gordoun, brother german of the Baron of Brachley, in 1000 merks each for George Leithe of Owerhall and Alexander Leithe of Newtown of Premney, that they will not molest Adam Abirerombie of Rayne, nor any of his; with clause of relief, dated at Edinburgh, 26th March, 1633; witnesses, Alexander Gordoun of Abirizdel, Mr William Burnet, James Brown, and John Burnet, writer of the bond. [Signatures] On the back is a warrant dated at Edinburgh, 27th March, 1633, signed by Jo. Falconar, for the registration of the bond in the books of Privy Council.

18. Original of royal letter for Captain James Forbes raising two hundred men for the Russian service under Sir Alexander Leslie, printed ante, p. 80; addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Stratheren, President, and remanent Earls, Lords and others of the Privy Council of Scotland.

19. Summons at the instance of Alexander McClaire and others against Patrick Agnew of Barmail and others, as narrated in his complaint printed ante, p. 181. The summons is dated at Edinburgh, 28th March, 1633; but there must be a mistake in the month. It is signed Ja. Prymoirs. On the margin is noted the hearing of the case on 14th January, 1634, and on the back there is noted the depositions of some witnesses, viz.:

John Maxwell, who depones that he knows the whole defenders and pursuers and saw Patrick Agnew strike . . . (torn) . . . and "cast him to the ground, tir him of all his cloathes and tak his purse . . . . . and deponis that Patrik Agnew, his servand, weares the poore manis cloathes."

Robert Maxwell, who depones that he knows the defenders, "and saw them . . . . McClayne, who was lying bleeding, having sevin straksis upoun the heade." He was not present when he was stripped, but heard of it.

John McRobert and John McConnoquhy depone similarly.

20. Summons at the instance of Magnus Fraser, sometime in Stanley,
and others against Thomas Stewart, sir of Ryland, as narrated ante p.180; dated 3d April, 1633, and signed Ja. Prymrois. On the margin there is noted the hearing of the case on 14th January, 1634. On the back there is noted the depositions of witnesses, viz., of (1) John Gill, who saw Thomas Stewart and others take the said Magnus and put him in ward, there being no bailie or officer present.

(2) George Davidsone, who depones “that ane other officer without the warrant of a bailie, came to the deponers house, tooke furth thairof the key of the tolbuith and put Magnus Fraser in ward; upon notice quhairrof the baillies were heighlie offended and caused put him quicklie to libertie.”

(3) Thomas Smyth, who depones that he saw Magnus Fraser taken “aff the calsay,” and put in the tolbooth.

(4) James Myntie, who depones that as to the casting down of John Wallace’s house, he was required to do so by Thomas Stewart and his father, whose officer he formerly was, and that accordingly with the assistance of some others he did “tir the house.”

(5) James Miln, who depones that he was present and helped at the casting down of the house, which was done by direction of Thomas Stewart and his father.

(6) Walter Couper, who depones that the house was tirred by the command of Thomas Stewart.

(7) Alexander Shireff, who depones that he saw the persons foresaid tirring the house.

There are also noted on the back of the summons two executions thereof by William Cumyng, messenger, (1) on 24th December, 1633, against Thomas Steuart of Ryland and Archibald Gabriell in Dewchries, both personally apprehended in the dwelling house of Dewchries; witnesses, John Gordoun in Barbethill and James Gibboun, servitor to the messenger for the time; and (2) on 30th December, 1633, against Alexander Shirray in Craighedd, Walter Steurt in Ryland, Patrick Seller in Murielhill, James Alschioner, there, James and Alexander Mintie, sons of James Mintie, elder, there, as witnesses on behalf of John Walace; also, the bailies of Banff as one of the parties; and Thomas Smythe at the Mill of Ryland, Patrick Gill in Blacktoune of Ryland, George Davidsone, officer in Banff, and George Turnour, Alexander Ritchie and James Mitchell, burgesses there, as witnesses on behalf of Magnus Fraser, all personally apprehended; witnesses, James Steuart of Ryland, James Mintie, elder, there, Patrick Schand, burgess of Banff, and the foresaid James Gibboun.

21. Bond of caution by Thomas Gordon, brother german of William 4th April 1633. Gordoun of Breachlie, in 500 merks for George Leslie, servitor to John Caution by Leith of Harthill, that he will not molest Adam Abircombie of New- Thomas lands nor any of his; dated at Edinburgh, 4th April, 1633; witnesses, of William
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Gordon of Braschila, for George Leslie, servitor of John Leith of Harthill.

Alexander Irving of Lenturk and Mr Robert Petrie, who wrote the bond. [Signatures] On the back is warrant of registration by Mr John Paip, as procurator, dated at Edinburgh, 14th April, 1633. It is to be registered in the books of Secret Council.

5th April 1633.
Royal letter anent Nicolas Briot.

22. Original of royal letter in favour of Nicolas Briot, Frenchman, printed ante, p. 108; directed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and the remanent Lords and others of the Privy Council.

19th April 1633.
Caution by William Erskine of Craikslay for Mr Alexander Strauchan in Forbogis and Alexander Brunthfield in Pettod that they will not molest Adam Abercrombie of Auld Raine, his wife, nor household, under the penalties contained in the letters given out there-anent which are dated at Edinburgh, 26th January, 1633. The bond is dated at Pettodrie, 19th April, 1633; witnesses, George Meldrum, servitor to the Laird of Pettodrie, John Gordon, son of the deceased Patrick Gordon of Birsmoir, and Mr Gilbert Thom, schoolmaster at Pettodrie, who wrote the bond. [Signatures] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 26th April, 1633, and signed M. J. Sandilands.

2nd May 1633.
Caution by James Crawford, goldsmith, burgess of Edinburgh, for William Hog in Plesance.

24. Act of caution by James Crawford, goldsmith, burgess of Edinburgh, in five hundred merks for William Hog in Plesance, that he will not molest James Dowglas, one of the macers of Privy Council, Katharine Gilbert, his spouse, nor his children, servants, etc., dated at the Plesance, 2nd May, 1633; witnesses, James Millar of Gourlay-banks, Mr James Carmure in Edinburgh, and John Mur, burgess, bailie of North Bervick, Gabriel Blair, notary, being writer of the bond. [Signatures] At the foot is a warrant for registration in the books of Privy Council by Mr John Paip, younger, advocate, as procurator, dated at Edinburgh, 4th May, 1633, and the bond is presented by Mr John Callender, servitor to James Prymrois, clerk of Council.

7th May 1633.
Caution by Thomas M'Caw in Arneschein and John M'Caw in Craigiance, his son, in five hundred merks for each other, that they will not molest Hew M'Caw in Casteldonnell, nor his wife nor any of his; dated at Mayboill, 7th May, 1633; witnesses, Patrick M'Ilvane, bailie in Mayboill, John Cochrane, son of John Cochrane, messenger there, John Aird in Gaige, and Adam Hendersoun, tailor there. The principals sign with the assistance of John Schaw and John Cochrane, notaries. [Signatures] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 28th May, 1633, and signed M. J. Sandilands.
26. Bond of caution by Mr John Makmillen, minister at Sanquhar, and Thomas Greirson in Manes, in £1000 each for the other, that they will not molest Robert Creichtoun of Blakquater of Blakadie, nor his wife or any of his; dated at Sanquhar, 14th May, 1633; witnesses, Thomas Blaik, notary in Dursdeir, John Creichtoun, notary, who wrote the bond, John Dikson, burgess of Sanquhar, and Archibald Chisholme, schoolmaster. [Signatures] At the foot is a warrant for registration of the bond in the books of Privy Council, dated 20th May, 1633, signed by M. J. Paip.

27. Original of royal letter for admitting the Duke of Lennox as a member of Council, printed ante, p. 104. Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and remanent lords and others of the Privy Council of Scotland.

28. “At Halyrudhous, the 28 day of May, 1633. In presence of Sir James Skeene, President of the Session, certain examining deputes; Sir John Hay, knight, Clerk of Register; Sir James Skeene, knight, President of the Session, examinat and demandit yf he wald name ony otheris nor ar contenit in his first deposition fra whome he hard the speechis gevin up be him under his hand to the Kingis Majestie concerning the speechis alledgeit utterit be the Earl of Airth, that he had als goo right to the crowne as his Majestie had,—deponis that he hes hard that the Lady Mar, the Lord Erskene, the Lord Semple, Sir Walter Steuart of Minto, the Laird of Auldbar, the Archidea of St. Androis, Mr David Prymois, the Lord Ros, hes spokin thir wordis as haying thame of the Earl of Airth himself, at the least wordis to this sense; and the said Sir James protestit that incaisen ony of the persons abowrewrittin nominat be the said Sir James denisy to haif hard the saidis wordis frome the said Earl the same salbe without oyn perrell or danger to the said Sir James, whiche protestatioun the Lordis Commissioneris abowrewritt admiittit. (Signed) S J Skene.

“The quhilk day the said Sir James Skeene, knight, having rememberit himself anent the persons whose he hard had reportit the speechis abowrewritte deponis under the protestatioun abowrewrittin that the Earl of Galloway hes spokin the wordis abowrewrittin or wordis to that sense. (Signed) S J Skene.”

29. “Intrat upon pannell Marion Richart, alias Layland, for the 29th May 1633. Indictment and condemnation of Marion, a pannell, for the pointis of witchcraft, sorcery, and divination, and uthers underwritten. In the first ye, the said Marion, ar indyted and accused of contra-
veining the tenour of the Act of Parliament maid be our umquhile dread soverane lady Mary be the grace of God Quein of Scotland with the advisorye of hir thrie Estaites in hir nynth parliament that quher they being informit of the hevie and abominable superstition used be divers of the leidges of this realme be using of wichcraftis, sorceries and negromanie, and credence givin thairto in tymes bygane, againes the law of God, and for avoiding and away putting of all sic superstition in tymes cuming it wes statute and ordainit be the Queines Majestie and thrie Estaites forsaid that na persone or persones of quhatsomewer estait, degrie or condition they be of, tak upon hand in any tymes thereafter to use any maner of wichcraftis, sorcerye or negromanie, or give themselfs furth to have any sic craft or knowledge thairof, thairthrow abusand the people, under the paine of death. And trew it is that ye, the said Marion, have contravained the tenour of the said act be using and practising of wichcraftis, sorceries and divinationes, and of giving of yourself furth to have sic craft and knowledge, and in keipin companie and society with the devill, and thairthrow abusand the people at diverse and sundrie tymes and places in maner following, and therfor and for airt and part of the said abominable superstition used and practised by yow aught and could be adjudged to the death: And in speciall ye, the said Marion, are indyted and accused for airt and part of the said abominable superstition for that sex or sevin yeires since James Fischer, your oy, being keipin Manse Smythis swyne, went up into ane auld hous called the house of Howing Gremay to saife hymselfe from a cold showir that wes raining and quhen he cam in to the saide old hous he saw yow and Kathereine Miller sitting thair and the devill, in liknes of a black man, sitting betuixt yow, and the said Katherine cryed fearclie ‘Tak him for he will tell upone us;’ but ye wold not suffer and said, ‘Let him alane for na body will beleive him.’ And upon the morning therafter the said James, your oy, told Manse Smythe, his master, that he had seine yow and Katharine Miller and the devill together in the old hous. And lykwais that night, whilk ye and the said Katherine wer in the stocks befir your now cuming to the toun, the said Katherine said unto yow, ‘Yea, plaigne of God upon thy oy, for if thow had done to him that quhilk I baid the he had not been troubling us now;’ quhilks pointis will be sufficiently provin and therfor rank wich cannot now deny.

Secondly, ye, the said Marion, are indyted and accused for airt and part of the said abominable superstition in that fyve or six yeires since Elspeth Sandesone contractit ane hevie disease in so much that sho wes quyt bereft of all hir sences for ane long space, ye, coming to the said Elspethis hous, made ane water quhilk ye call ane remedie for forespeaking and tooke water into ane round cope and went out into the byre and took sumthing out of your purse lyk unto great salt and did cast therin and did spit thrie several tymes in the same and ye confess yourselfe when ye had so aundit in bitt (quhilk is ane norne tearme), that is to say,
ye blew your breath thairin; and thairafter ye sent it to the said Elspeth with the servand woman of the house and bad that the said Elspeth sould be waschin thairin, hand and feite, and scho sould be as heall as ever sho wes; as also ye said to the servand woman that ye send with the water that if scho told it agane scho should never thrive, and so soone after as scho reveilit it scho died, qhillk death was wrought be your deid, and qhillk also ye confes before the session at Sanday and the for rank wich cannot now deny.

Thridly, ye, the said Marion, ar indyted and accuisad for airt and part of the said abominable superstition in that ther wes a poore wyfe with yow who wes travelling of cheild in your hous and desyred a sope milk with yow, qhillk ye on naywes wold give; therfor the said poor woman sent to Robert Dreveris hous (qhillk wes in that same bigging) to get a sope milk qhillk the said Robertis wyfe sent unto hir; and immediatlie thairafter the said Robertis wyfe lost the profeit of hir wholl milk. Quharfor she cam into yow and did lament for her profeit that she wantit. Ye anserit and said, 'Go thy way to the sea and tell nyne boares of the sea cum in, that is to say, nyne waves of the sea, and let the hindmost of the nyne ga back againe and the nixt thairafter tak thrie loofullis of the water and put within thy stoupe and quhen thow comes home put it within thy kirne and thow will get thy profeit agane;’ qhillk ye, rank wich, cannot also deny.

Fourthlie, ye ar indyted and accuisad for airt and part of the said abominable superstition in that Heleyn Hamiltoun, spous to James Keith, and all hir houshold being straited with dreuth for the space of twentie dayes or ane moneth that no drink could quench the same, and the said Heleine and hir husband alledging yow for the great drew that they had upon ane Sunday ye cam to the said Heleines hous and fetchit with yow ane mutchkin of small aill in ane chopping can and offerit it to the said Heleine and hir familie to drink, bot the said Helein refusit to drink it, bot ye urgit it more and more upon hir and saide, 'I have ane sonsay hand and my mother befor my day,' and made everie on of them to drink therof, and immediatlie before the nixt Sunday thair thrist was exait and the heavy weigt that wes upon them the tyme of thair great thrist and dreuth wes takin away, qhillk ye, rank wich, cannot also deny.

Fyftly, ye, the said Marion, ar indyted and accuisad for airt and part of the said abominable superstition in that ye cam to William Fothing-hame his house benorth to get almis, and his wyf not being at pleasure to give yow almas ye went to the dure and sayde, as ye went, that schie should loss als meikle schortly; and aught dayes after that his best kow died, qhillk wes done be your deid, qhillk ye, rank wich, cannot also deny.

Saxtly, ye, the said Marion, ar indyted and accuisad for airt and part of the said abominable superstition in that ye cam to Stronsay to Margrat Thomesones hous, and the said Margrat had nyne ky qhillk wes not
ridin and ye said unto hir, 'Give me almis and befoir this day aucht dayes ilk kow on your aught sall be riddin;' quhilk almis ye resavit from the said Margrat and befoir that day aught dayes ilk kow that she had wes riddin quhilk fell out even according as ye spak, quhilk ye rank witch cannot also deny.

Seventhlie, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that ye did wasch the feit of James Davidsones kat into his bait water becaus he could get no fisched that yeir, saying that the said James in tyme cuming wold get more fisich in respect of your work in wasching of the cates feit in his bait water; and quhen ye bad waschin the cat thairin ye did tak the water wherein the cat wes waschin and did cast it out after him quhen he did go to the sea, quhilk point, ye, rank wich, cannot allso deny.

Eighthly, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that about fyve or six yeires since ye cam to David Jokis hous who wes going to the sea and wes making moane that he had gottin no fisch that yeir; ye ansuerit and sayde that micht be easily mendit, and called for the thing that geid about the fyre, quhilk wes the cate, and said that ye wold wasch the cates heid and feit into the water quherin the bait wes to be leiped and said that ye wald tak that water and cast it about him and upon him and into his sea caschlie and into his bait coubie, and quhen he cam to the sea he sould get fisich enoch, quhilk ye, rank witch, cannot deny.

Attour, ye ar indyted and accused for airt and part of the said abominable superstition in that ye cam to Stronsay about tua or thrie yeires since in sumer and asking almis fra Andro Couper, skipper of ane bark, he said to yow, 'Away wich, carling, devill a farthing ye will fa;' quherupon ye departed very offendit. And, incontinently, he going to sie, the bark being under saill, he ran mad and wold have luppin oviburd an his sone, seing him, gat him in his airmes and held, quherupon the seiknes immediatly left him and his sone ran mad. And Thomas Paterson, seing him tak the madnes and the father to turne weill, ane dog being in the bark, to[oke the] dogg and bladdid him upon the sone his shoulders and thairafter keist the said dog in [the sea], quharby these in the bark wer saifed, quhilk being done all the doggers at the sey . . . landlyeris for feir gave yow abundantly, quhilk all wes done be yowr witchcraft and . . . . quhilk ye cannot deny.

And generallie ye ar indyted for airt and pairt of using and practising of witchcraftis, sorceries, divinationes and charmis, as is particularlie abovewrittin, and giving your selfe furth to have sic craft and knowledge, thairby abusing the people, and that by your cursingsis and imprecationes ye wrong and hurt man and beist, quhilk evill ar brocht to pas be the power and working of the devill, your master, and therfoir aught and should underly the law and be adjudged to the death thairfoir and in examplill of utheris to do the lyk.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and product the dittayis and desyrit the ps[nnell to be] accusit thairupoun and be put to the tryell of ane assyse. Pannell [present] denyit the first verefeit; confessis the second anent the watter and that scho thar in . . . . the child, confessis scho gave the drink, denyis the fyft, confessis the sext, d. . . . and viij and nynt.

The pannell hes nothing to allege, quharfoir they soould not pas to the t[ryell] . . . assyse and the procurator phiscale askit actis.


The halil assyse, all in ane voice, be the mouth of the chancellor fyllis the pannell in the first, the secund anent the watter and chairme, the thrid, the sext, the aught and nynt, and clengis hir of the fourt, fyft, and sevint poynitis, and referris sentence to the judge and dome to the dempstar. (Signed) JEROME CHALLMER.

The judges acceptis the determinatioun of the assyse and deferris sentence to the morne.

PENULTIMO MAII 1633.

The judges ordains the pannell to be caryit be the lockman to the Gallowhill worryit to death and brunt to asches."

[On the back] “Gevin up be Mareon Leyland, Cristiane Davidstone, spous to Williame Harper, that took giras and bwik a bannok and gave to the goodman of Papa his grieve qua diet and the dog that got the bannok diet. The bannok wes for keping thair profite.

Elen Forster (?), spous to James Burgar, can mend baith the heart-raike and odinschaw and put down horses to the goodman of Langskail.

Magnus Smyth for mending the rake.”
30. "Intrat upon pannell Kathereine Greive, *alias* Miller, for the pointis of witchcraft, sorcerie and divination and utheris underwrittin.

In the first ye, the said Katherine, are indyted and accussid for contraveining of the tenour of the act of parliament maide be our umquhile dread soveraine, Lady Mary, be the grace of God Queine of Scotland, with the advyse of hir thrie Estaites in her nynt hir parliment, that quhar they, being informit of the hevy and abominable superstition used to be diverse of the leidges of this realme be using of witchcraftis, sorceries and negromanie and credence givin tharto in tymes bygane, againes the law of God, and for avoiding and away putting of all superstition in tyme cuming it wes statute and ordainit be the Queines Majestie and thrie Estaites forsaid that na persone or persone of quhat-sumever estaitt, degrie or condition they be of tak upon hand in any tymes therafter to use any maner of wichcraftis, sorcerie or negromancie or give themselvis furth to have any sic craft or knowledge thairf thairthrow abusand the people under the paine of death; and trew it is that ye, the said Katherine, have contraveinved the tenour of the said act be using and practising of witchcraftis, sorceries and divinatiosoes and in giving of yourself furth to have sic craft and knowledge and in keiping company and society with the devill, and thairthrow abusand the people at diverse and sundrie tymes and places in maner following, and therfoir and for airt and parte of the said abominable superstition used and praactisid be yow saught and sould be adjudged to the death.

And in special ye, the said Kathereine, are indyted and accussid for airt and part of the said abominable superstition, for that sex or sevin yeires since James Fischar, oy to Marion Richart heir pannelled with yow, being keipin Manse Smythes swine, vent up into ane auld hous called the houss of Howing Greymay to saife him selve fro a cold schowir that wes raining and quhen he cam in to the said old hous he saw yow and the said Marion, his gudame, sitting thair and the devill in lyknes of a black man sitting betux yow, and quhen ye saw the said James ye cryed out fearcely, 'Tak him for he will tell upon us,' but the said Marion, his gudame, wold not suffer and said, 'Let him alone for nabody will beleive him;' and upon the morning therafter the said James told to the said Manse, his master, that he had seyn yow and the said Marion, his gudame, and the devill together in the old hous; and lykwayes thay night quhilk ye and the said Marion wer in the stockis befoir your now cuming to the toun ye said unto the said Marion, 'Yea, plaig of God upon thy oy, for if thow had done to him that quhilk I bad the he had no beine trowbling now; quhilk ye, rank wich, cannot deny.'

Secondly, ye ar indyted and accussid for airt and part of the said abominable superstition in that sex yeires since Vrsillia Fea, spous to Hew Peace, wantit the profeit of hir milk, quharfor the said Vrsilla
sent hir servant woman and milkit your kow and did put it into hir kirne and immediatly when she kird the milk sho got nyne merkis butter quhar befoir of als meikle milk sho got not at the most ij merks; and xxiiij houres thereafter the said Vrsilla contractit ane deadlie disease quhilk continuat" for the space of sex weikes, and at the end of sex weikes ye cam to the said Vrsillais hous and desyrit ane drink of milk from hir kirne and said if ye got it sho should get hir health againe, the quhilk drink of milk ye got and presently sho was better of hir disease and lossit the profet of hir milk and wantis it as yit, quhilk wes done be your deid, and thersfor, rank wich, cannot deny.

Thridly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that William Orrock had ane horse whilk wes seik; ye cam in and bad Margrat Orrock, his dochter, get thrie sundrie sortis of silver and put them within ane sife and sifit them over the bak of the seik horse and he sould be wholl, quhilk ye, rank wich, cannot deny.

Fourthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that Margrat Broune, haveing discordit with yow, ye said to hir, ‘Ill might thow thryve and ill might thow put of this yeire,’ and presentlie therafter the said Margrat contractit ane hevy disease and senslesnes quhilk continuat for the space of ane half yeir, and at the halfe yeires end the said Margrat came to yow and ye took hir by the hand and immediately sho got hir health, and ay since that tyme wes welle; quhilk wes done be your deid, and now, rank wich, cannot deny.

Fyftlie, ye, the said Katherine, are indyted and accused for airt and part of the said abominable superstition in that your dochter, haveing takin keall out of John Broune his yard, the said Jonnes servant woman fand falt with your dochter for taking of the said keall out of hir masteris yard, yit your dochter went hom with the keall to your hous and told yow that Katherine Sowens had found falt with hir for takeing the keall, ye presentely sent your dochter back againe with the keall to the said Johnes hous and when sho cam in sho cust the keall upon Katherin Sowens breist, being nurisch to the said John Broun in the tyme and presentlie sho lossit hir milk for the space of fourteine dayes, and at the fourteine dayis end ye cam to the hous wher the norisch wes and told the goodwyf of the hous that ye had dreamit that if sho wold give your dochter almis the norisch sodl get hir milk againe; the quhilk almis your dochter gat, and presentlie the norisch gat hir milk againe as well as ever scho had befoir; quhilk wes done be your deid and thersfor, rank wich, cannot now deny.

Sixtly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that ye, haveing a sone keiping David Peace his ky, and becaus he did put the-boy away from keiping of his ky, ye said that he sould rew it and immediately ane
of the ky deid and schor[ty] the rest died also qhilk wes done be your deid and therfor, rank witch, cannot now deny.

Seventhly, ye ar indyted and accused for airt and part of the said abominable superstition in that ye, haveing a sone keiping John Brownis ky, and becaus the boy wes put from keiping of the ky, ye did curse and pray ill for them; and thereafter the most part of them died and the rest that lived did never good nor yit yeild milk since the boy gied from them; qhilk also wes done be your deid and therfor, rank witch, cannot now deny.

Eighthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that Jonat Fothringhame, spous to John Peace, younger, being angrie with yow for cuming ilk morning to hir goodmotheris hous befoir the sun rysing, presently sho falls into ane extraordinary disease so that sho might not go out of hir goodmotheris hous into hir oune, qhilk wes both close together, bot did criepe upon handis and felt qhilk sho cam to hir bed, presentlie ye cam in to hir and layd your hand upon hir head and did caus give hir ane soupe of milk and presentlie she grew als weill and in as good health as ever sho wes befoir; qhilk wes done be your deid and therfor cannot now deny.

Nynthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that William Roy, elder, haveing discordit with yow, ye did strick him upon the back betuixt the shoulderis with your hand and presentlie the poer of his body wes takin away in so much that he could not do the duty of a man towards his wyfe, quhar that tua nightis befoir he wes als ap and abill for his wyfe as ever he wes befoir, and ever since he discordit with yow he wes not sa weill as he should be; qhilk wes done be your deid and therfor, rank witch, cannot now deny.

Attour ye ar indytit and accusit for airt and part of the said abhominabill superstition in that laitlie ye met with Hercules Hey, officer, and said to him, 'I promised yow a good turne, and now ye sall be sure of it.' He anserit, 'Quhat a good turne promiset ye?' Ye anserit, 'I promist it and ye sall be sure of it, and immediatlie he contractit the seiknes in his bellie and is as yet lying for death and layis his death upoun yow.'

And generallie ye ar indyted for airt and part of using and practising of witchcraftis, sorceries, divinationes and charmis, as is particularie abonewritten, and giving your selfe furth to have sic craft and knowledge, thairby abusin the people, and that by your cursingis and impracionees ye wrong and hurt man and beist. Qhilk evil is brocht to pas be the power and working of the devill, your master, and thairfoir aught and should underly the law and be adjudged to the death, thairfoir and in example of otheris to do the lyk.
Curia Justiciarie et vicecomitatus de Orkney tenta apud Kirkwall in templo Sancti Magni in lie Walhous ibidem per Edwardum Sinclair de Essinquoy et Magistrum Henricum Aitkin, iusticiarios et vicecomites deputatos ejusdem, vigesimo nono die mensis Maij, anno Domini millesimo sextesimo trigesimo tertio.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and producit the dittayis and desyrit the pannell to be accused thairupoun and be put to the tryell of ane assyse.

Pannell present, denyt the first and the second, altho verefeit, confest scho baid sif the siller becaus scho had sene it befoir, denyis the fourt spairinglie, denyis the fyft, denyis the sext, denyis the sevint and aught and nynt and last.

The pannell have nothing to allege quharfor they could not pas to the tryell of ane assyse, and the procurator phiscall askit actis.

ASSISA.


Upoun the swearing of the inquest the procurator phiscall askit actis.

The haill assyse passing out of judgment and reentering agane, all in ane voice be the mouth of Jerome Chalmer, thair chancellor, fyllis the pannell in the first poynct the second, thrid, the fourt, the fyft and last, and clengis hir of the sext, sevint, aught and nynt, and referrit sentence to the judge and dome to the dempstar. (Signed) JEROME CHALLMER.

The judges acceptis the determinatioun of the assyse and deferris sentence to the morne.

PENULTIMO MAI, 1633.

The judges ordanis the pannell to be caryt be the lockman to the cross and brunt on the cheik. Scho become actit that if at any tym to cum scho be fand to hant suspect places, to use charmes or libis (?) scho sall in that caise be brunt without dome or law to the death and that willinglie of hir awin consent."
31. Bond of caution by William Galloway in Carnehill in 300 merks for Thomas Galloway, his son, that he will appear before the Council on 23d July instant and answer to the charge of hurting and wounding Robert Adamesoun in Silverburn, and pay forty merks as his escheat to his Majesty's Treasurer, Deputy Treasurer and Receivers of his Rents; dated at Edinburgh, 4th July, 1633; witnesses, Mr John Galloway, writer in Edinburgh, Mr George Heriot, servitor to Mr John Paip, elder, writer, Thomas Meinzes, brother to John Meinzes of Carlips, and Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council. William Galloway signs by aid of Mr John Paip and James Aitkin, notaries. [Signatures.] On the back is a warrant for registration in the books of Privy Council, dated at Edinburgh, 4th July, 1633, signed M. J. PAIP. The bond is presented by Mr John Callender.

32. Discharge by Alison Stevensone, widow of John Sandelands, merchant burgess of Edinburgh, narrating that on June last she obtained decree before the Lords of Privy Council against Hew Tod, writer, decerning him to pay to her 400 merks for each tun of eighteen puncheons of French wine with which he had intromitted, and for payment whereof he found Mr Robert Nicolson, one of the Commissaries of Edinburgh, his cautioner. She has now received payment and discharges the said Hew Tod and his cautioner; dated at Edinburgh, 9th July, 1633; witnesses, John Elliott, her son-in-law, Alexander Baxter, writer, burgess of Edinburgh, and James Peirson, servitor to the said Hew Tod, who wrote the discharge. [Signatures.] At the foot is warrant for registration in the books of Privy Council, dated at Edinburgh, 10th July, 1633, and signed M. R. CRAIG.

33. Supplication by Sir Donald M'Donald of Slait, Sir Lachlan M'Clane of Douart, John M'Cleod of Hereis, and John M'Donald M'Allane VeEane of Ilantyrum, Captain of the Clanranald, for themselves and in name of the remanent landlords in the Ilis, as follows:—Some thirty years since, in the time of their minority, when the Ilis were not under that civility and obedience to which they have now attained under the blessed government of his Majesty and his late father, it was thought necessary that the landlords and chieftains of clans should be put under caution for comparing personally yearly before the Council on 10th July, with the design that the Islanders, by being drawn hither once a year, might learn civility and, by imitation of the noblemen and others of the incountry, might become peaceable and obedient subjects. As the Ilis are now become obedient, religion and justice established therein, commerce and trade entertained as really and peacefully both with strangers and natives as in any other part of the kingdom, and there is not even the "simple appearence of any commotion," for their Lordships have not heard any complaint in the Ilis for many years past, and as this
cautionry held over their heads is a heavy yoke and burden under which they are no longer able to subsist, “it being a moihe and canker which eatis up our wholl estates and in tyme will overthrowe us”; and, moreover, as they are his Majesty’s good and faithful subjects, and stand obliged for the obedience of all under them, as well as for their own personal compearence on citation of parties, besides attending at the justice courts to be held by virtue of the recent commission of justiciary given by his Majesty to the Lord of Lorne over the whole Isles, as they are informed, they crave that their Lordships would pass an act freeing them from this yearly compearence upon 10th July. [On the back] “Apud Halyrudhous xi Julij 1633. Fiat ut petitur for the yeir to come allanerlie. GEO. CANCELL*, L.P.D.”

34. Original of royal letter for assisting the Justice with assessors in the 15th July 1638. The trial of John Toschoch, printed ante, p. 276; addressed to the Earl of Kinnowle, chancellor, and remenant noblemen and others of the Privy Council of Scotland.

35. Supplication by Mr . . . 1 Mortoune, minister at the South Kirk of Leith, for himself and in name of the said kirk and poor of . . . , Mr John Elphinstoune, Alexander Hay, John Luikup, James Mathesoune and Matthew Mitchell, for themselves and for their neighbours of Leith and the poor thereof, as follows:—The late Alexander Hay, Clerk of Register, obtained the sole heritable right to all the lands, teinds and properties whatsoever belonging to the Preceptory, hospital or chapel of St. Anthons in Leith, and after him Mr John Hay of Easter Kennett, his son, . . . . of Session, and Daniel Hay, Writer to the Privy Seal, his brother, having undoubtedly right thereto, for the glory of God, the benefit of the poor, and love and favour to the Kirk thereof, disposed and mortified, and also his late Majesty disposed and mortified not only the preceptory and chapel of St. Anthones . . . . “heaven besyid Leith” with all rents, benefits and casualties thereto belonging, to the . . . . elders and deacons of the said kirk for the use of the poor, to abide with them and their successors for ever, with power to their factors and chamberlains to uplift the rents, etc., for the use of the poor, and in such wise as that no minister of the said kirk or laick person may encroach thereupon, as the said charters under the great seal and other writs testify. Yet Mr William Wishart, one of the ministers of the said kirk, in May last or thereby, caused the keepers of the kist in which these writs were kept, to open the same, when he took out a number of the writs, including the two foresaid charters of mortification, receiving the same from David Logane, treasurer . . . . Francis Wilkie, Alexander Beanes, Neill Campbell and William Cwmrie, elders of the said

1The document is much frayed and part of it wanting on the one side.
kirk, under pretext of obtaining a royal confirmation of them all in the late Parliament for the perpetual security of the kirk therein. Nevertheless, against conscience, trust and promise he has not only failed to do so, but as they understand, he has purchased surreptitiously a grant thereof and of the rents and casualties of the said preceptory and chapels of St. Anthonies and Newheavin to himself, and by selling the same has already utterly ruined the said church and poor thereof. They therefore crave that their Lordships would (1) summon parties before them and ordain the keepers of the said kist and the said Mr William to produce all writs given out of the said kist, and the latter, such deeds as he has surreptitiously purchased from his Majesty thereupon; (2) ordain the said Mr William to be denuded of any such surreptitious rights so that they may be in all time coming vested in the ministers, elders, deacons . . . of Leith for the use of the poor in all time coming; (3) take the oath of the said Mr William that he has not sold nor disposed and that he will not sell, dispone nor gift any part of the said preceptory and chapels of St. Anthonies and Newheaven and rents thereof to any person in prejudice of the said church and poor of Leith; and (4) that for avoiding of great expenses to the said church and poor they would ordain the keepers of the registers of benefices, all other keepers of registers and seals and the clerk presenter of signatures not to allow in time coming any deed respecting the said preceptory, hospitals or chapels, or anything belonging thereto to proceed until first the ministers, elders and deacons of the said kirk be warned and heard thereupon. [On the back] "At Halyrudhous, the threttie day of July, 1633. Fiet summornitio ut petitur, viz., to wairne the partiies allanerlye.—WINTOUN." Also note of two executions by Mr William Dowglas, macer, on 31st July, 1633, against (1) Mr William Wishart, Mr Francis Wilkie, Alexander Baine, David Logane, Neill Campbell, and William Comrie, all personally apprehended, to compear before the Council this day at 9 a.m. in the laich Council house of Edinburgh; witnesses, James Gray, indweller in Leith, and James Orr, servitor to Alexander Hay; and (2) against the same persons, at the direction of Thomas, Earl of Hadintoun, to compear that afternoon at 2 o'clock. It is noted also at the foot of the petition that on 31st July parties compiered and Mr William Wishart, parson of Restalrig, declared his willingness that the gift purchased by him from his Majesty of the preceptory of St. Anthonies shall be converted to the use and benefit of the poor of Leyth according to the intention of the first mortification. The Lords therefore ordain the write to be produced to his Majesty's Advocate that he may consider and report upon them the next Council day, but this to be without prejudice of the right and interest of the Earl of Dunfermlyne, which is to be heard that day.

25th September, 1633. Continued to the first Council day of November.
36. Pond of caution by Adam Corsane, merchant burgess of Dumfreis, for Mr John Corsane, provost of Dumfreis, in 400 merks, that he will not molest John Spens, merchant burgess of the said burgh, nor his wife and household; dated at Dumfreis, 3rd August 1633; witnesses, John Craik, bailie of the said burgh, Adam Nisbet and William Rig, notaries, and William Mairten, tailor. [Signatures.] On the back is warrant for registration of the bond in the books of Privy Council, dated at Edinburgh, 6th August, 1633, presented by Thomas Maxwell, writer, and signed M. J. PAIP.

37. Letters of charge at the instance of Andrew, Bishop of Galloway, prior of the priory of Quhithorne, as follows:—In the taxt roll of the said priory made for the relief of the said bishop concerning the taxation of July, 1630, the feuars of the lands and tacksmen of the teinds of the said priory are taxed in the sums aftermentioned, but of these they will make no payment unless compelled. Messengers are therefore ordained to go and, by proclamation at the market cross of the head burgh of the shire where they dwell, to charge them to make payment to the factors and chamberlains of the said bishop of the sums due by them upon pain of horning, which is to be execute upon them after twenty days in case of disobedience, if parties be within the country, but if they are forth thereof, then sixty days after they have been charged by public proclamation at the pier and shore of Leith. The persons to be charged and the sums to be paid by them are as follows, being for the fourth term's payment of the said taxation, viz.:—Alexander, Earl of Galloway, for the Mains of Quhittorne, £19 16s. 11d.; and for his lands of Stennock, £8 16s. 4d.; for his lands of Portyerrick, £14 14s. 7d.; and for his lands of the half isle of Quhitterne, £8 16s. 4d.; Patrik Vaus, fear of Barnbarroch, for his lands of Carletoun, Kerindone, Apilvie, Craiginmeyne, Craichdow, Outounburges, Outouncorwor, Wig, Stennock, Alexander Stewart's Wig, Culmalzew, Airleis, and Barverenoche, £174 18s. 8d., and for his mill of Apilvie £17 12s. 10d., and for his mill of Little Arreis, £5 5s. 10d.; Antoun Howstoun of Drumnastoun for his lands of Prestorie, £19 16s. 11d.; Mr Francis Hay for the lands of Crugiltoun Castell, £26 9s. 2d., and for his half of Crugiltoun Kavens, £8 16s. 4d.; Alexander Stewart of Bargrennane for his lands of Crugiltoun Keavens, £8 16s. 4d.; Mr James Hannay and Patrik Forbes for the lands and mill of Poltoun, £52 18s. 4d.; Andrew Hannay, son and heir of the deceased Archibald Hannay of Quhythillis, for his lands of Quhythillis, £8 16s. 4d.; Mr Gilbert Gordoun of Shirmers for his lands of Glenswintoun, £24 9s. 6d.; Robert M'Culloch for his lands of Barsmith, £14 11s. 1d.; John Martine for his lands of Shedock, £8 16s. 4d.; Thomas Blance for his lands of Wig, £7 1s. 2d.; James Maxwell of Knock and George M'Culloch for the lands of Knock, £44 1s. 11d.; Hew Kennedie for his lands of Little Arreis, £8 16s. 4d.;
Harie Northorne for his lands of Mekle Arreis, £11 7s. 7d.; John Murrey of Brouchtoun for his lands of Outouchchappell and Outoun-gallons, £19 8s. 1d.; Mr Andrew Stewart of Wignearne and Hew Donaldsoun for their lands of Wignearne, £11 18s. 2d.; Thomas Kennedy of Ardmillane for his lands of Ardmillane, £73 6s. 8d.; Archibald, Lord Lorne, for his lands of Kintyre, £88 3s. 10d.; Patrick Howstoun for his half lands of the Isle of Quhithorne, £8 16s. 4d.; John Ahannay of Sorbie for his cornmill of Quythills and mill lands thereof, £8 16s. 4d.; Patrick Vaus, fear of Barnbarroch, Mr Francis Hay and John Peter, commissary of Peebles, for the corn mill of Portyerrack and mill lands thereof, £5 2s. 4d.; the heritors of the crofts of Quhithorne, £4 15s. 3d.; Alexander, Earl of Galloway, for his teind sheaves of the kirks and parochins of Quhithorne, Glassertoun, Crugiltoun, Sorbie, Kirkmadryne, Mochrum, Toshertoun, alias Kirkmadryne, Clashant, Kirkdaill, Kirkanders, Borg, and Gerstoun, £223 15s. 10d.; Neill Montgomerie of Langshaw for his teinds of the kirk of Kirkmichell, £63 18s. 10d.; Sir Dowgall Campbell of Auchinbreck for his teinds of the kirk of Culmudzeane, £70 11s. 1d.; John Murray of Brouchtoun for his teinds of the lands of Brouchtoun, Skeoch, Brouchton, Waill, Outoun gallons, and Outoun Chappell, £8 16s. 4d.; and Robert McCulloch of Drummorrell for his teinds of Drummorrell and Arrow, 47s. 8d. The charge is dated at Edinburgh, 6th August, 1633, and signed JA. PRYMOIS; and it is noted at the foot that it was produced at Edinburgh on 11th January, 1634, by Mr Andrew Innes and registered in the Books of Council by Mr Alexander Skene, clerk depute to the Clerk of Register. (Signed) M. A. SKENE.

38. Bond of caution by George Bennet, elder, burgess of Mussilburgh, for Patrick Clwnes in Innerask, in 1000 merks, that he will not molest Thomas Hunter in Cousland, nor his wife nor household; with clause of relief, dated at Innerask, 14th August, 1633; witnesses, John Craik, tailor in Innerask, Samuel Rennick and John Duncane his servitors, and George Aytoun, servitor to William Wilson, W.S., who wrote the bond. [Signatures.] At the foot is warrant for registration in the books of Privy Council by Robert Hepburne, advocate, as procurator for the parties, dated at Edinburgh, 15th August, 1633.

39. Renunciation by Patrick Maulde of Panmure, "one of his sacred Majesties bedchamber," narrating that Mr William Oliphant of Kirkhill, advocate, on 18th September, 1632, at Edinburgh, granted to him a commission to sell his lands of Kirkhill, Strabrok and others mentioned therein for his relief of an act of caution which he gave for the re-entry of the said Mr William Oliphant within the tolbooth of Edinburgh before 1st August thereafter; and that the said Mr William having re-entered to ward on 31st July last, where he presently remains, the Lords of
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Secret Council have ordained him to renounce the said commission. This he accordingly hereby does by present delivery of the same to the said Mr William, providing that these presents be no way prejudicial to him in the possession of the gift of the escheat of the said Mr William which he has from his Majesty under the privy seal, and he declares that he will not be obliged in warrantice of this “repositioum” and renunciation except as regards his own deed, viz., that he has made no right of the said commission to any other person; dated at Balischon, 16th August, 1633; witnesses, David Souttar in Both, Peter Browne and Mr Patrick Lindeay, servitors to the renouncer, and Mr Alexander Burnet, servitor to Sir Thomas Hope of Craighall, his Majesty's Advocate, is writer of the deed. [Signatures.] On the back there is a warrant for registration in the books of Privy Council, signed by Sir Thomas Hope as procurator for the Laird of Panmure, dated at Edinburgh, 3d October, 1633.

40. Writ by John Houston, messenger, whereby, with consent of James Stewart, apparent of Harlig, he passes from the charges given to John Hunter in Fischertoun, Robert Hunter, his brother there, John Henderson in Colungar, Thomas Kennedy in Drumshang, John Kennedy in Ten Schilling land, Robert Campbell in Knokiniry, James Campbell, his son, John Gray in Ardschie, John Allasone there, John McNedir in Hiltoon and James Mure in Cowdin; and they oblige themselves not to insist in further execution upon the assize of George Cochran in Newton for his adultery with Janet Watson, wife of William Rodger in Ayr, of this present charge which was for 7th November, 1633. This writ is dated at Edinburgh, 20th August, 1633, and subscribed at Ayr, 2nd November, thereafter by James Steuart and Jo. Houston, messa. On the same paper is Certificate by Thomas Kennedy in Drumshang, Anent the bailie of the barony of Dunmore, that he and each “of the remanent persons” paid to James Stewart, apparent of Harlig, £5; and each of them to John Houston, messenger, 6s., to draw them out of the roll of the assize, dated and subscribed at Air, 25th December, 1633.

41. Summons at the instance of Alexander Stewart against George Fraser in Outlaw in which the indictment against the said George Fraser and his wife, Giles Chalmer, of using witchcraft for the curing of disease is set forth. The document is much destroyed by damp, but it is sufficiently legible to show the nature of the charge. In the year 16... George Fraser fell sick and had recourse to a notorious warlock, John Philp, who was afterwards burned for sorcery and witchcraft in the burgh of Bamff. John Philp came and remained with the sick man several days and having obtained a quantity of lax water from a south-running well in a white pitcher, which he brought to the house of George Fraser and warmed upon the fire, he washed him therewith.
twice every day until he was cured. As this water was being thrown out a cat ran over it and instantly went mad, and in her fury leapt at the throat of Walter Fraser, kirk officer of Alvah, and almost worried and strangled him. Further, that on another occasion, in March, 1630, when he was sick he consulted Philp and they sent to a notorious warlock there, Walter Baird, who was afterwards burnt for witchcraft, and by their means he was cured of his trouble. Moreover, they associate with Philp, and receive instruction from him in his devilish arts, as charming beasts and cattle, taking off sickness and diseases from them. As also that the said George Fraser and his wife went through some form of enchantment taught them by the said John Philp with regard to their oat seed in their barn which had the effect of producing a far more plentiful crop than that of any of their neighbours. It is alleged that John Philp confessed the above to the ministry of the presbytery of Turrell. George Fraser and his wife were accordingly cited to appear for trial before the Justice or his deputies on 21st November next. The summons is dated at Edinburgh, 27th August, 1633. On the back is an instruction signed by John Bannatyne, depute to the Lord Justice Clerk, dated at Edinburgh, 12th November, 1633, to Alexander Anderson, messenger, to whom the foregoing summons was directed and by whom it is subscribed, that the said George Fraser and his wife had found caution in the books of adjournal for their compearance as charged.

30th August 1633.
Letter from his Majesty to the Chancellor anent granting protection to William Ballantyne of Corhouse to enable him to pay his creditors.

42. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie welbeloved counsellours, wee greete yow well. Upon humble suite made unto us in behalfe of our trustie and welbeloved William Ballentynye of Corrous that wee might be gratiouslie pleased to graunt unto him a protection for a yeare, thereby the better to enable him (as he affirmeth) to take the more safe and speedie way to give his creditoris satisfaction, wee did thereupon signe this inclosed protection, but withall thought fitt to referr it unto your consideration, willing yow to take such course therein as may best tend to the securing of the creditoris and the better enabling of the partie for it, which is only our royall intention in this and hath been in all bussines of the lyke nature. Wee bid yow farewell. From our Court att Denmarke house, the 30 of August, 1633." Addressed to the Earl of Kinnoull, Chancellor, and the remenant Lords of the Privy Council of Scotland.

9th September 1633.
Caution by David Mubhet, sign of Burn.

43. Bond of caution by James Muschett, sign of Burnbank, for Sir John Hauldene of Glenegles, that he will pay to Archibald Edmonstoune of Duntreate, commissioner for the small barons and freeholders of the shire of Stirviling at the last Parliament, 13s. 4d. for each pound.
land of his £18 land of Catteris in the said sheriffdome, as part of the
said Archibald's charges and for furnishing him with a footmantle; as also
that he will pay to James Muirheid, iar of Lachope, commissioner for
the small barons and freeholders of Dumbartaneshire to the said late
Parliament of £3 4s. 4d. for each pound land of his £16 land of
Barquhoies Haldanes, towards his charges and expenses as above, if
it shall be found after discussing his suspension of their charge before
the Lords of Privy Council that he ought so to pay; and that he
shall pay such expenses as their Lordships may modify; with clause of
relief; dated at Lenrick, 9th September, 1633; witnesses, Harry
Murray, servitor to the said Sir John, Robert Muschett, writer in
Edinburgh, and Walter Smith, lawful son of James Smith in Tollgarth,
who wrote the bond. [Signatures.] On the back there is a warrant
for registration in the books of Privy Council, signed by J. Wilsone, as
procurator for the parties, at Edinburgh, 17th September, 1633. The
bond is presented by Robert Muschett, writer in Edinburgh.

44. Bond of caution by Alexander Cunynghame of Montgrenane for
14th September, 1633.
Sir Thomas Boyd of Bonschaw, Adam Boyd, his brother, James Boyd,
his servitor, and William Wallace of Failfurde, in 2000 merks for
each person, that they will not molest William Cunynghame, uncle of
the Laird of Montgrenane, and William Stewart of Wig, nor their
wives nor households; with clause of relief; dated at Killaquhane,
14th September, 1633; witnesses, Mr. Hew Cathcart, son of the
deceased John Cathcart of Cairton, John Wallace, servitor to the said
William Wallace of Failfurde, Gilbert Abircrombie in Killaquhane and
Thomas McBlane in Enoch, notary, who wrote the bond. [Signatures.]
On the back there is a warrant for registration in the books of Privy
Council signed at Edinburgh, 17th September, 1633, by M. J. Paip,
as procurator for the parties. The bond is presented by John Stewart,
servitor to Robert Wallace, writer.

45. Summons at the instance of Patrick Temple, servitor to Sir John
Hamilton of Prestoun, narrating that on 18th September, 1633.
when he was coming from Cassilltoun to about 10 at night, he was suddenly assailed by Thomas Hog and John
Cowtman in Trop . . . upon the highway near the town of Lint . . . and
the said John Cowtman held him until Thomas Hog gave him two
strokes on the head with an edged whinger to the effusion of his blood
in great quantity. They then cast him to the ground, took from him
his sword and whinger, and with the buttone of his cloak almost wirred
him.” When they thought him dead, they “rypped him to see what
moneyes he had, and finding none gave him manie bauche and blae
straikes on diverse parts of his bodie.” These persons are therefore
cited to appear before the Council on 25th September, under pain of
hornings. Dated at Edinburgh, 18th September, 1633 (signed) James Prymoir. On the margin against the complaint there is noted “Past fra.”

46. Bond of caution by Edward Maxwell, tailor burgess of Edinburgh, for John, Earl of Annerdaill, that he will pay to James, Lord Johnstoun, Elizabeth, Countess of Wigtoun, his mother, John Carruthers in Howmaynes, Matthew Wilson in Greinheid, alledged tacksman of the teinds of the said Earl's lands of Lochmaben, the valued teind rent of these lands in terms of the valuation made or to be made and approved, and that between Yuile and Candlemas next. Likewise Thomas Maxwell, brother german of Herbert Maxwell of Kirkconnell, in the absence of and for the said Earl, obliges himself to relieve the said cautioner. Dated at Edinburgh, 3rd October, 1633; witnesses, William Maxwell, servitor to the said Thomas, John Henryson, writer, and John Luif, servitor to Peter Barbour, W.S. The cautioner signs by the aid of George Halden, notary. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the bond and signed by Mr John Sandealands, advocate, as procurator for the parties.

47. Discharge by Mr William Oliphant of Kirkhill acknowledging that he has received from James Prymoir, Clerk of Privy Council, the commission granted by the discharger to Patrick Maud of Panmure for selling his lands, dated 8th September, 1632, in presence of Mr John Oliphant, sheriff clerk of Edinburgh, Henry Veitch, W.S., and John Sempill, his servant, as witnesses; and that he has also received the "letter of reposition" by the said Patrick Maud (ante, p. 564), dated 16th August, 1633, with the "hail evidents, letters and writs quhilkis wer consigned be me in his hands and putt in a close and loceked buist quhairof the key has beene ever kepeed be my selfe, and the said James had no forder medling in that mater but onelie to keepe the locked buist and evidents and writts being within the same," and of all which he now discharges the said James and his heirs and executors dated at Edinburgh, 7th October, 1633; witnesses, Alexander Stratoun son of Arthur Stratoun, W.S., and Thomas Tod, brother of Hugh Tod W.S. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the discharge and signed by Mr James Makgill, as procurator for the parties.

48. Discharge by Sir William Murrey of Tuchedam, knight, Sir Alexander Seytoun of Kilkreuch, knight, one of the senators of the College of Justice, Sir John Stirling of Garden, knight, and William Stirling of Ardoch, narrating that on 26th December last the Lords of Privy Council ordained Dame Janet Lawson, widow of Sir John Edmeaston of that Ilk, to pay to them 2400 merks for the teind corns, and 185 bolls
of victual for the rents of the Easter and Wester milne of Ednam at 10 merks the boll, intromitted with by her during the time libelled. She has consigned in the hands of James Prymrois, Clerk of the Privy Council, the said sum of 2400 merks, and 1850 merks for the price of the said bolls, and is willing that he give up the same to the dischargers upon a sufficient discharge thereof, which they hereby grant, without prejudice to the fulfilling to them of the other parts of the said decreet or of any action competent to them thereanent; dated at Luchall, Polmais, and Ardoch, 10th, 11th, and 12th October, 1633; witnesses (1) to the subscription of Sir Alexander Seytoun and Sir John Stirling, Ninian Seton and David Duncan, servitors to the said Sir John, and John Reddoch; (2) to that of Sir William Moray, Robert Wricht and John Squyar, burgess of Stirling; and (3) to that of William Stirling, Harie and John Stirling, his sons. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated 6th November, 1633, and signed by as procurator for the parties, the bond being presented by Mr William Stirling, writer.

49. Original of royal letter for demolishing the east and west partition walls within the church of St. Giles in Edinburgh, and making it the Cathedral Church of the bishopric of Edinburgh, printed ante, p. 136; directed on the back to the Earl of Kinnoul, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

50. Original of royal letter appointing the Bishop of Moray a member of the Privy Council, printed ante, p. 156; addressed on the back to the Earl of Kinnowle, Chancellor, and the remanent noblemen and others of the Privy Council of Scotland.

51. Bond of caution by William Forbes of Barnis for Arthur, Lord Forbes, that he will render his house of Harthill if the Lords of Privy Council shall find he ought to do so, under a penalty of 8000 merks, and in obedience to the letters raised against him by Adam Abirorombie of Aldrayne; dated at Barnis and Harthill, 11th October, 1633; witnesses, Alexander Forbes, apparent of Barnis, and James Forbes, sons of the cautioner, Mr William Forbes, sometime minister at Keig, and William and Arthur Forbes, lawful sons of the said Lord Forbes, and James Ballantine, his servitor. [Signatures.] On the back there is a warrant for registration in the books of Council by Mr. John Gilmour, advocate, the bond being presented by George Stewart, servitor to Walter Hay, advocate.

52. Discharge by William Cranstoun in Moristoun of all right or interest he can pretend to or in the sum of 4250 merks consigned by Dame Janet Lawson, widow of Sir John Edmistoun of Ednem, in the
hands of James Primrosse, Clerk of the Privy Council, to be paid to Sir William Murray of Tuchadam and the others mentioned in their discharge of 10th October (ante, p. 568); dated at Greinknow, 27th October, 1633; witnesses William Setoune, brother german of the deceased James Setoune of Touche, William Lyll of Bassindane, Williame Home in Eist Nisbet, and Thomas Haistie, servitor to Dame Barbara Cranstoun, Lady Touche. The bond is written by Mr William Stirling, and on the back there is warrant for registration in the books of Privy Council dated 6th November, 1633, and signed by as procurator for the discharger.

53. Original of royall letter relating to Mr William Wishart and the preceptory of St. Anthony at Leith, printed ante, p. 228; directed on the back to the Earl of Kinnowle, Chancellor, and the remanent nobles and others of the Privy Council of Scotland.

54. Testificate in favour of George Fraser in Sandlaw and Giles Chalmer, his spouse, signed by Mr James Melvill, minister at Alvah, Mr William Chalmer, minister at Innerboyndy, and Robert Craig, reader, of Awache, dated at Awache, 14th November, 1633. They declare that the said George Fraser and Giles Chalmer, who have been indicted to stand their trial for consulting with witches, etc., are entirely innocent of not only that but of all other public crime or imputation, so far as known to them. The said George has been an elder of the session of Awache during all the time the present minister has served there, and that is seventeen years, and still remains so. And as to the assertion of “that infamous lyeing lybell,” so far from neglecting the ordinary means for his relief from sickness appointed by God, he caused his minister, Mr James Melvill, write to Dr. Dowglas, then dwelling in Banff, to come and visit him, sending gold therewith for this purpose. “Qhilk he did with all diligence, accompanied with the said Mr James, and after qhilk visitations the said Doctour, haweine tacken consideration of the disease, returned to the said Mr James Melvill his house, and sent away the said James servitor, John Ord, to Banff, to his garden thair, albeit under silence of the nicht, with directione to his owin wyffe to heat ane caldron full of water and by his letter poynitng out ane part of the garden directit her to cast the hail water thairupoun for opening of the ground, it being ane great storme and frost and to send all the herbes qhilk wer in that proper place. Qhilk the said John Ord bringing with diligence, togither with wyne seck, upoun the morrow the said Doctour and the said Mr James went to the said George Fraser againe and at dyverse utter tymes gave to the said George potionis and drinks qhilk at the last he convaleisit and came to his owin health.”
55. Discharge by James Steuart, apparent of Halrig, and John Crinks, to John Bell, releasing him from attending the assize upon which he has been summoned. [Signatures.]

56. Extract Decreet from the Books of Adjournal of the justice court held in the tolbooth of Edinburgh on 21st November, 1633, by Mr Alexander Colvile of Blair, Justice Depute, in the case of George Fraser in Outlaw and Giles Chalmer, his wife, who were cited at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Alexander Steuart in Brigghishillock, as his informer, to underlie their trial for using sorcery and witchcraft. They are charged as follows:—

When in 1630 the said George Fraser fell sick, he, by the advice of his said wife, in violation of the Act of Parliament against consulting witches, etc., in June, 1663, consulted with the deceased John Philpe, whom they knew to be a notorious warlock and sorcerer, and who was afterwards apprehended, convicted and burned for witchcraft at the burgh of Banff, to cure him by devilish and unlawful means. The said informer appeared by William Downie, servitor to Mr Alexander Hay, one of the Clerks of Session, in terms of a letter of procurator signed by the said Alexander Steuart at Dewchris on 11th November instant, who produced the criminal letters, and asked instruments and protested for the relief of Walter Mylne of Rosieburne, his cautioner. George Fraser compared personally and entered himself upon panel, and with him compared Mr James Baird and Mr David Prymrois, advocates, as his procurators, who produced a testimonial subscribed by Mr James Melville, minister at the kirk of Ava, Mr William Chalmer, minister at Inverboyny, and the reader at the kirk of Ava, in name of the elders thereof, dated 14th November instant, as narrated ante, p. 570. In respect of the non-compareance of the Lord Advocate to pursue, the judge ordained the diet to desert and discharged the outgiving of any criminal letters against the said George Fraser and his spouse before Midsummer next, and that, if any are then sought, the purchaser shall require to find caution in £1000 before they are granted, and the cautioner’s name shall be intimated by the clerk to the panel’s advocates foresaid. Whereupon the said George Fraser and his advocates asked instruments and protested for the relief of Alexander Ritchie, burgess of Banff, his cautioner, and also for compensation against Thomas Stewart of Ryland, who was personally present as informer. The extract is subscribed by Jo. Bannatyne, clerk depute of Sir George Elphingstoun of Blythiswoid, knight, Justice Clerk.

57. Summons at the instance of George Fraser of Outlaw and his wife against Thomas Stewart of Ryland, as narrated above; dated 4th December, 1633, and signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634.
58. Summons at the instance of John, Earl of Annderdaill, against Fergus Graham of Blastwood, as narrated ante, p. 173; dated at Edinburgh, 6th December, 1633, and signed by Ja. Prymrois. On the margin and on the back there is noted the finding of the Lords on the 19th December following.

59. Note of execution of summons on 13th December, [1633] by Adam Clerk, messenger, at the instance of John, Earl of Annderdaill, against Fergus Graham of Blawetwod, at his dwelling place and also at the market cross of Lochmaben, to compear before the Council on 19th December instant; witnesses, Thomas McBurnie, notary, ... Dowglas, son to John Dowglas of Killivarane, and Thomas Clerk, at Blawetwode, and also John Richardsone and Thomas Nesche, at the said market cross.

60. Fragment of a summons dated at Edinburgh, 14th December, 1633, and signed by Ja. Prymrois, which from a note on the margin seems to refer to the case of Logan, messenger.

61. Summons at the instance of Elizabeth Bathcat and Alexander Pea, maltman in Eymouth, her husband, against Sir Patrick Home of Aittoun and others, as narrated ante, p. 176. It is directed to John Richartson and George Stewart, messengers, and is dated at Edinburgh, 16th December, 1633, and signed Ja. Prymrois. On the margin there is a note of the decision of the Lords in the case on 9th January, 1634; and on the back a note of the execution of the summons by George Stewart, messenger, on 1st January, 1634, against Sir Patrick Home and Mr John Home, both personally apprehended before these witnesses, Mr George Home, minister at Aytoun, and Mr George Ochterlony in Eymouth, in the case of the said Sir Patrick, and John Gray and John Broun, portioners of Eymouth, in the case of the said Mr John Home.

62. Extract from the Books of the Acts of Privy Council under the subscription of "Jacobus Prymrois," narrating the proceedings of the Lords in the complaint of David Robertson, bookbinder in Edinburgh, against Manasses Voltroller, also bookbinder there, as narrated ante, p. 174, with this difference, that Mr Alexander Fouller is said to compear with the pursuer as his procurator. On the margin, however, there is a note of the further procedure in the case on 9th January, 1634, when Alexander Fouller is given as the defender's procurator, and the case is continued to [Tuesday] next. There is also a note of the later proceedings upon 14th January, as narrated ante, p. 182.
63. "Upon the nynetein day of December, the yeir of God 1633, 19th December 1633.

Statement by James Douglas, \( \underline{\text{maicer, to the effect that he has only put to the horn certain specified persons who have failed to settle their accounts with the Exchequer.}} \)

yeirs, I, James Dowglas, maisher, past at command and be vertew of thir our Soverane Lordis letters within wrttein (raisit at the instance of his Majesties Thessaurares principall and deputie) to the merket croce of Edinburgh and thair with sound of trumpet and opin proclamatione in his Majestyes name and auctoritie of new maid intimatione to the haill persones withinnamit and everie one of thame for thair awin paights of the said former charige, with certificatione to thame and they compeired nocht and endit thair compte in Exchequer betuixt and Setterday nixt, the twentie one day of December instant, I wold denunce thame his Majesties rebells and put thame to the horne, and ordein thair moveable goods and geir to be esheit and imbrought to his Majesties use for thair contempitione, eftir the forme and tenor of the saids letters in all points; quhairof I affixit and left ane copie upon the said mercate croce of Edinburgh, befor thir witnesses, Mark Smyth, trumpeter, and William Lindsay, post in Edinburgh; and for the more verificates to this executione and indorsatione, subscrivit with my hand, my stamp is affixed." (Signed) "J Dowglas maisher." (Stamp.)

"And becaus the persones above chariged particularie etter-following, they are to say:

\begin{itemize}
\item custumar of Eymouth, Sir William Dowglas, shireff of Roxburgh, Johne Stewart of Coldingham,
\item Sir George Home, fewear of Flennington and Fairnside, the provest and baillies of Lanerk, the shireff of Lanerk within burgh, the customair of Dumfreis,
\item Stewart of Annendael, fewear of Duncow, James, Lord Johnestoun, fewear of Newbie,
\item Maxwell, fewear of Castellmilk, Johne Johnestoun, fewear of Turmoir and Montrig, William Irwing, fewear of Stirksehill,
\item Stewart of Kirkcudbright, custumar of Kirkcudbright, the provest and baillies of Stranraver,
\item shireff of Wigtoun,
\item customer of Wigtoun, the baillies of Lochmaben, the provest and baillies of New Galloway, Johne, Lord Lowdoun for Kylismuir,
\item receiver of Stewartoun, Sir William Cunynghame of Caprington, baillie of Kyllstewart,
\item baillie of Cunynghame,
\item baillie of Carick, fewear of Trabchrach and Carinyean,
\item baillie of the regalitie of Croceragual, the baillies of Rose,
\item shireff of Argyll and Tarbet, custumar of Stirling,
\item shireff of Bathgait, Alexander, Erle of Linliethgow, portioner of Kerse,
\item Patrick Justice, fewear of Winshilhauche, Lord Forrester, shireff of Edinburgh,
\item Lindsay, fewear of the Kings Wark in Leith, Johne Burnes, custumar of Hadintoun and Dumbar,
\item chambirlane of Dumbar, fewear of the Erledome of Mairche,
\item fewear of St. Jermanes, Johne, Erle of Wigtoun, Sir William Dowglas of Cavrise, Sir Patrick Murray for Langshaw, Johne, Erle of Lawdirdaill for the Kirk of Lawder,
\item Dunypace for the kirks of Larber and Dunypace, James, Lord Colvill for the kirk of Tillicutrie,
\end{itemize}
the baillies of Auchterarder, baillie of the regalitie of Dumblain, the Lord Stormouth for Skoona and Elcho, the Erle of Murray, steward of Monteith, and Lord St. Colme, fiewar of Ester Kennet, shireff of Clarkmannan, shireff of Fyffe, Thomas, Erle of Kellie, Patrick, Lord Lindoris, and John, Erle of Rothes for Lindores, baillie of the regalitie of Musselburgh, baillies of Pittinweyme, stewart of the regalitie of St. Androis, James Kinnimouth, chamberlane of Fyffe, James, Lord Colvill, the provost and baillies of Montrose, baillies of Bervie, Erle Mairsthall for Deri, fiewar of Kintor and Garvoek, fiewar of Tavillie, fiewar of Creichie, Sir William Forbes of Craigievar, fiewar of Fintrie, fiewar of Ester Disblair, Sir Alexander Irwing, fiewar of Kinmulia, shireff of Bamff, provost and baillies of Bamff, baillies of Rattray, Thomas, Lord Kinloes, shireff of Elgin and Forres, provost and baillies of Elgin, custommar of Spey and Findorne, Alexander M'Keinzie of Pluscarden, shireff of Nairne, William Sutherland of Duffus, M' Alexander Keith, Alexander Gordoun of Sydria, James Dowglas of Bogyde, fiewar of Pittindrieche, fiewar of Leamishauche, fiewar of Bewfort, shireff of Cromartie, baillies of Cromartie, baillies of Rosemarky, baillies of Dingwall, Lord of Bewlie, Lord of Ferne, shireff of Caithnes, baillies of Weik, fiewar of Moydart and Heyth, and everie one of thame, hes disobeyit the chairge and intimatione given to thame in maner abovementionat; therfore I, the said James Dowglas, maissar and shireff in that pairt within constitute, upon the thretten day of Januare, the yeir of God jstvj yeir threttiefour yeirs, past to the mercat croce of Edinburghe and thair with sound of trumpet denounced the haill persones abovenamit our Soverane Lordis rebellis and put thame to his hienes horne be thrie blasts of ane horne, as use is and ordanit all thair moveable goods and geir to be imbrogth to his hienes use for their contemtione. This I did efter the forme and tenor of thir saids letters in all points before thir witnesses Mark Smyth, trumpetter, George Donaldsone, keeper of the Exchequer hous doore, and William Lindsay, post in Edinburgh; and for the more verificatione to this my executione and indorsatione, subscryvit with my hand, my stamp is affixed. (Signed) J. Dowglas, maissar.

24th December 1633.

64. Execution of summons by William Cuming, messenger, at the instance of George Fraser in Outlaw and Giles Chalmers, his wife, (1) on 24th December, 1633, against Thomas Stewart of Ryland, personally apprehended at his dwelling house in Deuchries, and Alexander Stewart in Brigghishillok, personally apprehended beside the Smiddiehills
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of Banff, before in Barlethill and James Gibboun, servant to the messenger for the time; and (2) on 2nd January, 1634, against Alexander Anderson, messenger, personally apprehended, before Robert Adame in Fordyce and the said James Gibbone; charging them to compear before the Lords of Privy Council at Edinburgh on 14th January next.

65. Testificat to the Lords of Privy Council and Lords of High Commission in favour of the bearer, George Fraser, sometime in Outlaw, now in Sandlaw, and Giles Chalmer, his wife, who are being prosecuted for sorcery and witchcraft by Alexander Steuart in Briggishillok and Sir Thomas Hope of Craighall, King's Advocate, who appeared before the subscribers, viz., the provost, bailies and council of the burgh of Banff, showing how they were traduced and desiring them to testify to their honest lives and Christian conversation and behaviour; and this they do, testifying to their knowledge that the said George Fraser and his wife have dwelt and had their residence all the days of their householding within four or five miles of this burgh of Banff, and "half levit and cariet themselfs honestlie, christianelie, soberlie and credible, as became Christians of their estate and qualitie, but scandall or reproche of kirk or comownewalthe hitherto their desert in so far as evir we culd learme or trye. This we declair to be of treuthe wpone our honestie and conscience according to our knowledge." Dated at Banff, 30th December, 1633. (Signed) Georg Baird, provest; A. Baird, bailie; Patrick Flemynge; G. Steuart, balze, Alexander Setoun, minister at Banff; Alex' Wynchester, ane of the Counsel; Thomas Scheroune, ane of the Counsel; J. Wynchester, clerk.

66. Note of prorogation of the protection granted to [Mr John Oliphant] until 9th January next.

On the other side of the paper is a further prorogation, dated at Edinburgh, 9th January, 1634, to Mr John Oliphant, advocate, as narrated ante, p. 177. The document is much spoiled.

67. Note of proceedings apparently before the presbytery of Perth in the complaint of John Colt, mason, against Mr David Williamson, minister at Kilspindie.

At Perth, 1st January, 1634. Compared John Colt, mason in Perth, who gave in an accusation in writing against Mr David Williamson, minister at Kilspindie, that, as he and his servants were working at the kirk of Kilspindie, the said Mr David "bosted and minassed him and put violent hand and stroke him." The brethren in their desire to show equity to parties, notwithstanding that it was against the Apostolic rule to receive an accusation against an elder without assisting witnesses, agreed to accept the accusation, the said John obliging himself.
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to stand by their determination in the matter, and also to prove his bill by witnesses. This he did and said he would produce witnesses, especially one Robert Foord, servitor to the Laird of Fingask, within the said parish of Kilspindie, as no other competent witnesses could be found. The said Mr David agreed to this as a sufficient number, with this provision, that, in case he had anything to lay to the charge of the said John, one unsuspected witness should in like manner be sufficient. This also was granted by the said John.

Whereupon the said Mr David gave in a bill of complaint against the said John Colt and his servants, Alester Maklaran and James ... , that they “upbraidit the said Mr David and his beddell with many injurious and contumelious speaches for brakeing the tymber and yron worke of the kirke yeard yeatt, for pulling downe baks and coupels within the kirke and fylling thereof, for medling with the said Mr David’s tymber and treas,” and other particulars expressed in the libel. The brethren ordain both parties to have their witnesses ready against their next meeting, and both oblige themselves, the said Mr David by his subscription and the said John “be his marke usuall, such as he uses in barganings and indentours,” to stand to the brethren’s determination, and to abstain from any offence until the matter be judged, under the penalty of £40.

At Perth, 8th January, 1634. Parties and their witnesses having been called, Mr David Williamsone sent a written excuse that he had sustained a dangerous fall the previous night, which excuse was admitted, and John Colt agreed to supersede the matter until next meeting. The witnesses not compearing are ordained to be summoned pro secundo.

At Perth, 15th January, 1634. Robert Foord, servitor to the Laird of Fyngask, in the parish of Kilspindie, being sworn by uplifting of his hand, and questioned about what took place, declares that as concerning the “scandalous words,” which are only generally libelled, he cannot testify until particular words are specified, but that “thar war many evill words on baith sydes.” As concerning “straiks,” he cannot on his conscience say that he saw Mr David strike the said John, but only after being provoked with outrageous words did “mint a straik” at him. Thereupon compared Alexander Lyndsay of Armebathe, lawful son of Alexander, Bishop of Dunkeld, in name of the whole heritors of the parish of Kilspindie, as he alleged, and protested that the brethren would not meddle with the civil part of the complaint given in by the said John Colt as not belonging to them. The brethren thereupon desired to see his commission, but this he refused to show, and his protestation was accordingly repelled, the brethren declaring that the said John had submitted the whole matter to them under his mark, and further that “now it was nott rei integra but past litis contestatum. The witnes was accepted, examined and had deponit.” Mr David
Williamsone thereupon took instruments in the hands of Patrick Ross, notary, and was ordained to summon his witnesses pro terto against the next day. The whole proceedings are extracted and certified by Mr Henrie Adamsone, scribe thereto.

68. Summons at the instance of Walter Howesoun, cordiner in Fisherraw, against Patrick Edmonstone of Wolmet and others, as narrated ante, p. 176; dated at Edinburgh, 4th January, 1634, and signed Ja. Prymrois. On the margin is noted the decision of the Lords in the case on 9th January following; and upon the back are noted the deposition of several witnesses. Mungo Wright deposes that the bailie—William Scot, bailie in Musselburgh—upon the complaint of Wolmet committed the pursuer to ward and kept him therein four days. James Miller deposes that upon Wolmet's complaining to the said bailie that the pursuer had sworn to burn his barnyard, and having proved the same by witnesses, and also made faith that he dreaded the pursuer would carry out his threat, the bailie committed him to prison until he found caution for Wolmet's indemnity, and for his remaining in ward three days. William Scobie deposes that he knows the pursuer was in ward but nothing more.

69. Certificate by Alexander Anderson, messenger, as follows:—He has been charged at the instance of George Fraser in Outlaw to appear as a witness against Thomas Stewart, serf of Ryland, to prove the executions by him of charges in November last, and that they were made at the instance of the said Thomas Stewart against the said George Fraser. He is not able, either on horse or foot, to keep the 14th of January for which he is cited, but for obedience of the charge he has delivered the roll of the names which he received under the hand of the said Thomas Stewart, at whose command accordingly he served the charge, at his expense, and to whom he returned the letters duly executed. This roll he has delivered to the said George Fraser, and has written this certificate thereof at . . . . , 6th January, 1634; witnesses, William Gordowne of Muraik, Walter Stewart in Ryland, brother german of the said Thomas, Mr Thomas Mortimer at the Mill of Bradouk, and Mr James Wynchester, notary, town clerk of the burgh of Banff. [Signatures.]

70. Roll of names referred to in the preceding paper of witnesses and others in the case of George Fraser in Outlaw [torn at beginning].

P. John Stevisone, thair; p. Walter Leith; p. William Allane, younger;
D. Herie Wise; d. John Meldrum; d. Thomas Myll in Schowestons; d.
John Duifus in Colane; d. Alexander Reid; p. Alexander Tynet. (Signed)
Thomas Stewart. [On the back] . . . . George Fraser, the tent of
Nowember to the 27 of Nowember 1633 yeiris."

71. Note of execution by Patrick Calbrethe, messenger, of summons
at the instance of Alexander M'Claine, sometime in Barvennack and
now in Carisidouche, and Andrew M'Clunquha in Dowis, in their com-
plaint against Patrick Agnew of Barmail, as narrated ante, p. 181; (1)
on 7th January, 1634, against the said Patrick Agnew, John
McCrotchet, John McKeachie, Fergus Lilburn and John McCarum, at
their dwelling houses, and then at the market cross of the burgh of
Wigtoun, before these witnesses, Robert Maxwell in Clerkscroft in Knok,
Robert Maxwell in Keroche, John McKie in Barvannock, John Dunce in
Wigtoun, and John Carbrethe there; and (2) on the same day against
the foresaid persons, and against Robert Maxwell in Clerkscroft, John
Maxwell in Barvannock, John McCrobe in Moure, David McBryne there,
and John McCouthie, servitor to Edward Maxwell, to compear in the
said matter as witnesses before the Lords of Privy Council upon 14th
January next; witnesses to the service being William Maxwell of Mun-
reith and John Dunce and John Calbrethe in Wigtoun. There is also
(3) Execution by George Gordon, messenger, on 10th January, 1634,
against the said Patrick Agnew, Fergus Lilburn, and John M'Keachie,
all presently in the tolbooth of Edinburgh; witnesses, John Broun and
William Lyndsay, posts in Edinburgh.

72. Note of execution by Patrick Anderson, messenger, of summons
at the instance of Walter Howisone in his complaint against Patrick
Edmonston of Wolmet, narrated ante, p. 176; (1) on 7th January,
1634, against the said Patrick Edmestone of Wolmet and William Scot,
bailie of Musselbruge, before these witnesses, George Thomsone, meal-
maker in the Poterrawke, Gilbert Bathcat, servant to the goodman of
the Wolmet, Walter Smart, burgess of Musselbruge, and William Beir,
tailer, indweller in Fischerrawe; and (2) on the same day against
Mungo Wricht, cordiner, indweller in Leyth, James Miller, officer in
Musselbruge, and William Scobie, tailor there, as witnesses, in presence
of Walter Smart and William Beir foresaid.

73. Testificate by Robert Hamilton, minister of God's Word at the
kirs of Moonktoun and Prestuike in Kyle Stewart within the presby-
tery of Ayr, that William Dooke in Moonktoun, Hew Houstoun there,
John Smith there, John Clarke there, John Dalrymple there, Adam Rae
there, John Dooke there, Cuthbert Hunter there and William Cargill
there, were all summoned by John Cruixe in Kilmarnock, messenger, upon 3rd November last, "being the Sabbathe day, after daylicht going," to compair before the Lords of Council on Thursday, the 7th day of the said month; as also that William Fergushill in Prestuike, Adam and John Gottray there, John Neill, elder and younger there, Allan Duncan there, John Blair there, John Mowat in Newtown, Alexander Broun there, William Wallace there, John Hendirson there, William Wause there, and James Quentane there, were all summoned by John Houston, messenger in Ayr, to appear before the Lords of Council on 7th November last, to pass upon the assise of George Cochrane, burgess of Newtown, for his alleged adultery with Janet Watson, the wife of William Rodger in Ayr, and that by letters at the instance of Lord Traquhair, Treasurer Depute, and Sir Thomas Hope, his Majesty's Advocate; and further that the said two messengers, by advice of James Stewart, apparent of Halrig, passed from the summons and took composition therefor from each of the persons above named, some less, some more. This the said minister testifies to be of verity and writes the same with his own hand at Moonktoun kirk, 13th January, 1634. (Signed) Mr Ro' Hammilltoun, minis' at Moonktoun and Prestuike.

74. Testificate by Mr Robert Montgomery, minister at the kirk of Sanctkavox, that he was summoned by John MacCrae, messenger, at the instance of Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary in Ayre, his informer, to compair before the Lords of Privy Council on 16th . . . as a witness against James [Stewart, apparent] heir of Harig, John Houston and John Cruix, messenger, for abusing the lieges and taking compositions from them for warranting them to remain at home from passing upon the assise of George Cochren in Newtown; and that the said John Kennedie, considering that such a distraction from the work of the ministry would be very hurtful, has thought it sufficient that he should testify what he knows under his hand. He therefore certifies that John Cruix, messenger, came to the kirk of Sanctkavox and after divine service summoned several persons in the parish to pass upon the assise foressaid on the Thursday following, and that the said messenger received from John Bine, elder, and his son, John, a dollar and a half. But this was reported to him by others, for he saw it not himself. Dated at the kirk of Sanctkavox, 12th January, 1634. (Signed) M. R. Montgomery, minister at the kirk of Sanctkavox.

75. Scroll of the decree of the Lords of Privy Council in the action by George Fraser against Thomas Stewart, as narrated ante, p. 179. 14th January 1634. George Fraser and Thomas Stewart.

76. Scroll of the Decret in the case of Magnus Fraser and others against Thomas Stewart, iar of Ryland, and others, as narrated ante, p. 180. On the back there is a note of the witnesses produced in the Decret in the
case, (1) for Magnus Fraser—Patrick Gill in Blakton, George Davidsoun, burgess of Banff, and Thomas Smyth at the Mill of [Ryland]; and (2) for John Wallace—James Mintie in Muriehill, tenant of the said Thomas Stewart, James Mylne at the kirk of Boyndie, Walter Cuper in Muriehill, also tenant to the said Thomas Stewart, and Alexander Shireff in Craighead.

77. Supplication by David Robeson, "quha is most wrongouslie haldin in waerd by Manasses Valtrrollier, praying your honorable lordships for Godis caus to relieve me at his hands." Their lordships know that he has a discharge of the horning for which he put him in ward, and that contrary to their ordinance he "suceeris gif your lordships relie me to-day hie sall put me in waerd to morne. I heave satisfiet the beallzeis for laborowis to him. Hie gois and byes all the debtis that he can gett knowledge I am awin to gett thair power to arest me in upon contemt. For the favore of God lett yowr lordships pettis my distreis wyfe and childrin quha is abill to leak for want of mentinage. Lett it pleis yowr lordship for Gods caus for his wrongous deasillinge with me to caus him pay javlour fie this fourtide dayis quho hes upon malice holdin me in waerd that is awin him nothing, as ever I sall be readie al tymes topray ewer for yowr lordships, and yowr lordships favoure for Chryst sak I beseik." Undated.

78. Supplication by David Robeson, who lies still in ward at the instance of Manasses Votroleir, notwithstanding their Lordships' ordinance last Council day, and is ready to famish for want of maintenance. He has caused cite the said Manasses by one of their Lordships' macers, and prays to be confronted with him before them so that order may be taken in his case. He will pray for their Lordships' happiness in this world and in the world to come. [On the back] Scroll of the Decree of the Lords of Council in the case on 14th January, 1634, as narrated ante, p. 182.

79. Supplication by John Cumming of Kirkton of Aberlemmo for a protection, as narrated ante, p. 182. [On the back] "... (torn) . . . ary, 1634. Fiat ut petitur to the last of March. GEO. CANCELL", GLASGOW, WINTOUN, KINGORNE, ANNANDAILL, DUMFRIES."

80. Supplication by John Talbert, as narrated ante, p. 183. The document is so much destroyed that the endorsement cannot be made out, except so far that it is signed by the Chancellor I.P.D., and that the supplicant has found caution.

81. Summons in the complaint at the instance of Mr. Alexander Hamilton of Kinglassie, as narrated ante, p. 190; dated at Edinburgh,
18th January, 1634, and signed Ja: Prymrois. The summons is directed against James Cairnes, and also against Thomas Paterson(?), George Hodge, Patrick Robertson in Borrowstouness and others as witnesses (but whose names are illegible). On the margin is a note of the hearing of the case on 23rd January when the pursuer appeared but not the defender; and the latter is ordered to be charged to enter himself in ward. The pursuer is also ordained to pay two merks to each of his two witnesses. It is further noted that this day the defender compeared, and enacted himself to compear upon Tuesday under a penalty of £100; and that the pursuer, who had already led probation, is ordered to do so again. The Lords also grant a protection to the pursuer for eight days. There is also noted the finding of the Lords in the case on 28th January, 1634.

On the back is noted the evidence of the witnesses:—George Hodge depones that the said James Cairnes had the charge of the complainant’s works and payment of his workmen, and that he has withdrawn several workmen from the coalworks, while Cairnes himself left the same fourteen weeks ago.

Patrick Robiesone testifies to the same effect.

On the 28th January, Alexander Crawford depones that James Cairnes was overseer of the pursuer’s works, and that the pursuer, having laid him in ward and taken a band of him, the defender left the works.

Robert Sympson depones that for many years past Cairnes has been overseer of the defender’s works, and himself left the same and caused others to do so.

John Deans depones similarly, and that some of the workmen left the works owing to not receiving payment of their wages.

82. Testificate to the Lords of Privy Council that upon 7th January instant, Mr David Williamsone, minister at Kilspindie and Raitt, "comming from the towne of Scone to his own house in Kilspindie was constrainit through the injurie of weather, wind and snawe to wander and cowill in the hills for the space of sex or seven houres; and in end, quhilk is notoriouslie knowne to ane great part of the country, he fell of the highway alongs a steep bray threttie faddome deep or therby, as we ar credibile informit within the den of . . . . . . , wher, be God’s wonderfull providence, his lyff was miraculouslie safe; since the quhilk tyme he hes been and presentlie is deceasit and under cuir, bruisit in his bodie and inwardlie lowsit in his bellie, swa that he can not travell from home bot with great hazard of his health and lif.” This the subscribers know and certify at Kilspindie, 19th January, 1634. (Signed) M. Ihone Graham, minister at St. Mertyns, Mr Ja: Fouller, minister at Kinfanis, Mr Johne Barclay, minister at Kinnerd.
83. Fragment of a summons dated at Edinburgh, 19th December, 1633, and signed Ja: Prymrois, on which there is noted as follows:—

"Apud Wigtomam, vigesimo die mensis Januarij 1634 yeira. Thir letters with the executiounis thairoff, presentit be Archibald Dunbar of Baldone, one of the complainers thairin contenit, and registrat in the Shereff court buikis of Wigtoune, conforme to the Act of Parliament." (Signed) Tho: McKie, clerk.

84. Writ of Consent by John Makculloch of Ardwell, Robert McAllexander of Coreclayris, and John Inglis and John Fairholme, merchants, comburgesses of Edinburgh, to the granting by the Lords of Privy Council of their protection to Alexander Makculloch of Myretoun for pursuing his debtors, provided it do not extend beyond the last day of March next; dated at Edinburgh, 23rd January, 1634, the deed being written by John Kennedy, notary burgess of Air. [Signaturea.]

85. Supplication by George Chalmers of Balbithen, as narrated ante, p. 191. [On the back] "Apud Edinburgh, 28 January, 1634. Ordains the Laird of Meldrum to be wairnit to Thursday next to heir the desyre of the bill granted. (Signed) MORTON I.P.D." Also Note of execution of this order on 30th January, 1634, by William Dowglas, macer, against Mr William Seatoun, personally apprehended, for his appearance the same day before the Lords of Privy Council; witnesses, Mr James Duirie in Dumfermling, and John Our, tailor in Edinburgh. There is also noted on the margin the proceedings in the case on 30th January.


87. Supplication by Alexander Aylies in Wester Beltie, as follows:—

John Finlay in Wester Beltie has conceived a deadly hatred against him and seeks all occasions for taking his life. On , as they and some other persons were going in company to Aberdein, when the supplicant having of necessity lingered behind the rest, and the said John, taking advantage thereof, came behind his back and at unawares "first with ane great stone strake me behind the head till he felde me dead to the ground and than drew his sword and gave me manie cruel straikes thairwith, when I was lying on the ground, upon the head, armes and other parts of my bodie, to the effusioun of my blood and perrell of my lyfe, quhairthrow I lay a long space in the burgh of Aberdein under the cure of chirurgions and danger of my lyfe, to my utter wracke and undoing, being bot ane poore man." He craves summons against the

88. Supplication by John McAlaster in 13th January last Thomas Grant of Dalvey, his servant, Patrick Grant of Culboiche, Duncan Grant, his brother, and Ferquhar, his servant, armed with swords, dirks, staves and other weapons, came by way of hamesucken to his dwelling house in Callender, broke up the doors thereof, stoged the beds of the house and searched for the supplicant in all the corners thereof to have slain him. When they failed to find him, they put violent hands upon his wife, hurt and wounded her in various parts of her body, "kuist her behind ane kist and left her for dead." They also wounded Duncan, servant to the supplicant, with a dirk upon the head, and reft and took away a hagbut and highland axe belonging to the supplicant. [Cf. ante, p. 229]. He craves summons against these persons. [On the back] "Apud Edinburgh, 3 February, 1634. Fiat ut petitur."

89. Supplication by Alexander, Lord Forbes of Pitaligo, heritable proprietor of the lands called Auldton of Wards, and Robert Forbes of Auldton, his tenant thereof, as follows:—On 3rd February 1634. Supplication by Alexander, Lord Forbes of Pitaligo, for summons against George Gordon of Newton, Patrick Gordon in Glanderston, John Cruikshank in Knokin, baird, and others, armed with "swords, bandit staves, dirks" and other weapons, came to the said Robert's house in Auldton of Wards, beset it, dang up the doors thereof, and sought for the said Robert to take his life. Missing him, as he was then from home, they cut down with swords his whole growing corn, and pastured and herded a number of cattle thereupon, so that the whole was destroyed and eaten. Further, they continually lie in wait for him so that he dare not go about for fear of his life. They crave summons against these persons. [On the back] "Apud Edinburgh, 3 February, 1634. Fiat ut petitur."

90: Supplication by Thomas, Earl of Hadintoun, tacksman of the parsonage and vicarage teinds of the parish of Hadintoun, as follows:—In the tax roll of the said parish, made and set down for his relief of the said teinds for the taxation of 1630 appointed to be taken for the Lords of Session, the subtackmen and possessors of the teinds of the said parish are taxed termly in the sums aftermentioned, but they will make no payment to him hereof for the four terms of the first taxation and the first term of the last now bygone, unless compelled. He accordingly craves that letters of charge may be direct compelling them to pay the sums stated for each of the terms of the taxations above mentioned, and if they fail therein that they be put to the horn and pointed, etc. The sums for which they are liable are as follows:—
<table>
<thead>
<tr>
<th>LANDS</th>
<th>Taxation of 1630.</th>
<th>Lords' Taxation of 1633.</th>
<th>Miscellaneous Papers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sir John Sinclair for Templefeild,</td>
<td>£ 0 s. d.</td>
<td>£ 0 s. d.</td>
<td>£ 0 s. d.</td>
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<td>George Broun of Colstoun,</td>
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<td>Sir John Seaton of Barns,</td>
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<td>0 16 1</td>
<td>0 6 0½</td>
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<tr>
<td>Sir George Towres of Innerleith for Easter and Mid Garmelton,</td>
<td>0 31 6</td>
<td>0 28 0</td>
<td>0 10 6</td>
</tr>
<tr>
<td>John Towres of Harparden,</td>
<td>0 4 0</td>
<td>0 3 4</td>
<td>0 1 4</td>
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<tr>
<td>John Sinclair of Steinstown,</td>
<td>0 30 6</td>
<td>0 28 10</td>
<td>0 10 2</td>
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<td>Mr. John Dowgal for Nenanland,</td>
<td>0 8 2</td>
<td>0 7 0</td>
<td>0 2 9</td>
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<td>Patrick Cockburne of Clerkington,</td>
<td>4 4 10</td>
<td>4 15 0</td>
<td>0 28 3½</td>
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<tr>
<td>George Hepburne of Alderstoun,</td>
<td>0 45 0</td>
<td>0 40 0</td>
<td>0 18 4</td>
</tr>
<tr>
<td>Sir William Baillie of Lamington,</td>
<td>3 15 8</td>
<td>3 7 0</td>
<td>1 5 7½</td>
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<tr>
<td>The Provost and bailies of Haddington for the teinds of their acres.</td>
<td>0 48 0</td>
<td>0 42 6</td>
<td>0 16 0</td>
</tr>
<tr>
<td>Thomas, Lord Binning, for Samuelstown,</td>
<td>0 32 10</td>
<td>0 29 0</td>
<td>0 10 11½</td>
</tr>
<tr>
<td>Patrick Ingils for Elvington,</td>
<td>0 39 6</td>
<td>0 33 0</td>
<td>0 13 2</td>
</tr>
<tr>
<td>John, Earl of Landerdaill, for Lethington,</td>
<td>0 48 0</td>
<td>0 42 4</td>
<td>0 18 0</td>
</tr>
<tr>
<td>Sir Patrick Murray of Elbanke for Vgston,</td>
<td>0 22 2</td>
<td>0 20 2</td>
<td>0 7 6½</td>
</tr>
<tr>
<td>James Congilton for his acres in Hadinton,</td>
<td>0 6 9</td>
<td>0 6 0</td>
<td>0 2 3</td>
</tr>
</tbody>
</table>


3rd February 1634.

Supplication by Alexander Corbat of Arbol and William Corbat of Midgary, as follows:—In violation of the law prohibiting the wearing of hagbutts and pistols and convocation of the lieges, Hector Dowglas of Muldarg, elder, Hector Dowglas, his son, Hector Andrawsone alias Dowglas, William Dowglas, smith, Walter Dow, miller, Alexander Beg, Donald M'Robert, George and John Strouthe, Nicolas Ros, Donald Ros, miller, Walter Sutherland, Walter M'Cume, John M'Kene, William Gow, Andrew Bayne, Angus and Walter Denowne, Andrew M'Kay, Hew M'Culloch, Donald Gray, Magnus Bell, Arthur Kinkell, Walter M'Comes, Walter Beg M'Alaster, Donald M'Frikie, John Reache, younger, and Andrew Bell, all servants of the said Hector Douglas of Muldarg, with convocation of the lieges to the number of _, armed with swords, staves, bows, darlochs and other weapons, and the forbidden hagbutts and pistols, came on October last, under cloud and silence of night, to the complainers' lands of Easter and Mid Gary, assailed their tenants.
there, and pursued them for their lives with drawn swords, wounding them on the head and elsewhere with effusion of their blood and leaving them for dead. Further, the said Hector Dowglas, younger, accompanied as above, came in like manner to the lands of the said Alexander Corbat of Arboll, and treated his tenants of the lands of Arboll similarly. They crave summons against the persons named. The petition is signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 3 February, 1634. Fiat ut petitur.”

92. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, 3rd February 1634.

Supplication by John Grant of Ballindalloch and others for summons against William Grant of Cardells, whom he accuses of carrying prohibited weapons and of assault, and John Grant, apparent of Ballindalloch, as party grieved, as follows:
—In contravention of the laws against carrying firearms and inciting to the combat, William Grant of Cardells, forgetting the many good offices that the said John Grant has done to him and the great trouble and misery he has sustained on his account in the recent heirships and hostility used against him by James Grant and his associates, for which he is most unthankful, and only because the complainer sued him at law for some money he was due to him on 3rd November last, sent the complainer a cartel inviting him to meet him on the following day, being Monday, at Bullmurren on the east side of Phones, “where he sould mainteane with his sword and targe that I have done him wrong; desyryng me to come my alone as he sould doe, and that our meiting sould be privie, be halfe hourre to eight.” Further, because he declined “suche foolish motions, the said William resolved treacherouslie at unawers to surprise me and take my lyfe. And for this effect upon the 14 day of Januar last he, accompanied with Thomas Kynnaird, his servant, and Patrick Grant of Culcoiche, boddin with hacquebutts and pistolets filled with lead, durned themselles in ane busse of trees at the water side of Spey direct foregainst another part on the other side of the water quhair I ordinarlie use to recreat myselfe upon my awin land,” and, as he was going about looking after his ploughs, the said William (“who had beene so liberall in his challenges and offers the while before”) and his accomplices, shot their muskets at him, the bullets of which passed close to him and fell among his feet, though by the providence of God he “verie hardlie escaped.” And upon the preceding day, being the [thre]eth of January, the said Patrick Grant of Culcoiche, Duncan Grant, his brother, Ferquhar, his servant, Thomas Grant of Dalvey and servitor to the said Thomas . . . . [but this part is unfinished and scored through]. They crave summons against these persons. The petition is signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 3 February 1634. Fiat ut petitur.”

93. Supplication by Sir John McDougall of Dunolych, knight, as 4th February 1634.

Supplication by Alexander McDougall, sier of Dunolych, his unnatural son, has shaken off all fear of God and respect of him, his father, and become by Sir John
so dissolute and insolent as that he is resolved; ”if he can find occasion to commit ane inhumane and unnaturall parricide upon me.” To this end on 18th January last, accompanied by Sorle M^cEwin V^cEan alias M^cDougal in Ballimoir, Ewin M^cAlaster Garve alias M^cDouglall, Ewin M^cDoull V^cEwinn Roy alias M^cDoul, domestics to the said Alexander, Ewin M^cEan V^cEwin Roy alias M^cDowell in Dwelleis in Gylen, and John Mollice M^cIlchean in Ballimoir, armed with swords, targets, bows and other weapons, he came by way of hamesucken to the complainer’s dwelling-house in Ardintrate in Corvorle in early the morning before they were out of their beds, violently broke up the doors, entered the house and put violent hands upon the complainer before he could get on his clothes, and but for his own better defence and the help of his servants they would have killed him. They afterwards broke up two doors and two locks within the close and masterfully carried away three cows “bound in the stoukes ” and disposed thereof at their pleasure. He craves summons against these persons. [On the back] “ Apud Edinburgh, 4 February, 1634. Fiat ut petitur.”

94. Supplication by Patrick, Archbishop of Glasgow, Bishop of Rox, and Abbot of Ferne the time underwritten, as follows:—In the tax roll of Ferne, which was made and set down in a court held at Tayn on 22nd June, 1631, for the complainant’s relief of the taxation granted to his Majesty in July, 1630, the feuars, tacksmen and pensioners of the said Abbey are taxed as undernoted; but he can obtain no payment from them without compulsion. He therefore craves charges against them for payment within 20 days if they be in the county, and 60 days if they be furth thereof, under the pain of rebellition, viz.:—Donald Nilsen for his lands of Alvene, 28s. 4d.; Kenneth M^cKenzie for his lands there, 28s. 4d.; David Rosse for Wester Ferne, 42s. 6d.; Alexander Ros for the lands of Mid Ferne, £3 10s. 10d.; Isobel Ros for her lands of Easter Ferne, £4 10s.; Donald Ros for his land of Easter Ferne, 28s. 4d.; Walter Ros for his lands of Innercharoun £7 1s. 8d.; the said David Ros for his lands in Westrey Downey, £7 1s. 8d.; Hew Monro for his lands of Rolorye, 14s. 2d.; Alexander and William Corbets for their lands of Easter Ganeyes, £9 18s. 4d.; William Corbet for his lands of Midganey, £4 19s. 2d.; Walter Innes of Innerbreky for Midganey, 47s. 7d.; Margaret Forbes for her lands of Midganeyes, 48s. 7d.; David Ros of Pitcalney for his lands of Wester Ganeyes, £5 6s. 3d.; Alexander Sutherland for Wester Ganeyes, £5 6s. 3d.; Isobel M^cIntoshe and for his lands of Wester Ganeyes, £5 13s. 4d.; Andrew Denoun for his lands of Meikle Raney, 56s. 8d.; George Ros of Balnamuwh, for his lands thereof, £11 6s. 8d.; John Corbet for Little Raney, £5 6s. 3d.; Thomas Denoun for the lands of Little Raney, 35s. 5d.; Hector Dowglas, for his lands of Muldarg, £3 10s. 4d.; Isobel M^cIntosh and for their lands of Doun of Ferne, £5 13s. 4d.; Hector Dowglas for his lands of Ballanerach, Maynes of
Ferne, and mill thereof, £28 6s. 8d.; John Ferguson for his lands of Belbair, 42s. 7d.; Andrew Ros for the lands of Coibool, Tullich and £9 18s. 4d.; David Ros and for their lands of Leechliuche, 14s. 3d.; George Monro for his lands there, 14s. 3d.; Angus Mc' Culllo for his lands of Badferne, 28s. 4d.; the said David Ros and for salmon fishing in Bonach, 56s. 8d.; Mr Archibald Moncrief for his pension, £7 1s. 8d.; and Mr Roger Mowat for his pension, 19s. 5½d.; and that for each of the four terms of the said taxation. [On the back] “Apud Edinburgh, 4th February, 1634. Fiat ut petitur.”

95. Supplication by Alexander, Earl of Eglinton, Lord of Kilwinning, as follows:—In the taxed roll of the lordship of Kilwinning, set down for his relief of the taxation granted to the Lords of Session in June last, the feuars and tacksmen thereof are taxed termly in the sums under-written, but they refuse to pay the first term thereof unless they are compelled. He therefore craves letters against them to compel them to do so, and if they disobey to put them to the horn. They are as follows:—Hew Nevin for his portion of Achnaide, with the teinds, 1s. 10d., and for his land of Darnbog, 6s. 7d. 3p.; James Quynt for a portion thereof, 1s. 10d.; Andrew Gemmill for his portion thereof, 1s. 10d.; James Mure for his lands of Uttermure, 7s. 2d.; John Mur for his portion of Uttermure, 7s. 2d.; William Mur for his rent of Uttermure, 7s. 2d.; William Rid for his rent of Uttermure, 7s. 2d.; Robert Fergushill of that Ilk for Nethir Achnibibber, 52s. 2d., and for Midle Achnibiber, beside the teind, £3 4s. 3d.; William Hamilton for his land of Utterwood, 30s. 2d. 2f.; John Deine for Over Achnibibber, 10s.; Hew Montgomery for his rent of Over Achnibibber, 10s.; Andrew and Robert Mures for their portions of Over Achnibibber, 10s.; David Conyngham for his land of Cowbleyth and Garmullie, beside the teind, £3 8s. 1d.; John Montgomery for his seven acres, 41s. 8d. 3p., and for his land in Byres, 9s. 8d.; Thomas Nevin for his land of Monkridding, Guiland, Gaitmurland, Bannoicht, and land of Corthill, £3 17s. 6d. 3p.; Katherine Hunter for the Nether Maynes of Kilwinning, 9s. 3d.; Jonet Cowper for her land in Nether Maynes, 21s. 7d. 3p.; Mr Gawine Hamilton for his land of Ardoco, Cassiltoun, Woodsay and lands about Kilwinning, £4 12s.; John Esdaill for his rent of Meirsyde, 9s. 10d. 3p.; Margaret Esdaill for her rent in Esdaill, 15s. 7d. 3pf.; Hew Smith for Ristoun and Brigend, 6s. 8d. 3p. 1f.; and for his fewit lands, 1s. 5½d.; John Boyman for his rent of Easter Brigend, 1s. 6d. 3p.; Bessie Lym for her land of Ristoun, 1s. 9d.; James Dunlop for his land of Goosland 9s. 9d.; John Park for his rent of Dubs, Dalga and Corthill, 32s. 4d.; John Kid for his part of the Nether Maynes, 1s. 10d.; Jonet Frow for her land of Neddermaynes, 3s. 10d.; John Yong of Todholls for his rent thereof, 4s. 9d.; Archibald Bar for his land in Byrefat, 1s. 3d. 3p.; Mathew Bar for his land of Kilwinning, 1s. 2½d.; and for his land in Asbyneyards 2s. 4d.; John Herowie for his rent of Braidlie, 25s. 3d.; Barbara

1 p. = parts of a penny; f. = farthings.
Montgomerie for her land in Milgarholme, 2s. 5d.; Steven Whyt for his rent thereof, 9s. 2d. 3p.; James Scot for his rent thereof, 9s. 2d. 3p.; Christian Wallace for her rent of Monkland, £3 14s. 7d.; Alexander Hammilltoun for his lands of Grange and Kiltrook, £5 9s. 6d.; William Hammilltoun for his lands of Bonmair and Maynes Hamilton, 50s. 6d. 2p.; Hew Ker for his lands of Foulwoodhead, Bogsyde, Bythishill, and Hinds yeard, 26s. 8d.; Bryce Blair for his land of Gartolkre and Walkynyn, £3 1s. 7d.; James Blair for his land of Colraight, 9s. 8d.; Barbara Jamesoun for her land of Morishill, Maynehill, Bracinhill, £3 5s. 4d.; Robert Montgomerie, younger, for his land of Smythstoun, 30s. 9d.; Hew Montgomerie for his land of Wodseyd and Hirst Montgomerie, 27s. 1d.; Gawn Blair for Ester Kirkland, Straney, and Wodend, 57s. 7d.; James, Earl of Abercorn, for his rent of Moncastell, £9 5s. 6d.; James Dunlop for his land of Smythstoun Dunlop, 7s. 1d. 3p.; John Quhyt for his land of Byrhill and Smythstoun, 8s. 10d. 3p.; Thomas Robison for Smythstoun Wat, 1s. 10d. 3p.; Alexander Whyt for his land in Byrhill, 7s. 9d. 3p.; John Crawfurd for his land there, 7s. 9d. 3p.; Adam Fairlie of Bog for his land thereof, 10s. 5d.; Mr John Thomson for his land in Ashinypeards, Hoill, and Coirhill, 9s. 4d. 3p.; Margaret Yong for her land there and Whyt Hirst Russell, 13s. 1d.; Jonet Geillis for Cranberrimes, 9s. 9d.; Hew Patrick for Thornydyk, Lauchlastland, Hamilstoun, and Thristieland, 9s. 8d.; James Prik for his land and houses of Byres, 4s. 8d. 3p. 2f.; Hew Montgomerie for Longfurd, Curthland and Brigend, 13s.; William Moreis for his land of Longfurd and Coirhill, 18s. 10d.; John Richie for Richiestoun, 6s.; Mr John Garven for Dalga and Nether Maynes, 4s. 2d.; John Mitchell for his fewt land, 2s. 4d.; Bessie Blair for her land in Pethfutt, 3s. 11d.; Thomas Watt for his land of Muscolloch, 5s. 5d.; Hew Bankheid for his land in Peth, 10s. 10d.; Hew Templton for his land in Coirhill, 7s. 9d.; Alexander Galt for his land there, 1s. 11d.; Robert McClure for his rent there, 5s. 10d.; Mr Robert Pebles for his land there and Easter Brigend, 10s. 9d.; Margaret Cauldwell for her land there, 7s. 2d.; James Salmond for his land in Easter Brigend, 2s. 10d.; John Moreis for his land of Coirhill, 3s. 11d.; Barbara Hammilton for his [sic] land in Bogsyd, 31s. 7d.; Gabriell Potterfield for his land of Kirkfield, 54s. 10d.; John Pebles for his land of Morishill and Pedderland, 22s. 3d.; William Ralston for Wodayed and Barnland, £4 7s. 7d.; Mr William Cuningham for his rent of Overhill of Betsy, Bogsyd, and Foulwoodhead, 24s. 6d.; Patrick Connell for Granghill, 20s. 4d.; John Marshall for his land of Maynes Mershell, 11s. 3½d.; Hew, Viscount of Airdes, for his rent of Mersholland, Boghall, Nether Byth, Bigholme, Bogsyde, and Foulwoodhead, £4 12s. 7d. 3p.; Robert, Lord Boyd, for Barraiges, 7s. 3d.; Robert Montgomerie for his land of Willeyeard, 16s. 10½d.; Robert Maxwell for his land of Lyandcrooe, 54s. 10d. 2p.; James Hamilton for his land of Thripwood,
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47s. 1½d.; Robert Cuningham for Quythurst, 7s. 0d. 3p.; Robert Galt for Wodsyd, Hodinglew, and Qhythurst, 9s. 7d.; John Weir for his land of Corshill, 1s. 3d.; James Cuninghame for his lands of Ashin- yeards, 20s. 1½d.; James Blair for Smyresbank, 2s. 5d.; Alexander Cuninghame for Hidehill, Corshill, Smythstoun, Inward, Newpark, and other lands, £8 5s. 5d.; James Blair for his land in Kilwinning, 1s. 10½d.; Jean Blair for her land there, 1s. 10½d.; John Crawford for Kirkland and Kilbyd, 22s. 8d.; Robert Barclay for Pearsoun, 4s. 10d.; John Montgomery for Kirkland Stewarton, 40s. 3d.; Georg Campbell for the Kirkland of Loudon, 4s. 9d.; James Campbell, wrytter, for the Kirkland of Stevinstoun, 2s. 11d. 3p.; Sir William Myne, elder, for his pension, 8s. 0d. 3p. 1f.; Sir David Cunyngham for Kilbirnie, 43s. 6½d.; Robert, Lord Boyd, for Law, Arneill, Boyd, Hamilstoun and Campbellstoun, £3 6s.; James, Lord Ros, for his teind of Tarbert, 19s. 1½d.; Robert Blair for the teind of Lochwood, 27s.; James Cuninghame for his teind of Caddell, Nether Uttington, 16s. 5d.; Robert Fergusill for Fergushill, Nether and Mydle Auchintibber, 23s. 5d.; David Cuninghame for his teind of Cowbleith, 7s. 8d.; Alexander Cuninghame for his teind of Potterton and Dowray, 15s. 0d. 3p. 1f.; Thomas Niving of Monk- ridding for his teind there, Goosland, Bannocht, Gaitmuireland, and Corshill, 18s. 9d.; Mr Gawn Hamiltoun for teind of Ardoch, Cassiltoun, and Woodsyde, 15s.; James Cuninghame for his teind of Ashinyeards, 4s. 3d. 3p.; Bryce Blair, elder, for the teind of Grotholme and Monkcastill, 52s. 5½d.; Bryce Blair, younger, for teind of Long- furd, Neddermavyn, Pethfutt, 4s. 11d.; Hew Montgomery for teind of Over Smythstoun and Whythirst Montgomery, 10s. 7d.; Alexander Cuninghame for his teind of Blaksyd and Montgrenane, 22s. 10d.; Neill Montgomery for his teind of Langshaw, 21s. 2d.; James Dunlop for teind of Dunlop, 42s. 5d.; James Cuninghame for his teinds of Aiket, Auldhall and Bordland, 21s. 2d.; David Blair for teind of Peastoun, Holhous, Rodinghall, Overton, 28s. 3d.; Robert Barclay for teind of Pearsoun Barclay, Drumvie and Brydesheuk, 16s. 9d.; Sir William Cuninghame for teind of Cuninghamheid, Midletoun, Drumvie and Caprinstown, 11s. 10d.; Sir Robert Montgomery for teind of Oversheuche, 9s. 3d.; Robert Montgomery for teind of Hessilheid, 14s. 9d. 3p. 1f.; Robert More for his land of Ramisheid, Bigert, and Heichgait, 13s. 9d.; Mr Gawin Hamiltoun for teind of Rigbank and Crunnok, 7s. 2d.; Robert Ker for the teind of Overton, 22s. 2½d.; Bryce Blair for teind of Maynesiving and Rodgersmailing, (?) 4s. 8d. 8 p. 3 pf.; Kaltoun and William Mure for teind of Wodsyd and Turnerland, 9s. 6d.; John Crawford for teind of Kilbirnie, 36s. 2d.; Sir David Cuninghame for teind of Glengarvok, 22s. 2d.; John, Lord Lowdon, for the kirk of Lowdon, £8 1s. 1d.; Robert, Lord Boyd, for the teind of the kirk of Kilnarronock, £20 17s. 10d. 2p.; William, Earl of Glencarne, for teind of kirk of Dreghorne, £5 2s. 5d.; Cuninghame for the
parsonage teind of the kirk of Stevinstoun, 27s. 9d. 3p.; Alexander Cuninghame for the teind of Corshill, 44s. 11d. 8p. 2f.; Sir David Cuningham for the teinds of Robertlands, 43s. 8d.; Alexander Arnot for the teinds of Lochrig, 8s. 10d.; Sir Thomas Boyd for his teinds of Ballanshaw and Lindsay, 13s. 3d.; David Cuninghame for the teind of Achinhervie, 19s. 10d. 3p.; Neill Montgomery for his teinds of Kilbyd and Mynstanflat, £3 10d.; Adam Montgomery for the teind of McBichill, 5s.; John Montgomery for his teind of Kokillie, 3s. 1d.; William Dunlop for his teind of Blook, 31s. 2d.; Alexander Cuningham for his teind of Montgreenan, 12s. 4d.; Mathow Hislot for his teind of Kirkwod, 6s. 8d.; Bryce Blair for the kirk of Dalry, £9 18s. 4d.; An. Bishop of Argyle, for the teind of Kilmichacharmik, £18 2s. 6d.; to be paid within 20 and 60 days for persons in and out of the country respectively.

5th February 1634.
Supplication by Margaret Leslie, widow of James Leslie, alias Robsone, sometime servant to the Laird of Meldrum, as follows.—Yesterday, the 4th instant, their Lordships ordained the Laird of Pitcape, who was personally present, to pay to her £40 for her expenses in coming hither to attend the procognition raised against her and her children by Mr William Hay of Badinspeck and Alexander Gairne of Blackfuir, as to the manner of the slaughter of her said deceased husband, but he refuses to pay unless compelled to do so. She craves letters against him for this effect. [On the back] “Apud Edinburgh, 5 February, 1634. Fiat ut petitur.”

5th February 1634.
Supplication by Mr. Alexander Kinneir, son of the deceased James Kinnear of , W.S., as follows:—William Lindsey of Birchuod, having a causeless hatred against him, has resolved to take his life, or do him some affront and disgrace. This he has avowed not only to the complainer, but boasts and threatens it in all public meetings and societies to which he resorts. The supplicant cannot therefore go about in safety, and therefore craves that officers of arms be directed to take his oath that he dreads bodily harm at the hands of the said William, and that he be charged to find caution for his safety. [On the back] “Apud Edinburgh 5 February, 1634. Fiat ut petitur, under the pane of .”

5th February 1634.
Supplication by Sir George Ogilvie of Bamff, tacksman of the teinds of the parishes of Gemrie and Avach, as follows:—He is charged to make payment of £40 for the teinds of the kirk of Gemrie and £68 for those of the kirk of Avach and lands of Inneruthnie to the collectors of the taxations granted to his Majesty in August 1621, October 1625, and July 1630; and also of 20 merks for the teinds of the said kirk of Gemrie, and £22 13s. 4d. for those of the said kirk of Avach to the
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collectors of the taxation granted to the Lords of Session. He has neglected on some necessary occasions to set down a formal taxed roll for his relief at the hands of the sub-tacksmen and possessors of the said teinds, and they now refuse to meet for this purpose unless they are compelled. He craves letters charging them to do so, viz., those of the kirk of Gemrie at that kirk on , and those of the kirk of Avach at that kirk upon . [On the back] “Apud Edin-
burgh 5 February, 1634. Fiat ut petitur.”

99. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, 5th February 1634, and Sir Ludovick Howstoun of that Ilk, as follows:—Though the carrying of hagbuts and pistols is strictly forbidden by law, yet Robert Widdrow, sometime miller at the Mill of Howstoun, who is at the horn at the instance of the said Sir Ludovick for non-payment of his rent for the years 1631, 1632, and 1633, and against whom he has now raised letters of caption, has armed himself with the said weapons in order to defeat the execution of the law, and he has carried them daily since the month of , as he yet does. “boasting openlie that if I come to take him he alll have the fattest in my companie, and that he sould trouble and fashe me als long as he could, and when he could doe no more he sould burne his houses, barns, kill and myline of Howstoun,” out of which he was lawfully ejected by decree of the Lords of Session. Further, on 3d February instant, he and his brother-in-law came to the said mill, armed with swords, hagbuts and pistols, and breaking up the doors thereof, scattered the supplicant’s malt there, and carried off certain gear. He craves summons against these persons. The supplication is subscribed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 5 February, 1634. Fiat ut petitur.”

100. Supplication by James Liddell, late master of his Majesty’s pasture, as follows:—Their Lordships granted to him their protection for attending his Majesty’s service at his late being in Scotland, and there-
fter, in recognition of his services, renewed the same till 17th February instant, because he had not received payment of his fees; and, the same necessity still continuing, he craves a prorogation of his protection. [On the back] “Apud Edinburgh, 6th February, 1634. Fiat ut petitur for the space of eight dayes before the dyet to be appointed for the compeirance of the creditors and eight dayes after the same. (Signed) GLASGOW, WINTOUN, ANNANDAILL, LORNE.”

101. Supplication by Alexander Innes of Coits, patron of the kirk of Kynedder, as follows:—In the taxed roll of the parish of Kynedder, set down for his relief of the taxation granted to the Lords of Session in June, 1633, the feuers and tacksmen of the said parish are taxed termly in the amounts after specified, viz.;—James, Earl of Murray, for the
against the Earl of Moray and others who refuse to pay their taxation in connection with the said parish.

teinds of Kynnedder and Aikinhead, £10; Sir Robert Innes for the teind sheaves of Stayn and Ridhoill, 22s. 3½d.; Walter Innes of Bal-lornie for the teinds of Ballornie, £4 8s. 11d.; Robert Innes of Drany for his teinds of Meikle and Little Dranyes, Murtoun, Ardew and his other lands, and vicarage teinds of the said parish, £10; Sir John Grant of Frew-chie for the teinds of Forgie and Aulshauch, 8s. 4d.; Thomas Innes for the teinds of Otis, 27s. 10d.; Robert Leslie of Finrasie for the teinds of Finrasie, 27s. 10d.; and Alexander Gordoun for the teinds of Dippell, 11s. 1d.; but these persons will not pay unless they are compelled. He therefore craves letters against them to this end under pain of horning. [On the back] "Apud Edinburgh, 7th February, 1634. Fiat ut petetur."

102. Supplication by William Narne of , as follows:—His former servant, David Carne, unmindful of the many good deeds the supplicant has done to him, has not only frequently threatened the country people who come to his coal heuchs to buy coals, but also upon 30th January last came to the supplicant's coal hill where some of the country people had filled their sacks with his coal, and "with manie execrable oathees swore that he sould cutt their seckes, cast doune their loads and beast themselfes, and for that effect went home to his houze neere by and brought furth ane Jedburgh staffe and come to my heuch hill therewith, and without respect to me, sometyme his master, he strake out sindrie straiks at me with the said staffe, and had not failed to have alaine me therewith, if some people in the heuch had not rescued me; quhilk is ane disgracefull attempt to suche ane unworthy fellow to commit unto ane gentleman of qualitie, sometyme his maister." He craves summons against him. [On the back] "Apud Edinburgh, 8th February, 1634. Fiat ut petetur."

103. Supplication by Janet Dowglas, sometime servitrix to the late Lady of Abircome, as follows:—Adam Trumbill, sometime servant to the Marquis of Dowglas, was cited before the High Commission of the Kirk for contracting an unlawful marriage with Margaret Liddell, whom he conveyed to Ingland for this effect, and for slandering Mr Alexander Hamilton, "ane famous and actual minister at Lochwhinzoche" in the presbytery of Paisaley, but fearing the event of his trial he failed to appear, and the Lords and others of the High Commission have ordained him to be put to the horn. She craves letters for having him put to the horn. [On the back] "Apud Edinburgh, undecimo Februario, 1634. Fiat ut petetur. Geo: Cancelli, I.P.D."

104. Supplication by Mr Patrick Forrest of Archerfeild, advocate and procurator fiscal for the Kirk, as follows:—Robert Rind, younger, in the Raws of Strabogie, having been cited before the High Commission of the Kirk for "his contempuous and scandalous forme of living, for refusing
to communicat and to repair to the kirk, and for resett of mease preiste, and for most undewtiffull, un reverence and treasonable speeches againis his Majestie,” comperead not, and the Lords and others of the High Commission by their decreet of 5th February instant found “that the said Robert is a rebellious and arrogant person, ane contemner and vilipender of the ministries and disciplin of the Kirk, and ane impudent lyar upon his Majestie,” and ordaine him to be denounced rebel, recommending the Lords of Privy Council to grant letters to that effect. These therefore the suppliant craves. [On the back] “Apud Edinburgh, undecimo Februrij, 1634. Fiat ut petitur. GEO : CANCELLA, I.P.D.”

105. Supplication by Neill, Bishop of the Isles, as follows:—He is charged to make payment to the Lords of Session of his part of their taxation due for the bishopric of the Isles, the abbacy of Icolmekill, the nunnery of Icolmekill, and the priories of Ardchatan and Ormonay united to the said bishopric, but their Lordships know that he could not attend the diet for making a tax roll with the feuars, tacksmen and pensioners of the said bishopric, as he was not then provided thereto. The places appointed for the meetings for this purpose are very remote, and some of them are out of the diocese, and the most commodious place both for himself and the lieges is the town of Icolmekill. He therefore craves that their Lordships would appoint Icolmekill to be the meeting place in all future time for setting down of taxed rolls, and that letters may be granted to him for convening by charge all the feuars, tacksmen and pensioners of the bishopric there upon for making of the foresaid taxed roll. [On the back] “Apud Edinburgh, undecimo Februrij, 1634. Fiat ut petitur for a new dyet to convene and sett down the stent roll. GEO. CANCELLA, I.P.D.”

106. Supplication by Elizabeth Bathoat, spouse of Archibald Pea, maltman in Eymouth, as follows:—Their Lordships assigned to Mr John Home, minister at Eymouth, the 11th instant for prosecuting her before his Majesty’s Justice on a charge of witchcraft, for which after being kept a long time prisoner in the tolbooth of Dunce, and afterwards by their Lordships’ warrant brought thence and kept in the tolbooth of Edinburgh, she was this day presented “upon pannel” and willingly offered herself for trial. She is most innocent of the said crime, and objected to the postponement of her trial, but, upon a statement by his Majesty’s Advocate that her prosecutors and the assaisers who were to sit upon her trial could not travel in “this tempestuous tyme,” the Justice continued her trial till 11th March next. In all likelihood the weather will not be “so gentle and seasonable this moneth heerafter as it has beene this while bygane;” but her persecutors purpose only by this procrastination and her long imprisonment to wreck the small estate of herself and her husband. She has always been reputed “ane honest
107. Supplication by the provost, bailies, council and community of the burgh of Stranrawer, as follows:—The late King, his Majesty's father, for good considerations affecting the credit and welfare of the kingdom, and especially for promoting commerce and trade with Ireland, erected their burgh with its haven and harbour into a free burgh royal, and they petitioned his Majesty and the Estates in the late Parliament for a ratification thereof. This was opposed by the magistrates of the burgh of Wigtoun and their commissioners, and, there being no time to deal with the matter owing to more weighty and urgent business, his Majesty and the Estates recommended the petition and counter petition from Wigtoun to the consideration of their Lordships, agreeing that their decision in the matter should have the strength and force of an act of Parliament. They therefore crave that the provost and bailies of Wigtoun may be cited to hear and see their ratification passed and exped and the extract of their Lordships' decreet given to the Clerk Register to be inserted in the Books of Parliament. [On the back] "Apud Edinburgh, undecimo Februarij, 1634. Fiat ut petitur. Geo. Cancell'., I.P.D."

108. Supplication by James, Marquis of Hamilton, Collector General of the Taxations granted to his Majesty in June last, and Sir Thomas Hope of Craigshill, King's Advocate, and George Thomesoun, W.S., their informer, as follows:—In the Parliament held at Edinburgh in June last it was ordained that notwithstanding of any Act of Parliament formerly made allowing interest of £10 to be taken for each £100, no person should after the date of the said Act take more than £8 per £100, whereupon in gratitude for the benefit hereby conferred upon the whole lieges, the Estates made a voluntary offer to his Majesty for the next three years of the £2 per cent. thus saved to borrowers; it being provided that those who formerly borrowed money for 8 per cent. should be free of this payment, but that those who should now borrow money at this rate should pay the other 2 per cent. for the said three years. His Majesty,
understanding that many persons had endeavoured to evade this statute and defraud the revenue, directed his missive to their Lordships recommend- ing to them that when any persons shall be cited before them for this offence they proceed with expedition to their trial by examining of the notaries and witnesses who may be thought accessory to their proceed- ings, and punish such as they find guilty in an exemplary way. Now, since the date of the said Act of Parliament the said George Thomesoun made a bond for £1000 to David Beatsoun of Cardon in August, 1633, to be paid at Martinmas, 1633, containing interest at 8 per cent., but the said David, to evade the said Act, antedated his bond as having been made in May or June of that year. The witnesses to this bond were Mr David Kinghorne, clerk of Dysert, John Low, his servant, and George Thomesoun, son of the foresaid George. Again, the said David Beatsoun, having borrowed 3000 merks from John Tennent in Kirkaldie at 8 per cent. after the date of the said Act, antedated it also, and it is sub- scribed by Robert Frenche in Kirkaldie and Thomas Adame as notaries. Further, he borrowed since the date of the said Act 2000 merks at 8 per cent. from Robert Challen in Grangemyre and James Dewar his “good sone” and antedated the bond he granted therefor, to which Walter Duncan, clerk of Kinghorn, is notary or witness. Moreover, the said David Beatsone, being debtor to James Tod of Powguld in 2000 merks, for which he has paid him interest at 10 per cent. for the past ten or twelve years, has since the date of the said Act renewed the bond for this sum at 8 per cent. and antedated it, as if it had been made before the said Act; and to this bond the said Walter Duncan is notary or witness. They therefore crave that the persons above-named, viz., David Beatsoun, John Tennent, Robert Challen, James Dewar and James Tod, may be summoned and charged to produce the said bonds, and underlie such punishment as their crime may deserve. Signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, undecimo Februiarij, 1634. Fiat ut petitur.”


now in Carisdouche, and Andrew McLumquha in Dowis, as follows:—

On 31st January last, Patrick Agnew in Barmaill, John M'Cathie there, Fergus Lilburne in Meikle Berintrie and John M'Carnik in Mowne, were put to the horn at their instance for not entering to ward within the tolbooth of Edinburgh until order should be taken with them for some insolence committed by them upon the suppliants. They take no notice hereof and the suppliants therefore crave that charges may be issued against all sheriffs, stewards, bailies of realties, magistrates of burghs, and all other judges and officers for their apprehension. [On the back] "Apud Edinburgh, 13 February, 1634. Fiat ut petiturus because the Lords hes seen the letters of horning within writtin dewlie execute, indorsat and registrat."

111. Supplication by James Naismith, merchant burgess of Edinburgh, assignee of Dame Marie Stewart, Countess of Atholl, and Captain Peter Rollock, now her spouse, in the matter underwritten, as follows:—

On 31st August last, John, Earl of Atholl, was put to the horn at the supplicant's instance for non-payment of £1000, with £100 of expenses and 500 merks payable at Whitsunday last, but he goes about regardless thereof. His contempt is all the more intolerable because of the ground of the horning. The said Dame Marie Stewart was provided in jointure to the lands and barony of Ridcastell extending to about sixty-six chalders of victual, and, being in great heaviness and sorrow for the death of her husband, and a "simple noblewoman ignorant of the lawes," she was immediately thereafter circumvened by the said Earl and his uncles to submit all differences between the said Earl and her to the arbitration of his friends. They, against the duty of honourable arbiters, decreed that she should only have 500 merks of liferent yearly, but this after long process before the Lords of Session she reduced, and they ordained that she should receive £1000 of expenses and 1200 merks yearly. Of this, however, she has never received any payment, and it is for this that the Earl has passed to the horn, "leaving the noblewoman, who is his mother sister, in great distress and miserie." He craves that letters of treason be issued against the Earl for entering himself in ward within the castle of Blackness, and rendering his houses. [On the back] "Apud Edinburgh, decimo tertio Febrarj, 1634. Fiat ut petiturus. MOERTON, I.P.D."

112. Supplication by Janet Watsoun in , as follows:—

On 6th February instant she was doing her business in the burgh of the Cannogait when William Kein, servitor to the Laird of Quythill, "craftile enysed me to goe to the place of Quythill, and my young infant in my arme," and presented her before the Laird alleging that she was in debt to him. Thereupon both conveyed her to Mussilburgh and without decree, sentence or any lawful warrant, committed her and her
113. Supplication by Archibald Torrie of Bervick, messenger, as follows:—Upon 13th February instant their Lordships granted decree against Thomas and Robert Dunbar, sons of John Dunbar of Moynes, ordaining them to pay to him 500 merks as a fine for the insolvency committed by them upon him; but this they refuse to pay unless compelled. He therefore craves letters to charge them to do so upon pain of horning. [On the back] "Apud Edinburgh, 14 February 1634. Fiat ut petitor with the ordinar provision.

114. Supplication by George and David Rollock in Leidnoch and Christian Donaldson, spouse of the said David, as follows:—Patrick Gray, portioner of Leidnoch, Janet Blair, his spouse, William Gray, his eldest son, and Patrick Syme, his sister's son, with the concurrence of Patrick Young, John Donaldson, and Patrick Wilson, his tenants in Leidnoch, and William Watsoun, his servant, have most cruelly and with great violence oppressed the supplicants. Particularly on 8th September last the said Janet Blair, William Gray, her son, and Patrick Syme, in the "silence of night came and maist cruelly cuttis the coit of myne the said Davids dochter, being ane bearne of nyne yeur auld, and, the said Cristane Donaldson, hir mother, cumming to releiff hir said bearne, the said Patrick Syme tuik hir about the vyist quhill the said William Gray brake ane gritt staffe upone the emal of hir bake, sua that the said Cristane hes ever bene sensyne in perrill of hir lyiffe and hes partit with quyick bearne and the bearne murderreis in hir woomb. And immediatlie thereafter the said Janet Blair with the said tennentis came and stonit me, the said George Rollock, with stonis, I being ane auld man of fourscoir yeiris, and fleeing unto my house, dang upp my duire, calling me fals commoun theft, scho suld haiff my lyiff, quhill scho wald haif teane war nor God maid the peapill of the toun to convene about the houe." That same night, when he afterwards went out to look at his corn, "quhill was ewil eatting with thair grysye and bestial, the said Patrick came upone me on horsebake and pressit to ryde over me and strak me with ane staff on my craigg and schulderis." Further, on 23d September the said Patrick lay in wait for David Rollock's life while he was going with a hook to shear his corn, "brak ane gritt staffe tua severall tymes upone my schulderis and armes, and thairefter intendit with the concurrence of William Watsoun, his servand, to cast me ouer the heucht of Bachie Burne in Deiris Weill in Almound," so that they cannot labour their lands nor go peacefully about their affairs for the
malice of the said Patrick and his wife and tenants. [The remainder of the supplication is torn away. On the back] "Apud Edinburgh, decimo quarto Februarij, 1634. The Lords ordains the parteis complaisant upon to be charged to compeir before the Counsell to answer under the pane of rebellion, with certificatoun."

115. Supplication by Andrew, Bishop of Argyle, as follows:—He has been charged to make payment to the collectors of the taxations of August 1621, October 1625, July 1630, and that granted to the Lords of Session, of what is due from the bishopric of Argyle, but there has no taxed roll been made for the diocese in respect that other important affairs with which he was burdened prevented this being done. He craves letters against the feuars, tacksmen and pensioners of the bishopric to charge them to appear at the burgh of Innerara on and join with him in making the said roll. [On the back] "Apud Edinburgh, 15 February, 1634. Fiat ut petitur."

116. Original of royal letter as to the duty upon exported coal, printed ante, p. 217; dated at Whitehall, 17th February, 1634, and addressed on the back to the Earl of Kinnoul, Chancellor of Scotland and remanent Earls and others of the Privy Council of Scotland.

117. Supplication by James Tennent, servitor to William Murray of Natoun, as follows:—On 13th February he obtained decree before their Lordships against Mr John Keith, servitor to Mr Thomas Nicol- soun, younger, advocate, ordaining him to pay to the supplicant £30 for hurting and wounding him with a winder in the arm when his Majesty was lately in Edinburgh, but this he refuses to pay. He craves letters to compel him to do so. [On the back] "Apud Edinburgh, 18 February, 1634. Fiat ut petitur."

118. Supplication by the bailies of Dysart against James Thomson, as narrated ante, p. 365. They crave a summons against him. [On the back] "Apud Edinburgh, 18th February, 1634. Fiat ut petitur."

119. Supplication by Dame Barbara Foster, widow, and John, Alexander, William, Margaret and Agnes Levinstoun, lawful children of the deceased Sir David Levinstoun of Donypace, as follows:—Through the death of the said Sir David they are "driven to the extreme point of necessitie and want, having nothing for the present to interteanie" them. The escheat and liferent of the defunct has been disposed to the Laird of Lawriestoun, and he and the rest of her husband's creditors having obtained possession of his entire estate, both lands and goods, "alotgider misknow me, the said Dame Barbara, and my poore children, and will allow us nothing," so they are like to starve. They had accord-
илось petitioned his Majesty, who has been pleased to recommend the matter to their Lordships, directing them to summon the creditors of the said Sir David before them and deal with them to grant a reasonable maintenance out of his estate to his widow and children. The supplicant craves that this may be done. [On the back] “Apud Edinburgh, 18 February, 1634. Fiat ut petitur.”

120. Supplication by Dame Barbara Forrester and her children, as in the foregoing petition, that, whereas Alexander Stratoun of Lowrestoun has the gift of the escheat and liferent of the deceased Sir David Livingstoun, his husband, he intends, by disposing of it at its lowest value, to appropriate the whole to himself and so defraud the other creditors of what is due to them, while if the same were disposed of at its full value it would not only pay him and all the creditors but also provide a competency for the maintenance of the supplicants; who therefore crave that their Lordships, in terms of his Majesty’s recommendation, will so direct that this may be secured. [On the back] “Apud Edinburgh, xviiij February, 1634. The Lords ordains the creditors to be summoned to the effect within-writtin. GEO. CANCELL.”, I.P.D.”

121. Supplication by William, Earl of Mortoun, Lord High Treasurer of Scotland, and John, Earl of Traquair, Deputy Treasurer, as follows:—On 13th instant their Lordships ordained Robert and Thomas Dunbar, sons of John Dumbar of Moynes, to pay to the supplicants and the receivers of his Majesty’s rents 1000 merks as a fine imposed upon them for wounding Archibald Torrie, messenger, in the execution of his office, but they will not pay the same unless they are compelled. They therefore crave letters charging them to do so. [On the back] “Apud Edinburgh, decimo octavo Februarioj, 1634. Fiat ut petitur.”

122. Supplication by John, Lord Areskine, narrating the steps he has taken at great personal expense in promoting the reform of the tanning and barking of leather, and declaring that while many of the most skilful and enlightened of those who follow this craft have embraced the same and conformed to the laws, yet some of the most ignorant, as viz.— refuse obedience. He therefore craves summonses against such. [On the back] “Apud Edinburgh, 18 February, 1634. Fiat ut petitur.”

123. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and the provost, bailies and counsel of Innermeses, parties grieved, as follows:—Diverse Acts of Parliament made by his Majesty’s royal predecessors, specially an Act by King James the Second in his fourteenth parliament, cap. 78, forbidding “all commotions and raising of the
commouns in hinderinge of the commoun law," under the penalty of con-

siscation of all movables and the placing of the lives of the contraveeners
in the King's will; and an Act of Queen Marie in her ninth parliament,
cap. 75, discharging "the raising of bandis of men of weare on horsse or
fute with offensive waponis," prohibit the carrying of hagbuts and pistols,
yet John Cuthbert of Auld Castelhill and Mr John Ros, younger, both
pretending right to one part of the common lands of the burgh of Inner-
nes, and disdaining to take their remedy by the ordinary process of law,
have resolved by open force and violence, with convocation and assistance
of their kin and friends in arms, "to mantene their usurped unlaughfull
possession. And for this effect in the monthis of Marche, April and
May, August and September last, they had their conventicles and privat
meetings within the said burgh, resoluing upoun the forme and maner
how they might most substantiouslie prosequite and follow outhe their
laules and insolent conclusions." First, the said Mr John Ros, with the
assistance of

ploughed the said contraverted lands, which
had never before been tilled, of which, when the said John Cuthbert got
word, he assembled

and others to the number of twenty
persons armed with unlawful weapons, who brought a number of ploughs
and tilled the land over again, demolishing also some cottages which
stood upon the ground. Thereupon Mr John Ros "oute of a heigh raige
and furie" assembled five or six score persons of the Clanchattane and
other clans about the town, all armed with unlawful weapons, who,
bringing ploughs with them, not only retilled the lands in dispute, but a
great number of other lands lying about the burgh and demolished a
number of cottages standing thereon. "In all thir lawles and insolent
actionis thair wes suche a commotionis raised within our toun as hardlie
could we gett the same supprest; and fra the tyme of sawing till the
tyme of sheering in the moneth of September last thair wes nothing bot
factionis fosterit and interteryen be the pairtyis foirsaidis within our
toun, ather pairtye streyveing to mak thameselfis strengest. And when
the cornis growand upoun the contraverted ground wer reddie for the
shearing bothe the saidis pairtyis most factiouslie, seditionislie and con-
temptuouslie convocat and assembled togidder the number of tua ar three
hundreth personis, [of] eache pairtie of whome some wer our awin com-
burgesses and noitbouris, bot the most pait wes the clannis men in
the cuntrey, and all of thame wer furneist with unlaughfull waponis, and
in hostle and wearilyke maner they addresst thameselfis to shear and
introsmett with the saidis cornis; and thair grew suche an animoisie
and heitt amangis thame as thay wer reddie and at the verie point to
haif yokit in persute the on of the other, whilk wald haif produceit suche
a fearfull desolation and bloodshed as hardlie in ane aige wald the same
haif bene redrest. And if we, assisted with the bodie of our toun, had
not interposit our selfis betuix thame and tane upoun us the shearing of
the cornis, this desolation and bloodshed had undoubtedlie followit."
The suppliants crave letters against the persons named, charging them to appear before their Lordships in this matter. Signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 18 February 1634. Fiat ut petitur.”

124. Supplication by James Lawrie, reader at the kirk of Halyrudhouse, and one of the late musicians of his Majesty’s Chapel, as follows:—During his Majesty’s recent visit to Scotland he had contracted some debts in attending his charge, expecting that his Majesty’s Treasurer would have paid his fees and so enabled him to pay these debts. But he has received no payment, and now having entered on this service as reader his creditors are impatient and threaten him with all legal execution and the loss of his said office. He therefore craves a protection from their Lordships. [On the back] “Apud Edinburgh, 20 February, 1634. Fiat ut petitur to . . .”

125. Supplication by John Maxwell of Castelmilk, as follows:—He is charged to compair before their Lordships to answer to a complaint by Patrick Thomesoun, servitor to Sir John Charters of Amisfield, which is now submitted to the arbitration of the Earl of Dumfreis, and the Lairds of Lag and Conhaith. He is to attend these gentlemen here in Edinburgh, but is disabled by some civil ornings; and he therefore craves their Lordships’ protection. [On the back] “Apud Edinburgh, 20 February, 1634. Fiat ut petitur to . . .”

126. Supplication by Alexander Dunbar, son of Robert Dunbar, apparent of Moynes, as follows:—On 14th instant their Lordships ordained him to remain in Edinburgh for eight days until he should find caution in the books of Privy Council in 1000 merks for the indemnity of Archibald Torrie, messenger. He is but a young man not yet provided to any settled estate, either in lands or money, so that it is impossible for him to find this caution. And as for Archibald Torrie, he cannot justly allege that ever the supplicant wronged him or gave him cause to think he intends to do so. However, he is content to enact himself for his safety in 300 merks, which is the highest penalty with which he can be charged, and craves that their Lordships will accept this. [On the back] “Apud Edinburgh, vice-simo Februrij, 1634. Ordains the supplicant to act himself to the effect within writ under the pane of jth merks. Morton, I.P.D.”

127. Supplication by Gordoun of Geyght, as follows:—His ordinary pastor, the minister of Monikie, has pronounced the sentence of excommunication against him for his “not resoloutioun in some headis and punctis of my religioun wherof I stand in doubt,” and by reason thereof he has no free resort in the country and is debarred from pursuit and
defence in actions at law before the Lords of Session and other judges. His not being resolved proceeds not from “a wilfull, obstinate and obdurate refusall to heir conference and to use the ordinary means of instruction and informacion,” as he is most anxious to be “cleirit and satisfied in thir my doubts, thair being nothing earthlie that I so mutche affect and whairin I am so instant with my prayeris unto God as to be tweelie informit and satisfet with thir pointis; and for this effect I am in conference with my awne minister and am to mak my addresse to my Lord of St Androis and other prelattis of the Kirk, and to deals with thame for my instruction and informacion.” That he may therefore attend this and his other business in safety he craves their Lordships’ protection.


128. Supplication by Robert Snype, burgess of Glasgow, as follows:

—He was cited by John Ramsay, messenger, at the instance of John Knox of Ramfurlie, to appear before their Lordships as a witness in his complaint against Alexander Cochrane of that Ilk on 18th February instant. He accordingly came with his man and horse to Edinburgh and was ready to appear and depone, and has awaited since to be called. He left Glasgow on the 15th and so has been for six days at great expense with his man and horse, but the parties have not insisted in the complaint. He craves that their Lordships would modify his expenses for these six days and other two before he will reach Glasgow, and ordain the Laird of Ramfurlie to pay the same. [On the back] “Apud Edinburgh, 20 February, 1634. The Lords modifies to the supplicant four pundis of expense to be payed be the producer. Morton, I.P.D.”

129. Supplication by John, Lord Yester, as follows:

—He has been charged for payment of 30s. for each pound land belonging to him for the taxation of 1630, and of 10s. for each for the taxation granted to the Lords of Session. His vassals, sub-vassals, ladies of terce, conjunct fiars and liferenters of these lands should relieve him for the last two terms for which he is thus charged, but they will not unless compelled. He therefore craves letters for this end. [On the back] “Apud Edinburgh, 21 February, 1634. fiat ut petitur.”

130. Supplication by John Ramsay in Fraserburgh, Alexander Fraser, servitor to William Hay, Walter Carno, Alexander Harper and George Prat there, and James Tailyeour at the Windyout, as follows:

—They were produced before their Lordships on the 18th instant by Alexander Fraser, elder, of Phillorth, in his action against his son, and their Lordships modified as their expenses 10 merks to each of them, being horsemen, and £4 to each of them, being footmen, to be paid to them by the said Laird of Phillorth, elder. This he refuses to
do unless he is compelled. They therefore crave that he be charged expenses for
to pay ten merks each to John Ramsay, Alexander Fraser, Walter
carno and Alexander Harper, and six merks each to James Tailfer
1634. Fiat ut petitor.”

131. Supplication by Alexander Mylne, now servitor to James Fraser 21st February
of Tyrie, as follows:—On January, 1633, he was in the house of
William Cassie in Chappeltoun doing his lawful business when Alexander
Charles, elder, in Skelmure, William Charles, his son, Alexander Charles,
younger, there, and the said William Cassie and Patrick Cassie, his son,
George, Patrik and Robert Wods in Ardo, Francis Hay in Chappeltoun,
John Bannerman in Pickiltillim, Andrew Gib, Andrew Cooke and John
Daniel in Percoak and Robert Cruden at the Mill of Forrest, “first verie
shamefullie urged me to drink out ane quart stoupe full of drinks at one
drink, quhilk I having with reason refused, they cruellie and unmercifi-
fullie persewed me of my lyffe with drawin swords, whingers and trees,
gave me manie bauche and blae straikes thatwith in diverse parts of my
bodie, threw me to the ground, barbaroualie and cruelle strake, hurt
and woundit me with their said weapons, and with their hands and feit,
reft ane sword from him [sic] quhilk pertcanned to John Fraser, Tuirn
of Techmure, his master, and wes worth ane hundreth merkes, broke the
same in peeces upon stones, rent and tare his doublet being of quhyte
satein lynned with taffatie worth 50 l., and siclyke rave his breekes,
quhilks wer of rid skarlet with two gold lace upon the same, worth
40 l., rave his band of cutt work quhilks wes worth twentie merkes,
togidder with ane broidered sword hinger worth ten punds; and reft his
purse from him with the monies being therein worth forty merks or
thereby.” He craves summons against them. [On the back] “Apud
Edinburgh, vicevmo primo Febraruij, 1634. Fiat ut petitor.”

132. Supplication by Charles, Earl of Dumfermeline, as follows:— 22nd February
1634. Supplication
by Charles,
Earl of Dum-
fermeline, anent his taxation.

He has been charged for payment of the four terms of the taxation of
July, 1630, being 30s. termly, and also for the first term’s payment of
10s. of the taxation granted to the Lords of Session, and that for every
pound land he possesses; but his vassals and others, who ought to relieve
him, will not do so unless they are compelled. He therefore craves charges against them to this end. [On the back] “Apud Edinburgh,
22 February, 1634. Fiat ut petitor.”

133. Supplication by Sir Thomas Hope of Craighall, King’s Advocate,
and William Bennett of Grange, as follows:—Although the cutting of
green wood and destroying of plantations have been forbidden by law,
yet in the months of June, July, August, September, October, and
November last, and also in January now bygone, Ragwell Bennett of
25th February 1634.

Supplication by Janet Gourlay, sometime servitrix to the late Lady Abercorne, as follows:—On 31st January last she obtained decree before the Lords and others of the High Commission of the Kirk against Adam Turnbull, servitor of William, Marquis of Dowglas, ordaining him to pay to her for her expenses and aliment since the date of two decrees recovered by her against him for solemnizing marriage with her, the one dated 20th March, 1627, and the other 4th July, 1632, she being his declared spouse, the sum of 200 merks and 100 merks yearly for her maintenance so long as he refrains from marrying her and adhering to her, with 20 merks additional for each year's failure. He refuses to obey, and she therefore craves letters to compel him. [On the back] “Apud Edinburgh, 25 February, 1634. Fiat ut petitur. Geo: Cancri*, I. P. D.”

25th February 1634.

Supplication by George, Marquis of Huntly, anent his caution to James Crichton of Fendracht.

135. Supplication by George, Marquis of Huntlie, as follows:—He has been charged at the instance of James Crichtoun of Fendrecht to find caution in their Lordships' books in 10,000 merks for the safety of him and his men, tenants and servants. This is far above the amount prescribed by law for lawburrows by noblemen, which should only be £1000. He therefore craves modification, but meanwhile has found caution for obedience if their Lordships so decren. [On the back] “Apud Edinburgh, 25 die mensis Febrarij, 1634. Fiat summonitio ut petitur to the 24 day of Junij nixt and to suspend and discharge ut infra to the last day of the same moneth, becaus the compleaner hes found caution to the effect withinwrittin.”

25th February 1634.

Supplication by Patrick Alexander.

136. Supplication by Patrick Alexander and others as narrated ante, p. 268, adding Janet Leslie, widow, in Kirkton of Oyne, against Adam Abirerombie of Aldrayne. [On the back] “Apud Edinburgh, xxv die mensis Febrarij, 1634. Fiat summonitio ut petitur to the third day of Junij nixt, and to suspend and relaxe ut infra to the . . . of the same moneth, becaus the compleaners have found caution to the effect within writtin. Geo. Cancri*, I.P.D.”

26th February 1634.

Supplication by George, Marquis of Huntly, anent the taxation of July, 1630.

137. Supplication by George, Marquis of Huntlie, patron and tacksman of the parsonage teinds of the kirk of Dumbait, as follows:—He is charged for payment of the taxation of July, 1630, being £40 for the teinds of the said kirk. At the time appointed for making of taxed rolls for relief thereof he was “straited” and could not
attend the business and so he is like to be prejudiced thereby. He craves permission to convene his tacksmen, sub-tacksmen and possessors of the teinds of the said kirk thereon and make up a taxed roll. [On the back] "Apud Edinburgh, 26 February, 1634. Fiat ut petitur."

138. Supplication by George Melvill of Garvock, as follows:—During the time of his Majesty's visit he was employed as one of the masters of the royal household, and was at that time forced to contract some debts. He has also been at great expense in setting up some silk works in this kingdom, which are progressing hopefully. Further, he has been pursuing certain persons indebted to him before the Lords of Session for payment of their debts, and the causes are almost settled in his favour; but some of his evilwillers, moved by jealousy, have stirred up his creditors to proceed against him with legal diligences and so prejudice him in his suits and also in his silk works. If he had the fees due to him for his service aforesaid, he could pay his debts, and he expects soon to be able to do so; therefore he craves their Lordships' protection. [On the back] "Apud Edinburgh, 27 February, 1634. Fiat ut petitur for summounding of the suppliants creditors to the twentie day of Marche nixt, and in the mean tyme grants protection till that day. LINLITHGOW, KINGORNE, ANNANDAILL, SOUTHESK, MELVILL."

139. Supplication by Elspet Bathgate and her spouse, Alexander Fes, 27th February 1634. Supplication by Elspeth Bathgate and her spouse, Alexander Fes, mariner in Eymouth, as follows:—Some malicious persons having disgracefully charged the said Elspet with the crime of witchcraft, Sir Patrick Home of Aiton and Mr John Home, minister at Eymouth, at their own hand apprehended her and placed her in ward in the tolbooth of Dunce, where she remained until upon her complaint she was brought to Edinburgh and warded in the tolbooth there. The 11th instant was ordered for her trial, and a copy of her indictment was to be given to her ten days previously, but on that day her trial was postponed till the 11th of March next notwithstanding that she protested against this delay. She is now informed that it is intended to lead a precognition against her and to examine a number of witnesses both men and women against her at Dunce of whom the said Laird of Aitoun and Mr John Home and the Lady Aitonn are three, there being nine others, and a commission has been obtained from his Majesty's Justice to some persons who are her unfriends to take the same at Dunce. As this is a very extraordinary and unusual course to be taken in this kingdom where a person is summoned upon their life, to hear witnesses and take evidence and not hear parties to object, which witnesses ought only to be heard in judgment upon oath in her presence, she craves that their Lordships would inhibit the
Justice, Justice Clerk and their deputes from giving out any such com-
mission or putting the same in execution, and order all witnesses to
compair at her trial on the day appointed and verify their depositions in
her presence upon oath. [On the back] “Apud Edinburgh, 27 February,
1634. Fiat ut petitur for the last part of the bill, and the saids Lords
declares that if anie have alreadie depounced and saill not compaire before
the Justice at the criminal dyet their depositions saill not be respected.
HADINTON.”

140. Supplication by the moderator and brethren of the prebytery
of Dumfreis, as follows:—In the Parliament held at Edinburgh in June,
1594, it was ordained that all Papists or persons suspected of being
Papists, who are excommunicated for the same, shall be charged to
compair before the Council and produce certificates from the prebyteries
of the bounds where they reside that they have satisfied the Kirk, under
pain of being put to the horn, wherein, if they fail, not only their mov-
able goods but their liferents shall be escheated to his Majesty’s use.
Now Elizabeth Maxwell, Lady Kirkcoonnell; Robert Morieone, servitor
to the Earl of Nithsdale; Jean Maxwell, called of Conheth; Grigel
Geddes, goodwife of Drumcoltrum; John Broun, younger, of Lochhill;
Marjory Maxwell, servitor to the Earl of Nidsdale; and Elspet Maxwell,
called of Conheth, have all been excommunicated for Popery, as their
respective parish ministers have reported; and further, Robert Rig,
wright, at the Brigend of Dumfreis, having been cited before the sup-
plicants upon 31st December and 14th January last for marrying the
said Elspet Maxwell, who, as said is, is excommunicated, and being ques-
tioned where and by whom he was married, declared that he was married
by a Popish priest on 17th November, “being Sunday at night with
candle light above the brig of Clowden in the fieldis, and that foure were
present at the mariage beside the preist wherof some were men and
some weomen, whom he knew not becaus they hid their faces.” The
supplicants crave that the above persons, especially Robert Rig, may
be summoned before their Lordships and dealt with by them. [On
HADINTON.”

141. Supplication by Patrick Irwing, messenger, in Kincardin o’ Neill,
Margaret Chamber, his spouse, and Janet Mar, his servant, as follows:—
On 9th February instant, being Sunday, John Adie in Weser Beltie and
Alexander Strauchane in Mid Beltie came by way of hamesucken under
cloud and silence of night to their dwelling-house in Kincardin, and
entering therein “first shamefullie raile upon me the said Patrik, there-
after pait violent hands in my persoun and cruellie buffetted me upon
the head and face with their faled nieffes, and, when my said servant
preast to helpe me, they drew my awne whinger and wounded the said
142. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Ewphame Hay, spouse of John Fraser of Aucherran, and her said husband for his interest, as follows:—Though the carrying of hagbuts and pistols and convocation of the lieges in arms are very strictly forbidden by law, on September last James Keith, son of Keith at the Mill of Camcowter, Alexander Keith, his brother, John Johnestoune, their servant for the time, Gilbert Keith in Auchmather, John Keith of Clakriache, Mr William Ogstoun in John Stratoun in Inverrugie, George Roë in Touxehill, Thomas Gordoun in Gavell, Alexander Keith in Camkowter, George Darg there, Simon Ogstoun in Forrest, and others, armed with swords, staves and other weapons, and the forbidden hagbuts and pistols, came by way of home-sucken to the said John Fraser's dwelling house by the break of day before the sunrising, “where, finding me, the said Ewphame Hay, they without anie offence done be me to thame pait violent hands in my person, and the said James Keith verie shamefullie and unhonestlie strake me on the face with his neiffes to the effusion of my blood in great quantitie, and not content therewith he barbarouslie and cruellie strake me with his feit upon the wombe and privie parts to the great effusion of my blood and perrell of my lyfe, so as within sax dayes thereafter or thereby I parted with barne and lay bedfast be the space of sevin weekes; thereafter I lay bedfast in great pane and hazard of my lyfe, and it is thought be the gentlewomens in the countrie and midwifes who visite me that I sal be ane cripple all my dayes.” She craves summons against these persons. (Signed) St' Thomas Hop. [On the back] “Apud Edinburgh, die mensis Februarii, 1634. Fiat ut petitur.”

143. Summons at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, Lord High Constable of Scotland, and Mr. Archibald Haldane, his depute, as narrated ante, p. 298; dated at Edin- burgh, 4th March, 1634, and signed J.A.: Prymois. On the back is a note of service by James Gordon, messenger, on 13th March, against William, Earl of Erroll, Mr George Halden and Mr John Keith, ordaining them to appear before the Council on 20th March instant: the witnesses, John Hay, Robert Blakhall and Robert Alshunder, servitors of the said Earl, David Norie, merchant burgess of Edinburgh, Archibald Beg, notary there, Mr Thomas Nicolsone, younger, advocate, George Hadden, servitor to Henry Osburn, writer in Edinburgh, and Magnus...
Mouat, indweller there. Also on the margin there is noted as follows:
--- "20 Martij, 1634, persewars personallie, with M't Thomas Nicolsone, procurator; defenders personallie with M't Robert Lermont, M't Rodger Mowat, who satisfait the production. The persewars produce a patent and chartour be King James the Thrid be the whiche they ar maid heretablie shireffis within thameselfis and ane ratificatiioun thairof in Parliament, 1621: As also produce a chartour of the office of shireffship within Leyth granted be King James 6 together with the gift of justiciarie within Edinburgh and Leyth. The persewair desyared that the noblemen, counsellours, who ar contingent to the Earle of Erroll, might be sett frome being judges. Repellis. Ordains the writtis produce to be seene hinc inde. 25 martij, 1634; partibus ut supra. The persewaris upoun the production of thair rightis protested that the mater might be remitted to the Sessioun and they reponed again the said decreit. The defenders alledged that the decreitis being recovered in foro contradiictorio that the saymye cannot be takin away summare aut de plano but after triall of thair righte, quhairunto the Counsaill sould be judges. The Lordis continewis the mater till the first Counsaill day of Junij that in the meanertime his Majestie may be consulted if the mater sal be decyded be the Counsaill or remitted to the Sessioun.

The Lord Constable nominat the Earles of Kinghorne and Linlithgow to be commissioners for him anent ane frendlie aggreement with the town of Edinburgh. The provest and baillies toke the morne to advys with thair Counsaill anent thair commissioners and promised to report thair names to the Chancellor with the commissioun.

The persewaris proponit a declinatour agane the Earles Wyntoun, Kinghorne, Linlithgow and [Lord] Erskyne why thay sould nocht sitt judges, being brether in law to the Earle of Erroll, defender [and] Linlithgow cousine germane. The Lordis repellis the declinatour agane Linlithgow as being cousine germane. Sustenis the declinatour agane Wyntoun, Kinghorne and Erskyne, brether in law to the Earle of Erroll.

8 July, 1634. Parteis personallie."

144. Supplication by . . . . (torn) . . . . . kirk of Leith and in name of the kirk and poor thereof, and James . . . . . . . Lookup, James Matheson and Matthew Mitchell for themselves and the neighbours and poor of Leith, regarding the preceptory of St. Anthonis, as narrated ante, p. 296. It is mentioned that the case was called before their Lordships on 31st July last when the said Mr William declared his willingness that the gift purchased by him of the said preceptory should be applied for the benefit of the said poor. It was again before them on 25th September and continued to the first Council day of November, since when it has fallen asleep and they desire it may be awaked, and citation of parties. [On the back] "Apud Edinbrough, . . . . . . . . Fiat ut petitur. GEO: CANCELLAR, I.P.D." Also note of citation on 11th.
March, 1634, by Mr William Dowglas, macer, of Charles, Earl of
Dunfermling, and Mr William Wishart, both personally apprehended,
to appear before the Council on this 11th of March; witnesses, Sir James
Halkheid, younger of Pitferrane, James Dowglas, macer, and John Dowglas,
his servitor. There is also noted on the margin and on the back of
the document the following hearings before the Council:—

18th March, 1634, pursuers appearing by James Home and Alexander
Hay, and the defender personally with Mr James Baird, his procurator,
"who declairit that the persone be vertew of his gift of preceptorie
intendit nocht nor wald nocht impugne nor quarrell ony right of the
landis or teyndis of the preceptorie of St Anthone standing in the
persone of the Earle of Dunfermelyne or Laird of Colingtoun, nor the
Session of Leith, but be the contrair wes content and willing to ratifie
thair rightis and to supplie any defect thairin at the sight and by the
appointment of Mr Thomas Nicolsone, elder, advocat. His Majestie's
letter delyverit to the Advocate to be advysed thairwith till Thursiday,
unto whiche tyme continewis the busynes.

20 Martij, 1634. The quhilk day the persone of Leith, being
assisted with Mr James Baird, his procurator, declared that he was con-
tent that his gift of preceptorie sall be suppressed and haldin as extinct
in so far as concernis the Earle of Dunfermelyne or ony otheris having
richt fra the said Earle. The Advocate produced the securitie whiche
the partie is to give to the Session of Leith, whiche [is] ordanit to be
shawne to thame. Continewis the mater till Twisiday nixt."

27 Martij, 1634. The parson of Leith renews his declaration as
regards the Earl of Dunfermelyne and extends the same so far as may
concern any right or disposition flowing from Alexander and Mr John
Hay. Continued till the first Council day of June.

3 June, 1634. Parties as above. Continued to Thursday come
eight days.

18 June, 1634. Continued to the 22nd.

26 June, 1634. The parson of Leith, assisted by Mr James Baird,
declares his willingness that the gift in question be totally suppressed,
the kirk and session of Leith being first secured in their right by
advice of his Majesty's Advocate, Mr Andrew Aytoun and Mr Thomas
Nicolsone. Continued to the 3rd of July.

145. Supplication by William Watson, baker and burgess of Brunt-
were with him cast downe, brake, and spoyled the whole bread being in my workhouse. And then the three bailiffes thameselves came to my workhouse and charged me to go with shame to ward; quiblick charge, I having with all due regard obeyed, and having onelie gone to my house to have gottin my cloke and hatt, how soone I came back to thame they wold not suffer me to go upon my feet, but they all cloosed and gripped me, and by strong hand boore me in to the tolbuith, altho I was most willing in a peaceable maner to have gone on my feet; and when I came to the tolbuith they patt me in their yron hous and layed me in the stockes, quhere they held and deteanned me that nicht. And upon the morne thairafter they came to the yron hous and with strong cords band me, layed me a new in the stockes, fastened the same with great iron nailes and keeped and deteanned [me] miserable pyned and pained the space of fyve dayes thairafter without ane kynd of offence committed be me.” He craves summons against them. [On the back] Apud Edinburg, undecimo Martij, 1634. The Lords remitts the tryall of this complaint to the Lord Melvil. Morton I.P.D.”

11th March 1634.
Supplication by Andrew, Bishop of Galloway, as follows:—He granted a precept of clare constat to George Stewart of Castnestick of the lands of Castnestick, which are held by the supplicant, and then directed him to John Peter, W.S., who keeps the supplicant’s seal, for the scaling of the same. The gentleman told Thomas M’Kie, sheriff-clerk of Wigtoun, of this, and he agreed to get the precept sealed for him for £4, which were thereupon paid to him. M’Kie then asked the said John Peter to seal the precept gratis, but, being refused, he betook himself to a goldsmith in Edinburgh and caused him make a seal of lead with the supplicant’s arms, and with this counterfeit seal he sealed the precept and delivered it to the gentleman. The supplicant, having recently foregathered with the gentleman in the town of Wigtoun and enquired if his precept was sealed, was told that the clerk of Wigtoun had procured the seal. The gentleman then promised to send his wife with it to the supplicant next day; but meanwhile, having, in his wonderment as to how the seal could have been obtained without the supplicant’s knowledge, gone to the said Thomas M’Kie and told him what had passed, M’Kie desired him to send the precept first to him before it went to the supplicant. This having been done as soon as M’Kie obtained the precept, “he went in to a fire hous and held the seal to the fire untill the waxe melted and than with his thumbe defaced the seal and gave it to the woman who carried the same and bade her shew the same to me; quiblick the woman simple did and when the same was opened there did cleerelie appeare the impressioun of a mans thumbe togidder with the ring of the seal.” Such an intolerable insolence deserves exact trial and punishment, and the supplicant therefore craves that the said Thomas M’Kie be cited before their Lordships,
147. Note of execution by Alexander Garioche, messenger, on 14th March, 1634 (?), against William Fraser of Craigtoun, to appear before the Council on 9th June next and answer for his contravention of the Acts of Council made with his own consent; witnesses, William Fraser, Garioch, messenger, against William Fraser of Craigtoun.

148. Supplication by Archibald Edmonstoun of Duntreth, commissioner for the small barons and freeholders of the sheriffdom of Stirling, at the late Parliament, as follows:—He has charged Sir John Halden of Glennegeis to pay him 13s. 4d. for each pound land of his £18 land of Leiters as his proportion of the cost of the supplicant's footmantle and the expenses allowed to him as commissioner, and Sir John upon some frivolous reasons procured a suspension to a day now long since past, but, conscious of the weakness of his case, he neglected that day and has no intention of discussing the case. He craves new letters against him.


149. Copy of Act of Council of 18th March, 1634, relating to the report of his Majesty's Advocate about the titles to the preceptory of St. Anthony, printed ante, p. 232.

150. Supplication by William, Earl of Erroll, as follows:—His Majesty, being careful to have the office of High Constabulary of this kingdom preserved with its ancient dignities and privileges, and these properly determined, granted a commission to certain of their Lordships with some Lords of Session and others to inquire into these and report thereupon to his Majesty. These commissioners, inter alia, found that the supplicant as Lord High Constable of this kingdom was supreme judge in all matters of riot, disorder, blood and slaughter committed within four miles of his Majesty's person or of the Parliament or Council representing his royal authority in his absence, and that the trial and punishment of such crimes is proper only to the supplicant and his deputies. For the discharge, therefore, of his duty he has appointed deputies under him to reside in Edinburgh, who have convened sundry delinquents before them and ordained them to be committed to ward within the tolbooth of Edinburgh as the only jail where such delinquents can conveniently be imprisoned. But the provost and bailies of Edinburgh, though bound to find him a ward house, refuse to receive these delinquents into their jail and thereby intend to frustrate the execution of sentences of this nature pronounced by him and his deputies, unless a remedy be provided. He craves summons against the said provost and
bailies that they may be ordained to ward his prisoners. [On the back] "Apud Edinburgh, decimo octavo die mensis Martij, 1634. Fiat ut petitur. GEO: CANCELLA." Also note of execution by Mr William Dowglas, macer, on 19th March, 1634, of the said summons against the provost and bailies of Edinburgh, viz.:—Sir Alexander Clark, provost, and Edward Farquhar, one of the bailies, in name of all, to appear before the Council on 20th instant; Witnesses, James Dowglas, macer, and John Dowglas, his servitor. Also noted on the margin of the supplication "25 Martij, 1634, persewair personalie, with Messe Robert Lermont and Rodger Mowat, his procurators; the provost and bailies personalie with Mr Thomas Nicolsone, his [sic] procurator. Continewit to the first Counsaill day of Junij."

151. Supplication by James, Lord Desfurde, as narrated ante, p. 238; with finding on the back as also there narrated. Part of the supplication is torn away.

152. Supplication by James, Lord Desfurde, bailie principal of the regality of Straithyae, as follows:—In the sentence lately pronounced by their Lordships at the supplicant's instance against John Talbert of Poolfauld, who was processed for resetting stolen goods, they had remitted him back to the supplicant with this restriction, that he should first proceed against the thief before dealing with the resetter. This is impossible, inasmuch as the thief is fugitive and a vagabond, with no certain dwelling place, and has not since the fact come within the supplicant's bounds, nor will he ever do so. The said John Talbert, therefore, whose reset is undeniable, will never be brought to punishment, and he thinks it right to let their Lordships know this that it may be remedied. [On the back] "Apud Edinburgh, 25 Martij, 1634. The Lords ordains the supplicant to convene the principall thief before his Majesteis Justice. HADINTOUN."

153. Supplication by David Bell, burgess of Dumfreis, as follows:—On 7th March instant he was in the dwelling house of Isobel M'Crieis, widow in Dumfreis, and some others, when a servant of the house came and called him to come down and speak with "M' Thomas Ramsay, our minister, who was in a laich seller, and I having inquired if there was anie companie with him she ansered not; and so I come doun to the close and hearing M' Johne Corsane, late provost of Dumfreis, in the seller I desired the servant to intreate M' Thomas to come furth to me because I behoved to returne to the provest in haist. Quhilk the said M' Johne hearing, he in a great furie ansered, 'How durst thow, base villane, refuse to come to us,' with manie other disgracefull speecches. Qhhairupon I come forword to see who it was that spake, and perceiving the saids M' Thomas and Mr Johne
with their faces toward the dore, I simples aanswared that I was no base rascal. For quhilk onelie caus the said M’ Johne come furth upon me er I was awar and with his falded neifes cruelle stroke me on the face to the great effusion of my blood, and felle me to the ground, where I lay a long time swooning, untill I was tane up be ane honest man in the toun.” He craves summons against the said Mr John Corsane. [On the back] “Apud Edinburgh, 29 Martij, 1634. Fiat ut petitur, with the ordiner provision. HADINTON.”

154. Supplication by George Abircombie in . . . as follows:—[20th March 1634.]

On March instant he was in the dwelling house of when came to him and, without any provocation, “tooke me be the craig and had almost wirried me, drew ane knyfe, and threatened to cutt aff both my eares, tooke aff my hatt, threw the hat band in the fire and brunt the same with the ribban thairof, cutted and spoyled the hatt with his said knyfe and made the same unprofitable to me, and upon the morne thereafter how soone he rose out of his bed he sought me to have layed me in a paire of stockes.” He seeks a summons against his assailant. [On the back] “Apud Edinburgh, 29 Martij, 1634. The Lords remitts the tryall and punishment of the wrong libellit to the shireff of the shyre. HADINTON.”

155. Summons at the instance of Duncan Ferguson in Muling, and Christian McDuff, tenants to William, Earl of Arrroll, and their servant, against John Robertson of Blettone and John Campbell, son of Hew Campbell of Seat, who at the instigation of the said Hew came by way of hamesucken on to the said Christian’s dwelling house, violently broke up the doors, and, finding no one therein save a young lass keeping a bairn in the cradle, they put violent hands upon the young woman and struck and wounded her in various parts of her body, “and kuist the young bairne over in the fyre to the danger of his lyf, and thane they tuik away ane Gryt gray hound quhilk the said Duncane kepep about his hons for preserwering of the boundis fromod toddis, quhilkis ar very abundunt in thes pairties and dois werie great harme to the contray peopill.” As they were carrying off the dog, an old man of three score years came out of the barn where he was threshing to see what the matter was, when one of these two persons seized him and held a dirk to his breast until the other got clear away with the “grew hound,” and he would have killed the poor aged man if he had not gripped the whinger and kept hold of it until his assailant, fearing a concourse of people, fled also to the said Hew Campbell’s house, where they were all well received. Charge is hereby given to Thomas McNab, messenger, to cite these persons to appear before the Council on 15th July next. Dated at Edinburgh, 29th March, 1634, and
signed by the said T. Mknab, messenger. [On the back] "xv July Miscellaneous Papers.
1634: persewers absent; defenders present, to whome admits protestationn."

156. Supplication by Alexander Bothwell of Newholm, as follows:—
He is heavily distressed for Mr Adam Bothwell, his brother, for whose debts his lands have been comprised, and he cannot appear in public to deal with his creditors and co-operate with his father for his relief and payment of some 2000 merks of his own debts. He therefore craves their Lordships' protection for a short space. [On the back] "Apud Edinburgh, Martis, 1634. Fiat ut petitur to the next Counsaill day that in the meanetyme the creditors may be wairnit, providing always the Bishop of Dunblane consent thereunto. Glasgow."

157. Summons directed to . . . . Walwood, messenger, at the instance of Robert . . . . (torn) . . . . riburne, narrating that he was indebted to George Cunninghamae, younger, in Pittincreiff, who raised letters of poinding against him for the same and committed their execution to Robert Stirk, messenger. Stirk thereupon pointed from the complainer "ane brew copper caldroun of twentie foure gallons, worth ane hundred pounds, with other goods and geir farre abone the worth of his debt." He looked that he should then have received a discharge of his debt, but the said Robert, knowing the complainer to be a poor aged man not able to redress this wrong by law, keeps up the letters of poinding and has now raised caption thereon, daily threatening to poind his goods of new and cast him in ward. The summons is against Robert Stirk to appear before the Council; dated March, 1634, and signed JA: PRYMOIS. On the back is a note of execution by William Walwood, messenger, on 11th July, 1634, against Robert Stirk at his dwelling house; witnesses, John Kirkcaldie, indweller in Kirkcaldie, and Adam Kingorne in Dunfermling. On the margin is noted, "xv July, 1634. Parties personalie. Remitts the satling of this mater to the Bishop of Dunblane."

158. Original of royal letter relating to the impost upon exported coal printed ante, p. 259; directed on the back to the Earl of Kinnowle, Chancellor, and the remnant members of the Privy Council of Scotland.

159. Summons at the instance of Mr Lawrence McGill, advocate, sheriff depute of Edinburgh, against Alexander Broun, officer in Wester Duddingstoun, as narrated ante, p. 343; with summons also against Alexander Tuidy, tailor in the Cannogait, Robert Kyll in . . . . and James Fouillis, sheriff officer, as witnesses; dated 23rd April, 1634, and signed JA: FYMEOIS. On the back there are noted two executions of this summons by James Hamiltoun, messenger, against (1) Alexander
Broun, officer in Wester Dudingston, David Kilpatrick at Dudingston Myne, and John Kilpatrick in Wester Dudingston; witnesses, James Ker, there, and Thomas Smyth; and (2) against John Kilpatrick, witnesses, James Fouller and John . . . . There is also noted on the margin, "Primo Augusti, 1634; persewers personallie; defenders absent; decernis." The document is badly mutilated.

160. Original of royal letter as to Colonel Monro's overtures about disabled soldiers returned from the wars, printed ante, p. 333; addressed to the Earl of Kinnoule, Chancellor, and remanent noblemen of the Privy Council of Scottland.

161. Summons at the instance of Sir John Home of Blackadder, 7th May 1634. James Cockburne of Ryala, George Affleck of Cumridge and John Wilkie of Foulden, against Sir Alexander Nisbet of that Ilk and John Home of Renton, referred to in the counter action in this matter, narrated ante, p. 345. The defenders had charged the pursuers to meet at the burgh of Dunce and allocate the amount due to them as commissioneers to parliament for the small barons and freeholders of Berwickshire, being £1118 16s. among the pound lands of the said shire, and to make a stent roll thereof, and they intend, if they do not obey, to put them to the horn. Now the pursuers cannot within the time specified to them accomplish this, because many of the lands possessed by the said small barons and freeholders lie within regalties and stewartries, as the regality of Boncul, stewartry of Ma . . . ., and bailiaries of Coldingham and Lawderdail, of which the stent rolls will have to be obtained. They had met at Dunce on the day appointed and explained this to the said John Renton, who, recognising the truth of what is stated, appointed a new day. But they have further difficulties in regard of these small barons holding of different superiors; and they submit that the defenders should furnish a true account of their expenses and produce their footmantles to the sheriff, who [should keep the same and make them] forthcoming to future commissioners. Dated at Edinburgh, 7th May, and signed Ja. Prymrois. The document is much injured. On the margin is noted, "xvij Junij, 1634, Blacader and Rysay for thame selfes and the remaman persewaries, Rentoun personali. Find the letteris ordourlie procedit for payment of the Laird of Rentoun his modification and charges." Also on the back two executions of the summons. (1) By Alexander Home, messenger, on 30th May, 1634, against John Home of Renton, personally apprehended; witnesses, Patrick Abernethie, notary in Duns, and another [torn]. (2) By Andrew Howlatstoune, messenger, on 31st May, 1634, against Sir Alexander Nisbet of that Ilk, personally apprehended; witnesses, Robert Nisbit in Duns, and Thomas Nisbet, servitor to the said Sir Alexander.
162. "CHARLES R.—Right trusty and welbeloved cousin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, wee greete yow well. Whereas it hath been humbellie represented unto us in behalf of the clergie of that kingdome the great hurt arisinge to the estate and patrimonie of the church by wanting of publict registers wherein all evidents and writs disposed by beneficed persons ought to be registrat and consequentlie made known to such as affect the standing thereof; to which purpose wee have thought necessarie to cause establish such publict registers and incorporate them with the office of our Clerks of Register, as with persons fittest and readiest to tak an accompt of that charge; whereupon wee have granted a signature to our present Clerk of Register. And therfor it is our pleasure that yow mak an Act of Counsell thereupon causing exped it under our greate seale with all diligence, and that yow cause publication be made hereof to all our lidges, as it effeires; for doing whereof these presents shalbe your warrant. Wee bid yow farewell. From our Manour of Greenwich, 13 May, 1634." Addressed to the Earl of Kinnowyle, Chancellor, and the remanent Lords of the Privy Council of Scotland.

163. Original of royal letter for marking of the Registers of Sasines, etc., by the Lord Clerk Register, printed ante, p. 274; addressed to the Earl of Kinnowyle, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

164. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and trustie and welbeloved counsellours, wee greite yow well. Whereas in our late parliament holdin at Edinbrough within that our kingdome there was complaint made of diverse insolencies and oppressions made in the Highlandes of our said kingdome, wee being willing to represse the same and to establish such solid order whereby our peace may be mantayned and those rebellious and disobedient subjects reduced to the obedience of our lawes or punished accordinglie, it is our pleasure that yow cause putt in execution the acts of parliament made in the 11 parliament holden by our dearest father of happie memorie, cap. 93, 94, 95, 96 and 97, against the indwellers in the Highlandes and Borders or other places where these rebelles resort or dwell; as lykewayes the act of our late parliament made anent the Clangregor; and that yow take such further course for quyeting the disorders in those and other paities of that our kingdome as in your judgements shalbe thought fittest for intertayning of our peace and protecteing of our good subjects from all violence and oppression, and that from tyme to tyme yow make us accompt of your diligence herein; but where yow find any lett or stop wee will, upon your signifieing thereof unto us and your
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opinions touching the same, concur by our further authoritie to remove the same. Which recomending to your care wee bid you heartily farewell. From our manour at Greenwich, the 26 of May, 1634." Addressed to the Earl of Kinnoull, Chancellor, and the remanent Lords of the Privy Council of Scotland.

165. Original of royal letter as to the uplifting of fishing dues by Highland landlords, printed ante, p. 286; addressed to the Earl of Kinnoull, Chancellor, and remanent Earls, Lords and others of the Privy Council of Scotland.

166. Original of royal letter for a protection to Sir Hew Wallace of Craigie, printed ante, p. 288; addressed to the Earl of Kinnoull, Chancellor, and remanent earls, lords and others of the Privy Council of Scotland.

167. Summons at the instance of William Anderson in Gartnavell against David Anderson of Byres, charging him to appear before the Council on . . . to answer to his complaint as narrated ante, p. 323. William Anderson in Gartnavell dated at Edinburgh 2nd June, and signed Ja. Prymois. On the margin is noted the proceedings at the hearing of the case on 22nd July, 1634, with the addition that the Lords modify to each of the witnesses ten (?) merks to be paid by the producer.

168. Supplication by James Spence for a protection, as narrated ante, p. . [On the back] . . . (torn) " . . . 3 Junij. Petit ut petitor be . . . of Counsell to the . . . Junij instant." Also note of execution by James Dowglas, macer, against William Thomsons, personally apprehended, to compere before the Council on 19th June, witnesses, Mr Thomas Nicolsone, younger, advocate, and Mr John Keith, his servant. On the margin is noted the hearing of the case on 19th June and again on 8th July (see p. 285 ante).

169. Supplication by Robert Miller in Lochfut, as follows:—He has raised an action against James Logane in Hills for putting himself and his wife and children out of his dwelling house, and kiln, destroying his furniture, striking his wife and children, and locking up the doors of the said house, pretending he did so in terms of a decreet; he craved of their Lordships that the decreet might be produced and it was thereupon suspended. Some of his witnesses are present to prove the facts, but some are absent through the persuasion of the said James Logan, being his own brother's men and actually present at the time, and he therefore craves that their Lordships would issue letters charging these witnesses to appear, especially William Stillie and John Adameson, servants to the said John Logane, and delay the cause until they come. [Undated, but perhaps about 3rd June, 1634. Cf. p. 261 ante.]
170. "Supplication by John Lyone in Armannoch, John Wilson, colchester in Loche, John Pott, corner there, John Miller, weaver, John Slowan in the Mott of Loche, James Donald in the Hills and William Selbie in Armannoch, as follows:—They have been cited as witnesses in the action between Robert Miller in Loche and against James Logane of Hills and have composed, making a journey of 60 miles each way, the said John Logane doing so twice with his horse, at the joint expense, and they crave their Lordships to consider the matter and deal therewith. [Undated.]

171. Summons at the instance of Sir Thomas Hope of Craighall and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr William Falconer of . . . . , now her spouse, against Alexander Gordoun, now of Dunkintie, "the unnatural son of the said Margaret," as narrated ante, p. 330. The summons is dated at Edinburgh 10th June, 1634, and is signed by Ja. Prymrois.

172. Execution of the foregoing summons on 10th June, 1634, by Walter Smith, messenger, against Alexander Gordoun of Dunkintie, James Gordoun of Leterfourie, Lachlan McQueen, his servant, Robert Gordoun of Myne, Adam Gordoun in Ordiquibisch, James Rous in Gilmorsey, John Hebrun, son of Alexander Hebrun, porter of Innerlochit, Finlay McInarracht and William Nairn, servitor to the said Alexander Gordoun, charging them to appear before the Council on 22nd June next, and answer to the charges laid against them; dated at Edinburgh, 10th June, 1634. No witnesses are entered. On the back is written, "Mr James, tak with the commission that was givin againis the murther of Dinkintie, and give them to this berer, Adam Gordone, and pay for it be Buckeys advyse."

173. Summons at the instance of John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Inverquharie, as narrated ante, p. 324; dated at Edinburgh, 10th June, 1634, and signed Ja. Prymrois. At the foot is noted "Note to summons to the seventeenth day of July," and on the margin "22 July, 1634. Pers heater be Pittodry; defenders absent. Decernis."

174. Summons directed to William Middiltone, messenger, to charge Thomas Smyth at the Mill of Ryland and other persons named in the complaint, by John Henrie, as narrated ante, p. 328, to appear before the Council on 24th July next; dated at Edinburgh, 10th June, 1628, and signed Ja. Prymrois. On the margin there is a note of the proceedings on 24th July.

175. Supplication by James [Pennycook], skinner in Potterraw,
Christian Cuik, his spouse, and William Pennycuik, his brother, as follows:—On June instant they were removing some plenishing when Janet Hog, spouse to James Storie, ... (torn) ... Agnes Heriot, spouse to Robert Hog, potter there, Marion Mortoun, widow there, Margaret [Hog] ... Janet Hog, and Elizabeth Pennycuik, servitrix to Margaret Young, widow there, at the instigation of the said James Storie and Robert Hog, fiercely assailed them, “dang” them to the ground and injured them both with hands and feet, giving them many “bauch, blae, and bloodie straikes.” They also cruelly wounded David Pook, a workman, who was removing their goods, with stones upon the head to the effusion of his blood. Further, on the 10th of the same month, these said persons all came to the said Christian, who was then great with child, as she was attending the workmen who were removing their gear, “and with their hands and feit and great stones dang me to the ground, tramped upon me, and with their hands and knees so bursed my hail bodie and bowells, togidder with my head and face that the blood came gusshing out at my mouth and nose in great quantitie, and they had not failed to have slaine me about eleven houres at night if the officers and neighbours of the town had not rescued me. And at that same tyme I, the said William, being carrying ane burdein on my backe with ane tow the saids haill persons dang me to the ground and with their hands and feit verie cruellie hurt and woundit me and almost wirried and strangled me with the tow so as I lay a long tyme dead on the ground and wes caried home be the neighbours.” And James Pennycuik complains that they invaded and pursued him for his life, “rave the hide aff my face and gave me mane bauche and blae straikes” with their hands and feet. They crave summonses against their assailants. [On the back] “Apud Edinburgh, decimo sexto die mensis Junij], 1634. Fiat ut petitur. HADINTON.” (The deed is somewhat mutilated.)

176. Execution by James Bisset, messenger, on 18th June, 1634, of 18th June summons at the instance of James Pennecuik, Christian Cuik and William Pennecuik, against Robert Hog and Agnes Heriot, his spouse, at their dwelling house in Potteraw, James Storie and Janet Hog, his spouse, Marion Mortoun, Margaret Hog and Elizabeth Pennecuik as defendants, and John Diksoon, bailie in Potteraw, John Henderson, officer there, John Manvell, ... (torn) ... Brand, tailor there, John Hog, puderer there, David Werdie, potter there, Robert Roger, baxter there, ... John Towie, Robert Wat and John Purseall, cordiners there, John Wauchop ... Fisher, workman there; as witnesses. The service is attested by Magnus Justice, officer, and John Dunmur, tailor in Potteraw.

177. Supplication by Charles, Earl of Dunfermling, c 18th June 1634.
Fowles, Laird of Collingtone, Sir James Home, and others, in reference to Mr William Wishart and the preceptory of St. Anthons, as narrated ante, p. 296. Their Lordships had heard the case on 17th June, when they had all attended and expected it would have been put to a point. But it was continued till the 24th, and they crave that Mr William Wishart, as he is in good health, may be peremptorily charged to comppear on the 24th June and produce his gift of the preceptory, and to charge the keepers of the registers not to give forth any extract of the said gift in all time coming. [Torn, especially at the date.]

178. Summons at the instance of Francis Scot of Cartertoun, servitor to James Lord Johnstoun, and James Johnstoun of Braikensyde, against Walter Scot, called Willies Wattie, for the following cause. The complainers accompanied their said lord and master to the burial of the Earl of Bucleuche upon 11th June instant, where there were many noblemen and persons of rank convened, and were peaceably riding home after the burial when the said Walter Scot, without any offence given to him in worn or deed, “followed thame out of the town of Haik and with a drawin sword feirclei and cruelie invadit and perswit the said Francis of his lyffe; and whereas the said James Johnstoun came ryding to him and earnestlie delt and travelled with him to forbeare these doings at that tyme, seeing he might give matter and occasion of trouble quhilk wald not ly in his power to setle, he in the lyke furie persewed the said James of his lyffe, and never forboore the giving out of fierce strokis at thame till his sword brake;” dated at Edinburgh, 20th June, 1634, and signed Ja: Prymrois.

179. Execution of summons on 20th June, 1634, by John Stirling, messenger, at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, High Constable of Scotland, for his compeareance before the Council; witnesses, Robert Erskene, indweller in the Cannogait, and Alexander M' Brek.

180. Summons at the instance of Mr Andrew Ramsay, one of the ministers of Edinburgh, against Alexander, Earl of Linlithgow, and others, as narrated ante, 317; for the compeareance of the defenders before the Council on 8th July; dated at Edinburgh, 21st June, 1634, and signed, Ja: Prymrois. On the margin is noted, “Octavo Julij, 1634.” Pursuer be Harye Osburne; defenders be Alexander Lyntoun, who produced a protectioun granted unto the Earl of Linlithgow and his cautioners for securing of their persones till December nixt and alledged that the Lord Elphingstoun and Hayning, being cautioners to the Earle of Linlithgow, the desyre of the summonds could not be granted agane thame. Ordanis Harye Osburne to produce his pairtye upon Twisday.
nixt and the protection to ley in the Clerks hands till that day." Also
note of the hearing upon the 15th.

181. Note of five executions by Walter Smyth, messenger, of sum-
monses at the instance of Sir Thomas Hoip of Craighall, King's Advocate,
and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr
William Falconer, now her spouse; (1) on 23rd June, 1634, against
[Adam] Gordoun in Ordiquhish; witnesses, James Lorimar, tailor in
Elgin, Alexander Guthra, servitor to John Chalmer, skinner, burgess in
Elgin, and Alexander Aulderorne, the messenger's servitor; (2) on the
same day, against James Ross in Gilmoirsyid and William Nairne,
servitor to Alexander Gordon, now of Dunkintie; witnesses, James
Hay in Kirkhill, Paul Hay, burgess of Edinburgh, and Patrick Chalmeir,
burgess of Elgin; (3) on the same day, at the dwelling house of Alex-
ander Gordon, now of Dunkintie, being for the time at Gilmoisryid, against
Lachlan McQuein, servitor to James Gordoun of Lettifurie, who remains
there for the present; witnesses, George [Stronoche], servitor to James
Ross in Gilmoisryid and the foresaid Alexander Guthra and Alexander
Aulderorne; (4) on 27th June, 1634, at the market cross of Elgin,
against Adam Gordoun and Lachlan McQuein foresaid; witnesses,
George Brodie, and William Robertson, younger, burgesses of Elgin,
and Alexander Dunbar, lawful son to Robert Dunbar, burgess there; and
(5) on 9th July, 1634, against James Fynla, servitor to James Hay in
Kirkhill, George Stronoche, servitor to [James] Ross in Gilmoisryid,
John Geddas in Barmowreetie, Thomas Croma there, and James Gordoun,
portioner of Urquhart; witnesses, William Ross in Kirkhill, Fy . . . .
torn . . . . to the said Mr William Falconer, and the foresaid Alex-
ander Aulderorne. All are summoned to appear before the Council on
22nd July, 1634. [The document is much wasted.]

182. Summons at the instance of Robert Dunbar of Burgie against
James Gordon of Knockaspeck and William Gordon of Arradoull, as
summons narrated ante, p. 328; directed to Andrew Dunbar, messenger, dated at
Edinburgh, 23rd June, 1634, and signed JA: PREMOIS. On the back
is a scroll note of the hearing and finding in the case; while on the
margin is noted, "24 July, 1634; persewar be Mr William Dunbar;
defender absent; decernis."

183. Supplication by George, Marquis of Huntlie, against John
Toeshoeck, as narrated ante, p. 291. On the margin there is noted the
hearing of the case on the 24th instant. "The specheis provin.
Continewis the advyseing of the punishement till Twisday nixt"; and
also the finding on 1st July.

184. Four executions of a summons at the instance of Francis [Scott],
(1) on 25th June by John Ritchartson, messenger, against Walter
Scott at his dwelling house in Wrae in Eudaill; witnesses, Thomas Litill, called of Mekildail, and John Batie in Kaaichis. (2) On 26th June, 1634, by John Fleming, messenger, against the said Walter Scott at the market cross of Dumfreis, charging him to appear before the Council on 1st July next; witnesses, James Maxwell, bailie of Dumfreis and . . . . [torn] . . . . (3) On 29th June, 1634, by James Wauch, messenger, against Patrick Johnstone in Grantoun, as a witness in the case; witnesses, [Alex]ander Johnestoun in Wodhead, and Thomas Johnstoun in Erisbank: and (4) On 30th June by Gilbert Watt, messenger, against James Grahame of Gillesbie, George Jonstounie of Greithheid and James Haliday in Bedikoholme, also as witnesses in the case; witnesses, Robert Johnstone of Newtoune and John Johnstone, burgess of Edinburgh.

185. Summons at the instance of James Bannerman in Dunkeld directed to Gilbert Henrie, messenger, for charging Mr John Stewart, commissary and bailie of Dunkeld, to compear before the Council on [10th] July next to answer to the following complaint. That on June last he came to the water of Tay where the complainant’s servants were bleaching forty ells of cloth and “despitefullie trampled the cloath among the grar and sand,” rendering it unprofitable to the complainant. That on 14th June instant when the complainant’s servants had won some turf in the comonty of Dunkeld upon a warrant from the Bishop of Dunkeld, he intercepted the servant by the way, took the turfs from him and cut and destroyed them, and hurt and wounded the servant, threatening to take his life if he came again to get any turfs. Further, on Sunday last, the 22nd instant, “about the thrid bell,” when the complainant was going peaceably to the Earl of Atholl’s lodging in Dunkeld, to convoy him to the kirk, the said Mr John, with respect neither to the Lord’s day nor to his own position, being a commissary and bailie, came to the complainant on the highway and “with his neiffes shamefullie buffettet him on the face, kuist him . . . . [torn] . . . . upon him with his feit and when the compleuner was releaved be the nighbours . . . . John went home to his hous and brought furth his sword followed the compleuner . . . . . Atholl’s lodging, so as he behooved to be kepeth there all that day till . . . . . convoyed him home to his awne hous” . . . . . For his life he dare not keep his own house and his servants are terrifed. Dated at Edinburgh, 26th June, 1634, and signed JA: PEYMROIS.

Attached to the summons is another paper containing notes of two executions by Gilbert Henrie, messenger, on 2nd July, 1634, (1) against Mr John Stewart, personally apprehended; witnesses, Patrick M’Cala, servitor to John, Earl of Athoell, and John Kilt, messenger: and (2) against James Moncuir in Dunkeld (p.), Mr Andrew Chirnthowie . . . (p.), William Ros, notary there (p.), John Henderson, servitor to the Earl.
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of Athoell (p.), and Thomas McNaib, messenger (p.), all personally apprehended; and also William Adamsone, servitor to the said Mr John Stewart, firm of Ladyval, as witnesses in the cause; witnesses, Alexander Fyffe, son of William Fyffe, notary in Dunkeld, the said John Kilt there, Thomas Sandessone there, and Robert Stewart, natural [son] to George Stewart in Dunkeld.

186. Summons at the instance of Mr David Falconer of Glenferquhar, 26th June 1654.

directing John Scobie, messenger, to cite Sir John Blacader of Tulliallan to appear before the Council on 3rd July next on the complaint narrated ante, p. 304. Dated at Edinburgh, 26th June, and signed JA: Prymbois. On the margin is noted "10 July, 1634; perceiver be Sir Alexander Falconer, his brother; defender absent: Decernis." On the back there is noted the execution of the summons on 28th June, 1634, by John Scobie, messenger, against the said Sir John Blacader, personally apprehended: witnesses, Thomas Reid, chaplain in Clakmannan, Patrick Law, servitor to the said Mr David Falconer, and Robert Blacader in Tulliallan: also a scroll minute of the finding in the case.

187. Supplication by Sir William Dowglas of Cashogill, knight, as dated 26th June 1654.

follows:—He has been long in ward in the tolbooth of Edinburgh at the instance of some persons whose names are only borrowed by the Earl of Queensberrie, who thereby seek to procure his utter wreck under colour of the supplicant's escheat and livery, which the Earl alleges has fallen in his hands as lord of the regality of Drumlanrig, and the said Earl has arrested all his rents and meddled with all his goods, leaving him nothing for the support either of his own natural life, or his wife and children. By his imprisonment his whole estate is undone and his creditors are frustrated of any payment. He craves his enlargement, and that a mazer be charged to warn the said Earl and also the provost and bailies of Edinburgh to compere for that effect. [On the back]

"Apud Edinburgh, 26 Junij, 1634. Fiat summonitio ut petitur to the day of . GEO: CANCILLI, I.P.D." There is also note of execution of charge on 4th July, 1634, by James Dowglas, mazer, against William, Earl of Queensberrie, to compere before the Council on 8th July instant; witnesses, William Herres, sometime of Terrachtie, and James Ker, servitor to the said Earl. On the margin is noted the hearing of the case on 8th(?) July, when the pursuer compere personally, and the Earl of Queensberrie by George Deanes who declared that Cashogill was not detained at Queensberrie's instance and that he consented to his relief; whereupon the Lords ordain Cashogill be put to liberty in so far as he is warded by Queensberrie only.

188. Summons at the instance of Mr Alexander Innes, minister at 26th June the kirk of Rothiemay, as narrated ante, p. 344 dated at Edinburgh, 1654.
26th June, 1634, and signed JA: Pymrois. On the margin is noted, "Primo Julij, 1634, persewair personalie; defender absent: Decornis.
22 July, 1634, persewair personalie; defender be the Bishop of Dumblane. Continewed with consent till this day aucth dayes." [Much mutilated.]

189. Summons at the instance of Mr John Stewart, Commissary of Dunkeld, and bailie of Dunkeld, narrating that on 2nd October last he caused apprehend and ward Thomas Michie, servitor to James Bannerman in Dunkeld, for the theft of some sheaves and burdens of corn from , he having been taken with the lang, whereat the said James Bannerman, grudging, came under cloud and silence of night to the said Commissary's house in Dunkeld that same night, "and verie shamefullie and unworthilie upbraidit the bailie for imprisonning his servant, calling him ane greater theefe nor his man and that it wes rather the bailleis kynde to hing nor his mans, with a number of most opprobrious and contumelious raylings, holding all the while his hands at his durke, resolved to strike the baillie therewith, and using all maner of provocations to have irritat the said bailie to enter in some violent and dangerous conflict with him; qhilk the said bailleis wife, being then great with child, fearing, she presentlie tooke to her childbirth with ane great trembling and travelled sevin dayes in hazard of her life, and [since she] was deleyverd the childe wes possessed with the same trembling be the space of ane moneth thairefter." The said bailie comported with the misbehaviour of the said James in these circumstances, hoping he would change, but he continued in his "inordinat and lawlesse" conduct, and on the 22nd instant, being Sunday, while the said bailie was standing about with friends and servants before the afternoon's service, regardless of his office of bailie, struck him upon the face to the effusion of his blood at mouth and nose. Charge is therefore given to the said James Bannerman to appear before the Council on 8th July next; dated at Edinburgh, 27th June, 1634, and signed JA: Pymrois. On the margin is noted "Octavo Julij, 1634. Parties personalie. Continewit to Thursiday."

190. Summons at the instance of John Irwing in Auchinsleitt against Robert Maxwell in Dinwiddie, steward principal of Annandail, who has recently apprehended him and warded him in the tolbooth of Dumfries on the charge of stealing a sheep, of which he is most innocent. He will neither release him nor put him to trial, and he is like to starve for want. He is to appear before the Council that he may be ordained to liberate the complainer. The document is torn and mutilated, and the date is torn away save the year—1634. Attached to the summons is an execution dated 27th June, 1634, by James Wauch, messenger, against the said Robert Maxwell of Dinwiddie to compear before the Council on
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8th July next. Not being personally apprehended at his dwelling place he is also charged at the market cross of Lochmaben; witnesses, Andrew Reid in Auldtoon, John Haliday and David ......, servitors to the said Robert Maxwell, at his said dwelling place; and John Johnstone, called of Thorniequhat, and Christopher Braiche, maltman, burgess of Lochmaben, at the market cross there.

191. Summons at the instance of Bessie Wright, widow of Duncan Buchannan of Catter, against her son-in-law, John Grahame, in Blaircenessnock, as narrated ante, p. 327; dated at Edinburgh, 28th June, 1634, and signed J.A. Prymois. On the margin is noted "22 July, 1634. widow of Duncan Buchannan of Catter against her son-in-law, John Graham."

The Lords nominates the Master of Elphinstoun and Sir Archibald Acheson to examine the witnesses the morne at sevin hours in the Laich Counsel hous at sevin of the clocke in the morning." Also proceedings and sentence on 24th July.

192. Summons at the instance of Isobel Ewart, spouse of William Dowglas of Pomfertoune, against William Dowglas in Pomfertoune, as narrated ante, p. 316; dated at Edinburgh, 30th June, 1634, and signed M. G. Prymerose. On the margin is noted, "xv July, 1634, persewer be her husband; defenders absent; decerns." On the back is a note apparently about the execution of the summons on 1st July, 1634, and the names James Graham, David Ramsay and William Lynsay, all in Edinburgh, the citation being presumably to the 3rd July.

193. Note of executions on 30th June and 2nd July, 1634, by 30th June 1634. Wmkills, as narrated ante, p. 294, against (1) James Tennant of Blakhall (p.), personally apprehended in South Williamstown; witnesses, David Lyoun and David Denholme, servitors to the said James Tennant; and (2) against James Lathreish, and James Sibbald, personally apprehended, George Melvill in the Newton (p.), William Melvill in Doniface, and Andrew Melvill in Sconie (ab.), at their dwelling place, and at the market cross of Coupar in Fyff; witnesses, Mark Hill, servitor to the Laird of [Dun]das, and William Wilson there, James Couper, John and Walter Sibbald, sons of the said James Sibbald, and John Philp, stabler in Couper; all being charged to compear before the Council on 3rd July next. On the back is noted a scroll of the decree and finding in the case.

194. Summons at the instance of the provost and bailies of Edinburgh, directed to John Stirling, messenger, to charge William, Earl of Erroll, Lord High Constable of Scotland, and Mr John Keith, servitor to the instance of Mr Thomas Nicolsons, younger, advocate, who is accused of wounding James Tenent, servitor to Sir James Nicolsons of Colbrandeth, to
William, Earl of Errol, Lord High Constable,

appear before the Council on 24th June instant, dated [torn] June, 1634, and signed Ja. Prymros. On the margin is noted, "24 Junij, 1634, persewayris personalie with Mf Thomas Nicolsone, elder, their procurator; the Earle of Erroll personalie. The persewayris proponit a declinatour apoune the Chancellor as having subscriyvit the report maid to his Majestie concerning the Constables priviledges quhairin he hes affirmed to his Majestie the point in qustion; and aganis the Thesaurar and Lorne as cousine germanes to the Constable. Repellis bothe. Continewed to this day eight dayes.

Primo Julij, 1634. Provest and baillies personali; the Erle of Erroll excused by a testimoniell of his sicknes. Continewed to this day eight dayes."

195. Summons at the instance of Thomas and George Simson against James Dowglas, elder, in Lughtoun, narrating that Dowglas leased to the complainers and others certain of his lands in Lughtoun for eight years from Martinmas, 1629, for the yearly rent of £60, and by the terms of the tuck was obliged to relieve them of payment of the teinds. Dowglas borrowed up their tuck upon his faithful promise to return it uninjured, and gave it in keeping to his son Archibald Dowglas, "and upon the day of last in Mr John Oliphants chamber, shirreff clerk of Edinburgh, tooke the same frome him, and despitefullie and maliciouslie rave, cancelled and destroyed the said tucke." Charge is to be given to the said James Dowglas for his compearence before the Council on [June] 1634, and signed Ja. Prymros. The deed is greatly destroyed.

196. Summons at the instance of Griffon Wmkills in Harnam, in the county of Northumberland, as narrated ante, p. 294; dated . . . [torn] . . . 1634, and signed JA. PRYMROIS. On the margin is noted the hearing of the case on 3rd July, 1634.

197. Charge at the instance of Patrick Edmistoun of Wolmet against Mr James Raithie of Edmistoun to refrain from enforcing his letters, as narrated ante, p. 316, as he has found . . . . . . of Schanke, cautioner for obedience if it be found he ought to do so; dated at Edinburgh, . . . June, 1634, and signed Ja. Prymros. On the margin is noted a scroll of the proceedings on 15th July.

198. Note of execution on 1st July, 1634, by James Grahame, messenger, of a summons at the instance of Isobel Ewart, spouse to William Douglas, fyr of Pumperston, and the said William, at the market cross of Edinburgh, against William Douglas and Marion Bruce, his mother, for their compearence before the Council on 3rd July instant to answer their complaint against them, narrated ante, p. 316;
witnesses, David Ramsay of Torbain, and William Lyndsay, indweller in Edinburgh.

199. Notes of two executions in the same matter on 1st July, 1634, 1st July 1634. by John Johnstone, messenger, (1) against William Dowglas in Pumphers
toun and Marion Bruce, his mother, the latter personally apprehended and the former by delivery at his dwelling house in Pumphers, to appear as above; witnesses, Hew Schaw in Pumphers, and Samuel Johnstone, the messenger's son; and (2) against James Dowglas, James Mowtay and James Hamilton, all in Pumphers, and personally apprehended, as witnesses in the case; witnesses, James Chysholme, servitor to William Dowglas, sizar of Pumphers, and the foresaid Samuel Johnstone.

200. Summons at the instance of Archibald Dunbar of Baldune 1st July 1634. against Sir Patrick Agnew of Lochnav, commissioner to Parliament for the sheriffdom of Wigtoun, for suspension of the latter's charge against him to pay to the said Sir Patrick 14s. 8d. for each of his pound lands within the said shire, which lands are not subject to the said stent, seeing they are the property of the Crown and set in feu for payment of a great feu duty. No part of the Crown property is burdened with these contributions for the expenses of the parliamentary commissioners, “because our fewars reape no benefite, credite, nor commoditie be the barons vote in Parliament, nither doe the saids small barons and frieholders in anie part of our said kingdome acknowledge our fewars to be a part of their bodie; they ar not callit to thair courts nor to nane of thair meetings and gives no suite nor presence at thair courts, hes no handling nor medling in thair effaires; and they abort none to be of thair number bot onele the small barons and freholders halding of us ” . . . (torn) . . . . bar of Baldune's brother is the feuar of the lands and the complainter is only tenant. However, he has found William Glendonyng of . . . (torn) . . . . cautioner in case he be found liable in payment; dated 1st July, 1634, and signed Ja. Prymrois. On the back there is a note of the execution of the summons on July, 1634, by John Dunlop, messenger, against the said Sir Patrick Agnew, personally apprehended in the burgh of Edinburgh; witnesses, James Eistoun, and . . . . Leslie, messenger, both in Edinburgh.

201. Supplication by Charles, Earl of Dunfermline, Sir James 1st July 1634. Fouls of Collingtoun, Sir James Hamilton of Reidhall, Mr John Cant of Laurenston, Adam Cunningham, advocate; and James Hoom, Alexander Hay, Mr John Elphingstone, John Lookup, James Matheson and Matthew Mitchell, all in Leith, for themselves and for the kirk and poor of Leith, against Mr William Wishart, parson of Lestalrig, with reference to the preceptory of St. Anthonys, as narrated ante, p. 296.
[On the back] "Apud Edinburgh, primo Julij, 1634. Fiat ut petitur. Southek." Also note of execution on 2nd and 3rd July by Mr William Dowglas, macer, against Mr William Wishart, parson of Restalrig, Mr Adam Hepburn, servitor to Thomas, Earl of Hadintoun (p.), also the said Earl for his interest, Mr Alexander Hay, Writer to the Privy Seal, Mr William Chalmer, Treasurer's Clerk and Keeper of the Treasurer's Register, and the Lords Treasurers, principal and depute, to compear before the Council on 3rd July instant, and to bring with them their books and the impugned signature; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the deed the hearing of the case on 3rd July, and that the parties were personally present "except the parson."

202. Supplication by John Dunbar of Moynes and Robert Dunbar, apparent thereof, for the extension of their protection, as narrated ante, p. 292. [On the back] "Apud Edinburgh, primo Julij, 1634. Fiat ut petitur to the fifteen of this instant. GEO. CANCILL, I.P.D."

203. "At Edinburgh, 26 of Junij, the yeere of God j=6v=x=xxxiiij yeeris, the Lords of Secret Counsell ordanis a maister to pas and warne Sir James Lundie, knicht, to compere personallie before the saide Lords upon Tuesday nixt, the first of July, to answere to the petition given in to the Kings Majestie anagnis him be John Lundie of that Ilk, of the quhill petition ordanis a copie to be delveryed to the said Sir James, and to heere and see suche order tane thairanent as appertaynes, under the paine of rebellion and putting of the said Sir James to the horne, with certification to him and he falyie letters sall be direct simpliciter to putt him thairto.

Primo July 1634. Parties personallie. The Lords ordanis Sir James Lundie to make ane answere in writ to the Laird of Lundies articles upon Thursday nixt.

1º July, 1634. Parteis personallie. Sir James gave in his answere in writ conteaning a declinatour of the Counsell as incompetent Judges, quhereunto it was answereed be Mº John Gilmour, prolocutor for Lundie, that they wer not insisting for a definitive sentence upon anie point of right bot onelie for a precognizion and tryell of the fraude and circumvention committed be Sir James in the mater compleaneed upon.

The Lords find thamselfies nowayes judges to the validitie or invaliditie of Sir James Lundie his infeftmentis or other rights quhatsomever, nor yitt judges to the tryall of quhatsomever fraud or circumventien alledget used be the said . . . . may infer or be used for infringeing or annull . . . . feftments and rights. Bot the Lords for obedience . . . . letter declares that they will procede to the tryall . . . . said Sir James his dewtie and behaviour . . . . others his proceedings
towards his three nephews . . . . decease of the Laird of Lundye his brother and after tryall . . . mak report thairtof to his Majestie accordinglie."

204. "Ansueirs for the pairt of Sir James Lundin to the Articles given in aganis him be Johne Lundin of that Ilk, quhairunto the Lordis of his Majesteis Secretie Counsell hath ordaned the said Sir James to ansueir.

The said Sir James maketh this generall ansueir to all the 'sai'd Articles that the samyn beirig a progress of the tymes and circumsances when and how the said Sir James came to the richt and possession of the lands and leving of Lundie ar mere civile and auccht properlie to be discusit be the Lords of Sessioun, and (without offence be it said) the Lords of his Majesteis Secretie Counsell ar not nor cannot be competent judges in suche causes, nor use they to determine in maters of that kynd, as is notour to thair Lordships selves, for gif his richts and infeftments of the sais lands wer nocht guide and valide frome the begining and sua his possession unlauchfull and vitious, which is not, he shall answeir thairto as acords of the law whensoever he beis persewit befor the said ordinar and civile judge, and whilks infeftments, richts and possessioun, the said Sir James being convened, as said is, shal sowh and evince to be most valide and effectual, and to have bene so frome the begining, and that the sais hail articles given in aganis him ar nothing bot groundles informatiouns and wrong and calumnious suggestiounes."

205. "Ane nott of Sir James Lundy his hail proceidar how he . . . . 1st July 1634.

Wmquhile Johne Lundie of that Ilk, brother germane to the said Sir James Lundie, deceisit in anno 1605, at the quhilk tyme vmquhile James Lundie, eldest sone and air to the said vmquhile Johne, was be advyse of freindis mariet upone Katharine Lyndesay, sister to Johne, Lord Lyndesay, tua dayis befor his fatheris deceis without proclamation for eschewing of the ward and marie, and at the same tymie the said vmquhile John Lundie of that Ilk, be his letter will and testament, maid and constitut William and Johne Lundeis, his sones, his onlie executouris and intrumittouris with his guidis and geir, quhilk extendit to the sowme of 30 thousand markis and abone.

Now, after the deceis of the said vmquhile John Lundie of that Ilk, the freindis of the hous, finnind the said vmquhile James Lundie, eldest sone [and] air to the said vmquhile Johne, vnhaible to governe his awin estait and so minor in understanding thocht nocht in yeiris, the saidis freindis maid choise of the said Sir James, his uncle, to quhome thay committit in trust the governement of the hail estait and bairnes with this condi-
tioun that within sewin yeiris thairefter he suld releive the landis of the haill dettis and provyd the haill bairnes, quhilk the said Sir James promeissit to do in presence of famous witnesses omni exceptione majore.

Now, at his first entrie to the governement of the estait he makis the haill dettis licht upone the plenisching, quhilk wes lef, as said is, to William and Johne Lundies, and pat thame both furth of the cuntrie to fecht for thair leiving. Thairefter umquhile James Lundie, his mariag nocht being ordourlie done, was challengit be the Thesaurar for the tyme, for the quhilk Johne, Lord Lyndesay, componit with the Thesaurar for ane thousand punds, and thairefter desyrit the said vmquhile James Lundie, his brother in law, to pay the said sowme to the Thesaurair to the end that he mycht tak the gift of the waird in his name, quhilk the said vmquhile James, be advyse of the said Sir James, his uncle, refuissit to do, quhairupone my Lord Lyndesay did tak the gift of the waird in his awin persone and so refuissit to pay ony tocher at all. Wpone the quhilk refuissall Sir James did steir his awin tyme and so to circumveine the simpill man cumes to the said James and schew him how uncorteouslie his gudbrother, my Lord Lyndesay, did use him in taking of his waird and mariag, and that seing the said Lord Lyndesay did refuis to pay ony tocher it was na resone to infeft Katharine Lyndesay, his lordships sister, in any conjunctfie, quhilk the said vmquhile James Lundie, hir spous, was obleist to do be contract of mariag and schew him that the onlie way to eschew that infeftment wes to resigne the haill landis in his majesties handis in favours of the said Sir James and so he having no land . . . . . . infئت his vye in conjunctfie. The simple man upone . . . . . . promeis to repone him in his awin place agane quhensoever he . . . . . . so, and so the said Sir James wes infeft in the haill landis . . . . . . ony bak band and so remanit in possessionn of the saidis . . . . . of auchtene yeiris applying the haill rent thairof to his awin use . . . . . . syve scoir chalderis victual i yeirlie (exceptand onlie intertenem . . . . and the lady and nocht havand ane servand to attend thame. So the . . . . . . said Sir James miscariage to thame both the lady deceissit the . . . . in anno 1620, quhilk wes fyftein yeiris efter the said Sir James . . . . nement of the estait and within the space of sex monethis . . . . deceis he did send the Laird himself being of iij yeiris of age . . . . cuntrie to seik his fortoun at the weiris with his uther tua brether, William and Johne, and within the space of ane moneth efter his landin he deceissit.

Than, efter the deceis of the said James, vmquhile William Lundie, his brother, his narrest and lauchfull air, being for the tyme ane capitate in Suadin, heiring of his brotheris death come hame to succeed to his brotheris estait, bot far by his expectancy founds that Sir James, making use of his brotheris simplicitie, had intrudit himself in the land and so wes standing infeft chairin and, befoir he wald denud himself of the land quhairin he wes onlie intrusit, first he takis his haill tocher gud frome
him extending to the sowme of thretie thrie thousand merkis (albeit he was forced to give the same back againe because the said William died within the yeir after his mariage) for payment of his fatheris dettis, for paying of the quhilk dettis Sir James had befoir, as said is, takin frome the said William and Johne thair fatheris haill guidis and geir, extending to the said sowme of fourtie thousand merkis; as also he takis him bund for the payment of tuelf thousand merkis for the plenisching on the Maynes of Lundie quhilk wes ane pairt of that same geir left to him be his said vmquhile father. So that, first, he takis his bairnes parte of geir frome him to pay his fatheris dettis, Secundlie, he takis his tocher gude from him to pay that same dett de novo (albeit he repayed it agane), Thridlie, he causis him by his awin geir bak agane, Fourtlie, for his gud offices done to the hous be his disposition to William the landis he reservis his awin lyfrent of the Maynes of Lundie and forces the said William to tak ane tak bak agane fra him of the said maynes for yeirlie payment to the said Sir James of tua thousand merkis yeirlie during his lyfteyme, quhairby the said Sir James acknowledges in effect that he was onlie put in trust in the saidis landis, yit nochtwithstanding be his disposition to William the said Sir James provydis himself air of tailye failysing aigeris maill of the said William awin bodie, and efter the said Williams deceis nochtwithstanding of the said trust Sir James maid use of the said tailye and obtenit himself infeft de novo in the landis and intromettit with his haill guidis and gear, quhilk wes worth tuentie ane thousand pundis and abone.

And thairefter Johne Lundie, now of that Ilk, brother and narrest and lauchfull air to the said umquhile William, having deit with the said Sir James both be himself and be his honorabill freindis as being trew air, to quhais behuive he wes onlie intrustit, to denud himself of the estait in his favouris he forcit the said Johne, he having naither wreitt nor legall obleisment quhilk culd compell him thairto to yeild to sic conditiones as he craivit, quhilk wes so rigourus as gif the said Johne had bene ane stranger to haif maid conqueis of the landis he culd hardlie bene burdanit with moir strait conditiones; nochtwithstanding the said Sir James in presence of famous witnesses omni exceptione majore had ever profest himself to haif bene ane persone quha in respect of his proximitie of band to the hous had tane doing upone him in trust to the behoive of the trew aires and profest that in effect he wès and wald be ever bot ane chalmerlane to the hous of Lundie, and yit wald never quytt his richt commitit to him in trust bot upone the rigorous conditiones following:—

First he tuik frome the said Johne the sowme of tuentie thousand merkis for payment of his fatheris dettis quhilk dettis suld haif bene payit with the [plen]fisching takin be him fra the saidis William and Johne, as said is, nixt . . . . . . the said Johne obleist to provyd his haill brether and sisteris extend[ing] amangis thame to the sowme of
tuentie four thousand merkis, quhilk wes Sir James pairt till haif done first, conforme to his promeis to the freindis of the hous, as said is, at his first entrie in trust to governe the estait nixt as universall intromettour with the said wmquhile Williams guidis and geir quhilk belangit to his saidis brother and sisteris as executouris to him; than he takis the said Johne obleist to pay the said Williamses hail dettis, extending to the sowme of sewn thousand merkis; moir he forces the said Johne to by the plenisching of Lundie, quhilk belangit to himself first as executour with the said William to his father and nixt as onlie executour to the said William, seing he provydit the rest of the bairnes to the sowme abonewritten. And last of all he takis him obleist to warrand him at the handis of all persones quhatsumever havand entres or may challenge him for quhatsumever thing as being ane Laird of Lundie or intromettour with his father and brother their guidis and geir. And nochtwithdrawst of his intromission with the said vmquhile Williams guidis and geir he hes nocht nor will nocht conforme the said Williams testament, and in respect of his refuisall the procurator fiscall of the Commissariat of Sanct Androis hes disponit his guidis and geir to ane stranger and brocht the saids Jhon in that inconvenienc to pay the hail sowmes contenit in the said testament because Sir James hes him obleist to warrand and kelp him skaithles thairof at all handis, lyk-as he hes maid intimatioun to him under forme of instrument to warrand him thairof according to his band. And mairour in the dispozioun maid be him to the said Johnne of the landis he reservit his swin lyffrent of the Maynes of Lundie and hes set the said Maynes to the said Jhoun in tak for yeirlie payment to him of tua thousand merkis during his lyftime. All thir foresaidis obleismentis the said Johne was forcit to grant to befor the said Sir James wald denud himself of the landis qubar in he wes put in trust. Qhilk trust and his professiun and confusion of the samyn the said Johne offerrit him to preive, as said is, quhilk being provin it followis necessar of the law that all the foresaid strait conditiones and obleismentis man be presumit to have bene extortit out of the said Johne in debite et sine causa seing the said Sir James can not condessend upone nor qualifie ony trew caus of the granting thairof for the quhilk the said Johne was dettour to him alliunde bot onlie to mak him denud himself of the said estait quhilk wes dew into him and quhilk he wes obleist to do without ony gratitud or gud deid.

And farder the said Sir James Lundie forced the said Johne Lundie to undertake the payment upoun him of thretteine thousand merkis for byrun spuilyes of the teyndis of Lundy quherwith he intrometted himself."

(Signed at the foot) JA. GALLOUAY.

1st and 2nd July 1634.
instance of Mr Andrew Ramsay, in terms of his complaint narrated Notes of three
ante, p. 317, (1) on 1st July, 1634, against the Earl of Linlithgow, both
at his dwelling place and the market cross of Linlithgow, to compear
before the Council on 8th July; witnesses, James Erskene, merchant in
Edinburgh, and John Heart, son of John Heart, messenger there; (2) on
the same day against Alexander, Lord Elphingstoun, and John Livingstoun
of Hayning, at their dwelling places of Elphingstoun and Hayning, to
the same effect and before the same witnesses: and 3) on 2nd July,
1634, against the said Lord Elphingstoun and John Livingstoun at the
market cross of Striviling before the same witnesses. On the back
there is noted a scroll of the decision of the Lords in the case.

207. Notes of two executions on 2nd July, 1634, by John Kilt, 2nd July 1634.
messenger, of a summons at the instance of Mr John Stewart, sir of
Ladywell, commissary and bailie of Dunkeld, (1) against James
Banerman, citizen of Dunkeld, personally apprehended, to appear
before the Council on 8th July instant; witnesses, Robert Mwray,
citizen in Dunkeld, and Gilbert Hendrie, messenger; and (2)
against James Moncur, citizen, and Thomas McNab and D avid Cwymig,
notaries in Dunkeld, all personally apprehended, as witnesses in the
case; witnesses ... (torn) ... of Drumacars, William Sellar in
Inshewin and Gilbert Moncreif ...

208. Supplication by Fergus Grahame of Blaatzwood for a protection, 3rd July 1634.
as narrated ante, p. 296. [On the back] "Apud Edinburgh, 3 July,
1634. Fiat ut petitur to this day eight days. GEO: CANCELL."
Grahame of
MORTON, GLASGOW, WIGTOUN, JO. ROSEN.

209. Supplication by George Ker, tailor, burgess of Edinburgh, 3rd July 1634.
respecting James Foorde, his apprentice, as narrated ante p. 295. [On
the back] "Apud Edinburgh, 3 Julij, 1634. Fiat ut petitur. GEO:
CANCELL. I.P.D."

Session of Leith and others and Mr William Wishart, regarding the
preceptory of St. Anthons, printed ante p. 296. Signed by GEO.
CANCELL. MORTON, GLASGOW, ERROLL, WIGTOUN, KINGORNE, ANNAN-
DAILL, LAUDERDAILL, STERLNE, SOUTHESK, and TRAQUAIRE.

211. Summons at the instance of Griffon Wmkills against Henrie
Grinlay, as narrated ante, p. 301; dated at Edinburgh, 3rd July, 1634,
and signed JA: PRYMOIS. On the margin there is a short note
of the hearing of the case on 8th July.

212. Charge at the instance of Mr James Raithe of Edmestoun against 3rd July, 1634.
Patrick Edmestoun of Wolmet for obeying the decret of the Council of 17th June last (ante, p. 316), which he is refusing to do, and which, if he do not obey within three days, he is to be put to the horn; dated at Edinburgh, 3rd July, 1634, and signed Ja: Prymbois.

3rd July 1634.

Charge to John M'Crystie of Munhill to appear before the Council.


3rd July 1634.

George Ker and his apprentice.

214. Finding of the Lords upon the supplication by George Ker, tailor, burgess of Edinburgh, for the apprehension of James Ford, as narrated ante, p. 295.

c3rd July 1634.

Deed of ratification by Mr William Wishart, parson of Restalrig, narrating that his Majesty on 16th July, 1630, granted to him a presentation under the Privy Seal for life to the preceptory of St. Anthonis beside Leith with all lands, duties, teinds and other pertinents thereof so far as they have been known to belong to the said preceptory or hospital of St. Anthonis with the site thereof and of its kirk and kirk-yard and other yards and orchards, where they stood of old, together with all sums of money and other payments mortified and doted thereto in time past; and being most willing to secure the session, elders, deacons, members, and incorporation of the said session of the south kirk of Leith and their successors for ever in name and behalf of the poor of the hospital thereof in whatever thereof they were provided by his present Majesty or his father, he therefore ratifies and approves a charter under the great seal dated at Quythal, 2nd March, 1614, by King James the Sixth to the ministers, elders, and deacons of the Session of the said Kirk of Leith and their successors in behalf of the poor of their hospital of all lands, duties, and all other pertinents of the said preceptory or hospital of St. Anthonis beside Leith; and he renounces all action he has for reduction of the said charter and all infeftments and deeds following upon it. There is added a procuratory of resignation, but the deed is not dated, signed nor attested.

4th July 1634.

Note of execution by James Bisset, messenger, on 4th July, 1634, of charge by Mr James Reath of Edmestone against Patrick Edmestone of Wolmet at his dwelling place. (See No. 212 supra); witnesses, Patrick Symson, servitor to the said Mr James Reath, and Robert Diksone, servitor to the said Patrick Edmestone.
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217. Note of execution on 4th July, 1634, by John Kilt, messenger, at the instance of Mr John Steuart, bailie and commissary of Dunkell, against Mr Andrew Creychtoun, schoolmaster in Dunkell, and William Ross, notary there, both personally apprehended, to comppear before the Council on 8th July instant, as witnesses anent the riot committed by James Banerman in Dunkell against Mr John Steuart; witnesses, Mr William Glas, minister there, and Patrick Toschach there. In an appended list of five witnesses other three names are given, Thomas McNab and David Cumming, notaries, and John Hendersoun.

218. Note of execution on 4th July, 1634, by John Kilgour, messenger, at the instance of Mr Alexander Innes, parson, vicar and minister at the kirk of Rothiemay, against Catreen Forbes, Ladie Rothiemay, to comppear before the Council on 22nd July next (see ante, p. ); witnesses, Richard Craig in Aberdin, and John Kilgour, younger, in Old Aberdin.

219. Supplication by Robert Keith in Garvell, as narrated ante, p. 304. [On the back] "Apud Edinburgh, quinto Julij, 1634. Fiat ut petitur. HADINTON." Also note of execution on 7th July, 1634, by William Dowglas, macer, against William Dick, William Gray, and William Reid, one of the bailies of Edinburgh, for himself and in name of the remanent magistrates, personally apprehended, to appear before the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the margin the proceedings in the case on 10th July, and a scroll of the decision itself is drafted on the back.

220. Note of execution of summons by George Andersone, messenger, on 6th and 7th July, 1634, at the instance of John, Earl of Mar, lord of the lordship of Carderous [Cardross], against Sir John Ogilvie of Innerquharitie, knight, and George Ogilvie of Fornatie, both personally apprehended, to appear before the Council on 17th July; witnesses, John Simsone, traveller, Robert Alschunder, servitor to the Laird of Innerquharitie, and William Couper, servitor to the messenger.

221. Note of execution at 7th July, 1634, by Thomas Paterson, messenger, of summons at the instance of Griffine Wmkillis of Harnane in the county of Northumberland, against Henry Grinlay in Hawthornsyke, at his dwelling house there, and also at the market cross of Linlithgow, to appear before the Council on 8th July instant; witnesses, John Grinlay, father of the said Henry, and John Abernethie, James Kewing, messenger, and Thomas Tailyeour, indweller in Linlithgow.

222. Note of execution on 7th July, 1634, by Andrew Dunbar, 7th July 1634.
messenger, of summons at the instance of Robert Dunbar of Burgie against William Gordon of Arradoull and now of Knokespok at his dwelling place there (who, not being able to get personal access, delivered the charge to Helen Gardin, his spouse), to compair before the Council on 24th July instant; witnesses, William Tailzeour in Burgie, and Andrew Pakman, servitor to the messenger.

7th July 1634. Note of two executions on 7th July, 1634, by William Middletone messenger, of summons against Thomas Stewart (deleted), James Alexander and Henry Merser to appear before the Council on 24th July; witnesses, John Gordon in Fordyce, William Synone in Midhill, and Walter Fraser in Aves; and (2) against Mr Thomas Mortimer in Breidheuch, John Din in Midhill, Walter Walker in Ryland, Andrew Baxter, William Myll, James Merser, John Allane in Garrallmane, Andrew Elis and Andrew Paterson, as witnesses in the same case; witnesses, Walter Fraser in Avey, George Davidsone in Banff, and in Fordyce.

7th July 1634. Summons at the instance of Elspeth Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburgh, and Mr Gabriel Rankene, now her spouse, against John Maxwell of Castlemilk, as narrated ante, p. 347; dated 7th July, 1634, and signed Ja: Prymos. On the margin is noted the hearing of the cause on 1st August, 1634, and on the back note of execution as in No. 263 postea.

7th July 1634. Letter of the Steward of the Steward of Anndalde to the Council, against John Irving, accused of sheep-stealing.

225. "Rycht nobill and potent, Pleas your lordships—Qubahrajs Johnne Irving in Awchinsfort, parochine off Drysdail, being suspect off thift and ane great number off sheepe beand stollin at several tymes frae the minister of the said parish and sundrie utherres honest men his utherres—qabilis honest men accompanied withe the searchares appointit be his Majesties Commissioneres off the middillschyres for the said parochin off Drysdail and certane utherres honest folkis and utherres come to the said Johnne Irving his houe to rype for their sheepe, quhais haweing denyet all wes laid be thame to his charge, the saides searcharies rypit his howses and fand hid privatlie thairin ane sheepe new slaine togidder withe the skin qhillik Johnne Johnnestoun in Clewcheidis, ane off the honest men quhais wanted thair sheepe, kew to be his awin be the mark and burne of the same; and lykways they fand uther sax sheepe skinnes hid togidder with twa pokefulles off wooll and ane great number off sheepe bonnes hid under ane bed; and the said Johnne Irving, being presentit be the saides searcharies to me as steward off Anndalde, I, quhill farder treyll had been takin thairanent, committed him in the pledge challmmer off Drumfreis; quhais, upon sinisterous information to your Lordships, he purchasit his Majesties letters chargeing me to compeir befoir your Lordships to
heir and see him put to libertie as being innocent off these crymes foirsaidis. Qubahfoir these ar to schawe your Lordships that the detaining off the said Johnne Irving in waerd was onlie upon forder tryall off his malefactes, the countrie being oppressit be the suche pyk . . . . theesse swa that gewe sik practes be observit in putting to libertie such persownes committit for the lyk crymes it will encouragge thame swa to continew in their . . . . thift as that it sall not be possibill for honest men to preserve their bestiall unstollin. And swa remitting these to your Lordships . . . . . . I humblie tak my liewe and remaines, your Lordships servitor, DINVODIE."

Dated at "Dinvodie, the 7 of Julij, 1634."

Addressed "To the verry honorabill and nobill Lordis, the Lordis of his Majesties Secret Cownsell."

226. Supplication by John Murray, one of his Majesty's serviters, as 8th July 1634. Supplication by John Murray, one of his Majesty's serviters, for a summons against John Howie, tailor, burgess of Edinburgh, for payment of £16 or thereby, which he alleges he spent for furnishing on the supplicant's account in his Majesty's service while his Majesty was lately here, he being an underservant in the supplicant's service, but he did so without any warrant. Yet he is willing to make him all the satisfaction that lies in his power and to assign him so much of the fees due to him for his service of which he has as yet received nothing. He therefore craves that their Lordships would cite the said John Howie before them to this end. [On the back] "Apud Edinburgh, octavo Julij, 1634. Fiat ut petitur. Ad. B. of Dunblane." Also note of execution by Mr William Dowglas, macer, on the same day of the citation against the said John Howie at his dwelling house; witnesses, James Dowglas, macer, and James Dowglas, Admiral officer. On the margin is noted "xy Julij, 1634. Parties personalie. Ordains John Murray to be returnit to his waerd."

227. Supplication by Christian M'Caitnay, indweller in Edinburgh, 8th July 1634. Supplication by Christian M'Caitnay, indweller in Edinburgh, for summons against Susanna Paterson, whom she accuses of illegally warding her bailies there, and had her taken with violence to prison. Here she remains like to starve, although she has injured no one and has been unwarrantably apprehended, being his Majesty's free liege. She craves summons against the said Susanna Paterson and the bailies. [The indorsement on the back is torn away, save the signature] HADINTON. There is a note of execution by Mr William Dowglas, on 8th July, 1634, against the said Susanna Paterson, also against the said James Symesoun, delivery being made to his servant, William Brock, for their compearing before
the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. On the margin there is noted "xxv July; parties personally: Ordains Christiane McCaitney to be returned to her ward."

228. Note of two executions by Robert Merrieleyis, messenger, of a summons (1) on 8th July, 1634, against James Douglas, elder in Lugtoun, personally apprehended, to appear before the Council on 10th July; witnesses, James Briges, David Bruges and John Stevin, indwellers at Dalkeith: and (2) on 9th July, 1634, against John Neiving in Herdane . . . ., Arthur Stratoun, W.S., in Edinburgh, James Aitkin, writer there, and Archibald Douglas, servitor to Oliphant, sheriff-clerk of Edinburgh, all personally apprehended, as witnesses in the same case; witnesses, Robert Clerke, servitor to the said John Neiving, John Gourlaw, servitor to James Dowglas, macer of the Privy Council, John Stewart, writer in Edinburgh, and another . . . . officer there.

229. Scroll of the Acts of Council upon 9th July, 1634, relating to the matter of Griffon Wmkills and his stolen cattle, as narrated ante, p. 301. There are also written on the paper the following names:— "Robert Maxwell of Dinwodie, Adam Carilell of Brydkirke, Androw Murray of Murrinhat.

230. Summons at the instance of Mr William Clogie, minister at Innerness, and the provost and bailies of the said burgh, against John Rid and others in the complaint narrated ante, p. 342; dated at Edinburgh, 9th July, 1634, and signed JA: PRYMBOIS. On the margin there is noted "Ultimo Julij, 1634. The minister and Duncan Forbes personalie: the defender present, Francis Duff with . . . Primo Augusti, 1634. The Lordis recommendis to the Bishop of Glascu and Sir Robert Gordoun . . . ."

231. Summons at the instance of Andrew Hay, W.S., narrating that on 14th and 15th November last Robert Scot of Dryhope, as principal, and Samuel Cockburne of Henderland and Andrew Scot of Howden as cautioners, were put to the horn at his instance for not paying him 2400 merks with due interest, £40 of penalty and £225 of expenses, which they disregard, and charging these persons to appear before the Council on . . . . at Edinburgh. Dated 10th July, 1634, and signed JA: PRYMBOIS.

232. Note of executions by Patrick McAwlay, messenger, of a summons at the instance of Bessie Wright, widow of Duncan Buchanan of Casly [sic], as narrated ante, p. 327, (1) on 11th July against John Grahame of Blairnessnoch, personally apprehended in presence of Walter Buchannan of Drummakill, Edward Buchannan of Spittall, and John
233. Note of two executions of summons at the instance of John Lundie of that Ilk and others by James Leslie, messenger, (1) on 11th and 13th July, 1634, against Sir James Lundie, personally apprehended within the burgh of Edinburgh, before John Lundie, servitor to John Lundie of that Ilk, and James Murheid, writer in Edinburgh; and (2) on 13th July against Sir Robert Hackat of Pitfarrane, knight, and [James Hamilton] of Kilbrachmont as witnesses, both personally apprehended, before James Angus and . . . , servitors to the Laird of Pitfarrane, . . . John Skene, clerk to the Lords of Session, and Walter Burne.

234. Summons at the instance of Sir Thomas Hope of Craighall, 12th July 1634. King's Advocate, and Mr Peter Kennowie of Kettlestoun, against the provost and bailies of Linlithgow, as narrated ante, p. 320; dated 12th July, 1634, and signed Ja: Prymois. On the back there is a note of the hearing of the cause.

235. Summons at the instance of John, Earl of Wigtoun, and Sir Thomas Hope of Craighall, King's Advocate, against Thomas Porteous of Glenkirk and others, as narrated ante, p. 324; dated at Edinburgh 12th July, and signed Ja: Prymois. On the margin is noted "17th July, 1634, persewers personallie with Thomas Porteous. The Lords continewes the mater till Tuisday nixt, and ordains the persewers to give the defender a full copie." Also a note of the finding on 22nd July.

236. Summons at the instance of John Lundie of that Ilk against . . . to comppear and testify as witnesses in the mater of his com- plaint against his uncle, Sir James Lundie, and also against the said Sir James himself; dated at Edinburgh, . . . July, 1634, and signed Ja. Prymois. On the margin there is noted the proceedings in
Council upon 17th July, when the parties submitted their differences to arbitration. (See postea, p. 647.)

18th July 1634.
Notes of two executions by James Mwdy, messenger, on 13th July, 1634, of a summons in the complaint narrated ante, p. 323, against (1) David Andirsoune of Byris, Margaret Tassie, his mother, Thomas Allane and Ninian Hamilton, her servitors, all personally apprehended, to appear before the Council on 22nd July; witnesses, John Andirsoune in Balschagrie, John Andirsoune, son of the complainant, Andrew Mwrisoune, servitor to the goodman of Duchald, and John Lock in Meikle Govane; and (2) against Andrew Younger in Partick (this name deleted), James Crawford there (p.), William Crawford in Meikle Govane (p.), Thomas Rowand there (p.), John Craig (p.), John Hamilton (p.), John Arthur (p.), Thomas Hill (p.) John Drew and John Scott, as witnesses, all personally apprehended, before the same witnesses. On the back there is a scroll minute of the hearing of the case.

14th July 1634.
Note of execution of summons at the instance of John Lundie of that Ilk, on 14th July, 1634, by Alexander Johnstoun, messenger, against Mr Patrick Lyndsay of Wollmerstoun, personally apprehended, and also Mr William Scott, minister at Cuper, at his dwelling house there, to come before the Council on 17th July instant, to testify what they know touching Sir James Lundie's behaviour in the trust concerning the estate of Lundie and the late Laird of Lundie's children; witnesses, Mr John Lyndsay, lawful son of the said Mr Patrick Alexander Brunton, servant at Wolmerstoun, witnesses at Cuper, James Litilljhone, servitor to David Andersone, common clerk in Cuper, and Thomas Johnstoun, the messenger's son.

14th July 1634.
Summons at the instance of the magistrates of Linlithgow on a counter complaint by them against Mr Peter Kennowie of Kettlestoun, James, Mr Alexander and John Kennowie, his sons, James Mairshill, his servant, John Nemo, younger, in Dechmont, John Dick there, James Henrysone there, Andrew Nemo there, John Nemo, elder, there, John Ramsay, younger, there, James Johnstone there, Peter Zett there, James Burd there, John Thomson there, Duncan Flemmyng in Lochcoitte and Patrick Naper, servitor to Duncan Mure in Balsyde, for their compeare before the Council on 17th July. The complainers represent that they and their predecessors have been and are in possession of their burgh mill, with the damheads and water gangs thereof, and have been in use every summer yearly of cleansing their dams and damheads from all sand and other things that would impede the flow of the water to their mill. On 26th June last, the persons above named and others came to the complainers’ said mill, and
"maliciousalie threw and kuist threttie turse of whinns in their water
gangs with a great number of hudge and great stones thairupon," thereby
interrupting the passage of the water, and that of purpose "to have
sandit thair damme and to have dimolished and castin doun thair
damme haid to the great hurt of our said burgh, the said myyne being
the best part of thair common good." On getting information of what
had been done some few of the council went out to see what was
going on, peaceably and quietly, and to make civil interruption, which
they did, and the said James, Mr Alexander and John Kennowie, being
present, seemed content therewith and that the matter should be com-
pose between them by friends and neutral parties. [Here the document
is much torn and parts are wanting, but from what is left it appears that]
Mr Peter Kennowie, having been sent for, declared he would have the
matter settled by law. And that same night he went to their mill and
water gang and threw the whole foresaid stuff in. When, on the
11th instant, the complainers went to clear their water gangs, James
Mairshell, "with ane weedoke in his hand," threatened the men thus
employed with many fearful oaths; and when the burgh treasurer called for
Mr Andrew Kenowie] to witness how that they were interrupted from
"redding," the said Mr Andrew "dispytefullie strake him upon the face,
threw his mout . . . . . . be the gorret, and to have suffocat him.
And whereas William Smith and Robert . . . . . the toun, prest to
had aff the saids James Mairshell and James Kennowie, they str . . .
. . . docke, gave thame a number of straiks upon thair heads and bodies
to the effusion of thair [blood] . . . . . Charge is also to be given to
James Kae of Corelotts, . . . . . James Broun there, Henry Mack
there, Robert Quhyt there, . . . . . and William Livrance, younger,
his son, to compare as witnesses in the matter. Dated at Edinburgh,
14th July, 1634, and signed JA: Prymois. On the margin is noted
the hearing of the case on 17th July, and its reference to the Marquis
of Hamilton.

240. Note of seven executions by Patrick Strachone, messenger, in 14th and 15th
the action at the instance of Mr William Clogie, minister at Inverness,
and the provost and bailies thereof, against John Rid, narrated ante,
p. 342; (1) On 14th July against Donald Fraser in Kinmyllies, William
Cuthbert . . . . of Inverness, and William Steinesone, burgess there, all
personally apprehended, to appear before the Council on 29th July,
witnesses, . . . . . Bayne McAnie Chyll and Andrew McBeine, his son,
at Inverness, burgesses of Inverness; (2) On the same day against Donald Fraser
. . . . . (torn) . . . . . witnesses, Alexander Gresone . . . . . ; (3) on
the same day against John . . . . . at his dwelling house where Sarah
Cuming "his pair" . . . . . witnesses, Alexander Greison, younger, and
Alexander . . . . tailer in Inverness, John McMillar there, and James
Cuthbert, younger; (4) On the same day at the market cross of [Inverness]
against Andrew Fraser, commissary of Innerness, and John Reid, witnesses, John Cumming and Thomas Waus, burgesses of Innerness; (5) On 15th July against John Dunbar, Hemprigges; witnesses, James Ross, servitor to John Anderson, . . . ; (6) On the same day at the market cross of Forres against . . . . , witnesses, James Dunbar of Bogges, and James Ross, servitor to John Anderson, messenger; and (7) On the same day against Alexander Taillzour, burgess of Innerness, Donald McAne McAndrew there, Thomas Murray . . . . . Cuming, burgess there, William McConchie, burgess there, David Cuming there, Alexander Greisone there, William . . . and James Gray, burgess there, as witnesses, all to appear before the Council, witnesses, Alexander McVillar and Alexander Grisone, elder. On the back is a scroll of the decision of the Lords in the case.

15th July 1634. Patent Edmondston of Wolmet, against Mr James Raith of Edmondston.

15th July 1634. Supplication by John Tochocht, and note of execution against Mr James Farquharson.

241. Extract Decreet of Council of 15th July, 1634, in the action by Patrick Edmeystoun of Wolmet against Mr James Raith of Edmeystoun. [Unsigned.]

242. Supplication by John Tocheoche, as narrated ante, p. 317. [On the back] “. . . . decimo Julij, 1634. . . . . Mr James Ferquhasone to be wairnitt. GEO: CANCELL. I.P.D.” Also note of execution by Mr William Dowglas, macer, on 15th July, 1634, against Mr James Ferquharson, personally apprehended, to appear before the Council this same day; witnesses, Mr Thomas Nicolson, younger, advocate, and Harie Osburne, writer in Edinburgh. On the margin is noted the hearing of the case the said day.

243. Supplication by John, Earl of Rothes, Sir David Crichtoun of Lugtoun, Sir George Hamilton of Blaikburne, Andrew Ainalie and George Arnot, merchants, burgesses of Edinburgh, and Alexander Cowane, burgess of Stirling, as follows:—In terms of their Lordships’ ordinance they have equipped a gentleman as their commissioner to go to Hamburg and prosecute their claim against Captain Utenhold and Captain Longue for the cruel and barbarous slaughter, depredation and spoliation committed by them upon the late Captain Robertson and his company and ships, to the dishonour of the country and great loss and prejudice of the suppliants, not only through the loss of these persons and ship and goods but the expense of prosecuting this matter at Court and otherwise. If the hearing which is now to be granted is protracted the loss will be still greater, and they therefore crave from their Lordships a letter to the States to press them to give the suppliants fair and speedy justice. [On the back] “Apud Edinburgh, decimo quinto Julij, 1634. The Lords ordains letters of recommendation to be drawin up in favours of the suppliants to the Senate of Hamburg recommending the suppliants and their caus to the said Senate in
244. Extract of the Decree of the Lords on 15th July in the case of John Toshoch, printed ante, p. 317.

245. Copy of the Decree of the Lords dated 15th July, 1634, in the case of John Robertson of Blettone and others, as narrated ante p. 317.

246. Supplication by John Dumbar of Moynes and Robert Dumbar apparent thereof, as narrated ante, p. 317. [On the back]. "... (torn) ... Julij, 1634. The Lords, upon considerable occasions moving thame, grants protection to the supplicants their persons unto Martymes nixt, reserving always libertie to thamselfes for the same at the instance and upon the complaint of pairtys the supplicants being first lawfullie wairnit thairto. Geo: Cancell; Morton, Glasgow, Erroll, Wintoun, Kingorne."

247. Certificate by Mr James Sharpe, minister at Govan, to the Lords of Council that Margaret Tasi in the parish of Govan is unable to travel either on horse or foot on account of her age and other infirmities without endangering her life. Signed at Govan, 16th July, 1634, by the said minister and William Craufurd, elder, Steven Pawan, elder, and John Maxwell, elder.

248. Summons at the instance of Sir William Dawglas of Cashogill against Mr George Dawglas of Penzerie, as narrated ante, p. 344; dated July, 1634. [The deed is much mutilated and wasted.] On the margin is noted a scroll of the hearing of the case, and on the back this is continued; where there are also three notes of executions of the summons—

1. On 18th July by John Norwell, messenger, against Mr George Dowglas of Penerie and Andrew Dalrumpil, wright, and Isobel Ramsay, his spouse, all personally apprehended, to appear before the Council on 29th July instant; witnesses, William Herreis, indweller in Edinburgh, Walter Herreis of Knockinschenache, and Mr Thomas Gray, indweller in Edinburgh;

2. On 21st July, by Alexander Gibsone, messenger, against Elizabeth Johnstoun, Robert Poill, her son, and Mr Thomas Ramsay, now her spouse, as above; witnesses, William Hamilton, notary, and Herbert... [torn]... merchant burgess of Dumfreis;

3. On 22nd July by Thomas Black, messenger, against John Menzeis of Castellhill, to the same effect; witnesses, Robert Kennedie, lawful son of William Kennedie in Cottenhous, and another [name illegible and torn] in Inglistoun.
249. Note of four executions of summons in the action between Mr Peter Kennowie and the town of Linlithgow, narrated ante, p. 320. (1) On 16th July, 1634, by William Leverence, messenger, against Mr Peter Kennowie of Kettelstoun (p.), James (p.) and John (ab.) Kennowie, his sons, at their dwelling place, . . . sone, at his dwelling house in Northbanck, James Merschell (p.), servant to . . . John Nemo, younger in Deachmont (p.), John Dick there (p.), James Hend . . . , also Andrew Nemo in Deachmont (p.), John Nemo (p.), elder there, John Ramsay (ab.), younger there, James . . . . Buirde (p.), there, John Thomson (ab.), there, and Duncan Fleming in Loichvittiis, to compear before the Council on 17th July instant; and also at the market cross of Linlithgow on the same day against the said Mr Peter Kennowie, James, Mr Alexander and John, his sons, James Merschell, his servant, John Nemo, younger, John Dick, James . . . ; witnesses, Thomas, Gildow in Linlithgow, James and Henry Broun in Deachmont, William Leverance, son of the messenger, William Inglis, merchant, John Bortheuck and Thomas Ducchell, town officers, and John Glen, merchant, burgess of Linlithgow: (2) On the same day by the same messenger, against James Kae of Crocelattis (ab.), Richard Balderstoun (ab.), James Eistoun (p.), James Broun (p.), Henry Mak (p.), Robert Quyyte (p.), and Robert Bell (p.), as witnesses, to compear as above; witnesses, Henry Cuper and William Leverence, younger: (3) On 17th July, 1634, by the same messenger, against . . . in Bailsyde; witnesses . . . Bortheuck in Linlithgow and William Leverence, younger; and (4) On 17th July, 1634, by William Hendersone, messenger, against William Leverence, notary (p.), and William Leverence, younger, his son, as witnesses, to compear as above; witnesses, Mr Alexander Cumying, advocate, and Mr John Wardlaw in Libertoune.


251. Extract Act of the Council in favour of Mr Alexander Skene, printed ante, p. 322. Extracted and signed by JACOBUS PYMROIS.

252. Submission in presence of the Lords of Secret Council at Edinburgh on 17th July, 1634, by John Lundie of that Ilk, on the one part, and Sir James Lundie, knight, his uncle, on the other part, both comparing personally, of the matters referred by the petition of the said John Lundy to his Majesty concerning the proceedings and behaviour of the said Sir James to him and his brothers since the death of the Laird of Lundie, their father, to the arbitration of Mr Thomas Nicolson, elder,
advocate, and Mr Alexander Gibsone of Durie, chosen by the said John Lundie, and to Mr David Prymerose, advocate, and John Gibson, one of the clerks of Session, chosen by the said Sir James Lundie, and they craved that in the event of their disagreement their Lordships would make choice of an oversman. The parties promise to abide by the decision of these judges; and the Lords ordain all of them to appear before them on the 29th July instant and report their proceedings.

253. Supplication by James Spence, merchant burgess of Edinburgh, 17th July 1634. narrated ante, p. 328, craving the citation of William Thomesone. [On the back] "Apud Edinburgh decimo septimo Julij, 1634, Fiat ut petitur, GLASGOW." Also note of citation by Mr William Dowglas, mazer, on 22nd July of the said William Thomesone, personally apprehended, to compear before the Council the said day; witnesses, John Farholme and John Binning, merchants in Edinburgh. On the margin there is noted the compearance of the parties on 22nd July, when the Lords continued their protection to James Spence till the 29th (Tuesday next) provided he appeared on Thursday with the auditors and made report of his diligence since his last protection; also the finding of the Lords on the 24th July.

254. Note of Execution by George Ker, messenger, on 17th July, 17th July 1634. 1634, against Robert Scott [of Dryhope] .... [Cockburne of Henderland and Andrew Scott of Howdene, all personally apprehended, and also at the market cross of the burgh of Selkirk, to compear before the Council on 22nd July; witnesses to the charging of Dryhope and Henderland, James Hecfurd, burgess of Pobles, and Thomas Pringill, tailor there, to the charging of Andrew Scott, Walter Scott, brother to Dryhope, and Robert Ogilvie, messenger in Jedburgh; and to the charging at the market cross, James Murray and Mr William Wilson, messengers, burgesses of Selkirk.

255. Supplication by the provost, bailies, and Council of Aberdein in 17th July 1634. reference to the calsey of Cowiemont, as narrated ante, p. 322. [On the back] "Apud Edinburgh, decimo septimo Julij, 1634. Fiat ut petitur, Cowiemont. the supplicants always upholding and interteening the worke during the yeares of the commissioun. GEO: CANCELLS, I.P.D."

256. Extract of the Decret of the Lords of Council in regard to 17th July 1634. the supplication of the burgh of Aberdeen about the causeway of Cowiemont, as narrated ante, p 322. [Much mutilated.]

257. Supplication by Fergus [Grahame] of Blastwod, for an extension 17th July 1634. of his protection, as narrated ante, p. 322. On the back [date, etc., torn away] there is noted the decree of the Lords signed by GEO: CANCELLs., by Fergus
258. Supplication by James Crawfurd, goldsmith, burgess of Edinburgh, as follows:—James and Robert Peirson have long pursued an unjust action against him and instead of taking true trial have stolen advantages against him under protestations. On 1632, while he was in the Court of Session producing witnesses against them, they seized upon him and with cruel treatment carried him to ward. The Lords of Session, however, after trial of the circumstances, put him at liberty, finding “the place to be asylum and frie girth in respect of the privilege of the house of justice” and farther ordained him to complain to their Lordships of the riot. Again, on Saturday afternoon . . . when he was in the “Laich Cousnall hous, quhilk is ane place of frie girth” . . . . awaiting the expending of the gifts of their escheats in his favour, the said James, in contempt of the house of justice, with a number of the town officers, came and ceased on him, harled him by the hair of his head to have dragged him to high ward, “dang and . . . . . ruff and my hat fra me,” and notwithstanding that their Lordships had granted their escheats to the supplicant. He therefore craves that the said James Peirson and witnesses be cited before the Council. [On the back]—torn away except “Juliij, 1634—Fiat.” Also notes of two executions of citation by James Dowglas, macer, on 16th July (1) against James Peirsounne, personally apprehended at the chamber in Edinburgh of Hew Tod, writer, his master, in presence of the said Hew Tod and Gavin Smaill in Edinburgh: and (2) on 17th July, against Mr Samuel Gray, John Dunlop, Andrew Darling, Magnus Mowat and William Gemmell, all personally apprehended in Edinburgh, as witnesses, to appear before the Council on this present 17th of July; witnesses, Alexander Maxwell and Mark Hamilton, macers.

259. Note of execution by James Grahame, messenger, on 18th July, 1634, of summons at the instance of John, Earl of Wigtoun, and Sir Thomas Hoipe, his Majesty’s Advocate, against Thomas Porteous in Glenkirk, to appear before the Council; witnesses, Andrew Hay, writer in Edinburgh, and George Gray, his servitor.

260. Certificate by Mr James Sharpe, minister at Govan, of the inability of Andrew Younger, parishioner of Govan, to travel without endangering his health, he being now seventy-eight years of age, as by his oath he has declared in presence of the said ministers and these elders of the parish who also sign, viz.—Stevin Rawan (de mandato), John Rollok, elder, John Maxvel, elder.

261. Summons at the instance of the farmers of the Customis and
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John Simson, messenger in Dysart, against William Willamesone in Kirkaldie, &c., as narrated ante, p. 345; dated 19th July, 1634, and signed JA: Prymrois. On the margin is noted the comparsion of parties on 1st August. [Much mutilated.]

262. Summons directed to Laurence Buriall, messenger, at the instance of James Rodger and Alexander Smart, tenants in the lands of Balbrekie, as narrated ante, p. 345; for citing Robert Durie of Easter Newton and others to appear before the Council on 29th July instant; dated at Edinburgh, 19th July, 1634, and signed JA: Prymrois. On the margin is noted the hearing of the case on 1st August; and a fuller scroll of the decree is written on the back.

263. Note of two executions of Summons by Alexander Gibson, messenger, in the action at the instance of Elspet Masion, narrated ante, p. 347. (1) On 19th July, 1634, against John Maxwell of Castelmilk, at his dwelling place of Castelmilk, and also at the market cross of Lochmaben, to appear before the Council on 29th July; witnesses, John Armestrang, messenger, and John Joustoun, son to James Joustoun in Castelhill, of the Water of Milk, also William Torrance, and Christopher Lieitche, burgesses of Lochmaben; and (2) On 22d July, 1634, against Robert Greirsone of Barjarg, at his dwelling place of Barjarg and at the market cross of Dumfreis, to appear as above; John Makgube, servitor to Sara Broun, goodwife of Barjarg, elder, and James Younger there; also Herbert Moriesone, merchant, and James Younger, chirurgeon, burgesses of Dumfreis. On the back is a scroll of the decree of the Lords in the case.

264 Note of two executions on 20th July, 1634, by [Thomas] Moffat, messenger, at the instance of John, Earl of Wigtoun, and others, (1) against ........ Cosser, personally apprehended, in presence of Mr. Robert Johnstone, minister at Glenguhome, Robert Creichtoun of Wigtoun, Quarter and Andrew Aitkyne in Westraw of Biggar; and (2) against Walter Scott in Glenkirk (ad.), Robert Porteous there (ad.), Adam Brydane there (ad.), Adam Bigholme there (ad.), John Boe of Stane (ad.), John Broun in Edmeystoun (ad.) and William Penman there (ad.), all personally apprehended, to appear as witnesses before the Council; witnesses to the second charge the said Robert Creichtoun of Quarter, James Creichtoun, his brother, and the said Andrew Aitkyne in Westraw of Biggar.

265. Supplication by John Lundie of that Ilk, as follows:—In the matters in dispute between Sir James Lundie, his uncle, and the supplicant, their Lordships had directed them to submit the matter judicially to arbitration, but there is nothing done herein upon the pretence of the ament his dis-
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point of the oversman, the design of Sir James being only to protract and delay the matter. The supplicant accordingly craves that their Lordships would cause Sir James to be cited before them to see effect given to the submission, etc. [The docquet is torn and destroyed, but on the back also there is] Note of execution of charge on . . . . July, 1634, by Mr William Dowglas, macer, against Sir James Lundie, personally apprehended, to appear before the Council on 22nd July instant; witnesses, Walter Paterson, writer in Edinburgh, and James Quhyte, son to Arthur Quhyte, writer there. On the margin is noted “22 July, 1634; parties personalie. Sir James nominat Southesk, Durye and the Advocat for oversmen, and declared that before the morn at tuelff of the cloke he sould condiscend upon one of these three to be the oversman, quhairunto the Laird of Lundy consented. The Lords ordains the submissioun to be drawne up with a blank for the name of the oversman to be fillt be Sir James and with a blank for the tyme within the whiche the arbitratorius or oversmen sall determine to be fillt up be the Counsaill upon” . . . [torn] . . . .


266. Summons directed to Mr John Murray, messenger, at the instance of David Bennet, notary in Kirkcaldy, and customer there, narrating that he recovered a decree before the Court of High Commission of the Kirk against Alexander Law and William Williamson, burgesses of Kirkcaldy, and thereupon a decree from the Lords of Privy Council themselves to charge Mr Robert Dowglas and Mr James Simsoun, ministers at Kirkcaldy, to pass to the said Alexander Law and William Williamson and require them to make their address to the Kirk of Kirkcaldy “upon ane Sunday after the afternoons preaching before the skailling of the kirk and there to confess their slandering of the compleanter.” He caused charge Law and Williamson to obey the said decree upon the Sunday appointed by the said ministers, but these persons on frivolous grounds have procured suspension of the charge to a day now long since past, and then as now they refrain from discussing the same. Charge is accordingly to be given to Law and Williamson and the two ministers to appear before the Council on . . . , dated at Edinburgh, 21st July, 1634, and signed JA: PRYMOIS. On the margin is noted “Primo Augusti, 1634. Persewers personalie; the bailleis also personalie; who tooke the first Counsell day of Junij nixt betuix and quhilk tyme they would prove the cryme quhairupon the alledgit scandal is grounded and actit thame selfis if betuix and that tyme they succumbed that not onlie they sall fulfill the decreit of the Commission but underly suche forder punishment as the Consell sall prescryve.”

22nd July 1634. Supplication

267. Supplication by Thomas Broun of Nethereyit against John Broun of Lochhill, as narrated ante, p. 324; [On the back] “Apud Edin-
burgh, 22 July, 1634. *Fiat ut petitur* Hadinton.” Also a short note of the decree of the Lords in the matter.

268. Supplication by Henry Levingstoun of Greenyards, his brother, has obtained a protection from their Lordships to enable him to satisfy his creditors. He is his said brother’s cautioner in all his burdens and must therefore cooperate with him, but dare not remain in this burgh without a protection, which accordingly he craves. [On the back] “Apud Edinburgh, 22 July, 1634. *Fiat ut petitur* for the tyme granted to his brother. MORTON, GLASGOW, WINTOUN.”

269. Note of execution by Thomas Allane, messenger, on 22nd July, 1634, against Donald McAlaster and Finlay Gowrie, both personally apprehended, to appear before the Council as witnesses in a case; witnesses, Thomas Grant, tutor of Carrowne, and William Nairn. On the paper there are also the names James Finlay and George Stronoch.

270. Supplication by Mr James Ferquharsoun, W.S., anent John Toshoche, as narrated ante, p. 325. On the back is noted on 22nd July, 1634, the finding of the Lords as there narrated, which is signed by Hamilton, Hadinton, Morton, Wigtoun, Roxburgh, Annandaill, W.S., anent John Toshoche.

271. Supplication by Alexander . . . (torn) . . . narrating that his friends who were entrusted with his estate in his absence had upon a false surmise of his imprisonment abused the trust reposed in them and converted the same to their own use. He had complained to His Majesty, who has recommended to their Lordships to assist him in recovery. Sir George Johnstone [of Caskiben] is the special man who has wronged him, and he therefore craves their Lordships to cite him before them. [The docket on the back is torn and destroyed, but there is a] note of execution of the citation on the “said” day by Mr William Dowglas, macer, against the said Sir George Johnstoun of Caskiben, personally apprehended, to appear before the Council on 22nd July instant; witnesses, James Dowglas, macer, and John Dowglas, his servitor. On the margin is noted “22 July, 1634, persowair personalie; defendair personalie with Mr William Forbes, advocat, his proloquoutour. The Lords deyrit the Bishop of Ross frome thame and in their names to recommand to the Lords of Session the spedie dispatche of justice in any mater depending before them concerning the said said . . . Forbes.”

Gilmour, William Hillok, Thomas Aitken, David Lillie and Andrew Johnstone, all personally apprehended, and Mitchell Thomeson and Thomas Boswell, at their dwelling places in Dysart, to appear before the Council on 29th July instant, the most part of them as witnesses. The witnesses to the service were William Wilsone in Kirkcaldy, Thomas Meassone . . . . in Dysart.

24th July 1634.


274. Supplication by John Broun of Lochhill, as follows:—He was under caution to compair before their Lordships for religion, and obtained their protection for civil causes, under cover of which he compeared on 12th June last in obedience to their Lordships' citation, and was by their order imprisoned in the tolbooth of Edinburgh, where he has since lain in great misery for want. He has no means to sustain his natural life and no creature to attend to him, his wife being in Ingland, and his eight children at home, distant some sixty miles from this, for the most part not able to do for themselves, much less for him. Others who were questioned for their religion and imprisoned have been relieved, and he has now been incarcerated five weeks, during which some of his creditors have obtained decrees against him and others intend doing so, and so design to arrest him there in violation of their Lordships' protection and the practice of the kingdom, as he appeared before their Lordships under protection and only for religion. He entreats their Lordships, "even for the tender mercies of Jesus Christ, to releve me out of this prisse under your Lordships protection, as I cam heir, and I shall willinglie depart the contrie at what tyme your Lordships ordanes me." But, if they are to detain him, or suffer others to do so, he begs that they will "for Gods cause allow me some meenes to mantane my naturall lyf heir and suffer not a Christian to be sterved to death by your Lordships imprisonment, cheifie a man not culpable or challenged for any capitall cryme." [On the back] "Apud Edinburgh, 24 July, [1634]. The Lords ordains the supplicant to be put to libertie, he acting himselfe in the booke of Privie Counsell that betaunx and the first day of October nixt he sall depart furth of the contrie and not returne agane within the same without his Majestie licence, under the pane of infamie, perjurie and defamatioun; and in the meanse tyme till his departure that he sall behave himselfe without offence or scandall to the Kirk, with certificatious to him if he faylie in the premises that it sall be lawfull to all his Majestie officers and magistrates to apprehend him and committ him to waird, and that he sall be repute and esteemed aie infamous and perjured persoun. Hadinton."
275. Supplication by John Logan, merchant burgess of Edinburgh, against Robert Logan, as narrated ante, p. 346. [On the back] Supplication by John . . . (torn) . . . . ordaines ane maisser of C . . . . . wairne the Logans, defenders, bailies of the Cann . . . . . maner and to the effect within written. AD. B. OF DUNBLANE." Also notes of two executions of summons by James Douglas, macer, on 24th July, 1634, (1) against [Robert Logan] at his dwelling house, a copy of the summons being given to his wife, Elspeth Mathesone, and also against James Wilkie, bailie of the Cannagait, personally apprehended; witnesses, John Seytoun, baker in the Cannagait, and George Thomsone, tailor there; and (2) against George Kilgour, tailor in the Cannagait, Walter Young, James Aitkin and William Watteris in Edinburgh as witnesses. There is also a note of the hearing of the case on 1st August.

276. Summons directed to Andrew Howlatson, messenger, at the instance of Sir Alexander Nisbet of that Ilk and Rentoun, to charge Sir John Home of Blacader and others, as narrated ante, p. 345; to compel before the Council on 31st July; dated at Edinburgh, 24th July, 1634, and signed JA: PRYMROIS. On the margin is noted the hearing of the case on 1st August 1634.

277. Part of the decret in the action by James Spence against William Thomsone, narrated ante, p. 328. A scroll undated and somewhat mutilated.

278. Fragment of summons in the action by Mr James Watson, portioner of Sauchtoon, against John Blackadder of Tulliallan, narrated ante p. 351; dated 25th July and signed Ja. Prymrois. Noted at foot—"To compeir the 29 Jully instant"; and on the margin, a scroll of the proceedings at the hearing of the case.

279. Summons at the instance of Andrew, Bishop of Galloway, 29th July 1634. Abbot of Tungland, charging the feuars, tacksmen, and pensioners of the abbacie of Tungland to pay to him for his relief of the second term's payment of the taxation granted to the Lords of Session in June, 1633, the following sums, viz:—John, Viscount of Kenmure, for the land of Dunop, £3 2s. 3d.; and for his lands of Tungland, £37 9s. 3d.; David Arnot, for his lands of Barkeapill, 55s. 4d.; the Earl of Nisdaill for his lands of Cargane, £6 13s. 4d.; John, Viscount of Kenmure, for his teinds of Dunop, 25s.; David Arnot for his teinds of Barkeapill, 24s. 3d.; for his teinds of Dunop, 25s.; the said Viscount and Robert Shennane for their teinds of Barrendane, 25s. 7d.; for his (sic) teinds of Manns and Tungland, 58s. 4d.; John McCutney and John McGowne for their teinds of Over Grenane, 31s. 8d.; John Gordon for his
teinds of Beauche, 19s. 4d.; John and Robert Shenans for their teinds of Barncrosh, 25s.; Robert Mc'Clellan of Nuntoun for his teinds of Nether Curqua, 25s.; John Mc'Calloun and Marion Law for their teinds of Nether Barkeaple, 25s.; William Gordon of Kirkconnell for his teinds of Larmanoche and Barlenane, 23s.3d.; John, Viscount of Kenmure, for his teind of the kirk of Sennik, £4; Andrew Arnot for his vicarage teinds of the kirk of Tungland, 53s. 4d.; and Geddes for his pension paid out of the teind of Traquair, 17s. 10d. All are to be paid within twenty days after the charge if the persons be in the country, and, if forth thereof, within sixty days after they have been charged at the market cross of Edinburgh and pier and shore of Leith. The summons is dated at Edinburgh, 26th July, 1634, and signed Ja: Prymkois. At the foot there is noted “Awpd Edinburgh decimo quarto Januarii j"v° trigesimo quinto. Producit be Alexander Ogilvie, wrytter, and registrat in the buikis of Counsall conforme to the Act of Parliament be me, M" Alexander Kynneir, clerk depute to the Clerk of Register. (Signed) M" Al. Kynneir.” On the back there is a note of service on 19th September as narrated afterwards sub dato.

27th July 1634.
Note of execution at the instance of James Rodger and Alexander Smart against Andrew Dury of Wester Newton and others.

280. Note of execution by Laurence Bureall, messenger, on 27th July, 1634, at the instance of James Rodger and Alexander Smart, as narrated ante, p. 346, against Andrew Dury of Wester Newton (ab.), George Melvill in Wester Newton (ab.), and George Craig, his servitor there (ab.), also against Robert Dury, at the market cross of the burgh of Cuper in Fyff; likewise on the 26th and 27th July, against David Ramsay at the Brighouse of Lowgry, J. . . . Law in Edindowne, John Hamiltoun in Largou, George Beall at Lwandy Mill, to compear before the Council for proving the property of the lands of Balrikie; and also against Crispine Swyn in Pirne, George Willson at Camron Mill, William Pittillok and Thomas Hepburn, to compear for proving the riot; witnesses, Edward Newlands, burgess of Cuper, Symon Law in Edindowny, William Watson in the Hillsyd of Pitluowy, Symon Hamelot at Lwandy Mill, John Wilkie in Kenoquivy, James Fitkern in Treton, Thomas Morton in Cuper, Henry Landells in Killnux and Henry . . . . in Cuper.

281. “Ryacht trast freind, I persaif be your letter writtin to Letterfurie that the Lordis of his Majesteis Counsell wald urge me to pay for Tohe his expenses; quhillik I am not obleist to do, be reasone he was not put to the tryell of ane assyis according to his Majesteis letters writtin to that effect. So lett the Lordis of his Majesteis counsell take suche course with him as they think expedient and wil be ansuerable to his Majestie; for I will assure you I will pay non of his charges sen the day he was absolved fra passing to ane assyis. Lykways I pray you be
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diligent and careful to sie my uther busines put to ane poyn, according
to the informatione writtin to you be Letterfurie with this bearrer,
quhairto restis your assurit good freind." (Signed) "Huntlye."—
[Addressed] "To my richt traid freind, Mr James Farquharsone,
wreitter to his Majesteis Signet."

against Mr Robert Dowglas and Alexander Law, personally apprehended,
and Mr James Simsone and William . . (torn) . . . at their dwelling
houses, to appear before the Council on July next and answer to a
complaint by David Bennet; witnesses, John Hoge, burgess of Kirkcaldie,
George Bosuell of the West Milne of Kirkcaldie, and William Bennet
there.

283. Supplication by James Robertoun of Ernock and James
Robertoun, fiar thereof, his son, for a protection, as narrated ante, p. 331.
[On the back] "Apud Edinburgh, 29th July, 1634. Fiat ut petitur to the eight of Januair. MORTON, GLASGOW, WIANTON, ROXBURGH, ANNANDAILL."

284. Supplication by Alexander Bothwell of Newholm, as follows:
—Their Lordships' protection granted to him expires on the last of this
instant, and during its currency his late father took in hand the pay-
ment of the greatest part of his debts and would have completed the pay-
ment of all his creditors had not his death on Wednesday last pre-
vented. His estate will now fall between the supplicant and his
brother and there will be means not only for satisfying all debts but
also for their own honourable maintenance. He therefore craves an
extension of his protection. [On the back] . . . . . . . (torn) . . . . 9
July, 1634. Fiat ut petitur to the last of November. MORTON,
GLASGOW, WIANTON, ANNANDAILL."

285. Notarial instrument under the hand of William Clerk, Notary
Public, dated at Tullianlan, 30th July, 1634, narrating that on the said
day copmeared John Malcum, Ross herald, and by virtue of letters of
treason dated 10th July instant against Sir John Blascader of Tullianlan,
demanded delivery of his house of Tullianlan. In the absence of Sir
Tullianlan in John full possession was given to him thereof by Dame Christian
Graham, Lady Tullianlan, and the keys handed over, which keys and
possession the said John Malcum placed in the hands of James Narne,
merchant burgess of Edinburgh, as having right with some other
merchants there from Mr David Falconer, advocate, purchaser of the
said letters of treason. Thereafter the said James Narne placed Alex-
ander Leash and James Wishet, depute servant to him and other
merchants his partners, in the said house, with express command to keep
it safely to their behalf, as they would answer to him. Whereupon all parties asked instruments. These things were done within the hall of Tulliallan about 10 a.m.; witnesses James Blacader, eldest lawful son of the said Sir John, Patrick Blacader, brother german of the said Sir John, John Burne, servitor to the herald, and William Menzeis, servitor to the said James Nanne.

30th July 1634.
Note of execution against the Commis-ary of Inverness and Donald Fraser in Kinnyllis.

286. Note of execution on 30th July, 1634, by George Gordon, messenger, of summons at the instance of Mr William Clogie, minister at Inneres, and the provost and bailies of the said burgh against . . . (torn) . . . Commissary of Inverness, and Donald Fraser in Kinnyllis, personally apprehended, to appear before the Council; witnesses, James Gordon, messenger, John Johnestoun and Walter Lindsay.

31st July 1634.

31st July 1634.
Supplication by David, Bishop of Edinburgh.


31st July 1634.
Supplication by David, Bishop of Edinburgh.


31st July 1634.
Supplication by John, Bishop of Ross, as follows:—In the taxation granted by the Estates to the Lords of Session in the late Parliament, the of September last was appointed to all prelates and beneficed persons for meeting with their vassals and setting down the taxed roll thereof for their relief. Owing to some points of his Majesty’s service in which he was engaged, he could not keep that day, and now the 13th of August next is appointed for the making of the taxed rolls for the ordinary taxation granted to his Majesty, of which the first term’s payment is due in November next, from keeping which day he will also be distracted by his Majesty’s service; And whereas the Chanrellie of Ros is the place appointed by the said Act for making the roll of the bishopric of Ros, and the town of for making that of the Abbacy of Ferne, which is annexed to the said bishopric, he craves their Lordships in respect of the great distance between the places to appoint to him a new diet for the Abbacy of Ferne. [On the back] “Apud Edinburgh, xxxj July, 1634. Fiat ut petitur. Morton I.P.D.”

31st July 1634.
The water of Connewar.

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Miscellaneous Papers.

291. Supplication by [Lawder of Bas] and Isobel Hepburn, his mother, for an extension of their protection, as narrated ante, p. 340. On the back is noted their Lordships' decision, signed by MORTON, HAMILTON, GLASGOW, WINTOUN, ANNANDAII, LAUDERDAII, NAPER.

292. Supplication by Mr Peter Kennowie of Kettlestoun against the magistrates of Linlithgow, as narrated ante, p. 338. On the back is the finding in the case as there signed by MORTON L.P.D.

293. Supplication by [Donald Frisell of] Keirmylies and John Dunbar of Hempries, as follows:—In the complaint against them by the provost, bailies and council of Inerness there are two points admitted to their probation, (1) the taking of a horse which the said magistrates had arrested from a stable by the said John Dunbar, and (2) Donald Frisell's alleged invasion of and threatening to kill the said provost. In these they allege they did no wrong, because the said horse was John Dunbar's own property and was not arrested at the instance of any party for debt, and so was unlawfully interfered with by the said magistrates; and the said Donald Frisell only acted in self defence, after being "invadit and threatened be the said provest with a great rode or batton" with which otherwise he should have been put to some great disgrace. They crave warrant for summoning the following witnesses on their behalf, viz., Patrick Grant, apparent of Glenmoristoun, William Stevinsoun, burgess of Inerness, James Duff there, John Morison there, James Anderson there, Thomas Murray, burgess there, and Robert Waus, burgess there, to appear before the Council on 1st August (the following day). [On the back] "Apud Edinburgh, ultimo die mensis Julij, 1634. Fiat ut petius. KINGORSN." Also note of execution of the summons on 1st August, 1634, by Archibald Torrie, messenger, against the whole persons above named as witnesses, to appear the same day before the Council, all personally apprehended; witnesses, Alexander Hay in Leith, Robert Dunbar in Tarras, John Portifield in Aikinway, John Skinnar in Pones, and William Dunbar, writer.

294. Depositions of witnesses in the case of the Magistrates of Inerness against John Rid and others, as follows:—1st August 1634, in presence of the Bishop of Dumblane, Lord Naper, Secretary, and Sir Robert Gordoun.

Alexander Taillyeour, sworn, deposes that he knows John Rid, and that the said John threatened to put a sword through the minister, trying first to draw his sword, and then his whinger, but the deponer prevented him.

Donald McEane M'Andro, sworn, deposes that he knows John Rid and the minister, and corroborates the previous witness.

Alexander Grison, sworn and purged of partial counsell, deposes that
he knows Donald Fraser and the rest of the parties; that the provost and bailies arrested the horse, and thereafter John Dunbar of Hemprigs came and, getting the key of the stable, took forth the said horse; also that he heard Donald Fraser threaten to “cleave the provost to the teeth and thrust his sword throw him, and thereafter minted to draw his sword and whinger and to have invadit the provest if he had not been stayed.”

John Cuming in Inverness, sworn, depones anent Donald Fraser with the previous witness.

David Cumming in Inverness depones that he knows the parties, and that Donald Fraser “threw the key out of the stablers hand and took furth the hors and mounted Johne Dumbar on the hors, and when the bailie challenged the horse that Johne Dumbar preest to ryde foule on him”; and depones as the previous witnesses as to Donald Fraser.

Thomas Murray, sworn, depones that he knows the parties, “and that he saw Hemprigs come out upon the hors and that the bailie desyred him to ryde faire, and he answered, who would clame the hors.” As to Donald Fraser he depones with the previous witnesses, and that the Commisary was at the stable when John Rid was convoyed away by the Commisary’s back yard.

William McConchie, sworn, depones that he knows the parties, and that he saw the horse come out of the close and heard the bailie desire John Dumbar to ride fair; depones also with the previous witnesses anent Donald Fraser’s speeches and the convoying of John Rid. At the foot there is added a scroll note of the decree in the case.


296. Scroll decreet of the Lords in the case of John Logan against his brother, Robert Logan, as narrated ante, p. 346. Undated and mutilated.

297. Copy of Summons by Mr John Darsei, burgess of Anstruther Wester, against Robert Alexander, Admiral depute of Feife, for illegal apprehension, as narrated ante, p. 346. The document is mutilated, with the date torn off; but on the back there is noted—“Primo Augusti, Robert Alexander, persewir; to whome admitta protestatiooun.”

298. Copy of Protestation made by Robert Alexander, Admiral depute in Fife, as narrated ante, p. 346.
299. Supplication by [James] Crichtoune of Frendraught for a commission against marauders on his lands, as narrated ante, p. 350; with the decision of their Lordships upon the back, signed by Morton, Hadinton, Hamilton, Glasgow, Kingornie and Annandail.

300. Paper narrating the reference of the nature of the satisfaction to be given by Donald Fraser in Killmyllies to Duncan Forbes, provost of Innerness, and the settlement of all other disputes arising from the riot complained of, to John, Bishop of Murray, and report being made of any person concerned being refractory, letters are to be raised against them before 15th September next.

301. Information for Katharine Mosman, widow of James Nisbet, 17th September, 1634. Katharine Nisbet against Allan Lockhart, one of the bailies of Paisley, as narrated ante, p. 366. On the back of this paper is a scroll of the Act of Council on 8th July, 1634, in the case of James Spence, as given ante, p. 300.

302. Note of execution on 19th September, 1634, by James Graham, messenger, of summons at the instance of Andrew, Bishop of Galloway, against his feuars, &c., of the Abbacie of Tungland, as narrated ante, p. 651; at the market cross of Edinburgh, pier and shore of Leith, the instance of Andrew, against Robert, Earl of Niddisdaile, who is presently out of the realm, Bishop of Galloway, against his feuars, &c., of the Abbacie of Tungland; witnesses, John Broone, and John Johnstone, poster in Edinburgh, James Broun in Leith and Andrew Huchton, writer there. And because the said Earl neglected to obey the same the said messenger on 9th January, 1635, passed to the market cross of Edinburgh, because the said Earl is presently out of the realm, and after three oyes, denounced the said Earl his Majesty's rebel and put him to the horn "be three blasts of my horn as use is"; and ordained all his moveable goods to be escheated for his contempt; witnesses, James Mershall, messenger in Edinburgh, and William Lynsay, post there. At the foot it is noted that the foregoing was produced and registered at Edinburgh on 14th January, 1635, by Mr Al. Kynneir.

303. Discharge by James Davidson, present jailor of the Cannogait, and John Davidoun, late jailor there, to James Prymriois, Clerk of the Privy Council, the former for £120, and the latter for £60, part of a sum of £300 lodged in his hands by Robert Logane, merchant burgess of Edinburgh, as payment for the expenses of John Logane, his brother, while a prisoner in the tolbooth of the Cannogait in terms of decrees ante, p. 368; dated at Edinburgh, 22nd September, 1634; witnesses Archibald Dowglas, servitor to Mr John Oliphant, Sheriff Clerk of Edinburgh, George Halyburtoun, indweller in Edinburgh, Mr John Callender,
servitor to the said James Prymrois, and Archibald Hislop, portioner of Mortounhall. [Signatures.] On the back is warrant for registration of the discharge signed by Mr John Gilmore, advocate, as procurator for the dischargers, dated the same day.

5th February 1635.

Act by the Court of High Commission anent Malcolm Crawford of Cartieburn, who is accused of breaking into the Church of Greenock in order to bury his mother, Lady Kilbirnie.

304. Extract act of the High Commission Court, dated at Edinburgh, 5th February, 1635; present, John, Archbishop of St Andrews, primate, metropolitan and High Chancellor of Scotland, William, Earl of Dumfreise, Adam, Bishop of Dumblane, Neill, Bishop of the Ylls, Mr James Hanna, Dean of Edinburgh, Mr Andrew Ramsay, one of the ministers of Edinburgh, Mr Thomas Aikinhead, one of the Commissaries of Edinburgh, Mr John Tennent, parson of Caldar, and Mr William Bennet, parson of Auchrume, lords of his Majesty's High Commission, in the complaint at the instance of Mr Patrick Forrest of Archerfield, advocate, procurator fiscal of the said High Commission, against Malcolm Crawfur of Cartieburne, who, by himself, his servants and others not only has "most barbarouslie and inhumanly violent and trangressed and brokine the lawdable actes, statutes and actes of Kirke by making of kirk buriell in maner efter specifit, bot also, in contempt of the worshipe of God, hes abused the place of his publict service as is efter mentionat, viz.:—The said Malecum having resolved to burie his mother, Margaret Blaire, Ladie Kilburne, privatlie, he wpon the sext day of December last caused sum fewe fishermen carie her wnder night to the kirke of Greinok, and, because the dores of the said kirke wer faste, the said Malecum be himself, his servands and others in his name, of his causin, command, assistance and ratihabitioone, did about twelw houres at night the said day or thereby most violently breake up the kirke dore of the said kirke and thair, without any right, leave or tollerance, caused burie the said Ladie Kilburnie. And not content thairwith the said Malecum himself did breake up the remenant dors of the said kirk and breake the hail barrs of the samine with his awne hand, as it wer triumphing over the house of God, to the great heart breake of the godly and example of the wicked to doe the lyke; and he, being bodine in feare of warr with guns, pistolets, halbarts and jedwatt staves, avowed to slay any that wald cum thair but such as wer inveited." The case being called on 20th January last and the said Malcolm Crawfur appearing with John Crawfur of Kilburne, his nephew, he confessed having done wrong in acting as above, and he and his said nephew voluntarily offered and bound themselves "to intarge the south yle off the said kirke of Greinocke posseesed be them twentie two fitts of lengthe"; whereupon the Court continued the matter until this day, and then ratified and approved the offer made as above, remitting all further trial and punishment for the said offence to Patrick, Archbishop of Glasgow. They have ordained the said Malcolm Crawfur and his said nephew to complete their obligation.
before Michaelmas next under pain of horning, and they now crave that
the Lords of Privy Council will interpone their authority to this effect
in terms of his Majesty's High Commission. Signed by Mr William
Hay, clerk of the said Commission.

305. "To the Most Honorable Provie Counsle—A Petition and
Remonstrance from the distressed Inhabitants of Orknay and Zetland—
Humbly showing that whereas the hand of God, by a most fearefulle
famine lying upon these said countreis, is well knowne to your honouris
and the whole kingdome, insomuch that your honouris was moved to
mak the said samin knowne to the kingdome, and the case was so urging
that the whole kingdome most graciously contributed to the necessitie thereof,
but (the samin so greatlie prevaleing, and God havinge blessed his
Majestie with suche a multitude of people there, that a voluntarie con-
tributioun in that kind, tho liberallie bestowed, not being able to
countervale the said necessitie) the samin continewes: And now (by
reason of the preceeding yeeris want of seid and extraordinarie stormes
little acreaseing and that whiche did acrease being utterlie brokin
and blasted), the said famine increaseth, the peopill have expended their
whole stock and small meanes, destroyed and eatin their cattell and
store for serving the present necessitie, flying the country, and in the
mean tyme nothing expected but generallie a plaine supplantation, in
which case (and in consideration of the ancient note and worth of these
Islandis, his Majestis owne propirtie and crowne landis and in a particular
maner in his Majestis owne handis, lying in the sight of all stranegeris
tradeing and frequenting thither from all the northerne partes of
Europe to all pairties of the world, as also the inhabitantis have bene and
ar great supporteris of the kingdome in many thingis necessarie, they
in a most deuitfull maner, beyside there owne interestes whiche concerneth
his Majestie, also finding the standing of those countreis muche to con-
cerne him and the state both in particular and honour, have thought that
they could not acquire themselvis good subjectis in seeing suche a
member in hazard to be cut of and his Majestie not to be acquint
thairwith. For which cause, after meting and consultation had to that
effect, the justices, ministeris, gentrie, his Majestis immediat tenentis,
undersubscirvearis heirof, for themselvis and by advyse and consent of
the whole bodie and commonality have maid nomination and election of
the respect-worthie gentlemen, Mr John Dick, fear of Bread, and George
Sinclair of Ropnes, and ather of thame, conjunctly and severally, to go
for thame and in thair names andbehalfis to remonstrate the case to his
Majestie and to do so therein as sum tymous and gracious remedie may
be applied to the sore, with confidence in his Majestis most gracious
owne consideration of the case, leaving all farder instructionis and
remitting the same to the discretiones of the beiraris if any thing shall
be thought needful to be done to that effect. And knowing that the progress of all business with his Majestie doth rest upon your honours, and his Majesties most gracious will and pleasure in this present case will depend muche from ane approbation of their course from your honorable table, they have addressed themselves thereto with there said remonstrance, further declaring that if these said Islandes be once supplanted of the naturallis thereof (the nature of living is such there) they shall never be agane planted. And therefor they beg that a certificat heirof . . . . . . . [torn] . . . . . . . may be gevin them that thairupoun they may ground thair remonstrance that such a course may thairin be takin as his Majestie in his most gracious consideration shall think fitting and aggreaible to the great necessitie. In witnesse whereof the said justices, ministrie, gentrie, his Majesties immediat tenentes, having by advise and in behalf, as said is, takin burthen, have subscribed these presentis with thair handis. At Kirkwall in Orknay, the twentie ande day of Februar, 1635. (Signed) E. Sinclair off Essiniquoy; H. Aitkin; R. Monteith; Robert Sinclair of Campstoun; Halcro; Eduar Steuart; W. Henrysone; Wm Sinclair; D. Heart; J. Coluill; David Kincad; W. Cragie; Johnne Cromartie; Patrick Murray; Robert Bellenden; Hew Halcro; Jo Sklatter; P. Balfour; James Cok; James Fea, elder; Eduard Cok; John Grott; Eduard Scollay; M’ Daniell Callendar, minister at Sowthranaulsay; M’ Tho. Cok, minister at Sanday; M’ J. Morisone, minister at Edvie; M’ David Watsone, minister at Westray; M’ Walter Steuart, minister at Rausay; M’ James Haigie, minister at Burnes; M. R. Peirsone, minister at Firthe.’’
scarcitie of graine there, wee have (as beeing indeede unwilling to denie you anything) resolved to yeeld to your request. And therefore wee, the Lord Deputy, have licenced the said Archibald to exporte hence the said five hundred barrells of oats and three hundred barrells of meale as your Lordships desire, to whom only hee owes the thanckfullness of this favor don him. And soo wee committ your Lordships to God and remane. From his Majesties Castell of Dublin, ultimo February, 1635. Your Lordships very assured loving frends (Signed) Wentworth; Wm Parsons; Ad: Loftus; R. Dillon; Geo. Radcliffe; Rob Meredith; R. Bolton." Addressed on back: "To the right honourable our very good lords and very loving frends the lords and others of his Majestie's honourable Privy Council in the kingdom of Scotland."
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