

# CRIMINAL TRIALS



## IN SCOTLAND,

FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,  
AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME FIRST—PART FIRST.

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TO  
THE RIGHT HON. THE LORD JUSTICE-CLERK,  
AND TO  
THE HON. THE LORDS COMMISSIONERS  
OF  
THE HIGH COURT OF JUSTICIARY,  
THIS FIRST VOLUME  
OF  
A COLLECTION  
OF THE EARLIEST RECORDED PROCEEDINGS BEFORE  
THE  
SUPREME CRIMINAL TRIBUNAL OF SCOTLAND;  
COMPILED  
BY THEIR LORDSHIPS' PERMISSION, AND UNDER THEIR SANCTION,  
IS MOST RESPECTFULLY DEDICATED,  
BY  
THEIR LORDSHIPS' OBLIGED AND FAITHFUL SERVANT,  
THE EDITOR.



# PROSPECTUS

OF

## A COLLECTION OF ANCIENT CRIMINAL TRIALS,

SELECTED FROM THE BOOKS OF ADJOURNAL OF THE HIGH COURT OF JUSTICIARY OF SCOTLAND,  
AND OTHER ORIGINAL RECORDS;

BY

ROBERT PITCAIRN,

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT., AND HON. F.S.A. PERTH, &c.

**T**HE importance of the RECORDS of the HIGH COURT OF JUSTICIARY IN SCOTLAND has hitherto been very little known, excepting to the comparatively few, who have made the investigation of the Legal Antiquities of Scotland a peculiar study. The difficulty experienced in deciphering these Ancient Registers, (which are scattered over a voluminous collection of Court Books, &c., and are nearly unintelligible to a great proportion even of those educated to the profession of the Law,) and the great labour and time to be expended in examining and selecting such portions as may be useful in practice to the Lawyer, or interesting to the lovers of History, Genealogy, and Antiquities, &c. as well as for the more popular purpose of general information and entertainment; have hitherto prevented any attempt at a regularly Chronological Series of our Ancient Criminal Trials and procedure.

The only portion of these valuable Records known to the public, has been imperfectly exhibited, in Collections of ABRIDGED CASES, by Mr Arnot, and Mr Maclaurin; and from occasional notices contained in our Institutional Writers. Mr Arnot's Abridgement of a few remarkable Cases, was professedly prepared by him to illustrate some of the more prominent features in the history, manners, customs, and superstitions of the people of Scotland; and not to exhibit an accurate or satisfactory digest of those interesting and important remains, as they are to be found in the Records. However entertaining and instructive Arnot's Compilation may be, in other respects, it gives only a partial, and, in many instances, far from a faithful transcript, even of the Trials of which he has presented a brief outline; and it may be safely said, that all have received a high colouring from his peculiar notions, both in politics and religion. Mr Maclaurin's Arguments and Decisions, on the other hand, were collected, with a view 'to the advancement of jurisprudence, and (to) be useful also to many gentlemen not bred to the law, who are called upon, by the constitution, to serve as jurymen.' Owing to the nature of his plan,

he has noticed only fifteen cases which had occurred before the commencement of the eighteenth century.

The present Editor has been induced to undertake a Collection upon a more regular plan, and on a more extended scale, than have hitherto been attempted; and in this he is encouraged by the liberal sanction and countenance of the Right Honourable the LORD JUSTICE CLERK and of the LORDS COMMISSIONERS OF THE HIGH COURT OF JUSTICIARY, who have granted free access to all Books and Papers of the Court which it may be necessary to consult. He has also been honoured by the countenance of the Right Honourable the Lord President of the Court of Session, Baron Hume, the Keeper and Commissioners of the Society of Writers to his Majesty's Signet; and likewise of Sir Walter Scott, Baronet, the President, and Thomas Thomson, Esquire, Deputy-Clerk Register of Scotland, Vice-President of THE BANNATYNE CLUB (who, indeed, originally suggested the idea and plan of this work); by the support of the Members of that Club, of the Members of THE MAITLAND CLUB, recently formed in Glasgow for similar purposes, as well as of many whose names rank high in the profession of the Law, and in the literature of the country.

The earliest portion of the ANCIENT CRIMINAL RECORDS OF SCOTLAND now extant, commences so far back as 7th Nov. 1493, in the sixth year of the reign of KING JAMES IV.; and although at that remote period, and during the subsequent reigns of KING JAMES V. and QUEEN MARY, the memorials to be obtained are unfortunately brief, yet notices do frequently occur, both highly characteristic of the state of society, and illustrative of the history, jurisprudence, literature, institutions, language, manners, customs, and superstitions of those periods.

In the meantime, it has been arranged, that the Part to be first published, shall consist of a portion of the many interesting and important proceedings and Trials which occurred during the reign of KING JAMES VI.; and, after that Volume is concluded, Selections from the earlier portion of the Record will next be printed. By adopting this order of publication, an opportunity will be afforded, for more minutely investigating and illustrating the most ancient volumes of the Record; and, if the Collection be favourably received, and other circumstances permit, it is in contemplation to extend it to the commencement of the last Reign. Copious INDICES, Tables of the Justiciars of Scotland, a Glossary of obscure Law terms, and an Appendix containing illustrations, selected from the Records of Privy Council, the Privy Seal, and the Treasurer's Books of Scotland, and from other original documents, will accompany or be interspersed with the Collection.

It is proposed, that this work shall be published in Parts, consisting of not less than the third part of a Volume each, as speedily as may be consistent with strict accuracy, and with the Editor's professional engagements. The impression, which is to be limited, will be executed by Messrs BALLANTYNE & Company, in their best manner, from a new fount of types, upon paper manufactured expressly for the use of this work, by Messrs Dickinson & Company of London.

THE FIRST PART will be ready for delivery to Subscribers, early in the month of May next. Such progress has been made by the Editor in arranging the materials collected by him during a period of several years, that the remaining Parts will be published at regular intervals, until the Collection is completed.

The price of each Part, which shall contain two hundred pages of letter-press, not to exceed Fifteen shillings to Subscribers.

SUBSCRIPTIONS will be received by the Publishers, WILLIAM TAIT, 78, Prince's Street, and JOHN STEVENSON, 87, Prince's Street, to either of whom, or any of the Booksellers in Edinburgh, London, and Dublin, and in the principal towns throughout the United Kingdom, the names of Subscribers are requested to be forwarded, as early as convenient, so as to regulate the extent of the impression.

GENERAL REGISTER HOUSE,  
31st March, 1829.

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IN PRESENTING to the Public THE FIRST PART of the ensuing Collection of Criminal Trials, the Editor begs leave to acknowledge, with gratitude, the distinguished encouragement with which he has been honoured, from the first outset of the work, and without which he could not have persevered in so laborious a task, with any degree of satisfaction or confidence.

The compilation of this work was projected for the purpose of giving publicity to the most important portions of the Ancient Records of the Supreme Criminal Tribunal of Scotland, and of placing beyond the risk of destruction, the most interesting of the *Causes Celebres* of that Court ; materials of great value alike to the historian and the lawyer, and possessing no ordinary attractions for almost every class of readers. It therefore becomes necessary that all such Selections be exhibited with scrupulous accuracy and fidelity, which alone can stamp authenticity and value on any publication of this description.

To account for the apparent meagreness of the Part now published, it may be stated, that many of the public Records of Scotland during the minority of King James VI. are imperfect, and have perhaps been wilfully destroyed ; for, besides the disturbed state of the country, and other obvious causes, which might satisfactorily account for the loss of volumes of Registers, there is but too good reason to conjecture, that portions of the National Records were, in some instances, purposely suppressed by one or other of the prevailing factions. This circumstance has induced the Editor to be more copious in his extracts than he would otherwise have been ; as every gleanings may elucidate some historical point, or illustrate some features of national character, customs and manners, hitherto but imperfectly known.

At this period, the original 'Books of Adjournal,' properly so called, must have been carelessly kept; and the Clerk has recorded the proceedings of the Court in a very brief and unsatisfactory manner. In many instances, the 'Minute Books' alone have been preserved, from which the proper Record of the Court was usually framed, aided by the 'Dittays,' evidence of witnesses, and other productions. To the Editor it therefore seemed imperative to preserve all notices of any importance, even though they should be brief. The subsequent portions of the Record are much more perfect, and they greatly increase in interest as it advances.

With regard to the antiquity of the language, which must at first sight prove somewhat embarrassing, it may be remarked, that after the accession of King James VI. to the English Crown, it gradually assimilates itself to the dialect then used in England. In no case has the ancient orthography been altered, with the exception of the contractions, the retaining of which would have been useless, as well as extremely perplexing to a general reader.

The earliest existing Record of Justiciary, during the minority of King James VI., is preceded by this curious memorandum: '*Nota. Fra the hinderend of Auguft, 1568, to the fecund day of Marche, in the famin yeir, na Dyettis of Justiciarie haldin, be reffoun of the peft and Regentis being in Inglande.*'

GENERAL REGISTER HOUSE,

1st May, 1829.

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**THE EDITOR** has been enabled to offer to the Public, the **SECOND PART** of the Criminal Trials, which occurred before the High Court of Justiciary, during the Reign of King James VI., sooner than he had anticipated ; and it is hoped, that this *Licraison* will prove greatly superior, in interest, to the Part already published, which embraces merely the earlier and more defective portion of the Records, in that King's minority.

After this time, the proceedings of the Supreme Criminal Tribunal of Scotland merely begin to assume a more regular form, and the Record to exhibit a pretty accurate abstract of the objections to the relevancy of the Indictments, and to mark many of the other peculiarities observable in the forms and pleadings before this Court.

It is proper to notice here, that it has been the settled plan of the present Collection, to give a scrupulously faithful view of the whole of the proceedings which took place in each of the Cases selected, in the precise form in which these occur in the Books of Adjournal ; excepting in various minute particulars, indispensably necessary to be adopted, for the sake of unity and of more lucid arrangement. No modern ' Reports,' it is conceived, however accurately they might be framed, could convey, whether to the Lawyer or the general enquirer, so clearly and so forcibly, the many peculiarities which are connected with these ancient proceedings ; and at the same time indicate the gradual steps, by which our present system and forms have been modelled. When these are very prolix or uninteresting, they shall no doubt be curtailed ; but this shall be done with a

sparing hand, and in such a manner, as clearly to point out each of such departures from the Record.

Owing to an embarrassing *hiatus* in 'the Books of Adjournal,' arising through the loss of at least one large Volume of the Records of the Court of Justiciary, (from October 1591 to May 1596,) the Editor deemed it incumbent on him, to make pretty extensive researches into other Public Records of Scotland, of the same period. But, perhaps, in his anxiety to render this Collection as perfect as his opportunities and ability permit, he may have incurred the censure of some, whose pursuits do not usually lead them into such investigations. He trusts, however, that the space occupied by these illustrations of National History will not be grudged, and that the extracts he has made may be generally acceptable.

At the suggestion of some of his friends, the Editor has prepared, in illustration of this and the former Part, a Fac-simile plate, containing a few exact specimens of the MSS. from which the present Selections have been formed. Should these be generally considered as interesting, occasional Fac-similes of Royal Letters, &c. will be delivered, with each succeeding Fasciculus of this work.

GENERAL REGISTER HOUSE,

1st July, 1829.



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SINCE the publication of the former Part of this work, the Editor has arranged and greatly enlarged a Collection of Original Papers, formed by him during the last two years, illustrative of the mysterious and hitherto inexplicable History of the CONSPIRACY of JOHN EARL OF GOWRIE and his brother, against King James VI.; which will be found to embrace a body of valuable and authentic information, on every point connected with the transaction; and a great portion of which is entirely new to the public, having been recovered from numerous Records, contemporary MSS. and similar original sources.

So much has been written, and conjectured, on that remarkable event, that, in presenting to the public, for the first time, correct transcripts of the various Criminal proceedings which were instituted after the Conspiracy, it appeared to be the duty of the Editor, to accompany them with a Collection of such authentic Documents as are still preserved; and for that purpose, to use every exertion, in investigating the public Records, and all the repositories of MSS. to which he had access. The result has been highly satisfactory; and it is hoped, that, from the discoveries now made, unquestionable materials are provided for elucidating this hitherto dark passage of Scottish History.

The Editor is of opinion, that the publication of these Papers, in their original form, is more in unison with the spirit of the present work, than had he drawn up a fresh Narrative or Dissertation, accompanied by proofs and illustrations. He has accordingly adopted this plan, so as to leave the reader to draw the obvious conclusion from the evidence now afforded. In every instance, the sources from which each of the Papers has been procured are carefully noted; as it is essential, in matters of historical importance, to observe the minutest accuracy.

A concise and popular Account of Gowrie's Conspiracy has recently been published, in Constable's Miscellany, Vol. XLIII., by the Reverend MR PARKER

LAWSON, M.A. ; to which reference may be made for a clear outline and detail of the leading facts. The reader will also find much valuable information in MR MORISON'S ingenious and able paper, in the Transactions of the Literary and Antiquarian Society of Perth ; where he has incontestably proved the reality of the Conspiracy against King James VI., even from the facts then published ; having brought to the examination of the subject an impartial and unbiassed mind, with a perfect knowledge of the localities of the scene. The Editor would particularly refer the enquirer to Mr Morison's 'Summary of the Evidence on the Gowrie Conspiracy, with Plans of Gowrie House,' as a valuable companion in examining the history of this remarkable event.

The other portions of this Number will, it is hoped, be found superior in interest to the preceding Parts.

It was intended that this Part should have been accompanied by a fac-simile Plate of the SIGNATURES of the principal persons mentioned in the History of this Conspiracy, taken from Original Autographs ; but circumstances prevent this, until the publication of the next *livraison*. Another Plate, also, containing a fac-simile of the LETTERS of ROBERT LOGAN of Restalrig, recently discovered among the Warrants of Parliament, is in the course of being prepared. Both will be delivered with the ensuing Part, as early in January next as possible.

The Editor has again the pleasure of acknowledging the kindness of CHARLES KIRKPATRICK SHARPE, Esquire, who has liberally presented a curious Engraving, executed by himself, very closely resembling the original Wood-cuts in the curious Tract, reprinted at Part II., page 213, 'NEWES FROM SCOTLAND, declaring the damnable life of Doctor Fian, a notable Sorcerer,' &c. The binder is desired to insert this Plate in Volume I. to face page 213.

GENERAL REGISTER HOUSE,

12th October, 1829.

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**THE** Collections relative to **THE CONSPIRACY** of **JOHN EARL OF GOWRIE**, and his brother, are concluded in the present **PART**. If the Editor has indulged in too copious Illustrations of this very remarkable historical event, he has been led into the error by the discovery of many important original documents, which, as he humbly conceives they tend to establish, beyond a doubt, the truth of this much controverted point of History, he deemed it his duty to present to the public, in this work.

Instead of attempting to sum up the evidence now laid before the Public, taken in connexion with the numerous Histories, Accounts, and Theories, already in print, the Editor leaves it to the reader to draw his own conclusions. He will consider his labours amply repaid, should the future Historian be thereby led to a clearer view of the origin, and progress, of the rash and ill-advised plot of these misguided but highly talented young Noblemen, and of the fatal catastrophe which so speedily overwhelmed them, in the premature execution of their mad attempt.

The natural restlessness, and irritability, of **KING JAMES**, and the very peculiar circumstances in which, on his return to the capital, after the tragical issue of the Conspiracy, he found himself placed, seem to have induced him to endeavour, to the utmost of his power, to counteract the almost unparalleled attempt made by the Ministers of Edinburgh; who greedily availed themselves of this opportunity, to inflame the public mind, and to turn the tide of popular feeling in

favour of GOWRIE, who was universally idolized by the Presbyterian party, as their future leader, against the strenuous efforts then making, by James and the Court, for the permanent restoration of Episcopacy.

The steps taken by the King, for this purpose, were most injudicious; and they certainly proved the very means of spreading the disbelief of the Royal Narrative more widely. To this cause alone, indeed, may be attributed the scepticism which then prevailed, and which has so generally, even down to these times, occupied the public mind. His Majesty's advisers, by indiscreetly attempting to prove too much, and to leave no circumstance unexplained, afforded plausible grounds, for the deepest suspicions of the correctness of the whole statement. James, when too late, found this to be the case, and experienced, to his cost, the sagacity of Domitian's bitter reflection, as recorded by Suetonius, "*conditionem Principum miserrimam aiebat, quibus de Conjuracione comperta non crederetur, NISI OCCISIS!*"

The noted distich, which Calderwood, in his MS. Church History, states to have existed in his times, and which, he says, was painted above an ancient Chimney-piece in the Castle of Ruthven, (now called Hunting Tower), may perhaps be considered as worthy of memory.

VERA DIU LATITANT, SED, LONGO TEMPORIS USU,  
EMERGUNT TANDEM QUÆ LATUERE DIU.

A Fac-simile PLATE of the commencement, termination, and subscriptions, of three of the LETTERS of ROBERT LOGAN of RESTALRIG, which occur at Vol. II., page 322, accompanies this Part.

GENERAL REGISTER HOUSE,

25th January, 1830.

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**T**HE present PART of this Work will, it is hoped, prove more generally attractive, being of more diversified interest, than any of the preceding portions ; and the Editor believes he does not promise too much, when he adds, that the subsequent Parts must equally surpass the present, as well in point of curiosity as in historical importance.

After the accession of King James VI to the English throne, the Judicial proceedings in Scotland were necessarily conducted with greater minuteness, and were recorded with stricter accuracy, than formerly ; for the various public functionaries, in every department, were liable to be frequently called upon for full reports of individual Cases ; either to gratify his Majesty's craving for whatever was new and curious, or to enable him to judge of the expediency of pardoning or condemning the unhappy persons whose fate must needs be sealed by the unenviable exercise of his royal prerogative. To this circumstance, then, it may perhaps be attributed, that the Records of the Supreme Criminal Tribunal of Scotland, begin to be kept with greater clearness, and their authority and value to be proportionally enhanced.

In Cases of peculiar importance, the Editor has always been anxious to afford all the elucidation within the limited range of his reading and observation, by laying before the reader such illustrations as appeared to him necessary to the better understanding of those Trials ; and especially, to put the reader in possession of ORIGINAL and contemporaneous PAPERS, which generally afford the clearest and best explanation of the many remarkable events which so frequently occur in the course of this Work. He trusts that many of the Documents now for the first time presented to the public, from sources not generally accessible, may be deemed worthy the attention of the lover of History.

It is much to be regretted, that the tragical story of the Murder of SIR THOMAS KENNEDY of Culzean, knight, Tutor of Cassillis, &c. by the MURES OF AUCHINDRANE, which is now rendered imperishable by the pen of the greatest living writer, could not be inserted in the present Part, owing to the chronological arrangement of the book. The Editor did not, in the meantime, consider himself at liberty to publish that most extraordinary Trial as a *separate* volume; but, having his materials for PART VI in considerable forwardness, he is ready to publish that *Fasciculus* at a much earlier date than previously notified, should such be the desire of the public.

The present Series of Trials, during the reign of King James VI, will be completed in four additional Parts, making in all nine Parts, or three large Volumes. Owing to the difficulty of collecting the requisite materials, the publication of the leading trials which occurred in the reigns of King James IV, King James V, and Queen Mary, shall be deferred till after Part VIII is circulated. Should the Editor's health, and his professional engagements, then permit, a new Series of Trials, modelled into the shape of Reports, and in a more modern form than the present, will be commenced. The lengthened pleadings, &c. during, and subsequent to, the reign of Charles I, entirely preclude the idea of continuing the work in the *original* form; which, however useful and interesting such a mode of editing a book of this class may prove, during the earlier period of the history and practice of our Criminal Tribunals, would be cumbrous and useless at a more recent date, when there could be no excuse for continuing the obsolete, and now almost forgotten style of these pleadings, which could yield no pleasure, and but little additional information, to the general reader.

GENERAL REGISTER HOUSE,  
12th April, 1830.

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THE EDITOR has the satisfaction of presenting the present PART rather earlier than he had anticipated.

Since the last *Fasciculus* was circulated, he has been favoured with communications from several individuals, who have taken an interest in the progress of this Work, suggesting various improvements; but he is chiefly indebted to the Public Press, for numerous practical hints, of which, in preparing this portion of the Collection, he has amply availed himself.

Amongst other alterations of the original plan, the prefixing of Introductory Notices to leading and remarkable Cases, on a more extended plan than the Editor had at first deemed advisable, has now been adopted. The difficulty of collecting authentic materials for explaining and illustrating such obscure and long-forgotten events, has necessarily occasioned great additional research and expense; and had he not previously made pretty extensive inquiries relative to some of these Trials, and especially, the extremely interesting one of MURE OF AUCH-INDRAYNE, this Part must have been delayed for some months longer.

In what manner these intended improvements have been executed, it does not become the Editor to judge. He sincerely wishes that this very arduous task had fallen into abler hands; but still has the pleasure of reflecting, that he has spared neither time nor labour in his endeavours to make the Work as complete as its proposed limits admit. Those who have had the greatest experience in carrying on researches of this description, will be the readiest to make all liberal and proper allowances, for such unavoidable defects as must be expected to accompany inquiries, in their nature so very extended and obscure.

The very remarkable Case of **THE MURES OF AUCHINDRAYNE** is one of such interest, that it may perhaps be fairly considered as altogether unparalleled in the annals of crime. That Trial, and the illustrative matter accompanying it, have necessarily occupied a large portion of this *livraison*; but the Editor hopes it will prove as generally interesting, as the plots and crimes of these extraordinary men are unequalled.

In the course of his researches for elucidating the facts and events attending that Case, (which have been actively prosecuted during the last three years,) the Editor fortunately discovered, among the valuable MSS. belonging to the Faculty of Advocates, Edinburgh, an **HISTORICAL and GENEALOGICAL ACCOUNT** of the principal Families of **THE NAME OF KENNEDY**. This History illustrates, not only the lives and characters of the actors in that shocking tragedy, but the deadly **FEUDS** then prevalent in **CARRICK**; to an extent which could scarcely have been anticipated. Had the information to be obtained from these singular Memoirs been made use of in this Collection, it would have encroached too much upon the limits now assigned to it, and caused the suppression of other interesting Trials. The Editor therefore has, by the liberal permission of the Curators of the Advocates' Library, preferred publishing **THE HISTORY OF THE KENNEDIES** as a separate work;—and, with this view, has, for a considerable time past, been engaged in preparing it. A limited impression only has been struck off; and it is expected to be completed before the first of August next.

It is trusted, that, upon the whole, this **PART** will be found much more generally attractive than any of the preceding; as it abounds in historical incidents, and in Trials of deep and universal interest.

**GENERAL REGISTER HOUSE,**  
**19th July, 1830.**



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IN the period embraced by the present PART, the principal Trials, of peculiar interest, which occurred before the High Court of Justiciary, were those against the ROMAN CATHOLICS and JESUITS, for hearing and celebration of the Mass, for maintaining the Supremacy of THE POPE, for declining THE KING's authority, and for devising treasonable Plots against the person of his Majesty, &c.

The REBELLION OF THE EARL OF ORKNEY, and his son, also occupied a prominent portion of the Criminal proceedings during this time ; and the Editor has amassed a considerable collection of historical materials, illustrative of that remarkable treason ; all of which are now, for the first time, laid before the public, being taken from original and authentic documents.

Another REBELLION IN THE WESTERN ISLANDS of Scotland was likewise suppressed within this time, relative to which the reader will also find that suitable illustrations have been given.

Besides these leading Trials, a number of very remarkable Cases occur in this PART for Murder, Fire-raising, Perjury, Slaughter and Houghing of Oxen and Sheep, &c., Piracy, Incest, Oppression, Witchcraft, Poisoning, Subornation of Witnesses, Uttering ' treasonable, blasphemous, and damnable speeches' against the King, Fire-raising in Coal-pits, Hamesucken, Mutilation and Demembration, Egyptians or Gipsies abiding within the realm, &c.

It is trusted that the present Number may be considered as important and interesting as any of those forming the preceding Volumes.

GENERAL REGISTER HOUSE,  
*25th October, 1830.*



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THE present PART closes this COLLECTION of the leading TRIALS which occurred before THE HIGH COURT OF JUSTICIARY, during the eventful reign of KING JAMES VI.

PART VIII. contains numerous Cases of considerable interest and novelty, and throws much light on various public transactions, and also on many of the private occurrences of the period immediately preceding the demise of that monarch. There are, however, so many remarkable Trials contained in it, that it would encroach too much on the limits of a brief notice, to recapitulate a few of the leading Cases.

Having collected a great mass of materials, in the course of preparing the present work for publication, the Editor has selected from them a number of ORIGINAL PAPERS, believing that they would be esteemed a suitable accompaniment to this concluding Volume. He has, therefore, printed them in an APPENDIX, which will be found materially to illustrate many of the preceding Trials. Among others, he has been so fortunate as to have discovered the only documents which remained to clear up the extraordinary Trial of MR THOMAS ROSS, a poor Clergyman of a very respectable family, but a maniac, who was mercilessly put to death, under form of Law, by the special warrant of King James VI, for *writing* a Pasquil against the Scottish Nation. This pasquinade, it may here be remarked, was neither printed nor in anywise circulated by the author, but was simply affixed to the door of St Mary's Church, Oxford; from which it was almost instantly taken down by a student, and delivered to the Vice Chancellor, who transmitted it, without delay, to Court.

The remainder of the APPENDIX will be delivered with the INTRODUCTORY PART, which embraces the Criminal procedure during the reigns of KING JAMES IV, KING JAMES V, and QUEEN MARY.

The Editor does not, at present, expect to finish that arduous undertaking until the month of November or December, 1831. It is his intention to prepare accurate Indexes, which will be delivered, along with Title-pages, &c. for the whole work. When concluded, the Collection will form THREE large VOLUMES.

In reply to several enquiries, the Editor begs to notify, that he purposes to close this COLLECTION OF TRIALS with PART IX.

GENERAL REGISTER HOUSE,  
*15th December, 1830.*

THE concluding portion of the present COLLECTION has occupied the anxious attention of the Editor, for a period of above twelve months beyond the time he had been led to anticipate, when the NINTH PART was published.

Fortunately, the Editor had, during the progress of this WORK, amassed a great variety of materials from authentic sources, illustrative of many important events connected with the history of the reigns of KING JAMES V. and MARY QUEEN OF SCOTS ; which eventually have proved of much use, in elucidating the Criminal proceedings of these reigns. Besides availing himself of these, however, he found it necessary to consult many of the public Records, the MSS. in the Library of the Faculty of Advocates, and other Collections of original documents, which required a considerable expenditure of time, besides much minute, laborious, and persevering research.

The result of these investigations is now laid before the Public ; and it is perhaps not too much for the Editor to hope, that, in the view of rendering this work as complete as possible, the Subscribers may concur with him in thinking, that the additional time, thus expended, has not been altogether unprofitably employed.

In fulfilment of the proposal made at the commencement of this arduous undertaking, a very copious and elaborate GENERAL INDEX is now given along with this Part, which will be found to comprehend all that is practically useful to those who are likely to consult this Collection, whether for general reading and information, or for purposes of legal, historical, antiquarian, or genealogical investigation.

Owing to the interest excited by the large Collections made by the Editor, and the body of evidence which has been published in some of the former Parts of this work, in reference to GOWRY'S CONSPIRACY, he has deemed it his duty to render the whole still clearer and more generally acceptable, by endeavouring to procure accurate Plans of the scene of that remarkable transaction. This he has fortunately been able successfully to accomplish, and that, too, from the most authentic source of information ; as his friend MR DAVID MORISON, Secretary to the Literary and Antiquarian Society of Perth, had occasion, a few years ago,

to get drawings and ground-plans made, from surveys and sketches taken on the spot, previous to the pulling down of Gowry House, in the year 1807, to make way for the Prison and County Buildings, in Perth. These Plans accompany Mr Morison's ingenious Dissertation, which has been published in that Society's Transactions. The ultimate views of THE RUTHVENS and their associates, in embarking in so hazardous a plot, will likely for ever remain as inexplicable a mystery as hitherto ; but whatever may be considered by the future historian to have been the probable schemes of these rash youths, it is perhaps not arrogating too much to affirm, that the field of enquiry may now be considered as greatly narrowed ; and that the circumstances, as well as the truth and reality of that Conspiracy, may henceforth be considered as matters of historical certainty.

To the politeness of FRANCIS GRANT, Esquire, S.A., the Editor is indebted for the use of the accompanying valuable engraving of GOWRY HOUSE, which was carefully prepared, under his own inspection, from the only authentic sketch of that memorable place which is known to exist.

With regard to the contents of this SUPPLEMENTARY PART, there will be found, in addition to many curious and valuable Trials of a miscellaneous description, a considerable accession of original historical materials, illustrative of the progress of THE REFORMATION OF RELIGION IN SCOTLAND ; a very important APPENDIX to the reign of KING JAMES V., compiled with the strictest care from the valuable Records of the Privy Seal, and the Accounts of the Lord High Treasurer of Scotland ; proceedings against the PAPISTS, JESUITS, &c. ; and numerous original and interesting Documents relative to the Murders of DAVID RICCIO and KING HENRY DARNLEY, &c., many of which are now for the first time laid before the public.

Owing to the manner originally adopted in publishing this work, it has been found necessary to divide the FIRST VOLUME into TWO PARTS. Particular directions for the Binder are printed on the back of the prefixed Title, to prevent the possibility of mistakes being committed in the arrangement of the Book into separate Volumes.

GENERAL REGISTER HOUSE,  
25th March, 1833.

## PREFACE.

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THE EDITOR has at length the satisfaction of having brought the present Collection of the earliest Criminal Proceedings in Scotland, of which authentic memorials are now preserved, to a conclusion. This task has occupied several years of laborious exertion, which, it must be admitted, has been severer than might at first have been anticipated; but, when the difficulties he had to grapple with, and the repulsive materials from which these volumes have been compiled, are candidly considered, it will readily be allowed that the undertaking required no ordinary exertion of application and perseverance.

It has all along been the Editor's anxious study to furnish the Public with a copious selection from these ancient Records, (the earliest, perhaps, as well as the most remarkable, in this department, of which any country in Europe can now boast,) in a scrupulously faithful and accurate manner, without using even the slightest liberty with the phraseology or structure of the original text. His editorial labours, therefore, have been confined chiefly to the selection of the most remarkable Cases, and the addition of such collateral historical

and antiquarian illustrations as the nature of the subject seemed to demand, or his more important professional exertions, which, during the whole of this period, also happen to have been of a severe and laborious description, allowed him to make.

The present work was first suggested by the late lamented SIR WALTER SCOTT, whose attachment to the early history, literature, and antiquities of his native country are so universally known and appreciated, that his name may now be said to be indissolubly identified with them. The idea and plan of such a work as the present had, many years ago, occurred to that truly great man; and, at one period, he had himself contemplated the publication of the most remarkable of the ancient Criminal Cases of Scotland, combining the facts of each with all the correlative circumstances, worked up into a popular and narrative form. From this undertaking, however, he was diverted by his numerous avocations and literary engagements, but chiefly from the consideration that many years must necessarily have been consumed in acquiring all the requisite stock of materials and information, before he could commence the composition of such a work. Both previous to, and shortly after the institution of his favourite literary Association, the BANNATYNE CLUB, he encouraged the Editor to attempt the publication of the present Collection; but, being diffident of his adequacy to so important and extensive an undertaking as had at first been contemplated by SIR WALTER SCOTT, it was proposed by the Editor that he should, in the first place, carefully investigate the Records and MSS. belonging to the Court, and make pretty extensive Selections from the earlier portion of the reign of King James VI., in the



manner that appeared to him likely to be the most accurate, and, at the same time, the most practically useful.

These Selections were accordingly made and subjected to the critical examination of Sir Walter Scott and of Thomas Thomson, Esq., Deputy Clerk Register of Scotland, now his successor as President of the Bannatyne Club, together with the outlines of the plan which seemed to be best calculated to make the proposed Collection as useful as possible, as a work of reference. With a few modifications, these learned individuals concurred in advising the publication of the work, in the form in which it is now found. The patronage of THE LORD JUSTICE-CLERK and the Lords Commissioners of the High Court of Justiciary, THE LORD PRESIDENT of the Court of Session, THE LORD CHIEF COMMISSIONER of the Jury Court, BARON HUME, and many other eminent individuals, whose names rank highest in the profession of the Law, as well as in the literature of this country, was liberally and readily granted in furtherance of the work.

The BANNATYNE and MAITLAND CLUBS, also, and many other literary and Antiquarian friends, having subscribed to the projected publication, the Editor felt that he could not, in gratitude, any longer decline undertaking the remaining risk and responsibility, great though they, from the outset, appeared to him to be. It was clear to all, however, that no adequate compensation could reasonably be expected for the expenditure of time and labour, and the large pecuniary advances which must necessarily be involved in the undertaking of so very extensive an engagement, unless many of the members of the principal Legal Bodies should come forward in support of the Editor,

after the publication of the preliminary Parts of his projected work. This hope, unfortunately, has not hitherto been realized.

These explanations appear to the Editor to be in some measure called for, in consequence of his having been frequently and freely censured by many of his friends, as if he had rashly and unadvisedly incurred so very heavy a responsibility, and as if he had wilfully sacrificed so many years to intense application on pursuits so little likely to yield a corresponding return for the labour and expense bestowed. Without farther intruding on the reader's patience these personal concerns, he trusts he has shown satisfactorily, that he had the best grounds for expecting a more favourable result. In the face of at least the extreme probability of suffering considerable pecuniary loss, after the time when the first two or three Parts were published, he is conscious that he has in no wise shrunk from the fulfilment of any part of the obligations under which he conceived and felt himself to lie towards those who so liberally and disinterestedly came forward to support the present work, but has steadfastly brought it to a termination, under circumstances of considerable difficulty and discouragement.

It belongs to his subscribers and to the public to judge in what manner he has succeeded in redeeming his pledge, in faithfully laying before them these remarkable relics; and whatever disappointment he may unintentionally have occasioned, in the discharge of his difficult task as an impartial Editor, it will, he trusts, be imputed to no lack of zeal or industry on his part. In the course of any voluminous work of a historical or antiquarian cast, and especially one of the nature of the present, which embraces so wide and va-

ried a range, it must naturally be expected that an Editor, notwithstanding the exercise of the utmost care and vigilance, must, in many instances, fall short in affording satisfactory elucidations of obscure historical events, local or provincial occurrences, and other incidents of a minute description, of long forgotten superstitions, and similar vestiges of former ages. The reader's indulgence is requested in all such instances. Even those whose previous studies and habits have not rendered the difficulty of conducting investigations of this description quite familiar, will, on reflection, perceive, that much patient industry must be exercised in ascertaining and settling even one solitary fact, or a single obscure or controverted point.

The grave nature of a work conducted on the plan of the present, it may be farther noticed, entirely precluded the possibility of reducing any portion of it into a "popular" form, so as in any manner to compete, in point of interest, with works of fiction, or the lighter and more fascinating literature of the day. Such a work may indeed still be considered as a *desideratum*; but, in the Editor's humble opinion, it would require to be executed by a master-mind, such as his who suggested this publication. The merit of a Collection on the present plan appears to be, that the reader should be presented with all the facts, circumstances, and details, in the graphic and masculine language of the times when they actually occurred. All the requisite materials are thus afforded for arriving at a sound opinion as to the real complexion and merits of the case—and it only remains farther for an Editor to put the reader in possession of such contemporaneous documents and State Papers, &c., from authentic sources, as may tend to throw additional light on the original, though frequently

obscure and quaint, Record. Prefatory notices to the various remarkable Trials, and copious explanatory foot-notes, were likewise found to be necessary to aid the modern reader towards the better understanding of these Records ; which, being expressed in the vernacular and now almost forgotten Scottish of centuries long gone by, evidently appeared to stand in need of occasional glosses.

It is, perhaps, hardly to be expected that the circulation of a work so quaint and antiquated as the present should be general or widely extended. The language alone is apt to deter many from patiently gleaning views of the state of society and manners of these periods, which are very imperfectly known or understood ; indeed to many they are only familiar through the medium of works of fiction and romance. But to the lawyer, the historian, the antiquary, and the genealogist, especially, this compilation will be found to be of considerable practical utility, as it abounds with ample materials for the prosecution of their favourite studies ; while, at the same time, the more general reader will at every turn meet with varied portraiture of national manners, customs, and the superstitions of bygone ages, which might in vain be searched for elsewhere.

The reader will find in the Appendices to the several reigns, and also scattered over the whole Collection, valuable Selections from the various PUBLIC RECORDS, and especially from those of the Privy Council, Great Seal, Privy Seal, Lord High Treasurer's Accounts, &c., in which are contained very important historical materials. The Editor has also deemed it proper to present a considerable body of State Papers, Original Letters, and similar illustrative documents,

procured from various sources, which, as will be observed, have uniformly been specified.

It would be as presumptuous, as it seems uncalled for, to attempt an historical account of the origin and progress of the Criminal Tribunals of Scotland. These have already been so fully and satisfactorily treated of by Baron Hume and by the other Institutional writers, that any attempt to offer new or additional remarks were equally vain and fruitless.

On the suggestion of several friends, the binder has been directed to preserve the annexed NOTICES, which were originally prefixed to the various Parts of this work, for the purpose of exhibiting the order and manner of publication, as well as to account for the anomaly of postponing the printing of those Criminal proceedings which occurred during the earlier reigns of King James IV. and V., and Mary Queen of Scots, till the conclusion of the series.

To render consultation of the work as easy as possible by readers of every class, a very copious GENERAL INDEX has been constructed with great care and labour, and at a considerable additional expense.

GENERAL REGISTER HOUSE,  
*25th March, 1833.*





**CRIMINAL TRIALS**  
**AND OTHER PROCEEDINGS BEFORE THE**  
**HIGH COURT OF JUSTICIARY.**

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THE earliest Volumes of the Criminal Records of Scotland, now extant, are the two ancient MSS. still preserved in the Library of the Faculty of Advocates, Edinburgh. It is probable they had been acquired by the Curators of that excellent institution, by purchase, at the sale of some Collector of the last century, into whose possession they must have found their way by very improper means, at a period when such documents were considered of no importance.

Although these Volumes chiefly consist of the proceedings of the Justice-aires of Lauder, Jedburgh, Selkirk, Peebles, Edinburgh, Dumfries, Kirkcudbright, Air, and Wigton, yet as they abound in numerous particulars, highly illustrative of the history, manners, and habits of those portions of Scotland during the reign of KING JAMES IV, the Editor has considered it necessary to give at large every remarkable Case which occurs in them.

It may be noticed here, once for all, that the Books of Adjournal and Minute Books of the Supreme Criminal Tribunal of Scotland, as well as the Records of the Justice-aires, &c. at these remote periods, were kept in an obscure forensic Latin. This circumstance, added to the well-known difficulty of deciphering the ordinary MSS. of these centuries, and the fact of the Books now preserved being generally mere scrolls and *memoranda*, written with many contractions, and evidently during the hurry of the Court proceedings, have hitherto rendered the task of examining them, and presenting the public with the more important cases, a labour of a peculiarly irksome and repulsive kind. Fortunately, however, entries have in many instances been made in the forcible vernacular of the period, and original Warrants and Letters have also been recorded, or have been found, after diligent search, among the loose papers belonging to the Court. Many of these are alike curious as specimens of our language, and valuable as historical documents.

After deliberate consideration, it has been deemed proper, and most likely to be acceptable to the great bulk of readers, to give a close technical translation<sup>1</sup> of such portions of the Records as are conceived in Latin, excepting where very remarkable phrases or terms are made use of; but in all such cases the original expressions are given in foot-notes. In every instance, where the vernacular is employed, or where quotations are necessarily given, the same scrupulous fidelity has been observed as in the subsequent parts of this work.

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*IN Parlamento excellentissimi Principis ac domini nostri metuendissimi domini JACOBI IV Dei gracia Regis Scotorum Illustrissimi, tento et inchoato apud Edinburghe, die Lune sexto die mensis Octobris, anno domini 1488. Per Commissarios subscript. viz. COLINUM COMITEM de Ergile, Dominum Campbele et Lorne, Cancellarium Scocie; PATRICIUM DOMINUM HALIS, Magistrum Hospicij supremi domini nostri Regis; ROBERTUM DOMINUM LILE, Magnum Justiciarium Scocie; ALEXANDRUM HUME de eodem Magnum Camerarium Scocie; WILLELMUM KNOLLIS Preceptorem de Torfichin, Thesaurarium, militem, et multos alios Commissarios in hac parte.*

**High Treason — Intercommuning with the English, &c. —  
Fighting against the King at 'the Field of Stirling.'**

[In consequence of the loss of the early Volumes of the Books of Adjournal, it becomes necessary, in order to render the present Collection as complete as possible, to investigate from other authentic sources the proceedings which took place immediately after the accession of KING JAMES IV. Fortunately the Records of Parliament, of the Great and Privy Seals, and the Books of the High Treasurer of Scotland, afford some notices of the steps which were taken against the partisans of the deceased KING JAMES III. These shall be given here at length; but as the leading circumstances connected with them must of course be minutely discussed in Mr TYTLER's correct and impartial History of Scotland, it is only further necessary to lay before the reader such documents as do not fall within the plan of that learned gentleman's truly valuable work.

JAMES STEWART *first* EARL OF BUCHAN, whose *sobriquet* was *Hearty* JAMES, was the brother uterine of KING JAMES II. He married Margaret, the heiress of Sir Alexander Ogilvy of Auchterhouse, by whom he got that barony and the heritable sheriffship of the county of Forfar. On the fall of Lord Boyd, in 1471, he was made Lord High Chamberlain of Scotland; and, in 1473, went as ambassador to France. He was made Warden of the East Marches on his return. Having participated in 'the Field of Stirling,' he became obnoxious to the vengeance of the successful party; but he had the good policy to submit and sue for his Majesty's clemency, which he obtained, and was received into his favour. Although he was subsequently charged with having entered into a conspiracy with John Ramsay, Lord Bothwell, and Sir Thomas Tod, in 1491, to deliver his Prince into the hands of KING HENRY VIII, the circumstance is rather unlikely, for he was no party to the Inden-

<sup>1</sup> Proper names and untranslated words are uniformly given in the same form as in the Record.



ture.<sup>1</sup> It rather seems to have been a ruse on their part, to induce Henry to give credit to their plot, and to advance the money required by them. This nobleman died before Feb. 6, 1499-1500, when his son is styled Alexander Earl of Buchan.<sup>2</sup>

Owing to the historical importance of this and the following cases, they are given here in their original form, divested only of the usual contractions, which are extremely perplexing to an ordinary reader.]

Oct. 6.—Quo die, JACOBO COMITE BUCHANIE sepe vocato, per summonicionem regiam et tenorem eiusdem sub testimonio Magni Sigilli regii desuper directam ad respondend. dicto domino nostro Regi, in presenti Parlamento, super certis proditoriis actionibus in dicta summonicione contentis, et per tenorem eiusdem: Quo Jacobo Comite Buchanie, sic sepe vocat. et non comparente, dominj commissarij continuarunt dictam causam summonicionis ad craftinum, ad decimam horam cum continuacione dierum, in eadem forma et effectu ut nunc est, absque prejudicio parcium.<sup>3</sup>

Oct. 7.—Continuatur ad craftinum, ut supra.

[*Coram nobilibus Dominis COLINO COMITE DE ERGILE, Domino Campbele et Lorne, Cancellario Scocie, LAURENCIO DOMINO OLIPHANT, JOHANNE DOMINO DRUMMOND, ROBERTO DOMINO LILE, ANDREA DOMINO GRAY et JOHANNE DOMINO GLAMMIS, Commissionariis Parliamenti et Justiciariis, &c.*]

Oct. 8, (*die Mercurii*).—Continuatur ad craftinum, in eadem forma ut nunc est, absque prejudicio partium.

[*Per supremum dominum nostrum REGEM in propria persona.*]

Oct. 9, (*die Jouis*).—Quo die, JACOBUS COMES BUCHANIE cepit se ad Remissionem dominj nostri Regis ante dicti, pro proditorio aggressu in regnum Anglie Regi eiusdem: AC pro proditoriis communicatione et laboracione cum prefato REGE ANGLIE, pro importacione certorum Anglicorum ad distructionem regni et ligiorum Scocie, et pro instigacione et causacione dicti Regis Anglie in propria persona cum suis armis et copia virorum in regnum Scocie aduenisse: ET pro proditoriis arte parte et consilio datis et exhibitis Andree Episcopo Morauien., Alexandro Domino Forbes, Johanni Domino Bothuile, Johanni Rofs de Montgrenane, Johanni Murray de Tuchadam, Stephino Lokart de Cleghorne, et Jacobo Hommill sciffori, in Fabricacione commissiois et certorum Munimentorum Regi Anglie per Johannem Dominum Bothuile et Henricum Wyot Anglicanum delatorum, ad frangend. pacem et treugas per quondam patrem supremi dominj nostri Regis et Parliamentum et Regem Anglie unitas,

<sup>1</sup> See Notice prefixed to the Forfeiture of LORD BOTHWELL, Oct. 9, 1488. <sup>2</sup> The following characteristic entry occurs in the High Treasurer's accounts:—1502-3, Feb. 17. 'Item to YE KING to put in pe caudil, at the heving of Erle of Buquhanis sone, xiiij s.' It is probable that the King had become god-father or sponsor for the child. <sup>3</sup> At the second diet THE KING is present in person, with a great concourse of Lords spiritual and temporal. See *Acta Parl.* II. 199, &c.

contra commune bonum et rem publicam, et perpetuam distructionem regni: Virtute cuius, guerra super vna parte regni erat proclamata, et diuersi ligei illius partis depauperati, depredati, occisi et infendum passi sunt: ET ad perpetuam subieccionem corone regni Scocie obediencie et ligeancie Regis Anglie: ET pro proditoriis arte et parte, consilio et assistencia datis et exhibitis dictis personis, in Fabricacione cuiusdam Commissionis, et eiusdem missione Comitj Northumbrie, et Domino Willelmo Tildar, Anglicano, militi, continen. quod ipsi virtute dicte Commissionis et potestatis consilio suo eis miss. et direct. Remissiones omnibus Scotis partem Anglicorum contra supremum dominum nostrum Regem et fideles ligeos suos capientibus: ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in missione et destinacione Johannis Domini Bothuile diuersis vicibus ad Regem Anglie, ad distructionem et perpetuam subieccionem Corone regni Scocie ligeancie et obediencie dicti Regis Anglie: ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis Johanni Rofs de Halkhede, militi, Johanni Rofs de Montgrenane, et Stephino Lokkart de Cleghorne, et Thome Fothringham de Powre, in extraportacione dicti quondam patris supremi domini nostri Regis, cum armis et copiis virorum, apud Blaknes, pro distructione supremi domini nostri Regis et Dominorum eidem adheren. Attento quod dictus supremus dominus noster Rex eo tempore, prout omni alio, extitit paratus perimplere optulit per ipsum dicto domino nostro Regi, tunc Principi, missa, promissa et subscripcione eius manuali subscript. consilio eius fractis, proruptis et spretis; quamobrem Comites de Huntle, Erole, Marshell, et Dominus de Glamis eum dictum Jacobum et eius opinionem reliquerunt, et ad loca propria redderunt: ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in preparamento et araymento campi bellici contra dictum supremum dominum nostrum Regem, apud Blaknes, in quo nouiter appunctuatum extitit et pro complicione prius promissorum, dictus Jacobus Comes Buchanie, Willelmus Dominus Rothuen, Thomas Fothringhame de Powry, Willelmus Murray de Tulybardin dabantur fideiuffores.

### **High Treason — Fighting against the King at 'the Field of Stirling,' &c.**

[SIR JOHN RAMSAY, (of Balmain, Traringeane, &c.) LORD BOTHWELL, was the only one of the favourites of KING JAMES III who escaped being put to death at the fatal affair of Lauder, in July 1482, by clinging closely to the King's person, and leaping behind him on his horse. He had been repeatedly Ambassador to the Court of England; and ultimately fell a victim to his personal attachment to his sovereign. Immediately after his forfeiture, the whole of his estates were conferred on Patrick Lord Hales, who was a few days afterwards created Earl of Bothwell, Oct. 17, 1488. The forfeited Lord fled to England, where he appears to have occupied himself in planning a fatal scheme of revenge against KING JAMES IV; while he at the same time expected to obtain the favour of the English King, and again to rise to still more distinguished eminence.]

On April 16 and 17, 1491, INDENTURES were entered into between KING HENRY VII of England and 'JOHN LORD BOTHUELL and SIR THOMAS TOD, (' of Serefchaw,') knight, of the realm of Scotland, as well for and in name of theimfelve and alfe of dyvers other named in the faid Indentures on the other partie,' declaring that ' the right honourable Lord JAMES ERLE OF BOUGHAN,<sup>1</sup> and the faid Sir Thomas, shall take, bringe, and delyver into the faid King of Englandis handes THE KING OF SCOTTIS now reyning, and his brother THE DUKE OF ROOS, or at the leste the faid King of Scotland.' King Henry agreed to lend to the faid Sir Thomas, as well for the Earl of Buchan as for himself, L.266, 13s. 4d. Sterling, to be repaid before Michaelmas next; and Sir Thomas to leave his son and heir in pledge, for the sure fulfilment of their engagements. This remarkable document was signed at Greenwich, Apr. 17, 1491.<sup>2</sup>—*Rymer's Fœdera*, XII. 440.

That infamous project, however, they were unable to perpetrate. Through the influence of King Henry, no doubt, and James's generous and forgiving disposition, he got leave to return to Scotland, where he was afterwards known as Sir John Ramsay of Trarincane. Even then, his perfidious spirit was not subdued by the lenity shown him; for Mr Pinkerton gives two Letters from him to HENRY VII,<sup>3</sup> dated Sept. 8 and . . . 1496, in which he subscribes himself ' Jhone L. Bothvalle,' giving a minute detail of the Scottish King's proceedings relative to Perkin Warbeck, &c. He acted the part of a spy to Henry VII, with so much cunning as to deceive the Scottish King and his Court; and on Apr. 18, 1497, he at length obtained a formal Remission and Letters of Rehabilitation, under the Great Seal.<sup>4</sup> His title and estates, however, were never restored to him. Notwithstanding all this perfidy, he had the address to get Charters to a variety of lands in Forfarshire, Ayrshire, Wigton, and Kincardine; and on May 13, 1510, he had a Charter erecting them into a free Barony called Balmain. He died anno 1513.

There seems little else worthy of notice regarding this ungrateful courtier. The Summons of course gives a false colouring to the original facts, by representing all the transactions of the late King's adherents as Treason, whereas, it is obvious, that Treason was alone justly chargeable against the Prince and his followers.]

(Oct. 9.<sup>5</sup>)—Eodem die comparuit in judicio Carrik Signifer, vicecomes in hac parte, et presentavit quandam Summonicionem regiam sub testimonio Magni Sigilli regii sibi direct. super summonicione JOHANNIS DOMINI BOTHUILE coram prefato domino nostro Rege et tribus regni sui Statibus ibidem congregatis; cuius Summonicionis tenor sequitur et est talis.

*Summonicio Forisfacture Johannis Domini Bothuile.*

JACOBUS Dei gratia Rex Scotorum. Vicecomiti et balliuis suis de Lanark, necnon Lyone Regi Armorum, Rothiffay, Rosse, Snawdoune, Marchmond, Heraldis; Vnicorne, Ormonde, Carrik, Bute, Montrofe, Signiferis; Hectors Meldrum, Willelmo Campbele, Clauigeris; Symoni Sperdour, Johanni Keyre, Donaldo Malynny, et Georgeo Schaw, Curforibus, et eorum cuilibet, coniunctim et diuifim, vicecomitibus nostris in hac parte, salutem. Mandamus vobis et precipimus quatenus summoneat, legitime et peremptorie, coram testibus, JOHANNEM

<sup>1</sup> Buchan. See Notice to Oct. 6, 1488.

<sup>2</sup> A curious and interesting instance of James's piety and forgiving spirit may be seen from the *Lord High Treasurer's Books*:—Feb. 22, 1505-6. 'ITEM to YE KINGIS offerand to Sir Thomas Toddis faulis first mes (Mass) xlij s.' It is likely from this notice that Todd had only died recently before that date.

<sup>3</sup> *Mus. Britt.* Vespasian, c. xvi.

pp. 152 and 154. *Pinkerton's Hist.* II. 438, 442.

<sup>4</sup> *Reg. Mag. Sig.* XIII. 218. See also

same Record, XIII. 352, 353, 419, and XV. 200.

<sup>5</sup> Continued from Oct. 8.

DOMINUM BOTHUILE, personaliter apprehensum, si eius prefenciam commode habere poteritis, alioquin apud Castrum de Bothuile, et ad crucem fori burgi nostri de Lanark, per publicam proclamacionem, ita quod huius summonicio ad eius noticiam veresimiliter peruenire poterit ; quod compareat personaliter coram nobis in nostro proximo Parlamento, tenendo apud Edinburghe, die Mercurij, octauo die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis, in prefato nostro Parlamento, pro proditoriis seductione et ductione quondam JACOBI (III) REGIS SCOTORUM, patris nostri defuncti, contra commune bonum rempublicam et Regni nostri, faciendo eum opprimere suos Prelatos, Barones, burgenfes et ligeos, per communem vendicionem et empcionem Justicie, ad eorum finalem distructionem ; vigore cuius, mercatores alienigine, ad regnum nostrum aduenien. erant omnino distructi et depredati, sic quod nulli al(ieni?) pro refectione regni non audebant dictum regnum intrare : AC pro proditoriis arte, parte, consilio et assistencia datis et exhibitis JACOBO COMITI BUCHANIE, in proditoriis aggressu et passagio in regno Anglie : ET pro proditoriis comunicacione et laboracione cum prefato REGE ANGLIE, pro importacione certorum Anglicorum ad distructionem regni nostri et legiorum nostrorum : ET pro proditorie arte et parte cum dicta Comite Buchanie, in causacione et instigacione dicti Regis Anglie, in quantum in eo fuit, ad intrand. dictum regnum nostrum, in propria persona, cum armis et copia virorum, pro distructione nostra et ligeorum nostrorum : AC pro proditoriis ingressu et passagio in Anglia, per ipsum Johannem factis, diuersis vicibus : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis ANDREE EPISCOPO MORAVIEN., JACOBO COMITI BUCHANIE, ALEXANDRO DOMINO FORBES, in Fabricacione cuiusdam Commissionis et certorum Munimentorum REGI ANGLIE, per vos Johannem et HENRICUM WYOT, *Anglicanum*, delatorum, ad infringend. pacem et treugas per dictum quondam patrem nostrum et Parliamentum eius et Regem Anglie initas, contra commune bonum et rem publicam, et ad perpetuam distructionem regni ; virtute cuius, guerra super vna parte regni nostri proclamata, et diuersi ligei illius partis depredati, occisi, et incendium passii sunt : ET pro proditoriis delacione dicte Commissionis et Munimentorum ad Regem Anglie, ad perpetuam subiencionem regni nostri obediencie Regis Anglie : ET pro proditoriis arte, parte et consilio Fabricacionis cuiusdam Commissionis, et eiusdem missionis COMITI NORTHUMBRIE et DOMINO WILLELMO TYLDARE, *Anglicano*, militi, continen. quod ipsi virtute dicte Commissionis et potestatis darent Remissiones omnibus Scotis partem Anglicorum contra nos et fideles legios nostros capientibus : ET pro proditoriis arte, parte, et consilio datis et exhibitis dictis personis, in causando dictum quondam patrem nostrum diuersa Appunctuamenta et Concordias, subscriptione manuali dicti quondam patris nostri subscript., nobis tunc

Principi, pro communi pace et tranquillitate regni premiss. frangere et ab eisdem refilire, que diuersis vicibus erant promissa et per vos et (quemlibet) vestrum fracta et non obseruata; ratione cuius fractionis, Comites de Huntle, Erole, Marchell et Dominus de Glamis eius opinionem reliquerunt, et ad loca propria accefferunt: ET pro proditoriis arte, parte, et consilio datis et exhibitis dictis personis, in consulendo predictum quondam patrem nostrum ad exeund. Castrum de Edinburghe cum armis et copia virorum, post diuersa Appunctuamenta per ipsum apud Blaknes et alibi condita per ipsum fracta, ad inuadend. nos eius filium, tunc Principem, apud Striuelin: ET super aliis quam pluribus criminibus et proditoriis transgressionibus per ipsum Johannem contra nos et regnum nostrum inique perpetratis, juri parend.: INTIMAN. dicto Johanni, quod siue dictis die et loco cum continuacione dierum comparuit siue non, nos nichilominus in premissis, Justicia mediante, procedemus: Et presentes literas debite execut. et indorfaciones earundem reddite latori: Et vos qui presentes executi fueritis fitis ibidem dicto die, coram nobis, portan. vobiscum Summonicionis vestre testimonium in scriptis, pro dimissis seu ipsos testes. Ad quod faciendum vobis et vestrum cuiuslibet in hac parte, coniunctim et diuisim, plenariam committimus potestatem. DATUM sub testimonio Magnj Sigilli nostri APUD EDINBURGHE secundo die mensis Augusti, anno regni nostri primo.

Post cuiusquidem Summonicionis lecturam, idem vicecomes probavit in presenti Parlamento dictam Summonicionem legitime executam, per indorfacionem suam et certos testes in eadem indorfacione contentos, in iudicio, ad hoc inibi per ipsum productos et juratos, videlicet, Johannem Hamiltoune de Wodhall et Patricium Hammiltoune; cuius indorfacionis sic est tenor.

*Indorfaciones five Executiones Summonicionis Forisfacture.*

THE vj day of pe moneth of August, the 3ere of God J<sup>m</sup>.iiij<sup>o</sup>.lxxxvij 3eris, I CARRIK, Purfewart, personaly past to the cheif chemis<sup>1</sup> of Bothuile, and pare summond JOHNE LORD BOTHUILE to comere before our souerane lorde, personaly, in his Parliament to be haldin at Edinburgh, the viij day of October nixt tocum, with continuacione of dais, to anfuere to his hienes upone all the poyntis and articlis and crimez of Treffoune contenit in pir our souerane lordis lettrez: Before thir Witnes, Johne of Hammiltoune, Patric of Hammiltoune, Johne Baxtare, and James Echiftoune. AND pane, one the morne, the vij day of August, I the said CARRIK, Purfewart, past to pe merkat corse of Lanark, and pare, be oppin proclamacione, summonde and warnit the said JOHNE LORD BOTHUILE to comere, personaly, before our souerane lorde in his Parliament forsaid, to anfuere to his hienes to all the poyntis, articlis and crimez of Treffoune contenit in pir our souerane lordis lettrez, and estir pe tenour of pe samyn: Before thir Witnes, George Aitkynfoune, Williame Forfter, bailzeis of Lanark, Thomas Were, and Johne Mowate, with vtheris diuerse. IN witnes hereof I haue set to my Signet.

Quo JOHANNE DOMINO BOTHUILE sepe vocato, vigore predictae Summonicionis et per tenorem eiusdem, ad respondendum dicto domino nostro Regi, in presenti Parlamento, super omnibus proditoriis actionibus in dicta Summoni-

<sup>1</sup> Mansion-house, chief dwelling. O. Fr. *chefmez*, (*chef mez*, i. e. *chef maison*.)

cione contentis, et non comparente, legitimo tempore diei expectato, ordine et processu, continuacione dicte Summonicionis, per Dominos, Barones et Burgorum Commissarios supercriptos, hunc usque juridice procedi, visis et Intellectis, Colinus Comes de Ergile Dominus Campbele et Lorne, Cancellarius dominj nostri Regis, et eius nomine, de suo expresso mandato, requisivit et peccit a dictis Dominis, Baronibus et Burgorum Commissariis, sua sensuamenta et Decreta Parliamenti, penes processum dicti Johannis Domini Bothuile, si ipse fuit culpabilis in proditoriis accionibus pronominat in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commissariis regni sui statubus deligenter et mature auisatis inuenerunt, et vnusquisque pro seipso deliberavit, quod dictus DOMINUS BOTHUILE fuit culpabilis in omnibus proditoriis actionibus in dicta Summonicione contentis, excepto tempore de Blaknes. Et ideo datum fuit pro iudicio siue Laudo Foriffature, per os Alexandri Dempstar Judicatoris Parliamenti, in modo et forma sequen. in vlgari.

*Judicium siue Laudum Foriffature.*

THIS Court of Parliament schewis for law, and I gif for Dome, that florfa-mekle as it is fundin be sensment of Parliament, that JOHNE LORD BOTHUILE has committ and done Treffoune agane oure souerane lord THE KING and his realme, in all the poyntis and articlis aboune writtin, contenit in the Summondis maid pairappone, except the tyme of the Blaknes: That pairfore he has Forfalt to our souerane lord the King his lif, landes,<sup>1</sup> officez, gudis movable and vnmouable, and all vtheris his possessionis pat he haid within the realme of Scotlande, euermare to remane with oure said souerane lord, his airis and successouris, for his Treffoune and offence. And that I gif for DOME.

[*Coram REGE personaliter ibidem sedente.*]

**High Treason — Field of Stirling, &c.**

[JOHN ROOS or ROSS of Mountgreenan was Advocate to JAMES III. Warrant was granted, Jul. 2, 1488, for his apprehension, and he was at the same time summoned for the traitorous pursuit of the Prince (JAMES IV) to beyond the Bridge of Stirling; and for there making Burnings, 'hereschips,' and slaughters, on Jun. 10, being the day preceding the Battle of Sauchie. The Castle of Keir, to which the Prince had retired, was at the same time burnt by the King's adherents, with the Place of Airth, &c.<sup>2</sup>

There seems to be nothing additional worthy of mention, as to the Lord Advocate's case, excepting that he does not appear to have been restored to the King's confidence. His estates were conferred on Patrick Hume of Fastcastle; and James Henderson of Fordell succeeded to his important office of Lord Advocate.]

Oct. 14, (*die Martis.*)—Quo die<sup>3</sup> comparuit in Iudicio CARRIK Signifer, vicecomes in hac parte, et presentavit quandam Summonicionem regiam, sub tes-

<sup>1</sup> On Oct. 14, the Parliament confirmed a grant of the Lordships of Bothuill and Creichtoun to Patrick Lord Halis, Master of the Household; and on Oct. 17, they were erected into the Earldom of Bothuill, &c. <sup>2</sup> See *Reg. Mag. Sig.* XII. 64.—*Treasf. Accounts.* <sup>3</sup> This case had been continued from time to time, from Oct. 8 preceding.

timonio Magnj Sigilli regij fibi directam, super Summonicione JOHANNIS ROSS DE MONTGRENANE, coram prefato domino nostro Rege et tribus regni sui statibus ibidem congregatis ; cuius Summonicionis tenor sequitur et est talis.

*Summonicio Forisfacture contra Johannem Ross de Montgrenane.*

JACOBUS dei gracia Rex Scotorum, Vicecomiti et Balliuis suis de Are, necnon Lyonj Regi Armarum, Rotbiffay, Ross, Snawdoune, Merchmonde, Heraldis ; Vnicorne, Ormonde, Carrik, Montrose, Signiferis ; Hectori Meldrum, Willelmo Campbele, Clauigeris ; Symoni Spardoure, Donaldo Malynny et Georgeo Schaw, Curforibus, vicecomitibus nostris in hac parte ; salutem. Mandamus uobis et precipimus, quatenus summoneat, legitime et peremptorie, coram testibus, JOHANNEM ROSS de Montgrenane personaliter apprehensum, si eius prefenciam commode habere poteritis, alioquin apud Montgrenane et locum sue habitacionis, et ad crucem fori burgi nostri de Are, et ad crucem fori burgi nostri de Irwin, per publicam proclamationem ; ita quod hujusmodi Summonicio ad eius noticiam veresimiliter peruenire poterit, quod compareat personaliter coram nobis, in nostro proximo Parlamento, tenendo apud Edinburghe, die Jouis, nono die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis in prefato nostro Parlamento pro suis proditoriis arte, parte, consilio et assistencia datis et exhibitis JACOBO COMITI BUCHANIE, Stephino Lokhert de Cleghorne, et Thome Fotheringham de Powry in extraportacione et ductione quondam patris nostri cum armis et copia virorum apud Blaknes, pro nostra et nostrorum finali distructione, attento quod nos eo tempore prout omni alio extitimus parati perimplere Appunctuamenta per ipsum nobis missa, promissa, et subscriptione eius manuali subscript., consilio eius fracta, prorupta et spreta, quamobrem Comites de Huntle, Erole, Merchell et Dominus Glammis eum dictum Johannem Ross et eius opinionem reliquerunt, et ad loca propria redierunt : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in preparamento et araymento campi bellici contra nos apud Blaknes, in quo nouiter appunctuatum extitit : ET pro complice Appunctuamentorum prius premisorum, dictus Jacobus Comes Buchanie, Willelmus Dominus Rothuen, Thomas Fotheringham de Powry, Willelmus Murray de Tulybardin dabantur fide-inssores et obsides : AC pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis ad prorumpend. dicta Appunctuamenta, pro communi tranquillitate pace et concordia regni inita, postquam dictus quondam pater noster ad castrum de Edinburghe peruenit : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis et Andree Episcopo Moraniens. in missione et destinatione Johannis Domini Bothuile in regno ANGLIE ad REGEM eiusdem, pro proditoriis importacione ipsius et ligoorum suorum ad distructionem nostram et legiorum nostrorum et Corone regni Scocie subiectionem perpetuam legiancie et obediencie dicti Regis Anglie : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in consulendo dictum quondam patrem nostrum ad exeund. Castrum de Edinburghe, cum armis et copia virorum, ad inuadend. nos, tunc existentem Principem, apud Striuelin : ET pro proditoriis fugacione et prosecutione nostre persone extra pontem de Striuelin, ibi Incendia, depredaciones et occisiones facien. : NECNON pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in faciendo patrem nostrum contra nos se eregere, ad distructionem nostre persone, in preparamento et araymento campi bellici, apud Striuelin, vndecima die mensis Junij vltimi elapsi, post diuersas Concordias et Appunctuamenta inter nos et patrem nostrum inita, ad que semper eramus, prout tunc prompti, genibus flexis, inter bella optulimus perimplere, et consilio suo fracta et perturbata ; cuius consilio, cum aliis, in inicio belli dictus quondam pater noster campum reliquit, et in manus vilium personarum incidit, et occisus fuit : INSUPER, pro proditoriis arte, parte et consilio Occisionis eiusdem, suis proditoriis consilio, ductione, et gubernacione : ET super aliis quampluribus criminibus et proditoriis transgressionibus, per ipsum JOHANNEM ROSS contra nos et regnum nostrum inique perpetrare, jurj parend. : INTIMANDO dicto Johanni, quod siue dictis die et loco cum continuacione dierum comparuerit siue non,

nos nichilominus in premissis, iusticia mediante, procedemus. Et presentes literas debite executas et Indorfaciones earundem reddite latori: Et vos qui presentes executi fueritis sitis ibidem dicto die coram nobis, portantes vobiscum Summonicionis vestre testimonium et nomina testium in scriptis pro premissis seu ipsos testes: AD quod faciendum vobis et vestrum cuilibet in hac parte coniunctim et diuisim plenariam committimus potestatem. DATUM sub testimonio Magnj Sigilli nostri, apud Edinburghe, secundo die mensis Julij, anno regnj nostri primo.

Post cuiusquidem Summonicionis lecturam, idem vicecomes probauit dictam Summonicionem legitime executam, per suam indorfacionem, et certos testes in eadem indorfacione contentos, ad hoc inibi in iudicio productos et juratos, videlicet Nigellum Campbele, Hugonem Flemyn, Walterum Kide, Thomam Zoung, Johannem Montgumery et Robertum Fergushill de eodem; cuius indorfacionis tenor sequitur.

*Indorfaciones five Executiones Summonicionis Forisfacture.*

THE xiiij day of the monethe of August, the zere of God (Im.iiij<sup>e</sup>.) lxxxviiij zere, I CARRIK, Purfewart, and scheref in pat parte, personally past to pe Chemis of Montgrenane, and pare summond, chargeit and warnit Johne pe Ros of Montgrenane to compere before our souerane lord in his Parliament to be haldin at Edinburghe the ix day of the monethe of October nixt to cum, with continuacione of dais, to anfuere to his hienes apone all pe pointis, articlis and crimez of Treffoune contenit in our souerane lordis lettrez: Before pir Witnes, William Campbele, Hew Flemyn, Thomas zoung, and Walter Kid, with vtheris diuerse. THE sammy day, I pe said CARRIK past to pe merkat corse of Irwin, and pare be oppin proclamacione summond pe said Johne the Ros of Montgrenane to compere before our souerane lord pe saidis day and place, to anfuere to his hienes apone the poyntis and articlis contenit in pir lettrez: Before pir Witnes, Johne of Montgumry broper to the Lord of Montgumry, Johne of Montgumry of Giffyn, Robert of Fergushill of pat Ilke, and Johne of Fergushill, with vtheris diuerse. THE xvj day of pe monethe of August, I CARRIK, Purfewart, past to the merkat corse of Are, and pare be oppin proclamacione summond and chargeit the said Johne the Ros to compere before our souerane lorde, at day and place aboune writtin, to anfuere to all poyntis and articlis contenit in pir lettrez: Before thir Witnes, Johne Campbele of Schankistoune, Ferguse Fergushoune of Kilkerane, Andro Busby alderman of Are, James Campbele of pe Brownside, with vperis diuerse. In witnes hereof I haue set to my Signet.

Quo Johanne Ros sepe vocatus, per dictum Summonicionem et tenorem eiusdem, ad respondend. dicto domino nostro Regi in presenti Parlamento, super proditoriis actionibus in dicta Summonicione contentis, et non comparen. legitimo tempore diei expectato, ordine et processu continuacionum dicte Summonicionis per Dominos, Barones, et Burgorum commissarios huc usque iudice procedi, visis et intellectis, Colinus Comes de Ergile, &c. Cancellarius dicti domini nostri Regis et eius nomine, de suo expresso mandato, requisivit et peciit a dictis Dominis, Baronibus et Burgorum Commissariis sua sensimenta et Decreta Parliamenti, penes processum dicte Summonicionis, si dictus Johannes Ros de Montgrenane fuit culpabilis in proditoriis actionibus prenomatis, et in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commissariis delibenter et mature auisatis, inuenerunt, et vnusquisque pro seipso, deliberauerunt, quod dictus JOHANNES ROSS fuit culpabilis in omnibus proditoriis actionibus



prenominatis in dicta Summone contentis, exceptis factis apud Abirdene: Et ideo datum fuit pro Judicio siue Laudo Forisfacture, per os Alexandri Dempstar Judicatoris Parliamenti, in modo et forma sequen. in wlgari.

*Judicium siue Laudum Forisfacture.*

THIS Court of Parliament schewis for law, and I gif for Dome, that forfamekle as it is fundin be sensment of Parliament, that JOHNE THE ROSS OF MONTGRENANE has committ and done Treffoune agane oure souerane lorde þe King and his Realme, in the pointis and articlis abone writtin, contenit in þe Summondis maid þairapone, except þe wyrkingis maid at Abirdene, That þairfore þe said Johne þe Ross has forfalt to our souerane lorde þe King, his lif, landis, officis, gudis movable and vnmouable, and all vtheris his possessionis quhatsumeuer he haid within þe realme of Scotlande, euermare to remane with our said souerane lorde, his airis and succesfouris, for his Treffoune and offence. And þ' I gif for DOME.

**High Treason,**

Eodem die, CUTHBERTO MURRAY de Cokpule<sup>1</sup> sepe vocato, per Summone regiam et tenorem eiusdem sub testimonio Magni Sigilli regii defuper directo, ad respondend. personaliter dicto domino nostro Regi, in presenti Parlamento, super certis proditoriis actionibus in dicta summone contentis; et non comparend. continuatur ad crastinum videlicet decimum quintum mensis instantis Octobris, cum continuacione dierum, in eadem forma ut nunc est, absque preiudicio parcium.

**Regulations for the Due Administration of Justice.**

[ONE of the earliest public Acts of the first Parliament of King James IV<sup>2</sup> throws much valuable light on the energy and vigour recommended and enforced by the advisers of the young King, whose personal activity and zeal in the discharge of all the functions of the royal office are well known and acknowledged. It is preceded by the following brief resolution,<sup>3</sup> which, as is generally allowed, he fulfilled even to the letter. 'It is avisit and concludit, anent the furthe putting of justice throw all the Realme, that our souerane lord SHALL RIDE IN PROPER PERSONE about to all his AIERIS: And þat his JUSTICE fall pas with his hienes, to minifer justice, as beis thoct expedient to him and his Counsaile for the tyme.'

As the future proceedings frequently refer to the discharge of the important duties intrusted to the Lords and Barons named, it has been considered necessary to lay before the reader the particulars, which as usual are concisely stated.]

Oct. 17.—' ANENT the stanching of Thift, Reff, and vtheris innormitez throw all þe realme, thir LORDIS vnder writtin has maid faithe and gevin þar

<sup>1</sup> This case was continued from time to time; but, from the imperfect state of the Records, it does not appear whether he was forfeited or not. The probability is that he was not, otherwise so much delay would not have been granted him. <sup>2</sup> *Acta Parl.* 1488, cap. 9. <sup>3</sup> *Ib.* cap. 8.

bodily aithis to our souerane lord, in this his Parliament, that þai and ilkane of thame fall diligently, withe all cure and befinace, serche and feik quhar ony sic trespassouris ar fundin or knawin within þar boundis, and tak þame and justify<sup>1</sup> þame, or mak þame be send to our souerane lord to be justifit : And þai fall haue pouere of our souerane lorde, vnder his quhite walx, to tak and punys the saidis trespassouris but faouris, according to justice : And als, to gif þame pouere to cause vtheris finale Lardis within þar boundis to mak faith elik wise, and to rise and assist to þame in the takyne of þe saidis trespassouris.

*BARONS appointed to search for and punish trespassers.*

THE LORD HALIS and ALEXANDER HUME for *THE MERSE, LOUDIANE*, þe Wardis of *HADINGTOUNE, LINLITHQW* and *LAUDERDAILE*.

THE LORD HALIS for *KIRCUDBRYCHT* and *WIGTOUNE*.

THE ERLE OF ANGUSE for the scherefdome<sup>3</sup> of *ROXBURGHE, SELKIRK, PEBLIS, LANARK*.

THE said ERLE and THE LORD MAXWELL for *DRUMPRESE*.

THE LORD KENNYDY for *CARRIK*.

THE SCHEREFF OF ARE for *ARE*.

THE LARD OF CRAGY for *KILE*.

THE LORD OF MONTGUMMERRY for *CUNYNGHAME*.

THE ERLE OF LEUENAX, THE LORD LILE, MATHEW STEWART, for *RENPREW, THE MONKLAND, LENZHEY, BOTHUILE, GLASGW, KILBRIDE, AVANDAILE*.

And the forsaid LORDIS and the LORD OF MONTGUMMERRY for *DUNBARTANE, THE LEUENAX, BUTE, and ARANE*.

THE SCHEREFF OF STERUILINE and JAMES OF SCHAW for *STERUELINSCHIE*.

ARCHIBALDE EDMANSTOUNE for *MENTEITHE* and *STRAITHEGARTHENAX*.

THE CHANCELLAR, THE MAISTER OF ERGILE, for *ERGILE*, þe half of *LORNE, KNABDANE, KYN- TYRE* and *COWALE*.

DUNCANE CAMPBELL, NEILE STEWART and EWYNE CAMPBELL, for *DISCHER, TOYERE, GLEN- URQHAR, RANNOCHE, APNADULE, GLENLYOUNE, GLENFALLOICHE*.

THE ERLE OF ATHOLE and ALEXANDER ROBERTSOUNE for *ATHOLE*.

THE LORDE DRUMMONDE for *STRAITHERNE, BUCHEQUHEDERE, and DUNBLANE*.

THE LORD OLIPHANT for þe Lawlande of þe Scherefdome of *PERTHE, STRATHEBRAYNE*, and the bischoprik of *DUNKELDENE*.

THE LORD GRAY, THE LORD GLAMMYS, THE MAISTER OF CRAUFURDE for *ANGUSE*, Hie land and Law land ; and to sitt with þe JUSTICIS of the Regalite<sup>3</sup>, &c.

THE ERLE MARCIALL for *THE MERNIS*.

THE ERLE OF HUNTLE, THE ERLE OF EROLE, THE LARD OF INUERRUGY fra the Monthe northe fra Inuernesse, in . . . . .

THE SCHEREFF OF FIFF and þe LORDE LINDESAY for þe scherefdome of *FIFF*.

**Forfeiture of the Earl of Lennox, his son the Master of Lennox, and Lord Lyle, recalled.**

[SHORTLY after the coronation of James IV, the leaders of the party who had unsuccessfully opposed him while Prince, at the Field of Stirling, precipitately organized a Conspiracy against him,

<sup>1</sup> Execute them ; put them to death, after legal trial.

under the pretence of revenging the late King's death. For this purpose they hoisted the bloody shirt of James III as their standard, and appealed to the sympathies of the people. The attempt appears to have been premature, and proved abortive; for John Earl of Lennox, and Robert Lord Lyle, the Earl Marischall, Lords Forbes and Crichtoun, with the Master of Huntley, &c. were totally overthrown, in the month of October 1489, near Touch, at the Talla Moss, being about sixteen miles from the town of Stirling. THE KING, however, with singular leniency, speedily restored them to his favour, and spared their estates.

Reference may be made to *Mr Tytler's* valuable Historical work<sup>1</sup> for a full account of all these transactions, which are likewise related by *Buchanan, Lesley, &c.* which last authority states,<sup>2</sup> that 'ane greit number of the Lennox men wer slane, and findry of the Barronis, sic as the Lords (Lairds) of Kilcrouncht and utheris, tane and hangit thairfoir.'<sup>3</sup> *Sir James Balfour* informs us, that this 'Laird of Kilcreuche' was 'Chieffe of the Galbraithes.'<sup>4</sup>

It has been thought that the reader would prefer to have before him the King's warrant for recalling the Forfeitures which had taken place. The Act of Parliament itself may be seen in the new and valuable Edition of the Acts of the Parliaments of Scotland, printed under the care of *Thomas Thomson, Esquire*, the present Deputy Clerk Register.]

Jun. 26, 1489.—PRECEPTUM REGIS *pro extraccione processus Comitiss de Leuenax, Roberti Domini Lile, et Mathej Stewart.*<sup>5</sup>

REX,

CLERK OF OUR REGISTRE. Wit 3e, that fforfamekle as it is now fundin and declarit be the thre estatis in this oure Parliament, that þe Procefs of Forfaltour led apone oure coufingis JOHNE ERLE OF LEUENAX, LORD DERNELY, MATHO STEWART his sone and apperand are, ROBERT LORD LILE, in our Parliament haldin laft of before, in our burghe of Edinburghe, is fundin and declarit of nane avale, as þe Act of Parliament maid now þairapone proportis: It is oure Will, and we charge 3ow, that 3e herfore, incontinent eftir the ficht of þir our lettrez, tak furthe þe said procefs of Forfaltour of 3our bukis of Parliament, and deliuer þe sammyn to þe said JOHNE, MATHO, and ROBERT, and distroy þe sammyn procefs, in sic wise, þat it be neuer sene in tyme tocum. And this one na wise 3e lef vndone: Halding þir our lettrez subscriuit with our hande for 3our werrande. Writtin at Edinburghe, the vj day of Februare, the 3ere of God J<sup>m</sup>.iiij<sup>c</sup>.lxxxix 3eris, and of our regne the secunde 3ere.

[JAMES R.]

Dilecto clerico nostro MAGISTRO RICARDO MUREHEDE, Decano Glasgwen. Clerico Rotulorum nostrorum et Registri ac Confilij, &c.

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<sup>1</sup> *Tytler's Hist. of Scotland*, IV. 345, &c.    <sup>2</sup> *Bannatyne Club's Edit.* 4to, 1830, p. 60.    <sup>3</sup> The want of the Criminal Records prevents us from ascertaining who these persons were.    <sup>4</sup> *Annales*, I. 215.    <sup>5</sup> This was done by Act of Parl. Feb. 5, 1489-90. Vid. *Acta Parl.* II. 217.

*CURIA supremi domini nostri REGIS, (tenta apud)<sup>1</sup> burgum de LAUDIR, die Jovis, septimo die mensis Nov(embris, anno Millefimo) quadringentesimo Nonagesimo tercio, coram nobilibus dominis (ROBERTO DOMINO LYLE et LAUREN)TIO DOMINO OLIPHANT, Justiciariis supremi domini REGIS, ex (parte australi aque de) Forthe.*

**Letters of General Remission,**

GRANTED BY KING JAMES IV. TO THE INHABITANTS OF BERWICKSHIRE,  
THE MERSE, AND LAUDERDALE.

JAMES, be the grace of God King of Scottis, to all and syndrie our Justicis, . . . . . Justice clerkis, Crounaris, and thare deputis, and utheris our officiaris, liegis, and subditis, (quhome it) efferis,<sup>2</sup> quhais knowlege thir our lettres sal cum, greting. For samekil as We grantit, of before, generale Remissionis to all and syndrie our liegis and subditis, inhabitant the boundis of the Sherefdome of Berwic, the Merse, and Lawdirdale, for all crimez and actionis committit be thame, in ony tyme bigane, before the day of our Coronatioune: And as zit, ane pairt of our liegis has nocht raft thare Remissionis thareupoune: WE heirfoir, of our speciale grace and favouris, has Respectit,<sup>3</sup> Remittit, and Forgevin, and be our Lettres specialie Respectis, Remittis, and Forgevis for evirmare, all and syndrie our liegis and subditis, inhabitant the boundis of our Sherefdome of BERWIC, THE MERSE, and LAWDIRDAL, of quhat estate, degre, or conditione thai be of, to be unattachit, unarrestit, unperfewit, unfolowit, ony maner of way, in all tyme to cum, be ony of our officiaris, liegis, or subditis foir-faidis, for ony crimez, offensis, reffis, herfchippis, slauchteris, birnyngis, murthir, trefonis, or uthir trespassis quhatsumevir, committit or done ony maner of way, before the date of our Coronatioune foirfaide, be ony of our liegis or subditis forfaid. QUHAIRFOR, We charge straitlie and commandis zou, all and syndrie our liegis and subditis forfaid, that nane of zou tak upoun hand, to attach, arrest, perfew, or folow ony maner of way, ony of our liegis or subditis forfaid, for ony crimez of trefone, offensis, or trespassis quhatsumevir, committit or done be thame, or ony of thaim, in tyme to bigane, before the day of our Coronatioune forfaide, in ony tyme to cum. As ze wil anfuer to us thareupoune, and undir all the hiest payne, charge, and offens that ze or ony ane of zou may committ or inryn<sup>4</sup> agane our Majesté riall,<sup>5</sup> in this present; dischargeing zou and ilk ane of zou of your officis in that pairt, be thir our Letres: GEVIN undir our Privé Sele, at Dingvale, the xxiiij day of October, the zere of God I<sup>m</sup>. iiij<sup>c</sup>. nynty thre zeris, and of our regne the sext zere.

<sup>1</sup> The words within parentheses are supplied from similar entries. The commencement of the volume is much decayed and destroyed by damp, &c.

<sup>2</sup> Respited.

<sup>4</sup> Literally run into; incur.

<sup>3</sup> Whom it concerns; to whose knowledge, &c.

<sup>5</sup> Royal.

### Slaughter.

Nov. 9, (*dies Sabbati*,<sup>1</sup> *viz. tertia dies Itineris*.)—THOMAS BRÖUNE, in Langtoun, convicted of art and part of the slaughter of umq<sup>le</sup> Thomas Achin-foune.—BEHEADED.<sup>2</sup>—James Broune in Langtoun was put to the horn, &c. for the same crime; and his cautioner, William Amere, son of Robert A. in Todrik, was americiated in L.20 for his non-appearance.—(Nov. 12.) ROBERT DOUGAL in Langtoun was BEHEADED for the same slaughter.

### Hamesucken — Stouthreif.

Nov. 12.—WILLIAM COKBURNE, son and heir of the Laird of Langtoun, and nine others, permitted to compound for art and part of the forethought felony and 'Hamefukin' done to Robert Sleich, his wife and children, at the Place of Oxinden: And also, for Stouthreif of a bonnet and 'quhyngare' from the said Robert, at the same time.

### Killing Hares in forbidden time.

WILLIAM COKBURNE,<sup>3</sup> son and heir of the Laird of Langtoun, came in the King's will for slaying of Hares, during the forbidden time.

### Stouthreif from the Laird of Spottiswood, &c.

Nov. 13.—SYMON FURDE in Toftis, and Thomas Furde of Lital Harlaw, and six others, came in the King's will, for forethought felony and 'Hamefukin' done to James Spottiswode of that ilk, George and Adam Spottiswode, at the Place of Spottiswode: And also, for art and part of the Stouthreif of three lances from the said persons, at the same time.—The Master of Hume and George Hume of Wethirburne became cautioners for the satisfaction of the King and parties. (Americiated L.4 each.)<sup>4</sup>

### Slaughter—Forethought Felony.

JAMES SPOTTISWODE, junior, Adam S. and Thomas Wod, got a Remission for art and part of the cruel Slaughter of vmq<sup>le</sup> Thomas Burne, in the town of Blythe: And also, for art and part of the forethought felony done to Alexander Hog.—The Laird of Spottiswood became surety for satisfying the parties.

<sup>1</sup> SATURDAY or *Sabbath*, the Jews' day of rest. SUNDAY is universally translated in ancient documents, especially legal writings, *dies Solis* or *dies Dominica*. Want of attention to this circumstance has led to frequent errors and mistatements.

<sup>2</sup> 'MEM<sup>o</sup>. Quod de bonis Thome Broune datur in elimofina uxori et prolibus, ij. vaccas, le rov. . . cornum, cum utensilibus domino Regi pertinent.'

<sup>3</sup> This case took place on the same day with the preceding.

<sup>4</sup> This fine was probably to the King. The parties would not be so easily dealt with. It may be taken for granted that all entries of similar 'americiaments' and fines, in the Record, were merely to the Crown, *in modum pœne*, without reference to the 'affythment' or compensation to be made to the private party, which was matter of private negotiation or of reference to arbiters mutually chosen.

**Felony done to the Laird of Blyth.**

JAMES SPOTTISWODE, junior, and Robert Steill came in the King's will for the forethought felony done to James Weddale of Blyth. The Laird of Spottiswood became cautioner to satisfy the parties. Amerciated L.3 for each.

**Forethought Felony.**

Nov. 14, (*sexta dies Itineris*.)—THE LAIRD OF SPOTTISWODE, Adam and James, his sons, and George, his brother, came in the King's will for the forethought felony done to William Knox and Cuthbert Forster, at Ryecluche. The Laird became surety to satisfy the King and parties. Each amerciated in L.2.

**'Afflictio juvenis, pro Interfectione in octennio commissa.'**

[The following case of a boy of eight years of age being punished by public flogging at the parish church of Legerwood, until blood should be drawn from him, is so remarkable, that the Editor has deemed it best to give the precise words of the Record, the force of which would be much weakened by any translation. In all similar instances, wherein the ordinary technical phraseology of the Books of Adjournal has been departed from, he has uniformly followed the same rule.]

Nov. 14.—Quo die THOMAS GOTHRASOUNE juvenis in judicio fatebatur Interfectionem Johannis Smythe, filij Thome Smy<sup>t</sup>: Quapropter ordinatur per Justiciarium, Vicecomes Dominus de Corsby ad hoc juratus, affligere eundem Thomam, pro hujusmodi Interfectione, apud Ecclesiam de Ligertwode, in cujus parochia dict. Interfectio fuit commissa, in die solemnibus, usque ad effusionem sanguinis; quia dictus Thomas Gothrasoune commisit dictam Interfectionem in octennio, et in hac etate non poterat ad mortem pro crimine justificari.'

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CURIA *Itineris Justicie de JEDWORTHE, inchoata die Lune, Nov. 17, 1493.*

**Intercommuning with the English.**

Nov. 19, (*die Martis, tertia die Itineris*.)—WALTER TALZOUR 'Baro de Hassindene,' permitted to compound for Intercommuning with the English.—The Laird of Bucluche became surety for the entry of the said Walter, at the next Justice-aire.

**Treasonably being with the Duke of Albany.**

THOMAS TURNEBULE, in Gaithoufcot, produced a Remission for his treasonably being with Alexander formerly Duke of Albany;<sup>1</sup> and specially, at the Burgh-Mure of Edinburgh.

<sup>1</sup> Brother of King James III, and uncle to King James IV; and who treasonably conspired against his brother. After having escaped from Edinburgh Castle, in 1479, he fled to France, and was for-

**Intercommuning with Archibald Armstrang.**

WALTER ROBSONE, in Harden, came in the King's Will for Intercommuning with Archibald Armstrang, being at the horn for the Slaughter of *the Laird of Eldmere*.—Walter Ker became surety.

**Treasonably being with the Duke of Albany, &c.**

RALPH ANYSLE produced a Remission for his being treasonably with Alexander formerly Duke of Albany; and also with Richard Reid, Englishman, before the date of his Remission: Also, for art and part of the treasonable Stouthreif and 'Herfchip' made at the Place of Spittale of xxiiij oxen and cows, and vj horses and mares, with goods and utenfils worth x<sup>xx</sup> li.,<sup>1</sup> from the tenants thereof.—Andrew Ker of Fairnyhirst became surety.

**Bringing in the English of Tyndale.**

SYMON ZOUNG, in Rouchlee, produced a Remission for art and part of the theftuous and treasonable inbringing of the Englishmen of Tyndale to the 'Herfchip' of Thomas Leipdene and Mathew Michelfoune, dwelling in Hundolee.—Andrew Ker of Farnyhirst became surety to satisfy the parties.

**Intercommuning with the Thieves of Levyn.**

NOV. 20.—WALTER SCOT of Edschaw permitted to compound with the Treasurer for his treasonably Intercommuning with the Thieves and Traitors of Levyn.

**Treasonably being with the Duke of Albany.**

PATRICK MOW produced a Remission for his treasonably being with Alexander formerly Duke of Albany.

**Forethought Felony — Stouthreif.**

WILLIAM TAYT in Cesfurde-manys, and Robert Burne his coufin-german, came in the King's Will for art and part of the forethought felony done to Thomas Zoung, by way of Murder, at the ford of Cale:<sup>2</sup> And also, for Stouthreif of a horse, a saddle, a bow, with a fatchel and purse,<sup>3</sup> and 20 f. being in the said purse.—Sir Robert Ker, knyght, became surety. Each americiated in 40 f.

feited, Oct. 4 of that year. In 1482 he went to England, swore fealty to King Edward IV, and assumed the Title of King of Scotland. The King, his brother, shortly afterwards forgave him; but he once more proved a traitor; and, after having given up the Castle of Dunbar to the English, again retired to England. On Jul. 22, 1484, he was routed at Lochmaben; but escaped to France, leaving the Earl of Douglas, &c. prisoners. He was a second time forfeited, Oct. 1, 1487, and his estates were finally annexed to the Crown. This turbulent Prince was killed at a tournament in Paris, in 1485.

<sup>1</sup> Ten score, L.200:

<sup>2</sup> See Mar. 2, 1494-5.

<sup>3</sup> 'Cum pera et loculo.' Pera usually denotes a poke, budget, or bag for provisions, &c.

**Slaughter — Stouthreif.**

JOHN MURRAY, (residing) with Walter Ker in Cesfurde, produced a Remission for art and part of the Slaughter of William Auchinlek: *Item*, for the Stouthreif of five elns of white woollen cloth from David Wodes man, during the time of the Rebellion of Alexander Duke of Albany.

**Treason — Intercommuning with the Duke of Albany — Taking Prisoner and exacting Ransom, &c.**

ADAM KIRKTOUNE, in Craling-mylne, produced a Remission for treasonable outputting and inputting, and common Theft, common Reset and common Treason, before the date thereof: *Item*, for his treasonably being with Alexander late Duke of Albany: *Item*, for the treasonable carrying off of a shoe-maker in Jedworthe<sup>1</sup> to the English; and causing him to be redeemed for L.40.—Dand<sup>2</sup> Ker of Farnyhirst became surety to satisfy the party.

**Bringing in the English and Plundering Minto, &c.**

WILLIAM GRYMYSLAW, at the Kirk of Hassindene, permitted to compound for art and part of the treasonable bringing in of the English of Tynedale to the 'Hereschip' of 100 cows and oxen, 100 sheep, 20 horses and mares, and fundry utensils, furth of Mynto: *Item*, for his treasonably Intercommuning with the Thieves of Levyn.—Walter Scot of Howpasslot became surety for satisfying the parties.

**Concealing 'pas-pennys' found in Minto-Kirk.**

Nov. 21.—JOHN SINCLARE in Mynto, and four others, came in the King's Will for treasonably concealing and Stouthreif of x<sup>xx</sup> 'pas-pennys'<sup>3</sup> pertaining to the King, found in the Kirk of Mynto.—The Laird of Bethroule and William Langlandis became their sureties.

**'Hereschip' of Harehede—Resetting Traitors of Leben.**

WALTER SCOT of Howpasslot allowed to compound for treasonably bringing in William Scot, called *Gyde*, John his brother, and other Traitors of Levyn, to the 'Hereschip' of Harehede: *Item*, for theftuously and treasonably Resetting of Henry Scot, and other Traitors of Levyn: *Item*, for the treason-

<sup>1</sup> Jedburgh.      <sup>2</sup> Andrew.      <sup>3</sup> These were likely to be ten score 'paces' or 'Nobillis of paise,' English gold coins or Nobles, which are frequently mentioned in our old Acts of Parliament. The term *pace* seems to have reference to their *weight*, q. d. Heavy Nobles, Nobles of weight. Although found in the *Kirk* of Minto, there is no reason to suppose they were *Pace* or *Easter-offerings*. There is no doubt that this *posse* was 'treasure-trove,' accidentally turned up and concealed by Sinclare; and as such it belonged to the King; who, on the other hand, could have had no claim to pious Easter-offerings, made in grateful remembrance of the Resurrection. See also Nov. 9, 1502.



JEDWORTHE.

able Stouthreif of forty oxen and cows, and two hundred sheep, from the Tenants of Harehede, at the same time.—Robert Scot of Quhitchester became surety for his entry at the next Justice-aire.

### Stouthreif—Slaughter—Common Theft.

PETER HALL, in Newbiggin, produced a Remission for theftuously concealing of a target (shield) made of tanned hide,<sup>1</sup> and a sword, from John Hall and Edmund Hall, furth of Newbiggin: *Item*, for art and part of the Slaughter of John Henrifoune in Lyntounlee: *Item*, for stealing six ewes<sup>2</sup> from Thomas Henrifoune, dwelling in Jed-Forest: *Item*, for the Slaughter of the said Thomas: *And* for common Theft, before the date of his Remission.—David Anyfle became surety to satisfy the parties.<sup>3</sup>

[JOHN LORD DRUMMOND, deputy and lieutenant of JOHN LORD GLAMMIS, and ROBERT LORD LILE, Justiciars on the South parts of the Forth.]

### Burning of Mynto—Sheep-stealing, &c.

Feb. 26, 1594-5, (*secunda dies Itineris*.)—GILBERT SCHEVIL, in Bethroul, produced a Remission for Burning of Mynto: *Item*, for being art and part with Alexander late Duke of Albany: *Item*, for stealing fourteen sheep, '3owis,' (ewes,) &c. &c.—The Laird of Bedroule became his cautioner.

### Slaughter, &c.

JAMES PILMURE, in Ednem, produced a Remission for theftuously waisting of the goods of George Smythe, at the time he lay with his wife:<sup>4</sup> *Item*, for the Slaughter of Alan Glasgw.—Ralph Ker became surety to satisfy the parties.

### Treasonably bringing in the Thieves of Leven, &c.

Feb. 28, (*dies Sabbati*.)—HECTOR LAUDIR, brother of the Laird of Todrig, produced a Remission for treasonably bringing in of Willoc Elwalde, Rolland Elwalde, and five brethern of the Armstrangis, Traitors of Levyn, to the 'Herschip' of Quhitmur: *Item*, for art and part of the Stouthreif of V<sup>xx</sup><sup>5</sup> cows and oxen, and the whole household goods from the Tenants of Quhitmur, at the same time: *Item*, for Treasonably bringing in the Forftaris and other Thieves of Levyn to the Pot-Loche of Selkirk, &c. &c.—Robert Scot, son of Walter of Edschaw, became suretie to satisfy the parties.

<sup>1</sup> 'Unius tergoris corticati.'    <sup>2</sup> Ovium le 3owis.    <sup>3</sup> At the end of the proceedings of this Aire, there is the following entry: 'SUMMA totalis extractus Itineris, V<sup>o</sup>.iij<sup>xx</sup> xv lib. xviiiij f. iiii d. (L.575, 18e. 4d.)'    <sup>4</sup> In Adultery, 'tempore quo concubuit cum uxore ejus.' There are numerous entries to the same effect, both in the Criminal Records and in the Register of the *Privy Seal*, where Remissions frequently occur for this offence.    <sup>5</sup> Five score.

**Slaughter of Sir George Farnylaw, chaplain.**

ROGER LANGLANDIS, Sir Robert Ker, kn<sup>t</sup>, and John Rutherford of Edgarstoune, often called to enter Roger Langlandis to underly the law for the Slaughter of Sir George Farnylaw, chaplain, under the pain of L.20, for which they had become bound to the Sheriff of Roxburgh, as they confessed in judgement; and not appearing, they were amerced in the said sum: And it was ordained, that the said Roger shall be denounced Rebel at the horn; and all his goods to be escheated to the King.

**Slaughter.**

THOMAS RUTHERFURD, son of Nicholas R., denounced Rebel, and all his goods ordained to be escheated, for not underlying the law for the Slaughter of Duthac Rutherford.—John R. of Edgarstoune, his cautioner, amerced L.40 for his non-appearance.

**Theft—Stouthreif—Bringing in the Thieves of Leven, &c.**

Mar. 2, (*quarta dies Itineris*).—ALEXANDER TURNBULE, son of Andrew of Dridane, produced a Remission for the theftuous Reset of Adam Howatsoune and Robert Jakoun in the Thefts committed by them; and specially, in the Theft of six ewes ('*zowis*') from James Ker, furth of Fastheuche: *Item*, for art and part of treasonably bringing in the Thieves and Traitors of Levyn upon Thomas Myddilmaft, in Ploro; and Slaughter of his wife, and two sons, called Ninian and John: *Item*, for art and part of the treasonable Stouthreif, from the said Thomas Myddilmaft, at the same time, of xj horses and mares, price 100 merks; xliiij oxen and cows, price L.88, &c.—(the specification is so remarkable that the remainder of the charge is given in the original terms of the Record)—'ij le *standis* armorum,<sup>1</sup> precium L.20; xl lib. auri et argenti;<sup>2</sup> sex cocliarium argenteorum,<sup>3</sup> precium 6 marc.; una magna duodena vaforum staneorum,<sup>4</sup> precium L.7; sex togarum virorum,<sup>5</sup> precium L.8; xj togarum subuncularum feminearum,<sup>6</sup> precium L.22; xij flammearum,<sup>7</sup> precium L.12; v cadurcarum,<sup>8</sup> precium L.10; v arcium,<sup>9</sup> precium 50 f.; vj lancearum,<sup>10</sup> vj bipenium,<sup>11</sup> precium L.2, 10 f.; 2 annullorum aureorum,<sup>12</sup> precium L.5; iij le *tykis* de *feddirbeddis*, precium L.5; xxij parium linthiaminum,<sup>13</sup> precium L.11; xxij coopertorium de le *worset*,<sup>14</sup> precium L.10; xvj lodicum,<sup>15</sup> precium L.6; xx trinacium,<sup>16</sup> precium

<sup>1</sup> Suits of mail or armour.    <sup>2</sup> Gold and silver coin.    <sup>3</sup> Silver spoons.    <sup>4</sup> A great dozen of tin or pewter flagons or vessels.    <sup>5</sup> Men's gowns.    <sup>6</sup> Women's kirtles.    <sup>7</sup> Scarfs or veils.    <sup>8</sup> Generally understood to be blankets or coverlets; but in this instance the term seems to be figuratively used for a sort of shield or target.    <sup>9</sup> Hand-bows.    <sup>10</sup> Lances.    <sup>11</sup> Halberts or Pole-axes; 'Jeddart-staffis.'    <sup>12</sup> Gold rings.    <sup>13</sup> Pairs of linen sheets.    <sup>14</sup> Blankets; worsted coverlets.    <sup>15</sup> Sheets.    <sup>16</sup> Perhaps *crinacium*, hair-pins, or bodkins. The Editor never met with this word before, and he does not find it in *Ducange* or the other Glossaries.

JEDWORTHE.

20 f.; v gladiorum,<sup>1</sup> precium L.5; unius dacre corej frimiti,<sup>2</sup> precium L.3; ocrearum cellarum<sup>3</sup> et aliorum bonorum utensilium, precium L.5; quinque capparum Flandrie,<sup>4</sup> precium L.2, 10 f.; duarum telarum panni gerfij,<sup>5</sup> precium L.10; trium telarum panni linej,<sup>6</sup> precium L.3; v boxarum, precium L.2, 10 f.; quatuor le *cofferis*, precium 26 f. 8d.; quinque duplij camentorum bistmiti,<sup>7</sup> precium L.2, 10 f.; trium ulnarum panni Anglicani,<sup>8</sup> precium L.3; trium manitergiorum,<sup>9</sup> precium 6 f.—Robert Scot of Quhitchester became surety to satisfy the parties.

### Forethought felony—Wounding—Stouthreif.

DAVID TAIT, brother of William in Cesfurdmanys, came in will, for art and part of the forethought felony done to Thomas Young, and cruelly Wounding him, at Cail,<sup>10</sup> under silence of night; and for Stouthreif from him, at the same time, of his horse, saddle, bow, pair of spurs, 'quhingzeare,' purse, and xx f. of silver therein.—The said William became surety to satisfy the King and party.

CURIA *Itineris Justiciarie de LIDDALISDALE, inchoata Mar. 2, 1494-5.*

### The Earl of Bothwell and the Laird of Hallrule amerced, &c.

WILLIAM ELWALDE.—Patrick Earl of Bothvile and Lord of Liddalisdale, and George Turnbule of Hall-Rule,<sup>11</sup> Captain of Hermitage, called as lawful sureties of the said William, as they received him in Indenture from the Coroner;<sup>12</sup> and not compearing, they were amerced in xl.—On the same day, they were also amerced for the non-appearance of eighty-five others, Elwaldis, Armstrangis, Wighames, Crofares, viz. to the extent of L.850; among the rest appear *Archibald Armstrang, Cole Wighame, &c.*

### Slaughter—Intercommuning with a Rebel.

Mar. 3, (*quinta dies Itineris.*<sup>13</sup>)—ROBERT SCOT of Quhitchestir permitted to compound for the Slaughter of Adam Craufurde: And for Refetting, supplying, and Intercommuning with Alexander Jardine, being at the horn.—The Laird of Buckcluche become surety to satisfy the parties.

<sup>1</sup> Swords.    <sup>2</sup> One *daker* of tanned hides. A *daker* of hides consists of *ten skins*.    <sup>3</sup> Riding greaves or boots.    <sup>4</sup> Flanders caps.    <sup>5</sup> Webs of grey (worsted) cloth.    <sup>6</sup> Webs of linen cloth.    <sup>7</sup> The Editor can form no idea of the nature of these articles. There must surely have been some extraordinary mistake on the part of the transcriber, in copying the *items* from the Dittay.    <sup>8</sup> Three elms of English cloth.    <sup>9</sup> Handkerchiefs.    <sup>10</sup> See Nov. 20, 1493.    <sup>11</sup> Aula de Roule.    <sup>12</sup> A *co<sup>re</sup>*.    <sup>13</sup> 'Viz. *tercia Martij Carnisprivij*,' (in *Lent*.)

**Resetting a Rebel—Slaughter of the Laird of Elmere.**

ELIZABETH THOMSOUNE, in Corrisheuche, permitted to compound for Resetting Joiffe Glenquhin, being at the horn for the Slaughter of the Laird of Elmere.

**Expenses of the Aire of Jedworthe.<sup>1</sup>**

SUMMA Totalis extractus de Jedworthe, (Exceptis bonis escaetis),	xv <sup>o</sup> .lxxxiiij li. <sup>2</sup>
ITEM, pro expensis DOMINI JUSTICIARII, tempore Itineris,	xiiij li.
ITEM, pro expensis DOMINI THESAURARII, et Abbatis de Dunfermling COMPOSITORUM, <sup>3</sup>	xxviiij li.
ITEM, pro expensis DOMINI CAMERARII compositoris,	xiiij li.
ITEM, CLERICIS JUSTICIARIE,	vij li.
[Summa Expensarum, lxiiij li.]	
ITEM, pro hospitio Domini Justiciarij,	xxvj s. vii d.
ITEM, pro hospitio Domini Thesaurarij,	xl s.
ITEM, pro hospitio Domini Abbatis de Dunfermling,	xx s.
ITEM, pro hospitio clericorum,	xx s.
ITEM Fratibus de Roxburgh, in elemosina Regis,	xl s.
ITEM, pro firma Domus Affise,	xx s.
[Summa HOSPITIORUM, viij li. vj s. viij d.]	
SUMMA totalis Extractus, expensis deductis,	I <sup>m</sup> .V <sup>o</sup> . xiiij li. xiiij s. iiij d.
(Vij <sup>o</sup> . xxxiiij li. except. Liddisdale.)	
BONA, presentis Itineris de Jedworthe.	
Matho Gothrafone, in Mow,	j cow, vij gait.
Jok Wricht, in Lyntoune,	j mere, j pot.
David Wricht, in Lyntoune, brothir to Dik Wrycht,	j cow, j nag.
Johne Turnbule, Sande Turnbulis brothir of Bellentyn, callit <i>blind Johne</i> ,	ij ky.
Johne Turnbule, callit <i>Cafe</i> , in Nethir Bonecheftir,	iiij ky.

[CURIA Itineris Justiciarie de SELKIRK, inchoata die Mercurij, quarto die mensis Martij, 1594(-5.) Coram JOHANNE DOMINO DRUMMONDE, deputato et Locum-tenente JOHANNIS DOMINI GLAMMYS, et ROBERTI DOMINI LILE, Justiciariorum s. d. n. Regis, ex parte australi aqua de Forthe.]

**Sheep and Horse-stealing.**

Mar. 5.—DAVID TURNBULE, son of the Laird of Qubithope, in Ernheuch, produced a Remission for art and part of the Stouthreif of xiiij ewes ('zowis') from Ninian Murray, furth of Kerfhop: *Item*, for Stealing a white horse furth of Innerlethane, from Thomas Forrest, &c.—Walter Scot of Tusche-law became surety for satisfying the parties.

<sup>1</sup> Reference may be made to the Appendix to this reign, for many interesting notices connected with the Justice-aires.   <sup>2</sup> L.1583.   <sup>3</sup> The Compositors for each Aire were formerly appointed by the Privy Council.

**Stouthreif from the Tower of Howpaslot, &c.**

JAMES TURNBULE, brother of the Laird of Quhithop, produced a Remission for art and part of the Thift of xvij ewes furth of Bowhill, from Robert Blacdene, in company with Walter Dalglesch: *Item*, for art and part of the Stouthreif of iron windows,<sup>1</sup> doors, and 'crukis' furth of the Tower of Howpaslot, pertaining to the Laird thereof.<sup>2</sup>—The Laird of Quhithop became surety to satisfy parties.

**Burning the Place of Fastheuch—'Herschip' of Hangitschaw, &c.**

ANDREW TURNBULE, 'calvus' (bald), produced a Remission for art and part of Burning of the Place of Fasheuch, and Stouthreif of certain horses, cattle, and other goods furth thereof: *Item*, for the theftuous Resetting of the Traitors of Levyn, coming with them to the Place of Hangitschaw; and for Stouthreif of eight horses, and goods and utenfils therefrom, to the value of £ 1.—The Laird of Quhithop became surety to satisfy the parties.

**Resetting Traitors of Leben, &c.—Oppression—Intercommuning with the English—Slaughter, &c.**

Mar. 5.—JOHN SCOT OF DALLORIANE allowed to compound for art and part of the Resetting of John Rede and John Scot (Scot-Stow, in Tufchelow) in his theftuous deeds; and specially, the time that the said John (Scot)-Stow stole a 'drift' (drove) of sheep from Thomas Johnstone, furth of Quhithop: *Item*, for treasonably Resetting Hector Armstrang, a traitor of Levyn, in his theftuous deeds and treasons, &c. &c.:<sup>3</sup> *Item*, for common Oppression of the lieges, in taking and plundering them of their horses and goods, by his own authority: *Item*, for Intercommuning with the English, in treasonable manner: *Item*, for common Reset of the Thieves of Liddalisdale, Eskdale, and Ewisdale: *Item*, for Slaughter of one called Colthride, &c. &c.—Robert Scot of Quhitchester became surety to satisfy the parties.

**Horse-stealing from the Earl of Angus's Servants, &c.**

Mar. 6.—ADAM SCOT, in Auldinnischop, suffered to compound for Stealing two horses from the servants of the Earl of Angus, coming to Hermitage: *Item*, for the theftuous and treasonable Resetting of the Traitors of Levyn in their Thefts and Treasonable Deeds, &c. &c.—Walter Scott of Howpaslot become surety to satisfy the parties.

<sup>1</sup> 'Fenistrarum ferrearum'; perhaps the phrase may denote *stanchions*, or rather the strong iron frame-work built or soldered into the solid masonry, beyond the casement. It was not usual to glaze iron work.

<sup>2</sup> Walter Scot.

<sup>3</sup> There is a long catalogue of similar crimes of no interest.

**Slaughter.**

WILLIAM CLERK, at the Kirk of Ettrick,<sup>1</sup> produced a Remission for the Slaughter of Robert Hay, Gilbert Cokburne, Thomas Lovel, and Gilbert Ker-michel.—David Pringil of Torwodlee became surety to satisfy the parties.<sup>2</sup>

**Precept in favour of Sir Thomas Turnbule.**

JUSTICE, It is our will, and for certane considerationis movyng us, We charge you, pat ge charge nocht, nor compel our lovit knyght, SIR THOMAS TURNBULE, to fynd fouerte, in our Justice air, for satisfactioun of party, for ony actione pat he may be accusit of, committit before our Coronatioun. And pis Precept be you sene and understandin, delyver pe samyn agane to pe berar. GEVIN undir our signet, at Linlithgw, pe xxv day of Februaire, and of oure regne pe fevint zere.

[JAMES R.]

**Bond by Walter Scott of Bukcleuche.**

[THE following document is given here, as a specimen of the forms of such writings at this early period. They are only occasionally inserted at length in the Record, in remarkable cases, and in many instances contain the signatures of the parties.]

APUD EDINBURGHE, *Maj xvij*, 1498.—IN presence of pe Lordis of Counsale, WALTER SCOT OF BUKCLEUCHE is becommyn plege and fouirte for pe entre of Georg Zoung, takin by Rinzeane of Rupfurde, Hew of Douglace, and pare complicis, furthe of MYNTO toune; contenit in a Bill of complaynt gevin in be pe sade Walter, pat he fall entir pe saide Georg Zoung, in pe next Justice-are of Jedworthe, pe thrid day of pe sammyn, till undirly pe law, apone pe actionis and crimez til be imput be pe saidis Rinzean and Hew, and pair complicis; undir pe pain of xl li.

[CURIA *Itineris Justiciarie de PEBLIS, inchoata die Lune, xij die mensis Novembris, 1498, coram JOHANNE DOMINO DRUMMOND.*]

Nov. 15, (*quarta dies Itineris.*)—JOHN TWEDY OF DRUMMELZARE and five others came in the King's Will for art and part of the Oppression done to Ofwald Portewis and Jonet Flemyn his spouse, in ejecting them furth of their set in Uvir Kingildurris.—The said John became surety to the King and parties. Each fined in five merks.

**Barbarous Oppression, &c.**

Nov. 16.—ALEXANDER SCOT, in Hoptoune, allowed to compound for Oppression done to Andrew Talzour, in riding his mare to death: *Item*, for

<sup>1</sup> 'Apud Ecclesiam Foreste' (viz. de Ettrick.)      <sup>2</sup> 'SUMMA totalis Extractus de SELKIRK, ij<sup>o</sup>. xxxv li. Summa Expenfarum, xxxvi li.—Summa Hospitorum, ij li. xij s. iij d.—Summa totalis Extractus, expensis deductis, ij<sup>o</sup>. iij li. vj s. viij d.'

PEBLIS.

Oppression done to Thomas Elphinstoune, in striking his cow till she died : *Item*, for Oppression done to a child<sup>1</sup> of the Laird of Adamlane, in striking him till he could not rise : *Item*, for forethought felony done to Thomas Elphinstoune, in Manniflande, and hurting him.—William Bel, in Peblis, became surety to satisfy the parties.

### Stealing out of the Kirk of Innerleithen.

DAVID TAIT, son of Roger Tait, produced a Precept of Remission for art and part of the Stealing of a golden signet (seal), a gold ring, two silver girdles,<sup>2</sup> nine veils<sup>3</sup> of 'lawne,' 'holland-claithe,'<sup>4</sup> and other goods, to the value of xx li., from John Turnbule, brother of the Vicar of Innerlethane, furth of the Kirk of Innerlethane : *Item*, for art and part of the Theft of xij merks of gold and silver from Sir Williame Jurdane, furth of the said Kirk.—David Tait of Pryn<sup>5</sup> became surety to satisfy the parties.

### Stouthreif.

JAMES HUNTARE and Gilbert Huntare, sons of the Laird of Polmude, convicted of art and part of the Stouthreif of half a 'fudder' of hay from Thomas Frefal and his brothers, furth of Nethir Mynzeane.—Walter Huntare, son and heir apparent of the Laird of Polmude, became surety to satisfy the King and party, viz. each of them v li.

### Resetting a Traitor — Fire-raising.

Nov. 18, (*dies Sabbati, sexta dies Itineris.*)—THOMAS MYDDILMAST of Grevestoun produced a Respite for Resetting of James Elwalde and his accomplices, during the time the said persons committed Fire-raising and Burning of a 'Pele'<sup>6</sup> in Bothil, together with goods and utensils to the value of iiiij<sup>7</sup> li.<sup>7</sup> belonging to William Hair: And for being art and part of the said Burning of the Place and goods foresaid, being in the hands of our lord the King for the time, by reason of Ward.—Sir John Hay of Snaide, kn<sup>t</sup>, Sheriff of Peblis, became surety.

### Stouthreif of the Earl of Angus's lance.

SIR WILLIAM COKBURNE of Scraling, knight, came into THE KING'S will for art and part of the Stouthreif of a lance from a certain man of the Earl

<sup>1</sup> Cuidam proli.    <sup>2</sup> Or zones; 'cingulorum.'    <sup>3</sup> Perhaps scarfs; 'flammearum.'    <sup>4</sup> Fine linen cloth, originally imported from the Low Countries.    <sup>5</sup> Pirn.    <sup>6</sup> Peills, or Peylls, were places of strength or fortifications, generally constructed on natural or artificial eminences; and must have been very numerous in Scotland. The name, however, is often applied to Roman forts or castella. They seem to have been chiefly of use to retire to in cases of sudden attack or invasion, as, from their size and strength, they could not sustain a protracted siege.    <sup>7</sup> Fourscore pounds.

of Angus ; which had been his own lance, and was previously stolen by the said man from his servant, the same day.

### **Slaughter.**

EDWARD COKBURNE produced a Remission for the Slaughter of Roger Twedy, in company with the Laird of Hennirlande.—William Cokburne of Hennyrlande became surety to satisfy the parties.

### **Slaughter—Stouthreif—Mutilation during Parliament.**

SIR WILLIAM COKBURNE of Scraling, kn<sup>t</sup>, James his brother, and John Pattonfoun, in Kingildurris, produced a Remission for art and part of the Slaughter of Walter Twedy, son of John Twedy of Drava, in Pebliis : *Item*, for art and part of Stouthreif of a sword and shield from the said Walter, at the same time : *Item*, the said William and James, for forethought felony done to Andrew Twedy, within the town of Edinburgh, during the time of Parliament ; and for Mutilating him.—Sir William became surety to satisfy the parties.

### **Burning of Cobantoune — Slaughter, &c.**

Nov. 19.—WILLIAM MURRAY of Newhall produced a Remission for art and part of the treasonable inbringing of John Douglas, Traitor, furth of England, the time he committed Fire-raifing, Burning, and ‘ Herefchip’ upon the town and lands of Covantoune ; extending in damages to the value of ij<sup>m</sup> merks and upwards, about thirty years last bypast : *Item*, of art and part of the Slaughter of William Boware, at the same time.—John Earl of Morton became cautioner to satisfy parties.—The said William was amerced in x l. as cautioner for his own appearance, and xl l. for the appearance of Alexander, John, Thomas, and William, his sons, all of them having failed to enter.<sup>2</sup>

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### **Stouthreif—Cattle-stealing.**

(*ITER Justiciarie de EDINBURGHE, Feb. 26, 1501-2.*)—WILLIAM TAIT, alias *Foule-thowmys*.—David Pringil, in Tynneis, became surety to Mr Richard Laufoun for his entry at the next aire of Pebliis, to underly the law for art and part of the Stouthreif of xxvj oxen from William Murray, furth of the lands of Halis, in Lothian, under the pain of xl li.<sup>3</sup>

<sup>1</sup> 2000 merks.      <sup>2</sup> ‘ SUMMA totalis hujus Extractus, ij<sup>c</sup>.lxxx li.’      <sup>3</sup> There is nothing worthy of being noted of the proceedings of this Aire, which was of short duration.



[*ITER Justiciarie de JEDWORTHE, inchoata die Lune, ultimo die Octobris, 1502, coram ANDREA DOMINO GRAY, Justiciario, f. d. n. Regis, ex par t australi aque de Forthe.*]

**Adultery, &c.**

Nov. 4, (*dies Veneris, tercia dies Itineris.*<sup>1</sup>)—JAMES DAUIDSONE, in Sprouftoune, produced a Remission for the theftuous waisting of the goods of John Cordonar, during the time he lay (in Adultery) with the said John's wife.—Williame Cranstoune of that Ilk became surety to satisfy the parties.

**The Laird of Cabers amercciated, &c.**

Nov. 6, (*dies Sabbati.*)—ROBERT SCOTT, son of John Scot, in Dallo-raine, called *Bellit Robin*.—William Douglas of Caveris, surety for the said *Robin*, was amercciated for his not entering to underly the law.<sup>2</sup>—Scot to enter next air.

**Stouthreif of Oxen and Horses.**

WALTER SCOT of Edschaw produced a Remission for art and part of the Stouthreif of viij oxen from Robert Laudir: *Item*, for the Stouthreif of iiij horses and fundry other goods from him at the same time.—John Scot of Valis became surety for the satisfaction of the parties

**Slaughter.**

RICHARD JAK, junior, in Auld Roxburghe, convicted of art and part of the cruel Slaughter of Thomas Dun.—BEHEADED.

**Horse and Sheep-stealing — Burning of Hirdmanstoune, &c.**

DAVID SCOT, called *Lady*,<sup>3</sup> in Stirkschawis, produced a Remission for art and part of the Theft of a horse, price xl s., and fundry household goods, value xl s., from John Spedane furth of Blakhalche: *Item*, for art and part of the Theft of xl sheep ('wedderis') from John Spedane and Andrew Michelfone furth of Blakhalche: *Item*, for art and part of the treasonable in-bringing of the Robsonis, Doddis, and Charlis, Englishmen, to the Burning of Hirdmanstoune, belonging to Adam Ruthirfurde: And for art and part of the Stouthreif of v horses and mares, price xx l., from the said Adam at the same time: *And* for the Burning of certain corns, extending to ij<sup>c</sup> bolls, price of each boll 3s. The losf sustained in Burning the houfes of Hirdmanstoune extending to x l.<sup>4</sup>

<sup>1</sup> John Colthird, in Rutherfurde, was the same day convicted of art and part of the cruel Slaughter of John Jakstone and James Jakstone, and beheaded. <sup>2</sup> There is no mention made of the nature of his crime. <sup>3</sup> See Nov. 9 and 10, 1502. <sup>4</sup> It is likely there must be an error in the Record here, or that the fire had been very partial, and confined to a small part of the barns or other offices.

ITEM, for art and part of the treasonable in-bringing of Archibald Armestrang, Ninian Armestrang, David Turnbull of Bonechestir, and other Traitors of Levin and Liddalisdale, to the Burning of the places of Thomas Young, Thomas his son, William Johnstone, and Symon Leich in Cragend of Mynto; and for the Burning of seven horses belonging to them, at the same time; the loss sustained in Burning the foresaid Houses, and goods therein, being to the value of xl l.: ITEM, for art and part of the treasonable in-bringing of the said Traitors to the 'Herschip' and Stouthreif of xvj oxen and cows, iiij horses and mares, from the said Tenants of Mynto, ij cows from Margaret Urd, ij mares from Gilbert Johnstone, j mare from Symon Leiche, together with sundry other goods to the value of xl li., plundered from the said Tenants at the same time.—William Turnbull of Mynto became surety to satisfy the parties.

### Slaughter.

Nov. 7.—GEORGE TURNBULL, in Wyndis, and twenty others of the name of Turnbull, (among others *Blew Johne*.) Alan Davidstone, tawbonare,<sup>1</sup> George Turnbull of Hawroull, Mark Ker of Dolphinstoune, Thomas Turnbull of Bethroull, &c., were amerced in xl l. for each of these persons failing to enter and underly the law for art and part of the cruel slaughter of Robert Oliuer.

### Stealing Horses, Cattle, and Sheep — Resetting Rebels, &c.

[THIS portion of the Register of the Justice-aire of Jedburgh affords numerous instances of the activity of the family of the OLIVERS in Stryndis, who appear to have made the most of the recent Michaelmas moon, the Goddess of the Borderers in their 'Herschips' and forays! The most interesting and curious of these entries are those which follow, though other Murders, Stouthreifs, and 'Herschips,' to a considerable extent, are also recorded.]

DAVID OLIVER in Stryndis, called *David na gud Preist*, produced a Remission for art and part of the Theft of xij oxen and cows from Sir David Hume, kn<sup>t</sup>, furth of Lawmer-mur: *Item*, for art and part with Thomas and Andrew Grymislaw in their theftuous deeds; and for Resetting them at the time they were at the horn: *Item*, for art and part of the Theft of a mare from John Douglas, furth of Jedworthe: *Item*, for art and part of the Theft of two horses and a mare, price of each viij merks, from William Pary, John Jamesone and Belly Ruffel, furth of Nesbit: *Item*, for art and part of the Theft of xx sheep, price of each vj s. from George Dowglas furth of Trowis.—Andrew Ker of Farnyhirst became surety to satisfy the parties.

### Sheep-stealing.

ROBERT OLIVER in Stryndis and David Oliuer there, produced a Re-

<sup>1</sup> Player on the *tasobroun*, *talbron*, or *tabberne*; a kind of drum.

remission for art and part of the Theft of xxxvj ewes ('zowis,') xl sheep, and xxv sheep, from William Ker furth of Dernewik-mure.—Andrew Ker of Farnyhirst became surety to satisfy the parties.

### Sheep and Cattle-stealing — Slaughter.

ROBERT, JOHN (brother of Ingram), and DAVID OLIVER in Stryndis allowed to compound, by virtue of a Remission, for art and part of the Stouthreif of ij<sup>c</sup> sheep from the Tenants of Jedworthe, Rowcastell, Langtoun, and Bethroull: *Item*, the said *Robert* and *John* for art and part of the Theft of vij oxen and cows from Philip Ormiston, furth of Maxtoun: *Item*, the said *Robert* for art and part of the cruel Slaughter of John Moffet: *Item*, for art and part of the Stouthreif of xxxij oxen and cows, ij<sup>c</sup> 'zowis' and 'wedderis,' iv horses and mares, and fundry other goods to the value of xl li., from John and Robert Barnisfader, furth of Kelhop: *Item*, for art and part of the cruel Slaughter of Robert Brig, at the same time: *Item*, for Treason of old and new.—Mark Ker of Dolphinstoun became surety for John Oliver, to satisfy the parties; and Andrew Ker of Farnyhirst for the others.

### Stealing Horses and Cattle — Stouthreif, &c.

LONG JOHN OLIVER, LITTLE JOHN O., and DAVID O. in Stryndis, were allowed to compound, by virtue of Remission, for Stouthreif of vj oxen, price of each xxx l., &c.<sup>1</sup> 'Unius eque,<sup>2</sup> precium x marc.; unius olle,<sup>3</sup> precium xxxij l.; alterius, precium xvij l.; unius toge de Rowane-tanne,<sup>4</sup> precium iij li.; unius le kirtill de braid red,<sup>5</sup> precium iij li.; alterius subuncle, le kirtle, braid rede, precium iij li.; unius toge bronej,<sup>6</sup> precium xl l.; iv flamearum,<sup>7</sup> precium xxx l.; ij parium linthiamini,<sup>8</sup> precium xx l.; ij lodicum,<sup>9</sup> precium x l.; unius le covering, precium v l.; quinque ulnarum pannj, le smale quhite,<sup>10</sup> precium xx l.; ij le farkis,<sup>11</sup> precium x l.; unius deploidis,<sup>12</sup> precium xxx l.; unius paris galligarum de cariffay,<sup>13</sup> precium x l.; et aliarum rerum utensilium ad valorem vij li.; a Martino Wode extra Quhitefelde: Et pro arte et parte Oppressionis facte dicto Martino eodem tempore.—Mark Ker (of Dolphinstoun) and Andrew Ker of Farnyhirst became sureties.

### Intercommuning, &c. with the Duke of Albany.

Nov. 8.—ROBERT ANISLE (near Dolphinstoun?) produced a Remission

<sup>1</sup> The rest of the enumeration is so curious, that it is proper to give it in the words of the Record.  
<sup>2</sup> A mare.    <sup>3</sup> A pot.    <sup>4</sup> A gown of Rouen tawny, (of orange colour.)    <sup>5</sup> Of broad red cloth.  
<sup>6</sup> A brown gown.    <sup>7</sup> Veils or scarfs.    <sup>8</sup> Linen sheets.    <sup>9</sup> Bed-sheets.  
<sup>10</sup> 5 Elms of small (narrow) white cloth.    <sup>11</sup> Shirts.    <sup>12</sup> A doublet, *quasi vestis duplex*.  
<sup>13</sup> A pair of kersey *galligaskins*, 'shankis,' or hose.

for art and part with Alexander Stewart, formerly Duke of Albany, in his treasonable deeds, 'Herefchips,' and Stouthreifs.

### Stouthreif — Slaughter, &c.

ROBERT OLIUER, in Lufruthir, Robert O., brother's son of David, James Oliuer, burgess, and Robert Walche in Mervynniss-law, produced a Remission for art and part of the Stouthreif of ij<sup>c</sup> sheep, price 100 merks, xxix cattle, price three score merks, four horses, price xij l., and fundry other goods and utensils, value xx l. from John and Adam Barnisfader, furth of Kelshop: *Item*, for art and part of the cruel Slaughter of Robert Brig and Adam Barnisfader at the same time.—Ralph Ker of Prymsydloche became surety for satisfying the parties.

### Stouthreif — Sheep and Cattle-stealing.

RALPH ANISLE, near Dolphinstoune, produced a Remission for art and part of the Stouthreif of I<sup>c</sup> sheep, x oxen and cows, from John Smyth, furth of Glengelt.—Mark Ker of Dolphinstoune surety to satisfy the parties.

### Stouthreif in Company with the Armstrangis — Fire-raising, &c.

HECTOR LAUDIR, in Clerklandis, produced a Remission for art and part of the Stouthreif of xl cattle from John Scot furth of HODUM HOUSE, in company with *the Armstrangis*: *Item*, for art and part of the Burning of the Place of QUHITSLAIDE, &c. &c.—John Scot in Walis became surety to satisfy the parties.—Robert Scot of Stirkschawis also became his surety, for being art and part of the Stouthreif of three score 'zowis' from John Thomfone furth of Hertberne, &c. &c.

### Sentence of Death against the Olibers.

A DOME, *in falt of borowis*,<sup>1</sup> *gevin apone þe OLIUERIS, as followis*,

THIS COURT schawis for law, That forfamekill as ROBERT OLIUER in þe Stryndis, Daid Oliuer þar, Martine Oliuer þar, and Mathow Oliuer þar, has committit diverse Reiffis, Herefchippis, Slaughtaris, and Stouthis; ffor þe quhilkis þai have takin þame till oure soverane lordis Remiffioun, and has refufit to fynde sufficient fouerteis for satisfacioune of parteis, as law will, efter þe forme of law: That þarfore the Sheref of Roxburcht, fall tak the saidis Robert, Daid, Martine and Mathou, ande put þame in presone and sure keping, as he will anfuer, for þe space of fourty days; at the ische<sup>3</sup> of þe quhilk terme ande ende of xl dais, þe saidis fourteis being unfundin, as said is; þat þe saidis Robert, Daid,

<sup>1</sup> Ewee.

<sup>2</sup> Caution, surety.

<sup>3</sup> Expiry, termination.

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Martine and Mathow be had to þe Gallowse and HANGIT quhill þai be dede. And þat I gife for dome.

MEMD. þat þe saidis Robert Oliuer, David Oliuer, Martine Oliuer, ande Mathou Oliuer war deli-  
verit to þe said Sheref, incontinent eftir þe saide DOME, to be kepit and demanit as said is, eftir þe  
forme of þe Dome foresaide.

### Slaughter — Stouthreif — Taking Ransom, &c.

JOHN FAULO, in Litildene, produced a Remission for art and part of the cruel Slaughter of David Henrifone, at the Kirk of Maxtoun: *Item*, for art and part of the Stouthreif of xx oxen and cows, v horses and mares, and I<sup>c</sup> sheep, from Alan, John, and William Henrifone, furth of Murhouflaw, in company with Thomas Grymislaw and his accomplices, the King's Rebels and at the horn.—George Fawlo of Wellis became surety to fatisfy the parties.—He also produced another Remission for art and part of the treasonable taking of Thomas, John, Alan, and Thomas Henrifone, junior, furth of Murhouflaw, in company with the King's Rebels, viz. the Ruthirfurdis, and carrying them to Christopher Milburne and Bertholomew Mylburne, English-men, and detaining them there for the space of three months: *And* for art and part of redeeming them, viz. 'ransomyng' at the rate of xx l. Scotch money: *Item*, for art and part of the Stouthreif of four score oxen and cows, ij<sup>c</sup> sheep, from the said Thomas, &c., furth of the Place of Murhouflaw, price of each cow ij merks, price of each ox ij merks, price of each sheep iiij s., &c. &c.—Walter Haliburtoun became surety to fatisfy the parties for the 'ransomyng' of the said persons; and Alexander Lord Hume, for the said goods.

### Bringing in the Traitors of Levin — Hereschip of Syntoun.

Nov. 9.—DAVID SCOT, called *Lady*,<sup>1</sup> produced a Remission for art and part of the treasonable inbringing of the *Armstrangis*, Traitors of Levin, to the 'Hereschip' and Stouthreif of nine score oxen and cows, xx horses and mares, and fundry other things to the value of xl merks, from the Tenants of Syntoun.—He became surety, of consent, to fatisfy the parties.

### Slaughter — Stouthreif of Cattle, &c.

JAMES GRAY in Fawlishope, and William Dun in Quhitmer, produced a Remission for art and part of the cruel Slaughter of Anthony Tayt: *Item*, for art and part of the Stouthreif of iv horses from the said Anthony, at the same time: *Item*, for art and part of the Theft of eight score of sheep from George Tait, furth of Pyrne, and xl sheep furth of Gaithope, &c. &c.: *Item*, of a horse

<sup>1</sup> For farther notices of this worthy, see Nov. 6 and 10, 1502.

and eighty sheep from William Cleghorne : *Item*, of eight score and six 'hoggs'<sup>1</sup> from George Tayt and his Tenants, furth of Pyrne and Sithop : *Item*, xvij 'gayt'<sup>2</sup> from John Cleghorne : And other goods to the value of xl f.—James Ker of Lintoune became surety to satisfie parties.

#### **Slaughter—Resetting 'Hob the King,' and 'Dand the man,' &c.**

WILLIAM KER in Quhitmere, James Elwande<sup>3</sup> there, and Alexander Gray in Grenehede, produced a Remission for art and part of the cruel Slaughter of John Furde, in the town of Selkirk. Ralph Ker of Prymfydloche became surety to satisfie the parties.—PATRIK GRAY, with Ker and Elwalde, produced a Respite for Resetting the sons of William Elwalde, 'Hob' pe King,' and 'Dand' pe man,' in their treasonable deeds ; and specially, in the Theft of nine score of sheep furth of Tweddale and Laudirdale.—James Ker of Lintoune surety to satisfie parties.

#### **Concealing 'Paife Penneis.'**

ROBERT LOFTHOUS<sup>4</sup> in Lyndene, CONVICED of concealing certain 'paife penneis'<sup>5</sup> to the value of x merks, on his own Confession.—BANISHED furth of Scotland. To remove within xl days, under pain of 'tinsal'<sup>6</sup> of his life.

#### **Oppression — Stouthreif — Convocation, &c.**

Nov. 10, (*dies Jovis*.)—ADAM DOUGLAS, and Robert, Henry, Symone, and George D. in Swynfyde, his brothers, permitted to compound for art and part of the Oppression done to William Colvile of Ravinnisfrag, Robert Boyd, and John Kennedy, in taking and detaining them upon Levin,<sup>7</sup> and destroying iij horses belonging to the said persons, at the same time : *Item*, for art and part of the Stouthreif of a sword, a shield, a purse,<sup>8</sup> and xl therein, from the said William Colvile at the same time : *Item*, for Convocation of the lieges, and coming upon Sir William Colville of Uchiltre, in Hordane,<sup>9</sup> wishing to slay him on forethought felony.—Ralph Ker of Prymfidloche, surety to satisfie the parties.

#### **Oppression Done to the Laird of Schiltree.**

ROBERT and HENRY DOUGLAS, brothers, permitted to compound for

<sup>1</sup> Sheep of one year old.    <sup>2</sup> Goats.    <sup>3</sup> Elwalde.    <sup>4</sup> A familiar Border abbreviation for Robert, not *Halbert*.    <sup>5</sup> Andrew.    <sup>6</sup> Now *Loftus*.    <sup>7</sup> See Note to Nov. 21, 1493.    <sup>8</sup> Loss.    <sup>9</sup> A district of Lancashire, then infamous for its 'Traitouris' and 'lymmaris,' who made numerous raids and forays every year on the least protected parts of the Scottish Borders. To do justice to the Borderers of the Scottish side, they were to the full as active as their Southern neighbours, and frequently penetrated as far as the heart of Yorkshire, and the adjacent counties.    <sup>10</sup> 'Unius Mancipij,' which generally denotes a deed of conveyance, or title-deed. In the present instance, it may be figuratively put for some sort of purse or scrip. It is more probable, however, that the word has been erroneously transcribed from the Dittay by the clerk, in place of *marfupij*, (or *marcupij*, as it was sometimes written,) a purse.    <sup>11</sup> Harden.

art and part of the Oppression done to Sir William Colvile of Uchiltre, in occupying, labouring, and manuring his lands of Farnesyde and Hardane, and taking and keeping his Houfe or *Pele*,<sup>1</sup> in Hardene, without any Lease or title of law: *Item*, for the Theft of iij oxen from the said Sir William Colvile, furth of Synlawis.—Ralph Ker of Prymfydoche became surety to satisfy the parties.

**Reset — Intercommuning with the Armstrangis, &c.**

ADAM SCOT, in Hawcheferis, produced a Remission for art and part of the theftuous Resetting of six score sheep stolen by the Laird of Mynto from George Ruthirfurde, furth of Langnewtoun and Sandyftanis: *Item*, for Resetting, supplying and intercommuning with Archibald and Ninian Armstrang, William Scot, and their accomplices, the Kingis Rebels.

**Hereschip of Spytoun — Slaughter, &c.**

DAVID SCOT, (callit) *Lady*,<sup>2</sup> produced a Remission, for art and part of the tressonable in-bringing of the 'Armstrangis,' to the 'Hereschip' and Stouthreif of nine score of oxen and cows, xx horses and mares, and other goods and gear, to the value of xl merks, from the Tenants of Syntoun: *Item*, for art and part of the cruel Slaughter of George Newtoun and George Caveris, at the same tyme.—He became surety, with consent of party.

**Sheep-stealing — Stouthreif, &c.**

DAVID SCOT, (callit) *Lady*, produced a Remission for art and part of the Stealing of three-score sheep ('wedderis'), price of each vj s. viij d., from Ralph Ker, furth of Bradmedowis: *Item*, for art and part of the Stouthreif of vj oxen and cows, and other goods and gear to the value of x merks, from William Atkin, and John his son, furth of Hanyng.—William Turnbull of Mynto became surety to satisfy the parties,

**Oppression done to the Laird of Uchiltree.**

JOHN DOUGLAS, brother to the Laird of Bon-Jedworthe, William his brother, James Douglas in Swynside, John, Adam,<sup>3</sup> and John<sup>4</sup> his brothers there,<sup>5</sup> James Douglas in Onstoun, George Douglas in Swynside,<sup>6</sup> John Davidfone in Bank, William and George, sons of the said John, Cristopher Davidfone, John Riddale, junior, of that ilk, James Davidfone, son of Richard, convicted of art and part of Oppressioun and Convocation of the lieges, and coming upon Sir William Colvile of Uchiltre, kn<sup>t</sup>, at his lands of Hardane-hede, in the year 1502.

See Nov. 18, 1498, *Note*.      <sup>2</sup> See Nov. 6, 1502, &c.      <sup>3</sup> 'Remissio.'      <sup>4</sup> It was not unusual to call two or more sons by the favourite family name, which often occasions much confusion and embarrassment to genealogists, in preparing family histories.      <sup>5</sup> 'Remittitur per Regem.'  
<sup>6</sup> 'Remissio.' These words are on the margin of the Record.

**The Master of Angus amerced, &c.**

Nov. 12, (*dies Sabbati*).—DAVIDSON, alias *Grace behind him*. George, Master of Angus, often called to enter Davidfone, *alias Grace behind him*, 'prout receptum eum in Portuferio,<sup>1</sup> et in defectu executionis sui in amerciamento est primum Iter.—Amerciat x li.'

**Burning the Place of Riddale, &c.**

Nov. 14, (*dies Lune*).—DAVID TURNBULL of (in ?) Toftis, allowed to compound under a Remission for Resetting, supplying, and intercommuning with Robert Turnbull, called *Muriale*, the Kingis Rebel, and at his horn; and specially, at the time of the Burning of the Place of the Laird of Riddale, and Stouthreif of twenty-four score of sheep, two cows, and sundry other goods and utenfils; the losis sustained in the Burning of the said Place, and 'Herefchip' of the forsaid goods and utenfils, from the said Laird of Riddale, extending to 200 merks: AND also, of the Slaughter of a black horfe at the same time, price x l., pertaining to Robert Scot: *Item*, for art and part, along with the said Robert Turnbull and his accomplices, at the time of the Burning of the said Place, and 'Herefchip' of the foresaid goods.—John Turnbull of Toftis became surety to satisfy the parties.

**Resetting Richard Armstrang, &c.**

PATRIK SCOT, son of Adam in Hardwodhill, produced a Remission, for Resetting Richard Armstrang, called *Skaw*, in his Thefts: and specially, in stealing 200 sheep from David Hoppringill, furth of Fechane, in company with Alexander Scot.—Walter Scot of Howpaslot, and Robert Scot of Stirkschawis, became sureties to satisfy the parties.

**Stouthreif—In-bringing Sir John Musgrave, Englishman, &c.**

ADAM TURNBULL, in Hornishole, now in Chalmerlane-Newtoun, produced a Remission for art and part of the Stouthreif of four-score sheep, ('wedderis,') from Ralph Ker and William Wode, furth of Bradmedowis: *Item*, for art and part of the treasonable in-bringing of SIR JOHN MUSGRAVE, *Englishman*, and for Intercommuning with him at the said time, in treasonable manner, &c. &c.:<sup>2</sup> *Item*, for art and part of the Stouthreif of eight score sheep ('3owis' and 'wedderis,') furth of Hundalishop, &c.: *Item*, five score sheep from William Turn-

<sup>1</sup> L. B. *Portiforium*. This signifies he received him in *Porteous*, or roll. *Porteous*, *portuass*, *portouse*, or *portase*, generally denoted a Breviary or Mass-book, from its being portable; but it was of old chiefly used, in Scotland, to signify a Roll of Dittays or criminal Indictments, which was given up by the Justice Clerk at each Aire to the Coroner, that the parties might be duly cited. The term is still used in practice, and 'the *Porteous-Roll*' is to this day regularly made up for each Circuit.

<sup>2</sup> The catalogue of crime which follows is of no interest, being petty Thefts of sheep, &c.



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bull, furth of Aikwode, &c. : *Item*, three score sheep ('zowis' and 'wedderis,') from the Abbot of Kelso and Ralph Ker, furth of Caldschelis : *Item*, of art and part of the treasonable in-bringing of *Archibald* and *Ninian Armstrong*, to the Stouthreif of ten score oxen and cows, and four score horses and mares from James Newtoun, furth of Syntoun.—The said James became surety, &c. *Item*, for art and part of the Stouthreif of xvij oxen and cows, price of each 2 merks, a doublet,<sup>1</sup> a sword, and xl s., two horses, price of each 5 merks, xl sheep ('wedderis,') price v s. vj d., three score sheep, price of each v s. vj d., from John Quhite, furth of the Hospital of St Leonard, near Peblis, at sundry times.—Walter Scot of Howpallot became surety to satisfy the parties.

#### Burning of Selkirk—'Hereschip,' &c.

ADAM TURNBULL, in Hornishole, now in Chalmerlane-Newtoun, produced a Remission for art and part of the treasonable in-bringing of SIR JOHN MUSGRAVE, *Englishman*, to THE BURNING OF SELKIRK and 'Hereschip,' and Stouthreif of goods therein, to the value of 1000 merks, from the Inhabitants and tenants of the said town.—George Turnbull of Hawroull and Bertholemew Turnbull in Rowflat, became sureties to satisfy the parties.

#### Stouthreif—Horse-stealing—Resetting, &c.

NICHOLAS RUTHIRFURDE produced a Remission for art and part of the Stouthreif of two horses from the Priores of Haddingtoun : *Item*, for the Stouthreif of a 'caldrone'<sup>2</sup> from the wife of Richard Ruthirfurde : *Item*, of a cow from Lawrence Pile : *Item*, for Stealing 5 horses from the Earl of Huntlie : *Item*, for Stealing a horse from Thomas Hall.—John Ruthirfurde of Hundole, and Thomas his brother, became sureties to satisfy parties.—He also produced a Remission for himself and Thomas R. in Grange, for Resetting, supplying, and Intercommuning with THE RUTHIRFURDIS, the Kingis rebels.

#### Stealing Horses from the Army at Norhame.

NICHOLAS RUTHIRFURDE, in Hindole, produced a Remission for art and part of the Theft of five horses from the Kingis Army of Norhame.—John Ruthirfurde (of Hundole ?) became surety to satisfy the parties.

#### 'Hereschip' of Fastheuche and Hangingschaw, &c.

PHILIP TURNBULL, in Quhithop, and David Turnbull, in Carlingpule, produced a Remission for art and part of the treasonable In-bringing of the Thieves and Traitors of Levin to the 'Hereschip' and Stouthreif of the goods being in Fastheuche and Hangingschaw, belonging to John Murray, &c. &c.

<sup>1</sup> 'Unius deploidis ; q. d. duplex vestis.

<sup>2</sup> 'Unius cacobi, le caldrone.'

**Resetting the 'Armstrangis' and the Son of the Laird of Tuschelaw.**

PATRICK TURNBULL, in Walchope, produced a Remission for Resetting, Supplying, and Intercommuning with Archibald and Ninian Armstrangis, and William Scot, son of David Scot of Tuschelaw,<sup>1</sup> in their Stouthreifs, Slaughters, Burnings, and other crimes committed by them.

**Slaughter—Burning of Bernehill—'Hereschip' of Mereclughe  
—Resetting Rebels, &c.**

PETER TURNBULL, in Bonechestir, produced a Remission for art and part of the cruel Slaughter of James Ruthirfurd, son of Adam, at the Kirk of Hawick: *Item*, for art and part of fortifying of the treasonable Burning of the Place of Bernehill, and also of twelve score bolls of oats, six score bolls of bear,<sup>2</sup> and sixty bolls of wheat, pertaining to George Ruthirfurde of Langnewtoun: *Item*, for art and part of the 'Hereschip' of xxv oxen, xxvij cows, xvj 'zoung nolt,'<sup>3</sup> and three score sheep, from the said George: *Item*, for art and part of the Burning of iij horses, viij mares, and sundry other goods, to the value of xx l., at the time of the Burning of Bernhill, pertaining to the said George: *Item*, for art and part of Stouthrief of xl oxen and cows, v horses and mares from John Grymilaw, furth of the Place of Camys, in company with the King's Rebels, viz. being Turnbullis, and at the horn, for art and part of the cruel Slaughter of James Rutherfurde: *Item*, for art and part of the treasonable In-bringing of sundry English to the 'Hereschip' of Merch-cluche and Stouthreif of iv horses and sundry goods and gear from Robert Laudir, furth of Merecluche: *Item*, for art and part of taking the said Robert at the same time, and detaining him in Bewcastill, in England, until he redeemed<sup>4</sup> himself: *Item*, for art and part of the Stouthreif of eight score and six sheep ('hoggis'),<sup>5</sup> from George Tait and his Tenants, furth of Fichop: *Item*, for art and part of Stouthreif of xvij goats, and sundry goods and utensils, from John Cleghorne, to the value of xl l. furth of Lethanehoip: *Item*, for art and part of the Theft of xl sheep ('zowis'),<sup>6</sup> from Williame Cleghorne, furth of Lethanehope: *Item*, for art and part of the Burning of xxvj bolls of bear and xl bolls of oats, pertaining to George Ruthirfurde of Langnewtoun, in his Place of Sandystanis, in company with John Turnbull of Mynto and his accomplices: *Item*, for art and part of the Stouthreif of twenty four score sheep from the said George Rutherfurde, furth of the said Place of Sandystanis: *Item*, for Resetting, supplying, and intercommuning with Mark Turnbull and John Turnbull, the Kingis Rebels.—Adam Turnbull of Bullirwell surety to satisfy parties.

<sup>1</sup> For the fate of a future LAIRD OF TUSCHELAW, and that of the celebrated JOHNNIE ARMSTRANG, see May 16 and 18, 1530.   <sup>2</sup> Barley.   <sup>3</sup> Young cattle.   <sup>4</sup> Ransomed.   <sup>5</sup> A year-old sheep, before losing its first fleece.   <sup>6</sup> Ewes.

**Burning and 'Hereschip' of Borthuickschellis.**

Nov. 15, (*dies Martis*).—EWMUND ARMSTRANG,<sup>1</sup> in Liddalisdale, and George and Hector, his brothers, there, compeared by the King's command, and were accused of art and part of the Burning and 'Hereschip' of Borthuicschelis, viz. iij<sup>2</sup> sheep, iij<sup>3</sup> oxen and cows, xx horses and mares, and fundry goods and utenfils, to the value of I<sup>o</sup> merks, from Mark Ker of Dolphingstoun and the Tenants thereof.—They found Hector and George Armstrangis, brothers, as their sureties for satisfying the parties.

**Stealing a Stallion from the Earl of Levenox.**

GEORGE ARMSTRANG, brother of Hector, in Liddalisdale, compeared, and was accused of art and part, along with one called Douglas, in his Thefts; and specially, in the Theft of a brown curfour,<sup>4</sup> price xxx 'Angel Nobillis,' from the Earl of Levenox, furth of Edinburghe.—He found Hector, his brother, cautioner to satisfy parties.

**Sacrilege—Plundering the Kirk of Jedworthe.**

ROBERT RUTHIRFURDE, in Todlaw, produced a Remission for art and part of the Theft of certain 'cuscheis of filk,'<sup>5</sup> sheets, linen cloths, 'fustiane,' 'scarfs,'<sup>6</sup> and other clothes, furth of the Kirk of Jedworthe.—Robert Turnbull of Blindhalche became surety to satisfy parties.

**Forethought Felony, &c.**

ALEXANDER WYNDIS OF THAT ILK, convicted of the forethought felony done to Philip Faula, on S' Mary's day: *Item*, of art and part of the forethought felony done to the said Philip, in riding to Branxhame.—Robert Scot americiated xl l. for his non-appearance to underly the law.

**Stouthreif and Hereschip of Oxen, Horses, &c.**

WALTER TURNBULL, in Branxhame, produced a Remission for art and part of the Stouthreif of eight score and eight oxen and cows from Patrick Murray and John Murray, furth of Carterhalche: *Item*, for art and part of the 'Hereschip' of fundry goods and utenfils, to the value of three score merks, from the said Patrick and John, furth of Carterhalche: *Item*, for art and part of the 'spuilzie' of ij horses, price xl l., from the said John, furth of Carterhalche, in company with the Traitors of Levin.—George Turnbull of Hawroull and Robert Scot of Stirkschawis, became sureties to satisfy the parties.<sup>7</sup>

<sup>1</sup> See May 18, 1530, &c.    <sup>2</sup> 300.    <sup>3</sup> 60; three score.    <sup>4</sup> Stallion.    <sup>5</sup> Probably cushions, on which to place their Mass-books, &c.    <sup>6</sup> Or surplices; 'flamnearum.'    <sup>7</sup> 'SUMMA Totalis hujus Extractus (viz. Itineris Justiciarie de JEDWORTHE), Ij<sup>m</sup>.V<sup>c</sup> xli li.' (L.2541.)

*CURIA Itineris Justiciarie, inchoata apud burgum de SELKIRK, die Jovis, xxvij die mensis Nouembris, 1502; coram ANDREA DOMINO GRAY, Justiciario, &c.*

**Sheep-stealing—Stouthreif.**

Nov. 28, (*die Veneris*).—WALTER SCOT, son of Walter Scot of Edschaw, permitted to compound, under a Remission, for art and part of the Theft of four score sheep, price of each 5*l.*, from William Ker, furth of Zare, &c.: *Item*, for art and part of the Theft of three score sheep, from Robert Broune and John Turnbull, furth of Selkirk, &c.: *Item*, for common Theft and Treason.—James Scot, in Askirk, surety to satisfy parties.—He was likewise permitted to compound, under another Remission, for art and part of the Theft of three score sheep, from the Abbot of Kelfo and Ralph Ker, furth of Caldschelis. Robert Scot of Stirkschawis became surety to satisfy parties.—He was also allowed to compound, under a third Remission, for art and part of the Stouthreif of four score sheep ('wedderis') from Ralph Ker, furth of Braidmedowis, &c.—Surety the same as above.

**Violent occupation of the Lands of Thirlestane.**

Nov. 30, (*die Sabbati*).—WILLIAM SCOT, in Thirlestane, came in the King's Will for art and part of breaking the King's Protection upon Sir Patrick Crechtoun of Cranstoun-Riddale, in occupying and labouring his set or assedation of Thirlestane, without a lease, from the said Patrick.—Walter Scot of Buccluche surety to the King and party.<sup>1</sup>

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*CURIA Itineris Justiciarie, inchoata apud burgum de PEBLIS, die Lune, xxj die mensis Novembris, 1502.*

**The Laird of Horne-Huntaris-Landis.**

THE LAIRD OF HORNE-HUNTARIS-LANDIS being often called for suit and presence due for the said landis, and not compearing, was amerced in defect of suit.<sup>2</sup>

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*CURIA Itineris Justiciarie, tenta in Pretorio burgi de EDINBURGHE, die Sabbati, quarto die mensis Februarij, 1502-3, coram ANDREA DOMINO GRAY, Justiciario, &c.*

<sup>1</sup> 'SUMMA totalis hujus Extractus, Icxv li.'      <sup>2</sup> 'SUMMA totalis hujus Extractus, Iij li.' There were no cases of any interest; but a number of persons were fined for not giving suit and presence, among whom the instance which is noticed is the only remarkable one.

**Slaughter of Edward Huntare of Polmude.**

Feb. 4.—GILBERT TWEDY, John Beres, and Andrew Chancellor.—John Twedy of Drummelgear, Walter Twedy in Hawmyris, and William Twedy there, became sureties conjunctly and severally for the entry of the said Gilbert, &c. at the next Aire of Peblis, on the second day thereof, before the said Justiciar, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude, under the pain of 1<sup>l</sup> merks for the said Gilbert, xl l. for the said John, and xl l. for the said Andrew.—The said Laird of Drummelgear declared in Judgement before the said Justiciar, that he had carried the said Gilbert, &c. to the Tolbooth of Stirling, afterwards to the Tolbooth of Peblis, and likewise to the Tolbooth of Edinburghe, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude; and that they were prepared to underly the law, where and when it should please our sovereign lord the King, for the same Slaughter: And that the dilating of the said matter should not tend to their hurt. Upon which he asked an act of Court.

**Slaughter.**

GEORGE DIKISONE, in Peblis, declared in judgement that he had formerly entered in the Tolbooth of Edinburghe, afterwards in Peblis, and again in Edinburghe, to underly the law for art and part of the cruel Slaughter of Symon Dikifone: And protested, that the dilating of this matter should not tend to his prejudice; and that he was ready to underly the law, when and where it should please our sovereign lord the King: And thereupon asked an Act of Court.

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CURIA *Itineris Justiciarie, inchoata apud DRUMFREIS, die Martis, Aug. 13,*  
1504, *coram ANDREA DOMINO GRAY, Justiciario.*

**Slaughter of a Chaplain.**

Aug. 15, (*tercia die Itineris*).—ROBERT GRERSOUNE, in Drumfreis, produced a Precept of Remission for art and part of the cruel Slaughter of Sir John M'brair, Chaplain, in the Town of Drumfreis.—William Douglas of Drumlangrig became surety to satisfy parties.

**Burning the Town of Dumfries.**

Aug. 17.—GILBERT THOMESONE, CONVICTED of the theftuous taking of merchandize from the merchants of DRUMFREIS, at the time of the BURNING thereof: *Item*, for art and part of the theftuous taking and concealing of xlv sheep furth of Schellop: *Item*, of Common Theft, and common Refet of Theft.—HANGED.

**Treason — Intercommuning with the Thieves of Eskdale.**

ADAM BATY, CONVICTED of art and part with the King's Rebels, at the horn, being of 'Eskale' (Eskdale), in their Thefts and Treasonable deeds: And for favoring, supplying and assisting them in their Thefts: And of common Treason, of new.—HANGED.

**Intercommuning with the 'Armstrangis' on 'Skir-Thurisdav.'**

THOMAS SCOT in Prestif-dikis came in will for Intercommuning with the Armstrangis, the King's rebels, being at his horn, on Thursday called '*Skir-Thurisdav*,'<sup>1</sup> in the year 1504.—Sir Adam Murray, kn<sup>t</sup>, became surety to the King.

**Destroying the Woods of Lochmabane, &c.**

JAMES MONSE,<sup>2</sup> near Lochmabane, came in the King's Will for destroying the Woods of Lochmabane, Bukrig, Heichrig, Rammerskalis, and Rowkell-park.—Gavin Murray, brother of the Laird of Cokpule, became surety to the King and party, iij li.

**Intercommuning with the Duke of Albany.**

ROBERT RAMSAY, in Rammerskalis, produced a Remission for being with Alexander late Duke of Albany, in his 'Herefchips' and evil deeds.

**Salmon-Fishing in Close time.**

JOHN PATTONSOUN, in Tasseholme, CONVICTED of Fishing (Salmon) in the water of Annand, during the prohibited time, was amerced in v l.—William Jarding, called '*braid-fuerd*,' surety to the King and party.

**Slaughter of the Laird of Dunweddy.**

JOHN JARDING, in Sibbald-befyde, produced a Remission from the King, for art and part of the cruel Slaughter of Thomas Dunweddy of that Ilk, at his Place of Dunweddy.<sup>3</sup>—ROBERT BRIG, living with Alexander Jarding, also pro-

<sup>1</sup> SKYIR-THURISDAY, (*Maunday-Thursday* of the English Church,) the Thursday before Good Friday. It is also called *Holy Thursday*, which is the proper derivation of the term, from E. *steere* and A. S. *feir*, clean, pure. It was instituted in commemoration of the washing of the disciples' feet by our Saviour; and some have thought the English term thence originates, i. e. *dies Mandati*, '*Mandatum novum de vobis*,' &c.: But it rather seems to take its name from the *Maunds*, i. e. hand-baskets, in which the provisions, alms, and offerings to the poor were carried.

<sup>2</sup> This name appears to be the same with that now known as *Mounsey*. It is a singular coincidence that Dr Mounsey, who sprung from the lowest origin in the vicinity of Lochmabane, lived to become proprietor of the estate of Rammerscales, &c. here described.

<sup>3</sup> The Lairds of the family of *Dunwiddie* were, unhappily, like many others in these unsettled times, subjected to the violence of their neighbours. Only eight years afterwards, (about 1512,) 'The Laird Dinwiddie was slayne in Edinburgh by two persones, who eschaped by taking the Sanctuarie of Holyroodhouse, a saufgaird much respected in those days.'—*Anderson's MS. Hist. Adv. Library. Sir James Balfour adds, 'by the JARDANS.'*—*Annales*, I. 235.

DRUMFREIS.

duced a Remission for being art and part in the commiffion of the fame crime.—The faid Alexander Jarding became furety to fatisfy the parties.

### Slaughter of the Laird of Mouswald.

THOMAS BELL of Curre.—The Laird of Caftelmylk being often called to enter Thomas Bell of Curre to underly the law for art and part of the cruel Slaughter of the Laird of Mouswald, under the pain of I<sup>l</sup>., was amerced for his non-appearance. The faid Thomas denounced at the horn.—STEPHEN JOHNSTOUNE was alfo denounced Rebel for not appearing to underly the law for the fame crime; and William Purdum portioner of Myddilbe was amerced, as his furety, in xl l.

### Stouthreif of Horses, &c.

ROBERT DUNWEDY, fon of the Laird of Dunwedy, and Gavin Johnftoune, were admitted to our fovereign lord the King's compofition, for art and part of the Stouthreif of four horfes price xl l., two candleticks, one goblet, with fundry other goods worth xx l., from Bartholomew Glendunwyne, in company with the Laird of Johnftoune and his accomplices.—Sir Thomas Kirkpatrick of Clofbarne, kn<sup>t</sup>, became furety for the faid Robert; and Adam Johnftoune of that Ilk became furety for the faid Gavin, to fatisfy parties.

### Resetting a Common Thief.

NICHOLAS DUNWEDY, in Dunwedy, called *Gait-fut*,<sup>1</sup> Convicted of Resetting Adam Corry, common Theif, in his theftuous deeds.—HANGED.<sup>2</sup>

### Special License, Refpite, and Protection to the Tenants, &c. of the Archbishop of Glasgow, until his Return from Rome.

[THE following document will on all accounts be deemed interesting. It is thus entitled in the Record, 'Hæc est vera copia Respectuacionis Episcopi Glasguen., &c.' Notices of a very great many 'Speciale Respuytis' of this description are to be found in the Register of the Privy Seal, but comparatively few are engrossed at length in the Register. The purpose of obtaining such Licenses was, not only that they should serve the individuals concerned as passports in foreign countries, but that they and their vassals might be fully protected in their persons and properties, until a reasonable time after their return to Scotland, (usually forty days.) This device effectually prevented them from being pursued criminally and put to the horn during their absence, and also operated as a bar to judgments passing against them by default in civil cases.

Notices of some similar Protections are preserved in the APPENDIX to the Trials during this and subsequent reigns.]

Aug. 28.—SPECIALE RESPUYT *in favor of the 'men, kin, tenentis,*

<sup>1</sup> Goat foot.  
(L.1887.)

<sup>2</sup> 'SUMMA totalis hujus Extractus, (viz. Itineris de Drumfreis,) I<sup>m</sup>viiij<sup>o</sup>lxxxvij l.'

*factouris and servandis' of Robert Archbishop of Glasgow; and especially for the slauchter of unquhile Thomas Ruthirfurde within the Abbay of Jedworthe.*

JAMES be the Grace of God King of Scottis. To all and findri oure Wardanis, Lordis of Counsale and Seffioune, Justices, Sheriffis, Chalmerlanis, Justice-Clerkis, Crownaris, and pair deputis, Provestis and baillies of borowis, and all upiris our officeris, leigis and subditis, spirituale and temporale, quhome it efferis; to quhais knowlage thir oure Lettres sal cum, greting. WIT YE, that forsa-mekle as ane maist reverende fader in Gode, and our traift confalour, ROBERT ARCHIBISCHOP OF GLASGW and Commendatour of oure Abbay of Jedworthe, is now, of oure speciale Licence, benevolence, and fredome, to pass to þe COURT OF ROME, in certane materis and chargis of ouris: And for þe fulfilling of his Pelgramage and upiris errandis he has pair ado, WE have pairfore takin þe said maist reverende fader his Metropolitan Kirk of Glasgw, þe Dene, Cheptour, Vicaris-generalis and Chanonis of the samyn, þe said Abbay of Jedworthe and convent pair of, and all and findri þe Kirkis, landis, rentis, possessionis, tendis,<sup>1</sup> fructis, revenus, possessionis, priuilegis, rychtis, fredomis, castellis, towris, for-talicy, maner placis, grangis, wodis, lowis,<sup>2</sup> fischingis, orchatis, medois, and al vþir proffetis and dowetis<sup>3</sup> quhatsumevir pertenynng pairto; his Denis, Chalmerlanis, firmaouris, factouris, procuratouris, intronettouris, his men, tenandis, ande servandis, pair takis, malingis, cornis, catell, and all and findri pair guidis, movabill and unmovabill, spirituale ande temporale, quhatsumever þai be, within our realme; undir oure speciale protectione, mentenans, defense, suple ande saif-garde. AND atoure,<sup>4</sup> We have RESPUTT, ande be þir oure Lettres, in þe law and by þe law, speciale Resputis, all actionis, causis and querelis quhatsumevir, belonging ws or any upir persone or personis, movit, or to be movit, aganis þe faide maist Reverend fader, his men, kyne, tenentis, frendis, familiaris, factouris and servandis: And specialie, ane Reverend fader in Gode, and our traift confalour, ANDRO BISCHOP OF MURRAY, ane Reverend fader ANDRO ABBOT OF CULROSE, his Abbay and convent, Andro Blacader of þat ilk, Schirris Johne Forman of Ruthirfurde, Baldrede Blacader, knyghtis; Adam Blacader, Johne Heriot, Charlis Blacader, Schir Johne Scherare archdene of Ross, Master Archibalde Layng vicare of Colmonel, Thomas Kennedy of Bargany his fermour, Jonet Layng his sifter, Schir George Akinhede, Schir William Wilkinfone, Schir Robert his bropir, David Congiltoune, Malcum Blair, Dame Elizabeth Edmonstoune lady of Tullyallane, Patrik Blacader hir sone and aire, Johne Maxwell of Nethir Pollock, Johne Maxwel his sone, Alane Stewart of Cardonalde, Patrik Colquhyn of þe Glene, David Brose<sup>5</sup> of Clakmannane, kny<sup>t</sup>, Johne Naper of Merchandistoune, Eufame Formane, Thome Huntar, William Manderstoune in

<sup>1</sup> Teinds, tythes.<sup>2</sup> Lochs, lakes.<sup>3</sup> Duties.<sup>4</sup> Moreover.<sup>5</sup> Brois, Bruce.



DRUMFREIS.

Hertfide, Patrik Bigholme, Patrik Heriot, George Heriot his broþ', Johne Cokburne, Johne Bully, George Douglace of Bone-Jedworthe, Andro Douglas, Johne Douglas, Robert Douglas, William Douglas, Maſter Stevin Douglas, David Forfithe of þe Dikis, Johne Douglace in Jedworthe, Margaret Blacader lady of Carnſchallo, Johne Maxwel hir ſone and aire, Johne Ralftoune of þat ilk, Johne Maxwel of Aikinheide, Schir Johne Rankin Vicare of Girwane, Maſter Johne Blacader Perſone of Kirkpatrik-Flemyng, Schir Patrik Blacader Perſone of Rankpatrik, David Douglace in Jedworthe, James Douglace in Vulftoune, Maſter Thomas Murhede Perſone of Lyne, Schir Andro Marſchell his fermour, Robert Blacader ſone and apperand aire to Andro Blacader of þat ilk, George Hume of þe Spote, James Weir, Hew Weire his ſone, Hew Weire elder, William Huchonſone, Thom Huchonſone his ſone, Thome Smyth, Andro Clerkſone, Johne Zoung, Stevin Lythgw, Johne Grahame, Lowen<sup>1</sup> Cadzeu, Thomas Tuedy, Johne Huchonſone, Peter Loky, Johne Twedy of Drummelzare, Marc Trumbill, Adam Trumbill of Philophauche, Williame his ſone and apperande aire, James Turnbule in Kirkhop, James Trumbill in Gargonno, Robert Murhede, Johne Adamſoune, Robert Scot in Hanyng ; and all and findrie utheris his men, kyne, tenentis, factouris and ſervandis, alſe weil at<sup>2</sup> ar nocht ſpecefit as ſpecefit, þair beneficeis, landis, takis, malingis, rentis, poſſeſſionis and gudis, to ceſe and reſt fra þe day of þe paſſing of þe ſaid maſte Reverend fader furthe of oure realme, quhill<sup>3</sup> his retornyne and comyne agane in þe ſame, and fourti dais þaireftir. AND mare-atoure,<sup>4</sup> We have EXEMIT,<sup>5</sup> and be þir our letteris, ſpecialie Exemis al þe perſonis abone expremit, alſe weil nocht nemmit as namyt, fra al comperence to Juſtice-airis, Chalmerlanis-airis, Wardane-courtis, Seſſionis, Sheref-courtis, and al uthir Courtis, for all þe time abone writtin. And inlikwiſe, We have RESPUYT, and be þir preſentis in þe law and by þe law, ſpecialie Reſputis all þe foreſaidis perſonis and all utheris, alſe weile nocht nemmit as nemmit, quhilkis ar or ſal happin any tyme to cum, induryñ þis oure Reſpuit, to be indictat, attechit or accuſit for þe ſlauchtir of umquhile Thomas Ruthirfurde, committit and done within our Abbay of Jedworthe ; or for art and part, aſſiſtence, rede, counſale or being in þe ſame, remanyng, or way-paſſing with þe ſlaier or ſlaieris, or for lying furthe and non-entre to our lawis fore þe ſame ; or for gadering and convocatioune of our liegis, þe ſaid tyme, or þeireftir ; and for al cryme, actioun, and cauſe þat may be input to þame, or any of thame tharthrouch ; exceppand<sup>6</sup> þame þat ſlew the ſaid Thomas with þair handis, to be unattachit, unarreſtit, uncallit, unconvenit, unſummonit, unchalhangit, unvexit or trublit, in þe law, or by þe law, in þair perſonis, þar borowis,<sup>7</sup> landis, and gudis quhatfumevir, for oure unlawis of

<sup>1</sup> Perhaps for Lowrie ; Laurence.      <sup>2</sup> As well those that (or who).      <sup>3</sup> Until.      <sup>4</sup> Furthermore.  
<sup>5</sup> Exempted.      <sup>6</sup> Excepting, saving.      <sup>7</sup> Cautioners, sureties.

non-comperence to ovr lawis, or ony uthir maner of way for þe said slauchtir, and actionis foresaid, or any part or pont<sup>1</sup> pairof, as said is. AND alsē, Refplacis and continuis þe puttin of þame, and ilkane of þaim to our horne, for non comperence to underlie our lawis for þe said slauchtir, or ony pont of þe premiffis, induring all þe tyme of þis our speciale Respuyt. QUHARFOR, We charge stratlie, and commandis all and findri oure officiaris, liegis, and subditis foresaidis, þat nane of zou tak apoune hande, til do or attempe ony thing incontrare, or breking of þis our speciale Licence, protectione, and respuyt, for all the tyme abone expremit, under all þe heaft pane,<sup>2</sup> charge, and offence, þat ze and ilkane of zou may committ and inrine,<sup>3</sup> aganis our maieste, in þat part: Thir oure Letteris, fra þe day of þe passing of þe said maist Reverend fader furthe of our realme, quhil his retornyne and cumyn agane within þe samyn, and fourty dais paireftir to indure, as said is: Providing allvais, þat þis our Respuyt, nor exemp-tioune, sal nocht extende to na crymis, quhilkis falbe committit eftir þe dait of þe same. GEVIN undir our Prevay Sele, at Drumfreis, þe xxvij day of August, þe zere of Gode ane Thousande five hundrethe and foure zeris, and of our reigne þe xvij zere. AND nochtwithstanding þis oure Respuyt, We wil þat all þe per-sonis contenit in þe samyn, except þai þat passe with þe said maist Reverend fadir, in propir perfone, sal anfuer to al partiis apoune dettis, in quhat Court þai be convenit, except oure aune propir dettis.

JAMES R.

### Treason — Wounding (Slaughter?) of the Laird of Craiganis.

[JOHN MASTER OF MONTGOMERY (or of EGLINTOUN, as he is styled in the Peerages) was the second, and then surviving son, of Hugh *third* Lord Montgomery, a distinguished nobleman, who had been a strenuous supporter of the Prince at the Field of Stirling, and for his services was afterwards created Earl of Eglintoun. The crime for which the Master was here summoned, was for the Wounding of William Cuninghame of Craigends. The Master of Eglintoun was killed on the streets of Edinburgh, April 28, 1520, in the memorable Feud between James *first* Earl of Arran and Archibald *sixth* Earl of Angus, best known by the *sobriquet* of *Cleanse the Causeway*.

The authority for the nature of the crime for which the Master was charged, is the following brief notice from Sir James Balfour's treatise, '*De jure Prælationis Nobilium Scotiæ*.'<sup>4</sup> 'ITEM, I find that Johnne, Maister of Montgomerie, is summonit to underlay the lau and cenfur of Tressone, for the wounding of Villiame Cuninghame of Craiganis.']

Jan. 20, 1505-6.—Quo die, JOHANNE MAGISTRO MONTGUMBY, sepe vocato per literas Summonicionis domini nostri Regis, ad respondend. super certis proditorijs accionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuacione dierum et horarum.<sup>5</sup>

<sup>1</sup> Point.<sup>2</sup> Highest pain.<sup>3</sup> Literally *in-run*, incur.<sup>4</sup> *Carmichael's Tracts*, p. 89.<sup>5</sup> *Acta Parl.* II. 262.

**High Treason.**

(Jan. 20.)—Quo die, DONALDO MAKRANALD BANE, sepe vocato per literas Summonicionis domini nostri Regis ad respondend. super certis proditorijs actionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuatione dierum et horarum.<sup>1</sup>

**High Treason—Assisting Donald of the Isles, &c.—Fire-raising and ‘Hereships’ in Badenoch.**

[As the various Feuds, Treasons, &c. connected with the Isles fall to be treated of at large in MR GREGORY'S History of the Hebrides, it is unnecessary to enter on the subject in this place. It may, however, be proper to remark, generally, that Macleod and Donald Ila's fathers married two sisters. The former married Lady Katherine Campbell, in 1498, and the latter (Angus Macdonnel, natural son and heir of entail of John Earl of Ross and Lord of the Isles), Lady Mary Campbell, the seventh and fifth daughters of Colin first Earl of Argyle. In the Appendix to the Trials which occurred during the reign of King James IV, the reader will find many interesting notices in relation to this and other similar cases.]

Feb. 3.—TORCULANE (TORQUILL) MAKCLOIDE OF THE LEWIS.—The quhilk day, in Parliament, fittande oure souerane lorde THE KING, his thre Estatis the samyne tym gaderit, Johnne Ogilby, Scheref-deput of Inuernes, present ane letter of Summondis vnder þe quhit walx and testimoniaie of þe Gret Sele, of þe quhilk þe tenour followis, with þe tenour of þe executioun pair of execute be þe saide scheref-deput.

*Summonicio Forisfacture Torculani Makcloide de Lewis.*

JACOBUS Dei gratia Rex Scotorum: Vicecomiti et ballivis suis de Inuernes; necnon dilectis nostris Bute, Ormonde, Signiferis; Daud Tempilmane, Duncano Riche, Jacobo Mufchete, Ricardo Broune, Johanni Coupere, Nuncijs, et eorum cuilibet conjunctim et diuisim, vicecomitibus nostris in hac parte, salutem. Mandamus vobis et precipimus, quatenus summonetis legitime et peremptorie coram testibus, TORCULUM M'CLOIDE DE LEWIS, personaliter, si eius presenciam commodè habere poteritis, sin autem apud suum proprium locum habitacionis, si ad eundem tutus pateat accessus, ve alioquin apud Crucem foralem Burgi nostri de Inuernes per publicam proclamationem, sic quod dicte Summonicionis notitia ad eius aures deuenire poterit, quod compareat personaliter coram nobis seu nostro Justiciario, in nostro proximo Parlamento, tenend. in pretorio Burgi nostri de Edinburghe tercio die mensis Februarij proximo futuro, si dies illa juridica fuerit, alioquin proxima die juridica inde sequente, hora caufarum, cum continuatione dierum, ad respondend. nobis seu dicto Justiciario, pro proditorijs arte, parte, et assistencia factis et exhibitis DONALDO YLA, bastardo filio quondam

<sup>1</sup> *Acta Parl.* II. 262. No farther notice of this case occurs.

Angufij de Infulis, eciam baftardi filii quondam JOHANNIS DOMINI DE INSULIS, capiendo fecum parte inuadendo ligeos nostros Dominij nostri INSULARUM, et diftruendo eofdem bellico modo, ad effectum et finem ut idem Donaldus effet DOMINUS dicti Domini de INSULIS : ET pro proditorio deliberacione dicti Donaldi LAUHLANO MAKLANE de Dowart, et poft poftione deliberacionis eiufdem nobis, contra noftro mandata : AC proditorie Inuafionis et Combustionis noftrorum ligeorum, in Badzenach, in fefto Natiuitatis Domini in anno Domini Millefimo quingenteffimo tercio, et aliorum noftrorum ligeorum diuerfis temporibus : ET pro proditorijs Incendiis et Rapinis predictis et aliis diuerfis temporibus, bellico et hoftili modis factis : ET eciam pro proditione facta per dictum Torculum in offencione noftre regie maieftatis, in Rapina et detencione a noftro Officiariis, in executione eorum officii, noftro Literarum, viz. cuiufdam Summonicionis emanate ad instanciam noftro contra dictum Torculum et directe Gilpatrik Cori noftro Nuncio et officario in hujufmodi executione, existen. viceffimo feptimo die menfis vltimi elapfi ; et alterius Summonicionis eciam emanate ad instanciam noftro directe Vicecomiti et Balliuis noftro de Inuernefe fuper dictum Torculum, fuper diuerfis proditoriis actionibus, contra dictum Torculum : ET pro proditoriis factione et compositione Ligarum cum diuerfis noftro ligeis, et eciam cum noftro Rebellibus contra noftro auctoritatem regiam, in Inuafione noftro regni et ligeorum noftro in diuerfis Depredacionibus et Combustionibus, Rapinis, et Homicidiis, et aliis criminibus : ET vltorius, ad fubeundum magnam Affifam, fecundam formam accusationis et Indictamenti defuper conficiend. : Intiman. dicto Torculo quod fue dictis die et loco cum continuatione dierum comparuerit fue non, nos nichilominus feu dictus noftro Iufticiarius premiffis, iufticia mediante, procedemus et procedet : Et uos qui prefentes executi fueritis fitis ibidem dicto die, haben. vobifcum Summonicionis vefre testimonium et hoc breve : Ad quod faciend. vobis et veftrum cuilibet coniunctim et diuifim in hac parte committimus potestatem. DATUM fub testimonio Magni Sigilli noftro Apud Edinburghe, decimo tercio die menfis Decembris anno regni noftro decimo octauo.

*Indorfatio five Executio dicte Summonicionis.*

THE xxiiij day of þe moneth of December, the 3ere of God J<sup>m</sup>.V<sup>c</sup>. and v 3eris, I JOHNE OGILBY Scheref-deput of Inuernes, þaþt wþth thir our fouerane lordis lettres, and foycht TORCULANE MAK-CLOIDE of þe Lewis, and becaufe I cuth nocht apprehende him perfonaly, nor þair was na fure þaþþage to me till his duellinge place, I þaþt to þe merkat corce of þe Burgh of Inuernes at xj houris befor nwnne, and þair be oppin proclamatione maid at þe merkat croce, I fomme, varnit and chagit the faide Torculain Makcloid of þe Lewis to comper befor our fouerane lorde þe King or his Iuftice in þe tolbuth of Edinburghe, þe thrid day of Februar nixt tocum, in þe hour of caufe, with continuacione of dais, to anfvere to our fouerane lord or his Iuftice, for þe treasonabil art, þarte and affiftans takin and done with DONALDE ILA, baftarde fone to Angus of þe Ilis, baftarde, takand þairt with him and

Inuadande our fouerane lordis liegis of þe ILIS and distroyeand thaim, to þe effect pat þe said Donalde fuld be **LORDE OF þe ILIS**; and apone all punctis and articulis in þir our fouerane lordis lettres, and estir þe forme of þe samyn; and þis I did befor þir Vitnes, Johne of Chalmer, Robert Innes, Alexander Michelfone, Johne Auchinlek Alderman of Inuernes, Johne Cuthbert, Johne Vaus, Ballies of þe said burgh, James Donaldfone, Alexander Anderfon, Henry Auchinlek, . . . . Paterfone, Johne of Ruthirfurde, Sir William Paterfone Perfone of Balliefkan, and Sir Jo . . . . ke Chaplane and Notar public, with operis diuerse; and for þe mare vitniffing of þis execufione I haue affixit my signet to þir presentis.

The quhilk execucioune was proovit be þe faide Scheref-deput and his twa witenes, pat is to say, Johne of Rutherfurde and Alexander Patonefone. The quhilk citacioune, Summondess and execucioune beande rede and lauchfully preuit, as said is, þe said Torcule Makcloid beande oft tymes callit and nocht comperit, lauchfull tym of day biddin, the ordour and proceffe of þe faide Summondiss at lenthth sene, harde and vnderftande, and lauchfully procedit; in þe name and behalf of our fouerane lorde, Maister James Henrifone, Aduocat to his hienes, askit and inquirit, in his name and autorite and of his speciale commande, at þe Lordis, Baronis, and Commiffariis of Burrovis, thare warde and censment of Parliament, gif the faide Torcule M'cloide hade committit and done Treffone till our fouerane lorde and his realme, in þe punctis and articulis abone writtine: **THE** quhilkis Lordis and Estatis beande auifit, ripelye wardit and deliuerit, pat þe faide Torcule Maccloide has committit and done opin and manifest Trefoune, in thir punctis efter folloing, contenit in þe faide Summondiss, That is to say, for the trefsonable art, part and affistene gevin and done be him to Donalde Yla, bastarde sone of vmquhile Angufe of þe Ilis, alfua bastarde sone of vmquhile Johne Lord of þe Ilis, be Infurrectione and takand his part,<sup>1</sup> to þe intent that þe faide Donalde fuld tak apone him þe **KINGIS** propirte, and to be **LORD OF THE ILIS**: **AND** for þe trefsonable deliuering of þe said Donalde to Lauchlane Maklane of Dowert, to þe intent forsaide. **AND** for þe trefsonable withhalding of him fra his hienes, and non deliuering of him in contrar þe commande of his diuerse Lettres directe to him þairapone. **AND** for þe trefsonable Reving<sup>2</sup> and withhaldin of his hienes Lettres fra his Officiarie of Armez, callit Gilpatrik Cor, quhilk execute þe samyn apone the xxvij daye of October last bypast: **And** for þe trefsonable (making of) Ligis and Bandis<sup>3</sup> with our fouerane lordis Rebellis, in trefsonable wife, as is contenit in þe Summondiss befor expremitt. **And** tharefter it was gevin for Dome, be þe mouthe of Johne Jardin, Dempftar of Parliament for þe tym, in forme and maner as efter followis:

*Dome or Sentence of Forfeiture.*

This Court of Parliament schawis for law, and I gif for Dome, that Torcule Makcloide of the Lewis has committit and done Treffone agane our fouerane lorde and his realme, in þe speciale pointis of Treffonis and crimez forfaidis,

<sup>1</sup> The following words are deleted from the Record.  
and Bonds, binding the parties to mutual assistance in all their quarrels, &c.

<sup>2</sup> Taking by violence.

<sup>3</sup> Leagues

contenet in the summondis ; for the quhilkis he has forfalt till our fouerane lorde his life, his landis,<sup>1</sup> his gudis, offices, and all vther his possessionis quhatfumeuir he hadē within þe Realme of Scotlande or Ylis, euermar to remane with our fouerane lorde, his aieris and fuceffouris, for his tressonabile offence : And pat I gif for DOME.

**Slaughter of a Messenger at Arms — Conuocation, &c.**

(Feb. 3.)—JOHN LINDISSAY OF WAUCHOP.<sup>2</sup>—Robert Lorde Crechtoune of þe Sanquhare, Scheref principall of Drumfreshe, presentit ane Lettir of Summondis vnder þe quhite walx and testimoniales of þe Grete Sele ; of þe quhilk the tenour followis, with þe tenour of þe executioun pair of, execut be þe said Scheref principale.

*Summonicio Forisfacture Johannis Lindissay de Wauchop.*

JACOBUS Dei gratia Rex Scotorum : Vicecomiti et Baliuis suis de Drumfreshe, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremptorie coram testibus, JOHANNEM LINDISSAY DE WAUCHOP, personaliter, si eius prefenciam commode habere poteritis, fin autem apud locum sue habitationis, si ad eundem tutus pateat accessus, alioquin per publicam proclamacionem apud Crucem fori Burgi nostri de Drumfreshe, quod compareat personaliter, coram nobis seu nostro Justiciario, in nostro Parlamento tenend. in pretorio Burgi nostri de Edinburghe, tercio die mensis Octobris proximofuturi, si dies illa Juridica fuerit, alioquin proxima die Juridica inde sequen., hora causarum cum continuatione dierum, ad respondend. nobis seu dicto nostro Justiciario, super proditorijs arte et parte crudelis Interfectionis quondam Bertholomei Glendinwyne, Officiarij et Vicecomitis nostri in hac parte, et quondam Simonis Glendynwyne sui fratris in sua commitiua, in executione fuj officij Vicecomitis nostri in hac parte, nostrasque literas haben., ad distringendum et namandum terciam partem terrarum de Wauchop, quondam Mergrete, sponse quondam Johannis Lindissay, patris ipsius Johannis pertinen. : ET pro suis proditoriis arte et parte Conuocationis et congregationis nostrorum liegiorum, pro commiffione hujusmodi Homicidii super predictis Bertholomeo nostro Vicecomite et officario et Symone, in executione dicti officij Vicecomitis nostri in hac parte : ET pro sua proditoria confectione Ligarum seu Obligationum, cum nostris subditis, and ligeis contra

<sup>1</sup> Mar. 6, 1507-8. Charter by James IV. at Edinburgh, granted 'ODONI (Y) MAKKY in Strathnaverne, pro fideli et gratuito seruicio Regi impenso, ac in posterum in resistacione et invasione Rebelium Regis impendendo,' &c. of the lands of Assent and Ladochchogithe, in the shire of 'Inuernyse,' pertaining to the King, in consequence of the forfeiture of Torquel Makcloid, formerly of Lewis, for his lifetime, with power to let the same, &c. *Reg. Mag. Sig.* XIV. 464. <sup>2</sup> In *Sir James Balfour's Treatise*, 'De jure Prælationis Nobilium Scotorum,' he remarks, 'In the penult of October, in anno 1505, John Lindesay of Vauchope ves forfaultit for the cruel Slaughter of one Bartholomou Glendinning, Messinger, and Simon his brother, quha ver poynding the lands or three pairs of the lands, at the instance of Margaret umquhill spouse to Johne hes father.' *Carmichael's Tracts*, p. 89.

nos et nostrum regnum, in quantum in eo est, omnino vsurpando: Ac committendo super nostros veros ligeos Depredaciones, Rapinas, et Incendia, proditorio modo, infra vicecomitatos nostros de Drumfresse et Roxburgh, aliasque regni nostri partes, in quammagnum nostre autoritatis detrimentum, et predictorum ligeorum nostrorum dispendium et grauamen: Inuadendo regnum nostrum hostili et bellico modis: ET super alijs in premissis sibi obiciendis et proponendis remansuris, et jure parituris: Intiman. dicto Johanni quod siue dictis die et loco cum continuatione dierum comparuerit siue non, nos nichilominus, aut dictus noster Justiciarius in premissis, justicia mediante, procedemus et procedet: Et vos qui presentes executi fueritis fitis ibidem dicto die, haben. vobiscum Summonicionis vestre testimonium et hoc breve. DATUM sub testimonio Magni Sigillj nostri Apud Linlithgow, vicesimo die mensis Junij, anno Regnj nostri decimo septimo.

*Indorsatio five Executio prefate Summonicionis.*

The sevin day of pe moneth of Julij, the 3er of God I<sup>m</sup>.Vc. & v 3eris, I, ROBERT LORD CRICHTONE OF THE SANQUHAR, Scheref principel of Drumfres, past to pe merkat croce of Drumfres with pir our souerane lordis Lettres, and at pe command of pe samyn, be opin proclamatiōne, summond *Johne Lindisay of Vauchop*, to comperē personaly befor our souerane lord and his lordes Justice at Edinburgh, or quhar it sal happin pain to be for pe tyme, the third day of October nixt to cum, in pe hour of cause, with continuatione of dais, to anfuere to our souerane lord or his Justice, aponē all punctis and articulis contenit in pir our souerane lordis Lettres, and estir pe tenour of pe samyn. And this I did befor thir Vitnesis, Robert Dalzell, Williame Cwynynghame, James Carrutheris, Robert Makbrare, Eduarde Crichtone, Nichol Nelfone, Dauid Gluver, and Johne Barbour: And for pe mare vitnesfinge hereof, I haf set to my signet, 3ere, day, and place forsaide.

IN name and behalf of our souerane lorde, Maister James Henrifoune, Aduocate till.(his) hienes, askit and inquirit, in his name and authorite, and of his speciale commande, at the Lordis, Barouns, and Commiffaris of Burrowis, thare warde and censment of Parliament, geif the said Johne Lindisfay had committit and donne Tressoune till our souerane lorde and his Realme, in pe pointis and artikillis abone writtin? The quhilk Lordis and Estatis, beande avifit riplie, wardit and deliuerit, that pe fader JOHNE LINDISSAY has committit and donne opin and manifest (Tressoune) in thir pointis estir following, contenit in the fader Summondis; that is to say, in pe cruel Slauchtir of vmquhile Bertilmow Glendinning, our souerane lordis Officiare and Scherref in pat part, and of Symone Glendinning, his broper, being in his cumpany, in pe executione of his office, in pe distrinzeing of (the) thrid part of pe landis of Wauchop, pertening to Mergrete, the spouse of vmquhile Johnne Lindisfay, his fader: And for the tressonabill Convocatione and gadding of our souerane lordis liegis, for the committing of the Slauchter of pe saidis Bertilmow and Symone, officiaris and Schereffis forsaide: And for the tressonabill makin of Liges and Bandis, with diuerse our

fouerane lordis vntrew liegis, committande upone our fouerane lordis liegis Reffis, Spulzeis, Herefchippis, and Rafande fire, in tressonabill wife, within þe scherefdomes of Drumfresē and Roxburghe, and Invaidande his realme and liegis in maner of batale and tressonabill wife: As is contenit in þe faide Summondis maid pair-uppone.—And paireftir it was gevin for Dume, be the mouthe of *Johnne Jardane*, Dempstar of Parliament for the tyme, in forme and maner as eftir followis.

DUME.—This Courte of Parliament schawis for law, and I geif for Dume, that Johnne Lindiffay of Wauchop has committit and done Tressone agane our fouerane lord and his realme, in þe speciale pointis and crimez foresade, contenit in þe fade Summondis; for the quhilkis he has Forfalt till our fouerane lorde his life, his landis, his gudis, his officis, and all vþer his possessionis quhatsumeur he hade within þe Realme of Scotlande, euermare to remane with our fouerane lorde, his airis, and successouris for his fade tressonabill (crimes) foresade: And pat I gefe for Dume.

### High Treason.

[JOHN OIG<sup>1</sup> MACGILLEOUN or MACLEAN of Lochbuy was the son of Hector, and grandson of John Macgilleoun of Lochbuy, who lived in the reigns of King James II and III. John Oig married a daughter of Macdougall of Lorn, and was connected with the Macleods of Herries and Lewis, among which families there had been repeated intermarriages. The Indictment is not preserved; but it may pretty safely be inferred that his crime consisted in being art and part with Torquil Macleod and others, in attempting to set up the Bastard Donald de Yla as LORD OF THE ISLES.<sup>2</sup> This case was frequently continued; and owing to the deficiency of the Records, it does not appear whether or not it was insisted on. The probability, however, is, that he was restored to the King's favour. Among other notices which occur in the High Treasurer's books, there is expended, Jan. 21, 1506-7, as follows.—'Item, to MAKLANE OF LOCHBOY, xiiij lib.'<sup>3</sup>

Maclean, with his two eldest sons, are known to have been 'killed in a family Feud betwixt them and the Macleans of Dowart.'<sup>4</sup> For the particulars of these Feuds, &c., the reader is referred to Mr GREGORY'S work before noticed.]

FEB. 6.—Quo die, JOHANNE MAKLANE DE LOCHBOY, sepe vocato per Literas Summonicionis Domini nostri Regis ad respondendum super certis Proditorijs accionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuacione dierum et horarum.

CURIA JUSTICIARIE, in pretorio burgi de EDINBURGHE, die Martis, xv die Februarij, 1507, coram ANDREA DOMINO AVANDALE, Justiciario.

**Stouthreis by way of 'Mummpn.'**

Feb. 15, 1507-8.—EDUARD SYMSOUNE convicted of art and part of the

<sup>1</sup> Young John.      <sup>2</sup> See Feb. 3, 1505-6.      <sup>3</sup> *Compt. Thes.* General Register House.  
<sup>4</sup> *Douglas's Baronage*, p. 370.



Stouthreif, by way of 'mummyn,'<sup>1</sup> under filence of night, of certain fums of money, extending to fix score merks, or thereby, from Sir Donald Moffet, Chaplain, furth of his chamber, near the Kirk of Craggy.—HANGED.

[*Andreas dominus Avandale, et Alexander Laudir, Prepositus de Edinburghe, Justiciarii et Locum tenentes deputati* ANDREE DOMINO GRAY, *Justiciarij Generalis.*]

**Slaughter and Hereschip at the Place of Innermessane, &c.**

Jun. 16, 1508, (*die Veneris.*)—DONALD MOLE MAKALESTER, convicted of art and part of the cruel Slaughter of John Ruffell, Patrik Weddale, and fundry other persons at Innermessane, and of the 'Hereschip' of their goods furth of the said Place at the same time: *Item*, of art and part of the Stouthreif of fundry oxen and cows from Perfone<sup>2</sup> M<sup>c</sup>Martyne, in Kintyre: *Item*, of common Stouthreif and common Oppression of the lieges.—HANGED.

**Stouthreif by way of 'Mummyng.'**

ADAM MURE, Convicted of art and part of Stouthreif, by way of 'Mummyng,'<sup>3</sup> having his face muffled, under filence of night, of a certain fum of money from Sir Donald Moffett, Chaplain, furth of his chamber, near the Kirk of Cragy: *Item*, of art and part of the Stouthreif of two horses from William Wallace, furth of Drumboy.—HANGED.

[*Alexander Comes de Huntlie, Justiciarius.*]

**Theft—Resetting Thieves and Traitors, &c.**

Oct. 9, (*die Lune.*)—CUTHBERT LAUDER, of Todrik, Convicted of art and part of the Theft and concealment of two horses from Alexander Turnbull, furth of Braidlé: *Item*, of the theftuous Resetting of Alexander Cranstoune, common Thief, in his Thefts; and of art and part with him therein: *Item*, of the theftuous Resetting of Williame Oliver, common Thief, in his Thefts: and of art and part with him therein: *Item*, of supplying and Intercommuning with Symon Turnbull and Robert Turnbull, the King's Rebels, and being at his horn; and of art and part with the said Rebels in their Thefts and Treasonable deeds; and of the Treason done to the King and his kingdom on that account: *Item*, of Common Theft and Common Reset of Theft: *Item*, of common outputting and

<sup>1</sup> During the festivities of THE NEW-YEAR, it was customary for parties to go about in disguise, accompanied by music. They were freely allowed to enter houses and exhibit their *Mummings* or *drolleries*, dancing and singing, &c. These morrice-dances have long since ceased in Scotland; and even the last vestige of these 'Mummeries,' the *Guisards* of Edinburgh, and a few other places, have nearly expired. The facilities which these licentious festivities afforded to commit robberies, induced a severer measure of punishment, in cases of delinquencies of this *dishonourable* sort, whilst murderers, &c. were allowed to compound for their atrocious crimes. <sup>2</sup> Parson. <sup>3</sup> See Feb. 15, 1507-8.

inputting in theftuous and treasonable manner: *Item*, of common Treason with the saids Robert and Symon, the King's Rebels.—DRAWN and HANGED, and all their goods, moveable and immoveable, lands and possessions, escheated to the King.<sup>1</sup>

CURIA *Itineris Justiciarie de KIRKCUDBRIGHT, Andreas Dominus Gray,*  
*Justiciarius, &c.*

**Oppressing Lady Cardines, &c.**

Oct. 14, (*die Saboti*).—NINIAN M<sup>c</sup>CULLOCHT of Cardines came in the King's will for art and part of the infraction of two Protections, granted in favour of Elizabeth Levinox, in the occupying and labouring her third (terce lands) of the Lands of Cardines.—He was also admitted to compound for art and part of the Oppression done to the said Elizabeth, in 'Reiving' from her 1500 'zowis, wedderis,' and younger sheep, pertaining to her by reason of her half, through the decease of umq<sup>h</sup> James M<sup>c</sup>cullocht of Cardines; and of the Stouthreif thereof: *Item*, for the 'Spuilzie' of the lands pertaining to the said Elizabeth, by reason of her terce and conjunct Infestment of the lands and barony of Cardines and Kirkmabreck; and Stouthreif of her rents: *Item*, for Oppression done to the said Elizabeth, in breaking up the doors of her barn, within the said lands; and for the Stouthreif of her corns and household goods, extending to xl l.—The said Ninian became surety to satisfy the parties.

**Oppressing the Lieges.**

Oct. (16?)—MARTIN BURNET, in S<sup>t</sup> John's Clauchane, Convicted of common Oppression of the lieges, in the execution of his office.<sup>2</sup>—REMITTED by the Lords.<sup>3</sup>

**Common Theft and Pickery.**

[FROM markings on the margin of the Record, it appears that the Sentence originally recorded against this infirm old Highlander had been 'SUSPEN.'; which marking was afterwards deleted, and 'SUBMERSUS' substituted; and finally, the latter was struck out, and 'BANNITUS' inserted, through the clemency, no doubt, of his Judge or the King. It may be interesting to remark here, that the punishment of death inflicted upon females, at this early period, and for more than two Centuries afterwards, was, universally, drowning; and in cases of very heinous crimes, burning at the stake. It was deemed highly indelicate and shocking to expose females to any other mode of execution than these, until the 'Maiden' was invented, when females of rank were sometimes beheaded. Owing to the helpless infirmity of this old man, it seems to have been considered an act of humanity to put him to death by drowning; but it is probable that the King, who was noted for kindness to the aged and infirm, had ordered his sentence to be commuted to *Banishment*.]

<sup>1</sup> There is added to this entry, 'NOTA, quod omnia prescript. commiss. post datam sue Remissionis.'  
Probably as a Messenger-at-arms.

<sup>2</sup> 'Rz<sup>u</sup> per dominus.' It may be *Respited*.

<sup>3</sup> Pre-

MICHAELL DOW<sup>1</sup> M<sup>c</sup>ALZERACHE, Convicted of Common Theft and 'Pikry.'<sup>2</sup>—BANISHED furth of the Sheriffdome, because he was aged and decrepid, and was only convicted of (Stealing) 'schevis, tedderfs, huikis, and faccis.'<sup>3</sup>—And to remove from the Shire, within eight days; and never to return, under the pain of death.

### Slaughter of the Laird of Dalzell, &c.

Nov. 18, (*die Jovis, quarta die Itineris*).—DAVID GLENDUNWELL.—The Laird of Garrules<sup>4</sup> often called to enter the said David, as he became surety for his entry, under the pain of xl l. to the King's officer, for art and part of the Slaughter of William Dalzell of that Ilk<sup>5</sup> and John Carmichell; and not appearing, he was amerced in the said sum. The said David was denounced Rebel at the horn, and all his goods were escheated to the King.

### Tearing the King's Letters, &c.

NINIAN M<sup>c</sup>CULLOCHE of Cardines.—John Murray of Cokpule and Alexander M<sup>c</sup>ulloch of Myrtoune became sureties for the entry of the said Ninian, along with himself, under the pain of 200 merks, to underly the law for treasonably taking and tearing the King's Letters, and for other crimes imputed to him; and not compearing, they were amerced in the foresaid sum.

### Oppressing the Laird of Caly.

JOHN GORDONE, of Lochinver, produced a Signature of Remission for art and part of the Oppression done to Mr William Levinox of Caly, in detention of the lands of Plumtoun and Trunzeartoun waste, &c.

### Oppression — Hurting.

JOHN GORDONE, of Lochinver, and Helifius<sup>6</sup> Gordoune, in the parish of Kirkpatrick, produced a Signature of Remission for art and part of the forethought felony and Oppression done to . . . . Makadam, in the parish of Kollis, servant of the Laird of Gaitgirthe, and hurting him: And the said John, for Common Oppression of the lieges.—The Laird of Lochinvar surety.<sup>7</sup>

<sup>1</sup> *Niger*, 'Dhu,' or black. <sup>2</sup> *Pickery*, petty theft. <sup>3</sup> Sheaves, *tethers*, (halters, or ropes,) hooks and sacks (bags.) <sup>4</sup> Gairlies. <sup>5</sup> See the Notes from the *Privy Seal* Record, appended to this reign.—'In September, or thairby, there was a great fray betwix the LORD MAXWELL and the LORD CRIGHTON OF SANCHAR, where the Lord Crighton was chafed with his companie from Drumfreis, and THE LAIRD OF DALLYELL and young Larde Crauchley, with dyverse vther, were slayne.'—*Anderson's MS. Hist. Adv. Library*. See also Apr. 5, 1513.—*Sir James Balfour* also notices this Feud in these terms: 'This zeire, at Drumfreis, ther was a grate feicht betuix the Lords Maxfwoll and Sanquhare and ther frindes and followers; quherin the Lord Sanquhare was ouerthrowen, and maney of his frindis killed.'—*Annales*, II. 231. <sup>6</sup> Elias? <sup>7</sup> At this period a considerable

**Killing Salmon in Close-time.**

JOHNE GORDONE, of Crago, Convicted of art and part of the slaying of Salmon in prohibited time, in the water of Wr. Amerciated.—The Laird of Lochinvar became surety to the King and party.<sup>1</sup>

**Oppressing the Abbot of Dundrennan's Officer, &c.**

Oct. 19.—JOHN MAGGE (M'GHIE), of Plomtoun, Convicted of art and part of Convocation of the lieges, in company with the Laird of Bomby, during the time of the Court, at the *Standande-flane*, in Drumdranan, held by the said Laird, in the year 1504: *Item*, of art and part of the Oppression done to Sir William Schankis, Monk, casting him down from his horse during the time of the said Court: *And* of art and part of the Oppression done to Andrew Denis, Officer of the Abbot of Drumdranen, taking and detaining him against his will, until the conclusion of the said Court. Fined vj merks.—The Laird of Bomby, and the said James for himself, conjunctly and severally, became surety to the King and party. 'Iij li.'

ALAN and JOHN MAKCLELANE, in Kirkcudbrycht, were fined x merks each for the same crime.—PETER MUR, of Balmagachane, William Levinax, younger of Caly, Alexander Porter, brother of the Laird of Lag, Peter Levingstoun, and nine others, were likewise fined iij merks each, excepting Peter Mur, who was delivered *gratis* to the Sheriff.—The Laird of Bomby became surety, along with themselves, to the King and party.

**Oppression — Killing Salmon — Burning a Wood, &c.**

WILLIAM LEVINOX, younger of Caly, admitted to compound, by virtue of a Remission, for his forethought felony and Oppression, done to Thomas Mageiche at the Kirk of Girtoun, coming upon him in warlike manner, and besieging him in the foresaid Kirk, in the year 1504: *Item*, for the Slaughter of 'rede-fische' (Salmon) in the prohibited time, in the water of Fleit: *Item*, for the theftuous depredation of the Wood of Rowskithe, and for Burning thereof.—The Laird of Bomby surety to satisfy parties.

**Stouthreif of Gascony Wine — Oppression.**

JOHN MAKCLELANE, in Kirkcudbrycht, convicted of art and part of the Stouthreif of two 'hohedis' of Gascony wine from Patrick Forster;<sup>2</sup> and of the Oppression done to the said John at the same time.—The Laird of Bomby surety for the King and party.

number of Cases occur against dependents of the Laird of Lochinvar, for Acts of Oppression and Assault. He generally appears as cautioner. None of these are of any interest, saving in the instances which have been selected. <sup>1</sup> 'ij li.' is marked on the Record. <sup>2</sup> See p. \* 55.

**Oppressing Sir Sabin Kennedy, knight.**

Oct. 21, (*die Saboti.*)—DAVID KENNIDY, of Cragnele, Thomas Makgermory, and Robert Park, Convicted of art and part of the Oppression done to Sir Gavin Kenydy, kn<sup>t</sup>, by putting plough in his lands of Cumstoune; and for ploughing thereof, without any Lease from the said Sir Gavin: *Item*, for art and part of the Oppression done to a servant of the said Sir Gavin, called Macrore, and hurting him at the same time. They were fined, viz. the said David in x merks, and the other two in v merks each.—David Kennide of . . . surety to the King and party.

**Stouthreit of Gascony Wine — Forging the King's Letters —  
Cattle-stealing — Oppression, &c.**

[As the following Case is the only one where the proceedings of an Assise, at so early a period, are fully detailed, the Editor has thought it proper to insert the original entry, in the precise terms in which it is made in the Record. This is likewise one of the few instances, which the Editor has met with, of *twelve* persons sitting on an Assise. Assises generally consisted of eleven, thirteen, fifteen, or more persons; but, excepting in a very few cases, they appear, from the earliest period, to have had an odd number. The purpose of this regulation obviously was, that, in the event of an equality of votes, for acquitting, or for finding the panel guilty, there might always be a decided majority; it being altogether inconsistent with the origin and nature of an Assise, that the Chancellor should be allowed the privilege of a casting Vote.

The case itself is rather remarkable, and more pains than usual have, evidently, been bestowed on the framing of the entry of the proceedings in the Record.]

*ASSISA electa super DOMINUM DE BOMBY et criminibus sibi impositis.*

Schir Gavane Kennedy,	The Larde of Dalbaty,	David Sinclar,
The Larde of Gaitgirthe,	Robert Langmur,	Schir Alex. McCulloch,
The Larde of Cardinis,	Johnne Crechtoune of Hartwode,	Johnne Murhede of Bulles,
David Craufurde of pe Kerfe,	George Langmur,	Johnne Slowane of Garroche.

Quequidem Assisa, deligenter et mature avifati, deliberaverunt super nonnullis de criminibus eidem Wilelmo impositis, ut sequitur. WILELMUS MAKCLELANE de Bomby Convictus fuit de arte et parte rapine duarum le *hoghedis* vini Gasconie a Patricio Forstar, in Kirkcubrycht; et de Oppressione facta eidem, eodem tempore: *Item*, de arte et parte proditorie ffinctionis unius Litere f. d. n. Regis, capiendo Signetum ab una antiqua Litera, et affigendo Signetum uni Litere pro relaxacione ANDREE DOMINI HERES a cornu Regis: *Item*, de arte et parte rapine certorum boum a Patricio Harpar de M<sup>t</sup>kilquhade, extra Bardrochate: *Item*, de arte et parte precogitate ffelonie et Oppressionis facte Patricio Makclelane de Myddilthride, venien. super eum et volen. eum interficere, ex antiqua malicia: *Item*, de arte et parte rapine auri et argenti, extenden. ad xx li. et ultra, pertinen. quondam D. Johanni Aschennane, Capellano, in A.D. 1507, ultimo elapso: *Item*, de parte Oppressionis facte D. Willelmo

(Schankis) Monacho,<sup>1</sup> proferendo five proijciendo eum extra suum equum, tempore detencionis Curie per ipsum Will. tente apud le *Standande-flane* in Dundranane, contra voluntatem Abbatis: *Item*, de parte Oppressionis facte Andree Denis, officario dicti Abbatis, tenendo eundem ad serviend. in dicta Curia, contra ejus voluntatem, usque ad finem dicte Curie: *Item*, de arte et parte Oppressionis facte Ville de Kirkcubricht et comunitati ejusdem, in empicione vini et diversorum bonorum et merchandiarum, venien. ad dictam Villam et Portum de Kirkcubricht, antequam Villa et comunitas defervite fuerunt, et contra voluntatem comunitatis; quequidem merchandicia, vinum et alia bona, sustinere debuerunt dictam Villam et comunitatem: *Item*, de comuni Oppressionis dictis Ville et comunitati ea occasione facta: *Item*, de comuni Oppressionis legiorum domini nostri Regis de aliis modis.

SUPER quibus criminibus, et multis aliis criminibus de quibus Affisa minime determinarunt, licet in Indictamentis continebatur, et desuper dictus Will. existat accusatus, DOMINUS JUSTICIARIUS, cum consensu et avifamento Dominorum Compositorum, fuorum Assessorum, RESPECTUAT eundem Willelmum usque ad diem craftinum ejus accusacionis sequen. sub plegiacione iij<sup>m</sup> marc.<sup>2</sup>—Et in dicta die craftina, Plegius dicti Will., ob non introitum ejusdem, in hujusmodi summe amerciatus est.<sup>3</sup>

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CURIA *Itineris* (de WIGTOUNE,) inchoata die Lune, xxiij Octobris, 1508, coram ANDREA DOMINO GRAY, *Justiciario s. d. n. Regis, ex Australi aque de Forthe.*

**Burning of Drumskey and Ardwell.**

Oct. 24, (die Martis.)—GILCRIST BARBOUR MAKKINZE produced a Signature of Remission for art and part of the Fire-raising and Burning of Drumskey and Ardwell, in company with the Laird of Garthlane.—Sir Alexander Makculloch surety to satisfy parties.

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CURIA *Itineris* (de AIRE,) inchoata die Lune, penult. Octobris, 1508, coram ANDREA DOMINO GRAY, &c.

**Feud between the Mures and Cunynghames.**

Nov. 3, (die Veneris, quarta dies *Itineris*.)—PATRIK BOYDE, brother to the Laird of Rowalloun, Neill Smyth, in Gardrum, and twenty-five others, CONVICTED of art and part of Convocation of the lieges against the Act of Par-

<sup>1</sup> See Oct. 19, 1508.  
vj f. viij d.' (L.3083, 6s. 8d.)

<sup>2</sup> 3000 merks.

<sup>3</sup> 'SUMMA totalis hujus Extractus Iij<sup>m</sup> iij<sup>m</sup> xij li.

liament, coming to the Kirk of Stewartoun, in company with John Mure of Rowallan, for the Office of Parish Clerk of the same Kirk, against Robert Cunynghame of Cunynghamhede and his servants, in the year 1508.—The Laird of Rowallan and Andrew Arnot of Lochrig became sureties to satisfy parties, as the Lords should declare their pleasure.<sup>1</sup>

**Oppressing the Young Laird of Busby, &c.**

JAMES MUR, brother of the Laird of Rowalloun, CONVICTED of art and part of the forethought felony and Oppression done to John Mowat, junior, Laird of Busby, and Andrew Stevinstoune in the Town of Stewartoun, in company with the Laird of Rowalloun. Fined v l.—The Laird of Rowalloun surety to the King and party.

**Convocation — Oppressing Lady Cunynghamhead, &c.**

ROBERT CUNYNGHAM of Cunynghamhede, Convicted of art and part of Convocation of the lieges against the Act of Parliament, coming to the Kirk of Stewartoun, in Convocation, against John Mur of Rowallane and his men, for the Office of Parish Clerk of the said Kirk, in the year 1508: *Item*, of art and part of the Oppression done to Elizabeth Roffe Lady Cunynghamhede, in occupying and manuring her third part of the lands of Cunynghamhede and Bonnallay; and of thereby breaking the King's Protection (i. e. 'saufigarde') upon her, in the year 1508: *Item*, of art and part of the Oppression done to the Abbot and Convent of the Monastery of Kilwynning, and to Hew Earl of Eglintoun, their tenant, in the 'spuilzie' of the Teind-sheaves of the lands of Myddyltoun, in the parish of Perftoune, and of breaking the 'saufigarde' of our sovereign lord the King upon the said Earl of Eglintoun, in the year 1508.

**Convocation against the Laird of Rowallan.**

THOMAS WALLACE in Clonsche, Convicted of art and part of Convocation of the liegis against John Mur of Rowalloun and his men, &c. Fined according to the will of the Lords.—Robert Cunyngham of Cunynghamhede surety to the King and party.<sup>2</sup>

**Oppressing Lady Crechdow — 'Spuilzie,' &c.**

Nov. 5, (*die Saboti, quinta die Itineris*.)—JOHN SCHAW of Haly, William Schaw dwelling with him, and eight others, were permitted to compound for art and part of the Oppression done to Margaret Mongumry Lady Crechdow,

<sup>1</sup> 'Amerciat. xl s. pro vnoquoque,' marked on the Record; which, of course, refers to the fine payable to the Crown only.      <sup>2</sup> 'iij li. pro unoquoque.'

coming to her Place, about the feast of 'Mydfummer,' casting her goods furth of her house; and for the 'spuilzie' of fundry of her goods at the same time, striking her servants; and for breaking of our sovereign lord the King's 'faufgarde:' *Item*, of Oppression done to the said Margaret, in ejecting her furth of her house and Place of Garclauche, casting down a stack of hay and destroying it, and also casting down a stack of bear,<sup>1</sup> containing seventy 'thraifis,'<sup>2</sup> and thereby damaging the grain: *Item*, of shutting up her 'gudis,'<sup>3</sup> viz. sixty-five 'foumes'<sup>4</sup> furth of her said third part, shutting them up without 'pindande' them in a 'pyndfalde':<sup>5</sup> *Item*, of breaking his Bond of caution to keep the peace towards the said Margaret, by casting a stone out of a window, and breaking the said Margaret's head, and 'felling' her:<sup>6</sup> *Item*, for common Oppression of the King's lieges.—David Craufurde of Kerse surety to satisfy the party.

### Slaughter.

JOHN SCHAW of Kerse produced a Remission for art and part of Slaughter of John Boyde with a stone.—David Craufurd of Kerse surety to satisfy parties.

### Throwing down the Place of Burnfoot—Hamesucken, &c.

JOHN SCHAW of Kerse admitted to compound for art and part of the forethought felony done to Duncan Fergusfoune, young Laird of Kilkerane, in coming to his Place of Burnefute, and throwing down and breaking into the houses of the said Place; and for (forcibly) keeping the lands of Burn-fute waste, for the space of one year: *Item*, for the forethought felony done to Andrew Maknacht, and for 'Hamsukkin,' coming to his Place and 'stabbit' his . . . . .<sup>7</sup> with 'quhingaris' and swords: *Item*, for the forethought felony and Oppression done to John Boyde,<sup>8</sup> wishing to flay him at the time of the Slaughter of umq<sup>9</sup> M<sup>c</sup>ilhenze.—David Craufurde of Kerse surety to satisfy parties.

### Hindering the sitting of the Bailie Court of Carrick.

DAVID CRAUFURDE OF KERSE, David C. younger, John Craufurde 'proctour,' Thomas Galbraithe, David Campbell of Clovingall, Peter Rankin of Schelde, William his son, Albert Carthkert, Alan Carthker<sup>9</sup> of Drumrowane,

<sup>1</sup> A kind of barley.    <sup>2</sup> A *thraive*, or *threave*, generally consists of twenty-four sheaves, including two *books*, or *shocks*, of any kind of grain.    <sup>3</sup> Live stock.    <sup>4</sup> A *foum* of grass seems to have been various in different parts of the country; e. g. as much as one cow or five (sometimes eight or ten) sheep can pasture.    <sup>5</sup> Luckily, the Clerk of Court had been posed in rendering this and many other articles into the usual Law Latin, by which means the vernacular is occasionally introduced. 'Pindande' the stock in a 'pyndfalde,' is what might still be properly called 'penning them in a pin-fold.' It has no relation to *poinding* or distraining the stock, as might at first glance appear.    <sup>6</sup> The words of the Record are forcible; 'projiciendo unam lapidem extra quandam finestram et caput ipsius Margarete fringendo—et, in vulgari, "felde hir."'    <sup>7</sup> Obliterated in Record.    <sup>8</sup> See the preceding case.    <sup>9</sup> *Sic*. Cathcart.



AIRE.

Esplane Craufurde, and James Barbour, came in the King's will for art and part of Convocation of the lieges, coming to the Court of the Bailliary of Carrick, on occasion whereof the Bailie,<sup>1</sup> on account of the 'inconvenientis' which might arise by serving the Brieve of the Laird of Kilhenze,<sup>2</sup> resumed the said Brieve; and thereby, for impeding the said Bailie from holding his Court.—John Schaw of Kerse surety to satisfy parties and the King. (David Craufurde of Kerse was amerced 5l., and each of the others 40f.)

**Oppression — Namesucken — Casting a Boy into the Fire.**

Nov. 6.—CUTHBERT ROBISOUNE in Auchintebir, convicted of art and part of the Oppression done to Arthur Farnlie, at his own house, striking him, and casting his son in the fire—Sir David Kenydy surety to the king and party. (He was fined five merks.)

**Spuilzie — Oppressing the old Lady Home, &c.**

Nov. 10.—HEW EARL OF EGLINTOUN produced a Remission for art and part of the 'spuilzie' of xij horses, 'butis, spurris, fuerdis,' and other goods from Arthur Boyde, and other servants of the old Lady of Home, at the time of the wounding of the said Arthur: *Item*, for art and part of the Convocation of the lieges to the number of sixty persons, and the Oppression done to the old Lady of Home, in spuilzie of xxiiij cows furth of Gallovny: *Item*, for the Oppression done to the said Arthur, coming upon him and hurting him, and taking him to the Place of Estwode; and detaining him therein, in prison.—The Earl became surety to satisfy the parties.

**Spuilzie.**

Nov. 11, (*die Veneris, ultimo die Itineris.*)—JOHN HAMMYLTOUNE in Bargany, produced a Remission for art and part of the spuilzie 'certarum menfarum Irlandie cilanidarum correorum,' corn, bear,<sup>3</sup> pots and pans,<sup>4</sup> from men dwelling in Cregforguse:<sup>5</sup> *Item*, for art and part of the 'spuilzie' of four horses, eight cows, and four oxen from John Thomsoune, furth of his lands of Knockminschoche.—Alexander Kenydy, young Laird of Bargany, became surety to satisfy the parties.<sup>6</sup>

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<sup>1</sup> Hew Earl of Eglintoune.      <sup>2</sup> Reference may be made to the HISTORY OF THE KENNEDIES, Edin. Quarto, 1830, in illustration of this and all matters connected with the history of Carrick, and of the numerous feuds which unhappily abounded there, until a pretty recent date.      <sup>3</sup> A kind of barley.  
<sup>4</sup> Patellas.      <sup>5</sup> Carrick-Fergus?      <sup>6</sup> 'SUMMA totalis Extractus, ljm<sup>iiiij</sup>lxxxix li.' (L.2489.)

*CURIA Justiciarie de EDINBURGHE, inchoata die Lune, xxv die mensis Novembris, 1508, coram ANDREA DOMINO GRAY, &c.*

**Slaughter — Felony Done to Sir William Scott, jun. knight.**

Nov. 25.—JOHN BIKERTOUNE of Casche, and Archibald his brother, Convicted of art and part of the cruel Slaughter of David Scot, near the Kirk of Stramyglo: *Item*, the said John of art and part of the forethought felony done to Sir William Scot, junior, kn<sup>t</sup>, and his accomplices, at the same time.—WARDEN in the Castle, by the Justiciar.

[ALEXANDER COMES DE HUNTLEIE *et* ARCHIBALDUS COMES DE ERGILE, *Justiciarij.*]

**Transporting Cattle to England — Slaughter — Burning the Place and Mill of Newby, &c.**

Jan. 26, 1508-9, (*die Veneris.*)—WILLIAM CARRUTHERS in Clonhede, Convicted of treasonable outputting<sup>1</sup> of five score and five cows and oxen from the Laird of Newby and his Tenants, in company with Andrew Johnestoun and the Traitors of Levin: *Item*, of art and part of the Slaughter of Robert Hude at the same time: *Item*, of art and part of the outputting of xl cows and oxen to the parts of England, and also of vther xl cows and oxen at another time, from the said Laird of Newby and his Tenants: *Item*, of art and part of the Slaughter of an infant of two years old at the same time, in company with the said Andrew, &c.: *Item*, of the treasonable Burning of the Place and Mylne of Newby, in company foresaid: *Item*, of common Treason, common Theft, Reset of Theft and of Traitors.—SENTENCE. To be drawn and HANGED: And that he shall forfeit all his lands and goods, moveable and immoveable, &c.

**Slaughter of the Laird of Glendinning, &c.**

PATRICK DUNWEDY, in Eskdale, Convicted of art and part of the Slaughter of the Laird of Glendunwin; and of treasonably going furth of Scotland to the parts of England; and of treasonably remaining in England: *Item*, of common Theft, and common outputting and inputting of goods, between the kingdoms of Scotland and England.—HANGED, and all his goods escheated as above.

**Rape of the Earl of Lebinax's Daughter.**

Feb. 13.—JOHN FLEMYN, son to the Laird of Boghall.—John Lord Flemyng, often called (as surety) to enter the said John to underly the law for art and part of the Rape or Ravishment of Margaret Stewart, daughter of

<sup>1</sup> Transporting the cattle to England. This crime was at all times visited with very heavy punishment; for, during the wars with England, the Southern provinces were at any rate drained of provisions, owing to the necessity of keeping considerable forces on the Borders, to watch against sudden invasion, &c. The frequent famines in Scotland rendered such regulations expedient at all times, but more especially during the time of war.

Mathew Earl of Levinax;<sup>1</sup> and for all action which could be imputed to him by reason of the said Ravishment, and intromission with her at the time thereof: And not compearing, the said Lord was fined in the penalty of 500 merks.—John Flemyn was denounced Rebel at the King's horn, &c.

[*Andreas dominus Gray Justiciarius Generalis.*]

**Slaughter.**

Sep. 1, 1509, (*die Sabboti.*)—PATRICK M<sup>c</sup>CLELLANE of Gilestoune, Alexander Legait, Thomas M<sup>c</sup>Clellan in Wigtoune, John M<sup>c</sup>Lyn miller, and James M<sup>c</sup>Culloche, were denounced Rebels, and put to the horn by public proclamation, &c., as fugitives from the law, for art and part of the cruel Slaughter of George Frere; and for not entering to underly the law, for the said Slaughter, and other crimes to be imputed to him. And this was done by Warrant of the King, under his sign-manual, following:

REX,

MEST<sup>r</sup> JAMES HENRISOUN, We charge you pat incontinent eftir pe sycht of pis Precep, pat ze put PATRYK MAKLELLANE and his complices to be put to oure horne, eftir pe tenor of our down gyfin upon hime, in to our towbytht of Edynbrycht: Ande pis ze liff nocht ondon, as ze wyl ansure to ws.

JAMES (R).

Sep. 3, (*die Lune.*)—They were of new denounced Rebels at the market crofs of Edinburgh, &c.

**'Hereschip' — Fire-raising — Slaughter of the Lairds of Sintoun, Fentoun of that Ilk, &c.**

Nov. 19.—ANDREW CROSSAR, Convicted of art and part of the Slaughter of Robert Scot of Sintoun: *Item*, of the treasonable inbringing of Englishmen, and Traitors of Levin to the 'Hereschip' and Burning of Blindhauche: *Item*, of art and part of the Slaughter of Adam Turnbull of Chalmerlane-Newtoun, and Adam Turnbule, called *Gabirlenzeis*;<sup>2</sup> and of in-bringing of Traitors and Englishmen to the said crimes: *Item*, for the treasonable in-bringing of Englishmen and Traitors to the 'Hereschip' done upon Alexander and James Chalmer: *Item*, of art and part of the cruel Slaughter of John Fentoun of that Ilk: *Item*, of art and part of the Theft of a grey horse, and fundry other goods, from

<sup>1</sup> Lady Margaret Stewart, eldest daughter of Mathew 2d Earl of Lennox, got a charter from John second Lord Fleming, her husband, of the lands of Biggar and Thankertoun, Mar. 12, 1508-9, *Reg. Mag. Sig.* xv, 90. They were soon afterwards divorced, (perhaps the marriage was never regularly solemnized), for she resigned the lands in his favour, Oct. 26, 1516, and was then designed, '*olim reputata sponsa dicti Joannis.*' She afterwards married Alexander Douglas of Mains; and Lord Fleming married, for his third wife, Agnes Somerville. His first wife was Eufamia, fifth daughter of David Lord Drummond. Lord Fleming was Great Chamberlain of Scotland, Ambassador to France, &c., and was assassinated, while hawking, by John Tweedie of Drummelzier, Nov. 1, 1524.—See this Collection, Aug. 18, 1525, Apr. 7, 1529, &c. <sup>2</sup> *Ritson* explains 'Gaberlunzie' to be 'a wallet,' that hangs on the side, or *loins*; and hence the word came to denote an itinerant beggar, tinker, &c. who carries a wallet.

Thomas Bell in Baginw : *Item*, of common Treafon, common Refet of Theft, common Theft, common outputting and inputting within the kingdoms of Scotland and England, in treasonable manner.—Drawn and HANGED.

CURIA *Justiciarie tenta die Jovis, Nov. xxij, 1509, Coram ANDREA DOMINO GRAY, Justiciario Generali, et in hac parte Regalitatis Glasguen., specialiter constitute per Commissionem Jacobi Glasguen. Archiepiscopi, desuper concess.*

**Slaughter.**

ALEXANDER LECPREVIK, junior of that Ilk, Alexander Cuningham, John Alanefoun, and John Lindesay, Convicted of art and part of the cruel Slaughter of George Hammiltoun, committed upon forethought felony.—BEHEADED.

*ASSISA elect. et jurat. super eisdem personis.*

Alexander Comes de Huntlie,	Patricius Crechtoune de Cran-	Dominus de Ennoche,
Johannes Dominus Hayde gester,	stoun-Riddale, miles,	Dominus de Corry,
Ad. Hepburne de Craggis, miles,	Willelmus Scot de Baluery, miles,	Johannes Ramfay in Petgorno,
Alexander Lauder de . . . , <sup>1</sup> miles,	Johannes Somerville de Cambuf-	Dominus de Warrestoun,
Duncanus Forster de Skip Inche,	nethan, miles,	Dominus de Damphoy,
miles,	Willelmus Douglas de Drumlan-	Alex. Levingstoun de Halhill,
Alexander Hepburne, miles,	rik,	Baro de Dalzel-Nesbit.

*' Confratri suo Johanni Laufone.'*

JOHNNE,

I PRAY 3ou passe to my Lorde, ande haife þe bukis with 3ou, anentis þe unlawis pertening to 3E LARDE OF LEKPREVIK and his complicis, and put it furth of þe bukis with his avise : And bring me word as 3e do ;<sup>2</sup> for MY LORDE EGLINTOUNE will not ende quhill he haf 3our actis distroit.—ITEM, 3e fall discharge þir unlawis, becaus þai have componit with MY LORD THESAURAR, and he has gevin commande.

Ita est THOMAS DICKSOUNE.

[*Robertus Dominus Erskin, Justiciarius deputatus.*]

**Slaughter.**

Nov. 24, (*die Saboti.*)—HUGH WALLACE.—Cuthbert Earl of Glencarne, often called to enter Hugh Wallace to underly the law, for art and part of the Slaughter of vmq<sup>le</sup> George Hammyltoune, under the pain of lxxx li, and not compearing, was americiated in the said sum : The said Hugh denounced at the horne, and all his goods escheated.

HUGH LINDESAY, Andrew Hart, Alexander Robertson, Robert Wight, and Robert Bar. The Laird of Dunrod americiated in the fums of ij<sup>c</sup> marc., lxxx li., lxxx li., lxxx li., lxxx li., for the non-appearance of these persons for the same Slaughter.—Hugh, Earl of Eglintoune, was also americiated in four fums of lxxx li., each for non-appearance of Alexander Dalglefche, John Craumond, John Lekprevik, and Paul Blakfurd.—And Alexander Lindesay, Younger of Corfbasket, in lxxx li. for non-appearance of David Anderfoune, *alias Davidfoune*,

<sup>1</sup> Bass ?

<sup>2</sup> What you do ; or, perhaps, as soon as you do so.

for the said Slaughter. All the above persons were denounced Rebels and put to the horn, and all their goods escheated.

MEM<sup>o</sup>. pat my LORD THESAURAR sende<sup>1</sup> for *John Laufoune*, and gart him bring pe buik our<sup>2</sup> to my Lord (BISHOP) of ABIRDENIS stair; ande gaif him command, befor my Lord of Abirdene, to put out pe wnlawis aboue writtin, becaus he had composit with pame for pe wnlawis; and bad him tak the memorriall of *Maister Thomas Dikfoune*, pat he had commandit, &c.

### **Messenger deprived for Failing in the discharge of his Duty.**

Oct. 17, 1510.—JOHN COWPAR, Messinger.<sup>3</sup>

APUD *Edinburghe*, Oct. xvij, 1510.—THE quhilk day, pe Justice and Lordis of Counsaile Ordanis patoure souerane lordis armys<sup>4</sup> be takin fra Johne Cowpar, sumtyme Messinger to our saide soverane lord; and he to be deprivit, ande nevir to ber armys for all pe dayis of his life, in exempill of uthiris: Becaus it is undirftandin and confiderit be pe saidis Lordis, that he has faltit richt gretumlie in the executioun of his office, in dyuerse actionis; and specially, for his hie contemptioun done, quhare he was warnit in jugement, pe xvj day of October instant, to haue comperit pis day before pame; he beande oftymes callit and non comperand: That pairfore, he salbe put in presoune, but<sup>5</sup> delay; and pare to remane unto pe tyme pat our soverane lord have declarit and schawin his mynd pairintill. And for pe fulfilling hereof, the saidis Lordis has gevin scharp commande ande charge to LYOUN KING OF ARMYs.

[*Andreas dominus GRAY, Justiciarius Generalis.*]

### **Taking a Bribe to acquit a Murderer.**

Nov. 4, (*die Lune*).—PATRICK AGNEW, Sheriff of Wigtoun, came in the King's will, for art and part of Ufurping his authority, without Commiffion for that effect, by putting Thomas Porter to the knowledge of an Affise, and accusing him, '*per coloratam justificatam*,'<sup>6</sup> for the Slaughter of John M<sup>c</sup>myane, committed by the said Thomas: And for taking 'feyis' and money to purge the said Thomas of the said Slaughter, he being guilty thereof. And '*per coloratam justificatam*,' purging him of the said crime.—Fined v merks.

### **Slaughter.**

GILBERT M<sup>c</sup>ARTHUR, Convicted of art and part of the Slaughter of umq<sup>10</sup> John Edgar.—BEHEADED.

### **Intercommuning with the English, &c. &c.**

JOHN NEILSOUNE, alias *Suppit-out*, Convicted of art and part of the

<sup>1</sup> Sent.    <sup>2</sup> Over.    <sup>3</sup> See Dec. 6, 1510.    <sup>4</sup> The Blazon or arms borne officially by each Messenger 'at arms'; inferring at the same time deprivation and degradation from his office.    <sup>5</sup> Without.    <sup>6</sup> It is doubtful whether 'by a coloured judgment,' or 'under colour of justice' is meant to be expressed here. Perhaps the phrase may imply, getting up a mock trial, in defraud of justice.

Theft and concealment of three horses ('naggis') furth of Fischuk, in company with sundry Englishmen,<sup>1</sup> &c. &c. : *Item*, of his treasonably being and remaining in the kingdom of England, without a Licence from the King or Guardian (of the Marches) : *Item*, of Intercommuning with the English, in theftuous and treasonable manner : *Item*, of treasonable inbringing of sundry Englishmen, at various times, within the Kingdom of Scotland, to 'Spuilzies,' 'Herefchippis,' Fire-raifings, Slaughters, Thefts, &c.—DRAWN and HANGED.

#### Cattle-Stealing.

Nov. 6.—PATRIK M'CLELLANE of Gilstoune, Convicted of art and part of the Stouthreif of xx oxen from Patrick Agnew, Sheriff of Wigtoune, and his servants, under filence of night.—BEHEADED.

#### Proclamation for regulating the Proceedings of the Justice-Aire of Jedburgh.

[THE following Document (which is given literally as it appears on the face of the Record) is highly interesting, being so minutely illustrative of the form of procedure before THE JUSTICIARS, at the AIRES held throughout the Kingdom. Although apparently framed for the Aire of JEDBURGHE, there seems no doubt that this PROCLAMATION was Circular, and addressed to every district of Scotland, and was probably adopted by all the Sheriffs and Baron-Bailies, in their Courts.

The occasional occurrence of such Papers as the present, which have evidently been preserved by mere accident, tends to impress the mind of the enquirer with the conviction that, however brief and disjointed the early Records of the Courts of Justiciary confessedly are, their proceedings must have been conducted with the strictest regard to form and solemnity.

It would appear that one of the *practical* uses of keeping any Record, beyond a mere list of the Cases which occurred at the Justice-Aires, was to enable the Clerks of Court to settle their Accounts for the fines and amerciements, &c. with the Lord High Treasurer, to whom they were answerable for all such sums. Beyond this there seems, originally, to have been no intention of keeping a regular record of the official proceedings of the Court, excepting the preservation of an accurate roll of those who were defaulters, or who had been put to the horn, or came in the King's will for offences committed by them. This circumstance sufficiently accounts for the brief manner in which all the entries are made in the early Books of Adjournal, at a time, too, when little importance was attached to the preservation of minute evidence, or of the details of procedure in each individual case.

As all the Dittays, confessions, and depositions were doubtlessly preserved, along with the Interlocutors of the Justiciars, the documents produced, and the Verdicts of the Assises, &c., the Clerks of Justiciary could readily furnish Extracts and Acts of Court, when required. In the absence of these materials, however, we have now very imperfect ideas of the precise details which took place in particular Trials. Hence the peculiar value of such documents as the following Proclamation, which has fortunately been preserved. It may be worthy of notice, that THE KING himself was present during the whole of this Aire, which indeed he bound himself to do in every instance by one of the earliest of the Acts of his Parliament, which was passed immediately after the period of his Coronation.]

' WE Command and charge, in our Soverane Lorde THE KINGIS name, and

<sup>1</sup> The other crimes of this individual, who was nicknamed Suppit-out, i. e. Swept out, (*souppit*), are not necessary to be specified, being of no interest.

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his Justice, here now present, þat na maner of personis tak upon hande to invaid ane ane uthir, for alde ffeide<sup>1</sup> or new, now cumand to þis present Aire, or passande þairfra, and induring þe tyme þairof, under þe pane of dede: And þat na maner of persoune or personis beir wapinis,<sup>2</sup> except kniffis, at þair beltis, bot alanerlie<sup>3</sup> our Soverane lordis Houshalde, the Justice, Constable, Marschell, Compositouris, þair men and houshalde, Shereff, Crounaris, and þair deputis, under þe pane of escheting of þe Wapinis, and punising of þe persounis beraris þairof, as efferis. AND certifieng all personis, þat na alde Signitouris of Remiffiounis, wantande þe Gret Sele, or Remiffiounis nocht ordourlie procedit be þe Selis; þat is to say, ffirst be þe Signet, fyne<sup>4</sup> þe Privé Sele, and þe Gret Sele, salbe admittit; with certificatioun, quha enteris uthirwayis, þai fall nocht be admittit. AND þat all personis, plegis<sup>5</sup> for ony persounis duelling within þis sherefdome, quhilk hes committit ony Slauchtir within þis sherefdome or without, or dilatit for art and part þairof, and als all plegis for ony personis duelling out-with þis sherefdoume, quhilk hes committit Slauchtir within þis sherefdome, or dilatit for art and part þairof, þat þai enter þe persounis þat þai ar plegis for, now, in þis present Aird, till<sup>6</sup> underlie þe law, under þe panis þat þai ar bundin<sup>7</sup> for þair entré (sic as þe Slauchtir of *Sir William Colvoile of Uchiltré, John Carmichell, and þe Larde of Dalzell.*) Because þai ar warnit lauchfullie for þe entre of þe persounis, be þe Proclamatioune of þe Aire, and summoning and warning of all plegis to enter þe personis þat þai ar plegis for þair entre, as said is. AND þat na victualis be faulde of derrer price na<sup>8</sup> þai war viij dais befor þe cuming of THE KINGIS grace to þis toune and þis present Aire, undir pane of eschetin of þe vittalis, and puniffing of þe persounis fellaris þairof; and þat vittalis be brocht to þe market for redy money. AND þat na lugeing nor stabillis be fett or takin be ony personis, of derrer price nai þai war fett and takin at utheris Justice Airis obefor; and quhasa dois, it salbe dittay to Justice-Aire. And attoure, cassis<sup>9</sup> and adnullis all Contractis and promittis of takin and fettin of houffis of derrer price nai þai war wont to be fett, in uthir Justice-Airis hald in þis burghe of Jedworthe of befor.'

THIS are þe punctis<sup>10</sup> of þe DITTE to be inquirit.

In the first, gif<sup>11</sup> thay kene<sup>12</sup> ony Tresoune to þe KINGIS persoune or þe realme?

Item, gif þair be ony Slauchtir or Murthur?

Item, gif þair be ony ffyer-raising or Byrnyng within þe realme?

Item, gif þair be ony Revifing of wemen?

Item, gif þair be ony Thift?

<sup>1</sup> Ancient feud.    <sup>2</sup> Weapons.    <sup>3</sup> Excepting only.    <sup>4</sup> Then; next.    <sup>5</sup> Sureties; cautioners.  
<sup>6</sup> To.    <sup>7</sup> Bound.    <sup>8</sup> Than.    <sup>9</sup> Lat. *causare*; to break, &c.    <sup>10</sup> Points.    <sup>11</sup> If.  
<sup>12</sup> Know.

- Item, gif pair be ony Reif ?  
 Item, gif pair be ony Refset of Thift ?  
 Item, gif pair be ony Outputtaris or Inbringaris of wtheris mennis gudis ?  
 Item, gif pair be ony fforthocht ffelonis or Opprefforris of þe KINGIS leigis, be onywais ?  
 Item, gif pair be ony Refettis, fupleis, or intercommonis with þe KINGIS Rebellis ?  
 Item, gif pair be ony Culzouris,<sup>1</sup> nyct-walkaris, or Sornaris ?<sup>2</sup>  
 Item, gif pair be ony Wichcraft or Soffary<sup>3</sup> wfyt in þe realme ?  
 Item, gif pair be ony Convocatioune or gadering of our foverane lordis liegis ?  
 Item, gif pair be ony þat flais rede-fifche<sup>4</sup> in forbodin tyme, or smoltis<sup>5</sup> in mill-dammis ?  
 Item, gif pair be ony diftrevaris or pelaris of grene wode ?  
 Item, gif pair be ony flayaris of deyr, be ftalking, within wthir Lordis parkis ?  
 Item, gif pair be ony þat manteinis opin trespaffouris ?  
 Item, gif þat ony wfis ffalfe-mettis,<sup>6</sup> meforis,<sup>7</sup> or wechtis ?<sup>8</sup>  
 Item, gif pair be ony þat takis Thift-but ?<sup>9</sup>  
 Item, gif pair be ony ftrikaris of ffalfe mony ?  
 Item, gif ony perfoune bringis hame pufioun,<sup>10</sup> and quhow þai wfe it ?  
 Item, gif ony paffis in England, without þe Kingis Licenfe, in tyme of weire ?  
 Item, gif pair be ony Goldfmyth þat makis ffalfe mextioun ?<sup>11</sup>  
 Item, gif pair be ony Ligis or Bandis<sup>12</sup> maid within burghe ? or gif ony burges ridis or routis with ony Lorde or Larde, to landward ? or gif he be bundin to ony Larde in manrent ?  
 Item, gif ony ftelis halkis or hundis ?  
 Item, gif pair be ony brekaris of orchattis or doucattis,<sup>13</sup> or zardis ?<sup>14</sup>  
 Item, gif pair be ony trew brekaris,<sup>15</sup> or ony þat fettis upone affurance with Inglifmen, in tyme of weir ?  
 Item, gif pair be ony þat ftelis wthir mennis pitis<sup>16</sup> out of pair ftankis ?  
 Item, gif pair be ony diftroiyaris of uthir garis ?<sup>17</sup>  
 Item, gif pair be ony Mutulatioun or difmembring of ony perfoune ?  
 Item, gif pair be ony þat lyis with wthir mennis wiffis, and diftrois pair gudis ?  
 Item, gif pair be ony hurdis fundyne wndir þe erde ?<sup>18</sup>

<sup>1</sup> From the verb, to *Culye*, to cajole. A cheat or swindler. <sup>2</sup> Who took free quarters, and spoiled the poor and defenceless. <sup>3</sup> Withcraft or sorcery. <sup>4</sup> Salmon. <sup>5</sup> The young fry of salmon. <sup>6</sup> Such as 'elnwands'; measures of length. <sup>7</sup> Measures of capacity. <sup>8</sup> Weights. <sup>9</sup> Theft-boot. <sup>10</sup> Poison. <sup>11</sup> Mixture of metals; alloy. <sup>12</sup> Leagues or Bonds. <sup>13</sup> Dovecots. <sup>14</sup> Gardens. <sup>15</sup> Truce-breakers. <sup>16</sup> Peats; turf. It is likely, however, from the '*ftankis*' or ponds being mentioned, that the word ought to have been written *picis* or *pikis*, for pikes. <sup>17</sup> This is likely to have been *cunynгарis*, rabbit warrens, but improperly transcribed. <sup>18</sup> Hoards or *poses* found under ground.



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Item, gif pair be ony slaaris of haris in snaw ?

Item, gif pair be ony within burghe þat purchesse lordſchip, in oppreſſioun of his nyctboris, or to pley with þame at bare ?<sup>1</sup>

Item, gif pair be ony Malt-makaris þat fellis malt ane put to þe mark . . . ?<sup>2</sup>

Item, geif pair be ony perſoun þat has (fals or fenzeit ?) money of þe realme ?

Item, geif ony perſone brekis money without þe Kingis Licence ?

Item, geif þe Merchandis bringis hayme bulzeoun, accordin to þe Actis of Parliament, and geif þe cuſtumaris and cunzeouris dois pair diligence þairto, according to þe ſaidis Actis of Parliament ?

Item, anentis Cordynaris, geif þai fellis ſhone and butis and pantounis . . . .<sup>3</sup> þan is contenit in þe actis of Parliament, þat is to ſay, a pair of mennis . . . .<sup>4</sup> ſolit ſhone for xij d. ; a pair of double ſolit ſhone xvij d. ; a pair of . . . .<sup>5</sup> ij ſ. ; a pair of butis vj ſ. ; wemen and childoris ſhone for viij d. þe pair, and utheris geir accordin to pair pricis.

Item, geif Berkaris<sup>6</sup> fellis pair ledder,<sup>7</sup> according to þe ſaidis pricis ?

Item, geif ony Baxtaris<sup>8</sup> makis ony conventionis and gaderingis, and brekis þe affis . . . .<sup>9</sup> to þaim be þe Officeris of þe toune ; or ſtalis þe toune and baikis nocht eftir þe pricis þat is gevin ; or ellis haldis abak ande fulfillis nocht þe ſamyn ?

Item, geif pair be ony Maſterfull beggaris ?

Item, geif pair be ony nichtbouris within burghe þat uſurpis agane<sup>10</sup> þe Officeris maide in burghe ?

Item, geif ony malt-makaris of Leithe, Edinburghe or uthir placis, fellis pair malt, unput to þe mercat of þe burghe. And geif þai tak mair þane a boll of beir for a chalder making ?

And geif pair be ony þat pakis, or pelis, or houſis wol, ſkin, hidis, outwith þe hede-burghe, ſik as Leithe, and uther unfré Portis and placis ; or takis away þe gudis, uncuſtumyt ?

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*CURIA Juſticiarie de JEDBURGHE, inchoata die Martis, Novembris xvij, 1510, coram ANDREA DOMINO GRAY, Juſticiario ſ. d. n. REGIS ex parte Auſtrali aque de Forthe.*

[THE chief incident connected with this *Aire*, which the Editor recollects, is the remarkable occurrence related by Bishop Lesley,<sup>11</sup> who quaintly informs us, that 'THE KING raid furth of Edinburgh, the viij of November one the nyct, weil accompaneit, to the Watter of Roulle ; quhair he tuik divers brokin men, and brocht them to Jeduart ;<sup>12</sup> of quhom ſum wes juſtifeit :<sup>13</sup> And the principallis of the

<sup>1</sup> Plea or litigate at the bar.    <sup>2</sup> This evidently ought to have been 'oneput (or *uneput*) to ye market.'    <sup>3</sup> If they ſell ſhoes, boots, or pantons (*pattens*), at mair or at greater price than is contained, &c.    <sup>4</sup> 'Singill' ſoled ſhoes.    <sup>5</sup> Pantounis.    <sup>6</sup> Barkers, tanners.    <sup>7</sup> Leather.    <sup>8</sup> Bakers.    <sup>9</sup> The aſaiſe ſet to them, &c.    <sup>10</sup> Against.    <sup>11</sup> The Original Scottiſh copy printed by the *Bannatyne Club*, quarto, 1830, p. 81.    <sup>12</sup> Jedburgh.    <sup>13</sup> Executed.

trubillis cum in lyning claythis,<sup>1</sup> with nakitt fordis in thair handis, and wyddyis<sup>2</sup> about thair neckis,<sup>3</sup> and pat thame in the Kingis will; quha wes send to divers Castells in Ward, with findrie utharis of that cuntry men, also, Quhair throuhout, the Bourdouris wes in greiter quietnes thairefter. THE KING thairfra paffit to Perth, quhair Justice-Airis wes haldin the rest of that winter.—*Sir James Balfour* contents himself with remarking, generally, that ‘THE KING this zeire, 1511, applays himselfe quholly to the suppressing of Rebells, and the administratiouns of justice one robers, outlawes, and such lyke.’<sup>4</sup>]

#### Lady Buccleuch amerced.

Nov. 19.—BELDE<sup>5</sup> ROBIN SCOT.—The Lady of Bukcleuche<sup>6</sup> called as lawful surety of *Belde Robin Scot*, as she received him in Indenture from the Coroner;<sup>7</sup> and not compearing, was amerced the fourth day of the Aire. The said Robert denounced at the horn, and his goods escheated.

#### Slaughter.

WILLIAM KER in Quhitmere, and James his brother.—Andrew Ker, son of Ralph Ker of Primfydloch, often called to enter the said William to underly the law for art and part of the Slaughter of John Broune, under the pain of 100 merks; and not compearing, was amerced in the said sum: And failing the goods of the said Andrew, that the said Ralph shall be distrained, because he bound himself to make his son sufficient for the said amercedment.—The said William denounced at the horn, and his goods escheated to the King.

#### Slaughter of Sir William Colvile of Uchiltree, knight.

Nov. 20, (*die Mercurij, quarto die Itineris.*)—GEORGE HALIBURTON, Mark Ker of Dolphinstoun often called to enter the said George to underly the law, for art and part of the Slaughter of (Sir) William Colvile of Uchiltre (kn<sup>t</sup>), and Richard Ruthirfurde, under the pain of 100 merks; and not compearing, was amerced in the said sum. The said George denounced at the horn, and his goods escheated to the King.

#### Slaughter of the Laird of Falahill.

Nov. 22, (*die Veneris, quinta die Itineris.*)—ANDREW KER of Gate-

<sup>1</sup> Linen clothes.    <sup>2</sup> Halters; literally *wythies*, which were sometimes employed for hanging the Border Thieves, at an early period.    <sup>3</sup> The following interesting illustration of this humiliating practice is perhaps the most extraordinary which can now be cited: 26th Oct. 1629, ‘ROBERT ABROCHE, ane MAKGREGOUR, ane grait lymer, quha haid bene anis or twyse forgewin and remittit be HIS MAJESTIE for his Oppressioun, wponne houpe of amendiment, zit he continewit still in his knawrie: And efter thair wes mekill searching maid for him in THE HIELANDIS, and all his freindis chargit to apprehend, come in to PERTH this day, being Twyfsday, ane preaching day efter sermone, and fell down on his knels, and ane tow (*rope*) about his neck, and offerit his fuorde be the point to THE CHANCELLAR OF SCOTLAND, quha refusit to accept of it, and commandit the Bailleis to ward him: Lykeas they instantlie wardit him, and patt baith his feitt on the gade, quhair he remanit.’—*Mercer and Fleming’s MS. Chronicle*, Adv. Library.    <sup>4</sup> *Annales*, I. 234.    <sup>5</sup> Bald-headed.

<sup>6</sup> Elizabeth, daughter of Walter Ker of Celsford, and relict of Philip Rutherford, younger, of that ilk.    <sup>7</sup> There is no indication of his crime.

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schaw.—James Ker of Qubitrig, and Lancelot Ker, sone of Andrew Ker, often called, as sureties, to enter the said Andrew, to underly the law, for art and part of the Slaughter of John Murray of Falohill, under the pain of 100 merks, &c. as above.

### Slaughter of the Laird of Falahill.

THOMAS SCOT, brother of Philip Scot of Aidschaw.—William Scot in Hawik, George Scot in Goldelandis, and David Scot in Qubithauche, often called to enter the said Thomas to underly the law, for art and part of the Slaughter of John Murray of Faulohill, under the pain of 100 merks; and not compearing, they were americiated in the said sum. And failing the goods of the said sureties, if insufficient for the amount of the said americiament, that the goods of William Scot in Fynwik, and John Scot of Hanyng, shall be distrained, because they obliged themselves to make the foresaid sureties sufficient.—Thomas Scot was denounced at the horn, and all his moveable goods escheated to the King.

### Burning of Branxholm and Ancrum — Intercommuning with English Traitors, the Armstrangis, &c.

Nov. 24, (*die Saboti, sexta dies Itineris.*)—JOHN DALGLESE produced a Signature of Remission for art and part of the Theft of xvj cows and oxen from John Scot: *Item*, for the traitorous Intercommuning with Symon Turnbull and his accomplices, Englishmen, in treasonable manner: *Item*, for Resetting of William Dalglese, common Theif, in his Thefts; and specially during the time of the Theft of eighty sheep from Thomas Murray: *Item*, for treasonable inbringing of *Black John Rouclesche*<sup>1</sup> and his accomplices, traitors of Leven, to THE BURNING OF BRANXHAM; and 'Herefchip' of horses, oxen, grain, and other goods, extending to 'vj' markis: And for the treasonable Intercommuning with the said Traitors, in their treasonable deeds: *Item*, for Intercommuning with 'the Armstrangis' at the time of THE BURNING OF ANCRUM, and at other times: *Item*, for Theft and concealing xx oxen and cows from John Scot, furth of Northous: *Item*, for Resetting the said Rebels, at the time of the Theft of four horses from Philip Faulo and his neighbours, furth of Quhitchester-holme: *Item*, for Resetting *William Dalgles* and *Symon Dalgles*, Thieves and Traitors of Levin, in their Thefts and treasonable deeds: *Item*, for common Treason, common Theft, and common Reset of Theft, before the date of his Remission.—And because he could not find sureties to satisfy the parties, judgment was given that he should be WARDED by the Sheriff forty days—and if he could not find sureties in the mean time, that he should be HANGED.

<sup>1</sup> Roughcliffe, or Rowcleff?

**Intercommuning with a Rebel.**

ROBERT DALGLES, in Howdane, produced a Remission for Refetting, supplying, and Intercommuning with *John Davidfone*.

**Resetting Thieves and Rebels.**

THOMAS DALGLES, in Braidhauche, produced a Signature of Remission for art and part of the theftuous Refetting of *Symon Dalgles* and his accomplices, the time of the Theft of five horses from David Hoppringle of Tynnes, price of one of them xx merks, and of the rest of them xl merks : *Item*, for the theftuous Refetting of *Walter Dalgles* and his accomplices, the time of the Theft of xvj oxen from the said David, furth of Bochill.<sup>1</sup>—Judgment was given that he should be WARDED as above—and if he could not find surety in the mean time, that he should be HANGED.

**'Hereschip' of the Laird of Cruikstoun, &c.**

THOMAS and WILLIAM DALGLESE, in Braidhauche, produced a Signature of Remission for art and part of the Stouthreif and 'Hereschip' done upon the Laird of Cruikstoun and his tenants, and Stouthreif from them of lxxj oxen and cows, xiiij horses, and heifers, and household goods, to the value of 'xl markis.'—Judgment given as above.

**Horse and Cattle Stealing — Stouthreif — 'Hereschip.'**

ROBERT HAW (HALL?) in Hevesyde<sup>2</sup> produced a Respite for art and part of the Theft of four horses and heifers, and household goods to the value of fifty 'markis,' from William Jackfoun, furth of Ruthirfurde : *Item*, for art and part of the Theft and concealment of a horse, value xx l. from Adam Edgar, furth of Bassindene : *Item*, of a saddle, 'le bridill, *cadurce*,<sup>3</sup> a pare of splentis, a fuerde, a bukler, price ten 'markis : ' *Item*, 'vnius subuncule,<sup>4</sup> unius toge,<sup>5</sup> lodicum lintheaminum,<sup>6</sup> and other household goods to the value of ten merks, from the said Adam, furth of his house, at the same time : *Item*, for the Theft and concealment of two oxen from Thomas Johnfoun and Dougall Wilfoun : *Item*, of the Theft of a cow and eleven 'hoggis'<sup>7</sup> from the Laird of Boyne-Jedworthe and Sir Henry Vallas, &c. &c. : *Item*, of the Stouthreif of five horses and heifers, gold and silver, and household goods to the value of iij<sup>c</sup> merks, from William Jackfoun, &c. &c. : *Item*, of art and part of the 'Hereschip' of a horse, household goods, and a 'bag-pipe,' price 20 merks, from George Weyr : *Item*,

<sup>1</sup> Bowhill?      <sup>2</sup> Heavyside.      <sup>3</sup> It is doubtful what this word is intended to mean. It primarily signifies a coverlet, and is supposed to apply to a sort of shield or target.      <sup>4</sup> A woman's kirtle.      <sup>5</sup> Gown.      <sup>6</sup> Linen sheets.      <sup>7</sup> Sheep of a year old, before shearing their first fleece.      <sup>8</sup> What follows is of no interest.

SELKIRK.

of Refetting, fupplying, and intercommuning with the King's Rebels, being at the horn, &c. &c. : *Item*, of theftuouſly breaking the houſe of William Rutherford, in Nether Chetto.—And becauſe he could not find ſureties to ſatisfy parties, SENTENCE was pronounced, that he ſhould be WARED by the Sheriff for forty days—and if, in the mean time, he did not find ſureties, that he ſhould be HANGED.

#### Deforcing a Meſſenger — Oppreſſion, &c.

Dec. 6, (*die Ioviſ, xiiij die Itineris.*)—ALISONE CUTHBERT, in Ednem, James Tynkler, and fifty-five others reſiding there, CONVICTED of Deforcement and diſobedience, done to John Couper<sup>1</sup> Meſſenger at Arms, Sheriff in that part, coming to the lands of Ednem with the King's Letters, for pointing James Edmonſtoun of Ednem, for a certain ſum of money due to Jonet Edmeſtoun : And when the ſaid ſheriff in that part had diſtrained ſheep and oxen for the ſaid ſum, the foreſaid perſons came in warlike manner, to the number of two hundred perſons, and deforced the ſaid ſheriff : *Item*, for Oppreſſion done to the ſaid Jonet, and Adam Home her ſpouſe, in hindering them from labouring and manuring her lands of Ednem, and thereby breaking the King's Letters of Protection.—SENTENCE. That the foreſaid perſons ſhall be put in ſure priſons for the ſpace of a year and a day—and their lives to be at the King's will ; and all their moveable goods to be eſcheated to the King.

#### Treazon — Art and part with the Duke of Albany.

Dec. 9, (*die Saboti, ultima<sup>2</sup> die Itineris.*)—JOHN MURRAY, alias *Blak Johnne*, permitted to compound for art and part with Alexander Duke of Albany, in his treaſonable deeds.—David Hoppringill and Mr John Murray became ſureties to ſatisfy the parties.<sup>3</sup>

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CURIA *Itineris Juſticiarie de SELKIRK, tenta die Lune, ix Decembris, 1510,*  
*coram ANDREA DOMINO GRAY, Juſticiario, &c.*

#### Deſtroying the Woods in Ettrick-Foreſt.

Dec. 11, (*die Mercurij, tertia die Itineris.*)—WALTER SCOT of Howpaſſlot, the LAIRD OF CRANSTOUNE, and thirty-four others, CONVICTED of deſtroying the Woods of Ettrick-Foreſt. Each of them fined ' iij li.'

A great many ſimilar Caſes occur for deſtroying the Woods in ETTRICK FOREST, and on the Water of BORTHWICK, at this time ; for which offence many of the leading proprietors were convicted, ſuch as the Hoppringills of Smalham, Tynnes and Torwoodlee, Ker of zare, John Murray (the Sheriff), &c.

<sup>1</sup> See Oct. 17, 1510.  
(L.1527.)

<sup>2</sup> Viz. xvi.

<sup>3</sup> ' *Summa totalis hujus Extractus, Im.Vc.xxvij li.*'

The Aire terminated on Dec. xiv, *die Saboti*, being the fixth day of the Aire, but there are no entries of any importance.<sup>1</sup>

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CURIA *Itineris Justiciarie de PEBLIS, tenta die Saboti, xiiij Decembris, 1510, coram ALEXANDRO GUTHRIE de eodem, milite, Justiciario deputato Andree domini Gray, &c.*

**Slaughter of a Common Thief.**

Dec. 18, (*die Jovis, v die Itineris*).—GEORGE TUEDY delated of art and part of the Slaughter of William Zoung; and being accused thereof, the foresaid Justice depute, with the counsel and advice of the Lords then fitting as Assessors to him, because it clearly appeared that the said William had been and was a common Thief, as was proved by fundry of the King's Letters, under his signet and subscription-manual, for taking the said William, &c., and that he had been slain in the commission of Theft and crimes: Therefore, the said George was acquitted of the crime of the foresaid Slaughter; and command was given to the Justice Clerk, that the said George should never, thereafter, be taken or indicted for the same.<sup>2</sup>

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CURIA *Itineris Justiciarie de EDINBURGHE, coram ANDREA DOMINO GRAY, Justiciario, inchoat. die Saboti, viij Februarij, 1510-(11.)*

**Slaughter.**

Feb. 11, (*die Mercurij, iv die Itineris*).—GILBERT CAMEROUN produced a Signature (of Remission) for art and part of the Slaughter of John Flemyn of Torbeddo: *Item*, of the Stouthreif of a sword, a 'bukler, a bonet,' and a French crown from him, at the same time.—John Murhede, in Bathcat, and Thomas Douglas, in the said parish, became sureties to satisfy the parties.

**Perjury — Wilful Error on Assise.**

Feb. 12, (*die Jovis*).—ALEXANDER BERTOUNE, Robert Lumly, and xv others, Affisors, CONVICTED by a Great Assise (Grand Jury) of Wilful Error and rash swearing, finding John Laufoun, George Corntoun, Florence Corntoun, Edmund Cokburne, and Andrew Atkin, quit and free of the disturbance<sup>3</sup> done to John M<sup>c</sup>ferland;<sup>4</sup> and finding the said John M<sup>c</sup>ferland to be convicted and

<sup>1</sup> The 'summa totalis' is not inserted.      <sup>2</sup> 'SUMMA totalis, Extractus, l<sup>o</sup> xvj f. viij d.' (L.156, 16a. 8d.)      <sup>3</sup> 'Quittos et immunes de *perturbia* seu *perturbacione* facta.' These words are usually rendered 'distroublance' in the old Records. The crime was probably mutual Assault, arising out of Feud between the Laird and the townsmen of Dumbarton.      <sup>4</sup> Probably Sir John Macfarlan of that Ilk, or of Arrochar, who, according to Douglas's Baronage, was killed at the Battle of Flodden, and, as is understood, was knighted on the eve of the battle.

guilty of disturbance done to the said John Laufoune and his accomplices, as is fully contained in the Roll of the Constabulary Court; by favor and partial means.—SENTENCE. That all their moveables, as well cattle as other goods, shall be *escheated* to the King: And that they shall be *imprisoned* for year and day, and farther, at the King's Will: And that they shall be perpetually INFAMOUS and PERJURED.

**Oppressing the Laird of Niddry Marischal—Battery pendente lite.**

Feb. 19, (*die Jovis, xj die Itineris.*)—SYMON PRESTOUNE of that Ilk, and John Littill, his man, came in the King's Will for art and part of the Oppression and forethought felony done to Archibald Wauchope of Nudry-Marschell and his men, making Convocation on Aug. 5, 1495, with warlike arms, to the number of sixty persons, and hindering him from coming to his own Place (of Niddry) from the Kirk of Penneuk; before judgement was pronounced between the said parties by the Lords of Council.—The Laird of Prestoune became surety to the King and party, for himself and the said John. (Fined x l. and v l.)

**Oppressing the Laird of Bass, &c.**

Feb. 25, (*die Mercurij, xv die Itineris.*<sup>1</sup>)—THOMAS DICSOUNE, at the Monastery of Hethingtoun,<sup>2</sup> Luke Hepburne, and William Bracanrig, there, came in the King's will, for art and part of the Oppression done to Robert Lauder of Basse, coming under silence of night to the lands of Quhitcastell, and casting down the House built there by the said Robert.—The said Thomas, &c., and Patrick Hepburne of Beynstoune, became sureties to satisfy the King and party. (Amerciated xv merks.<sup>3</sup>)

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CURIA *Itineris Justiciarie, inchoatu die Lune, xx die mensis Octobris, 1511,*  
*coram ANDREA DOMINO GRAY, Justiciario, &c.*

**Treasonably taking the Castle of Lochdown, &c.**

Oct. 30, (*die Mercurij, viij die Itineris.*)—WILLIAM CRAUFURDE, son of William Craufurde of Lefnorys, admitted to compound for art and part of the treasonable taking of the King's Castle of Lochdown from Sir David Kennedy, kn<sup>t</sup>, (Captain thereof,) and 'Herefchip' and Oppression done to the said David, in 'Herefchip' of the said Castle: And for Refetting, supplying, and

<sup>1</sup> This Aire lasted nineteen days, and terminated on Monday, Mar. 3. 'SUMMA totalis hujus extractus, vij:xxxvij li. iij f. iij d.' (L.738, 3s. 4d.)      <sup>2</sup> Haddington.      <sup>3</sup> In this and all other similar instances where the amerciamento is marked, it is a fine to the King. The composition with the party was a matter of private settlement or reference.

Intercommuning with the King's Rebels, being at the horn, viz. David Craufurde (of Kerfe,) John Schaw (of Keris,) and the 'Crechtounis.'—The Laird of Gaitgirth became surety to satisfy the parties.

### Treasonably taking the Castle of Lochdoun.

ALAN CARTHCART of Clowlynan, John Craufurde of Drongane, and five others,<sup>1</sup> were admitted to compound for the treasonable taking of the Castle of Lochdoun, as above.—Alexander Kennydy, young Laird of Bargany, surety, &c.<sup>2</sup>

### Cruel Oppression — Stouthreif, &c.

Nov. 4, (*xj die Itineris.*)—HEW EARL OF EGLINTOUNE, Thomas Montgomery in Kilbride, John Montfoide, younger of that ilk, and seven others, admitted to compound for art and part of Convocation of the lieges, and for art and part of the forethought felony and Oppression done to John Scot, burges of Irvin; and of Stouthreif of pots and 'pannis, plattis, and pewdir weschell,'<sup>3</sup> from the said Johne, furth of his house, extending to xx l.: *Item*, for the forethought felony and Oppression done to the said John and his wife, coming to his house, and cruelly striking his wife with 'bauche straikis,' at the time of the Stouthreif of the said goods: *Item*, for forethought felony and Oppression done to the said John, taking him into the Tolbooth of Irvin, and conducting him to the lodging of the said Laird (of Montfoide?), and detaining him there for the space of six hours against his will; and then conducting him to the said Tolbooth as a Thief, and putting the said John in the 'stokkis,' and incarcerating him therein: And for the Oppression done to the said John's wife, at the said Tolbooth, tearing her hair, cruelly striking her, and pulling out her hair in great quantities.—The said Earl and the Laird of Montfoide became sureties, conjunctly and severally, renouncing the benefit of division, to satisfy the parties.<sup>4</sup>

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CURIA *Itineris Justiciarie de WIGTOUNE, inchoata die Saboti, viij Novembris, 1511, coram ANDREA DOMINO GRAY, Justiciario, &c.*

### The Coroner of Wigton to produce Deforciers in Court, &c.

Nov. 14.—þE JUSTICE commandit Archebald M<sup>c</sup>Cullocht, Crovnar, to bring in judgement to morne<sup>5</sup> *Henry Neleson, Johne Tait, William Neleson*, till vnderly þe law for þe Deforsing of our souerane lordis Officiar,<sup>6</sup> vnder þe pane of punifing of him with siclike punitioun as thai fald be pvnist.<sup>7</sup>

<sup>1</sup> Persons of no note.      <sup>2</sup> Several other Cases occur at this Aire for the same crime; but the parties were of no consequence.      <sup>3</sup> Pewter vessels.      <sup>4</sup> The Aire terminated Nov. 6, *xij<sup>o</sup> die Itineris.* 'SUMMA totalis Extractus, viij<sup>o</sup>xxvj li. vj f. viij d.' (L.826, 6s. 8d.)      <sup>5</sup> To bring into Court to-morrow.      <sup>6</sup> Messenger at arms.



**Slaughter.**

Nov. 18, (*die Mercurij, nona die Itineris.*)—NEVIN M<sup>c</sup>KELLO and Patrick M<sup>c</sup>kinrosche. ‘MED. pat þe Scheref-deput, Mungo Murray, at þe command of þe Justice, relaxt Nevin M<sup>c</sup>kello and Patrik M<sup>c</sup>kinrosche fra þe proces of þe horne, and gaif þaim þe wand of pece,<sup>1</sup> for þe Slauchtir of Alifoun M<sup>c</sup>gillhaffis dochtir.’<sup>2</sup>

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CURIA *Itineris Jusliciarie de KIRKCUDBRICH, inchoata die Veneris, xxj Nov. 1511, coram ANDREA DOMINO GRAY, Jusliciaro.*

**Theft from the Abbot of Dundrennan.**

Nov. 23, (*die Saboti, ij die Itineris.*)—JOHN STORY, in Dundranane, admitted to compound for art and part of the Theft of 300 merks and a gold chain from the Abbot of Dundranane: *Item*, for art and part with Eduard Story, common Thief, in his Thefts; and specially, the time of the Theft of a box from the said Abbot: *Item*, for treasonably going out of the kingdom, and remaining in England: *Item*, for common Theft and common Refet of Theft.—The Laird of Bomby became surety to satisfy the parties.

**Oppression — Striking a Sheriff or Messenger, &c.**

Nov. 27, (*die Jovis, v die Itineris.*)—MASTER WILLIAM LEVINAX of Caly produced a Signature of Remission for being art and part of the forethought felony and Oppression done by him to Roger Gordoun of Garlarg, the King’s Sheriff in that part, having the King’s Letters in his hands to summon the said Mr William, at the instance of John Gordoun of Lochinvar, striking the said Sheriff in that part with a staff, and drawing his ‘quhinzeare’ upon him: *And* of art and part the contempt and treason thereby done to our sovereign lord the King: *And* of theftuously destroying the Woods belonging to the Laird of Lochinvar.—The said Mr William, and William, his son and heir apparent, became sureties to satisfy the parties.<sup>3</sup>

**‘Raid of Drumfresse, at Lammes-ebyn’ — Slaughter.**

Nov. 29.—THE quhilk day, JOHNNE LORDE MAXWELL oblist him, þat betuix þis and Candilmes nixt to cum, þat he sal plese my lorde Secreter and his clerk for þair feis of þe Selis and writingis undir þe Signet, of all þe personis being at þe Raid of Drumfresse at Lammes-ebyn, and Slauchtir committit at þat tyme; betuix þis and Candilmes nixt to cum, &c. And þis to be extendit in þe

See Notice to Oct. 11, 1531, and Jul. 23, 1566, *Note*.<sup>1</sup> ‘SUMMA totalis hujus Extractus, vij<sup>l</sup>ix li.’ (L.759.)<sup>2</sup> This Aire terminated Dec. 3, *x die Itineris*. ‘SUMMA totalis Extractus, vij<sup>l</sup>cxiiij li. xij f. iiij d.’ (L.764, 13s. 4d.)

best forme, . . . . . decret, and þat lettres be direct pairupoun. Domini Abirdene, Ca.,<sup>1</sup> Ergile, Errole, M. James Henryfoun, . . . . . Scot de Balwery.

CURIA *Itineris Justiciarie de Edinburghe, inchoata die Martis, xxvij Aprilis, 1512, Coram ALEXANDRO LAUDER de Blythe, milite, Preposito de Edinburghe, deputato ANDREE DOMINI GRAY, Justiciarii.*

**Forgery — Making false Money.**

JOHN SYMONTOUN of that Ilk.—Robert Menzeis of that Ilk, John Tuedy of Drummelzar, James Lokart of Le,<sup>2</sup> and Richard Broune of Cultermanis, were often called to enter the said John, to underly the law for art and part of treasonably ffabricating and making False money within the kingdom; as they became sureties, conjunctly and severally, under the pain of 1000 merks, renouncing the benefit of divifion: And not compearing, they were americiated in the said sum.

WILLIAM INGLIS of Langlandhill.—Robert Menzes of that Ilk often called as surety to enter the said William, to underly the law, for art and part of treasonably making the said false money, under the pain of 100 l.: And not compearing, he was americiated in the said sum.

[*Andreas Dominus Gray, Justiciarius.*]

(Jul. 23.)—The Lairds of Symontoun and Langlandhill were Respited for three months, from Jun. viiiij, for the above crime.

REX,

We grant and gevis full Licens and fredome, be þir our lettres, to JOHNE SYMONTOUN OF THAT ILK and WILLIAM INGLIS OF LANGLANDHILL, now beand wndir accusatioun of crime of Treafone for ffalfe Money, to analy,<sup>3</sup> fell, and wodfet<sup>4</sup> þair landis, heretage, and gudis, in all or in pairt, to quhatfumener personis, as thay fall think expedient, to furnis expense for puttin of pair airis<sup>5</sup> in pair landis and heretage, and outredding of fomis aucht<sup>6</sup> to ws be pair airis for compositioun, and doing of pair wthir neidfull erandis; and to pafs at large quhare pai pleife within our realme, without ony arrest or accusatioun for þe said crime, for þe space of Thre monethis; to mak penny of pair landis and gudis, as said is. AND als, we gif licens to all our liegis to by<sup>7</sup> or tak in wadset fra þe saidis John and William, or athir of þame, pair landis or gudis; and will and grantis þat þe alienatioun and felling þairof falbe na cause of recognitioun nor forfaltour of pair landis, nor dangir nor skayth nawyis to þe byaris nor fellaris, nochtwithstanding þat þai stand now wndir accusatioun of þe said crime of Treafone. AND als, gif þe said Johne and Williame plesis to put pair sonnis and apperand airis in fee of pair landis, We fall reffauere resignationis þairof, in favour of pair airis, or gif<sup>8</sup> Confirmationis apoun pair awin Charteris, safar<sup>9</sup> as is halding of Ws, in þe sickereft<sup>10</sup> forme þat can be devisit. ATTOUR,<sup>11</sup> We, of our speciall favouris and grace, Remittis and Dischargeis, for ws and our successoris, in favor of þe saidis airis, all proces of fforfaltour and of our horne, quhilk, be rigour of law, nicht be led apone

<sup>1</sup> Cancellarius, viz. Alexander Stewart, Archbishop of Saint Andrews, natural son of King James IV by Margaret Boyd. He was slain at Flodden. <sup>2</sup> Lee, in Lanarkshire. <sup>3</sup> Annailzie. <sup>4</sup> Wadset. <sup>5</sup> Heira. <sup>6</sup> Owing. <sup>7</sup> Purchase; buy. <sup>8</sup> Give. <sup>9</sup> So far. <sup>10</sup> Surest; securest. <sup>11</sup> Moreover.

## EDINBURGHE.

pe saidis Johne and William for pe faide crime of Trefone, fa pat eftir pair decefe pair airis may fuceid to paim in pair landis, heretege, and gudis, and entir pairto be courfable brevis of our Chapell,<sup>1</sup> ficlik and alfe lauchfully as and<sup>2</sup> pai had nocht committit pe said crime, nor had nocht bene wndir accusatioun pair of. AND alfe, We grant and gevis, and for ws and our fucefforis renunciis, quhitclamis, and difchargeis to pe airis of the saidis Johne and William, and pair assignais, all our efcheit pat we or our fucefforis mycht have of pair said landis and gudis for pe said crime of Trefone, gif<sup>3</sup> pe proceffe pair of war led apoune pame; and all rycht, interes, titill, and clame of rycht, petitour, and poffeffour pat We or our fuceffouris hes, or ony wyfe mycht have, pairto. pat is to fay, to pe said Johnis airis and pair assignais, pe efcheit of his landis and gudis; and to pe faide Williamis airis and pair assignais, pe efcheit of his landis and gudis; becaus pe saidis airis maid compositioun with our Thezaurar for pe famyn, and pait<sup>4</sup> foumis of mony pairfor to him in our name. GEVIN wndir our Preivé Seill, at Edinburghe, pe viij day of Junij, pe zeir of God I<sup>m</sup>.V<sup>o</sup>. and xij zeris, and of our regne pe xxiiij zere.

### Feud between the Maxwells and the Creichtons — Slaughter of the Laird of Kirkpatrick, while at the Horn, &c.

[THERE seems to be no doubt that the deadly Feud and Slaughter, which form the subject of the following solemn proceedings, arose out of the Battle between the MAXWELLS and CREICHTONS on the Sands of Dumfries, in the month of July, 1508. These families were indisputably the most powerful Barons of Nithsdale, and had long been at enmity with each other. The vigorous measures adopted by KING JAMES IV had for a considerable time restrained them from proceeding to personal hostilities, but at length they suddenly broke out into open violence, having apparently challenged each other to the field, to decide their quarrel by force of arms. *Bishop Lesley* gives a short but striking account of this affair, which it is thought proper to quote here.—‘Thair wes a gret gadding the xxx day of Julij, betuix the LORD MAXWELL and the LORD CREICHTOUN OF SANCHAR, quhair the Lord Creychtoun<sup>5</sup> was chaiffit with his cumpany fra Drumfreis, and the Laird of Dolyell and the young (Laird) of Crauchlay slane, with divers utheris, quhair of thair appered greit deidly feid and bludshed; bot THE KING tuk sic ordour, partlie be justice and partely be aggrement, that the hole caufe was fuddanlye quyeted and stanched.’<sup>6</sup>

Robert, *third* Lord Maxwell, fell at the fatal Field of Flodden. On the other hand, his antagonist, Robert, *second* Lord Crichton of Sanquhar, ancestor to the Earls of Dumfries, survived many years. His son, William, the *third* Lord Crichton of Sanquhar, was stabbed to death in the house of the Governor of Scotland, the Duke of Chatelherault, by the Lord Sempill; and his great grandson, Robert, the sixth Lord, was executed at Great Palace Yard, Westminster, Jun. 29, 1612, for being accessory to the far-famed Murder of John Turner, a Fencing-master, who had thrust out one of his eyes, while they were practising together, with his foil.<sup>7</sup>

SIR WILLIAM DOUGLAS of Drumlangrig, one of the parties more immediately concerned in the present case, was likewise a very powerful Baron, being an ancestor of the noble house of Queensberry. He married Elizabeth, daughter of Sir John Gordon of Lochinvar, and fell at Flodden, Sep. 9, 1513.

So great a sensation did this case make, that it was evidently the immediate cause of the subsequent ‘Act anent the Reffet of Rebellis,’ &c., to which the reader is particularly referred.]

<sup>1</sup> Brieves from Chancery.   <sup>2</sup> An; if.   <sup>3</sup> If.   <sup>4</sup> Paid.   <sup>5</sup> *Sir James Balfour* merely says, ‘the LORD SANQUHARE was ouerthrowen, and maney of his frindis killed.’ *Annales*, I. 231.   <sup>6</sup> *Lesley’s History*, BANNATTYNE CLUB’S Edit. Quarto, 1830, p. 78.   <sup>7</sup> It is asserted that his lordship bore his misfortune patiently, until, happening to be at the court of Henry the Great of France, the King enquired ‘How he had lost his eye?’ ‘By the thrust of a sword,’ replied his lordship.—‘Does the man yet live?’ rejoined the King. From that hour he is reported to have determined on putting Turner to death—who not being his equal, he resorted to the horrible expedient of assassination, which was effected by a fellow of the name of *Robert Carlyle*, who, with the assistance of an accomplice, pistolled the unfortunate fencing-master.—See *State Trials and Peerages*, &c.

APUD *Edinburghe, xxiiij Septembris, anno Domini 1<sup>m</sup>. V<sup>c</sup>. xij<sup>o</sup>.* SEDERUNT *Domini subscripti,*

(REGE *presente,*)

ARCHIBALD, ERLE OF ANGUSE,	ANDRO, LORD GRAY,	ANDRO, LORD AVANDALE, *
ALEXANDER, ERLE OF HUNTLE, *	WILLIAM, LORD BORTHUIK,	ROBERT LAUDER of ye Bass, kn <sup>t</sup> . *
ARCHIBALDE, ERLE OF ERGILE,	GEORGE, MASTER OF ANGUS, *	WILLIAM SCOT of Baluery, kn <sup>t</sup> .
MATHO, ERLE OF LENNOX,	JOHNE, LORDE DROMONDE, *	JOHN CULQUHOUN of Luse, kn <sup>t</sup> . *
WILLIAME, ERLE OF ERROLE,	ROBERT, LORD ERSKINE,	JOHNE SOMERWELL of Camnethane,
WILLIAME, ERLE OF MARSCHELL,	HENRY, LORD SINCLERE,	knycht, *
JOHNE, ERLE OF CRAWFURDE,	GEORGE, LORDE SETOUN,	ADAM HEPBURNE of ye Craggis,
WILLIAM, ERLE OF MONTROS,	JOHNE, LORD HAY OF ZESTIR,	knycht, *
CUTHBERT, ERLE OF GLENCARNE,	ALEXANDER, LORDE ELPHINSTOUN,	WILLIAM KRITHE of Inuerrugy, kn <sup>t</sup> .
JOHNE, ERLE OF ATHOLE,	ANDRO, LORD HERES,	ROBERT DOUGLAS of Lochlevin, kn <sup>t</sup> .

ANENT the Supplicatioune gevin in to þe KINGIS hienes be WILLIAM DOUGLAS OF DRUMLANRIG, desiring þat þe actioun of cryme imput to him and utheris his men and ffrendis, for þe Slauchtir of umqhill ROBERT CRECHTOUNE OF KIRKPATRICK, suld be put to þe deliuerance of þe Lordis of Counsale; quhether, gif þe faide actioun suld be put til ane Affise, considering, þat þe said umqhill Robert was at our soverane lordis horne, and his Rebell þe tyme of his slauchter? Like as, at maire lenthe, is contenit in þe said supplicatioune. AND in likewise, anent þe Complant gevin in be ROBERT LORD CRECHTOUN OF 3E SANQUHAR,<sup>1</sup> and þe kyn and frendis of þe said umquhill Robert, desyrand, þat þe said actioun of cryme of þe said Slauchtir suld be put to þe knaulege of ane Affise, and na fensment<sup>2</sup> nor deliverance to be maide be þe Lordis of Counsale pairvpoune. THE LORDIS OF COUNSALE forsaide, in presence of þe KINGIS hienes, þe refonis and allegations of bathe þe said partijs, sene, herde, and undirstande Decretis and Deliveris, þat þe criminale actioun of þe faides Slauchtir, contenit in our soverane lordis Lettres and Complante, suld be put to þe knowlege of ane Affise, befor þe KINGIS grace, or his Justice, criminalie: AND als, deliveris, þat our Soverane lorde may inquire and spere<sup>3</sup> at his Counsale, quhere it plesis his hienes, and cause be discuffit be his Counsale, quhethir gif þe said umquhill Robert Crechtoune was at his horne or nocht, the Lettres of Respett for aucht dais, grantit be our soverane lorde to þe faide umquhill Robert, and þe Relaxatioune of him fra þe horne, induring þat tym; and als, þe Lettres of þe denouncing of þe said umqhill Robert, gevin of new be þe KINGIS grace þaireftir, to denunce him of new þe KINGIS Rebell, þe said viij dais being past, and uthir aucht dais þaireftir following; at lenthe sene, herde, and confiderit, þe LORDIS foirfaide, Findis and Deliveris, þat þe faide umquhill Robert was þe KINGIS REBELL, and at his horne, þe time of his Slauchtir.

The forsaid Lord Crechtoune, and þe Larde Drumlanrige, ar baithe content, þat þe LORDIS OF COUNSALE forsaide be apoun þis Affise.

<sup>1</sup> The reader is referred to the Appendix for numerous illustrations of this and many other Trials, which occur in the course of the present Collection.      <sup>2</sup> Verdict.      <sup>3</sup> Ask.

[CORAM *f. d. n. REGE et Andrea domino Gray, ejus Justiciario.*]

Sep. 27, (*die Lune.*)—The Court of Justiciary, in the Cafe between ROBERT LORD CRECHTOUN and his men, on the one part, and WILLIAM DOUGLAS OF DRUMLANRIG and his accomplices on the other part, was continued till tomorrow, without prejudice of parties.

[*Alexander Lauder, Justiciarius deputatus.*]

Sep. 28, (*die Martis.*)—Continued to Thursday next, and it was publicly proclaimed, that none of the Assise of the Lords elected thereon shall retire from the town, until the said day, and deliverance (of their Verdict.)

Sep. 30.—THE LORDS declared as follows, having been first sworn upon the Assise, in the present cause, and thereafter elected by the King to give counsel to him as aforesaid.

MAGNA ASSISA.

ARCHIBALDE, ERLE OF ANGUS, &c. (*viz.* the others above named, excepting those marked thus \*, they being twenty-one in all.)

VERDICT of the Assise, and Judgment following thereon.

ANENT þe accusatioun maide apoun WILLIAM DOUGLAS OF DRUMLANRIG, JOHNE FERGUSSOUNE of *Cragdaroch*, THOMAS FERGUSSON his sone, and þair complices, for art and part of þe Slauchtir and Murthure of umq<sup>ll</sup> Robert Crechtoun of Kirkpatrik, and cryme of Treffone and Lefe-maiefté, allegit apoun þe said William, Johne and Thomas, and þair complices; þe LORDIS forsaide, Findis and Deliveris, and confalis þe KINGIS hienes, þat þe said allegit crimes be na Dittay: And þat Lettres be writtin of Discharge; and Inhibitioun be gevin and direct to Justice and Justice Clerk, be our souerane Lorde, and till all utheris officiaris, þat nane of þame tak in Dittay, attache, arrest, or accuse þe said WILLIAM DOUGLAS, or his complices forsaide, for þe saide action, and na crime be imput to þame þairapoun, because it was funde obefore be þe saide Lordis, þat þe said umq<sup>ll</sup> Robert, þe tyme quhen he was flane, was oure souerane lordis REBELL, and at his horne, and for uthir resonable cause, moving þe saide Lordis; except FERGY FERGUSSOUN and ROBIN FERGUSSOUN, to quham þis declaratioun and confall fall nocht extende, and þain to be punist, as is contenit in þe decret and deliverance, be certane of þe said Lordis þairapoune.

SEDERUNT, *ultimo die Septembris, anno domini 1<sup>m</sup>. V<sup>c</sup>. xij.*

James Archebifchope of Glasgw,	Alexander Lauder of Blyth, (kny <sup>t</sup> .)	Maister Patrik Panthere, Secretar
Andro Befchope of Murray,	Prouest of Edinburghe,	till our souerane Lorde,
David Bischope of Galloway,	Maister Gavane Dumbar, Archi-	Maister Robert Formane, Dene of
Andro Bischope of Carnes,	dene of Sanct Androis,	Glasgw,
George Bischope of þe Ilis,	Maister Gavane Douglas, Provest	Maister James Henrifoun, Justice
Archibald Earl of Angus, &c. <sup>1</sup>	of Sanct Gelis Kirk of Ed <sup>r</sup> .	Clerk.
John Priour of Sanct Androis,		

<sup>1</sup> The remainder of the Great Assise last mentioned follows, excepting William Keyth of Inverrurgy.

**Act anent ' the Resset of Rebellis, and Personis being at our  
soberane lordis horne.'**

THE Lordis, Prelatis, (and) Baronis abone written, with avise of þe KINGIS hienes, hes Statut and Ordanit, þat becaufe of þe RESSET OF REBELLIS, and personis being at our fouverane Lordis HORNE, is gretlie vsit within this realme, in contrare his Lawis and diverse Statutis maid be his hienes and his progenitouris; and be þe said Lawis and Statutis, nocht alanerly<sup>1</sup> þe said Rebellis and personis, being at þe horne, suld be punift and justifiit<sup>2</sup> to þe deid, bot als well þe resfettaris, supplearis, and manteinaris of þam. AND, it is thocht rycht odious and hevvy to oure soverane lorde and his Lordis foirfaidis, þat ony resfet, supple, favour, intercommonyn or assistance suld be gevin to the saidis Rebellis; and quha þat resfettis, supplis, or intercommonis with þam to be punift to þe rigoure, according to þe Lawes and Statutis made obefore. AND gif ony personis happins to committ Slauchter apone þe said Rebellis and personis being at þe horne, þe tym of þe takin or apprehending of þam, salbe na punct of Dittay; bot þe slaaris of þam to be revardit and thankit þarfore. AND gif ony persone takis or apprehendis ony persone Rebell or fugitive, at þe kingis horne, and bringis þe samyn to his hienes or his Justice, þat persone, Rebell or at þe horne, till<sup>3</sup> have na Remiffioun of þe KINGIS hienes, without speciale consent of þe personis takaris of him; and to be revardit be þe KINGIS grace, be þe gevin of þe half of þe vnlaw of þe persone fugitive, or at þe horne, or his plegeis was unlawit or americiat obefor, or be þe gevin of þe half of his eschet gudis, or ȳper pairt pairof as salbe thocht (just) be þe KINGIS hienes. AND as to þe revarding or gevin of Remiffionis till indure for þe space of thre zeris nixt to cum, to þe quhilk tyme þe KINGIS grace of his benevolence hes consentit; and þe remanent of þis Statut till indure perpetually, or quhill it be ȳperwais divifit be þe King, his Gret Counsale, or be þe Parliament. ITEM, in likewise it is Statut and Ordanit, þat in tym to cum, anent personis REBELLIS, and being at þe horne, and beis takin and apprehendit be ony of our soverane lördis legis, and kepit xxiiij houris eftir þat he be takin, and þe takaris or apprehendaris of him haiffand him in sure keping, ouper<sup>4</sup> in Castell, his strent, or ȳper sure place; or quhar þe takaris or apprehendaris ar maisteris of pover,<sup>5</sup> quharthrow þe said Rebell or fugitive at þe Kingis horne may nocht evaide and eschape, and þat be noturly<sup>6</sup> knavin or vndirstand, it fall nocht be lafull to þe kepar, apprehendar, or taker of him, nor to na ȳper private persone to fla him, bot bring him to þe law to be justifiit be þe lawis of þe realme. AND gif it hapnis þat ony persone, Rebell or fugitive at þe horn, be flane efter þe said twenty foure houris, he beande in firmance<sup>7</sup>

<sup>1</sup> Only.    <sup>2</sup> Executed, after legal trial.    <sup>3</sup> To.    <sup>4</sup> Either.    <sup>5</sup> Force.    <sup>6</sup> Notoriously, publicly known or understood.    <sup>7</sup> Sure custody; imprisoned.

or sure keeping, as said is, þe slaaris of him, ʊperwayis na<sup>1</sup> in forme of justice and ordour of law, be þE KINGIS Justice, or ʊperis havande pover of his hienes or his Justice, þat þai be reput and haldin as men-slaaris,<sup>2</sup> exceptande, gif ony persons, kyn, or frendis of þe said persone being Rebell, or at þe horne, wald reif<sup>3</sup> þe said Rebell or persone being at þe horne, quharthrou he may nocht be surely brocht to þE KINGIS hienes or his Justice; and in þat cace, he may be lefully slane but<sup>4</sup> accusatioune.

[*Matheus Comes de Lennax, et Alexander Lauder de Blyth, miles, Justiciarii deputati Andree Domini Gray.*]

**Attempting to free a Prisoner from Dunbar Castle.**

Nov. 5.—EUGENIUS M<sup>c</sup>GRUME, dwelling with William Lauchlanfon; and Andrew Williamsoun, dwelling with Alister Roresoun, Convicted of art and part of the treasonable making of Bond and League with *Mulmory Mulwane*, in Arroche,<sup>5</sup> and one called *Duncansoun*, and sundry others in LOCHABIR and CLANQUHATTANE, for the treasonable taking and abduction of *Ferquhard Mcyntosche* furth of the CASTLE OF DUNBAR, the said *Ferquhard* being in the said Castle, in prison and ward; and of coming to the said Castle to the said Ferquhard, for taking and carrying the said Ferquhard furth thereof.—HANGED.

[*CURIA Justiciarie, tenta apud burgum de EDINBURGHE, die Veneris, Nov. xij, 1512, coram Georgeo Domino Setoun, deputato ANDREE DOMINI GRAY, Justiciarij ex parte Australi aque de Forthe.*]

**Slaughter of the Laird of Grerstoun.**

JOHN DEKESOUNE, in Grerstoune,<sup>7</sup> and John, his son, convicted of art and part of the Slaughter of George Myddilmast of Grerstoune, committed on forethought and culpable felony.—BEHEADED.

ASSISA.

The Larde of Haukschawis,	Andro Glenquhome of the Wra,	Johne Elphinstoun of Hendirstoune,
The Larde of Furde,	Rob. Crechtoune of the Quartar,	Johne Wily of Bonytoun,
John Portwife of Gernkirk,	John Haldane,	James Broune in Peblis,
George Geddes,	Gilbert Barde of Possfo,	Patrik Paterfoune,
James Bailze of Chapelgil,	Wm. Inglis of Langlandhill,	Adam Tuedy.

[*Andreas dominus Gray, Justiciarius.*]

**Murder.**

Nov. 23.—HUGH and ARCHIBALD POWOK, and Charles Patonsoun,

<sup>1</sup> Than.      <sup>2</sup> Homicides.      <sup>3</sup> Carry him off by force.      <sup>4</sup> Without.      <sup>5</sup> Arrochar?  
<sup>6</sup> The names 'Archibald et Matheo de Ergile et Lennox' are deleted. It is likely they had been present, but were afterwards called away to attend the Privy Council.      <sup>7</sup> See May 31, 1513.

convicted of art and part of the Slaughter of David Rede, by way of Murder ; and for their being at the horn for the said Slaughter.—BEHEADED.

ASSISA.<sup>1</sup>

The Larde of Houftoun,  
The Larde of Kilbirny,  
Johne Nesbet of Dalzell,  
The Larde of Comkeyth,  
Bartilmo Dalzell,

The Lard of Gerweswode,  
The Larde of Dalzell,<sup>2</sup>  
Williame Dunlope,  
George Cokburne,  
James Biffait,

The Larde of Dunlope,  
The Larde of Caldwell,  
Adam Mailwin,  
Patrik Hepburn.

[*Willielmus Comes Errolie et Alexander Lauder*<sup>3</sup> *Prepositus de Edinburghe, Justiciarij Deputati.*]

**Slaughter of the Laird of Corsintoun.**

[THE following Case is of a kind which, unhappily, was but too frequent in the district where the Slaughter took place, and, indeed, prevailed over a large portion of Scotland. The reader is referred to *The Historie of the Kennedyis*,<sup>4</sup> for illustrations of a similar nature ; which curious fragment the Editor has recently published, being anxious to preserve from the risk of destruction by fire, &c. so remarkable a memorial of the History of a populous and powerful district of this country, at no very remote period.

Having enquired into the subject of the Slaughter of *the Laird of Corsintoun*, little more information can now be obtained than what is contained in the following interesting paper, which has been recovered from the valuable Register of the Privy Seal.<sup>5</sup>

GENERAL REMISSION to the *Lairds of Lefnorijs and Skellingtoun, &c. for the Slaughter of the Laird of Corsintoun.*

JAMES, be the grace of God, King of Scottis. To all and findry our Schreffis, Justice Clerkis, Crownaris, and pair deputis, and all vperis our officiaris, liegis, and subditis quhom it efferis, (to) quhais knowlege pir our Letteris fall cum, greting. WIT 3E, pat, fforfamekle as *Andro Campbell*, ane of þe principall committaris of þe Slauchter of vmquhile PATRIK DUNBER of *Corsintoun*, committit at þe *Kirk of Cumnok*, wes takin and justifijt<sup>6</sup> for þe sammyn ; and *Duncane Campbell* and *John Stille*, alfua committaris of þe said Slauchter, ar fugitiue fra our lawis, and put to our horne pairfor ; and þe remanent of þe personis specaly dilatit of art and part of þe said Slauchter has optenit our Remiffioun for þe sammyn : AND becausþ þe said Slauchter was committit at THE KIRK, one Sondag, þe tyme of Mefs, quhenne þe parrochinaris war gadderit, and ane grete multitude of þaim ar dilatit of art and part þairof, WE haue, of our speciale grace, REMITTIT, and be þir our Letterez frely Remittis, to WILLIAME CRAWFURD of *Lefnorijs*, ALEXANDER CAMPBELL of *Skellingtoun*, parrochinaris of þe said Kirk, and generaly to all þe remanent of þe parrochinaris

<sup>1</sup> This is one of the few instances where the Assise consisted of fourteen or any other *even* number, which was commonly avoided, in case of an equal number of Assisers voting ; for the Chancellor had no casting vote. <sup>2</sup> Robert (or William) Dalzell of that ilk ? See note to Apr. 5, 1513. <sup>3</sup> Sir Alexander Lauder of Blyth, knight. <sup>4</sup> Quarto, Edin. 1831, with Illustrations and Notes by the Editor. <sup>5</sup> *Reg. Secr. Sig.*, Vol. VI. <sup>6</sup> Executed ; put to death after legal trial.



parof, and vtheris our liegis, being pair assemblit þe tyme of þe committing of þe said Slauchter, all actione and cryme þat may be imput to þaim, or ony of þaim, for þe said Slauchter, art or part þairof, and all thing þat may ony wise follow þairupoun alanerly : And dischargis þaim and ilkane of þaim for euer, be þir oure Lettrez, except þe principale committaris of þe said Slauchter, fugitife and at oure horne for þe sammyn, and þe vthir personis, quhilkis war in speciale dilatit of art and part þairof, and has optenit our Remiffionis þairupoune, as said is. **QUHAREFORE** We charge, stratly, and commandis zow, all and findry our Justicis, Scheriffis, Justice Clerkis, Crownaris, and pair deputis, and all vtheris our officiaris, legis, and subditis foresaidis, þat nane of zow tak apoune hand to refaiff in Dittay, arrest, accuse, follow, truble, perfew, or proceid aganis þe said William Crawford, Alexander Campbell, or ony vtheris our liegis, except before exceptit, for þe said Slauchter, art or part þairof, or ony thing þat may follow þairapoune in our Justice-aris, or ony vtheris wayis, or to do ony thing incontrare þis our Generale Remiffioun be ony maner of way in tyme cummyng ; vnder all þe hiest pane, charge, and offens þat ze and ilkane of zow may committ and intrin<sup>1</sup> aganis our Maiestie, in þat part, discharging zow all our officiaris foresaidis, present and tocum, and zour deputis of zour officiaris<sup>2</sup> for ever, be þir our Lettrez of Generale Remit, quhilkis We will haue þe strenth and effect of our Remiffioun, siclik as and þe sammyn war gevin to þaim all specially nemmit þerein be our Lettrez vndir our Grete Sele, without ony impediment, reuocatioun, or agane-calling quhatfumeuir. **GEVIN** vndir our Priue Sele, at Edinburghe, þe sevin day of Januar, þe zere of God I<sup>m</sup>.Vc.xij zeris, and of oure regne þe xxv zere. [JAMES R.]

It seems quite unnecessary to add any thing farther to this Case, the parties concerned being so well known.]

Dec. 6.—**ROBERT CAMPBELL** of Schankiftoune denounced Rebel and put to the horn, and all his goods efcheated, for not underlying the law for the Slaughter of Patrick Dunbar of Corfintoune.<sup>3</sup>—**Johne Stewart** of Torboltoune, cautioner for his entry, was americiated in 100l. ; and becaufe his goods were not diftrainable, the goods of the Sheriff of Aire to be diftrained therefor, becaufe he took the said John as surety foresaid.

**GEORGE** and **JOHN CAMPBELL**, brothers of the said Robert, also denounced, &c., as above ; and the Sheriff of Air's goods to be diftrained for 200 merks of americiament.—**ANDREW BOMBY** is also denounced, and the Laird of Schankiftoun americiated 40l. as his cautioner.—**JOHN CAMPBELL**, Parish Clerk of Cumnok, replegiated by the Archbishop of Glasgows Commissary (Mr Richard Boithville) to his Regality.

<sup>1</sup> Incur ; literally run into.

<sup>2</sup> Offices ?

<sup>3</sup> See also Dec. 9, 1512.

**Murder in Edinburgh Castle — Breaking Ward, &c.**

Dec. 7, (*die Martis*.)—ANDREW ADAMESOUNE, *alias Weymis*, Convicted of art and part of the Murder and Slaughter of Thomas Peblis, in the Castle of Edinburgh: *Item*, of the Theft of xxvj l. and a silver merk, at the same time: *Item*, for treasonably breaking his prison in the said Castle, and going furth of Ward.—BEHEADED. His head to be put upon the West Port, and his hands and feet fixed upon the Ports of the four Burghs nearest to Edinburgh.

[*Jacobus Comes de Arane Dominus Hammyltoune, Justiciarius deputatus specialiter constitut.*]

**Slaughter of the Laird of Corsintoun.**

Dec. 9, (*die Jovis*.)—JAMES CAMPBELL of Clewis denounced Rebel, &c. for the Slaughter of Patrick Dunbar of Corsintoun.<sup>1</sup>—George Campbell of Cefnok, surety for the said James, was amerced 200 merks.

ANDREW CAMPBELL in Strade, Andrew C. in Wodhead, and William Craufurde, were also denounced, &c.; and George Campbell of Watterhede, Mathew C. in Tringean, George C. of Cefnok, and George Craufurde of Beaux, their sureties, were amerced 200 merks for each of them. The following Warrant is engrossed in the Record.

REX,

CLERK of oure Justiciary. It is our will, and we charge 3ow, pat 3e defeise,<sup>2</sup> and draw furth of our Adjornall, George Campbell of Cefnok, George Craufurd of Beaux, and Matho Campbell, quhilkis ar unlawit as plegis for pe non-entre of William Crawford, sone to William Craufurde of Lefnoris,<sup>3</sup> James Campbell, Andro Campbell in Straide, and Andro Campbel in Wodhede, dilait of pe Slachter of wmq<sup>lc</sup> PATRIK DUNBAR OF CORSYNTOUN. AND alsua, pat 3e draw furthe of our said buke all wper perfouns pat ar undir panis for pe said Slachter, and pare fouerteis, and pat 3e defeise paim pairof, becaus pai haif maid compositioun with ws pairfore. For pe quhilk caus, we REMITT, forgevis, and dischargis pe fornemmit personis and pair fouerteis of pe saide unlawis and panis be pir presentis, subscrivit with oure hande, AT EDINBURGH, pe vij day of Januare, and of our regnne pe xxv zere.

JAMES R.

[*Alexander Lauder de Blyth, miles, Justiciarius deputatus.*]

**Oppression — Wounding — Breaking a Safe-conduct.**

Jan. 8, 1512-13.—HENRY BEG, Englishman, dwelling in Bervik, and Richard Barro, Englishman, his servant, Convicted of art and part of the Oppression done to Alexander Angus of Hoprig: And of the cruel Hurting and Wounding of him, under silence of night, by way of Murder; and of the concealing thereof: And of breaking the King's Safe-conduct granted to the said Henry, by committing the foresaid Hurting and Wounding.

<sup>1</sup> See Dec. 6, 1512. &c. of the same period.

<sup>2</sup> Discharge, free, acquit. This word frequently occurs in Warrants, &c.

<sup>3</sup> He is also stated to be brother of George Crawford of Beaux.

ASSISA.

James Edmoftoun of Ednem, Henry Congiltoun of that Ilk, Thomas Louranfoun of that Ilk,  
Alexander Moubray of Cammo, George Lile of Stannepeth, William Newtounne of that Ilk.<sup>1</sup>

[*Patricius Crechtounne de Cranftoun-Riddale, Justiciarius deputatus.*]

**Slaughter.**

Mar. 8, (*die Martis*).—CHARLES MURRAY was denounced Rebel and put to the horn, for not underlying the law for being art and part of the cruel Slaughter of Alexander Biglande.—John Lindsay, formerly of Wauchop, now of Barclay, amerced 100 merks for not entering the said Charles, as he had found surety to the Steward of Kirkcudbrycht, for that effect.

*Absentes ab Assisa.*

William McClellane of Bomby, William Sinclare of Auchinfranko, Richard Carnis of Barnbauchill,  
Thomas Tait of Barnbarrache, Ninian Glendunwyne of Partoun, Patrick Forfter.<sup>2</sup>

**Wounding in the King's Chamber.**

Mar. 11.—JOHN MAKBRAK denounced at the King's horn, for not entering to underly the law for art and part of Wounding Thomas Drummond, in the King's Chamber. (On the margin,) 'Ista denunciatio fuit de speciali mandato domini nostri REGIS.'

[*Archibaldus Comes de Ergile, Jacobus Comes de Mortoun, Georgius Dominus de Setoun, et Alexander Lauder de Blyth, miles, Prepositus de Edinburghe, Justiciarii deputati, Andree Domini Gray, Justiciarii specialiter constituti.*]

**Slaughter of Dalzell of that Ilk, &c. — Feud between Lords Maxwell and Crechtoun of Sanquhar.<sup>3</sup>**

Apr. 5, 1513, (*die Martis*).—ROBERT GRAHAM of Gillefke denounced Rebel and put to the horn, and all his goods to be escheated; and James Johnestoun of that Ilk, his surety, amerced 100l. for his not entering to underly the law for the Slaughter and striking of William Dalzell of that Ilk,<sup>4</sup> John Carmichell, young Laird of Carmichell, John Weyr, John Lokky, and Robert Bertounne; according to the form of a Decreet Arbitral.<sup>5</sup>

THOMAS JOHNESTOUN of Gartno, William Johnestoun young Laird of Gartno, David J. brother of John in Bartycupane, Adam Scot of Tuschelaw, and James

<sup>1</sup> Nine other persons of no rank are also specified.      <sup>2</sup> Six others of no note.      <sup>3</sup> See Sep. 24 and 30, 1512, &c.      <sup>4</sup> Either there must be a mistake in this Record of Justiciary or in the Peerages, as to the Christian name of this person. *Wood* states, that *Robert Dalzell* of Dalzell 'was killed at Dumfries, in a skirmish betwixt Lords Maxwell and Crichton, 30th July, 1508;' and that *Robert* of D. was witness to a Charter in 1511.—*Wood's Peerage*, I. 311. See also Nov. 18, 1508.      <sup>5</sup> This entry is very obscurely expressed. It does not appear from it which of these parties were struck, and which of them were slain; or whether they were all struck and slain.

Johneftoun of Skare, were alfo denounced Rebels, &c. for the fame crime ; and the Laird of Johneftoun, their furety, amerciated in 100 merks for each of them.—John Johneftoune of Wamfray was amerciated 40l. for not entering *Edward Moffet of Hewek*, who was likewise denounced, &c.

JAMES *alias Jak* BATY, Andrew his brother, Ronald Graham at the Water of Corry, and Patrick fon of Walter Graham, were denounced Rebels, &c. for the fame crimes. JOHN MAXWELL called *France*, Officer<sup>1</sup> of Lord Maxwell, was proved to be fick, and Lord Maxwell became furety for his entry, at the next Juftice-aire of Dumfrefe, under the pain of 100 merks.

#### Slaughter of stray Oxen.

GEORGE M<sup>c</sup>CULLOCHE, fon of Archibald, Symon Makcubin, and Andrew Akynnane, were denounced Rebels, &c. for not appearing to underly the law for art and part of the Slaughter of nine oxen, ftraying upon the lands of Glenlufe.

#### Slaughter.

GEORGE JOHNSTOUN of Auchinfbork, and William, called *Foule-durris*, were denounced Rebels, &c. for art and part of the Slaughter of Iwe Corry, fervant of Sir Alexander Kirkpatrick, kn<sup>t</sup>.—James Johneftoun of that Ilk, his furety, was amerciated in 200 merks, for their not entering to underly the law.

[*Alexander Lauder de Blyth, miles, Justiciarius Deputatus.*]

#### Slaughter of the young Laird of Attiquane.

Apr. 9, (*die Sabbati*).—THOMAS KENNEDY of Bargany,<sup>2</sup> Alexander<sup>3</sup> and John his fons, Rolland his brother, Thomas Ferguffoune brother of the Laird of Kilkerane, John Colvile fon of William, and fix others, were ordained to be denounced Rebels, and all their moveables to be efcheated, for their not entering to underly the law, for art and part of the cruel Slaughter of George Kennedy, fon and heir apparent of George Kennedy of Attiquane.—Execution of horning delayed till Friday nixt, with confent of George K. of Attequyne. David Earl of Caffillis became furety.

[*Andreas Dominus Gray, Justiciarius, &c.*]

Apr. 20, (*die Mercurij*).—David Craufurde of Kerfe, and Thomas Corry of Keldwode, amerciated 100l. for not entering the Laird of Bargany, who was put to the horne along with the others.

<sup>1</sup> A Herald or Pursivant. The Wardens of the Marches, and many of the greater Barons, had Heralds in their train, who were made use of on all solemn occasions, and especially at marriages, feasts, and funerals, &c. 'FRANCE' was the name of this Officer, in like manner as Albany, Marchmont, &c. of the Royal Heralds. <sup>2</sup> 'Respicitur de proceffu, cornu de mandato Regis, quia postea amerciatur.' <sup>3</sup> He is styled his 'fon and heir apparent' in a subsequent entry.

[*David Comes de Cassillis, Justiciarius deputatus.*]

**Sheep and Cattle Stealing.**

Apr. 26.—RICHARD POTT, in Eskdaill, convicted of art and part of the Theft and concealment of four cows, from George Purwes and Roger Hunter, furth of Carterhope : *Item*, of the Theft of 30 sheep from the Tenants of Carterhope : *Item*, of the Theft of 16 sheep from the said Tenants : *Item*, of the Theft of 50 sheep from the Laird of Halkschawis : *Item*, for Common Theft.—HANGED.

NOMINA ASSISE.

Dominus <sup>1</sup> de Amisfelde,	Dominus de Manerstonne,	Dominus de Damhoy,
Dominus de Tallo,	Dominus de Keldwode,	Dominus de Corsfurde,
Dominus de Gerwefwode,	Willelmus Ker de gair,	Dominus de Kirk. <sup>2</sup>

[*Georgius Dominus Setoun, Justiciarius Deputatus.*]

**Common Theft and Reset of Theft.**

May 25.—EDWARD JOHNSTOUN, sone of John in Crukitmone, and John Reid, (dwelling) with Mathew Graham, convicted of Common Theft and Common Reset of Theft.—HANGED.

NOMINA ASSISE.

Rogerus Kirkpatrik de Knok,	Robertus Neilson de Madinpap,	Willelmus Colvile de Ravinnif- crag,
Willelmus Cunyngham de Cra- ganis,	Dominus de Bennifyde, <sup>3</sup>	Ricardus Carlile.

**Slaughter of the Laird of Greifton.**

May 31.—WILLIAM DEKESOUNE, son of umq<sup>11</sup> John Dekefoun,<sup>4</sup> convicted of art and part of the Slaughter of George Myddilmest of Greiftoun,<sup>5</sup> committed by the said William, John his father, and John his brother, upon forethought and culpable felony : *Item*, for being at the horn for the said Slaughter.—BEHEADED.

ASSISA.

Thomas Lowis of Menner,	Gilbert Berde of Posslo,	Thomas Wyly of Bonytoun,
Ninian Paterfoun of Caverhill,	John Elphinstoun of Hendirftoun,	James Levingftoun of Girifwode,
John Caverhill of Foulage,	William Were of Newtown,	John Carmichell, Cap <sup>t</sup> of Craufurde. <sup>6</sup>

[*Archibaldus Comes de Ergile, Justiciarius, 'in hac parte.'*]

**Common Theft and Treason.**

JUN. 4.—ANDREW STORY and Thomas Gillefpy convicted of common Theft and common Treason ; and George Walch of common Theft.—HANGED.

<sup>1</sup> Laird. <sup>2</sup> The others are Mr James Gifferde and five tenants. <sup>3</sup> This is not unlikely 'Bemerfyde' (Haig), but it is very indistinctly written. Seven others (tenants) were on this Assise. <sup>4</sup> See Nov. 12, 1512. <sup>5</sup> He is called 'of Greerftoun' in the former Trial. <sup>6</sup> Six others, in Peblis, &c., but of no note. These lists of Assisors have been inserted in the present Collection from the importance of preserving the names. In many instances the occurrence of an Assise of Barons has been the sole cause of selecting the case.

## ASSISA.

Andrew Ker of Fernihirst,	Mark Ker of Dolphinstoune,	Robert Turnbull of Blindhauche.
Andrew M <sup>c</sup> Dowell of Garthlone,	Walter Scot of Linfelar,	John Craufurde of Drongane,
John Tuedy of Drummelzeir,	Walter Scot of Howpallot,	John Charteris of Amisfelde,
Thomas Cranftoun,	Ralph Ker,	John Charteris, his uncle. <sup>1</sup>

[*Alexander Lauder de Blyth, miles, Justiciarius deputatus.*]

**Slaughter.**

Jun. 28, (*die Martis*).—MALCOLM DRUMMONDE and his accomplices, dilated of art and part of the Slaughter of Gilfillan Crechtoun.

## ABSENTES AB ASSISA.

Andrew Murray of Abircarny,	Robert Maxtoun of Cultoquhay,	Patrick Scot of Munze,
John Moncreif of that Ilk,	Robert Barclay of Stercovy,	John Crechtoun of Blakburne,
David Chalmer of Strathy,	John Kynnard of Inchefture,	Andrew Monorgun of that Ilk,
Andrew Currur of Logymegill,	Patrick Butter of Gormok,	Nefe <sup>2</sup> Ramsay of Bamf,
Hector Bruce of Colpmalindy,	W <sup>m</sup> Edmonstoun of Duntrethe,	James Rofs, son of the Laird of
Robert Boyd of Petkindy,	Thomas Spens of Kinspindy,	Craigy,
Robert Nory of Buchquhopill,	John Muncreif in Little M.,	John Cochrane of Pitfour. <sup>3</sup>

**Stouthreif of Pirated Goods.**

Jun. 30.—ANDREW MYLAR, in Kingorn, americiated for not entering to underly the law for art and part of Stouthreif and plundering of the goods and ships 'harried' and taken by Thomas Chalmer and his men, belonging to the Merchants of Craillfuond and Rufto.<sup>4</sup>

[*CURIA Itineris Justicie de WIGTOUNE.*<sup>5</sup>]

**Stouthreif — 'Hereschip' — Reset, &c.**

Jul. (*die Martis ij<sup>o</sup> die Itineris*).—DUGALL and PATRICK MAKCLEN-NOCHQUHEN convicted of art and part of the 'Hereschip' of four 'thraif' of corn, and four 'car-fadillis' and 'carris' from William Makdowell, furth of Arnechene in Carrik: *Item*, of art and part of the forethought felony done to Thomas Kennydy, and Hurting him: *Item*, the said *Dugall* of art and part of the Theft of a cow from Little Allan M<sup>c</sup>ge, furth of Herrenwod: *Item*, for his Refetting, supplying, and intercommuning with Thomas Kalelane and James M<sup>c</sup>Alexander, Rebels, and at the horn,<sup>6</sup> &c. &c.—HANGED.

<sup>1</sup> Andrew Charteris was also on the Assise.   <sup>2</sup> The first of this ancient family was *Neffus* de Ramsay, who flourished 1226. This *Nef* was served heir to his grandfather, Oct. 5, 1507.—*Doug. Baronage*, 552. In the Appendix of Extracts from the *Privy Seal* Records, he is called *Neifche*.  
<sup>3</sup> They were, as usual, fined L.10 each.   <sup>4</sup> Rostock, in the Duchy of Mecklenburg, and Stralsund, in Pomerania?  
<sup>5</sup> There is reason to apprehend that some mistake has occurred in rebinding the Volume in which these entries are contained; and that the date of this Aire was probably about the year 1510. No dates are mentioned by which this blunder can be thoroughly rectified.   <sup>6</sup> Several others were Hanged for similar crimes; and many convicted in killing of 'red-fyche' (salmon) in close time.

WIGTOUNE.

**Oppressing Sir David Kennedy of Leswalt, &c.**

(*Die Martis ij<sup>o</sup> die Itineris.*)—PATRICK MUR, in Wigtoun, and Nicholas Fresse, and Thomas Mur, dwelling with him, allowed to compound for art and part of the Convocation of the lieges, and for the forethought felony done to Sir David Kenydy of Leswalt, kn<sup>t</sup>, coming upon him whilst he was preparing himself to hold his Court upon his heritage of Leswalt, Monybrig, and Balquhony, in warlike manner, with invasive arms, and hindering him from holding his Court: *Item*, for art and part of the 'Herefchip' of cloaks and other goods from the servands of the said Sir David, at the same time: *Item*, of the breaking of the Acts of Parliament, in riding and going furth of Burgh in Convocation, in 'routing,' in company with the Sheriff (of Wigtoune): *Item*, for contempt done to the King, in taking one called *Lang M<sup>c</sup>ke* furth of the 'flokis,' wherein he had been placed by Symon M<sup>c</sup>Cristin, Sheriff-depute, for Hurting a Spaniard.—Sir Alexander M<sup>c</sup>cullocht became surety to satisfy the parties.

The said Patrick also compounded for 'Herefchip' and Oppression done to Andrew Mure, in 'Herefchip' of his goods bequeathed to him by his father: *Item*, of five oxen from John Makclym: *Item*, of forethought felony done to Symon M<sup>c</sup>cristine, in Wigtoun, by chacing him with a drawn 'quhinzeare': *Item*, for 'Herefchip' of a grey horse from Alexander Boide: *Item*, of five score sheep and upwards from Andrew Dunbar, furth of Dorry in Mochrum: *Item*, for Common Oppression of the lieges: *Item*, for art and part of the 'Herefchip' and Oppression done to Archibald Mure, Tutor to Margaret Mure, in 'Herefchip' of ten score bolls of victual from him, furth of Kikrane and Killegown, price of the boll iiij s., and twenty score 'thrafis' of fodder, price ij d. (each.)—Sir Alexander Makcullocht became surety to satisfy the parties.

**Oppression — 'Herefchip,' &c.**

PATRICK AGNEW, Sheriff of Wigtoune, and Alexander Makmechane, dwelling with him, permitted to compound for the Oppression done to Thomas Makdowell and Roger M<sup>c</sup>crochat, in causing them to build his dikes<sup>1</sup> with their 'petis,'<sup>2</sup> and to plough and harrow<sup>3</sup> his lands, in the years 1504, 1505, 1506, 1507, and 1508; and for common Oppression thereby done to them: *Item*, for the same Oppressions done to James Kenyde, Mariota Makkevin, &c.:<sup>4</sup> *Item*, for the Oppression done to the said persons, in plundering each of them of a 'fwyne' yearly, during the said years.—The Laird of Lochinver became surety to satisfy the parties.

He also found the same surety to compound for the 'Herefchip' of a 'jument' (*i. e.* ox used for tillage) from John Makrowat, in the Forest of Buchan: *Item*,

<sup>1</sup> Turf fences or divisions.<sup>2</sup> Peats, turfs.<sup>3</sup> 'Arare et harpicare.'<sup>4</sup> Sixteen others.

for the Oppression done to Thomas M<sup>c</sup>William, in taking and 'harrying' from him ten bolls of barley.

He, together with George Crukthank and Thomas Mure, in Wigtoan, also compounded for art and part of the Oppression done to Thomas Kennydy in Wigtoan, in 'Herefchip' from him of a young riding horse; and for striking the said Thomas Kennedy.

#### Oppressing the Lairds of Ardwell and Lefwalt, &c.

NEVIN AGNEW allowed to compound for art and part of the forethought felony and Oppression done to Archibald M<sup>c</sup>culloch of Ardwell and William Adair of Kingate, coming upon them in warlike manner, wishing to slay them, at their own Places: *Item*, for the Stouthreif of a horse from John M<sup>c</sup>Nesche: *Item*, for the Stouthreif of an ox from Gilbert Adair, furth of Athquak: *Item*, for the Stouthreif of an ox from Jonkin<sup>1</sup> M<sup>c</sup>culloch, furth of Auchquork: *Item*, for the Oppression done to Sir David Kennedy of Lefwalt, in casting his hay out of his barn in Calzocht: *Item*, for the breaking of the King's Protection upon him: <sup>2</sup> *Item*, for the Stouthreif of certain 'tymmer'<sup>3</sup> of two houses, with the windows and doors thereof: *Item*, for the Stouthreif of an ox from Thomas Bell: *Item*, for Common Oppression of the lieges; and specially, of the Tenants of Lefwalt.—The Sheriff (Patrick Agnew) became surety to satisfy the parties.

#### Stouthreif — Oppression — 'Herefchip.'

PATRICK MURE and Nicholas Fresale<sup>4</sup> permitted to compound for Stouthreif and Oppression done to James Portar of Lag, and Archibald Mure, in the 'Herefchip' of ten score bolls of wheat,<sup>5</sup> price of each boll iiij s.: *Item*, the said Patrick, for Oppression done to William M<sup>c</sup>clellane Laird of Bomby, by occupying, and labouring and manuring the Crofts of the said William, near Wigtoune, for two years past; and for the 'spuilzieing' of iij l. of annual rent of certain lands pertaining to him, for the said space: *Item*, of the 'spuilzieing' of the farms and profits of the said lands from the said William for the foresaid space, extending yearly to xx bolls of bear: <sup>6</sup> *Item*, for the Oppression done to Andrew Dunbar, in occupying of his set of Denry, in the barony of Myrtoun.—Sir Alexander M<sup>c</sup>culloch became surety to satisfy the parties.

#### Oppression — Namesuckin — Stouthreif, &c.

THOMAS MURE, 'talzour,' in Wigtoune, allowed to compound for the

<sup>1</sup> A familiar nickname, on the Borders, for John, as *Jock* is now. *Wilkin* was, in like manner, often used for William; *Dand*, or *Dande*, for Andrew; *Hob*, for Robert; *Hab* or *Habbie* for Halbert, &c. <sup>2</sup> Viz. granted to Sir David. <sup>3</sup> Timber; wood-work. <sup>4</sup> Fraser. He and his brother Thomas, 'in Wigtoune,' compounded for the stouthreif of a *jument*, or ox used for tillage, furth of the barn of Skellore. <sup>5</sup> 'Frumenti,' which was uniformly used to denote the grain from which the finest loaves were made. <sup>6</sup> Barley.



WIGTOUNE.

forethought felony done to Duncan Makke, drawing his sword, and wishing to slay him: *Item*, for the Oppression and 'Hamfukkin' done to Christiane Gibfoune, striking her and breaking up her doors: *Item*, for forethought felony and Oppression done to a Merchant of St Andrews, drawing his sword, coming upon him, and putting him to flight: *Item*, for the theftuous breaking up and opening the cellar of Rankin Mur, and taking therefrom victual and other goods: *Item*, for the Stouthreif of a cow from M'keyn, furth of Kerowoltok: *Item*, for common Oppression of the lieges, common 'Brigancie,'<sup>1</sup> and in taking and 'reiving' from them malt, corn, and other goods.—Sir Alexander M'culloch became surety to satisfy the parties.

#### Preventing a Court from being held, &c.

PATRICK AGNEW, Sheriff of Wigtoune, Nevin Agnew, John Adair, Alexander M'mychin, George Crukschank, Thomas Portar, and Patrick Agnew, servant of the said Sheriff, convicted of art and part of Convocation of the lieges with warlike arms, 'jakkis and splentis,' contrary to the Acts of Parliament, and of the Oppression done to Sir David Kennydy, kn', coming to Lefwalt, and hindering him from holding his Court.—Each of them fined x merks, and the Sheriff became surety for himself and the others.

#### Oppression — House-breaking — Stouthreif.

PATRICK MURE, in Wigtoune, permitted to compound for art and part of the Oppression done to Betoun M'kewin, spouse of Gilbert M'ke, in casting her goods furth of her 'mailing':<sup>2</sup> *Item*, for the Oppression done to Mr Richard Akinhede, Vicar of Wigtoune, breaking up the doors of his chamber, and keeping him furth thereof: *Item*, for common Oppression of the lieges.—Alexander M'culloch of Mertoun became surety to satisfy the parties.

THOMAS MURE, his servant, Nicholas and Thomas Frefale, in Wigtoun, compounded for the above crime, and for casting the said Mr Richard's servant and his goods, over his stair: *Item*, the said Thomas and Nicholas for stealing a grey horse.

#### Stouthreif — Oppression — 'Brigancie.'

THOMAS FRESALE allowed to compound for the forethought felony done to (John) M'ke, merchant in Wigtoune, and Hurting him: *Item*, of the Stouthreif of his 'quhinzeare,' at the same time: *Item*, of common Oppression of the lieges, by way of common 'Brigancie.'—Sir Alexander M'culloch of Myrtoune became surety to satisfy the parties.

<sup>1</sup> Fr. *Briganderie*, equivalent to what we term Highway Robbery, &c.

<sup>2</sup> 'Affedationem.'

**Slaughter — Stouthreif — Mutilation.**

PATRICK AGNEW, George and George Crukshank produced a Remission for art and part of the Slaughter of Patrick M<sup>c</sup>ke, and Thomas M<sup>c</sup>ke : *Item*, for the Stouthreif of seven cows from John M<sup>c</sup>ke of Myrtoune : *Item*, for the forethought felony done to the said John and his men, and for wounding him.—The Sheriff became surety.

They, along with Alexander Makmechane, produced another Remission for the Mutilation of umq<sup>l</sup>e John Makke of Myrtoune of his thumb : *Item*, for the Slaughter of umq<sup>l</sup>e Patrick and Thomas Makke : *Item*, for the Stouthreif of 7 cows, with their calves, from the said John.—The Sheriff of Wigtoune surety.

**Cattle-stealing.**

PATRICK AGNEW, Sheriff of Wigtoun,<sup>1</sup> compounded for art and part of the Stouthreif of four cows from Thomas Cunyngham, in Carrik.—The Laird of Orchertoune became surety to satisfy the parties.

**Stouthreif by an Adulterer.**

JOHN MAKTER, formerly in Carrik, now in Pennygham, convicted of the Stouthreif of the goods of Patrick M<sup>c</sup>Culzean the time he lay (in Adultery) with Christian M<sup>c</sup>cord his wife.—BANISHED furth of the shire of Wigtoune, and to depart within eight days.

**Stouthreif and Barking of Wood.**

JOHN MAKLUMPHARE, in Kirkmerin, dwelling with the Abbot of Saulefet, convicted of Stouthreif of the Wood of Garthlone, and of the barking thereof.<sup>2</sup>—Others were amerced iij l. each for the same crime, committed in the woods of Barrinrauer, Glenfiche, and Crofchre.

**Intercommuning with Rebels.**

JOHN MAKOSHEN, in Innermessane, convicted of Intercommuning with Thomas M<sup>c</sup>clellane and Neill Nelesoun, Rebels, and at the horn. Fined xx merks.—The Laird of Garthlone became surety to the King.

**Slaughter.**

THOMAS PORTAR, convicted of art and part of the cruel Slaughter of John Makmyane.—BEHEADED.

<sup>1</sup> The conduct of the Sheriff of Wigtoun, as exhibited in this and the preceding cases, affords a melancholy picture of the state of society at that period. The hereditary Judge, and highest legal functionary in the district, appears to have vied with the most desperate of the Border thieves in the commission of all sorts of crimes; expecting, doubtless, that his high office and influence would sufficiently protect him from merited punishment for his odious oppressions. <sup>2</sup> 'Remittitur quia pauper.'

**Oppression — Stouthreif — Convocation.**

(*Die Jovis, in die Itineris.*)—GILCRIST MAKKINZE, in Killas, permitted to compound for art and part of the forethought felony and ‘Hamesukkin,’ done to one M<sup>c</sup>carbere, dochter, spouse of Andrew M<sup>c</sup>ylbride, and striking her: *Item*, for the Stouthreif of vj cows and oxen furth of Kirkm<sup>c</sup>brek, from the Tenants of the Laird of Ardwell: *Item*, for the Oppression done to Duncan M<sup>c</sup>cullane in holding goods and his wife from his society and company: *Item*, for forethought felony done to Andrew M<sup>c</sup>cullocht of Ardwell, and searching for him for his slaughter: *Item*, for Convocation of the lieges in great numbers, contrary to the Acts of Parliament, and for the forethought felony and Oppression done to Sir David Kennydy kn<sup>t</sup>. drawing his sword and wishing to slay him: *Item*, of common Oppression of the lieges, by common ‘brigancie’ and otherwise.—The Laird of Killuffer<sup>1</sup> became surety to satisfy the parties.

**Oppressing the Burgh of Wigtoun — Hamesukkin.**

DOMINICK M<sup>c</sup>CLELLANE and Symon Makcristin, allowed to compound for art and part of Convocation of the lieges, and going forth of Burgh in convocation<sup>2</sup> to the Place of Myrtoun: *Item*, for the Stouthreif of certain oxen, horses, and sheep, from John M<sup>c</sup>ke of Myrtoun, at that time: *Item*, for the Stouthreif of bear<sup>3</sup> and oats from the said John, furth of his barn, and destroying the door of the said barn.

The said *Symon* was also permitted to compound for art and part of the forethought felony, Oppression, and ‘Hamesukkin’ done to John Kells, coming upon him, wishing to slay him: *Item*, for the Oppression done to M<sup>c</sup>calvin-dochter, wife of . . . Acarsane, and cruelly striking and beating her: *Item*, for common Oppression done to the neighbours<sup>4</sup> of Wigtoun, arresting and troubling them at the Courts, because they would not be his men: *Item*, for breaking of the Acts of Parliament, because he is the Laird of Bomby’s man.<sup>5</sup>

The said *Dominick* allowed to compound for Stouthreif of two oxen from Thomas Makke, furth of Torhous; and for the forethought felony and Oppression done to him and his brother, at the said time, wishing to slay them.

They were both likewise permitted to compound for Oppression done to the Community of Wigtoune, in taking the best merchandise coming in ships to the said Burgh, and keeping thereof in their cellars: *Item*, for Oppression done to the said neighbours, in gathering the profits of the Town and ‘burrolandis,’ and common liberty of the said Burgh and community.

<sup>1</sup> M<sup>c</sup>Culloch of Killaisor?      <sup>2</sup> In another part of the Record there is added this translation, ‘*lo routting.*’      <sup>3</sup> Barley.      <sup>4</sup> ‘*Vicinus,*’ usually translated ‘nichtbouris,’ i. e. inhabitants, townsmen.      <sup>5</sup> ‘*Ex eo quod est vir Domini de Bomby.*’

**Stouthreif—Oppression—‘Brigancie.’**

DUNCAN M<sup>c</sup>KE, in Wigtoune, permitted to compound for art and part of the forethought felony done to John Murhede, in Wigtoune, and putting him to flight (for his Slaughter): *Item*, of the Stouthreif of a ‘brew caldrone’ from John M<sup>c</sup>ke, in Librek, furth of his house; and for forethought felony done to him fundry times, wishing to slay him; and for the breaking of the King’s (Letters of) Protection: *Item*, for the forethought felony done to Symon M<sup>c</sup>cristin, in Wigtoun, coming upon him for his slaughter: *Item*, for common Oppression of the lieges, and specially of the Tenants of Librek, by way of common ‘Brigancie’: *Item*, for art and part of the Oppression done to John M<sup>c</sup>ke, in Librek, in casting down the ‘dike’ of his bear-croft.<sup>1</sup>—The Laird of Lochinver became surety to satisfy the parties.

**Demembration—Breaking Lawburrows.**

THOMAS MAKDOWELL, son of Rolland in Quhitherne, Etht Robifoun, and Robert Afchennay there, allowed to compound for art and part of the forethought felony and Oppression done to Johnne Makke, in Librek, coming upon him in the town of Quhitherne, and cruelly wounding him: *Item*, for the Mutilation of the said John, and demembering him of an eye: *Item*, of breaking the Lawburrows formerly found between the said parties.—AND the said *Robert*, for art and part of the Oppression done to John Makke, in Librek, in occupying and manuring two merklands of his fet in Libreck, extending yearly to lxxx bolls of meal and xx bolls of bear, in profits: *Item*, for breaking the King’s Protection.

**Stouthreif from the Bishop of Galloway, &c.**

PATRICK WAUS, of Irfalk, and William Grahame, living with him, were allowed to compound for the Stouthreif of six silver ‘tasses’ or drinking cups<sup>2</sup> from the lord Bishop of Galloway,<sup>3</sup> near Wigtoune: *Item*, for the Stouthreif of certain oxen and cows from the executors of umq<sup>4</sup> Mr Alexander Waufe: *Item*, for the Oppression done to the Bishop of Galloway, in ‘hochin’<sup>5</sup> his oxen: *Item*, the said *Patrick*, for art and part of the Oppression done to John M<sup>c</sup>gilwyan, in Quhitherne, in the detention of his croft,<sup>5</sup> called Our Lady croft, for the space of xij years, after he had bought the same from M<sup>c</sup>calphin-dochter; the annual loss thereby arising extending to five merks.—*Item*, the said *Patrick*, for art

<sup>1</sup> Barley-field.    <sup>2</sup> ‘Tassarum argenti.’    <sup>3</sup> ‘Candidecase.’ This person was DAVID ARNOT, son of John Arnot of that ilk, by Katharine Melvil, daughter of the Laird of Carnbee, in Fife. He was successively Archdean of Lothian, Provost of Bothwell, and Abbot of Cambuskenneth; from which Abbacy he was translated to the See of Galloway, in 1509, on the advancement of *James Bethune* to the Archbishopric of Glasgow. In a few years afterwards he got the Abbacy of Tunland in commendam. His stile was ‘David Candidæ Casæ Regisq̄ue Capellæ Struilingen. Episcopus.’  
<sup>4</sup> Houghing, hamstringing.    <sup>5</sup> A piece of cultivated land adjoining to the dwellinghouse.

and part of Convocation of the lieges: *Item*, for the forethought felony and Oppression done to Sir David Kennedy, kn<sup>t</sup>, coming upon him at his lands of Lefwalt, at the time of his holding his Court, and hindering him from holding the same: *Item*, for the Stouthreif of certain cloaks and other goods from the servants of the said Laird, at the same time.—The Laird of Torhous became surety, along with the said Patrick.

#### **Burning of the Place of Dunskey.**

DUNCAN M<sup>c</sup>KE produced a Respite for his being art and part of Burning the Place of Dunskey.<sup>1</sup>—The Laird of Lochinver became surety.

#### **Oppression — Preventing a Court from being held.**

NINIAN EDGAR, young Laird of Creaken; Thomas Waus, brother of the Prior<sup>2</sup>; George M<sup>c</sup>culloch, young Laird of Durchdery; Patrick Murray, young Laird of Brochtoun; the Laird of Killafter-M<sup>c</sup>culloch; Wchtrede M<sup>c</sup>dowell of Mondork, and twenty others, described as living with<sup>3</sup> the Sheriff and the Abbot of Saulset, &c., came in the King's Will, for art and part of Convocation of the lieges, and of art and part of the forethought Oppression done to Sir David Kennedy, and hindering him from holding his Court at Lefwalt — The Sheriff of Wigtoun, Duncan Makke, in Wigtoun, and Nevin Wigtoun, became sureties for the young Laird of Creaken; Alexander Gordoun of Auchrow for the Lairds of Ardwell and Corfwell; and the Laird of Garthlone for the Laird of Mondork and Thomas Acoltane, &c.

#### **Riding furth of Burgh 'in routing.'**

ALEXANDER AHANNAY, brother of the Laird of Sorby and burgess of Wigtoun, came in will for art and part of the above Convocation, &c.: *Item*, for riding furth of burgh in warlike manner in 'routing,' and for thereby breaking the Acts of Parliament.—Thomas A., in Capirnache, Fergus M<sup>c</sup>dowell, young Laird of Derregill, and seven others, also came in will for the same crime.

#### **The Lairds of Mochrum and Bordland fined.**

JOHN DUNBAR, of Mochrum, and Patrick Hammyltoun, of Bordland, amerced xl. each, for not appearing to underly the law for all crimes to be imputed to them.

#### **Slaughter.**

PATRICK M<sup>c</sup>CLELANE, of Gilestoune, and Andrew and John M<sup>c</sup>clelane,

<sup>1</sup> See the Appendix to this reign, for various illustrations of this treasonable crime.  
Whithern, George Vause?

<sup>2</sup> Of Followers, servants, and retainers.

&c., denounced Rebels, and their cautioners amerced 100l. for each, for their not entering to underly the law for the Slaughter of Robert Mur.

### Stouthreif — Cattle and Horse-stealing, &c.

JOHN MAKKE, of Myrton, allowed to compound for art and part of the Stouthreif of xij oxen from Adam M<sup>c</sup>Nele, furth of Librek: *Item*, for the Stouthreif of a horse from William Kennydy: *Item*, for the Stouthreif of certain goods of Donald M<sup>c</sup>gillis: *Item*, for common Oppression of the lieges dwelling in Pennigham. He also produced a Respite for art and part of the Burning of the Place of Drumfkey.—Sir Gawin Kennydy became surety to satisfy the parties.

### Oppression — Stouthreif, &c.

ANDREW DUNBAR allowed to compound for art and part of the common Oppression done to Walter M<sup>c</sup>culloch, in his farms, in the year 1505; taking three cows from the said Walter's mother, to remove from his farm of Corfidochquhan, and for not removing therefrom, but hindering her servants from labouring her farms: *Item*, for the Oppression done to the said Walter, in occupying the houses of the said farm for the space of four years last past, and destroying her crops (and stock), viz. to the value of six score bolls of bear and oats, fifteen score of sheep, and forty cows and 'queys': *Item*, for Oppression done to the said Walter, in taking his horses and riding them to Kirk and market where he pleased, and killing one of them: *Item*, for the Stouthreif of the 'tymmer' of two of his houses, within the said Walter's lands of Corfidochquhan: *Item*, for forethought felony done to the said Walter and his 'hird',<sup>1</sup> called Patrick M<sup>c</sup>crache, coming upon the said Patrick on the road towards the Kirk, chafing him, and breaking the King's Protection granted to the said Walter: *Item*, for the forethought felony done to the 'plewmen'<sup>2</sup> of the said Walter, coming upon them in warlike manner with a 'lance-staf,' and putting them to flight; and for hindering them from ploughing the said land: *Item*, for the Oppression done to John M<sup>c</sup>gilhosche,<sup>3</sup> coming upon him, and chafing him: *Item*, for common Oppression of the lieges, by seizing their 'bestial'<sup>4</sup> and otherwise.—John Dunbar of Mochrum became surety to satisfy the parties.

### Oppressing the Sacrist and Subdean of the Chapel Royal.

PATRIK MURHEDE came in will for the Oppression done to the Sacrist and Subdean of the Chapel Royal, in the 'spuilzie' of the Teind sheaves of Stow.<sup>5</sup>

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<sup>1</sup> Herd; shepherd.    <sup>2</sup> Ploughmen.    <sup>3</sup> Now called Mucklehose, or Maclehose.    <sup>4</sup> 'Animalia.'  
<sup>5</sup> 'SUMMA hujus Extractus, ix<sup>o</sup>.lxxix li.' (L.979.)

APPENDIX,  
ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE  
REIGN OF KING JAMES IV.

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I. ILLUSTRATIONS SELECTED FROM THE REGISTER OF THE PRIVY SEAL OF SCOTLAND.

THE historical value of the Public Records of Scotland has long been universally admitted ; but comparatively few are qualified, and still fewer are inclined, to undergo the extreme drudgery of wading through a mass of ancient MS. volumes in quest of original and authentic information. The task which the Editor had imposed upon himself seemed to demand of him greater exertions than could reasonably be expected of any author whose opportunities were less limited. In this view, and to redeem his pledge, he has carefully examined the entire Records of the Privy Seal, and the Accounts of the Lord High Treasurer, so far as they embrace the period of these early reigns ; and without enlarging on the obvious value of the new materials thus collected, he now begs to lay before the reader the result of an anxious and careful scrutiny. In accomplishing this desirable object, the limits of this work have necessarily been considerably encroached on, but it is hoped no one will deem the labour mispent, or the additional space thus occupied misemployed. The Editor only grudges that he could avail himself, in this work, of so small a portion of the information which these invaluable Registers afford.

The reader is once more referred to MR TYTLER'S truly valuable Historical work, in illustration of such passages as do not occur in the ordinary Histories of Scotland.

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Jul. 2, 1488.—Respite to PATRIK OF DUNBAR, sone and apperand are to Patrik Dunbar of Kinqhunquhare, Fergus M<sup>c</sup>dowell, Johnne M., and Johnne Smythe, for art and parte of þe ~~Lauchter~~ of v<sup>m</sup>quhile Patrik Maekowloche (M<sup>c</sup>Culloche): For ix 3eris to come to indure.

Oct. 19.—Precept of Remission<sup>1</sup> to HUCHOUNE WALLACE of Smethifoune for arte and parte of þe ~~Rest~~ of certane gudis out of þe Barony of Erlifoune, sponne Walter and Mychel Makmyllane, &c., vnto þe day of oure souerane lordis Proclamatjoune, maid at Lanark ; þat is to say, þe xxix day of Auguft, precedand þe date þairof.

<sup>1</sup> It is to be understood that all the Remissions in the *Privy Seal* Record which are quoted in these extracts, were merely *Paxxrrr*. The Remission was, in one sense, incomplete, until it had passed the Seals.

Oct. 19.—Remission to HUCHOUNE WALLACE, proper to Johne Wallace of Cragy, 'in eadem forma et de eadem data.'

Jan. 28, 1488-9.—WILLIAM MENTETH OF THE KERSE, Archibald of Menteth, his proper, Alex<sup>r</sup> M. 'for thaim, thair kyn, and frendis on the ta parte, and ROBERT BROISSE OF ARTHE, Alexander, Lucas, and Robert Broisse, for thaim and brether, kyne, and frendis one the tother parte,' bound themselves to abide by the Sentence of the Lordis of Council, 'tuiching pe making of amendis for pe Slaughter of umquhile Johne, the Broise of Arthe, and tuiching pe making of amité, luf, and tendirnes to be haid betuix the parties, in tyme to come.'<sup>1</sup>

Jan. 27, 1491.—Remission to JOHNE TEMPILTOUNE for pe thiftwise stotputtin and away-takin of pe gudis of umquhile George Camphele of Lowdounne, the Scheref of Are, pe tyme he was Stewart to the said Scheref; and specialy, pe tyme pat pe said Scheref was seyk, and for all crime, actionne, and accusatioun pat may be imput, &c. (*Apud Are.*)

Dec. 7, 1492.—Remission to WILLIAM CUMMYNG,<sup>2</sup> for art and part of the counsel and assistance afforded by him to ALEXANDER LORD GORDOUNE, in preparing the Field of Bunkelw against THE KING; and for all other crimes preceding this date, 'proditoria Tradiciones in personam REGIS, Murthuro, Raptu mulierum, communi furto, et actione regia contra eundem Willielmum proponenda, penes quandam boxam,<sup>3</sup> aurum, argentum et jocalia in eadem contenta, et alia jocalia, exceptis.'<sup>4</sup> (*Apud Abirdene.*)

Nov. 9, 1493.—Remission to WILZAME GORDOUNE, sone to George Erle of Huntle, for the Slaughter of umquhile Robert Stewart, &c.

Jan. 28, 1493-4.—Remission to 'EDUARD TAYT, for the thiftwise breking of the Kirk of Wenderland, and takin away of certane gudis, gold and silver, fra Sir Wilzeame Jurdane, &c.'

Feb. 15.—Remission to JOHNE HERREIS, in Berclay, for pe Kete of certane hawks<sup>5</sup> owt of DUNDRANANE; and binding pe men kepano paim, &c. (*Apud Kirkeudbrycht.*)

Apr. 27, 1494.—Remission maid to ALEXANDER LORD GORDOUN for pe Birnyng of pe Place of Arvendracht, in Buchane; and for all actionne and cryme may be imput to him tharfor, &c. befor pe xij day of December, 1492, Murthure and Revifching of women exceptit. (*Apud Aberdene.*)

Jul. 6.—Remission to JOHNE FORSTER OF NUDRE, Henry his bruper, and Johne Lethame, for art and part of pe Slaughter of Will of Dundas and Duncan Dundas; and for all vper actionis to pe date hereof.

Dec. 28.—Remission to JAMES WARDLAW OF RICARDTOUN, and John his brother, for art and part of the Slaughter of William and Duncan Dundas, committed upon the causeway of the High street of Edinburgh, in THE KING'S presence. (*Apud Edinburgh.*)

Mar. 5, 1494-5.—Remission to ROBERT SCOT OF DALORIAN, and David Lawder, for thare tressonable Intercommunung with diuerse personis, THE KINGIS Rebellis; and for assistance and Resetting of thaim, &c., previous to Nov. 7, 1493.

Apr. 6, 1495.—Remission to CUTHBERT GORDOUNE, for pe Fortpocht felony done be him

<sup>1</sup> This Notice has been obtained from the *Acta Dominorum Concilii*, a work printing under the Scottish Record Commission. It abounds with interesting materials. <sup>2</sup> From other entries in the Register, the Editor believes that this person was Sir William Cummyng of Innerellochy (knight), 'alias MERCEMOND HERALD.' On Sept. 18, 1507, he and Christian Prestounne, his wife, got a Charter to the lands of Easter Cullessy, in the shire of Fife. <sup>3</sup> This unquestionably refers to the box containing KING JAMES III's money and jewels, as to which so much enquiry was afterwards made. <sup>4</sup> Thomas Lowsonne got a Precept in the same terms as the above. <sup>5</sup> This offence was always punished with severity. All the Princes of the STUART Family were passionately fond of the sports of the field; and from numerous entries in the Treasurer's Accounts, it appears that Hawks of fine breeds bore a very high price, which were deemed of sufficient value to be presented to Kings and Princes.



## APPENDIX.

apone Dancane Makadam, in þe burgh of Are, þe tyme of þe Ayre pair of, &c., vnto þe xvj day of November, 1493. (*Apud Kirkcudbrycht.*)

Feb. 9, 1496-7.—Remission to ARCHIBALD and JOHN OGILVY, sonnys to James Lord Ogilvy of Erlé, for art and part of the **Slaughter** of vmq<sup>le</sup> James Lindisay, sone to Dauid L., &c.

Jun. 10, 1497.—Respite to DAVID HUME OF WEDDERBURNE, and diuerse vperis personis, to the nowmer of I<sup>c</sup> (100) names, for the masterfull distructione, **Strung**, and casting downe of the **Place of Churestoun**, pertenyng to Williame Wallace of Cragy: AND for the **Keff** and **Stouthe** of the gudis and inficht being in the sammyn, for þe tyme; and for al maner of crime þat may be imputt to þe said personis, in þat mater alanerly. (*Per subscriptionem Regis.*)

Aug. 7.—Remission to DAVID CARMYCHELL and Johne Inglis, for arte and parte of þe cruel **Slaughter** of vmq<sup>le</sup> James Lindesay: AND for pair tressonable passing in Ingland, and **commouny** with **Englisme**n, and being at þe KINGIS horne, &c. (*Apud Norehame.*)

Nov. 17.—Respite to PATRIK M<sup>c</sup>KOWLOCHE (MacCulloch), for art and part of þe **Murder** and **Slaughter** of vmq<sup>le</sup> Archibald M. of Arduale, committed 'vnder silence of nycht,' &c.

Jan. 26, 1497-8.—Remission to HUGH ROSE OF KILRAWOK, and eleven others, for art and part of the cruel **Slaughter** of Alexander and John Noble, a Chaplain called Schir Maurice, and William Gawane, committed within the Kirk-yard of the Cathedral Church of Ross. (*Apud Inuernys.*)

Mar. 31, 1498.—Remission to JOHN NELESOUNE, and vther thre personis, duelland in Culroffschire, within þe scherefdome of Perth, for the **Forthocht felony** done be thaim, in cumpany with Robert Stewart, apone Sir Andro Masoune, ABBOT OF CULROSSE, and his complices, at Blarehall: AND for forthocht felony done be the said Johne Nelesoune apone Robert Rede, at the Abbay of Culrose. '*Deliberat. per Dominum, Patricio Blacater militi.*'

May 9.—Remission to WALTER BUCHANAN OF þAT ILK, Patrik his bruper, and Johnne Blare, for pair inobediens and contempcioune done to þe KINGIS henes, in þe remanyn diuerse tymes fra **his Hostis** aganis his ennemyis of Ingland, &c.

Jun. 12.—Remission to THOMAS GALBRAITH of Balkindroche, James his bruper, and Andro Wawane, for art and part of þe **Slaughter** of Johnne Myllare.

Jul. 11.—Remission to RICHART WERE, and viij personis with him, for art and part of the **Slaughter** of vmq<sup>le</sup> Nicholl Were, duelland in Halhill; committit apone forthocht felony.

Nov. 11.—Remission to CUTHBERT BLARE, and vper viij personis, for þe **Forthocht felony** done be þame apone Alexander Pidcon (Punton?) of þat Ilk,<sup>2</sup> and William his sone, &c. (*Per subscriptionem Regis.*)

Dec. 10.—Remission to WIL OF DOUGLAS OF CAVERIS, and Wil and Archibald Dowglas, for there tressonable **Intercommouny** with þe **Rebells** of Lebyn, &c.

Jan. 20, 1498-9.—A Lettre of Remitt and forgevinnis to JOHNNE OF DUMBAR, sone and apperand are to Johnne of Dumbar of Mochram, and to his seruitouris, Wilzam Flemyn, and James Makcowloche, and Johnne Core, quhilk war with ELIZABETH KENNEDY þat tyme scho tuk away **certane money**, extending to þe sowme of xliij li. gold and siluer, a siluer sele, and vper small gere, had be hir in keping of a R(everend) fader in God, G(eorge Vaus) **Bischope** of Galloway, &c.

Feb. 14.—Remission to LITTLE JOHNNE RORYSOUN, with þe Larde of Snayde, for þe **Forthocht felony** done be him apone Donald Fergusoun of Yle, &c. (*Apud Dumfres.*)

<sup>1</sup> Viz. George Schaw, Abbot of Paisley, Lord High Treasurer.

<sup>2</sup> There was a family in Ayrshire of the name of *Pitcon*; but from subsequent entries, it would appear this individual was Punton or Pontoun of that ilk.

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Feb. 18.—Remission to ALEXANDER JARDING, grandson ('nepoti') and heir of John J. of Apilgerthe, William, his brother, Nicholas, sone of Humphrey J. of Bawgray, Edward J. and Nicholas, his son, &c. for **Forethought felony** done to the servant of Alexander Kirkpatrick and THE INHABITANTS OF DRYFEHOLME, &c. (*Apud Drumfryse.*)

Remission to JOHN HUTOUNE, in pe Syde, Gawine and Johne Dryfedale, and four others, 'for pare being aganis pe KINGIS hienes in pe **Battell and Feyld** committit besyde Struelin, one *Sanct Barnabeis day*; and for all crimes and actionis pat may be imput to pain pairthrow, &c. vnto pe xxvj day of Januare, 1488-(9) zeris alanerly. (*Apud Drumfryse.*) 'Spectan. Domino de Cokpule.'

Feb. 25.—Remission to THOM HUCHONSONE and Johne Carynis, in pe Copwod, for arte and parte of pe **Sprung of Lochferguse**, belangand to pe Larde of Bondby (Bomby,) &c. (*Apud Drumfryse.*)

Mar. 2.—Remission to WILZAME ADARE OF KILHELT, and Thomas Adare, for the **Forethocht felony** done apon Andro M<sup>c</sup>dowell of Elrig.

Mar. 4.—Remission to SIR ALEXANDER M<sup>c</sup>CULLOCHE OF MERTOUNE, kn<sup>t</sup>, and xxvj others, for art and part of the **Burning and 'Hereschip'** of **Bunskep and Arduell**, in company with the Laird of Garthlane (Garthland.) (*Apud Wigtoune.*)

Remission to (SIR) ALEXANDER M<sup>c</sup>CULLOCH OF MERTOUNE, and xxix vperis personis, for arte and parte of the **Burning and Kising** of **Bunskep and Arduell**, in company with pe Larde of Garthlane, and all vper actionis done be pame vnto pe date hereof.<sup>1</sup>

Mar. 13.—Remission to CUTHBERT LORD KILMAWRIS, and xx<sup>ii</sup> vper personis, for arte and parte of pe **Forethocht felony** done be pame sponne Gilbert Dunlop of Haupland: AND pe violent **hurling** of Downald Robisoune, cummand fra pe KINGIS Hoist: <sup>2</sup> AND for al vper actionis, &c. done and committit pe tyme. pai tuke pe **TOLBUYTHE OF IRWIN**; and al actione and cummyng pairapoune, pat day except.

Apr. 5, 1499.—Remission to WILZAME TRUMBULL of Mynto, and to Archibald T., sone to vmq<sup>le</sup> Johne T., for the **Slauchter** of vmq<sup>le</sup> Johne of Rutherford: AND for pair tressonable passing and **Remapping** in **England**, &c. to pe day of pe makin hereof. (*Apud Struelin.*)

Aug. 18.—Remission to ANDRO BLACATAR OF THAT ILK, and Niniane Nesbit, for the **Forethocht Felony** done be thaim sponne PHILP NESBIT OF WESTER NESBIT, and Johne his bruder, Patrik Nesbit in Mongois Wall, &c.: AND for pe cruell **Slauchter** of vmq<sup>le</sup> pe said Johne Nesbit, and Philip Nesbit in Mongois Wall, sponne forthocht felony committit: AND for pe **Spuilcing** of pair gudis, &c.: AND of all crimes pat in onywise may be imput to thaim for the committing of the said Slauchter and forthocht felony, in the **Kingis Palace**, and residence, quhare his hienes was personalie present: AND of pe Gift to pe said Andro and Niniane and pair airis of the eschete of all gudis, movable and vnmovable, landis, &c. pertaining to the KINGIS hienes, be the occasion of the said Slauchter, &c.

Nov. 6.—Remission to WILLIAM BLAKHALL OF THAT ILK, for the **Slauchter** of Patrick Talzour *alias* Richartoun, dwelling in Inuerowry, &c. (*Apud Spynie.*)

Feb. 3, 1499-1500.—Remission to WILLIAME HAKKET OF PETFURANE, Thome Hakket his sonne; and Thome Lathangy, for art and part of the **Slauchter** of Robert Carnys.

Feb. 20.—Remission for PATRIK M<sup>c</sup>GREGARE, remittand him the **Slauchter** of vmq<sup>le</sup> Gillafpey M<sup>c</sup>Nelufe, &c.

<sup>1</sup> This seems to be the same with the preceding, but is entered in Scottish, &c. returning from the 'Feyld committit besyde Struelin.'

<sup>2</sup> Host, army; probably in



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Feb. 27.—A Respite to JHONE M'BRAR OF LOCHBO and al his complices, for pe Werschyp of Croyu Mansoun: For a zere; exceptand Trefone. (*Per Subscriptionem REGIS.*)

A Respite to LACHLANE M'LANE OF DOWARD, Johne M'Clane of Coil, Donald M'Clane eym<sup>1</sup> to pe faide Lanchlane, and pair complices, 'in simili modo quo antedicta.' (*Per Subscriptionem REGIS.*)

Jun. 9, 1500.—Remission to GILLEISE MAKPAULE (M'Phail) and Patrik Makbane for art and part of the Slauchter, Wirnung, Rabnung, and Oppressioun vponne the Kyngis lieges, in LOCHABIR.

Aug. 17.—A Letter of Gift to ADAM BARDE, *Lockmann*,<sup>2</sup> of pe Gift of twa merkis worthe of land, liand nixt Drongane, within pe scherefdome of Are, for al pe dais of his life; for his Serutce of Lokmanschip to (be) done as vse and custum is, in tymes bigone, withe all proffittis pertenyng pairto.

Oct. 16.—A respite to DAVID LINDISSAY for his tressonable being with Alexander vmq<sup>le</sup> Duke of Albany &c. and for al vper actionis committit be him vnto pe day of pe Kingis Coronatioune: AND for pe Forthocht Felloung and Namesukktu done spon Andro Carmichell, Alex<sup>r</sup>. Dikifoun, and Schir Johne Carmichell, Chapellan, done after pe tyme of pe said Coronatioun, &c.: '*Duratur. pro xix annis.*'

Jan. 14, 1500-1.—Protectionne for SCHIR BALDRED BLACATER his landis and gudis, 'in communi forma; pro toto tempore vite sue duratur. &c.'

A Letter maid to pe LORD DRUMMOND and SCHIR WILLIAME MURRAY OF TULEBARDIN, knicht, pare kyn, men, frendis, and seruandis, for hertlynes to be had amangis paim in (tyme) to cum, Renuncand and forgevand to pe said kin and frendis of baith pe said parties, al actions and crimes of pe Wirnungis of pe Kirk of Monivaird, and Slauchter of pe KINGIS liegis at p<sup>r</sup> tyme,<sup>3</sup> Reschts, Resettis, and Intercommunung with pe personis beand at pe Kingis horne for pe said crimes, and al vper maner of actionis concerning pat mater, or pat may be imput to paim: Chargeand pe JUSTICE and Justice Clerkis consider pe personis being in pe Rollis, inditit for pe actiones abone expremit belangis, and baith the saidis partiis, and inditit pairfore, pat pai distroy and adnul pe famyn; and in tyme to cum, to tak nane of pe saidis personis in dittay, nor accuse, in judgement nor vtwithe, in ony wife; discharginge pe saidis officiaris of pare officis in pat parte, concerning pe said actionis.

Jan. 23.—Remission to WILJAME SCHORT for pe thittitwise destruction of pe gudis of Patrik Boyis, the tyme he lay with his wiffe.<sup>4</sup>

Jan. 25.—Remission to ROBERT MURE, sone to Adam Mure of Caldwell, knicht, for pe Slauchter of vmq<sup>le</sup> Patrik Boure: AND for pe Forthocht felloung done sponne the Lard of Raistoun.<sup>5</sup>

Feb. 20.—A Respite and Licence to ANDRO MALUILL to pas in pilgrimage to Sanct James in Galicia, &c.: To endure fra pe secund day of March next to cum, quhil<sup>6</sup> his returnyn and cumming hame again within the realme, and xl dais pairrestir.

<sup>1</sup> Uncle. <sup>2</sup> Hangman, executioner. See *Dr Jamieson's Dictionary*, &c. <sup>3</sup> Old *Piscottis* thus notices this horrible affair. 'In the mean tyme THE DRUMMONDIS burnt the KIRK OF MONIVAIRD, quhairin was six scoir of MURRAVES, with their wives and childrains; and few escaped thairfra, bot war all either burnt or elaine, except on (one) David Murray. Quhilk fact THE KING punished condignlie, thairefter; for he headed (beheaded) menie of the principall actouris thairof, at Stirling.—*Lindsay's Hist. Dalryell's Edit.* i. 249. Reference may be made to *Douglas's Peerage*, 1st edition, voce PERTH, for an ample account of this cruel and atrocious act. He adds, that WILLIAM, MASTER OF DRUMMOND, was apprehended and sent prisoner to *Stirling*, where he was tried, convicted, and executed, in 1511. <sup>4</sup> These entries are very frequent in the Records of Justiciary and Privy Council. See also Oct. 13, 1505. <sup>5</sup> Ralston of that ilk. <sup>6</sup> Until.

Mar. 17.—Remission to DAVID HUME OF WEDDERBURNE, kn<sup>t</sup>, and eight others, for art and part of the *Slaughter* of John Lowdoun. (*Apud Edinburghe.*)

Mar. 20.—Remission to ARCHIBALD HESLIHOP, vtherwais callit *Schir Suythe*, for pe *Resset* of the *Ruthirfurdis*, pe Kingis REBELLIS, and pair complicis, being at his horne : And for *assistaunce* gevin to paim, in selling of met and drink to pame, pe tyme pai war at pe horne ; and al crime pat may be imput to pe said Archibald in ony wife pairfor, alanerlie makand satisfacionne to pe partiis complenzeand.

May 2, 1501.—Respite to JOHNNE OF KINCAID for the *Slaughter* of vmq<sup>le</sup> David Masone and for all vther actionis, &c. : For ane zere efter the date hereof.

May 11.—Remissionne to WILIAM MURRAY and George Tayt, for the *Slaughter* of Archibald M<sup>c</sup>kowloche of Ardwell, committit apou forthocht felony, &c.

Jun. 14.—Lettre to Schereffis in that parte for to summond THE ARMESTRANGIS, to the nombir of lxx, to compere at SELKIRKE, the xxj day of Junij, to vndirly the lawe for the *Slaughteris* of Johnne Blacburne, &c. : Certifying thame, that and<sup>1</sup> thay compere nocht the said day, thai falbe denuncit the Kingis Rebelles, and put till his horne, &c. (*Per subscriptionem* REGIS.)

A Letter to THE ERLE OF BOITHVILE, as the Kingis Lieutenant, to raise the Kingis lieges for to pass vponne the saidis *Armistrangis*, REBELLIS, thare assistaris, parte-takaris, and resettaris, and to perfewe thame to deid ; and to tak thare gudes, as eschete, quharefumeuer thai ma be fundin : And gif ony perfonis nocht beand at the hornne beis fundin takand thare parte, that thai maa be perfewit, takin or slain, as the principallis, withoute ony cryme to be imput thareffore, in tyme to cum ; AND proclamacionne to be maid, that nanne of the Kingis lieges Resset thaim, or vper wais support thame, vnder the pane of deid. (*Per subscriptionem* REGIS.)

Aug. 5, 1501.—Respitt to MORISE BUCHANNAN, sone to Walter B. of pat Ilk, Patrik bruper to pe said Walter, Johnne, and Morise B. Androsoune, for art and part of pe *Slaughter* of vmq<sup>le</sup> Johnne Dormondsoune, for pe quhilk thai ar at oure souerane lordis horne, &c. unto the day of the making of the said Respitt, &c. : To endure for iij monethis nixt to cum, estir the date hereof, and farther, for the Kingis will to endure.<sup>2</sup> (*Per subscriptionem* REGIS.)

Dec. 7.—Remission to WILLIAM HAY (MASTER OF ERROL), son and heir apparent of William Earl of Erole, and three others, for *Stouthreiff* of 31 *Oren* from Sir William Keithe of Inuervgy kn<sup>t</sup>.—WILLIAM CRAUFURD OF FEDERAY, Gilbert Hay, and five others, also got Precepts of Remissionne for the same crime. (*Apud Abirdene.*)

Mar. 2, 1501-2.—Remissionne to JAMES STEWART of Garthill, for the *Slaughter* of vmq<sup>le</sup> Andro Caldale, &c. to the date hereof.

Mar. 21.—Letter to ALEXANDER ERLE OF HUNTLIE, THOMAS LORDE FRASER OF LOVATE, and WILLIAME MONRO OF FOWLIS, makand pame or twa of pame, coniunctlie, pe said Erle beand ane, Commiffaris to *sett* pe KINGIS *Landis of Lochabre* and *Strathmore*, liand within the schereff-dome of Inuernes, for pe terms of fyve zeris, entarand at pe terme of Witsfunday nixt to cum, to trew menne, for pe plenyfing pairof, and expelling of brokin-menne furthe of pe samyn ; and to sett pe landis of *Cogent*, *Assent*, and all vper ferme-landis pat pertenet to *Torquell Makloir of Lethis*, and now being in pe Kingis handis throw pe being of pe said TORQUELL his Rebell, fugitive for pe lawis, and at his horne for al pe tyme pat pai fall happin to be in pe handis of his hienes, be ressoune foirfaid ; with power to gif a parte pairof to gude trew menne, for pair gude seruice, for pe space as pe said ERLE sal think expedient for pe KINGIS honour. (*Apud Striueling.*)

<sup>1</sup> An, if.

<sup>2</sup> 11th April, 1500, a. r. 14, Precept of Remission was granted to them for the said crime.

## APPENDIX.

May 22, 1502.—Remission was granted to ALEXANDER WELLEM OF WODWRAY, for his treasonably abiding from the King's Raid at Aytoun, &c.

May 28.—Respite to ALEXANDER LORD HUME, and diuerse vper perfonis, spirituale and temporale, contenit in pe samyn, pare men, kynne, freyndis, allya, ténnandis and seruandis: To endure for xl dais efter pe said Alexandris hame-cummyne.<sup>1</sup> (*Apud Edinburghe.*)

Sep. 14.—Respite and Assouerance to EWIN Alanfone for his being at pe Kingis horne, and for all vper actionis, to cum sauffte to þe KING, his LORDIS OF COUNSALE, or to þe ERLE OF HUNTLEIE, to Strifin, or ony vper places: To endure for xx dais.

Feb. 13, 1502-3.—Lettre maid to SCHIR JOHNE RAMSAY OF TRARINZEANE, knyght,<sup>2</sup> makand him Capitane of pe Place and Palace of Linlithgow, and Keper of pe Parke, loche, medois, warde, garding, and garde of pe samyn, for al pe space of nyne 3eris; with power to mak Constables, jevellouris,<sup>3</sup> portaris, and oþer officiaris nedeful for pe keping of pe said plaice, park, loche, medois, warde, garding and garde: FOR pe keping of pe quhillis, oure souerane lorde assignis to pe said Sr (Johnne) the sovme of xxiiij li. land, þat is to say, ten pund land of Kyncavil, and xiiij li. land of pe Northe akirris, liand within pe lordschip of Linlithqwschire, withe all dewiteis and proffittis, as vper Capitane had of before; with power to mak subtenandis in pe saides landis.

Feb. 21.—Remission to JAMES MARSCHALE, for the Slaughtre of Thomas Scherewynd, committed four years since. (*Apud Edinburghe.*)

Feb. 25.—Respite to ROBERT HERISE, sone and apperand are to George Herise of Tarrauchty, George and Robert H. bruder and sone to the said Robert, and Thomas Skalis, for the Oppressioun done to James Crechtoun of Frendract knight, in the Hoiching<sup>4</sup> of certane horse of his, &c.: To indure for the space of xl dais, and pairetir induring oure souerane lordis will, quhill<sup>5</sup> thai be warnit of foure dais; with this clause, relefcheing of þaim of pe horne, taking of þaim to þe KINGIS pece, and geving þaim of pe wand þair of.<sup>6</sup>

May 11, 1503.—Respite maid to MAISTER DUNCANE MAKKE, Andro Akerfane, Lital Gilbert Makke, and Johnne Clerk Makke, for art and part of pe Wirning of pe House and Place of Dunskay, in cumpany with Alexander McCulloch of Mertoun, knight: AND for art and part of pe Rest of certane gudis being pairin pe sammyn tym, &c.: To endure for xix 3eris. *Apud Kirkcudbricht, per binas Signaturas subscript. per REGEM.*

May 15.—Respite for JOHNE MAKKE OF MYRETOUNE, and fyve vperis, for art and part of pe Wirning of pe House and Place of Dunskay; and for all crime þat may be imput to þaim or ony of þame, for pe said actionne of fyre allanerly: To endure for pe space of xix 3eris. (*At Wigtoun.*)

Jul. 3.—Remission to JOHN STEWART MAKARCHBALD, and 59 others, for art and part of the Assistance given by them to Pells Stewart,<sup>7</sup> in his Thefts and Stouthreifs. (*Apud Perth.*)

Aug. 11.—Precept maid to JAMES LORDE HAMMILTOUNE of pe Office of Justry (JUSTICIARY), within the boundis and Ile of Arant; with power to gefe Remissionis and Respittis to al perfonis Inhabitantis pe sammyn, for al crimes, except Treffounne in þe KINGIS perfonne: To endure for all the dais of his life.

Aug. 25.—Remission to THOMAS MAKNARE for arte and parte of pe Wirning of pe House and Place of Hemye: AND for arte and parte of pe Slaughtre of vmq<sup>10</sup> David Menzeis, Johne Menzeis, Johnne Kirkpatrik, Andro Dalzell, Thomas Makculloche, and Thomas Myllare:

<sup>1</sup> He was frequently employed in Negotiations with England between 1495 to 1504. See *Rymer's Fœdera*, xii. 548, xiii. 45, 64, 92. *Wood's Peage*, i. 733, &c. <sup>2</sup> The forselted LORD BOTHWELL. See this Collection, Oct. 8, 1488, &c. vol. i. p. 4. <sup>3</sup> Jailers. *Fr. javilleur.* <sup>4</sup> Houghing, ham-stringing. <sup>5</sup> Until

<sup>6</sup> For the illustrations of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, *Notice*; and Jul. 22, 1566, *Note*. <sup>7</sup> Several other Remissions were granted for the same offence at various dates.

AND for all vvir: actionis, &c., Treffonne in þe Kingis perfouna, Murthure, and Reffasing of womene except. (*Apud Edinburghe.*)

Oct. 2.—Remission to JOHN MYRETOUN OF RANDLESTOUNE, for art and part of the *Forcible Abduction* ('*Raptus*')<sup>1</sup> of Elezabeth Sym, relict of John Elder in Kingisberny. (*Apud Couper.*)

Nov. 2.—Remission to JOHN SPENS OF LATHALLAND, for casting down and distroying the *gratit* of Baward, belonging to *Sir Andrew Wod of Largo kni*; and thereby *appressing* the said Andrew: AND for *Spullit* of the *Cetiv* sheaves of the said grain.

Nov. 2 and 14, and Dec. 10.—Remissions to ALEXANDER INGLIS OF TERVET, Johne Mailvile of Carnbe, John his son, Laurence Sebethun, and five others, for art and part of the *Oppressioun* done to Thomas Butlaire of Ramgalli, in eating and destroying certain grain belonging to the said Thomas. (*Apud Cuprum.*)

Nov. 28.—Remission to ADAM SCOTT in 'Tufchelaw for treasonably breaking Prifon, and his Warde within the Castle of Edinburghe. (*Apud Edinburghe.*)

Dec. 14.—Remission to PATRICK DUNBARE OF KILCONQUHARE, for *Resetting* Patrick his sone and heir apparent, and Fergus Makdowell, the time they were at the horn; and for *Intercommuning* with them. (*Apud Striuelin.*)

Sep. 9, 1504.—Remission to THOMAS TAYT, sone of William Tayt in the Parish of Culvene, for art and part of the *Burning* of *Barsalloche*: AND for art and part of the *Slaughter* of John Sinclare, in the year 1402 (1502?) (*Apud Drumfresk.*)

Dec. 10.—Remission to MARK KER OF DOLPHINSTOUN, and three others, for forethought felony done to John Rutherford and others. (*Apud Jedburghe.*)

Remission to ROBERT OLIUERE, called *Rob with þe dog*, for treasonable *Intercommuning* and affisting David Olinere, called *Na-gude-Preiß*, and John Oliuere, called *Cugeare*, being at the horn. (*Apud Jedburghe.*)

Jul. 20, 1505.—Respitt maid to VMFRA BELL, and lxxxiiij vperis, for all maner of actionis, crimes, and offensis quhatsumener, done be þaim in ony tyme bigane, on to þe day þai gat þe KINGIS grace, in his Justice-Are of Drumfresk, immediatlie baldin eftir þe *Act of Eskdale*: To endure for þe Kingis will. (*Subscript. per REGEM.*)

Oct. 11.—Remission to Sir Williame Fraere of Phillorthe kn<sup>t</sup>, for *Resetting*, supplying, and intercommuning with sundry of the King's Rebels. (*Apud Abirdene.*)

Oct. 13.—'Preceptum Remissionis ANDREE WARNOCHE, pro *Communif Litigacione* cum ligels REGIS, et pro *Communif Oppressiōne* racione Dicte Litigacionis: ET pro *Rapina* vnus le *bugestaff*<sup>2</sup> tempore dicte Litigacionis: ET pro *furtiva distructione* bonorum quondam Johannis Michel, tempore quo concubuit cum sua vxore, &c. (*Apud Lanark.*)<sup>3</sup>

Oct. 24.—Remission to ALEXANDER PANTOUNE, for the *forethought felonies* done by him to Henry Forbes of Kynnellare, vmq<sup>l</sup> Malcolm Forbes, and the Chamberlain of Arbro<sup>t</sup>, and their accomplices, at Mekle Echty: AND for the *Murting* of Alexander Kay: AND for art and part of the felony and '*Ramesuhhita*' done to the Laird of Owdny:<sup>4</sup> AND for the forethought felony and

<sup>1</sup> '*Raptus*,' which at this period did not signify Rape, but '*revising*,' or forcible abduction. <sup>2</sup> This seems to have been some warlike instrument, a *bill*; apparently from O. Fr. *bouge*, *bougeou*, *bouge*, which, however, is interpreted to be a bolt or arrow (javelin) with a great head.—*Cotgrave*. The *buge-staff* is likely to have been a sort of poll-axe or '*Jeddart-staff*.'—See also *Dr Jamieson*. <sup>3</sup> The present entry is rather singular, and it has been thought proper to insert it as it occurs in the Record. See these extracts, Jan. 23, 1500-1. <sup>4</sup> On Aug. 10, 1511, Rannald Owdny of that ilk, and Isobella Pantoun, his spouse, got a Charter from the Crown of the lands and mill of Owdny, &c. *Reg. Secr. Sig. IV. f. 184.*

## APPENDIX.

**Oppression** done to the servants of the Laird of Tulydeff: And for Oppressing the said Laird, and **Muffling** certain calfs belonging to him: AND for **Stouthreif** of a sheep from David Thomfone: And for common Oppression, &c. (*Apud Abirdene.*)

Oct. 31.—Remission to ANDREW TULYDEFF OF THAT ILK, for **Oppression** done by him to William Turing of Foverne, in destroying his ploughs and certain houfes, &c. (*Apud Abirdene.*)

Nov. 6.—Remission to ROBERT ARBUTHNOT OF THAT ILK, and three others, for **Common Oppression** done by them to vni<sup>q</sup> Elizabethhe Sibbald LADY BALGONY, and Sir ANDREW LUNDY of Balgony, kn<sup>t</sup>. (*Apud Brechin.*)

Nov. 10.—Respitt maid to DAVID BONARE, for pe **Slaughter** of vni<sup>q</sup>hile Thomas Multrare of Markinche: To endure for half a 3ere next to cum. (*Subscript. per REGEM.*)

Nov. 23.—Respitt to JOHNE MAKLANE OF LOCHBOY, and all his kynne, frendis, tennandis and seruandis, for all maner of actionis vnto pe day of pe date of pis Respitt, and for twa monethis to endure. (*Subscript. per REGEM. Apud Edinburghe.*)

Dec. 18.—A Respitt maid to THOMAS STORY ffor his tressonable passing, **Remanung**, and duelling within pe realme of **Englan<sup>d</sup>**, baith in tyme of pece and weire, without Licence of pe KINGIS hienes, &c.: To endure for pe space of nyntene 3eris next to cum. (*Subscript. per REGEM.*)

Jan. 4, 1505-6.—A Remitt maid to HEW LORD MONTGOMERY, John his bruder, John Montfoid, Robert Ruffale, Walter Lyne, and Edward Maxwell, for all actioun and cryme pat may be impute to pain of pe **Resset**, and **supple**, intercommonyn with pe saidis **Rebellis**, of ony tyme bigane. (*Subscript. vt supra.*)

Et die.—Lettre of Remit maid to ARCHBALD ERLE ERGILE, COLYNE MAISTER OF ERGIL, and xxxj vperis perfonis, pair seruandis, for pe **Resset**, intercommonyn, and **supple** gevin to pe said **Maister of Montgomery**, George Railstoune, and James Striueling, pe Kingis Rebellis foirfaid. (*Subscript. vt supra.*)

Jan. 23.—Lettre maid vndir pe Priue Sele, direct to LAUCLANE MAKGILLEONE OF DOWARD, and ix vtheris landit menne within pe ILIS, chargeand pain pat pai have na intrometting nor difponyng withe ony Kirkis, fermes, malis, proffittis pertenant to **John Bischof of D<sup>is</sup> and Comendatary of D<sup>is</sup>**, without tak or Licence of hym; and als prayand pain to help and supple pe said Bischof, his factouris and seruandis, in pe gadering and vptakin of pe famyn. (*Subscript. per REGEM.*)

Jan. 29.—Lettre of Remitt maid to DONALD MAKRANALD VANE, and generally to all vper personis, his tennandis, duelland apone his propir landis, and all his familiaris and seruandis now being with hym in howshald, Remittand to him pe rancour of pe Kingis hart and all actioun pat he has or may have again pame or ony of pame for all maner of crimes of **Tressoun**, **Slaughter**, **Fire**, **Reif**, or vper actionis or offensis quhatfumeuir, committit or done be pain or ony of pain, in ony tyme bygane, before pe day of pe dait heirof. (*Apud Edinburghe, Subscript. per REGEM.*) ‘*Gratis Comiti de Ergile.*’

Feb. 22.—Remission to THOMAS LAW, junior, in Glasgw, for art and part of the **Chest**, ‘*vnius paris oraculorum de le curell,<sup>1</sup> cum vno annulo auri,<sup>2</sup> et vno le pendes cinguli,<sup>3</sup>* from Isobella Huchonfone. (*Subscript. per REGEM.*)

Apr. 18, 1506.—Remission to WILLIAM LORD BORTHUK and eleven others for the **Stouth-**

<sup>1</sup> Coral mass-beads.

<sup>2</sup> Gold ring.

<sup>3</sup> Pendants, or hanging ornaments belonging to a zone or girdle.

See these Extracts, Mar. 11, 1506-7.

rief of certain 'halkis,' furth of the Rock of Craucrag, pertaining to Sir Oliver Sinclair of Rosling kn<sup>t</sup>; and for the Mutilation of William Adamfone. (*Apud Edinburghe.*)

Apr. 24.—Respitt maid to **JOHNE ERLE OF CRAUFURD** to pas in his pilgrymage to **Sanct Johne of Amas**, or vper pairtis beyond sey; fra his passing furthe of his realme quhill<sup>1</sup> his againe cummyn in pe samyn and fourety dayes pairstir. (*Subscript. per dominum REGEM, apud Edinburghe*)

May 10.—Remission to **WILLIAM BROVNE** alias *Gilliam Tawbornare* for the Slaughter of Patrick Harpare. (*Apud Edinburghe.*)

May 28.—Remission to **GILBERT TUEDY** for art and part of the Slaughter of **Edward Huntare of Holmuide**, committed six years since. (*Apud Peblis.*)

Jun. 4.—Respitt maid til **ANDRO WODE OF LARGO**, knycht, for pe **Rest of ane anker and cabyll** fra vmq<sup>le</sup> **Johne of Bonkill**, in pe sea; and for all vper actionis and crymis committit be him vnto pe day of pe dait hereof. (*Apud Edinburghe, per signaturam manu REGIS subscript.*)

Jun. 11 and 16.—Remission to **SIR SYMON PRESTOUNE OF THAT ILK**, kn<sup>t</sup>, **Alexander Naper**, and **Robert Douglas**, for art of the **Oppression** done to **JOHN LORD SOMERVEL**, and **John S.**: **AND** for art of **breaking the King's Protection**, granted to them in occupying the Lands of **Guttaris** and **Gilmertoun**: **AND** for the **Stouthrief** of certain horses furth of the lands of **Gilmertoun**; and for all action, &c. (*Apud Edr.*)

Jun. 22.—Sanfconduct maid to (**SCHIR**) **WILLIAM TYRWIT**, kn<sup>t</sup>, **INGLISMAN**, & xvj **Inglisemen** with hym, to cum in **Pilgramage to Sanct Infant.**<sup>2</sup> (*Subscript. per REGEM, apud Edinburghe.*)

Jul. 1.—Remission to **ANDREW CHANCELLARE**, and **Johne Bere**, for absconding with the 'bludy-hand' with **Gilbert Tuedy**, after the **Slaughter of Edward Huntare of Holmuide**, committed by the said **Gilbert**; and for art and part thereof. (*Apud Lanark.*)

Jul. 16.—Respitt maid to **DONALD MAKEWIN MAKKAROLY OF CLANLAYNE**, for all maner of actionis; to endure for xl dais next after pe next fest of **Lammes**. (*Subscript. per REGEM, apud Edinburghe.*)

Nov. 12.—Remission to **ADAM TURNBULE** of **Bullirwell**, for **Resetting**, **Supplying**, and **Intercommuning** with **William Turnbule of Minto**, and **Mark**, **Edward**, and **Walter T.**, his accomplices, being **Rebels** and at the horn. (*Apud Jedburghe.*)

Jan. 3, 1506-7.—Lettre of Licence made to **ARCHBALD ERLE OF ERGILE**, and **HEW LORD MONTGUMERY** to **Intercommoun**, and gif **Resett**, supple, and fortefy with mete and drink, **GEORGE RAILSTOUNE** and **JAMES STRIUELING**, beand at pe Kingis horne for pe hurtting of **William Cunyng-ham**, **Crownar of Kenfrew**, in pe executione of his office; and als with **JOHNE**, **MASTER OF MONTGUMRY**, sone and apperand aire to pe said **Hew**, quhill pe next fest of **Palme Sunday**. (*Subscript. per REGEM, apud Edinburghe.*)

Jan. 4.—Remission to **LAURENCE COWTIS**, in **Ruthvene**, for art and part of the treasonable **Insurrection against the King**, coming with **ALEXANDER**, **EARL OF HUNTILIE**, then **LORD GORDOUNE**, in an Army at **Bunkeld**. (*Apud Edinburghe.*)

Jan. 28.—Respitt to **ARCHIBALD** and **JOHNE HERIOT** for art and parte of pe **Slaughter of vmq<sup>le</sup> Johne Fentoune**, of that **Ilk**: To endure for a zere; and forper, for pe Kingis will. (*Subscript. per REGEM, apud Edinburghe.*)

<sup>1</sup> Until.    <sup>2</sup> Such Warrants were by no means infrequent at this period. Many Nobles and Lairds of Scotland also obtained leave to go in Pilgrimage to Canterbury, (to the shrine of St Thomas a Becket,) and to France and Spain, &c.



## APPENDIX.

Feb. 8.—Respitt maid to **JOHNE KENNEDY OF BLAREQUHAN**, knight, **Adame Rede** of **Starquhite**, and **Maister Vchtred Adunnale**, to pas in pair **Pilgramage** to **Sanct Thomas of Canturburg**,<sup>1</sup> in **Inglan**, and **Sanct Johne of Amex**, in **France**; fra pair passing furth of pis realme quhill<sup>2</sup> thare returnyn agane in pe samyn, and xl dayis paireftir. (*Apud Edinburghe.*)

Feb. 28.—Remission to **SIR JOHN FORMAN**, knight, and xxiiij others, and all other persons being in company with the **ARCHBISHOP OF GLASGOW** and the said John, in the **MONASTERY OF JEDBURGHE**, the time of the **Slaughter** of **Thomas Rutherford**, for the said Slaughter; and for the 'Hereschip' of certain goods from the said Thomas, committed by the said persons in the said Monastery, at the time foresaid. (*Per Signetum datum ad requisitionem domini REGIS.*)

Mar. 11.—Remission to **THOMAS LAW**, junior, for the **Stouthrief** 'vnus le pendes zone, ponderis dimedie vncie argenti'<sup>3</sup> from **Elizabeth Huchefoune**. (*Apud Striueling.*)

Apr. 5, 1507.—Passport to **BERNARD DROMONE**, Trumpetter, and four others, his companions, to come from **BONONIA** to serue **THE KING** with their trumpets and musical instruments.<sup>4</sup> (*Subscript. per Regem apud Edinburghe.*)

May 31.—Letter of Bailzery to **JOHNE MAISTER OF ATHOLE**, makand him Bailze of all and findrie pe landis, rentis, and possessionis with pair pertinentis, pertenying to vmq<sup>le</sup> **ALEXANDER ROBERTSOUNE OF STROWANE**, and now to **THE KINGIS** hienes, threw reffoune of Ward, &c. (*Subscript. per Regem.*)

Jul. 6.—Remission to **JOHN M<sup>c</sup>PERSONE**, for art and part of the **Burning of the Place of Mente**, and **Homtrefe** committed therein, in company with **NEILL STEWART**: And for all other actions committed previous to Jul. 1, 1503, &c. (*Apud Perth.*)

Jul. 7.—Remission to **JAMES MUSCHET OF CULGARTHE** for the **theftuous Destruction** of the goods of **James Robefoun**, the time he lay with his wife: And for **forethought felony** done to the said James; and for **Murtung** him: And for the **Oppressioun** done by him to **SIR JOHN HALDANE** of **Glennegafe**, kn<sup>t</sup>, and **THE LADY OF MERCHAME**, in casting down and destroying the aqueduct of **LANERK**: And for **common Oppressioun** of the lieges. (*Apud Perth.*)

Aug. 18.—Respitt to **SIR JOHNE LUNDY OF PAT ILK** to pas in **Pilgramage** to **Sanct Johne of Ametse**: and taking his 'barnys, men, tennentis, &c., under his ferme pece and special Protection.'

Sep. 8.—Letter maid to **ALEXANDER ERLE OF HUNTLIE**, in pis forme.

**JAMES**, be pe grace of God, King of Scottis. To al and findrie our officiaris, liegis and subdittis, &c. Forfamekil as We grantit and gaue of before to **MERGRET**, pe sifter of **ALEXANDER OF PE ILIS OF LOCHQUELCH**, knyght, indurand our will, our landis of **Scalpa** and **Torra**, with pare pertinence, extending to four merkis wrocht<sup>5</sup> of land, lyand in **Strawrochille**,<sup>6</sup> and pe landis of **Morournycht**, extending als to foure merkis wrocht of land; and pe landis of **Vngoworrw**, extending to vper foure merkis worth of land, lyand in **Trauternes**: Quhillkis **Mergret** hes applyit and subiectit hir perfone, landis, and gudis, quheper in lauchfull mariage or aper wayis, We knaw nocht, to **DONALD MAKCARLE MAKLAUHLANE DONE**, quhilk has assifit to oure **Rebell TORKILL MAKCLODE OF LEWIS**, passand with him, committand Reif, Spulzie, and Oppressioun apon our trew liegis; quharfor it plesis ws nocht pat pe said **Mergret** or he haf any profit of our landis. HEREFOR, We haue grauntit, gevin, and confermit, and be thir our Letteris, gevis, grauntis, and confermis pe said tuelf merkis wrocht of

<sup>1</sup> The Shrine of St Thomas a Becket.      <sup>2</sup> Until.      <sup>3</sup> See these Extracts, Feb. 22. 1505-6.      <sup>4</sup> This is given merely as a specimen of numerous similar entries. James IV. gave great encouragement to Minstrels, having often from fifty to sixty in his pay at one time, as officers of his Household. He seldom travelled without Minstrels, 'Tale-Tellaris,' &c.      <sup>5</sup> Wroucht, or worth; valor.      <sup>6</sup> Strathardale?

laund of Scalpa, Torrea, Morrounycht, and Wngoworro, with þar pertinence, induring our will, to our traift coufing and counfalour, **Alexander, Erle of Huntlye, Lord Gordoune and Balduzenacht**, and to his assignais, to be brukit, disponit, gevin, or assignit be him to quhat perfonis of þe ILIS or aperis he plese, þat wil do him and ws seruice pairfor. **QUHARFOR** We charge straitlie, and comandis zow, all and findrie our officiaris, liegis, and subdittis forsaid, þat nane of zow tak apon haund to lat,<sup>1</sup> flop, trubil, inquiet, or molest our said coufing or his assignais, in þe brooking, josing, and vsing of þe said landis, induring our will, and quhill we gif our special Letteris in contrare; vndir al þe hieft pane, and charge, and offence ze or ilk ane of zow may committ or inryne<sup>2</sup> agane our Maieisté in þat part. **GEVIN** vndir our Prive Seil, AT ED<sup>n</sup>., þe viij day of September, and of our regnne þe xx zere.

[JAMES R.]

Sep. 13.—Remission to JOHN LORD OLIPHANT, and two others, for art and part of the **Oppression** done to JOHN LORD DRUMMOND, by destroying and casting down the dikes between the lands of Drvmane and Balloche: And for **forethought felony** don to vmq<sup>le</sup> JOHN EARL OF BUCHAN, done within the burgh of Perth, after the **Slaughter** of James Oliphant of Arquhelyie, committed by the said Earl and his accomplices: And for all other Oppressions, forethought felonies, actions, and crimes, &c. (*Apud Edinburghe.*)

Sep. 14.—Respitt to JAMES ERLE OF ARRANE, Lord Hammyltoune, at his passing 'in þe realme of FRANS and vper parteis bezonde þe sey, on certane chargis and erandis of ouris and his awin; and also, in **pilgramage to Sanct Johne of Amez**, and vper placis: We haf parfor takin vndir our ferme pece, special Protection, maintenance, supple, defence, and Saufgard, our said coufing, his men, kyn, firname, tennentis, &c., and in speciale our louittis ane Reuerend fader in God, DAUID, BISCHOP OF ERGILE, and James Hammyltoune of þe Schaufeild, kn<sup>t</sup>, &c.

Sep. 16.—Remission to JOHN THOWLESS, in Brechin, for the **Slaughter** of Alexander Meill, committed 'on suddantie,' by the stroke of a 'golf-club.'

Oct. 10.—Remission to PATRICK DUNBAR, son and heir apparent of Patrick D. of Kilquhonquhare, and two others, for the **Slaughter** of Patrick Makculloche, committed by them in the town of Wigtoune, ten years ago. (*Apud Edinburghe.*)

Dec. 18.—Remission to ALEXANDER GARDIN for the **Slaughter** of John Jamesoun, within the **Fortalice of Panmure**, by throwing a ston at him, 22 years sence. (*Apud Striuelin.*)

Jan. 24, 1507-8.—Protection and Respitt to JOHN ERLE OF CRAWFORD, Lord Lindesay, Respittand him for all **actouns**, &c. fra þe day of þe date hereof, vnto his returning within þe realme, and xl dayis paireftir.

Mar. 4.—Remission to JOHN INCHE for **Intercommunung with George, Earl of Rothes**, the King's Rebel, and at the horn. (*Apud Edinburghe.*)

Mar. 11.—Remission to JOHNE GORDON OF LOCHINVER for art and part of the **Keff of a mare** from John Makmulane of Arindavacht, &c. (*Apud Edinburghe.*)

Apr. 6, 1508.—Respitt to ARCHBALD HUCHONSOUNE of þe ILYS and xxvij vperis (because of pair grit lawbouris, deligence, and gude and thankfull seruice done be his hienes in þe perfewing and taking of **Auchane Buncane Bowson**, **Sorle**, his sone, and **Donald Mule Makalester**, his REBELLIS, and being at þe horne; and for þe bringing and deliuering of þaim to be maid to his gude grace, or to quham he ordanis þame to be deliuerit, be his writingis) for þe **Slaughter** of vmq<sup>l</sup> Donald Hutchonfoune, vperwayis called **Galdlauche**, bruder to þe said Archebald: AND for all vperis **Slaughteris**, **Hereschippis**, **Birningis**, **Keffis**, **Murthertis**, &c., before þe date of þis Respitt; for

<sup>1</sup> Let; hinder.<sup>2</sup> Incur.

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the space of 19 3eris. Providing allwayis, þat gif his said Rebellis beis nocht brocht, &c. þis Respute to be of nane avale, &c. (*Subscript. per dominum REGEM, apud Edinburghe.*)

Apr. 20.—Remiffioun to **JOHNE CHENE OF ESSILMONT**, Henry and Johne his breper, and Johne Balluny, for þe forþocht felony done be þame apoune **Duncane Forbes**, in þe Gallogate, within burgh of **ABERDENE**; And for þe **Keif** of swerdis and vther wapinnis fra þe said Duncane and his seraitouris, þe sammyn tyme: And for all vper crimes, &c.

Apr. 29.—Commiffioun to **ANDRO BISCHOP OF CATHNES**, Ronald Alanfoune of Ylanebigerne, and Alexander Mcclode of Dunvegane, and to twa of þaim, conjunctly, to set þe landis of þe **Lewys and Wattirnes in Skyp**, þat pertenit to **TORQWYLL M<sup>c</sup>CLODE OF þE LEWIS**, and now to þe Kingis hienes, be refoune of his sforfatur, &c.; for the term of five 3eris. (*Apud Dunfermeling.*)

May 30.—Licence to '**PATRIK LORD LINDESAY OF þE BIRIS**, and Jhone Lindesay of Petcrivy, kny<sup>t</sup>, his sone and apperand air, to pass in þe realme of FRANCE, in þare Pilgramage to **Sanct Thon of Auney** and vperis pairtis beyond þe fey.' To endure for þe tyme of fevin 3eris. (*Apud Edinburghe.*)

Oct. 17.—Remiffion to **HARBERT MAXWELL OF KIRKCONWELL**, Andrew Alane, and two others, for the **Stouthreff** of a log<sup>1</sup> from the Debateable land between the said Harbert and John Herijs of Maby: AND for the **treasonable Conspiracy** made by them, in Convocating the lieges, with **JOHN LORD MAXWELL** and his accomplices, upon **ROBERT LORD CRECHTONE**, Sheriff of Drumfreife, and his Deputes, &c.<sup>2</sup> (*Apud Kirkcudbrycht.*)

Oct. 21.—Remiffion to **THOMAS BUK** for the **treasonable Conspiracy** committed by him in Convocating the lieges, with **JOHN LORD MAXWELL** and his accomplices, agatnst **ROBERT LORD CRECHTOUNE (OF SANQUHARE)**, the **Sheriff of Drumfreife**, his Deputes, friends, and servants, and hindering him in the execution of his office: AND also for art and part of the **Slaughter** of **WILLIAM DALZELL OF THAT ILK**, and **JOHN CARMICHELL**, the **Deputes** of the said **SHERIFF**, and of others slain at the same time: AND for all other crimes done by him, day and place foresaid: AND for **Oppression** done to Mr John Huchefone, putting violent hands on him, and **Spullite** of certain teind sheaves from him: And for the **Stouthreff** of certain oxen, to the number of four score, from James Lindesay; AND for **common Oppression**, &c. (*Apud Kirkcudbrycht.*)

Nov. 3.—Remiffion to **JOHN KENNEDY**, son of **JOHN LORD KENNEDY**, for the **Stouthreff** of a horse from Fergus Fergusone: And for the **Stouthreif** of another horse from **THE COUNTESS OF EROLE**, his mother: And for forethought felony done to Duncan Kennedy: And for **Resetting** **SIR WILLIAM COLUILE OF VCHILTRE**, kn<sup>t</sup>, and other **Rebels** at the horn, &c. (*Apud Are.*)

Nov. 4.—Remiffion to **THOMAS KENNEDY OF BARGANY** for art and part of the **Stouthreff** of eight oxen from Jonnet Lokkert, relict of Henry Kennedy, &c. (*Apud Are.*)

Jan. 2, 1508-9.—Lettre maid to **ROBERT LORD CRECHTOUN OF SANCHARE**, makand mentione, þat becaufe þe **KINGIS** hienes vnderstandis, and kennis wele, þat þe said Robert maid and set a Court to be haldin at **DRUMFREISE**, þe last day of July, for Ministratioun of justice to certane personis within þe bondis of his office; and þat he mycht, nor durft nocht cum to þe said Burgh to hald þe said Court, without warnyng, support, and supple of his frendis, as well apperit fra<sup>3</sup> **þis Deputis** war cruelly slane, in þe executione of his office, and halding of his said Court; and þat þe personis cuming with þe said Robert to þe sammyn, come in þe stenthin of him in þe executione of his office, and furthputtin of þe Kingis auctorité, and nane vperwayis: **THAT** þairfor, it is þe **KINGIS** mynde and will, þat þe said Robert, nor nane vper persone nor personis þat come with him to þe said Court, be

<sup>1</sup> 'Ligni.'<sup>2</sup> See TRIALS, Vol. I, p. 77, &c.<sup>3</sup> From the fact that.

attechit, areflit, or accusit be þe JUSTICE, Justice Clerk, &c., for **Conhoratoun** of þe Kingis liegis **Slauchter**, **Refte**, or ony vper maner of crime or actione, committit or done be him or þaim þe said tyme, or be ony occasione or ony vper thing þat mycht follow þairupone; bot will þat þe samyn ceife fra ener, in tyme to cum.<sup>1</sup> (*Apud Sanctandrois.*)

Jan. 18.—Respitt made to THOMAS LYN, burges of Edinburgh, for þe **Slauchtir** of vmq<sup>le</sup> SCHIR LANCELOTE PATONSOUN, CHAPPELLAIN,<sup>2</sup> quhilk happinnit be negligent cure and medicine þat þe said Thomas tuk one him to cure and hele þe said vmq<sup>le</sup> Schir Lancelote of þe infirmite of þe grantgor,<sup>3</sup> þat he was infekkit with. To endure for xix zeris. (*Subscript. per dominum REGEM, apud Edinburghe.*)

May 3, 1509.—Respit maid to MALCOLME M<sup>c</sup>CLOYD OF RYSEY for all maner of **actouns**, **crimes**, and **offensis** quhatfumeuer, committit and done be him in ony tyme bigane, before þe day of þe dait hereof, to be vnhurt, &c. for þe space of sex monethis nixt to cum eftir þe day of þe date hereof, and forþer, during þe KINGIS will, to þe effect þat he may in þe mentyme cum to þe KING and þe LORDIS of his CONSALE to do his leiful erandis, without arrest or trubill in ony wife. (*Subscript. per dominum REGEM, apud Edinburghe.*)

Nov. 7.—Remission to SIR HENRY WARDLAW OF TORRY, kn<sup>t</sup>, and Michael Strathenry of that Ilk, for common **Oppression** committed by them: AND for **Resetting**, Intercommuning, and supplying REBELS at the King's horn: AND for **Stouthreit**, &c. (*Apud Cowpare.*)

Remission to GEORGE PITCARNE, for **Oppression** and **forethought felony** done to John Bikertoun.

Nov. 9.—Remission to DAVID BALFOURE, in Petcullo, and David, his son, for **Intercommuning** with GEORGE EARL OF ROTHES, being at the horn, &c.

Nov. 11.—Remission to WALTER HERIOTE OF BURNTURK, for his difobedience and contempt, and treasonable **Abiding** from the King's Army against the English, conveyen at Aytoun; and for all other actionis, &c. (*Apud Cowpare.*)

Nov. 14.—Precept of Remission to HENRY PITCARNE OF DRUMGY, for treasonably **Abiding** from the King's Army against the English.

Nov. 16.—Precept of Remission to JOHN TERVET OF THAT ILK, and Elias Tervett, his uncle, for his difobedience and contempt in **Abiding** from the King's Army at Aytoun:<sup>4</sup> AND for common **Oppression** of the lieges, &c.

Dec. 2.—Precept of Remission to ALEXANDER KER OF STRALOCHE, for art and part of the **Burning of the Place of Wheme** and **Homirde** therein committed, in company with the King's Rebels, &c. (*Apud Edinburghe.*)

Feb. 2, 1509-10.—A Lettre of **Rehabilitatoun** maid to ALEXANDER LEKPREUK in þis forme: FORSAMEKLE as þe said Alexander wes accusit for art and part of þe cruell **Slauchter** of vmq<sup>le</sup> George Hammyltoun, and wes convict of þe sammyn be ane Affise, and þairfor Dome wes gevin in þe Tolbuth of Ed<sup>r</sup>, þat þe said Alex<sup>r</sup> suld be dampnit to dede for art and part of þe said Slauchter, &c.: AND NOW, for certane gude causis and vther confideracionis moving our mynde, We haif Reabilit<sup>5</sup>

<sup>1</sup> See above, Oct. 17 and 21, 1508; and also TRIALS, Vol. I, \* 77.      <sup>2</sup> This Churchman seems to have been one of the old leaven, chronicled by honest *George Marioreybanks*, thus:—'In the yeir of God 1533, Sir Walter Coupar, Chaipleine in Edinburghe, gate a pynte of vyne, a laiffe of 36 vnce vaight, a pock of aite-meill, a pynte of aill, a schelpe hede, ane penny candell, and a faire woman, for ane xvij penny grote.'—*Annals of Scotland*, p. 5.

<sup>3</sup> *Luce Venerea.*      <sup>4</sup> A number of others got Remissions for the same offence; among whom are Sir Andrew Kynnmonthe of that Ilk, knycht; William, his brother; David Spens of Wolmerstoun, John Betoune of Balfour, Alex. Lathreise of Orky, &c.      <sup>5</sup> Rehabilitated; restored. L. B. *rehabilitare.*

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pe said Alex<sup>r</sup> to his gude fame and honour, and als he maid him lauchfull, be pir our Letteris, to excerise all lauchfull dedis, in jugement and outwithe, and to bruke and joise all dignateis, officis, landis, rentis, possessionis, and gudis, als fre as he did before pe committing pe said Slauchter. (*Subscript. per REGEM, apud Edinburghe.*)

A Licence, Protectionne, and Respitt maid to MAISTER PATRIK BLAKATER, Archidene of Glasgw, to pas to pe realme of France to besy the Scutes, and to vper pairtis bezond pe sey. (*Subscript. per REGEM, apud Edinburghe.*)

Feb. 10.—A Lettre maid to MARIONE OF YLIS, dochter to ~~MAKRONALD~~ Bayne,<sup>1</sup> at pe instance and requeste of pe ERLE OF ANGUSE, of pe Gift of foure merk land of Cortynvale, lyand in pe lordschip of KYNTIRE, fre of all males and gerfovmes and dewiteis; for hir life tyme. (*Apud Striueling.*)

Apr. 12, 1510.—A Respitt maid to LAUHLANE M<sup>c</sup>GILLANE, his kynnifmen, familiaris, and seruandis, saufly to cum to pe KINGIS presence to Striuelin, or quhare it fall happen to be for pe tyme, for expedicioun of his erandis pat he has ado; and surely to returne agane quhare he come fra. To endure for xl dais. (*Apud Striuelin, subscript. per REGEM.*)

Apr. 19.—A Respitt to GEORGE LORD SEYTOUNE, gevand him Licence to pas in quhat pairtis he pleis outwith pe realme, with quhat personis, his kynnifmen or seruandis he likis, for pe tyme: For the space of thre zenis, &c. (*Subscript. per REGEM, apud Striueling.*)

Apr. 22.—ADAM RUTHIRFURD, sone to vniq<sup>le</sup> George R. of Langnewtounne, got Letters of Rehabilitation, viz. Forfamekill as he wes apprehendit and takin rede-hand committand Thift and crimes apone oure liegis, and pairfor wes put in oure Castell of Edinburgh in fermance and presoune, and wes kept in oure said Castell be pe space of thre quartaris of ane zere with pe mare<sup>2</sup> to have bene justifit<sup>3</sup> for pe said Thift, and for Slauchteris and vper grete crimes committit and done be him of before, 'neuertheles We movit of pete,' &c. (*Subscript. per REGEM apud Edinburghe.*)

May 10.—Respitt to ROBERT ELWALD OF REDEHEUCHE, and nine others,<sup>4</sup> saufly and surely to cum to pe KINGIS presence, and saufly and surely to remane and abide for pe expedicione and doing of pair materis, concernyng gude reule to be had and kept in pe cuntre, &c. To endure for thre monethis. (*Subscript. per REGEM apud Striueling.*)

May 26.—A Respitt to all and sindry pe Tenentis and inhabitantis of pe landis and lordschip of ~~Edinburghe~~, saufly and surely to cum to pe KINGIS hienes to Edinburghe, &c., concerning gude reule to be had and kept within pe saidis pairtis, &c. To endure for a moneth.

Jul. 4.—Precept of Remission to GILLASPY DOW, (Bailze of Troutiones,) John Makgille-martyne, and sixty-three others, for Common Oppression of the liegis: AND for Resetting, supplying, and Intercommuning with the King's Rebels: AND also for Fire-raising, &c. (*Apud Inuernys.*)

Jul. 9.—Precept of Remission to GEORGE FALCONARE OF HALKERTONE and Robert F. for Common Oppression of the lieges, &c. (*Apud Inuernys.*)

Precept of Remission to ANDREW KYNNARD OF THAT ILK, dwelling within the shire of Inuernys, for Supplying, Resetting, and Assistance given by him to THE KING'S REBELS, being the horn: And for all other crimes and actions, &c. (*Apud Inuernys.*)

<sup>1</sup> See Trials, I. \* 45, Jan. 20, 1505-6.      <sup>2</sup> And upwards.      <sup>3</sup> Executed.      <sup>4</sup> Thre Elwalds, two Nixsons, two Crossers, two Hendersons, and Alexander Armestrang.—On Nov. 20 thereafter, they, along with Sym and George Armestrang, James Forestare, Jaffray Blakburn, and all and sindry vtheris, the Inhabitantis of ~~Edinburghe~~, got a Respite 'to be vnpunyst in thair personis for xix yeris,' (*apud Jedburghe*,) for all crimes previous to that date.

Jul. 15.—Precept of Remission to SIR JAMES CRECHTONE OF FRENDRACHT, kn<sup>t</sup>, and xvij others, for their treasonable Absence from the Army at Aytoun, where THE KING was in proper person, to resist THE ENGLISH, &c. (*Apud Edinburghe.*)

Jul. 24.—Respit maid to þe LORD OF SANCT JHONIS, in double forme, and to xxiiij personis, his houshold men, to pas to the Court of Rome, the Rhodis,<sup>1</sup> and vper partis.

Nov. 27.—Commission to ADAME ERLE BOITHUILE, LORD HALYS, and ADAM HEPBURNE OF CRAGGIS, and to pair BAILZEIS, to inbring all maner of personis, trespassouris, committaris of quhatfumeuer crimes within the boundis of þe scherefdome of Roxburghe and lordschip of ~~Wid-  
dale~~, and within ony vther landis, boundis, rovmes, and Bailzerijs perteneng to þe said Adam Erle Boithuile, quhilkis ar fugitive fra þe lawis: AND gife pai may nocht be apprehendit, pat pai eschete pair gudis, and inbring þe sammyn; and gife neid beis, to ~~Witne~~ þere housis, and SLAA þaim pat beis apprehendit; and þe laif to BANYS þe realme, þe quhilkis ar fugitiue. (*Subscript. per REGEM, apud Jedburgh.*)

Jan. 12, 1510-11.—Precept of Remission to THOMAS MURRAY, son of vmq<sup>le</sup> John Murray of Balloche, for the Slaughter of George Murray, committed xj years since. (*Apud Edinburghe.*)

Jan. 16.—Lettre of Rehabilitatioun to PATRIK McLELLAN OF GILESTONE,<sup>2</sup> sayand, pat þe KINGIS grace Reabillis þe said Patrik to his warldly honouris, digniteis, and vper priuilegis, and lauchfully to succeid to his fader and vperis his predecessouris, nochtwithstanding þe Dome gevin pat þe said Patrikis hede suld be strikin fra his body, for þe ~~Reff~~ and ~~Stouthe~~ of xx<sup>th</sup> oxin and ky fra Patrik Agnew, Scheref of Wigtoune, and his seruandis, vndir silence of nycht, &c. (*Apud Edinburghe.*)

Aug. 22, 1511.—Remission to PATRICK LESLY, son of Andrew, for art and part of Casting down and spullye of the Place of Beme, and taking THE LAIRD OF TULYDEFF furth of the Place of Ranstoune. (*Apud Edinburghe.*)

Oct. 15.—Precept of Remission to MR WILLIAM LEVENAX OF CALY, for ~~Snadung~~ and ~~Hurting~~ Roger Gordoune, sheriff in that part, who came with THE KINGIS letters to cite him. (*Apud Edinburghe.*)

Oct. 27.—Precept of Remission to ROBERT GORDOUNE OF GLENNE, for supplying and Assistance afforded to his brother Alexander, Resetting him and drawing him out of the realm, as a fugitive, for the Slaughter of JOHN DUNBAR OF MOCHRUM. (*Apud Edinburghe.*)

Nov. 1.—Precept of Remission to CUTHBERT EARL OF GLENCARNE, and five others, for art and part of the Slaughter of Alexander Makfarly, in Bute, &c. (*Apud Are.*)

Et die.—Precept of Remission to WILLIAM CUNYNGHAME MASTER OF GLENCARNE, and xxix others, for Resetting and Intercommuning with THE KINGIS Rebels. (*Apud Are.*)

Nov. 19 and 28.—Respit maid to DONALD MAKCLAUHRANE<sup>3</sup> for art and parte of þe Slaughter of Robert Farguffoune of Brakanfide, and Alexander Farguffoune, &c. To endure for 19 years, with power to þe Scheriffis of Edinburghe and Drumfreife to releifche him fra þe horne, and deliver him þe wand of pece,<sup>4</sup> &c. (*Apud Edinburghe.*)

Jan. 26, 1511-12.—Precept of Remission to GEORGE HALIBURTOUNE for art and part of the Slaughter of William Colulle of ~~Wchiltre~~, and Richard Ruthirfurd, &c. (*Apud Edinburghe.*)

<sup>1</sup> The Knights Templars had their principal establishment in the Island of Rhodes. Their possessions in Scotland were considerable, but their lands were feued out to vassals. Many considerable properties are still held of the superiors of these ' Temple lands,' as they are called. <sup>2</sup> See the proceedings against him in Trials, I. \* towards the close of the reign of King James IV. <sup>3</sup> Sic. See Jun. 3, 1512, of these extracts. <sup>4</sup> For explanation of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, (*Notice*); and Jul. 23, 1566, (*Note*).

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Jun. 2, 1512.—A Generale Remitt of þe KINGIS speciale grace maid to þe PROVEST, balzeis, consale, and comunité of Ayrþene and Inþabitantis of pair landis and fredome, Remittand þaim all actiones, transgressionis, crimes and offensis quhatsumenir, committit or done be þaim before þe date hereof, &c. in þe forme of þe Lettre grantit to þe BURGHE OF DUNDE.

Jun. 3.—A Respitt maid, of THE KINGIS speciale grace, to MAISTER ALEXANDER KENNEDY, for his treasonable senzeing<sup>1</sup> of the Kingis subscripsione-manuale, subscruand ane Respitt to Donald M'clauchrane,<sup>2</sup> for Slauchter and vper crimes, of þe quhilk he wes delatit. (*At Edinburghe.*)

Jun. 12.—A Lettre maid to þe Inþabitantis (of) the Bils of Bute and Cumrag, and also to þe Inhabitantis of þe tovne of Rosay, remittand þaim all actionis, &c. committit and done be þaim ony tyme bigane, before þe date hereof (Treatone in þe Kingis persone, Murthure, Fire, and Reuifing of women exceptit.) *At Edinburghe.*

Sept. 25.—Gift to THOMAS DUNWEDE, þe sone and aire of vmq<sup>le</sup> Thomas D. of þat Ilk, of þe Ward, all landis, &c. quhilk pertinit to þe said umq<sup>le</sup> Thomas,<sup>3</sup> &c.

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II. ILLUSTRATIONS OF THE REIGN OF KING JAMES IV, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[THE value, in a historical point of view, as well as the extreme curiosity, of the Accounts of THE LORD HIGH TREASURER OF SCOTLAND, is known only to the comparatively few individuals who have found leisure, perseverance, and opportunity to consult their truly remarkable contents; for hitherto no connected view of them has been made public.

In attempting a brief selection from the interesting stores of information which is to be gleaned from these Volumes, the Editor has felt it extremely difficult to refrain from the insertion of much extraneous matter of intense interest. The frequent deviations from the strict plan and spirit of this Appendix, in which he has indulged, will show the reader the value of the materials contained in the Treasurer's Accounts. It is hoped, however, that ample selections may one day be printed at the Public expense, under the Record Commission; for no private individual can ever be expected to undertake the labour and cost of such a work, which, however valuable in itself, could never be expected to defray even a moderate share of the outlays which must necessarily be expended in the publication of such a work.

To save occupying additional space, the reader is referred, generally, to the preceding TRIALS, which are more or less illustrated by the following Extracts. For the sake of those whose pursuits have not led them to the examination of such matters, a few brief notes are added, which, it is hoped, will prove not

<sup>1</sup> Counterfeiting, forging.

<sup>2</sup> See above, Nov. 19 and 28, 1511.

<sup>3</sup> Who was slain at the

Place of Dunwedy. See this Collection of Trials, I. \* 40.

unacceptable. The selections have purposely been made as diversified and entertaining as the narrow bounds of this work permit.]

1488.—ITEM, quhen þe KING com furth of Sanct Johnstoun, for a barrell of aill at þe Blakfurde,	xij s.
Item, for carying of clathin fra Scone, efter þe Coronatioun,	xv s.
Aug. 5.—Item, to Patrik Johnson, to The Playaris of Lythquow, pat playit to þe KING,	v li.
Aug. 20.—Item, Quhen þe KING past to Lanerike to þe Ayre, gevin him self xx <sup>ii</sup> Vnicornis, <sup>1</sup>	xviiij li.
Item, for a horste bocht to þe KING at LANERIK, <sup>2</sup>	x merkis.
Item, þe samin tyme to John of Schaw <sup>3</sup> to spend at his (the King's) command,	xx li.
Item, in Lanerik to Banaris and gysers, <sup>4</sup>	xxxvj s.
Item, þe JUSTIS <sup>5</sup> cofris, þe tyme of þe Ayre of Lanerike,	lvj li. iij s.
Sep. 1.—Item, to pure wpris of Ballinreke, pat had þare gudis tane away be JOHN STEWART; at þe Kingis commande, thre Vnicornis,	ij li. xiiij s.
Sep. 3 and 6.—Item, Quhen THE KING raid to þe Ayre of Dundie, <sup>6</sup> various costy dresles were made for him, too numerous and lengthened to admit of selection in this place.	
Sep. 7.—Item, in DUNDIE, to the King him self,	xxviiij li.
Oct. 3.—IMPRIMIS, for ix COYT ARMOURIS to þe Harroldis and Purryfantis, price of ilk peyce, fylk, gold, aysure, and þe makin of þaim, v li.; summa of þe ix,	xlvi li.
Item, for thre elne and d. (one half) of baryande tarter <sup>6</sup> to be STANDART to þe KING, quhen he raide to the Ayre of Glescow, price of þe elne xviiij s.; summa,	iiij li. iij s.
Item, for gold, aysure, siluer, and colouris til it, and wyrkin <sup>7</sup> of it,	vj li. xvij s.
Item, for thre vnce of fylkis to frenzeis <sup>8</sup> til it, price,	xiv s.
Item, pairefter for v quartaris of tarter to þe KINGIS BANERE, price,	xxij s.
Item, for golde, siluer, aysure, and oder colouris til it, and wyrkin,	viiij li. xviiij s.
Item, for thre BANNARIS TO þe TRUMPATIS, <sup>9</sup> tarter, golde, siluer, and oder colouris, price of ilk peyfle, <sup>10</sup> with þe makin, v li.; summa of þe thre,	xv li.
Imprimis, got for liuerayis to viij Hensmen <sup>11</sup> of þe KINGIS, agane <sup>12</sup> the Coronatioun, for xx½ elne velwos, <sup>13</sup> to be viij GOWNIS to þe said Hensmen, price of þe elne iij li. v s.; summa,	iiij <sup>xxvj</sup> li. xij s. vj d.
Item, for xij elne of blak satin, to be þame viij DOUBLETTIS, price of þe elne xxxviiij s.;	
summa,	xxij li. xvj s.
Item, for flocin and stentin <sup>14</sup> to þe samin doublettis,	xxvj s. viij d.
Item, for v½ elne blak claitht to be viij þare of HOSE to þaim, price of þe elne xv s.;	
summa,	iiij li. ij s. vj d.
Item, for viij elne of cotonyt quhit claitht, to lyne þe sam hofe,	x s. viij d.
Item, for makyne of þame in Sanct Johnstoun, <sup>15</sup> þe sam tym,	viiij s.

<sup>1</sup> A gold coin first struck in the Reign of James III, which took its name from the figure of an unicorn supporting a shield with the Scottish arms. Cardonnel says it usually weighs 48 grains. <sup>2</sup> That county has long been famed for the excellent breed of its horses. <sup>3</sup> Of Sauchie, formerly his Keeper. <sup>4</sup> Morrice-dancers. The last vestige of these customs is to be found in Edinburgh, whose *Guisards* go about with masks, or 'fause faces,' and shirts worn above their clothes, singing and asking money. The custom has almost expired, and is now entirely confined to young boys. Their Christmas carols are quite forgotten. <sup>5</sup> The Justice. <sup>6</sup> This is evidently TARTAN, which it would appear was chequered with gold, silver, azure, and other colours. <sup>7</sup> Working. <sup>8</sup> Fringes. <sup>9</sup> Still customary with our state-trumpets. <sup>10</sup> Piece. <sup>11</sup> Henschmen. <sup>12</sup> Against, preparatory to. <sup>13</sup> Velvet. <sup>14</sup> A sort of lining and buckram stuff, for stiffening the dress. <sup>15</sup> Perth.



## APPENDIX.

*Item*, at *Michelmes*, agane þe Parliament haldin in October, *imprimis* for xiiij elne of futeane to be DOUBLATTIS to ix *Hensmen*,<sup>1</sup> price of þe elne, iij s. ; *summa*, . . . . . ij li. vj d.

Oct. 6.—*Item*, to *Englis Johne the Fole*,<sup>2</sup> at þe KINGIS commande, thre royse nobillis,<sup>3</sup> . . . . . v li. viij s.

Nov. 1.—*Item*, quhen THE KING raid to the *Aprt of Lauderdale*, fundry drestes, &c. . . . .

Jan. 3, 1488-9.—*Item*, ' agane þe Parliament haldin estir gule,' (nine Hensmen are again furnished with ' fide (*long*) gounis,' ' dowblattis,' and ' hoyfe.' And they afterwards get their ' Wifonda leuerrais,' consistng of ' zallow dammyfk doublattis,' ' Inglis grene gounis,' and ' cayrfay hoyfe.' It is unnecessary to enumerate the lengthened entries, which are made at full length in the Accounts.

Feb. 11.—*Item*, to *Gentil Johne þe INGLISE FULE*, at þe Kingis commande, v royse nobillis, . . . . . ix li.

May 31.—*Item*, in Edinbur<sup>4</sup> to gif *Joly Johne the Fule of Englande*, pat brocht ij spanzeallis to þe KING, . . . . . x markis.

*Item*, to him, . . . . . vj li. xiiij s. iiij d.

Jun.—*Item*, to CUNNYNGHAME the *stngar*, at þe Kingis commande, a demy, . . . . . xiiij s.

Jul. 1.—*Item*, to WILJEAM SANGSTAR of Lithgow, for a *sang hōke*<sup>4</sup> he brocht to þe KING, be a Precept, . . . . . x li.

Jul. 10.—*Item*, to *Englis Apparis* pat come to þe Castell zet and playt to þe KING, xij demyffe, . . . . . viij li. viij s.

Aug. 4.—*Item*, for the expensis maide, at THE KINGIS commande, vpone *Deyf Lutkin*<sup>5</sup> and his folkis, quhen thai come first to *Stirling*, thair coftis in *Stirling*, and thereafter in *Lythgow* and *Edinburgh*, at dyuersse tymes, and for horffe to thayme to ryd betwene, . . . . . xij li.

*Item*, for the coftis maid in Edinburghe vpon xxxvj of his folkis that wes takin in *Leyth*, ay quhill thai wer justifeit,<sup>6</sup> . . . . . xxxvj li.

*Item*, to the famin *Bensse menne*,<sup>7</sup> at thair way-passing be THE KINGIS commande, ij l. viij s.

Aug. 31.—*Item*, to PATRIK JOHNSON and his fallowis pat playt a play<sup>8</sup> to þe KING in *Lythqw*,<sup>9</sup> . . . . . iij li. xij s.

Sep. 3.—*Item*, to *Gentil Johne*, þe INGLISE FULE, pat brocht japis<sup>10</sup> to þe KING, at his commande, . . . . . x li.

Jan. 1, 1489-90.—*Item*, to þe KING, in his bed,<sup>11</sup> in þe mornyng (*þen þear*) x angellis, xij li.

Jan. 6.—*Item*, on UPHALY DA<sup>12</sup> to þe KINGIS offrande,<sup>13</sup> . . . . . xvij s.

*Item*, to þe King of *Wene*,<sup>14</sup> þe same da, . . . . . xvij s.

Feb. 22.—*Item*, for Spardour<sup>15</sup> to passe to *Jedworth*, to gar provyde for THE JUSTIS<sup>16</sup> coftis, again<sup>17</sup> the *Aprt*, . . . . . x s.

*Item*, to Ker Messinger to passe to *Lantrik*, for to gar provyd for THE JUSTIS to the *Aprt*, v s.

<sup>1</sup> They were also furnished with ' Galbertis' and ' hose.' <sup>2</sup> English John, the fool, or jester. He seems to have been a favourite. <sup>3</sup> Rose Nobles, English gold coins, of the value of 36s. each, of the money then current in Scotland. <sup>4</sup> Of what value would not this ' SANG BKKE' be now considered! <sup>5</sup> 1489, Jun. 26, AN EMBASSY WAS SENT BY JAMES IV TO DENMARK, for a renewal of the ancient alliance; and also claiming damages for injuries committed by ' LUTKIN MERE (Danish) Pirate' and his complices, within our souerane lordis Watter.—*Acta Parl.* <sup>6</sup> Executed. <sup>7</sup> An Embassy had been returned by the KING OF DENMARK, accompanied by a number of the Pirates, who were delivered up to be executed. It does not appear what terms were made. <sup>8</sup> There are many instances in the same Record of plays having been performed before THE KING and Court, at this very early period. <sup>9</sup> At this time THE SPANISH AMBASSADOR was resident at Court; and it is probable that there was another Embassy from ENGLAND. <sup>10</sup> Monkeys, apes. It is proper, however, to remark, that the word likewise signifies *trinkets* or *toys*; and also *jests* or *drolleries*. THE KING had a considerable collection of wild beasts presented to him at different times, and probably kept a regular MENAGERIE for his amusement: A former gift with which *Gentil John* had been entrusted was two *spaniels*. <sup>11</sup> There was regularly an offering of this sort each NEW YEAR'S morning, and commonly a 'caudill.' <sup>12</sup> EPIPHANY, the Manifestation of our Saviour to the Gentiles; TWELFTH-DAY. <sup>13</sup> Offering. <sup>14</sup> This personage was THE KING elected on Twelfth-night, being the individual in whose portion of the cake a *Bean* was found. The same practice still prevails in England, but a ring is now used in place of the bean. See *Brand's Popular Superstitions*, (*Elk's* Edit.) *Dr Jamieson's Dict. v. Bane*, &c. <sup>15</sup> One of the King's Messengers-at-Arms. <sup>16</sup> Justiciar's expenses. <sup>17</sup> Against; preparatory to.

- Feb. 27.—*Item*, to THE KING, in Edinburcht, or<sup>1</sup> THE LORDIS raide to the *Aprt* of *Lanerkk*, xvij li.
- Jul. 17, 1490.—*Item*, on Sunday, in Edinburcht, in þe THE<sup>2</sup> (Theauraris) INNIS quhen þe KING saw þe *Þroccsston*, til<sup>3</sup> him iiij Vnicornis, iiij li. xij s.
- Item*, on Monunda, þe morne efter, send til him with þe PROVEST OF MEFFANE<sup>4</sup> xvj Vnicornis, xiiij li. viij s.
- Jul. 23.—*Item*, on Fryda, in Dundee, to þe KING, to gif the *Fransche menne that playtt*, xx<sup>4</sup> Unicornis, xvij li.
- Nov. 22.—*Item*, to Ormond to passie in THE NORTHLAND to proclame the *Aprts*, iij li.
- Item*, to *Daue Strathawoching*, JUSTICE CLERK, to passie to reslave the dittay thare, iiij li.
- Jan. 1, 1490-1.—*Item*, to *Blind Harry*<sup>4</sup> (on 'New Yere da'), xvij s.
- Jan. 2.—*Item*, for ij elne grene cayrfay,<sup>5</sup> and iij elne cotton quhyt to *Sande Fwle*, till a coynt,<sup>6</sup> and þe makine of it, xix s.
- Apr. 5, 1491.—*Item*, to WALLASSE<sup>7</sup> pat tellis þe *getstis*<sup>8</sup> to þe KING, xvij s.
- Apr. 14.—*Item*, to *Bontfrits*,<sup>9</sup> to gif þe KING leve to lat him blud, xvij s.
- Apr. 15.—*Item*, til a man pat come to Lythgow to lat þe King blud and did it nocht, xvij s.
- Jul. 16.—*Item*, to þe *Spanzartts* pat DANSYT before þe KING on þe cawfay of Edinburche before þe THE<sup>2</sup>. lwgeing, xxx Unicornis, xxvij li.
- Aug. 30.—*Item*, to the *Hangman* of Edinburcht, to cum to LYTHGOW to hang a *Theif of Levin*, quhilk he had<sup>10</sup> efter to Edinburcht, v s.
- Oct. 24.—*Item*, til a fallow brocht þe KING (f *molts*, in Lythgow, v s.
- Item*, on *Sanct Johnnis day*, to *Gysaris* pat danfit to þe KING,<sup>11</sup> ---
- Jul. 24, 1494.—*Item*, to passie to summond *Sir John* of þe *Ills*<sup>12</sup> of TRESSONE in *Kintyre*; and for þe expensis of þe wites, vj li. xiiij s. iiij d.
- Item*, to speid þe ERSE LADE,<sup>13</sup> to by him clathis, xvij s.
- Nov. 8.—*Item*, to passie fra *Aberdene* with þe extractis of the *Airts* to MAKINTOSCHE, and ROOSE of *Ballochgowne*, and to M<sup>c</sup>KYE, xx s.
- Item*, to passie to *Bute* to bring þe wites of þe execution of *Sir John* of *Ills* summondis, xl s.
- Dec. 12, 1496.—*Item*, to WATSCHOD þe TALE TELLARE and WIDDERSPUNE þe TALE TELLARE, togidder, xvij s.
- Mar. 31, 1497.—*Item*, gevin to þe *Abbot of Wurtzow*, for his reward, at þe KINGIS command, v li. viij s.
- Apr. 10.—*Item*, to Johne Hert, for bering a pare of Monicordis<sup>14</sup> of þe KINGIS fra Abirdene to Struelin, ix s.
- Apr. 19.—*Item*, to the tua fithelaris pat fang *Graystiff*<sup>15</sup> to þe KING, ix s.
- Jun. 8.—*Item*, to þe MAISTER OF HOMES man, pat brocht tithingis of the *Batel* of *Dunse*, v s.
- Item*, pat famin day to Stevin Nesbit, *Lang Patrik Home's* man, for siclike tithingis bringing to þe KING, xlij s.

Jul. 6.—A number of Payments at and previous to this date were made to the Duke of York and the Bishops of York (PERKIN WARBECK.)<sup>16</sup> Various payments also regarding MONSSE, (*Mons Meg*.)<sup>17</sup>

<sup>1</sup> Before, previous to, ere.    <sup>2</sup> Given to.    <sup>3</sup> Methven.    <sup>4</sup> BLIND HARRY, the Minstrel, had a regular pension out of the King's Privy purse. This notice of a handsel is inserted to show the King was not unmindful of the Minstrel.

<sup>5</sup> Kersey.    <sup>6</sup> These coats were party-coloured, green and white, or black and white, &c.    <sup>7</sup> The same day another payment of xvij s. is made to BLIND HARRY.    <sup>8</sup> Jests, tales, L. *Gesta*.    <sup>9</sup> He was one of the Minstrels.    <sup>10</sup> Carried.    <sup>11</sup> About this time there are payments for 'playing swerdis,' 'gluves,' 'justing speris,' &c.    <sup>12</sup> SIR JOHN CANOCHSONE of Iala and Kintyre, Lord of Glens in Ireland, who, with three of his younger sons, were executed in Edinburgh, 1500. From him descended the Earls of Antrim, &c. Reference may be made to *Mr Gregory's* work on the Isles, in explanation of this and of all other matters connected with THE ISLES.    <sup>13</sup> Highland lad.    <sup>14</sup> A one stringed instrument.    <sup>15</sup> An ancient Popular Romance. The King gave great encouragement to Tale-Tellers and Minstrels, who perpetually appear in every part of the Accounts.    <sup>16</sup> See *Mr Tytler's History of Scotland* for the most authentic account of King James IV.'s proceedings in relation to that impostor.    <sup>17</sup> See *Transactions of the Society of Scottish Antiquaries*.

## APPENDIX.

- Aug. 7.—*Item*, giffen to þe KING to play at þe Cartis with þe SPANZARTIS, at Þoreme,<sup>1</sup> xx Vnicornis, xvij li.
- Aug. 15.—*Item*, to Robin Kere, to furniſſe þe gunntis þat zeid<sup>2</sup> with þe KING to þe Maſt at Agtoun, x Vnicornis, and xij li. xij ſ. xxj li. xij ſ.
- Aug. 21.—*Item*, þat ſamyn nycht, to Dandé Doule,<sup>3</sup> be THE KINGIS command, to walk<sup>4</sup> one þe Sandis, for to wait one þe Englifſe ſchippes, xvij ſ.
- Aug. 24.—*Item*, to Johnſtoun, þe Chamberlanis man, þat brocht tithingis of the ſkaling<sup>5</sup> of the Englifſmen, ij ſ.
- Sept. 1.—*Item*, to a woman with þe GRANTGORE<sup>6</sup> pair (at St John's Kirk of Dalrye, when THE KING<sup>7</sup> was on a Þilgrimage to 'Cubithrue'), ij ſ. vj d.
- Sept. 18.—*Item*, to þe werkmen (of Dunbar) to bring hame Mouſe and þe opir Artafflerf, to gide þaim fra Dalketh, xxij ſ.
- Sept. 23.—*Item*, (in Striulin) giffen be þe KINGIS (command) to the Duc of Somerſete, x Vnicornis, ix li.
- Dec. 10.—*Item*, to David Prat þe Þapntour,<sup>8</sup> in compleit payment of þe ALTAR PAYNTING,<sup>9</sup> as reſting awand to him, ij li. ix ſ.
- Mar. 10, 1501.—*Item*, to Duncane Riche, to paſſe to þe MAIſTER OF ANGUSS with þe Þor- towe<sup>10</sup> of Eskdale, vj ſ.
- Apr. 10.—*Item*, giffen to þe blinð wiff þat hed her eyne ſchorne,<sup>11</sup> xij ſ.
- May 23.—*Item*, to Maſter William Dunbar,<sup>12</sup> in his PENSIOUN of Martymes bipaſt, be command of ane Precept,<sup>13</sup> v li.
- Dec. 28.—*Item*, be þe Kingis command, to Johne Anderson, that wantis feit and handis, xiiij ſ.
- Item*, þe ſamyn nycht to þe KING, to play at þe bylis with Johne Anderſone, þat wantis feit and handis,<sup>14</sup> xiiij ſ.
- Feb. 5, 1502-3.—*Item*, to ane man to paſſe to þe ERLE OF ATHOLE with þe KINGIS writings, to ſtop the halding of his Air befor þe Kingis Juſtice Air, vj ſ.
- Jun. 26, 1503.—*Item*, to Robſn Rude of PERTH, be THE KINGIS command, iij Fr. cr., lvj ſ.
- Aug. 6.—*Item*, to Johne Auchlek, for gilding of þe QUENIS bukilles, and boſes of þe QUENIS bridill and harnelſing þat wes þrunt in Dalketh, ij li. ij ſ.
- Item*, to Johne Auchlek, goldſmyth, to gilt ane pair of ſpuris for þe KING, xv ſ. 6 d.
- Item*, for to gilt þe Kingis cepture (Sceptre), ij Hary Nobles, ij li. ij ſ.
- Aug. 7.—*Item*, by the Kingis commande, to Sir Johne Hume, to þanket ENGLISMEN, v li.
- Aug. 8.—*Item*, þe viij day of Auguſt þe KING was ſpouſt,<sup>15</sup> and giffen to him, quhilk he laid one þe buke, vj demyis and v ſ. quhit ſiluer, iij li. v ſ.

<sup>1</sup> At this time THE KING was at THE SIEGE OF NORHAM. A number of payments occur for carriage of guns, 'gun- stanis,' 'ledin pellokis,' 'irne pellokis' (cannon-balls), &c. <sup>2</sup> Went. <sup>3</sup> A great favourite of the King's, who ſeems to have encouraged JAMES IV in HORSE-RACING, betting, &c. <sup>4</sup> Watch; waulk. <sup>5</sup> Dispersion. <sup>6</sup> *Lues Venerea*. On Oct. 2, following, there is another payment 'to thaim that hed the grantgore in Lintlithquo, and many others occur of the ſame deſcription. <sup>7</sup> JAMES IV. returned by 'Kyle,' 'Kilmarno,' and 'Glasgo,' to 'Striulin.' <sup>8</sup> There are numerous payments to him, both before and after this date. <sup>9</sup> In the CHAPEL ROYAL at Stirling. <sup>10</sup> Porteous-Roll. <sup>11</sup> This was likely one of JAMES's attempts in leech-craft, to couch the eyes for cataract. The phraseology is moſt ominous of 'evil ſucceſs.' <sup>12</sup> The Poet. The frequent payments to PORRIS, MINSTRELS, &c. &c. in almoſt every page of theſe Accounts, abundantly refutes the calumnious charge brought againſt King James IV, for having neglected DUNBAR and others. His expenditure, on the contrary, was extremely lavish; and conſidering the ſtate of his finances, may ſafely be termed prodigal. A ſlight inſpection of theſe intereſting accounts will more than ſatisfy the moſt prejudiced reader, that ſuch reports have ariſen ſolely from idle ſurmiſes. <sup>13</sup> On Dec. 20, another quarter's penſion is entered, 'quhilk was peyt to him eſter he com furth of ENGLAND.' <sup>14</sup> This is one, out of hundreds of ſimilar inſtances of the King's urbanity. JOHN, however, ſeems to have been more than match for his Maſtey. <sup>15</sup> This unqueſtionably fixes the day of the Marriage; which, with the total diſregard to Chronological detail which diſfigures the pages of our earlier Hiſtorians, has been hitherto doubtful. The Editor has, perhaps, drawn too largely on the entries under this date, but their extreme curioſity will amply plead his apology.

<i>Item</i> , to put in his caudrell and pe QUENIS caudrell, <sup>1</sup> ij Fr. cr.	xxviiiij s.
<i>Item</i> , pat famyne day to pe Heraldys, be THE KINGIS commande, xl Fr. cr.	xxviiij li.
Aug. 9.— <i>Item</i> , pe ix day of August, efter the Marriage, <sup>2</sup> for xv elne claith of gold to the Comites of Surry, OF ENGLAND, quhen scho and her dochter LADY GRAY clippit THE KINGIS berde, ilk elne xxij li.	iiij <sup>c</sup> xxx li.
<i>Item</i> , for xv elne of damas gold, be THE KINGIS commande, to pe said Lady Gray OF ENGLAND, ilk elne xij li.	J <sup>c</sup> lxxx li.
<i>Item</i> , for v elne Inglis claith to WALTER CHEPMAN, <sup>3</sup> ilk elne xxxiiij s.	viiij li. x s.
Aug. 10.— <i>Item</i> , to MAIST <sup>4</sup> . JAMES HENRISOUNIS <sup>4</sup> man, of bridil siluer <sup>5</sup> of ANE HORS giffin for THE QUENE, for hir hors were brynt in Dalketh,	xiiij s.
<i>Item</i> , to the BISCHOP OF GLASGOIS man of bridal siluer, siclyke,	xiiij s.
<i>Item</i> , to LORD AVENDALES man of bridal silver, siclike,	xiiij s.
<i>Item</i> , to ERLE OF ERGILES man of bridil silver of ane hors giffin to pe KING,	xiiij s.
<i>Item</i> , to the man pat brocht THE HORS fra the King of England, v Fr. cr.	iiij li. x s.
<i>Item</i> , to pe carturis of Leith brocht pe Queens gere <sup>6</sup> to Edinburghe fra Dalketh, xxij cartis, ilk cart vj s.	vj li. xij s.
<i>Item</i> , be pe KINGIS command, giffin to James Hog for dighting of pe fuordis, pat left <sup>7</sup> at pe Turnaytung of FASTINGIS EVIN, and for dighting of harnes,	xxiiij s.
<i>Item</i> , for xxiiij elne hollande claith giffin to pe ARCHBISCHOP OF ZORK, <sup>8</sup> be pe Kingis command, ilk elne x s.	xij li.
Aug. 13.— <i>Item</i> , to viij Inglis Menstralls, be pe KINGIS command, xl Fr. cr.	xxviiij li.
<i>Item</i> , to pe Trumpetts of England, xl Fr. cr.	xxviiij li.
<i>Item</i> , to pe Englise Spelatr that playit the superfalt, <sup>9</sup> v Fr. cr.	iiij li. xs.
<i>Item</i> , to pe QUENIS foure Menstrales pat remanit with her, x Fr. cr.	vij li.
<i>Item</i> , to pe INGLISE Menstrale pat passit away, and THE KING fend for him agane,	vij li.
<i>Item</i> , to pe THREE Menstrales of Hertwolk, ix Fr. cr.	vj li. vj s.
<i>Item</i> , to pe Bere ledatr <sup>10</sup> of England, viij Fr. cr.	v li. xii s.
<i>Item</i> , to pe ERLE OF OXFURDIS tua Menstralls,	v li. xij s.
<i>Item</i> , to the Thre Gyssarts that PLAYIT pe PLAY, xxx Fr. cr.	xxi li.
<i>Item</i> , to the Ffve Lobd Menstrales, xl Fr. cr.	xxviiij li.
<i>Item</i> , to the Portair of England, to by him ane hors, viij Fr. cr.	v li. xij s.
<i>Item</i> , to pe Cofferare of England, lxxx Scottis Ridaris,	lxxxiiij li.
<i>Item</i> , for ane cowp of siluer ouergilt to him, <sup>11</sup>	x li.
Aug. 21.— <i>Item</i> , payit to John Mayne, bowar, for lx justing <sup>12</sup> speris at pe Marriage, ilk pece iiij s.	ix li.

<sup>1</sup> Invariably practised at Marriages and Christenings, 'at heving the barne.' The Accounts abound with such offerings in every expedition of James IV.

<sup>2</sup> The enquiring reader is referred for an extremely interesting and minute contemporaneous account of THE MARRIAGE OF JAMES IV, and of the Journey of his QUEEN, MARGARET, daughter of HENRY VII of England, to Scotland, by JOHN YOUNG, *Somerset Herald*, who was an eyewitness of the whole proceedings. *Leland's Collectanea*, IV, 258.—See also *Fabian's Chronicles*, II, 232. *Hall's Chron. Lesley, Buchanan, and Drummond*. The forthcoming volume of *Mr Tytler's History* (V.), will doubtlessly give the whole details, in his usual masterly style.

<sup>3</sup> This is selected for the purpose of remarking, that THE KING was by no means negligent in the encouragement of the arts. CHEPMAN was an extensive merchant and burges of Edinburgh, as well as THE EARLIEST SCOTTISH PRINTER. It is highly probable, from the frequent occurrence of his name, that he held some respectable Office in the Royal Household. The list from which this dress is selected, is titled 'Pro Scritvitoribus.'

<sup>4</sup> Afterwards Sir James Henderson of Fordell, King's Advocate, &c. <sup>5</sup> Bridle money. <sup>6</sup> In this sense, the gear means her baggage, &c. <sup>7</sup> Lasted; remained. <sup>8</sup> THOMAS SAVAGE, Canon of York and Dean of the Chapel Royal, was consecrated Bishop of Rochester in 1492. In 1496 he was translated to the See of London, and in 1501 to York. He was accompanied by THE BISHOP OF DURHAM, William Sever, Abbot of St Mary's, York, who had been consecrated Bishop of Carlisle in 1496, and was, in 1502, translated to the See of Durham.

<sup>9</sup> A great many payments are made to this rope-dancer and his man, who were pensioned by the King. <sup>10</sup> Bear-leader. <sup>11</sup> These large extracts, it is hoped, may suffice to excite the reader's curiosity to investigate this invaluable Record. <sup>12</sup> Tilting, jousting.

## APPENDIX.

<i>Item</i> , sex score speris for Turnayng pe said tyme, ilk pece iij s.	xviii s.
<i>Item</i> , for ane blaik hurdounne spere,	v s.
<i>Item</i> , to Robert, Cultelar, for xxiiij suordis, xij lang and xij fchort suordis, pe said tyme, for Turnayng, ilk pece x s.	xij s.
<i>Item</i> , for xxx spere heddis, pe said tyme,	xxx s.
<i>Item</i> , for sevin score virales and diamandis for sperts, ilk pece vj d.	ij l. x s.
Aug. 28.— <i>Item</i> , payit to Johne of Burgownis wif, for iij elne plesance, and tua elne double kirsp, quhilk wes tane to pe grathing of pe MADIN, pe day pe QUENE come in Edinburghe, <sup>1</sup>	xiiij s.
Sep. 1.— <i>Item</i> , payit to James (Dog) to cartaris and pynouris, for carying of beddis-clathes and hingingis fra pe CASTELL to pe ABBAY, and othir places,	xxvj s.
<i>Item</i> , to pe said James he laid doune for stray to beddis, and for strowing of pe ABBAY CLOSE with girfe, <sup>2</sup> pe tyme of pe MARIAGE,	xxxv s.
<i>Item</i> , to pe said James he gais, at diuerse tymes, for xlij turse <sup>3</sup> of bent, ilk turse iij s.	vj li. vj s.
Sep. 3.— <i>Item</i> , for vij laid <sup>4</sup> of bent,	xxj s.
Sep. 4.— <i>Item</i> , ane pair of tympanes <sup>5</sup> to pe KING,	xxiiij s.
Sep. 11.— <i>Item</i> , pat samyn day be pe KINGIS command to pe ITALIENE LASE pat danfit,	xxi li.
<i>Item</i> , for v elne blew damas, to be ane goune to hir, be pe KINGIS command, ilk elne xxiiij s.	vj li.
Sep. 12.— <i>Item</i> , pe xij day of September, for iij elne rede taffetj to be cote armouris to the Heraldis, the tyme of the Marriage, ilk elne xvj s.	lvj s.
<i>Item</i> , for I buke of gold, bocht in Dundee be James Rollok, to pe said COTE ARMOURIS,	v li. v s.
<i>Item</i> , for making of pe said COTE ARMOURIS,	vij li.
Sept. 19.— <i>Item</i> , be pe KINGIS command, to pe Englise Payntour <sup>6</sup> quhilk brocht pe figuris of pe King, Queen, and Prince of England, and of our Quene, <sup>7</sup> xx fr. cr. (French Crowns)	xiiij li.
<i>Item</i> , to ane man to pas to Streuelin for hatale ayres and suordis, and to cum agane pat nycht, ix s.	
Oct. 24.— <i>Item</i> , to the Heraldis for pair compoficione of pe eschet of pe Barres quhen CRISTOFFERE TAILZOUR faught,	vj l. xiiij s. iij d.
Oct. 31.— <i>Item</i> , in Couper of Fife, THE LORDIS <sup>8</sup> being at the Justice Air pair, to ane mane to pas to Lynlithq <sup>9</sup> to pe KING with pe Lordis myndis anent the Earle of Rothes,	vij s.
<i>Item</i> , do. anent the Lord Lindsay,	vj s.
Nov. 22.— <i>Item</i> , to Robert, Cultellare, for xvj suordis for turnayng, ilk pece x s.	viii l.
<i>Item</i> , to Muncur, armorar, for ane paire of cuschingis, brasas, and mending of pe KINGIS harnes, at pe Turnayng, v Fr. cr.	ij l. x s.
<i>Item</i> , to Johne Mayne, boware, <sup>9</sup> for xxvij sperts,	liiij s.
<i>Item</i> , for thre red sperts, <sup>10</sup>	ix s.
Jan. 9, 1503-4.— <i>Item</i> , pat samyne day, be pe KINGIS command to Schir Johne Mausegrave, INGLISEMAN, xx Fr. cr.	xiiij li.
Jan. 11.— <i>Item</i> , for iij elne tanne damefe to Sir Johne Mausegrave, to ane doublet, ilk elne xxvj s.	ij li. xvij s.
Jan. 13.— <i>Item</i> , for xiiij day of Januar to Maister Thomas Dikfoun, for pe expensse maid on pe	

<sup>1</sup> See YOUNG'S Account, in *Leland's Coll.*, before referred to.<sup>2</sup> Dried meadow hay, or gorse. In numerous other instances it is entered as 'rasches to the chalmeris,' viz. *rushes*.<sup>3</sup> Trusses, bundles.<sup>4</sup> Loads.<sup>5</sup> Timbrels; perhaps a pair of Kettle-drums. King James IV was an expert musician, and there are frequent entries of various kinds of instruments having been purchased for his own use.<sup>6</sup> In *Walpole's Catalogue of Painters*, an artist of the name of JOHN MAYNARD is stated to have assisted *Toregiano*, as a Painter, in the planning of the Monument to be erected for Henry VII. Perhaps the Seal-Engraver of Henry VIII, JOHN DE MAYNE, was the same individual. The only Painter who is said by *Walpole* to have been employed by Henry VII, was *John Mabuse*, or *Mabuesius*; but it is by no means likely that he could be the person. MAYNARD, therefore, it is thought, was the Painter who accompanied the Marriage train, in charge of the Portraits presented by THE KING OF ENGLAND to his son-in-law. So far as the Editor knows, there are now no traces of his works in Scotland.<sup>7</sup> It is probable that this PAINTER remained in Scotland in full employment for two months, for under date Nov. 10, 1503, occurs this entry of a *propyne* to 'MYNOUR YE INGLISE PAYNTOUR, quhen he passit away, l Fr. cr., xxx li.'<sup>8</sup> Privy Council.<sup>9</sup> Bow-maker.<sup>10</sup> The above are given as specimens of the entries of this sort, which are very numerous.

## APPENDIX.

TURSSING of the *Beschop of Sanctandrois*<sup>1</sup> to SANCTANDROIS, to be beryit; in wax, in fraucht,<sup>2</sup> and all opir expense, . . . . . xxvj li. xj s.

Jan. 18.—*Item*, to Schir Thomas Galbreth, in part of payment of pe making of pe ARMES ABOVE pe 3ET,<sup>3</sup> x Fr. cr. . . . . vij li.

*Item*, to Johne Keyre messinger, John Tarres zeman, Gawin Bailze and Gareoch Purfewant, passand in diuerse partis with Letteris for pe BESCHOP OF SANCTANDROIS TYRMENT,<sup>4</sup> v li. ij s. iiij d.

Jan. 25.—*Item*, pat samyne day, in Edinburghe, payit to William Foular for TORCHES and PREKATIS,<sup>5</sup> and ane coffer to turse pe PREKATIS in to Sanctandrois, for the *Archbeshopes Tyrment*, . . . . . lxix li. vij s. vi d.

*Item*, for iiij<sup>c</sup>iiij dofane ARMES<sup>6</sup> for pe said TYRMENT, . . . . . xxviiij li. ij s.

Jan. 29.—*Item*, pe xxix day of Januar, in Sanctandrois, to the *Bretts* for MY LORD OF SANCTANDROIS TYRMENT, . . . . . lxxxij li. xviiij s.

*Item*, to S<sup>r</sup> Andro Makbrek to PUR FOLKIS pair, pat day, . . . . . xx li.

*Item*, to pe said S<sup>r</sup> Andro, to pe GRAY FRIERS pair, . . . . . xl s.

*Item*, pat samyne day to the *Gray Freris of Sanctandrois*, be THE KINGIS command, for pe ARCHDENE OF SANCTANDROIS, . . . . . iij li.

Jan. 30.—*Item*, to Duncane Stewartis broder, quhilk come to Faulkland and warnit THE KING of certane men at the *borne* suld be in SANCT JOHNNESTOUN (Perth), . . . . . xxviiij s.

*Item*, to viij men, to pair expense, to ride to Sanct Johnnestoune to tak pe said personis; and paireftir wes stoppit be THE KING,<sup>7</sup> . . . . . x s.

Feb. 3.—*Item*, pat samyne day, be pe Kingis command, to JOHNE BARBOURE<sup>8</sup> with pe *Beschop* of Sanctandrois, x Fr. cr. . . . . vij li.

Feb. 9.—*Item*, to a cremare<sup>9</sup> for ane Pfalter, thre compases, ane hammer, ane turcale to tak out teith,<sup>10</sup> and tua pair bedis to pe KING,<sup>11</sup> . . . . . vij s. viij d.

*Item*, to S<sup>r</sup> Andro Makbrek to pay for the *Quene of Englandis DIRIGE* and SAULE-MESS, vj li.

Feb. 11.—*Item*, to pe man suld mak aurum potabile, be the KINGIS commands,<sup>12</sup> xxviiij s.

Mar. 11.—*Item*, pat samyne day, giffin for tua Hary Nobles to Gilt the Kingis ceptur (scop-tre) again the Parliament, ilk pece xxxij s. . . . . iij li. iiij s.

Mar. 17.—*Item*, to Dauid Tempilman, Messingeire, to pas to Neubotill, Melrofe, Driburgh, Jedworth, and Kelfo, to ger do the *Quene of Englandis DIRIGEE*, . . . . . vj s. viij d.

Apr. 14.—*Item*, to ane callit Stratoune to pas in the *Blis*, with THE KINGIS writingis to MAKANE, . . . . . xliij s.

Apr. 17, 1504.—*Item*, to Dauid Tempilman to pas to warne the perfounis pat wer fourteis for the *Hertotts*, to enter paim to ane assignit day, and to summond ane ASSISE to pe said day, xv s. vj d.

Apr. 18.—*Item*, in Dumbertane to MARTIN THE FRANCHMAN for x twne of wyne to pe Schippes vittaling in<sup>13</sup> the *Blis*,<sup>14</sup> ilk twne, . . . . . lxx li.

*Item*, to pe said MARTIN, for pe fraucht of his Schip, and marinaris hyris, payit to him at diuerse tymes for hir passage in the *Blis*, . . . . . lxxij li.

<sup>1</sup> JAMES, DUKE OF ROSS, the King's younger brother, second lawful son of King James III. For a character of this Prelate, see *Crawford's Lives of the Chancellors*, p. 58. *Spotswood's Church Hist.* p. 61. *Wood's Peerage, &c.*  
<sup>2</sup> Freight; carriage. <sup>3</sup> Armorial bearings, FUNERAL ESCUTCHEON and achievements. <sup>4</sup> Interment.  
<sup>5</sup> Torches, and wax tapers. O. E. *Pryket*. <sup>6</sup> It was customary to have small banners and armorial bearings carried in procession, and fixed in the Church and around the funeral hearse and trophies. No less than 436 of these were used on this solemn occasion. <sup>7</sup> Doubtless out of a regard to public decency, on account of his brother's Funeral obsequies. <sup>8</sup> Probably a domestic. <sup>9</sup> A small-ware merchant. <sup>10</sup> Among other accomplishments, the King had considerable skill in surgery; and the Treasurer's Books amply testify that he often exercised his talents as a dentist. From the entries, it is obvious that he had also amused himself with carpenter work, &c. His ceaseless activity, and the dispatch he used in moving from place to place, but for such documents, would never have been credited. <sup>11</sup> This entry has, like many others, been selected to show the variety of these Accounts. Numerous similar entries occur. <sup>12</sup> At this period JAMES IV was duped by an ALCHEMIST, who fleeced him for some years, in his search for the PHILOSOPHER'S STONE, and the 'QUINTA ESSENCIA.' It is unnecessary to particularize farther in this place. <sup>13</sup> Destined for. <sup>14</sup> A great many entries follow, for the expenses of victualling the ships, gunpowder, 'artillerie,' 'gun-stanis,' &c. 'for Assaiging of Carnyburghe,' &c. THE KING often went on board to inspect the preparations. *Lord Setoune* got L.200 for THE EGILL, one of the King's ships.

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- Apr. 27.—*Item*, to the *Abbot of Unreasone* of *pe PYNOURIS OF LEITH*, be the Kingis command, . . . . . v s.
- Apr. 30.—*Item*, for iiij rubbovris to put powder in to pas in *pe ILIS*, for *ASSEKING OF CARNEBURGH*, . . . . . viij s.
- May 2.—*Item*, to Dandé Doule, quhilk he wan fra *pe KING* on *hors-runnung*,<sup>1</sup> . . . . . xxvij s.
- Item*, to *pe KING* himself in ane new purse, xxx Fr. cr. and xl s. quhit siluer, . . . . . xxij li.
- May 4.—*Item*, to Watte Trumbull to send for *GRAY GRETNO* to rynne, . . . . . ix s.
- May 9.—*Item*, to *pe BARBOUR* helit Paules hed, quhen he wes hurt with the *Abbot of Unreasone*, . . . . . xiiij s.
- May 18.—*Item*, in Dumbartane to *S<sup>a</sup> ANDRO WOD*, that he laid doune for vj twne of wyne maire<sup>2</sup> to *pe vittales* of *pe SCHIPPIS* in the *Blis*,<sup>3</sup> . . . . . xlij li.
- May 19.—*Item*, to *pe Maister Cuke* that he had laid doune<sup>4</sup> for brede-baking, chekinnis, caponis, and velis baking, quhilk wer send to the *Erle of Aranis schip*, and for carying of paim, iij li. xj s. vj d.
- Jun. 10.—*Item*, pat day payit to James Dog that he laid doune for girse<sup>5</sup> one *Corpus Christi* bag, at the *Blay*,<sup>6</sup> to *pe KINGIS* and *QUENIS* chamers,<sup>7</sup> . . . . . iij s. iij d.
- Jun. 17.—*Item*, payit to William Cunnyngname, burges of Drumfreise, quhilk he laid doune, be the *KINGIS* command, for vj twne of WYNE gifin be *pe King* to *Lor<sup>d</sup> Bacre*, ilk twne vij li. . . . . xlij li.
- Jun. 21.—*Item*, payit to *LORD GRAY*,<sup>8</sup> to his expensé cumand to Ed<sup>t</sup> to hald ane Court of Justiciary one *pe HERIOTIS*, for *Slaughter* of the *Laird of Fentoune*, . . . . . vj li.
- Jun. 22.—*Item*, in Hammiltoune, to *S<sup>a</sup> ANDRO WOD* to the *Martueris* pat was in the *Blis*, pair xv dayis wage, pat pa wantit, . . . . . xxxvij li. xiiij s.
- Item*, pat samyn tyme to *pe BESCHOP OF ERGILE* that he laid doune for WYNE, quhilk he spendit oure<sup>9</sup> *pe wyne* bocht of before, . . . . . v li.
- Jun. 24.—*Item*, to Johne Keir, messinger, to pas to *SANQUHAIR*, with the Precept for *pe Proclamacione* of the *Justice Airs* at *Drumfreise*, . . . . . vij s.
- Item*, to Bute Purfewant to pas to *pe KING OF ENGLAND* with writingis, for keping of *pe BORDOURIS* agane the *Raid* of *Esksdale*, . . . . . xxvij li.
- Jul. 1.—*Item*, to James Myllone and Alexander Harper, (two of the King's Minstrels) to see paim hors to pas to *pe Raid* of *Esksdale*, . . . . . xiiij s.
- Aug. 2.—*Item*, for tua hidis to be jakkis to Thomas Boswell and Watte Trumbull (Minstrels), agane the *Raid* of *Esksdale*, . . . . . lvj s.
- Item*, to *LANG JOK* of the *kechin*, pat wes hurt in the *Blis*, be the *KINGIS* command, . . . . . xiiij s.
- Item*, to James Hog ('TALE-TELLAR') to see tua hors in *Esksdale* with the *KINGIS* harness, in part payment, . . . . . xxvij s.
- Item*, for *FOURE CORSE-BOWIS* and ane hundreth *GANZERS*,<sup>10</sup> agane the *Raid* of *Esksdale*, xij li.
- Item*, to Robert Herwort<sup>11</sup> for stringing of paim, . . . . . xiiij s.
- Aug. 8.—*Item*, payit for v pair spuris to *pe KING*, tua paire sterap irnis, xij riding girthis, xij housing girthis, iij hors collaris, x hors houfes, and for hors schoing, *S<sup>r</sup> Adam Hepburne* grantand the samyne, . . . . . v li. x d.
- Aug. 8.—*Item*, to ane man of *SIR ALEXANDER JARDINIS*, that come to *pe KING* with thingis of *pe taking* of *St<sup>h</sup> Lindesay* and his complicis, . . . . . xiiij s.

<sup>1</sup> This is perhaps the earliest notice of HORSE-RACING in Britain, and *betting* on the event of the race, as an amusement. On Apr. 15, preceding, there is this payment,—*ITEM*, to Thomas Boswell, he laid doune in *LEITH* to the wife of *THE KINGIS INNIS*, and to *THE BOY* rane the *Kingis hors*, xvij s. <sup>2</sup> More; farther; in addition to the former supply. <sup>3</sup> And sa payit xvj twne of wyne, is marked below this article. See Apr. 18. <sup>4</sup> Expended. <sup>5</sup> Meadow hay, &c. <sup>6</sup> Probably a MYSTERY or MORALITY applicable to the day. <sup>7</sup> The same day *THE KING* gets 30 arrows, 18 bowstrings, and an arrow-case; on Jun. 21, 'ane arrow bag of ane brok (*badger*) akin, xiiij s.; and on Aug. 2, 'tua dooane arrowes and bowstringis, xxiiij s.' <sup>8</sup> The Justice-General. <sup>9</sup> Over and above. <sup>10</sup> Bolts or quarrell-bolts; arrows for the crossbow, termed quarrells from O. Fr. *quadrulle*, which took the name from the quadrangular form of the point. <sup>11</sup> The King's gunner.

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<i>Item</i> , to Johne Forman he laid doune for mending of þe KINGIS lectdecamp, <sup>1</sup>	iiij s̄.
<i>Item</i> , to ane man quhilk tuke tua <i>Cheffis</i> in MENTETH, and brocht to Edinburghe; quhilk wer justyfyt, viij Fr. cr.,	v li. xij s̄.
Aug. 9.— <i>Item</i> , for mailzeis <sup>2</sup> to þe KINGIS leg splentis, <sup>3</sup>	xx s̄.
<i>Item</i> , for ane pair leg splentis to þe KING,	xlij s̄.
<i>Item</i> , for tua gret bukklaris bocht to þe KING agane þe <i>Ratv</i> of <i>Eskdale</i> ,	xxvij s̄.
<i>Item</i> , to Martin Bailze of þe hors schoing, be the Kingis command,	v li.
<i>Item</i> , to þe Armoraris pat brocht þe KINGIS leg splentis, of drink-siluer,	ij s̄.
<i>Item</i> , to Sir Johne Home,	x li.
<i>Item</i> , to ANDRO STEWART, þe <i>Duke</i> of <i>Albany</i> s sone, vi Fr. cr.	iiij li. iiij s̄.
Aug. 13.— <i>Item</i> , in Drumfresfe, to <i>Menstrales</i> to se paim horsis to <i>Eskdale</i> , and syne agane to Drumfresfe,	xlij s̄.
Aug. 14.— <i>Item</i> , to þe <i>PYPARIS</i> of Drumfresfe,	xiiij s̄.
Aug. 17.— <i>Item</i> , to þe man hangit <i>the Chebis</i> at the Hullirbus, . . . . .	xiiij s̄.
<i>Item</i> , for ane raip <sup>4</sup> to hing paim in, . . . . .	vij d̄.
Aug. 18.— <i>Item</i> , to ane gyde <sup>5</sup> to pas with Sir Thomas Alane to Edinburghe for wyne to þe KING, in <i>Eskdale</i> ,	ix s̄.
<i>Item</i> , payit to James Redeheuche he gaf to an Inglis man, to pas to <i>Lord Bacre</i> for prouision, in <i>Canonby</i> ,	xv s̄. vj d̄.
Aug. 19.— <i>Item</i> , to ane Ingliseman brocht ANE DEIRE to þe KING fra <i>Lord Bacre</i> ,	xxvij s̄.
<i>Item</i> , to þe <i>Priour</i> of <i>Carlisle</i> tua men that brocht present and mavafy <sup>6</sup> fra þe said <i>PRIOUR</i> to þe KING,	lvj s̄.
<i>Item</i> , to tua wiffis brocht aill to þe KING, fra <i>Sir Johne Musgrave</i> ,	xxvij s̄.
Aug. 20.— <i>Item</i> , to Hew Munreif that come to <i>Canonby</i> fra þe <i>QUEENE</i> , <sup>7</sup>	lvj s̄.
<i>Item</i> , to <i>Sir Johne Musgraves</i> man that blew the hunting <sup>8</sup> to þe KING,	xiiij s̄.
Aug. 21.— <i>Item</i> , to þe man that hangit <i>the Chebes</i> in <i>Canonby</i> , be the Kingis command, xiiij s̄.	
<i>Item</i> , to tua ENGLISE wemen that sang in þe KINGIS pailzeoune, <sup>9</sup>	xxvij s̄.
Aug. 22.— <i>Item</i> , for ane hors to þe cartair that hed his hors dede at the Hullirbus, drawand þe pailzeounis, be the Kingis command, <sup>10</sup>	iiij li.
Aug. 23.— <i>Item</i> , in <i>Lochmabane</i> to þe KING to play at þe <i>Cartis</i> <sup>11</sup> with <i>Lord Bacre</i> ,	xlvj s̄. viij d̄.
Aug. 24.— <i>Item</i> , THE KING come to <i>Drumfresfe</i> furth of <i>ESKDALE</i> , (to) the JUSTICE and <i>LORDIS</i> to þe <i>Justice</i> Air pair, and remanit at þe said AIR, xxij dayis, to þe JUSTICES expensis ilk day xl s̄,	xlvj li.
Aug. 25.— <i>Item</i> , to þe KING at cartis with <i>Lord Bacre</i> ,	vij li.
Aug. 31.— <i>Item</i> , be THE KINGIS command to SIR ALEXANDER JERDENE and his men, for þe taking of <i>St Andrewsey</i> and other tua with him, eftir the tenour of þe Proclamatioune,	xxx li.
Sep. 2.— <i>Item</i> , to James Tailzour to pas to feche <i>the Armstrongs</i> to þe KING,	xiiij s̄.
Sep. 8.— <i>Item</i> , to þe <i>Fretis</i> of <i>Drumfresfe</i> xiiij s̄, <sup>12</sup> and of <i>Wigtoune</i> ,	xiiij s̄.
Sep. 11.— <i>Item</i> , to Johne Goldsmyth, for the turfing of THE ORGANIS in <i>Eskdale</i> , <sup>13</sup>	xlij s̄.
<i>Item</i> , to þe <i>PIPARIS</i> of Drumfresfe,	xxvij s̄.

<sup>1</sup> Fr. *Lit du camp*; a portable bed he carried with him to the field, and in all his journeys and hunting excursions. <sup>2</sup> Flexible mail for the back parts and joints of the limbs. <sup>3</sup> Greaves. <sup>4</sup> Rope. <sup>5</sup> Guide. Before high-roads were cut, travelling must have been, in all senses, a serious undertaking in those lawless districts. <sup>6</sup> Malmsey wine. <sup>7</sup> THE QUEEN at that period appears to have kept up a constant and anxious correspondence with her absent lord. <sup>8</sup> Hunt's up, or some favourite hunting air on the bugle. <sup>9</sup> The royal tent; *pavilion*. <sup>10</sup> These Accounts abound in almost every leaf with similar acts of generosity and consideration for the poor and unfortunate. <sup>11</sup> Numerous entries of this nature run through the whole accounts. <sup>12</sup> It is unnecessary to cite each payment of this sort, which were profusely bestowed wherever the King went. <sup>13</sup> The King seldom left home without preparations for hunting, music, archery, golf, &c., and THE ORGANIS always accompanied him, when he was to be stationary, for some time, at any place.



## APPENDIX.

- Sep. 12.—*Item*, to þe Franche smyth to þe KINGIS hors shoing, sene þe KING com fra Edinburgh, . . . . . xxviii s. vj d.
- Sep. 13.—*Item*, to Str Richard Champlers Menstrales,<sup>1</sup> INGLISE MEN, that playit to þe KING, . . . . . lvj s.
- Item*, to William Cunnyngames wif, in Drumfreife, for þe KINGIS bele chere,<sup>2</sup> . . . . . x li.
- Sep. 14.—*Item*, in Lochmabane to ane pur man that all þe COURT tuk his hay fra him, be THE KINGIS command, . . . . . x s.
- Nov. 16.—*Item*, for tua dofane BARRIT BOLTIS<sup>3</sup> for þe KING, . . . . . xvj s.
- Item*, for xij blent<sup>4</sup> boltis, . . . . . iij s.
- Item*, for ane pund corse-bow threid, . . . . . ij s.
- Item*, for iij pair wyndese cordis for corse-bowis, . . . . . vj s.
- Jan. 24, 1504-5.—*Item*, for ane CORSE-BOW and ane WATER-DOG to þe KING,<sup>5</sup> . . . . . vi li.
- Item*, þe said day to ANE TALE TELLER, that tellit Tales to þe King,<sup>6</sup> . . . . . ix s.
- Feb. 1.—*Item*, to James Hog, for dichtung of viij fuerdis, binding of pair handis, agane Fastings Evin to þe Turnapung, dichtung of ther steil fadilles with ymree, tua tré axes, and tua spere hedes, . . . . . iij li. ij s.
- Feb. 2.—*Item*, to the Gsaris that danfit to þe KING and QUENE, be the Kingis command, vij Fr. cr. . . . . iij li. xvij s.
- Feb. 3.—*Item*, payit to Robert, cultellar, for vj gilt dagaris to þe KING, grathing of þe Kingis schapis,<sup>7</sup> and couering of þe samyn, grathing of fuordis, schethis, and beltis to paim, binding of fuord handis with silk and cordis of silk to þe King, sene Mydfomer bipaft, of findry prices, as his compt bill proportis, . . . . . vij li. x s.
- Item*, to 3e said Robert for iij lang fuordis for the Barres,<sup>8</sup> and iij schort fuordis for Turnapung at Fastingis Evin, ilk pece x s., . . . . . iij li.
- Item*, for xxvj fokket hedis for þe BAR and TURNAYING, . . . . . xxvij s.
- Item*, for xxiiij VIRALES and DIAMANDIS for justing sperts, . . . . . xij s.
- Item*, for lj SPERIS for þe said Turnaying, ilk pece ij s., . . . . . v li. ij s.
- Item*, for ane ax-schac,<sup>9</sup> . . . . . xvij d.
- Item*, for xij cotis and xij pair hofe, half Scottis blak and half quhit,<sup>10</sup> to xij (Morris) Dansaris, be the More<sup>11</sup> Taubroneris devise, agane Fastingis Evin, be THE KINGIS command,<sup>12</sup> . . . . . xij li. ij s.
- Feb. 9.—*Item*, to þe Armorar that put one the Kingis harnes, . . . . . xij s.
- Feb. 10.—*Item*, payit for vj elne grene taffeti to Pate Sinclair to ane couter for his hors at the Turnapung at FASTERINGIS EVIN, ilk elne xv s., . . . . . iij li. x s.
- Feb. 23.—*Item*, to Alex. Herse to loufe þe KINGIS stope,<sup>13</sup> quhilk wes tane quhen he was Abbot of Wuresounne,<sup>14</sup> . . . . . vj li. viij s. viij d.
- Sep. 14.—*Item*, to þe four Staliene Menstralis, and the More taubronar, to see paim hors to Heblis, . . . . . xxviiij s.
- Item*, to ane Inglifeman and ane woman that wer spuilzeit<sup>15</sup> passand to Quhitherne, be ane Inglifman and ane Scottis man, quhilk wer justifeit zairfoir, in Lochmaben, . . . . . xiiij s.

<sup>1</sup> The number of minstrels belonging to the King's household at this period, was *thirty-one*. Their names and salaries are regularly stated. <sup>2</sup> Fr. entertainment; vulgarly 'belly cheer.' <sup>3</sup> Ribbed arrows or *quarrells* for his cross-bows. It may, however, imply that they were *barbed*, though that was an unusual shape for *quarrells*, which were square in the points. Had the word been written *berrit* or *boirit*, it would signify sounding or whistling arrows. <sup>4</sup> Mixed, of various sorts. <sup>5</sup> The King seems to have been hawking, almost daily, near Linlithgow, Falkland, &c. On Nov. 15, there is a curious entry, 'ITEM, to ane man passit in ane Loch, and rasit dukis (wild-ducks) to ye Halkis, be the Kingis command, ij s. iij d.' The water dog was evidently to pick up the game brought down by the 'boltis.' <sup>6</sup> Such payments are very frequent. <sup>7</sup> Scabbards. <sup>8</sup> The BARRACE or LISTS for the Tournament. <sup>9</sup> Hatchet, or axe-shaft? <sup>10</sup> *Molley*; party-coloured; black and white. <sup>11</sup> Moorish or black drummer. A *Morian*. <sup>12</sup> On the margin, 'For gisaris.' <sup>13</sup> A silver drinking-cup. <sup>14</sup> This affords a very remarkable instance of the manners of the times, and of the revels sanctioned by long usage during the *daft days*. The KING himself mingled freely in all the sports, and gained for himself the love and admiration of his people, being remarkably dexterous in all amusements, games, and manly exercises. <sup>15</sup> Spoiled; robbed.

- Sep. 17.—*Item*, to pe crukit *Wear of Drumfreise*<sup>1</sup> that sang to pe KING in Lochmabane, be THE KINGIS command,<sup>2</sup> . . . . . xiiij s.
- Oct. 5.—*Item*, to thre men to pas to pe SCHEREY OF ED. with *Blanc Purtois*, quhilk was justefyt, . . . . . vij s.
- Aug. 2, 1506.—*Item*, payit to Andro Aytoun he gaif to pe men that hed pe *Erscemen*<sup>3</sup> fra Strueling to Edinburghe, quhilkis pe *Erle of Huntly* take, and tarfit pe mannis heid,<sup>4</sup> . . . . . xiiij s.
- Oct. 20.—*Item*, to Ruthirfurd, Messinger, to pas to pe JUSTICE, to warne him of pe halding of pe *Aires*, . . . . . v s.
- Dec. 31.—*Item*, to xxx dosane<sup>5</sup> of bellis for *Dansaris*,<sup>6</sup> delyuerit to Thomas Boswell, . . . . . iiij li. xij s.
- Jan. 1, 1506-7.—*Item*, gifin to diuerse *Menstralls*, *schawmeris*, *trumpeteris*, *taubrounaris*, *sthelelaris*, *lutaris*, *elarschaaris*, and *piparis*, extending to lxxix perfonis,<sup>7</sup> . . . . . xlii li. xj s.
- Jan. 3.—*Item*, to ane man passand to pe BESCHOP OF CAITHNES with pe Kingis Letteris, for redding of pame passit in the *Lewis*, with *MAKY*, . . . . . xiiij s.
- Feb. 16.—*Item*, to *Wantonnes*<sup>8</sup> that sang to THE KING, . . . . . xiiij s.
- Item*, to *Wantonnes* that THE KING fecht and gert hir fing in THE QUEENIS chamber, . . . . . xiiij s.
- Feb. 17.—*Item*, to pe *Queene of pe Canongatt*,<sup>9</sup> . . . . . xiiij s.
- Mar. 6.—*Item*, to *Wantonnes* and her tua marrowes<sup>10</sup> that sang with hir, . . . . . xiiij s.
- Dec. 22.—*Item*, for iij *Prentit bukis* to pe King, tane fra *Andro Millaris wif*, . . . . . l s.
- Jan. 1507-8.—*Item*, to pe *Duff Queyn of pe Canongatt*,<sup>11</sup> . . . . . xiiij s.
- Jan. 22.—*Item*, to ane *Bestour*, be the Kingis command, . . . . . v s.
- Item*, to *Gray-steffil Lutar*, . . . . . v s.
- May 12, 1508.—*Item*, to Inglife Cuddy pat brocht in ane *nakit gyste* in pe clofe,<sup>12</sup> be the Kingis command, . . . . . xxxvj s.
- Jun. 19.—*Item*, to the *Erle of Ergile* to gif to pe men that tuke pe men pat *bruyt Dumer messane*, . . . . . vij li.
- Aug. 3.—*Item*, to Johne Beg, Messinger, to charge *Lord Maxwell* and the *Lard of Johnnestoune* to Ward, . . . . . ix s.
- Item*, to ane oper to pas to *Lord Crechtoun of Sanquhar*,<sup>13</sup> with pe Kingis writing, . . . . . ix s.
- Feb. 9, 1511-12.—*Item*, to ane fallow, because pe KING pullit furtht his twtht, . . . . . xiiij s.
- Feb. 25.—*Item*, to Kynnard, pe barbour, for tua teith drawin furtht of his hed be pe KING,<sup>14</sup> . . . . . xiiij s.
- Feb. 27.—*Item*, to pas with Letteris to summond pe *Lard Symontoune*<sup>15</sup> and his complices for crymes of *Tresoun* and ane *ASSISE* to pas pairupone, . . . . . xiiij s.
- Jun. 27, 1512.—*Item*, to Andro Armestrang to pas with Letteris to *Musgreff*, . . . . . xxvij s.
- Apr. 24, 1513.—*Item*, to summond pe *Lord Maxwell*<sup>16</sup> and pe *Lard of Johnnestoune*, x s.

<sup>1</sup> There are many payments to this person, who appears to have been in great favour with THE KING. <sup>2</sup> The King shortly after this returned to Edinburgh, and went to the North. <sup>3</sup> Highlanders. <sup>4</sup> Trussed or packed up the man's head, to be fixed on the Ports of some burgh or castle. <sup>5</sup> Thirty dozen. <sup>6</sup> Morrice-dancers. <sup>7</sup> It has already been remarked how liberal the King was in his establishment of this sort, which consisted of musicians from various countries. Besides his usual French and Italian Minstrels, he kept an Organist, e. g. 1512-13, Feb. 15. <sup>8</sup> *Item*, to Guilzeame, Organar, Frencheman, and his v complices, French Menstralls, xxv li. v s. <sup>9</sup> Juliane Drummond and the Italians had a payment of xxxv li. the same day for their quarter's wages. <sup>10</sup> Wantonness. <sup>11</sup> She is elsewhere called 'the suld Queen,' and 'callit ye Quene of Mail.' <sup>12</sup> Companions. <sup>13</sup> It would appear from this entry, that she was a poor maniac and a privileged pensioner. <sup>14</sup> A naked mask, brought by English Cuddy, or Cuthbert, into the Palace Yard of Holyrood. <sup>15</sup> For this and the preceding entries, see the Trials, Vol. I, p. 77, &c. <sup>16</sup> The King's skill in surgery and leech-craft was considered unequalled in these times, and he was extolled by contemporary writers, who assert that he was consulted by physicians and surgeons in desperate cases. The present instances seem to savour of frolic only, probably arising from a foolish wager with some of his courtiers. <sup>17</sup> See Trials, Apr. 27, 1512, &c., Vol. I, p. 76. <sup>18</sup> Robert Maxwell, son of John Lord Maxwell, got a Charter of the Stewardship of Annandale, on his father's resignation.—*Reg. Mag. Sig.* xviii. 173.

# CRIMINAL TRIALS

## AND OTHER PROCEEDINGS BEFORE THE

### HIGH COURT OF JUSTICIARY.

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IT is an unfortunate circumstance that the regular series of **THE BOOKS OF ADJOURNAL** does not commence till the 18th day of November 1524, in the twelfth year of **THE REIGN OF KING JAMES V**; for unquestionably a variety of very important Trials must have taken place during his minority. No doubt, the public business of the country received a fatal shock from the disastrous consequences of Flodden-Field, and it would be long ere matters became settled after that unhappy day, when so many of the Nobility, and the flower of the principal families of Scotland, fell along with their King.

The Editor has endeavoured, to the utmost of his abilities, to fulfil the pledge he made at the outset of this undertaking, by entering into a very extensive and laborious examination of all the early Records and Collections of MSS. within his reach, so far as connected with the objects of this present work. In his zeal to preserve all that is important, and that bears on the history, manners, and customs of Scotland, he fears he may have encroached equally on his limits and on the patience of the general reader, whose pursuits, perhaps, do not lead him to attach much value to what will be greatly prized by the historian and antiquary. The result of these researches he now begs to submit in the illustrative Notes and Appendix to this Reign, in the hope that they will meet with the candid consideration of all.

What was remarked in the brief Notice prefixed to the Reign of **JAMES IV**, and to that Appendix, is equally applicable to the present portion. It may be observed, that the Extracts from the Records of the Privy Council, which are here given in chronological order, at the end of this and the other reigns, lie scattered over a number of volumes, and are blended with Precepts of Charters, Gifts, Presentations to Benefices and Offices, Legitimations, Licenses, Safe-conducts, &c.; of which, a number of the more important papers have been selected. To save the repetition of facts and illustrations contained in **THE APPENDIX** to this reign, the reader is referred, generally, to its contents.

CURIA JUSTICIARIE *Supremi domini nostri* REGIS *tenta et inchoata in Pretorio de Edinburghe, per honorabilem virum WILELMUM SCOT de Baluery, militem, deputatum nobilis et potentis domini COLINI COMITIS ERGADIE, domini Campbel et Lorne, Justiciarii Generalis Supremi domini nostri Regis, die Sabbati,<sup>1</sup> xxvj<sup>o</sup> die mensis Nouembris, anno domini M<sup>o</sup>V<sup>o</sup>xxiiij<sup>o</sup> : Sectis vocatis et Curia affirmata.*

**Justice Clerk Sworn into Office.**

QUO die, in presencia dicti domini Justiciarij, NICHOLAUS CRAUFURD DE OXINGANG, Clericus Justicie, tactis sacrosancti Dei Evangeliiis, suum juramentum prestitit corporale, ad fideliter ministrand. in suo officio Clerici Justicie, juxta suam conscienciam et discrecionem.

**Slaughter of the Laird of Ryland.**

Nov. 18, 1524.—Jacobus Crechtoune de Frendrancht, miles, sepe vocatus ad intrandum ROBERTUM STEWART DE LATHERIS, ad subeundum legem pro arte et parte crudelis interfectionis quondam Jacobi Stewart de Ryland; prout ipse plegius devenit pro ipsius introitu, sub pena I<sup>o</sup> li. Et non comparen. in amerciamento dicte summe; et quod dictus Robertus ad cornu supremi domini nostri Regis denunciatur, et omnia bona sua, mobilia et immobilia, suo vsui eschatetur. Et hoc redditum fuit pro judicio.<sup>2</sup>

[*Jacobus Prestoune, burgen. et Presiden.<sup>3</sup> burgi de Ed<sup>r</sup> Justiciarius Deputatus.*]

**Murder of the Treasurer of Edinburgh.**

Jan. 7, 1524-5, (*die Sabbati.*)—THOMAS HAMMYLTOUN, called '*vnfanyt*,<sup>4</sup> William Were, William Were, his brother's son, and Gawin Hammyltoune, were denounced Rebels, &c. for the Murder of Mr James Haliburton, burges and Treasurer of Edinburgh.—(Maij 11, 1525.) Weir of Stanebyris<sup>5</sup> became surety for William, his son and heir-apparent, and . . . . Weir, also his son, that they should underly the law, on xv days' warning, for Intercommuning with Thomas Hammyltoun and William Weir, Rebels.

**Common Theft, Murder, Rape, &c.**

Jan. 30.—JOHN STEILL, alias *Kempy Steill*,<sup>6</sup> Adam and Richard Bell, convicted by an Affise, and HANGED for common Theft and Refet of theft, and

<sup>1</sup> See Note to Nov. 9, 1493. <sup>2</sup> It has been thought proper to insert the two entries which occur in the regular Books of Adjournal, although perhaps immaterial in themselves, for the purpose of affording a specimen of the manner in which the Record was then kept. <sup>3</sup> Provost. <sup>4</sup> Unsanctified, unhallowed. <sup>5</sup> His Christian name not given. See Feb. 4, 1525-6, from which it would appear he was shortly afterwards Murdered. <sup>6</sup> Kempy denotes a person given to strive or contend for the mastery; a champion ('campioun' in old writings), a wrestler, &c.

of common Murder and Rape : And for Intercommuning with the English thieves and traitors.

ASSISA.<sup>1</sup>

Alex. Kirkpatrick of Kirkmichaell, knt.	Williame Ballie of Bakbe,	Alexander Pennycuke,
Johne Pennycuke of that Ilk,	Alex. Dalmahoy of that Ilk,	Thomas Hammyltoune,
Alex. Crechtoun of Newhall,	The Lard of Hanginschaw,	Johne Douglas, David Vache,
James Maitland of Auchingaffil,	The Lard of Comiftoune,	Thomas Bynné of that Ilk.

**Bond by the Border Barons to assist the Earl of Angus, &c.**

APUD ED<sup>n</sup>. xxvij Martij, anno I<sup>m</sup> V<sup>c</sup>xxv<sup>o</sup>. In hospicio domini Cancellarii.

SEDERUNT, Cancellarius, Episcopus Candidecase, Comes Angusie, Abbates de Abirbrothok, Sancte Crucis, . . . . ., Dominus Flemyng, Clericus Justiciarie (Nicholaus Craufurd de Ozingang), Magister Adam Otterburne.

THE quhilk day, ARCHIBALD ERLI OF ANGUSE, in presence of þe Lordis above writtin, swore þat he fuld lelely and treuly serue in to THE OFFICE OF WARDANERY AND LIEUTENENTRY OF THE BORDOURIS, and to stanche Thift, Reiff, Slauchter, and al vtheris inconvenientis committit vpon our soverane lordis trew liegis; after þe forme and tenour of þe Commiffioun gevin to him þairupone.

Comperit *Andro Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Farnyhirft, Mark Ker of Dolphinstoune, George Rutherford of Hundolee*, and swore þat þey, be þaim self, kynne, freyndis, seruandis, and part-takaris, and al þat þai may raise and stere,<sup>2</sup> fall lelely<sup>3</sup> and treuly serue ARCHIBALD ERLI OF ANGUSE, ryde, gang, and serue him at þair possible power, in to þe office of Wardanery and Lieutenentry, for stanching of Thift, Reif, Slauchter, and inconvenientis, and for þe executione of justice, and furth-bering of THE KINGIS autorite. *The Lard of Hunthill, the Lard of Bethrowll, the Lard of Wellis, James Ker of Merfingtone, James Murray of Faulehill, William Kirkstone, the Lard of Haldane, Walter Scott of Syntoune, Robert Scott of Allanehauche*, swore to þe effect above writtin.

In presence of þe Lordis comperit Andrew Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Fernyhirft, Mark Ker of Dolphinstoune, þe Lard of Hundolee, þe Lard of Hunthill, þe Lard of Bethrowll, þe Lard of Wellis, James Ker of Merfingtone, James Murray of Fawlohill, William Kirkstone, þe Lard of Haldane, Walter Scott of Syntone, Robert Scott of Allanehalche, *David Hoppringill*, in Gallofchelis, *Adam Scot* in Truschelaw, and *Robert Scott, Tutor of Howpaslot*, and of their avne consentis has bund and oblist þame, and ilk ane of þame, to rise with þair kynne, freyns, seruandis, part-takaris, and all þat þai may steir, with Archibald Erll of Anguse, Lieutenant, for þe furth-putting of all

<sup>1</sup> This is the first recorded Assise in these books. It may be remarked, that the two Assises immediately following also consisted of *thirteen* persons. <sup>2</sup> Stir up, influence. <sup>3</sup> Loyally.

LIDDISDALE MENNE, ESKDALE, and EWISDALE, þare wiffis and barnys, now duelland within þe boundis of TEVIDALE, ETTRIK-FOREST, and boundis adjacent pairto, and hald þaim furth of þe samyne in tyme to cum. AND attour<sup>1</sup> þe forþaidis personis hes bundin and oblist þame, and ilk ane of þame, for þame self, vndir þe pane of tinfale<sup>2</sup> of lyfe, land, and guddis, þat gyfe<sup>3</sup> oney of þare men, kynnisemen, feruandis, tenentis, adherentis, affisteris, pairt-takaris, or duellis within þare heritagis, rovmys, baylzeryis,<sup>4</sup> takis, or stedings, committis ony trespass, sic as Slachteris, Murtheris, Tresonis, Revifingis, Spulzeis, Thifts, or vþer crymes, þe forþaidis personis fall bring in þe committeris pair of befor þe said LIEUTENENT, or his deputis, to vndirly þe law for þe said crimes; þai beand requirit pairto, vponne xx dais; or ellis, fall within þe said xx dayis after þai be requirit, put þe saydis personis, þare wiffis, þare barnys, furth of þe cuntré, and hald þaim furth of þe samin, and eschete þare gudis, to be deliuerit to þe pairti dampnagit. And þis BAND to endure quhill þe feist of Candilmes nixt to cum; and þe said Act to be extendit anent Slachteris, þe committeris pair of beand put to þe Horne.

ATTOUR, þe Lordis will and declaris þat þe landit men and Heidifmen<sup>5</sup> of TEVIDALE,<sup>6</sup> Sheref dome of SELKIRK, ETTRIKE FORREST, and boundis pair of, now beand and absent,<sup>7</sup> [‘sall obserue and keip þe samin Band, ficylke as and (if) they had compeirit and obleist thaim thairto’] in every poynte, efter þe forme and tenour þare of, and vndir þe panys contenit pairintill.

IN presens of þe Lordis of Counsal comperit GEORGE LORD HUME, *the Lard of Coldoinknollis*,<sup>8</sup> *the Lard of Polworthe*, *the Lard of Cranstone*, *the Tutour of Wedirburne*, *the Tutour of Langtoun*, *the Lard of Suyntone*, and fuore þat þai fuld lelely<sup>9</sup> and trewly serue ERLI OF ANGHOUSE in þe officis of Wardenrie and Lieutenery, with þame selffis, þair kynne, freyndis, feruandis, men, tenentis, and all þat þai may raife and stere, quhen and quhat tymes þai salbe requirit be him or his deputis pairto; or fall ryde, gang, affist, and suplé þe said Erle, in stanching of Thift, reiffis, slachtaris, and vþer inconvenientis, and in pecifing of þe cuntré, exercicioune of justice, and furth-putting our soverane lordis autorité: And þairupone gaif þair bodely athis.

IN presens of þe Lordis of Counsale forþaid, comperit George Lord Hume, þe Lard of Coldaineknollis, þe Lard of Polworthe, þe *Lard of Corby*, þe Lard of Suyntone, þe Tutour of Wederburne, þe Tutour of Langtoun, of þare avn consent Band and Oblest þame, and ilkane of þame, to ryse with þare kyne, freindis, men, feruandis, pairt-takaris, and all þat will do for þame, with Archbald Erll

<sup>1</sup> Moreover.   <sup>2</sup> Loss; from the verb to *tyn*e.   <sup>3</sup> If.   <sup>4</sup> Bailiaris.   <sup>5</sup> Chiefs, heads of Clans.  
<sup>6</sup> Teviotdale.   <sup>7</sup> There is an evident omission here. The words within brackets, which follow, are supplied to fill up the sense, they being taken from another similar passage in this remarkable document.  
<sup>8</sup> Hume of Cowdenknows.   <sup>9</sup> Loyally.

of Angus, Wardane and Lieutenent of þe Eift and Myddill Marchis, for pacy-  
fing of þe cuntré, perfewing of theffis and tratouris, exercicioune of justice, and  
furthe-putting of þe cuntry, of þe KINGIS autorité, quhen and alse oft as þai  
falbe requirit be him or his deputis þairto. And attour, þe forfaisdis personis has  
inlikwyfe bundin and obleft þaim, and ilkane of þaim for þaim self, vnder þe pane  
of tinsale of lyfe, landis, and gudis, gyf ony of þair kynnifmen, feruandis, tenen-  
tis, adherentis, afifteris, þairt-takariss, adherentis,<sup>1</sup> þairt-takis or duellis within  
þair heritagis, rovmys, bailzeryis, takis or ftedingis, committis ony trespassis,  
fic as Slaughtaris, Murthuris, Trefonis, Revifingis, Spulezeis, Theftis, or vper  
crimes, the forfaisdis personis fall bring in þe committeris, and þare, of before þe  
said Lieutenent and his deputis, to vnderly þe law for þe said crymes, þai beand  
requirit þairto apone xx dayis; or ellis, fall within xx dayis eftir þai be requirit,  
put þe saidis personis, þair wyffis, þare barnys, furth of þe cuntré, and hald þaim  
furthe of þe famin, and efchete þair gudis, to be delyuerit to þe þairti dampnait.  
And þis Band to endure to þe first of Candilmes nixt to cum; and þe said Act  
to be extendit anent Slauchteris, þe committeris þareof beand put to þe horne, &c.

ATTOURE, þe Lordis will and declaris, þat þe remanent of landit men and  
Heidis-men þat is duelland within þe MERSE and LAUDERDALE þat comperit  
nocht, and oblist þame in þis Act before written, fall obserue and keip þe famin  
Band, ficlike as and<sup>2</sup> þai had comperit and oblist þaim þairto in euery poynt,  
eftir þe forme and tenour þareof, and vadir þe panys contenit þairintill.

#### Jurisdiction in Maritime Cases.

May 4, 1525.—THE quhilk day comperit Williame Andirfone, burgefs  
of Edinburghe, in prefens of my Lord Justice and Lordis of Counsale, and be-  
com cautionar and fouirtie for þe schip callit 'þe FLEAND GAIST' OF ANSTER-  
DAM,<sup>3</sup> þe merchandis, marinaris, and gudis being in þe famyne, now being in þe  
Port and havyne of Leithe, þat þe said schip, merchandis, marynaris, nor gudis,  
fall nocht be remouit nor transportit furth of þe famyne, vnto þe tyme þe pley<sup>4</sup>  
be decided betuix þe SKIPPARIS and marynaris of þe said schip, and þe MER-  
CHANDIS OF COWPER and SANCTANDROIS, and ROSS HERALD, before þe  
Lordis of Counsale.

[*Colinus Comes Ergadie, &c., Justiciarius Generalis.*]

#### Jurisdiction of the Bailles and Sheriff of Edinburgh—Officers of Sheriffship of the City and County, in Criminal Matters.

The famyne day, in prefens of my LORDIS JUSTICE and of COUNSALE,  
comperand James Prestoune, President (Provoft) of þe burghe of Edinburghe, and

<sup>1</sup> This word is repeated. Perhaps for 'adheris.'      <sup>2</sup> As if.      <sup>3</sup> The flying ghost or spirit of  
Amsterdam.      <sup>4</sup> Law-plea; litigation.

**BALLIES** of þe samyne, one þat ane pairt, and Patrik Barone, Sheref deput of Edinburghe, in þe name and behalf of þe principale **SHEREF** þairof; and of þair avne fré will appointit and aggreit, in þis wyse; That is to say, **QUHAT** time ony Theif or trespaffour beis apprehendit within þe fredome and juridictioun of þe burghe of Edinburghe, and beis convict of ony cryme, þat þe said **PRESIDENT** (Provost) and **BALLIES** fall vfe þe **OFFICE OF SCHEREFSCHIP** pertenyng to þair office, in þat caise; and convoy þame souerly to þe place quhare þai suld be justifyt,<sup>1</sup> and remain pairat quhill<sup>2</sup> þai be dede. **AND** inlikwise, þe said **SHEREFF** of Edinburghe and his deputis, quhare ony Theif or trespaffour beis apprehendit outwithe þe fredome of þe said burghe, and presentit before þe Justice or his deputis in jugement, gif þai be convict, be ane Affise, of quhatsumeuer cryme, þat þe said Schereffs fall vfe his office of Scherefschip pertenyng to þair office vpone þe said trespaffouris, and convoy them souerly to þe place quhare þai salbe ordanit to be justifyt, and remane pairat quhill þai be dede.

#### **Slaughter of the Laird of Lochland.**

Jun. 13.—**GILBERT EARL OF CASSILLIS**, David Hynde, James Mure in Ballochtoyll, Gilbert Kennedy, 'þe Proveftis sone,' and John Montgomery in Balsagart, were acquitted by an Affise of art and part of the cruel Slaughter of Martin Kennedy of Lochland.

**THE EARL OF ARGYLE** presided at all the diets of this case, wherein almost every **KENNEDY**<sup>3</sup> of any consequence was called, as art and part; together with a very long catalogue of the usual allies and followers of the house of **CASSILLIS**; such as Robert Grahame of Knokdoliane, Thomas Corry of Keldwood, John Mure of Auchindrane, Bartholomew Craufurde of Kerse, David and Duncan his brothers, &c., for all of whom the Earl of Cassillis became surety, that they should appear and answer at the bar for that crime, and also for the Slaughter of Gilbert Makilwraithe.

#### **ASSISA.**

Johnne Mure of Arrochill,	Walter Maxwell of Aikhede,	Adam Stewart of Daldowdy,
Alexander Douglas of the Manys,	James Grahame of Bankell,	George Colquhoun,
Johnne Maxwell of Stanelie,	Robert Calender of Ballinchoiche,	Martyne Mure of Bogend.
James Stewart of Tuedy,	Johnne Strueling of Kere, kny <sup>t</sup> ,	Johne Stewart of Halrig,
Thomas Railstoun of that ilk,	Hew Douglas, burges of Ed <sup>t</sup> ,	Thomas Abirnethy in Glencorse.

The Earl of Cassillis afterwards compounded with the King for the *unlaws* in which his followers were found liable, which must have amounted to a very large sum. The original Warrant is still preserved,<sup>4</sup> and is given here as a specimen of such documents.

<sup>1</sup> Put to death, executed. B. Lat. *justificare*.      <sup>2</sup> Until.      <sup>3</sup> For illustrations of all matters connected with this subject, and, in general, with the Feuds, &c., of Ayrshire, Wigtoun, &c., the reader is referred to *History of the Kennedies*, Quarto, Edin. 1830.      <sup>4</sup> Orig. MSS. belonging to the High Court of Justiciary.



Rex,

JUSTICE CLERK, Wit 3e our weilbelouit counfing and counfalour, GILBERT ERLE OF CASSELLIS, hes componit with ws for all vnlawis in pe quilkis he was adiugitt, for nonentré of his breper, and all vperis his freindis and feruandis, before our Justicis or pair deputis, in our Towbuth of Edinburghe, quhatfumeuer dais, to haue vndyrlyin our lawis for Slauchtiris and crimis quhairof pai wer delatit, contenit in our Adiornale, vnto pe day of pe date heirof; and hes reffaut fra him payment for pe samyn, at pe making heirof: And Dischargis him of all pe saidis vnlawis, be pir presentis, for euer. It is our will herfor, and We charge 3ow, pat incontinent pir our Letteris fene, 3e draw all pe saidis vnlawis furth of our said Adiornale bukis, and defese<sup>1</sup> pe samyn, 3e trepand pir our Letteris for 3our Warrant. SUBSCRIVIT w<sup>t</sup> our hand at Edinburghe, pe xvij day of Junij, pe 3ere of God I<sup>m</sup>.V<sup>c</sup>.xxvj 3eris, and of our regne pe xij 3ere.

JAMES R.

**Slaughter — An Assise directed not to depart from the Tolbooth, until they had either acquitted or 'split' the Pannel.**

JUN. 21.—WILLIAM CARNYS of Orchartoun, and vtheris, his complicis. —James Johnesoun, maser, comperit in presence of pe Lard of Baluery, Justice, sittand in Jugement in pe Tolbuth of Edinburghe, and Thesaurare, and said pat pe Chancillar and Lordis of Counsale commandit pe Justice, pat he suld cause pe Affise chofin vpoun William Carnys of Orchartoun, and vtheris his complicis, delatit of pe Slauchtir of William Langmuir, proceid, and depart nocht furthe of pe Tolbuthe, quhil pai had owp<sup>t</sup> maid pame quyte, or fylit pame of pe said Slauchtir.

**Piracy — Plundering goods from a Ship in Leith.**

AUG. 14.—CAPITANE JAMES COKBURNE, Alexander Schort, David Logane, David Muschet, David Daudifone, and Thomas Logane, convicted and HANGED, as Pirates, for plundering certain goods and merchandize from Annand Peirfoun, dwelling in Norway, and his mariners, out of his ship in the harbour of Leith. John Gardner acquitted by the Affise.

**Slaughter of John Lord Fleming<sup>2</sup> — A Minor released from his Bond of Cautionary to enter a Pannel.**

AUG. 18.—THE following curious Supplication, with the deliverance indorsed thereon, is preserved among the Warrants of Court.

' MY LORDIS of Counsal and Auditouris of Chekker, vnto 3our l. huimlie menis and shewis I, 3our seruitour, GEORGE GEDDES OF CUTHILHALL: That quhare *Williame Tuedy*, ane scolar, wes delatit of airt and pairt of pe Slauchter of vmquhile JOHNE LORD FLEMING, and is innocent pairof, considering, pe time of pe committing of pe samyn, he wes at pe scule in Edinburghe: And becaus I duell among his frendis, pai sollist and tistit<sup>3</sup> me to be souerté for him, for his entre to pe law: And becaus he durst nocht compeir, he being innocent, for feir of his parti,<sup>4</sup> I am vnlawit for his nonentre befor pe Justice: howbeit, as I traist, I suld nocht haue bene reffaut souerte, nor suld nocht haue bene vnlawit, considering I wes and is of lefs-age,<sup>5</sup> within xv 3eris, and may nocht nor suld nocht be fouirte,

<sup>1</sup> Discharge.    <sup>2</sup> See Appendix to this reign, &c.    <sup>3</sup> Enticed.    <sup>4</sup> Adversary; prosecutor.    <sup>5</sup> In minority.

of pe law. HEIRFOR I befek 3our l. to haue confideratioune herof, and gif command to pe Justice Clerk to draw me out of pe Adiornal, fua pat I be nocht pondit<sup>1</sup> for pe said vnlaw. According to justice, and 3our anfaer I befeik. [Indorfed] *Apud Edinburghe, xvij Augusti, anno I<sup>mo</sup>. V<sup>o</sup>. xxv*

THE LORDIS Ordanis, pat becaufe pis complenar is of less-aige, pat pairfor pe Clerk of Justiciary discharge him of pe fouerte fundin be him in pis mater, for pis vnlaw, and put him furth of his bukis.

CLERICUS REGISTER. ALEX. CAMBUS<sup>us</sup>. R. GLASGU. JA. DECANUS ABB.

### Slaughter of the Laird of Stonebyres.

Feb. 4 et 12, 1525-6.—LINDSAY, Rector of Colbintoune, finds caution (Robert Lord Lyle) for his entry before the Justiciar, on Feb. 19, to underly the law for art and part of the cruel Slaughter of . . . Weyre of Stanebyris.

### Feuds between the Lairds of Amysfeild and Kirkmichaell.

Mar. 19-20.—JOHN CHARTERIS of Amysfeild, Robert and John, his sons, Gilbert and John Greir, brothers of the Lairds of Craufurdton and Ile, Robert Charteris, brother of the Laird of Amysfeild, and thirty-seven others, found caution to underly the law on May xxix, in the Tolbooth of Edinburgh, for the cruel Slaughter of Roger Kilpatrick, son and heir apparent of Sir Alexander K. of Kirkmichaell, kn<sup>t</sup>: And for the Mutilation of the said Sir Alexander.

Mar. 24.—SIR ALEXANDER KIRKPATRICK of Kirkmichaell, knight, Robert, John, and William, his sons, found caution (Roger K. of Knok) to appear the same day, to underly the law for all crimes to be imputed against them by John Charteris of Amysfeild.—He also became surety for the entry of William his brother, Henry K. junior, and Alexander his brother, Mr Cuthbert Welfhe, and twenty-two others, the same day.

### Slaughter of the Laird of Auchinherby.

Jun. 26, 1526.—HUGH EARL OF EGLINTOUNE, delated for art and part of the Slaughter of Edward Cunynhame of Auchinherby. John Lindsay of Dunrod, his cautioner, fined for the Earl's non-appearance, in 100 l. The cautioners of Archibald Craufurd of Hanyng, Archibald Montgomery Master of Eglintoune, James Montgomery, brother to the Earl, Mr William Montgomery, and others, were fined in the like sums—for their absence. The principals were denounced rebels.

### Stouthreif of the King's Artillery.

Jul. 11.—ROBERT BRUCE of Erthe, and Mr Thomas Bruce and James Bruce of Mungowellis, his brothers, received the King's Respite for art and part of the Stouthreif of certain mangonels<sup>1</sup> and Artillery coming from THE

<sup>1</sup> Poinded; distrained.

<sup>2</sup> O. Fr. *mangonel*—an engine for slinging or darting stones, large arrows, &c. with prodigious force. They seem to have been used long after the invention of artillery.

CASTLE OF STIRLING to the King's Majesty, at his burgh of Edinburgh, for the defence of his person : And for art and part of the Stouthreif of the King's Letters from his Officers ; and laying violent hands upon them.

**Stealing the King's Crown and Jewels.**

Jul. 11.—WALTER DRUMMOND, Acquitted by an Assise of art and part of the theft and concealment of THE KING'S CROWN from his Crown-room, with the precious stones therein contained, furth of the Palace or Monastery of HOLYROOD.<sup>1</sup>

**Slaughter of the Laird of Auchinharvy.**

Aug. 1.—HUGH EARL OF EGLINTOUNE ; Archibald Montgomery, his grandson and heir apparent ; Mr William, his son ; and James, his brother, find caution (Mr John Campbell of Lundy) to underly the law at the next Justice-aire of Air, for art and part of the Slaughter of Edward Cunynghame of Auchinharvy.

Aug. 4.—Thomas Craufurd, heir of Auchinamys ; James Monfode, heir of the Laird of Monfode ; John Frifell of Knock ; John, his son ; and twelve others, procure the Earl for their cautioner, that they should appear and answer for the same crime.

**High Treason — Field of Melrose — Common Theft, &c.**

Aug. 9.—JAMES ELWALD, Convicted for treasonably coming, in company with Sir Walter Scott of Branxhelme, kn<sup>t</sup>, and with the Traitors and Thieves of England and Scotland, against the King and his Lieutenant at MELROSE ; and for common Theft and Refet of theft.—HANGED.

**Slaughter of the Laird of Cessford.**

Aug. 14.—The following Warrant is preserved among the Papers of the Court. Alexander Hoppringill, in Torsonse ; John, James, George, and Adam, his sons ; James, his sifter-son ; George Chesholme of that Ilk, and eight others of no note, found caution to appear on 13th.

JUSTICE CLERK, Wit 3e, it is understand to *my Lord of Angus* and to *the Lard of Farnyherst, Mark Ker*, and pe laif<sup>2</sup> of pe frendis<sup>3</sup> of pe LARD OF CESSFURD,<sup>4</sup> that pir personis vndirwrittin, delatit of art and parte of pe Slaughte of THE LARD OF CESSFURD, ar innocent pairof, and wer nocht at pe committing of pe samyn : That is to say, William Sklater, Dutho Paterfone, William Peblis, Thomas Peblis, Mongo Williamfone, Thomas Dickefone, Johne Bard of Possö, Alexander Bard, Thomas Bard, Niniane Bard, Alex<sup>r</sup> Horfbruck of pat Ilk, Johne Gyffane of Cardrono, Thomas Myddilmest of Gre-

<sup>1</sup> James Kirkaldy of the Grange, Francis Ramsay of Foxtoun, John Rankelour of that Ilk, and others, were on this Assise.   <sup>2</sup> The rest, or remainder.   <sup>3</sup> Blood relations.   <sup>4</sup> Andrew Ker.

vifoune, William Tuedy, and James Cokburne. 3e fall pairfore draw pe saidis perfonis and pair fourteis furth of pe bukis of Adiornale, pat pai be nocht accustit nor trublit for pe said actione. AND alse, pat 3e defeise<sup>1</sup> in pe Adiornale, William Peblis, vnlawit pis last Monunday for nonentré of Mongo Williamfone before pe Justice, becaufe pe said Mongo enterit pis Tenifday before pe Justice, in pe Tolbuth of Edinburgh, and hes fundin new fouerte for his entre agane pe thrid day of pe nixt Justice-air of Peblis, or vpone xv dayis warning. 3e keband pis Warrant, fubfcriuit with my hand, AT EDINBURGH, pe xiiij day of Auguft, the 3ere of God I<sup>m</sup>.V<sup>c</sup>. twenty and sex 3eris. W<sup>o</sup>. THE<sup>o</sup>.<sup>2</sup>

### Forethought felony — Slaughter.

Aug. 17.—ROBERT KILGOUR, Convicted of art and part of the forethought felony, committed when vmq<sup>o</sup> Sir John Kilgour, his brother, and he cruelly flew John Gibfone and Thomas Wilfone, his fervant, Aug. 12, 1526.—Aug. 23. He was ordained by the EARL OF ANGUS, Lieutenant of the East and South Marches, to be BEHEADED.<sup>3</sup>

### High Treason — Rebging war against the King's Lieutenants.

Oct. 24.—ANDREW CRECHTOUNE of Craufurdoun, John Crechtoune of Kirkpatrick, and forty-fix others, were denounced Rebels, and put to the horn, for not appearing to underly the law for Convocatioun of the lieges in great numbers, armed in warlike manner, &c., and coming upon Archibald Earl of Angus, and James Earl of Arran, his Majesty's Lieutenants, near the Church of Linlithgow, being there for the time in the King's service, and exercifing his authority; and treasonably invading them and other faithful lieges for their slaughter and destruction.

### High Treason — Invading the Earl of Arran, &c.

Dec. 19.—JOHN LORD LINDESAY of Byris.—Sir William Scot of Balwery, kn<sup>t</sup>, became cautioner for the entry of Lord Lindesay of Byris, on the third day of the Justice-air of Fife, or elfewhere, on xv days warning, for art and part of Convocation of the lieges at the Burgh of Stirling, on the 1st, 2d, and 3d days of September last: And for art and part of holding private Councils at the said burgh, on the said days: And for art and part of the forethought felony and invafion made at Linlithgow, on the said 3d September, upon James Earl of Arran and his part-takers, there affembled for the prefervation and defence of the King's perfon.

### Abiding from the Raid (of Liddisdale) against the Border Thieves.

[WITHOUT at all entering into the caufe or consequences of THE RAID here referred to, which the Editor considers quite unnecessary in this place, the facts being fo well known,<sup>4</sup> he has thought that

<sup>1</sup> Discharge.

<sup>2</sup> Willielmus Thesaurarius, viz. Sir William Scott of Balwerie, Justice Depute and Treasurer.

<sup>3</sup> On the margin 'DECOLLATUR,' which proves that the sentence was carried into execution.

<sup>4</sup> See the forthcoming Volume of Mr Tytler's History.

the following curious extract from *Anderson's MS. History of Scotland*<sup>1</sup> will be as interesting to the reader as it is highly illustrative of the manners and spirit of these troublesome times. It seems a pretty close version of *Buchanan's* account of the same event, but the quaintness of the Scottish style adds much to its point.

' THAIR chancit, in the beginning of this RAID,<sup>2</sup> ane thing worthie of memorie, quhilk, for the noveltie of the fact, I wald not pretermitt. Thair was ane man of law<sup>3</sup> birth in *Johnne Stewartis*<sup>4</sup> stabill and in alfe law office, ane horskeiper. This man, eftir the Slauchter of his maifter, wandering about and wift not quhat to do, in end, with constant mynd, interpryfit ane heicher attempt than accordit aither for his stait or birth: For, passing to Edinburcht to the destinat reveng<sup>5</sup> of his maisteris death, in the way he chanced to meit with a man of lyk fortoun to himself, and ane of the servandis of the same Hous, and inquiryt of him, " Gif he sawe James Hammiltoun the Bastard<sup>6</sup> in the towne?" Quho confessing he saw hime—" Sawe thou him (said he) most wnthankful cretour—and, wald not slay that moift wicked man, quho slew our guid maifter! Away! To the gallous with thé!"—This mekill spokin, passing furth the way, he was bent to com directlie to Court.

' Thair was in the wtter clois<sup>7</sup> of the Palace to the number of two thousand men in armes, of DOUGLASS and HAMMILTOUNES dependaris, bound to the Raid quhair of we spak. This revenger of his maisteris Slauchter keipit fill<sup>8</sup> his eye and mynd upone HAMMILTOUN, regarding no more elfe; quho haveing ane cloick about him, vnamed, passing furth of the clois, com wnder the long volt<sup>9</sup> of the entres;<sup>10</sup> the revainger, awaiting him in the obscure and narrow throit quhair the zetis<sup>11</sup> ar hung, flew wpone him, and gawe him sax woundis (quhair of sum pearfid almoft to his vitall pairtis; wtheris James eschewed, be bowing<sup>12</sup> his bodie and obiect<sup>13</sup> of his cloick), and incontinent lap<sup>14</sup> in amangis the rest of the throng.

' Grit sture arrayfe<sup>15</sup> incontinent, for sum HAMMILTOUNES suspectit that this cruell turnes was done be THE DOUGLASSIS, quho as zit had not forzet<sup>16</sup> the auld malice; so that the twa factiounes had almoft fallin to it be the earis. In the end, the sture sumquhat fettled. All men within the clois (were) commandit to stand by wtheris fydis<sup>17</sup> about the wallis of the clois. The stryker was fund, and the bludie knyff still in his hand. Inquiryt, " Quhairfra he com, and quhat was his buffines thair?" Quhill as his ansueris war flowand, he was caryid to priffoune, quhair the tortur (was) presentet vnto him. He confessed, incontinent, that he had done the deid to reveng his maisteris Slauchter, lamenting onlie that so honest attempt had turned to nathing. Being verrie seuerlie tormentid, he wald not confes that ony man was in Conspiracie with him. In end, he was condamed, caryid about the Towne naikid, and brodit<sup>18</sup> with hot irnes in all pairtis of his bodie. He nevir, in word nor countenance, gawe ane dollorous signe. Quhat tyme his right hand was cut aff, he said, " It was moir lichtlie punischt than it defervid, ffor that it had not obayit ane stout stomack!"

This circumstance was too remarkable to escape the attention of *Leslie*, who briefly says,—' Ane great conuentione of the Lordis being in Halyrudhous with THE KING, the xvij of Junij, thair com ane sempill<sup>19</sup> lyk man, being fume tyme seruand to THE ERLE OF LENNOX; and in the mids ane great confluence in the Abbay clofe, furiously and disperatlie struk SIR JAMES HAMMILTOUN, knyght, with ane quhingzear in the Wambe,<sup>20</sup> thre findry fraiks, to the heft;<sup>21</sup> albeit<sup>22</sup> that the said Sir James deit nocht of thay fraikis. The man beand suddantlie takin, confessit the deid, without ony repentaunce, crying, " Fye on the feibill hand quhilk wald not do that thing the hart thocht, and wes

<sup>1</sup> Advocates' Library, Jac. V, 2.2. fol. 282, b.      <sup>2</sup> THE RAID OF LIDDISDAILL against the THIEVES, where the Earl of Angus' HONOR 12 of thame that war takin, and keipit also mony for pledgis; quhome also, for that thair freindis wald not abstene from Roberie, within fewe monethis eftir, he Execut.'      <sup>3</sup> Mean; low.      <sup>4</sup> John Earl of Lennox, slain at the Field of Linlithgow.      <sup>5</sup> Revenging.      <sup>6</sup> Sir James Hamilton, natural son of the Earl of Arran.      <sup>7</sup> Outer close, or inclosure.      <sup>8</sup> Ever; constantly.      <sup>9</sup> Vault; archway.      <sup>10</sup> Entrance.      <sup>11</sup> Gates.      <sup>12</sup> Bending; inclining.      <sup>13</sup> Interposition.      <sup>14</sup> Leapt.      <sup>15</sup> Literally, a great dust arose.      <sup>16</sup> Forgotten.      <sup>17</sup> To stand side by side; in single file.      <sup>18</sup> Pricked; thrust at.      <sup>19</sup> One of low or obscure birth; a plebeian.      <sup>20</sup> Belly.      <sup>21</sup> Hilt; handle.      <sup>22</sup> Although; nevertheless.

determinat to do!" And being inquyrit "Quhat he was, and quha had causit him to do the same?" Anfuorit, "he was ane fervand of God, send he him to do that deid." And albeit he was put to grite paynes, dailie, be the space of ane moneth thaireftir, wald never gif ane uther anfuor. Theirfeir he was hangit, and his heid fixeit upoun the Port of Edinburgh.<sup>1]</sup>

Jul. 29, 1527.—RICHARD LORD INNERMEITHE and JAMES LORD OGILUY americiated for not appearing to underly the law for remaining from the last Raid made by the King upon the (Border) Thieves.<sup>2</sup> New Letters were ordained to be issued for their appearance; and, in case of failure, that their whole moveables be escheated, &c.

#### Abiding from the Border Raid.

Jul. 29.—JOHN LORD GLAMMYS americiated for the same crime, and for Refetting Gawyn Lyoun and others his accomplices, Rebels.

#### Slaughter of the Earl of Cassillis.

Oct. 5, (*die Sabbati*).—HUGH CAMPBELL OF LOWDOUNE, Sheriff of Air. James Earl of Arran was americiated 100 l. for not entering the Sheriff of Air to underly the law for the cruel Slaughter of Gilbert Earl of Cassillis. Campbell was denounced Rebel, and all his moveables ordained to be escheated.—George Craufurd of Lefnorijs, and William his brother, John Campbell of Cefnok, Bartholomew Craufurd of Kerfe, David and Duncan his brothers, John Craufurd of Drongane, John and William his sons, with a great number of others, found caution to underly the law for this crime, on the third day of the next Justice-aire at Air.<sup>3</sup>—DAME ISSABELLA WALLACE, LADY LOWDOUNE, also accused for the same crime, was proved to be sick by Sir William Bankhede, her Curate, and two witnesses.

#### Invading the Sheriff of Fife in a fenced Court.

Oct. 8.—GEORGE RAMSAY of Clatty, John Betoune of Balfour, James Betoune of Melgun, Johne Grahame of Claverhouse, and others, found caution to underly the law at the next Justice-aire of Fife, for Convocation of the lieges to the number of 80 persons, and in warlike manner invading JOHN LORD LINDESAY, Sheriff of Fife, in the execution of his office, in a fenced Court within the Tolbooth of Cowper, the doors being shut, and the Assise inclosed; and for breaking up the said doors. David Abbot of Abberbrothock obliged himself to relieve John Wardlaw of Torry of his cautionry.—MR GEORGE BETOUNE, Rector

<sup>1</sup> BAN. CLUB Edit. ; 1830 ; p. 139.      <sup>2</sup> Many others of less note were cited for this offence, until the year 1528. It is unnecessary, however, to multiply farther instances of the like entries, excepting where the rank of the parties renders them interesting.      <sup>3</sup> Numerous entries occur of persons cited for this crime; and, failing to appear, they were all denounced rebels, &c.

of Glasgow, dilated of the same crime, was replegiated by the Commissary of the Archbishop of Glasgow.—DAVID FETHY of Incheok, David Cokburne of Tretoune, and John Betoune of Balijs-craggis americiated for non-appearance, and ordained to be summoned of new, &c.

### **Slaughter.**

Oct. 14.—JOHNE JOHNSTOUN of that ilk, John, Andrew, and Rolland Bell, William and Mathew Johnstoune, found caution to appear before the Justiciar, to underly the law for the cruel Slaughter and Murder of Symon Armestrang. James Douglas of Drumlangrig became cautioner.—Sep. 23. Failing to appear, they were all denounced Rebels, &c.

### **Intercommuning with the Sheriff of Air.**

Nov. 23.—WILLIAM CUNYNGHAME of Glengarnok, Mungo Mure of Rowallane, John Hammylton of Colmyskelthe, James Wallace of Carnale, Adam Wallace of Newtoun, John Foulartoun of Corbie, and others, were americiated for not appearing to underly the law for Intercommuning, affisting, refetting, and supplying Hugh Campbell of Lowdoun, Sheriff of Air and his accomplices, Rebels, and at the horn, &c. Their moveables were ordained to be escheated, &c.

### **Intercommuning with the Sheriff of Air.**

WILLIAM CUNYNGHAME, MASTER OF GLENCAIRN, John C. of Caprintoun, David C. of Bertaneholme, Robert C. of Aket, William Wallace, Tutor of Cragy, George Ross of Hanyng, John Lokert of Bar, John Craufurd of Dron-gane, George Rede in Dandelly, and Quintin Schaw, Tutor of Keris, found caution to appear before the Justiciar on Dec. 4, for Intercommuning, &c. with the Sheriff of Air.

### **Importing and Uttering Forged Money.**

Mar. 14, 1527-8.—GEORGE CABALL, Convicted by an Affise of treasonably importing ffalse and fforged pennies into the kingdom from Flanders and other places; and of using them in his merchandize and otherwise.—SENTENCE. To be drawn to the gallows and HANGED until dead, and his head to be placed on an iron pike, and fixed on the east gable of the Tolbooth of Dundee. His body to be quartered, and each quarter to be suspended by an iron chain, and affixed upon each of the principal ports of that burgh, thereon to remain as a perpetual example to others. All his goods, moveable and immoveable, were ordained to be escheated.

**Slaughter — Deadly Feud.**

Jul. 28, (*Apud Striueling*.)—ALEXANDER KENNEDY OF BARGANY, and Hugh his son, John Mure of Auchindrane,<sup>1</sup> and James his brother, Gilbert Kennedy of Kirknichall, James K. of Blarequhane, Sir David Blacater, Curate of Girvane, Thomas Corry of Keldwod, Thomas K. of Coiff, Alexander K., brother of James of Knokdone, Alex. K. of Glentig, William Abbot of Corfragwell, Gilbert K. of Barmaclannochane, Mr Walter K., James K., son and heir-apparent of Patrick of Drumnellane, John K., son and heir-apparent of Gilbert of Kirkmechell, Thomas K., son of Alex. of Bargany, Hugh K., son of Thomas of Dunneyne, David K., brother of the Laird of Kirkmechell, Alex. K. of Zet, Thomas K. of Dunneyne, John K. of Bennane, Mungo Eklis of that ilk, Patrick K. of Drumnellane, &c.<sup>2</sup> (in all seventy-five persons,) dilated for art and part of the cruel Slaughter of vmq<sup>3</sup> Robert Campbell in Lochfergus, Alexander Kirkwod, and Patrick Wilfone.

MR WALTER KENNEDY, Rector of Douglas, David his brother, James K., Thomas Boswell, Sir George Davidfone, John K., William Wricht and Duncan Makrinnyll, Chaplains, and George Berclay, Parish-clerk of . . . , were replegiated by Sir Robert Wemys, Chaplain and Commissary of Gawin, Archbishop of Glasgow, and found caution to underly the law for the above crime.

JOHN KENNEDY of Bardrochat, Thomas Murdoch of that ilk, James Kennedy, brother of the Rector of Douglas, James Makrinnyll of Barneill, and seven others, found caution to underly the law for the same crime, at the Justice-aire of Air, &c.<sup>3</sup>

**Intercommuning with a Rebel.**

Aug. 27.—JAMES LORD OGILUY, James Ogiluy of Cukiftoune, David Gardin of Leys, and John Ogiluy of Innerquharite, americiated for not appearing to underly the law for Resetting, supplying, and intercommuning with Sir Alexander Spense, Monk of Cowper, his Majesty's Rebel.

**Proclamation to pass to the Raid of Temptalloune, &c.**

PROCLAMATION,<sup>4</sup> made at the Market-Cross of Edinburgh, Sep. 10, 1528.—WE do 3ow to wit, pat fforamekill as ane grete pairt of our souerane lordis liegis wer commandit be his Letteris to cum to his hienes, to STRUELING, to have convoyit his grace to Edinburghe, and pairefter to haif remanit

<sup>1</sup> Ancestor of the notorious Auchindrane, who has been 'doomed to everlasting fame' by *Sir Walter Scott*, in his *Ayrshire Tragedy*. <sup>2</sup> The others are individuals of less note. <sup>3</sup> Other persons are cited for this Slaughter at subsequent diets of Court, and denounced rebels, &c. <sup>4</sup> It is certified in the Record, that this Proclamation was publicly made at the market-cross of Edinburgh, Sep. 10, 1528.



for þe space of xx dais, or to haue past quhare his grace and Lordis of his Counsaile plefit. AND now his grace, with avise of his saidis Lordis, has tane purpose to remove towart Temptalloune, or vperis places thocht to him expedient : Quharefor I command and charge in our souerane lordis name all and findry his liegis, quhilkis wer chargit be his Letteris be oppin proclamatione of before, þat þai address and mak þaim redy, bodin in þair best wife, and be in þis towne of þis nixt Thurisday, at evyne, þe xj day of September instant, to pass on Friday þe xij day of þe said moneth with þe KINGIS grace and Lordis of his Counsaile, quhare þai sal think expedient, vnder the panys contenit in his first Proclamatione forsaid ; and nochtwithstanding ony Letteris of Licence gevin in þe contrare ; certifying þaim þat hes gottin ony sic Letteris of Licence þat nane of þaim salbe admittit, bot þair eschete salbe disponit vpone. And þat þe Towne of EDINBURGHE and LETTHE furnise cariage with vittallis to pass with þe KINGIS grace and his ARMYE, for furniffing of þe samyn as efferis ; and þai fall haue thankfull payment þairfor.

**Assisting the Earl of Angus in raising Siege of Newark.**

Sep. 26, (*die Sabbati*).—GEORGE NESBET of Dalzell,<sup>1</sup> George Crow of Restoune, James Ramsay in Fouldene, and William Redepethe, junior, were americiated for not appearing to underly the law, for their riding with their friends, tenants, and fervants, and fortifying and assisting Archibald, formerly Earl of Angus and his accomplices, for raising the siege of the Castle of New-Werk ; and for art and part with him therein, contrary to the King's Proclamations, &c.

**Intercommuning with Rebels — Burning Castle of Broadick, &c.**

FERGUS M<sup>c</sup>DOWELL OF FREWCHE, Thomas M<sup>c</sup>D. of Mondork, and Thomas Makcavat, found caution to underly the law at the next Justice-aire of Wigtoune, for Refetting, supplying, and intercommuning with Archibald and Robert Stewart, sons of the Sheriff of Bute, Rebels, and at the horn for the Slaughter of George Tayt ; and for the Burning and destruction of the Castle and Place of Braidwik, in Arran, belonging to the Earl of Arran.—In a Warrant from the King which follows, dated Sep. 25, the Justice is directed to take caution of these persons, ' because of our Generale Raid now deuifit to be vpone þe xx day of October nixt to cum, for recouering of þe said Castell of Temptalloune.'

**Oppression — Chasing Deer — Mutilation, &c.**

Oct. 21.—GEORGE KER of Lyntoune, Mr Thomas Ker of Sounderland-

<sup>1</sup> He was denounced rebel on Sep. 28.

hall, James Ker in Farnylee, and nine others, were amerced for not appearing to underly the law for art and part of the Oppression done to William Cokburne of Ormiston, coming to his Park of Ormiston under silence of night, armed with lances and other invasive weapons, breaking up the gates thereof, and with bows and dogs chasing and wounding 'his parkit deir:' And also, for invading and wounding his servants the keepers of the said Park: And for the mutilation of one of his servants, called Thomas Anderson.—New Letters were ordained to be issued for their appearance, under the pain of rebellion, &c.

#### Caution for Partizans of the late Earl of Angus.

Nov. 20.—'GEORGE HUME OF SPOT comperit in presens of þe Lordis of our souerane lordis Secrete Counsaile, and for þe frething<sup>1</sup> and releuing of DAVID RAYNTOUNE OF BYLLE out of Warde furth of þe CASTELL OF EDINBURGH, þe said George become souirte for him, þat he sal in al tyme cuming lelely<sup>2</sup> and trewly serue our souerane lord, and þe lord Hume, vnder þe pane of twa thousand merkis.'

(Nov. 22.)—'IN presens of þe Lordis of Counsaile, comperit Nicholace Ramfay of Dalhouffy, and James Towris of Innerleyth, kny<sup>t</sup>, and become cautioners and suerteis, coniunctlie and seueralie, for PATRIK HUME, broþer germane to Alexander Hume Tutour of Wedderburne, that fforfamekill as þe saidis lordis has chayngit þe said Patrikis Ward furth of þe Castell of Edinburghe, to þe Tovne of þe samyn; tharefor, þat þe said Patrik fall remane in Warde within þe said Tovne of Edinburghe, and nocht remove þairfra, nor assist to Archibald Douglase, sumtyme Erll of Anguse, nor his part-takaris, nor write nor send to þame na maner of way; and fall keip the said Warde quhill he be fred be þe Kingis grace and Lordis of his Counsaile, vnder þe pane of ij<sup>m</sup> merkis. And þe said Patrik fall anfuer for na manis dedis bot his avne dedis.

#### Abiding from the Host at Temptalloune, &c.

Dec. 16.—JOHN SITLINGTON of Stanehouse, John Wilfone of Cruglin, Alexander M<sup>c</sup>quuchin de Dalquhit, John Ferguffone of Cragdareauche, and sixty seven others,<sup>3</sup> denounced Rebels and put to the horn, for their abiding from the King's host and army at Temptalloune.—A number were pursued at this period, for abiding from this army of 'Dowglas and Temptalloune,' and the previous army at Stirling.

#### Intercommuning with Rebels in Carrick, Bute, and Arran.

Jan. 15, 1528-9.—JOHN NEILSONE of Cragcaffy, and Michael and John

<sup>1</sup> Freeing; absolving.      <sup>2</sup> Loyally.      <sup>3</sup> They were all Galloway and Wigton Lairds—among them the Lairds of Balmagie, Garlies, Larg, Barclay, Creachane, Torhouse, Andrew Agnew the Sheriff of Wigton, &c.

Neilfone his coufins, were denounced Rebels and put to the horn, &c. for not underlying the law for Refetting, Supplying, and Intercommuning with his Majesty's Rebels, in Carrick, Bute, and Arran: And for Oppreffion done to the Laird of Mochrum, coming to his dwelling place of Mochrum, and breaking up the doors and windows, &c.

#### **Convocation of the lieges — Oppreffion, &c.**

Feb. 15.—WILLIAM ANSTRUTHER, George Symmer, and thirty-eight others, fund John Anstruther of that Ilk as thair cautioner, that they should appear at the next Justice-aire of Fife, to underly the law for art and part of Convocation of the lieges: And for Oppreffion done to Mr David Lindesay, and invading him for his Slaughter. And for taking and incarcerating him in the Tower of Anstruther, and detaining him therein againft his will.

(Feb. 27.)—JOHN ANSTRUTHER of that Ilk, and John Strang younger of Balcafy, fund caution to anfwer for the above crimes.

#### **Fire-raifing — Burning of Coufland.**

Feb. 25.—PATRIK CHARTERIS of Cuthilgurdy found caution (Robert Mawll of Panmwre) for his entry before the Justice, to underly the law for art and part of the Fire-raifing and Burning of the village of Cowfand, and houfes thereof: And for the plundering of certain oxen, cows, and other goods, from the Tenants thereof, and from William Lord Ruthvene.—(Feb. 28.) JOHN CHARTERIS, brother to Cuthilgurdy, and eleven others, found furety to anfwer for the fame crime.—(Mar. 1.) The King granted Warrant to remit this cafe to the Justice-aire of Forfar.

#### **Slaughter of John Lord Fleming.**

Apr. 7, 1529.—JOHN TWEDY of Drummelzeare, John Tuedy dwelling with him, Thomas T. in Oliverie Caftell, David T., James T. in Kilbochoche, and James T. in Wray, found furety (John Lord Hay of Yefter) for their appearance at the Justice-aire of Pebles, to underly the law for art and part of the cruel Slaughter of John Lord Flemyng. This furety was taken by Warrant of the Lords of Privy Council, and with confent of Malcolm Lord Flemyng, becaufe they were at the horn.

JAMES TWEDY junior of Drummelzeare, John Vache of Kyngfyde, David Newtounne of Michelhill, and eight others, found caution (Sir Walter Scott of Branxholme, knt.) to anfwer at the fame time and place for the above crime.<sup>1</sup>

<sup>1</sup> May 17, 1530, he and three others procured Letters of Refpite, and found caution to fatisfy the party at the next Justice-aire of Peebles.

**Treasonably assisting the Earl of Angus, &c.**

Apr. 16.—ADAM NESBIT of that ilk, and Philip Nesbit his son, were denounced Rebels and put to the horn, and all their moveable goods to be escheated, for not appearing to underly the law for Resetting, Supplying, Intercommuning, and Assistance given and afforded to Archibald, formerly Earl of Angus, (George Douglas) his brother, and (Archibald Douglas his) uncle, Rebels, in their treasonable deeds.

(Apr. 21.)—DAVID HOPE and William Inglis, were Convicted by an Affise, and HANGED for their treasonable assistance given to Archibald, formerly Earl of Angus, &c. as above. *Item*, the said David, for art and part of the treasonable detention of the Castle of Temptalloune against our sovereign lord's authority.

**Convocation of the lieges — Rescuing a Felon, &c.**

Maie 5.—ROBERT GUDEFALLOW, John Jardin of Dyke, John and Alexander Jardin, and 19 others, denounced Rebels, and put to the horn for not underlying the law, for Convocation of the lieges in great number, coming upon the servants of Malcolm Lord Flemyng, in the execution of their office, by virtue of Royal Letters directed to him, to search for and take Edmund Rutherford, and present him before the Justice to underly the law for certain crimes; and rescuing the said Edmund, &c.

**Common Theft, &c.**

May 5.—JOHN RUTHERFORD, son of Edmund Rutherford in Auchincorthe, Convicted by an Affise of common Theft, Resetting of Theft, outputting and inputting, &c. and HANGED.—THOMAS DAVIDSOUN Convicted and HANGED for the same crimes.

**Caution for the Laird of Drumlanrig.**

Jul. 31.—‘THE quhilk day James Douglas of Caveris, Sheriff of Teviotdale, in presens of þe Lordis of Counsaie, become souerté for JAMES DOUGLAS OF DRUMLANRIG, þat he suld nocht evade nor eschew furthe of Warde out of þe Castell of Edinburghe, vnder þe pane of I<sup>m</sup>li., quhill it wer þe KINGIS plesour.’

**Lord Maxwell's Bond to present felons to trial, &c.**

Jul. 23.—‘In presens of þe KINGIS grace and Lordis of Secret Counsaie, ROBERT LORD MAXWALL, Wardane of þe West Marchis, tuke vpon hand to entir *Hector Scot, George Scot of þe Bog*, and vperis þair complices, quhais names salbe gevin to him in bill, committaris of þe Slauchteris of James Paterfoun and Williame Cleghorne in Langlandhill; And for þe Refe and Herschip

of certane horffis and gudis at Peblis and in Tueddale, laitlie, and vpoun þe Capitane of Edinburghe, at þe Catflak, in þe Forest of Ettrik, before our fouerane lordis Justice in þe Tolbuthe of Edinburghe, vpoun þe ferd day of Auguft, for þe faidis Letteris : Or ellis, to put þaim out of þe MARCHE, and hald þaim furth of þe fame;—and in þat cace fal reftore þe gudis takin be þame or ony vperis complenzeand vpone ony personis duelland within þe boundis of his Wardanery, according to his Band, and fene þe date þair of : Prouiding alwais, þat þe personis þat enteris falbe accufit for na thingis before þe day of þe date of his Band, and acceptatioun þair of.'

### **Stouthreif — Oppression — Sheep-stealing.**

Aug 5.—JAMES GUTHRY, Captain of the Castle of Crechtoune, americiated for not underlying the law for art and part of the Stouthreif and Opprefion done to William Borthwick of Crukstoune, in 'reiving' from his fervant and shepherd of 100 sheep, being at the grazings upon the lands belonging to John Lord Hay of Yester. New term assigned, under the pain of rebellion, &c. —Andrew Purves and ten others found security to appear at the Justice-aire of Edinburgh, to answer for the same crime.

### **Convocation — Deadly Feud between the Lairds of Edmonstoun and Nudry - Marschall.**

Aug. 30.—PATRICK COCKBÜRNE of Newbigging, James Cockburne of Langtoun, Gilbert Wauchope of Nudry Marschall, and Gilbert his son, John Pennycuke of that Ilk, John Lile of Stanypethe, Andrew Heriot of Trabrovne, Mr George Hay of Mynzeane, Patrick Sydeserf of that Ilk, the young Laird of Skowgall, and James Stewart of Cragyhall, Convicted by an Affise of art and part of Convocation of the lieges upon John Edmonstoune of that Ilk.

GEORGE LORD HUME americiated for not entering John Hume and ninety-eight others (chiefly Trotters, Brounfields, and Dickfons,) by virtue of the Bond for good rule of his country, to underly the law for art and part of Convocation of the lieges upon Gilbert Wauchope of Nudry Marschell, in company with John Edmonstoun of that Ilk.

ROBERT LAWDER, the young Laird of Bafs, William Dewar of that Ilk, Thomas Vernour of Auchindinny, and Thomas his son, . . . . Cockburne of Newhall, and fourteen others, were americiated for not appearing to underly the Law for Convocation of the lieges coming with the Laird of Nudry againft the Laird of Edmonstoune.

### **Liberating a Chief — Taking Cheft-bute.**

Sep. 30.—DAVID POLLOK of that Ilk found Robert Lord Maxwell as

Cautioner for his entry at the Justice-aire of Renfrew, to underly the law for fetting to liberty a Thief called *Stobhill* out of his prifon, after having taken *Thift-bute* from him.

#### Assurance between the Lairds of Dundas and Nudry-Marschall.

Apr. 4, 1530.—‘ JAMES DUNDASS of pat Ilk, in prefens of pe said Justice, for him, his kynne, freyndis, feruandis, adherentis and pairt takaris, and al pat he mycht let,<sup>1</sup> Assouerit <sup>2</sup> GILBERT WAUCHOPE of Nudry Marschell, Thomas Wauchope and pair kynne, freyndis, tenentis, feruandis, adherentis, and pairt takaris, vnto pe ix day of Maij nixt to cum ; and held up his hand hereto,<sup>3</sup> and band (and) oblist him to obserue and keip pe said Assouerance, vnder pe pane of I<sup>m</sup>li. And hereupoun pe said Lard of Nudry askit ane act.’

#### Assisting Thieves and Rebels.

May 15.—DAVID TURNBULL of Wauchope, Walter Turnbull of Howay, John Lile of Stanypathe, Philip Nesbet of that Ilk, Patrick Lumnisdene of Blenerne, John Edingtoune of that Ilk, and Robert Haig of Bemersfyde, denounced Rebels, and put to the horn for not entering to underly the law, for affistance given and afforded to Thieves and Malefactors in violation of their Bonds.

#### Slaughter of Lord Fleming.

SIR WALTER SCOTT of Branxholm, kn<sup>t</sup>, come in the King’s will (for the Slaughter of JOHN LORD FLEMING.)<sup>4</sup>—(May 17.) He was americiated for not entering John Vache of Kingfyde, David Newtoun of Machelhill, and four others, for the same crime, who were all denounced Rebels, &c.

#### High Treason — Bringing in Englishmen — Theft, &c.

[A STRIKING feature of this period of history, was the disjointed state of civil society. On the Borders, especially, the most lawless excesses were committed, almost with impunity ; and at length matters had come to such a pitch, that THE KING found it necessary to levy an army, and to march along with them in person to these districts. It may be remarked, that the robberies and ‘ hereschips’ daily committed, were not confined to outlaws and desperadoes, or ‘ broken men,’ as they were termed, belonging to no Clan, but persons of good family joined in the general foray, and among others, THE LAIRDS OF HENDERLAND and TUSCHELAW<sup>5</sup> distinguished themselves by the most reckless and daring Treasons and Robberies.

It is unnecessary to enlarge on this subject, which is notorious, and has long been matter of history. According to the Editor’s usual plan, however, such contemporary notices as can now be gleaned, shall, without farther remark, be laid before the reader ; as the adoption of this method, in his opinion, affords the most vivid picture of the transactions recorded. In *Anderfon’s MS. History*,<sup>6</sup> it is merely remarked, that ‘ The rest of the zeir was moir peciabil, bot the bauldnes of THEIVIS was never a

<sup>1</sup> Hinder.      <sup>2</sup> Gave assurance to.      <sup>3</sup> Swore, or gave his solemn oath.      <sup>4</sup> See Apr. 7, 1529, &c.  
<sup>5</sup> See May 18, 1529.      <sup>6</sup> Advocates’ Library ; chiefly compiled from Buchanan, &c.

quhit repressed. Quhairfor THE KING caufid hang, pe 18 of May, *Williame Cockburne of Hinderland*, and *Adame Scott of Tuschilaw*, Thevis apprehendit, in Ed', to terrifie wtheris.' But the Original of *Bishop Lesley's*<sup>1</sup> History is rather more explicit. 'In the samyn moneth of May, the xvj day, thair wes ane greit conventioun of the Lordis with THE KING, in Edinburgh; and the King himself presentlie sittand in judgement. *The Laird of Hinderland*, callit *Cockburn*, and *Adame Scot of Tuschelaw*, quha wes callit KING OF THEIVIS, was accuset of Thift, refett and maineteyning of Thevis, slauchter, and uther crymes, and convict thairfor and heidit; and their heidis fixit upoun the Tolbuith of Edinburg.'<sup>2</sup>

Without citing farther extracts, in this place, reference may be made to the Notice prefixed to the following article, where some interesting particulars are preserved in connexion with the same subject.]

May 16.—WILLIAM COKBURNE of Henderland, Convicted (in prefence of THE KING) of High Treason committed by him, in bringing Alexander Forestare and his son, Englishmen, to the plundering of Archibald Someruille: And for treasonably bringing certain Englishmen to the Lands of Glenquhome: And for common Theft, common Refet of Theft, outputting and inputting thereof.—SENTENCE. For which causes and crimes he has fforfeited his life, lands, and goods, moveable and immoveable; which shall be escheated to the King.—BEHEADED.

The following Original Warrant was found among the loose papers belonging to the Court, and is given here, as throwing farther light on the sequel to these extraordinary transactions.

GUBERNATOR,

JUSTICE CLERK, We grete 3ow weill. Forfamekill as *Williame Cockburne*, sone and heir of vmq<sup>1</sup> *Williame Cockburne of Hinderland*, hes merit<sup>2</sup> him to ws, pat he is havelie hurt throu pe haifty justyfeing<sup>4</sup> of his said fader, and fforfalking of him pairthrow: And pairfore defyres to have pe autentik copy of pe DOME and SENTENCE gevin aganis his said fader, and of all actis and protestatiounis takin be him at pat tyme; sa pat he may prouide for sum remeid pairin. QUHARFORE, 3e fall geif to him, vpon his expenffis, pe autentik copy of pe Dome, Sentence, and procesf led and gevin aganis his said fader in maner foirsaid, to pe effect abone writtin. As 3e will anfuere to ws pairapoune, keband pis Precept for 3oure Warrant. SUBSCRIVIT with oure hand, At Edinburgh, pe xxij day of Januar, the 3eire of God I<sup>m</sup>Vxlj 3eris. JAMES G<sup>3</sup>.<sup>5</sup>

### Taking Black Maill.

Maill 18.—ADAM SCOT of Tuschelaw, Convicted of art and part of theftuously taking *Black-maill*, from the time of his entry within the Castle of Edinburgh, in Ward, from John Brovne in Hoprow: And of art and part of theftuously taking *Black-maill* from Andrew Thorbrand and William his brother: And for art and part of theftuously taking of *Black-maill* from the poor Tenants of Hopcail3ow: And of art and part of theftuously taking *Black-maill* from the Tenants of Eschescheill.—BEHEADED.

<sup>1</sup> Quarto, Printed for Bannatyne Club, 1830, p. 141.

<sup>2</sup> *Sir James Balfour* also notices the circumstance, but as is often the case in his *Annals*, gives a wrong date, viz. Jul. 27, and *Calderswood's MS. Church History* makes the same mistake.

<sup>3</sup> Complained.

<sup>4</sup> Execution; putting to death.

<sup>5</sup> James, Governor of Scotland, viz. JAMES EARL OF ARRAN, Lord Hamilton, REGENT.

### Border Barons — Neglect to fulfil their Bonds, &c.

[It is necessary for the right understanding of many of the proceedings which follow, that the reader should bear in mind the public events which gave rise to so remarkable a step as the levy of a large Army, under the command of THE KING in person, for the sole purpose, apparently, of suppressing a handful of BORDER THIEVES. In the preceding Trials, however, it has been seen that the state of the Borders of Scotland was so lawless, and the Chiefs so refractory and turbulent, that nothing short of the strongest coercive measures was likely to be of the least service towards restoring a better state of society among the Borderers.

The open Treason and revolt of THE EARL OF ANGUS, and the constant jarring and jealousies among the Barons, rendered the appointment of a Lieutenant inexpedient. It was therefore deemed necessary, for establishing tranquillity, that THE KING in person, accompanied by a very strong force, should suddenly march towards the Borders, and quell, by the strong arm of the law, all those who had not willingly come forward and given their Bond, with sureties under heavy penalties, to 'keip gud reule within their respectiue boundis.' The particulars now drawn from the Records of the Supreme Criminal Court are of considerable historical importance, and to the genealogist as well as the historian, must afford valuable information.

*Bishop Lesley*<sup>1</sup> gives this brief but striking narrative. After detailing the execution of *the Lairds of Henderland and Tuschelaw*, he proceeds: 'The same day THE ERLE BOITHUELL was convict for manteyning of thame, and for certain uther crymes; and thairfoir wes in the Kingis will: For the quhilkis, the King caufit Ward him in the Castell of Edinburgh. Thairefter he wes fend in Murray; and last, banieft Scotland; sua that he travellit to Venice, quhair he remanit during the Kingis lye tyme. Alsua, *the Lord Maxwell, Lord Hume, Larde Balcleuch, Farnyhirst, Pollock,*<sup>2</sup> *Johnestoun, Mark Ker*, and uther principallis of THE BORDOURIS, wes convict be Affyffis, and all put in Warde; quhair throwcht the Bordouraris keipit better reule thairefter, sa lang (as) the King wes one life.'

*Sir James Balfour*<sup>3</sup> after mentioning the proceedings against Earl Bothwell, says, 'this same yeir, lykwayes, THE KING impriffous *the Lords Maxwell and Home*, with *the Lairds of Buccleuch, Fernihurst, Pollard*,<sup>4</sup> *Johnston*, and *Marke Ker*, as CHEIFFS of the Brokin men in the Borders; and becausse they had winked at their willanies, and giuen them way; quheras they, by ther pouer and authoritye, might have restrained them.' *Anderfon*<sup>5</sup> also remarks: 'The 17 day of the Callendis of May, estir lang disputatioun in Counfall, continewit till nicht, THE KING Wardit *the Earle Bothuell, Robert Maxwell, Walter Scott*, and *Mark Ker*, within the Castell of Edinburge, and all the honest men<sup>6</sup> of *Marche and Teviotdaill*, heir and thair throw the countrey, ffor that he beleivid that thay secretlie sould rayse weir betuixt the realmes.'<sup>7</sup>

After having perused the preceding brief remarks, the reader will be enabled more fully to appreciate the following valuable particulars communicated in the Record.]

May 18.—The following persons found surety to enter, when required, before the Justice, to underly the law for all crimes to be imputed to them: And for which they submitted themselves to the Kingis will: And also, for not doing their utmost diligence to fulfil their Bonds, &c.

<sup>1</sup> Original History from which the Latin version was translated, printed for the *Bannatyne Club*, 1830. <sup>2</sup> It is likely that this is a mistake for 'Polwart,' (Alexander Hume.) *Sir James Balfour* states the name 'Pollard,' (Pollart.) <sup>3</sup> *Annales*, I., 261. <sup>4</sup> Polwart. <sup>5</sup> MS. Advocates' Library. <sup>6</sup> Men of substance and consideration. <sup>7</sup> Viz. of England and Scotland, their lawless proceedings on the Borders, &c. There seems to have been good reason for apprehending such a result; which would assuredly have occurred but for the vigorous measures thus resorted to.



## BARONS AND LAIRDS OF ROXBURGHE.

Robt Scott, Tutor of Howpallot,	John Scott of Burthauch,	George Rutherfurde of Hundolee,
Geo. Douglas of Bone-Jedworth,	John Scott of Robertoun,	Nicholas Rutherfurde, his son,
James Douglas of Cavers,	Adam Kirkton of Stewartfeild,	Adam Greymflaw of Newtounne,
Andrew Ker of Gradane,	George Ormiftoun of that Ilk,	William Turnbull of Mynto,
Lancelot Ker of Gaitfchaw,	John Cranftoun of that Ilk,	Symon Scot of Fenyk,
Walter Ker of Cesfurde,	Philip Scot of Edfchaw,	George Fawlo of Wallis,
William Scot of Haffindeue,	Robert Scot of Allanehalis,	George Ker, Tutor of Cesfurde.

## BARONS AND LAIRDS OF BERWICKSHIRE.

Walr Halyburtonne of Mertounne,	Robert Franche of Thornydykis,	The Laird of Redepethe, <sup>1</sup>
William Cokburne of that Ilk,	Ninian Thornfyde of East Nesbet,	Robert Lauder of that Ilk,
Philip Nesbet of that Ilk,	Sir N <sup>a</sup> Setounne of Tulibody, kn <sup>t</sup> ,	John Swyntounne of that Ilk,
Oliver Edgare, Tutor of Wedderlie,	Alexander Ellen of Butterdene,	Jasper Cranftounne of Corfby.

JOHN HUME of Coldaneknowis came in the King's will, for intercommuning with James Ker, rebel, and was Warded in the Castle of Blaknefs.—GEORGE LORD HUME was americiated 500 merks for not entering George Hume of Aytounne.—PATRICK LUMMISDENE of Blenerne came in will for intercommuning with George and Archibald Douglas, Rebels, and was Warded in the Castle of Blacknefs.—ALEXANDER HUME of Polwort was Warded within the Castle of Dumbartane.—DAVID RAYNTOUNE of Bille was Warded within the Castle of Dumbartane.—GEORGE LORD HUME was Warded within the Castle of Edinburgh.

' WILLIAME TURNBULL of Mynto, in prefens of þe KINGIS Grace, and Lordis of his Counsale, promittit, and band and oblist him, efter þat Alexander Berthilmow had gevin in his Supplicaciounne, makand mentioun, þat þair wes certane horfe and vþeris gudis stollin fra him, vnder filence of nycht, be certane of þe Turnbullis, duelland one þe Watter of Rowle, and in speciale, be ane callit . . . . Turnbull of Catlie, for quham þe said Lard of Mynto become plege and fouerte in þe last Justice-are of Jedburghe, for gude reule to be had be him in tyme cuming: Like as his Band in þe buke of Adjornale for þe said . . . , fchewin and producit þairvpoun proportis, þat he fuld mak restituciounne of þe saidis guidis, or tak and bring him to oure fouerane lordis lawes; and failzeing pairof, to byrne his housse, expell and hald him furth of þe cuntre.'

May 19.—The following Barons and Lairds found caution to enter before the Justice, on a warning of fifteen days, to underly the law for all crimes to be imputed against them; viz.

## BARONS AND LAIRDS OF PEBBLES-SHIRE.

John Lord Hay of Zester, <sup>2</sup>	John Tuedy of Drummelzeare, <sup>3</sup>	Mr John Hay of Smeithfeild,
William Murray of Romannose,	William Guvane of Cardrono,	Patrick Portuus of Halkfchawis,
William Stewart of Trakware,	William Vache of Dawik,	Alexander Tayt of Pyrne.
Tho. Myddilmaift of Grestounne,	John Sandelandis of that Ilk.	

<sup>1</sup> John Lile of Stanypethe also found security.      <sup>2</sup> Amount of caution, L.1000.      <sup>3</sup> The remainder found caution to the extent of 500 merks each. These sums, it will afterwards be seen, were rigorously exacted from the defaulters.

## BARONS AND LAIRDS OF SELKIRKSHIRE.

Rob. Turnbull, Tatour of Philiphauche, Patrick Murray of Fawlohill, William Hunter of Polmude,<sup>1</sup>  
 Andrew Baroune, John Vache, Robert Watfone.

**Slaughter.**

May 20.—JOHN CUNYNHAME of Caprintoune, Alex. C. of Luglane, Adam Stewart of Schawtoune, Adam C. of Clavanis, and fourteen others.—Their cautioners were amerced for not producing them to underly the law, for art and part of the cruel Slaughter of John Tod.—(May 21.) They were denounced rebels, along with David Boswell of Auchinleek, for this crime.—(May 23.) Hugh Campbell of Lowdoune became surety for John Gibfone and eight others, to appear and underly the law for the same slaughter, at the Justice-aire of Air.

**Forethought Felony and Oppression, &c.**

May 23.—WILLIAM CUNYNGHAME of Glengarnok, David C. of Robertland, and thirty-seven of their followers, found caution to appear at the Justice-aire of Air, to underly the law for art and part of the forethought felony and oppression done to Gabriel Sympill, lying in the high-way, 'in feir of weir,' near Ormysheuche, awaiting his arrival, for his Slaughter, of forethought felony and old Feud.

[*Archibald Earl of Argyle, Justice-General.*]

**Willful Error on an Assise.**

June 25. (*apud Striueling, die Sabbati.*)—The LAIRD of PHILLORTH,<sup>2</sup> the young Laird of Buchquhane,<sup>3</sup> Mr Andrew Tulydef,<sup>4</sup> Alexander Lesly of Kincragy,<sup>5</sup> William Spens of Bodom,<sup>6</sup> Patrick Keith of Inchegarnock,<sup>7</sup> Henry Leslye of Buchanistoune,<sup>8</sup> John Chalmer,<sup>9</sup> William King of Bourtry,<sup>10</sup> Archibald Keyth of Northfeild,<sup>11</sup> James Ord in Banff,<sup>12</sup> Andrew Bruce of Braklamure,<sup>13</sup> and William Quhite in Aberdour,<sup>14</sup> found caution to appear before the Justiciar at Edinburgh, Aug. 5, to 'thole' a great Assyse for their unjust Acquittal of John Dempster of Auchterlefs, and his accomplices, delated for art and part of the cruel Slaughter of Patrick Stewart, and of certain persons, for the Mutilation of William Downy.—Aug. 5. They found caution to underly the law at the next Justice-aire of Aberdeen.

**The Laird of Johnstoun's Offers to the King.**

Aug. 9.—' THE quhilk day, in presens of þe KINGIS grace, Robert Char-

<sup>1</sup> Caution, L.1000.    <sup>2</sup> Alexander Fraser, who found George Gordoune of Geicht as surety for him to the extent of L.1000.    <sup>3</sup> 1000 merks.    <sup>4</sup> 500 merks.    <sup>5</sup> 500 merks.    <sup>6</sup> 1000 merks.  
 merks.    <sup>7</sup> 1000 merks.    <sup>8</sup> 500 merks.    <sup>9</sup> 500 merks.    <sup>10</sup> 1000 merks.    <sup>11</sup> 1000 merks.  
 merks.    <sup>12</sup> 500 merks.    <sup>13</sup> 500 merks.    <sup>14</sup> 500 merks.

teris of Amysfeild, and Walter Scot of Branxholme, kn<sup>t</sup>, become fouerteis for JOHNE JOHNSTOUN OF THAT ILK, that, forfamekill as his hienes admittit þe said Johnnis OFFERIS gevin to his hienes, subscrivit with his hand, þat þai fuld entir him agane, within xv dais warnyng, quhare þe KINGIS grace plefit, or before his Justice, to be accusit, gif he failzeis of ony of his Offeris: And bayth þe saidis Lordis has subscruiit þir presentis with þair handis, day and zere for-said, before þir witnis, Robert Lord Maxuell, Malcolme Lord Flemyng, Williame Hammiltoune of Sanchare-Lindesay, and me, notar vnderwrittin, with vperis diuerfe.'

#### **Letting two Thieves escape from Ward.**

Aug. 17. (*apud Linlithgow*.)—JOHN LORD HAY OF ZESTER became in the Kingis Will, for negligence committed by Mr John Hay his brother, in outputting Adam Nykfone, and one called Elwald, common Thieves,<sup>1</sup> given to him in custody by the King, in name of the said Lord Hay of Zester, as Sheriff-principal of Peebles.—The Justice commanded him to Ward within the town of Linlithgow, until his Majesty's will should be declared.

#### **Slaughter of the Laird of Castlecary.**

Aug. 19. (*apud Linlithgow*.)—JOHN KERE convicted of the Slaughter of vmq<sup>h</sup> Archibald Levingstoun of Castlecary.—BEHEADED.

#### **Slaughter of the Laird of Duffus.**

Sept. 3.—MR THOMAS STEWART, Treasurer of Caithness, Mr Andrew Petre, Vicar of Wick, Mr John Irland, Sir John Symfone, William Murray, senior, and Hugh Grot, chaplains, Mr John Thomson, Rector of Olrik, Sir David Rede, and Sir William Irwin, chaplains, found caution (John Earl of Athole) to appear at the Justice-aire of Inverness, to underly the law for art and part of the cruel Slaughter of William Sutherland of Dufhouse (Duffus),<sup>2</sup> and other persons slain at the same time.

#### **Slaughter of the Laird of Meldrum.**

Oct. 10. (*apud Dundee*.)—JOHN MASTER OF FORBES found caution (John Lord Forbes) for his appearance, along with Ninian Forbes, John Caldore,

<sup>1</sup> On Aug. 27, Mathew and William Nyksone, Robert Nobill, and *Robert Elwald*, were convicted of common theft at Linlithgow, and HANGED.   <sup>2</sup> 'The same zeir of God (1529), Andrew Stuart, BISHOP OF CATTEYNES, vpon some conceaved displeasure which he had receaved, moved the CLANGUN to kill the Laird of Duffus in the toun of Thurso, in Catteynes. Vpon this accident the hail dyocie of Catteynes wes in a tumult. The Earle of Southerland did affist the Bishop of Catteynes against his adversaries, by reason of allyance contracted betuixt the houses of Huntley, Southerland, and Atholl,' &c. *Sir R. Gordon's Hist. of the Family of Sutherland*, p. 102.

and Donald Makky, at the Justice-aire of Aberdeen, to underly the law for art and part of the cruel Slaughter of Alexander Setoune of Meldrum.<sup>1</sup>

On August 27, the following persons were amerced for not appearing to enter on the ASSISE of JOHN LORD FORBES, for the same crime.

Wm. Gordoune of Auchindone,	J. Gordoune of Culquhodilftane,	William Gordoun of Auchinge,
William Lyonne of Colmelegy,	Alexander Troup of Begifhill,	John Dempstar of Ouchterlefs,
John Dempster of Murehoufe,	David Crukschank of Durlee,	Thomas Colpland of Vdauche,
Gilbert Dalgarns of that Ilk,	Patrick Meldrum of Edane,	Thomas Tullo of Moncoffer,
Robert Downe of Raty,	Walter Ogiluy of Cragbone,	Andrew Orde of that Ilk.
The Laird of Knox,	The Laird of Auchnacoy,	

### **Feud between Crawfordds and Kennedies.**

Nov. 29, (*apud Perth*).—JOHN BRYANE and Allan Cathcart found John Crawford of Drongane, and Quintine Schaw, Tutor of Keris, to appear at the Justice-aire of Air, to underly the law for art and part of the Theftuous stealing of sixty oxen and cows from James Kennedy of Blarequhanne, from his lands of Halfpennylands, and sixty more from his lands of Schenvene.

### **Crawfordds and Kennedies — Cattle and Horse Stealing, &c.**

Dec. 5.—JOHN KENNEDY of Giletree, Patrick Mure of Cloncard, and fifty-eight others, found James Kennedy of Blarequhanne as surety for their appearance at the Justice-aire of Air, to underly the law for art and part of the theftuous Stealing, under silence of night, from John Craufurd of Kerehill and his subtenants, forth of his lands and dwelling of Kerehill, six score oxen and cows, ij<sup>c</sup> sheep, and six horses and mares: And for common oppreSSION thereby done to the said John and his subtenants.—JAMES KENNEDY of Blarequhanne also finds Patrick Mure of Cloncard as his surety to appear and answer for the same crimes.

### **Intercommuning with Rebels.**

Dec. 5.—PATRICK MAXWELL of Newark, William Striueling of Glorat, Mariota Maxwell, Lady Bardowy, Andrew Striueling of Bankere,<sup>2</sup> Margaret, John, and Stephen Spreull, Thomas Culquhoune of Kirkton, and John, his brother, fund surety to appear at the Justice-aire of Dumbarton, to underly the law for Intercommuning with Alan Hammiltoune of Bardowy, Alan Grahame, and Hugh Grey, Rebels and at the horn, for art and part of the Slaughter of Alexander Hamilton, young Laird of Auchinhowy, and Keffane Williamfoun, his fervant.<sup>3</sup>

<sup>1</sup> The Master of Forbes afterwards confessed this Slaughter on the scaffold. See his Trial, I. p. 183 \*

<sup>2</sup> At the same diet he also found surety to underly the law for the Slaughter of John Makcalpy, at the same Justice-aire.

<sup>3</sup> Ninian, Lord Ross, John Cochrane of that Ilk, John Houstone of that Ilk, Walter Galbrayth of Garscaddane, and George Buchanan of that Ilk, were amerced for not entering on the Assise.

### Slaughter of the young Laird of Conhaithe.

Dec. 15.—WILLIAM SINCLARE of Auchinfrank,<sup>1</sup> Roger Gordoune, and George Neilfone, found surety (James Douglas of Drumlanrig) to underly the law, at the Justice-aire of Dumfreis, for art and part of the Slaughter of Harbert Maxwell, young Laird of Conhaithe.—(Feb. 1, 1530-1, *apud Edinburgh*.) JAMES MAXWELL, brother to Robert M. of Conhaithe, failed to appear and underly the law, for art and part of the cruel Slaughter of John Chalmer. Robert Lord Maxwell, his cautioner, was americiated 100 merks.—(Feb. 4.) He was denounced Rebel and put to the horn.

[*Archibald, Earl of Argyle, Justice-General.*]

### Murder of James Inglis, Abbot of Culross.

[THE following Trial excited great interest at the time, and is thus recorded by *Bishop Lesley* in his valuable History:<sup>2</sup>—‘ Apoun the first day of Marche, in the same year, THE ABBOT OF CULROSE, callit *James Inglis*, was creually slaine be THE LORD (LAIRD) OF TULLYALLAN and his servandis; amangis the quhilkis thair was ane Preift, callit SIR WILLIAM LOUTHIE, quha, beand comprehendit,<sup>3</sup> the said *Sir Williame*, one the xxvij day of the same moneth, apoun ane publick skaffald, in the town of Edinburgh, was degradit, THE KING, QUENE, and a greit multitude of people beand present; and he presentlye delyverit to the Erle of Argyle, heid Justice: And one the nixt day thaireftir, the saide TULLYALLANE and he wes heidit thaireftir.—*Sir James Balfour*<sup>4</sup> is not so minute, merely noticing the circumstance thus. ‘ *The Laird of Tulliallane* was beheidit the first day of Marche, for killing *Mr James Inglis, Abbot of Culrosse*; and with him a *Mounck* of the same Abbey, a cheiffe author of the Abbot’s slaughter.]

Mar. 28, 1531.—JOHN BLACATER of Tulyalloune, and William Louthiane (formerly Sir William, degraded from his orders), Convicted by an Affise of art and part of the cruel Slaughter of James Inglis, Abbot of Culrosse, committed upon forethought felony.—BEHEADED.

### Murder of the Abbot of Culross—Sanctuary of Corphechin.

(Mar. 28.)—ROBERT MANDERSTOUNE, James Mechell, and Williame Hutoune, were accused of the same Murder, and were acquitted of forethought felony at the time of the Abbot’s Murder. Wherefore they were restored to the privilege of the Sanctuary of Torphiching by the Justice General, and judicially delivered to George Lord St John, Master of the said Sanctuary.

### Common Theft.

Mar. 28.—PATRICK DOWGLASS, David Blynkale, and Andrew Elwald, Convicted of Common Theft.—HANGED.

<sup>1</sup> *Beatrix Gordoun*, his spouse, was also delated for the same crime, and pleaded sickness, Feb. 1, 1530-1. <sup>2</sup> The Original Scottish MS., from which the Latin version was compiled has recently been printed by THE BANNATYNE CLUB; Quarto; 1830. <sup>3</sup> Apprehended; taken. <sup>4</sup> *Annales*, I., 261. The Editor does not find the particulars of this Slaughter detailed by any of our historians, nor can he discover the causes which led to the Murder. It is obvious, however, from the quotations already given, that it had excited an intense interest at the time.

**Caution to enter the Laird of Branzholm in Ward.**

Mar. 27.—SIR JAMES HAMMILTOUNE of Fynnert, kn<sup>t</sup>, became surety (in like manner as Robert Lord Maxwell and John Johnestoune of that ilk had become to the King for the entry of John Scot, son and heir of Walter Scot of Syntoun, and William Scot, son and heir apparent of Robert Scot in Allanehalche, being now in Ward within the Castle of Borthuik,) for SIR WALTER SCOT of *Branzholme, knycht*, to enter him in Ward within the said Castle, whensoever it pleases the King, under the pain of 500 merks. And the said Sir Walter bound himself to free Sir James of his caution and pledge.

**Notice relative to 'Johnnie Armstrang' — Common Theft — Reset of Theft, &c.**

[THERE have already been laid before the reader<sup>1</sup> various particulars relative to THE BORDER RAID, led by the King in person. Among other interesting circumstances connected with the Expedition, perhaps none is more remarkable than the capture and execution of the famous JOHNNIE ARMSTRANG. The Editor begs to refer to the *Minstrelsy of the Scottish Border*<sup>2</sup> for a general outline of the History of the CLAN or sept of ARMSTRONG, a lawless and disorderly race, which for a long period kept both sides of the Border in a ferment. It is only necessary to notice here, that the Chief of this Clan was the LAIRD OF MANGERTOUN. Johnnie Armstrang (commonly styled of *Gilnockie*) was brother to the Laird, and resided near Langholm, in Gilnockie Tower, at the Hollows, a place still resorted to, and highly distinguished for the romantic beauty of its scenery.

The state of the country adjoining the Borders was such that KING JAMES V considered it necessary to raise a large Army, and to proceed in person to execute vengeance upon 'the Thieves and lymmaris,' and to bind down the Barons to observe 'gude reull within thair boundis.' This he executed to such good purpose, that it is still proverbial in these districts, that for a long time after that Expedition he 'made the rasch buis keep the kow!'

In relation to JOHNNIE ARMSTRANG, it is somewhat singular that the circumstances, as they are detailed in the popular ballad or song, are substantially correct; and there cannot now be a doubt that he was most basely betrayed and put to death, even without the mockery of a form of Trial.<sup>3</sup>

As the most striking and forcible manner of laying the facts before the reader, the Editor thinks it proper in this place to subjoin some graphic accounts, as given by early writers. The first which need be cited is that contained in *Anderson's MS.*<sup>4</sup> After noticing the proceedings against Earl Bothwell, &c. he states as follows:—

'Himself (the KING) about the moneth of July,<sup>5</sup> gathering togidder about aucht thousand men, taik jorney to repres THE THIEVES. And passing forward with grit expedioun, campid wpon the watter Ewes.<sup>6</sup> Not far fra that duelt JOHNE ARMSTRANG, ane Capitane of ane factioun of Thieves. This companioun was so feirfull<sup>7</sup> to his nichtbouris that evin Englismen, many mylis within the contray, payid tribut<sup>8</sup> wnto him. Maxwell himself feirid his power, and socht all meanes possibill for his distructioun. Johnne, intyfid be THE KINGIS servandis, forzeting to seike a Letter of Protectioun, accompanied with fiftie horsmen, wnarmed, cuming to THE KING, lichtit vpon sum outwatches, quho alledging thay had taikin him, brocht him to THE KING; quho presentlie cawfit hang him, with a great number of his complices. The authoris of his slaughter brooted<sup>9</sup> that he had promised to mak certane myllis in Scotland<sup>10</sup> subject to England, gif he war honorid and recompensid for the turne; quhill as England,

<sup>1</sup> See Notices to May 16, and May 18, 1531.      <sup>2</sup> *Sir Walter Scott's Poetical Works*, 8vo. 1821, I. 107, &c.  
<sup>3</sup> 'About this tyme, THE KING marches to the fields with his Army, surwayes the Borders, apprehends 48 of the princolpallest rogues and cuthrottis, with their leader JOHNNE ARMSTRANG, and hanges them all.' *Balf. Annals*, I. 261.      <sup>4</sup> Advocates' Library.      <sup>5</sup> A mistake. It was in May.      <sup>6</sup> 'Even' interlined.      <sup>7</sup> Terrible; an object of fear or dread.      <sup>8</sup> Black maill.      <sup>9</sup> *Bruided*, reported.      <sup>10</sup> Part of the Debateable land, extending several miles.

be the contrair, was verrie glaid of his death, being delyuerid of a capitall enemy. Sax of his complices war reservid for hostagis; and for<sup>1</sup> that the keeping of thame stude in no steid, after they had imprisoned them a few monethis, they cawfid execut thame also; and futid new pledgis of theife that remaynid at hame. Thay of LIDDESDAILL refusid their awin howffis, past into England bag and bagaidge, and be daylie incurfiounes ranfactit the contreyis lying neir vnto thame.

‘Within fewe dayis eftir, THE KING, resflaveing hostages for the Nobilmen, releivid themeseluis furth of waird; of quhom Walter Scott, to gratiffie THE KING, slew *Robert Johnfloun*, ane verrie crewall Thief; quhairbe he incurid deidlie feid with that Hous, quhilk continewit, to the grit harme of baith the Clanes, long eftir.’

*Calderwood’s* account of the matter is hardly so minute,<sup>2</sup> being as follows:—

‘In the month of Julie (1531)<sup>3</sup> THE KING went with ane Armie of 8000 men to EWESDAILE to aprehend and puniſh Theeves. JOHN ARMISTRANG, a notable Theefe, who had compelled the English to pay him *Black-male*, and was terrible to the *Lord Maxwell* himself, when he was comming to THE KING, intifid be some courtiours, bot without a save conduct, he was intercepted by 50 horsemen lying in an ambush, and brought to THE KING, as if he had bein aprehendit by them againest his will. He and a great number of his companie war hanged one grouing trees. His takers, to make him the more odious, alledged that he had promised to raunder so manie miles of Scottish ground nixt adjacent to the Borders, bot the English war well content to be ridd of him. The LIDDISDAIL people fled into England, bot troubled the countrie with RAIDES.’

The accurate *Bishop Lesley*<sup>4</sup> gives but a brief narrative of the event. He says—

‘All this summer THE KING tuk greit care to paciefie the Bordouris, and puneis the Theivis and Oppressoures being thairon. And to that effect, in the moneth of Junij, he past to THE BORDOURIS with ane great Army; quhair he causet xlvij of the maist nobill Theivis, with JOHNE ARMESTRANGE thair Capitane, be tane; quha, being convict of Thift, reiff, slauchter and treaffoun, war all hangit apoun growand treis; and thair wes ane notabill Thiff brint, quha had brunt ane hous with ane woman and mony her barnis<sup>5</sup> being thairintill. Yet *George Armeſtrange*, broder to the said Johanny, wes pardonit and reservit levand to tell of the rest, like as he did; quha, within proces of tyme, wer aprehendit be the King, and puniest accordinge to thair desertis.’

But the most circumstantial and curious relation is that given by *Lindesay of Pitscottie*, with which this notice shall be closed.

‘To this effect he gave chaarge to all Earles, Lordis, Barrones, frieholderis and gentlemen to compeir at Edinburgh with ane monethis victuall, to pas with THE KING to daunton the THEIVES OF TEVIDAILL AND ANNERDAILL, with all vther pairtis of the realme. Also, the King desired all gentlmen that had doggis that wer gud to bring thame with thame to hunt in the saidis boundis; quhilk the most pairt of the Noblmen of the Highlandis did, sik as the Earles of Huntlie, Argyle, and Atholl, who brought thair deir-houndis with thame, and hunted with his Majestie. Thir Lordis with many other Lordis and Gentlmen, to the number of tuelf thousand men, assemblat at Edinburgh, and thairfra went with the Kingis grace to Meggatland, in the quhilkis boundis war slaine, at that tyme, aughteine scoir of deir.

‘Eftir this hunting THE KING hanged JOHNE ARMSTRANG, *Laird of Kilnokie*, quhilk monie Scottis menne heavilie lamented, for he was ane doubtit<sup>6</sup> man, and als guid ane Chiftane as evir was vpoun THE BORDERIS, aither of Scotland or of England. And albeit he was ane lous leivand man, and sustained the number of xxiiij weill horfed able gentlmen with him, yitt he nevir molested no Scottis man. Bot it is said, from the Scottis Border to New Castle of England, thair was not ane of quhatsoever

<sup>1</sup> In regard that; considering. <sup>2</sup> CHURCH HIST. MS. Adv. Lib. David I. 2. 31, Vol. I. <sup>3</sup> He follows *Buchanan*, &c. The date was May 1530. <sup>4</sup> Bannatyne Club Edit. printed from Orig. MS. of the Scottish copy, from which the Latin translation was made. *Quarto*, 1830. <sup>5</sup> Children. <sup>6</sup> Redoubted.

estate bot payed to this Johne Armstrang ane tribut, to be frie of his cumber, he was so doubtit in England. So, when he entred in before THE KING, he cam verrie reverentlie with his forsaide number, verrie richlie apparrelled, trusting that in respect he had cum to THE KINGIS grace willinglie and voluntarlie, not being tane nor apprehendit be THE KING, he fould obtaine the mair favour. But when THE KING saw him and his men so gorgeous in thair apparrell, and so many braw men vnder ane tirrantis commandement, throwardlie<sup>1</sup> he turned about his face, and bad tak that tirrant out of his sight, saying, 'Quhat wantis yon knave that a King fould have?' But when *Johne Armstrange* perceaved that THE KING kindled in ane furie againes him, and had no hope of his lyff, notwithstanding of many great and fair offeris quhilk he offered to THE KING; that is, that he fould sustene him self with fourtie gentlemen, ever readie to awaitt vpoun his Majestie's service, and nevir to tak a pennie of Scotland, nor Scottis man; secondlie, that thair was not ane subject in England, Duik, Earle, Lord, or Barroun, bot within ane certane day he fould bring ony of thame to his Majestie, either quick or dead! He, feing no hope of THE KINGIS favour towardis him, said verrie proudlie, 'I am bot ane fooll to seik grace at ane graceles face! Bot had I knawin, Sir, that yea would have takin my lyff this day, I fould have lived vpoun the Borderis in disphyte of KING HARIE and yow baith!—for I knaw KING HARIE wold doun-weigh my best hors with gold to knaw that I war condemned to die this day!' So he was led to the scaffold, and he and all his men hanged. This being done, THE KING returned to Edinburgh the xxiiij day of Julij, and remained meikle of that winter in Edinburgh.<sup>2</sup>

The place where this execution took place is still pointed out to strangers, being at *Carlenrig Chapel*, about ten miles above Hawick, on the high road to Langholm. *Sir Walter Scott* adds, 'the country people believe, that, to manifest the injustice of this execution, the trees<sup>3</sup> withered away! *Armstrong* and his followers were buried in a deserted churchyard, where their graves are still shown.'<sup>3</sup>

With the following interesting extract from the Books of THE PRIVY SEAL of Scotland, the Editor will conclude this Notice, which has extended to a greater length than he had anticipated.

'(Jul. 8, 1530.)—ANE LETTRE maid to ROBERT LORD MAXWELL, his airis and assignais, ane or ma, of þe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, fowmes of money, giftes of nonentres, and vþeris quhatfumeuer, quhilkis pertenit to vmqhill JOHNNE ARMSTRANGE, bruper to *Thomas Armstrang of Mangertoune*, and now pertenyng to our foverane lord be resoune of eschete throw JUSTIFYING of þe said vmq<sup>4</sup> JOHNNE to þe deid for Thift committit be him, &c. (*At Preislif-hauche, per Signaturam REGIS et Thesaurarj manibus subscript.*)'

It is hardly necessary to remark, that the persons who occur in the following memorandum, preserved in the Justiciary Records, must have been taken long after this remarkable transaction.]<sup>4</sup>

Apr. 1.—JOHN ARMESTRANG, 'alias *Blak Jok*,' and Thomas his brother, Convicted of Common Theft, and Refet of Theft, &c.—HANGED.

### Oppression and frauds committed by Messengers at arms.

Apr. 29.—JOHNE ADAMSOUN, David Lowry, and twenty-three others, Messengers at arms, 'CONVICT be ane Affise, for commoun Oppressioun done be paim to our foverane lordis liegis, in executioun of pair offices, mony and diuerse wais: And specialie, quhen pai mak summondis vpone personis to pafs vpone Inquestis or Affise, pai sell, takkis buddis<sup>5</sup> and rewardis of Gentill menne, and cauffis paim to abide at hame; and in defalt of sufficient novmer, þe personis þat

<sup>1</sup> In displeasure, in a *throwin* or *crabbit* humour, frowardly. <sup>2</sup> The growing trees on which they had been hanged. <sup>3</sup> *Minstrelsy*, I. 120. <sup>4</sup> See Trials of various of the Armstrongs, Oct. 30, 1535, Feb. 21, and Mar. 13, 1535-6. <sup>5</sup> Take gifts or bribes, corruptly.



rafe Letteris tynis<sup>1</sup> þe famyne and þair geir, coftis, and expenfis maid vpone þe famyne: And þai fummond and cauffis cum furthe povr and fimple perfons þat has na thing to gif þame to lat þaim abid at hame, quhilkis has na knaulege to decide vpone ony doutfum materis: And for commone Oppreffouris of our fouerane lordis liegis, in taking of buddis and rewairdis, mair þan pertenis to þame, be refone of executioun of þair office.'

**Messenger falsifying his Execution — Taking bribes, &c.**

ANDROW MARSAR, Messinger, ' CONVICT be ane Affise for þe reffaveing of our fouerane lordis Letteris fra Johne Striueling of þe Kere, kn', for to put in his pleuche in þe landis of Kynloch, and to remove all vþeris þairfra; and reffaut worthe xx li. for his laubouris. Quhilk executioun he grantit to haue maid, and indorfate þe famyn vpone þe saidis Letteris, and put his fignete þairto: And þaireftir, be vþer follicitatioun, come in prefens of þe Lordis of Counsale, and grantit þe said indorfatioun, and denyit þat he maid þe Executioun. For þe quhilk, þe saidis Lordis, herand him grant his avne falset, gart put him in þe Caftel of Edinburghe as ane faltour, becaus in þair prefens he grantit his avne falset, as said is.'

**Masterful Keibing and Oppression by a Messenger.**

ANDROW MURRAY, Messinger, ' CONVICT for art and part of þe Maifterful Refe and Oppreffioune done to Johne Maxwell in þe Haltoune of Ogiluy, in þe maifterfull refe fra him of ane blak horfe and ane mare furth of þe Haltoune of Ogiluy, and had þame away, and fald and difponit þaim as he plefit.'

**'Dome' against Messengers who were 'fugitive from the Law.'**

WILLIAME CRISTESOUNE and eleven others, being 'fugitive from the law,' the following 'Dome,' or fentence, was pronounced againft them.

*SENTENCE againft the fugitive Messengers.*

' THE LORDS Ordanit, þat fforfamekill as þe saidis perfonis quhilkis wer fugitive þe said day, and comperit nocht, þat þai haue tynt,<sup>2</sup> and fall tyne, þair offices, and neuer to brouk nor vfe þe famyn in tyme to cum; and þat oppin proclamatioun be maid at þe Mercate croce of Edr, one Mononday nixt to cum; chargeing þaim, þat nane of þaim exerce nor vfe þair officis in tyme cuming, becaufe þai wer chargeit to haue comperit befor þe Justice or his deputis þe said day, to haue vnderlyin ane Affyfe, and failzeit þairintill. And alfe, þat Letteris be writtin to charge þe saidis perfonis quhilkis wer Officiaris, to compere and vnderly þe law, befor þe Justice or his deputis, in þe Tolbutth of Edr, þe xxvij day of Maij nixt to cum, for certane crymes to be imput to þaim, vndir þe pane of rebellioune, and putting of þame to þe horne. And gif ony of þaim beris our fouerane lordis Armis,<sup>3</sup> or makis

<sup>1</sup> Lose.    <sup>2</sup> Lost.    <sup>3</sup> Each Messenger-at-arms had a badge called his *blazon*, on which was prominently stamped the Royal Arms. This official badge, together with his baton, or 'wand of peace,' as it was termed, he required openly to produce and exhibit at all poidings, and in cases of deforcement, &c., in proof of his office. See Nov. 18, 1511; Oct. 11, 1531, (*Notice*); and Jul. 23, 1566 (*Note*), for farther particulars.

Executionne of ony maner of Letteris or chargis in tyme to cum, thai falbe tane incontinent, HANGIT and drawin, and demanit as oppin traytouris, and vsurperis of our souerane lordis autorité. And that pe saidis perfonis be callit before our souerane lordis Justice or his deuptis, pe said xxvij day of Maii nixt to cum, to vndirly pe law for certane crimes to be imput to pame, as said is. ITEM, it is statute and ordanit, pat all Officiaris pat reffaus ony Letteris of panys or lauborrowis, pat incontinent effir pair executionne pair of, deliuer paim again to pe Justice Clerk indorfate; with certificatioune to paim, pat and<sup>1</sup> pai failze pairintill, pat our souerane lordis Letteris falbe tane fra pame incontinent, and (pai) fal tyne pair officis for euer in tyme to cum.'

### **Violence committed by the Prior and Convent of Pittenweem— Slaughter.**

[THE prosecutions and the Feuds which are noticed in the three subsequent entries, arose from the following circumstances, which, being illustrative of the spirit of these times, the Editor thinks it may be interesting to state rather more fully than usual. The assignees to the tack of the mill and eighty acres of the lands of Pittenweem, having sued before the Lords of Council, their Lordships, with consent of John, the PRIOR, and Mr Robert Forman, Dean of Glasgow, the USUFRUCTUARY of PITTENWEEM, ordained that Andrew Wood, and failing him, one of the King's Officers, should gather the corns growing on the lands, until the final decision of the suit. The King's Officer (Lawrence Bickerton, a Messenger-at-Arms) attempted to serve his Letters upon THE PRIOR, on Sep. 7th, who directed him to delay taking any steps for cutting down the crop until the next day. In the meantime, the Prior set off for Edinburgh; and on Bickerton's return on the 9th, the Sub-Prior and Convent threatened him in the most violent manner. He reports in his *Execution of Deforcement*, that they said 'pai wald deforce him, and baid him depart, or ellis his feit fuld be worthe xxiiij pair of handis!' On the 11th, he again went to gather and lead in the corns, when he found the Sub-Prior and his servants busily engaged in reaping them, and who again threatened personal violence. He returned on the 12th and 13th, but there being 'bot Religiuse menne and preiftis, hynis,<sup>2</sup> wifis,<sup>3</sup> and barnis, quhilkis war nocht risponfale to our souerane lord, gef he had takin deforce,' he desired them to send for Andrew Wood of Pittenweem, John Brown of Anstruther, the Laird of Balcasky, or some other 'risponfale' persons to stop him, so that he might indorse his Deforcement, and depart—which they plainly refused. He therefore, on the 14th, got *William Dischinton of Ardrosse*, James Sandelandis of Cruvy, and other nine persons, to assist him in the execution of his Letters, 'with xl wiffis and fallowis, or pairby, to scheir and leid pe said cornis;' when the Prior and Convent, with 'pair complices to pe nowmer of thre hundrethe perfonis, bodin in feir of weir, wyth hagbutis, culveringis, croce-bowis, hand-bowis, speris, halbertis, axis, and swerdis, come in arrayit batell, wyth convocatioune, and ringing of pair commoune bell,' fell upon them, and 'schote diuerse pecis of artilzeari' at them. Bickerton then formally exhibited his Letters, and required security from the Prior to the extent of 500 merks, should he choose to retain the corns—or, on the other hand, offered the Prior security for 1000 merks, if the crop was reaped under authority of the Letters. All terms, however, were rejected by the Prior—and on the Messenger and his party retiring, they again 'schote artilzeari' at them, and hurt several of them. And thus they 'maisterfullie deforsit him, in the executione of his office, quharvpoun he brak his wand, and tuk witnes,' &c. These facts are luckily preserved in the Letters and executions; which, however, are by far too prolix to be inserted in this Collection.]

Oct. 11.—WILLIAM DISCHINGTON of Ardrosse, James Sandelandis of Cruvy, Thomas Wemys of Vnthank, William Gourlaw of Kyncrag, John Lundy

<sup>1</sup> An; if.      <sup>2</sup> Hinds.      <sup>3</sup> Women.

of Stratherlie, Mr Thomas Meldrum of Segy, William Lummidene of Ardré, John Mailuile, the young Laird of Carnbee, and forty-five others, were denounced Rebels and put to the horn, and all their goods escheated, for not underlying the law for art and part of the cruel Slaughter of James Borthuik, John Anderfone, and John Balzeart. The respective cautioners were, at same time, amerced for their non-entry.

**Oppression — Convocation — Deforcing a Messenger, &c.**

ALEXANDER SWAN, and above eighty others, found caution to underly the law at the next Justice-aire of Fife, for art and part of the Oppression done to John Gourlaw, in wounding him ; for Convocation of the lieges, and forethought felony done to William Dischingtoun of Ardross, invading him for his Slaughter ; and for Deforcing Laurence Bickertoun, the King's Officer.

**Oppression — Mutilation — Deforcing a Messenger, &c.**

JOHN ROWLL, PRIOR OF PITTINWEME, Patrick and Bartholomew Forman and six other Canons, Mr Alexander Ramsay Rector of Mukkert, Sir James Ramsay and three other Chaplains, and John Blaccader Parish clerk of Sawling, were replegiated by Mr John Williamsoun, Commissary to the Archbishop of St Andrews ; and found Sir John Sinclare of Dridane as his cautioner, that justice should be duly administered.

**Sonet Lady Glamis.**

Nov. 29.—SILVESTER HADDANE of Kelour, John Ogilvy of Balnagrow, William Blare of Balgillo, Patrick Gardin of that Ilk, and six others, amerced for not appearing, and passing on the Affise of JONET LADY GLAMMYS.<sup>1</sup>

**Cattle-stealing.**

Dec. 19.—MICHAEL SCOT Convicted of art and part of the Theft and concealment of xxij oxen and cows from the Lord of St John's and his poor Tenants, furth of the Lands of Falhouse.—SENTENCE. To be SCOURGED through the burgh of Edinburgh ; and afterwards led to the tron thereof, both of his ears to be cut off ; and to be BANISHED for the whole term of his life : And never to return therein, under the pain of death.

**Violently seizing King's Letters from a Messenger.**

Jan. 22, 1531-2.—JOHN LORD LILE found James Betoune of Melgund surety for his entry before the Justice, on Feb. 2, next to come, to underly the law for the violent feizing of the King's Letters from Cuthbert Hew, purchased

<sup>1</sup> See Jan. 31, 1531-2, &c. and Jul. 17, 1537.

upon the Slaughter of Alexander Hew, his brother; and for detaining thereof in defraud of law; after being required thereto by Robert Champnay, Messenger.

**Lady Glammys — Using Charms against her Husband, &c.**

Jan. 31.—JONET LADY GLAMMYS found John Drummond of Innerpeffery as surety for her appearance at the next Justice-aire of Forfar, to underly the law for art and part of the Intoxication<sup>1</sup> of JOHN LORD GLAMMYS, her husband; and of Refetting Patrick Charteris, Rebel, and at the horn.

Feb. 2.—WILLIAM FOWLARTOUNE of Ardoch, David Striueling of Brecky, John Bruce of Fyngask, William Drummond of Abernyte, the Lairds of Cullerny, Parbroithe, Petfurane, Balmaschennax, Duncany, Culluthy, Pyotstoun, Gagy, and Roucht, Henry Ramsay of Laweris, and Alexander Drummond of Carnock, were americiated for not appearing to pass on her Affise.

Feb. 26.—WILLIAM LORD ROTHUENE, Lawrence Lord Oliphant, the Lairds of Moncreiff, Tulybardin, Culluthy, Innernyti, Anstruther, Petcur, Petkindy, Inchesture, Clatty, Gorthy, Cultoquhay, Kelly, Ouchterley (Auchterless?), Baluny, and Thomas Berclay of Rynd, were americiated for not appearing this day to pass upon LADY GLAMMYS'S Affise.<sup>2</sup>

**Caution for the sure keeping of the House of Adrintoune.**

Feb. 2.—(APUD EDINBURGHE, *in camera domini REGIS infra Palacium suum Sancte Crucis, die secundo mensis Februarij, viz. in festo Purificationis B. Marie Virginis.*) 'THE quhilk day þe KINGIS grace, in presens of þe Chancellare, Bischop of Galloway, Lord Flemyng, and diuerse vperis Lordes, callit Nicholace Craufurd, Justice-Clerk, before him, and ressaute *Alexander Home* souerte for þe sure keping of þe HOUSE OF ADRINTOUNE, in tyme of peax, during þe tyme of þe Takkis pat he sal happin to get pairof of þe *Lard of Basse*; swa pat na falt salbe imput to þe Lard of Basse be þe Kingis grace, anent þe keping of þe said Houffe, induring all þe tyme of þe said Alexanderis Takkis pairof.'

**Oppression — Wounding — Mutilation.**

Mar. 23.—DAVID KINCAID in Cottis, natural son of David K. of Cottis, Patrick and David, his natural sons, Thomas Robefone, Alex. Wilson, and Patrick Kincaid, found caution (Henry Wardlaw of Kilbabertoune) to appear befor the Justiciar, May 7, and underly the law for art and part of the fore-

<sup>1</sup> It is supposed that this must refer to the alleged dealing of that unfortunate Lady in enchanted drugs, filtres, poison, and charms, &c. <sup>2</sup> This repetition of Assisers, being all men of considerable rank and station, suffering themselves to be fined in default of their appearance, speaks strongly in favour of the popular feeling against the steps adopted to take away the life of Lady Glammis. See her Trial, Jul. 17, 1537.

thought felony and Oppression done to John Petcarne, fervant to Sir James Towris of Innerleith, kn', setting upon him in the burgh of Edinburgh, and cruelly Wounding him in fundry parts of his body, in peril of his death : And for art and part of feloniously Wounding and Mutilation of James Wilfone in his right arm.—Nicholas Ramsay of Dalhouffy, Sir James Sandelandis of Caldor, kn', George Prestoun of that Ilk, William Lauder of Haltoune, Sir William Sinclair of Roslyne, kn', John Pennycuke of that Ilk, and Alex. Dalmahoy of that Ilk, were americiated for not appearing to enter on this Assise.—May 7, Robert Logane of Cotfeild became cautioner for their entry on Jul. 10, when the case was put off till Jul. 31 and Aug. 7.

(Aug. 7.)—SENTENCE. David K. Warded in the Castle of Edinburgh for the Mutilation of Wilfon, and David, junior, and Patrick also warded within the Castle.—JAMES WILSONE and David Walter were also warded for Hamesfuckin and Oppression done to David Kincaid, junior, in the village of Dene.

#### **Usurpation of the King's Authority — Imprisonment — Theft, &c.**

Apr. 23, 1532.—ROGER CHARTERIS denounced Rebel, and his goods ordained to be escheated, for not appearing this day to underly the law for art and part of the Usurpation of his Majesty's authority, in violently taking Edward Craufurd, burgels of Edinburgh, John Wilfon, his fervant, and umq<sup>le</sup> Robert Wardlaw, upon the Common-mure of the burgh of Edinburgh, and forcibly leading them to the Castle of Temptalloune, and detaining them therein in firmance : And for art and part of Reiving from them three horsis, with saddles, bridles, &c. and 5 l. in money.

#### **Oppression Done to Laird of Congeltoun.**

May 6.—SIR PATRICK HEPBURNE of Wauchtoune, kn', John Hepburne, fon of Luke H., and others, dilated for art and part of the forethought felony and Oppression done to the Laird of Congiltoune, Sir Henry Hay, chaplain, and others, his fervants.—The Lairds of Cragmelour and Swyntounè, Alex. Home of Polworth, and William Dowglafs of Quhittingeame, and three others, were fined for not appearing on the Assise.—John Hepburne was denounced Rebel, &c.

#### **Slaughter.**

Jul. 3 —ROLLAND LINDESAY, ALAN LOKHERT OF LEE, and William Mofman, CONVICTED of art and part of the cruel Slaughter of Ralph Weir.<sup>1</sup>—BEHEADED.

<sup>1</sup> Sir George Weir, chaplain, was replegiated by the Archbishop of Glasgow to underly the law for the same crime. John Lord Erskin became cautioner that justice should be administered.

**Slaughter.**

Jul. 8.—WILLIAM BROTHERSYDE Convicted of art and part of the cruel Slaughter of Thomas Smythe.—BEHEADED.

**Mutilation — Minor sent beyond Sea to the Schools, &c.**

Jul. 9.—JOHN INGLIS of Kilmany, Alexander his son and heir-apparent, John Mailuile young Laird of Carnebee, and others, dilaited of art and part of the Mutilation of John Clerk. In consequence of the following remarkable writing, William Inglis, a minor, was ordained 'to pass furth of judgement without finding of ony new souerte to vnderly the law.'

JAMES, be ye grace of God, King of Scottis. To our Justice General, &c. in pat pairt, and to all vperis our officeris, lieges, and subiectis quhatfumeuer, to quhais presens pir our Letteris sal cum, Greting. WIT 3e ws to have specialie Respett and Licenciat, and be pir our Letteris Levis and Licenciatis our louit *Williame Inglis*, sone to Johne Inglis of Kilmany, to pass in ye pairtis beyond ye sey to ye sculis,<sup>1</sup> with his eme<sup>2</sup> Walter Ramsay; and pare to remane and abyde for ye space of vij zeris. And pairfore, will pat he be nocht callit nor accusit for ye allegit Mutilatioun of Johne Clerk, becaufe of his lesu-age<sup>3</sup> and innocence he standis in, being bot ane barne, quhom we have sene brocht in our presence, and vnderstandis him delatit bot of his malice, confidering his youthhede. CHARGEING 3ow Herefore, all and sindry our officeris, liegis, and subiectis forfaisid, pat nane of 3ow tak vpon hand to call, arrest, or jornay ye said Williame Inglis nor his souerteis for ye allegit cryme forfaisid, during his away-biding and xv dayis pairfeiter. Dischargeing 3ow of 3our offices in pat pairt, be pir our Letteris. GEVIN vnder our Signete, and subscruit with our hand, at our Castell of Strueling, ye vij day of Aprile, and of our regne ye xix zere. [JAMES R.]

**Burning of the Place of Lag — Theft — Oppression, &c.**

Jul. 27.—GILBERT GREIR, in Bardannache, Peter and Robert Greir, his brothers, dilaited of art and part of the Fire-raising and Burning of the Place of Lag, under silence of night, in company with John Bell, alias *Jony*, Andrew, his brother, Rolland Bell and their accomplices, common Thieves and Traitors of England and Liddisdail: And for the theftuous Stealing from John Greir-fone of Lag, at the same time, of a horse and all his gudes, valued at 500 merks: And for art and part of the forethought felony and Oppression done to Alex. Castellaw, and others, seruants of the Laird of Lag, and cruelly Wounding them, in peril of their lives.—Patrick, Master of Halis, became surety for their entry to underly the law at the next Justice-aire of Drumfreife.

**Intercommuning with the Earl of Angus, &c.**

ADAM LINDESAY, of Dowhill, found caution to underly the law, at the next Justice-air of Fife, for Refetting, Intercommuning, and Assistance given and afforded to Archibald, late Earl of Angus, and Archibald Douglafs, his uncle, Traitors and Rebels—after their forfeiture, &c.

<sup>1</sup> Schools.<sup>2</sup> Maternal Uncle.<sup>3</sup> Minority.

**Banishment.**

Aug. 8.—ROBERT LEKPREVIK<sup>1</sup> Banished, by Warrant of the King, furth of the Kingdom of Scotland. He was fworn, in Judgment, to remove within xl days, under pain of death.

**Treasonably Intercommuning with the Earl of Angus.**

Nov. 8.—KATHERINE RUTHIRFURD, Lady Trakware, was denounced Rebel, and all her goods ordained to be escheated, for not appearing this day to underly the law, for treasonable assistance given to Archibald, formerly Earl of Angus, George and Archibald Douglas, his brother and uncle; and for Refetting, supplying, and Intercommuning with them, and daily conversing with them, within the kingdom of England, and secretly in Scotland, &c.

**Abiding from the Raid to the West Marches.**

Feb. 8, 1532-3.—SYMON M<sup>c</sup>CULLOCH, of Myreton, and a number of Galloway and Ayrshire Lairds, were denounced Rebels, for treasonably abiding from the Host and Army to the West-Marches, towards England, with the King's Lieutenant, on Jan. 5 last.—Many produced certificates of sickness, Licences from the King and Lieutenant, and were discharged.—The following is a specimen of the Licences which were usually granted on such occasions:—

LICENCE for *Mr William Montgomery of Stair.*

REX,

WE, vnderstanding pat our louit MAISTER WILLIAM MONTGOMERY of pe Stare, is feik, and may nocht mak travell without danger of his life; and pat his sone and apperand are, with his houhald, according to his estate, is to depart to our BORDOURIS, withe our derrest broper, James Erle of Murray, our Grete Wardane and Lieutenant, for pe defence of our realme, and resisting of our ald inemys of Ingland: HEREFOR We grant and gevis Licence to pe said Maister Williame to remane and bide at hame fra pis our Oist and Armye, now devisit to pass to pe Bordouris pe v day of Januare instant, to pe effect forsaid: And he fall incur na danger nor skayth throw his remanyng and away-biding fra pe samyn, in his persoune, landis, or gudis; and fall nocht be callit nor accusit pairfore: Dischargeing all our Officiaris present and to cum; pat is, our Justice, Justice Clerk, and Thesaurare, and all vperis our Officiaris and Ministeris of Court pairof, and of pair officis in pat part: And for his non-comperance to our said Oist and Armye, We, be pe tenour hereof, dischargis all calling or accusatione pat may follow pairpoune, nochtwithstanding ony our Letteris or Proclamatiounis maid or to be maid to pe contrar: Anent pe quhilkis, We dispense with, be pir presentis, subscriuit with our hand, AT EDINBURGHE, pe secund day of Januare, the zere of God I<sup>m</sup>.V<sup>c</sup>. xxxij zeris, and of our regne pe xx zere.

[JAMES R.]

It has also been thought proper to preserve the following remarkable Act of the Privy Council, which is engrossed in the Books of Adjournal.

**The Declaratioun maid be the Lordis of Council,  
' quhat is ane substancial man.'**

APUD ED<sup>a</sup>., ix Feb., anno I<sup>m</sup>.V<sup>c</sup>. xxxij, in Hospicio domini Cancellarii:

<sup>1</sup> Probably the Scottish printer. It is likely that his crime was printing and selling Heretical books.

SEDERUNT, *Cancellarius, Candidescase, Cambuskynneith, Kynlofs; Domini Erskin, Sympill, Clericus Registri, Jacobus Hammiltoun, Johannes Campbell, Rotulator, M. Ad. Otterburne, Nicholaus Craufurd, Jacobus Lawson, et Franciscus Bothuile.*

THE Lordis of Counsale, for declaratioun of þe Actis and Proclamationis maid be þe Kingis grace and Lordis of his Counsale, charging all Baronis, frehaldaris, and vperis substancius men of þis realme to cum to his BORDOURIS, quarterly, for defence of þis realme, Fendis and Declaris pat ane man, havand in his possessioun ane hundreth pundis worth of gudis, steilbow<sup>1</sup> and ferm of pat zere alanerlie except, is haldin and reput ane substancius man; and is haldin to vnderly þe charge of þe Actis and Proclamacionis.

#### **Fire-raising — A woman sentenced to be drowned.**

Apr. 26, 1533.—JONET ANDERSONE Convicted of art and part of Fire-raising and Burning of a byre of the Laird of Roslythe, and fixty oxen and eleven cows therein.—DROWNED.<sup>2</sup>

#### **Murder — Stouthreif.**

May 12.—HENRY BIKKERSTOUNE Convicted of art and part of the cruel Slaughter and Murder of Robert Sym, committed at Struther, in Fife, near Clatty-dene: And of Stouthreif from him of certain goods, at the same time.—BEHEADED

#### **Letter from the King as to 'the ordour of Justice-Courtis.'**

Jun. 16.—William, Bishop of Aberdene,<sup>3</sup> Treasurer, presented the following LETTER from THE KING; which was ordained to be recorded.

REX,

JUSTICE and Justice Clerk. Forsamkill as þe ordour of our Justice Courtis ar gretumly<sup>4</sup> abusit, be continuaciounis and dischargis þair of, and siclike, be dischargeing of fouerteis for entering of personis at our saidis Courtis, and of personis to enter to þe samyn, dischargeing þe vnlawing of þare fouirteis, quhilkis passis vndir our subscripciounis and vpirwife: WE, for remede hereof, Will and alse Commandis and chargis zow, pat ze, for nane our writingis, command, or priuate takinnis, mak na continuaciounis of our saidis Courtis, nor stop nor lat<sup>5</sup> to hald þe samyne, nor discharge ony fouirteis to enter ony perfounis to our saidis Courtis and dais of law, or of ony perfounis to enter to þe samyne; nor zit discharge þare fouirteis and vnlawing of þame for ony our Letteris, command and charge message, or priuate takyne, in ony tymes cuming; without ze haif þe avise and consent of our Thesaurar exprefs þareto, be his hand writ or plane consent, vnder þe payne of tynsale<sup>6</sup> of zour Officis. GEVIN vndir our Signete, and subscriuit with our hand, At Edinburghe, þe first day of Februaire, and of our regnne þe xx<sup>th</sup> zere. [JAMES R.]

<sup>1</sup> Goods and 'stocking,' the property of the landlord, then by no means uncommon, to encourage the industry of the poor farmers.

<sup>2</sup> The Editor has frequently had occasion to remark that this was the ordinary punishment of females for crimes of lesser magnitude. In cases of Murder, Treason, Witchcraft, &c. women were BEHEADED or BURNED at the stake, according to their rank and aggravation of the offence, &c.

<sup>3</sup> William Stewart, son of Sir Thomas Stewart of Minto.

<sup>4</sup> Greatly.

<sup>5</sup> Hinder; let.

<sup>6</sup> Loss; deprivation.



**Destroying Salmon-fishings on the River Dee.**

Jun. 21.—JOHN MANGELOUS<sup>1</sup> in Treif, Sir John Irland, Chaplain, and three others, delatid of art and part of the Oppreffion done to Henry Bishop of Whitehorn, Commendator of Dundranane and convent thereof, in breaking their 'dooks,'<sup>2</sup> and Fishing in the water of Dee, under filence of night, and destruction of the 'fymmeris'<sup>3</sup> and 'hekkis' thereof: And for striking their servants. Robert Lord Maxwell was fined for their non-appearance, &c.

[*Archibald Earl of Argyle, Justice General.*]

**Fire-raising — Destroying 'Poynnd-faldis' — Deadly Feud.**

Jul. 29.—JOHN LORD FORBES, John Master of Forbes, his son and heir apparent, William, his brother, William F. of Corffinday, and William Stewart of Portarstoune, find surety to appear at the next Justice-air of Aberdeen, to underly the law for art and part of the treasonable Fire-raising and destruction, under filence of night, of certain 'poynnd-faldis,'<sup>4</sup> belonging to George Earl of Huntlie, built of wood, for the preservation of his cattle, in his Forest of Coriny.<sup>5</sup>

**Murder of the Laird of Craiganis and his servant.**

Aug. 19.—SIR JOHN SYMPILL, Vicar of Erkin, accused of art and part of the cruel Slaughter of William Cunynghame of Craiganis and Robert Alanefoune, his servant.—The Archbishop of Glasgow replegiated the pannel to his Church Courts.—John Brisbane of Bischoptoune became surety for the due performance of justice.

[*Archibald Earl of Argyle, Justice General.*]

**Murder of the Laird of Craiganis and his servant.**

Aug. 20.—JOHN LORD SYMPILL, Robert Master of Sympill, his son and heir apparent, Gabriel S. of Ladymure, his brother, and William, his son,<sup>6</sup> John Stewart of Barsquyb,<sup>7</sup> John Sympill of Fouiwod, John Sympill, young Laird of F.,<sup>8</sup> Mathew Sympill,<sup>9</sup> and a great number of others, found surety to appear before the Justice, on Nov. 17, to underly the law for the Slaughter of the Laird of Craiganis and his servant.—(Nov. 17.) The Justice General appointed Robert Lord Maxwell and Thomas Scot of Pitgorno to be his deputies

<sup>1</sup> Probably a clerical error for Manzelous, (Menelaws?)    <sup>2</sup> Probably Cruive-dikes.    <sup>3</sup> Sometimes written simmer; the beams on which the hecks or spars, formed like a horse-rack, were fastened. The heck was regulated to be of a certain width, to permit the fry and smaller fish to escape for breeders to keep up the stock in rivers, &c.    <sup>4</sup> Pin-folds; pens for sheep.    <sup>5</sup> May 10, 1586, the parties found caution to underly the law at the next Justice-aire of Aberdeen.    <sup>6</sup> The amount of their caution was 1000 merks each.    <sup>7</sup> Barscube.    <sup>8</sup> 500l. each.    <sup>9</sup> 1000 merks.

for trying this case.—(Nov. 18.) A number of persons were denounced rebels, and put to the horn, &c.—(Nov. 20.) The Justices took surety of Lord Sympill, &c. to underly the law before the Justice, at the next Aire of Renfrew.

**Murder of the Laird of Craiganis and his servant.**

Nov. 12.—ALEXANDER PYNCArtouNE and John Bryntschele Convicted of art and part of the cruel Slaughter of the Laird of Craiganis and his servant.—BEHEADED.

**Stouthreif — Clan-Gregor.**

Nov. 15.—MALCOLM M'COULE-KERE M'GREGOUR, Duncan and Patrick, his brothers, accused of Stouthreif, in company with fundry Rebels of THE CLAN GREGOUR, in October last, of xl cows, from Alexander Earl of Mentethe, and William Master of Mentethe, his son, furth of their lands and possessions. Failing to appear, they were denounced Rebels, and put to the horn, &c.

**Feud between the Cunynghames and Sempills.**

Nov. 20.—ALEXANDER CUNYNGHAME, son and heir apparent of William Master of Glencarne, Andrew, his brother, David C. of Robertland, Robert C. of Auchinberry, Robert C. of Aket, and William his son, Adam C., Tutor of Laglane, John Campbell of Ardoch, Thomas Craufurd of Auchinamys, and thirty others, found caution, (viz. the Master of Glencarne, William C. of Glengarnok, John C. of Caprintoune, . . . C. of Cunynghameheid, Gabriell C. of Craganis, David C. of Robertland, and Robert C. of Aket,) to underly the law at the next Justice-aire of Renfrew, for Umbesetting the High-way, by way of Murder, to WILLIAM LORD SYMPILL, lying in wait for his Slaughter, with a great company, between his Castle of Sympill and his Place of Lovell, on the fifth and seventh days of August last.

**Feud between the Cunynghames and Sempills.**

WILLIAM CUNYNGHAME of Glengarnock, David C. of Robertland, and Robert C. of Auchinhervy, with sixteen others, found caution to underly the law at the same Justice-aire, for art and part of the forethought felony and Oppression done to Robert Snodgerse, Mark Sympill, and Patrick Young, coming with convocation of the lieges to the number of 100 persons, in warlike manner, on the (3d ?) day of September last, within the lands of the said Robert, and forcibly seizing and imprisoning him, &c.—The parties, both Cunynghames and Sempills, were bound over to keep the peace, under the pains of 5000, 2000, and 1000 marks each, according to their respective ranks.

**Manifest and Wilful Error on Assise.**

Nov. 22.—BERTHOLOMEW HERYS Convicted for Manifest and Wilfull Error, in his procuring or being with others his colleagues upon the Assise of John Makilrewy, James Makgee, and John Scaillis, and declaring them to be acquitted and innocent of art and part of the Theft and concealment furth of the chamber of Sir James Macbraar, Chaplain, within the burgh of Dumfreis, in the month of October 1532, of a box containing 400 l. in gold, and jewels worth 100 l., or thereby; together with fundry Letters, Charters, and other evidents belonging to Thomas Macbraar, burges of Dumfreis, and entrusted by him to the custody of the said Sir James.—To be INCARCERATED for year and day; and farther, during the King's pleasure. All his moveables to be escheated.

[*Archibald Earl of Argyle, Justice General.*]

**Hindering the Wardens of the Marches, &c. from apprehending Rebels, &c.**

Feb. 5, 1533-4.—THOMAS KIRKPATRIK of Clofeberne, Gilbert and Cuthbert Greir, brothers to the Laird of Lag, (John Greirfone,) William Johnestoun, *alias Wylkyne*, of Escheschellis, and four others, become in his Majesty's will for Refetting, Supplying, and Intercommuning with John Blythe and sixteen others, Sep. 27, 1533, being servants of Sir Alexander Kirkpatrik of Kirkmichaell, kn<sup>t</sup>, and all Rebels to the King: AND for assistance afforded to the said Rebels the same day, with Convocation of the lieges in great numbers, armed in warlike manner, and hindering ROBERT LORD MAXWELL, Steward of Kirkcudbrycht, and WARDEN OF THE WEST MARCHES, and Ninian Crechtoun, SHERIFF OF DUMFREIS, from apprehending the said Rebels, by virtue of his Majesty's Letters directed to them; and thereby they could not be delivered up to justice, conform to the laws of the realm. THE Laird of Clofberne, Wylkyne Johnestoun, and Cuthbert Greir were INCARCERATED in the Castle of Edinburgh. The others found surety.

[*William Earl of Montrose, John Lord Erskin, Sir James Hammiltoun of Fynnert, knight, and Mr James Lawfoun, Provost of Edinburgh, Justiciars specially constituted by Commission, &c.*]

**Slaughter of the Laird of Craiganis and his servant.**

Feb. 23.—JOHN STEWART, Cousin of the Laird of Barskib, Mathew Sympill, servant of the Laird of Stanlee, and James Kirkwod, dwelling at the Kirk of Kilbarchane, CONVICTED of art and part of the cruel Slaughter of William Cunynghame of Craiganis, and Robert Allanesoun, his servant—**BEHEADED.**

*Persons amerced for being absent from the Assise.*

Alexander Drummond of Carnok, John Galbrayth of Polgave, John Grierfone of Lag,  
 Mungo Lindefay of Ballull, Pat. Buchquhannane of Stanyflat, Eduard Synclare in Lefuaid,  
 Humphrey Galbrayth, Tutour of James Edmonstoun, uncle of the William Stewart of Trakware.  
 Culereuch, Laird of Duntreithe,

GABRIEL SYMPILL was proved to be sick, by Sir Patrick Bryfoune, Curate of Lochuingeocht, and witnesses. William Lord Sympill (his brother) became cautioner for his entry.—(Apr. 29, 1534.) Lord Sympill was fined 1000 merks for his non-entry; and the said Gabriel denounced Rebel, &c. and all his moveable goods to be escheated.

(Feb. 26.)—ROBERT MASTER OF SYMPILL was denounced Rebel and put to the horn, for not appearing to underly the law; and all his moveables to be escheated, &c. William Lord Sympill was fined 1000 merks for not entering his son.

**Slaughter of the Laird of Craiganis and his serbant.**

Feb. 26.—WILLIAM LORD SYMPILL, John Sympill, senior in Auchlodmont, John Cunynghame junior, Robert Sympill brother of the Laird of Foulwod, Murdoch Sympill, Robert Spreull, William Crag in Syde, and Patrick, John, and Robert, his brothers, were all ACQUITTED by an Assise, for art and part of the Slaughter of the Laird of Craiganis and his servant: And for Refetting, Supplying, and Intercommuning with David Sympill, son of the said Lord Sympill, John Sympill junior in Auchlodmont, William Lufe (Love), Ranald Lufe, John Spere, and . . . Gyllis, Rebels and at the horn for the said Slaughters; and with others their accomplices, being also at the horn for the same Slaughters.

## ASSISA.

John Lord Lindefay of the Byris, The Lard of Riddale, Edward Sinclare of Drydene,  
 George Lord Hume, Charles Mowat of Busbie, Williame Vache of Dawik,  
 Alex. Dalmahoy of that Ilk, Arch. Dowglafs of Calchogill, Williame Murray of Romannofe,  
 Archibald Farnely 3oung Laird John Cranftoun of that Ilk, Robert Dowglafs of Pumfraftoune.  
 of Braid, James Ker of Merfingtoune,

The following persons were amerced for not passing on this Assise.

*Absentes ab Assisa.*

The Laird of Amysfeild, Andrew Ker of Grenehede, James Ker of Lyntoune, George Hoppringill in Sanct Johnnis Chapell, Mr George Hay of Minzeane, Robert Borthuik of Raschaw, the Laird of Prentado, James Bowmaker of Cardone, the Lairds of Fawside, senior and junior, James Hoppringill of Tynnes, Walter Lekky of Croy, Richard Lekky of that Ilk, Mr Thomas Ker in Sounderlandhall, and the Laird of Howpaslot.

In consequence of this acquittal, the following Supplication was presented to THE LORDS OF PRIVY COUNCIL, and granted by their Lordships on the same day.

SUPPLICATION for Gabriel Cunynghame, son and heir of the deceased Laird of Craiganis, to bring the above ASSISE to Trial for Wilful Error, &c.

MY LORDIS OF COUNSALE, vnto your l. humelie menis (*complains*) and schawis we your seruitouris,

GABRIEL CUNYNGHAME, sone and air of vniq<sup>le</sup> William Cunyngham of Craganis, and pe remanent of pe kis and freindis<sup>1</sup> of the said vniq<sup>le</sup> William. THAT quhair WILLIAM LORD SIMPLE and his complices, beand putt to the knowlege of ane Affise, for art and part of pe creull Slauchter of pe said vniq<sup>le</sup> William; and for Intercommuning, maintainance, and resett of pe slaaris of pe said vniq<sup>le</sup> William, is quytt be pe said Affise, wrangoullie and injusttie to our grate apperand<sup>2</sup> scaithe and dampnage,<sup>3</sup> confidering his officiar and houshald men wis fylit.<sup>4</sup> QUHAREFOR, we beseke your i. pat we may have ane commend to pe Justice Clerk to gif ws pe names of pe persounis quhilk past vpounse pe said Affise, sua pat we may found our actionne vpounse pain for pair Manifest and Wilfull Erroure. According to justice, with your anfuer humilie we besek. [*Indorsed.*] APUD EDINBURGHE, penultimo Fe<sup>u</sup> anno, &c. xxxij. *Fiat ut petitur.* J. GUDE, de mandato Dominorum.

### Slaughter of the Laird of Craiganis and his serbant.

Feb. 28.—JOHN SYMPILL of Foulwod. The following persons were americiated for not appearing to pass upon his Affise for being art and part of the same crime.

The Young Laird of Bargany,	John Leuenax of Wodhede,	John Crenstone of that Ilk,
Charles Mowat of Bulbye,	John Buchquhannane, son of	Eduard Synclare in Lessuaid,
The Young Laird of Gereswod,	Rob <sup>t</sup> B. of Drummakill,	Thomas Makdowell in Stederig,
Robert Baillie of Gervestone,	W <sup>m</sup> . Edmonstoun of Duntreithe,	John Houftoune of that Ilk.

[*Archibald Earl of Argyle, Justice-General.*]

### Judicial Arbitration for the Compromise of certain Wounding, Mutilation, Invasion, &c.

Apr. 14, 1534. (*Apud burgum de Strueling.*)—THE quhilk day, comperit in jugement before pe said Justice, DAVID SOMERVILE 3OUNG LAIRD OF PLAYNE, one pat ane pairt, and DAVID SCHAW OF CAMMYSMORT, one pat vper pairt; quhilkis wer compromittit, bund, oblist and suorne be pe faithis and treuthis in pair bodeis, pe Haly Euangellis tuichit, to abyde, vndirly and fulfill pe sentence, decrete, and deliuerance of pir persounis vndirwritten: That is to say, ane nobill and mighty Lord, Williame Erle of Montrose, Lord Grahame, honorabill menne, James Coluile of Ester Wemys, Johne Strueling of pe Kere kny<sup>t</sup>, Robert Bruce of Erthe, Alexander Schaw of Sauchy, Maister Robert Creichtoune, Prouest of pe College Kirk of Sanct Gele of Edinbur<sup>t</sup>, and George Schaw of Knokhill, or ony thre of pame, chofin for pe pairt of pe said Dauid Schaw; Nobill and mighty Lordis, Hew Lord Someruile, Alexander Lord Levingstoune, Alexander Lord Elphingstoun, Niniane Setoune of Tulibody kny<sup>t</sup>, Williame Lawder of Haltoune, Williame Mentethe of West Kerse, Maister Alexander Levingstoune of Donyphace, and John Someruile of Camnethane, or ony thre of pame, chofin for pe pairt of pe said Dauid Someruile, JUGIS ARBITRATORIS, and amicabill compositouris chofin betuix pe saidis pairties to know and decide: THAT IS TO SAY, in speciale anent pe Hurting and Mutilatioune of

<sup>1</sup> Blood-relations.

<sup>2</sup> Manifest, evident.

<sup>3</sup> Loss, or hurt and damage.

<sup>4</sup> Found guilty.

þe said David Someruile, allegit to be committit be þe said David Schaw and his complices, and anent þe Inuasioune of þe said David Schaw, allegit to be committit vpon him be þe said David Someruile and his complices, þat samyn tyme; and generally, anent all vþeris depatis,<sup>1</sup> cauffis, querelis, actiounis and contrauerfiis quhatfumeuer, movit be ather<sup>2</sup> of þe saidis pairties aganis vþeris, in ony tymis bygane, vnto þe day of þe date heirop: And þe saidis Jugis, or ony thre of þame chofin for ather<sup>3</sup> of þe saidis pairteis, fall convene and meit in þe Paroche Kirk of þe burcht of Striueling, þe first day of December nixt to cum, and tak þe saidis actionis and debatis in þame and vpoune þame, and commone<sup>3</sup> pairintill; and deliuer in þe samyn betuix þat day and þe feste of þe Purificatioune of our Lady, callit Candilmes, nixt immediatle pairefter following: And with power to þame to proragate and contynew þe geving of þair Sentence for sic space as þai fal think expedient: AND in cace of discord, baith þe saidis pairteis hes chofin, with þair avife and consentis, ane nobill and mighty lord, Johne Lord Erskine, honorabill men, John Campbell of Lundy kny<sup>t</sup>, Mr James Foullis Clerk of our souerane lordis Register, Thomas Scot of Petgorno, and Nicholace Craufurd of Oxingangis, Clerk of our souerane lordis Justiciary, ourmen,<sup>4</sup> all in ane voce to decide with þe saidis Jugis in þe saidis materis and debatis: And however the saidis Jugis and ourmen, or þe maist part of þame, Decretis and Deliuieris in þe premisses, baith the saidis pairteis ar oblist and suorne, as said is, to stand and abyde pairat, but<sup>5</sup> reuocatioune, appellatioune,<sup>6</sup> or reclama-tioune: And gif ony of þe saidis ourmenne fal happin to decefe in þe menetyne of þe geving of þe Decrete and deliuerance in þe saidis debatis, the remanent being one life,<sup>7</sup> fal haif power to decide and deliuer with þe saidis Jugis in þe samyn, siclike and alse lauchfully as þai wer all one life: And quhilk of þe saidis pairteis þat will nocht abide and fulfill þe said Decrete and Deliuerance, eftir þe geving þair of, bot passis þairfra, the pairty nocht abidand pairat nor fulfilland þe samyn, fall content and pay to þe pairty keþand and abidand pairat þe said Decrete, þe foyme of I<sup>m</sup> li. vsuale money of Scotland, in name of pane,<sup>8</sup> for costis, skaythis, and expenses sustenit, and þat fal happin to be sustenit be him þairthrow, but fraude or gile.<sup>9</sup> AND baith þe said pairteis consentit and ordanit þis compromit to be insert in þe buke of Adiornale, and þe Clerk of Justiciary to gif to þame þe autentik copiis and extractis of þe samyn.

### Common Theft, &c.

[It is unnecessary to specify the very numerous cases of the description of the following, which occur ver<sup>y</sup> frequently in every period of the Record. The pannels, about the period of this Trial, were almost all Elwalds, Turnbolls, Armstrongs, and other Border Thieves, and the Record seldom gives any detail. Where details are entered into, such cases are uniformly selected.]

<sup>1</sup> Debates, differences.      <sup>2</sup> Either, viz. each.      <sup>3</sup> Commune.      <sup>4</sup> Overmen, umpires.      <sup>5</sup> Without.  
<sup>6</sup> Appeal.      <sup>7</sup> In life.      <sup>8</sup> Penalty.      <sup>9</sup> Honourably, without fraud or guile.

Sept. 30.—JOHN TURNBULL, alias *Black-fow*, Convicted of Common Theft, outputting and inputting thereof.—HANGED.

**Waylaying the Laird of Nudry-Marishall, &c.**

Jan. 15, 1534-5.—SIR PATRICK HEPBURNE of Wauchtoune, kn<sup>t</sup>, Patrick Quhitlaw of that Ilk, the Lairds of West Fortoun and Este Crag, George Sinclare of Hiefeild, Adam, Alexander, and John Hepburne, brothers of the Laird of Wauchtoune, Patrick his son and heir apparent, and twenty-six others, found surety to underly the law on Feb. 12, for art and part of 'Umbefetting' the high-way to Gilbert Wauchope of Nudry-Marshell, for his slaughter.—(Feb. 12.) The Archbishop of St Andrews repledged Mr William Hepburne, and other two Priests, accused of the above crime. Thomas Cokburne of Clerkintoune, and others, were fined for not appearing to pass upon this Affise.

**Wilful Error on Assise.**

Jan. 15.—ALEXANDER INNES younger of that Ilk, James, son of Robert Innes of Rothnakenzie, Thomas Urquhart, Sheriff of Cromarty, John Drummond of Innerpeffery, and others, were called upon to underly a grand Affise, for their unjust acquittal of Robert Dwne of Rate, of certain points and crimes for which he was indicted.—Their cautioners were 'unlawed' in the fums of 500, 300, and 200 merks each, according to their respective rank, for their non-entry this day.

**Stouthreif — Oppression, &c.**

Apr. 7, 1535.—HUGH LORD SOMERVILE fund surety (William Chancellor of Quodquene<sup>1</sup>) to underly the law at the next Justice-aire of Lanark, for art and part of the Southreif and Oppression done to John Tweeddale in Carnewethe, in reiving from him two cows: And for art and part of the Stouthreif from the said John, of all his horses, mares, oxen, cows, and all his crops, viz. corn, oats, straw, fodder, hay, togedder with all his goods and utenfils.

**Feud between the MacLeans and Clarrannald.**

Jun. 4.—THE quhilk day, in presence of þe Chancellor and Lordis of Counsale, HECTOR M<sup>c</sup>GILLANE of Doward comperit and consentit þat þe fouerteis þat were fouerteis for him of before, for his entre before þe Justice þe said day, and he as fouerte for his tua breþer, and þe remanent of þe persons contenit in our fouerane lordis Letteris, rasit vpone him at the instance of þe CLANRAN-

<sup>1</sup> See his Trial for Slaughter, April 24, 1536.

NALD, fuld stand ficlike fouerteis as pai wer before, vnto the x day of Junij instant; efter þe forme of our fouerane lordis vþeris Letteris, vnder his signete and subcriptione-manuale, direct þairupone to þe Justice-Clerk: AND þat þe saidis Letteris direct vpoun him ' fuld stand in effect, quhill þe said day, as þai wer of before, and he to remain within the burcht of Edinbur<sup>t</sup> in þe menetyme.'

### **Intercommuning, &c. — Murder of the Laird of Glorat.**

Jul. 20.—PATRIK COLQUHOUN and Mr Adam C., sons of Sir John C. of Lufs, kn', and twenty-five others, (among whom were Andrew Cunynhame of Drumquhassil and William C. of Fenyk,) found surety to underly the law at the next Justice-aire of Dumbarton, for refetting, Supplying, Intercommuning, and Assisting Humphrey Galbrayth, and his accomplices, Rebels and at the horn for the cruel Slaughter of William Striueling of Glorat.<sup>1</sup>—Donald Macdow and fix others denounced Rebels, &c.; Sir John Colquhoune of Lufs and Donald M<sup>c</sup>manys were proved to be fick; and Humphrey Colquhoune, Parish Clerk of Lufs, Mr Adam C., pensioner of Lufs, and David C., clerk, were replegiated by the Archbishop of Glasgow.

#### *Absentes ab Assisa.*

Wm. Edmonstoune of Duntrethe,	Patrik M <sup>c</sup> gregour,	Walter Park of that Ilk,
John Sympill of Foulwod,	James Freland of that Ilk,	Wm. Flemyng of Barrouchane,
Robert Sympill, his brother,	James Stewart of Ardgoware,	George Flemyng of Kilmacolme,
John Maxwell of Stanelie,	Geo. Montgomerie of Skelmorlie,	Thomas Kelfo of Kelfoland,
James Park of Gilbertfield,	Ninian Stewart, Sheriff of Bute, <sup>2</sup>	Hugh Railstoun of that Ilk.

The above persons, and thirteen others of no note, were amerced, for not appearing this day to pass upon the Assyse.

### **Unlawfully denouncing Lord Sempill Rebel, &c.**

Jul. 30.—JOHN LORD LILE, and James Soutar his servant, put to the horn, &c. viz. The said James for not appearing to underly the law for Ufurpation of his Majesty's authority, in putting certain Letters to execution against WILLIAM LORD SYMPILL, demanding caution of him to underly the law for being art and part of the Slaughter of John Crawford of Previk, &c., and thereupon denouncing him Rebel, caution having been previously found by him: And the said Lord, for art and part of causing his servant to execute those Letters, &c.

### **Stouthreif — Piracy — Murder.**

Aug. 30.—ALEXANDER JOHN CANOCHSONE, Angus Elyauch his brother, Gillespy Maktarliche his servant, Gillespik Donoche his son, Makcay<sup>3</sup> of

<sup>1</sup> Reference may be made to the Appendix to this reign for many illustrative circumstances.  
<sup>2</sup> William his son was among those who were also fined.      <sup>3</sup> His Christian name not inserted.



Sanday, Maknachtene More, Officer of the West parts of Kyntyre, Eweyr Mackay of Auchincris, Officer of Kintyre, and thirty-three others (chiefly *Mackays*), were denounced Rebels, and put to the horn, &c., for not appearing this day to underly the law for art and part of Stouthreif from Andrew Mure, citizen of Glasgow, and his servants, of a small vessel called a 'Pickard schip,' with goods therein of the value of 300 l., furth of the Port of Portcrofche: ITEM, for art and part of the cruel Slaughter of John Mure, his son, and other four persons, his servants; and Hurting and Wounding of the said Andrew, to the hazard of his life: ITEM, for art and part of the Stouthreif and Oppression done to the said Andrew and his servants, in reiving from them, furth of the Port of Lochriddene, of a great boat, and certain goods therein of the value of 50 merks: ITEM, for art and part of the cruel Slaughter and Murder of two servants of the said Andrew, being in the said boat: ITEM, for art and part of the cruel Slaughter and Murder of Andrew Mure, son and heir of the said Andrew, and other four persons his servants, coming upon them whilst they were sleeping in a small vessel, being in the station or Road-stead of Sanday, belonging to the said Andrew, loaded with merchandize and other goods brought from Ireland; committed upon the 15th day of July last: ITEM, for art and part of Stouthreif from the said Andrew, his son and servants, of 100 l. in money and merchandize.

**Cattle-stealing — Taking prisoners, &c. — Stouthreif.**

Oct. 30.—CHRISTOPHER ARMESTRANG,<sup>1</sup> Archibald his son, Ingram Armestrang, Railtoun, Robert and Archibald Armestrang there, John Elwald, called *Lawis-Johne*, William, son of Alexander Elwald, and Robert Carutheris, servants to the Laird of Mangertoune; Thomas Gray, John Forrestare, called *Schaik-buklar*, Ninian Gray his servant, Thomas Armestrang in Greneschelis, *Lang Penman*, servant of one called *Dikkis Wille*, Ninian, son of the said Christopher, Thomas Armestrang of Mangertoune,<sup>2</sup> and Symon Armestrang, called *Sym the Larde*, were all denounced Rebels, and their whole goods, moveable and immoveable, to be escheated, &c., for not underlying the law this day for art and part of Stouthreif under filence of night, on Jul. 27 last, from John Cokburne of Ormistoune, furth of his Lands of Craik, within the shire of Roxburghe, of seventy 'drawand oxin'<sup>3</sup> and thirty cows: *And* for art and part of traitorously taking and carrying off three men-servants of the said John, being the keepers of the said cattle, and detaining them against their will for a certain space: *And* for art and part of the Stouthreif from them of their clothes, 'quhin-

<sup>1</sup> See notice prefixed to Trial Apr. 1, 1531; and also Feb. 21, and Mar. 13, 1535-6. <sup>2</sup> Brother of the celebrated Johnny Armestrang, and Chief of the Clan. <sup>3</sup> Oxen used for *draught*, such as ploughing, &c. From numerous other entries they appear to have been much used for agricultural purposes.

zearis,<sup>1</sup> purfes, and certain money therein : *And* for breaking of their Bonds made to the King.

[*Sir James Coluile of East Wemyss, kn', Sir John Mailuile of Raithe, kn', and William Hammiltoun of Sanquhar-Lindesay, Justices constituted by special Commission.*]

#### **Inbasion — Hamesuckin.**

Jan. 24, 1535-6.—SIR PATRICK HEPBURNE of Wauchtoun, kn', and James Cragifwallis his fervant, CONVICTED of art and part of coming upon James Sinclare, within the lands of Stevinstoune, with drawn swords, and invading him for his Slaughter : And for forethought felony and Hamesuckin done to the said James, setting upon him in the House of Quarrelpittis, and befieging him therein.<sup>2</sup>

JOHN MARTYNE in the Monastery, and Cuthbert Newtoun, were also CONVICTED of art and part of the Hamesuckin done to James Sinclare, coming to the House of Quarrelpittis in company with the Laird of Wauchtoun, and befieging him therein.

[*Sir James Hammiltoune of Fynnert, kn', Justice specially constituted.*]

#### **Mutilation.**

Jan. 26.—JOHN FORBES of Petslego, Alexander, his son and heir apparent, and John and William, also his sons, Alexander F. of Dalmanache and John his brother, John Cawdale, son and heir apparent of James C. of Afslone, and *seventy* others, were denounced Rebels and put to the horn, and all their goods, &c. to be escheated, for not appearing to underly the law for art and part of the Mutilation of Michael Fraiser, John Fraiser, Mr Robert Anderfoune, William Crawford, John Scot, John Gordon, and David Chene : And for art and part of forethought felony, and other crimes.

#### **Slaughter of the Laird of Scottistoun.**

Feb. 11.—MR ROBERT GALBRAITHE found caution to underly the law before the Justice on Feb. 23, for art and part of the cruel Slaughter of William Crechtoun of Scottistoun, under the pain of 5000 merks.—(Feb. 23.) Found caution of new, to appear on Mar. 27.—(Mar. 27, 1536.) He was replegiated by the Archbishop of St Andrews.

#### **Cattle and Sheep-stealing — Burning of Howpaslot — Treasonably assisting the Armstrongs, &c.**

Feb. 21.—SYMON ARMESTRANG,<sup>3</sup> Convicted of art and part of the Theft

<sup>1</sup> Whingars.

<sup>2</sup> Sentence is not recorded.

<sup>3</sup> See Oct. 30, 1535, and Mar. 13, 1535-6.

and concealment of two oxen from the Laird of Ormiston, furth of the lands of Craik, and a black mare from Robert Scott of Howpaslot, furth of the lands of Wolcleuche; committed during the time he was in the King's Ward, about Lammas 1535. ITEM, of art and part of the Theft and concealment of five score of cows and oxen from the said Laird of Ormiston, stolen furth of the said lands of Craik; committed by Alexander Armestrang, called *Evil-willit Sandé*, and his accomplices, in company with Thomas A. alias *Grenefchelis*, and Robert Carutheris, servants of the said Symon, and certain Englishmen, at his command, common Thieves and Traitors, on Jul. 27, 1535. ITEM, of art and part of the traitorous FIRE-RAISING and BURNING OF THE TOWN<sup>1</sup> OF HOWPASLOT: And of art and part of the Theft and concealment the same time of sixty cows and oxen belonging to Robert Scot of Howpaslot and his servants; committed by Alexander Armestrang, in company with Robert Hendersone alias *Cheys-wame*,<sup>2</sup> Thomas A. alias *Grenefcheles*, his servants, and their accomplices, common Thieves and Traitors, of his causing and assistance, during the time he was within the King's ward, upon Oct. 28, 1535. ITEM, of art and part of the Theft and concealment of certain sheep from John Hope and John Hall, the King's shepherds, furth of the lands of Braidlee in the Forest;<sup>3</sup> committed during the time he was within the said ward: ITEM, for art and part of the treasonable assistance given to Alexander Armestrang, called *Evil-willit Sandy*, a sworn Englishman, and sundry other Englishmen his accomplices, of the names of ARMESTRANGIS, NIKSOUNIS, and CROSARIS, in their treasonable acts.—SENTENCE. To be drawn to the gallows and HANGED thereupon: And that he shall forfeit his life, lands, possessions, and all his goods, moveable and immoveable, to the King, to be disposed of at his pleasure.

#### Common Theft—Murder—Fire-Raising, &c.

Mar. 13.—JOHN ARMESTRANG, alias *Jony in Gutterholis*, and Christopher Henderson, CONVICTED of COMMON THEFT, Reset of Theft, Outputting and Inputting, in England and Scotland: And of art and part of treasonably in-bringing Englishmen, common Thieves, and Traitors, within Scotland, and committing common 'Hereschip' and Stouthrief, Murder, and Fire-raising.—SENTENCE. To be drawn to the gallows and HANGED as Traitors: And all their goods, moveable and immoveable, to be escheated to the King.

#### Common Theft, &c.—Murders—Fire-Raising, &c.

FINLAY JOHNSTONE Convicted of Common Theft, &c. of old and new. ITEM, of art and part of treasonably bringing the surnames of GRAHAMIS

<sup>1</sup> It is probable that, in this instance, Farm-town only is implied. <sup>2</sup> Cheese-belly. <sup>3</sup> Viz. of Etrick.

and ARMSTRANGIS, Englishmen, DIK THE DEVILLIS BAIRNIS, common Thieves and Traitors, within Scotland, committing Slaughters, Murders, Fire-raifings, and 'Herefchips,' upon the King's poor lieges.—SENTENCE. To be drawn to the gallows and HANGED thereupon as a traitor; and all his goods to be efcheated, &c.

### Murder.

JOHN FISCHERE, in Leithe, Convicted for the Murder and Slaughter of Janet Symfone.—SENTENCE. To be HANGED upon the gallows: And thereafter, to be beheaded; and his head to be affixed upon the gate of St Andrews. All his goods were ordained to be efcheated.

[*Sir James Coluile of East Wemyss kn<sup>t</sup>., specially constituted by Commission.*]

### Stouthreif of Title-Deeds — Oppression, &c.

Mar. 31, 1536.—WILLIAM COKBURNE of Scraling,<sup>1</sup> became in the King's will for art and part of the Stouthreif of a box, under filence of night, from Patrick Atkin, burges of Edinburgh, and certain evidents therein contained, pertaining to Alexander Crechtoun of Newhall, and in the custody of the said Patrick for the time, in the year 1528. *Item*, for art and part of the Violent occupation of the Lands of Kirkrighill, belonging to the said Alexander, for four years preceding Mar. 12, 1533. *Item*, for art and part of the Oppreffion done to the said Alexander in the Violent occupation of his said lands from Mar. 12, 1533 to Whitfunday 1534. *Item*, for art and part of the Oppreffion done to the said Alexander in the overthrowing of a 'faill-dyke'<sup>2</sup> built on the said lands. *Item*, for art and part of the Oppreffion done to the said Alexander, in inputting and keeping seven score of cattle and fixty horses and mares in the meadow of the said lands, and pasturing and destroying the said meadow, in August last, 1535. *Item*, of breaking three several Letters of Protection granted by the King to the said Alexander. *Item*, for common Oppreffion done to the said Alexander in the premises.

The following remarkable Letter from THE KING is taken from the original, preserved among the Warrants of Court.

REX,

TRAISt counfalouris, We grete you weill, and hes refaut your writingis anent be LAIRD OF SCRALING; and thinkis your avise and counfel best, anent the publishing of dome gevin aganis him. Quhair ze mentione of ane Minut

<sup>1</sup> JOHN LAIDLAW, his servant, was Convicted of destroying the fail-dyke, pasturing the horses and cattle, and infringing the three several Letters of Protection. His sentence is not recorded. WILLIAM DUNCAN, and three others, his tenants, were convicted of the two last points, and *fined* 10*l.* each. <sup>2</sup> A Turf division-wall or fence, for separating one field from another.

send,<sup>1</sup> We have sene nane. Therfor, We pray zou, þat ze tak þat travel to pafs to him and declair quhow it standis, sua þat his lyf and guddis are in our handis. Gif he cummis in will; We wilbe gracious to him; failzeand þairof (We) sal cause justice be kept: And þairefter þat ze write to vs his ansuir, as ze will do Vs singlar plesfour. GEVIN at Craufurdjone, þe xxix day of Marche, and of our regne þe xxij zeir. JAMES R.

(Indorsed) To our traift counsalouris, our CONTROLLAR and THOME SCOT.<sup>2</sup>

### **Slaughter of the Laird of Cormestoun.**

Apr. 24.—WILLIAM CHANCELLARE of Quodquene,<sup>3</sup> Robert his brother, and James C. americiated in 300 merks for not underlying the law for art and part of the Slaughter of Thomas Ballie of Cormestoune. Their cautioners were Hugh Lord Somerville and Richard Broune of Cultermanys.—‘AL þir personis of þe Chancellaris, eftir þai wer vnlawit, enterit in jugement for þe said crime, and maid quyte<sup>4</sup> be une Affise þairof.’

[*Archibald Earl of Argyle, Justice-General.*]

### **Slaughter of the Laird of Meldrum.**

Apr. 26.—JOHN, MASTER OF FORBES,<sup>5</sup> John Strathauchin, the young Laird of Lethinturk, William Stewart of Portarstoune, Patrick Forbes, burges of Abirdene, and Robert Forbes in Sunnany, produced a Remission from the King for art and part of the cruel Slaughter of Alexander Seytoun of Meldrum. John Lord Forbes, George Earl of Huntlie, William Forbes of Corffinda, James, his son and heir apparent, and Alexander Forbes of Brux, became cautioners to satisfy the parties for Assythment of the Slaughter.

### **Besieging and Burning the House of Davy, &c. — Slaughter of twenty men, women, and children — Stouthreif — Resetting and Intercommuning with the Mackintoshes, Rebels, &c.**

May 11.—JAMES GRANT OF FREWCHEY, John Grant of Ballindalloche, and John Grant of Culcabok, found surety to the amount of 1000 merks each, to underly the law at the next Justice-aire (Inverness?) for art and part of the assistance given to Hector Makintosche and vmq<sup>10</sup> William, his brother, at the time of the Besieging of the Place and House of Davy, within Strathnaverne, belonging to James Ogilvy: And for the treasonable Burning of a great part of the Houses and buildings thereof, and the houses and buildings of the tenants of Dyke, Ardrossere, and other lands: *And* for the Slaughter of women, men, and

<sup>1</sup> Sent.    <sup>2</sup> Thomas Scott of Pitgorno.    <sup>3</sup> See I, \* 169.    <sup>4</sup> Acquitted.    <sup>5</sup> See his Trial, I, \* 163, &c. He confessed his guilt of this Slaughter on the Scaffold. See also the concluding article of *Appendix* to the Trial of JONET, LADY GLAMMIS, I, \* 193.

children, to the number of twenty persons : *And* for Stouthreif and 'Hereſchip' furth of the ſaid Place and houſes, and from the ground of the ſaid lands, of all the grain, cattle, victual, goods, utenſils, and houſehold ſtuff, to the value of 12,000 li. committed by the ſaids Hector, William, and their accomplices, in the year 1534 : **AND** for Reſetting, ſupplying, intercommuning, and aſſiſtance given and afforded to the ſaids Hector, William, and their accomplices, after they were denounced Rebels, &c.

**Hameſucken — Oppreſſing the Dean of Murray.**

May 27.—WILLIAM DOUGLAS of Bone-Jedburgh, Thomas Macdowell of Maccariſtoun, and John Moll of that Ilk, found caution to the extent of 1000 merks each, and Robert Douglas, and Andrew Makbrek, 300 merks each, to underly the law at the next Juſtice-aire of Jedburghe, for art and part of the Oppreſſion and Hameſuckin done to Mr Alexander Dunbar, Dean of Murray, and his ſervants, coming upon them under ſilence of night, May 26 inſtant, at 11 o'clock ; they being for the time in the company and houſe of the ſaid Dean, and beſieging him and his ſervants therein, and invading them for their Slaughter.

**Oppreſſion — Fire-Raiſing — Stouthreif, &c.**

May 30.—NICHOLAS LERMONTHE in Fluris, and Andrew his brother, having obtained Reſpites, found caution to ſaſtify the parties, for their being art and part of the Oppreſſion done to Sibella Corſby and James Gray, ſcourging them, and Burning their houſe : *Item*, for theftuouſly breaking a houſe in the town of Smalem, and ſtealing goods therefrom, in company with Cuthbert, Andrew and Charles Dowglas, Rebels, Thieves, and Traitors : *Item*, for Oppreſſion done to John Edmonſtoun of that Ilk, keeping his five merk lands of Ednem waſte for nine years, and cruelly Wounding and Hurting his ſervants : *Item*, for Stouthreif and concealment of eighty ſheep furth of the lands of Raburne, from the poor Tenants thereof.

**Theft — Reſet of Theft, &c.**

Jun. 8.—JOHN ELWALD, alias *Jok Vnhappy*, Convicted of Common Theft, Reſet of Theft, &c.—HANGED.

**Slaughter.**

Jul. 17.—SIR ROBERT LOGANE of Reſtalrig, kn', found caution (to the extent of 1000 l. Gilbert Wauchope of Nudry Marſhell, and James Foreſtar of Medowfeild being ſureties,) to underly the law at the next Juſtice-aire of Edinburgh, for art and part of the cruel Slaughter of Adam Purdy.

**Safe Keeping of the Spey Tower, &c. of Perth.**

Jul. 24.—The PROVOST, Bailies, Council, Deacons of Crafts, and community of the BURGH OF PERTH, by their procurators, ‘ Band and oblist þaim to his hienes, þat þai fall saufly and surely keip, vpon þair expensis, þare SPEY TOURE, and all vþeris strenths and fortalices within þe said burgh, fra all infestacioune, or inlōwping of hostile assalzearis or brokin perfonis, to our souerane lordis obeifance, quhill his returning again within his realme, and farthir at his plesour; as þai þe saidis Provoft, baillies, dekinnis of craft, counsale and comunité of þe said burghe will anfuer to his grace þairupoun, and vndir þe payne of tinfale of þair liffis, landis, and gudis.’

**Lady Craquair not to Intercommune with the Douglasses.**

Aug. 11.—‘ John Hume of Coldane-knollis, Williame Stewart of Trakquare, and Thomas Ker of þe Zare, are becumin pleggis and fouerteis, coniunctlie and feueralie, for KATHARINE RUTHERFURDE, Lady of Trakquare,<sup>1</sup> that scho fall frathinfurthe<sup>2</sup> obserue and keip gude rewl; And in speciall, fall nocht write nor send ony writingis to þe DOWGLASSIS, our souerane lordis Rebellis, now being in Ingland, or Intercommune with thame any maner of way: And fall enter her persoune in Warde, in quhatfumeuer place it fall pleise þe Kingis grace, or his lordis Regentis in his absence, quhen scho beis requirit þairto, vpon xv dais warnyng, vndir þe pane of ij<sup>m</sup> li.’

**Oppression — Violent occupation of a Fishing.**

Aug. 14.—PATRICK, LORD GRAY, found James Skrymgeour, Constable of Dundee, as cautioner for his entry before the Justiciar on Oct. 31, to underly the law for art and part of the Stouthreif and Oppression done to Sir Henry Luvell of Ballumby, kn<sup>t</sup>, on Jan. 28 last, in the occupation of his fishing of Dundervilheide, on the water of Tay, (lying to the east of the Castle of Bruchty) under the pain of 1000 l.—‘ All þir perfonis chargin to compere, be þe Justice and Justice-Clerk, in jugement, þe last day of October nixt to cum, to pafs vpon þe ASSISE of Patrik Lord Gray, ilk persoune vndir þe pane of I<sup>c</sup> li.’

The Lord Saltoun,	The Lard of Nudry Marschel,	The Lard of Petkinde,
The Lord Ruthuen,	The Lard of Robertland,	Thomas Wyntoun of Stricht-
The Lord Vchiltre,	The Lard of Kelle, <sup>3</sup>	martyne,
The Lord Levingftoun,	Alex. Fowlartoun of þat Ilk,	The Lard of Kere.
The Lard of Newark,	The Lard of Monorgund,	

<sup>1</sup> This Lady was the youngest daughter of Philip, and the sister and heiress of Richard Rutherford of that Ilk. She was married to James Stuart, the founder of the family of Traquair (natural son of James, Earl of Buchan), by Papal Dispensation, Nov. 9, 1505. Her husband fell at Flodden. William was their son and heir. <sup>2</sup> From thenceforth. <sup>3</sup> Probably *Kelly*, in Fife.

(Oct. 31.)—‘ THE Lords Regentis and Justice continewit þe action of cryme depending betuix þe Lord Gray and Lard of Ballumby to þe thrid day of þe nixt Justice-aire of Forfare, or vpoun xv dais warning, because þe said Lord Gray productit in jugement before þame ane Respect<sup>1</sup> grantit to him þe þe Kingis grace, quhilk þai wald obey.’

(Jan. 16, 1536-7.)—Lord Gray was proved to be sick and unable to appear.—ROGER CHARTERIS, and five others, were put to the horn for this crime, and all their effects to be escheated, &c. (Apr. 17, 1537.)—They were denounced Rebels, and put to the horn. (Jul. 12.)—ROBERT FRESELL, Thomas Gray, and David LEKKY, denounced Rebels for the same crime; And for coming to the fishing diverse times, threatening his servants, breaking and destroying his boats and nets, and firing at them from the Tower of Bruchty.

#### **Waylaying Lady Luss for her Slaughter, &c.**

Aug. 16.—WALTER MAKFARLAN found John Naper of Kilmahew and John Buntyn of Ardoche, as cautioners for his entry at the next Justice-aire of Dunbertane, to underly the law for art and part of Convocation of the lieges in great numbers, in warlike manner; and besetting the way to Margaret Cunyng-hame, relict of vmq<sup>1</sup> Sir John Culquhoun of Lufs, kn<sup>t</sup>, and David Farnely of Colmiftoun, being for the time in her company, for their Slaughter; and for other crimes.

#### **Oppression — Stouthreif of a Waggon, &c.**

Aug. 25.—MARIOTA HUME, COUNTESS OF CRAUFURDE,<sup>2</sup> Patrick Crechtoun of Camnay, and seventeen others, found caution (the Lairds of Keir and Cranftoun), to underly the law before the Justice, on Nov. 24, for art and part of the Stouthreif and Oppression done to John Moncur of Balluny,<sup>3</sup> in feizing from him of a ‘wayne,’ or waggon, with four oxen and two horses. (Nov. 24.)—They became in his Majesty’s will, and found Sir John Striueling of Kere, kn<sup>t</sup>, and John Creychtoun of Ruthvennis, as cautioners to satisfy the parties.

#### **Slaughter of a Chaplain.**

Sep. 20.—JOHN, LORD LILE,<sup>4</sup> and William, Master of Lile, his son, and

<sup>1</sup> Respite. <sup>2</sup> Sister of Alexander, *second* Lord Hume, and widow of John, *fifth* Earl of Crawford, who was slain at Flodden, where he had a chief command. Lord Hume led the van, along with the Earl of Huntley, and was one of the few who escaped. <sup>3</sup> See Dec. 12, 1536. <sup>4</sup> John, *fourth* Lord Lyle, who married Grissel Betoun, daughter of David Betoun of Creich, and niece of James, Archbishop of Glasgow. William, Master of Lyle, is not mentioned in the Peerages, and must have died previous to August 29, 1541, when JOHN, his son, and heir apparent, got a charter of Novodamus of the Barony, on his father’s resignation. *Reg. Mag. Sig.* xxvii. 188. John Lord Lyle died without male issue, leaving only one daughter, *Jean*, who married Sir Neil Montgomery of Lainslaw, and the title thereupon became extinct.



their accomplices, dilated for art and part of the Slaughter of Sir John Penny, chaplain.<sup>1</sup>

#### **Casting down a Mill, &c.**

Oct. 16 —HENRY ATKINSONE of Sleichhouffis, Robert Brovnefield, and Hugh Wod came in his Majesty's will for the Oppression done to Elizabeth and Alison Hume, the heireffes of Fast Castle, and to Sir Robert Logane of Restalrig, and Sir Walter Ogilvy of Dunlugus, their husbands, for their interests, in casting down the Mill of Hutoune, on August 24 last, and filling up the Mill-dam thereof: And for Stouthrief furth of the said Mill, of the 'mylne irnis (irons) and the mylne graithe.' Sir John Stirling of Keir, William Craufurd y<sup>r</sup> of Lefnorijis, and John Lile of Stanypethe became cautioners for their satisfiing the King and parties.

#### **Selling Victual and Sheep to the English.**

Oct. 20.—PATRICK BROVNEFIELD in Halflingtoune convicted of breaking the general Proclamation, in felling of a boll of victual in England: And WILLIAM HOPPRINGILL in Toftis, convicted of selling thirty sheep to the English. Caution was found to enter them in ward in any of his Majesty's Castles as might afterwards be directed.

#### **Theft of a silber 'pecc.'**

Oct. 31.—ANDREW DEMPSTAR, convicted of art and part of the Theft and concealment of a silber 'pecc'<sup>2</sup> from the tavern of Robert Bertoune, in the burgh of Edinburgh.—HANGED.

#### **Keeping of the Castle of Edzearstoun.**

Nov. 8.—WALTER KER OF CESFURDE, Warden of the Middle Marches, bound himself to keip THE CASTLE OF EDZEARSTOUN, on receiving the profits of the lands for his trouble; and also to apprehend Robert Ruthirfurde, rebel.

#### **Slaughter of the Laird of Westhall, &c.**

Nov. 14.—JOHN BANNATYNE OF COREHOUSE, Thomas his brother, James Hammiltoun of Stanehoufe, and nineteen others, found caution to underly the law, at the Justice-aire of Lanark, for art and part of the cruel Slaughter of John Grahame of Westhall, Robert and John Grahame.—Some other persons were denounced Rebels, &c. for not appearing.

<sup>1</sup> It is probable that the matter was compromised, as no farther notices occur of this case.      <sup>2</sup> 'Vnius taffie argenti'; a drinking-cup; a wassail-bowl.

**Slaughter of the Laird of Linhouse — Rape (Forcible Abduction).**

Nov. 14.—THOMAS WEIR OF BLAKWOD, and John Campbell, alias *Cok*, found caution to underly the law, at the next Justice-aire of Lanark, for art and part of the cruel Slaughter of Archibald Tenent of Leuenax (now Linhouse): AND for art and part of Ravishing the wife of Robert Hammiltoune, dwelling at the Chapel of St Bride.

**Oppressing and Wounding the Countess of Craufurd, &c.**

Dec. 12.—JOHN MONCUR of Balluny,<sup>1</sup> and Mariota (*May*) Dowglafs, his spouse, and four others, found caution to underly the law, at the next Justice-aire of Perth, for Oppression done to Mariota (*May*) Countess of Craufurd, in breaking up the foil and ditches of her lands of Potento, and Wounding the said Countess in the throat: AND for common Oppression.—Robert Carnegy of Kynnaird, George Arrot of that Ilk, and George Halyburtoun of Petcur, were amerced for absence from the Affise.

**Feud between Lord Hume and the Laird of Edmonstoun.**

Dec. 19.—GILBERT, WILLIAM, and THOMAS HWME, came in the King's will for Convocation of the lieges in great number, armed in warlike manner with lances, bows, and arrows: AND for art and part of the Hamefuckin, besetting of the way, forethought felony and Oppression done to John Edmonstoun of that Ilk, coming to his lands and heritage of Ednem, and invading him and his servants for their Slaughter, and cruelly Hurting and Wounding . . . Wychtman with a lance, in peril of his life.—John Hwme of Coldenknollis became surety for the appearance of the said Thomas Hwme at the next Justice-aire of Berwik.

**SUPPLICATION of William and Gilbert Hume to the Lords REGENTS.**

MY LORDS REGENTS, vnto your l. humilie menis and schawis, we your seruitouris, WILLIAM HUME and GILBERT HUME: pat quhar, we come in pe Justice wil, for pe tulzè<sup>2</sup> pat happynnit betuix MY LORD HUME and pe LARD OF EDMONSTONIS seruandis; for pe quhilk we wer put in pe Castle of Edinburghe, and pair haldin, of lang tyme bigane; and hes spendit all pat we had, and couth get to borrow at frendis; and now, for falt of our necessaris, ar in parrel of our livis: THEREFORE we beseke your l., for Goddis sake, sene we ar pouer men, and hes no wper landis nor guddis to sustene ws, pat ze will caus ws to be put to liberte and fredome, pat we may pas among our frendis to get our mete and drink, for our service; we findand souirté to entir agane in pe said Castel, quhenne euir ze pleis, vponne xv dais warnyng, vnder sic panis as we may find. And your ansuer humilie I (we) beseke.—*(Indorsed)* APUD EDINBURGHE xvij<sup>o</sup> Februarii, anno I<sup>m</sup> V<sup>c</sup>xxxvij<sup>to</sup>. THE LORDIS REGENTIS Ordanis pe Justice Clerk to tak sicker<sup>3</sup> souerté of pir complenaris, pat pai fall obserue and keip gud reul in tyme cumyng, aper<sup>4</sup> of paim vndir pe pane of V<sup>c</sup> hundreth merks: And also, pat pai fall entir within ward in pe Castell of Edinburghe, or ony vper Castell within pe realme, quhen it pleis pe KINGIS

<sup>1</sup> See Aug. 25, 1536.<sup>2</sup> A broil, scuffle, or quarrel.<sup>3</sup> Sure caution.<sup>4</sup> Either, each.

grace, or þe saidis Lordis REGENTIS in his absence, apoune xv dais warnyng, vnder þe said pane : Quhilk souerte beand fund, þat þe Justice Clerk writt to þe Capitane, Constable, and Keparis of þe said Castell of Edinburghe, to put þe saidis complenaris to liberté.—ERLL OF HUNTLEY, ERLL OF MONTROSE, ERLE OF MAXWELL, 'JOHNE BANNATYNE,<sup>1</sup> 3e fall tak þe Lard of Melloftanis souerté, efter þe forme of þis *deleas*,<sup>2</sup> and kep þis for varrand.' THO. SCOTT.<sup>3</sup>

### Oppression — Invasion — Wounding — Mutilation.

Jan. 30, 1536-7.—GILBERT EARL OF CASSILLIS, Fergus Makdowall of Freuche, John Kennedy younger of Drummellane, Alex. K. of Glentig, James K. of Knokdone, and twenty-three others, found surety to underly the law at the Justice-aire of Air, for art and part of the Mutilation, besetting the way, forethought felony, Oppression, and breaking the King's Proclamation in his absence; and coming upon John Dunbar of Blantyre, and his four servants, within the burgh of Air, upon Dec. 9 last, to the number of fifty persons, armed in warlike manner, cruelly invading them for their Slaughter, Wounding three servants of the said John, and Mutilating two of them in the hand and thigh.

### Oppression — Mutilation.

HECTOR, GEORGE, and DAVID DUNBAR, Hugh Hammiltoune, and John Gillis, found caution to underly the law at the next Justice-aire of Air, for art and part of the forethought felony, common Oppression, and Mutilation of Peter Rankin, coming upon him and James his brother, within the burgh of Air, upon Dec. 8 last, and cruelly invading them for their Slaughter, of forethought felony.

### Sheep-stealing — Inbringing of Englishmen, &c.

Apr. 17, 1537.—ANDREW HALL, called *Fat-fow*, and William Hall, called *Wantoune pyntill*,<sup>4</sup> denounced Rebels, &c. for not underlyng the law, for art and part of the Theft of certain sheep from William Dowglace of Bone-Jedburghe and his neighbours: And for art and part of the inbringing of certain Englishmen to the Place of the said William Dowglas of Cunzeartoune, and for art and part of Stealing certain corns furth thereof.—Perfy, Cuthbert, and John Hall, called *Wyde-hoise*, and John Bennet in Schank, found caution to underly the law for the same crimes, at the next Justice-aire of Roxburghe.

### 'Strnalling' of Victual — Selling Sheep to Englishmen.

May 30.—JAMES RIDDLE, burgess of Jedburghe, convicted of art and

<sup>1</sup> The family of Bannatyne (of whom was descended the now famed George Bannatyne), long held office as Clerks of the Court.

<sup>2</sup> This is the only instance this phrase is used in the Record. It is an order to *delete*, or blot out the old act of cautionery from their books.

<sup>3</sup> Of Pitgormo, Lord Justice Clerk.

<sup>4</sup> See Aug. 11, 1537, where it appears that these persons were afterwards slain by THE DOUGLASES.

part of breaking the Act of Parliament in 'girnalling' of victual. Delivered over to the Captain of Edinburgh Castle to be kept in WARD.—ANDREW RIDDALE convicted, at the same time, of Selling three scores of sheep called 'hoggis' to Englishmen, contrary to the King's Proclamations. Also WARDED.—They both found caution, to the extent of 500 merks each, to appear before the Justice on 1st, and afterwards on 11th days of June, when they were permitted to compound with the Treasurer.

#### **Rabishing (Forcible Abduction.)**

Jun. 10.—THOMAS KENNEDY, son of Thomas Kennedy of Knokreoch, found James K. of Blarequhanne as his cautioner, that he should underly the law at the next Justice-aire of Air, for art and part of the 'Reviffing' Katharine Kennedy, daughter of vmq<sup>1</sup> Alexander Kennedy, Girvane-manys.

#### **Withholding the Rents of Orkney and Shetland, &c.**

Jun. 15.—BARBARA STEWART, William, her brother, and eleven others, dilated for art and part of the Stouthreif and detention from MARGARET LADY SINCLARE<sup>2</sup> of the rents of her lands and lordship of Scheitland: AND for art and part of Stouthreif from the tenants and inhabitants of the Lordships of Scheitland and Orknay of their marts, hides, fwine, sheep, meal, butter, oil, and malt. Ordained to appear on Jun. 23.—(Jun. 23.) Denounced Rebels, and all their goods to be escheated.

#### **Besetting the Abbot of Melrose — Oppression, &c.**

Jun. 22.—JOHN HUME of Coldaneknowis found caution (James Ker of Merfingtoune) to underly the law at the next Justice-aire of Berwick, for Besetting the way, of forethought felony, and for Oppression done to ANDREW ABBOT OF MELROSE, on Jun. 15, lying in wait for his Slaughter, with Convocation of the lieges to the number of 120 persons, between Mofs-Roploche and the Monastery of Melrose.

#### **Stouthreif — Oppression — Wounding.**

Jun. 25.—ROBERT TURNBULL, alias *Febill Hob*, denounced Rebel and put to the horn, &c. for failing to underly the law for art and part of the violent Theft and Stouthreif from Sir Walter Ogilvy of Dunlugus, kn', furth of his fet of the lands of Colbrandispethe, of 20 head of cattle or 'nolt:' And for art and part of the forethought felony and Oppression done to William Bell,

<sup>1</sup> Sheep of a year old, which have not been shorn.

<sup>2</sup> Perhaps Lady Margaret Sinclair, the third daughter of George, *fourth* Earl of Caithness, and wife of William Sutherland of Duffus.

William Small, and Andrew Stevinfoune, his fervants, cruelly wounding and hurting them with lances.—Six others were fined for not appearing to underly the law for the same crime.

[*Archibald Earl of Argyle, Justice General.*]

**Treasonable Conspiracy against the King's Life—Conspiring the Destruction of the Scottish Army at Sedburgh.**

[THE fate of THE MASTER OF FORBES has long been matter of History, and the details have been recorded with more or less accuracy by *Buchanan*,<sup>1</sup> *Lesley*,<sup>2</sup> *Sir James Balfour*,<sup>3</sup> and *Pinkerton*;<sup>4</sup> and *Arnot*, in his Collection of Criminal Trials,<sup>5</sup> has devoted more than usual space to the discussion of this, the introductory, Case of his Abridgement; which, however, he confuses in his ordinary manner, and colours it with his peculiar views. As *Mr Tytler's* History enters so minutely into all the leading public events, it is unnecessary for the Editor to attempt even the briefest outline of the circumstances. The only mention which it is deemed necessary to be given, in this place, is the following passage, taken from *Calderwood's* History of the Church of Scotland;<sup>6</sup> and the reader will find appended to the Trial three important illustrative Papers. These documents contain all that is requisite, in the mean time, towards the formation of a clear opinion of the nature and merits of this remarkable Case.

'JOHN MASTER OF FORBES,<sup>7</sup> be the persuasione of THE EARLE OF HUNTLIE,<sup>8</sup> who had seduced one of his fervants called *Strachene*<sup>9</sup> to reveale and forge a CONSPIRASIE intendit by his Maister, was perswaded and convict be ane Affise, as having some yeers before sought, with THE DOUGLASSES, to slay THE KING. It was true he marraied THE EARLE OF ANGOUS his sifter; bot it could not be proven sufficientlie and clearlie, either by Wittnefs or other evedences, that ever he had such a purpose. It was knowne that the greatest part of the ASSISE war corrupted be the *Earle of Huntlie*. THE MASTER OF FORBES was Beheaded the 10 of Julie 1537; and *Strachene* the revealer was Banished, because, as was aledged, he had consealed the Treasoun maney yeeres. Howbeit, the people judged not THE MASTER OF FORBES to be guiltie of that Treasoun, quhich was laid to his charge; yet, did they not lament for his death, because he had bein guiltie of manie grivious offences otherwayes. THE KING seemed to repent of this fact soon efter, for he received one of his bretheren into Court, and the other he restored to his brother's patrimonie, and procured to him a good marraige.'

There is only one circumstance farther which need be noticed, viz. that the Master of Forbes, notwithstanding of his sentence, was BEHEADED and quartered, &c. his relations having been spared the more ignominious part of the sentence. *Wood*, in his Peerage, following *Arnot's* account of the matter, relates that he was HANGED and quartered, &c. *Leslie*, however, informs us, that 'he was heidit and quarterit at Edinburgh, and his heid and quarteris affixt apoun the Portis'—and *Balfour* says, that 'be the mediatioun of some frindis, he had that fauor to be beheadit and quarterit.' On the scaffold he denied the Conspiracy against THE KING;<sup>10</sup> but acknowledged that he deserved to

<sup>1</sup> *Buchanan*, xiv, 53.    <sup>2</sup> *Lesley*, Ban. Club's Edit. p. 154.    <sup>3</sup> *Annales*, I, 267.    <sup>4</sup> *Hist. of Scotland*, Quarto, II, 345.    <sup>5</sup> *Trials*, p. 1.    <sup>6</sup> MS. Advocates' Library.    <sup>7</sup> He was the eldest son of John, sixth Lord Forbes, by Christian, daughter of Sir John Lundin of that Ilk. LORD FORBES, as will be seen from the accompanying Papers, was also accused of the same Conspiracy, and was for a long time Warded in the Castle of Edinburgh; but, ultimately, he received a free exculpation from every charge of guilt. He died anno 1547.    <sup>8</sup> George, fourth Earl of Huntley, who was slain at THE BATTLE OF CORRICHIE, when his army was overthrown by the Queen's forces under the Earl of Moray, Oct. 28, 1562.    <sup>9</sup> See Jul. 20, 1537, of this Collection.    <sup>10</sup> *Pitcottie* says, he 'swore vpoun the scaffold that he was innocent of these crimes of Treasoun quhairof he was convict; but he knew weil it was the Innocent Slauchter of the Laird of Meldrum quhilk had brocht him to that poynt.'—*Lindsay's Chronicles*, II, 353.

die for the Murder of THE LAIRD OF MELDRUM.<sup>1</sup> The Editor again begs to refer the enquiring reader to *Mr Tytler's History*, where, doubtless, he will find a lucid narrative of the whole circumstances connected with this remarkable Trial.]

Jul. 14.—JOHN MASTER OF FORBES,<sup>2</sup> ‘Convictus de arte et parte proditorie Conspirationis et abhominabilis ymaginationis Interfectionis et distructionis nobilissime persone serenissimi domini nostri REGIS, per bumbardam siue machinam bellicam, le *culwering* vulgariter appellat., ipso domino REGE tunc temporis in suo burgo de Abirdoniis existen. pro executione et administratione iusticie in borialibus partibus sui regni, ipsius necem proditorie conspiran. et imaginan. ITEM, pro arte et parte proditorie Seditiois orte infra vltimum EXERCITUM s. d. n. REGIS, pro defensione regni aduersus arma Anglorum, super Limites regni, tempore belli, apud Jedburghe expectan., proditorié Conspiran. et ymaginan. vnus partis Exercitus Scotorum distructione, pro defensione regni Scotie contra persecuciones et incurfiones veterum inimicorum Anglie apud pefat. Limites moram trahen., in eminentem perditionem totius dict. Exercitus Scotorum et apparens dampnum et destructionem s. d. n. REGIS, totius sui regni Scotie ejusdemque reipublice. AC pro proditoria auxilia et supplemento pefatorum inimicorum Anglie.

NOMINA ASSISE elect. et admiff. super pefato Johanne Magistro Forbefs, viz.

Robertus Dominus Maxwell,	Alexander Leslie de Petcapill,	Jacobus Gareoch de Kiltfare,
Willelmus Magister de Glencarne,	Johan. Pantoune de Petmeddene,	Georgius Leslie de New Leslie,
miles,	David Duncanfone de Standand-	Johannes Cvmyng de Culter,
Johannea Mailluill de Raith, miles,	ftanes,	Karolus Dempftare,
Johannes Hume de Coldennowis,	Willelmus Leslie de Boqubane,	Willelmus Leslie de Coclarochy.
Georgius Craufurd de Fedderatt,	Nicholaus Rose de Auchlossin,	

LAUD *five* SENTENTIA FORISFACTURE reddita contra prenominatum Johannem Magistrum Forbese, per os Willelmi Carwod sectatoris<sup>3</sup> dicte Curie, prout sequitur in vulgari.

IT is fundin by the said Affise, that JOHNE MAISTER FORBESE hes committit art and part of þe tressonable Conspiratione and abhomynabill ymaginatioun of þe Slauchter and distructione of oure soverane lordis maift nobill persoune be schott of culwering, oure said soverane lord being for þe tyme in his burghe of Abirdene, for executioun and administratioun of iustice in þe North partis of his realme : AND for art and part of þe tressonable seditioun rasing amang oure soverane lordis laft OIST and ARMY, being at Jedburghe, for defence of his realme aganis þe ARMY OF ENGLAND, in tyme of weir ; tressonablie conspirand

<sup>1</sup> *Wood's Peerage*, I. 592. He got a remission under the Great Seal for the Murder of ALEXANDER SETON OF MELDRUM, Oct. 10, 1530. *Reg. Mag. Sig.* XXV. 364. See also various entries in this Collection, and in the Appendix to the present reign.

<sup>2</sup> The case being so remarkable, the text is given untranslated from the Record. The DOOM being inserted ‘*in vulgari*,’ we have thus the entry in both forms. <sup>3</sup> ‘Dempstar,’ q. d. *doomster*, whose office it was to pronounce the sentence.

and ymaginand þe diftructione of ane part of þe ARMY OF SCOTLAND, being for þe defence of þe realme aganis þe perfecutionis and incurfionis of þe auld inymeis of Ingland, being vpone þe saidis Bordouris, in apperand tynfall of þe haill Army of Scotland, and apperand skaith and diftructione of our foverane lord, his realme, and Commone-weill of þe samin, for þe treffonabill help and fupplé of þe saidis inymeis of Ingland.—For þe quhilk treffonabill crimes, the said Johne Maifter Forbes hes forfeitit to our foverane lord his life, landis, and gudis, movable and vnmovable: And fall be harlyt and drawin trow þe caffay of Edinbur<sup>t</sup>, and HANGIT<sup>1</sup> on þe galloufe to þe deid, and quarterit and demanyt as ane traytour. And þis I gif for dome.

PAPERS ILLUSTRATIVE OF THE MASTER OF FORBES'S TRIAL.

I. JUDICIAL CHALLENGE *of the Master of Forbes, as a Traitor and Conspirator, by George Earl of Huntley.*

At EDINBURGHE, þe xj day of Junij, the zear of God I<sup>m</sup>V<sup>c</sup> and xxxvij zeris. IN prefens of þe KINGIS grace and LORDIS OF HIS COUNSALE vndirwrittin; that is to fay, ane maift Reverend and Reverend faderis in God, Gawyne Archibifchop of Glasgou, Chancellare, James Bifchop of Roſſe, William Bifchop of Dunblane; Venerabill faderis in God, David Abbot of Abirbrothok, Robert Abbot of Halyrudehoufe; Noble and mighty lordis, Hew Erle of Eglintoune, David Erle of Craufurd, George Erle of Rothes, John Lord Erſkin, Malcolme Lord Flemyng, Walter Lord of Sanct Johnnis, Johne Lord Lindesay, Hew Lord Someruille, Thomas Erſkin of Breching, Secretare, James Coluile of Eſte Wemys, Johne Campbell of Lundy, knychtis, COMPERIT ane nobill and mighty lord, GEORGE ERLLE OF HUNTLIE, &c. one þat ane parte, and JOHNE MAISTER OF FORBES one þat vþer parte, and þare þe said Erle delatit þe said MAISTER (OF) FORBES to our foverane lord of þis cryme of Treffoune and Leſe-maieſtié eftir following; That is to fay, Ye said MAISTER OF FORBESE had imagynit and conſpirit HIS HIENES dede<sup>2</sup> and Slauchter, be ane ſchot of ane ſmall gwne or culuering within þe burgh of Abirdene. Quhilk cryme þe said MAISTER OF FORBES denyit, and said it wes nocht of verité; and offerit him to defend þe ſamyn with his body And becauſe þe said ERLE OF HUNTLIE allegeit þat ſic wordis wer ſaid to him, and þe ſaiaris þairof wer nocht preſent; bot þat he fuld bring ane landit or gentill manne<sup>3</sup> ſayaris of þe ſaidis wordis to þe KINGIS grace, to avow þat þai ſaid þir wordis, and þat at the þe day nemmit be þe KINGIS grace: And failzeing þairof he hes tane vp þe plege.<sup>4</sup>

<sup>1</sup> *Sir James Balfour*, in his quaint manner, gravely remarks, that the Master of Forbes 'had ſentence to be hanged and quartered; but, by the mediatione of ſome friends, had the favor to be beheaded and quartered!' *Annales*, I. 268. <sup>2</sup> Death. <sup>3</sup> Sic. <sup>4</sup> This mode of impeachment was generally done in form of a ſolemn challenge, in preſence of THE KING and his

THE quhilk mater being put to þe avifement of þe CHANCELLARE and LORDIS being present for þe tyme, for þe odioufnes of fa heiche ane crime, and þairwith being avifit, and þai referrand þare counsale and avife agane to his hienes, in quhais prefens þe said GEORGE ERLE OF HUNTLIE hes bundin and oblift him, his landis and heretage, vnder þe pane of tuenty thousand markis, to bring þe said landit or gentill manne, dilataris and sayaris of þe cryme forsaid, before our said fouerane lord or his Justice in Edinburghe, or quhat vþer place he plesis to affigne, þe first day of July nixt to cum. AND þairfor þe saidis Lordis of Counsale Ordanis ane Herald, or vþer officiare, to pafs, and command and charge þe said MAISTER OF FORBES to enter his persoune within þe CASTELL OF EDINBURGHE, vndir þe pane of Trefoune; and þair to remane quhill þe said day, or ellis þat he, within þe said space, find sufficient cautioune<sup>1</sup> and fouirté to þe said Justice Clerk, þat he fall compere þe said first day of July, before our fouerane lord or his Justice, to defend þe said mater, as accordis vpone þe law, vnder þe pane of xx<sup>m</sup> markis: AND alsé, to command and charge þe said JOHNE MASTER (OF) FORBES, þat alsé lang as he remanis within þe burghe of Edinburghe, þat he cum na nerrare þe KINGIS grace bot to þe Nether boll<sup>2</sup> of þe samyn, quhill þe said day, vndir þe pane of Trefoune: And gif it plesis þe KINGIS grace to cum to þe said burghe ony tyme within þe said day, þe said JOHNE MAISTER OF FORBES being within þe said burghe, fall remane within his houfe and lugeing during þat tyme, and fall nocht cum furth of þe samyn sa lang as þe KINGIS grace beis within þe said burghe: AND gif þe said MAISTER OF FORBES passis, ony tyme betuix þis and þe said day, furth of þe said burghe, þat he cum nocht neir to þe KINGIS grace, within thre mylis, vndir þe pane forsaid.

(Dec. 11, 1537.)—II. BOND OF CAUTION *taken by Warrant of the Lords of Privy Council, that John Lord Forbes, and William Master of Forbes, should not escape from the Castle of Edinburgh.*

IN prefens of þe Lordis Chancellor, President, and Lordis of Counfall, Comperit WALTER INNES OF TOUCHIS, Robert Orrok of þat Ilk, James Forbes of Carnebo, John Forbes of Drumdochty, and Williame Forbes of Ardmurdo, become plegeis and fouerteis, coniunctlie and feuerallie, renunciand þe benefice

PEERS. The challenger, after 'delating' or charging the accused person of Treason, &c., threw down his gauge, or gauntlet, which the accused, if he denied the charge, took up; and 'offerit to defend the samyn (his assertion of innocence) with his body.' In absence, or failure of sufficient proof, THE KING frequently referred the matter to duel or 'Singular Combat,' as it was then termed, exclaiming, 'God defend the richt!' This Contest, like many other ordeals of a similar description, was founded on a deep knowledge of human nature; and seemed necessary, in these barbarous times, for the well-being of Society. The self-possession and innocence of the one party, and the boisterous arrogance, and confusion of the other, frequently, indeed generally, produced a termination favourable to the ends of substantial justice. Numerous instances could easily be adduced, if necessary, of the Judicial Combat having been authorized by Royal authority in Scotland.

<sup>1</sup> His cautioners were John Lord Forbes and John Forbes of Pitslego.

<sup>2</sup> The Nether-Bow Port.



of diuifioun, to þe Justice Clerk, in our fouerane lordis name, for JOHNE LORD FORBES, and WILLIAME MAISTER OF FORBES his sone, now being within þe *Castell of Edinbur'*, in Warde, that þai fall nocht eschew nor depart furth of þe said *Castell of Edinbur'*, bot fall remane pairintill, as in fré Warde, quhill þai be fred furtht of þe samin be þe KINGIS grace, vndir þe pane of Ten thousand markis.—*Et hoc plegium captum fuit ex mandato Dominorum Consilii.*

(Apr. 10, 1538.)—III. WARRANT to allow William Master of Forbes free Ward within the Town of Edinburgh.

REX,

JUSTICE CLERK, fforfamekle as We haue changit þe Ward of WILLIAME FORBES, sonne and apperand aire of JOHNE LORD FORBES, now beand in oure *Castell of Edinburghe*, to cum and remane in ward in oure Toune of Edinburghe: QUHAREFOR, We charge 30w, þat incontinent eftir þe sycht hereof, 3e tak ficker fouertie and sufficient<sup>1</sup> þat þe said Williame fall keip and remane in Ward within þe said Toune, and haue<sup>2</sup> him honestlie pairin, and nocht to depairt pairfra without our speciall Licence granted and had pairto, vndir þe pane of Ten thousand merkis. SUBSCRUIT with oure hand, at Edinburghe, þe x day of Aprile, and of our regnne þe xxv 3ere.<sup>3</sup> JAMES R.

### Conspiring the King's destruction, by Poison — Treasonably Intercommuning, &c. with the Earl of Angus, &c.

[ONE of the most remarkable passages in the history of the reign of King James V, is the detail of the proceedings so rancorously adopted and put in execution against JEAN or JONET DOUGLAS, LADY GLAMMIS. The Editor considers it as due to the memory of a noble, and, as he conscientiously believes, a much injured Lady, whose character has met with an undue measure of severity from Historians, to enter rather more fully than usual into a statement of the facts of her case. It is probable that this injustice has arisen from the circumstance of its having been usual for succeeding writers to take for granted all statements made in the earlier Chroniclers and Historians, without farther examination; and thus, until *Mr Pinkerton* and *Mr Tyler* adopted a very different course, errors the most glaring were perpetuated, and handed down from one author to another.

Jonet Lady Glammis was the *second* daughter of George Master of Angus, (eldest son of 'the great Earl,' best known by the name of '*Bell-the-Cat*,') by Elizabeth, second daughter of John *first* Lord Drummond. The reader may be reminded, that the undaunted old Earl of Angus, having remonstrated against the rashness and imprudence of KING JAMES IV accepting the challenge of the EARL OF SURREY to fight, received what he deemed an unpardonable affront from his sovereign, who taunted him for his counsel, and proudly told him, if he was afraid, he was at liberty to go home. Retiring in disgust from the field of battle himself, and, as is related, with tears of indignation, he generously left all his followers with his two eldest sons, who both fell at FLODDEN FIELD, with two hundred gentlemen of their name. Bell-the-Cat, broken-hearted, thereupon withdrew from the world, and died the following year, 1514, at the Priory of Whithorn, in Galloway.<sup>4</sup>

<sup>1</sup> John Forbes of Pitalego and George Meldrum of Fiwy (Fyvie), 10,000 merks. <sup>2</sup> Behave, conduct himself. <sup>3</sup> Anno 1538. <sup>4</sup> Wood's Peerage, I, 134. Pinkerton's Hist., &c.

The unfortunate lady who was the victim in the following Trial, married John *sixth* Lord Glamis, who died Dec. 12, 1527, leaving issue by her, John *seventh* Lord Glamis, then a youth. He was long involved in the consequences of his mother's misfortunes,<sup>1</sup> and *Elizabeth*, married to Ross of Craigie.<sup>2</sup> She appears soon afterwards to have married Archibald Campbell, who is styled by Historians 'of Kepneith.' This gentleman appears to the Editor to have been Archibald Campbell of Skipinche (Skipnish), who was the second son of Archibald *second* Earl of Argyle. He obtained a Charter of the lands and Keepership of the Castle of Skipynche or Skipnish, Aug. 13, 1511, from King James IV.<sup>3</sup> The Editor does not recollect to have met with the title of *Keipnech* in any of the Public Records, and thinks it extremely probable that Campbell of Skipnish was the second husband of Lady Glamis. At all events, it is very unlikely that a high-born Lady of so distinguished a family as that of DOUGLAS would stoop to a matrimonial alliance with a small Highland Laird, unconnected with any Noble family. It is proper, however, to state, that the Editor has no proof to adduce in support of this surmise. Being possessed of a masculine mind, and a large measure of that undaunted courage, which so long characterised the Douglasses, she generously, but imprudently, braved the King's Proclamations, which strictly forbid all persons, of whatever degree, from 'intercommuning' with, or giving food, raiment; or shelter to the Earl of Angus, and other Traitors and Rebels, under pain of death.

It must be borne in mind, that Archibald, *the sixth* Earl of Angus, Chancellor of Scotland, who was forfeited in Parliament, Sep. 5, 1528, along with George, his brother, and Archibald, his uncle, was brother-german to Lady Glamis, who was closely attached to him alike by the bonds of natural affection and of private friendship. With the unquenchable fidelity of a sister's love, she afforded her brothers and their uncle all the assistance in her power, and speedily drew down upon herself a portion of the implacable vengeance which KING JAMES V had sworn against THE DOUGLASSES, it being known that he had taken a deep and solemn vow, that while he lived they should never find refuge in Scotland. This Nobleman, on the death of his first wife, Lady Margaret Hepburn, second daughter of Patrick *first* Earl of Bothwell (who died in childbed in 1513, without surviving issue), married, Aug. 6, 1514, MARGARET of England, QUEEN DOWAGER of JAMES IV, within eleven months after the fatal field of Flodden. The indecent haste with which this match was got up, and the ambitious views of the Douglasses, who through this means obtained the custody of the young KING's person, in reality accelerated their downfall, by exciting against them the jealousies of a powerful faction of the Nobility. THE KING having made his escape out of ANGUS's hands, in July, 1528, the forfeiture of the Earl, his brother, and uncle, followed speedily after the meeting of the earliest Parliament, Sep. 4, 1528. It cannot be disguised that the violent and openly treasonable conduct of the Earl and his faction after this period was by no means calculated to restore him to royal favour, or to reconcile him to his injured countrymen. Having made many incursions into his native country, he retired into England, and became a pensioner of HENRY VIII, who, in 1532, settled an annuity of one thousand merks Sterling upon him. The subsequent restoration of the family, after the death of KING JAMES V, is well known, and the outline of the history of his after life is unnecessary to be touched upon here, as being entirely foreign to the present subject.

So early as Dec. 1, 1528, she was summoned to answer before Parliament, along with *Patrick Hume of Blacater*, *Hugh Kennedy of Girvanemans*, and *Patrik Charteris*, for art and part counsel, assistance, &c., afforded to the Earl of Angus, in convocating the lieges for eight days immediately preceding Jun. 1, for invasion of the King's person. This Summons of Treason was continued to Jan. 18, 1528-9, when the matter, so far as LADY GLAMIS was concerned, seems to have been dropped, for on the next diet, Jan. 22, her name no longer appears. In a few years afterwards, on Jul. 1, 1531,<sup>4</sup> we find that Gawyne Hammiltoune got a Gift from the Crown of the escheat of

<sup>1</sup> See his Trial, Jul. 18, 1537. <sup>2</sup> For some particulars of that devoted family, see this Collection, Vol. III, p. 445, and Appendix, pp. 582 to 590. <sup>3</sup> *Reg. Mag. Sig.* xvii, No. 33. <sup>4</sup> See Extracts from the *Privy Seal Record*, in the Appendix to this reign, under that date.

all the goods, heritable and moveable, which had pertained to JONET LADY GLAMMIS, and had been forfeited on account of her 'Intercommuning with our fouerane lordis Rebellis, or for any vpir crymes,' &c. On Nov. 29 of that year, Haldane of Kelour and several others were fined for not passing upon her Assise; and on Jan. 31, 1531-2, John Drummond of Innerpeffery<sup>1</sup> became surety for her entry at the next Justice-aire of Forfar, for art and part of taking the life of her husband, John sixth Lord Glammiss, 'per intoxicationem,' which probably was meant to signify the employing of drugs, charms, or enchanted potions. This shifting of the ground, in relation to the charge of crime alleged against her, seems to have proceeded from the repeated refusal of the Barons to come forward as Assisors or Jurors on her Trial, and from the fear on the part of the public prosecutor that the Case would break down for want of legal and satisfactory proof of her being guilty of any Treason. Such suspicious circumstances naturally lead us to infer that her real crime was the political offence of her being a true-hearted DOUGLAS, and as such a contumacious despiser of the Royal tyranny, which would attempt to force her to deny succour to her oppressed brothers and uncle, and other 'Rebels.' As Lord Glammiss died Dec. 12, 1527, it is highly improbable that all legal proceedings would be allowed by the advisers of the Crown to be totally suspended for nearly four years against one who was, at any rate, obnoxious to THE KING. There were never wanting enough of officious spies about the Scottish court to ferret out the truth of even the shadow of suspicion of crime against those who were unhappy enough to lie under its ban; and had there been any just ground of accusation, Lady Glammiss's career would have at once been cut short.

In farther corroboration of the feelings of the Barons, in relation to the innocence of Lady Glammiss, it may be stated that, on Feb. 2, 1531-2, Fullerton of Ardoch, and a number of other Lairds, were amerced for refusing to pass upon another Assise, which her prosecutors had again caused to be summoned for her trial. And once more, on Feb. 26, Lord Ruthven, Lord Oliphant, &c., were fined for the same cause, as may be seen from the various entries, under these respective dates, in this Collection. Owing to the imperfect state of the Criminal Records, no farther notice of this ill-used lady can now be procured until the day of her Trial, when unprincipled Witnesses appear to have been brought forward, who gave false testimony; upon which the Jury were compelled to return a Verdict of guilty, 'without any substancial ground or proyf of mattir.'<sup>2</sup>

With regard to the articles of Dittay, they are only two—treasonably Conspiring and imagining the King's Slaughter or destruction by poison, and treasonably assisting, supplying, resetting, intercommuning, and fortifying Archibald, Earl of Angus, and George Douglas, his brother. The popular story, which originated in the blunders and fables of some of the Chroniclers and Historians of the age of MARY and JAMES VI, has hitherto been, that the Lady Glammiss was burnt for WITCHCRAFT! The Records leave no room for imagining that such formed any part of the charges adduced against her. Assuredly, had it been possible to bring forward such an accusation, we may infer that it would have been strenuously urged against her, to secure the popular voice in favour of THE KING; and, above all, it would have been prominently recorded in the Dittay, and also in her Sentence. Mr Pinkerton, deluded by the frequent repetition of this fable, indulges himself by entering into extenuation of the conduct of JAMES V, for sanctioning the prosecution of Lady Glammiss for the imaginary crime of Witchcraft; and other authors, otherwise respectable, have fallen into the old vice of the earlier Historians, who have immemorially been in the habit of perpetuating each other's errors, by indolently taking for granted all that their predecessors had stated, without being at the pains of examining for themselves Records and documents which were at all times within their reach.

Perhaps the fabulous story in regard to a charge of WITCHCRAFT having been brought against

<sup>1</sup> Sir John Drummond of Innerpeffery, third son of Sir John first Lord Drummond, was the father of this individual, who married Margaret Stewart, Lady Gordon, natural daughter of KING JAMES IV, legitimated by Letters under the Great Seal, Feb. 1, 1558-9. <sup>2</sup> Letter from Sir Thomas Clifford to KING HENRY VIII. *Mus. Brit.*, Callula, B. iii, 187. Pinkerton's Hist. II, 348. See also this Collection, I. \* 198.

Lady Glammis, may have originated in the preceding attempt to fasten upon her the pretended guilt of taking away her first husband's life by charmed drinks or drugs. This, however, took place many years before her execution. A more plausible reason for reporting that she dealt in Magic or Witchcraft may have been the barbarous manner of her death; for, she having died at the stake, it is not unlikely that the popular report, fifty years, or even a century afterwards, would be that she was 'Burnt for a Witch.' In all cases of Treason and Murder, as well as in those of Witchcraft, Sorcery, &c., females of rank were invariably *burnt at the stake*, until a comparatively recent date, when decapitation was sometimes granted, in particular instances. In crimes of an inferior description, such as Theft, &c., females, and often infirm old men, were *drowned*. From not attending to this circumstance, and as Witchcraft was uniformly punished by burning at the stake down to the commencement of the eighteenth century, it was natural for the more modern Historians, who were well aware of the manner of her death, to repeat what they had met with in the pages of earlier Chroniclers, &c.

There is one circumstance which strikes the Editor as affording a very extraordinary feature in these proceedings. The truly amiable MAGDALENE QUEEN OF SCOTLAND, who had only arrived from France on May 19, died on July 7, 1537; which plunged THE KING and the nation into the deepest sorrow. Never did a Queen-consort commence her reign under happier auspices, and with so entire a love of all her subjects. JAMES V had to all appearance abandoned himself to grief for her loss, and had retired from the pleasures of the Court and from all his usual sports and employments, when suddenly, 'in the very crisis of domestic and national affliction,'<sup>1</sup> these rigorous proceedings were adopted and perpetrated, with feelings of private revenge and hatred altogether abhorrent to human nature. Had such a course been previously determined upon by the advisers of the Crown, certainly the time was the worst that could possibly have been chosen; for even had this excellent Queen survived, Lady Glammis must either have been put to death by BURNING AT THE STAKE during the midst of the festivities which followed her Marriage and Public Reception, or at the very moment of the celebration of her Funeral Obsequies! The whole complexion of this shocking tragedy bears such savage traces of a furious and unmanly revenge against a noble and unprotected female, who was the only individual of her family on whom they could lay their hands, that it can hardly be compared with any other event, either in ancient or modern history.

The Editor need scarcely apologize for appending a few notices, which he considers as necessary towards the full understanding and illustration of so remarkable a Trial, and so painful a passage of the History of Scotland.]

Jul. 17.—JONET DOUGLAS LADY GLAMMYS, 'Conuicta de arte et parte proditorie Conspirationis et imaginationis Interfectionis, siue distructionis, nobilissime persone serenissimi domini nostri REGIS, per pessimum venenum lie *poyfone*. ITEM, pro arte et parte proditorie assistentie, supplementi, receptationis, intercommunicationis et fortificationis ARCHIBALDI olim ANGUSIE COMITIS, et GEORGII DOUGLAS ejus fratrum, proditorum et rebellium, in proditorio modo.—COMBUSTA.

NOMINA ASSISA *electe jurat. et admiff. super prefata Joneta Domina Glammys, viz.*  
 Johannes Comes Atholie, Wil. Kirkpatrick de Kirkmychell, Johannes Mailuill de Raith, miles,  
 Johannes Comes Buchanie, Joh<sup>o</sup> Creichtoune de Ruwennis, Jac. Towris de Inuerleith, miles,  
 Robertus Dominus Maxwell, Jacobus Ker de Merfingtoune, Daud Barclay de Matheris,  
 Wil. Magifter de Glencarne, miles, Gilbertus Comes de Cassillis, Johannes Edmonstoun de eodem,  
 Johannes Hume de Coldenknowis, Willelmus Dominus Sympill, Wil. Makclellane, Tutor de Bondby.

<sup>1</sup> Letter from Sir Thomas Clifford to King Henry VIII, B. iii., 187. Pinkerton's Hist II, 348.

SENTENTIA FORISFACTURE *reddita contra prenominatam* JONETAM DOMINAM DE GLAMMYS, *per os Willielmi Carwod, sectatoris dicte Curie, prout sequitur in vulgari.*

IT is fundin be þe said Affise, That JONET DOUGLAS LADY OF GLAMMYS hes commitit art and part of þe tressonabill Conspiratioune and ymaginatioune of þe Slauchter and destructioun of our fouerane lordis maift nobill perfone be poyfone : And for art and part of þe tressonable affistace, supplé, ressett, intercommonyng and fortifying of ARCHIBALD, sumtyme ERL of ANGUSE, and GEORGE DOUGLAS, hir brether, Traytouris and Rebellis, in tressonabill maner. —FOR þe quhilkis tressonable crimes, þe said Jonet Lady of Glammys hes foirfallit to oure fouerane lord, hir life, hir landis, gudis movable and vnmovable : And þat scho fall be had to Castell hill of Edinburghe, and þair BRYNT in ane fyre to þe deid, as ane Traytour. AND þat I gif for Dome.

PAPERS ILLUSTRATIVE OF THE TRIAL OF JONET LADY GLAMMYS.

I. NARRATIVE *taken from the History of Scotland, by David Scott of the Inner Temple.*<sup>1</sup>

*The Lady Jane Dowglass, &c. accus'd for Conspiring to Murder the King.*

AT this time, the LADY JANE DOWGLASS, sifter to *Archibald Earl of Angus* (who thon liv'd an exile in England), was the most celebrated beauty in the nation. She was of a middle stature, not too fat; her face of an oval form, with full eyes; her complexion extremely fair and beautiful, with a majestick mein. Besides all these perfections, she was a lady of singular chastity, her mind wanting none of those perfections a mortal creature could be capable of. Her modesty was admirable, her courage was above what could be expected in her sex; her judgment solid, her behaviour affable and engaging to her inferiors as well as equals: And as she was descended from one of the most ancient and illustrious Families in the kingdom (tho' at that time eclips'd,) she had been married to JOHN LYON LORD GLAMES, a most worthy young Nobleman of noble birth, but died soon, and left this young lady with one son: And tho' still mistress of her perfections and a plentiful jointure, yet continued a widow for some years after her husband's death. During which time, several of the first Nobility of the Kingdom had courted her; but she was not so much inclined to marry for wealth and title, as for merit; so that she plac'd her affection on one *Archibald Campbell of Kepneath*, who commanded the Third Regiment in the King's Army, to whom she was married, to their mutual satisfaction. Mean time *William Lyon*, a near relation of her first husband, having made violeut addressses to her, and seeing that she was married to this gentleman, became almost distracted upon the disappointment: But though he had lost her in marriage, yet did not forbear his addressses to her in an unlawful way, and continued to importune her to consent to his designs; which she resented with the utmost disdain, and told him, that she had treated him with the respect due to the relation of her

<sup>1</sup> Folio, Westminster, printed by J. Cluer and A. Campbell, in King's Street, near the Abbey, 1727. Though no authorities are cited by the author on the margin, his account bears marks of having been collated with *Drummond of Hawthornden's History*, which is fuller on the subject of this Trial than any other. From his residence in London, he had, probably, access to State Papers, &c. from which his Narrative had been compiled. It has been deemed advisable to print it here, as the book is but little known; and indeed it only professes to be an impartial compilation from previous Histories and Chronicles.

<sup>2</sup> There seems to the Editor to be no doubt that this gentleman was *Campbell of Shipynche or Shipness*, as formerly surmised. See the Case of JOHN LORD GLAMMYS, Jul. 18, 1537.

first husband and child, and not out of any regard to his own person or merit ; but, since she found that he had such designs, she hated the sight of him, and assured him that she never would comply with such abominable crimes.

This resolute denial so distracted him, that he upbraided her with ingratitude for the great love he had for her, and told her, since he had lost so much time in vain, he would study to banish her from his thoughts. But his violent love, or rather lust, turn'd to as violent hatred ; so that after that he never visited her, but studied revenge. Thus his passionate love being succeeded by vengeance, he took some time to invent a plot against her life, which he resolved to sacrifice to his resentment : And at last found out the most horrid contrivance that Hell could suggest. He accus'd the Lady, her husband, and one *John Lyon*, an aged Priest, and his own near relation, of having a design to poison THE KING. Whereupon they were apprehended and confined prisoners in THE CASTLE OF EDINBURGH, their goods seiz'd, and a strict charge given to the Judges of the Justiciary to proceed to their Trials.

Mean time the accuser, *William Lyon*, having too ready access to THE KING'S ear, studied all means to aggravate the crime ; and that he might dispose THE KING to treat them with all possible cruelty, he represented that the Family of the *Douglasses* had been always dangerous and troublesome to his predecessors, and even to himself and his kingdom : And reminded him of the insolent behaviour of *Archibald Earl of Angus*, brother to the prisoner, in the time of his Majesty's minority, whose practices were so dangerous, that by a public Decree he was banish'd the kingdom as a disturber of the peace of his native country : That since that time he was become the subject of KING HENRY OF ENGLAND, his Majesty's greatest enemy ; and was now the cause of all the Inroads made by THE ENGLISH into Scotland : And since he could not be restor'd to his honours and fortune without great difficulty, revenge had incited him to plot all the mischief he could against THE KING'S person, and who could be employ'd in such wicked designs more true to him than his own sister, who by the ties of blood was oblig'd to secrecy ; and had employ'd her in that Conspiracy, thinking that her sex, character and birth, would make her the less suspected : Therefore advis'd his Majesty, that if he had any regard either to his interest or safety of his person, it was necessary to extirpate that race, which produc'd nothing but monstrous Rebels ; and especially that woman, whom, if he spar'd, he put it in her power to accomplish her wicked designs.

THE KING, being ignorant of the malice which *William Lyon* bore to the Lady, order'd that she, her husband, and Chaplain, should be speedily brought to their Trial, without any regard to their birth or characters. And the *Lady Jane* was brought to the Bar, according to custom, to hear what she could say for her self. And having made particular answers to the questions propos'd by the Judges, she imagin'd that her danger proceeded from her relation to the *Earl of Angus* ; and with the greatest courage and confidence imaginable, she deliver'd the following SPEECH.

*Lady Jane Douglass's her Defence at the Bar.*

' THOSE that hate my brother are enrag'd, because he is not in their power, that he might fall a sacrifice to their malice ; and they now discharge their spite upon me, because of my near relation to him ; and to gratify their revenge with my blood, they accuse me of crimes which, were they true, deserv'd the severest death. But, since it is the only prerogative of God to punish men or women for the faults of others, which belongs to no judge on earth, who are oblig'd to punish every one according to their personal crimes, you ought not to punish in me the actions of my brother, how blamable soever. Above all, you ought to consider if those things I am accus'd of have the least appearance of truth ; for what gives the greatest evidence either of the guilt or innocence of an impeach'd person is their former life. What fault could any hitherto lay to my charge ? Did any ever reproach me with any thing that is scandalous ? Examine into my former conversation ; for vice hath its degrees as well as virtue, nor none can attain to a perfection in either, except by long practice ; and if you can find nothing reprobable in my conduct, how can ye believe that I am arriv'd all of a sudden to contrive

this Murder, which is the very height and perfection of impiety? I protest I would not deliberately injure the most despicable wretch alive. Could I then make the Murder of my Sovereign, whom I always reverenc'd, and who never did me wrong, the first essay of my wickedness? None are capable of such damnable and unnatural actions, except such as are in desperate circumstances, or such as are hurried into Plots by reward or revenge. My birth, and condition of life, puts me beyond the suspicion of the first of this kind; and for the latter, since I was never injur'd by THE KING, how can I be suspected to thirst for revenge?

'I am here accus'd for purposing to kill THE KING; and to make my pretended crime appear more frightful, it is given out that the way was to be by poison. With what strange impudence can any accuse me of such wickedness who never saw any poison, nor know I any thing about the preparation of it? Let them tell where I bought it, or who procur'd it for me? Or though I had it, how could I use it, since I never come near THE KING's person, his table, nor Palace? It is well known, that, since my last marriage with this unfortunate gentleman, I have liv'd in the country, at a great distance from the Court. What opportunity could I have to poison THE KING?

'You may see by those circumstances, which give great light in such matters, that I am entirely innocent of those crimes I am charg'd with. It is of the office of you Judges to protect injur'd innocence: But if the malice and power of my enemies be such, that, whether guilty or innocent, I must needs be condemn'd, I shall die cheerfully, having the testimony of a good conscience; and assure yourselves, you shall find it more easy to take away my life than to blast my reputation, or to fix any real blot upon my memory.

'This is my last desire of you, that I may be the sole object of your severity, and that those other innocent persons may not share in my misfortunes. Seeing my chief crime is that I am descended of THE FAMILY OF DOWGLASS, there is no reason that they should be involv'd in my ruin; for my husband, son, and cousin, are neither of them of that Name or Family. I shall end my life with more comfort if you absolve them; for the more of us that suffer by your unjust Sentence the greater will be your guilt, and the more terrible your condemnation, when you shall be tried at the great day by the Almighty GOD, who is the impartial Judge of all flesh.'

*The Judges represent the Case of Lady Jane to the King.*

This SPEECH was deliver'd with such courage, and free from fear, that the Judges were extremely astonish'd at her heroick behaviour; and when they had consider'd what she had said in her own defence, they delay'd the Sentence, and sent two of their number to THE KING, to represent to him, that, though the Witnesses had prov'd the Articles of Impeachment, and that according to the laws of the land, upon the Evidence, she deserv'd death; yet, upon a serious consideration of the whole circumstances of the matter, they could not perceive the least probability of her guilt: They were afraid lest the rigour of the law in this case should prove the height of injustice,<sup>1</sup> therefore they wish'd rather that equity and mercy should take place, it being more safe to absolve a criminal than to condemn an innocent person: That time alone could discover the truth of the matter, by making known the characters of those Witnesses who had sworn against her, whether they were men of honesty, or had been bribed to accuse her: That nothing was more advisable than to delay the whole affair for some days, which could be no danger to THE KING, since those persons were not to have their liberty; and when there appear'd any clear proof of their guilt, they might suffer according to the law. As for themselves, they were tied up to the form and letter of the law; it belong'd only to his Majesty to temper and moderate their Sentence by his clemency: Upon which account, they address'd themselves to him, since in such cases wherein the life, honour, and effects of persons of distinction are concern'd, all possible caution was necessary.

<sup>1</sup> Summa justitia summa injuria.

*The King's Answer to the Judges.*

THE KING, who was naturally merciful, had easily complied with this request of the Judges, had not *Lyon* (who contriv'd the hellish plot, and then fear'd that if they escap'd his wickedness would be discover'd) prevail'd with THE KING to return this Answer to the Judges: That the exercise of Justice was a considerable part of the Royal dignity, which he had entrusted them with when he made them Judges: That it belong'd to their Office to preserve the Innocent and punish the Guilty: That the Book call'd *Regiam Majestatem* contain'd all the forms and rules which ought to determine them in such cases: Wherefore, he gave them full power to proceed in that matter, according to justice and the Laws of the land; and said, he knew nothing that could hinder them from doing their duty like men of judgment and honour.

*Lady Jane Executed.*

With this answer, those that were sent to wait upon THE KING return'd to the Exchequer, (where the Court of Justice then sat,) and reported to the rest of the Judges what THE KING had given them in charge. Whereupon the Judges gave Sentence against the Lady, according to the Law. She heard the Sentence pronounc'd without the least signe of terrour or concern. On the day appointed for her Execution, she suffer'd on THE CASTLE-HILL OF EDINBURGH; where she appear'd with so much beauty and little concern, that all the spectators were so deeply afflicted for her, that they burst out with tears and loud lamentations for her untimely end, and were so confident of her Innocence, that they design'd to rescue her: But THE KING'S Officers and Guards being present, hinder'd their attempting any thing that way.

Thus died this most noble Lady, whose death was lamented by all that knew or beheld her, except the most inhuman barbarian who brought her to this lamentable end.

The next day after her death, HER HUSBAND (Archibald Campbell) design'd to make his escape out of *the Castle of Edinburgh*, being let down over the walls by a rope, which happening to be too short, or broke, he fell upon the rocks, where he was dash'd to pieces.

THE KING seem'd much concern'd after the Execution of *Lady Jane* and the death of her husband, and caused release the old Gentleman her Chaplain. But yet, THE YOUNG LORD GLAMIS was still kept in the Castle, till after THE KING'S death.

*William Lyon confesses his crime, and flies from justice.*

After this most virtuous and excellent, as well as beautiful, Lady fell a victim to her inhuman lover, he began to reflect on his wickedness, and was so fill'd with horror that he was not able to endure the lashes of his troubled conscience. He lamented his crimes when it was too late, and having such confidence in THE KING'S mercy, he confess'd the whole matter secretly to him. But finding THE KING abhor'd such wickedness, he fled from the Court, knowing that he could not escape being punish'd according to his crimes; and departing from Scotland, he soon after died in *Flanders*, in great misery.<sup>1</sup>

## II. NARRATIVE from 'The History of the Houses of Douglas and Angus, by Master David Hume of Godscroft.'

'THE KING'S anger still continued against them (the DOUGLASSES) in such sort, that nine years after, in 1537, he was contented that *Jean Douglas Lady Glames*, (who was *Angus*' Sister,) should be accused by false Witnesses, condemned, and execute. The point of her accusation was, that she, and her Husband, (*Archibald Campbell* then,) and her Sonne, and an old Priest, had gone about to make away the King by Witchcraft. Their servants were tried and racked, but confess'd nothing; the Accuser, *John Lyon*,<sup>2</sup> a kinsman of her first husband, when he saw how they were like to be

<sup>1</sup> Folio, Edin. Printed by Evan Taylor, Printer to the King's most excellent Majesty, 1644, p. 261.      \* 'William' on the margin. It will be seen, from the other proceedings, that William was this person's name.



used, and that the House of *Glames* would be ruined, repenting of what he had done, confessed to the King that he had wronged them; but it did no good.

‘ She was burnt upon the *Castle-hill*, with great commiseration of the people, in regard of her noble blood, of her husband, being in the prime of her years, of a singular beauty, and suffering all, though a woman, with a man-like courage; all men conceiving that it was not this fact, but the hatred the King carried to her brothers, that had brought her to this end. Her husband, seeking to escape over the wall of the Castle, fell, and broke his leg, and so died. Her sonne was kept in prison, because he was so young that the law could not strike against him.

‘ Others were committed to Ward, as *Sir George Hume of Wedderburne*, who was *Angus* his sister’s son, to *Black-Nesse*, for whom his mother, *Dame Alison Douglas*, coming often to entreat the King for him, though he always used her courteously, and gave her good countenance, and that almost onely to her of all their friends: So that his language was by way of excusing, without denial; yet she could obtain nothing, till a little before his death, about the Rode of *Fawla*, when hee began to misse their service, then he set him at libertie. His implacabilitie did also appear in his carriage towards *Archbald of Kilspindie*, whom he, when he was a childe, loved singularly well for his ability of body, and was wont to call him his *Gray-Steel*.

‘ *Archbald* being banished into *England*, could not well comport with the humour of that nation, which he thought to be too proud, and that they had too high a conceit of themselves, joynd with a contempt and despising of all others. Wherefore, being wearied of that life, and remembering the King’s favour of old towards him, he determined to try the King’s mercifulness and clemency. So he comes into *Scotland*, and taking occasion of the King’s hunting in the Park at *Stirling*, he casts himself to be in his way, as he was coming home to the Castle. So soon as the King saw him afar off, ere he came near, he guessed it was he, and said to one of his Courtiers, yonder is my *Grey-Steel*, *Archbald of Kilspindie*, if he be alive. The other answered, That it could not be he, and that he durst not come into the King’s presence. The King approaching, he fell upon his knees, and craved Pardon, and promised from thence forward to abstain from meddling in public affairs, and to lead a quiet and private life. The King went by, without giving him any answer, and trotted a good round pace up the hill. *Kilspindie* followed, and, though he wore on him a secret, or shirt of mail for his particular enemies, was as soon at the Castle-gate as the King. There he sat him down upon a stone without, and entreated some of the King’s servants for a cup of drink, being wearie and thirly: But they, fearing the King’s displeasure, durst give him none. When the King was sat at his dinner, he asked what he had done, what he had said, and whither he had gone? It was told him that he had desired a cup of drink, and had gotten none. The King reproved them very sharply for their discourtesie, and told them, That if he had not taken an oath that no *DOUGLAS* should ever serve him, he would have received him into his service, for he had seen him sometime a man of great abilitie. Then he sent him word to go to *Leith*, and expect his further pleasure. Then some kinsman of *David Falconer* (the canonier that was slain at *Tantallon*,) began to quarrel with *Archbald* about the matter, wherewith the King shewed himself not well pleased when he heard of it. Then he commanded him to go to *France* for a certain space, till he heard farther from him. And so he did, and died shortly after. This gave occasion to the King of *England* (*Henry VIII.*) to blame his nephew, alledging the old saying, *That the King’s face should give grace*. For this *Archbald* (whatsoever were *Angus’s* or *Sir George* his fault) had not been principal actor of any thing, nor no counsellor nor stirrer up, but only a follower of his friends, and that noways cruelly disposed.

‘ He caused also execute *Sir James Hamilton of Evendale*, for divers reasons: But that which incensed him most, was his Correspondencie and secret trafficking and meeting with the banished *DOUGLASSES*, especially with *Sir George*, whom he met with in the *Park-head*, as the King was

informed. There was no man that he could hear had but received them into his house, but he caused apprehend, and execute the rigour of the law upon them. He caused the Laird of *Blackader* bring in *John Nisbet* of the *Spittel*, and made him to be execute to death, for receiving (as was alledged at least) the Earl of *Angus* into his house.

‘ These many Executions, proceeding from many Reports and Delations given to him, bred great suspicion in his minde; all the woods seemed full of Theeves. Many were put to death for the *DOUGLASSES*; this was a token that they had many favourers: many were offended by these executions, and so many ill-willers, by being offended. So his suspicion against the Nobility was daily increased; his jealousy growes, cares multiply, his mind is disturbed, which would not suffer him to sleep sound, but troubled his head with dreames and fanfies.’

### III. NARRATIVE from *Bishop Lesley's History of Scotland*.<sup>1</sup>

IN this syster was tane *THE LADY GLAMMES*, syster to the Erle of *Angus*, and *David Lyoun* hir husband, and brocht to the town of *Edinburgh*, and wer accusit and convict be ane Affyse for Conspiracie of *THE KINGIS* deid. And the saide lady wes brint, and hir husband hangit thairfor.<sup>2</sup> *THE LORD GLAMMES*, her sone, wes convict for knowlege and Conspiracie of the samin, and thairfor forfeitit of his landis, and condampnit to dee. Bot becaufe he wes younge and tendir of aige, *THE KING* spairit his lyff, and committed him to perpetuall presoun; quhair he remainit during *THE KINGIS* liff tyme, in the Castell of *Edinburgh*.

Shortlie thairefter, *JOHNE MAISTER OF FORBES*, and eldest sone to the Lord *Forbes*, quha had maryit the said *Lady Glammes* syster, wes accusit in *Edinburgh*, and convict be ane Affyse for the like Conspiracie of *THE KINGIS* deid; and thairfor wes heidit and quarterit at *Edinburgh*, and his heid and quarteris affixt apoun the *Portis*. *The Lord Forbes*, his fader, being suspectit thairfor, wes halden in ward in the Castell of *Edinburgh*; bot he wes thairefter releifit.

### IV. NARRATIVE from ‘*The Genealogie of the House of Drummond*.’ Unpublished.<sup>3</sup>

ANOTHER daughter of *GEORGE MASTER OF ANGUS*, with *Lady Elizabeth Drummond*, was *Jean Douglas, Lady Glammis*, married to *John Lord Glammis*, called to a by-name, ‘*Cleanse the Causeway*.’ In the year 1537, she was accused, by suspected witnesses, (if not false,) that she and her sone and some others had gone about to take away *King James the Fifth* his lyfe by witchcraft; whereupon she was brunt upon the *Castle Hill* of *Edinburgh*, with great commiseration of the people, in regard of her noble blood and singular beautie, she being in the prime of her age, and suffering with a masculine courage, al men conceaveing that the *King's* hatred to her brothers had brought her to that end.

Her sone *John*, who was next lord, was also condemned and forfeitit; yet, becaufe he was a minor, reserved in prison untill he should be of age to have his sentence put in execution. Bot after the *King's* death, in anno 1542, he was againe restored to his lyfe, estate, and honor, and was father to *John Lyon, Lord Glames, Chancellor of Scotland*, whose sone was *Patrick*, the first Earle of *Kinghorn*, and married to *Anna Murray*, daughter to *John*, then Laird of *Tullibardine*, begot upon *Catharine Drummond*, daughter to *David Lord Drummond*; this *Patrick*, the first Earle, was grandfather to *Patrick*, now Earle of *Strathmore and Kinghorn*.

<sup>1</sup> *Bannatyne Club's* Edit. 1830, p. 154.      <sup>2</sup> These unpardonable errors show strongly how little is to be relied even on the most accurate of our old Historians in matters of this description. A mistake inadvertently made by one was sure to run through all future Histories, without examination.      <sup>3</sup> *GENEALOGIE OF THE HOUSE OF DRUMMOND*, Quarto, 1831, p. 145. Preparing for Private circulation from the *Strathallan MSS. &c.* The Editor is indebted to the learned Gentleman who conducts the publication of this Family History, for the present extract.

The families lineally descended of this Lady Glames, befydes Strathmore, are Duke Hamilton, Earle of Caffils, Earle of Morton, Lord Spynie.

#### V. NARRATIVE from *Calderwood's MS. History of the Church of Scotland.*

JEANE DOUGLASS LADIE GLAMES, and sifter to the Erle of Angous, was indicted and convict be the Affise, having, with her second husband, *Gillespich Campbell*,<sup>1</sup> her son, ane old Preeft, and *John Lyoun*, her first husband's kinsman, sought to have killed THE KING with Poyfoun. Howbeit, they dwelt far from Court, and nothing could be extorted from their frinds or servants, quich anie wife might serve againest them; yit war they tortured and committed to the Castell of Edinburgh.

JEANE DOUGLASS was burnt wpon the 5 day after the beheading of THE MASTER OF FORBES. Her death was greatlie lamented be the people, for her nobilitie, her youth, her beautie, her courage at her death, but most of all, because it was judged that hatred against her bannished brother, rather then guiltiness of anie crime committed, had brought her to that end. Her husband, *Gillespich Campbell*, while he pressed to escape out of the Castell be a cord over the wall, the end being short, he brake all his bonds,<sup>2</sup> and died. His sone, a simple youth, scarce lyable to suspicioune for such a crime, was detained imprifound during THE KING's life; and after, restored to his patrimonie.

The accuser was one *William Lyoun*, a kinsman. He repented, too late, of the calamitie he had brought upon such a noble House, be his calumnies; and confessed his wicked purpose to THE KING. Bot THE KING relented nothing notwithstanding, either of his rigour, of the punishment, or of the forfaitour of the Lands.

*Archibald Dowglafs of Killspindie*,<sup>3</sup> quhom he loved singularlie for his abilitie quhen he was a child, and called him his *Graystele*, had come into the countrie secreitlie, and fallen down upon his knees before him, and craved pardonne, quhen THE KING was returning from the Park of Stirling to the Castell; bot THE KING past by! This gave occasionne to KING HENRIE of England to blame his nephew, and to alledge the common saying, 'a KING's face should have grace.' The Earle of Angous sifter-son, *George Hume of Wedderburne*, he committed to warde in Blacknesse, and determined him in award;<sup>4</sup> till a littell before his death, that he had need of service at FALA RAID, quhen THE KING fett him at libertie, and gave him a white horfe of rare speed. Bot for<sup>5</sup> this present, his wraith against THE DOUGLASSES was implacable.<sup>6</sup>

#### VI. NOTICE from *Anderson's MS. History of Scotland.*

ABOUT this tyme, the LADIE GLAMES, hir sone *the Lord Glames*, of 16 zeiris of aidge, hir husband, *Archibald Campbell of Keipnech*, ane barbour, and a Preeft, war accusid for Treffonn, in the Tolbuith of Ed<sup>r</sup>. The said *Ladie* was condamet and Brunt. . . . .

Schort quhyle estir, followid ane wther judgment,<sup>7</sup> in confideratioun of the parentadge accusid, the novaltie of the cryme, the creweltie of the cryme and executioun, most miserabill. JOANE DOUGLAS, sifter to *the Earle of Angus*, *Johnne Lord Glames* wyff, as is in maner forsaid, was accusid that scho, hir husband, and sone was to poyfone THE KING, was brunt. Hir husband being Wairdit in the Castell of Ed<sup>r</sup>, thinking to brek (Waird) and com away, be ane tow,<sup>8</sup> the same was schort: He fell and brak all his banes, and died.<sup>9</sup>

#### VII. NOTICE from *Sir James Balfour's Annals.*

THIS zeire, also, THE LADY GLAMISE, sifter to *the Erle of Angus*, and her husband, *David Lyone*,<sup>10</sup>

<sup>1</sup> *Buchanan*, in his History, generally designates Archibald Earl of Argyll, *Gillespich*. <sup>2</sup> Bones. <sup>3</sup> See this narrated at length in *Hume's History of the House of Douglas and Angus*. Edin. 1743, li, 107. <sup>4</sup> Fine for his return, &c., for which he had forfeited his Bond. <sup>5</sup> Notwithstanding. <sup>6</sup> *Calderwood's History of the Church of Scotland*, MS. Adv. Library. <sup>7</sup> He precedes this brief notice by an account of Lord Forbes's Treason. <sup>8</sup> Rope. <sup>9</sup> *Anderson's MS. History of Scotland*, Adv. Library. <sup>10</sup> *Lesley's* blunder repeated.

wer arrann'd for Treffone against THE KING's persone. The Lady was brunt, and her husband was hangitt,<sup>1</sup> and her sone, THE LORD GLAMISE, was forfaited, bot his lyffe was spared; becausse he, knowing, did not reweill his mother's defeinges, and was sentenced to perpetuall prisone.<sup>2</sup>

### VIII. LETTER from Sir Thomas Clifford to King Henry VIII.<sup>3</sup>

MR PINKERTON having repeatedly quoted this Letter in his History, as being illustrative of the proceedings against THE MASTER OF FORBES and LADY GLAMMIS, the Editor deemed it proper to procure a Transcript of so valuable a document, proceeding, as it does, from the pen of such an eminent individual as *Sir Thomas Clifford*. Through the polite attention of *Frederic Madden, Esquire, F.A.S.*, the Editor is enabled to lay before the reader all that is applicable to these Cases. Mr Madden remarks, that this interesting Paper 'is a copy by *Sir Thomas* himself, inclosed in a Letter from him to the Lord Privy Seal (*Cromwell*), the latter of which is dated from Berwick Castle, 26th July (1537.) The chief object of his Letter to THE KING is to inform him of THE KING OF SCOTS' secret visit to *Dunbar*, and provision of ordnance there and at other places. In consequence of which, *Sir Thomas* represents the defenceless state of Berwick, and desires aid and means of resistance in case of attack. The only portion of the Letter which refers to the execution of THE MASTER OF FORBES, &c., is the last paragraph.'

'As for vther newes occurrant in Scotland, on Saterday the xiiijth day of this month instaunt, THE MAISTER OF FORBOSE, sone and heir to the Lord Forbofe, was attached of Treason against THE KINGIS perfon; of such mattir as he at his deth dyd tacke vpon hyme pat he was fackles<sup>4</sup> off. Howbeit, he was the same day drawin, hedyt, and quartered in Edynburgh.

'And on Tewfday nixt followinge, THE LAYDY GLAMMES, sufter to TH' ERLE OF ANGUYSH, was brint in Edynburgh for Treason layd vnto hir charge against THE KINGIS perfon; as I can perceyue, without any substanciall ground or proyf of mattir.

'Ther is remaynyng in Wayrd,<sup>5</sup> by THE KINGIS comaundement, THE LORD FORBOSE, William Forbofe, his couffine germayne, the Lord Glammes, the Lord of Wetherburn, Hewe Douglas, Esquier, the Lord<sup>6</sup> of Whytingham, Petter of Carmyghell, the Lord<sup>7</sup> Glaybarve, Robert Dowgles, Mr Davy Straywham,<sup>8</sup> with diuers vther.'

### Concealing the Lady Glammiss's treasonable Conspiracy against the King's life, by Poison.

[THE circumstances attending the following Case have already been fully explained in the preceding Trial of JONET LADY GLAMMYS, which renders farther remark unnecessary in this place.

On Jun. 15 preceding, this entry occurs in the Books of Adjournal:—'The quhilke day, DAVID, ERLE OF CRAUFURD, ROBERT DOWGLASE OF LOCHLEVIN, THE LARD OF LAWMOND, and ARCHIBALD CAMPBELL OF SKIPYNCHIE,<sup>9</sup> ar becumyn pleggis and fouerteis, coniunctlie and feualie, vndir pe pane of *twenty thousand markis*, pat pe LORD GLAMMYS fall remane in Warde, within pe Castell of Edinbur<sup>t</sup>, and fall nocht eschaip nor eschew furth of pe famyne, quhill he haue pe KINGIS grace Licence, vndir pe faid pane.'

The reader is already aware that JOHN *seventh* LORD GLAMMYS, although sentenced to be executed, was merely imprisoned during the life of KING JAMES V. He was, no doubt, but a youth at that time; but it was the jealous policy of THE KING, reckoning on the revengeful spirit of the times, to put it out of the power of this young Lord to be tempted to avenge his mother's cause and his own,

<sup>1</sup> Both *Leslie* and *Balfour* fall into these gross mistakes. <sup>2</sup> *Sir James Balfour's Annales*, I, 267. <sup>3</sup> *MSS. Cotton.* British Museum, *Calig. B.* lii, f. 183. <sup>4</sup> Innocent; guiltless. <sup>5</sup> Ward; prison. <sup>6</sup> Laird. <sup>7</sup> Laird of Glenbervy. <sup>8</sup> Strathauchin, or Strauchane. <sup>9</sup> The same individual, it is believed, who married LADY GLAMMIS, and who was killed on the rocks of the Castle of Edinburgh, in attempting to effect his escape from ward. This entry confirms the Editor's conjecture as to this person's identity.

either by secret Conspiracy against his life, or by an open appeal to the King's known enemies. Notwithstanding of the public acknowledgment of the young Lord's innocence, his estates were most unjustly annexed to the Crown, by Act of Parliament, Dec. 3, 1540. After the death of KING JAMES V, he brought a formal process of Reduction of his Forfeiture, which was legally rescinded, and his estates and honours were restored by Parliament, Mar. 15, 1542-3.

After his being thus restored, Lord Glammys married *Jonet Keith*, second daughter of Robert Lord Keith, and sister of William *fourth* Earl Marischal; and died anno 1558.]

Jul. 18.—JOHN LORD GLAMMYS, Conuictus de arte et parte proditorie Concelationis et non reuelationis proditorie Imaginationis et Conspirationis distructionis nobilissime persone serenissimi domini nostri REGIS, per venenum pessimum, per dictam quondam Dominam Jonetam, ejus matrem, conspirat. et imaginat., et eidem Johanni often. et demonstrat. : ET pro arte et parte cum dicta quondam Joneta, ejus matre, in dict. criminibus proditorie.

NOMINA ASSISE elect. jurat. et admiff. super prefato Johanne Lyoun, Domino de Glammys, viz.  
 Robertus, Dominus Maxwell, Johan. Mailuill de Raith, miles, Hugo, Magister de Eglintoune,  
 Hugo, Dominus Somervil, Johan. Hume de Coldenknowis, Johan. Striueling de Kere, miles,  
 Will. Magift. de Glencarne, miles, David Berclay de Matheris, Andreas, Dominus Vchiltre,  
 Jacobus Gordoun de Lochinver, Gilbertus, Comes de Caffillis, Jacob. Towris de Inuerleith, miles,  
 Ninian. Creichtoun de Bellybocht, Georgeus, Dominus Seytoune, Alexander Frafer de Phillorthe.

SENTENTIA FORISFACTURE data aduersus premominatum Johannem, Dominum de Glammys, per dict. sectatorem, prout sequitur in vulgari.

IT is fundin be ane condigne Affise, That JOHNE LORD OF GLAMMYS hes committit art and part of þe tressonable conceling and nocht reueling of þe tressonabill Conspiratioune and imaginatioune of þe distructioun of oure souerane lordis maift nobill perfoune be poyfoune, ymaginat and conspirat be vmq<sup>l</sup> JONET LADY GLAMMYS, his moder, to quhome he consentit and was art and part with hir pairintill; as at mair lenth is contenit in þe Dittay, &c.—FOR þe quhilk cauffis he hes forfaitit to oure souerane lord his life, landis, and gudis, movable and vnmovable, and fall be HANGIT and DRAWN, and demanyt as ane Traytour.

### Treasonably concealing the Master of Forbes's Conspiracy to Slay the King.

[In the preceding Trial of JOHN MASTER OF FORBES, the reader has seen that JOHN STRATHAUCHIN, OF STRACHANE, was implicated with him in the same crime. Without recapitulating that case, the Editor merely inserts a short paragraph explanatory of the matter,<sup>1</sup> which, so far as Strachane was concerned, seems tolerably correct.

<sup>1</sup> About the time that this embassy<sup>2</sup> was dispatch'd, the King was alarmed with many false reports of PLOTS against his life; and some villainous persons took opportunity to work up THE KING's suspicion to a belief of their horrid contrivance. The first person that was sacrific'd to that villainous re-

<sup>1</sup> *David Scott's Hist.*, Folio, *Westminster*, 1727, p. 344.

<sup>2</sup> Cardinal Beaton and Maxwell, who were sent Ambassadors to France to conclude a Marriage with Mary of Lorraine.

venge was *John Forbes* (MASTER OF FORBES), eldest son to the *Lord Forbes*, the Chief of that Name; a young man of great courage and good education, but had liv'd a vicious life, and had entertain'd one *Straghan* as a companion in his debauchery. This *Straghan* took opportunity to desire the gift of something from *John Forbes*, which not being convenient for him to give, he excus'd himself. Upon which, *Straghan* was so offended, that he strove to be reveng'd on him; and knowing the EARL OF HUNTLY to be at variance with JOHN FORBES, he went to *the Earl* and accus'd him of having for a long time design'd to murder THE KING: And by this means found false evidences to swear to what he alledg'd, that *Mr Forbes* was resolv'd to assassinate THE KING, so that by his death THE DOWGLASSES might be restor'd to their ancient possessions, titles, and honour. Whereupon *John Forbes* was impeach'd, and by the testimony of those false witnesses, found guilty of death by the laws of Scotland; and was beheaded.

'THE KING was so much concern'd for this Nobleman's death, that he banished *Straghan*, and restor'd the second brother of the *Lord Forbes* to his brother's estate and honour: And, in token of his favour, made him one of his Bed-chamber; and the third brother was, by THE KING's interest, married to a lady of great fortune.']

Jul. 20.—JOHN STRATHAUCHIN, son and heir apparent of Thomas Strathachin of Lethinturk, accused of being a participator in the Master of Forbes's treason, having become in THE KING's will, the following LETTER, declaring the royal pleasure, was entered on the books of Adjournal, and sentence pronounced accordingly.

'JAMES, be ye grace of God, King of Scottis. To all and sundry our lieges, and subditis, quham it efferis, (to) quhais knaulege pir our Letteris fall cum, greting: Forfamekill as JOHNE STRATHAUCHIN, sone and apperand are to Thomas Strathachin of Lethinturkis, is becumin in oure will, for arte and parte of ye trefonabill conceling, ymaginacioune and deuifing of our destructioun and Slauchter, be vmquhile JOHNE MAISTER OF FORBES, with ane culvering, and vthir trefonabill dedis and wordis committit be ye said vmq<sup>1</sup>o Johne; ffor ye quhilkis he was conuict and justisfyt to ye dede for ye samyne. WE, herefore declaring our WILL and vtter mynd anent ye said Johne in ye premisses, be ye tenour hereof, decernis, declaris, and ordanis him to pass and remane in Warde, bezond ye Watter of Dee, in quhat partis he plesis, induring our will: AND gif We, in proper persoune, happens to resort or cum bezond ye said Watter, ye said Johne to hald and outdraw him fra us be ye space of xij mylis. CHARGEING 3ow, herefore, all and sundry our liegis and subditis, quham it efferis, that nane of 3ow tak vpone hand to do or attempt ony thing incontrar violatioune or breking of pis our declaratioune of oure mynd and will anent ye said Johne, concerning ye premisses; and to suffer him to joise and brouk peciabilly, and to remane bezond ye said Watter, in Warde, in maner forsaid, during ye space forsaid, aboue writtin, vndir all ye hieft pane, charge, and offence pat 3e and ilk ane man<sup>1</sup> commit and irin<sup>2</sup> agane our Maiesté in pat part. SUBSCRUIT with our hand, and vndir our signete, At Halyrudehouse, ye xvij day of July, and of our regne ye xxiiij 3ere.'

[JAMES R.]

### Besetting the way — Hurting and Wounding, &c.

Aug. 8.—MICHAEL ANDIRSOUN, John and Andrew Fortoun, and Walter Balwarde, americiated for not entering themselves to underly the law for art and part of besetting the way to Mr Alexander Spens and Mr John Spens,

<sup>1</sup> Must consequently, thereby.

<sup>2</sup> Literally, run into, incur.

brothers, the sons of David Spens of Wolmerstoun, on June 28 last; and invading them for their Slaughters, within the burgh of Cowper: And for art and part of Hurting and Wounding them at same time.

#### **Concocation of the Lieges — Invasion — Wounding, &c.**

Aug. 8.—DAVID SPENS of Wolmerstoun, Mr Alexander, George, Robert, and Mr John, his sons, Andrew Spens, brother of John S. of Maristoun, Andrew Lindesay, son of William L. of Pyotstoun, Sir Alexander Spens, chaplain, and ten others, found surety<sup>1</sup> to underly the law at the next Justice-aire of Fife for art and part of Convocation of the lieges to a great number, armed in warlike manner, and Besetting the way to George Arthe of Smetoune and his sons,<sup>2</sup> Invading them for their Slaughter, and cruelly Wounding Nicholas, George, and Sir Walter Arthe, to the great effusion of their blood; committit within the burgh of Cowper, on Jul. 28 last, of forethought felony.<sup>3</sup>

#### **Mutilation.**

Aug. 9.—JOHN CUNYNGHAME of Caprintoune, David Boswell of Auchinlek, George Dowglas of Pennyland, and twenty-six others, found caution to underly the law at the next Justice-aire of Air, for art and part of the Mutilation of John Sampfoune, of the thumb of his right hand, of forethought felony.

#### **Slaughter — Burning of Cunzartoun.**

Aug. 11.—MR ROBERT DOUGLAS, brother to the Laird of Bone-Jedburghe, Mr William Ker, Rector of Auld Roxburghe, George Ker of Lintoune, Gilbert Ker, young Laird of Greneheid, Thomas Macdowell of Makcarstoune, and eight others, found caution to underly the law at the next Aire of Roxburghe, for art and part of the cruel Slaughter of William and Andrew Hall.<sup>4</sup>—(Aug. 13.) PERSY HALL and others,<sup>5</sup> found caution to the same effect, to answer for the crimes formerly imputed to them; and for the Burning of Cunzartoune.

#### **Treason — Intercommuning with the Earl of Angus and other Traitors.**

Aug. 16.—ALEXANDER HUME, Convicted of the treasonable Assistance afforded by him to Archibald, formerly Earl of Angus, and George Douglas, his brother, Traitors and Rebels to the King: And specially, at the time of the Burning of Colbrandispethe and Auldhamstokis, the said Traitors being with

<sup>1</sup> David Spens, younger of Wolmerstoun, is one of the cautioners.      <sup>2</sup> John, George, Sir Walter (chaplain), Thomas, and Allan.      <sup>3</sup> Other indictments against several persons followed from the same squabble, unnecessary to be here detailed.      <sup>4</sup> See Apr. 17, 1537.      <sup>5</sup> See Ibid.

the English Army : And for Intercommuning with the said Rebels in a treasonable manner : And for Intercommuning with other rebels, not being traitors.—  
BEHEADED.

**Oppression — Treasonably assisting the Earl of Angus, &c.**

Aug. 22.—JOHN MATHESONE, junior, Convicted of art and part of the forethought felony and Oppression done to John Lummsdale, dwelling in Clegborne, coming upon him at North Berwik for his Slaughter : AND for art and part of the Oppression done to William Cokburne, coming upon him in the Harbour of North Berwik for his Slaughter, Committed after Christmas last. ITEM, for art and part of the treasonable assistance and Intercommuning with Archibald, sometime Earl of Angus, George Douglas, Little Alexander Jardin, William and Thomas Baty, George Downy, and others their accomplices, Rebels and Traitors, informing them in a treasonable manner of the secrets of the kingdom of Scotland, after the date of his Remission.—BEHEADED.

**Concealing the Lady Glamis's Conspiracy against the King —  
Poisoning the Earl of Rothes, &c.**

Aug. 22.—JOHN LYOUNE, senior, in Knokcany.

[THE importance of this and the following Trial, as appendages to those of LADY GLAMMIS, &c. demands that the Editor should extract the entries from the record *literatim*, so that the reader may be in possession of the minutest facts, as they are expressed in the technical phraseology of the period. It is unnecessary to offer any farther observations on these proceedings, which are now for the first time made public.]

LAUD *five* JUDICIUM FORISFACTURE *datum super quondam Johannem Lyoune.*

JOHANNES LYOUNE, senior, in Knokcany, Convictus de arte et parte proditorie concelationis et non revelationis proditorie et abhominabilis Conspirationis et ymaginationis distructionis nobilissime persone Supremi domini nostri REGIS, per (peffimum) venenum, vulgo le *poysone*, ymaginat. et Conspirat. per quondam JONETAM DOMINAM DE GLAMMYS, ejus filium, et eorum complices ac participes ; quibus proditoribus dict. Johannes assistebat, supplementum, fauorem et auxilium prebuit et exhibuit in eorum nequissimis, peruerfis, et proditoriis Conspirationibus et ymaginationibus pro distructione dict. serenissimi domini nostri REGIS, per dict. proditores ymaginat. et conspirat. : Et pro arte et parte cum eis in eisdem. ITEM, pro arte et parte proditorii vsus et intromissionis cum dict. peffimo veneno le *poysone* pro distructione COMITIS DE ROTHES, in proditorio modo, contra Statuta et Acta Parlamenti, penas in eisdem contentas incurren. et deseruien.—PRO quibusquidem criminibus et calumpniis dict. JOHANNES LYOUNE fforisfecit suam vitam, terras, et possessiones suas qual-



cumque, ac omnia bona sua mobilia et immobilia domino Regi eschaet. ET TRAHITUR et DECOLLATUR.—Et hoc iudicium five laudum redditum et prelatum fuit per os Willelmi Carwod, sectatorem dicte Curie.

**Making and selling Poison — Concealing Lady Glamis's Treason.**

Aug. 22.—ALEXANDER MAKKE, Conuict de arte et parte proditorie confectionis, intromissionis et venditionis veneni, le *poyson*, contra Statuta et Acta Parlamenti, penas in eisdem incurren. : AC etiam pro arte et parte proditorie conelationis et non reuelationis de dict. proditorio veneno, ipso cognoscente ex dicto Johanne Lyoune effectum propter quem ordinatum et emptum fuit : ET pro arte et parte cum dicto Johanne in dictis suis proditoriis actionibus.—PRO quibusquidem criminibus auris dict. Alexandri abscindatur, et erit BANNITUS extra omnes partes Scotie, preter Vicecomitatum de Abirdene ; et ibidem manebit omnibus diebus vite sue ; et quod<sup>1</sup> exhibit dict. Vicecomitatum, sub pena mortis. ET hoc redditum fuit pro iudicio, per dict. sectatorem.

**Slaughter.**

Aug. 31.—WALTER LYNNE, Convicted of art and part of the cruel Slaughter of Patrick Mowat, committed on forethought felony.—BEHEADED.

**Willful Error on Assise — Imprisonment for year and day, &c.**

Oct. 23.—THOMAS LAWRISTOUNE OF THAT ILK, John Ramsay of Halhouse, Henry Wardlaw of Kilbairtoun, and four others, were tried by a grand jury,<sup>2</sup> who found that they had ' wilfullie and manifestlie errit, periurit and þame selff mansworne, in purgeing and declaring of JOHN PENNYCUKE OF THAT ILK, Alexander, his bruthir, James Creichtoun, and James Lawfoune, quyte and but crime,<sup>3</sup> of þe Mutilatioune of Roger Tuedy in Lyntoun of his tholme<sup>4</sup> of his right hand, thay being vpone þe Affise of þe saidis personnis in ane Court of Justiciarie, haldin in þe tolbuith of Edinburghe, þe ferd day of October, þe 3ear of God I<sup>m</sup>V<sup>c</sup>. xxxvj 3eris ; and þai seand with þare propir ene þe said Rogeris tholme schewin before þame, for þe vndir part cutit away and mutilat ; and sua, hes manifestlie and Wilfullie erryt. SENTENCE.—And þarfor, all þair movable gudis fall be þe Kingis ESCHETE ; and þai haue incurrit þe NOTE OF INFAMITI : And þair personis to be PRESONIT for ane 3eir and day, and farther, induring þe Kingis Will.

**Convocation of the lieges — Stouthreit — Oppression.**

Oct. 26.—ANDREW KER in Auld Roxburghe, William Ker in Stok-

<sup>1</sup> Non ? <sup>2</sup> ' Per magnam Affisam ; by ' ane gret Affise.' <sup>3</sup> Acquitted and free from crime. <sup>4</sup> Thumb.

fruther, and Thomas, his son, with *sixty-five* others, came in the King's will<sup>1</sup> for art and part of Convocation of the lieges, to the number of two hundred persons, armed in warlike manner, with targets,<sup>2</sup> splentis,<sup>3</sup> and other invasive arms, on Aug. 2 last; and for art and part of the Stouthreif and Oppression done to Helen Ruthirfurd of that Ilk, and her poor Tenants, coming to her lands of Hurdhouse and Theifknowis, lying on the marches of her barony, and the lands of Rutherfurd, and Stouthreif from her and her tenants of fixty 'sled-full'<sup>4</sup> and fixty 'cart-full' of 'hader.'<sup>5</sup>

#### **Besetting the Laird of Auchinamys for his Slaughter.**

Nov. 13.—SIR JOHN WALCAR, Chaplain, dilated of art and part of Besetting the way to Thomas Craufurd of Auchinamys, at his Fishing of Cart, and Invading him for his Slaughter, in company with William Lord Sempill, and his accomplices. He was replegiated by Gawin, Archbishop of Glasgow, to his Regality.

#### **Slaughter of the Lairds of Pardow, Lettir, and Ballindroicht.**

Nov. 15.—COLIN CAMPBELL of Auchinhowye, Convicted of art and part of the cruel Slaughter of Allan Hammiltoun of Pardow, Robert Striueling of Lettir, and Andrew Striueling of Ballindroicht, committed of forethought felony, in company with Colin Campbell, younger, his son, William Campbell, his servant, John Campbell, his grandson and heir-apparent, John Roger, his servant, and Charles Campbell, his porter.<sup>6</sup>—BEHEADED.

#### **Sedition and Insurrection in the Burgh of Air.**

Jan. 19, 1537-8.—JOHN CRAUFURD of Drongane, came in the King's will for art and part of the Sedition and Infurrection made between the neighbours and the Inhabitants of the burgh of Air: And for art of the common Oppression of his neighbours.—William Craufurd, young Laird of Lefnoriis, and John Lokert of Bar, became cautioners to satisfy the King and the parties.

#### **Hamesuckin and Oppression of the Laird of Bargany in Air, &c.**

Jan. 19.—ALEXANDER LOKERT, burghs of Air, Convicted of art and part of Convocation of the lieges in great numbers, within the burgh of Air, in

<sup>1</sup> By a marking on the margin of the Record, it appears that Andrew Ker was fined 40 li, William and Thomas in 20 li. each, and the rest in 20 s. each.

<sup>2</sup> 'Cum *cadurcis*.' It is by no means clear what is signified by this term, which, literally, denotes a *coverlet*; but it is likely to be used figuratively for some kind of shield or targe.

<sup>3</sup> Armour for the legs, chiefly used by horsemen.

<sup>4</sup> Sledges full. <sup>5</sup> Heather, heath. <sup>6</sup> Hugh Lord Somervill, Robert Bruce of Bynning, and Hugh Montgomery of Hesselheid, were amerced for not passing upon this Assise.

Autumn last, against the tenor of the Acts of Parliament: AND for art and part of the Hamefuckin and Oppreffion done to Alexander Kennedy of Bargany, his near neighbour, at the same time; coming to his house, within the burgh of Air, in warlike manner, with invasive weapons, and throwing stones at his windows and doors, and breaking and destroying the same. AND for art and part of the Sedition and Insurrection made between the neighbours and the Inhabitants of the burgh of Air: AND for common Oppreffion of his neighbours.

**Taking captibe, &c. — Ejection from certain lands — Murder.**

Feb. 21.—THOMAS CRAUFURD of Auchnames and Archibald Prestoun came in the King's will for the compulsion and taking captive of Sir Thomas Craufurd, Chaplain, against his will, to the Place of Auchnames, and for detaining him therein in captivity and subjection, for a certain space, usurping thereby his Majesty's authority.—He also came in the King's will, along with Thomas Rowane, for art and part of the unjust Ejection and outputting of Margaret Lufe (Love), widow, and John Paterfon, her son, furth of their set of the lands of Kibbilstoune, within the lordship of Auchnames. Hugh Montgomery of Hefilheid, the Master of Glencairne, and the Laird of Robertland, became cautioners to satisfy the King and parties.—THE SAME DAY, THE LAIRD OF AUCHNAMES, James, his brother, along with Prestoun and Rowane, received the King's Respite for the cruel Slaughter and Murder of John Quhite, committed of forethought felony. Craufurd of Hanyng became surety for the satisfaction of the parties.

**Treasonably assisting James Douglas of Parkheid.**

Mar. 21.—JOHN TUEDY, in Lyntoun, convicted of art and part of the treasonable assistance given to James Douglas, formerly of Parkheid: And for art and part of 'way-putting' him;<sup>1</sup> he being suspected of certain crimes of High Treason, and fugitive for the same; of the assistance, causing, and counsel of the said John.—Delivered in Ward to the Captain of Edinburgh Castle.

*SUPPLICATION by Jonet Pollok, Spouse of John Tuedy.*<sup>2</sup>

SOUERANE LORD, vnto your gracious hienes humilie menis and hevelie complanis and schawis I your graces seruitrice JONET POLLOK, spous of *Johne Tuedy*, in Lintoun, That quhare my sad spous is hevelie trublit in your graces Ward, in ye Castell of Edinbur<sup>t</sup>, for cauffis pat he is innocent of, as, will God, salbe heireftir clerly vndirstand to your grace; and he is stratly kept in preson, and is daily at gret expensis, and I haf na erdly gudis to gif him, bot it<sup>3</sup> I beg at frendis: And laitly, my Lord of Morton hes put me furth of my maling,<sup>4</sup> pat suld haf sustenit my sad spous and me, and our x (ten) barnis. HEREFOR, I beseke your l. nobill grace to haf royth and piete<sup>5</sup> of my sad spous, and gif command to ye Capitan to kepe him in fré Ward, he findand sicker souerté<sup>6</sup> pat he fall nocht eschaip nor

<sup>1</sup> Effecting his escape.    <sup>2</sup> Orig. among Warrants of the Court.    <sup>3</sup> Excepting what.    <sup>4</sup> A small piece of ground for which mall or rent is paid.    <sup>5</sup> Ruth and pity.    <sup>6</sup> Sure caution or surety.

eschew your graces Ward; and I and my ten barnis fall pray dailie for prosperité of your nobill grace bath in saule and body, for our listymis. And your gracious anfuere huimlie I beseke, for þe reward of God.—(*Indorsed*) APUD ED., *primo Augusti, anno 1<sup>m</sup>V<sup>c</sup>. xxxviii<sup>o</sup>.* THE KINGIS grace Ordanis þe Justice-Clerk to refiane souerte of þis complenar, vnder gret panis;<sup>1</sup> quhilk sovrite being fund, Ordanis þe Capitane to put him to fré Ward within þe Castell. JAMES R.

WARRANT *from the King to put John Tuedy to liberty, &c.*

REX,

JUSTICE-CLERK, It is our will and we charge you þat incontinent eftir þe sicht heirof 3e cause JOHN TUEDY, now being in Warde within our Castell of Edr, be lettin furth of þe samin to liberté; and tak souerte of him as 3e think expedient, þat he fall entir agane befoir our Justice, or his deputis, or within ony Castell of ouris, quhen he beis requirit, vpoun xv dayis warning, vnder certane gret panys; 3e keipand þis for your Warrant. SUBSCRUIT with our hand, At Lynlythg<sup>w</sup>, þe secund day of Februar, and of our regne þe xxvj 3eir (1538-9). JAMES R.

### Leasing-making punished capitally.

Mar. 26, 1538.—WILLIAM SCOT Convicted of art and part of transgressing and breaking the Act of Parliament against Leasing-makers, for eschewing of discords between THE KING and his faithful BARONS, and lieges; incurring thereby the pains of the said Act.—HANGED.

### Murder — Stouthreif.

Apr. 15.—JOHN HENDIRSOUNE Convicted of art and part of the cruel Murder of . . . . . Hendirsone, coming upon him at Crukfounhauche, on the water of Heremyte, and cruelly Murdering him: And for Stouthreif from him of his cloathes, certain English Nobles,<sup>2</sup> and his sword.—HANGED.

### Stealing wool from live sheep.

Apr. 15.—JOHN CORRY Convicted of art and part of the Theft and concealment of certain wool taken off seven live sheep, under filence of night, within the Place of Wrichtis-Houfis, near Edinburgh.—His EARS CUT OFF, and to be afterwards SCOURGED through the burgh.

### Lord Forbes's Treason, &c.

[It is extremely probable that the wretched individual, whose piteous 'Supplicationne' follows, was the person who betrayed JOHN MASTER OF FORBES, and who was, through the influence of *the Earl of Huntley*, the immediate cause of that young Nobleman's execution.

This document, which was found among the mass of loose papers and Warrants belonging to the Court, is so remarkable, that it has been thought proper to preserve it in this place. The reader is referred to the Trial of the Master of Forbes in this Collection.]<sup>3</sup>

Apr. 26.—MAIST souerane and gracious Prince onder God, MAISTER DAVID STRATHAUCHIN,<sup>4</sup> huemly menys, quhair I ame alluterly hereit<sup>5</sup> and

<sup>1</sup> 'I=ii.' marked on the Warrant. I, \* 183.

<sup>4</sup> See Apr. 26, 1536.

<sup>2</sup> A coin of the value of 6s. 8d. English.

<sup>5</sup> Ruined; literally, plundered, or 'harried.'

<sup>3</sup> Trials,

distroyit in my gudis, throcht my expensis sutfastly<sup>1</sup> making in Ward and lamit in my persoune, be tormenting,<sup>2</sup> invollwyng my self in det for furneing of me and tuay seruandis; suay þat my wýf and x barnes ar hungerit and forfarne,<sup>3</sup> and hes tayne apoune credence,<sup>4</sup> becaus I had nay vþerwayis to furnes of my awyne, xxxv li.; quhairthrocht, and in my defalt of payment þairof, canne get nay mair, bot manne peryse for wanting of lyvyse fuyd,<sup>5</sup> wythout your gracious hines put remeid heirto: Beseking, in maist lamentabill maner, sen suay is, þat of your greit meir mercy (you) wald suffir me to pafs hayme, ondir sic fouerteis as pleifis your hienes to tak, þat I may cause onder fowmes of money till enter and onderly your lawis, for ony manner of crymes; or þanne, becaufe of my greit necessité and pouerté, þat your nobilnes wald put me wyth ony honest persone þat may furnes my expenses for my seruice, onder fyclyk fouerteis, onder fowmes þat I fall nocht remvf, bot byde and onderly all chargis þat may be imput to me, as knawis God, quhome to I comitt my haile cause, and to your maist gratiouise nobilnes to dispone as ze think cause; quhome for, fall my daly deuocione and prayer be for prosperité bayth of saule and body.—[INDORSED.] APUD STRIULING, xxvj<sup>to</sup> Aprilis anno Domini I<sup>m</sup>V<sup>e</sup>xxxvij. THE KINGIS grace Ordanis the Capitaine and Keparis of þe Castell of Edinbro', to put MAISTER DAUID STRADAQUHINE, now being in the said Castell, to liberté and fredome, swa þat he may pafs to þe burght of Dundé, thare to remaine in Warde, induring his grace will; fuerte being first funding to þe Justice Clerk, and actitate in þe bukis of Adiurnale, that he sal nocht breik his Ward of þe said burght, vnder the paine of ane thousand pundis; the said Capitaine taking ane tikat<sup>6</sup> subscriuit with the Justice Clark and the fouerteis funding;<sup>7</sup> and the Justice Clark keping this charge for his and the said Capitane Warrant. JAMES R.

### Convocation — Wounding — Stouthreif — Oppression.

Oct. 2.—RICHARD LAUDER and twelve others denounced rebels, &c. for not underlying the law for art and part of Convocation of the lieges, to the number of 100 persons, armed in warlike manner: And for art and part of besetting the way to Andrew Cunynghame, sone of Sir William Cunynghame knt. Master of Glencarne: And for cruelly Wounding and Hurting him: And for Stouthreif from him of his sword, 'quhingar,' belt, and purse, and certain money therein: And also, for art and part of his Majesty's authority in taking and detaining James Cunynghame, servant to the said Andrew, and putting him in the Stocks for twenty-four hours in subjection and captivity, he being a free man; thereby usurping the King's authority, &c.

<sup>1</sup> Truly, really.      <sup>2</sup> He was put to the torture, repeatedly, to extort Confession.      <sup>3</sup> Famished, like to perish.      <sup>4</sup> Credit.      <sup>5</sup> Necessary food or sustenance.      <sup>6</sup> Ticket, bond.      <sup>7</sup> The cautioners found. These were Alexander Strathauchin of Brigtonne, and Henry Ramsay of Lawis.

**Convocation — Spuilzie of Teind-sheaves — Wounding, &c.**

Nov. 7.—GEORGE LORD HUME,<sup>1</sup> Stephen Howat, and five others, found caution to underly the law at the next Justice-aire of Berwick, for Convocation of the lieges to the number of *sixty* persons, armed in warlike manner, upon Sep. 10 last, coming upon Thomas Lowry and Robert Lummisdene, and other tenants of Stichell, whilst leading the Teind sheaves of the Abbay of Coldinghame, belonging to them by reason of their Lease, and 'Spuilzie' of the said sheaves; and for Hurting and Wounding the said persons.

**Resetting Border Thieves and Rebels — Breaking 'the Band.'**

Nov. 7.—WALTER KER OF CESFURD, James Douglas of Caveris, George Ruthirfurd of Hundolé, John R. of Hunthill, and Andrew Ker of Dolphingstoune, CONVICTED of art and part of the favor and assistance afforded to Robert Ruthirfurd, George R. called *Cokburne*, and John R. called *Jok of the grene*, and their accomplices, Rebels and at the horn; permitting them to pass within their bounds continually, for divers years past: For not using their utmost diligence to hinder them from committing fundry Slaughters, Stouthreifs, Thefts and Oppressions upon the King's poor lieges; nor ejecting the said Rebels, their wives and children, from their bounds and bailliaris, but knowingly suffering them to pass within their limits, and to remain therein beyond the space of twelve hours, to commit fundry crimes during the time of their passing and reset within the shire wherein they dwell: And for not concurring with their friends, men, tenants, servants and adherents, against the said Rebels, and pursuing and apprehending them, that they might be delivered up to the laws, and put to death: Nor keeping the said Rebels furth of the said limits; thereby breaking, transgressing and violating their Obligation and 'Band' to the King, and incurring the pains contained in the said 'Band.'

**Usurping the King's authority — Setting a Murderer free.**

Nov. 8.—ALEXANDER FORBES of Brux, and Alexander Forbes of Tolleise, found surety to underly the law at the next Justice-aire of Aberdeen, for art and part of Usurping the King's authority, in taking and detaining John Makanedoy, after the Slaughter of Christian Bowmane Lady of Bruxis, for the space of four days 'red-hand' after commission of said Slaughter: And for disposing of his goods, which belonged as an escheat to the King: And for putting the said John to liberty.

<sup>1</sup> The Earl and twenty others came in the King's will for Hamesucken and Convocation of the lieges to the number of 200 men, taking the Teind-sheaves furth of the barn-yard of James Kirkcaldy of Grange, his Majesty's treasurer, and factor for the Abbacy of Coldinghame, carrying off and destroying seventeen chalders of corn and Teind-bear (barley).—The Lairds of Coldenknowis, Aytoune, and Cranstoune, became surety for them.

### Treasonable Intercommuning with the Earl of Angus.

Dec. 16.—ANGUS DINGLAY came in the King's will for art and part of the treasonable assistance, supply, and Intercommuning with Archibald formerly Earl of Angus, his brother, and their accomplices, Rebels and traitors, being at the horn; going with the said Rebels, and Intercommuning with them in Berwick: And for revealing and declaring to them the secrets of the kingdom of Scotland; THE KING being then in France.

### Commencement of the Reformation of Religion in Scotland — Heresy — Using Heretical Books, &c.

[THE Criminal Records do not afford us the extent of information which might have been expected upon the important subject of THE REFORMATION OF RELIGION IN SCOTLAND; but from them, and from the Register of the Privy Seal, &c., very interesting notices are to be met with. The reader will find that the Editor has amply availed himself of both of these sources. Referring generally to the well-known and valuable Historical works of *the Reverend Dr M'Crie*, *Keith's* and *Calderwood's* Church Histories, *Knox's* History of the Reformation, &c., for narratives of the persecutions against the early Reformers, the Editor shall merely annex a variety of contemporaneous and early authorities, for the purpose of exhibiting interesting reports of individual cases, in so far as they are illustrative of those proceedings which appear in other parts of this Collection. The labours of *Dr M'Crie*, *Dr Cook*, and others, who have entered into a full discussion of this remarkable portion of the history of our country, have long since met with the unqualified approbation of all who have turned their attention to the study of Church History, whether considered as a separate science, or as intimately connected with the political aspect of these eventful times.

It may be advantageous to prefix to the earliest notice which occurs in the Books of Adjournal, such Papers as have been selected by the Editor for the illustration of this subject; referring the reader more generally to the other materials which follow in the course of this work. This method may perhaps be more practically useful than inserting them among miscellaneous documents in a general Appendix.

Many readers may feel gratified by the following particulars, connected with some of the Narratives which are given in this work.

In 'OBSERVATIONS UPON A HOUSEHOLD BOOK OF KING JAMES V,' by Henry Ellis, Esq.,<sup>1</sup> published in a recent volume of the *Archaeologia*, he remarks, 'The presence of THE KING himself at Edinburgh,<sup>2</sup> at an *auto-da-fé*,' is likewise noticed on the first of March, 1539, '*Accusatio hereticorum*

<sup>1</sup> *Archaeologia*, xxii. 7.

<sup>2</sup> He returned to Linlithgow on the night of the 2d March. *Ibid.*

*et eorum combustio, apud Edinburgh REGE presente.* He further informs us, that this happened 'when KELLER and BEVEREGE, two Dominican friars, *Sir Duncan Simson of Stirling*, a priest, *Robert Forrester*, a gentleman of that town, and *Thomas Forest*, Canon regular of St Colms on the Forth, and Vicar of Dolar, in Perthshire, suffered upon the Castle-hill. A short contemporary comment upon this event, occurs in an Original Letter from *the Duke of Norfolk to Lord Cromwell*, preserved in the British Museum, dated Berwick, Mar. 29, 1539. Complaining of the bigotry of KING JAMES V, his Grace says, 'Dayly commeth unto me some gentlemen and some Clerks, wiche do flee out of Scotland, as they said, for redyng of Scriptures in Inglilhe, faing, that if they were taken, they sholde be put to execution. I give them gentle words; and to some money. Here is now in this town, (Berwick,) and hath be a good feason, she that was wife to the late *Capitayne of Donbar*,<sup>1</sup> and dar not retorne for holding our waies, as she faithe. She was in Englonde and sawe QUEENE JANE. She was *Sir Patrick Hamilton's* daughter, and her brother wes brent in Scotlande iij or iiij years past.'

The other numerous instances of persecutions, for 'HERETICAL OPINIONS,' as they were then termed, though interesting in themselves, are already fully detailed by the authors before named, to whose works reference may be made.]

I. NARRATIVE of the proceedings against *David Straiton, of the House of Lawriestoune, Mr Norman Gourlay, and others*,<sup>2</sup> Aug. 27, 1534.

IN the month of August (1534) THE BISHOPS, having gotten fitt opportunitie, renewed their battell aganeft Jesus Christ. DAVID STRATILON, a Gentelman of the Houfe of Lawrestoune, and MR NORMAN GOWRLAY, was brought to judgement in the Abby of Halyrudhoufe.<sup>3</sup> THE KING him self, all cloathed with reid,<sup>4</sup> being present, grait pains war taken upon *David Stratoun* to move him to recant and burn his Bill;<sup>5</sup> bot he, ever<sup>6</sup> standing to his defence, was in end adjudged to the fire. He asked grace at THE KING.<sup>7</sup> THE BISHOPS ansfwerd prouddie, that 'the King's hands war bound, and that he had no grace to give to such as were by law condemned.' So was he, with *Mr Norman*, after dinner, upon the 27 day of Agust, led to a place beside *the Rude of Greenside*, between Leth and Edinbrug, to the intent that the inhabitants of Fife, seeing the fire, might be striken with terrour and feare.

*David Straitoun* at the first hated the Preefts onlie for their pride and avarice. *The Bishop of Murray* exacted of him the tenth fish. His ansfuer to his fervents<sup>8</sup> was—'If they would have that which his fervents had gotten, it war reafoun they should come and reive it quhair they gott the stock.' And, as was constanlie affirmed, he caufed his fervents cast the tenth fish in the sea againe. Procefs of Curfing was laid aganst him; which, quhen he contemned, he was fummoned to anfwer for Heresie. He had bein befor verie stuborne, and despised all reading, specialie of good purpoffes; now, he delighted in nothing bot reading, albeit he could not read him self, and exhorted everie man to peace and concord, and to the contempt of the world. He frequented much the companie of *John Arskine, Laird of Dun*,<sup>9</sup> a man marvloufllie enlightned, in respect of these times. When *the Laird of Lawer-*

<sup>1</sup> See Extract from *Cald. MS.*, Aug. 1534. Dame Katharine Hamilton. <sup>2</sup> *Calderwood's Church History*, MS. Adv. Library. See also *M'Crie's Reformation*, I, 353. *Pitscottie*, p. 150. *Knox*, p. 21. *Spotswood*, p. 66.

<sup>3</sup> Their accuser was James Hay, Bishop of Ross, Commissioner of Cardinal Beaton. <sup>4</sup> The usual Judicial dress in Criminal cases, which is still red. See *Foxe's Book of Martyrs*, Fol. Lond. 1596, p. 896. <sup>5</sup> The form of recanting. See the close of this article, p. 211. <sup>6</sup> Constantly. <sup>7</sup> *Pitscottie* thus relates this proceeding: 'They condemned *David Stratoun* because he would not abjure and burne his faggot, quhilk they war verrie earnest to have done; and THE KING himself procured (pleaded) for his lyff, quhilk the Bischopis grantit, if he would burne his faggatt, quhilk the said *David* o nawayes wold doe. Quhairfor *the Vicar* (Dean Forret, see articles II, III, and IV,) and he war both brunt. I know no caus quhy, bot that this *David* wold not pay his teindis thankfullie to his Person. And also *Mr Normand Galloway* (*Gourlay*) was brunt, becaus he was in the East-land and cam home and married ane wayff, contrair the forme of THE POPP's institution, becaus he wes ane Preist, to quhom it was not permitted to marrie; bot if he had had ane thousand whores he had nevir beine quarrelled!' <sup>8</sup> *Foxe* attributes this act to Mr Robert Lawsons, Vicar of Eglishrig. <sup>9</sup> Afterwards Superintendent of Fife.



*Stoune*, being then a young man, was reading to him upon the New Testament, he chanced to read this sentence of our master, ' he that denieth me befor men, I will denie him in the presence of my ffather and befor his Angels; ' at quhich words, as one revived, he sudentlie cast himself upon his kneis, and extended his hands, and looking constantlie with his visage toward pe Heaven a reasonable time, he burst furth at lenth in these words,— ' O Lord, I have bein wickied, and justlie may thow abstract thy grace from me; bot Lord, for thy mercies sake, lett me never denie thee nor thy truth, for feare of death or bodilie pain ! ' The issue declared that his prayer was not powered out in vaine.

*Mr Normand* was a man of reasonable erudition and knowledge, although it was joyned with weaknefs. He had said thair was no Purgatorie, and that THE POPE was not a Bishop, but an Anti-Christ, and that he had no jurisdiction in Scotland. *James Hay, Bishop of Ross*, satt in judgement, as Commissioner to *James Beatone, (Arch) Bishop of Sanct Andrews*, as Mr Fox relateth.

To that diet was summoned others also, of whom some compeared in the Abbay Kirk of Halirud-houfe, abjured and publickly burnt the Bills. Others compeared not, bot fled out of the countrie. *Adame Dayes*, or *Dales*, a shipwright, that dwelt on the North side of the bridge of Leith, was one of the number. *Henrie Carnes*, skipper in Leith, fled out of the countrie to the Eastern Seas. *John Stewart*, indweller in Leith, died in exile. *Mr William Johnstoune*, Advocat, fled out of the countrie; returned in the time of GOVERNOUR HAMMILTOUNE: *Reid, Bishop of Orknay*, bought his houfes (being confiscat) with a small soume; so that it was thought great favour that he gott the use of ane chalmber; bot after his death he gott no buriall, nather in Church nor Church-yard. *Mr Hendrie Henderfone*, Schooll-master of the Grammer Schoole of Edinbrugh, was after summoned; and in the end, for non compeareing, was condemned as *contumax* and Heretick. He died in England. *Sir William Kirkie*, Preeft, whither he compeared and abjured or fled, we can find no certaintie.

Mr Fox<sup>1</sup> referreth to this time *Sir James Hammiltoune* of Linthgow, Shirriff, and his sifter, *Katharine*.<sup>2</sup> James Hammiltoune was accused as one that maintained the oppiniouns of *Mr Patrik*, his brother, to whom THE KING gave counsell to depairt and not to compeare; for in case he compeared, he could not help him, because THE BISHOPS had perswaded him the cause of Heresie did nowayes apertaine to him.<sup>3</sup> And so *James* fled, was condemned as ane Heritick, his goods and lands confiscat and disposed wnto others. His sifter *Katharine* appeared; and being accused of Heresie, to witt, ' that her owne works could not save her,' she granted; and after long reasouning betwene her and *Mr John Spens* the lawyer,<sup>4</sup> she concludit in this manner, ' Work heir, work there, qubat kinde of working is all this? I know perfectlie that no kinde of workes can save me, bot onlie the works of Christ, my Lord and Saviour!' THE KING, hearing these words, turned him about and laughed, and called her wnto him, and caused her to recant, because she was his aunt. And so she escaped.

A woman of Leith was detected upon this occatioun. Quhan the Midewife, in time of her labour, bid her say, ' Our Ladie help me!' She cried ' Christe help me! Christe helpe me, in whose help I trust!' She was also constrained to recant, and escaped without confiscation of her goods, because she (was) married.

The publict CEREMONIE OF RECANTING in these times, was to beare a fflaggot of drie sticks, and burne it publickly; to signifie that they war destroying that quhich should have beine the instrument of their death.

## II. NARRATIVE of the proceedings against *Friar John Keillor, Dean Thomas Forret, Friar John Beverage, Duncan Simson, and Robert Forrester*.<sup>5</sup>

IN February, the year 1539, or, as others account, the beginning of the year, the 25 of March, 1538, JOHN KILLOR, Blak Frier, DEAN THOMAS FORRET, Vicar of Dolor and Channon Regular, JOHN

<sup>1</sup> *Foxe's Martyrs*, p. 895.      <sup>2</sup> 'The spouse of the Captaine of Dunbar.'—*Foxe*.      <sup>3</sup> That it did not fall under his prerogative.      <sup>4</sup> Mr John Spens of Condy, afterwards King's Advocate.      <sup>5</sup> *Calderwood's Church Hist. MS. Advocates' Library*.

BEVERAGE, Blak Frier, and DUNCAN SIMPSON, a Preift at Stirline, a Gentleman, called ROBERT FORRESTER, in Stirline, war summoned be THE CARDINALL (Beaton) and the Bifhop of Dumblain. At the day of their appearance, they were condemned to the death, without any place for recantation; becaufe, as was alledged, they were Herefiarchs or Chief Hereticks, and teachers of Herefie; and especially, becaufe many of them were at the briddell and mariage of a Preift who was Vicar of Tillibodie,<sup>1</sup> befide Stirline, and did eat flefh in Lent at the briddell.<sup>2</sup> They were cruelly Murdered wpon the Caftle hill of Edinburgh, the laft of February.<sup>3</sup> That crueltie was used be the Cardinal, the Chancelour, the Bifhop of Glasgow, and the inceftuous Bifhop of Dumblain.

FRIAR KILLOR fet forth the History of Chrif't's paffion in form of a Commedie,<sup>4</sup> quhich was acted at Stirline in THE KING's prefence, upon Good Fryday, in the morning; in the quhich all thingis were fo livly expreffed, that the very fimple people underftood and confefed that as the Preifts and obftinate Pharifies perfwaded the people to refufe Chrif't Jefus, and caufit Pilate to condemn him, fo did the Bifhops and men, called Religious, blind the people, and perfuaded Princes and Judges to perfe-cute fuch as profefs Chrif't Jefus his bleffed Gofpell. This plain fpeaking fo inflamed them thairefter, that they thirfted ever for his blood.

THE VICAR OF DOLOR faid to his fervant, *Andrew Kirkie*, that ' he never heard a more heavenly fpeech all his lifetime, than out of the mouth of a Frier KILLOR, quhen he was imprifoned in the Caftle of Edinburgh; ' but *Andrew* could not remember the words. *Buchanan* fayeth that 5 were burnt at that time, 9 recaunted, and many fled out of the country, of the quhich number he him felf was one. The names of the recaunters we have not fet doune in our Hittory; only be report we hear of *Walter Coufland*, merchant in Stirline, and *James Watfon*, merchant, who burnt their faggots;<sup>5</sup> but as for the *Vicar of Dolor*, burnt at this time, we will fet doun a fuller Hittorie of his life and death than hath been yet extant.

DEAN THOMAS FORRET, Vicar of Dolor, preached every Sunday to his parochiners the Epiftle or Gofpell, as it fell for the time; quhich then was a great novelty in Scotland to fee any man preach, except a Black Frier or a Gray Frier; therfor the Friers invyed him, and accused him to the *Bifhop of Dunkell*, in whose dioceis he remained, as ane Heretick, and one that fhewed the myfteries of the Scriptures to the vulgar people in Englifh, to make the Clergie deteftable in the fight of the people. The *Bifhop*, moved by the Friers' infligation, called the faid *Dean Thomas*, and faid to him, ' My joy,<sup>6</sup> *Dean Thomas*, I love you weill, and therfor I moft give yow my counfell how yow fhall rule and guid your felf.' To quhom *Thomas* faid, ' I thank your lordfhip heartily.' Then the *Bifhop* began his counfell on this maner: ' My joy, *Dean Thomas*, I am informed that ye preach the Epiftle or Gofpell every Sunday to your parocheners, and that yow take not the cow<sup>7</sup> or upmoft cloath from your parocheners, quhich is very prejudiciall to the Churchmen; and therfor, my joy, *Thomas*, I would (you took) your cow and upmoft cloath as other Churchmen doeth; or els, it is to much to preach every Sunday, for in fo doing ye may make the people think that we fhould preach likeways! But it is enough for you quhen ye find any good Epiftle or any good Gofpell, that fetteth forth the libertie of the Holy Church, to preach that and let the reft be!' *Thomas* answered, ' My lord, I think that none of my parocheners will complain that I take not the cow nor the uppermoft cloath, but will gladly give me the fame, together with any other thing they have; and I will give and communicate with them any thing that I have; and fo, my lord, we agree right weel, and there's no difcord among us. And quhere your lordfhip fayeth, it is to much to preach every Sunday, indeed I think it is to litle, and alfo would wifh that your lordfhip did the like!'—' Nay, nay, *Dean Thomas*, ' faid my lord,

<sup>1</sup> Thomas Coklaw.    <sup>2</sup> See *Foxe*, p. 1154.    <sup>3</sup> *Foxe* adds, ' Where they that were first bound to the stake godly and marvellously did comfort them that came behinde.'    <sup>4</sup> One of the Mysteries or Moralities, which were so popular, among the Clergy as well as the people, during the Holidays.    <sup>5</sup> Recanted.    <sup>6</sup> My Joe, a familiar expression in use among very intimate friends. See this dialogue in *Foxe*, p. 1153.    <sup>7</sup> ' The mortar and the chrisome.' See Note at the end of the next article, p. \* 214.

‘let that be, for we are not ordained to preach.’ Then said *Thomas*, ‘Quhere your lordship biddeth me preach quhen I find any good Epistle or a good Gospell, truly, my lord, I have read the New Testament and the Old, and all the Epistles and Gospells, and among them I could never find an evill Epistle or an evill Gospell; but if your lordship will shew me the good Epistle and the good Gospell, and the evill Epistle and the evill Gospell, then I shall preach the good, and omitt the evill!’ Then spake my lord stoutly, and said, ‘I thank God, that I never knew quhat the Old and New Testament was! Therfor, *Dean Thomas*, I will know no thing but my Portaille<sup>1</sup> and my Pontificall!’ Of these words arose a proverb, quich is common in Scotland, ‘Ye are like *the Bishop of Dunkeld*, that knew neither the New nor the Olde lawe!’—‘Go your way,’ said my lord, ‘and let be all these phantasies; for if ye persever in these erroneous opinions, ye will repent quhen ye may not mend it!’ *Thomas* said, ‘I trust my cause be just in the presence of God, and therfor I pass not much quhat do follow therupon!’ So my lord and he departed at that time. But soon after a summond was directed, as we have heard.

### III. MEMOIR of *Dean Thomas Forrett, Vicar of Dollar.*

*THOMAS FORRETT, Vicar of Dolor*, was a Gentleman of the House of *the Laird of Forrets*, in Fife. His father was Master Stabler to KING JAMES IV. After he had got some beginning in the Rudiments, he went to Culen<sup>2</sup> and learned his gramer, (and) be the help of a rich lady was sustained ther at schools. After he returned he was made a Channon in SANCT COLME’S INCHE, and was a fervant Papist. Ther fell out a debate betwixt THE ABBOT and *Channons* about their portion due to them for their maintainance. They got the Books of the foundation that they might understand the better of quhat allowance was due to them every day. *The Abbot* took the book from them, and gave them a Volume of *Augustine’s* to read and study in stead of it. ‘O happie and blessed was that book,’ said he many a time after, quhairby he came to the knowledge of the truth. He converted the younger Channons; but ‘the old bottells,’ he said, ‘would not receive the new wine!’ Therafter he was made *Vicar of Dolor*. He taught his flock the ten Commandments, and shewed them the way of their salvation to be only by the blood of Jesus Christ. He penned a litle Catechise,<sup>3</sup> quich he caused a poor child answer him, quhen any faithfull brother came to him, to allure the hearts of the hearers to embrace the truth; quich indeed converted manie in the countrie about. He rose at six in the morning, and studied till twelve; and after dinner till supper, in Summer. In Winter he burnt candle till bed-time. When he visited aney sick person in the Paroch that was poor, he would carie bread and cheefe in his gown-sleeve to the sick person, and give him silver out of his purse, and feed his soul with the bread of life. He was very diligent in reading the Epistle to the Romans, in the Latin tongue, that he might be able to dispute against the adversaries. He would get three chapters perquire<sup>4</sup> in one day, and at even gave the booke to his servant *Andrew Kirk* to mark quhair he went wrong in the rehearsing; and then he held up his hands to Heaven, and thanked God that he was not idle that day.

He was diverse times summoned before *the Bishops of Sanct Andrews* and *Dunkell* to give account of his doctrine; but he gave such reasons and answers that he escaped, till that cruel *Cardinall David Beton* got the upper hand.

Quhen he was brought to the place of Execution *Frier Harbukell*<sup>5</sup> biddeth him follow him. ‘Say, I beleive in God,’ sayeth the Frier. ‘I beleive in God,’ sayeth he. ‘And in our Lady,’ sayeth the Frier. ‘I beleive as our Ladie beleaveth,’ said he. ‘Say,’ said the Frier, ‘I beleive in God and in our Lady.’—‘Ceafe,’ said he, ‘tempt me not! I know quhat I should say as well as ye, thankis be to God!’ So he left him, and tempted the rest after the like maner. In the mean time, while he was saying to the people, ‘I never ministered the Sacrament but I said, as the bread entereth into your

<sup>1</sup> Mass-Book or Breviary.

<sup>2</sup> Cologne.

<sup>3</sup> Catechism.

<sup>4</sup> Off the book, *par coew*.

<sup>5</sup> Arbuckle.

mouth, so shall Christ dwell by livly faith into your hearts!—' Away! away!' said one standing beside, with his jack<sup>1</sup> on him, ' we will have no preaching here!' Another taketh the New Testament out of his bosome, and holdeth it up before the people, and crieth, ' Herefie! Herefie!' Then the people cried, ' Burne him! Burne him!' He cried with a loud voice, first in Latine, then in English, ' God be mercifull to me a sinner!' After that, first in Latine, then in English, ' Lord Jesus, receive my spirit!' After that, as his manner was to end with some Psalms, in his prayer, he began at the 51 Psalm, in Latine, '*Miserere mei, Deus, secundum magnam tuam misericordiam,*' &c. and so continued till they pulled the stool from under his feet, and so wirried<sup>2</sup> him; and after burnt him.

This information *Mr John Davison* received from his servant *Andrew Kirkie*, by a Letter, quhich he translated in Latine in his Catalogue of the Scotish Martyrs. He addeth farther, that quhen the PARDONERS would come to his Kirk, to offer pardon for money, he would say, ' Parochoners, I am bound to speak the truth unto yow! That is but to deceave yow. There is no pardone for our sins that can come to us either from *Pope* or any other, but only be the blood of Christ.

Quhen *the Abbot of Sanct Colme's Inche* would say to him, ' Will ye say as they say, and keep your mind to your self, and save your self?'—' I thank your lordship,' said *the Vicar*, ' ye are a freand to my body, but not to my foul! Befor I deny a word that I have spoken, ye shall see this body of mine blow away first with the wind, in ashes!'

When on of the number was wirried and burnt before him, he said, when it was told him, ' Yea, he was ane wylly fellow, he knew there were many hungry folks coming after him, and he went befor to cause make readie the supper!' Thus ended this faithfull servant of God, invyed be the Clergie for his good life, diligent preaching of the word, and sparing the cow and uppermost cloath, that is the mortuarie and the chrifome.<sup>3</sup>

#### IV. DEANE THOMAS FORRET,<sup>4</sup> *Vicare of Dollour, brunt in Edinburgh.*<sup>5</sup>

A lytle before this tyme one Deane Thomas Forret, Channon Regular and Viccar of Dollour, by fyde Striveling, a verie vprycht man and one of good lyfe and converfation, efter a moneth or two of imprifonment, was brought furth and accused afore the Prelatis and Churchmen in Edenbrughe for sum poyntes of Heresies, (as they thocht in those dayes,) whereof the heads were read and proponed by *Mr Johne Lawder*, the accuser, as followes. *The Accuser.* Fals Heretick! Thow sayes it is not

<sup>1</sup> The *jack*, Fr. *jaque*, was a kind of short coat of mail.      <sup>2</sup> Strangled him, at the stake.      <sup>3</sup> In order that the reader may be fully aware of this shocking exaction of the Roman Catholic Priests, as then practised in the case of THE CORPSE-PRESENT, the Editor cannot do better than give *Dr M' Crie's* lucid explanation. 'The beds of the dying were besieged, and their last moments disturbed, by avaricious Priests, who laboured to extort bequests to themselves or the Church. Not satisfied with exacting tithes from the living, a demand was made upon the dead. No sooner had a poor husbandman breathed his last than the rapacious Vicar visited the family.'—'The corpse-present was demanded by the Vicar, and seems to have been distinct from the ordinary dues exacted for the interment of the body and deliverance of the soul from Purgatory. This perquisite consisted in country parishes of the best cow which belonged to the deceased, and the uppermost cloth or covering of his bed, or the finest of his body-clothes. The "corp-present kow" answers to "the hereyeld horse," which was paid to the landlord (superior) on the death of his tenant.—*Life of John Knox*, I, 23, 349.

' And als the Vicar, as I trow, He will not fail to tak ane kow  
And upmaist claith, thocht babis them ban, From ane purie selie husbandman;  
Quhen that he lysis for til dé, Having small bairnis twa or thré,  
And hes thre ky withouten mo, The Vicar must have ane of tho,  
With the gray cloke that happis the bed, Howbeit that he be purely cled:  
And gif the wyfe dé on the morne, Thocht all the babis suld be forlorne,  
The uther kow he clekis away, With hir pure cote of roploch gray:  
And gif within twa dayis or thré, The eldest chyld happis to dé,  
Of the third kow he will be sure. Quhen he hes all then under his cure,  
And father and mother baith ar deid, Beg mon the babis, without remeid.'

*Chalmers's Sir D. Lyndsay's Works*, iii, 105.

<sup>4</sup> After this was prepared, the Editor observes that *Pitscottie* has the same interesting account of *Dean Forret's* Trial, almost in the same words, p. 353, &c.      <sup>5</sup> *Anderson's History of Scotland*, MS. Adv. Library.

lesum to Kirkmen to tak pair Teyndes, and offringes, and corse presentis,<sup>1</sup> thocht we hawe bein in vfe of them constitute be pe Kirk and King, and allso our Holy Father pe PAPER hes confermed pe same? *Deane Thomas Foret.* Brother, I said not so; but I said it was not lesum to Kirkmen to spend pe patrimonie of pe Kirk as they doe, as on whoores, ryotous feasting, and on faire wemen, and at playing at cairdis and at dyce; and nather pe Kirk weill menteaned, nor pe people instructed in God's Word, nether pe Sacrements dewlie ministrered vnto them, as Chryft commanded.—*The Accuser.* Dar thow deny pat whilk is oppinlie knowen in the country! That thow gave againe to thy parochinaris pe cow and pe vpmast cloathes,<sup>2</sup> saying, thow haid no rycht to them?—*Deane Thomas.* I gave them againe to them pat haid more<sup>3</sup> need of them then I.—*The Accuser.* Thow fals Heretick! Thow learned all thy parochiners to say pe Pater nofter, pe Creed, and pe ten Commandements in Englifch, which is contrare to all acts<sup>4</sup> pat thay sould know which we say.—*Deane Thomas.* Brother, my people are so roode and ignorant<sup>5</sup> they vnderstand no Latine, so pat my conscience moved me to pitie there ignorance, whilk provoaked me learne them pe wordis of there salvation in Englifch; that is, the Ten Commandements, whilk are pe law of God, whereby they mycht observe pe same. I teachted them the Beleeff, whereby they mycht know there faith in God, and Jesus Chryft his sone, and (of)<sup>6</sup> his death and resurrection (for thame). Mairouer I teachted (and learned thame) the Lords owen prayer<sup>7</sup> in pe mother tongue, to pe effect pat they sould know to whome they sould pray, and in whose name they sould pray, and what they sould ask and desyre in prayer, whilk I beleefe to be pe paterne of all prayer.—*The Accuser* said, Why did thow that? By our actis and ordinances of our Holy Father pe PAPER?—*Deane Thomas* answered, I follow the acts of our Maister and Saviour Jesus Chryft, and of pe Apostle Paule, who sayeth in his doctrine to pe Corinthians,<sup>8</sup> that he haid rather speak fyve words to pe vnderstanding and edefeing of his people, then ten thousand in a strainge tongue whilk they vnderstand not.—*The Accuser* said, Where finds thow that?—*Deane Thomas* answered, in my book heir in my sleife.

Then pe *Accuser* start with a bend<sup>9</sup> to pe Vicare, and pulled pe book out of his hand (sleive), holding (it) vp to pe people, saying with a lowd voyce, behold, Sirs, he hes the booke (of Herefie) in his sleiffe, pat makis all pe din and play in our Kirk! Brother, said pe *Vicare*, God forgive yow! Ye could say better, if ye pleased, nor<sup>10</sup> to call the book of pe Evangell of Jesus Chryft the booke of Herefie! I assure yow, deare brother, pat thair is nothing in this buke but pe lyfe, Latter Will and Testament of our Maister and Saviour Jesus Chryft, penned by pe four Evangelists, for our wholsam instruction and confort.—*Accuser.* Knowes thow not, Heretick, pat it is contrare to our acts and expresse commands, to have a New Testament or Byble in Englifche, (quhilk is enough to burne thé for)? Then the counfall of the Clargie gave sentence on him to be Brunt, for the vseing of the same buik, the New Testament in Inglis.

For these, and pe lyke sentences, was he taken to pe Castell Hill in Edenburgh and most vnmercifullie BRUNT.

#### V. NARRATIVE of the Proceedings against Hieronymus (Jerome) Russel and Ninian Kennedy.

AFTER that this crueltie was used in Edinburgh upon the Castle hill, the rest of the *Bishops* behoved to shew them selves no less fervent to suppress the light than did the *Cardinall*. Ther wer two apprehended in the diocie of Glasgou, HIERONYMUS RUSSELL, a Gray Frier, a young man of a meek nature, quick sprit, and good understanding, and one (NINIAN) KENEDIE, quho had not past the eighteenth year of his age; a man of good witt, and excelling in Scotifh Poesie.<sup>11</sup> *Mr John Lauder,*

<sup>1</sup> See Note to the preceding article.      <sup>2</sup> See the above-mentioned Note.      <sup>3</sup> 'More mister nor I had.' *Pitscottie.*      <sup>4</sup> *Pitscottie's* reading is better, 'oure actis, that thay sould know what they say.'      <sup>5</sup> 'Barbarous,' *Pits.*      <sup>6</sup> This word and the following are in *Pitscottie's* version.      <sup>7</sup> 'The Dominicall Oratioune.' *Pits.*      <sup>8</sup> 1 Cor. chap. xiv. v. 19.      <sup>9</sup> Bound, spring.      <sup>10</sup> Than.      <sup>11</sup> *Knox*, p. 22, says he was 'of excellent ingyne for Scottische Poetry.' See also *Spotswood*, 67. *Keith*, 9.

*Mr Andrew Oliphant, and Frier Mertman, were sent to assist the Bishop of Glasgow, at least to stir him up to dip his hands in the blood of God's servants. N. KENNEDIE, at the first, was faint, and wuld gladly have recaunted; but quhen space was denyed to him, the Spirit of all comfort began to work on him, the inward comfort began to burst forth, als weel in visage as in tongue and word; for his countenance began to be cheerfull, and with a joyful heart and loud voice he uttered thir words upon his knees. 'O Eternall God, how wonderfull is thy love and mercie quich thow beareth unto mankind, and unto me the most miserable wretch and captive<sup>1</sup> above all others; for even now, quhen I would have denyed thee and thy Son, our Lord Jesus Christ, and so have cast my self into everlasting damnation, thow, by thy own hand, hath pulled me out from the very bottom of Hell, and made me to feel that heavenly comfort, quich taketh from me that ungodly fear quhairwith before I was oppressed. Now I desire death: Do quhat yow please: I praise my God I am readie!'*

*These Godles tyrants, the servants of Satan, railed upon godly and learned HIERONYMUS. He answered, 'this is your hour and pour<sup>2</sup> of Darknes! Now sit ye as Judges, and we stand wrongfully accused, and more wrongfully to be condemned; but the day shall come quhen our innocence shall appear, and ye shall see your own blindness to your everlasting confusion. Go forward and fill the measure of your iniquitie!*

*While the servants of God thus behaved themselves, a variance arifeth betwixt the Bishop and the beasts quich came from the Cardinal. The Bishop said, 'I think it better to spare these men than to put them to death.' The dotting<sup>3</sup> Doctors said, 'Quhat will ye do, my lord? Will ye condemn all that my Lord Cardinal, other Bishops, and we have done? If so, ye do shew your selfemie to the Church and us, and so we will repute you, be ye assured!' The faithless man, affrayed, adjudged the innocents to die, according to the desire of the wicked.*

*The meek and gentle JEROME RUSSELL comforted the other with many comfortable sentences; oft saying unto him, 'Brother, fear not! More mightie is he that is in us, than he that is in the world! The pain quich we shall suffer is short, and shall be light; but our joy and consolation shall never have an end; therfor let us strive to enter in by that same strait way quhairby our master and Saviour hath entered in before us. Death cannot destroy us, for it is destroyed already by him for quhose sake we suffer! With these, and the like comfortable sentences, they passed to the place of Execution, and triumphed over death and Satan.*

*Thus did these cruell beasts intend nothing but Murder throughout all the quarters of this realme, so far had that blinded and vitious man, THE PRINCE—most vitious, I say, for he nether spared man, wife, nor maid, after his marriage, more than he did befor; and had given himself to obey the cruell appetite of these bloody beasts—that he had made a solem vow, that none should be spared that was suspected of Heresie, though he wer his own son!*

### Using Books suspected to be Heretical.

Jan. 10, 1538-9.—ROBERT FORESTARE, brother to Thomas F. of Arngibboune,<sup>4</sup> William F., son to John F., burgesis of Stirling,<sup>5</sup> Walter Cosland,<sup>6</sup> David Grahame,<sup>7</sup> and James Watfoune,<sup>8</sup> found surety (Alex. F. of Killemuke, the Laird of Arngibboune, and Robert, his heir apparent, John Cragyngelt of that ilk, John F. and Arch. Spittell, burgesfes of Stirling,) to underly the law 'for breking of his hienes Proclamationes, in haifing and vsing of sic BUKES as ar suspect of HERESY, and ar defendit (prohibited) be THE KIRK.'

<sup>1</sup> Caitiff.      <sup>2</sup> Power.      <sup>3</sup> Doating.      <sup>4</sup> Caution, 1000 merks.      See the Notice prefixed to these Narratives. That which refers to Robert Forester is on p. \* 210.      Reference may also be made to *Dr M' Crie's works, &c.*      <sup>5</sup> 500 merks.      <sup>6</sup> 500 merks.      <sup>7</sup> 300 merks.      <sup>8</sup> 300 merks.

### Messengers-at-arms Deprived for Ignorance, &c.

[THE oppressions and irregularities committed by Notaries and Messengers-at-Arms, during the reign of King James V, were frequently visited with the most exemplary punishment, and in most of these cases, they were accompanied by deprivation of office. Frequent instances of this have already been given in this Collection, but the Editor cannot refrain from introducing in this place, a piteous 'Supplication,'<sup>1</sup> by one of them, to the Lords of Privy Council, as an example of the lamentable straits to which some of these unlucky functionaries must have been reduced, pending the necessary enquiries into their conduct.—'MY LORDIS OF COUNSALE, vnto your lordschipis huimlie menis and schewis I your seruitour, PATRIK DUNCANSONE,<sup>2</sup> notar publick, That quhare your l. ordanit me to produce befor you my prothogoll buke,<sup>3</sup> quhilk I did; and senfyne,<sup>4</sup> at your command, I haue remanit in pis toun, and hes fallin in hevy infirmitie, and my expensis failzeit; and, as I traist, my gudis at hame wafted and sperpait,<sup>5</sup> throu my absence, because I departit sa schortlie to pir pairtis, and left nane to ouerlake pe famin: And albeit I haue happynit reklesly to vary in pe dait of my Instrument, pe effect pair of is of verité; and (I) neur committit sic negligence of befor, bot (am) repute and haldin in all pe cuntré quhare I duell, ane trew and autentic<sup>6</sup> manne. QUHAREFOR I befeke your l. that, for pe consideratioun foirfaidis, ze will deliuer me my said Prothogoll, and licent me to pass hame, sen my expensis is failzeit, and myself seiklie and evill disposit. And your ansuer huimlie I befeke.—[INDORSED.] APUD EDINBURGH, *tercio Decembris, anno I<sup>m</sup>. V<sup>o</sup>. xxxvij.* THE LORDIS Ordanis pis complenare to compere befor pe Justice Clerk or his deputis and synd fouertie, pat he fall compere befor our fouerane lordis Justice or his deputis, and vndirly pe law for all sic crymes as falbe imput to him, pe thrid day of pe nixt Justice-aire of pe schire, or souner, vponne xv dais warnyng, vndir pe pane of ane hundrethe pundis; and pe fouertie beand fundin,<sup>7</sup> pe Lordis ar contentit pat he depairt hame as he pleise.']

Feb. 26, 1538-9.—JOHN GAIRLEY and fifteen other Messengers-at-Arms Convicted of common Oppression of the lieges, in the false and unjust exercise of their office—frustrating them in their just actions, through their ignorance.

THOMAS THOMSOUNE and fixtene others were likewise deprived of their offices for the same cause.

### Heresy — Keeping and Using Prohibited Books.

Feb. 28.—MARTYNE BALKESKY<sup>8</sup> found caution to appear and underly the law on Mar. 7 next, 'for breking our fouerane lordis Proclamatioun, in vying and haifing of sic bukis as ar defendit (*prohibited*) be pe said Proclamatioun, vndir pe pane of ane thousand pundis.'—Mar. 7. He came in the King's will, and found Sir John Campbell of Calder, kn<sup>t</sup>, Arch<sup>d</sup> Williamfoune, burges of Edinburgh, and Robert Hoppringell, burges of Peebles, as his cautioners, under the 'pane of ij<sup>m</sup> li., that he fall abide and fulfill YE KINGIS grace plefour and will.'

<sup>1</sup> From the Original preserved among the Warrants of Court.   <sup>2</sup> Or Robertson.   <sup>3</sup> Protocol —an official Register, into which each Notary was bound to insert an exact copy of each Instrument drawn up by him. Any vitiation of this book (which bore faith in judgment) was deservedly punished with severity; indeed, the offence was considered as an act of Perjury.   <sup>4</sup> Since that time.   <sup>5</sup> Dilapidated, scattered. O. Fr. *Esparpillé*. Lat. *Spargere*.   <sup>6</sup> *Tenty*; careful.   <sup>7</sup> Walter Ogilvie of Boyne became cautioner for him.   <sup>8</sup> See Remission, &c. in Appendix to this reign.

SUPPLICATION of *Martyne Balhesky to the Lords of Privy Council.*<sup>1</sup>

MY LORDIS of Counsaile, vnto your l. huimlie menis and schewis I, your seruitour, MARTYNE BALKESKY, burges of Edinburgh, That quhare I wes laitlie put in strait Ward within pe Castell of Edinburgh, for quhat falt or cause I knaw nocht; bot allanerlie,<sup>2</sup> because I refusit to deliuer my MATYNEBUKE to pe *Official of Lowthiane*, at his first command; howbeit, in pat instant tyme, but<sup>3</sup> ony delay, I offerit pe famin to him: Quhareupon I menit<sup>4</sup> me to pe KINGIS grace, and his hienes referit pe said mater to my *Lord Coadjutour of Sanctandrois*, and declarit his mynd pairintill to him, to be determinit be your l., conforme to justice. HEREFOR, I beseke your l. to haue confideratioune (of) me; and sen I wes never reput ane gret trespassour, that ze will ordand me to be lattin to fredome; and pairestir, I sall find sufficient cautione and souerté, in presence of your l., to enter befor quhatsumeir JUGE, spirituale or temporall, at ony terme or diet, sic as ze pleise to set and anfuere, for ony maner of falt pat may be impute to me, anent pe denying of my buke to pe said Official. And your anfuere huimlie I beseke.—[Indorfed.] APUD EDINBURGHE, *xxj Decembris, anno I<sup>m</sup>. V<sup>c</sup>. xxxvij.* THE LORDIS Ordanis jis complenare te fynd sufficient cautione to pe JUSTICE CLERK, pat he sall compeire befor our souerane lordis Justice or his deputis, quhen and quhare he salbe chargit, to vndirle pe law for breking of pe Kingis grace Proclamatioune, anent pame vsand bukis dischargit be pe said Proclamatioune, vndir pe pane of I<sup>m</sup>. ti. And pe said securitie and cautione beand fundin, THE LORDIS Ordanis him to be relaxt furth of Ward, and put to fredome.

**Slaughter.**

Mar. 17.—FERGUS MAKDOWELL of Freuche produced a Respite from the King for art and part of the cruel Slaughter of John Makculloche, in Mochrame, of forethought felony.—Gilbert, Earl of Cassillis, became surety to satisfy the parties.

**Oppression — Hamesuckin — Cattle-stealing — Stouthreif, &c.**

ALEXANDER MAKCULLOCHE of Cardernes, John M<sup>c</sup>cuffe, William Makskalye, Gilbert M<sup>c</sup>culloche, and . . . . Gilchrist, came in the King's Will for art and part of the forethought felony and Oppression done to Archibald Carnis and Henry his son, coming upon them with great Convocation of the lieges, armed in Warlike manner, within the Sanctuary of the Parish Church of Anvethe, and cruelly Hurting and Wounding the said Henry, to the effusion of his blood; committed upon Jan. 12 last. *Item*, for art and part of the Stouthreif and abstraction from Gilbert Regall, furth of his set of the lands of Drummuklok and barn thereof, 100 bolls of horse-corn, and 20 bolls of oats; committed within the last three years past.—Delivered in WARD to the Captain of Ed<sup>r</sup>. Castle.

The said Alexander also became in will for Stouthreif from James Makane of fixty sheep, five cows, and one mare, furth of Ardwell: *Item*, from Thomas Makmore of a black horse and a mare, furth of Kirkmabrek: *Item*, from Sir Adam Snerles, Chaplain, of seven head of cattle, furth of Camray: *Item*, for forethought

<sup>1</sup> This Supplication had previously been presented, and deliverance passed thereon, on Dec. 16, 1538. Reference may also be had to the Notice and Papers relative to the rigorous proceedings adopted against the early Reformers, I, \* 209, &c.   <sup>2</sup> Alone, only.   <sup>3</sup> Without.   <sup>4</sup> Complained.



felony, Oppression, and Hamefuckin, done to John Makculloche, on his lands of Auchinlare : *Item*, for Stouthreif from him of eight oxen and a cow, from various of his lands : *Item*, from Gilbert Ker, of a horse : *Item*, for Oppression of the said John Makculloche, destroying a plough, and Wounding his servants, &c. &c. *And* for common Oppression of the lieges.—James Kennedy of Blarequhan, and William M<sup>c</sup>clellane, Tutor of Bundby (Bomby), became sureties for his satisfying the parties, according to law.

#### **Willfull Error on Assise.**

ALEXANDER STEWART of Garulese (Garlies), John Murray of Broch-toun, the Lairds of Garthland, Miretoun, Murdoch, Blairquhan, Rossie-Bonar, the Tutor of Bondby, and others of less note, found caution to underly the law at the next Justice-aire of the shires where they resided, for Manifest and Voluntary Error on Assise, declaring *Alexander M<sup>c</sup>Culloche of Carderness* and his accomplices innocent and acquitted of art and part of the Mutilation of Henry Carnis, of forethought felony : *And* for declaring *Fergus M<sup>c</sup>dowell of Freuch* and his accomplices innocent and acquitted of the Murder of Andrew Schankis, and sundry other crimes of Oppression.

#### **Stouthreif and Housebreaking, in time of Plague, in Perth, &c.**

Apr. 21, 1539.—GILBERT BLAIR, brother of Alexander Blair, burghers of Perth, Constantine Fergusfoune, Sir John Luivell, chaplain, Sir Henry Eldare, and Sir William Daudsfoun, found caution to underly the law at the next Justice-aire of Perth, for forethought felony and Hamefuckin done to the Keepers of the Gates of Perth, in time of the plague, coming upon them under silence of night, on Oct. 24 last, striking and Hurting them in peril of their lives : *And* for breaking into and plundering several houses and chambers, by way of Theft and Stouthreif.

#### **Slaughter.**

May 22.—WILLIAM JAMESOUN, called *Wantoun Will*, Convicted of art and part of the Slaughter of John Forbes, coming upon him at Prestoun-panny, and slaying him with a stone.—BEHEADED.

#### **Slaughter of the Laird of Turnberry.**

[THE following Case affords an illustration of the expediency of having the whole of the Warrants and loose papers belonging to the High Court of Justiciary carefully examined, arranged, and bound up for future consultation. The great mass of such documents entirely precludes the possibility of the Editor, or any other private individual, consulting them. They have, apparently, for more than a century, been put into bundles, without the smallest reference to date or subject; and it would certainly require many months to reduce them to order. It seems obvious, that among these Papers many documents must exist, highly illustrative of the Criminal proceedings which took place for a great

period of time, and might even throw light upon many obscure points connected with the History of Scotland. A number of ROYAL LETTERS and WARRANTS, bearing the sign-manual of King James V, have already been found, which, it may be remarked, are seldom engrossed in the Record; for, doubtless, the Clerks of Justiciary could, at the time they were granted, easily refer to them when required. In the present instance, the original scroll of the 'Dittay,' the 'Supplication,' and King's Letter had been left in the Volume, and they have accidentally survived the changes and chances of nearly three centuries. They are given here as a specimen of the information which we might have expected in every Trial, had these Records been always valued as they now are.

In many Cases of the greatest importance we may still expect considerable light to be reflected from these documents, when properly arranged.]

May 23.—JAMES REID Convicted of art and part of the cruel Slaughter of John Reid of Trumberry, coming upon him and flaying him of forethought felony.—BEHEADED.<sup>1</sup>

DITTAY.—JAMES REID, 3E ar indict aud accufit for art and pairt of þe felonie and cruell SLAUCHTER of vmq<sup>le</sup> John Reid of Trumberry, cumand vpone him in his avin landis of Darndougall, in company with 3our fader Johne Reid, and 3our complices, to þe nowmer of ix personis, one þe xxiiij day of Aprile last bipaft; and cruellie slew þe said vmq<sup>le</sup> Johne, apoun auld feid and forthocht felony, and be way of Hamefuckine: þat 3e comitit þe said Slauchtir vpon profiounie and foirthocht felony, 3e being at þe Wappin-schawing in Are, quhen all 3our nychtbouris left þair jakkis behind þaim, 3e said 3e wald nocht leif 3our jak behind 3ou, for 3e wald haue ado with 3our jak and wappinnis at hame: þat 3e comitit þe said recent Slauchter vpoun auld feid and foirthocht felony, 3e þe said James and 3our saidis complices, at Whitfunday last bipaft, fett vpone þe said vmq<sup>le</sup> Johne, at þe Leyn-heid of þe Schaw, for his slauchter; and quhen he eschaupt fra 3ou, and quhen þair was ane concord and way dewifit to be had betuix 3ou, 3e said 'þair suld be may<sup>2</sup> betuix 3ou, quhill<sup>3</sup> ane of 3our skynniss wes cutit.' ITEM, one þe Sounday before þe committing of þe said Slachter, 3our fader cumand fra þe Kirk of Machlyne said to Johne Vdart, þat he could get na way dresfit betuix him and þe said vmq<sup>le</sup> Johne, for þe heicht of his fonnis: And þairefter 3e and 3our said complices lay continewlie on þe Mofs of Darndougall, awaitand þe said Johne for his slauchter, fra þe Monunday quhill Furifday,<sup>4</sup> þat 3e slew him: And on þe day befoir, 3e slew his serwandis doggis þat skeyit<sup>5</sup> 3ou quhare 3e lay: And quhen 3e saw him cumand, 3e, þe said James, and 3our bruper, ranne befoir 3our fader and slew him; and 3e war hurt and woundit in þe meyntyme, and had fled with þe remanent, war nocht 3e war hurt, and paffit to ane bauk,<sup>6</sup> and was fundin be James Logane, Sheref-depute of Are.

<sup>1</sup> This is the entire entry in the Record.  
Monday to Thursday.

<sup>2</sup> For *mair*, more.

<sup>3</sup> Until.

<sup>4</sup> From

<sup>5</sup> *Descried*, detected.

<sup>6</sup> *Balk*, which generally denotes a reserved ridge, or stripe of grass between tilled lands, such as are very common to this day in many parts of England, where each alternate ridge is left in pasture.

LETTER *by King James V. to the Justice, &c.*

REX,

JUSTICE, Thesaurer, and Justice Clerk, Ve greit zow weill. Forfaymekill as it is hwmely merit to vs be our louit JAMES RAID in Helar, that quhair pair ves ane Slauchter committit in his defens, and becaufe our Scheref of Air-principale is frend to pe manne pat is slayne, he hes fend hymme to be justefeit by zow, and hes summond an Affise of pe contré quhair pe allegit cryme ves committit, bot tendis<sup>1</sup> to tak certane priuat particular perfonnes pat var takkaris and conwoyaris of hymme to zow to be on his Affise, and so to put hymme to deid, he beyng innocent, be ane suspect Affise. OUR VILL is heirfor, and ve chary zow, gif it be as is befoir reherfit, pat ze superfeid for xx or xxx dayis, quhill<sup>2</sup> ane insuispectt Affise may be gottin; and keip hymme in firmans; or put himme vnder grit fouerteis in pe meyne tyme. And pis ze failt nocht dow, keband pis for zour warrand. Subscriuit with our hand, at SANCT ANDROIS, pe xij day of Maii, and of our regune pe xxvj zeir. JAMES R.

SUPPLICATION *by James Reid to the Justice, &c.*

My LORD JUSTICE, Justice Clerk, and zoure Deputis, vnto zoure l. huimlie menis<sup>3</sup> and schewis I zour seruitour James Reid, sone to Williame Reid in Clare: That quhare, laitlie, I wes gangand vponne my said faderis maling<sup>4</sup> of Clare, perteing to MY LORD OF MELROS, liand in pe lordschip of Kilismure, within pe scheref dome of Air, vefyand<sup>5</sup> pe famen, and my said faderis gudis<sup>6</sup> gangand pairon, traisting na troubell of ony perfonis, bot to have leuit vnder Goddis peax and pe Kingis: Neurtheles, Johnne Reid in Cogertoune, his wife, sonniss, and complices, to pe nowmer of ten perfonis, bodin in feir of weir, come iij mylis fra pair avne houffis, vponne auld feid and forthocht felony, and be way of Hamefukkin inuaidit and persewit me and my said fader and his seruandis for his slauchter, and chaceit him and his catale and ws of<sup>7</sup> his said maling: And in pe chaceing of ws pa hurt me in my bak: And quhenne we turnit agane to defend ws, pe said Johnne, in his awin defalt, and oure pure defence, happynnit to get ane straik, my vnwitting; throw pe quhilk he is deid, and my inemeis and vnfrendis of verray malice allegeis pat I haue pe wyte<sup>8</sup> pair of, quhilk is nocht of verité, hes callit me pairfore before your l. to put me to cummyr<sup>9</sup> and troubill, without ony lauchfull or reffonabill caus. HEIRFORE I beseke your l., for Goddis sake, of remeid:<sup>10</sup> And sen<sup>11</sup> I am ane pouer child,<sup>12</sup> innocent of pe said crime, and hes na manne to do for me, bot God and zour l., and knawis nocht pe personis patt suld be vponne my Affise, that ze avise wele quhame<sup>13</sup> ze put paironne; and caus pame, be pair grete aithis, declare gif pai be kin frendis or allia to my party or his frendis, and hes gevin pame partial counsalle in my contrare; and do me justice, and cauffe ane man of Law speik for me, as ze will haue thank reward and mereit of God, and of zour awin faulis pairfore. AND zour anfuer huimlie I beseke.<sup>14</sup>

Convoying and Supplying of Friar William Kelour.<sup>15</sup>

REX,

JUSTICE CLERK, ze fall deliuer pe tua menne of Abirdene, ze ane callit JAME ANDERSOUNE, and pe vder JOHNE MWDY, furthe of our Ward,<sup>16</sup> quhilkis war put in pe samyne, for convoying and suppleing of FREIR WILLIAME KELOUR; pe saidis perfonis syndand zow sufficient cautioune till entir

<sup>1</sup> Intends, means.    <sup>2</sup> Until.    <sup>3</sup> Complains.    <sup>4</sup> 'Mailling,' a small farm held on payment of certain mals or rent.    <sup>5</sup> Inspecting.    <sup>6</sup> Live stock.    <sup>7</sup> Off.    <sup>8</sup> Blame.    <sup>9</sup> Difficulties.    <sup>10</sup> E. Cumber.  
<sup>11</sup> For remedy or redress.    <sup>12</sup> Since.    <sup>13</sup> A 'pair Cheild,' a poor lad or fellow.    <sup>14</sup> Whom.  
<sup>15</sup> There is no indorsation or 'deliverance' on this Petition—but from the fatal words 'CONVICED,' 'DECOLLAT.,' being twice entered in the body of the Record and on the margin, there seems no doubt of his having been Beheaded.  
<sup>16</sup> Orig. among Warrants of Court. See Papers as to proceedings against suspected Heretics, Jan. 1538-9.    <sup>17</sup> A similar Warrant was granted by the King on March 25 preceding.

agane, ony tyme pai be requirit, betuix pis and All Hallowmes nixt command, onne fyftene dayis warnyng, be 3ou, or pair Ordinar;<sup>1</sup> vndir sic fowmes as 3e think expedient; Prouiding, pat þe said John Mudy pafs nocht benorth<sup>2</sup> þe watter of Tay, vndir fouerteis siclyk. Subscriuit AT SANCT-ANDROIS, þe feird<sup>3</sup> day of Junij, and of our regne þe xxvj 3eir. JAMES R.

### **Oppression — Imprisonment of the Commissary of Caithness.**

Jun. 6.—WILLIAM SUTHIRLAND of Duffois<sup>4</sup> Convicted of art and part of the taking of Sir Alexander Gray, Commissary of Caithness, leading him to the Place of Querrelwod, pertaining to the said William, and keeping him in ward and captivity from the vigil of Christmas to Saint John's day following, he being the King's free man; thereby usurping the King's authority. ITEM, of art and part of forcibly carrying back the said Commissary against his will from the said Place of Querrelwod to the burgh of Elgin, and delivering him to the Dean of Caithness, (Sir Alexander Sutherland); also thereby Usurping the King's authority.—ALEXANDER SUTHIRLAND and six others were Convicted of laying violent hands on the said Commissary, in the outer bedchamber of the Dean of Caithness, committed on Dec. 20 last: AND for violently taking the said Commissary furth of his lodgeing in the house of Archibald Stronoche, in the burgh of Elgin, undir filence of night, he being in his naked bed; and leading him to the said Dean's chamber, and detaining him in captivity therein till the vigil of Christmas, &c. *Item*, of art of carrying him back by force from Querrelwod to the burgh of Elgin, &c. WARDED in the Castle of Edinburgh.

SIR ALEXANDER SUTHERLAND, Dean of Caithness, and four other Churchmen, were replegiated by Patrick Bishop of Murray.—Mr JOHN SUTHERLAND and James Vrquhard of Alderne found surety to vnderly the law for the above crimes, at the next Justice-aire of Elgin.

### **Using a false and forged Instrument.**

Jun. 13.—THOMAS CHARTERIS of Kinfaunys Convicted of art and part of using a fforged and ffalse Instrument, made by his consent and counsel, being an acquittance or discharge of a certain large sum of money assigned by THE KING to James Rofs his servant, due to his Majesty by the decease of Alexander Bishop of Murray, as his heir; or granted to THE KING by the privilege of THE POPE.—WARDED in Edinburgh Castle, during the King's pleafour; and all his moveables to be escheated.

<sup>1</sup> The before-mentioned previous Warrant contains this clause, 'and alſua to compeir befoir þe *Bifchop of Abirdene* pair Ordinar, quhat tyme pai be requirit be him.' <sup>2</sup> To the northward of. <sup>3</sup> Fourth. <sup>4</sup> He found caution on Jun. 7, that he should remain in free Ward within the Castle of Edinburgh, 'and nocht efchaip nor depairt furth of þe said Castell, quhill he be freid be þe KINGIS grace, vnder þe pain of I<sup>o</sup>li.'

SUPPLICATION to the Lords of Privy Council.<sup>1</sup>

Jun. 14.—MY LORDIS of Counsaile vnto your l. humilie menis and shewis I your seruitour, *Thomas Charteris of Kynsaunes*, that quhair I am laitlie imput in þe Castell for sobir<sup>2</sup> caufis, as I vnderstand, and haldin in to ane house; and þe Capitane, Constabill and Keparis of þe Castell will nocht suffer my seruandis to cum and repair to me, to þe effect þat þai may minister to me in meit and drynk and all vþer necessaris; howbeit, I am content to fynd cautionne þat I fall nocht evaid furth of þe said Castell, vnder sic panis as your l. thinkis expedient. QUHAIRFORE, I besek your l. of remeid, and þat ze will gif command to þe Capitane, Constabill, and Keparis of þe Castell, to put me to fré Ward within þe said Castell, I fyndand cautionne þat I fall nocht evaid furth of þe samyne vnder sic panis as your l. fall think expedient, and to suffir my seruandis to cum and minister to me like as vþeris fré Wardaris hes within þe said Castell. And your anfuer humilie I beseke.—(*Indorsed.*) APUD EDINBURGHE, xiiij<sup>to</sup> Junii anno I<sup>m</sup>V<sup>o</sup>xxxix. *Fiat ut petitur*, Cautionne being fundin to þe Justice Clerk, vnder þe pane of I<sup>m</sup>li.

**Suffering English Thieves and Captives to escape.**

Jul. 21.—ALEXANDER HEPBURNE of Quhitsuim got a Remission for permitting and suffering Clement and Robert Hall, brothers, and Thomas Pot, Englishmen, to depart furth of his place of Richartoun, they having been delivered in custody to him as captives and Thieves.—WILLIAM COKBURNE of Choslie and Stephen Bukles came in the King's will for suffering Anthony Pot, Englishman, in like manner to escape.

**Breaking into the Tower of Ernside — Stouthreif, &c.**

Jul. 24.—WILLIAM CUMING, Margaret Dowglafs, and four others, were denounced Rebels, and put to the horn, for art and part of Convocation of the lieges in great number, armed in warlike manner, coming to the place and Tower of Ernside, and breaking up the doors and gates thereof, and entering therein: AND for Stouthreif from Alexander Cuming, son and heir apparent, and the curator of Thomas Cuming of Ernside, his father, of all the goods and utensils in the said house: And for detention from him of the said Place and Tower: And for Stouthreif from him furth of the messuage thereof, of one hundred and fifty-six bolls of corn, with the straw, eight oxen, and two horses: And for Common Oppression, &c.

**Laird of Macfarlan and Walter Macfarlan of Ardleysche.**

Jul. 27.—DUNCANE MACFARLANE OF THAT ILK, procured surety to the amount of 1000 li. in terms of the King's permission, contained in the following Warrant.<sup>3</sup> The cautioners were Sir Johne Campbell of Lundy, kn', Sir

<sup>1</sup> From the Orig. among the Warrants of Court. The purpose of printing this Paper, is to show, practically, the manner in which what was termed 'free Ward' was obtained, for the accomodation and comfort of prisoners, whose offences were not very heinous; and who had influence enough to find high security, that they would not attempt to escape, if this indulgence should be granted to them. <sup>2</sup> Trivial, trifling. <sup>3</sup> From Orig. among the Papers of the Court.

Johne C. of Calder, kn<sup>t</sup>, Johne C. of Glenvrquhar, Colyne C. of Ardkynglas, James C. of Lawaris, Archibald C. of Glenlioune, and Arthure C. of Ardgarthnay.

REX,

TRAIST coufing and counfalour, We grete zou hertlie weill. Forfamekill as we wrait to zow of before to reffawe DUNCANE MACFARLANE of pat Ilk, to keip him furely in ward, quhil ze had vper command of ws in pe contrare. Now, it is our wil and mynd pat he be in fré ward with zow as ze think expedient, he findand fouirté to our Justice-Clerk, vndir pe pane of ane Thoufand ti. nocht to brek ward; quhilk gif he dois, it falbe impute na falt nor cryme to zow. GEVIN vndir oure Signet and fubfcriuit with oure hande, At Falkland, pe xxv day of July, and of our regne pe xxvj zeire.

JAMES R.

(Addressed) To our traift coufing and counfalour JAMES LORD OGILUY.

In a short time afterwards, as appears from another Royal Warrant which is still preserved among the Papers of the Court of Justiciary, a similar indulgence was granted to WALTER MACFARLAN OF ARDLEISH, of whom were descended the families of Gartartan and Ballaggan, &c.<sup>1</sup> He was son of Sir John Macfarlan of that Ilk, kn<sup>t</sup>, by his second Marriage, with a daughter of Herbert, first Lord Herries, and uncle to Duncan M. of that Ilk. The Warrant runs thus:

REX,

JUSTICE-CLERK, We grete zou weill. In hope pat WALTER MACFARLANE, now being in fure Ward within oure Castell of Edinburgh, fall caus his frendis in pa partis do gude feruice to ws in it, committit to pame, We haue ordinit pe Capitane of oure said Castell to let him to fré ward within pe famin, he findand fouirté, first, to zou, vndir pe pane of Thré Thoufand pundis, pat he fall nocht eschew furth of our said Ward: Quhilk ze failt nocht to tak of him; and paireftir caufe him be put to fré Ward as said is. As ze will anfuer to ws pairupoune. Subfcriuit with oure hand and vndir oure Signet At SANCTANDROIS, ze vij day of Auguft, and of oure regne ze xxvj zere.

JAMES R.

Another Warrant was two months afterwards addressed to the Justice-Clerk, which, however, does not indicate the crime for which the parties were imprisoned. It is likely the offence was of a treasonable description; at all events, it was very serious in its consequences to the parties concerned.

REX,

Justice-Clerk, It is our will, and we charge zou pat ze reffawe fouerté of DUNCANE MCFARLANE vnder pe pane of ane Thoufand pundis, and siclyke of WALTER MCFARLANE vnder pe pane of Tua Thoufand pundis, pat pai fall entir agane within ony Castell we pleife, vpoun xv dayis warning: And pat ze reffawe iij or iiij perfounis, ilk ane for pair awin pairt, fouirté for pe said Walter; and pe said fouerté being fundin, pat ze caufe pame (to be) fred furth of Ward, and late paim pafs hame, to pe effect pat pai may do ws gud feruice in our nixt Justice-aire to be haldin in Dumbartane. And pis ze failt nocht to do; keipand pis our Precept for zour Warrand. Subfcriuit with our hand, and vndir our Signet, At Falkland, pe tent day of October instant, and of our regne pe xxvij zeir.

JAMES R.

(Oct. 13.)—Andro Lord Awendale, Henry Lord Methwene, and Sir Johne Hammiltoune of Fynnart, became fureties for Walter M. of Ardleishe,

<sup>1</sup> See *Douglas's Baronage*, p. 95.

for 3000 li. (Oct. 24.)—Sir Johne Campbell of Lundy, kn<sup>t</sup>, became furety for Duncane M. of that Ilk, under the pain of 1000 li. in implement of the King's Precept.

**Fire-raising — Burning the Town of Ardochbeg — Sorning.**

Oct. 4.—JOHN M<sup>c</sup>ROBERT M<sup>c</sup>FARLENE,<sup>1</sup> Duncan Dow M<sup>c</sup>Kippoune, and Duncan M<sup>c</sup>Killop, Convicted of art and part of Fire-raising and of Burning the Town of Ardochbeg, and for common Theft and 'Sornying.'—HANGED.

**Besieging the House of Summerdaill — Slaughter, &c.**

Dec. 16.—JOHN M<sup>c</sup>EWIN M<sup>c</sup>GILLEBREID, Gillepatrick M<sup>c</sup>ferquhar, Tormat M<sup>c</sup>donald, Alexander M<sup>c</sup>gilbetoune Makane of Rafa, and fifteen others, dilated for 'pe Affegeing of Alexander Makcloid of Dunvegane in his House of Summerdaill, in pe moneth of Maii last bipast, and Slauchter and Refe committit be pame pat samyn tyme vpon him and his tenentis; and vperis grete crimes contenit in pe Letteris.'—Johne M<sup>c</sup>cloid of Mynzenes, in the Isle of Skye, became furety for the again-bringing of the Letters duly executed and indorsed, on Mar. 6, 1539-40.

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**Books of Adjournal.**

[THE loss of THE BOOKS OF ADJOURNAL,<sup>2</sup> during an eventful period of nine years, embracing the close of the reign of KING JAMES V, and the commencement of that of MARY QUEEN OF SCOTS, is singularly unfortunate, as many important public events are known to have taken place, and, during such stirring times, there would doubtless be numerous Trials. All the traces now remaining of the proceedings which took place before the High Court of Justiciary, must be gathered from the necessarily meagre notices which occur in the '*Liber Plegiationis f. d. n. Regis et Regine*,' wherein memoranda of the Bonds of Caution, or furety found by persons accused of crimes, were engrossed. As will be seen, the Editor has, as usual, availed himself of all the information which he could glean from these and other authentic sources; but, in all those instances, the authority is uniformly quoted. The narrow bounds into which the Editor must compress this information, demand that these notices shall be

<sup>1</sup> On Jan. 7, 1539-40, Robert M<sup>c</sup>gilphatrik M<sup>c</sup>ferlane, '*in warda existen. infra Castrum de Dumbertane*,' found surety to underly the law for all crimes which might be laid to his charge at the next Justice-aire of Dumbartan. The nature of his crime is not alluded to.

<sup>2</sup> It is very probable that there are two Volumes lost, perhaps only one. The series of Volumes, as indicated by the oldest markings, is very incomplete, and many of the Books which now remain are the scroll or jot-books, from which, with the assistance of the Dittays, &c. the Record was afterwards made up.

condensed as much as possible, leaving it to the enquiring reader to refer to the various original sources of information indicated in this work.]

### Robert Maister of Sempill.

Mar. 2, 1539-40.—THE quhilk day WILLIAME LORD SYMPILL, of his avne consent, fforfamekill as our fouerane lord of his speciale grace and favouris hes grantit his Remiffioun to ROBERT MAISTER OF SYMPILL, sone and apparand are to Williame Lord Sympill, now being furth of his realme, fugitiue fra his lawis, and at his horne for certane grete crymes, Prouiding patt he fall na maner of way cum nor repara within þe realmes of FRANCE nor SCOTLAND, without he obtene his gracis Licence and beneuolence þairto : Tharefore, þe said Williame Lord Sympill is becumen, and, be þe tenour of þis present Act, becumis plege and souirté to oure fouerane lord, and his Justice Clerk in his name, þat þe said Robert fall, fra þe tuenty of Marche instant, abstene fra cuming and resorting within þe saidis realmes of Scotland and France, and all þe boundis þairof, any maner of way, without speciale Licence of our said fouerane lord, vndir þe pane of Five Thowsand pundis : And gif þe said Robert failzeis ony maner of way herein, it salbe reput to him ane poynt of Trefoune, and fall incur þe panys þairof, and to be pynist þairfor at our fouerane lordis will.<sup>1</sup>

### Caution for Douglas of Parkhead's son.

Mar. 11.—JAMES EARL OF MORTON, George Douglas of Pennyland, John Inglis of Langlandhill, and Mungo Inglis of Wintermure, became sureties for WILLIAM DOUGLAS, in terms of the following Warrant.

REX,

JUSTICE CLERK and your deputis, it is our will, and we charge you, þat incontinent eftir þe ficht hereof you ressaue sufficient cautione and souirté of WILLIAME DOWGLASE, sone naturale of *James Dowglase, sumtyme of Parkhede*, þat he fall remane with our coufing James Erle of Mortoune, and in his seruice, quhare he plesis, as in our Ward ; and nocht to eschew þe samyne, vndir þe pane of Vñi., and register þe samyne in þe Bukis of Adiornale. As you will answer to us pairupoune ; keþand þis our writing for your Warrant. SUBSCRUIT, with our hand and vndir our Signete, at Edinburghe, þe xxvij day of Febrnare, and of our regne þe xxvij zere. [JAMES R.]

### Caution for two Sons of Cumpng of Altyre.

Mar. 13.—ALEXANDER CUMING and James his brother, sons of Alex. C. of Alter (Altyre,) ' now being in Warde within þe Castell of Edinbur' ; found

<sup>1</sup> There is this marking subsequently inserted on the margin—' *Deletur de Mandato Domini Gubernatoris, per suam subscriptionem manualet et signetum.*'



surety that they 'fall remane be-Northe þe Northe Watter of Esk, in Warde, induring our fouerane lordis will," under the pain of 1000 merks.

**Caution for Robert, Christina, and Duncan Macfarlan.**

May 10, 1540, (*apud Dunbertane.*)—ROBERT M<sup>c</sup>FERLANE, 'in Ward within þe Castell of Dunbertane,' found George Striueling of Glorat, John Sympill, young Laird of Foulwod, and Donald Campbell of Ardintené, as sureties for him (100 merks), that 'he fall obserue and keip gude reull in tyme cuming, and compere and vndirly þe law, eftir þe forme of our fouerane lordis writing direct to þe Justice Clerk.'—Jun. 12, (*apud Edinburghe.*) William Master of Glencairne became surety (100l.) for CRISTINA M<sup>c</sup>FERLANE; and also, on Jun. 30, (300 merks) for DUNCAN M<sup>c</sup>FERLANE, to the same effect. They are both described as then being 'in Ward within þe Castell of Dunbertane.'

**Forestalling and Regrating.**

Aug. 6.—PETER BUNTYNE found caution to underly the law 'for þe Oppreffioune done vpoune our fouerane lordis liegis, awaytand be þe way vpone nolt, scheip, horse, and catall þat ar cumand to faris and mercatis to be sald pairin, and byand þe famin fra avnaris paiof; and þaireftir, bringand þame to þe samyn mercatis, forstalland and regratand thame to our fouerane lordis liegis, takand pairfor ane grete and exorbitant þrice, to þe vniuersale skayth of þe cuntre.'—JAMES GEDDES became in will for 'bying of xij scheip þe said day cumand to þe House of þe Mvre, and forstalling of þe mercate.' He found surety that the sheep 'salbe furthcumand to þe KINGIS proffeit and behufe.'

**High Treason — Treasonable Conspiracy with the Douglasses against the King's Life.**

Aug. 16.—No traces appear in the Criminal Records of the Trial of SIR JAMES HAMMILTON OF FINNART, kn<sup>t</sup>. The event, however, is one so prominent in the History of the country, and Sir James was a person of such notoriety, that it seems proper to preserve some brief notice in this Collection. 'The Bastard of Arran' was principal Steward to KING JAMES V, and had been very high in favour with his royal master. His character appears to have been eminently distinguished by personal valour, intrigue, and tyranny. Letters of *Legitimation* had been granted to him so far back as Jan. 20, 1512-13;<sup>1</sup> and through the influence of his father JAMES, the *first* EARL OF ARRAN, and THE KING'S personal favour and friendship, he acquired very extensive Estates.

<sup>1</sup> Other Letters were afterwards granted to himself and to *Andrew* and *James*, his natural children by Mariot Stewart; and also to *Alexander*, another natural son, Nov. 2, 1539. Reference may be made to the APPENDIX for numerous circumstances illustrative of these events.

One of the greatest stains on his otherwise cruel and ambitious career, was the treacherous Murder of THE EARL OF LENNOX at the Field of Linlithgow, Sep. 4, 1526, after that distinguished Nobleman had surrendered himself prisoner.

Without entering on a sketch of any portion of his life, which more properly belongs to the Historian, the Editor merely refers to the following quotation. *Bishop Lesley*<sup>1</sup> also remarks, that, ' befor his executione, he proteffit before God, that he had not offendit THE KING ; bot affirmit, that gif he had bene als guid a fervant to GOD as he was to the King, he had not dyet so shamfully ; and confessit that he deservit that deith, becaus he offendit God oftymes for pleafour of the King ; and theirfore prayit every one to taik exempill of his doingis !'

He married *Margaret Levingstoun*, Lady of Easter Wemyss. He was executed as a Traitor at Edinburgh, August 16, 1540 ; and his immense estates were Forfeited, and bestowed upon numerous Courtiers. In 1543, his son James obtained a recall of the Forfeiture.

' ABOUT the same tyme JAMES HAMMILTOUN, SCHEREF OF <sup>2</sup>LINLITHGOW,<sup>3</sup> and cowing german to SIR JAMES HAMMILTOUN (OF FINHART, bastard brother to *the Earle of Arrane*), com to Scotland, eftir long banischment, quhill as he avowid to accuse Bastard James be law, purchessing Licence to com in the contrey for a certane space ; and vnderstanding quhat dainger baith himself and those that profest the pure doctrine of the pure Gospell stude in, send his sone to THE KING, being in jorney towardis Fyff, quho com to him befor he boited<sup>4</sup> and frauchtit. The man, suspitious of natour with baschfull newis, affirmeing that it stude him to no les nor<sup>5</sup> his lyff, perrelous to the hail realme, wnales he preveined<sup>6</sup> the deid be punischment of the Tratur.

' THE KING, quho haistid to Fyff, send the 3oung man back againe to the Exchequer ; quhair he commandit *James Leirmonth*, his Maister Houshold, *James Kirkcaldie*, Grit Thesaurer, baith men of sum Religioun, and *Thomas Erskine*, ane earnest Papeist, Secretar, to convene, willing thame to credeit that beirer as him self ; and thairwithall tuik ane knawin ring from his finger, and send to thame as ane previe taikin. Thay, consulting vpon the mater, aprehendit *James Hammiltoun*, immediatlie efter his denner, and reddie to depairt hame to his awin hous, caryid him to the Castell, and impressonid him. Thay, vnderstanding be thair exploratouris,<sup>7</sup> that THE KING was moveid, vpon fute,<sup>8</sup> to releive him, besydis the commoun dainger of the contrey, ffeiring thame seluis, gif ane factius puiffant man, ignominiuallie vsid, sould escaip scot-frie, not ignorant how bitterlie and crewellie he wald reveng himself ; repairing with all expeditioun to Court, agmenting all thingis als suspitioullie as thay possibillie could, the present dainger, his mischevous naturall,<sup>9</sup> his reddie wit, and grit substance, perswadit THE KING not to releive a man baith craftie and bauld, and now provockid be ignomie, vntryid. Quhairwpoun, THE KING past first to Edr., from thence to Seytoun, commanding in the meintyme to present *Sir James Hammiltoun of Finhart* to judgment ; quhilk, according to the cvstome of the realme appointid, he was convict and Beheidit. Eftir his death (he was) quarterid, and his quarteris hung wp wpoun the publict pairtis of the Towne, in Awgwft 1540.

<sup>1</sup> *Bannatyne Club* Edit. Quarto, p. 158.    <sup>2</sup> *Buchanan*, Book XIV, cap. 57, gives a similar account of these transactions with this Narrative, which is taken from *Anderson's MS.* Adv. Library. See also *Keith's Hist.* p. 11, and *Pitcottie*, p. 385, &c.    <sup>3</sup> See Papers prefixed to Notices relative to Reformation of Religion, Jan. 11, 1538-9, I, \* 209, &c. The Sheriff was brother of Patrick Hamilton the Martyr, to whose execution 'the Bastard Arran' had been mainly accessory.    <sup>4</sup> Boated, took ship to cross the Forth.    <sup>5</sup> Than.    <sup>6</sup> Prevented.    <sup>7</sup> Spies, emissaries.    <sup>8</sup> Suit ; influence used.    <sup>9</sup> Dispositions, genius, bent.

The crymes laid aganis him war, that he wpon a day determinid to brek vp THE KINGIS Chalmer to flay him; (and) that he had previe conferencis with THE DOWGLASSIS, declaird enemyes of the realme. His death, becaus of his former wickid lyff, was lamentid of verrie fewe, except of his awin freindis and the Preiftis, who had fixt the hoip of the suretie of thair haif estait in him.

Eftir this tyme, THE KING beganne to suspect the Nobilitie. Solitude pinchis his troublid mind; quhilk wnfettillid, was trublid in the nicht be visiounes; quhair of ane is repoirtit of, verrie notabill. He thoct he saw Sir James Hammiltoun of Finhairt com vpone him with a naikid sword, and first cutid his right airme, and nixt his left from him; and eftir he had threatned, eftir schort space, also to tak his lyf, he evanischid. As he awalkid in ane feir, and reuolued vpone the event of the dream, schort space eftir, he was adverteized that baith his fones war deceifid, the ane at Sanctandros, the wther at Strueling, on ane day, and almost in ane hour.

### Slaughter of a Friar.

Dec. 14.—FRIAR WILLIAM ROTHUENE found Robert Robertfone of Strowane surety for his underlying the law at the next Justice-aire of Perth, for art and part of the cruel slaughter of Friar Alexander Sloune.

### Caution for Sir Walter Scott of Branxhelme, knight.

Mar. 11, 1540-1.—WILLIAM EARL OF GLENCAIRN, John Hume of Coldaneknollis, George Meldrum of Fivy, James Twedy of Drummelzeare, Mark Ker of Littilldeane, Andrew Ker of Dolphingtoun, George Ker in Fawdounfyde, James Ker of Mersingtoun, Ninian Creichtoun of Bellyboucht, Adam Johnestoune of Corry, and John Carmichaell of Medowflatt, became Cautioneris for THE LAIRD OF BRANXHELME, 'now being in Warde within þe Castell of Edinburghe, þat he fall remane in Warde within þe burghe of þe famyne, and nocht to depairt þairfra, without he obtene Licence of our fouerane lord, vndir þe pane of xx<sup>m</sup>. merkis.'

(Aug. 8, 1541.)—Caution was again found, that he, 'within viij dayis nixt eftir he be chargit, pass and remain in þe partis of MURRAY, and vtheris be-Northe þe Watter of Spey, as in our fouerane lordis Warde, induring his will; and nocht to eschape furth of þe famyne,' under the pain of 20,000 merks. —(On the margin)—'Deletur de Mandato domine nostre REGINE, per suam subscriptionem, domini GUBERNATORIS, et Signetum dicte Regine.'

### Caution for Johnstoun of that Ilk.

Mar. 13.—JOHNE JOHNSTOUNE OF THAT ILK found caution that 'he fall remane in Warde within þe Tovne of Dunbertane, and þat he fall nocht evaid nor eschew þairfra, ay and quhill he get oure fouerane lordis discharge in þe contrare, vndir þe pane of x<sup>m</sup>. merkis.'

<sup>1</sup> His cautioners were William Lord Creichtoune of Sanchare; the Lairds of Littledene, Coldaneknollis, Mersingtoun, Dolphingtoun, and Fawdounside, David Scot, son and apparent heir of Sir Walter Scot of Branxhelme, kn<sup>t</sup>; William Kirkpatrick of Kirkmichael; William McClellane of Nwntoune, Tutour of Bondby; Alex. McCulloch of Carderness; Adame Johnestoune of Corry; John Hammiltoune, called 'John of Cliddisdale'; John Haitlie of Mellostanes; and Colin Campbell of Ardkinglass.

(May 3, 1541, *apud Jedburghe*.)—He again found caution that ‘ he fall vfe and repare ane myle about þe Tovne of Dunbertane, as in our fouerane lordis warde,’ under the pane of 10,000 l. Among others of the new cautioners were William Stewart of Trakware, John Mow of that Ilk, Walter Ker of Cesfurde, Robert Scot of Howpaslot, and Gilbert Ker of Grenehede.—(Nov. 24 and Dec. 4.)—THE KING’S Warrant was granted for again allowing him free Ward within the same limits, under the pain of 10,000 merks.

#### Caution to pass furth of the realm.

Mar. 13.—‘ PATRIK CULQUHOUN, now being in Warde within þe Castell of Edinburghe,’ found Thomas Stewart of Gawstoune cautioner or surety for him, ‘ þat he fall pass furth of þis realme within þe space of xxx dais, and remane furth of þe samyn at þe plefour of þe KINGIS grace, vnder þe pane of V<sup>c</sup>. merkis.’

#### Caution for the Laird of Blackadder.

May 5 and 6, 1541, (*apud Jedburghe*.)—JOHN HUME of Blacader found surety that ‘ he fall remane within þe Tovne of Dunbertane, fredom pairof, and ane myle about the samyn, and nocht to extend þe boundis pairof, quhill our fouerane lord gif vthir command in þe contrare,’ under the pain of 20,000 l.—His sureties were similar to the preceding, with the addition of William Cokburn of that Ilk, John Hoppringill of Smallcraig, George H. of Torwodlee, Robert H. of Blyndlee, Adam Johnestoune of Corry, George Nesbett, baroune of Dalzell; John Lummisdene, young Laird of Blenerne; Andrew Haliburtonne, young Laird of Mertoune, and Thomas Ker of Zare.

#### Caution for the Young Laird of Tuliduby.

Jun. 28, 1542.—JOHN STRIUELING, son and apparent heir of John S. of Tuliduvy, ‘ now being in Warde within þe Castell of Edinburghe,’ found David Kincaid of the Cottis, Constable of the Castle of Edinburgh, &c., sureties that ‘ he fall obserue and keip his Warde within þe burghe of Edinbur<sup>t</sup>, and nocht eschew furth of þe samyn, quhill<sup>1</sup> he be fred be our fouerane lord, vnder þe pane of ij<sup>c</sup> merkis.’

#### Oppression — ‘ Colping,’ Forestalling and Regrating of Markets.

Jul. 7.—JOHN CLERK, in Drumcorse, and a number of other persons in the shires of Linlithgow and Lanark, found caution to underly the law for ‘ Colping,<sup>2</sup> Forestalling, and Regrating’ and for common Oppression of the lieges in buying and selling oxen, cows, and sheep.

<sup>1</sup> Until.      <sup>2</sup> ‘ *Cowping*’ is a phrase still in use to denote bargaining, bartering, or exchanging one commodity for another, or for money. A ‘ horse-cowper’ is a term universally employed in Scotland for one who deals in horses.

APPENDIX,

ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE  
REIGN OF KING JAMES V.

I. ILLUSTRATIONS SELECTED FROM THE REGISTER OF THE PRIVY SEAL OF SCOTLAND.

REFERRING to the observations which are prefixed to the APPENDIX to the preceding Reign, the Editor has merely to Remark, in this place, that in order to save the necessity of numerous repetitions and copious Notes, he has thought it preferable to refer the reader, generally, to the TRIALS, &c., most of which will be found to be more or less illustrated by the following extracts. The General INDEX, to be inserted at the conclusion of this work, must ultimately render such references entirely unnecessary.

Aug. 23, 1515.—Ane Respit,<sup>1</sup> maid be avise of pe GOVERNOUR,<sup>2</sup> to Donald of the Isles of Lochalsh, knyt., and with him vther thre scoir of personis, his kynnismen, freindis, or servandis, for all maner of actionis and crimes bigane, to cum and repare to ED<sup>s</sup>, or ony vper place within pe realme, to commoune with pe said GOVERNOUR, and do pair eirrandis, and returne agane; for pe space of lx dayis next to cum eftir pe dait hereof.

Sep. 6.—A Respit maid to LAUCLANE MAXCLANE OF DOWARD, and ALEXANDER *alias* *Alister* MAXCLOID OF DUNVEGANE, and all and findry pair servandis, landit men, gentilmen, and zemen, pat assitit and tuke part wyth paim, for pair trefonable art, part, assistance, and supple gevin in pe trefonable Segeting and taking of pe Kingis Castellis and Houses of Carnehog and Dunskaithe, and trefonable withhaldin of paim aganes his autority and command; for pair trefonable maintenance, assistance, consale, favouris, and suple gevin be paim to Donald Isles of Lochalsh, knyt., and his complicitis, in pare trefonable crimes, &c. Vnto pe first day of Januare nixt to cum eftir pe date hereof to indure.

Sept. 23.—A Respit to MATHO MAXNACHT OF DUNGENCHE, for arte and parte of pe Schlauchtit of vmq<sup>le</sup> Johne of Dunbar of Morbrum, committit and done be (SCHIR) ALEXANDER GORDOUNE OF KENMURE, KNYT, with quham pe said Matho was in cumpany: To endure for a zere.

Sept. 25.—Respit to ALEXANDER LORD GORDOUNE to cum to the Governouris presence, or quhare he plesis, and to pas and repas with xl or fifty men, in houshald; for pe space of sex monethis next to cum.

Oct. 26.—Respit to JOHNE ERLE OF LEVINAX, Lord Dernlie, and generalie to all his kyn, freindis, men, tenantis, and servandis, quhareuer pai be within pe realme, that abidit faithfullly at

<sup>1</sup> Another Respite was granted on Nov. 8 following, in the same terms.

<sup>2</sup> JOHN DUKE OF ALBANY.

the opintoune of the Governour, in þe KINGIS name, and kepis lele and afald<sup>1</sup> pairt to hym for all maner of actionis, &c, committit or done be hym or þame in ony tyme bigane. For five zenis.

Oct. 28.—Lettre to HEW ERLE OF EGLINTOUNE, makand him and his assignais Repartis ouerfearis, correkaris, and fuplearis of the Isle of **Littill Comeray**, þe dere, cunyngis<sup>2</sup> and wild bestis being pairin, quhill þe KINGIS perfyte age of xv zere; becaus ROBERT HUNTARE of Huntarestoune, Forrestar of heretage of þe said ILE, is nocht of power to resiff þe perfonis þat waiftis þe samyn, without fuplé and help, &c.

Dec. 1.—Remiffion to JOHN MAKKENZE OF KYNTALE, William Dingwell of Kyldun, and two others, for treasonably **Taking and Keeping** THE KING'S **Castle of Wingtonale**, with the Artillery and goods therein, &c.

Dec. 7.—Respitt to ANDRO RETRA OF BALNOCARD, for art and part of þe **Slaughter** of David Blare;<sup>3</sup> committit thre zenis fyne with þe mare.<sup>4</sup> For thre zenis.

Dec. 11.—Respitt to JAMES ERLE OF ARANE, Lord Hammiltoune, with his honorable Howfhald, to cum to þe burgh of Edl<sup>r</sup>, or ony vper part within þe realme, and þare to remane and **contunne with the Lord Governour**, and LORDIS OF COUNSALE, and solist and do his leiffull eirrandis he hes ado; and fauffie and fuirelie to pas and repas, with his said howfhald, &c. To endure þe space of xx<sup>th</sup> days. (Subfcript. manibus DOMINI GUBERNATORIS et DOMINORUM CONSILII, viz. COMITIBUS, Cravfurdie, Huntlie, Levenax, Rothes, Eglintoune, Caffillis; DOMINIS, Flemyng, Cancellarij, (Episc.) Dunblanen., Roffe, Lyndefay, Erkyne, Maxwell, Prioris S. Andree, Abbatis S. Crucis, Archidiaconi S. Andree et Postulati de Dunfermyng.)

Jan. 16, 1515-16.—Lettre maid to KATERYNE FYNNE, for hir gude and thankfull service done in þe **Pursing, fostering, and keeping** of vmq<sup>le</sup> þe KINGIS broþer, **Alexander Prince of Scotland**, for all þe dayis and termes of hir lyf, of x li., &c.

Jan. 29.—Respitt to ROBERT ELWALD OF REDEHEUCHE, Williame of Lauerokftanis, his bruper, Henry Nikfoune, James Forestare in Grenehauche, and Adam Crofer, and with þame vperis xl perfonis, þare kynniffmenne, freindis, or servandis, for all maner of actionis, &c.

Feb. 2.—Respitt to DAVID RAMSAY, bruper to Neifche Ramsay of Banffe, for art and part of þe **Slaughter** of vmq<sup>le</sup> David Blare,<sup>5</sup> committit in Effindy thre zenis fyne, &c.

Feb. 3.—Letter to ROBERT LORD MAXWELL, conferring on him 4 þe office of **Stewartry of Kirkcudbright**, and **keeping** of our **Castell of Treffe**, with þe landis, fyschingis, feis, and dewiteis pertening pairto; for þe termes of nynetene zenis, wythout ony paing<sup>6</sup> of males or dewiteis pairfor.

Feb. 4.—Remiffion to ROBERT LORD CREICHTOUNE OF SANCHQUHARE, JAMES LOKART OF LEY, Edward Creichtoune in Libree, John C., brother german of umq<sup>le</sup> Robert of Kirkpatryk, Robert C., son of umq<sup>le</sup> John in Eliok, Patrick C., son of umq<sup>le</sup> John in Carco, and seven others, for the **Slaughter of James Douglas**, committed within the burgh of Edinburgh, on forethought felony: AND also to JOHN HARE in Glenquory, John H., son of Nicholas, and Donald H. in Garglenne, for the **Slaughter** of John Dwne, committed within the barony of Sanquhare on forethought felony.

Feb. 8.—Respect to NINIANE CREICHTOUNE, bruper germane to vmq<sup>le</sup> Robert C. of Kirkpatryk, and George C., for þe **forthocht felony and Slaughter** of vmq<sup>le</sup> **Robert Fergussonne of Braconspye**, and Alexander F., bruper to vmq<sup>le</sup> Johne F. of Cragdarraucht. For xix zenis.

*Eo die.*—Remiffion to GEORGE BUCHQUIHANNANE, grandfon and heir apparent of Walter B. of that ilk, Thomas and Walter B., and Walter Blare, for treasonably **Besfeging**, taking, and

<sup>1</sup> Sincere; literally, one-fold, single.  
<sup>4</sup> And farther at the Governor's pleasure.  
rent, &c.

<sup>2</sup> The deer and rabbits.

<sup>3</sup> See these Extracts, Feb. 2, 1515-16.

<sup>5</sup> See these Extracts, Dec. 7, 1515.

<sup>6</sup> Any payment of

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detaining the Castle of Dunbartane from the KING, and his keepers thereof:<sup>1</sup> And for Fire-raising and Burning the gates and doors of Greenok, and certain buildings within the lordship of THE MONASTERY OF KILWYNNING.

Mar. 6.—Remission to GEORGE FORMAN in Kilmany, specially named in the Signature of Remission granted to JOHN EARL OF LEVENAX, for art and part of the treasonable *Besteiging*, taking, and detaining the King's Castle of Dunbartane from the King and his Keepers thereof: AND for the Slaughter of John Buftie, committed within the lands of Kilmeny.

Mar. 7.—Speciale Protectione to JOHNE MAKCANE OF ARDNAMURCHANE, Alexander Johne Caynochis-fone, Donald Makrannald Wane, Nele Maknele of Geya, Angus Johne-Dowifon of pe Loupe, familiars and serbandis to Coline Erie of Ergfle. To endure for pe GOVERNOURIS will.

Mar. 28, 1516.—Remission to JAMES SMYTHE, indweller in Jedburghe, for the Slaughter of John Pagin, Stage-player,<sup>2</sup> committed nine months since.

Apr. 8.—Respect to WALTER OGILUY, and Johne Syme his servand, for pe Slaughter of Johne Piot, Crowner Depute within the scheresdome of FORFARE. For thre zeris.

Apr. 14.—Remission to JAMES MAKCALZENE, burgess of Edinburgh, for his treasonably Exporting gold and silver, coined and uncoined; and for treasonably Clipping and Cutting the coin of the realm, &c.

Apr. 16.—Remission to DAVID KYNLOCHE, as an afflitter and participator with Archbald Earl of Angus, Lord Douglas, in the High Treason committed by him.<sup>3</sup>

*Eo die*.—Remission to HENRY ANDERSOUNE, in Newale, and seven others, as afflitters and partakers with Archbald Earl of Angus in his treasonable facts, viz. for High Treason committed by them against the King's proper person, and his brother the Duke of Ross, persuading and using their utmost care and diligence to take them furth of THE CASTLE OF STIRLING, during their minority, where they had been placed, and were ordained to be kept, by the advice and consent of the Governor and three Estates of the realm, in Parliament: And for all other crimes, &c.

Oct. 19.—Remission to DAVID WEMIS OF THAT ILK, and xxxijj others, for art and part of the Slaughter of William Moffet, committed on forethought felony.

Oct. 27.—Remission to GEORGE HAITLIE OF BRUMEHILL, and Thomas Cranftoun of Doddis, for their treasonable art, part, and Assistance given to vniq<sup>le</sup> Alexander Lord Home,<sup>4</sup> in his treasonable Intercommuning with THE KING'S Rebels, Thieves, and Traitors,<sup>5</sup> &c.

Oct. 28.—Letter to ROBERT LORD MAXWELL, makand him Capitane and Repare of the

<sup>1</sup> James Muschet of Colgarthe, and seven other servants of John Earl of Lennox, also got a Remission, of this date, for the same crime. <sup>2</sup> *Histrionis*. He may have been a *Mummer* or *Buffoon*. The mention of 'Playaris' are frequent in the old Records, Treasurers' Accounts, &c. <sup>3</sup> Many others were Remitted for the same offence, but, except in the cases of persons of distinction, it seems unnecessary to enumerate them. <sup>4</sup> ALEXANDER LORD HOME, and his brother *Mr William Home*, were beheaded at Edinburgh, Lord Home on 8th, and his brother on the following day, 9th October, 1516, and their heads were affixed on the Tolbooth. As a specimen of the contempt which our older writers seem to have entertained for chronological accuracy, *Lesley* (p. 107.) mentions the 8th, *Buchanan* (xiv. 7.) says the 11th, and his authority is followed by *Crawford* in his *Officers of State* (p. 324.), &c., and *Sir James Balfour* (I. 245.) fixes the 26th day of October, 1516. *Pitcottie* and others do not mention any date. The Peerages follow *Lesley's* authority. See *Wood's Peerage*, I. 735, &c. Those who are most familiar with the Chronicles, will easily recollect more serious discrepancies in matters of much greater moment. On Jul. 21, 1520, George Home, brother to the deceased Lord, came to Edinburgh with a great company, and in presence of the Provost took down the heads of his two brothers from 'the Tolbuithe gavell, quhair thay war fixt with iron.' They returned on the 25th, and 'causit solempne funerall and obsequies be maid in the *Black Fryers*, for the saulis of the saidis Lord Home and his bruder; quhairat thair wes greit offeringis and banquetis maid, and returnit hame to thair awin dwellings.' *Lesley*, 116. See also these Extracts, Oct. 12, 1528. <sup>5</sup> Several other Remissions were granted for the same crime to persons of no note.

Castell of Lochmabane, with þe pertinentis, gevand him power, portaris, and gevillouris<sup>1</sup> to deput, &c.

Oct. 30.—Respitt to LAUCHELANE MAKINTOICHE, and to þe newmer of xl personis with him, for all crimes and offensis committit be him or þe saidis personis; and to cum and countounne with the Gouverneur and Lords of Counsaile, anent all materis he and þai hes ado; and to pas and repais one horsbak or one fute surelie, without harme, &c. To indure for þe space of xl dayis next eftir þe dait þairof.

Oct. 31.—Remission to ANDREW TOICHOCHÉ (of Monyvaird?), Laird of the fourth part of the Lands of Maggye, specially named in the Signature of Remission of JAMES EARL OF ARRAN, Lord Hammiltoun, &c., for withholding and Betaitning the Castell of Hammiltounne against THE REGENT'S authority, &c.

*Eo die.*—Remission, with consent of the Governor, and the Ratification of the three estates of Parliament, to THOMAS HUNTARE,<sup>2</sup> for art and part of Bestieging and taking the Castell and Place of Glasgow, breaking and taking THE KING'S ARTILLERY, and warlike stores therein: AND for treasonable Convocation of the lieges, 'in feir of weir,' against the foresaid CASTLE AND TOWN OF GLASGOW, and THE LORD GOVERNOR, representing the person and authority of THE KING.

Nov. 8.—Respitt to WILLIAM ELWALD OF LARESTANIS (Laverockstanis), and seven others, and generalie to all vperis þair kinne and freindis of the Clannis and Surnames of Elwaly, and als to þir vper persones þair kynnifmen, &c. for quham þai war bundin and hes delinerit plageis, viz. James Forrestare and forty-seven others, for all manner of crimes of Treasonne, Slauchter, Reffis, Hereschippis, &c. For þe space of ane zere.<sup>3</sup>

Mar. 12, 1516-7.—Remission to ALEXANDER MAKLOID OF DUNVEGAN, and all his kinsmen, friends, and servants, &c. for their assistance and supply given to Donald of the Isles of Morbach, knight, at the time of his being with ALEXANDER LORD HUME, in his treasonable deeds: AND for all other crimes, offences, and actions whatsoever, without any exception.

*Eo die.*—Remission to LAUCLAN MAKCLANE OF DOWART, Donald Makclane, Gillewin Maknele of Barra, Dulleife Makwidy of Vlusa, Neill Makkynna of Moifnes, and Lauchlan Makclane of Argour, and all their kinsmen, &c. in the same terms as above.

Mar. 14.—Remission to JOHN MAKCLANE OF LOCHBOY, and all his kinsmen, &c. as above. —On Mar. 8, he got a Gift of the rents and duties of THE KING'S lands of Teret, to be held by him during the office of THE GOVERNOR, for his good and faithful service done and to be done, and for inbringing THE KING'S Rents of the Southside of Ardmurche, excepting such lands as pertained to John Makcane of Ardnamurchane.

Apr. 8.—Respitt to ALEXANDER TROTTARE, and six others, for þair treasonable art, parte, and Assistance gevin be þaim to vmq<sup>le</sup> Alexander Lord Hume, his breper and eomplicis, for treasonable Conspirationis contrare þe KING, his derrest coufing, Tutour and Governour, and his realme, and vperis þair evill dedis; and for all vperis treasonable actionis, &c. without exceptionne. To indure for þe space of xix zeris.

Apr. 24.—Remission to SIR WILLIAM CUNNYNGHAME, KNT. MASTER OF GLENCARNE, son and heir apparent of Cuthbert Earl of Glencarne, and xxvij others, for the cruel Slauchter of Sir Mathew Montgomery, Archibald Caldwell, and John Smyth, committed on forethought felony: AND for the Hurting of John (Master of) Montgomery, son and heir apparent of Hugh Earl of Eglingtonne, &c.

<sup>1</sup> Jallers. O. Fr. *javilleur*.      <sup>2</sup> Many others got similar Remissions, &c. for the same crimes.      <sup>3</sup> A great number of NYKSOUNIS, HENDERSOUNIS, &c. got a similar Respitt on Nov. 20, 1516.



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May 18.—Respitt to all and sundry pe KINGIS LIEGIS of the Clanns and Burnants of Armstrong and Calzour, and all pair kynnismenne, freindis and seruandis, and vperis dependand wponne pain of pe Clanns of Liddisdale, now duelland in the Debatable Land and Woodis, pat will deliuer to pe GOVERNOUR sufficient plegis to remane for gude reule, qnhair pat salbe assignit: To indure for pe space of a zere next to cum.

Oct. 3.—Respitt to WILLIAME BORTHUIK OF CRUKSTONE for pe Slaughter of vmq<sup>le</sup> Vchtred Kincaid. To indure qhbill pe first day of Aprile next to cum.

Jul. 21, 1522.—Remission to WILLIAME COKBURNE, 'son and heir apparent'<sup>1</sup> of Williame C. of Langtounne, for art and part of the treasonable Slaughter of Sir Anthony Barre<sup>2</sup> de la Bastie, kn<sup>t</sup>,<sup>3</sup> GUARDIAN AND LIEUTENANT within the bounds of LOUTHIANE AND MERSE: AND for assisting the committers of the said Slaughter, after committing thereof: AND for absconding with them, 'red-hand': AND for art and part of assisting vmq<sup>le</sup> ALEXANDER LORD HUME, &c.

Oct. 23, 1523.—Remission to MR JAMES KYNINMONT for the Slaughter of vmq<sup>le</sup> Alexander Kincaid, &c.

Mar. 18, 1523-4.—Remission to John Retray of Leichehill, for the Slaughter of John Creichtounne of Buernyete.

Sep. 6, 1524.—Lettre to ROBERT GIB of pe Gift of the Service of Steropmanschip<sup>4</sup> to the King, during pe KINGIS will.

Sep. 11.—Letter to ROBERT LORD MAXWELL, and JAMES STEWART, brother germane to Andro Lord Avandale, 'at pe takin of our autoritie riall and gouernment of our realme upon our self,' makand pe said Robert Princtpale Capittane, and pe said James Princtpale Lieutenant, for all pe daies of pere life, of our Garde, Bauds, and Company of Magewours,<sup>5</sup> baith FOT-MEN and HORSE-MEN.

Nov. 14.—Respitt to JAMES TWEDY, sone and apporand aire to John Tuedy of Drummelzare, and to vperis xvij personis, for pe cruell Slaughter of vmq<sup>le</sup> Johnne Lord Fleming, and tressonable Taking and Pressing of Malcome Maister of Fleming, his sone and are, pe Kingis fré man; in priuate Prefoune: AND for Keif of certane gudis fra pame and pere seruandis, pe samyn tyme: For pe space of ane zere to indure.

Nov. 22.—Lettre to ELIZABETHE LERMONTHE, pe relict of vmq<sup>le</sup> MAISTER JAMES WISCHART OF PETTERROW, Clerk of Justiciarie and Advocate to pe KINGIS grace, and to pe said Elizabethe small faderles barnis, to help to put pame to proffitt, for pe said vmq<sup>le</sup> Maister James gude and thankfull seruice done to pe KINGIS hienes, and his derrest moder, pe QUENIS grace, of the GIFT of the Mariage of Johnne Wischert, sone and are of pe said vmq<sup>le</sup> Maister James; and failzeing of pe said Johnne be deces vnmarijt, pe mariage of ony vper are or aris, &c.

<sup>1</sup> These words are struck out of the Record.   <sup>2</sup> This French knight had been appointed Lieutenant and Warden of the East Borders on the execution of the EARL OF HOME, which gave great offence to the Scottish nobility, who naturally felt jealous of the appointment of foreigners to offices of such distinction. In the absence of the Governor, in France, the Homes got up a mock Siege of the Castle of Langholm for the purpose of drawing out the Lieutenant. Their plot succeeded, for De la Bastie left Dunbar with a pretty strong force, but fell into the hands of David Home of Wedderburn, who surprised and killed him and four other Frenchmen, and affixed his head on the Tolbooth at DUNDEE, on Sep. 19, 1517. See Lesley, p. 110; Balfour, i. 245; and Pitcottie, p. 307, which last author, in his usual quaint style, informs us, that 'being ane stranger, and not knawing the ground well, he laired his hors in ane mos; and thair his enemies cam vpoun him, and alew and murdered him verrie vnhestie; and cutted aff his head and carried with thame. And it was said that he had long hair plett in his neck, quhilk David Home of Wedderburne knitt to his saddle-bow and kept it.' The Scottish writers strangely disfigure the name of this distinguished individual. He is called Bawty, De la Beauté, Bantie, and finally, old Pitcottie distances them all, by dubbing him TILLIATIE!   <sup>3</sup> Stirrup-holder.   <sup>4</sup> Hired or waged soldiers; troops serving for pay.

Nov. 22, 1525.—Precept of a Letter to NICHOLAS CRAUFURD OF OXINGANGIS, making him Justice Clerk.

Feb. 21, 1525-6.—Remission to JOHN KEITH OF RAVYNNISCRAIG, and Thomas Dalgarnoche, for their treasonably *Abiding* from THE KING'S ARMIES at *Flovdoun, Clerk, and Sulmay*: AND for art and part of the *Slaughter* of Gawin Murray, Andrew Stratoune, William Forbes, and John Smythfoune, &c.

May 12, 1526.—Respett to ALEXANDER HOPPRINGILL OF BURNHOUS, John H. of pat Ilk, James and George, sones to pe said Alexander, James H. in Newbotill, and Charles Murray, for pe *Slaughter* of vmq<sup>le</sup> Williame Thomesone: For xix zeris.

May 30.—Respett to JOHN MURRAY OF STROWANE, Dauid his broder, Jone sone of Patrik M. in Dunfally, Andro M. of Abirochill, Williame M. son of vmq<sup>le</sup> Alex. M., Johne M. son of Dauid of Lochland, and Johne Moyll zoungar, for pe *Slaughteris* of vmq<sup>le</sup> Newin Dewar and Dauid Phillane; For pe space of xix zeris.

May 31.—Respett to CHARLIS LOWRY for pe *Slaughter* of vmq<sup>le</sup> *Walter Hewlandis* of *that ilk*, &c.: For pe space of xix zeris.

Jun. 6.—Respit to JAMES TUEDY, sone and apperand air of Johne Tuedy of Drummelzar, Johne pe Vaiche of Kingside, James Tuedy of Kirkhall, David Newtounne of Michellhill, Williame Portuife of Glenkirk, and twelve others, for pe *Slaughter* of vmq<sup>le</sup> *John Lord Fleming*, committit apone forethocht felony: For xix zeris. (*At Striueling.*)

Jul. 11.—Respett to JOHNE LOGANE OF BALUEY, Walter his sone and apperand aire, Robert L. also his sone, and seven others, for pair tressonable *Assesing*, taking and withhalding of pe KINGIS *Castell and fortalice* of *Bumbertane* fra his servandis, Keparis pairof, &c.: For pe space of xix zeris.

*Eo die.*—Respitt to GEORGE BUCHQUHANNANE OF PAT ILK, and xxij vperis, extract furth of pe Respitt of JOHNE ERLE OF LEVINAX for his tressonabill *Assesing*, taking and withhalding of our souerane lordis *Castle and fortalice* of *Bumbertane* fra his seruandis, Keparis pairof.

*Eo die.*—Respitt to (SCHIR) JOHNE COLQUHONE OF LUCE, knycht, and Patrik Colquhone, for the same crimes.

Jun. 18.—Respitt to GILBERT ERLE OF CASSILIS, Lord Kennedy, &c., James and Thomas K. his brethir, Hew K. of Girvenmanys, John, George, and Alexander his brethir, Dauid Kennedy, eme<sup>1</sup> to pe said Erle, James K. of Knokdone, Johne K. of Giltre, Patrik Ahannay of Sorby, Berthilmo Craufurd of Kerfe, Robert, and Duncane his bruper, Williame Cunynghame of Boquhanne, Robert Grayme of Knokdoleane, Gilbert his bruper, Johne Kennedy of Culzane, Gilbert K. of Balmaclannoche,<sup>2</sup> Johne Bard of Kilhenze, Patrik Muir of Cloncard, Johne Muir of Auchindrane, John Muir his man, John Muir of Wodland, Thomas Corry of Kelwod, Thomas his sone, Richert Makgees of Myrtounne, Thomas Dauidfone of Grenane, Thomas his sone, Johne Eklis of pat Ilk, James M<sup>c</sup>crynne of Barneile, James Muir of Byngart, James Blair of Midill Auchindrane, Alexander M<sup>c</sup>douell, Tutour of Garthlon, John Kennedy of Benone, Johne Ross of Drumgrange, Gilbert Kennedy, pe Proveftis sone, Ferguse Makdowell of Freuche, and *two hundred and thirty-three* others, for pe *Tressonable Slaughter* of umq<sup>le</sup> *Cornelius de Marchetema, Bucheman*,<sup>3</sup> in pe tyme of pe seit of our PARLIAMENT; and for all cryme and actionne pat may follow pairupoune: AND for pe *Slaughter* of umq<sup>le</sup> Martyne Kennedy, and Gilbert Makilwraithe: AND for pe *Intercommouning* with our *Rebells* being at our horne, &c. to pe dait heiroy. For xix zeris to indure.

<sup>1</sup> Uncle.<sup>2</sup> Balmaclannochean.<sup>3</sup> See Jul. 17 following.

Jun. 19.—Remission to ROBERT BERTOUNE of Ouer Berntoune for his treasonable absence from THE KING'S ARMY with JAMES EARL OF ARRAN, for recovery of the Castles of Hume and Medverburne. AND for his absence from the Army with THE KING and ARCHIBALD EARL OF ANGUS for taking the House of Colbrand'speth, &c.

Jun. 20.—Precept of Remission to SIR PATRICK HEPBURNE OF WAUCHTOUNE, KN<sup>t</sup>, Patrick Quidlaw of that ilk, John Hepburne of West Fortoun, William H. of Crag, Mr John H. and four others, and James Wawane of Stevinstoune for their treasonable art and part and Assistance given to umq<sup>le</sup> Wabth Hume of Medverburne, his brothers, and accomplices.

Jun. 22.—Precept of a Letter of Confirmation to ROBERT LORD MAXWELL, of the Offices of Stewardry of Annandervale and Kirkcudbright, and the Keepership of the Castles of Lochmabane and Croff; with the lands, fees, &c. thereto belonging.

Jun. 25.—Respet to JAMES DOWGLAS OF DRUMLANRIG, James Gordoune of Lochinver, and xxxvij vperis, pair kynnisfemen, freindis, and seruandis, for arte, parte, and Assistance given to Alexander Forester, and vperis his complices, Cheffis and Cratouris duelland apone Ledbu, in pair tressonable dedis: AND for pe Slauchter of Thomas Maclellane of Bombie,<sup>1</sup> committit apone forthocht felony, within the Town of Edinburghe, &c.: For xix zeries.

*Eo die.*—Letter of Gift of pe Eschete of pe above personis to James Maitland of Auchingaffill and Michell Makquban, burges of Edinburghe, coiunctlie and feueralie.

Jun. 28.—Remission to THOMAS SINCLAR and John Hume, BAILIES OF HADINGTOUNE, and generally, the Council and community, &c. thereof, for their treasonable art, part and assistance given by them to umq<sup>le</sup> Wabth Hume of Medverburne, his brothers and accomplices, &c.

*Eo die.*—Respett to ROBERT LAWDER OF PE BASSE for his treasonable assisting and manteinyng of vmq<sup>le</sup> Wabth Hume of Medverburne, being convict of Trefone, pe Kingis Rebell, &c.: AND gevand full Licence to pe said Robert to remane at hame fra all Parliamentis, &c. and to pass in pe pairtis bezond Sey, owper be sey or land, ony space and tyme he plesis: For nyne zeries, &c.

Jul. 1.—Respet to JAMES ERLE OF ARANE, HEW ERLE OF EGLINTOUNE, ANDRO LORD AVANDALE, HEW CAMPBELL OF LOWDOUNE, WILLIAM WALLACE, TUTOUR OF CRAGY, and JAMES HAMMYLTOUNE OF FYNNART, knycht, with mony vperis to pe nowmer of V<sup>m</sup> or V<sup>j</sup><sup>m</sup> 2 sa mony as pe said Erle of Arane will verify, be his hand write, and mak faithe pairupoune, pertenis, or ar menne or seruandes to him or paim, ffor pe tressonable arraying of Watell, Insurrectioun, and Fellding aganis John Duke of Albany, &c. Tutour to pe Kingis grace, Protectour and Gouvernour of his realme, cummand with pe KINGIS auctorite, and his BANER being displayit for pe tym, at Killycrochill, besyde Glasgo; and for all cryme pat may follow pairupoune: AND for all vper Tressonis, Slauchteris, &c. in ony tyme bigane, Trefone in pe Kingis persone, and arte and part of pe Slauchter of unquyfle Edward Cunyngbame of Auchinbarby alanerlie except. For pe space of xix zeries.

Jul. 2.—Remission to SIR JAMES SANDELANDIS OF CALDOR, kn<sup>t</sup>, Robert Bruce of Auchinbowy, Richard Grahame, and twelve others, for the cruel Slaughtre of James Somerulle, committit on forethought felony.

Jul. 9.—Remission to JOHN HALKHEDE OF PETFURANE, Charles Denneftoune, William Spittall of Lewqubat, and twenty others, for the Slaughtre of John Gref, committed on 'fuddantie.'

<sup>1</sup> Sir James Balfour says that he was slain by Sir John Campbell (of Calder); which person Lesley confounds with the Laird of 'Maclane' (Maclellane.) *Annales*, I, 258. *Lesley*, p. 136. See also these Extracts, Nov. 12, 1529.

<sup>2</sup> Five thousand or six thousand.

Jul. 16.—Respitt to CUTHBERT EARLE OF GLENCAIRNE, Williame, Maister pairof, James C. his broder, Robert C. of Aikheid, Robert Boyd of Portincorfe, Robert C. zoung Lard of Watterfoune, Williame C. of Polquharne, John C. of Caprintoune, Alexander C. of Laiglane, Edward Mure of Middiltoune, David C. of Bertaneholme, Williame C. of Craiganis, Williame C. of Curyngameheid, Mungo Mure of Rowallane, Williame C. of Glengarnok, and Robert Boyd in Kilmernok, for pair trefonable art and part of *Assegeting of pe Castell of Struelling*, in company with JOHNE DUKE OF ALBANY, pan Gouvernor of pis realme, pe KINGIS maist noble perfone being pairin, in his tendir aige : AND for pair trefonable intrometting with pe KINGIS perfone at pat tyme, in company with pe said *Johne Duke of Albany*, his Tutour, he being immediatlie to succede to him,<sup>1</sup> and nocht able<sup>2</sup> be<sup>3</sup> pe law, to have his perfone in keping : And for pair trefonable arraying of aue *Feld and Battale* aganis pe said *Johne Duke of Albany*, his Tutour, Protectour, and Governour of his realme, and presentand his person, at *Rittporsbill besyde Glasgw* : And for pair trefonable *Assegeting*, taking, and Withbalding of his *Castell of Dunbartane* fra his grace and his seruandis, keparis pairof. AND for all vperis crymes of Trefene, Lese-maieftie, actionis, transgressionis, crymes and offensis quhatsumever, committit or done be pe saidis personis, or ony of paim, in ony tym bigane, vnto pe day of pe dait heirof, without ony exceptiounes. For pe space of xix zeris.

Jul. 17.—Respitt to WILLIAM LORD SYMPLE, ROBERT MAISTER SYMPLE, David and Williame, sonnys to pe said Lord, Gabriell his brother, Johne S. in Auchinlodmont, Johne his soae, Johne S. of Brigend, Robert S., Williame Fleming Zoung Lard of Baruchane, and Johne Tyndale of pe Laughe, and thirtein others, for pe trefonable *Slauchter of Cornelius de Machetema, Bucheman*,<sup>3</sup> at pe Tolbuthe of Edr, in tyme of PARLIAMENT, &c. For pe space of xix zeris.

Jul. 22.—Remission to ROBERT GENTILMAN and three others, for trefonably fortifying and detaining the *Castle of Struelling*, after THE KING had summoned it to be delivered up by his HERALD, he being personally present to receive the said Castle, &c. (*Apud Jedburghe*.)

Jul. 31.—Respitt to DAVID SPOTTISWOD for pe trefonable *Conuocatioun* of our souerane lordis liegis, and vperis Rebellis, *Cratouris and Inglismen*; Ridand throw pe realme; *Segeand the Castell of Struelling* and *Palace of Linlithgow*; arrayand *Battell* aganis JAMES EARLE OF ARRANE, aue of pe REGENTIS of pe realme, &c.

Aug. 2.—Letter to JAMES EARL OF MORAY, making him *Lieutenant General of the Northern parts of the Kingdome*, viz. THE SHIRES OF ABERDENE, KYNCARDIN, BANF, ELGIN, FORESE, NARNE, INVERNYS, and all other boundes from THE NORTH WATER to WYK in Cathnes. For five years; and farther at the King's pleasure.

Aug. 6.—Respitt to JOHNE LINDESAY OF COLBYNTOUNE, Rolland L. his broder, and four others, for pair trefonable *Resset* and *Intercommoning* with ROBERT FORESTAR and vperis *Rebells and Cratouris*, *duelland* vpon *Lehin*, in pair trefonabill dedis : AND for pe cruell *Slauchter* of *William Mitr of Stanebyrre*, committit be way of Murthir, vndir sylence of nycht, in pe Channone-gate of Edr. : ATOUR Respittis generally all his liegis and subditis pat hes ony wife Resset or Intercommonit with pe said Johne and his complicis, pai being his Rebellis and at his horne. For xix zeris.—And with command to pe Scheref of Lanerk, &c. to relax pe said Johne, &c. fra pe process of pe horne, and reffave paim to pe peax, and gif paim pe wand pairof,<sup>4</sup> &c.

Aug. 8.—Remission to JAMES EARL OF MORAY, Mr Mowat of Buchqubelly, Nicholas Rofs, son of John Rofs of Auchlossin, and eight others, for art and part of the *Inbasion* and taking of

<sup>1</sup> Being the person next in succession to the Crown.    <sup>2</sup> Lat. *habilis*, viz. being unfit; incapacitated.    <sup>3</sup> See Jun. 18, 1526, of these Extracts, Vol. I, p. 236.    <sup>4</sup> For an explanation of that ceremony, see this Collection of Trials, Oct. 11, 1531, *Notice*; Jul. 23, 1566, *Note*; and Nov. 18, 1511.

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umq<sup>le</sup> Alexander Earl of Huntlye, THE KING'S LIEUTENANT, within the Burgh of Perth, in company with umq<sup>le</sup> WILLIAM ERLE OF ERROL, &c.

Aug. 16.—Respet to MALCOLM LORD FLEMYNG, James Murray of Fawlohill, Gilbert Broune of Thrapland, Andro Broune of Hartre, Richard B. of Cultermanis, Patrik Portuise of Halkschaw, Walter Hunter of Polmude, Robert his broder, Thomas Kincaid of pat Ilk, James Kincaid pe Lard of Crympcramp, Robert K., Johne Murray of Lewinshope, William M. of Sundhope, Johne M. pe gryse, William Boyd of Bathinheucht, Robert his broder, Williame Carwod of pat Ilk, Williame Murray of Romannos, James Sandelandis of Boyll, and sixty others, ffor pair tresonable Intercommunging with Alexander Forester, Jonkin Storie, and vperis pair complicis, Inglismen and Eratouris, duelland vponne Lebtue; and Resset of pain within pe realme, in tyme of ~~the~~ Ertr, in tresonable wyfe. For pe space of xix zeris.

Aug. 17.—Comission of Justiciary to ROBERT LORD MAXWELL, constituting him Justiciar within the limits of his Office of Warden of the West Marches: For five years; and farther at THE KING'S pleasure.

Sep. 5.—Remission to WILLIAM EARL OF MONTROSE, and xxix others, for art and part of the Slaughter of Charles Murray, and others slain in his company.

Oct. 18.—Respet to ROBERT STEWART OF MYNTO for his being with vmquhile JOHNE ERLE OF LEUNAX in pe Felde of ~~the~~ Inlithgtn.

Oct. 19.—Remission to NICHOLAS RAMSAY OF DALHOUSY for the Slaughter of George Ramsay his brother; committed upon 'suddantie.'

Oct. 25.—REX, We promitt faithfullie, be pir our Lettres to our louit familiar ARCHEBALD DOWGLAS,<sup>1</sup> our Thesaurer, for his gude and thankfull seruice done to ws, that quhat tyme and how sone JOHNE LORD LINDESAY, now being vnder summendis at oure instance, for poyntis of Tresoune imput to him, beis convict pairof, and Dome of Forfaltour gevin vponne him, his landis and gudis, that we fall pan incontinent gyff to pe said Archibald, his airris and assignayis, our hale Escheit of the said Johne Lord Lyndesays landis and gudis; and fall infest pe said Archibald, his airis and assignayis, heretabillie, in all landis and annuellis with pair pertinentis haldin be pe said Johne of ws immediatlie; and fall present pe said Archibald in tenent heritable to pe said Johnnis vper oure-lordis,<sup>2</sup> now haldin be him of pame, and fall mak him be infest of pe samyn; and fall mak him alfua be anfuert of our escheit of all pe said Johnnis movable guidis, takkis, steidings, obligationis, and vperis quhatsumeuer: And pan as now, and now as pan, We gyf be thir presentis to pe said Archibald, his airis and assignayis, oure hail escheit of pe said Johnnis landis and gudis to be disponit at pair plesoure, in cace pe said Johne beis sforfalt, as said is. GEVIN vndir our Priue Sele, and subscruit with our hand, At Edinburge, pe xxv day of October, and of our regne pe xiiij zeir. [JAMES R.]

Oct. 28.—Remission to DAVID DOUGLAS OF PETTINDREICHE and fifteen others for their tresonable Resetting and Intercommuning with Buntan Cumpn and his complices, Rebels and at the horn, &c.

Dec. 27.—Remission to ADAM LINDESAY OF DOWHILL for ~~High~~ Treason committed by him, by his persuasion, labour, care, and diligence to take the King and his deceased brother the Duke of Ross furth of the Castle of Stirling, where he had been placed with the advice and consent of his Tutor John Duke of Albany and the three Estates of the realm: AND for tresonable Conuocation with Baid Hume of ~~the~~ Erburne, his brothers, and their accomplices, Rebels and at the horn, &c.

<sup>1</sup> The noted Sir Archibald Douglas of Kilspindie, Lord Provest of Edinburgh, &c. For some notices of this remarkable person, who the King, in his youth, called his 'Grey-stell'; see Vol. I, p. \* 195. Reference may also be made for Hume of Godscroft's History. <sup>2</sup> Over-lords, superiors.

Jan. 10, 1526-7.—Remission to DAVID BALFOUR OF BURLIE and xv others for their treasonable art and part of *Preparing, &c. the Field of Battle near Linlithgow.*

Jan. 19.—Remission to PATRICK OGILUY OF INCHEMERTINE and xvj others for being with unqu<sup>le</sup> *Maudo Hume of Weddithorne, &c. (Apud S. Andream.)*

*Eo die.*—Remission to ALAN JAMESON, for *Abiding* from THE KING'S ARMY with THE GOVERNOR, at *Bunglas, Bonkell, and other parts in the Merse.*

Jan. 20.—Remission to THE BAILIES AND COMMUNITY OF DUNDEE for *Intercommuning* with Andrew Cariageman, David Blantire, and other *Rebels*; AND for the *Slaughter* of Gilbert Lindesay.

Jan. 24.—Remission to WILLIAM MASTER OF RUTHUENE and five others for treasonably *Besieging the Castle of Rothsay and Burning the town of Bute. (Apud Balmerinock.)*

Jan. 28.—Remission to WALTER BONAR OF KELTY, and two others, for *forethought felony and Oppression* done by them to ANDREW ROLLOK OF DUNCROWB and others his accomplices, in coming to the Parish Kirk of Dunnyne, and for *Hurting* Gothrey Wilfonne, at the same time.

Jan. 30.—Remission to JOHN OGILUIE OF INNERQUHARITE and xvij others for *Abiding* from the *Kaid* at *Merik. (Apud Perth.)*

Jan. 31.—Respitt to PATRIK BUCHQUHANNANE, Walteris son, Duncane B. Walteris sone, Alex. B. Patrikis son, Johne Makintailzour, Patrik B. Johnnis son, Patrik B. Johnne Walteris sone, Johne Malcome of Lauyis son, and five others, for *pare treasonabill art, part, and assistance* gevin be pame to George Buchquhannane and Robert B. and vperis *pare complicis, our Rebells*, being at our horne, in *pare trefonabill dedis*: AND for *pe trefonabill rasing of Fyre* in *pe landis of Arrouchquhtr*, *pertenying* to M<sup>o</sup>Farlane: AND for *pe crewall Slauchter* of Johne Laurencefone and certane vperis being with him in his cumpany, committit apoune *forthocht felony* within *pe Toune of Toughe*: AND for *pe Keff, Spullie, and Werpung* of *pe said Toune of Toughe* *pat famyne tyme, &c.*: For xix *zeris. (Apud Perth.)*

Mar. 1.—Lettre to PATRIK SINCLARE, makand him *Maister of Hunting* to the King; and gevand him *pairfore, zeirle, pe soume* of xl li.

Feb. 5.—Remission THE PROVOST, BAILIES, AND COMMUNITY OF PERTH, for art and part of the *Burning of the Place and houses of Cragg, &c.*

Apr. 11, 1527.—Respitt to JAMES HAMMILTOUN OF INNERWIK, Johne of Newtounne, and four others, for *pair trefonable Arrayung of Batell* aganis *pe GOVERNOUR*, at *Kitticroce-hill* beside GLASQW.

Apr. 17.—Remission to JAMES STEWART OF TWEDY for art and part of preparing the *Field of Battle* near *Linlithgow.*

Apr. 23.—Lettre to ROBERT LORD MAXWELL, now being *WARDANE* OF *pe WEST MARCHIS*. gevand him full power within *pe boundis* of his *Wardanry* to *tak Inquisittounne* *hpone Chiff*, *Resfett* of *Thevis, Slauchter*, with all *vpir poyntis* concernyng his *poware* of *WARDANRY*, during all *pe tyme* *pairof, &c.*

Apr. 30.—Lettre to (SCHIR) JAMES SANDELANDIS OF CALDOR, kny<sup>t</sup>, Ratifiand *pe Licence* gevin to him *afore* to *pais* for *pe completing* of his *Pilgrmage* at *Rome*: And ratifiand siclike *pe dispositiounne* maid be him of his *sonis Mariage, &c.*

May 2.—Respitt to ANDRO GALBRAYTH OF CULCREUCHE and xlvj vperis, for *pair trefonable cuming* aganis *pe KING* in *array* of *Batell* beside *Linlithgow.*

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May 14.—Respett to **JOHNE DAUIDSONE**, burges of Edinburghe, for **halding furthe of James Erle of Arane at the Bethir-Holm** (Port, of EDINBURGH.)

*Eo die*.—Remission, **WILLIAM LEVINGSTONE OF KILSYTHE**, for his treasonably coming against **John Duke of Albany**, THE KING'S TUTOR, and against the Royal authority, at **Rittercorshill**, near Glasgow, his Majesty's STANDARD being displayed, &c. (*Apud Struiling.*)

May 16.—Respett to (SCHIR) **WILLIAME SINCLARE OF ROSLING**, kn<sup>t</sup> and viij vperis, for **pare treasonable Remaning fra Sulway**.

May 18.—Respet to **HENRY CONGILTOUNE OF PAT ILK** and xvij vperis, for art, part, and Assistance gevin be pame to **George Lord Hume**, &c. (*At Dalkeith.*)

May 20.—Remission to **WILLIAM GRAHAM, MASTER OF MENTEITHE**, for his treasonably **Withing from the Army at Sulway**, &c. (*Apud Struiling.*)

May 22.—Lette to (SCHIR) **JAMES HAMILTOUNE OF FYNNART**, knicht, makand him **Capitane of the Castell of Bumbartane**, for ix zeris.

May 22 and 27.—Lette to **ANDRO LORD AVANDALE**, in double forme, of **pe Keeping of the Castell of Bumbartane**; ane of paim for **pe space of nyne zeris**, and ane vper for **pe space of xix zeris**.

May 23.—Respett to **WILLIAM BORTHUIC OF CRUKESTONE**, for art and part of **pe Slauchter of Vthred Kincaid**.

May 25.—Respett to **WILLIAME CUNYNBURGHE OF SKOWLAG**, for art and part of **pe treasonable Arraying of ane Field and Batell agane pe KING**, beside **Munlithquholm**.

May 28.—Respet to **ANDRO HERIOT OF TRABROUNE**, and xiiij vperis, for **pe samyn actione**, &c.

*Eo die*.—Respet to **WILLIAM DOUGLAS OF QUHITTINGHAME**, and xiiij vperis, for **pe said actione**, &c.

May 31.—Remission to **JAMES RAMSAY OF COKPENNE**, for treasonably **Intercommuning with George Lord Hume** and his accomplices.

*Eo die*.—Respet to **PATRIK HALIDAY**, in **pe Barony of Cambusnethane**, for **pe treasonable Resetting of vmq<sup>le</sup> Thomas Hammiltoun**, alias *Vysanit*: For xix zeris.

Jun. 1.—Lette to **HECTOUR MAKILLEON OF DOWARD**, sone and air of vmq<sup>le</sup> Lauchlane M. of Doward, chargeing **pe SCHEREF OF INUERNES** and his deputis and officiaris of **pe King to command Colyne Erle of Ergyle**, Sir **Johne Campbell of Calder**, kn<sup>t</sup>, his broper, pair complicis, &c., **pat pai mak na Oisting**, Conuocatioun of **pe KINGIS liegis**, or **Invasioun apone pe said Hectour**, his kynne, freyndis, and seruandis.

Jun. 2.—Respet to **EDMOND RUTHIRFURDE OF AUCHINGORTHE**, and **Johne his sone**, for **pe Rebising<sup>1</sup> of Helene Murray**, committit be **pe space of viij zeris syne**: To endure for nyne zeris.

Jun. 15.—Respet to **ALEXANDER CAMPBELL OF BLAIRSKEITHE**, for **pe art, part, and assistance gevin be him to JAMES ERLE OF ARANE** and vmq<sup>le</sup> **JOHNE ERLE OF LENNAX**, in **Arraying of Batell agane John Duke of Albany**, &c.

Aug. 14.—Respet to **JOHNE BANNATYNE OF CORHOUS**, and lxij vtheris, for **pe Mutilatione of Walter Weir**, committit vpon **pe sudandtie**.

<sup>1</sup> Forcible abduction. Rape or Ravishing, in the modern acceptation, was then termed 'FORCING.'

Nov. 28.—Remission to WILLIAM BORTHUIK, in Johnstoune, and ix others, for treasonably *Intercommuning with and assisting* THE KING'S *Rebels, Chiebes, and Traitors*, affording them meat and drink, &c.: For one year.

*Eo die.*—Remission, THOMAS MASTER OF BORTHUIK, and ij others, for the same crimes.

Dec. 6.—Remission to SIR WILLIAM SINCLAR OF ROSLING, kn<sup>t</sup>, for treasonably *Abdwing from the Army at Sulway*.

Dec. 12.—Respet to ALEXANDER MURE, and four vperis, for pair treasonable *Remaning and Spdwng fra the Oist and Army of Sulway*: For xix zenis.

Dec. 22.—Lettre to GILBERT ERLE OF CASSILLIS, of all his movable gudis pertening to pe KINGIS grace, as his eschete, throw committing of *Willfull Erroure in the serbing of ane Breiff*, purchest be Williame Cunynghame of Langlane, apone pe landis of Knokgulzane, &c.

Feb. 3.—Remission to GILBERT TURING OF FOVERNE, and xj others; Alex<sup>r</sup> Leslie, sone of the Laird of Petnamwne, Thomas Reid of Collestoune, James Creichtoune of Fren draucht, and xxj others; Patrick Chene of Effilmont, and xv others; John Forbes of Petstego, William Hay of Laisk, and xiiij others; Gilbert Dalgarno of Garnostoune, Gilbert Gray of Scheves; James Johnstoune of that ilk, George Gordoune of Geicht, and iiij others; Alexander Crag of Craginray, &c. &c., for *Abdwing from the Armtes at Sulway and Wark*. (*Apud Abirdene.*)

Feb. 7, 1527-8.—Remission to THE PROVOST, Bailies, community, burgesfes paying 'scot and lot,' and their servants, actually residing within THE BURGH OF ABIRDENE and burgh marches thereof, for their treasonably *Abdwing from the Armtes of Sulway and Wark*, and other Raids. (*Apud Abirdene.*)

Mar. 31, 1528.—Remission to ALEXANDER DRUMMOND, formerly of CARNOK, and Alex. D. his servant, for treasonable *Assistance* given to Archibald, formerly *Earl of Angus*, his brother and uncle, &c.: AND for treasonably *Rehealing the King's secrets*.

May 26.—Respitt to ANDRO HEREIS, bruper to WILLIAME LORD HEREIS, Andro Cotwart, William Carleill, and James Hereis, for pe treasonabill *Raising of Fyre* within pe realme, *Strungng of pe Helle of Knokschenorh*: *Slaughter* of vniij<sup>le</sup> Patrik Hereis: And *Intercommuning with Englishmen*, in tyme of Weir: For xix zenis.

Jul. 1.—Remission to HUGH CAMPBELL (OF LOUDOUNE) SHERIFF OF ARE, and xxxij others, for their treasonably coming against THE KING in '*Arrayt Battell*,' near the burgh of *Linlithgow*, on Sep. 3, 1526: AND for treasonably *Abdwing from the King's Armtes at Sulway and Wark*: AND for art and part of the *Slaughter of Gilbert, Earl of Cassillis*.<sup>1</sup> (*Apud Striuling.*)

*Eo die.*—Remission to JOHN CRAUFURD OF DRONGANE, George Campbell of Glasnok, David Cathcart of Douchray, and John Clerk, for the same crimes.

Oct. 12.—Remission to WILLIAM COKBURNE and three others, for treasonably *Resetting and Intercommuning* with Patrick Cokburne of Newbiggin, his brothers and servants.

*Eo die.*—Remission to ROBERT HAIG OF BEMERSYDE and John Atkinsoune, for their treasonably *Besieging the Castle of Stirling and Palace of Linlithgow*.<sup>2</sup>

*Eo die.*—Remission to GEORGE COWPAR, for the treasonable *Conbocation* of the lieges with his Rebels and Traitors, and the *English*, riding through the kingdom of Scotland in hostile manner,

<sup>1</sup> See *Historie of the Kennedies*; Edin. Quarto, 1830. *Leslie, Balfour's Annals, Pinkerton, &c.*

<sup>2</sup> See these

Extracts, Jul. 31, 1536. Numerous other entries occur in other parts of this Collection.



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and Besieging the Castle of Strivelling and Palace of Linlithgow, and Waging War against James Earl of Arran: AND for treasonably taking down the heads of Alexander Earl of Home, and Mr William Home, his brother, from the Colbooth of the Burgh of Edinburgh, &c.<sup>1</sup>

Oct. 28.—‘Respitt and Saufgarde’ to ‘SCHIR JOHNE CAMPBELL OF LUNDY, kn<sup>t</sup>, Johne his sone and apperand air, Finlay C. of Corfwell, Johnne M<sup>c</sup>gilhauche his gudbruder,<sup>2</sup> &c., and pare men, tennentis, &c.,’ because he was ‘now to pass in our Ambassate and service to pe partis of Flaunders.’ (*At Sanct Androis.*)

Dec. 1.—Remission to ANDREW SIBBALD and Williame Robertfoune, for treasonably abiding from THE KING’S ARMY for Besieging the Castle of Tempalloune.

Dec. 28.—Respitt to JOHNNE DUNLOP, for his treasonable art, parte, and Assistance gevin be him to Archibald, sumtyme Erle of Angus, his broper and eme,<sup>3</sup> and pare complicitis.

Jan. 4, 1528-9.—Remission to GEORGE LORD SEYTOUNE and vj others, for their treasonably abiding from THE KING’S ARMY at Sulway.

Mar. 3.—Remission to SIR WALTER SCOTT OF BRANKHELME, kn<sup>t</sup>, for his treasonably breaking Ward from the Castle of Blakness.

Mar. 8.—Remission to WILLIAM CARMICHAELL OF THAT ILK and three others, for art, part, and Assistance given to Archibald, late Earl of Angus, his brother and uncle, &c.

Apr. 4, 1529.—Respitt to HECTOURE MAKINTOSCHE, CAPITANE OF CLANQUHATTANE, and Alane Keire, for pe treasonable art, part, and Assistance gevin be pame to Archibald, sumtyme Erle of Angus, his broper, and eme, &c.

Apr. 6.—Remission to PATRICK HEPBURNE, MASTER OF HALIS, for treasonable Assistance given to George Lord Hume, and David Hume of Wedderburne, his brother, &c.

*Eo die.*—Remission to JAMES EDINGTOUNE, and x others, extracted from the Signature of Remission of PATRICK EARL OF BOITHUILE, for their treasonably assisting George Lord Hume and umq<sup>le</sup> David Hume of Weddirburne, his brothers and accomplices, being THE KING’S REBELS, and at his horn.

*Eo die.*—Precepts of Remissions were also granted to MR WILLIAM BROUNE, TUTOUR OF COLSTOUNE, and four others, and to George Fawfide of that Ilk, for the same crime.

Apr. 7.—Remission to WILLIAM DOUGLAS OF QUHITTINGHAME and James D. his servant, for treasonably Intercommuning, resetting, and assisting Archibald, late Earl of Angus, George D. his brother, and Archibald their uncle.

*Eo die.*—Remission to ROBERT LAUDER OF BASS, and xj others, for the same crimes.

*Eo die.*—Remission to THE BURGH OF DUNBAR, for the same crimes.

Apr. 8.—Remissions to JOHN LORD HAY OF ZESTER, and iiij others, and to William Hay of Tallo, for the above crimes.

Apr. 27.—Remission to MR JOHN BANNATYNE and William Flemyng, his servant, for their treasonable Assistance given to Archibald, formerly Earl of Angus, George his brother, and Archibald his uncle, and their accomplices, &c. (*Apud Strivelling.*)

Jun. 3.—Remission to PATRICK HUME, brother-german of Alexander Hume, Tutor of Weddirburne, for all crimes committed prior to this date, High Treason only excepted. (*Apud Hadingtounne.*)

<sup>1</sup> See these Extracts, Oct. 27, 1516, *Nota.*

<sup>2</sup> Brother-in-law.

<sup>3</sup> Uncle.

*Et die.*—Respitt to JAMES LORD OGILUY OF ERLIE and xxxij vper personis, for art and part of pe **Slaughter** of vmq<sup>le</sup> David Skeppar: For xix zeris.

Jun. 11.—Respitt to HEW KENNEDY OF GIRVANEMANYIS, for his treasonable art, parte, and assistance gevin be him to Archibald, sumtyme **Erle of Anguse**, his eme and broper, and pare complicis: To indure for pe space of five zeris; swa pat<sup>1</sup> pe said Hew pas in **Fraunce**, within twa monethis, and pare remane at his grace plefour. (*At Jedburgh.*)

Jun. 12.—Respitt to JOHNE MAILUILE, Robert Clerk, and Schir Thomas Thomfoune, for art and part of pe **Slaughters** of vmq<sup>le</sup> **Johne Wallanche**<sup>2</sup> of **Petteby**, Andro Traill, and Alexander Wemys; committit vpoune **auld feld** and foirthocht felony: For xix zeris. (*At Jedburgh.*)

Jun. 22.—Respitt to MATHEW HAMMILTOUNE, sone to Robert H. in Mylneburne, and Duncane Dundals, bruper-germane to James D. of Newlistoune, for art and part of pe **Slaughter** of vmq<sup>le</sup> **Adam Rishet** of that **Blk.**, &c.

Aug. 5.—Respitt to JAMES GRANT OF FREUCHY, his kynnifmen and seruandis being in his company; to pat effect, pat he may cum to OUR SOUERANE LORD, and commoun with him and his **THESAURER**, and mak waits for outred and payment of his **faderis dettis**, and sovmes of money quhilkis he restit awand to our souerane lord: For pe space of tua monethis nixt estir his cuming. (*At Striviling.*)

Sept. 20.—Letter of Licence to DAME JONET DOUGLAS LADY GLAMMIS,<sup>3</sup> and PATRICK CHARTERIS OF CUTHILGURDY to pass to the **parttis beyond sep**, in their **Pilgramage**, and vtheris leiffull besynes, &c.

Oct. 28.—Letter constituting ARCHIBALD EARL OF ERGYLE **Justice General**, within the **whole realm of Scotland**, and **Master of the King's Household**; for life. (*Apud Drumfreise.*)

Oct. 30.—Remission to NINIAN CREICHTOUNE OF BELLEBOCHT, for treasonably **Abiding from the Army at Sullway**; and for all other crimes, Treason, &c., committed within one year last past being only excepted. (*Apud Drumfreise.*)

Nov. 6.—Respitt to JOHNE GRAHAME, within pe scherefdome of Lanark, for pe **Slaughter** of vmq<sup>le</sup> **James Lebingsstoune of Belstane**: To indure vnto pe xxv day of December nixt to cum.

Nov. 8.—Remission to SYMON JOHNESTOUNE OF POWDENE, for all crimes before this date, Treason, &c. excepted. (*Apud Drumfreise.*)

Nov. 12.—Remission to JAMES GORDOUNE OF LOCHINVER, and xxxix others, for the cruel **Slaughter of Thomas Maclellane of Bombe**.<sup>4</sup> (*Apud Quithorne.*)

Dec. 1.—Remission to HENRY M<sup>c</sup>CULLOCHE OF KILASERE, for the **Slaughter** of Andrew M<sup>c</sup>calloune: AND for treasonably **abiding from the Army of Tamtalloun**, &c. (*Apud Wigtoune.*)

Dec. 6.—Remission to HERBERT MURRAY, uncle of the Laird of Brochtoun, for **Abiding from the Army of Tamtalloun**. (*Apud Wigtoune.*)

Jan. 11, 1529-30.—Precept of Remission to PATRICK CULQUHONE, son of Robert C. of Camstredane, for the **Slaughter** of Duncan M<sup>c</sup>Alester M<sup>c</sup>Gibboune, &c.

Jan. 12.—Respitt to JAMES EDMONSTOUNE OF DUNTREITHE, and ix vperis, for **Abiding from the 6ist and Army of Temptalloune**, &c.

<sup>1</sup> Provided; or, on condition that.   <sup>2</sup> Vallance.   <sup>3</sup> See her Trial, Jul. 17, 1537, I, \* 187, &c.   <sup>4</sup> Bomby. See these Extracts, Jun. 25, 1526, and other parts of this Collection.

## APPENDIX.

Feb. 2.—Respitt to ALLANE STEWART in Kirktonne, and xlij vperis, for þare trefonable Remanynng fra the Oist of Sullway,<sup>1</sup> &c. : For þe space of xj 3eris to indure. (*At Glasgw.*)

Feb. 21.—Respitt to JAMES GRANT OF FREUCHY, and JOHNE M<sup>c</sup>KINZE OF KINTALE, makand mentionne, þat þe saidis James and Johnne ar to cum to þe burghe of Edinburghe, or to ony burghe or part of þe realme, quhar it fall happin our souerane lord to be for þe tyme, and þare to solift and expaid with his hienes and his Thesaurer, þair lefull erandes and besynes : And þairfor his grace Respittis þe saidis James and Johnne for all manner of actionis committit or done be þame in ony tyme begane, vnto þe day of þe dait heirof, and till indure vnto þe saidis perfonis returnyng to þare cuntré, and x dayis þaireftir. (*At Striuling.*)

Feb. 24.—Respitt to HECTOUR M<sup>c</sup>CLANE OF DOWART, his kyn, freindis, &c. to þe novmer of fourty perfonis, for all manner of actionis, alswele Tressoune as vperis crymes, quhill þe xxv day of May next to cum, to commoune with ws (THE KING). ‘ This Respitt havand strenthe fra þe day of þe said Hectouris furthcoming of his Howse of Dowart, cummand agaitwartis to þe KINGIS grace, quhill þe said xx day of Maij.’<sup>2</sup> (*At Dundé.*)

Apr. 8, 1530.—Licence to WILLIAM ABBOT of our Abbay of CORSRAGWELL, Commendatare of Halywode, and Tutour to GILBERT ERLE OF CASSILLIS, his CHEIF, to pass in France and vper partis beyond fey, to do his Pilgramage, &c. ; and granting a Respite and Saufgarde to him, his kyn, frendis, men, tenentis, &c.

May 22.—Respitt to THOMAS MACCLELLANE OF GILSTOUNE, and xj vperis, for þare trefonable remanynng, and at hame biding fra þe Oist and Army of Sowlway : AND for þe Slauchter of vmq<sup>le</sup> George Langmuir : For xix 3eris.

Jun. 12.—Respitt to MALCOME FORBES in Bulqhame, Johnne his sone, and Johnne Anderfoune, for þare Intertcommonyng and assisting with George Keyth, our souerane lordis Rethell : For xix 3eris. (*At Scone.*)

Jul. 8.—Lettre maid to ROBERT LORD MAXWELL, his airis and assignais, ane or ma, of þe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, sovmes of money, giftes of nonentres and vperis quhatfumeuer, quhilkis pertenit to vmquhill Johnne Armstrang,<sup>3</sup> bruper to THOMAS ARMSTRANG OF MAYNGERTOUNE, and now pertenyng to our souerane lord, be resoune of eschete, throw Justiffyng of the said vmquhile Johnne to the dett for Christ, committit be him, &c.’ (*At Preijshauche, per Signaturam REGIS et Thesaurarij subscript.*)

Aug. 2.—Respitt to GEORGE NESBETT OF DALZELL for þe tressonabill art, part, and Assis-tance gevin be him to Archbald, sum tyme Erle of Angus, his bruper and eme, &c. : For xix 3eris. (*At Striuling.*)

Oct. 7.—Lettre to all and findry þe perfonis, men and wemen, INHABITANTIS OF LIDDISDALE, gevand þaime fre liberte, protectionne, faculté and fredome to pass and repare to all Mercatis, &c. and alsé full Licence and fredome to brouk and joifs peceabilly all and findry þare auld heretage, &c. þai plesand þe Lordis of þe ground, for þe saidis stedingis and rovnis, as efferis. (*At Dundé.*)

Oct. 9.—Remission to THE INHABITANTS OF LIDDISDALE, for whom PATRICK EARL OF BOITHUILE gave his Bond and security to exhibit, excepting GEORGE SCOT OF BOG and his accomplices of Crammald, Fire-raisers, for their trefonable deeds, and Conspyractes against the royall authority, for inbringng of Rebels of Scotland and Englishmen within the realme, &c. (*Apud Dundé.*)

<sup>1</sup> A great number respited, at this time, for the same offence.   <sup>2</sup> These words are added to the Respite, which is engrossed in the Record at full length.   <sup>3</sup> The redoubted JOHNNE ARMSTRANG. See Notice regarding him I, ° 152.

Oct. 10.—Remission to JOHN MASTER OF FORBES and four others, for their treasonably Abiding from THE KING'S Army at Sulway and ~~Werk~~: And for the Slaughter of Alexander Septoune of Meldrum, &c.<sup>1</sup> (*Apud Dundé.*)

Dec. 1.—Letter to MALCOLM LORD FLEMYNG, constituting him and his heirs Sheriffs principal of Tweeddale and ~~Rebels~~. (*Apud Perth.*)

Dec. 9.—Remission to ALEXANDER GRAY OF BALLEGARNO, and Robert Gray in Bowhouse, for art and part of the cruel ~~Mutflation~~ of David Cramby, junior: AND for ~~Inbasston~~ of the said David, and David his father, violently dragging them out of their house, under silence of night: AND for common ~~Oppression~~, &c. (*Apud Perth.*)

Jan. 4, 1530-1.—Lettre to TORKILL (TORQUILL) MAKNELE, ~~Chief and principale~~ of the Clan and ~~Surname~~ of ~~Maknelis~~, of pe GIFT of pe malis, fermes, proffittis, and dewiteis of all and findry pe landis pat pertenit to vmq<sup>le</sup> GILLECALLUM M<sup>c</sup>NELE OF GAEYA, liand within pe Sherefdome of Terbert; with the Nonentry and Relief, &c.

Jan. 21.—Remission to JOHN STRATHAUCHIN, son and heir apparent of Thomas S. of Lentrurk, for art and part of the cruel Slaughter of Alexander Septoune of Meldrum and JOHN KING, son and heir apparent of William King of Bourty: AND for art and part of the ~~Besesting~~ of the Castle of ~~Edrummy~~, 'Herreschip,' and 'Spullite' of goods, and Slaughter committed at the time of the said Siege.

Apr. 28, 1531.—Lettre to MATHEW ERLE OF LEVINAX, his airis and assignais, makand pame ~~Capitans~~ of the Castell, strenthe, and fortalice of ~~Bunbertanc~~, for xix zeris, begynnand at pe feist of Witsonday, in pe zere 1531, &c.

Jun. 7.—Respitt to JOHNNE BOYD, Chalmer-child<sup>2</sup> to Archibald Douglas, and John Boyd, son to Gilbert Boyd, for pe trefonable art, part, and ~~Assistance~~ gevin be pame to ~~Archibald~~ sumtyme ~~Erle of Angus~~, George Douglas his broper, and pe said Archibald his eme,<sup>3</sup> &c. (*At Striuling.*)

Jun. 8.—Remission to ALEXANDER JOHN-CANICHISSONE OF DUNNEVAIG and GLYNNIS, and three others, for their treasonable ~~Fre-raising~~ and ~~Burning~~ the houses of the lands of ~~Rosneithe~~, ~~Neuenay~~, ~~Craginche~~, and sundry others within the realm, with ~~Burnings~~, ~~Slaughters~~, and ~~Herreschips~~ of the lieges, Inhabitants thereof: And for ~~High Treason~~, &c. to this date.<sup>4</sup>

*Eo die*.—Remission to HECTOR MAKCLANE OF DOWARD, and . . . . . others for the same crimes.

Jul. 1.—Lettre to GAWYNE HAMMILTOUNE and his airis, &c. of pe GIFT of all gudis movabill and vnmovabill, dettis, takkis, Obligatiounis, gold, siluer, sovmes of money, &c. quhilkis pertenit to JONET LADY GLAMMIS, and now pertening or onywife fall happin or may pertene to our fouerane lord be refoune of Eschete, throw hir being fugitive fra pe law, and at pe horne, or conuict for ~~Intercommounyng~~ with our souerane lordis ~~Rebells~~, or for ony vpir crymes, &c.<sup>5</sup>

Oct. 12.—Respitt to HECTOR M<sup>c</sup>CLANE OF DOWALD<sup>6</sup> (Dowart,) and to als mony as beis with him in cumpany to pe novmer of xl personis, or within, saufie to cum to our fouerane Lord and pe LORDIS OF COUNSALE for making of gudis wayis anent the reule of the cuntre, &c.: For lx dais nixt to cum efter pe day of pe dait heirof.

Feb. 11, 1531-2.—Respitt to DONALD M<sup>c</sup>ALEXANDER M<sup>c</sup>MURQUHE, and xv vpiris, being

<sup>1</sup> See his Trial for High Treason, &c. I, \* 183, &c. He confessed his guilt of the Laird of Meldrum's Slaughter on the Scaffold. <sup>2</sup> Page, or groom of the chamber. <sup>3</sup> Uncle. <sup>4</sup> See *Mr Gregory's Work on the ISLES.*

<sup>5</sup> See I, \* 187, &c. <sup>6</sup> Dec. 8, 1531. Another Respite for him, 'and sa mony of his kin, &c. as he plesis to bring with him, &c. for to commoune and treit apoune sic materis as concernys ye welle of ye realme, and pacyfying ye samyne.' For xl days.

## APPENDIX.

in company with RORY M<sup>c</sup>KINZE at pe **Slaughter** of v<sup>m</sup>q<sup>le</sup> . . . . . **Mingbale** of **Kildun**, committit be him : AND **Spulze** and away-taking of pe said Williamis gudis and geir at pe tyme of pe committing of pe said Slaughter : AND for art and part pairof and the said Spulze : AND for all actiouns, &c. befor pe cuming of pe said Rory to our fouerane Lordis seruice, pat is to say in the zeire of God I<sup>m</sup>.V<sup>c</sup>.xxvij : For xix zeris to indure.

Sep. 1, 1532.—Remission to JOHN HUME OF BLACATER, John Nesbett in Spittale, Hector Furd, and John Focart, senior, his servants, for their treasonably **Intercommuning**, &c. with **Archibald**, formerly **Earl of Angus**, his brother and uncle, and their accomplices, &c. : AND also for Intercommuning with and assisting our enemies **the English**, &c. : PROVIDED that the said John comes to THE KING, along with Alexander his brother, and purges himself of the **Slaughter of David Falconar** ; and shews to THE KING, so far as he knows, who were the slayers of the said David. (*Apud Falkland.*)

Oct. 12.—Lettre of Exemptioun to JOHNNE BANNATYNE, Clerk and Writar to our fouerane lordis Signet, fra all passing to ony our **Distis**, **Wetris**, congregatiounes, and assembleis, and fra all walking, warding, waching, paying of taxtis, or extentis, within our burghes of Edinburghe or vtuith<sup>1</sup> in tyme cuming, during all his listyme, &c.—he being ‘ now of gret age, seiklie and corpulent in his persoune, and hes sustenit and as zit sustenis diuerse infirmitis in his leggis and vper partis of his body, cumin of cauld throw his ythand<sup>2</sup> and deligent lawbouris maid in our seruice in our **Justice-airis** haldin in tyme of winter,’ &c.

Dec. 15.—Respitt maid to JAMES STEWART OF CRAGYHALL, and ij seruandis, for pare treasonabill **Intercommuning** and assistance gevin to our fouerane lordis **Rebellis**, &c. For xix zeris. (*At Linlithgow.*)

Jan. 9, 1532-3.—Respitt to THOMAS DONALDSOUNE M<sup>c</sup>KINZE, and v vperis, for commoune **Theft**, outputting and inputting : AND for art and part of pe thiftus **Stelling** and **conceling** fra GEORGE ERLE OF HUNTIE of certane **wyld horsis** and **merys** furth of pe landis of Bra of Mar (Braemar.)

Mar. 17.—Remission to ARCHIBALD EARL OF ARGYLE, and lxxxij others, for their treasonable **Fire-raising**, with his **Standard** unfurled, in the **Islands of Mule**, **Ceyre** (Cyree), and **Morberne** : THE KING and his Council having dispensed with the general Act, on condition of THE EARL satisfiing the kin of Donald Ballo M<sup>c</sup>auchin, Donald Crum M<sup>c</sup>cowneane, and Farquhar M<sup>c</sup>Sevir, and others having lawful claims.<sup>3</sup> (*Apud Melrose.*)

Mar. 21.—Respitt to ALANE M<sup>c</sup>CLANE, sone to v<sup>m</sup>q<sup>le</sup> Lauchlane M<sup>c</sup>gillane of Doward, for pe treasonabill **Rasing of Fyre** and Birnyng of Houffis in the **Ile of Mull** : AND pe **Slaughter** of Johnne M<sup>c</sup>gillane, sone to Johnne M. of Lochboy, and vperis : For xix zeris to indure.

Aug. 4, 1534.—Remission to JAMES HAMMYLTOUN OF STANEHOUS, for his treasonably coming ‘ in feir of weir,’ with banners unfurled, at **Kitticorshill**, agatnst **John Duke of Albany**, Governor of the realm : AND for all other crimes, (excepting Treason, &c. Intercommuning with Archibald Earl of Angus and his accomplices, and assisting James Hammyltoun, the slayer of Thomas Flegeare ; common Oppression and Brigancy, and destroying the Woods within the lordship of Dowglas, &c.) (*Apud Lanark.*)

Dec. 5.—Remission to JOHN GRANT OF CULCABOK for certain actions committed by him, (High Treason, Slaughter, and Mutilation, after the making of the Act, and assistance given to Hector Makintoshche and his accomplices, being alone excepted.) (*Apud Elgin.*)

<sup>1</sup> Outwith.<sup>2</sup> Eident ; constant, unremitting.<sup>3</sup> See Mr Gregory's History of THE ISLES.

Jul. 10, 1535.—Respitt to **JOHNE CHARTURIS**, sone to **vmq<sup>le</sup> Johne C.** of Cuthilgurdy, for all crimes, Tresoun in **pe KINGIS** persone alanerly except; and to indure for v<sup>r</sup> zeriis: Providing allwais, pat pe said **Johne** remane furth of this realme and the realme of England, &c. (*At Striueling.*)

Jul. 26.—Respitt to **DONALD M<sup>ky</sup>** and to all personis **INHABITARIS** of pe Landis of **STRATHNAVERNE**, Athir, Auchquhilis, and Ardurenis, within pe scherefdome of Inuernys, for all actionis, crymes, &c. Tresoune in oure souerane lordis persone alanerlie except: For our souerane lordis will to indure.

Jul. 28.—Remission to **JAMES GRANT OF FREUCHY**, and iij others, for their treasonably **Abding** from the **Armies** at **Sullway** and **Werk**. (*Apud Striueling.*)

Sep. 6.—Precept of a Charter to **DAUID ARMSTRANG**,<sup>1</sup> son of Herbert, *alias Habye* Armstrang, of the v merk lands of old extent of Park, lying in **Chotsdale**, and shire of Drumfreife; proceeding upon the personal resignation of **Robert Lord Haywell**. (*Apud Crammald.*)

Oct. 29.—Remission to **ROBERT GRAHAME OF THORNOK**, Adam Grahame his brother, and Herbert Corry, for art and part of the cruel **Slaughter** of George Kirkpatrik, committed on forethought felony. (*Apud Striueling.*)

Nov. 28.—Remission to **WILLIAM KIRKPATRIK OF KIRKMICHAELL**<sup>2</sup> for **Intercommuning** with Sir Alexander K. of K., kn<sup>t</sup>, his father, and his accomplices, **Rebels**, &c. (*Apud Drumfreife.*)

Dec. 2.—Remission to **THOMAS KIRKPATRIK OF CLOISBURNE** for **Intercommuning** with **Rebels**, &c. (*Apud Drumfreife.*)

*Et die.*—Lettre of Gift to **WILLIAME LORD RUTHVENE** of all guidis movabill and vnmovabill, &c. quhilkis pertenis to **George Gorthy** of pat **Shk**, and to Sir William Stoby, Chaplane of Gorthy, **Eschete** throw being of pe saidis personis fugityve fra pe law, and at pe horne for pe **Slaughter** of **Robert Murray of Newrath**, &c.

Dec. 6.—Remission to **JOHN GREIRSOUNE OF LAG** for treasonably **Abding** from the **Army** at **Sullway**. (*Apud Drumfreife.*)

*Et die.*—Remission to **THOMAS FERGUSSOUNE OF CRAGDARROCH**, for all crimes committed prior to this date, &c.

Mar. 1, 1535-6.—Respitt to **JOHNE**, **THOMAS**, and **JAMES CRANSTOUNE**, breper, for art and part of pe **Slaughter** of **Andro Redpeth of Beringtoun**: For xix zeriis. (*At Sanctandrofe.*)

Mar. 3.—Precept of Remission to **THOMAS FOTHERINGHAME OF POWRY** for art and part of the **Slaughter** of Walter F., &c. (*Apud Falkland.*)

Mar. 11.—Lettre to **GEORGE ERLE OF HUNTLE**, his airis and assignais, of pe Gift of all gudis, movabill and vnmovabill, cornis, catale, &c. gold and siluer, cunzeit and vncunzeit, jowallis, and vperis quhatsumenir quhilkis pertenis to **Johne Forbes of Petslego**, Alexander F. of Kynnaldy, his sone and apperand air, Johne F., Williame F., Alexander F. of Dalmannoche, Johne his bruper, Alexander, sone of David F., Patrik, sone to Johne F., Johne, sone to George F., Andro Schand in Tormare, Johne Cawdale, sone and apperand air to James C. of Aslovne, John Farare, servand to pe Lard of Petslego, Duncane his sone, Thomas and Johne Hoggis, and Alexander Makferlane, now pertenyng to our souerane lord as his eschete, throw being of pe saidis personis his **Rebellis**, and at his horne, as fugitiue fra his lawes, for art and part of pe cruell **Muttlattoun**, **Hurting**, and **Wound**.

<sup>1</sup> See Notice relative to *Johnnie Armstrang*, I, \* 152; and also the Gift of his Eschete, I, \* 245.

<sup>2</sup> James Kirkpatrick and xxj others got another Remission for the same crime.

## APPENDIX.

ing of Michael Frazer and John Frazer, vpoune auld feid and forthocht felony: AND als, of pe Gift of pe vnlawis, in pe quhilkis ~~John Master of Forbes~~ was adingit for nonentre of pe said John F. of Petlego, and pe said John for nonentré of pe said Alexander his sone, and pe vparis perfonis, Rebellis forfaidis, and of John Schand, seruant to Andro Schand, S<sup>r</sup> Gilbert Hunter, Chaplane, and diuerse vperis perfonis: And als, of pe Gift of diuerse vperis vnlawis eschetis, panis of Lawborrowis, and sovmes of money, as at lenth is contenit in pe said Lettre. (*At Striuling.*) ‘Compositio iiii<sup>m</sup> (4000) merkis.’

Apr. 5.—Remission to THOMAS FAIRBARNE in Gordoune myll, Alexander his brother, and Cuthbert Cranfoune in Manys, for art and part of the ~~Slaughter of Andrew Redpeth of Strinlaw~~, &c. (*Apud Striuling.*)

Apr. 11.—Remission to GEORGE EARL OF ROTHESE, James and John Lesley, brothers, Andrew Balfowre of Montquhanny, William Lesley Captain of Rotheffe, Robert Lesley of Kynnard, James and William Lesley in Hechame, brothers, Robert Arnot of Wodmylne, Walter Paterfoun of Drummure, Patrick Balfowre in Denmylne, and forty-four others, for treasonably ~~abiding from the Armes of Merck and Temptalloune~~, &c.: AND also, discharging them and their cautioners of all pains and amerciements for not appearing before the Justiciars at the ~~Monastery of Lundoris and Redturchy~~, near the same, committed on May 17, 1532. (*Apud Falkland.*)

Apr. 19.—Respitt to WILLIAM JOHNSTONE in Fouldurris, and vij vperis, for pare trefonable Rasing of Fyre within pe realme, and Birnyng of pe Toune of Kirkmaquho. For xix 3eris, and forder for our souerane lordis will to indure. (*Apud Striuling.*)

Apr. 23.—Remission to WILLIAM COKBURNE OF SCARLING, for treasonably ~~Assisting David Rume of Wedderburne~~, &c. (*Apud Striuling.*)

Apr. 25.—Gift to SCHIR PATRICK HEPBURNE OF WAUGHTOUNE, knycht, of all gudis, movable and vnmovable, &c. quhilkis pertentit to him of befor, and now to THE KING, be reffoun of escheit throu his being ~~Condit he an Assise~~, Jan. xxiiij last bipast, of certane crymes committit vpon James Sinclair, bruder to pe Lard of Rossing, and his complices being with him. (*At Falkland.*)

May 6.—Remission to JOHN ROSS OF CRAGY, and ix others, for treasonably ~~Abiding from the Army at Sulway~~, &c. (*Apud Striuling.*)

May 9.—Remission to PATRICK HEPBURNE OF WAUGHTOUNE, kn<sup>t</sup>, Patrick his son and heir apparent, Williame H. of Est Crag, John H. of West Fortoune, Patrick Quhitlaw of that ilk, John Carkettill of Finglenne, and fifty-seven others, for art and part of the treasonable ~~Intersommung~~, Refetting, &c. and assisting ~~David Rume of Wedderburne~~, and his accomplices, the King's Rebels, &c. (*Apud Striuling.*)

May 20.—Respitt to GEORGE ELPHINSTOUNE, son and apperand air to John Elphinstoune of Hinderfoune, and Thomas E. his bruper, for art and part vpoune forthocht felloune of pe cruell ~~Slaughter of vmq<sup>le</sup> Thomas Mure~~; committit be pame in pe ~~Auld-toune of Airdene~~. For xix 3eris. (*At Striuling.*)

Jul. 16.—Remission to MARGARET LADY SINCLAIR, and xj others, for their treasonably ~~Abiding from the Army at Temptalloune~~: AND for Ufurping THE KING's authority, ~~Conducation~~ of the lieges, common ~~Oppression~~, &c. (*Apud Falkland.*)

Jul. 20.—Remission to JAMES TUEDY, son and heir apparent of John T. of Drummeizeare, and xv others, for treasonably ~~Assisting David Rume of Wedderburne~~, his brothers and accom-

plices: AND for the **Slaughter of John Lord Fleming**, committed upon forethought felony. (*Apud Pittinweme.*)

Jul. 23.—Remission to ANDREW WOD OF LARGO, John and Robert his brothers, Andrew and Thomas Wod, sons of Andrew Wod in Pittinweme, Andrew Wod his servant, Alexander Spense of Lathallane, John Lundy of Stratharlie, James his brother, and twelve others, for all actions, &c. prior to this date, High Treason excepted. (*Apud Pittinweme.*)

Aug. 15.—Remission (SCHIR) JOHNE MAILUIL OF RAITHE, kn<sup>t</sup>, James Kirkcaldy of Grange, Williame Berclay of Touche, John Mailuil of Westir Touche, John and Patrick K., brothers of the Laird of Grange, and eight others, for all crimes, excepting Treason, &c. prior to this date. (*Apud Striuling.*)

Aug. 28.—Lettre of Gift to DAVID ARMSTRANG, callit *pe Lady*, Andro A., sone and are of v<sup>m</sup>q<sup>le</sup> Symon A. of Quhitehauche, and to Mertyne A., bruper to the said David, pare airis and assignais, of all gudis, movabill and vnmovabill, dettis, &c. quhilkis pertentit to *pe* said v<sup>m</sup>q<sup>le</sup> Symon, and now to our soverane lord be resoune of **Eschete**, throw justifying of *pe* said v<sup>m</sup>q<sup>le</sup> Symon to the **Deu** for crymes committit be him. (*At Striuling.*)

Sep. 1.—Respitt to ALEXANDER FORESTER, sone of Johne Forester of *pe* Newtounne, for art and part of *pe* imput<sup>1</sup> cruell **Slaughter** of v<sup>m</sup>q<sup>le</sup> Andro Leirmontht, citinar of Sanctandrose: For xix zenis. (*At Abbottishall.*)

Jan. 28, 1536-7.—Respitt to LANCELOT GRAY, for art and part of *pe* cruell **Slaughter** of v<sup>m</sup>q<sup>le</sup> Adam Purdy, saidlaire, burges of Edinburge: And of **Dismembering** of William Purdy, his bruper, of his rycht ee; and **spoliatioun** of his fuerd; committit and done apoune suddante, &c.: For ix zenis. (*At Parisé, per Signaturam manu REGIS subscript.*)

Apr. 28, 1537.—Remission to ANDREW MUNCUR OF SLANIS, Alexander his brother, and Andrew their bastard brother, ROBERT MAILUILE OF HERVISTOUNE, and three others, for art and part of the cruel **Slaughter of John Brinne**. (*Apud Montevele.*)<sup>2</sup>

Jun. 6.—Respitt to JOHNE VAUSE OF MANY, and Maister Johne Gordoune, for art and part of *pe* **Slaughter** of James Lioune: AND **Mutflatioun** of Alexander Ruthirfurd, ane of *pe* **Baillies of Abirvene** for *pe* tyme, Maister Eduerd Menzies, and William Turnbull: AND **Deforcing** of *pe* **Probest and Baillies** pair of in executioun of *pare* office, in chargeing of *pe* said Johne to pas to *pe* Tolbuthe of *pe* said Burghe, for trublance done be him: AND for **commoune Oppressioun** done be him and *pe* saidis Maister Johne, Alexander (Knowis) and Williame (Gordoune), vpoune our soverane lordis liegis, &c. For sex monethis to indure.

Jul. 15.—Respitt maid to JONETT PYOTT, *pe* spouse of Williame Sinclare in *pe* Myresyde, for art and part of *pe* **Slaughter** of v<sup>m</sup>q<sup>le</sup> **Maister George Lindesay**: AND of *pe* **Mutflatioun** of Patrik L., committit vpoune forthocht felony, and passing away with *pe* committaris pair of with *pe* bludy hand. For xix zenis.

Nov. 7.—Respitt to ROBERT LAUDER OF BASS, and v vperis, for *pe* **tresonabill Intercomonging** with Inglismen, in tyme of Weir, &c. For xix zenis. (*At Striuling, 'v<sup>c</sup> merkis.'*)

Nov. 12.—Lettre of Gift to ARCHIBALD ERLE OF ARGILE, his airis and assignais, ane or ma of all *pe* gudis, movabill and vnmovabill, dettis, &c. quhilkis pertentit to CHARLIS CAMPBELL OF BARGOUR, and now to our soverane lord, be resoune of **Eschete**, throw being of *pe* said Charles fugitive fra *pe* law and at *pe* horne, or convict for art and part of *pe* **Slaughter** of v<sup>m</sup>q<sup>le</sup> **Alane Hammyltoun** of **Bardowny**, Robert Striuling in Cadder, and Andro Striuling of **Banker**. (*At Linlithgw, 'ij<sup>c</sup> ti.'*)

<sup>1</sup> Imputed, alleged.

<sup>2</sup> Probably *Montivilliers*, a town in the department of Lower Seine, France.



## APPENDIX.

Dec. 9.—Remission to JOHN VAUSE OF MANY, for all actions, &c. committed by him prior to this date, Treason, &c. only being excepted. (*Apud Falkland.*)

Dec. 12.—Lettre of Gift to ROBERT MAISTER OF MAXWELL, his airis, &c. of all takkis, stedingis, and wodsettis, within pe Ouer parrochin of Ewis, quilkis pertenit to vmq<sup>le</sup> Symon Armstrong of Aubithauch, justiffyt for certane crymes committit be him. (*At Linlithqw.*)

Dec. 18.—Lettre of Gift to (SCHIR) JOHNE STRIUETING OF PE KEIR, knycht, his airis, &c. of all pe gudis movabill, dettis, &c. takkis, stedingis, cornis, catale, &c. quilkis pertenit to vmq<sup>le</sup> COLIN CAMPBELL OF AUCHINHOWIE, justiffyt for art and part of pe Cruell Slauchteris of vmq<sup>le</sup> Alane Hammyltoone of Wardowle, Robert Strueling of the Lettir, and Andro S. in Ballindroicht, and being at pe horne for pe saidis Slauchteris, (excepan pe cornis, catale, and gudis intromettit with be JOHNE LORD ERSKIN, Schereff of Strueling, for our fouerane lordis vse.)

Dec. 29.—Letter of Gift to JONET LOGANE, relict of vmq<sup>le</sup> JOHNE WALLACE OF CRAGY, in confideratioun pat scho is of oure kin and blude, and hes nocht to leif vpoune, howbeit scho wes dotit substantioullie be vmq<sup>le</sup> our derrest fader of gude mynd, quham God affoilze, be payment of large sowmes of money for hir tocher : thairfoir seing now pat pe landis and Tordschyp of Cragy ar fallin in oure handis be reffoune of Ward, We, willing pat pe said Jonet be nocht alluterlie destitute of hir leving, hes gevin, &c. pe sowme of fourty merkis of Penstoun zairlie, &c. (*At Linlithqw.*)

Jan 6, 1537-8.—Respitt to ROBERT and JOK HAMMYLTOONE, for art and part of pe Slauchter of Johne Campbell of Bosfortour : For xix zeris. (*At Linlithqw.*)

Mar. 23.—Lettre of Gift to THOMAS KENNEDY, sone and apperand are to Alex. K. of Bargany, his aires, &c. of all gudis, movabill and vnmovabill, dettis, &c. quilkis pertenit to vmq<sup>le</sup> James Kennedy in pe Schallauch of Glentig, and now Eschete, becaufe he, and Neil Boyd his seruand, vpoune pe . . . day of Marche instant, vpoune gud fess and forthocht feloune, cruelly slaw vmq<sup>le</sup> Patrik Mcilivrik at Cragneil, and for breking of our fouerane lord his fessis and arrestis, and for Deforcing of his Officaris, &c.

Mar. 27, 1538.—Respitt to ROBERT and JOHNE RAMSAY, for pare tresonabill conselling of the tresonabill wordis and langage herd spoken be pame be NYCHOLACE RAMSAY OF DALHOUSSY OF PE KINGIS grace : AND for Resetting, suppleing, and intercommonyng with his Rebels, &c. For xix zeris.

May 8.—Lettre to ROBERT LORD MAXWELL, Grete Admirall, makand mentioun, pat his hienes hes direct him to pe pairtis of FRANCE, for pe sure conboying and accompanyng of his derrest fallow the Quene to this his realme fra pe said realme of FRANCE ; that pairfore his hienes, willing pat his said coung, nor nane vpir Capitane, gentilman, skipper, warmanne, or maryner, and all vpir perfonis passand in his cumpany in his seruice, incur ony damage, hurt, or skaith pairby, Will and Grantis, and of his autorite ryal and kinglie power, for him and his successouris, perpetuallie confirmis, That giff it happinnis his said coung, or ony of pe saidis perfonis passing in his cumpany, to deces, or be slane ony maner of way, in pat cayce he gevis frelie to pame, and euery of pame, pare Wardis, relevis, and marriages, to pe vtilite and weile of pare airis, to be applyit to pe behufe of pare airis and pare barnis, &c. (*At Leyth.*)

Jul. 23.—Respitt to JAMES FORSYTHE OF NYDE, for art and part of pe Slauchter of vmq<sup>le</sup> Thomas Sandfurd : For xv dais to indure ; providing pat pe said James pass furth of the realme within xv dais nixt eftir he be chargit pairto : and nocht to returne agane within pe sammyn, quhill he obtene his gracis Licence pairupoune.

Sep. 13.—Precept of Legitimation to MURDOCH M<sup>c</sup>GILLEOUNE and CHARLES M. natural sons of John Macgilleoun of Lochbo. (*Apud Linlithgw.*)

Oct. 13.—Letters of Rehabilitation to RICHART ROLLOK, burges of Dundee, dilatit of certane poyntis of Heresy, and Abfurt and Conuict patrof, restoring, reponing, and reintegrating him to his gude fame, heretage, gudis, and wardlé<sup>1</sup> honouris, without reproche, murmur, detractione, blasphematioune to be maid or done pairthrow to him, in word or deid, be ony maner of way, in tyme cuming. (*At Abirbrothok.*)

Oct. 31.—Remission to THOMAS LICHTOUNE OF VLLISHAVIN, for the Slaughter of Andrew Tait, &c. (*Apud Falkland.*)

Dec. 13.—Remission to THOMAS TURNBULL OF RAWFLAT, for art and part of the Oppression done to William Scott of Wassindane, in breaking up a box belonging to the said William, in the house of Mr Nicholas Ruthirfurd, within the burgh of Edinburgh, and for theftuously abstracting therefrom two Letters of Reversion of the lands of Coppitrig, with an instrument, belonging to his wife.

Dec. 23.—Respitt to WILLIAME CUNYNGHAME OF AKINBAR, for all attionis done be him befor pe dait heirof, Tresoune, &c. except: For xix zeris.

Jan. 13, 1538-9.—Remission to JAMES GORDOUNE OF LOCHINVER, William G. of Crauchlew, Andrew Agnew Sheriff of Wigtonne, George M<sup>c</sup>culloche of Torhouse, David Gordoune, John G. called *Johne of Quithorne*, William Carnis young Laird of Orchardtounne, and twelve others, for art and part of the Slaughter of Thomas MacCelleane of Bombie, committed eleven years lastby-past, in the burgh of Edinburgh, &c.

Jan. 24.—Precept of a Charter of Confirmation by JAMES V, of a Feu Charter granted by Robert Abbot of Holyrood, to OLIVER SINCLARE OF PITCARNIS, and Katherine Bellendene his spouse, whom failing, to James S. his natural son,<sup>2</sup> &c. of the Barony of Ahammer (Allhammer) alias Quhitkirk, with the pertinents, within the constabulary of Haddingtounne and shire of Edinburgh; dated, 'apud Monast. S. Crucis prope Edinburghe,' Jan. 17, 1538.

Feb. 16.—Remission to MR ADAM OTTIRBURNE OF RIDHALL, for Abiding from the Army of Sulway, &c. (*Apud Linlithgw.*)

Mar. 6 and 8.—Letters of Gift to WALTER COWSLAND burges of Striailing, and Robert Cant burges of Edinburghe, of their avne eschete gudis, pertening to pe Kingis grace, be resoune of Eschete, throw being of pe saidis Walter and Robert Abfurt of Heresy. (*At Linlithgw.*)

Mar. 12.—Lettre to MARTYNE BALKESKY<sup>3</sup> remittand to him pe eschete of all his gudis, &c. throu cumin in will of pe said Martyne, befor pe Justice, for breking of our souerane lordis Proclamatioune, in habing and using, estir pe making pairof, of certane Inglis (Heretical) bukis, contentit in pe sammyn.

Mar. 13.—Lettre to MR JAMES FOULIS OF COLINTOUNE, Clerk of Register, of pe Gift of pe gudis, &c. with pe advocatioune and donatioune of pe Chaplanrie, foundit at SANCT FRANCIS ALTAR, within pe College Kirk of SANCT GELE IN ED<sup>n</sup>., with pe richt of pe Patronage pairof, quhilkis pertentit to JOHNE BROUNE, burges of Edinburghe, now Eschete throw being of pe said Johne dilatit, accusit, and Abfurt of certane crymes and poyntis of Heresy.<sup>4</sup>

<sup>1</sup> Worldly, temporal.    <sup>2</sup> He afterwards got Letters of Legitimation, Jan. 13, 1538. *Reg. Secr. Sig.* xii. 59.  
<sup>3</sup> See Notices, &c. regarding him, I \* 217.    <sup>4</sup> On Apr. 7 thereafter, he also got a Gift of certain of Broun's tenements, &c. in Edinburgh, which had been escheated for the same cause.

## APPENDIX.

Mar. 24.—Lettre to **JOHNE COWANE**, burges of Striuling, and **Jonet Tennent**, his spouse, of pe Gift of all gudis, movabill and vnmovabill, landis, &c. quhilkis pertenit to **WILLIAME FORESTER**, sone and apperand are to **Johne F.** burges of pe said burcht, **Eschete** throw **Abfuratioune** of pe said **Williame** for certane poputis of **Heresy**, confessit be him in jugement. (*At Linlithgo.*)

Jun. 8, 1539.—Lettre of Gift to **MR HENRY LAUDER**, Aduocat to our souerane lord, of all gudis movabill, dettis, takkis, &c. quhilkis pertenit to **ANDRO HUME OF NYNWELLIS**, and now to the King, be resoune of **Eschete**, throw being of pe said **Andro** **Condit** of **Wiffull Erroure**, in serving of pe Breif impetrate be **Adam Neibitt**, sone and are of vmq<sup>le</sup> (**Philp**) **Nesbitt** of pat Ilk. (*At Sanctandros.*)

Jun. 17.—Remission to **ALEXANDER M<sup>c</sup>CULLOCHE** OF **CARDIRNESS**, for treasonably **Absting** from the Army at **Werk**. (*Apud Falkland.*)

Jul. 3.—Respitt to **ALANE M<sup>c</sup>GILLESPIK M<sup>c</sup>CONDACHY** OF **BALLEMANACH**, for art and part of pe **Slaughter** of vmq<sup>le</sup> **Johne M<sup>c</sup>kilzichzere-sone**, &c. : For xix 3eris. (*At Falkland.*)

Sep. 8.—Remission to **ALEXANDER LOKKART** OF **WIKITSCHAW**, and iij others, for art and part of the **Slaughter** of **James Hammyltoune**, &c. (*Apud Striuling.*)

Sep. 9.—Lettre of Gift to **HELENE**, **Agnes**, **Jonet**, **Margaret**, **Katheryne**, **Elezabeth**, **Isobell**, and **Marionne SWYNTOUNE**, dochteris to **Johne S.** of pat Ilk, coniunctlie, and pair airis, of all gudis movabill, dettis, &c. quhilkis pertenit to pe said **Johne**, **condit** of **Wiffull Erroure**, &c.<sup>1</sup> (*At Striuling. Compositio, l<sup>c</sup>xxxij l. vj s. viij d.*)

Sep. 19.—Respitt to **EDUERD SINCLER** OF **STROME**, **Magnus S.** of **Werfettir**, **Johne S.** of **Tollop**, **Williame S.** of **Houfe**, **Olyver S.** of **Helwra**, **James Cragy** of **Burghe**, **Johne C.** of **Bankis**, and twenty-four others, and generally to all their kynnisemen, freyndis, &c. within pe **ILIS** OF **ORENAY** AND **ZETLAND**, being with pame in cumpany at pe committing of ony crymes, and art and part with pame pairintill, in ony tyme bigane, befor pe day of dait heirof : ffor art and part of pe **Conuocatioune** and gadering of our souerane lordis liegis in arrapt **Batell** aganis **vmquhill Johne Erie** of **Cathness** : AND for art and part of pe **Slaughter** of pe said **vmquhill Johne**, his freyndis, seruandis and pair-takaris, being with pame in cumpany, at pat tyme : AND for all vperis **Slaughteris**, **Mutillatioune**, **Oppressiounis**, &c. : Trefoune in our souerane lordis awin propir perfoune allanerlie except. For xix 3eris. (*At Striuling.*)

Sep. 21.—Lettre to **ADAM LINDESAY** OF **DOWHILL**, of pe Gift of all gudis, movabill and vnmovabill, &c., quhilkis pertenit to **ALEXANDER RAMSAY** OF **KYNMONT**, **Eschete** throw being of pe said **Alexander** **condit** of the **Slaughter** vponne . . . **Bercley**, new recentlie done. (*At Falkland.*)

Oct. 15.—Remissio **THOME SINCLARE** et **ELIZABETH NESBITT**, sue sponse, pro arte et parte **Mutillatioune** et **Demembratioune** **Roberti Hendiroune**, **De suis testiculis**. (*Apud Falkland.*)

Oct. 19.—Remission to **JAMES KIRKCALDY** OF **GRANGE**, and his three brothers, for all crimes committed prior to this date, **Treason**, &c. excepted. (*Apud Falkland.*)

Nov. 23.—Respitt to **WILLIAME GOURLAY** OF **KINCRAG**, **Mr Andro** his bruper, and three others, for art and part of the **Slaughter** of vmq<sup>le</sup> **James Borthuik** and vperis, committit at **Pettinweme** : For xix 3eris. (*At Peblis.*)

Dec. 1.—Remission to **JOHN BUCHQUHANNANE** OF **GARTNAVERTANE**, for all crimes committed prior to this date.

<sup>1</sup> See above, Jun. 8, 1539, where the same offence is recorded.

Dec. 24.—Remission to HEW EARL OF EGLYNTOUNE, Hew Master of Eglintoun, Neill Montgomery of Langschaw, Charles Mowat of Busby, John Craufurd, brother of the Laird of Kilbirny, and twenty-eight others, for treasonably *Abiding from the Army of Sulway*: And for all crimes committed prior to this date, Treason, &c., excepted. (*Apud Linlithgow.*)

Dec. 26.—Lettre to MAISTER THOMAS BELLENDENE OF AUCHNOWINSHILL (Auchnoull), makand him Clerk of our souerane lordis Justitiarie, for all pe dais of his lyfe. (*At Linlithgow.*)

Jan. 3, 1539-40.—Remission to THOMAS HUNTER, for his treasonably going between Robert Bishop of Ross,<sup>1</sup> then Abbot of Holyrood, on the one part, and Archibald, formerly Earl of Angus, and umq<sup>le</sup> Archibald Douglas, his uncle, Traitors, on the other part, for the despatch of certain their affairs. (*Apud Linlithgow.*)

Jan. 10.—Respitt to JOHNE GUTHRE OF BALNABRECH for pe *Mutflattoune* of vmq<sup>le</sup> Patrik Annand, &c.: For xix 3eris.

Jan. 12.—Remission, ALEXANDER M<sup>c</sup>CLOYD OF DUNVEGANE,<sup>2</sup> and xxij others, for treasonably *Resetting*, &c., vmq<sup>le</sup> *Dabid Hume of Wedderburne* and *Donald Blis of Lochelsche*, kn<sup>t</sup>, their brothers and accomplices, &c. (*Apud Linlithgow.*)

Jan. 18.—Lettre to JOHNE LAWSOUNE, makand him Curatour, gydour, and gouernour to Patrik Neilsoun, *quhill is dait, and hes na witt to gyde him self*; for pe weile and proffit of him and his barnis, quhill GOD fend him witt and knowlege to rewle and gyde him self, his barnis, and guidis, and mend him of pe said infirmité. (*At Linlithgow.*)

Feb. 11.—Respitt to HECTOR M<sup>c</sup>CLANE OF DOWART, for all crymes committit be him in ony tyme bigane, vnto pe dait heirof: For xix 3eris.

Feb. 24.—Remission to GEORGE MELDRUM OF FIVY, and iij others, for all crymes committed by him prior to this date.

Feb. 28.—Lettre to OLIVER SINCLARE OF PITCARNIS, makand him *Capitane and Repar of the Castell* and fortalice of *Temptalloune*, for all pe dais of his life; with pe landis of pe Manis of *Temptalloune*, with pe landis of *Reidsyde*, *medois*, and *cunyngaris*: PAYAND pe said Oliuer, 3erlie, to our souerane lord I<sup>c</sup>.lx merkis of male, alanerlie.

Mar. 4.—Remission to GEORGE SINCLARE, brother-german of John S. of Blause, for art and part of the *Slaughter of William Creichtoune of Scottistoune*.

Mar. 5.—Remission to ROBERT CHARTERIS OF LOCHTOUNE, for the *Slaughter* of William Charteris.

Mar. 10.—Remission to THOMAS BLAIRE OF BATHYOK, for treasonably *Abiding from the Army at Sulway*. (*Apud Linlithgow.*)

May 27, 1540.—Ane Protectionne, Saufgarde, and Respitt to OLIVER SINCLARE OF PITCARNIS, Katheryne Bellendene his spous, pair men, tennentis, and seruandis: *To indure quhill the said Oliuerts retuynng agane fra the Isles*, and xl dais pairetir. (*At Sanctandros.*)

May 29.—Remission to THOMAS CRAUFURD, CAPTAIN OF CRAUFURD-JOHNE, for treasonably *Abiding from the Army at Sulway*.

<sup>1</sup> ROBERT CAIRCROSS. He was formerly Provost of the Collegiate Church of Corstorphine and Chaplain to JAMES V, and held the office of Lord High Treasurer. Having also obtained the *Abbacy of Fearn*, he resigned it in favour of his relation, James Cairncross, a Clerk of the See of Glasgow. <sup>2</sup> For all matters connected with THE ISLES, reference may be made to *Mr Gregory's* work.

## APPENDIX.

Jun. 4.—Remission to JOHN CRUMMY, for treasonably withholding and defending the **Pa- lace and Place of Linlithgow** against THE KING and his authority, he being present in proper person, with displayed banners, &c. : AND for firing cannons, &c. against THE KING and his company, and the place wherein he then was, within the burgh of Linlithq<sup>w</sup>, &c. (*Apud Falkland.*)

Jun. 11.—Lettre of Gift to HEW CRAUFURD, sone and are apperand to Laurence C. of Kilbirny, of all gudis, movabill and vnmovabill, &c., quhilkis pertentit to pe said Laurence, Eschete for falseting and fenzeting of ane proces of Apprising, led at his instance aganis Johne Cunynghame. ('I<sup>c</sup>. merkis' of Composition.)

Jun. 12.—Remission, ALEXANDER OGILUY OF THAT ILK, for treasonably **Abiding from the Army at Sulway.**

Jun. 12.—Remission to LAURENCE CRAUFURD OF KILBIRNY,<sup>1</sup> for treasonably **Abiding from the Army at Wark**; and for all other crimes, Treason excepted.

Jul. 18.—Precept of Charter to JAMES BANNATYNE, Writer to the Signet, of a tenement in the Cowgate of Edinburgh, &c., escheated to THE KING by reason of the **Heresy of Sir Henry Henderson**, late TEACHER OF THE HIGH SCHOOL OF EDINBURGHE, of which he was conducted before the **Spiritual Judge.** (*Apud Pelethy.*)

Aug. 13.—Lettre of Gift to OLIVER SINCLARE (OF PITCARNIS) of all gudis, &c. quhilkis pertentit to **Sir David Hucherson**, **Pronest of Rosling**, escheated throw being pe said Sir David **aburtit of certane poyntis of Heresy.**

Aug. 16.—Remission to ALEXANDER M<sup>c</sup>ALESTARE OF LOWPE and ij others, for treasonably **Abiding from the Army at Sulloway.**

Sep. 15.—Lettre of Gift to JAMES ERLE OF ARRANE of pe non-entres, malis, fermis, &c. of pe landis and **Barony of Hamyltoun**, &c, &c., with pe releif pair of quhen it salhappin. (*At Glammys.*)

*Eo die.*—Lettre of Gift of pe Gift maid be PATRIK ERLE BOTHUILE, Lord Halis, to vmq<sup>le</sup> (**Schir**) James Hamyltoun of Fynnart, knyght, of pe nonentres, males, &c. of Estir and Westir Blairmukis, &c., in scherefdome of Lanerk, quhilk pertentit to our souerane lord, be refoune of Eschete throw **Forfaltour**, led vpon pe said vmq<sup>le</sup> James for **certane crimes of Tresoun**, &c.<sup>2</sup>

*Eo die.*—Lettre of Gift of pe Eschete of Over and Nethir Braco, Fynnart, &c. to JAMES ERLE OF ARRANE, quhilkis pertentit to (**Schir**) James H. of Fynnart, knyght, haldin be him as tenandrijs of pe said Erle and Alexander Schaw of Sauchquhy, and now pertenes to our souerane lord, &c.

Sep. 26.—Remission to GEORGE GORTHY OF THAT ILK, Trifram his son and heir apparent, and George and John, also his sons, for the **Slaughter of Robert Murray of Drumdewane**, &c.

*Eo die.*—Lettre of Gift to ROBERT DURY OF PAT ILK of pe takkis and stedingis of pe landis of Lufcar, Eviote, Killerny, Kynnedder, &c. in regal. of Dunfermling and sh. of Fyff; quhilkis pertentit to (**Schir**) JAMES COLUILE OF EST WEMYS, knyght, and now to pe KING be refoune of eschete, throw being of pe said James convict of certane crymes of **Tresoun and Lese-majeste**, &c. (*At Falkland.*)

Sep. 29.—Remission to WALTER LESLIE, son and heir apparent of Alex. L. of Kynmury, for the **Slaughter of Patrick Retray of Kinballoch.** (*Apud S. Andream.*)

<sup>1</sup> On Jul. 30, 1540, he obtained leave 'to sell, analie, or wodset ane part of his landis of Kilbirnie' and 'Garnok.'  
<sup>2</sup> See some notices relative to his Forfeiture, Vol. I, p. 227.

Nov. 23.—Lettre of Gift to OLIVIER SINCLARE (OF PITCARNIS) of all gudis, &c. quhillis pertentit to Archibald Douglas of Garchohill, Williame his sone, Johne D. and Johne Espy, and all vperis pare complicitis, Rebels, and fugityvis fra the lawis, for nocht finding souerté to vndirly pe samyn, for pe art and part of pe cruell Slauchter of vmq<sup>le</sup> Maister Hector Sinclare, Parsonne of Killybride. (*At Halyrudehouſe.*)

Dec. 8.—Remiffion to ROBERT MAULE OF PANMUIR, for treasonably Abiding from the Army of Sulway.

Feb. 3, 1540-1.—Remiffion to WILLIAM STEWART OF TODLAW, for treasonably Abiding from the Army at Jedburgh and upon the Marches of the kingdom, gathered quarterly for refitting of our Enemies of England, &c.

Feb. 6.—Respitt to JOHNE MOWE OF PAT ILK, and xix vperis, for art and part of pe Slauchter of Williame Burne, sone to Robert Burne in Prymsydoche, committit at pe Kirk of Mow: For thre zenis.

*Eo die.*—Lettre of Gift to OLIVIER SINCLARE OF PITCARNIS and Johne Tennent of pe Carnys of pe takkis of pe Kirk of Abirborne, now pertenyng to our fouerane lord be refoune of escheit, throw Justiffyng of vmq<sup>le</sup> (Schir) James Hammyltsoune, sumptour of Fynnart, knyght, to pe deid for certane crymes of Trefoune.<sup>1</sup> (Composition 'V<sup>c</sup> merkis.')

Mar. 8.—WARRANT to make a third SIGNET, in lieu of that which was stolen.

SECRETAR, Because We vnderstand pat it is necessar pare be thre small Signetis for seruice in our Sessioune, Justice-airis, and for oure auncie Directiouns, OUR WILL is heirfor, and We charge you, pat incotinent estir pe sicht heirof, 3e cause mak ANE THRID SIGNETE, in place of it pat wes stollin, to be vsit in our seruice, as said is: And to reforme pe vperis thre Signetis, grete and small, as falbe thocht expedient be pe Lordis of our Counsaile. And for pe maire securité of your Warrant, We ordand pis oure charge to be insert in pe Bukis of our Counsaile, to be extract to you in forme of Act. Subscriuit with our hand, and gevin vndir our Priué Sele, AT LINLITHQW, pe viij day of Marche, and of our regne pe xxvij zeire.

Mar. 13.—Remiffion to SIR JAMES SANDELANDIS OF CALDOR, knyght, for his treasonably Resetting, &c. vmq<sup>le</sup> Archibald Douglas of Kilspey and his servants, Traitors and Rebels at the horn: AND for taking two horses from the said Archibald.

Mar. 18.—Remiffion to WILLIAM LORD SYMPILL, Robert Master of Sympill his son, Gabriel S. his brother, David and John S., and William Pencartoune, for all crimes committed prior to this date, Treason, &c. excepted. (*Apud S. Andream.*)

Mar. 22.—Remiffion to ARCHIBALD ILIS, alias Archibald pe Clerk, Alexander Mcconill Gallich, and twenty-eight others, for the treasonable Fire-raising and Burning the Castle of Allane-Donnand and boats thereat: AND also of the 'Hetrship' of Kenlochow and Crouterne: This Remiffion was declared by THE KING to be null, unless they observed good rule in time to come.

Mar. 30, 1541.—Respitt to JOHNE WILLIAMSOONE, and fifty vperis personis, kynnismen and allya of vmq<sup>le</sup> Hector Macintoshie for all actouns and crymes committit be pame befor pe day of pe dait heirof, Trefoune in our fouerane lordis perfoone alanerly except: For xix zenis to indure.

Apr. 9.—Respitt to ALEXANDER BANYS, for art and part of pe Slauchter of Schir William Stebnsoune, Chaplane, committit vponne pe Linkis of Kincrag, be pe space of ix zenis or pair-by. For xix zenis. (*At Striuling.*)

<sup>1</sup> See I. 227.

<sup>2</sup> See Mr Gregory's Work on THE ISLES.

## APPENDIX.

Apr. 20.—Lettre of Tak to OLIVER SINCLARE OF PITCARNIS, his airis and assignais, of all and findry our fouerane lordis landis and Lordschypis of Orknay and Zetland,<sup>1</sup> and of all pe Pils, partis, boundis, and fischingis pairof, and all pair pertinentis; togidder with pe Constabulary and Keeping of the Castell of Kirkwall: AND als makand pe said Oliuere, and his airis male, Justices, Scheriffis, Admirallis, and Wailles of all and findry pe forsaidis landis and lordschipis, baith be sey and land: For thré zeiris nixt to cum eftir pe feist of Lammes last bypast: PAYAND zerlie thre thovsand merkis, at Beltane and Lammes, be equal portionis. (*Apud Striueling.*)

May 24.—Respitt to SCHIR RICHARD PURVES, Chaiplane, for pe Slaughter of Henry Bewlandis, done and committit be him in his pure defens. For xix zeris. (*At Striueling.*)

Jun. 4.—Respitt to CHARLES CAMPBELL OF SKERINGTOUNE, Colin C., sone of vmq<sup>le</sup> Colin of Auchinhowye, Williame C. and Johnne Roger, for pare trefonabill biding and remanyng fra our fouerane lordis Army and Host of Sulway: AND for pe Slaughteris of Alane Hammyltounne of Bardoche, Robert Striueling of Bankere, and Andro S. in Ballingtrocht: For xix zeris. (*At Striueling.*)

Jun. 9.—Remission to JOHN LEVINGSTONE, son of James L. of Waranehill, for the cruel Slaughter on forethought felony and 'auld Fetu' of ARCHIBALD BALLIE OF HOWGAIT, who slew the said John's father. (*Apud Striueling.*)

Jun. 14.—Remission to ALAN LOKART OF LEY, for Abiding from the Army at Wark: AND for Slaughter of Ralph and David Weir, &c. (*Apud Striueling.*)

Jul. 13.—Respect to JAMES SINCLARE, for art and part of pe Slaughter of vmq<sup>le</sup> William Creichtounne of Scottistounne, &c.: For thré zeris.

Jul. 25.—Lettre of Gift to OLIVERE SINCLARE OF PITCARNIS of pe Marriage of William Sinclare, sone and are of vmq<sup>le</sup> Alexander S. of Dunbethe; and failzeing him be deces vnmartyr, pe Mariage of ony vper ane. (Composition 'I<sup>c</sup> merkis.')

*Eo die.*—Remission to JOHN LINDESAY OF COVINTOUNE, Robert his brother, Harbert Johnestounne, son and heir apparent of Harbert J. of West Raw, and five others, for treasonably Abiding from the Host of Wark, &c.

Oct. 21.—Lettre of Gift to OLYVER SINCLARE OF PITCARNIS of pe Eschete of Robert Dikfoune in Bouchrig, and seven other Dikfounis, fugityve fra pe law and at pe horne, for pe Slaughter of John and Edmund Gradane, and two others their brothers.

Dec. 31.—Lettre of Gift to NORMOND LESLIE, his airis, &c., of all gudis, &c., being within pe Castell of Est Wemyis, quhilkis pertenit to JAMES COLUILE OF EST WEMYS, kny<sup>t</sup>, Escheit throw being of pe said James fugityve fra pe law for certane crymes of Treason and Lesemaeste, of pe quhilkis he wes convict in Jugement.

Jan. 1, 1541-2.—Respitt to SCHIR ALEXANDER ELISOUNE, Chaplane, for art and part of pe Slaughter of George Biffet, committit vpoyme suddanté: For xix zeris.

Feb. 8.—Remission to JOHN LAUSOUNE, John Scot, John Myllar, and John Scot senior, for their treasonably besieging and breaking up the gates and doors of the lodging belonging to James (Archbishop) of Sanctandros,<sup>2</sup> situated in the Black Friar's Wynd, within the burgh of Edinburgh, for his capture and apprehension, he being within the said lodging at the time, &c. (*Apud Falkland.*)

<sup>1</sup> See these Extracts, Aug. 31, 1542.   <sup>2</sup> JAMES BETOUN, who, according to *MacFarlan's MS.*, was 'the sixth and youngest son of James Beaton of Balfour, by Marjory Boswal his wife, daughter to Sir David Boswal of Balmuto.' He died in the time of harvest, 1539. *Sadler's Letters.* *Keith's Cat. of Bishops*, p. 36.

Feb. 21.—Remission to DONALD M<sup>c</sup>ALESTER OF LARGIS, in Kyntire, John his son and heir apparent, Rannald Boy, Archibald and John Makrannald Vane, and twenty-four others, for their treasonably Abiding from the *Kaid of Sulway*: And for all other crimes, &c.

Mar. 6.—Respitt to MORISE DALRIMPILL, David Kennedy, and Thomas Hornour, for pe *Rebisting of Bonet Creichtoune, callit Lady Hewtounne*, and having carnale daile with hir be pe said Morise, incontrare hir will: For xix zeris. (*At Sanctandros.*)

Mar. 12.—Respitt to WALTER PORTUIS for pe *Slauchter* of David Oliner in Montcowper, committit apounne suddanté be pe space of ten zeris, or pairby: For xix zeris. (*At Pelethy.*)

Mar. 16.—Lettre makand DAVID CREICHTOUNE OF NAUGHTANE, *Capitane and Repare of the Castell of Edinburgh*, for his lifetime—iiij<sup>c</sup> markis to be pait to him zerlie, in his fee.

Apr. 14, 1542.—Remission to ANDREW MURRAY of Blakbarony, for his treasonable art, part, assistance, *Reset*, &c. afforded to vmq<sup>le</sup> *Archibald Douglas*, and Isobella Hopper his spouse, the time the said Archibald was *Rebel and Traitor*. (*Apud Striueling.*)

Apr. 30.—Remission to HECTOR M<sup>c</sup>CLANE OF DOWARD, Donald his brother, and John M<sup>c</sup>clane of Ardgoure, for *Abiding from the Kaid of Sulway*: AND for disobedience shewn to David Wod of Crag, Comptroller to the King, whilst he was in THE ISLES for setting the King's lands, and absenting themselves from his presence: AND for all other crimes, &c. High Treason alone excepted. (*Apud Sanctandros.*)

*Eo die.*—Letter of Regress to DAVID PITSCOTTY, great grandfon<sup>1</sup> and successor of *Finlay Pittscotty of Loncardy*, on the fourth part of the *Haltoun of Loncardy*, in the shire of Perth, alienated by the said Finlay to Sir Andrew Quhitheid.

May 6.—Commission to ARCHIBALD STEWART, CAPTAIN OF DUNNYVAIG, making him Ruler and *Gobernor within the boundis of Ply*,<sup>2</sup> with power to execute the *Office of Sheriff* thereof; during the King's pleasure.

May 10.—Commission to ALEXANDER MASTER OF GLENCARNE, making him Ruler and *Gobernor within the boundis of Kintyre*; with power to hold *Sheriff and Justiceary Courts*, &c.

Jun. 11.—Remission to JAMES NASMYTH, burgesis of Linlithq<sup>v</sup>, for treasonable art, part, and assistance afforded to umq<sup>le</sup> *Sir James Hammitounne of Fynnart*, knight, in his treasonable acts and deeds. (*Apud Striueling.*)

Aug. 31.—Lettre of Tak to OLYVER SINCLARE OF PITCARNIS, his airis, &c. of the landis and *Lordschippis of Orkney and Zetland*, and all pe *Mis*, &c.<sup>3</sup> for five zeris fra pe feist of Lammes 1543: Payand zerlie 3000 merkis, at Beltane and Lammes.

Sep. 1.—Respett to GILBERT FORDYCE, for pe *Slauchter* of vmq<sup>le</sup> *Williame Donaldsone, alias Brounhill*, committit xij zeris syne within pe *Gyrth*<sup>4</sup> of Halyrudhous, apounne sudanté.

Sep. 19.—Remission to MATHEW WINDEGAITIS, for the *Slauchter* of Robert, *alias Hob*, Olyver. (*Apud Couper.*)

Oct. 2.—Respitt to ALEXANDER LAUDER, for pe *Slauchter* of vmq<sup>ll</sup> *Thomas Brountare*; committit rekleslie with pe schot of ane culvering, ane zeire syne or pairby: For xix zeris.

Nov. 4.—Respitt to DAVID SCHAW, and George Dreghorne, for pe *Slauchter* of umq<sup>hst</sup> *Johanne Struffling of Keir, knyght*, &c.: For xix zeris.

<sup>1</sup> *Pronepotis.*

ISLES.

<sup>2</sup> See Mr Gregory's work for illustrations of these and other matters connected with THE

<sup>3</sup> See these Extracts, Apr. 20, 1541.

<sup>4</sup> Sanctuary.



Nov. 26.—Lettre of Gift to EDWART STEWART of all gudis, &c. quhilk pertenit to Johnne Smithe in Smithistoun, eschete throw pe said Johnis being absent and Remanung fra pe ~~Ordn~~ ~~and~~ ~~Army~~ deuifit and ordanit to pas to pe ~~Ordn~~ ~~and~~ ~~South~~ ~~Wardouris~~ of pe realme, for expulsione of our ald inymeis furth of pe famin.

II. ILLUSTRATIONS OF THE REIGN OF KING JAMES V, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[THE Editor presents here to the reader the result of a laborious and patient investigation of another portion of the truly valuable Records of the Lord High Treasurer of Scotland's Accounts. If, in his eagerness to bring to light much important historical matter, he has erred, by collecting too many particulars, strictly speaking, unconnected with the nature of this work, it is hoped that even those who are least inclined for such enquiries, will readily excuse the indiscretion. It has long been the Editor's conviction, that the real complexion of great public events are often most clearly understood and displayed by the investigation of such authentic sources as the public Records. The intricacy and extent of these documents, however, are such as to discourage, or altogether to deter, the generality of authors from even making the attempt at so serious an undertaking.

It has been thought best merely to add a few brief explanatory Notes, because the dates in general indicate the Trials illustrated by this and the preceding Appendices.]

Jul. 23, 1515.—ITEM, deliuerit be Master George Langmure, in pe Compt-giffaris name, to ALEXANDER CHALMOUR, PAYNTEOUR,<sup>1</sup> for ane hundrethe and xl ~~Payntit~~ ~~Armys~~ ~~to~~ ~~the~~ ~~Obsequijs~~ of our souerane lord KING JAMES THE FERD,<sup>2</sup> quham God assolze, pis day deliuerit in SANCT GELIS KIRK, price of ilk pece tuelf pennys, *summa* . . . . . vij li.

*Item*, deliuerit be pe Compt-giffar to MY LORD GOVERNOUR, to offer at the ~~Mass~~<sup>3</sup> of the ~~forsaid~~ ~~Obsequijs~~, . . . . . xiiij s.

Jul. 29.—*Item*, to ane rynnare<sup>4</sup> at<sup>5</sup> bure ane Letter to Kethe Marschell, for my Lord ~~Marschell~~, . . . . . xvj d.

Jul. 30.—*Item*, at ane eftir none, to David Cameroune, Johnne Langlandis, and James Biffatt, Officiaris, to pas at the post with my LORD GOVERNOURIS ~~Letteris~~ to my LORDIS CHAMMERLANE,<sup>6</sup> MAXWELL, and to ~~Strfuelling~~, with all deligence, betuix pame, . . . . . l s.

Jul. 31.—*Item*, to Johnne Balfoure, officiare, to pas with thre Letteris and credence<sup>7</sup> of my LORD GOVERNOURIS, with deligence, to pe LORDIS ERSKINE, FLEMING, and LARD OF KEIRE, for ~~Keiping~~ of the ~~Kingis~~ ~~grace~~, . . . . . xiiij s.

<sup>1</sup> See Mar. 15, 1517-18 of these Extracts.      <sup>2</sup> See Vol. I, p. \* 120, Notes, for some similar illustrations.  
<sup>3</sup> FUNERAL MASS and Requiem for the repose of the late KING's soul.      <sup>4</sup> Runner; courier.  
<sup>5</sup> That; who.      <sup>6</sup> It would at first sight appear that this was probably JOHN, second LORD FLEMING. ALEXANDER, third LORD HOME, having embraced the Queen-Dowager and Angus's party long previous to this date, it might reasonably be supposed he must have been, ere this time, deprived of the office of LORD GREAT CHAMBERLAIN. By a subsequent entry, however, Aug. 23, 1515 (q. v.), it appears the HOME was at that time Chamberlain.      <sup>7</sup> It was necessary that a messenger entrusted with such important affairs should be enabled to exhibit the fullest Credentials and the Warrant of the Governor and Privy Council.

*Item*, to Duncan, cartar, to pass with xxiiiij horsis, makand vj cartill, chargit with *two culver-  
rifug-myntice*, gvn-flanis, gvn-powdir, and certane hacbuschis,<sup>1</sup> ovt of Edinburghe to *Mintoun*, and  
returnyt pe samyn day, ilk cart on pe day ix s., *summa*, . . . . . liiij s.

*Item*, to ten pynouris<sup>2</sup> at bure x hacbuschis, . . . . . x s.

Aug. 2.—*Item*, to Johne Langlandis, officiare, for to pass with diligence till DUNDE and  
FORFAR, to charge all fensabill personis mett my lord Governour, pe ferd<sup>3</sup> day of August,<sup>4</sup> xvj s.

*Item*, to tua rynnaris, pat pass with Letteris to Dalkeithe, Newbottill, and Lestalrig, for help  
of *Orin* to the gunnys, . . . . . ij s. iij d.

*Item*, to Dokane (Duncan), cartare, for xj cartis quhilkis lauborit ane hale day, careand  
*Gunnys, gun-stangs, powder, colferis, and bthir Artalzerie* out of THE CASTELL and ABBAY OF  
EDINBURGHE to LEITHE; lauborand ane hail day, ilk cart on pe day ix s., *summa*, . . . . . iij ti. xix s.

Aug. 6.—*Item*, to Johne Langlandis for to pass with iij Letteris to the *Schirreffis* of ROX-  
BURGHE, BERWIC, PEBLIS, and SELKIRK, to cause pe KINGIS liegis be in Edinburghe the xv day  
of August, with xx dais victuallis—for his wagis, . . . . . xiiij s.

*Item*, to Gilbert Rutherford, James Bissat, and David Lowry, Messingeris, to pass with xvj  
Letteris for pe samyn cause to pe *Schyrts* of FORFAR, KINCARDIN, FYFF, DUNDE, COWPARE,  
BERWY, PERTHE, MENTETHE, CLACKMANNANE, STRATHERNE, KINROSS, KILE, CUNYNGHAME,  
and RENFREW, as pe Breuiat beris—for par wagis, . . . . . liij s.

Aug. 7.—*Item*, to David Purves, Mafer,<sup>5</sup> for to pass erandis of my LORD GOVERNOURIS to  
the *Lord Bakere*, in England—for his wagis, to gud compt,<sup>6</sup> . . . . . lvj s.

Aug. 8.—*Item*, to xij cartaris and xvij cartis ane hundrethe and xx pynouris and ix gad-  
men,<sup>7</sup> being careand the *Artalzerie* fra Edinburghe to *Streuellng*, and returnand agane, in viij dais  
labour, as pe Compt maid pairuppone beris in it, . . . . . lvj ti. xvj s. x d.

*Item*, for pe wagis of vj horsis, and v seruitouris with pame, quhilkis carett gun-stangs pe  
samyn tyme, in foure dais, . . . . . xlviij s.

*Item*, to Sande Jakfone, Duncan Smyth, and tua seruitouris with pame, to waist one the  
Cartis abuff writtin, . . . . . xxviij s. iij d.

*Item*, pe samyn day, and pe xiiij day of August pairefter, to Dokane, cartar, Thome Brauewod,  
and Johne of Cunyngham, for fyve cartis in vj dais, and to William Gogar, beand with pame v dais,  
with ane cart, bringand with paim out of Glasgw to Edin<sup>r</sup> two pass gunnys and ane brocht, ilk  
cart one pe day, ix s., *summa*, . . . . . xv ti. xv s.

Aug. 9.—*Item*, to Petir Gilleis, Frencheman, to pay xix pynouris quhilkis labourit in pe Palice  
a day, ilk man viij d., *summa*, . . . . . xij s. viij d.

Aug. 10.—*Item*, to ILAY HERALD, and a Monk of Newbottill, quhilk wes acquaint in Ing-  
land, to pass with Letteris of my Lord Governouris to pe *Lord Bakere*, in England, . . . . . vj ti. vj s.

Aug. 17.—*Item*, deliuerit to Mathew Auchinlek, goldsmyth, to mend pe hiltis of pe KINGIS  
*Sword of Honour*, twa vncez of siluer, price of ilk vnce fourtene schillingis; ane ducat of wecht to  
pe gilding of pe samyn hiltis, and ane lycht Franche crowne for his labouris, *summa*, . . . . . iij ti. xij d.

Aug. 20.—*Item*, to Galtere Robertfone, deliuarit to ane seruitour of pe LARD OF CESFURD,<sup>9</sup>  
quhilk come with nouelties fra pe Army to my Lord GOVERNOUR, . . . . . xviiij s.

*Item*, to ane rynnare, to pass to Dundee with Letteris to pe BALLIES pairof, to spend in thare  
folkis to the Army, . . . . . iij s.

<sup>1</sup> Hagbuts, or Harquebusses.    <sup>2</sup> Pioneers.    <sup>3</sup> Fourth.    <sup>4</sup> Numerous similar entries for the expense  
of couriers despatched to various parts of the Kingdom.    <sup>5</sup> Macer.    <sup>6</sup> This phrase often occurs in the  
Accounts, and seems to signify an *interim* payment made until final accounting.    <sup>7</sup> Drivers furnished with *gads*,  
having sharp points to goad on the oxen.    <sup>8</sup> The above entries are given as a specimen of this early part of the  
Treasurer's Accounts, which, however, are so very bulky as to prevent the possibility of any such Extracts being  
given in a connected manner. They are, however, very interesting, and replete with minute and curious historical  
materials.    <sup>9</sup> One of the Wardens of the Marches.

## APPENDIX.

Aug. 23.—*Item*, to Johne Balfoure, messingere, for to pass with Letteris of Summondis of *Forfaitour on the Lord Chamberlaine*, to his expensis, . . . . . xx s.

Aug. 24.—*Item*, to James Wallace and David Lowry, Officiaris, conjunctlie and feuerallie, *thre Letteris of Summondis* on pe LORD HUME and his foure brepir, and on DAND<sup>1</sup> HERIOT OF TRABROUNE to compere pe xxij day of October nixt pairestir, to here pame be *Forfait* for causis, and ane generall Letter for Captioun—*to ilkane of pame xiiij s.*, and to ane rydand man for to pass with paim, wele horfit, xiiij s., *summa*, . . . . . xlij s.

*Item*, for pe hyire of tua led horfis for to pass with pe said Officiaris, . . . . . xx s.

27.—*Item*, to Francheoise Ferquhare, seruitour to *Schir Anthone Warsy*, and in his name, for to pay xv gunnaris for to pass pis day to the *Castle of Dunbar*, ilk man tua crovnis of wecht, in part of payment of pare wagis, to gud compt, . . . . . xxvij ti.

Sep. 4.—*Item*, to *Lyoune Herald* for to pas to pe *Lord Bakkre* with writingis, to his expensis, . . . . . iij ti. x s.

*Item*, to David Cameroun for to pass to the *day of Crem*, and erandis to pe *Lord Bakkre*, to his expensis, . . . . . xlij s.

*Item*, to Johne Langlandis Letteris to call pe LORD HUME his brepir and pare complicez for the *Walding of Blacater*, and to leif pe samyn, deliuerit to his expensis, and iij Witnes to pass with him, . . . . . xxx s.

11.—*Item*, to DAVID LINDESAY,<sup>2</sup> *Keper of the Kingis grace*, takand fourty poundis in pensioune, 3erelie; deliuerit to him in pairt of pament pairof, to gud Compt, . . . . . x ti.

*Item*, to *Lyoune Herald* for to pass, pe secund tyme, erandis of my Lord GOVERNOURIS in Ingland, to pe *Lord Bakkre*, to his expensis, . . . . . iij ti. x s.

12.—*Item*, to Duncan, cartare, for his cart lauborand in *carying of Artaltery, harness, halbertis, pikkis, and speris*, vj dais betuix pe ABBAY and pe CASTELL OF ED<sup>3</sup>, as wes contenit in Capitane Bukkatis<sup>4</sup> Compt maid pairon, . . . . . iij ti. xvij s. viij d.

14.—*Item*, to Duncan, cartare, and his marrowis<sup>4</sup> *passand to Glasgw* with xv cartill, makand lx horfis, for tua rannobntis, and for powdir and vpir *Artaltery*; fra pe xiiij day forsaid, inclusive, to xx day of pe samyn exclusiue, makand fyve dais, ilk cart on pe day ix s., *summa*, . . . . . xxxij ti. xv s.

*Item*, to xij seruitouris quhilkis helpit pe samyn cartis, ilk man on pe day viij d., *summa*, iij ti.

15.—*Item*, to David Cameroune, and four other Officiaris, to pass with lxxvij Letteris to pe *Lords, Schirreffis, Baronis, and Hedismen*<sup>5</sup> of pe maist parte of pe realme, to provid for xl dais Victualis apone iij dais warnyng; and for certane Lordis and Hedismen for to cum towart my Lord GOVERNOUR with diligens—deliuerit to pe forsaidis Officiaris to mak pair expensis, and to hyre pame horfis, because pair avne horfis sum wes slane, sum wes burfyne,<sup>6</sup> sum crukkit, sum soppit<sup>7</sup> be consideratione, amangis paim, . . . . . vij ti. ij s.

16.—*Item*, at fyve houris in pe mornyng, to *Lyoune Herald*, for to pass with my Lord GOVERNOURIS Letteris to pe *Lord Bakkre*, beand in *Carlisle*, to his expense, . . . . . iij ti. x s.

*Item*, to Johne Adamfone for to pass with tua Letteris of my Lord GOVERNOURIS, ane to pe *QUENE, beand in Blacater*, and pe topir to *Band Ker of Fernyherst*; to his expensis, . . . . . xiiij s.

29.—*Item*, to Johne Adamfone, Officiare, for to pass with MONS<sup>8</sup> DE PLANIS, *Ambassiatour to the King of Franch*, and Master James Ogiluy to the *QUENE* and *Lord Bakkre*, and forthir<sup>9</sup> estir pare directionis, deliuerit to his expensis, to gud Compt, . . . . . xx s.

30.—*Item*, to *Lyoune Heraldis twf*, for supporting of hir in pe said LYONIS absens, beand

<sup>1</sup> The common familiar abbreviation for Andrew.

<sup>2</sup> One of the Frenchmen. He is called 'JOHANNES BOUSKAT, Commissioner of the Artaltery,' Feb. 4, 1515-16.

<sup>3</sup> Fellows, companions.

<sup>4</sup> Chiefs.

<sup>5</sup> Broken-winded.

<sup>6</sup> Perhaps swapped or swapped, i. e. exchanged for other horses, on paying a difference or consideration.

<sup>7</sup> Farther, as he might be directed by them.

<sup>8</sup> Afterwards SIR DAVID LINDESAY of the Mount, LION KING OF ARMS.

in England, in v li.; and pe xx day of December pairefter to his self v li., makand in pe hail x li. in part of pament of his fee, to gud Compt, . . . . . x li.

Oct. 1.—*Item*, to James Wallace tua Letteris of my Lord GOVERNOURIS for the **Lordes in Strueling, Reparis of pe Kingis persone**, for gude reule to be put in STRUELING, anent the **Pestilence**, deliuerit to his wagis, . . . . . x s.

Oct. 14.—*Item*, to Dowgall Campbell, deliuerit be pe **LARD OF KERE** in pe name of pe Compt-giffare, for certane expensis pe said Dougall maid on **Martnaris** quhilkis he had with him in the **Gabrtell**, for pe supporting of **MAKKANIS HOUSE**, quhen it wes first to be **Segt be Schir Donald Dils**, within pe tyme of pis Compt, . . . . . xxxiiij li. vj s. viij d.

Oct. 20.—*Item*, to Dauid Cameroune for his passage with **MASTER JAMES HAY**, before pis day, to **Harbottill** in England; and for his passage pis day with diligens and my lord GOVERNOURIS Writings to the **Quene**, beand in **Harbottill**, deliuerit to him, . . . . . xliij s.

Oct. 23.—*Item*, to thre **Wittnes** quhilkis come out of **TAVIDALE** to prest pe executioun of ane **Summondis (of Forfeiture)** maid on pe **LORD HUME** and his brether, . . . . . xx s.

Oct. 25.—*Item*, to Duncan Riche and certane vpiris beraris, for salt of **Officiaris**, xxvj **Letteris** for sa mony **SCHIRREFFIS** and **STEWARTIS** of pe hail realme for putting doune of **Sedwart-stabis**, and for vsing of speris, axis, halbertis, bowis, and culueringis, deliuerit to par wagis, . . . . . xliij s.

Oct. 27.—*Item*, to Johne Balfoure and vpiris beraris to pass to pe **Schirreffis** of **DUNBERTANE**, **STRIUELING**, **LITHQW**, **RENFREW**, and **LANARK**, for to warne pare schyris for pe **hame-bruving of the Artalzery** out of **Glasgw**, . . . . . xxviiij s.

Oct. 28.—*Item*, to Duncan Riche for to pass with my Lord GOVERNOURIS Letteris to **SETOUNE**, **DUNGLASS**, **FASTCASTELL**, and endlangis pe **Cost**, with diligens, for to gare mak **Bell-fyris<sup>1</sup>** and cast<sup>2</sup> **Sunnys**, for nouelteis of the **Triumphe the King of France** gat in **Lumbarby**, to his expense, . . . . . xx s.

Oct. 31.—*Item*, to Hare Laufone for to pass with diligens to my Lord GOVERNOUR, day and nycht, towart **Hammyltoune** with pare Writing at come fra pe **VNDER-CAPITANE OF DUNBAR**, anent pe **Rasing of Fyre** be the **Kingis Rebells**, for his wagis, . . . . . xx s.

Nov. 4.—*Item*, for wax deliuerit to Dauid Anderfoune for **Selys** to certane **Letteris of Forfactoure**, . . . . . iiij s.

Nov. 20.—*Item*, for wax quhit and reid he bocht to pe **SELYIS** of certane **Letteris of Forfactour** and vpiris concernyng my Lord GOVERNOUR, . . . . . xv s.

Dec. 1.—*Item*, to James Nesbit, mafare, for to pass with the **King of Francis Ambassatour** to the **Lord Makatre**, and for till vse pe said **Ambassiatouris** directione, for his expensis, to gud compt, deliuerit . . . . . xxviiij s.

Dec. 6.—*Item*, to Patrik Reoche, messingere, for to pass with my lord GOVERNOURIS writingis to the **King of France Ambassatour**, beand with the **Quene** in **Harbottill**, in **INGLAND**, for his expensis,<sup>3</sup> . . . . . xxxij s.

Dec. 27.—*Item*, to Duncan Riche for to pass with Writingis of the **King of Francis Ambassatouris** in **England** to the **Quene** and **King of Englandis Commissionaris**, beand in **Morepethe**, to his expensis and wagis, . . . . . xliij s.

Jan. 31, 1515-16.—*Item*, be my lord GOVERNOURIS command, to pe **BAILZEIS OF SELKIRK** to pay pair **Taxt**, becaus at that war herett<sup>4</sup> be **Cheris** and **Pestellence**, . . . . . xv li.

Feb. 4.—*Item*, to Johanne Boufkat, *alias Bukkat*, **Francheman**,<sup>5</sup> **Commiffioner** of pe **Artalzery**, be my lord GOVERNOURIS command, gevin pairon to furnis certane **cartis** and **carriage of cer-**

<sup>1</sup> Bell-fires, Bonfires, see *Dr Jamieson's Dictionary* for the origin of the term. <sup>2</sup> Shoot, discharge. <sup>3</sup> Numerous payments are made, which prove a constant correspondence, at this time, between the Queen, the French Ambassador, Sir Anthony Darsy, &c. <sup>4</sup> Harried, plundered. <sup>5</sup> See Sep. 12, 1515, &c. of these Extracts.

## APPENDIX.

tane Artaltery out of Glasgowe and Dunbertane to EDINBURGHE, eftir his compt pairon, in lxxxj Franche crownis of wecht, *summa*, . . . . . lxxij li. xvij s̄.

Feb. 18.—*Item*, pat famin nycht, in Linlithqw, my lord GOVERNOUR beand pair, to ane man with horſe pat paſſit with clois Letteris apone pe nycht to *Monſr. de Plants*<sup>1</sup> to Edinburghe, at poſt, . . . . . vij s̄.

*Item*, pat famin nycht, to ane horſman pat paſſit with clois Letteris to the Scheref of Striuffing, at xj houris, . . . . . x s̄.

Feb. 19.—*Item*, pat famin nycht, to Hans gunnar, quibilk hyrit ane horſe to ryd to Striuffling, at poſt, for *hakkusſis* and *ſtants*,<sup>2</sup> . . . . . xij s̄.

*Item*, to Johnne Balfoure, Officiare, to paſs to Edinburghe with clois Letteris to the Ambaſſatour of Franche, at midnycht, . . . . . x s̄.

Feb. 20.—*Item*, to ane man pat paſſit with ane Lettir of my lord GOVERNOURIS to Captane Jonet, to gar the Artaltery be moband fra the *ſtawkrk*, . . . . . ij s̄.

*Item*, to ane man pat paſſit to THE SCHEREF OF STRIUDELING, with ane Letter of my lord GOVERNOURIS<sup>3</sup> to gare all the *Oryn* of that ſchtre be redvy for Drawin of the Artaltery, . . . . . iij s̄.

Mar. 4.—*Item*, bocht and ſend to the *bj Rokkaris* and *ſbrriſis* of the KINGIS and *bmquyſle* my LORD DUKIS, his broperis, xxiiij elne of Rowane ruſſat, to be thame *Sownts*, price of ilk elne xvj s̄. *summa*, . . . . . xix li. iij s̄.

*Item*, to border and cuf of pe famin gownis, iij elne weluofe, price of ilk elne, l s̄. *summa*, vij li. x s̄.

*Item*, to ane man pat bure ane Letter of Reſpett to THE MASTER OF HALIS for pe *Inrumung* of the *Elwaldis*,<sup>4</sup> . . . . . iij s̄.

Mar. 18.—*Item*, to Criſteane Cokburne, ane of the *Princtis* *bmquyſle* *Rokkaris*, iij elne of Rowane ruſſat and half ane elne of weluofe, to be *htr* ane *Soune*, price of pe elne of ruſſat xvj s̄., and of pe  $\frac{1}{2}$  elne of weluofe, xv s̄., . . . . . iij li. ix s̄.

*Item*, for xvj elne of claiſh, callit mylk and watter, to be iij *Almos Sownts* and *hudis* for the *Kingis Almos*, one *CENA DOMINI*,<sup>5</sup> price of ilk elne iij s̄. *summa*, . . . . . ij li. iij s̄.

*Item*, for pe ſaffonne of pe ſaidis iij gownis and *hudis*, . . . . . vij s̄.

*Item*, to ane man and horſe to turſe thame and pe ſaid claiſhis furth of Edr to Struffing, iij s̄.

*Item*, to Henry Dempſtare, quhilk gaiſt to pe *ſſij Almosarts* iij purſis, and ilk ane iij s̄., *summa*, . . . . . xvj s̄. vij d̄.

*Item*, to ane ſeruitour to pas with clois Letteris to SCONE, DUPLYNE, ALUAY, DUNBLENE, and RUTHVENE, for pare *Sells* to be put to ane *Commiſſioun*<sup>6</sup> to pas with the *Ambaſſatouris* to England, . . . . . x s̄.

*Item*, to ane ſeruitour to paſs with Letteris, at pe poſt, to my LORDIS OF ERROLE, MARSCHELL, THE ELECT OF ABERDENE,<sup>7</sup> and to pe *Commiſſar* of ABERDENE, anent the *Saivering*<sup>8</sup> be tufy the *Erle Erroll* and *Lord Gordoune*, . . . . . xiiij s̄.

Apr. 10, 1516.—*Item*, gevin to Robert Hert, to ride (to) pe *Capitantis* of Douglas and *Campbelloun*, with tua *Preceptis* of my lord GOVERNOURIS to cauſe pame cum to Dunbar, xiiij s̄.

*Item*, to Gilbert Reoche to pas to England with Letteris of my lord (GOVERNOR), at Poſt, to *Monſr. Plants*, to Annivek,<sup>9</sup> . . . . . xxxvij s̄.

<sup>1</sup> The French Ambassador.    <sup>2</sup> Bullets; gun-stones.    <sup>3</sup> He was in Glasgow on the 21st, and in Linlithgow on 24th. Until the next extract, Letters were continually passing between him and the French Ambassador, &c.

<sup>4</sup> The Elwalds, notorious Border Thieves. The name is now extinct.    <sup>5</sup> See illustrations of this custom in Sir Walter Scott's *Antiquary*, last edition. These entries are regularly repeated annually, with additional gowns, purses, and money for the 'ALMOZANIS,' or the King's *BEDSMEN*, for each year of the King's age. It is only necessary to advert to such entries once, as the varieties which occur are generally very trifling, being chiefly additional furnishings for the Bedesmen, &c.

<sup>6</sup> Numerous other Messengers, sent for the same purpose to other Barons, &c.

<sup>7</sup> Alexander Gordon, third son of James Gordon of Haddo, ancestor of the Earls of Aberdeen. He died of a hectic fever, Jun. 29, 1518, having enjoyed the See only a short time.

<sup>8</sup> See Jun. 3, 1516.

<sup>9</sup> Alnwick.

- Apr. 15.—*Item*, to my LORD CHANCELLAR to gif Lord Bakkaris man in THE CASTELL, iij French crownis, . . . . . xliij s.
- Apr. 23.—*Item*, to my lord (GOVERNOR) to play with my Lord Legat, in SANCTANDROSS, at the disse, x lycht Fr. cr<sup>a</sup>, . . . . . vij li.
- Apr. 28.—*Item*, to my lord GOVERNOUR to play at the ciese,<sup>1</sup> (chess?) in SANCT JOHNNES-TOUNE, . . . . . xliij s.
- Apr. 30.—*Item*, &c. to play at the disse, in ix Fr. cr., . . . . . vij li. vj s.
- May 12.—*Item*, to James Stewart of Ardgowane and Johne Watfone, to pay part of expensis of the Kingis schippis in Dunbertane, be my lord GOVERNOURIS command, to gud compt, lxiij li.
- May 20.—*Item*, for the beging of Buttis in the Abbay,<sup>2</sup> be my lord GOVERNOURIS command, . . . . . xliij s. vj d.
- Jun. 3.—*Item*, within nycht, to ane seruitoure pat passit to Edr, for to stop the Sadding he- tufy the Erll Marschell and Lord Forbes,<sup>3</sup> in Abirvene, . . . . . xliij s.
- Jul. 1.—*Item*, to David Purvese, for to pass, be my Lord GOVERNOURIS command, to Ber- wik with Monsr La Fayette<sup>4</sup> . . . . . xxvij s.
- Jul. 21.—*Item*, to Johne Adamfone, to pass with vij clois Letteris<sup>5</sup> and ane patent Letter of my Lord GOVERNOURIS to pe Barones and Lardis of Lowtheane, for ane Assise apone the Maisteris of Glencarne and Mongumry, . . . . . xvj s.
- Aug. 8.—*Item*, to Johne Balfour and to Biffatt, quhilk warnit the Lardis nerrast Edin- burgh to ryd with my Lord GOVERNOUR, quhen he raid to Strueling with the Inglismen to se THE KING, . . . . . iij s.
- Aug. 21.—*Item*, to THE ERLE OF ARGILE, Justice, remanand at the Aire in Bunde<sup>6</sup> xx dais, ilk day xl s. . . . . xl li.
- Item*, to THE CHANCELLARE remanand in Dunde in lykwyse xx dais, ilk day lvij s., *summa*, . . . . . lvij li.
- Item*, THE THESAURER remanand siclyk, ilk day xxx s., *summa*, . . . . . xxx li.
- Aug. 31.—*Item*, to David Lowry, at passit with Letteris of my Lord GOVERNOURIS to the Lord Maxwell and to the Lord of Cessford, to keip the Bordouris, at na man suld pass to ENGLAND without speciale Writingis and Licence, . . . . . xxiiij s.
- Sep. 24.—*Item*, to David Lowry, to pass with ane Letter of our souerane Lordis, to poynd xxvij Lordis and Lardis absentis fra pe Assise of Montgomery and Kilmawris, on SOUTH HALF FORTHE, . . . . . xliij s.
- Item*, to John Langlandis, to pass on NORTH HALF FORTHE, to poynd xvij Lordis and Lardis absentis fra the saidis Assise—and deliuerit to him pe Extract of the Aire of Bunde to gif pe SOHIRREFF-PRINCIPALL, for distrengeing of the samis, . . . . . xxvij s.
- Sep. 29.—*Item*, deliuerit to pe said Langlandis, lxxvij letteris to gif to pe Lordis and Lardis in FYF, STRATHERNE, and ANGOUSE,<sup>7</sup> to keip pe vj and ix dayis of October in Edr, and to pass to the Bordouris pairestir, . . . . . ('Pait before.')
- Nov. 1.—*Item*, to David Purvese, mafer, quhilk raid with my lordis Letteris to Berbie, with Clerence,<sup>8</sup> and pairestir to Carlele to Lord Sacre, at my lordis command, . . . . . lvj s.
- Nov. 5.—*Item*, to ane Johne Murray, quhilk tuk Symone Burne, and (quho) ves justiffyt, pe half of the Eschet gevin to him, . . . . . vij li. xiiij s. iij d.

<sup>1</sup> The word is erroneously written 'ciese' in the Record.

<sup>2</sup> Building of temporary burrs for Archery.

<sup>3</sup> See Mar. 18 preceding. <sup>4</sup> LA FAYETTE, the Duke of Albany's Messenger. See Pinkerton, II, 161, &c. <sup>5</sup> A great many others dispatched. Duncan Riche was entrusted with Letters for 'xxv Lordis.' <sup>6</sup> These entries occur yearly, where the Expenses of the Aires form part of the usual expenditure. This is given as a specimen of the rest. 'COMPOSITOURIS' also generally attended, to compound for Remissions, Respites, Escheats, &c. &c. <sup>7</sup> Similar Letters were sent all over the kingdom. <sup>8</sup> CLARENCEUX, one of the English Kings at Arms. Thomas Benolt was appointed to this office, Nov. 20, 1510; obiit May 8, 1534.

- Nov. 12.—*Item*, to Boyntaus, fdlare,<sup>1</sup> *de mandato Domini*, be Maister Gualter, *primo die PARLIAMENTI*, . . . . . x li.
- Nov. 22.—*Item*, to Wallase, quhilk raid on pe nycht to Lord Barrre, be command of Monst. Laubatote, . . . . . xxviiij s.
- Dec. 17.—*Item*, to Robert Hait, to sommond Lord Zestir, SCHIRREFF OF HATHINGTOWNE, and diuerse vtheris, quhilk kept nycht the day off Trewe with Monst. Laubatot, . . . . . xviiij s.
- Jan. 3, 1516-17.—*Item*, to Eycht ('messinger') to ryd agane to Coldingham, Dwnse, and Lawder, for executing of our souerane lordis Letteris on George Howme, *de Mandato Gubernatoris*, . . . . . xviiij s.
- Jan. 9.—*Item*, to Eicht, &c. &c. to *terse* (*search*) and setk George Howme, with fouerteis, vnder payne of Hornyng, . . . . . xiiij s.
- Jan. 18.—*Item*, in Perth, to DAVID LINDESAY, the Kingis Eschere, for his Martimese fee,<sup>2</sup> *de Mandato*, . . . . . xx li.
- Jan. 19.—*Item*, to Clarence manne, quhilk brocht ane Finche out of Ingland to Faulkland to my lord GOVERNOUR, . . . . . xxviiij s.
- Jan. 27.—*Item*, for pe CHANCELLARE Expensis in the Aire of Perth, remanand pair xxiiij dais, ilk day iij li., *summa*, . . . . . lxiiij li.
- Item*, for pe JUSTICE expensis, pe said tyme, . . . . . l li.
- Item*, for the THESAURARIS expensis, the said tyme, . . . . . xxx li.
- Item*, for LORD ERSKYNIS expensis, pe said tyme, . . . . . xxx li.
- Item*, for pe JUSTICE-CLERKIS expensis, in lyk wyse, . . . . . xxiiij li.
- Feb. 16.—*Item*, gevin to MAISTER GAWIN DUNBAR, the Kingis Maister, to by necessar thingis for the Kingis Chamber, . . . . . ix li.
- Mar. 1.—*Item*, to James Nesbyt, pat samya day, for expensis of himself and ij Chebts that he brocht out of Bunbrattan to my lord GOVERNOUR, and had agau, . . . . . xliij s.
- Mar. 22.—*Item*, deliuerit to Gilbert Reaucht, messinger, xij Letteris to warne all THE LORDIS AND BARRONIS OF THE WEST LAND to be in ED,<sup>3</sup> at the Colar of Cockpyles taking, quhen pe FRANCHE AMBASSATOUR comit,<sup>4</sup> . . . . . xxviiij li.
- Apr. 23.—*Item*, deliuerit be MONS<sup>5</sup> LABAWTEY to Johnne Langlandis, Letteris of our souerane lordis to somond and charge all the Chebysse and brocht men out of Tueddale and Cisdalle to thair awn cuntre; quhilk Letteris war Proclomit at pe Mercat-corsis of ROXBROCHT, SELKIRK, and JEDWOD, . . . . . xx s.
- Item*, gevin to Robert Balze, for stowing of the Lordis Hato in Dauidis Tower of the Castell, in ED,<sup>4</sup> *de mandato Gubernatoris*, . . . . . x s.
- ITEM, *de mandato domini*, at Cragingalt, to xxv werkmen herand pe hail stuntione, viz. pikkis, halbartis, billis, matokkis, spadis, schwliis, halbrikkis, with splentis, fra the Capitantis Tower to the Gunne-house (Gun-house), an hail day and l half, ilk man viij d. on the day, *summa*, xxv s.
- Item*, to xiiij pynouris, quhilk dreth the Artizlers in the Castell, at the Kingis cumm to this towne, . . . . . iij s. viij d.

<sup>1</sup> One of the Ordinary MINSTRELS.      <sup>2</sup> These payments occur, termly, in every account.      <sup>3</sup> A number of splendid dresses are entered in the accounts at this period, preparatory to this grand solemnity. Offerings were made in St GILES'S KIRK, all the 'hangyn,' or Tapestry, was brought from Stirling, and extensive repairs were made on the Palace of Holyrood. The dresses consist of 'Clayth of Gold,' 'crammasy sattin,' 'purpour vellous,' 'blak vellous,' 'gray vellous,' 'carrowit sattin,' 'blak tralze,' 'braid blak taffatis,' and 'reid taffatis.' One of the dresses, May 25th, is entered thus: 'ITEM, bocht fra Evangelist, xviiij elne thre quartaris and ane half of blak vellous, to bejakkis, THE SECRET, and vtheris his campanzeonis hoggottonnis (*haquetons*), price of the elne xlvijs., *summa*, xlviij li. viij s. iij d.

<sup>4</sup> There are numerous other payments for trein werk (wooden or timber work) for THE GREAT HAW WINDOWS IN THE CASTELL, 'gret gestis, doubill dais, &c. for 'THE MYD CHAMBER,' 'THE KINGIS KECHE' (kitchen), and 'THE NEW COURT KECHE,' in 'DAVIDS TOWER.'

- May 11.—*Item*, to Johne Adamfoune, quhilk raid to Honkell to my Lord Angouse with our foueran Lordis letteris, . . . . . x s.
- May 16.—*Item*, to ane manne pat passit to the Erle of Craufurd with my l. GOVERNOURIS Letteris; quhilk wes ded or he come to Dundé,<sup>1</sup> . . . . . vij s.
- May 17.—*Item*, to Johnne Langlandis, quhilk raid with deligens, on pe nycht, to pe Gardane of the Haybill Marche, to be in EDINBURGH pe xx day of Maij, with my l. G<sup>a</sup>. Letteris, deliuerit be Monsr. Labatote, . . . . . xv s.
- Jun. 15.—*Item*, bocht to Colene Campbell, THE KINGIS feruitour, at the Quenis cumtin to ED<sup>a</sup>, vj elne of grene Birgem fettene, price of pe elne xij s., *summa*, . . . . . iij li. xvij s.
- Item*, for iij quarteris and 1 half of blak vellous to begary pe said Collere cott, price xl s. vij d.
- Item*, for half an elne of fusteane to lyne the body of his cot, . . . . . xij d.
- Item*, for iiij elne of black gray to pe samin, price . . . . . v s. iij d.
- Item*, for making of the coit, . . . . . iij s.
- Item*, for half an elne of Inglis reid to be Collein hoise, . . . . . x s.
- Item*, for lyning and making of the hoise, . . . . . ij s.
- Item*, for 1 bonat and 1 ruban to pe samin, for Colin, . . . . . xij s.
- Jun. 19.—*Item*, *de mandato Dominorum*, gevin to the Englise man that presentit the Clapth of gold come out of England to THE KINGIS grace, in the Castell, x light crounis, . . . . . vij li.
- Jul. 5.—*Item*, deliuerit to Johnne Langlandis ane Letter, be command of the Lordis of Consell, to pass for SCHIR PETER CRECHTOUNE for deliuering of the Quenis gere out of the Wardrop, x s.
- Jul. 11.—*Item*, pat samin nycht, at xj houris lait, to ane boy of Monsr. Labatote, quhilk passit Estwart to pe samin effect, (*viz.* for pe Barronis and Gentlemeune to be in ED<sup>a</sup> incontinent, beil houn,) . . . . . v s.
- Jul. 14.—*Item*, to Lord Barraris manne, be command of THE LORDIS OF CONSELL, gevin him iiij lycht crounis, *summa*, . . . . . lvj s.
- Jul. 16.—*Item*, be command of THE LORDIS, gevin for hittaling of the Bark to pass abowt to the West Sey, quhilk come fra my lord out of Brattanhe, . . . . . xx li.
- Item*, to Johnne Herkyll, be command of THE LORDIS OF CONSALL, for takking of ane Cheff, quhilk wes hangit one pe Burrowmvre, . . . . . v li.
- Aug. 21.—*Item*, to Johnne Adamfoune, quhilk raid to Peblis to somond ane Assise for the Ward of Craystoune, . . . . . xiiij s.
- Item*, to the Falconeris that passit to France with my Lord Governouris hakis and merlounis, be his command, for all expensis; wittualis, and fraucht, . . . . . l li.
- Aug. 28.—*Item*, to pe manne pat brocht pe merlounis fra the Ward of Spot to my l. GOVERNOUR; and pairafter deliuerit tham to the Falconeris quhilk passit to France, for xij dais waigis, . . . . . xij s.
- Item*, to MAISTER GAWIN DUNBAR, the Kingis Maister, for expensis maid be him in reparaling of the Chamber in the quhilk the King lertis<sup>2</sup> now IN THE CASTELL, . . . . . iij li.
- Item*, be my l. GOVERNOURIS Precept, gevin for furnessing of the Schippis, and for cablis and wittalis, . . . . . Vj<sup>c</sup>.xvij li.
- Item*, gevin to my lord GOVERNOUR, in monie, as his Precept and acquittance beris vpoune pe samin, at the West Sey, . . . . . ij<sup>m</sup>.ij<sup>c</sup>. and l li.
- Item*, for ij gret lokkis and keyis, with flottis and stapillis for the Kingis Chamber, be remanand in Cragmillar,<sup>3</sup> . . . . . xij s.

<sup>1</sup> See Wood's Peerage, (I, 378.) Alexander, sixth Earl of Crawford, is stated to have died in anno 1517. From this entry it is likely that he died on May 14 or 15, 1518.

<sup>2</sup> The chamber in which the King is taught; the School-room.

<sup>3</sup> This and the following entry were selected to mark the fact of THE KING'S residence at Craigh-



*Item*, to Robene Purvese, for schoyne, howfis, breddil, and helteris bocht for the Kingis mtole, . . . . . xx s. vj d.  
*Item*, for twa small stok-lokkis in Cragmillaire, . . . . . v s. ij d.  
*Item*, for ij gret lokkis bocht for ij zettis in Cragmyllare, be command of MONS<sup>a</sup> LABASTY, quhen the King was thair, . . . . . xij s.

17.—The xvij day of September obijt Labastye.<sup>1</sup>

Oct. 6.—*Item*, to be Reparis of Mons. Labastys lugeing, *ex mandato Dominorum*, before Schir James Leirmonth, . . . . . xl s.

Dec. 26.—The Summondis of Treasoure apoun Weddurburne.

*Item*, deliuerit to David Loury and to Johnne Langlandis, Messingeris, pe Summondis of Treasoure direct apoune pe Lard of Weddurburne, and his complices to comper in Edinburghe pe xvij day of Februar nixt pairrestir,<sup>2</sup> . . . . . xlij s.

Feb. 18, 1517-18.—Hume and Weddurburn, the Lettres direct for the Raid in the Merse.<sup>3</sup>

*Item*, deliuerit to Gilbert Reauche, Letteris of our souerane lordis to haif to pe Scherffis of MENTHE, STRATHERNE, PERTHE, and CLAKMANNANE, at<sup>4</sup> pe Lordis, Baronis and thertis substancious men suld meit my Lord Arran, Regent and Listenent, in LAUDER, pe xxj day of Marche nixt hereftir; vnder pe pane of lif, landis, and gudis, to paim pat comperit nocht,<sup>5</sup> . . . . . xxv s.

Mar. 6.—*Item*, to Andro Dalmahoy, ane Precept to warne all pe Gentslmenntis Orin, within pe Constabulary of HADINGTOUNE and EDINBURGH,<sup>6</sup> to keip pe xvij ('xxj') day, . . . . . xvij s.

*Item*, to David Cammeroune, 1<sup>7</sup> Lettre to be sped to pe Lord Batre, . . . . . xlij s.

*Item*, for 1 tow of xxiiij faldome,<sup>8</sup> bocht to drato the Sunnys with for pe said Raid<sup>9</sup> in the Merse, . . . . . xiiij s.

*Item*, to (Robert) Borthuik, Master Sunnare,<sup>10</sup> to furnyse thingis for pe Sunnys, be command of pe Lordis, . . . . . Icij ti.

10.—*Item*, for aile to the Waiche (watch) that nycht my lord Regent lugit in Lauder, to ane part of the Fuitband, . . . . . viij s.

*Item*, pat samyn nycht to pe Franche Calbanaris and Menstralis, that work and playit all that nycht, in aile, . . . . . viij s.

15.—*Item*, ane horse to DAVID WAICHE that bure the Ensenze, *de mandato domini REGENTIS*, . . . . . xxviiij s.

*millar.* The cause of his removal has been recorded by *Bishop Lesley*, who states, that 'THE QUEEN being in England, heiring of the departing of THE GOVERNOUR furth of Scotland, returnit to Edinburghe, the xvij day of Junij, with ane quiet trayne; bot wes nocht admittit to visite THE KING in the Castell; quhill, in August thaireftir, *becaus thar wes sum feir of THE PEST* in the Castell, THE KING wes transportit to the *Cragmillar*, quhair THE QUEEN visiet him oftymes. Bot thair-through rais ane greit suspition that he suld have bene stollin away be her into ENGLAND; and thairfoir he wes brocht againe to the Castell of Edinburch, and wes keipit thair to the returning of THE DUKE.' *Bannatyne Club's Edit.* p. 109. Extraordinary precautions were accordingly adopted, and many payments are made for articles for the King's use and diversion. See also *Pinkerton*, II, 168.

<sup>1</sup> Messengers were dispatched to all parts of the country, and the Session and Parliament summoned. See I, \* 235. *Pinkerton*, II, 170, relying on former authorities, fixes the date Sep. 19. See also *Buchanan*, B. xiv, 10; *Lesley*, p. 110; *Balfour*, I, 245; and *Pitcottie*, 307. <sup>2</sup> It is unnecessary to add the other entries for summoning Witnesses, Assise, &c. &c. They are numerous, and prove that the utmost vigilance and activity were employed to bring the Murderers speedily to justice. <sup>3</sup> These and the preceding notices appear to have been entered merely as explanatory memoranda, without any reference, excepting to the subsequent expenditure in the Account. <sup>4</sup> That.

<sup>5</sup> Others were sent to the various shires, &c. <sup>6</sup> Notifications and warnings for attendance, &c. were sent to LAUDER, HATHINGTOUN, and PERLIS. <sup>7</sup> A favourite abbreviation for 'ane' at this period. <sup>8</sup> A rope of twenty-four fathoms. <sup>9</sup> It is unnecessary to multiply entries of a similar description. It appears that there were two RAIDS. The carters were allowed wages for 'the first Raid ix dais and vij dais furth at the vthir Raid.'

<sup>10</sup> This person founded a great many Guns in the reigns of KINGS JAMES IV and V, all of which he quaintly inscribed thus—(See *Lesley*, p. 81. *Balf. Annales*, I, 232, &c.)

MACHINA SUM SCOTO, BORTHUIK FABRICATA ROBERTO, JACOBO QUARTO REGE JURENTE FIG.

## APPENDIX.

<i>Item</i> , to SCHIR JOHNNE HAMMYLTOUNE, for gadding of his first Band, <sup>1</sup> and for his gadding of pame in pe cuntreth, in expensis, . . . . .	x li.
<i>Item</i> , to Schir Johnne Hammyltoune, for his double pay, . . . . .	lj li.
<i>Item</i> , for pe said Schir Johnnis Ensenze, . . . . .	vj li. iiij s.
<i>Item</i> , to iij <sup>c</sup> and ix Fut men in his Band, . . . . .	iiij <sup>c</sup> and ix li.
<i>Item</i> , to CAPITANE GLENNE for his double pay, . . . . .	xxv li.
<i>Item</i> , for his Ensenze, . . . . .	vj li.
<i>Item</i> , to an hundrethe and ij Fut men in his Band, . . . . .	I <sup>c</sup> ij li.
<i>Item</i> , to CAPITANE GLENNE v deid pais, <sup>2</sup> . . . . .	v li.
<i>Item</i> , to pe Master of the Artaslerpe, . . . . .	I <sup>c</sup> li.
<i>Item</i> , for pe King's Baner, in all costagis, viz. : iiij elne of double cassattis of Turkey, price of pe eln xx s., <i>summa</i> , . . . . .	iiij li.
<i>Item</i> , iiij vnce of reid and grene filk maid in frenzeis, price of pe vnce and werkmanschip, vj s. viiij d., <i>summa</i> , . . . . .	xxvj s. viij d.
<i>Item</i> , for ij bukis of fyne gold, price of pe buk, iiij li., <i>summa</i> , . . . . .	vij li.
<i>Item</i> , to the Payntour <sup>3</sup> for his werkmanschip, . . . . .	v li.
<i>Item</i> , for ane caise to turfe and keip pe said Baner, . . . . .	iiij s.
<i>Item</i> , to pe CONSTABLE OF DUNDE. Bannerman to the King, <sup>4</sup> for his fee, <i>de mandato Dominorum</i> , . . . . .	I <sup>c</sup> li.
<i>Item</i> , pat samyn day to Marchmond Herrold, <sup>5</sup> quhilk raid with cloise Letteris of the Lordis to London, in expensis, . . . . .	xxx li.
18.— <i>Item</i> , to Schir Johnne Hammyltonis Fut-Band, at pair agane-cumin in Soutray, for par supper pair, . . . . .	xxij s. vi d.
<i>Item</i> , to Capitane Glennys Fut-Band, in likewise, pat nycht to par supper, par wagis beand spendit, . . . . .	vij s.
<i>Item</i> , to Schapany, <sup>6</sup> Herrold of France, <i>de mandato Dominorum</i> , I <sup>c</sup> cronis of wecht, <i>summa</i> , . . . . .	lxxxx li.
<i>Item</i> , pairattour, <sup>7</sup> in ane purse of lycht cronis, . . . . .	v li.
<i>Item</i> , to SCHIR JAMES HAMMYLTOUNE <sup>8</sup> quhilk passit that tyme to France, <i>de mandato Dominorum</i> , for his expensis, . . . . .	I <sup>c</sup> li.
May 21, 1518.— <i>Item</i> , for a Lettre of Summondis rasit vponne my Lord Drummond for pe violence committit apone Andro Coschaw, . . . . .	vj s. viij d.
Jun. 23.— <i>Item</i> , to Alexander Kermage, messinger, quhilk summond pe Erie of Rothes and Master of Lindesay to be in EDINBURGH within iij dais nixt paireftir, vndir pe pane of Treafoune, . . . . .	vij s.
<i>Item</i> , to COCHRAN, pe Herrold of Denmark, <sup>9</sup> be command of pe Lordis, . . . . .	I <sup>c</sup> xlv li.
Aug. 1.— <i>Item</i> , to my Lord Arran, Regent and Liffenent of the Merse, be command of pe Lordis, takand monethly in wagis, I <sup>c</sup> and l li., in complete pament of sevin monethis and ane half,	

<sup>1</sup> These mercenaries were then termed 'BANDIS OF WAGROUIS,' in contradistinction to the irregular troops who were bound to perform military service, by virtue of Feudal tenure, &c. <sup>2</sup> Seemingly the pay of five soldiers, who had died. <sup>3</sup> Probably 'Alexander Chalmour.' See Jul. 23, 1515, of these extracts. <sup>4</sup> The family of Scrymgeour, Constables of Dundee, enjoyed the honourable Office of heritable Banner-bearers to the King; which post of carrying THE ROYAL BANNER, they could only claim in the event of THE KING's actual presence in the field of battle, or when his Banner was borne before his Regent. The Heritable Standard-bearer bore THE GREAT STANDARD OF SCOTLAND in Battle, in all Wars where it was ordered to be unfurled, whether the King or his Regent, or merely his Lieutenant or General, were personally present. See Apr. 30, 1523, of these extracts. <sup>5</sup> On Jul. 22 preceding, he got for his year's fee xx li., and <sup>6</sup> for making of his expensis throcht Ingland to my lord Gouvernour, 11l. <sup>7</sup> Champanzee. <sup>8</sup> Over and above. <sup>9</sup> Of Finnart. <sup>10</sup> Christiern II, King of Denmark, an ancient ally, had applied for a force of 1000 Highlanders to assist him in subduing his rebellious subjects of Sweden. The demand was parried, on the score of the disturbances which had broken out on the Borders of Scotland, &c.

## APPENDIX.

fra pe first day of October, to pe myddis of pe moneth of Maij, within pe tyme of pis Compt, Im<sup>o</sup> xxvii. : And pairestir for Lord Abendale,<sup>1</sup> . . . . . xxvij li.

27.—*Item*, deliuerit to Robert Hart, Messinger, a Lettre of our souerane lordis to summond pe ERLIS OF ANGUSE and LEVENOX, plegis for Lord Creichtoun and Lord of Brumlanrig for breking of Mauchorowis, ilkane apone vthir, to be in EDINBURGH pe vj day of September nixt cumis, . . . . . xxvij s.

Sep. 4.—*Item*, to Henry Wardlaw of Kilbertoune, for ane of his, qahilk wes slayne vndir THE GRETE GWNE at pe Baid of Wedderburne, . . . . . iij li.

[AN unlucky *hiatus* occurs in the Volumes of THE TREASURER'S ACCOUNTS between this period and the year 1523.]

Apr. 2, 1523.—*Item*, deliuerit to Johne Adamfone pe Kingis Letteris, to be proclamit in HADINGTOUNE, DALKEITHE, DUNBAR, and vpir places necessar, within pe saidis boundis, pat all maner of men prepare paim, in pare best fassone bodin, and followo hatstelle quhatreut that first see ony Balis of fyre, for resisting of Inglis men, . . . . . x s.

*Item*, to Johne Langlandis to be proclamit in SELKIRK, LAUDER, ROXBURGHE, and FOREST OF ETTRIK, . . . . . xiiij s.

*Item*, siclike, in EDINBURGH, LINLITHQW, and PEBLIS, . . . . . x s.

29.—*Item*, at x houris lait, deliuerit to Robert Hart, messinger, ane Letter subscruitt with pe LORDIS, aduertesand my Lord Arrane that the Inglis men war cumand to sege Blacader; and raid pat nicht at pe post to him, gevin to pe berare, . . . . . viij s.

*Item*, siclike Letteris to my Lord Chancellor,<sup>2</sup> . . . . . vj s.

*Item*, siclike Letteris to pe Erle of Mortoune, Retobattill, and to pe Lordis of pat quarter, . . . . . iij s.

*Item*, pat samyn nycht, fend Johne Langlandis to pe Lord of Wedderburne, aduertesand him pat my Lord of Arrane and succuris suld haist thaim to him, be command of my Lord Grossolez,<sup>3</sup> and LORDIS being in EDINBURGH for pe tyme, . . . . . vij s.

30.—*Item*, pat samyne nicht fend for the Water to Dundé, and for pe CONSTABILL<sup>4</sup> and his feruitouris to haist pame to Hadingtounne to my Lord of Arrane,<sup>5</sup> . . . . . vij s.

Jun. 7.—*Item*, fend ane clofe Lettre vnder pe Signete to my Lord Chancellor, schewand, pat the Inglis men war to cum, and gaderand fast, . . . . . ij s.

*Item*, fend to Kynnele, for aduertising of my Lord of Arrane, pat the Inglis men war cumand and enterand withín the realme, . . . . . xxx d.

Jun. 10.—*Item*, gevin to Albany Herald ane Lettre, &c. to charge the Erle of Leuenay to cese fra all gadering and Assegeing of the Palice of Glasgw, . . . . . xxvij s.

Jun. 15.—*Item*, to ane man pat past with pe OFFICIALE OF LOUTHIANE, Letteris to LAUDER to be execut in pe KIRK, quhilkis Letteris war takin be the gatt and the man hostit and fleit,<sup>6</sup> . . . . . iij s.

<sup>1</sup> A number of other payments are made to THE CONSTABLES OF WEDDERBURN and EDRINGTON, and for victualling these CASTLES, &c. <sup>2</sup> James Beaton, Archbishop of St Andrews. <sup>3</sup> Pinkerton, II, 212, calls this personage 'GOUZOLLES, denominated Captain of Milan.' He was joined to JOHN fourth LORD ERSKINE in the custody of THE KING, and 'with a guard of thirty-three Frenchmen was also to attend the QUEEN.' His appointment by Albany excited much disgust on the part of the nobles, who saw each fresh installation of foreigners into posts of dignity, with increased indignation. See also Oct. 16, 1529, of these Extracts, where he is called 'THE DUKE OF MILLANE.'

<sup>4</sup> The Scrymgeours were heritable ROYAL BANNER-BEARERS. See Note to Mar. 15, 1517-18, of these Extracts. <sup>5</sup> A great many similar messengers were dispatched, unnecessary to be enumerated in this place. <sup>6</sup> Threatened and terrified. Repeated instances of violence done to public Officers occur in these Records.

- Jul. 6.—*Item*, ane Lettre chargeing þe COMPTROLLARE to prohibe victuallis for iij<sup>c</sup> persons to þe CASTELL OF ED<sup>a</sup>. for keeping the samin fra Inglismen, . . . . . ij s.
- Jul. 16.—*Item*, ressaunt xij Letteris direct to ALL þe PRELATIS OF þe REALME, for generale Processionis to be maid for the wellfare of the realme, prosperitie of our souerane lord, and sure hayne-cuming of my Lord Gouvernour; for all þe Lettris fra TAY, North, . . . . . xxvij s.  
*Item*, þe vthir half on South half FORTHE, &c. . . . . xxvij s.
- Sep. 20.—*Adventus Domini Gubernatoris, xx<sup>o</sup> die mensis Septembris, anno domini I<sup>m</sup>.V<sup>c</sup>. xxij<sup>o</sup>.*
- Sep. 25.—*Item*, to Carrick Herald, de mandato Cancellarij, quhilk convoyit Clarence,<sup>1</sup> INGLISMAN, to Dunbertan, . . . . . xl s.
- Sep. 26.—*Item*, to ane man pat past with secreit chargis of my Lord GOVERNOURIS to Ingland,<sup>2</sup> . . . . . xl s.
- Oct. 18.—*Item*, to Johnne Gourlaw to arrest all the Schippis in Leithe; and also to warne and charge all þe Maltmen, baith of Leithe and Cannogatt, to haue all and malt reddy for the Camp, . . . . . ij s.
- Oct. 22.—*My Lord Gouvernour departit towart New Werk (die) Jouis, xxij<sup>o</sup> Octobris*, and pat samyn day deliuerit to Johnne Scrimgeour, maser,<sup>3</sup> ane Lettre direct to þe Schereffis of PERTHE, STRAITHERNE, MENTETHE, CLAKMANNAN, KINROSS, FIFF, pat all abill men within þa boundis follow my lord GOVERNOUR,<sup>4</sup> &c. . . . . xl s.
- Oct. 28.—*Item*, ane Lettre to be execute and proclamit in LEITHE, &c.<sup>5</sup> pat na Northland men returne oure the Matter, to<sup>6</sup> þe agane cuming of my lord GOVERNOUR fra þe Camp, vnder the pane of deid, . . . . . v s.
- Nov. 3.—*Item*, deliuerit to Androu Dalmahoy, þe LORDIS ANSUERE of the Erle of Surreis Lettre, to be sped to my lord GOVERNOUR to þe CAMP, gevin to him, . . . . . x s.
- Apr. 17, 1524.—*Item*, deliuerit to my Lord Grosalez<sup>7</sup> þe tyme of my lord GOVERNOURIS last remanyng in France, . . . . . I<sup>m</sup>ix<sup>c</sup>xxij li. iij s. vj d.
- Item*, to James Crechtoune of Cranstoune-Riddale, CAPITANE OF þe CASTELL OF ED<sup>a</sup>, for expensis maid be him apoune þe sustentatoune of Donald of the Hils, Patrik Wilfoune, Cammoufe, Francheman, and diuerse vperis being in Ward, &c. . . . . xij li. xv s.
- Aug. 25, 1525.—*Item*, for ane horse to bere þe KINGIS Mat<sup>8</sup> to Peblis, gevin to Dauid Bonar, . . . . . xx s.
- Oct. 8.—*Item*, gevin to þe INGLISMAN pat brocht Blawin horns,<sup>9</sup> Ieschis, and dog-collaris, fra the King of Ingland, . . . . . lx Vnicornis.
- Item*, to Dauid Lowry ane Lettre to sommond the Erle of Craufurd, de mandato Dominorum, . . . . . xx s.
- Nov. 19.—*Item*, deliuerit j Lettre to Dauid Cammeron to warne THE LARD OF HENNERLAND<sup>10</sup> and ADAM SKOT<sup>11</sup> to fynd plegis, . . . . . xx s.
- Nov. 23.—*Item*, deliuerit to James Kinloch j Lettre to somond Lord Ogiluy and his complices to be in ED<sup>a</sup>, Dec. xij<sup>o</sup>. to vndirlye the law for Dauid Gardins Slauchter, . . . . . xx s.
- Dec. 16.—*Item*, deliuerit to him an Lettre to sommond Schir James Hammliton to vnderlie þe law, . . . . . xiiij s.

<sup>1</sup> Clarencieux King of Arms. See Nov. 1, 1516, of these Extracts and *Note*. <sup>2</sup> A great many warrants were likewise dispatched to the different SHIRKS and RELIGIOUS HOUSES, to furnish all their carriage-horses and draught-oxen for the great Guns, &c. 'tentis and pallzeonis,' provision, &c. &c. <sup>3</sup> Macer. <sup>4</sup> Similar Letters were dispatched to the other Sheriffdoms. The 'Feriaris' (ferry-men) of LEITH, KINGHORN, and QUEENSFERRY, were interdicted from raising 'ony fraucht bot the auld fraucht, vnder the pane of deid.' And tenants, &c. under the same penalty, to take only the old prices for corn, straw, &c. <sup>5</sup> The 'Caiggearis and fischearis of Mvaselburghe, Gulane,' &c. were ordered, 'that thai haue, ilk day, thare fische to the Camp.' <sup>6</sup> Until. <sup>7</sup> See Apr. 29, 1523, of these Extracts. <sup>8</sup> Portmanteau. <sup>9</sup> Hunting Horns. <sup>10</sup> William Cokburne of Henderland. <sup>11</sup> Of Tuschelaw. They were both executed for their crimes, on May 16 and 18, 1530. See I, \* 144, &c.

## APPENDIX.

- Jan. 1, 1525-26.—*Item*, pat nycht, eftir supper, in *Mumungu*,<sup>1</sup> . . . . . xx li.  
*Item*, bocht for *Devo-Zeris* giftis, pat famin day, of Kingis, . . . . . xxxj li. iiij s.  
Feb. 16.—*Item*, gevin to ANE INGLISEMAN, messinger, Lettres of Answer to the Erle of  
Westmurland and Doctour Magnus, *de mandato*,<sup>2</sup> . . . . . xxviiij s.  
Jun. 29.—*Item*, gevin for eggis to *hikkit the Castell*, . . . . . xv s. vj d.  
*Item*, for ballis in *Crummisse cache-pupill*,<sup>3</sup> quhen *pe* KINGIS grace playt with *pe* LORD  
GLAMMISE, . . . . . xx s.  
Jul. 10.—*Item*, gevin to the *Empriouris Berseward*, at *pe* King and Lordis command, xxx li.  
Jul. 17.—*Item*, gevin at *pe* KINGIS command, till *pupre* *wtuis* pat come gretand apone his  
grace, for eggis takin fra pame be his seruandis,<sup>4</sup> . . . . . xx s.  
Jul. 22.—*Item*, gevin, in Jedburghe, to *pe* Inglis Herrot, at *pe* King and Lordis command, 1 li.  
Aug. ?—*Item*, deliuerit to the *Gray Fretis*, for lxiij vncis siluer, stolin fra the King, and  
rebelit to thaim in *Confessioun*; be THE KINGIS Precept, to *pe* men pat had the said siluer werk  
in wed,<sup>5</sup> . . . . . xx li.  
Aug. 7.—*Item*, for velnus to bind the Kingis *Suorde handis* and to be ane glude tll his  
satre hand, with makin and sevin (*sewing*) silk, . . . . . xx s.  
Sep. 8.—*Item*, to Gourley and Hoge, messingeris, to summond *pe* ERLE OF CASSILLIS, *pe*  
LORD SIMPILL, and vperis contenit in ane *Summondis of Cressour*, for pair expensis, . . . . . vj li.  
Oct. 16.—*Item*, to Kinloch and Echt, messingeris, ane *Summondis of Cressoun* apon *pe*  
ERLE OF CRAUFURD, *pe* LORD LINDSAY, and vperis, . . . . . iiij li.  
Dec. 6.—*Item*, gevin to William Cristefoun, messinger, to sommond Witnes, vndir gretar panis,  
to preif *pe* breking of *Lamborrowis* be *pe* LORD SIMPILL vpoun THE LARD CALDWELL, . . . . . xx s.  
Mar. 1, 1526-7.—*Item*, to John Drummond, callit the Kingis *Kemp*,<sup>6</sup> be his precept, xv li.  
Mar. 14.—*Item*, to THE SECRETARIS seruand, to geif a Inglisman pat brocht *Letteris* fra the  
Duke of Richemont<sup>7</sup> to THE KINGIS hienis, complenand on the *Armestrangis*, *Crosaris*, and  
*Pekestonis*, with vperis, . . . . . iiij li.  
Apr. 19, 1527.—*Item*, to Petir Ra, pat brocht writingis fra the Duke of Richemont, &c. . . . . iij li.  
*Item*, to the *Purise* that gatt the King souk,<sup>8</sup> be his Precept, . . . . . iiij li.  
Apr. 25.—*Item*, to a *Fule*, callit *Gille-momband*,<sup>9</sup> at *pe* KINGIS command, . . . . . xx s.  
May 12.—*Item*, to Cristefoun, messingeir, to summond the Lard *Ardrose*, his son, and pair  
complices, to vndirly *pe* law for *pe* *Hybing*<sup>10</sup> of the Kingis *Letteris*, and to summond ane *Affise*,  
&c. . . . . xxviiij s.  
May 20.—*Item*, to James Biffait, messinger, with a Lettre direct to MENTETH, STRATHERN,  
CLAKMANNANE, and KYNROSS, with iij clofe *Letteris* to THE ERLE MONTROSE, LORDIS GLAM-  
MIS and OLIPHANT, to conuene at ED<sup>a</sup>. *pe* xv day of Junij, with pair houshaldis, to ryde on the  
*Chetiss*,<sup>11</sup> . . . . . xxx s.  
Jun. 1.—*Item*, to Champnay, messingeir, to summond the Lard *Cullpalloune* to vndirly *pe*  
law for *pe* *Slauchter* of John Greiff, . . . . . xiiij s.

<sup>1</sup> See this Collection, I, \* 114, &c.<sup>2</sup> Another Messenger was dispatched on 1st March.<sup>3</sup> The game of

TENNIS, called *caiche-pell*, *caiche*, *kache*, &c. in the old Records, was a very favourite game at the Scottish Court, during this and the preceding reign. There are numerous traces of it through the whole of these Accounts. The curious and valuable Registers of *Aberdeen* also abound in similar notices. <sup>4</sup> From another entry, on Jun. 29, it would appear that the servants had invented a foolish sport for the young KING's amusement, being a mock Assault of a Castle, the missiles on both sides being eggs. It may easily be imagined, in what a plight both victors and vanquished would be after a cessation of hostilities. <sup>5</sup> In pledge, or pawn. <sup>6</sup> The King's CHAMPION.

<sup>7</sup> On Mar. 8, his servants, who were entrusted with ten couples of 'rachis' (hounds), got fifty pounds for their 'rewardia.' Their first achievement was to worry three sheep, for which the owner, 'a pure woman,' was paid xx s. <sup>8</sup> The King's Wet-nurse. <sup>9</sup> Probably so nicknamed for his dexterity in making grimaces. <sup>10</sup> Tearing in pieces. <sup>11</sup> Other Messengers were sent in different directions. See notice of this Raid against THE ARMSTRONGS, &c. I, \* 152, &c. Reference may also be made to the preceding Appendix.

- Jul. 25.—*Item*, to a Inglifman pat brocht Lettres fra the King of England to the Kingis grace, . . . . . xl s.
- Item*, given to William Lyell, be pe KINGIS Precept, for lunt, cale, and corns vstroyt be his seruandis at the Hunting, . . . . . v s.
- Item*, to James Biffit, to summond GEORGE BORTHUIK OF COLYNELAW to vdirly pe law for Slauchter of vmq<sup>le</sup> Philp Nesbittis dochter, . . . . . vii s.
- Jul. 31.—*Item*, gevin to DENE DAVID JAMESOUNE, Sacristane of Newbottill, in recompense of a gylt thallice stollin furth of the Abbay of Newbottill, THE KINGIS hienes being pair, be pe KINGIS Precept, . . . . . xv ti.
- Aug. 12.—*Item*, to Peter Ra, Inglifman, pat brocht writingis to THE KING fra the Duke of Richemontis Consaill, . . . . . iij ti.
- Item*, to Cristefon, to pas to Perth; William Duncan, to pas to Schir James Hammyltoun; James Biffait, to summond the Lord Bukleuche for Cressoun, for pair expensis, . . . . . xlvij s.
- Aug. ?—*Item*, to pe LARD OF SPOT, in recompense of Wittalis furnist be him to the Castellis of Hume and Weddirburn, and for cornis pat wes brint and distroyt be pe LARD OF WEDDIRBURN, for his dampnage and scaith; be deliuerance of pe LORDIS OF CONSAILL, . . . . . I<sup>c</sup> ti.
- Item*, to LORD MONTGOMERY, Justice, remanand continualie at the Airis of Forfar, Perth, and Compar, fra pe ferd day of Januar to pe xxij day of Februar, to his expensis, . . . . . I<sup>c</sup>xx li.
- Item*, to pe BISCHOP OF GALLOWAY, aue of the Composstouris at pe said Airis, . . . . . lx ti.
- Item*, to THE THESAURAR, and vpir Composstouris, for his and pair expensis, the Kingis grace beand diuerse denaris thair, . . . . . I<sup>c</sup>xxxiiij ti.
- Item*, to NICHOLE CRAUFURD, Justice-Clerk, . . . . . xl ti.
- Item*, to (SCHIR) WILLIAM SCOT OF BALWERY, kny<sup>t</sup>, remanand continualie, in absence of pe Justice, . . . . . I<sup>c</sup> ti.
- Sep. 6, 1529.—*Item*, to DINGVALE, Purseuant, pat past with wrytingis of pe Lordis of Secrete Counsaile to the Erle of Northumberland, . . . . . xxx s.
- Item*, to ILAY, Herald, pat past with THE LORD HUME, for expelling of John Hume of Blacater, . . . . . 1
- Sep. 18.—*Item*, to Champnay, messinger, pat past with THE KINGIS writingis to warne ane condigne ASSISE to conuene pe xij day of Oct., betuix the Lord Drummeljar and the Lord Fleming, . . . . . xxv s.
- Sep. 22.—*Item*, deliuerit to Robert Monypenny, smith, tane fra<sup>2</sup> Maister Adame Ottirburn, xvj stane v lib. of Spanze irne, to mak pikis and mattois for carying of the Cannone that past in the Schis, price . . . . . iij ti. x s.
- Sep. 24.—*Item*, deliuerit to Andro Edgare tua ellis of Parife blak, to be (ane cloik ?)<sup>3</sup> to pe King, to ryde to the Hunting in Megotland, price, elne, xxx s., (*summa*), . . . . . iij ti.
- Oct. 16.—*Item*, to ane seruand of Mr Johne Chelomis pat presentit hawis and arrowis to THE KING, . . . . . xx s.
- Item*, to the Duke of Millant,<sup>4</sup> at pe Kingis command, . . . . . xl s.
- Nov. 24.—*Item*, gevin to THE LORD FLEMING, at THE KINGIS command, in maner of toehir to his sistir, . . . . . iij<sup>o</sup>. li.

<sup>1</sup> The sum is torn out.    <sup>2</sup> It may here be remarked that this phrase throughout these Accounts merely denotes the articles to be purchased (not literally taken, which implies force) from certain persons. In many instances, were this circumstance not kept in view, an ordinary reader would infer that THE KING had often seized upon the property of burgesses, &c., and had afterwards, on their importunity, remunerated them for the violence he had employed. The quaint language employed in these Records requires considerable attention, and a minute knowledge of the phraseology of the period, to appreciate their full import.    <sup>3</sup> Under date Oct. 2 there is another payment to the same person, for 'twa elne pyllie gray to be ane cloik to the King, xxvj s. viij d.—*Item*, for schoring of the samyn, iij d.'    <sup>4</sup> It is probable that this personage was 'MY LORD GROSOLLEZ,' or 'GOUZOLLEZ,' who occurs under date Apr. 29, 1523 (q. v. and Note.)

## APPENDIX.

Jan. 8, 1529-30.— <i>Item</i> , for carying of the <i>Ballzeonis</i> <sup>1</sup> fra Peblis to <i>Mleggotland</i> , (to 'THE HUNTING') and agane,	iij li.
<i>Item</i> , for ane elne and ane half of trailze, for ane gowne of blak veluot, lynnit with claitth of gold, gevin to the <i>Ambassiatour of England</i> , <sup>2</sup>	vj s.
Mar. 14.— <i>Item</i> , to THOMAS QUERTOUN (Wharton), seruand to pe <i>Erle of Northummrland</i> , pat come for redrefs and remanit,	l <sup>c</sup> li.
<i>Item</i> , to DAVID LINDESAY, <sup>3</sup> pat past with him,	xv li.
<i>Item</i> , to <i>Malcolme the Fule</i> , be ane Precept of THE KINGIS, thre elnis russate, price xxxvj s.	
<i>Item</i> , fyve quarter of trelze, price	vj s.
<i>Item</i> , to THE ITALIANE, pat come with pe <i>Archidene of Sanctandrois</i> ,	xl li.
<i>Item</i> , to JOHNNE HORSLIE, Inglisman, be THE KINGIS command and Lordis of Counsale, xx li.	
<i>Item</i> , to Thome Marfchale, cuke, <i>passand with the Secretar to England, Franche, Italie, &amp;c.</i>	x li.
<i>Item</i> , to DINGVALE, Herald, pat past with THE SECRETAR,	xij li.
<i>Item</i> , to Anthone, TALBONAR, at pe Kingis command,	xv li.
<i>Item</i> , to THE SECRETAR, <i>Ambassiatour</i> ,	l <sup>m</sup> .iij <sup>c</sup> .xxxij li. vj s. viij d.
May 12, 1530.— <i>Item</i> , to Hoge, messinger, pat past in England with THE KINGIS writingis, xij li.	
May 25.— <i>Item</i> , to Ormond, Pursevant, and ERGILE, messinger, to pass in the <i>Dis</i> , at THE KING and Lordis command,	xi li.
<i>Item</i> , to the <i>Egyptianis that dansit before the King</i> , in HALYRUDHOUSE,	xl s.
Jun. 1.— <i>Item</i> , deliuerit to THE LARD OF BUKCLEUCH, for the taking of <i>Benman</i> , tua elne and half of claitth of siluer, price elne ix li., <i>summa</i> ,	xxij li. x s.
Jun. 18.— <i>Item</i> , to Hecht, (Echt, messinger,) pat past to THE LARD OF SANDELANDIS for pe tua <i>Scottis Cheffis</i> ,	x s.
Jun. 26.— <i>Item</i> , xxiiij halbartis for THE KING, price pece vj s. viij d., <i>summa</i> ,	viiij li.
<i>Item</i> , deliuerit to David Bonar for THE KINGIS grace, thre <i>letacamp beddis</i> , <sup>4</sup> ane in Strieuling, ane in Edinburghe, the thrid in pe Wardrop of Edinburghe, be Johnne Drummond, price	xx li.
Jul. 6.— <i>Item</i> , to ane Pursevant pat past to Peblis, Selkirk, and vpir placis with THE KINGIS Letteris, <i>Dischargeing all maner of persons of resetting of the Cheffis gudis</i> , <sup>5</sup>	xx s.
<i>Item</i> , to LLEY, Herald, pat come fra THE KINGIS grace to stop the <i>Ferys</i> , (against those) pat past fra THE ARMY, &c. <sup>6</sup>	
Jul. 20.— <i>Item</i> , gevyn to GAWYNE HAMMILTOUN and his cumpany to ryd to <i>Melrose</i> , v li.	
Jul. 21.— <i>Item</i> , for twa lang malis, with twa lang braiffis to pame, to cary the <i>Kingis Lettacamp and Stule</i> <sup>7</sup> to the <i>Oist</i> , of findry prices,	iiij li. xiiij s.
<i>Item</i> , for cairfay, to covir pe said stule pat past to pe <i>Oist</i> , price	viiij s. vj d.
<i>Item</i> , for ane <i>stelle-bonet</i> , <sup>8</sup> price	x s.
Aug. 2.— <i>Item</i> , to KYNTYRE, Pursevant, pat past to pe <i>Erle of Northummrland</i> with directionis of THE KINGIS,	iiij li.
<i>Item</i> , to OLIPHANT, Pursevant, pat past with pe said Gawyne to <i>Melrose</i> ,	xx s.
<i>Item</i> , to MARCHMOND, Herald, to pas with Letteris to Aberdene, to Arreist the <i>Sey-Rebaris</i> (Pirates),	iiij li.

<sup>1</sup> The Royal Pavillions. These entries are noticed to mark the event of this great HUNTING. <sup>2</sup> It is unnecessary to specify all the furnishings, among which are 'aucht dosane of poyntis,' 'vij' and 'xviij martrik skynnys,' &c. Numerous dresses of 'gownis,' 'cloikis,' 'mantillis,' &c. were made for THE KING at this period of 'veluot,' 'silk,' 'satyn,' &c. <sup>3</sup> Sir David Lindesay of the Mount. <sup>4</sup> O. Fr. *Lit du camp*. The King invariably took one of these to his Hunting excursions and to the Field of Battle. <sup>5</sup> Several similar payments. <sup>6</sup> The sum obliterated. <sup>7</sup> His 'Stule of else.' <sup>8</sup> A great variety of similar entries at this period.

## APPENDIX.

- Aug. 8.—*Item*, to Williame Mure, pat past in Annanderdale and Cehdale, to warne þe LARDIS pair of to bring in their plegeis agane þe xxv day of August, and presoneris, . . . xl s.
- Item*, to Williame Stratherne, messinger, pat past in þe West cuntre to summond ane Assise, and to summond James Wallace of Carno for Tressone, . . . xl s.
- Item*, to Johne Pardavyne, maser, to summond certane Lordis to be vpone þe Lord Hay of Westertis Assise, þe xxv day of August, . . . xxx s.
- Item*, to Gawane Hamilton, and vperis, seruandis of þe KINGIS, pat brocht the Abbot of Melrosis schep to Linlithqw, attour<sup>1</sup> v ti. gevin of before, . . . iij ti. x s.
- Item*, gevin to JAMES GORDOUNE OF LOCHINVER for his Remissionne, and vpiris thretty personis, his kynnismen,<sup>2</sup> as þe KINGIS Precept beris, . . . I<sup>c</sup> ti.
- Item*, to the Lokman<sup>3</sup> of ED<sup>a</sup>, pat come to Linlithqw þe xxv day of August to hang certane Cheffis, . . . xiiij s.
- Item*, for baching<sup>4</sup> of the said Cheffis, . . . viij s.
- Item*, to þe LARDE OF JOHNSTOUNE and Edward Maxwell, for taking of ane Cheff and bringing of his hett to ED<sup>a</sup>, in contentationne of I<sup>c</sup> ti. grantit be þe KINGIS grace to pame, . . . I ti.
- Aug. 15.—*Item*, to the France Ambassiatoure, for his rewarde, . . . ij<sup>c</sup> ti.
- Item*, to Agnes Quhite, for his lugeing, þe tyme he wes in Dundie, . . . iij ti.
- Item*, to MARCHEMOND, Herald, that past in France the Kingis erandis, . . . I ti.
- Aug. 23.—*Item*, to King Cristall,<sup>5</sup> servand, . . . xx ti.
- Aug. 29.—*Item*, to ane servand of Schir Williame Chir, Inglifmanne, that come for Walkis, . . . vj ti.
- Item*, to ane PURSEVANT, to pass to convey þe said Inglifmanne, with twa Walkis, send fra þe KINGIS grace to þe said Schir Williame, . . . iij ti.
- Sept. —*Item*, to ane Persewant to pass with Letteris to þe Larde of Bukcleuche for þe apprehending of þe slaaris of Maister Johnne Balfoure, . . . xx s.
- Oct. 1.—*Item*, to ane boy pat ranne furthe of Dundie to ED<sup>a</sup>, for ane summondis onne þe Lord Forbest, . . . iij s.
- Oct. 2.—*Item*, to þe INGLIS BOWARE, for howis to the King, . . . vj ti.
- Item*, to þe SECRETARE, the tyme of his first passage to Rome in Ambassatry,<sup>6</sup> . . . vj<sup>c</sup> lxxj ti. xiiij s. iij d.
- Item*, to him sen fine, in parte of payment of ane Precept of vj<sup>c</sup> ti. . . iij<sup>c</sup> ti.
- Item*, to furnyse þe necessaris of the Place of Temptalloune, be þe LORDIS Precept, . . . xx ti.
- Oct. —*Item*, to MAISTER JOHNNE BELLENTYNE, be þe KINGIS Precept, for translating of the Cronykall,<sup>7</sup> . . . xxx ti.
- Item*, to Mathow and Arché Hammyltoune for þe Eschete of Robene Murrays menne of Logg, gevin to pame be þe KINGIS grace, and coft agane<sup>8</sup> be THE THESAURARE, for . . . I ti.
- Item*, for thre cariage horsis to turse the Arrese-merkis quhikis hang in the Abbay, þe KINGIS Bowis, Arrowis, and vpir geir of þe Wardrob, to Strineling agane Paische,<sup>9</sup> . . . xvij s.
- Item* to Johnne Bog, to mak ane passage doune fra the Castell of Strineling to the Park, . . . v ti.

<sup>1</sup> Over and above.    <sup>2</sup> This seems a very extraordinary measure, unless it can be interpreted to indicate, that L.100 was remitted to him of the amount of his Composition.    <sup>3</sup> The Hangman, or public executioner. See *Dr Jamieson's Dict.* and *Sir Walter Scott's Novels* for explanations of the term.    <sup>4</sup> Watching.    <sup>5</sup> See Note to Jun. 16, 1532, of this Appendix.    <sup>6</sup> There is no date affixed to this and the six following entries, which commence the accounts of 'Money at the command and Preceptis of THE KINGIS, debursit to sindry personis.'    <sup>7</sup> These payments continued for a considerable time. In the next account other entries are made, see Oct. 4, 1531, &c. Many similar traces of THE KING'S liberal patronage of literary men are to be found in these records.    <sup>8</sup> Re-purchased.    <sup>9</sup> A number of other payments for transporting geir of the Wardrob, &c. &c. These entries occur annually at Paische, or EASTER, and often at Christmas, &c.



## APPENDIX.

Nov. 2.— <i>Item</i> , to the Duke of Albany's servand pat brocht the grete horse to þe KINGIS grace, . . . . .	I <sup>xx</sup> fi.
<i>Item</i> , to þe Franche Armorare pat come with him, . . . . .	xl fi.
Nov. 12.— <i>Item</i> , in Sanct Johnnestoune, to Hoge, messingere, to pafs to apprise the Lord Forbessis landis, . . . . .	xl s̄.
Dec. 18.— <i>Item</i> , to Adam Stewart, messinger, to pafs to RENFREW, KYLE, CUNYNGHAME, &c. to warne for the Armye, and passage in the Ills, . . . . .	xxv s̄.
Dec. 25.— <i>Item</i> , to ane HERALD, to ride furth of Striueling to ED <sup>r</sup> , to conboy Carlel, Inglis Herald, to Striueling, to þe KINGIS grace, . . . . .	ij fi.
<i>Item</i> , to þe said Carlel for his wage, with the laif of the Heraldis, on New-3ERE-DAY, <sup>1</sup> x fi.	
<i>Item</i> , to him, quhilk remanit here fra New-3ere-day to Palme Sunday, <sup>2</sup> . . . . .	xl fi.
Dec. — <i>Item</i> , to the said David (Bonar) for xij double hankis of gold, quhilkis war deliuerit to DAVID LINDESAYIS WYF, <sup>4</sup> to sew the Kingis sarkis, þe price of ilk hank x s̄. . . . .	vj fi.
<i>Item</i> , to þe said Nichol Carncorfe to DAVID LYNDESAY, Herald, iij elnis blak veluot, price of þe elne lv s̄., . . . . .	vij li. v s̄.
<i>Item</i> , to him vj elnis Paroife blak, price of þe elne xl s̄. <sup>5</sup> . . . . .	xij fi.
Feb. 9, 1530-1.— <i>Item</i> , to Duncan Riche, to pafs with ane Summondis of Tresoune to the Menne of the Ills, to be execute in Invernes, . . . . .	.....
Mar. 1.— <i>Item</i> , to Wiljame Quhite, messinger, to pas with Letteris to Sanctandros for apprehending of Johnne Blakater of Cullyallane, <sup>6</sup> . . . . .	xiiij s̄.
Mar. 16.— <i>Item</i> , to Williame Mure, messinger, to pafs with Letteris to þe BISCHOPPIS of SANCTANDROIS and BRECHINE, to sum to Ed <sup>r</sup> for degradatioune of ane Prest, <sup>7</sup> . . . . .	.....
<i>Item</i> , to ane boy to rynne to THE BISCHOP OF DUNBLANE with siclyke letteris, . . . . .	ij s̄.
Mar. 27, 1531.— <i>Item</i> , to Andro Hammyltoune, messinger, to pafs with Letteris to þe Erlis of Ergile, Montroife, and þe Lord Erkin, <sup>8</sup> to convene in Ed <sup>r</sup> for Justifyng of the Lord of Cullyallane, . . . . .	xij s̄.

' ROBENE HUDE.'<sup>9</sup>

Apr. 5.— <i>Item</i> , þe v day of Aprile, for vj quarteris gray taffate of Jeynes, to be ane part of þe KINGIS Robene Hudis Baner, price of þe elne xiiij s̄. vij d̄. . . . .	xxij s̄. vj d̄.
<i>Item</i> , for vj quartaris 3ALLOW taffaty to þe said Baner, price of þe elne xvj s̄. . . . .	xxiiij s̄.
<i>Item</i> , for vj quartaris REDE taffaty to þe said Baner, price of the elne xiiij s̄. . . . .	xix s̄. vj d̄.
<i>Item</i> , for ane quarter QUHITE taffate, to be Corfis to þe said Baner, price pairof, . . . . .	iiij s̄. iiij d̄.
SUMMA of þe Baner, . . . . .	iiij li. ix s̄. iiij d̄.
<i>Item</i> , at þe KINGIS command, to Johnne Bog and Johne Lawfoune, to be pame Itherayts to pass wthþe the Kingis Robene Hude, v elnis gray veluot, to be pame twa Doublettis, price of þe elne iij li. v s̄. . . . .	xvj li. v s̄.
<i>Item</i> , for vi elnis lyning fustiane to pare Doublettis, price of the elne ii s̄. vj d̄. . . . .	xv s̄.

<sup>1</sup> The usual 'LARGESS' given to the Heralds on each recurrence of that happy day. <sup>2</sup> Payments made at same time to 'Messingeris of Middilburghe, vij li.'—'Habringtoun, Inglisman, June 6, v li.'—'the Frenche Ambassiatoure, Jul. 30, xxxvj li. iij s. vj d.'—'Horslie, Inglisman, Aug. 2, xx li.'—'Garis, Inglisman, quhilk came with writingis fra my Lord Dacres to the King, iiij li.'—'Alex. Mure, Herald of Denmark, Aug. 2, xxx li.' <sup>3</sup> Other payments made 'for WARNYNG OF THE CUNTR', and to 'provide for schippis and vthir veschell' for the 'passage to THE ILLS.' See *Mr Gregory's work* for the particulars of this Expedition. <sup>4</sup> 'JONET DOUGLAS.' See these Extracts, Mar. 1537-8. A great number of similar entries occur for sums paid her for embroideries, &c. <sup>5</sup> This is entered among the 'LEUERAYIS AT THE FEIST OF ZULE.' <sup>6</sup> For the Murder of James Inglis, ABBOT OF CULROS, the same day. See I, \* 151. <sup>7</sup> Sir William Louthien. *Ibid.* <sup>8</sup> Messengers were also dispatched for the 'Lorde of Montgomery, the Erle of Mortoune, and Lord Seytoun.' <sup>9</sup> So many notices have occurred, in the course of this Collection, relative to ROBIN HOOD GAMES, that the Editor thinks the following extracts will be acceptable to all readers. Reference may be advantageously made to *Brand's Popular Superstitions* (*Ellis's Edt.*), *Dr Jamieson's Dict.*, and *Sir Waller Scott's Works*, though it may be affirmed that the present are the most interesting and minute which have hitherto been laid before the public.

## APPENDIX.

<i>Item</i> , for vj quartaris canvese, to stent pare Doublettis, pe price . . . . .	ij s.
<i>Item</i> , for thwa skerlett Bonettis to pame, . . . . .	iiij ti.
<i>Item</i> , for ix quartaris ffrenche gray, to be pame thwa pare of Hoise, price of the elne xvi s. . . . .	xxxviij s.
<i>Item</i> , for vi quartaris blew to lyne pare Hoise, . . . . .	vj s.
<i>Item</i> , for iiij elnis gray taiffety to draw pare hoise, price of pe elne xvi s. . . . .	xlvi s.
SUMMA of pis liffray, . . . . .	xxiiij ti. xi s.
<i>Item</i> , to JAMES ERSKYNE, the Kingis Robeyn Howe, x quarteris gray fatyne, to be him ane Doublett, price of pe elne xxxiiij s. . . . .	iiij ti. v s.
<i>Item</i> , for kenvese to it, . . . . .	xviij d.
<i>Item</i> , for quhyt fustiane to lyne it with, . . . . .	viiij s.
<i>Item</i> , for makeine of it, . . . . .	iiij s.
<i>Item</i> , for ane elne furage gray, to be him ane pair of hoise, price . . . . .	xvj s.
<i>Item</i> , for ij elnis taffate, to draw pame and nerf pame, . . . . .	xxiiij s.
<i>Item</i> , for half ane elne and ane nale gray fatyne to couir pe hypis of pame, price of pe elne xxxiiij s. . . . .	xix s. j d.
<i>Item</i> , for blew to lyne pe said hoise, . . . . .	iiij s.
<i>Item</i> , for makeine and cwting of pame, . . . . .	viiij s.
SUMMA of pis liffray, . . . . .	viiij ti. xi s. viij d.
[A great variety of other costly 'liuerayes' occur under the same date, but no mention is made of ROBIN HOOD. It is probable that they were all procured on the same occasion.]	
May 20.— <i>Item</i> , to DAVID LYNDESAY, Herald, be pe KINGIS Precept, xiiij elnis blak fatyne to be him ane gowne, price of pe elne xxxij s. . . . .	xx ti. xvj s.
<i>Item</i> , for iiij elnis blak weluet, to begarie pe samyne gowne, price of pe elne lij s, . . . . .	vij ti. xvj s.
Aug. 4.— <i>Item</i> to Gourlaw, messinger, to pass to Mentethe and vthir places with Letteris TO WARNE pe GENTILMENNE of pe cuntré to the Kingis Hunting in Megotland, <sup>1</sup> . . . . .	xx s.
Oct. 4.— <i>Item</i> , to MAISTER JOHNE BALLENTYNE, be THE KINGIS Precept, for his trans- lating of the Cronicles, . . . . .	xxx ti.
<i>Item</i> , pairefter, to pe said Maister Johne, be pe Kingis command, . . . . .	vj ti.
Oct. 5.— <i>Item</i> , pe v day of October, to ANE INGLISMAN (' <i>Inglise Ambassiatour</i> ') <sup>2</sup> pat brocht writingis to pe KINGIS grace, quhom to his grace gaiff presence in KIRKCALDYE, . . . . .	xl ti.
<i>Item</i> , to Maister George Forestar in Leith, to mak pe said Inglismanns expensis, in Leith and Kingorne, for ane day, at his cuming to pe KINGIS grace, . . . . .	xlvi s.
Oct. 19.— <i>Item</i> , to ANE INGLISMAN, quhilk come with writingis to pe LORDIS fra the Erl of Northumberland, . . . . .	v ti.
Oct. 28.— <i>Item</i> , be ane Precept, to ane auld fastjet man, in Strueling, callit ALANE STEW- ART, in almoufe, . . . . .	xiiij ti. vj s. viij d.
<i>Item</i> , be ane Precept, to ane pure man, quhats horse fell our the Castell wall of Strue- ling, and brak his nek, <sup>3</sup> . . . . .	iiij ti.
<i>Item</i> , be pe KINGIS Precept, to William Duncan, Purcehand, quhilk was hurt in Mordisdale, ridand, be the Chevis, and his horse tane fra him, . . . . .	v ti.
Dec. 8.— <i>Item</i> , to Carlill, Herald off England, be pe Lordis command, quhilk come with writingis to pe KINGIS grace and pe LORDIS, . . . . .	xxx ti.
<i>Item</i> , to pe said Thomas Scott, <sup>4</sup> (' <i>Ambassiatour</i> ,') to be ane part of ane riding cote, iiij $\frac{1}{2}$ elnis blak weluett, price of pe eln lij s., <i>summa</i> , . . . . .	xj ti. xiiij s.

<sup>1</sup> Many other messengers sent to different parts of the country.<sup>2</sup> On the margin, 'INGLISE AMBASSIATOUR.'<sup>3</sup> These entries are selected to notice the generosity of THE KING, whose acts of beneficence appear in almost every page of these Accounts. <sup>4</sup> He is above styled one of the 'Commissionaris on ye Bordouris,' along with the LARD OF BALWERY, SCHIR JOHNE CAMPBELL OF LUNDY knyght, and THE LARD OF AMISFIELD. On the margin, opposite this entry, is 'SCOT, AMBASSIATOUR.'

Jan. 12, 1531-2.—*Item*, to David Blyth, Pursebant, to pas to Loundone with Letteris to the King of England, for ane CONDUCT to pe AMBASSIATOURIS, . . . . . xxv li.  
'Ambassiatouris in France.'

Feb. 24.—*Item*, to SCHIR THOMAS ERSKYN OF HALTOUN, kny<sup>t</sup>, Secretare and Ambassiatour in France, to his ORDINARE expensis in FRANCE, pe space off soure monethis, ilk moneth estimat to xxx<sup>vi</sup> dayis, ilk day havand to his ordinare expensis as said is, viij frankis, ilk frank extending to x s. vj d. in Scottis money. *Summa* of pe frankis ix<sup>lx</sup> frankis; *summa* of pe Scottis money extending to . . . . . v<sup>c</sup>iiij li.

*Item*, to my said Lord Secretare, be 3E KINGIS speciall command, to his EXTRAORDINARE, lxxxix Angell nobillis, pece extending to xxxij s.; *summa*, l<sup>c</sup>xlij li. viij s. And alsua to his extraordinare maid in finance iij<sup>c</sup>xv frankis iiij sowe, ilk frank x s. vj d.; *summa* of pe frankis, in Scottis money, l<sup>c</sup>lxv li. ix s. vj d. *Summa totalis* of pis EXTRAORDINARE, . . . . . iij<sup>c</sup>vij li. xvij s. vj d.

*Item*, to my Lord Bischope of Ross, Ambassiatour, pe samyn tyme, to help to his furnessing I<sup>m</sup>ij<sup>c</sup> frankis, price of ilk frank, in Scottis money, x s. vj d. *Summa* of pir frankis, in Scottis, extendis to . . . . . vj<sup>c</sup>xxx li.

*Item*, to DAVID LYNDESAY, Herald, to his expensis passing with pe saidis AMBASSIATOURIS iij<sup>c</sup> frankis, *summa*, . . . . . I<sup>c</sup>v li.

*Item*, to Johne Bog passand with certane Horses and Houndis send be pe KINGIS grace to Madame Bobinze, to his expensis iij<sup>c</sup>xl frankis,<sup>1</sup> *summa*, . . . . . l<sup>c</sup>xxvj li.

Apr. 2, 1532.—*Item*, to Henry Kemp, quhilkis he deburfit for pe Kingis sone,<sup>2</sup> gotten vpon ELIZABETH SCHAW, and his nurse expensis, . . . . . xx li.

*Item*, to pe GENTILL WOMANE pat fostirrit pe Kingis sone, . . . . . xl s.

May 11.—*Item*, for graithing of the Ambassiatouris Iugeine of Flandres, 'quhilk brocht the Emprouris Collar to pe KINGIS grace,'<sup>3</sup> as ane Bill gevin be Maister Johne Scrymgeour Maister of Werk, beris, . . . . . iiij li. vj d.

*Item*, to pe said Ambassiatour, to his revard, iij<sup>c</sup>. fifty Angell nobillis, *summa*, . . . . . iiiij<sup>c</sup> li.

*Item*, to the Herald of Flandres,<sup>4</sup> callit BURGUNZE HERALD, to his revard, . . . . . I<sup>c</sup> li.

*Item*, for tway purffis to putt pe said money in, . . . . . viij s.

*Item*, to the young man that sang with the Ambassiatoure soirlaid, . . . . . xx li.

*Item*, to pe gudewyfe of pe house quhare pe Herald of Flandres was lugit, for hir house-maill pe tyme of his beyng pare, . . . . . iij li.

*Item*, to Carlill, HERALD, quhilk come with writingis to pe KINGIS grace and LORDIS, and remanit on his anfuere quhill pe Parliament, . . . . . xl li.

24.—*Item*, to Bute, PURSEVANT, to pass to Loundoun with writingis to the King of England, . . . . . xl li.

Jun. 16.—*Item*, to the King of Cipre ('CIPRE')<sup>5</sup> . . . . . I<sup>c</sup> li.

Jul. 4.—*Item*, to ALEXANDER MURE, quhilk come with writingis fra the King of Denmark, . . . . . xl li.

<sup>1</sup> A great many more payments are made for dresses, provision for the horses, and 'iiij doggis to my Lord Obinze;' xl li. to GUILLIAME, Franche post, &c. &c. <sup>2</sup> JAMES ABBOT OF KELSO AND MELROSE, a pupil of George Buchanan. On Oct. 8, 1534, he got a charter of the Estates forfeited by the Earl of Angus, *Reg. Mag. Sig.* xxv. 241. Obiit 1558, sine prole. His mother was of the family of Sauchie. <sup>3</sup> These words are inserted, in larger letters, on the margin. <sup>4</sup> In this and the other instances 'SPANZE' had been written and 'FLANDRES' substituted. <sup>5</sup> 'CIPRE' on the margin. It does not appear, from any other entries in these Accounts, who this kingly personage was. The Editor is inclined to believe that the 'KING,' 'the PRINCE,' and 'the MORZ,' belonged to one or more of the numerous bands of GYPSIES or BOHEMIANS, who infested various countries of Europe at and previous to this period, in such overwhelming numbers, as eventually to call down upon them the cruel, but perhaps necessary, severities which continued to be practised against that devoted race for nearly two centuries after this time. For numerous interesting particulars relative to this remarkable people, see this Collection, III, 590, &c. 'KING CRISTALL,' mentioned under date Aug. 23, 1530, of this Appendix, was likely another of these artful wanderers.

- Jul. 20.—*Item*, to Carlill, HERALD, . . . . . 1 li.  
*Item*, to Bute, Pursevant, to pass with writings in England, and departit with pe said Carlill, INGLIS HERALD, pe xx daye of Julij, . . . . . xxxvj li.  
 Jul. 21.—*Item*, to pe PUIR WOMANE quhilk had hir housband slane with ane gwonne schot furth of pe Castell, . . . . . xl s.  
 Aug. 11.—*Item*, be pe KINGIS command to the Prince of Cypre, . . . . . xl li.  
*Item*, pe samyne day to the More, be pe KINGIS command, . . . . . xxx li.  
 18.—*Item*, furniffit be pe KINGIS command to my Lordis BISCHOP OF ROSS and SECRETAR, Ambassatouris in France, and to pe LARD OF GAWISTOUNE and DAUID LYNDESAY, HERALD, being with þame, I<sup>m</sup>V<sup>c</sup> frankis for twa monethis expensis; off pe quhilk to my Lord Bishop of Ross, xvj<sup>c</sup> frankis; to my Lord Secretar, vi frankis, to pe Lard of Gawistoune, ij<sup>c</sup> frankis; and to Dauid Lyndesay, I<sup>c</sup> frankis; price of ilk frank maid in finance with Hew Dowglafs, Nicholl Carnecorfe, and Paterfoune, burgeffis of Edinburgh, x s. vj d.; *summa*,<sup>1</sup> . . . . . vij<sup>c</sup>lxxxvij li. x s.  
 Sep. 18.—*Item*, for ane Bute with the caise, and ane dosane of stringis by,<sup>2</sup> cost in GLASGW, and fend with Troilus to pe KINGIS grace in Snuertera, . . . . . xl s.  
*Item*, to pe forsaid Troilus to turfe pe samyn, . . . . . vj s.  
 Sep. 27.—*Item*, for carrage of pe KINGIS bed to the Hunting in Glenarknag; and for cariage of pe samyn out of ED<sup>2</sup>. to SANCTANDROSE to the Pardoun, . . . . . xx s.  
 Dec.—*Item*, be pe KINGIS Precept to Maister Johne Borche,<sup>3</sup> v elnis tanny chamlett, price of pe elne xj s., . . . . . lv s.  
 Jan. 1531-2.—*Item*, be pe KINGIS Precept, to CRISTIANE RAE, quhen scho was Quene of Bane,<sup>4</sup> iiij elnis rissillis blak, price of pe elne xxvj s. viij d. . . . . vi li.  
*Item*, to hir ane elne veluett, price . . . . . liij s.  
 Feb. 23.—*Item*, to twa cartis, pat ane to turfe pe blak kist with the Chapell graith to STRUELING, and pat vpir with the Arreste hngaris, . . . . . iij li. xij s.  
*Item*, for ane lok mending and ane new kee to the Blak kist that kepts the Reliquies, xvj d.  
*Item*, for ane bott<sup>5</sup> of irne, and leid to zett pe samyn, to pe Compt-houfe durre,<sup>6</sup> . . . . . ij s.  
 May 17, 1532.—*Item*, to Duncan Reche, PURSEVANT, to pass with Letteris to pe BISCHOP OF SANCTANDROIS to aduertese him of the Changein of the Diett off the Accusatoun of the Lutherantis, . . . . . x s.  
 Jun 9.—*Item*, for ane trentall of Messis for the Kingis grace, in Quithorne, . . . . . xxx s.  
*Item*, to pe CHAPLANE distributour of pe samyn, . . . . . ij s.  
 Aug. 11.—*Item*, to xij CHEPLANIS to say Mess for the Kingis grace afoir OURE LADY OF PAISLAY, . . . . . xij s.  
 Aug. 21.—*Item*, to Schir Johne Jordane ('Cheplane') to the Almouse,<sup>7</sup> . . . . . xvij li.  
*Item*, to him, in compleit payment the Kingis Almouse, fra pe xxij day of August 1432 to pe day of pis compt, (Sep. 26, 1533,) takand ilk moneth xvj li., . . . . . liij li.  
 Dec. 2, 1532.—*Item*, to pe INGLISE BOWAR, for ane Dosane of Bows and vj dosane of Arrovis deliuerit at pe KINGIS command to Alexander Canosoun; and for iiij dosane of Arrovis deliuerit to pe KINGIS grace, for his abne schutting, . . . . . xx li.

<sup>1</sup> 'Summa trium foliorum precedentium, (all expended for AMBASSADORS, HERALDS, &c.) iijm<sup>c</sup>lx<sup>c</sup>li. viij s. xj d.'  
<sup>2</sup> Over and above, besides; *forbye*.  
<sup>3</sup> See also Aug. 5, 1535, for another entry relative to THE KING'S DWARF. He also gets 'doublat, hoise, and bonnat,' on this occasion, for his 'ZULE LEUERAY;' and on Sep. 27 preceding he had a payment of xl s. The Editor is of opinion that this is the individual DWARF for whom the well known Poem in the Bannatyne MS., entitled 'ANE LITILL INTERLUD OF THE DROICHS PART OF THE PLAY,' was written.  
<sup>4</sup> There have already been given some instances of THE KING OF BANE in the course of this Collection. The custom was similar to that still observed in England on *Twelfth Night*. See I, \* 115, and Note, &c. The Editor does not recollect to have elsewhere met with a notice of THE QUEEN OF BANE.  
<sup>5</sup> Bowtt, bolt.  
<sup>6</sup> A number of other entries about the Blak kist and Reliques.  
<sup>7</sup> On Jun. 9, xij li. were paid him for the same purpose. The public ALMS given by KING JAMES V, at this period, was *Sixteen pounds, monthly*, besides his numerous benefactions and private charities. See Aug. 21.

## APPENDIX.

Jan. 9, 1532-3.— <i>Item</i> , to þe MAISTER OF FORBES, be þe KINGIS command,	xl li.
<i>Item</i> , be þe KINGIS Precept to Johne, þipar of Sanct Johnestoune, in Coquer <sup>1</sup> with KATHERINE SINCLAIR,	lxxxiiij li. vj s. viij d.
Feb. 11.— <i>Item</i> , for ane trentall <sup>2</sup> of Messis done for the Britonaris saullis quibllis perist at the Port of Aire,	xx s.
Feb. 11.— <i>Item</i> , to Patrik Kincaid, MAISTER BROVSTAR,	xvj li. v s.
Apr. 12, 1533.— <i>Item</i> , to Schir Henry Hunter, for the Kingis Dirige singand, in STRIU- UELING,	xij li.
<i>Item</i> , for mending of the Organis, in Striueling,	ij li.
Apr. 12.— <i>Item</i> , to þe L. L. <sup>3</sup> be þe KINGIS command,	l s.
May 13.— <i>Item</i> , to Walter Cunynghamis wyfe in Striueling for ane how quibll the Kingis grace slew with ane culvering,	xl s.
May 15?— <i>Item</i> , to Maister Hector Boice, Principall in ABIRDENE, for þe tane <sup>4</sup> half of his PENSIOUNE; and þe vpir half pairt be þe Comptrollar,	xxv li.
Jun. 16.— <i>Item</i> , to Williame Haldane and Williame Brovne, for the Slauchter of vmq <sup>5</sup> DIX RICHERTSOUNE, ane commone Cheff, and takng of ane thir Cheff callit BARTILMEW TAIL- ZEOUR,	xxx li.
<i>Item</i> , to MAISTER JOHNE BALLANTYNE for ane new Cornkile gebin to the Kingis grace,	xij li.
<i>Item</i> , to him in part of payment of þe Translatioun of Titus Luulus,	vij li.
Jul. 26.— <i>Item</i> , to Williame Vdwart be þe KINGIS Precept, be Dauid Bonar, for clatse tane fra <sup>5</sup> him be þe Kingis command to ane Gentill woman, ('S. D.')	6
<i>Item</i> , deliuerit to my lord Secretar in þe QUENIS COLLEGE to do secret materris of the Kingis,	iiij li.
Aug. 24.— <i>Item</i> , to MAISTER JOHNE BALLANTYNE in part of payment of þe Transla- tioun of þe secund buke of Titus Luulus, <sup>7</sup>	vij li.
Aug. 28.— <i>Item</i> , to Robert Horllie, Inglisman, quhilk come with wrttingis fra þe ERLE OF NORTHUMBIRLAND, complenand on the brek of the Bordouris, <sup>8</sup>	x li.
Sep. 5.— <i>Item</i> , to Dauid Blyth, PURSEVANT, quhilk past to Lundoune erandis of certane Merchandis of ED <sup>9</sup> , and fend with him Lettres to the King of England, schewand þe complaynt of our Bordouraris vponne þe INGLISMENNE,	vj li.
<i>Item</i> , to Dauid Creichtoune of þe Gardrobe, to see tua careage horsis to tursle þe Kingis bed and vper graithe to the Hunting in Athole, and for þe space of vij dais pair to remane; to ilk horse on þe day ij s., <sup>9</sup> summa,	xxvij s.
Sep. 7.— <i>Item</i> , to ane boy to pass furthe of SANCT JOHNSTOUNE with Wrttingis to the Legat in ED <sup>9</sup> ,	v s.
<i>Item</i> , to George Leiche to pass to the Kingis grace in Snurrera,	vij li.
<i>Item</i> , to ane man to pass to convoy him,	xxvij s.
Sep. 15.— <i>Item</i> , to Jame Litaljohnis seruand, to pass with hutis and schobne to the Kingis grace, in Erglle,	xx s.
Sep. 16.— <i>Item</i> , to ane boy to ryn with ane Lettre to my Lord Chancellor to cause him haift to Ed <sup>r</sup> ,	ij s.

<sup>1</sup> Tocher, dowery, or Marriage-portion. <sup>2</sup> Tricentalis. Three hundred Masses. <sup>3</sup> The LADY L., one of the King's Mistresses. This must have been either the Lady Lochleven, (Margaret, daughter of John, twelfth Lord Erskine, and mother of the REGENT MURRAY,) afterwards the wife of Sir Robert Douglas of Lochleven—or Elizabeth, daughter of John, third Earl of Lennox, who bore to the King, Adam, Prior of the Charterhouse at Perth. There are many payments to this individual. <sup>4</sup> The one half. <sup>5</sup> Purchased. <sup>6</sup> These initials are on the margin. The extract is made to notice the number of such entries for dresses, trinkets, &c. &c. <sup>7</sup> The Anti- quary need scarcely be reminded that both the Chronicles and Translation of Livy have been admirably edited by THOMAS MAITLAND, Esq., Advocate, in Three Volumes Quarto. <sup>8</sup> Many messengers passed between the coun- tries on the same business. It is unnecessary to multiply entries here. <sup>9</sup> Several other payments.

Sep. 18.—*Item*, to Williame Cristefoune, messinger, deliuerit Lettres to pe Scherriſſis of FORFAIR, ELGYNE, FORESE, KINCARDINE, INUERNES, CROMERTIE, NARNE, ABIRDENE, and BANFF, to be proclamit within pair boundis, chargeing all men, betuix lx and xvj zeris, mak pame reddye, vponne xxiiij houris warnyng, to pas bodin, &c. with the Kingis grace or his Lieutenant, with viij dais wittalis, vndir pe pane of tynsale of pair lyvis, landis, and gudis. AND alsua deliuerit Letteris to pe ERLES OF MURRAY and HUNTLIE, LORDIS SALTOUNE and OGILWY, chargeing pame to cum with diligence to avise for Defence of the realme aganis the enemyis of Ingland,<sup>1</sup> liij s.

Sep. 21.—*Item*, to Cuthbert George, messinger, to pas with Letteris to the Erle of Northumberland,<sup>2</sup> xli s.

Sep. 24.—*Item*, to Williame Duncane, messinger, to pas with Lettres to pe LARD OF BILLE, chargeing him to keep suretie his House of Bille, vnder pe pane of downcasting of pe samyn, and tynfall of his heritage, xliij s.

Oct. 25.—*Item*, to Adam Stewart, messingire, to pas and summond pe Lady Weddirburne and pe Lady Traquair to compeire in Edr, on Nov. viij, to heir pame accusit of tressonabill Intercommonyng and assistance done to ARCHIBALD sumtyme ERLE OF ANGUSE and his complices, oure souerane lordis Rebellis; and to summond ane Assise of pe schyris quhaire pai duell, to beire witnessyng pairupoune; and to his wage, xx s.

Nov. 12.—*Item*, to Cuthbert George, messingir, to ryd with Letteris direct to pe Scherref of Air and Ballze of Kille to bring ARCHIBALD CURRE, in Sandefurde, before pe Lordis of Council in Edr, on Nov. 21 instant, to ansuer at oure souerane lordis instance for pe Intrometting with ane purse of money extending to vij<sup>e</sup> li. quhilkis pertent sumtyme to Inglismenne that droobit one the coist of Air: And als, deliuerit to him, siclik, Letteris chargeing pe PROUEST and BAILLIES of pe burgh of AIRE to bring Robert Nele, Johne Fallisdail, and Thomas Stevinstoune, to ansuer pe day and place afoir expremit, for pe samyn cause, and to his wage, xxvij s.

Dec. 7.—*Item*, deliuerit to Andro Dichintoune, messingire, Letteris to pe WARDANIS OF PE EIST AND MYDDELL MARCHIS, to charge all liegis within paj boundis to await vponne the Incuming of ane Army of Inglismen, and resist the same, &c.: AND als charging all Baronis and gentill men havand Castellis or strengthis, opir in keeping or heretage, to defend pame, abyding haifty reskew of pe KINGIS Army: AND deliuerit to him Letteris to pe CONSTABILL OF HADINGTOUNE, to warne all personis within pe boundis of his Office to be in Hadingtoune pe x day of pis moneth, weill bodin, &c. to byd our souerane lordis cumyng pe space of viij dais; and to his wage,<sup>3</sup> xxvij s.

Dec. 16.—*Item*, to ane seruand of my LORD HVMIS, quhilk come with Writingis to pe KINGIS grace, and tythingis fra the Bordouris, iij li.

*Item*, to Johne Mortoune, quhilk brocht Wrytingis fra the Wardane of the Myddill Marchis to pe KINGIS grace, at pe Kingis command,<sup>4</sup> xli s.

Dec. 26.—*Item*, to Adam Stewart, with ane Missive Lettre to pe LARD OF SPOTT; and alsua to him Letteris to pe MAISTER OF HALIS for Wyrnyng of Balis;<sup>5</sup> and ane Lettre to be proclamit at findrie Burrowis, in Lotheane, for furnesing of wittalis; and to his wage,<sup>6</sup> x s.

Dec. 28.—*Item*, to SYM PENNANGO to pas with Letteres to pe LARD OF BALCLEWCHE and vperis, aduertisand pame of pe Inglismenne cumyng to the House of Bille,<sup>7</sup> iij li.

<sup>1</sup> Many similar entries, unnecessary to be given here. <sup>2</sup> He was sent again on Oct. 23. <sup>3</sup> Messengers were dispatched to all parts of the kingdom prior to this date, with Letters to Barons, &c. <sup>4</sup> In consequence of these 'tythingis,' fresh Proclamations were issued, calling on the liegis to be in Edinburgh on Jan. 5 next, with twelve days' provisions, &c. <sup>5</sup> Bonfires or bale-fires. <sup>6</sup> Letters were also dispatched to the LAIRDS OF 'BRANKHOLME, FARNTHIRST, MARK KER, and WARDANIS OF THE MYDDILL MARCHIS fornent Ingland, ALEXANDER HUME, vnyquhile TUTOR OF WEDDIRBURNE, JOHNE HUME OF BLACATER, WILLIAME COKEBURNE OF THAT ILK, and LORD HUME, chargeing thame to be in Edinburgh the last day of this instant moneth.' <sup>7</sup> On Dec. 29, Proclamations of new issued for THE BARONS, &c. of Edinburgh, Lanark, and Peblis, &c. to be in Edinburgh, on Apr. 8,

## APPENDIX.

- Jan. 13, 1532-3.—*Item*, to Johne Gurlaw, messingeir, Letteris to charge þe ABBOTIS OF KELSO, DRYBURGHE, MELROSE, and JEDBURGHE, to remane in thair Abbacyis, substantiuslye accompanyit, weill hovine, &c. for defence of the realme,<sup>1</sup> . . . . . xx s.
- Jan. 27.—*Item*, to Williame Mure, messingeire, quhilk raid at þe poist to NEWBOTTILL, MELROS, and CAULDSTREME, to cause provisione be maid for Resaving of the Franche Ambassatour callit STEPHANUS AQUEUS,<sup>2</sup> . . . . . xxv s.
- Feb. 10.—*Item*, deliuerit to David Blair to pass with Letteris to Johne Canosourne and Lord Maclane, to cause þame cum to þe KING, weill accompanyit, for defence of the realme, v ti.
- Feb. 28.—*Item*, to Johne Brovne, skippar in Leithe, for þe fraucht of his schip in þe quhilk my Lord of Aberbrothok, Ambassatour, past in Fraunce, . . . . . lxxlvj ti. xiiij s. iiij d.
- Item*, to Merchement, HERALD, quhilk past with þe forsaid Ambassatour, . . . . . xl ti.
- Mar. 1.—*Item*, to Williame Mure, to pas with ane charge fra þe LORDIS to þe LARD OF DUNDASS for keeping of the House of Inchebargh,<sup>3</sup> . . . . . vj s.
- Mar. 13.—*Item*, to Johne Cobe, to pass with Letteris to þe ABBOTTIS OF NEWBOTTILL and MELROSE and Prioress of CAULDSTREME, for Resaving of the Legat, . . . . . xx s.
- May 28.—*Item*, to Williame Cristefoune to pass to CAULDSTREME with Writtingis fra þe FRANCHE AMBASSATOURIS to be send to the Erie of Northumberland, . . . . . xx s.
- Jun. 13.—*Item*, to Ormond, PURSEVANT, to pas in the Shis with Writtingis of þe KINGIS for the Inglis Schipe quhilk Maclane take,<sup>4</sup> . . . . . viij ti.
- Jun. 22.—*Item*, to ane boy to rynne to NEWBOTTILL, with ane Writting, schewand pat the Ambassatour, BEWES, and the Commissionaris, wauld be with him on the morne, . . . . . viij d.
- Item*, to Alexander Mure, quhilk brocht Writtingis fra the King of Denmark, to his rewarde, . . . . . xxx ti.
- Item*, to James Murray to pass to CAULDSTREME, at þe post, all nycht, with ane Writting to þe Prioress to provide for Maistr. Bewes and the Commissionaris, . . . . . xx s.
- Jun. 24.—*Item*, to Andro Dischintoune to pass to CAULDSTREME at þe post with ane Writting fra MONSOUR BEWES to þe ERLE OF NORTHUMBERLAND, for ane Conduct to our Commissionaris, . . . . . xx s.
- Jun. 27.—*Item*, to MAISTER JOHNE LAUDER to pass to Rome in the Kingis erandis, maid in fynance, v<sup>c</sup> frankis, . . . . . ij<sup>c</sup>lxij ti. x s.
- Item*, gevin to him at his departing, to by him Horsis and vperis necessaris,<sup>5</sup> . . . . . xl ti.
- Item*, to MY LORD MAXWELL for his seruice done spoure the Bordenour, be þe KINGIS consideratioune, and Precept pairupoune, . . . . . iij<sup>c</sup>xxxij ti. vj s. viij d.
- Jul. 11.—*Item*, to Johne Gurlaw, to pas at þe Post to þe KINGIS grace with Letteris fra þe LORDIS, certefeing his grace of the hame running of the Commissionaris, . . . . . xiiij s.
- Jul. 16.—*Item*, to Ar<sup>d</sup> Hoge to pass with Letteris to the Castell to the Commissionaris of England, . . . . . ij ti.
- Jul. 24.—*Item*, to Ormond, PURSEVANT, to pass with Letteris to Johne Canosourne and Maclane for the Kingis Schipe, . . . . . x ti.
- Item*, to þe WALISMAN (Welchman<sup>6</sup>) quhilk come heir, propynit, callit James Griffon, l<sup>c</sup> ti.

with thirty days' victuals; those of Fife, Forfar, Perth, &c. on Feb. 7, with thirty days' provisions; Inverness, Aberdeen, &c. on Mar. 9.

<sup>1</sup> Other Religious Houses, North of the Forth, &c. were commanded 'TO SEND THEIR HOUSEHALDIS TO THE BORDOUR, with the next Quarter.' In other districts the lieges were ordered to accompany their 'Weismenne,' (Chiefs,) as soon as 'thai be warnit be bellis, (bonfires,) or vthirwayise.'

<sup>2</sup> On Feb. 15, a macer was dispatched to Pittinweme to get a 'schipe redde within vj dais for careing of the ABOU OF ABERBROTHOK AMBASSATOUR to the parties of FRANCE.'

<sup>3</sup> Other proprietors and Captains of CASTLES, &c. got similar commands. <sup>4</sup> Messengers were also sent to Orkney, &c. 'to desist fra all making furthe of WEIR-SCHIFFIS incontrair the INGLISMEN, for weill of Peace.'

<sup>5</sup> Many other payments for dresses, freight 'of ane litill Schip in the quhilk he past in FLANDRES,' &c.

<sup>6</sup> See Oct. 21, 1534.

- Item*, for ane purfe to put þe said money intill, . . . . . iij s̄.
- Jul. 25.—*Item*, to David Dronane to pass with Letteris to þe Scherreffis of ED<sup>2</sup>, BERVIK, PEBLIS, ROXBURGHE, and SELKIRK, and to þe Burrobbis of DUNBAR, &c. chargeing all maner of men þe redy vponne xxiiij houris warnyng, with xx dais wittalis, for Resisting, &c.: AND als Letteris to be proclamit at DUNBAR, HADINGTOUNE, and LAUDER, chargeing all perfonis on þe COISTSYDE to aduert that na Inglis Schipe arrive thairupone, and to his wage,<sup>1</sup> . . . . . xx s̄.
- Jul. 29.—*Item*, to ane boy to rynne with Writingis to þe KINGIS grace, in Sanct Johnestroune (Perth), . . . . . iij s̄.
- Aug. 4.—*Item*, to ane boy, &c. &c. in Falkland, . . . . . ij s̄.
- Item*, to Williame Mure, to pass with ane Lettre to be proclamit at SELKIRK, PEBLIS, and MOFFAT, that na man hunt in Megotland, ASKDALE-MURE, TWEDE-MURE, &c. but þe KINGIS cuning,<sup>2</sup> . . . . . xx s̄.
- Aug. 6.—*Item*, to Castellaw, to pass with Letteris to be proclamit at þe Bordouris, for ane þo dais abstinence,<sup>3</sup> . . . . . xiiij s̄.
- Sep. 26.—*Item*, to Andro Hammiltoun, to pass with Letteris, chargeing þe WARDANIS OF þe MYDDILL MARCHIS and þe LARD OF BUCHCLEUCHE<sup>4</sup> to raise the cuntre to pass, houre the Chettis, to releif þe Gentillmen lailie takin be þame, and pair gudis—and to his wage, . . . . . xvij s̄.
- SUMMA totalis expensarum Leporariarum, (THE KING'S HOUNDS), ij<sup>c</sup>lxx ti. xij s̄. ix d.
- Oct. 7.—*Item*, to James Flew, INGLISMAN, be þe Lordis command, at his waypassing, . . . . . vj ti.
- Oct. 10.—*Item*, to GEORGE HERROT, Goldsmyth,<sup>5</sup> for mending of ane of þe Kingis siluer stolpis,<sup>6</sup> . . . . . viij s̄.
- Nov. 30.—*Item*, to MAISTER JOHNE BALLENTYNE, be þe Kingis precept, for his laubouris done in translating of Lute, . . . . . xx ti.
- Dec. 31.—*Item*, þe last day of December, deliuerit to SCHIR MICHEL DYSART, and his narrowis,<sup>7</sup> be þe KINGIS Precept, to be thair Play-Caittis, agane New-zeir-day, xv elnis bukram, red and zallow, price of þe elne xxx d. . . . . l ti.
- Jan. 3, 1533-4.—*Item*, deliuerit to þe KINGIS grace, quhill his hienes gair to ane Irland clairschochar,<sup>8</sup> . . . . . x ti.
- Jan. 7.—*Item*, to Cuthbert George, to pass with Writingis to caus THE ERLE OF MURRAY cum to ED<sup>2</sup> to advise uponne the Ambassaturis depesche, . . . . . iij ti.
- Jan. 22.—*Item*, to MAISTER JOHNE DROCHT, be þe Kingis Precept, to be him ane Gortone and ane Hughtroune, vj elnis serge, price of þe elne x s̄. . . . . iij ti.
- Item*, to be him ane Doublet, an elne double worset, price . . . . . xxvj s̄. viij d.
- Item*, to be him ane pair Haise, iij quarteris franche gray, price . . . . . x s̄. vj d.
- Item*, to be him ane Baret, price . . . . . xvij s̄.
- Feb. 19.—*Item*, to James Murray, to pass with Writingis to þe ERLE MONTROISE and SCHIR JAMES HAMMILTOUN, chargeing þame to keip the way of Justicierie betuir the Sympillis and the Cunynghantis,<sup>9</sup> . . . . . xx s̄.

<sup>1</sup> Similar Proclamations were made throughout the whole kingdom, and 'for RESISTING OF THE INGLIS SCHIPPIS.'

<sup>2</sup> Large payments made to James Colville of East Wemyss, COMPTROLLER, for his services at Newcastle, 'to TRET THE PEACE,' and to THE SECRETARY for 'his super expensis quhen he was in Fraunce,' and for JOCALIS (jewels) gevin be him sindrie tymes to THE KINGIS grace. <sup>3</sup> On Aug. 18, a Proclamation to be made that this cessation from hostilities should be 'kepit, quhill the x day of September.' <sup>4</sup> Similar Letters sent to LORD MAXWELL and THE LAIRD OF JOHNSTONE.

<sup>5</sup> Probably grandfather of the celebrated GEORGE HERIOT, the founder of the Hospital. <sup>6</sup> Stowps, flagons. <sup>7</sup> Fellows, companions. <sup>8</sup> An Irish (Ersche, or Highland) player on the Clairachaw, which was a kind of Harp. Monipennie says, 'The strings of the clairschoes are made of brass-wire, and the strings of the harps of sinewa.' Scot's Chron. pp. 5, 6. It is proper to mention, that 'clarsch-pipes' were also used. See Watson's Coll. li. 6.

<sup>9</sup> See I. \* 166, &c., for notices relative to these deadly Feuds, which caused a great excitement in the country.



## APPENDIX.

- Mar. 25, 1534.—*Item*, to Adam Stewart to pas with Letteris to LORD ZESTIR to cause him bring certane *Chedis quhilk he tuke, to be Justfett*, and to his wage, . . . . . xiiij s.
- Apr. 18.—*Item*, to *Rothsay*, HERALD, to pass to pe ERLE OF ROTHESE to Resaue the Castell of Sanctandrois,<sup>1</sup> . . . . . xxiiij s.
- Apr. 27.—*Item*, to *Rothsay*, HERALD, deliuerit Letteris to Dundee, Perth, Sanctandrois, Dunfermeling, &c. to indring thair *Caytis* for furnesing of *Wageouris*:<sup>2</sup> AND Letteris, elikuise, for *Chapinschawingis*: Alua deliuerit to him Letteris for *Bulwerkis* and *defensis* to be maid at DUNDEE, SANCTANDROISE, CARALE, PETTINWEME, ANSTRUTHIR, DYSART, KIRKAULDY, KINGORNE, and INNERKETHING; and to his wage,<sup>3</sup> . . . . . v li.
- May 4.—*Item*, to ane man quhilk come fra pe PRIORISS OF CAULDSTREME with *Writtingis* now sumit out of Fraunce to MONS<sup>r</sup> BEWIS, AMBASSATOUR,<sup>4</sup> . . . . . v s.
- May 26, 1534.—*Item*, to DAVID LINDESAY, *Herald*, passand with pe saidis *Ambassatouris*, to his expensis, ij<sup>c</sup> frankis, *summa*,<sup>5</sup> . . . . . I<sup>v</sup> li.
- Jun. 14.—*Item*, to Malcolme Gourlaw, deliuerit for x carage horfis tursand pe KINGIS *Palzeanis* to the *Hunting*, pe space of ix dayis; and ane horse quhilk brocht the *Bed*<sup>6</sup> furth of Striuling, . . . . . ix li. ij s.
- Jul. 3.—*Item*, to pe ARCHIDENE OF DURAME, *Inglic Ambassador*, quhilk come for *Confirmatioun* of the *Peace*<sup>7</sup> to his reward, ane hundreth Angell nobillis, *summa*, . . . . . I<sup>v</sup> li.
- Item*, to *Maister Magnus*, siclyke, *Ambassatour*, . . . . . ij<sup>c</sup> li.
- Item*, for twa purfis of crammefy fatin to put pe said money in till, . . . . . xxviiij s.
- Item*, to the *Inglic Notar*,<sup>8</sup> . . . . . xxx li.
- Item*, to *Berwick*, HERALD, . . . . . l li.
- Item*, to pe 6 *Archearis* that schot with the *Kingis* grace,<sup>9</sup> . . . . . xxv li.
- Jul. 9.—*Item*, to pe ABBOT OF KINLOSS, quhilk past to LONDON to resabe the *King* of England at the (oath) upon the *Confirmatioun* of the *Peace*, . . . . . I<sup>xlviiij</sup> li.
- Item*, to Maister Adam Otterburne, passand to *Lundone* for treting of the *Peace*, and pair remanand fra xxvj day of November to pe third day of Junij last bipast, to his expensis, . . . . . vi<sup>c</sup> li.
- Aug. 27.—*Item*, deliuerit to Johnne Murray ane blak bonet, to cobir ane *Steil-Bonet* to THE KINGIS grace, price pairof, . . . . . xiiij s.
- Item*, to be ane tyyet to the said bonet, and ane ryding tyyet to ane vpir Bonet, ane elne taphety of pe cord, price pairof, . . . . . xx s.
- Item*, deliuerit to THE KINGIS grace ane *Relict* of *Sanct Buthe*, set in siluer, weyand xxxvj vnce iij grote wecht, price of pe vnce iij s., *summa*, . . . . . xxvij li. xvij s. iij d.
- Item*, for making of pe samyn, . . . . . v li. ix s.
- Aug. 31.—*Item*, to Johnne Drummond, wrycht, for bringin of the thre *Cannons* furth of *Drumfreise*, in all expensis, . . . . . lxvij li. xvij s. iij d.

<sup>1</sup> Two Messengers-at-arms accompanied him.      <sup>2</sup> Hired soldiers; mercenaries. This was the first step towards the formation of a standing Army. Considering the precarious character of troops formed of raw levies of country men bound to military service, and the indifferent manner in which they were equipped, it is truly extraordinary how such bodies should have been able to withstand the onset of the well appointed and disciplined forces of THE ENGLISH. When these circumstances are kept in view, the rout of the Scottish Army at FLODDEN ceases to be matter of surprise.      <sup>3</sup> Similar commands sent to THE EAST AND WEST COASTS, &c. throughout the kingdom.      <sup>4</sup> Large payments were made at this period to the 'Ambassatouris,' MONS<sup>r</sup>. DE FLURIE, MONS<sup>r</sup>. BEWIS, 'and with thame THE ALMANE,' (German.)      <sup>5</sup> Large payments made to the SECRETARY during his Embassy to France. The rate of his personal charges was viij franks, or liij li. iiij s. *per diem*.      <sup>6</sup> The 'Letta-camp,' (*lit-du-camp*), regarding which numerous entries are to be found in this and the preceding Appendices.      <sup>7</sup> PINKERTON, II. 325, asserts, that 'the ORDER OF THE GARTER was remitted to JAMES by the hands of Lord William Howard, brother of the Duke of Norfolk; and the young monarch soon after received that of THE GOLDEN FLEECE from the EMPEROR, and that of St MICHAEL from FRANCIS. See the Appendix, I, \* 289, under date Jul. 13, 1537.      <sup>8</sup> The Prothonotary.      <sup>9</sup> Many other instances of the King's urbanity are to be found in these extracts. The present probably arose out of a challenge to the five best Archers in the Ambassador's train.

Sep. 3.—*Item*, to Edward Stewart, *Falconer*, to mak his expensis, and thre servandis, passin with *Halkis* to the King of England, . . . . . lvj li. xiiij s. iiij d.

The Expensis maid upon the Schip and Marynaris feis, sene scho come to DUNBERTANE.

*Item*, in primis, to xij marinaris pat wes send hame fra pe SCHIP, be pe space of thre oulkis wagis fra pe thrid day of September (1534), . . . . . xvij li.

*Item*, payt in Glesgow to xiiij men quhilk war left with pe schip to bring the King out of Argyle, for ane monethis wagis, begynnand pe said thrid day of September,<sup>1</sup> . . . . . xxviiij li.

*Item*, to ane seruand of . . . . . COCLEUS, quhilk bracht fra his Maister ane Buik, intitulat . . . . ., to his reward, . . . . . l li.

Oct. 11.—*Item*, to Thomas Myllar, carter, to pass to fetch ane brackin Gun of THE LORD MAXWELLIS furth of the Langholm, to be brocht to ED<sup>2</sup> to pe melting, deliuerit to him, . . . . . v li.

*Item*, to THE LORD MAXWELL, be Lordis Auditouris of Chekar command, for pe vj Sunnaris wogis remanand with him at pe Bordouris, quhilk wes omittit in our last Comptis, . . . . . xl li.

Oct. 21.—*Item*, to JAMES GREFOUND, *Malisman*,<sup>3</sup> commandit be pe LORDIS to be gevin at his departing towart Flanderis, . . . . . lx li.

*Item*, to MY LORD MAXWELL, for pe Keeping of the House of Armtage and Rewling of the Inhabitantis of *Lindisdale*, be pe space of sevin monethis, viz. fra pe last day of Nouember to pe fyrst day of Julij, havand in pe moneth I<sup>c</sup>. li., . . . . . Vije li.

Oct. 22.—*Item*, ane Barret to James Stewart, price . . . . . xx s.

*Item*, to be ane Gowne to THE KINGIS graces dachter, iij elnis veluet, price pairof pe elne lij s., *summa*, . . . . . viij li. xvj s.

*Item*, to be hir ane Kirtill, x quarteris satyne, price of pe elne xxxij s., *summa*, . . . . . iiij li.

*Item*, to lyne pe samyne, v $\frac{1}{2}$  elnis fustiane, . . . . . xxij s.

*Item*, to be hir sarkis and heid claithis, vj elnis Holane claithe, price of pe elne vj s. *summa*, . . . . . xxxvj s.

Oct. 24.—*Item*, send to THE KINGIS grace with George Steill, xij dosane Luyt stringis, price of ilk dosane v s., *summa*, . . . . . iij li.

*Item*, send with pe said George certane fyne Picturis of Flanderis, coft fra Johne Browne, to THE KINGIS grace, price pairof, . . . . . xvij li.

*Item*, vij fyne Drinking glassis for THE KINGIS grace, . . . . . xliij s.

Nov. 23.—*Item*, to be schabing claithis to THE KINGIS grace, iij elnis small Holland claithe, price of pe elne xiiij s., *summa*, . . . . . xliij s.

Dec. 28.—*Item*, (in Struiling) for iiij $\frac{1}{2}$  elnis and ane quarter sad grene, to cobir the *Lactantis* in the Kingis Study, price of pe elne xiiij s. iiij d., *summa*, . . . . . iij li. iij s. iiij d.

*Item*, to certane Play Gownis to the Kingis grace to pass in *Masking*, xxiiij elnis *Scottis* quhyte, price pairof, . . . . . v li. xvij s. vj d.

*Item*, to be pe tothir half of pe saidis Gownis, xiiij $\frac{1}{2}$  elnis *Scottis* blak, price pairof xj li. xvj s.

*Item*, to Robert Spittall, for makyng of pe saidis Gownis, . . . . . iij li.

Dec. 29.—*Item*, deliuerit to pe KINGIS grace, in Streuiling, to play at the Cartis, . . . . . xliij li.

Jan. 13, 1534-5.—*Item*, send with Weddail, futeman to pe KINGIS grace, in Struiling, ane *Dosane* Lute stringis and xij hankis of small wyre, price pairof, . . . . . xx s.

*Item*, to Thomas Rynd, goldsmyth, for certane *Gulden* werk, coft be William Hammiltoune to pe KINGIS grace agane *Beho Zere* Mes, as ane Compt, subscriuit be pe said William, beris, I<sup>c</sup>.xxiiij li. xij s.

<sup>1</sup> These two entries form the commencement of the Account, which occupies five folios, and amounts to L.502, 13s. 11 $\frac{1}{2}$ d. There are no interesting items, the payments being for wages, victuals, timber, cables, &c. No date is affixed to the general account, but it appears to have been rendered early in October, 1534. <sup>2</sup> 'GREFFON,' or Griffin. See Jul. 24, 1533. <sup>3</sup> Deaks, O. Fr. *Letrin, letrin*.

## APPENDIX.

- Item*, for garnesing of ane bust<sup>1</sup> for bucrmentis<sup>2</sup> to þe KINGIS grace, siluer, and fassoune, xxxij s.
- Jan. 31.—*Item*, for vij dofane of Whit stringis to þe Kingis grace, deliuerit to Maister John Coldoun, . . . . . lvj s.
- Jul. 28, 1535.—*Item*, to x careage horsis, tursand the Kingis graces Hailzeuris to the Hunting in Megotland, be þe space of xvij dayis, ilk horse apone þe day ij s., *summa*, xvij li.
- Item*, to Malcome Gourlaw, for his avne wagis, tursand and stentand the saidis Hailzeuris, . . . . . xx s.
- Item*, to iij careage horsis, tursand the Walbertis,<sup>3</sup> at þe said Hunting, be þe space of xvj dayis, . . . . . iiij li. xvj s.
- Aug. 5.—*Item*, to the Bruche,<sup>4</sup> be my Lord Thesauraris command, to lufos his clathris fra the tallzeuris, . . . . . xx s.
- Aug. 15.—*Item*, to David Dronar, to pass with ane charge to MY LORDIS MAXWELL and FLEMING, to keip meting with the Inglis men for Liddisdaill, . . . . . xxxiiij s.
- Aug.—*Item*, furneit to the Ambassiatouris, to vpset þe inlaik<sup>5</sup> of þe iiij<sup>m</sup>. Crovnis gevin be his grace, extending to v s. of euery Crovne, quhilk extendis in þe hail to I<sup>m</sup>. frankis, *summa* pairof, . . . . . V s. ti.
- Item*, to perfurnes þe hail fynance quhilk þe TOVNE OF ED<sup>m</sup>. suld haue furneit, þat wantit ij<sup>c</sup>. frankis, *summa*, . . . . . I<sup>c</sup>. ti.
- Oct. 1.—*Item*, to James Lindefay, FALCONAR, to pass with Halkis to the King of Ingland, to his expensis, . . . . . lx li.
- Item*, to þe said James, for his childeris expensis, þe tyme his hienes wes at the Hunting in Megotland, . . . . . vi li.
- Nov. 2.—*Item*, to KATHERINE HAMMILTOUNE, be þe KINGIS graces command, in compleit payment of þe sovme of lxxx li. for hir Artillery, . . . . . xxx li.
- Item*, be þe KINGIS graces command, to RICHART HUME, Inglis manne, quhilk suld mak Violis to the Kingis grace, to by stufe for þe samin, . . . . . xx li.
- Dec. 24.—*Item*, to . . . . Makcaw, Nureis, be þe KINGIS graces command, to þe reward for fustering of þe KINGIS graces Duchtter, . . . . . xiiij li. vij s. viij d.
- Item*, to þe INGLIS BOWAR, for ane Dusan of Botois, deliuerit be him, at þe Kingis graces command, to ane seruant of Johne Cannochsaris, . . . . . vij li.
- Dec. 29.—*Item*, to þe LORD ERSKYNNIS some,<sup>6</sup> quhilk past in France, . . . . . xx li.
- Item*, to George Wallace, for gutreding of the Kingis graces schip toward Weip, and fra thyne to Burdeus, payand his Marpraris half hyre in hand, and þe remanent in DEIP; as þe said George compt particularlye beris, . . . . . I<sup>c</sup>. xij li. iiij. s. x d.
- Dec. 30.—*Item*, to MY LORD SECRETAR, to his expensis returnand throto Ingland to my Lordis Ambassiatouris in France, . . . . . iiij<sup>c</sup>. li.
- Item*, to my Lord ABBOT OF KYNLOSS, quhilk he gait to the Inglis curruer,<sup>7</sup> at þe KINGIS graces command, . . . . . iiij li.
- Item*, to þe said ABBOT, to his expensis cumand throw Ingland with MY LORD SECRETAR, deliuerit be my Lord Thesaurar in France, I<sup>c</sup>. xlvi frankis, *summa*, . . . . . lxxiiij li.
- Jan. 19, 1535-6.—*Item*, to Richart Hume, Inglifman,<sup>8</sup> . . . . . xl li.
- Feb. 1.—*Item*, for ane App to þe KINGIS grace, . . . . . vj li.

<sup>1</sup> *Bust*; chest, box.    <sup>2</sup> *Unctments*, (ointments.) Probably perfumes, &c.    <sup>3</sup> Hunting spears, &c.    <sup>4</sup> THE DWARF. This personage was in great favour at Court, and had a regular pension and liveries, which regularly appear in these Accounts.    <sup>5</sup> To balance the deficiency.    <sup>6</sup> It does not appear which of the sons of John, fourth Lord Erskine, this alludes to.    <sup>7</sup> Probably the *Courier*, who brought the Letters of Safe Conduct to pass through England.    <sup>8</sup> Who had been employed to make 'Violis' to the King. See Nov. 2, preceding.

- Feb. 18.—*Item*, to be ane schort coit to **Lord James**,<sup>1</sup> vj quarterris blak fatyne, price of pe elne, xxx s. . . . . xlv s.
- Apr. 26, 1536.—*Item*, send to **pe Kingis grace**, with Schir Constantyne Ahannay, ane dofane **Wote stringis**, price . . . . . vj s.
- Sep. 24.—*Item*, to **Hutt**, PURSEVANT, to pas to **summond ane Assise to the Lord Hume and Lord of Edmestroune**, . . . . . xx s.
- Sep. 25.—*Item*, to James Biffatt, Messinger, to pas with Letteris to **pe PROVEST AND BAILLEIS OF DUNDEE AND SANCT JONESTOUNE** to ferche and seik **JOHNE BLACAT** and **GEORGE LUWETT**, suspect of the **Hanging of the Image of Sanct Francis**; and to his wage, . . . . . xx s.
- Item*, to Ercht, messinger, to pas and charge **pe LARD OF DUNDAS** and **CAPITANE OF DUNBERTANE** to kep suirlic the **Lardis of Blacadir and Johnestroune**, . . . . . xx s.
- Oct. 10.—*Item*, to Peter Thomefoune, to pas and **summond the Lord Hume and Lord Edmestroune**, . . . . . xl s.
- Oct. 18.—*Item*, be **pe Kingis gracie Precept and speciall command**, **gebin at his gracie Departing**, to thre seruandis pat seruis **pe LADYIS IN COWPAR**, to be pame thre **Gownis**,<sup>2</sup> xix elnis ruffatt, . . . . . xj li. viij s.
- Oct. 31.—*Item*, to James Coluill, messinger, to pas with Letteris, chargeing **ALL pe GENTILMEN** within **pe schereffdom of LYNLYTHQUHOW, STRIUELING, PERTHE, and MENTEITHE** to pas with **MY LORDIS REGENTIS** to the **Assegeting of Edzarstoun**,<sup>4</sup> . . . . . xx s.
- Nov. 2.—*Item*, deliuerit to Schir Henry Balfoure, Chaplane, to be **gebin in Amosse to the pure houshalderis** to pray for the **Kingis gracie prosperus returnyng**,<sup>5</sup> . . . . . viij li.
- Nov. 12.—*Item*, to Arthe, messinger, to pas with Letteris to **pe ERLE OF MORTOUNE**, Erle of Marshell, Abbot of Newbottill, Abbot of Melrose, and Lord Seytoun, for **ane Conventioun**, to be had in **Ed<sup>n</sup>**, **pe xvij day of pe samyn monethe**,<sup>6</sup> . . . . . xiiij s.
- Nov. 15.—*Item*, to Johnne Coib, messengeir, to pas to **summond ane Assise byrun the Cheff callit Ladislaw**, quhilk was tane be **my LORDIS REGENTIS** in **pe toune of JEDBURGHE**, xx s.
- Nov. 29.—*Item*, **pe pennult day of Nouember**, deliuerit to **pe said S<sup>r</sup> Henry**, to **pe effect forsaid**, . . . . . x lib.
- Item*, be command of **MY LORDIS REGENTIS**, to **Malcolmetsche**, **halding in Ward in the Castell of Edinburghe**, for gude rewill of **pe cuntré**, to his expensis, . . . . . x lib.
- Dec. 21.—*Item*, to **PATERSOUNE**, PURSEVANT, to pas and **summond ane Assise to the Lord Humes menne**, . . . . . vj s. viij d.
- Jan. 1536-7.—*Item*, be **my LORD REGENTIS** command, to **ROBENE HART**, *alias* **Rothesay Herald**, in recompense of his travell at the **Kingis first Departing**, becaus he was at **pat tyme bot wagit to Lundoune**, . . . . . xx li.
- Jan. 26.—*Item*, to **RAE**, Inglisman, quhilk come for **ane Conduct to Rauff Gaddlar, INGLISMAN**, . . . . . iij li.
- Feb. 24.—*Item*, to **RAE**, Inglis Pursebant, be **pe command of my Lordis Regentis**, . . . . . iij li.
- Mar. 6.—*Item*, to **RAE, &c.**, be **pe command, &c.** . . . . . xl s.
- Mar.—PURSUIVANTS and Messingers got large payments to pas with Letters to **THE BARONS, &c.**, 'for thair honest preparing agane the **Kingis gracie hunte-cuming**,' &c.
- Apr. 1. 1537.—*Item*, to **THE CHAPELLANIS OF LAWRETE**, to pray for the **Kingis grace**, xiiij s.

<sup>1</sup> The King's natural son, afterwards Earl of Murray, Regent of Scotland. <sup>2</sup> They were again summoned on Nov. 7, following. <sup>3</sup> They also got 'doublattis,' 'hoise,' and 'bonettis,' to correspond. <sup>4</sup> A number of messengers were sent with similar warnings to 'THE MAISTER OF ARTALZERIE,' to the 'Lard of Cesfurd, to ly about Edzarstoun'—'to caus OXIN be reddy at ye cuming of YE GUNNIS within thair boundis,' &c. <sup>5</sup> Prayers appear to have been publicly offered throughout Scotland. <sup>6</sup> Other summonses sent in various directions.

## APPENDIX.

- Apr. 15.—*Item*, to RAE, Inglis Purfevant, quhilk come with *Writtingis* fra the Duke of Northfolck for deliuerance of *pe* CHARLTONIS, . . . . . xxx s.
- Apr. 23.—*Item*, to *Rothesay Harrold*, to pas to Ingland to *pe* KINGIS grace, being pan in France, with Writingis fra MY LORDIS REGENTIS, . . . . . xl li.
- Item*, to Vmfray Murdoche, to pas with *pe* said *Rothesay* to LONDOUNE, and to returne agane with sic nouvelles and instructionis as plesis *pe* said *Rothesay* to fend with him, . . . . . xv li.
- Apr. 25.—*Item*, to RAE, Inglifman, quhilk brocht Writingis fra the Duke of Northfolck to my Lord Regentis, . . . . . ij li.
- Item*, to William Mure, messinger, to pas and charge THOMAS KIRKPATRIK OF CLOSBURNE, to present *thou* *Theiffis*,<sup>1</sup> takin be him in *pe* Tolboithe of ED<sup>a</sup>. *pe* ix day of Maij, and to his wage, xx s.
- Item*, to Thomas Hammiltoune, mafer, for his lauboris done in *Serching* of the *Heretikis* in the *West land*, . . . . . xxx s.
- May 19.—*Item*, to *pe* said RAE, Inglis Purfevant, quhilk brocht Writingis, . . . . . ij li.
- May 25.—*Item*, to Cuddy George, messingeir, to pas to *summond* the *Menne* of *Aire* to compeir befor *pe* LORDIS, anent *pe* geir of *pame* quhilk was *combit* of *Heresy*, . . . . . xx s.
- Item*, deliuerit to Williame Mure, Letteris to *pe* SCHERREFFIS of Kincardin, Drumfres, Sterling, Peblis, Selkirk, Perth, and Abirdene, . . . . . xl s.?
- ‘ THE QUENIS GRACE (QUEEN MAGDALENE’S) ENTRAY IN EDINBURGHE, AND CORONATIOUNE.’
- Item*, siclik Letteris to *pe* Scheriffis of Edinburghe, principall, and within *pe* Constabilrie of Hadingtoun and Beruic,<sup>2</sup> for the *Conuocatioun* of the *Baronis* to the *Quenis* grace entray in Edinburghe and Coronatioun; and to his wage, . . . . . xx s.
- Jul 7.<sup>3</sup>—*Item*, to ane Mafer to pas to Leith, to charge Wallace to haue his *Schip* *reddy*, viz. *pe* MARY WILLYBE, incontinent, to the *Raid*, . . . . . ij s.

THE QUENIS GRACIS TYREMENT.<sup>4</sup>

- Item*, to ane PURSVANT, to pas till DUNDE, to charge *pe* INHABITANIS pair of to bring *thare* *Blakis*<sup>5</sup> to Edinburg, incontinent, for the *Quenis* Tyrement, . . . . . xv s.
- Jul. 8.—*Item*, deliuerit to *Hayntouris*, for *iiij*. *Armys* at the *Quenis* *Obit*, . . . . . xl li.

‘ THE QUENIS OBIT, NONO JULIJ.’<sup>6</sup>

- Jul. 9.—Great quantities of Black ‘*Scottis* *Clait*’ and ‘*Franch* *Blak*’ were purchased for ‘*GOWNIS*, *COITIS*, and *HUDIS*,’ and ‘*BONETTIS*,’ &c. to the retainers and servants of the Court. As the subject is so remarkable, pretty copious selections shall be given.
- Item*, refaut fra Maister Adam Ottirburne, thretty elne *Holland* *clait*, deliuerand to James Scrymgeour, to be *Walis* to the *Franch* *Ladyis*, price elne vij s., . . . . . xij li.
- Item*, xxij elne QUHYTE SATYN to be *Craceis* upon the *Weluet*, price elne xxvij s., *summa*, . . . . . xxxj li. vj s. vj d.

<sup>1</sup> By another entry, on May 25 following, he was ordered to deliver ‘*NIMIANE* *DUNWEDY* and his marrow, vnder the pane of putting to the horne.’ These were the twa *Theiffis* alluded to. <sup>2</sup> All the other Sheriffs got similar notices. <sup>3</sup> There can be no doubt that this was the day of the Queen’s death. Without multiplying authorities, see Jul. 7, 1539, &c., of this Appendix. The date of the Obsequies, performed in Jul. 1538, is carelessly left blank. <sup>4</sup> Interment; Funeral obsequies. For many curious particulars relative to the amiable QUEEN MAGDALENE, see *Mr Pinkerton’s* History. *Mr Tytler’s* researches also may be expected to throw much light upon the History of this period. *Pinkerton*, following *Buchanan’s* authority, fixes Jul. 7 as the day of Queen Magdalene’s death. *Leslie*, p. 153, says, ‘*Scho* *deceissit* the xth day of Julij, and was buryit in the *Abbey* *Kirk* of *Hallyrude-hous*.’ <sup>5</sup> All authors are agreed that the public regret was so great, that this was the first occasion of a general PUBLIC MOURNING. Indeed *Buchanan*, who was an eye-witness, says it was the first instance of MOURNING DRESSES having been worn by the Scots, ‘which even now, after forty years, are not very frequent, although public fashions have greatly increased for the worse.’—*Buch.* Book XIV, 52. <sup>6</sup> This date refers to the period when ‘*Maister* *Thomas* *Marioribankis*’ entered into office as Clerk to Robert (Cairncross), Abbot of Holywod, Lord High Treasurer. The furnishings for THE FUNERAL OBSEQUIES were expended under different heads; the ‘*Broadstar*,’ or embroiderer; the ‘*Maister* *Stabillar*,’ &c. had each the charge of their own respective departments.

## APPENDIX.

<i>Item</i> , aucht elne veluet deliuerit to the <i>Capesar</i> , <sup>1</sup> price elne l s., <i>summa</i> ,	xx ti.
<i>Item</i> , xxviiij Holland claitb, price elne ix s., <i>summa</i> ,	xij ti. xij s.
<i>Item</i> , ten elne vterfyne <sup>2</sup> to be ANE GOUNE to ane <i>Franche Prest</i> , COIT and HUDE,	xiiij ti. vj s. viij d.
<i>Item</i> , tua pund sax vnce of blak sewin silc to be <i>Frenzeis</i> to the <i>Quenis Cobme</i> , <sup>3</sup> ix ti. xv s.	
<i>Item</i> , tua grete hankis of gold to the <i>Browdster</i> ,	xliij s.
<i>Item</i> , <sup>4</sup> sex <i>Grete Armys</i> <sup>5</sup> and sex small, price of pe <i>Werkmanschip</i> and sewing of pe <i>Grete Armys</i> ,	iiij ti.
<i>Item</i> , for pe small <i>Armys</i> ,	xxx s.
<i>Item</i> , for making of two <i>Crucis</i> , ane grete and ane small,	xv s.
<i>Item</i> , fyftene elne grete <i>frenzeis</i> , <sup>6</sup>	xv s.
<i>Item</i> , twenty aucht elne small <i>frenzeis</i> ,	xviiij s. viij d.
<i>Item</i> , aucht <i>knappis</i> and <i>fassis</i> <sup>7</sup> making, price,	viiij s.
<i>Item</i> , to my <i>Lord Thesaurar</i> ij steikis <sup>8</sup> blak <i>Veluet</i> , contenand xliij eln, price eln lvj s. <i>summa</i> ,	lxx ti. viij s.
<i>Item</i> , mair to him, vij elne iiij quarteris and ane naill blak veluet,	xxj ti. xvij s. vj d.
<i>Item</i> , xix elne small <i>Holland claitb</i> ,	xiiij ti. vj s.
<i>Item</i> , fra <i>MASTER FRANCISE BOITHUILIS WYFE</i> , to the <i>Quenis Tyrement</i> , x elne <i>Purpure veluet</i> , price elne iiij ti., <i>summa</i> ,	xxx ti.
<i>Item</i> , foure elne of <i>Franche blak</i> , to be ane <i>Fute Mantill</i> and ane <i>harnessing</i> to the <i>Kingis Grace Hule</i> , price elne xxx s., <i>summa</i> ,	vj ti.
<i>Item</i> , tua elne bukram, to lyne pe said <i>Fute Mantill</i> about pe <i>bordouris</i> ,	vij s.
<i>Item</i> , tua elne tua quarteris <i>Franche blak</i> deliuerit to <i>Patrik Sklater</i> to cobir ane <i>Sadill</i> to pe <i>KINGIS grace</i> ,	iiij ti. x s.
<i>Item</i> , five elne <i>frenzeis</i> of blak silc to pe <i>samyn sadill</i> ,	vij s. vj d.
<i>Item</i> , fra <i>William Keris wyfe</i> , sex elne <i>Scottis blak</i> to be <i>harnessingis</i> to <i>Mulatis</i> , v ti. ij s.	
<i>Item</i> , thre quarteris <i>Scottis blak</i> to complete furth pe said <i>harnessingis</i> ,	xij s.
<i>Item</i> , tua <i>dofane cordis</i> of silc, price of ilk <i>dofane</i> ij s. viij d. to knyt pe <i>harnessingis</i> of the <i>Kingis sadill</i> ,	v s. viij d.
<i>Item</i> , four <i>dofane carddis</i> <sup>9</sup> to feffin pe <i>claitb</i> apon pe <i>harnessingis</i> ,	xliij s.
<i>Item</i> , sax blak <i>beltis</i> to pe sex <i>Mulatis</i> ,	v s.
<i>Item</i> , thre elne <i>canves</i> to lyne pe <i>teis</i> of pe <i>Mulatis</i> ,	iiij s.
Jul. 10.— <i>Item</i> , to the <i>Kingis Cappesar</i> for pe <i>Ribbonis</i> and <i>Wesmentis</i> pat war maid for pe <i>QUENIS Tyrement</i> , viz. lx elnis, price elne viij d., <i>summa</i> ,	xl s.
<i>Item</i> , to pe <i>QUENIS</i> . . . <i>Wesmentis</i> , liij elne ij quarteris blak . . . <sup>10</sup> bukram, price elne xl d., <i>summa</i> ,	ix ti.
<i>Item</i> , for half ane pund blak threid to him pe <i>samin day</i> ,	iiij s. iiij d.
<i>Item</i> , half ane elne <i>Crantmesy Satyne</i> ,	xl s.
<i>Item</i> , deliuerit to <i>ROBERT HARVAR</i> , feruitour to my said <i>Lord</i> , <sup>11</sup> to the <i>Quenis Tyrement</i> , xx elne j quarter blak veluet, price elne lvj s.,	lvj ti. xliij s.
Jul. 11.— <i>Item</i> , deliuerit to pe <i>KINGIS grace</i> , in pe <i>Abbay</i> , ane <i>Pissane of Hailze</i> <sup>12</sup> and ane <i>Hudskule</i> , <sup>13</sup>	xl s.

<sup>1</sup> The person who had charge of the Tapestry and hangings. <sup>2</sup> Probably a kind of *superfine* cloth. <sup>3</sup> There are furnishings of additional silk from various merchants, amounting in all, with the above Funeral Pall, &c. to L.85, 13s. 9d. <sup>4</sup> This and a number of the following entries are in 'THE BROWDSTARIS Compt.' <sup>5</sup> Coats of Arms for the Funeral Pall and Canopy, &c. <sup>6</sup> Fringes. <sup>7</sup> Knobs and tassels or bunches. <sup>8</sup> Webs, pieces. <sup>9</sup> Silk cords or strings. <sup>10</sup> These left blank in the accounts. <sup>11</sup> ROBERT (CARNCORSE) ABBOT OF HOLYNOOD, Lord High Treasurer. This part of the Accounts was given in 'by me MASTER THOMAS MARIORIBANKIS, as Clerk to ane venerabill fader in God, Robert,' &c. <sup>12</sup> A sort of gorget or defensive armour of mail for the neck. <sup>13</sup> This and the other Tourneying weapons were delivered by 'William Smeithbeird,' Armourer.

## APPENDIX.

<i>Item</i> , for grathing and dighting of two <i>Hissaris</i> of <i>Malize</i> to be KINGIS grace, and ane <i>Habergeon</i> <sup>1</sup> of <i>Malize</i> , with ane certane nalis ourgilt to ane pair of <i>Brigantynis</i> , <sup>2</sup>	x s.
<i>Item</i> , for beiring of xxij <i>Gebllings</i> <sup>3</sup> and ane Blak stand of Harnes to be Abbay,	vij d.
<i>Item</i> , for ane <i>Grete Suerde</i> bering to the Abbay and fra be Abbay agane,	xvj d.
<i>Item</i> , for dighting and grathing of four <i>Dusane</i> of <i>Walbertis</i> , quhillis be KINGIS grace had apone be Sey with him, <sup>4</sup>	xlviij s.
<i>Item</i> , for be dighting and grathing of two <i>Dusane</i> <i>Sedburgh-stalkis</i> ,	xxiiij s.
<i>Item</i> , for grathing and dighting and tynnyng of ten <i>Two-handit Suerdis</i> ,	l s.
<i>Item</i> , for dighting of (ane) ane <i>handit Suerde</i> ,	ij s.
<i>Item</i> , for be grathing of ane <i>Rappere</i> ,	ij s.
Jul. 12.— <i>Imprimis</i> <sup>5</sup> ane steik <sup>6</sup> of <i>Blak Weluet</i> contenand xxj elne j quartar and 3 quartar, price of be elne lvj s., <i>summa</i> ,	lix li. xv s.
<i>Item</i> , sauld ane steik of <i>Scottis blak</i> , contenand xxvij elne, price elne xvij s., <i>summa</i> ,	xxv li. iiij s.
<i>Item</i> , mair to my <i>Lord Chescurar</i> ane steik of <i>Roisan</i> <sup>7</sup> <i>blak</i> , contenand xxij elne $\frac{1}{2}$ , price,	xxxvij li. xij s.
<i>Item</i> , deliuerit to Thomas Arthure to be ane <i>Coit</i> with <i>stebis</i> to the Kingis grace, ij elne ij quartaris, of fyne <i>Parise blak</i> , price elne ij li., <i>summa</i> ,	xj li. v s.
<i>Item</i> , to lyne be foirfaid <i>Coit</i> with, iiij elne $\frac{1}{4}$ of fyne <i>blak Taffatyis</i> of cord, price elne xx s., <i>summa</i> ,	iiij li. x s.
<i>Item</i> , to David Zongar, furrou, <sup>8</sup> for <i>Skynnybaris</i> and part of <i>Subyte skynnis</i> to lyne two <i>Sownis</i> with thare <i>Hudis</i> to the <i>Ladyis of Honour</i> ,	iiij li. xiiij s.
<i>Item</i> , deliuerit to be <i>Master Almasar</i> <sup>9</sup> be Dene Johne Wilfoun,	lxxx li.
Jul. 13. <i>Item</i> , to ane boy to pas to MELROSE and DRYBURGHE to warne be ABBOTTIS to the <i>Quenis gracie Tyrment</i> , <sup>10</sup>	ij s.
<i>Item</i> , gevin in arlis <sup>11</sup> of thre steik <sup>12</sup> of <i>Clayth of Gold</i> coft to the Kingis grace in LYONS, and quhillis his grace ressaunt agane in <i>Parise</i> ,	ij <sup>c</sup> li.
<i>Item</i> , coft to his grace, siclik, in LYONS, two <i>grete Iyaris</i> of <i>Turke</i> ( <i>Turkey</i> ) <i>weck</i> , <sup>13</sup> price pairof,	l'xxxx li.
<i>Item</i> , coft siclik xij <i>Quertouris</i> for <i>Hurdis</i> , <sup>14</sup> price of ilk pece iiij li., <i>summa</i> ,	xlviij li.
<i>Item</i> , for MY LORD ERSKYNNIS superexpensis, be tyme he was in ENGLAND, for <i>Stallacourne</i> of be KINGIS GRACE in the <i>Ordour</i> of the <i>Sartene</i> , send vnto his grace be his vncler be KING OF ENGLAND; <sup>15</sup> as wes particularlie examinat apone be Compt gevin in be be said Lord, xlix li. xvij s. x d.	
The <i>Quenis</i> nyne <i>Pagis</i> and three <i>Alakayis</i> got black <i>Doublatis</i> , <i>Hoise</i> , and <i>Bonettis</i> . <sup>16</sup>	
Jul. 15.— <i>Item</i> , to Thomas Arthuris seruand, callit Thomas Crag, to be the Kingis grace ane <i>Ryding Coit</i> , four elne of fyne <i>Parise blak</i> , price elne ij li., <i>summa</i> ,	xij li.
<i>Item</i> , to lyne be foirfaid <i>Ryding coit</i> , fyve elne of <i>blak taffatyis</i> of cord, price elne xx s., <i>summa</i> ,	v li.
Jul. 16.— <i>Item</i> , to Thomas Arthure, ane elne of <i>Parise blak</i> to be the Kingis grace <i>Schane</i> , <sup>17</sup>	l s.

<sup>1</sup> Habergeon. It is sometimes written *Hawbirscheoune*, and *Auberchoune*; being a coat of chain mail, wanting the sleeves. <sup>2</sup> Armour for the thighs and limbs. <sup>3</sup> Javelins. <sup>4</sup> When he went to France on his matrimonial expedition. <sup>5</sup> This forms the commencement of another branch of these Accounts. <sup>6</sup> Piece or web. <sup>7</sup> Rouen, in Normandy. <sup>8</sup> Furrier. <sup>9</sup> This payment to the Almoner was for charitable purposes. <sup>10</sup> Messengers dispatched to the other Religious Houses. <sup>11</sup> *Arrha*, an earnest penny. <sup>12</sup> Pieces or webs. <sup>13</sup> Probably mats or Turkey-carpets. <sup>14</sup> Table-covers. <sup>15</sup> See Jul. 3, 1534, of this Appendix, I, \* 283. Although the repayment of Lord Erskine's 'superexpensis' is entered here, the date of the KING'S Investiture must have been a considerable time previous to this time. <sup>16</sup> It is unnecessary to give the details here. <sup>17</sup> Shoes.

<i>Item</i> , deliuerit to Robert Gib be pe said Patrik (Sklatar) to pe KINGIS Grace and sadill coverit with blak of the new fassone, furnyft with gyrthis and ledderis to pe samin sadill, price,	xl s.
<i>Item</i> , for ane Harnessing of blak ledder, coverit with blak of the Franche fassone, <sup>1</sup> price,	xx s.
<i>Item</i> , for twa pair of girthis and wamebrasis <sup>2</sup> for Armyn sadillis,	vij s.
Jul. 18. <i>Item</i> , to Thomas Crag, fyve elne Paris blak, to be pe KINGIS grace and Ryding Groune with ane Hude, price elne l s., <i>summa</i> ,	xij li. x s.
<i>Item</i> , thre elne and 3 quarter of Parise blak to be pe KINGIS grace and Ryding Clerk, price elne l s., <i>summa</i> ,	ix li. xv d.
Jul. 19. <i>Item</i> , sevin quarteris, ane naile lefs, of fyne Parise blak, to be pe KINGIS grace and pair of Haise and ane Mastil, price elne iij li., <i>summa</i> ,	v li. xv d.
<i>Item</i> , tua elne and ane quarter of Taffatyis of cord, to lyne pe KINGIS grace and pair of Hoise,	xlvi s.
Jul. 22.— <i>Item</i> , tane fra Mungo Tennand to be the Kingis Bule-Cutt and Hude, <sup>3</sup> and for pe making of pe samin,	x s.
<i>Item</i> , for poyntis to pe tua Coitis and doublate,	xvj d.
Jul. 24.— <i>Item</i> , coft <sup>4</sup> fra Henry Lillie, and deliuerit to pe said Tapesar, twa steikis <sup>5</sup> of Double Bumpostage <sup>6</sup> to hing about the Queen, qubair pe VELUET hang,	vj li.
<i>Item</i> , fra Thomas Todynar, &c. <sup>7</sup> thre steikis xiiij eln and quarter of Druble Bumpostage to hing as said is,	xj li. x s.
<i>Item</i> , fra Johne Dowgall fevyn elne Millane <sup>8</sup> fustiane at pe LORDIS command, to put in the Chapell in the Palace, price elne v s., <i>summa</i> ,	xxxv s.
<i>Item</i> , fra pe said Johne, ser faldume cordis <sup>9</sup> to pe samyn effect,	xij d.
Jul. 28. <i>Item</i> , to WILLIAM EDBE, Tapesar to pe KINGIS grace,	xx li.
Jul. 30. <i>Item</i> , to GILLIAM the Queens Furrour,	xx li.
Aug. 4.— <i>Item</i> , to Johne Gourlay, to pass with thre cloife Writingis to pe KINGIS grace at Cemptalloun,	vij s.
<i>Item</i> , to Johne Forsythe, to pass to Banff, Elgyn, Fores, Invernys, and vpiris placis neidful, to discharge the Erle of Murray of his Lieutenantrie in the North partis, to his expensis,	l s.
Aug. 18.— <i>Item</i> , to MASTER ALEXANDER BRAND, Keipar of the Glammys <sup>10</sup> & Baky, xl li.	
Aug. 20.— <i>Item</i> , to PATRIK WEMYS, to gif among the Franche men and women at thare departing to France,	iiij s.
<i>Item</i> , four elne 3 quarteris of gray, to be Hoiffing to pe KINGIS Standertis of his Letta-camp,	xj s. j d.
Aug. 21.— <i>Item</i> , deliuerit to William Calderwod, for ane pair Organis to pe Kingis grace Chapel, price of pame,	lxvj li. xiiij s. iiij d.
<i>Item</i> , to MASTER GEORGE BUCHQUHANNAN, at pe KINGIS command,	xx li.
Aug. 22.— <i>Item</i> , to Williame Smeithberd, for pe mending and grathing of tuelf steile Sadillis of pe KINGIS,	iiij li. iiij s.
<i>Item</i> , for bukkillis, pendasis, <sup>11</sup> and vpir geir tane <sup>12</sup> be Robert Gib,	iiij li. ij s.

<sup>1</sup> A number of similar entries, but too minute to be noticed here.      <sup>2</sup> Literally *Belly-bands*. Preparations for the Tournament are strangely mingled with the funeral trappings.      <sup>3</sup> The mourning Coat and Hood.  
<sup>4</sup> Purchased.      <sup>5</sup> Webs, pieces.      <sup>6</sup> *Dr Jamieson*, on the authority of *Cotgrave* and *Roquefort*, considers this 'to have been a kind of Temming or taminy, from O. Fr. *Ostade*.'—'A demy ostade, cut in panes like a Spanish leather jerkin,' *Cotgrave*.      <sup>7</sup> In consequence of the sudden and unusual demand, the purchases were made from a great variety of tradesmen.      <sup>8</sup> Milan.      <sup>9</sup> Six fathoms of cords or ropes.      <sup>10</sup> After the execution of Jonet Lady Glamis, and the Forfeiture of her son.      <sup>11</sup> Pendants.      <sup>12</sup> Purchased.



## APPENDIX.

Aug. 24.— <i>Item</i> , refault fra Williame Haw, threttene elne vterfyne, to be four <i>Fute-Mantillis</i> and four <i>Harnessingis</i> to pe Franche ladyis saddillis, price elne xxiiij s., <i>summa</i> ,	xv li. xij s.
<i>Item</i> , tuelfe elne Franche blak, to be thre of the gretast <i>Fute-Mantillis</i> and thre <i>Harnessingis</i> to pe gretast Ladyis, price of pe elne xxxij s., <i>summa</i> ,	xx li. viij s.
Aug. 25.— <i>Item</i> , to Biffate, Messinger, to pass to GLASGW, and vper places in pe WESTLAND, for <i>Horsis</i> to the <i>Quenis Ladyis</i> ,	xx s.
<i>Item</i> , deliuerit to the <i>Capesar</i> be my Lord Thefaurar,	xx li.
Aug. 28.— <i>Item</i> , fyve elne Parife blak, to cobir ane <i>Littar</i> of ane <i>Ladyis</i> , <sup>1</sup> price elne xxxij s., <i>summa</i> ,	viiij li. x s.
<i>Item</i> , aucht scoir and aucht <i>Bukillis</i> to pe foirlaid ladyis, price of the pece viij d., <i>summa</i> ,	v li. xij s.
<i>Item</i> , ane hundreth <i>Pendissis</i> <sup>2</sup> and sex, price of pe pece vj d., <i>summa</i> ,	ij li.
<i>Item</i> , gevin for pe <i>Harnessing</i> of the <i>Pendessis</i> , plaittis, and bukillis,	xxij s.
<i>Item</i> , for making ane covering to the <i>Chariot</i> ,	x s.
Sep. 4.— <i>Item</i> , gevin to PATRIK WEMYS, Master Houfhald, xxij Crownis; to my LORD SECRETAR, vj Crownis, to gif ane part of the <i>Franche men</i> , at thare way-passing, <i>summa</i> ,	xxviiij li.
<i>Item</i> , gevin to my LORD SECRETAR, pat he deliuerit to the <i>Franche Labendar</i> and hir husband, at pare away-passing,	xl s.
<i>Item</i> , to twa seruandis of the <i>Quenis</i> (quhilkis) war nocht of mynde to have departit, and now defyris to depart; and now it is ordanit be pe Lordis of Counsale of Chekkar, ilkane of pame to have sex Crownis, <i>summa</i> ,	xij li.
Sep. 14.— <i>Item</i> , gevin to Patrik Wemys, to gif the <i>Capesery</i> man that past to Franche, (France)	vj li.
Sep. — <i>Item</i> , to TWA DOCHTERIS of the <i>Lady Glammys</i> <sup>4</sup> twa pair doubill solit schone, price of pe pair ij s. ij d., <i>summa</i> ,	iiij s. iiij d.
<i>Item</i> , gevin to pame twa <i>Horsis</i> , <sup>5</sup>	ij s. viij d.
<i>Item</i> , tane fra James Corfby, an elne of blak to be <i>Waist</i> to pame,	xx s.
<i>Item</i> , gevin to Daudid Hoppringill, to pay for pare Iugeing and mett, sa lang as pai remanit in ED <sup>3</sup> , and pe said Daudidis expensis to ryde with thame to <i>Haddingtoun</i> and <i>Northberwick</i> , <sup>6</sup>	xx s.
Sep. 17.— <i>Item</i> , deliuerit to sex <i>Franche Ladyis</i> , sex <i>Saddillis</i> ,	xij li.
<i>Item</i> , fyve new <i>Saddillis</i> to pe Franche Ladyis, furnyft with brydillis, harnessing, and girthis, price of ilk sadill ij li., <i>summa</i> ,	xv li.
<i>Item</i> , ane pair of <i>Girthis</i> to ane pilgare, price,	ij s.
<i>Item</i> , deliuerit to ane Francheman ane sadill, to ryde with the <i>Franche Ladyis</i> , price,	xl s.
<i>Item</i> , to diuerse men and wyfis in pe Cannongate, for pe Iugeing of the <i>Franche men</i> pat past away, in part of payment of ane Bill particularlye writtin and subscriuit with Master Johne Cowdanis hand, lxxxvij li. viij s.; payit pairof to pe saidis men and wyfis,	lxxx li.
SUMMA totalium Expensarum (a Junij iiij ad Sep. xxviiij, 1537),	
iiij <sup>v</sup> vij <sup>c</sup> xxxvij li. xviiij s. j d. ob.	

<sup>1</sup> Various similar entries.<sup>2</sup> A number of other 'littaris' for the French ladies occur in these Accounts.<sup>3</sup> Pendants. <sup>4</sup> What the names of these unfortunate young ladies were, the Editor has not been able to discover. The Peerages mention only one daughter of John, sixth Lord Glamis, ELIZABETH, married to *Ross of Craigie*; but it is probable that the Ladies mentioned here were daughters of Lady Glamis by her second marriage with Campbell of Skipnish, who was killed in attempting to escape from the Castle of Edinburgh about the period of LADY GLAMIS's Execution. See I., \* 187, and the preceding Appendix, &c.<sup>5</sup> A most munificent donation! It will afterwards be seen, that the King and Queen regularly took up their abode at GLAMIS CASTLE during part of the Hunting season; and doubtless the rents of the large possessions belonging to the young Lord were seized upon by the Crown whilst this young Nobleman was imprisoned in Edinburgh Castle, from which he was not liberated until after the death of KING JAMES V. <sup>6</sup> It is extremely probable that these young ladies were given in charge to the Prioress of North Berwick, to be brought up as Nuns in that Monastery.

SUMMA totalium Expensarum (ad supportationem Expensarum Regis in Francia,<sup>1</sup>) . . . . . vij<sup>m</sup>ixcxlx li. vij s. vij d.

Sep. 19.—*Item*, gevin to Anthone Barbour, Franche man, for the grathing ' and bowelling of the Quenis grace,'<sup>2</sup> quham God affolzé,<sup>3</sup> . . . . . iiij li.

*Item*, cost be Thomas Arthur, auctene elne vterfine, to be four Franche Ladyis Bule Gownis, maid of pe fassone of Preistis Gownis, price elne xxiiij s., *summa*, . . . . . xxi li. xij l.

Mar. 1537-8.—*Item*, to JONET DOWGLAS, the spouse of David Lindesay of the Monthe,<sup>4</sup> at pe KINGIS grace command, as pe Precept beris, . . . . . xl li.

Apr. 1538.—*Item*, to KATHERINE BELLENDENE,<sup>5</sup> for nettis stownd to her be pe QUENIS grace the Kingis moder, at his gracin command, becaus he tuke pe det on him, Vj<sup>c</sup>. lxvj li. xiiij s. iiij d.

*Item*, deliuerit to Johne Mosmanne, to mak ane square Chenze of Gold to pe KINGIS grace, with Knoppis, . . . . . liiiij li.

*Item*, tane of pe said Jhonis avne gold, to complet the said chenze with, quhilk weyt quhen it wes ressaue agane fra him, mair pan he ressaue, ix Crownis of wecht, . . . . . ix li.

*Item*, to him for making of pe said Chenze, . . . . . iiij li.

*Item*, for mending of the Kingis Ordour and Target, . . . . . xiiij s.

*Item*, for gold to it, mair pan he ressaue, . . . . . xx s.

*Item*, for mending of ane Coupe of siluer and pe gilting of it, . . . . . xl s.

May.—*Item*, for xiiij elne  $\frac{1}{2}$  elne Gubte Senyce Sating<sup>6</sup> to be ane Gubne to his grace, quhilk was lynyt with freis, claithe of gold, and pafamentit; pe quhilkis lynyng and pafamentis war tane furthe of pe Warddrop: price of pe elne of pe satyng, xxxiiij s., *summa*, . . . . . xxij li. xix s.

## MARRIAGE OF KING JAMES V TO MARY OF GUISE.

"Expensis debursat, at the Kingis command, vpoun pe (iiij) TRUMPETOURIS, (iiij) TABERNARIS, (' iij QUHUSLARIS') and vperis pat past in pe Schippis to France, ' for haute-bringing of the Quene.' " The dresses, &c. were very superb, and ' Leberay Claittis' were also provided for Serbants of the Royal Household, with ' GUNNARIS,' ' SCHALMERIS,' ' MINSTRELS, &c. and including ' ix PAGIS, iij ALLACAYIS, iij MULITARIS, v TRUMPETOURIS, and iij ARMORARIS.' The particulars, though very interesting, are too voluminous even to admit of selection. On adding up these expenses, they are found to amount to . . . . . l<sup>m</sup>. ijc. xviiij li. xvij s. vd.

*Item* Dresses for ' the Kingis grace dachter,' being ' ane Kirtill and Goune of pe Frence (French) fort' of ' blak satyne of Venise,' ' blak veluet to wat' (walt) it, and to ' mak hir hude of pe Frenche fort,' with linings of ' crammesfy satyne, &c.; and for ' ane chafferoune of gold Parise werk, quhilk weyt in gold x Crownis and ane half,' amounting in whole to . . . . . xliij li. ij s. x d.

*Item*, to Johne Gourlaw, for pe passing with pe KINGIS Letteris to pe Quenis-ferry and Leith,<sup>7</sup> for Proclamatione making till all Marineris and schipmentis to comper in Letthe, pe thrid day of Maij, and ressaif pair Wagis for passing in France, in pe KINGIS SCHIPPIS, for haute-bringing of the Quene, . . . . . iij s.

<sup>1</sup> This Account immediately follows the other, and contains the receipts of the New Tax on the Spirituality and Temporality, imposed on them to meet the KING's expenditure in FRANCE. The amount of William Bishop of Aberdeen's expenditure, from Sep. 12, 1536, to Sep. 27, 1537, as appears by his Account, which precedes the two former, was L. 3627, 11s. 5½d.

<sup>2</sup> These words have been deleted by another hand, and ' ANATOMAT (anatomizing?) and laubouris made anentis the QUENIS' are interlined. <sup>3</sup> The charges for spices, &c. fall under the Household department. As Selections from the HOUSEHOLD BOOKS OF JAMES V. are in the course of publication by some Members of the BANNATTINE CLUB, it is unnecessary to give any extracts from that source. <sup>4</sup> See these Extracts, Dec. 1530, and Note.

<sup>5</sup> This person seems to have been an Embroiderer, and has many very large payments made to her during the present reign.

<sup>6</sup> The furnishings to this Gown, two doublets, and hose, the particulars of which occupy three folios, amounted in all to L. 174, 5s.—Another ' COIT OF PURPOUR SATING' and ' browdiring' cost L. 125, 19s.—but the items are too numerous to be noticed here.

<sup>7</sup> Similar notices were sent to ' Abirdene, and vther partis betuix Leith and Abirdene, to cause the land menne cum to Leith and ressaue thair wagis,—and for ' iij Gunnaris' from Dunbar. And warnings were also sent to the Barons ' till cum to SANCT-ANDROIS to the QUENIS LANDING.'

## APPENDIX.

Jun.—Large payments for *Dresses to the King*, and for 'careing<sup>1</sup> and schipping of pe Kingis geir and clothing fra Edinburghe to Sanctandros, and geir bocht to pe Kingis grace'—*Dresses to 'M. Jane, the Kingis dochter, and her Nurfie, Normond Leslie,' &c.*—'Tappeffchere, Comparalionis, and jornaie, and vther Justing geir'—'Munitionis coft be Johne Bertoune in France,' (extending to iiij<sup>o</sup>. xxviiij fi.)—Gold Rings, anamaling, dyamontis, and goldsmith work, among which 'ane Terget of Gold, with ane Marmadyne in it of dyamontis, of pe KINGIS awin gold,' the workmanship of which coest iij fi., &c. &c.—The total expenditure of that month was . . . . . I<sup>m</sup>. vj<sup>o</sup>. xx fi. xx d.

Jun. 23.—*Item*, to Johne Paterfone, Purfevant, for passing with Letteris to Couper, Falkland, Kircaldy, Dunfermeling, ane Edinburghe, *to caus honest reparaling be made for the Quenis Entering*, [QUEEN MARY OF GUISE'S PUBLIC ENTRY,] . . . . . xiiij s.

Jun.—pe KINGIS grace BOWARE, sen Witfunday last bypast, viz.

*In primis*, deliuerit to Johne Tennand, thre *Hellok-bowis*, for pe Irne of ilk bow x s., price of ilk bow xx s., *summa*, . . . . . iiij l x s.

*Item*, to pe KINGIS grace selfe, ane irne of ane *Hellok-bow*, . . . . . x s.

*Item*, to pe KINGIS grace selfe, in HALIRUDHOUSE, ane *dosane brad Arrowis*, . . . . . xx s.

*Item*, &c. ane *bow*, with ane *dosane Arrowis*, . . . . . xx s.

*Item*, to Johne Tennand, at TEMPTALLOUN, tua *dosane of Arrowis*, . . . . . xl s.

*Item*, to pe KINGIS grace, pair, ane *dosane Arrowis*, . . . . . xx s.

*Item*, for pe *sethering*<sup>2</sup> of thre *dosane Arrowis*, . . . . . xxx s.

*Item*, deliuerit to Johne Tennand, ane *bow* to pe KINGIS grace,<sup>3</sup> . . . . . xx s.

Jul. (7.)—'The Expenfis debursate vpoune the *Quenis Skull-Flies and Birige*, quhom God affoilz<sup>4</sup>. (See the particular articles, under the date Jul. 7, 1537, being the day of her death.)

*Item*, to Schir Thomas Cragy and ane vper with him, for making of iiij *dosane of Armes*, iiij li.

*Item*, to pe *Hell-manne*, . . . . . xviiij s.

*Item*, to the *Hoto-penny*, deliuerit to David Lindesay, *Lycourne Herald*, ane *coune of wecht*, . . . . . xx s.

*Item*, to *Chaplanis being at the Birige and Skull-Flies*, the *tynte of the Obsequyis*, ilk *Chaplane* havand ij s., extending to vij<sup>xx</sup> x, (150), *summa*, . . . . . xv li.

Jul.—The '*Kingis Capescherte*, and vperis his geir' were transported 'furthe of SANCTANDROIS to EDINBURGHE, Cowper, Falkland, Dysart, Dunfermeling, and Linlithqw,' at various times during the present month. No minute dates are preserved in this Account. The expense of 'turfing,' 'grathing pe Mulatis,' 'fraucht,' &c., amount to . . . . . xlix fi. ij s. iiij d.

The expensis debursate vpoune pe '*Careage of the Quenis geir*.' (A few of the *Items* of which Account follow,) . . . . . lxij fi. j s. ix d.

*Item*, to Alexander Naper, for *mending of the Quenis Sadill and her Cheriort*, in Sanctandros, . . . . . xiiij s.

*Item*, for *carying of bedding and coferts*, with lynnyng claitis; and ane *coffer* of pe *Maister Stabiller* to pe *Quene*; ane *chiar and ane butrd*<sup>4</sup> to pe *Quene*, fra Sanctandros to Couper and Falkland, and fra Falkland to Ravynnisheuche and Dunfermeling, pe *space* of iiij *dayis*, ilk *day* ij *cartis* and iiij *horfis*, pe *price* of pe *cart* on pe *day* ij s. vj d., and pe *horse* on pe *day*, ij s., *summa*, liij s.

*Item*, for *carying* of pe *said geir* furthe of Dunfermeling to pe *Ferry*, v *horfis*, ilk *horse* xviiij d. . . . . vij s. vj d.

*Item*, for *carying of the Bances of Honouris bedding* fra Dunfermeling to Edr, . . . . . iij s.

*Item*, for iiij *elnis grene veluet*, to be pe *covering of ane sadill to the Jule*,<sup>5</sup> . . . . . xiiij fi.

<sup>1</sup> Carrying; transporting.    <sup>2</sup> Feathering.    <sup>3</sup> These *Items* are selected to remark the quantities of bows with which THE KING was constantly supplied, of which the above is only one instance.    <sup>4</sup> A chair of state and table.

<sup>5</sup> The Queen's Fool was a French woman, named SERAT, who appears to have been in great favour at Court. See Aug, 1538, Apr. 16, 1540. The party-coloured dress of the Court Fools, both male and female, was

- Item*, for xiiij vnce zallow silk to be frenzeis to þe said sadill and harnessing, price of þe vnce  
v s., *summa*, . . . . . iij li. v s.
- Item*, for wirking of þe said frenzeis, . . . . . xv s.
- Item*, for x elnis of blak veluet, deliuerit till Patrik, saidlar, to be ane covering of ane sadill  
and ane fute-mantill to ane of hir ladyis, . . . . . xxvj li.
- Item*, for iij elnis ½ elne braid gray, to lyne þe said mantill with, . . . . . viij s. ix d.
- Item*, for xv vnce ½ vnce of silk, to be frenzeis, . . . . . iij li. xvij s. vj d.
- Item*, for wirking of þe said frenzeis, . . . . . xv s.
- The 'Expensis deurbate vpoune ~~Madame~~ ~~Montrulis~~ cariage furthe of Sanctandrois, and  
vpir expensis maid on hir seruandis,' amount to . . . . . lxxiiij li. ij s. xj ½ d.
- Item*, to Robart Davidfoune, for fetching of ~~Wakis~~ furth of þe ILLIS fra ~~McClane~~, . . . . . v li.
- Item*, to Johne Halden, in Kircaldy, for the ~~Falconis~~ bocht fra him in Falkland, . . . . . viij li.
- Item*, for vj elnis of Parise blak, to be ~~Maister~~ ~~George~~ ~~Balquhannane~~ ane ~~Goune~~, at the  
~~Quenis~~ ~~Grace~~ ~~Entre~~ in EDINBURGHE, . . . . . x li. xvj s.
- Item*, for iij elnis of blak satyne, to lyne þe forder quarteris and slevis of þe said Goune, price  
of þe elne xxxiiij s., *summa*, . . . . . iiiij li. xvij s.
- Item*, for vj elnis of blak veluet, to be him ane Hugtoun cote,<sup>1</sup> . . . . . xvj li. xvj s.
- Item*, MAISTER GEORGE BALQUHANNANE, be ane speciall Precept, at þe KINGIS com-  
mand, . . . . . xx li.
- Item*, deliuerit to Johne Coib, messingeir, for passing with our fouerane lordis Letteris to þe  
WARDANE OF þe WEST MARCHIS till charge all Borderaris and vperis pat name na ~~Mercate~~ with  
Ingliš merite, in þai partis, nor commoune nor intermell with þaim, becaus of the Pestilence, neþ  
ris ~~in~~ ~~þair~~ the ~~Wardouris~~, . . . . . xxiiij s.
- Item*, to Alexander Hutoune, messingeire, for passing with siclike Letteris to þe WARDANE OF  
þe EIST AND MYDDILL MARCHIS, . . . . . xx s.
- Item*, to Johne Paterfoune, Purfevant, passand with siclike Letteris to Dunbar, Hadingtoun,  
Leithe, Edinburghe, Kingorne, Kirkcaldy, Dysart, and all pairtis of þe Sey-coist, baith on þe Southe  
fyde and Northe fyde of Forthe, that na Inglišmen be sey cumand be ressaunt, . . . . . xxviij s.
- Besides the ordinary ~~Libertes~~, are ~~Bresses~~, &c. for ix PAIGIS, iij ALLAKAYIS, x GRVMIS  
OF THE STABILL, v GRUMIS OF THE QUENIS STABILL, &c., but too lengthened to be inserted here.
- SUMMA totalis mensis Julij, . . . . . ij<sup>m</sup>. jc. v li. iij s. iiij d.
- Aug.—Payments for THE KING and QUENIS cariage to Linlithqw and to the ~~Huntis~~, amount-  
ing to . . . . . lxxxiiij li. v s. v d.
- Item*, for vij elnis ½ elne grene Birge Satyne, to be the ~~Quenis~~ ~~Fule~~<sup>2</sup> ane ~~Goune~~, price of  
þe elne, x s., *summa*, . . . . . iij li. xv s.
- Item*, for v elnis ½ elne zallow birge Satyne, to be þe ~~þr~~ ane ~~Kirtill~~, price of þe elne x s.,  
*summa*, . . . . . lv s.
- Item*, for vj quarteris of fusteane, to be þe bodyis to þe Kirtill, and lyne þe bodyis of þe Goune  
with, . . . . . v s.
- Item*, for ij elnis ½ elne blaid blak gray, to lyne þe Kirtill with, price of þe elne xxviij d.  
*summa*, . . . . . v s. iiij d.
- Item*, for iij elnis of grene bukreme, to lyne hir goune with, price of þe elne ij s., *summa*, vj s.
- Item*, deliuerit to Johne Mofman, to mak ane ~~Croce~~ of gold to set ~~Diamant~~ stanes in, viij  
Angell nobillis, vj lycht Franche crownis, *summa*, . . . . . xvj li. iiij s.

green and yellow. So far as the Editor recollects, this is the only instance in history of a FEMALE BUFFOON, or FOOL, for the amusement of the Court.

<sup>1</sup> O. F. *hocqueton*, a sort of sleeveless jacket; a cassock.      <sup>2</sup> 'SERAT,' a female. See Jul. 1538, and Apr. 16, 1540.

## APPENDIX.

- Item*, for pe fassoune of pe said Croce, . . . . . v li.
- Item*, to **Harmond Leslie**, at pe KINGIS command, . . . . . xl li.
- Item*, to Johne Fischeare, for merchandice tane<sup>1</sup> be **Madame Montrule**, at pe KINGIS command, be ane Precept, . . . . . xxxvij li. vj d.
- Item*, to William Hill, for mending of pe MVNICONIS<sup>2</sup> in the Toure of the Abbay, at pe Kingis command, . . . . . v li. x s.
- Item*, to Johne Creiche, skippar, in compleit payment of pe fraucht of his Schip quhilk past in Denmark for pulderis and Gurnis, . . . . . vij li.
- Sept.—*Item*, deliuerit and gevin to Williame Smebeird, for dychting of Swerdis, rappers, harnessing, stell-sadillis, Sedburcht-stabis, and vperis **Clappinis**, to pe KINGIS grace, deliuerit to Robert Gib and Johne Tennand, . . . . . xxij li. v s.
- Item*, deliuerit to William Eidve, Tapeschere, for furnyffing of the Franche Pureis<sup>3</sup> Expensis sene pe Quenis gracis hame-cuming, and hir husband and pair servendis expensis: and for hir **Medwyse**, in lykewyse, for ane monethis expensis, maid be him at pe KINGIS gracis command, . . . . . xxj li.
- Item*, gevin to Duncan Campbell of Drumfad, for ane horse of his pat wes slane turfand pe KINGIS **Wennesgrute** out of **Glentfinlass**, at pe KINGIS grace command and Precept, v li. vj s. viij d.
- Item*, to SCHIR JAMES INGLIS, Chaplane, singand for the Saull of King (James) the **Christ** in pe ABBAY OF CAMBSKYNNETH, . . . . . xij li. vj s. viij d.
- Sep. —*Item*, to v FALCONARIS, quhilkis passit in Franche with **Walkis**, xx elnis of Franche **colour de Roy**,<sup>4</sup> to be pame **Cotts**, . . . . . xiiij li.
- Oct. —<sup>5</sup> The Cartage of pe KINGIS and QUENYS getr fra Ed<sup>r</sup> to Striuiling, &c. amounts to . . . . . xix li. xvij s.
- Nov. —<sup>6</sup> The Expensis deburfit one the **Quenys grace** and **hir Ladys**,<sup>7</sup> **LADY JANE**,<sup>8</sup> **LORD JAMES ABBOT OF KELSO**,<sup>9</sup> &c., are curious, but too lengthened to admit of particular notice. Similar entries also occur, with Liveries, &c. in the following and other months of these Accounts.
- Dec. —*Item*, to Thomas Ryne, goldsmyth, for **Chenzets** of gold, gold ryngis, tabillatis, and vpir goldin werk deliuerit be him to pe KINGIS grace, agane **New Zeris Mess**, and gevin in **New Zeris Giffts**, . . . . . ij<sup>c</sup>xxxix li. xix s.
- Item*, to Johnne Kyll, goldsmyth, for thre **Chenzets** and twa **hartis** of Gold, deliuerit, as said is, at **New Zeris Mess**, &c., . . . . . xxij li.
- Item*, to Johnne Mosman, goldsmyth, for certane tabillatis, chenzies of gold, and ryngis and stanyes, ressaunt pe tyme foresaid, . . . . . lxij li. x s.
- Item*, to him for pe making of the **Grete Basing** of Gold, weyand x pund wecht ane vnce and  $\frac{1}{2}$  ane vnce;<sup>6</sup> and making of ane Schip, twa brasillatis, and making and translating of diuerse chenzeis and ringis of pe KINGIS gracis, and eking<sup>7</sup> of gold of his awin, . . . . . lxxij li. x s.
- Item*, for ane grete **caise** of **ledder** to pe **Grete Basing** of gold, lynit with zallow, . . . . . xxxvj s.
- Item*, for x elnis of **blak Rubants**,<sup>8</sup> to hyng tabellatis gevin in **New Zeris Mess** be pe KINGIS grace, . . . . . x s.
- Jan. , 1538-9.—*Item*, deliuerit to ane Inglismanne pat come fra pe BORDOURIS with **Wrtffngis twiching the Ballatt maid of the King of England**, . . . . . ij li.
- Feb. —*Item*, deliuerit to twa INGLISMENNE pat brocht Writingis to pe KINGIS grace, pe tane fra the **Counsaile of York**, and pe toper fra **Schir William Chertis**; pe tane x li., and pe vpir iij li., *summa*, . . . . . xliij li.

<sup>1</sup> Purchased.    <sup>2</sup> The Artillery and fortifications.    <sup>3</sup> The Queen's Nurse, who came along with her suite from France. The attentions paid to Foster-mothers and their families in those days are well known.    <sup>4</sup> It is written colourderoy.    <sup>5</sup> In September preceding he is styled 'LORD JAMES, now PRIOR of Sanctandrolis.'    <sup>6</sup> On enquiring of HIS MAJESTY'S GOLDSMITH, what the cost of such a piece of plate of the plainest workmanship would now be, the Editor was informed that the lowest charge would, at the present price of Gold, amount to L.788, 10s.    <sup>7</sup> Eiking, adding.    <sup>8</sup> Black ribbons.

- Marche.—*Item*, to Helene Rofs, to rober ane ~~statting~~ *Buik* (Matin or Prayer Book) to þe QUENIS grace, iij quarteris  $\frac{1}{4}$  quarter of Purpure welvot, and to be ane polk<sup>1</sup> to þe famin, price of þe elne, iij li. x s., *summa*, . . . . . iij li. xv d.
- Item*, for  $\frac{1}{2}$  elne half quarter of Reid dammese (damask) to lyne þe fadis polk and covering with, . . . . . xxij s. vj d.
- Item*, to Dauid Chepman, for *Bynndng* and layng about the said buik with Gold, x s.
- Item*, gevin to Helene Rofs, for viij singill hankis of gold, to *hordour* the said buik and polk, and be knoppis pairto, and for silk to string þe said polk with, and werkmanfchip of all,<sup>2</sup> iij li. x s.
- Mar. —*Item*, deliuerit to Johnne Paterfone, for þe making of ane *casse* to the Kingis grace *Swerd* of Honour, at Johnne Tennandis command, . . . . . iij li.
- Mar. 1.—*Item*, deliuerit to Archibald Heriot, messinger, to pass and serche pair gudis *quhikis* *mar* *Ahturt* and *declart* *Heretikis*, in Edinburcht and Striueling, . . . . . xvj s.
- Mar. 3.—*Item*, DRESSES to the Erle of Lehenay twa sisters, in Linlithgow, of ' blak welvot, blak sating, twa Franche Hattis, twa Govnys of Freise, and twa Kirtillis of Sating bordourit with welvot, twa collaris of welvot perlattis, twa babuttis, and twa litill colleris,<sup>3</sup> amounting to xv l. xiiij s.
- Mar. 9.—*Item*, to MUNSURE LASSENZE, þe Franche man, þe ix day of Marche, *quhilk* come first in Scotland attir Zule fra the Kinge of Franche, in ane purse knoppit with gold, . . . . . iij<sup>c</sup> li.
- Item*, gevin to MUNSURE DE MORANVELAY, *Maister* *Houshald* to the Duke of Swede, in ane vpir siklike purse, . . . . . iij<sup>c</sup> li.
- Item*, for þe twa purcise, . . . . . viij s.
- Item*, gevin to the *Persebant* pat come furth of FRANCE, callit *De la Plume*, . . . . . xl li.
- Mar. 25, 1539.—*Item*, to be *Schone*<sup>4</sup> to þe KINGIS grace, v quarteris of Quhite welvot, price of þe elne iij li., *summa*, . . . . . iij li. xv s.
- Item*, v quarteris blak welvot to be schone to his grace, price of þe elne liij s., *summa*, iij li. v s.
- Item*, to be drying *curches*<sup>5</sup> to the Kingis grace þev, ix quarteris of Holand claithe, xiiij s. vj d.
- Item*, send to Linlithgow be Katheryne Bellendene to þe QUENIS grace, twa pound of *sewing* Gold,<sup>5</sup> price pairof, . . . . . xxiiij li.
- Item*, ane pound of *sewing* siluer, . . . . . xiiij li. vj s.
- Item*, ix vnce of blak *Wargse* silk, . . . . . liij s.
- Item*, xv lang *bobennis*, price of þe pece v s. iij d., *summa*, . . . . . iij l. v s. iij d.
- Item*, xv *schort* *bobennis*, ladit at vj s. viij d., *summa*, . . . . . v l. vj s. viij d.
- Item*, iij boltis of *Wargse* rubanis,<sup>6</sup> ilkane contenand xiiij elnis  $\frac{1}{2}$  elne, price of þe elne viij d. for fark collaris and handis, *summa*, . . . . . xxix s.
- Item*, xvj elnis of *quhite* small *rubennys* for Govnis, price pairof, . . . . . viij s.
- Mar. 27.—*Item*, to the Englise *Herold* pat come with *Writtingis* fra the King of England, . . . . . x li.
- Item*, to *Mdsgra*, *Persebant*, quhilk come in with þe said ENGLISE HEROLD pat famin tyme, . . . . . vj li.
- Item*, send to Striueling, agane Pasche, vij elnis  $\frac{1}{2}$  elne of lycht blew Purpure welvot, to be ane Gowne to *Sane*, the *Frenche* *Broche*,<sup>7</sup> price of þe elne lv s., *summa*, . . . . . xx li. xij s. vj d.
- Item*, for ane elne iij quarteris of blew taffiteis of cord, to lyne þe said gowne with, xxxj s. vj d.

<sup>1</sup> Poke, bag.<sup>2</sup> There are various entries of the same kind for the King and Queen's books.<sup>3</sup> Shoes.<sup>4</sup> Curches, caps. There are also many entries for towels 'to rub the Kingis hede,' and 'to dry the Kingis hede.' It appears that JAMES V. regularly bathed his head; and that he used all manly sports and exercises to brace his frame.<sup>5</sup> The Editor has only thought it necessary to give a few instances of THE QUEEN'S taste for Embroidery. The quantities of gold and silver thread, silk, &c. sent her, often monthly, amply prove her great industry, and the numerous works of embroidery and tapestry which she and her Ladies of honour must have executed.<sup>6</sup> Ribbons.<sup>7</sup> A French FEMALE DWARF. There was also a MALE DWARF, called 'JOHNE YE DORCHE,' or 'DROICHE.'

## APPENDIX.

*Item*, for fustaine to lyne pe slevis and body of hir Goune, price pairof, . . . . . iij s. ix d.  
*Item*, for ane elne of grene to lyne hir Kirtill, and blak grey to stuff pe plyise of hir goune  
with, . . . . . x s.  
Mar. 31.—*Item*, deliuerit to Johnne Zoung, Brovdfar,<sup>1</sup> iij elnis  $\frac{1}{2}$  elne of CRAMMACY SATING,  
to the stand<sup>2</sup> of Clagth of Gold wirkan to the Kingis Chapell, price of pe elne iij t. x s., *sum-*  
*ma*, . . . . . xij t. v s.

DRESSES were given to Lord James of Kelso, Lord James of Sanctandroise, and Lady  
Jane 'pe KINGIS GRACE SONNIS AND DOCHTER.' The dresses for 'my Lordis' consist of 'Gownis  
of gray Sating of Venyse,' 'Coitis with slevis of Purpure Welvot,' 'waltit with gray welvot,' 'Hoise  
of Rissillis blak lynit with blew,' having 'blak Taffiteis to draw pame with,' twa welvot Bonnetis with  
Pamentis of silk, and ane Marrabas Bonett, 'Beltis and gartanis of taffiteis,' 'blak welvot schone.'  
There was only charged the 'waling' for a 'Nycht-goune' of Lady Jane of 'blak taffiteis and  
welvot,' and 'lyning of pe famin goune with cotonaris, and pe foir breiftis with mertrik sabill.' The  
amount was . . . . . lxxxvj t. xv s. viij d.

Apr. —*Item*, wrocht be Katheryne Bellendene, to the Kingis Jurnall, of variant colorit  
welvot, xiiij knoppis and stringis effering pairto, quhilk tuke x vnce of sewing silk, price of pe unce  
vj s. . . . . iij ti.

*Item*, to Duncane Cvnyngname, for furnyng of stringis of Bowis to pe KINGIS grace, viij ti.

May —*Item*, for vj quarteris of grene velvot, to be ane cover to ane grete Matting Buke of  
pe KINGIS grace, clefpit with gold, quhilk he gat fra MY LORD SECRETARE, and to be ane polk<sup>3</sup> till  
keip pe famin in, price of pe elne iij ti. v s., *summa*, . . . . . iij ti. xvij s. vj d.

*Item*, for iij quarteris of Reid dammese, to lyne pe said polk and pe breddis<sup>4</sup> of pe Buke, price  
pairof, . . . . . xxvij s.

*Item*, for twa dowbill hankis of sewing gold, to be knoppis to pe said polk, and bordour pe  
mouthe of it, price of the hank xx s., *summa*, . . . . . xl s.

*Item*, to Helene Rofs, for making of pe knoppis and stringis to pe said polk, and making of pe  
polk and covering pairto, . . . . . x s.

*Item*, for twa Writing Bukis of parchement, bought to his grace in Falkland, viij s.

THE KINGIS personal expences this month, for 'Kingis, goldin werk, dyamontis, chaffe-  
ronis and chengeis of gold, small chengeis and tabillatis, to gif away among the Gentill wemene,'  
amount to, . . . . . iij<sup>c</sup>x ti. xix s. iij d.

*Item*, to Thomas Arthuris seruand, till haue to Sanctandros, xii elnis  $\frac{1}{2}$  elne of Reid cram-  
meffy welvot, to be ane Goune to Gresmore till<sup>5</sup> hir Marriage, price of pe elne viij ti., *summa*,  
Icvij ti.

*Item*, the other furnishings for her 'Kirtill of quhite welvot,' and 'Gownis and Kirtillis to  
the Erle of Lehenay twa sisteris,' amount to . . . . . ij<sup>c</sup>xj ti. xvij s.

*Item*, deliuerit to twa pure wemene, for ij ky, the tyme that the Manne was byrnt for  
Heresy in Cluiper, price of pe ane xl s., and pe vber kow l s., *summa*, . . . . . iij ti. x s.

Jun. —*Item*, to pe FALCONERIS, for hame-bringing of Walkis furthe of Cathness, at pe  
KINGIS command, . . . . . x ti.

Jul. 7.—THE Expensis debarfit vponne pe Suffrage of Buene Magdalene, quhame God  
affoilzéd:

*Item*, deliuerit to the Payntour, for hf dosane of Armes to put about pe QUEIR, and vponne  
TORCHIS and CANDILLIS, price of ilk dosane xx s., *summa*, . . . . . vj ti.

*Item*, to pe ERLE OF MURRAY till offer the Polypenny . . . . . xx s.

*Item*, to pe TAPISCHERE, to by nalis to byng by the Welhot and blak claithe; and pynouris  
taking vp and doune pe famin, . . . . . vj s.

<sup>1</sup> Embroiderer.<sup>2</sup> Sult or set.<sup>3</sup> Pole, bag.<sup>4</sup> Boards.<sup>5</sup> Preparatory to.

*Item*, to þe COLLEGIS and Chapellants that sang *Vertige and Saule-Mess*, extending to ij<sup>c</sup>x Chapellanis, ilkane havand ij s., *summa*, . . . . . xxj ti.

*Item*, to the *Welman*, . . . . . iij s.

Jul. — 'THE Expenfis deburfit be JOHNNE BERTANE vpoune þe KINGIS *Schip* callit the *Salmander*, fra hamecuming of þe QUENYS grace þat now is, to þe feist of Witsunday last,' amount to . . . . . lclv ti. xj s. x d.

Aug.—'THE expenfis deburfit vpoune the littill new *Bark*' consist of charges for making the 'fanikynniss, Ansenzeis, stramaris, and banaris;' painting the 'Armys and facis about þe said bark, colouring of pame with gold and asure, and painting of hir mastis, salis, and airis, with oley colouris;' Making of þe KING and QUENYS '*Chalmeris*;' 'carving of þe carvit werk;' and 'vittalling of the *Unicorn*e and furnishing of hir, þe tyme sebo þat furth to seik the *Pyrottis*.' The amount is, . . . . . ij<sup>c</sup>xxij ti. viiij s. xj d.

*Item*, for iij quarteris of ane vnce siluer eikit<sup>1</sup> to ane siluer *Stolp*<sup>2</sup> for inbringung of the *Kingis Collatioune*, quhilk weyit ix<sup>xx</sup> xv vnce iij quarteris,<sup>3</sup> deliuerit in Striueling þe vj day of Aprile, . . . . . xj s. vj d.

*Item*, for werkmanchip of ilk vnce of þe said stolp, ij s. . . . . xix t. xj s. vj d.

*Item*, for ane siluer *Buhissill* with ane lang chenze, quhilk wes gevin at þe KINGIS command to the *Patroune* of the *Schyppts*, weyand xj vnce iij quarteris of ane vnce, . . . . . ix ti. ij d.

*Item*, for þe fassoune of þe famyne, . . . . . iij ti.

Sep.—*Item*, to vj FALCONARIS þat brocht þe *Warkis* furth of *Cathness* to þe KINGIS grace, xxiiij elnes of Colourderoy to be pame Coitis,<sup>4</sup> price of þe elne xvj s. . . . . xix ti. iiij s.

Sep. 21.—*In the first*, send to *MADAME GRESMOR* to mak palmentis, at þe KINGIS command, ffj pund wercht of sewing gold, price of þe pund xij ti., *summa*, . . . . . xxxvj ti.

*Item*, to the *Lady Lochleven*<sup>5</sup> in contentatioune of ane Penfioun awing to hir zerelie, be ane Precept, . . . . . vj<sup>cl</sup>xvj ti. xiiij s. iiij d.

THE KING and QUEEN passed from 'Striueling to *Glenarkray*' 'to the Hunting of *Glenfynlawis*.'

Oct. 5.—*Item*, gevin to Johnne Mosman for making of the *Quenis Crowne*, and furneing of stanis pairto, quhilk weyit xxxv vnce of Gold of Mynde,<sup>6</sup> . . . . . xlv ti.

Oct. 6.—*Item*, to OLIPHER SINCLARE at þe Kingis command to the *Warkis* at *Cantalloune*,<sup>7</sup> . . . . . lxxvj ti. xiiij s. iiij d.

Oct. 9.—*Item*, to pay ane FRENCHEMAN, quhilk was hurt with the schot of ane gnone in the *Fyrth*, and mvtilat of his finger, in Affithment, . . . . . xxij ti.

*Item*, to Williame Schaw, in part of payment of I<sup>m</sup>j<sup>cl</sup>xxiiij ti. xiiij s., restand awand to him for the new *Tapesscherpe* brocht last furth of *Flanders*, . . . . . lxxiiij ti. xiiij s.

*Item*, gevin to ane boy þat come fra LUNDOUNE, fra the *Buche Mynouris*,<sup>8</sup> in drink-siluer, . . . . . xxij s.

Nov.—*Item*, gevin to HECTOR McINTOSCHE, to mak his expenfis quhen he brocht *Baud* *Matray* furth of *Columkill*, . . . . . iij ti. viij s.

*Item*, 'þe Expenfis deburfit vpoun þe Munitionis and Craftesmen wirkand pairon, within þe CASTELL of Ed<sup>a</sup>,' from Nov. 17, 1538, to Sep. 17, 1539, amount to . . . . . I<sup>m</sup>iiij<sup>cl</sup>xxxiiij ti. xj s. viij d.

<sup>1</sup> Added, for repairing. <sup>2</sup> *Stowp* or *flagon*. <sup>3</sup> The modern cost of the plainest silver-plate of this weight would amount to L.102, 6s. <sup>4</sup> The prices of making and furnishings, &c. are elsewhere charged. <sup>5</sup> One of the King's Mistresses. She was Margaret, daughter of John, *twelfth* Lord Erskine, and wife of Sir Robert Douglas of Lochleven, and bore to the King, JAMES EARL OF MURRAY, afterwards REGENT OF SCOTLAND. <sup>6</sup> Gold from the Royal Mine, furnished for this and other similar purposes. There are many payments to 'FRANCHE MYNOURIS'—and Flemish and German miners were also employed in considerable numbers, at and previous to this date, in the Mines at Craufurd-Mure. There are instances of charges for interpreters 'to pass with thame, quhill thal lerne the langage.' <sup>7</sup> Many other payments were made for the same purpose. <sup>8</sup> Some of the numerous Dutchmen and other foreigners who were employed in the Royal Gold and Silver Mines at Craufurd-Mure.



## APPENDIX.

Dec. 12.—*Item*, to *Johanne Leslie*, sone to þe ERLE OF ROTHES, to by him clathis with, at þe KINGIS command,<sup>1</sup> . . . . . xiiij li. vj s. viij d.

Dec. 20.—*Item*, to Thomas Melvillis Wiffe, in Falkland, at þe KINGIS command, for keeping of certane Pettis,<sup>2</sup> and nurising of þe samyn, vij elnis fyne Frenche blak to be hir ane gowne and ane kirtyll, price of þe elne xxxij s., *summa*, . . . . . xj li. xvij s.

*Item*, to walt þe samyn, and to begary þe breift of hir gowne, vj quarteris blak veluet, *summa*, . . . . . iij li. xvij s.

Dec. 31.—*Item*, gevin to Thomas Rynde, goldsmyth, for goldin wark tane fra<sup>3</sup> him þe þe KINGIS grace to geve in *Stewarts Gifftis*, þe pennult and last dayis of December, in chenzeis, tabullattis, ringis, stanis, carkannis, schafferonis, and vper goldin wark; deliuerit to þe KINGIS grace in Linlythqw, . . . . . ij<sup>c</sup>lxxxij li. iij s.

*Item*, for golden werk sauld be him to the Quenis grace, . . . . . j<sup>c</sup>xlx li. xij s.

*Item*, gevin to Johnne Mosmane, goldsmythe, for siclyk deliuerit be him to þe KINGIS grace, . . . . . ij<sup>c</sup>v li. xiiij s.

*Item*, for siclyke geir to þe QUENIS grace, . . . . . lxxxxvj li. vs.

SUMMA of the King and Quen's personal expences, for drefs, goldsmith-work, &c. this month, . . . . . viij<sup>m</sup>vj<sup>c</sup> li. viij d.

Jan. 3, 1539-40.—*Item*, deliuerit to Thomas Arthure (Master Tailor) to be iij Play Cottis agane<sup>4</sup> *Whalyday*, vij elnis half elne REID, and vij elnis half elne ZALLOW, Taffitese of cord, price of þe elne xvij s., *summa*, . . . . . xiiij li. x s.

*Item*, deliuerit to him to be ane syde<sup>5</sup> Cape to ane of the Playartis, vj elnis PURPUR Taffitese of cord, and ane elne of REID Taffitese to be ane Wyde, price of þe elne xvij s., *summa*, . . . . . vj li. vj s.

*Item*, deliuerit to him to draw the Callis of the saidis Play Cottis, twa elnis REID and ZALLOW Taffitese of twa threid, price of þe elne ix s., *summa*, . . . . . xvij s.

*Item*, gevin for xv elnis bukrem to lyne þe saidis Play Cotis withe, price of þe elne, ij s. *summa*, . . . . . xxx s.

*Item*, deliuerit to Thomas Arthure for making of þe saidis Play Cotis and Cape, . . . . . xx s.

Jan. 6.—*Item*, gevin to Johnne Mosmane for þe making of ane Belt of Gold of the Mynde to the Quenis grace,<sup>6</sup> weyand xix vnces half vnce, . . . . . xv li.

*Item*, for ane Sapher to þe said Belt, . . . . . v li.

## THE QUEEN'S CORONATION.

Jan. 7.—*Item*, gevin to þe Secristane of þe KINGIS Chapell for cartage of the Chapell gair fra Strueling to Linlythqw at Zwle, and fra Linlythqw to Edinburghe at the Quenis Coronatfounte,<sup>7</sup> as his byll of compt beris, . . . . . v li. vj s. viij d.

Jan. 15.—*Item*, for making and fassoun of the Kingis Crowne, weyand iij pund wecht x vnces, and pairof Gold of þe Mynde xlj vnce quarter vnce, . . . . . xxx li.

*Item*, for xxiiij stanis pairto, of þe quhilkis pair was iij grete Garnettis and ane grete Ammerot,<sup>8</sup> price of þe iij, vj li.; and price of þe pece of þe vpir xix stanis, xiiij s., *summa*, . . . . . xix li. vj s.

'THIS Crowne deliuerit to the King in the Palice of Walprudehous, þe viij day of Februar following.'

<sup>1</sup> This individual gets numerous presents at different times. He was the fourth son of George, third Earl of Rothes; and was taken prisoner by the English, and ransomed from Henry VIII, Jul. 1, 1543, on payment of 200 marks sterling. The celebrated *Norman Lesley*, Master of Rothes, was his brother by a former marriage.

<sup>2</sup> These Pets consisted of Parroquets, monkeys, peacocks, swans, &c. &c. <sup>3</sup> Purchased. <sup>4</sup> Against.

<sup>5</sup> Long. <sup>6</sup> These charges are merely for the workmanship, the Gold having been provided from the Royal Mine.

<sup>7</sup> There are also numerous entries for cartage of 'Geir of the Wardrop, Tapeschery, &c. fra Linlythqw to Edinburghe,' on occasion of THE CORONATION. <sup>8</sup> Emerald.

- Item*, gevin to him for ane King, ane Turques, deliuerit to þe KINGIS grace, þe xxij day of Januar, . . . . . iij ti.
- Jan. 21.—*Item*, deliuerit to Thomas Arthure to be þe KINGIS graces Rob. Rypall, Kirtill, and Wode, xxxviiij elnis Purpur Veluet, . . . . . lxxiiij ti. x s.
- Item*, for xxvj dofane spottit Arming (Ermine) to lyne þe Kirtill with, price of þe dofane xl s.,  
*summa*, . . . . . liij ti.
- Item*, for xiiij dofane of þe said Arming to complete the Kirtill and Wode with, . . . . . xxviiij ti.
- Item*, deliuerit to the Quenis graces Talzour ane steke<sup>1</sup> of Purpur Veluet, contenand xxij elnis half elne, to be þe hfr Rob. Rypall, price of þe elne iij ti. x s. . . . . lxxviiij ti. xv s.
- Item*, x elnis quhyte Taffitese of cord to lyne it with, price of þe elne xx s., *summa*, . . . . . x ti.
- Jan. 22.—*Item*, gevin to Williame Purvese for dog-chenzeis, rache-cuppelis, and mending of the Knok,<sup>2</sup> . . . . . vij ti. xiiij s.
- Item*, to Johnne Dowglafs of Authornedene,<sup>3</sup> for certane Treys tane fra him to the Kingis Schypis furth of his Wod, . . . . . xx ti.
- Jan. 25.—*Item*, gevin to ORMONDE, Purfevant, and Alex. Hutoune, Messinger, for passing with clofe Writtings to the Lordis and Ladyis to cum to the Quenis Coronatioune, þe xxv day of Januar, . . . . . iij ti. viij s.
- Item*, to William Hardy, messinger, for passing with siclyke Lettres to the Erle of Huntlye and his Lady, the Erle Marschell and his Lady, in þe NORTHLAND, . . . . . xxij s.
- Item*, gevin to twa Officiaris of Armes pat passit in ANGUSE, þe WESTLAND, NORTHLAND, and vper partis, to warne the Dammes to cum to the Coronatioune, . . . . . iij ti. vj s.
- Item*, to þe JUSTICE CLERK and THESAURER CLERK for pair expensis passing to þe BORDOUR at the Meeting of the Commissionaris of England, being furth x dayis, ilk day xl s.,  
*summa*, . . . . . xx ti.
- Jan. 31.—*Item*, to Thomas Arthure to be iij Borneytis and iij Comparisonis to the Kingis grace, xx elnis blak Armosing Taffitese, price of þe elne xxxvj s., *summa*, . . . . . xxxvj ti.
- Item*, for twa pund wecht twa vnces quarter vnce black sewing silk to be knoppis and tassels<sup>4</sup> to þe saidis Comparisonis, price of þe vnce v s. . . . . viij ti. xj s. iij d.
- Item*, for xxvij elnis half elne blak Brodery Veluet to þe Borneytis,<sup>5</sup> price of þe elne x s.,  
*summa*, . . . . . xiiij ti. xv s.
- Feb. 7.—*Item*, to couer iij Steill-savillis to þe KINGIS grace, . . . . . iij ti. xvj s.
- Feb. 14.—*Item*, gevin to Lord Marwall, for beting and mending of þe (Castle of) Wre-mytag, at þe KINGIS command, . . . . . Ic ti.
- Item*, to him for ane hors of the Lord Carlills, brocht to þe KINGIS grace, xxvj ti. xiiij s. iij d.
- Item*, gevin to Rothissay, Herald, for bankating of the Englisman, at Zule, pat brocht þe hors to þe KINGIS grace, . . . . . v ti. x s.
- Item*, gevin to Johnne Mosman, to pay for ane pece of hntwrocht Gold of the Maynde,<sup>6</sup> quhilk was send to the Duke of Guyse, in France, . . . . . xliij s.
- Feb. 21.—*Item*, gevin to Normond Lesley, at þe KINGIS command, . . . . . xx ti.
- Feb. 26.—*Item*, gevin to Williame Schaw, in complete payment of 2466 Crownis of þe sone xvij s., for Capeschery brocht hame be him to the Kingis grace, as his Compt and Precept direct pairpoune beris, ane thousand Crownis of wecht, *summa*, . . . . . Imje ti.

<sup>1</sup> A web or piece.    <sup>2</sup> Clock.    <sup>3</sup> Hawthornden. This property did not pass out of the Family of Douglas until long after this period.    <sup>4</sup> Knobs and tassels.    <sup>5</sup> There are numerous other furnishings of 'lyningis, pointis, frenzeis of silk,' &c. The dresses to THE LADY JANE, (the King's natural daughter,) and all the numerous dependers of the Court, were very splendid and costly. The whole expenditure of this year fills a large Volume.    <sup>6</sup> Numerous instances may be found in these extracts of large pieces of solid GOLDEN ORZ being sent as presents, or else purchased for satisfying THE KING'S OWN CURIOSITY.



APPENDIX.

Item, gevin to James Bessat for passing with ane Writting to DUNBAR, to caus prouisioune be maid to resauue Rauff Sadillar, INGLISMAN, . . . . . x s.

Feb. 27.—Item, deliuerit to Robert Gib, to kepe þe Hornais, Comparisounis, and harnessingis, ane grete coffer, price, . . . . . iij li. vj s.

Mar. 16.—Item, gevin to Johnne Mosman for þe mackin and fassoune of ane pair of Beddis to þe KINGIS grace, weyand xvij vnces gold of his graces awin gold, deliuerit of before to þe said Johnne, in Ridaris, Angel-nobillis, and Roif-nobillis, . . . . . xv li.

Mar. 22.—Item, gevin to Johnne Zoung, Brodistar, for stuff and Brodering of lxiiij pece of Crownis, James ('JACOBUS QUINTUS,') and Crissillis, set vpoun twa Tynnakillis of Tanny Weluet, quhilk wes þe lynyng of ane Cobure of Clathe of Gold of þe KINGIS, price of þe pece x s., summa, . . . . . xxxij li.

Item, for vj elnis bukrem to lyne þe saidis Tynnakillis with, price of þe elne ij s. viij d., summa, . . . . . xvj s.

Item, for xxvj elnis of Rubennis<sup>2</sup> to pame, price of þe elne viij d.,<sup>3</sup> summa, . . . . . xvij s. iij d.

Item, for brodering of ane Vestment of Tanny Weluet with xiiij James, Crownis, and Crissillis, . . . . . vij li.

Item, for cammes to stuff þe orpheis<sup>4</sup> of þe famin,<sup>5</sup> . . . . . v s. iij d.

Item, for stuff and brodering<sup>6</sup> of iij Armes to þe saidis Tynnykillis and Vestment,<sup>7</sup> . . . . . vj li.

Item, for brodering of ane Comparisoun of his graces, with billis of siluer rynnand aboute it, . . . . . x li.

Mar. 24.—Item, for þe fassoun of lxvij vnces ekit to the Kingis grace Chenze, of þe quhilk pair wes xvij vnces of gold of þe Mynde; and ane chenze quhilk wes bocht for ane hundreth x li., chargeit in Junij following, be ane Precept, and for þe fassoune of ilk vnce v s.,<sup>8</sup> summa, xvj li. xv s.

This CHENZE deliuerit in Striueling to þe KINGIS grace þe last day of Marche.<sup>9</sup>

Item, gevin to MAISTER ROBERT FORMAN to by him ane Coft-Armour, at his Creatioun Perfewant, at þe KINGIS command, . . . . . x li.

Item, gevin to þe CHAIPLANIS OF þe KINGIS CHAPPELL, being in Edinburcht at the Quenis Coronatioun, fra þe xiiij day of Februar inclusive to þe xij day of þis instant monethe, to þe number of xj personis, ilkane havand one þe day ij s., summa, . . . . . xxx li. xvj s.

Item, gevin to DUMMY CARPITANE<sup>10</sup> to by him clathis, at þe KINGIS command, . . . . . vj li.

Item, to MY LORD SECRETAR, to geve ane Duche man þat come fra the Palsgraff and his Countes with ane Writting to þe KINGIS grace, . . . . . xliij li.

Item, to Arthur Sinclair for þe rest of his Comptis for the Duche hors brucht furth of Denmark,<sup>11</sup> at þe KINGIS command, . . . . . xliij li. xix s. iij d.

Apr. 10, 1540.—Item, gevin to Maister Andro Kirkaldy, for expensis debursit be him vpoune Officeris send with Writtingis to warne the Ladyis to come to the Quenis Coronatioun, and for þe cariage of ane coffer of þe KINGIS grace fra Linlythqw to Ed., . . . . . iij li. x s.

Apr. 16.—Item, deliuerit to þe Frenche Telzour, to be ane Cote to Serrat the Quenis

<sup>1</sup> See a curious instance of a similar entry, Mar. 26, 1541, of this Appendix. <sup>2</sup> Ribbons. <sup>3</sup> There are also charges for 'xvj elnis frenzels,' iij sets of 'knoppis,' 'fassis,' and 'stringis of silk.' <sup>4</sup> This is evidently O. Fr. orfeverie, gold embroidery, which is often written orfraye and orphray in ancient writings. <sup>5</sup> Charges for 'bukrem,' 'rubennis,' &c. <sup>6</sup> Embroidering. <sup>7</sup> There are other furnishings too numerous to be detailed. <sup>8</sup> Made by Johnne Mosman. <sup>9</sup> There were likewise furnished other CHENZES, bracelatis, &c. to a considerable amount, also made of the King's awin gold. <sup>10</sup> Probably a dumb favourite at Court. <sup>11</sup> KING JAMES V, like the other Princes of the Stuart family, was passionately fond of fine Horses, and had a most extensive variety of all kinds. He sent messengers to Spain, Denmark, France, England, and Flanders, &c. for the purchase of stallions and brood-mares; and besides this, received from foreign Princes, and from his own and the English nobility, numerous presents. Besides the Grooms and under-stablers, there often appear in these Accounts payments to above twenty 'children in the Stabill,' (Stable-boys, &c.) for liveries and wages. There are no data to ascertain the extent of THE ROYAL STUD, but the number of servants employed may lead to a pretty accurate conjecture.

- Stole*,<sup>1</sup> vj quarteris DEME-GRANE, and vj quarteris FRENCH ZALLOW, price of þe elne of demme-grane xiiij s., and price of þe elne of zallow xx s., *summa*, . . . . . iij li. vj s.
- Item*, to be hir ane Kirk III and ane *Howe*, vj elnis grene Birge Sating, price of þe elne x s., *summa*, . . . . . iij li.
- May 10.—*Item*, deliuerit to Katheryne Bellendene,<sup>2</sup> till complet ane *Sark* to þe KINGIS grace, sewit wth gold and siluer mark, half ane dowbill bank of sewing gold, price pairof, . . . . . xij s.
- BIRTH AND BAPTISM OF JAMES, PRINCE AND STEWARD OF SCOTLAND.
- May 11.—*Item*, gevin to James Biffatt, messinger, for passing with certane clofe Writtingis to warne certane Lordis and Ladys to be in SANCTANDROIS at the Birthe of my Lord Prince, xx s.
- May 14.—*Item*, gevin to George Steill, for þe fraucht of ane Bot to SANCTANDROIS, at Witfounday, with *Tapescherte* and *Clatthe* of gold, and certane vperis small expensis debarfit be him for cariage of þe *Tapescherye* at findry tymes; as his compt gevin þairupoune beris, iij li. xiiij s. iij d.
- Item*, gevin to Thomas Tulloche, for cariage of certane of the *Warthrop gaik*, (geir,) debarfit be him, . . . . . xxiiij s.
- Item*, gevin to him for ane horfe-cariage with certane geir at the Birthe of my Lord Prince, . . . . . x s.
- Item*, gevin to þe TAPESAR, for dighting and grathing of þe *Tapeschery*, and making of ane *Paill*<sup>3</sup> about the Prince's Bed of State, and for certane vperis thingis, . . . . . xj li. x s.
- Item*, to Andro Mansiounne, Frenche man, for making of my Lord Prince *Cradyll*, and stuff furnesit be him pairto, . . . . . xliij li.
- Item*, gevin to Balfar Howstar, Ducheman, and Richart Wardlaw, to pase to Campbell, to serche the *Metallis* and ore of siluer,<sup>4</sup> . . . . . xij li. iij s.
- Item*, to Johnne Paterfoune, for making of ane case to the Kingis Boy of siluer, . . . . . xl s.
- May 21.—*Item*, deliuerit to Thomas Arthure, to be ane Cote and ane pair of *Brekis* to þe KINGIS grace for the See (sea), x elnis Reid crammedye veluet, price of þe elne vij li., *summa*, lxx li.
- Item*, for v vnces *Basmentis* of gold to it, . . . . . viij li. xv s.
- Item*, for *pointtis* to þe Cote and brekis, and ane *tulat* to þe Cote,<sup>5</sup> . . . . . iij s.
- Item*, send to Sanctandrois with Johnne Beg, xv elnis quhyte taffitese of Janis, to be *Servettis* to hold the *Torchis* at the Baptyme of my Lord Prince, . . . . . vj li.
- Item*, gevin to Johnne Paterfoune, for ane *Caiste* to the *Quenis Sceptre* (SCEPTRE), xiiij s.
- May 22.—*Item*, gevin to ane man to pass with clofe Writtingis furth of SANCTANDROIS þe xxij day of May, to the *Erle Marschell* and the *Erle Huntlye*,<sup>6</sup> . . . . . xxiiij s.
- Item*, þe samyn day, gevin to James Biffatt to pass with Letteris, and denunce in all partis in *LOTHIANE* and þe *MERSE*, the Birthe of my Lord Prince, . . . . . xxij s.
- Item*, to Alexander Hutoune, &c. to all partis of þe *Waifland* and *Southland*, to warne the Lordis and Barronis to run to the Baptyme of my Lord Prince, . . . . . iij li.
- May 25.—*Item*, gevin to George Elphinstoune to pass to þe KING OF ENGLAND with þe *aduertisment* of the birthe of my Lord Prince, . . . . . xl li.
- Item*, gevin to Schir Thomas Cragy, Chaiplane, for *Painting* of the *Armes*, furnesing of *cammele* and vper stuff pairto, at the Baptyme of my Lord Prince, . . . . . xij li. vj s. viij d.
- Item*, to Johnne Paterfoune, for making of iij *kassis* to the Kingis *Siluer mark* put in þe *Schippis*, . . . . . xliij s.
- Jun. 1.—*Item*, gevin for ane *Chenze*, deliuerit to Johnne Mofman to melt with vper Gold to be the Kingis grete *Chenze*, . . . . . lxx li.

<sup>1</sup> See Jul. and Aug. 1538.<sup>2</sup> There are numerous previous entries of gold and silver thread to sew and embroider the King's 'SARKIS' throughout the whole Accounts.<sup>3</sup> Pavilion.<sup>4</sup> Silver ore.<sup>5</sup> There are many other similar outlays.<sup>6</sup> This appears to have been THE PRINCE'S Birth-day.

THE KING'S EXPEDITION TO THE ISLES.

- Jun. 3.—*Item*, to þe TAPESAR, to hing the Kingis Chalmer in the Schip, xvij elnis half elne French grene, . . . . . xv li. xv s.  
*Item*, to couer ane stule of eise of þe KINGIS graces, for the Schip, ij elnis half elne tanny Veluet, . . . . . vj li. xvij s. vj d.  
Jun. 4.—*Item*, to be curtingis and ane couer to þe KINGIS Hed in the Schip, xxv elnis iij quarteris blak dames, . . . . . xliij li. xv s. vj d.  
*Item*, to þe Stremeris to the Kingis Schippis, ix score elnis reid and zallow sey; and till complete þe famin, xv elnis ferge, . . . . . xliij li. v s.  
*Item*, to William Smeberd, to lye þe KINGIS grace Sorfettis and Sibuts of Plate, half ane elne blak Veluet,<sup>1</sup> . . . . . xxvij s. vj d.  
Jun. 4.—*Item*, to Ra, Perfewart, Inglifmane, quhilk brocht Writtingis fra þe Capitane of Hertogk, . . . . . iij li. vj s.  
Jun. 6.—*Item*, to þe INGLISMAN quhilk came fra the Admarall of England with Writtingis, . . . . . x li.  
*Item*, to þe man that came fra Oneyll with ane Hors to þe KINGIS grace, . . . . . xj li.  
*Item*, deliuerit to Malcolme Gourlaw to þe Rennold Lethome, Page, that passit in France with the Erle of Murray, to be him ane Cote with slevis, vij elnis blak Veluet,<sup>2</sup> . . . . . xix li.  
*Item*, at þe KINGIS command, xx Crownis of þe sone, . . . . . xxij li.  
*Item*, to Williame Stratherne, messinger, to pass to DUNBERTANE, IRWING, and AIR, with Letteris to charge þame to send Botts and Schippis with Virtualis to meit þe KINGIS grace in the Iles þe vj day of Julij nixt to cum; and to remane in Dunbertane and þe Levinax for inbring of þe rest of þe Air,<sup>3</sup> . . . . . iij li. vj s.  
Jun. 7.—*Item*, gevin to Maister Andro Quhytelaw, for fraucht of ane Bote furth of Leithe to Levynnis mouthe with þe Siluer warck, and for cariage pairof to SANCTANDROIS, at the Baptyne of my Lord Prince, . . . . . iij li.  
Jun. 8.—*Item*, send to SANCTANDROIS, to be ane Couer to my Lord Princes Creditt, iij elnis half elne crammefy veluet, . . . . . xxiiij li. x s.  
*Item*, to be ane vper Couer pairo, vij elnes reid veluet of grane,<sup>4</sup> . . . . . xxij li. xv s.  
Jun. 10.—*Item*, to be Ansenzis<sup>5</sup> to the Schippis, xvj elnis reid and zallow taffete of cord, . . . . . xiiij li. viij s.  
*Item*, to be þe Croces pairof, iij ½ elnes quhyte taffete of Janis, . . . . . iij li. viij s. vj d.  
*Item*, to be ane Couer and Curtingis to the Kingis hed in þe NETHER CHALMER in þe SCHIP, xvij ½ elnes Grene dames, . . . . . xxxiiij li. v s.  
*Item*, to be Frenzetis pairo, ane pund and half pund wecht Grene filk, extending to xxiiij vnces, . . . . . vj li.  
Jun. 12.—*Item*, for þe making of vj Standartis, quhilkis wes deliuerit to Johnne Bertone to þe Schippis, . . . . . xl s.  
*Item*, gevin to him for þe making of iij Cop-clatthis and iij Flaggis, . . . . . xl s.  
*Item*, for Arrow-hedis, deliuerit to Johnne Tenant, . . . . . xliij s.  
*Item*, to Schir Johnne Kylgour, for Paunting of twa stand of Harness to þe Kingis grace, . . . . . xxx s.  
*Item*, to Mvredoch Strueling, Patesar,<sup>6</sup> to pay for þe making of the Ouis (ovens) in þe SCHIPPIS, . . . . . vij li. iij s. viij d.

<sup>1</sup> A variety of other similar entries for furnishing and repairing warlike dresses and arms. <sup>2</sup> The same person got doublet, cloke, hoise, beltis, and gartennis, with a blak veluet bonat, and 'Ane tergat to his bonat,' cost iij li. xvj s. <sup>3</sup> The residue or balance of the Escheats due to the Crown from the preceding Justice-airs of Dunbarton. <sup>4</sup> Fringes of red silk and blankets of white fustian also provided. <sup>5</sup> Ensigns; standards. <sup>6</sup> Pastry-cook.

*Item*, deliuerit to Johnne Mosman, for making of twa gret Chandelaris, twa Colupts with coveris, and ane sponne to my Lord Prince, with ane morsare to þe KINGIS grace Culberting, quhilk wes of siluer, deliuerit to him of before, þe iij, xxiiij, and xxvj dayis of May last bipast; þat is to say, ane siluer stop, weyand xij pund wecht twa vnces; ane vper stop, weyand viij pund xij vnce; ane water pot, weyand xxvij vnces; twa perts with feit, weyand lxij vnces, quhilk extendis to xxvj pund wecht and vij vnces; and to him for euerilk vnce wirking, iij s., *summa*, lxiij li. ix s.

*Item*, for twa roddis to þe Chandelaris, . . . . . v s.

*Item*, gevin to him for þe making of ane Subissill of gold to þe Kingis grace, weyand iijij ½ vnzis, 2 ½ Vnicornis wecht, deliuerit to his grace þe iijij day of Junij, . . . . . iij li. viij s.

*Item*, to William Myllar, for twa drauchtis of Palzeonts, and ane draucht of bedding, fra þe Abbay to Leithe, to be put in the Schippis, . . . . . iijij s.

*Item*, gevin to Johnne Dikfoune, Ross Herald, for his expensis passing to the Emprour, in money and clething, . . . . . lxxv li.

*Item*, to (Schir) Baud Lindsay of the Mont (LION KING OF ARMS) and Jonet Douglase,<sup>1</sup> be ane Precept, . . . . . Vjclxvj li. xij s. iij d.

Jun. 28.—*Item*, to Rothissay Herald, for his expensis passing with Writtingis to Schir William Cheris, be deliuerance of þe LORDIS, þe xxvij day of Junij, . . . . . iij li. viij s.

*Item*, to Johnne Paterfoun, for passing with clofe Writtingis fra þe QUENIS grace to (THE KING in) the Blis, . . . . . iij li.

Jun. 29.—*Item*, to þe Tapesar, for þe fraucht of ane Bote with the Capesbery fra Sanct-androis to Leith, . . . . . v li. xij d.

Jul. 7.—*Item*, the expensis debursit vpoun the Suffrage of Buene Magdalene, quhome God affolzé; in þe first gevin to þe Belman þe vij day of Julij, . . . . . iij s.

*Item*, to ij<sup>xv</sup> Chaplanis, ilkane ij s., *summa*, . . . . . xxj li. x s.

*Item*, gevin to the Offerting, . . . . . xxij s.

*Item*, to þe TAPESAR, for furneing of nalis and þinging of the Blak Clattbe, and pinoris feis, . . . . . x s.

*Item*, for vj dofane of Armes, ilk dofane xx s., *summa*, . . . . . vj li.

Jul. 10.—*Item*, to Johnne Paterfoun, at his returning fra the Blis, in complete payment of his wageis, . . . . . iij li.

Jul. 18.—*Item*, deliuerit be Thomas Arthure to þe QUENIS grace, in Pithehy, at þe KINGIS command, xj ½ elnis Tanny taffitese of xij threid, . . . . . xxv li. vj s. iij d.

*Item*, to be skabbaris to þe KINGIS Kaperis, v quarteris Blak veluet,<sup>2</sup> . . . . . iij li. xv s.

*Item*, to mak Frenzeis to his grace Swerd-handis, iij vnces blak sewing silk xv s., and Warkmanschip iij s., . . . . . xvij s.

Jul. 27.—*Item*, gevin to the Lady Maistres for expensis debursit be hir for couering of my Lord Prince's Cradill, gilt nalis pairto, and vperis expensis,<sup>3</sup> . . . . . viij li. xij s.

Jul. 30.—*Item*, to Johnne Mosman, goldsmyth, for þe making of ane Subissill of Gold of Mynde, weyand iijij ½ vnzes half Vnicorne wecht, with ane Dragoune ananullit, deliuerit to þe KINGIS grace þe penult day of Julij, . . . . . iij li.

Jul. 31.—*Item*, to Andro Michelfoune ane gowne of Parise blak, . . . . . viij li. xj s.

*Item*, 'ane Cote of Serge,' 'Bonat,' &c. 'This leueray wes gevin to him for bringing of tithingis to the Kingis grace of the Rattuite of my Lord Prince.'

<sup>1</sup> His wife. <sup>2</sup> Such charges are very frequent in these Accounts. The scabbards are covered from time to time with such materials as might suit the King's fancy and the fashion of the day. <sup>3</sup> Numerous entries of furnishings to the King, Prince, Lady Jane, &c. <sup>4</sup> On this day ROTHISSAY HERALD was despatched to London. He got a Gown of 'Armoey blak Taffitese,' L. 15, 6s.—a 'Doublat,' L. 9, 15s.—for his expenses, 40 Crowns of the Sun, L. 44.

## APPENDIX.

- Item*, gevin to Robert Blak, maser, for passing to DUNBAR, TAMPTALLOUNE, and PE BASS, to rounbo the Heland-men thair,<sup>1</sup> . . . . . xiiij s.
- Item*, gevin to him for passing with ane close Writting to PE BASS to ane Heland-man to send to Kintyre for James Canochis brother, . . . . . x s.
- Aug. 2.—*Item*, to Johnne Barbour to be Walk-hudis to PE KINGIS Walkis, iij skynnis, xl s.
- Aug. 6.—*Item*, to Johnne Paterfoune, Perlewant, for passing with Letteris with deligence to warne certane Barronis in Anguse and Fernis to cum to EDINBURGHE PE XV day of his monethe,<sup>2</sup> . . . . . l s.
- Aug. 12.—*Item*, to Butte, Perschwant, for passing with ane close Writting to Allane Stewart in Lorne, . . . . . iij li. vj s.
- Aug. 13.—*Item*, gevin to Johnne Mosman for vj $\frac{1}{2}$  vnces siluer to be ane Clam-schell to kepe PE KINGIS grace Walk mete,<sup>3</sup> . . . . . iij li. xvij s. xj d.
- Item*, for pe fassoune and gilding of it, . . . . . xl s.
- Aug. 14.—*Item*, gevin to Johnne Tefart, Croce-bow-makar, for strugis and windes-cordis to PE KINGIS graces Croce-holwis, . . . . . iij li. x s.
- Aug. 16.—*Item*, to Robert Blak, maser, for summonyng of ane Assise to Schir James Hammyltonne; and for Wyne brocht in to the Lordis being vponne his Inqueist, . . . . . xv s. x d.
- Aug. 20.—*Item*, to ane Cannyn Haber hat to PE KINGIS grace, . . . . . v s.
- Item*, for twa vnces half vnce siluer Pasmentis to ane Skyn cote, (Buff-Coat or Jerkin,) with fyde talletis, . . . . . iij li. vij s. vj d.
- Item*, for ane dofan siluer buttonis to it,<sup>4</sup> . . . . . xvij s.
- Aug. 27.—*Item*, to be ane Gowne, cote, and dowblat to Lord Robert, the Kingis grace sone, xv $\frac{1}{2}$  elnis gray Sating relzé, prica of pe elne xxxij s.,<sup>5</sup> . . . . . xxiiij li. xvj s.
- Item*, to couer ane sadill and harnessing to Lord James of Helso, iij elnis blak veluet,<sup>6</sup> xj li.
- Item*, gevin to JOHNE GROTE for fraucht of his schip send be PE QUENIS grace furth of Sanctandros to Orknay to PE KINGIS grace with Writtingis, . . . . . xx li.
- Item*, to Florence Cornetoune, quhilk he deliuerit to James Scrymgeour at his passing to France with tithandis of my Lord Princes Bastulle, . . . . . xj li.
- Item*, to PE LARD OF CREICH, in parte payment of his Cocher with Madame Crismore, at PE KINGIS command, . . . . . iij<sup>c</sup>xxxij li. vj s. viij d.
- Item*, to Robert Moffet, in pe Grantoune, for pe subringing of thre Chesise quhillk wes Justiffit, . . . . . ix li.
- Aug. 30.—*Item*, gevin to Archibald Stewart to pay iij Gunnaris ane monethis wage in the Castellis of Bunnnewk, and Stans Lochbrwn, in May, at PE KINGIS command, . . . . . ix li.
- Item*, to Schir George Clapertoune, Maister Elimosinar, to the Kingis grace Almous, per tempus Compoti, extending vlikie (weckly) to iij li., . . . . . ij<sup>c</sup>vij li.
- Item*, to Jonet Logane, Lady Cragg,<sup>7</sup> . . . . . xxvj li. xij s. iij d.
- Item*, gevin to Johnne Tenent to furnese the Kingis Purse, per tempus Compoti,<sup>8</sup> (viz. Sep. 17, 1539, to Sep. 2, 1540,) . . . . . I<sup>m</sup>iiij<sup>c</sup>xxvij li. xix s. viij d.
- Item*, to William Purves, Knoch-makar<sup>9</sup> and sumpt<sup>h</sup>, for his Penfoune grantit to him be PE KINGIS grace, vnder his Grete fele, . . . . . xx li.

<sup>1</sup> These were the Hostages given for observing 'guid reule' in THE ISLES.      <sup>2</sup> 'Close writtings' sent to Lords Seytoun, Zester, Somervill, Earls of Arran, Cassillis, and Eglentoune, 'to cum to Edinburghe.'      <sup>3</sup> See Jul. 1542 of these Extracts, &c.      <sup>4</sup> A number of other dresses, &c. to the King, apparently for Field sports. 'Thir clathis send to Falkland the xx day of August.' The Queen also gets dresses, 'riding cloke,' &c. and a charge for 'xxij Halk hudis' occurs on the same page.      <sup>5</sup> It is unnecessary to enumerate all the other furnishings.      <sup>6</sup> 'THE EARL OF LEUNAX SISTER' gets a Gowne, L.45, 10s., Kirtill, L.11, 18s., &c. &c. this month, (20th.)      <sup>7</sup> There are many payments to this Lady.      <sup>8</sup> There is usually a monthly charge for 'the Purs.' In a few instances, such as the present, the Treasurer entered the gross amount at the end of the year.      <sup>9</sup> Clock-maker

<i>Item</i> , to the Gentill woman that wes lastly brise to my Lord Prince, for hir service and reward, be pe Kingis Precept, <sup>1</sup>	xl i.
SUMMA totalium Expensarum (a Sep. 17, 1539, ad Sep. 2, 1540,) xxx <sup>m</sup> ix <sup>c</sup> lxij li. v s. x d.	
SUMMA of 'the Munitionis and Craftismen' <sup>2</sup> wirkand pairapoun, within pe CASTELL OF EDINBURGHE, LEITHE, &c., for the same period, I <sup>m</sup> v <sup>c</sup> xxij li. xvij s. xj d. ob.	
<i>Item</i> , gevin to tua pynouris for doune-taking of xxx CHALMERIS <sup>3</sup> of pe Heid of Bauduis Cowris, (IN THE CASTLE OF EDINBURGH,) and carting of pe famin with vthir Chalmeris and Munitione, eftir the Coronatione, to be had again to LEITHE,	xl s.
<i>Item</i> , gevin to pe carteris for doun-taking of pe famin to Leithe, extending to viij draucht, price of pe draucht ij s. vj d., <i>summa</i> ,	xx s.
Sep. 19.— <i>Item</i> , to Alexander Hutoune for passing with Writtingis furthe of Edinburghe to Statonis to pe KINGIS grace,	xxij s.
Sep. 24.— <i>Item</i> , gevin to ane Perschbant pat dwellis in Leithe to pas to Lanark and summond James Doboglass of Parkheid for Cressoune,	xij s.
<i>Item</i> , gevin to Ormond, Perschbant, <sup>4</sup> for bringing of tythandis to pe Kingis grace of pe taking of George Macfarlane, and for his passing agane at his grace command to the His,	xj li.
Sep. 25.— <i>Item</i> , gevin to George Carmichaell for ane pete of GOLD of the Mynde <sup>5</sup> deliuerit be him to pe KINGIS grace of befoir, in SANCTANDROIS, weyand twa vnces quarter vnce grote wecht, price of pe vnce vj li. viij s., <i>summa</i> ,	xv li. iiij s.
THE expensis vpoune pe furneing of pe (fibe) Hauknay Hors and (riij) Halkis send to the King of France, the Dolphynne, and Duke of Swets, with Johnne Bog, <sup>6</sup> iiij <sup>c</sup> xxij li. v s. x d.	
Oct. 2.— <i>Item</i> , gevin to Schir Johnne Campbell to furneis his expensis in passing to the Imperatour with Writtingis,	iiij <sup>c</sup> xxx li.
<i>Item</i> , to the Imperatouris serband quhilk brocht Writtingis to pe KINGIS grace,	lv li.
Oct. 7.— <i>Item</i> , to pe man pat take George Macfarlane, at pe KINGIS command,	xliij li.
<i>Item</i> , to the Frenchman that brocht the Hors to pe KINGIS grace furth of France, ij <sup>c</sup> xx li.	
<i>Item</i> , to his serband pat kept pe said hors,	xxij li.
Oct. 9.— <i>Item</i> , deliuerit to Johnne Mosman xij vnces quarter vnce siluer to be ane Relique to ane Bane of Sanct Mabago,	ix li. iiij s. ij d. ob.
<i>Item</i> , gevin to gilt pe said Relique with, twa Rois-nobillis,	v li. vj s.
<i>Item</i> , gevin to him, to be ane Relique to ane Bane of Sanct Andriane of May, vj vnces quarter vnce Gold of Mynde,	xl li.
<i>Item</i> , to him for making of pe famin,	vj li.
<i>Item</i> , gevin to him for making of pe vper Relique of Sanct Mabago,	iiij li.
<i>Item</i> , to Johnne Paterfone for making twa Catissis to the said Reliquis,	xxij s.
Oct. 11.— <i>Item</i> , gevin to Johnne Mosman, for making of the Princis Armes vpoun Schir James Hamiltonis Chapell gair, pat is to say, ANE CROCE OF SILUER, TWA CHANDELARIS, ANE HALI-WATTER-FATT <sup>7</sup> with ANE STYK, TWA CROWETTIS, ANE BELL, ANE BOIST TO KEIP HOISTIS IN, <sup>8</sup> and ANE COUER TO SERUE FOR pe PAX, all deliuerit to Thomas Dudingstoune, Maister of Howshald to my Lord Prince, and for mendung of twa flaconis, <sup>9</sup>	xx s.

<sup>1</sup> At this period the King's Advocate had only L.40 per annum of Salary. <sup>2</sup> The particulars of this branch of the public Accounts occupy 35 pages; but though they are very interesting, it is not possible to give suitable extracts in this place. Only two entries need be noticed here, which immediately follow this article. <sup>3</sup> A small piece of ancient Ordnance. 'Chambers' are mentioned by some of the early Dramatists, and sometimes in the Stage-directions of Battle-Scenes, we find, 'Chambers are let off in the distance.' <sup>4</sup> He had been despatched, along with Walter Macfarlane, to Kynntyre, to the Master of Glencairn, on Sep. 4. <sup>5</sup> There are numerous similar entries which prove that, during this reign, GOLD was found in pretty large masses in 'the Mynde' at Crawford-Muir. <sup>6</sup> The various items for harnessing, five saddles, dresses for Bog, and 'vij childerin (lads) that passit in France with the said hors (horses) and halkis.' The items occupy above three pages. <sup>7</sup> A vat or vessel to hold Holy-water. <sup>8</sup> A box to keep the Host or Eucharist. <sup>9</sup> Flagon.



## APPENDIX.

Oct. 13.—THE Expensis debursit vpoun pe four Hawkynys send to the Dolphin of France, and vpoun pe FRENCH PAIGE callit LAPONSE, at his departing to France,<sup>1</sup> . . . ij<sup>c</sup>xliij li. v s. vj d.

*Item*, to ane seruant pat passit to pe Glawmes fra pe LORDIS with Writtingis to pe Kingis grace, . . . . . xxij s.

Nov. 7.—*Item*, deliuerit to Johnne Mofman to garneis ane Hair-tutthe<sup>2</sup> to my Lord Prince, ane vnce twa Vnicorne half vnicorne wecht of Gold of Mynde, . . . . . viij li. viij s.

*Item*, to him for making of pe famin, . . . . . xl s.

*Item*, for gilting of an litill garnesing of ane Horne to my Lord Prince, . . . . . iiij s.

Nov. 15.—*Item*, to Thomas Arthuir, for furnesing of cletthing to Schir Johnne Campbell of Lundy, kny<sup>t</sup>, at pe KINGIS command, quhen he departit to the Imperatour, . . . . . l<sup>c</sup> li.

*Item*, to Maister Robert Forman, Ross Herald, to by him clathis, passing with pe said Schir Johnne in company, . . . . . xxiiij li.

*Item*, to Thomas Vdward for ane blak furring of cunyng (*cony, rabbit*) skynnis, thre Bowis, thre dofane Arowis, and ane quaver brocht furth of Ingland, deliuerit to David Ferry and Johnne Tennent, . . . . . xx li. xvij s.

Nov. 19.—*Item*, to Alexander Hwtoune to pas and prind the Lord Marvall for certane dettis, . . . . . xxij s.

*Item*, to Williame Hardy for his expensis passing to warne pe LAIRDIS OF LOTHIANE to ryde to the Burdour with the Kingis grace, . . . . . xiiij s.

Dec. 15.—*Item*, to William Hardy to pas to the H<sup>is</sup> and tak Sepsing of MacKays landis, . . . . . v li.

Dec. 19.—*Item*, gevin to pe zoung Tapescher, for cartage of the Tapescherte to Glawmes and vperis places, . . . . . vj li. xiiij d.

Dec. 28.—*Item*, send to Strueling to be ane Gowne to Seratt, vij elnis grene Veluet, . . . . . xxj li.

*Item*, send to begary it with vj quarteris zallow Veluet, . . . . . iiij li. viij s.

Dec. 31.—*Item*, gevin Johnne Mofman for chenzeis, ringis, tabulattis, braselattis, targettis, and vper gold wark refaut fra him in Strueling, pe KINGIS grace being present, to be gevin in Flemzere Giftis, . . . . . iiij<sup>x</sup> li.

*Item*, gevin to (Charlis) Murray, for xx Hawkbutts<sup>3</sup> brocht furth of (Duc)heland<sup>4</sup> be him, price of pe pece half Angell nobill, *summa*, . . . . . xvij li.

Jan. 9, 1540-1.—*Item*, gevin to ane Ducheman pat pleyit<sup>5</sup> before pe LORDIS, to mak his expensis, . . . . . xl li.

Jan. 20.—*Item*, gevin to the Prothonotar, seruant to pe QUENIS grace, at his departing to France,<sup>6</sup> . . . . . xliij li.

MEM<sup>d</sup>, deliuerit to Johnne Mofman, in pe ABBAY OF HALYRUDHOWS, pe xxj day of Julij last bipast, pe KINGIS grace being present, pis Gold-wark and Jewellis astir folowing, quhilk wes of WILLIAM HWMES ESCHETE; pat is to say, Thre Chenzets, with ane brokin chenze, xj Bedis of gold, l Bedis of Ammatist, with v Sowdis of Franche crownts, twa Clokts, thre small buirdis of beltis, hed and pendes of gold, viij ringis, thre hingaris, ane croce, ane hart, twa colleris, ane lesart, and ane small belt, all weyand xxviiij vnce half vnce, deliuerit to him, with vper gold wark, to be meltit in ane grete lingot,<sup>7</sup> price of pe vnce viij li. x s., *summa*, . . . . . ij<sup>c</sup>xliij li. v s.

AND pe famin tyme deliuerit to pe KINGIS grace, in ane box, pe litill Copburd of siluer, with certane stomokkis, perle-bedis, beltis, and vper small gair contenit in pe saidis boxis.

<sup>1</sup> The *items* are too numerous to be noticed.

<sup>2</sup> Probably used instead of a coral for cutting the young Prince's teeth.

<sup>3</sup> Hagbutts. This is selected to remark, that great quantities of hagbuts, culverins, and all kinds of Artillery and ammunition, were imported from Holland, Germany, Denmark, &c., in 1540, 1541, and 1542. The small arms were often in *ninety-nine* number at a time, perhaps from restrictive regulations in these countries, only suffering their exportation if under 100 in number.

<sup>4</sup> Holland.

<sup>5</sup> Litigated.

<sup>6</sup> See Apr. 24, 1542,

of these Extracts. <sup>7</sup> Fr. an Ingot, or wedge of gold.

Feb. — <i>Item</i> , send to <i>Jalkland</i> , to <i>pe</i> <i>QUENIS</i> grace, with Alexander Kempt, to be hir ane <i>Solone</i> , xv elnis Purpur veluet,	lij li. x s.
<i>Item</i> , to be ane <i>Kirtill</i> , ix½ elnis Quhyte Dames of <i>pe</i> grete flour,	xix li.
Feb. 3.— <i>Item</i> , send to hir grace twa pund wecht sewing gold, <sup>1</sup>	xxiiij li.
<i>Item</i> , gevin to Andro Watfone and Schir Johne Kylgour, for <i>pe</i> making of four <i>Baneris</i> to the <i>Crumpettis</i> , and furnesing of stuff pairto,	xl li.
Feb. 4.— <i>Item</i> , to ane Ducheman pat haid his schip brokin in <i>Sanctandrois</i> with <i>pe</i> <i>KINGIS</i> <i>Colis</i> ,	xxij li.
<i>Item</i> , to the <i>Cuntes Ballentynis serband</i> ,	xliij li.
<i>Item</i> , gevin to the <i>Freir</i> that came furthe of <i>Grece</i> ,	xliij li.
Feb. 9.— <i>Item</i> , 'the <i>Expensis</i> hponne my <i>Lordis</i> the <i>Kingis</i> <i>sortis</i> ,' 'LORD <i>JOHNE</i> ' and 'LORD <i>ROBERT</i> ,' <sup>2</sup> for dresfes, &c. unnecessary to be specified.	
Feb. 20.— <i>Item</i> , gevin to Robert Hart, to deliuer to ane seruand of the <i>Imperatouris</i> , pat brocht <i>Writtingis</i> to <i>pe</i> <i>KINGIS</i> grace,	xxij li.
<i>Item</i> , gevin to Johnne Moffettis fone and his seruand quhilk brocht <i>Sweete-mattis</i> and <i>Kense Wyne</i> <sup>3</sup> to <i>pe</i> <i>KINGIS</i> grace,	xj li.
Mar. 11.— <i>Item</i> , to Johnne M'caffie, messinger, for his expense to turs certane clois <i>Writtingis</i> of <i>pe</i> <i>KINGIS</i> graces to the <i>Gentilmenne</i> of the <i>Blis</i> and <i>other</i> <i>Weslandmen</i> ,	xliij s.
Mar. 26, 1541.— <i>Item</i> , to Johnne Paterfoune, for ane cais to ane flacone of <i>Aquavite</i> , <sup>4</sup>	v s.
' <i>The Gair</i> ' <sup>5</sup> (geir) furnesit to the <i>Kingis</i> <i>Chapellis</i> of <i>Streneling</i> and <i>Halgrudhous</i> . <i>In the first</i> deliuerit to Johnne Zoung, iij½ elnis <i>Raid</i> Dames, to be ane <i>PenDakill</i> to <i>pe</i> <i>Chapell</i> in <i>pe</i> <i>Abbey</i> ,	vii li. xiiij s.
<i>Item</i> , for <i>pe</i> <i>Browdery</i> and <i>Clarkmanschip</i> of <i>thre</i> <i>Jesus</i> brocht with <i>Crowne</i> of <i>thorne</i> , <i>thre</i> <i>Dames</i> of <i>Jacobus Guintus</i> , <sup>6</sup> with the <i>Kingis</i> <i>Armes</i> and <i>Crowne</i> aboue the <i>helt</i> , and <i>thre</i> <i>Unicornis</i> herand the samin, price of all,	vij li.
<i>Item</i> , to Walter Monour, for fraucht quhilk he deburis at <i>pe</i> <i>QUENIS</i> cumpng fra the <i>Clawmes</i> , and passng agane to <i>pe</i> <i>GLAWMES</i> ,	ij li. v s.
<i>Item</i> , gevin to Adam Stewart, to <i>deliuer</i> to <i>pe</i> <i>ERLE</i> OF <i>MURRAY</i> in <i>France</i> ,	iiij <sup>c</sup> lxxxvij li. xvij s.
Apr. 2.— <i>Item</i> , deliuerit to Johnne Bertane, to be ane <i>Cote</i> , <i>hats</i> , and <i>brekis</i> , to the <i>Kittill Clerk</i> , <sup>7</sup> twa elnis of <i>RAID</i> and vj quarteris of <i>zALLOW</i> ,	ij li. xvij s.
<i>Item</i> , to be him ane <i>Bomblat</i> , x quarteris <i>RAID</i> and <i>zALLOW</i> Birge fating,	xxv s.
<i>Item</i> , for ane <i>raid Bonet</i> to him,	xv s.
<i>Item</i> , for making and lynng of his clathis,	xxj s.
Apr. 6.— <i>Item</i> , to ANE <i>FRENCHMAN</i> , callit <i>Latusche</i> , at his passing in <i>France</i> ,	I <sup>c</sup> x li.
<i>Item</i> , to <i>Maister Alexander Gordoune</i> , at his passing to <i>France</i> ,	I <sup>c</sup> li.
<i>Item</i> , to ane seruand of James Lindlayis, for his expensis in <i>hame-bringing</i> of <i>Wakis</i> furthe of <i>Murray</i> ,	vj li. vij s.

<sup>1</sup> This is selected to repeat former observations, that the QUEEN must have passed much of her leisure hours in EMBROIDERING in Gold and Silver. In almost every month of these Accounts there are large payments for furnishings of Gold, silver, and silk thread, &c. On Feb. 12, another charge is made for 'xxj dowhill hank of sewing gold, xxij li. xj s.' It is unnecessary to multiply similar entries, which are very frequent, and the quantities are usually two or three pounds weight at a time. <sup>2</sup> In another entry this month, he is styled 'LORD ROBERT OF HALGRUDHOUS.' Such entries occur almost monthly. <sup>3</sup> Sweet-meats and Rhenish wine. <sup>4</sup> Eau de vie, French Brandy? <sup>5</sup> The other furnishings consist of Abbis, emmettis, towellis, altar towellis with croces of fyne silk, beltis, corporallis, vj tynne crowettis of the fassonne of siluer, ane calp of clayth of gold, and ane calp of blew dames with sternis (stars) of gold. <sup>6</sup> See the entry, Mar. 22, 1538-40, of this Appendix. <sup>7</sup> Several notices occur of this individual. He was probably a DWARF, or BURROON, as would appear from the nature of the dresfes given him from time to time. His name, however, is never mentioned. Several Dwarfs, male and female, were entertained at the Scottish Court, and had regular pensions and liveries assigned to them.

## APPENDIX.

Apr. 19.—*Item*, gevin to JAMES HAMMILTOUNE, sone to James Hammiltounne, bmqublle Schyref of Linlithgow, to furneis his fader (furth) of pe realme, . . . . . ii<sup>c</sup> li.  
*Item*, to the DUCHEMAN seruandis to the Lord of the Fair, . . . . . j<sup>c</sup>xxxij li.

## BIRTH AND BAPTISM OF ARTHUR DUKE OF ALBANY.

Apr. 24.—*The Expensis debursit on my Lord Prince, and at the Battbrite of my Lord Duke. In the first*, pe xxiiij day of Aprile, deliuerit to Johne Tenent, viij elnis qubyte Tessites of twa thredis, to be SERUIETTIS to hald the Caudillis, at the Baptising of my Lord Duke, . . . . . iiij li.

Apr. 26.—*Item*, deliuerit to Johnne Mofman, to gilt twa heiche standand Colopis pat wer maid at pe Nativité of my Lord Prince, and now send to Strueling, x Roife nobillia, . . . . . xxvj li. x s.

*Item*, gevin to Johnne Paterfoune, for twa Catis to pe saidis Cowpis, and ane cace to ane Chalfy of my Lord Princes, maid of before, . . . . . xlvj s.

Apr. 27.—*Item*, gevin to Thomas Richartfoune, for xij boltis of cammes<sup>1</sup> deliuerit to Johnne Bertone, to be falis, . . . . . xlvij li.

*Item*, deliuerit to him, for pe fraucht of his Schip and Marinallis wage, passand with the Kingis grate to the Isles, . . . . . l<sup>c</sup>xiij li.

*Item*, to THE HEROLDIS, pe tyme of pe Baptising of my Lord Duke, . . . . . xj li.

*Item*, to James Stevinfoune, for vj Rappertis and twa paintit clathis deliuerit be him to pe KINGIS grace, . . . . . vij li. xiiij s.

*Item*, to Rothissay Herold, for his expensé passing to Jedburghe, to prepar pe luggeingis and furneing to pe LORDIS, and remanyng pairupoune (at THE AIRE), . . . . . vj li. xv s.

*Item*, to MARGARETE SCOTE, for hir lawbouris being with my Lord Prince, v vlkis, . . . . . xxx li.

*Item*, to Johnne Forestar, BOWER, for Arrotois Hedis, gaynzeis,<sup>2</sup> and quaveris, fra pe ij day of May 1538, to pe iij day of Februar last, . . . . . xij li. vij s. viij d.

## DEATH AND BURIAL OF ARTHUR DUKE OF ALBANY.

Apr. 29.—*Item*, to Andro Zare in Strueling, for ane Cap of letv that my Lord Duke was burst in, . . . . . xiiij s.

*Item*, gevin to Peter Buntayne, for passing with Letteris to pe SOHEREFFIS and BURROIS of pe WESTLAND, for Chapinschawing, . . . . . l s.

*Item*, to Johnne Paterfoune, for passing with siclyke Letteris to pe NORTHLAND, . . . . . iiij li. xiiij s.

May 5.—*Item*, gevin to William Straitherne, for passing fra pe LORDIS, being in Jedburgh, to pe KINGIS grace, in Struelling, with deligence, . . . . . xl s.

*Item*, gevin to ANE INGLISMAN pat cam fra the Wardane of the Howill Marchis of England to pe LORDIS, being in Jedburgh, . . . . . xliij s.

May 22.—*Item*, to Johnne Mortoune, for his labouris passing to pe LANGHOPE for pe LORD MAXWELL, for inbringing of Liddisdale to the Airis, . . . . . iij li.

## DEATH OF JAMES DUKE OF ROTHSAY, PRINCE AND STEWARD OF SCOTLAND.

May 25.—*Item*, to be twa Fute-mantillis and twa harnessingis to pe QUENIS grace, xx elnis Blak Veluet,<sup>3</sup> . . . . . lv li.

*Item*, to be four Fute-mantillis and four harnessingis to four of hir Ladyis, xl elnis blak veluet, . . . . . l<sup>c</sup>vj li. xiiij s. iiij d.

*Item*, a variety of Harnessingis, frenzies, gilding of bukellis, pendeffis, &c. &c. amounting in all to the sum of . . . . . iij<sup>c</sup>lvij li. vij s. ob.

<sup>1</sup> Webs or pieces of canvass or Sail-cloth.      <sup>2</sup> For cross-bows.      <sup>3</sup> This expenditure is under the head of 'Expensis debursit vpon the QUENIS Stabill and Ladyis,' for the Month of May.

- May 26.—*Item*, send to Strueling to THE COWNTES OF ARROLL,<sup>1</sup> to be hir ane *Dule*  
*Wetd*, vj elnis fyne Paryse blak, . . . . . xv li.  
*Item*, send to hir pe samin tyme, four elnis vper Frenche blak, . . . . . vj li. viij s.  
*Item*, gevin to *Fresche Millie*, at pe KINGIS command, . . . . . xl s.  
*Item*, to pe GRAY FRERIS in JEDBURCHT, to pe help of the reparatioune of thair *Place*,  
 (the Monastery of Jedburgh), . . . . . xx li.  
 May 28.—*Item*, to twa boyis pat passit to Strueling with thre *Duzen* *quok qualkis*,<sup>2</sup> *car-*  
*pandyis*,<sup>3</sup> and vper small gair brocht hame be Hanis Anderfoune, . . . . . ix s.  
*Item*, gevin to Johnne Paterfoune, for passing with Letteris to ABERDEN, and vper BURROWIS  
 IN pe NORTHLAND, for hame-bringing of *Wawhuttis*,<sup>4</sup> . . . . . xxij s.  
 Jun. 23.—*Item*, gevin to pe *Maister Cook*, to support him for expensis maid pe tyme of his  
*sekeneis*, . . . . . xij li.  
*Item*, to the *Frenche Doctour*, at his passing to FRANCE, . . . . . xliij li.  
*Item*, to Johnne Cayrnis, for pe fraucht of thre *studer* of *ledd*,<sup>5</sup> turfit furth of Leithe to  
*Sanctandrewis*, at pe KINGIS command, . . . . . iij li.  
*Item*, gevin to pe QUENIS grace (Queen Margaret) *Abriue*, quhame God affolzé, at hir  
 departing to FRANCE, . . . . . xxxiiij li.  
*Item*, to Johnne Paterfoune, for passing to Dunkell to summond MAISTER ADAME OTTER-  
 BURNE, and to pas in pe NORTHLAND with Letteris to the *Prelatis*, and with Letteris to the *Sche-*  
*reffis* and *Burrows*, for *Expelling* of *Egyptianis*, . . . . . iij li.  
*Item*, to Robert Blak, to summond the *Lord Home*; and passing with siclyke Letteris to pe  
 MERSE, TEVIOTDALE, and LAWDIANE, . . . . . xl s.  
*Item*, to Robert Hart, for passing to the Westland to pe *PRELATTIS* with siclyke Letteris, and  
 for *Expulsion* of *Egyptianis*, . . . . . iij li. ij s.  
 Jun. 24.—*Item*, to ane Inglisman, pat come with *Writtingis* fra the *Wardouris*, . . . . . iij li.  
 Jun. 28.—*Item*, to William Champnay, for passing with twa clofe *Writtingis* to the *Erle* of  
 Arrane and *Lord Flemyng*, . . . . . xiiij s.  
 Jul. 5.—*Item*, deliuerit to George Steill, to be send to *Crawfurd-Johne*,<sup>6</sup> to hing betuix pe  
 TAPESCHERIE and pe wallis, for saviing pairof, vj<sup>xx</sup> elnis Bertane cammes, . . . . . viij li.  
*Item*, to bind pe TAPESCHERIE with, xxx fawdome of cord, . . . . . v s.  
*Item*, to pe JUSTICE CLERK, at his passing to England, to mak his furnefing, . . . . . 1<sup>c</sup> li.  
 Jul. 6.—*Item*, to Malcolmme Gourlaw to mend the *Passyngis* send to CRAWFURD-JOHNE,  
 ane stane of small cordis, price, . . . . . xiiij s.  
*Item*, to mend pe said Pailzonis, four elnis Bertane cammes, . . . . . v s. iij d.  
 Jul. (7.)—The expensis deburfit vpon the *Suffrage* of *Quene Magdalene*, quham God  
 affolzé. *In the first*, for nalis, clekis to hing pe clathis, and pynouris for dighting pairof, and to pe  
 Belman, . . . . . xiiij s.  
*Item*, to Schir Johnne Stirk to be distribut amang pe *Chaplanis*, . . . . . xxij li.  
*Item*, to pe ERLE OF BUCHANE to offer, . . . . . xxij s.  
*Item*, to Andro Watsoun, Paintour, for pe *Painting* of v dusan *Armes*, . . . . . v li.  
 Jul. 9.—*Item*, gevin for pe fraucht of ane bote at midnycht to turs ane writting to the *Car-*  
*dnall*, in haift, . . . . . x s.  
*Item*, to Johnne Cob to pas with ane *Writting* with deligence to pe KINGIS grace to Craw-  
 furd-Johne, . . . . . xxij s.

<sup>1</sup> Lady Helen Stewart, daughter of John third Earl of Lennox. She married, 1st, William fifth Earl of Errol; and 2dly, John tenth Earl of Sutherland. <sup>2</sup> Quails. <sup>3</sup> Perhaps O. Fr. *carpendu*, pomme de car, the apple called a shorte-start? *Cotegrave*. <sup>4</sup> Great quantities appear to have been purchased for the use of the King's troops, besides those obtained by burgesses, Nobility, &c. <sup>5</sup> A *rydder* of lead 'contains neerly sexscore and aucht stane.' *Shene, de Verb. Sig.* It is elsewhere stated to consist of eight pigs, every pig 'three-and-twenty stone and a half.' *Cowel*. See also *Dr Jamieson, v. RUDDER*. <sup>6</sup> During the Royal visit there.

## APPENDIX.

- Jul. 11.—*Item*, to *Johnne Scot* callit the *Sanct*,<sup>1</sup> at þe KINGIS command,<sup>2</sup> . . . . . xxij s.  
*Item*, to Schir William Layng, be ane Precept aboue þe ordinar admittit to him in my *Lord*  
*Prince Norus*, for his *Leveray Clathis*, . . . . . xiiij li. vj s. viij d.  
*Item*, to the *Kuld Maistres*, be ane Precept, at þe KINGIS command, . . . . . xx li.  
*Item*, to Williame Stratherne, for passing with clofe Writtingis to *conbente the Temporall*  
*Lordis*, . . . . . xxij s.  
Jul. 13.—*Item*, for cariage of the *Tapescherie* (Tapestry) furthe of Edingburcht to Craw-  
furd-Johnne, . . . . . xxx s. vj d.  
Jul. 15.—*Item*, to Johnne Cob for passing with clos Writtingis to þe LORD BORTHWYK and  
CAPITANE OF DUNBER; and with letteris to þe Schereffis of Berwyke, Roxburcht, Peblis, and Sel-  
kirk, for Wapinschawing, . . . . . xxxiiij s.  
Jul. 20?—*Item*, to Thomas Vdward for ane barrell of fokkettis,<sup>3</sup> deliuerit to Thomas Ham-  
myltoune, to þe KINGIS grace, . . . . . ix li. viij s. vj d.  
*Item*, gevin to Thomas Softlaw for *Stenting of the sammes at the Buttis*<sup>4</sup> in STRIUEL-  
ING, . . . . . viij s. viij d.  
*Item*, to William Purves for mending of my *Lord Princes Knok*; and for grathing of þe  
KINGIS grace Knok, making of ane new bell, with ane kift lokkit and bandit to put hir in; xij pair  
of Rache-cuppillis;<sup>5</sup> and for expensis maid be him passing to SANCTANDROIS and fra thyne to STRI-  
UELING; as his Ticket of Compt gevin pairapoun beris, . . . . . v li. ij s.  
*Item*, ane clos Writting sent fra þe Lordis to þe KINGIS grace, . . . . . xxij s.  
*Item*, to ane *Inglišman* pat brocht Writtingis fra þe BORDOURIS, and remanit vpoune his  
anfuer, . . . . . iiij li. viij s.  
Jul. 22.—*Item*, for cariage of þe same furthe of Crawford-Johnne to Edr, . . . . . xxviiij s.  
*Item*, to þe FRENCH TAPESCHER for thre hors cariage of *Tapescherie* furth of Striueling to  
Crawford-Johnne, and for crukis, nalis, and vperis expensis, . . . . . xliij s. vj d.  
Jul. 24.—*Item*, to Schir James Hammyltonis *wyffe*, quhilkis wes þe prices of cornes sawld  
to hir, being vpoune þe Manis of Toliculture, pertenyng to þe LAIRD OF ESTER WEMYS, . . . . . lxxx li.  
*Item*, Maister Johnne Lawder for his (labouris) in Writting of *Directiouns to the Court of*  
*(Rante)* for promotioun of þe *Abbayis of Coldinghame* (and) *Melrus* to þe KINGIS grace  
*Donis*, . . . . . 6  
*Item*, deliuerit to George Carmichaell, sone to þe CAPITANE OF CRAWFURD, for thre *btice*  
of *Suld*<sup>7</sup> quhilk he deliuerit to þe QUENIS grace, the *tynte schor wes in Crawford-Johnne*, price  
of þe vnca, vj li. viij s., *summa*, . . . . . xix li. iiij s.  
Jul. 26.—*Item*, for cariage of þe *Tapescherie* furth of Crawford-Johnne to Cragnethane, and  
fra thyne to Peblis and Edr, and furth of Edr to Striueling, . . . . . xxxviiij s.  
*Item*, for thre hors cariage furth of Edingburcht to Striueling with *Tapescherie quhilk suld*  
*habe passit to the Huntis*, . . . . . xviiij s.  
*Item*, for cariage of the *Buttynis* to Crawford-Johnne, þe vj day of Julij, and remanit furth  
xj hors to þe xxv day of þe samyn, takand ilk hors on þe day ij s., *summa*, . . . . . xix li. xvj s.  
*Item*, to Johnne Bog for expensis maid be him vpoun thre *Sangweleris*<sup>8</sup> quhilk

<sup>1</sup> The celebrated Papiet, who fasted forty days on several occasions both in Scotland and at Rome, &c.    <sup>2</sup> Pro-  
bably this was during or immediately subsequent to his voluntary confinement in Edinburgh Castle, until he should  
have proved he was a Holy person by fulfilling his vows of fasting.    <sup>3</sup> Some kind of preserves or comfits?  
<sup>4</sup> Stretching the canvas at the Butts, for the practice of archery.    <sup>5</sup> Dog couples.    <sup>6</sup> The ends of the lines  
obliterated.    <sup>7</sup> A specimen of a mass of Gold ore from the Royal Mine. His sister Elizabeth, daughter of Sir  
John Carmichael, was one of the King's Mistresses, by whom he had JOHN, PRIOR OF COLDINGHAM, &c. See pre-  
ceding article. She afterwards married Sir John Somerville of Cambusnethan. The PRIOR was father to the noted  
Francis Stewart, Earl of Bothwell.    <sup>8</sup> Wild-Boars; Fr. *Sangliers*. See Aug. 15 following.

came furth of France to þe KINGIS grace; awayting vponne þame xiiij dayis, and tursing of þame to Falkland, . . . . . vj li. xj s.

Aug. . . —*Item*, gevin to þe ERLE OF ERYLE for Remunstatoun of all and sundrie þe landis, lerdshippis, and Dominions, quhilkis pertenit to þe airis of vmq<sup>b</sup> Marchant in the Elis, and now pertenyng to ARCHIBALD ERLE OF ERYLE heretablie, be Alienatioune, and resignit be him in our souerane lordis handis *ad perpetuam Remanentiam*, . . . . . v<sup>m</sup> li.<sup>1</sup>

*Item*, gevin to Russ Herald, for making of his expensis, passing to the King of England with Writtingis, . . . . . xxij li.

*Item*, to Harmond Lesley, for ouergeving of þe Gift grantit to him be þe KINGIS grace of Archibald Bostoglas and William Bostoglas Eschetes, in complete payment of ij<sup>c</sup> merkis, lxxxix li. vj s.

*Item*, to Helene Rosse, to þe help of hir dochteris Marriage, at þe KINGIS grace command, . . . . . xiiij li. viij s.

Aug. 15.—*Item*, for making of ane Pale of tynner within þe PARK OF FALKLAND to the Bangwilters,<sup>2</sup> . . . . . xvj li. xvj s.

*Item*, to Williame Forrest, for thre pair of grete dog irlis for Beir-duggis, ouergilt with gold, with pair Collaris of Purpure Veluet, stuthit with giltting stuthis;<sup>3</sup> and for Arto-þedis furnesit be him to þe KINGIS grace, . . . . . iij li. vj s.

*Item*, to Schir George Clapertoune, Minister Plurimar, to þe KINGIS grace Almsous, ij<sup>viiij</sup> li.

*Item*, to him in augmentatioun thereof, . . . . . lxij li. xiiij s. iij d.

*Item*, to Jonet Logane, Lady Craigg,<sup>4</sup> . . . . . xxvj li. xiiij s. iij d.

*Item*, to Johnne Merlzoun, in complete payment of his lawbouris, warkmanschip, and furneing of the Register Hous biggit within the Castell of Edinburcht, abone þe sowme of ane hundredth and twenty pundis tane allowance in þe last Chekker; conform to þe CONTRACT maid betuix him and þe CLERK OF REGISTER pairvponne, . . . . . lclxxx li.

*Item*, gevin to Charlis Danielstoun for expensis debursit be him vpoun the Cheking of the Dungeoun and Becheing Cour in the Castell of Blaknes, with brwme<sup>5</sup> and dovet;<sup>6</sup> and for thre stok-lokkis to þe Dungeoune, . . . . . iij li. xix s. vj d.

Aug. 17.—*Item*, to Thomas Wdward, for Arwis, stringis, and arowis, deliuerit be him to þe KINGIS grace, Johnne Tenent,<sup>7</sup> George Steill, and Thomas Softlaw, at his grace command, xxx li. viij s.

*Item*, deliuerit to Johnne Moffettis seruant, Conservatour in Flanderis, send hame be him at þe KINGIS grace command, to complete ane Chalmer of the Antique Historie, (in TAPESTRY-WORK,) 273 Crownis of þe sone, . . . . . iij<sup>c</sup> li. vj s.

*Item*, to Patrik Lindsay for vij Steill sadillis and ane ring deliuerit to þe KINGIS grace, . . . . . xxiij li. ij s.

*Item*, to Johnne Clerk, Jak-makar, for ane Sak deliuerit be him to þe KINGIS grace, couerit with Veluet, . . . . . xxiiij li. xiiij s.

#### THE ROYAL HOUSEHOLD.<sup>8</sup>

Sep. 7.—*The expensis debursit vpoun þe KINGIS SERVANTIS, ORDINARIS, for thair Leberay clathis, per tempus Compoti*, (Sep. 2, 1540, to Sep. 7, 1541.) *In the first*, gevin to the Compter, Johnne Leslie, Sewartis; Oliver Sinclair, Henry Kempt, Capparit; David Wod of þe Crag, Andro

<sup>1</sup> L. 5000.    <sup>2</sup> Wild-Boars. See Jul. 26 preceding.    <sup>3</sup> Studded with gilded studs.    <sup>4</sup> This Pension is regularly paid, and is always entered among the 'ELIMOSINA.'    <sup>5</sup> Broom; *planta genista*.    <sup>6</sup> Turf.    <sup>7</sup> There is another charge of vij li. xij d. to Johnne Forestar, bowar, for Arrowis, the same month.    <sup>8</sup> The concluding entries, under this department, at the close of the reign of KING JAMES V, are so interesting, and contain mention of so many persons whose names have long been familiar to the Historian and Antiquary, that the Editor has deemed it proper to give the payments at large. He believes such an enumeration is likely to be acceptable to readers of every class, as it affords such minute details of the internal economy of the Royal Palace, &c.

## APPENDIX.

Wod of Largo, Carbouris; and pe Laird of Craigy, Ischer of the Inner-Chalmer-dur; ilkane of pame xx li., *summa*, . . . . . lxxli ti.

*Item*, to James Leremont and Patrik Wemye, Maisteris of Hofus-hall, ilkane of pame l ti., and to the Clerk of Expensis, xx li. *summa*, . . . . . lxxx ti.

*Item*, to James Aikinheid, Archibald Campbell, zeman in the Wyne-Bellar; Stevin Dudingstoun, (servand,) in his faperis place, Maister of the Silber Weschell; Robert Gib, Squyar of the Kingis Stabill; and Thomas Marshell, Maister Luke; ilkane of pame xx li., *summa*, . . . . . lxx ti.

*Item*, to William Baird, James Wod, Ischeris of the Outer-Chalmer-dur; Normond Lesley, Patrik Kircaldy, Johnne Guthre, and James Watfoune, zemen in the Kingis Chalmer; Johnne Tennent, zeman in the Wardrop; Schir George Clapertoun, Clymssinar; Schir David Cristefoun, Stewart; Schir George Scott, Abbreviatur of the Bukis; Schir Johnne Jurdane, Clymssinaris Preist; and Johnne Hay in the Kingis Pannetrie; ilkane of pir personis, xij li. vj s. vij d., *summa*, . . . . . lxxxi ti.

*Item*, to Walter Moncur, zeman in the Braithous; James Murray, zeman in the All Bellar; David Blantyre, zeman in the Grete-Lairdnar; Thomas Hammiltoun, zeman in the Spite-hous; James Richartfoune, zeman in the Petty-Lairdnar; James Edmonstoun, Johnne Bog, Robert Purves, Andro Michelfoune, zemen in the Stabill; Johnne Sprotty, smyth; Johnne Purves, zeman of the Aberp; David Hay, Sunptturman; Johnne Lawfoun, Ischer of the Hall-dur and Calzare; George Gibfoun, Maister Bayster; George Ogilvy, Comptroller Clerk; Peter Hammylton, Courte Maister Luke; Schir Johnne Mcall, Catur; Johnne Mcall, Pultreman; ilkane of pame xij li. vj s. vij d., *summa*, . . . . . ijxli ti.

*Item*, to Alexander Kempt, Alexander Quhite(law, Murdo Mck)enze and (Andro) Drummond, Scrives in the Kingis Chalmer—ilkane of pame xiiij li. xij s. iiij d.; and William Duchall, Hotel-man, xij li. vj s. vij d., *summa*, . . . . . lxxij ti.

*Item*, to Gilbert, (in Mvchettis place,) Scrive in the Wyne Bellar; Thomas Murray in the All-Bellare; William Bell, Grvme in the (Grete) Lairdnar; Kellis, Scrive for the Weschell; Gawyne Wane, Scrive for the Silber Weschell; Murdo Strueling, Patesar; Johnne Barbour, Thomas Tulloche, Scrives in the Wardrop; Troylus, Patrik Clerk, Scrives that kepis the Desertis; Malcolm Gourlaw, Callour in the Wardrop; William Galbrayth, Scrive of the Kecheing-dure; Johnne Angus and David Kircaldy, in Montis place, Scrives in the Kingis Kecheing; Johnne Cliddisdale, Scrive in the Spitehous; William Nycholl and James Dunkane, Scrives in the Courte Kecheing;—ilkane of pame takand x li., *summa*, . . . . . lxxx ti.

*Item*, to Andro Angus, and Inuerrugy in David Kircaldyis place, Under Scrives in the Kingis Kecheing; and to Patrik Anderfoune in the Braithous—ilkane of pame v li., *summa*, xv ti.

*Item*, to twa Curne-braches in pe KINGIS KECHING, and twa in pe COURTE KECHING, ilkane of pame xxvj s. vij d., *summa*, . . . . . v li. vj s. vij d.

*Item*, to Patrik Crummy and James Bog, Porteris, ilkane of pame x li., *summa*, . . . . . xx ti.

*Item*, to Mawse Atkinfoun, Labendar, for hir Leveray clathis, . . . . . xij li. vj s. vij d.

## THE EXTRAORDINARIS IN PE KINGIS HOUS, FOR PAIR LEVERAY CLATHIS.

*In the first*, to George Steill, pe Laird of Camskithe, Schir Mychaell Difart, pe Persoune of Difart, Schir William Drummond, pe Frenche Potingar, pe zoung Laird of Grange in Angus, Edward Stewart, Johnne Charterhous, and Nycholl Claphane, ilkane of pame xx li., *summa*, . . . . . ijc ti.

*Item*, to Richart Carmichaell, George Ormistoun, James Schrymgeour, Chefman Falconer, and Nycholl Arthe, ilkane of pame xiiij li. vj s. vij d., *summa*, . . . . . lxxvj li. xiiij s. iiij d.

*Item*, to Johnne Richartfoun, Johnne Monteithe, Johnne Murray that seruís the Desertis, ilkane of pame v li., *summa*, . . . . . xv li.  
*Item*, to Johnne Drummond, Maister Wyrcht, in contentatioune of his Leveray clathis, xx li.

## THE ORDINARIS IN THE QUENIS HOUS.

*In the first*, to Walter Scrymgeour, Maister Ischer in the Quenis Chalmter, for pis zere and þe zere precedant, ilk zere xiiij li. vj s. viij d., *summa*, . . . . . xxvj li. xiiij s. iiij d.  
*Item*, to Johnne Moncreif, Alexander Lindfay, and Gilbert Moncreif, Ischeris in the Quenis Chalmter, ilkane of pame zerie, be þe said space, xiiij li. xiiij s. iiij d., *summa*, . . . . . lxxxvij li.

## THE ORDINARIS IN MY LORD PRINCE HOUS.

*In the first*, to Thomas Dudingstoune, Maister Wruschald; þe Auld Laird, Maister Ischer, and his sone; ilkane of pame for þair leueray clathis xx li., *summa*, . . . . . lx li.  
*Item*, to Schir William Layng, Maister Clymmsinar; and Maister Allane Lawmond, Steuart; ilkane of pame xiiij li. vj s. viij d., *summa*, . . . . . xxvj li. xiiij s. iiij d.  
*Item*, to Cristiane Baxter, serband to Lady Jane, . . . . . xiiij li. vj s. viij d.  
*Item*, to þe four Kucherris<sup>1</sup> and the Labendar, (Laundress,) ilkane of pame vj li. xiiij s. iiij d., *summa*, . . . . . xxxiiij li. vj s. viij d.  
*Item*, to Mont, Maister Cloke to my Lord Prince, . . . . . x li.  
*Item*, to Alexander Orknay, Foreman in his Kecheing, . . . . . liij s. iiij d.  
*Item*, to Patrik Marschell, Patesar, . . . . . v li.  
*Item*, to Patrik Henderfoun, in the Kil-Sellar, and James M'kefoune, in the Pannetrie, ilkane of pame x li., *summa*, . . . . . xx li.  
*Item*, to Johnne Dowehall in the Cop-hous, . . . . . xij li.  
*Item*, to William Crummy, Portar, . . . . . vj li. xiiij s. iiij d.  
*Item*, to William Methvene, Repar of the Sfluer beschell and Colezare, vj li. xiiij s. iiij d.  
*Item*, to Thomas Stroupe, serband to Lady Jane, . . . . . x li.

## THE ORDINAR FEIS AND ZERELIE PENSIONIS.

*In the first*, gevin to the 6 Staliantis (MINSTRELS) for þair twa Leverayis in þe zere, takand ilk Leueray vj li. x s., *summa*, . . . . . lxxv li.  
*Item*, to the four Menstralis pat playis on the Weslis, for þair zerie Pensione, payit quarterlie, takand ilkane xl li., *summa*, . . . . . I<sup>o</sup>lx li.  
*Item*, to þe four Menstralis pat playis vpoune the Trumpettis of Wiere, ilkane takand xx li., *summa*, . . . . . lxxx li.  
*Item*, to þe twa Toddeis that playis vpoune the Stoische Taberne,<sup>2</sup> ilkane takand xx li., *summa*, . . . . . xl li.  
*Item*, to Hanis Cocherane, Maister Sumner, for his Pension, . . . . . I<sup>o</sup> li.  
*Item*, to Johnne Byris and James Law, Sumnerris, for þair feis, ilkane havand x li., *summa*, . . . . . xx li.  
*Item*, Robert Murray, Blunther, for his Pensione for vphalding of þe Laid (lead) of þe PALICES OF HALYRUDHOUS and LINLYTHO<sup>o</sup>, . . . . . xx li.  
*Item*, to George Balglavy, for keeping of the Palice of Halrudhous, . . . . . vj li. xiiij s. iiij d.  
*Item*, to Schir Alexander Boyd, Chaplane of Sanct Lenardis, for ane hous mayll occupit be Johnne Drummond to þe KINGIS WARK, pertenyng to his Chapelanrie, . . . . . l s.

<sup>1</sup> The Nursery-maids who 'rocked' the Prince's cradle.      <sup>2</sup> This, and many other similar notices, which the Editor has since met with, confirms the interpretation which he formerly gave of THE SWESCHE, in Vol. I, Jac. VI.



## APPENDIX.

<i>Item</i> , to Thomas Arthure, <i>Maister Callour</i> to þe KINGIS grace, for his fee,	lxvj li. xij s. iiij d.	
<i>Item</i> , to the <i>Quenis Maister Callour</i> , for his fee,	xx li.	
<i>Item</i> , to James Lindsay ( <i>Maister Falconer</i> ), for his fee,	lxvj li. xij s. iiij d.	
<i>Item</i> , to Maister Johnne Schrymgeour, <i>Maister of Mark</i> , for his fee and leveray clathis,	lx li.	
<i>Item</i> , to Thomas Mereleyis, <i>Maister Clerk</i> to þe KINGIS grace, for his fee,	x li.	
<i>Item</i> , to Johnne young, <i>Brudestar</i> , for his fee,	x li.	
<i>Item</i> , to vni <sup>o</sup> Daid Ferry ( <i>Furrow</i> ) for ane half zereis fee, becaus he deceffit within þe zere,	v li., and to Patrik Bell, Furrow, for þe vper half zere, v li., <i>summa</i> ,	x li.
<i>Item</i> , to William Ra, <i>Cultellar</i> , for his fee,	x li.	
<i>Item</i> , to Schir James Nycholfoun, <i>Maister of Mark</i> in <i>Striueling</i> , for his fee,	xij li. vj s. viij d.	
<i>Item</i> , to Johnne Burnhill, (Brownhill,) <i>Maister Mastrun</i> , for his fee,	xx li.	
<i>Item</i> , to Schir James Inglis, <i>Chaplane</i> , <i>singand for the sake of King James the Thrid</i> in þe ABBAY OF CAMBUSKYNNE,THE,	xij li. vj s. viij d.	
<i>Item</i> , to James Bannatyne, <i>Writter of the Casualteis</i> , and Maister Thomas Kene, <sup>1</sup>	x li.	
<i>Item</i> , to the Kingis <i>Aduncat</i> for his fee,	xl li.	
<i>Item</i> , to the <i>Aduncat</i> for the <i>Hober</i> ,	xx li.	
<i>Item</i> , to the <i>Wardane of the Midwill-Marches</i> , for his fee,	l <sup>o</sup> li.	
<i>Item</i> , to the <i>Wardane Deputis of the East-Marches</i> ,	l <sup>o</sup> li.	
<i>Item</i> , to the <i>Wardane of the West-Marches</i> pis zere for his fee, and þe twa zereis last precedent,	ij <sup>o</sup> li.	
<i>Item</i> , to my Lord Methven, <i>Maister of Artelgerie</i> , for his fee,	l <sup>o</sup> li.	
<i>Item</i> , to Maister James Scott, <sup>2</sup> for his Penfoune,	xij li. vj s. viij d.	
<i>Item</i> , to Maister William Meldrum, for his Penfoune,	xl li.	
<i>Item</i> , to Johnne Bannatyne, <i>Writtar</i> , for his lawbouris,	v li.	
<i>Item</i> , to Patrik Sklater, <i>Maister Savillar</i> to þe Kingis grace, for his fee,	x li.	
<i>Item</i> , to Thomas Soflaw, <i>Sword-slipper</i> , for his fe in making of his grace skalbertis, withoute ony vper payment,	xx li.	
<i>Item</i> , to Raphaell (Cassanzeis Hifpanzeart) for his Penfoun, grantit to him be þe KINGIS grace,	xx li.	
<i>Item</i> , to Walter Cvnyngname's wife in <i>Striueling</i> , for <i>halding of the Park Bkays</i> (of <i>Striueling</i> ) pis zere,	xx li.	
<i>Item</i> , to the <i>Compter</i> , for his fee pis zere,	..... <sup>3</sup>	
<i>Item</i> , to Maister Alexander Gordoun, for þe Martymes terme last bipast of his Penfoun,	l li.	
<i>Item</i> , to Maister James Foulis, <i>Clerk of Register</i> , for his fe,	xij li. vj s. viij d.	
<i>Item</i> , to Maister Thomas Bellendene, for his laubouris <i>Witting the Rollis</i> ,	xij li. vj s. viij d.	
<i>Item</i> , to Schir Alexander Scott, <i>PROVEST OF CORSTORPING</i> , for his lawbouris <i>Witting the Rollis</i> ,	xij li. vj s. viij d.	
<i>Item</i> , to the <i>Treasurer Clerk</i> , (Schir George Marschell,) for his fee,	xij li. vj s. viij d.	
<i>Item</i> , to Maister James Scott, ( <i>Writtar of the Rollis</i> ),	vij li.	
<i>Item</i> , to George Gude,	vij li.	
<i>Item</i> , to Maister William Mowbray,	v li.	
<i>Item</i> , to Johnne Wallace, ( <i>Writtar to the Rollis</i> ),	v li.	

<sup>1</sup> In the preceding Accounts, Thomas Maben was the senior 'Writter.' <sup>2</sup> In the corresponding entries of former years, 'Maister Thomas Scott, Jusrix Clerk, for his lawbouris in the Chekkar,' was inserted here. It will be observed that 'Maister James Scott, Writer of the Rollis,' occurs below. <sup>3</sup> Obliterated. The entry in the preceding Account was for two years' payments, 'modefyit with the Lordis, at the command of the Kingis grace Writting, ilk yere V<sup>o</sup>. merkis, *summa*, vj<sup>o</sup>. lxvj li. xij s. iiij d.'

## APPENDIX.

- Item*, to Stevin Hendirfo une, . . . . . v li.
- Item*, to Thomas Sinclare, . . . . . v li.
- Item*, to Schir George Richertfoune, (Keeper of the Rolls,) . . . . . v li.
- Item*, to Johnne Perdovene, ~~Master~~, for his lawbouris in þe Chakker, . . . . . v li.
- Item*, to Florence Corntoune, for his Penfion for ordouring of þe KINGIS Wark concernyng the Schipps, and keping of pair gair, . . . . . xl li.
- Item*, to Johnne Ker, ~~Master~~ of the Sulmander,<sup>1</sup> . . . . . xl li.
- Item*, to William Danielstoune, Keeper of the Palace of ~~Winterton~~, in Schir Thomas Johnnestonis place, . . . . . xx li.
- Item*, to Maister Daid Bonar, for his Penfionne for ouergeving of þe pley<sup>2</sup> of þe Vicarage of Panbryde, at þe KINGIS grace command, . . . . . xx li.
- Item*, to Maister Andro Qubytelaw, for his Penfionne for ouergeving of his Tak to Alexander Qubitelaw, ('his youngest broder,') at þe KINGIS command, zeriele grantit to him, (quhill) his grace provide him ane benefice, . . . . . xxvij li. xij s. iiij d.
- Item*, to William Fowlis, ~~Schir~~ of the Chekkir-hous Dur, . . . . . l s.
- Item*, to Peris Rowane, ~~Sunnar~~, for his Penfionne pis zere, enterit be ane Precept, . . . . . xl li.
- Item*, to Charles Murray, ~~Master~~ of the Kingis ~~Maris~~, (Brood-mares,) for his fee, liij li.
- Item*, to Daid Orrok, for keeping of the Castell of Cragnethane,<sup>3</sup> fra þe secund day of September, þe zere of God 1540, to þe famin day of September, 1541 zereis, includand ane hale zere, takand ilk day for his ordinar wage, for him self, his servand, and hors, iiij s., *summa*, . . . . . lxxij li.
- Item*, to George Tod, ~~Partar~~ in þe said Place, be þe space foresaid, takand ilk day xvj d., *summa*, . . . . . xxiiij li.
- Item*, to Maister Johnne Daidfoune, to geve to Quintyne Were, Johnne Mylhous, Malie Hill, and to Atkin Gardnar, all ~~servandis~~ in ~~Partane~~, (Craignethane,) in complete payment of þair wagis restand vnpayit be Andro Bowe, to þe last day of August, 1541, . . . . . x li. xix s. viij d.
- Item*, to Jonet Browne, quhilk wes restand awing to hir be vmq<sup>le</sup> Schir James Hammiltoune, for feding of vij Oxin, . . . . . v li. xij s. iiij d.
- Item*, gevin to þe twa ~~Sunnaris~~ of the Castell of Dunabertiche, for pair feis pis zere to cam, . . . . . xx li.
- Item*, to William Purves, (Knock-makar and ~~Smyth~~), for his Penfionn pis instant zere, xx li.
- Item*, to Andro Lorymar, for his fe pis zere and þe last zere, quhilk was ommyttit and nocht tane allowance of, ilk zere x li., conforme to his Gift admittit, . . . . . xx li.
- Item*, to Robert Blak, ~~Master~~, for his fe pis zere and þe last zere, quhilk wes omittit and nocht tane allowance, ilka zere v li., *summa*, . . . . . x li.
- Item*, gevin to Hary Ra, Inglisman, quhilk come with ~~Writtingis~~ to þe KINGIS grace fra the King of England, . . . . . xv li. viij s.
- Item*, gevin to ~~Jakkis~~ that playis upon the ~~Wells~~, to pay for his sonis buirdis,<sup>4</sup> for pair Lammes terme last bipast, be ane Precept at þe KINGIS command, . . . . . vj li. xij s. iiij d.
- Item*, gevin to Johnne Tosart, ~~Urcce-haw~~ makar, for stringis, windeffis, windes cordis, deliverit be him to Johnne Tenent, . . . . . vj li. iiij s.
- Item*, gevin to Johnne Atkynniss Wyffe, in Striueling, for meit and drink furneist to vmq<sup>le</sup> (Schir) James Hammiltoune of ~~Fynnart~~, knycht, þe tyme he remanit pair vpoune þe ~~biging~~ of the ~~New~~ ~~Wark~~ in Striueling, at þe KINGIS command, be ane Precept, . . . . . lxv li.
- Item*, to the Compter, for his super expensis in his last Comptis, as þe famyn (schawin heirwith) beris, . . . . . iiij<sup>m</sup>. ij<sup>c</sup>. lxvj li. xij s. v d.

<sup>1</sup> One of the King's Ships.  
HAMILTON of Finnart, knight.

<sup>2</sup> Law-plea.

<sup>3</sup> Forfeited to the Crown on the execution of SIR JAMES

<sup>4</sup> This payment was regularly made for a considerable period.

SUMMA of the Expences of the Royal Household, above stated, *exclusive* of the last article, . . . . . iij<sup>m</sup>. j<sup>c</sup>. lvij li. viij s. iij d.

' THE Expens of the Airis of Strickubrecht, (Oct. 22 to Nov. 9,) Wigtone, (Nov. 9 to 23,) and Ryburcht, (Apr. 30 to May 21, all inclusive,) sen pe last Chakker, (the particular items of which are detailed,) . . . . . viij<sup>c</sup>. lxxxix li. xvij s. viij d. ob.

*Item*, to Johnne Broune, Maister of the Lproune,<sup>1</sup> for his fe in pe zere bigane, and na allowance tane pairof, becaus he wes in BURDEOUS for pe tyme, in pe KINGIS seruice, xl li.; and for pis infant zere vpir xl li., *summa*, . . . . . lxxx li.

*Item*, gevin to JAMES BERTOUNE and HARY BERTOUNE, sonis to vmq<sup>le</sup> ROBERT BERTOUNE OF QUIR BERTOUNE, Thesaurar and Comptroller to pe KINGIS grace for pe tyme, in complete payment of pe zerie Penfione grantit to pame be pe KINGIS grace for all pe dayis of pair lyfe, or ay and quhill pai and aper of pame be beneficite, as his grace thinkis expedient, &c. And becaus ELIZABETHE CRAUFURD, pe relict of pe said vmq<sup>le</sup> Robert, and Robert Mowbray, *alias* Bertoune of Bernbowgall, his sonne and executouris to him, hes quyteclamyt and dischargit all soomes of money awand be our fouerane lord to pe said vmq<sup>le</sup> Robert, and superexpendit in his Comptis pe tyme he wes Thesaurar and Comptroller, as is contenit in pe Chekker Rollis, . . . . . lxxx li.

*Item*, to Arche Pennycuke, Maister of the Unicorn,<sup>2</sup> for his fee, . . . . . xl li.

*Item*, gevin to ELIZABETH HUME, dochter to vmq<sup>le</sup> William Hume, to h<sup>r</sup> Marriage, and to pe persone pat happynis to complet mariage with hir, . . . . . lxvj li. xiiij s. iij d.

*Item*, to Johnne Lowife, Fule,<sup>3</sup> and his moder, conforme to pe KINGIS grace Letteris of Gift maid pairpoune, for pis zear alanerly, . . . . . x li.

Summa annuam Expensarum hujus Compti, . . . . . xxxvj<sup>m</sup>. iij<sup>c</sup>. liij li. xix s. ij d. ob.

The Expensis maid and deburfit vponne the M<sup>nt</sup>ntis and Craftismen wirkand pairon, within pe CASTELL OF EDINBURGHE,<sup>4</sup> and vpiris places, . . . . . I<sup>m</sup>. j<sup>c</sup>. lxx li. vij s. vj d. ob.

Sept. 9.—*Item*, gevin to James Scrymgeour, at his passing to France, . . . . . I<sup>c</sup>. x li.

*Item*, deliuerit to him to geve thre Falconeris pat passit with pe Halkis in France, lxvj li.

*Item*, gevin to pe QUENIS grace Maister Household and his wyffe, at pair departing to FRANCE, . . . . . ij<sup>c</sup>. xx li.

Sept. 13.—*Item*, gevin to William Straitherne, for his expensis passing with twa clofe writings to Walter McFarlane and McGregour with diligence, . . . . . xliij s.

Oct. 3.—*Item*, gevin to ane Ducheman<sup>5</sup> for two Pysants of Mailze, twa Pansis of mailze, twa pair of Cressonis of mailze, xiiij Crownis of pe sone; x Halkryggis but heid-gair and Tesselis, x Crownis of the sone; twa Halkryggis, with Heid-gair and Tesselis, iij Crownis of pe sone; twa stand of Harnes, with Glubis and Hoggings, ane Collar of Steill, and ane Pysane of melze, xiiij Crownis of pe sone; all pis gair deliuerit to William Smythberd,<sup>6</sup> *summa*, . . . . . xlvj li. iij s.

Oct. 10.—*Item*, to Adame Logane, sone to Robert Logane,<sup>7</sup> to by him an Horse and to furneis him clathis, passing to the King of England with Halkis, . . . . . xxij li. xiiij s. iij d.

*Item*, to Caldwellis, Falconer, quhilk passit with pe samyne Halkis, to by him ane hors, and furneing of his clathis, . . . . . xxij li. xiiij s. iij d.

<sup>1</sup> One of the Royal Vessels of War.

<sup>2</sup> Another of the King's Vessels of War.

<sup>3</sup> The Court Fool or Buffoon.

<sup>4</sup> One of the entries is as follows:—'ITEM, the penult day of Julij, resault be Johnne Drummond fra Florence Corintoun, ij<sup>c</sup>. ane less (199) Estland buird to THE SCHROUDING OF THE REGISTER Hous; and gevin to the pynouris for baring of the samin to the cartis and carting thairof, iij a. ITEM, gevin to the Carteris, for carrage of the samin to THE CASTELL, extending to xix draucht, xlviij s. vjd.'

<sup>5</sup> He also, on Oct. 10, got xxij li. for ' thre schorte Culueringis, ane Swerd, ane lang Culuering, and ane sadill, deliuerit to ye Kingis grace.'

<sup>6</sup> This is one specimen of the numerous entries for DEFENSIVE ARMOUR, which KING JAMES V. and his father had a singular passion for collecting, of the finest workmanship, from foreign countries; as well as what could be produced, of every possible pattern, in Scotland. Their collection of Armour for THE TOURNAMENT was equally remarkable, with all kinds of Jedburgh-Staffs, pikes, Cross-bows, &c. &c. The nature of the Armour here enumerated, has frequently been explained in the course of this work.

<sup>7</sup> On Dec. 22, Robert Logane, YOUNG LAIRD OF RESTALRIG, got expensive dresses of ' blak Damase' and ' Sating,' &c. It is likely he was the person here mentioned.

## APPENDIX.

<i>Item</i> , gevin to Thomas Arthure, for furnesing of Clathis of Reid and zallow to twa <i>Futentem</i> pat passit with pe Halkis foresaid,	vij li. vij s. j d.
<i>Item</i> , gevin to Caldwellis, for thre monethis Wageis to him, his servandis and x <i>Halkis</i> , xix li. xj s.	
<i>Item</i> , to mak pair expensis to pe KING OF ENGLAND with pe saidis Halkis,	xxxiiij li.
Oct. 15.— <i>Item</i> , to David Blythe, to pass in Ingland for ane <i>Contract to the Ambassadouris</i> ,	xx li.
<i>Item</i> , to ane servand of pe CARDYNALLIS, quhilk brocht <i>Writtingis</i> to pe KINGIS grace furthe of France,	xxij li.
Oct. 16.— <i>Item</i> , for hingting of the <i>Capescherte</i> in HALYRUDEHOUS, and down-takin of pe famin,	vij s.
Oct. 22.— <i>Item</i> , gevin to JOHNNE LESLYE, broder to MY LORD OF ROTHES, to by him <i>Clathis to his Marriage</i> ,	li.

## DEATH OF MARGARET, QUEEN DOWAGER OF SCOTLAND.

[THE date of QUEEN MARGARET'S DEATH has long been a doubtful and controverted point, and is now, for the first time, settled from indisputable authority. It is only necessary to notice a few of the earlier writers, as the later authors merely perpetuate their errors. *Bishop Lesley* states, that immediately after the 'Quene moder' had stood 'Godmoder' to PRINCE JAMES, (which event he dates 1539,) she 'passit to Methwen, to remane thair with hir husband; quhair scho tuk seiknes, and schortly eftir deceasit; and was buryit in the Charter-Hous Kirk, at PERTH, in King James the Firatis graif, with greit honour and pompe-funeralle, THE KING him selfe and mony Nobill men being thair present.' *BANNATTINE CLUN'S Edit.* p. 157.—*Balfour* falls into the same blunder. *Annales*, I, 270.—The above entry in the Treasurer's Accounts is confirmed by 'THE CHRONICLE OF PERTH,' which has recently been printed for THE MAITLAND CLUB. 'QUEEN MARGARET, mother to King James the Fyft, deceisat on Sanct Munokis day, in Methuen, 1541 yeiris; bureit in the Charter hous, besyde Perth, the Kingis Maicstie, Nobilitie, and Barronis being present.' *Chron. of Perth*, p. 2.—It is proper to add, that there are two Scottish SAINTS in the Calendar for October, ST MONON, martyr, at Arduena, A.D. 404, Oct. 18—and ST MARNOK, Bishop and Confessor, who died at Kilmarnock, A.D. 322, Oct. 25. The former of these, however, is the likelitest date of the two, from the various entries, and from the time which must have been employed in preparing the Funeral Ceremonies and 'DWLE' dresses.]

<i>Item</i> , gevin to pe MAISTER CWKE, to be him ane <i>Bole</i> <i>Writ</i> , ix elnis French blak, xiiij li. viij s.	
<i>Item</i> , to ANE FRENCHEMAN, callit Howefone, for v dusane <i>Halk-hudis</i> , xx pair <i>Halk-bellis</i> , and twa <i>Glubis</i> , xxxv Crownis of pe sone,	xxxvij li. x s.
Oct. 26.— <i>Item</i> , to ane Officiar pat passit withe ane Writting fra pe JUSTICE CLERK to pe LORD MAXWALL, for <i>continebatione</i> of ane <i>Laborte</i> of Justiciarie,	xxij s.
Oct. 30.— <i>Item</i> , deliuerit, to be pe KINGIS grace ane <i>Bole</i> , <sup>1</sup> <i>Sawne</i> , <i>Wud</i> , and <i>Cote</i> , <sup>2</sup> xj elnis half elne Paryse blak, price of pe elne l s., <i>summa</i> ,	xxvij li. xv s.
<i>Item</i> , for ix elnis blak freis, to lyne pe Cote all throcht,	xxxvj s.
<i>Item</i> , for pointis and ane tolat to turs it to SANCT JOHNSTOUNE, <sup>3</sup>	iiij s. iiij d.
<i>Item</i> , for twa <i>Bole</i> <i>Burgettis</i> to his grace,	xl s.
<i>Item</i> , to be his grace ane <i>Ryding-Cote</i> , four elnis Paryse blak,	x li.
<i>Item</i> , Paryse blak, to be his grace ane <i>Ryding-Cote</i> , <sup>4</sup>	vij li. xj s. x d. ob.
<i>Item</i> , to Robert Blak, to pass and proclame ane Justice Courte in <i>Bedburghe</i> , to be haldin pe xxij day of November nixt to cum,	xxij s.

## 'THE QUENIS TYREMONT.'

Nov. 1.—*In the first*, gevin to Alexander Hwtoune, to pas and warne pe ERLES OF HUNT-

<sup>1</sup> O. Fr. *Dueil*, mourning weeds. *Cotgrave*. <sup>2</sup> On Oct. 15, the King got 'SKALBERTIS to his SWERDIS of blak Veluet.' On 21st, there was delivered to the King in 'THE ABBAY, xv elnis of blak Veluet of JANIS, quhilk was send to THE QUENIS grace, xlv li.' On 25th, 'ane *Cote*, with slevis of blak Veluet, and DOWLEIT of blak Sating,' with other furnishings of black. <sup>3</sup> Perth—where Queen Margaret was buried. <sup>4</sup> There are other furnishings of 'lyningis,' 'pasmentis,' 'schone,' (shoes,) and 'LYARD and twa CUSCHEONIS of French blak.'

## APPENDIX.

LIE, MARSCHELL, MURRAY, and vperis Lordis and Gentilmen in þe NORTH to cum to the Quenis  
Cpment, . . . . . xliij s.

Item, to Robert Blak, fiklyke Letteris to þe ABBOTTIS OF Newbotill, Melros, Lord Zester,  
and vperis Lordis and Gentilmen in Lothyane, . . . . . xxvj s. viij d.

Nov. 2.—Item, to Henry Kempt, to caus þu Suffrage for Ebene Magdalyne, quham God  
affolze, . . . . . xj li.

Nov. 5.—Item, to Ormond, Purfewant, for passing with ficlyke Letteris to FYFFE, STRAITH-  
ERNE, and MENTEITHE, . . . . . xliij s.

Item, to Johnne Cob, for passing with ficlyke Letteris to þe ERLE OF CASSILLIS, LORD  
SYMPILL and ROSS, and vper Gentilmen in þe WESTLAND, . . . . . xliij s.

Nov. 11.—THE QUEEN and her 'LADYIS OF HONOUR' got ~~þole~~ ~~Weds~~ and ~~þurning~~  
~~Bresses~~ furnished on Nov. vij, ix, and xj, which appear to have been sent to Falkland. It is unne-  
cessary to repeat them here.

Item, gevin to Patrik Bell, FURROUR, for ~~Furringis~~ and warkmanschip furnesit to the  
Quenis grace and þe ~~þole~~ ~~Weds~~ foresaid, as his Compt beris, . . . . . xxx li. ij s.

Item, to Archibald Leythe, for Furringis deliuerit be him to þe QUENIS grace, to þe effect fore-  
said, . . . . . xxiiij s.

Nov. 14.—Item, gevin to William Straitherne, for passing with Letteris to DUNBERTANE,  
Renfrew, Irwin, and Air, to charge þe Gentilmen of þe Schyris pass with the Cris of Glenkarne to  
þyntpre, . . . . . xliij li.

Item, to Alexander Hutoune, for passing to ~~McGregour~~ and Allane Stewart of Baquhidder,  
with twa clofe Writtingis, . . . . . ij li.

Item, gevin to Archibald Heryot, for passing with Letteris to ~~þelkirk~~ to bring in certane  
eschete gudis of þe KERRYS, that ~~stole~~ the ~~þrobest~~ pairof, . . . . . xx s.

Nov. 16.—Item, gevin to Thomas Arthour, (Master Tailor,) for making xv Clarks to the  
Quenis grace and þir Ladyis,<sup>1</sup> ilk Cloke iiij s., *summa*, . . . . . ij li.

Nov. 19.—Item, gevin for ane ~~þole~~, of Scottis blak, to ~~þyrtne~~ ~~Leslye~~, sone to þe ERLE OF  
ROTHES, . . . . . iiij li. ix s. ij d.

Nov. 19.—Item, gevin to ORMOND, Purfewant, to pas with Letteris to warne þe Barronys to  
ryde with the Kingis grace to the ~~þordauris~~,<sup>2</sup> . . . . . xliij s.

Nov. 28.—Item, to Archibald Heryot, for passing with Letteris to the ~~þardane~~ of the  
~~þyrdill~~ ~~þarcheis~~ of England, . . . . . ij li. vj s.

Nov. 29.—Item, to be the Turk<sup>3</sup> ane Cote, v $\frac{1}{2}$  quarteris demmegrave, and v $\frac{1}{2}$  quarteris Zal-  
low,<sup>4</sup> . . . . . lvij s. ix d.

Nov. 30.—Item, gevin to Thomas Ahannay, for his expensis passing to PERTHE with þe  
QUENIS Ladyis Clarks, . . . . . xj s.

Item, deliuerit to Johnne Mosman, for ~~þenzeis~~ of Gold and vper Gold wark, brocht furth  
of FRANCE be him, and deliuerit to the Quenis grace, . . . . . ij c. xxvj li.

Dec. 15.—Item, deliuerit to the ~~þapescher~~, to cover þe Stavis (Posts) of ane ~~þed~~ to þe  
KINGIS grace, and hing aboute þe samin, xiiij elnis ~~þrammusspe~~ ~~þeluet~~, . . . . . lxxxix li. vij s. vj d.

Item, to (be) Frenzeis to þe said Bed, ix grete hankis ~~þefing~~ Gold, . . . . . ix li. xvij s.

Item, to þe TAPESCHER, for his warkmanschip and making of þe Frenzeis to þe said Bed, and  
making of the Clathis of ~~þtapt~~ following,<sup>5</sup> . . . . . vj li.

<sup>1</sup> 'FUTE MANTILLIS' of 'Paryse' and 'Frenche blak' were provided, on Nov. 3, for THE QUEEN and her LADIES OF HONOUR, with 'HARNESINGIS,' &c., and similar furnishings were also made for THE KING, &c.

<sup>2</sup> Other messengers, dispatched with similar Letters. <sup>3</sup> Probably the same individual who is elsewhere styled 'The Littill Turk,' one of the Court Dwarfs. From the quality of the dress, he appears to have been a Jester or Buffoon, whose *molly* dress was green and yellow.

<sup>4</sup> He also got a doublet and hose of 'blak fustiane and Scottis gray.'

<sup>5</sup> It is unnecessary to enumerate these, for although they are interesting, they are too numerous to admit of insertion.

- Dec. 21.—*Item*, deliuerit to Thomas Arthair, to be ane Dwle Gowne, Cote, and Huid to þe KINGIS grace, xj½ elnis Paryse blak Sating,<sup>1</sup> . . . . . xvij s. ix d.
- Dec. 23.—*Item*, deliuerit to Dauid Blyth, to by him ane ~~Wole-Cote, Huid, and Huis~~, and to mak his expensis passing with the Embassaturis in England, . . . . . xx li. iiij s.
- Item*, gevin to George Leslye, sone to þe ERLE OF ROTHES, to by him claithis agane Zwle, . . . . . xx li.
- Item*, to Maister James Bonar, quhilk he gave for Cedronis and Garnattis to þe KINGIS grace, . . . . . iij li. vj s.
- Item*, to þe men þat brocht þe Gyre-Falconis to þe KINGIS grace, . . . . . xliij s.
- Dec. 24.—*Item*, to be Curcheis to Lady Jane for hir ~~Wole~~, four ½ elnis Holland clayth, and four ½ elnis round Holland clayth, . . . . . iij li. xiiij s. vj d.
- Item*, deliuerit to þe TAPESCHER, to be four Clathis of Stait, to þing the Chapell and þe KING and QUENIS ChaInterris, xlvij elnis Frenche blak, . . . . . lxxij li.
- Item*, to Johnne Young, Brovester,<sup>2</sup> to be ~~Wendykallis~~ and frontellis to þe KING and QUENIS Altar, vij½ elnis Frenche blak, . . . . . xj li. v s.
- Item*, to be Coberingis to the Lettronis<sup>3</sup> in þe CHAPELL, xij elnis blak Birge Sating, price of þe elne x s., *summa*, . . . . . vj li.
- Item*, gevin to Johnne Young, for twa Cruceffris of silk browdery wark, and twa Intageis of sur Lady and Sanct Johne; for making of þe coweringis of þe Lettronis, withe fassis of silk and furnesing pairto; and making of all þe foresaid Chapell gair, . . . . . xvij li. vij s.
- Item*, gevin for waving of vj½ vnces blak filk, deliuerit to Thomas Softlaw, to bind the Kingis Swerd-handis withe, . . . . . ix s. ix d.
- Item*, gevin to Johnne Mosman, for ane Clamb-schell of siluer to put ~~Twische~~ puluer<sup>4</sup> in, weyand thre vnces, price of þe vnce xvj s., and for þe warkmanschip, xiiij s., *summa*, . . . . . iij li. ij s.
- Item*, for ane vper Clamb-schell to put ~~Wulk~~ mett in,<sup>5</sup> weyand vij ½ vnces grote wecht; and for þe warkmanschip, xx s. *summa*, . . . . . vj li. xiiij s.
- Dec. 29.—*Item*, gevin to Petir Thomesone, for his expensis passing to Lundyne to the Embassaturis withe deligence, . . . . . xxij li.
- Item*, deliuerit to Thomas Arthair to þe LADY CRAGY, to be hir ~~Wole-Cotone, Kirtill, and Huid~~, vij elnis Paryse Blak,<sup>6</sup> . . . . . xij li. xij s.
- Jan. 3, 1541-2.—*Item*, to mend the Quenis Chertot, vj½ elnis blak Veluet, xvj li. xvij s. vj d.
- Item*, for v quarteris auld Cramefly Sating, to mend þe lynyng of þe famin, . . . . . iij li.
- Item*, to Helene Rofs, to mak Frenzeis to þe said Chertot of blak filk, . . . . . iij li. v s. iiij d.
- Item*, for ane renze of worfet to þe Lady Cragies brydill,<sup>7</sup> . . . . . iij s.
- Item*, gevin to Johnne Cranstoune, for bringyng of the Chertis to þe KINGIS grace, vj li. xiiij s. iiij d.
- Jan. 10.—*Item*, to the Hispanjert Gentslman þat is withe RAPHAELL,<sup>8</sup> . . . . . x li.
- Item*, to þe said Raphael, at þe KINGIS grace command, . . . . . x li.
- Item*, to Alexander Wicht, cultellar, for v gilt ~~Quyngaris~~, ane ~~Wedburghe-Staff~~, twa ~~Spatr-hedis~~, ouergilt, and four ~~Buggesun-stakks~~,<sup>9</sup> . . . . . vij li. xvj s.
- Jan. 11.—*Item*, to Jakkis and his collegis, Armoraris, for ane ~~Iycht~~ Harnes, with dowbill TESLETTIS, and ane STELE-BONET to þe KINGIS grace, deliuerit to Robert Gyb, . . . . . xiiij li. ix s.

<sup>1</sup> Many other furnishings.    <sup>2</sup> Embroiderer.    <sup>3</sup> Deaks. O. Fr. *Lectrin*, letrin.    <sup>4</sup> It is uncertain whether this is *touch* and priming powder, or *tooth-powder*, though the Editor believes the latter to be the proper reading, as a Clam-shell would not make a ready flask for priming a culverin, &c. See under Feb. 15, 1541-2, following.    <sup>5</sup> This was a favourite ornament of THE KING'S. He appears to have been eminently skilled as a Falconer, and indeed in all the sports of the field and manly exercises.    <sup>6</sup> She also got 'ane RIDING CLOKE,' 'DWLE CWACHEIS,' consisting of 8 elns of 'Holland claithe,' 'ane FUTE-MANTILL and HARNESSING,' with 'ARMING (Ermine) to lyne hir Huid and tall of hir Gowne,' amounting to xxij li. iij s. additional.    <sup>7</sup> There is much interesting expenditure, for furnishings to the Royal Stables, &c. at this period, but too lengthened to be given here.    <sup>8</sup> Raphael Casanzels.    <sup>9</sup> Stocks or handles to Dudgeon-daggers.

## APPENDIX.

- Item*, to Robert Crag, for *ane Collar of gold sett with Perle*, brocht hame be him to *pe* *QUEENIS* grace, xvij li. xij s.; and for Bonettis, sward-beltis, sewing-silk, and vper gear, xiiij li. xij s.,  
*summa*, . . . . . xxxij li. iiij s.
- Item*, gevin to Williame Calderwood, for *ane pair of Organis*, deliuerit to the *Chapell in* *Walgrudhous*, . . . . . lx li.
- Jan. 24.—*Item*, to Schir David Murray of Balwaird, kny<sup>t</sup>, in recompance of his landis of *DUDINGSTONE*, tane in to the *new Park besyde Walgrudhous*, . . . . . iiij li.
- Item*, to Dame Mayne, in *pe Cannogait*, for dettis awing to hir be *Barbara Stewart*, at *pe* *KINGIS* command, . . . . . l li.
- Jan. 31.—*Item*, to Peter Thomfone, for his expensis *passing to Lundyne to the Embassa-*  
*touris*, with diligence, . . . . . xxxij li.
- Item*, to Johnne Cob, for *passing with clofe Writtingis to the Capytane of Dunbar and*  
*Princes of Wadingtoun*, . . . . . xij s.
- Feb. 2.—*Item*, gevin to Helene Rosa, for *ane Pors* to putt iij<sup>c</sup> Crownis in, quhilk wes gevin  
to the *French Embassatur*, . . . . . xiiij s.
- Feb. 14.—*Item*, gevin to the *Quenis Paintour*,<sup>1</sup> to by colouris to paint with, in *Falk-*  
*land*, . . . . . xj li.
- Feb. 15.—*Item*, gevin to Johnne Mofman, (goldsmith,) for *two Walk-bellis of Gold* to *pe*  
*KINGIS* grace, weyand xij  $\frac{1}{2}$  Vnicorne wecht, price of *pe* vnce viij li., *summa*, . . . . . xiiij li. x s.
- Item*, gevin to him for making of pame, . . . . . xxij s.
- Item*, gevin to him for *ane Pennare of siluer*, to *keip Wyke-tette in*,<sup>2</sup> to *pe* *KINGIS* grace,  
xxvij s., and making of it, xiiij s., *summa*, . . . . . xliij s.
- Item*, gevin to him for *Chenzeis, Cabulattis, Cergattis, Bracelattis, Kingis, Stannis, and*  
*Perles*, furnesit pairto, . . . . . iiij<sup>c</sup>lxxxvij li. iiij s.
- Item*, gevin to Thomas Rynd, for *sicyke Gold-wark*, . . . . . ij<sup>c</sup>xlx li. vj s.
- Mar. 5.—*Item*, gevin to Alexander Hutonne, to pas to *pe* Lord Maxwell with the *Portuys*<sup>3</sup>  
at the *Justice Courte of Annardale*,<sup>4</sup> . . . . . xxij s.
- Mar. 6.—*Item*, to be *clase Cberis to the Steill-sadillis*, v *dufane* and four *Bafane*<sup>5</sup>  
*skynnis*, . . . . . viij s. x d.
- Mar. 10.—*Item*, gevin for *Clathis furnesit* to Thomas Dury, *Cloke to Lord James*, x li. vij s. j d.
- Mar. 13.—*Item*, to be *ane Rycht Gowne to Maistres Margarete*, sifter to *pe* *ERLE OF*  
*LEVINAX*, ix elnis *Lylis* worset, . . . . . vj li. xiiij s.
- Item*, for *Mertrykatis* and *blak (Sable) skynnis*, to lyne *pe* *said gowne* with,<sup>6</sup> . . . . . iij li. x s.
- Apr. 24, 1542.—*Item*, gevin to Charlis Murray, for *ane Wardit (Barbed) Warnessing* to *THE*  
*KINGIS* grace *Hors*, . . . . . xxij li.
- Item*, gevin to him for *lxxxix Hagbuschis*, deliuerit to *pe* *Mvntioune Hous*, price of the pece  
xiiij s., *summa*, . . . . . lxix li. vj s.
- Item*, to the *Protector*, and *ane vper servend* of *THE QUEENIS*, at pair *passing* to  
*FRANCE*,<sup>7</sup> . . . . . xxxij li.
- Item*, to Hallot, *Page*, to furneis his expensis to *France*,<sup>8</sup> . . . . . xxxij li.
- May 5.—*Item*, gevin to the *Quenis Paintour*, for *ane monethis wage*, fra *pe* *thrid day* of  
*pis monethe* to be *pait* to him *monethlye*, as it *cummis* *vpone* *pe* *day*, to *ij* s. *vj* d. for him and his  
*servend*, . . . . . iij li. x s.

<sup>1</sup> The name of this individual cannot be traced in the Record. He was for a considerable time in the constant service of the Queen, and receives many large payments. <sup>2</sup> See Dec. 24, 1541, preceding. <sup>3</sup> The Porteous Roll. <sup>4</sup> Usually written 'Annanderdail.' <sup>5</sup> Bison. <sup>6</sup> A variety of other furnishings, 'blankettis, lynnyng schetis, boystaris, Arres-wark for a bed-cover,' &c. <sup>7</sup> See Jan. 20, 1540-1, of these Extracts. <sup>8</sup> He also got costly dresses, previous to his departure.

May 12.— <i>Item</i> , send to SANCTANDROIS, to be ane Gowne to THE LADY ERROLL, agane her Marriage, xiiij elnis reid Veluet of grane,	xlv li. x s.
<i>Item</i> , to be hir ane Kirtill, vij $\frac{1}{2}$ elnis Purpure Sating,	xxij li. x s.
May 22.— <i>Item</i> , to be send to SANCTANDROIS, to be Clathis to SERAT, the Quenis Stole, thre elnis dimmegrave, and thre elnis zallow,	vj li. xvij s.
<i>Item</i> , to <del>Ross</del> , HEROLD, at pe KINGIS command, for his lawbouris awaytand vpon the French Ambassatur, the tyme he wes heir,	x li.
<i>Item</i> , gevin to Peter Ross, for turling of Letteres to the Duke of Pommer, <sup>1</sup>	vj li. xij s.
May 24.— <i>Item</i> , to be ane Cote and ane pair of hors (for pe KING) of pe Stalene fassoune; and to jelt the Cote with thre vanis aboute the Taill, xj elnis blak veluet of Janis, <sup>2</sup>	xxxij li.
<i>Item</i> , to ane Inglisman pat brocht Writtingis to the Embassaturis,	vj li. xij s.
May 27.— <i>Item</i> , to Katheryne Bellendene, to be ane Glesse to put above THE KINGIS Harnes, twa elnis Purpure tefites, withe thredis of gold,	xl s.
<i>Item</i> , for rubennis of silk pairto,	ix d.
Jun. 1.— <i>Item</i> , gevin to Thomas Wallace, Talzour, for making of THE QUENIS grace Whole Garters and hir Lappis, and furnesing maid be him pairto,	x li. xj s. viij d.
Jun. 7.— <i>Item</i> , to Johane Caldwellis, for his expensis passing in NORROWAY for <del>Halkis</del> to THE KINGIS grace,	xxij li.
<i>Item</i> , gevin to Johnne Mwre, for his expensis passing to gyd the said Johne in <del>Noroway</del> , xj li.	
<i>Item</i> , gevin to THE LAIRD OF BRUNTSTONE, for his expensis passing to France, at THE KINGIS command, with four hors,	l <sup>c</sup> x li.
<i>Item</i> , to pay for pe Fraucht, and boyis to kepe pame,	xx li.
<i>Item</i> , to THE LAIRD OF STEVINSOUNE, for his expensis passing to FRANCE pe samin tyme,	xxxij li.
<i>Item</i> , deliuerit to ANDRO WOD OF LARGO, at THE KINGIS command, be ane Precept, to redente <del>Landis</del> , as his grace hes gevin him command,	ij <sup>m</sup> li.
Jun. 17.— <i>Item</i> , deliuerit to the French Spryngar, at his passing to FRANCE,	xxxij li.

## REGALIA—THE KING'S AND QUEEN'S CROWNS.

Jun. 27.—*Item*, gevin to THE CAPITANE OF CRAWFURD, for fyve score xij  $\frac{1}{2}$  vnce bruntsting Gude of Mynd, price of the vnce vj li. viij s., quhilk wes deliuerit to Johnne Mofman and disponit vpon THE KING and QUENIS graces CROWNIS, weyand, the Kingis Crowne, xlj  $\frac{1}{2}$  vnce; the Quenis Crowne, xxxv vnce; and to eyk, ane grete Chenge to his grace, xvij vnce, and ane Belt to pe QUENE, weyand xix  $\frac{1}{2}$  vnce, vij<sup>c</sup>xvij li. viij s.

Jun. 28.—*Item*, to the Quenis Spairtour, for his Wageis fra pe last of May, ij li. x s.

Jun. 30.—*Item*, gevin to the LORDIS ERSKIN and RUTHVENE, for supporting of thair Expensis passing to the ~~Wardouris~~, ilkane 200 merkis, and to pe JUSTICE CLERK 100 merkis, ij<sup>c</sup>xxxij li. vj s. viij d.

*Item*, to Dauid Creichtoune, CAPITANE OF pe CASTELL OF EDINGBURCHT, for Expensis maid vponne MATHOW HAMMYLTOUNE, EWYNE McNEILL VANE, THOMAS GRAY, and ANDRO HAMMYLTOUNE, (State Prisoners,) be pe space of ane zere, lx li.

Jul. —*Item*, ressaunt fra Alexander Quitelaw, ane Clammeschell of filuer, weyand vij vnce half grote wecht, to mak ane new Schell to keip pe KINGIS Halk mett,<sup>3</sup> and eikit to pe samyne twa vnce  $3\frac{1}{2}$  grote wecht; and to be ane stoppell to ane schell to keip the Kingis grace ~~Chuthe~~ pulder, xxxij s.

*Item*, gevin to him (Johnne Mofman) for making of pame, xx s.

Jul. (7.)—*Item*, The Quenis (Magdalenes) Berige celebrated as usual.

<sup>1</sup> Pomerania.<sup>2</sup> Many other furnishings, &c.<sup>3</sup> See Aug. 13, 1540, of these Extracts, &c.



## APPENDIX.

- Jul. 7.—*Item*, gevin to **GRAND, PERSEWANT**, for his Expensis passing to warne þe Lairdis of Struelingfchyre and Lothyane to ryde with þe **QUEENIS** grace þe tyme sche passit forth of Strueling to **PEBLIS**, . . . . . xxij s.
- Jul. 8.—*Item*, gevin to Thomas Ramfay, Falconar, for his Wageis remanyng in Edinburcht vpon the setting of the Kingis grace **WALKIS**, . . . . . iiij li. viij s.
- Jul. 10.—*Item*, gevin to the **QUEENIS** **Paintour**, for his wageis to Aug. first nixt to cum, (the same being paid monthly,) . . . . . iij li. x s.
- Item*, to William Smythherd, for dighting of **THE KINGIS** grace **Justing Harnes** and gilt Harnes, Steill Sadillis, Roundellis for Speris, Schaifronis for Horsis, &c. . . . . xx li.
- Jul. 11.—*Item*, gevin to Johnne Bertoune, for expensis maid vponne the **Grete Vntourne**,<sup>1</sup>
- Jul. xj, 1541, at hir passing to France with the **Cardinall**; and paying of Marynall wages, &c., except hir victaling, . . . . . lxxlix li. xxij d.
- Jul. 13.—*Item*, deliuerit to þe **KINGIS** grace, in **PEBLIS**, ane **King** with ane grete **Sapphite**, (**Sapphire**), . . . . . xvj li. x s.
- Item*, gevin to Johnne Paterfoune, for ane Kaife for vj **Grete Peces** (Silver Plate), xvj s.; and for ane Kaife to iiij small **Peces** with ane cover, x s.; and for twa Kaiffis to twa **Latouris** of **Stuer**, xx s., *summa*, . . . . . xlviij s.
- Item*, to þe **CAPITANE OF DUNBAR**, for sustenyng of **Johnne Morydart** in meit and drink fra þe feist of Candilmes, 1540, to þe feist of Lammas, 1541, . . . . . xlv li.
- Jul. 14.—*Item*, gevin to Peter Thomfoune, for his expensis passing to the **Counsaill of Sark** with deligence, . . . . . xv li. viij s.
- Item*, gevin to Johnne Merlounne, in complete payment for the **Biging of the Register Bous** in **THE CASTELL OF EDINBURCHT**, aboue þe sowme promittit him in the Contract, becaus the werk wes ekit,<sup>2</sup> . . . . . xxij li.
- Item*, gevin to Frances Aykman, for **Bruggis** furnesit be him to þe **KINGIS** grace, and to **Maisteres Margarete**, at his grace command, . . . . . lxxiiij li. xvj s.
- Jul. 16.—*Item*, for cariage of **THE PALZEONIS** to the **Hunting**, and Hors wage, fra þe vij of þis moneth, . . . . . ix li.
- Item*, gevin to William Hardy, passing to Dunfermling with ane clofe Writting to þe **BISCHOPPIS**, being pair, to cum to Edinburcht to conbray the **QUEENIS** grace, &c. . . . . xxij s.
- Jul. 17.—*Item*, gevin to Robert Spittall, for making of þe **QUEENIS** **Wole Habytis** and hir **Ladytis**, . . . . . xxij li. ix s. vij d.
- Jul. 18.—*Item*, to ane boy, to pass with ane Writting of my **Lords Secretaris** to Dumfermling to **THE LORDIS**, being pair, . . . . . iiij s.
- Jul. 20.—*Item*, to Robert Blak, for passing with Letteris fra þe Lordis to **Bedburcht**,<sup>4</sup> xxij s.
- Item*, to Raphael Hyspangert, for his pensioune, . . . . . xx li.
- Jul. 21.—*Item*, gevin to Adam Grymslaw, to furneis (hire) him ane Hors to þe **KINGIS** grace, xliij s.: And at his returnyng agane furth of **Cryple**, xliij s., *summa*, . . . . . iiij li. viij s.
- Item*, to Petir Thomfoune, for his expensis passing with deligence eftir the **Maister of Hous-hous**, . . . . . xxvj li. viij s.
- Jul. 26.—*Item*, gevin to þe **LAIRD OF SWYNTOUNE**, be deliuerance of þe **LORDIS**, for ane **Hors** quhilk wes tane fra **Scot** **William Chertis**, and he wes causit to mak redrea pair of be þe **Lordis Commissionaris**,<sup>5</sup> . . . . . xxxiiij li.

<sup>1</sup> One of the Royal Vessels of War.<sup>2</sup> Lavers.<sup>3</sup> Because additions were made to the work. There

are many entries of payments to account of this building in former parts of the Accounts. See also Aug. 16, 1542.

<sup>4</sup> The same day Letters were despatched to 'THE BISCHOPPIS, PRELATTIS, and LORDIS, throcht all THE WESTLAND and NORTHLAND.' And during the remainder of the month a great stir was made, in summoning all the Barons, &c. 'for suppleing of THE BORDOURIS,' &c.<sup>5</sup> The Lairds of Aytoune and Swyntoune were WARDEN-DEPUTES OF THE EAST MARCHES at this time, having regular Pensions for their services.

- Jul. 29.—The *Expensis* of the *Print Island*, and THE KINGIS grace *Schippis*, *per tempus Compti*, . . . . . iij<sup>c</sup>lxxvj li. xvj s. xj d.
- Item*, to Alexander Orrok of Sillibawbe, in *Uchir-gude* with Barbara Falconer, dochter to vmq<sup>le</sup> David Falconar, at PE KINGIS command, because the said vmq<sup>le</sup> David wes flane in his grace seruice,<sup>1</sup> . . . . . j<sup>c</sup>xxxiiij li. vj s. viij d.
- Item*, to Adam Forman, for passing with Writtingis to the *Counsall of Zork*, and tharefter to Londyne, to the Maister of Houfhold, . . . . . xxvj li. viij s.
- Item*, to ane Inglifman quhilk brocht ane Writting fra *Schir William Eberis* to PE LORDIS, (of Privy Council,) . . . . . iij li. vij s.
- Aug. 7.—*Item*, deliuerit to Charlis Murray, to be ante *Ansenze*,<sup>2</sup> x elnis raid and zallow Tefites of cord, and twa elnis quhite Tefites of Janis, to be *Cruces* pairto, . . . . . x li. viij s.
- Item*, to Thomas Gybfoune, karter, in parte of payment of the *carriage of certane Artelzerie* to PE HEREMITAGE,<sup>3</sup> . . . . . l s.
- Item*, to James Law, to by ane salt hyde to *cruer the Borden* pat passit pair, and twa pulderbaggis, . . . . . xiiij s. viij d.
- Item*, gevin to David Purves, maser, for passing with Letteris to the *Merse*, to proclame and charge all inhabitantis pair of pat haid fled, to pass hame agane for defense of pe cuntré, . . . . . xl s.
- Item*, gevin to Robert Blak, for passing with ane Writting to PE LAIRD OF BASSE, to Charge him to kepe *Edringtrone*, . . . . . xiiij s.
- Item*, to Thomas Dalmahoy, to mak his *expensis* passing with pe *Artelzerie* to PE HEREMITAGE, . . . . . xxij s.
- Aug. 10.—*Item*, gevin to Johnne Cob, passing to charge pe Carteris in Leithe, Hadingtoun, North Berwyk, and vperis places in Lodiane, to be reddy within xxiiij houris warnyng,<sup>4</sup> . . . . . xxij s.
- Item*, gevin to twa Inglifmen, quhilkis wer in Cowper-of-Angus and Newbottill, ilkane four Crownis of pe sone, . . . . . viij li. xvj s.
- Item*, to the Inglifman quhilk brocht Writtingis last fra the *Counsall of Zork*, . . . . . iij li. viij s.
- Aug. 12.—*Item*, gevin to William Champnay, for passing with Letteris to Dunbertane, Glasqw, Air, Irwine, and Qubitherne, to charge pame send pair *Schippis* and boittis, with vperis *Veschellis*, to *carry men furth of the Bils*; and with vperis Letteris to pe Schereffis, to charge pame be reddy vpoune sax houris warning,<sup>5</sup> . . . . . lv s.
- Item*, to Peter Thomfoune, for passing to Londyne with Writtingis to the Maister Houfhold, . . . . . xxxiiij li.
- Item*, deliuerit to Walter Scrymgeour,<sup>6</sup> to be ante *Ansenze*, and *Cruces* pairto, &c. viij li. xix s.
- Item*, gevin to Johnne Mosman, quhilk he gave to ane man pat brocht *two Fals Courtearis* to Edenburcht, . . . . . xx s.
- Aug. 15.—*Item*, gevin to Archibald Heriot, for passing with siclike Letteris<sup>7</sup> to pe *Lord Zester*: And with Letteris, to proclame in *Edringhame* pat all Tenentes and Frehaldares of pe *famin* pass and remane pair for defense of pe Place,<sup>8</sup> . . . . . xxij s.
- Item*, gevin to Johnne Forstar, Bowar, for Arrowis to PE KINGIS grace; and ane Bow, ane Braife, ane Glvffe, and ane dusane Arrowis, to PE QUENIS grace, deliuerit to Oliuere Sinclare and Johnne Tenent, fra Apr. 3 to Jul. 30, inclusive, . . . . . x li. xv s. vj d.
- Aug. 16.—*Item*, to Robert Blak, for passing with Letteris to pe Schereff of Hadingtoun, and

<sup>1</sup> At the Siege of Tamtallon.    <sup>2</sup> Ensign, Standard.    <sup>3</sup> Prior to the Battle of Haddenrig.    <sup>4</sup> Charges were also despatched to all the Shires to be in readiness.    <sup>5</sup> Messengers sent with similar charges to all the other Sheriffs.    <sup>6</sup> Constable of Dundee, heritable Royal Standard-Bearer.    <sup>7</sup> Letters had been sent 'with diligence,' by many Messengers, to all the Nobility, &c.    <sup>8</sup> The Monastery. In the counties adjoining THE BORDERS, the Barons, &c. were enjoined 'nocht to ryde' Forays into England, individually, but to await the arrival of the Army, &c.

## APPENDIX.

Inhabitantis of pe Schyre, to passè within sax houris to ~~Latoder~~, and await vpoune pe LIEUTENANT,<sup>1</sup> . . . . . xxij s.

*Item*, to Bessè M<sup>c</sup>caw, Purice to Lady Jane, be ane speciall commande of pe Kingis grace, siclik as scho gatt zerlie of before, . . . . . x li.

*Item*, gevin to Anthone Briffett, Surrurgente, for laubouris done be him to pe QUENIS grace, at pis tyme alanerly, . . . . . xx li.

*Item*, to George Leche, William Quhite, George Fotheringham, and Dauid Robertfoune, Surrurgentis, passand to pe BORDOURIS for curing of all perfonis pat hapnit to be hurt be Inglis menne, . . . . . xij li.

SUMMA totalium Expensarum (a Sep. 7, 1541, ad Aug. 16, 1542, being the total expenditure of the preceding year,) . . . . . xxiiij<sup>m</sup> iiij<sup>c</sup> lxxxiiij li. xj s. x d. ob.

SUMMA of 'the Abnitionis,' . . . . . Im ij<sup>c</sup> lxxxx li. xiiij s. ij d.

A few of the articles only can be selected in this place, although many of them would be found to be extremely interesting to the Historian and Antiquary.

(Mar. 18, 1541.)—*Item*, gevin to certane pynouris, for monting and drawing of the famin ('ane dowbill Culuering,' newly founded) to the Craigheid,<sup>2</sup> to be seipit<sup>3</sup> and schutt: And for the drawing of the Pece cassine (cast) before the last Chakar to be schote withe hir, . . . . . v s.

*Item*, for indrawing of the famin within the Abnitionis-Haus, estir pai wer schot and feyit, . . . . . iij s.

*Item*, gevin to Andres Mensioune, for Grabing of the Kingis grace Armes, with VNICORNES, THRISSILLIS, and FLEURDELYCES vpoune the famin Pece; and graving of the dait of pe Zere vpoune the mouthe pairof; and vpoune the graving of Armes, Thrifillis, and Flourdelyces vpoune findry vperis Peces, sett in task be Johnne Drummond<sup>4</sup> to him, . . . . . xiii li. vj s. viij d.

(Sep. 9.)—*Item*, gevin for xl new Rammes<sup>5</sup> to pe Auld Culueringis quhilkis wes fund in THE CASTELL rouffit,<sup>6</sup> and the Rammes brokine, . . . . . vj s. viij d.

*Item*, for thre chopinnis Vle de Olyve for clenzeing pairof, . . . . . vj s.

(Oct. 3.)—*Item*, Johnne Drummond and his servendis passit to DALHOWSE-WODE and cuttit xiiij<sup>xx</sup> pece of Birk, to be Zokkis and fyre-wode, and tenne treis of elme to be navillis to quhelis; and gevin for the carriage of pair wark-lymes to pe Wode, and hame-bringing of the famin, . . . . . x s.

(Mar. 27, 1542.)—The Expensis deburfit vpone the Pulver-Hyll<sup>7</sup> and craftisfen; fra Mar. 27 to Aug. 6, . . . . . xlix li. xij d.

The Expensis deburfit vpone the Mark of the Register Haus,<sup>7</sup> (summa), xxxviij li. vj s. x d.

*Item*, to William Fandik, Ducheman, Makar of Irne Gurnis, fra his entere to Wirk in pe CASTELL, quhilk wes pe xxvij day of August lastbypast, to pe xxj day of December (1541) inclusive, quhilk tyme he deceffit, havand vkkie xvij s., summa, . . . . . xv li. vj s.

<sup>1</sup> The same charges sent to the Sheriffs of Linlithgow, Peebles, and Selkirk, &c. <sup>2</sup> It is believed this refers to the CALTON-HILL, probably at the place where Nelson's monument now stands. <sup>3</sup> Proved. <sup>4</sup> The Master-Gunner. <sup>5</sup> Ram-rods. <sup>6</sup> Rusted. <sup>7</sup> See Jul. 14, 1542 of these Extracts, &c. The other entries referring to this important building were merely payments to account; but they possess no interest otherwise than as viewed in connexion with a work of national utility.



**CRIMINAL TRIALS**  
AND OTHER PROCEEDINGS BEFORE THE  
HIGH COURT OF JUSTICIARY.

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**Slaughter of the Laird of Keir.**

Jan. 5, 1542-3.—DAVID SCHAW found surety (Johne Ker, son of Andrew Ker of Fernyhirst) to underly the law at the next Justice-aire of Stirling, for art and part of the cruel Slaughter of SIR JOHN STRIUELING OF KERE, KN<sup>T</sup>.—Alexander Schaw of Sauchy bound himself to relieve Ker; and Alexander, brother of David Schaw, obliged himself to relieve both of them of their cautionry.

**Slaughter of the Laird of Auchinfranko.**

Jan. 11.—JOHN MAKNACHT OF KILQUHANNITE (being then at the horn) found surety to underly the law at the next Justice-aire of Kirkcudbright for art and part of the cruel Slaughter of WILLIAM SINCLARE OF AUCHINFRANKO.—(Apr. 17, 1543.) Andrew Herys, brother of William Lord Herys, became surety for his appearance to answer for the said crime.

**Caution for Lord Glammiss—Lady Glammiss's Treason, &c.**

[THE incidents connected with the Cases of JONET LADY GLAMMISS, and JOHN LORD GLAMMISS, her son, have already been treated of so fully, in a former part of this Collection,<sup>1</sup> that it is unnecessary to recapitulate in this place. It is proper, however, that the reader should bear in mind, that LORD GLAMMISS's Forfeiture was afterwards openly rescinded in Parliament, Mar. 15, 1542,<sup>2</sup> and that his lordship was restored to his dignities, lands, &c. The reasons assigned are too remarkable to be omitted in the present Collection. They were as follows. 'BECAUS, pe said pretendit proces, Act of Adiornale, and Sentence of Forfaltour, was led and gevine be vertu of pe said Lordis CONFESSIOUN, maid be him be just dredour and for feir of his lif: Quhilk dredour mycht fall<sup>3</sup> in ane constant man;<sup>4</sup> becaus pe said JHONE LORD GLAMMISS was presonit in pe CASTELL OF ED<sup>B</sup>, destitute of all consale of his frendis, and presentit to pe Pynebaukis,<sup>5</sup> seand vperis of perfite aige and stark<sup>6</sup> of persoune put on pe said Pynebaukis; and he beand pair scharplie examinat, for dredoure (and) presoning of his body, maid pe said pretendit Confessioune. Be vertu of pe quhilk Confessioune, na vper sufficient probatioune beand led, pe personis pat past vpoune pe said Affise fand, and deliuerit as is abone writtine, and geve pe said pretendit Sentence, in maner forsaid. AND als, becaus the said pretendit Confessioune, be vertu of pe quhilk pe said pretendit proces, Act of Adjornale, and Sentence of Forfaltour was led, pe said Confessioune was maid be pe said Jhone Lord Glammiss in his minorité, nocht knawand pe perrale pat was to follow pairupoune, and without pe auctorité and consent of his Curatouris, pai nocht beand callit for pair enteres pairto, as pai aucht to haif bene, of pe law. AND

<sup>1</sup> See.    <sup>2</sup> Vid. *Acta* Parl. II. 422.    <sup>3</sup> Occur, happen.    <sup>4</sup> A Guiltless or innocent person, 'a true man,' even though he were by nature a person of firm purpose.    <sup>5</sup> The RACK, for Torture.    <sup>6</sup> Strong

als, pe said Lord Glamis was fraudfullie indusit be vmq<sup>le</sup> THOMAS SCOTT, JUSTICE-CLERK, and vperis familiaris to our said vmq<sup>le</sup> (souerane lord), to mak pe said pretendit Confessioune, sayand to him, pat his lif, landis, gudis, movabill and vnmovabill, suld be saif to him; and pat na proces nor Sentence of Forfaltour sould be led aganis him; howbeit he maid pe said Confessioune, as wes clerlie and sufficientlie previt befor my said Lord Gouvernour, and thre Estates forsaid, be pe Depositionis of diuerse famouse<sup>1</sup> Witneffis, sworne and examenit in faice of Parliament.]

Jan. 18.—JOHN LORD GLAMMYS<sup>2</sup> and GEORGE LYOUNE,<sup>3</sup> his brother, 'now being in Warde within pe Castell of Edinburghe,' found surety that they 'fall obserue and keip pare Warde within pe burghe of Edinburghe, and tua myle about pe samyn, and nocht evaid nor brek pe samyn, quhill<sup>4</sup> pai haue speciale Licence and command of pe Lord GOVERNOUR, vnder pe pane of X<sup>m</sup> markis.'—Their cautioners were Robert Dowglafs of Lochlevin, Arch. D. of Glenbarvy, William D. of Bone-Jedburghe, and John Carmychaell of that Ilk.

#### Betoune of Capildra committed to Ward.

Mar. 9.—ARCHIBALD BETOUNE OF CAPILDRA found Sir Walter Scott of Branhelme, kn<sup>t</sup>, and James Dowglafs of Drumlangrig, as his sureties, in terms of the following Warrant :—

GUBERNATOR,

MY Lord Governour Ordanis ane maser to pass and charge ARCHIBALD BETOUNE OF CAPILDRA, pat he, within vj houris nixt estir he be chargeit, pass to pe TOVNE OF DALKEITHE, pare to remain in Warde,<sup>5</sup> vpon his avne expense, and ane myle about pe samyn, vnto pe tyme he be fred be us: And pat he send na writingis to pis Tovne to na maner of personis, vndir pe pane of Treffoune. SUBSCRUIT with our hand, At Edinburgh, pe ix day of Marche, pe zeir of God I<sup>m</sup>.V<sup>c</sup>. and xlij zeris: And to fynd souirté for his remanyng in pe said Tovne, and ane myle about pe samyn, vndir pe pane of iiiij<sup>m</sup> ti.

#### Wounding Mr Gawin Dunbar, Treasurer of Ross, &c.

Mar. 12.—MR MUNGO MONYPENNY, ARCHDEAN OF ROSS, found surety (David Berclay of Cullerny) to underly the law at the next Justice-aire, for art and part of the Oppression done to MR GAWIN DUNBAR, TREASURER OF ROSS, coming upon him, in company with Robert, Bishop of Rofs, and his accomplices, in the Cathedral Church of Rofs; and laying hands upon him, and cruelly Wounding him, to the effusion of his blood.—Michael Gudlad, dwelling with the Bishop of Rofs, also found caution to answer for the same offence.<sup>6</sup>

#### Oppression—Besieging the Place of Fren draucht—Wounding, &c.

Mar. 15. — ALEXANDER LESLIE, YOUNG LAIRD OF WARDERIS,

<sup>1</sup> Reputable, of good fame. <sup>2</sup> On the margin, 'DELETUR de mandato domini GUBERNATORIS, per suum Preceptum, sub sua subscriptione manuali.' See the Trials of LADY GLAMMIS and JOHN LORD GLAMMIS, &c., I. \* 187, 198. <sup>3</sup> No mention is made of this individual in the Peerages. <sup>4</sup> Until. <sup>5</sup> On Mar. 20, 1542-3, he found surety to 'pass and remane in Warde within pe Scherefdome of Fiffe.' <sup>6</sup> SIR THOMAS HAISTY, Monk of Bewlie, (then at the horn,) found caution to underly the law at the next Aire of Inverness, for the same crime, and for Stouthreif of certain goods from Mr Gawin Dunbar.

George Crechtoun of Conze, and *sixty-eight* others, found caution to underly the law, at the next Justice-aires of Aberdeen and Banff, for Convocation of the lieges, armed in warlike manner, in great numbers, coming to THE PLACE OF FRENDRACHT, belonging to William Crechtoun of Fren draucht, and expelling and beating his servants, Mutilating Martin Abirnethy and John Rofs in their left hands, and cruelly Wounding John Lemman, William Smythe, and Alexander Abirnethy, to the effusion of their blood, &c.

#### Convocation, &c. at Fren draucht — Slaughter.

Mar. 15.—WILLIAM LORD ABIRNETHY OF SALTOUNE, Alex. Abirnethy of Nathirdull, and *forty-four* others, found surety to underly the law at the next Justice-aire of Banff, for art and part of Convocation of the lieges, armed in warlike manner, with a great force, in ambush (*cum magno exercitu le buschment*) in the houses, out-houses, and barns of the Place of Fren draucht, for the Slaughter of George Crechtoun of Conzie and James Crechtoun, being in the said Place, for their Slaughter; AND for the Slaughter of Robert Crechtoun with a gun (*cum uno magonale lie gwnne.*)

#### Caution for Oliver Synclare of Petcarne.

Apr. 21, 1543, (*apud Palacium S. Crucis.*)—Gilbert Earl of Caillis became surety to enter OLIUERE SYNCLARE OF PETCARNE before the Governor, Lords of Council, or Justiciar, whenever he shall be required, on premonition of xv days, to underly the law for certain crimes to be imputed to him.<sup>1</sup>

#### Fomenting jealousies between the late King and his Barons, &c.

May 10.—MR DUNCAN MAY found Mr John Spense of Maristoun surety to underly the law, before the Justice, on Jul. 6, for Consulting with and frequently giving false information to the late KING JAMES V, for the purpose of deceiving him; thereby occasioning vehement suspicions between him and his Earls, Barons, and lieges; and for causing in him great apprehension and fear for his Slaughter and destruction.—May 13. WILLIAM SMYTH, *alias Chefman*, also found caution (James Lindesay, falconer,) to answer for the same crimes.

#### Slaughter of the Rector of Kirkbride.

Jun. 17.—JAMES DOUGLASS OF DRUMLANGRIG found surety to appear

<sup>1</sup> 'NOTA—This Oliver Sinclair was favourite to KING JAMES V, who gave him the Command of the Army ag<sup>t</sup> England, which offended the Nobilitie, and was the occasion of their defeat at SOLON or SOLLOWAY MOSS. It seems, after the KING's death, he was called to account, which is the common fate of favourites.'—*MS. Abr. of Books of Adjournal*, Adv. Library, M. 5. 14. The reader will find numerous notices of this personage in the *Appendix* to this reign.

on Jul. 24, to underly the law for art and part of the Slaughter of Mr Hector Sinclare, Rector of Kirkbride.

**Stabbing with knives in a fenced Court—Convocation, &c.—  
Sedition—Bearing a Standard called ‘the Halp Gaist.’**

Aug. 17.—MUNGO TENENT, burgefs of Edinburgh, Francis his son, and thirteen others, citizens of Edinburgh, found high caution (from 1000 to 500 merks each, according to their several ranks) to underly the law before the Justice on Oct. 10, for ‘þe contemptiounne done to þe QUENIS grace autorité, in drawing of knyffis in þe said Tolbuthe, vpon þe . . day of August instant, in ane defensat Court, in presens of þe PROVEST and BALLIES of þe said Burghe, fitand for þe tyme in jugement, inuading and hurting ilkane vperis<sup>1</sup> for þare slauchter: And for Seditiounne, with Conuocatiounne of our souerane lady þe QUENYS liegis, maid within þe said burcht, with ane displayit ansenzé,<sup>2</sup> quhilk pai call þe HALY GAIST: And for þe contemptiounne of my lord GOVERNOURIS command and charge, he being þair present in propir perfoune, gevin to þame be Johne Cob, messinger, at my said lord GOVERNOURIS command.’

**Caution for Dean Forman of Holyroodhouse—Heresy.**

Nov. 3.—‘DENE WILLIAME FORMAN, Chanane of Halyrudehouse,’ found surety, ‘vndir þe payne of I<sup>m</sup> li., þat he fall vpone þe xv day nixt eftir þe day of þe date hereof, pass and enter his persone agane in Warde within his chalmer within þe Palice of Halyrudehouse, quharein he wes in Warde of before; and remane þairin, as in Warde, vndir þe said payne.—(Nov. 17.) Caution found of new to enter upon Dec. 6 next, under the same penalty. There is a Note on the margin, ‘*Deletur, quia posuit eum in manibus DOMINI CARDINALIS, in custodia.*’

**Caution to return to Ward when required.**

Dec. 28.—ANDREW JOHNSTOUN OF ELPHINGSTOUN, ‘now being in Warde of my lord Governouris command to remain within þe burcht and Chonngate and Portis pairof,’ was allowed by Precept to depart home, provided he returned ‘as in Warde, at quhat tyme or how sone he salbe requirit be my lord GOVERNOUR pairto, vpone twa dais warnyng.’ Caution found to the amount of 2000 merks.—(Jan. 19, 1543-4.) He was freely discharged.

**Laird of Quhittingeame freed from Ward.**

Jan. 19, 1543-4.—WILLIAM DOWGLASS OF QUHITTINGEAME relaxed and freed from Ward within the bounds of Edinburgh and Canongate, ‘quhare he now remanis.’

<sup>1</sup> Each other.

<sup>2</sup> Ensign; standard.



**Abiding from the Raid of Glasgow.**

Apr. 27, 1544.—JOHN YOUNG, in Lefwaid,<sup>1</sup> found caution to underly the law on May 10, for remaining from the QUEEN'S Army for the recovery and besieging of the Castle of Glasgow,<sup>2</sup> held against her authority and the lord GOVERNOR'S, by Mathew Earl of Leuenax and their accomplices, against the tenor of the Proclamations.

**Escape of the Captain of Edinburgh Castle from Ward.**

Nov. 4.—JAMES HAMMILTOUNE OF STANEHOUSE, Captain of the Castle of Edinburgh, having been suffered to escape by JOHN and GEORGE TENENT, they found Mr Alexander Levingstoune of Donyphace as their surety that they should underly the law for non-deliverance of the said Captain, and for putting of him to freedom, &c. in terms of the following Warrant.

GUBERNATOR,

JOHNE BANNATYNE, We haue causit put furthe Johne Tenent and George Tenent furthe of þe Letteris, quhare þai wer chargit to deliuer þe CAPITANE OF þe CASTELL vnder þe pane of putting of þame to þe horne; quhilk procesis we discharge, because þai ar content to vnderly þe law for ony crime may be imput to þaim pairthrow. HEREFOR, 3e fall ressaue sikker souirté for þame to vnderly þe law þairfor, vpone xv dais warnyng. SUBSCRUIT w' our hand, At Edinburghe, þe thrid day of Nouember, the 3ere of God I<sup>m</sup>.V<sup>c</sup>.xliiij 3eris. [JAMES G.]

**Abiding from the Raid of Gladis-muir.**

Nov. 5.—JOHN SUERD (Sword) and nine others found Alexander Bruce, younger of Erthe, as surety for them, that they should underly the law on Nov. 24, for abiding from THE QUEEN'S Army, at Gladismuir, on Oct. 4 last; each under the pain of 100 merks.

**Treasonably assisting the Earl of Glencairn at Glasgow-muir.**

Feb. 5, 1544-5.—SIR ANDREW HERIOT, Chaplain in Glasgow, found caution to underly the law at the next Justice-aire of Lanark, for treasonably coming with THE EARL OF GLENCARNE and his accomplices against the lord GOVERNOR upon the Common-muir of the burgh of Glasgow.—(Feb. 14.) He again found caution to the same effect.

**Abiding from the Raid of Coldinghame and the West Marches.**

Feb. 8.—JOHN CRAUFURD OF GIFFERTLAND and John Craufurd of Birkhede found surety (Colin Campbell of Ardkinglas) to underly the law at the next Justice-aire of Air, for abiding from THE QUEEN'S Army along with the lord GOVERNOR at Coldinghame, for Besieging the Place thereof, and expelling the enemies of England furth thereof.—ALEXANDER THOMSONE, in Helys,

<sup>1</sup> Others are afterwards charged for the same offence. to this reign, in relation to this and all the other RAIDS.

<sup>2</sup> See numerous entries in the Appendix

found caution for abiding from the same Raid, to have met at THE WEST MARCHES. Several others called for the same offence.

**Abiding from the Raids of Ancrum and Coldinghame.**

May 18, 1545.—JOHN BLARE and Patrick his son, both then at the horn, found surety to underly the law for Abiding from THE QUEEN'S Armies at Alcrum (Ancrum), Feb. 27, and Coldinghame, on Dec. 31; and from other Raids.

**Abiding from Ancrum-moss and Coldinghame.**

May 29.—DUNCAN DRUMMOND and John D. his brother found caution (David Lord Drummond) to underly the law at the next Justice-aire of Dumbarton, for Abiding from the Army at Alcrum-moss and Mure, and for Besieging the Kirk and Steeple of Coldinghame.

**Treasonably Assisting and Intercommuning with the English.**

Jun. 8.—SIR DAVID NESBET, Chaplain, at the horn, found caution (Robert Broun of Blakburne) to underly the law at the next Justice-aire of Berwick, for art and part of treasonably Assisting and Intercommuning with our ancient enemies the English.

**Slaughter of the Captain of Doune.**

Jul. 3, (*apud Linlithgw.*)—JOHNE MORE, being then at the horn, found Robert Master of Grahame as surety for his underlying the law at the next Aire of Perth, for art and part of the cruel Slaughter of James Stewart, Captain of Doune.

**Slaughter — Mutilation — Wounding.**

Dec. 22.—WILLIAM MURRAY, (at the horn,) son and heir apparent of W<sup>m</sup> M. of Romannos, John his brother, and . . . . Thomfone, found surety<sup>1</sup> to underly the law at the next Aire of Peebles, for art and part of the cruel Slaughter of Sir Alexander Innes, (Chaplain); and for Assisting in the Mutilation and Wounding of James Geddes.—(Jan. 21, 1545-6.) William Murray of Romannos found surety for the same purpose.—(May 20, 1547.) The Laird of Romannos again found caution to underly the law for the same crime, and for the Slaughter of Sir Martin Ewmond, (elsewhere called 'Newman,') also a Chaplain.

**Raid of Dumfries for Besieging Lochmabane Castle.**

Jan. 21, 1545-6.—JOHN PERESOUN, in Petdinny, found John Strang, younger of Balcasky, surety for his underlying the law at the next Aire of Perth,

<sup>1</sup> Sir Walter Scott of Branzholme, kn<sup>t</sup>, Patrick Murray of Fawlabill, *alias* of Philiphalche, and Alexander Tayt of Pyrne, were his cautioners.

for abiding from THE QUEEN'S Army assembled by the GOVERNOR at Drumfreife, for Besieging and recovering the Castle of Lochmabane.

### **Slaughter of the Laird of Glorat's Brother.**

Mar. 3.—JOHN SYMPILL OF FOULWOD, and John S. his son and heir apparent, Robert S. of Nobilstoune, and William his brother, and three others, found caution<sup>1</sup> to underly the law, at the next Justice-aires of Dumbarton and Renfrew, for art and part of the cruel Slaughter of Walter Striueling, brother of George Striueling of Glorat.

### **Caution for the young Laird of Calder.**

Mar. 29, 1546.—JOHN SANDELANDIS, son and heir apparent to Sir James S. of Calder, kn<sup>t</sup>, found surety (James Forestar, young Laird of Corstorphin, Alex. Lauder of Haltoune, Robert Douglas of Pumfraistoune, Robert Mowbray of Bornbowgall, John Pennycuke of that Ilk, and George Prestoune of Cragmelour) for his entry within the Castle of Edinburgh, upon twenty-four hours warning, under the pain of 10,000 li.; and that he 'fall remane in Warde, in pe mene tyme, in pe place of Corstorphin Colege, tovne, and zardis pairof.'—This was afterwards deleted by command of the GOVERNOR, in terms of the following Warrant:

GUBERNATOR,

JUSTICE and Justice-Clerk, We grete 3ou weill. Forfamekill as our louit JOHNNE SANDELANDIS, 3OUNG LARD OF CALDOUR, fand souirté to entir in Warde qubenne euer we chargit him, vpoun xv dais warnyng, vnder grite panis: And now we haue gevin and grantit oure Letteris of Licence to pe said Johnne to pas to pe partis of FRANCE, and pair remane ane certane space, as pe said Licence mair fullelie proportis. Theirfore, we saythfullie promittis to pe said Johnne, that he fall nocht be chargeit to entir in pe said Warde, nor zit his fouerteis falbe vnlawit for nonentre of him in Warde, quibill his returning and hame-cuming agane within pe realme of Scotland, and xl dais paireftir. OURE WILL IS heirfore, and we charge 3ou, pat incontinent eftir pe sycht heirof, 3e mak ane Act in pe bukis of Adiornall of our promyse and obliassing aboue-writtine, maid be ws in maner foirsaid, anent pe said Johnne and his fouerteis, towart pe said Warde; swa pat he or pai incur na danger for his nonentré in pe said Warde, during pe said space: Providing alwayis, pat pe said Johnne eftir his hame-cuming agane within Scotland entir agane in Warde quhen he beis chargeit be ws, vndir pe panis contenit in pe Act ellis<sup>2</sup> maid pairupoune, and his said fouerteis to stand to pat effect alanerlye;<sup>3</sup> and pe samin Act to haue na strength during pe said Johnnis remaning bezond sey,<sup>4</sup> bot alanerlie eftir his returning agane within pe realme of Scotland, as said is. THIS 3e do, as 3e will anfuere to ws pairupoune; kepanid pis writting for 3our Warrant. SUBSCRUIT with our hand, At Sanctandros, pe xxix day of September, the 3eir of God I<sup>m</sup>V<sup>o</sup> xlvj 3eris. JAMES G.<sup>5</sup>

### **Assisting the Laird of Ormistoun and the young Laird of Calder to escape from Ward.**

Mar. 29.—JAMES LAWSONE OF HIERIGGIS, and two others, found cau-

<sup>1</sup> Allan Lord Cathcart and John Blare of that Ilk.

<sup>2</sup> Already.

<sup>3</sup> Alone, only.

<sup>4</sup> Beyond sea.

<sup>5</sup> From the Original, preserved among the Warrants of Court.

tion to underly the law for art and part of the assistance afforded to William Cokburne of Ormiston and the young Laird of Calder, in breaking their Ward furth of the CASTLE OF EDINBURGH.

**Treasonable Fire-Raising — Stouthreif, &c.**

May 31.—JAMES GALL, Thomas Thrift, and Sir James Thrift, Chaplain, found caution (Archibald Douglas of Kilspindie) to underly the law, at the next Aire of Perth, for treasonable Fire-raising, and Burning the houses and dwelling-place of Alexander Skrymgeour of Balbegys: AND for Burning Jonet his daughter: AND for Stouthreif of his Title-deeds and goods, &c.

**Slaughter of the Laird of Culzeane.**

Jul. 8.—ANDREW LUFÉ (Love,) being at the horn, found surety to underly the law, at the next Justice-aire of Air, for art and part of the cruel Slaughter of JOHN KENNEDY OF CULZEANE.

**Abiding from the Raid of Dumbarton.**

Oct. 7.—PETER GAMMYLL, dwelling in Brayhede of Corfehill, being at the horn, found caution to underly the law at the next Justice-aire of Air, for Abiding from the QUEEN'S ARMY, convened by the lord GOVERNOR at the burgh of Dumbarton, for Besieging and recovery of the Castle thereof.

**Deforcing a Messenger-at-arms.**

Jan. 13, 1546-7.—JAMES ORMISTOUNE OF THAT ILK found William Linlithgw of Drygrange as surety for him that he would underly the law, at the next Justice-aire of Roxburgh, for Deforcing James Sandelandis, Messenger-at-arms, in execution of Letters purchased by John Abbot of Jedburgh; and for Seizing and Tearing of the said Letters.

**Abiding from the Raid of Saint Andrews.**

Feb. 28.—JAMES BARTILMO, in Curry, found caution to underly the law, on Mar. 15, for contemptuously Abiding from the Queen's Army, contrary to the Proclamation, ordaining the inhabitants of Lothian to convene at SAINT ANDREWS, for Besieging and recovering the Castle of Saint Andrews.

**Slaughter of the Baron of Tulymet.**

Mar. 1.—JOHN CHARTERIS OF KINCLEVIN, John and David Charteris, brothers-german of Thomas C. of Kynfawnis, John Cochrane younger of Petfour, and four others, found the Laird of Kynfawnis as surety for their underly the law, on Mar. 15, for the cruel Slaughter of John Ayfoune, baron of Tulymet.—THE LAIRD OF KYNFAWNIS and five others, along with David

Chalmer of Seggydene, and Thomas his son and heir apparent, also found caution to underly the law for the same crime.

**Casting down and breaking an Image of Saint Magdalene.**

[It may seem surprising to many readers, that so few instances occur in the Criminal Records, of proceedings against such of the early Reformers, in Scotland, as in their furious zeal defaced and overthrew so many splendid Religious Houses. In the Appendix to this and the preceding Reign, however, the reader will find many interesting notices, which have been obtained from other authentic sources, unnecessary to be recapitulated in this place. Among others which might easily be cited, the following is so remarkable, that the Editor thinks it an apt illustration of the spirit of individual Reformers, some of whom were, from constitutional timidity and other causes, compelled to recant; but afterwards, even in the face of tortures and the cruelest death, adhered to the Reformed faith. The tyrannical but vigorous manner in which the Popish clergy dealt with the first outbreaks of 'the Heretics,' as is already familiar to all, was unable to quench the faith of those good men; to whose fearless exertions, under God, we mainly owe the religious freedom which this country presently enjoys. The reader may refer, with advantage, to *Dr M'Crie's* last (5th) Edition of the Life of John Knox; where, in the Appendix to Vol. I., he gives many interesting particulars of the 'SCOT-TISH MARTYRS.'

'WALTER STEUART, brother to *Andrew Stewart Lord of Ochiltree*, was accused before BISCHOP DUMBAR OF GLASGOW, in Marche (1533), for CASTING DOUNE ANE IMAGE IN THE KIRK OF AIRE. He recanted his oppinions, after long dealling with him. Bot in his returning hame, he drowned in the Watter of Calder; so that, falling from his horse, none could rescue him. At lenth, getting hold of a great stone in the watter, he cried to his frinds and exorted them that they (should) take example by him not to redeeme life by recanting of the truthe; for experience there proved it would not be sure. He protested he was there to die in the truth which he profesed; and that being forie for his recantatioun, he was assured of the mercie of God, in Christ. He willed them to remember this work of God to their oune proffit. Being overcome and drawne from his grip of the stane, (he was) drowned, notte being able to rescue him in the deep whither he was caried. Howbeit the watter was not deep quhair he first fell. *George Guide*, one of the cheeff Clerks of the Colledge of Judges in Edinbrugh, riding behind him upon the same horse, was saved.']

Mar. 16.—STEPHEN BELL found Robert Mowbray of Bernbowgall as surety for his underlying the law on Mar. 29, for Casting down and Breaking AN IMAGE OF SAINT MAGDALENE, within the Chapel of the town of Lany; and for other crimes contained in his Letters.

**Abiding from the Raid of Lauder.**

Mar. 25, 1547.—WILLIAM BROWN, and forty-seven others, (all at the horn,) found Sir Neil Montgomery of Langschaw, kn<sup>t</sup>, as surety for their entry to underly the law, at the next Aire of Lanark, for Abiding from the Queen's Army convened at LAUDER, in Sep. 1545, for resisting our ancient enemies the English; and for other crimes contained in their Letters.

**Assythment for Mutilation referred to the Treasurer.**

Mar. 26.—THOMAS KENNEDY OF KNOGDAW, and David and Fergus

his fons, found Sir John Lawmond of Innerynne, kn<sup>t</sup>, ' that pai for pame selffis and pair complices fall affythe, fatefy, and pleife *Robert Cathcart of Carletoune*,<sup>1</sup> for þe Mutilatioune committit be pame vpoune him ; and alse fall pleife þe Lord of Bargany in all behalffis, and his rycht, actiounne, and interes in þe premissis, as my lord of Dunkeld, Thesaurer, fall pleife to modefy, vndir þe pane of ane thousand pundis : Quhilk modificatioune falbe infert in þe bukis of Adiornale, and to haue þe strength of ane Act pairrof.'<sup>2</sup>

**Barbarous Slaing of Cattle — Destroying two Houses, &c.**

Jul. 24.—ALEXANDER CUMMYNG OF ALTER found surety (John Earl of Sutherland) for his entry ; and he became cautioner for John and Hugh C. his son and brother, and ten others, to underly the law on Aug. 9, for art and part of cruelly Cutting the backs of eleven oxen and cows with their swords, and thereby slaying them, belonging to Alexander Vrqhard of Burreisgardis : AND for casting down and destroying two houfes built on his said lands.— (Aug. 1, *apud Sanct Androis*.) Continued to the Aire of Elgin, for the above and other crimes of Oppression, &c.

**The Laird of Dalhoussy to remain in Ward, &c.**

Feb. 5, 1547-8.—NYCHOLACE RAMSAY OF DALHOUSSE found caution to the amount of 10,000 merks, that he ' fall remane in Waird, in sic place as my Lord GOVERNOUR fall command him to, and nocht depairt furth of the samin, without his Licence had and obtenit pairupoune.'—John Lord Borthuik, John Cranstoune of that Ilk, Andrew Johnnestoune of Elphinstoune, Eduard Sinclare of Drydene, and John Ramsay of Hawis were his sureties, whom George his son and heir apparent bound himself to ' freithe, releif, and keip skaithles.'—  
Mar. 4. He found caution of new<sup>3</sup> to remain in Ward ' within þe boundis of Fife, induring my Lord GOVERNOURIS will : AND þat his sone and air fall keip þe HOUSE OF DALHOUSSE fra all inyureis, salang as possibill is ; and falbe reddy and obedient to my lord Governour, as he fall pleife command and charge ; and þat he falbe reddy to ferue my said lord Governour with all his folkis, freindis, and tenantis, quhen he beis requirit : And þat þe said Nycholl fall entir agane in Waird within þe Castell of Edinburghe or Blaknes, within thre dayis nixt after he be chargeit pairto, be our souerane lady, my lord Governour, or pair Letteris.'

**Stealing a Gold Chain, &c.**

Mar. 15.—JOHN CARKETTILL OF FYNGLENNE found caution to underly

<sup>1</sup> See May 10, 1549.    <sup>2</sup> Richard Maitland of Lethingtonne, John Sinclare of Herdmanstoune, and James Herrot of Trabroune, became bound to the extent of 1000 li. each.    <sup>3</sup> See May 10, 1549.

the law, on Apr. 14, for Stealing a gold chain and filver girdle from Johan Richertfoune, relict of John Mauchane, burges of Edinburgh, furth of her house in Edinburgh, in February laft.—Continued to May 15.

**Assisting the Rebels in Castle of Saint Andrews.**

Mar. 24.—JOHN CASTARIS, citizen of St Andrews, found caution to underly the law at the next Justice-aire of Fife, for Affisting the Rebels in the Castle of Sanctandros,<sup>1</sup> and being in company with them; and for other crimes contained in his Letters.

**Abiding from the Raid of Portincraig.**

Mar. 26, 1548.—MR JOHN ARNOT, burges of Edinburgh, found caution to underly the law for Abiding from the Army of Portincraig, for resisting our ancient Enemies the English.

**Detaining the House of Scrabister — Seizing the Fruits and Teinds of the Bischoprick of Caithness, &c.**

Mar. 30.—ROBERT BISHOP-ELECT OF CAITHNESS,<sup>2</sup> Sir John Mathesone Chancellor of Caithness, Hercules Barculay Rector of Cannisby, and three others, found GEORGE EARL OF ERROL surety for their underlying the law on Apr. 30, for Stouthreif, taking and detaining from Mr Alexander Gordoune Postulate of Caithness,<sup>3</sup> the House and Place of Scrabister: AND for seizing upon the fruits, teinds, and other emoluments of THE BISHOPRICK OF CAITHNESS: AND for breaking THE QUEEN'S Protection granted to the said Mr Alexander, his servants and tenants of the said Bischoprick.

**Treasonably Assisting the English.**

Apr. 14.—GEORGE HOPPRINGILL OF TORWODLIE found surety to underly the law on May 29, for treasonable Assistance afforded to our ancient enemies of England, giving and taking Assurance from them; and for other crimes contained in his Letters.<sup>4</sup>

<sup>1</sup> Numerous notices of Remissions, &c., to individuals for their adherence to THE MASTER OF ROTHES, Kirkcaldy of Grange, and others, implicated in detaining the Castle of St Andrews against the royal authority, and for the Murder of CARDINAL BEATON, will be found in the Appendix to this reign.

<sup>2</sup> He was brother to the Earl of Lennox, but never was in Priest's orders. Owing to the part he took with his brother against THE EARL OF ARRAN, Governor of the kingdom, he absconded with him. Having embraced the Protestant faith, he afterwards got a gift of the Priory of St Andrews—succeeded to the Earldom of Lennox in 1576, which in 1579 he resigned to his grand-nephew, ESME STEWART LORD D'AUBIGNY; and subsequently obtained for himself the title of EARL OF MARCH.—See *Douglas's Peerage*, *Keith's Bishops*, &c.

<sup>3</sup> Son of George Earl of Huntly. <sup>4</sup> On Oct. 9 following, Cuthbert Cranftoun of Maynis found caution for the same offence, and several others were summoned. Many other instances may be found in the Appendix to this reign.

**Abiding from the Raid of Langholm.**

May 30.—GILBERT LAW, in Eister Ogill, found caution to underly the law at the next Aire of Forfar, for his contemptuously Abiding from the Queen's Army at Peebles, Jun. 30 last, for Besieging and recovery of the House and fortalice of Langholmé, taken and detained by our ancient enemies of England.

**Assisting the English — Keeping the House of Bukcame.**

Jun. 5.—ROBERT HOPPRINGILL OF BLYNDLEY, and five others, found the Laird of Torwodley as surety for their underlying the law at the next Aire of Selkirk, for treasonable Assistance, giving and taking Assurance with our ancient enemies the English, and keeping the House of Bukcame (Buckholm ?) belonging to James Hoppringill of Tynnes, and pasturing the lands thereof.

**Treasonably Assisting the English.**

Jun. 20.—CUTHBERT CRANSTOUN OF DODDIS found George Lord Hume surety for himself, Cuthbert Howlatfoune, and fourteen others, to underly the law on Jul: 31; for treasonable Assistance given to our ancient enemies the English.<sup>1</sup>

**Abiding from the Raids of Langholm, &c.**

Aug. 13.—JOHN STRATHAUCHIN, in Kinragy, (at the horn,) found caution to underly the law at the next Aire of Aberdeen, for contemptuously Abiding from the QUEEN'S Armies convened at BIGEAME (Birgeame), LANGHOLM, SANCTANDROIS, and HADINGTOUNE, for resisting our ancient enemies the English, and for defence of the kingdom.

**Caution for the Laird of Lethingtoun.**

Aug. 14.—RICHARD MAITLAND OF LETHINGTOUNE found George Lord Seytounie, as his surety, that he would enter within the Castle of Edinburgh, or elsewhere, when and where it might please the lord Governor, on forty-eight hours warning: And that the said Richard shall remain a good and faithful subject, and remain within the kingdom, and have no intelligence with our ancient enemies the English—under the pain of 10,000 l.

**Keeping the Castle of Saint Andrews against the Queen.**

Aug. 27.—JOHN SIBBET (at the horn) found Andrew Lundy of Balgony cautioner for his underlying the law at the next Justice-aire of Fife, for art and part, along with Norman, formerly Master of Rothes, James Kirkcaldy of Grange,

<sup>1</sup> A number of others, persons of no note, found caution to answer for the same crime.



and their accomplices, in detaining the Castle of St Andrews against the Queen and Governor and their authority.<sup>1</sup>

#### Abiding from the Raid of Gladismuir.

Nov. 21.—JAMES ASCHYNNANE in Elyok (at the horn) found surety to underly the law, at the next Aire of Kirkcudbrycht, for Abiding from the QUEEN'S Army, ordained to convene upon the Muir of Gladismuir, Aug. 20 last.

#### Abiding from the Raid of Mussilburgh.

Nov. 21 and 30.—MATHEW DOUGLAS, YOUNG LAIRD OF MANIS, found John Cragingelt of that Ilk, and ROBERT MONTGOMERY of Makbehill, and John M. found Gilbert Earl of Caillie surety for their underlying the law at the Justice-aires of Dumbarton and Air-Douglas; viz. for abiding from several Armies of the Queen, and the other parties for abiding from the Army appointed to convene at Mussilburgh. They were all at the horn, and caution was allowed to be received, for their appearance, by Warrant of the Privy Council.

#### Professing the Doctrines of the Reformation — Alleged High Treason — Case of Judicial Murder.

[AMONG the too frequent instances of JUDICIAL MURDER, which unhappily disfigure our early Scottish Annals, the Case of SIR JOHN MELVILLE OF RAITH is perhaps one of the most remarkable, although the circumstances have been hitherto but little known. *Knox* and *Buchanan* are the only early Historians who take any notice of this Case; but even they have barely related the fact of his execution. It is not improbable, that the particulars having been matter of notoriety in their days, they had, on that account, deemed it unnecessary to enter very minutely into the details,<sup>2</sup> which would doubtless be fresh in the memory of all their contemporaries. In this manner, much valuable information has, in many instances, been irretrievably lost to posterity, through the author's fear of being accused of prolixity in rehearsing events which every one was then presumed to know as well as himself.

The Editor having had the original of the following interesting GIFT, dated Feb. 12, 1562-3, pointed out to him by *Thomas Thomson, Esquire*, Deputy Clerk Register of Scotland, he felt so much interested in the apparent iniquity of the death and forfeiture of this virtuous man, as to be induced to make a pretty extensive enquiry into the facts attending his Trial, of which, however, no traces are now to be found in the mutilated and imperfect Criminal Records of that period.

The truly learned and indefatigable *Dr M' Crie*, in his illustrations of the History of the Reformation<sup>3</sup> in Scotland, after commenting on the rigorous and tyrannical conduct of THE REGENT ARRAN, and his brother the *Archbishop of St Andrews*, against those Barons and gentry who were the most distinguished favourers of the Reformed opinions in Religion, states, that, instead of attempting to prosecute them for Heresy, they rather preferred to bring them to Trial for alleged crimes against the State. Among others who were banished, and had their estates forfeited, he instances *Cockburn of Ormiston* and *Crichton of Brunston*; and he then shortly notices the present case, thus—' SIR JOHN

<sup>1</sup> On Sep. 12, 1548, SIR JAMES AUCHINLECK found John, Master of Glencalrn, as surety for him to underly the law for the same crimes—and others also were charged from time to time. Reference may likewise be made to the Appendix, where numerous other instances will be found.

<sup>2</sup> See *Knox's* *Historie*, p. 82; *Buch.* I, 302.

<sup>3</sup> *Dr M' Crie's* *Life of John Knox*, (third Edit.) I, 164.

MELVILLE OF RAITH, a gentleman of distinguished probity, and of untainted loyalty, was accused of a traitorous connexion with the enemy; and although the only evidence adduced in support of the charge was a Letter written by him to one of his sons then in England, and although this Letter contained nothing criminal, yet was he unjustly condemned and beheaded.'

*Bishop Leslie*, and others of our Historians and Chroniclers, are entirely silent on the subject; but fortunately several MS. authorities concur in the accounts which they have respectively given of this disgraceful tragedy. According to the Editor's usual plan, he begs to lay these before the reader, as the best mode of enabling every one to form an impartial opinion, from contemporaneous or early sources.

The first authority which shall be cited is that of *Johnston's MS.*,<sup>1</sup> where the subject is thus introduced:—'THE Slauchter of WILLIAME LORD CREICHTOUN, ane Baroun of Parliament, was as the *first* presaidge of their<sup>2</sup> futur tyrannie, quho was slayne in THE GOVERNOURIS awin Hous, almaist in his awin sicht, be ROBERT SEMPLE; bot the committer of the Slauchter was exeamed be intercession of the *Bisshopis* harlot, quho was *Semple's* dochter. *The Archbisshop*, in the lait KINGIS lyf-tyme, maid profession of the pure Religioun to thoise quhom he moift trustit; bot, eftir his death, he ran heid-longis in all kynd of vyce. Amangis many wtheris his harlotis, he interteayned this Harlot *Semple*, nather bewtifull, of gude fame, or wtherwayis in any fort notable, except his awin kynfman, and followed him as scho had bene his lauchfull wyffe. *The secund* was the death of JOHNNE MELVILL, ane nobill man of Fyff, quho was ane of THE KINGIS most familiaris, quhois Lettres send and writtin to ane certane Englisman, recommending vnto him ane freind of his, takin Pressoner, war intercepted. Althocht pair was no suspitioun of any crime conteaned in thame, zit (was) the wrytid Lettre and wrytter pairof harlid to judgment. His landis gewin to DAVID (HAMILTON), the Gouvernouris zounger sone, maid the punischnent moir filthie. The arme of theise infamous deidis twitchid bot a fewe, the invy many, bot the example perteneit almost to all.'

The next authority is that of *Anderson's MS.*, the author of which narrates the event in these terms:—'IN this meantyme<sup>3</sup> (but others writ pat it was the Winter before) did þe LARD OF RAITH most innocentlie suffer, and after was forfalded, because pat he writ a Bill to his sone, *John Melvin*, who then was in England, which was alleged to have been found in þe HOUSE OF ORMESTON.<sup>4</sup> But many suspected þe pranks and craft of one REINJEAN COKBURNE, now since called CAPTANE REINJEAN, to whome þe said Letter was delivered. But howsoever it was, þe cruell beafts, *the Bisshop of Sant Andrewes* and *the Abbot of Dumfermeling*, ceassed not till pat þe heid of the Gentleman was stricken frome him; especiallie, because pat he was knowen to be one pat vnfaynedlie favoured þe trewth of GODIS word, and was a great freind to those pat were in þe CASTELL OF SANT ANDREWES, of whose deliverance, and of GODIS wonderfull working with them during þe tyme of pair bowndage, we may now speak, least that in suppressing of so notable work of GOD we mycht justlie be accused of ingratitude.' &c.

*Calderwood*<sup>5</sup> likewise notices *Sir John Melvill's* murder in similar terms.—'IN this year (*circa* 1550) JOHN MELVILL, LAIRD OF RAITH, in Fife, ane aged man, and of great accompt with KING JAMES V., was Beheaded for writing a Letter in favours of a captive to ane Englishman, his own Bastard son,<sup>6</sup> as is reported, Prisoner for the time to the Englishman, to whom he recommended him. Although ther was not the least suspicion of any fault, yet lost he his head. The letter, as was alledged, was found in THE HOUSE OF ORMISTONE. Manie suspected the craft and pranks of *Niniane Cockburne*, afterward called *Captain Ninian*, to quhom the said Letter was delivered. Howsoever it was, the cruell beafts, the Bisshop of Sanct Andrews and the Abbot of Dumfermling,

<sup>1</sup> *Johnston's MS.* Hist. of Scotland, Adv. Library, chiefly compiled from Buchanan, &c. during the reign of King James VI.   <sup>2</sup> The Regent and his brother.   <sup>3</sup> Immediately after the taking of Broughtie Craig from the English.   <sup>4</sup> On its being recovered out of the hands of the English Army.   <sup>5</sup> *Calderwood's MS.* Church Hist., Adv. Lib. I. 308.   <sup>6</sup> Referring to the captive, who was his natural son.

ceased not till the head of the Nobleman was stricken from him; especially, because he was known to be one that unfeignedly favoured the truth. They were not content of his death, till that he was Forfaulted also, and his patrimonie bestowed upon *David Hammiltone*, THE GOVERNOUR'S youngest son.'

The following VERSES on the LAIRD OF RAITH'S EXECUTION, by *John Johnstone*,<sup>1</sup> may also be considered interesting by many readers, when viewed in connection with these desultory notices.

JOHANNES MALVILLUS, RETHIUS,

*Nobilis Fifanus, Jacobo V. Regi, olim familiarissimus, summa vitæ innocentia, ob puræ Religionis studium, in suspitione falsi criminis, iniquissimo judicio sublatu est, Anno Christi, 1548.*

Quidnam ego commerui? Quæ tanta injuria facti?

Hostis ut in nostrum sæviat ense caput?

Idem hostis, judexque simul. Pro crimine, Christi

Relligio et fædo crimine pura manus.

O fœcla! O mores! Scelerum sic tollere pœnas

Ut virtus sceleri debita damna luat.

It only remains to mention, that there is some doubt with respect to the date of this event, as several of the preceding authorities class it with occurrences of the year 1550. The following quotations, however, from the LORD HIGH TREASURER'S ACCOUNTS, seem to fix it with tolerable precision.

'Dec. 3, 1548.—*Item*, Writtingis to þe Lairdis of Balmowto, Balwery, Petfyrrane, and to all þe Lairdis and Gentilmen of FYF,<sup>2</sup> to be heir, (in Edinburgh,) Dec. v<sup>co</sup>, vpoun þe LAIRD OF RATHIS ASSISE, . . . . . xxij s. vj d.

'Dec 5.—*Item*, to Adame M<sup>c</sup>Cullo, Pursewart, fend agane to FYF to summond ane Affise to the Laird of Raith: And to execute Summoundis of Treffoun vpoun þe Laird of Petmillé and Mr Henry Balnavis, to þe xxj day of Februar, . . . . . xxxiiij s.'

The enquiring reader is referred to much interesting matter relative to the persecutions of the early Reformers, in the last Edition of *Dr M<sup>c</sup>Crie's* valuable work on the Reformation.<sup>3</sup>]

GIFT by *Mary, Queen of Scots*, in favour of '*Johnne Meluile, son of vmquhile (Schir) Johnne Meluile of Rayth' (knycht), of all Reversions which belonged to his deceased father, previous to his Forfeiture.*

MARIE, be the grace of God, Quene of Scottis. To all and findrie our liegis and subdittis quhome it efferis, quhais knowlege thir our Lettres falcum, greting. Witt ze ws to haue gevin and grantit, and be thir our Lettres gevis and grantis To our louitt, JOHNNE MELUILE, sone of vmquhile JOHNNE MELUILE OF RAITH, KNY<sup>t</sup>, his airis and assignais, all and findrie Reuerfiones, maid be quhatfumeuir personis to the said vmquhill *Johnne Meluile*, his fader, gudefchir, or ony vperis his predecessouris, vpoune quhatfumeuir landis, annuelrentis, or vtheris rowmes and possessionis annaleit be thame or ony of þame, to quhatfumeuir personis, thair airis and assignais: Quhilk Reuerfionis pertenet to the said vmq<sup>le</sup> Johnne, as his proper evidentis and heritable richtis, for redemptioun of

<sup>1</sup> *Johnstoni Heroes*, Lugd. Bat. 1603, pp. 28, 29.      <sup>2</sup> There is another entry for summoning 'diuerse BARONIS OF LOUTHIANE.'      <sup>3</sup> *Dr M<sup>c</sup>Crie's* Life of John Knox, *passim*, and especially the Note appended to Vol. I. of the *Fifth* Edition, respecting SCOTTISH MARTYRS.'

þe saidis landis, annuelrentis, rowmes, and possessionis, and now pertenis to Ws, and ar become in our handis, be resson of Escheit, throw þe pretendit DOME OF FOIRFALTOURE and Decreit led and gevin aganis the said vinq<sup>re</sup> *Johnne Meluile* ffor certane allegit crymes of Treasoune, allegit committit be him, quhairof he wes convict and justifeit to the death : Like as, at mair lenthe, is contenit in ze said pretendit Dome of Foirfaltoure and Decreit gevin aganis him thairupoune. TO BE HALDIN and to be hade all and findrie þe foirnemmit Reuerfions to the said *Johnne Meluile*, his airis, and assignais, with all and findrie commoditeis, fredomes, proffittis, and richtius pertinentis quhatfumeuir, pertening, or richtiuillie may pertene þairto. With power to the said *Johnne Meluile*, his airis, and assignais, to redeme and quytout the saidis landis, annuelrentis, rowmes, and possessionis, fra the pretendit heritable possessouris thairof respectiué, and all vtheris quhome it efferis, be vertew of þe saidis Lettres of Reuerfionis, respectiué ; and to vse þe samyn to þat effect, siclike, and als frelie in all thingis as þe said vmq<sup>re</sup> *Johnne Meluile* micht haue done before þe said pretendit Dome and Decreit of Foirfaltoure ; and þe samyn being redemit and quitout, be vertew of þe Reuerfionis foirsaidis, We Ordane new Infeftmentis to be gevin to the said *Johnne Meluile*, his airis, and assignais, off all and findrie Landis, annuelrentis, rowmes, and possessionis quhatfumeuir, alswele haldin of Ws as of quhatfumeuir vtheris Superiouris thairof, within þis oure realme, nochtwithstanding þe pretendit Foirfaltour foirsaid ; and with all and findrie vtheris commodittis, fredomes, and priuilegis apertening thairto, ffrelie, quietlie, weale, and in peax, bot ony Reuocatioune, obstacile, impediment, or agane-calling quhatfumeuir. QUHAIRFORE, We charge straitlie and commandis zow, all and findrie oure liegis and subdittis foirsaidis, that nane of zow tak vpoune hand to mak ony impediment, latt, or distrubance to the said *Johnne Meluile*, his airis, and assignais foirsaidis, in the peceable brouking, joifing, vsing, intro-metting, and disponing vpoune all and findrie þe foirnemmit Reuerfionis, efter the forme and tennoure of þir oure Lettres, vnder all hieast pane and charge þat efter may follow. GEVIN vnder oure Priuie Seile, At Edinburghe, the twelff day of Februare, the zeir of God I<sup>m</sup>.V<sup>c</sup>. threscoir twa zeiris, and of our reigne þe twenty ane zeir.

*Per Signaturam manu s. d. n. REGINE subscriptum.*

#### Abiding from the Raid of Gladismure.

Apr. 13, 1549.—WILLIAM RUTHVENE OF BALLENDENE found William Lord Ruthvene as surety for his entry, on May 14, to underly the law for contemptuously Abiding from the Queen's Army ordained to convene at Gladif-

muir,<sup>1</sup> Aug. 20. last, for Besieging the town of Hadingtoun, and for recovery thereof out of the hands of our ancient enemies, the English.

**Slaughter of the Laird of Cuthilgurdy, &c.**

THOMAS BLARE OF BALTHYOK, and Thomas his son, John Moncur of Balluny, and nine others, found surety<sup>2</sup> to underly the law, on May 14 next, for art and part of the cruel Slaughter of Sir Henry Dempstare, Chaplain, John Charteris of Cuthilgurdy, Richard Brown, Alexander Charteris, Alexander Gray, John Pullour, and Robert his son; and for all other crimes contained in their Letters.—SIR ROBERT OISTILLARE was replegiated by the Vicars-General of St Andrews; and Thomas Broun *alias Theif* was replegiated by Patrick, Bishop of Murray, perpetual Commendator of Scone.

**Murder of Ross of Craigtoun, Lady Ballunye, &c.**

THOMAS CHARTERIS OF KYNFAWNIS found surety<sup>3</sup> to underly the law, on May 14, for the cruel Slaughters and Murders of James Ross of Craigtoun, Gilbert Moncreif, and Margaret Douglafs Lady Ballunye; and for other crimes contained in his Letters.—(May 14.) Several others were likewise put to the horne, &c. for the same crimes.

**Mutilation — Hurting and Wounding.**

May 10.—DAVID KENNEDY, and Thomas his brother, sons of Thomas K. of Knockdaw, were Respited for Mutilating Robert Cathcart of Carletoune<sup>4</sup> of his left hand, and Hurting and Wounding him in the face: And for Convocation of the lieges in Jan. 1546-7. Robert Master of Sympill became cautioner for satisfying the parties.

**Slaughter.**

May 13.—JAMES WOD OF BONYNGTOUNE delated of art and part of the cruel Slaughter of Mr Hugh Guthre.—Proved to be sick. Richard Maitland of Lethingtoun became surety for his entry at the next Aire of Forfar.

**Inbading the Master of Sympill for his Slaughter.**

May 27.—JOHN MUIR OF CAULDWELL, William, Archibald, Robert, Hector, and James Muir, his brothers, and twenty-six others, Convicted of Invading ROBERT MASTER OF SYMPILL, and his servants, armed in warlike man-

<sup>1</sup> Andrew Schaw of Sornbeg got a Remission for his absence from another Raid at Gladismure, in September following.

<sup>2</sup> William Moncreiff of that ilk.

<sup>3</sup> David Bruce of Kynnard.

<sup>4</sup> See Mar. 25, 1547, for farther particulars of this Case.

ner, near the Place and Tower of Cauldwell; and putting them to flight, for their Slaughters; committed of forethought felony, on Apr. 9. last.

*Absentes ab ASSISA Domini de Cauldwell, &c.*

Ninian Lord Rofs,	William Wallace of Ellerflie,	The Laird of Lufs,
The Laird of Stanelie,	William Wallace of Johnestoune,	George Buchquhannane of that Ilk,
Mathew Dowglas of Manis,	The Laird of Balvey,	James Mortoune of Walkinshaw. <sup>1</sup>

### **Murder of two Pregnant Women — Stouthreit, &c.**

May 28.—WILLIAM WALDY, William Gracy, and James Fothringehame, Convicted of art and part of the cruel Slaughter and Murder of Helen Striueling Lady Ullishavin, spouse of James Stratoune, and Jonet Sawlie, her servant, within the Place of Dullady; committed under filence of night, of forethought felony, on Apr. 24 last; the said Helen and Jonet being pregnant at the time of the said Murder: AND also of breaking up the chests of the said James Stratoune; and stealing and reiving, furth of the said Place and chests, all the goods and jewels contained therein.—HANGED.<sup>2</sup>

### **Parricide — Murder of Lady Ullishaven.**

May 29.—JOHN LICHTOUNE OF VLLISHAVEN denounced rebel, and put to the horn, as fugitive from the law, for the Murder of the said Helen Striueling, his mother, and Jonet Sawlie, her servant.

### **Supplying the English at Broughty-Craig, &c.**

July 2.—EGIDIA GRAY, sifter of James Gray in Buttirgask, put to the horn for not underlying the law for her treasonable Intercommuning, refet, affittance, and supply afforded to our ancient enemies the English, being in the fortalices of Bruchty-Craig and Brakan-hill.—(July 3.) JONET HUME, relict of Andrew Gray in Dvnynalde, found John Hume of Coldenknollis as surety for her entry, at the next aire of Forfare, for the same crime.

### **Supplying the English at Lauder — Common Treason.**

Jul. 18.—WILLIAM LAUDER, in Lauder, Convicted of the treasonable Intercommuning, refett, supply, and affittance given to our ancient enemies the English, being within the Fortalice near to the burgh of Lauder; continually furnishing them with meat and drink, from the time of the building thereof, in the month of . . . 1547: AND for leading and conducting the said English to the foresaid Fortalice, and other places at their will, to the spoiling, wafting, and destruction of the kingdom, and conquest thereof; revealing and shewing to our said enemies the secrets of the kingdom: AND specially, for carrying and send-

<sup>1</sup> Each of these persons, along with the Laird of Craighernard, was fined L.20.    <sup>2</sup> See May 10, 1550.

ing Letters and clofe writings of SIR HUGH WILLEBY, and other Englishmen, within England and Scotland, in a treasonable manner: AND for common Treason.—BEHEADED.

**Usurpation — Imprisoning a Messenger and Witnesses.**

Aug. 13.—THOMAS MAWLE OF PANMURE, John and Robert his brothers, David his cousin, Henry Ramsay of Panbride, James Strauthauchin of Balwiffye, and fixty-seven others, denounced Rebels, and put to the horn, for not underlying the law, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, coming to the lands of Pannethy, belonging to Thomas Douglas and Elizabeth Liddale his spouse; and there, on Jun. 12 last, hindering the execution of a Precept of ejection ordained to be executed against the Tenants; and cruelly invading the Officer and witnesses, and forcibly taking them captive to the Place of Panmure, and detaining them in prison, under captivity, Ufurping thereby the QUEEN'S authority.

**Intercommuning with the English at Broughty.**

Nov. 26.—MR JAMES BETOUNE denounced rebel, and put to the horn, &c. for not underlying the law, for treasonably going to the Fortalice of Bruchty, kept by our ancient enemies the English: AND for Intercommuning, speaking, and treating with SIR JOHN LUTERALE, Captain thereof, for the subversion and subjugation of the whole country adjoining the said Fortalice; Committed in the months of June, July, and August, 1548.

**Abiding from the Host at Edgebuckling-brae, &c.**

Nov. 28.—ROBERT BETOUNE OF CREICHE, and MICHAEL BALFOUR OF BURLIE, became in Will for Abiding from the Queen's Army at EGEBUKLENEBRA,<sup>1</sup> on Sep. 5. last, convened for resisting our ancient enemies of England, and for defence of the kingdom: AND for their retiring from the Army convened upon the Muir of Rosling, upon Oct. 20, before the expiry of the term affigned, without Licence obtained from the GOVERNOR; notwithstanding the Proclamation of Oct. 30. last, that no Baron nor Laird should retire therefrom, without special Licence.

GUBERNATOR,

JUSTICE CLERK and your deputis, we grete you weil: Forfamekill as we haif

<sup>1</sup> *Hume of Godscroft*, in his History of the House of Douglas and Angus, quotes a fragment of a doggerel rhyme made upon THE EARL OF ARGYLE'S expedition against THE EARL OF ANGUS (*Bell the Cat*), which was popular in his day. It mentions this place.

'The Earl of Argyle is bound to ride From the border of EDGE-BUCKLIN-BRAY,  
And all his Habergeons him beside, Each man upon a fonke of fray.  
They made their vow that they would flay,' &c.

Remittit, forgevin, and dischargit to our loulttis ROBERT BETOUNE OF CREYCH and MICHAEL BALFOUR OF BURLE, pe Will in quhilk pai becom befoir our souerane ladeis Justice and his deputis, in pe Justice Court haldin in pe Tolbuyth of Edinbur<sup>t</sup> pe xxvij day of November last bipast, for pair Remaning fra pe Raid diuisit to convene at Egebuchlenbray, pe fift day of September last bypast. QUHAIRFOR we charge 3ou, pat incontinent estir pe sycht heirof 3e deleit and put furth of pe bukis of Adionale pe Act maid, quhair pe saidis perfonis becom in Will, as said is : As 3e will ansuer to ws pair-ppone ; keband pis writing to 3our Warrant. SUBSCRUIT with oure hand, At Falkland, pe xvij day of Februare, pe 3ere of God I<sup>m</sup>.V<sup>c</sup>.xlix 3eris. JAMES G. JOANNES THE<sup>o</sup>.

### **Fire-raising, by a female, punished by Branding and Banishment.**

Dec. 10.—ISSOBELLA M<sup>c</sup>FERLANE Convicted of art and part of treasonable Fire-raising and Burning of the dwelling-house of Jonet Glas, in Wester Kirrewachter, on Sep. 1 last, under filence of night, together with all the victual, cattle, and goods therein ; thereby committing public Treason and common Oppression.—SENTENCE. To be BRANDED on the cheek, and thereafter to be BANISHED from the stewartry of Stratherne, under pain of Drowning.

### **Resetting a Traitor and Englishmen — Fire-raising.**

Dec. 16.—WILLIAM NEWTOUNE OF THAT ILK, John his brother, and seven others, found caution to underly the law on Feb. 3 next, for Resetting Cuthbert Newtoun, Traitor, and several Englishmen in company with him : AND for Burning the house of Mathew Dollace, in Over Saltoun, &c.

### **Intercommuning with the English at Broughty Castle.**

Dec. 20.—JOHN LORD INNERMEITHE dilaited of treasonably going to the Fortalice of Bruchty, kept by our ancient enemies the English, and Intercommuning and treating with SIR ANDREW DUDLEY, Captain thereof, for Fire-raising and plundering the country and lieges.—David Master of Craufurd became surety for his entry, on Jan. 27 next.

The following persons were amerced for not appearing to pass on this Affise, viz. JOHN LORD GLAMMYS, Symon Prestoun of that Ilk, Alexander Grahame, young Laird of Southfeild, the Lairds of Restalrig, Sherehall, Lundye, Kynfawnis, Lugtoun, Wauchtoun, and Carnok.<sup>1</sup>

### **Crimen Falsi — Interlining Signet Letters.**

MARIOTA OGILUY, dilaited of Falsifying and causing the interlineation of her Majesty's Letters, under the Signet, dated Dec. 3, anno regni 1 (1543), and for adding upon the margin of the conclusion thereof, 'William Murray his spous,' and for using the same Letters.

<sup>1</sup> Their names are not specially entered in the Record.



ASSENTS *ab Affis Mariote Ogilvy.*

John Erskin of Dvnae,	The Laird of Ibrichty,	William Sinclair of Myreside,
Symon Prestoune of that Ilk,	John Scrymgeour, Constable of	The Laird of Restalrig,
William Ruthvene of Ballindane,	Dundee,	Patrick Hepburne of Wauch-
James Crawford of Auldbar,	Robert Sinclair of Litill Blair,	tonne,
George Falconar of Fiedowne,	David Gardin of Leis,	The Laird of Carnok,
David Wod of Craig,	Alexander Wallein <sup>1</sup> of Wodwra,	The Laird of Lundy,
James Wod of Bonyntoune,	. . . . Oliner of Gagy,	The Laird of Lugtoun.
William Murray of Banheid,	The Laird of Balnamone,	

Jan. 27.—William Master of Craufurd, as surety, was amerced for her non-appearance this day; and she was denounced Rebel, &c. and all her moveables were ordained to be escheated.

**Waylaying — Invasion — Oppression.**

Mar. 3, 1549-50.—MARGARET HUME, Prioress of North Berwick, was replegiated by the Official of St Andrews, within the Archdeanery of Lothian, to underly the law for the Waylaying and Invasion of Alexander Oliphant of Kellé (Kelly) for his Slaughter, and for other crimes of Oppression committed against him and Alexander Gourlay of Kincaig.—Alexander Hume in (of) North Berwick became surety for her appearance at the Court of the said Official, within the Collegiate Church of St Giles, (Edinburgh,) on Apr. 30 next.—MR ALEXANDER WOD, Vicar of North Berwick, was also replegiated.

**Hamesucken — Oppressing the Prioress of North Berwick, &c.**

ALEXANDER OLIPHANT OF KELLE (Kelly) amerced for not entering Florimont Strang in Kellé, and five others, to underly the law, for art and part of the forethought felony, Hamesucken, and Oppression done to MARGARET Prioress of North Berwick and her servants, coming to her lands of Grange, lying within the shire of Fife, in the month of June last, and besetting the way to the said Prioress and her servants for their Slaughter; and besieging them within the Mansion-house of the said lands. 'DELETUR *de mandato domini* GUBERNATORIS *et* THESAURARII, *per eorum Preceptum.*'—JOHN SPENS, John and Alex. Gibsoun, and John Sinclair, 'desyrit proces, and pame to be put to be knowlege of ane Affise; and pat na Affise wer summond, nor na pairty compeirit to perfew pame for pe saidis allegit crymes, tuke instrumentis, and protestit for remeid of law.'—The Laird of Kelly, and twenty-one others, found Alexander Lindsay, Captain of Fynnevin, surety for their appearance, on Apr. 16, 1550.<sup>2</sup>

<sup>1</sup> Probably Vallene or Vallance.

<sup>2</sup> From the above notice, it would appear that the matter was compromised, through the interference of the lord Governor; but, on May 8, 1550, the Case was referred to the Justice-sire of Fife immediately following. John Blacater of Tullyalloune became cautioner for their entry.

**Treasonable Fire-raising, &c. — Intercommuning with the English — Receiving English Pay — High Treason, &c.**

Mar. 17.—RICHARD LATYMER OF THAT ILK Convicted of treasonable FIRE-RAISING and BURNING THE TOWN OF DURRISDEIR, in company with SIR HENRY QUHERTOUNE, (*Wharton*.) Englishman, and his accomplices, in the month of March 1547: ITEM, for art and part of treasonable Fire-raising and Burning of the lands of AUCHINCASSEL and TIBBERIS, in company with the said *Henry Quhertoune*, Englishman, and of art and part of the violent Stouthreif and 'Herefchip' of the poor Tenants of these lands, 'reiving' from them five thousand oxen, cows, and sheep, together with all their goods, utensils, and household stuff, to the value of 3000 l. or thereby; committed in the month of December 1547: ITEM, for art and part of treasonable Fire-raising and Burning the Town and lands of AMISFEILD, in company with the said *Sir Henry* and his accomplices, Englishmen; and for art and part of the violent Stouthreif and 'Herreschip' of the poor Tenants of the said lands, reiving from them 4000 oxen, cows, and sheep, and burning their whole grain; committed during the time of Autumn 1547: ITEM, for art and part of the treasonable Fire-raising and Burning the houses, grain, and victual of *William Wauch* at BRIGTOUNE, extending to the value of 300 merks, in Spring-time 1547-8: ITEM, for art and part of the Theft and concealment of xxiiiij<sup>xxi</sup> oxen and cows from *Sir James Douglas of Drumlangrig, knight*, in company with THE BELLS and the English, manifest Thieves and Traitors, furth of the lands of KIRKHOIP; and driving the said cattle to England, and there disposing of them; committed in Summer 1549: ITEM, for art and part of the Theft and concealment of 80 oxen and cows from *John Johnstoune of that Ilk* furth of his lands, in company with the English, leading the said cattle to England, and there selling and disposing of them, in time of Autumn 1547: ITEM, as a common Thief and Traitor, part-taking against THE QUEEN and Kingdom of Scotland, and receiving daily pay from the English; and specially, from THE WARDEN OF THE WEST MARCHES OF ENGLAND, during these times of War: ITEM, for common Theft, common Resett of Theft, Outputting and inputting, in a theftuous manner, between the Scottish and English: And for a common Traitor.

SENTENCE.—To be drawn to the Gallows and HANGED; And his body to be quartered: And that his heritages, lands, and possessions, and all his goods, moveable and immoveable, shall be forfeited and Escheated to THE QUEEN, and applied to her use.

<sup>1</sup> Twenty-four score, or four hundred and eighty. This is perhaps one of the most atrocious cases of treasonable and wholesale robbery on record. It is mentioned, generally, in various of the Historians and Chroniclers, but as they give no new information, it has not been deemed necessary to make any quotations.

### **Purchasing high-priced French Wines.<sup>1</sup>**

Mar. 21.—ROBERT HATHWY, John Sym, and James Lowrie, burgesles of Edinburgh, came in the Queen's will for breaking the Proclamation of Jan. 8 last, ordaining that none of the lieges shall presume to purchase 'Burdeous (Bordeaux) wynis' dearer than 22 li. 10 s. for each 'tvne' (tun,) and 'Rochell wynis' dearer than 18 l. per tun; by purchasing 'Cunzeok (Cogniac?) wynis' at 25 l. for each tun.—Twenty-one others are charged, of which number ten came in will, and were fined in fums ranging from 40 merks to 40 s.; six refused to find caution, and five were fugitive from the law, thereby incurring the pain of rebellion. A few others were replegiated to the Regality of Canongate.

### **Burning the Towns of Dalkeith and Newbottle — Treason, &c.**

Mar. 24.—JAMES DEWAR, at that time a captive in England, found caution (James Lawson of Humby) to underly the law at the next Justice-aire of Edinburgh, for art and part of the treasonable Fire-raising and Burning the Towns of Dalkeith and Newbottill, in company with Sir James Wilfurd, General of Hadingtoun, and the English, in the months of . . . . and December 1548; and for pursuing William Ewtoun (Newtoun) of that ilk for his Slaughter; and for other crimes contained in his Letters.

### **High Treason — Oppression — Hamesucken — Fire-Raising**

Mar. 24.—WILLIAM NEWTOUNE OF THAT ILK, Robert and Alexander Quhitlaw, and five others, found caution<sup>2</sup> to underly the law at the next Justice-aire of Edinburgh, for treasonably Refetting Robert Newtoun; and for other crimes of High Treason; and for Oppression and Hamesuckin done to Mathew Dewar, in the month of June 1548, treasonably coming to his house in Saltoun and Burning thereof, with the whole goods therein.

### **Slaughter — Ravishing — Imprisoning, &c.**

Mar. 27, 1550.—JAMES and JOHN CRAUFURD, sons of Hugh C. senior, Robert, George, and Hugh C. sons of William C. of Barquhorn, John Beg and John Brovne, having previously found caution (George C. of Lefnorefe) to underly the law for the cruel Slaughter of William Mathy and Finlay Sym; and for Ravishing (forcible abduction) of Agnes Craufurd Lady Lefnorefe, and detaining her in captivity for a certain space; and for pursuing and invading Alexander Nesbet for his Slaughter, of forethought felony, and ancient feud; and for other crimes contained in his Letters: Failing to appear, the Laird of

<sup>1</sup> See May 4, 1555. A number of intermediate Cases of the same description likewise occur, where high fines were exacted. It is, however, considered unnecessary to cite each individual instance.

<sup>2</sup> Patrick Hepburne of Wauchtoun and Mark Ker of Dolphinstoun.

Lochnoreis was amerced, and they were all denounced Rebels and put to the horn.—JAMES DUNBAR and Andrew Porter were also denounced for the same crimes; and David Craufurd of Kerse was amerced for their non-entry.

#### **Slaughter — Privileges of the Sheriff of Peebles.**

Apr. 30.—DUTHO<sup>1</sup> STEWART Convicted of art and part of the cruel Slaughter of Thomas Forestar, burgess of Peebles.—BEHEADED.

‘Compeirit Nychol Quhippo, ane of pe Scheref-deputis of Peblis, and protestit, pat howbeit he enterit pe said Dutho before pe said Justice-depute to vnderly pe law for pe said Slauchtir, at command of THE QUENIS Letteris, and for feir of pe panis contenit pairin, That pe entre of pe said Dutho suld nocht hurt nor preiuge our souerane ladieis Commiffiounne granted to pe SCHEREF of Peblis and his deputis for iustefeing and pvniffing of personis committeris of sic crymes as is contenit pairin; and pairupoune took instrumentis.’

#### **Slaughter of a son of the Laird of Cauldwell.**

May 5.—PETER HOWSTOUNE, brother-german of the Laird of Howstoune, Patrick H. uncle of the said Laird, Peter H. in Park, Patrik H. porter (janitor) of Howstoune, and nine others, found caution (Alexander Earl of Glen-carne, Lord Kilmawres) for their entering, on Jun. 5 next, to underly the law for the cruel Slaughter of Robert Muir, son of John Muir of Cauldwell, (on the second day of April last, under silence of night; committed on ancient feud and forethought felony.)<sup>2</sup>

(Jun. 14.)—ARCHIBALD HOWSTOUNE was tried for the above crime, and BEHEADED.<sup>3</sup>

#### **Murder of Lady Ullishavin and her servant.**

May 10.—JAMES SCHORISWOD and twelve others found caution to underly the law, on Jul. 8, for the cruel Slaughter and Murder of Helen Striueling Lady Ullishavin,<sup>4</sup> and Jonet Sawle her servant.

#### **Assisting the English Soldiers in the Castle of Haddington.**

May 16.—ALEXANDER GIBSOUN, in Mekilrig, produced a Remission from THE QUEEN for fortifying, assisting, and partaking with our ancient enemies of England in persecuting the Queen’s lieges; and in carrying gun-powder<sup>5</sup>

<sup>1</sup> Duthacus. <sup>2</sup> Patrik Muir of Anistoune, Robert Cathcart of Carloune, Duncan Kennedy of Dalquharrane, and John K. of Dunnymuk were present, and some of them were sworn as Assisors.

<sup>3</sup> Unfortunately, the particulars of this case are not narrated in the Record. <sup>4</sup> See May 28, 1549, and the APPENDIX to this reign. Their victims were both in a state of pregnancy at the time of the murder.

<sup>5</sup> Pulueris in the Record. It is, however, proper to state, that this word may have been intended to denote *flour*, although such interpretation is unlikely.

and victual to the Fortalice of Hadingtounne, and taking assurance with the said enemies for the subversion of the kingdom, for the space of two years past, or thereby.—JAMES SAMPSOUN and three others, having been charged for the same crimes, produced the following Warrant :

GUBERNATOR,

JUSTICE, Justice-Clerk, and your deputis, We greit you weil. Forfamekill as it is our will, and for certane resonabill causes and considerationis moving us, we charge you, that you proceed and do justice upon Robert Walsoun, James Sampsonne, George Rauff, and George Tait,<sup>1</sup> *Tenantis and Seruantis* to our cousin ALEXANDER LORD HUME, in your Justice Court set be you to pame, to vnderly the law this xvj day of Maij instant, for all kynd of actionis and crymes committit be paim in tymes bipast, contenit in the Letteris raisit aganis pame pairament, except for pair taking of Assurance with our auld inymeis of England, and Assisting to pame in ony maner of way, in tymes bigane; for the quibilkis, we will that you be nocht persewit; And dischargis you of all proceding aganis paim pairis, and of your offices in that pairt, be this presentis. SUBSCRUIT with our hand, AT EDINBURGH, the xvj day of Maij, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. and fifty 3eris. JAMES G. JOANNES THE<sup>s</sup>.

### Treasonably assisting the English, &c.

May 23.—JOHN DIKSOUNE, formerly in Belchester, and ROBERT TROTTER,<sup>2</sup> were denounced Rebels, &c. for not underlying the law for their Treasonably Taking Assurance, Assisting, Fortifying, and plain Partaking with our ancient Enemies, the English, and revealing to them the secrets of this kingdom, &c. Walter Ker of Cessford, and Alexander Lord Hume, their cautioners, were amerced for their non-appearance.

[George Earl of Errol, Lord High Constable.]

### Jurisdiction of the Lord High Constable — Stouthreif — 'Umbe-setting the gait' — Mutilation, &c.

Jun. 17.—GILBERT M<sup>c</sup>TEYR Convicted of art and part 'of Umbe-setting' the way to John Nycholson, on Monday Jun. 16 instant, at 'Sanct Androis' Port,<sup>3</sup> near the COLLEGE of the Holy Trinity, where he was quietly returning from the burgh of Edinburgh, and cruelly invading him for his Slaughter: AND for Mutilation of the said John of three fingers, and the thumb of his right hand: AND for Stouthreif and plundering ('reiving') from him of his horse sword, two cloaks,<sup>4</sup> and sundry other goods.—BEHEADED.

### Assisting the Escape of English Prisoners of War.

Jun. 26.—HENRY BELL and ANDREW MATHESOUNE were denounced rebels, &c. and Patrick Hakket of Pitfirrane, their cautioner, was amerced, for their not appearing to underly the law, for art and part of treasonably conduct-

<sup>1</sup> 'In Westmanis.'

<sup>2</sup> Cristina Brownfeld, his wife, was proved to be pregnant, and unable to travel.

<sup>3</sup> The Editor does not recollect of having elsewhere met with the name of this PORT. It must have stood beyond the foot of Leith Wynd.

<sup>4</sup> *Collaborium*.

ing three English prisoners, called John Cuk, Richard . . . , and John Stevin-foune, being in their custody at the time, to the North Queensferry, in treasonable manner, in the month of November last, under silence of night, where they theftuously entered a boat belonging to Florence (Cornetoune?) which they carried off, and absconded in the same.<sup>1</sup>

#### Slaughter.

Jun. 28.—DONALD M<sup>c</sup>KY OF FAR, Neill M<sup>c</sup>ane Moir, Rory M<sup>c</sup>ane Moir, Murdoch M<sup>c</sup>ane More, John M<sup>c</sup>ane More, and Tormat M<sup>c</sup>ane More, brothers, and Donald Dow M<sup>c</sup>corkill, charged for the cruel Slaughter of Alexander M<sup>c</sup>ane Rofs, Alexander M<sup>c</sup>illemychell, Tormat Makalexander, and five others. Alexander Rofs of Balnagowne was americiated for not reporting and delivering to the Clerk of Justiciary, the Letters, which had been purchased by the wives, children, parents, and friends<sup>2</sup> of the deceased, duly executed and indorsed.

#### Feud with Lord Stewart of Achiltree, &c.

Jul. 15.—JOHN LOKHART OF BAR, John<sup>3</sup> his brother germane, Charles Campbell of Skeringtoun, and William his brother, were denounced rebels and put to the horn, and their cautioners<sup>4</sup> americiated for not appearing to underly the law for pursuing Andrew Lord Stewart of Vchiltree for his Slaughter, on May 25 last, on old Feud and forethought felony, &c.—HUGH LOKART, brother german to the said Laird of Bar, was replegiated by the Archbishop of Glasgow, to answer for the same crime.

#### Breaking the Castle of Hamilton for the escape of a Heretic, &c.

Jul. 16.—JOHN LOKART OF BAR, John his brother german, and Charles Campbell of Skeringtoun, were denounced rebels, &c. and their cautioners<sup>4</sup> americiated, for their not appearing to underly the law, for their causing, assistance, ratihibition, &c. and for the help afforded by them to MR *alias* SIR JOHN M<sup>c</sup>BRAIR, formerly Canon of Glenluce, in breaking Ward furth of the lord Governor's Castle of Hammiltoun, where he was imprifoned, being charged for fundry great and odious crimes, Heresies, &c. ; coming to the foresaid Castle in the month of May last, under silence of night, and taking the said Mr or Sir John therefrom, and conducting him to the Mansion House of Bar and other places, as contained in the Letters.

<sup>1</sup> Laurence Marsar of Awdy became surety for the entry of ROBERT STEWART, in Dunfermling, on Aug. 11, 1750, to underly the law for the same crime, at the next Justice-aire of Fife. <sup>2</sup> Kinsmen.

<sup>3</sup> The name is repeated twice. It was then usual to give two or more sons the favourite or prevailing family name, so as to hand it down to remote posterity. The reader is referred to the Appendix to this and the former Reign for illustrations of these and similar feuds. <sup>4</sup> James Dalrumpill of Stair, and William Campbell, brother of the Laird of Cesnok. <sup>5</sup> Mathew Campbell, junior, Sheriff of Air, and George Campbell of Cesnok.

**Sacrilege — Spoliation of Churches and Altars — Destroying  
Choral Stalls, glazed windows, &c.**

Jul. 16.—JOHN LOKART OF BAR and Charles Campbell of Bargour denounced rebels, and their cautioner<sup>1</sup> amerced, for their not appearing to underly the law for their theftuous and violent carrying off, depredation, Stouth-reif and Spoliation furth of fundry Parish Churches, Religious Houses and Chapels, within the shires of Lanark, Renfrew, and the stewartries of Kyle, Carrick and Cuninghame, of fundry Eucharistic chalices,<sup>2</sup> Altars, and ornaments of the Mass:<sup>3</sup> AND also, for casting down and breaking choral stalls and other stalls, and glazed windows, &c. in the years 1545, 1546, 1547, and 1548; as specially contained in the Letters.

**Intercommuning with the English in Hadington.**

Aug. 8.—GEORGE HEPBURNE, in Athelstanefurd, got THE QUEEN'S Remission for treasonably Intercommuning with *Sir James Wolfurd, General of Hadingtoun*, and other ENGLISHMEN with him in Hadingtoun, in June 1548, and continually from that time until the expulsion of the Englishmen therefrom; supplying them with sheep, oxen, and victual, and thus plainly participating with and assisting them, and enabling the said Englishmen to hold out the said Town longer against the Queen and the lord Governor, to the subversion and destruction of the kingdom: AND also, for his treasonably dwelling under assurance with the said Englishmen for the foresaid space.—JOHN, JAMES, and ADAM BAGBIE, in Athelstanefurd, were likewise denounced Rebels for the said crime; and Patrick Hepburne of Wauchtoun, their cautioner, was amerced for their non-appearance.

**Slaughter of Lord Crechtoun of Sanchar.**

[THE remarkable event which forms the subject of the following proceedings, is mentioned by all the earlier historians, who, as usual, vary extremely in their chronology. *Lesley*<sup>4</sup> says, under the year 1553, 'At same tyme, THE LORD SYMPILL flew<sup>5</sup> THE LORD CREYCHTOUN OF SANCHAR, in *the Governouris* awin Hous, apoun a sudden, within the Toun of Edinburgh. For the quhilk he was taken and put in the Castle of Edinburgh, and had bene execut thairfoir, war not the gret laboris maid be *the Lorde Sancharis* freindis, for sauftie of his lyf, through ane aggrement that was labored betuix thame, be moyence of *the Bischop of Sanctandrois*, and utheris his freindis at the tyme.' *Pitscottie*,<sup>6</sup>

<sup>1</sup> Archibald Earl of Ergyle, Lord Campbell and Lorn, &c.    <sup>2</sup> Sacramental or Communion Cups.  
<sup>3</sup> Owing to the unfortunate loss of the Books of Adjournal at that period, this is the first entry now remaining, relative to the earliest breaking out of the Reformation in Scotland.    <sup>4</sup> Bannatyne Club Edition, p. 248.    <sup>5</sup> 'Stabs to death,' *Balf. Annales*, I, 301. He assigns the year 1552 as the date of the catastrophe.    <sup>6</sup> *Pitscottie*, 8vo Edit. p. 511.

however, animadvert sharply on the scandal of compounding for so heinous a crime, and states that 'no correction was made thairfor, because he (Lord Sempill) was *the Bischopis* guid-father.' Bot the plague of God left never *the Bischopis* hous thaireftir, because they left the publick fault vnpunished, conforme to justice. Yit *the Governour* wes weill obeyed in all thingis; quhill, at the last, he and his brother the Bischope begouthe to grow greidie, and held Justice-airis throche all Scotland, under pretext of justice, to fill thair bagis and boxes with money; for thair compositiones wer alike to Theiffis and leall men, with thair lawes. They scuffed throche all Scotland, opprestand the leal men als weill as the Theiff, for thair particular commoditie.'

The parties concerned in this affair were ROBERT *third* LORD SEMPILL, who married, 1st, Issobel, daughter of Sir William Hammilton of Sanquhar; and 2dly, Elizabeth Carlyle, a daughter of the Family of Torthorwald. He had extensive possessions and honourable offices, having, besides his patrimonial inheritance acquired Darnley, Cruikston, &c. after the forfeiture of *Mathew Earl of Lennox*, and held the offices of Governor of the Royal Castle of Douglas, Sheriff of Renfrew, &c. He afterwards fought against the Queen at the battle of Langside, and obtained the Abbacy of Paisley, on the forfeiture of Lord Claud Hamilton. There seems to be no doubt that he owed his life to his daughter's corrupt influence over the Archbishop, who swayed his brother the Regent. The injured relations of the murdered Lord, finding themselves compelled to yield to the force of circumstances, were induced to give the use of their names, as concurring in the application for pardon.

WILLIAM *third* LORD CREICHTON OF SANQUHAR, who was slain by him in the Palace of the Duke of Chatelherault, Governor of Scotland, and, according to *Buchanan*, almost in his presence, married Elizabeth, daughter of *Malcolm third Lord Fleming*.]

Sep. 6.—ROBERT MASTER OF SEMPILL became in her Majesty's Will, for art and part of the cruel Slaughter of William Lord Crechtoune of Sanchare, committed within the Lodging or Hall of the Lord Governor, in Edinburgh, on June 11th last.

DECLARATIO VOLUNTATIS *Domini Gubernatoris, per eum, nomine REGINE, super dicto Roberto pro dicto crimine declarata, apud Edr, Sep. 10 instantis, in domo Reverendissimi in Christo patris Joannis Archiepiscopi Sanctiandree.*

THE quhilk day pe said nobill Prince, at pe eirnist requeift, desire, and sollicita-

<sup>1</sup> His daughter, 'Lady Gilton,' was concubine to John Hamilton, Archbishop of St Andrews, by whom he had one son, John Hamilton of Blair. See also *Buchanan*, Book xv, p. 65, who states that



tioune of MARIE QUEENE OF SCOTLAND, DOWNER, eftir þat his grace wes de-  
fyrit þairto be þe wife, kin, and frendis of ymq<sup>h</sup> WILLIAME LORD CRECHTOUNE,  
Declaris þat þe QUENIS pardoune vnder þe Greit Seall falbe gevin and granted  
to þe said Robert, for þe Slauchter of þe said Williame, and extendit in þe largeft  
form, with all clauffis neidfull; and falbe fred furth of þe CASTELL OF ED<sup>m</sup> þe  
morne, and put to libertie; and within xv dais eftir þe said day of his departing  
furth of captivité, fall enter his perfoun within þe boundis of þe Scherefdomes  
of Kincardin, Forfar, and Perth, be-Eift þe Watter of Tay, and þair remane  
in Ward, as þe QUENIS Warder, induring my lord Governouris Will: And fall  
keip his Waird, and nocht depairt þairfra without his graces Licence, vnder þe  
pane of xx<sup>m</sup> markis, to be payit to oure fouerane lady, and hir Thesaurare: And  
fall find sufficient fouirtie for fulfilling of þis Will, or <sup>1</sup> he depairt furth of þe said  
Castell of Ed<sup>m</sup>. IN Witnes heerof, his grace hes subscriuit þir presentis.<sup>2</sup>

JAMES G.

THE famin x day of September, Henry Lord Methvene, þe Laird of Johnne-  
stoune-Wallace, þe Laird of Blakwod, þe Laird of Barrochane, þe Laird of Kyn-  
fawnis, the Laird of Mynto-Stewart, Williame Hamiltoune of Humby, Andro  
Hamiltoune, Capitane of Dumbertane, Robert Hammiltoune of Briggis, and þe  
Laird of Lundy, become plegis and fouirteis, coniunctlie and feueralie, for þe  
said Robert Maister of Simpill, for fulfilling of þe said Will in all poyntis, vnder  
þe said pane of xx<sup>m</sup> markis.

#### **Murder of a Woman by her Husband.**

Sep. 19.—WILLIAM TOD, burges of Edinburgh, Convicted of art and  
part of the cruel Slaughter and Murder of Elizabeth Adamfoune, his wife, com-  
mitted under filence of night, in his house, within the said burgh, in Oct. 1548.  
—BEHEADED.

#### **Slaughter by the Clan Cameron.**

Sept. 27.—EUGENIUS M'DONALD M'EWIN, CAPTAIN OF GLENCAM-  
ROUNE (Clan-Cameron), Donald M'allane M'ane, and fourteen others, delatid  
of the cruel Slaughter of John Roye M'allane M'coule *alias* Stewart, and John  
Dow M'ewin *alias* Camroune.—Donald Campbell of Yhtirachyme, their cau-  
tioner, for delivering Letters duly executed, &c. was fined for not producing  
them.

the entreaties of *Sempill's* daughter saved his life. The reader will find numerous notices of these  
persons in the APPENDIXES to this and the preceding reign. See likewise *Notice*, I. • 340.

<sup>1</sup> Ere, before.      <sup>2</sup> On the margin: 'Hoc actum deletur, de Mandato domini Gubernatoris:  
Quod Mandatum vna cum Declaratione Voluntatis extant in cistula.'

**Oppression — Sorning — Taking Black-Mail.**

Oct. 3.—JAMES GULANE and JOHN GRAY, Messengers-at-arms, Convicted for taking and apprehending John Cathro, and receiving *Black-mail* from him for his liberty: *Item*, for Common Oppression and Sorning upon the lieges, forcing and compelling them to pay Black-mail.—HANGED.

**Abiding from the Raids of Langholme, &c.**

Oct. 7.—GEORGE GALLOWAY in Auchmuir, Convicted of Abiding from the Queen's Armies ordained to convene at Langholme, Haddingtoun, and Edinburgh, on Apr. 13 last, for resisting our ancient enemies the English, and for besieging the Fortalices remaining in the hands of the said enemies.<sup>1</sup>

**Murder — Adultery — Oppression — Sacrilege.**

Nov. 5.—MR JOHN ELPHINSTOUNE, Rector of Invernochty, dilated of art and part of the cruel Slaughter and murder of Thomas Cult in Auld Aberdeen, under silence of night: AND for theftuously wasting and destroying the goods of William Lowfoune, burges of Aberdeen, for the space of ten years, during which time the said Mr John lay in Adultery with Jonet Colestoune, spouse of the said William: AND for Oppression done to Mr Duncan Burnet, Rector of Methlik, in 'Umbefetting' his way within his lodging in the Chanonry of Aberdeen, and Cathedral Church thereof, where he was for the time celebrating Matins and Divine service, invading and striking him to the ground several times with '*roungis*' and '*battounis*,' &c. He was replegiated by the Vicar of Innerkip, Commissary of the Bishop of Aberdeen, and Jan. 21 next was assigned by the Justice for his entry to underly the law.

**Deforcing Messengers-at-Arms.**

Nov. 14.—GEORGE RAMSAY, FIAR OF DALHOUSSY, became in Will, in his person and moveables only, for art and part of the Violent Deforcing of Archibald Hereot and Roger Tempiltoun, Messengers-at-arms, in the execution of their offices, by virtue of the QUEEN'S Letters; and James Maxwell, under a Decree of the Lords of Council, in the month of October last; and for violently taking certain goods from them, after they had been distrained for the fums therein contained.—Patrick Hepburn of Wauchtoune became surety for him.

**'Umbesetting the Gait' — Conbocation — Mutilation, &c.**

Nov. 14.—ALEXANDER BRODYE OF THAT ILK, Lauchlan Malcolm-foun, and *one hundred and twenty-five others*,<sup>2</sup> were denounced Rebels, &c., for not underlying the law for 'Umbesetting' the way of ALEXANDER CUMMYNG

<sup>1</sup> Sentence is not recorded.

<sup>2</sup> The only person of note in the list is John Hay, son of the Laird of Park. The enumeration of the rest could hardly be interesting to any one.

OF ALTER (Altyre), and his servants, between his Place of Alter and the lands of his Lease of Balnafery, for his slaughter; committed on forethought felony, by way of Hamefuckin: AND for the cruel Invasion of the said Alexander and his servants, for their Slaughter, and putting them to flight, with their accomplices, in great numbers, on horse and foot: And for the cruel Mutilation of Alexander or Allester Adefoun, flegear, one of the said Alexander's servants; committed in August last.—Their cautioners were unlawed or amerced for their non-appearance, viz. Alexander Dunbar of Cumnok, Patrick his son and heir apparent, Alexander Vrquhard of Burrisgardis, John Grant of Ballindalloch, James Dunbar of Tarbert, and Robert Dunbar of Durris.

The following Warrant is afterwards recorded, remitting these sums.

GUBERNATOR,

JUSTICE CLERK and your deputis, We grete 3ow weill. Forfamekill as Lauchlane Malcomesoune, William Leslie, sone to George Earl of Rothes,<sup>1</sup> Charles Vrquhard, &c.,<sup>2</sup> being chargit to find sicker fouirtie pat pai suld comper befor pe Justice or his deputis in pe Tolbuyth of Edr, pe xiiij day of Nouember, pe 3eir of God I<sup>m</sup>.V<sup>c</sup>. and fifty 3eris, to vnderly pe law for Vmbefetting of pe gait of ALEXANDER CUMMYNG OF ALTARR, and laying of ane grete buschement<sup>3</sup> of futemen, bodin in feir of weir, to pe nowmer of aucht scoir;<sup>4</sup> and for maisterfull setting vpoune pe said Alexander and his seruandis, and causing of pe said grete buschement to breke halie togidder<sup>5</sup> vpoun pe said Alexander and his seruandis; and chafing of the said Alexander and his seruandis, for pair slaughter, to pe Place of Alter to pe space of ane myll or pairby: AND for pe crewall Hurting and Wounding of his seruandis, and leving of pame for deid: AND for pe crewale Mutilatioune of Allaister Adefoune, flegour,<sup>6</sup> vpoun suld feid and foirthocht felony, and breking pairthrow of pe Actis of Parliament, fband Alexander Dumbar of Cumnok, Patrick Dumbar, his sone and apperand air, James Dumbar of Tervett, Alex<sup>r</sup> Vrquhard of Burrisgardis, souerteis for entré of pame befor pe said Justice pe said day: AND ALS, pe saidis Alex<sup>r</sup>, Patrick, James, Robert, and Alex<sup>r</sup> becom ilkane souerteis for vperis for entré of pame pe samyn day: AND becaus pai onne na wise comperit pe said day, to pe effect abone writtin, pai wer vnlawit and adiugit in diuerse sowmes of money: Qubilkis vnlawis oure souerane lady, with our auise, and with auise of her said Thesourare, hes REMITTIT and forgevin to pame; as pe Remit maid pairupoune beiris. OURE WILL IS HEIRFOIR, and We charge 3ow, pat incontinent estir 3e fycht heirof, 3e deleit and put furth of pe bukis of Adiornall all Actis maid, quhair pe said Alex<sup>r</sup> Dumbar, Patrick Dumbar, James Dumbar, Robert Dumbar, and Alex<sup>r</sup> Vrquhard, wer vnlawit for non-entre of pame and pe personis abone writtin, pe said day: swa pat pai be nocht trublit pairfoir in tyme cuming. As 3e will ansuer to ws pairupoune, keband pis oure Precept for 3our Warrant. SUBSCRUIT with our hand, and with pe said Thesourare hand, At Edinbur<sup>t</sup>, pe xj day of Februaire, the 3ere of God I<sup>m</sup>.V<sup>c</sup>. fifty ane 3eris.

JAMES G. JOANNES THES. Gratis.

**Intercommuning with the Laird of Caldwell and his son, Rebels.**

Jan. 15, 1550-1.—ALEXANDER PARK OF BAGRAY became in Will for Refetting, Supplying, Intercommuning, &c. with John Mure of Caldwell and William his son, being rebels and at the horn; and for furnishing the said rebels

<sup>1</sup> He is omitted in the preceding list, and was probably charged separately. <sup>2</sup> The remainder of the names follow. <sup>3</sup> Ambuscade. <sup>4</sup> 160 persons. <sup>5</sup> To burst forth in a compact body from their ambush. <sup>6</sup> Perhaps this denotes *flesher*, or butcher.

with meat and drink in November last, and sundry other times before and since.—WARDED in the Castle of Edinburgh.

**Intercommuning and supplying Rebels with meat and drink.**

Jan. 24.—ALEXANDER and WILLIAM GALBRAITHE, Thomas Craig, and John M'kane came in Will for Resetting, Supplying, Intercommuning, &c. with William Cunynghame in Carneferne, rebel and at the horn, and for supplying them with goods, meat, and drink in November last, and sundry times before and since.—Robert Cunynghame of Mongrenane and James C. of Rofs became cautioners for their entry, at the next Aire of Dumbarton, to underly and fulfil the declaration of the said Will.—William M'kane and William M'caichny fail to appear, and their cautioners are unawed.

**Common Theft.**

Feb. 6.—JOHN STRIUELING, YOUNG LAIRD OF TULYDUVY, Convicted of common Theft.—HANGED.

**Treasonably Supplying the Master of Rothes, a Traitor.**

May 4, 1551.—ALEXANDER PRIOR OF PLUSCARDIN delated of treasonably Intercommuning with, Resetting, and Supplying Norman Leslie, formerly Master of Rothes, a convicted and declared Traitor and Rebel, and at the horn for his treasonable deeds, committed in the months of December and January last, and other times specified in the Letters.—Replegiated by Mr James Strath-auchin, Rector of Fethircarne, and Commissary of Patrick Bishop of Moray, and Jul. 3 assigned for his underlying the law in the Chapter house of Moray.—James Dunbar of Tarbett became surety for his entry, &c.

**Piracy punished by Hanging in Chains.**

May 6.—JOHN DAUIDSOUN Convicted by an Affise of the Violent Piracy of a French ship of Bourdeaux, in October last: And also for certain other crimes of Piracy stated in his Indictment: And for common Piracy.—HANGED in irons,<sup>1</sup> and his moveables escheated to the Queen.

**Intercommuning with the Master of Rothes.**

May 26.—JOHN GRANT OF BALLANDALLOCH got a Remission for

<sup>1</sup> 'Laqueo suspendi ad mortem, vsque ad sui corporis consumptionem, adjudicatus fuit.' This is the earliest notice in the existing Books of Adjournal of exposing the body of a criminal in chains, to be consumed piecemeal by the action of the elements. The brevity of the Record merely leads us to infer that this Pirate's body was hung in chains, and within flood-mark near Leith, which was for a long period afterwards the common place of execution for pirates, as at present on the banks of the River Thames. There are, however, few similar instances on record.

Intercommuning, resetting, and supplying Norman Leslie, formerly Master of Rothes, rebel and traitor, convicted and declared in Parliament, and being at the horn for his treasonable deeds.

**Abiding from the Convention at the Borders.**

Jun. 10, (*apud Peblis*.)—PATRICK HEPBURNE OF BOLTOUNE Convicted of breaking the Queen's Proclamation, in absenting himself and abiding from the Convention made by the lord Governor at the MARCHES towards England, for the reformation of crimes, &c., committed therein.

**Riding with the English — Fire-raising — Slaughters, &c.**

Jun. 27.—JAMES PATERSON, in Johnnisleuche, and Stephen Paterfoun, in Kifhill, found caution to underly the law at the next Justice-aire of Hadingtoun, for constantly riding with our ancient enemies the English, and leading them to many places where the goods of the Queen's lieges were; and thereby causing them to carry them away, to the extreme 'Herefchip' of the said lieges: And also for causing sundry Fire-raifings, Slaughters, Stouthreifs, and Raids in various parts of the kingdom.

**Intercommuning, &c. with the Master of Rothes.**

Aug. 18.—ALEXANDER DUMBAR OF CUMNOCK denounced rebel, &c. and all his moveables ordained to be escheated, and his cautioner<sup>1</sup> also was unlawed, for his not underlying the law this day, for treasonably Intercommuning, resetting, and supplying Norman Leslie, formerly Master of Rothes, the Queen's convicted Traitor and Rebel, declared in Parliament, also being at the horn; committed within the burgh of Fores, and the Place of Grangehill, belonging to Robert Dumbar, publicly furnishing him with meat, drink, and lodging, in the months of December and January last.—ALEXANDER VRQUHARD of Burrisgardis, JAMES DUMBAR of Cumnok, and ROBERT DUMBAR of Grayngehill, came in the Queen's Will, and found caution for satisfying her Majesty.

Lord Lovett, Archibald Campbell of Calder, Alexander Doles of Cautra, Robert Murray in Fyndorne, and Alex<sup>r</sup> Falconer of Lethane, amerced for not appearing to pass on their Affise.

**Treason — Fighting against the Governor at Ancrum Muir.**

Sep. 10.—THOMAS HAITLIE, brother of the Laird of Mellestans, Parish Clerk of . . . . ., dilated for treasonably coming with the late SIR RALPH EVERIS, and sundry others our ancient enemies of England, in battle

<sup>1</sup> Alexander Vrqahard of Burrisgardis.

array, bearing the English Red-Crofs, againft James Earl of Arran, Governor of the kingdom, at Ancrum-Muir; thereby ftiving to the utmost of his power, that the fame fhould be fubjugated by our faid enemies; and for other crimes fpecified in his Letters.—He was replegiated by the Archbishop of St Andrews, and Nov. 27 was affigned for his underlying the law, &c.

**Treasonably fupplying the English in the Castles of Hume, Lauder, Roxburgh, &c.**

JOHN HAITLIE in Fawnis, William Haitlie in Reidpethe, Cuthbert Myretoun in Melleftanys, and Christopher Richerdfoun there, came in Will for the above crimes: And for treasonably remaining under the affurance of the faid enemies of England continually from the battle of Pynké-cleuche, in Sep. 1547, till the recovery of the Caftle of Hume, in Dec. 1548; publicly carrying the forefaid English Red-Crofs, as the fubjects of England, to fundry Fire-raifings, depredations, and incurfions made upon the lieges of Scotland, riding and marching, and publicly affifting, fortifying, and participating with the faid English, being then in the Caftles of Hume, Lauder, and Roxburgh: And for furnifhing them with victual and other neceffaries, and thereby enabling them longer to hold out the faid Caftles, &c.—John Hume of Coldaneknowis became cautioner for the fatisfaction of parties.

**Making and Selling Light Bread.**

Sep. 17.—THOMAS CRAIG, baker, burgefs of Edinburgh, came in Will for common Oppreffion of the lieges, in the years 1545, 1546, 1547, 1548, 1549, 1550, and 1551, in making and felling his bread or loaves of the price of 4d. lefs in weight, from three to four ounces, than is ordained by the Statutes of the Provost and Bailies of Edinburgh.

The following DECLARATION of the LORD GOVERNOR'S WILL is afterwards recorded.  
(GUBERNATOR,)

JUSTICE CLERK. Forfamekill as Thomas Craig, baxter in Edr, in ane Justice Court haldin in þe tolbuthe of Edr, þe xvij day of September laftþipast, become in Will to our fouerane ladeis Justice, for certane poyntis of Oppreffioune, quhair of he was fundin culpabill: Qubilk Will, We, as Tutour to our fouerane lady, with auife of hir Thefaurer, hes modefit and fixit to þe fowme of Vc markis. QUHAREFORE We, as Tutour foirfaid, charge 3ow, þat incontinent eftir þe ficht heirof, 3e infert þe faid Will in 3our buke of Adiornale, and mak þis our writing to 3our Warrant. SUBSCRUIT with our hand, At Linlithqw, þe xxj day of October, the 3eir of God Im.Vc. and lj 3eris.

JAMES G. JOANNES THES.

**Abiding from the Conventioin at Dumfries.**

Oct. 6.—ALEXANDER DUNLOP OF THAT ILK came in Will for contemptuoufly remaining at home from the Conventioin of the Lords, Barons, &c.

within the bounds of the shire of Air, Bailleries of Kyle, Carrick, and Cunynghame, at Drumfreise, for there holding a Justice-aire on Jul. . . last ; and thereby breaking the Proclamations made thereanent.—Neill Montgomery of Langschaw became cautioner that he should satisfy the Queen.

#### Remaining under Assurance of the English.

JOHN SKOWGALL of that Ilk, and Robert Knowis of that Ilk, got a Remission for their treasonably remaining under Assurance of our ancient enemies of England, in time of war.<sup>1</sup>

#### Convocation — Invasion of the Provost of Glasgow, &c.

Oct. 8.—THE LAIRD OF BISCHOPTOUNE and others dilaited of Convocation of the lieges, and Invasion of Andrew Hammiltoun, Provost of the city of Glasgow, for his Slaughter, and other crimes contained in the Letters.

##### ABSENTES ab ASSISA domini de Bischoptoune.

Robert Dennitoun of Cowgrayne, Robert Simpill of Nobiltoun, Mr John Stewart,  
John Bountene of Ardocht, John Hammiltoun of Ferguslie, Hugh Craufurd of Kilbirny.  
Robert Naper of Kilmahew, William Cunynghame, Tutor of  
Alex. M'caulaw of Ardencapill, Craganis,

#### Murder of a Frenchman — Stouthreif, &c.

Nov. 3.—THOMAS LITIL-JOHNNE Convicted of art and part of the cruel Slaughter and Murder of a Frenchman called John Porqueir, servant of Captain de la Mote Rouge ; committed in the month of September last, in Clatty-dene, in the shire of Fife : And for the Stouthreif from him at the same time of 100l. of Scottish money, extending to 200l. Turonese French money, which he was carrying to the Castle of Bruchty-craig, for the payment of the wages of certain foldiers, subjects of the King of France, being then at the said Castle.—HANGED and afterwards BEHEADED ; and his head fixed on the Port of the burgh of Couper.

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ANOTHER unfortunate *hiatus* takes place at this period, by the loss of a Volume of THE BOOKS OF ADJOURNAL, from December 18, 1551, to April 19, 1554 ; being apparently that which had originally been numbered 'Sevint Buik.' In the absence of this information, the Editor again begs to refer the reader to THE APPENDIX, where it will be found that neither pains nor labour have been spared by him in his endeavours to remedy all such defects.

<sup>1</sup> A number of persons, chiefly persons of no rank, were charged for this offence ; but it is unnecessary to enumerate such instances. See THE APPENDIX, &c. for many other examples.

The following remarkable document was obtained by the Editor from the 'LIBER STATUTORUM BURGI DE EDINBURGHE,' when engaged in searching the Archives of the City of Edinburgh for Papers for the present Collection. It may not inaptly be inserted in this place, as being highly illustrative of the disturbed state of society at that period, when the reader may recollect many instances of Feuds and even of pitched battles between the Barons having frequently been fought on the public streets of the metropolis.

*ACT of the Provost, Bailies, and Town Council of the City of Edinburgh,  
'Anent (lang) Walpynnis in buithis,' Mar. 4, 1552.*

ITEM, it is statute and ordanit be the Provist, Baillies, and Counfall of this Burgh, becaus of the greit slaichteris and utheris cummeris and tulzeis done in tyme bygane within this burgh, and apperandlie to be done, gif na remeid be provydit thairto; and for eschewing thairof, that ilk maner of persone, merchandis, craftifmen, and all utheris occupyaris of buthis or chalmeris in the Hiegait, outhet heyech or laych, that thay have long valpynnis thairin, sic as hand-ex, Jedburgh-staif, hawart, (halbart?) jawalyng, and ficlyk lang walpynnis, with knaipfchawis and jakkis; and that thay cum thairwith to the Hiegait, incontinent efter the commoun bell rynging, or that thay se ony cummaris of Slauchteris, tulzeis, or apperance thairof, and concur with the Officiaris of this burgh for stanching thairof; under the pane of ten pund, to be tane of ony personis that failzeis heirin, within viij dayis nixt heireftir. AND for observing heirof, that ilk Baillie mak ferching, anis in the moneth, throuch all his quarter; and quhair he fyndis ony persones difobeyand this statute, that he poynd thame for the said vnlaw.

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#### **Slaughters — Stouthreifs — Fire-raisings, &c.**

Apr. 19, 1554.—PETER DWNE, formerly dwelling in Saltoune, got a Remission for art and part of the cruel Slaughter of James (George) Abirnethy, in Sep. 1548: ITEM, for art and part of the Slaughter of James A. junior, brother of the said George, upon the Water of Tyne, in June 1550; committed of forethought felony: ITEM, for art and part of the Stouthreif of a horse from James Fynlafoune furth of the lands of Saltoune, in Oct. 1552: ITEM, for Stouthreif of a mare, in company with James Dewer, from Walter Tod, furth of the lands of Newhall, in August 1550: ITEM, for Stouthreif of two oxen from James Bagbie, furth of the lands of Byris, in the year 1551: ITEM, for Stouthreif of a horse from William Sinclair, furth of the lands of Abirlady, in August 1550: ITEM, for the Theft and concealment of two oxen from the



Laird of Bernys, in September 1550: ITEM, for treasonable Fire-raising and burning of certain corn belonging to John Hammyltoun of Rysholme, in his barn of Saltoun, which grew on the farm in Saltoun, formerly belonging to the said Peter, and disposed to the said John, on account of the said Peter being at the horn, and his effects escheated to the Queen; committed in December 1550: ITEM, for treasonable Fire-raising and burning the whole corns of four plough-gates of land, with the whole Teind-sheaves of the parish of Ormytoun, being in the barn-yards of Ormytoun, extending to 160 bolls of wheat, at iiij l. per boll, 480 bolls of oats, at xxix s. per boll, 240 bolls of barley, at liij s. iiij d. per boll, 60 bolls of pease, at liij s. iiij d. per boll; together with the whole corns of three ploughgates, and the whole Teind-sheaves of Cranftoun and Tovnstallis in the barn-yards thereof, extending to 120 bolls of wheat, 400 bolls of oats, 200 bolls of barley, and 60 bolls of pease, which belonged to umquhile Sir Walter Scott of Branxholm, kn<sup>t</sup>, and Dame Jonet Betoune, his relict, committed on the first night of December 1550: ITEM, for the treasonable Fire-raising and burning of the Milns of Muffilburghe, belonging in lease to the said Dame Jonet Betoune, and destroying and laying waste the same, committed in company with our ancient enemies the English and the Traitors of Scotland, by the space of three years, viz. in 1547, 1548, and 1549: AND for common Theft, and common Treason, as well of old as of new.

INTERLOCUTOR and SENTENCE.—‘ And becaus þe said Peter Dwne culd get na sufficient souerteis to fynd for him for Assythment of parteis of þe gudis and skaythis aboue specifeit, THE JUSTICES þairfor decernit him to be kept in fure Ward, within þe said Tolbuth of Edinbur<sup>t</sup> quhill þe said souerte wer fundin be him, sua þat he fand þe samyne within fourty dais heireftir: AND failzeing of fynding þairof, þe saidis fourty dais being bipast, DOME wes gevin vpoun him to be justifeit and execute to þe deid for þe said crimes, nochtwithstanding his Remissionne, conform to þe law.<sup>1</sup>

### **Slaughter committed by an alleged Madman or Furious person.**

May 7.—JASPER LAUDER, dilaited of art and part of the cruel Slaughter of John Balcasky, in Ratho, committed on May 1, instant.

COMPERIT Johne Lord Borthuik, prolocutour for þe said Jasper Lauder, and allegit þat he fall nocht be put to þe knaulege of ane Affise for þe allegit Slauchter of vmq<sup>le</sup> Johne Balcasky, becaus þe tyme of þe committing þairof, and lang of befoire, and as zit, continualie, þe said Jasper hes bene furious and wantand þe vse of resoune, doand in all þe said tyme, viz. be þe space of xvj zeris last bipast, furious and daft<sup>2</sup> dedis; lyke as at lenthe is contenit in ane Inventour

<sup>1</sup> The probability is that this man was unable to provide sureties to redress the enormous injuries he had inflicted, and that his life was justly forfeited to the offended laws of his country. No future entry indicates his fate. <sup>2</sup> Insane; fatuous.

heir present to schaw :<sup>1</sup> And sua, as furious during þe said space, commonlie haldin and repute, as is notourlie knawin, nevir questioune, trubill, nor occa-  
sioune being betuix þe parteis, and sua is comparit of þe law to ane infant, pupill,  
or beist, wantand þe vse of refoune, as said is ; quharethrow he culd nocht con-  
tract, trespas, or do ony sic deid as were obligatorious,<sup>2</sup> quherbj he mycht be  
oblif<sup>3</sup> to pvnishment of his persoune, likeas he mycht nocht oblif<sup>3</sup> him in his  
gudis :<sup>4</sup> And pairfoir, aucht nocht to be put to þe knowlege of ane Assise, as said  
is, conforme to þe common law, as is contenit in Lege, *Durius de officio Presidis*,  
and hes bene practicat vpoun James Irwin and vperis furious personis.

THE JUSTICE DEPUTE assignis þe tent day of Maii instant for geving of  
Interloquitour vpoune þe said Exceptioun and allegeance ; and in þe meyntyme,  
continewis þe said mater in þe samin forme, force, and effect as is now, but<sup>5</sup>  
preiudice of party.

Maii 10.—Convicted and BEHEADED, notwithstanding of the foresaid allege-  
ance, in respect that the Inventory above mentioned was not produced.

#### Mutilation of the Laird of Knowis.

Jun. 17.—ROBERT LAUDER, in Tynninghame, and five others, came in  
Will for the Mutilation of Robert Knowis of that Ilk of the fore-finger of the  
left hand ; committed in the month of March last.—Adam Hepburne of Sme-  
toun, and Patrick Quhitelaw of that Ilk became sureties to satisfy the Queen  
and parties.

#### COPIA LITERE *Regine Dotarie concess. in fauorem Roberti Lauder, &c.*

JUSTICE and Justice Clerk and your deputis. IT is our Will, and for certane resonable causis and  
considerationis moving vs, we charge you, incontinent estir sycht heirof, 3e ressaue in Will Robert  
Lauder, in Tynninghame, and his complices, for þe Mvtilationne of Robert Knowis of þat Ilk, takand  
sufficient souerte of game for Assythment of our will and þe party ; discharginge you of all calling and  
proceding aganis þame pairfor, or for ony vper crimes quhairfor þai ar delatit, and hes fundin souerté  
to vnderly þe law befor you þe thrid day of Julij nixt to cum, or ony vper day or dayis quhatfumeuir,  
quhill<sup>6</sup> þe returning of þe said Robert and his complices within our realme furthe of þe pairtis of  
FRANCE, and fourty dais pairfester, and of your offices in þat pairt in þe meyntyme ; becaus þe maist  
pairt of þame is now in reddynes to depart to þe saidis pairtis of FRANCE, to þe seruce of our derrest  
fader THE MAIST CRISTIN KING. As 3e will ansuer to vs pairupoune. GEVIN vnder our Signet,  
and subscriuit be our derrest moder THE QWENE DOWRIAR AND REGENT of our realme, At Edin-  
burgh, þe xv day of Junij, þe 3eir of God 1554 3eris, and of our regne þe xij 3eir. [MARIE R.]

Jul. 3.—A number of other accomplices came in will ; and others were repre-  
liated by the Archbishop of S<sup>t</sup> Andrews.<sup>7</sup>

#### Forging 'Bawbeis' and 'Half-bawbeis.'

Jun. 22.—PETER CHAPLANE, Convicted of treasonably forging and

<sup>1</sup> Unluckily the Inventour was not produced. It would appear that they had entirely failed in their  
proof, from the fatal result which has been recorded. <sup>2</sup> Obligatory ; binding. <sup>3</sup> Obnoxious ;  
liable to. <sup>4</sup> Effects ; personal estate. <sup>5</sup> Without. <sup>6</sup> Until. <sup>7</sup> See Jul. 3, following, &c.

adulterating the Queen's coin of the realm, called 'bawbeis' and 'half-bawbeis.'—HANGED.

**Receiving the Sacrament while under Excommunication.**

Jun. 26.—GABRIELL SYMPILL OF CRAIGBAIT found surety to appear at the next Aire of Renfrew, to underly the law for sustaining the process of Excommunication for year and day, by virtue of Letters of the Official of Glasgow, for not paying certain sums of money to Catherine Gilmour; and for receiving the Sacrament, while under the said Excommunication.<sup>1</sup>

**Forging false money like 'Bawbeis,' &c.**

Jul. 3.—HELEN PATERSOUNE, Convicted of casting, making, and forging false money, like 'bawbeis' and 'half-bawbeis.'—HANGED.

**Convocation — Hamesucken — Slaughter.**

SIR JOHNE HOWDENE, Chaplane in Dunbar, was replegiated by the Archbishop of S<sup>t</sup> Andrews, for Convocation of the lieges, and Invading David, James, Christopher, Andrew, and George Humes, sons of vmq<sup>le</sup> William Hume of Prandergaist, within the Town of Dunbar, by way of Hamesuckin, for their Slaughter, of forethought felony: And for the Slaughter of Nichol Burne, in December last.<sup>2</sup>

**Wounding — Mutilation — Slaughter.**

ROBERT KNOWIS OF THAT ILK, John K. his son, John Mortoune, and John Skowgall were replegiated by the Archbishop of S<sup>t</sup> Andrews, for being art and part of the Hurting and Wounding of Hugh Lauder, in Dunfe, in sundry parts of his body, and Mutilating him of his right arm: And for the cruel Hurting and Wounding of Christopher Sked in his right shin-bone; committed in March last.<sup>3</sup>—GEORGE BALD, parish Clerk of the Church of S<sup>t</sup> Martin, near Hadingtounne, was also replegiated for the Slaughter of Richard Hepburne, *alias Reid Reché*.<sup>4</sup>

**Exporting wheat, &c. to Flanders.**

Jul. 4.—WILLIAM BROWN and Adam Nicholfoune produced Remissions for transporting wheat, flour, and corn<sup>5</sup> to Flanders, against the Proclamations, &c.—Others were replegiated to the Regalities of S<sup>t</sup> Andrews and Holyrood, &c.

<sup>1</sup> See Apr. 26, 1555.      <sup>2</sup> The Humes, &c. afterwards found surety to answer for similar Convocation and besetting Robert Lauder and others, and Wounding them, &c. on Dec. 21 last, at the next Aire of Edinburgh.      <sup>3</sup> Sir William Knollis, Chaplain, was replegiated to the same Regality, on Jul. 5.      <sup>4</sup> Red Richie, or Richard. See Jul. 5.      <sup>5</sup> The law was severe for such offences.

**Convocation — Hamesucken — Invasion.**

Jul. 5.—HENRY CONGILTOUNE, Tutor of Congiltoune, James his brother, and four others, Convicted for coming, in April last, to the Town of Congiltoune, and there, by way of Hamesuckin, cruelly Invading William Chyrnside and James Flemyng, his servant, in his dwelling-house.—John Hume of Blacader, cautioner for satisfying the Queen and parties.

**Slaughter — Wounding.**

WILLIAM CHYRNSIDE and James Flemyng, his servant, Convicted of the Slaughter of Richard Hepburne, committed vpon suddantie on Apr. 20 last, he being ‘ane reddare :’<sup>1</sup> AND also for Wounding Mr Thomas Congiltoune at the same time, to the effusion of his blood.—(Aug. 16.)—BANISHED from the kingdom : and not to return, without special Licence, under the pain of death ; —James Cokburne of Langtoun became surety that they should depart within fifteen days, ‘And pat in þe meyne tyme of þe saidis xv dais, that they fall nocht refort nor repair within þe boundis of Eist Lowthiane, vnder þe pane of V<sup>c</sup>. merkis.’

**Slaughter.**

Jul. 11.—ANDREW HUNTER, in Dyfart, Convicted of the cruel Slaughter of William Williamsoune, in Wester Wemys ; committed in July instant.—BEHEADED.

[*John Paterfoune alias Snawdovne Herald, Justice-Depute.*]

**Convocation — Hamesuckin.**

Jul. 11. (*apud Jedburghe.*)—JOHN GORDOUNE OF LOCHINVER, John G. of Barkeoche, Roger G. of Cuyll, David G. of Markbrek, Roger G. of Hardland, Mr Malcolm M<sup>c</sup>Culloch, Gilbert M<sup>c</sup>dowell of Machirmoir, Elifeus G., servant of vmq<sup>le</sup> Symon G., and Patrick M<sup>c</sup>kee of Larg, found surety to underly the law at the next Aire of Kircudbrycht and Wigtoun, for Convocation of the lieges in warlike manner, on Jun. 5. last, coming by way of Hamesuckin to the house of Michael M<sup>c</sup>crakene, burghers of Wigtoune, and searching for him for his Slaughter ;<sup>2</sup> and for other crimes contained in their Letters.

**Slaughter.**

(*Ibid.*)—ALEXANDER STEWART, son and heir apparent of ALEX. S. OF GARLEIS, M. M<sup>c</sup>crakane, and five others, found the Laird of Garleis surety for their underlyng the law at the next Aire of Wigtoune, for art and part of the

<sup>1</sup> One who interferes in a quarrel as mediator. The ‘*redding-braik*’ is proverbially the deadliest in an affray.

<sup>2</sup> The cause of this Feud may be seen from the next Case.

cruel Slaughter of Symon Gordoune, and the Mutilation of Elifens G., his servant.

**Slaughter of the Laird of Leidcreif and his Son.<sup>1</sup>**

Aug. 4.—JOHN BUTTIR of Gormok denounced rebel, and put to the horn for not underlying the law for art and part of the cruel Slaughter of George Drummond of Leidcreif, and William his son.—John Crechtoun of Strathurd and James Hering of Glasclune, his cautioners, were accordingly amerced.

**Convocation — Inbading Baillies of Cupar — Breaking Ward, &c.**

Aug. 18.—JAMES TURNBULL, Deacon of the Wrights of the burgh of Cupar-in-Fife, Andrew Layng, Deacon of the Flethers, John Burrell, flesher, and Laurence his sone, inhabitants thereof, came in Will for art and part of Convocation of the lieges of all the Crafts within the said burgh, armed in warlike manner, on the public street thereof, on Apr. 9. last: AND for disobeying Robert Williamsoun and Allan Jamesoun, Baillies thereof, who admonished and commanded the said Craftsmen, and each of them, in name of the Provost and remanent Baillies, and in their own names, to disperse and retire to their houses: AND for Invasion of the said Baillies, with brandished swords, for their Slaughters. ITEM, for making a Contract ('Band') and Obligation, binding them, and each of them, to participate, concur, rise, and fortify each other against the Provost, Baillies, council, and the rest of the community, not being Craftsmen: ITEM, for Convocation of the lieges, Craftsmen, coming to the Tolbooth of Cupar, after citation served upon them by the Officers to compare before the said Provost and Baillies, to answer for the Hurting and Wounding of the said Baillies; and after they had entered in judgment, and had been accused for the said crime, and convicted by the Assise thereof, for their contemptuously going out of the said Court, without the leave of the said Provost and Baillies; thereby breaking the Ward thereof; committed on Apr. 10. last: ITEM, for Convocation of the whole body of Craftsmen of the said burgh, in the month of June last, when Nicholas Arthe had entered upon pannel, to be accused in the said Tolbooth for Convocation and disturbance made by him in the said burgh, before the Baillies thereof, sitting in judgment; and during the progress of the same, interrupting the proceedings of the said Court, with great clamour, without leave asked or obtained; and thereby impeding the administration of justice: ITEM, the said *James Turnbull* and *Andrew Layng*, for contempt and threatening of David Lyndesay, Pursuivant, on Jul. 26. last, mocking him with injurious words, in the discharge of his office, while executing the Queen's Letters passing upon a Decreet of the Lords of Council, at the Market-crofs of the said burgh, com-

<sup>1</sup> See the Notice and Papers relative to this affair, I, \* 371.

manding the said persons, and the remanent Deacons and Craftsmen of the said burgh, to obey the Provost and Baillies thereof as their competent Judges; as is more fully contained in the said Letters—declaring, that their Proclamation contained idle fables, and that they would force tears to be shed for the said execution.

DECLARATIO *Voluntatis REGINE penes nonnullos Artifices burghi de*  
COUPER-IN-FIFFE.

(Sep. 19.)—THE quhilk day, in presence of þe said Justice-depute, Comperit *Andro Layng*, dekin of þe Flefcheouris, *James Turnbull*, dekin of þe Wrychtis of þe burcht of Cowper, *Johnne Burrell*, flefcheoure, and *Laurence Burrell* his sone, quha in ane Court of Justiciare haldin in þe said Tolbuith of Edinbur<sup>t</sup> þe xvij day of August last bipast, become in Will to oure souerane lady, and hir Justice in hir name, for diuers Convocationis and inobedience committit agane þe Prouest, Baillies, Counsale, and autorité of þe said burcht of Cowper; like as in þe Act of pair becuming in þe said Will at mair lenthe is contentit. AND pair þe said Justice-depute, in Jugement, befor the saidis personis, declarit our souerane ladeis Will foirsaid in þe said mater, in maner following; and commandit þame to obserue, keip, and fulfill þe famin: THAT IS TO SAY, þe saidis personis, and ilk ane of þame, within xlvij houris nixt eftir pair hame-cuming to þe said burcht, fall compeir in presence of þe Prouest, Baillies, and Counsale þairof, in þe Tolbuith of the famin, in Jugement; and pair, of pair awin contentis, act, and oblife þame, and ilkane of þame, to keip gude rwle within þe said burcht, and be obedient to þe Prouest, Baillies, and Counsale þairof, now present, or sal happin to be for þe tyme, in all thingis, conform to the lawis and consuetude of þis realme: AND gif it sal happin þame, or ony of þame, to be fundin inobedient to þe Prouest, Baillies, Counsale, and officiaris of þe said burcht, present and to cum, or to mak ony Convocatioune or gaddering of Craftsmen within þe said burcht or outwith, or to assist to ony vpirris in making of sic Convocatioune and gaddering, for disobeying of þe saidis Prouest, Baillies, Counsale, or vpirris officiaris of þe said burcht, or onywise incontrar pair autorité, and pai, or ony of þam to be convict þairof; in þat caise, pai or ony of þame that happinis to be convict, to be BANIST þe said burcht perpetuallie, and of pair reddieft gudis incontinent þaireftir to pay to þe Commoune Werk of þe famin þe sowme of ten pundis money of þis realme, without fauoris: AND gif pai, or any of þame, failgies in making of þe said Act and Obligatione, in maner forsaid, þe failgearis or failgeare fall, within þe famin houris, returne agane to the burcht of Edinbur<sup>t</sup>, and pair remane in our souerane ladies Waird, or ony vpir Waird þat fall pleis hir grace, ay and quhill þe QUENIS grace haif declarit hir Will; vnder þe pane of rebellioune, and putting of þame to þe horne, and escheitring of pair gudis movable.

**Slaughter of the young Laird of Querrell.**

Oct. 26.—ROBERT HENRY, alias *Deill amang us*, Convicted of art and part of the cruell Slaughter of Thomas Biffate, young Laird of Querrell.—BE-HEADED.

**Slaughter by Drugs or Poison.<sup>1</sup>**

Oct. 30.—HENRY CONGILTOUNE, Patrick his brother, and William Lille, found surety<sup>2</sup> to underly the law at the next Aire of Edinburgh, for art

<sup>1</sup> See Appendix to this reign.

<sup>2</sup> Robert Fairlie of Braid.

and part of the cruel Slaughter, by intoxication,<sup>1</sup> (the use of potions, drugs, or poison?) of Oliver Congiltoune, son and heir of umq<sup>h</sup> Robert Congiltoune of that ilk; committed in June last, in the Place of Kynneir.

### Intercommuning with the Laird of Ballagane.

Nov. 14.—GEORGE CRAWFURD of Lefnoreis became in Will for Intercommuning with Duncan Hunter of Ballagane, being rebel and at the horn,<sup>2</sup> under silence of night, on one occasion only, in August last.—Sir Hugh Campbell of Lowdown, kn<sup>t</sup>, became surety to satisfy THE REGENT—and that the said George should remain in the Town of Edinburgh, until the Declaration of the said Will.—The same day, JOHN CRAWFURD of Drongane found surety to underly the law at the next Justice-aire of Air, for Resetting, Intercommuning, and supplying the Laird of Ballagane, John his brother, Herbert H. in Baitfurd, and three others, rebels, &c. for the same crime.—JAMES EKLIS OF THAT ILK likewise came in Will for Intercommuning with the said Herbert.

#### ABSENTES *ab* ASSISA *Dominorum de Lefnoreis et Eklis.*

John Lokkert of Bar, Alexander Cuninghame of Hill, Neill Montgomery of Langschaw,  
John Campbell of Lochlie, Hugh Montgomery of Hesselheid, Thomas Kennedy of Bargany,  
Rob. Grahame of Knokdoleane, Geo. Kennedy of Balmaclenochane, John Mure of Auchindrane,  
Rob. Campbell of Kinzeleuche, David Boswell of Auchinlek, James Mure, his brother.

### Convocation — Hurting and Wounding.

Nov. 16.—JOHN LYNDSAY OF COBYNTOUNE,<sup>3</sup> John his natural brother, James Someruille brother<sup>4</sup> of the Laird of Cobyntoune, Alexander Lyndfay of Northflat, and eighteen others, came in Will for Convocation of the lieges to the number of 200 persons, armed with lances, 'culveringis,' bows, and other invasive weapons, on Sep. 28 last, before sun-rise; coming to the barn-yard of Mr John Someruille, Rector of Libertoune's glebe; and for the cruel Hurting and Wounding of Robert Myllar, fervant of the said Mr John, in his neck and other parts of his body, to the effusion of his blood, and danger of his life.—John Lord Someruille<sup>5</sup> became surety for the Laird, who became cautioner for the others, towards satisfying the Queen and parties—and that he should remain in the town of Edinburgh, until the Queen's Will was declared, and the royal Licence granted for his departure.

### Mutilation.

MR JOHN SOMERUILLE, Rector of Libertoune, and Michael S. his brother,

<sup>1</sup> *Per intoxicationem.* The same phrase was used in the case of LADY GLAMMYS, where the means employed are believed to have been poison and drugs. See I, \* 158, &c. <sup>2</sup> For the Slaughter of John Greirsoune in Beochane, and Andrew G. in Bagrahill. <sup>3</sup> See Nov. 22, 1555, &c. for farther particulars as to these Feuds.

<sup>4</sup> Probably a brother-uterine, by another marriage.

<sup>5</sup> He is named *James* in all the Peerages, &c. *Hugh*, the preceding Lord, died *anno* 1549.

Parish Clerk of Carnwethe, were replegiated to the Regality of Glasgow, for Mutilation of John Wilfoun, and other crimes contained in their Letters.—**HUGH SOMERUILE** brother of **LORD SOMERUILE**,<sup>1</sup> **John S.** alias *Johne of Begair (Biggar)* **Symon Fyscheare**, and eight others, found surety (**James Douglas of Drumlangrig**) to underly the law for the said Mutilation, at the next Aire of Lanark.

### Slaughter.

**Nov. 20.**—**PATRIK DUNBAR**, young Laird of Cumnok, denounced rebel and put to the horn, along with **David Dunbar** his serwant, and **James Ogilvy**, for not underlying the law for the Slaughter of **Thomas Ruffell**; committed in **Jan. 1553-4**, in the house of **Archibald Alexander**son, in **Balnageiche**. **JOHN EARL OF SUTHERLAND** was americiated in **200 li. and 400 merks**, for not entering them to underly the law.—(**Jan. 31, 1554-5.**) **George Dunbar** of Cumnok, **John Chisholme** sen., and **John C. jun.**, found **Sir George Meldrum** of Fivy, knt., as surety for their underlying the law for the said crime, at the next Aire of **Elgin and Forres**.

### Slaughter of a Son of the Laird of Altyre, &c.

**ALEXANDER DUNBAR OF CUMNOK**, Patrik the young Laird of Cumnok, and thirty-four others,<sup>2</sup> were put to the horn for the Slaughter of **James Cummyng** in **Dollacebrachty**, (son of **Alex. C. of Altyre**.<sup>3</sup>)—Their cautioners were americiated for their non-appearance.<sup>4</sup> **Sir Alexander Duf** Chaplain was replegiated by the Bishop of **Moray**.—**James Earl of Morton** was americiated for not producing the Letters duly executed and indorsed, purchased by the blood-relations of **James Cummyng, &c.**—(**Jan. 31, 1554-5.**) The Laird of Cumnok and **Nicholas Gilzeane** in **Monachy**, found **Sir George Meldrum** of Fivy, knt., as surety for their entry at the next Aire of **Elgin and Forres**, to underly the law for art and part of the Slaughter of the said **James Cummyng**, and **Wm. C.** in **Presley**, **Patrick C.** in **Dunneyne**, **Andrew M<sup>c</sup>carreis** in **Dolacebrachty**, **Canit** (**Kenneth** or **Canute**?) **Dow** in **Bank of Murray**, and **Fynlay Rannalsoune**, Officer of the said **Alexander**; committed on **Jul. 19** last, at **Clunerny**.

### Fire-raising — Burning houses and sheillings.

**PATRICK GRANT**, brother of **John Grant** of **Ballindalloch**, found the Laird as surety for his underlying the law at the next Aire of **Elgin and Forres**, for **Fire-raising**, and burning certain houses and sheillings on the lands of **John Grant** of **Karroyne**, called **Rownay** and **Clochetlace**, committed in **June** last.

<sup>1</sup> This person was brother of **James**, sixth Lord **Somerville**, and was the ancestor of the Family of **Spittal**.

<sup>2</sup> The only persons of note were **James** and **John Vrqhard**, brothers of the Laird of **Burrisgardis**.

<sup>3</sup> See **Jan. 30, 1554-5.**

<sup>4</sup> From **100 l.** to **40 l.**, according to their rank.



### Slaughter of the Laird of Leidcrist and his Son — Feud between the Drummonds and Blairs, &c.

[As, in reference to the numerous DEADLY FEUDS which, unhappily, both preceding and subsequent to this period, convulsed the state of civil society in Scotland, the Editor is, through the kindness of his friend, *David Laing, Esquire*, enabled to lay before the reader an interesting extract from THE HISTORY OF THE FAMILY OF DRUMMOND, which has just been printed, under his superintendence, for private distribution only.

In various parts of this work, it may be seen that the various families of the Blairs of Balthayok and Ardblair, the Charteris' of Kinfaunis and Cuthilgurdy, the Drummonds, and several other Barons and Lairds in those parts of Perthshire, were constantly involved in Feuds with each other, and occasionally with burgesses and citizens of Perth, &c. One of the most deadly of these domestic broils is contained in the following PAPERS, which have lately been taken from the Originals, still in the possession of Henry Home Drummond of Blair Drummond, Esquire, and of which, so far as the Editor is aware, no memory is elsewhere preserved. Without specially noticing the numerous other Trials and proceedings in this work connected with such Feuds, the Editor begs merely to refer to them generally.

The subject is thus introduced in the body of the history<sup>1</sup> above mentioned:—'GEORGE DRUMMOND, the sone of John, succeeded, who apparently purchased the lands of Newton of Blair, for he is the first whom we understand to have been styled *George Drummond of Blair*. He married Jannet Halyburton of Buttergask; she had to him two sones, George, who succeeded, and William Drummond. George Drummond, the father, and William, his youngest sone, were both treacherously killed together, at an unhappy rencounter by the . . . . .,<sup>2</sup> upon the 3d of June, 1554; but most of them that were present, or guilty of the Slaughter, were either brought to publick Execution, or by their submissions and satisfactions made their peace with the parties wronged, as appears by their applicationes extant.' The PAPERS above referred to follow.

#### I. SUMMONS for apprehending and bringing THE LAIRD OF GORMOK<sup>3</sup> and his accomplices before THE QUEEN AND PRIVY COUNCIL, Jun. 13, 1554.

MARIE be ye grace of God, Queine of Scottis, to oure shiref of Perth and his deputis, and to our louittis, Archibald Campbell, Thomas Drummond, messengeris, our scheriffis specialie constitute, greting: fforfamekle as it is humlie menit and compleit to ws be oure louittis, the wiffe, barnis, kin, and friendis of vmquhile GEORGE DRUMMOND OF LEIDCRIF, and Williame Drummond his sone, vpoun WILLIAME CHALMER OF DRUMLOCHIE, Williame Rory, George Tullydaf, Williame Chalmer, &c., George McNecker, fidlar, his howshaldmen; Robert Smyth (and Cotters,) tennentis to ye Laird of Drumlochie; Johnne Blair of Ardblair, Andro Blair, Thomas Blair, his sonis, David McRaithy, his houshald man, Patour Blair, (and two others,) tennentis to the said laird of Ardblair; Williame Chalmer in Cloquhat, Alexander Blair, half bruther to Johnne Buttir of Gormok, Williame Buttir, Daud Blair of Knokmaheir, Johnne Blair, Patrik Blair, his sonis, Williame Young of Torrence, and Thomas Robertson, tennentis to ye said Laird of Gormok; quhilkis, with pair compleces, with convocatioun of oure liegis to ye nomer of lxxx personis bodin in feir of weir, with jakkis, coittis of mailze, steil-bonettis, lance staffis, bowis, lang culveringis, with lychtit luntis,<sup>4</sup> and vpirris wappinis invasiue, recentlie vpoun Sounday ye thrid day of Junij instant, befoir none, off ye counsaling, deuyfing, caufing, sending, command, assistance, fortefeing, and ratihabitoun of ye said Johnne Buttir of Gormok, come to ye said vmquhile George Drummondis, FERROCHE KIRK OF BLAIR, to haif flane him ye said vmquhile Williame his sone, and vpirris being with him in company: And becaus pai culd nocht cum to pair peruerfit purpois, pai passit to the Laird of Gormokis PLACE OF GORMOK, and pair dynit

<sup>1</sup> Page 118,      <sup>2</sup> Left blank.      <sup>3</sup> The reader will find that he was denounced Rebel on Aug. 4 preceding, for not underlying the law, as being art and part of this Slaughter. See I, \* 367.      <sup>4</sup> Matches.

with him, and fend furth spyis to await vpoun þe said vmquhile George and his cumpany, quhen þai come furth of his Place of Blair: And being aduertieft be þe saidis spyis, þat he wes cumin furth of his said Place, þai with þair compleces with þe said Laird of Gormokis howfhaldmen and feruandis, bodin in feir of weir, of his causing; sending, deuising as said is with convocatioun of oure lieges to þe nomer of lxvi personis, þe samin day, at twa houris or þairby eftir none, ischit furth of þe said Laird of Gormokis Place foirsaid, and vmbeset þe gait to þe saidis vmquhile George and Williame, his sone, quhair þai wer dowblate allane at þair pastyme play, and at þe row-bowlis<sup>1</sup> in þe Hie Marcate gait beside þe KIRK OF BLAIR, in sobir maner, traifing na truble nor harme to haif bene done to þame, bot to haif leuit vnder Goddis peax and ouris, and þair crewellie slew þame, vpoun auld Feid and forthocht felony, set purpois and provisioun, in hie contemptioun of oure auctoritie and lawis, gif fabe. OURE WILL IS HEIRFOIR, and we charge 3ow, straitlie, and commandis, þat incontinent þir oure letteris sene 3e tak ficker fouertie of þe saidis personis and þair compleces, committaris of þe crymes abouewrittin, in maner foirsaid, samony as þe saidis complenaris will mak faith befor 3ow, wer arte and parte þairof, and gevis þair names to 3ow in bill,<sup>2</sup> that þai fall compeir and vnderly oure law for þe samin befor oure Justice or his deputis, in oure tolbooth of Edinburcht, þe thrid day of Julij nixtocum, vnder þe panis contenit in oure Actis of Parliament: And þat 3e charge þame personalie, gif þai can be apprehendit; and failzeing þairof, be oppin proclamatioun at þe mercate croce of þe said heid burcht of oure shyre, quhair þai duell, to cum and find þe said fouertie to 3ow, within sex dais nixt eftir þai be chargeit be 3ow þairto, vnder þe pane of rebelloun and putting of þame to oure horne: The quhilk sex dais being bipast, and þe said fouertie nocht fundin to 3ow in maner foirsaid, that 3e incontinent þairafter denunce þe disobeyaris oure rebellis, and put þame to oure horne; and escheit and inbring all þair movable gudis to oure vse, for þair contemptioun. AND als, þat 3e summond ane Affis heirto, ilk persoun vnder þe pane of fourty pundis: As 3e will answer to ws þairupoun. The quhilk to do we commit to 3ow, conjunctlie and feuerallie, oure full power, be þir oure lettiris, deliuering þame be 3ow, deulie execute and indorsate agane to oure Justice Clerk. GEVIN vnder oure Signete, at Edinburcht, þe xij day of Junij, and of oure regnne þe twelft 3eire. (1554.) *Ex deliberatione Dominorum Conflij.*<sup>3</sup>

II. THE OFFERIS offerit be the Laird of Gormok, &c., to Young George Drummond of Blair, for the Slauchtir of his Fathir.

THIS ar þe OFFERIS quhilk þe LORDIS OF GORMOK, DRUMLOCHYE, and ARBLAIR, and þar Collegis OFFERIS to MY LORD DRUMMOND, and to þe sonn of vmquhill George Drummond, his wyf and barnis, kyne and frendis, &c. :—

ITEM, *In primis*, To gang, or caus to gang to þe four heid Pilgromagis in Scotland.

*Secundlye*, To do suffrage for þe sawll of þe deid, at his Paroche Kirk, or quhat vpir Kirk þai pleya, for certane 3eris to cum.

*Thridlye*, To do honour<sup>4</sup> to þe kyne and frendis, as efferis, as ws is.

*Ferdly*, To affyth, þe partye is content to gyf to þe kyne, wyf, and barnis, I<sup>m</sup>. [1000] merk.

*Fyftlye*, Gif þir Offiris be nocht suffecyent thocht be þe partye and frendis of the deid, we ar content to vndirlye<sup>5</sup> and augment or pair,<sup>6</sup> as resonabill frendis thinkis expedyent, in so far as we may lefsumlie.<sup>7</sup>

III. ANSWERIS by my Lord Drummond, &c., to the above OFFERIS.

THIS ar þe ANSWERIS þat MY LORD DRUMMOND, his kyne and frendis<sup>8</sup> makis to þe OFFERIS presentlye gevin in be þe Lardis of Gormok, Drumlochy, and Arblair, vycht þar collegis :—

<sup>1</sup> A game similar to what is now termed *Bowling*. <sup>2</sup> Roll. <sup>3</sup> In the original document this is followed by the attestation of JAMES BANNATTYNE, notary-public, that the messenger had duly published the said Letters, &c.

<sup>4</sup> Referring to the homage usually exacted in those days, viz.—The culprit appeared before the nearest in kin, (the avenger of blood,) or the Chief of the Family, and in presence of the other blood-relations of the deceased, having a halter round the neck, and, after kneeling, he offered his naked sword by the point, humbly asking forgiveness, &c.

<sup>5</sup> Submit.

<sup>6</sup> Reduce.

<sup>7</sup> Lawfully; conform to law.

<sup>8</sup> Kin and blood-relations.

ITEM, As þe first, secund, and thrid artickill, þai ar fa generall and sempil in þe self, þat þai requyr na ansvr.

*Item*, As to þe ferd artickill, offring to þe kyne, frendis, wyf and barnis of Georg Drummond I<sup>m</sup>. [1000] merk for þe committing of fa heych, crewell, and abomenabill Slaychtiris and Mwtillationis, of fet purpos, devyfit of ald be þe Lard of Gormok, and Georg Drummond his sone, nor nane of his frendis nevir offending to þame, nather be drawing of blud, takin of Kirkis, takis, stedingis, or rowmis our ony of þair hedis,<sup>1</sup> or þar frendis; fa, in respect heirof, my Lord Drummond, his kyne, frendis, the vyf and barnis of Georg Drummond, cane on nawayis be content heirwyth.

IV. THE OFFERIS of *Williame Chalmer of Drumlochy for hym self, Williame Chalmer his Coufing, George Twydale, Williame Chalmer, Johne Fydlar, James Key, Johne Burry, Johne Wod, his Seruandis.*

IN þE FIRST, þe said Williame OFFERIS to compeir befor MY LORD DRUMMOND, and þe remanent frendis of vmq<sup>le</sup> George Drummond, and þair to offer to his lordschip, and þe party, ane nakit swerd be þe poynt; and siclike to do all vper honour to my lord, his hous and frendis, þat fall be thocht reafsonabill in siclike caises.<sup>2</sup>

*Item*, Offeris to gif my Lord and his airis his BAND OF MANRENT, in competent and dew forme, sik as may stand with þe Actis of Parliament and lawis of þis realme.<sup>3</sup>

*Item*, Becaus throw extrame perfecutioun be þe lawis of þis realme, þe said Williame hes nother landis, gudis, nor money, he pairfoir Offeris his sonis Mariage to be mareit vpon George Drummondis dochter, frelie, without ony Tochir: And siclike þe Mariage of þe said Williame Chalmer, his coufing, to þe said George sifter.

*Item*, the said William Offeris hym reddy to ony vper thing quhilk is possabill to hym, as pleis my Lord and frendis to lay to his charge, except his lyfe and heretage.

V. *The Layrd of Drumloche, Band of Manrent.*

BE IT KEND till all men be þir present lettiris, me WILLIAME CHALMIR OF DRUMLOCHIE, that forfamekle as ane noble and mighty lord, DAVID LORD DRUMMOND, and certane vperis principalis of the four brancheis and maist speciall and nerrest of þe kin and freindis of vmqhile George Drummond of Leidcreif, and Williame Drummond his sone, for þame selffis, and remanent kin and freindis of þe saidis vmqhile George and Williame, hes remittit and forgevin to me þair Slauchteris, and gevin and deliuerit to me þair Letteris of Slanis pairvpoun; and þat I am oblist, be vertew of ane contract, to gif þe said noble lord my Band of Manrent; as þe saidis Contract and Lettir of Slanis, deliuerit to me, fullelie proportis: THAIRFORE to be bundin and oblist, and be thir present lettiris, bindis and oblissis me and my airis, in trew and aufald<sup>4</sup> BAND OF MANRENT to þe said noble and mychty Lord, as CHIEF to þe saidis vmqhile George and William his sone, and þe saidis Lordis airis, and fall tak þair trew and aufald part, in all and findry pair actionis and causis; and ride and gang with þame þairin, vpoun pair expensis, quhen thay require me or my airis þairto, aganis all and findry personis, our Souerane Lady, and þe auctoritie of this realme alanerlie exceptit: And heirto I bind and oblis me and my airis to þe said noble and mighty Lord, and his airis, in þe straitest forme and ficker<sup>5</sup> stile of Band of Manrent þat can be dewifit, na remeid<sup>6</sup> nor exceptioun of law to be proponit nor allegit in þe contrair. IN witness of þe quhilk thing, to þir present Lettiris and Band of Manrent, subscriuit with my hand, my feil is hungin, At Edinburcht, þe fist day of December, þe zeir of God ane thousand five hundreth fiftie aucht zeris, Befoir þir Witneffis, Andro Rollok of Dunerub,<sup>6</sup> James Rollok his sone, Johnne Grahame of Gormok, Maister Johnne Spens of Condy, and Laurence Spens his bruther, with vthers diuers.

WILIAM CHALMIR of Drumlochy.

<sup>1</sup> This circumstance is still considered as most insulting and oppressive by the tenantry in many parts of Scotland.  
<sup>2</sup> See No. V.      <sup>3</sup> True, sincere; literally *one-fold*, in contradistinction to *double*, deceitful, &c.      <sup>4</sup> Sure, secure.  
<sup>5</sup> Remedy, plea in the contrary, &c.      <sup>6</sup> Ancestor of Lord Rollo.

It seems unnecessary to add any thing to the melancholy picture which is here given, as to the frightful consequences which, necessarily, must have been produced on the general state of society in this country, by the perpetual occurrence of such barbarous contentions.]

Dec. 12.—PATRICK BLAIR, in Ardblair, and Robert Smyth in Drumlochy, *alias Henry*, Convicted of the Slaughter of George Drummond, and William his son.<sup>1</sup>—BEHEADED.

On Nov. 16 preceding, George Gordoun of Scheves, James Gordoun of Lefmore, and Gilbert Gray of Scheves, found caution to underly the law at the next Aire of Aberdeen, for Refetting, Intercommuning, and Supplying *William Chalmer of Drumlochy* and his complices, rebels and at the horn, for the foresaid Slaughter; and for affording them meat, drink, and other necessaries, in the months of July and August last.

#### Hurting and Wounding.

Dec. 19.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George his son, convicted of art and part of the Oppression done to David Hoppringill, son of Alex. H. of Trynlieknowis, in Hurting and Wounding him to the effusion of his blood in great quantity, committed on Jul. 15 last, he being for the time in the 'hauche' of the water of Caldane, near Trinlieknowis, keeping his father's cattle.—Walter Riddell of that Ilk became surety for them.

#### Slaughter — Inbasion — Wounding — Mutilation.

Jan. 31, 1554-5.—ALEXANDER CUMMYNG OF ALTER, John Cummyng called *Franche Johne*, John Cuke *alias Blak dog*, John Cummyng Owre, Thomas Tailzeour in Tulyduvy, and John T. in Socothe, found JAMES EARL OF MORTOUNE as surety for their underlying the law at the next Aire of Elgin and Forres, for art and part of the cruel Slaughter of Alexander M<sup>c</sup>gilleife, at the Parish Church of Edynkilzie; committed in March 1553, of forethought felony: AND also, for art and part of 'Umbefetting the way' of Patrick Dunbar young Laird of Cumnok,<sup>2</sup> and his servants, between the West side of the water of Duvy and the hill of Clumnerny; committed upon Jul. 19 last; and there cruelly Invading them for their Slaughter; and for Wounding the said Patrick in his leg; and for Mutilating Hugh Myll, his servant, of his right leg; and for Hurting and Wounding fundry other of his servants, in divers parts of their bodies.

#### Slaughter — The Pannel before Condiction permitted to assign a Reversion to Lord Gray.

Feb. 4.—NICHOLAS RAMSAY Convicted of art and part of the cruel

<sup>1</sup> See I, \* 367.

<sup>2</sup> See Nov. 20, 1554, &c.

Slaughter of Patrick *alias Pawtoun* Henry. BEHEADED.—(On the margin of Record,) ‘NOTA. þe said Nycholl before his Convictioun, maid þe LORD GRAY, in Jugement,<sup>1</sup> his cessioner and assignay, *in vberiori forma*, to þe Reuerfiounne maid to him be Alexander Raa, anent þe lowfing fra him of ane foirland in þe burcht of Perth, befid þe Fische-mercat.’

### Fire-raising — Burning of Corns.

Feb. 9.—ROBERT PATERSON Convicted of Fire-raising and burning the corns of Sprowstoun, belonging to JAMES COMMENDATOR of the Monasteries of CALCO (Kelfo) and MELROSE ; committed in the month of November last.—HANGED.

### Forging a Discharge in the name of an Italian, &c.

Apr. 1, 1555.—WILLIAM LAWDER, Thomas Fothringhame, and Robert Melville, came in Will for Forging and Falsifying a counterfeited Letter of Acquittance, dated at Edinburgh, Oct. 12, 1550 ; whereby Francis Casar, Italian, discharged the said Thomas of the sum of fifty golden Crowns of the sun. Which acquittance was subscribed by the said William, as a Notary Public ; and was afterwards found to be false and forged, before the Lords of Privy Council, and a Decreet pronounced at the instance of Martin *alias Mawryne* Oliuer, servitor to THE LORD DOSELL, Lieutenant of *the King of France*, dated Feb. 24 last ; AND the said *Thomas*, by the procurement of the said William, for causing the said false acquittance to be forged and subscribed, and using the same : AND the foresaid Robert for his inventing, causing, counsel, art, part, and assistance given to the foresaid William and Thomas.—SENTENCE. To be considered INFAMOUS in all time coming, and their testimony never to be thereafter received : And that they should never enjoy any dignities, offices, or honors, either in judgement or outwith the same : And to be BANISHED from this kingdom, and never to return without THE QUEEN’S special Licence : And all their moveable goods to be Escheated.

### Receiving the Holy Sacrament while under Excommunication.

Apr. 26.—WILLIAM CUNYNGHAME OF LAGLAND found James Hamiltoun of Fynnert knt., as surety for his underlying the law at the next Justice-aire of Air, for infringing the Acts of Parliament, in bearing sentence of Excommunication for year and day, and receiving the Holy Sacrament, while in that state.<sup>2</sup>

<sup>1</sup> In Court.      <sup>2</sup> See Jun. 26, 1554. There are many similar instances of prosecution for this offence, which was deemed one of a heinous and aggravated nature, especially previous to the Reformation, when the consequences of Church censures were very formidable. See APPENDIX, &c.

**Convocation — Oppressing the Laird of Innes.**

Apr. 30.—ALEXANDER PRIOR OF PLUSCARDIN, Mr David Dunbar Dean of Murray, Sir Thomas Rofs Chaplain, and Alex. Dunbar Parish Clerk of Raffert, were replegiated by Patrick Bishop of Murray, for Convocatioun of the lieges, and Oppreffing the Laird of Innes and his servants, in the month of January last : Sureties, James Dunbar of Tarbert, and Alex. D. of Cunzie.—Gawin Dunbar Rector of Roskyne, and James Dunbar Parish Clerk of Cumnok, were replegiated by the Bishop of Rofs, the Archbishop of Glasgow, &c.

**Convocation — Sacrilege — Invading the Prior of Pluscardin, &c. in presence of the Holy Sacrament — Hurting and Wounding.**

May 2.—WILLIAM INNES OF THAT ILK, and thirty-two others,<sup>1</sup> found John Lord Borthuik surety for their underlying the law at the next Aire of Elgin and Forres, for Convocation of the lieges to the number of eighty persons, armed in warlike manner, and coming within THE CATHEDRAL CHURCH OF ELGIN, during Vespers, and there cruelly Invading ALEXANDER, PRIOR OF PLUSCARDIN, Mr David Dunbar, Dean of Murray, Alexander D. of Conze, James D. of Tarbert, and fundry others of their friends, for their Slaughters, in presence of the Holy Sacrament : AND also Hurting and Wounding James D., son of the Laird of Tarbert, and Alexander Swyne, in fundry parts of their bodies ; committed upon ancient feud, certain purpose, and forethought felony, on Jan. 1 last : AND for other crimes contained in the Letters.

**Feud between the Dunbars and Inneses, &c.**

JAMES DUNBAR OF TERBERT, David Dunbar of Bennagefeld, Jasper Wause of Lochslin, and ten others, found surety to underly the law at the next Aire of Elgin and Forres, for Convocation of the lieges, in warlike manner, to the number of sixty persons, under silence of night, and coming to THE CATHEDRAL CHURCH OF MURRAY, and there Invading William Innes of that Ilk and his servants for their Slaughters, on Jan. 1 last ; committed upon ancient feud, forethought felony, certain purpose, and provision.

*SUPPLICATION of the ASSISORS to THE QUEEN, with her deliverance thereon.*

THE quhilk day comperit GILBERT MENZEIS, sone and apperand air to Thomas Menzeis of Pitfoddellis, Prowest of Abirdene, in name and behalf of Alexander Jaffray, baxter, Johne Arclay, cordinar, Alexander Reid, tailzeoure, for pame and pe remanent puir Craftismenne of pe burcht of Abirdene, and gair in pis SUPPLICATIOUNE vnderwrittin, maid be pame to pe QUENIS grace, DOWARIARE and REGENT OF SCOTLAND, deliuert and subscriuit be hir grace, in maner following ; and desyrit pe samin to be registrat and infert in pe buikis of Adiornale, and to be admittit be pe Justice-Principall :

<sup>1</sup> Among the number are James Innes of Monbenys, John Innes, brother of James Innes of Dranye, Andrew, son of James Innes of Lewcharis, Andrew Innes, alias 'Cow the jegat,' Andrew Innes, called 'the scolar,' &c.

The quhilk desyre þe said Justice-depute thocht reffonable ; and pairfore ordanit þe said Supplicatione and þe QUENIS grace deliuerance and anfuer gevin þairpoune to be regefrat and infert in þe saidis bukis of Adiornale, and hes admittit and admittis þe famin ; off þe quhilk Supplicatione and deliuerance þe tennour followis :

‘ MADAME, vnto 3oure grace huimlie menis,<sup>1</sup> We, Alexander Jeffray, baxter, Johnne Arclay, cordinar, Alexander Reid, tailzeoure, for ws and þe remanent þeir Craftismen of þe burcht of Abirdene : THAT quhair we ar new fummond to pas vponne þe Assise betuix þe INNESSES and DUNBARRIS, like as we haue bene, diuerse tymes, þis zeire, fummond of befoir, be 3oure gravis Purfewantis and Messingerris, to pas vpoun Assise in actionis distant fra ws fourty, fifty, and lx of mylis, þat we knaw na thing þair of mair nor þai þat duellis in Jherusalem :<sup>2</sup> And swa, Ma dame,<sup>3</sup> we ar hevely trublit and herreit<sup>4</sup> heirthrow, be fail,<sup>5</sup> abvse, and misfordour of þe said Purfewantis and Messingeris þat will nocht fummond Lordis, Lairdis, and Barronis, as wes wount to be done in all tymes bigane, þat memour of man, quhill<sup>6</sup> þis instant zeir bigane, þat þai haue brocht of ane new vse, by<sup>7</sup> 3oure gravis mynd, as we beleif, to fummond þeir burges men and þeir craftismen, and specialle of 3oure said burcht of Abirdene, quhilk hes bene foure or five tymes heir sen þis tolmond, and all alluterlie<sup>8</sup> herreit þairthrow. QUHAIRFOIR we beseike 3oure grace, þat we þat ar þeir inhabitantis of 3oure said burcht may haue 3oure grace pardoune and exemptione to remane and bide at hame, nochtwithstanding þe Summondis þat ar to cum vpoun ws, wont<sup>10</sup> it be for actionis done within þe said burcht, or thré mylis about þe famin : And 3oure gravis anfuer heirupoune huimlie we beseik.—(Sic retrospectibatur) APUD *Edinburcht primo Maii anno 1<sup>m</sup> V<sup>o</sup> 1540*. FIAT vt petitur. MARIE R.

### Selling French Wines at too high a price.

May 4.—GEORGE HUME, residing in the Town of Leithe, Walter Cant, and thirteen others, indwellers there, and burgeses of Edinburgh, found surety to underly the law at the next Aire of Edinburgh, for Selling French Wines<sup>11</sup> at higher prices than fixed by the Queen’s Proclamation of Dec. 7 last, under the pain of forfeiture of their whole moveable goods, viz. for each tun of ‘ *Burdeoufe* ’<sup>12</sup> and ‘ *Angew* ’<sup>13</sup> Wine 20 l., and in retail at x d. per pint ; ‘ *Rochell* ’ ‘ *Scherine* ’<sup>14</sup> and ‘ *Cunezeoche* ’<sup>15</sup> 16 l., and in retail viij d. per pint.

### Slaughter and Wounding of French Soldiers — Jurisdiction and Privilege of the Church Courts.

May 22.—MR MARK KER and THE LAIRD OF COLDINGKNOWIS dilait-ed for the Slaughter of vmq<sup>16</sup> . . . . de la Vigne : And for Hurting and Wounding of . . . . Lespine, ‘ corporale of CAPITANE GALZEARTTIS CUMPANY,’<sup>16</sup> . . . . Bruslie in fundry parts of his body, and other Frenchmen ; committed at Newbottill, in April last. ‘ COMPERIT Maister Mark Ker, in presence of þe saidis Justice-deputis, and desyrit to be replegit, as he þat wes ane Kirkman, to his Juge Ordinare : ’ ‘ And þe Laird of Coldinknowis offerit him redde to vnderly

<sup>1</sup> Humbly complain.      <sup>2</sup> We know no more of than they who dwell in Jerusalem.      <sup>3</sup> And so, Madam.      <sup>4</sup> Pillaged.      <sup>5</sup> Failure in duty.      <sup>6</sup> Until.      <sup>7</sup> Against, contrary to.      <sup>8</sup> Twelve months ; this year past.      <sup>9</sup> Altogether, entirely.      <sup>10</sup> Unless, excepting.      <sup>11</sup> See Mar. 21, 1549-50.      <sup>12</sup> Bourdeaux.      <sup>13</sup> Anjou.      <sup>14</sup> Rochelle and Sherry, or Xeres.      <sup>15</sup> Cogniac ?      <sup>16</sup> See repeated notices of these persons in the Appendix.

pe law for pe saidis crymes—and pai bayth protestit pat pair souerteis be relevit, becaus pai wer reddy to entir.’

DEBATE as to the Jurisdiction of certain Church Courts.

Jun. 1.—COMPERIT *Maister James Balfoure*, Official of SANCTANDROIS, within pe Archedenerie of Lowthiane, vnder protestatione, pat pe said Maister Markis comperance in pe said Justice Court hurt nocht pe estate nor privilege of pe Kirk; and, as Ordinare to pe said Maister Mark, desyrit him to be replegit, *verbo*.—Comperit alsua *Sir William Bannatyne*, Chaplane, as Commiffar to pe ARCHEBISCHOPPE OF GLASGW, be his Commissiounne producit in Jugement, speciallie constitute, and pairby desyrit pe said Maister Mark to be replegit furth of pe said Justice Court, for pe said cryme, to pe Jurisdictionne of pe said Archebischope; and in caise pe said Justice-depute wald nocht suffer him to be replegit be virtew of pe said Commissiounne, protestit pat pe samin hurt nocht pe said Archebischope in his jurisdictionne foirsaid.—Mr James Balfoure and *Maister David McGill*, vnder protestatione pat pai admit nocht pe Justice to gif Interloquitour vponne pe allegiances following, *nisi quantum de jure*, allegit pat pe said Maister Mark suld be replegit to pe jurisdictionne of pe Archebischope of Sanctandris, and aucht to be preferrit in replegiatiounne to pe Archebischope of Glasgw, be ressoun he hes producit ane Testimoniale of his Ordour of Crownebennet,<sup>1</sup> berand pat he wes Scolare in pe dyocy of Sanctandris: And als allegit, pat he wes borne within pe said dyocy, in pe Castell of Edinbur<sup>t</sup>, and maid residence continwalie within pe samin dyocy, viz. within pe Place and toun of Newbottill or Ed<sup>r</sup>: And als, pat pe allegit cryme he wes to be accusit of wes committit within pe said dyocy of Sanctandris: And forther allegit, pat he hes na Benefice within pe dyocy of Glasgw; and pat he hes demittit pe Benefice of Massindew,<sup>2</sup> in Jedburcht, quhairby pe said Bischope of Glasgw allegit him to be ordinar to pe said Maister Mark; like as he presentlie, in presence of pe said Justice Depute, dimittis pe samein: And attour,<sup>3</sup> offerit pe Laird of Haldane cautionne for justice to be done, &c., and askit instrumenttis vponne pe allegiances and Offir foirsaidis.

**High Treason — Swearing fealty to the Protector of England, &c.**

May 24.—GEORGE WAUCHOPE, burgess of Lauder, produced a Remission for taking assurance upon himself and the other Inhabitants of the Town of Lawder, in October 1547, during the time of the building of the Fortalice of Roxburghe, with THE ENGLISH PROTECTOR, and LORD GRAY, his Lieutenant General; giving and granting his Bond and faith under his hand, that he and the other INHABITANTS OF LAWDER should be faithful subjects to THE KING OF ENGLAND; and giving his oath of fealty, for observing the same: Which Bond was thereafter fulfilled, by his daily treasonable riding in company with the said English, consulting and guiding them, as often as occasion required, against her Majesty's subjects, to their subversion and ruin. ITEM, for his treasonably leading THE PROTECTOR OF ENGLAND with his ARMY, immediately after THE BATTLE OF PYNKECLEUCHE, in October 1547, to the said Town of Lauder, therein to remain in Castles, &c. and leading them, in bodies, to various parts of the country, for the destruction and slaughter of the lieges thereof. ITEM, for his leading, refetting, supplying, intercommuning, and participating, continually, during the whole of the years 1552 and 1553, with Sir Walter Ker

<sup>1</sup> Having taken his degree; *Baccalaureus*?

<sup>2</sup> *Maison Dieu*.

<sup>3</sup> Furthermore.



of Cefurde, Sir Andrew Ker of Hirfell, and Sir John Ker of Pharnihirst, kn<sup>ts</sup>, their servants and accomplices, the Queen's Rebels and at her horn, against the Acts of Parliament. ITEM, for his treasonably guiding the said ENGLISH PROTECTOR, THE EARL OF WARWIK, LORD GRAY, and THE ENGLISH ARMY, immediately after the Battle of Pynkéleuche, in the year 1547, they then being in England, to the Castlehill of LAUDER, being the Queen's proper lands, where the said English foldiers built a Fortalice, and fortified the same with warlike stores, to be kept against THE QUEEN'S lieges ; and for inventing, treating, and consulting with the said English thereupon. ITEM, for treasonably delivering to RALPH BRUIER, Captain of the Fortalice of Roxburgh, and other Englishmen, being therein, an hundred daggers, with all kinds of grain which he could obtain ; and assisting and participating with them for the keeping and protection thereof. AND also, for treasonably revealing and shewing to the General at the Fortalice of Lauder, and to other Captains of Fortalices, during the time of their remaining in Scotland, all the secrets of this kingdom, which he had or could procure, to the hurt and lesion thereof, and to the advantage of the said English : And for riding and going with them, for obtaining their ends, in all their deeds and conspiracies against the kingdom of Scotland, as if he had been a native Englishman.

#### **Slaughter of a Messenger at Arms.**

Jun. 7.—JOHN BLAKCATER, servant to THE EARL OF BOTHUILE, was denounced Rebel and put to the horn, and William Moncreif of that Ilk, his cautioner, was amerced in the sum of 500 merks, for his non-appearance to underly the law for art and part of the cruel Slaughter of James Lowis, Messenger at arms.

#### **Selling Victual and Flesh in England.**

Jun. 17.—MUNGO HUNTER, in Chirneside, Convicted of breaking the Acts of Parliament in carrying flesh into England.<sup>1</sup>—Robert Richartfoun and six others in Fuldene, and Patrick Gibfoun in Coldinghame, came in the Queen's Will for transporting Victual into England ; and Alexander Crawford, and two other butchers in Coldinghame and Aytoun, came in Will for carrying flesh into England.<sup>2</sup> A number of others were replegiated to the Regality of Dalkeith, were denounced Rebels, or came in Will for similar crimes, about this period.

#### **Remarkable Case of Piracy by Englishmen — Oppression, &c.**

Jul. 3.—HILBERT STALFURDE, in Kentshire, in pe Toune of Der-

<sup>1</sup> George Lord Seytoun became his cautioner.

<sup>2</sup> Cautioners to satisfy the Queen—George Ramsay of Dalhousy, John Hwme of Hutoanball, and Alexander Hwme of Manderstoune.

ingtoune, Capitane ('*gra.*')<sup>1</sup>; Thomas Man in Northphok, borne within þe toune of Elfin,' and twenty-seven others, ('*gra.*') CONVICTED by an Affise,<sup>2</sup> chosē and fworn by their own consent, of Piracy and Oppression done to the Queen's liege subjects, and to others, foreigners, in friendship and league with this kingdom, and navigating hither; and of coming upon them with a certain armed vessell called 'KAIT OF LYNNE' at the times respectively following, in her Majesty's seas, whilst the said lieges were making for the harbour of Leith, and by piratical force boarding their vessells, and reiving and spoiling them of the goods under specified, viz. ON Jun. 23 laft, furth of 'ane hulk' of the town of Stateyne, then being in the harbour of Leith, a rope or 'kabil' containing 90 'fadummis,' three or four 'piftolettis,' together with certain sailer's dresse and canvals: ITEM, on Jun. 25 laft, furth of a ship belonging to Robert Orkney, Scotsman, 34 'boundis'<sup>3</sup> of hemp,<sup>4</sup> seven barrells of the finest flour,<sup>5</sup> with nine pieces of wax: ITEM, on Jun. 20 laft, of a ship of Adam Nycholfoune, in which Mr George Halkheid was for the time, twenty pieces of 'fatyne' and 'dammese':<sup>6</sup> Which goods the said persons judicially Confessed that they had stolen, and that they had fitted out their armed ship without any Licence or protection from their Prince, contrary to the common law of Nations.—SENTENCE. That they shall be HANGED as Pirates: And that their ship, with the foresaid goods, and all that was therein at the time of capturing the same, shall be escheated to the Queen.

LIST of the other PIRATES, with their punishment or acquittal.

John Hupgame, borne in Northphok, and now duelland in Lyn, (*Suspen.*); Thomas Baxter, borne in Newcastle, now duelland in Lyn, (*Suspen.*); Edmond Williamesone, in Zorkschire, borne in Kirkbemorfyde,<sup>4</sup> duelland in Twedmond, in Northumberland, (*Gra.*); Anthony Fitteplace, borne in Welfchire, now in Berrick, (*Gra.*); George Barrat, in Vngle, in Northhantounschire, now in Northhame, (*Gra.*); Johnne Wisdome, borne in Anglisberry-hill, within v myle to Bristo, now soldiour in Berwik, (*Suspen.*); Williame Prince, borne in Birkinschire, now in Berwik, (*Gra.*); James Golf,<sup>8</sup> borne in Hamschyre, now in Berwik, (*Gra.*); Phillope Withelak, borne in Denschyre, now in Berwick, (*Gra.*); Johnne Neillwing, borne in Northphok, now in Lyn, (*Suspen.*); Nycholace Phillope, borne in Lyncumschire, within þe toune of Bowstoune, in Lyn, (*Suspen.*); Mathow Crosfurde, borne in Zorkschire, now in Lyn, (*Suspen.*); Williame Vnthane, borne in Hartfurdeschire, now in Berwik, (*Gra.*); Edward Wrycht, borne in Listerchire, now in Berwik, (*Gra.*); Robert Ra, borne in Carlile, now in Berwik, (*Gra.*); Robert Swentoune, borne in Zorkschire, now in Berwik, (*Gra.*); Williame Bourschaw, borne in Tynebriche, in Kentchire, now in Berwik, (*Gra.*); Williame Lamb, borne in Gloifschire, now in Berwik, (*Gra.*); Edward Campbell, borne in Newcastle, now pair, (*Gra.*); Johnne Hall, borne in Northphokschire, now in Hunstoune, (*Suspen.*); Rolland Kaif, borne in Lundoun-

<sup>1</sup> The enumeration and description of these pannels are so remarkable, that it has been thought proper to append them to the Trial in a smaller type. Prefixed to each name on the margin is the word '*Suspen.*' or '*Gra.*' (*gratia*), the first denoting those who were HANGED, and the latter those who were afterwards PARDONED, or their sentence commuted. The two last, being Minors, were not convicted. <sup>2</sup> With the exception of William Lynlythgow of Drygrance, they were burgesses and residents in Edinburgh and Leith. <sup>3</sup> Bundles? <sup>4</sup> *Canapis* (*cannabis*?) <sup>5</sup> *Farine siliginis*. Pliny uses *farina siliginea* in this sense, though *siligo* denoted an inferior or light sort of corn, yielding less nutriment than wheat. <sup>6</sup> Satin and damask. <sup>7</sup> Kirkby-on-the-muir-side? <sup>8</sup> Gough?

schire, now pair, (*Gra.*); Johnne Woddorat, borne in Kentfchire, now in Swakle, (*Suspen.*); Symoune Mawfter, borne in Northphokfchire, now in Lyn, (*Suspen.*); Robert Achefoune, borne in Newcastle, now in Lyn, prenteife, (*Suspen.*); Johnne Mortoune, borne in Chefchyre, now in Berwik, (*Gra.*); John Moir, borne in Warwikfchire, now at Lundoune, (*Minor*); George Steill, borne in Gillfland, now in Norhame Caftell, (*Minor.*)<sup>1</sup>

### English Pirate — Oppression.

Jul. 6.—THOMAS STILBERRY, 'skipper' of the fhip called KAIT OF LYN, born in Linconfchyre, in Lilitoune, now in HULL, Convicted of the fame crimes of PIRACY, &c.—HANGED.

### Wounding the Deputy-Keeper of the Queen's Park.

Aug. 21.—ROBERT FIDDES, fon of James Fiddes in Preiftisfield, Robert Bertilmo, and George Fokert, Convicted of art and part of Hurting and Wounding of William Ahannay, fervant of the Laird of Craigemyllare,<sup>2</sup> being his deputy in keeping THE QUEEN'S PARK, near Edinburgh; committed fuddenly, on Jul. 6 laft.

### Ratihabition of Slaughter, Wounding, &c. — Imprisoning — Usurpation of the Queen's authority.

Nov. 8.—DAME MARIOTA MONTGOMERY, LADY SYMPLE,<sup>3</sup> Came in the Queen's Will<sup>4</sup> for Ratihabition<sup>5</sup> of the Slaughter of Gilbert Rankyne in Lecheland, committed by the fervants of the faid LADY, Mar. 17, 1553, under filence of night: AND for Ratihabition of the cruel Hurting and Wounding of John Fynné, and Mutilation of his arm; and for Hurting and Wounding of John Roger in fundry parts of his body, to the effufion of his blood, committed at the fame time—by Refetting of her fervants, who had committed the faid crimes, red-hand,<sup>6</sup> that fame night, within THE CASTLE OF LAVEN, immediately after the perpetration thereof: AND alfo for Ratihabition of the taking and apprehending of Humphry Malcolmesoun and Archibald Scherare, they being conducted by her fervants on the fame night to the Caftle of Laven, feeing fhe received them into her faid Caftle: ITEM, for Incarceration and fubjection of the faid perfons in the forefaid Caftle by the fpace of twenty-four hours, without food or drink; thereby Ufurping the Queen's authority.

<sup>1</sup> The laft two were not convicted, owing to their minority.

<sup>2</sup> Simon Prestoune of that Ilk.

<sup>3</sup> This lady is called LADY *Margaret* MONTGOMERY in *Wood's Peerage*. She was eldeft daughter of HUGH *first* EARL OF EGLINTOUN; and was, at the time of this Trial, relict of WILLIAM *second* LORD SEMPILL, who died *anno* 1548. There feems no doubt that her name was *Mariota*, fhe having been named after her mother, Mariota Seytoun, Miftress of Borthwick, and fiftter of George Lord Seytoun. *Wood's Peerage*, I, 499, and II, 493.

<sup>4</sup> On the margin, 'DELETUR, quo ad partem

REGINE, per preceptum. <sup>5</sup> Law Lat. *ratihabere*, confirmare, pro rato habere.

<sup>6</sup> This is

fometimes termed 'with the bluidy hand,' i. e. taken or detected in the very fact.

*ASSISA super Domina Mariota Montgomery Domina Sympill.*

Johne Stewart of Fowbar, Williame Wallace of Elrifley, Williame Cunynghame of Cunynghame-  
Allane Houftoune, in Fowbar, Patrik Glenne, bruper to James, heid,  
Robert Lindesay of Dunrod, Patrik Howftoune of pat Ilk, John Schaw of Berragane,  
James Glenne of the Bar, David Lyndfay, in Glasgw, Matho Galbrayth.  
John Simpill of Fulwod, Hectour Stewart, in Raife,

John Campbell of Skippynche became surety for fatisfying the parties—and also for the entry of EWFAME STEWARTE, at the next Aire of Renfrew, to underly the law for art and part of the Slaughter of the said Gilbert Rankyne.<sup>1</sup>

**Convocation — Hamesucken at the Monastery of Paisley.**

NOV. 9.—MATHEW STEWARTE OF BARSCUBE, John Brisbane of Bifchoptoune, William Park and Thomas Brisbane, their servants, Thomas, son of John Marchell in Rowchbank, William his brother, William Brisbane, servant of Lord Sympill, John Stewarte, son of Jonet at the Brigend of Paisley, and Williame Allanesoune at the mill of Farmalkyne, found John Lord Erskyne as surety for their entry, at the next Aire of Renfrew, to underly the law for Convocation of the lieges to the number of twelve persons, armed in warlike manner, and for coming to THE MONASTERY OF PASLAY, by way of Hamesuckin, and there Invading John Hammyltoune, son of John H. of Fergullie, 'grynter'<sup>2</sup> of Paslay, for his Slaughter; and for Mutilating him of his arm, committed on July 26 last: And for fundry other crimes contained in their Letters,—John Allanesoune was denounced Rebel, and put to the horn for not appearing.

**Convocation — Inbading James Lord Somerville.<sup>3</sup>**

NOV. 22.—WILLIAM BAILLIE OF BAGBIE, Nicholas his brother, Michael Shorte his servant, and three others, were replegiated by James Earl of Mortoune, to his Regality of Dalkeyth, to underly the law on Jan. 17 next, for Convocation of the lieges to the number of six score persons, armed in warlike manner, and Invading JAMES LORD SOMERUILLE for his Slaughter; committed on Oct. 1 last. William Symontoune of that Ilk became surety.—JAMES and JOHN DALZELL in Knowhobill, replegiated to the Regality of Boithuille by Archibald Earl of Angus; Robert Dalzell of that Ilk being surety for their entry, and James Douglas of Todhillis for the due administration of justice.—JOHN SYMONTOUNE, Parish Clerk of Symontoune, and Robert Dalzell, Parish Clerk of Dalzell, replegiated by the Archbishop of Glasgow.—JOHN MURE of

<sup>1</sup> See Jan. 14, 1555-6.

<sup>2</sup> *Granitarius*, one who keeps a store of Grain, a grain-dealer, or girmall-keeper.

<sup>3</sup> See also Nov. 16, 1554, &c. for notices of these Feuds.

Annestoune, and forty-two others, found surety to underly the law for the same crimes at the next Aire of Lanark.

**Feud between Lord Somerville and Lindsay of Cobynetoune.**

Nov. 22.—MR JOHN SOMERUILE, Rector of Libertoune, Michael S., Parish Clerk of Carnweth, Mr William S., Vicar of Kirkbane, Thomas S., Rector of Quodqwene,<sup>1</sup> and John Carmichael of that Ilk, Parish Clerk of Carmichael, were replegiated by the Archbishop of Glasgow to underly the law before his next head Court, for Convocation of the lieges to the number of 100 persons, and hindering John Lindesay of Cobynetoune from coming to the head Court of the shire of Lanark, committed on Oct. 1 last.—James Lord Somerville became surety for the due administration of justice.—JOHN SOMERUILE, brother of Lord Somerville, Parish Clerk of Quodqwene, was also replegiated by the Archbishop of Glasgow; Archibald Earl of Angus became surety for his entry, and for the due administration of justice.—JAMES CHANCELLARE in Newmanyis, and sixty-eight others, found James Lord Somerville, Murray of Cokpull, and John Carmichael of that Ilk, as sureties for their entry at next aire of Lanark, to underly the law for the same crimes.

**Mutilation of the Laird of Craigingelt and his Son.**

Nov. 26.—MR ALEXANDER LEVINGTONE OF DONYPACE found William Lord Levingstone as surety for their entry at the next Justice-aire of Stirling, to underly the law for art and part of the Mutilation of John Cragyn-gelt of that Ilk, and Robert his son, of their left arms; committed within the burgh of Stirling, on Aug. 21 last.—(Jan. 8, 1555-6.) HENRY LIVINGSTON in Falkirk, William and Thomas his sons, and his three servants, found caution (the Laird of Doniphace) to underly the law at the following Aire of Stirling, for same crime.

**Hurting and Wounding.**

Nov. 28.—ROBERT SOMERUILE,<sup>2</sup> brother-german of James Lord S., came in the Queen's Will, for art and part of the cruel Hurting and Wounding of John Lyndesay, natural brother of the Laird of Colbynetoune, to the effusion of his blood; committed suddenly, on Jul. 7 last.

**Oppression — Invasion, &c.**

JOHN LYNDSEY OF COBYNETOUNE, James Johnstone of Westraw,

<sup>1</sup> They were also replegiated the same day by the Archbishop of Glasgow, for the Hurting and Wounding of John Lyndesay, natural brother of the Laird of Colbynetoune, to the effusion of his blood; committed on Jul. 7 last, on forethought felony, Lord Somerville cautioner. <sup>2</sup> See Nov. 22, 1555, *Note*, &c. Reference may also be made to the Appendix.

and James Moffat, fervant to the Laird of Cobyntoune, CONVICTED of the Oppreffion done to John Someruile, brother-german to James Lord Someruile, in cruelly Invading him at Romeſchaw, and chafing him to the dwelling-houſe of John Haithwye, officer of Archibald Earl of Angus in Gaitſyde, beſetting the ſaid houſe, and Invading the ſaid John for his ſlaughter; committed 'vpoune ſuddentie,' on Sep. 24 laſt.

**Abiding from the Raid of Lauder, &c.**

Dec. 17.—ALEXANDER GILLIES in Glenkirk, came in Will for contemptuously remaining from the Queen's army conveyed at Lawder, May 14 laſt, to concur with and aſſiſt George Earl of Huntlie, Gilbert Earl of Caſſillis, and James Earl of Mortoune, having her highneſſes Commiſſion to puniſh and repreſs certain crimes and Slaughters committed upon the Borders of the kingdom; againſt the Proclamations made thereanent.—James Twedy of Drummelgear became cautioner.—John Lyle of Stanypethe, John Naper of Ballekinrane, and a number more, came in THE QUEEN'S will for the ſame crime. William Gift of Sherefhall, the Laird of Gorrandaill, Lekky of Croy, and Mr Thomas Bonar, &c. were denounced Rebels, and put to the horn for not appearing to underly the law for the ſame crimes.

**Intercommuning with the Laird of Ardwell, rebel, &c.**

Dec. 19.—SIR JAMES M'CULLOCH, in Annyk, replegiated by the Biſhop of Whithorne, for art and part of Refetting, Supplying, and Intercommuning with . . . . . M'Culloch of Ardwell, and Finlay M'Culloch, rebels and at the horn, for the cruel Slaughter of Patrick More, &c. The Laird of Lochinvar (John Gordoune) ſurety.—Thomas M'Clellane Tutor of Bombay, Michael M'C., his brother, Gothray M'Culloch of Ardwell, John M'C. in Barholm, Ninian Glendonyng in Partoune, Richard M'Ky of Myretoune, and John Akinzeane, found caution<sup>1</sup> to underly the law at the next Aire of Wigtoune and Kirkcudbrycht, for the ſame crime.

**Common Theft — Reſett of Theft, &c.**

Jan. 3, 1555-6.—JOHN ROBSOUNE, alias *Paulis Jok*, Convicted of Common Theft, Reſett of Theft, outputting and inputting thereof, &c.—HANGED.

**Hurting and Wounding the Laird of Quhitefurde.**

Jan. 7.—CHARLES POLLOK, (TUTOR OF THAT ILK,) Robert and David Pollok, and four others, Convicted of the Oppreffion done to John Quhitefurde

<sup>1</sup> The Laird of Lochinvar and Sinclare of Auchinfranco.

of that Ilk, in Hurting and Wounding him on the Lands of Grenehillis; committed on Aug. 14 laft, on ancient Feud and forethought felony.—Alexander Earl of Glencarne and Robert Lord Sympill became sureties for fatisfying the Queen and party.

### **Oppression — Hurting and Wounding the Tutor of Pollock.**

JOHN QUHITEFURDE OF THAT ILK, James his brother, and Archibald Baillie, Convicted of the Oppression done to the said Charles (Pollok, Tutor of that Ilk), in Hurting and Wounding him on the said day on the foresaid Lands.—Robert Lord Symple became surety to satisfy the Queen and party.

#### ASSISA.

Johne Muir of Caldwell,	Alexander Levingstoune of War-	Johne Menteith, (f.)
Johne Symple of Foulwod, (f.) <sup>1</sup>	randhill, (f.)	Gawin Baxter in Bothuile, (f.)
Arch. Muir, bropr to Caldwell,	Hew Craufurd of Kilbirny,	James Glenne of pe Bar,
Johne Maxwell of Foulbar, (f.)	James Baillie, yr of Carphin, (f.)	Johne Craufurd of Craufurdland,
Thomas Craufurd in Newtounne,	John Fairlye of pat Ilk,	James Mowat, sone to Charlis.
	Pat. Hammiltoune of Dalferf, (f.)	

### **Conbocation of the lieges — Invasion, &c.**

Jan. 8.—JOHN CUNNYNGHAME OF GLENGARNOK, Cuthbert C. of Cochrane, and Alex. C., his brothers, John C. of Croy, and thirty-two others,<sup>2</sup> found caution<sup>3</sup> to underly the law at the next Justice-aire of Air, for Convocation of the lieges to the number of thirty persons, armed in warlike manner, and coming under silence of night, in July 1554, by way of Hamefucken, to the house of Humphrey Galbrayth in Eifter Glenne, breaking up the doors thereof, entering the same, and searching for him for his slaughter; committed on forethought felony.

### **Oppression — Wounding — Mutilation.**

HUMPHREY GALBRAYTH in Edinbellye, Walter G., brother of the Laird of Gartschadden, James G. in Balquharne, and ten others, found caution<sup>4</sup> to underly the law at the next Justice-aire of Dumbartane, for Oppression done to John Cunynghame of Glengarnok and Cuthbert his brother, in Hurting and Wounding them; committed on Aug. 10 laft, on forethought felony; and for Mutilation of the said Cuthbert of the thumb of his right hand.

<sup>1</sup> Those marked (f.) 'fled,' or found the pannels guilty.      <sup>2</sup> Among the number are Gilbert Clerk, stage-player, (*histrionem.*) On Feb. 28, 1555-6, John Browne, player, (*histrionem*, which may, perhaps, be intended to denote a *mountebank* or *buffoon*.) in Avendale, found Sir James Hammyltoune of Craufurde-Johne surety for his underlying the law at the next Aire of Lanark, for the Mutilation of John Weir, in Birkwod, of his right hand.      <sup>3</sup> David Cunynghame of Robertland and the Laird of Glengarnok.      <sup>4</sup> George Buchquhannane of that Ilk, and James Galbrayth of Kilcreuche.

**Oppression — Invasion.**

JAMES GALBRAYTH OF KILCREUCHE, Walter his brother, James G. in Balquharne, John G. his servant, Humphrey, son of John G. in Bolgair, Humphrey G. in the Glenne, Humphrey G. in Bellye, and thirty-seven others, found caution<sup>1</sup> to underly the law at the next Aire of Dumbartane, for Oppression done to John Lyle in Wester Kilfaffet, coming to his house in July 1554, of the causing, hounding, assistance, and ratihabition of James Galbrayth of Balquharne; and for breaking up his doors, under silence of night, and Invading him for his slaughter.

**Slaughter.**

Jan. 14.—ANDREW MONTGOMERY, Malcolm Allanfoune, Andrew Park, and Allan Terbert, produced a Respite for art and part of the cruel Slaughter of Gilbert Rankyne, in Lecheland, committed on Mar. 17, 1553, &c.<sup>2</sup> The Earl of Glencarne, and John Campbell of Shippynche, became cautioners for satisfying the parties.—They also found caution to underly the law at the next Aire of Renfrew, for the Murder of the said Gilbert, and for forethought felony.

**Remission for a Slaughter — Replegiation.**

Feb. 12.—WILLIAM NEWTOUNE OF THAT ILK, and John N. in Newtounne, produced a Remission for art and part of the cruel Slaughter of John Crummy, burges of Hadingtounne; committed on ancient feud, forethought felony, &c. in Oct. 1545. Patrick Sydeserf of that Ilk, and Henry Ogill of Hartre-wod, became cautioners for satisfying the parties.—George Newtounne, in Muffilburgh, was Replegiated for the same crime, by the Commendator of Dunfermeling, to his Regality of Muffilburgh.

**The Laird of Knockdoleane denounced for Slaughter.**

Mar. 4.—ROBERT GRAHAME OF KNOCKDOLEANE denounced rebel and put to the horn as fugitive from the law, for the Slaughter of Duncan M'gilwrik; committed in Nov. 1554, on forethought felony.—He was again denounced on Apr. 11, 1556.

**Stealing a Silver Dish of the Queen Regent's.**

Mar. 30, 1556.—DAVID MVRE in the Craig, within the shire of Air, found John Schaw of Haly as cautioner for his entry at the next Justice-aire of Air, to underly the law for art and part of the Theft and concealment, furth of

<sup>1</sup> Edmund Buchquhannane of Spittale, George Buchquhannane of that Ilk, James Galbrayth of Balquharne, and the Laird of Kilcreuch. <sup>2</sup> See Nov. 8, 1555.



the house of JOHN LORD MAXWELL, from her highness THE QUEEN REGENT, in the month of August last, of a silver dish<sup>1</sup> marked with the said Queen's Arms, and being her private property.—JOHN EDZARE, burghers of Dumfries, found surety<sup>2</sup> to underly the law at the next Aire of Dumfries for the same crime; and MARJORY CUNYNGHAME, his wife, was denounced Rebel, and her moveables confiscated as fugitive from the law.—(May 4, 1557.) She was allowed to come in the Queen's will.

#### **Drumlangrig's Brother denounced for Slaughter.**

Apr. 14.—JOHN DOWGLAS, in Steppis, son of James D. of DRUMLANGRIG, James Douglas, Andrew Paterfoun, and Thomas Doby, were denounced rebels and put to the horn for the Slaughter of William Dalzell, brother to Robert Dalzell of that Ilk; committed on May 8, 1555.—John Johnnestoun of that Ilk, their cautioner, was unawed for their non-appearance.

#### **Hamesucken — Hurting and Wounding, &c.**

May 5.—DAVID SEYTOUNE, son of umq<sup>16</sup> William S. of Rungawy, Convicted for coming by way of Hamefuckin to the lands of Innerteill, on Feb. 18 last, and cruelly Hurting and Wounding of William Allerdesse, stone-mason, and Henry Buttir, in their heads and breasts, to the effusion of their blood: AND for casting Mathew Marschell into the Water of Innerteill.—George Lord Seytoun became surety along with him for satisfiing the Queen and parties.—(May 7.) LORD SEYTOUN became caution for his entry 'to suffer pe Declaratour of pe said Justice,' &c. A number of others found caution on May 6, to underly the law at the next Aire of Fife for the same crimes.

#### **Forging, erasing, and falsifying a Charter, &c.**

May 18.—ANDREW DRUMMOND OF BALLECLONE Convicted by a condign Assise of art and part of fforgeing and falsifying a Charter of feufarm, pretended to have been granted by ALEXANDER, ARCHBISHOP OF ATHENS AND OF THE ISLES OF SCOTLAND, and perpetual Commendator of the Monastery of Inchechaffray,<sup>3</sup> of the lands of Balleclone, with the pertinents, excepting three

<sup>1</sup> The words of the record are '*vnus parapidis argentei*.' PAROPSIS is used by *Suet.* and *Petron.* to denote a silver dish to serve up meat in.

<sup>2</sup> Uchtred Edzare of Nether Inglitoun, &c.

<sup>3</sup> This individual was the second son of JOHN LORD GORDON by Margaret Stewart, natural daughter of KING JAMES IV, (by Margaret, eldest daughter of John Lord Drummond.) Having been elected by the Chapter ARCHBISHOP OF GLASGOW, and afterwards set aside by THE POPE, who nominated James Beaton, Abbot of Aberbrothok, he got the titular ARCHBISHOPRICK OF ATHENS (*in partibus Infidelium*); was consecrated BISHOP OF THE ISLES, Nov. 26, 1553; and got the Commendatory of INCHAFFRAY. In 1558, he was translated to the See of GALLOWAY, embraced the Reformed Religion, and died in *anno* 1576.

ploughgates thereof, which he and . . . . Henderfoune, parchment-maker, erased and altered from the first original Charter, granted to the said Andrew, &c. in the year 1553.—SENTENCE. To be publicly led with his hands tied behind his back to the Market-Cross of the burgh of Edinburgh, and there to have HIS RIGHT HAND STRUCK OFF and fastened on a pole: AND thereafter to be BANISHED from the kingdom for life, and to be perpetually reckoned as INFAMOUS: And all his moveables to be escheated to the Queen.

(Jun. 13.)—HARY DRUMMOND OF RICARTOUNE became surety 'that he shall departe furthe of his realme within xv dayis nixt eftir þe day and dait of þis Act; and nocht to returne within þe samyn, without oure souerane ladeis Licence had pairupoune, under þe pane of ane thousand merkis.'

### Stealing the Queen's sheep from her Park, Edinburgh.

May 18.—THOMAS BULLERWELL, 'delaittit of þe thiftuous Steling of certane scheip fra þe QUENIS grace furthe of hir Park of Ed', wes ordanit by þe Justice depute, of his awin consent, to departe furthe of his realme, within xx<sup>ii</sup> dayis nixt eftir þe dait heirof, and to remane furth of þe samyn as BANIST; and nocht to returne pairin, without oure souerane ladeis Licence had pairupoune, vnder þe pane of deid.'

### Oppression — Invasion, &c.

May 28.—JOHN SOMERVILE OF CAMNETHANE, William his brother, John S. in the Grene, and Alexander his brother, and others, dilaited of art and part of the Oppression done to Robert Hammyltoune, in Garryne, on Apr. 4 last, in chafing him from Cambusnethane wood to the water of Clyde, to the boat or 'cobill' of Heleife.

*ABSENTES ab ASSISA domini de Cambusnethane, &c.*

Neill Montgomery of Langschaw, William Sympill of Thridparte, George Brown of Colftoune,  
Hugh Montgomery of Hiffelheid, John Mure of Cauldwell, Gilbert Wauchope of Nvdrye-  
James Hammyltoune, Wodfyde, Robert Ker of Kerriland, Marfcheale,  
William Sympill of Cathcart, James Montgomery of Brvme- Hugh Montgomery of Stane,<sup>1</sup>  
Walter Pettigrew of Ouer Cottis, land, Robert Ker of Trearnie.

(May 29.)—THE pannels were Convicted by an Affise, except the Laird of Camnethane, who did not enter on pannel.—SENTENCE was not recorded.<sup>2</sup>

### Slaughter.

Aug. 3.—JOHN HYVIESOUNE, tailor, Convicted of the cruel Slaughter of Andrew Howefoune, in West Nvdry; committed in July last, under filence of night.—BEHEADED.

<sup>1</sup> Montgomery of *Stair*. At and previous to this period, the name was written Stene and Stair indifferently. <sup>2</sup> Only the Scroll-books of this period are preserved.

ELGIN AND FORRES.

[THE following interesting Excerpts have been procured from the *Earl of Haddington's*<sup>1</sup> *MS. Collections*, Advocates' Library, (A. 422.) The first article is prefixed to a Copy of Proceedings of THE JUSTICE AIRE OF ELGIN AND FORES, held and begun at the burgh of Elgin, on Monday, Aug. 17, 1556, before JOHN ERSKINE OF DVNE, Justice-depute. This Aire terminated on Oct. 17, 1556, being the twenty-first day of the sittings.

The reader is referred to a similar document, which has been published, as in reference to THE JUSTICE-AIRE OF JEDBURGH, in a former part of this work ;<sup>2</sup> and it may be considered a matter of some curiosity to note the difference in the styles of these Proclamations. Of course, it must be understood that such intimations as these would run in the same terms, in reference to all the other Justice-aires of the kingdom, at the periods to which they respectively belong.

It may be noticed that the general complexion of the Cases which were tried at this Aire were trivial. The only entries possessing any interest follow the Proclamation, which is here given entire.]

## PROCLAMATIO.

WE command and charge, in oure fouerane ladeis name, his darrest moder þe QUENE DOWARIARE AND REGENT of hir realme, and hir Justice-principall and hir deputtis heir present ; That na maner of perfone or perfones cummand to this present Justice-aire, remanand pairat, or passand pairfra, invaid ony of thame vtheris, ather for auld Feid or new, wnder þe pane of deid : AND þat na maner of perfone nor perfones beir vther wappinnis bot schort knyffis at þair beltis, except the Justice, Scheref, Crouneris, and þair deputtis, officiaris, houf-hald, and servandis, vnder þe pane of escheitting of þair Wappinis and pvneiffing of þair perfones, be wairding or vtherwayes, at the will of our fouerane ladies darrest moder and Justice. AND that all maner of victuallis, sic as flesche, fische, meitt, fowale, and vther necessaris, be brocht to þe mercat and fauld for reddie money, for the prices following ; and that na pryces þairof, nor zit þe lugeing, bedding, stabulling, or vtheris quhatsumevir asiamentis and necessaris for lugeing and furneiffing of our fouerane ladeis leigeis, be rafit or hichtit<sup>3</sup> vpone thame ; bot that þe famin be fauld and furneiffit of þe pryces following. That is to say, þe laif<sup>4</sup> of guid sufficient quheit breid, for sustentation of þe QUENIS Maiesteis Houshald and remanent Nobill men, of xxij vnces wecht, . . . . . iiij d.  
The pynt of Burdeous<sup>5</sup> vyne, . . . . . xij d.  
The pynt of fine Scherand or Amzerk<sup>6</sup> vyne, . . . . . x d.  
The quairt of guid Aill, to be fauld for . . . . . viij d.  
The best mutton bowik,<sup>7</sup> for . . . . . vj s.

And vther nocht sa guid, to be fauld vnder that pryce, as it is of avail.<sup>8</sup>

The pryce of ane guifs, . . . . . xvij d.  
þe muirfoull, . . . . . iiij.  
The capone, to be fauld for . . . . . xij d.

<sup>1</sup> The celebrated THOMAS, *first* EARL OF HADDINGTON, who held the important offices of Lord Advocate, President of the College of Justice, Principal Secretary of State to KING JAMES VI, &c. &c. <sup>2</sup> I, \* 64. <sup>3</sup> Increased in price. <sup>4</sup> Wheaten loaf. <sup>5</sup> Bourdeaux. <sup>6</sup> Probably Zeres, or Sherries-sack. <sup>7</sup> Carcase. <sup>8</sup> Worth.

The peifs of pultrie,	vj d.
Gryt chikkinnis,	iv d.
The gryfe, <sup>1</sup>	xij d.
Four eggis, for	j d.
The kid, for	ij s. iiij d.
The carcage of þe best beiff, to be fauld for	xxxvj s.

And vtheris wnder, vpone smallar pryces, as it is of availl.

The peck of horfe-corne that is guid,	viiij d.
The thrafe of fodder,	viiij d.
The pund of candill, of þe fynest and fairest saif, for	viiij d.
The leid of peittis, <sup>2</sup>	ij d. ob.

And that þair be guid cheir throw all þe toune for Gentillmen and

þair servandis, for xij d. at þe melteithe, <sup>3</sup>	xij d.
The furnest bed, on þe nycht, and that to freithe the chalmer, <sup>4</sup>	iiij d.
The stabill-fie, for ane horfe, xxiiij houris,	j d.

Vnder the pane of confiscatioun of all þe guidis of þe brekeris pairof. And that nane of oure souerane ladeis leigis tak vpone hand to eitt, distroy, or stramp doune ony growand cornes with þair horffis, or oppinlie or privatlie to carry or tak away ony schorne coirnes and scheves of þe fieldis; with certificatioun to þe awneris of þe said horfe, that it salbe lesum<sup>5</sup> to þe awnaris of þe saidis coirnis to tak and hald þe saidis horffis quhill<sup>6</sup> thay be payit, for þe first falt x s., the secund falt xx s., and þe thrid falt, þe samin salbe escheittit to our souerane ladeis vfe.

AND in lykvaife, WE Command and chairge all maner of persones, that nane of thame tak vpone hand to schein ony growand coirnis, with certificatioun to thame and<sup>7</sup> thay do in the contrair, it salbe lesum to ony persones to tak and apprehend thame with þe saidis coirnes, and bring thame to our souerane ladeis Justice to be pvneist with all rigour, conforme to þe lawis and confwetud of this realme. AND gif ony persone or personis brekis þis present Proclamatioun, thay salbe callit in this present Justice-aire þairfoir, and for commoun Oppressouris of our souerane ladeis pure leigis thairthrow, and pvneist thairfoir to the rigour: AND Ordanes the Prouest and Bailzeis of this burche to searche and seik þe brekeris of this Proclamatioun, and bring and present thame to þe Justice, that thay may be puneist for þair demereittis, as accordis.

### Lord Lobat ordained to apprehend and present Rebels, &c.

Aug. 31. (*Apud Elgin.*)—The quhilk day, fforfamekill as it pleasit þe QUENIS grace to releif furth of Waird and put to libertie, ALEXANDER LORD

<sup>1</sup> Pig.  
dinner.

<sup>2</sup> Load of peats, or turfs, for firing.  
<sup>4</sup> To be the whole charge of the apartment.

<sup>3</sup> Each meal, at the principal *meal-tide*, or  
<sup>5</sup> Allowable; lawful. <sup>6</sup> Until. <sup>7</sup> If.

ELGIN AND FORRES.

FRASER OF LOVET, vpon expectatioune that þe said Lord fall perfew, tak, and apprehend at his vttir power, all hir grace Rebellis and fugitiues fra þe last Aire of Inuerness, and in speciall, Allafter M<sup>c</sup>ane M<sup>c</sup>Varrin, Tormet M<sup>c</sup>wane, Jhonne Duncane M<sup>c</sup>auchin, Kenzeocht Roy M<sup>c</sup>auchin, Murquho Boy, Jhonne M<sup>c</sup>gillespik M<sup>c</sup>ewir, and James M<sup>c</sup>hutchoune Bayne, and vtheris resortand within his boundis or partis ewift<sup>1</sup> pairto. Thairfoir þe said LORD, as principall, and JHONNE, ERLE OF SUPIRLAND, and WILLIAM INNES OF THAT ILK, as cautioneris and fouerteis for him, hes obleift thame selffis, coniunctlie and feuerallie, vnder þe pane of Ten thousand merkis, that þe said Lord fall enter þe saidis personis to hir grace betuix this and the feast of Allhallowmefs nixttocum, gif thay may be apprehendit; at þe leift, he fall enter him selff at þe said feift to hir Grace, quhair scho sal happin to be for þe tyme, to ansuer vpon his diligence in executioun heirof. And the said LORD is obleift to releif tham.

**Inquisitio Generalis, seu Magna Assisa Vicecomitatus de Elgin et Forres.<sup>2</sup>**

Wilelmus Innes de Eodem,	Joannes Annand, in Elgin,	Jacobus Dunbar de Tarvet,
Alexander Dunbar de Camnok,	Robertus Dunbar de Durris,	Alex. Vrquhard de Burris;airdis,
Alex. Cumming de Ernesyde,	Andreas Supirland de Greifschip,	Alexander Innes de Caibo,
Alexander Supirland de Duffus,	Alexander Anderfoune,	Mr Alex. Dowglafs, Prepositus de
Alexander Dunbar de Congie,	Dauid Dowglafs de Erlifmyll,	Elgin, <sup>3</sup>
Wilelmus Leslie de Akinway,	Jacob. Supirland, alias Garratyne,	Wilelmus Dumbreck de Vrcane,
Joannes Innes, senior, in Elgin,	Joannes Hay de Park,	Robertus Innes de Innermarkie,
Wilelmus Dumbrek de Frefeild,	Wilelmus Cuming,	Wil. Gadderare, burgen de Elgin,
Patricius Boyne, in Forres,	Wilelmus Auldcorne,	Joannes Comes de Supirland,
Walterus Leslie de Kynnynrie,	Alex. Vrquhard, mercator in Forres,	Jacobus Innes de Drymye.

**James Vrquhard engages to deliber up his two brothers.**

Sep. 2.—The quhilk day, JAMES VRQUHARD obleift him selff to tak, present, and delyuer ane of his tua brether, Jhonne Reoche Vrquhard or Rore Vrquhard, to þe QUENIS grace, betuix this and Sanct Androis day, to be vseit at hir graceis pleasour; and to do þe samin at his extreme power; and fall, at þe said Sanct Androis day, enter and present him selff befoir þe Quenis grace to justifie his promeis foirfaid. And for his reentrie, at that day, hes fundin cautioneris JHONNE ERLE OF ATHOLL, JHONNE ERLE OF SUPIRLAND, Jhonne Hay of Park, and Hucheoune Murray of Abirrescorfe, coniunctlie and feuerallie, vnder þe pane of ane thousand pundis. Prowyding alwayis, that gif he chances to slay ane of thame, it fall nocht be imput to him as ane cryme, bot falbe

<sup>1</sup> Nearest. <sup>2</sup> The following List of the '*Magna Assisa*,' or GRAND JURY of Elgin and Forres, having been preserved, it has been thought of sufficient interest to be inserted here. <sup>3</sup> It is probable that one of the ASSISE is omitted here, by mistake, the number being incomplete.

eftemit as executiounes of his promeis, becaus he hes þe Quenis command pairto.

ERLE OF ATHOLL.

JOHN HAY OF PARK,

ERLE OF SUPIRLAND.

with my hand led at þe pen be Schir Jhonne

HUCHROUNE MURRAY OF ABIRSCORSE.

Gibfoune, Noter publict, at my command.

### Caution for the Laird of Cumnock.

ALEXANDER DUNBAR OF CUMNOK, Sheriff of Elgin and Forres, found James Dunbar of Tarbet cautioner for him, under the pain of 1000 merks, to appear before the Queen, at Aberdeen, on Sep. 26 instant.

### Abiding from the Raid of Abirtarf — John Muidertach.

Nov. 16.—JAMES HAY, in Fyndachtie, came in Will for treasonably abiding from the Queen's ARMY ordained to convene with JOHN EARL OF ATHOL, the Queen's Lieutenant, at ABIRTERF, on Aug. 6, 1555, to repreſs JOHN MODERATE<sup>1</sup> and other Rebels.—John Hay of Mukhaldis, ſon of the Earl of Errol, became ſurety along with him for the ſatiſfaction of the Queen.

#### THE DECLARATION of the Queen's Will vpon James Hay, in Fyndauchtie.

(Nov. 27.)—THAT ſforfamekill as þe QUENIS grace, in reſpect of þe ſaid Will, may diſpone vponne þe life, haill landis, and gudis, movabill and vnmovabill, of þe ſaid James at hir pleſoure; neuerpeleſs, þe ſaid Justice depute, of hir ſpeciale command, temperand justice with mercy, FOR HIR WILL, of þe ſaid James awin conſent and acceptand þe ſamyne, Declaris, decernis, and ordanis þe Tak, ſteding, and aſſedatiounes of þe landis of Fyndauchtie, lyand within þe ſcherefdome of Banf, perteing to þe ſaid James, maid to him be vmq<sup>le</sup> þe Parſoune of Rathvene for þe tyme, of þe dait, at Edinbur<sup>t</sup> þe ferd day of Maij, þe zeire of God I<sup>m</sup>.V<sup>c</sup>. and xlviij zeris, pertenis, and fall pertene to hir grace, to be vſit and diſponit be hir, with all rycht and kyndneſs þat þe ſaid James had, hes, or onywylſe may haue pairto, for all zeris and termes pairof to rynne, or ony vperwife, in tyme cuming, at hir pleſour; ſiclyke, and als frelie as þe ſaid James mycht haue vſit, occupiit, and diſponit pairupoune, in ony tyme bigane: AND als, Ordanis þe ſaid James, of his awin conſent, to remoif, devoid, and red him ſelf, his ſeruandis, and gudis furthe of þe ſamin, and to decift and ceife fra all forder intromiſſiounes pairwith, within xv dais nixt eftir þe dait heiroy; and fra thyne furth to decift fra all moleſtatiounes of quhatſumeuir perſoune or perſonis it ſal happin hir grace to diſpone þe ſame to, vnder þe pane of deid: And þe premiſſes being obſeruit, kepit, and fulfillit be þe ſaid James, and na vpirwife, diſpenſſis with þe ſaid James vponne his life, and REMITTIS þe ſamin to him: And als, gevis and diſponis to him 3e reſt of all his gudis, movabill and vnmovabill quhatſumeuir, to be diſponit at his pleſoure.

### Forging and uttering 'Bawbeis.'

Nov. 17.—HENRY WYND, burgeſs of Dyſart, Convicted of treasonably ſtriking<sup>1</sup> falſe and fforged money, called *Balbeis*,<sup>2</sup> and iſſuing them among the

<sup>1</sup> See Appendix to this reign. The perſon here alluded to was the noted JOHN MUIDERTACH, i. e. John (Macdonald) of Muidart. Reference may alſo be had to *Gordon's* History of Sutherland, *Mr Gregory's* work on THE ISLES, &c. <sup>2</sup> Coining. At this period the coins of Scotland were *struck* or forged with the hammer, which gave unſhapely and irregular edges to them. <sup>3</sup> BAWBEES.

liegis in July, August, September, October, and November last.—BEHEADED, ‘*ex gratia Regine Dotarie.*’

**Convocation — Searching for Douglas of Kilspindie,<sup>1</sup> &c.**

Nov. 19.—ROBERT BISHOP OF DUNKELD, Suffragan of St Andrews, William Creychtoun of Drylaw, Parish Clerk of Holyrood, and Mr Alexander Creychtoun, Vicar of Innervik, were replegiated by Mr James Balfour, Official of the Archbishop of St Andrew’s, to underly the law for Convocation of the lieges, to the number of fourteen score, (280 persons,) armed in warlike manner, and searching for Archibald Dowglas of Killspindy, (Provost of Edinburgh,) for his Slaughter, at the Town of Abirlady; committed on Aug. 18 last; and for other crimes contained in the Letters.—Alexander Lord Hume and John Hume of Coldinknowis, became cautioners for the due administration of justice.

**Convocation — Searching for Douglas of Kilspindie, &c.**

Nov. 19.—ALEXANDER LORD HUME, George Nesbet, of that ilk, John Cranstoun, son of Cuthbert C., and John Edzeare of Weddirlie, found caution to underly the law for the above crimes, at the next Aire of Berwik.—HERBERT MAXWELL, burghers of Edinburgh, and JAMES STEVINSOUN OF HIRDMANSCHEILLES, were on the same day convicted as art and part of the same crimes.

**Bringing in Englishmen — Stouthreif of Horses and Cattle, &c.**

Nov. 24.—JOHN JOHNESTOUNE, called *Johnne of the Quawis*, Andrew, David, and Edward his brothers. John Jardane of Apilgirthe was americiated for not reporting and delivering the Letters duely executed at the instance of William J. in Preistfidikis, Walter his brother, and John his brother’s son, to take caution for the above persons underlying the law for treasonably bringing MARKE GRAHAME, William G., called *Alleis Willie*, George G., called *Paulis Geordy*, and other ENGLISHMEN, to the number of sixty persons, armed in warlike manner, in the month of June last, to the lands of Cummergirthe; and for Stouthreif and ‘Herefchip’ of eight score of cows and oxen, four horses, &c.

**Sacrilege — Stealing Chalicees and Church Ornaments, &c.**

Dec. 7.—ADAM SINCLARE, son of James Sinclair of Ley, and Henry Elder, cook, Convicted of art and part of theftuously breaking into the PARISH KIRK OF FORESE, and stealing and concealing furth thereof, ‘and lokfast lwmys<sup>3</sup>

<sup>1</sup> This crime was frequently punished by STRANGLING AT THE STAKE and BURNING, which, it is supposed, is here alluded to as having been commuted, by the special grace of the QUEEN DOWAGER, to beheading. <sup>2</sup> See May 19 and Jun. 18, 1557, and Appendix, &c. <sup>3</sup> Literally *looms*, e. g. chests, &c.

being pairintill', of fundry fums of money, in gold and filver, together with certain Chalices and Ornaments of the said KIRK, and other goods being therein, belonging to the Queen's lieges; committed with umq<sup>16</sup> Thomas Ramfay, common Theif, in November laft, under filence of night.—SENTENCE. The faid Adam to be DROWNED, ' *ex speciali gratia Regine* :'<sup>1</sup> And the faid Henry HANGED.

**Forging, and not revealing, the striking of false 'Testanis,' &c.**

Dec. 7.—WILLIAM NASMYTH, ' being accusit of arte and parte of þe ffezeing, fforgeing, and ftriking of certane ffals Testanis,' v f. pecis; AND of arte and parte with William Hendirfoune, in þe Potterraw, pairintill; being with him in cumpany þe tyme he ftruik þe faid Testanis, and nocht reweland þe famin, &c.—was at þe QUENIS grace command, be þe faid Justice Depute, of his awin confent, BANIST furth of þis realme; and to remane furth of þe famin, as banift, and nocht to returne pairintill, without oure fouerane ladeis Licence had pairupoune: And to departe furth of þe famin within xxx<sup>ii</sup> dais nixt efter þe dait pairof, vnder þe pane of deid.—Michaell Nasmyth, feruand to my lord (Archebifchop) of St Androis, become fourtie for him, þat he fall fulfill þe premissis, vnder þe pane of xl lib.'

**Murder — Slaughter — Taking the Fortalice of Akirgill, &c.**

Dec. 23.—GEORGE EARL OF CAITHNESS presented a Remiffion from the Queen for art and part of the cruel Slaughter and Murder of Henry Leflye and his fon, a youth, and other fix persons, the Queen's lieges, along with them, being in a certain boat loaded with victual, oppofite the place of Girnego, by William Crukefhanck fenior, James Sinclare called *Litill Jamé*, James Wawane and Thomas Frafer, his fervants, of his caufing, command, affiftance, and ratihabition: AND for Stouthreif and Spuilzie of the faid victual, carrying the fame to the place of Girnego, and finking the faid boat. ITEM, for art and part of the cruel Slaughter and Murder of Sir John Symfoune by Archibald Keith, ' in þe Weik,'<sup>3</sup> his fervant, of his command, affiftance, refett, and ratihabition. ITEM, for art and part of the cruel Slaughter of Hugh Neilfoune, in Strathvlze, by Donald Robfoune, of his counfel, &c. by way of Hamefuckin, in his own houfe. ITEM, for art and part of Convocation of the lieges in great number, and treasonably befieging the Houfe and FORTALICE OF AKIRGILL, belonging to WILLIAM EARL OF MARCHEALL, and violently expelling John Scarlet the

<sup>1</sup> Perhaps owing to his youth, or at his own request. This was the ordinary capital punishment inflicted upon women.

<sup>2</sup> So called from the *teste* (tete) impreffed on them, *testoons*, five shilling pieces.

<sup>3</sup> The town of Wick.



Keeper thereof, and placing his servants therein. ITEM, for treasonably Ufurping the Queen's authority by taking Alexander Keyth, her free liege, and Incarcerating him in his Place of Girnego, and detaining him therein in close custody for a long space. ITEM, for treasonable Ufurpation of the Queen's authority, by taking David Sinclare his brother, Bailie of the Bishop of Caithness, and Incarcerating him in the said Place, for a long space. ITEM, for Resetting, Supplying, and Intercommuning with Andrew Sutherland young Laird of Clyne, Andrew son of William S., of Bulbister, William S. called *Fathir War*, and others their accomplices, rebels and at the horn for the Slaughter of William Murray, Captain of the Queen's House (Castle) of Barrow. ITEM, for the cruel Slaughter of William Auld in Scarmclet, committed 'on suddenty.' ITEM, for art and part of Disobeying the Queen's Precept to present and produce Kenneth Farquhartson and Gawin Williamesoune before the Justice or his Deputies, at the last Aire of Inverness, to underly the law for their crimes. ITEM, for art and part of the violent occupation and fishing of a fourth part of the Salmon-Fishing of the Water of Thurso, for the space of four years, or thereby, viz. 1553, 1554, 1555, and 1556, pertaining for the first two years to Laurence Master of Oliphant, by reason of the Gift of his Nonentry granted to him by the QUEEN, and for the two last years belonging to him in heritage; and for violently detaining from the said Master the whole fish thereof, extending yearly to three *lasts* of Salmon, the common price of each last, yearly, being 100 li. ITEM, for treasonable Ufurpation of the Queen's authority, coming with displayed Banner and Convocation of 2500 men, in 'plain Battle,'<sup>1</sup> at the Water of Elmsdene, against THE QUEEN'S LIEUTENANT and her authority; committed in the year 1544.

#### **Killing Game with 'culveringis' and 'pistolettis.'**

Jan. 28, 1556-7.—WILLIAM WAUCHOP, son and heir apparent of Gilbert of Nvdry-Marcheale, Edmund Nycholfoune, miller in Diriltoune, and five others, found surety<sup>2</sup> to underly the law at the next Aire of Edinburgh, within the Constabulary of Hadingtoun, for breaking the Acts of Parliament in slaying Wild fowl (game) with 'culveringis' and 'pistolettis,' from May 1552 to November last 1556, inclusive.—A number of other persons were called for the same offence, and were replegiated to various Regalities, or found caution to underly the law at the next Justice-aire of their respective shires.

#### **Stouthreif of Gold and Silber work, &c.**

Feb. 1.—ALEXANDER KYLE, goldsmith, son to John Kyle, goldsmith,

<sup>1</sup> In open battle array, with standards unfurled, &c.      <sup>2</sup> Gilbert Wauchop of Nudry-Marcheale, Patrick Hepburne of Wauchtoun, and James Hereote of Trabroune.

burgess of Edinburgh, 'delatit of þe Stowthe-reif, vnder fylence of nycht, vpoune New-zeir-ene, viz. þe laft day of December laftbipast, fra Robert Rynd, alſua goldſmyth, and his ſeruand boy called James Weir, in his name, at þe ſaid Robertis chalmer ſtair-fute, beſyde þe Buttir-trone, off ane litill coffir, and in þe ſamyn xij gold ryngis, viij of þame ſet with ſtanis, ſex ſyluer ryngis, foure ſyluer ſpvnis, foure hearttis of gold, ane ſyluer quhoſſill,<sup>1</sup> and diuerſe vperis ſyluer and gold werk: Off his awin conſent is BANNIST for þe ſaid cryme, and Ordanit be him to departe furth of þe ſamin within xx<sup>ij</sup> dayis nixt eftir þe dait heirof: And nocht to returne agane pairto without Remit<sup>2</sup> and Licence of þe QUENIS grace, vnder þe pane of deid.'

### Slaughter.

Feb. 3.—ROBERT BERCLAY and DAVID M<sup>c</sup>CAIG, both in Caprintoune, Convicted of art and part of the cruel Slaughter of John Clerk, committed at the Place of Caprintoune on Jan. 8 laſt.—BEHEADED.

(Jun. 18.)—'Robert Berculay in Caprintoune, of his awin fre motive will, Convict of þe Slauchter of vmquhile Johnne Clerk in Caprintoune conſentis to be BANYST, in prefens of Johnne Clerk, ſone to þe ſaid vmq<sup>le</sup> Johnne: And als þe Juſtice Decernis him to be Banyſt, and to pas furth of þis realme within xx<sup>ij</sup> dais nixt heireſtir; and nocht to returne pairintill agane without ſpeciale Licence of þe Quenis grace, vnder þe pane of deid.'

### Slaughter committed by a Minor.

Feb. 23.—JOHN PEIRSOON, cook in Bele, dilated of the Slaughter of Archibald Lyle, ſervant of the Laird of Baſs.—John Lyle of Stanypeth producet ane Bill and requeiſt gevin in be him to þe QUENIS grace, with ane delyuerence vpoune þe bak pairof, ſubſcriuit with hir grace hand.

MADAME, Vnto your grace, huimlie menis and ſchawis I, your ſeruitour, JOHNNE LILE OF STANYPETH, fader bruper,<sup>3</sup> and remanent kyn and freindis of vmq<sup>le</sup> Archibald Lile, ſeruand<sup>4</sup> to þe LARD OF BAſS: That, quhair Johnne Peirſoune, cuke in Bele, recentlie, vpoun þe thrid day of Januar instant, cruelly Hurt and Woundit þe ſaid vmq<sup>le</sup> Archibald with ane greit key, in his heid, quhair of he lay continewalie, be þe ſpace of aucht dais, or pairby, paireſtir, quhill his harnis blaknit,<sup>5</sup> and ſyne deit of þe ſamin; and ſua crewellie ſlew hym, in maner foirſaid: For þe quhilk cryme he wes takin reid-hand,<sup>6</sup> and put in prefoun in þe pite<sup>7</sup> of Beill, and paireſtir brocht and pute in warde in þe Tolbuith of Ed<sup>t</sup>: And ſyne<sup>8</sup> we obtenit Letteris, and pairby cauſit ſummand ane Aſſiſe of honeſt and vnſuſpect perſonis of þe ſherefeldome of Ed<sup>t</sup>, within þe ſcherefeldome, within þe conſtabillarie of Hathingtoune, and four-half-about, to compeir befoir þe Juſtice and his deputes, in þe tolbuith of Ed<sup>t</sup>, þe xix day of

<sup>1</sup> A ſilver whistle or call, then in common uſe. Even during the laſt century, theſe whistles were ſtill preſerved and occaſionally uſed in ſome old families, in place of the modern cuſtom of ringing bells to call ſervants. The whistle gradually gave way to ſilver hand-bells, and theſe in their turn were ſuſceeded by the introduction of bell-pulls into each room.

<sup>2</sup> Remiſſion.

<sup>3</sup> Paternal uncle.

<sup>4</sup> This does not imply that he

was a menial ſervant, but merely that he was in his train or retinue.

<sup>5</sup> Literally, until his brains mortified.

<sup>6</sup> Taken in the fact; red-hand, or 'with the bluidy hand,' as it was termed.

<sup>7</sup> Pit; the Laird of Beill having,

in common with other petty Barons, the privilege of *pit and gallows*.

<sup>8</sup> Then; afterwards.

Januare instant, to haif past vpoune þe Affise of þe said Jhone Peirfoune for þe said crewell Slauchter : At þe quhilk day, estir þe presenting of þe said Jhone Peirfoune in jugement, in ane senfit Court of Justiciarie, vpoune ane frevell<sup>1</sup> exceptiounne maid for him, allegeand þat he wes nocht of lauchfull age of xxj zeris, and pairfoir þat he culd nocht be pute to þe knowlege of ane Affise for þe said crewell Slauchter, We culd get na iustice vpoune hyme, nor Affise callit and hyme pute to þe knaulege of þe samyn for þe said cryme, howbeit þe said Jhone Peirfoune is ane abill man of peirfoune, of þe age of xvij zeris, with þe mair;<sup>2</sup> and pairfor, as we vndirstand, aucht to be pvnist for ony crymes committit be hyme. HEIRFOIR we beseik your grace to haif consideratiounne of þe premisses, and pairfore to gif command to þe Justice, Justice clerk, and pair deputtis, to minister, and caus be ministrat, iustice vpoun þe said Jhone Peirfoune for þe said crewell Slauchter, and to pute hyme to þe knowlege of ane Affise for þe samyn, nochtwithstanding þe said exceptiounne and allegeance; as þai will ansuer to your grace at pair vtermaist : And your graces ansuer rycht huimlie we beseik.—(Indorsed.)—APUD LINLITHQ<sup>3</sup>, xx<sup>o</sup> mensis, Jan<sup>o</sup> 1556. THE QUENIS grace, being informit of þe Petitiounne of þe complenaris within contenit, Ordanis þe Justice to tak ane ordour in this complent, conforme to þe vse, consuetude, and lawis of þis realme, sua þat þe saidis complenaris haif na just caus of complent heirestir, in þis behalf : As 3e. will ansuer to hir grace pairupoune.

(Mar. 15.)—Convicted by an Affise.<sup>3</sup>

### Treasonably Forging and Uttering False 'Loranes.'

Apr. 10, 1557.—THOMAS ANDERSOUNE 'pvderare'<sup>4</sup> Convicted of art and part of treasonably Fabricating and forging the Queen's coin called *the Lorane*, and uttering the same among the lieges; committed in the months of May, June, July, and August last.—HANGED.

### Abiding from a Warden-Raid or 'Day of Crew.'

[THE following entries occur in the Scroll-book, which being so characteristic, they are inserted here at length. They evidently refer to the Raid at LOCHMABANE-STANE,<sup>5</sup> and show, in a very graphic manner, the distracted state of the country, while, at the same time, they afford a vivid picture of the actions of the parties concerned.]

May 12.—JOHNNE CRECHTOUNE, TUTOUR OF SANCHARE, allegis þat þe HOUSE OF SANCHARE was neuer in vse to keip ane WARDANE RAID sene<sup>6</sup> þai war WARDANIS þame selffis. ITEM, secundly, allegis þat he is nocht hakin,<sup>7</sup> be vertew of þe Proclamatiounne, to haif past to þe said Raid, becaus he is nocht ane landit manne.

ROBERT JOHNSTOUNE OF COTTIS, Robert Moffet of Grantoune, Robert his sone and apperand air, and Thomas Moffet of Knok, allegis þat, vpoune þe xv day of Februar last bipast, quhilk is þe nycht befor þe day of Meting contenit in þe Proclamatiounne, þai being in reddynes, and haifand pair horsis sadillit, to cum to þe said day of Trew, Jok Johnstoun, callit *the Galkeart*; Jok J., bruper to

<sup>1</sup> Frivolous.   <sup>2</sup> And more; and upwards.   <sup>3</sup> The SENTENCE is not recorded.   <sup>4</sup> Pewterer.  
<sup>5</sup> See the two following Cases.   <sup>6</sup> Since the time.   <sup>7</sup> Sic. The Editor never before met with this word. It may, however, be a mere clerical error for 'habill,' or 'abill,' (Lat. *habilis*), liable; subject to.

Wille of Kirkhill; Wille Grahame, callit *ſingand Willie*; Ade Armſtrang of Hairlaw, and Criſtie Armſtrang, callit *the Bull*, and þair complices, come to þe Winter-cleuch about mydnycht, and þair tuke away þe hale gudis<sup>1</sup> being þair-upoune, pertening to James Johnſtoun, fader to þe ſaid Robert of þe Cottis, extending to the nowmer of xij<sup>2</sup> ſcheip and þe keparis þairof; and þe affray<sup>3</sup> cumand to þe eiris of þe ſaidis perſonis, þai, for reſkewing and recouering of þe ſaidis gudis, with þair ſeruandis and freindis, followit þe drift<sup>4</sup> quhill<sup>5</sup> þe ſaid xvj day of Februar, at viij houris befor none, and red<sup>6</sup> ane pairt þairof; and in defald<sup>7</sup> of ſufficient power to follow for recouering of þe reſt of þair gudis, war conſtrenyt to leiſ þe perſute: And þanne maid þaim to cum fordwart fra þe fray to þe day of Trew, quhill þai come to þe Watter of Annand, quhilk was ſa greit, that þai mycht nocht ride it; and þair remanit quhill þai gat ſure word þat þe WARDANE was returnyt, and þe day of Trew ſchot.<sup>8</sup>

JOHNE JARDANE OF APILGARTHE allegis, þat at þe ſaid day of Trew he raid to þe Watter of Annan to haif paſt fordwart with þe WARDANE to þe day of Trew, and þan þe Watter was ſa greit, þat he mycht nocht ride it without danger of his life; and gif he had paſt about be ane vþer way, and wald paſs ony tyme cuming, he durſt nocht, for feir of his inemys, without he had ane grite cumpany with him.

#### Abiding from the Raid at Lochmaben-stane.

ROGER KIRKPATRICK OF CLOSEBURNE, William K. of Kirkmichaell, and Thomas K. of Freirkerſe, got Remiſſion from the Queen, dated at Ed<sup>r</sup>, May 11 inſtant, for abiding from the Army ordained to conuene at LOCHMABEN-STANE, on Feb. 16 laſt, to meet the WARDEN before ſunriſe, 'to paſs fordwart with him to þe day of Trew, for Meiting of þe WARDANE OF ENGLAND.'

#### Abiding from the Raid at Lochmaben-stane.

May 14.—ALEXANDER STEWARTE OF GARLEISE, John Dunbar of Mochrame, John Gordoune of Barſkeoche, John M<sup>c</sup>culloch of Torhouſe, John Jardane of Apilgerth, Robert Moffett ſenior and junior of Grantoune, Thomas Moffet of Knok, Robert Johnneſtoun of Coittis, and John Creychtoun, Tutour of Sanchare, found caution<sup>9</sup> to underly the law at the next Aire of Dumfreis, for Abiding from the Queen's Army ordained to conuene at Lochmabene-ſtane, &c.

#### Searching for Douglas of Kilspindy for his Slaughter.

May 19.—JOHN DIKSOUNE OF BELCHESTER, and Robert Diksoun of

<sup>1</sup> Stock of ſheep.      <sup>2</sup> Twelve ſcore.      <sup>3</sup> Hue and cry.      <sup>4</sup> Drove, or flock.      <sup>5</sup> Until.  
<sup>6</sup> In this ſenſe it means recovered.      <sup>7</sup> Default.      <sup>8</sup> Expired; paſt.      <sup>9</sup> John Gordoune of Lochinver, Murray of Cokpule, and William Kirkpatrick of Kirkmichaell.

Bouchrig, found surety (Alexander Lord Hume) to underly the law, at the next Aire of Berwik, for Convocation of the lieges, to the number of fourteen score (280 persons), armed in warlike manner, and searching for Archibald Douglas of Kilspindy for his Slaughter; committed at Abirlady, on Aug. 18, 1556.<sup>1</sup>

**Hamesucken — Wounding the Provost of Edinburgh, &c.**

Jun. 18.—NICOLAS RYND, tailor, burges of Edinburgh, Convicted of cruelly coming upon Archibald Dowglas of Kilspindy, Provost of Edinburgh, within his own lodging within the said burgh: And for cruelly Hurting and Wounding the said Provost with his poignard,<sup>2</sup> in the shoulder, to the effusion of his blood in great quantity: AND als for the cruel Hurting and Wounding of John Boyd junior, his servant, with his poignard, upon his left breast, and in his mouth and back, within the said Provost's lodging, his master; committed by way of Hamesuckin on May 9 last.

*THE DOME gevin vpoune Nicholl Rynd, tailzeoure.*

The Justice depute, of the command of the Quenis grace, modefeand and temperand the rigour of the law towarte the pvnishment of the said Nicholl for the saidis crymes, Decernis and Ordanis him, of his awin consent, vpoune Monunday nixt-tocum, to cum in presens of the Prowest, baillies, and counsaile of the said burcht of Ed<sup>t</sup>, at the mercate-croce pair of, betuix xj and xij houris befor nyne, and pair publictly, with his heid discoverrit,<sup>3</sup> in his lynning claithis, bair-futtit, and in the maist reuerend and humyll maner, fall doune vpoune his kneis, and ask forgiveness and pardoune of God, the Quenis grace, the said Prowest, baillies, counsaile, and communitie of this bur<sup>t</sup>, of his offence aboue writtin, confessand the samin and declarand his repentance pair of: AND als decernis and ordanis the said Nicholl to haue tynt and foirfaltit, and be the tennour heirof, foirfaltis him of his libertie and fredome of this bur<sup>t</sup>. AND to be BANIST and exilit furth of the samin, and nocht to hant nor repair within this bur<sup>t</sup>, nor vse ony fredome pair of in ony tyme cuming, vnder the pane of deid: AND als Ordanis the Prowest and baillies of this bur<sup>t</sup> to put this act to executioun.

**Slaughter of the Laird of Bynning.**

Jun. 21.—ROBERT LEVINGSTOUN in Lynlythqw, and John Knowis, servant of the Bishop of Ross, found surety<sup>4</sup> to underly the law at the next aire of Lynlythqw, for the Slaughter of Robert Bruce of Bynning, committed in February I<sup>m</sup>V<sup>xl</sup> . . . on forethought felony, &c.

<sup>1</sup> See Nov. 19, 1556; and the following entry, Jun. 18, 1557.      <sup>2</sup> *Pugione*. In the *Dome* it is called a 'QUHINZEARE,' which is commonly translated *pugio* in this Record.      <sup>3</sup> Bare, uncovered.      <sup>4</sup> Thomas Ross of Prestoune, and Robert Hammiltoune of Briggis.

**Sacrilege — Breaking into the Church of St Mary of the Lowis  
for the Slaughter of Sir Peter Cranstoune, &c.**

Jun. 25.—ROBERT SCOTT in Bowhill, Parish Clerk of St. Mary de Foresta, with consent of Mr Henry Lauder, Queen's Advocate, was replegiated by Sir John Scott, Chaplain and Commissary of the Archbishop of Glasgow, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, and coming to the Church of St Mary of the Lowis, and breaking up the doors thereof, and searching for Sir Peter Cranstoune therein for his Slaughter, upon ancient feud and forethought felony; committed on Apr. 16 last. Robert Scot of Bonyntoune became cautioner for administration of justice.—ROBERT SCOT of Allanehauche, Adam Scot of Burnefute, and William his son, Thomas Scot of Hanyng, Walter Scot, young Laird of Syntoune, Robert, William, and James, his brothers, Walter Scot, son of William Scot of Hardane, James Orbistoune of that ilk, Robert Scot of Thirlestane, Robert Scot of Howpaflate, and several others, were amerced for not appearing; and were ordained to be charged of new to underly the law, under the pain of rebellion, &c.

**Horse-stealing — Common Theft, &c.**

Jul. 26.—PAUL ANDESOUNE<sup>1</sup> Convicted of art and part of the Stealing and concealing from Thomas Cunnyngname, in Ledoune, of a 'forit ballsonit horse,'<sup>2</sup> furth of the lands between Ledoune and Lethisheid; committed on the vigil of Whitsunday last: And for Common theft of old and new.—HANGED.

**Treasonable Trafficking and Corresponding with the English, &c.**

Jan. 7, 1557-8.—SYMONE HERYNG Convicted of treasonably going to the kingdom of England and to the Town of Berwik, five times, in the years 1554, 1555, 1556, and 1557, without Licence obtained from the Queen, the Regents, or the Warden (of the Marches): And for disclosing the secrets of this kingdom, in as far as he knew the same, and giving his counsel, to the hurt of the country and disturbance of the lieges thereof, to Sir Thomas Quhartoun, LORD QUHARTOUNE, (Wharton,) Englishman, an enemy to Scotland, and to other Englishmen, the ancient enemies thereof, and receiving rewards from the said Lord Quhartoune and other Englishmen therefor. ITEM, for the treasonable making and writing with his own hand, on July 3 last, and delivering a Letter to John Heryng, his son, to carry to the Town of Berwick to the said LORD QUHARTOUNE, containing the points and treasons following, *de verbo in verbum*, viz. 'FOR newis, þir schippis þat is cumit to Leyth is menne of weir and Scottis

<sup>1</sup> Perhaps AUDESON or *Adieson*, now Addison.

<sup>2</sup> A sorrel-coloured horse, which also happened to be 'ballsonit,' or marked with white on the face.



'merchendis. þir Menne of Weir is Franchemenne, brocht in twa pryffis<sup>1</sup> with þame. COUNTIE RINGRAIF cumis in Scotland, and beis Lieutenant to þe KING OF FRANCHE. THE QUENE hes said planelie, þat þe KING OF FRANCHE will nocht waige<sup>2</sup> Scottismenne, bot lat þame vse þe auld maner.<sup>3</sup> Thair wes five pryffis; thré of þame is had in Franche. THE QUENIS dyet is to remane in Newbottill twa or thre dais, and þane to cum Eist, in þis cuntré. THE LORDIS ar all evill content with hir, the quhilk I throw<sup>4</sup> falbe hard of beleif credence.' ITEM, for common revealing or shewing to our ancient enemies of England the secrets of this kingdom, to the hurt thereof, in treasonable manner.—HANGED.

#### Treason — Carrying Letters to the English, &c.

JOHN HERYNG, son of the said Symon, Convicted of treasonably going by command of his father, on June 21 last, and on three other occasions during the past year, with his father's Letters, and twice with his treasonable intelligence, without Letters, to SIR THOMAS QUHARTOUNE, an Englishman, and enemy of this kingdom, and revealing and shewing to him such secrets thereof, as tended to the loss and injury of the state. ITEM, for art and part of treasonably making the aforesaid Letter on July 3 last, containing the points and treasons above expressed; and for treasonably receiving and delivering the same, with his father's credentials. ITEM, for being art and part, along with his said father, in all his treasons, directions, and revealing the secrets of this kingdom to the said LORD QUHARTOUNE and other Englishmen: And for common revealing and shewing the secrets thereof to the English.—HANGED.<sup>5</sup>

#### Hurting and Wounding — Invasion.

Jan. 10.—ROBERT JOHNESTOUNE, son of umq<sup>10</sup> William J., burgeiss of Edinburgh, Convicted of art and part of the Hurting and Wounding of John Morefoune, junior, with a 'quhingzeare'<sup>6</sup> on his head, to the great effusion of his blood: And for Invasion of the said John for his Slaughter, and Hurting and Wounding him in his left arm, to the effusion of his blood in great quantity; committed upon ancient feud, forethought felony, and provision, at Sandepottis,

<sup>1</sup> Prizes.      <sup>2</sup> Pay the wages of the Scottish soldiers.      <sup>3</sup> Perform their accustomed Military service, by virtue of their Feudal tenures.      <sup>4</sup> Trow, trust.      <sup>5</sup> From the conclusion it would appear that both father and son had been put to torture, to draw from them such things as they had kept back in their Confession, regarding the extent of their treasonable dealings: '*Et propterea dicti Symon et ejus filius tanquam publici Proditores cruciari adjudicabuntur.*' On the margin there is merely inserted, 'CONVICT. ET SUSPEN.:' but it is likely they were drawn and quartered.      <sup>6</sup> A short sword, slightly bent or curved; a kind of cutlass. It is probably the same with the English *whiniard*, or back-sword, and is usually translated *pugio* (poignard) in the Record. From the nature of the wounds inflicted with that instrument, it must have been one used for striking or cutting, as well as for stabbing, for which last purpose, alone, the poniard or dagger is fitted.

between the burgh of Edinburgh and Leith, on July 27 laft.—James Johnnestoune of Kellobank became surety to satisfy the Queen and party. Warded in the Tolbooth of Edinburgh, under the pain of 1000 merks.

#### Hurting and Wounding.

JOHN MORESOUNE, junior, Convicted of art and part of the Hurting and Wounding of Robert Johnnestoune with 'ane irne schule'<sup>1</sup> on his head, to the effusion of his blood in great quantity; committed 'on suddanty' at the Market-crofs of Edinburgh, in the month of January 1551.—John M., fenior, burgess of Edinburgh, became surety to satisfy the Queen and party.<sup>2</sup> Warded in the Tolbooth of Edinburgh under the pain of 1000 merks.

#### Slaughter.

Feb. 16.—ALEXANDER DUNLOP OF THAT ILK found surety (Neil Montgomery of Langschaw) to underly the law at the next Justice-aire of Air, for art and part of the cruel Slaughter of Andrew Dunlop, his son; committed in July laft.—John Stewarte of Hawrig; John his brother, in Burnehous, Charles Pollok Tutor of Pollok, Thomas Sprewle of Cowdoun, John Maxwell of Boisfeild, John Stewarte of Bogtoun, and John Nevene of Kirkwod, and some others, were amerced for absence from this Affise.

#### Perjured Notary — Forging an Assignation, &c.

May 5, 1558.—DAVID FETHYE, alleged Notary, Convicted of art and part of 'falsing' and forging an Assignation, as if made by Margaret Arbuthnot, daughter and one of the heirs of umq<sup>le</sup> John A. of Brichtie, spouse of John Ogiluy, bearing, that the said Margaret constituted umq<sup>le</sup> William Dischingtoun, fiar of Ardros, and Elizabeth Creychtoun, his spouse, and the heirs procreated of their marriage, whom failing, the heirs of the said William whomsoever, her cessioners and assignees, in and to a Reversion made by James Arbuthnot of that Ilk to the said umq<sup>le</sup> John, and his heirs and assignees, under redemption, of the lands of Balmakin, containing xx 166 merks 8 s. 10 d., dated at Denesyd, Aug. 17, 1538, and subscribed thus, 'MARGARET ARBUTHNOT, with 'my hand led at þe penne be Daud Fethie, Notare—Ita est, Daud Fethie, 'Notarius in premissis manu sua,' although the said Assignation was really made, forged, and subscribed by the said David long after her decease, as confessed by him before the Lords of Council. ITEM, for giving false testimony and perjurying himself; he in his first examination deponing, that he saw the said Margaret touch the pen, after the said John Ogiluy had subscribed the same; and

<sup>1</sup> Iron shovel or spade.

<sup>2</sup> Sentence is not recorded.



being thereafter examined, deponing, that he never saw her touch the pen, nor did he see the said John subscribe.—SENTENCE. His RIGHT HAND to be struck off on the block, at the Market-cross of Edinburgh: And to be BANISHED from the kingdom, and to be perpetually reckoned as INFAMOUS: And all his moveables to be escheated to the Queen.

**Masterful Oppression — Wounding a Bailie of Leith, &c.**

May 10.—ROBERT SANDIS in Leith, and John Pyott there, ' CONVICT of arte and parte of þe felloune and maisterfull Oppression done to Walter Cant, Baillie of Leith, cumand vpoune him, vnder sylence of nycht, efter þe dounpassing of þe sone, quhair he wes vpoune þe schoir of Leith, in fobir maner, as become ane officer berand auctorité of ane Toune or burcht, belevand na evill of ony perfounis, bot to haue levit vnder Goddis peax and our fouerane ladeis; and perfewing of þe said Walter for his slauchter, in þe mentyme, quhen þe said Bailie wes cawfand fend for ane officiar to put Hannis Myllare in Waird, quha þare, in prefens of þe said Baillie, had hurte and woundit ane Duche mariner callit . . . . . in his face and diuerse vperis pairtis of his body, and þair with swerdis, bukларis, Jedburcht stalffis, and vperis wappynniss invasiue, crewellie hurte and woundit þe said Walter in his left hand, to þe greit effusioune of his blude; the said Walter þanne, as Baillie of þe said Toune of Leithe, being in executioun of his office, and deforcing him þairin: AND als of þe reving and taking, at þe leift preuatlie convoying of þe said Hannis Myllare, quha had committit þe cryme foirsaid in prefens of þe said Baillie, in maner aboue writtin, fra þe said Walter, he being commandit to remane quhill þe officiaris of þe said toune suld haue cumin to him to haue wardit or presentit him to our fouerane ladeis Justice or his deputis, to haue vnderlyne þe law and pvnist for his dimeritis, conforme to þe lawis: And swa, fortefeit and mantenit þe said Hannis Myllare in committing of þe cryme aboue specifeit, and wes arte and parte with him þairintill; and withholding of him fra þe lawis and pvnishment for þe crymes aboue writtin.'—Andro Sandis and George Chalmer, in Leith, came in will for the same crime.

**Hamesuckin — Besieging the House of Penkill, &c.**

May 23.—THOMAS KENNEDY OF BARGANY, John and Alexander, his son and brother, David K., son of the Laird of Bennane, William Cauldwell, and seventeen others, found Sir Hugh Campbell of Loudoune, kn', surety for their underlying the law at the next Justice-aire of Air, for Convocation of the lieges, armed in warlike manner, and coming by way of Hamesucken to the dwelling-house of Adam Boyd of Penkill, and Invading him, his wife, children, and servants, for their Slaughter, and besieging them in the said house: And for Hurt-

ing and Wounding . . . . . Kennedy, his wife, with stones; committed on January 29 laft.

### Abiding from the Raid of Dunse and Langtoun.

Jul. 2.—ROBERT STEWARTE in Neilstounefyd, found surety for his entry at the next aire of Renfrew, to underly the law for contemptuously abiding from the Queen's Army, ordained to convene at Dunse and Langtoun, on Apr. 18 laft.

### Abiding from the Raid of Lauder.

[AMONG a great many others of less note who were charged with Abiding from this Raid, Alexander Muir of Skaithmuir, Walter Forrester of Durrisdale, John Qubitefurde of Myltoun, William Baillie of Cormestoun, James Lokert of Lee,<sup>1</sup> James Auchinlek of Twedy, John Muir of Nesbet,<sup>2</sup> John Someruille of Camnethane, Robert Park of Gilbertfeild, John Hammyltoun of Pedderisburne, David H. of Boithuilshauche, Andrew H. of Lekprevik, Gawin Murray of Udstoun,<sup>3</sup> Stephen Dudingstoun of Sandfurd, Thomas Grundistoun of Kyngask, Andrew Lundy of Stratharlie, William Spittel of Lewchat, Alexander Mortoun of Randerstoun, John Seytoun younger of Lathreise, James Spens of Lathalland, James Ballingall of Riggis, James Lochmalony of that Ilk, Alexander Pitblado of that Ilk, William Ballingall of that Ilk, William Archibald of Blakhall, Archibald Dudingstoun of Pitkappill, Alexander Barculay of Syde,<sup>4</sup> James Wischert of that Ilk, William Lyell of Murthill, Alexander Pyote of Fovertie, Gilbert Auchinlek of that Ilk, David Ogiluy of that Ilk, David Fentoun, grandson of the Laird of Ogill, James Skrymeour of Balbeuchtie, John Kynneir of Henderstoun, came in the Queen's will, found caution to answer at the Justice-aires of their respective shires, or were proved to be sick. Some of them were replegiated to Regalities, &c. Between this date and the month of October following, during which period the above names occur, no Declarations of the Queen's Will or Sentences are recorded.]

Jul. 7.—JOHN LEVINGSTOUN OF CASTLECARY, came in Will for contemptuously abiding from the Queen's Army, ordained to convene at the burgh of Lauder, on April 1 laft.

### Slaughter.

Sep. 13.—JOHN GARDEN in Penbrek, in Glenmuir, Convicted of art and part of the cruel Slaughter of James Reid in Halfpennyland; committed in August laft, on ancient feud and forethought felony, &c.—BEHEADED.

<sup>1</sup> 'The Lard of Ley allegis, that at the tyme of THE RAID he hurt his leg, in sic fort, that he mycht nother ride nor gang to the Raid; theirfor fend his seruandis.' <sup>2</sup> 'Allegis that he is feik in the GRAVEL, and was nocht at the Raid, and mycht nocht ride, and is vnable of his body and guttis, and stopping at his hart—and nocht substantius; and hes bene sua be the space of thir five geiris bigane; like as, be inspectioun of his body, may be confiderit.' <sup>3</sup> 'Allegis that he is paf the yeiris, and nocht able of his body, and is rumburfin (ruptured), thairfor he is nocht able to paf thairto, and is impotent of his persoune, and fend his sone for him.' The above entries are from a *Scroll Book*, and are given as a specimen of the excuses which were then urged for absence. Other notices of a similar description have already been given in the course of the present Collection, which renders it unnecessary to cite more instances in this place. It may be remarked, however, that the Treasurer was usually inexorable in his demands for such offences, and exacted very heavy sums for Compositions, owing to the exhausted state of the public coffers. <sup>4</sup> Proved to be mad.

PERSEWARIS, Ro<sup>t</sup> Crawford of Clollellane, The Laird of Auchinkreif, Mr Alex<sup>r</sup> Skayne.  
FOIRSPEKAR, (or 'Prelocutour,') Mr Johnne Dunbar.

## ASSISA.

James Dalrumpill of pe Stair,	Johnne Bannatyne of Coig,	Moreife Dalrumpill in Waterfyd,
Will. Kirkpatrik of Kirkmychaell,	Wm. Kennedy, sone to pe Laird	Williame Stewarte of Dundufe,
Johnne Campbell of Schankftoune,	of Cove,	Ja. Cunyngame in Carmalloche,
Thomas Stewart of Gauftoune,	Wm. Anderfoune in Clofburne,	Jo. Cunyngame in Qubitehill,
David Kennedy of Culzene,	Hew Campbell, bruper to pe Laird	Patrik Boyle in Blakland.
Roger Kilpatrik of Clofburne,	of Shankftoune,	

**Treasonably bringing in the English — Burning Kirkmichaell, &c.**

Oct. 29.—CHRISTOPHER JOHNNESTOUNE in Mylbank, Patrick J. in Watterheid, William J., called *Williame the Skowpare*, Robert J. in Hilhouffis, and their accomplices, dilated for treasonably bringing in Richard and Fergus Grahame, brothers, and others of our ancient enemies of England, to the number of 500 perfons, to the town and lands of Kirkmichael, and Burning thereof; and for other crimes charged in the Letters. Alexander Kirkpatrick, brother of William K. of Kirkmichael, fined 500 merks for not reporting the Letters purchafed by the Laird of Kirkmichael duly executed, &c.

**Slaughter — Mutilation.**

Nov. 16.—JOHN SKRYMGEOUR, fon of James S., Conftable of Dundee, David Fentoune, fiar of Ogill, Mr David Abircrummy of Gourdy, and nine others, found caution to underly the law at the next aire of Forfar, for art and part of the Slaughter of William Currou, fon of Andrew Currou of Logymekill, and for the Mutilation of Thomas Currou of his right hand; committed on ancient feud and forethought felony, on Auguft 15 laft.—ANDREW FALCONER, brother of the Laird of Kynnabir, was denounced rebel, &c. and his cautioner amerced for his non-appearance—and James Fentoun, brother of David, was proved to be fick.

**Slaughter of a Chaplain, committed by a Priest.**

Jan. 13, 1558-9.—SIR DAVID COLUILE, preift of the diocefe of St Andrews, Replegiated by the Commiffary of the Archbishop, to underly the law for the Slaughter of Sir Thomas Small, chaplain; committed in September laft, on forethought felony. Sir Walter Bunfch, chaplain, became furety.

**Willfull Fire-raising — Burning Barley, Oats, Wheat, &c.**

Feb. 15.—ALEXANDER HWME, brother of Cristell Hwme of Barro, and Margaret Hwme his fifter, found furety<sup>1</sup> that they should underly the law

<sup>1</sup> Sir John Hwme of Coldinknowis, and Cristel Hwme of Barro.

at the next aire of Berwick, for the cruel Fire-raifing and destruction of five 'stakkis' of barley, one 'stak' of barley and oats, and one 'stak' of wheat and peafe, extending to fixteen score 'thrauis,' computed at nine score bolls, belonging to George Wauchop, burgesis of Lauder, being in his 'barne-zaird;' together with a dwelling-house and barn; committed upon Sep. 26 last, under silence of night.—(Mar. 18, 1561-2.) Cautioners fined 700 merks for not entering pannels; who were both duly denounced rebels, and put to the horn, &c.

#### **Stealing from the Queen Dowager's Chief Cook.**

Feb. 27.—ALEXANDER ROSS, servant to Iffobell Kynglassie, spouse of Thomas Marschell, chief Cook to THE QUEEN DOWAGER, Regent of Scotland, delated of theftuously stealing, in company with the said Iffobell, from the fore-said Thomas, furth of a chest or 'schryne,' in his chamber in the burgh of Perth, of a box with 420 merks therein; and together with two silver goblets, called 'siluer pecis,' and twelve silver spoons, and fundry other goods; committed on Dec. 7 last.—John Rofs of Cragy, his cautioner, unlawed, and the said Alexander ordained to be cited again to underly the law, under the pain of Rebellion.

#### **Intercommuning with an Englishman.**

May 8, 1559.—'JAMES ZULE, sumtyme in Drumfreife, for Intercommuning with Maister Ninian Manwell, Inglismanne, vpoun preuie besynesse, send be his wife furth of Ingland vnto him, off his awin consent decernit be þe Justice to be BANIST þis realme perpetuallie, and to departe within xx dayis; and nocht to returne agane within þe famin, without Licence of our soueranis Lord and Lady, vnder þe pane of deid.

#### **Slaughter of Sir David Forbes, knight, in Ward.**

JAMES BRYDIN, son of Ninian B. in Ruthirfurde, and William Allane, and Thomas his brother there, found John Stewarte of Traquair surety for their entry at the next aire of Roxburgh, to underly the law for art and part of the cruel Slaughter of Sir David Forbes, kn', under the custody of the Tutor of Pitcur, within the burgh of Rutherfurde; committed on Mar. 1 last.

#### **Preaching the Doctrines of the Reformation at Dundee & Montrose.**

May 10. (*apud Striueling.*)—PAUL METHWENE was denounced rebel, and put to the horn as fugitive, &c., and George Luvell, burgesis of Dundee, his cautioner, was amerced, for his not appearing to underly the law for Usurping the authority of the Ministry of the Church, and for taking upon himself the service thereof, not being lawfully admitted thereto, at the feast of *Pasche*, viz.

on Mar. 26 last, and daily for the space of three days immediately preceding the said feast, and continually thereafter, administering the Sacraments of the Altar to several of the lieges within THE BURGHS OF DUNDEE and MONTROSE, and sundry other places, in a manner far different from the divine and laudable use of the faithful Catholic Church: And also for Convocation and gathering of the lieges within the said burghs, at the time foresaid, he not being admitted or approved of by the Ordinaries of these places; and without their licence, haranguing and preaching to the said lieges, and persuading and seducing them to his erroneous and seditious doctrines and Heresies; thereby Usurping the King and Queen's authority, and stirring up the lieges to commit Sedition and Tumults, contrary to the Proclamations.

**Preaching the Doctrines of the Reformation at Perth, &c.**

(May 10.)—FRIER JOHN CRISTESOUNE and WILLIAM HARLAW denounced rebels, as fugitive, &c. and their cautioners, *John Erskine of Done* and *Patrick Murray of Tibbermuir*, were amerced, for their not entering to underly the law for their Usurping the authority of the Church, in taking at their own hands the Ministry thereof, &c. as above, within THE BURGH OF PERTH, and other places adjoining, within the shire of Perth.

**Preaching the Doctrines of the Reformation at Ayr.**

(May 10.)—JOHN WILLOK denounced rebel for the same cause, for preaching, &c. within THE BURGH OF AIR. Robert Campbell of Kynzeleuche, his cautioner, was at same time amerced.

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[ANOTHER unfortunate *hiatus* occurs in the series of THE BOOKS OF ADJOURNAL, from this date, to the close of the reign of Mary Queen of Scots. There is good ground for conjecturing, that many of the public Records of this kingdom, embracing from the earliest period of the Reformation downwards to the years of the reign of King James VI, had long ago been wilfully destroyed, apparently for the purpose of suppressing evidence of the many religious and political struggles which occurred during these eventful years. The only materials now left are three small quarto volumes of the scroll-books, kept by one of the under Clerks of Court, marked '12 Book,' from Mar. 12, 1560-1, to May 13, 1562; 'Aucht Buik,' from May 19, 1563, to May 19, 1564; and 'Nynt Buik,' from May 24, 1564, to Mar. 6, 1565. Besides these, there is a scroll Caution book, irregularly kept, from Jun. 18, 1563, to Nov. 25, 1566. Although the notices which can now be gathered from these books are meagre, they are in many respects valuable.

The Editor has, as usual, availed himself of the other Records,<sup>1</sup> so far as they elucidate the Criminal proceedings of that period.]

### Wounding Lady Pittendreich's Servants.

Mar. 12, 1560-1.—JAMES HAY OF MAYNE, George Monro of Dalcarthy, Alexander Guthrie in Elgyne, and seven others, burgesses of Elgyne, delatit for Convocatioune of our souerane ladeis lieges, to be nowmer of viij<sup>xx</sup> (*eight score*) perfonis, or pairby, be viij day of Januar lastbipast, bodin in fere of weire, incontrare be Actis of Parliament, and setting vpoun Alexander Robertfoune in Pittendrech, &c. tenentis and seruandis to Elizabeth Douglas Lady of Pittendreyche, and hurt and woundit paim in diuers partis of pair bodeis, to be gret effufioun of pair blude, and left be faidis Alexander Robertfoune and Alexander Henry (in Brovnfyde) liand for deid, vpoun ald ffeid and foirthocht felony, &c. Guthrie and two others to anwser att the next aire of Elgin and Forres.—(Apr. 30.) Amerciated for non-appearance, (and denounced rebels)

### Slaughter.

Mar. 13.—WILLIAM RAMSAY, Convicted of art and part of the Slaughter of Richard Henryfoune, 'fervitour' to the Master of Sinclair; committed at the west end of the town of Dyfert, on 7 March infant.—BEHEADED.

PRELOCUTORS, John Forret of that Ilk, Cuthbert Ramsay, burgess of Edinburgh.

ASSISA, John Anstruther of that Ilk, Andrew Farny of that Ilk, William Bonar of Rossy, Andrew Murray of Balvaird, Mr James Wemys, and others of lefs note.

### Slaughter & Mutilation of two Sons of the Laird of Logy-Megill.

Mar. 17.—JAMES FENTOUNE OF OGILL, James Lyoun of Easter Ogill, and seven others, found David Earl of Craufurd surety for their entry on Apr. 30, to underly the law for art and part of the cruel Slaughter of William Currou, and Mutilation of Thomas Currou, sons of Andrew Currou of Logy-Megill; committed within the burgh of Dundee, in August 1588.

PRELOCUTOURIS for pe pannell, Mr Johnne Abircrummy, Mr David Quhytelaw, The Laird of Creych.

PERSEWARIS, Andro Currou of Logy-Mekill, Stevin his sone, Mr Robert Creychtoun.<sup>2</sup>

The pannells were all respited,<sup>3</sup> & found caution to satisfie the Queen and parties.

<sup>1</sup> The reader is referred to THE ACTS OF PARLIAMENT, edited by *Thomas Thomson, Esq.*, where much valuable historical matter, illustrative of the History of this reign, is preserved. It was found to be impossible to select the portions which relate to Criminal matters.

<sup>2</sup> He took instruments

<sup>3</sup> Apr. 30, 1561.

(May 13, 1562.)—The pannels came in the Queen's will.

PRELOCUTORIS for þe pannel, þe Maister of Wark, Mr Jhone Abircrambye.

PRELOCUTORIS for þe þerfearis, My Lord Ogilbye, The Lard of Innerquharité, The Laird of Clovay, The Lard of Roffe, The Lard of Monquhanye.

(Jun. 10, 1563.)—David Earl of Craufurd became cautioner for his entry in Ward, in Edinburgh, on xv days warning, under the pain of 1000 merks.

### Robin Hood — Abbot of Hurreason — Lord of Inobedience.

Jul. 20, 1561.—ROBERT HANNAY, smyth; James Cowper, tailzeour; Thomas Johnstone, cordiner; Andro Henderfone, fwerd-slipper; Andro Riche-manne, cuke; William Clerk, talburnar;<sup>1</sup> James Fawfyid, talburnar; Jhone Cok, tailzeour; Patrik Mow, talboner, and Alexander Biffet, taburner. THE quhilk day, James Cowper, tailzeour, come in Will for arte and parte of þe chefing<sup>2</sup> of George Durye in ROBERT HUDE, vþerwayis calland and nemmand him LORD OF (IN)OBEDIENCE (MISRULE), amangis þe Craftismen and pair feruandis, within þe burgh of Edinburgh, in þe moneth of Apryill last bypast, foreseand and affistand to him incontrair þe tennour of þe Act of Parliament, and for breking of þe said Act: ITEM, for breking of þe Proclamatioun of þe Provest and Bailleis of Edinburghe, maid for observing of þe said Act, forbidand all þe Inhabitantis of þis burgh, þat nane of þame fuld tak vpoun hand to cheise ony sic persone in Robene Hude, Abbot of Vnreasone, or ony vþer name within þe said burgh: ITEM, for Convocatioun of our souerane ladies liegis, in cumpany with þe said George Durye, callit Lord of (In)obedience, to þe nowmer of . . . . . perfonis, bodin in feir (of weir), with ane displayit handfenzé,<sup>3</sup> hal-brownis, jakkis, culveringis, morriounis,<sup>4</sup> twa handit fwerdis, cotis of malzé, and vþeris wapynnys invasive, vpone Soneday þe xij day of Maii last bypast, in cumpanye with certane brokin men of were, betuix thré and four houris estir none, cumand within þe burghe of Edinburghe, enterand at þe Eist Porte þairof, and passed to þe Trone þairof, quhair þai wer met be ane parte of þe Bailleis, counsala, and officiaris of þis burghe, and chargit be þame to pas abak, and devyid þame of þe said burghe, for eschewing trouble and misfordour in þe samyn: And, nochtwithstanding þe said charge, violentlie and contempnandlie passand forward to þe said Castell-hill, and returnand agane to þe Portis of þe said burghe; vsand þe samyn be ische and entre, at pair plesour, makand plane rebelloun and inobedience aganis þe Magistratis of þe said burgh.

*Thomas Johnstone*, in Will for breking of þe said Act of Parliament and Proclamatioun maid be þe Magistrates, *vt supra*.—*Andro Henderfone*, in Will for breking þe said Act and Proclamatioune foirsaid.—ITEM, þe said *Andro*

<sup>1</sup> A drummer, or player on the *talbron* or *tauburn*.

<sup>2</sup> Choosing.

<sup>3</sup> Ensign; banner.

<sup>4</sup> Morions.

(Henderfone) Convict of þe making of þe said Convocatioune and rebellion aganis þe Magistratis, in maner foirsaid.—*Jhone Cok*, fflylit for breking of þe Act of Parliament in chefing of þe said LORD OF INOBEDIENCE, and breking of þe Proclamatioun maid be þe Magistratis, in maner foirsaid, alanerlie.<sup>1</sup>—*Andro Richeman*, Convict for affistnce to þe said Lord of Inobedience and his complices, in breking of þe said Act and Proclamatioune; and furnessing of þame of meit and drink.—*James Fawfjid*, *Patrik Mow*, *Alexander Biffett*, Convict of þe breking of þe said Act, Proclamatioun, convocatioun, and rebelloun foirsaid, conforme to þe Dittay.

### **Rioting in Edinburgh — Choosing a ‘ Lord of Inobedience,’ &c.**

Aug. 8.—JAMES FRASER, saidlar; Andro Hammiltoun, cuttlair; Nicol Zoung, tailzeour; Nicol Rynd, tailzeour; Willeam Morefone, Andro Gottirfone, FYLIT be ane Assyise of Intercommonyng with George Durye, tailzeour, vþerwais callit LORD OF (IN)OBEDIENCE, and vþeris his collegis, prentiffis,<sup>2</sup> and seruandis to þe Craftismenne within þis burgh, being our souerane ladeis rebellis and at hir horne, put þairto be hir Letteris, in defalt of finding fouirtie to vnderly þe law for breking of þe Act of Parliament, in chefing of þe said Lord of (In)-Obedience, tvmult, and ryfing aganis þe Magistratis of þe said burgh, be way of rebelloun, and vþeris crymes contenit in þe saidis Letteris, in þe moneth of July last bypast and August instant. AND ALS, þe saidis personis, and *Walter Wawane*, *James Henderfone*, flescheour, *Hary Quhyte*, cordiner, *Alexander Scott*, *Thomas Ewin*, goldfmyth, *David Kynloch*, *Patrick Schang*, FYLIT be þe foirnemmit perfonis of Assyise, for disobeyance of þe Provest, Bailleis, and magistratis of þe burgh of Edinburgh, and auctorité þairof, vpone þe xxj day of July last bypast, quhen þe seruandis and prentiffis of þe Craftis þairof, wer assegeand and invadand þe saidis Provest and Bailleis in þe tolbuyth of þe said burgh, be abstracting and withdrawing of þame selffis fra þe help, supparte, frething, and releving of þame, and for saiftie of þair lyves, and fortefeing and participatioune of þe saidis Provest and bailleis, to stenche and reprefs þe said tvmult, and taking and apprehending of þe saidis perfonis, Craftis-childer,<sup>3</sup> and prentiffis, committeris þairof; lyik as they aucht to haue done, of þair aythis, quhen þai were creat burgeffis of þis burgh, and bundin dewtie.

### **Hurting and Wounding — Hamesuckin.**

Aug. 22.—JAMES LOCKHERT OF þE LEY found caution for his entry and twenty-three of his tenants, &c. at the next aire of Lanark, for ‘ þe crewall Hurting and Wounding of John Hammiltoune in Henschaw, be way of Hamesuckin.’

<sup>1</sup> Only, alone.

<sup>2</sup> Apprentices.

<sup>3</sup> Literally *children*; lads, youths.



**Slaughter of Lady Ulleshaben.**

Dec. 1.—JAMES SCHORISWOD delatit for arte and parte of þe crewell Slauchter of vmq<sup>10</sup> Helene Stirling, Lady Ulleshevene.<sup>1</sup>

PRELOCUTORIS for þe pannel, Mr George Strang, James Crawmound of Aldbar.

The quhilk day comperit in jugement James Stratoune, and James Lychtoun, Parfone of Dunloppy; and þai being requirit be þe said James Schoriswod, gyf þai wald perfew him of his lyfe for þe said Slauchter? Anfuerit, þat þai wald perfew him for þe samyn. And þairupon þe said James Schoriswod askit ane Act of Court and instrumentis, and protestit þat þe said Parfone fuld tyne his benefice, conforme to þe lawis.

THOMAS GUTHRE of Kynbach protestit for his dampnage and skayth sustenit be him, þat infasar as he wes chargit be þe Letteris to vnderly þe law, and þat na party comperit to perfew him, that he mycht recouer þe samyn, ovther vpone þe officiar executour of þe Letteris or party; and þairupoune askit instrumentis.

**Horse-stealing.**

Dec. 1.—WILLIAME CADENHEID Convicted for art and part of ' þe thefteous Steling of ane blak cut-tailit horfe fra þe Erle Marschell, and ane gray horfe fra James Anderfoun; quhairwith he wes tane reid-hand.'—HANGED ' on þe gallowse of þe Burrow-mure.'

**Oppression — Imprisonment — Exacting Ransom.**

Dec. 5.—ROBERT INNES OF INNERMARKY, John Innes of Auchluncarye, and seven others, found surety (' Jhone Erle of Suthirland') to underly the law at the nixt aire of Elgin and Forres, ' for þe Oppressioun done to Schir Alexander Robertfone, cumand with þair complices, bodin in feir of weir, in þe moneth of July last bypast, to þe Haltoune of Lambryid, and þair maisterfully take him furth of þe samyn, and had and cariit him with þame to þe Place of Plewlandis, quhair þai held him in strait prisoun and Captiuite be þe space of four dayis; quhill<sup>2</sup> Marioun Ogiluy, Lady Innermarky,<sup>3</sup> his maiftres, threw þe feir scho take, quhen þe said Robert, hir son, bostit<sup>4</sup> and send her worde, " þat he sould send þe said Schir Alexanderis heid to hir," gaif to him þe sum of ij<sup>c</sup>. merkis in hand, and vther twa hundreth merkis to be payit at Candilmes and Witfonday, with þe zeirlie terce<sup>5</sup> of Vgftoune and Plewlandis, for þe said Schir Alexanderis ranfome and latting of him to libertie; vfurpand þairthrow our souerane ladeis auctorite.'

<sup>1</sup> See Trials for this barbarous Murder, I, \* 344, 350, &c., and Appendix.

<sup>2</sup> Until.

<sup>3</sup> Mother of the Laird.

<sup>4</sup> Threatened.

<sup>5</sup> The *terce*, or third, due to her as widow.

**'Ombesetting the way' — Wounding — Mutilation.**

Dec. 6.—THOMAS HARROT, in Coisland ; Cristeane Carfra, his spous ; Henry C., elder, in Redinghill ; Henry, his young son ; John and James C., in Standanstone ; and Bessye Litster, ' dilatit for Ombesetting of þe gait, vnder filence of nycht, in þe moneth of August, 1568 zeiris, to Robert Dowglass, in Duchrye, vnder þe Laird of Bas, be way of Brigancy, quhair he wes passand fra þe toun and landis of Poppill hame to his awin dwelling-place in Dowchrie, besyid þe dwelling-house of þe said Henrye Carfra, at þe peth-fute of Stenypeth, callit Ridinghill, and þair crewelly invadit þe said Robert for his Slauchter, and hurte, and wondit him in diuerse partis of his body, to þe gret effusioune of his bloode ; and hes Mutilat him of his thrid finger of his rycht hand, and left him lyand for deid ; vpon ald feid, provisioune, and foirthocht felony and sett purpose.

PRELOCUTORIS for þe pannell.

Mr Alexander Skene, My Lord Borthwik, The Laird of Traquair, My Lord Bothwill.

Continued to Jan. 15, Lord Borthwik and James Earl of Bothwell, cautioners.—(Jan. 15, 1561-2.)—James Someruill of Humby became cautioner for their entry at the next Justice-aire of Edinburgh.

**Hamesucken — Wounding — Child-Murder.**

ROBERT DOWGLASS, in Dowchry, under the Laird of Bas, and Margaret, his daughter, ' dilatit of þe cuming, with þair complices, vpon þe fyft day nixt eftir þe feist of Lambes, (August 6th,) 1561 zeiris, vnder filence of nycht, be way of Hamesucken, to þe duelling-house of Henry Carfra, in Ridinghill, he þan himself being departit þairfra, convoying of sum freindis quhilkis þat day had bene with him in cumpany, and þair serchit and socht þe said Henrye for his Slauchter ; and þe said Thomas þan beand standand in sober maner, dowlatt alane,<sup>1</sup> without armour or wapnis, accompaniit with his wyff and Bessye Litster alanerlie, befor þe said Henryis dur,<sup>2</sup> traisting na harme, &c., þe said Robert Dowglass lychtit<sup>3</sup> of his horse, and without ony occasioun invadit þe said Thomas for his Slauchter, and hurte and woundit him in his left arme and face, to þe effusioun of his blood in grite quantitie : And þat same tyme crewelly strak þe said Thomas spous, with sundrie strekis with fute and hand, scho beand grite with barne ; throw þe quhilkis strekis scho pairtit with barne at hir hamecoming.'

They ' offerit þame to ane Assyise, and desyrit na continewatioun ;' but the same procedure took place as in the foregoing case.—The Laird of Quhittinghame became surety for them.

<sup>1</sup> Unarmed, defenceless. Having only his coat or doublet on.

<sup>2</sup> Door.

<sup>3</sup> Alighted.

**Conbocation of the lieges in Kirkwall.**

Dec. 9.—MR ALEXANDER DICK, PROVOST OF ORKNAY, Schir Magnus Ramsay, Chaipaine, Schir Duncane Ramesay, Chaipaine in Orknay, found caution,<sup>1</sup> this day; and (on Dec. 5) Edward Sinclair, bruder to þe Lard of Roslyng, and ten others, Mr Magnus Halcro, William Halcro, Nicoll Chalmer, and Freir Frances Bothwell, also found caution to underly the law on April 15 next, ‘for Convocatioune and gadding of our fouerane ladeis legis, to þe nomer of iij<sup>xx</sup> (*four score*) perfonas, in þe moneth of September lastbypast, ischeid owt of þe CASTELL OF KIRKWALL, and cumand to þe Toune pairof, and serchit and focht Henry Sincler of Strone and Mr William Mudy for þair Slauchter, &c., and vperis crymes contenit in þe Letteris direct þairupoune.’—After having been continued from time to time, the Casé was at length (May 13, 1562,) referred to the Justice-aire of Orknay.

**Common Theft and reset of Theft.**

‘WILL ELLOT, callit *Woddir-nek*; Petir Trumbill, callit þe *Monk*;<sup>2</sup> and Henrye Blak, in Softlaw, Convict to be HANGIT for Commoun Thift and Commoun resfett þairrof.’

**Conbocation of the lieges — Invasion — Wounding, &c.**

JOHN EDZER OF WODDIRLYE, Richard, Oliphar, James, and George Edzer, and Robert Hude, ‘deletit of Convocatioune of our fouerane ladeis liegis, to þe nomer of iij<sup>xx</sup> (*three score*) perfonis, bodin in feir of weir, with jakis, swordis, steil-bonettis, daggis, culveringis, and vperis wappingis invafive, contrair þe Act of Parliament, vpone þe xvij day of September last bypast, cumand to þe landis of Rawburne, lyand within þe scherefdome of Berwik, pertening to Daudid Spottifwode of þat Ilk, in heretage; and þair invadit and perfewit Jhone Vllafone, James Hog, Jhone Wody, and þe remanent þe said Daudidis tenants of þe said landis for þair Slauchteris, dingand and birland þame with diuerse base<sup>3</sup> strekis, chaiffand þame within þair awin malingis ‘ane grit space, doand þat wes in þame to haue flane þame, vpone sett purpoife, provifione, and foirthocht felony, specifit in þe Letteris direct þairupoune.’

## ASSISA.

The Larde of Blacader,	George Trotter of Prentoness,	The Lard of Blanerne,
The Larde of Spott,	Robert Hyme of Redheuch,	The Larde of Bala,
George Home of Broxmouthe,	Mr Richard Spottifwod,	The Lard of Innerwike. <sup>5</sup>

VERDICT.—The said Larde of Woderley and his collegis being on panale, wer ACQUIT, be declaratioun of þe said hail Affyife, of þe foirfaidis crimes.

<sup>1</sup> George Crawford of Lefnoeis.      <sup>2</sup> See notices regarding them in Extracts from THE LORD HIGH TREASURER'S ACCOUNTS, in the *Appendix* to this reign.      <sup>3</sup> Perhaps for *bauch*.      <sup>4</sup> *Mailings*, small possessions.      <sup>5</sup> The other four Assisors were only feuars.

JOHN SWYNTOUNE OF THAT ILK ; William Redpeth of that Ilk, elder and younger ; the ' Barroune' of Dalzell ; Thomas Nisbit, his brother ; the Laird of Lochirmachus ; George and Alexander, brothers of John Forrester of Gammelfcheillis, and fixty others, found surety to underly the law at the next Aire of Berwick for the same crimes.

### Slaughter ?

Dec. 13.—SCHIR JAMES HAMMILTOUNE OF CRAWFORDJOHNE, kn<sup>t</sup>, and John Gudelett, in Strabrok<sup>1</sup> (delatit for the Slaughter of vmq<sup>le</sup> George Hammiltoune ?)

PRELOCUTOURIS for þe pannell, Mr David Borthuik, Mr Jhone Mofcrop, The Laird of Garlis, My Lord Levingstone, The Abbot of Deir, My Lord Gray.

PERSEWAR, Agnes Murray, relict of vmq<sup>le</sup> George Hammiltoune.

James Hammiltoune of Kincapill protestit that he producit the Letteris, dewlie execute and indorfat ; and the said Schir James protestit that the said James producit the Letteris.—Andro Hammliton of Siluertone-hill, fouerté for the entré of Schir James, and Schir James for fouirte of Jhone Gudelett, the xxix day of Januar nixtocum.—(Jan. 29, 1561-2.) Continued to Feb. 25 ; the Laird of Calderwood and Sir James being ' fouirteis.'—(Feb. 25.) Remitted to the next Aire of Lanark ; the Laird of Trabroun and Sir James became cautioners.

### Slaughter.

Dec. 15.—JHONE GLEDSTANIS OF COKLAW (dilatit for the Slauchter of vmq<sup>le</sup> Thomas Peblis and Williame Bell.)

PRELOCUTOURIS for þe pannall, My Lord Home, The Larde of Coldinknowis, The Larde of Cranstone, Mr Jhone Abircrumby, Williame Trumble alias *Proffit*, Robert Scott of Bonyngtone.

PERSEWARIS, Adame Bell, for Wm. Bell, &c., Alex. Hoppringill of Trinlinknowis, Jhone Ofwald.

The Aduocat producet the Lettir vnderwrittin, and desyrit þe samyn to be registrat ; quhairof the tennour followis.

REGINA,

ADUOCATTIS, We greit 3ow weill. Forfamekill as Jhone Gledstanis of Coklaw hes fund ficker fouertie that he fall compeir befor our Justice and his deputtis in þe Tolbuyth of Ed<sup>r</sup> þe xv day of December instant, to vnderly þe law for þe Slauchter of vmq<sup>le</sup> Thomas Peblis and William Bell, and diuerse vþeris crymes contenit in þe Letteris direct pairupone, as þe samyn beris. OURE WILL is heirfoir, and we charge 3ou þat 3e affist and concur to þe purfute of þe said Jhone for þe crymes contenit in þe saidis Letteris þe said day, and se þat justice be done þairin, conforme to þe lawis of þis realme : As 3e will anfuer to ws pairupone. Subscriuit with our hand, at Halyrudehoufe, þe xij day of December, and of our regne þe xix 3ere. [MARIE R.]

<sup>1</sup> In a great many instances the names of the pannells, &c. are regularly noted in these Scroll-books, which were evidently intended merely as Memoranda for the Clerk, from which to extend the proceedings, aided by the Dittays and other warrants, into the proper Records of the Court. The crime may be inferred from the designation of the pursuer.

(Mar. 16.)—The Justice-principall being present, *Archibald Naper of Merchinstone* maid fayth in jugement that he suld vse þe office of Justice deputrie lelilie and trewlie, as efferis.—Continued to Mar. 26 ; William Cranstone of that ilk cautioner.<sup>1</sup>

**Theft committed by an alleged Idiot and Minor.**

Dec. 16.—JAMES GUYLD, indicted for Stealing, &c., as after specified.

PRELOCUTORIS for the pannell,

Mr Thomas Mcalzeane, Mr Alexander Sim, Mr Jhone Moscrope, Mr David Maitland, Archibald Douglas of Kilspindie, Andro Murray of Blakbarronye.  
PERSEWARIS, Neill Layng, Maister George Hackett.

Continued to Dec. xxij.—(Dec. 23.)—MR ALEXANDER SYM, as prelocutour for James Guyld, beand callit to vnderlye þe law vpon his lyff, allegit that he is minor, within þe zeiris of xvij þeir ald, as it may be confiderit be inspectione of his face, lyik as he is in deid, and falbe profin gyff neid beis ; and pairfoir aucht nocht to vnderly ane Assyse vpon his lyif, nor to thoill<sup>2</sup> jugement pair-upone, noþer<sup>3</sup> be þe Commoun law, nor Municipale law, or vse of þis realme. And attour<sup>4</sup> þe barne him self is ydiot of natur, nor hes nocht þe knowlege to decerne þe perrell and þe feir of deid ;<sup>5</sup> and pairfoir aucht not for to vnderly ane Assyse, as said is, of lyif : And forder, is subdewit<sup>6</sup> to ane malancolius hvmour, naturallie descendand from his progenitouris, fwa þat he is mair desyrus to dee nor to leif,<sup>7</sup> as be experience is notour, be samekill þat his fader exponed him self findré tymes to þe perell of deid, and wald haue drowned him self in þe North Loch, wer nocht he wes releved pairfra be nyctbouris ; and .syclyik Maister Walter Guyld, his fader bruder, occupiit with þe same hvmour, slew him self in Paris. And pairfoir, þe said James, beand bayth minor, and approche-and mair to pupillaritie nor<sup>8</sup> maioritie, and occupiit with þe said hvmour, mair willing to dé nor to leif, and haifand na cuyr<sup>9</sup> of deid, aucht not to vnderly þe law for þe lybellit pretendit cryme, and aucht not to perife,<sup>10</sup> suppois he wald peris, *quia non auditur perire volens*. And eikis<sup>11</sup> allegeance, þat þe same boy ranne findrie tymes nakit to Ingland, and left his claythis<sup>12</sup> behind him ; and fwa may be vnderstuid þat he hes this said hvmour, as said is ; and offeris him to preif þe said allegeance sufficientlie.<sup>13</sup>

THE JUSTICE Findis, be Interlocutour, þat þe said mater sould pafs to Assyse, nochtwithstanding ony allegeance, becaufe of þe practik sene of befoir.

<sup>1</sup> No farther trace appears in the Record. It is probable that Remission had been obtained, or that the case was remitted to the next Justice-aire. <sup>2</sup> Suffer. <sup>3</sup> Neither. <sup>4</sup> Moreover.  
<sup>5</sup> Death. <sup>6</sup> Subjected, liable to. <sup>7</sup> To die than to live. <sup>8</sup> Than. <sup>9</sup> Care. Lat. *cura* ; viz. reckless, indifferent, or careless of death. <sup>10</sup> Perish. <sup>11</sup> Adds. <sup>12</sup> Clothes.  
<sup>13</sup> This Trial has been selected chiefly on account of the remarkable phraseology employed by the pannel's 'Prelocutour,' and from the curious enumeration of the articles stolen, as detailed in the Verdict.

VERDICT. James Guild, Convict,<sup>1</sup> be deliuerance of þe said Affyise,<sup>2</sup> of arte and parte of þe thiftius Steling and taking furth of þe purse of Elizabeth Daniel-ftoune, þe spous of Neill Layng, hingand vnder hir aprone, in þe moneth of Apryill, vpoun ane Monunday, ane mercat day of Edinburgh, scho being vpone þe Hie Streit, standand at þe crame<sup>3</sup> of Willeam Speir, indweller in þe said burgh, in comoning with him, þe tyme of þe putting of ane string to ane penner and yncome quhilk scho had coft fra þe said cramer, of ane signet of gold; ane vther signet of gold, sett with ane cornelene; ane gold ring, sett with ane grite sapheir; ane vther gold ring, with ane sapheir formit like ane harte;<sup>4</sup> ane gold ring, sett with ane turquhase;<sup>5</sup> ane small dowble ring of gold, sett with ane dyamont, and ane rubye, ane ald (*old*) Angell-Nobill, and ane Cuffett dukett.<sup>6</sup>

[*Archibald Earl of Ergyle, Justice General.*]

**Rioting to restore the Popish Religion, &c.**

Dec. 24.—MAISTER WILLIAM BALFOUR, indweller in Leyth, found caution to appear on the last day of December, under the pain of 1000 li., to underly the law for the crimes following:—(Dec. 31.) CONVICTED by an Affise<sup>7</sup> ‘off arte and parte of þe contrauenyng and breking of our souerane ladeis Proclamatioun, maid in þe moneth of August last bypast, eftir hir hienes arrivell within þis realme; chargeing in effect, all and findrie hir legis, be opin Proclamatione, at þe mercate-croce of Ed<sup>r</sup> and vperis places neidfull, that þai and euery ane of þame suld contene þame selfis in quietnes, keip peax and ciuile societie amangis þame selfis; and in þe meyntyme, quhill<sup>8</sup> þe Estatis of þis hir Maiesteis realme mycht be assenblit, and þat hir hienes had takin a finale ordour be þair avise and publict consent, þat nane of þame tak vpone hand, privatlie nor opinlie, to mak ony Alteratione or innouatioune of þe state of RELIGIONE, or attemp ony thing aganis þe forme quhilk hir Maiestie fand publicklie and vniuersalie standing at hir Maiesteis arryving within þis realme, vnder þe pane of deid; with certificatione, þat gyff<sup>9</sup> ony subiect of þis realme suld cum in þe con-

<sup>1</sup> No traces are left on record of the fate of this poor creature; but it is likely that the punishment was trivial, and that his relations would be bound over, under penalties, for his future good behaviour.

<sup>2</sup> Thirteen burgesses. <sup>3</sup> The last remnant of the booths of the Cramers of St Giles’s Church, Luckenbooths, &c., were pulled down about twenty years ago, to widen the High Street. ‘The Cramers’ formed part of a small alley on the North side of the Cathedral. <sup>4</sup> These were favourite love-tokens among all ranks, varying, of course, in value. <sup>5</sup> Turquois. <sup>6</sup> Ducat. It has frequently been remarked, in the course of the present Collection, that the burgesses, as well as the nobility and gentry, were possessed of plate and jewellery to an extent greatly beyond what is now usual—and perhaps this may be accounted for from the difficulty of investing the large capital which many merchants and burgesses acquired in business or otherways. So ostentatious were the burgesses and their wives, that many legislative enactments were required to repress their passion for dress and finery. A reference to these sumptuary laws may prove not uninteresting to the curious inquirer into the manners and customs of this country. <sup>7</sup> They appear to have been burgesses of Edinburgh. The only names of any note were The Laird of Spottiswod, Mr James Watsone, Mr Michael Cheishelme. <sup>8</sup> Until. <sup>9</sup> If.

trare heirof, he fuld be estemit and haldin ane Seditious persone, and rafer of Tumult, and þe said pane fuld be execute aganis him with all rigour, to þe exemple of vperis; as þe said Proclamatioun mair fullelie proportis;—þe committing of þe opin and manifest crymes and offenffis eftir specifeit, þe tymis eftir mentionat, *respectiué*, in maner following. IN þe first, In þe moneth of Nouember laft bypast, as ane Seditious persone and rafer of Tumult, contrair þe tennour of þe said Proclamatioun, said opinlie and planelie in my lord of Inuermethis Place of Reidcastell, that ‘þe RELIGIOUN NOW REFORMIT,<sup>1</sup> and ministratioun of þe Sacramentis according to Godis Word and institutioun, within þis realme, wer not of God, nor 3it conforme to his Word; and þairfore þe samyn and þe Holy Communioun fuld be vterlie aboliffit within twa 3eiris nixt eftir þe daif of þe said Contract;’ and þairupone contractit and maid ane Wodfet with þe Lard of Wateris. ITEM, þe said Mr William CONVICT be þe said Assyise as controuener of þe said Proclamatioun, be refone he accompanit with certane wicked persones, sawaris of discord and raferis of Tumult, vpone sett purposis, come to þe Parroche Kirk of Edinburgh callit SANCT GELIS KIRK, quhair Jhone Carnys wes examinand þe commoun pepill of þis burgh, befoir þe laft Communioun ministrat þairin, according to þe ordour takin and appointit be þe Minister, Elderis, and Deacones of þe said Kirk; and þe said Jhone, beand demanding of ane pover woman, ‘Gyff scho had ony hoip of saluatioun be hir awin gud werkis? þe said Maister William, in dispytefull maner, and with thrawin continance,<sup>2</sup> having na thing to do at þat tyme in þe said Kirk bot to trubill þe said Examinatioune, said to þe said Jhone þir wordis, ‘Thow demandis of þat womane þe thing quhilk þow nor nane of thy opinioune allowis nor kepis!’ And eftir gentill admonitioun made be (to) him be þe said Jhone, he said to him alswa þir wordis, ‘Thou arte ane verray knaif, and þi doctrin is verray false, as all 3our doctrin and teiching is!’ And þairwith lade his hand vpone his wapnes, and provokand battell; doand þairthrow, purposilie, þat wes in him to haif refit Tumult amangis þe Inhabitantis of þis burgh. ITEM, þe said Maister Willeam is CONVICT for breking of þe said Proclamatioun, insafar as he, vpone þe tent day of December, in presens of ane grite multitude and nowmer of pepill within þe Tolbuyth of Edinburgh, herand sum Gentilmen spekand of þe Lordis Supper was þan to be ministrat þe Sunday nixt eftir, in þe said Kirk, said þir wordis, ‘Is þat 3our Communioun? The Devill birft me quhen euir it cumis in my belly! And þe Devill birft þame in quhais belly it cumis, ffor it is ane verray Devill!’ ITEM, þe said Mr Willeam wes CONVICT be þe said Assyise of (being) ane Commoun and manifest blasphemmer

<sup>1</sup> This extreme zeal may have originated from the notoriety of the Public Disputation between JOHN WILLOX, the Reformer, and JOHN BLACK, a Dominican Friar, which had been keenly maintained for two days, in summer 1561. *Balf. Annales*, I, 325; *Leslie*, p. 295; *M. Crie’s Knox*, &c. <sup>2</sup> With twisted or distorted countenance, *i. e.* in derision, twisting his features, or making wry faces.

of God and his Haly Evangell ; and for ane seditious persone and ane commoun auctour<sup>1</sup> pairof.<sup>2</sup>

*PROTESTATION by an Assisor exempted from passing on Assises.*

THE quhilk day, the said *Maister James Walsoune*, burgess of Edinburghe, being callit to pas vpon the ASSISE of the said Mr Willeam Balfour, compeirit in judgement befor the said Justice, and allegit that he suld nocht be compellit to pas vpon the said Affise, be resoune he wes ane persone priuilegit and exemit : And pairfore protestit that albeit the Justice compellit him at this tyme to pass vpon the said Mr William Affise, that the samin suld nocht hurt nor preiuge him anent his priuilege and exemptionne, toward the passing vpon the Affisis of vperis personis to be callit and perfeit criminalie befor the Justice, in tyme cuming.

### **Privilege of Exemption from passing upon Assises and Inquests granted to the Inhabitants of Perth.**

Feb. 17, 1561-2.—THE quhilk day James Anderfone, burgess of Perth, comperit befor the Justice-depute, and pair producit our souerane ladeis Letteris vnderwrittin, vnder hir signet, and subscriuit be vmq<sup>16</sup> her derrest moder, the Quene Dowriar and Regent of hir realme, and vmq<sup>16</sup> Gilbert Erle of Cassillis hir Thesaurare for the tyme ; and for him self and in name and behalff of the Provest, Bailleis, counsaile, and communitie of the BURGH OF PERTHE, and desyrit the samyn to be obeyit : Quhilk desyir the said Justice-depute thocht resonabill, and pairfoir admittit and obeyit the samyn ; off the quhilkis Letteris the tennour followis.

MARIE, be the grace of God Quene of Scottis. To all and findrie our Lieutenentis, Wardanis, Admirallis, Justices, Justice Clerkis, Schereffis, Stewartis, Bailleis, Crouneris, pair deputis, Provest, Aldermenne, and Bailleis of our burrowis and cieteis, and all vperis our Officiaris, Jugis, Ministeris of our lawis, liegis and subdittis quhatsumeur, to quahis knowlege þir present Letteris fall cum, greting : Forfamekill as it is vnderstand to us that our BURGH OF PERTH is ane dry Toune, far distant fra the See or to ony vper parte pairof, and the haill traffick and change standis be Craftismen that daylie and continewalie labouris with pair bodeis, quaha hes na vper to leif on : And that in this trublus tyme bypast the Inhabitantis pairof hes bene put to grite and exorbitent expenssis, be summunding and compelling of same, at all tymes, to cum furth of our said burgh, quhen þai ar chargin, and compeir befor our Justice, his deputis, and vperis, jugis and Ministeris of our lawis of our realme, in passing vpoun Assyisis, Inquestis, and vperwyis ; throw the quhilk þai ar put to povertie, and may not indure sic chargin in tyme cuming. For eschewing of the quhilkis, and willand that þai be vsit in semblabill maner in tyme cuming as the Inhabitantis of our BURGH OF DUNDE, quaha ar of grit pvsance,<sup>4</sup> situat in mair commodius parte nor<sup>4</sup> our said Burgh of Perth, hes Exemit and be þir our Letteris Exemis all and findrie the INHABITANTIS within our said Burgh of Perth and fredome pairof, in all tyme cuming, fra all comperance befor 30w our said Justice, Justice Clerkis, Scheriffis, Stewartis, Bailleis, Crouneris,<sup>5</sup> Provestis, Aldermen and Bailleis of our Burrowis, or ony vper Jugis within our realme, and passing vpon Assyisis and Inqueistis in quhatsumeur actionis and cauffis, Criminale or Ciuile, committit be quhatsumeur persone or persones within our said realme ; acceptand<sup>6</sup> alwayis, gyff the saidis crymes be committit within our said burgh of Perth, or ane myill pairabout alanerlie :<sup>7</sup> And will and grantes that the saidis Inhabitantis nor

<sup>1</sup> Author.      <sup>2</sup> The following marking is made on the margin, 'EXTRACT and sent to THE REGENT, in Majj 1569.'      <sup>3</sup> Fr. *puissance* ; power, wealth.      <sup>4</sup> Than.      <sup>5</sup> Crouners, Coroners.      <sup>6</sup> Excepting.      <sup>7</sup> Only.



nane of paim, for pair remayning and byding at hame fra pe saidis Assyis and Inqueiftis fall incur na danger nor skaith in pair perfonis, landis or guidis, in ony wyis, and fall not be callit nor accufit pairfoir, noþer criminalie nor ciuilie in tyme cuming, notwithstanding ony Letters, Proclamationis or chargis qubatfumeur maid or to be maid in pe contrair, in ony perfonis contenit pairintill; anent pe quhilk we dispens with pame and ilk ane of paim be þir our Letteris; dischargeing 3ou and ilkane of 3ow, and all vperis our Officiaris, Jugis, ministeris of our Lawis, liegis, and subjectis qubatfumeur present and to cum off all fummunding, chargeing, atteitcheing, arreiftyng, calling, following, poinding, distrenzeing, vnlawing, trubling, or intrometting with pe saidis Inhabitantis, or ony of paim, pair landis or guidis, in all tyme cuming; dischargeing 3ou and ilkane of 3ow vperwyis parof, and of 3our office in þat parte, be þir oure Letteris. GEVIN vnder our Signet, and subscruit be our derrest moder, Marie Quene-Drowriar and Regent of our realme, At Edinbur<sup>t</sup> pe nynt day of Junij, the 3eir of God I<sup>m</sup> V<sup>c</sup>. lvi 3eiris, and of our regne pe xiiij 3eiris. MARIE R. GILBERTUS THE<sup>r</sup>.<sup>1</sup>

### The Laird of Gradane admitted to Free Ward, &c.

ANE COPY of *ane* LETTIR concernyng þe Lard of Gradane.

REGINA,

WE vnderstanding þat ANDRE KER OF GRADANE, now being in Ward within our burgh of Edinbur<sup>t</sup>, in pe quhilk he enterit himself, at our command, for keping of gude rewl; and feing his obedience, and gude mynd he beris to continew pairin, and willing to do ws seruice as he falbe requirit: THAIRFOIR, and vperis cauffis and motiounis moving ws, We will, grant, and consentis, be þir presentis, þat his Ward be transportit furth of our said bur<sup>t</sup> to þe Abbay of Newbottill, or ony vper parte four myll about our burgh of Edinbur<sup>t</sup>, and pair to remane at fré Ward, siclyk as he is oblit to do within Edinbur<sup>t</sup>: And will and grantis þat he nor his fouerteis found be him for his remanyng within our said bur<sup>t</sup> of Edinbur<sup>t</sup> fall not be fummond, callit, nor accufit for his departing furth of þe samyn, or breking of his Ward pairthrow, notwithstanding ony Actis or statutis of ouris maid in pe contrair, anent pe quhilkis we dispens be þir presentis; provyding alwayis, þat his fouerties fund of befor for keping of his ward within our said bur<sup>t</sup> of Edinbur<sup>t</sup>, remane bund þat he fall not efchew nor departe furth of þe said Abbay of Newbottill, or boundis above expremitt, vnder þe panis specifeit in pe former Actis and bandis pairupoune. SUBSCRUIT with our hand, and under our Signet, At Lynlythqw, pe xxvj day of Januar, and of our regne pe xx 3eir. MARIE R.

### Treasonable Slaughter and Murder — Poisoning, &c.

[IN *Insula vocat. HALIE-BLUDE IILL, (Aisle)*<sup>2</sup> *loco pretorii de Ed<sup>r</sup> coram Archibaldo Neper de Merchinstone, Justiciario deputato.*]

Mar 16.—MR ADAME COLQUHOUNE, Convicted of art and part of the treasonable Slaughter and Murder of umq<sup>16</sup> Robert Rankin, household seruant to Patrick Hamiltoun in Bogfyid, by Poison and Intoxication<sup>3</sup> thereof: And also, of the treasonable Intoxication of the said Patrick, his step-father, and Jonet, alias Jeane Boyde, his mother, endeavouring and intending to flay them by that secret method of Poison or Intoxication, administered by him to them in their

<sup>1</sup> Gilbert, *fourth* Earl of Cassillis, Lord High Treasurer of Scotland. <sup>2</sup> The Court continued to sit in the Kirk of St Giles for a considerable period, probably until the building of the new Tolbooth was finished. <sup>3</sup> Intoxicationem ejusdem. The same remarkable phraseology was used in the Case of LADY GLAMMIS and others of this and the preceding reigns.

dwelling-place of Bogfyid, in the month of January laft.—SENTENCE. To be taken to the Gallows at the Castle-hill of Edinburgh, and HANGED thereon until he be dead; and immediately thereafter his body to be BURNT to ashes: And all his goods, moveable and immoveable, lands, heritages, annualrents, tacks, office, places, bonds and poffeffions whatsoever, pertaining or which might pertain to him, to be Escheated to the Queen.

PRELOCUTORIS for þe pannale, Alane Cathcarte; The Larde of Caprintone, 3ounger.

ASSISE.

Robert Boyd of Portincorse,	Jhone Crawford of Crawfordland,	Hew Wallace of Maryfurd,
William Cunynghame of Cunynghameheid,	James Hammiltone of Wodfyid,	Hew Montgomery of Heffilbeid,
Jhone More of Rowallane,	James Affinlofs of pat Ilk,	Jhone Fairlye of pat Ilk,
Stevin Trane, burges of Irwin,	Robert Cunynghame of Auchinharvy,	Patrik Montgomerye of Giffine, William Cunynghame of Hackett. <sup>1</sup>

### **Baptising and Marrying, in 'the fashion of the Papistry.'**

Mar. 17.—SIR JAMES ARTHURE came 'in Will, for arte and parte of þe breking of þe Quenis grace Act and ordinance, made in hir laft Parliament, eftir hir grace arryving within þis hir grace realme, be þe awyife of þe Lordis of hir hienes Counfall: And for Baptiffing of þe faffion of þe Papiftry Jhone Milleris barne, in Baquhatftane, callit Andro Miller; witneffis to þe faid barne wer Andro Ruffale in Falkirk parochine, Alexander Arthure in Slamanane parochine, and Mege Arthure, in Sanct Ninianis parochine, in þe moneth of November laft: AND for Baptiffing of ane barne, callit William Lichbody, fone to David L. in the fame maner; witneffes, Willeam Salmond in Baquhatftane, Robert Ker in Glentoir, and Jonet Weddell, in the fame moneth: And for baptiffing ane barne, callit William Boid, fone to Robert Boid in Westir Blairlin; witneffis, Willeam Boid in þe Monkland parochine, Jhone Ker pair, Alefone Ker pair, in þe moneth of Februar laftbypaft. ITEM, in Will for þe Baptiffing of other thre barnes quhais names, faderis, nor witneffis he remembers nocht. ITEM, in Will for þe Mariing of Jhone Thomefone in þe Monkland parochine, in þe alde and abhominabill Papift maner, with Margaret Quhitlaw, in þe parochine of þe Schottis, the faid Jhone hyvand maid ane band and promifs to ane vþer woman, and þe faid Margaret had maid ane promife to ane vþer man, and bayth the faidis perfones levand pair awin parochines for þe caufis foirfaid, and mariit be þe faid Sir James, in maner foirfaid, þai not beand proclamit thryife in þe Kirk, as aucht and fould haue bene done, in þe moneth of November laftbypaft.<sup>2</sup>

<sup>1</sup> By markings on the margin it appears that the whole of the Assise, with the exception of the two last, 'fylit' the pannel, who must have been a person of considerable rank, in Ayrshire. <sup>2</sup> The following notice is inserted on the margin:—'EXTRACT and send to þe REGENT, in May, 1569.'

**Forcible Abduction — Alleged Rape and Raptishing.**

Apr. 20, 1562.<sup>1</sup>—WILLEAME KINCAID, Jhone *alias Gyrie* Kincaid, Jhone Stewart of Cragyhall, Gelis Seitoun Lady Cragyhall, his spouse, James Kincaid at þe West Port,<sup>2</sup> Andro Mowbray, and Jonet Lyntoune, his spouse, and Jhone Inglis, taverner.—THE PROVEST OF EDINBURGH comperit, and productit þe Letteris, and desyrit þe souirté to be relevit; and als protestit, þat justice mycht be done vpone Willeame Kincaid and his complices for þe allegit Revifing of Jonet Aldioye; in respect, gyff ony sic Revifing wes maid, it wes done to þe skayth and sklander of þe Toune; and refusit alwayis<sup>3</sup> to be perfewar.

Comperit *Jonet Aldioy*, and Mr Alexander Mauchane, for him selff, and in þe name and behalf of þe remanent of þe kinne and freindis, and declarit, for-famekle as our souerane ladeis Letteris wes refit at the instance of þe Aduocat, for certane allegit crymes of Deforcing (and) of Revecing of Jonet Aldioye, declarit, þat þair wes na cryme committit be William Kincaid and his complices, bot þat scho past furth of þis burghe of hir awin fré will, to contract mariage with þe said Willeam; quhilk is ellis<sup>4</sup> contractit and compleitit, conforme to hir promise maid lang of befoir: And pairfoir, wald not perfew þe saidis Letteris in ony maner of way. The Advocattis oft tymes callit, and not compeirand, the Justice-Deputtis take instrumentis þat þair comperit na manne to perfew.

THIS Case was nevertheless continued to the next Aire of Edinburgh, the sureties being, My Lord Sempill, Thomas Levingstoun of Hanyng, the Laird of Towche, George Home in Restoune, John Levingstoune of Prestoune, and the Laird of Innerleyth.

**Hurting a pregnant Woman — Child-Murder.**

Apr. 23.—HELENE BRUCE, and John Wilfoun, her son, found caution to underly the law at the next Aire of Edinburgh, for the 'crewell Hurting of Jonet M<sup>c</sup>Nech, and dinging of her be þe hair, and possing of hir with their feitt; quhairthrow scho pairtit with barne.'

**Abiding from the Raid of Jedburghe.**

Apr. 30.—THOMAS PATERSONE OF CAVERHILL, indicted to 'vnderly þe law for þe remanyng and byding of þe said Thomas contempnandlie<sup>5</sup> fra our souerane ladeis Hoist and Raid, ordanit to meit hir derrest coufing and brother, JAMES LORD STEWARTE,<sup>6</sup> þe xiiij day of November last bypast, and fra thine<sup>7</sup> to pas fordward with him to the burghe of Jedburghe, þair to remane be þe space of xx<sup>vj</sup> dayis, and to refave sic directioun as falbe gevin to him, for quietnes

<sup>1</sup> Continued from Apr. 15.      <sup>2</sup> Thomas Kincaid was proven to have been furth of the realm at the time of executing the Letters, viz. March 21.      <sup>3</sup> Nevertheless; at all events.      <sup>4</sup> Already.  
<sup>5</sup> Contemptuously.      <sup>6</sup> Afterwards Earl of Murray and REGENT.      <sup>7</sup> Thence.

of þe cuntré; incontrar þe tennour of þe proclamatioun maid þairupoune. Compeirit James Paterfone, 3ounger of Cauerhill,<sup>1</sup> and producit ane writting in forme of Testimoniale, quhilk he allegit to be written and subsciuit be Jhone Allane, allegit Curat<sup>2</sup> and Minister of þe parochine of Menner, for þe tyme; notefeand, þat þe said Thomas Paterfone of Cauerhill labouris in ane hevy and continewell sicknes, instantlie, lyik as he has done sen þe moneth of December lastbypast, swa þat he may not ryise furth of his bed without ane staff and help of his seruandis, &c.—Denounced rebel, and his son americiated 100l. for his non-appearance.

#### Abiding from the Raid of Jedburgh.

Apr. 30.—WILLIAME BURNET OF BARNIS denounced rebel for the same offence, and William Portwife of Halkschaw, his cautioner, americiated in 100l. for his non-appearance. A Testimonial from the same 'alegit Curat and Minister,' as in the preceding case, was disregarded, though presented by William B., younger of Barnis, his son, stating his father to have been 'of þe aige of thre scoir ane 3eiris, labouris in any hevy and continewall seiknes of þe poplicie,<sup>3</sup> lyik as hes done be þe space of four 3eiris lastbypast; quhairthrow he is not abill to travell to his parroche Kirk to heir þe Devyne seruice.'

#### Abiding from the Raid of Jedburgh.

GEORGE RAMESAY OF DALHOUSSY being callit for þe said cryme, gaif in þis allegiance following: þat at þe tyme of þe Conventioun and Raid appointed to be at Jedburgh, tyme libellit, and haill space þairof, þe said George wes vnabill, vexit with sic distreffis in his persone, þat he mycht nocht onnawwis travell, noþer on horse nor fute to na space; be refone his haill left syid wes sua occupiit and trublit with evill and maling<sup>4</sup> humouris, sic as he canne nocht declair nor specify, þat his haill arme, fingeris, and leg, on þat syid, wer impotent, quhairthrocht þat he mycht not move þe same; and speciallie, þe said arme wes sa dolorus one to him, þat he mycht gett na rest þairof be nycht nor be day; and þairthrow and be vexatioun þairof wes drevin in ane fevir, and become verray seik, and mair vnabill in his persone, and þairfoir wes not astrickit,<sup>5</sup> being impotent, as said is, to cum to þe said Raid, or biddin pairat, sen na man is bund to impossibilitie. And tuiching þe QUENIS grace chargis, he, willing to obey þe samyn at þe vttermoist of his power, send his seruandis and houfald, sic as wald and fuld haue gane with him, gyff he had past þair personalie,

<sup>1</sup> Cautioner for his entry.      <sup>2</sup> Perhaps a Papist, or one not recognised by the Ordinary; or the Testimonial may have been informal, not regularly witnessed, &c.      <sup>3</sup> It does not seem very clear whether *palsy* or *sciatica* is here meant to be indicated.      <sup>4</sup> Malign.      <sup>5</sup> Astricted, bound.

weill provydit and furneift, as apertenit to be caus, in cumpanye with William Ramefay of Polting, his coufing, to avait vpon MY LORD JAMES, now ERLE OF MAR, Lieutennent for þe time of þe Proclamatioun libellit, &c. THE JUSTICE hes continewit þe geving of the Interlocutour vnto þe xij day of May nixt to cum.—Sureties for his entry, William Ramsay of Poltoun, and Cuthbert R., burgefs of Edinburgh.

(May 12.)—George Ramefay of Dalhouffy diflafentit to be continavatioun, and offerit him ready to vnderly þe law, instantlie; and nochtwithftanding, at þe command of THE QUENIS grace and þe faid Justice Depute, fand fouirte (to enter again on May 14.)<sup>1</sup>

The following document is recorded at the end of a subsequent volume of the Record; and from the Cafe being afterwards referred to as a precedent, it would appear that the Licence had then been fully admitted. It has been thought of fufficient importance to be printed, to show the reader the form of such writs.

*LICENCE to the Laird of Dalhouffye to abide from Raids, &c.*

REGINA,

WE, vnderftanding þat our weilbelouit feruitour GEORGE RAMSAY OF DALHOUSSE is corpulent, fubiect to feiknes and infirmitie, and may nocht weill indure trawell without danger of his lyfe; thairfor, and for diuerfe vper reafounabill cauffis and confiderationis moving ws, be þe tennour hereof grantis and gevis LICENCE to þe faid George to remane and byde at hame fra all and findry our Hoftis, Raidis, Weiris, and Affembleis quhatfumeuer, diuifit or to be diuifit within our realme, or outwith the famyn. And als, hes Exemit, and be þe þeir our Letteris Exemis him fra all comperance and paffing vpoune Affyiffis, Inqueiftis, or bering of Witneffing, in all actionis criminal, befor quhatfumeuir Juge or Jugeis within our realme, for all þe dayis of þe faid Georgis lyfytyme; and will and grantis þat the faid George þairfor fall incur na danger nor fkaith in his perfoune, landis, nor gudis, nor falbe callit for þe famyn, criminalienor ciuillie, nochtwithftanding quhatfumeuir actis, statutis, lawis, proclamationis, or chargeis quhatfumeuir, in generall or in speciale, maid or to be maid in þe contrair heirof, or ony panis contenit thairintill; anent the quhilkis We difpense be þe þeir prefentis. Difchargeing heirfor all and findry our Justice, Justice-Clerk, Wardanis, Lieutennentis, Scheriffis, Stewartis, Baillies, Crownaris, Proueftis, Bailleis and Eldermenne of Burrowis, and all vtheris Jugeis and minifteris of our lawis, prefent and to cum, thair deputtis, off all atteicheing, arreifting, fummonding, calling, following, vnlawing, or proceding aganis þe faid George Ramsay, his perfoune, landis, or gudis, in ony wayis for þe premiffis, and of þeir offices on þat þeirte for euir, be þe þeir prefentis. Prowyding alwyife, that the faid George Ramsay of Dalhouffye furneife and fend his honorabill houfhald, with ane of his speciale freindis, weill fourneift, conforme to þe Proclamationis to be maid þairupoune. SUBSCRUIT with our hand, and vnder our Signet, AT ED<sup>mb</sup>, þe xiiij day of Januar, the 3eir of God I<sup>m</sup>.Vc.lxiiij 3eiris.

(MARIE, R.)

**Abiding from the Raid of Jedburgh.**

WILLIAM CUNYNGHAME OF CUNYNGHAMHEID charged for the fame crime, and his fon, 'the 3oung Lard,' americiated for his non-entry to underly the law.

<sup>1</sup> Owing to the imperfection of the scroll-book, it does not appear what sentence followed; but from the following LICENCE being recorded, &c. it is probable that he was fully acquitted.

**Abiding from the Raid of Sedburgh.**

ROBERT HUNTER OF POLMUDE, Leonard Dowglas of Harwod, John Douglas (in Baddis) his son, John Gudelaitt of Strabrok, William Portwise of Halkschaw, and six others, acquitted by an Assise for the said crime.

## ASSISA.

Alexander Horsburghe of pat Ilk,	William Murray of Romannos,	Jhone Pennycuke of pat Ilk,
Jhone Cokburne of pe Glenne,	George Tait of Pyrne,	Jhone Houstoune in Lany,
Mr Robert Wynrame in Gogar,	Ja. Wynrame in Gogar-milne,	William Vaiche of Kingfyid,
Jhone Stewart in Cragyhall,	Dionese Elphinton of Henderstone,	James Feddes in Preiftisfeild,
George Dundas of pat Ilk,	Alex. Woidlaw <sup>1</sup> of Kilbabertone,	Robert Scott, burges of Peblis.
Alexander Creichtone of Newhall,	Robert Fairlie of Braid,	

THOMAS HAMMILTOUNE of the Grange, beside Levingstoun, Thomas Sandelandis in Murehoufdykis, and five others, found the Laird of Calder surety for their entry on May 12, 'to vnderly deliuerance of pe said Assyise. ITEM, pe anfuersis of pe parteis pat cum in Will, and vperis of pe said pannell, written in ane throuch,<sup>2</sup> in paper.—(May 12.)—James Stevinstoun of Hirdmanscheillis became surety for their entry on Jun. 15 next.<sup>3</sup>

**Convocation — Feud with the Laird of Balthayok.**

May 2.—JOHN CHARTERIS OF KINFAWNIS, David his brother, and thirty-nine others, found surety to underly the law, on May 15, 'for arte and parte of pe Convocatioun of our souerane ladeis legis, to pe nowmer of xxiiij personis, and cuming vpon pe Lard of Batheok (Thomas Blair) and his complices, and geving of pame iniurius wordis; and diuerse vperis crymes specifit in pe Letteris.' He protested, 'pat pe finding of pe souerté to pe day foirsaid be na preiudice to him, becaus he is ane Parroche-Clerk;<sup>4</sup> and ficlyik protestit, pat pe finding of pe souertie for pe saidis persones preiuge not pe privilege of pe Regalitie of Scone, within pe quhilk pai dwell; bot pat pai may be replegit pe day foirsaid as pis day.'

**Feud with the Laird of Kinfaunis — Slaughter.**

THOMAS BLAIR OF BATHEOK; Alexander Blair, apperand of that Ilk; William, Patrick, and John B., sons to the said Thomas; Alexander Blair, Tutour of Balmyill; Thomas, son to Alexander Blair, younger of Batheok; William Kymmmond of Hill, Thomas Frifell of Kynnell, Williame Haldene of Kelour, John Moncur of Chapelstoun, James Monorgane, apperand of that Ilk, and forty-one others, found Gilbert Monorgan of that Ilk, and John Kynnard of Inchesture, sureties for thair entry on May 15, 'to vnderly pe law for pe crewell

<sup>1</sup> Wardlaw?      <sup>2</sup> A leaf or broadside of half a sheet.      <sup>3</sup> No farther traces of this and the following Cases occur, owing to the loss of an intervening scroll-book.      <sup>4</sup> And therefore, as a Churchman, was alone liable to the jurisdiction of the Church Courts.

Slauchter of vmq<sup>le</sup> Alexander Raa, burges of Perth, and diuerse vperis crymes contenit in þe Letteris.'

**Hamesucken — 'vnmereyfull' Slaught.**

May 6.—WILLIAM FERGUSONE and William Wrycht, both in Restalrig, were convicted by an Affise 'of arte and parte of þe crewell and vnmereyfull Slauchter of vmq<sup>le</sup> Jhone Borthwik in Restalrig, at þe bak of his awin gard pair, be way of Hamesucken, vpone ald ffeid, fett purposis, provifione, and foirthoicht felonye, vpone þe xx day of Apryll lastbypast.'

PRELOCUTOURIS for þe pannall, The Larde of Largo, elder; Mr Alex. Syme.

PERSEWARIS, My Lord Borthwick, The Lard of Trabrone, Mr David Borthuik of Adestoune, The Lard of Hirdmestone, George Newton.

SENTENCE. That thay 'falbe had to þe Castell-hill of Ed<sup>r</sup>, and pair pair HEIDIS strikine fra pair bodeis WITH ANE SWORD:<sup>1</sup> And þat all pair gudis movable fall pertene and be inbrocht to our souerane lady, as hir escheatt.

**Slaught.**

May 9.—JOHN SIBBETT (SIBBALD)<sup>2</sup> delaited for art and part of the cruel Slauchter of Archibald Ballingall in Bunzeoune, in September 1560, between Balquhard and Bunzeoune, in the shire of Fife, besetting his way; committed on forethought felony.

PERSEWARIS, William Ballingall of that Ilk and David, brothers of vmq<sup>le</sup> Archibald.

PRELOCUTOURIS for þe persewaris,	PRELOCUTOURIS for þe pannale,
Mr William Scott, Mr Jhone Pitcarne,	The Lard of Balgony, The Lard of Lundy, y <sup>r</sup> ,
Walter Heriot of Ramornye.	Mr David M <sup>c</sup> gill, Mr Alex. Mauchane.

The quhilk day bayth þe saidis parteis desyrit our souerane ladeis Writting to be infert in þe Bukis of Adiornall, and desyret þe autentik copy pairof.

REGINA,

JUSTICE CLERK and your deuttis, We greitt you weill. Forfamekill as þe nynt day of Maii nixt to cum is assignit to our louitt Jhone Sibbett, to vndirly our lawis in þe Tolbuyth of our burgh of Ed<sup>r</sup>, for arte and parte of þe Slauchter of vmq<sup>le</sup> Archibald Ballingall, bruper germane to Williame Ballingall of þat Ilk; and for summunding of ane Assyise agane þe said day, our vperis Letteris ar direct to þat effect. AND seing þe said Jhone penitent, of will and mynd to mak satisfacionne to þe kin and freindis of þe said vmq<sup>le</sup> Archibald, according to his pufiance and habilitie. THAIRFOIR it is our will, and We desire you to refaue þe said Jhone in will at þe said day, and to latt him to libertie and fredome, as our free liege man, to þe effect þat he may labour for him selff, and aggré with his partye.<sup>3</sup> And failzé not heirin, as ze will anfuer to ws pairapone; keband þir presentis for your Warrant. SUBSCRUIT with our hand, At Sanctandros, þe xij day of Apryll, 1562. [MARIE R.]

Mr William Scott of Balwery 'exponit, in name and behalff of þe saidis

<sup>1</sup> This is the first instance where the Editor has, in the earlier Records of this Court, met with the mention of a sword having been employed by the public executioner, by order of the Justiciar, for decapitation. It is by no means improbable that death had been inflicted on the murdered man by that instrument, and that the Judge, to make the punishment still more striking, had judicially ordered the self-same weapon to be used for their decapitation. <sup>2</sup> The name was at this period indiscriminately spelt *Sibbett* and *Sibbald*. <sup>3</sup> This case savours strongly of bribery of the Crown Officers.

perfewaris, þat William Ballingall of þat Ilk, Alefone Gowray, his moder, Daid B., brouper of vmq<sup>le</sup> Archibald B., nerrest kin and freindis of þe said vmq<sup>le</sup> Archibald, wer informit þat þe said Jhone Sibbett had impetrat ane writting of þe QUENIS grace, productit be him, ordaning þe Justice, Justice Clerk, and his deputis, to resave þe said Jhone in hir grace will, vpone sinifter informatioun; and that becaus, as he allegit, þe said Jhone, be him selff, his kin and freindis, had socht to haif satisfeit þe pairtye for þe said slauchter, at þe vttermoist of þair power, and þai on nawyis will accept þe samyn; albeit þe said William and freindis wes ay reddy, lyik as þai ar zit prowyn presentlie to haue haid commonyng and acceptit gud wyis, at þe sicht of freindis, for þe said Slauchter; thairfoir protestis for remeid of law aganis þe said Writting, as impetrat vpone fals narratioun.—To þe quhilk anfuert Mr Daid M<sup>c</sup>gill, as prelocutour for þe said Jhone Sibbett, þat nochtwithstanding ony Writting þat he had impetrat be our souerane (lady), he acceptis þe offer of þe partye, and is content at þe sycht of freindis, to do þe vttermoist of his power for Affythment<sup>1</sup> of pairtye.—Allegis Jhone Sibbett, þat nochtwithstanding his innocence of þe ald ffeid<sup>2</sup> contenit in his accusatioun, hoipand surelie þe QUENIS grace to try his innocence pairof, he *simpliciter* cumis in will for þe Slauchter committit vpone ald ffeid and foirthocht felony; and vnder protestation for ciuile defenffis aganis þe pairtye.’

He was accordingly received in Will, and found Robert Lundy of Balgony, Mr William Lundy, fiar of that Ilk, and Daid Sibbett of Lethome, to satisfy the parties.

### Murder of the Laird of Frude.

May 11.—PATRIK HUNTER, John Hunter, Burgefs of Edinburgh, John Burn, in Over Poffo, George Paterfone, in Hairftane, and William Glen, servant to the Laird (of Furde), were Acquitted of art and part of the cruel ‘ Murther and Slauchter of vmq<sup>le</sup> James Twedy of Frude, in þe house of William Twedy, burgefs of Edinburghe, in þe moneth of December last by past; committit vppone ald ffeid,’ &c.

PRELOCUTOURIS for þe pannale, Mr Jhone Moscrop, The Lard of Carmichaell, The Lard of Cultermanis, My Lord Sempill, Jhone Haye.

PERSEWARIS, James Twedy of Frude, W<sup>m</sup> Twedy, The Laird of Tracqhair, The Lard of Coilstoune.

MR CHARLES GEDDESE, Robert Fockhert, and William Blaklaw, were denounced rebels and put to the horne, and Sir John Maxwell of Terriglis, kn<sup>t</sup>, their surety, was americiated for their non-appearance to underly the law for the same crime, which is stated to have been committed within James Twedy’s chamber or hall, within the burgh of Edinburgh, the Laird being seated at the time in a chair before the fire, sleeping; and that his Murderers attacked him

<sup>1</sup> A composition made with the kin of a slaughtered person as a *solatium* for the loss of the life of their deceased relation.      <sup>2</sup> Old feud.



in that defenceless state, and mortally wounded him before he could raise himself up, or parry their blows.

**Taking Theft-boot — Allowing a Thief to escape.**

May 13.—ALEXANDER MAXWELL OF TELING found Sir William Bruce of Erlishall, kn<sup>t</sup>, surety for his entry on Jun. 28, to underly the law 'for taking of Thift-bute and Compositioun fra Andro Cufnye, ane Theif; and latting of him to libertie.'

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[THE Scroll Court-book, from May 13, 1562, to May 17, 1563, has been lost. The succeeding Volume, which is a small quarto, is marked 'Aucht Buik,' and extends from May 17, 1563, to May 17, 1564.]

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**Celebrating the Mass — Attempting to restore Popery at Kirk-Oswald, Maybole, Paisley, &c. — Conbocation, &c.**

May 19, 1563.—JOHN ARCHIEBISCHOP OF SANCTANDROIS,<sup>1</sup> and forty-seven others, charged for the crimes after specified, viz.—

*ROLL or List of the rest of the persons on pannel.*

Maister Jhone M <sup>c</sup> quhyne, elder,	Schir Jhone Coluile, Vicar of	Jhone Gordone of Barkeocht,
Maister Andro Davidfone,	Cathcart,	Schir Thomas Montgomery,
Dene Willeam Lepar,	Maister Mathow Flemyng,	Schir William Tailzefeir,
Freir James Jhonestone,	Schir David Fergusone, Curat of	Schir James Carsane,
Alexander Somervell,	Neilstone,	David Kennedy, bruper to William
Maister Jhone M <sup>c</sup> quhene, younger,	Robert Galbrayth of Garicaddene,	Kennedy of Brunstone,
Schir Jhone Hammiltone, Vicar	Henry Houstone,	Geo. Kennedy of Barclannochane,
of Paslay,	Sir Andro Burell,	Willeam Hammiltone, Tutour of
Schir Jhone Craig,	Archibald Mure,	Cammiskeyth,
Schir Jhone Home,	Maister Jhone Hammiltone, Sub-	David Boyd,
Schir Jhone Elder,	chantour of Glasgou,	Jhone Lymburner,
Schir Jhone Vere,	Patrik Jakfoun, in Renfrew,	Alexander Wodburne,
Schir Jhone Broune,	Schir William Winzett,	Maister Alexander Lummidane,
Schir Jhone Dunlop,	Gabriell Maxwell of Stanlie,	Dene Gilbert Kennedy,
Dene David Brenche, <sup>2</sup>	Malcum, Prior of Quhithorne,	Dene Michael Dewer,
Schir Thomas Robefone,	Hew Kennedy of Blairquhyn-	Schir Williame Allefone,
Schir Jhone Lytil,	nequhy,	Schir James Kennedy,
Schir William Harbertfone,	Maister Robert Crychtone, Par-	Schir Thomas Mure.
Schir Robert Hill,	fone of Sanchar,	

<sup>1</sup> THE ASSYISE FYLIS and CONUICTIS the saidis Hew Kennedy of Blair-

<sup>1</sup> John Hamilton, natural son of James, *first* Earl of Arran, well known as the author of a Catechism printed at Saint Andrews, 1552. After the battle of Langside, from which he vainly attempted to dissuade the Queen, he fled to Dumbarton Castle. He afterwards fell into the Regent Moray's hands, on the Castle being surprised and taken, and was hanged, at Stirling, Apr. 1, 1570. <sup>2</sup> He is afterwards called *Brance*.

quhynnye, Malcum, Commendater of Qubithorne, Daid Kennedy, S<sup>r</sup> Thomas Montgomery, and S<sup>r</sup> William Tailzefeir, off þe controuentioune of our fouerane ladeis Act and Proclamatioune, chargeing all hir leigis, þat euery ane of þaim fuld contene þaim felffis in quietnes, keip peax and ciuile societie amangis þame felffis, and þat nane of þame tak vpone hand, priuatlie nor opinlie, to mak ony alteratioun or innouation of þe STAIT OF RELIGIONE,<sup>1</sup> or attempt ony thing aganis þe forme quhilk hir grace fand publictlie and vniuerfallie standing at hir arrywell within þis realme: THAT IS TO SAY, þe said *Hew Kennedy* and *Dauid Kennedy*, be making of Conuocatioun of our fouerane ladeis liegis, to þe nowmer of twa hundreth personis, bodin in feir of weir, with jakkis, speris, gunnis, and vperis wapnis inuasiue, of þair causing, command, fortefeing, and ratihabitoun, vpone þe aucht, tent, and ellevint dayis of Apryill lastbypast, cumand to þe PARROCHE KIRK OF KIRKOSUELL and COLLEGE OF MAYBOILL, *respectiué*, and þair opinlie maid Alteratioun and Innouatioun of þe said STAIT OF RELIGIONE quhilk our fouerane lady fand proclamit, and uniuersallie standing and professit at hir arryvel within þis realme, ministrand and abusand on þair pretendit maner, irreuerentlie and indecentlie, þe SACRAMENTIS OF HALY KIRK, namelie, þe Sacramentis of þe Body and blood of our Lord Jesus Christ, vper wyis and eftir ane vper maner, nor þe publict and generall ordour of þis realme: AND þe said *Malcum Commendatour of Qubithorne*, *Schir Thomas Montgomery*, and *Schir William Tailzefeir*, ministrand and abusand, on þair pretendit maner, irreuerentlie and indecentlie, in þe moneth of Apryill foirsaid, in þe PLACE OF CONGILTOUN, the Sacramentis of Haly Kirk of þe Body and blood of our Lord Jesus, vperwyis and in ane vper maner nor þe publict and generall ordour of þis realme, refasit and professit at our fouerane ladeis arryvell, contenit in þe said Proclamatioune: And þat in respect of þair Confessioun of þe samyn in iugement.

SENTENCE.—Thairfoir þe saidis Malcum Priour of Qubithorne, S<sup>r</sup> Thomas Montgomery, and S<sup>r</sup> William Tailzefeir, were adiugit to be put in WARD within þe CASTELL of DUMBARTANE.<sup>2</sup> And þe saidis Hew Kennedy and Daid Kennedy to be put in Ward within þe CASTELL OF EDINBURGH, thair to remain during þe will and plesour of our fouerane lady.

## ASSISA.

Jhone Maxwell of Terriglis, kn <sup>t</sup> .	The Scheriff of Air,	The Lard of Rowallane,
Andro Lord Stewarte of Vchiltry,	The Lard of Cunynghameheid,	Hew Cunynghame of Watterstoun,
The Lard of Lochinvar,	Hew Wallace of Carnell,	James Chalmer of Gaitgirth,
The Lard of Glengarnok,	The Lard of Crawfordland,	Jhone Dumbar of Michrvme, <sup>3</sup>
The Lard of Caprintoun, zounger,	Mr Jo. Fullertone of Dreghorne,	Gawane Dumbar of Baldtone.

<sup>1</sup> See Oct. 1, 1563, &c.

<sup>2</sup> 'My Lord Flemyng grantis the resset of the Priour,' &c., 'to be enterit in Ward within the Castell of Dumbertane,'

<sup>3</sup> It is believed this was the Laird of Mochrum.

THE same day, JHONE ARCHIEBISCHOP OF SANCTANDROIS,<sup>1</sup> Maister Jhone M<sup>c</sup>quhyne, elder, Maister Andro Daudsone, Dene Willeam Lepar, Frier James Jhoneftoun, Alexander Somervell, Mr Jhone M<sup>c</sup>quhyne, zounger, Schir Jhone Hammitone, Curat of Paslay, Schir Jhone Craig, Schir Jhone Elder, Schir Jhone Vry, Schir Jhone Broune, Schir Jhone Dunlop, Dene Daud Brance, become in Will to our fouerane lady, for Conuocation of hir hienis liegis in þe moneth of Apryill lastbypast, in þe TOUNE OF PASLAY, Kirk, Kirk-zard, and Abbay Place pairof, openlie, publiclie, and plainlie tuke auricular Confessioun of þe saidis personis in þe saidis Kirk, Toune, Kirk-zaird, Chalmeris, barnis, middingis, and killogeis<sup>2</sup> pairof; and pairthrow makand Alteratioun and Innouatioun in þe STAIT OF RELIGION, quhilk our fouerane lady fand publiclie standing and professit at hir Maiesties arryvell within þis realme foirfaid, ministrand and abusand, irreverentlie and indecentlie, þe Sacramentis of Haly Kirk, namlie, þe Sacramentis of þe Body and blood of our Lord Jesus, vperwysis and efter ane vþer ordour nor þe publict and generall ordour of þis realme wes þe tyme of þe QUENIS Maiesteis arryvel foirfaid.

INTERLOCUTOR. And pairfoir, þe saidis personis fand fouirtie pat þai fuld entir in þe WARDIS efter specifiit, þair to remane during our fouerane ladeis plesour: That is to say, þe said *Archiebisshop of Sanctandros*, within þe CASTELL OF EDINBURGHE; the said *Alexander Somervell*, within þe TOUNE OF PERTHE; þe said *Mr Jhone M<sup>c</sup>quhyne, elder*, within þe TOUNE OF SANCTANDROIS; the said *Frier James Jhoneftoun* and *Mr Andro Daudsoun*, within þe TOUNE OF EDINBURGHE; þe said *Curat of Paslay*, within þe TOUNE OF SANCTANDROIS: AND þe remanent persones foirfaidis, DISCHARGIT of our fouerane ladeis grace, in respect þai fand fouirtie þai fuld not in ony tyme cuming controuene þe said Act.

The said *Mr Jhone M<sup>c</sup>quhene, zounger*, become in our fouerane ladeis Will, for controuenyng of þe said Act and Proclamatioun, in ministring of þe Sacrament of þe Lordis supper in þe Place and parochin of ROSDEW, in þe PLACE OF PASLAY, þe tymes foirfaidis *respectiué*, efter our foueranis arryvell foirfaid.—The said *Thomas* alias *Schir Thomas Robesone* in Will to our fouerane lady, for controuenyng of þe act and Proclamatioune in Patrick Jackfonis hous, in REINFREW, and in þe Place of GARSADDANE, in þe Levenax, þe

<sup>1</sup> In a Caution book, which fortunately has been preserved, the following entry is recorded: 'APUD *Edinburgh*, xxvj<sup>o</sup> Julij, anno, &c. lxiij<sup>o</sup>. THE quhilk day, *William Simpill of Thridparte*, and *Michaell Nusmyth of Possö*, became plegis and fouerteis, coniunctlie and feuerallie, for ane maist reuerend fader in God, JHONE ARCHIEBISCHOP OF SANCT ANDROIS, now being in our fouerane ladeis Ward within THE CASTELL OF ED<sup>a</sup>, for his becumin in hir Will to hir Justice, for his controuenyng of hir Adiornale and Proclamation vnder writtin, as at mair lenth is contenit in þe Actes of Adiornale maid pairupone, That he fall nocht controuene the Ordinance and Proclamatioune maid be hir grace anent þe RELIGIONE quhilk hir Maiestie fand publiclie and vniuersalie standing at hir arryvall within þis realme furth of þe partis of France: And on na wysis publiclie nor privatlie mak innouatioune or alteratione pairof, or attempt ony thing aganis þe famin, vnder þe pane of Thre Thowfand pundis. (Sic subscribitur) WILLIAM SYMPYLL of Thridpart, MICHAELL NASMYTH of Possö.'

<sup>2</sup> Kilns for drying grain and malt.

tyme foirsaid, in ministring of þe said Sacrament, &c.—The said *Schir Jhone Lytill*, in Will for þe cryme foirsaid, done be him þe moneth aboue writtin, in his awin chalmer, in þe PLACE OF HALKET, and in þe said Patrik Jakfonis hous in RENFREW.—The said *Schir William Harbertsone*, in Will for þe cryme aboue writtin, committed be him þe tyme foirsaid, in þe house of James Grahame in GLASGW.—The said *Mr Willeam Wynzett*, in Will for þe forsaid cryme, done be him in þe hous of Dauid Lyndsay in GLASGW, þe tyme aboue writtin; and pairfor in Ward in þe TOUNE OF SANCTANDROIS.—The said *Schir Robert Hill*, in Will for þe cryme foirsaid, done be him in þe house of Jhone M'knair in PROVANE, þe tyme foirsaid.—The said *Schir Jhone Colwill*, in Will for þe cryme foirsaid, committed be him þe tyme aboue writtin, within þe parroche Kirk of CATHCART.—The said *Mr Matho Flemyng*, in Will for the samyn cryme, committit be him þe tyme and maner foirsaid, within þe toune of RUGLENE.<sup>1</sup>—The said *Schir David Fergusone*, in Will for þe samyn cryme, committit be him within þe Parroche Kirk of NEILSTONE, þe foirsaid tyme.—The saidis *Robert Galbrayth of Garscaddene, Henry Houstoun Schir Andro Burrell, Archibald Mure, Mr Jhone Hammiltoun*, Subchantour of Glasgw, *Patrik Jackfoun* in Renfrew, *Gabriell Maxwell of Stanelie*, in Will for þe cryme foirsaid; and pairfoir þe said Henry Houstoun wes put in Ward in þe toune of KINGHORNE, þe said Lard of Stanelie in þe toune of COWPER, þe said Subchantour in SANCTANDROIS, and all þe remant REMITTIT.—The said *Mr Robert Crychtone*, parfone of Sanchar, in Will for þe cryme foirsaid, committit be him in þe Parroche Kirk of SANCHAR, þe tyme foirsaid; and pairfoir in Ward in þe burghes of PERTH.—The saidis *Jhone Gordon* of Barskeocht, and *Schir James Carsane*, in Will for þe samyn cryme, committit þe tyme and maner foirsaid, in þe PLACE OF BARSKEOCHT; and pairfoir þe said Jhone in Ward in BRECHIN.—The said *George Kennedy* of Blarquhynnochy, in Will for þe foirsaid cryme, committit in his awin Place, be Dene Adame Maxwell; and REMITTIT be our souerane lady.—The said *Willeam Hammiltone*, Tutor of Cammiskeyth, *Maister Mathow Nesbit, David Boyd, Jhone Lymburner, Alexander Wodburne*, in Will for þe samyn cryme, committit in maner and tyme foirsaidis, in þe Place of CAMMISKEYTH; and pairfoir þe said Willeam in Ward in MONTROISE.—The said *Schir Alexander Lummysdail*, in Will for þe samyn cryme, and REMITTIT—*Dene Gilbert Kennedy, Dene Michell Dewer, Schir Willeam Allefone, Schir James Kennedy, Schir Thomas Mure*, REMITTIT of þe saidis crymes be our souerane lady.

#### **Hurting the Laird of Closeburne — Slaughter.**

May 19.—JOHN CARRUTHERIS OF HELMONDIS (Holmaines), George

<sup>1</sup> Rutherglen.

and William his sons, Edward Irrewine of Bonschaw, Daud Irrewine of Robgill,<sup>1</sup> William Bell of Alby, Gavane Jhonestone of Perisbehall, Symone his son, William Jhonestone of Hayhills, and others, their accomplices, delaited of the ' Hurting of the Laird of Clofburne (Roger Kirkpatrick), and crewell Slauchter of þe remanent perfonas foirfaisdis,' viz. vmq<sup>16</sup> John Kilpatrik in Rig, Edward his brother, John K. in Schelgeir, Peter M<sup>c</sup>kene in Lynkelandis, John Roger in Bartilmesland, Daud Anderfon in Coffodole, and Andro M<sup>c</sup>knek in Clofburnetoune.—Sir James Hammiltone of Bairfurd, kn<sup>t</sup>, americiated for not ' again-bringing' the Letters duly executed, &c.

### Slaughter.

May 23.—PATRICK ROBERTSONE OF DULCABANE, ' delatit of þe Slauchter of vmq<sup>16</sup> Alex<sup>r</sup> Reid, tuke him to his Remiffione, and fand James Campbell of Ardkindlas, with him self, fouerties, conjunctlie and feueralie, for affythment of partye, as law will.'

### Oppression — Casting down Houses, &c. — Houghing Cattle, &c.

Jun. 3.—HARY HEPBURNE, and Eighty-seven others, ' cietineris of Brechine,' found caution to underly the law at the next Justice-aire of Forfar, ' for þe allegit Conuocatioun of our fouerane ladeis liegis, to þe nomer of iij<sup>c</sup> perfonis, or þairby, bodin in feir of weir, vpone þe xvj day of Marche laft by-paft, command to þe dwelling houffis of Johne, Hew, and Alexander Downy, tennentis and feruandes to Robert Cullese of Bannamvne (Balnamoon), dwell-and within þe barony of þe samyn, and ferchit and focht þame for þair Slauchteris, and crewelly strak and dang þame, with rungis<sup>2</sup> and Stalfis, mony blaw<sup>3</sup> and bloody strekis; and þaireftir keift<sup>4</sup> þair houffis doune, cuttit and distroyit þair plewis<sup>5</sup> and harrowis, and schamefullie hocht<sup>6</sup> and flew þair gudis<sup>7</sup> and scheip, to gret quantitie.

### Feud between the Citizens of Brechin and Tenants of Balnamoon.

ROBERT CULLESE OF BALNAMVNE, John Smyth, and sixty-two others, ' tennentis and feruandis to þe faid Lard,' found John of Erskine of Dvne surety for their entry at the next Aire of Forfar, to underly the law ' for þe Conuocatioune of our fouerane ladies liegis, to þe noumer of ane hundreth perfonas, or þairby, bodin in feir of weir, vpone þe xvj day of March laft by-paft, vnder fylence of nycht, cumand to þe Burrow-Rudis of þe cietle of Brechine, and ferchit

<sup>1</sup> Celebrated of late years as the farm of the Poet *Robert Burns*. <sup>2</sup> Bludgeons, cudgells; *rung* generally denotes a huge shapeless stick, such as an undressed branch, &c. <sup>3</sup> *Blae*, discoloured. <sup>4</sup> Cast. <sup>5</sup> Ploughs. <sup>6</sup> *Houghed*, hamstringed. <sup>7</sup> Live-stock; cattle. This species of vindictive malice was but too common in these times of lawless violence. Many similar instances may be found in this Collection; but, unfortunately, they are too numerous to need special reference in this place. The retaliation will be seen in the next Case.

and focht certane Inhabitantis pair of for pair Slauchteris, and deftroit þe turvis<sup>1</sup> beand vpoun the said Muir.'

### Forgery? — 'Falsing' an Instrument?

Jun. 26.—SCHIR CONSTENE MILLER (Notar publict?) his RIGHT HAND wes adiugit to be strikine fra his body, at þe Mercate-croce of EDINBURGHE, vpone ane scaffold, at ane stowp:<sup>2</sup> And he to be BANIST þis realme perpetualie; and neuir to returne within þe samyn agane, vnder þe pane of deid.<sup>3</sup>

### Witchcraft.

AGNES MULLIKINE, *alias* BESSIE BOSWELL, in Dunfermeling, wes BANIST and exilit for Wichcraft.<sup>4</sup>

### Horse-stealing — Guiding English Thiebes, &c.

Jun. 30.—LYELL HALL Convicted by an Affise 'off arte and parte of þe thiftuous Steling and conceiling fra Alexander Lord Home, furth of his landis of Gordoune, in þe moneth of July, the zeir of God I<sup>m</sup>V<sup>o</sup>lvij zeris, of four horfis: ITEM, of þe thiftuus Steling fra Thomas Cranstone, bruthir sone to þe Gudemanne of Thirstane-manis, in þe moneth of August, þe zeir of God forsaid, of ane gray horfe, price xl merkis: ITEM, of Commone Thift, commone Refsett of Thift, outputting and inbringing betuix cuntré and cuntré, commone gyde to INGLIS Thevis.'—SENTENCE. To be 'HANGIT on þe Borrow-muir of Edinburghe quhill he wer deid.'

#### ASSISA.

Jhone Home of Coldinknois, kn<sup>t</sup>, Andro Ker of Fawdonfyid, Harrie Daidfone of Camis,  
Andro Home of Nynewellia, Jhone Hoppringill of Muirhoufe, Thomas Hunter of Halkburne,  
Ralf Halyburtoun of Muirtoun, Jhone Home of Carrelfyid, James Carnecorfe of Allaneschaw.<sup>5</sup>

### 'Ambesetting the gaitt' — Hurting and Wounding.

Jul. 6.—PATRICK EVIOT OF BALHOUSSE, John Rofs of Cragye, James his brother, John Cargill, William Moresone, and William Rofs, found caution ('My Lord Ruthvene') to underly the law at the next Aire of Perth, for 'arte and parte of þe Vmbesetting of þe gaitt to Andro Ramsay, burges of Perth, and Hurting and Wounding of him in diuersé partis of his body.'

### 'Ambesetting the gaitt' in Perth, &c.

ANDRO RAMESAY, burges of Perth, and fourteen others, found caution

<sup>1</sup> *Turfs*, or peats, in the process of drying or *winning*. <sup>2</sup> Block. <sup>3</sup> The nature of his crime is not specified; but, from the measure of his punishment, it is likely to have been the Forgery of a Notarial Instrument or other Writing. See Feb. 5, 1563-4. <sup>4</sup> This is the earliest existing Case, in the Records of the High Court, of this nature; and it is almost the only instance of so mild a sentence having been pronounced. See the *Appendix*. <sup>5</sup> The rest are burgesses of Edinburgh, &c.

(Lord Ruthvene) for their entry at the next Aire of Perth, to underly the law for 'Vmbefetting of the gait to James Rofs, broper to þe Lard of Cragy, within þe burgh of Perth, and Invasioun of him for his Slauchter, in þe moneth of Januar lastbypast.'—'Mr Clement Lytill, prelocutour for James Rofs, and þe rest of his collegis vpoune þe pannell, askit instrumentis, þat Andro Ramefay, burges of Perth, grantit he wes put to þe horne, and allegit he wes relaxit pairfra, and schew na thing þairupone: And þe said Mr Clement allegit, þat he fuld not haif place to persew, quhill he schew þe samyn.'—INTERLOCUTOR. The Justice ordanis þe said Andro and þe rest contenit in þe Letteris of Hornyng, quhilkis ar put to þe horne, to remane in Warde quhill þai schaw þair Relaxatioun.

### Slaughter.

Jul. 7.—JAMES WOD OF BONYNGTOUNE, William his brother, and Alexander Guthrie, Messenger, found Lord Ruthvene cautioner for their entry at the next Aire of Forfar, to underly the law for 'arte and parte of þe Slauchter of vmq<sup>6</sup> Mr Hew Guthrie, vnder þe Castell-wall of Brechin, in þe moneth of Februar 1548 zeiris; vpone ald ffeid, sett purpoise, provisioun, and foirthocht felony. Cristeane Rettray,<sup>1</sup> and William Tyrie, 'now hir spous,' pursuers, 'paffis fra þe persute of þe Larde at þis tyme; quhairupone þe Lard tuk instrumentis.'—The said William Wod 'askit instrumentis þat he requirit þe Lard, his bruder, to rede þe speciall Remiffioun grantit to him and þe said Willeam and vperis for þe said Slauchter, to þe effect þat he mycht vse þe samyn. The said Lard 'ansuerit þat he had already productit ane Remiffioun sufficient for þe said Willeam for þe said cryme.'—Mr John Hepburne in Brechin and John Low became sureties along with the said William for Assythment of party.

### Combocation — Houghing and slaying Cattle.

Jul. 14.—WILLIAM CRANSTONE OF THAT ILK, James his brother, and George Wodderat, in Lawder, found caution<sup>2</sup> to underly the law at the next Aire of Selkirk, for 'arte and parte of þe cuming to þe steding of Williamishoip, pertenying to Alexander Hoppringill of Craiglethe, and serchit and socht him for his slauchter; and crewelly hocht<sup>3</sup> and slew thré noltt.<sup>4</sup>

### Hamesucken — Houghing and slaying Cattle.

ALEXANDER HOPPRINGILL OF NEWHALL, George his brother, and George his son, found surety<sup>5</sup> to underly the law at the next Aire of Selkirk,

<sup>1</sup> Probably widow of the deceased. <sup>2</sup> The Laird of Hundelie (Rutherford), William Scott of Tuschelaw, and Walter Scott, 'apperand' of Tuschelaw. <sup>3</sup> Hamstrung. <sup>4</sup> Cattle.

<sup>5</sup> John Hoppringill of Tulleknewis (Trinlieknewis?) and George Hoppringill of that ilk.

for 'Conuocatioune of our souerane ladeis liegis, in þe moneth of July 1556 zenis, cumand to þe steding of Hawtherne, pertening to William Cranstone of þat Ilk, in heretage, and be way of Hamefuckin, hocht, flew, and destroyit xl ky.'<sup>1</sup>

#### **Stouth and Reset of Stouth — Resetting Englishmen, &c.**

Jul. 20.—WILLIAM SCOTT OF TUSCHELAW and his accomplices, having been accused by the QUEEN'S Advocate of 'Stowthe and Resfett of Stowthe,' Robert Elliot of Bellelie was amerced for not 'again-bringing' the Letters duly executed and indorfed.—And the Laird of Tuschelaw was likewise amerced for not again-bringing the Letters, &c. purchasid by THE QUEEN'S Advocate against ROBERT SCOTT OF HORSLEHILL, 'to vnderly þe law for þe Resetting of Inglismenne, and Thiftuus Steling of certane Oxin.'

#### **Mutilation.**

Jul. 21.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George, his son, found Alex. H. of Tulleknowis<sup>2</sup> surety for their entry at the next Aire of Selkirk, to underly the law for the 'Mutilatione of Jhone Scott of his rycht arme.'

#### **An Heiress finds Caution not to Marry 'ane cheif Tratour, or uther brokkin man of the cuntre.'**

Sep. 13, (apud ED<sup>a</sup>).—The following remarkable Bond is recorded in the Caution-book, ('*Liber Plegiacionis*,') which, fortunately, has been preserved. 'THE quhilk day, Thomas Borthik of Pryncado and Michael Borthik of Glengelt become plages and souerteis, coniunctlie and feueralie, for MARIONE CARUTHERIS, ane of þe twa heretrices OF MOWSWALD, that scho fall not MARIE ane CHEIF TRATOUR nor vper BROKKIN MAN of þe cuntre, nor joyne hir self with ony sic persone, vnder þe pane of ane Thousand pundis. IN witness heirop þe saidis souerteis hes subscriuit þis Act with þair handis, day, zeir, and place foirfaisdis. (*Sic subscribitur*) MYCHELL BORTHUIK of Glengylt. THOMAS BORTHUIK of Pryncado.'

#### **Carrying Pistolets, &c. — Tumult at Holproodhouse.**

Oct. 1.—ANDREW ARMESTRANG and George Rynd, burgeses of Edinburgh, found surety to underly the law, on Oct. 24 instant, for art and part of breaking THE QUEEN'S Acts and Proclamations, in carrying fundry 'Pisto-

<sup>1</sup> *Kine*, cows. This barbarous act seems to have been in more than tenfold retaliation for the act contained in the former Trial.

<sup>2</sup> Afterwards styled 'Trinlingknowis.'



lettis' within the burghs of Edinburgh and Canongate: AND for Convocation of the lieges, at the Palace of Holy-Rood, and invading fundry of the Queen's domestic servants therein; and for other crimes stated in their Dittay.— (Oct. 24.) Continued to Nov. 13. Patrick Cranstoun was also charged to compare the same day.

**Celebrating the Mass within the Chapel of Holyrood — Raising Tumult for Altering the Religion, &c.**

CHRISTIAN PYNEKERTOUN, the spouse of James Roger, and twenty-one others, 'delatit for arte and parte of the cuming to be CHAPELL of our soueran ladeis PALICE OF HALYRUDEHOUSE, vpoun the aucht day of August, the zeir of God aboue writtin, and pair oppinlie making Alteratioune and Innovatioune of THE STAIT OF RELIGIOUN, quhilk our soueran lady fand publictlie and vniuersalye standing and professit at hir arrayving; ministrand and abusand, of pair pretendit maner, irreuerentlie and indecentlye, the SACRAMENT of be Body and blude of our Lord Jesus, vpirwayis and eftir aue vpir maner nor the publict generale ordour of our soueran ladeis realme;<sup>1</sup> like as, pai haif violat and transgressit be commandement of be said Proclamatioun, publictlie, daylie, and continewalie, eftir pair inordinat appetyte and plesour: And swa, becuming commoun manifest transgressouris, violatouris, and brekaris of our souerane ladeis Proclamationis, and as seditious perfones, raseris of Tumult and publict Vproir aganis the commoun peax and quietnes of the realme: And swa, aucht to be adiugit and pvnefit to the deid with all rigour.'—Continued to Nov. 13. The names of the rest of the pannels may perhaps be considered interesting, though persons moving in the lower ranks of society.

Johne Aldinstoun,  
Harie Zoung, baxter,  
Thomas Clerksoun,  
Danid Logan, baxter,  
William Gilcreifstoun,  
Andro Kennedy, merchand,  
William Brocas, smyth,  
Walter Scot,

Katherine Bryife,  
Helene Johnestoun,  
Adame Alane, merchand,  
Bessie Hill,  
Agnes Aytoun,  
Bessie Tod,  
Henrye Ker,  
Margaret Galloway,

Jonet Ramsay, be relict of Hector Blacater,  
Iffobell Curroure,  
George Smyth, saidlar,  
Johne Clerksoun, baxter,  
Johne Paterfoun, kaife-maker.

Mr John Moscrope became surety for the entry of *Cuthbert Murray*, 'now being at be faille,<sup>2</sup> befoir be Justice or his deputtis, vpoune xv dayis warnyng eftir his hame-cuming.' *Archibald Treinche*, *Jonet Chalmer*, his spouse, and *John Broune*, merchant, were denounced rebels, &c. and their cautioners unlauded.<sup>3</sup>

<sup>1</sup> See May 19, 1563.    <sup>2</sup> On a sea-voyage.    <sup>3</sup> No farther notice of this Case occurs. After Nov. 8, a blank of nineteen pages is left in the book, apparently for the purpose of entering proceedings between that date and Jan. 8 following, which had probably been noted in another Memorandum book, or by another Clerk on loose sheets of paper now lost.

**Commendator of Kilwinning freed from Ward.**

Oct. 3.—GAWANE COMMENDATOR OF KILWYNNING presentit the Quenis Maiesteis writting, and desyrit the samyn to be registrat in the bukis of Adjornale ; off the quhilk the tennour followis.

REGINA,

WE, for certane cauffis moving ws, grantis and gevis Licence to Gawane Commendater of Kilwynning to departe out of the Toun of Striuiling and certane spaces pairabout, quhairin he is now presentlie Wardit at our command, and to pas and do his leful befiness quhair he plesis, within pis our realme : And willis and grantis that he nor his souerteis fall incur na danger pairthrow, nor to be callit nor accusit pairfoir ; and to pat effect willis and commandis pe Justice Clerk, or vperis refaveris of pe said souerteis, to deleit pe actis of pe samyn furth of pair bukis, for keping of pe said Ward, be pis our writting, subscriuit with oure hand, AT STRIUILING, pe xxvj day of September, 1568.

MARIA R.

**Conbocation — Wounding — Mutilation.**

Oct. 30.—DENE JOHNE DWRIE,<sup>1</sup> Monk in Dunfermling, was 'replegit be Daid Durye, sone, and apperand air of pe Lard of Dwrye, baillie of pe Regalitie of Dunfermling, who affigned pe penult day of November,<sup>2</sup> delatit of pe Conuocatioune of our souerane ladeis liegis, to the nowmer of xxiiij perfonas, bodin in feir of weir, &c., vpoun pe xxiiij day of July instant, vndir scilence of nycht, and setting vpoune Daid Murray in Kerse, and Anthoune Ruderfurd, vpon pe HIE STREIT OF ED<sup>R</sup> quhair pai were gangand to pair beddis, to pe Chalmer of pe zoung Abbot of Dumfermeling, in sobir and quiet maner, &c. ; and pair Invading thaim for pair slauchteris, and crewalye Hurt and Woundit the said Anthoune in four findry partis of his heid, in his craig,<sup>3</sup> in his right leg, at pe kné, and diuerse vperis partis of his body, to pe greit effussion of his blude ; and mvtilat and maid him impotent of his said rycht leg ; and left him lyand for deid : And als, crewalye Hurt and Woundit pe said Daid Murray in his heid and diuerse vperis partis of his body, to pe greit effussion of his blude ; and Mutilat and demembrit him of his left arme.'—JAMES and ARCHIBALD MOWBRAY, brothers of John M. of Barnebowgall, Robert and James Bertane, brothers, and Patrick Thomfoun, son of Thomas T., burgesis of Edinburgh, Richard Thomesoun, son of Edward T., baker there, and Thomas Henderfoune, 'Maister of the Fense-scole,' were denounced rebels, &c., and all their moveables escheated, for art and part of the said crime, and their cautioners unlauded for their not entering to underly the law, &c.

<sup>1</sup> Jul. 16, 1577, JOHN DURIE, 'Minister of Christis Evangell, sumtyme ane of pe Conventuall Brethir' of the Abbacy of Dunfermling, and Josua his son, got a pension of L.66, 13s. 4d. for their lives, in lieu of his 'habait-filuer,' and other dues, from Robert Pitcairn, Commendator of Dunfermling, which was confirmed by King Ja. VI, Jan. 23, 1579.—*Reg. Mag. Sig.* XXXV, 138. <sup>2</sup> Mr William Scot of Balwerye being surety 'pat justice fall be ministrat and done.' <sup>3</sup> Throat.

**Conbocation — Wounding — Mutilation — Deforcing an Officer —  
Imprisoning, &c.**

Jan. 8, 1563-4.—JOHN CARMICHAELL OF THAT ILK, John his son and heir-apparent, Archibald his brother, James Jhonestone of Westraw, and thirty-one others, delatit of arte and parte of Conuocatione of our souerane ladies liegis to þe noumer of ane hundreth perfonas, or þairby, bodin in feir of weir, with jackis, speris, fwerdis, steil-bonettis, and vperis wapnis invasive, incontrair þe tenour of þe Actis of Parliament, vpone þe nynt day of November lastbypast, come vpoun Thomas Hammiltoun, Officer of þe sherefdome of Lanark, Jhone Jhonestone, sone to vmq<sup>l</sup> Halbert Jhonestone of Westraw, and Jhone Wod of Stoniefyd, as witneffis and affisteris to him, in furth-fetting of our souerane ladeis auctoritie, at þe Cruikbaitt, quhair þe said Officier was gangand and dryvand ten heid of nolt, to haif apprifit þaim at þe Mercate croce of Lanark, be reffone þe Watteris wes grate, and þai mycht not wynne þe nerrest way; and þair maisterfully rest þe saidis guidis fra þe said Officier, and þairthrow deforcit him in executioun of his office and of þe said Precept: In takin quhair of he brak his wand of peax<sup>1</sup> vpone þame, and tuke witneffis þairupone: And incontinent sett vpone þe saidis Jhone Jhonestone, Mr Archibald Hammiltoun,<sup>2</sup> and Jhone Wod, and inuadit þaim for þair slauchteris; and crewelly Hurte and Woundit þe said Jhone Jhonestone with ane speir throw his rycht hand; and als hurte and woundit þe said Mr Archibald with ane speir in at his henche,<sup>3</sup> and furth at his fundement; and siclyik, hurte and woundit þe said Jhone Wod in þe bak syid of his heid, and dememberit him of ane pece of his neise, quhairthrow he wantis þe rycht vse þairof, estir he was tane and holdin prifoner to þaim, and in diuerse vperis partis of þair bodeis, to þe effusione of þair bloode in grite quantitie, and left þe said Mr Archibald lyand for deid; vpone ald ffeid, sett purpois, provifione, and forthocht felonye: And þaireftir tuke þame prifoneris and captiues, and resaut þair wapnis fra þame, and held þame at þair plesour: And speciallie, tuke þe said Jhone Jhonestone captiue and prifoner with þame to þe Place of Carmichaell, pertening to Jhone Carmichaell of þat Ilk, quhair he and þai held him in prifone, be þe space of xvj houris or þairby; and þaireftir brocht him to Lowthiane, quhair þai held him be þe space of five dayis or þairby; and syne, vpone þe said xv day of November, transported him agane furth of Lothyane to þe Place of Cobyntoun, pertening to Jhone Lyndefay of Cobintown, quhair he and þai held him be þe space of thre dayis or þairby: And last of all, vpone þe xix day of þe said moneth transported him furth of þe said Place to Carmichaell, quhair þe said Lard and þai held him be

<sup>1</sup> See Jul. 23, 1566, *Note*; Oct. 11, 1531, *Notice*; and Nov. 18, 1511, for some illustrations of this official ceremony in cases of deforcement.

<sup>2</sup> See Jan. 10, 1563-4.

<sup>3</sup> Haunch.

þe space of thré dayis or þairby: Vfurpand þairthrow our fourane ladeis auctorite.

The Lard of Stanehouis vnlawit for nocht agane-bringing of þir Letteris vpone þe Lard of Cobington.

PERSEWARIS (Jhone Jhonestone, Jhone Wod) PRELOCUTOURIS—David Hammiltone, sone to my lord Dukis grace; The Lard of Stanehouis, The Lard of Lemmyngtone, The Lard of Prestone, Arch<sup>d</sup> Hammiltone of Muretoune.

PRELOCUTOURIS for þe pannal—The Earl of Mortone, The Lord Somervell, Gawane Carmichaell, 3oung Kittimuir, Mr Tho. M<sup>c</sup>Calgane, Mr Jhone M<sup>c</sup>Scrope.

The prelocutouris for þe pannale and pairtye defendand, allegit þat þai fuld not be put to ane Assyise for þe allegit deforcement contenit in þe said Letteris, vnto þe tyme þe said deforcement were first ciuile discuffit; be refone þat, of þe daylie practik of þis realme, all deforcementes before þai be Criminalie perfewit ar decydit befor þe Ciuill Juge. To þe quhilk ansuerit þe perfewaris, and our fouerane ladiis Advocattis, sayand, þat þe said deforcement aucht to be decydit befor þe Justice, in respect of þe libell, conforme to þe Letteris, without ony decisione þairof befor ony Ciuile Juge; be refone þat þe said deforcement is libellit to be committit with Conuocatioune of our fouerane ladeis liegis, with foirthocht felony and Oppressioun, all concurrand.—Quhairupone ather of þe pairteis desyrit INTERLOCUTOR, *hinc inde*.

THE JUSTICE DEPUTE, with avyise of þe Assyfouris<sup>1</sup> continewit the furth-geving of þe Interlocutor quhill Monunday nixt to cum: AND decernit to proceid vpone þe remanent crimis contenit in þe saidis Letteris.

ITEM, þe prelocutouris for þe pannale and defendouris allegit þat na proces may be led agains þame for þe allegit taking and prifoning of Jhone Jhonestone, becaus na wrang wes done to him þairby, be refone he wes not, þe tyme of his allegit taking and prifonyng, our fouerane ladiis fré liege manne; but wes þan, and be þe space of . . . 3eris of-befoir, continewalie, and þan instantlie, our fouerane ladiis Rebell and at hir horne, denuncit and put þairto be vertew of hir Letteris in default of finding of lauborrowis that . . . .<sup>2</sup> falbe harmeles and skaythles of him, vnder certane panis contenit þairin: And, for verefeing þairof, producit þe saidis Letteris indorfate, in Jugement; and allegit, þat þai mycht lefully haif takin and prifonit him as our fouerane ladiis rebell, and vfit and handlit him mair extremelie, gyff þai plesit. To the quhilk it was ansuerit be þe perfewaris and our fouerane ladeis Aduocattis, that þai on na wyis affirmand þe execution of þe said Hornyng to be of veretie, allegit, þat þe said Jhone Jhonestone, þe tyme þairof, wes minor and of lefs-aige, nocht *doli capax*, and thairthrow þe executioun þairof mycht not extend to preiuge him in þe

<sup>1</sup> ASSESSORS. These were Lords of the Privy Council, &c. Their names are seldom given in the Books of Adjournal, as it is believed they took the duty by turns daily.

<sup>2</sup> Left blank.

perfute of þis action ; specialie, in confideratione þat be þe ſpace of aucht or ten zeiris, or þairby, he wes repute and haldin our ſouerane ladies fré liege, hauand na pairty to perſew him vpone þe ſaid Hornyng, and did and exercit all lefull actis, enter him ſelf in jugement and owtwith without obiectione of þe ſaid proces of Hornyng ; and þairfoir, proces mycht be led be þe Juſtice depute aganis þe ſaid pairty perſewit for taking and apprehending of him conforme to þe tennour of þe ſaid Letteris.

THE JUSTICE DEPUTE, with avyſe of þe Aſſeſſouris, continewit þe Interlocutour vpone þe ſaid allegiance and anſuer quhill Monunday nixt to cum, Ordanis ſouirté to be tane be þe pairty perſewit for þair entré to þe ſaid day to heir þe ſaidis Interlocutouris pronuncit.

‘ JAMES ERLE OF MORTOUNE, Lord of þe Regalitie of Dalkeyth, replegit þe ſaid *James Jhoneſtoun of Weſtrow*’ to his Regality—and, with conſent of parties, fixed the third day of the next Aire of Dalkeith. James Lord Somervell, ſurety, &c.

The Laird of Carmechaell unlawed for non-entry of *Robert Twedy*, his ſervant, and *John Hunter* in Brigton-dyik, who were each denounced rebels, &c.

(Jan. 10.) THE Laird of Carmichael, his ſons, two ſervants, and three others, came in Will ‘ for Conuocation of oure ſouerane ladeis liegis, and Hurting and Wounding, vpone ſuddentie, of Mr Archibald Hammiltone, Vicar of Sanct Cuthbertis Kirk beſyde Edinburghe, and Jhone Wod of Sonnyfyid, to þe effuſione of þair blood, vpone þe nynt day of November laſt bypaſt.—THE JUSTICE Ordained them ‘ to paſs and enter þair perſonis in Ward, vpone þe North fyid of þe WATER OF SPEY, within xx dayis nixt eftir þe dait heirof ; and þair remane in Ward during our ſouerane ladiis Will. AND ſiclyik, þe ſaid *James Jhoneſtone of Weſtrow*, of his awin conſent and fré will, obliſt him to enter in Ward within þe boundis foirſaidis, within þe ſame ſpace,’ &c.

James Lord Somervell became ſurety for their entry at the next Aire of Lanark, to underly the law for all the other crimes contained in the Letters.

The Laird of Carmichaell, &c. ‘ ar actit and obliſt, of þair awin conſent, to remane and keip þe ſaid Ward ; and not to purchaſe our ſouerane Ladiis Licence to returne furth of þe ſamyn for þe ſpace of zeir and day nixt to cum, with(out) conſent and avyſe of my Lord Duke of Chettelaralt had and obtenit þairupone,’ &c.

### **False Notary — Forging an Instrument, &c.**

Feb. 5.—SIR JAMES COWDENE, Notar Publict, Convicted by an Affiſe ‘ as ane falſer, for þe ffals fforgeing, making, and ffeingeing of ane pretendit Inſtrument, writtin and ſubſcriuit be his hand, and vndir his ſigne-manuale, in fawouris and at þe inſtance of Maifter Nicoll Ruthirfurd : In reſpect that the

faid Sir James confessit, in Jugement, in presence of the said Justice and Assyise, be making of the said Instrument, and þat the famin wes ffenzeit and ffals; and that he wes solistit, tyistit,<sup>1</sup> and perfwadit be þe said Maister Nicoll to do the samyn. ITEM, the said MR NICOLL RUTHIRFURD<sup>2</sup> Convict be þe said Assyise of plaine and manifest ffalset, and as ane ffalser, in arte and parte with þe said Sir James in his ffalfett in making and ffeingeing of the said ffals Instrument, throw his perfwasioune, solistatioune, and tyisting of the said Sir James to mak þe samyn in his fawouris: And þat, in respect that he confessit his solistatioune and tyisting foirfaid, and that he wes the diuysare and inventare of the said ffalfett.—ORDANIT to pas in Ward within the Tolbuythe of Edinbur<sup>4</sup> quhill þe Justice wer forthir awyfit vpoune pair punisfchement.<sup>3</sup>

### **Forging and Uttering False Coin, &c.**

THOMAS PEBLIS, Goldfmyth, sone to vmq<sup>10</sup> Mr Jhone Peblis, burges of Edinburgh, CONVICT be deliuerance of þe Assyise foirfaid off arte and parte of þe trefonabill making, contirfuting, and ffeingeing of þe Irnis<sup>4</sup> vnder writtin of our fouerane ladiis cunze,<sup>5</sup> that is to say, Of þe prenting irnes of ane TESTANE, ane HALFF-TESTANE, ane NON SUNT, and of ane LYONE callit þe HARDHEID: And of þe trefonabill cunzeing, prenting, and striking with þe said Irnis off diuerse fals Testonis, half Testonis, Non suntis, and Lyones callit Hardheidis; and Owtputting pairof, as for our fouerane ladiis trew CUNZE, amang hir liegis, diffauand þame þairwith þis lang tyme bygane; speciallie, in þe monethis of August, September, October, November, December, and Januar last bypast. To þe TAKIN,<sup>6</sup> vpone þe nynt day of Januer last bypast, eftir þat þe said Thomas had put owt certane of þe ffals Lyonis foirfaidis, callit Hardheidis, to ane pover woman, as for þe price of ane burding of coillis, scho come to þe mercate of þis burcht, þairwith to by<sup>7</sup> sic thingis as wes necessar to hir; quhair scho wes tayntit<sup>8</sup> with þe faidis ffals Lyonis: And þe said Thomas being nemmit be hir to be hir warrand, and deliuerer of þe said ffals conze to hir, Daid Symmer and vþer Bailleis of þe burcht of Edinburcht come with hir to þe said Thomas chalmer, within þe samyn, to serche him for tryell of þe veretie; quhair he held þe dur of his said Chalmer cloise vpone him, and wald not suffir þame to entir, quhill<sup>9</sup> þai brak vp þe dur þairof vpone zou (him), and enterit perforce þairin; and þe said Thomas being inquirit, ' Gyff he had geuin þe said pover woman þe faidis

<sup>1</sup> Enticed.      <sup>2</sup> He is styled in the forged Deed along with Margaret R., 'executouris to vmq<sup>10</sup> Jonet Rutherford;' and seems to have been a relative of George R. of Hondelye, in favour of whom the forged Deed was concocted, for the purpose of restoring to him, as heir at law of Jonet R., the lands of Woodhall, in the barony of Reidhall, and shire of Edinburgh.      <sup>3</sup> No farther notice is taken of these Cases in the Record.

<sup>4</sup> The *Irons* or dies from which the Coins were struck.      <sup>5</sup> Coin.      <sup>6</sup> In token or proof whereof.      <sup>7</sup> Buy, purchase.      <sup>8</sup> Charged, accused, *attainted*.      <sup>9</sup> Until.

Lyonis, be þe saidis Bailleis, for þe price of hir coillis? Confessit þe samyn: AND his chalmer being ferchit, þair wes diuerse of þe saidis irnis, alfweill funkin and vnsunkin, togidder with þe saidis ffals Testanis, Non suntis, and Hardheidis, fundin in þe samyn; and confessit to be gravin and maid be him and his collegis; and als, þe said Thomas had cassin diuerse vperis of þe saidis Irnis and fals money þe tyme he held his chalmer, in his clofett; lyik as he confessit þe same in presens of þe Justice Clerk: And þat in respect of his Confessione maid in Jugement, in presens of þe said Justice Depute þe said day.

SENTENCE.—To be HANGIT on ane geibet, at þe Mercate-croce of Edinburgh, his heid to be strykin fra his body, and his body QUERTERIT; and his HEID and MEMBERIS to be put and hungin on þe maist patent PORTIS OF EDINBURGHE. And þat all and findrye his gudis, movabill and vnmovabill, money, gold, filuer, merchandise, takkis, roumes, stedingis, rentellis of landis, reuerfionis, bandis, heretagus, annuelrentis, possessionis, and vperis his heretabill rychtis and lyferentis, fuld pertene to our souerane lady, and be in hir handis, be refone of escheatt, &c.; and þat he hes ffoirfalt þe samyn for euir.

**'Unbesetting the gait' — Slaughter.**

Mar. 14.—ANDREW SINCLARE, *alias* Myllare, at the Mylne of Trottoch, within the sberifdom of Forfar, was replegiated to the Regality of Keryemuir<sup>1</sup> by Archibald Dowglas, baillie of Archibald Earl of Angus, delatit of þe Slaughter of vmq<sup>le</sup> Robert Smyth, at þe Myll of Trottoch, in Vmbefetting of his gait at þe Bitter-burne, lyand betuix þe Toune of Dundee and þe said mylne, in þe moneth of December last bipast; and þair straik and punfcheit þe said vmq<sup>le</sup> Robert vndir his feit, and left him lyand for deid: Of the quhilkis ftraikis he neuer conualeffit, bot within ten dayis þaireftir deceisit þairof; and swa wes crewaly slane be the said Andro, vpoune auld ffeid and foirthocht felonye.

PERSEWARIS, Johne Smyth, eldest sone to vmq<sup>le</sup> Robert; Archibald Smyth, brother-sone.

[*Archibald Earl of Argyle, Justice-General.*]

**Murder — Common Theft — Resett — Sorning.**

Mar. 15.—JAMES M'DORMOND, Johne M'Grasslycht, and Malcum M'Clarene, Convicted by this Assise of 'Murthour, Commoun Thift, Ressett, and Sorning.'

ASSISA.

Wm. Cwninghame of Glengarnok,	Alex. Abircrumby of pat Ilk,	Robert Haldene,
J. Bucquhennane of Camroune,	Johne Murray of I aichlaw,	Alexander Drummond of Megour,
John Bucquhennane alias Walter-	Walter Berclay of pat Ilk,	Williame Drummond of Balloche,
sone,	James Mentyth,	Dioneyfe Dog,
The Lard of Drumquhassill, <sup>2</sup>	Walter Bucquhennane of Drum-	Andro C., <sup>3</sup> seruand to Drum-
... Bucquhennane of Lany,	nakill,	quhassill.

<sup>1</sup> Mar. 28 was assigned to administer justice, &c.

<sup>2</sup> 'Cwninghame.'

<sup>3</sup> Id.

**Coining false 'Balbeis' (Bawbeis).**

Mar. 20.—MAISTER DUNCAN FORBES OF MONYMUSK, and Johne Forbes of Petlligo, his brother, found fureties (Alex. Home of Manderstoune, and Johne Lumisdene of Blanerne) that they 'fall compeir befoir our souerane and Lordis of Counsale, vpoune xv dayis warnyng, as thay be chargeit thairto, to fē forther tryell taiken anent the allegit cunzeing of ffalfe cunzeit Balbeis; ilkane of the saidis perfonis vndir the pane of ane Thowfand markis, conforme to the deliuerance gevin be THE QUENIS grace thairupoune.'

**Slaughter.**

Mar. 22.—CHARLES JARDANE, Malye, Agnes, and John Harknes, in Toddelmuir, 'Delatit of the Slauchter of vmq<sup>le</sup> Adame Spens, vpoune Feb. xvj, I<sup>m</sup>V<sup>l</sup>xij, vpoun the thrid of the landis of Cumrew, lyand within the Sheref-dome of Drumfreife'—'in default of non-comperance of þe Assyise, THE JUSTICE continewit the perfute pairof to the thrid day of þe next Justice-aire of (Dumfreis,) &c.

PERSEWAR, Johne Spens, fathir-brothir to vmq<sup>le</sup> Adame, as ane of his kin and freindis.

PRELOCUTOURIS for the pannell,

Mr Clement Litill, The Lard of Drumlanguik, The Lard of Apilgirth.

PRELOCUTOURIS for the perfewar,

The Lard of Terry, The Lard of Elphinstoune, Rob. Johnestoun of the Cottis, Jhone J. of Cragburne.

**Magistrates of Edinburgh for setting a Prisoner at liberty.**

Jun. 6.—MAISTER JOHNE SPENS,<sup>\*1</sup> DAVID SYMMER (Somer), MR ROBERT GLEN,<sup>\*</sup> (Baillies,) Eduard Houpe, James Barroune, Alexander Park, (Treasurer,) Mr Johne Marioribankis,<sup>†2</sup> Alexander Naper, Archebald Grahame, Allane Dikkefoune, Michael Gilbert, Alexander Bruce, Mr Johne Prestoune, James Adamefoune, Cuthbert Ramsay,<sup>\*</sup> (Councillors,) and Alexander Guthrie,<sup>\*</sup> ('Commoun scribe of Ed'—*Town Clerk*?) delated for 'arte and parte of the putting to libertie of Williame Paterfoune, burges of þe said Burghe, furth of Warde of þe Tolbuithe of Edinbur<sup>t</sup>, eftir þe said William had recentlie hurt vmq<sup>le</sup> Nicoll Zoung, he being lyand in perrell of deid; like as, he, within xxiiij houris eftir his putting to libertie, deceiffit of þe said hurting.'<sup>3</sup>

PERSEWARIS, The Quenis Aduocattis, Robert Zoung, faper; John and William, breper, Johne Z., writer, James Z., cutlar, (James Z., seruand to Mr Johne Abircrumbye;) Archibald Naper of Merchamefoune, and the remanent kyn and freindis of vmq<sup>le</sup> Nicoll Zoung, taillour.

PRELOCUTOURIS for the pannal, Mr David Borthwik, Mr Thomas M<sup>c</sup>calzeane.

Mr David Borthwik askit instrumentis (that) the saidis perfonis comperit as prelocutouris for þe perfonis perfewaris.

<sup>1</sup> Those marked \* were 'Dischargeit be þe party and Aduocattis.' <sup>2</sup> Those marked † were bound over to underly the law at the next Justice-aire, or to appear before the Justice, whenever they should be required, on xv days' warning. <sup>3</sup> See Aug. 11, 1564.



Archibald Dowglas of Kilspindie, Prowest of þe burcht of Edinbur<sup>t</sup>, became fouertie for þe entrie of Maister Johne Spens, &c. befoir þe Justice or his deputtis þe tent day of Junii instant.—Mr Robert Creychtoune askit instruments vpone þe productionone of þe QUENIS grace LETTER, and desyrit þe samyn to be registrat; quhairof the tennour followis.

REGINA,

JUSTICE, Thesaurer, Justice-Clerk, Aduocattis: fforfamekle as þe day affixt for persewing at our instance, and oure Aduocattis, off þe BAILLIES AND COUNSALE OF EDINBURGH, for putting to libertie and fredome furth of oure Ward þe committeris of þe SLAUCHTER of vmq<sup>le</sup> NICOLL ZOUNG, burges of Edinburghe, vnpwnist, in contemptioun of our auctorité, is þe sext day of Junij nixt to cum, in our Tolbuith of Ed<sup>r</sup>: QUHAIRFOR, sen þe said actioun tendis heichlie to oure honour and auctorité royall, and als to þe greit hurt of þe pure freindis of þe said vmq<sup>le</sup> Nicoll, it is our Will, and we charge 3ou, þat 3e with all diligence awyise with þe said actioun, and Lettres direct pairupoun; and at þe day affixt pairto, proceid and do justice in þe said mater, conforme to þe law and justice without ony delay or continuatioun. As 3e will answer to ws vpoun þe executionne of 3oure offices, ffor it is our will and mynd þe samyn be done. SUBSCRUIT with oure hand AT EDINBUR<sup>r</sup> þe last day of Maij, the 3eir of God I<sup>m</sup>V<sup>l</sup>xiiiij 3eiris. (MARIE R.)

DAUID SYMMER, for him self, askit instrumentis that the Justice depute declarit, that he and the remanent his collegis vpoun þe pannall fuld haif bot fax prelocutouris.—The Lard of Merchamestoun declarit, that he wald persew na man vpone þe pannall vpoune his lyfe, bot Dauid Symmer allanerlie; and that, becaufe he is surelie perswadit, alswede be writting as commoning hed betuix him and the said Dauid, that he was culpabill of the crymes contenit in the Letteris.—Johne Zoung, &c. askit instrumentis that thai comperit nocht as prelocutouris foirfaidis to persew þe pannall, or ony of þame, of þair lyves; bot allanerlie<sup>1</sup> infasar as þe actioun is hurtfull to þe freindis of vmq<sup>le</sup> Nicoll Zoung, remittand þe persute þairof, of þe QUENIS grace actioun, to hir hienes Aduocattis; bot infasar as þe Letteris beris ony actioun of pairtye, concerning þe freindis<sup>2</sup> of þe said vmq<sup>le</sup> Nicoll, þat þai wald persew þe samyn aganis sa mony of þe pannalls as þai wald name. Vpoun þe quhilkis þe personis persewit askit instrumentis.

Mr Dauid Borthwik allegit that THE JUSTICE-CLERK mycht nocht be Clerk in this mater, nor voit<sup>3</sup> thairintill, becaus he and the Lard of Merchamestonis wyfe wes sifter and brethir bairnis,<sup>4</sup> and that thair wes bairnis betuix the said Lard and his spous.—THE JUSTICE, be his Interlocutor, fand the Justice-Clerk was Ordinare,<sup>5</sup> and mycht nocht be remouit.

The said Mr David allegit, *dilatorié*, that the fumondis is sa generall that the samyn can nocht pas to ane Affise, becaus it condiscendis *de nullo genere criminis Capitalis*, in speciall, that may ressaif ane particular dyet. He also askit instrumentis, in name of *Alexander Guthré*, that the Aduocattis and persewaris past fra the persutt of the said *Alexander Guthré*.—THE JUSTICE, Thesaurer, and

<sup>1</sup> Only.

<sup>2</sup> Blood-relations.

<sup>3</sup> Vote.

<sup>4</sup> Cousins-german.

<sup>5</sup> Judge-Ordinary.

Aduocattis, requirit Alexander Guthré, Commoun Scribe<sup>1</sup> of Edinburghe, in our foueran ladeis name, to exhibit and produce befoir þame, incontinent, the commoun Buke quhairin the Actis anent the releuing of Williame Paterfoune ar contenit.

The said Mr Daid allegit, that thair can be na accusatioun heir toward þe perfonen on þe pannell, becaus thir Baillies ar Jugeis Ordiner, havand power of incarceratioun; and insofar as thai ar accusit of the out-letting of this man, as the fummondis is libellit, it contenis na cryme; becaus it is nocht libellit, that this man lattin furth is nowther convict of ony Homicide, or fugitiue fra THE QUENIS lawis, as in veritie he is nother convict nor callit vpon that crime; and in caise he wer persewit, the man mycht entir and indure the lawis of this realme: Becaus Slauchter may be committit in a mannis defence, and he is able<sup>2</sup> to vnderly the law for the samyn, as oft hes bene practifit.<sup>3</sup> And thairfoir, the perfonen on the pannale can on nawis be persewit, except it wer libellit that the said man ovt-lattin wer owther convict or fugitive. Repetit the same allegeance toward *Moscrope*.

Maister Thomas M'calzane<sup>4</sup> allegit the libell wes nocht relevant, becaus it is foundit vpon the allegit latting out of Ward of *Patterfoun* and *Moscrope*, aganis the Baillies and Counsale of Edinburgh, without ony qualificatioun how latting out of Ward is ane cryme to thame; but allanarlie qualifiand to that effect, that thairthrow thai schew thame selfis fawouraris of þe saidis *Patterfoun* and *Moscrope*, and contemnit thairthrow THE QUENIS auctorité, in hynderance of justice, &c.: Quhilkis qualificationis contenis na cryme, without it wer said thai affistit to the cryme. And the latting out of Wardouris is na contempt nor vsurping of THE QUENIS auctorité, in perfonen that hes THE QUENIS auctorité of presoning, and inputting and outputting, as the Baillies of Edinburgh hes, and hes bene in continuall possessioun thairof, past memorié of men; nocht libelland, that thai extendit<sup>5</sup> thair powar, havand sic.<sup>6</sup> And allegit, hynderance of justice can nocht be ane cryme, speciallie as is libellit, quhair it is nocht libellit that the principale caus is nocht discuffit. And quhair it is allegit, that the samyn wes aganis the lawis, thair is na sic lawis; and desyrit to knaw the samyn, and aganis quhat law thai contrauenit, and quhat pwnifment the law requiris. And attour, allegit, that thair wes *fraus neque dolus* libellit, at the leif sufficientlie qualifeit, quhilk may induce ony cryme.

The persewaris, Robert Young, father, and Johne Young, brother, of the said vmq<sup>7</sup> Nicoll, gaif thair aithis<sup>7</sup> *de calumpnia*, that thai hed gude actioun to per-

<sup>1</sup> Town-Clerk.      <sup>2</sup> *Habilis*; liable.      <sup>3</sup> Decided, as a *practique*, or precedent.      <sup>4</sup> Afterwards Lord Cliftonhall, father of the celebrated Eufame Macaljeane, who was burnt, for Witchcraft, in the succeeding reign. See II, 247, &c.      <sup>5</sup> Exceeded.      <sup>6</sup> Having such.      <sup>7</sup> Oaths.

few all the persons contenit in the act productit, viz. Mr Johne Spens, David Symmer, Mr Robert Glenne, Baillies; James Barroune, James Adamesoun, Edward Houpe, Alexander Park, Mr Johne Prestoune, and Cuthbert Ramfay.

The Aduocattis answeris, that the libell is speciale, and relevant aneuch,<sup>1</sup> and suld be putt to the knowlege of the Affise, nochtwithstanding the saidis allegeances, in respect of the same libell, and of ane Act productit be the Aduocat, and subscriuit be Alexander Guthré, of the dait the xv day of Marche 1563.

(Jun. 10.)—THE JUSTICE, be awyife of his Assessoris, REPELLIS the allegeances aboue writtin.—The pannel protestit for remeid of law.

Maister Thomas M'calzane, prelocutour for *James Barroun*, and the remanent pannel persewit, as being vpoun the Counsale<sup>2</sup> of Edinburghe, by<sup>3</sup> the Baillies, that had Jurisdictione of inputting and outputting of persons; allegit, that insofar as thay ar persewit, being vpone the counsale of the latting out of the persons libellit, and can nocht be repute to thame as ane cryme, that thay ar nocht subject to vnderly an Affyise for that deid, as allegit criminall, becaus the deid to the quhilk thay ar allegit to haif gevin counsale, is nocht certane to haif bene criminale of the self; ffor it followis nocht, that quhan thair is ane man lattin out of presonne, that thairfore thair is ane cryme committit; bot the presumptioun is in the contrair, quhair ane Juge Ordinar lattis out ony persoune, that thairfore it is nocht lauchfullie done; And this caus is nocht to be to thame that gevis counsale in latting out of manifest Thevis, or committing of Thift or Slauchter; ffor to commit Thift and Slauchter, or to gif counsale pairto, is cryme of the self, except it be done be auctorité; and thairfor, gevand counsale be ordour of justice, and in the performing thairof, thair can na cryme follow vpoune the counsale-geving to the demandaris vpoun the releving of the manne requyrit be the Juge Ordinaris; according to the dispensatioun of the Commoune Law, in *Lege, nullus, &c. de regulis juris*—vthirwayis thair fall ane greit inconvenient, that thair fall na counsale be gevin to Jugis Ordinaris, quhilkis in this cuntré vris nocht to handill greit cauffis without counsale. And forther, in all tymes bygane, thair wes neur manne accusit of ony cryme for counsale-geving to ony Juge-Ordinar, requiring counsale in exerceing of his office. And this persute is ane noveltie.

*David Symmer* askit instrumentis for him self and his collegis, Baillies, that Johne Zoung, prelocutour for the persewaris, allegit, that the Counsale ordanit the Baillies to putt the pairteis libellit to libertie; as the Act maid thairupoune beris; and acceptit the said allegeance, insofar as the famin maid for him and his collegis, Baillies.

Maister David Borthuik, prelocutour for the hail pannel, allegit, that this

<sup>1</sup> Enough.

<sup>2</sup> Town-Council.

<sup>3</sup> *Forbye*; besydes.

fact and accusatioun aucht nocht to be put <sup>1</sup> to the pannal as ane cryme, becaus thai being Jugeis-Ordinaris ouer lyffe and memberis, and incarceration in presone, vnderstanding the wond <sup>2</sup> nocht to be mortall, becaus it wes in sic ane place as thair apperit na danger of deid <sup>3</sup>; and zit, for mair securitye, according to thair accustomit vse, in caisis of hurt nother quhair deid wes nocht followit, nor Homicide committit, thay lett the man to plege, vnder fouertie of his re-entré, vnder the pane of ane Thowsand pundis; quhilk pane oure fouerane ladeis maieftie hes caufit to ressaif, to be vsit at her plesour, as the pane of the cautione: And thairfor, allegit, that hir Maieftie, in effect, hes appreit the ordour vsit be the Bailleis and perfonis vpone the pannale, in the releving and committing to plege of the said *Williame Paterfoun*, and can haif na forther cryme to lay to the charge of the saidis Magistratis and Counsaile; and thairfor, aucht nocht to be putt to the knowlege of ony Affise: And producit and schew THE QUENIS Aduocateis acquittance and discharge, in THE QUENIS grace name, vpone the ressaif and aggreance for the said sowe. And as to the latting out of *Moscrope*, producit THE QUENIS grace command and Precept for putting of him to libertie. —The said Mr Dauid Borthuik askit instrumentis, that John Zoung, writer, producit certane Actis of Parliament anent Slauchteris.

The said Mr Dauid allegit, that thair is na cryme qualifeit in the Summondis producit be the persewaris, that may be imput to the Affise; becaus the releving of *William Paterfoun*, in maner and be ordour as it wes done, is na cryme nor offence, nor yit aganis the lawis, outhir Ciuile or Mvnicipall, bot wes done according thairto; becaus the Magistratis accusit ar Jugeis-Ordinaris, havand power of lyve and memberis, Shereffis, with presone, &c.: And insofar as the said Williame was tane and committit to presone for ony allegit cryme, in caise it had bene of Homicide, lyke as thair wes nane thanne actuale committit, bot onlie in *simpliciter* Hurting, as wes thocht and belevit commonlie to all men, thay mycht of thair office, having kept him attour <sup>4</sup> ane nycht and ane day, (lyke as he wes kept be þe space of four or fyve nychtis,) haif put him to libertie, vnder cautione and plege, to haif vnderlyne the lawis; lyke as, in trewth, insofar as he wes gevin to libertie, the samyn wes done vnder sufficient caution for his reentré agane, lyke as thai haif bene in vse be virtew of thair officis and jurisdiction, in siclik caissis and offensis, to haif latten men to plege, speciallie quhair the actuale deth followit nocht, past memor; lyke as thai, and all vtheris Jugeis Ordinaris, aucht to haif done of thair offices, according to the Mvnicipale Law, conformit with the Commoun Law. And thairfor, it is na cryme, nor suld nocht be putt to the knowlege of ane Affise; vtherwayise, na perfone that had woundit ony man mycht be put to libertie and fredome, quhill <sup>5</sup> the wound wer

<sup>1</sup> Imputed.<sup>2</sup> Wound.<sup>3</sup> Death.<sup>4</sup> Above, over, more than.<sup>5</sup> Until.

hail, incontrar all lawis. And attour,<sup>1</sup> thair is na cryme as zit, becaus the said *Williame Paterfoun* is nowther conuict nor fugitiue fra þe Law; and swa is nocht ane Homicide, infafar as he is nocht conuict.

ITEM, allegit the said Mr Daid, thay being Jugeis Ordinaris, as is aboue writtin, viz. Sheriffs, to be sufficient inquisitioune; and found, that the wond was nocht mortall, baith be thair awin judgement and be inquisitioune and informatioun of Maisteris Chyrurgianis, famous men,<sup>2</sup> quhairby thai fand, that the wond was nocht mortall, and thairfor, fand that thai aucht of thair dewetye to latt the said Williame to libertie, vnder cautioune; and mycht haif bene compellit be ordouris and resfoun thairto.

*Cuthbert Ramsay* askit instrumentis, that nowther the pairtye nor THE QUENIS Advocattis wald accuse him. *Alexander Park* allegit that he was nocht vpon the Counsale, bot wes allanerlie Thefaurer and ingadderare of the Commoune-gude.

The Advocattis askit instrumentis vpon the productione of the Protestatioune maid be Maister Johne Spens and Maister Robert Glenne, Baillies, of the dait the xv day of Marche 1563 (4); and desyrit the samin to be schewin to the Assyise, quhair of the tennour followis.

PROTESTATIOUNE be *Maisteris Johne Spens and Robert Glenne, Baillies*. THE quhilk day, in presens of Daid Symmer ane of the Baillies, James Barroune, James Adamesoune, Eduard Houpe, Alexander Park, Maister Johne Prestoun, and Cuthbert Ramsay, of the Counsale, *Maister Johne Spens* and *Maister Robert Glen*, Baillies, difassentit to þe outlatting of *William Patersoune* furth of Ward; and Protestit, þat in caise *Nicoll Zoung* deceiffit of þe straik, and þe said Williame Paterfoun fugitiue fra þe lawis þairfor, that the burding and damage þat mycht follow þairupone mycht be laid vpon þe consentaris to his libertie; and þat þai nor THE GUDE TOUN,<sup>3</sup> fredome and libertie þair of, wer nocht in danger, in respect of þis þair Protestatioune and refusale foirfaid. And heirupone askit instrumentis.

ITEM, allegit the said Mr Daid Borthuik, that the latting of *Paterfoun* to pledge, procedit vpon ane Decrete in presens of THE BAILLIES and Counsale, gevaris þair of, be sufficient inquisitioun and tryell accustumat to be taikin within the Burcht, in siclik caiffis; quhilk Decrete is repute as the veritye, quhill<sup>4</sup> the Reductioun thair of; and sua, sen the said Decrete standis in strench, and the gevaris thair of nocht decernit be thair Juge-superiour to haif done wrang, nor zit the samyn reducit, this Criminall caus, nocht being Ciuilye decydit, aucht nocht to pas to ane Assyise.

The Lard of Marchamestoun askit instrumentis, that he persewit na man except *David Symmer*, as he protestit of befoir. Daid Symmer allegit, that the thing that he is accusit of wes done be ordinance and awyise of the Counsale;

<sup>1</sup> Moreover.    <sup>2</sup> Credible men; of good fame, &c.    <sup>3</sup> Edinburgh has been for a very long time designated 'THE GUID TOUN,' but the origin of the appellation is not clear.    <sup>4</sup> Until.

and that he wes ane officiare to the Counsale;<sup>1</sup> and thairfor, the thing that he did was at thair command. And for verefeing of his allegeance, productit ane Decrete—and thairfor protestit, quhatsumeuer danger he incurrit, the Counsals fuld releif him pairof.

The Aduocattis past frome the perfute of *Maisteris Johne Spens, Robert Glenne, and Cuthbert Ramsay*: Eikand,<sup>2</sup> that this few noumer<sup>3</sup> can never suf- fir the law, nor be decernit to haif committit the cryme libellit, nor the few noumer can nocht ordand.<sup>4</sup> It is the Common Law and Mvnicipall writtin law, quhair na slauchter is committit, to lat the persoun to plege. *Item*, the Affyise aucht to acquit thame, becaus vpone allegit ordinance thir perfonis of Counsale on pannall hes na power to lat *Paterfoune* to libertie, nor mak ordinance; be- caus the leift of the noumer that can mak ordinance mon<sup>5</sup> be sevine perfonis: Johne Young wryter, prelocutour foirfaid, acceptis this allegeance.

It is allegit for the parte of David Symmer, that he aucht to be acquit of all cryme; becaus, gif ony he did, the same at the ordinance of the Counsale wes done; quhilk he wes obleift to obey, as the Ordinance beris.

*ASSISA dict. personarum (Symmer,<sup>6</sup> Barroune, Houpe, and Adamesfoune.)*

Maister Archibald Grahame, <sup>7</sup> (ac.)	Maister James Lyndfay, <sup>9</sup> (f.)	Eduard Kinkaid, (f.)
Patrik Hardye, (ac.)	Oldame Fullarton, (ac.)	Thomas Toddman, (ac.)
Johne Spottifwood, <sup>8</sup> (f.)	James Carmychaell, (f.)	Johne Willfone, (f.) <sup>11</sup>
Harbert Maxwell, (f.)	James Forrett, (f.)	
James Johnestoune, (ac.)	Thomas Henrye (f.) <sup>10</sup>	

**VERDICT.** David Symmer, ane of the Baillies of the burcht of Edinbur<sup>t</sup>, wes Convict be the hail perfonis chofin and sworne vpone his Affyise, off the put- ting to liberty furth of Ward of the Tolbuith of Edinbur<sup>t</sup> of *William Pater- foune* burges pairof, being takin and apprehendit *reid-hand*, for the crewale Hurting and deidlie Wounding of vmq<sup>10</sup> Nicoll Young taillour, and putt in Ward for the said cryme, in the said Tolbuith, at the instance of the said vmq<sup>10</sup> Ni- collis father and brethir, be the Baillies of the said burcht, within thre or four dayis nixt eftir the committing of the said cryme: The said vmq<sup>10</sup> Nicoll being than continualie, fra the tyme of his deidlie hurting, lyand in perrell of deid pairthrow; Like as, he within xxiiij houres, or thairby, eftir the putting of the said William to libertie, deceiffit, in the said Hurting and Wounding: And swa, doand the samin, without command or auctorité of our foueran lady, or consent

<sup>1</sup> He seems to have been presiding Magistrate, and as such pleaded that he was merely the organ of the Bench. <sup>2</sup> Adding. <sup>3</sup> The Minority. <sup>4</sup> Have no power to ordain or decree. <sup>5</sup> Must. <sup>6</sup> The Assise unanimously found him guilty. <sup>7</sup> Those marked (ac.) voted for the acquittal of Barroune, Houpe and Adamesfoun. <sup>8</sup> Those marked (f.) voted for filing these persons, i. e. finding them guilty. <sup>9</sup> Chancellor. <sup>10</sup> He voted for the acquittal of Houpe. <sup>11</sup> Voted for the acquittal of Barroune. It has been thought proper to preserve the state of the vote in this remarkable case, which has been preserved in this form.

and adwyise of the pairteis foirfaidis, beand reddie to perfew, and havand speciale interes thairin, partialie and wilfullie, in defraude of justice, to haif bene execute vponne the said William, incontrair the lawis and practik of this realme.

INTERLOCUTOR. And pairfor deliuerit be the Justice Clerk, and his deputis, in the handis of the Prowest, and Maister Johne Spens, ane of the Baillies of the said burcht, to be surelie kepit as thai wald answer to our souerane ladye.

(Jun. 21.)—JAMES BARROUNE, JAMES ADAMESOUNE, and EDUARD HOUBE, be the Assyise foirfaid wes Conuict of the said cryme committit in maner aboue reherfit. Adame Fullertoun, for him selff, and the remanent perones foirfaid that wer acquit, askit instrumentis thairof. The pronunceatioun of this deliuerance continewit to the morne.

(Jun. 22.)—This day the pronunceatioun of the deliuerance of the said Assyise wes schawin and declarit to be pannall; quhairupoun the said pannall askit instrumentis, and protestit for remeid of law, and for thair releif in this actioun of Wilfull Error: And siclyk, that they suld be hard to gif in, the morne,<sup>1</sup> thair Protestatiounis in writt. The morne assignit be the Justice for giving in thairof.

*PROTESTATION by the Pannel, against the Verdict of the Assise.*

Jun. 23.—DAVID SOMER, BAILLIE OF THE BUR<sup>t</sup> OF ED<sup>s</sup>, James Barroune, James Adamesoune, Edward Houpe, of the Counsaile of the samin, PROTESTIS, fforfamekill as the perones of the Assyise Conuict criminalis thame for pe allegit out-letting of Williame Paterfoune out of Presoune: Quhilk Conuictioun and deliverance of the said Assyise is wrangullie, wilfulye, and partialie gevin; and pairfor Protestis aganis thame for WILFULL ERROR and wrangus and partiale deliuering, aganis all Law, ordour, and custome of pis realme: And in respect, pat it wes baith allegit, and evidentlie schewin to pame, pat pai mycht lesfumlie<sup>2</sup> haif lattin pe said Williame furth vpoune cawtioune, baith be pe Mvnicipall Law of this realme, expresse writtin in pe Maiestie,<sup>3</sup> be the Commoune and Ciuile Law, and be the immovable vse and practik of this Bur<sup>t</sup>, obseruit in sic caissis, be the Provest and Baillies of pe samin, in all tymes bypast, and be all pe Scheriffis of this realme: And, thairfor, Protestis, that pai may haif actioun, in tyme and place, to all pe saidis Assysoures, for Wilfull Error on pame, or ony of thame, at particulare dyettis, to vnderly the law for wilfull breking and contraeuning of the Lawis of this realme, and for manifest Periurie, deliuering aganis pe Law of the realme, practik pairof, and pair conscience: AND als, PROTESTIS pat thay may haif actioun aganis thame for all coiftis, skaithis, dampnage, and entres pai may incur or sustene, in pair bodeis, perones, or gudis, throw occasioun of the said wilfull Conuictioun. And desyris this Protestatioun to be insertit in pe Bukis of Adiornall. *Item*, PROTESTIS, that the said Conuictioun be nocht preiudiciall to pame, nor aper of thame anentis the perfute of Alexander Achesoune and Johne Westoune for releiving of thame, according to ane Act maid be pe saidis twa cautioneris, pe xv day of March, 1563 zeris; but that pai may perfew pe saidis cautioneris for pair releif, conform to pe samin.

THE same day, *Edward Hoip* PROTESTIT, that in respect, pat he had allegit of befoir to pe Assyise, befoir their furthganging,<sup>4</sup> that he dissaffentit to pe latting furth of William Paterfoune furth of Warde; and in respect pat James Zoung, cultellar, ane of pe perfewaris, oppinlie at the bar, had

<sup>1</sup> To-morrow.    <sup>2</sup> Lawfully.    <sup>3</sup> Regiam Majestatem.    <sup>4</sup> Before their 'going furth' of the Court, to the Assise-room, to consider the verdict which they ought to pronounce.

planelie confessit in presens of the Lordis pe Justice, Justice Clerk and Assyse, that he hard the said David disassent to pe putting of the said William to libertie, and pat he offerit him to preif,<sup>1</sup> be pe remanent of the Counfall, that he disassentit pairto; Thairfor, insafar as the said Assyise hes ffylit and Conuict him, PROTESTIT for Wilfull and manifest Errour, remeid of law, and for coftis, skaithis, damage, and interes that he salhappin to sustene or incur pairthrow, Criminalie or Ciuilie. And pair-upoune askit instrumentis.

MEMORANDUM. Quhair James Barroune and his complices of the pannell, in the face of my Lord Thesaurar, the hail Assyise, and Clerkis of the famin, Protestit for the names of thame quha consentit and disassentit to thair Convictione, off intent to reduce the famin, and mak Errour thairof, as he allegit; MAISTER JAMES LINDSAY, Chancellor of the Assyise, in name of the hail Assyise thair present, Protestit, gif ony man of the Assyise wald confes that he disassentit to the said Conuictione, or wald oppin ony secrete ressones or disputationis amangis thame, quhairby ony malice or disfaour mycht be had to ane of the Assyise by ane vther,<sup>2</sup> that he suld be haldin and repute perjure and defameit; and that becaus the hail Assyise and Clerkis of the famin war sworne vpoune the Halie Ewangell, vpoune thair awin motyve will, to keip secrete the famine. Quhairupoune the said Mr James tuke instrumentis.

#### Sheep-stealing — Common Theft — Resett, &c.

Jun. 12.—HOB SCOT, callit of *Colyford*; Johne Scot, callit *Mr Johne the Clerk*; Mark Elliot, callit of *the Hill*; Johne Henderfoune, callit *Johne the Falser*;<sup>3</sup> and Robert Paterfoun, in Gilmertoune, 'Convict and HANGIT.'<sup>4</sup>

#### ASSISA.

The Lard of Hinderstoune,	Patrik Cranstoune, burges of	Johne Scot, in Bradmedois,
Andro Sklater, burges of Edin-	Edinburghe,	Williame Scot of Tuschelaw,
burghe,	Andro Armestrang,	Adam Scot of Bonyngtoun,
James Gyffort, in Lyntoune,	Richert Paterfoune, in Drumfreife,	Johne Mitchelfoune, in Lefwaid,
Williame Borthuik of the Hall,	Johne Newlandis, in Ediuburghe,	Michaell Nafmyth of Poffo.

#### 'Umbesetting the gait' — Inbasion, &c.

Jun. 15.—PATRIK HOUSTOUNE OF THAT ILK; Peter, Mr William, John, and William, his brothers-german; William H., burges of Dumbertane; John H., in Kirkpatrik; John H., elder, in Dumbertane; John, his son; and Alexander Houstoune, delatit of Convocatione of our fouerane ladeis liegis and Invasioun of the said Andro for his slauchter; and housing of him in ane House within the toun of Dumbertane.

PERSEWAR, Andro Hammiltoune of Cochno.

PRELOCUTOURIS for the pannell, The Lard of Cwnyngameheid; Mr Jhone Porterfield of pat ilk; Johne Schaw of Broiche; Mr Richert Strang; Mr Jhone Abircrumby.

PRELOCUTOURIS for the persewaris, Claude Hammiltoune, sone to my lord Duik; James H. of Cruikwell; Johne H. of Stanehoufe; Alex<sup>r</sup> H. of Myrretoune; James Noble of Ferme.

<sup>1</sup> Prove.    <sup>2</sup> To one individual on the Assise more than another.    <sup>3</sup> Forger.    <sup>4</sup> There is no marking on the Record indicative of the nature of their crimes, which, however, may be pretty accurately conjectured.



Andro Hammiltoun declarit, vpon his aith, he wald perfew the said Lard of Houftoune, Mr Williame and Johne, his brother, of the *first* poynt of the Letteris allanerlie. *Item*, the Laird, his saidis twa brether, and Williame, alwa his brothir, vpon the *secund* poynt allanerlie: And all the perfones on pannell for the *thrid* poynt.—The *last* poynt contenit in the Letteris, tuiching the Conuocatioun, &c., is fundin to be put to the Assyise.

ASSISA *prefatarum personarum*.<sup>1</sup>

Johne Colquhoune of Luce,	Robert Colquhoune of Camstro-	Williame Levingftoune of Jerwif-
David Berklay of Ladyland,	dane,	wod,
Robert Lord Boyd,	Williame Smollett, burges of	Andro M <sup>c</sup> ferlane of Arrochare,
James Glenne of the Bar,	Dumbertane,	Johne Cwnynghame of Drum-
Johne Someruaile of Cambufne-	Walter Buchquhennane of Drum-	quahaffill.
thane,	makill,	

VERDICT. The hail fornemmit perfones on pannell, except Johne Houftoune, elder, in Dumbertane, CONUICT be the said Assyise of cuming vponne Andro Hammiltoune of Cochno, within þe bur<sup>t</sup> of Dumbertane, vpon þe xvij day of Marche lastbypast, quhair the said Andro wes beset vponne the Hie-gait pair of, and with drawin swardis invadit him, and compellit him to tak ane Houfe for defence of his lyffe, vponne subdantye.<sup>2</sup>

**Slaughter of the young Laird of Grenelawdene.**

'ALEXANDER HAITLIE, eldest sone to the Gudman of Lambden; Johne, his broder, Robert Lowry, in Reidhall,' Acquitted by an Assise of the Slaughter of vmq<sup>le</sup> Stevin Brounfeild, younger of Grenelawdene.

PERSEWARIS, Stevin Brounfeild of Grenelawdene, fader; and William B., broper.

PRELOCUTOURIS for the Pannall,

The Commendater of Jedburch; Andro Ker of Fandounfyde; The Laird of Trabroune; Mr Tho. M<sup>c</sup>calzane; Mr Johne Moscrope; Cuthbert Cranftoun of Thirlestane-manys.

PRELOCUTOURIS for the Perfewaris,

Adame Brounefeild of Hardakeris; Alexander B. in Eistfeild; Patrik B. in Haffiltoune-manys; Alexander B., broper to þe said Adame; Alexander Brounfeild in the Manys.

The pannall askit instrumentis that Stevin Brounfeild, elder, declarit that thair wes na actioun of deidlie feid betuix him, his freindis, perfewaris, and the said pannall and thair freindis.

**Conuocation on South Inch of Perth — Wounding, &c.**

Jul. 8.—ANDRO RAMSAY, burges of Perth;<sup>3</sup> Robert Pittilo, and James

<sup>1</sup> The *Absentes* were Mongo Lyndfay of Balull, Robert Buchquhannane of Balloch, Hew Crawford of Kilburny, Johne Cwnynghame of Glengarnok, Alex. Park of Bagray, Mr Johne Wod of Galestoune, Louk Struiling of Ballagane, and James Edmestoune. This is one of the smallest Assises on Record. There are numerous instances of *thirteen* persons being on Assises such as that in the preceding Case of the Scots, but very few of so small a number as *eleven*.  
<sup>2</sup> Suddenly; on a sudden; Lat. *subito*.  
<sup>3</sup> See Jul. 6, 1567.

Rynd there, and ten others, delatit of arte and parte of Conuocatioune of our souerane ladeis liegis, bodin in feir of weir, and crewale Hurting and Wounding of Williame Morefoun, feruand to the Lard of Cragy for the tyme, vpon the South Inche, befyde the bur<sup>r</sup> of Perth, in the moneth of Januar, 1562, after that he was tane and holdin in thair handis, in his heid, breking of his collar-bane and schulder-blaid; and streking of him throw his left arme and in his breift, aboue his left pap, to the effufloun of his blude, and hurting of him in his said arme, quhairthrow he hes nocht the habilitye thairof that he had of befoir; committit vpon subdantye.

PERSEWAR, Williame Morefoun; Maister Robert Creychtoun, Aduocat.

PRELOCUTORIS, Johne Rofs of Cragye; James, his brother; Patrik Eviot of Balhouffye.

The pairtie passit fra the perfute of Andro Ramfay, James Daidfoun, and Johne Chaip; and deponit his aith, that he had just cause to perfew the remanent on pannall.

ASSISA.

Williame Kynnynmonth of Hill, Alexander Blair of Balthyok, Johne Blair of Melgynche,  
Johne Lyndefay of Alyth, Alexander Blair of Freirtoune, Williame Chalmer of Segydene.<sup>1</sup>

VERDICT. James Rynd, burges of Perth, FYLIT.<sup>2</sup>

**Slaughter — Undue execution of the Dittay.**

Aug. 11.—ROBERT PATERSONNE, burges of Ed<sup>r</sup>; Laurence Symfoun, tailliour thair; Katherine Paterfoun, his spous; Arthour Granger, thair; delatit of the Slauchter of vmq<sup>16</sup> Nicoll Zoung, tailliour.<sup>3</sup>

PERSEWARIS, Robert Zoung, fader; Johne, broper; and the remanent kyn and freindis, &c.

Robert Paterfoun and Arthour Granger askit instrumentis that the perfewaris aboue writtin past fra thair perfute.

The said Johne Zoung (tailliour) vnlawit in the panis contenit in the Actis of Parliament, for nocht productioun of the Letteris, dewlie execute and indorsate, vponne Robert Moscrope; in respect that mentioun is maid, that he wes ferfit and focht within THE BUR<sup>r</sup> OF ED<sup>a</sup>, and chargeit at the Mercat-croce of Ed<sup>r</sup>; and chargeit at the *Mercat croce* thairof, having his duelling place for the tyme within JEDBURGHE. The said John protestit for his releif of the Officiare, executour thairof.<sup>4</sup>—The Laird of Pennycuke became surety for the entry of Symfoun and his spouse, at the next Aire of Edinburgh, &c.; and the parties mutually took out *Lawburrows* against each other that they should be 'hardeles and skaithles of thame and all that thai may latt,' &c.

<sup>1</sup> The other seven were burgesses of Perth.

<sup>2</sup> The rest were ACQUITTED.

<sup>3</sup> See the

proceedings against the Magistrates of Edinburgh, &c., Jun. 6, 1564. <sup>4</sup> A protest is accordingly recorded, 'because he himself was ignorant of the Lawis, and maid expenffis vponne William Barrye, Messinger, for putting of the saidis Letteris to dew executioun; and infafar as thai wer nocht dewlie execut, the falt thairof wes in the said Williame and nocht in him; that thairfore, he mycht haif his releif,' &c.

**Mutilation — Old Feud.**

Sep. 20.—**JOHNE GORDOUNE**, in the Park; **Alexander G.**, of Traquhane; **James**, his sone; and **Robert Levingstoune**, delatit of the Mutilatioune of **Robert Macteir**, feruand of **Thomas M<sup>c</sup>Clellane** of Bomby, of his thomb of his right hand, and vtheris crymes contenit in the Letteris direct pairupoune; committit be thame vpoune the thrid day of August lastbypast, vpoune auld ffeid and foirthocht felonye.

**PERSEWARIS**, Tho. M<sup>c</sup>Clellane of Bomby; Ro<sup>t</sup> Forrester, burges of Kirkcudbrycht; Ro<sup>t</sup> M<sup>c</sup>Teir.

**PRELOCUTOURIS** for the Persewaris, My Lord of Caffillis; Hew Kennedye, his soper broper; The Lord of Drumnellane; The Tuteur of Bomby; Master Thomas M<sup>c</sup>Clellan.

**PRELOCUTOURIS** for the Defendaris, Mr Johne Moscrop; The Lord Lochinvar; Johne Schaw of Haly; Hew Wallace of Tarall; The Lards of Lammyngtoun and Skraling.

The Letteris wes Caffin, becaus pai wer nocht dewellie execute and indorfate.

**Slaughter.**

Oct. 12.—**JOHN HENRYE**, in Striuling; **James H.**, younger, thair; and **Johne H.**, sone to **James H.**, elder, thair, delatit of the Slauchter of vmq<sup>le</sup> **Johne Rae**, in Bukeburne, (Bannockburne?) within the scherefdome of Striuling.

**PERSEWARE**, Jonet Merfchell, relict of the said vmq<sup>le</sup> **Johne Rae**.

**PRELOCUTOURIS** for the perseware, The Lord of Luce (Luss); My Lord Boyd; The Lord of Duntreith; The Lord of Manis.

**PRELOCUTOURIS** for the defendaris, The Lord of Fordell; Mr Henrye Kinrofs; Mr Richard Strang; Mr Edward Henderfoun; The Lord of Lany.

Maister **Henrye Kynrofs**, ane of the prelocutouris fairfaidis, askit instrumentis vpoune the electioun of the saidis fyve prelocutouris, and that the Lord of M<sup>c</sup>farland affistit to the perfute. And als askit instrumentis vpoune the indorfatioune of the Letteris productit and executioun thairof, in the moneth of Junij, as the indorfing thairof beris; quhilk Executioune wes maid befor the committing of the said Slauchter: *Item*, allegit that the said **Johne Henderfoun** was within the aige of tuelf zeir,<sup>1</sup> and wes nocht *capax (doli)*, nor habill<sup>2</sup> to vnderly the law thairfor.—**VERDICT**,<sup>3</sup> ‘**ACQUITTIS**.’

**Subastion — Hurting and Wounding, &c.**

**GEORGE GORDOUNE OF SCHEUES**, knyght, **George Gordoune**, zounger of Geycht, **James Cheyne**, &c. (eighteen others), delatit of the crewale Invasioun of Maister **William Con** of Auchry, and Hurting and Wounding of him in

<sup>1</sup> On the margin, ‘**PUER** and **DISCHARGEIT**, becaus he wes within xij zeiris.’ <sup>2</sup> Liable; Lat. *habilis*. <sup>3</sup> **Henrye Levistoune** of Grenezardis was the only *Laird* on this Affise. **Robert Seytoun** of Tullebody, **Robert Drummond** of Carnoke, **Robert Forester** of Boquhane, and **Walter M<sup>c</sup>Cawlay** of Ardincapill, were americiated for being absent. The rest were persons of no note.

diuerſe pairtis of his body, to the greit effuſioun of his blude ; and ſtriking and dinging with brydill of Johne Paterfoune, George Broune, and Alexander Troupe, his cotteris ; and vtheris crymes, at lenth expremit<sup>1</sup> in the Letteris direct thairupoune.

PERSEWAR, Maister William Conne of Auchrye.

PRELOCUTORIS for the Persewar.

My Lord of Caffillis, My Lord Borthuik,  
The Lard of Cokpill, Hew Kennedy of Bar-  
quhynaye.

PRELOCUTORIS for the pannall.

Mr Tho. McCalzane, Mr Dauid Borthuik,  
George Baird of Auchmaddy, Mr Tho. Gordoune.

And becaus sufficient nowmer of Barronys and Pearis compeirit nocht to pafs vpoun the Affyſe of the ſaidis Lairdis of Geycht, elder and 3ounger, the Justice ordanit fouerties to be reſſaut of thame for thair comperance the thrid day of the next Justice-aire (Aberdeen), or ſoner, vpoune xv dayes warnyng, to vndirly the law for the ſaidis crymes.

VERDICT. 'Acquittis' James Cheyne and the other pannels. 'The Lard of Pittindreych, George Johnestoune of Creychtmond, Mr Duncan Forbes of Monymusk, and John Forbes of Fynzeak,' were the only Barons on the Affiſe.

ABSENTES *ab Affiſa*.

James Dempſtare of Auchterles,	George Leſlie of Touche,	James Stewarte of Brig,
Mr Tho <sup>e</sup> Keir of Cowclaraquhy,	William Leſlie y <sup>r</sup> of Wardres,	Mr Johne Craig of Craigsfintray,
The Lard of Balhagartye,	The Lard of Delgatyne,	Alex. Bucquhane of Auchnacoy,
The Lard of Cvnache,	John Seytounne of Auchinhaif,	Patrik Leyth of Harthill,
. . . . Leſlie of that Ilk,	William Auchinlek of Schethin,	Johne Caddell of Aflowne,
Wm. Gordoune of Auchindoune,	Patrik Mowat of Boquhally,	Williame Leſlye y <sup>r</sup> of Barres. <sup>2</sup>

### Invasion — Hurting and Wounding — Namesucken.

Oct. 14.—MAISTER ARCHEBALD DOWGLASS, and Johne D. in the Eiftſcheill, delatit of the crewall Hurting and Wounding of Jonet Wiſchert, ſpows to Maister Thomas Weddell, in hir rycht hand of twa fyngaris thairof : AND Hurting and Wounding of Elizabeth Hutcheſoune, ſpous to Charlis Burdeaulx, in hir rycht hand, ſpecialie in hir thowm thairof ; committit be thame vndir ſilence of nycht vpoune the xvij day of July laſtbypaſt, be vay of Haimfuckin, in abſence of thair ſaid ſpoffis ; quhairthrow the ſaidis Jonett and Elizabeth wilbe mutilat ; to the effuſioun of thair blude.

PRELOCUTOR for the pannall, Maister Thomas Weſtounne.

The ſaid Maister Thomas (Weddell) producit THE QUENIS grace writing, and aſkit instrumentis thairupoun, deſyryng juſtice conforme thairto : And alſe proteſtit for remeid of law.

<sup>1</sup> Expreſſed ; Lat. *exprimere*. <sup>2</sup> The names of a number of others of leſs note were alſo handed over to the 'Theſaurar,' to levy the uſual fines. Theſe, as appears from *the Register of the Privy Seal*, and other Public Records, were very rigorouſly exacted. The proceeds were uſually gifted to ſome retainer of the Court in compensation for ſalaries, &c.

(REGINA,)

JUSTICE, Justice Clerk, and your deputtis, We greitt you wele. Forfamekle as the xiiij day of October instant is affignit to Maister Archebald Dowglafs and Johne Dowglafs in pe Schelis flor to vndirly owre law for pe crewale Invasioun, Hurting, and Wounding of Jonet Wifchert, spous to Mr Thomas Weddell, and Elizabeth Huchefoune, spous to Charlis Burdaux, within our bur<sup>t</sup> of Edinbur<sup>t</sup>, as at mair lenth is contenit in our Lettres direct pairuponne: Quhairfor it is our will, and we charge you to proceed at pe said day, and do justice to pe saidis complenaris, but ony delay, nochtwithstanding ony Writing direct or to be direct in pe contrair. As ye will answer to ws pairuponne. Subscriuit with our hand, AT ED<sup>m</sup> pe xiiij day of October, 1564. MARIA REGINA.

Protestis the said Mr Thomas Weddell, that nochtwithstanding that *Thomas Johnesoune* was nocht summond in his Letteris, that he past fra his persute. Stevin Storrye in Plesance was americiated for not producing the same.—Continued to Oct. 16 and 17; on which last date they were Replegit, be Interlocutour, to the Regalitie of Dalkeyth be Thomas Dowglafs, burges of Ed<sup>t</sup>, and baillie thairof.’

**Wounding — Scourging naked people with bridles, &c. — Cutting the backs of Cattle, &c.**

Oct. 17.—JOHNE GREIRSOUNE OF HALYDAYHILL, Roger and Mathow<sup>1</sup> his brether, Gilbert M<sup>c</sup>Gub, and Thomas Mammarfoune, delatit of the Hurting and Wounding of Elizabeth Creychtoun, spous to Robert Chertouris of Astrowane, in diuerse partis of hir body, to the greit effufioun of hir blud; and stryking of thair seruandis, being nakit, with brydillis and sward-beltis, and breking of the bakkis of thair gudis;<sup>2</sup> and vtheris crymes at lenth expremitt in the Letteris direct thairuponne.

PRELOCUTOURIS for the Persewaris.

PRELOCUTOURIS for the Pannall.

Jo. Creychtoun of Ryhill, The Lard of Skraling, The Lard of Keris, Mr Johne Mofcrope,  
Mathow Campbell of Lowdoune, knycht, Harbert Anderfoune, Cuthbert Greir,  
The Lard of Fren draucht, W<sup>m</sup> Symontoune of The Lard of Garleife.

Hardingtoune.

The said Mr Johne Mofcrope askit instrumentis, that the Tutour of Sancquhare producit our souerane ladeis Lettres in Jugement; and being inquyrit ‘Gif he, Robert Chertouris, and his spous, persewaris, wald byde at the executione thairrof? Affirmit the famin. Quhairuponne the said Mr Johne askit instrumentis; and als that the saidis Lettres, safar as Mathow Greirfoune and Johne Morefoune were contenit therein, was nocht dewlie execute nor indorsat vpon thame, becaus thai wer chargeit be the executour thairof be oppin proclamatioune at the Mercat-croce of the burcht of *Drumfreife*, and the saidis perfones ar indwellaris within the stewartrie of *Kirkudbrycht*, as the persewaris thame felfis confessit. The said Mr Johne desyrit the first and last poyntis of the saidis Letteres to be red in presens of the Assyise. *Item*, askit instrumentes

<sup>1</sup> ‘Dischargit.’<sup>2</sup> Live-stock, cattle.

that the said Johne Greirfones accusatioune fuld be onlye vpone the *first* poynt thairof, and the saidis Roger Greirfoune, Gilbert M'Gub, and Thomas Mammarsoune vpone the *last*.

## ASSISA.

Peter Denum of Crechane, Nineane Cwnyngam of Craig- Robert Menzeis of Auchinell,  
Gil' Roreffoune in Kirkcudbright, nestane, Jo. Satlingtounne of Auchinkeeche.

And becaus na nowmer of Assyise wes fundin, the Justice continewit this actiounne to the xiiij day of Februar nixt to cum; and Cuthbert Greirfoune, Tutour of Larg, is pege for thair entré thairto.

ABSENTES, The Maister of Glenkardine (Glencairne,) Robert Kirkpatrick of Brakoch, John Edgare of Ingliftounne, Andro Cwnyngame of Birkshaw, and fifteen others, who were all amerced for not entering on the Assise.

**Slaughter of the Laird of Hassindene.**

Oct. 21.—WILLIAME ELLOT of HORSLEHILL, Robert, Gawane<sup>1</sup> and Arche,<sup>2</sup> Williame Elliot, bastard sone to vmq<sup>b</sup> Robert Elliot, James Scot, sone to Walter Scot in Hassindene, delatit of the Slauchter of vmq<sup>lo</sup> DAVID SCOT OF HASSINDENE; committit vpoun xvij day of October instant.

PERSEWARIS, The Lard of Balcleuche, (The Quenis Aduocattis.)

PRELOCUTOURIS for the Persewaris.

PRELOCUTOURIS for the Pannall.

The Gudman of Thirlstane, Tho<sup>s</sup> Scot of Edene, The Lard of M<sup>c</sup>Kerstounne, W. Douglafs of Cruik, Walter Scot of Edschaw, Tho<sup>s</sup> Scot of Hanyng, The young Lard of Edmistounne, Alex. M<sup>c</sup>Dowgall, The Gudman of Tuschelaw. of Steidrig, Mr George Dowglafs.

My Lord Justice Clerk askit instrumentis, that the pannall aboue writtin desyrit thair persewaris to be putt vpone thair Assyise; becaus thai knew befor the tryell of the cryme thai wer delatit of: And protestit, that albeit the Justice depute, be awyise of his Assessouris, for the present tyme consentit heirto, that the same in tyme cuming fuld be na preparatiue.—VERDICT and SENTENCE. 'Fylit—Decollat.'<sup>3</sup>

**Striking a pregnant Woman — Child-murder.**

Nov. 29.—WILLIAME HARROTT in the Cannongait, delatit of the stryking and dinging with his handis and feit Katherine Hay, being greit with chyld; off the quhilkis straikis scho tuke bed, and continuand in the pane and dolour thairof, pairtit with chyld; and fwa wes crewalye flane be him in hir wamb.—Replegiated to the Regality of Halyrudehoufe.

**Conuocation — Inbasion of the Laird of Camlarg, &c. in a Fenced Court of the Sheriff of Air.**

Dec. 12.—BARNARD FERGUSSON OF KILKERAN,<sup>4</sup> Thomas<sup>5</sup> and

<sup>1</sup> 'Acquit.' See May 31, 1565, &c.

<sup>2</sup> 'Puer—dischargeit.'

<sup>3</sup> Excepting in the case

of Gawane and Arché.  
KENNEDIES, quarto, Edin. 1830.

<sup>4</sup> For accounts of this and other similar Feuds, see HISTORY OF THE

<sup>5</sup> Thomas Fergussonne and those marked \* were discharged

*simpliciter*.

David his brothers, and fifty-one others, delatit for Conuocatioune of our fouerane ladeis lieges, vpone the last day of July lastbypast, bodin in feir of weir, &c. to the nowmer of ane hundreth perfonas, in contrair the tenour of the Actis of Parliament, and cuming within the Tolbooth of Air, quhair Robert Crawford of Clolynane, John Dunbar of Blantyre, and Robert Campbell of Ovirtoune, the Schereff deputtis of the scherefdome thairof wes fittand in jugement, in ane fenfit Court, for administratioun of justice; and thair, oppinlie, in plane face thairof, eftir injurious wordis betuix thame, crewalie invadit Johne Crawford of Camlarg, and vtheris being with him in cumpany, with drawin swerdis and stavis for thair slauchteris; and thairthrow trublit the said Court, and stoppit the saidis Schereff deputtis to minister justice in the actioun and cauffis contenit in the Letteris criminall direct pairupoune, then depending before thaim.—The other pannels of note follow :—

Thomas Ferguffoune in the Traif,	G. Kennedy of Balmaclannochene, Olipher and Robert, his fons,
Hectour F. spous to Agnes Crawford,	Robert Blair, his houshald man.* Gilbert K. of D., 3ounger,
Niniane F. his son,	Duncan Kennedye of Dalquharne, Matho K., seruand to Jonet K.
William F. of Auchinfoule,*	Andro Graham, his houshald man, Hew K., sone to pe Gudman of
Duncane F. of Glenbowar,	Wm. Cunynghame of Clonkard, Bogend,
Walter Kennedy, sone to Drumnellane,	David Kennedye, alias <i>the Page</i> ,* Gilbert K., sone to Sir Hew of Johne Kennedye of Drumnellane, Girwanmanis.

Gilbert Erle of Caffillis amerced for not entering Patrik Kennedye, younger of Dalgerrok, and seven others, to underly the law.—As Baillie of the Regality of Corfrawgall, he desired to replegiate Thomas Ferguffoune in the Traif.—Continued to 'Thurisdai nixt,' Dec. 14.

PRELOCOUTOURIS for the pannell.—Mr Thomas McKelzeane, Mr Johnne Mofcrope, James Muir, brother to the Laird of Auchindrane, Johne Schaw of Halys, The Laird of Keris, Williame Cwnynghame, 3ounger of Caprintoune.

(Dec. 14.)—THE JUSTICE, be Interlocutour, ordinit that the said Thomas Ferguffoune in Travis be nocht replegit to the said Regalitye, becaus thair wes na writtis, actis, nor na vther reasonabill caus proponit that the samin wes befoir ane Regalitie.—My Lord Caffillis protestit that the Interlocutour pronunceit pairanent be nocht preiudiciall to his Regalitie foirsaid.

## ASSISA.

The Laird of Carnall,	George Kessane,	James Dunlope of pat Ilk,
Johne Cathcart of Carloune,	Johne Montgomerye in the Flatt,	Johne Blare of Myddil Auchindrane,
The Laird of Entrekin,	Johne Schaw of Grimmet,	Williame Inglis of Scheill.
George Corry of Kelwood,	Thomas Scot of Hanyng,	

(Dec. 15.)—VERDICT. The saidis Hectour, Thomas and Barnard Ferguffoune FYLIT of arte and parte of the Convocatioune, &c. Continued as to the rest to the next Justice-aire of Air.

**Assaulting in the Sheriff Court of Ayr, &c.**

(Dec. 15.)—**JOHNE CRAWFURD OF CAMLARG**, David and Quintine his brothers, were 'FYLIT' by the above Affise for the same crime.

PRELOCUTORIS for the pannell,

The Lard of Kelwod,                      The Lard of Lefnoreife,                      Maister David McGill.

Fifty-four others were also charged; the most remarkable of whom were,

Will. Crawford of Drummishoy,      David Craufurd of Kerfe,                      John Power of Siluerwod,  
 David Crawford, his brother,      W<sup>m</sup> Cathcart of Drummishoddane,      George Logan of Brounhill,  
 Allane Cathcart of Drumgowane,      Williame Cathcart of Wodheid,      Adame Dunbar of Barcurroch,  
 Da. Cunynghame of Polquhirne,      Al. Cwynynghame of Montounhill,      Cuthbert Dunbar, his brother,  
 Williame C., his brother,              Williame Cathkart of Watterheid,      George Neisbet, in Tempelland.

The remainder of the pannel were remitted to the next Justice-aire of Air.

**Stealing Money—Scourging and Banishment.**

Jan. 12, 1564-5.—**PATRIK CAMPBELL**, cuke and seruand to Dame Katherine Oliphant, Lady of Kelyte, delatit of the theftuos breking of ane Bonetkaife, pertening to the said Dame Katherine, being in hir chalmer on the Northe fyde of Ed', and theftuos Steling and conceling fra hir, furth thairof, of ffyftie pundis of Scottis TESTANIS, ane Portugal DUCAT, and xx<sup>vj</sup> schillingis of vthir money.—**SENTENCE.** To be SCOURGEIT throwch the Toune, and BANEIST the realme during THE QUENIS will; and to departe furth of the famin within ten dayis nixt heireftir; and never to returne within the famin, without speciale Licence of the Quenis Maieftie, vnder the pane of DEID.

**Wounding a Bailie of Renfrew in Execution of his Office.**

Mar. 5.—**PATRIK JAKSOUNE**, burges of Renfrew, and Sir Williame Jakfoune, his brother, FYLIT by an Affise of arte and parte of the Invading of Adame Hall, ane of the Baillies of Renfrew, with drawin swerdis, and Hurting of him, to the effusioun of his blude, in his rycht hand, vpon the xix day of Nouember lastbypast, within the burcht of Renfrew, he beand in executioun of his office of Baillie vpon the said Patrik, in putting of him in Ward within the Tolbuth of the said Burcht, quhill <sup>1</sup> he had fundin lawborrowis that Johne Quhyte in Abbotfynche suld be skaithles of him, as law wald.

**Wounding and Mutilation of the young Laird of Kincaid, and 'Malcum Kyncaid,' his Brother.**

Mar.<sup>2</sup> .—**JOHNE STRIULING OF CRAIGBERNARD**, John his sone and apperand air, Duncane, Williame, and Walter, brothers german to the auld Lard, Williame, bastard brother to the zoung Lard, and nineteen others, delatit

<sup>1</sup> Until.

<sup>2</sup> The date is not prefixed, but it must have been between Mar. 8 and Mar. 13.



of the Invasioun of JAMES KYNCAID, son and apperand air to James Kyncaid of that Ilk, and Malcum Kyncaid his brother, within the Toune of Glesgw; and Hurting and Wounding of the said James in his heid, in perrel of his lyffe: AND Hurting and Wounding of the said Malcum in diuerse paitis of his body, and Mutilatioun of him of his left arme, and making him impotent thairof; vpoune auld ffeid and foirthocht fellonye; committit in the moneth of Februar 1563.—DESERTED. Protestis Mr Johne Ruthirfuird, that the dissenting of this Court be nocht prejudicial to THE QUENIS actioun.

### **Selling Wines at high Prices.**

Mar. 20.—JAMES ZOUNG, cutlare, burges of Ed<sup>r</sup>, and twenty-two others, delatit of breking of the Actis of Parliament anent WYNIS, in felling thairof, &c. Their Cases were continued from time to time, and the offenders fined.

### **Adultery — Incest.**

Apr. 6, 1565.—MAISTER JOHNE CRAIG, Parfone of Kincardin, and Margaret Mowat, spous to Johne Craig of Craigisfyntay, delatit of the committing of the fylthie and horrible cryme of Adultery, ather of thame with vtheris,<sup>1</sup> sen the moneth of December 1562, and nychtlie and continualie senfyne.

PRELOCUTORIS for the pannale,

Mr Richert Strang, Mr Alex. Sym, Mr Thomas Bannatyne, Archebald Dempstar, Mr Frances Chyne.

Askit instrumentis vpoune the productioun of the sentence of Devorcement, of the dait the xvij day of November, 1562.—Continued to Monunday, the nynte of Apryle instant.

(Apr. 9.)—Comperit the saidis Mr Johne Craig, and Margaret his spous, and askit instrumentis, thay requyrit and desyrit proces in the actioun aboue nemmit; and in caise the Justice wald continew the said mater, that thai allutterlie<sup>2</sup> disaffentit thairfra; protestand alwayis, that the continuatioun thairof be na wyife prejudiciall to thair defenssis now vfit, or to be vfit be thaim in ony tyme theireftir.—Continuit to Thurisday, the xij of Apryle instant.

Maister Johne Craig, Perfoune of Kincardyne, and Margaret Mowet, allegit spoufe to Johne Craig of Craigisfyntay, beand personalie in Jugement, and callit be vertew of our souerane ladeis letteris, purchest be Mr Johne Spens of Condy, and Mr Robert Creychtoun of Eliok, hir hienes Aduocattis, to vnderly the law for the Adultery committit be ather of thame with vtheris, in the moneth of November 1562 yeiris, and daylie, monethlie, and continuallie senfyne, the said Margaret being the spous of the said Johne Craig, and nocht lafulie devorceit; and as for Incest, scho being the said Mr Johnnis brother-sonis<sup>3</sup> wyffe. It wes

<sup>1</sup> With each other.

<sup>2</sup> Entirely, altogether.

<sup>3</sup> Nephew's.

allegit be the saidis Mr Johne and Margaret, and their prelocutouris, that na proces aucht to be led in the said Court of Justiciarye aganis thame, be vertew of the saidis Letteris, for the said allegit crymes of Adulterye and Infeft; becaus vpon the xvij day of November 1562, the saidis Margaret and Johne Craig, befor the said allegit Adultery and Infeft committit be the saidis Maister Johne and Margaret, ather of them with vtheris, libellit in the saidis Letteris, were lauchfully Devorceit and separatit be Sentence irreuocabill, pronunceit and gevin be Mr Johne Ramsay, Minister of Abirdour, and Thomas Crystefoune, Minister of Gemrye, havand sufficient Commiffioun to gif the famin. And for verefeing of thair said allegeance, produceit the said Sentence, signatit <sup>1</sup> and subfcriuit in forme, as eftir followis.

SENTENCE OF DIVORCE, *proceeding on the ground of IMPOTENCY.*

TILL ALL AND SINDRY Professouris of Goddis moift holie Gospell and Ewangellis, quhome thir presentis fall to-cum, MAISTER JOHNE RAMSAY, Minister of Aberdour, and THOMAS CRYSTESOUNE, Minister of Gemrye, defyrit peax, mercye, and grace, throw Jesus Cryft, our onlie Lord and Sauour. FORSAMEKILL as it wes lamentable exponit to ws be ane discrete woman, callit *Margaret Mowat*, dochter to Patrik Mowat of Buchquhelligie, that scho maid ane Contract and Band of Mareage with ane callit *Johnne Craig*, sone to vmq<sup>le</sup> Thomas Craig in Cragiftene, zit, nochtwithstanding, the foirsaid *Johnne* accompaneit nocht with þe said *Margaret* be mvtuale cohabitatioune, like as in mareage is requyrit; be reasoune the said *Johnne* is knawin to be IMPOTENT, as scho allegit: And thairfor scho obtenit ane Summondis, directit be Adame Herrot vnto ws, to caus lauchfulie summond, warne, and charge the said Johne, personalie apprehendit, or at his Paroche Kirk, on Sounday, quhilk wes the fyfteint day of the moneth of Nouember, to compeir befor ws in the Paroche Kirk of Gemrye, to heir and se cognitioune takin in the said mater be ws, quho had the Commiffioun for the tryell of the said mater: And to heir and se cognitioune taikin, in sic sort, that the said *Johnne* suld be separatit, pairtit, and devorceit fra the foirsaid *Margaret*, gif he wes knawin to be impotent frome his natiuitye, as said is. FOR the tryell and testificatioune of the quhilk, sum certane famous <sup>2</sup> and godlie Witneffis wer giffin to ws, in bill; <sup>3</sup> quha, being examinat be ws and sworne, deponit, all be thair aithis, that the foirsaid *Johnne* wes IMPOTENT fra his natiuitye, and culd nocht accompany with his pairtye, as is afoir specifeit, and as at mair lenth in the Letter of the Examinatioune of the saidis Witneffes is contentit. THAIRFOR, we, havand respect to the endis and principale caus quhairfor mareage was institute and ordanit, conforme to the trew and infallibill Word of God, quhilk wes þis, 'to awoyd fornicatioune and to the procreatioune of childrene:' And considerand the said *Johnne*, quha is nowþer abill to satisfye and sufficientlie content þe said *Margaret*, nor na vþer womane, as wes sufficientlie proven be sufficient Witneffis, vnsuspect, as said is, nowþer zit is abill to remane and accompany with his said spous be mvtuale cohabitatioune, as at mair lenth in our Summondis, to þe procreatioune of childrene, WE, the saidis Maister Johne Ramsay and Thomas Crystefoune, Ministeris foirsaidis, with consent of our Elderis, deaconis, and Ministeris assemblit in the said place for the tyme, hes pronunceit, decretit, and decernit, and be the tennour of thir presentis, pronunceis, decretis, and decernis the saidis perfonis, *Johnne Craig* and *Margaret Mowatt*, to be SEPARATIT, PAIRTIT, and DEVORCEIT, and be the tennour of thir presentis SEPARATIS, PAIRTIS, and DEVORCEIS the saidis perfonis, ilk ane of thame, frome the Holie band of Mareage, from hencefurth dissoluit, relaxit, and lowfit, <sup>4</sup> in sic sort, as thocht the same had nevir bene eslemit: AND becaus thair is nathing obiectit nor laid to the said *Margaretis* charge, We pro-

<sup>1</sup> Signeted, sealed.

<sup>2</sup> Persons of good fame or reputation.

<sup>3</sup> Roll.

<sup>4</sup> Loosed.

nunce hir to be fré to sanctifye hir body agane in to Mareage, gif ' scho plefis. IN WITNESS to this our Decrete and Sentence irreuocabill, subscruitt with our handis, our signettis is affixit heirunto, AT GEMRYE, the xvij day of this monethe of Nouember, the zeir of God I<sup>m</sup>.Vc. lxiij zeiris, afoir thir witneffis, Williame Keith in Myddiltoune, Johne Donaldfoune, Roberte Selpe.

JOHNE DONALDSOUNE, with my hand at the penne, led be  
Thomas Cristesoun, Minister of Gemrye, Witness,  
ROBERT SELPE, w<sup>t</sup> my hand at the pen, led be Thomas  
Cristesoune, Minister of Gemrye, Witness,  
WILLIAM KEITH, in Myddiltoune, w<sup>t</sup> my hand.

MAISTER JOHNE RAMSAY, Minister.  
*Ita est* THOMAS CRISTESOUNE, Minister  
de Gemrye, sub meis signo et signeto in  
similibus et consuetis vaitat.

The Case was finally transmitted to the next Justice-aire of Aberdeen, but there is no marking on the Record to indicate the decision of the Justiciar.

### Umbesetting the Way — Horse-stealing.

Apr. 28.—MR JAMES BIRNY, in Pitlurg, having failed to find caution to fulfil THE QUEEN'S Will, to which he had submitted himself, was WARDED in the Tolbooth of Edinburgh, for art and part of Convocation of the lieges, ' bodin in feir of weir,' on Feb. 4 laft, and Umbefetting the way to Alexander Trowp, in his passing along the highway near the Mill of Bedcarye, (he being lame and unable to refitt,) along with John Smyth, his seruant, and there cruelly Invading them with lances and ' Jedburcht ftawis'<sup>2</sup> for their Slaughter: AND alfo for Stouthreif and stealing from the said Alexander of his black horse, worth 100l., upon which he then rode.—(Apr. 30.)—He found caution to fulfil THE QUEEN'S Will.

[*Archibald Earl of Argyll, Lord Campbell and Lorne, Justice-General.*]

### High Treason — Conspiracy to seize the Queen's person, &c.

[THE following proceedings give a different view of this part of the life of the noted JAMES EARL OF BOTHWELL from that which has hitherto been related by Historians. Without at all entering upon so extensive a field of controversy, the Editor has merely to refer the reader to the labours of *Robertson, Hume, Laing, M'Crie*, and other modern writers, for their various statements of the facts which are reported to have occurred immediately before THE MARRIAGE of MARY QUEEN OF SCOTS with DARNLEY. The subject will, it is hoped, be soon taken up by *Mr Tytler*, in the course of his historical work; where, from the masterly and accurate manner in which that learned and impartial author has already treated many of the most obscure and controverted points in the earlier history of Scotland, much light may be expected to be thrown upon the whole of this extremely entangled and intricate reign.

In reference to this remarkable individual, the Editor begs here to lay before the reader two very interesting extracts, which, after investigation, he procured from the Kirk Session Records of the *Parish of Canongate*, from whence, it may be remarked, several important historical events may be verified or illustrated. The story of BOTHWELL'S first Marriage, and the subsequent cruel Divorce, May 7, 1567,<sup>3</sup> are already well known. This event is thus recorded in these Registers among the *Marriages*, under date, Feb. 24, 1565-6, ' JAMES ERLLE BODUELL—JANE GORDOUN.' And in the

<sup>1</sup> If.

<sup>2</sup> Staves.

<sup>3</sup> See Account of this Divorce, in Appendix to *Robertson's Hist.* No. XX, &c.

Record of *Proclamations of Banns*, the same day, the following entry also occurs: 'JAMES ERLL BODUELL—JANE GORDOUNE,<sup>1</sup> sifter to þe ERLL OF HUNTLE, 1, 2, 3.<sup>2</sup> Ma(rried) in our awen, (viz. Kirk of Canongate.)

These events are also fully treated of by *Knox, Buchanan, Lesly*, (in his Defence of Queen Mary,) *Melvil, Spotswood, Keith, Goodall, Tytler, Chalmers, &c.* The enquiring reader will also find much useful and important information in the Collections of State Papers, &c. by *Anderson, Haynes, Murdin*, and in the numerous Works of later Collectors.]

May 2.—JAMES EARL OF BOITHUILE, Lord Creychtoun and Halis, &c.<sup>3</sup> was denounced rebel and put to the horn, and all his moveable goods to be escheated, as fugitive from the law, &c.; and Gilbert Ker of Prymfyde-Loch, and William Hepburne of Gilmertoun, cautioners for his entry this day, were amerced for his non-appearance to underly the law for the crimes contained in the following Letters, purchased by Mr John Spens of Condy and Robert Creychtoun of Eliok, the Queen's Advocates.

SUMMONS OF TREASON *against James Earl of Bothuile, &c.*

MARIE, be the grace of God, Quene of Scottis, To our louittis Adame M<sup>c</sup>culloch, Marfchemont Herald, . . . . . Messingeris, our Schereffis in that parte, coniunctlie and feueralie, specialie constitute, greting. Forfamekill as it is huimlie merit and schewin to ws be our louittis, familiar clerkis and counfalouris, Maisteris Johnne Spens of Condy and Robert Creychtoun of Eliok, our Aduocattis, THAT quhair it is of veritie, that upone the xxvj day of the monethe of Marche, or thairby, in the zeir of God I<sup>m</sup>V<sup>l</sup>xij zeiris, JAMES ERLE BOTHWILE Lord Halis and Admirall of our realme, being laitlie reconciliat and agreit with JAMES ERLE OF ARRANE, vpone sic debatis and contraverseis as had happinnit amangis thame of-befoir, precogitat, confaut, and conspyrit the treasonabill purpos and interpryise heireftir mentionat aganis our nobill persoune, and did that wes in him to bring the samin to pass, and to have perswadit our said coung to have affistit and tane parte with him in his maist treasonabill interpryise, vsand sik wordis, argumentis, and persuasionis, as he thocht mycht best serue for the purpose: THAT IS TO SAY, The said JAMES ERLE BOTHWILE, the day foirsaid, proponit and earnestlie defyrit our said coung to confert and affist to him in this maner, saying, ' I knaw 3e haif innemies in Court

<sup>1</sup> This accomplished lady, who was the third daughter of George, *fourth* Earl of Huntly, Lord High Chancellor of Scotland, six years after the date of her divorce, was married (2dly) to Alexander Earl of Sutherland, on Dec. 13, 1573. The Earl having died, Dec. 6, 1594, she married (3dly) Alexander Ogilvy of Boyne, whom she also survived. She died May 14, 1629, in the 84th year of her age. For the particulars of the life of this Lady, see *Gordon's Hist. of the Family of Sutherland*. Sir Robert Gordon, the author of that work, as well as John, *twelfth* Earl of Sutherland, the Hon. Alexander, and the Hon. Adam Gordon, were her sons by her second marriage. Reference may also be made to *Wood's* Edit. of Douglas's Peerage, &c. <sup>2</sup> Viz. proclaimed for the first, second, and third times, according to the rules of the Church. <sup>3</sup> ' Williame Hebborn (*Hepburn*) of Gilmertoun' became surety for his entry this day, by an Act dated Mar. 6, 1564-5.

' þat stoppis 3ow of 3our defyre at þe QUENIS MA<sup>xxx</sup> hand, quha will nevir  
 ' ceife quhill<sup>1</sup> þai have destroyit 3ow and 3our faderis Houfe ; bot and<sup>2</sup> 3e will  
 ' vfe my counfale, I fall fynd þe meyne to efchew þe haill wreke þairof, and bring  
 ' 3ow to 3our purpoife. And this way fall we wirk. Howfone þe QUENIS  
 ' Maieftie cumis vpone þe South fyde of þe Watter of Forth, quhilk wilbe  
 ' fchortlie eftir Pafche,<sup>3</sup> we fall prowye and keip in cumpany famony freindis,  
 ' feruandis, and parttakaris, as falbe abill, quhenne hir MA<sup>xxx</sup> is at þe HUNTING  
 ' vpone þe feildis, or vperwayis paffand hir time mirralie, to execute þis pur-  
 ' poife : That is to fay, We fall cutt in pecis famony of hir counfalouris, fer-  
 ' uandis, or vperis þat will mak ws refiftance, and fall tak hir felf with us cap-  
 ' tiue, and haif hir to þe CASTELL OF DUMBERTANE, and þair keip hir furelie,  
 ' or vpirwyife demayne hir perfoun at 3our plesour, quhill fcho aggré to quhat-  
 ' fumeuir thing 3e fall defyre !—Saying alfo, ' This thing is maift eafie to be  
 ' done, quhenne hir MA<sup>xxx</sup> falbe drawin furth of þe PALICE OF HALYRUDE-  
 ' HOUSE to pas hir tyme vpoune þe feildis, in quiet maner : And gif 3e tak ony  
 ' feir to execute this interpryife, be reafoune of þe hafard or difficulty þairof,  
 ' 3e fall onlye bot ftand and behald me put all thingis foirfald to executioun ;  
 ' and I fall quiklie execute and performe the premiffis ! AND fwa the faid ERLE  
 BOITHWILE treasonablie preconfaut, precogitat, and proponit the deathe, at the  
 leift the captiuité, emprefoning, away-taking, and withholding of our perfoune,  
 aganis our will ; and als foliftit, tyiftit,<sup>4</sup> and did that wes in him to have maid  
 our faid coufing affifter and parte-takare thairintill, had nocht bene the grace of  
 God, quhilk of his infinit piete, lufe, and favour that he hes to the conferuatioune  
 of our perfoune and Commoun-wele of our cuntré, wald nocht fuffir the faid maift  
 treasonabill interpryife to tak effect ; bot rather movit the hert of the faid JAMES  
 ERLE OF ERRANE, our coufing, incontinent thaireftir to cum and revele the  
 famin to ws, for the tyme being in FALKLAND. AND IT IS OF VERITIE alfo,  
 that the foirfaldis ERLIS OF ARRANE and BOITHWILE, in the beginning of the  
 moneth of Apryle nixt thaireftir, being baith personalie conftitute befoir ws and  
 THE LORDIS of our SECRETE COUNSALE, the faid ERLE OF ARRANE, our  
 coufing, declarit the haill purpoife foirfald, and awowit the fame vpone the faid  
 ERLE BOITHWILE : And eftir that he had maid fayth with ane folempnit<sup>5</sup>  
 aithe, that his allegiance wes trew, he offerit to preve the famin vpone the faid  
 ERLE BOITHWILE be quhatfumeuir maner it fuld feme expedient to ws and  
 Lordis of our Secrete Counfale to appoynt. AND becaus the faid ERLE BOITH-  
 WILE maid him to deny<sup>6</sup> the famin, it wes nocht thocht expedient be ws and  
 Lordis of our Secrete Counfale, and als be the ernift defyre of baith the pairteis,  
 that baith thair perfones fuld be committit to ward in fure keping within our

<sup>1</sup> Until.<sup>2</sup> But if.<sup>3</sup> Easter.<sup>4</sup> Enticed.<sup>5</sup> Solemn.<sup>6</sup> Denied.

CASTELL OF EDINBURGHE, and thair commandit to remane quhill we and our Counfall foirsaid had be all lauchfull meanis inquirit and maid fure tryall of the veritie of the premisses. AND IT IS OF VERITIE, also, that with all possible diligence thaireftir, baith the saidis ERLIS wer constitute and put IN WARD within our Castell foirsaid, thair to have remanit as said is; and in the meyne tyme quhen diligent inquisition was makand to have done justice in the said mater, the said ERLE BOITHWILE, as said is, being delatit of Treafoune and constitute in Ward, to haif bene anfuerable thairfor according to the lawis of our realme, he, knawing him self maist giltye, and his conscience bering record aganis him, vpoune the last day of August nixt thaireftir, treasonable and contemptandlie brak his Ward and presoune of our Castell of Edinburghe foirsaid, and departit furth of the famin to his libertie, eschapand tharby the pvneishment that was dew vnto him for the crymes of Lese-maieftie foirsaid, and thairthrow hes declarit him culpabill and accusabill of the foirsaid treasonabill CONSPIRACIE that he wes of before dilatit and accusit of: AND als, he being, as said is, constitute in Ward and vnder the suspitioune and accusatioune of cryme of Lese-maieftie, nocht abyding the lauchfull tryell thairof, bot breking his Ward in maner foirsaid, hes committit plane and manifest Treafoune, to his awin grete infamy and schame, and in hie contemptioun of ws, gevand occasioun to vtheris to commit the like horribill crymes, gif this remane vnpvneift.

*PROTESTATION by Alexander Hepburn of Quhitsum against Sentence of Fugitation and Outlawry being pronounced against the Earl of Bothwell.*

THE famin day, comperit in jugement of the said Justice Court, befor the geving of the said Dwme, ALEXANDER HEBBURNE of *Quhitsum*, and gave in this PROTESTATIOUNE, in writt, subscriuit with his hand, and desyrit the same to be registrat; quhair of the tennour followis.

I, ALEXANDER HEBBURNE OF QUHITSUM, seruand and kynnisman to JAMES ERLE BOITHWILL, my Cheif, PROTESTIS solempnitlie in his name, that sen pe said Erle is allegit summond to this day to compeir befor our souerane ladeis Justice, and to vnderly hir hienes lawes for certane allegit crymes of Treafoune and Lese-maieftie contenit in the Summondis direct thairupoun: And nochtwithstanding his innocence and mynd and will to have pe tryell pairof, dar nocht compeir, for feir of his lyffe at this tyme and place, be reafoune of the grete conventioun of his innemeis and vnfreindis within this bur<sup>t</sup> at this tyme, quhome he feris to attempt his Slauchter and destructioun be way of dethe, and quha hes declaret paim selfis innemeis to him laitlie of befor; that his non-comperance be nocht haldin nor reput as fugityve fra our said souerane ladeis lawis, rebell nor culpabill of the saidis crymes, be reafoune that he dar nocht compeir for just feir and dreadour that mycht fall (happen) in ane constant manne; as well apperis be the grete gathering maid at this tyme in pe contrair, of pe causing of his innemeis and vnfreindis, pat suittis his lyffe and destructioun vniustlie; bot that he may be haid heireftir, at tyme and place fure and convenient, and the causis of the said feir ceisand, to offir him self to ane Assyise for the saidis allegit crymes, and byde the tryell pairof. AND siclik, Protestis, that quhateuir be done and procedit aganis the said ERLE, this day, be nocht preiudiciale to

him, his fame, lyff, landis, honour nor gudis, for the causis foirfadis; And desyris this my Protestatione to be insert in the Bukis of Adiornale, and for the extract pairof, vponne my expenffis.

ALEX<sup>r</sup>. HEBBURNE OF QUHITSUM.

And in likwyse the said Maister Johne Spens of Condy, Aduocat to our soueran lady and perfewer of the said actione, in hir name Protestit in the contrair, as eftir followis.

PROTESTATION of the Queen's Advocate, 'in the contrair.'—COMPERIT Maister John Spens of Condy, Aduocat to our souerane lady, and allegit pat pe said ERLE culd pretend na just caus of his absence, nor just feir pat mycht fall in ane constant manne; specialie, be reafoun pat he is perfewit be the ordour of justice; and pat feir pat he hes of justice to be doune is nocht just feir of the law; And thairfoir, can nocht be excusit, bot manne be haldin fugityve fra our soueran ladeis lawis; namelie, confidering pair wes na conventioun of his vnfreindis pair, bot pe Justice and Memberis of Court, sittand with his Assessours, in quyet maner. And pairfor, Protestis pat he be haldin as culpabill of the crymes contenit in the Letteris, and that he may incur all vperis panis, quhilk towart our soueran lady, of hir lawis and practik of the realme, he may incur.

#### Wasting Lord Elphinston's goods, &c. — Adultery.

May 4.—ALEXANDER DRUMMOND OF MEDOPE, of the thifteous destructione, steling, intrometting, wasting, disponing, and conceling from Robert Lord Elphinstone, in the moneth of December, or thairby, the zeir of God I<sup>m</sup>V<sup>o</sup>lxij zeiris, and monethlie, zeirlie, and continualie sensyne, his gudis, geir, and money, in grete quantitie, extending above the sowme of twentie thowfand pundis; throw the occasioun of the Adultery committit be him with Margaret Drummond, spovs to the said Lord, at the tyme foirsaid. The said Alexander askit instrumentis that he dissassentit frome the continuatioun, and desyrit justice, conforme to THE QUEEN'S grace writting; and siclik, askit instrumentis, that the Lord Elphinstone purgeit him of all thiftuous dedis specifeit in the Letteris.—Continued to the Justice-aire of Linlythgow, Robert Lord Elphinstone having become surety for his entry.

#### Convocation — Inbading the Commendator of Ardchattan.

May 5.—ROBERT INNES OF INUERMERKIE, delatit off Conuocatioun of our souerane ladeis liegis, to the nowmer of iij<sup>c</sup> perfones, bodin in feir of weir; cumand to the Manys of Plewlandis, and Invasioun of Johne Commendatur of Ardchattan, for his Slauchter and vtheris crymes. Alexander Innes of Crombye become surety for his entry at the next Aire of Elgyne and Fores.

#### Mutilation of the Laird of Borg.

May 9.—GEORGE LORD SEYTOUNE, and John Seytoun of Cawraldstoun, his brother, James S., son of vmq<sup>le</sup> John S., of Lathrisk, Alexander S., brother of Walter S. of Tullebody, and George S., in Tranent, were denounced

Rebels, and put to the horn, and all their movables ordained to be escheated; and Hugh, Earl of Eglintoune, and Walter Seytoun of Tullebody, were amerced for their not entering the said persons to underly the law for art and part of the Mutilation of Francis Dowglas of Borg of his right arm and left hand, at least of the middle finger therof; thereby rendering him impotent of the same.

### Slaughter of the Laird of Haffindene.

May 31.—GAWANE ELLOT OF HORSLEHILL,<sup>1</sup> William Ellet of Lamestone, and Williame Ellet, callit *Gawenis Willie*, of Fallinesche, continued to third day of the next Aire of Roxburghe.<sup>2</sup> James Dowglas of Cawerfe, and William Dowglafs of the Cruke, were amerced for not entering the said William of Lamestone and Gawenis Willie, who were denounced rebels, &c.—(Dec. 4.) Robert Young, seruand to the Lard of Pharneherft, comperit in jugement, and producit this writing eftir following, desyrand the samin to be infert in the Buke of Adjornale, and protestit he mycht have the extract heirof, autentiklie; quhairof the tennour followis:—

REX ET REGINA,

WE vnderstand pat our louit Williame Ellet of Horslehill wes BANISCHIT of our realme for pe arte and parte of pe Slauchter of vniuers<sup>16</sup> Dauid Scot of Haffindene, for his lyvetyme; and ffand fouerteis pairfor: Nochtwithstanding ye quhilk, WE, for diuerse cauffis and confiderations moving ws, be pe tennour heirof, gevis and grantis LICENCE to pe said William to resort and cum hame agane within our realme, and to remane thairintill as our fré liege, in tyme cuming, nochtwithstanding pe said Banishment: And will and grantis pat he nor his fouerteis fall nocht be callit, summond, nor accusit pairfor, nor incur ony danger or skaith pairthrow, in his persoun, landis, or gudis; nochtwithstanding ony Actis or statutes, maid, or to be maid, in the contrair; anent pe quhilkis we dispense be pir presentis: Discharging heirfor our Justice, Justice Clerk, Aduocattis, and all vperis Jugeis within our realme, of all calling, persewing, trubling, or introumeting with the said Williame, his fouerteis, pair landis or gudis, for his returning and remaining at hame, within our realme, as said is, and of pair offices in that parte, for euir, be pir presentis. Subscriuit with our hand, AT ED<sup>3</sup>. pe xxiiij day of September, the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxv 3eiris.

MARIA R. HENRY R.<sup>3</sup>

### Treasonable Intercommuning with the Duke of Chattellarault and other Rebels—Taking wages to serbe against the Queen, &c.

Oct. 26.—ALEXANDER MONCREIF, son to Williame Moncreif of THAT ILK, JAMS ROSS, and DUNCANE ROBERTSOUN, seruand to the said Alexander, dilatit off arte and part of the treasonabill and vnlawfull supplé, assistance, intercommuning with James Duke of Chattellarault, James Erle of Murray, Alexander Erle of Glencarne, Andro Erle of Rothes, Andro Lord Stewart of Vchiltrie, Gawin Commendator of Kilwynning, James Kirkcaldy of the Grange, Maif-

<sup>1</sup> See Oct 21, 1564.

<sup>2</sup> Jehu Somerville of Brounhill became his surety.

<sup>3</sup> See some interesting particulars as to the Marriage of MARY QUEEN OF SCOTS and DARNLEY, in the Notice, I\* pp. 478 and 488, &c.



ter James Haliburtoun, Proneft of Dundé, and vtheris, our foueranis lordis and ladeis Rebellis, and being denunceit thair ennemeis, and at thair horne, for thair wilfull and manifest contemptioun & diffobedienc in non-compering at ane certane day, to anfuer to sic thingis as fuld be laid to thair charge: And this wes done and committit vpon the xij, xiiij, xiiij, xv, xvj, and all the dayis of this instant moneth, quhill<sup>1</sup> Sounday, the xxij day of the famin: AND for arte and parte with thaim in thair wikkit and rebellious dedis. *To the taikinne*,<sup>2</sup> the fame wes CONFESSIT be thaim, in prefens of the Lordis of Counfale. ITEM, for arte and parte of the vnlawfull putting of thame felf in armes, as raifit Men of Weir aganis our foueranis and thair auctorite, in wageis, vnder WILLIAME MONCREIF OF THAT ILK, 3OUNGER, and JAMES KIRKCALDY OF THE GRANGE, without owther command or Licence of our faidis foueranis; taking wageis to ferue thame aganis our foueranis, thair realme and faithfull fubiectis; expres aganis the lawis of the realme, and incurrand the panis contenit thairintill: And this wes committit be thaim the tyme foirlaid: *To the taikinne*, thair pait to Inland vpoun the xv day of this instant, and thair remanit with the faidis Rebellis and thair Capitanis, in armes, quhill the xxij of this instant, that thair wer takin reid-hand:<sup>3</sup> And in speciale, the faid Alexander gat xx lib. for his monethis wages, and the faid James x l.; and gair fayth thairfor they fuld ferue as thair wer commandit be the faidis Capitanes.

VERDICT. The Affife FYLIT the faid ALEXANDER and JAMES of the whole points, and the faid DUNCAN of the firft point of the Dittay.—SENTENCE. The faidis ALEXANDER MONCREIF and JAMES ROSS to be HEDIT and QUARTERIT: And the executione delayit at the KING and QUEINE'S Grace commandement.<sup>4</sup> The faid Duncan Robertfoune to be SCURGEIT through this Toune of Ed<sup>r</sup>, without forther pvneifment in his perfoune or gudis.

### Treasonably abiding from the Raid of Stirling.

Oct. 26.—RICHARD BLYTH, burges of Dundee, found surety to underly the law at the next Aire of Forfar, for treasonably abiding from the Army ordained to meet at Stirling, in August last.

### Slaughter — Borderers received as Cautioners.

Nov. 7.—GILBERT LAUDER, in Quhitlaid, delatit of the Slaughter of vmq<sup>o</sup> George Wedderat (burges of Lauder, vpon the faid George's lands and croft, lying near the Water of the faid burgh); committed vpoun the xxviiij

<sup>1</sup> Until.      <sup>2</sup> In *token* or testimony whereof.      <sup>3</sup> *Red-hand*, in the fact.      <sup>4</sup> They were in the meantime ordered to be strictly WARDED in the Castle of Edinburgh.

day of September laft by paft (upon old ff feud, certain purpose, and forethought felony.)

PERSEWARIS. Andro Wedderat, faper-broper; The auld Lard of Coldinknowis.

PRELOCUTOURIS for the faid Gilbert, The Maifter of Borthwik; The Lard of Pharnihert; Mr Johne Mofcrope, Walter Ker of Dolphingtoune; The Lard of Lawder.

PRELOCUTOURIS for the purfuaris, The Lard of Coldinknollis; The Lard of Sefurd; The Lard of Inuerwik; Thomas Ker of Merfingtoune; Andrew Ker of Fawdownfyde.

The faid Lard of Coldinknowis askit instrumentis that the faid Lard of Lawder would perfew in this caus; and siclik, that the Juftice reffavit BORDOURARIS as fouerteis for the faid Gilbert, Protestand, that gif the lik caus wes to be intentit or perfewit before them, that ficlik fouerteis may be reffavit to that effect. The Aduocattis askit instrumentis of the dait of the Refpett producit, quhilk wes at Ed' the fecund of Nouember 1565; and that the same frae the faid dait to the feift of Michalmas theireftir<sup>1</sup> fuld onlie indure.

Having pleaded his Refpite, he found Sir Thomas Ker of Pharnihert, Kn<sup>t</sup>. and Walter Ker of Dolphingtoune, to fatisfy the parties.

### **Slaughter of the Earl of Bothwell's serbant—Jurisdiction of the Lords of Session.**

Dec. 7.—ALEXANDER and OLIPHER SINCLAIR, brothers of William Sinclair of Hirdmanstoune, were denounced Rebels, and put to the horn, &c.; and the faid William was unawed, as their surety, for their not underlying the law, for art and part of the cruel Slaughter of Walter Murray, seruant of James Earl of Bothuile, Lord Creychtoune, and Halis, &c.; committed Aug. 25. laft, on old ff feud, certaine purpose, provision, and forethought felony.

Dec. 8.—WILLIAM SINCLAIR OF HIRDMANSTOUN, Johnne Prett, Mathew S. in Mylnetoune, Alex. S. in Saltoune, Johnne Hog, and Robert Fyffe, also dilatit of the Slauchter of vmq<sup>le</sup> Walter Murray.

PERSEWARIS, Adame and Williame Murrayis, brothers to vmq<sup>le</sup> Walter.

PRELOCUTOURIS for the pannall, My Lord Borthuik; Mr Tho. M<sup>c</sup>calzeane; The Lard of Wauchtonne; The Lard of Trabroune; The Lard of Butterdene; The Gudman of Broxmouth.

PRELOCUTOURIS for the perfewaris, The Comptroller;<sup>2</sup> The Lard of Traquair; The Gudman of Hangitfchaw; The Lard of Coldinknowes; Adam Wauchope of Caikmuir.

Allegis the prelocutouris for the pannale, that na proces aucht to be led aganis thaim this day; becaus, of<sup>3</sup> the law, the samin is haldin and aucht to be obseruit—and that LORDIS OF SESSIOUNE fittis nocht, and specialie in this caus, being Criminale. And the Aduocattis allegit in the contrair, in respect of the Alteratioune of Religioune. The Aduocat askit instrumentis vpoune the propositiounne of this allegeance be Mr Thomas M<sup>c</sup>calzeane.

<sup>1</sup> Sept. 29.

<sup>2</sup> Sir William Murray of Tullibardine.

<sup>3</sup> By, or according to the Law.

THE JUGE, nochtwithstanding this allegeance, fyndis that he may proceid. The Assessoris and Lordis at pronouncing heirof, were my Lord Atholl, the Erle of Huntlie, the Secretar, the Justice Clerk, the Erle of Mortoune.

The prelocutouris foirfaid protestit for remeid ;<sup>1</sup> and askit instrumentis that the prelocutouris for the persewaris declarit thai wald infit to the perfute of this caus : And that the Erle Boithuile declarit he culd nawyise infit to the defence of the Lard of Hirdmanstoune in this mater, be resoune the famin is his awin caus, and that his seruand is flane ; and zit, be reasoune of the commoning betuix him and the said Lard, he will nocht presentlie perfew him his self.—Continued.

(Dec. 20.)—The persewaris askit instrumentis that the interlocutour wes gevin that thai suld have judgement of their peris.<sup>2</sup>

## ASSISA.

The Lard of Dalmahoy,	Ja <sup>s</sup> . Stevinfoune of Hirdmanschel,	The Lard of Johnestoune,
William Weche of Dawik,	James Lethmonth of the Craig,	The Lard of M <sup>c</sup> Kerfoune,
William Newtoune of that Ilk,	George Tait of Pirne,	- - - Paterfoun of Caverhill.
Johne Lindfay of Cobingtoune,	Geo. Haliburtonne of Walstruther,	
D. <sup>3</sup> Elphingfoune of Hinderfoune,	Jo. Aitoun, burges of Haddingtoune,	

The pannell askit instrumentis that they renunce any fauour of this Writting productit, defyryng na delay of proces ; and makes fayth, (that) thai nor nane in thair names wes purcheffaris thairof. My Lord Justice Clerk askit instrumentis, that the persewaris and defendaris desyrit baith proces, nochtwithstanding THE KING and QUEIN's grace Wrytting productit ; and thairfor protestis, in my Lord Justice Principale, his awin and the Assessoris names, that na fault be imput to thaim, seeing thai are willing to obey the famin. The said Mr Thomas protestit, that albeit the perfonis foirfaid be admitted and sworn to pas vpon their Assyise, that samony thairof as ar Gentilmen be haldin for na Barronis.

VERDICT. 'Acquit the hail.'

### Mutilation — 'Umbesetting of the Hie-gait' — 'Brigancye.'

Dec. 11.—ROBERT BROUN, maltman, FYLIT of the Hurting and Wounding of Archibald Blakwod in his rycht arme ; and Mutilatioun of his myd-fynger of his rycht hand, be Umbesetting of his Hie-gait betuix Leyth and Edinburgh ;<sup>4</sup> committed vpoun suddantie, vpoune the sext of December instant : And ACQUITTIS him of the lying at wait, be way of Brigancye, &c. and Spoliatioune of his cloik.—SENTENCE. To be putt in Ward within the Tolbuith of Ed<sup>l</sup>. The Assyise askit instrumentis that the perseware disassentit fra the perfute of Mutilatioune for this time.

<sup>1</sup> Redress.      <sup>2</sup> Peers, equals in rank.      <sup>3</sup> Dynneise, *Dionesius*.      <sup>4</sup> Many similar Cases occur in the Criminal Records at various periods ; some of them are mere Highway robberies, whilst, on the other hand, a large proportion of them evidently arose either from private feuds between the parties, or the mere love of mischief and adventure.

**Slaughter of the Laird of Colpna.**

Oct. 12.—ALEXANDER LYOUN and Mairiore Vrquhard, his spous, ACQUITTED by an Affife of the Slaughter of John Wod.

PERSEWARIS, Alexander and Gilbert Woddis, breper to pe said vmq<sup>le</sup> John.

PRELOCUTORIS for the persewaris.  
My Lord Ogilvy, the Lard of Bonyngtounne,  
The Perfoune of Wretoun, The Lard of Many,  
Sir Hew Kennedye.

PRELOCUTORIS for the pannall.  
Mr Edmond Hay, My Lord Boithwile,  
George Wifchert, David Lyounne,  
Matho Hepburne.

The said Mariorye productit in Jugement ane Act of Court of the Sherifdome of Abirdene, vnder figne and subfcriptiounne of Williame Bruce, Notar and Clerk of the said Court, berand the contentis of ane Discharge subfcriuit be our fouerane lord and lady, that the Shereff and his Deputtis fuld nawyife proceid vpoune the said Mariorye in calling of hir to vndirly the law for the cryme foirfaid ; in respect quhairrof, sche allegit that na proces fuld be led agains her in this Court.

## ASSISA.

William Gordoun of Sauchquhyn,	Johne Blakhall, in Tippertie,	William Chalmer of Fedderanch,
Robert Fowlis of Ochertowle,	Patrik Cheyne of Effilmonthe,	Alexander Jeffrey, in Culter,
Alex. Tulledaff of Ranneftounne,	James Forbes, in Kildrymmie,	Alex. Burnet of Leyis, 3ounger,
William Cheyne of Arnage,	Alex. Gordoune of Abirzeldy,	James Pantoune of Tullemaid,
Thomas Chalmer of Tulykerye,	James Gordoune of Crechye,	William Raithe, in Effilmonthe.

*ACT of the Sheriff Court of Aberdeenshire.*

*CURIA Vicecomitatus de Abirdene, tent. in Pretorio ejusdem, decimo die mensis Septembris, anno Domini 1565, per Georgeum Bisset, Vicecomitem deputatum dicti vicecomitatus, pro Tribunali seden. : Sectis vocatis et Curia legitime affirmata.*

The quhilk day, Mairiorye *alias* Margaret Vrquhard, spous to Alexander Lyounne, burges of Abirdene, being presentit in jugement to have bidden pe law for allegit art and pairt of pe crewale Slauchter of vmq<sup>le</sup> Johne Wod of Colpna, comperit Andro Lard, messinger, Shiref in pat pairt, with ane Letter vnder pe subfcriptiounis and signet of our fouerannis KING and QUEEN of Scotland, dated at Striueling pe sevent day of September instant, and of pair regnis pe first and xxij zeris ; and inhebeit, be virtew pairof, pe said Schiref deput and all vperis of ony proceding contrare pe said Margret *alias* Mariorye, for pe allegit cryme aboue written, vnto pe thrid day of pe Aire to be haldin within Ed<sup>r</sup> ; as in pe saidis Letteris, at mair lenth, is contenit. Quhilkis Letteris pe said Schiref deput instantlie obeyit ; and Gilbert Menzies of Couly, burges of Abirdene, become cautioner and fouertie to enter pe said Mariorye *alias* Margret, the said thrid day of pe Aire, eftir pe forme and tennour of the saidis Letteris, vnder pe pænis contenit in pe samin : And pe said Alexander Lyounne become obleift faythfulie to releif him of pe samin. Quhairpoun pe said Andro (Laird) and Mariorye Vrquhard and Gilbert Menzies *hinc inde* defyrit Act of Court and instrumentis.

*EXTRACT. De libro Curie Vicecomitatus Aberdonensis, per me scriba ejusdem subscript. ITA EST*  
*W<sup>ms</sup> BRUCE, Not<sup>us</sup> pub<sup>us</sup> et scriba dictæ Curie, pro tempore, ad hoc, sua manu.*

**Abiding from the last Raid of Stirling.**

Jan. 2, (1565-6.)—THOMAS HUNTER, in Eifter Bengour, delatit of the treasonabil remaning and byding at hame fra our foueraneis Oift and Raid, or-

danit to convene at Striuling, the laft of September laftbipaft, incontrair the tennour of the Proclamatioune maid thairupoune.

PRELOCOUTOURIS for the pannale.

John Aikenheid; Mr Thomas M<sup>c</sup>calzean; The Lard of Bynning,  
Mr Johne Henderfoune of Bengoure; Robert Hammiltoune of Inchemauchan.

Allegis Mr Thomas M<sup>c</sup>calzane, that he fuld nocht be putt to be knowledge of ane Affyife for byding frae the Raid proclamit to the laft day of September laft bipaft, &c., nochtwithftanding his nocht being thairat, becaus all fic chargeis to cum to Raidis hes ane ciuile vnderftanding; fwa that thai extend nocht to all maner of perfons, fic as pure folkis and vnhabill perfonis: And it is of veritye, that the faid Thomas is ane pure fermorare, havand onlye aucht oxingang of land of Bengour, pleneift. with his maifteris gudis<sup>1</sup>, ffor the quhilk he payis xl bollis wittuale, viz. meill and malt; thairfor wes nocht fubiect, &c. And attour,<sup>2</sup> allegit that the faid Thomas wes vnhabill in his perfoun to ferue in weirfare, be realoune that he at Beltane<sup>3</sup> laft-wes, or fchortlie thaireftir, havand four horfe ftollin frae him latlie of before, being in Ed<sup>r</sup> for ferfing<sup>4</sup> and trying of the famin in the hous of Eduard Kinkaid befyde the Weft Port, fell our the bakfyde of the tournepyke<sup>5</sup> thairof vpoune his bak; quhairthrow he wes fo menzeit,<sup>6</sup> that he was vnhabill for weirfare, or ony fic travell feruand thairto; as is wele knawin, and fal be verefeit quhen neid beis. And attour, his maifter, Mr John Henderfoune, laird of the faidis landis, takand ordour for fetting out of his feruandes to the faid Raid, within the tyme of the faid Proclamatioune, vnderftanding the faid Thomas inhabilitie that he wes bot ane pure fermorare, cawfit him furneife ane habill man, callit Thomas Crow; quhilk Thomas past to the faid Raid, and kepit the Proclamatioune foirfaid. In respect of the quhilkis, he fuld nocht incur the panis contenit thairin, nor pas to the knowlege of ane Affyife; becaufe he offeris him to preif this allegeance, nocht onlie be Johne Mowbray, Parfone of Inchmauchan, Minifter of his Paroche Kirk, heir present, bot als be vther famous<sup>7</sup> perfons that knawis the veritye heirof: And denyis nocht his being absent, be the occafioune foirfaid; and becaus it wes practiket<sup>8</sup> in ficlik caiffi to the Lard of Dalhouffy, and according to equitye and confcience.—The Aduocat<sup>9</sup> anfueris, that in caife this allegeance were of veritye, the famin aucht to pas ane Affyife, na vther probatioune aucht to pas heirupoune; and that thair is na fic practic vfit in fic caiffis, as is allegit.

THE JUSTICE Repellis the allegeances, and ordanis the matter to pas to ane Affyife.—Continewis to the morne.

<sup>1</sup> Viz. a 'Steil-bow tenant.' <sup>2</sup> Moreover. <sup>3</sup> May-day, O. S. For notices of the Superftitions formerly practifed, by kindling fires, &c. See *Dr Jamieson's Dict. &c.* <sup>4</sup> Searching, in-veftigating. <sup>5</sup> A circular, or rather *spiral* ftaircafe, is ftill termed a *turnpike* ftair, in Edinburgh, and fome other parts in Scotland. <sup>6</sup> Maimed, mangled. <sup>7</sup> Persons of good fame and reputation. <sup>8</sup> A decided point, or *practique*. <sup>9</sup> Mr John Spens of Condy, Queen's Advocate.

(Jan. 3.)—DISSERT,<sup>1</sup> becaus James Striuling, Donatour to the Gift of his Eschete, is with him aggreit and satisfait.

**Abiding from the last Raid of Stirling.**

Jan. 3.—ANDRO BALLINGALL, in Drumbarro, dilatit of the remaning fra the Raid ordanit to convene at Striuling, the last of September lastbypast. —My Lord of Fliik,<sup>2</sup> allegeand him to haif speciall command of THE KINGIS Maiestie to the effect vndirwrittin, commanding the Justice depute and Clerks of Justiciarie present to continew the actioun of Andro Ballingall quhill<sup>3</sup> the morne.—My Lord Lindefay allegit, that it was THE KINGIS grace and plefour that the said puir man had justice, without delay or continewatioun; like as he fuld verefy; and thairupoun askit instrumētis.—Continued ‘to the morne.’

PERSEWARIS,

Mr Johne Spens; Alexander Balfour, Donatour;<sup>4</sup> Mr James Balfour, Parson of Fliik, affister.

PRELOCUTOURIS for the pannell, The Lord Lindfay, Mr Richert Strang, Mr Thomas Scot.

(Jan. 4.)—Allegit Mr Richert Strang, prelocutour for the pannell, that the Summondis is nocht relevant, nocht contenand ony relevant caus to infer the conclusioun, nor to infer the defendar, expreslie being ane purelye man, nader wes comprehendit vnder the Proclamatioun, in respect that sumtyme Proclamatiounis ar maid vpoun Barrones, sumtyme vpoun all subiectis; nor zit contenis the narratiue of the Summondis ony pane specifit in the said Proclamatioun: And in causis Criminell, lybellis aucht to be maist cleir and relevant; and gif this perfute wes Ciuile, the Summondis culd ressaue na proces, far les in this Criminall caus. And it is notour to the Justice Clerk and his deputtis, that the Letteris aucht to contene the verray forme of Proclamatioun, that the offenderis may knaw quhow to vse thair defensis thairanent: For it may stand, that the said Proclamatioun beris within sextie and sextene; and the defender is past that dait lang before the samin.—Anfueris the Aduocat, that the allegance is nocht relevant, in respect of the summondis, quhilk referris to the Letteris of the Proclamatioun and executioun thair of, presentlie product.

The said Mr Richert allegit, that the summondis is nocht relevant to the said Proclamatioun, in ony pairt; and the defendar is nocht subjectit to anfuer to the said Proclamatioun now product, as ane pairt of the Summondis. It is allegit, that the said Andro aucht nocht to be put to the knowlege of ane Affyise, becaus he is ane pure fermourer, nocht habill and of zeiris to pas to the Raid, and he fend his sone, being ane sufficient man of armour, quha past with the first of the Army, and remanit with the last; and offeris to preif the samin sufficientlie.

<sup>1</sup> Deserted.      <sup>2</sup> John Waddell, Parson of Fliik, one of the Ordinary Lords of Session; admitted Jun. 26, 1542.      <sup>3</sup> Until.      <sup>4</sup> Donator to the Gift of his escheat. Much iniquity arose from the system of granting ‘Gifts of escheat’ to retainers of the Court, who were needy, and almost always inexorable.

—The Aduocat anfuert, that the famin aucht haill togidder to pafs to ane Affyife.

The faid Mr Richert allegit, that the famin eild<sup>1</sup> and remaning<sup>2</sup> aucht to be proven be Witneffis, for instructing of the Affyife; in respect that the Affyife is fummond be the Aduocattis, and for tryell of the Dittay. *Item*, vnder protestatioune that the defender grantis na cryme nor offence, allegit for the defender, that our fouerannis lord and lady, be thair Writting, subscriuit with thair handis, and vnder thair Signet, willit and grantit that the defender suld nocht be callit for absence fra the faid Raid, and that he incur na skayth in his perfoune nor gudis; dischargeing the Justice, Justice Clerk, Aduocattis, &c. : As the Discharge productit, beris. And thairfoir allegit, that na procefs aucht forther to be led in this cause, and vñs the faid Writting for dischargeing of the faid Justice, Justice Clerk, and Aduocattis aboue writtin, at this tyme allanerlie.—The faid Mr James Balfour askit instrumentis vpoun the tennour of our fouerannis Writting; and gif the faid Andro will byde Affyife, conforme to the narratyve of the famin? *Item*, askit instrumentis, that he inquyrit at the partye and my Lord Lindsay, his prelocutour, gif he wald byde Affyife, conforme to the faid narratyve, and that of the remanent, or at the leift of that pairte, that his sone wes in Drumfreis or<sup>3</sup> our fouerannis depairtit furth thairof?—Anfuert, that the faid defender, of the law, is nawyife subiectit to anfuert to interrogatiounis of pairtye. Protestis the faid Mr Richert, that the defenffis foirfaidis be discuffit in ordour, as thair ar proponit—and protestit for the rest of his defenffis quhen neid beis.

(Jan. 31.) My Lord Lindsay became surety for his entry at the next Aire of Fife, to underly the law, &c.

#### Abiding from the Raids of Stirling.

Jan. 4.—JOHNE COKBURNE OF WESTER NEWTOUNE, delatit for his treasonabill remaining and byding at hame fra thair Maiesteis Oiftis and Raidis, ordanit to conuene at Striuling the xxviiij and last dayis of August and September laftbipast, incontrare the tennour of thair Proclamatiounis.

PERSEWARIS, the King and Queen's Advocates; Patrik Anstruther, donatour of the Efcheat.

PRELOCUTOURIS for the faid Johne,

The Lard of Scraling,	Mr Alexander Syme,	Mr Robert Auchmowtye,
Mr Williame Scot,	Johne Auchmowtye, burgess of Ed <sup>r</sup> ,	Johne Cockburne in Leyth.

Allegis the faid Mr Alexander, that the faid John aucht nocht to be putt to knowlege of ane Affyife, becaus he is outwith the aige of lx zeiris; and als in respect of the exemptioun of our Souerannis Maieftye, of the dait Jun. 8, 1557, of hir regnne the xv zeir; and in lyk maner, productit ane vther Writting, subscriuit

<sup>1</sup> Age; viz. the pannel's time of life.

<sup>2</sup> Abiding from the Raid.

<sup>3</sup> Ere, before.

be our fouerannis lord and lady, difchargeand the Juftice, and vtheris thairin, off all proceding aganis him, &c. off the dait the xxvi day of December 1565.—Affignis Thurifday nixttocum, with confent of pairtye, to the faid Johne, for probatioune of the prouifioun contenit in our fouerane ladeis Licence, vnder hir Privie feale, to remane fra all Oiftis, Raidis, and Armeis, during his lyftyme, &c.

(Jan. 10.)—Proteftis Mr Alexander Syme, prelocutour, that the allegeances maid this day be difcuffit, tuicheing the prouifioune contenit in the laft Licence; and als proteftis, that in caife he preve nocht the defence contenit in the Act, that he may be hard to fey forther, and preif the famin; and alfe, proteftis for ane vther terme, gif neid beis.<sup>1</sup>

(Jan. 11.)—The faid Johne producit certane Witneffes, quha wer admittit and deponit in the faid mater; and the famin mater being continuit be the Juftice to this day and Court, vpoun Interloquitour, gif ane vther terme fuld be affignit be the Juftice, to the faid Johne Cokburne to fummond ma<sup>2</sup> Witneffis thairin: Mr Robert Creychtoun, ane of the faidis Aduocattis, togidder with the faid Patrik, donatour foirfaid, beand comperit in jugement, in this Court, to heir and fe the faid Interlocutour pronunceit be the faid Juftice-depute, the faid Patrik, in prefens of the faid Aduocat, exponit and declarit, that it wes now comin to his knowlege, and clearlie vnderftand to him, that the faid Johne Cokburne fend for him<sup>3</sup> to the faidis Armeis, Robert Wat, wele bodin and furneift, as faid is, conforme to the Proclamatioune maid thairupoun, and had fatisfeit and fulfillit the prouifione of his faid Licence; and thairfor, with confent of the faid Aduocat, renunceit the faid actioun, and forther perfute of the faid Johne thairin: And consentit that all proces fould ceife aganis him for the famin, in tyme cuming.—Quhairfor the faid JUSTICE-DEPUTE, with the confent of the faidis parteis perfewaris, difchargeit the faid Johne of the faid actione; and decernit him fré thairof, and all forther proces to ceife thairin, in tyme cuming.<sup>4</sup>

### Concealed Murder.

Jan. 18.—ROBERT AITKYNE, delatit of the Murthour of Johne Robertfoune in Abirdene, throuch ftriking of him with an fchip-hammer, behind his bak, on his hed, within his awin barne; and thairefter, beleving him to be deid, lokkit his barne dur, mynding,<sup>5</sup> eftir concealing of his deid, to have bureit him in the nycht.

PRELOCUTOUR for the faid Robert, Daid Primrofe.

<sup>1</sup> The names of five *Witnesses* were given in, as having been sworn. <sup>2</sup> More. <sup>3</sup> As his substitute. <sup>4</sup> Others were cited for the same offences, and were pursued as rigorously as in the above instances, chiefly on the procurement of the Donators of the escheat; who, in addition to their pecuniary interest, had frequently private piques to revenge against the pannels, being generally persons of opposite factions. <sup>5</sup> Intending, purposing.



Robert Aitkyne requyrit instrumentis, that he offerit himself in the KING and QUEENIS Maieftis Will.

VERDICT. It is fundin be Assyife, that the said Robert crewalye, in the moneth of December lastbipast, Hurt and Woundit Johne Robertfoune in Abirdene, be way of concelit and hid Murthour, in perrell of deid.

SENTENCE.—To be had to the Mercat-croce of Ed<sup>r</sup>, and thair, vpoune ane scafall, HIS HEID to be strikin fra his bodie.

### Demembration — Cutting off a person's Ears.

Jan. 26.—ADAME TWEDY OF DRAWEY, delatit of the cutting of Robert Rammage luggis,<sup>1</sup> and demembring of him thair of.

PERSEWARIS, Robert Rammage, and Williame Rammage, his brother.

Pleaded THE KING and QUEENIS Remission. 'The dait of this Remission of the Gudman of Drawayis, Nov. 30, 1565.'—The Persewaris askit instrumentis, that thair nevir perfewit the said Adame of his lyffe, bot onlye for amendis<sup>2</sup> to be maid for the cryme. William Twedy of Drummelzeour became surety to satisfy parties.

### Hurting and Wounding.

Feb. 12.—ANDRO ARMESTRANG, James Young, cutlar, Williame Johnnestoune, Bowar,<sup>3</sup> and Thomas Brone, Cordiner, burgeffis of Edinburghe, delatit of the Hurting of FREIR JOHNE BLAK, betuix his schulderis, to the effuffioun of his blude.—Continewis to Monunday nexttocum; and Ordanis the pannale to remane within the famin (Ward) quhairin thair wer of befor: Quha hes acceptit the famin.

PRELOCUTOURIS for this pannale,

Maister David Borthwik,  
Mr Alexander Sym,

Mr Thomas Mcalzane,  
Mr Richart Strang,

Mr Johne Scharpe,  
Mr Clement Litill.

(Feb. 18.)—The prelocutouris askit instrumentis, that thair wes ane command, be deliuerance of the Lordis, producit in jugement; be vertew quhair of, thair wer charget to assist the persones perfewit, in procuring for thame anent thair lauchfull defenffis, vnder the pane of depriuatione contenit thairin. They also 'askit instrumentis,' that they requyrit the Aduocat to sweir the Dittay.—The Aduocat, Mr Robert Creychtoun, askit instrumentis, that the Justices, be thair Interlocutour, declarit that he was nocht haldin to sweir the said Dittay. Mr David Borthwik askit instrumentis vpoune the contentis of the Dittay, and that na deid procedand is qualifeit therein. James Young askit instrumentis vpoune the Aduocattis Declaratioun, anent his purgatioun maid be *Freir Johne Blak*.

<sup>1</sup> Ears.  
tained by him.

<sup>2</sup> Assithment, or compensation to the private prosecutor for the personal injury sustained by him.  
<sup>3</sup> Bow-maker. See July 4, 1566.

VERDICT. The Assyife FYLIS *William Johnnestoune*, bowar, off arte and parte of the Hurting & Wounding of Freir Johnne Blak, to the effusioune of his blude, vpon the fyift day of Januar lastbypast, betuix aucht and nyne houris at evin, in the Cowgait, betuix Nwyderis Wynd and the Freir Wynd, vpoune suddantye; in respect that his awin Confessioun beris, that he brocht *Richert Arow-maker* to his awin hous, and dicht<sup>1</sup> him thairin, and gave him ane clene cloke hame with him, and send him on the morne the said Freir Blakis clok: And ACQUITTIS him of the remanent poyntis of the Dittay.

#### Transporting of victuals to Berwick, &c.

Feb. 23.—ANDRO LITSTER in Fouldene, Williame Bathkatt thair, Jhonne Thin thair, seruandis to Dalhoufye, & James Zounger, seruand to Rikkertoun, delatit of Transporting of wittuallis furth of the realme to Berwik, and vtheris forbiddin pairtis, incontrair the Actis of Parliament.—The Laird of Dalhoufy became surety for their entry, on May 24, nixtocum.

#### Hamesuckin—Inbading Lord Saltoune, &c.

Feb. 28.—MR THOMAS KEIR, Johne Farquharfoune of Newtoun, and twelve others, delatit of the Convocatioun of our fouerane lordis (and ladies) liegis, and be way of Hamesuckyn, Invading of the LORD SALTOUNE and his seruandis. Mr Thomas M<sup>c</sup>calzane, prelocutour, protestit in name of the pannale, for thair expenffis, be reafoun thai comperit, and wer in reddines to vnderly ane Assyife; lyke as ane sufficient nowmer thairof wes heir, summond to that effect.—The Aduocat askit instrumentis, that he for the present disassentit fra the perfute of this caus, becaus as he suspectis collusioune betuix the pairteis; and thairfoir wald summond, quhen he plesit, ane unsuspect Assyife to this effect.

#### Horse-Stealing from Lady Edmistoune.

Mar. 4.—PARESE SIMPILL delatit of the Steling fra THE LADY EDMISTOUNE of four horse.—The Lady Edmistoune disassentis fra the perfute of the said Pareis.

PRELOCUTOURIS for this Pareis.

Jhonne Edmistoune, Niniane Stewart, Johne Simpill, sone to the Lord Simpill.

John Simpill of Bleneschelis became caution for the entry of the said Pareis at the next Justice-aire of Edinburgh.

#### Slaughter—Jurisdiction of the Lord High Constable.

Mar. 5.—JAMES BOG, delatit of the Slauchter of vmq<sup>10</sup> George Hamil-

<sup>1</sup> Wiped; cleaned. The more intelligible phrase 'wesch (*washed*) the blude af his face,' is deleted, and the above words have been interlined.

toune, son of William Hamiltoune of Pardovane, committed on fuddantye, in the month of January laft.

PERSEWARIS, the Lard of Pardovane, father, brether, kyn, and friendis.

PRELOCUTOURIS for the said James, Mr David M<sup>c</sup>Gill; Mr John Scharpe; The Lard of M<sup>c</sup>Kerftoune; The Lard of Swynftoune; Capitane Anfruther; Walter Ker.

PRELOCUTOURIS for the perfewaris, The Lard of Prestoune, the Lard of Keir.

The pannel produced a Refpite, dated<sup>1</sup> Feb. 22, 1565, for the fpace of 19 years.

Proteftis M<sup>r</sup> Daudid M<sup>c</sup>Gill, that the entrie of James Bog in this Court, benawyife prejudiciale to the Regalitie, in refpect of the committing of the Slauchter libellit within the famin; and that the fouerteis fundin to this effect, to THE CONSTABILL and his deputtis, incur na danger. And ficlik, Williame Henderfoune, Conftabill depute, proteftit, that his entre foirfaid be nawyife prejudiciale to his office.—Mathew Sinclare of Lochirmalcus, Williame Ridpeth, of that Ilk, and Andrew Ridpeth, his uncle, became cautioners for the fatisfaction of the parties.

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THE last of the Scroll-Books of Adjournal during the reign of MARY, QUEEN OF SCOTS, (some of which, as formerly noticed, have fortunately been preserved,) ends on Mar. 5, 1565-6. A few gleanings, however, of considerable historical interest, have been obtained from a Caution Book, ('*Liber Plegiationis* s. D. N. REGINE,') which extends from Jun. 18, 1563, to Nov. 25, 1566. No other fragments of the Criminal Records can now be found, from the period of the last of these dates to the close of Mary Queen of Scots' reign, July 29, 1567. The Trials which took place during the minority of KING JAMES VI, as given in the sequel of this Collection, carry forward the chronological series of the Records of the High Court of Justiciary of Scotland.

In one of the MS. Abridgements preserved in the Library of the Faculty of Advocates,<sup>2</sup> the following notice occurs, in reference to this period:—'MR THOMAS CRAIG fitts as Justice deput for the moft part; only *Naper of Merchiftoune* fitts the two firft months. And *Sir Simon Prestoune of Craigmillar* had a Commiffion to be Justice General for a fhort time, viz. from 22 Jan<sup>r</sup>, 1565, to the end of the next Feb<sup>r</sup>. The reafon feems to be, that at that time, *Argyle* had joined the difcontented Lords who had took arms after HENRY DARNLIE'S Marriage with THE QUEEN, chiefly because he had been proclaimed KING without taking the advice of the Great Lords, or asking the confent of the States of the Kingdom.—Vid. *Home's* Hist. of the Douglaffes, in Earle Mortoune's life, p. 287; and *Spots. Hift. ad. ann. 1564*, p. 190, *et feqq.*'

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<sup>1</sup> At Edinburgh.

<sup>2</sup> MS. Coll. Adv. Library, M. 5. 14, p. 66.

Apr. 1.—THOMAS SCOTT OF CAMBUSMICHAELL, Shereffe Depute of Perth,<sup>1</sup> William Harlaw, and John Mowbray, burgeffes of Edinburghe.<sup>2</sup>

## ASSYSE.

The Laird of Langtoun,	Alex. Home, burges of Edr,	James Nicoll, Baillie,
The Laird of Whytelaw,	William Forrefter, in Leith,	John Hamiltoun, merchant,
Andro Hamiltoun of Cochna,	Walter Cant, ther,	The Laird of Cambusnethan,
The Laird of Skirling,	Cuth. Ramsay, burges of Edr,	Alexander Bruce, burges of
A. Stewart, Tutor of Castelmilk,	William Fouller, Baillie,	Edinburgh.

William Fouller and James Nicoll, Baillies, protestit, pat pair passing upon this Assyse be na ways prejudiciall to them, nor their offices<sup>3</sup> in tyme cuming.

VERDICT. The quhilk day, the said Thomas Scott, William Harlaw, and John Mowbray, were Convict and Fyllit be the said Assyse of airt and pairt of the unlesum and treasonable Wacheing, warding, and halding in captivitie, with Convocatione of our soveran ladyes leidges, bodin in feir of weir, alse weill in secreit armour as with jakis, steill-bonnettes, gunnes, pistolets, swords, bucklers, Jedburcht-staffis, Halberts, and vperis wapnis invasive, be themselves and vtheris in pair names, of pair causeing, command, assistance, devyng, sending, and rathabitione, of our said SOVERAN LADYES maist nobill persone, within hir maist secreit Chamber of her PALACE OF HALYRUDHOWSE, immediatelie and continuallie fra the comitting of the crewall and treasonable Slaughter of vmq<sup>l</sup> Secretar DAVID RIZEW, quhilke wes upon the nyth day of March last bypast,<sup>4</sup> to the space of xlviij houres nixt paireftir, treasonable and maist awfullie stoping hir HIENES to use hir libertie in the meanetyme: Lykas, also, she hade bein haldin be pairm in prison as zit, maist treasonable and wickitlie, had not bein that, be the provisione of God, she pairefter fred and delyverit hir selfe furth of pair hands, in maist sober and quiet maner, under silence of nycht; and, with grayte hafart of hir lyfe, past to hir CASTELL OF DUMBAR, for saiftie thereof: And this they did upon set purpose, prouisioun, and foirthought felony.

And pairfor, DOME wes given and pronouncit be the mouthe of the Dempfter of the said Court, at command of the said Justice-depute, that pe said *Thomas* fould be HANGIT quhill he were deid, drawin, quarterit, and demaneit as ane traitour; and all his guidis, moveable and unmoveable, lands, heretages, annual-rents, takis, offices, steidings, possessiones, and uthers whatsumeuer, to be FOR-FAULTIT, and Escheit to our fouerane ladyes use, at her pleasure.<sup>5</sup>

<sup>1</sup> 'He was HANGED and QUARTERED.'—*Spotswoods Hist.* p. 195.      <sup>2</sup> They were both spared at 'intercession of Earle of Bothwell.'—*R. Milne.*      <sup>3</sup> As being two of the Baillies of Edinburgh, at the time of the trial.      <sup>4</sup> 'MONS<sup>r</sup> SINGNIOR DAVID ves slane in HALYRUDHOURS, pe ix day of Merche, anno 1565.'(6.)—*Kirk Session Records of Canongate.*      <sup>5</sup> Mar. 31, 1566, *Item*, to SNAWDOUN, Herald, &c. passand of Edr, with Lettres to ferche, &c. pe escheit gudis pertening to THOMAS SCOTT of Cambusmichaell, being in captiuitie, and to be accusit of certane pointis of *Tressone*, off pe quhilkis he wes conuict and justefiet to pe deid, iiij li. xvj s.      *Treas. Acc.*

**High Treason — Treasonable Conspiracy against the Queen and  
Privy Council, &c. — Murder of David Riccio.**

Apr. 1.—HENRIE YAIR,<sup>1</sup> delaittit of Treafone following.<sup>2</sup>

ASSISA.

Lawrence Symfon, burges of Ed <sup>r</sup> ,	Robert Ker, merchant in Ed <sup>r</sup> ,	Wm. Anderfone, candlemaker,
John Gilbert, goldsmith,	Alexander Haiftie, there,	Alexander Bruce, in Edinburghe,
Thomas Ewing, goldfmyth,	John Watfon, merchant there,	Allan Dickiefone, ther,
Gilbert Scowgall,	James Forrett, there,	William Rae, cutler,
Capitane Robert Lawder,	Edward Litle, merchant ther,	Robert Eviot, in Mertoun.

**VERDICT.** The quhilk day the said *Henry Yair* wes Convict and Fyllit be ane Assyse, of airt and pairt, assistance, fortifieing, supplying, rathabitoun, and concealling of the treasonable Conspiracie, convocatione, and gadding of our soveranes leigeis, to the number of fyve hundreth perfonas, boddin in feir of weir, allseweill in secreit armour, as with jaks, steill-bonnetes, gunnes, pistoletis, swords, buklers, Jedburcht-staues, halberts, and vtheris waipones invasiue; and entering therewith, treasonable, within pair MAJESTIES PALLICE OF HALLY-BUIDHOUS, purpollie to have put violent hands on our SOVERANE LADIES maift nobill persone, haldin and demaneit the samyne at ther pleasure; and ficlyke, to haue flane or otherwayes demaneit, as they thought expedient, THE LORDS of hir hienes SECREIT COUNSALL and SESSIONE, and vtheris hir Ministers and Officiars, being within hir Pallace and in her service for the tyme; and pat upon the nynt day of March last bypast, under filence of night, at aught houres at even or pairby, it being the tyme of Parliament current. AND for performing this pair maift wicked and ungodlie purpose, they then maift treasonable rushit and enterit within þe said PALLACE, tuike the samen at pair own hands, rest the keyes pair of fra the Porters, clofit the yetis, and made þaimselfes as principalls and maifters þairintill, our soverane Lady being for the tyme in her maift secreit Chamber pair of, att hir quietnes, having na feir nor dreidour of hir subjects, to whom hir grace at all tymes had been maift beneficiall,<sup>3</sup> guid, and mercifull; and pair maift crewallie, with drawin swords, whingers, bendit pistolls, and vthers wapones invasiue, persewit and invaidit umq<sup>10</sup> Secretar DAVID RICCIO, hir hienes familliar servand, þan in companie within hir hienes Chalmer forsaid, and slew him treasonable and unmercifullie, in presence of our said SOVERANE, and pat violent hands in our SOVERANE LADYES maift nobill persone, in defence and faitie of the said umq<sup>10</sup> DAVID; held, deteinit, and preffit the samen maift awfullie and treasonable, till they had committit þe said Slaughter in hir presens, as said is, hir MAJESTIE being þan great with chyld; giveand to hir hienes

<sup>1</sup> 'Somtyme a Preift.'—*R. Mylne's MS.* See *Notice* to preceding Trial. Having renounced Popery, he became one of LORD RUTHVEN's retainers. See *Keith*, 334. <sup>2</sup> 'For accession to David Riccio's Murder, 9 March, 1566. Wes hanged and quartered. Spotswood's *Hist.* p. 195.'—*R. Mylne's MS.* <sup>3</sup> Beneficent.

occasioun, throw dreadour and displeasure she conceavit, be the fight of the said crewall Slaughter and maner pair of, and be the deteining and thrifteing of hir awn persone in violent maner, as said is, to pairt with hir birth: AND immediatlie thereafter, feirschit and fought the saidis Lordis, Ministers, and Officiars being within the said PALLACE, to haue flaine them; and swa had don, had not bein the pleasure of God they escapit: AND swa, seing themselues disapoyntit in pat behalfe, through pair evasioun, at pair pleasure, in treasonable maner, detainit and held captiue the remanent Lords, Ministers, and officians within the said PALLICE, fra the said hour, at aught, while<sup>2</sup> tua hours after midnight, pat samen night, continually; upon set purpose, provisioun, and foirthowght felony. ITEM, for airt and pairt of the unlesum and treasonable Warding and halding in captivitie, with Convocation foresaid, boding in feir of weir, as said is, be himselve and uthers his complices, of our SOVERANE LADYES maist noble persone, within hir said Chalmer of hir PALLACE OF HALYRUDHOUS forsaid, immediatlie and continuallie frae the committing of the said crewall treasonable Slaughter, quhilk wes at the tyme forsaid, to the space of forty-aught hours nixt thereafter; treasonable and maist aufullie stoping hir HIENES to use hir libertie, in the meanetime: Lykeas also, she had bein halden be them in prisone as yit, had not bein that, be the provisioun of God, she therfor fled and delyverit hirselve furth of ther hands, in maist sober and qwyet maner, under silence of night; and with great hazart of hir lyfe, past to THE CASTELL OF DUMBAR, for saistie of hir lyfe; upon set purpose, provisioun, and foirthought felony.

And theirfore, DOME was given and pronuncit be the mouth of the Dempster of the said Court, att command of the said Justice Deput, that the said *Hendrie* sould be HANGIT while he were deid; drawin, quarterit, and demaneit as ane traitor; and all his moveable and vnmoveable lands, heretadges, annualrentis, tacks, offices, steidingis, possessiouns, and uthers whatsoever, to be FORFALTIT and Escheat to our soverane, to be used and disponed be hir MAJESTIE, at hir pleasure.

### **Warding the Queen in Halprudehouse, &c. — Murder of David Riccio.**

Apr. 6, 1566.—THOMAS TAIT, David Aikinheid, Johne Kafs, Thomas Paterfoun, Nicoll Galwye, Johne Cochrane, and Gilbert Weche,<sup>3</sup> induellaris in Dalkeyth, John Hunter in Cowsland, Alexander Hoge in Dalkeyth, Williame Archebald in Muffilburcht, James Cuthbertfoune, Johne Mowe, Johne Stevin-

<sup>1</sup> Their names wes Huntlie, Argyle, Bothwell, Sutherland, Caithnes, Lords Flemyng and Levingstoun, &c.—See *Spotswood's Hist.* p. 194. Item, *Home of Godscroft's Hist.* p. 292. *R. Mylne's MS. Note.* <sup>2</sup> Until. <sup>3</sup> Veitch.

foune, and Adame Watfoune, induellaris in Dalkeyth, found furety to underly the law, 'vpoune sex dayis warning, ffor the treafounabill wacheing, warding, and Imprifoning of our foueran lady within hir PALICE OF HALYRUDHOUS.— (Apr. 8.) JOHNE SMYTH, elder in Coulland, found furety in like manner for the fame crime.

#### Abiding from the Raid of Crawford-Dowglas.

Apr. 8.—WILLIAME GOLLOK in Peblis, found furety to underly the law, on Apr. 23 instant, for treasonably Abiding from the King and Queen's Army, ordained to conveen at Crawford-Dowglais, on Oct. 7 laft.

#### Imprifoning the Queen in Holyroodhouse, &c.

Apr. 10.—GEORGE SCHEWES in Fentoun, Williame Levingtoun in Dirltoun, and Johne Craike in Gulane, found Andro Commendater of Jedburcht, and others, fureties for their entry, on fix days warning, to underly the law 'ffor the treafonabill Wacheing, warding, and imprefoning of our foueran lady within hir Palice of Halyrudehoufe.'

#### Murder of 'Senzeour David' (Riccio).

Jun. 1.—THE *Supplicatioune of WILLIAME QUHITE, cordiner in the Cannogait*.—SOUERANNIS lord and lady, vnto your MAIESTEIS, and Lordis of your Maieftis maift honorabill PRIUE COUNSALE, huimlie menis and fchewis I your feruitour *Williame Quhite*, cordiner in the Cannogait: That quhair I gave in my Supplicatioun to your Maieftis of befoir, fchewand, that for feir (of) being focht at my houfe, the morne eftir your hienes cuming to this Toun,<sup>1</sup> furth of Dumbar, I efchewitt,<sup>2</sup> and durft nocht compeir befoir your MA<sup>TIES</sup> and Counfale, to anfuer to fic thingis as fuld be laid to my charge; albeit in veritie, as be my vper Supplicatioune I notefeit and declarit pat I wes nocht present at þe SLAUCHTER of SENZEOUR DAVID, your hienes Secreter,<sup>3</sup> nor zet wes of counfale, arte nor parte of þe famin, nor neuir knew pairof, quhill<sup>4</sup> *Alexander Carpentyne* aduerteift me in my awin houfe of the famin; and come nocht out of my awin houfe pat nycht: And offerit me to find cautioune to vnderly the law pairfor: Quhilk your graceis and Lordis of your Counfale ordanit to be reffluit; and I immediatlie paireftir fand þe famin to þe Clerk of your hienes Counfale: Nochttheles, I as zit can nocht be relaxit fra þe horne, bot baith my fouerté ftandis, and I remane at the horne. HEIRFOIR I befeik your MA<sup>TIES</sup> and Lordfchipis, that ze will ordand<sup>5</sup> Letteris to be direct to relax me fra þe procesis of horne led

<sup>1</sup> Edinburgh.      <sup>2</sup> Escaped; absconded.      <sup>3</sup> The word 'feruand' had been first written, and afterwards deleted.      <sup>4</sup> Until.      <sup>5</sup> Ordain, decree.

vpone me, in maner foirlaid, refflaue me to þe peax, and gif to me þe wand pairof,<sup>1</sup> becaus I have already fundin cawtioune to þe said Clerk of Counsale, in maner aboue writtine : And 3our hienes anfuer huimlie I befeik.<sup>2</sup>

APUD ED<sup>a</sup>, *primo Junij, anno 1566.*—THE LORDIS OF SECRETE COUNSALE Ordanis the Justice-Clerk and his deputtis to reffave fouirté of this complener, that he fall compeir and vnderly the law eftir þe forme of this Bill, the thrid day of the Aire, or foner, vpoune xv dayis warning, vnder the pane of ane hundreth pundis : And þe said fouirté being fundin, Ordanis Letteris to be direct to relax him fra þe horne. HUNTLIE. JAMES STEWART. MAR. BOITHWELL. ATHOILL. CAITHNESSE.

‘JOHNE HART,’<sup>3</sup> indueller in the Cannogait, became plege and fouerte,<sup>4</sup> &c., in obedience to the aboue deliverance.

### Murder of ‘Senzeour David Riccio.’

Jul. 2.—JAMES 3OUNG, cutler, burges of Edinburgh, and Thomas Broune, cordiner there, found surety ‘that thai fall compeir befoir the Justice, or his deputtis, the third day of the nixt Justice-aire of Edinburghe, or foner, quhenne and quhair it fall pleife our fouerannis lord and lady, vpone xv dayis warning, to vnderly the law ffor arte and parte of all counfaling, devising, and actuale deid, of the Slauchter of vmq<sup>le</sup> SENZEOUR DAVID RICCIO ; after the forme and tennour of thair Supplicatioune gevin in to the Lordis of Secrete Counsale thairupoune, and vndir the panis contenit in the Actis of Parliament : And this fouerté wes reffaut be command and deliuerance of the saidis Lordis.

#### SUPPLICATIOUNE for James 3oung, cutler, and Thomas Broune, cordiner.

VNTO 3OUR MA<sup>tes</sup> and LORDIS OF SECRETE COUNSELL, vnro 3our lordschipes humblie menis<sup>4</sup> and schewis, we 3our graces feruitouris, JAMES 3OUNG, cutler, burges of Ed<sup>r</sup>, and Thomas Broune, cordiner pair : That quhair, upone þe nynt day of March lastbipaft, the tyme of þe Slauchter of vmq<sup>le</sup> SENZEOUR DAVID RICCIO, within 3our MA<sup>tes</sup> Palice of Halryrudehouse, we wer in our awin houffis at fupper, ignorant of the thing attemptit, quhill<sup>5</sup> þe Commoune-Bell rang : At quhilk tyme we paff in cumpany with the Prowest, as mony ma did, to þe ABBEY, and þat fame nycht returnit agane and paff to our beddis within our awin houffis. On the morne, being Sounday, we wer befoir noyne<sup>6</sup> in the Kirk, and eftir noyne wes in our awin houffis. Vpoune Monunday in the morning, being comandit be Alexander Cuke, offciare, we paff to þe Abbay, and remanit all day quhill nycht. This is þe simpill and plane trewth of our pairties. And pairaftir, at þe QUENIS MA<sup>tes</sup> returning fra DUNBAR to pis burcht, being informit þat HIR HIENES was specialie offendit with ws, for feir absentit our selves ; and fwa wes putt to the horne. HEIRFOR, we befeke 3our MA<sup>tes</sup>, fen we ar innocent of all counfaling, diuifing, and actuale deid of þe said Slauchter, and is content to vndirly þe law pairfor, that

<sup>1</sup> A rebel was relaxed from the horn by the symbolical delivery to him of ‘the wand of peax’ (peace); which, on the contrary, was broken asunder by a Herald, Pursuivant, or Messenger-at-Arms, in cases of *deforcement*, &c. Each Messenger of the present day, on his appointment, still receives a small rod tipped with silver, having the King’s blazon, &c. A movable ring, or slide, is so constructed as to slide from one end to the other. When deforced, the Officer pulls out his baton, or rod, and, in place of snapping it asunder, slips the ring before described from one end to the other, before witnesses, and publicly announces his *deforcement*; which he afterwards certifies in a regular ‘Execution,’ i.e. official attestation of the fact. See also Nov. 18, 1511, and Oct. 11, 1531, *Notice*, for other particulars relative to the ‘WAND OF PEAX.’ <sup>2</sup> ‘I ressaunt na souertie, (Signed) J. HAY.’ <sup>3</sup> Probably father, uncle, or near relation of ANDRO HART, the well-known Printer. <sup>4</sup> Complains; literally, makes *moan*. <sup>5</sup> Until. <sup>6</sup> Before noon; at the morning service.



3our MA<sup>tes</sup> will gif command to 3our Justice Clerk and his deputies, to ressave fouertie of ws, that we fall comper and vnderly pe law pairfor, the thrid day of pe nixt Justice-aire of Ed<sup>r</sup>, or soner, vpoune xv dayis warning, vnder the panis contenit in pe Actis of Parliament; And pe said fourtie being fundin, that we may have Letteris to relax ws fra pe said proces of horne led vpoun ws in pe said mater, ressave ws to 3our MA<sup>tes</sup> peace, and gif to ws pe wand pairof.<sup>1</sup> And as for remaning in pe said ABBEY the said Monunday, infasar as 3our hienes is offendit pairwith, we submit ws in 3our gracious will and mercye. And 3our gracious anfuer huimlie we besek.—APUD ED<sup>r</sup>, *secundo Julij*, 1566 THE LORDIS OF SECRETE COUNSALL Ordanis the Justice Clerk and his deputes to ressave fouertie of thir James 3oung and Thomas Broune, that pai fall comper and vnderly the law the thrid day of the nixt Justice-aire of Ed<sup>r</sup>, or soner, vpoune xv dayis warning, efter pe forme of pair Supplicatioune, and vnder the panis contenit in pe Actis of Parliament: And the said fourtie being fundin, Ordanis Letteris to be direct to relax pame fra pe horne. HUNTLE. JAMES STEWART. JO. ROSSEN.<sup>2</sup>

### Murder of David Riccio.

Jul. 4.—WILLIAM JOHNSTOUNE, bower,<sup>3</sup> burges of Edinburghe, found Robert Campbell of Kinzeanleuch surety for his entry at the next Justice-aire of Edinburgh, &c. to 'vnderly the law efter the forme of this Supplicatioune vnder-written,' &c. The Supplication and deliverance are *verbatim* the same as in the case of 3oung and Broune.

### Murder of Secretar David Riccio.

Jul. 10.—ANDRO ARMESTRANG, burges of Edinburgh, found surety to vnderly the law, conform to the following Supplication and deliverance of the Lords of Secret Council.

#### SUPPLICATIONE for Andro Armestrang, burges of Edinburghe.

MY LORDIS of Secrete Counsele, vnto 3our lordschipes huimlie menis and schewis, I 3our seruitor, Andro Armestrang, burges of Ed<sup>r</sup>, that quhair estir pe Slauchter of vniq<sup>te</sup> SECRETAR DAVID RICCIO, committit within our souerannis Palice of Halyrudehous vpone pe nynt day of Marche last bipast, I (as mony ma<sup>4</sup>) chanceit to pas to pe said Palice, and to be present at the Wache<sup>5</sup> kepit pairin, albeit I was nauyise of pe counsale, diuising nor foirknowledge of pe said Slauchter, nor present at pe actuale deid of pe famin: ffor pe quhilk I am content to abyde pe law. This is pe sempill trewth of his parte; and 3it, hering pat our soueran was offendit with me at hir graces returning from Dumbar, for feir I absentit my self, and swa was putt to pe horne. HEIRFOR, I besek 3our lordschipes that I may have command to pe Justice Clerk and his deputtes, to ressave fouerte of me, that I fall comper and vnderly pe law the thrid day of pe nixt Justice-air of Ed<sup>r</sup>, or soner, on xv dayis warning, quhen and quhair it fall pleis our souerannis for all counsaling, devyng, and arte and parte of pe actuale deid of pe said Slauchter, vnder the panis contenit in pe Actis of Parliament: And the said fourtie being fundin, that I may have Letteres to relax me fra pe proces of horne led vpone me in pe said mater, ressave me in our souerannis peax, and gif to me pe wand pairof: And 3our answer, &c. APUD ED<sup>r</sup>, *x<sup>o</sup> Julij anno I<sup>m</sup> V<sup>o</sup> lxxj<sup>o</sup>*. THE LORDIS OF SECRETE COUNSALE Ordanis the Justice, Justice Clerk, and his deputtis, to ressave fourtie of this complenar, after pe forme of pis Supplicatioune. And pe said fourtie being fundin, Ordanis Letteris to be direct to relax him fra pe horne, in maner desyrit.

ARGYLE. JAMES STEWART. MAR.

<sup>1</sup> See note to Jan. 1, 1566, &c.  
See Feb. 12, 1565-6.

<sup>2</sup> JOHN LESLY OF ROSS, the well known Historian, &c.  
<sup>4</sup> Many more.

<sup>3</sup> Bow-maker,  
<sup>5</sup> Watch, or guard.

**Murder of ' Seneor David Riceio, &c.'**

Jul. 23.—GEORGE TOD in Dirltoun, and Alexander Robertfoun there, found Alexander Hammiltoun of Innerwik surety for their entry at the next Justice-aire of Edinburgh, ' or soner, quhen and quhair it fall pleise our sowerannis lord and lady, vpoun xv dayis warning, to vnderly the law for art and parte of the crewale Slauchter of vmq<sup>o</sup> SENEOUR DAVID RICEIO : And treasonabill Wacheing, warding, and imprefoning, of our soweran lady within hir Palice of Halyrudehouse.'—Andro, Commendater of Jedburcht, band and obleift him to freyth, releve, and keip skaithles the said Alex' Hammiltoun of the cawtioune aboue writtine, and all panis that he fall happin to incur thairthrow.

**Caution for the Parson of Renfrew.**

July 26.—MAISTER ANDRO HAY, Perfoun of Renfrew, found Hew Wallace of Carnall surety for him, ' that he fall remane in fré Ward within the burcht of Dunbar, and twa mylis round about the famin ; and fall on nawyife eschaip nor eschew, vnder the pane of ffyve Thowsand merkis, conforme to the King and Quenes Precept direct thairupoun to the Justice Clerk.'—'*Deletur ex Precepto Regine.*'

(Sep. 7.)—He found caution to enter and underly the law, on xv days' warning.

(Jan. 29, 1566-7.)—JUSTICE CLERK, We greit 3ow, pat incontinent eftir the sycht heirof 3e delete *Maister Andro Hay*, Perfoun of Renfrewis, cautioner, out of 3our bukis, sua pat pair be na mair memorie pairof, and pat na forther executione pass pairupoun, bot pe samine to remane as forzett<sup>1</sup> for euir ; kepanp pis our Precept for 3our Warrant. AT LYNLYTHGW, pe xxix of Januar, 1566.

MARIA R. FIAT.

**Murder of ' Secreter David Riccio,' &c.**

Jul. 31.—RICHERT CRANSTOUN of Skaittisbus, found William Newtown of that Ilk, surety for his entry at the next Justice-aire of Edinburgh, within the Constabulary of Haddingtoun, &c. ' to vndirly the law, ffor the slauchter of vmq<sup>o</sup> SECRETER DAVID RICCIO, committit vpoun the nynt day of March lastbipast : And Wacheing and Warding of our sowerannis lord and ladyis maift nobill persounis, within hir awine Palice of Halyrudehuse.'

**Caution for the Laird of Ormiston.**

Aug. 3.—JOHN COKBURNE of Ormestoun found Thomas Hammiltoun of Priestisfield, burgess of Edinburgh, Cautioner for his entry at the next Justice-aire of Edinburgh, &c., to underly the law for all crimes to be imputed to him, by Warrant of the Lords of Council.

<sup>1</sup> Forgotten.

**Counterfeiting and Uttering 'Lyonis vtherwise callit Hardheidis.'**

Aug. 14.—'ANDRO JAK, burges of Abirdene,' found surety (500 merks) to underly the law at the next Justice-aire of Aberdeen, for arte and parte of the treasonabill Counterfutting of thair hieneffis cunze,<sup>1</sup> callit the prent of LYONIS, vperwyife callit *Hardheidis*;<sup>2</sup> and hamebringing pairof furth of vthir realmes, and outputting of the famin amangis thair subjectis, incontrair the Actis of Parliament.

(Nov. 11.)—John Robertson, James and John Ewyne, and George Burnet, burgeses of Aberdeen, found caution to vnderly the law for the same crime.

**Conbocation — Inbading Laird of Pharnyherst.**

Aug. 20.—ALEXANDER, LORD HOME, Alexander Home of Manderstoune, Alex. H. of Hutounhall, Marke Home, sone to the Lard of Coldinknowis, William Trotter in Foulshetlaw, and James H. in Chyrneyde-manys, found surety to underly the law at the next Justice-aire of Berwick, 'ffor Conuocatioun of thair hieneffes liegis to the nowmer of ane Thowsand perones, bodin in feir of Weir, at twa findry tymes in þe moneth of September, or thairby, 1564; off the cawfing, sending, command, and ratihabitoun of Dame Katherine Ker, Lady Pharnyherst: And cuming to the grund of the landis of Keilling, with thair pertinentis, and vtheris adjacent thairto, lyand within the scherefdome of Roxburcht, ffor Invasioun and persewing of Sir Thomas Ker of Pharniherst, kny<sup>t</sup>, and vtheris, his kyn, freindis, and servandis; at the leift trubling (the peax) of the cuntré, lyke as thai trublit and brak the famin.'

**Slaughter.**

Sep. 18.—WILLIAM LAUDER, brother german of Gilbert Lauder of Balbardie, found caution to underly the law at the next Justice-aire of Berwick, for the cruel Slaughter of George Wedderat, burges of Lauder, committed in the month of September, 1565.—(Sep. 19.) Robert, and Richard, son and heir apparent of Robert Lauder of that ilk, and Robert Lauder, son of umq<sup>10</sup> Thomas Lauder in St Leonardis, found caution to answer for the same crime.

**Caution for the Laird of Brighouse.**

Sep. 24.—JAMES WODDERSPVNE of Brighous, now being in Ward within the Palice of Halyrudehouse, found surety (Williame Lauder of Haltetoune) that he fall re-enter in Ward, within twentye dayis nixt eftir he be requyrit be our souerannis, in quhat place thai pleife, vnder the pane of Fyve Thowsand pundis.

<sup>1</sup> Coin. <sup>2</sup> *Hardits, hardies* or Lions, copper coins, then of the value of three halfpence, but they were afterwards depreciated to one penny by Regent Morton. See Appendix to this reign, for severe examples made on forgers and importers of base money.

**Convocation — Subastion — Mutilation.**

Sep. 25.—ROBERT and JOHN SANDIS, indwellers in Leith, George and Johne Chalmer, Thomas Dikfoun, George Pantoune, and James Lychtman, found John, William, James, and Adam Logane, and William Lyndsay, in Restalrig, and Robert Vause, in Leith, surety for their entry on xv days warning, to underly the law, after their return from Lochbrune,<sup>1</sup> for Convocation of lieges, and Invading Captain William Blacader, *alias Capitane Williame*,<sup>2</sup> for his slaughter, and Mutilating James Donaldsoun his servant.—(Oct. 7.) Alexander Dikfoun, in Currie, found caution to answer for the same crime.

**'Umbesetting the gaitt' to Lord Oliphant.**

Nov. 14.—LAURENCE BRUCE of Colpmalindeis found Sir Hew Kenedye of Girwanmaynis, kn<sup>t</sup>, surety for his entry, on Nov. 27, to underly the law for art and part of Convocation of the lieges, and 'Umbesetting the gaitt' to Laurence Lord Oliphant for his slaughter.

**Treasonable Murder of King Henry — Seizing the Queen's person and Imprisoning her in the Castle of Dunbar — Compelling her to Marry the Earl of Bothwell, &c.**

[As the circumstances connected with these horrible transactions are already so familiar to all who are in any measure conversant with the history of Scotland, it is considered unnecessary to collect from all the scattered sources the various voluminous Papers which elucidate the whole particulars. It is enough to refer the reader to *Laing's* elaborate Dissertation, *the State Trials*, *Anderson's* Collections, *Keith's* History, &c. Unfortunately, no traces of Trials for this crime now remain in the Books of Adjournal; but the following brief abstract appears in *Sir Ludovick Stewart's* Collections.<sup>3</sup> The *Acts of Parliament*<sup>4</sup> ought likewise to be examined, in farther illustration of the subject, and of all the Trials for Treason and the numerous Forfeitures and Restorations during this and the subsequent reigns.

In THE APPENDIX to this reign, also, the reader will find a great variety of interesting and minute information regarding DARNLEY'S Murder.

The Kirk Session Records of Canongate thus quaintly notices the event: 'THE KING(IS) grace blaven vp v<sup>t</sup> bud<sup>s</sup> in þe KIRK OF FEILD, the x of Fabruar 1566-(7.) It is worthy of notice that the same Session Records preserve the following highly interesting minutes of the Solemnization of the Marriage between King Henry and Mary Queen of Scots.

(From the MINUTES of the Kirk Session Record of Canongate.) Jul. 21, 1565.—'THE quhilk day Johne Brand, Mynifter, presentit to þe KIRK ane Writtine,<sup>5</sup> writtine be þe Justice Clark<sup>7</sup> hand, defyrine þe KIRK OF þe CANNOGAIT and Mynifter pairof to proclame HARIE DUK OF ALBAYNYE, Erle of Rois, &c. one þe one part, and MARIE be þe grace of God QUENE OF SCOTTIS,<sup>8</sup> fouerane of this realme, one þe vpair part. The quhilk þe KIRK ordans þe Minifter so to do, with inuocationne of þe name of GOD.'

<sup>1</sup> A celebrated station for herring fishers, in Ross-shire. Ullapool is its principal harbour. <sup>2</sup> See his Trial, Jan. 14, 1567. <sup>3</sup> *Stewart's MSS.* Adv. Lib. (among *R. Milne's MSS.*) W. 3. 18, p. 31. <sup>4</sup> Fol. edited by Thomas Thomson, Esq. Deputy Clerk Register. <sup>5</sup> Powder, gunpowder. <sup>6</sup> Writing. <sup>7</sup> Sir John Bellenden of Auchnoll. <sup>8</sup> The pen has been drawn through the words 'or SCOTTIS.'

(From the Register of PROCLAMATIONS, Kirk Session Records of Canongate.) Jul. 29, 1565.—  
 ‘ HENRY DUK OF ALBANY, Erll of Rois, MARIE be the grace of God QUEEN souerane of his realme  
 —1, 2, 3.<sup>1</sup> Ma(ried) in DE CHAPELL’ (of Halyrud.)

(From the Register of MARRIAGES, Kirk Session Records of Canongate.) Jul. 29, 1565.—  
 ‘ HENRY AND MARIE KYNG AND QWEINE OF SCOTIS,’ &c.

The fate of the leading parties connected with DARNLEY'S Murder is well known. In reference to Nicholas Howbert, otherwise called *Paris*,<sup>2</sup> the Frenchman, he suffered death on Aug. 16, 1569, as appears from the Lord High Treasurer's Accounts,<sup>3</sup> where charges are made for sending two of the quarters of his body to Perth and Dundee, and his head and one of his legs to St Andrews. His Confession and examination are given at full length in the Appendix of Documents illustrative of Darnley's Murder. They are dated at St Andrews, Aug. 9th and 10th, 1569. These important Papers were obtained from the Originals, which are signed on each leaf by *Paris*, and are still extant.<sup>4</sup> But for the apparently accurate form in which they have been published by *Mr Laing*, the Editor would have deemed it proper to have had them collated carefully with the original MS., preserved in the *British Museum*.

Before concluding this brief notice, the Editor begs to call the attention of the historical enquirer to an extremely interesting NARRATIVE, written by JAMES EARL OF BOTHWELL, embracing his personal history after his flight from Scotland in 1567, his adventures upon the coast of Norway, &c. It has recently been printed from the original in the Royal Library at the Castle of Drottningholm, in Sweden, and was presented by Messrs Henry Cockburn and Thomas Maitland to the Members of the Bannatyne Club, under the title, ‘ LES AFFAIRES DU CONTE DE BODUEL, L'AN. M.D.XXVIII.’<sup>5</sup> An English translation also lately appeared in the *New Monthly Magazine*,<sup>6</sup> in which work the authenticity of the document is fully established.]

(Apr. 12, 1567.)—JAMES ERLE OF BOTHWELL,<sup>7</sup> James Ormeftoun of pat Ilke,<sup>8</sup> Hob Ormistoun, his father-brother, Patrick Wilfoune, William Murray, Sim Arnstrang, callit *Wantoune Simie*, Pareis<sup>10</sup> Frenchman, (dilated) ffor the Murther of KING HENRIE, our souerane lord's father, for feizing of THE QUEEN'S perfoune at the *Foul-brigis*, and Imprifoning of hir perfoune in THE CASTELL OF DUNBAR, and compelling her to compleit Mariage with him—for stuffing and halding of the said Castell, &c.

(Apr. 12.)—(SCHIR) PATRICK HEPBURNE OF WHYTECASTELL, kny', for airt and pairt of the Murther of THE KING, our souerane lordis father, and vther crymes immediatlie preceeding.

### High Treason — Murder of King Henry, &c.

[THE Case of CAPTAIN WILLIAM BLACKADER has not been noticed by *Laing*, although he has otherwise treated so fully of the proceedings against the Murderers of KING HENRY. The author of

<sup>1</sup> Proclaimed for the first and second times; the *third* time of asking is deleted. <sup>2</sup> The *sobriquet* of ‘ French Paris’ seems to have arisen from the place of his nativity; for he styles himself ‘ Parisien’ in his Confession. See *Laing*, II, 270. <sup>3</sup> See APPENDIX, No. I, under dates Aug. 16 and 18, 1569. *Laing's Hist.* II, 32. <sup>4</sup> *British Museum*, Callig. B. IX, fol. 370, and Callig. C. I, fol. 318. <sup>5</sup> Quarto; privately printed for THE BANNATYNE CLUB, 1829. Copies may be seen in the *Brit. Mus., Adv. Library*, and other public Libraries, &c. <sup>6</sup> See Letter from Mr Granberg, in *New Monthly Mag.* XIII, 521-537. <sup>7</sup> *Stewart* omits to insert the date. This was the first ‘ diet’ assigned to the pannels, as appears by the *Treas. Acc.* <sup>8</sup> See also *Acta Parl.* Fol. edit. for numerous particulars explanatory of the proceedings adopted against him. <sup>9</sup> See his Confession, Dec. 13, 1573, immediately previous to his Execution, in *Laing's Hist.* II, 291; taken from *Anderson's MSS.* <sup>10</sup> This man's name was ‘ *Nicholas Howbert, diet Paris.*’ See his Confessions in App. and *Laing's Hist.* II, 270, 281, &c.

'The Historie of King James the Sext,'<sup>1</sup> from whose work *David Craufurd of Drumsoy* compiled his spurious 'Memoirs of the Affairs of Scotland,'<sup>2</sup> narrates the circumstance very briefly, in these words: 'That same verie nycht<sup>3</sup> of hir transporting,<sup>4</sup> tua men were tayne as suspect of THE KING'S Murther. The ane was callit *Sebastion de Villour*, a Frenchman of nation; the uther was *Captene William Blakater*. This Captene shortlie efter was put to the knowledge of a Juré, and was convict; bot at his death wald nowayis confes himself giltie of THE KINGIS Murther. The uther escapit.'

*Birrel*, in his 'Diarey,'<sup>5</sup> informs us, that 'the 24 day of Junij *Capitane Villiam Blacheter* was drawin backward, in ane cairte, from þe Tolbuiith to the Crosse, and ther wes bangit and quartred, for being on THE KING'S Murther.' It will be seen by the Appendix to this reign, that his legs and arms were sent to Stirling, Glasgow, Perth, and Dundee, on Jul. 26, 1567.<sup>6</sup> His quarters were fixed on the Tolbooth of Edinburgh, &c.

The following has been obtained from *Stewart's MS.*<sup>7</sup> Although the memorandum he has preserved is very brief, it has evidently been extracted from the Books of Adjournal, along with the preceding Trial of *Scott and zair*,<sup>8</sup> &c.]

Jun. 14.—CAPTAINE WILLIAM BLACADER wes Convict and Fyllit be ane Assyse of airt and part of the crewill, odious, treasonable, and abominable Slaughter of THE KING'S father, vnder silence of night, in his awin ludging within the Burgh of Ed', befyde the (Kirk of) Field: And of the treasonable raising of fyre within the famyn, with ane great quantitie of Powder; throw force of the whilk, the said hail lodging wes raifit and blawin in the aire, and THE KING (HENRY) crewallie and treasonable slaine and distroyit be the said Captaine; vpon set purpose, prouisioun, and foirthought fellonie: And this he did vpon the nynth day of Feberij, 1567. For the whilke cryme the said Captaine William wes execute.<sup>9</sup>

### High Treason — Murder of King Henry.

[*Mr Thomas Craig, Justice-Depute.*]

[ALTHOUGH the following Case properly belongs to the reign of KING JAMES VI., it has been thought preferable to insert it here, rather than in the Appendix. No remarks seem requisite, for the DEPOSITIONS, &c. give a full narrative of the parts which they individually bore in this shocking tragedy. *The Lord High Treasurer's Accounts* contain several notices, of which the following may suffice, in this place.

Dec. 14, 1567.—'Item, to Walter Bynnyng, Paynter, for Paynting and making of xvj ARMES<sup>10</sup> to þe Parliament, for þe FORFALTOUR of James Erle

<sup>1</sup> Printed for the *Bannatyne Club*, and Edited by Thomas Thomson, Esq. Quarto, 1825, p. 15.  
<sup>2</sup> First published, 8vo, Lond. 1706. *Mr Malcolm Laing* had the merit of publishing his detection of this impudent literary forgery.  
<sup>3</sup> *Birrel* says, 'the 17th day of June.'  
<sup>4</sup> The conducting of MARY QUEEN OF SCOTS to Lochleven Castle, June 14, 1567.  
<sup>5</sup> Page 10.  
<sup>6</sup> *Birrel* appears to be a month behind in his chronology; indeed his dates are seldom, if ever, to be trusted.  
<sup>7</sup> *Sir Lud. Stewart's MS.* Adv. Library, p. 47.  
<sup>8</sup> See I, \* 481.  
<sup>9</sup> One part of the ceremony of Forfeiture consisted in the Traitor's degradation from his honours and heraldic distinctions, by reversing, erasing, and tearing in pieces his Armorial bearings, &c.  
<sup>10</sup> 'He went to death solemnlie denying the fact. See *Craufurd's Memoires*, p. 41.' *R. Mylne's Note.*

Boithuile, (James) Ormiftoun of pat Ilk, Johnne Hepburne of Boltoun, Johnne Hay, zounger of Tallo, . . . . . viij li.'

Various payments for summoning Assises, &c. this month. Afterwards these remarkable entries are made.

Jan. 13, 1567-(8).—' *Item*, to Johnne Broune, messinger, and ane boy, passand of Ed<sup>r</sup> with clois Writtingis, togidder with þe HEID of *Powrie*, LEGGIS of *Johnne Hay*, zounger of Tallo,<sup>1</sup> and *Johnne Hepburne* of Boltoun, to be affixit on 3E PORTIS of Glasgw, Hammiltoun, Dunbertane, Air, and Wigtoun, iiij li. ijš.

' *Item*, to ane boy passand of Ed<sup>r</sup> to Leith, Hadingtoun, and Jedburcht, with pair LEGGIS to be affixt, . . . . . xxij š.

' *Item*, to thre boyis passand of Ed<sup>r</sup> with þe rest of pair ARMES and LEGGIS, to þe Burrowis of Perthe, Dundee, Abirdene, Elgin, and Inverness, to be affixt, . . . . . lv š.

' *Item*, for crelis<sup>2</sup> and turfing<sup>3</sup> of þe saidis heidis, leggis, and armis; and candle for paking pairof, . . . . . x š.'

The important Documents which are appended to this Trial, contain almost all the additional authentic materials which can now be obtained for clearing up this atrocious Murder.]

JOHNE HEPBURNE callit of BOLTON, Johnne Haye apperand of Tallo, Williame Powrie, and George Dalgleish, being present in judgement in the said Court, to be accusit of the Dittay after specifeit, were putt to the knowlege of the persons underwritten, quhilk were lawfully fummoned to pass upon pair Affize, choifin and admittit be thamselues, and fworn to deliver upon the points of the said Dittay, viz.

## ASSISA.

John Lockart of the Bar,	William St Clair in Gosfoird,	James Freeman, burges of Ed <sup>r</sup> ,
The Laird of Caprinton,	Laird of Gastoun,	Heughe Brown, pair,
James Campbell of Chankftoun,	Robert Gray, burges of Ed <sup>r</sup> ,	Charles Geddes,
Heugh Wallace of Carnell,	John Stoddart, pair,	John Watſon,
The Laird of Mochrum,	Williame Strang,	James Ackman.

VERDICT. And immediately aftir the chefing and fwering of the saidis personis of Affys, as use is, the foresaid John Hepburne, John Haye, William Powrie, and George Dalglishe, being accusit be dittay, oppinly read in judgement, of the crymes following; and efter the reding, alswa in judgement, of certain answeris and Depositionis maid be thame of before, at particular examinationis of þame upon þe saidis crymes, quhilks þai recognoscit, and confessit to be of verity, in prefence of the saidis personis of Affys; the said personis of Affys removit furth of the said Court, and all togidder convenit and reffonit upoun

<sup>1</sup> Robert Kirkcaldie, Porter of the Castle of Edinburgh, afterwards got a payment of L.57 for his expenses while in Ward, viz. from Sep. 10, 1567.      <sup>2</sup> Willow baskets.      <sup>3</sup> Conveying.

the pointis of the said Dittay, togidder with þe saidis Depositionis; and fyne being pairwith rypely avyfit, reinterit in þe said Court of Justiciarie, and pair, in presens of the said Justice-depute, be pair deliverance, pronouncit and declarit be þe mouth of the spekir, John Lockhart of the Bar, chancilar of the said Affys, fand and deliverit the saids Johne Hepburne, John Hay, William Powry, and George Dalglis, to be culpable, fylit, and convict of art and part of the cruel, shamefull, treasonabill, and abhominabill Slauchter and Murther of umquhill THE KINGIS grace, fader to our soverane lord, in his awin ludging for the tyme, within the burgh of Edinburt, besyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts rest, treasonably risand fyre within the same, with ane grite quantitie of powder; through force of the quhilk, the said haill lugen wes raifit and blawin in the air, and his grace was murderit tresonably, and maist cruelly flane and destroyit by þame þerein: And als, for art and part of the crewall Slauchter and Murther of umquhill William Tailzor, his graces servitour, and umquhill Andro Macaig, tresonably, throw raifing of the said fyre, as said is; committit in the cumpany with JAMES, sumtyme ERLE BOTHWELL, now rebell, and declarit traitor in Parliment, and at the Horn, in the moneth of Februarie last bypast, under scilence of nycht, upon sett purposes, provisioun, and forthought felonye.

SENTENCE. And thairfoir the said Justice-depute, be dome, pronouncit be the mouth of Andro Lindefay, dempstar of the said Court of Justiciarie, decernit, ordanit, and adjudgit the saidis Johne Hepburne, Johne Haye, William Powrye, and George Dalglis, to haif committit the crymes of Tresoun and Lese-Majestie; and as manifest Traytours, to be demanit as followis; that is to say, the said *Johne Hepburne, John Hay, William Powrye*, to be HANGIT to the deid on ane gibbet at the Mercat Croce of Edinburt; and pair HEDDIS, LEGGIS, and ARMIS to be cuttit from þair bodies, and put up and hangin (as for example) on the Portis of Edinburgh, and vther Portis of the principall Borrowis of þis realme, and þair bodies to be BRYNT and confumit in fyre, besyde the said gibbett. AND the said *George Dalgleish* to be HANGEIT to the deid, and his HEID to be cuttit fra his bodye, and put upon the Port of Edinburgh. AND siclyke, decernit and ordanit the saidis personis, and ilk ane of þame, to haif foirfaltit and tynt all and fundrye pair landis, heritages, possessionis, talkis, steddingis, lyferentis, actionis, debtis, and all vtheris pair guds, moveables and unmoveables, to be inbrocht, and remaine with our soverayne lord, as his escheat.

*Extractum de libro Actorum Adjournalis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, Clericum Justiciarie ejusdem generalem, sub meis signo et subscriptione manualibus.*

JOHANNES BELLENDEN, *Clericus Justiciarie.*



## DOCUMENTS ILLUSTRATIVE OF THE MURDER OF KING HENRY DARNLEY.

I. THE DEPOSITIONS OF WILLIAM POWRIE.<sup>1</sup>

1. *Apud Edinburgum, 23 Junii, An. Dom. 1567, in presentia Dominorum Secreti Concilii.*

WILLIAME POWRIE, borne in Kinfawnis, seruitor to þe *Erle Bothwell*, deponis, that þe sam day þe KING wes slane at night, þe ERLE BOITHWELL, accompanyit with *James Ormestoune* of þat ilk, *Hob Ormestoune*, his fader bruther, *John Hepburne of Bolton*, and *John Hay*, 3ounger, 3eid togidder to ane counsele in the nether hall of þe said *Erle Bothwell's* ludgeing in þe *Abbey*, about four houris estirnone, or þairby, and remanit þairin twa houris, or þairby; quhat þai did or said, he knawis not.

*Item.* Deponis, þat *John Hepburne of Bolton*, at ten honres at evin, commandit the deponar and *Pat Wilfoune* to tak up ane carriage of twa mails, the ane ane tronk, and þe vthir ane ane leddirin<sup>2</sup> mail, quhilks were lyand in the said nethir hall, quhilks the deponar and the said *Pat* put on and chargit upon twa horses of my Lordis, the ane being his fown<sup>3</sup> horfe, and cariit the same to the 3et<sup>4</sup> of the enteres of the Black Friers, and þare laid the same down, quhair þe *Erle Bothwell*, acumpanit with *Robert Ormestoune* and *Paris*, called *French Paris*, and vtheris twa quhilks had cloakes about þare faces,<sup>5</sup> met the saidis deponar and *Pat Wilfoun*. And þat 3oung *Tallo*, the *Lard of Ormestoune*, and *John Hepburne of Bolton*, wes awaitand vpon þe deponar and *Pat Wilfoun*, within the said 3et; and þat þare the saidis thre perfouns within the said 3et, reffavit the saids twa charges, quhilks the deponar knew to be pulder,<sup>6</sup> because the same wes in fundry polks,<sup>7</sup> within the said mail and tronk: And þe deponar and said *Pat Wilfoun* helpt þame in with the same; and the powder being taken from þame, the said *John Hepburne of Bolton* sent this deponar for candell, and þat he coft fix halpenny candell fra *Georde Burnis* wife in the *Cowgate*, and deliverit to the said *Johne*: and þat þe saids perfouns reffavaris of the powder, had ane towel with them, with ane littil licht candell; and the saids perfouns within the said 3et oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of þame tuck yane upon his back, or under his arm, and carryit the same away to the back-wall of the 3aird þat is next the trees; and þair the said *Lard of Ormestoune*, *Johne Hepburne of Bolton*, and 3oung *Tallo*, reffavit the pulder fra þame, and wald suffer the deponar and his marrow<sup>8</sup> to þafs na furdar. And quhen the deponar and his marrow came bak againe to the said Frier 3et, the twa horsis that carryed the said mail and tronk war away, and 3it þay carryit the saids mail and tronk again to the *Abbey*, and as þay came up the *Black Frier Wind*, THE QUENES grace was gangand before þame with licht torches: And þat the deponar and his marrow being cumin to the said Erles ludging in the *Abbey*, thai tarryit þare ane hour or mair, and þan the said *Erle* came in, and immediatly tuk aff his claythes þat wer on, viz. a pair of blak velvet hoife, truffit with silver, and ane doublet of fatin of the same maner; and put on ane vthir pair of black velvet hoife, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent past furth, accompanyt with *French Paris*, the deponar, *Georde Dagleish*, and *Pat Wilfoun*, and came down the turnpike, and along the back-wall of THE QUENES garden, quhill þai came to the back of the *Cunzie-houfe*,<sup>9</sup> and the back of the *Stabillis*, while thay came to the *Cannogate*. And deponis, þat as þai came by the gate of THE QUENES South-garden, the twa sentinellis þat stude at the 3et þat gangis to the uttir cloifs, speirit at þame, 'Quha is þat?' And þai answerit, 'Friends.' The centinell speirit, 'Quhat friends?' And þai answerit, 'My Lord *Bothwell's* friends.'

*Item.* Deponis, þat þai come up the *Canongate*, and to the *Nether-bow*, and findand the *Bow*<sup>10</sup> steikand,<sup>11</sup> *Pat Wilfoun* cryet to *John Galloway*, and desyrit him to opin the *Port* to friends of my Lord *Bothwell*; quha came anc. oppynit the port, and þai enterit, and 3eid up aboute *Bassytines*<sup>12</sup>

<sup>1</sup> Anderson's Collection, II, 165.      <sup>2</sup> Leathern trunk or portmanteau.      <sup>3</sup> Soum or sown; a sumpter horse.      <sup>4</sup> Gate.      <sup>5</sup> This was termed being 'missillit,' i. e. muffled, masked.      <sup>6</sup> Gun-powder.      <sup>7</sup> Bags.      <sup>8</sup> Companion.      <sup>9</sup> Mint.      <sup>10</sup> The Nether-Bow Port.      <sup>11</sup> Shutting.      <sup>12</sup> The celebrated early Scottish Printer.

house on the fourth-side of the way, and knockit at ane staire, and callit for *the Laird of Ormestone*, and *Robert Ormestone*, and nane answerit pame: And þai þan slippit down ane clois beneith *the Frier Wynd*, and come to the zet at *the Black Friers*, and enterit in at þat zet, and zeid quhill þay come to the back-wall and dyke, quhair the deponar and *Pat Wilson* left the utheris persons before expyrit,<sup>1</sup> with the powder, as said is; and þaire *the Erle Bothweille* past in over the dyke, and bad the deponar, *Pat Wilson*, and *Georde Dalgleish* tarry still þair while he come backward to them. And farder deponis, þat þai tariit þare half an houre, and hard nevir din<sup>2</sup> of any thing, quhill<sup>3</sup> at last my lord, accompanyit with young *Tallo*, and *Johnne Hepburne* of Boltoune, come to the deponar, and vtheris twa persons being with him, and evin as my lord and thir twa comes to the deponar and his marowis at the dyke, thai hard the crak,<sup>4</sup> and thai past away togidder out at the Frier zet, and funderit<sup>5</sup> quhen þai came to *the Cowgate*, pairt up *the Blackfrier Wynd*, and pairt up the clois which is under *the Endmyllis Well*; and met not quhill þai came to the end of *the Bow*, and zeid down ane clois on the north side of the gait,<sup>6</sup> to haif loppin<sup>7</sup> the wall of *Leith Wynd*; and þair my lord thought it over heich,<sup>8</sup> and came again aback to the Port, and caused cry upon *John Galloway*, and said þai war friends of *my Lord Bothwells*. And *John Galloway* ruse<sup>9</sup> and let them furth; and syne<sup>10</sup> þai past down *St Mary's Wynd*, and down the back zairds of *the Canongait*, and to the said *Erles* ludging; and as þai past *THE QUEEN'S* Guards before specifyit, sum sentinells speirit<sup>11</sup> at pame 'Quha þai war?' and þai answerit, þai war 'Friends of my *L. Bothweill*:' And als speirit 'Quhat crak þat was?' And þai answerit, 'þai knew not;' and þat the sentinells bid them, if þai were servandis of my *L. Bothweill*, to gang þair way.

My lord come into his ludging, and immediately callit for ane drink, and tuk off his cloathes incontinent, and zeid to his bed, and tarriet in his bed about half an hour, quhen *Mr George Hackett* come to the zet, and knocks, and desired to be in; and quhen he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to speik. *My Lord* enquirit, 'Quhat is the matter, man?' And he answerit, 'THE KINGIS house is blawn up, and I trow *THE KING* be slayn!' And *my lord* cryet, 'Fy, treafoun!' And þan he raise and pat on his claihs. And þarefter *THE ERLE HUNTLEY* and mony came in to my lord, and þai zeid into *THE QUEEN'S* house.

*Item.* Deponis, þat upon the next night efter, my lord defyrit þis deponar, *Pat Wilson*, *Georde Dalgleish*, *the Laird of Ormestoune*, and *Hob Ormestoune*, *John Hepburn*, and young *Tallo*, to keip thair tongues clois, and þai fuld nevir want so long as he had, and þat he fuld send the deponar and *Pat Wilson* to *the Armitage*,<sup>12</sup> and þat þai fuld be honestly sustainit. And being inquiryt, Gif this deponar, at my *Lord Bothwells* defyre, focht ane fyne lunt<sup>13</sup> of any of the *Suddartis*?<sup>14</sup> And answerit, þat he did the same, and gat a piece of fine lunt, of half a faddome, or þareby, fra ane of the *Suddartis*, quhais name he knawis not, and deliverit to *Johnne Hepburne* of Boltoune, upon Saturday before *THE KINGIS* Slaughter.

2. *Apud Edinburgum, 3 Julii, An. Dom. 1567, in presentia Dominorum Secreti Concilii.*

*WILLIAM POWRIE*, re-examined, deponis, þat the carage of the tronk and mail contenit in his former Deposition, were carried by him and *Pat Wilson*, upon ane gray hors þat pertained to *Herman*, page to my lord, at twa sundry tymes; and war carryed and conveyed by þaim into the place containet in his former Deposition. And þat at *the Frier-Wynd-fute*<sup>15</sup> þis deponar said to *Pat Willson*, at the conveying of the last carriage, thir words, 'JESU, *Pat*, quhattin ane gaitt is þis we are gangand? I trow it be not gude!' And he answerit, 'I trow it be not gude; but weist,<sup>16</sup> hald your tongue!'

*Item.* Deponis, Quhan the deponar and *Pat Willson* come to the Frier Zet with the last convoy, and

<sup>1</sup> Expressed.    <sup>2</sup> Noise.    <sup>3</sup> Until.    <sup>4</sup> Explosion.    <sup>5</sup> Separated.    <sup>6</sup> Street.    <sup>7</sup> Leapt.  
<sup>8</sup> High.    <sup>9</sup> Arose.    <sup>10</sup> Then.    <sup>11</sup> Enquired.    <sup>12</sup> The Castle of Armitage or Hermitage.    <sup>13</sup> Match.  
<sup>14</sup> Soldiers.    <sup>15</sup> At the foot of the Frier-Wynd.    <sup>16</sup> Hist! Hush!

laid the same down, *Robert Ormestoune* come furth, and said thir words. 'This is not gude like! I trow this purpos will not come to this nycht! I will in and se quhat pai are doing.'

*Item.* pairestir, quhen the powlder and greaith<sup>1</sup> was carryed inwart, the Deponar tarryand at the dyke,<sup>2</sup> the *Laird of Ormystoun* of pat ilk came again, and said to *John Hepburne* and young *Tallo*, thir words, (Paris Frenchman being with him,) 'Be GOD, it is fair in field, cum of it quhat will!' And bade the deponar and *Pat Wilson* gang their way: And at the same tyme pat pe deponar and *Pat Wilson* laid down the last carriage at the said *Frier Gait, the E. Bothweill* came unto thame utwith the *Frier Zet*, accompanyit with thre more, quhilks had pare cloaks, and mulis<sup>3</sup> upon pair feet.

*Item.* Deponis, pat the saidis *Johnne Hepburne* of Boltone, upon Saturday at evin, befor THE KINGIS Slauchter, brought the mail and tronk quhairin the powlder was, to the *E. of Bothwiles* ludging, and laid in the same in the neither hall: and the deponar declaris, pat at the last horse cariage he bare up ane toome<sup>4</sup> poulder barrel to the same place pai carriet the pulder, and pat he wist not how nor be quhome the same came in the *Erle Bothweilis* ludging in the *Abby*.

*Item.* Deponis, pat upon the morne estir THE KINGIS Slauchter, viz. Monunday, *John Hepburne* of Boltoun gat ane gray horse, *Mr Young Tallo* ane broun hors fra my *L. Bothweill*.

*Item.* Inquiris, Gif *William Geddes* Deposition, being red to the deponar, was trow? Declarit the same was all trow, except the deponar remembers not quhidder he bad and counsulit this Geddes not to be fund on the gut<sup>5</sup> pat nycht or not.

THIS is the trow copy of the DEPOSITIONS of the said William Powry, maid in presence of the Lords of Secreit Counfall, concordand and agrieand with the principal remainand at the office of Justiciary, collationat be me, Sir John Bellenden of Auchnoule, Clerk of oure souerane lordis Justiciarie, witnessing my sign and subscription manual. JOANNES BELLENDEN, *Clericus Justiciarie*.

## II. THE DEPOSITION OF GEORGE DALGLEISH.

*Apud Edinburgum, 26 Junii, An. Dom. 1567, presentibus Comitibus de Mortoun et Athol, Preposito de Dundee et Domino de Grange.*

GEORGE DALGLISH, seruande in the Chalmer to the *Erle Bothwell*, of the aige of 27 zeiris, or pareby, &c., deponis, pat pe Sunday THE KING was slayne at nycht, the *E. Bothwell*, accompanyit with the *Laird of Ormystoune* of pat ilk, *Hob Ormestoune*, his fader-bruther, *Johnne Hepburne* of Boltone, *Johnne Hay of Tallo*, younger, war togidder in the neither hall of the said *Erle's* ludging in the *Abby*, about four houres in the estirnone, and remained parein ane hour and a half; and quhat pai did knaws not, be reffoun the deponar remainit for the maift pairt in my lord's chalmer.

*Item.* Deponis, pat my lord, his maister, came to his chalmer about 12 hours at evin, or pareby, and tuke of his clayths, and chingit his hois and doublet, viz. ane pair of hoifs, stocket with black welvet, pafementit with silver, and ane doublett of black satin of the same maner, and put on ane vther pair of black hoifs, and ane canwes dowblett white, and tuke his side riding cloak about him, of sad Inglish claith, callit the new colour. And incontinent the *Erle, French Paris, William Powry*, seruitor and porter to the said *Erle, Patt Willfoun*, and the deponar, zeid<sup>6</sup> down the turnpike<sup>7</sup> altogidder, and endlong the bak of THE QUENE'S garden, quhill zow cum to the *Cunzie-house*,<sup>8</sup> and the bak of the *Stabillis*, quhill zow com to the *Cannogate*, foreant the *Abbay zet*.<sup>9</sup> And depones, as pay came by the entry of THE QUENE'S South garden, ane of the sentinels pat stude at the zet pat gangis to the utter clois,<sup>10</sup> speirit<sup>11</sup> at thame, 'Quhais that?' pai anfwert, 'Friends.'—'Quhat friends?' 'Friends to my *Lord Bothwell*.'

*Item.* Deponis, pai came up the *Canogait* to the *Nethir Bow*, quhilks wes steikit,<sup>12</sup> and pat *Patt Willfoun* cryit to *John Galloway*,<sup>13</sup> and bid him come down and oppin the Port and let pame in, and

<sup>1</sup> *Graith*; materials.      <sup>2</sup> Wall.      <sup>3</sup> 'Mullis'; slippers; that their footsteps might not be easily heard.  
<sup>4</sup> Empty.      <sup>5</sup> Perhaps for *gait*, street or way.      <sup>6</sup> Went.      <sup>7</sup> Spiral staircase. See I \* 471.      <sup>8</sup> Mint.  
<sup>9</sup> Gate.      <sup>10</sup> That leads to the outer close, or yard.      <sup>11</sup> Enquired.      <sup>12</sup> Shut.      <sup>13</sup> The porter, or janitor.

pat pai tarriet ane gude quhile or<sup>1</sup> *Galloway* came down to let pame in, and speirit at pame, ' Quhat did yow out of pair beds pat tyme of night ?' And eftir pay enterit within the Porte, pai zeid up abone *Baffyntines* houe, on the south-side of the gait, and knockit at ane dar beneth the Sword-slippers, and callit for the *Lard of Ormesfounes*, and one within answerit, he was not pare : And pai passit down a cloifs beneth *Frier Wynd*, and enterit in at the zet of the *Black Friers*, quhill<sup>2</sup> they come to the bak wall and dyke of the *Town-wall*, quhair my lord and *Paris* past in over the wall, and commandit pe deponar, *William Powry* and *Patt Willfoun*, to remayne still quhill pai came till pame, and quhatevir pay hard or saw, not to flur or depart quhill he cam againe : And pat pis deponar and the usher twa tarreit pair half an hour or pareby, and in the meyn time hard no din of any thing, quhill at last my lord, accompanyit with *John Hay*, 3ounger of *Tallo*, *John Hepburne* of Bolton, come to the deponar, and his company, pai hard the crack, and past all away togidder out at the *Frier zet*, and funderit in the *Cougait*. My lord, *Johne Hepburne*, and *Pat Wilfoune*, *William Powrie*, and the deponar, zeid up ane wynd be-est<sup>3</sup> the *Frier Wynd*, and croffit the *Hiegait*<sup>4</sup> at the *Nether Bow*, to haif loppin the wall at *Leith Wynd*, bot thai thocht the wall over hich, and came agane to the *Port* ; and my lord cauffit cry upone *Johne Galloway*,<sup>5</sup> and said, pai were servands of my lord *Bothweill* ; and pat he rufe and oppynit the wickit : Quha it wes pat rufe, ignorat : And syne pai passit down *St Mary Wynd*, and down the back of the *Cannygait*, and to the said *Erls* ludging, and enterit be the same turnpicke pat pai cam furth at. And as pai passit by THE QUEENE'S gardens, ane of the sentinels speirit, ' Quha pai war ?' And pai answerit, pai war ' Friends of my lord *Bothweill*.' And so soon as my lord came in his ludging he cryit for ane drink, and incontinent pareftir tuke off his claythes and zeid to his bed, and lay be the space of half ane hour or pareby. And pat *Mr George Hacket* came to the chalmer about half ane hour eftir my lord lay down. Quhan he came in, he apperit to be very effrayit, and my lord speirit, ' Quhat is the matter, man ?' And he answerit, pat he ' Heard at the *Kirk of Field* like the schot of ane cannoun, and, as I hear say, THE KING'S houe is blawn up, and I trow THE KING be slayne !' And incontinent my lord raise and put on his clayths, that is to say, the same hoifs and dowblet pat he had on upon Sunday, quhilks wer passaments with siluer ; and sa sone as my lordis clayths was on, he departit furth of the chalmer, and the deponar remanit still in the chalmer.

THIS is the trew copy of the DEPOSITIONE of the said GEORGE DALGLISH, maid in presence of THE LORDIS before exprimit, concordand and agreeand with the principall remaying at the office of Justiciare, collationat by me Sir John Bellenden, knight, clerk of our soveraigne lordis Justiciary, witnessing my signe and subsciption manual. JOANNES BELLENDEN, *Clericus Justiciarie*.

### III. DEPOSITION OF JOHN HAY, 3OUNGER OF TALLO.

*Apud Edinburgum 13 die mensis Septembris, An. Dom. 1567, in presence of my Lord Regent, the Erls of Morton and Athol, the Lairds of Lochlevin and Petarow, Mr James Magyll, and the Justice-Clerk.*

THE quhilk day, JOHN HAYE, 3OUNGER OF TALLO, being examinit anent THE KINGIS graces Murther, grantit and confessit himself culpable pareof ; and as he wald answer before God, deponit and declarit the *Erle Bothwele* his masters pairt of the same, sa far as the deponar knew, in manner following : that is to say, THAT upon the 7 day of Februar last bypast, before THE KINGIS Murther, the *Erle Bothweil*, within his chalmer in his ludging in the *Abbey of Haltyrudhous*, schew to the deponar the purpose of THE KINGIS Murther, sayand their words, or siclyk, ' *Johne*, this is the mater ! THE KINGIS destruction is devysit, and I mon<sup>6</sup> reveill it unto ye, for an<sup>7</sup> I put not him down, I can not haif an lyfe in *Scotland*. He will be my destruction ! And I reveill this to the as to my friend ; and gyf zow reveill it again, it will be my destruction, and I fall feik this thy life first !' And parwith he

<sup>1</sup> Ere, before.      <sup>2</sup> Until.      <sup>3</sup> To the Eastward of.      <sup>4</sup> High Street.      <sup>5</sup> The Porter or under-  
Keeper of the Nether-Bow-Port, who is frequently alluded to.      <sup>6</sup> Must.      <sup>7</sup> If.

gave the deponar also diverse admonitions, and also fair promises to keip the matter secret, and to take part with him in THE KINGIS Slaughter, as he had devisit; and pat pareafter, at evin, in the presence of *John Hepburn*, callit of Bolton, the said *Erle* proponit the samyn matter to the deponar, quhilk *John Hepburn* was on the counsail pair of of before. And *therle Bothwell* said to the deponar, 'I have devisit it in this manner, and ye fall do the same;' that is to say, he said in presence of *James Ormiston* of pat ilk, and the said *John Hepburn*, thir words, 'The poulder man (*myff*) be laid in the house under THE KINGIS chalmer, quhair THE QUEENE suld lye, in an barril, gyf it may be gottin within the barril, and the same barril fall haif an hoill at the nether end pareof, and an tre, holit and howkit like an troch, put to the hoill of the barril, and an lunt<sup>1</sup> pareupon, quhilk fall be fyr it at the far end, and the unfyrit end laid in the hoill of the barril in the pulder.' And this purpos suld haif been put in execution upon the Saturday at night, and the matter fayllit pat nycht, becaus all thingis war not in reddyne pairfor.

*Item*, Deponit, pat upon Sunday parefter, about thre or four houres afternone, in *therle Bothwell's* nedder house in *the Abbaye*, the said *Erle*, *John Hepburn* of Bolton, and the deponar, devyfit pat my lord suld gang up to the said *Laird of Ormiston's* chalmer (like as he did) sua sone as it was mirk,<sup>2</sup> and pat pare past with my lord, quyet on fute. *John Hepburn* of Bolton, the deponar, and *Ade Murray* met pame, and sum utheris quham the deponar remembers not, at the said *Laird of Ormiston's* stairefute of his chalmer, above *the Bow*, on the south-syde of the gait,<sup>3</sup> and pat my lord commandit the said *Ade* and utheris to pass to *Mr John Spensis*, and remayne pare quill he came to pame: And pat my lord, *John Hepburn* of Bolton, and the deponar, enterit in the said *Laird of Ormiston's* chalmer, quhair pay fand the said *Lard*, and *Hob Ormiston*, his fader bruther, and an bruther of the *Lards*, quhais name the deponar knaws not, and was put to the dur; and pair pai confullit quhat gait<sup>4</sup> pai suld gang to THE KINGIS house, becaus pai had not tane purpois pairupon of before; and syne pai zeid all down togidder to *the Black Freir* zeit, and pe said *Lard of Ormiston* zeid in throw the ald howfis and wallis, and past and opynit the said *Freir*-zet to my lord, the deponar, and the rest forefald. And pat my lord and the deponar zeid up and down *the Kowgate*, quhile *Wille Powry* and *Pate Wilson* brocht the powder, quhilk was brocht, at twa sundry times, furth of *the Abbey*, from *the Erlis* ludgeing: And pat the same was in a tronk and an mail, and was brought upon *Hermanis* naig, and pat the powder was ressavit in at *the Black Freir* zeit be the said *Lard of Ormiston* and *John Hepburn* of Boltown, and pat the samyn was born in be *Wille Powry*, *Pate Wilson*, and the saids *Lard of Ormiston*, *Hob Ormiston*, and the deponar, in the tronk and mail. And pareftir the powder pat was in the tronk was taken furth of the same, and put in polks,<sup>5</sup> and the powder pat was in baith the tronk and mail was caryit to THE KINGIS house in polks.

And it is of veritie, that *Paris*, the *French man*, was in the nedder house, under THE KINGIS chalmer, and had an key of the back-dowr, and then the said *Lard of Ormiston* past in at the said dur, and spake with the said *Hob*, his fader bruther, and with the said *Paris*, being both therein, and fand the time convenient, and came furth again, and tauld the samyn to the said *Erle* and his company; and pat pai had with pame alswa a tre and a powder barrel, for to have done as said is: But the barrel was so meikle,<sup>6</sup> it could not be gottin in at the duur: And pan pay tuk all the polks and carried pame within the said laich house, and temit<sup>7</sup> pame on the flour in an heip, and the polks weir taken furth again. And pat my lord was in the house afoir, and had left the said *Paris* parein, and the said *Hob* standand at the dur awaitand upon pair coming: And pat the said *Lard of Ormiston* said to the said *John Hepburn*, 'Ze ken now quhat ye haif to do, quhen all is quyet abone zow! Fyre the end of the lunt, and cum zour way!' And pareftir the said *Lard of Ormiston* past his way, with *Hob* with him and *Paris*. *John Hepburn* and pe deponar taryit still within the said laich house a certain space; and *Paris* lockit the back dur, and the dur pat passes up the turnpike to THE KINGIS chalmer, quhair

<sup>1</sup> Match.    <sup>2</sup> Dark.    <sup>3</sup> Street.    <sup>4</sup> Way, road.    <sup>5</sup> Bags.    <sup>6</sup> Large; bulky.    <sup>7</sup> Emptied.

THE KING, THE QUENE, and þe *Erle Bothwell*, and vthers were, and passit up to þame, levand behind him the said *John Hepburn*, and the deponar lockit in the said nedder house: And as the deponar believes *Paris* shew *the Erle Bothwell* that all things were in readines, and syne sone þareftir,<sup>1</sup> THE QUENE and THE LORDIS returnit to *the Abbay*, *my lord Bothwell* being in her cumpany. And þareftir *the Erle Bothwell*, accompanyit with *Paris* and *Georde Dalglissh*, came to the back zard; and the said *Hepburn*, quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after þame, and fand *the Erle of Bothwell* in the zaird, quha speirit at þame, 'Gyf they had done that quhilk he had biddin þame, and fyrit the lunt?' And þai answerit, 'þat it was done.' And eftir *my lord* and thai tarryit in the zaird ane lang tyme; and quhen *my lord* saw þat þe matter came not hastily to þais, he was angre, and wald have gen in himself in the house; and the said *John Hepburn* stoppit him, saying thir wordis, 'Ze neid not.' And *my lord* said thir wordis, 'I will not gang away quhile I see it done.' And within ane schort space it fyrit, *my lord*, *John Hepburn*, the deponar, and *Paris* being gangang at the fute of the aley in the said zard. And quhen they faw the house riseand, and hard the crack, they ran their way, and come down *the Wynd* fra the said Freir zett; and þat *my lord* þareftir past to the wall at *Leith Wynd*, to have past over it, but becaufe he thocht it over hich, he sturrit pairwith, and came back again to *the Nedder Bow*, and past furth at *the Port*, after *Johnne Hepburne* had cried upon *John Gallaway*, porter, and cauffit him oppin the Port; and that the saids *John Hepburn* and *Georde Dalgleissh* passit afore with *my lord*, and sone þarefter the deponar and *Paris* followit; and the deponar passit to his bed, in *John Hepburns* in *the Canongait*, and *my lord* passit to his awin ludgeing to *the Abbay*.

#### IV. THE DEPOSITION OF JOHN HEPBURN, CALLED 'JOHNNE OF BOWTOUN.'

*Apud Edinburgum 8 die mensis Decembris, An. Dom. 1567, in presence of my Lord Regent, the Erle of Athol, the Lord Lindsay, the Lard of Grange, and the Justice-Clerk.*

THE quhilk day, JOHNNE HEPBURNE, callit *Johnne of Bowtoun*, being examinitt upon THE KINGIS Murther, grantit himself culpable and gilty þairof: and as he wald answer before God, deponit and declaryt *the Erle of Bothweile* his maisters part of the samyn, so far as the deponar knew in this matter, that is to say; The first tyme þat evir *the Erle of Bothweile* spake þis matter of THE KINGIS Murther to the deponar, was ane day or twa aftir the bringing of the powder furth of *Dunbar*; at quhilk tyme he said to the deponar in this manner, 'Thair is ane purpois divisit amongs some of the Noblemen, and me amongs the rest, þat THE KINGE fall be slane; and that every ane of us fall send twa servandis to the doing þarof, owther on the fields, or otherwise as he may be apprehendit!' And þan desiritt þe deponar to be ane of the entrepryfers for him: Quhais answer was, 'þat it was ane evil purpois, and zit, becaus he was servand and counsignance<sup>2</sup> to his lordshyp, he wald do as vthers wald, and put hand to it.' One the morne þareftir, he callit *James Ormiston* of that ilk, the deponar, and *John Hay*, zounger of Tallo, and break the purpois to þame; and maid the like declaratioune to þame, þat vthir Noblemen had had as far enteres as he in þat matter: And þai maid to him evin sic answer as he had done. Quhether *my lord* had schewed þame þe purpois of befoir or not, þe deponar knowes not. Swa every day þare was tanking amongis þame of the samyn purpois, quhill within twa dais before þe Murther, þat the said Erle changed purpoise of the slaying of THE KINGE one the feildes, becaufe þan it wald be knawn, and schew to þame quhat way it mycht be usit better be þe pulder. And on the Sunday, in the gloming<sup>3</sup> before nicht, þe 9 daie of Februar last bepast, the deponar send þe said *Johnne Hayes* man for ane tome<sup>4</sup> poulder barrel to the man quhilk *Johnne Haye* had cost<sup>5</sup> the same fra, þat dwells above *Sandie Bruces* cloise-heid. At evin *my lord* suppit in *Maister Johnne Balfour's* hous, quhare *the Bischop of Argyle* maid the banket: And eftir supper *my lord* came up the gait, and þai all with him to the said *Lard of Ormestonis'* chalmer; quhair þe deponar and *Johnne Haye* past in, and

<sup>1</sup> And then, soon thereafter.

<sup>2</sup> Cousin-german.

<sup>3</sup> Twilight, dusk.

<sup>4</sup> Empty.

<sup>5</sup> Purchased.

sand the said *Lard* and *Hob Ormiston* his fader bruther; and as pe deponar rememberis, pat was the first time pat *Hob* knew of pat matter, and pair pai spake togidder, and my lord schewit pame pe maner: And the deponar, the said *Lard of Ormiston*, *Hob Ormiston*, and *Johne Hays*, past to the fute of the *Black Freir Wind*, haveing sent away *Wille Powry* and *Pate Wilson* for the poulder. And before par comming furth of the said chalmer, my lord departit with his servandis; quhair pe deponar knawes not. And the saids foure being togidder, as is befoir wryttin, at the fute of the *Freir Wind*, the said *Willie Powry* and *Pate Wilson* cum agane with the poulder, quhilk was brocht at two times in ane tronk and ane mail; and pai carreit it in at *Black Freres zet*: And quhen pai war changing pe pulder furth of the tronk in polks, my lord come and speirid 'Gyf all was redy? And bad pame haift before THE QUEENE cum furth of THE KINGIS house; for gyf she come furth before pai wer reddy, pay wald not find sic commodity. And pan pe pulder being put in polks, the saids *Lard of Ormiston*, *Hob Ormiston*, this deponar, *Johne Hays*, *Willi Powry*, and *Pate Wilson* turfit<sup>1</sup> up the poulder to THE KINGIS house, and sand *Paris* at the dur, quba openit the samyn; and pay assayit to haue taken in the said barrell, and it wald not gang in at the dur; and pan pai liftit the samyn, and brocht it back to the zaird, and bad in the poulder, and tuming it furth of the polks in ane bing and heip upon the flur, evin directly undir THE KINGIS bed. And pan pe said *Laird of Ormestone*, *Hob Ormiston*, and *Paris*, past away, and left the deponar and *John Hay* within the said boufe; quhilks tarryit parein quhill efter twa houres after mydnight, and pan tuk ane lunt, with ane litle tre<sup>2</sup> quharon it lay, and placit pe same, pe ane end in the poulder, and fyr it pe vthir end, and cam pair way, and lockit pe thre duris behind pame: And at pair cuming furth to the zaird, pay sand my lord *Bothwell*, *Geordie Dalgleish*, *Pat Wilson*, and *Willie Powry*: And my lord speirit at them, 'Gyf pay had done all things as was ordourit?' And pai said, 'Zea:' And pai tarryit upon ane quarter of ane hour pairestir. And my lord thocht lang,<sup>3</sup> and speirit 'Gyf pair was ony part of the houfe pat they mycht se the lunt, gyff it was burnand anouch?' And pai said, 'pare was nane but ane wundo quhilk wes within pe clois:' And as they war speeking upon it, the houfe begouth to take fyre and blew up; and pai ran away, and cum up *Black Freir Wind*, and zeid down ane clois to haif gottin over the broken wall at *Leith Wind*, but my lord thocht it over heich to loup, because of his fair hand; and swa returnit to pe *Neddir Bow*, and walkynit<sup>4</sup> *John Galloway*, portar, quham pai gart cum down and opin the zet: And *Willie Powry*, *Paris*, and *John Hays*, zeid evin down the *Canonngait*, and my lord, the deponar, *Pat Wilson*, and *Georde Dalgleish*, zeid down *Saint Mary Wind*, and behind the zairds unto my lordis ludgeing in the *Abby*. And in pair by-ganging, twa of the watchis spirit,<sup>5</sup> 'Quhat pai were?' and pe deponar answerit, 'We are servands of the *Erle Bothwell*, gangand to him with news out of the town.' And swa my lord passit to his bed, and pis deponar lay down in ane bed in pe hall. And sone parestir *Mr George Hackett* came in, quha told, pat the houfe of the *Kirk of Field* was blawn up in the hair,<sup>6</sup> and THE KING slain. And within short space pair-after my lord Huntley came in, and my lord *Bothwell* rais and put on his claithis, and passit into THE QUEENIS houfe. And the deponar tarryit fum tyme parestir, and cumand furth, sand the *Abbey-zeit* cloit; and pan pe deponar sand the said *John Hay* in his bed in *John Hepburns*, and lay down with him.

*Item.* Deponis, pat pare wes fourteen fals keys maid for oppyning of all the lockes of the dures of THE KINGIS ludgings at the *Kirk of Field*; quhilk the deponar, eftir the committing of the said Murther, keist<sup>7</sup> in the *Quarie-hole* betwix ze *Abbey* and *Leith*.

THIR ar pe true copies of the Depositionis of the said JOHN HAY, 3ounger of *Tallo*, and JOHN HEPBURNE, callit of *Boutoune*, maid in presence of MY LORD REGENT, and THE LORDS before mentionit, in manner befoir expremitt, concordant and agreand with the originalis, quhilks are remainand

<sup>1</sup> Conveyed, carried.      <sup>2</sup> A piece of wood, hollowed out into the shape of a trough, to hold the train or match.  
<sup>3</sup> Grew impatient.      <sup>4</sup> Awaked from his sleep.      <sup>5</sup> Watches or sentinels enquired.      <sup>6</sup> Air.      <sup>7</sup> Cast, threw.

in the Justiciarie, collationate be me Sir John Bellenden of Auchinoul, knight, Clerk of our soverane lordis Justiciary.

JOHANNES BELLENDEN, *Clericus Justiciarie.*

V. THE CONFESSION OF JOHN HABROUN,<sup>1</sup> YOUNG TALLA, DAGLEISH AND POWRIE, upon *quhome was Justice execute the 3d of Januarie, the yeare of God 1567.*

JOHN (HABROUN) of *Bowton* confessit that nyne was at the deid doing, my L. Bothwell, the lord of Ormiftoun, Hob Ormiftoun, himself, Talla, Dagleish, Wilfon, Pourie, and French Paris; and that he saw na moe, nor knew of na other companies.

*Item.* He knowis nat other but that, that he was blowin in the ayre; for he was handilit with na mens' handes, as he saw; and if he was, it was with others and not with tham.

*Item.* As touching *Sir James Balfour*, he saw not his subscripioun; but I warrand you he was the principall counfallar and devifer.

*Item.* He sayd, I confesse it is the veray Providence of God that hes brought me to his judgement; for I am led to it as an horse to the stall, for I had schippis providit to flie, but could not escape.

*Item.* He sayd, let no man do evill for counfall of great men or thayr masters, thinking thay shall save tham; for surely I thought that night that the deid was done, that although knowledge should bene gotten, na man durft have sayde it was evill done, feing the hand writtis, and acknowledging THE QUENIS minde thairto.

*Item.* Speaking of THE QUENE in the Tolbuith, he said, God make all weill, but the langer deirt<sup>2</sup> is hydden, it is the stronger. Quho lives, our daithes will be thought na newis!

*Item.* Hinmest,<sup>3</sup> he confessit, he was ane of the principall doers of the daith, and thairfoir is justly worthy of daith; but he was affurit of the mercy of God, quho callit him to repentance.

ITEM. TALLA confessit, *ut supra*, agreing in all pointes as concerning the parsons, number, and blowing in the ayre.

*Item.* He affirmit, That in *Setoun*, my *Lord Bothwell* callit on him, and sayd, 'Quhat thought you quhen thou saw him blowen in the ayre?' Quho answerit, 'Alas! my lord, quhy speak ye that? For quhen ever I heare sic a thing, the wordes wound me to death, as they ought to do you!'

*Item.* That same tyme he saw *Syr James Balfour* put in his owne name and his brother's unto my *Lord Bothwelles* Remiffioun.

*Item.* He knew of the deid doing three or four days or<sup>4</sup> it was done, or thereby.

*Item.* He sayd, 'After that I came to the Court, I left the reading of God's worde and imbrafit vanitie; and thairfoir hes God justly brought this on me.'

Quhairfoir, let all men flee evill company, and to trust not in men; for redy are we to imbrace evill, as redy as hardes<sup>5</sup> to receive fyre. And further, in the Tolbuith he requyrit *John Brande*, Minister of the Congregatioun, to passe to my *Lord Lindsay*, and say, 'My lord, hartily I forgeve your L., and als my lord REGENT, and all others, but specially tham that betrayit me to you; for I know if ye could have favit me ye would; desiring you, as ye will answer before God in the latter day, to do your diligence to bring the rest, quho was the beginners of this worke, to justice, as ye have done to me; for ye know it was not begunne in my head. But yit praises God that his justice hes begunne at me, by the qubilk he hes callit me to repentaunce!'

ITEM, DAGLISHE sayd, 'As God shall be my judge, I knew nothing of THE KINGES daith befoir

<sup>1</sup> Vid. *Buchanan's Detection*, English Edition, &c.    <sup>2</sup> Dirt; *stercus*.    <sup>3</sup> Finally.    <sup>4</sup> Ere, before.  
<sup>5</sup> *Dr Jamieson* interprets this word to denote 'that part of boiled food that adheres to the pot,' (in which *sowens*, porridge, &c. have been prepared.) The Editor believes the phrase here signifies 'as brands for the burning,' in the Scriptural sense. From O. F. *hars* or *hardes*; twigs, rice, brushwood, &c. It is now almost obsolete.





it was done ; for my *Lord Bothwell* gangand to his bedde, after the taking of of his hofe, quhilke was stockit with velvet, *French Paris* cum and roundit<sup>1</sup> with him ; and thairefter he taryed on me for other hofe and claithis, and his riding cloke and sworde, quhilke I gave him ; and herefter cum up the gait to the *Lord<sup>s</sup> of Ormsfoun's* lodging, and taryit for him ; and therefter that, he passit to ane Wynd beside the *Blacke Fryers*, and cum to the slope of the dike, quhair he gart me stand still ; and as God shal be my judge, I knew natling quhill I heard the blaft of powder : And after this he cum hame, lay downe in his beid, quhill *Mr George Hakit* cum and knockit at the doore. And if I dye for this, the quhilke God judge me gif I knew maire, quhat shal be done to thame quho was the devisers, counfallars, subscrivers, and fortifiers of it ?

VI. THE DEPOSITION OF THOMAS NELSON,<sup>3</sup> 'CUBICULAR' TO KING HENRY.

THOMAS NELSON, sumtyme servand in the chamber to wmqhill KING HENRY, of guide memory, of Scotland, examinat upoun his conscience, declaris that he was actuall servand to THE KING the tyme of his Murthour and lang of befor, and came with him frome Glasgou, the time THE QUEENE convoyit him to Edinburgh.

*Item.* The deponar remembris it wes dewysit in Glasgou, that THE KING suld haif lyne first at Craigmyllare : bot, becaus he had na will thairof, the purpos wes alterit, and conclusioun takin that he suld ly beside the Kirk of Feild : At quhilk tyme this deponir belevit evir that he suld haif had the Duikis house ;<sup>4</sup> and knew na uther hous, quhill THE KING lychtit, at quhilk tyme he past directlie to the said Duikis house, thinking it to be the lugeing preparit for him : Bot the contrare was then schawin to him be THE QUEENE, quha convoyit him to the uthir hous ; and at his cuming thairto, the schalmir wes hung, and ane new bed of black figurat welwet standing thairin. The keyis of the lugeing wes partlie standing in the durris, and pairtie deliverit to this deponir be Robert Balfour, awnir, all except the key of that dur, quhilk passit through the fellare and the town wall, quhilk culd noht be had, and thairfore Bonkle in the fellare said, he suld clois it weill aneuch within ; quhilkis keyes wes keppit and usit be this deponir and utheris, THE KINGIS servandis, quhill THE QUENIS cuming to the lugeing : At the quhilk tyme, the key of the laich chalmir undir THE KING, quhair sche lay tua nytis, viz. the Wednesday and Fraday befor his Murthour, with the key of the passage that past toward the gardin, wer deliuert in the handis of Archibald Betoun, as the deponir remembris ; quhilk Archibald wes yfcheare of THE QUENIS chalmer dour : Befoir quhilk tyme of THE QUENIS lying in the KINGIS lugeing, the tua nytis above namyt, sche caufit tak down the uttir dour that clofit the passage towart beith the chalmeris, and caufit use the samyn dour as a cover to the bath fatt,<sup>5</sup> quherin he wes baithit : And sua ther wes na thing left to stope the passage into the saidis schalmeris, bot only the portell durris. As alua, sche caufit tak down the said new blak bed, sayand, it wald be sulzeit<sup>6</sup> with the bath ; and in the place thairof, fett upe ane auld purple bed, that wes accustomat to be carit ; and the saidis keyis that wer deliverit in the handis of Archibald Betoun remanit still in the handis of him and utheris that awaitit upon THE QUEENE, and nevir wer deliverit agane to THE KINGIS servandis : For sche fett upe ane grein bed, for hir self, in the said laich chalmir quherin sche lay the saidis tua nytis, and promist alua to haif bidden thair upoun the Sounday at nyt. Bot estir sche had tareit lang and intertent THE KING verey familairlie, sche tuk purpoise, (as it had bene on the suddan,) and departit, as sche spak, to gif the mask to Baftyane, quha that nyt wes mareit hir servand, namelie, the said Archibald Betoun ; and ane Paris Francheman havand the keyis of hir schalmir, quherin hir bed stuid in, as alua of the passage that past towart the gairding : For quhen THE QUEENE wes thair, hir servandis had the keyis of the hail houfs and durris at hir commandement ; for upon the nyt sche usit, with the lady Rereis, to ga furth to the gairding, and ther to sing and use pastyme. Bot fra the first tyme that sche lay in

<sup>1</sup> Whispered.  
Cecil's hand.

<sup>2</sup> Laird.

<sup>4</sup> Hamilton-house.

<sup>3</sup> Anderson's Collections, IV, 165.

<sup>5</sup> A bathing vat.

The Original is marked with Secretary Solled, *sullied*, tarnished.

that lugeing, THE KINGIS fervandis had nevir the key of hir said schalmir agane. THE QUENE being departit towart Halyrud hous, THE KING, within the space of ane hour, past to bed, and in the chalmer with him lay wmqubill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went dervict to fowth oute of THE KINGIS schalmir, havand ane windo in the gawill throw the Toun-wall, and besyde thame lay William Tailzeir's boy; quhilks nevir knew of ony thing quhill the hous quherin they lay wes fallin about thame; oute of the quhilke, how fone this deponir could be red,<sup>1</sup> he stuid upoun the rwynous wall quhill the pepill convenit, and that he gat claithis and sua departit, quhill on the Monounday at efter none he was callit and examinat; and amangis utheris thingis, wes inquiret about the keyis of the lugeing, this deponir schew that Bonkle had the key of the fellare, and THE QUENIS fervandis the keyis of hir schalmir: quhilk the laird of Tulybardin hering, said, ' Hald thair, heir is ane grund.' Estir quhilk wourdis spokin, thai left of and procedit na farther in the inquisition.

VII. DEPOSITIONS OF (FRENCH) PARIS, SERVANT TO THE S(COTCH) Q(UEEN), AND PRESENT AT THE MURDER OF HER HOUSBANDE.

1. *S'enfuyt* <sup>2</sup> *la Declaration et Deposition de NYCOLLAS HAUBERT, dict PARIS, Pareisien, touchant la Morte et Meurtre du feu ROY HENRY D'ESCOSSE; au Meurtre duquel le dit Haubert estoit present, avec le Conte de Boduel et les autres ses adherens: Ceste Deposition fut faicte à Saint Andrieu, sans ce que le dit Paris fut contraint ni interrogué, de son propre mouvement et voulloir pour s'en descharger comme il deist, et ce le ixme. jour d'Aoust, 1569.*

Et primierement, il deist,

JE confesse icy, devant Dieu et le monde, que le Mercredy ou le Jeudy après dîner de la sepmain donct le dict meurtre du feu ROY fut commis, moy estant en la chambre de LA ROYNE à *Kerkasfield*, en compaignye de plaeieurs aultres attendant LA ROYNE, qui estoit à la chambre du ROY, *Mons. de Boduel* vint à la chambre de LA ROYNE là où j'estois, et me deist en l'aureille, ' *Paris*, ie me trouve mal de ma malladye que tu sçais qui est mon flux de sang, ne sçais-tu point quelque lieu la ou ie porray aller faire mes affaires?' ' Ma foy, ce dict-ie, je ne fut jamais icy qu'à ceste heure-cy, mais ie m'en vois chercher quelque lieu.' La-dessus ie trouve ung coing ou trou entre deux portes, et le va dire; ' *Monsr.* venez-vous-en, sy vous estes otant pressé!' Et estans la dedans, ie ferme la porte sur nous, et luy ofte sa robbe, commençant à le destafcher. Il me regarde, et me demande comment ie me portoy? luy disant, que ie me portoy bien, la grace à Dieu et à luy, me tenant pour bien recompense du service que luy avois faict de m'avoyer faict donner l'estat de varlet de chambre ches LA ROYNE. Il me respondist, que ce n'estoit pas asses, et qu'il me feroit davantage. Je luy dis, que ie me contentois, et que ie ne pouvoys davantage à la maison de LA ROYNE, voyant mon equalité, et que ie me contentois. Il me dict que ie me ne chomneroy de rien que ie luy dise, car disoit-il, Tu m'ais faict bon et loyal service depuis qu tu m'a servy; car ie sçay que tu as couvert mon deshonneur que tu avois occation de fouller quant tu vins de mon service hors d'*Angleterre*. *Monsr.* ce dict-ie, ie nay faict que tor de serviteur. Et bien, ce dict-il, pour autant que ie t'ay trouvé fydelle serviteur, ie te veulx dire vne chose, mais il te fault garder sur ta vie que nul ne le sache. (*Monsr.* ce di-ie) il n'appertient au serviteur quant le maistre luy dit quelque chose de le reveler, et s'y est chose que vous pensés que ie ne puisse garder, ne me le dictes point. Sçais-tu (ce dict-il) que c'est; c'est que sy ce ROY-là qui est la d—— a jamais les pieds sur nous aultres Seigneurs, il nous vult dominer et estre cruel, et de nous autres Seigneurs ne le voullons pas souffrir, et aussy ce n'est la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire fault—de dedans ceste maison en l'air avecques de la pouldre, de oyant ie ne le dis mot ains baissé la vene basse mon sens et mon cueur ce tourne de

<sup>1</sup> Extricated from the ruins.

<sup>2</sup> *British Museum*, CALIG. B. IX, fol. 270.

l'avoyr ouy ainfy parler. Il me regarde, me demandant que ie pense? Mons<sup>r</sup>. (ce di-ie) je pense à ce que vous me dictes, qui est une grand chose. Qu'en pense-tu? (ce dit-il) Que j'en pense, Mons<sup>r</sup>.? (ce di-je) vous me perdonnerez sy ie vous die selon mon povvre esprit ce que i'en pense. Que veulx tu dire? (se dit-il), tu veulx prescher. Non, Mons<sup>r</sup>, vous orres. Et bien (se dit-il) dis, dis! Mons<sup>r</sup>. (ce di-je) depuis cinq ou six ans que ie vous ay faict service, ie vous ay toufours veu en grands troubles, et n'ay sceu jamais voyr d'amis qui ayent faict pour vous; maintenant, Mons<sup>r</sup>. vous estes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais; pour ma part, ie voye que chascung vous faict la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr autrement, ie ne scay pas vous estes du pais Mons<sup>r</sup>. Davantage l'on dict que vous estes le plus grand terrien de ce pays icy, et aussy que vous estes marie qui est l'heure quant vng homme prend ce ply la que il ce fault arester ou jamais. Maintenant, Mons<sup>r</sup>. sy vous entreprenes ceste chose-là qui est grande, ce fera le plus grand trouble que vous eustes jamais, par dessus les aultres, car chascun cryera 'ha harault!' sur vous, et vous le voyres. Et bien (cedit-il) as-tu faict? Vous me perdonnerez, Mons<sup>r</sup>. s'il vous plaist, sy ie vous ay dieft selon mon povvre esprit (ce di-ie). Et beste que tu es (ce dict-il) pense-tu que ie fay cecy tout seul de moy mesme? Monsieur, ie ne sçay pas comment vous le faictes, mais ie sçay bien que ce fera le plus grand trouble que vous eustes oncques. (Ce dict-il) et comment sera-ce? car i'ay disia *Leddington* qui est estymé l'ung des meilleurs espricts de ce pais-cy, et qui est l'entrepeneur de tout cecy; en apres j'ay Mons<sup>r</sup>. *d'Argyle* mon frere, Mons<sup>r</sup>. *de Hontlye*, Mons<sup>r</sup>. *de Morton*, *Ruthen*, et *Lindesay*. Ses trois-là une foys ne me fauldront jamais, car j'ay parlé pour leur grace; et ay tous les signes de ceulx-cy que ie t'ay nommes, et aussy avons envie de le faire dernièrement que nous fusmes à *Cragmiller*, mais c'est que tu es un beste et povvre d'esprit, qui ne merite d'entendre chose de conséquence. Ma foy, Monsieur (ce di-ie) il est vray, car mon esprit n'est point pour telle chose, mais bien pour vous faire service à ce que ie porray, et bien bien Mons<sup>r</sup>., ilz vous porront bien faire maistre et principall de ce faict-là, mais quant ce sera faict ilz porront aussy mettre le tout sur vous, et les premiers qui cryeront 'ha harault!' apres vous, et les ceulx qui vous boutteront le premier à mort, s'ilz peuvent. He! Mons<sup>r</sup>., ie vous prie m'en dire d'ung que vous ne m'aves point nommé; ie sçay bien que cestuy-la est aymé en ce pais du commuen peuple, et aussy de nous autres *François*, que quant il gouvernoyt l'espace de deux ou trois ans, il n'avoyt point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant on ne peut veoyr homme qui ait moyen, et ne voyt-on que troubles; cestuy-la est sage et sy a des amys allies. Qui est cestuy-la? (ce me dict-il). Cest Mons<sup>r</sup>. (ce di-ie) *Mons<sup>r</sup>. le Conte de Morra*: je vous prie me dire quelle part cestuy-la prend? (Ce dit-il), il ne se veult point mesler. Mons<sup>r</sup>. (ce di-ie), il est sage. Adonc *Mons<sup>r</sup>. de Boduel* retourne la teste vers moy et me deist, *Mons<sup>r</sup>. de Morra*, *Mons<sup>r</sup>. de Morra*, il ne veult n'ayder ne nuire, mais c'est tout ung. Bien, bien, Mons<sup>r</sup>. (ce di-ie) il ne le faicte sans cause, et vous le voyrez. La-dessus il me commande de prendre la clef de la chambre de LE ROYNE à *Kirkafilde*. Je luy dis, Mons<sup>r</sup>. vous me perdoneres, s'il vous plaist, pour autant que ie suis estrangier, et aussy que ce n'est mon estat, l'huyffier me porra demander que i'en veulz faire et-il aura raison. Et pourquoy (ce dit-il) n'est-tu vallet de chambre de LA ROYNE? Il est vraye, Mons<sup>r</sup>. (ce di-ie) mais vous sçavez qu'à la maison d'ung Prince chascun officier à son office, et entre les autres l'huyffier a le sien, l'estat duquel est de garder la clef de la chambre. Pourquoi donc (ce dict-il) t'ay-ie mis à la chambre de LA ROYNE sy non pour en tyrer du service? Helas! Mons<sup>r</sup>. (ce di-ie) c'est bien pour vous faire service à ce que ie porrois, mais je pensois en moy mesme sans rien dire (le craignant) si j'eusse pensé telle chose, iamais la chambre ne m'eust chambree. La-dessus il s'en alla de moy de ce trou ou coing-la, ou il avoit faict ses affaires. Luy estant party de moy, je prens mon manteau et mon espee et m'en voys promener dans la grand esglise, et pensoys en beaucoup de fortunes que j'avoys du passé eschapiées de luy, et commençois à remercier Dieu qui m'avoit delivré d'aveques luy, luy demandant du bon cuer d'estre hors de sa compaignie pour autant que ie congnoyffois ses vices fort terribles, et princi-

pallement ung donct l'on dict que j'en suis sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainfy qu'on demande au *Lard de Petinreif*, qui a ouy parler pourquoy je sortis de son service hors d'Angleterre: il me battist et me tormentaist à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donct il m'en à remercié en *Escoffe*, que i'avoys couvert son honneur la ou i'avoys occasion de le fouller. Apres avoir pensé à tout cela pour me resouldre de ce fait meschant que i'avoys entendu et qu'il m'avoit dict, ie demande à mon Dieu, qu'il me conseillaist voyant le fait sy grand il estoit mon esprit; et que sy à ceste heure-la *Monsr. de Croque* eust esté en ce pais, ie n'eusse point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par *Angleterre*, la ou j'eusse esté prins et arresté per faulte de passeport, et aussy que cest trahayson contre le Prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per *Monsr. de Bodvel* qui ne m'eust iamais advoue; voyant comme chascun peult pensier que cela gyfoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me vallut rien, je me resoulz dessus ung poynt que sy ce meurtre ce seroit de brief c'estoit ma ruyne, pour autant que ie cognoysois l'homme qui n'eust iamais failli de moy commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que soyt, qu'en *Angleterre* j'estoys delibere de me desrober pourquoy ie me resoulz au fortier de l'esglise de scavoynr de luy quant ce seroyt. De Vendredy doncques ie m'en vois à luy à fortier de sa chambre, comme il alloit chez LA ROYNE, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoys a le faire; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz vouloyent faire à mettre leur fait en execution. A ceste heure-la je fors d'avecques luy plus fasche que iamais, et m'en vais sur le chemin du petit *Leith* tout expres pour trouver navire; et quant ie fus a moytie chemin ie dyfoys en moy-mesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter une navire tout seul ou expres; la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseiller, car de faire bruyt de cela j'estoys morte. Ceste jour-la, ce passe en ce point, et aussy le Samedy toute la matynée. L'apres dîner il me demande encores ceste clef; je luy dis, Monsr., hélas! comment le feray-je? Pourquoy (ce dict-il) qui t'en gardera? N'es-tu pas serviteur de LA ROYNE? Il est vray, Monsr., mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy? Une foys ie ne le veulx rien commander en ce fait-la. J'ay des clefz asses sans toy, car il n'y a porte ceans donct je n'ay le clef, car *Monsr. Jacques Balfor* et moy avons esté toute la nuycete pour veoyr et chercher le meilleur endroit et passage pour executer nostre affaire, et pour trouver bonne entree; mais ceste qui tu es une beste, car ie ne te veulx employer en ce fait-la, car j'ay des gens assez sans toy, et aussy que je scay que tu n'as point de cuer. La-dessus ie entre en la chambre de LA ROYNE, la ou *Marguerite* et quelques aultres estoient attendantz LA ROYNE, qui estoit en la chambre du Roy. Adonc le bruyt vint incontinent que LA ROYNE s'en alloit à *l'Abbaie*; tout le monde fort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en vois à *l'Abbaie* apres elle, la ou je trouve *Monsr. de Bodvel*, qui me demande sy j'avoys ceste clef. Ouy, Monsr. (ce di-ie). Il me commande de la garder. Au bout d'une heure *Marguerite* me prie d'aller à *Kirkfield* querir une couverture de Maytres à la chambre de LA ROYNE, ce que je fais et prens ung garson avecque moy et entre en la dict chambre, en presens de *Sande Duram le jeune*, et le porte-faix du Roy, et feis emportier la dite couverture, le dict *Duram* me demande la clef. Je luy dis que ce n'estoit pas à moy à la donner, mais bien à l'huyffier, luy pryant de me perdonner. Bien, donc (ce dict-il) puisque ne le me voulez donner. La-dessus ie m'en vins à *l'Abbaie* à la chambre de LA ROYNE et delivre la couverture à *Marguerite*, ceste jouer-la de Sabmedy estant ainffy passé, je m'en alloys me coucher.

. Le Dymanche matin ie me leve à six heures, et m'en vois pormener dedans le parc, et en ung

vallon ie me metz à prier Dieu, et luy demander conseil de ce faict meschant, car ie n'ay sceu trouver aultre moyen que de laisser couller l'eau du russeau qui estoit sy ord, en apres m'estant resolu, ie m'en retourne a l'Abbay, la ou ie trouve troys officiers de LA ROYNE, et m'en allay desieufner quant et eulx, et m'en revins a neufue heures à la chambre de LA ROYNE, la ou l'oye nouvelle que *Monsr. de Morray* venoit prendre son congé de LA ROYNE pour aller veoyr Madame sa femme : moy entendant ceste parole l'aperseu incontynent qu'il le faisoit pour se destorner de se faict meschant. La-dessus ie m'en allois me pormener *Lafarik* et m'en vois soubvenir des paroles que j'avoys dictes du dict *Seigneur de Morray* à *Monsr. de Bodvel*, et aussy ce qu'il m'en avoit respondu. A ceste heure-la ie dis en moy mesme, O *Monsr. de Morray* tu es homme de bien, pleust à Dieu que tu sceus mon cueur, je n'auray pas tant de mal que j'ay ! Et ayant bien pense je m'en revins à la chambre de LA ROYNE, la ou elle alloit disner auz noces de *Bastien* ; toutesfoi je m'en allay disner à la ville et apres disner me pormener ; et estant revenu, j'entendis que LA ROYNE alloit souper chez *Monsr. d'Argylle*, la ou j'estois derrier elle luy servant desicant ; et comme elle lavoyt ses mains apres souper, elle me demande, sy i'avoys osté la couverture de Maytre de sa chambre au logis du ROY ? Je luy dis qu'ouy. Lors les seigneurs se levent de table, donc *Monsr. de Bodvel* m'appelle, et me mène seul avecques luy au logis de sa mere, la ou il ne fust gueres qu'il s'en alla au logis de *Lard d'Ormiston*, parler à luy et à son frere *Hobe*, et nous prend tout troys avecques luy et s'en va à *Cougait* et parle à *Jehan Hay* et à *Jehan Hepbron*, qu'il trouve à la rue. Apres avoir parle à eux, il s'en va tout seul et moy au logis du ROY, et à mye chemin au logis il me dict, or sçais-tu qu'il y a, tu t'en yras à la chambre de LA ROYNE à *Kirkefeld*, et quand *Jehan Hepbron*, *Jehan Hay*, et le *Lard Ormiston* entront, et qu'ilz auront faict ce que ilz ont envie de faire, tu sortyras et t'en viendras à la chambre du ROY, ou tu t'en yras la ou tu voudras. Helas ! *Monsr.*, (ce di-je) vous me commandes ma mort ! Et pourquoy (ce dict-il) te commande-je de faire quelque chose ? Il est veritable, ce di-je, *Monsr.*, mais ie sçay bien que cest ma mort. Mais dis moy pourquoy (ce dict-il) sy ie te commandois de faire ce que les aultres font, tu le pourrois dire, mais ie sçay bien que tu n'as point de cueur ; une fois les aultres n'ont que faire de toy, car ilz entront bien sans toy, car ilz ont des clefs asses ; il n'y a porte ceans donct ilz n'en ayent les clefs. Bien, *Monsr.* (ce di-je) ie m'y en voys. La-dessus il se departe de moy et s'en vais au logis DU ROY, et entre en sa chambre, la ou estoit LA ROYNE et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuisine demandant une chandelle au cufsynier, que j'alumis. Sur ces entre faictz, voicy *Jehan Hebron* et *Jehan Hay* qui entrent en la chambre, la ou i'estois et portoys de la pouldre dedans des sacz qu'ilz misrent au milieu de la dict chambre. En ce faytant, voycy *Monsr. de Bodvil*, qui survient et parle au eulx dyfant, ' Mon Dieu que vous faictes de bruyt ! on oyt d'enhault tout ce que vous faictes !' Et ainfy me regarde, et me demande ce que le faysoys, et que ie m'en allasse à la chambre du ROY apres luy ; ce que je feis, et me trouve aupres de *Monsr. d'Argylle*, avec qui *Monsr. de Bodvel* parloit, et le dict *Seigneur d'Argylle* m'accaroyssoyt et me touche sur le dos sanz me dire mot. Et n'estant en la chambre du ROY la longueur d'une pater nofter que LA ROYNE s'en va vers l'Abbaye et monte là ou estoit les nopces ; et moy ie m'en vois en ung coing la ou *Monsr. de Bodvel* me vint trouver, me demandant ce que j'avoys d'ainfy faire la myne, et que sy ie la faysoys ainfy devant LA ROYNE, qu'il m'accoustroit en telle façon que ie ne fus iamais. Ie ne m'en soucy pas (ce di-je) que vous faictes de moy à ceste heure-cy, vous priant me donner congé de m'aller coucher, car ie suis mallade. Non, ce dit-il, veulx que vous veniez avecques moy ; voulez vous laisser ces deux gentilhommes-là *Jehan Hay* et *Jehan Hepbron* ? Helas ! *Monsr.*, ce di-je, que feres vous davantage pour moy, car mon cueur ne me peult fervir à telle chose ? Je veulx que vous venies (ce dict-il), or bien donc *Monsr.* (ce di-je) allons. La-dessus il s'en va à sa chambre changer d'habillementz et prend le tailler et moy avecques luy, et s'en va au jardin du logis du ROY, la ou le tailler demeure à la muraille. Et moy aupres, le dict *Seigneur de Bodvel* s'en va à la porte du jardin, et puis revint vers nous, la ou *Jehan Hepbron* et *Jehan Hay* s'en veindrent et incontynent comme ilz avoyent parlé à

luy, voyla comme ung tempeste ou ung tonnoyre qui va eslever, de la peur que j'eu ie cheus en terre les cheveulx dressez comme allaines, dyfant, helas ! Mons<sup>r</sup>. qu'est ce cecy ? Il me dicte, je me suis trouve à des enterprises grandes, mais iamais entreprise ne me fait sy grand peur que cestuy-cy. Je luy dis, per ma foy, Mons<sup>r</sup>., de telle chose que cecy il n'en viendra iamais bien, et vous le voyres ! O beste ! (ce dit-il) me menacent de me fraper de sa dague, mais ne la tire point. Là-dessus il commence à s'en aller bien viste, et nous apres luy, et s'en cuydoit aller per *Leyth Wynd*, mais il ne sceut. Il envoya donc *Hepbron* parler à portier pour ouvrir la porte, et qu'auffy le monde comencoyt à venir, il s'en va per derrier le *Cannongait*, et *Jehan Hay* et moy nous en allasmes la grand rue. Je disoys à *Jehan Hay* à telle chose que cecy n'en adviendra iamais bien. Il est vray (ce dit-il) nous avons bien offensé Dieu, mais il n'y a remede, il se faulte monstrier vertueux et prier Dieu. Helas ! (ce di-je) Mons<sup>r</sup>. m'a menacé de me frapper de sa dague, mais je voudrois bien qu'il l'eust fait pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoyres bien l'homme. Là-dessus ie m'en allay coucher dans mon lict et luy au sien, mais je ne scay ou, moy estant levé le Lundy matin envyron sept ou huit heures, je m'en vins à la chambre du dit *Seigneur de Bodvel*, et incontynent qu'il me voyt il me demande que i'avoys à faire la mine ? Je luy dis, que j'avoys que jamais or n'y argent ne me remettroyt en point que i'estoys. Pourquoi ? (ce dict-il) Porce, Mons<sup>r</sup>, que ie scay bien que je sera pris pour le principall de ce fait-cy. Ha ! ouy (ce dict-il) tu es bien homme que ie voudrois bien prendre pour ung tel fait. Là-dessus il s'en va en bas en une chambre, et m'envoye querir par le dit tailler la ou il avoit en la chambre le *Lard Ormeison*, *Hobe Ormiston*, *Jehan Hepbron*, *Dagliche*, *Porrey* et moy.

*Mons<sup>r</sup>. de Bodvel* me demande, que j'avoys à faire telle mine, et sy i'avoys promis quelque chose au ROY, et s'il estoit mon maistre ? Non, Mons<sup>r</sup>. (ce di-ie.) Et voye-tu point (ce dict-il) ces gentilhommes, qui ont terres, rentes et revenues, femmes et enfans, et ont tout vullu abandonner pour me faire service ! Et si tu pense avoir offensé Dieu, le peche n'est en toy, cest à moy, car je t'ay commandé, et tu ne seroys estre repris de ce fait, car ce font les Seigneurs mesmes de ce pais, avec moy, qu'avont commis le cryme, et voudrois qu'il meust coste oo...escus et ne t'en avoyr iamais parlé. Per ma foy, Mons<sup>r</sup>. (ce di-ie) ie la voudrois bien, or bien *Paris* il se fault monstrier vertueux, et pour toutes les irheues du monde, il ne fault rien dire ; et s'y vous avez envie de vous en aller, vous vous en yres bientoist. Et du depuis ie l'ay demandé congé plus d'une demye douzaine de fois, et ne le sceue iamais avoyer ; et voyla tout ce que ie fay touchant ce fait.

2. *A Sanct Andre*<sup>1</sup> le dixieme jour d'Aouyl, 1569, *Nicholas Howbert*, dict *Paris*, à esté interrogué sur les articles et demandes qui s'ensuyvent, &c.

Et premierment,

INTERROGUE, Quant premierment il entra en credit vers LA ROYNE ? Responce, que se fust comme LA ROYNE estoit à *Callendar* allant à *Glascou*, qu'alors elle luy bailla une bourse la, ou il avoit environ 3 ou 4 cens escus, pour la porter à *Mons<sup>r</sup>. de Boduel* ; lequel, apres avoir receu la dicte bourse sur le chemyn entre *Callendar* et *Glascou*, luy dict que le dict *Paris* s'en allast avecques LA ROYNE, et qu'il se tint pres d'elle, et qu'il regardast bien à ce qu'elle feroit, luy dyfant, que LA ROYNE luy donneroyt des lettres pour les luy porter. LA ROYNE estant arryué à *Glascou*, luy dict, je t'envoyeray à *Lislebourg*, tiens-toy prest, et ayant demeure la deux jours avecques la dict dame, laquelle escript des lettres et luy les bailla, dyfant, vous direz de bouche à *Mons<sup>r</sup>. de Boduel* qu'il bailla ces lettres qui s'adressent à *Mons<sup>r</sup>. de Ledington* à luy mesmes, et qu'il parle à luy, et voyes le parler ensemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce disoyt-elle, pour favoyr lequel est meilleur pour loger LE ROY à *Craigmiller* ou à *Kirkasfeld*, affin d'avoyr bon air ; car, s'il logoyt à

<sup>1</sup> This second Examination of French Paris is preserved in the *British Museum*, CALIG. C. I, fol. 318. It is given here in the original form, the same as the preceding.

*l'Abbaye*, LE PRINCE pourroyt bien prendre sa maladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller veoyr LE PRINCE : en oultre qu'il dict au dict de *Boduel* que LE ROY la vouloyt baïser, mais elle ne pas voullu de peur de sa maladie, chose que *Rerefs* en tesmoigneroyt bien. Et plus (ce dict-elle) vous direz à *Monsr. de Boduell* que je ne va jamais vers LE ROY que *Rerefs* n'y est, et voyt tout ce que je fais. *Item*, LA ROYNE luy dict, ' *Paris* hastes-vous de revenir, car je ne bougeray dicy jusques au temps que vous m'aures raporté la responce l'

Estant le dict *Paris* arryvé à *Lislebourg* trouve le dit de *Boduel* en son logis à *l'Abbaye*, lequel luy dist, ha ! *Paris*, tu es le bien venu. *Monsr.*, ce dict-il, voycy des lettres que LA ROYNE vous envoie, et aussi à *Monsr. de Liddingtoun*, vous pryant de les luy delivrer, et que je vous vis parler ensemble, pour veoyr vos façons de faire, et comment vous vous accordiez ensemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquenee. Le lendemain le dict *Paris* dict qu'il vint au logis du dit de *Boduel* par troys foys le chercher à 8, 9 et 10 heures, et ne le sceut jamais trouver; mais à la fin *Powrye* le portier luy dist, qu'il l'allast chercher à la haulte ville, que peraventure il le trouveroyt en quelz lieu au conseil; et l'ayant cherché, il voyt venir une troupe de gens de vers le *Kirkafeild*, la ou estoyt le dict *Seigneur de Boiduel* et *Monsr. Jacques Balfour*, coste a coste ensemble, lequelz s'en alloyent dîner au logis du dict *Monsr. Jacques*. Le dict *Paris* pry *Monsr. de Boduel* de le despescher vers LA ROYNE. Apres dîner (ce dict-il) je le feray; et quant il retourna querir sa despêche apres dîner, il trouve le *Seigneur de Boiduell* et le dict *Monsr. Jacques* seulz, teste a teste, en une chambre; et le dict *Seigneur de Boiduel* qui escrivoit de sa propre main; et apres avoir fait, il dist à *Paris*, voyla ta responce, retourne t'en à LA ROYNE et me recommends bien humblement à sa bonne grace, et luy dictes que tout yra bien, car *Monsr. Jacques Balfour* et moy n'avons dormis tout la nuyte ains avons mis ordre en toute, et avons apreste le logis, et dictes à LA ROYNE que je luy envoie ce dyamant que tu luy porteras, et que s'y j'avoy mon cueur je le luy enverroye tresvullentiers, mais je ne l'ay pas moi. Va t'en à *Monsr. de Ledington* et luy demandes s'il veult rescrire à LA ROYNE, ce que le dict *Paris* fait, et le trouve à la chambre des comptes, et luy demande s'il plafoyt rendre la responce aux lettres de LA ROYNE que *Monsr. de Boduel* luy avoyt baillies. Ouy (ce dit-il) et la-dessus il prend du papier incontinent et escript, et ayant fait le dict *Paris* luy dict que LA ROYNE l'avoit commande de luy demander, lequel des deux logis seroyt le millieur pour LE ROY, car elle ne bougeray dela jusqu'à ce qu'il l'auroit raporté sa responce. Le dit *Letingtoun* luy respondit, que le *Kirkafeild* seroyt bon, et que le dit *Seigneur de Boduel* et luy avoyent advise ensemble la-dessus. Ainsy le dict *Paris* partit pour son aller à *Glascou* vers LA ROYNE; et estant de retour à *Glascou* et avoyr fait son messaige, qui luy estoyt donné des diz Seigneurs de bouche, LA ROYNE luy demande, s'il avoyst veu parler *Messieurs de Boduel* et *Lethingtoun* ensemble? Dict que non, mais que *Monsr. de Boduel* luy avoyt dict qu'ilz avoyent parlé de bon vifage ensemble, et que le dict *Sieur de Lethingtoun* estoyt du tout à luy, et que le logis estoyt prest. *Item*, comme elle retournoyt de *Glascou* vers *Lislebourg* avec LE ROY à *Kalendar*, il l'adresse ung homme de *Monsr. de Boduel* au dict *Paris* et luy baille une lettre pour la presenter à LA ROYNE, ce qu'il feist, laquelle luy demanda, s'y l'homme estoyt seur? Je pense, ce dit-il, Madame qu'il n'eust voullu vous envoyer homme qu'il n'en fust seur. La-dessus en s'en allant coucher elle rescript une lettre, et y meist dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chose qu'il feist, pour la rapporter au dict *Sieur de Boduel*; apres LA ROYNE et LE ROY estans à *Lythkow*, elle dict au dict *Paris* qu'il vouloit mettre *Guilbert Courlle*, Vallet de chambre ches LE ROY, pour ce qu'il estoyt de bon esprit, affin de veoyr ce que LE ROY seroyt, car elle ne ce fyoyt point à *Sande Duram*. Du dict lieu *Jehan Hay* fust par elle despesché vers *Monsr. de Boduel*, auquel elle parla assés long temps, en apres aussy *Paris* avec des brasseletz au dit *Sieur Boduel* (le dict *Paris* arryvent à *Lislebourg* luy baille les brasseletz) lequel *Sieur* estoyt prest de monter à cheval pour aller trouver LE ROY et LA ROYNE, avec lequel le dit *Paris* retourne au devant du ROY, lequel ils conduyrent jusques à son logis à *Kirkafeild*.

Interrogué, S'il favoyt aucun priveauté entre LA ROYNE et *Monsr. de Boduel*, durant le temps que LE ROY gyfoit à *Kirkafeld*? Respond, que *Monsr. de Boiduel* luy avoit dict que toutes les nuytz *Jehan Hepbron* feroyt le guet soubz les galleries à *Sancte-Croyx*, cependant que *Lady Rerefs* yroyt bien taird le querir pous l'amener à la chambre de LA ROYNE, luy deffendant, affavoyr à *Paris*, sur la vie de ne dire que sa femme estoit avecques luy.

Interrogué, S'il favoyt de l'entrepris du Meurtre du ROY depuis son arryvment à *Kirkafeld* jusques au jour de l'execution? Respond, que non aultrement que ce qu'il en a desia depofé en sa Deposition faite le neuvieme de ce moys, en adioustant que le jour que *Monsr. de Boduel* luy avoyt communiqué le fait de Meurtre du ROY, qui fust le mesme jour que LA ROYNE couchast au logis du ROY à *Kirkafeld*, (ainfy comme il y en souvient fort bein) et comme le dit *Paris* vouloyt dresser le lict de LA ROYNE en sa chambre, qui estoit droyt soubz la chambre du ROY; ainfy que *Monsr. de Boduel* luy avoyt commandé, lors qu'il parloyt avecques luy au trou la ou il le destafchoyt pour faire ses affaires, le dict *Sieur de Boduell* deffendist au dit *Paris* de ne dresser le lict de LA ROYNE droict soubz le lict du ROY, car je y veulx mettre la pouldre en cest endroyt-là, ce dit-il. Et ceste mesmes nuyt-là, apres que le lict fust dressé en la chambre de LA ROYNE; ce que je fis au mesme endroyt la ou il me fust deffendu par le dict de *Boduel*, LA ROYNE me dist, ' Sot que tu es, je ne veulx pas que mon lict soyt en cest endroyt-là, et de fait le feist oster!' Par lesquelles parolles, j'ay aperceu à mon esprit qu'elle avoyt cognoyffance du fait. La-dessus je prins la hardieffe de luy dire, ' Madame, *Monsr. de Boiduel* ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose; c'est de faire faulter LE ROY en l'air par pouldre, qu'il y fera mettre!' ' Ne me parle poynt de cela ceste heurecy,' ce dict elle, ' fais en ce que tu voudras! La-dessus je ne l'osoys parler plus avant. A ceste heurecy je commence à confyderer que j'estoys employé en ce fait meschant, auparavant par parolles couvertes et desguysées estant envoyé de *Glasgow* vers *Monsr. de Boiduel*, pour scavoyr lequel des logis estoient le meillieur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers LA ROYNE, vous la dices, sy elle vous demande ce que je fais, que j'ay veillé toute ceste nuyt et *Mr Jacques Balfour*, pour aprestre le logis du ROY. Estant interrogué, Sy LA ROYNE passoyt plus outre ceste nuyte sur ce purpos? La dict que non, mais le pressoyt apres plus fort que jamais de parler à elle de purpos de *Monsr de Boduel*, de sa femme, et de aultres choses. Et estant couchee ne dormoyt point toute le nuyte, ains escryvoyt des lettres au dict *Sieur de Boiduel*, et les envoye par le dict *Paris* au *Sieur de Boduel*, envyron onze à douze heures de nuyt, mains riens de creance. Et ayant delivré ceste lettre au dict *Sieur de Boduel*, il rescript estant au lict, et en baillant la responce au dit *Paris*, il luy dict, ' Dices à LA ROYNE, que je dormiray point que je ne escheve mon entrepris, quant je deburoys trayner la picque toute ma vie pour l'amour d'elle!'

Et estant de retour vers LA ROYNE, Vendredy au matin, luy ayant racompté ces mesmes parolles que luy avoyt dictes *Monsr. de Boiduel*, ' Et bien, *Paris* (ce dict-elle en ryant) il n'en viendra jamais, sy Dieu plaist à ce poynt-là!' Et ce dyfoyt-elle estant au lict. Et comme elle l'abilloyt, le dit *Paris* prend les deux clefs de la chambre de LA ROYNE, selon le commandement du dit *Sieur de Boduel*, et les luy apporte. Lequel ayant fait fortir toute le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaictes toute neufues, et en regardant les unes aupres des aultres, dict à *Paris*, ha! ouy, elles sont bien; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué, S'il scavoyt qui avoyt fait et baille les clefs contrefaictes au dit *Sieur de Boduel*? Respond, qu'il n'en favoyt rien, sy non que le dit *Si. ur de Boduel* luy dist, qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et *Maistre Jacques Balfour* avoyent esté tout une nuyt pour chercher et favoyr la meilleure entree, comme il a desia depofé. Mais cependant que le dict *Paris* estoit absent avecques les clefs, *Archibald Bethon*, huysfier, demande les clefz pour laisser sortir LA ROYNE au jardin, et ne les pouvant trouver, LA ROYNE en fust fasché, et dict tout haut à *Paris* à son



retour, ' *Paris* pourquoy aves-vous emporté les clefs de ma chambre ? Lequel ne luy respondit mot fur l'heure ; mais apres la, trouvant a part luy dist, ' Ha ! Madame, pourquoy m'aves vous dict devant le monde que j'avoys pris les clefs de votre chambre, voyant que vous s'avez bien le pourquoy ? ' ' Ha ! ce dit-elle, *Paris* c'est tout ung ; ne te soucy, ne te soucy ! ' ' Et d'autant qu'il en pourroyt avoyr bon souvenance, il dict, que ce Vendredy la nuyt LA ROYNE coucha encores au logis du ROY, et luy renvoya derechef porter des lettres au dict *Sieur de Boduel*.

Interrogué, S'il avoyt rien entendu de ce propos le Sabmedy au matim ? Respond que non, sy non que LA ROYNE deist en prefence de ceulx de sa chambre, qu'il y avoyt en quelque querelle entre le ROY et *Monsr. de Sancte-Croix*, lequel avoyt bon moyen à ceste heure-la de tuer LE ROY, car il n'y avoyt en la chambre alors qu'elle pour les departir : Et dict outre, qu'apres d'ifner, le dict *Sieur de Boduel* luy commande de prendre la clef de la chambre de LA ROYNE, chose qu'il n'avoyt envie de faire ; mais comme LA ROYNE sortoyt de sa chambre, elle le regarde, et luy commande de prendre la dit clef. Et au foyr, LA ROYNE estant à l'*Abbaye*, elle envoye le dit *Paris* vers *Monsr. de Boduel*, luy commandant luy dire de bouche : ' Allez vous en à *Monsr. de Boduel*, et luy dites, qu'il me semble qu'il seroit le mieulx que *Monsr. de Sancte Croix* avec *Guillaume Blakatre* allent à la chambre du ROY, faire ce que le dict de *Boduel* s'fait, et qu'il parle à *Monsr. de Sanct Croix* touchant ce purpos, car il seroyt myeulx ainfy qu'aultrement, et pour ce n'en seroit qu'ng peu prisonnier dedans le chasteau.' Apres avoyr le dict *Paris* racompté ce fait à *Monsr. de Boduel*, il luy dict, ' Je parleray à *Monsr. de Sanct Croix*, et puis j'yray parler moy mesmes à LA ROYNE.' Le dit *Paris* n'a souvenance d'aultre chose que se feist ce jour-là, mais le reste est contenu en sa premier Deposition, jusques à ce que LA ROYNE arryva en l'*Abbaye*, et *Monsr. de Boduel* l'estant aussy retiré en sa chambre avec le dit *Paris*, survint *Monsr. de Honteley*, en compaignye de deux ou troys serviteurs, et ce par le chemin derrier l'*Abbaye* qui menie droyt au logis de feu *Monsr. de Ruthuen* ; et apres qu'ilz avoyent parlé en l'oreille ensemble, comme *Monsr. de Boduel* avoyt desia commence de changer ses habillemetz, le dict (*Monsr.*) *de Boduel* deist apres au dit *Paris*, que *Monsr. de Honteley* l'estoyt offert d'aller avecques luy, mais qu'il ne le vouloyt mener. Quant et luy, et apres que *Monsr. de Honteley* se fust party pour aller coucher, le dict de *Boduel* prend le tailler et *Paris* avecques luy, comme il est dict en sa premiere Deposition.

Le Lundy matin, entre neuf et dix heures, le dict *Paris* dict, qu'il entre dans la chambre de LA ROYNE, laquelle estoyt bien close, et son lict la tendu du noyr, en signe de deuil, et de la chandelle allumer, dedans ycelle la ou *Madame de Bryant* luy donnoyt à desieufner d'ung oeuf frais, la ou aussy *Monsr. de Boduel* arryve et parle à elle secretement, soubz courtine. Ce jour-là Lundy, se passè ainfy sans ce que le dict *Paris* parle à elle. Mardy, au matin, elle se leue ; et le dict *Paris* estant entré en sa chambre, LA ROYNE luy demande, ' *Paris*, qu'as-tu ? '— ' Helas ! ce dict-il, Madame, je voys que chascun me regarde de costé. '— ' Ne te chaille, ce dict-elle, je te feray bon vyfayge, et personne ne t'oseroyt dire mot ! ' Cependant elle ne le dict chose de consequence, jusques à ce qu'elle vouloyt aller à *Seton*, alors elle luy demanda de prendre une cassette ou il y avoyt des corceletz d'escus, que le Thresorier luy avoyt aporté de *France*, pour la porter à la chambre de *Monsr. de Boduel*, qui estoyt à ceste heure-là logé dedans le *Pallays*, au dessus de la chambre la ou ce tenoyt le Conseil : Et puis apres, luy commanda de prendre son coffre des bagues et le faire porter au *Chasteau*, et le delivrer entre les mains du *Sieur de Skirling*, pour lors Cappitaine soubz *Monsr. de Boduel*, chose qu'il feist : En apres, elle voyant le dict *Paris* tout fesché, elle pressoyt souvent de faire service à *Monsr. de Boduel*, ce qu'il n'avoyt envie de faire, ains demandoyt souvent son congé ; et voyant cela, à la parfin elle luy dict, ' *Paris*, allez-vous consoller avecques *Mr Jacques Balfour* ; cest ung homme d'esprit, je m'y suis consolle par plusieurs foyes et me consolle de present. '

*Item.* Interrogué, Du premier pryveauté qu'il a cogneu estre entre LA ROYNE et *Monsr. de Boduel* ? Respond, que c'estoyt alors que le dit de *Boduel* conduyfoit LA ROYNE vers *Glasgow*, quant elle alloyt querir LE ROY. A *Callender*, apres souper, assez tard *Lady Rereft* vint à la chambre de *Monsr.*

de *Boduel* et voyt le dict *Paris* la, et demande que faict ce *Paris* icy? Cest tout ung, ce dict-il, *Paris* ne dyra chose que je luy deffend de dire! Et la-dessus elle l'amene à la chambre de LA ROYNE. Cecy cestoyt le soyr devant que le lendemain LA ROYNE l'envoya la bourse par *Paris* au dict *Sieur de Boduel*.

*Item.* En oultre, il dict et declare, qu'environ le temps que le dict de *Boduel* fust faict Duc, LA ROYNE lui bailla le buffet et vesselle de l'argent de MONSIEUR LE PRINCE la ou estoyt ses armoyries pour la porter à *Monsr. de Bothuile*; le quelluy dict, que cestoyt pour en faire oster la marque de PRINCE, et y mettre la sienne, ce qu'il delyvra à ung qui a esponsé une *Marguerite Hepbron* (mais il ne scait bonnement son nom) lequel comme il luy dict il le debuoyt bailler à *Mr Jacques Balfour* pour le faire faire.

*Item.* Il dict et confesse, que la nuyt auparavant que LA ROYNE fust ravie et enlevée du dit *Sieur de Boduel*, que *Monsr. d'Ormsfoun* vint parler à LA ROYNE bien secretement à *Lythquow*: la-dessus LA ROYNE escript une lettre par le dict *Paris*, et par ce qu'il ne scavoyt bien le chemyn, LA ROYNE le feist conduire par le dict *Ormsfoun* chez *Monseigneur de Halton*, la ou le dict *Sieur de Boduel* estoit en bonne compaignie, et mesmes les Capitanes couches aupres de luy et daultres: Et trouvant le dict *Sieur de Boduel* endormye les veille, et luy dict, Monsieur, voyla des lettres que LA ROYNE vous envoie. Et bien, *Paris*, ce dit-il, couche toy la ung peu; cependant je m'envoys escryre, et apres avoir escript, il dict au dit *Paris*, 'Recommendes me humblement à la Majestie, et luy dictes que j'yray aujourd'hui la trouver sur la chemyn au pont.'

*Item.* Estant interrogué, S'il savoyt pourquoy *Joseph* s'en alla de ce pays? Respond, que LA ROYNE lui dict, *Paris* il fault que tu controuves quelque chose en ton esprit pour faire peur à *Joseph*, afin qu'il s'en aille: et voyant qu'il ne pouvoyt rien faire, elle luy dict, je feray faire une lettre que tu perdras derrier luy pour luy faire peur; mais luy ne pouvant ce faire elle, le feist dire par *le Justice-Clerk*, comme il peust, qu'il eust à comparoistre au Parlement, chose qu'il l'affrayast grandement, et courut ça et la demandant son congé; enfin LA ROYNE baille neuf vingtz escus à *Paris*, pour les bailler à *Joseph*, afin qu'il s'en allast, ce qu'il feist; et ainsi ayant receu la dict somme, il s'en alla.

*Item.* Dict, que *Jehan Hay* souvent apres la mort du ROY le confeylloyt et le confortoyt bien, et qu'aulture ne le confolloyt, sy non que souvent comment *Monsr. de Hontele* le voyant deffaict, le demandoyt, *Paris*, qu'as tu?

THIS is the trew copy of the Declaration and Deposition of the said NICHOLAS HOWBERT als *Paris*, quhair of the principall is markit every leif with his awin hand. And the same being red againe in his precence, he avowit the same, and all partes and clauses thair of to be undoubtedlie trew.

*Ita est* ALEXANDER HAY, *Scriba Secreti Consilii S. D. N. Regis ac Notarius Publicus.*

#### VIII. EXTRACT OF LETTER FROM LORD HUNSDON TO SIR WILLIAM CECIL.<sup>1</sup>

WHEREIN he says, he received a letter of the 23 of August, with the Q. MAJESTY'S letter, and my LADY LENNOX packet; and towching *Paris*, he was put to death a fortnight since, and so was *Stewart*, who was King of Herald, which had determined to kill THE REGENT; but he was forgiven for that, and was burnt for Conjuraton and Witchcraft.

<sup>1</sup> Dated Berwick, Aug. 30, 1569. *Anderson's Notes of Letters in the Paper Office. Laing's Hist. II. 269.*  
<sup>2</sup> This matter is thus chronicled by two contemporaneous authorities. 'This same day (Aug. 2, 1568), about 2 in the afternoone, Sir William Steuarte, Lyone King of Arms, departed out of Edinburghe to Dumbrittane Castell, being suspect of Conspiracy against the Life of THE REGENT, the Earll of Murray.—*Birrel's Diary*, p. 17. 'In this samin mounthe, Sir William Steuarte, Lyone King of Armes, was transported from Edinburgh Castle to Dumbrittane, and ther committed to close prissone, for Conspyring to take the Regent's lyffe by Sorcery and Necromancey, for which he was put to death.'—*Sir James Balfour's Annales*, I, 345. No mention of these proceedings occurs in the Books of Adjournal—but about this time the *Treasurer's Accounts* notice many prosecutions against *Witches*, roux females having been tried between May 16 and Aug. 12, 1569, for this imaginary crime.

IX. LETTER FROM REGENT MURRAY TO QUEEN ELIZABETH.<sup>1</sup>

PLEASE it your Majestie,

I HAVE of lait ressavit three Letters of your hienes, the first by my servant *Alexander Hume*, the next from ane *Mr Tho. Flemyng*, and the third be my lord Governour of *Berwicke*, for the differing<sup>2</sup> of the executioun of death upoun ane *Paris*, Francheman. . . .

As to that quhilk your Majestie writes of ane *Paris*, a Franchman, partaker with JA. sumtyme E. BOTHWELE, in the murther of THE K. my soverains fader, trew it is, that the said *Paris* arrivit at Leyth about the middes of June last; I at that tyme being in the North partes of this realme, far distant; Quhair upoun it followed, that at my returning, after diligent and circumspect examinatioun of him, and lang tyme spent in that behaulf, upoun the xvi day of August bypast, he sufferit death by order of law; so that before the receipt of your hienes letter, be the space of 7 or 8 dayes, he wes execute.<sup>3</sup> Otherwyse, your Majesties requisitioun towards the diferring of his executioun, by way of deth, suld have been maist willingly obeyed; the same bringand with it sa gude reason. Bot I trust his testimonie left sal be fund sa authentik, as the credit thair of fall not seame doubtfull, neyther to your hienes, neyther to thame quha be nature hes graiteft cause to desire condigne punishment for the said Murther.

X. THE CONFESSION OF THE LAIRD OF ORMISTON.<sup>4</sup>

*The Castle of Edinburgh, 13th of December, 1573.*

THE quhilk day *Johne Brand*, Minister at Hallyruidhouse, being sent to the LAIRD OF BLACK ORMISTOUNE, to give him comfort, be the promiss of God's word offertit to sinners; and alsua, to requyre the said Laird to glorifie God, in shawing of the truth, &c.: After lang conference, and prayers made, above the space of ane hour, or theirby, the said *John Brand*, Minister, said unto him, 'Sir, althocht I am trewlie perswadit that the haill trewth ye have shawen me of this matter, yit, because divers and greater doubts are passit of you, and als the memorie of men are bot weak, theirfoir, gif ye thought guid, I wald wryte certaine of they things, breifeley, that you have spoken.' Quha answerit, meiklie, 'For God's sake doe the famen; wreit even as I shall speike. As I shall answer unto God, with whom I hope this night to sowp,<sup>5</sup> I shall declare unto you the haill, from the beginning unto the end of my pairt.' Firft, I confes that the Earle *Bothwell* shew that famen wickit deid unto me, in his own chalmer in the *Abbay*, on Fryday before the deid wes done, and requyred me to take pairt with him therein, because, as he alledged, I wes ane man of activeness, (alace theirfor!) quhair I utterly refusit, and said, God forbid, bot, gif it were upon the field, to fight with your Lo. unto the death, I sould not feir my skinn cutting. Then the said Earle said unto me, 'Tuishe, Ormistoun! Ye need not take feir of this, for the haill Lords hes concluded the famen langfyne, in *Craigmillier*, all that wes ther with THE QUEIN; and nane darr find falt with it, quhen it shall be done.' Efter the quhilk, I departit hame to *Kaitis Tames*,<sup>6</sup> quhilk was *Thomas Henderfon's* house, in Edinburgh, for his mother was called *Kait*: being in part feik, I lay down in my bed, and lay all Saturday, chieffie for that cause, beleivand that way to have put off that evil hour: And swa, I knew na farder of it quhill<sup>7</sup> Sunday at night, quhere I, being in my chalmer in the *Black Frier Wynd*, gangand beltit in ane gown, *John Hepburne* and *John Hay of Tallo* come unto me, and said, 'THE QUENIS grace and Lords are past up to sie THE KING, and my Lord is standand at the *Black Frier Wynd* fute, and bids you come to him incontinent: ' Quhere<sup>8</sup> I layd my gown from me, and tuik ane ryding clock, because I

<sup>1</sup> Undated. *Anderson's Notes, ibid.*    <sup>2</sup> Deferring.    <sup>3</sup> It is thus recorded in the *Treasurer's Books*, Aug. 16, 1569. 'Item, to ane boy passand of Sanctandris to Dundee and Perth, with two quarteris of THE BODIE of vni<sup>q</sup>le PARIS, Francheman, being justefeit to the deith, vij s.'—'Item, to ane boy passand of Sanctandre to Edr with THE HEID and ane LEG of the said PARIS, Francheman, vj s. vij d.'    <sup>4</sup> *Anderson's MSS.*    <sup>5</sup> Sup. A figurative expression, borrowed from Holy Scripture.    <sup>6</sup> Kate's Thomas, a common designation at that time for servants and persons of low birth, especially in the Border counties.    <sup>7</sup> Until.    <sup>8</sup> Whereupon.

belevit all had bein weill anewche now agreit, feing they had passit up to visit him : And cuming, at the first I mist the said *Earle*, for he had comiten upe anuther closse to feik me himselfe, in my awn chalmer ; and thair he fand my couising *Hob*, quhom he brought with him ; and thairafter, met togidder in the middis of the Wynd, wha tuike me againe ; and we all passit up to *the Freier Yaird*, through the slape,<sup>1</sup> quhair *Pareis* and *Archie Betoun* com and met us, and said all wes ready preparit for the setting of the lunt : And they all enquiryt, how it sould be set to ? And, after diverse speakingis, I said, ' Take ane piece of lunt of thrie or four inch lang, and kindle the ane end of it, and lay to the cald end, and it wald burn syne to the train, and swa will blaw up.' Efter the quhilk, *THE QUEINE* passing hame, *the Erle Bothwell* said, ' Speid, and clois all the duris !' for they had 13 fals keys of the lodging maide, and givin, as they said to me, be him that aucht the house. Efter the quhilk I departit incontinent, and came not nearer, as I fhall answer befor God, nor<sup>2</sup> the duir. And as I was cumand hame, it strake ten hours, wher then I passit to *Katis Tames* hous, to avoyd suspitioun, that na man sould say I was at the deid doinge ; for I was an hour and mair in my bed or the blast and crak was.

Being requyrit be the said Minister, ' Gif he knew not that *THE KING* was utherways handilit be menes handes, for it is commonlie spokin he was brought furth and wirryt !' Quha answerit, ' As I fall answer to my God, I knew nothing but he was blawin up ; and did enquiry the samyn maist diligentlie at *John Hepburne* and *John Hay*, and all that tarreit behind me ; quha swore unto me, they never knew nae uther thing bot he was blawin up ; and swa I think it was ane work done be God for the punishment of money wickit men, quhair of I am ane, and ane great finer before God, for the quhilk I ask God mercy.

*Thirdly*, Being requyrit, Gif he knew na farder hereafter ? ansrit, At the Pasche<sup>3</sup> thairafter, when the bruite begouth to rys upon us, and all cryit, ane vengeance upon them that slew *THE KING*, it prickit my conscience, and I come unto *the Erle Bothwell* in his chamber, and said to him, ' Quhat Devill is this now, my lord, that every body suspectis you of this deid, and cryes ane vengeance for the famen, and few or no uther spokin of bot yow ! Aneuther thing you said to me !' Quha ansrit, ' I fall let you sie fume thing that I had for me !' Quha lute<sup>4</sup> me sie ane Contract subscriyvit be four or fyve handwrittes, quhilk he affirmit to me was the subscription of *the Erle of Huntlie, Argyll, the Secretar Maitland*, and *Sir James Balfour*, and alleaged that mony mae promisit, wha wald assist him gif he were put at. And thairafter read the said Contract ; quhilk, as I remember, conteinit thir words, in effect : ' THAT, for samikle it was thought expedient and maist profitable for the commoun wealth, be the hail Nobilitie and *Lords* undersubscriyvit, that sic ane young fool and proud tirrane sould not reign nor bear reull over thame ; and that for diverse causes, thairfoir, that thays all had concludit that he sould be put off, by ane way or uther ; and quhofoevir sould take the deid in hand, or do it, they sould defend and fortifie it as thamselffis ; for it sould be every ane of their awin, recknit and halden done be thamselffis.' Quhilk writting, as said *Erle* shew unto me, was devyfit be *Sir James Balfour*, subscriyvit be them all ane quarter of ane year befor the deid was done.

After the quhilk, I never spake to the said *Erle* of it quhill the day he gate his Assyfe ; quhaire the said *Erle*, standing at the barr, luiking down and sad lyke, I plukit upon him and said, ' Fye ! my lord, what Divill is this yee are doand ! Your face shawes what ye are ! Hald up your face, for Godis sake, and luik blythlie ;<sup>5</sup> ye might luik swa and ye were gangand to the deid ! Allace ! and wo worth them that ever devyfit it ! I trow it fall gar<sup>6</sup> us all murne !' Quha ansrit me, ' Had<sup>7</sup> your tongue ; I wald not yet it wer toe do !<sup>8</sup> I have ane out-gait fra it,<sup>9</sup> cum as it may ; and that ye will know belyve !'<sup>10</sup>

Forder, the tyme when my brother was hurt be *the Laird of Seffaird*,<sup>11</sup> first com word to me, that

<sup>1</sup> A slap, or broken part of the wall.    <sup>2</sup> Than the door.    <sup>3</sup> Easter.    <sup>4</sup> Let, permitted.    <sup>5</sup> Cheerfully.    <sup>6</sup> Force, or make us all mourn.    <sup>7</sup> Hold.    <sup>8</sup> I would not that it were yet to do.    <sup>9</sup> I have a way of escape from it.    <sup>10</sup> Presently ; by and by.    <sup>11</sup> Probably *Seafuird* (*Cessford*) in the original.

they war slayne; and than thair came ane Bill<sup>1</sup> from thamselfis, and said they wer onley hurt, and wald not die: But ane thing did them mair evill than the hurting, viz. that ane commoune bruit was risen, that I was at THE KING'S Slaughter, and theirfoir defirit me to get fume guid way to purge myselfe, that it pafs na farder, or else ye have done with it. Quhilk Bill I tuik and gave to *the Erle Bothwell*, wha tuik it and gave it to THE QUEIN; and she tuike it and gave it to *the Erle Huntlie*, thair present, wha read it; and thairafter turnit unto me, and turnit her back, and gave an thring<sup>2</sup> with her shoulder, and passit away, and spake nothing to me. This is the haill thing I knaw, ather affoir or estir, as I fall anfuere to my God, with whom I hope to supe.

Efter the quhilk, being inquyred, Gif ever THE QUEIN spake unto him at any tyme, or gif he knew what wes THE QUEINIS mynd unto it? Anfrit, As I shall anfuere to God, shoe spake never to me nor I to hir of it, nor I knaw nathing of hir part, but as my *Lord Bothwell* shaw me: For I will not speike bot the trewth for all the gold of the earth, quhilk I desyre you, guid Minister, bear record hearof as ye have written, quhilk I pray yow read over to me: Let me alswa see it. Quhilk I did, affoir<sup>3</sup> *Archibald Dougllass*, Constabill of the Castle, and *George Towers of Bristo*, with uthers divers gentlemen and servants being in the chalmer.

Quhilk beand done, he said, for God's saike, sit down<sup>4</sup> and pray for me, for I have bein ane greit sinner utherwyse, for the quhilk my God this day is punishing me; for of all men on the earth, I have bein ane of the proudest and heich myndit, and maist filthie of my body, abusing myself dyvers ways. Bot specially, I have shed innocent blood of ane *Michael Hunter* with my awin hands. Allace theirfoir! Because the said *Michael* havand me lyeing upon my back, haveing ane fork in his hand, myght have slayne me gif he pleasit, and did it not; quhilk of all things grieves me maist in conscience. Alswa, in a raige, I hangit a poor man for an horse; with mony uther wickit deids: for the quhilk, I aske my God mercy: For its not mervell that I have bein wickit, for the wickit companie that ever I have bein in, bot speciallie within thir seven yearis bypast, quhilk<sup>5</sup> I never saw twa guid men or ane guid deid, bot all kind of wickednefs; and jit my God wald not suffer me to be loft, and hes drawn me from them, as out of hell, and hes given me lazer<sup>6</sup> and space, with guid companie, to repent; for the quhilk I thank him, and is affurit that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, 'My Lord Jesus! sweit Jesus! have mercy upon me, as you have had upon uther sinners!' in sick fort, that he was, to the appearance of man, ane of the maist penitent sinners that hes bein sein this lang tyme, and may be comptit ane example of God's mercies to all penitent sinners.

#### XI. TRIALS OF THE EARL OF BOTHWELL, THE EARL OF MORTOUN, &c.

THE reader may be once more referred to the Collections by *Anderson, &c.*, for farther illustrations of the Murder of Darnley. In the new edition of the State Trials,<sup>7</sup> the proceedings in the Trial of THE EARL OF BOTHWELL may be found, but in a modernized and mutilated form. *Laing*, in his History, also gives a brief notice of the mock Trial of Secretary *Maitland of Lethington*,<sup>8</sup> and he has likewise preserved the memory of many other minute points, which cannot be noticed in this work. Reference may likewise be made to *Laing's History*<sup>9</sup> and *Bannatyne's Journal*,<sup>10</sup> for the Confession of THE EARL OF MORTON, on Jun. 2, 1581, the day of his execution, in which works are detailed the interesting Conference which took place between him, *Mr John Durie*, and *Mr Walter Balcanquell*, immediately before he suffered.

<sup>1</sup> Billet, letter. all which time. Hist. II, 298.

<sup>2</sup> Shrug. <sup>3</sup> Leisure. <sup>4</sup> *Ibid.* II, 323.

<sup>5</sup> Before, in presence of.

<sup>6</sup> Kneel; a common phrase.

<sup>7</sup> *Howell's and Cobbell's State Trials*, 8vo, Lond. 1809, I. 902.

<sup>8</sup> During *Laing's*

<sup>10</sup> Edited by J. G. Dalryell, Esq. Edin. 8vo, pp. 493 to 518.





**CRIMINAL TRIALS**  
**AND OTHER PROCEDURE BEFORE THE**  
**HIGH COURT OF JUSTICIARY.**

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CURIA JUSTICIARIE S. D. N.<sup>1</sup> REGIS tenta et inchoata, in pretorio  
burgi de Edinburghe, &c. per honorabilem virum Magistrum Thomam  
Craig, Justiciarium deputatum nobilis et potentis domini, Archibaldi  
comitis Ergadie domini Campbell et Lorne, Justiciarij Generalis dicti  
S. D. N. Regis, totius regni sui, vbilibet constitut.  
Sectis vocatis et curia affirmata.—INTRAN.

**Slaughter.**

March 15, 1568-9.<sup>2</sup>—GEORGE HEPBURNE of Elftanefurd, Adame Hep-  
burne of Kingstoune, Adame Nicholfoun in Hailis, Adame  
Lamb in Elftanefurd, and seventy-four others.

Delatit<sup>3</sup> off arte and parte<sup>4</sup> of the slauchter of vmq<sup>16</sup> Johnne Geddes, feruitour  
to James Erle of Mortoune, committed in the moneth of . . . .<sup>5</sup> last bypast;  
and vtheris crymis contenit in the lettres direct thairupoune.

Alexander Hoy in Lyntoune, *alias Lard Hoy*, and a number of other sureties  
were fined, for non-appearance of the pannells: those not appearing, were or-  
dained to be denounced rebels and put to the horn, and all their moveable goods  
to be escheated, &c. The procedure is not inferted.<sup>6</sup>

<sup>1</sup> Supremi (serenissimi) domini nostri. <sup>2</sup> It is proper to observe at the outset of the work, that by the  
mode of reckoning in Scotland at this period, the year uniformly commenced on the 25th, and ended  
on the 24th day of March. This practice was universally observed, until the beginning of the seven-  
teenth century, when the style was changed by an express enactment, and the year was thenceforward  
declared to commence, (especially in all public writings and instruments) with the 1st day of January,  
from and after January 1, 1600. The want of attention to this fact, has led to many mistakes in the  
quotation of dates, &c. <sup>3</sup> Accused, denounced, Law Lat. *delatare, deferre*. <sup>4</sup> Being accessory to.  
<sup>5</sup> Left blank. <sup>6</sup> See Apr. 26, & Mar. 6, 1569.

**Appointment of Serjeand of Justiciary.**

April 5, 1589.—RICHART BYNNING producit ane Gift, vnder our souerane lordis priue sele, for vseing and exerceing of the office of Serjandfchip in the Courtis of Justiciarie, then vacand and pertening to our said soueraine lord, throuch deceise of Johnne Pennycuke, last possessour thairof; conforme to the quhilk Gift, he defyrit the said Justice to admit him in the office thairof: Quhilk defyre being thocht reasonabill be him, the said Rychert wes sworne and admittit, &c.

**Slaughter.**

April 5.—MARK HOME and William Home, sonis of John Home of Col-dinknowis, Thomas Stevinfoun and Thomas Lyndefay, their servants, and others.

John Home of Carroldfyde, and Nicholas Carnecroce of Calfhill, as pledges for the entry of the above pannels, to underly the law, for art and part of the cruel slaughter of Alexander Haitlie, natural son of John Haitlie of Mellerstanis, on Feb. xxij last, were fined for their non-appearance; and the pannels ordained to be denounced, and their goods escheated, as fugitives from the law.

**Keeping the Bar of the Court of Justiciary—Magistrates of Edinburgh.**

April 18.—The quhilk day, comperit Adame Fowlertoune, Baillie<sup>1</sup> of the burch of Edinburch, and protestit in name and behalf of the Prouest<sup>2</sup> and toune thairof; becaus he wes this day requyrit be the Justice Clerk, in name of my Lord Regent, to keip the bar, in place of the Scheref of Edinburch, quha fuld serue and deput officeris to that effect: That thairfoir, his seruice maid this day, conforme to the said command, fuld nocht induce ane preparatiue<sup>3</sup> to thaim, in tymes cuming.

**Slaughter.**

April 18.—ALEXANDER ACHESOUN of Goffurd, Thomas Miller his seruand, Patrik Low, Henrye Cauldwell, Andro Moffett, Nicholl Achefoune.

Delatit of arte and parte of the slauchter of vmq<sup>16</sup> Johnne Sinclaire in Abirladye.

<sup>1</sup> One of the Magistrates, equivalent to Alderman, *ballivus*. <sup>2</sup> Chief Magistrate or Mayor, *prepositus*. The Provost and bailies of Edinburgh themselves, had Criminal jurisdiction within the liberties of the city; and on account of their office, protested against their being called upon to preserve order in absence of the Sheriff, who, they pleaded, was the proper officer to attend to this duty.

<sup>3</sup> Should not serve as a precedent against them.



## PERSEWARIS.

The relict, with Thomas and Williame Sinclaris, fonis ; and the kyn and freindis of vmq<sup>12</sup> Johnne Sinclare in Abirladye.

## PRELOCUTORIS for this pannell.

The Lard of Trabroune, The Lard of Balwerye, The Lard of Boqubayne, The Barroune of Fingalk, Mr Alexander Syme, Mr Johnne Scharpe.

The prelocutouris askit instrumentis, that the (King's) Aduocat comperit nocht conjunctlie, to persew the pannell. The case was continued against 'Achesoun and his feruand to the fyft day of Maij nixtocum. Plegiis, Domino de Ormestoune et dicto Alex. Achesoune.' The other four were dischargeit be the Justice and his Affessouris,<sup>1</sup> in respect of thair youth.

**Hurting and Wounding, &c.**

April 18.—WILLIAME SINCLARE in Goffurd mylne, Johnne Sinclare, his sone, Robert Sinclare, bruder to the said Williame, Adame Lerthmonth in Abirladye, Thomas Sinclare, sone to Johnne Sinclare in Abirlady, Williame Sinclare, his bruther.

Delatit of the hurting and wounding of Johnne Reid in his heid, to the effiouse of his blude ; and stryking of Johnne Lowrye, with diuerse bauch<sup>2</sup> straikis.

All thir perfonis foirfaidis ar dischargeit be the hail perfewaris, contenit in the vtheris lettres direct thairvpoune, except Johnne Lowrye and Johnne Reid, quhilkis persewis the saidis Thomas and William Sinclaris, brotheris, for the offence and crymes committit and done vnto thame.

## PRELOCUTORIS for thir twa Sinclaris on pannell.

Archebald Dowglas of Killpindie,	The Lard of Blanter,	Olipher Sinclare,
Peter Hay of Melgynche,	The Maister of Sinclare,	Mr Henrye Kinrose.

The said Williame Sinclare at the mylne and Johnne his sone, askit instrumentis, that thai come nocht to persew the said Alexander Achesoun of his lyfe ; bot to defend the lyfes of thair freindis that ar persewit on pannell.

The Prelocutouris for the hail vther pannell, askit instrumentis, that they wald nocht persew the Sinclaris, bot defend the lyfe of the said Alexander thair freind, persewit be the saidis Sinclaris ; quhom thai vnderstude to be innocent of the cryme quhairof he wes accusit.—Continued to the fyft of Maij nixtocum ; Plegio, Olivero Sinclare. On which date (May 5,) it was recontinued to the Justice-air of Edinburgh, ' tertio Itineris, vel premunitioe xv dierum.'

**Slaughter.**

April 26.—ADAME HEPBURNE of Kingstoune, and twenty-two others.

<sup>1</sup> From numerous similar entries in the course of the Record, it is evident that some of the Lords of the Privy Council, commonly sat in judgement with the Justiciar, as Assessors. The King himself was often present, as may be seen from many of the subsequent entries. <sup>2</sup> Violent, deadly blows.

Dilatit of art and part of the slaughter of vmq<sup>1</sup> Johnne Geddes, seruitour to James Erle of Mortoune, &c.<sup>1</sup>

Thir perfonas ar all dischargit, at command and consent of the Erle of Mortoune, and partye perfewaris; be ane tekett, presentit in jugement to the Justice Clerk, be Mr Archibald Dowglafs.

### Slaughter.

May 6.—GEORGE SKIRWING in Traprane, Mr James Arnot in Lyn-toune, Patrik Sydefers, younger of that ilk, and forty-four others.

Delatit of the slaughter of vmq<sup>1</sup> Johnne Geddes, &c. (as above.)

The Erle of Mortoune protestit, in caise the personis of Assyise acquit the perfonas on pannell, of the crymes contenit in dittay, that thai thairfoir incur wilfull errour.<sup>2</sup>

VERDICT. All thir perfonas ar acquit of arte and parte of the crymes contenit in the Dittay<sup>3</sup> be the Assyise.

### Mutilation, &c.

May 10.—RICHERT MEGOT in Howpis, James Doby, flescheour in Edinburgh.

Delatit of the mutilatioune of Johnne Farer of his left hand, and vtheris crymes contenit in the lettres direct thairvpoune.

PERSEWARIS of this pannell.

Johnne Farer, sone to Thomas Farer,  
Chriteane Harrat (in Ravelrig,) his moder.

Their PRELOCOUTOURIS.<sup>4</sup>

Alexander Wardlaw of Currehill,  
James Somerville of Humbye.

VERDICT. The Assyise, for the maist parte, be thair deliuerance, fylis and conuicts Richert Megot in the Howpis, and James Doby, of airt and part of the hurting and wounding of the said Johne Farer in his heid, abune the vane organe,<sup>5</sup> and in the foirpairt thairoff: And hes cuttit his left lug:<sup>6</sup> And hurting and wounding of him alswa, in his left arme and diuerse pairtis thairof, to the effusioune of his blude in greit quantitie; committit at the Waft end of the burcht of Edinburgh, at Lowreis-dykis, vpoune the tent day of Januar lastbypast,

<sup>1</sup> See March 15, 1568.

<sup>2</sup> This iniquitous practice of protesting against the Assise for wilful error, in case they acquitted the pannell, was justly complained of as a very heavy grievance. It was not formally abolished by the Legislature until the reign of Will. and Mary. Vide Acta Parl. IX. 45, 13 Apr. 1689.—Hume on Crimes, Edit. 1819, I. 410. Instances frequently occur in the Record, of heavy fine and imprisonment following a verdict pronounced in the face of such a Protest. They were tried in presence of an Assise, but generally submitted to his Majesties will, rather than permit the case to go to trial.

<sup>3</sup> The Indictment, Law Lat. *indictamentum*.

<sup>4</sup> No Prelocoutouris are marked for the pannell.

<sup>5</sup> The *vein-organ* is usually considered to be the flank or iliac veins; but in this case, and in many others on record, the term seems also to have been used at this period to denote the jugular vein.

<sup>6</sup> Ear.

vpoun suddantie, &c. ; continuand thair delyuerance, anent the mutilatioune, to the thrid day of August nixtocum.<sup>1</sup>

**Abiding from the Raid of Brechin.**

May 13.—WILLIAME RAMSAY of Mwrye.

Delatit for remaning fra the Raid<sup>2</sup> ordanit to have convenit at Brechine.<sup>3</sup>

Continued to the Justice-air of Perth. 'Plegio, Wilelmo Scot de Baluerye, tertio Itineris, vel premonitione xv dierum.'

**Slaughter—Battle of Langside.**

May 13.—JOHNNE SIBBALD in Kirklandhill, John Girdwod in Newbigging.

Delatit for the slauchter of vmq<sup>4</sup> James Barclay at the Langfyde, &c.

PRELOCUTOURIS for this pannell.

Alexander King, Mr Richert Strang, Hew Cokburne, brother to Scraling ;

The affise fworn in this case, (amongst whom is Robert Tynto of Crympcramp,) confists of only eleven, who 'acquit' the pannell.

**Slaughter—Battle of Langside.**

May 21.—JOHNNE WILSOUN in Bordland, Johnne Armour there, and eleven others.

Dilatit for the slaughter of James Ballanye in Prestoune, James Douglas soldier (militis stipendiarij,) and William Purwes, servant of Alexander Home of Manderstoun, at Langfyde, in the county of Renfrew, xij. May 1586.

Hugh Erle of Eglintoune as surety for these pannells, is americiated for their non-appearance, in the sum of iij<sup>c</sup>. xx lib. ; and the persons on pannel ordained to be denounced rebels, and all their goods escheated,<sup>4</sup> &c.

**Slaughter.**

May 26.—HENRY CONGILTOUNE, tutour of Congiltoune, Andro Congiltoune, his bruder, Andro Reidpeth in Deringtoun, Thomas Reidpeth, his sone, Adame Nicolfoun in Hailis, Thomas Liddell in Smetoune, John James thair, and Robert Neisbet.

Delatit of art and part of the slauchter of vmq<sup>4</sup> Johne Geddes,<sup>5</sup> and vyeris

<sup>1</sup> See August 3.    <sup>2</sup> The gathering of the King's army, oist, or host. The usual signification of this word, is, an *inroad*, hostile incursion or invasion ; and generally implies, that the parties concerned were mounted on horseback.    <sup>3</sup> By Acts of Privy Council, Apr. 20, and May 16, 1659.

<sup>4</sup> Confiscated.

<sup>5</sup> See Mar. 15, 1568.

crymes contenit in the lettres.—Continued to Jul. xxvj. Plegijs Thomas Fawfyde de eodem, Domino de Reidpeth, &c.

**Fine of Court—High Treason—Battle of Langside.**

July 5.—ALEXANDER KINGRAGGE in Auld Lunderis.<sup>1</sup>

Quo die, Joannes Arnot in Wodmylne, sepe vocat. tanquam plegius, ad intrans. Alexandrum Kincragye in Auld Lunderis commoran. coram Justiciario f. d. n. Regis, suisve deputatis, prefatis die et loco; ad subeundum legem, pro illius proditoria venientia cum suis complicitibus, cum conuocatione subditorum domini f. d. n. regis ad numerum . . . . personarum, more bellico armat. in comitiua cum diuersis f. d. n. regis conspiratoribus, in instructa acie seu bello, cum vomentis curriculatis<sup>2</sup> et extensis vexillis, contra f. d. n. regem et charissimum suum confanguineum Jacobum comitem Morauien. dominum Abirnethie, &c. regni sui ac subditorum suorum Regentem, apud Langfyde, xij die mensis Maij anno lxxvij; et ibid. personas dicti Domini Regentis aliorumque fidelium Consiliariorum et subditorum, pro suis interfectionibus et destructione crudeliter et proditorie invadendo; necnon pro crudeli interfectione quondam Jacobi Balany in Prestoune, Jacobi Dowglas militis stipendiarij et Willelmi Purwes seruitoris Alexandri Home de Manderstoune, eadem tempore prescript. commiss. Prout in literis regijs desuper direct. plenius continetur. Et non comparen. amerciatu fuit idem Joannes Arnot, tanquam plegius predict., in penis contentis in Actis Parlamenti: Necnon decretum et adjudicatum fuit, per dictum Justiciarium deputatum quod predictus Alex. Kincragye ad cornu f. d. n. regis denunciatur et quod omnia eorum bona mobilia vsui sue serenitatis applicabuntur seu eschaetabuntur tanquam fugitiuus a sua lege pro dicto crimine.

**Abiding from Raid of Brechin—Protest.**

July 6.—WILLIAM RAMSAY of Mwrye.<sup>3</sup>

Comperit and askit instrumentis, that he presentit him self on pannell, and offerit him reddye to vnderly the law, for ony cryme that mycht be imputt<sup>4</sup> to him. And in respect that he was summond be ovr souerane lordis lettres to this day, and that na persewar comperit to that effect, protestit that he mycht have actione aganis the purchessaris of the saidis lettres, and that his souerte fundin be him of befoir incur na danger, &c.

<sup>1</sup> See May 21, 1569.—The Editor inserts this entry at length, to show the mode in which the earlier record is kept; and which was adhered to for a considerable time, in so far as relates to the marking of fines, &c. <sup>2</sup> Cannon or pieces of ordnance mounted on wheeled carriages. <sup>3</sup> See May 13. <sup>4</sup> Imputed.

**Sheep-stealing.**

July 14.—ACHILLES HENDERSONNE.

Delatit of the thiftuous steling of ix lambes fra the persones contenit in dittay, quhilkis he confest in jugement to be of veritie.

VERDICT. The Assyise fylit and convict the foirfaid Achilles of the thiftuous steling of the saidis lambes, in respect of his confessioun foirfaid ; and als of commoun thift.—DOME gevin, that he of his awin consent is baneist the boundis of Sanct Margrettis paraheine,<sup>1</sup> Edinburgh, and scherefdom thairof, and scurgeit throwch the toune. ' FLAGELLAT.'

**Mutilation and Membration.**

Aug. 3.—RICHERT MEGOT in Hoipsis, and James Doby in Edinburgh.<sup>2</sup>

The Justice, with bayth the parteis consent, allows Robert Abirnethe in Cornehousé to be received on the Assise, in absence of Patrick Loutfut at the West Port of Edinburgh, (who was 'unlawit' in xl lib.)

Comperit alswa in jugement, in presence of the said Justice-depute, Nowye Buyssat, dekyn of Scherurgianis,<sup>3</sup> and producit this writting following, quhilk bayth the parteis foirfaidis desyrit to be infert and registrat in the buikis of Adionnale ; quhair of the tennour followis.

*TESTIMONIAL of the Cherurgianis.*

APUD Edinbur'. xxvij<sup>o</sup>. die mensis Junij, Anno Domini millesimo quingentesimo sexagesimo nono. The quhilk day, at findry tymes befor, at pe queist<sup>4</sup> and desyre of my Lord Justice Clerk, wes presentit befor me Nowye Buyssat dekyn, Robert Henrysoun, Patrik Hardy, and Alex. Tuedye, cherurgianis and burgefis of Edinburgh, my breder,<sup>5</sup> ane callit Johnne Farer, quha wes hurte vpoun the left arme, on the elbok, on the arme beneth, and on the hand ; to have our jugementis, quhidder that the said Johnne fuld be mutulat or no of the saidis hurtis and woundis pan being hail : Eftir lang consultatioun and ernist advysement, we fand the said Johnne nather to be mutulat nor impotent of his arme nor hand ; bot pat it wald be daylie better, gif he wald make laubouris vpoun it : And pis we testefie be pis our hand wrytis and subscriptione to all and findry to quhome it efferis, day, geir and place foirfaidis.

NOWY BYSSAT, Dekin of the Cherurgianis.

ROBERT HENRYSOUNE, w<sup>t</sup> my hand.

ALEX. TUEDY, w<sup>t</sup> my hand.

PATR. HARDY, w<sup>t</sup> my hand.

VERDICT. Efter productione of the quhilk wryting, the hail Assyise foirfaid being removit furth of Court, and being well and ryplie adwyfit with the famin, reenterit again in jugement ; and be thair delyuerance pronunceit be Eduard Paterfoun, (at the Quarrelhoiles,) chancellor, ffand the said Richert Megot and James Doby to be convict of the crewale hurting and wounding of the said Johnne Farer in his heid abone the vane organe, and in the foir pairt

<sup>1</sup> Parochin, parish.

<sup>2</sup> See May 10.

<sup>3</sup> Surgeons, Old Fr. *Chirurgiens*.

<sup>4</sup> Requisition.

<sup>5</sup> Brethren in profession.

thairof and cutting of his left lug ; and hurting and wounding of him alfwa in his left arme in diuerſe pairtis thairof, to the effufioure of his blude in greit quantitie ; commitit at the weſt end of the burch of Edinburgh, at Lowriesdykis, upoune the tent of Januar 1568 : and acquittis thaim of the mutilatioure and hail remanent poyntis contenit in the lettres and dittay.

(On the margin) xvij Aprilis 1571. This pane and contentis of the amercia-ment, in ſa far as concernis the King, is deleit, be precept and command of the theſaurer.

### Treſon—Theft—Spullzie.

Nov. 18.—JOHNE LEYIS.

CONVIC<sup>t</sup> and filit be Affyſe, off arte and parte of the cuning, with conuoca-tioure of the lieges of this realme, to the nowmer of thre hundreth perſonis, bodin in feir of weir,<sup>1</sup> with jakkis,<sup>2</sup> ſperis, ſteilbonnettis, culueringis<sup>3</sup> and vtheris wappinnis *inuafue*, incontrair the Actis of Parliament, vpoune the . . . day of Januar 1568 ; in weirlike manner, with feit and wageit ſuddartis,<sup>4</sup> and men of weir, to the caſtell, towre, fortalice, and place of Wauchtoune, being in keping for the tyme of Johnne Carmichaell younger of that Ilk, at the ſpeciale com-mand of our ſoueran Lordis derreſt Regent ; and thair maift awfulie perſewit, affaultit, and aſſegeit the ſaid caſtell, tour, fortalice, and place, and crewalie ſlew vmq<sup>l</sup> Johnne Geddes,<sup>5</sup> hurt and woundit Archebald Dowglas, Thomas Gardner, and Johnne Angus, garytour<sup>6</sup> in Wauchtoune, be ſchottis of culueringis and vtherwyſe in diuerſe pairtis of thair bodeis, to the greit effufioure of thair blude, in perrell of thair lyves ; vpoune ſett purpois and prouifioure : AND for arte and parte of the vmbefetting<sup>7</sup> of the gait to Johnne Murdo, tailliour burges of Edinburgh, and Mauſe M'Kaſke, his ſpouſe, at the Craikhill, quhair thai wer cumand furth of the toun of Dunbar, to thair awin duelling-place in Edinburgh ; and thair invading thame for thair ſlauchteris ; cutting of the ſaid Mawſe purſe, quhairin wes gottin xxxv Crownis of the ſone, ſex Angell-nobillis, twa Roife-nobillis, ane Harye-nobill, ane Portugall-ducat, xvij pece of diuerſe fortis of Scottis cunze of gold, ane xliij ſ. pece, twa Inglis Teſtanis,<sup>8</sup> foure pundis mo-ney, ane chenze of gold,<sup>9</sup> weand twa vncis and ane half or thairby ; thre Obli-gationis contenand diuerſe ſowmes of money awand to the ſaid Johnne : And als, ſpulzeit and reft<sup>10</sup> fra him ſelf, ane ſoir hewit<sup>11</sup> horſe, with his hail harnefing, extending to the awaill of foureſcoir pundis ; with his awin cloik and hatt, ane

<sup>1</sup> In warlike array.      <sup>2</sup> Short ſhirts or coats of mail.      <sup>3</sup> A large kind of muſket.      <sup>4</sup> Feed (waged) and hired ſoldiers.      <sup>5</sup> See Mar. 15, 1568, &c.      <sup>6</sup> Warder, watchman or ſentry of the tower or battlements. Fr. *garité*.      <sup>7</sup> Beſetting, blocking up of the high road and attacking.      <sup>8</sup> Teſtoons, ſo called from the *teſte* or head which was impreſſed on them.      <sup>9</sup> A gold chain.      <sup>10</sup> Spoiled and took by violence.      <sup>11</sup> Sorrel or reddiſh coloured horſe.

swerd, ane quhingear,<sup>1</sup> ane purse with fyve pundis of quhyte filuer<sup>2</sup> contenit thairintill: And led and convoyit him as captiue and presoner to the toune of Hammiltoune (Haddingtoun?) quhair he wes put in stokkis, and thairefter compellit to pay ranfoume. This was done in the moneth of Januar, the yeir of God, I<sup>m</sup>.V<sup>c</sup>.lxvij yeiris.

SENTENCE. For the quhilk, he wes be Dome, pronunceit be the mouth of the dempfter, ordenit and adiugeit to be had to the Castle-hill of Edinburgh, and his heid to be strikin frome his body; and all his movabill gudis to be eschetit, and inbrocht to our souveran lordis vsf.

### Treason—Slaughter—Resetting—and Intercommuning.

Nov. 24.—GEORGE HEPBURNE of Elftanefurd.<sup>3</sup>

PROLOCUTORIS.

Mr Edmund Hay,

Mr Thomas Bannatyne,<sup>4</sup>

My Lord Lyndsfay.

VERDICT. The hail perfonis of Affyise Acquittis the said George off arte and pairt of the slauchter of vmq<sup>o</sup> Johnne Geddes, and hurting and wounding of diuerse vtheris; committit at the sege of the place and fortalice of Wauchtoune, in the moneth of Januar lastbypast, be Andro Hepburne, sone naturale of the said George, of his causing, sending, ressetting,<sup>5</sup> command, assistance and ratihabitoune:<sup>6</sup> And of arte and parte of the intercommoning,<sup>7</sup> ressetting and suppleing with Harye Hepburne of Fortune, Patrik Hepburne of Kirklandhill, and thair complicis, rebellis and declarit traitouris, in plane parliament, for certain crymes of Treasoun and Lese-maieftie, committit be thame; Off the quhilkis thai wer conuict in Parliament: And als, for ressetting and intercommoning with Andro Hepburne, his sone foirfaid, the tyme of his being denunciit rebell, and att the horne for the cryme foirfaid: And for arte and pairt of the slauchter of vmq<sup>o</sup> James Ballanye in Prestoune, James Dowglas, suddart, and Williame Purwese, seruetour to Alexander Home of Manderstoune, at the Langfyde, vpoune the xij day of Maij 1568, committit of his causing, hounding, sending, command, assistance and ratihabitoun.

<sup>1</sup> A short sword or *hanger*. <sup>2</sup> Being small change in silver, probably reserved by him for defraying the expenes of his journey, the more valuable store being entrusted to his wife; in hopes that, if they fell in with thieves by the way, they would not molest his better half. It is not unlikely, that in this, as in many other similar cases, 'the grey mare was the better horse.' <sup>3</sup> See Mar. 15, 1568, &c. <sup>4</sup> Afterwards Lord Newtile, one of the Senators of the College of Justice, and brother of the now celebrated GEORGE BANNATYNE,—in honour of whose invaluable compilation of Scottish Poetry, THE BANNATYNE CLUB, recently formed, has been named. In a MS. of George Bannatyne the following notice occurs:—'Maister Thomas Bannatyne, my bruder, deceisit the xij of August, 1591 yeiris, being of the aige of li. yeiris, and ane of the Lords of the College of Justice, &c. He left of chyldryne vij sonis and four dochteris,' &c. <sup>5</sup> Receiving, harbouring. <sup>6</sup> Confirmation, Law Lat. *ratihabere, confirmare*. <sup>7</sup> Holding conference or intercourse with one who had been denounced rebel against the king.

**Slaughter.**

Dec. 1.—JOHNNE, alias JOK ALLANE, in Stow of Woddell.

CONVICt be Affyise of the crewall slauchter of vmq<sup>h</sup> George Kay, smyth, within the toune of the Stow, in the moneth of Nouember lastbypast, vpoun the xij day of the famin moneth. ‘DECOLLAT.’

## PERSEWARIS.

Johnne Blakye in Mortounhall.      Johnne Broun taillour in Edinburgh.

**Treason—Convocation of the Lieges—Battle of Langsyde.**

Dec 6.—JOHNNE BROUNE of Carfleuch.<sup>1</sup>

Dilated of art and part of convocation of the lieges, bodin in feir of weir, and coming to the lands of Langfyde, &c. ; and for the cruel slaughte of James Ballanye in Prestoune, &c. Came in the King's and his Regent's will for these crimes ; and found Thomas Maclellane of Bombye cautioner, &c.

**Treason—Slaughter—Abiding from the Raid of Hawick, &c.**

Dec. 6.—JOHNNE CARKETTILL of Marcle, George Carkettill, his sonne.

Indytit bayth for arte and parte of the slauchter of vmq<sup>h</sup> James Ballanye in Prestoune, &c. as above : And als for remaning fra the Raid<sup>2</sup> and oift<sup>3</sup> ordanit to convene at Hawik, vpoun the xvij day of October lastbypast ; incontrair the proclamatioune maid thairupoune.

## PROLOCUTORIS.

The Lard of Innerleyth,	The Lard of Dalhowfye,	Johnne Logane of Coitfeild,
Mr Edmond Hay,	Alexander King,	Alexander Home.

The Justice, in respect of the non lauchfull summondng of Johnne Carkettill younger, and allegeance proponit in his name, desertis the count fra his parte, and superfedes all proceding aganis him, *pro loco et tempore*. Quhairupoune he askit actis and instrumentis.

## ASSISA.

Johnne Sydferfe of that Ilk,	Patrik Creychtoun of Lugtoun,	James Johnstoune of Westraw,
Thomas Fawfyde of that Ilk,	Patrik Monepenny of Pilrig,	James Ramsay of Cokpen,
George Dundas of that Ilk,	Walter Hall in Prestoune,	Williame Reidpeth, younger of
Olipher Sinclare in Quhyte Kirk,	Williame Moncrief, younger of	that Ilk,
Johnne Finlawson of Killeyth,	that Ilk,	W <sup>m</sup> . Paterfoune, burges of Ed.

Dec. 8. VERDICT. This Affyise, in ane voce, be thair deliuerance, filis and conuictis the said Johnne Carkettill, of his contempnabill remaning and byding at hame fra our souerane Lordis Raid, ordanit be his hienes lettres of proclamatioune to have convenit at Hawick, vpoun the xvij day of October lastbypast ;

<sup>1</sup> See July 5, 1569.

<sup>2</sup> Gathering of the King's army.

<sup>3</sup> Host.



incontrair the tennour thairof and publicatioune maid of the famin: And acquittis the said George of the hail (other) crymes contenit in the Dittay. The deliuerance heiroy, pronunceit be Olipher Sinclare, chancellare of the said Assyfe, in presens of the Justice, octauo Decembris, anno prescript.

George Home of Aytoune, Robert Fairlie of Braid, Johnne Pennycuke of that ilk, James Home in Dunbar, Francis Dowglas of Spittell, William Lauder of Haltoune, James Home, younger of Coldinknowis, George Heriot in Langnurdrye, Williame Scot of Balwerye, Mathow Sinclare, bruder to the Lard of Roislin, (and nine others,) ilk ane of thaim, *respectiue*, wer vnlawit in the panis of xl pundis, for non-comperance, to pafs vpoune the said Assyife, viz. ij<sup>c</sup>.xl lib.<sup>1</sup>

### Conuocation of the Lieges—Oppression, &c.

Dec. 13.—JOHNNE BROUNE, sone to Johnne Broune in Mollance, Williame Kurour in Blakerne, Johnne M'Kinstry in Grange, Johnne Smyth elder thair, Johnne Smyth younger, his sone, thair.

VERDICT. The perfones of Assyife, be thair deliuerance, in ane voce, filis and conuictis the saidis Johnne Broune, &c., off arte and parte off the conuocatione of our foueran lordis liegis, to greit nowmer; bodin in feir of weir, with lancis, stalffis, swardis, and quhingearis; incontrar the Act of Parliament, and cumand to the ground of the lands of the Bordland, for away-taking of the hay being thairon; and thairefter best<sup>2</sup> and dang Catherine M'Ke, spous to Robert Levingstone of Lytill Airdis, with bauch straikis,<sup>3</sup> in findry pairtis of hir body, at the watter fyde of De, within the famin landis of the Bordland; committit vpoune suddantie, in the moneth of Januar, the yeir of God, I<sup>m</sup>.V<sup>c</sup>.lxij yeiris: For the quhilk, thai wer fynit with the thesaurer.

### Protest.

Dec. 16.—JAMES STEWART, bruther to the Lard of Traquair.

• Mr David Borthwik, prelocutour chofin for the pairt of the said James, askit instrumentis, that the said James offerit him selfe reddye to vnderlye ane Assyife, for all crymes in the lettres purchest in his contrair. The (King's) aduocat, Mr Johnne Spens, being present in iugement, declarit that he wald nawyife persew, &c., thairfore (the pannel) protestit, &c.

### Adultery.

May 11, 1570.—PATRIK VRQUHARD.

<sup>1</sup> This latter notice has been preserved, on account of the names of the 'Assyfouris,' and to show the practice of the Court at this period.    <sup>2</sup> Beat, *basted*.    <sup>3</sup> Violent or deadly blows.

Delatit of the filthie and abhominabill cryme of Adulterye, committit be him with Jonet Daidfone, spous to George Hopper, burges of Edinburgh.

PRELOCUTORIS.		HIS PRELOCUTORIS.
Mr Johnne Scharpe,	Walter Mawer,	The Lard of Spot,
Gilbert Thornetoune,	Walter Lowfoune.	The Lard of Ormitoune,
The Scheref of Murray, younger,	PERSEWAR.	The Lard of Braid.
Alexander Donaldfoune,	George Hopper burges of Ed.	

VERDICT. The Assyise, be thair deliuerance, pronunceit and declarit be the mouth and speking of James Young (cutlare in Edinburgh) chancellor, ffand and deliuerit the said Patrik, to be culpabill fylit<sup>1</sup> and conuict of arte and parte of the vfang and bering of familiare and priuat cumpanye, at findry tymes, be the space of ane yeir or thairby lastbypast, with Jonet Daidfoune, lauchfull mareit wyfe to George Hopper, burges of Edinburgh; conuersand and abusand his body with hir, in the filthie and abhominabill cryme of Adulterye, within the said Georgis awin duelling hous, and vtheris priuie places at his pleffour: And specialie, in the monethis of Januar and Februar lastbypast, quhen he (George) wes absent furth of this realme and cuntre, and depairtit to the pairtis of Ingland, for wyning of his leving, in the honest and lefull traffique of merchandice: The forsaid Patrik, than and diuerse tymes ofbefoir, alsuele be day as nycht, in priuat and publict maner, hes conuersit, usit, hantit, and reparit with the said Jonet Daidfoune, spous to the said George Hopper, in his duelling hous foirsaid, and vtheris secrete and priuie places, abusand thair bodies ather of thaim with vtheris,<sup>2</sup> in the foirsaid filthie and abhominabill cryme of Adulterie: And in the meyn-tyme, hes thiftuoufflie stolin, spendit, waiffit, delapidat, confumat and putt away the said George Hopperis money, gudis, geir, alsuele being within his merchand buith, as house foirsaid, for the tyme, at his pleffour, to greit quantitie.

‘ CONVICTUS ET WARDAT.’<sup>3</sup>

### Fire-raising—Spuilzie, &c.

May 12.—JOHNNE COMMENDATOUR OF THE MONASTERY OF SAULSYDE,<sup>4</sup> Johnne Johnnestoune in Lowringis, Thomas Johnnestoune, and Cuthbert Johnnestoune, brothers of the said Commendatour.

Caution is found for their entry before the Justice or his deputies, on the third day of the next Justice-air of Drumfreife, or elsewhere, on premvntion of xv

<sup>1</sup> Found guilty; literally, defiled; in opposition to another forensic term, ‘clangeit,’ i. e. cleansed, ‘fund clean and acquit,’ or ‘affoilzied.’ <sup>2</sup> With each other. <sup>3</sup> Convicted and imprisoned (warded.) A blank is left in the Record, for insertion of the final sentence. <sup>4</sup> Johnne Johnnestoune; Soul-seat, Sedes Animarum, in Dumfries-shire. See June 26, 1572.

days; to underly the law, 'pro arte et parte Cumbustionis et Incendij diuerfarum domorum, Johanni Johnnestoune filio Roberti J. de Craigaburne et Roberto J. de Newtoune pertinen.; Spoliationisque diuerforum bonorum in eisdem domibus pro tempore existen.; aliisque criminibus in literis regijs desuper direct. specificatis; secundum formam et tenorem earundem et sub penis in Actis Parliamenti contentis.'

### Adultery.

June 14.—WILLIAME CARNEBYE, baxter-burges of Edinburgh.

PERSEWAR comperand,  
Patrik Browne, indueller in Edinburgh.  
His PRELOCUTOR.  
Johne Lowrentoune.

PRELOCUTORIS for the said Williame,  
Mr Johnne Moscrope, Mr Henrye M'Calgane,  
James M'Call, William Fiddes,  
Nicol Rynd, Walter Wawane, taillour.

Maisteris Johnne Spens and Robert Creychtoun of Eliok, Aduocatis for our souerane lord, being oft and diuerse tymis callit, comperit nocht.

VERDICT. The Assyise, be thair deliuerance, pronunceit and declarit, be the mouth and speking of James Dalzell (at the West-port of Edinburgh) chancellor, ffand and deliuerit the said Williame to be culpabill, fylit and convict of arte and part of the vseing and bering familiare and privat cumpany, diuerse and findry tymes with Jonet Strang, lauchfull spous and mariet wyfe to Patrik Browne, indueller in Edinburgh, vnder the castell wall thairof, conuersand and abusand his body with hir in the filthie, vyle, and abhominabill cryme of Adulterie, within the said Patrikis awin duelling house and place, within the said burgh, vnder the said castell wall thairof, in the house of Catherine Scot in Ryplochis wynd, within the famin burgh, and diuerse vtheris priue partis and places, at thair plesour, alfuele be day as nycht, in the monethis of October and Nouember, the yeir of God I<sup>m</sup>.V<sup>c</sup>.lxviiij yeiris, December and Aprile lastbypast; the said Williame hauing Jonet Paslay to his awin lauchfull spous and wyfe on lyve: And in the meyne tyme, hes thiftuouflic stollen, spendit, waftit, delapidat, consumit, and put away the said Patrikis gudis, geir, money, and wictuallis to greit quantitie, and thairthrow caufit the said Patrik to skail<sup>1</sup> his house and familie thairof, and hes putt him self thairby to vtter rewyne, herefchip,<sup>2</sup> and pouerte, &c.

And thairfoir wes put in ward within the said Tolbuith of Edinburgh, quhill<sup>3</sup> ordour had bene takin heiranent.

### Fines of Court.

July 5.—' MD. The hail vnlawis preceding this dait, wer extractit and

To *displenish* his house and disperse his family.   <sup>2</sup> Utter ruin, destitution, and poverty.   <sup>3</sup> Until.

delyuerit to the thefaurer, xix Augufti 1570; the fowmes quhairof extendit to Ix<sup>m</sup>.j<sup>c</sup>.xx ib.; by<sup>1</sup> the amerciamentis of perfounis adiugeit for flauchter of Geddefe and Aflege of Wauchtoune.'

[Hearing of Mass, &c.]

Sept. 4.—DAME MARYE DE PYERIS LADY SEYTOUNE,<sup>2</sup> and Robert Seytoun, hir fone.

The lady, befor the calling of the Affyife, alleget that fcho fuld nocht be putt to the knowledge thair of in this caus, without hir husband, quha being hir heid, wer warnit to this effect.—Mr Johnne Spens (King's) Aduocat, allegit in the contrair, be reafoun that in this maner of proceeding criminalie, fcho mycht be put to Affyife in respect of hir offence, without warning maid to hir husband foirfaid.

The Justice findis, nochtwithstanding the allegiance foirfaid, forther proces to be vfit.

The faid lady protestit for remeid of law. The faid lady, and Robert hir fone foirfaid, befor the admiffioun and acceptatioun of Affyife, in prefence of the faid Justice-depute, offerit thame selfis in our foueran lordis will, and to my Lord Regentis grace in his name, in maner following, that is to fay . . . . .<sup>3</sup>

**Murder.**

Oct. 4.—Mr JOHNNE KELLO, minister of Spot.<sup>4</sup>

Committer of the murthour of vmq<sup>le</sup> Margret Thomesoun his spous; committit be him within his awin lugeing in the toun of Spot for the tyme, be strangling of hir with ane towale, vpoun the xxiiij day of September lafbypast, befor noyne.

SENTENCE. For the quhilk he wes adiugeit be dome pronunceit, to be hangit to the deid, and thaireftir his body to be caffin in ane fyre and brint in affis; and his gudis and geir quhatfumeuir (pertening to our foueran lord) to be confiscat, &c.

<sup>1</sup> L.9,120, besides, over and above the fines, &c.      <sup>2</sup> Second wife of George, fourth Lord Setoun, a French lady, who came to Scotland with Mary of Lorraine.      <sup>3</sup> A blank left here in the Record. The Record affords no information of the nature of the crime. It may, however, be conjectured, from the religious tenets of the Wintoun family, that they were put upon their trial for intercommuning with and resetting Jesuites, or hearing mass said, &c.      <sup>4</sup> 'The Confession of Mr Johnne Kello, minister of Spott, together with his repentance made vpon the scaffold befor his suffering, the fourt day of October 1570,' was 'Imprinted at Edinburgh, be Robert Lekpriwick' (1570 Herbert's Ames.) Richard Bannatyne has inserted the whole Tract in his Journal, p. 39, which is well worthy of perusal. Kello was a person of considerable note, and of much religious profession. The circumstance of the murder, his subsequent deep contrition, his confession and execution, made a great stir at the time. These are noticed by Calderwood and several other writers.—Bartilmo, Barbara, and Bessie Kello, 'sone and dochteris to vmq<sup>le</sup> Mr Johnne Kello,' got a gift of his escheat 'throw the said vmq<sup>le</sup> Mr Johnne being convict and justifeit to the deid, for the crewell and odious Murthure of vmq<sup>le</sup> Margaret Thomesoun his spous.' Regist. Secr. Sig. Oct. 5, 1570.

**Chett.**

Oct 10.—JOHNNE GOVANE, seruitour to Mr Richard Strang, aduocat.

Delatit of the steling fra James Kinroise of Kippanroise, of his purse, within the parochie-kirk of Sanct Geill in Edinburgh, in time of sermond, upon the xvj day of Julij lastbypast.

## ASSISA.

James Elphinstoun, bruder to the Lord Elphinstoune,	Johne Striueling callit of Butis, James Striueling of Auchyle,	Michaell Elphinstoun, bruder to the Lord Elphinstoune,
James Prestoune, apperand of Waylafield,	James Richardfoune in Edin <sup>r</sup> . William Weir, cordiner there,	Harye Balfour, seruand to the Erle of Mar,
Robert Porterfield, seruand to the Erle of Murray, <sup>1</sup>	James M'Gilleverye, alias Buchanan,	George Drummond, apperand of Balloch,
Robert Halden of Bellyfoule,	James Drummond, maste stabler to the Lord Drummond,	Thomas Drummond, seruand to the Lady Richardtounne.

By a memorandum, preserved on the margin of the record, it would appear that Govane was 'ACQUIT.'

**Treason—Conuocation of the Lieges, &c.**

Oct. 31.—JOHNNE RAIT, bruder to William Rait of Halgrene, Robert Rait in Tippertie, Robert Neilfoune at the Kirke of Arbuthnot, Alexander Duncane, seruand to the said William Rait, Mr Johnne Fowlertoune, and James Fowlertoune, sonis to Richard Fowlertoune in Claffingdrum, Johnne Rait in Sallieflat, Robert Wischert and Johnne Riche, seruandis to the said Robert Rait, Thomas Rait in Pitkellie, Gilbert Lepar and Andro Lepar brether (brothers,) George Falconer in Ballandro, Johnne Rait in Berweye (Bervie,) Johnne Fettes, David Irwyne, George Rait in Furrathie.

Delatit of the MAKING OF ANE RAGMENT AND RYME IN NAME OF JOHNNE THE COMMOUNE-WELE, and divulgatioune thair of, with conuocatioune, &c. ; and chefing<sup>2</sup> of ROBERT HUDE and ABBOT OF UNREASOUNE,<sup>3</sup> within the parochin of Arbuthnot and vtheris partis *respectiue*, in the bounds of Mernis ; and diuerse vtheris crymes, at length contenit in the lettres direct thairupoune.

## PRELOCUTOURIS for this pannell.

Alexander Mauchane, The Lard of Covingtoune, Alexander Guthrye of Kincoldrum, William Rait of Halgrene, Johnne Lindfay of Fairgirth.

<sup>1</sup> It may be noticed here, that the term 'seruand' was at this period frequently, indeed usually, employed to signify secretary, clerk, a dependent or follower of a nobleman, &c. ; not merely a domestic 'seruitour.' The clerks of lawyers, writers, notaries, &c., were uniformly styled seruitors or seruands, as were pages, henchmen, and dependents, in the train of the great. <sup>2</sup> Choosing. <sup>3</sup> The popularity of these personages is too well known to stand in need of any explanation. For an abstract of the history of the Robin Hood games, and choosing of an Abbot of Unreason, reference need merely be made to Dr Jamieson's Dictionary, and the writings of Sir Walter Scott.

The advocattis foirfaidis askit instrumentis, that insofar as the lettres quhairby the pannell is callit contenis Treafonne, thay wald only speik in this caus for thair defence, at command of ane delyuerance and charge of the lordis direct to that effect; and thairfoir protestit, &c.—Mr Johnne Spens, aduocat for the King, askit instrumentis, that he comperit to perfew at command of the Regentis Precept.

### Replegiation to the Regality of Aberbrothock.

Eodem die predict. ROBERTUS RAIT, Robertus Wischart, Joannes Richie et Joannes Fettes dilatat. de arte et parte invasionis Willelmi Sibbald, fratris Davidis Sibbald de Cair, pro ejus interfectione, et crudelis vulnerationis ejusdem in suo capite, ad magnam sui sanguinis effusionem, per omissionem tormenti minoris, lie *bent pistolet*; et in mortis periculo eam relinquendo, vltimo die mensis Aprilis, vltimo elapfo, apud montem, lie *Sanct Gilbertis-hill* commifs. prout in literis regiis defuper direct. plenius continetur. Per Archibaldum Guthre ballium in hac parte Georgij Commendatarij Monasterij de Abirbrothok, virtute commiffionis ejusdem, Replegiati<sup>1</sup> extiterant ad privilegium et jurisdictionem sui Regalitatatis, quasi infra bondas ejusdem commorantes; assignando tertium diem proximi itineris dicti Regalitatatis vel alibi super premonitione xv dierum, pro eorum comperentia, ad fubeundum legem pro dicto crimine. Plegio, Alexandro Guthre de Kincoldrum, pro eorum introitu ad fubeundum legem pro dicto crimine, et predictus Willelmus Rait de Halgrene plegius deuenit pro administratione Justitie in premiffis, secundum formam juris.<sup>2</sup>

VERDICT. The Assyse acquit the hail pannell foirfaid, except the replegeit perones foirfaidis, of all crymes contenit in thair dittay; and acquit thaim alswa of the crymes of treafonne mentionat in the samin: Quhairupoune testimonialis wer writtine to the parteis.

### Slaughter—Mutilation.

Oct. 31.—JOHNNE ALEXANDERSOUNE, William, Gilbert, Andro, and Roger Sibbald in Cornetoune, brether to David Sibbald of Cair, William Barrye in Newtoun, David Strathauchin at the mylne of Thorntoune, John Sibbald in Casteltoune, Robert Barrye sonne to the said William, John Watt in Boyburne, David Sibbald of Cair, Catherine Striueling in Casteltoune.

<sup>1</sup> The Bailie or Judge of every Regality, &c. having the privilege of criminal jurisdiction, was entitled, on finding surety for the due administration of justice, to appear at the bar of another Regality and even at the bar of the Supreme Court and claim the person of the pannel, if resident within his bounds. This was often the occasion of much injustice and oppression; for, though liable to be called to account for their conduct, the privacy of their proceedings, their distance from the seat of government, and the frequently disturbed state of the country, often prevented the circumstances from reaching the ears of the officers of the crown, excepting in very flagrant instances. <sup>2</sup> This entry has been inserted at length to show the mode of procedure, &c.

Delatit of the slauchter of vmq<sup>re</sup> Petir Rait, bruther to Robert Rait of Tibberta, and mutilatioune of the said Robert of his rycht and left handis ; committit in the moneth of Julij laftbipaft.

William, Gilbert, Andro and Roger Sibbald, and William Barrye came in the Kings will for the said crimes, and found John Strathauchin of Thornetoune, surety for satisfaction of the parties : David Sibbald of Cair binds himself to relieve him of his cautionry.

PRELOCUTOURIS for the pannell.

Mr Johnne Scharpe,	The Lard of Kynneir,	The Lard of Lathene,
The Lard of Balgonye,	The Lard of Rankelour,	Robert Lundy of Conland.

Mr Johnne Scharpe, as prelocutour foirfaid, askit instrumentis, that Robert Neilfoun and Robert Rait persewaris comperand, declarit in presence of the said Justice-depute, that the foirfaid Catherine wes innocent of the crymes contenit in the lettres, and that thai in respect thair of wald nocht persew hir, bot dischargeit hir *simpliciter* ; and thairfoir protestit, that quhatsumeuir souerte wer fundin at desyre of the Justice, for hir comperance to underly the law for the famin, the thrid day of the nixt Justice-air, or soner, vpoune xv dayes warning, that the famin be nawyise preiudiciale to hir, nor scho astrictit to entir or compeir to that effect, for the caus foirfaid.

VERDICT. The Affyise in ane voce, without discrepance, acquit the foirfaidis sex personis on pannell of the slauchter and crymes contenit in dittay, quhair of thai wer accusit in jugement ; and protestit for thair testimonalis.

### Slaughter.

NOV. 4.—WILLIAM CWNINGHAME of Aiket, William Fergushill and Florence Crawford, his seruandis, Johnne Raburne of that Ilk. Delatit of the slauchter of vmq<sup>re</sup> Johnne Mure of Cauldwell.

PRELOCUTOURIS for the pannell, My Lord Prowand, Mr David Borthwick.

The famin prelocutouris askit instrumentis, that thay presentlie behovit to speik in defence of the persones accusit, in respect of the lettres purchest be the Kings aduocattis, and of thair declaratioune maid in jugement, that thay wald infist in persute of this cause.

Mr Johnne Spens of Condie, ane of the foirfaidis advocattis, askit instrumentis, that he, be ane precept and wryting subscryuit be my Lord Regent, wes chargeit to persew the faidis persones, and conforme to the command thair of, wald proceed to proces ; quhilk wryting he desyrit to be insert in the buikis, for his warrand quhair of the tennour followis.

ADVOCATTIS. IT is our will and we charge 3ow, pat 3e persew our Souerane Lordis lettres raisit aganis William Cwninghame of Aiket, and Johnne Raburne of pat Ilk, and pair complicis, ffor arte

and parte of þe slauchter of vñq<sup>h</sup> Johnne Mwre of Cauldwell, at þe day contenit pairintill, but<sup>1</sup> delay or differring: As 3e will anfuere to his Maiestie and ws pairvpoune. Subscriuit with our hand att Edinburgh, the thrid day of Nouember, 1570.

MATHOW, REGENT.

The famine day comperit Williame Edmestoune, in presens of my Lord Justice and his deputtis, in jugement, and exponit and declarit, that fforfamekill as Williame Cwninghame of Aiket, and Johnne Raburne of that Ilk, his gudfone,<sup>2</sup> and remanent perfonis on pannell, be thair awin meane and informatione, at the leift be informatione of vtheris in thair names, off thair causing, had purchest lettres at the instance of our souerane lordis advocattis, vpoune thaimselffis, for the slauchter of vñq<sup>h</sup> Johnne Mwre of Caldwell, kny<sup>t</sup>. committit and done be vñq<sup>h</sup> Alexander Cwninghaim younger of Aiket, and be thair caus, command and reffett off bludie hand, the said William for the intertenement of his gudefonne, quha wes actouris, factouris, and principale committaris of the famin be thaim, the tent day of September lastbypast, vpoune the Erle of Cassilles landis callit the Bordlandis; and thairwith, have caufit charge thaimselffis to find souerte to vnderly the law for the said slauchter in the tolbuith of Edinburgh, befoir the Justice or his deputtis, the ferd day of Nouember instant; as alswa caufit ane Affyse to be summoned to that effect, of sic perfonas as thai best pleasit, bayth suspect and nocht knawand the veritie: To the persute of the quhilk caus, Robert Mwre now of Cauldwell, sonne to the said vñq<sup>h</sup> Johnne wer nevir warnit nor requirit, nor gave information to the raising of the saidis lettres, nor had knowlege thairoff: And the said Johnne Raburne duellis within the Regalitie of my Lord of Sanct Johnne, and in hurt and preiudice of the preuelege of the said Regalitie, hes declynit thairfra, and tane him to the ryaltie to this effect: And thairfoir, allegit, that my Lord Justice nor his deputtis heir pressent, fuld nocht put the said William Cwninghame of Aiket, and the said Johnne Raburne of that ilk to the knowlege of the said Affyise, be vertew of the saidis lettres; the said Robert Mwre nevir being warnit nor requyrit to the persute thairof; and as he understude, the affurance betuix the Lordis vnrun-out: In the meyne tyme thairfoir protestit, gif my Lord Justice or his deputtis did in the contrair, that the famin wer nocht preiudiciale to the said Robert Mwre; bot that he, for his interes, mycht in all tyme heireftir persew the said William and his complices now on pannell, for the slauchter of the said vñq<sup>h</sup> Johnne his fader; and that na declaratioune of the Affyise, nor purgatioune of the said Williame thairof, fuld be reput nor haldin sufficient, nor testimonye of the Justice declaring the famin; and that specialle of the late practik, laitlie auctorifit in the contrair. Vpoune the quhilk premiffes, the said William requyrit actis, &c.

<sup>1</sup> Without.

<sup>2</sup> Son-in-law.



## ASSISA.

John Cwninghame of Camlarge,	Patrik Houftoun of that ilk,	Patrik Hammiltoune of Gartla-
Mr Johnne Porterfield of that ilk,	Johnne Maxwell younger of Ne-	uoch,
James Stewart, fone to the Lord	ther Pollok,	Johnne Hammiltoune in Po-the-
Ouchiltre,	George Hammiltoune, tutour of	hill,
The Lard of Lamirtoune,	Bordland,	Adam Schaw of Welwod,
Johnne Crawford of Craiglynfche,	David Hammiltoune of Gairewis,	Patrik Gemmill of Tempilhoufe,
Johnne Schaw of Grenok,	Williame Hammiltoune of Rot-	Johnne Campbell in Sanding.
George Maxwell of Newwerk,	tinyairdis,	

VERDICT. This hail Affyife, in ane voce, without discrepance, acquit the foirfaidis perfewaris on pannell.—Quhilk declaratioune being maid and pronouneit be the mouth of Mr Johnne Porterfield, proteftatiounis wes maid for thair teftimonialis.

**Respite for abiding from Raid of Linlithgow.**

Nov. 4.—JOHNNE LYELL in Foulfurdleis.

Ad respectuacionem, pro ipsius proditoria domi remanentia ab exercitu f. d. n. Regis apud Lynlythqw, secundo Augusti vltimo elapso convenire ordinat. ; contra tenorem Proclamationis desuper direct., de data xvj Septembris 1570.

PERSEWAR, Robert Neibbett in Bracanriggis.

**Forgery of the Regent's Signature.**

Nov. 6.—THOMAS BARRYE, meffinger, (Unicorn Purfuivant.)

Convict be Affyife of the falseing,<sup>1</sup> fenzeing, forgeing, and counterfuting of the manuale subscriptioun and hande wryte of our fouerane lordis derrest gudschir<sup>2</sup> and lauchfull tutour, Mathow Erle of Levenox Lord Dernelie, &c. Regent to his hienes, and of his realme and liegis, at findry times sen the acceptatioune of the office of Regentrye : And speciale, of falseing and treasonabill counterfuting of his grace subscriptioun, in the moneth of September lastbipast, maid and done be him selfe, in subscriyving of ane Signatour,<sup>3</sup> concerning the confirmatioun and ratificatioune of his office of Unicorne Pursevandschip,<sup>4</sup> allegeit maid and grantit to him of befoir, be our fouerane lordis derrest moder the Quene : And also, in treasounabill counterfuting of his grace subscriptioun to ane vther lettre, directit be his grace, in our fouerane lordis name, chargeing Sir Walter Ker of Branxhelme knycht, Sir Thomas Ker of Pharnyeherst knycht, and vtheris contenit thairintill, to mak payment of thair mailes and deweteis, allegeit awand be thaim to his hienes : As at mair lenth is mentionat and contenit thairintill : This done

<sup>1</sup> Falsifying.    <sup>2</sup> Grandfather.    <sup>3</sup> A writ bearing the King's sign-manual, and being a warrant for a charter passing the seals, granting or confirming lands or office, &c.    <sup>4</sup> Unicorn purfuivant.

in October lastbipast : As his depositionis and confessioune, with the said Signatour and lettres counterfutit and treasonable falsit be (him) beris.

SENTENCE. For the quhilk caus, dome wes gevin and pronunceit, be the mouth of James Yule dempstar, that the said Thomas rycht hand falbe strickin and cutit of, and himself to be baneist of the realme during all the dayis of his lyfe ; and neuir to returne agane within the famin, without speciale licence of our foueran lord, had and obtenit thairto.

### **Slaughter.**

Nov. 9.—Schir WILLIAM CRANSTOUNE of Doddo, Commiffar of Lauder. Delatit of the slauchter of vmq<sup>o</sup> James Brounlie. ‘ Plegio Joanne Cranstoune de eodem, tertio Itineris de Beruik, vel super (premonitione) xv dierum.’

### **Abiding from the Raid of Linlithgow.**

Nov. 27.—ALEXANDER KENNEDYE of Drumquharne, and Patrik Kennedye of Culuane.

Delatit for remaining fra the raid ordanit to convene at Lynlythqw, the second day of August lastbipast.

Perfewit be Thomas Kennedye of Barganye, as donatour (of their escheit) and the advocattis.—Continued to the Justice-aire of ‘ Air, tertio Itineris vel premonitione xv dierum. Plegio, Georgio Campbell de Skeldoune.’

### **Oppression—Convocation of Lieges, &c.**

Nov. 30.—Mr WILLIAM BALFOUR in Leyth, Johnne Younge taillour thair, and seventene vthers, ‘ skynnaris,’ ‘ litftaris,’ and ‘ cordineris.’

Delatit of findry crymes of Oppreffioune committit be thaim, with convocationioun, &c. vpoune Florence Balfour.—Continued to the Justice-aire of Edinburgh, tertio Itineris vel premonitione xv dierum. Plegiis, M. Willelmo Naper de Wrychtishoufis et Joannes Young. This fouerte reffaut at command of my Lord Regentis grace.

NOTA.—Johnne Carwod, and Thomas Thomsoune suddartis,<sup>1</sup> wer dischargeit, be ane precept of my Lord Regentis grace, direct to the Justice, becaus thai wer in the Kingis service.<sup>2</sup>

### **Treason, &c.—Raid of Linlithgow.**

Dec. 2.—Mr JAMES PAWTOUNE, minister.

Delatit of the treasonabill assistance maid and gevin be him to George Erle of Huntlie, Archebald Erle of Argyle, and diuerse vtheris conspiratouris againis our

<sup>1</sup> Soldiers.

<sup>2</sup> And therefore liable to be tried by a Court-martial.

soueran lord, in erecting and setting vp ane vther auctoritie nor<sup>1</sup> his hieneffis ; and furneffing and sending of Archibald Robefoune, in his name and vpoun his expensis to the toune of Lynlythqw, for the awancement of the foirfaidis confpiratouris treasonabill interpryfis : And siclyke, for remaning fra the Raid ordanit to conuene at Lynlythqw, the secund day of August lastbipast.

Comperit Mr Robert Creychtoun advocat, as perfewar, and produceit my Lord Regentis Precept and command direct to him, for perfute of the said Mr James ; quhilk he desyrit to be red in jugment.

The Justice, in respect of the said Mr James office of ministrie, and of my Lord Regentis grace command, ordanit that part of the lybell, qualefeit for his remaning fra the Raid to be deletit ; and that na proces be vfit aganis him for the famin.

Comperit Mr Williame Henderfoune, seruant to the Lard of Lochlevyn, and Protestit in name of his said maister, quha is baillie constitute of that part of the Regalitie of Sanct Androis, within the Baronye of M'K . . . .<sup>2</sup> (M'Carfchyre?) quhair the said Mr James duellis and makis his residence, that the continewatioune heirof prejuge nocht his priuelege nor iurisdictione thairof ; in respect that he presentlie is willing and reddye to replege the said Maister James, conforme to his Commiffioun, gif the Justice will consent thairto : And heirvpoune, askit actis and instrumentis.

' Continuat. tertio Itineris de Perth, vel premonitione xv dierum. Plegio, Joanne Reid de Aikinheid, pro suo introitu, ad fubeundum legem pro dicto crimine, in proditoria sua assistentia vt predicatur, tantum.'

### **Slaughter—Langside—Raid of Linlithgow.**

Dec. 4.—MATHOW HAMMILTOUNE of Philipstoune.

Delatit of the slaughter committit at the Langfyde, and for remaining fra the Raid ordanit to conuene at Lynlythqw, the secund day of August lastbipast.

Continued to the Justice-air of ' Lynlythqw, tertio Itineris vel premonitione xv dierum. Plegio, Joanne Dowglas de Walterstoune.' Johnne Fowlis, burges of Lynlythqw, his cautioner, is fined 100 marks for non-appearance of the pannel, who is ordained to be put to the horn, and his moveables confiscated as fugitive from the laws.

### **A bidding from Raids of Langside, Biggar, &c.**

Jan. 4, 1570-1.—JAMES SPENS in Glendukye, Williame Ruffale in Glaslie, and Johnne Dick elder in Eifter Cartmoir.

Delatit for remaning fra the Raids of Langfyde, Beger, Striueling, Lynlythqw,

<sup>1</sup> Tlan.

<sup>2</sup> Obliterated.

Brechin, and vtheris, in the auld and new Regentis tymes; contenit in the lettres maid thairupoune.

Thir thre, at command and defyre of James Lyndfay, donatour (to their escheit,) wes dischargeit and the Court defert.

The Justice ordained them to find caution to appear and underly the law, on xv Feb. next; John Wardlaw in Leyth being cautioner.

#### **Abiding from Raid of Linlithgow.**

Jan. 30.—MATHO HAMMILTOUNE of Philipstoune, Mr Johnne Cokburne, citiener<sup>1</sup> of Brechin.

Delatit for remaning fra the Raid, ordanit to convene at Lynlythqw, the secund day of August lastbipast.

Dischargeit be writingis of my lord Regentis grace, quhilkis wer productit in jugement and admittit.

#### **Treason—Abiding from Raid of Linlithgow.**

Jan. 31.—JOHNNE HAMMILTOUNE of Perdownye (Bardowie,) and Robert Tripnay in Branzeit.

Walter Striueling of Ballagane, is fined in I<sup>l</sup>. lib. for non-appearance of the pannels, for whom he had become surety, that they should enter themselves before the Justiciar this day, and underly the law, for the traitorous detention of the tower or fortalice of Perdownye against the King and his Regent: And also, for their remaining at home from the Raid at Lynlythqw, the second day of August last, &c.

The Justice ordained the pannels to be denounced rebels and put to the horn, and all their moveable goods to be confiscated.

#### **Incest and Adultery.**

Feb. 2.—JAMES BONAR, marinare, and Agnes Boner, his sifter.

CONUICT be Affyife of the filthie, vyld and abhominabill Incest and Adulterie, committit be ather of thame with vtheris,<sup>2</sup> in abusing of thair bodeis togidder; in respect of thair awin confessioun maid thairof. 'CONUICT and BRINT.'

#### **Treason—Abiding from the Raid of Langside.**

Feb. 12.—DAVID RAMSAY of Jordanstoune.

Delatit for remaning fra the Raid of Langfyde; treasonabill assistance maid

<sup>1</sup> Citizen, or indweller, probably implying that he was not a 'burgess,' or freeman, which is the usual description of a merchant or tradesman, who is 'free of the burgh.'      <sup>2</sup> With each other.

and gevin to the Erle of Huntlie, and diuerse vtheris crymes, at lenth contenit in the Lettres direct thairupone :—Quhairof he wes ACQUIT be Affyise.

### **Murder of the Regent Murray.**

Feb. 28.—CRISTEANE SCHAW, the relict of vmq<sup>le</sup> Dauid Hammiltoune of Boithuilehauch.

Delaitit of arte and pairt of the murthour of vmq<sup>le</sup> James Erle Murray, Lord Abirnethye, Regent, &c., be hir speciale caufing, hunding, sending, diuifing, re-  
fetting, command, affiftance and ratihabitoune, &c.—Continued to the Justice-  
air of ' Lanerk, tertio Itineris vel premonitione xv dierum. Plegio, Roberto  
Roife de Thornetoune pro introitu ejusdem.'

### **Slaughter.**

March 5.—MR ROBERT WYNNAME, Collector of Fyff.

Delaitit of arte and parte of the slauchter of vmq<sup>le</sup> Henrye Cairnis, cietiner of Sanct Androis ; (committed in the month of December laft.)

Comperit Margret Spens, the relict of the said vmq Henrye, George Spens hir bruder, Thomas Inglis in Auldlistoune, and Mr Robert Creychtoune, Aduocatt, concurrand togidder, for perfute of the said vmq<sup>le</sup> Mr Robert Wynram, and chufit the prelocutouris following, viz.

PRELOCUTOURIS for the perfewaris.

The Lard of Balwerye, The Lard of Pittandro,  
The Lard of Pitmillie, James Maling,  
Patrik Schewes.

PRELOCUTOURIS for the pannell.

Mr Johnne Scharpe, Mr Richard Strang,  
The Lard of Ormeftoune, The Lard of Haltoune,  
The Lard of Trabroune, J<sup>re</sup>. Someruille of Hombye.

Comperit Patrik Lerthmonth of Dairfye, knycht, Prouest of Sanct Androus, and produceit ane Infeftment, Charter and Commiffiounne, maid to him be Johne Archebifchope of Sanct Androus, togidder with our foueran lordis Charter of Confirmatiounne ; quhairby he, as Stewart, Baillie and Justice generale, within the boundis of the said Regalitie, vpoune the north fyde of the Watter of Forth, speciallie conftitute, defyrit the said Mr Robert to be replegeit from the said Justice Court, as duelland within the famin boundis ; and offerit cautiounne of Collerayth,<sup>1</sup> as accordis.

Mr Robert Creychtoune, Aduocat to our foueran lord, Proteftit, in caife the Justice wald, conforme to the saidis Charteris and Infeftmentis produceit, fuffir and permit the said Mr Robert to be Replegeit, that the Replegiatiounne thairof fuld nawyife preiuge the Kingis priuelege, in quhais handis the hail benefice of Archebifchoperik and rycht thairof quhatfumeuir presentlie is becuming ; and

<sup>1</sup> Caution or surety, that justice shall be lawfully administered.

askit instrumentis, that he allutirlic<sup>1</sup> disassentit fra the Replegiatioune of the foirfaid caus.

The Justice, efter inspectiounne had of the said Charteris and Infeftmentis produceit and being ryiplic adwyfit, thinkand the desyre of the said Patrik, as baillie foirfaid, to be reasonabill; ordanis cautioune to be fundin for administratioune of Justice within this tolbuith and the mater heirof to be replegeit; dispensand with the place, *vt infra*.—Peter Bruce of Erlisshall, becomes cautioner for due administratioun of justice.

### **Hamesucken—Abduction, &c.**

March 23.—WILLIAME OLIPHANT in Kellye-mylnis, and Johnne Oliphant in Over Kellye.

Petrus Oliphant de Pettoccer plegius deuenit ad intrandum Will. Oliphant et Joh. Oliphant coram Justiciario fuisse deputatis, tertio die proximi Itineris Justiciarie de Fyffe, vel alibi, vbi et quando placuerit sue serenitati, super premonitione xv dierum; ad subeundum legem, pro arte et parte conuocationis legiorum f. d. n. regis, ad numerum sexaginta personarum, more bellico armat., et per modum lie *Hamesuckyn* venien. ad domum habitationis Patricij Smyth infra civitatem Sancti Andree situat. et ibidem ostia predictae domus confringendo, Jonetamque Smyth ejus filiam, pro tempore in lecto dormienti, extra eandem domum manu forti et violenter capiendo, rapiendo et abducendo, ipsamque in captiuitate per longum spacium postea detinendo, auctoritatemque regiam inde vsurpando; xxv die mensis Januarij ultimo elapsi commissi: Secundum tenorem Literarum desuper direct. et sub penis in Actis Parliamenti contentis.

### **Slaughter.**

April 6, 1571.—LOWEIS LUMMISDENE in Dyfert and Johnne Lummidene his sone.

Delaitit of the slauchter of vmq<sup>h</sup> Daid Erle, taillieour in Dyfert; committit at the Kirk of Dyfert, vpoune the nynt day of Julij lastbipast

PERSEWAR.

Iffobell Spindye, relict of the said vmq<sup>h</sup> Daid.

Hir PRELOCUTOURIS.

Johnne Stevinsone, and Mr Robert Crechtoune, Aduocat, infistand in the persute thairof.

PRELOCUTOURIS

for the pannell.

Mr Alexander Sym, Mr Richard Strang,  
The Lard of Trabroune, The Lard of Blanerne,  
William Murray.

VERDICT. The Assyse acquit the pannell.

It is worthy of remark, that Andro Forester, minister, one of the Assise, 'protestis, (that) his comperance hurt nocht his priuelege':<sup>2</sup> And 'Mr Alexander

<sup>1</sup> Entirely, altogether.

<sup>2</sup> i. e. He pleads 'his cloth,' being a clergyman.

Sym askit instrumentis, that the said Sir George (Strathauchin, another of the Affife) declarit and allegit, that he fould nocht pafs vpoune Assyife, in respect of the woirdis, '*quod non licet nobis interficere quemquam*;' and thairfoir, that he fuld voit conforme to his said declaratioune.<sup>1</sup>

[*Curia Justiciarie tenta in pretorio Ville de Leyth.*<sup>2</sup>]

**Oppression—Convocation of the Lieges—Jamesucken.**

Nov. 12.—JAMES ROISE, bruder to Johne Roife of Craigy, Alexander Moncreif in the Kirktoon of Malare, Williame Morefoun, Williame Roife bruder to the said Lard of Cragy, Johnne Roife seruand to vmq<sup>b</sup> James Roife in Maitlandis, Lancelot Moncreif seruand to the said Lard of Cragy, . . . Rettray appearand of Kinvaid, Johnne Berclay of Strowye, George Stewart of Ardinculye, Olipher Rettray, Hew Moncrief in Hiltoun, Robert Broune in Cragy, Mark M'Kye in Cragy, Walter Murray thair, Daid Ruthwene in Kirktoon, Walter Moncreif and Andro Moncreif fonis to Hew Moncreif, Johnne Moncreif sone to Alexander Moncreif in Kirktoon of Maler, Alexander Marschell, Johnne Murray, Johnne Roife of Cragy, Williame Lord Ruthwene, and Henrye Lord Methwene.

George Gib of Lumphay, and Patrik Anderfoun in Newtyild, as plegeis and fouerteis conjunctlie and feueralie actit in the buikis of our fouerane lordis, For agane bringing of his hienes lettres, purchest be Laurence Lord Oliphant, Petir Oliphant of Twringis, and diuerse vtheris thair colligis, specifeit complenaris thairin; togidder with our fouerane lordis advocattis for his hienes interes, to tak fouertie of James Roife, &c. (above-mentioned) that thay fall compeir and vnderly our fouerane lordis lawis befor the Justice or his deputtis, day and place foirsaidis: For conuocatioune and gaddering of our fouerannis liegis, to the nowmer of twa hundreth perfonis, bodin in feir of weir,<sup>3</sup> vpoune the xxij day of September lastbipaft, vpoun the landis pertening to Lawrence Lord Oliphant, callit the landis of Duplene and Abirdalgy, lyand within the sherefdome of Perth; and thair, perforce, takand Johnne Mwle seruand to William Oliphant, Thomas Millar at the kirk of Duplene and dyuerse vtheris complenaris in the saidis lettres,

<sup>1</sup> It being commanded, 'Thou shalt not kill,' Sir George protests, that if he be compelled to 'pass upon Assise,' he would Acquit the pannell, according to this his forced interpretation of the sixth commandment.

<sup>2</sup> The Court of Justiciary is held within the Tolbooth of Leith, from this date, to the 8th day of August, 1572. The entry immediately following in the record, is dated at Stirling, on the 15th day of August; and that is succeeded by an entry, dated 'in pretorio de Edr. xxj Octobris;' after which period, the Court is regularly held in the Tolbooth of Edinburgh. The Record appears to be very defective at this period, and is probably only the Minute-Book of the procedure which then took place.

<sup>3</sup> Arrayed in warlike manner.

furth of thair awin howffis and vtheris partis, quhair thay wer doand thair lefull biffines for the tyme; ledand thame as captiues and preronaris to the toun of Perth, quhair thai held and detenit thame bundin in irnis, within strait presoun and captiuitie, be the space of tuentie dayis with the mair;<sup>1</sup> vfurpand thairthrow our fouerane lordis auctoritie vpoun thame, thay being his fre lieges: And for affegeing of the place of Duplene, the samin day; purposlie to have flane Laurence Lord Oliphant, and vtheris complenaris contenit in the saidis lettres; vpoune auld feid<sup>2</sup> and ffoirthocht ffellonye: And for ficlyke conuocatioune, command to the place and fortalice of Malare, lyand within the sherefdom of . . . . . entering perforce thairin, fstryking and dinging<sup>3</sup> of Jane Hepburne, spous to the said Petir,<sup>4</sup> and violentlie putting hir out of the samin, in the moneth of July lastbipast: And for diuerse vtheris crymes contenit in the saidis lettres: Efter the forme and tenour thairof, and vndir the panis specifcit in the samin. Being oftymes callit, in jugement, to have produceit the same lettres dewlie execute and indorsat, that justice mycht have been miniftrat thairon, conforme to the tennour of the said Act, and under the panis thairin contenit: And the said lettres nocht being produceit as said is, lauchfull tyme of day biddin; the said Justice-depute decernit and adjudgeit the saidis George Gib and Patrik Anderfoun as plegeis and fouerteis foirsaidis, coniunctlie and feueralie, in the panis and vnlawis contenit in the saidis lettres; quhilkis panis the foirsaidis personis delatit be vertew thairof of the crymes above expremit,<sup>5</sup> or thair fouerteis mycht have incurrit for thair nocht comperance the saidis day and place, to have vnderlyne the law for the samin, in caise the saidis lettres had been produceit in the said Court of Justiciarie, dewlie execute and indorsat, as said is; that is to say, for non-productioun of the saidis lettres, dewlie execute and indorsat vpoun the saidis James Roise, bruder to the Lard of Cragye, being ane gentleman landit, in the fowme of ane hundreth pundis; vpoun the said Alexander Moncreif in the Kirktoun of Maler, being ane gentilman vlandit, in the fowme and pane of ane hundreth markis; for the said William Morefoune, being ane zeman,<sup>6</sup> in the vnlaw and pane of xl lib. &c. (each being fined according to his rank in the above proportions.) The Lord Ruthvene and vtheris, callit, be vertew of the lettres raifit at the Lord Oliphantis instance, askit instrumentis, (that) thay wer reddye to vnderly the law for the crymes thairin contenit; and offerit thaim selfis to the knowlege of ane affyise for the samin: And protestit, in respect of the said Lord Oliphantis declaratioune, maid in jugement, that he wald nawyise persew thaim thairfoir; that thairfoir thai may have coifis, skaith and expensis modefeit, &c.

<sup>1</sup> And more, and longer.  
Turingis.

<sup>2</sup> Ancient feud, enmity.

<sup>5</sup> Expressed, *exprimere*.

<sup>6</sup> Yeoman.

<sup>3</sup> Beating.

<sup>4</sup> Peter Oliphant of



**Slaughter.**

Nov. 12.—PETER OLIPHANT of Twringis, Johnne Oliphant, notary public, Lawrence Oliphant, son of Thomas O. portioner of Williamstoune, James Oliphant servant of the said Peter O., Johnne Menteyth and six others, servants to Lord Oliphant, &c.

Laurence Lord Oliphant, cautioner for the entry of these pannels to appear before the Justice or his deputes, this day, to vnderly the law for the cruel slauchter of vniq<sup>le</sup> James Roife, lawful son of vniq<sup>le</sup> Thomas Roife of Maitlandis, committed upon the 20 day of September last; is fined in the fums of I<sup>c</sup>. lib., viij<sup>o</sup>. markis, and viij<sup>xx</sup>. lib. for thair non-appearance: And the Justice adjudged the pannels to be denounced rebels, and all their moveable goods to be confiscated to the Kingis use, as fugitives from the law.

**Abiding from the Raid of Leith.**

Nov. 22.—WILLIAME LORD BORTHUICK, Williame Borthuik in Halkernocht, Johnne Borthuik of Rilischaw, Adame Wauchope of Caikmuir, Johnne Yule of Garmiltoune.

Continued to the Justice-aire of Edinburgh, 'tertio Itineris, vel premonitione xv dierum; ad fubeundum legem, pro eorum domi remanentia, ab exercitu f. d. n. regis, apud Leith, primo die mensis Octobris vltimo elaps. convenire ordinat.'

NOTA.—Thir perfones (following) being fummond and indorfat vpoune, wer drawin and deleit furth of the executioun of the lettres be Johnne Lawfoune, quha confest him to have reffavit command of the thesaurer to that effect: George Ramsay of Dalhousie, . . . . . Creychtoun of Benestoune, Henrye Ogill of Hartramwod, Johnne Hay of Tallo, James Hammiltoune of Sammeltoun, Francis Dowglas of Langnudrye, Oliver Ramsay of Poltoun.—NOTA. Alsua, na executioun wes maid vpoune Quhittingem, James Dundas of Newlistoune, my Lord of Torphechin, James Cochrane of Balbachlaw, Robert Bruce of Bynning, Archibald Tennent of Williamstoune, and James Woddirspoune of Brighous; nochtwithstanding thair being within the bodye of the lettres foirfaidis, as principallis.

**Abiding from the Raid of Leith.**

Nov. 23.—JAMES SCRYMGEOUR of Dudhop, Johnne Strathauchin of Claypottis, David Fentoun of Ogill, George Skynner of Balzordye, James Scrymgeour of Glaswell, Sir John Carnegye of Kynnard, Johnne Carnegye of Seytoun.

The above perfons, (and others of lesser note) found caution for their appearance at the Justice-aire of Forfar, 'tertio Itineris vel premonitione xv dierum;' to underly the law for their abiding at home from the Raid ordanit to have conuenit at Leyth, on the first day of October last.—The said James Scrymgeour of

Glawwell protestit, that this cawtioune preiuge him nocht anent his laughfull defenffis; confidering, he fend his sone and air,<sup>1</sup> sufficientlie furneift, being of habilitie, conforme to the proclamatioune.

**Abiding from the Raid of Leith.**

Nov. 24.—PETIR BALFOUR of Bandone, George Ramsay of Clettie, David Balfour of the Kirktoone, David Seytoun of Ringavy, Thomas Walker in Drone, James Rankyne in Marisland, and Johnne Danzell in Fostertoune.

Delatit for remaning fra the Raid foirlaid. The first three came in the Kings will and were 'dischargeit thaireftir;' Seytoun of Ringavye 'dischargeit pro loco et tempore;' Walker 'dischargeit;' and Rankyne and Danzell 'continued to the Justice-air of Fyffe tertio Itineris, vel premonitione xv dierum. Plegio, Roberto Scot de Balbartoune.'

**Slaughter.**

Nov. 29.—DAVID LINDESAY of Berneyardis, Jonet Ogilvie his spoufe, (*non comparen.*) and Thomas Jak in Tannadyce.

Delatit of the slauchter of vmq<sup>16</sup> Johnne Fentoune.—Continued to 'xv day of Januare nixtocum.'<sup>2</sup> Plegijs, Patricio Ogilvye de Inchemartyne et Andrea O. de Mygwye.'

**Abiding from the Raid of Leith.**

Nov. 30.—JAMES DRUMMOND of Ochterardour ('dischargeit,') Malcum Drummond of Bordland ('dischargeit,') Andro Toscheoch of Monyvaid ('licence,') James Chesholme of Cromlikis ('dischargeit be the thesaurer,') Williame Bonar of Kelye, ('Perth, tertio Itineris, &c.')

James Edmonstoune of Ballintoun, ('licence,') Patrick Gray of Ballegernocht, ('licence,') Johnne Kynnard of Inchesture, ('dischargeit,')

Delatit for remaning fra the Raid foirlaid.

**Abiding from the Raid of Leith.**

Dec. 4.—WALTER WOD of Balbegenocht, Alexander Ugftoune of Fodercarne, George Arbuthnot in Bernehill,<sup>3</sup> Henrye Grahame of

<sup>1</sup> Heir.      <sup>2</sup> This case was afterwards continued to the Justice-air of 'Forfare, tertio Itineris, vel premonitione xv dierum;' when 'the pannell protestit, this continewatioune preiuge nocht thair Replegiatioune, and defenffis quhatfumeuir, to be allegeit in the contrair.'      <sup>3</sup> 'Kinkardin, tertio Itineris, vel premonitione xv dierum.'

Morphye, Robert Grahame his fader, Johnne Mideltoune of Killhill, Johnne Strathachin of Monbodo, Archebald Wod of Wodstoune, Robert Falconer of Ballandro, David Stratoun of Cragy, Charlis Dempstar of Balraye.<sup>1</sup>

Delatit for remaning fra the Raid foirfaid.

**Treason—Assisting Rebels in withholding the Town of Edinburgh.**

Dec. 28.—ALEXANDER GUTHRE burges of Edinburgh.

Delatit of the assistance maid and gevin be him to the rebellis, withhaldaris of the toune, in fortefeing, strenthing and detening thairof aganis our foveran lord and his auctoritie.—Plegijs, Robert Rynd et Johanne Fergusfoune burgen. de Ed'. coniunctim et diuifim. To the last day of Januar nixtocum; and thair-  
eftir continewit to the penult day of August.

**Abiding from the Raid of Leith.**

Feb. 15, 1571-2.—HENRYE BALMANNO.

Delatit for remaning fra the Raid ordanit to convene at Leyth the first of Julij lastbipast, being ane of the Quarter Raidis.

Comperit in iugement Patrik Lord Lindsay of the Byris, and in presence of the foirfaid Justice, and haill personis than chofin to pass vpoune the Assyise of the said Henrye, Declarit and confest, that he being lieutenant to our soueran lord, constitute for the tyme, permittit and gaye speciale and fre licence to the said Henrye to remane and byde at hame fra the said oist<sup>2</sup> and raid, ordanit to convene the tyme foirfaid; nochtwithstanding the lettres of Proclamatioune maid thairupoun, in maner aboue writtin: Vpoune the quhilk declaratioune and confessioun, maid be the said Lord in iugement, as said is, the foirfaid Henrye and George Logan (in Leyth) ane of the nowmer of Assyise, askit actis and instrumentis.

VERDICT. The Assise, all in ane voce, in respect of the declaratioune foirfaid, Acquittis.

**[Celebration of the Mass, &c.]**

Mar. 13.—MR ARCHIBALD CRAWFURD, parson of Eglisshame, Mr Robert Cuninghame.

Crawford's case is continued to the Justice-air of 'Air, tertio Itineris, vel premonitione xv dierum; ad subeundum legem (pro) arte et parte criminis sequen.<sup>3</sup> Plegio, Wilermo Cwninghame de Caprintoune.'

<sup>1</sup> 'All dischargeit in respect of Licences schawin and produceit.' <sup>2</sup> Host, army. <sup>3</sup> A blank is left for insertion of an abstract of the 'Dittay,' or Indictment. The crime is likely to have been celebration of Mass, as in the following case.

The other pannel is ' Absoluit and dischargeit, in respect of the executione of the lettres ; quhairby he is nocht fundin lauchfulie fummond.'

#### **Ydolatry—Celebration of the Mass, &c.**

Mar. 13.—JASPAR MONTGOMERIE and Johnne Masoune, dwelling at Eglintoune, Schir Johnne Muir, dwelling at Kilmarnok.

Hugh Earl of Caillis, and Charles Mowet of Bulbye, are fined, the former in xl lib. and the latter in lxxx lib., as Cautioners for the above pannels, for their non-appearance ' ad fubeundum legem, pro crimine abhominabilis et detestabilis Ydolatrie per ipsos et eorum aliquem commiff., in ministracione Sacramentorum, contra verum seu rectum Verbi Dei institutionem ; Missasque infra fortilicium de Eglintoune in mense Nouembris, diuersis temporibus agendo ; et Matrimonium inter diuersas personas incastitati et vili incestu datas contrahendo et communiter solemnizando ; populumque ignarum eorum more Papificali abutendo.' —The Justice also ordained the pannels to be denounced rebels, and their moveable goods to be confiscated to the King's use, as fugitives from the law.

#### **Abiding from the Raid of Leith.**

Mar. 14.—SIR WILLIAME HAMMILTOUNE of Sanquhar, knycht.

Hew Wallace of Carnale, wes vnlawit in the pane of ane hundreth pundis, for non-reporting and agane-bringing of the lettres dewlie execut and indorsat, purchest be the Kingis aduocattis ; to tak fouertie of Sir Williame Hammiltoune, to vnderly the law, for remaning fra the Raid, ordanit to conuene at Leith the first of October lastbipast, for assegeing of the burch of Ed'. ; as he that becam fouerte to that effect.

#### **Slaughter.**

Apr. 24, 1572.—GEORGE CRAW in Eist Restoune.

Alexander Howe of Manderstoune ' wes unlawit in the panis of ane hundreth markis, conforme to the actis of Parliament,' for failing to produce our soueran lordis lettres dewlie execute and indorsat, purchest be the Kingis aduocattis, to tak fouerte of George Craw to vnderly the law for slaucher of vmq<sup>b</sup> George Dundas, the Lord Methwene, and vtheris contenit in the saidis lettres.

#### **Furnishing Victual to Rebels in Edinburgh.**

Apr. 24.—ROBERT THOMSOUN in Dalmahoy, Thomas Haiftie in Gogar, and twenty-three others, chiefly farmers and millers in Gogar, Currie, Langhirdmestoune, Over Crawmond, &c.

All thir perfonas foirsaidis become in will for arte of the furneing of wittuale

to the *Rebellis detenaris* of the burch of Ed<sup>r</sup>. fen the dait of the proclamatioune maid in the contrair ; and thairfoir fand the fouerties nemit, as plegeis for satisfacioune of the King and his hienes Regent for the famin will.—Eight others, ‘ being put to Affyise for the said cryme, wer Acquit thairof.’

### Treason.

Apr. 29.—DAVID HAMMILTOUNE, seruand to Boithuilehauch.

Indytit of findry crymes of Treasoune, speciallie mentionat in the Dittay maid thairvpoune, quhilk James Millar hes in keping, &c. ; Convict be Affyise et ‘ SUSPEN.’—A blank is left for the special verdict, or a detail of the Indictment ; but, unfortunately, there is only opposit to the blank the following memorandum : ‘ The Cannongait men. Ye Dittay to be cravit from James Millar.’

### Abiding from the Raid of Leith.

May 9.—ALEXANDER CAMPBELL of Knoknane.

Delatit for remaning fra the Raid and army ordanit to convene at Leyth the first of October lastbipast, ffor assegeing of the burch of Ed<sup>r</sup>.—Plegio, Carolo Campbell de Skeldoune, to the xiiij day of Maij instant : And at the famin day, be command of the Regentis Grace, the Court herof, for his pairt, wes desert.

### Celebration of the Mass.

May 20.—SCHIR JOHNNE LERTHMONTH.

Thomas Lerthmonth, sumtyme seruand to the Abbot of Jedburghe, wes vn-lawit in the panis of fourtie pundis, for non-reporting and agane-bringing of lettres dewlie execute and indorfat, purchest be the Aduocattis, to tak fouerte of S<sup>r</sup>. Johnne L. his bruther, to have vnderlyne the law the saidis day and place, ffor fying and miniftratioune of the Mefs, being excommunicat, &c.

### Stouthreif—Resett and Cheft.

Maij 20.—JOHNNE THOMESOUN in Hagbray, Michaell Scot in Vogarie, Johnne Auchinlek thair, Johnne Briggis thair, Williame Briggis, his sone, thair, and Petir Hering in Cranstoune.

Delatit of assistance, resett, and intercommuning with Hob Ewart of the Schawis and Ade his bruther, commoune thevis ; and specialie, resettand thaim within thair awin houffis,<sup>1</sup> gevand thaim meit, drink, and vtheris necessaris, thay being newlie cumin furth of Ed<sup>r</sup>. for the tyme. ITEM, for arte and pairt of the steling, be way of stouth-reif, resettting, conceling, detening, and withholding

<sup>1</sup> ‘ This point delayit.’

fra James Rutherford and Adame Ainslie, burgeffis in Ed<sup>r</sup>. off four pakkatis of scheip-skynniss, reft and stollin be the commoun thevis foirfaidis, quhilkis the faidis perfonis ressett and secretlie conceit and kept the famin within thair houffis, be the space of fyve dayis and nyctis; committit xxvj<sup>o</sup>. Aprilis vlt<sup>o</sup>. elaps.: And stall furth of ane of the faidis pakkatis, the sowe of xxxv lib.—Continued as to Scott, to the Justice-air of 'Ed<sup>r</sup>. tertio Itineris vel premonitione xv dierum, plegio Abbotishall feniore.'

VERDICT. The Assyise, in ane voce, Acquit the fyve perfonis foirfaidis of the last point of Dittay, anent the skynniss and siluer, thairin contenit.

### Treason—Conspiracy against the Regent—Slaughter, &c.

Jun. 13.—JAMES DALZELL burges of Ed<sup>r</sup>., George Robefoun tailliour, James Chalmer thair, Thomas Brad,<sup>1</sup> Michael Rynd thair, Andro Young in Ed<sup>r</sup>., Thomas Michell tailliour thair, Johnne Nwtale thair, Johnne Haie thair, Thomas Crawford, Mr Patrik Bissett thair, Thomas Dikfoun furrou thair, Alex<sup>r</sup>. Sonfie thair, Alex<sup>r</sup>. Bow thair, George Rynd thair, Williame Thomfoun thair, Robert Allane thair, Murdo Pryour thair, Johnne Sympfoun thair, William Cokke alias Saltcraig, Robert Smyth thair, Johnne Kirk, Williame alias Schir W<sup>m</sup>. M<sup>c</sup>Ke thair, Johnne Quhytehill, Andro Wardlaw feriand, and Williame Osburne drummar.

All Conuict and Fylit be Assyise, off arte and pairt of thair treasonabill cuming in cumpany to the feildis with Capitanis Halkerstoune, Lauder, and vtheris conspiratouris and inobedient subiectis to our soueran lord, to the nowmer of vj<sup>c</sup>. (600) perfonis, bodin<sup>3</sup> in armes, with displayit baners; first, to the Burrow-muir of Ed<sup>r</sup>., quhair thai invadit Capitan Ramsay and vtheris the Kingis lieges for thair slauchteris; and nocht cumand to thair intent,<sup>4</sup> come agane to the bak of Craigingall, quhair thai invadit maist awfulie my Lord Regentis grace, representand our soueran lordis perfoun, be vertew of his Office of Regentrie, and vtheris his hienes subiectis for thair slauchteris: AND for arte and part of the slauchteris of vmq<sup>6</sup> Thomas Trynche flescheour, Richard Crawford and Johnne Barbour; committit vpoune the tent of Junij instant.

### Celebration of the Mass.

Jun. 26.—JOHNNE JOHNNESTOUNE alias Schir Johnne Johnnestoune, Commendator of Salfat.<sup>5</sup>

<sup>1</sup> 'Deliverit to Capitan Home, at command of the Regent.' It is likely he was delivered over to serve as a soldier. <sup>2</sup> 'Deliverit to Capitan Home, at command foirsaid.' <sup>3</sup> Arrayed, furnished. <sup>4</sup> Not succeeding in their enterprise. <sup>5</sup> Salsseat, *Sedes-Animarum*, a Monastery in Dumfries-shire.

Delatit for ministratioune of the Mefs and of the Sacramentis in the Papifticall maner.—Continued to the Justice-air of ‘Drumfreife, tertio Itineris, vel premonitione xv dierum. Plegio, Jacobo Johnneftoune de Kellobankis pro ejus introitu: Et Symon Johnneftoune obligavit feipfum ad releuandum dictum Jacobum.’

#### **Assisting of Rebels in Castle of Edinburgh.**

Jul. 8.—OLIPHER SINCLARE, bruther-germane to the Lard of Roifling.

Andro Lindfay, javelour<sup>1</sup> of the Tolbuith of Edinburgh, and Johnne Loche, lycht-horfman, wer vnlawit as fouerteis, coniunctlie and feuerallie, in the panis of ane hundreth markis, ffor non-reporting and agane-bringing of lettres dewlie execut and indorfat, purchest be the Kingis Aduocat, to tak fouertie of Olipher Sinclare, to vndirly the law, for affiftance maid and gevin be him to the rebellis withhaldaris of the burch and Castell of Edinburgh and vtheris contenit in the lettres direct thairupoune.

#### **Slaughter of the Captain of Clanranald.**

Jul. 9.—JOHNNE DOW MACKEWYNE WICKEWYN, Doule Oig MacCoule MacCondoquhy Roy, Donald MacCayne MacCondoquhy Roy in Bar, Ewyne MacWilliame MacCayne Dow in Auchinlyht, and above thirty others.

Hugh Lord Frafer of Lovete, and Lachlan M'Yntofche of Dunnachtie, are fined in xl li. for each of these perfons, for thair non-appearance, to vnderly the law, for art and part of the slaughter of vmq<sup>le</sup> Donald Dow MacCoule Wickewyn, Captain of Clanranald. The principal parties ‘adjudgeit to the horne.’

#### **Treason — Intercommuning with Earl of Huntly, &c.**

Jul. 17.—GEORGE WILKIE, portioner of Saughtonhall, and Robert Wilkye, his fone.

Delatit of arte and part of the treasonabill reffetting, fupple, and intercommuning with George fumtyme Erle of Huntlie, Williame Kirkaldy fumtyme of Grange, knycht, Sir James Balfour fumtyme of Pettindrych, knycht, and diuerfe vtheris Conspiratouris within the Toune of Edinburghe, at thair awine duelling houffis, and diuerfe vtheris pairtis of the cuntre; affiftand and takand pairt with thaim in thair treafonabill deidis; committit monethle and continewale, fen the tyme of thair foirfaltour, quhilk wes in Maij 1571.—ITEM, for arte and pairt of the treafounabill furneffing and wittualling of the faid burch and foirfaltit

<sup>1</sup> Jailor, gaoler. Old Fr. *javilleur*.

Traitouris, withhalderis thairof, with malt and vtheris viwaris ;<sup>1</sup> takand money thairfoir and felland the famin als frelie to the saidis rebellis as<sup>2</sup> thai wer the Kingis lieges ; nochtwithstanding the Kingis grace proclamationis maid in the contrair : Committit in Marche, Aprile, Maij, Junij lastbipast, and Julij instant.

VERDICT. For the quhilkis crymes, the saidis perfones being put to the knowlege of the Assyise vndirwrittin,<sup>3</sup> the said George wes Acquit, and his sone foirsaid Fylit of the famin.

### Mutilation.

Jul. 18.—CRISTEANE GUDSONNE, spous to Andro Burne in Leyth.

Delatit of the mutilatioune of Williame Broune burges of Edinburgh, of his (formest) fingar, be byting thairof.—Plegio, Magistro Joanne Logane de Scheref-brayis, to the aucht day of August nixt-to-cum ; (on which day the case was continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.)

### Slaughter.

Jul. 19.—JAMES TUEDIE burges of Peblis, Johnne Wychtman, Mairtyne Hay, and Johnne Bowr thair, and Thomas Johnnestoune, sone to Thomas Johnnestoune of Craigiburne.

Delatit of arte and pairt of the crewale slauchter of vmq<sup>le</sup> Johnne Dikkefoune of Wynkstoune ; committit within the toun of Peblis the first of Julij instant.

PRELOCUTOURIS for the Perfewaris.

PRELOCUTOURIS for the Defendaris.

The Lord Zester,	The Lard of Blanerne,	The Lard of Skraling,	Alex <sup>r</sup> . Home of Manderfoune,
Williame Twedye,	Williame Dikkefoune,	The Lard of Cobingtoune,	Mr David M <sup>r</sup> Gill,
Patrik Dikkefoune.		Alex <sup>r</sup> . King aduocat,	James Dowglas of Wellis.

Blanerne askit instrumentis, that he will nocht assist the perfute of this caus aganis Martyne Hay, becaus he hes mareit his kynnifwoman ; bot he will perfew the remanent.

VERDICT. The Assyise, in ane voce, but ony discrepance, Acquittis the hail perfones on pannell of the slauchter foirsaid.

### Contrabening King's Proclamation, &c.

Jul. 22.—ANDRO GREY in Corstorphin.

Conuict and Fylit be Assyise, for contraventioune and breking of the Kingis Proclamatioune, be hame-bringing of his gudis to the Cragis of Corstorphin,

<sup>1</sup> *Vivers*, victuals.      <sup>2</sup> As if.      <sup>3</sup> The only persons of landed property in this Assise are Alexander Wardlaw of Currehill, and Alexander Dalmahoy of that ilk ; the rest are feuars, &c.



eftir that the famin wes takin away be himself of befor: This wes committit the tent of Julij instant. 'Conuict. et in varda pofitus.'

**Celebration of the Mass, &c.**

Jul. 26.—SCHIR JOHNNE RAMSAY,<sup>1</sup> Frere Thomas Aitken,<sup>2</sup> Schir Archibald Fairbarne,<sup>3</sup> Williame Ormiftoun,<sup>4</sup> Robert Achefoun in Wodenlie,<sup>5</sup> Dene Johnne Schaw,<sup>6</sup> Schir Johnne Blak.<sup>7</sup>

Delatit for contravening of the Actis and Miniftratioune of Sacramentis in the Papifticall maner.—Continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.

**Celebration of the Mass, &c.**

Jul. 26.—SCHIR THOMAS KER in Auld Roxburch.

Andro Ker of Hetoune, wes vnlawit in the pane xl pundis, for none-entre of Schir Thomas Ker, to vnderly the law for Miniftratioune of the Sacramentis in the Papifticall maner; and for fying of Mefs: And als, the said Schir Thomas wes adiugeit to be denunceit Rebell, &c.

**Treason—Murder of the King (Henry Barnley,) and of the two Regents.**

Jul. 28.—MR JAMES HAMMILTOUNE.	Plegio, Sr James Hammiltoune,	j <sup>m</sup> li. <sup>8</sup>
Williame Weir of Auchtyefardell,	Plegio, Domino de Corhous,	j <sup>m</sup> li.
Johnne Bannatyne of Corhous,	Plegio, Domino de Lammingtoun,	ij <sup>m</sup> li. <sup>9</sup>
Arthour Kneland of Knowhobhill,	Plegio, Domino de Kneland,	v <sup>c</sup> markis. <sup>10</sup>
Gawin Baxter in Boithuile,	Plegio, eodem Kneland,	v <sup>c</sup> markis.
Adam Muir of Kitemuir,	Plegio, Domino de Carmichaell, feniore,	v <sup>m</sup> markis. <sup>11</sup>
Johnne Levingtoun of Belfane,	Plegio, Cobington,	j <sup>m</sup> li.
James M <sup>c</sup> Quharye of Auchtule,	Plegio, Corhoufe,	v <sup>c</sup> li.
Robert Allane of Corffurd,	Plegio, eodem Corhoufe,	v <sup>c</sup> li.
Robert Tueddel of Bankheid,	Plegio, eodem,	v <sup>c</sup> li.
Williame Lokhart in Corffurd,	Plegio, Quintigerno Lokhart de Ley,	v <sup>c</sup> li.
Alexander Dalzell of Kype,	Plegio, Sr James Hammiltoune,	v <sup>c</sup> markis.
Thomas Fowlis of Browneyfyde,	Plegio, Fowlis de Colentoune,	v <sup>c</sup> li.
Thomas Inglis of Murdestoune,	Plegio, Will. Wallace de Johnestoune,	ij <sup>m</sup> li.
James Baillie of Carphin,	Plegio, Domino Dalzell,	ij <sup>m</sup> li.
Robert Dalzell of that Ilk,	Plegio, Cobingtoune,	ij <sup>m</sup> li.
Williame Kneland of that Ilk,	Plegio, Dalmahoy,	ij <sup>m</sup> li.
Johnne Stevinsoun of that Ilk,	Plegio, Domino de Ernok,	ij <sup>m</sup> li.

<sup>1</sup> Plegio, Patricio Cokburne filio Jacobi Cokburne de Langtoun. <sup>2</sup> Plegio, Johanne Dikfoun in Ednem. <sup>3</sup> Plegio, Domino de Touch. <sup>4</sup> Plegio, Will. Dawfoun in Leyth. <sup>5</sup> Plegio, Richardo Brounfeild in Payinfoune. <sup>6</sup> Plegio, eodem Richardo. <sup>7</sup> Plegio, Thoma Aitken predicto. <sup>8</sup> Finds security to the extent of L.1000. <sup>9</sup> L.3000. <sup>10</sup> 500 markis. <sup>11</sup> 5000 markis.

Mongo Lokhart of Cleghorne, . . .	Plegio, Jarwefwod, . . .	ij <sup>m</sup> li.
James Weir of Blakwod, . . .	Plegio, S <sup>r</sup> James Hammiltoune, . . .	v <sup>m</sup> markis.
Williame Levingtoun of Jarwefwod, . . .	Plegio, Cleghorne, . . .	iiij <sup>m</sup> li.
Robert Hammiltoune of Newhous, . . .	Plegio, S <sup>r</sup> James Hammiltoune, . . .	j <sup>m</sup> li.
James Lokhart of Ley, . . .	Plegio, Hugone Montgomerye de Heiflop, . . .	v <sup>m</sup> li.
James Robertoun of Ernok, . . .	Plegio, Domino de Mynto, . . .	ij <sup>m</sup> li.
Stevin Lokhart of Wicketfchaw, . . .	Plegio, Domino de Ley, . . .	j <sup>m</sup> markis.
Gawyne Lokhart of Kirkwod, . . .	Plegio, S <sup>r</sup> James Hammiltoune, . . .	v <sup>c</sup> markis.
Johnne Someruile of Cambufnethan, . . .	Plegio, Scraling, . . .	v <sup>m</sup> li.
James Maxwell, younger of Calderwood, . . .	Plegio, S <sup>r</sup> James (Hammiltoune,) . . .	ij <sup>m</sup> li.
Thomas Baillie, tutour of Jarwestoune, . . .	Plegio, Carphin, . . .	v <sup>c</sup> markis.
Gawin Hammiltoune of Ardrie, . . .	Plegio, Ernok, . . .	ij <sup>m</sup> li.
Johnne Hammiltoune of Pedderftoune ; Johnne and Thomas Hammiltoun his fonis, }	Plegio, Johanne Dunbar de Barmuir, . . .	j <sup>m</sup> li.
Johnne Crawford younger, baillie of Monkland, . . .	Plegio, Carnell, . . .	j <sup>m</sup> li.
Dauid Forfyth of Dykis, . . .	Plegio, eodem Carnell, . . .	j <sup>m</sup> li.
Williame Baillie of Lamintoune, . . .	Plegio, Ernok, . . .	iiij <sup>m</sup> li.
Thomas Levingtoun of Halhill, . . .	Plegio, Lamingtoun, . . .	v <sup>m</sup> li.
Gawin Hammiltoune of the Hill, . . .	Plegio, Banhard eldar, . . .	j <sup>m</sup> li.
Robert Ra younger, noter, . . .	Plegio, Capitan Lambye, . . .	(left blank.)
James Maxwell of Calderwod, . . .	Plegio, Jacobo Maxwell suo filio, . . .	v <sup>m</sup> li.
George Hammiltoun younger of Prestoune, . . .	Plegio, Hugone Wallace de Carmyre, . . .	ij <sup>m</sup> li.
Arthour Hammiltoune of Parkheid, . . .	Plegio, Carnall, . . .	j <sup>m</sup> li.
Johnne Millar in Mylneheuch, . . .	Plegio, Mynto, . . .	(left blank.)
Williame Greneschelis of that Ilk, . . .	Plegio, Ernok, . . .	j <sup>m</sup> markis.
Thomas Weir of Kirktoune, . . .	Plegio, Jacobo Dowglas de Todhoilis, . . .	j <sup>m</sup> li.
Patrik Hammiltoune in Hammiltoune, . . .	Plegio, Ley, . . .	v <sup>c</sup> li.
Johnne Hammiltoune in Merytoune, . . .	Plegio, Cultermanys, . . .	v <sup>c</sup> li.
Williame Hammiltoune in Corfkallan, . . .	Plegio, eodem, . . .	ij <sup>c</sup> li.
Johnne Hammiltoune of Stanehous, . . .	Plegijs, Skraling et Carnall, . . .	j <sup>m</sup> markis.
Alexander Were of Halcraig, . . .	Plegio, Todhoilis, . . .	j <sup>m</sup> markis.
James Hammiltoune, sumtyme of Wodhall, . . .	{ Plegiis, Forfyth de Dykis et Alexander Home, rectore de Spot, . . .	ij <sup>m</sup> li.
Bartilmo Robertoune in Hammiltoune, . . .	Plegio, Ernok, . . .	(left blank.)

Thir perfonis being delatit for arte and pairt of the slauchteris and murthour of vinq<sup>th</sup> the King and twa Regentis : Fand *respectiue* fouerties vnder the panis aboue writtin, to the thrid day of the nixt Justice-air of Lanark, or soner, vpoune xv dayis warning.

The saidis Johnne Hammiltoune of Stanehous and Patrik Hammiltoune, askit instrumentis, that thai offer thaim selfis presentlie to vnderly the law for the saidis crymes.—Lochlevin tuik instrumentis, that he, as perfewar, wes reddu to perfew thaim and all vtheris suspect and giltie of the said cryme.

### Slaughter.

Jul. 31.—WILLIAME KER of Ancrum, Johnne Home, sone naturale to

Johnne Home of Cranftane, W<sup>m</sup>. Henflie of Fawlay, Jok Pyle of the Raw, George Pyle his bruder, George Pyle in Mylneheuch, Andro Hall of the Sykis, and Jok Hall callit *Perfeis Jok*.

Richard Rutherford, proueft of Jedburch, wes vnlawit for non-reporting of lettres dewlie execute and indorfat, purchest be the kin and freindis of vmq<sup>e</sup> James Henrye, burges of Jedburch, and James Mitchell, and (be) the proueft himself, and the baillies, counsale, and commonitie of the said burch, to tak fouertie of Williame Ker, &c., to vnderly the law, for arte and pairt of the slauchter of the saidis perfonas, committit the xv day of Junij laftbipast; viz. in the pane of j<sup>e</sup> li. for the said Williame Ker, j<sup>e</sup> markis for the said Johnne Home, and xl pundis for ilk ane of remanent perfonas foresaidis.

**Refusing to appear before the Regent and Council.**

Aug. 8.—HENRYE LOVELL OF BALUMBIE elder, Johnne Lovell. ffear of Balumbie, and James Meluile in Eifter Forrye.

Lettres being produceit be the partye, quhair the said Henrye wes denunceit rebell and at the horne, for his non-comperance before the Regent and Counsale; the said Henrye was thairfoir put in ward, and thairefter deliuerit to my Lord Thesaurer, to be kept in sure firmance and custody; as he wold answer to the Regent thairvpoune: Quhairupoune instrumentis were takin.—Continued as to the others to the Justice-air of Fyffe, tertio Itineris vel premonitione xv dierum: Plegijs, Powrye Ogilvye (for Johnne L.) vnder the pane of ij<sup>m</sup> li., vnder proteftatioune it preiuge nocht his regalitie; et Will<sup>o</sup>. Muncreif de eodem.

[*Curia tenta in pretorio de Striueling, 'cum consensu partium.'*]

**Piracy—Resett and selling of stolen goods, &c.**

Aug. 15.—WALTER COWSLAND, sone to Robert Cowsland, burges of Striueling.

Delatit of the assistance maid and gevin be him, to Harye Balfour, perat,<sup>1</sup> be thiftuous resset of diuerse guidis and geir, rest and spulzeit be the said Harye, be way of commoun Peracie, furth of the raid of Burdeaulx,<sup>2</sup> from findry the Kingis confidderat freindis:<sup>3</sup> And wes art and part with him in his reif and spulzie<sup>4</sup> of the saidis gudis, be way of Peracie, as said is: And estir selling of the saidis stollin gudis, he, with the said Hary, past away with the schip and pryise, quhairin the saidis gudis wer takin, furth of Kirkaldye, vnto the raid of Abirdene; quhair thai, for cullouring of their Piracie and for feir of cuming

<sup>1</sup> Pirate.  
&c.

<sup>2</sup> The Roadstead of Bourdeaux.  
<sup>4</sup> Robbery and feizing by violence.

<sup>3</sup> Allies or confederates, by leagues of amity,

thairof to Leyth, sank and drownit the said schip: And for diuerse vtheris crymes of Peracie, at lenth specifit in the Lettres thairof.

Quhairof he was ACQUIT be Affyise.

PRELOCUTORIS for this pannell.

Robert Cowlland, fader to the defender, Robert Ramfay, George Nicholl.

[*Curia tenta in pretorio de Edinburghe.*]<sup>1</sup>

**Assisting Rebels Detainers of Edinburgh.**

Oct. 29.—ELIZABETH INGLIS, spous to vmq<sup>lc</sup> Capitan James Moffet.

Capitan Johnne Spreule wes vnlawit in the pane of xl pundis, for non-reporting of lettres purchest be the Kingis Aduocat, to tak fouerte of Elizabeth Inglis, spous to vmq<sup>lc</sup> Capitan James Moffat, to vnderly the law, for assistance maid and gevin to the rebellis, detenaris of the burch of Edinburghe.

NOTA. Himself is donatour heirto.

**Slaughter.**

Oct. 29.—THOMAS BAILLIE, in Sanct-Johnnis-Kirk.

James Lockhart of Lay becomes pledge for the entry of Thomas Baillie, to underly the law for art and part of the slaughter of James Johnnestoune of Westraw, committed in the month of January last; before the Justice or his deputies at the Air of 'Lanark, tertio Itineris, vel premonitione xv dierum.'

**Witchcraft.**

Dec. 29.—JONET BOYMAN, spous to Williame Steill.

Delatit of diuerse crymes of Wichecraft.<sup>2</sup> 'CONUICT AND BRINT.'

**Hearing of Mass.**

Dec. 29.—ALEXANDER CREYCHTOUN of Newhall.

Delatit for hering of the Sacramentis to be ministrat in Papifticall maner, within his awin place of Newhall, yerlie and monethlie, sen the tyme of his last conuictioun, quhilk wes in Januar lxxvij yeris: incontrair the Actis of Parliament.

VERDICT. Fylit be the Affyise, in respect of his awin conuictioun (confessioun?) 'CONUICT AND WARDIT.'

Comperit Capitan Robesoun, and protestit in name of James Douglas, that this his conuictioun preiuge nocht his eschete, quhairof he hes the gift.

<sup>1</sup> The trials after this date are all held within the Tolbooth of Edinburgh. whatever inserted in the Record.

<sup>2</sup> No particulars

**Slaughter.**

Feb. 3, 1572-3.—JAMES MERSER in Westir Auldye, Johnne Ireland in Reigheild of Auldye, Johnne Merfer in Craigtoun of Auldye, and Thomas Bell in Schanwell.

Delatit of the slauchter of vmq<sup>10</sup> Robert Inglis in Medoheid.

PRELOCOUTOURIS for the pannell.

PERSEWARIS.

The Lard of Balwerie,	The Lard of Bamff,	Catherine Spens, relict,	Thair PRELOCOUTOUR.
Mr Richard Strang,	Johnne Ruffale,	Johnne Inglis, bruder, and	Niniane Thomesoun.
Mr Malcum Merfer,		fevin faterles barnis.	

Mr Richard Strang, prelocoutour foirsaid, askit instrumentis of the executioun of the lettres; as thai beir: And alleget, in respect of non-deliuerance of copeis to twa of the principallis contenit in the saidis lettres, the executioun nocht to be dewlie maid conforme to the Act of Parliament; nochtwithstanding the offir maid of ane copy, and refusie of the famin.

The Justice Repellis this allegeance, in respect of the Executioun.<sup>1</sup>

The prelocoutouris for the pannell alleget, this James Merfer, being ane gentilman of the Lard of Aldeis housie, hes nocht ane sufficient nowmer of Assyise, in peris;<sup>2</sup> and without his peris, conforme to the Act of Parliament, he aucht nocht to be put to the knowlege thairof.

The Justice findis this Assyise sufficient for the pannell, in respect of the caus and parteis present persewaris and defendaris.—‘All four Acquit.’

The same day James Ferguffoun of Dirlullych, *alias Barroun Ferguffoun*, is fined for non-appearance of Williame Narne, sone of George N. of M'Karrie, James his brother, and Patrik Bell, brother of Johnne Bell in Schammar; and Patrik Ferguffoun of Stroyruk, and Donald Stewart of Dalwongie are fined for non-appearance of James Welkie and Patrik Stalker, servants of . . . Merfer of Auldye, for art and part of the above slaughter, ‘et lesionis vulnerationisque Catherine Spens, ejus spoufe in diuerfis sui corporis partibus, ad magnam fanguinis ejusdem effusionem, illam ex partu pueri sui masculi abortam facien., et crudeliter eundem inde interficien., in mense Octobris vlt. elaps. sub noctis sylventio,’ &c.

**Assisting Rebels in Castle of Edinburgh.**

Feb. 4.—EDWARD KINKAID maltman in Edinburgh, James Vr flescheour, Niniane Arneill flescheour, Johnne Moffat yair, Johnne Wilfoun maltman, Johnne Lowrie maltman, Edward Paterfoun yair, Thomas Wynrame yair, Johnne Gray fische-monger, Patrik Gardner flescheour, and Andro Bartane.

Delatit for assistance maid and gevin to the Lard of Grange and vtheris de-

<sup>1</sup> The official attestation of a messenger at armes, that the letters were lawfully intimated by delivery of a copy for the party, or leaving the same at his dwelling-house, &c.

<sup>2</sup> His equals in rank, his peers.

clarit tratouris, in keping, strenting, fortefeing, wittualing and withhalding of the burch and Castell of Edinburgh, incontrair our foueran lord and his hienes auctoritie.

Continewit to the nyxt day of Februar instant. At that diet of Court, the pannels came in the King's will, excepting Moffatt, whose case was continued to the third day of the ensuing Air; and 'pe thesaurar clerk grantit him to be satisfieit' as to Kinkaid.

### **Assisting Rebels in Castle of Edinburgh, &c.**

Feb. 4.—JAMES FLEMING.

Delatit for furnefing the rebellis within the Castell of Edinburghe, with a great quantity of wine, flesh, fish, malt and other victuals, and receiving from them false and adulterate money or counterfuitit cunge, and passing thereof amongst the lieges; committed in the months of August, September, October, November, and December last.

Andrew Fischeare, burgess of Edinburgh, is fined in xl lib. for his non-appearance, and Fleming ordained to be denounced, &c.

### **Slaughter.**

Feb. 6.—ARTHUR FORBES, son of Arthur Forbes of Reres, and Henry Forret.

Walter Scot of Branxhelme, and Alexander Forbes of Petflego, fined in ij<sup>l</sup> li., ij<sup>s</sup> markis, and ij<sup>d</sup> markis, for non-appearance of these persons, to underly the law for being art and part of the slaughter of vni<sup>q</sup> Mr Johnne Wod, committed on the xv day of April 1570: The principal parties adjudged to be denounced rebels, and their moveables escheated, &c.

### **Treason—Conspiracy against the Regent, &c.**

Feb. 9.—ALEXANDER HAISTIE, Andro Gotterfoun smyth, Johnne Gairland sclater, Thomas Galloway officer, William Forfyth cordinar, Patrik Cowper tailliour, James Hammiltoun skynner, Johnne Mayne, elder, merchand, and Petir Thomesfoune.

All thir personnes were conuict of the haill crymes contenit in the auld lettres, maid in Leyth; and for cuming to the Craigis, with the remanent, vpoun the tent of Junij lastbipast; purposlie to have flane my Lord Regent and vtheris, his faythful subiectis for the tyme.

ITEM, the said Petir Thomesfoun fylit and conuict of rying<sup>2</sup> of the nobill mennis armes.

<sup>1</sup> Tearing in pieces.

[*Mr Thomas Bannatyne, Justice-Depute.*<sup>1</sup>]

**Reset and Intercommuning with Rebels, &c.**

Feb. 23.—PATRIK LORD GRAY, James Scrymgeour constabill of Dundie, Alexander Maxwell of Teling and David Maxwell his sone and air.

Johnne Lovell ffear of Balumbie, being oftymes callit for productioun, and agane bringing of the lettres dewlie execute and indorsat, purchest be the Kingis Aduocattis to take fouertie of Patrik Lord Gray, &c., to vnderly the law ffor reffett and intercommoning with Henrye Lovell of Balumbye, Patrik and David Lovellis his sonis, and vtheris, being denunceit rebellis and at the horne ; and nocht produceand nor reportand the samin, wes thairfoir vnlawit in the panis following, viz. for the said Lord Gray, in the pane of<sup>2</sup> . . . . .

**Slaughter—Field of Langside.**

Feb. 27.—THOMAS BAILLIE, in Sanct Johnis Kirk.

Delatit of the slauchter of vinq<sup>b</sup> James Ballanye and vtheris ; committit at the Langfyde, the xij of May anno lxvij (1568).

Plegio, Alex. Home to the morne. Postea, dischargeit and the Court desert, with consent of Carmichaell, donatour.

**Slaughter of Regent Lennox, &c.**

March 4.—JOHNNE MONCUR in Dunglas, and Patrik Heriot thair.

Delatit of the slauchteris of Mathow Erle of Leuenox Regent, George Dundas and Williame Schaw ; and vtheris crymes.

Williame Reidpeth fear of that Ilk, fined in xl. pundis, for nocht produceing and agane bringing the lettres dewlie execute, &c.

**Incest.**

March 31, 1573.—MARIOUNE REID.

Delatit of arte and pairt of the abhominabill cryme of Incest, committit with Gilbert Young in Barnaught ; being his wyfe, and knawing perfytlie hir said spous to have lyne in ffornicatioune with Jonet Reid hir sifter, of befoir, and ane barne procreat betuix thaim ; and scho admoneift be the Kirk, to abstene thairfra.

Plegio, Johanne Reid de Freyndlasheid, to the morne ; and thaireftir, continewit vndir fouertie to the thryd day of the Justice-air of Air, or soner, vpoune xv dayes warning.

<sup>1</sup> Mr Thomas Bannatyne appears, in this Record, for the first time, as a Judge, on Feb. 17. He is to be considered as the officiating Justice-Depute after this date, unless the contrary is noted. Vid. Nov. 24, 1569.      <sup>2</sup> A blank is left here.

**Incest.**

March 31.—GILBERT YOUNG in Barnaucht.

Delatit for the same crime.—Johnne Reid of Freyndalshaid, his cautioner, is fined for his non-appearance; and Young ordained to be denounced rebel, and his moveables confiscated, as fugitive from the Law.

**Assisting Rebels in Town and Castle of Edinburgh.**

April 1.—JOHNNE WATSOUN, smyth, burges of Edinburgh.

Delatit of arte and part of the assistance maid and gevin be him to the traitouris and rebellis withhalderis of the Toun and Castell of Edinburgh; and vtheris crymes, contenit in the Lettres direct thairvpoune.—Ad remissionem, pro crimine. Plegio, Thoma Atchefon burgen. burgi de Edinburgh, ad satisfaciend. partibus in se conquerentibus, secundum formam juris.

**Assisting Rebels in Town and Castle of Edinburgh.**

April 2.—WILLIAME HUCHESOUN, skynner, burges of Edinburgh, and Criteane Barroune, (alias Gudefoune,) his spous.

Delatit of assistance maid and gevin to the rebellis withhalderis of the Toun and Castell of Edinburgh. Huchefoun 'ad remissionem pro crimine. Plegio, Johanne Gilbert fabro aurario ad satisfaciend. partibus et ad relevand.'

PRELOCUTOR for Criteane Barroune, Mr Alexander Sym.

This Prelocutour askit instrumentis, that he acceptit the summondis and all partis thairof, as it is qualefeit; protestand, that he wald nocht compeir for hir husband; and allegeit, that seing na body persewis this actioun bot the Kingis Aduocat, defyris, befor further proces, that he will gif his ayth gif he hes just caus to persew the said Criteane for this caus, quhilk he allegeit aucht to be gevin, in respect of the dittay is nocht sworne of befor; and in caise he refuset to gif the famin, that na proces aucht to be vfit anent hir persute this day.—Answeris the Aduocat, he fuld gif na ayth, nor is nocht haldin to gif the famin in na criminale actioun; and specialie in crymes of Lese-maiestie.<sup>1</sup>—Answeris Sym, he aucht to gif the famin, in respect of the natour of the caus and simplicite of the woman; quhilk hes nocht occurrit of befor; and als in respect of the Common Law berand, that in all caussis, the persewar being requyrit, na thing aucht to proceid, quhill<sup>2</sup> he the persewar gif his ayth that he hes caus to persew.—The Aduocat, in respect of the practik of the realme and municipale law, allegit in the contrair; and specialie, in respect hir husband hes takin remissionem for the famin cryme, quha is conjunct persoun with hir.

<sup>1</sup> Treason.

<sup>2</sup> Until,



The Justice be Interloquitour, Findis forther proces to be vfit, nochtwithstanding the allegeances foirfaidis.

Sym, as prelocutour foirfaid, allegeit this mater aucht nocht to pas to the knowlege of ane Assyise anent the perfute of Cristeane Barroun, becaus scho is callit, principalie, for remaning within the burch of Edinburgh the tyme lybellit; quhairin gif scho remanit, scho remanit with hir husband, beand vnder his obedience; by<sup>1</sup> quhome scho had na remaning; ffra quhome, scho be na law wes haldin to depart, nor culd nocht leve in na place by<sup>2</sup> him, having na thing to leve vpoun: Attour,<sup>3</sup> feing that hir husband hes gottin ane Remiffioun, scho being ane pairt of his body, the famin Remiffioun aucht to comprehend hir: Always,<sup>4</sup> aganis hir, be na law, perfute can now be deduceit, for ony caus contenit in the Summondis; specialie, in respect of the commoune practik of this realme in spulzeis, that albeit<sup>5</sup> wemen be at the spulze, thay can nocht be perfewit thairfoir, hir husband being on lyf: And specialie, in respect that thair is na particuler deid, for the quhilk the woman is callit for the famin: Lyke as, thair is na deid in the summondis, that can fall vpoun hir;—*igitur, ut supra*.—Anfuerit the Aduocat, the mater aucht to pas to ane Assyise, in respect of the natour of the caus libellit aganis hir and hir husband, bayth;<sup>6</sup> ffor the quhilk caus he has takin Remiffioun him self and vfit the famin: Specialie, that nowder<sup>7</sup> sho nor hir husband were haldin to abyde in this Toune, bot haldin to depairt furth thairof, conform to the Proclamationis maid thairvpoun; *ac tenta est etiam, quod delictum est personale et in solidum*, and strykis vpoun all committaris thairof, alsuele woman as man.

Anfueris Sym, that in respect of the same anfuer maid be the Aduocat, na proces can be led aganis hir now, hir allane;<sup>8</sup> bayth becaus thai ar callit coniunctlie; and fwa, being coniunctlie callit, and be the deid, *vnun corpus et vna caro*: And as to the allegeance, that thay wer bayth chargeit to depart, it is anfuerit as ofbefoir,<sup>9</sup> that gif he had departit and nocht scho, it mycht have bene ane cryme; but feing he remanit and nocht scho, na law can mak hir to incur ony cryme: And feing my lord Aduocat hes maid this allegeance, defyris that he will give his ayth, give he hes iust caus to propone the famin; And gif he refusis, that this mater aucht nocht to proceid ony forder.—Anfueris the Aduocat, in respect of the anfueris maid ofbefoir, specialie, in respect she is nocht onelie callit for remaning with hir husband, bot for diuerse vtheris capitale crymes contenit in the summondis, sic as furnitour<sup>10</sup> of meit, drink, &c.<sup>11</sup> And

<sup>1</sup> Besides, *forbye*.      <sup>2</sup> Without, apart from, *but*, independent of.      <sup>3</sup> Besides, moreover.  
<sup>4</sup> At all events.      <sup>5</sup> Although.      <sup>6</sup> Besides, also, together.      <sup>7</sup> Neither.      <sup>8</sup> Individually, by herself.  
<sup>9</sup> Before, formerly.      <sup>10</sup> The act of furnishing or providing.      <sup>11</sup> To the rebels.

as to the defyre of the ayth, nane fuld be gevin, in respect of the anfuers maid of befoir.

Attour, the said Mr Alexander allegeit, the crymes contenit in the Summondis can nocht pass to inqueist aganis hir persoun for the said caus, to wit, that thair is na cryme that can fall competentlie, in the persoun of the said woman; and seuerallie,<sup>1</sup> na thing aganis hir, vpoun hir awin speciale deid and fact: And the principale pairt of the crymes is allegeit to be committit, be the causing and consent of thaim; quhairof na thing can be laid to the charge of the said Cristeane, scho having na command nor assent of hirself, bot of hir husband being on lyve, quhilk is hir heid; and swa, scho can nocht be accusat vpoun na command nor causing, and thairfore, aucht nocht to pass to inqueist; specialie of<sup>2</sup> the said Remiffioun grantit to hir husband for the hail crymes, at least Lese-maiestie, quhilk comprehendis all and producit in Jugement; feing he hes takin vpoun him, quha had it in deid, the hail causing and command, vnder quhome scho culd nocht, in ony wyife, consent nor command.—Ansuerit the Aduocat, it fuld be Repellit, in respect of the Summondis as it is libellit, and crymes of Lese-maiestie specefeit thairintill.

The Regentis grace ordanit, be his Precept, this Court to be desert, as eftir followis.

Apr. 8.—Johnne Sym comperand, protestit for his relief, as souerte, quhilk he becom for entre of the said Cristeane.<sup>3</sup>

The said Cristeane askit instrumentis of hir entre, and thaireftir producit ane Supplicatioun,<sup>4</sup> with my Lord Regentis grace deliuerance, maid and subscryuit be his grace thairvpoun; quhairof the tennour followis.

APUD HALYRUDEHOUS, septimo Aprilis, anno, &c. (Im.Vc.) lxxiiij<sup>o</sup>. My Lord Regentis grace Ordanis pe complenar to present pis supplicatioun to pe Justice, Justice clerk, and his deputtis, and pame to continew and superfeid all forder perfewing of pis complenar for pe caus within mentionat. As pay will ansuer to his grace pairvpoun.

Conforme to the quhilk, the said Cristeane defyrit the said Justice to obey the famin; quhilk he thinkand reasonabill, obeyit the said deliuerance, and desert the Court heirof.

### Slaughter.

May 6.—LAWRENCE LORD OLIPHANT.

Delatit of the slaughter of vmq<sup>le</sup> James Roife. Plegio, the Maister of Marchcall, to the thrid day of the nixt air of Perth, or xv dayis warning.

NOTA. This continewatioun wes in default of Affyise nocht comperand.

<sup>1</sup> Separately, as an individual.  
entry on this diet.

<sup>2</sup> On account of.

<sup>3</sup> She is named 'Gudefoune' at her

<sup>4</sup> Bill, or Petition.

**Fire-raising—Sheep-stealing, &c.**

May 8.—WILLIAME DONALD and James Oliphar, somtyme feruandis to Blak Ormestoune.

Delatit of the treafounabill burning of S<sup>r</sup> Andro Kerris coirnis ; and for thiftuous steling of nolt, scheip, and vtheris gudis, as the dittay beris. Quhairof they wer bayth Conuict be Affyise, and Hangit.

**Holding of the Abbey and Place of Paisley, &c.**

Jun. 23.—RICHARD SMYTH, Alexander Clerk, Williame Paule, W<sup>m</sup> Robertfoune, James Brok, Johnne Dunlop, Patrik Zettis, James Forthik, James Clerk, W<sup>m</sup> Fleming and W<sup>m</sup> Layng.

All convict, for haulding of the Abbay and Place of Pasley, incontrare our fouerane lordis lieges ; and aganis the tennour of his charge, direct be his lettres. ITEM, this Alexander Clerk Convict of the slauchter of Johnne Cawldwollis, in Gawynniss-Westir ; and of taking his purse, money, sword and buklar.<sup>1</sup>

**Forgery and falsing of an Instrument.**

Jul. 16.—Schir DAUID ANDERSOUNE in Glasgow, and Schir Johnne Crawford, notar.

Delatit of the Forgeing and falseing<sup>2</sup> of ane instrument.

PERSEWAR.

Marioune Myllar.

PRELOCUTORIS for this pannell.

Mr Edmund Hay,

Mr Johnne Frude.

VERDICT. The Affyise Conuicts and fylis the said Sir Johne<sup>3</sup> of the steling of the Instrument from Marioune Millare, contenit in the first poynt of Dittay ; and of the secund, towartis the fenzeing and forgeing famin Instrument ; and of the thrid, contenit in the dittay : And the Affyise, quhill Saturday, delayit their jugement vpoune Sir Dauid Anderfoune, viz. the xvij day of Julij.

Jul. 18.—The Affyise, in respect of the Confessioune maid thaireftir of the said Sir Johne, Acquit the said Sir Dauid Anderfoune of the crymes specifeit in the Dittay.

CURIA JUSTICIARIE S.D.N. REGIS, tenta in pretorio de Edinbur<sup>4</sup>, tertio Augusti anno, &c. (I<sup>m</sup>V<sup>e</sup>) lxxiiij<sup>o</sup> per nobilem et potentem dominum Archibaldum Comitem Ergadie, dominum Campbell et Lorne, Justiciarium generalem, &c.

**Treason.**

Aug. 3.—Mr JAMES KIRKALDYE and James Cokke (Cokkie), gold-smyth, burges of Edinburgh.

<sup>1</sup> Sentence not recorded.      <sup>2</sup> Falsifying.      <sup>3</sup> By a marking on the margin of the Record, ('Sufpen.') it appears that Craufurd was hanged.      His confession is above alluded to.

Delatit of certane crymes of Treafoune, &c. committit aganis our fouerane lord and his hienes auctoritie.

## ASSISA.

Williame Naper of Wrychtifhowffis,	James Foirman, thair,	George Campbell of Dowchall,
Andro Ker of Fawdounfyde,	Andro Naper, bruder to	Williame Ramsay, burges thair,
James Boifwell of Auchinlek,	Merchanftoune,	Richard Rutherford, proueft of Ed.,
Alex <sup>r</sup> Vdward, burges of Ed.,	James Aikman, thair,	James Zoung, cutlar,
Johnne Dunbare, thair,	Edward Hoipe, thair,	Johnne Aikinheid, thair,
		Mongo Bradie, goldfmyth.

No particulars of this case are preserved. The sentence is as usual inserted, but only upon the margin. 'CONUICT. ET SUSPEN.'

**Slaughter.**

Aug. 5.—Capitane JOHNNE PENTLAND.

Delatit of the slauchter of vmq<sup>1</sup> Niniane Liddell of Halkerftoune.

The quhilk day comperit the said Capitan Pentland, and presentit my Lord Regentis grace Precept, subfcryuit with his hand, chargeing the Justice, Justice Clerk and their deputis, to fence<sup>1</sup> ane Court of Justiciarie, and to present before thaim the said Capitan, delatit of the foirfaid slauchter: And he being presentit to reffaue him in will for the said cryme, takand fouertie for assythment<sup>2</sup> of partye, as vfe is: And that in respect the parteis complenaris procureit mercye and pardoun of his lyfe at the Regentis hand, and the fouerte being fundin, to pronunce and declair the samin will to be Baneifchement of his perfoun furth of the realme; takand lykewyife fouertie, that he fuld depart furth thairof, within xvij dayis nixt efter the dait of the said Precept, and that he fuld nocht returne agane thairintill without licence of my Lord Regent, vnder the pane of ane thousand pundis. As the samin Precept, of the dait the ferd<sup>3</sup> day of August, the yeir of God I<sup>m</sup>.V<sup>c</sup>. lxxij yeiris, subfcruuit be James Erle of Mortoune, Regent foirfaid, at mair lenth beris.

Conforme to the quhilk, the said Capitane enterand in jugement, and being accufit of the said slauchter, become in our fouerane lordis will for the samin; quhilk will the Justice foirfaid declarit to be Baneifchement of his perfoune during the Kingis grace and my Lord Regentis will. And thairfoir ordanit him to find cawtioun for fatiffacioune and assythment of partye, and that he fould depart and remane baneifcheit furth of the realme, conforme to the said Precept. Quha ffand in Jugement, according to the said Justice command, Dyoneife

<sup>1</sup> A forensic term, equivalent to hold, open, commence. The act of fencing a Court is still performed by an officer, who forbids all persons from disturbing or molesting the Court during its sitting, &c. <sup>2</sup> A fine or compensation paid to the relatives of a murdered person, as a *solatium* and atonement for that deed. <sup>3</sup> Fourth.

Elphinstoun, burges of Edinburgh, his bruder, Patrik Ogilwye, burges alfwa of the famin burch, with him self, coniunctlie and feueralie, plegeis and fourteis, bayth for Affythment of partye and that he fall depart and remane baneifcheit furth of the realme, during the space aboue writtin.

**Treason—Assisting Rebels in Town and Castle of Edinburgh.**

Aug. 13.—JOHNNE ADAMESOUNE, 3ounger, burges of Edinburgh, and twenty two others.

Delatit for treassonabill affistnce maid and gevin be thaim to the rebellis and conspiratouris, withhaldaris of the Toun and Castell of Edinburghe.

All thir comperand, become in will for the said cryme, &c.

N.B.—A great number of others, burgesses of Edinburgh, are brought before the Justiciar during this month. Their trials are continued to the third day of the ensuing Justice-air for Edinburghe.

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RECORDS OF THE COURT OF JUSTICIARY.

THE Records of the Court of Justiciary, from this period to the close of the year 1576, are unfortunately lost or destroyed. There is every reason to suppose that this must have taken place previous to A.D. 1700.

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**Intercommuning with a Traitor and Rebel.**

Oct. 23. 1576.—ANDRO COMMENDATOR of Jedburghe.

Dilatit of the treasonabill Intercommowning with vmq<sup>1c</sup> James Ormestoun, sumtyme of that Ilk, declarit tratour and rebell, in his awin ludgeing, within the burch of Jedburghe, in the moneth of Marche 1570 yeiris; and at the hill of Dvnzone, bewest<sup>1</sup> Jedburghe, in the moneth of Januar, the yeir of God foirsaid.

PERSEWAR, Mr Dauid Borthuik.<sup>2</sup>

Allegit the said Commendater, for himself, that he fuld haif Perife<sup>3</sup> to pas vpoun his Affyis, in respect that he is ane Lord of Parliament.—Anfuerit my Lord Aduocat, that albeit the said Commendater haif voit in Parliament, yit that may nocht contryne<sup>4</sup> the Juge to gif him Lordis vpoun his Affyis; for then it fuld follow, that the burgefis being accusat, fould haif Lordis vpoun thair Affyis, becaus thai are the thrid Estait in Parliament. In respect of the quhilk, allegeis the said Mr Dauid Borthuik, aduocate, that the Lard of Riddell, being ane barroun of auld blude, fuld pas vpoun his Affyis, and is sufficient thairto.

<sup>1</sup> To the westward of.

<sup>2</sup> Mr David Borthuik of Lochhill, and Mr Robert Creychtoun of Elliok, held the office of joint King's Advocates at this time.

<sup>3</sup> In this instance, *perise* signifies not only equals or *peers* in point of rank, but Peers or Lords of Parliament.

<sup>4</sup> Bind, or constrain.

The Justice, be Interloquitour,<sup>1</sup> in respect of the allegeances, continewis the mater, vnder fouerte, to the morne. Plegio, Alexandro Hume de Hutounhall.

Oct. 24.—Continued to Feb. xv.<sup>2</sup>

### Shooting and Slaughter of Deer and Boes.

Oct. 26.—JOHNNE CARMICHELL of Medowflatt,<sup>3</sup> Thomas Mureman, younger, in Kirkbryderig,<sup>4</sup> William Johnnestoun of Kellobank, Sym Carmichell,<sup>5</sup> Thomas Johnnestoun of Podene, Johnne Brettame in Dafibill, Johnne Moffett in Hennaland, James Johnnestoun of Brakinfyde, Harbert Brettame, his bruder.

Dilatit of the schutting and slaucher of deir and ra, in Meggitland, in contrair the tennour of the Actis of Parliament.

George Balfour, Priour of the Charterhous, Sir Kew Kennedye of Girvanemans, knycht, John Johnnestoun of that Ilk, and Thomas Johnnestoune of Cragaburne, become fouerties, &c., that thai and ilk ane of thame fall lateffie our fouerane lordis will, abstene in tymes cuming, and deliuer thair gunnis to the Capitane of the Castell of Edinburghe, betuix and the first day of December nixttocum, vnder the pane foirsaid.

### Stealing of Tombstones.

Nov. 3.—ALEXANDER MACKE in Inuerrowrie, Johnne Fraiser, mafoun in Aberdene, David Scherare mafoun thair, and Johnne Baynze, at the croce of Inuerrowrie.

David Leith of . . . . ., scherurgeane and cuttir of the stane<sup>6</sup> besyde Abirdene, oft tymes callit to haif produceit our fouerane lordis lettres deulie execut and indorfate, purchest be James Elphinstoun of Glak, Johnne Seytoun of Lumfurd, Kirkmaisteris of the Kirk of Devyot and the Aduocattis, to tak fouerte of Alex. McKe, &c., that thai suld compeir befoir our fouerane lordis Justice or his deputis this day and place, to vndirlye the law, for the thiftuous steling and away taking furth of the Kirkzard of Devyot, of ane grit nowmer of hewin kirk-ftanes, committit in the moneth of Junij lastbypast, &c. And nocht comperand, was thairfoir americiat in the panes contenit in the Actis of Parliament, viz., for ilkane of thame, in the pane of ten pundis.

<sup>1</sup> A judgment so called, *quia judex ad interim loquitur*, Crooksh. Church Hist., &c. <sup>2</sup> This case was afterwards continued to April 16 and 22, 1577. <sup>3</sup> I<sup>m</sup> (1000) markis. <sup>4</sup> V<sup>c</sup> (500) li.

<sup>5</sup> And the remainder in the pane of iij<sup>c</sup> markis each. <sup>6</sup> Surgeon and stone-cutter (not cutter for the stone)—*in utrumque paratus*—dexterous alike in the use of the scalpel and chisel—a resurrectionist of tombstones as well as of the tenants of the tomb; at all events it may be charitably inferred, that the four worthies on pannel were his purveyors, in at least one of the branches of his calling.

**Convocation of the Lieges—Usurpation of King's Authority, &c.**

NOV. 6.—GEORGE CRAWFURD of Lefnories, Hew Crawford of Auchin-  
vie his Bailze, George Crawford of Auchincroice, Ronald  
Hutcheoun in Hannaystoun, and thirteen others.

Delatit of convocatioun of our souerane lordis liegis, to the nowmer of lx per-  
founes or thairbye, bodin in feir of weir,<sup>1</sup> in contrair the Actis of Parliament ;  
and cuming to the hous of David Blak in Dallek-killis, quhairin thai had houfit  
Johne Craufurd of Heidmark, asseging to the famin be the space of thre houris  
or thairbye, quhill<sup>2</sup> thai forceit him to rander the famin to thame ; taking of the  
said Johne Craufurd in Heidmark perforce, and haifing of him bund as captiue  
to the place of Lefnorieis, quhair thai detenit him within the famin, be the space  
of xvij dayes or thairbye, in strait captiuitie and presoun : Vfurpand thair-  
throw our souerane lordis auctoritie vpoun thaim ; the said Johne being his  
hienes frie liege-man, and thai haifand na power nor Commissioun to that effect :  
Committit in the moneth of October, the yeir of God I<sup>m</sup>.V<sup>c</sup>. lxxiiij zeiris ; of the  
speciall caufing, deuifing, airt, pairt-taking, command, affistance and ratihabi-  
tioun<sup>3</sup> of the said George Craufurd of Lefnorieis ; and vtheris crymes, at lenth  
contenit in the lettres direct thairvpoun.

PRELOCUTORIS in defence.

PERSEWARIS.

The Lord of Kelwod,	Johne Craufurd of Camlarg,	Johne Craufurd in Heidmark,
Mr Alex. Sym,	Mr Alex. Mauchane,	Mr Robert Creychtoun, King's Aduocat.
Mr Johne Mofcrope,	Mr Thomas Westoun.	PRELOCUTOR. The Maister of Vchiltre.

Continued to the Justice-air of ' Air, tertio Itineris vel super premonitione xv  
dierum.'

**Sorcery, Witchcraft and Incantation.**

NOV. 8.—ELIZABETH or BESSIE DUNLOP, spous to Andro Jak in  
Lyne.<sup>4</sup>

THE TRIAL of BESSIE DUNLOP is one of the earliest, and may assuredly be reckoned as one of  
the most extraordinary cases on record, in reference to the infatuation, common to all the nations of  
Europe at that period, on the subject of Witchcraft. It is in every view extremely interesting, but  
more particularly on account of the very minute and graphic details given by Bessie of many cir-  
cumstances connected with the prevailing superstition, especially in relation to *the Court of Faerie* ;  
which, so far as the Editor knows, are not elsewhere to be found. Few scenes perhaps are anywhere  
to be met with, so intensely attractive as the meetings with '*Thom Reid*.'

The Dittay, or Indictment, seems to have been an echo of two Declarations, emitted by this

<sup>1</sup> Arrayed in warlike manner. In Latin it is usually expressed *more bellico armatus*. <sup>2</sup> Until.

<sup>3</sup> Confirmation ; from Law Latin, *ratihabere*. <sup>4</sup> On the margin of the Record, ' Conuict, and  
brynt.' Lyne or Linne, in Ayrshire, was a six-merk land, lying in the barony of Dalry, the pro-  
perty of the family of Lord Boyd. It is likely that Bessie and her husband were tenants or cottars  
on this estate, as the principal scene of the following transactions is within the county of Ayr. There  
is also a parish of Line in Peebles-shire.

ill-fated woman ; no doubt extorted, as usual, by the application of the most exquisite tortures. The Inquest or Assyse return a *Special Verdict*, corresponding to the various Articles or *points* of the Dittay and Examinations ; which poor Bessie, to avoid farther torture, (as may naturally be inferred,) confesses ; and is accordingly '*fylit*,' on her own confession. It is very unfortunate, that in this, as in most other instances during the Sixteenth Century, the Record is so very brief with regard to the *procedure* which took place in Court.

With regard to the *guilt* of this unlucky woman, there can hardly be two opinions. She was certainly the dupe of her own overheated imagination, already well stored with such fancies, before her first interview with Thom Reid ;<sup>1</sup> who (if not entirely the phantom of a disordered brain) may not unlikely have been some heartless wag, acquainted with the virtues and use of herbs, and who possibly may have played off this too fatal joke on his unhappy victim.

In vindication of the Criminal Tribunals of this country, as well as those of England and France, &c. it is worthy of remark, that in almost all cases of Witchcraft, the trial and the punishment following upon conviction, were as frequently for the public *profession* of the art, '*ysing* of Sorcerie,' &c., and for *abusing the people* with their '*devilisch craft*,' as for the *act* of Witchcraft itself. In some instances, the poor creatures were convicted for '*being notour Witches*,' and were put to death, after undergoing the most frightful tortures, on the slenderest evidence, afforded by the testimony of ignorant and superstitious country people, when added to the circumstance of their being '*habite and repule*.'

There was generally, in all cases of this nature, a previous Precognition taken before the Privy Council, most frequently after repeated examinations before the Kirk Session, or the Presbytery of the bounds where the unfortunate victim resided. Such inquisitions generally proceeded upon a special Commission issued by the Privy Council ; when the evidence of neighbours was taken down, whose lamentable ignorance and superstitious fears would magnify into Sorcery and Witchcraft the simplest actions in the life of the suspected Witch. Solitary confinement, cold and famine, extreme thirst, the want of sleep, and the privation of all the comforts, even the commonest necessaries of life, the desertion of their affrighted relations and friends, added to the cruellest tortures, generally induced them at length, weary of life, to make their '*Confession*,' as it was called.

One of the most powerful incentives to '*Confession*' was systematically to deprive the suspected Witch of the refreshment of her natural rest and sleep ; and the cruellest means were often resorted to, to accomplish this heinous purpose. Even the indulgence of lying in a reclining posture on their handful of straw was frequently denied them. This engine of inhuman oppression was perhaps more effectual in extorting confessions, than the actual application of the torture or *question* itself. Iron collars, or '*Witches bridles*,' are still preserved in various parts of Scotland, which had formerly been used for such iniquitous purposes. These instruments were so constructed, that by means of a hoop which passed over the head, a piece of iron, having four points or prongs, was forcibly thrust into the mouth, two of these being directed to the tongue and palate, the others pointing outwards to each cheek. This infernal machine was secured by a padlock. At the back of the collar was fixed a ring, by which to attach the Witch to a staple in the wall of her cell. Thus equipped, and night and day '*waked*' and watched by some *skilful* person appointed by her inquisitors, the unhappy creature, after a few days of such discipline, maddened by the misery of her forlorn and helpless state, would be rendered fit for '*confessing*' any thing, in order to be rid of the dregs of her wretched life. At intervals, fresh examinations took place, and these were repeated from time to time, until her '*contumacy*,' as it was termed, was subdued. The Clergy and Kirk Sessions appear to have been the unwearied instruments of '*purging the land of witchcraft* ;' and to them, in the first instance, all such complaints and informations were made.

<sup>1</sup> In Article 14, we are informed that Thom was '*officiare* to the Lard of Blair,' probably his baron-officer.



Trial followed closely on the emission of one or more of the Declarations or Confessions thus obtained, which formed the ground-work of the public accusation and prosecution. The Assise, having merely to compare the indictment or dittay with the previously extorted Confession, and such other written or oral testimony as the prosecutor chose to adduce, returned their verdict, 'culpable and fylit.' Doom was, of course, pronounced in terms of law—and in a few hours the wretched victim was led out to the stake, to be strangled and burnt to ashes.

Dilatit of the vſing of Sorcerie, Witchcraft, and Incantatioune, with Invocatioun of ſpretis of the devill; continewand in familiaritie with thame, at all fic tymes as ſche thocht expedient; deling with charmes, and abufing the peple with devillifch craft of forcerie foirfaid, be the meanis eftir ſpecefeit; vſit thir diuerſe yeiris bypaſt; ſpecialie, at the tymes and in maner following.

IN the firſt, That fforfamekle as the ſaid Elizabeth being demandit, be quhat art and knaulege ſche culd tell diuerſe perfounes of thingis thai tynt, or wer ſtollin away, or help feik perfounes? Anſuerit and declarit, that ſche hirſelf had na kynd of art nor ſcience ſwa to do; bot diuerſe tymes, quhen onye ſic perfounes come ather to hir, ſche wald inquire at ane Thome Reid, quha deit at Pinkye,<sup>1</sup> as he hirſelf affirmit; wha wald tell hir, quhen euir ſche aſkit.<sup>2</sup>—(2.) ITEM, Sche being inquirit, quhat kynd of man this Thom Reid was? Declarit, he was ane honeſt wele elderlie man, gray bairdit, and had ane gray coitt with Lumbart ſlevis of the auld faſſoun; ane pair of gray brekis and quhyte ſchankis, gartanit abone the kne; ane blak bonet on his heid, cloiſe behind and plane befoir, with filkin laiffis drawin throw the lippis thairof; and ane quhyte wand in his hand.<sup>3</sup>—(3.) ITEM, Being interrogat, how and in quhat maner of place the ſaid Thome Reid come to hir? Anſuerit, as ſche was gangand betuix hir awin hous and the yard of Monkcaſtell, dryvand hir ky to the paſture, and makand hevye ſair dule with hir ſelf, gretand verrie faſt for hir kow that was deid, hir huſband and chyld, that wer lyand feik in the land ill,<sup>4</sup> and ſche new riffine out of giffane.<sup>5</sup>

<sup>1</sup> Viz. at the Field of Pinkie, Inveresk, or Musselburgh, 10 Sep. 1547. See Article 14. <sup>2</sup> On the margin, 'Confessit be hirſelf and fylit be the Affyis thairof.' See Art. 14. <sup>3</sup> 'Confessit and fylit.' <sup>4</sup> Mr C. K. Sharpe, in a note to the Editor, queries 'land-ill?' The Editor is inclined to think this is the right reading, although the meaning of the term is now entirely obsolete. In diseases of sheep and cattle, similar phrases are still in use; such as the 'muir-ill,' the 'loupin-ill,' &c. The 'land-ill' seems to have been a familiar term employed for denoting famine, the pestilence or plague, or some prevailing and fatal epidemic. The following illustrative quotation is taken from 'Ane Addicioun of Scottis Cornicklis and Deidis,' privately printed, from an Original Manuscript, by Thomas Thomson, Esq. Deputy-Clerk-Register of Scotland, to whom the Editor is indebted for pointing out so interesting a passage. 'The famyne tyme, (anno 1439,) par was in Scotlande a gret derthe, for pe boll of quheit was at xl s., ande pe boll of ete-mele xxx s.; and werraly pe derthe was sa gret, pat par deit a pafſinge peple for hungere. And, alſe,<sup>1</sup> pe lande-ill,<sup>2</sup> pe wame-ill,<sup>3</sup> was ſo violent, pat par deit ma<sup>4</sup> pat zere pan euer par deit, ouden<sup>5</sup> in peſtilens or zit in ony uper ſeikneſe in Scotlande. And pat ſamyn zere pe peſtilens come in Scotlande, and began at Drumfrefe; ande it was callit 'pe peſtilens but<sup>6</sup> mercy,' for par tuke it nain pat euir recouerit, bot pai deit within xxiiij houris.' <sup>5</sup> Child-bed; usually ſpelt 'gizzene' or 'jizzen' from old French, 'gisante,' a woman lying in the ſtraw.

<sup>1</sup> Besides.  
<sup>4</sup> More.

<sup>2</sup> Famine, dearth, the disease or scourge of the land.  
<sup>5</sup> Either.

<sup>3</sup> Flux, dysentery, or cholera morbus.

<sup>6</sup> Without.

The foirfaid Thom mett hir be the way, healfit hir, and said, 'Gude day, Bessie;' and sche said, 'God speid yow, gudeman.'<sup>1</sup> 'Sancta Marie,'<sup>2</sup> said he, 'Bessie, quhy makis thow sa grit dule and fair greting for ony wardlie<sup>3</sup> thing?' Sche anfuerit, 'Allace! haif I nocht grit caus to mak grit dule? ffor our geir is trakit;<sup>4</sup> and my husband is on the point of deid, and ane babie of my awin will nocht leve; and myself at ane waik point; haif I nocht gude caus thane to haif ane sair hart?' Bot Thom said, 'Bessie, thow hes crabit<sup>5</sup> God, and askit sum thing you fuld nocht haif done; and, thairfoir, I counfell thee to mend to him: for I tell thee thy barne fall die, and the seik kow, or<sup>6</sup> yow cum hame; thy twa scheip fall de to: bot thy husband fall mend, and be als hail and feir as euir he was.' And than was I sumthing blyther, fra he tauld me that my gudeman wald mend. Than Thome Reid went away fra me, in throw the yard of Monkcastell; and I thocht he gait in at ane naroware hoill of the dyke nor ony erdlie man culd haif gane throw; and swa I was sumthing fleit.<sup>7</sup> This was the first tyme that Thom and Bessie forgadderit.<sup>8</sup>—(4.) ITEM, The thrid tyme,<sup>9</sup> he apperit to hir, as sche was gangand betuix hir awin hous and the Thorne<sup>10</sup> of Damwstarnok, quhair he tareit ane gude quhyle with hir, and sperit at hir, 'Gif sche wald nocht trow<sup>11</sup> in him?' Sche said, 'Sche wald trow in ony bodye did her gude.' And Thom promiseit hir bayth geir, horsis, and ky, and vthir graith, gif scho wald denye hir Christindome, and the faith sche tuke at the funt-ftane.<sup>12</sup> Quhairvnto sche anfuerit, 'That gif sche fuld be revin at horif-taillis, sche fuld neuir do that;' bot promiseit to be leill and trew to him in onye thing sche culd do. And forder, he was sumthing angrie<sup>13</sup> with hir that (sche) wald nocht grant to that quhilk he spak.<sup>14</sup>—(5.) ITEM, The ferd<sup>15</sup> tyme he apperit in hir awin hous to hir, about the xij hour of the day, quhair thair was sittand thre tailzeouris, and hir awin gudeman; and he tuke hir apperoun and led hir to the dure with him, and sche followit, and 3eid<sup>16</sup> vp with him to the kill-end, quhair he forbaid hir to speik or feir for onye thing sche hard or saw; and quhene thai had gane ane lytle pece fordwerd, sche saw twelf perfounes, aucht wemene and four men: The men wer

<sup>1</sup> 'Fylit.' <sup>2</sup> It seems not a little singular that these personages, whether 'gude wychtia,' 'brounies,' or 'ympis,' *et hoc genus omne*, nay, even 'Sathanas' himself, uniformly make use of the most pious salutations; often, indeed, the very words which the strange superstition of the Judge and Jury would have uttered in time of need to have dispersed them, or sunk them 100 fathoms deep in the Red Sea! Their own superstitious recollections should have informed them, that no evil spirit, such as they imagined the Thom Reids, Sathans, &c. to be, could have, even for a moment, listened to these holy words; far less to have gravely pronounced them. No doubt these were the common salutations of the Catholics of the Church of Rome of this period, but assuredly not lightly to be pronounced by such questionable characters as Thom. <sup>3</sup> Earthly, worldly. <sup>4</sup> Dwindled away. <sup>5</sup> Provoked, displeased, made angry, vexed. <sup>6</sup> (Likewise?) before you get home. <sup>7</sup> Fleyed, afraid. <sup>8</sup> 'Confessit and fylit.' <sup>9</sup> There is probably a clerical omission in this part of the Record, for no notice is taken of the second meeting. <sup>10</sup> Thorns were well-known 'tryfing places,' as well for brounies as for lovers. <sup>11</sup> Believe, put confidence in. <sup>12</sup> At the font, in baptism. <sup>13</sup> Vide Articles 6 and 25, &c. <sup>14</sup> 'Confessit and fylit.' <sup>15</sup> Fourth. <sup>16</sup> Gaed, went.

clad in gentilmennis clething, and the wemene had all plaiddis round about thame, and wer verrie femelie lyke to fe; and Thome was with thame: And demandit, Gif sche knew ony of thame? Anfuerit, Nane, except Thom. Demandit, What thai said to hir? Anfuerit, Thai baid hir sit doun, and said, 'Welcum, Bessie, will thow go with ws?' Bot sche anfuerit nocht; becaus Thom had forbidden hir. And forder declarit, That sche knew nocht quhat purposis thai had amangis thaim,<sup>1</sup> onlie sche saw thair lippis move; and within a schort space thai pairtit all away; and ane hiddeous vglie sowche of wind followit thame: and sche lay feik quhill Thom came agane bak fra thame.<sup>2</sup>—(6.) ITEM, Sche being demandit, Gif sche sperit at Thom quhat persounes thai war? Anfuerit, That thai war the gude wychtis that wynnit in the Court of Elfame;<sup>3</sup> quha come thair to desyre hir to go with thame: And forder, Thom desyrit hir to do the sam; quha anfuerit, 'Sche saw na proffeit to gang thai kynd of gaittis, vnles sche kend quhairfor!' Thom said, 'Seis thow nocht me, baith meit-worth, claith-worth, and gude aneuch lyke in persoun; and (he?) fuld make hir far better nor euer sche was?' Sche anfuerit, 'That sche duelt with hir awin husband and bairnis, and culd nocht leif thame.' And swa Thom began to be verrie crabbit<sup>4</sup> with hir, and said, 'Gif swa sche thocht, sche wald get lytill gude of him.'<sup>5</sup>—(7.) INTERROGAT, Gif sche had socht ony thing at Thom to help hir self, or ony vthir with? Anfuerit, That quhen fundrie persounes cam to hir to feik help for thair beift, thair kow or yow,<sup>6</sup> or for ane barne that was tane away with ane evill blast of wind, or elf-grippit, sche gait<sup>7</sup> and sperit at Thom, Quhat mycht help thame? And Thom wald pull ane herb, and gif hir out of his awin hand; and baid hir scheir<sup>8</sup> the samin with onye vthir kynd of herbis, and oppin the beiftis mouth, and put thame in; and the beift wald mend.<sup>9</sup>—(8.) ITEM, Thom gaif hir, out of his awin hand, ane thing lyke the rute of ane beit, and baid hir owthir feith, and mak ane saw<sup>10</sup> of it, or ellis dry it, and mak pulder of it, and gif it to feik persounes, and thai fuld mend. Interrogat, How sche knew the samin wald hail? Declarit, That sa son as sche rubbit the saw vpoun the patient, man or woman, or chyld, and it drank in, the chyld wald mend; bot gif it fwat out, the persoun wald die.<sup>11</sup>—(9.) ITEM, Demandit, To whom sche applyit that kynd of medecine? Anfuerit, That sche mendit Johne Jakis barne, and Wilfounes of

<sup>1</sup> i. e. What was the subject of their conference.   <sup>2</sup> 'Confessit and fylit.'   <sup>3</sup> The good neighbours or brounies, who dwelt at the Court of Faery, *q. d.* Elf-hame.   <sup>4</sup> Crabbed, cross, angry.   <sup>5</sup> 'Confessit and fylit.' See Articles 4 and 25, &c.   <sup>6</sup> Ewe.   <sup>7</sup> Went.   <sup>8</sup> This word 'scheir' does not only here signify to shear or cut as with a scythe or sickle, but to 'schair,' 'schyre,' or 'strain,' i. e. after being mingled with other herbs, it was to be *sifted*, if in the state of powder, or *strained*, through a sieve or cloth, if in a liquid form. See also Article 9.   <sup>9</sup> 'Confessit and fylit.'   <sup>10</sup> i. e. Either seethe, and make a salve or ointment of it, or else dry it, and make a powder of it.   <sup>11</sup> 'Confessit and fylit.'

the toun, and hir gudeman-fifteris kow : Thre tymes Thom gaif hir sic ane herb out of his awin hand. And demandit, To quhom sche applyit the powder in drink? Declarit, That the Ladye Johnestoune, elder, fend to hir ane seruand of the said ladies, callit Catherine Dunlop, to help ane young gentill woman, hir dochter, now mareit on the young Lard of Stanelie; and I thairvpoun askit ounfall at Thom. And he said to me, 'that hir feiknes was ane cauld blude, that gaid about hir hart, that caufit hir to dwam and vigous away;'<sup>1</sup> and Thom baid hir tak ane pairt of ginger, clowis, annetsedis, licorese, and fum stark aill, and feith thame togidder, and schyre it,<sup>2</sup> and put it in ane veschell, and tak ane lytill quantetie of it in ane mutchekin cane, and fum quhyte fucker caffin amang it; tak and drink thairof ilk day, in the morning; gang<sup>3</sup> ane quhyle eftir, befoir meit; and sche wald be haill. Interrogat, Quhair sche gaif the gentill woman the drink? Anfuerit, In hir awin fisteris hous, the young Ladye Blakhallis. Demandit, Quhat sche gat for hir doing? Declarit, Ane pek of meill and fum cheife.—(10.) ITEM, Demandit, Gif ony vther perfounes had bene at hir for the lyke caus? Declarit, That the Lady Kilbowye, elder, fend for hir, and defyrit to se gif sche culd mak hir ony help for hir leg, that was cruikit; quha promeist anfuer, fa sone as sche had spokin with Thom; but Thom said, 'Sche wald neuir mend; becaus the merch<sup>4</sup> of the bane was confumit, and the blude dofinit; and gif sche socht onye forder help, it wald be war with hir!'<sup>5</sup>—(11.) ITEM, Sche being demandit, Gif sche culd do onye gude to ony wemene that wer in travell of thair chyld bed-lare? Anfuerit, That sche culd do nathing, quhill sche had first spokin with Thom; quha layit down to hir ane grene filkin laise, out of his awin hand, and baid hir tak it to thair wylie coittis,<sup>6</sup> and knit about thair left arme; and incontinent the feik woman fuld be deliuer. Bot the said laise being layit anis down be Thom, sche culd neuir apprehend it, and maid grit sekking thairfoir.<sup>7</sup> Item, Declarit, That quhen hirself was lyand in chyld-bed-lair of hir last laid,<sup>8</sup> Thom come to hir, in hir awin hous, and bad hir 'tak ane gude hart to hir, for nathing fuld aill hir.'<sup>9</sup>—(12.) INTERROGAT, Gif sche culd tell of ony thing that was away, or ony thing that was to cum? Anfuerit, That sche culd do nathing hir self, bot as Thom tald hir: And farder declarit, That mony folkis in the

<sup>1</sup> Suddenly to swoon or faint away; *vertigine corripit*. The word 'vigous' the Editor never before heard of. It appears to have a similar sense with 'dwaln,' and is probably from Lat. *vacare*, *vagare*, or Fr. *vaquer*, indicative of an extraordinary vacancy, or wandering of the mind and senses; or the indescribable sensations experienced by those who are recovering from a swoon. Extremely old people are vulgarly said to be 'quite vaig,' when insensible to what is passing around them, although they still retain, to a certain degree, the senses of hearing and seeing. *Vige*, Dan. and *wage* (*vaige*), Swed. signify, to yield, to give way from want of ability to resist, and may perhaps be the root of this word. <sup>2</sup> Vid. Article 7. <sup>3</sup> Go, walk. <sup>4</sup> Marrow. <sup>5</sup> 'Confessit and fylit.' <sup>6</sup> Tack or attach it to their under-dress. The 'wylie coil' seems to have been an under-dress, such as a woollen or flannel jacket. <sup>7</sup> 'Confessit and fylit.' <sup>8</sup> Burden, not lad or laddie. See also Article 20. <sup>9</sup> 'Confessit and fylit.'

countre (came to hir?) to gett witt of geir ftollin fra thame. Demandit, Quhat perfounes thai wer? Anfuert, The Ladye Thridpairt, in the barronye of Renfrew, fend to hir, and fperit at her, Quha was it that had ftollin fra hir twa hornis of gold, and ane croune of the fone, out of hir pyrse? And, eftir fche had fpokin with Thom, within xx dayis, fche fend hir word quha had thame; and fche gat thame agane. Item, James Cwninghame, chalmerlane of Kilwinning, come to hir about fum beir that was ftollin furth of the barne of Cragance; and fche tald him quhar it was; and he gat it agane. Item, The Ladye Blaire fundrie tymes had spokin with her, about fum claife that was ftollin fra hir; ane pair of ftemming hoife, ane pair of fcheittis, ane codwair, lynning claithis, farkis and feruettis, ffor the quhilkis fche dang and wrackit hir awin feruandis; bot Thom tauld hir, 'That Margret Symple, hir awin friend<sup>1</sup> and feruand, had ftollin thame.' Item, Being demandit of Williame Kyle, burges of Irrvin, as he was cumand out of Dumbartane, quha was the fteillar of Hew Scottis cloik, ane burges of the fam toun? Thom anfuert, 'That the cloik wald nocht be gottin; becaufe it wane (ware?) tane away be Malye Boyde, duellare in the fam toun, and was put out of the faffoun of ane cloik, in ane kirtill:<sup>2</sup> and albeit, ye said Williame had promeift that fche fuld nocht be trublit for the declaratioun of the famin; yit, fa fone as fche com to the mercat of Irrvin, fche was put in the tol-buyth and ftrukin; bot was releuit be James Blair, brothir to Williame Blair of the Strand.'<sup>3</sup>—(13.) ITEM, Demandit, (Gif fche had been applyit to?) be Henrie Jamesoun and James Baird in the Manys of Watterftoun, to get thame knowlege quha had ftollin thair plew-irnis,<sup>4</sup> fittick and musell? Declarit, 'Sche fuld gif thame anfuert fa fone as fche had fpokin with Thom; quha fchew hir that Johne Blak and George Blak, fmythis, had ftollin the famin; and that the cowtir and fok wer lyand in his awin hous, betuix ane mekle ark and ane grit kift:' And forder said, 'That quhen thai com thair to the ryping, thai fuld nocht find thame; becaus that Jame Dowgall, fheriffis officiar, quha than presentlie was with thame, fuld reffair thre pundis for the canceling of thame; for the quhilk caus also, fche was apprehendit be the faidis fmythis, and brocht to my Lord of Glasgou.'<sup>5</sup>—(14.) INTERROGAT, Quhow fche kennit that this man was Thome Reid, that deit at Pinkye? Anfuert, Sche neur knew him quhen he was on lyfe; bot that fche fuld nocht dout that it was he bad hir gang to Thom Reid, his fone, now offciare in his place, to the Lard of Blair, and to certain vtheris his kynnifmen and freindis thair, quhom he namit; and baid thame reftoir certane guidis, and mend vthir offencis that thai had done; and that it was

<sup>1</sup> Relative or relation.    <sup>2</sup> Altered from the shape of a cloak into that of a kirtle.    <sup>3</sup> 'Fylit.' See Article 15.    <sup>4</sup> See Article 26.    <sup>5</sup> Confessit and fylit.' The Bishop of Glasgow, James Boyd of Trochrig, was the second son of Adam Boyd of Pinkill, brother to Lord Boyd, who was Bessie's landlord; and, as appears from Article 23, seems to have been favourable to Bessie.

he that fend thame word thair of: 'Remember<sup>1</sup> . . . . . that quhen he and he went togidder to the blak Settirday;<sup>2</sup> and that the said . . . . . wald haif bene ane vther gait; he drew him be the Kirk of Dalrye, and thair coft ane pund of feggis and gaif him, and put thame in his naipkin; and sa thai went togidder, quhill thai com to the feild.'<sup>3</sup>—(15.) ITEM, Interrogat, Gif Thom, at his awin hand, had fend to ony perfoun, to schaw thame thingis to cum? Declarit, That he fend hir to na creatour in middilyerd,<sup>4</sup> bot to Williame Blair of the Strand,<sup>5</sup> and his eldest dochter, quha was contractit and schortlie to be mareit with . . . . . Crawford, young Lard of Baidland, and declair vnto thame, 'That gif sche mareit that man, sche fuld aythir die ane schamefull deid, slay hir self, cast hirself doun our ane craig, or ga reidwod;<sup>6</sup> quhairbye the said mareage was stayit; and the lard foirfaid mareit hir youngeft suster. Tryit to be of veritie.'<sup>7</sup>—(16.) INTERROGAT, Quhat sche thocht of the new law?<sup>8</sup> Anfuerit, That sche had spokin with Thom about that mater; bot Thom anfuerit, That this new law was nocht gude; and that the auld fayth fuld cum hame agane, but nocht sic as it was befoir.<sup>9</sup>—Interrogat, Gif euir sche had bene in suspect place with Thom, or had carnell deill with him? Declarit nocht vpoun hir saluatioun and condemnatioun; bot anis he tuke hir be the aproun, and wald haif had hir gangand with him to Elfame.<sup>10</sup>—(17.) ITEM, Interrogat, Quhat tyme of the day or nycht he maift resortit to hir? Anfuerit, That at the twelft hour of the day was his commoune appearing.<sup>11</sup>—(18.) Interrogat, Gif sche had sene him gangand vp and doun the world? Declarit, That anis sche saw him gangand in the kirkyard of Dalrye, amangis the people.<sup>12</sup>—(19.) Demandit, Gif sche spak onye thing to him? Anfuerit, Na, becaus he had forbiddin hir, that, quhair euir sche saw him, or mett with him, sche fuld neuir speik to him, vnles he spak to hir first.<sup>13</sup> Item, sche saw him gangand vp and doun on the gait<sup>14</sup> of Edinburgh, vpoun ane mercat day, quhair he leuch vpoun hir, and gaid vp and doun amangis the peple, and put his handis to the lavis, as vthir folk did.<sup>15</sup>—(20.) INTERROGAT, Gif sche neuir askit the questioun at him, Quhairfoir he com to hir mair (than) to ane vthir bodye? Anfuerit, Remembering hir, quhen sche was lyand in chyld-bed-lair, with ane of hir laiddis,<sup>16</sup>

<sup>1</sup> These and the following blanks left in the Record. The words quoted are those which Thome desired her to repeat to each of these persons, in testimony of the truth of her errand. <sup>2</sup> The fatal field of Pinkie, Inveresk, or Musselburgh, fought on 10th Sept. 1547. Besides the account by Patten the Londoner, reprinted by Dalryell in his Fragments of Scottish History, there is an interesting French account of this battle by M. Berteville, lately presented by Mr D. Constable, to the Members of the Bannatyne Club, accompanied by a very curious contemporary plan of the battle, the original engraving of which (the property of the Bannatyne Club) is now placed in the Museum of the Society of Antiquaries of Scotland. <sup>3</sup> Viz. to Pinkie. 'Fylit.' <sup>4</sup> 'Middle-earth,' often alluded to in fairy superstition. <sup>5</sup> Vide Article 12. <sup>6</sup> Stark, or raving mad. <sup>7</sup> 'Fylit.' <sup>8</sup> The Reformed Religion. <sup>9</sup> 'Fylit be the affyis heirof.' <sup>10</sup> 'Fylit.' Fairyland, (q. d. Elf-hame.) See Article 6, &c. <sup>11</sup> 'Fylit.' <sup>12</sup> 'Fylit.' <sup>13</sup> 'Fylit.' <sup>14</sup> Street. <sup>15</sup> 'Fylit.' <sup>16</sup> See Article 12.

that ane stout woman com in to hir, and sat down on the forme befyde hir, and askit ane drink at hir, and sche gaif hir; quha alsua tauld hir, that that barne wald de, and that hir husband fuld mend of his seiknes. The said Bessie anfuerit, that sche remembrit wele thairof; and Thom said, That was the Quene of Elfame his maistres, quha had commandit him to wait vpoun hir, and to do hir gude.<sup>1</sup>—(21.) INTERROGAT, Gif euir sche had spokin with him at ane loich and wattir-fyde? Anfuerit, Neuir save anis that sche had gane afeild with hir husband to Leith, for hame bringing of mele, and ganging afeild to teddir<sup>2</sup> hir naig at Restalrig-loch, quhair thair come ane cumpanye of rydaris by, that maid sic ane dynn as heavin and erd had gane togidder; and incontinent, thair raid in to the loich, with mony hiddous rumbill. Bot Thom tauld, It was the gude wichtis that wer rydand in Middil-zerd.<sup>3</sup>—(22.) INTERROGAT, Quhene sche spak laft with Thom? Declarit, On the morne eftir Candilmes-day laftwas, quhair sche spak with him, and he tauld hir of the evill weddir that was to cum.<sup>4</sup>—(23.) INTERROGAT, Gif sche neuir sperit, quhat truble fuld cum to hir for his cumpanye? Declarit, That sche wald be trublit thairfoir; bot baid hir seik ane affyis of hir nychtbouris, and no thing fuld aill hir:—fforder declarit, that sche fuld be brocht to Glasgw, and sche come in the Bischopis handis, sche wald be wele treit, and send hame agane.<sup>5</sup>—(24.) ITEM, the said Bessie declaris, that the Lard of Auchinskeyth<sup>6</sup> is rydand with the ffair-folk,<sup>7</sup> albeit he deit ix 3eir syne.<sup>8</sup> APUD *Dalkeyth*, xx<sup>mo</sup> *Septembris*, anno 1576.—(25.) BESSYE DUNLOP being re-examinat, in presence of the Lard of Quhittinghame and George Auchinlek of Balmanno, and being inquirit, Quhow oft Thom Reid come to hir, or<sup>9</sup> sche inquirit quhow thair callit him? Deponis, That he com thryis, and that sche had na power at na tyme, to try or tell ony vthir, in the menetye, of his cuning. He requirit hir fundrie tymes to pas with him, and becaus sche refudit, he schuke his heid, and said that he fuld caus hir forthink it.<sup>10</sup> Deponis forder, that sche has spokin with him at diuerse tymes, be the space of four 3eir.<sup>11</sup>—(26.) BEING inquirit anent the pleuch-irnis, stollin fra Henrie Jamefoun and James Baird,<sup>12</sup> depones, That sche inquirit at Thom Reid, quha declarit to hir, that Gabriell Blak and Geordie Blak in Lokarsyde staw thame, and brocht thame to thair faderis hous, namit Johnne Blak, vpoun ane cuttit gray horse,<sup>13</sup> on ane Setterday, in the nycht; quhilk sche tauld agane to the saidis Henrye Jamefoun and James

<sup>1</sup> 'Confessit and fylit.' <sup>2</sup> *Tether*, or tie to a stake at pasture. <sup>3</sup> 'Confessit and fylit.'  
<sup>4</sup> 'Confessit and fylit.' <sup>5</sup> 'Confessit and fylit.' *If she came into the Bishop's hands, &c.* See Article 13.  
<sup>6</sup> In the Record of Retours, Jul. 29, 1629, James Dunlop, advocate, is retoured as heir to Archibald Dunlop of Auchinskeych, '*proavi*,' (i. e. his great-grandfather, the father of his grandfather,) in the 20s. lands of old extent of Smythstoun, &c. It is likely, therefore, and more especially so from the coincidence of the name *Dunlop*, that this was the Laird here alluded to. <sup>7</sup> The fairies. See Article 27. <sup>8</sup> 'Confessit and fylit.' <sup>9</sup> Before, *ere*. <sup>10</sup> See Articles 4 and 6, &c. <sup>11</sup> 'Confessit and fylit.' <sup>12</sup> See Article 12. <sup>13</sup> Grey gelding.

Baird.<sup>1</sup>—(27.) ITEM, deponis that four 3eir fyne, or thairbye, sche saw the Laird of Auchinkeyth, at a thorne,<sup>2</sup> beyond Monkcastell; quhilk Lard deit mair nor fyve 3eir fyne. Thaireftir, sche, at the defyre of the Ladye Auchinkeyth, inquirit at Thom Reid, Giff sic ane mann was amangis thame? Quha anfuerit, That he was amangis thame.<sup>3</sup>

## ASSISA.

Andro Craufurd of Baithlem,	Henrie Clerk in Cokeydail,	James Harvye in Kilburnie,
Hew Hommyll in Kilburne,	Johnne Knok in Kilcufe,	Robert Roger thair,
Thomas Gawand thair,	James Aitkin in Balgrene,	Johnne Boyde in Gowanlie,
Cuthbert Craufurd in Kilburnie,	Johnne Or in Barnauch,	Johnne Cochrane in the Manys of Bar,
Hew Dunlop of Crawfeild,	Thomas Caldwell in Bultreis,	Thomas Stewart of Flafwod.

VERDICT. And immediatlie efter the chesing and fwering of the saidis persones of Assyis, as vfe is, the said Elizabeth Dunlop, being on pannell, accufit be dittay oppinlie red in jugement, of the crymes aboue writtin; the famin persones removit thame selffis furth of Court, and altogidder conuenit, and reffownit on the pointis of the said dittay; and being rypelie awyfit thairwith, and resolut thairin; re-enterit agane to the said Court of Justiciarie, and thair, in presence of the said Justice Depute, be thair deliuerance, pronunceit and declarit be the mouth and speking of Andro Craufurd of Baithleme, ffand and deliuerit the said Elizabeth Dunlop, to be culpable fylit and convict, off the hail pointis aboue writtin, and of vRING of Witchecraft, Sorcerie, and Incantatioun, with Inuocatioun of spreittis of the devill, continewand in familiaritie with thame at all tymes, as sche thocht expedient, and thairbye deling with charmes, and abusing the peple, with hir devillifche craft of forcerie foirfaid, be the meanis aboue specefeit.

SENTENCE. ' CONUICT, AND BRYNT.'

NOTE. Unfortunately, the sentence has not been recorded at length in the Books of Adjournal; but the terms of it most probably were, that she should be carried to the Castle-hill of Edinburgh, and there '*mirreit at ane stak*,' and thereafter her body to be 'brynt in assis,' and her whole moveable goods 'escheit, and inbrocht to the kingis vfe.' There is merely a marginal marking on the Record, such as was usual at that period, viz. 'Conuict, and brynt,' and there is no reason to suppose that the sentence was mitigated.

[*Alexander Bannatyne, Justice-Depute.*]

**Umbesetting of the High-way, &c.**

Nov. 16.—JAMES WITHIRSPUNE of Brighous.

Dilatit of the vmbefetting<sup>4</sup> of the hie gait to Williame Park younger in

<sup>1</sup> 'Confessit and fylit.'      <sup>2</sup> The 'thorne' here alluded to, was a fairie's trysting-tree or imp-tree. Thorns have ever been favourite trysting-places, as well for lovers as 'brounies,' and 'the guid wichtis,' or 'guid nichtbouris.'      <sup>3</sup> 'Confessit and fylit.' See Article 24.      <sup>4</sup> This is usually rendered in the Record, *obsidiatio vici regij*, a besieging, obstructing, or besetting of the high way.



Lynlythgw, and schutting of him with ane pistulet in the rycht sid, to the grit effusion of his blude ; committit the xxviiij day of March lastbypast.—Continued to Dec. xix ; ‘Plegio, Roberto Levingstoun de Westquarter.’

### Breaking Lock-fast Places—Theft, &c.

Nov. 16.—WILLIAME BURRELL, seruand to Daid Clerk in Dyfert.

Dilatit of the thiftuous vpbreking of ane lokfast kift, being within his said maisteris hous in Dyfert, in his absence, he haifing the credit and keping the said Daid his maisteris hous, in the menetyne ; and steling, conceling, and away-taking fra the said Daid, thiftuouuslie, furth of the samin, of I<sup>c</sup>. pundis<sup>1</sup> money of this realme, and disponing vpoun ane pairt thairof at his pleasour ; committit in the moneth of October lastbypast.

The quhilk cryme of thift the said William Burrell confessit in presence of the said Justice-Depute, and haill persounes of Assyis.

VERDICT. The Assyise, be resoun of the said Willeames awin Confessioun, ffand and deliuerit the said William to be culpable of the cryme aboue writtin, and convict yairof.—‘ CONVICT. ET SUSPEN.’

### Deforcing of a Messenger.

Nov. 20.—PATRIK GORDOUN of Brakny and PATRIK HUNTER, burges of Abirden.

Dilatit of the deforceing, at the leift stopping of Mr Gilbert Buchane, messinger, in executioun of his office, &c.

PRELOCUTOURIS for the pannell.

Mr Alexander Skene,  
Maister Thomas Craig.

PERSEWARIS.

Mr Gilbert Buchane, messinger,  
Mr Robert Creychton, aduocat.

The Justice, be interloquitour, finding the mater and cryme quhair of the persounes on pannell are accusit, to be ane allegeit deforcement, at the leift stopping of ane officer in execution of his office ; ordanis the samin first to be ciuilie discussit.

### Field of Langside — Slaughter.

Nov. 26.—GEORGE MOWTRAY of Markinche.<sup>2</sup>

Dilatit of the treasonable cuming to the field of Langside, aganis our fouerane lord and his hienes auctoritie royale, and vmquhile his darrest vncler, James Erle

<sup>1</sup> L.100.    <sup>2</sup> ‘Plegiis, Dom. de Awdie juniore, Will. Hammiltoune de Portmanno, Will. Blacader de Taiffis et Joh. Seytoun de Pitmedie. Plegios devenerunt, conjunctim et divisim, sub pena bis mille librarum.’ This case was, on Nov. 3. remitted to the Justice-air of ‘Fyffe, tertio Itineris vel super premonitione xv dierum.’

of Murray, Lord Abirnethie, &c. Regent to his hienes and of this realme and liegis for the tyme, of gude memorie, the xij day of Maii, the 3eir of God, 1568 3eiris, and slauchteris committit thairat, &c.

PERSEWAR, Mr Robert Creychtoun, aduocat.

ASSISA.

Henrie Lord Sinclare,	Thomas Grundefoun of Kyngask, <sup>1</sup>	The Lard of Carllogie,
Dauid Barclay of Cullarnye,	Johne Borthuik of Gordownifhall, <sup>2</sup>	Dauid Carmichaell of Balmadie,
The Lard of Anfruthir,	Alex. Monypennye of Kynkell, <sup>3</sup>	Robert Strang of Kildrymmie,
The Lard of Balgonie, younger,	The Lard of Balfour, <sup>4</sup>	The Lard of Baram,
Florence Auchmowtie, in Dunfermling,	The Lard of Balcafskye, <sup>5</sup>	Robert Betoun, brother to the Lard of Balfour.

Protestis Mr Robert Creychtoun, aduocat, that in caise the Affyis acquit, for wilfull errour, &c.

The said George Mowtray of Markinche, askit instrumentis of his disafenting to onye continewatioun of this mater ; and that he defyris the perfounes of Affyis, presentlie to cognosce thairin, and nocht to pas away vnrefoluit.

ABSENTIS AB ASSISA Domini de Markinche.

Magnus Sincler bruder to the Lord Sincler, Dauid Durie of that ilk, Alex. Inglis of Inglis-Tarvit, Johne Kuninghame younger of Barnis, the young Laird of Torrye, James Henderfoun of Fordell, Dauid Betoun of Creycht, James Mowbray of Pitlouer, Andro Klapene of Pitcorphy, the Lard of Orrok of that ilk, Alex. Sibbald of Rankelour-over ; ilk-ane of thame amerciat to the pane of xl pundis, for non-comperance vpoun the said Affyis.<sup>6</sup>

THE samin day, the Lard of Cullarnye become fouerte for Henrie Lord Sincler ; the Lord Sincler for Cullarnye ; Carllogye for Anfruther ; Florence Auchmowtie for the Lard of Balgonye ; Balgonye for the said Florence ; Gordownifhall for Carllogye ; Cullarnye for Balmadie ; Balcafskye for Robert Strang ; Balgonye for Baram ; the Lard of Balfour for Robert Betoun, with the rest aboue writtin ; ilkane for vtheris, vnder the pane of I<sup>c</sup>. pundis,<sup>7</sup> to re-entir the xvij day of December nixtocum.

**Namesucken — Oppression — Theft, &c.**

Dec. 1.—JOHNE MUNTGUMRIE of Scottiftoun, Walter Muntgumrie, his broder,<sup>8</sup> and Robert Kent, seruand to the said Johnne.<sup>9</sup>

The said Walter Muntgumrie protestis, that the continewatioun of the said mater to the third day of the Air, or foner, &c., preiuge nawyise the regalitie of Glasgw, quhairin he duellis.

The said ROBERT KENT, dilatit of airt and pairt of the crymes vnderwrittin, contenit in our foueran lordis lettres, purchest be Hew Muntgumrie of Hefilheid, Marioun Sempill his spous, M<sup>r</sup> Dauid Borthuik of Lochhill, and Robert Creych-

<sup>1</sup> Plegio, Kynkell.    <sup>2</sup> Plegio, Carllogie.    <sup>3</sup> Plegio, Anfruther.    <sup>4</sup> Plegio, Rob. Betoun.  
<sup>5</sup> Plegio, Rob. Strang.    <sup>6</sup> 'NOTA. Yis vnlaw nocht to be gevin furth, in respect of ane sufficient  
 nowmer of Affyis gottin.'    <sup>7</sup> L.100.    <sup>8</sup> Plegio, Johanne Spreull de Ladyemure, pro his duobus.  
 Vid. Jan. 29 and 31, 1576-7.    <sup>9</sup> 'Acquit.'

toun of Eliok, Aduocattis to our fouerane lord, for his hienes intereft : Quhilkis lettres makis mentioun :

*DITTAY against Robert Kent.*

THAT vpoun pe xix day of Julij laftbypaft, vmq<sup>10</sup> Gabriell Muntgumrie, broder to Johnne Muntgumrie of Scottiftoun, being cumit to the place of Hefilheid, and being offendit be ane cuff,<sup>1</sup> allegeit gevin be pe said Marioun Sempill to Robert Kent, feruand to pe said vmq<sup>10</sup> Gabriell ; and feing the tyme wald nocht ferue to tak reuenge at that time, of his former confault malice ; he depairtit in his rage, and confault hatrent<sup>2</sup> that nycht, to the place of Thridpart, in Giffing, thre quartaris of ane myle diftant fra the said place of Hefilheid, or pairbye ; quhair, he having menit<sup>3</sup> himfelf vnto his said brodir, quha was pair at buirding, off pe difpleafour, as he allegit, done to his said feruand, and fchame vnto himfelf ; the said Johnne Muntgumrie, reprocheing him of his febilnes, pat he tuke nocht than prefentlie ane reuenge pairof ; exhortit, entyfit, and houndit him furth pat fau nycht, to pe effect eftir following : Quha immediatlie paireftir, pat famin nycht, come to pe said place of Hefilheid, at xj houris in pe nycht, and awaitit beyde pe famin, in pe hous of Alex<sup>r</sup>. Knok quhill<sup>4</sup> pe morne paireftir, quhillk was pe xx day of pe said moneth of Julij ; and than returnit to pe said place, to tak reuenge of pe said Hew, as he in quhais place pe said iniurie was allegeit committit, and of pe said Lady, allegeit committer of pe famine, by way of deid, as he mycht : And fwa pe said vmqhile Gabriell, vpoun pe houading, furthfetting and counfale of pe said Johnne Muntgumrie, his broder, and of his caufing, command, art, part, affiftance, and ratihabitoun, vpoune prouifioun, foirthocht fellonye, hid hatrent, precogitate malice, and be way of Hamefuckin,<sup>5</sup> accompaniet wt pe said Robert Kent his feruand, come to pe said place of Hefilheid, in pe morning, vpoun plane purpois to haif flane pe said Hew and his said fpous ; and finding pe zett of pe said place oppin, and cuming up pe ftare pairof, to haif endit and performit pair foirfaid wickit interpryis, enterit in pe hall of pe famin, and finding pe said Ladye oppining ane lockit bowall,<sup>6</sup> and na perfoun with hir pairin bot ane lafs, the said Robert Kent pullit hir down be pe hair of pe heid bakwart to pe ground, and fraik and dang hir wt his nevis<sup>7</sup> and feit, diuerfe mony fair bauch<sup>8</sup> fraikis, quhairwith pai haif brufit and brokin hir bowellis, pat fche is neuir abill to confaif barne agane, and is and has been verie evill difeafit pairwith fenfyne ; and all pe tyme pe said Robert was ftrykeand hir, pe said vmqhile Gabriell ftude with ane bendit piftulet<sup>9</sup> in his hand, baldand pe mouth pairof to pe dure pat cummis fra pe propir chalmer of pe said Hew to pe Hall, thinking pe said Hew fuld haif cummit in at pe hall dure to releif his said wyfe, quhen he hard hir cry ; quhairby pe said vmqhile Gabriell mycht haif fchot him at pe incuming of pe dure foirfaid :—And becaus, pat throw pe crying of pe said Marioun, pe effray<sup>10</sup> raife within pe said place, fwa that pe said vmqhile Gabriell and Robert perfault it was nocht tyme conuenient, and was impoffible to pame to execute pair malicious and wickit intent and purpois aganis pe said Hew, quhom pai intendit to haif flane ; and fering, pat his feruandis within pe said place, fuld hane conuenit and focht ane reuenge of pe foirfaid iniurie done vnto his said fpous, pafit furth of his said place, and lokit pe tour zet<sup>11</sup> pairof outwith behind pame, and tuke pe key of pe famin away with pame : AND nocht content pairwith, pai thiftuuflic ftall and away tuke, ane fair blak bafoun<sup>12</sup> hors fra pe said Hew, furth of his landis of Balgray, pe said xx day of Julij laftbypaft ; quhairvpoun pai raid to pe said place of Thridpart, quhair pai wer reflaunt in pair foirfaid thiftuous deidis be said Johnne Muntgumrie, wt plane ratihabitoun and maintenance of all pair wickit interpryis and executionis pairof : AND zit, pe saidis perfounes, nocht content wt pe

<sup>1</sup> A slap or slight blow, as with the palm of the hand.    <sup>2</sup> Hatred, rancorous ill-will.    <sup>3</sup> Made known his grievance, *demoaned*, complained.    <sup>4</sup> Until.    <sup>5</sup> A violent attack made on a person in his own dwelling.    <sup>6</sup> Perhaps for *bole*, a small cupboard, or opening cut out of the solid wall, so frequently met with in ancient buildings,—a '*hole-in-the-wall*.'    <sup>7</sup> Fists.    <sup>8</sup> Violent, deadly, or unmerciful blows. The word also implies shameful, filthy, dishonourable, &c.    <sup>9</sup> A pistol on full cock.    <sup>10</sup> Alarm, hue-and-cry.    <sup>11</sup> Tower gate, on the outside.    <sup>12</sup> Probably the same as '*baufonit*,' having a forehead marked with white.

schamefull offensis committit be pame in maner foirfaid; seing pe said Hew, eftir pat he had brokin pe lokkis of pe said tour zett, to follow on horfeback, for recouering of his said black hors; and cuming to pe said place of Thridpart, quhairin he was aduerteist pat pai war enterit with pe samin hors, pe said Hew having depefcheit<sup>1</sup> his tua seruandis, quhilkis onlie he had with him at pat tyme, to vissie and se about pe said place of Thridpart, gif his said hors was careit ony farder away or nocht, and he his self lychtand his alane at pe zet pair<sup>2</sup>, to se gif his said hors had bene pair; the said Johnne Muntgumrie and pe said vmq<sup>3</sup> Gabriell his broder, haifing sene ane reddye occasioun and tyme conuenient to pame to execut pair foirfaid creuell intent and wickit interpryis, befoir confaut and precogitate be pame, and to defend pair schamefull and thiftuous deidis foirfaidis, and to posses pe geir conqueist be pame as said is, mett pe said Hew at pe zett of pe said place of Thridpart, with pistuletis and drawin swardis in pair handis, and pair sett vpoun him, and schamefullie, crewallie, and vmercifullie, alweill befoir his face as behind his bak, invadit him for his slauchter, and hurt and woundit him on his fillettis,<sup>4</sup> behind his bak, and diuers vtheris partis of his bodye, to pe grit effusioun of his blude, and left him lyand for deid; and had nocht faillit to haif bled to deid, wer nocht<sup>5</sup> pe grace of God and gude neychtbouris, pat come and careit him hame in plaiddis to his said duelling place.

AND, for pe mair bettir performance of pe said Johnne Muntgumreis evill will and confaut hatrent, aganis pe said Hew, seing be Goddis grace he mycht nocht performe pe samin of befoir, he pan immediatlie paireftir ressaunt pe said Robert Kent in hous with him, with pe recent bludie hand; and hes continewallie, sensyne, retenit and retenis him in his companie and houshald; to pe effect pat he may get his foirfaid wickit interpryis of pe said Hewis slauchtir mair easelie performit: LYKEAS, vpoun pe xxvj day of Auguft lastbypast, pe said Johnne Muntgumrie of Scottistoun, accompaneit with pe said Robert Kent and Walter Muntgumrie, his broder, bodin in feir of weir<sup>6</sup> with jakkis, pistuletis, swardis, buklaris, steil-bonettis, and vtheris wappinis, *invafue*, come be way of Hamesfuckin to pe landis of Nethirtoun of Hefilheid, and fercheit and focht him pairat for his slauchtir; and becaus pai culd nocht apprehend him pairat, thai apprehendit James Paterfoun his seruand, keband his hors yairvpoun, and chaist him furth of pe saidis landis to pe said Hewis place of Hefilheid, to pe effect pat in cais he had cumit furth of pe samin for his releif, pat pai mycht haif bereft him of his lyfe. AND pairthrow, pe saidis Johnne Muntgumrie of Scottistoun, Walter Muntgumrie, his broder, and Robert Kent, committaad oppin, manifest and vylde oppressioun vpoun pe said Marioun, and crewall bludeshedding vpoun pe said Hew, vpoun sett purpois, prouisioun, foirthocht fellonye, precogitate malice, and Hamesfuckin; and alsua thift and ressett pair<sup>7</sup>, in maner aboue writen. As pe saidis lettres at lenth beris.

## PERSEWARIS.

Marioun Sempill, Ladye Hafilheid,  
Mr Robert Creychtoun, aduocate.

## PRELOCUTOURIS,

in perfute of the said Robert for the hail crymes  
lybellit.

Mr Robert Muntgumrie, capitane,  
The Lard of Braidstane.

PRELOCUTOUR, in perfute of the hail crymes  
lybellit, except the thift.

Johnne Sempill of Beltreis.

PRELOCUTOURIS, in defence of the said Robert  
for the hail crymes, except the thift lybellit.

Johnne Muntgumrie of Scottistoun,  
Eduard Maxwell of Tynwall, Mr Alex. Skene,  
Gabiell Sempill, younger of Cathcart.

The saidis prelocutouris, in defence of the said Robert Kent, askit instrumentis, that thai will nocht infist in his defence, for the thift lybellit, bot for the remanent crymes onlie.

The said Robert Kent take instrumentis, that Marioun Sempill, Ladye Hefil-

<sup>1</sup> Dispatched, *despescher*, Old Fr.    <sup>2</sup> The fleshy part of the thigh, next the loin; Fr. *Met*, so termed from the number of sinews which that part covers. The word is still in use in a certain sense, e.g. a *fillet* of veal.    <sup>3</sup> Had it not been for the grace, &c.    <sup>4</sup> In warlike array.

heid, Capitane Robert Muntgumrie and the Lard of Braidftane, infiftis in his perfute of the thift and vtheris lybellit.

ASSISA, prefati Roberti Kent.<sup>1</sup>

Johne Rois of Haning,	Alex <sup>r</sup> . Wilfoun, in Treerne,	Charlis Mowat of Bufbie,
Thomas Steuart of Gauftoun,	James Dunlop of that Ilk,	Johne Somervell of Cambuf-
William Kneland of that Ilk,	Johne Dunlop of Hapland,	nethene,
Neill Muntgumrie of Langfchaw,	William Dik, in Gymifhill,	Johne Schaw of Grenok,
Hew Muntgumrie of Auchin-	Johne Steill, younger, in Mony-	The Lard of Rais-Logane,
hude,	akeris,	Thomas Stevinfoun, in Treerne.

And immediatelic eftir the chefing, fwering, and admitting of the faidis perfounis of Affyis, and accusing of the faid Robert Kent, be the Letteris of Dittay foirfaid, in thair prefence; the faid Mr Alex<sup>r</sup>. Skene, prelocutour foirfaid, in name of the faid Robert, denyit *simpliciter* the faid dittay and lybell, as it is confaut; fpecialie, the thiftuous fteling and away-taking of ane blak bafoun hors fra the faid Hew Muntgumrie of Hefilheid, furth of his landis of Balgray; bot that the faid Robert onlie fled away thairvpoun to the place of Thridpart, for feir and faiftie of his lyfe; and thairfoir, the faid Mr Robert Creychtoun, aduocate, in respect of the faid confeffion and notorietie of the caus, proteftit, gif the perfounes of Affyis acquit the faid Robert Kent of the Dittay foirfaid, for wilfull error.

VERDICT. The faidis perfounes of Affyis, for the maift pairt, ffand and deliuerit the faid Robert Kent to be acquit and innocent of the crymes aboue writin, contenit in the faidis lettres of dittay: Lyke as, thair declarit in iugement in the faid Court, and in prefens of the faid Justice depute, be the mouth and fpeking of Johnne Someruell of Cambufnethane, chancillare of the faid Affyis.—Quhairvpoun, the faid Robert Kent askit instrumentis; and proteftit for his testimoniall, and the panis contenit in the Actis of Parliament vpoun the perfewaris foirfaidis.

Continued againft the other parties, to the Justice-aire of 'Renfrew, tertio Itineris, vel fuper premonitione xv dierum.'

### Slaughter.

Dec. 1.—PATRIK BRUNTSCHIEILLIS in Hefilheid, Andro Giffing in Nethir Hefilheid, and James Reid pantreman to the Lard of Hefilheid.<sup>2</sup>

Dilaitit of art and part of the crewall flauchtir of vmq<sup>1b</sup> Gabriell Muntgumrie, broder to Johnne Muntgumrie of Scottiftoun; committit in the moneth of Julij laftbypaft; vpoun fett purpois, prouiffion and foirthocht felonye.

<sup>1</sup> This Assise was afterwards tried for wilful error. See Jan. 31, 1576-7.      <sup>2</sup> 'Plegio, Adamo Muntgumrie de Brunftane.'

The saidis persounes askit instrumentis, that Johnne Muntgumrie of Scottistoun and Waltir Muntgumrie his brother (brether to the said vmq<sup>le</sup> Hew,) being inquirit be the Justice depute, gif thai wald infist in persute of ye saidis persounes for the said slauchtir, declarit, that thai wald pas fra the persute for the famin; And siclyke, difassentit to onye continewatioun of the said mater, offering thame selfis presentlie to the knaulege of ane Assyis thairfoir.

Continued to the Justice-aire of 'Renfrew, tertio Itineris, vel super premonitione xv dierum.'

### Treason—Field of Langside.

Dec. 18.—GEORGE MULTRAY of Markinche.<sup>1</sup>

Dilaitit of the treasonable cuming to the feild of Langfyde, aganis our fouerane lord and his auctoritie royall, &c.

Plegiis, Jacobo Seytoun de Touche, Roberto Wardlaw juniore de Kilbaber-toun, ac Joanne Seytoun de Pittady, conjunctim et divisim: et prefate persone, ad releuand. Dom. de Touche plegium, coniunctim et diuisim, sub pena bis mille librarum:—et Dom. de Seyfeild, ad releuand. reliquos cautionarios.

#### *Absence of an Assisor.*

The quhilk day, the said mater continewit agane, at command of the Regent, be the Lard of Cleisch, to the xv day of Januar, in respect of the absence of the Lard of Kynkell; and thairfoir, the said persounes of Assyis, except the said Laird of Kynkell, become fouerteis for vtheris, as in the court preceding; vnder the famin panis; and the Lard of Anstruthir becom fouerte for the said Lard of Kynkell, to compeir at the said day.

### Forging and Counterfeiting adulterate Money, &c.

Dec. 29.—JOHNNE BELL, chepman.<sup>2</sup>

Dilatit of airt and pairt of the treasonabill forgeing, feinzeing, falsing, counterfuting; at the leist, inbringing of certane fals and adulterate money, sic as *penneis*, fallie cuinzeit and stampit; quhilkis wer output be him in grit quantitie, amangis diuerse our fouerane lordis liegis, dissauand thaim thairwith, to the grit hurt of the commoun (wealth) of this realme.

VERDICT. The persounis of Assyis, (amongst whom are Mungo Bradie, James Stalker, Johnne Mofman and *George Heriot*, goldsmiths in Edinburgh,) for the maist pairt ffand and delyuerit the said Johnne to be Conuict of the reslait of fourtie *hardheidis*<sup>3</sup> fals money, and inbringing of thame ignorantlie within the

<sup>1</sup> See Nov. 26, 1576. <sup>2</sup> Chapman, or vender of small wares. <sup>3</sup> *Hardheids, hardies, or lions*, formerly of the value of three half pence, but depreciated by Regent Morton to a penny. He also depreciated the *plack* from four to two pence. It need scarcely be remarked, that this was a very unpopular measure.

realme: AND Acquit him of all outputting of onye vther fals *hardheidis*, or vtherwyis of resfait of the *hardheidis* aboue writtin, to be put out wittandlie amangis our fouerane lordis liegis, for diffait of thame yairwith.

The SENTENCE is not recorded.

### Conbocation of the Lieges—Besieging House of Strechin, &c.

Dec. 31.—WALTER BARCLAY in Bannagook.

Dilatit of the conuocation of our fouerane lordis liegis, bodin in feir of weir,<sup>1</sup> incontrair the tennour of the actis of Parliament thairanent; cuming about the hous and place of Strechin, affageing of the famin maift aufullie, be schutting of culveringis and daggis, and vsing of vthirs weirlyke perfute; and fwa continewing in affageing and perfewing of the said hous and place, fra thre houris in the morning or thairbye, quhill the sone ganging to;<sup>2</sup> quhill at laft, be plane force and hostilitie, he compellit the perfounes being within the said hous, and keparis thairof, and Johnne Gordoun rebell thairin, to rander the said hous, and to deliuer to him and his complices the said Johnne Gordoune, rebell; and fwa rest and tuke fra thame the said rebell, vpoun na vthir purpois, bot to saif him fra punifchement and executioun of justice vpoun him, for his demereittis: And vtheris crymes, as the lettres beris.

PRELOCUTORIS for this pannell.

The Lord Saltoun,  
Mr Alex<sup>r</sup> Sym,

The Lard of Allowne,  
Mr Alex<sup>r</sup> Skene.

The Lard of Corfe,

PERSEWAR.

Mr Dauid Borthuik,  
(Lord) Aduocat.

This cafe was continued, first to Jan. 1, and afterwards to Feb. 25, 'Plegio, Waltero Barclay de Towye,' when the pannell came in his Majesty's will. 'Plegio, Magistro de Forbes cum seipso, conjunctim et diuifim, ad satisfaciendum voluntati et partibus conuerentibus; et Waltero Barclay, ad releuand. dict. Magistrum de Forbes.' The King's award is not inserted in the Record.

### Cheft—Resett of Cheft—Sheep-Stealing, &c.

Jan. 8.—DAND ELLOT,<sup>3</sup> callit of the Heuchhous.

Dilatit of commoun thift, commoun ressett thairof, outputting and inputting of thift in thiftuous maner, betuix land and land, bayth of auld and new; and of the stealing fra the Lard of Ceffurd of lxxx schein.

VERDICT. Fand and deliuerit to be culpabill, fylit and conuict of the crymes aboue writtin.—'CONUICT. ET SUSPEN.

<sup>1</sup> Arrayed in warlike manner.  
singularly expressive.

<sup>2</sup> Until sunset. The phrase is quite new to the Editor, and is

<sup>3</sup> Dand or Dandy, a familiar abbreviation in the South of Scotland for Andrew, e. g. 'Dandy Dinmont.'

**Demolishing and Overthrowing March-Stones, &c.**

Jan. 15.—WILLEAME HAY of Delgatie, Maister Walter Hay and Patrik Hay, his breder; Willeame Hay, James Lowrimer, Mr James Buchane, Andro Burnett, George Scott and Alexander Scott.

Dilatit of airt and pairt of the dimolifcheing and doun-casting to the ground of certane marcheis and stanis, fett be the Justice-Deputies at ane Court of Perambulation; and vsurpation of our souerane lordis authoritie, conuocation of his hienes liegis, and vtheris crymes at length contenit in the lettres.

'DESERT.' de mandato domini Regentis, dato Alexandro Hay, scribe secreti confilij.

**Treasonable Importation of False Money.**

Jan. 22.—JOHNNE SUTHIRLAND, Scottisman, borne in Culrois.

Being conuict of befoir, vpoun the aucht day of Januar instant, ffor the trefsonabill hamefending of certane fals and adulterate money (sic as *balbeis, plakkis*, and *xij d. peces*, extending to xx lib.,) to be output and warit treasonable amangis our souerane lordis liegis, to thair diffait and hurt; and being committit to ward quhill dome wer pronunceit, at the pleafour of my lord Regentis grace: And thairfoir, his grace, temperand iustice with mercye, ordanit the said Johnne, of his awin consent, to be baneift this realme during his graceis will, and neur to returne within the famin without his licence, vndir the pane of deid and payment of ane thowfand merkis; and that he fall depart furth of the sam within the space of fourtie dayis, and fall do his exact diligence to speir and try out the forgearis, feinzearis and deuifaris of the said fals cuinze, and mak report thaireftir of the famin diligence to the Justis and his deputis, vndir the famin pane foirfaid. And for obseruing heirof, fand Williame Huchefoun, cordiner in Edinburgh, Henrie and Alex<sup>r</sup> Suthirland in Culrois, brethir to the said Johnne, &c.

**Conuocation of Lieges—Using of Culberings, &c.**

Jan. 29.—JOHNNE MUNTGUMRIE of Scottistoun, Gabriel Sempill, younger of Cathcart, &c.

Adam Hall of Foulbar becomes pledge for the entry of Johnne Muntgumrie of Scottistoun; and the said Johnne, Adam Hall of Foulbar and Andrew Master of Sempill, become pledges, jointly and feuerally, to enter Gabriel Sempill, younger of Cathcart, Robert Sempill of Craighbait, Gabriel Sempill, his brother, James and Walter Muntgumreis, brothers of the Laird of Scottistoun, Bartholomew Muntgumrie, uncle of the said Laird Johnne Andirfoun in Walkmylne of Partik, and Robert Kent, seruant to the said Laird, before the Justice or his



deputies, on the third day of the next Justice-air of Renfrew and Lanark respectively, or wherever and whensoever it shall please his Majesty, on premonition of xv days, to underly the law for convocation of the liegis, ' bodin in feir of weir,' aganist the tenor of the Acts of Parliament, and ' umbefetting'<sup>1</sup> the highway to Hew Muntgumrie of Hefilheid, and for using of ' culueringis and piftulettis;' committed in the month of December laft,<sup>2</sup> &c.

**Willful error in Assise.**

Jan. 31.—JOHNNE SCHAW of Grenok, James Dunlop of that Ilk, and thirteen others.<sup>3</sup>

Dilatit of the wilfull and manifest error, committit in the acquiting of Robert Kent,<sup>4</sup> feruand to Johnnie Muntgumrie of Scottistoun, of diuerse crymes contentit in the lettres purchest aganis him be Hew Muntgumrie of Hefilheid.

	PERSEWARIS.	PRELOCUTOR in defence.
Mr David Borthuik,	Mr Robert Creychtoun, aduocattis.	Mr Edmund Hay, (aduocate.)

Allegeis the said Mr Edmund for the pannell, acceptand the fummondis, *in quantum*, nocht grantand ony part of the samin; that nothing aucht now to be put to the knowlege of this secund inqueist, bot onlie the clangeing of this Robert Kent of the allegeit thiftuous steling of ane hors fra Hew Muntgumrie of Hefilheid, in safar as thair is na reffoun in all the hail summondis, allegeing or concludand aganis the Inqueist, for clangeing of him of ony vthir point contentit in the said summondis: Attour, acceptis the fummondis, in safar as is confessit in the samin, that the gentill-woman was onlie in the hous hir allane, the tyme of the committing of the allegeit deid.—To the quhilk anfuert the Aduocattis, that the said allegeance suld be repellit, in respect of the fummondis as it is lybellit, berand the Confessioun of the partie and notorietie of the caus; and siclyke, (*loco quo*) &c.

The perfounes on pannell, nochtwithstanding the said allegeance, askis instrumentis, that thai offer thame selfis at this day to the knowlege of ane condigne Affyis, disassenting to ony continewatioun of the said mater.

The Justice, vpoun findrie reffonabill cauffis, moving my Lord Regentis grace, ordanis the mater to be continewit to the thrid day of the Air, or soner, vpoun xv dayis warning; and cautioun to be tane of the perfounes on pannell, for thair entre.

<sup>1</sup> Obfidiatione vici regij.    <sup>2</sup> See Dec. 1, 1576.    <sup>3</sup> Plegiis, Andrea Magistro de Sempill et Dom. de Ernok, coniunctim et diuisim, pro eorum introitu; et prefate persone, ad releuand.; ac Dom. de Trearne, obligauit seipsum, ad releuand. dict. cautionarios, pro suis tenentibus.    <sup>4</sup> See Dec. 1, 1576.

**Slaughter—Burning of Town of Dornoch.**

Feb. 12.—NEILL ANGUSSONE (MACLEOD) in Assent.<sup>1</sup>

Dilatit of art and part of the crewall slauchter of vmq<sup>le</sup> Hutcheoun Anguffone his broder, in the Ile of Assent; committit in the moneth of Junij, the 3eir of God I<sup>m</sup>.V<sup>c</sup>.lxxv 3eiris: AND for the slauchter of vmq<sup>le</sup> Donald M<sup>c</sup>Hutcheoun Anguffone, brother to the said Hutcheoun; committit at the famin tyme: AND for the treffonabill byrning of the toun of Dornoch in Suthirland; committit in the moneth of Junij, or thairby, the 3eir of God I<sup>m</sup>.V<sup>c</sup>.lxvj 3eiris;<sup>2</sup> AND diuerse vtheris slauchteris, as the dittay beris, &c.; specialie, of Duncane M<sup>c</sup>Rorye.

## ASSISA.

Willeame Suthirland of Evelik,	Adam Bell, in Edinburghe,	Alex <sup>r</sup> . Brodye of that Ilk,
Johne Hay of Park, (Chancellor,)	Thomas Frafer, tutour of Lovat,	James Campbell of Archinglas,
Alex <sup>r</sup> . Hay, his broder,	Thomas Robefoun, burges of Ed <sup>r</sup> ,	Alex <sup>r</sup> . M <sup>c</sup> Nachtene of Dundarroch,
Nicholas Rois of Dunskeith,	Johne Rois, prouest of Narne,	Johne Campbell of Inuerlevene,
Duncan Campbell of Both,	Johne Campbell of Caddell,	Alex <sup>r</sup> . Innes of Crummye.

Mr Robert Creychtoun tuke instrumentis of the said Neillis Confessioun, declaring that his sone Tormot slew the said vmq<sup>le</sup> Hutcheoun and Donald his sone; And that he himself was cumand to Ed<sup>r</sup>. to speik my Lord Regentis grace, and to offer him to underly the law, for the saidis crymes, quhan he was tane in the menetye, be Torquill M<sup>c</sup>Cloyde apperand of the Lewis, be the way, and incarcerate. And ficlyke, that he confessit the slauchtir of the said vmq<sup>le</sup> Duncane M<sup>c</sup>Rorie, and that he had his compositour thairfoir: <sup>3</sup> And that

<sup>1</sup> This person, according to Sir Robert Gordon, commanded the country of Assint. He was the fifth son of Angus-more, Laird of Assint. The eldest son, Donald-Caim, died of his wounds shortly after being taken prisoner by the Laird of Lewis, (John M<sup>c</sup>Corquill M<sup>c</sup>Leod,) against whom he had revolted. Tormot, the second son, was slain by his brother Angus-beg, who, in his turn, was slain by his bastard brother Alexander, in revenge of Tormot's death. John-reawich succeeded his brother Angus-beg, (who died without issue,) and governed the country for 16 years. On John's death, he left the government to this Neill-Angus-son; whose younger brother Hucheon, jealous of Neill's prosperity, took him prisoner, and detained him until he forced him into certain terms. In revenge for this act, he killed Hucheon, with his second son Donald, who had come to visit him in the Isle of Assint. 'Wherupon Torquell Conaldagh MacLoyd of the Cogigh purfued the Yle in Assint, and apprehended Neill Anguffone, whom he sent to Edinburgh, where he was executed the yeir of God 1581.'—*Gordon's General Account of Earldom of Sutherland*, p. 263.—Neil left his sons John-reawich and Donald-bane, with three bastards, Tormot, Angus, and Alister. <sup>2</sup> Y Macky of Far 'invaded the cuntrie of Southerland after the death of Earl John, wafsted the barony of Skibo, came to the town of Dornogh, and, (vpon some privat quarrell betuein himself and the Morrayes,) being affistid by the Laird of Duffus and his freindis, he brunt the said toun, the yeir of God 1567, which was then cheiflie inhabited by the Morrayes.'—*Gordon's Sutherland*, p. 150.—This town was a second time burnt after a siege by the Master of Caithnes and Y Mackay, anno 1570, 'in the night seafon, which the inhabitants culd no longer defend; yit eftir the toun was loft, and the cathedrall church brunt, except the steiple, they held the castle and the steiple of the church for the space of a weik, the Catteynes continuallie assaulting them, bot in vain without successe.'—*Ibid*, p. 156. <sup>3</sup> i. e. Paid his Assythment, and obtained Letters of Slains thereupon.

he was compellit be McKye to pas with him to Dornoch, quhair he and his cumpanye did na thing bot lay on the feildis, &c.—‘*CONUICT. ET DECOLLAT.*’<sup>1</sup>

### Slaughter.

Feb. 14.—ROBERT HOWSTOUN, broder to the lard of Houftoun, and forty-fix others.

Dilatit of art and part of the crewell slauchter of vmq<sup>le</sup> William Lyndefay, feruitour to James Maifter of Glencarne, in October laftbypaft.

Continued to the Justice-air of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’<sup>2</sup>

### Slaughter.

Feb. 28.—WILLEAME PORTERFEILD of that Ilk.

Dilatit of art and part of the slauchter of vmq<sup>le</sup> Johnne Birfbane of Middill Walkinshaw; committit in the moneth of Maij 1573 3eiris.

Continued to the 30th March, Plegio, Domino de New-wark-Maxwell.

Mar. 29.—The Laird of McFarlane and James Flemyng de Kilmacolme, become securities for Porterfeild; and, on the following day,

Mar. 30.—The Laird of Knok becomes security to present him at the Justice-air of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’

PRELOQUOUTOURIS in defence.

Maifter Johnne Schairp, Maifter Thomas Craig.

PERSEWAR.

William Birfbane.

The saidis preloquoutouris in defence alledgeis, that thair is na cryme committit, in respect that the said Johnne Birfbane wes slane at the horne, put thairto, be vertew of our fouerane lordis lettres; and thairthrow, being rebell, for ane treasonabill cryme: As the lettres of horning, direct thairvpoune beiris, and produceit presentlie in proces. And siclyke, the said Mr Johnne Schairp produceit the generale band of the Sheref dome of Renfrew. Johnne Hammiltoune of Schawtoune, askit instrumentis of the productione of the saidis Lettres of Horning, and protestit that thay be keipit in proces, as euidentis to my Lord Claude Hammiltoune.

### Slaughter.

Feb. 28.—JOHNNE CWNINGHAME, sone to vmq<sup>le</sup> . . . . Cwninghame of Clovinbayth, and John Maxwell, broder to Thomas Maxwell of Southbar.

<sup>1</sup> Beheaded. <sup>2</sup> Plegiis, Domino de Glengarnok, Dom. de Houftoun et Dom. de New-wark, coniunctim et divisim, pro omnibus, tertio Itineris de Renfrew, vel alibi, super premonitione xv dierum. Et postea, viz. xv Feb., Will. Porterfeild de Duchall obligavit seipsum ad relevand. dictos plegios, de prefata cautione penisque omnibus in eadem contentis.

Dilatit of art and part of said slaughter. James Sandelandis of Calder, their cautioner, fined 'I<sup>c</sup>. markis' for non-appearance of 'ather of the said persons.'

#### **Treasonable detaining of the Place of Duchall.**

Feb. 28.—WILLIAME PORTARFEILD of that ilk.

Delatit of the treasonabill deteining of the place of Duchall, incontrare our souerane lordis chairgis.—Plegio, Jacobo Flemyng de Kilmacolme pro ejus in-troitu, tertio Itineris de Renfrew, vel super premonitione xv dierum.

#### **Fire-raising—Burning Corn.**

Apr. 17, 1577.—ANDRO THOMESOUN, in Siluerburne.

Dilatit of the birning of certane coirnes to Mathew Lowrye of Cairnhill.—  
'CONUICT. ET COMBUST.'<sup>1</sup>

#### **Using and seeking of Inchantments and Witchcrafts.**

Maj 4.—EDUART KYNINMONTH alias Lowrie.

Dilatit of vsing and feiking of Inchantmentis and Witchcraftis, in the moneth of October I<sup>m</sup>.V<sup>c</sup>.lxxiiij zeiris, quhen findrie of his cattell wer strickin with feiknes; and vtheris crymes contenit in our souerane lordis lettres, purchest thairvpoun.—Quo die, Joannes Addie de Deurothane plegius deuenit ad intrandum dictum Eduardum Kyninmonth coram Justiciario f. d. n. Regis seu suis deputatis, tertio die proximi Itineris de Forfare, vel alibi, vbi et quando placuerit sue serenitati, super premonitione quindecim dierum, ad fubeundum legem pro frequentacione et vsurpacione Incantacionis et prestigiarum, lie *Wichcraftis* appellat. alijque criminibus in literis regiis defuper direct. specificat. Hec plegiatio capta fuit, de mandato M. Daudis Boirthuik aduocati.—Et Jacobus Striueling obligauit seipsum ad relevandum dictum Joannem Adie, de prefata cautione et penis in eundem content.

#### **Treason—Conspiring the Death of Regent Morton.**

May 15.—ADAM QUHYTEFURD, younger of Myltoune.

John Quhytefurd elder of Myltoun, being often called to produce Adam his son before the Justice, to underlie the law for art and part of consulting with John Sempill of Byltreis, and treasonably conspiring the murther of James Earl of Mortoune Lord Dalkeyth, Regent; committit in the month of January 1575. The said Adam not compearing, the said John as his pledge was americiated in

<sup>1</sup> Sentenced to be burnt. No part of the procedure in this case is preserved.

the pain of Ic. lib., and Adam adjudged to be denounced rebel, and all his moveable goods escheated to the King's use, as fugitive from the law, for the aboue crime.—Richard Binning, messenger and officer of the Court of Justiciary, reports the denunciation on May 18.

### **Shooting with Pistolets, &c.**

May 21.—JOHN BLAIR of that Ilk, William Blair his brother, Johnne Rois and John Mitchell, his seruantis, Johnne Crawford in Birkheid, Johnne C., his sonne, Niniane C. thair, Robert C. in Ryhill, Robert Blair, brother to Williame Blair of Halie, Andrew Blair Redare at Dalrye, and eighteen others.

PERSEWARIS, Capitane Thomas Crawford, Mr Robert Creychtoun, aduocate, Robert Ker of Kerriland.

PRELOQUUTOURIS for the pennall.

PRELOQUUTOURIS, in perfute.

Mr Henrie Kynroife,	Johnne Maxwell, in Portarhill,	Alexander Hwme, in North Berwik,
Mr Daud Mackill,	Johnne Blair of Middill Auchin-	Johnne Crawford in Camlarg,
James Mure,	barne.	Williame Crawford of Drumsfoy,
The Laird of Cauldwell,		Quintene Crawford, broder to Cannouris,
		Mr Nicoll Elphingstoun.

The pennall askis instrumentis of the personis comperand and infistand in perfute.

#### ASSISA.

The Laird of Ferme-Nobill,	The Laird of Airnok,	Claud Hammiltoun of Colchnoch,
Waltare Riddell of that Ilk,	The Laird of Auchincapell,	Johnne Cleland of Foffauch,
Robert Huntare of Huntartoun,	The Laird of Drumquhaffell,	The Laird of Anneftoun.
The Laird of Skirling,	The Laird of Keir,	
James Weir of Blakwod,	The Laird of Dalzell,	

VERDICT. The Affyise, for the maift pairt, be thair delyuerance, fylis and conuictis *Williame Blair*, brother to the Laird of Blair, of schutting with pistolettis, of following and chaifing of Thomas Crawford and serwandis for thair slauchteris, vpoune foirthocht fellonie. ITEM, Fylis the *Laird of Blair*, of following and chaifing of the said Thomas and his serwandis for thair slauchteris, vpoun foirthocht fellonie, allenarie. ITEM, Fylis *Johnne Or* ('Notare,') of the following and chaifing of thame for thair slauchtaris, vpoune suddantie.

May 23.—The quhilk day, . . . . Loird Rois of Halkheid and . . . . Mure of Cauldwele, become souerteis coniunctlie and feueralie, for Johnne Blair of that Ilk; and Daud Blair, zoungar of Adamtoun, and Williame Cuninghame, zoungare of Glengarnok, become souerteis coniunctlie and feueralie, for Williame Blair, brother to the Laird of Blair, and Johnne Or, notar, serwand to Glengarnok; that thai and ilkane of thame, fall enter thair perfounes in waird, within the Castell of Blaknes, or aucht houris at evin,<sup>1</sup> and nocht escape

<sup>1</sup> By eight o'clock in the evening.

nor eschew furth thair of; ay and quhill he (they) be releivit; viz. of the said Laird of Blair, vnder the pane of Fyve thowfand pundis; and for the saidis Williame Blair and Johnne Blair, or ilkane of thame, vnder the pane of Twa thowfand pundis. Et Dominus de Blair ad relevandum.

### Fire-raising.

Jun. 14.—JOHNNE CRAWFURD of the Schaw, Hew and Johnne, his fannes, Patrik, Jokie and James Crawford, sumtyme ferwandis to Hew Loird Somervell.

Dilaittit of the tressonabill fyir-ryffing and burning of ane byir pertening to Johnne Boifwall of Auchinlek, and vtheris crymes contenit in the lettres direct thairvpoun.

PERSEWAR, Johnne Boifwall of Afflek.

PRELOQUOUTOURIS for the pennall.

Maister David MacGill,  
The Laird of Trabroune,

The Auld Laird of Carmichaell,  
Johnne Crawford of Camlaige,

Archibald Dowglas, connestable,  
Allane Cathcart of Carbelstoune.

Continued 'in craftinum.' Plegio, Hugone Kennedie.

Jun. 15.—The pannell askit instrumentis, that the Laird of Auchinlek compeirand, difasentit to the perfute of thame; and nochtwithstanding the Justice command anent the continewatioune of the famin, difasentit thairto alluterlie.

### Treason.

Jun. 15.—JOHNNE SEMPILL of Beltreis.<sup>1</sup>

Dilaittit of the tressonabill Conspiracie of my Lord Regentis Graceis slauchtare.

#### ASSISA.

George Dundas of that Ilk,	W. Wauchope of Nuddre-Marchell,	Hew Weir of Howburne,
Johnne Roife of Swanftoun,	Johnne Rose of Suanftoune,	Johnne Bannatyne of Corhous,
Johnne Towris of Inuerleyth,	Johnne Fairlie of Colmestoune,	James Rig of Carberry,
Johnne Logane of Cotfeilde,	The Lairde of Merchiftoune,	The Lairde of Anstruther,
Johnne Kinkaide of Warrestoune,	The Lairde of Dunroder,	The Lairde of Sant Menanis.

VERDICT. Johnne Sempill of Beltreis, being presentit and enterit in jugement vpoun pannell, as dilaittit of the tressonabill cryme eftir specifit; at lenth mentionat in the dittay maid thairvpoun; was put to the knowlege of ane Assyise of the perfonis befor expreffit: And immediatlie eftir the chefing and sweiring of the saidis perfounes of Assyise, as vfe is, the said Johnne Sempill being accusit be dittay, oppinlie red in jugement, togidder with his depositionis and confessionis of the crymes following. The same perfounes of Assyise remo-

<sup>1</sup> On the margin of the Record, 'Convict, and the dome of foirfaltour pronunceit aganis him.'

veit furth of Court, and altogidder conuenit and reffonit on the poyntis thair of ; and being ryplie auifit thairwith, enterit agane in Court : And thair, in prefence of the faid Iuftice depute, be thair delyuerance, pronunceit and declairit be the mowth of Robert Lyndefay of Dunrode ; ffand and delyuerit, that he wes culpable, fylit and convict of airt and pairt of the maift treffonable communicatioune, confultatioune and conferans, had be him, in interpryfyng, diuifing, concluding, treffonable vndertaking and conceling, to fla, fchwyt and cruellie murthour, the rycht nobill and nichtie Prince, James Erle of Mortoune, Loirde Dalkeyth, &c., Regent to our fouerane loird, his realme and liegis ; planelie confenting and confaving the famin murthour and flauchtart, maift treffonable and diffaitfullie, in his hairt and mynde ; ordaining the famin to have bene fuddanlie committit, efter his faid treffonabill conferance foirfaid, quhilk wes in the moneth of Januare or thairbye, the 3eir of God I<sup>m</sup>.V<sup>c</sup>.lxxv 3eiris ; doand thairby that was in him, to haif performit the famin, conforme to his deliberat intentione, treffonable deuyfit and precogitat, as faid is ; lyke as, he had nocht failit to haif put the famin to full prouif of executioun, gif God, of his infinit mercy and grace, be his vthir meanis and instrumentis, had nocht revelit the famin, and put ftay thairvnto : And fwa, he hes committit oppin and manefeft treafoune aganis our fouerane loirdis darrest Regent and his hienes auctoritie ; and aucht thairfoir to be pvneift as ane publict tratour to his Maieftie ; in example of vtheris, to attempt the lyke treafonabill confpiraceis, in tyme cuming : Quhilk confpiracioun and conferance thair of, in treffonabill maner foirfaid, was vfit be the faid Johnne, within the Kirk and Kirkland of Paislay, and vther places of the cuntrie appointit to that effect, in the moneth abouē specefeit, and findrie vtheris tymes thairfoir, as he thocht meit and expediant.—AND the dome of foirfaltour was pronunceit aganis him be the mouth of Andro Lyndefay, dempftare, That he fuld be takin to the mercat-croce of Edinburgh, and thair demanit as ane tratour ; and all his landis, takis, ftedingis, rowmes, poffeffiones and gudis to be foirfaltit and efchete to our fouerane loirdis vfe.

[*Mr Thomas Gilbert, Justice-Depute.*]

**Mutilation.**

Jun. 26.—ROBERT STRIUELING, in Eiftare Baldrochane.

Dilaittit of the hurting and wounding of Johnne Binning, meffinger, in his rycht fchuldare and collar-bane.

Quo die Dominus de Kinkaid, fenior, plegius devenit, ad intrand. Robertum Striueling, tertio Itineris de Dunbartane, vel alubi vbi et quando placuerit fue ferenitati, fuper premonitione quindecim dierum ; ad fubeundum legem, pro arte et parte lefionis ac vulneracionis Joannis Binning nuncij.

[*Mr Thomas Bannatyne, Justice-Depute*]

**Oppression—Intercommuning with Rebels.**

Jun. 29.—DAVID GRAHAME of Fyntrie, knycht, Waltare Grahame and James Grahame, his brether.

Dilatit of the taking of Johnne Pegot, and intercommoning with Robert Belouch<sup>1</sup> (Betoune) of Westhall, rebell, and vtheris crymes.

PRELOQUOUTOURIS in defence.

The Erie of Mwnthroife,	The Maister of Gray,
The Lard of Balfour,	The Dene of Glasgw,
Mr Alexander Sym,	Mr Alexander Skene.

PERSEWARIS.

Maister Robert Creychtounne,
Mr David Borthuik,
Advocates (to our-fourane lord.)

ASSISA.

Gilbert Ogilbye of that Ilk,	George Gray of Scheilhill,	Dauid Rossie of that Ilk,
Thomas Fotheringhame of Powrie,	George Drummond of the Blair,	Dauid Lindefay of Edzell,
Alex <sup>r</sup> Guthre of that Ilk,	Robert Durhame of the Grange,	D <sup>r</sup> . Guthre, feare of Kincaldrum,
George Haliburtounne of Petcare,	Henrye Guthere of Colestounne,	The Laird of Auchinlek,
Robert Erkyn, feare of Dun,	George Somer of Balzordie.	Alex <sup>r</sup> . Lauder of Winmoquhe.

Dauid Grahame, &c., war put to the knowlege of ane Assyise, of the perfonis befoir expreffit ; and immediatlie eftir the chefing, fweiring and admitting of the same perfounes of Assyise, as vse is, the haill foirnemmit perfounes on pennall, being accufit be dittay, oppinlie red in jugement, of the crymes following ; eftir repetitioune of the Act of Parliament, maid anent conuocatioune of his hienes liegis, at tumultis, courtis or gaddingis ; as alswa, with attestatioune maid for wilfull errour, in caice the same perfounes on pennall war acquit of the faidis crymes : Maister Alex<sup>r</sup>. Sym, preloquoutour for the same pennall, eftir denyall of Dittay, and crymes thairof, produceit ane wryting subfcryuit be vmq<sup>r</sup> Johnne Pegot in Bannabeith, declairing the defendaris to be innocent of all cryme committit to the said Johne, and that he was onlie moueit be malice of vtheris perfonis to persew the same : Quhilk wryting the said preloquoutour and perfonis on pannell, defyrit to be red in jugement, befoir the perfounes of Assyise ; quhilk being red in their prefens, as was defyrit, be the said Mr Alex<sup>r</sup>. Sym, as preloquoutour foirsaid, askis instrumentis thairvpoune.

Mr Robert Creychtounne, aduocate, nochtwithstanding productiounne and reiding thairof, protestit the same fuld nocht be as motyve vnto the Assyise, nor zit credit to be trew in the self ; and dissafentit it fuld be red or publeift ony forder to the Assyise, in the tyme of the ressait of thair woittis ;<sup>2</sup> but that the samin fuld be gevin agane to the pairte ; quhilk, at command of the Justice-Depute, was gevin be the clerk of Court to their preloquoutouris.

<sup>1</sup> Called Betoune in an after part of the trial.

<sup>2</sup> When they retired to return their verdict.



VERDICT. The same persones of Assyse, be thair delyuerance, pronouneit and declarit be the mouth of Dauid Lyndesay of Edzell, Fand and delyuerit, for the maist pairt,<sup>1</sup> the saidis hail persones accusit on pannell, to be clengt and acquite of all cawfing, hounding, sending, arte, pairtaking, command, assistance and ratihabitoune vfit be thame, in the moneth of October, the zeir of God lxxvij (1567), in cuming to the duelling hous of the said Johnne Pegot, in Balnaboth, within the scherefdom of Forfars, quhair he was than, in quyat and sober maner, beleveand ne harme nor iniurie to have been done to him, be ony personis, bot to have levit vnder Goddis peax and our souerane loirdis; and thair, violentlie, maisterfullie and perforce, take the said vmq<sup>2</sup> Johnne furth of his awin duelling hous of Erlis Stradichtie, quhair the said Dauid and remanent persones foirsaidis, of his special cawfing, hounding, sending, deuyfing, arte, parte-taking, assistance and ratihabitoune, as said is, detenit and held him in captiuitie thairintill, be the space of viij dayis or thairby thaireftir; committand thairthrow, manefest oppreffioune vpoune him, hie being our souerane loirdis frie liege; and vsurpand of his hienes auctoritie vpoune thame, in hie and manefest contemptioun thairof.—For the quhilk cryme the said Sir Dauid Grahame of Fyntrie, knycht, and his colligis foirsaidis, being callit to haue vnderlyne the law, befor the Justice or his Deputtis, in the Tolbuyth of Edinburghe, the tent day of Februaire, in the zeir of God I<sup>m</sup>.V<sup>c</sup>. lxxvij zeiris, was then replegeit<sup>3</sup> to the fredome and iurisdictione of the Regalitie of Killimuir,<sup>3</sup> be vertew of ane Commissioun of the nobill and potent lord, Archebald Erle of Angus, Loird of the Regalitie thairof; quhais bailleis vsuaris and producearis of the said Commissioun thane fand cawfoune for dew and faithfull administratioun of justice vpoune the saidis persones, for the saidis crymes, in the toune of Kelemuir, place vfit and went for haulding of Courtis thairintill, the viij day of Maj nixt thaireftir, in the zeir of God I<sup>m</sup>.V<sup>c</sup>.lxxvij zeiris, quhilk was assignit thairto be the Justice and his Deputtis: At the quhilk day, ane Court was fencit, within the said toune of Keremuir, place vfit and went for haulding of Courtis within the same: And albeit the said Dauid and his colligis foirsaid comperit, zit in respect of the trubles quhilk occureit within the realme, for the tyme, justice thane culd nocht be ministrat in the said mater; but wes continewit to the last day of Junij nixtocum thaireftir; and at that day continewit to the xxvij day of Julij nixt thaireftir following; and cawtioune tane for thame to entir that day: Vpoune the quhilk twentie sevin day of Julij foirsaid, comperit Johnne Ogilweye of Inuerquharratie, knycht, and James Scrymegeour of Glaswall, bailleis of said Regalitie in that pairt, within the said toune of Keremuir; and thair, at the said place, vfit and went for haulding of Courtis thairintill, fencit and held Court in dew tyme of day, thinkand to haue proceidit to the administratioun of justice in the said mater: In the meintyme, the said Dauid Grahame of Fyntrie, knycht, getand knowlege thairof, and vnderstanding him giltie of the said cryme, and nawayis willing to compeir and vndirly the law thairfoir, joynit him with vmq<sup>2</sup> George Erle of Huntlie, Dauid Erle of Crawford, James Loird Ogilbye, quhilkis throw his perswasioune and counsale, parte-taking, denyfing, assistance and ratihabitoune, togidder with the said Dauidis self and his complicis, in proper perfoun, with conuocatioun of the Kingis liegis, to the nowmer of ane thousand men or thairby, boddin in feir of weir with swordis, jakkis, steil-bonettis, speiris, culveringis and vtheris wappinnis, *inuafue*, incontrair the tenour of the Actis of Parliament, come to the said toune of Keremuir, the said xxvij day of Julij, the zeir of God I<sup>m</sup>.V<sup>c</sup>.lxxvij zeiris, and stoppit the haulding of the said Court, and all administratioun of Justice thairin; causing the saidis bailzeis, thair clerk and vtheris memberis of Court, for feir of thair lyvis, to ryse and depart thairfra, the samin Court being dewlie fencit<sup>4</sup> of befor, as said is: And nocht onlie floppit the haulding of the said Court, bot thair intendit

<sup>1</sup> By a majority. <sup>2</sup> At this period, Lords of Regalities, &c., had a right to demand the person of any criminal, resident within the bounds of their Regality, on finding security, that justice should be lawfully administered. This was termed, being repledged, or *replegeit*. It was a fruitful source of injustice and oppression, and was often employed to frustrate the ends of Law. <sup>3</sup> Kirrymuir. <sup>4</sup> A forensic term, still used in our Criminal Courts. Before proceeding with the trial, an officer proclaimed that the business of the Court was now commencing, and interdicting all manner of persons from disturbing their proceedings. This was called *fencing*, q. d. defending or protecting the Court against all intrusion or molestation.

purpoissie, of verrie malice, to have bereft the saidis Judgeis, and vtheris convenit and assisting thame in setting fordwart of justice the said day, of thair lyvis: Lyke as, in deid, the said David, accompaneit as said is, than inuadit, followit and perfewit thame for thair bodelie harme and slauchter; leveand na thing that micht have brocht his wickit and vngodlie interpryse to effect, and had nocht failit to have performit the same, gif God had nocht provydit remeid.—AND als, the said David Grahame of Fyntrie, knyght, and his brethir foirsaidis, daylie, monethlie, owkle and continewalie, at thair plefour, in the monethis of October, Nouember, December, Januare, Februare and Marche, in the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxvij 3eiris nixt, efter the denunciatioune of Robert Betoune of Westhall, our souerane loirdis rebell, for the cryme vnderwrittin, quhilk wes vpoune the xxiiij day of September, the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxvij 3eiris; and siclyke, daylie, monethlie and continewalie, in all the monethis or thairby nixt and immediatlie following the said denunciatioune, intercommonit, reffet, suppleit, schew fauouris, gaif meit, drink, hous and herberie to the said Robert Betoun of Westhall, within the said Davidis places of the names Erlis Stradichtie, Fyntrie, and borrowis of Dundie, Forfare, Brechin and diuers vtheris pairtis of the realme quhair thai thocht maist expedient, the said Robert being ordourlie denunceit our souerane loirdis rebell, and put to his hienes home the tyme foirsaid, in default of finding of souertie to have vnderlyne the law befor the Justice or his deputtis, in the tolbuyth of the burghes of Edinburghe, the viij day of November, the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxvij 3eiris, for arte and pairt of the cruell slauchtare of vng<sup>l</sup> James Ramsay, tutour of Lawis, committit in the moneth of September immediatlie preceding; and vtheris crymes contenit in the lettres raisit thairvpoune, and remaining vnder the proces of horne during the said hail space, incontrair the tennour of the Actis of Parliament; in hie contemptiounne of our souerane loirdis auctoritie and lawis.

Vpoune the quhilk purgatioune and pronounciatioune declairit in jugement, the saidis Sir David Grahame of Fyntrie, knyght, and his foirsaid brether, askit instrumentis and protestit for thair testimoniallis.

[*Mr Thomas Gilbert, Justice-Depute.*]

**Witchcraft, &c.**

Oct. 24.—VIOLAT MAR, in Kildeis.<sup>1</sup>

Dilaitit of the vsing of Sorcerie, Witchcraft, and Intantatioune, with Inuocatioune of spreittis, at the tymes contenit in the said Dyttay.

ASSISA.

Williame Drummonde at the myll of Nab.	James Drummond in Auchtiradour,	George Drummond, alias Gawir, in Strageyth,
Johne Grahame, appeirand of Calandare,	Johne Drummond of Pitkennettie,	Andro Millar in Balloclacharye, Johnne Anderfoun thair,
David Murray of Galdwall,	David Murray in North Kynkell,	Patryk Murray in Auchtirtyr,
George Marchell of Inuerpethie,	Johne Drummond in Layonoch,	Johne Drummond, in South Kynkell.
George Drummond of Ballock,	Hew Merfchell in North Kynkell,	

VERDICT. The said Violat conuict be Assyise, of the poynt of Dittay contenit in hir awin Depositionis and Confessioun, maid of hir tressonabill vndertaking, to put down my Lord Regentis Grace<sup>2</sup> with Witchcraft, at the tyme and place contenit in the sam Depositionis.—ITEM fylit, for ane commoune vsare of for-

<sup>1</sup> On the margin of Record, 'Conuict.' Keldeislands lay within the barony of Methven, Perthshire, where there was a chapel called Keldeis.

<sup>2</sup> James Earl of Morton, Lord Dalkeith, &c.

cerie, libbis<sup>1</sup> and charmes ; and abufare of the pepill, aganis the lawis of God and manne.

ABSEN. AB ASSISA.—Malcum Drummond of Bordland, Gilbert Moyll in Alloquhy, Androw Ramfay in Pittinleroch, Patrik Maxtonne of Cultoquhy, Patrik Drummond of Moinzie.

It is much to be regretted that the 'poyntis of Dittay,' and the Declarations and Confession of this personage, are not preserved in the Record. There is no doubt, from the singular respectability of the Assise or Jury, that she must have been of superior rank.—Although her conviction is recorded, the Justiciary Clerk has not marked the sentence on the margin as usual. It had likely been referred to the Lord Regent and Privy Council ; and when pronounced, omitted to be inserted in the Record.

### Slaughter.

Nov. 13.—GEORGE BRUNTFIELD, alias callit *Cutluge*.<sup>2</sup>  
Dilatit of the slaughtare of vmq<sup>3</sup> George Ingis. 'DECOLLAT.'

### Slaughter and Murder.

Feb. 5, 1577-8.—THOMAS TRUMBLE and Waltare Trumble, sonnes to the Laird of Bedrewle, (Sir Thomas Trumble).

Dilatit of art and part of the cruell slaughtare and murthour of vmq<sup>4</sup> Johnne Forbes, sone to Johnne Forbes of Ardmurdocht, committit in the moneth of December or thairby laft-was, vpoune fet purpois, prouifioune, be way of vmbefetting of the hie gait, vpoune foirthocht fellonie.

#### PRELOQUITOURIS in defence.

Mr Thomas Craig,  
The Laird of Cranftoune,  
The Laird of Hunthill,

The Laird of Gledstanis,  
Mark Hwme,  
Nicholl Carnecroce.

#### PERSEWARIS.

Johnne Forbes of Ardmurdocht,  
fader to the defunct,  
Mr Robert Creychtounne.

#### PRELOCUTORIS in perfut.

Sir James Balfoure,  
The Laird of Eggle,

My Laird of Deir,  
The Laird of Lowrestoune,

The Laird of Glenbervie.

#### ASSISA.

Robert Lowfoune of Humbye, Stevin Kinkaid, in Brochtoune, James Hart, in the Cannogait,<sup>3</sup>  
James Kinkaid of the Coittis, Clement Kincaid, in the Coittis, The Laird of Pilrig.<sup>4</sup>

VERDICT. 'ACQUIT AMBO.'

### Slaughter.

Feb. 26.—WILLIAME THRISLE in Dundie, skipar of Nychtingall,

<sup>1</sup> Magical incantations. A.S. *lib-lac*, L. B. *liblacum*, incantatio per fascina, fascinatio. 'Lac' properly signifies *play*; thus, 'Lib-lac' means 'the playing off of magical charms or delusions,' or 'bewitching.' <sup>2</sup> Crop-ear. <sup>3</sup> A relation (father?) of Andro Hart the printer. <sup>4</sup> The remainder of the Assise are feuars, &c.

James Dais, youngare thair, Thomas Broune, in Anfruther,  
James Rankene, marinall in Dundie, five others 'marinallis,'  
and Williame Swane, cuik thair.

Dilatit of art and pairt of the crewall flauchtare of vmq<sup>r</sup> Robert Watfoun, in  
Leyth, committit in October lastbypast.

PRELOQUITOURIS in defence.

The Conneftabill of Dundie, Mr Johnne Scharp,  
The Laird Eggell, Mr Alex<sup>r</sup>. Guthre,  
The Maifter of Glamis, Mr Richard Strang.

PERSEWARIS.

Elizabeth Anderfoun, relict of  
vmq<sup>r</sup> Rob<sup>t</sup>. Watfoune of Leyth,  
The thre faderles bairnis,  
Mr Robert Creychtoun, aduocate,  
James Mowbray of Pitlouer.

VERDICT. On the margin of the Record, 'Omnes ACQUIT, de omnibus in-  
fra script.'

**Adultery.**

Apr. 11.—CUTHBERT AMULLEKYNE of Dempstartoune.

Dilaitit of the cryme of Adulterie, committit with Elizabeth Hammiltoune,  
the spous of Roger Kirkpatrik of Cloisburne, committit at diuerse tymes.

PERSEWARIS.

Roger Kirkpatrik of Cloisburn, Mr R<sup>t</sup>. Creychtoun. Mr Thomas Fermoure, Williame Grahame.

PRELOCUTOURIS in defence.

VERDICT. The Assyise, for the maift pairt, conuictis and fyllis this Cuthbert  
Amullegane, for art and committing of the filthie and abhominabill cryme of  
Adulterie with Elizabeth Hammiltoune, spous to Roger Kirkpatrik of Cloisburne,  
conuerfand his bodie with hir in the fame filthie act, within the place of Cloif-  
burne, diuerse and findrie tymes, preceding lawfull admonitiounis maid to him  
to abstene thairfra, quhill was the aucht day of March, the 3<sup>e</sup>ir of God I<sup>m</sup>.V<sup>c</sup>.  
lxxvj 3<sup>e</sup>iris (1576-7). As alwa for his committing of the fame filthie and ab-  
hominabill cryme of Adulterie with the said Elizabeth, diuerse and findrie tymes,  
within the said place of Cloisburne, burch of Edinburghe, and partis of the  
cuntrie in findrie houffis and chalmeris thairof, fence the tymes of his confessioun  
of the fame, and repentance maid thairfoir, and fence the tyme of lawfull and  
dew admonitioune maid be him the day foirfaid, and vtheris dayis and tymes  
specifeit in the testimoniall gevin thairanent. AND conuictis him alwa of the  
thiftuous spending, waisting and putting away of the saidis Rogeris guidis and  
geir, during the fame space and tymes, quhill he vfit in maner foirfaid to hant  
and conuerse with the said Elizabeth, in the said Adulterie. In witnesse heirof,  
the Chancellare, in name of the rest of this Assyise, hes subscriuit this delyuer-  
ance with his hand.

NOTE. Sentence of punishment is afterwards pronounced, see Feb. 18, 1578-9.

[*Mr Alexander Bannatyne, Justice-Depute.*]

**Treasonable Slaughter of John Lord Glamis, Lord Chancellor.**

Jul. 22.—DAVID ERLE of CRAWFURDE.

Dauid Betoun de Melgound, plegius devenit, ad introand. Dauidem Conmitem Crawfordie coram Justiciario f.d.n. Regis in preterio burgi de Ed<sup>r</sup>., xxij die mensis Septembris proxime futuro, ad subeundum legem, pro arte et parte crudelis et proditorie interfectionis quondam Joannis domini de Glamis cancellarij, in menſe . . . . .<sup>1</sup> ultimo elaps., commiſs. infra burgum de Striueling; ex veteri inimicitia, certo proposito, prouisione et precogitata felonía commiſs. : Secundum formam et tenorem Literarum regiarum desuper direct., et sub penis in Actis Parlamenti contentis. Et hec plegiatio capta fuit de mandato dicti f. d. n. Regis, per ejus Preceptum hac de causa direct.

(Sic Subſcribitur) DAUID BETOUN of Melgound.

(Nov. 4.) The Earl of Craufurde again finds security for his appearance on the ferd day of Marche nixtocum.

**Slaughter of Chancellor Glamis.**

Jul. 22.—WILLIAME FOWLARTOUNE, junior of Crago, Thomas Strath-auchin, brother to the Laird of Bogtoun, and Johnne Scrymgeour, in . . . . ., seruants of the Erl of Crawford.

Dauid Betoun of Melgound also becomes surety for their appearance on the 13th day of October next.

[*Mr Thomas Bannatyne, Justice-Depute.*]

**Slaughter.**

Nov. 6.—WILLIAME STEWART and Harie Stewart, sonnes to Andro Lord Ochiltre.

The quhilk day, compeirit Alexander Mowat, sone lawfull to vmq<sup>h</sup> Charlis Mowat of Busbie, quha produceit our souerane lordis lettres, dewlie execut and indorfat, purchest be him, and the remanent kyn and freindis of vmq<sup>h</sup> Charlis Mowat, aganis William and Harie Stewartis, sonnes to Andro Lord Ochiltre, being summond be vertew thair of to wnderly the law, for the slauchter of the said vmq<sup>h</sup> Charlis; in respect quhair of, the said Alexander proteſtit for releif of the souertie fundin for reporting of the saidis lettres, to this day nixtocum; and tuke instrumentis of the productione of the kingis graces lettre and charge, di-

<sup>1</sup> This unfortunate scuffle took place on the streets of Stirling, Mar. 17, 1578, between the followers of the Earl of Craufurd and those of the Lord Chancellor, when Lord Glamis was accidentally slain by a random shot. It is understood that the Earl Craufurd had no immediate concern in this affair.

rect to the Justice and his deputtis, for continewatioune of this Court to the thrid day of the Air or sonner, vpoune xv dayis warning, dispenfand with the comperance of the saidis perfonnes in the Court ; As the said charge beiris, quhilk, he protestit, fuld be infert in the proces : And in respect the famin was pircheft be ane finifter informatioun, maid to the Kingis grace, for keiping of the said malefactouris vnpuneift or accuseit be the law, quha sa cruellie had sched the innocent blude of the said vmq<sup>le</sup> Charlis, as alswa to the hurt of him and vtheris perfewaris, in the hindrance of justice : Thairfore, the said Alexander protestit for remeid, at God and the Kingis grace ; and askit instrumentis of the premisses ; and that he presentlie disassentit to the continewatioun maid be the Justice and his deputtis in this Court ; and heirvpoune, tuke actis in the handis of me notare publict wnderwritten and scribe of the said Court.

[*Mr Johnne Grahme, Justice-Depute.*]

**Administering Poison to her Husband.**

Jan. 12, 1578-9.—HELENE COLQUHOUNE, spous to William Cuninghame of Aket.

Clemant Kinkaid, in the Coittis, oftymes callit to have produceit our fouerane lordis lettres, dewlie execute and indorsat, purchest be William Cunninghame of Aket, and M<sup>rs</sup> David Borthuik of Lochhill, and Robert Creychtoun of Eliok, aduocatis to our fouerane loird, to tak fouerte of the said Helene, that he (she) fould compeir and wnderly the law this day and place, ffor the tressonabill Miniftering of Poyfoun to the said William, hir spous ; committit in October lastwas : And nocht produceand the famin, was thairfore americiat in the panis content in the Actis of Parliament.

**Adultery.**

Feb. 18.—CUTHBERT AMULLEKIN, in Dempstartoune.<sup>1</sup>

Johnne Hammiltoun, parfoun of Crawford, Johnne and Cuthbert Amullekin, ferwand to my Loird Ruthuene, become fouerties coniunctlie and feueralie, for Cuthbert A. in D., conuict for Adulterie, committit with Elizabeth Hammiltoun, Ladie Cloisburne, that he fall depairt furth of this realme, within thre scoir dayis, immediatlie eftir the dait heirof, and remane beneift furth of the famin in tyme cuming : And als, that he fall abstene fra the cryme abouewritten, vnder the pane of ane thowsand merkis : And this done at command of secreit counsall, be thair precept direct to that effect : Lykeas the said Cuthbert, of his awin consent and will, ressaueit the said baniesment.

<sup>1</sup> See April 11, 1578.

**Conbocation of the Lieges—Making an Abbot of Unreason.**

Jun. 23, 1579.—ANDRO CHALMER in Fyntoray, and five others.

Dilaitit of art and pairt of the conuocatioune of our fouerane loirdis liegis, and making of ane ABBOT of WNBRESSOUNE ; committit in Junij 1578.

Continued to the Justice-air of ' Abirdene, tertio Itineris, vel super premonitione xv dierum.' Plegiis, Richardo Blyth, burgen. de Dundie et M. Will. Chalmer (camerario) de Lundoris (portionario de Fyntray) coniunctim et diuifim ; et omnes perfonas ad relevand.

**Slaughter.**

Jun. 23.—ANDRO GIBSOUN in Fyntrie, Andro Chalmer thair, and seven others.

Dilaitit of art and pairt of the cruell slaughtare of vmq<sup>le</sup> Alleftare Reid, alias MacHenrie ; committit in August laftwas.

Continued to the said Aire of Abirdene, with the fame perfons as cautioners.

Mr Will. Chalmer, chalmerlane of Lundoris, as baillie of the Regalitie of L. produces ane Commiffiounne of Replegiatioune, fubfcryuit be the Abbot of Lundoris ; and proteftit that the said continewatioune be nawife prejudiciall to the priuilege of the said Regalitie, &c.

**Slaughter.**

Jun. 27.—JOHNNE BROUN of Carsleuch.

Johnne Lord Maxwell americiated in forty pounds, for non-production of Johnne Broun of Carsleuch before the Justiciar or his deputies, to underlie the law, for art and part of the slaughter of James MacCulloch of Barholme ; committed on the 17th day of April laft.

Jun. 27.—The famin day, Johnne Gordoune of Barfkeoch, oftymes callit to have produceit our fouerane loirdis lettres, dewlie execute and indorfat, purchest be Elizabeth Kirkpatrik the relict, bairnis, kyn and freindis of vmq<sup>le</sup> James MacCulloch of Barholme, &c.

**Besieging House of Warriston, &c.**

Jul. 10.—ALEXANDER DALMAHOY of that Ilk, William Dalmahoy his brother, Johnne Dalmahoy his fader brother, Johnne Wilfoune, Johnne Reidheid, William Reidheid his fone, Allane Gilchfrist, William Duchell.

Dilaitit of the afeigeing of Williame Somerwell in Wareiftoune, within his duelling place of Wareiftoune ; and vtheris crymes, at lenth contenit in the lettres direct thairvpoune ; committit in Junij 1578.

This mater continewit be the Kingis Maieftie, be ane Precept, produceit be Johnne Somervell, meffinger, to the twentie day of Auguft nixtocum ; and tuke instrumentis of the production of the famin.—‘ Plegiis, Domino de Fawfyde, pro Dom. de Dalmahoy ; et Dom. de Dalmahoy, pro reliquis omnibus.’

### Forging of Adulterate Money, Harditts.

Jul. 31.—JOHNNE MAYNE, burges of Edinburghe, now duelland in Birrairie, in Norway, Bergen.

Dilaitit of art and pairt of the forgeing, fenzeing and prenting of certane fals and adulterat money, viz. fals hardittis ;<sup>1</sup> committit ten zeiris fyn or thairby.

PRELOCUTORIS in defence.

Mr Johnne Scharp, Mr Thomas Craig,  
James Mowbray, Williame Downie.

PERSEWARIS.

Mr Robert Creychtounne, aduocat,  
Williame Mylne, Scottifman, duelland at Birrairie,  
Thomas Baill, Robert Meluile.

Thomas Cok, (merchand in Edinburghe,) chancellare, askis instrumentis in his awin name, and in name and behalf of the rest of the personis of Assyife, that thai haive deponit and gevin thair delyuerance according to thair knowlege and conscience vpoun the fycht of the peicis produceit ; and in respect that they haif na notorietie nor fure knowlege of the deid it felf, nor na suffecient tryell or probatioune verefeit in writ be the perfewaris ; that thairfoir thay incure na denger nor cryme be Assyife of Errour, or ony vtherwayife : And protestis to this effect, that the decret vfeit be the defendare, togidder with the hail writtis produceit in proces, be registrat in the bukis.

‘ FOLLOWIS the Testimoniallis<sup>2</sup> and writtis produceit be the said Johnne Mayne in his defence,’ viz. (1.) From the Council and Senators of Bergen, in favor of Mayne and Helen Bowman his wife, Maij 26, 1578.—(2.) Ane vther Testimoniall from Birrairie, Jun. 8, 1578.—(3.) The King of Scotlandis Testimoniall, direct to the Toun of Birrairie, Sterlini, Julij 28, 1578.—(4.) Ane Testimoniall direct from the burghe of Edinburghe, Jul. 15, 1578.—(5.) Ane decret gevin befor the Loirdis (of Counsale), Jul. 24, 1579.—(6.) Ane Testimoniall gevin be the Toun of Inuerkething, Julij 30, 1579.—Then follow ‘ Copies of the writtis and Testimoniallis produceit be Williame Mylne aganis the said Johnne Mayne,’ being five in number. The Record on this case is clofed by the infertion of a Testimonial of innocence granted by Colin Earl of Ergyle, Lord Campbell and Lorne, Justice-General of Scotland, Jul. 31, 1579, in favor of Johnne Mayne of the whole crimes charged against him in his Dittay.

<sup>1</sup> *Hardheids* or *lions*, formerly of the value of three half-pence, but depreciated by Regent Morton to a penny, which caused much discontent. The *plack* also was depreciated by him from four to two-pence. <sup>2</sup> These documents are preserved at length in the Record.



**Justiciar within the Bounds of Athol appointed.**

Nov. 12.—JOHNNE ERLE OF ATHOILL producit ane Commiffioun of Justiciarie, gevin to him be our souerane loird, wnder the Grit Seill, makand him Justice within the boundes of Athoill : And defyrit that his aith mycht be acceptit, &c.

**Slaughter.**

Nov. 17.—MARGARET LINDESAY, Ladie Kersbank and Maister James Fotheringhame hir spous.

Dilaitit of art and pairt of the cruell slauchter of vmq Katherine Fotheringhame, spous to James Page in Aberlamnay ; committit in Februar lastwas.

PRELOCUTOURIS in defence.

Maister Johnne Schairp, aduocat, My Loird Innermeith, The Maister of Forbes, The Maister of Caffillis.

‘ ACQUIT.’

**Besteing House of Warriston, &c.**

Nov. 20-21.—ALEXANDER DALMAHOY of that Ilk, and seven others.<sup>1</sup>

Dilaitit of the affeiging of William Somerwell in Wareistoun, and vtheris crymes at lenth contenit in the lettres direct thairvpoune ; committit in Junij 1578 ; speciallie, for beiring and schutting of culveringis at the said place, with conuocatioune, &c.

**PERSEWARIS.**

Williame Somerwell, in Wareistoun, Mr Robert Creychtoun, aduocat.

PRELOCUTOURIS in defence.

PRELOCUTOURIS in perfuit.

The Laird of Ormestoun,

The Laird of Trabroune,

The Lairde of Covingtonne,

The Laird of Bonytoun,

The Laird of Ernok,

The Laird of Dalyell, youngare,

Mr Johnne Scharp,

Mr Thomas Craig.

James Somerwell.

VERDICT. All Acquit of the crymes put to the knowlege of Assyse, viz. of the schuting and beiring of pistollettis in the moneth of Julij, and thaireftir cuming to the hous and affeiging thair of, and schuting of pistollettis thairat, and hurting and wounding of Barbara Barrie, &c.

**Incest and Adultery.**

Jan. 15, 1579-80.—ELISABETH PRESTOUN, sifter to the Ladie Borthuik.

Dilaitit of the crymes of Incest and Adulterie ; committit with the Loird Borthuik, at findrie tymes, contenit in the lettres.

VERDICT. ‘ ACQUIT.’

<sup>1</sup> See Jul. 10, 1579.

**Incest and Adultery.**

Jan. 15.—MARGARET SCOTT, sifter to the Ladie Borthuik.

Thomas Borthuik of Mediltoun is amerced for the non-appearance of Margaret Scott before the Justice, &c. to underlie the law for the crimes of Incest and Adulterie; committed with William Lord Borthuik, husband of the said Dame Grizell Scott, her sifter, 'et procreatione filii ad eundem Dominum Borthuik,' &c.

## PRELOCUTORIS in defence.

Mr David McGill, Mr Johnne Prestoune.

## PERSEWAR.

Maister Robert Creychtoun, aduocat.

## ASSISA.

James Hoppringill, in Hoppringill, James Rig of Carbarrie,

Johnne Hoppringill, in the Murrois, (Chancellor,)

James Hoppringill, in the Bow, The Laird of Fawfyde,

Richard Schankis, burges of Edr. Willeame Cranftoun of Ladyfyde, The Laird Meggot.

Patrik Hoppringill, in Edr.

Johnne Turnebill, in Symintoune,

Robert Trumble, in Heriot mylne,

Robert Deware,

Thomas Adinstoun, in Carcant,

**Incest and Adultery.**

Jan. 15.—DAME GRISSELL SCOTT, Ladie Borthuik.

Dilaitit of Incest and Adulterie; committit with Walter Scott of Tuschelaw.

## PRELOCUTORIS in defence.

Mr Thomas Craig, Mr Johnne Leirmonth, Mr William Harvie. Mr Robert Creychtoun, aduocat.

## PERSEWAR.

## ABSENTES AB ASSISA Elizabeth Prestoune.

James Hoppringill of Quhytebank, The Laird of Elphingstoune, elder, The Laird of Ormeftoune, The Laird of Trabroune, The Laird of Hermestoune.

'DESERT.'

**Poisoning his Wife—Adultery.**

Feb. 15.—ANDRO GLENCORSE, in Peirstoune.

Dilatit of art and part of the Pofoning of Iffobell Staig, his spous; committit twa zeiris fyne, or thairby: AND ficklyke, for the lying in the filthie cryme of Adulterie with his wyffis moder, callit Helene Bathcate.

VERDICT and SENTENCE. 'Conuict of baith the crymes, and brint.'

**Slaughter — Combocation of the Lieges.**

Feb. 24.—VTHRED MAKDOWELL, 3oung Laird of Garthland, and others.

Dilatit of airt and part of the crewal slauchter of vmq<sup>le</sup> James Gordoune, sone of Johnne Gordoune of Barskeoche, with Convocatioune of the Liegis, bodin in feir of weir, &c., in the moneth of Julij lastbypast.

Hew Kennedie of Barquheny, alleget, that na proces aucht to be led aganis him, as cawtioner for the entrie of the 3oung Laird of Garthland and remanent;

in respect, that he is nocht lawfullie chargeit, at his duelling place, albeit it be indorfat, that he was chargeit at Dawcarrane, quhair his wyff was for the tyme; quhilk is nawyife his duelling hous, nor yit was he chargeit personalie; and protestis, that quhatfumeuir proces be laid in the said mater, that the famin be nocht prejudiciall to him as fouertie foirfaid, and offeris him to preve sufficientlie, that he duelt in nather of the saidis placeis quhair he was chargeit.—Anfuerit Mr Thomas Craig, for the Gudeman of Barskeoch, that he is lawfullie chargeit, at the place where his wyff duelt for the time, and the law presupponis the famin to be dwelling place; and that thai thairfoir abyde at the executioun of the saidis lettres.

Eodem die, Hewgo Kennedie de Barqubennie, sepe vocat. ad introand. Vthridum Makdowel juniorem de Garthland, Andream MacDowell ejus patrem, Joannem M<sup>c</sup>Dowell de Knokincroscbie, Georgium M<sup>c</sup>Dowell juniorem de Darregillis, Patricium M<sup>c</sup>Dowell ejus fratrem, Gelbertum M<sup>c</sup>Nelie, vocat. *the Rymour*, Alex. Agnew in Blair, Adamum M<sup>c</sup>Kie in Culinik, Joannem M<sup>c</sup>Dowell fratrem Vthridis M<sup>c</sup>Dowell de Bariarg, Nicholaum MGoune et Gilbertum M<sup>c</sup>Clennoquhen, coram Justiciariis f. d. n. Regis suive deputatis, predict. die et loco; ad fubeundum legem, pro arte et parte crudelis interfectionis quondam Jacobi Gordoune filij Joannis Gordoun de Barskeoch; cum Convocatione subditorum dicti f. d. n. regis, more bellico armat., contra tenorem Acti Parl., in mense Julij ultimo, &c.

‘AMERCIAT.’ ‘NOTA. Nocht to be extractit, in respect of the Kingis War-rand.’

### **Falsing of Evidents — Forgery.**

Feb. 28.—JOHNE SOWTARE, notare and messinger.

Dilaitit of the falsing of findrie evidents and vsing of falsat; speciallic, for copeing of James Brounes evident in Dundie, and delyuering to the said James of the said copie falsfeit be him; and the said James awin proper evident to Robert Stewart, the said James aduersare, quhairin decreit is pronunceit.

VERDICT and SENTENCE. ‘Conuict of diuers poyntis, and hangit.’

### **Slaughter of Lord Chancellor Glammis.**

Mar. 5.—DAVID ERLE OF CRAWFURDE.

Patrik Loird Lindesay of Byrris, et David Lindesay of Edzell, fined, for non-production of the Earl of Crawford, to underlie the law for the slauchter of vmquhile Lord Glammis, Chancellor, and James Johnnestoune.

### **Murder—Theft.**

Apr. 30, 1580.—ANDRO TRUMBILL, sone to Ekkie of Belfis, and Johnne Young, in the Cames, duellar under the Laird of Minto.

Delaitit of art and part of the cruell and schamefull murthour of vmq<sup>le</sup> Johnne

Hammiltoune of Benefoun, committit in Januar laftwas ; and breking of the faid vmq<sup>h</sup> Johnnes kift, and thiftuous fteling, conceling and away taking furth thairof, certane coitis, clokis and vtheris gudis and geir.

VERDICT and SENTENCE. Conuict, baith of the murthour and of the thift, and the faid Johnne Young hangit.—NOTA, This (Andro) Trumbell, fone to Ekkie of Belfis, becaus of his minoritie, the dome nocht pronunceit vpoun him ; bot he delayit and delyuerit to Andro Lindefay, to be keipit in waird, as he will anfuer, &c.

### Treason.

Maj. 23.—GEORGE BALFOUR, Pryour of Charterhouse.

Compeirit my Loird Thefaurar and the Aduocate, and declairit, that ffor fimekil as that, at ordinance of the Kingis Maieftie and Counfale, thai wer ordanit to perfew the faid George Balfoure, Priour of the Charterhous, of certane crymes, for the quhilk he is tane, and ane Affyife fummond to this day ; thairfoir askis instrumentis, that thai haue done their diligence, and wer reddie to perfew him, conforme to the faid ordinance : And proteftis, in respect of the abfence of Mr Johnne Grahme, Justice-Depute, that the occafioune of the ftay of proces this day be imput to him, feing na Court culd be fenfit without him, nor proces led thairin, conforme to the faid ordinance.

Maj 23.—The quhilk day, in prefence of me Notare publict and wittenes wnderwrittin, comperit George Balfoure, Priour of Charterhous, quha exponit and declairit, that in respect the Capitane, Conneftable and keiparis of the Caftell of Edinburghe, had enterit and presentit him in faice of Court, within the Tolbuyth of Edinburghe, conforme to ane Warrant direct to thame thairvpoune : Thairfoir, and in confideratioune of his entrie, he tuik and askit instrumentis thairof, that he presentlie was content to wnderly the law, for al crymes of Treffoune allegeit committit be him, and for the quhilk he has bene this lang tyme bypaff haildin in waird : Offering him, thairfoire, to the knowlege of ane famous,<sup>1</sup> condigne and vnſuſpect Affyife ; difſaſenting of all forder delay or continewatioune of Court thairanent. Quhairvpoune, the faid George askit instrumentis, as faid is, in the handis of ane Notare publict, and ſcrybe of Juſticiarie, appointit in the Courtis thairof. This was done, day and place foirſaid, before Sir Lwes Ballendene of Auchnowle, knyght, Clerk of our fouerane loirdis Juſticiarie, the Laird of Cleiſche, Daud Lawtie, Hew Tod, with vtheris diuerſe.

<sup>1</sup> Respectable, persons notoriously of good fame.

**Falseing, Forgeing, and Feinzeing of Letters.**

Jun. 29.—ROBERT CARMYLIE, seruitour to vmq<sup>10</sup> John Sowter.<sup>1</sup>

Dilaitit of the cryme of falsat, speciallie of the falsfeing, forgeing and fenzeing of lettres (of) Arreiftment and the subscriptioun-manuall of Gilbert Thorne-toune wrytare; and the Kingis Signet thairto of ane vther lettre, vpoune James Adame in Alyth, for payment of vij<sup>xx</sup> merkis.<sup>2</sup>

VERDICT and SENTENCE. ' CONUICT. ET SUSPEN.'<sup>3</sup>

**Murder of the Regents, Murray and Lennox.**

Dec. 15.—ARTHOUR HAMMILTOUNE, in Bothwelhauche.<sup>4</sup>

Dilaitit of the treffonable Murthouris of vmquhile James Erle of Murray Regent, committit in the moneth of Januare lxiix (1569) 3eiris. And ficlyke, for art and part of the treffonable Murthour of vmquhile Mathow Erle of Leuenox.

## ASSISA.

Johnne Blair of that (Ilk,)	Mr Archibald Cuming, feare of Alane Lokart, 3ungar of Cleghorne,
Johnne Cuninghame of Drum-	Cowtre, Archebald Douglas of Punfeith,
quhaffill,	W <sup>a</sup> . Schaw in Braidroddingis, Johnne Millare in Mylneheuch,
William Baillie of Lammingtoun,	Johnne Nowene of Kirvode, Thomas Baillie, tutour of Jar-
Mungo Lokart of Cleghorne,	Joh. Gilmour, burges of Glasgw, restoune,
Gawin Crawford of Farme,	Thomas Inchaw in Nethirtoune, Gawin Ra in Bothwell.

The said Arthour tuik instrumentis, that the Affyise aboue writtin clengeit him of the flauchtaris of the twa Regentis, quhair of he was dilaittit.

The famin day, comperit Mr Robert Creychtoun, aduocate to our souerane lord, and producit ane warrand, subscryuit be the Counsale, desyring and commanding him to insift in persute of the said Arthour Hammiltoun, for all crymes to be layd to his charge, and gevin vp in Dittay vpoune him; quhilk he desyrit to be registrat: Quhair of the tennour followis.

## SUPPLICATION OF ARTHOUR HAMMILTOUN.

SOUERANE LOIRD, Vnto 3our Maieftie and Loirdis of Secreit Counsale, humelic menis and schawis, I, 3our seruitour, Arthour Hammiltoun, callit of Bothwellhauch; That quhair, eftir pe assegeing of Hammiltoun, I wes committit to waird within pe Castell of Dumbartane, quhair I haue remanit continewalie senfyne, haueing nathing of my awin, bot sustenit vpoun pe expenssis of my freindis. And now, it hes pleffit 3our Maieftie, and ll.<sup>5</sup> charge pe Capitane and Keiparis of the said Castell of Dumbartane, to transpourt me, hiddin,<sup>6</sup> to pis toune of Edinburghe, to quhat purpos I know nocht; quha hes brocht me heir, quhair I am reddie to abyde the tryall of ane Affyise presentlie, for the flauchter and murthour of 3our hienes vmq<sup>10</sup> fader and Regentis; or then to find cawtioune to entir agane to pat effect, and wnderly all things can be laid to my chairge, vpoune sa mony dayis warning, and wnder sic panis, as 3our hienes and ll. pleffis to appoint, I being fred and at libertie,

<sup>1</sup> See Feb. 28.    <sup>2</sup> Seven score, or 140 merks.    <sup>3</sup> Hanged.    <sup>4</sup> There is marked on the margin of the Record, opposite the name, 'Acquyt.'    <sup>5</sup> Lordships.    <sup>6</sup> By stealth, in a concealed manner.

as the rest that wes suspect of the lyke offences. Maist humelie heirfoir, I beseik your hienes and ll. that aþer I may be put presentlie to þe knowlege of ane Assyse for þe saidis crymes, or cawtioun may be ressaueit of me in maner and to þe effect aboue writtin, and your Hienes and ll. anfuere hmelie I beseik.

WARRANT. 'Apud Halirudhous, xiiij Octobris, anno &c. lxxx° (1580). The Loirdis of Secreit Counsale ordanis the Justice Clerk and his deputtis to appoynt ane particulare daye to þis Arthoure Hammiltoune, to wnderly the law, for all crymes can be laid to his charge; and to direct lettres requyring all or souerane lordis lieges, be oppin proclamatioun at the mercat croces of Lanark, Glasgw, Lynlythqw, and vtheris places nudfull, to gef vp Dittay, quhairthrow þe said Arthour may be accusit at þe said day to be appointit, and iustice ministrat as accordis. And ordanis þe aduocate to infisit in perfruit of þe said Arthour, as he will anfuere þairvpoune.

(Sic subscribitur) 'MORTOUN. R. DUNFERMELING.'<sup>1</sup>

Arthoure Hammiltoune (then stiled 'of' Bothuelhauche) was afterwards restored to his estate, &c., under the Act 'of the restitution of the noblemen and vtheris ressaueit to the Kingis Maiesties favour.' 1581, chap. 21.

The following illustrative documents are excerpted from the Books of the Privy Council of Scotland:

I. APUD Hammiltoune, decimo Maii, anno, &c. lxxix. THE quhilk day James Robertoun of Ernock become actit and obleift as cautionar and souirtie for Arthour Hammiltoun, sone to vmquhile Arthour Hammiltoun of the Heleife, to enter and present the said Arthour before our souerane lord and lordis of his hienes secreit Counsale, as the said James salbe requirit thairto, vpoune aucht dayis warning, vnder the pane of ane thousand pundis; and Patrik Hammiltoun, burges of Hammiltoun, obleift him and his airis to releif þe said James of þe premissis, and of all pane and danger that he may incur thairthrow.

(Sic subscribitur) JAMES ROBERTOUN of Ernok, PATRIK HAMMILTOUN, with my hand.

II. APUD *Castrum de Striuling, secundo Junii, anno, &c. lxxix.*

SEDERUNT.

Colinus comes Ergadie, Robertus comes de Lennox, Robertus comes de Buchane,  
Andreas dominus de Vchiltrie, Allanus dominus Cathcart, Commendatarius de Cambuskennethe.

DUNROD *dischargit of the Lettroun.*<sup>2</sup>

ANENT the supplicatioun presentit to our souerane lord and his Priuie Counsale, be Robert Lyndesay Dunrod, makand mentioun, that quhair he wes burdynnit be his hienes and his said counsale, to serche, feik and bring to his Maiestie, ane Lettrun pertaining to Dauid Hammiltoune of Bothuil-hauch, quhairin ar contenit certane writtis; quhilk Lettrun, the said Robert hes brocht and deliuerit, at his Maiesteis command, to Alexander Hay, ane of the scribis of the counsale, in presence of the saidis loirdis. In respect quhairof, it is necessarlie requirit that the said Robert be releuit of the same, and discharge gevin to him of all intromissioun thairwith, and act of counsale to be extendit to that effect: Lykeas, at mare lenth is contenit in the said supplicatioun. The Kingis Majestie, with auise of the saidis lordis of his secreit counsale, in respect of the production of the Lettrun aboue written be the said Robert, conform to the command gevin to him to that effect, dischargis him thairof, and of all pane and danger that he may incur thairthrow for euir.

III. APUD *Halvrudehous, xxij die mensis Januarij, anno V. lxxx° (1581, new style.)* THE quhilk

<sup>1</sup> Robert Pitcairn, Commendator of Dunfermling, and Secretary of State, &c.    <sup>2</sup> A writing desk, or box for holding writings.

day, Johnne Rose of Hanynge become actit and obleift, as cautioner and fourtie for Arthoure Hammyltoun, callit of Bothuilhauch, that the said Arthour fall contene himself as ane faithfull and obedient subiect to our souerane lord and his autoritie: and on nawyse resset, supple, intercommoune, or schaw favour to Johnne sumtyme Commendatar of Abirbrothok, and Claude sumtyme Commendatar of Pailay, nor to ony vtheris thair complices that ar or heirefter salbe declarit rebellis and fugitiues fra the lawis, for the treffonable murther of vmq<sup>r</sup> the King, his hienes dearest father, and of the Erlis of Lennox and Murray, his hienes Regentis of gude memorie. And als, that the said Arthoure fall compeir personalie befor his Maiestie and Lordis of Secret Counsale, as he salbe requirit thairto, vpoun fyfteine dayes warning, vnder the pane of fyve hundreth merkis.

(Sic subscribitur)      JOHNNE ROSS of Haning.

### Murder.

Dec. 15.—WALTARE LAWDER, serwand to vmq<sup>r</sup>, the Lairde of Bafs.<sup>1</sup>

Dilaitit of art and pairt of the crewall murthour of vmquhile Mr James Lawder of the Bafs, his maister; committit in the moneth of October.

### Slaughter.

Dec. 20.—LAURENCE LORD OLIPHANT, Arthoure Forbes apperand of Reres, &c. (forty-one others).

Dilatit of airt and pairt of the crewall slauchter of vmq<sup>r</sup> Alexander Stewart of Schuittingleis; committit in the moneth ('the fyrst day') of Nouember lastby-past: ('And for invading of Williame Lord Ruthvene, Thesaurer, for his slauchter,') and vtheris crymes specifcit in the lettres produceit vpoun thame.

PRELOQUITOURIS for the pannell.		PRELOQUITOURIS in persuit.	PERSEWARIS.
The Laird of Lochlevin,	The Laird of Barnbarroch,	Williame Lord Ruthvene,	
The Laird of Cardene,	George Corrie of Kelwod,	Sir Johnne Stewart of Traquair,	
The Laird of Dundas,	W <sup>m</sup> . Murray of Lettir Bennettis,	knycht,	
The Laird of Delgatie,	Mr Ro <sup>t</sup> . Creychtounne, aduocat.	James Stewart in Tinnes, broder	
Mr Johnne Schairp,		to the defunct,	
Mr Thomas Craig.		James Hoppringill of Wodhous.	

The quhilk day, eftir chefing of the preloquitouris, alfwele for the pannell as the persewaris; comperit Mr Johnne Schairp, and askit instrumentis of productione of ane delyuerance of the Lordis of Seffioune, purchest be Laurence Lord Oliphant, chairgeing him (Mr Johnne) and vtheris procuratouris thairin contentit, to compeir this day and place, and procurir for the personis enterit on pannell in thair defence; quhilk delyuerance, he defyrit to be anfuerit and registrat in the buikis of Adiornall. Quhilk defyre the Judge thocht reffonable, and ordanit the same to be registrat.

INTERLOCUTOR. THE Justice-depute, vpoune certane alledgeancis proponit be the parteis *hinc inde*, continewit this cause to the morne; and ordanit the personis on pannell, to find fourtie for thair

<sup>1</sup> There is marked on the margin of the Record, 'Conuict. et decollat.' The Assise are designed, being all burgesses of Edinburgh, but the procedure is not entered.

entrie, to vndirly the law for the crymes foraid, and vtheris contenit in the lettres direct vpoune thame; quho ffand the Laird of Lochlevin cautionn to that effect.

Dec. 21.—THE Justice Depute, in respect of the alledgeance proponit be athir of the parteis preloquitouris, and that ane Affyse could nocht be obtenit to my Lord Oliphant, for objectiounis; ordanit the mater to be continewit quhill the morne, xxij day of Nouember, &c.

VERDICT. (Dec. 22.) The Affyse, be thair delyuerance, pronunceit and declarit be the mouth and speking of George Symmer (Somer) of Balzoidie, Chancillar, ffand and delyuerit the perfonis enterit on pannell and perfewit, to be clangeit, innocent and acquit, of airt and pairt of the crewall slauchter and murthoure of vmq<sup>le</sup> Alexander Stewart of Schuittingleis, schot with ane poysonit bullet:<sup>1</sup> And of the convocatioun of our fouerane loirdis liegis, bodin with culveringis, pistolettis, jakis, speris, steilbonnettis and vtheris wappinnis *invasiue*; incontrair the tennour of the Actis of Parliament: And ficlyke, of vmbefetting of the hie way to William Lord Ruthvene, Thesaurer, invading of him and his feruandis being in his cumpanie, for thair slauchteris: With the hail circumstanes thairof libellit, committit vpoun the fyrst day of November lastbypast, vpoun sett purpois, provisioun, auld feid and foirthocht felonye.

Eftir the pronunceing and declaratioun quhairof, the perfonis on pannell askit instrumētis, and proteffit for thair testimoniall.

### Slaughter.

Dec. 23.—WILLIAME LORD RUTHVENE, (Lord High Thesaurer of Scotland,) James Ruthvene, Alexander Ruthvene, James Ruthvene, callit *Swaddinis Jame*, &c. (seventy-nine others.)

Dilatit of airt and pairt of the crewall slauchter of vmq<sup>le</sup> Johnne Buchane; committit vpoun the fyrst day of Nouember lastbypast; and vtheris crymes, contenit in the fummondis.

PRELOQUITOURIS for the pannell.		PERSEWARIS.
My Lord Barnbarroch,	The Laird of Traquair,	Laurence Lord Oliphant,
Mr Alexander Syme,	Mr David M <sup>c</sup> Gill,	William Now, officiar,
Mr Johnne Ruffell,	The Laird of Kelwod.	Mr Robert Creychtoun, Aduocat, pro rege.

Mr Robert Creychtoun, Advocat, produceit ane Precept subscryuit be the Kingis Maiestie and twa of his hienes Previe Counsell, direct to him, chairgeing him to infist in the perfute of the perfonis enterit on pannell, &c.; quhilk Precept he requyrit to be regiftrat, quhairof the tennoure followis.

JUSTICE, Justice Clark and 3oure deputtis, and Aduocatt: It is our will and we command 3ow, that incontinent eftir sycht heirof, 3e oure Aduocatt perfew pe Lord Ruthvene, vpoune pe lettres riffin

<sup>1</sup> This is the only instance in the Record of poisoned bullets having been made use of in Scotland.



aganis him to þe xxij day of þis moneth, and continewit to þis day; and 3e oure Justice, Justice Clark and 3oure deputtis, proceid to þe perfuit fordwart to þe putting of my Lord Ruthvene and his fer-tandis and freindis on pannell to ane Affyse, and do justice þairin: As 3e will anfuer to ws þairvpoun; keiping þis for 3oure warrand. Frome Halyruidhous, þe xxij day of December 1580.

JAMES R. LENOX, ROBERT STEWART.

My Lord Oliphant askit instrumentis, that he past fra the perfuit of my Lord Ruthvene and remanent personis on pannell, *pro loco et tempore*; and that, in respect that Maister Robert Creychtoun, Aduocat, wald nocht vfe his informa-tioun, as he alledgeit. And protestit, that quhatfumevir thing the Aduocat did, in the perfuit of thame, fould nocht prejudice nor hurt his actioun, bot quhen tyme and place fall serue, he may persew the samin, according to the lawes of this realme.

My Lord Ruthvene alledgeit, that he and the rest enterit on pannell, aucht nocht to be putt to the knowlege of ane Affyse, for bering, wering and vsing of pistolettis aganis the lait Act of Parliament libellit; in respect, he had ane Licence grantit to him, be oure souerane lord, subscryuit with twa of the Coun-fall: Quhilk Licence he produceit, desyring the samin to be infert, quhairof the tennour followis.

LICENCE *in favor of Williame Lord Ruthvene, Thesaurer, &c.*

Ws, for diuerse reffonabill cauffis moving ws, be þe tennour heirof, Gevis licence and power to oure rycht traift coung and counfeleare, Williame Lord Ruthvene, oure Thesaurair, his seruandis, pair-takaris and defendaris, in his cumpanie, to beir, weir and vfe hagbuttis, culveringis and pistolettis, for his and þair defence, aganis his inimeis; nochtwithstanding oure Actis, statutes and proclamatiounis, maid incontrar; with þe quhilkis be þir presentes we dispence: Dischargeing oure Justice, his de-puttis and all vtheris judgeis within oure realme, of ony trubling, calling or persewing of oure said coung or his foirsaidis, ciuile or criminall, att ony day or dayes þairfore; inhibiting þame þairof, and of þair offices in þat pairt, be þir presentis. Subscryuit with oure hand, att Halyruidhous, þe xxij day of October 1580.

(Sic subscribitur) JAMES R. LENOX, JAMES STEWART.

The persones on panell, in respect of the Kingis Maieftis Precept, direct to the said Justice depute, wes ordanit to be putt to the knowlege of ane Affyse, of the persones following, for the slauchter of the said vmq<sup>h</sup> Johnne Buchane and vtheris crymes, &c.; exceptand the bering, wering and schuitting of pis-tolettis, quhilk is cuttit away, be reffoun of the Licence produceit and regiftrat.

ASSISA.

James Lord Inuermaith,	Robert Mure of Cauldwall,	Hew Lord Somerwall,
Allane Lord Cathcart,	Johnne Quhytefard of that Ilk,	James Erle of Glencairne,
Andro Erle of Rothes,	George Drummond of Blair,	Andro Lord Stewart of Vchiltre,
Gylbert Ogilvie of that Ilk,	W <sup>m</sup> . Cwynnghame of Caprintoune,	Alex. Drummond of Medop,
Patrik Lord Lyndesay,	Alex. Maister of Levingstoune,	Harye Drummond of Riccartoune.

THE samin day, the Laird of Caprintoune, being schofin, fworne and ad-mittit vpoun the Affyise of the personis aboue writtin, enterit on pannell, and

haifing removit him ſelf (furth) of Court with the remanent perſonis of Affyis, to deliberat and decyde vpoun the pointis of Dittay, quhairof thay wer accuſit; he re-enterit agane, ſend be the Chancillar of Affyſe in the ſaid Court, and in preſence of the ſaid Juſtice depute, demandit of Mr Robert Creychtoun, Aduocat, perſewar, gif he had ony vthir preſumptioun, certaintie or taikin of the crymes lybellit, contenit in the ſummondis, quhairby the perſounes on pannell wer accuſit; quha anſuerit, that he had na thing bot the ſaidis lettres, vnder oure ſouerane lordis ſignet, ſubſcryuit with the clark, togidder with the Kingis Maieſteis Precept, deſyring him to inſit in perſuit thairof; vpoun the quhilk anſuer, the ſaid Laird of Caprintoun aſkit instrumentis.

The Erle of Rothes, Chancillar of the ſaid Affyſe, re-enterit lyke wyſe in the ſaid Court, and aſkit instrumentis, that the perſounes on pannell wer nocht orderit to be putt to the knowlege of ane Affyſe, for bering, wering and vſing of piſtolettis; in reſpect of the Kingis Licence, grantit to thame to that effect; and proteſtit, that the ſaid Licence ſould be anſuerit (inferit) and regiſtrat in the buikis of Adiornall.

VERDICT. And immediatlie eftir pe ſcheſing, ſwering and admitting of pe ſaidis perſounes of Affyſe, as vſe is, the ſairſaidis perſounes enterit to pannell, being accuſit be dittay oppinlie red in judgement, of pe crymes following; the ſaidis perſonis of Affyſe, being altogidder removit furth of Court, and ſyne convenit and reſſonit vpoune pe pointis of pe ſaid dittay; and being rypelie auyſit pairwith, re-enterit agane within pe ſaid Court of Juſticiarie, quhair thay, in preſence of pe ſaid Juſtice depute, be pair delyuerance, pronunceit and declarit be pe mouthe and ſpeiking of pe ſaid Andro Erle of Rothes chancillar, ſſand and delyuerit the ſaid Williame Lord Ruthvene, and remanent perſounes nocht repledgeit, to be clangeit, innocent and acquit of pe ſlauchter of vmq<sup>le</sup> Johnne Buchane, ſeruant to Laurence Lord Oliphant, committit with convocatioune of oure ſouerane lordis liegis, be way of hameſuckin, vpoun pe fyrſt day of Nouember laſtbypaſt, vpoune ſett purpoſe, prouiſioun, auld feid and foirthocht fellonie; ſeing na verificatioun ſchawin to pame, nor zit na perſoun ſwerand pe Dittay.

Upoun the produceing quhairof, the ſaid Williame Lord Ruthvene, Theſaurare, in his awin name, and for the remanent perſonis on pannell, aſkit instrumentis.

### **Slaughter, &c.**

Dec. 24.—LAURENCE LORD OLIPHANT.

Willelmus Dowglas de Lochlevin, plegius devenit, ad intrandum Laurencium Dominum Oliphant, coram Juſticiario ſ. d. n. regis fuiſue deputatis, tertio die proximi Itineris Juſticiarie de Perthe, vel alibi vbi et quando placuerit ſuo ſerenitati, ſuper premonitione xv dierum; ad ſubeundum legem, pro arte et parte crudelis interfectionis quondam Alexandri Stewart de Schuittingleis, primo die menſis Novembris ultimo elapſo, ex certo prepoſito, prouiſione et precogitata phelonia commiſs.; alijsque criminibus in literis regiis deſuper direct. ſpecificat.; ſecundum formam et tenorem earundem et ſub penis in Actis Parlamenti contentis.

**Thett.**

Jan. 6, 1580-1.—FRANCES ARMESTRANG, sone to the Laird of Quhit-hauch, Frances Armestrang, sone to *Sym of Tinnisburne*, Hob Elliot, callit *Ill Rob of Ramsigill*, Quintine Nikfoun, sone to *Clemmie the Crwne*, Gawin Elliot, sone to *Scottis Hob*, Thomas Armestrang, sone to *Sandeis Niniane*, Andro Armestrang, sone to *Thom of Gingillis*, William Elliot, sone to *Jokis Willie*, Hob Elliot of Braidlie, Johnne Elliot, sone to *Eldar Will*.

Dilatit of certane crymes of thift, specifeit in the Dittay to be gevin in vpoune thame.

Mr Robert Creychtoun, aduocat, askit instrumentis of the chefing, fwering and admitting of the saidis personis of Assyfe.

The Justice-depute, ordanit the personis of Assyfe, desift and ceife, frome all delyuering vpoun the pointis of dittay, red oppinlie in Court; and siclyke comandit the saidis personis on pannell to be committit to waird within the Castell and Tolbuith of Edinburgh.

**Piracy.**

[JURISDICTION OF HIGH ADMIRAL.]

Jan. 10.—JOHNNE COKBURNE in Leith.

Dilatit of certane crymes of Pirrafis (Piracies) att lenth specifeit in the lettres produceit.

The samin day, comperit Mr Thomas Gylbert, Admerall-depute to ane nobill lord, James Erle of Mortoun, &c. Grit Admerall; and alledgeit, that the Justice aucht nocht to be Judgeis to the said Johnne Cokburne, in respect the cryme quhair of he is accusit is ane sefairrand<sup>1</sup> mater; and thairfoir, desyrit the said Johnne to be repledgeit furth of the said Court, to the jurisdicioune, libertie and privedge of the Admerall, as Judge compitent thairto. Mr Robert Creychtoun, advocat, comperand for the Kingis intres, alledgeit, that the said alledgance aucht to be repellit, in respect thair wes na Commissiounne speciallie to that effect; and albeit thair wer ane speciall Commissiounne produceit, it fould nocht be obeyit, because he is fyrst perfewit heir, *et locus est preuentioni*. Forder, the desyre of the Admerall-depute is for hinderance of justice, and wes neuer in vse to repledge ony cause from this judgement.

INTERLOCUTOR. The Judge continewis the interloquitour vpoun the alledgeances aboue writtin, to the tent day of Februare nixtocum; and ordanit the said Johnne Cockburne to find caution for his entrie att the said day.

The said Amerall-depute protestit, that the continewatioune of pronouncing of

<sup>1</sup> Seafaring, or maritime cause.

the interloquitoure, be nawayise prejudicial to my Lord Admerallis juridic-tioune, and askit instrumentis that he disassentit to the continewatioune of the said interloquitoure.

Feb. 10. Robertus Kirkcaldie, burgen. de Edinburghe, et Willelmus Downie, *alias Laird Downie*, in Leith, plegii deuenere, conjunctim et divisim, ad intrandum Joannem Cokburne in Lethe coram Justiciario s. d. n. regis, suisve deputatis, tertio die proximi Itineris Justicie de Edinburghe, vel alibi, ubi et quando placuerit sue serenitati, super premonitione xv dierum, ad subeundum legem, pro arte et parte diuersorum criminum Piracie et Spoliorum facta, super naues Flandriorum et Gallorum; necnon, pro arte et parte furtive depredacionis surreptionis, per modum lie *Piracie*, omnium et singulorum bonorum et mercium, extra nauem Flandrorum lie vocat. *Bonaventure*, pertinen. ad Joannem MacMichael de Larew, Lucam Remont aliosque diuersos locupletes mercatores in oppido Antuerpie remanen., in mense Maij ultimo elapsi commissi.; alijque criminibus, in literis regis desuper direct. specificat.; secundum formam et tenorem earundem, et sub penis in Actis Parl. contentis.

### Oppression — Taking Captive and Prisoner, &c.

Jan. 11.—JOHNE GORDOUN of Blalak, George Gordoun, sone to James Gordoun of Craigmyle, George Gordoun of Kandmoir, Mr William Gordoun of Dalperfie, James Gordoun of Craigmyle, Thomas Gordoun of Dawane, Alexander Vaus of Ruthvennis, Robert Gordoun of Halheid, Andrew Tailzeour in Smiddiehill.

Dilatit of the taking of James Mortymer, apperand<sup>1</sup> of Craigievar, captiue and presoner, and detening of him within the wod of Kilblene, be the space of ten dayes or thairby; commitit vpoun xxvj day of August lastbypast; and vthiris crymes specifit in the lettres produceit vpoun thame.

#### PRELOCUTORIS in defence.

Captain James Stewart, The Maister of Seytoun,  
The Maister of Caffillis, Mr Thomas Craig, Aduocat,  
Mr Thomas Buchquhannan, Mr Johnne Schairp,

#### PERSEWARIS.

James Mortymer apperand of Craigivar,  
Mr Robert Creychtoun, Aduocat.  
(The Erle of [Sutherland] law-borrow<sup>2</sup>  
sub pena ter centum mercarum.)

The personis on pannell askit instruments of thair entrie, and protestis for releif of thair cautionaris; and that thay war reddie to byde the tryell of the law for the cryme libellit. Afkis instrumentis, that nane perfewis bot zoung Cragyvar and the Aduocat; and that the Lard of Cragyvar declarit, he wald perfew the Lard of Ruthvennis, and the rest of the pannells.

Continued to the Justice-air of 'Abirdene, tertio Itineris, vel super premonitione xv dierum. Plegio, Comite de Sutherland et omnes intrantes ad relevand., pro rato.'

EXPENCES OF PANNELLIS. The famin day, the hail persones on pannell protestit, that na lettres be grantit in tyme cuming to the persewar, for calling

<sup>1</sup> Heir apparent.  
against the other party.

<sup>2</sup> Legal pledge or security, that, in the interim, no injury should be inflicted

of thame to vndirly the law, for the crymes libellit, vnto the tyme he find caution for satisfaccioun of thair expenffis.

**PROTESTATIOUN OF ASSYISE.** The personis of Assyise, chofin and admittit, feing that na ma perfounes of Assyise could be had to pafs vpoune the intrantis Assyise, proteffit, in caise thai wer summond att ony tyme heireftir to pafs vpoune the Assyise of the saidis personis, for the cryme libellit, That thay be nocht vn-lawit, in respect of thair obedience att the present ; and that thay wer bot puir men, vnmeit to pafs vpoun Lairdis Assyffis, and that thay wer drevin to exhor-bitant expenffis be cuming sa far of.

### **Slaughter.**

Jan. 17.—**GEORGE ADAM**, masoun, sone to Alexander Adam in Gaf-toune.

Dilatit of airt and part of the crewall slauchter of vmq<sup>le</sup> Andro Cuninghame of Forresterhill, committit vpoun the xxij day of December, anno 1577. And als, of the slauchter of vmq<sup>le</sup> Johnne Wallace, committit vpoun the ix day of Januar instant.

**VERDICT.** The Assyise pronunceit and declarit the said George Adam culpabill, convict and fylit, of airt and part of the crewall slauchteris of the saidis vmq<sup>le</sup> Andro Cuninghame and vmq<sup>le</sup> Johnne Wallace.

**SENTENCE.** To be taikin to the Castell-hill of Edinburghe, and thair his heid to be strikin frome his bodie ; and all his movabill guidis to be escheit and in-brocht to our souerane lordis vsf ; and that dome was pronunceit be Andro Lyndesay, Dempstar to the Justice.

### **Murder of King Henry Darnley.**

Jun. 3, 1581.—**JOHNNE BYNNING**, seruand to Mr Archibald Dowglase, parfone of Glasgw.

Dilatit of airt and part of the tressonabill paricide, murthoure and crewall slauchter of vmq<sup>uhile</sup> Henrie, King of Scottis ; committit in the moneth of Februar, I<sup>m</sup>.V<sup>c</sup>.lxvj 3eiris.

**PERSEWAR.** Mr Robert Creychtounne of Eliok, Aduocat.

The Justice ordanit the said Johnne Bynning to be putt to the knowledge of ane Assyise, for the crymes contenit in Dittay ; [by virtue of ‘ ane Warrant producit, subscryuit with (by) the Kingis Maiestie, quhilk the aduocat desyrit to be regiftrat.’] This document does not appear on Record.

**VERDICT.** The Assyise, be thair delyuerance, pronunceit be the mouth and speiking of Mungo Scott, (merchand, burges of Edinburghe,) Chancillar creat of the Assyise, ffand and delyuerit the said Johnne Bynning, fylit and conuict, of

the crewall, schameful, tressonabill and abhominabill slauchter and murthour of vmq<sup>b</sup> Henrye, King of Scottes, fader to our souerane lord, in his awin ludgeing, for the tyme, within the burgh of Edinburghe, besyde the Kirk of Feild, quhair he was lyand, in his naikit bed, takand the nychtis rest; tressonablie raiffand fyre within the samin, with ane grit quantitie of powlder, through force of the quhilk the said haill ludgeing wes raiffit and blawin in the air, and his Grace wes maist awfullie and tressonablie flane, murdreift and distroyit: And als, ffand and delyuerit the said Johnne, giltie, of airt and pairt of the crewal slauchter and murthoure of vmq<sup>b</sup> Williame Talzeour, and vmq<sup>b</sup> Andro M<sup>c</sup>Caig, tressonablie thruch raising of the said fyre, committit in cumpanie with James, sumtyme Erle of Boithvell, and diuerse vtheris declarit traittouris, in the moneth of Februar 1566; and of the tressonabill counseling and hyding of the saidis horribill crymes, committit be the said Johnnis assistance, at the tyme and place foirfaid.

SENTENCE. For the quhilk cauffis, the Justice, be the mouth of Andro Lyndesay, dempstar, ordanit the said Johnne Bynning to (be) tane to the croce of Edinburghe, and thair hangit vpoun ane geibet, and thaireftir demanit lyke ane traittoure.

### High Treason.

JUN. 7.—ARCHIBALD ERLE OF ANGUS.

Johnne Cwninghame of Boningtoune, oft tymes callit to haif enterit, Archibald Erle of Angus, Lord Dowglas and Abernethie, &c., before oure souerane lordis Justice, or his Deputtis, the saidis day and place, in the houre of caus, to have vndirlyne the law, for the tressonabill difobedience of the command of our souerane lordis vtheris lettres; in nocht entering of his perfoune in waird, bezond the watter of Spay, within sex dayes efter he wes chairgeit thairto; and on nawyise to cum be-fouth the said watter, quhill he wer fred be oure souerane lord; and that he sould send ane procuratorie sufficientlie authorifit, obleiffand him to fulfill the premiffis: Quhilk charge wes gevin him, vpoun the xvij day of March, 1580 3eiris, be Johnne Broun, messinger, vndir the pane of tressoune; and on nawayis obeyit be him, nathir within the saidis sex dayes, nor zit att na tyme senfyne; incurrand thairby the panis of Treffoun, viz. tinfull of lyfe, landis and guidis, and be extinctioun of his tytillis, fame, honoure and memorie for evir. AND siclyke, of his difobedience of the command of our souerane lordis vtheris lettres; be the quhilkis he wes chairgeit, be Johnne Calder, Buit Pursuant and sheref in that pairt, within constitute, vpoun the xxix day of March lastbypast, in oure souerane lordis name and authoritie, as kepar, detener and withhaulder of the Castell and fortalice of Thomptalloune, to rander and delyuer the samin to the said Johnne Calder and Sheref in that pairt, executoure of the

faidis lettres, to be kept be him, in our souerane lordis name, during his hienes will, within xlvij houris eftir the faid charge, vnder the pane of tressoun; with certificatioune to him, and he failzeit, he suld be repute, hauldin, estemit and persewit and demanit as ane traittour; and nochttheles, he on na wyise obeyit the famin charge, nathir within the tyme foirfaid appointit thairto, nathir zitt att na tyme senfyne; nochtwithstanding the faid Castell and fortalice wes lauchfullie requyrit, be the executour foirfaid of the faidis letteris, eftir the outrinning of the space contenit in the famin. AND rychtswa, for his tressonabill difobediencie of the command of oure souerane lordis vthir letteris, in nocht randerig and delyuering of the Castell and fortalice of Dowglas to Johnne Adie, messinger, within xlvij houris nixt eftir he wes chargeit thairto; quhilk charge wes gevin be the faid messinger, vpoun the penult day of March lastwas, in anno 1581; and swa, nocht obeying of the faid charge, nathir within the space appointit thairto, nor zit att na tyme senfyne. AND vtheris crymes contenit in the letteris direct thairvpoun, eftir the forme and tennour of the famin, and vnder the panis contenit in the Actis of Parliament.

And the faid Archbald Erle of Angus nocht comperand, to the effect foirfaid, the faid Johnne Cwninghame of Boningtoun, his cautioner, wes vnlawit, for his non entrie to vndirly the law for the faidis crymis, the faidis day and place, in the panis contenit in the Actis of Parliament, viz. in the pane of ane hundreth poundis. And siclyke, the faid Archbald Erle of Angus, Lord Dowglase, &c., wes adjudgeit in the famin Court, to be denunceit our souerane lordis rebell, and putt to his hienes horne; and all his movabill guidis ordanit to be escheit and inbrocht to his Maiesteis vse, as fugitive fra his hienes lawes, for the faidis crymes.

### High Treason.

Jun. 13.—GEORGE DOWGLAS of Parkheid.

Johnne Charterhous of Aimiffeld, for non appearance of George Dowglas of Parkheid, is vnlawit in the pane of ane hundreth poundis, 'to haif vndirlyne the law, for the tressonabill difobediencie of the command and charge of our souerane lordis lettres, in nocht randerig and delyuering of the Castell toure and fortalice of Torthorrell, to Robert Maxwell, messinger, sheref in that pairt,' &c. Dowglas adjudged to be denounced rebell, &c.

### Slaughter.

Dec. 9.—JOHNNE STRIUELING of Glorat, Johnne Striueling, zounger of Craighernat, Walter Striueling of Ballagane, Louke Striueling

of Baldorane, Alex. Abirnethie in Strablane, and Johnne Striueling, fervitour to Glorat.

Dilatit of airt and pairt of the crewall slauchter of vmq<sup>re</sup> Malcum Kincaid, sone to [James] Kincaid of that ilk; committit in Junij lastbypast.

PRELOQUUTOIRIS in defence.	PERSEWARIS.	PRELOQUUTOIRIS.
Mr David M <sup>c</sup> Gill, aduocate,	Charles Kincaid, eldest sone to the defanct,	The Laird of Cauldwell,
The Laird of Keir,	James Kincaid, eldar of that ilk, fader,	
The Laird of Blaquhannan, <sup>1</sup>	James Kincaid, 3ounger of that ilk,	The Laird of Blannerne,
The Laird of Merkinstoune, eldar,	Thomas Kincaid, broder,	
The Laird of Knokdolian,	George Kincaid, broder,	The Laird of Lugtounne.
Mr Thomas Buchquhannan.	Mr Robert Creychtounne, aduocat.	

The quhilk day, comperit James Stewart of Cardonall, and produceit ane Precept, subscryuit be the Kingis Maiestie, and twa of the lordis of Secreit Counfall, direct to the Justice, Justice Clark and thair deputtis; commanding, that this criminall caise sould be continewit to the tent day of Januar; quhilk wes obeyit, and cautioun ordanit to be found be the defendaris, for thair entrie the said day, in the Tolbuith of Edinburgh, to vndirly the law for the crymes lybellit.

(Jan. 10, 1581-2.)—PRELOQUUTOIRIS in defence.

Sir James Hammiltounne,	The Laird of Restalrig,	The Maister of Sempill,
The Lard of Elphinstoun,	Mr David M <sup>c</sup> Gill,	Mr Thomas Buchquhannan.

The pannell askit instrumentis, that 3oung Kincaid, being requyrit, gif he wald perfew thame of thair lysis; anfuers, that he wald.

Mathew Stewart of Mynto, bailie depute of Efme Duke of Leuuenox Earl of Darnelie Torboltounne Dalkeyth and Obenzie, &c. replegiated the pannell to the Regality of Lennox, and affigned the 24th day of March following, for administration of Justice.

[*Mr Henry MacCalzane, Justice-Depute.*]

**Slaughter near the King's person — Jurisdiction of Magistrates of Edinburgh, Lord High Constable, &c.**

Dec. 15.—WILLIAM BIKARTOUNE of Casch.

Dilatit of bering, wering and schuitting of pistolettis, within thre quarteris of ane myle to the Kingis perfoune, (incontrar the tennoure of the Actis of Parliament and Secreit Counfall;) and schuiting of George Auchinlek (of Balmanno) through the bodie; committit vpoun the xij day of December instant, vpoune fett purpois, prouifioun, auld feid and foirthocht felonie.

<sup>1</sup> Buchquhannane, (Buchanan.)



## PRELOQUUTOIRIS for the pannell.

Mr Alexander Sym,                      Mr Henry Balfoure,  
The Laird of Durie, 3ounger,      The Laird of Abbotifhall,  
The Laird of Corftoun,                      3ounger.

## PERSEWARIS.

Archibald Auchinlek of Cumledge,  
(broder,)  
Mr Robert Creychtoun, aduocat.

The Justice, with auise of his Affessouris, vpoun the alledgeances and anfuers, alfwele proponit yifterday as this day, *hinc inde*, that the deid contenit in Dittay, fould be remittit to the knowlege of an Affyse; and quhatfumevir thing contenit in Dittay *super penam juris*, with the dome, fould be referuit to the Judge, to be pronunceit accoirding to the lawes of this realme.

The said mater, for laik of Affysouris, continewit to quhatfumevir day it plefit the perfewar to fummond an Affise thairto.

Dec. 16.—Comperit Mr Alexander Clerk, PROUEST OF EDINBURGH, togidder with Mr Alexander King, aduocat, and declarit that W<sup>m</sup>. Bikartoune had committit the crymes aboue writtin, and committit to thair waird; and in respect thay ar Shereffis within thaim selfis, proteffit, that the Justice Court and thair proceeding vpoune him fould be nawife preiudiciall. THE (LORD HIGH) CONSTABILL proteffit in lyke maner, that in respect the famin wes committit within the Kingis, &c.

William Bikartoune remittis him felf in the Kingis will for the schot, quhilk wes done on suddantie; conforme to the lawis of this realme; and denyis foirthocht fellonie.

The aduocat alledgeit the mater wes done vpoun auld feid and foirthocht fellonie, in respect of the deidlie feid standand vnreconfilit betuix George Auchinlek and William Bikartoune, for the hurting of Archibauld B. his broder, in September lastbypast; as the Dittay beris.

[*Mr Johne Grahame, Justice-Depute.*]

Dec. 18.—Maister Robert Creychtoun askit instrumentis of production of ane new Warrant, direct fra the Kingis Maiestie, subscryuit be him felf and twa of his hienes counfall, commanding the Justice and his deputtis, to putt the said William to the knowlege of ane Affyse.

VERDICT. The Affyse, be thair delyuerance, pronunceit be the mouth and spekeing of Hew Montgumrie of Heffilheid, chancellor, ffand and delyuerit the said William Bikartoune of Casche, to be culpabill, fylit and convict of the bearing and wering of piftolettis, and of schuting of George Auchinlek of Balmanno through the bodie to the grit effusioune of his bluid, committit vpoune the xij day of December instant; and ffand him acquit of the doing of the same, vpoun auld feid, fett purpois, prouisioune, be way of vmbefetting of the hie gait, foirthocht fellonie, and within thre quarteris of ane myle to the Kingis Maieftis

and crwell murthour of vmq<sup>b</sup> Hary King of Scottis, fathir to our fouerane loird, committit in Februar lxxvj (1566). At the leift, of the treffonabill hyding and conceling of the famin, he haveing foirknowledge thairof, and knowing perfytlie, that Mr Archebald Dowglas and vmq<sup>b</sup> Johnne Bynning his feruand, war actualle at the committing of the fame. AND for the slauchter of vmq<sup>b</sup> Erle of Murray, Regent ; and vtheris crymes contenit in the letteris.

PERSEWAR, Mr Dauid M<sup>c</sup>Gill as Aduocate to our fouerane lord.

Compeirit Richart Cafe and Jaspert Hwme, as procuratouris for Alex. Hwme of Manderftoune, as informer of the saidis crymes lybellit aganis the Laird of Spott ; and defyrit to be admittit procuratoris, conforme to thair Procuratory, produceit thairin.

Compeirit lykewayis James Cuninghame, procuratour for Dame Annas Keyth Countes of Murray, and Elizabet Stewart hir dochter,<sup>1</sup> be thair lettres of Procuratorie speciallie constitut ; and produceit the said Procuratorie, and defyrit to be admittit for his intres.

The Laird of Spott, in respect Richart Cafe complenis as procuratour for Alex. Hwme of Manderftoune, informant, in this caus, defyres, that lykewayise he may haif preloquitouris admittit for his pairt.

DITTAY *against the pannel.*

GEORGE HWME of Spott, dilaitit and fummond be vertew of our fouerane loirdis lettres, purchest be Mr Robert Creychtoun of Eliok, his hienes aduocate, to pis day and place, for airt and pairt, red and counsale, of pe crewall, schamefall and abhominabill Murthour and slauchter of vmq<sup>b</sup> our fouerane loirdis darrest father, HENRY KING OF SCOTTIS, committit in the moneth of Februare, the 3eir of God I<sup>m</sup>.V<sup>e</sup>. threfcoir sex 3eiris, within his awin lugeing, befyde pe Kirk of Feild, vnder filence and cloude of nycht, be treffonabill rasing of fyre within the said lugeing, with ane grit quantitie of powlder ; throw force of the quhilk powlder, pe haill lugeing wes raifit and blawin in the air, and his Majestie maift treffonablie and awfully murdreift, flane, and destroyit : At the leift, treffonablie hid and concealit the said horrible and treffonabill cryme, he haifand foirknowledge pairof, and knawand perfytlie that Mr Archebald Dowglas, fumtyme parfoun of Glasgw, and vmq<sup>b</sup> Johnne Bynning his ser-

<sup>1</sup> This, at first sight, would appear to be a mistake, especially when contrasted with the mention afterwards made of these noble ladies, in another part of the trial. ' *Dame Annas Keyth, Countess of Murray,*' was the eldest daughter of William, fourth Earl Marischal, and is elsewhere named *Lady Agnes*, and *Lady Anne* (Annie) Keith ; and was the second wife and relict of Regent Murray, to whom she was married in February 1561. She was afterwards married to Colin sixth Earl of Argyle, to whom she bore two sons, Archibald the seventh Earl, and Sir Colin Campbell of Lundie. By her marriage with Regent Murray she had two daughters, Ladies Elizabeth and Margaret Stewart.— Dame Elizabeth was married to James Stewart, son of James Lord Doune, who having, in 1580, got a gift from King James VI. of the Ward and Marriage of the two daughters of the Regent Murray, a few days afterwards wedded the eldest daughter, *Dame Elizabeth Stewart*, and immediately assumed the title of *Earl of Murray*. Lady Margaret was married to Francis, ninth Earl of Errol, and died without issue.

In order to distinguish the mother and daughter, the former was usually styled Countess of Moray and Argyll. She died in June 1588. The husband of Dame Elizabeth is best known in Scotland as '*the Bonny Earl of Murray.*'

wand, was actualie at the committing of þe said odious and crewall Murthour; and nochttheles, keipit the samin secreit to him self, neir reveling the samin to the hier poweris, þat þai wer the committaris þairof, quhairby thay nicht haif bene puneift þairfoir. AND siklyke, for airt and pairt of the tressonabill and horribill Murthour of vmq<sup>o</sup> JAMES ERLE OF MURRAY, loird Abernethy, &c. REGENT to our souerane loird, and of his hienes realme and liegis for the tyme, committit actualie be James Hammiltoune, callit of Bothwellhauch and Johnne Hammiltoune, Prowest of Bothwell, his brother, within the burcht of Linlythq<sup>w</sup>, vpoune the xxij day of Januar, the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxix 3eir; and that of his cawfing, counsale, command, affistace and ratihabitoune; tressonablie refetting, suppleing and menteining the saidis James and Johnne Hammiltounes, actual committaris, immediatlie efter the said Murthour, with the het bludye hand, within his awin dwelling place of Neidpeth-heid, quhair he duelt for the tyme; thay being fugitiues þairfoir, and takand the horribill cryme vpoune thame; tressonablie conceland and hydand the Murthour and Murthouraris, he being baith of the foirknowledge þairof, as alswa, tressonablie hurding and keiping of the saidis murtheraris within his said place, at the tyme foirsaid, and be the space of findrie dayes thaireftir; nochtwithstanding he perfytlie knew, that grit diligence wes tane in fercheing and feiking of the saidis murtheraris, to haif takin and apprehendit thame for executioun of justice. AND lykewayis, for the tressonabill Refetting, affisting, suppleing and helping the said Mr Archebald Dowglas, sumtyme Parfoun of Glasgw, in the place of Spot, quhair he duelt for þe tyme; and that in the moneth of Marche I<sup>m</sup>.V<sup>o</sup>.fourfoir 3eir, eftir þat the said Mr Archebald was delaitit for the tressonabill and vnnaturale Murthour of vmq<sup>o</sup> our darrest loirdis father, Henry King of Scottis, of gude memory, and fugitiue for the samin, acceptand thairby the cryme vpoune him: Lykeas, the said George tressonablie supportet and conuoyit the said Mr Archebald, be him self and vtheris in his name, of his cawfing, command, affistace and ratihabitoune, furth of þis realme, at þat tyme, to the partis of Ingland, for faustie of his lyff, that he suld nawayise be apprehendit, presentit to our souerane loirdis lawis, nor puneift for the said horribill cryme; and nocht satiat þairwith, tressonablie wrait directit messageis to þe said Mr Archebald, into the partis of Ingland quhairunto he fled for the cause foirsaid; and tressonablie practizit with him, be him self and vtheris mediate personis, of his sending, sen his passiing in Ingland, at diuerse tymes, in preiudice of our souerane loird, his hienes realme and liegis; and swa hydeing and couering of the said Murthour, that the committaris thairof suld nather be knawin nor puneift for the samin: AND alswa, for art and pairt of the tressonabill accepting to tak and put violent handis on our souerane loirdis personne, and findrie of his hienes nobilitie and secreit counsale, at diuerse tymes, in the moneth of December and Januare in the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxxx 3eir, and that within the burcht of Edinburghe, and Palice of Halirudhous; and tressonablie hid and concealit the saidis attemptatis, he being of the foirknowledge þairof, and maid priuie þairof, be Archebald sumtyme Erle of Angus, and vtheris of that conspiracie; and tressonabill gevin counsale to þe said Erle and vtheris of the said Conspiracie, to put the samin to full executioun: AND vtheris tressonabill conspiraceis and crymes, at lenth specifeit and contenit in the saidis lettres direct thairvpoune.

Comperit Capitane James Cuninghame, as procuratour for Dame Annas Keyth Countas of Argyle, and Dame Elizabeth Stewart Countas of Murray,<sup>1</sup> her dochter, be thair lettres of Procuratorie, subscryuit with thair hand allanerlie, speciallie constitute; and desyrit to be admittit for his intres, be vertew thairof; and askit instrumentis vpoun the productioun of the samin.—Comperit lykewyife, Richart Kafe, seruitour to Alexander Hwme of Manderstoune, and Jaspert

<sup>1</sup> Vide note at the commencement of this trial.

Hwme, as procuratouris speciallie constitute be the said Alexander Hwme of Manderstoune and his lettre of Procuratorie, subscryuit with his hand, being speciale informer, in the summondis of Treafoune lybellit and persewit aganis the said George Hwme of Spott, desyring to be admittit procuratouris conforme thairto ; and askit instrumentis vpoune the productionun of the famin.

The said George Hwme of Spott, haifing respect to the compeirance of Richard Cafe and Jaspert Hwme, as procuratours for Alexander Home of Manderstoune, informar in this caus, protestit that lykewayise he may haif preloquitouris admittit for his pairt, to appone aganis the said Alexander Hwme and his procuratouris compeirand in his name, allanerlie sa far as concernis his pairt, as informare of the Aduocate.

THE JUSTICE, being rypelie awyfit with the desyre of the Laird of Spott, admittis that he fall haif preloquitouris to appone aganis the said Alexander Hwme of Manderstoune and his procuratoris, as informaris foirfaidis, vpoune the danger and perrell of law.

The said George Hwme of Spott, askis instrumentis vpoune the productionun of the Procuratorie be the said Capitane James Cuninghame, onlie subscryuit be the saidis Dame Annas Keyth Countas of Argyll, and Dame Elizabeth Stewart Countas of Murray ; and that the famin is nathir subscryuit be the Erle of Argyll, spous to the said Dame Annas, nor yet be the Erle of Murray, spous to the said Dame Elizabeth.—To the quhilk, ansuerit the said Capitane James Cuninghame, that the Procuratorie is sufficient, and thairfoir aucht to be admittit, nochtwithstanding the famin is nocht subscryuit be thair husbandis, in respect the actioun is treffonabill.

The said Laird of Spott, haifing regaird to the tryell of his innocencie, condiscendit, that albeit the said Procuratorie war nocht subscryuit be the spouses *respectiue* foirfaidis, as the famin is nocht ; zit, gif it wer to the forderance of justice, he wald admit the famin ; and wnderstanding alwayis, that it tendis to delay the mater, askis instrumentis, zit as ofbefoir, that the productionun thairof nocht subscryuit be the husbandis *respectiue* as said is ; and allegeit that the famin thairfoir aucht nocht to be admittit ; and nochtwithstanding thairof, he is content that the said Capitane James Cuninghame insist in persute, be his Procuratory, and nocht to delay the mater ; Lykeas, the said George allegeand, that it wes the Kingis Maiesteis mynd for forderance of justice, that present tryell be tane thairin at this dyet, produceit his hienes Precept in jugement, off the quhilk, the tennour followis :

REX,

JUSTICE, Justice Clerk and your deputtis, We greit 3ow wele. Forfamekill as, we wnderstanding that pair is ane Justice-Court to be haldin, the sextene day of this instant, for tryell of George Hwme

of Spott; thairfoir it is our will, and we appoynt Adame Bifchope of Orknay, Robert Commendatour of Dunfermling, Mark Commendatour of Newbotill, and Mr Johnne Lindefay parfoun of Menmuir, to be Affesouris vnto 3ow: And that 3e cheis ane condignne Affyife to the said George, effeir and to his estait and degre; and that 3e admit nane that ar serwandis, kin, freindis or dependaris to Alexander Hwme of Manderstoune, his competitour. Admitting alswa to the said George, his lawfull defenffis, quhilkis may be competent vnto him of the law, conforme to justice. Subfcryuit with our hand, Att Dalkeyth the twelf day of Junij 1528.

(Sic subfcribitur)

JAMES R. LENOX. ARANE.

Vpoune the productioun of the quhilk Precept, the Laird of Spott askit actis and instrumentis.

*FOLLOWIS the COPYE of ane PRECEPT, direct be the Kingis Maiestie, for directioun of lettres aganis the said George.*

JUSTICE, Justice Clerk and 3our deputis, Forfamekill as, George Hwme of Spott, has bene oftymes dilaittit of certane crymes of Trefoun and Lese-maiestie, grittumlie suspect pair of: Thairfoir, 3e fall nocht fail, and we command 3ow, for tryell to be had heirin, that 3e caus summond the said George, to wnderly our lawis pairfoir, in our Tolbuyth of Edinburghe, vpoune systene dayis warning; nochtwithstanding our Actis of Parliament and vtheris, that thay quha ar to be accufit of Trefoun, fuld haif fourtis dayis summonding ofbefoir; becaus the said George is willing to anfuer vpoun the famin xv dayis warning: And to pat effect, that ye summond ane Affyife, of the maift honest perfonis, and leif suspect of partialitie, and that best knawis the veritie, in the said mater. This onnawayise 3e leif wdone, as 3e will anfuer to ws pairvpoun. Subfcryuit with our hand, Att Dalkeyth, the xxviiij day of Maij instant, and of our regne, the xv 3eir, 1582.

(Sic subfcribitur)

JAMES R. LENOX. ARANE.

The said Maifter Johnne Grahme, Justice-Depute, in name and behalf of the Justice Generale, and for himself, askis instrumentis and documentis, vpoun the productioun of the twa Warrantis of the Kingis Maiesteis, as thair ar; and protestit, that thai remane in proces, &c.

The said James Cuninghame askis instrumentis, that the saidis twa Warrantis produceit, ar nocht past in Counsale. Quhairvnto anfuerit the Laird of Spot, that the Warrantis ar sufficient, in respect the famin are subfcryuit be our soverane loird and the Dukis grace, conforme to ane Act of Secreit Counsale maid at Striueling; and for corroboratioun thairof, produceit the said Act in jugement, quhair of the tennour followis:

APUD STRIUELING, duodecimo die mensis Aprilis, anno domini 1582.

Forfamekill as, findrie gud Actis hes bene maid, alswell in Parliament as in Secreit Counsale, aganis the vnressonabill and vndiscreit behaiour of findrie his Maiesteis domestice serwandis, and vtheris subiectis; that ceise nocht, raschlie and inopportunlie, without dew reuerence of his hienes, or acknowledgeing pame selfis or the nature of pair fuetis, and without respect of tyme, place or vther circumstancis, to vrge and preise his Maiestie to subfcrybe signatouris, preceptis, chargeis and missivis to the Loirdis of Sessioune and vtheris inferiouris Jugeis, for staving or furthering of proces, in matteris of justice, and findrie vther extraordinare writtis; vtir lie perverting the ordour appointit be the saidis Actis; quhilkis ordanis thingis to be awysit, and past first in Secreit Counsale, befor his hienes subfcrybe paim; Quhair be pe contrair, his hienes subfcryptionne is commounlie first procurit, be-

foir the lettres be red, hard or confidderit in Counsale; quhairthrow findrie inconvenientis occurit. For remeid of the quhilkis, in tyme cuming, it is thocht expedient, statute and ordanit, that nane presume or tak vpoune hand, to present to his Maiestie, ony signatour, precept, charge or missiue to the Loirdis of Sessioune, or ony inferiour Jugeis, for staying or furthering of proces, in materia of justice, or vther extraordinar writtis, or to preise to urge him with the subscriuing pairof, except his hienes ordinar officeris of the estait, in thingis properly belanging to pair officeis, according to the saidis Actis; without the samin be first red, hard and allowit be ane ordinar number of his hienes Counsale sittand, and subscriuit with twa of pair handis. That nane of the lettres first subscriuit be his hienes Maiestie, befoir the allowance pairof in Counsale, or althocht pai be subscriuit be ony vther twa of the Counsale out of Counsale sittand, it salbe ony sufficient Warrant to the keipares of the signet, privie or grit seallis, or the clerk of the Counsale; nor zit fall it be ony caus of offence or perrell to disobey the same, quhairvther thay sal happen to be vseit or presentit, without the Duikis Grace haif confiderit and subscriuit the samin, for awoyding and eschewing of the foirsaidis inconvenientis, abuse and confusioune, in tyme cuming: And quha euir offendis in the premissis, being the Kingis domestike serwandis, fall vpoune tryell that pai ar gyltie, be caffit, and put furth of pair seruice in the said house: And being ony vtheris personis, salbe rigoruslie punisheit at the sycht of his hienes, and his said Priue Counsale.

EXTRACTUM de libro actorum secreti consilij s. d. n. regis, per me Joannem Andro, clericum deputatum ejusdem, sub meis signo et subscriptione manualibus.

(Sic subscribitur)

JOANNES ANDRO.

The Aduocate, being inquyrit, gif he wald infist in perfute of the said George Hwme of Spot, for the tresonabill cryme aboue writtin, and vtheris lybellit; declairit, that he will infist and persew, disassenting fra all continewatioun in the said mater; and requyrit the said James Cuninghame compeirand for the Countas of Argyll and Countas of Murray, togidder with the saidis Richart Kafe and Jespart Hwme, compeirand as procuratouris for Alex. Hwme of Manderstoune, informer, to infist and concure with him in the said perfute. Quhairvpoune, he askit instrumentis.

THE JUSTICE, being awyfit with the saidis Adame Bischope of Orknay, Robert Commendater of Dunfermling, and Mr Johnne Lindesay parloun of Menmure, his Assessoris foirsaidis, fand be Interloquitour, that proces suld be deduceit in the said actioun this day, conforme to the lawis of this realme. Quhairvpoune, the said Laird of Spot askit instrumentis.

James Cuninghame protestis, that the Procuratorie and heidis produceit be him in writ, be kept, in proces, in caice this mater passe to ane Assyise, and the said Laird of Spott be acquit of airt and pairt of the tresonabill Murthoure and slauchter of vmq<sup>le</sup> James Erle of Murray, Regent to our souerane loird, and of his hienes realme and liegis, and conceling of the samin, as the Dittay beris, for Wilfull Errour, &c.

The said Richart Kafe askis instrumentis, that he requyrit this mater to be continewit; in respect, the Kingis Aduocate is seik, to quhome his maister, informer in this caus, gaif his informatioun.

The said Mr David M'Gill, zit as ofbefoir, askis instrumentis, that he presentie desyris the said James Cuninghame, Richart Kafe and Jespart Hwme, procuratouris and the informaris foirfaidis, seeing that justice aught to be ministrat on ther tressonabill crymes, but delay, to remane and assist him as informaris, to gif him informatioun.—To the quhilkis anfuert the said James Cuninghame, that he compeiris onlie as procuratour for the twa Countassis foirfaidis. And the saidis Richart Kafe and Jespart Hwme anfuert, that thay will infist in the said perfute, in name and behalf of the informar, swa that the samin be nocht prejudiciall to the caus.

The said Mr David M'Gill, aduocat, desyris the roll of Assyse, subscryuit onlie be Mr Robert Creychtoun, Aduocate to our souerane loird, to be first callit.—Quhairvnto anfuert the said Laird of Spott, that thair is ane roll of Assyise of the maist famous personis of the countrie, and leif suspect, subscryuit be Williame Erle of Gowrie Loird Ruthuen, thesaurer to our souerane loird, the Justice Clerk, and the said Mr Robert Creychtoun, aduocate; conforme to the Kingis Maiesteis Warrant direct thairvpoun; quhilk roll aucht to be ressaueit and first callit: And protestit, that the tothir roll be nawyise ressaueit; in respect, the samin is gevin vp be the informer.

THE JUSTICE, with awyfe of the Loirdis Assesouris foirfaidis, Ordanis be Interloquitour, that ane of ather of the saidis twa rollis be red and callit, and swa furth ordourlie, ane for ane vther.

## ASSISA.

Johne Edzare of . . . . ., James Hoppringill of Wod, Henry Hepburne of Fortoun, Niniane Spottifwod of that Ilk, Alexander Daumahoy of that Ilk, Thomas Fawfyde of that Ilk, Henry Haliburtoun of Mertoun, Johnne Edmestoun of that Ilk, Patrik Congeltoun of that Ilk, Thomas Cranftoun of Moreftoun, Alexander Cokburne of that Ilk, Robert Hwme of the Hauch, Alexander Wardlaw of Currihill, Johnne Cokburne of Ormestoun, William Wauchope of Nwdry.

The said James Cuninghame protestis, that quhatsumeuir thing the saidis personis of Assyis dois this day, in this mater, that the samin be nawyise prejudiciall to the saidis Dame Annas Keyth Countas of Argyll and Dame (Elizabeth) Stewart Countas of Murrayis actione; vpoun the quhilk he requyrit ane document.

VERDICT of the Assyse, Acquitting of George Hwme of Spott. And immediatlie efter the chefing, sweiring and admitting of the saidis personis of Assyise, with consent of ather partie, and sweiring of thame in judgement, as vfe is; the said George Hwme of Spott, being accusit be vertew of the saidis lettres, of the tressonabill cryme aboue writtin, and vtheris contenit pain, sotteseit be sindrie takanis of Dittay gevin in thairvpoun, and the samin being denyit simpliciter be the said George, and referrit to the tryell and delyuerance of the foirnemmit personis of Assyise; thay removit furth of the said Court, and altogidder conuenit and ressonit vpoun the poyntis of the said lettres and dittay; and estir lang ressoning had be pame pairvpoun, being ryplie awyfit thairwith, and euerie poynt of the samin, votit, delyuerit and Acquit be said George of euery poynt of the samin; and syne re-enterit agane in the said

Court of Justiciarie, and thair, be pair delyuerance, pronouneit be þe mowth and speiking of Johnne Cokburn of Ormestoune, Chancellare of the said Affyse, stand and delyuerit the said George Hwme of Spott, Acquit off art and pairt, red and counsale of the crewall, schamefull and abominable Murthour and slawchter of vmq<sup>le</sup> our souerane loirdis darrest father, Henry King of Scottis, committit in the moneth of Februar, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. threscoir sex yeiris, within his awin lugeing besyde þe Kirk of Feild, &c. &c. (as before detailed): AND ffordir, of art and pairt, rede and counsale, of the tressonabill attempting to tak perforce, be way of deid, James sumtyme Erle of Mortoune, furth of our souerane loirdis waird, quhairto he was committit, for the horribill Murthour of our souerane loirdis vmq<sup>le</sup> darrest father; and that, in the said moneth of Januare, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. fourascoir 3eiris, as he was to be transportit furth of his Maiesteis Castell of Edinburgh to his hienes Castell of Dunbartane; thair to be keipit, quhill he be put to the knowlege of ane Affyse: AND of the tressonabill counsale-geving, to corrupt and seduce his keiparis, and vtheris haifing credit of his saidis wairdis and Capitanis pairf, to pat effect; and pairby, tressonabill hyding and canceling þe said conspiracie, he beand of the foirknowlege pairf: AND auttour of art and pairt, red and counsale, of the tressonabill attempting of the inbringing of the Inglis force, within the pairtis of Scotland; thairby to dissolue the peax, of lang tyme keipit, betuix the realmes of Scotland and Ingland; and be his persuasioune, tressonabill drawing and allureing grit poweris of Inglisemen, wele inarmit, to the nowmer of Ten thousand personis or pairby, to the bordouris of Ingland, foiranent the bordaris of Scotland; daylie manassand and boifand weir, and to dissolue the publik peax foirfaid; committit be him in þe said moneth of Januar, the 3eir of God 1580 3eiris, quhen the said vmq<sup>le</sup> James sumtyme Erle of Mortoune was in waird, for the crewall and tressonabill Murthour of the said vmq<sup>le</sup> oure soueraine loirdis darrest father: And seing the first purpos to misgif, towardis the releif of the said vmq<sup>le</sup> James furth of waird, practizit and interpryfit þis purpos, thinkand pairby, that the said vmq<sup>le</sup> James suld recouer his libertie, and escaip tryell and pwnischment: AND rychtswa, of the tressonabill hyding and canceling of the said attemptis, and caus quhairfoir þe famin was attemptit, and quha was conspiratouris pairin with him, quhome be þe famin was attemptit; he being of þe foirknowlege of all the crymes and tressonabill geuing counsale to þe said Archebald sumtyme Erle of Angus, and vtheris of the saidis conspiraceis thairanent.

[*Mr Williame Oliphant, Justice-Depute.*]

**Fire-raising, &c.**

Jun. 5, 1583.—ALEXANDER JARDENE of Apilgirth.<sup>1</sup>

Dilaitit of the tressonabill Birning of the Place of Litillgill.

The Justice, continewis the mater aboue writtin; in respect of the allegeancis proponit againis the name of Hammiltoune and Bailleis, and deidlie feid, vpoune the commoune caus; as alfwa, vpoune the said Alexanderis peiris: And ordanit thame to be committit in waird, within the Castell of Edinburgh.

[*Mr Johnne Grahame, Justice-Depute.*]

**Breaking Ward out of Castle of Edinburgh.**

Aug. 5.—JOHNE STEWART, watchman in the Castell of Edinburghe.

Dilaitit of the breking of the Kingis Waird of the Castell of Edinburghe, and conveying of the Laird of Apilgirth and Williame Tailzfeir his ferwand furth thairof.

<sup>1</sup> See Nov. 27, 1584.



The Justice ordanis Johnne Stewart to be committit in waird, quhill the Advocate be present for his perfute.

**Fire-raising — Burning corn, &c.**

Aug. 5.—JOHNNE LINDESAY of Covingtoune, Mr James Lindefay and Robert Lindefay, his sonis.

Dilatit of airt and pairt of the tressonable raising of fyre and birning of fyve stakis of beir, quheit and aittis, perteing to Mr Johnne Scharp, Advocate.

The Constable of the Castell of Edinburghe askit instrumentis of the entrie of the Laird of Covingtoune and his sonis on pannell, conforme to ane Warrant direct to that effect. Compeirit Mr Johnne Frude, and producit ane substitution, maid be Mr David MacGill, Advocate, makand and substitutand him in his place, to persew the Laird of Covingtoune and his sonis, for the crymes thairin contenit; and desyrit thame to be infert in proces.

The Dittay, which is inferted at length, charges the pannell, 'for the maist tressonable, awfull and horribill raising of fyre, within the barne-3aird of Horftoune, and coirnis standing stakkit within the samin, pertening to Mr Johnne Scharp, Advocate; quhairby, be ane grit quantitie of powder and vtheris necessaris vfit be 3ow, at the leift of 3our cawfing, airt, pairt-taking, resetting, concealing and command, 3e maist tressonable and awfullie brint and destroyit to him, within þe samin barne-3aird, lyand within the Sherefdome of Edinburgh, fyve stakkis of corne or þairby, contening þe quantitie of foure chalder of victuall or þairby, of quheit, beir and aittis.—This 3e did, vpoune þe xx or xxj dayis of March lastbypast, vnder scilence of nycht,' &c.

The Justice, continewis the mater to the morne, be Interloquoutour, in the same force and effect as it now standis; and Ordanis the Laird of Covingtoune to be committit agane to waird, within the Castell of Edinburghe.

Aug. 6.—The said Laird of Covingtoune, willing that his innocencie be tryit, of the said cryme, conforme to the lawis of this realme; declarit, that he is now twyis presentit in this jugement, to that effect; lykeas, he offerris him self presentlie reddie to abyde tryell thairin, be the knowlege of ane Affyse, &c.

INTERLOCUTOR. The Justice, being ryplie awyfit with the premiffes, haifing consideratioun of the wechtines of the cryme, being ane mater of Tressoun; findis be Interloquoutour, that he can nocht gudlie proceed at this present, in the said mater; specialie, in respect of the absence of Mr David MacGill, Advocate principall; and that the Justice is nocht in vse to ressaue ane substitute, to persew ony crymes of Tressoune, sic as birning of coirnis; quhilk, for the weill of the countrie, requyris sufficient tryell. *Secundlie*, because the said substitute declarit, that he had ressaueit na instructioun, informatioun or taikin of Dittay, fra our souerane loirdis Advocate, nor fra the partie offendit; bot onlie ane simpill Dittay but<sup>1</sup> taikinnis, as fend fra the advocate, delyuerit to him be Williame Somer-

<sup>1</sup> Without proofs or evidence in support of the averments therein contained.

well, neir kinnisman to þe said Laird of Covingtoune. *Thridlie*, in respect of the saidis lettres of Affyse wer raifit be þe said Williame Somerwell, as wes notoure; and that þe officer executour of the samin confessit in jugement, that þe said Williame Somerwell gaif vp to him the names of Affyse, with the lettres; quhilkis wer summond be his direction and at his desyre. *Ferdlie*, seing it is manifest, that inquisitione wes takin in this mater, at command of the Kingis Maiestie, be certane of the Loirdis of his hienes Priuis Counsale, quhilkis now, be resson of þe advocattis absence, is suppressit and nocht produceit. *Fyftlie*, becaus the speciall partie and interest awner of þe saidis coirnis, mentionat in the saidis lettres and dittay, being ordanit be vertew pair of to be summond, wes nocht lawfullie warnit for his intres; in respect he wes nocht warnit quhill<sup>1</sup> zesterday, eftir þe sending of the Court, and the hour of caus neirly bypast; þe said day being assignit as peremptour, to þis perfuit. *And* finallie, considering þat Mr James Lindefay and Robert Lindefay, sonis to þe Laird of Covingtoune, presentit þame selfis yesterday in jugement desyring þame to be put to þe knowlege of ane Affyse for þe said cryme, thay neir being atteichit, conuenit nor committit to waird; quhik appiris ane grit noueltie, far by<sup>2</sup> þe accusamit ordour of this Court: and for diuerse vtheris ressonable causis and considerations moveing him; specialie, becaus our said souerane loirdis Precept commandit him to do justice in þe said mater, as occasion fuld serue: Thairfoir continewit þe said mater, quhill he war awyfit be the Kingis Maiestie and his hienes Secreit Counfall pairanent: And ordanit þe said Laird of Covingtoune to be committit to waird within þe said Castell of Edinburghe.

The Laird of Covingtoun protestit, that he may be put to libertie, in respect he offerit him self, as said is, to the tryell of ane Affyse, and cawtioner for his entrie the thrid day of the Air or soner, vpoune xv dayis warning, vnder the pane of Fyve thousand pundis.

THE Justice continewit the mater quhill he be awyfit, and ordanit him to be committit to waird.

[*Mr Johnne Grahame and Mr Eduard Bruce, Justices-Deputes.*]

**Bigamy—Adultery.**

Jan. 17, 1583-4.—ALEXANDER ABERCRUMBIE of Pitmeddene.

Dilaitit of the mareing (marrying) of twa wyffis, contrair the Actis of Parliament, and committing of Adulterie.

Continued to the Air of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Johnne Grahame, Justice-Depute.*]

**Fire-raising—Burning of Corns.**

Feb. 1.—EDUARD MAXWELL of Tinwald, William Maxwell his sone.

Dilaitit of airt and part of the tressonabill birning of certane coirnis pertening to Robert Maxwell of Bratoch; committit vpoun the fyft day of Marche last-was.

'Committit in waird to the Capitane of Blaknes.'

<sup>1</sup> Until.

<sup>2</sup> Beyond, contrary to.

PRELOQUITOURIS for the pannell. PRELOQUITOURIS in perfate. PERSEWARIS.  
 Robert Maxwell of Castelmilk, Johne Eril of Mortoun, Robert Maxwell in Bratoch,  
 Johne Maxwell in Portrak. Lord Maxwell, Mr David MacGill of Nifbet,  
 Robert Maxwell of Duncowtedir. aduocat.

Feb. 3.—Johne Kirkpatrick appeirand of Ellisland, Robert Kirkpatrick of Bratoch, Roger Greirfoun of Lag, and fifteen others, fined in 'fourtie pundis' each, for absenting themselves from the Assyse; in consequence of which, the pannells were again 'delyuerit to be Capitane of Blaknes.'

Mar. 16.—They were recomitted, owing to non-summoning of a proper Assyse.

[*Mr Williame Oliphant, Justice-Depute.*]

**Cattle-stealing—Perjury.**

Feb. 10.—ARCHEBAULD CROSER, sone to Martene Croser.

Dilaitit of airt and pairt of the thiftuous steling, conseling, ressetting and away taking, fra George Ra and Thom Lindefay, trauellouris, of lxx ky and oxin, cumand to Hallow-fair, in October 1582 3eiris; and of periurie and vther poyntis contenit in the Dittay.

VERDICT. The Assyse, be the mowth of Thomas Ker of Merfingtoune, ffind and delyuerit the said Archebauld Croser to be culpabill, conuict and fylit.

SENTENCE. To be tane to ane gallous, besyde the mercat-croce of Edinburghe, and thair hangit quhill he wer deid; conforme to the lawis of the realme.

[*Mr Johnne Grahame of Halzairdis, Justice-Depute.*]

**'Erle of Gowries, Lord Ruthuents and Birltounis proces.'**

May 4, 1584.—AT THE LADIE MARIS LUGEING IN STRIUELING, the ferd day of Maij, pe 3eir of God I<sup>m</sup>.V<sup>c</sup>.lxxxiiij 3eiris. In presens of the rycht honorabill Sir Lwes Bellenden of Auchnowle, knyght, Clerk of our souerane lordis Justiciarie, Robert Grahame of Chornik, . . . . . Grahame, secund sone to Sir David Grahame of Fintrie, knyght, and Johne Creychtoun, seruitour to the said Sir Lwes, witneffis in the mater and effect vnderwrittin.

The quhilk day, compeirit in presens of Johnne Auchmowtie, and James Castellaw, balleis of the burcht of Striueling, and me Mr James Bannatyne, Clerk Ordiner depute, in the office of Justiciarie and Notare publict, ane discreit man, Mr Johnne Grahame of Halzairdis, quha in our presens, befor the witneffis foirlaidis, produceit our souerane lordis Commiffioun, vnder his hienes fignet, off the dait, at the Castell of Striueling, the third day of Maij, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. fourescoir 3eiris foirlaid; makand him his Maieftis Justice, in that pairt, to fens and hauld Courtis of Justiciarie, for administratioun of justice,

vpoune quhatfumeuir perfoun or perfonis, tane, fufpect or dilaitit of the foir-knowledge, airt and pairt, of the treffonabill takking, fortefeing and withhauling of the burcht and Castell of Striueling, and vtheris treffonabill and capitale crymes quhatfumeuir ; and conforme thairto, defyrrit the famin to be admittit, and him felf fworne, according to the ordour. Quha immediatlie thaireftir, in prefens of the faidis bailleis, me Notare and witneffis foirfaidis, be halding vp of his rycht hand, fwoir and gaif his ayth, that he fuld leilie and trewlie ferue in the faid office of Jufticiarie, as Juftice in that pairt, according to the tennour of the faid Commiffioun ; as he wald anfuer to our fouerane lord thairvpoun : And than incontinent chefit, creat and constitut, Alexander Peblis meffinger, Alexander Craigingalt and Johnne Hodge in Striueling, conjunctlie and feuerallie, in Officiaris ; and Robert Scott in Striueling, in Dempftare of Courteis of Jufticiarie ; thay being lykewayis fworne be thair grit aithis, gevin befoir the faid Juftice, to ferue and minifter leilie and trewlie in thair offices thairof, ilkane for thair awin pairtis, ay and quill thay be difchargeit, &c. Quhairvpoun, the faid Maifter Johnne askit instrumentis of me Notare publict and clerk foirfaid.

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It is much to be regretted, that during so important a part of the history of this country, the Criminal Record should be so defective. There are too good grounds for believing, that much of that valuable Record has been wilfully destroyed during this troublesome period. A great part of the earlier portion of those Volumes of the Books of Adjournal now extant, evidently consists of the 'Minute Books' of the Court. Accordingly, in the extraordinary matter of THE RAID OF RUTHVEN, no part of the procedure which took place under the above noticed Commission, is inserted in these Books. It was usual, no doubt, in these instances, for such Commissioners to report directly to the Privy Council, who had previously appointed the enquiry to take place ; and their proceedings did not of necessity, at least in that shape, form part of the proper Record of the Court of Justiciary. In other instances, however, the process of Treason and the Forfeiture was led before the three Estates of Parliament, and therefore could not enter the Books of Adjournal, unless ordained to be therein recorded. After diligent search, no trace of this Report is to be found amongst the Books or Warrants of the Register of the Privy Seal ; but fortunately, in the Parliamentary Record, Official Copies or 'Extracts' of the Verdicts and Processes of Forfeiture of the Earls of Morton and Gowrie are furnished, under the Attestations of William Stewart, junior Clerk of the Court of Justiciary, and of Sir Lewis Bellenden of Auchnoule, Lord Justice Clerk. Although the trial of the Earl of Morton thus occurs out of its regular chronological order, it has been thought

proper to preserve it precisely as it has been inserted in the Books of Parliament.

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'ACT ratifeing the DOMES of FOIRFALTOUR led in Jugement aganis vmq<sup>le</sup> JAMES fumtyme ERLL OF MORTOUN and WILLIAME fumtyme ERLL OF GOWRIE, convict of the crimis of Lefe-Majestie, and execute to the deith thairfoir.<sup>1</sup>

May 22.—IN prefence of the Kingis Maieftie and thrie Eftatis convenit in this present Parliament, Maifter Daid Makgill aduocat to our fouerane, prelocutour for his hienes, at his speciall command, schew and declarit, how thair is certane domes of Foirfature gevin aganis certane perfonis for crymis of Lefe-maieftie; speciallie, aganis vmq<sup>e</sup> James fumtyme Erll of Mortoun and Williame fumtyme Erll of Gowrie: And becaus the memorie of tratouris fuld remane to the shame and flaunder of thame that ar cum of thame, and to be terrour to vtheris to committ þe like crymis in tyme cumming; and becaus þe buikis of Adiornall may be tint and be oft handeling be worne away<sup>2</sup> and vþerwayis the saidis domes of Foirfature be destroyit; desiring thairfoir, that it wald pleis his Maieftie and the saidis thrie Eftatis to command the saidis domis of Foirfature to be drawin out of þe buikis of Adiornall and attentictlie copeit, and the Kingis Maiefties great seall to be hung to the same; and siclike, that þe saidis thrie Eftatis fuld append thair seallis thairto, for the fortificatioun, approbatioun and confirmatioun thairof. The quhilk desyr the saidis thrie Eftatis thocht verie reasounable, and be sensament of Parliament, thocht the same to be done and grantit, to append thair seallis to þe attentick extract of all Foirfalturis, baith gevin in Parliament and Justice courtis. Then incontenent Sir Leues Ballenden of Ach-noull knyght, Justice-clerk to our fouerane lord, produceit the attentick Extractes of the Domes of Foirfature gevin aganis þe saidis vmq<sup>le</sup> James fumtyme Erll of Mortoun and William fumtyme Erll of Gowrie; to þe effect that þe samyn may be put and registrat in the buikis of Parliament to be extractit vnder our fouerane lordis great seall and the seallis of þe thrie Eftatis, as said is. And attour our fouerane lord, with aduise and consent of þe saidis thrie Eftatis, gaif command to Alexander Hay of Eifter Kennett, clerk of his hienes Register, to gif out þe attentict copy of the saidis Domis of Foirfature, to pas as said is vnder his hienes great seall and vnder þe saidis thrie Eftatis. Of the quhilkis Decretis of Foirfature, gevin in our fouerane lordis Justice courtis, presentit as said is, and subscriuit be þe said Sir Leues Ballenden clerk of Justiciarie, and Williame Stewart 3oungar, clerk be commiffioun for þe tyme, respectiue, the tennour followis.

<sup>1</sup> From the Records of Parliament, Acta III., 304.    <sup>2</sup> The precaution thus judiciously taken, has been the means of preserving legal evidence of the procedure in these highly interesting cases.

*CURIA JUSTICIARIE supremi domini nostri Regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junij Anno Domini millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Striueling de Keir militem et Magistrum Joannem Grahame, commissarios in hac parte, per Commissionem s. d. n. Regis ac dominorum eius Secreti Consilij specialiter constitut. ad effectum subscriptum: Sectis vocatis et curia legitime affirmata.*

**Lese-Majesty — Murder of King Henry Barnley.**

JAMES EARL OF MORTOUN LORD DALKEITH, &c.

JACOBUS COMES DE MORTOUN Dominus de Dalkeith, &c.

Jun. 1, 1581.—Accusatus, calumniatus, de arte, parte, prescientia, conce-latione et non revelatione proditorie murthure quondam nobilissimi et charissimi Henrici Regis Scotorum, patris f. d. n. Regis Jacobi sexti.

NOMINA ASSISE

*Electe, jurate et admissæ super prefato Jacobo Comite de Mortoun, vis.*

Colinus comes Argadie,	Joannes dominus Maxwell,	Joannes Gordoun de Locchinvar
Joannes comes de Montroife,	Georgius dominus Setoun,	miles,
Andreas comes de Rothas,	Jacobus dominus Ogilvie,	Patricius Hepburne de Wachtoun,
Jacobus comes de Glencarne,	Jacobus dominus Inuermeith,	Patricius Lermonth de Daruefle
Hugo comes de Eglintoun,	Hugo dominus Somervell,	miles,
Alexander de Sutherland comes,	Alex <sup>r</sup> Magister de Levingtoun,	Will <sup>r</sup> Levingtoun de Kilfyth miles.

The quhilk day the said James Erll of Mortoun being indytit and accusit, that in the monethis of Januar and Februar in the zeir of God I<sup>m</sup>.V<sup>c</sup>.lxvj zeiris, he, accompaneit with vmq<sup>le</sup> James sumtyme Erll Bothuell, James Ormiftoun sumtyme of that ilk, Robert alias Hop Ormiftoun his fader brother, Johne Hay sumtyme of Tallo 3oungar, Johne Hepburne callit Johne of Bewtoun and diuerse vperis his complices, craftelie and secretlie conspirit amangis thame selffis, tratit, devifit and malicioullie concludit the maift schamefull, detestable and vn-naturall murthour and patricide of our souerane lordis vmq<sup>le</sup> darrest father, Henrie King of Scottis, lawfull spous for þe tyme to his hienes darrest mother Marie than Quene of Scotland, and that within the burgh of Edinburgh, palace of Halieruidhous and vperis placeis thairabout: And to þe end he nicht bring his wikit, filthie and execrable attemptat better to pas, he, with the remanent personis afoirnamit, be thame selffis, thair seruandis, complices and vperis in thair namis, of thair caufing, command, hounding, sending, pairtaking, assistance and ratihabitoun, vpoun þe tent day of þe said moneth of Februar 1566 3eris, at twa houris efter midnycht or thairby, come to þe lugeing beside þe Kirk of Feilde, within the said burgh of Edinburgh, quhair our said souerane lordis darrest fader wes lugeit for þe tyme, and thair, be way of Hame-fukkin, brigancie

and forthocht felony, maift vyldie, vnmércifullie and treafounable flew and murtherit him, with Williame Tailleour and Andro MacAige his cubicularis,<sup>1</sup> quhan as they, burijt in fleip, wes takand the nichtis reft ; brint his hail lugeing foirfaide, and rafit the fame in þe air be force of gun-pulder, quhilk a litill befoir wes placeit and inputt be him and his foirfaidis vnder þe ground and angular ftanis and within the voltis, laiche and darne<sup>2</sup> pairtis and placeis thairof to that effect : And rycht fua, he, with þe remanent perfonis afoirnamit, marrowis<sup>3</sup> of his mischeiff, be thame selffis, thair fervandis, complices and vperis in thair namis, of thair caufing, commanding, hounding, fending and airt, pairtaking, affiftance and rathabitoun, at þe tymis foirfaidis, refpectiue, gaif thair fauour, counsell and help to þe preparatioun of the faid horrible crymis : And ay fenfyne, hes fimulat, hid, [and] concealit the famyn in maift treafounable and fecrete maner ; and thairthrow had incurrit the panis of Lefe-maieftie and fuld haue bene pvniffit thairfoir with all rigour, be tynfell<sup>4</sup> [of] landis and guidis and be extinctioun of fame, titillis, honour and memorie ; conforme to þe lawis of this realme. Likas, the remanent perfonis afoirnamit, his complices and confpiratoris with him in thir his treafounable impieties, wer alreadie tryit and foirfaltit for the fame-selff hienous and deteftable crymis ; and for the maift pairt, as they culd be apprehendit, had sufferit maift shamefull deade thairfoir, according to thair deseruing. As at mair lenth is contenit in the Dittay gevin in anent the premisses, with the takinis and probationis produceit and vfit thairwith. Quhilkis being red to the faid James Erll of Mortoun and he anfuerand thairto, denyit the famyn ; be reafoun quhairof, the faidis Justice-deputtis referrit the famyn to the knowlege of þe Inqueift and Affife abonewrittin, quha wes fworne, refautit and admittit in prefence of the faid Erll.

VERDICT. And they being furth of Court removit and ryplie aduifit with the faid Dittay, takinis infallible and maift evident, with þe probationis produceit and vfit for verefeing thairof ; and thairefter enterand agane in Court, they all in ane voce, be þe pronunceing of þe mouth of Johne Erll of Montroife, Chancellor chofin be þe faid Affife, fyllit the faid James Erll of Mortoun of airt, pairt, foirknowlege and conceling of þe treafounable and vnnaturall murthour foirfaid.

SENTENCE. Efter þe quhilk convictioun, the faidis Justice-deputtis, be pronunciatioun of Andro Lyndfay dempftar of þe faid Court, adiugeit and for Dome gaif, That þe faid James Erll off Mortoun fuld be had to ane geibbett, befide þe mercatt-croce of the faid burgh of Edinburgh, and thair hangit<sup>5</sup> quhill he wer dead ; and thairefter drawin, quartarit and demanit as ane tratour :<sup>6</sup> And that

<sup>1</sup> Grooms of the bed-chamber.    <sup>2</sup> Hidden, concealed.    <sup>3</sup> Equals, partners.    <sup>4</sup> Loss, deprivation.  
<sup>5</sup> Spotswood, p. 314, states that the King mitigated the sentence to beheading, &c. The Confession of the Earl of Morton shall be inserted in the Appendix.    <sup>6</sup> Although burial was allowed, and 'his

all his landis, heretageis, offices and possessionis, takis, ftedingis, cornis, cattell, actionis, debtis, obligationis, guidis, movable and vnmovable and vperis quhatfumeuir, quhilkis pertenet to him, fuld and aucht apertene to our fouerane lord and to be applyit to his vse be reafoun of escheat of foirfature, to be vptakin, vfit and disponit be his hienes at his pleasour.

Vpoun the quhilk premisses Mr Robert Crychtoun of Eliok, advocatt to our fouerane lord, askit instrumentis and actis of Court.

*EXTRACTUM ex actis Curie Justiciarie antedictae per me Willelmum Stewart Juniozem notarium publicum et clericum dicte Curie, per Commissionem dicti s. d. n. Regis antedicti. specialiter electum et juratum, sub meis signo et subscriptione manualibus. Ita est,*

WILLELMUS STEWART Junior  
notarius publicus ac scriba dicte Curie.

CURIA JUSTICIARIE S. D. N. REGIS tenta in Edificio Domine Mar, infra burgum de STRIUELING, quarto die mensis Maij, anno domini millesimo quingentesimo octuagesimo quarto, per discretum virum Magistrum Joannem Grahame de Halzairdis Justiciarum in hac parte virtute Commissionis s. d. n. Regis specialiter constitut. : Sectis vocatis et curia legitime affirmata.

**Less Majesty—Raid of Ruthven—Treasonably taking Burgh and Castle of Stirling, &c.**

WILLIAME EARL OF GOWRIE LORD RUTHVEN.

May 4, 1584.—The quhilk day Williame Erll of Gowrie Lord Ruthven, being presentit and enterit vpoun pannell, in presence of pe said Justice, and put to pe knowlege of ane condigne Affise of pe rycht honorable perfonis following, to witt :

ASSISA.

Coline Erll of Argyll,	James Erll of Arrane,	Williame Lord Levingstoun,
David Erll of Crawford,	George Erll of Mershell,	Patrik Lord Drummound,
Johne Erll of Montroise,	Alexander Lord Saltoun,	James Lord Ogilvie,
James Erll of Glencarne,	Hew Lord Somervell,	Alexander Maister of Elphingstoun,
Hew Erll of Eglintoun,	James Lord Downe,	Sir Johnne Murray of Tillibardin, k <sup>t</sup> .

Dilatit and accusit of the treafounable crymis following, wes, be thair deli-

corps carried by some base fellows to the common sepulchre, his head was fixed on the Tolbooth. The king afterwards granted the following Warrant to take down the head, which is preserved in the archives of the City of Edinburgh :

‘**REX.** Prouest and baillies of our burgh of Edinburgh, We greit 3ow weill. It is our will and We command 3ow, that incontinent efter the sicht heirof, 3e tak down the heid of James sum tyme Erle of Mortoun of the pairt quhair it now is placeit, vpon 3our awld tolbuith ; fwa that the sam heid may be bureit : For the quhilk this our lettre sall be to 3ow sufficient warrand. Subscryvit with our hand, At Halyrudhous, the aucht day of December, and of our reigne the sextene 3eir, 1582.’



uerance, pronounceit be þe mouth and deliuerance of George Erll of Mershell, Chancellair of the said Affise, found and declarit culpable and convict : That forsamekill as, in the beginning of Februar lastwes, Mr David Home seruitour to þe Erll of Angus, and Mr James Erskyne seruitour to the Erll of Mar, come to him priuile, vnder filence of nycht, within þe toun of Perth, and declarit to him how they wer directit be þe saidis tua Erllis, to certifie vnto him, that they wer baith of ane mynd, in following out and executing of thair treafounable devise, in taking of þe kingis burrowis of Sterling and Perth, at left þe ane or the vper of thame : At the quhilk tyme, he aggreit with thame, in maner of the saidis Erllis, to rin thair cours in taking and fortefeing of þe townis foirfaidis, at þe least ane or vper off thame : Quhairfter, þe said Mr James reid<sup>1</sup> bak agane to þe said Erll of Angus, and assurit him, that he had aggreit to thair maift treafounable interprise. And thairthrow, he hes committit maift manifest Treafoun, not onlie in conceling of ane treafounable purpos of sa greit consequence, bot also mekill mair, in consenting and aggreing. ITEM, fyllit and convict, that forsamekill as, he vnderstanding that Mr James Erskyne, seruand to the Erll of Mar, wes travelland throw þe cuntrie, in Stratherne, Striulingshire and Angus, treatand and consultand with þe partakeris and assistaris with þe saidis Johne Erll of Mar, Archibald Erll of Angus,<sup>2</sup> Thomas Lyoun Maister of Glamis and Johnne Carmichaell of that Ilk 3oungar, vpoun thair treafounable interprise, in taking of the Kingis Maiesties frie burgh and Castell of Striueling and dyuerse vther treafounable purposse, he layit þe wayis for the said Maister James and garrit await for him be his seruandis, that þe said Mr James nicht be convoyit to him : And efter his cumming to him, þe said Erll enterit in conference with him, towardis the treafounable interprise attemptat be the personis abonewrittin, towardis the said treafounable surprising and taking of þe said (burgh) and Castell. Quhilk treafounable interprise they brocht to effect, and

<sup>1</sup> Rode.      <sup>2</sup> ' Ane Act anent the arreisting, intromission and sequestratioun of þe eschaet guidis and debtis of þe rebellis befor they be convict or put to the horn ;' immediately follows the Act of Ratification of ' the domes of Foirfaltour ' above quoted, and states, that ' forsamekle as be Act of Parliament it is provided, that gif ony persoun or personis beis slanderit or suspect of Treafoun, they salbe tane and remane in firmance and thair guidis vnder suir borrowis, quhill the tyme they haue tholit ane Affise quhidder they be quyt or fowll : And trew it is and of veritie, that Archibald Erll of Angus, Johnne Erll of Mar, Mr Thomas Lyoun of Baldukie Maister of Glamis, with thair complices, quhilk laitlie tuik and detenit his hienes burgh and Castell of Striueling, rasand oppin weir aganis his hienes and his auctoritie, ar sensyne pairtliche fled and remanis out of þis realme, and pairtliche remanis hid and couerit within the same vnapprehendit as zit, ' &c. ' And they and thair freindis and fauoraris in the meantyme sellis, annaleis, disponis, cancellis and puttis away thair guidis, geir and debtis, and gevis acquittancis and dischargeis to thair dettouris, in manifest defraud of our souerane lord anent thair eschaetis ; sua that litill or na thing thairof salbe left to cum to his hienes vse and behalf, gif þe intromission of þe samyn be left, quhill they be convict or put to þe horne for þe said treafounable crymis : Thairfoir our said souerane lord, with auise of his thrie Estatis, hes statute and ordinit, that all their guddis, gear and debtis, maillis, fermis, rentis, &c. fall remane sequestrat in the handis of the Lord Thesaurar, ay and quhill thay salbe tryit quite or fowll of the saidis crymes, ' &c.

reasounable tuik (the) said toun and Castell of Striueling, fortfeit and furniffit the said Castell with men and (munitionis?): Quhairthrow, he affisit thame in thair treasounable deid foirsaid and wes foirknawin of þe samyn, and wes art, pairt, red and counsell thairof; at least, treasounable concelit þe same fra his Maiestie, contrair to his dewtie and dew obedience. ITEM, of the difobedience maid be him, in not randerin of Williame Drummoundis hous in Dundie to my Lord of Pettinweme, ane of our souerane lordis Previe Counsell and Capitane of his hienes garde, efter þe intimatioun of our soueran lordis Commiffioun to him, maid be þe said lord Commiffionair; bot keping the same be þe space of thrie houris or thairby thairefter. ITEM, of committing of ane maist hie Treasoun, in conceling of ane purpos of wechtie importance, quhairthrow þe lyif and estait not onlie of our souerane lord, bot also of his darrest mother be perrellit; quhill had fallin out, gif he had not stayit and impedit it: And sua, not onlie maist vnnaturallie and treasounable committing maist hie Treasoun, in conceling of ane purpos of sa wechtie importance, bot also persisting in the said Treasoun, be continowance of his silence and not declaring of þe said purpos, tending to þe perrell of his Maiesties lyf and estate.

SENTENCE. And thairfoir the sentence and dome of Foirfalture wes pronunceit aganis the said Erll, be þe mouth of Robert Scott in Striueling, dempftar of þe said Court; That þe said Erll suld be tane to þe skaffald beside the mercatt-croce of Striueling, and thair his heid striekin fra his body and demanit as ane tratour: And that he hes foirfaltit and tint all his landis, heretageis, possessionis, takis, stedingis, offices, lyfrentis, actionis, debtis and vperis guidis movable and vnmovable, to be applyit, vptakin and disponit be our souerane lord at his pleasour, and to remane with him and his suceffouris for euer, be reasoun of eschaet and foirfalture; as the proces maid thairvpoun beris.

EXTRACTUM *de libris Actorum Adiornalis dicti s. d. n. Regis, tanquam sententia Forisfacture dicti Comitis, per me Ludouicum Bellenden de Ach-noull militem clericum Justiciarie eiusdem generalem, sub meis signo et subscriptione manualibus.* LUDOUICUS BELLENDEN *clericus Justiciarie.*

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1584.—APUD EDINBURGHE, *vigesimo die mensis Augusti anno domini 1584, s. d. n. Rege ipso presente, cum tribus regni statibus; vnacum Johanne Irwing, deputato Mariscallj, Wilhelmo Henrysoun deputato Constabularij, et Magistro Johanne Arthour deputato Vicecomitis de Edinburgh, ac Andrea Lindsay Adiudicatore<sup>1</sup> officiaris Parliamentj: Sectis prius vocatis et Curia affirmata.*

<sup>1</sup> Dempftar, deemster.

**Raid of Ruthven—Forfeiture of the Earls of Angus and Mar,<sup>1</sup> &c.**

(Aug. 20.)—The quhilk day, Mr David Makgill of Nesbet, aduocate to our souerane lord, producit ane Summondis of Tressoun, dewlie execut and indorsit aganis Archibald Erle of Angus, Johne Erle of Mar, Dame Agnes Drummound Countes of Mar his spous, Dame Annabill Murray Countes of Mar his mother, Mr Thomas Lyoun of Baldeukey, Maister (and Tutour) of Glames, Dame Agnes Gra Ladie Home his spous, Dame Margaret Lyon Countes of Cassillis, Dame Dorathia Stewart Countes of Gowry, Adame (Erskine) Commendater of Cambuskynnethe, Dauid (Erskine) Commendater of Driburgh, Williame (Erskine) Commendater of Paslay, Mr James Erskene brother to Robert Erskene of Lytill Sauchy, Johne Leslie of Buchane, Michaell and William Elphingstonis, brether to the Lord Elphinstoun, George Dowglas of Park, James and George Dowglasse pair sonis, James Dowglas of Todhoillis, Johne Dowglas of Glaspene, William Dowglas of Boncle, (Williame) Dowglas his sone and apperand air, Robert Dowglas 3oungar of Lochlevin, Laurence Maister of Oliephant, Johne Maister of Forbes, Patrik Drummond apperand of Carnok, Johne Levingstoune 3ounger of Dynnypace, Johne Carmichaell 3ounger of that ilk, Hew Carmichaell his sone, Williame Carmichaell of Rowntriecorce, Johne Lyoun 3ounger of Coffynis, James Lyoun of Eifter Ogill, Williame Lyoun of Balgellie, Hew Nesbet of Raschill, Patrik Home of Argaties, Johne Leslie of Largie, Johne Leslie of Authorteis alias Bannachy, James Hammiltoun of Haggis, Robert Hammiltoun of Corfe, Arthour Hammiltoun of Boithuelhauche, Mr Johne Coluill, chantour of Glasgw, Mr Patrik Quhitlaw of Newgrange, Johne Arbuthnocht of Lyntusk, James Murray of Pardowis, Vthreid M<sup>c</sup>Dowgall of Garthland elder, Vthreid M<sup>c</sup>Dowgall of Garthland 3ounger, and Robert Eskene of Lytill Sauchy: Quhairby they were fummoned to haue comperit befor the Kingis Maiestie and his Estaitis of Parliament this instant day, with continewatioun dayis, ffor certane crymes of Tressoun contenit in the summondis rasit thairvpoun.

**DITTAY against the EARLS OF ANGUS and MAR and their accomplices.**

..... super proditorijs criminibus sequentibus dictis, scilicet, ARCHIBALDUM ANGUSIE et JOHANNEM MARRIE COMITES, suosque complices et alios specialiter ante nominatos, et eorum quemlibet, pro suis recentibus proditorijs Conspirationibus earundemque executionibus, modo subsequentijs. QUANDOQUIDEM palam constat et est notum, quod in mense Aprilij, anno dominij millesimo quingentesimo septuagesimo octauo, immediate post acceptum imperij regimen in nostram personam, matura statuum nostrorum habita deliberatione, dum nos infra dictum

<sup>1</sup> Records of Parliament, Acta III., 332.

Castrum nostrum de Striveling permaneremus, Quodquidem tunc temporis fiddisij et predilectj nostrj Alexandrj Erskin de Gogar custodie commissum fuit, qui trium statuum nobilium et consulum nostrorum unanimi consensu, ex antiqua et nobilitate prestanti familia de Erskin oriundus et dicta cura dignus comprobatus est: Prefatus vero *Johannes Marrie Comes*, nihil jam prisce fidelitatis retinens om . . . arbitrio suo statuens ob horrenda facinora pre se nunc commissa declinans indignus omnium visus, idem ipsum nostrum Castellum proditorie ceptum, dictusque Alexander Erskin eiusdem Capitaneus violenter depulsus et remotus, cum diuersis alijs nobilibus viris, per nostrum Consilium deputatis nobiscum permanere, pro nostre persone firmiori tutela et rei publice vniuerse conseruatione, idque summa vi et violentia illata per antedictos Johannem Marrie Comitem, Dauidem Erskin Commendatarium de Dryburgh, Adamum Erskin Commendatarium de Cambuskynneth, Wilelmum Commendatarium de Paislay, Robertum Erskin apparentem de Littill Sauchye, Magistrum Jacobum Erskin eius fratrem suosque complices, qui subito domesticos nostros seruitores ad voluntatis sue libitum amouerunt; alios vero sibi cognatos et sue factionis homines assumpserunt; certo proposito et animo deliberato, eorum subiiectioni nos perpetuo damnare et retinere; nunc hos vt sibi optimum visu erat promouere, nunc illos nostros nobiles et fideles ligeos prosequi odio et opprimere: Atqui in hoc facinore nedum suo sanguinj et cognatis pepercerunt, quorum partim merore perculsi mortem obierunt; neque in atrocissima fidelium nostrorum cruoris effusione modum ac modestiam vallam habuerunt, presertim infra portas dicti nostri Castrj, licet (in eo nobis residentibus) idem et campus omnis vndeque quatuor milliarijs proxime circumiacens, pacis propugnaculum, ara et asylum semper extitit et est. Quod facinus proditorium, prefatus Comes sui que complices, tanquam probum opus approbari volentes, nos prefecto violenter per ipsos detentos Parliamentum statuere et tenere infra dictum Castrum compulerunt, erga mensem Julij anno antedicto, cuiusquidem Castrj tunc sese superiores et magistris modo supra scripto effecerunt, nosque contra animi nostri desiderium armatorum presidio circumvallatos ibidem detinuerunt; qui certe locum Parlamento tenendo semper inidoneus est visus, quandoquidem more maiorum et veteri obseruata consuetudine, Parlamento in locis et vrbibus accessui et recessui liberis tenenda sunt, vbi nobilium ac trium regni statuum vnusquisque libere loqui et suffragia dare possit; non vero in Castris, arcibus et fortalicijs, ipforum vestibulis, portis et januis vndique armatorum militum presidio circumceptis, per dictum Comitem ad hunc effectum deputat. nobilium autem ac statuum ne vlllo quidem ingredi permisso sed tali comitante caterua vt prefato Comiti suis complicibus et deputatis antedictis cui ingressum patefieri perpeti collibuit, Protestatione etiam accepta tunc contra ordinem et locum tenendi Parliamentum: In quo tamen, pro se suisque

complicibus prelibatis, antedictum suum proditorium nefas ut fidele seruitium approbari obtinuit, atque hec omnia in amplificandam gratiam et promotionem talium confecta sunt. Qui nefande quondam charissimi patris nostri murthure perpetratores extiterunt, scilicet, quondam Jacobi olim Mortonie Comitis aliorumque sociorum, qui convicti pro eodem scelere debitam et consuetam proditorum mortem digne perpeffi sunt. Postea ob communem reipublice quietem nostrique salutem prescripto audace periclitantem dictum Comitem de Mar, nobis intimum tanta benevolentia sumus amplexi, premijs et largitionibus munificentissimis, pre reliquis nobilibus, ipsum abunde remunerati eius pristinam dignitatem amplificauimus, quo certius ac melius eum nobis ac debito erga nos officio deuinciremus, in tali saltem fidelitate et singulari obseruantia qua suus olim pater patruusque Alexander Erskin antenominatus alijque sui primores nos nostrosque progenitores nobilissimos perpetuo ante, summa diligentia coluerunt: Atqui ille aduersum nos nostramque mentem institutum aliud nefarie et audacter prosequens, salubribus nostris consilijs quo se corrigeret et proditionibus hujusmodi abstineret sepius adhibitis minime auscultans, Seditiones tamen ultra concitare et jurgia fouere, ne villo tempore destitit qua occasione permoti, nostri fideles subditi sese armatos in vnum compulerunt nobili nostra persona in dicto Castro, tanquam in carcere, per antedictum Comitem et suos complices detenta et custodita, modo supraascripto, ut in quo statu essemus et qua valetudine frueremur intelligerent, ac pro nostra salute et libertate ipsorum vitas periclitari et corpora morti objicere non desinerent: Quocirca apud Falkirk conuenerunt in mense Augusto anno predicto; quoquidem tempore dicti Marrie, Mortonie et Angusie Comites sui que complices, nostram nobilem personam ipsorum potestati subjugatam in Castro nostro detinentes ut predicatur inuitos nos compulerunt Proclamationes dirigere ad conueniendum nostros liegeos vnde per probam affectionem qua dicti nostri fideles subditi in recuperanda nostra libertate alliciti erant: Et per publicam Proclamationem cum obtemperantes alii nostri ligij se conuenerunt, dicti Comites et sui complices effecerunt quod in ijs possibile factu erat, ut huius regni subditorum partem alteram ad reliquorum extremam perniciem et necem cruentam, in arma subito irruere et prelium inire allicerent: Quo facilius hec patria, persona nostra nobilis, status publicus et auctoritas regia cuius externe gentij et inimicis preda procliuior fieret, nisi nos singulari omnipotentis Dei sapientia et prouidentia diuinitus nobis concessa repleti, dictas turbas tumultusque concitatos mox comprimeremus et sedaremus. **PRETEREA** dicti *Marrie et Angusie Comites*, in proditorijs suis ceptis perseuerantes, suosque complices in eisdem fouentes, prestiterunt; precipue, vbi dictus quondam Jacobus olim Mortonie Comes, de arte, parte, prescientia et conelatione horribilis et nefarie necis quondam charissimj nostri patris conscius dilatus, ideoque in Castro nostro de Edinburgh in-

carceratus et paulo post hinc transportari in Castrum nostrum de Dunbartane iussus fuit, prefati Archibaldus Angusie Comes, Johannes Carmichall de eodem junior, Hugo Carmichall eius filius, Georgius Dowglas de Parkheid, Jacobus et Georgius Dowglasse eius filij, proditorio more conspirantes, molientes et concludentes, violentam interceptionem et ablationem dicti quondam Comitis e manibus fidelium nostrorum subditorum ad ipsius conductionem per nos assignatorum, specialem nostram Commissionem ad hoc habentium: Idque in mense Januario, anno domini millesimo quingentesimo octuagesimo, sese in vnum omnes cum suis complicibus, more bellico accincti, conveniebant, juxta rupes de Bred, ea intentione et ex certo proposito vt prefatum quondam Comitem interciperent, apprehenderent et vi armata auferrent. Quemadmodum etiam direxerunt quondam Archibaldum Dowglas olim Constabularium Castrum de Edinburgh, qui nuper morte multatus est, jubentes eum significare et ducem dicti Castrum certiozem facere, vt dictum quondam Comitem retineret ac obseruaret apud se; nostro interim iussu ipsum transportandi vt predicatur plane dato: Hinc manifestissime crimen Proditionis et Lesemaiestatis committendo. ET ob hec pleraque alia proditoria scelera, dictus *Angusie Comes* sui que complices ante nominati, in Parlamento nostro tento apud Edinburgh, in mense Octobris anno domini millesimo quingentesimo octuagesimo primo Conuicti et forisfacti decernebantur. Prefatus tamen *Johannes Marrei Comes* certo intelligens dictum Angusie Comitem ea frui conditione et ob causas prescriptas nostrum incurrisse indignationem, ipsum nihilominus in Castrum nostrum de Sterling intromisit, recepit, familiari tractauit, pactiones, Conspirationes, diuersas consultationes et conclusiones secum iniit et deliberauit; in magnum nostri contemptum totius patrie communisque pacis perturbationem atque adeo ne adhuc satisfactus; immo vltra persistens, non modo in regni huius vniuersam subuersionem, sed nostre quoque saluti et auctoritati regie periculum intulit. Postquam, Deo optimo maximo fauente, noster consanguineus fidelis honestus, virtutis exuperancia prestans et Christiane Religionis professor sincerus, quondam Esmus Leuinie Dux, charissimus noster amicus, e sua natia patria Gallia profectus, se huc appulit inuolabilem ob ingentem zelum sue erga nos obseruantie: In qua, cum se fidissimum, integerrimum et obsequentissimum declarauerat, et in nos fidelis animi sui officio probe functus esset, proditorium scelerum et Coniurationum prescriptarum male conscios sese intelligentes, in eisdem inuestigandis patefaciendis que, metuentes prefatum quondam nobilem dominum Ducem grauiter operam adhibiturum ob nostram salutem et incolumitatem atque ipsius sedulitate et integritate, reliquos Coniurationis impetus et conatus retardari pertimescentes pergere, nunquam destiterunt donec proditorie conspirarent: Cum quondam Wilelmo olim Comite Gowrie domino Ruthwene, nobilem nostram personam apprehendere et captam detinere apud Castrum illius

de Ruthwene, et hoc super vicefimo tertio die menfis Auguftj, anno dominj millefimo quingentefimo octuagesimo fecundo ; eodemque tempore fidos et dilectos noftros Confules aliofque probos ligeos nobis inferuire appropinquantes, pro ipforum internecione et cede, crudeliflime inuaferunt et vulnerarunt ; tunc quoque Confulum et aliorum fidelium fubditorum noftrorum quofdam captiuos ceperunt et custodierunt, ordinarios remouerunt, Precepta noftra, nobis repugnantibus, dicto quondam chariffimo et fideliffimo noftro confanguineo dirigere impulerunt, eum inaudita celeritate huius regni finibus exterminandum curaauerunt, perfonam noftam ad fui animi libidinem et defiderium (magna fuorum fociorum caterua) ftipatam, huc atque illuc deduxerunt per fpacium decem menfium deinde fequentium : Inftituto certiffimo et mente deliberata hujufmodi jugo feruitutis imperpetuum nos implicare et retinere, nifi ineffabili Omnipotentis beneuolentia et auxilio nofmet ipfos hinc abdicaremus vicefimo fefto die menfis Junii proxime elapfis. QUE impia facinora jam explorata et proditioes nefande jam patefacte, certiffima funt indicia et argumenta, ipfos ab initio fuiiffe fautores, defenfores et promotores, talium qui reuera confpirauerunt contractum inierunt, fubfcripferunt et perpetrauerunt crudelifsimam chariffimi quondam noftri patris cedem. QUAMOBREM quidam ab hinc mortem condigne vt prefcribitur perfeffi funt : Ex fupradictis etiam fole meridiano clarius patet, eos ipfos maliciofe et maxime proditorie contra nos, noftam falutem, dignitatem, coronam et auctoritatem regiam, femper coniurauiffe, clementia tamen ineffabilj humanitate modestiaque tanta in libertatis noftre recuperatione leniter fumus vfi, vt proditorie illius noftre captiuitatis et diurne custodie, ne quifpiam author aut capitis periculum aut terrarum, bonorum jacturam vllam fuftinuiffe aut incurriffe videatur ; atque adeo prefcripta scelera omnia et proditioes impiiffime per dictos Angufie et Marrie Comites fuofque focios, confceleratos proditores particulariter ante nominatos, commiffe, mifericordia et lenitate nofta florefcente, partim tunc temporis, venia data, obumbrate et invlta preterierunt, partim in dicto Parlamento in prefato Caftro tento pro fidei feruitio approbate, alioquin naturali clementia et manfuetudine nofta remiffe fimpliciter et imperpetuum obliuioni tradite condonabantur : Quibus benemeritis et gratitudinibus cujufpiam fidelis et grati fubdit(i ?) montem (mentem ?) concitarj ac inflammari maxime decuit non modo manibus pedibusque ob . . . omnia facere vt viciffim obfequij fui et debite erga nos obferuancie fructum aliquod perciperemus, quinetiam cuius flagitio et proditorio fceleri nobis noftre auctoritati et liegibus repugnanti feffe totis viribus opponere et obluctari fum mopere oportuit. NIHILOMINUS, contemptis et fpretis hifce omnibus, prefatus *Archibaldus Angufi Comes, Johannes Comes de Mar, Agnetam Drummond Comitiffa de Mar*, eius fponfa, *Annibalem Murray Comitiffa de Mar senior* mater dictj Comitiffa, Thomas Lyoune de Baldukye Magif-

ter et Tutor de Glamis, Agnis Gray Domina Hwme eius sponfa, Margareta Lyoune Comitissa de Caffillis eius foror, Dorothis Stewart Comitissa de Gowrie, Daud Erskin Commendatarius de Dryburgh, Adamus Erskin Commendatarius de Cambuskynneth, Wilelmus Erskin Commendatarius de Pailay, Joannes Carmichall de eodem junior, Hugo Carmichall eius filius, Patricius Drummond apparens de Carnok, Johannes Leslie de Balquhane, Magister Wilelmus Leslie eius frater, Wilelmus Leslie (Robertus Erskin?) apparens de Littil Sauchye, Magister Jacobus Erskin eius frater, Georgius Dowglas de Parkheid, Jacobus Dowglas et Georgius Dowglas eius filij, Jacobus Dowglas de Todhoillis, Johannes Dowglas de Glaspin, Wilelmus Dowglas de Boncle, Wilelmus Dowglas eius filius, Wilelmus Dowglas de Rountrecorfe, Wilelmus Connyghame filius natu secundus dominj Drumquhaffill, Michael et Wilelmus Elphingstones fratres Robertj dominj de Elphingstoun, Johannes Lyoun junior de Coffynnis, Jacobus Lyoun de Eifter Ogill, Wilelmus Ogill (Lyoun) de Balgillie, Johannes Levingstoune de Dunypace junior, Magister Johannes Coluile precentor de Glasgow, Magister Patricius Quhitelaw de Newgrange, Hugo Nesbit de Raschehill, Patricius Home de Argatheis, Johannes Leslie de Largie, Johannes Leslie de Authorteis alias Bannachie, Robertus Dowglas junior de Lochlevin, Laurentius Magister de Oliphant, Vthredus M<sup>c</sup>Dowgell de Garthland, Vthredus M<sup>c</sup>Dowell eius filius et heres apparens, Jacobus Hammiltoune de Haggis, Robertus Hammiltoun de Corfe, Johannes Magister de Forbes, Johannes Arbuthnot junior de Lyntusk, Arthurus Hammiltoun de Boithuelhauch, Jacobus Mwrray de Pardoves, &c. Cum suis complicibus, socijs et fautoribus, ex ipforum causatione, directione, missionem, receptionem, iussu, assistentia et ratihabitione, perseuerantes in sua proditorijs determinationibus et conclusionibus aduersum nos, nostram personam, auctoritatem et regiam coronam susceptis, in mensibus Novembris, Decembris, Januarij, Februarij, Marcij et Aprilis proxime elapsis, maxime proditorie intercommunicarunt, tractauerunt, consultauerunt, deliberarunt, et mediantibus quibusdam personis, tandem concluderunt cum dicto quondam Wilelmo olim Comite Gowrye, super nefanda et proditoria actione, ad intercipiendum et manus violentas imponendum in personam nostram nobilem, vt iterum more solito, eorum ditioni et potestati facilius nos astricti contra nostre mentis libitum, ipforum voluntati et libidini omnino obtemperaremus, atque adeo ad cruentas manus inferendum in personas nostrorum nobilium Consulium et fidelium subditorum perniciem, ad vniuersam reipublice disturbationem et auctoritatis nostre subuersionem. Post multas tandem priuatas Coniurationes, literarum hinc inde missionem et receptionem per nuncios habitam cognitionem et proditorias ac nefarias suas conspirationes facilius ad effectum perducerent, demum antedicti proditores sui que complices, decimo septimo, decimo octauo, decimo nono, vicefimo, vicefimo primo, vicefimo secundo, vicefimo



tertio, vicefimo quarto, et vicefimo quinto diebus menfis Aprilis vltimo elapfis, in vnum armati conuenerunt, ac liberum burgum noftrum de Striveling expugnarunt et ceperunt, Balliuos magiftratusque eiuſdem captiuos deduxerunt, Pontem, campanile, diuerſaque partes dicti burgi fortiter munierunt, mercerarios milites conuocarunt vndique juxta Australia menia viam facilem per vicinos parietes adiacentes patefecerunt, prope ſcholam murum faxis et lapidibus congeſtis extruxerunt, cuius pars ad huc indiuulſa permanet, Caſtrum noſtrum de Striveling ſumma vi ſtrenuo oppugnarunt, paucos noſtros fideles ligeos eiuſdem cuſtodes idem ipſum derelinquere et ſeſe dedere compulerunt, quos deinde tanquam captiuos arctiffime mandauerunt cuſtodie, Johannem Gledſtanes Ormond Signeferum, alioſque noſtros nuncios, qui literas noſtras publice proclamare apud forum dicti liberi noſtri burgi dirigebantur, eaſdem debite executioni mandare impediuerunt, atque eas ab ipſis violenter furripuerunt, Proclamationes publicas fieri ad milites ſtipendiarios conducendum effecerunt; expreſſe contra Parliamentj Statuta, et in manifeſtam legum violationem: Perpetratifque hiſce omnibus nedum flagitijs ſaginati aut ſatiſfacti, prefatum noſtrum Caſtrum de Sterling armatis viris, prouiſionibus bellicis ac cibarijs compleuerunt, et ſtrenuo munierunt, certo propoſito et animo deliberato idem ipſum contra nos auctoritatemque noſtram regiam pertinaciter et proditorie detinere ac tueri. Quaquidem occaſione merito, nos commoti, ad expugnationem et recuperationem dicti Caſtri et burgi, exercitum ſedulo conuocauimus atque ipſi diligenter proceſſimus: hinc audacter et temerarie crimen ſumme proditiſonis et Leſemaieſtatis committendo, in magnum noſtre auctoritatis contemptum et legum violationem. Atque adeo, pro ſua proditoria celatione et occultatione predictae Coniurationis, conſultatione, conſuſione, contractu et executione eiuſdem: IDEOQUE dictos Archibaldum Anguſie Comitem, Johannem Comitem de Mar, Agnetam Drummond Comitiffam de Mar eius ſponſam, Annibalem Murray Comitiffam de Mar ſeniorum, matrem dicti Comitiffam, &c. Conſpiratores, proditorioſque executores ad videndum et audiendum ſeſe et eorum quemlibet, reſpectu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et ſuper predictis et alijs quamplurimis rebellionibus, tranſgreſſionibus et proditorijs criminibus, per prenomiſatas perſonas contra nos regnum noſtrum et auctoritatem regiam impie ac nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et oſtendendis ac juri parendum et ſuper huiusmodi iudicium noſtrum et noſtri Parliamenti, ſecundum leges regni noſtri expectandum et ſubeundum, dictas viz perſonas, Conſpiratores, perpetratores et celatores criminum precedentium reſpectiue, ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et propterea ipſo-

rum bona mobilia et immobilia, tam terras quam officia, aliaque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personarumque suas penam prodicionis et ultimi supplicii a regni nostri legibus inflictam subire: Et vberius in premissis respondendum et imparendum intimando supradictis Conspiratoribus et eorum cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerunt siue non, Nos dictusque nostri Justiciarius, in premissis iusticia mediante, procedemus et procedet. **INSUPER** citetis, &c. ad comparandum coram nobis nostre Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis; et presentes literas debite executas et indorsatis earundem lateri reddatis: **Et** vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portantes vobiscum summonitionis vestre testimonium in scripto pro premissis seu ipsos testes. Ad quod faciendum vobis et vestrum cuilibet conjunctim et diuisim vicecomitibus nostris in hac parte committimus potestatem. **DATUM** sub Testimonio nostri Magni Sigilli, Apud Edinburgh vicefimo quinto die mensis Maij, anno domini millesimo quingentesimo octuagesimo quarto et regni nostri decimo septimo.

Quhilkis haill perfounis abonevritin war thrie findrie tymes oppinlie callit at the tollbuyth wyndok, and nane of thame compeirand [exceptand Dame Anabill Murray Countes of Mar elder, Dame Agnes Drummond Countes of Mar young-er, Dame Dorathie Stewart Countes of Gourie, Williame Elphingstoun, Johne Leslie of Authorteis, Williame Dowglas of Bonkle elder, quho offerit thame to the tryell anent the poyntis contenit in the summondis of Tressoun; quhome the Estaitis of Parliament ordanit to reiteir to pair lugeingis, thairin to remane quhill the morne at aucht houris, and thay than to compeir befor the Kingis Maiestie and Lordis of Articles, to anfuer to the said summondis,] and immediatlie pairefter the said Aduocat producit Richard Bynning, &c. messingeris, executoris of the said summondis, quha maid fayth that thair said executiounis, as thay beir, ar iust and trew, &c. Efter the verificatioun of the quhilkis executionis, the said Mr David Makgill, aduocat, producit thir twa wrytingis following, subscriwit be the Kingis Maiestie, off the quhilkis the tenouris followis:

*Warrant to delete Robert Erskin of Lytill Sauchie from the Summondis.*

‘**REX.**

‘**MR DAVID MAKGILL** of Nesbet our aduocat: Forsameikle as we vnderstand that thair is ane summondis of Tressoun directit aganis diuersle personis, ffor the late tumult and rebellious laitlie committit aganis us, and that our seruitour Robert Erskene is chargeit thairwithe to compeir in our nixt Parliament, to be foirfalt ffor the causes contenit in the said summondis: Newirtheles, remembering the said Robertis gud and thankfull seruice done to us of befor, and for certane gud considerationis, we ar mowit nocht to infist aganis him in our nixt Parliament, be the said summondis rasit aganis him; that ze deletit his name furthe of the samin and executionis pairof, to the effect he be nocht

trablit pairby in ony fort; 3e kepanð þir pointis for 3our Warrant. Subscriwit with our hand, at Edinburgh, the xx day of August, and of our reinge þe xvij 3eir 1584.

(Sic subscribitur) 'JAMES R. MONTROISE, JAMES STEWART, BLANTYIR.'

Heir followis the tennour of the vther wryting :—

*Warrant to delete Makdowgalls of Garthland from Summondis.*

'OUR ADVOCAT we greit 3ow weill : Forsamekle as pairis summondis of Tressoun raft and execut at our and 3ow our Aduocatis instance in our name, aganis Vthreid M'Dowgall of Garthland, and Vthreid Makdowgall his sone and apperand air, ffor the tressonable supprying and taking of our Castell and town of Strueling, being in cumpanie with diuersse our conspiratoris contenit in the summondis raft pairvpoun; at the leift, art and pairt pair of : ffor diuersse reffonabill causes and considerationis moveing ws, it is our will that 3e extinct and deleit furthe of the said summondis the saidis Vthreid M'Dowgall and his sone, and pas fra that pairt of the said summondis, safer as concernis thame, for the said cryme or ony vther crymes mentionat in the said summondis; dischargeing 3ow of all persewing or infisting aganis thame for the famin, and of 3our office in that pairt. As alsua dischargees the Lordis of our Parliament, our Justice generall and his deputis, of all proceding aganis thame ffor the premiffes, simpliciter. Subscriwit with our hand at Edinburgh, the nyntene day of August, the 3eir of God I .V°.lxxxiiij 3eiris.

(Sic subscribitur) JAMES R.

And according to the command of the saidis twa wrytingis, the said Aduocat, in presens of the Kingis Maiestie and Lordis of Articles of this present Parliament, past fra the persute of the saidis Vthrid M'Dowgall of Garthland, Vthrid M'Dowgall his sone and apperand air, and the said Robert Erskene of Lytill Sauchy : And thairfoir pair saidis thrie nemmis of command foirfaid war presentlie deleit furthe of the said summondis of foirfaltour : Wpoun the production of the quhilkis twa wrytingis and deleting of thame furthe of the said summondis, the said aduocat askit instrumentis, and immediatlie paireftir, the Kingis Maiestie being personalie present, commandit the said Mr David Makgill, his hienes aduocat, to pass fra the persute of the saidis Johne Levingstoune 3ounger of Dinnypace, William and Michael Elphinstonis brether to the Lord Elphinstone, Williame Dowglas of Bonkle, and Williame Lyoun of Bagillie : And siclyk, commandit the said Clerk of registri and his deputis to deleit thame furthe of the said summondis of Foirfaltre : Quhilkis war presentlie done, in presens of the Kingis Maiestie and Lordis of Articles, be the said aduocat, and Alexander Hay, Clerk of registri; and pairvpoun þe said aduocat askit instrumentis. And siclyk, Johne Leslie of Authorteis alias Benuachy, being personalie present, producit ane Remiffioun grantit be our souerane lord, vnder his hienes greit seill, Remittand the said Johne the foirfaid cryme and Tressoun contenit in the said summondis of Foirfaltour led aganis him : In respect of the quhilk, the said aduocat inlykuayis past fra þe persute of the said Johne Leslie; quhairvpoun the said Johne askit instrumentis.

QUHILK SUMMONDS, with the executions and indorfationis thairof respectiue foirfaidis, being red first in presens of the Lordis Commiffionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoun the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commiffioun for haldin thairof, first in Latene and thaireftir in Scottis; and the haille persones defendaris abonewrittine, being diuersse and syndrie tymes callit at the tolbuith windok, to haue comperit and anfuert to the said summondis, and nane of thame comperand, (exceptand the saidis Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Drummond Countes of Mar 3ounger, Deame Dortha Stewart

Countes of Gowrie,) the said aduocat, for verificatioun and probatioun of the foir-faidis executionis and indorfationis of the said summondis, repetit the Actis maid the saidis xx and xxj dayes of Auguft instant : As the samyn, schawin and producit before the Kingis grace and thrie Eftatis of this present Parliament portit. And siclyk thaireftir, the foirfaidis haill perfones defendaris being of new oftymes callit at the said tolbuith windok to haue comperit before the saidis Lordis of Articles, and defendit the said summondis the foirfaid xx and xxj dayes of Auguft instant rex<sup>us</sup> with continewatioune of dayes, and thay beand oftymes callit and nocht comperand, (exceptand as said is,) the said aduocat desyrit the saidis Lordis of Articles Declaratioune, gif the ressones of the said summondis war relevant or nocht : Quha than declarit the samyn to be relevant, vpoune the said xxj day of this instant moneth : At the quhilk tyme the said aduocat producit the haill wryttis and repetit the haill probationis contenit in the Actis maid the day foirfaid in prefens of the Lordis of Articles, for probatioune of the said summondis. Quhilkis Lordis of Articles thaireftir fand the said summondis sufficientlie prowine aganis the perfones vnderwritin.—And in femblable maner, the said haill summondis with the executionis and indorfationis thairof, being red baith in Scottis and Latene, in prefens of the Kingis grace and thrie Eftatis of this present Parliament, and the foirfaidis haill perfones defendaris being of new callit, as of before, fyndrie tymes at the said tolbuith windok, and nane of thame comperand (exceptand as said is) and the haill wryttis and vtheris probationis producit be him the day immediatlie ofbefore, quhilk he now lykwayes producit and repetit the samyn to our said fouerane lord and thrie Eftatis foirfaides, for prewing of the pointtis and articles contenit in the said summondis, and thairfore desyrit farther proces in the said caus. And thaireftir, the said summondis with the probationis foirfaidis, being first sene, confiderit and aduifit be the saidis Lordis of Articles, and now presentlie be the Kingis grace and thrie Eftatis of this present Parliament : Quha findis and declaris that the haill resoun of the said summondis are relevant and sufficientlie prowine aganis the perfones particularlie vnderwrittine, and ilk ane of thame for thair awin part : And Ordanes Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndfay dempfter of this present Parliament, depute and sworne thairto ofbefore ; of the quhilk Dome the tennour followis, pronuncit be the said Andro Lyndfay :

*DOME and SENTENCE against the EARLS of ANGUS and MAR and their  
above mentioned accomplices.*

(Aug. 22.)—This Court of Parliament schawis for law, that the saidis Archebauld Erle of Angus, Johnne Erle of Mar, Dame Agnes Drummond Countes of

Mar 3ounger, Maifter Thomas Lyoune of Baldukye Maifter of Glammiss, Dame Margaret Lyoune Countes of Caffillis, Dame Dorathia Stewart Countes of Gowrye, Adame Commendatar of Cambuskynne, David Commendatar of Dryburch, Williame Commendatar of Palflay, Maifter James Erkin brother to Robert Erkin apperand of Littil Sauchie, Johnne Leslie of Balquhane, George Dowglas of Parkheid, James and George Dowglass his fones, James Dowglas of Todhoillis, Johnne Dowglas of Glaspe, William Dowglas fone and apperand air to Williame Dowglas of Bonkle, Patrik Drummond apperand of Carnok, Johnne Carmichale of that Ilk, Hew Carmichall his fone and apperand air, William Carmichall of Rantrecorfe, Johnne Lyoune 3ounger of Coffynis, James Lyoune of Eiftir Ogill, Hew Nesbit of Raschehill, Patrik Home of Argathies, Johnne Leslie of Largie, Robert Hammiltoune of Corfe, Arthour Hammiltoune callit of Boithwelhauch, Mr Johnne Coluill chantour of Glasgou, Mr Patrik Quhytelaw of Newgrange, Johnne Arbuthnot apperand of Lyntusk, and James Mwrray of Pardows, and euerilk ane of thame, hes committit and incurrit the crymes of Treffoune and Lefemaieftie, in the hail pointtis and articles contenit in the said summondis, berand as is abonewrittine: And thairfore decernis and declaris all thair guidis movable and vnmovable, alfweill landis as offices and vtheris quhatfumeuer belonging to thame, to be confiscat to our said fouerane lord, and remane perpetuale with his hienes in propertie for euer: And thair perfonis to vnderlye the pane of Treaffoune and last pwneifment appointit be the lawis of this realme: And this I gif for Dome. Vpoune the quhilk declaratioune and pronounciatioune foirsaid, the said aduocat askit instrumentis.

THE quhilk day the Kingis grace and thrie Eftatis of this present Parliament continewis that pairt of the summondis of Treaffoune dewlie execute and indorfate, perfewit be his hienes Justice and Aduocat aganis *Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Gray Ladye Home* spous to the said Mr Thomas Lyoune of Baldukye Maifter of Glammiss, *Lawrence Maister of Oliphant, Johnne Maister of Forbes, Robert Dowglas (younger) of Lochlewin* 3ounger, and *James Hammiltoun of Haggis*, tuiching the decerning of thame to haue incurrit the crymes of Treffoun and Lefemaieftie, ffor the caus specefeit in the said summondis; as at mair lenth is contenit thairintill, in the samyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes; and than farder proces to be hade pairintill; at the quhilk day, Ordanis the said aduocat to produce sic wryttis, rychtis, reffones, documentis and probationes, as he hes or will vse, for prewing of the said summondis agane the said day, safar as concernis thair pairtis thair of: Quhairwpoune the said aduocat askit instrumentis.

**High Treason — Maid of Ruthben — Forfeiture.**

Aug. 22.—**JOHNE ROSS** of Cragie, as brother and apparent heir or successor of the deceased **JAMES ROSS** of Pettheavles.<sup>1</sup>

The quhilk day Maister **DAVID MAKGILL**, aduocat to our fouerane lord, exhibite and producit lyke as he did syndrie tymes ofbefore, the summondis of Treassoune vnderwrittin, rasit and persewit at the instance of our fouerane lord and his hienes Justice aganis **JOHNE ROSS** of Cragie, as brother and apperand air or successour to vmq<sup>re</sup> **JAMES ROSS** of Pettheifles; quhairbye he was summoned to haue comperit before the Kingis Majestie and his Estatis, the xx day of August instant, with continewatioune of dayes, in his hienes Parliament to haue begune the said day, in the hour of caus, with continewatioune of dayes; to haue answerit vpoune the pointtis of Treassoune and Lesemaiestie vnderwrittine, contenit in the said summondis, committit be his said vmq<sup>re</sup> brother: And thairfore, the said **JOHNE** to haue hard, that the said vmq<sup>re</sup> **JAMES** committit the cryme of Treassoune in his lyvetyme, for the caus vnderwrittine, &c. As at mair lenth is contenit in the said summondis. Off the quhilk the tennour followis:

*SUMMONS of TREASON against Johnne Ross as brother of James Ross.*

**JACOBUS** dei gratia Rex Scotorum, dilectis nostris **LEONI** Regi Armorum, **ILAY**, **ALBANY**, **ROSA**, **ROTHEFAY**, **SNAWDOUNE**, **MERCHEMOND**; **HERALDIS**; **JOHANNI** Fergussoun, **ROBERTO** Stewart, **ARCHIBALDO** Dowglas, **DAUIDI** Bryssoun, clauigeris; **ORMOND**, **BUTE**, **VNICORNE**, **CARRIK**, **SIGNIFERIS**; **RICHARDO** Bynning, **JOANNI** M<sup>c</sup>Lowren, &c., nunciis et eorum cuilibet, coniunctim et diuisim, vicecomitibus in hac parte, salutem. Mandamus vobis et precipimus quatenus summoniatis legitime et peremptorie, coram testibus, **JOHANNEM** Ross de Cragye, fratrem germanum et apparentem heredem vel successorem quondam **JACOBI** Ross de Pettheveles, personaliter si eius personalem presentiam commode habere poteritis, alioquin apud locum eius habitationis, necnon omnes alios et singulos interesse habentes seu pretendentes, per publicam proclamationem apud cruces forales burgorum nostrorum de Edinburgh, Perth aliaque loca necessaria, ita quod huiusmodi summonitio ad eorum aures verisimiliter peruenire poterit, ad comparendum coram nobis nostrone Justiciario, vicesimo die mensis Augusti proxime futuri, hora causarum, cum continuatione dierum, in Parlamento nostro tenend. apud Edinburgh, . . . die mensis eiusdem, ad respondendum nobis seu nostro Justiciario in prefato Parlamento, et ad videndum atque audiendum per nos et trium regni nostri statuum, decretum et sententiam decerni dictum quondam **JACOBUM** Ross de Pettheveles crimen Lesemaiestatis in ipsius vita commississe, ob eius proditoriam artem, partem, auxilium, consilium, iuvamen et assistentiam per ipsum prestitam et exhibitam, in nefaria illa Conspiratione cum quondam **WILELMO** olim Comite Gowrye domino Ruithwene, in proditoria interceptione ac manus violentas iniectioe in personam nostram, apud illius Castrum de Ruithwene, super vicesimo tertio die mensis Augusti anno dominij millesimo quingentesimo octuagesimo secundo: Atque adeo, ob illius prescientiam, occultationem et concealationem eiusdem Conspirationis, vbi dictus quondam **WILELMUS** olim Comes de Gowrie, **JOHANNES** Comes de Mar, Magister **THOMAS** Lyonne de Baldukye Magister ac Tutor de Glammis et prefatus quondam **JACOBUS** Ross, cum diuersis alijs suis complicitibus, consilium proditorie innierunt, deliberarunt, finaliter et ad effectum perduxerunt nefandum ac proditorium illud facinus, in apprehensione nostre nobilis persone apud Ruithwene tempore antedicto: In quoquidem

<sup>1</sup> From the Records of Parliament. Acta III. 344.

Castro, violenter nos detinuerunt ac custodierunt, contra nostre mentis libetum et voluntatem, per spatium diuersarum dierum et noctium; inde crimen summe prodicionis committendo. Eodemque tempore, fidos et dilectos nostros Confules ac alios probos ligeos nobis inferuendi studio appropinquantes, pro ipsorum internecione ac cede inuaserunt et crudelissime vulnerarunt; tunc quoque Confulum et aliorum fidelium subditorum nostrorum quosdam, velut captiuos ceperunt et custodie mandarunt, ordinarios Gardie nostre milites remouerunt, Precepta nostra nobis repugnantibus charissimo et fidelissimo consanguineo nostra quondam Esmo Leuinie Duci dirigere impulerunt vt quam citissime hinc discederet, eumque inaudita celeritate huius regni finibus exterminandum curauerunt, personam nostram ad sui animi libidinem et desiderium, magna suorum sociorum caterua stipatam continuo huc atque illuc deduxerunt, per spatium decim mensium deinde sequentium: Instituto certissimo et mente deliberata huiusmodi iugo seruitutis imperpetuum nos implicare et retinere, nisi ineffabilij Omnipotentis auxilio et benevolentia nosmet ipsos hinc abdicaremus: Hinc manifestissime crimen Prodicionis et Lesemaiestatis committendo contra nos regalem nostram auctoritatem et in apertam legum violationem. Et propterea, ad videndum et audiendum nomen, memoriam et dignitatem dicti quondam Jacobi Rofs de Pettheveles extinctam fore et esse decerni, armaque seu insignia sua e libro Armorum et nobilitatis deleri et cancellari, ita quod ipfius posteri ab officijs et honoribus in hoc regno nostro gaudent. sint inhabiles et incapaces dehinc imperpetuum; atque omnia bona sua terras et officia confiscari et nobiscum deinceps in proprietate remanere; intimando supradicto Johanni Rofs de Cragie fratri ac heredi seu successori antenominato, alijsque quibuscumque interessè habentibus, quod siue compareant siue non, dictis die et loco, cum continuatione dierum, Nos et Justiciarius noster nihilominus iustitia mediante procedemus et procedet: Et presentes literas debite executas et indorsatas earundem latori reddatis: Et vos qui presentes executi fueritis sitis ibidem, dictis die et loco, coram nobis vel Justiciario nostro portan. vobiscum vestre summonitionis testimoniam in scriptis, pro premisis vel ipsos testes. Ad quod faciendum, vobis et vestram cuilibet, coniunctim et diuisim, vicecomitibus nostris in hac parte, committimus potestatem. Apud Edinburgh, vicesimo quarto die mensis Junij, anno domini millesimo quingentesimo octuagesimo quarto et regnj nostrj decimo septimo.

Quhilk summondis with the executionis and indorsationis thairof, being red first in presense of the Lordis Commiffionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoun the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commiffiounne for halding thairof, first in Latene and thaireftir in Scottis: And the said Johnne Rofs of Cragie comandand, quha was content tryell war tane vpoune the pointtis of the said summondis: The said aduocat, for verificatiounne and probatiounne of the foirlaidis executionis and indorsationis of the said summondis, repetit the actis maid the saidis xx and xxj dayes of August instant, as the samyn schawin and producit before the Kingis grace and Lordis of Articles proportit. And thaireftir the said summondis, with the probationis foirlaidis, being first sene, confiderit and aduisit be the saidis Lordis of Articles and now presentlie be the Kingis Maiestie and thrie Estatis of this present Parliament: Quha findis and declaris, that the haill reassoune of the said summondis is relevant and sufficientlie prowine aganis the said vmq<sup>le</sup> James Ros. And thairfore ordanis Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndsay dempster of this present

Parliament, depute and sworne thairto of before : Off the quhilk Dome the tenour followis, pronuncit be the said Andro Lyndfay.

**DOME OF FORFEITURE.** This Court of Parliament schawis for law, that the said vmq<sup>le</sup> James Rofs of Pettheveles committit the cryme of Lefe-maieftie in his lyfytyme, in the haill pointtis and articles contenit in the said fummondis berand as is abonewrittin : And thairfore, decernis and declaris the said vmq<sup>le</sup> James his name, memorie and honouris to be extinct, and his armes to be revin furth and deletit out of the buik of armes, fwa that his posteritie newir haue place nor be hable heireftir to bruik or joise ony office, honouris or digneteis within this realme, in ony tymes cumming :<sup>1</sup> And all his guidis, landis, offices to be confiscat and remane perpetuallie with his hienes in propertie, for euer : And this I gif for dome. Quhairwpoune the said aduocat askit instrumentis.

The quhilk day Johnne Ros of Cragie proteffit, that quhatfumeuer thing done this instant day aganis vmq<sup>le</sup> James Ros of Pettheveles his brother, preiuge nocht him anent his landis, reuerfionis, ro mes, possessionis, steadingis and rychtis quhatfumeuer pertening to his said vmq<sup>le</sup> brother : And specialie, anent the landis of Pettheveles, and the Reuerfione thairof quhilk he hes of the famyn : In respect he hes euir remanit, at all tymes bigane, our fouerane lordis trew lege and fubiect ; and knew nathing of his said vmq<sup>le</sup> brotheris doingis nor proceedingis : And pairwpoune askit instrumentis.

### **Higb Treason — Raid of Ruthvene, &c.**

Aug. 22.—**OLIUER PEIBLIS** of Chapelhill,<sup>2</sup> Jeane Thornetoune his spous, and James Marfchell of Petcarnis.

The quhilk day, the Kingis grace and thrie Eftatis of this present Parliament continewis the fummondis of Treaffoune execute and indorfate, perfewit at the instance of his Maieftie, his hienes Justice and Mr David Makgill his hienes aduocat, tuiching the decerning of thame to haue committit and done certane pointtis of Treaffoune and Lefemaieftie : As at mair lenth is contenit in the said fummondis rafit pairwpoune, in the famyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes ; and thane farder proces to be hade pairintill as accordis : At the quhilk day ordanes the said aduocat to produce sic wryttis, rychtis, reffones, documentis and vtheris probationis quhilkis he hes or will vse, for prewing of the pointtis of the said fummondis aganes thame agane the said day. Quhairwpoune the said aduocat askit instrumentis.

<sup>1</sup> An Act was passed in Parliament, Aug. 22, 'for difheresing of pe posteritie of the personis that ar or falhappin to be convicted of the tressounable attemptat at Strueling.' <sup>2</sup> He appears in Parliament, as Commissioner for the burgh of Perth, Jun. 12, 1590, and Mar. 3, 1596.—From Records of Parliament, III, 346.



[*Mr Edward Bruce and Mr William Oliphant, Justices-Deputes.*]

**Slaughter.**

Jul. 2.—GEORGE THOMESOUN, minister at Innerkip, George Maxwell of Newwerk, Robert Maxwell his serwand, Johnne Maxwell in Kulroife, Johnne Morefoun in Park, and Arthour Morefoun thair.

Dilaitit of airt and pairt of the crewall slauchter of vmq<sup>le</sup> Robert Muntgumrie of Skelmurelie, and of vmq<sup>le</sup> Williame Muntgumrie his sone and appeirand air; committit in Apryle lastwas.

[*Mr Edward Bruce, Justice-Depute.*]

**Slaughter.**

Jul. 3.—JOHNNE QUHYTEFURDE of that Ilk, Adam Quhytfurde, 3ounger of that Ilk, Thomas Quhytfurde his broder, Robert Muntgumrie of Skelmurelie, Williame Cochrane of that Ilk, Williame Mudye, burges of Paislay, Robert Sempill, burges yair, James Wilfoun, serwand to the Laird of Cochran, Gilbert Smyth, broder to Andro maifter of Sempill.

Dilattit of airt and pairt of the crewall slauchter of vmq<sup>le</sup> Patrik Maxwell of Stanelie, committit in Januar lastwas.

PRELOQUITOURIS for the Pannell.

The Maifter of Eglingtonne, The Maifter of Sempill, The Laird of Cauldwall, The Laird of Heiffilheid,  
Mr Johnne Scharp, Mr Johnne Skene, Mr Johnne Prestounne,

PERSEWARIS.

James Maxwell of Calderwood, Sir Robert Maxwell of Dinwiddie, Maifter Daud M<sup>c</sup>Gill of  
The Laird of Craigance, The Laird Newark, Nifbet, (King's Advocate,  
Johnne Maxwell of Nethir Pook, [Gelis Wallace, The Relict,] for his hienes intres.)

Part of the pannells 'replegeit' to the Regality of Paislay, and the rest continued to the Justice-air of 'Renfrew, tertio Itineris.'

The Laird of Quhytefurde alone was 'put to the knowlege of ane Affyise;' who, 'eftir lang reffoning and deliberatioune had thairof, be the mouth of Robert Lindesay of Dunrod, ffind and declairet the said Johnne Quhytefurde of that Ilk, to be clene and acquit of airt and pairt of the said slauchter.'

[*Mr William Oliphant, Justice-Depute.*]

**Abiding from the Host to pass towards Stirling.**

Jul. 17.—GILBERT LAWDER of Balbardeis, Williame Lawder, his sone and appeirand air.

Dilaitit for remaining and abyding at hame fra our fouerane lordis oift, raid

and armie, ordanit to haif conuenit at Halirudhous,<sup>1</sup> and thairfra to haif past towardis Striueling, [for refisting of the tressonabill attemptatis of certane tra-touris and rebellis, quhilkis had tane the said burcht and Castell of Striueling.]

The quhilk day, the perfonis enterit on pannell, produceit ane Licence, grantit to thame be the Kingis Maieftie and lordis of his hienes Secretit Counsale, exemeand thame fra oiftis, raidis and armeis ; quhilk exemptioun is of the dait, at Halrudhous, the xxiiij day of Apryle, 1584.

(Sic subscribitur,) JAMES R. HUNTLIE, LOCHINWARE.

[*Mr Johnne Grahame, Mr Williame Oliphant, Justices-Deputes.*]

**Forgery of Half-Merk Pieces, &c.**

Jul. 30.—PATRIK M<sup>c</sup>KIE in Quhithillis, broder to Archibald M<sup>c</sup>Kie of Myretoune.

Dilaittit of the tressonabill cryme of fforgeing, ffenzeing and ftryking of certane fals and adultrit mony, viz. half merkis, xxx s., xx s. and x s. pecis.

Jul. 31.—VERDICT and SENTENCE. The Affyise, be the mouth of Williame M<sup>c</sup>Culloch of Myretoune, in ane voce, fylis the said Patrik M<sup>c</sup>Ke of art and part of the tressonabill fforgeing, feinzeing, counferfuting and ftraking of certane fals and adulterate money, sic as fals half-markis, xl d. pecis, to grit quantitie, callit *Lochmabalies*,<sup>2</sup> in cumpanye with Lawrence Nicholai Italiane and vtheris thair affistaris : And he thairfoir adjugeit, be Andro Lyndefay dempfter, to haif foir-faltit and tynt lyfe, landis and guidis, to be applyit to our fouerane lordis vsf, and himself hangit to the deid, at the mercat croce of Edinburghe. AND the hail Affyis acquit the said Patrik of the fenzeing of xxx s., xx s. and x s. pecis, *plakkis* and *balbeis*.

[*Mr Johnne Grahame and Mr Edward Bruce, Justices-Deputes.*]

**Assisting Earl of Angus in taking Kyrgh and Castle of Stirling.**

Sep. 4.—GABRIELL MERSER of Sawling.

Dilaittit of the tressonabill affisting, art, pairt-taking with Archebauld Erle of Angus, Johnne, sumtyme Erle of Mar, Thomas Lyoun, sumtyme Maister of Glammis, and vtheris thair complices, in the tressonabill taking of the Burcht and Castell of Striueling, committit in the moneth of Apryle lastbypast, [and beiging of ane dry-ftane wall beside the scolehouis dure of Striueling ; and, furneffing of the said Castell with men, viuaris<sup>3</sup> and munitioune.]

<sup>1</sup> Many similar trials occur at this period ; some of them adding, 'and for affisting with Archebauld erle of Angus, Johnne erle of Mar, Thomas Lyoun maister of Glammis, Johnne Carmichell zounger of that ilk, and vtheris thair complices, in the tressonabill taking of the burcht and Castell of Striueling.' <sup>2</sup> This word is very doubtfully written, being as like *Lochmalearies* as the above. Perhaps it was some familiar or cant phrase for pieces struck or forged at Lochmaben. <sup>3</sup> Victuals, *vivres*.

**VERDICT.** The Assyise, eftir lang reffoning and mature deliberatioun had thairof, be thair delyuerance pronunceit be the mouth of Archebauld Prestoun, Chancellare of the said Assyise, ffind the said Gabriell to be clene and acquit' of the said crimes.

[*Mr William Oliphant, Justice-Depute.*]

**Intest.**

Nov. 21.—GOTHRAY M<sup>c</sup>CULLOCH of Ardwell.

Dilaitit of certane crymes of Incest, committit be him with Katherine McCulloch, his broder-dochter; and vtheris crymes contenit in the lettres.

Continued, to the Aire of 'Kirkcudbrycht, tertio Itineris, vel super premonitione xv dierum. Plegio, Jacobo M<sup>c</sup>Culloch, rectore de Kyrk-Cryft.'

**Fire-raising — Breaking of Ward, &c.**

Nov. 27.—ALEXANDER JARDINE of Apilgirth, &c.

James Twedie of Drumnelzeare become plege and fouirtie for Alexander Jardine of Apilgirth, Johnne Jardane and James Jardane his breder, Niniane Jardane and Will Bell his seruandis, Williame Jardane, callit *Reid Will*, at the Kirk of Sewerbie, (and) David Moffet in Sewirfyde; that thai fall compeir befoir our fouerane lordis Justice or his Deputtis, the third day of the nixt Justice-air of the sherefdom of Drumfreis, quhair thai duell, or soner, quhen and quhair it fall pleis our fouerane loird, vpoun xv dayis warning, and vnderly the law for the tressonabill raising of fyre and birning of the place of Litolgill, pertenning to Dame Jeane Hammiltoune, Ladie Lammingtoune: And for eschewing<sup>1</sup> furth of the Castell of Edinburghe, and breking of the waird thairof; and vtheris crymes contenit in the lettres direct thairvpoune, &c.

**Treason — Assisting Earl of Angus, &c.**

Dec. 2.—NINIANE NICOLL, in the bray of Cleisch.

Dilaitit of airt and pairt of the tressonabill airt, pairt-taking with Archebauld, sumtyme Erle of Angus; Johnne, sumtyme Erle of Mar; Thomas Lyoune, sumtyme Maister of Glamis, and vtheris thair complices, in the tressonabill taking of the burgh and Castell of Striueling, aganis our fouerane lord and his hienes autoritie royall; committit in the moneth of Apryle lastbypast.

Continued to the Justice-air 'of Fyffe, tercio Itineris vel super premonitione xv dierum.' 'Plegio, Henrico Stewart de Rossyth.'

<sup>1</sup> Escaping. See Jun. 5, 1583.

**Intercommuning with Earl of Mar and other Traitors.**

Dec. 8.—DAVID HOME of Argatie.

Dilaitit of the tressonabill haifing intelligence fra Johnne sumtyme Erle of Mar, Daid (Erskine) sumtyme Commendator of Dryburgh, our fouerane lordis tratouris declarit, in the ressait of lettres fra thame, at the leift the ane or vther of thame ; and specialie, fra Patrik Home his broder sone, seruitour to Johnne sumtyme Erle of Mar ; quhilkis lettres he ressaueit fra Robert M<sup>c</sup>Willie, quhome he ressaueit in his hous, in passing and repassing to thame in Ingland ; committit in the monethis of July, August and September lastbypast.

PERSEWAR, Mr Daid Makgill of Nisbet, Aduocat.

ASSISA.

George Dundas of that Ilk,	Henrie Quhyt, cordiner thair,	Geo. Craw, portionar of Restoune,
Charles Murray of Cokpale,	Alex <sup>r</sup> Thomefoune, burges of Ed <sup>r</sup> ,	George Smyth, burges of Edin <sup>r</sup> ,
Mathow Stewart of Bavela,	Johnne Moffett, burges thair,	Andro Aytoune, broder to the laird
Robert Grahame of Knokdolaine,	Edward Johnnefoun, burges thair,	of Dinmure.
George Home of Aytoune,	Johnne Gordoun of Petlurg,	
James Inglis, burges of Edin <sup>r</sup> ,	Patrik Creytoune of Lugtounne,	

VERDICT. The Assyse, be the mouth of George Dundas of that Ilk, chancel- lare, Fand the said Daid Home to be culpabill, fyllit and conuict in contraue- ning of our fouerane lordis Actis of Parliament, in ressait of ane boy callit Rob M<sup>c</sup>Willie, and conceling of the lettre send be him, and schawin be Johnne Ranye, send fra Patrik Home out of Ingland ; and ressaueing commendationis fra the Abbot of Dryburgh from Ingland, conforme to the said Daidis depositions subscryuit with his hand : LYKEAS alua, the said Daid wes fundin to be clene and acquit of the rest of the dittay.

SENTENCE. And thairfoir the dome of forfaltour was pronunceit aganis him be Andro Lyndfay thairefter, that the said Daid fuld be tane to ane gippet, at the croce of Edinburghe, and thair hangit, quarterit and drawin as ane tratour ; and all his landis, takis, stedingis, rowmes, possessionis and guidis, to be eschete to the Kingis vse.

**Praying publicly for the banished Ministers.**

**Concealing treasonable Correspondence, &c.**

Dec. 8.—MAISTER NICOLL DALGLEISCH, minister at Sanct Cuthbertis Kirk, near Edinburgh.

Dilaitit of the contraueing of our fouerane lordis actis of Parliament in lowing and authorifing in his publict prayaris of sic ministeris as ar in Ingland, declarit tratouris ; and for affisting and fortefeing with the saidis declarit tra- touris.

Comperit Mr David Makgill, aduocate to our fouerane lord, and in his hienes name, as perfeware ; and defyrit proces vpoun the Dittay presentlie produceit be him in iugement vpoun the said Mr Nicholl, quhilk the aduocatt defyrit to be red to the said Mr Nicoll, in caice he wald obiet ony thing aganis the famin.

The said Mr Nicoll allegeit, that iugement wes deduceit aganis him 3ifterday befor the Kingis Maieftie and lordis of Secreit Counfale, and as appeirit to him conuict be thame and thair woting aganis him ; quhairthrow it is nocht necessar that he be of new accusit in ony vther iugement.—To the quhilk anfuert the aduocate, that the proceedingis aganis him in Secreit Counfale wes *per modum consilij*, and nocht be way of iugement, he nocht being judicialie accusit ; and sua the Justice aucht to proceid aganis him in the said matir in this iugement.

The said Mr Nicoll defyrit to knaw of the Lordis of the Secreit Counfale present, Assfouris to the Justice,<sup>1</sup> quhidder the proceedingis aganis him 3ifterday in Counfale wes *per modum consilij*, or as ane vther iugement: And the saidis lordis, for satisfaccioun of his defyre, declarit the saidis proceedingis to be *per modum consilij*.

INTERLOCUTOR. The Justice, be auife of his Assfouris, Fand be interloquitour, that the proceedingis aganis the said Mr Nicoll 3ifterday the sevint of this instante, in the mater quhair of he wes accusit, suld nawayis preiuge him in this iugement, bot ordanit him nochtwithstanding thair of, to haif his haill defensis aganis the Dittay produceit: Lykeas, the Justice, vpoun certane allegeances proponit be the said Mr Nicoll, and defensis vfit be him, as alua the anfuert maid thairto be the Aduocate, and of the mirknes<sup>2</sup> of the nycht, continewit the mater in the famin forme, force and effect, as it is now, to the morne: And the said Maister Nicoll in the meantyme to be committit to waird, quhill he be tryit be the personis of Assyis chofin, suorne, and admittit of befor, alswele vpoun his Assyis as vpoun the Assyis of the said David Home; and warnit the saidis personis of Assyis to compeir the morne in the hour of caus, to delyuer, *affirmatiue* or *negatiue*, vpoun the poyntis of the said Dittay, ilk persoun vnder the pane of ane hundreth pundis.

Dec. 9. - Dilaitit, &c.; and for conceling of ane Lettre fend be Mr Walter Baganqwall<sup>3</sup> to his wyff, quhilk wes red be the said Mr Nicoll; and vtheris crymes.

PERSEWARE, Mr David Macgill of Nisbet, aduocat to our fouerane lord.

Compeirit the personis of Assyis vnderwritten, viz.:

ASSISA.

Patrik Creychtoun of Lugtounne, Geo. Craw, portioner of Restounne, George Dundas of that ilk,  
 Alex<sup>r</sup> Thomefoun, burges of Ed<sup>r</sup>, Charles Murray of Cokpull, Andro Aytoun, brother to Dinmur,  
 Johnne Moffet, burges thair, Johne Gordoun of Petlurg, Henrie Quhyt, burges of Edin<sup>r</sup>,  
 James Inglis, burges thair, Robert Grahame of Knokdolan, Eduart Johnestoun, burges thair,  
 George Smyth, burges thair, George Home of Aytounne, Mathow Stewart of Bavela.

The said Mr Nicoll, eftir diuerse allegeancis proponit be him in prefens of the

<sup>1</sup> As was formerly remarked, it was usual for some of the Lords of Privy Council to sit as Assessors with the Justice, especially in cases of Treason. The King himself not unfrequently sat in judgment, and his presence is occasionally noticed in the Record. <sup>2</sup> Darkness of the night. <sup>3</sup> Balcanquhall.

faid Justice and his Affefouris, and anfuweris maid thairto be the faid Mr Daud M<sup>c</sup>Gill, aduocat to our fouerane lord for his hienes intres, offerit him felf in the Kingis Maieftis will, off the fpeiking, that ' the Ministeris and vtheris wer perfecute, and that the Kingis mineftrie had fpokin thay wordis mycht haif provokit ane Cristiane man to feir ;' as alfo of the conceling of ane Lettre direct fra Mr Walter Bucanquall to his awin wyff, quhilk wes red and fene be him, concerning particular commendationis to him.

The Justice, nochtwithftanding that the faid Mr Nicoll come in the Kingis Maieftis will, Ordanit the foirnaminis personis of Affyis, chofin, fuorne and admittit vpoun the faid Mr Nicollis consent, to proceid to thair delyuerance.

And the faid Mr Daud M<sup>c</sup>Gill, aduocate, Proteftit, in respect of the fentence gevin 3ifterday vpoun Daud Home of Argatie in the lyke mater of befoir, that in caice the faidis personis of Affyis clenge the faid Mr Nicoll, for Wilfull erreure and tinfale of baith lyffe, landis and gudis.

VERDICT. The Affyis be thair delyuerance, pronunceit be the mowth of the faid George Dundas of that Ilk, chancellare, ffand the faid Mr Nicoll Dalgleifch to be culpable, fyllit and conuict for fpeiking that the Ministeris and vtheris wer perfecutit, meaning to preve the famin perfecution be occasioun of juft feir confaut aganis the Ministeris vpoun allegeit fpeich of the Kingis Maieftie, and fum of his Counfale, quhilk wes cleirlye provin be act of Counfale ; and quhairfoir the faid Mr Nicoll come in his hienes will : AND alfo, conuictis the faid Maifter Nicoll of conceling of ane Lettre direct fra Mr Waltir Bucanquhall to his wyff, quhilk was red and fene be him, contening particular commendationis to him, confeffit be his awin word and writt ; and thairfoir come in his hienes will : AND acquit him of the haill reft of the dittay.

### Abiding from the Raid of Stirling.

Dec. 16.—**JOHNE HOLMES** in Auldwallis, **Thomas Patoun** in Winterberriehill, and twenty two others.

Dilaitit for remaining and abyding at hame fra our fouerane lordis oift, raid and armie, ordanit to haif conuenit at Halirudhous, in the moneth of Apryle laftbypaft, and thairfra to haif paf towardis the bur' of Striueling, ffor repreffing of the treffonabill attempttis of certane tratours and rebellis, quhilkis had tane the bur' and Caftell of Striueling, and repreffing of thair infolences.

#### ASSISA.

Alex <sup>r</sup> Boyd in Kilmarnok,	Johne Huntare in Richartoune,	William Burnis thair,
Hew Cuik in the hill of Kilmawaris,	Johne Wallace in Burnebank,	Adam Hog, feruitour to Bargany,
	Johne Campbell of Auldornok,	Thomas Tait in Knokindail,
Daud Hammiltoun of Ladietoun,	Robert Stewart,	James Cuninghame in Inchegethir.
Johne Hammiltoun in Grange,	Johne Knox,	
Thomas Patoun in Caftlehill,	James Neilfoun in Glasgw,	

**VERDICT.** The Affyis, be the mowth of the said Thomas Tait, chancellare, ffand the hail foirfaidis personis entirit vpoun pannell to be conuict, culpabill and fyllit for thair remaning and byding at hame fra our fouerane lordis oift, raid and armie, ordanit to haif conuenit at Halirudhous, and thairfra to haif past towardis the bur of Striueling, ffor repreffing of the tressonabill attemptattis of certane tratouris and rebellis quhilkis had tane the burgh and Castell of Striueling.<sup>1</sup>

### **Regrating — Forestalling.**

Jan. 20, 1584-5.—**JOHNNE WATSOUN** in Leyth Wynd, Robert Gray in the Cannogait and fifty four others in Cannogait, Leyth and Edinburgh.

Dilaitit of contrauening of the Actis of Parliament for non putting of thair malt to the marcat, and for taking mair betuix the boll of malt and the boll of beir nor<sup>2</sup> is contenit in the saidis Actis.

Those resident in Cannogait, &c. are 'replegiat' to the Regality of Brochtoune, others to the Regality of Kelfo; and with regard to those resident in Edinburgh, they are 'Remittit to the iurisdiction of the Prouest and bailleis of Edinburgh be resfoun of the Kingis Lettres direct to Mr Daid M<sup>c</sup>Gill, aduocat, to pas fra thame, and dischairging of the Justice of all calling, unlawing or proceeding aganis the inhabitantis of Edinburgh; quhilk lettres were subfcryuit be (the) Kingis Maiestie and Counsale of the dait the xv day of Januar 1584; quhair-vpoune Mr Johnne Scharp askit instrumentis.'

[CURIA JUSTICIARIE, s. d. n. Regis tenta in pretorio de Edinburgh, per Magistros Eduardum Bruce, Joannem Grahame et Willelmum Oliphant, Justiciarios deputatos.]

### **Raid of Ruthven — Traitorous Conspiracy for seizing the King's person.**

Feb. 9.—**MALCOLME DOWGLAS** of Manis, Johnne Cunninghame of Drumquhassill and James Edmestoune of Duntraith.

The quhilk day compeirit personalie in jugement, Maister Daid Makgill of Nisbet, and produceit the Dittayis vnderwrittin vpoun the saidis personis, of the quhilkis Dittayis the tennour followis.

**JAMES EDMESTOUN of Duntraithis Dittay.**—James Edmestoun of Duntruth, ge ar indyttit and accusit, that contrair 3our naturall dewtie, ge haveand our fouerane lordis gud countenance as ony vther subiect of this realme of the lyke calling, hes maist vnappilie, vnthankfullie and tressonablie deuifit and consultit with diuerse vtheris 3our complicis, viz. Robert Hammiltoun of Inchemachane, Johnne Cuninghame of Drumquhassill, Malcolme Dowglas of Manis, Johnne Muschet and Walter Dowglas in Litill Sauchie, in pe monethis of October, Nouember, December and Januare lastbypast, vpoun the

<sup>1</sup> Various other trials occur at this period for abiding from the same raid, chiefly against fewars and burgesses. <sup>2</sup> Than.

plat laid be the sumtyme Erlis of Angus and Mar and pair complices, for pair tressonabill deidis presentlie fugitiues in Ingland, communicat to 3ow be Johnne Home *alias* callit *Blak Johnne*, pair mesfingher, and pe said Johnne Muschet, how his Maiesteis maift nobill perfoun at the hunting mycht have bene tane captiue and convoyit to sum strenth in the Illis and bordouris of this realme, or ellis to sum strenth in the Illis of Lochlowmond, quhill the saidis declairit tratouris fugitiues had with thair complices ressaute his maift nobill perfoun in pair handis; and conceling of pe famin.

JOHNNE CUNINGHAME of *Drumquhassillis Dittay*.—Johnne Cuninghame of Drumquhassill, 3e ar indytit and accusit, that estir mony and diuerse tressonabill Conspiraceis, consultit, deuifit, assistit and execute be 3ow and 3our partineris, aganis the Kingis Maieftie and quyett estait of the cuntre evin to pat acceptant (attemptat?) of surpryng of his Maiesteis maift nobill perfoun, quhilk wes committit be 3ow and diuerse vtheris 3our tressonabill partakaris in the moneth of Auguft I<sup>m</sup>.V<sup>m</sup>.lxxxij 3eiris, be taking of his Maiesteis maift nobill perfoun captiue in the hous of Ruthvene, caryng of the same about gairdit at 3our pleasour, 3e being present and tressonabill assistit to pe said fact; quhilk beand ouerseen<sup>2</sup> be his Maieftie, besyde money vtheris tressonabill offensis ouerlukit in 3ow, and 3our honour, lyff and landis spairit be his hienes clemencie, mycht have bene suffecient motioune, to have mouit 3ow to desist fra all sic tressonabill deidis and interpryis pairrester: Nochtwithstanding of pe quhilk, 3e maift ingratlie and tressonabill, vpoun 3our accusitwmit malicious and vnhappie vnnaturalitie, hes in the monethis of October, Nouember, December and Januare lastwas, treittit, deuifit and consultit ane maift hie and vnhappie Tressonne aganis his Maiesteis maift nobill perfoun; quhairby nocht onlie the present estait of this commoun-wealth mycht have bene euertit,<sup>2</sup> but alsua, gif with 3our and 3our complices faitie his Maieftie culd have bene led captiue to the bordouris of this realme, to have bene ressaute be his declairit tratouris now fugitiues in Ingland, or to sum fortrace or strenth within the Illis of Lochlowmunt in the Leuuenox: Committand pairthrow maift hie and abhominabill Tressoun; and this is trow, and 3e can nocht denye pe famin:—FORDER 3e, in the saidis monethis lastbypast, at the leist in ane or vther of pame, hes confedrit, treittit and consultit with James Edmestoun of Duntraith at diuerse tymes and places, sic as the Kirk of Strablene and at the Kirk of Killerne, vpoune the execution of the interpryis abouewrittin; and hes maift tressonabill concelit the famin vnto the tyme of 3our lait entrie within 3e Castell of Edinbur<sup>2</sup> and 3our examinatioun pairin, quhilk wes vpoun the sext day of this instant moneth; quhair 3e, be 3our Deposition subscryuit with 3our awin hand, as alsua pe said day, being confrontit with the said James Edmestoune, and that 3e knew that Blak Johnne Home wes directit fra the sumtyme Erlis of Angus and Mar and pair complices presentlie for pair Tressoun fugitiues in Ingland, wes be pair message direct to 3ow to propone pe platt for executing of the tressonabill interprisse aboue specifeit. As 3our said Declaratioun, subscryuit with 3our hand, heirwith produceit as ane pairt of 3our Dittay, dois testifie. And this is trew, and 3e can nocht denye pe famin.

MALCOLME DOWGLAS of *Manis Dittay*.—Malcolme Dowglas of Manis, 3e ar indytit and accusit, that estir mony and diuers tressonabill Conspiraceis, consultit, dewyfit, assistit and execute be 3ow and 3our partinaris aganis pe Kingis Maieftie and quyett estait of pe countrey, quhairfore 3e being laillie forfaltit, had of his hienes clemencie, obtenit 3oure pardoun, and owerfene in pe bruing of 3oure landis and heretage: git, 3e maift vnnaturalie, vnthankfullie and tressonabill, in pe monethis of October, Nouember, December and Januar lastbypast, hes diuifit, treittit and consultit with diuers vtheris 3oure complices, sic as Robert Hammiltoune of Inchmanchan, James Edmestoun of Duntraith, Johnne Cuninghame of Drumquhassill, Walter Dowglas in Lytill Sauchy and Robert Sempill sumtyme of Roissland, vpoun pe platt laid be pe sumtymes Erlis of Angus and Mar and pair complices, for pair tressonabill deid presentlie fugitiues in Ingland,

<sup>1</sup> Pardoned, overlooked.

<sup>2</sup> Overturned—Lat. *evertens*.



air communicatioun pair of to pe said James Edmeftoun of Duntraith be Johnne Hwme *alias* callit *Blak Johnne*, 3e, in pe monethis foirfaid, consultit, conferrit, tretit and dewyfit with pe said James Edmeftoun of Duntraith and pe remanent 3our complices aboue writtin, att pe Kirk of Strablane and pe Kirk of Killerne, as also in 3oure hous and place of Manis, quhair pe said Robert Hammiltoun wes allowit be 3ow to be vpoun pe counfall pair of, and pair dewyfit how his Maieftis maift nobill perfoune mycht att pe hunting be tane captiue and convoyit to sum strenth on pe bordouris of pis realme, or ellis to sum strenth in pe Iles of Lochlomount, quhill pe saidis declarit traittouris fugitiues had, with pair complices, ressaute his Maieftis maift nobill perfoune in pair handis : And to pe taikin, that pis is trew, 3e directit 3oure Lettres heirvpoun with Walter Dowglas of Lytill Sauchy to pe saidis rebellis, declarit traittouris, presentlie in England, and with Robert Sempill, quha being pe messingeris and poistis of pe saidis fugitiues had at pair pleasour, ressett and interteinment at 3oure hous of pe Manis, in pe monethis foirfaidis : And pis is trew, and 3e cawnocht deny pe samin, in respect the said James Edmeftoune of Duntraith and Robert Hammiltoun of Inchmawchane, presentlie with 3ow, awowit pe same ; lykeas alfwa, James Dowglas and William Johnstoun 3oure seruandis, in pair Depositionnes testifeis the presens of pe said Robert Hammiltoun and Laird of Duntraith with 3ow in 3oure awin hous, and rebirt of pe said Walter Dowglas and Robert Sempill in 3oure said hous, quha had na vther occasioun of resoirt to 3oure said hous bot for pe treffonabill cauffis foirfaidis.

## ASSISA.

William Lord Hay of gestir,	Patrik Ogilvie of Inchemairtene, Sir Thomas Stewart of Garne-
. . . . . Lord Seytoun,	Patrik Murray of Hangit-schaw, tullie, kny',
Thomas Maister of Caffillis,	Johnne Sempill of Fowlwode, Johnne Gordoune of Pitlurg,
Patrik Houftoun of that Ilk,	William Wallace of Ellerslie, James Meinzeis of Weim,
Johnne Gordoun of Lochinvar, k',	W <sup>m</sup> Makculloch of Mortoune, William Hammiltoune of Sorne,
Johnne Murray of Blakbaronie,	Patrik Agnew, Shereff of Wig- Thomas Kennedie of Barganye,
Robert Grahame of Knokdoliane,	tonne, . . . . . MacFarlan of that Ilk.

VERDICT. The Assyis, be thair delyuerance, pronunceit be the mouth of the said William Lord Hay of gester, ffind and declarit the said JAMES EDMESTOUNE of Duntraith, to be culpabill, conuict and fyllit off the vnhappie, vnthankfull and treffonabill treitting and consulting with diuerse vtheris his complices in the monethis of October, Nouember, December and Januare lastwas, vpoun the plat layit be the sumtyme Erlis of Angus and Mar and thair complices, communicat to him be Johnne Home *alias* callit *Blak Johnne*, the messenger, and Johnne Muschet, quhow the Kingis Maieftis maift nobill perfoune mycht be tane captiue at the hunting and conuoyit to sum strenth on the bordouris, or sum strenth in the Illis of Lochlowmunt, quhill the saidis declarit Traitouris fugitiues in England had ressaute his maift nobill perfoune in thair handis ; and of the treffonabill conceling thairof conforme to his awin Lettre and Depositionne fend to the Kingis Maieftie, subscryuit with his awin hand.—AND siclyk, ffind, pronunceit and declairit the said JOHNNE CUNINGHAME of Drumquhassill, to be culpabill, conuict and fyllit off the conference, treitting and consulting with James Edmeftoun of Duntraith at diuerse tymes and places, sic as at the Kirk of Strablane and at the Kirk of Killerne, vpoun the taking of the Kingis Maieftis maift nobill perfoun captiue at the hunting, specialie at that

tyme about the taking of Daid Home of Argatie; quhairby the lordis fugitives in Ingland mycht be releuit and this estait alterit; and of the conceling of the famin; conforme to his Depositionis subscryuit with his hand.—AND rychfwa, ffand, pronunceit and declairit the said MALCOLME DOWGLAS of Manis, to be culpable, conuict and fyllit, that, forfamekill as James Edmestoun of Duntraith hes testefeit vpoun his grit aith, that he declairit to the said Malcolmme Dowglas of Manis, that Johnne Home *alias* callit *Blak Johnne*, seruitour to Johnne fumtyme Erle of Mar, proponit to him, the taking of the Kingis Maiesteis perfoune at the hunting, amangis vtheris generall conferencis had be thame in the place of the Manis, in presens of Robert Hammiltoun of Inche-mauchane, lykewayis affermit be the said Robert; quhilk purpois, the said Laird of Duntraith lykwayis testefeit, wes refuit altogidder be the said Laird of Manis, and nawayis thocht gud be him; and nochtheles, insafar as the said Laird of Manis hes concelit the famin, and nocht reuelit it to the Kingis Maieftie; in ane voice, conuictis the said Malcolmme Dowglas of the conceling thairof; and put him thairfoir in the Kingis Maiesteis mercye. In witnes quhairrof, the chancellare, in name of the rest Affyffouris, subscryuit the said conuictioun in the Minut buk.

SENTENCE. The famin day, eftir the said conuictioun, the Justice, be the mouth of Johnne Andro, dempstare of the said Court, adiugeit and for Dome gaif, that the saidis Johnne Cuninghame of Drumquhassill and Malcolmme Dowglas of Manis fuld be tane to ane skaffauld, besyde the mercat croce of Edinburgh, and thair to be hangit, quhill thai wer deid, and quarterit and drawin: And that all thair mouabill and vnmouabill gudis, landis, heretageis, possessionis, takkis, stedingis, offices, coirnis, cattell, lyfrentis, actionis and all vtheris quhatfumeuir quhilkis pertent to thame, aucht and fuld perteine to our souerane lord, and to be applyit to his hienes vse, and to remane with him and his successouris for euir, be resfoun of Escheit and ffoirfaltour.

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**Murder of Henric Barnley, King of Scottis.**

*AT EDINBURGH, within the Tolbuyth of the famin, the xxvj day of Maii,  
the 3eir of God Im. Vc. fourscoir sex 3eiris.*

IN PRESENCE of the rycht honorabill SIR LWES BELLENDEN of Auchnowle, knyght, Clerk of our souerane lordis Justiciarie, MR ROBERT DOWGLAS, prowest of Linclwdene, collectour generall of this realme, . . . . . DOWGLAS of Quhittingheme, ane of the senatouris of the College of Justice and PATRIK LETHINGTOUN of Saltcoittis,

(May 26, 1586.)—Compeirit Mr Daid Makgill 3ounger, Aduocate, substitute to Maister Daid Makgill of Nisbet, aduocate to our souerane lord, in

presens of ane honorabill and discreet man, Willaime Litill, Prowest of Edinburghe, and me Maister James Bannatyne, Clerk-depute ordiner, in the office of Justiciarie, noter publict; and producit ANE COMMISSIOUNE, direct be our souerane lord, vnder his hienes quarter-seill, off the dait at Halirudhouse, the twentie-fyve day of Maii, the zeir of God I<sup>m</sup>.V<sup>c</sup>. fourscor sex zeiris, and of his Maiesteis regnne the nyntene zeir, Makand and constituand his louittis, MAISTERIS JOHNE PRESTOUNE and EDUARD BRUCE, coniunctlie and feueralie, his hienes Justices in that pairt, to fens and hauld Courtis of Justiciarie, for administratioun of Justice, vpoun MR ARCHEBAULD DOWGLAS, dilaitit and suspect of the crewall, horribill, abhominabill and treffonabill MURTHOUR OF VMQUHILE HENRIE KING OF SCOTTIS of gud memorie, darrest fader to our souerane lord; and being actuallie present thairat in cumpanie with vmquhile James sumtyme Erll of Bothwell and vtheris his complicis; the tyme of the committing of the famin in the moneth of Februare, the zeir of God I<sup>m</sup>.V<sup>c</sup>. threscor sex zeiris: Defying the saidis personis to be sworne to minister justice leilie and trewlie in the said mater, conforme to the tennour of the said Commissioun, law and consuetude of this realme. Quha immediatlie thairefter acceptit the said Commissioun vpoun thame and befor me notare and witnesses abouewrittin, be haulding vp of thair rycht hand, swoir and gaif thair aithis for ministratioun of justice leilie and trewlie in the said office of Justiciarie as Justices in that pairt, conforme to the tennour of the said Commissioun, as thai wald anfuere to our souerane lord thairvpoun; and than incontinent for deductioun of forder proces in the said mater, Ordanit thair officiaris of Justiciarie to fens Court, for obedience of the said Commissioun and acceptatioun thairof. Quhairvpoun the said Mr David Makgill askit instrumentis of me notare publict and clerk foirsaid.

*CURIA JUSTICIARIE, f. d. n. Regis tenta in Pretorio de Edinburghe, vicefimo sexto die Maii anno domini millesimo quingentesimo octuagesimo sexto, per honorabiles et discretos viros, Magistros Joannem Prestoun et Eduardum Bruce, Justiciarios in hac parte dicti f. d. n. Regis, virtutis sue Commissionis specialiter constitutos. SECTIS vocatis et Curia legitime affirmata.*

IN the quhilk Court the saidis Justices producit ane Precept direct to thame be the Kingis Maiestie, commanding thame to accept ane Commissioun of Justiciarie vpoun thame, and to put Mr Archebauld Dowglas, dilaitit of certane heich poyntis and crymes of Treffoun, to the tryell of ane Inqueift: Off the quhilk Precept the tennour followis.

MAISTERIS JOHNE PRESTOUNE, EDUARD BRUCE, Aduocattis and Commisseries of Edinburghe, We greit 3ow weill. Forfamekill as, Mr Archebauld Dowglas is to be presentit vpoun pe xxvj day of Maij instant in pe Tolbuyth of Edinburghe, to be tryit vpoun certane heich poyntis of Treffoun, concerning pe murthour of our maist darrest fader; and to pe effect pe mater may be pe bettir tryit we have directit our Commissioun vnto 3ow, creating and substituand 3ou our Justices in pat part, to pe effect contenit in pe said Commissioun. Thairfoir it is our will and We charge 3ow straitlie, and

commandis, that immediatlie efter þe sycht of þir presentis, 3e accept the said Commiffioun in and vpoun 3ow, gif 3our aith for administratioun in þe said Commiffioun and put þe said mater to þe tryell of ane Inqueit, and do justice pairinto, according to the lawis of þis realme, but ony forder delay; as 3e will eschew our indignatioun. Subscryuit with our hand att Halirudhous, þe xxv day of Maii 1586.

JAMES R. P. MAISTER OF GRAY. LINCLUDEN.

### Treasonable Conspiracy—Murder of King Henry Barnley.

Comperit personalie on pannell the famin day, in prefens of the saidis Jugeis, May 26.—Mr ARCHEBAULD DOUGLAS, Parfoun of Glasgw.<sup>1</sup>

Dilaitit of the horribill, crewall, vnnaturall and tressonabill murthour, slauchter and paricide of vmq<sup>te</sup> our fouerane lordis darrest fader, Henrie King of Scottis of gude memorie, and vtheris crymes; committit at the tyme and in maner at lenth vnderwrittin.

The famin day, compeirit Mr Daud Makgill, aduocat, substitut to Maister Daud Makgill of Nisbet, aduocat to our fouerane lord, in his hienes name, as perseware; and exponit and declarit, that he had ressauit ane speciall Warrant and command, direct fra the Kingis Maieftie, chairgeing him to persew the said Mr Archebault, of the crymes aboue specifit; quhilk he produceit in jugement, and desyrit the famin to be infert in proces; quhair of the tennour followis.

‘ REX.

‘ Aduocat and 3our substitut, we greit 3ow hairtie weill. Forfamekle as we have appoyntit þe xxvj day of Maii instant, for presenting of Mr Archebault Dowglas, persone of Glasgw, to vnderlie our lawis, for airt and pairt consulting, treitting and executioun of þe maist horribill slauchter and murthour of our vmq<sup>te</sup> darrest fader of gude memorie, We command 3ow, with all conuenient speid, to tak informatiounne, be all meanis possibill, for accusatioun of þe said Mr Archebault of þe tressonabill crymes foirsaidis; and pat 3e persew him thairfoir þe said day appoyntit, or ony vtheris dayis pairafter to follow, be ane condignne Assyis, quhill he be ather foule or cleane<sup>2</sup> of the crymes foirsaidis: ffor the quhilk this present falbe to 3ow sufficient warrant. Subscryuet with our hand att Halirudhous, þe xxij day of Maij, and of our regne the nyntene 3eir, 1586.

‘ JAMES R.’

As also produceit in jugement, in prefens of the saidis jugeis, Letteris direct for summoning of ane Assyis to this day, vpoun the said Mr Archebault; quhair by ane sufficient nowmer of Assyis is fund. Quhilkis letteris ar of the dait, att Edinburghe, the xxij day of Maij, and of our fouerane lordis regning, the nyntene 3eir, 1586. Togidder with the Dittay, quhair of he is to be accufit: Offering him reddie to persew the said Mr Archebault of the famin, and crymes contentit thairin. Of the quhilk, the tennour followis.

<sup>1</sup> He was cousin to Regent Morton, and was also one of the Ordinary Lords of Council and Session. Reference is made to Mr Arnot's Collection for a narrative of facts relative to this shameful and collusive trial. The acquittal of the Parson of Glasgow has justly been attributed to the unprincipled intrigues of Patrick Master of Gray, and of Randolph the English ambassador. See also Moyses' Memoirs, &c. <sup>2</sup> Until he be found guilty or else acquitted.

DITTAY *against Mr Archibald Dowglas, Parson of Glasgow.*

Maister Archebald Dowglas, perfoun of Glasgw: ze are inditit and accusit, that in the monethis of Januar and Februare, the zeir of God I<sup>m</sup>.V<sup>c</sup>. threfcoir sex zeiris, ze being accompaneit with James sumtyme Erle Bothwell, James Ormeftoun sumtyme of þat Ilk, Robert *alias Hob* Ormeftoune his faderis broder, Johnne Hay sumtyme of Talla, Johnne Hepburne callit Johnne of Bowtoun and diuerſe vtheris your complices, craftelie and ſecreitlie conſpyrit amangis your ſelfis, deuyſit and maliciouſlie conſultit, treitit and concludit þe maift ſchamefull, deteſtabill and vnnatural murthour and paricide of our ſouerane lordis darreſt fader of gude memorie, Henry King of Scottis, ſpous for þe tyme to his hienes darreſt moder Marie, then Qwene of Scottis; and þat within þe burch of Edinburghe, Palice of Halirudhous, and vtheris places þairabout: And to þe end that ze mycht bring your wickit and execrabil attempt bettir to pas, ze with þe remanent perſonis afoir nammit, be your ſelfis, your ſerwandis, complices and vtheris in your names, of your cawſing, command, airt, pairt-taking, aſſiſtance and ratihabitoun, vpoun þe tent day of þe ſaid moneth of Februare, att twa houris eftir midnycht or þairby, come to þe lugeing befyde þe Kirk of Field, within þe ſaid bur<sup>t</sup> of Edinburghe, quhair our ſaid ſouerane lordis fader wes ludgeit for þe tyme; and þair, be way of hamefuckin, briganrie<sup>1</sup> and foirthocht felony, maift wyildlie,<sup>2</sup> vnmercifullie and treſſonable, flew and muredreſt him, togidder with Williame Tailzeour and Andro Makcaig, his cubiculeris,<sup>3</sup> quhen as thay, bureit in ſleip, wer takand þe nychtis reſt, brint his lugeing foirſaid, and raſit þe ſamin in the air, be force of gun-pulder, quhilk a little afoir wes placeit and unput be you and your foirſaidis vnder þe ground and angulare ſtanis,<sup>4</sup> and within þe woltis in laich and darnit<sup>5</sup> places to þat effect: And quhairthrow, ze haif incurrit þe panis of Leſe-maieſtie, and fuld be pwneift þairfoir in all rigour, be tinſale<sup>6</sup> of lyff, landis and guidis, and extinctioun of fame, titill, honour and memorie, conforme to þe lawis of þis realme. Lyke as, þe hail perſonis, ſpecialie afoir nammit, your complices and conſpiratouris with you in þis treſſonabill cryme, as þai culd be apprehendit, þai ſufferrit maift ſchamefull deid þairfoir, according to þair deſeruingis. ITEM, ze ar indyttit and accusit for þe treſſonabill Conſpiracie of þe ſaid deteſtabill deid and murthour of our ſaid ſouerane lordis vmq<sup>le</sup> darreſt fader, the ſamin being oppinit<sup>7</sup> to you be þe ſaid vmq<sup>le</sup> James sumtyme Erle of Bothwell, and vtheris chief Conſpiratouris, quhairas of dewtie ze wer obleift to haue reueleit þe ſamin, quhilk gif ze hed done, the ſaid maift abhominabill, ſchamefull and crewall interpryſe of þe ſaid

<sup>1</sup> Briganderie. O. Fr.<sup>2</sup> Vilely, basely.<sup>3</sup> Grooms of the bed-chamber.<sup>4</sup> Corner-stones.<sup>5</sup> Concealed, hidden.<sup>6</sup> Loss, deprivation.<sup>7</sup> Revealed, disclosed.

murthour had bene impeidit, and our said souerane lordis darrest faderis lyff, be gude meanis, had been preferued : And pairfoir, your said foirknowledge and conceling in ane cryme sa haynous and tressonabill, wes neir alyke and equali to be committing of þe deid : And pairfoir, 3e aucht to be pwneist in lyff, landis, fame and honour, as said is.—To þe TAKIN<sup>1</sup> that 3e war airt and parte, consultare, treittare, deuyfare and executer of þe said tressonabill, horibill, cryme and murthour, 3e wer actuallie present pairat, and executit þe famin with your awin handis, vpoune þe said tent day of Februaire, at twa eftir mydnycht, quhair, by þe preisse and thrang of peple, the tyme of þe executioun of þe said murthour, 3e tint your mwlis,<sup>2</sup> quhilk being fundin vpoune þe morne at þe same place, wer acknowlegeit to haif bene youris. And 3e wer euir pairefter in griter familiaritie with þe said vmq<sup>3</sup> James sumtyme Erle of Bothwell, be þe participatioun of þe said abhominabill tressoun with him, to þe effect that ather of 3ow mycht mainteine and support vtheris in your wickit deidis. And this is maist notorlie knawin, and 3e can nocht deny.—To þe mair<sup>3</sup> takin : Quhen 3e wes to be attintit befor our souerane lord and the lordis of his Secret Counsale, for þe said abhominabill tressoune, vpoun þe first day of December, 1580 3eiris, 3e gat secret intelligence pairof, and nocht being habill to abyde þe law pairof, bot findand yourself maist giltie pairof in your conscience, 3e wer fugitiue furth of this realme to þe pairtis of Ingland, quhair 3e remanit diuerse 3eiris paireftir ; planelie takand vpoune 3ow þe said abhominabill cryme : Lyk as, schortlie paireftir, in þe moneth of Nouember, 1581 3eiris, 3e wer foirfaltit for þe said cryme. As þe proces of foirfaltour beiris.—To þe mair<sup>3</sup> takin : your maist familiare serwand, vmq<sup>3</sup> Johnne Binning, quha for airt and pairt-taking with 3ow in þe said abhominabill and tressonabill cryme, wes conuict and put to death, in þe moneth of Junij, 1581 3eiris foirsaid, being ofttymes tryit<sup>4</sup> vpoune your pairt pairof, fermelie and constantlie deponit that 3e wer airt, pairt, deuyfar and executour of þe said abhominabill murthour ; and þat 3e wer actuallie and in proper person pairat ; quhairat also he abaid and tuk þe famin vpoun him, in presens of þe haill pepill bystanding, at his executioun.—To þe mair takin : Vmquhile James Erle of Mortoune, eftir his conuictioun and befor his death, nocht onlie confest, that he himself foirknew þe said horribill murthour, bot als, that 3e your self wes þe reweillare pairof vnto him : And forder, þat 3e wer actuallie at þe executioun of þe famin, as is maist notourlie knawin : Quhilk 3e can nocht deny.

THE said Mr Archebald, anfuerand to the Aduocat vpoun the Dittay produceit aganis him, as yit nocht red in his presens ; desyrit of the Justices that

<sup>1</sup> In token, proof, or testimony.    <sup>2</sup> *Mullis*, 'a kind of slippers without quarters, usually made of fine cloth or velvet, and adorned with embroidery.' Dr Jamieson. They are afterwards described as '*welwat mulis*' in the course of the trial.    <sup>3</sup> Further.    <sup>4</sup> Examined, probably upon torture.

the famin mycht be red, befor thair entrie to forder proces, that he mycht anfuere thairto, for defence of his lyff. Quhairvnto thair condiscendand, and for satisfeing of his desyre, caufit reid the famin oppinlie in jugement. Quhilk being red, he acceptit as it wes confaut, and offerit himself reddie to anfuere to euerie poynt, quhen he suld be accusit befor the Affyis be the famin. And for his bettir defence, vfit and produceit ane Warrant direct be the Kingis Maieftie to the Justice, for admissioun of his lawfull defenffis. Quhair of the tennour followis.

‘ Rxx.

‘ JUSTICE, Justice-Clerk, and your deputtis, we greit you well. Forfamekill as we haif appoyntit you xxvj day of this instant, for tryell of Mr Archebald Dowglas, of certane crymes of Lese-maieftie, to be laid to his charge, befor you, in the Tolbuith of Edinburghe; and albeit it be our mynd that you said mater be handillit according to our honour and the lawis of this realme, yet we intend nawayis that ony resonabill defence or moyen be tane away fra you said Mr Archebald, quhilk may be competent to him, ather of equity or ellis be our saidis lawis. Thairfor it is our will, and we charge you, that you hauld Court you said xxvj day of Maij, and put you said Mr Archebald to the tryell of ane inqueist, vpon sic heidis and articles of lese-maieftie as salbe gevin in Dittay; admittand neuerthles to you said Mr Archebald, his hail laifull defenffis, safar as the famin may be competent to him. Subscryuit with our hand att Halirudhous, the xxvj day of Maij, and of our regne the nyntene zeire, 1586.

(Sic subscribitur) ‘ JAMES R.’

Efter the productioun of the quhilk Warrant, and resait thair of be the Justice, the said Mr Archebald, leinning to his innocencie, but<sup>1</sup> desyre of ony prolocutour to speik for him in this caus, alleget, that the secund poynt of Dittay, tulching the foirknawing and conceling of the said murthour, aucht nocht to be put to the knowlege of ane Affyis, be resoun; that our souerane loird, of his frie mercie and grace, had grantit to him his hienes Remissoun for the famin: Quhilk Remissoun he produceit in jugement, and tuik him thairto. Of the quhilk the tennour followis.

LETTERS OF REMISSION *in favor of Mr Archibald Dowglas.*

‘ JACOBUS Dei gracia rex Scotorum. Omnibus probis hominibus suis, ad quos presentes literae peruenerint, Salutem. Sciatis, quia ex nostris specialibus gracia et misericordia, Remissimus tenoreque presentium Remittimus, dilecto nostro Archibaldo Dowglas, vni ordinariorum dominorum Consilij et Sessionis, pro omnibus criminibus, transgressionibus et prodicionibus, per ipsum Archibaldum, aliquo tempore ante datum presentium, cuiuscunque granitatis ac qualitatis fiat commiss., (conspiracione tamen, consilio, tractacione, arte, parte et executione, horribilis et detestabilis murthure nostri quondam obarissimi patris tantummodo exceptis;) pro quibus dictus Archibaldus, cognitioni nostrorum legum subditus erit: Prouiso quod dictus Archibaldus precognitione et conelatione dicti horribilis murthure nullo modo oneratus sit; ad quod, Nos, pro diuersis grauibus consideracionibus Nos mouen., volumus et concedimus, quod dicta Remissio extendatur; et quod in eadem comprehendatur omnis offensio et crimen que dicto Archibaldo pro sua allegata precognitione et conelatione dicte horribilis murthure vt dictum est imputari possint. Et supra, dictum Archibaldum, sub firma pace et protectione nostra,

<sup>1</sup> Without.

fufcipien. firmiter inhibemus, ne quis ei occasione predictorum criminum, transgressionum et proditio-  
tionum omnium antedict. (exceptis prius except.) malum, molestiam, iniuriam aut grauamen aliquod  
inferre prefumat iniuste; super nostram plenariam fforiffacturam; aut ad mortem ei inferat, sub pena  
amiffionis vite et membrorum. IN cuius rei testimonium, has literas nostras Remiffionis, pro toto tem-  
pore vite prefati Magiftri Archibaldi duraturas, sub nostro magno sigillo, sibi fieri fecimus patentes.  
APUD Halirudhous, vicesimo primo die mensis Maii, anno domini millesimo quingentesimo octuagesimo  
sexto et regni nostri decimo Nono.

Quhilk Remiffoun being redd oppinlie in jugement, and confidderit be the  
saidis Justices, they fand and pronunceit, that the secund pairt of the foirsaid  
Dittay, concerning the foirknowledge and conceling of the Murthour foirsaid, in  
respect thair of, fuld nocht be put to the tryell of ane Affyis. Quhairvpoun the  
said Mr Archebauld askit instrumentis.

And the said Mr Archebauld altogidder denyit the first pairt of the said Dit-  
tay, offering himself to the knowlege of ane condignne Affyis for the famin, wes  
ordanit be the saidis Juges to be put to the tryell of the personis vnderwrittin,  
fummond vpoun his Affyis, be vertew of our fouerane lordis lettres.

## ASSISA.

Patrik Maister of Gray,  
James Coluile of Eifter Wemis,  
Robert Logane of Restalrig,  
Andro Gray of Dunnynald,  
Andro Logane, younger of Cotfeild,

Gilbert Gray of Baldarran,  
Mr Samuel Cokburne of Tempilhall,  
George Home of Spott,  
Patrik Johnnestoun, 3ounger of  
Elphinftoune.

And becaus the remanent personis of Affyis, fummond, be vertew of the saidis  
Lettres, to this day, being oftymes callit, compeirit nocht, and wer americiat  
thairfoir, the said Mr Archebauld schortlie thaireftir produceit ane Warrant and  
Precept, direct be our fouerane lord to the Justices and Aduocatis substitut foir-  
said, Ordaning thame to supplie the nowmer of the absentis with sic gentillmen  
as mycht be gottin fummond, ather within the burcht or at the bar: Quhilk  
Precept the said Aduocat, for his Warrant, desyrit to be insert in proces;  
quhair of the tennour followis.

‘REX,

‘JUSTICES and our Aduocat and 3our deput, We greit 3ow weill. We understand pat  
Mr Archebauld Dowglas is enterit presentlie on pannell, and that his tryell stayis becaus pat sic per-  
sonis as ar fummond vpoun his Affyis compeiris nocht, and pat pair laikis 3it sum personis of ane per-  
fyte nowmer. Therfoir, it is our will that, according to pe lawis of our realme, and prattick of 3our  
court, 3e supplie pe absentis with sic gentillmen as 3e may get, ather within our burcht of Edinburghe,  
or within pe bar, and caus pame be sworne vpoun pe said inqueit, to pe effect pe said mater ressaue  
na langer delay; keipand this Precept for 3our Warrant. Subfcryuit with our hand, att Halirudhous,  
pe xxvj day of Maij, 1586.

(Sic subscribitur.)

‘JAMES R.’

Lyke as, the saidis Jugeis, ffor obedience of the said Precept, caufit be thair  
officiar, ane of our fouerane lordis messingeris fummond the personis following to



pas vpoun the said Mr Archebouldis Affyis, for compleating of ane full nowmer. Thay ar to say,

## REMAINDER OF THE ASSISE.

Williame Ker of Ancrum, 3ounger,  
Mr Robert Fawfyde, 3ounger of that Ilk,  
James Logane of Parfonif-knowis,  
George Hammiltoun of Prestoune,

Alexander Baillie of Lital-Gill,  
Gawin Carmichell of Wrichtiflandis,  
Andro Ker of Grenheid,  
Walter Ker, brother to the said Laird of Grenheid.

Quhilkis personis being callit and compeirand befor the saidis Justices, wes admittit be the said Mr Archebould to pas vpoun his Affyis, with the remanent personis aboue writtin, for tryell of his innocencie in the said caus, and joynit be the Justices to the remanent of the nowmer admittit vpoun the said Affyis of befor : and thai all sworne be thair grit aithis, to delyuer vpoun the poyntis of the said Dittay, conforme to the ordour and confuetud of this realme, ordourlie be thair names.

And immediatlie efter the chesing and admitting and fueiring of the haill foirnamit personis of Affyis in judgement, as vse is, and the said Mr Archebould Dowglas being judiciallie accusit of the horribill, detestabill and tressonabill crymes contenit in the first poynt of the Dittay foirfaid, the famin being denyit be him *simpliciter*, oppinlie, in presens of the saidis Jugeis ; and ferrit to the tryell and knowlege of the foirsaidis personis of Affyis ; the said Aduocat-substitut, for the bettir instructioun and verefeing of the said Dittay and takinnis thairof, produceit thair, instantlie, the proces of ffoirfaltour led and deduceit aganis him for the famin in the Parliament hauldin and begun at Edinburghe the . . . . . day of . . . . . 1581 3eiris.

To the quhilk anfuert the said Mr Archebould ; and *ffirst*, to the first takin of the said Dittay, declairing that ' in þe preis and thrang of þe pepill þe tyme of þe executioun of þe said murthour that he tint his mwlis, quhilkis being fund vpoune the morne, wer acknowlegeit to haif bene his ;' that the famin wes altogidder vntrew ; desyring the famin to be verefeit, be ony persounis quha wer present at the finding of the saidis mwlis, or had sene the famin at ony tyme thairefter ; and that the famin can nawayis appeir, be the Depositionis and declaratioune of the said vmq<sup>le</sup> Johnne Binning, deponing, that the said Mr Archebould his maister, past in ane secreit<sup>1</sup> and steilbonnett, armit, to the committing of the said horribill cryme, quhairby the passage betuix his lugeing and the place quhair the said murthour wes committit, being nawayis meit to ane persoun armit, to pas with welwat mulis to sic ane deid ; and nawayis lyklye, be gud appeirance nather, that na sic thing wes fund ; and the said takin, to be bot an allegeance.—*Secundlie*, anfuert to the secund takin of the said Dittay,

<sup>1</sup> A shirt of mail privately worn under the usual dress.

makand mentiounie, that ' quhen he wes to be attemptit,<sup>1</sup> befor our fouerane lord and the lordis of his hienes Secreit Counsale for the said abhominable Tref-soune, vpoun the last day of December, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. and fourescoir 3eiris, getting intelligence pairof, wes fugitiue furth of this realme to the pairtis of Ingland for the samin, and that he schortlie thairefter, in the moneth of . . . . . (Nov.) 1581 3eiris, wes foirfaltit for the said cryme ;' exponit and declarit, that the occasioun of the absenting of him self of the realme wes throw just ffeir, quhairvnto ony persoun wald haif bene mouit, his gudis, geir, rowmes and possessiounis being intronettit with, befor ony atteiching : Lyk as, he schortlie efter his passing furth of the realme, being informit that he wes dilaitit of the said horribill cryme quhairof he wes innocent, safare as the samin come to his knowlege, the Quenis Maiesties of Inglandis Ambassadour being in Scotland for the tyme, in his name, offerrit to present him to the Kingis Maiestie, that he mycht be tryit of the said cryme, swa that<sup>2</sup> thair wer deput vn suspect Jugeis and personis of Affyis : Quhairvnto his hienes ansuerit, that he wald nocht indent with his subiect. And as for the proces of ffoirfaltour produceit, the samin can be na witnes nor takin to conuict him of the said cryme, in respect our fouerane lord had grantit vnto him, his hienes Letteris of Rehabilitioun, annulling the said sentence of ffoirfaltour, and declairing and decerning the samin, to be of na force nor effect, als weill in jugement as outwith, aganis him. Quhilkis Letteris he produceit in jugement, for verefeing of the said allegiance as the samin vnder the Grit Seill, off the dait at Halirudhous the xxj day of Maii, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. fourscour sex 3eiris, and of our fouerane lordis regne the nyntene 3eir, at mair lenth beiris.

Ansuerit the Aduocat, that the saidis Letteris of Rehabilitioun can nawayis tak away the proces of ffoirfaltour, the samin standar vnreduceit ; and referrit the samin to be confidderit be the Affyis. And forder, for verefeing of the said Dittay, and thrid takin thairof, maid vpoun the said Johnne Binningis Declaratioun and Depositioun ; produceit thre of the said Johnne Binningis Depositiounis, maid thairanent, in presens of the Lordis of our fouerane lordis Secreit Counsale : The first, maid at Edinburgh the tent day of Maii, fourescoir ane 3eiris, (1581) in presens of the Erle of Argyll, Chancellare, the Erle of Arrane, the Erle of Montrois, the Lord Ruthven, Mr Robert Creychtoun of Eliok, Aduocat, and Alexander Hay, Clerk of Register, subscryuit be the said Erle of Arrane and Alexander Hay : The secund, of the dait the elleuint day of Maii, in presens of the Erle of Arrane, the Erle of Montrois, the Laird of Bargany, the Laird of Arkinglase, the Gudman of Manderstoune and the Clerk of Register,

<sup>1</sup> Attainted, forfeited.      <sup>2</sup> Provided.

subscryuit be the haill personis abouewrittin, auditouris to the saidis Depositionis: The thrid, daitit at Edinburghe the xv day of Maii, the 3eir of God I<sup>o</sup>.V<sup>o</sup>. fourescoir ane, in presens of the Erlis of Arrane and Montrois, the Lard of Arkinglas, subscryuit be the saidis Erlis of Arrane and Montrois and the Clerk of Register: ffermelie and constantlie deponing that the said Mr Archebauld past to the deid-doing, the said Johnne Binning and Thomas Gairner his serwandis being with him in cumpanie, and that the said Mr Archebauld wes actuallie thairat. And forder, produceit thre vthir Depositionis, the ane maid be vmq<sup>o</sup> James Ornestoune sumtyme of that Ilk, the vther be vmq<sup>o</sup> Johnne Hay sumtyme of Tala, 3ounger, and the thrid maid be vmq<sup>o</sup> Pareis, Ffrenchman.

Anfuerit the said Mr Archebauld thairto, first, that the said vmq<sup>o</sup> Johnne Binningis Depositionis can mak na thing aganis him, considdering the samin ar altogidder variant and contrarious; in the self-sam-tyme declairing, that he wes past to his bed, the nycht of the committing thairof, and that the said vmq<sup>o</sup> Johnne past furth of his chalmer to his awin dwelling hous to his bed, quhair he restit quhill the said abhominabill Murthour wes committit; and heiring the erak<sup>1</sup> of the blawing of the Kingis hous in the air with powder, rais and come to his said Maisteris chalmer, quhair he fand him lyand in his bed, reidand on ane buk: and in ane vther pairt of his saidis Depositionis, declairing, that the said Mr Archebauld, efter that he had slepit in his awin chalmer that nycht of the committing of the Murthour, nane being with him bot the said Johnne and Thomas Gardner, and quhen it wes lait, past to the committing of the samin, accompaneit with thame, out at his bak zet; quhilk is contrarious:<sup>2</sup> And declairing lykewayis, that vpoun the morne thairefter, he conuoyit the said Mr Archebauld to the Tolbuyth, quhilk culd nocht stand, feing the tyme of the committing thairof wes vpoun the Soneday befoir ffastinis-ewin, in the tyme of Vacance, quhen the Lordis fittis nocht, and that he wes nocht vpoun the Sessoun at that tyme; and thairfoir desyrit the contrarieties of the saidis Johnne Binningis Depositionis to be considderit be the saidis personis of Assyis, and thame to cognos thairin, to the bettir trying of his innocence: And ficlyk alleget, that the said vmq<sup>o</sup> Johnne wes nawayis his serwand the tyme of the committing of the said horribill Murthour, nor 3it come in his seruice be the space of twa 3eiris thaireftir.

Quhairvnto the said Aduocat anfuerit, that the Depositionis of the said vmq<sup>o</sup> Johnne Binning wer sufficient to testifie the said Dittay to be trew, feing in the haill heidis thairof he aggreis the said Mr Archebauld to be participant of the said treffonabill and vnnatural Murthour.—To the quhilk, anfuerit the said

<sup>1</sup> Report.<sup>2</sup> Contradictory.

Mr Archebald, That the saidis Depositionis, can not be sufficient to verifie the said Dittay, seing the said vmq<sup>le</sup> Johnne wes bot *singularis testis*, quhilk in *civilibus*, culd nocht be habill to preif any actioun of geir, far-les in *criminalibus*, to tak away anie mannis lyff: And as to the fferd takin of the said Dittay, alleget maid vpoun the Confessioun of vmq<sup>le</sup> James sumtyme Erle of Mortoun, anfuers, that na sic Depositionis wer producit in jugement nor zit to the Assyis; and thairfoir desyrit thame to have respect thairto, specialie in confideratioune that the said takin beiris that the said vmq<sup>le</sup> Erle of Mortoune, eftir his convictioun and befoir his death, confessit that he him self foirknew the said horribill Murthour, as also that the said Mr Archebald wes the reuelare thairof to him, and actuallie at the executioun of the samin; and geveand and nocht grantand that the said Deposition had bene maid, zit the samin can testefie na thing aganis him; becaus of the law the Depositionis of ane conuict and condempnit persoun can nawayis be resfaut to beir testimonie aganis ane vther. And forder, anfuers to the Depositionis of vmq<sup>le</sup> James Ormestoune sumtyme of that ilk, vmq<sup>le</sup> Johnne Hay of Talo and vmq<sup>le</sup> Pareis, Frenchman, that the samin makis na thing aganis him, na mentioun being maid of him in ony of thair Depositionis; bot that the samin serues rather to the bettir instructioun of the personis of Assyis of his innocence: And ffordir, the said Mr Archebald acceptit the saidis Depositionis of the saidis vmq<sup>le</sup> Johnne Hay, Pareis, Frenchman, and Laird of Ormestoun; and repeatit thame for his justificatioune, anent that pairt of the Dittay, quhairin wes alleget, that he conspyrit with thame and vmq<sup>le</sup> James sumtyme Erle of Bothwell, vpoun the tressonabill Murthour foirsaid, be resfoun the contrair planelie appeirit be the Depositionis of the saidis personis; quhairin wes contenit the hail maner of the actuall doing of the deid be thame selfis and vtheris thair complicis, and na mentioun maid of him; nather culd it appeir that he onywayis had knowlege thairof; desyring the personis of Assyis to reid and confidder the samin befoir ony delyuerance or writting.—Anfuert the said Aduocate, that the Depositionis of the said vmq<sup>le</sup> Johnne Binning ar sufficient to instruct the said Dittay, togidder with the notorietye of the said deid, seing the said vmq<sup>le</sup> Johnne abaid thairat to the hour of his death: And as for the said vmq<sup>le</sup> James Erle of Mortoune's Depositionis, the samin ar mair nor notoure to the personis of Assyis and to the hail cuntrie, and neidis na forder productioun: And thairfoir, in respect of the notorietye foirsaid, protestit, that in caice the saidis personis of Assyis clenge and acquit the said Mr Archebald of the said horribill and crewall Murthour, for Wilfull errour: Vpon the quhilk he askit instrumentis.

COMPEIRIT the samin day, Sir Williame Stewart of . . . . ., sone lawfull to Andro Lord Stewart of Vchiltrie, as neir coufing and kinnifman to our

souerane lord, and protestit, that in respect the said Mr Archebauld standis convict in Parliament of airt and pairt of the horribill and tressonabill Murthour and slauchter of the said vmq<sup>le</sup> Henrie King of Scottis, fader to our souerane lord, that in caice the saidis personis of Assyis clenge him thairof, for Wilfull Error; and gif he sal happin to be fund culpabill heirefter of the samin, that his hienes sal haif sufficient actioun of Error aganis thame. Quhairvpoun he lyke wayis askit instrumentis.

And the said Mr Archebauld protestit in the contrair, in respect of his anfuersis and defenffis foirsaidis, and that the Kingis Maiestie hes tane away the said sensment<sup>1</sup> of Parliament be his hienes Lettres of Rehabilitioun aboue writtin, producit in proces, of the dait foirsaid, annulling the said sensment: Quhairvpoun he askit instrumentis.

VERDICT. And immediatlie thairefter, the saidis personis of Assyis aboue writtin, chofin, sworne and admittit, as said is, remouit thame felfis furth of the said Court, for thair bettir delyuerance vpoun the poyntis of the said Dittay, and being altogidder conuenit, chuse and admittit Patrik Maister of Gray in Chancellor of the said Assyis; quha, efter lang reffoning had be thame vpoun the said Dittay, takinnis and Depositionis producit, defenffis and anfuersis maid thairto; thay and ilkane of thame, being ryplie auisit thairwith, all in ane voice, but<sup>2</sup> discrepance, votit, fand and delyuerit the said Mr Archebauld Douglas, persoun of Glasgw, to be clene and acquit of his being in cumpany, in the monethis of Januer and Februer, the 3eir of God I<sup>m</sup>.V<sup>c</sup>. threscoir and sex 3eiris, with vmq<sup>le</sup> James sumtyme Erle of Bothwell, vmq<sup>le</sup> James Ormiftoun of that Ilk, vmq<sup>le</sup> Johnne Hay sumtyme of Talo, vmq<sup>le</sup> Johnne Hepburne callit of Boltoun and diuerse vtheris thair complices, craftelie and secreitlie conspyring amangis thame, deuising and maliciouffie consulting, treiting and concluding the maist schamefull, detestabill and vnnaturall Murthour and paricide of vmq<sup>le</sup> our souerane lordis darrest fader vmq<sup>le</sup> Henrie King of Scottis of gude memorie, spous for the tyme to his hienes darrest moder Marie then Qwen of Scottis; and that within the toun of Edinburghe, palice of Halirudhouse and vtheris places thairabout; and for the bettir performing of the said wickit and execrabil interpryse and attempt, be him self and vtheris in his name of his cawfing, airt, pairt-taking, assistance and ratihabitoun, cuming to the ludginge besyde the Kirk of Feild within the said bur<sup>t</sup> of Edinburghe, quhair the said vmq<sup>le</sup> Henrie King of Scottis our souerane lordis darrest fader wes lugeit for the tyme, vpoun the tent day of the said moneth of Februar, the 3eir of God foirsaid, at twa houris efter midnycht or thairby; and thair be way of briganrie, hamesuckin and foirthocht felony, maist wyldlie, vnmercifullie and tressonable murthering

<sup>1</sup> Sentence, finding, judgment.<sup>2</sup> Without.

and flaying of him, togidder with vmq<sup>le</sup> William Tailzeour and Andro M<sup>c</sup>Caig his cubicularis, quhen as thai, bureit in fleip, wes takand the nychtis rest, birning his ludgeing foirfaid, rasing of the famin in the air be force of gwn-powlder, quhilk a litill ofbefoir wes placeit and unput be him vnder the grund and angulour stanis, and within the woltis and laich and darnit placis to that effect. And being re-enterit agane in jugement in presens of the saidis Justices, be the mouth and declaratioun of the said Patrik Maister of Gray, Chancellor of the said Assyis, pronunceit the said Maister Archebauld to be Acquit of the Dittay foirfaid and crymes contenit thairin : Quhairvpoune the said Mr Archebauld Dowglas askit instrumentis.

*PROTEST by the Assise, that they should not be liable in Wilful Error.*

AND immediatlie thairefter the said Patrik Maister of Gray, Chancellare of the said Assyis, for himself and in name and behalf of the remanent personis Assyfouris abouewrittin, askit instrumentis, that the Depositionis of the saidis vmq<sup>le</sup> James Ormiftoun of that Ilk, vmq<sup>le</sup> Johnne Hay of Talo and vmq<sup>le</sup> Pareis, Frenchman, maid na mentioun of the said Mr Archebauld, nor contenit na thing aganis him : And in respect thair wes na thing produceit for verefeing of the said Dittay, quhairby the saidis personis of Assyis mycht haue bene persuadit to have delyuerit vtherwayis nor is abouewrittin, except the Depositionis of vmq<sup>le</sup> Johnne Binning, quhilkis ar bot ane witnes, and altogidder variant and contrarious in the self, nor zit was the said Dittay sworne nather be the Aduocat nor na vtheris his informaris ; and that the proces of ffoirfaltour led in Parliament aganis the said Mr Archebauld is tane away be the Kingis Maiesteis Letteris of Rehabilitatioune, and that na Depositionis of the said James sumtyme Erle of Mortoune wes produceit befor thame for fortefeing of the said Dittay, and that the said takin of Dittay bure the said vmq<sup>le</sup> Erle of Mortoune to haif deponit efter his conuictioun : Thairfoir, confidiring thai haif delyuerit efter thair knawleg, protestit that thai suld incure na Wilfull Errour in ony tymes heirefter. Quhilk instrumentis and protestatioune thay, efter thair re-entrie agane in jugement in the said Court of Justiciarie, cawfit be oppinlie red of new in presens of the saidis Justices : and thairvpoune the said Patrik Maister of Gray, Chancellor, for himself and in name and behalf foirfaid, of new askit instrumentis, and protestit in maner abouewrittin.

THE famin day, Sir Archebauld Naper of Edinwillie (Edinbelly) knycht, Sir Johnne Edmeftoun of that Ilk, George Home of Wedderburne, Alexander Dalmahoy of that Ilk, . . . . . Mowbray of Barnebugall, Francis Dowglas of Borg, Thomas Ottirburne of Reidhall, George Home of Broxmyth, Robert Lord Seytoun, Patrik Congil of that Ilk ; oftymes callit to have compeirit befor our Justice or his deputtis, the saidis day and place in the hour of caus, to haif past vpoun the Assyse of the said Mr Archebauld Dowglas, dilaitit of airt and pairt of the slauchter of our fouerane lordis darrest fader of gud memorie ; lawfull tyme of day biddin, and the saidis personis nocht compeirand to the effect foirfaid ; thay and ilk ane of thame wer thairfoir americiat in the pane of Fourtie pundis.

[*Mr Johnne Grahame, Justice-Depute.*]

**Abiding from the Raid of Bumfries.**

May 22, 1587.—JOHNNE SKOWGALL of that Ilk, (*plegio, Capitane Lau-der,*) Patrik Hepburne of Kirklandhill,<sup>1</sup> (*plegio, M. Pat. Hepburne de Smetoun,*) Alexander Aitchefoun of Gosfurd, (*plegio, Thoma Marioribankis de Ratho,*) Thomas Marioribankis of Ratho, (*plegio, Alexandro Aitchesoune de Gosford,*) William Hepburne in the Nungait<sup>2</sup> [of Hadingtoun?] (*plegio, domino Abbate de Jedburghe,*) Johnne Sydfarf of that Ilk,<sup>3</sup> Gawin Dundas of Breiftmylne, James Cochran of Barbachla, Robert Bruce of Binning, James Stewinfoun of Hirdmanscheillis, Johnne Hammiltoune of Eift Binning,<sup>4</sup> James Rois in Tarewin,<sup>5</sup> (*plegio, Alexandro Hume de Denis,*) Mungo Tennent in Quhytkirk, (*plegio, Jacobo Rychesoun de Smetoune,*) Henry Sinclair of Quhytkirk, (*plegio, eodem Jacobo,*) David Monypenny of Pilrig,<sup>6</sup> (*plegio, Georgio Logane portionario de Boningtoune,*) George Logane portioner of Bonyngtoun,<sup>7</sup> (*plegio, domino Pilrig,*) Johnne Woulf of Wadelie,<sup>8</sup> Williame Skirvene of Plewlandhill,<sup>9</sup> Alexander Tod in Dirltoun, (*plegio, Alexandro Robesoun ibidem,*) Alexander Robefoun thair,<sup>10</sup> (*plegio, Alexandro Tod ibidem,*) David Dundas in Brigend, (*plegio, Joanne Dundas de Newlistoune,*) George Biffett in Eiftfeild, (*plegio, eodem [Joanne,]*) James Veitch of that Ilk,<sup>11</sup> (*plegio, Archibaldo Galloway in Langnudrie,*) George Barroune in Auld Listoune,<sup>12</sup> David Horfbur<sup>t</sup> in Wester Garntoun, (*plegio, domino Innerleyth,*) Archebauld Dowglas of Stanypeth,<sup>13</sup> (*plegio Josepho Dowglas de Poumferstoune,*) James Tennent of Lennox,<sup>14</sup> [Linhouse?] (*plegio, Josepho Dowglas ad satisfactionem,*) Alexander Creychtoun of Drylaw,<sup>15</sup> (*provin to be in the north the tyme of the proclamation,*) Alexander Creychtoun of Newhall,<sup>16</sup> (*nocht subiect to the raid be his aige,*) Alexander Michelfoune of Mortoune,

<sup>1</sup> Thir twa desyrit to be replegeit to the Regalitie of Sanct Androus be Mr Johnne Arthour, and continewit to laft of Maij. <sup>2</sup> Vltimo Maij. <sup>3</sup> Dischargeit be reffoun of his aig. <sup>4</sup> Ad Remissionem f. d. n. regis. <sup>5</sup> Vltimo Maij. <sup>6</sup> Desyrit to be replegeit to Halyruidhous, be the Justice Clarkis consent, vltimo Maij. <sup>7</sup> Replegiat. <sup>8</sup> Provin to be feik the tyme of the raid and dischargeit. <sup>9</sup> Dischargeit for his gret aig. <sup>10</sup> Vltimo Maii. <sup>11</sup> Thir desyrit to be replegeit to Torphechin be Mr Johnne Grahame, Justice-Deput, and continewit to the laft Maij. <sup>12</sup> Dischargeit and past fra. <sup>13</sup> Desyrit be the Erll of Angus to be replegeit to Dalkeyth. <sup>14</sup> In voluntate, <sup>15</sup> Past fra. <sup>16</sup> Dischargeit.

Johnne Stewinfoune of Hirdmanscheillis,<sup>1</sup> Frances Boirthuik in Bancreif,<sup>2</sup> (*plegio, Joanne Boirthuik eius filio cum seipso coniunctim et divisim ad satisfactionem,*) Johnne Boirthuik his sone,<sup>3</sup> Mr Patrik Hepburne of Gilmertoune, (*plegio, Georgio Carkettill, burgen. de Edinburghe,*) and Wauchop of Kaikmure, (*plegio, M. Patricio Hepburne de Smetoune.*)

Dilaitit for contravening of our souerane lordis Proclamatioun, in abyding fra the Raid appointit to follow our souerane lord to Dumfreis, vpoun the ferd of Apryle lastwes.

*PRIVILEGES of Burgesses of Edinburghe, as to Abiding from Raids, even thòugh dwelling furth of the Burgh.*

Compeirit Mr Johnne Scharp, for the saidis Alexander Aichefoun and Thomas Marioribankis, and alledgeit, that thay aucht nocht to be put to the knowledge of ane Affyis, for abyding fra the Raid, becaus thay ar burgefis of Edinburghe, and stent, watcht and waird with the burgefis thairof, quha past nocht in proper persoun in to the Raid, bot fend men att the Kingis desyre, and wer stentit to that effect; of the quhilk stent, thai payit thair pairt: And lyke as, the said remanent Burgefis could nocht be trublit for abyding fra the said Raid, nane<sup>4</sup> could thay.

The Aduocat ansuerit in the contrair, and allegeit that the seruice of thair perfounes aucht to be tane quhair thay remane,<sup>5</sup> and becaus thay remane out of the bur<sup>6</sup>, and hes landis lyand out of the bur<sup>6</sup> quhair thay remane, ewin as thair landis ar subiect to ane stent by<sup>6</sup> the stent of the bur<sup>6</sup>; ewin swa thair perfonis fould serue quhene the King makis his Proclamatioune.

The Justice continewis Interloquitour to the last day of Maij instant.

(May 31.)—INTERLOCUTOR *anent Burgessis duelland out of Edinburghe.*

THE Justice findis be Interloquitour, that the saidis Alexander Aichefoune and Thomas Marioribankis fall nocht be put to the knowledge of ane Affyis, in respect of the alledgiance proponit be thame, that thay wer burgefis of Edinburghe, and that thay stentit and skattit<sup>7</sup> with the toune thairof. And this Interloquitour to extend in tymes past.

Henry Sinclair of Quhytekirk and George Logan portioner of Boningtonne affoilzeit,<sup>8</sup> becaus thair moderis are lyfrenteris of their landis. James Veitch of that Ilk, George Barroune in Auld Listoune, Daid Dundas in Brigend, George Bissett in Eistfeild, affoilzeit, becaus thay haif nocht ffywe oxgangis<sup>9</sup> of land. Alexander Tod in Dirltounne and Alexander Robefoun thair, affoilzeit, becaus thay haif na heretage.

<sup>1</sup> Ad remissionem.    <sup>2</sup> Voluntate.    <sup>3</sup> Dischargeit be the Justice becaus the sone and father ar nocht bayth subiect to the Proclamatioun.    <sup>4</sup> Neither.    <sup>5</sup> Dwell, have their residence or place of abode.    <sup>6</sup> Over and above, besides.    <sup>7</sup> Paid assessment and taxations.    <sup>8</sup> Absolved.    <sup>9</sup> Ploughgates, ox-gates.



The remainder of the cafes continued to the Justice-aire of Edinburghe, 'tercio Itineris, vel super premonicione xv dierum.'

### Slaughter.

May 23.—ARCHIBALD MAXWELL, brothir to the Gudman of Dinwiddie, Williame Maxwell his sone and David Maxwell his seruand.

Dilatit of airt and pairt of the crewall slauchter of vmq<sup>16</sup> Robert Maxwell of Cowestanis, committit in Junii 1583.

Continued to the Justice-air of 'Dumfries, tertio Itineris, (vel super premonitione) xv dierum; per Preceptum regis.'

### Treason—Counterfeiting King's Stamp, &c.

May 23.—PATRIK MAISTER OF GRAY.

Comperit Mr David M<sup>c</sup>Gill of Nisbet, Aduocat to our souerane lord, and producit the Dittay after specefeit and desyrit proces; of the quhilk the tennour followis.

#### DITTAY against the Maister of Gray.

PATRIK MAISTER OF GRAY, 3e ar indytit and accusit, that 3e haif laittie, within pe space of pis 3eir bypast, writtin, delt and travellit to France, for findrie materis preiudiciall to pe Religioune presentlie profest be our souerane lord and his subiectis; and therefore, to haif had libertie of conscience, or otherwyis to fy (say) forme of Religioune, to haif bene vfit att ewerie manis awin appittite within pe realme; incontrair pe tennour of pe Actis of Parliament; incurrand pairthrow the panis contenit in pe samin. *Secundlie*, Indytit and accusit, that during pe tyme foirsaid, he hes intendit to deill with sum personis in France, that be pair moyane, throw his informacioun, oure soueranis mariage with pe King of Denmarkis dochtir (being ane deid honest and lauchtfull in presens of God and men) mycht haif bene stayit; takand thairthrow vpoun him, without ony warrand, forder thane becumit ane subiect of his dewtie to haif done; speciallie, in that his intentioune tendit to pe hindrance of pe Kingis mariage, being ane act profitabill to pe commoun welth of pis realme. *Thryddie*, Indytit and accusit, for pe vndewtifull wryting of lettres, concerning the estait of his Maiestie and pe realme, in England; without his Maiesteis knowledge or command; thairthrow, exceding far pe dewtie of ane subiect. *Ferdlie*, Indytit, that he has travellit in materis quhilk mycht haif destroyit the estait of pis realme, quhilk trawell, gif it had tane effect, his Maiesteis perfoun mycht haif bene indangerit, committing pairthrow the cryme of Treffoune. *Fyftlie*, Indytit,

<sup>1</sup> Plegio, Roberto Maxwell de Dinwiddie milite.

for counterfitting of þe Kingis stamp,<sup>1</sup> and putting of þe famin to ane letter writtin with his Maieftis awin hand, without his command or auctoritie to do þe famin; and ficlyke, for reteneing and keping of þe famin stamp in his handis. *Saxtlie*, Indytit for diuers and findrie vtheris offences and crymes of Treffoun, alreddie declarit and confest be him to his Maieftis self; quhair of he is giltie; quhilk he can nocht deny. Lyke as, the hail pointis of Dittay aboue writtin ar of veritie, as he can nocht deny þe famin, nor na pairt pair of.

The said Patrik Maister of Gray offerit himselff and become in oure souerane lordis will and mercie for the saidis crymes.

### Slaughter—Hamesucken.

Aug. 30.—THOMAS BONKLE, cuitlar, burges of Edinburgh.

Dilaitit of airt and pairt of the felloune and crewall slauchter of vmq<sup>le</sup> Peter Heriot, induellar in Leyth, brother germane to James Heriot of Trabroune; committit be way of Hamesuckin, within the toune of Leyth, vpoune the xxix day of Auguft instant.

PERSEWAR, James Heriot of Trabroune.

VERDICT. The Affyis, being purgeit of partiall counfall, chofin, sworne and admittit, and the said Thomas being accufit be Dittay, of the cuming be way of Hamesuckin to the said vmq<sup>le</sup> Petir Heriotis duelling hous in Leyth, and setting vpoun him foirnent the zett<sup>2</sup> thair of, with ane drawin sword, quhairwith he maist crewallie and schamefullie slew (him); vpoun sett purpois and provifoune; &c.; ffand, pronunceit and declarit the said Thomas Bonkle to be ffylit and convict of the slauchter of the said vmq<sup>le</sup> Petir.

SENTENCE. The Justice ordanit the said Thomas Bonkle to be tane to the toune of Leyth, and thair, at place appointit, his heid and rycht arme to be strukin fra his bodie; and all his movable guidis to be efcheit and inbrocht to oure souerane lordis vse, for the said cryme. This dome pronunceit be James Nisbett, dempftar of Justice Courtis.

### Slaughter.

Jan. 23, 1587-8.—ARCHBALD M<sup>c</sup>BRAIR of that Ilk.<sup>3</sup>

Dilatit of airt and pairt of the slauchter of vmq<sup>le</sup> Archibald Newall, burges of Drumfreis; committit in (the first day of) Apryle lastbypast.

PERSEWAR, Mr David M<sup>c</sup>Gill of Nisbet, Aduocat.

PROLOQUITOUR, Mr Thomas Craig.

The Justice, be Interloquitour, repellit the hail defenffis proponit zesterday,

<sup>1</sup> The King's *cashet*, or *cachet*, a device invented to relieve his Majesty from subscribing so many official writs. This is still in use in Scotland in the case of signatures, and other official writs, formerly requiring the King's sign manual. The cashet is now in the custody of the Keeper of the Great Seal. <sup>2</sup> Gate. <sup>3</sup> See Jul. 2, 1588.

contenit in the Minute-buik and proces proponit for the said Archbald M<sup>c</sup>Brair, in respect of the anfuier maid thairto be the Aduocat, and ordanit him to be put to the knowledge of ane Affyife.

## ASSISA.

George Dundas of that Ilk, Adam Wallace, merchand thair, Thomas Inglis, portionar of Auld John Lewingftoune of Belftane, Peter Cowdene, thair, Liftoune,  
 Johnne Gordoune of Culquha, James Henderfoun, thair, William Naipar of Wrychtishouffis,  
 Johnne Maidland of Auchingaffill, Mathow Stewart of Bewelaw, Mungo Ruffell, burges of Edin<sup>r</sup>,  
 Williame Wallace of Johnftoune, Johnne Maure, burges thair.

VERDICT. ' The Affyife, be thair delyuerance, pronunceit be the mouth of George Dundas of that Ilk, Chancellor, ffand and declarit, the said Archbald M<sup>c</sup>Brair to be convict and fylit, as culpable and giltie of airt and pairt of the flachter of the said v<sup>m</sup>q<sup>le</sup> Archbald Newall; and clangeit him of ony Murthour, and the circumstance, viz. the casting of him in the watter of Neth,' &c.

SENTENCE. To be tane to ane scaffeld befyde the mercat-croce of Edinburghe, and thair his heid strikin fra his body; and all his movable guidis to be efcheit to our fouerane lordis vfe, as convict of the flachter of the said v<sup>m</sup>q<sup>le</sup> Archbald.

**Hurting and Wounding.**

Feb. 9.—HOBBIIE NISBET, vagabund.

Dilatit of the hurting and wounding of George Park, crealman, duellare in Eifter Fairny, in his hind-heid; and for taking of his purs fra him, with ten poundis money thairin; committit the xvij day of Januar lastbypaft, betuix Kingorne and Bruntyland.

The said Hobbie come in the Kingis Will for the said cryme, and resflaut thairin be the Justice; and committit to waird within the Tolbuith of Edinburghe.

[*Mr James Wardlaw, Justice-Depute.*]

**Cattle-stealing.**

Mar. 25, 1588.—JAMES DALGLEISCH in Blacok,<sup>1</sup> Nicoll Bryden in Kittifcleuch.<sup>2</sup>

Dilatit of certane pointis of Thift, viz. The said James for the inbringing of Daud Elliot callit *the Carling*, Hobbie Elliot callit *Hob Billie* and vtheris thair complices, commoun thewis, to the landis of Halbyre, beside the Lone-ftane; and steling furth thairof of ten kye; committit in October 1581; and vtheris pointis of thift contenit in the lettres. The said Nicoll Brydin dilatit for the

<sup>1</sup> Plegio, Jacobo Adamfoun, burgen. de Edinburghe.

<sup>2</sup> Plegio, Joanne Adamfoun, burgen. ibidem.

thifteous inbringing of Hobbie Armstrang callit *the Pett*, William Howatsoun in Bowthink, Walter and Hobbie Armstrang callit *Helenes Hobbie* and vtheris thair complices, to the landis of Freirtoun, pertening to the Laird of Corftorphin, and for the thifteous steling furth thairof of ane broun meir, with the haille infycht, guidis and geir, and vtheris crymes of thyft contenit in the lettres.

The perfounes on pannell askit instrumentis of thair entrie, and that thay offerit thame reddie to abyde the tryall of ane Affyis, for the saidis crymes, and all vtheris specifeit in the lettres; dissaffenting to ony continewatioun: Protesting, in respect that na partie, nor the Aduocat, comperit nocht to perfew, that na lettres be grantit aganis thame in tymes cuming.—Continued to the Justice-aire of Edinburghe, ‘3<sup>o</sup> Itineris, vel super premonitione xv dierum.’

[*Mr Johnne Grahame, Justice-Depute.*]

**Fire-raising — Burning of the Place of Pitmeddene.**

Maii 17.—WILLIAM LESLIE in Lytill Warthill,<sup>1</sup> Adam Watt at the Mylne of Westhall, Williame Lessell, messinger at the Kirk of Inch, Michaelle Leslie in the Inch of Warthill, Patrik Leslie, sone to James Leslie, burges of Abirdene.<sup>2</sup>

Dilatit of airt and pairt of the tressonabill Birning of the Place of Pitmeddene, togidder with the haille infycht guidis and geir being thairin, to the availle of ffyve thousand markis, pertening to Alexander Abircrumbie of Pitmeddene; committit in March lastbypast.

PERSEWARS.

Alexander Abircrumbie of Pitmeddene,  
Mr David McGill, Aduocat.

PRELOQUITOUR for the pannell.

The Erll of Bothwell,      The Lord Hwme,  
The Coronall Stewart,      Mr Thomas Craig,  
Mr Alexander Lindfay,      Mr Alexander King.

It wes alledgeit be the pannell, that na proces can be led aganis thaim, feing it is lycht<sup>3</sup> that thay haif committit Tressoun, in birning of the said hous of Pitmeddene; and that all perfounes committeris of tressoune, fould be summond vpoun fourtie dayes wairning, and that thay ar nocht summond vpoune fourtie dayes wairning; thairfore na proces.—The Aduocat past fyrst fra that pairt of the lybell, makand mentioun of the Tressoune; and anfuert, that proces fould be had aganis thame, in respect of ane Act of Parliament, maid in King James the Fyft tyme, in the quhilk it is provydit, that ffyre-raising fould be summond as Slauchter.

The Justice continewit Interloquitour to the morne.

<sup>1</sup> Plegio, Normando Leslie, burgen. de Abirdene.

<sup>2</sup> Plegio, Domino Hume.

<sup>3</sup> Luce clarior.

**Hamesucken — Fire-raising, &c.**

May 17.—WILLIAME LESLIE, apperand of Warthill.

Comperit Williame Leslie, apperand of Warthill, and exponit and declarit, that he vnderstuid that he was speciallie contenit in the Lettres rasit at the instance of Alexander Abircrumbie of Pitmeddene, Robert and James Abircrumbie his sonis, for summondng of him, to haif fund cautioune, that he sould haif comperit this day and place, and vnderlyne the law, for cumming be way of Hamesukkin, accompaneit with Johne Leslie, apperand of Torquhane and diuers vtheris personis, his complicis, specifeit in the saidis vtheris lettres, assaging of the said Place of Pitmeddene; and for the treffonabill rasing of ffyre thairin, and birning and distroying of the said place, togidder with the hail infycht guidis and geir being thairin, pertening to the said Alexander Abircrumbie, to the awaill of fyve thowsand markis money; committit vpoune the penult day of March lastbypast.

And albeit, he wes nathir summond, be vertew of the saidis letteris, to find cautioune, nathir 3it fand he cautioune for this comperance this day and place, to vnderly the law for the crymes aboue writtin; 3it nochtwithstanding he, for tryall of his innocencie, comperit and offerit him reddie to abyde the tryall of ane Assyis for the saidis crymes; disaffenting to ony continewatioune, and requyrit of the said Alexander Abircrumbie of Pitmeddene, gif he wald infist in his perfute thairfore: Quha declarit att the bar, in prefens of the Justice, that he knew the said William Leslie to be innocent of the crymes aboue writtin; and thairfore wald desist fra all pursueing of the said William. Quhairvpoun the said William askit instrumentis.

May 18.—The Justice findis be Interloquitour, that the Lettres rasit be the said Alexander Abircrumbie aganis the personis thairin now on pannell, (William Leslie of Little Warthill being absent), sould be putt to ane Assyise, nochtwithstanding the alledgance proponit be thame 3istirday.

In consequence of only nine persons of Assise appearing, continued to the Justice-aire of 'Abirdene, 3<sup>tho</sup> Itineris, xv dierum.'

**Sorcery — Witchcraft — Incantation, &c.**

May 28.—ALESOUN PEIRSOUN in Byrehill.

Dilatit of the pointis of Wichcraft eftir specifeit.

## ASSISA.

David Dalgleisch, maltman in	Johne Hegie, maltman thair,	Robert Meluile thair,
S <sup>t</sup> Andros,	Thomas Lentrene thair,	Alexander Blak thair,
David Guidlett, maltman thair,	Florence Strang in Carnpykis,	Alexander Maltman in Anstruthir,
Charles Watfoun, notar thair,	George Kinzeow thair,	Thomas Kinzew, baillie in Pittin-
Thomas Rekie, maltman thair,	James Chaiplane in Pittinweyme,	weyme.

VERDICT. The said Alefoune, being put to the knowledge of ane Affyis of the perfonis aboue writtin, wes conuict be thair delyuerance, of the vſing of Sorcerie and Wichcraft, with the Inuocatioun of the ſpreitis of the Dewill; ſpeciallie, in the viſioun and forme of ane Mr William Sympſoune, hir couſing and moder-brotheris-ſone, quha ſche affermit wes ane grit ſcoller and doctor of medicin, that haillit hir of hir diſeis in Lowtheane, within the toun of Edinburghe, quhair ſcho reparit to him, being twell 3eiris of aige; and thair cuming and ganging be the ſpace of ſewin 3eiris, quhen ſcho wes helpit of hir ſeiknes, quhilk ſcho had quhan hir poiſtee<sup>1</sup> and power wes tane fra hir hand and fate; continewing thairby in familiaritie with him, be the ſpace foirſaid; dealing with charmes, and abuſing of the commoun people thairwith, be the ſaid airt of Wichcraft, thir diuers 3eiris bypaſt.—(2.) ITEM, for hanting and repairing with the gude nychtbouris and Quene of Elfame,<sup>2</sup> thir diuers 3eiris bypaſt, as ſcho had confeſt be hir deſoſitiounis, declaring that ſcho could nocht ſay reddelie how lang ſcho wes with thame; and that ſcho had freindis in that court quhilk wes of hir awin blude, quha had gude acquentance of the Quene of Elphane, quhilk mycht haif helpit hir: bot ſcho wes quhyles weill and quhyles ewill, and ane quhyle with thame and ane vthir quhyle away; and that ſcho wald be in hir bed haill and feir, and wald nocht wit quhair ſcho wald be or the morne: And that ſcho ſaw nocht the Quene thir ſewin 3eir: And that ſcho had mony guid freindis in that court, bot wer all away now: And that ſcho wes ſewin 3eir ewill handlit in the Court of Elfane and had kynd freindis thair, bot had na will to viſſeit thame eftir the end: And that itt wes thay<sup>3</sup> guid nychtbouris<sup>4</sup> that haillit hir vnder God: And that ſcho wes cuming and gangand to Sanct Androus in hailling of folkis, thir ſaxtene 3eiris bypaſt.—(3.) ITEM, conuict of the ſaid airt of Wichcraft, in ſa far, as be hir Deſoſitioune ſcho confeſt that the ſaid Mr Williame Sympſoun, quha wes hir guidſchire-ſone,<sup>5</sup> borne in Striuiling, his fader wes the Kingis ſmyth, lernit hir craft, quha wes tane away fra his fader be ane mann of Egypt, ane gyant, being bot ane barne, quha had him away to Egypt with him, quhair he remanit to the ſpace of tuell 3eiris or he come hame agane; and that his fader deit in the meane tyme for opining of ane preiſt-buik and lukiſg vponne it: And that the ſaid Mr Williame haillit hir, ſone eftir his hame cum-

<sup>1</sup> *Pouſſie, poteſtas.* <sup>2</sup> The brownies or fairies, and the Queen of Faery, (*q. d. elf-hame?*) <sup>3</sup> These.  
<sup>4</sup> 'In the hinder end of Harveſt, on All-Hallowe'en, When our Good-neighbours does ride, if I read richt,  
 Some buckled on a buneward and ſome on a bean, Ay trotand in troups from the twilight;  
 Some ſaidled a ſhe-ape, all grathed into green, Some hobland on a hemp-ſtalk, hovand to the hight;  
 The King of Pharie and his Court, with the Elf Queen, With many elfiſh Incubus was ridand that night.  
 There was an Elf on an ape, an waſel begat, Into a pot by Pomathorne;  
 That bratchart in a buſſe was borne; They ſand a monſter on the morn,  
 War faced nor a cat.'  
*Flying againſt Polwart*, Watson's Coll. Part III. p. 12.

<sup>5</sup> Grandfather's ſon, paternal uncle. He is called 'hir couſing and moder-brotheris-ſone,' above.

ing.—(4.) ITEM, that scho being in Grange-mure, with the folkis that past to the Mure, scho lay doun seik alane; and thair come ane man to hir, cled in grene clathis, quha said to hir, 'Gif scho wald be faithfull, he wald do hir guid;' and that scho feing him, cryit for help, bot nane hard hir; and thane, scho chargeit him, 'In Godis name and the low he leuit one,' that if he come in Godis name and for the weill of hir faull, he fould tell: Bot he gaid away thane, and apperit to hir att ane vther tyme, ane lustie mane, with mony mene and wemen with him: And that scho sanit hir and prayit, and past with thame fordir nor scho could tell;<sup>1</sup> and saw with thame pypeing and mirrynes and gude schein, and wes careit to Lowtheane, and saw wyne punchounis with taffis with thame: And quhene scho tellis of thir thingis, declarit, scho wes fairlie tormentit with thame: And that scho gatt ane fair sfrac, the fyrst tyme scho gaid with thame, fra ane of thame, quhilk tuke all the poistie<sup>2</sup> of hir car fyde fra hir, the mark quhair of wes blae and ewill faurrit;<sup>3</sup> quhilk mark scho felt nocht, and that hir fyde wes far war.<sup>4</sup>—(5.) ITEM, that scho saw the guid nyctbouris mak thair sawis,<sup>5</sup> with panis and fyris; and that thay gadderit thair herbis, before the sone ryfing, as scho did: And that thay come verry feirfull<sup>6</sup> fumtymes, and fleit<sup>7</sup> hir verry fair, and scho cryit quhene thay come: And that thay come quhyles anis in the aucht dayes, and quhene scho tauld laft of it, thay come to hir and boiffit<sup>8</sup> hir, saying, scho fould be war handlit nor ofbefoir;<sup>9</sup> and that thaireftir thay tuke the hail poistie of hir fyde, in sic foirt, that scho lay tuentie oulkis<sup>10</sup> thaireftir: And that oft tymes thay wald cum and fitt befyde hir, and promesit that scho fould newir want, gif scho wald be faithfull and keip promeis; bot, gif scho wald speik and tell of thame and thair doingis, thay fould martir hir: And that Mr Williame Sympfoun is with thame, quha haillit hir and teichit hir all thingis, and speikis and wairnis hir of thair cuming and fauldis hir; and that he was ane 3oung man nocht sax 3eiris eldar nor hirsself; and that scho wald feir quhene scho saw him;

<sup>1</sup> 'Ane carling of the Quene of Phareis, That ewill-win geir to Elphyne careis,  
Through all Bruid-Albane scho hes bene, On horbak on Hallow-ewin;  
And ay in feiking certayne nyghtis, As scho sayis, with fur fillie wychtis;  
And names out nyctbouris sex or sewin, That we belevit had bene in beawin.  
Scho said scho saw thame weill aneugh, And speciallie gude *Auld Balcleugh*,  
*The Secretare* and fundrie vther; Ane *Williame Symfone*, hir mother brother,  
Whom fra scho hes refavit a buike, For ony herb scho lykis to luike:  
It will instruct hir how to tak it; In saws and fillubs how to mak it;  
With stoness that mekill mair can doe, In Leich-craft, whair scho layis them toe.  
A thousand maladeis scho hes mendit. Now being tane and apprehendit,  
Scho being in the Bischopis cure, And keipit in his Castell sure,  
Without respect of warldlie glamer, He past into the Witchis chalmers.'

*Legend of the Bishop of St Androis*, p. 321.

<sup>2</sup> *Pouffie, potestas*, viz. took the power of her left side from her. <sup>3</sup> Discoloured and ill-looking.  
<sup>4</sup> Worse. <sup>5</sup> Salves, ointments. <sup>6</sup> Modern Scotch, 'fearsome,' frightful. <sup>7</sup> Terrified.  
<sup>8</sup> Boasted, rated, scolded, threatened. <sup>9</sup> She should be worse handled than formerly. <sup>10</sup> Twenty weeks.

and that he will appeir to hir self allane before the Court<sup>1</sup> cum ; and that he before tauld hir how he wes careit away with thame out of middil-eird : And quhene we heir the quhirll-wind blaw in the fey, thay wilbe commounelie with itt, or cumand sone thaireftir ; than Mr Williame will cum before and tell hir, and bid hir keip hir and fane hir, that scho be nocht tane away with thame agane ; for the teynd of thame<sup>2</sup> gais ewerie 3eir to hell.—(6.) ITEM, of hir confessioun maid, That the said Mr Williame tauld hir of ewerie seiknes, and quhat herbis scho fould tak to haill thame, and how scho fould vse thame ; and gewis hir his directioun att all tymes : And in speciall, scho said, that he tauld hir, that the Bischop of Sanct Androus<sup>3</sup> had mony seikneffis, as the trimbling fewer,<sup>4</sup> the palp,<sup>5</sup> the rippillis<sup>6</sup> and the flexus ;<sup>7</sup> and baid hir mak ane saw<sup>8</sup> and rub it on his cheikis, his craig, his breift, stommak and fydis : And siclyke, gaif her directiounis to vse the 3ow mylk,<sup>9</sup> or waidraue<sup>10</sup> with the herbis, claret wyne ; and with fume vther thingis scho gaif him ane fottin<sup>11</sup> fowll ; and that scho maid ane quart att anis, quhilk he drank att twa drachtis, twa findrie dyetis.<sup>12</sup>

<sup>1</sup> Before the Court of Elfame.    <sup>2</sup> A tithe, or tenth part of them. This singular part of the prevailing superstition, the Editor has seldom before met with. It suggests a strange idea of a kind of intermediate state of existence, maintained by the 'guid nichtbouris,' through the medium of evil spirits ; and for this extraordinary privilege, they were annually *decimated*, or forced to pay tithe to 'Sathanas,' their lord paramount. The *wallydraigles* of this foul nest were no doubt pitched upon for payment of the annuity, and Maister Williame was jealous of the fate of his unfortunate relative, Alisoun. In the introduction to the Tale of Young Tamlane, Sir Walter Scott remarks, 'This is the popular reason assigned for the desire of Fairies to abstract young children, as substitutes for themselves in this dreadful tribute,' (paying the kane, or teind, to hell.)

'Then I would never tire, Janet; In Elfish land to dwell;  
But aye at every seven years, They pay the teind to hell;  
And I am fae fat and fair of flesh, I fear 'twill be mysell !'

The Editor begs to refer the reader to the Essay 'On the Fairies of Popular Superstition,' in *The Border Minstrelsy*, edit. 1821, vol. ii. p. 109.

<sup>3</sup> The celebrated Patrick Adamson, Archbishop of St Andrews, 'summus Papanorum hostis, inter quos delituit extremo vite dispendio' ! That such a character as his grace should have stooped to take advice of a poor witch for the cure of his bodily infirmities, appears strange indeed.    <sup>4</sup> Fever and ague.    <sup>5</sup> Palpitation at the heart ?    <sup>6</sup> Weakness in the back and loins.    <sup>7</sup> Probably the flux.    <sup>8</sup> Salve.    <sup>9</sup> Ewe-milk.    <sup>10</sup> Perhaps the herb woodroof ?    <sup>11</sup> Sodden.    <sup>12</sup> A pretty decent draught for an Archbishop ! The claret and capon would prove more acceptable to his grace than oceans of ewe-milk, and such like potations. In that cutting satire, 'The Legend of the Bischop of St Androis,' his trafficking with Witches is thus recorded.

— ' Sic ane seiknes hes he tane, That all men trowit he had bene gane ;  
For leitchis mycht mak no remeid, Thair was na bute to him bot deid.  
He seing weill he wald nocht mend, For Phetaniffa hes he fend,  
With Sorcerie and Incantationes, Raifing the Devill with invocationes,  
With herbis, ftanis, bukis and bellis, Menis memberis and south-runing wellis ;  
Palme-croces and knottis of fresafe, The paring of a preiftis auld tees ;  
And in *principio* focht out syne, That vnder ane alter of ftane had lyne  
Sanct Jhones-nutt and the foure-levit claver, With taill and mayn of a baxter aver,  
Had careit hame heather to the oyne, Cuttit off in the cruik of the moone ;  
Halie water and the lamber beidis, Hyntworthe and fourtie vther weidis :  
Whairthrow the charming tuik sic force, They laid it on his fat whyte horse.  
As all men saw, he sone deceifit : Thair Saga flew ane faikles beaft.  
This wald not serve ; he fought ane vther, Ane devill duelling in Anfruther  
Exceeding Circes in conceatis, For changene of Wliffes meatis,' &c.



SENTENCE. The particulars of the procedure which took place in Court, and of the sentence pronounced against this unhappy woman, are not inserted in the Record : There is merely a marking in the margin of the Record, ' Conuicta et Combusta.' The scene of her suffering was likely the Castle-hill of Edinburgh, where, after being ' wirreit at ane staik,' she would be ' brint in affis.'<sup>1</sup>

### Slaughter.

Jun. 22.—ADAM CREYCHTOUN, fear of Ruthvennis.

Being enterit on pannell as becam in our fouerane lordis will of before in ane Court of Justiciarie, hauldin in the tolbuith of Edinburghe, the xxij day of Maij lastbypast, for certane crymes, viz. the slauchter of vmq<sup>h</sup> James Creychtoun att the mylne of Ruthvennis, committit in the moneth of Februar lastbypast, and vmq<sup>h</sup> Tyrie of Drumkilbo, committit in the moneth of December 1581 zeiris ; his hienes temperand justice with mercie, for certane respectis moving his Maieftie be his Precept, &c. Ordanit the Dome eftir following, to be pronunceit aganis him.

' Rex,

' JUSTICE, Justice-Clark and your Deputes : We greit you weill. Forfamekle as Adam Creychtoun ffear of Ruthvennis, being callit and persewit before you, for findrie crymes committit be him ; and speciallie, for þe crewall slauchter of vmq<sup>h</sup> James Creychtoun att þe mylne of Ruthvennis, laitlie committit be þe said Adam, vpoun sett purpos : ffor þe quhilk, he being apprehendit and putt in waerd, within our Tolbuith of Edinburghe, and persewit conforme to þe lettres direct pairvpoun ; and nocht able to abyde oure lawis, he is becum in our will, to be pwneift pairfore as we pleis. And we mynding, that sic ane horribill fact sould nocht passè without som pwneifment, att the ernesit suit of oure rycht traitt cousing, Johnne Erl of Mar Lord Erkein, and sum vthir respectis mouing ws, hes sparit the executioun of þe said Adam to þe death, for þe crymes foirsaid, vpoun þis conditione, that within þe space of . . . dayis nixt eftir þe dait heirof, that he fall depart furth of oure realme, and remane furth of þe samyn, in perpetuall banefment and exyle, during all the dayes of his lyftyme ; with certificatioun and<sup>1</sup> he failzie and do in þe contrar, that he being att ony tyme heireftir apprehendit

' Heiring how Witches wrang abufit him, The Kirkmen calld him and accused him,  
And scharplie of theis pointis reproved him, That he in Sorcerie beleavit him,  
Whairthrow his saule mycht come to skaith, The Witche and he confessing bayth,  
Scho tuik some part of white wyne dreggis, Wounded rayne and blak hen eggis,  
And made him droggis that did him gude,' &c.—DALYELL'S *Scottish Poems*, ii. 318.

<sup>1</sup> Whether the following entry in the Books of Privy Council has reference to a relation of ' Maister Williame,' the Editor leaves to the reader to determine.

APUD *Edinburgh, quinto Septembris, anno, &c. lxxvij<sup>o</sup>* (1577.) The quhilk day, Capitane Johnne Vddart become actit and obleift, as cautioner and fouirtie for Maister Thomas Symfoun, sumtyme seruand to vmq<sup>h</sup> Thomas Daidfoun ypothicar, That the said Maister Thomas fall remane within this realme and nocht depart furth of the samyn in tyme cuming, without speciall licence of my lord Regentis Grace, vnder the pane of fyve hundreth merkis. And Johnne Symfoun, minister at Kennowy, obleift him to releif the said Capitane Johnne of the premiffis, and off all pane and dangeare that he sal happen to sustene thairthrow.

(Sic subscribitur) JOHNNE VDDART with my hand, JOHNNE SYMSOUN minister with my hand.

<sup>2</sup> An, if.

within our realme, be ony of our judges or vtheris our subiectis, that þe panis of death falbe execute vpoun him, without ony mercy. Quhairfore, it is our will, and we command 3ow, that incontinent eftir þe fycht heirof, 3e infert þis our Declaratioun in 3our act of Adjournall, to remane pairin as decreit of convictione aganis the said Adam, in tyme cuming. Subfcryuit with our hand, att Dumfries, the aughtene day of Junij, 1588.

‘JAMES R. J. M. CANCELLARIUS.’

SENTENCE was pronounced by the Justice accordingly.

### Slaughter.

Jul. 2.—ROBERT M<sup>c</sup>BRAIR of Almagill.<sup>1</sup>

Dilatit of the slauchter of vmq<sup>l</sup> Archibald Newall, burges of Drumfreis; committit in Apryll, 1587.

PERSEWARIS.

PRELOQUITOUR.

Efter Hill the relict, Mr David M<sup>c</sup>Gill, aduocat. Mr Johnne Ruffell, Johnne Halyday.

The said Robert M<sup>c</sup>Brair produceit ane Precept, subfcryuit be the King and his Chancillar, orderand the mater to be continewit; quhilk the Justice obeyit, ‘Drumfreis, tercio Itineris, xv dierum.’<sup>2</sup>

[*Mr Williame Oliphant, Justice-Depute.*]

Jul. 22.—Comperit William Commendater of Pittinweme, as Preloquitour for him, (the said Robert M<sup>c</sup>Brair,<sup>3</sup>) and thair in judgement, in presence of the said Justice-depute; feing that vmq<sup>l</sup> Archebald M<sup>c</sup>Brair of Almagill (of that Ilk) wes execute for the said slauchter, and that the said Robert wes innocent thairof, offerit in the said Robertis name to refer for his part of the satisfioun of the said slauchter, gyft of escheit and vthir mater debatabill betuix him and Ester Hill, the relict of the said vmq<sup>l</sup> Archebald Newall, present att the bar, and persewar of him, to be modifeit and decydit be the Kingis Maiestie, or ony foure of his hienes Counfall: And the said Ester Hill anfuerand be Mr David M<sup>c</sup>Gill of Nisbet, aduocat for his hienes interes, lykewyis persewar, declarit that his hienes defyrit hir to persew the law; and swa refusit to refer the said mater in maner aboue written. Quhairvpoun the said Williame Commendater of Pittinweme askit instrumentis.

(Jul. 23.)—This case was continued, first to July xxij.<sup>4</sup>

(Nov. 2.)—It was then delayed to Nov. ij, when the pannell produced Letters of Remiffioun, granted by the King in his favor; Thomas Stewart of Gaftoun and Walter Gladftanis of that Ilk, having become sureties, ‘ad satisfaciend. partibus.’

<sup>1</sup> See Jan. 23, 1587-8.   <sup>2</sup> Plegio, Johnne Lyndfay de Covintoun: ‘Releit heireftir be his entrie.’   <sup>3</sup> Plegio, Andrew Blair de Ardblair.   <sup>4</sup> When ‘the Kingis Maiestie haifing commandit the persewaris and defender, to submit all materis debatabill betuix thame, to four Lordis of the Sessioune, the Justice continewit this mater to the xxvij day of Julij instant.’

[*Mr Johne Grahame and Mr Williame Oliphant, Justices-Deputes.*]

**Slaughter—Witchcraft—Adultery.**

Jul. 26.—JOHNNE MYLLAR in Middill Cairny, and Meriory Blaikie in Cairny.

Dilaitit of airt and pairt of the slauchter of vmq<sup>h</sup> Williame Robertsoun in Cairny, in bewitching of him; committit in Apryle, 1585: AND for Adulterie committit be athir of thame with vthiris.

Continued to the Justice-aire of Perth, 'tercio Itineris, xv dierum.'

[*Mr Williame Oliphant, Justice-Depute.*]

**Incest.**

Aug. 22.—SIR JAMES HAMMILTOUN of Crawford, knycht, and Marioun Hammiltoun his dochter naturell.

Hew Somerwall in Carfwall, oft tymes callit to haif produced our souerane lordis lettres dewlie execute and indorfat, &c. to tak fouirtie of Sir James Hammiltoun and Marioun Hammiltoun, that thay fould haif comperit befor the Justice or his deputes the saidis day and place, in the houre of caufe, and vnderly the Law for the filthie cryme of Incest, committit be athir of thame with vther thir fax zeiris bypast; lauchfull tyme of day biddin and nocht produce and, the famin wes thairfore amerciat in the panis contenit in the Actis of Parliament.

**Slaughter.**

Sep. 3.—MR ROBERT DOWGLAS, provost of Lynclowdene.

Robert Lord Sanquhar become pledge and fouertie, that the said Mr Robert Dowglas fall comper before the Justice or his deputes, the thryd day of the nixt Justice-air of the sherefdom of Drumfries, or soner, quhene or quhair it fall pleis our souerane lord, vpoun xv. dayes wairning; and vnderly the law, for airt and pairt of the slauchter of vmq<sup>h</sup> Sir Robert Maxwell of Dinwiddie, knycht, committit in October lastbypast; and vther crymes contenit in the lettres direct thairvpoun, vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

**Reset of a Papist and Seminary Priest.**

May 7, 1589.—JOHNNE LOWRIE, duelland at the Waft-port of Edinburghe.

Dilaitit of the tresonabill Resfett, supplement, mantening, intercomoning and furnefing of meitt, drink and herberie to Mr Robert Bruce, confessit and avowed Papist and seminarie Priest, commounemie to Goddis truth and Cristiane go-

vernment ; committit in July, Januar, Februar and March, 1588 and 1589. ITEM, for doing of fauour, reffetting, fuppleing, mantening and defending of Mr Robert Bruce, feminarie Preift foirfaid, within his hous at the Waft-port, in the monethis foirfadis, he being oure fouerane lordis rebell.

PERSEWARIS, Maifter Dauid M<sup>c</sup>Gill. PRELOQUITOURIS, Mr Johnne Ruffell, Alexander King.

It is allegit for the pannell, that in this judgment na perfoun can be put to the knaulege of ane Affyis, without thay wer fummond vpoun xv dayis warning, except personis dilatit of Treffoun and tane *in flagranti crimine*. The Aduocat allegis that the famyn fuld be repellit, in respect that the faid Johnne Lowrie wes constitut prifoner ; and the King may tak him furth of prifoun, and put him to ane Affyfe.

May 8.—Johnne Lowrie, vpoun pannell, cummis in his Maieftis will, for geving of meit and drink, as ane commoun tawerner, to Mr Robert Bruce, ane zeir fyne or thairby in Januar laftbypaft, a denner at athir tyme allanerlie,<sup>1</sup> without ony nichtis ludgeing ; and that vpoun the faid Mr Robertis expenffis, nocht knawin him to be ane Preift : And denyis expreffie the hail remanent pointis of Dittay, fen ony deid done be him to the faid Mr Robert fen the executioun of the laft Proclamatioun, quhilk was vpoun the xxvj day of Februar laftwes. And vpoun the faid Declaratioun and offer, takis instrumentis that he is ready to abyd ane Affyis for the rest of the Dittay.

Mr Dauid M<sup>c</sup>Gill younger aduocat, producit the Dittay and defyrit proces.

May 9.—The Justice accepts the offer of coming in the Kingis will, ' according to his hienes Warrant and Precept presentit in Jugement ; and ordanit cautioun to be reffaut of the faid Johnne.' His cautioners were, ' James Couper merchand, burges of Edinburghe, and Martine Lowrie, burges thair.'

[*Mr James Wardlaw and Mr Edward Bruce, Justices-Deputes.*]

#### **Slaughter.**

May 13.—ARCHEBALD WAUCHOP of Nudrie, 3ounger, George Boig ferwand to the Lard of Cragmiller, Williame Lauder brother to the Laird of Bannochie, Williame Craig ferwand to Craigmiller, Richard Bigum (Bigholme ?) also his ferwand and Thomas Kame, smythe in Nudrie.

Dilatit of the slauchteris of vmq<sup>le</sup> James Giffert of Sherefhall, vmq<sup>le</sup> Johnne Giffert his brother, and vmq<sup>le</sup> Robert Caife in Dalkeith, committit in July laftbypaft ; and als of the slauchter of vmq<sup>le</sup> Johnne Edmeiftoun, brother of Dauid Edmeiftoun of Wowmett ; committit in March laftwes.

<sup>1</sup> Only.

PERSEWARIS for Shereffhall. PERSEWARIS for Johnne Edmei- PRELOQUITOURIS for the pannell.  
 Johnne Giffert, father-brother to stoun. Maister Thomas Craig,  
 vmq<sup>r</sup> James Giffert of Shereffhall, Sir Johnne Edmeistoun of that Ilk, Mr Johnne Prestoun,  
 James Hammiltoun, The Lord Hwme, The Laird of Brunftoun,  
 Mr David M<sup>c</sup>Gill, Aduocat. The Laird of Sefkurd. The Laird of Ormeistoun.

The Justice, eftir dyuerse and findre allegeances and anfuersis proponit and maid be ather of the parties, continewit the mater to the morne at ten houris.

[*Mr Johnne Russell, Justice-Depute.*]

May 14.—The quhilk day comperit Mr Johnne Ruffell, Aduocat, and presentit ane Commiffioun vnder the Signet, of the deit the said xiiij day of May, subfcryuit be the King and Chancelair, ordinand him to be Justice in the mater abouewrittin to Mr Edward Bruce and James Wardlaw: And according thairto, wes fuorne for administratioun of Justice.

Comperit Mr David Makgill of Neisbet, Aduocat, and produceit the roll of Affyise, subfcryuit with his hand.

PERSEWAR, Maister David Makgill. PRELOQUITOURIS, Mr Johnne Prestoun, Mr Thomas Craig.

Allegis, that the Justice can nocht proceed aganis the Laird of Nudrie and his complices, for the slauchter of vmq<sup>r</sup> James Giffert, Johnne Giffert his brother, and Richard Caife, in respect, thay haif fund cautioun, vpoun xv dayes warning, actit in the buikis of Adiornall; and in respect, thay are nocht tane *in flagrante crimine*, nor zit is that ane cryme of Leife-majestie; and thay being vnder cautioun, mvn<sup>1</sup> be warnit on fyftene dayis: And producit ane Act of Adjornall, subfcryuit be the Justice-Clerk. The Aduocat acceptis the Act, and thinkis the allegence to be ressonabill.

The Justice findis the allegence maid yesterday anent the cautioun vpoun fyftene dayis warning, nocht to be relevant in respect of the Kingis Warrant: And ordanis the saidis perfounes to be put to ane Affyise for all the crymes foirlaidis; bot continewis the Laird of Nudrie and remanent perfounes foirlaidis, and putting of thame to ane Affyise for slauchteris of the saidis James Giffert, Johnne Giffert his brother and Richard Caife, in respect of the act of Cautioun producit.

ASSISA.

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|--|--|--|
| (1.) Maister Patrik Hepburne of Gilmertoun,  | (6.) James Dunlop of that Ilk,               | (11.) James Cochrane of Barbachla,         |
| (2.) Williame Lauder of (in) Dunbar,         | (7.) Mr Patrik Hepburne of Smetoun,          | (12.) James Hwme in Dunbar,                |
| (3.) Williame Wallace, 3ounger of Johnftoun, | (8.) Johnne Spreull of Cowdene,              | (13.) Williame Wallace, minister of Faill, |
| (4.) Neill Montgumrie of Langschaw,          | (9.) James Creychtoun, 3ounger of Brunftoun, | (14.) Thomas Seytoun of Northrig,          |
| (5.) Aula M <sup>c</sup> Cawla of Arncapill, | (10.) James Henderfoun, 3ounger of Dryden,   | (15.) Sir Williame Lauder of Haltetoun.    |

<sup>1</sup> *Man, must.*

The Affyis defyrit the Dittay to be fworne, according to the ordour. The Aduocat allegis that the Kingis Dittay aucht nocht to be fworne be him. The perfonis of Affyise askit instrumentis that na man wauld fueir the Dittay.

VERDICT. Quhilkis perfonis of the Affyis abouewritten, being chofin, fuorne and admittit, past furth altogidder out of Court to the Counsaill-hous of Edinburghe, quhair thai efter the chefing of Neill Montgumrie of Langschaw, Chancellor, thay reffonit vpoun the hail poyntis of Dittay, and thairwith being ryply aduyfit, re-enterit agane within the said Court, and be the mouth of the said Chancellair, fband, pronuncit and declarit the saidis *Williame Lauder, Williame Craig* and *Thomas Kame*, to be acquit and clengit of the slauchteris of vinq<sup>r</sup> James Giffert of Sherehall, Johnne Giffert his brother and Richard Caise; committit in July lastbypast. As lykwayis, be thair delyuurance in presence of the said Justice-deput, fband, pronunceit and delyuerit, in ane voce, the saidis *Archibald Wauchope* of *Nudrie*, *George Boig*, *Williame Craig* and *Thomas Kame*, to be acquit, clengit and innocent of the slauchter of vinq<sup>r</sup> Johnne Edmeftoun, brothir to David Edmeftoun of Wowmett, and of the hurting and wounding of George Daidfoun in his . . . .kne, be the schoit of ane pistolett; and of the hurting and wounding of George Hwid, serwand to the Lard of Edmeftoun, in his leg; committit the moneth of Merch lastbypast.

APUD EDINBURGHE, xiiij Maj, anno 1589.—The quhilk day, at xij houris efter midnight or thairby, caution wes found for the perfonis of Affise as follows.<sup>1</sup>

- (1.) James Adamefoun, burges of Ed<sup>r</sup>, and Mr Thomas Fischer, burges thair, Ten thousand markis.
- (2.) James Adamefoun, burges of Ed<sup>r</sup>, and Geo. Douglais, fear of Langnudrie, Three thousand markis.
- (3.) Johnne Arnot, proveft of Edinburghe, Fyve thousand markis.
- (5.) Thomas Fischer, burges of Ed<sup>r</sup>, Sir Williame Lauder of Haltoun, knyght, Fyve thousand markis.
- (6.) Johnne Watt, fmyth, burges of Ed<sup>r</sup>, and . . . . Cant, burges thair, callit *Lard Cant*, Fyve thousand markis.
- (7.) James Adamefoun, burges of Ed<sup>r</sup>, Ten thousand markis.
- (8.) Johnne Arnot, proveft of Ed<sup>r</sup>, and Johnne Watt, burges thair, Fyve thousand markis.
- (9.) George Douglais, 3ounger of Langnudrie, and James Adamefoun, burges of Ed<sup>r</sup>, Three thousand markis.
- (11.) Johnne Arnot, proveft of Ed<sup>r</sup>, Three thousand markis.
- (12.) James Adamefoun, burges of Ed<sup>r</sup>, and Mr Patrik Hepburne of Smetoun, Tua thousand markis.
- (14.) George Douglas, younger of Langnudrie, and James Adamefoun, burges of Ed<sup>r</sup>, Fyve thousand markis.
- (15.) George Douglas, 3ounger of Langnudrie, and James Adamefoun, burges of Ed<sup>r</sup>, Fyve thousand markis.

<sup>1</sup> Instead of again enumerating the whole of the Assise, reference is made to the number prefixed to each Assisor's name, in the foregoing list. Montgomerie of Langschaw, Henderfoun 3ounger of Dryden and Williame Wallace, did not find security.

The samyn day, ilk ane of the Affyfouris foirlaidis quha hes fund the said fourtie, obleift thame, thair aris, executouris and assignais, to freith, releif and keip skaithles thair cautionaris *respective* foirlaidis, of the fourtie abouewrittin, ilk ane of thame for thair awin partis as is aboue specifiet, and of all panis contentit thairin, at the handis of oure souerane lord and his hienes thesaurair, and all vtheris quhome it effeiris.

[*Mr Williame Oliphant, Justice-Depute.*]

**Slaughter.**

May 20.—THOMAS MAISTER OF BOYD, James Boid of the Kippis, Alexander Boyd, bailzie of Kilmernok, James Slofe of that Ilk, Thomas Roife in Bondland, and Johnne Craufurd in Welstoun.

Dilatit of the slauchter of vniq<sup>l</sup> Johnne Mure in the Wall; committit in the moneth of August, 1571.

PERSEWARIS.

Johne Mure, eldest sone, Robert Stewart and Michael Stewart, kinifmen of the motheris fyde.

PRELOQUITOUR for the pannell, Mr Johnne Skene.

The partie past fra the persute of Johnne Craufurd; quhairvpoun he askit instrumentis.

Letters of Remiffioun, granted by the King in favor of the parties, and Caution found for satisfiing the parties. Cautioners, Captain Thomas Crawford of Jurdanehill, Johnne Schaw of Grenok, Williame Mure apperand of Rowallane and Thomas Master of Boyd, bind themselves to relieve the above sureties.

**Slaughter.**

May 20.—ROBERT LORD BOYD.

Robert Boyd of Banhaith, cautioner for the entry of Lord Boyd at the Justice-air of Ayr, or on warning of xv days, for the same slauchter.

[*CURIA JUSTICIARIE s. d. n. Regis tenta in pretorio de Edinburgh superiore, xxiiiij die mensis Maij anno 1589, per discretos viros Magistros Eduardum Bruce, Willielmum Oliphant et Jacobum Wardlaw, Justiciarios Deputatos.*]

May 24.—The quhilk day the Justices abouewritten producit our souerane lordis Commiffioun efter specifiet; quhilk thay desyrit to be infert in the proces for thair Warrand; quhair of the tennour followis.

COMMISSION for the Trial of GEORGE ERLE OF HUNTLIE, DAVID ERLE OF CRAWFURD and FRANCIS ERLE BOTHUELL.

JAMES, be the Grace of God, King of Scottis. To all and findrie oure leigis and subdittis, quhome it effeiris, to quhais knaulege thir oure lettres fall cum; Greting. Witt-ze Ws, to haif maid and constitut, and be thir oure Lettres, with the awyife of the Lordis of our Secreit Counsaill, makis and con-

fitutis Mr Eduard Bruce, Johnne Coluile, Williame Oliphant and James Wardlaw, oure Justices in that pairt, conjunctlie and feueralie, to be effect vnderwritin; Gewand, grantand and committand to thame, oure full frie, and plane power, generall and speciall command, expres bidding and charge, Court or Courtis of Justiciarie, within our tolbuthe of Edinburghe, to sett, begin, affix, hald and continew, as oft as neid beis; and thairin George Erle of Huntlie, Daid Erle of Crawford, Frances Erle Bothwell, to call, and be Dittay to accuse, and to the knaulege of Affyis to put, for certane tressonabill crymes and offencis committit be thame, tending to the subuersion of the trew Religioun, and perrelling of oure perfoun and estait; and as thay sal happin to be fund culpabill or innocent, to minister and caus justice be ministrat vpoun thame, conforme to the lawis of oure realme; fettis<sup>1</sup> to mak be callit, absentis to americiat, trespaffouris to puneis, vnlawis, americiamentis and efcheatis of the saidis Courtis to ask, lift and crave, and the samyn to our thesaurair and his deputtis, in oure name, to inbring and delyuer; affyis ane or ma to summond, cheis and caus to be suorne, ilk perfoun nocht comperand, vnder the pane of twa hundreth pundis; clerkis, serjandis, dempstaris or vtheris officiaris of Court neidfull to mak, creat, substitut and ordane: ffor the quhilk oure saidis Commiffionaris salbe haldin to anfuer to ws pairvpoun. The quhilk to do we committ to 3ow, conjunctlie and feueralie, oure full power be pir oure lettres, delyuering same be 3ow dewlie execute and indorfat agane to be berar. Gewin vnder oure Signet, and subfcryuit with oure hand, att Edinburghe, the xxiiij day of Maij, and of our regne the xxij 3eir, 1589.

‘ JAMES R. CANCELLARIUS.’<sup>2</sup>

### High Treason, &c.

GEORGE ERLI OF HUNTIE, Lord Gordoun and Badzenocht, &c.,  
Frances Erll of Bothwell, Lord Creychtoun and Haillis, &c., and  
Daid Erll of Craufurd, Lord Lyndefay, &c.

Dilatit of certane tressonabill crymes, contenit in Dittay to be gewin in be our fouerane lordis Aduocatt, following.

PRELOQUITOUR for the said Erll Crawford, Mr Johnne Scharp.

PRELOQUITOURIS for Frances Erll Bothwell, Mr Thomas Craig, Mr Johnne Prestoune.

PERSEWAR, Mr Daid M<sup>c</sup>Gill of Nisbet, Aduocat to our fouerane lord.

Comperit the said Mr Daid M<sup>c</sup>Gill, and produceit the Dittay vnderwritin; quhair of the tennour followis.

DITTAY OF INDICTMENT against the Pannell.

GEORGE ERLI OF HUNTIE, FRANCES ERLI OF BOTHWELL, DAVID ERLI OF CRAWFURD; 3e and ilk ane of 3ow, ar indyted, for be tressonabill traffiking with stragearis and ministeris of str(angearis), sic as Jesuites and feminarie preistis, and sum excommunicate persounes, for alteratioun of be religioun presentlie professit within his realme, according to be sinceritie of be Ewangell, the quyet of be same stableischt be commoun consent of oure f(ouerane) lord and thre Estaitis, in be Parliament haldin att Lynlythq<sup>w</sup>, the t(enth) day of December 1585 3eiris; and to be owerthrow of his hienes persoune. And this 3e and ewery ane of 3ow, with Coronall S(empill), Johnne Cowper,

<sup>1</sup> *Secta*, suits of Court.

<sup>2</sup> Sir John Maitland, Lord Thirlestane.



Robert Bruce, Mr Edmond Hay, Mr William Creychtoun, Thomas Nisbet, Johnne Chisholme sone to vmq<sup>r</sup> James Chisholme of Cro . . . , Daid Grahame of Fintrie and diuers vtheris, albeit native Scottisfen, (in þe haill monethis of 1588, att þe leift in ane or vther of þame,) 3it in þis tressonabill traffique, ministeris (of) strangeris : And 3e and euery ane of 3ow, hes reffaut m . . . (men ?) and Spanisch gold fra þame ; att þe leift, ane or vther of þame ; to þe effect and for þe cauffis foirfaidis ; committing thairthrow, maist hie and manifest tressoun ; quhilk 3e can nocht deny.—To þe taikin that this is trew, 3e, *Frances Erll of Bothwell*, in fomer lastbypast, to þe effect foirfaid, reffaut fra Cornall Sempill ane thowsand crownis ; and laitlie fra France, (fra þe) Erll of Erroll, ane vther thowsand crownis ; and distributit þe same be 3oure selff and vtheris att 3oure command, with vtheris sounes of money, reffaut be 3ow fra Mr Walter Lyndsay, to . . . . .<sup>1</sup> waigeit fouldiertis, horsmen and futemen, rafit be 3ow laitlie, in þe monethis of March and Apryle ; expres aganis the Acte of Parliament, forbiddand rafing of fouldartis, or waiging of ony men of weir, except be speciall commissioun of þe Kingis Maiestie, quhilk 3e had nocht. In respect quhair of 3e haif incurrit þe pane of Tressoun, as is abouewrittin.—And 3e, *George Erll of Huntlie*, in lykewayis, hes reffaut þe soume of three thowsand crownis or pairby, the last 3eir, fra Daid Grahame of Fyntrie, to þe effect foirfaid ; quhairthrow 3e haif incurrit the lyke cryme. And this is trew, and 3e nor ather of 3ow can deny þe same.—SECUNDLIE, 3e and ather of 3ow ar indytit, for þe suffering of 3oure selffis to be inducit be þe reffauing of þis money aboue specifeit, to þe effect foirfaid, for contentment of þe strangeris, papistis ministeris, quha traffikit with 3ow, to þe tressonabill effectis aboue specifeit, to haif maid and subscryuit ane Band, aganis 3oure dewtie, being subiectis, and subscryuit þe same be 3oure handis, and diuers vtheris 3oure complices, sic as the Erlis of Montroise and Erroll att Stregmartene, Glentanner and Auld-Montroise respective, in þe moneth of March lastbypast ; Bandis being forbiddin be þe law of þe countrey ; befydis dyvers conventicle aithis, leagis and conspyraceis, haif bene maid be 3ow, in þe monethis of Februar and March, to þe tressonabill effect aboue specifeit, reiterat and renewit be 3ow and diuerse vtheris 3oure complices and pairt-takar is in þe toune of Sanct Johnnestoune, in þe moneth of Apryll lastwas ; att þe quhilk tyme, 3e maist tressonablie tuik þe said toune, and maid 3oure selffis maisteris pairof, of playne intentioun to haif stuffit<sup>2</sup> þe famin, and kepit it aganis his Maiestie and his authoritie. For executing of þe quhilk conspyracie, 3e and ather of 3ow, wer art, part, red and

<sup>1</sup> Part of a line cut by binder from the top of this and some of the following leaves. The edges of the leaves are also pared, so as to take away several words.    <sup>2</sup> Victualled and furnished.

counfall, of þe convocattng of 3oure selffis, 3oure affistaris and pairt-takaris in armes, to haif takin the Kingis Maiesteis hous and palice of Halyruidhous and his hienes persoune, supponit be 3ow to be thairin; and to haif slayne findrie his gracis faithfull counsalouris and seruandis, speciallie Sir Johnne Maidland of Thirlstane, knyght, his Maiesteis chancellor, with diuers vtheris: Quhairthrow, 3e mycht haif vsit his Maiesteis persoune, alterit and subuertit þe present estait, att 3our awin will. For performing quhairof 3e tryistit 3oure meting att þe Quarrell-hoillis, betuix Leith and Halyruidhous, in March last; and 3e, *Frances Erll of Bothwell*, wraitt to Dauid Erll of Crawford, to haif cumit in armes to Leith, and to haif kepit þe appointit place and tyme be 3oure self, as indeid 3e the *Erll of Crawford* come . . . . . in armes, to þe effect þe . . . . . þe toun of Kingorne; the *Erll of Huntly*, frome þe n . . . . (north?) partis to þe toun of Dumfermling; the Erll of Montrose, to þe Halzairdis in Auld Listoun; and 3e 3oure selff, to þe said place appointit. Quhilk 3e nor ather of 3ow can deny.—ITEM, 3e and ather of 3ow ar indytit, fforfamekle as his Maiestie being aduerteist of 3oure tressonabill Conspiracels abouewrittin, for his awin bettir preseruatioune in keping his realme and liegis in quyetnes, haifing send [Williame] Reidpeth, ane of his Maiesteis gaird, in Apryll lastwes, with his Maiesteis letteris to his louitt counsaloure and officiar, Mr Thomas Lyoun of Baldu(kie) Maister of Glamis, his grace thesaurar to þe tounis of Dundee and Sanct Johnestoun; quhairthrow his Maiestie, be convocating of his liegis, mycht repres þe rebellious abouie specifeit; 3e be your selff, seruandis and collegis, tuik the said [Williame] Reidpeth, kepit and detenit him presoner, impedit and stayit þe executioun of his grace's letteris for convocating of his trow liegis to þe maintenance of his estait and preseruatioun of his Maiesteis persoun: Quhairthrow 3e declarit 3oure selffis to haif rebellit aganis þe same, and thairthrow to haif incurrit þe cryme of Tressoun.—ITEM, 3e and ilk ane of 3ow ar indytit and accusit, that in þe moneth of Apryll last, in hie contempt of his Maiestie and his auctoritie, 3e tuke vpoun 3ow to assage þe hous of Kirkhill, and war airt, pairt, red and counfall pairof, ffor exterminatioun quhairof 3e rasit fyre; and in takin pairof, constrained the said Mr Thomas Lyoun, being pairin for þe tyme, to rander him presoner vnto 3ow, careit him with 3ow to þe hielandis and place of Auchindoune, kepit him captiue be a lang space; incurrand þairby the cryme of Tressoun. Quhilk is trow, and 3e can nocht deny þe same.—ITEM, 3e the *Erll of Bothwell* ar indytit, that fforfamekill as 3e directit ane commiffioun to þe Erll of Erroll to Sanct Johnestoun, to move þe Erllis of Huntly and Crawford with all þair . . . . . to cum fordwart and joyne þame selffis with 3ow, on this fyd of þe walter of Forth, before his grace forces wer assemblit; quhilk 3e did, in þe moneth of Apryll last: Quhairvnto (thay) agreit;

and 3it newertheles; for takin that this is trew; the Erll of Crawford for executioun heirof, enterit in nontemptuous termes with the Erll of Erroll. In respect quhairof, 3e and every ane of 3ow hes incurrit þe cryme of Treffoune.—ITEM, 3e and ather of 3ow ar indytit, that forsamkill as his Maieftie and his counsalouris, vnderftanding þir treffonabill vpropris and conspiraceis, aboue mentionat, directit his herauld, Williame Rankelure, to mak proclamatiounes att þe mercat-croce of Abirdene, for delyuerance and putting to libertie of his gracie thesaurar, officiar of estait and his gracie counsaloure. The said herald cumand to þe mercat-croce of þe said toun in his coit of armour, the same wes rest fra him, his Maieftie's letteris directit lykwyis to be proclomit for convocatioun of his faythfull liegis, wes maist contempteoussie and treffonablie takin fra him, in þe moneth of Apryll foirsaid, he 3ow and ather of 3ow, 3oure affectaris and pairt-takaris, sic as Johnne Lesley of Boquhane, Johnne Gordoone of Bukie and Murray of Cowbairdie; 3e and every ane of 3ow, being art, pairt, red and counfall pairrof, keptit and mantenit with 3ow, in 3oure cumpany, the foirsaidis persounes, actuall doaris pairrof. Quhairthrow 3e haif rebellit aganis his Maieftie and his authoritie, and pairby incurrit þe cryme of Treffoune: Quhilk 3e can nocht deny.—ITEM, 3e and ather of 3ow ar indytit for þe treffonabil making of proclamatiounes in his Maieftie's name, for convocating of his liegis in armes aganis his Maieftie and his authoritie, makand sklanderous and vntrew repourtis in þe saidis proclamatiounis, that his hienes wes keptit captiue aganis his will; efter þe tyme that his Maieftie maist wyillie and advyfitlie ratifit the Act of Pacificatioun and maid þe Act of Restitutioun, for quyeting of þe haill estait of this countrey; and þis done with þe advise of his Parliament, att Lynlythqw, the tent day of December 1585: Declaring alswa, that it fould be Treffoune to ony man to oppone him self aganis the said Pacificatioun and Act of Restitutioun, and quyet estait of þe countrey than estableisht; and that the opponeris fould incur þe pane of lyffe, landis and guidis. In making of þe quhilkis Proclamatiounis, 3e and ather of 3ow hes vsurpit his Maieftie's authoritie; and in contrawening of þe said Act and contentis pairrof, hes incurrit þe pane of Treffoune.—ITEM, 3e and ilk ane of 3ow ar indytit, for airt, pairt, red and counfall, of convocating and bringing togidder of ane oist and armie, on horse and fute, aganis his Maieftie; he with his faithfull and trew subiectis being vpoun þe ffeildis, for repreffing of thir 3our treffonabill actis, conspiraceis and deuyfes befoir reherfit; his Maieftie self, in propir persoun, with his oist and armie, haifing past fordwart fra his Palace of Halyruidhous, to the toun of Cowie, within the Sherefdom of Kincarne, quhair his Maieftie being in propir persoun, 3e haid convocat ane host of thre thousand persounes inarmit, maid oressounes and gaif persuasiounis to thame, that 3e haid his Maieftie's guid-will

and consent thairto; animating thame to cum fordwart ganis his Maieftie, promefing to .....<sup>1</sup> and is of weritie; and fa 3e come .....<sup>2</sup> of Abirdene with difpleyit banneris to þe Brig of Die, of mynd to haif affalziet his hienes oift and armie, his grace maift royall perfoun being thairin; gif that a part of 3our faid armie, (being) his Maiefteis guid and faithfull fubiectis, induceit and perfuadit be errour to accompany 3ow; vnderftanding þair awin errour, haid nocht (knowing his Maiefteis awin perfoun to be in the feildis) alluterlie refufit 3ou, in 3our faid treffonabill proceedingis. And this is trew, and 3e can nocht deny the fame.—ATTOUR, 3e *Frances Erle of Bothuell* ar indytit and accufit, that 3e in the monethis of Januar, Februar, Merche and Aprile laftbypaft, at leift in ane or vther of thame, hes reffaut fra minifteris and ferwitouris of ftrangeris, Papiftis, quhome 3e in dyueris tymes haid in cumpanie with 3ow, dyuerfe fowmes of monie to the rafing of men of (weir) and wagit men, or horfe and fute, expres aganis the dewtie of ane faythfull fubiect, and come fordwart with thame to Dal(keith), his hienes being in Edinburghe for þe tyme: Of þe quhilk wageit men . . . . (3e) rafit ane number of Inglifmen, Grahmis and vtheris, inhabitantis of Levin and Newcastle; the reft of 3our wagit nowmer, being . . . . . outlawis, theiffis and rebellis, Scottifmen, fic as Robert Maxwell . . . . ., brother and fonnes of þe lard of Greneheid; ftrak drummis and . . . . . (raifed) vp men of weir on fut and hors, maid refidence with th(ame) at Dalkeith, come with thame to Leith and dyueris vtheris pairtis of the cuntrey, boftit<sup>3</sup> and manaffit the trew fubiectis pairof with þair wtter wraik. And this treffonabill deid 3e reiterat . . . . . (his Maieftie) being in the north in proper perfoun, for repreffing the vproris . . . . . (aboue) writtin, in þe moneth of Aprill foirfaid; and campit 3our felff . . . (at) Dalkeith aganis his Maieftie, as gif 3e haid bene fubiectis in tyme of ware, denuncit to ane forrane prince and ene(my.) Quhairthrow, 3e haif committit maift hie and manifest Treffoun . . . . . (aganis) his Maiefteis perfoun, Actis of Parliament and lawis of this realme. . . . . (And) this is trew, and 3e can nocht deny the fame.—ITEM, 3e and ilkane of 3ow ar indytit for the treffonabill . . . . . and fpeking aganis the peax and quietnes of the cuntrey . . . . . (and his) Maiefteis libertie concludit in Parliament be the Eftatis thairof, quhilk (3e and) euery ane of 3ow did at dyuers tymes, and fpecialie in the . . . . . (moneth) of Merche laftbypaft, his Maieftie being vpoun the feildis and at his . . . . . willing to perfuad his hienes, that he was fen the making of the . . . . . (forefaid) Act at Lithqw; haldin and detenit captiue, and that he would lo . . . . . (lofe his?) lyf gif he returnit to his awin toun of Edinburghe at quhat tyme alfo . . . . . ettit vpoun the taking and apprehending of his gracis maift nobill . . . . . (perfoun?) oppoining

<sup>1</sup> A line cut off by the binder's unskilfulness.    <sup>2</sup> Three words pared off here.    <sup>3</sup> Threatened.

your self and euery ane of you to his Maiesties Actis of . . . . . Parliament : It being provydit be the saidis Actis, that quhafoeur opponit . . . . .  
 . . . . . conspiring abrogatioun or derogatioun pair of, directlie nor indirectlie, thay sould incur the pane of Tressoun and Leise-maiestie, to be execute with all rigour.<sup>1</sup> As the extract of the said Act, heirwith productit to schaw, beris. And this ze haif done, incurrand pairthrow the panis of Tressoun, as is abouewrittin.

THE quhilk day, the said Dittay and euerie point thair of being oppinlie red in judgement, and efter diuers answers maid thairto be the saidis Erllis of Huntlie, Bothwell and Crawford,

The said ERLI OF HUNTLIE declarit, that nochtwithstanding in his conscience he is innocent of sic odious crymes, as of before he denyit, zit haifing cum in vpoune that resolute purpos, to submitt him self in his Maiesteis will ; and nocht willing ony wyse to be contradictour to his Maiestie ; hoping alwis that his Maiestie will wie<sup>2</sup> the circumstances of his accusatioun ; he submittit him self maist humblie in his Maiesteis will, following his intencion that he had att the fyrst incuming : And that, of the hail pointis of the Dittay.—The Aduocat askit instrumentis of the Erll of Huntleis cuming in the Kingis will.—The Erll of Huntlie protestit, that they mycht be hard heireftir, nochtwithstanding his cuming in will, be all lesun means that he may, of law.

The samin day, the ERLI BOTHWELL, eftir the reding of the hail pointis of Dittay, and eftir diuers answers gevin thairto, and ane playne denyall thair of as thay wer lybellit, become in our souerane lordis will, for raising of men of weir, convocating of our souerane lordis liegis, brokin men, borderaris, and, as he alledgeit, pledgeis for staying of the trubel of the bordouris, att Dalkeyth ; and bringing of thame to Leyth : And crawis his Maiestie maist humblie pardoun thairfore.—The samin day, the said Erll of Bothwell become in our souerane lordis will, for subscripcioun of ane Band, insofar (as) it is contrar the law and Actis of Parliament, alwis nocht importing Tressoun : and offerit him redde to abyde the tryall of ane Assyis for all the rest of the crymes contenit in Dittay.

The samin day, the said DAVID ERLI OF CRAWFURD, eftir the reding of the said Dittay vnto him, and that he had answerit thairto and euerie point of the samin, denyit the hail pointis thair of, as thay wer qualifeit : And become in the Kingis Maiesteis will for being vpoun the ground quhene my lord Thesaurer

<sup>1</sup> Mutilated by the binder. The words of the Act (19 Jac. VI. cap. 21) are, ' And that na maner of perfoun nor perfonis, of quhatsumevir qualitie or degree thay be, pretend to argun, impung, trauell, solist or lawbour, for pe infringeing, breking, wrafting, abrogatioun, &c.      <sup>2</sup> Weigh.

come furth of the hous of Kirkhill, or ony cryme his Maiestie may imput to him thairanent.

.....<sup>1</sup> in his Maiesteis will for being with the Erll of Huntlie . . . . . Abirdene, but ony convocatioune vpoune his pairt, with . . . . . of all perfwading of his hienes liegis againis his Maieftie, as is contenit in Dittay.

The Aduocat askit instrumentis of the becuming of the Erllis of Bothwell and Crawford in the Kingis will.—The said Erll of Bothwell protested, that na mair be putt to ane Assyise, bot safar as releuant of the law.

## ASSISA.

The Lord Hammiltoune,	The Lord of Cathcart,	The Erll of Marfchell,
The Erll of Angus,	The Laird of Pittarro,	The Lord Seytounne,
The Erll of Mortoune,	The Constable of Dundee,	The Lord Somerwell,
The Erll of Atholl,	The Laird of Cloisburne,	The Lord of Altrie,
The Erll of Mar,	The Laird of Lag,	The Lord Dingwall.

The Aduocat, eftir accusatioun of the saidis Erllis of Crawford and Bothwell be Dittay, in prefens of the saidis perfounes of Assyise, protestit, in cais the Assyise clange thame, for Wilfull Erroure.

VERDICT. And immediatlie eftir chefing, fwering and admitting of the perfounes of Assyis aboue specifit, and accusatioun of the saidis Erllis of Bothwell and Crawford be the Dittay above mentionat; the saidis perfounes of Assyis removit thaim selfis altogidder furth of Court to the Counsal-hous; quhair thay fyrst, be voting, chuse the said Willeame Erll of Angus Chancillar of the said Assyise, and thairefter reffonit and votit vpoune the pointis of the said Dittay, and gave thair determinatioun thairvpoun. With the quhilk determinatioun, being throuchlie auisit, thay re-enterit agane in Court, in prefens of the saidis Justice-deputes, quhair thay, be the mouth of the said Chancillar, fand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of the treffonabill taking of the toun of Sanct Johnestoun, in the moneth of Apryll lastwas, and maid him selff maister thairof, of playne intentioune to have kepit the samin aganis the Kingis Maieftie and his (authoritie).—[AND siclyke, fand, pronunceit and declarit the said] *Frances Erll of Bothwell* convict of airt, pairt, red and counfall of convocatioun of the kingis liegis, his assistaris and pairt-takaris, and cuming to the Quarrell-hoillis, in Merch or Apryle lastwas, for altering of the present estait.—AND siclyke, fand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of airt and pairt, red and counfall of convocattin of the kingis lieges, att the tyme quhen the Erll of Bothwell come to the Quarrell-hoillis, . . . . . for cuming to the toun of Kingorne a-gait-wart, for alteratioun of the present estait.—AND

<sup>1</sup> A line is pared away here.

ficlyke, ffand, pronunceit and declarit the said Dauid Erll of Crawford to be fylit and convict of airt, pairt, red and counfall of expugnatioun and assageing of the hous of Kirkhill, and rafing of fyre thairat, committit in Apryle lastwas : Incurrand thairby the pane of Tressoun.—AND ficlyke, ffand, pronunceit and declarit the said Dauid Erll of Crawford to be fylit, culpabill and convict of art, pairt, red and counfall of convocattig and bringing togidder of ane oist and armie, on hors and fute, aganis his Maiestie ; he, with his faithfull subiects, being vpoun the feildis for repressing of thair tressonabill conspiraceis and dewyfis above reherfit, his Maiesties selff in proppir persoune, with his oist and armie, haifing past fordwart fra his Palice of Halyrudhous to the toun of Cowie, within the Sherefdom of Kincardin ; quhair his Maiestie being in proppir persoune, he and the rest of his collegis convocat ane oist of thre thousand men, persounes inarmit, maid oressounes and perfwasiounes to thame, that thay had his Maiesteis guid will and consent thairto, animating thame thairby to cum fordwart aganis his Maiestie, promeffing to warrand thame at his gracis handis ; howbeit the contrar is and wes of veritie : And sa thay come fordwart fra the toun of Abirdene with displayit baners to the Bryg of Die, off mynd to haif assailzeit his hienes oist and armie, his gracis maist royall persoune being thairin, gif that a pairt of thair said armye, being his Maiesteis gude and faythfull subiectis, induceit and perfwadit be erreure to accompanye thame, vnderstanding thair awin errour, had nocht knawin his Maiesteis awin persoune to be in the feildis, and alluterlie refusit to assist thame in thair said tressonabill procedingis.—AND ffand and pronunceit the saidis *David Erll of Crawford* and *Frances Erll of Bothwell* to be Innocent and acquit of the remanent poyntis of the Dittay aboue writtin.

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THE KING would not consent to the execution of these Peers, and the matter was allowed to hang up for above two years, when the following entries occur in the Books of Adjournal, which are inserted here, rather than under their respective dates, for the sake of connexion.

[CURIA JUSTICIARIE, s. d. n. Regis tenta in Pretorio de Edinburghe, per Magistros Johannem Graham de Halsairdis, et Vmphridem Blynschelis, Justiciarios Deputatos.]

**The Kingis will towards the Erll of Huntlie.**

(July 16, 1591.)—The quhilk day, comperit ane nobill and mychtie lord, George Erll of Huntlie, Lord Gordoun and Badzenoch, &c., being enterit on pannell ; appoyntit be his Maiestie to compeir this day and place, before the Justice

or his deputes, to heir and see his hienes will declarit, anent the crymes quhairfore he become in will, in ane Court of Justiciarie, haldin in the tolbuith of Edinburghe, the xxiiij day of Maij, the 3eir of God I<sup>m</sup>.V<sup>e</sup>.lxxxix 3eiris : Comperit lykewyis, Mr Daud M<sup>c</sup>Gill of Cranstoun-Ryddell, Aduocatt to our fouerane lord, and producit ane Letter, subscryuit be his Maieftie and Chancillar, direct to the Justice, Justice-Clerk and thair deputes, for pronunceing of the will vnderwrittin ; quhilk he defyrit to be infert and registrat in the buikis of Adiornall. Quhilk defyre the Justice-deputes findand reffonabill, ordenit the famin to be infert and registrat in the saidis buikis, according to the Aduocattis defyre and confent ; quhairof the tennour followis.

*His Maiefties Warrant.*

JAMES, be þe grace of God, King of Scottis. To our Justice, Justice-Clerk and þair deputes, greting. Forfamekill as, in ane Court of Justiciarie, haldin in our tolbuith of Edinburghe, be our Justices in þat pairt, constitute be Commiffioun, vpoun þe xxiiij day of May, the 3eir of God I<sup>m</sup>.V<sup>e</sup>.lxxxix 3eiris ; oure rycht traift coufing, George Erll of Huntlie Lord Gordoune and Badzenoch, &c. being accufit vpoune þe Dittay gewin in againis him, be our Aduocate, contening in effect þe Proces following : ffor þe treflonabill traffiking with strangearis and ministeris of strangearis, sic as Jefuites, feminarie preiftis and excommunicat perfounes, for alteratioun of þe Religioun presentlie professit within our realme, according to þe sinceritie of þe Evangell, to þe overthrow of our perfoun ; and reffauing of money and Spainzie gold, to þe effect and for þis caus foirfaid : And for subscryueing of ane Band to þe treflonabill effect above writtin, att Stregmartene, Glentanner and Auld Montroife, aganis þe lawis ; beydes diuers vtheris articles : And treflonabill taking of þe toun of Sanct Johnstoune : And for airt, pairt, red and counfall of þe conuocationne maid in armes for taking of our hous and Palice of Halyrudhous, and our perfoune supponit to haif bene þairin, and to haif flayne oure rycht traift coufing and counfalour, Johnne now Lord of Thirlstane, oure chancillar, and diuers vtheris ; and for performing pairf of tryfting to haif mett att þe Quarrell-boillis, betuix Leith and Halyrudhous, and cuming agaitwart in armes to þat effect, to Dumfermling : ffor þe treflonabill taking of . . . . . Reidpeth, ane of our gaird, keping of him prifoner, and impeding of þe execution of oure lettres for þe maintenace of our estait ; ffor þe treflonabill afflageing of þe hous of Kirkhill, raiffing of ffyre, and taking of Thomas Maifter of Glammis our thesaurar, and keping of him captiue in þe place of Auchindoune : ffor airt, pairt, red and counfall of þe treflonabill taking of oure coit of armour fra Williame Rankelour, herald, makand oure Proclamatioun at oure mercat-croce of Abirdene : ffor þe treflonabill making of Proclamatiounes in our name, for convocatting of our liegis, makand sclanderous reportis, as though we had bene kept captiue : ffor þe treflonabill convocatting of ane oist and armie of our liegis aganis ws at þe brig of Die, of mynd to haif invadit our armie quhair we wer present in perfoune : ffor his treflonabill fpeiking aganis þe peax and quyetnes of þe countrey (and) our libertie concludit in Parliament ; incurrand þe panes of our Act maid þairanent : As the said Dittay att mair lenth proportis. Quhairof, albeit the said Erll in his conscience affermit him selff to be innocent, 3it haifing cum in vpoun þat resolute purpois to submit him selff in our will, and nocht willing to be contradictor to ws, hoping that we wald wie the circumstances of his accufatioune, he submittit him selff maift humblie in our will ; as the Act of our Adiornall maid þairvpoun beris. AND now we haifing confiderit þe humbill and voluntar submissioun of oure said coufing, and weit þe circumstances of his said accufatioun, nawyis myndit to feik þe wrak and subuerfioun of þe nobill bluid and auient hous of our realme, bot to recover and retene thame in dew obedience ; haif þairfore of our speciall grace reffauit and acceptit our said coufing, George Erll of Huntlie, in our mercie and favoure ; and declaris our de-



erminat will be pir presentis, that he is and falbe frie, remittit and dischargeit of all pe crymes aboue writtin, contenit in pe said Dittay, ffor pe quhilkis he come in oure will as said is; and of all actionne criminall and ciuile that we haif, had, hes or may haif aganis him, his lyffe, landis and guides pairfore: As also reintegrattis and rehabilitatis him to his guid fame and warldlie honour, and to vse all lauchfull deidis, in judgement and outwith, as gif he had newir cum in oure said will, or that the saidis crymes nor nane of pame had newir been committit. **QUHAIRFORE** it is oure will, and we command 3ow, that 3e pronunce pis our will in Jugment, and registrat pe samin in pe buikis of our Adiornall, quhilk we command our aduocatt to see done and perfytit, and to consent to pe samin in our name. For pe quhi kis, thir presentis falbe to 3ow and him sufficient warrand. Gewin vnder our signet and subscryuit with our hand, att Halyruidhous, the aughtene day of Junii, and of our regune the tuentie foure 3eir, 1591.

JAMES R. CANCELLARIUS.

(Jul. 16, 1591.)—And ficyke, the said Justice-depute, for obedience of the said charge and command, pronunceit and declarit oppinlie in Judgement his Maiesteis will above writtin, viz. that the said George Erle of Huntlie Lord Gordoune and Badzenoch is and falbe frie, remittit and dischargit of all the crymes abouewrittin, contenit in the said Dittay, for the quhilkis he become in his hienes will as said is; and of all auctioune, criminall or ciuile, that his hienes had or may haif aganis him, his lyffe, landis and guides thairfore: As alsf, that his hienes reintegrattis and rehabilitatis him to his guid fame and warldlie honoure, and to vse all lauchfull deidis in judgement and outwith as gif he had newir cum in will, or that the saidis crymes nor nane of thame had newir been committit, in maner and forme as is aboue mentionat. **Quhairvpoune** the said nobill and potent lord askit Act of Court.

[*CURIA JUSTICIARIE, s. d. n. Regis, tenta in Pretorio de Edinburghe xxv Julij, 1591, per M. Joannem Grahame, &c.*]

**Dome of Forfaltour pronunceit aganis Frances, sumtyme Erll Bothwell.**

(Jul. 25, 1591.)—The quhilk day, comperit Mr Daid M<sup>c</sup>Gill of Cranftoun-Ryddell, Aduocat to our souerane lord, and produceit the Kingis Maiesteis Warrand, subscryuit be his hienes; and defyrit the samin to be insert and registrat in the buikes of Adiornull and Dome, to be pronunceit according to the ordinance thairof, vpoun Frances Erll Bothwell Lord Creychtoun and Haillis, &c. becum in will and convict of the crymes thairin contenit. Off the quhilk letter and Warrand the tennour followis.

*The Kingis Maiesteis Warrand for pronunceing Dome.*

AT EDINBURGHE, the tuentie fyve day of Junij, 1591 3eir. Forfamekill as our souerane lord, calling to mynd and haifng confidderit how Frances Erll of Bothwell Lord Creychtoun and Haillis, and Grit Admerall of pis realme, in ane Court of Justiciarie, haldin in pe Tolbuith of Edinburgh, the xxiiij day of May, the 3eir of God I<sup>o</sup>.V<sup>o</sup>.lxxxix 3eir, being dilatit and accufit be dittay, and perfewit

judiciallie be Mr David M-Gill of Cranftoun-Ryddell, his hienes Aduocat, in his Maiefties name, for rafing of men of weir, convocating of his hienes liegis, brokin men borderaris att Dalkeyth, bringing of pame to Leith; and ficlyke, for fubfcriptione of ane Band contrar pe law and actis of parliament; become in his hienes will for pe famin: And ficlyke, being indytit and accufit be dittay for airt and pairt, red and counfall of convocatioun of his hienes liegis, his affiftaris and pairt-takaris, and cuming to pe Quarrell-hoillis in March or Apryle, in pe 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxxxviiij or lxxxix 3eiris, for altering of pe prefent eftait, and putt to pe knowledge of ane condigne Affyfe pairfore, wes be pair delyuerance fund culpabill and convict of pe famin. Quhilk will and dome his Maieftie haifing differit to haif bene declarit or pronunceit aganis the faid Erll, vpoun hoip of his better behaviour and amendment, in tymes pairreftir. NEURTHERLES, the faid Frances Erll of Bothwell, forgetfull of his hienes clemencie, being dilatit of crymes of Treffoune and confpiraceis aganis his hienes awin perfoune, and diftractione pairof be Nicromancie and Wichcraft,<sup>1</sup> wes pairfore committit to waird within pe Castell of Edinburghe, thair to haif remanit quhill he had bene tryit of pe famin, be pe knowledge of ane condigne Affyfe, or vtherwyis as accordis of pe law; fwa that he mycht haif bene declarit ather culpabill or innocent of pe famin: Nochtwithftanding, the faid Frances Erll Bothwell hes laitlie brokin pe faid waird (and) vpoun his perell efchewit furth pairof, takand pairby the crymes of Treffoun vpoun him, quhair of he wes dilatit, and for pe quhilkis he wes committit within pe faid waird. THAIRFORE, our fouerane lord Ordanis his will to be declarit, and Dome to be pronunceit aganis pe faid Frances Erll of Bothwell, in maner and forme as eftir followis. That is to fay, that he, be pe committing of pe crymes aboue writtin, quhair of he become in our fouerane lordis will, and wes convict be ane condigne Affyfe in maner aboue fpecifeit, hes committit Treffoun; and thairfore that the dome of Forfaltoure fall be pronunceit aganis him, that he hes forfalt lyffe, landis and guides; to be applyit to his Maiefties vfe, to be vfit and difponit as his hienes fall think expedient. Subfcryuit be our fouerane lord, day, 3eir and place foirlaidis; and ordanis the Justice, Justice-Clerk and pair depates to pronunce pe dome aboue writtin, aganis pe faid Frances Erll Bothwell this day, but delay: As thay will anfuer to his hienes pairvpoune.

JAMES R.

FOR obedience of the quhilk Warrant aboue written, the Justice deput ordanit the faid Frances Erll Bothwell, be cuming in will and convictione of the crymes foirlaidis, in the Justice Court aboue writtin, to haif forfalt lyffe, landis and guides, and dome to be pronunceit thairvpoune: Quhilk wes pronunceit be the mouth of Williame Gray, Dempftar of the faid Court; And ordanit the faid Letter to be infert in the faid buikis of Adiournall.

[*Mr Edward Bruce, Justice-Depute.*]

**Slaughter — Convocation of the Lieges.**

Jun. 19, 1589.—SIR PATRIK HOUSTON OF THAT ILK, knycht, Robert Sherair, ferwand to the faid Sir Patrik, Johnne Dik, ferwand

<sup>1</sup> Birrel in his Diary remarks, 'The 22d day Junii, (1591,) the Earle of Bothwell brak ward out of the Castell of Edinburghe, quha had beine ther in prisone some 20 dayis befor, for allegit Vichcraft, and confulting with vitches, especially with ane Richard Grahame, to confpyre the Kingis death; and vpone the 25 of Junii, the faid Earl Bothuell wes forfaulted, and intimatione made thair of by opin proclamations at the Crosse of Edinburghe.'—*Dalyell's Fragments*, B. Dairy, p. 25.

to Patrik Houftoun his fonne, Patrik Widdome in Houftoun, Alexander Howftoun ferwand to Mr William Houftoun, Patrik Wancok, Robert Keffane alias Hill ferwand to the young Laird of Houftoun.

Dilatit of airt and pairt of the slauchteris of vniq<sup>le</sup> William Cwninghame, dy<sup>1</sup> of the auld Laird of Glengarnok, and vniq<sup>le</sup> Johnne Cwningham his sone naturall; committit with convocatioune, of the cauffing of the said Sir Patrik; the ferd day of Apryle laftwes, vpoun sett purpoife and provifioune.

Continued to the Justice-air of ' Renfrew, tercio Itineris, vel xv dierum.'

Jun. 19.—SIR PATRIK HOUSTOUN of that Ilk, knycht.

Dilatit of airt and pairt of the crewell slauchter of vniq<sup>le</sup> Robert Mvre, brother to vniq<sup>le</sup> Johnne Mvre of Cauldwell, and vniq<sup>le</sup> Andro Wilfoun in Wodfyde; committit in Aprile, lj (1551) zeiris.

PERSEWARIS.

For the slauchteris of vniq<sup>le</sup> W<sup>m</sup> and Johnne Cwninghame, Johnne Cwninghame of Glengarnok, William Cuninghame younger of G. For the slauchter of vniq<sup>le</sup> Andro Wilfoun, James Wilfoun.

PRELOQUITOURIS in perfute.

The Lord Fleming,	The M <sup>r</sup> of Sincler,	Capitane James Cwninghame,
The Lord Sempill,	The Laird of Balverie,	Mr David M <sup>c</sup> Gill, aduocat.

PRELOQUITOURIS in defence.

Maister Johnne Schairp,	The Laird of Foulwode,	W <sup>m</sup> Foulertoun of Dreghorne,
Maister Johnne Prestoun,	W <sup>m</sup> Wallace 3 <sup>r</sup> of Johnestoune,	W <sup>m</sup> Wallace, ferwand to Ardgovan.

Efter dyuerse allegeancis and anfuers proponit be ather of the parties, the Justice ordanit the mater to pas to ane Assyise.

The proceedings are not inserted in the Record. There is, however, a marking on the margin, showing that, in reference to Sir Patrik, the first case was continued to the Justice-aire of ' Renfrew, tercio Itineris, vel xv dierum; Plegiis, Domino Keir et ipse ad relevandum.' In the second case, ' Ad Remissionem pro interfectione Andree Wilfoun; Plegiis, Wilelmo Foulertoun de Dreghorne et seipso, conjunctim et divisim.' As to Robert Sherair and the next four, the diet was ' past fra; ' Plegiis, Johanne Sempill seniore de Fulwod et Dom. Houftoun ad relevand.' Robert Kessane continued to the Justice-aire of ' Renfrew, tercio Itineris, vel xv dierum; Plegio, Dom. Houftoun.'

[*Mr William Oliphant, Justice-Depute.*]

**Abiding from the Raid of Aberdeen.**

Jun. 23.—GEORGE CRAW in Peillwallis, and William Craw in Swinwode. Dilatit for remaning fra the raid of Abirdene, ordanit to haif convenit at

Oe, grandson.

Edinburghe with all possibill diligence, in Aprile 1589 : And for the treffonabill affisting to Frances Erle Bothuell, and vther conspiratouris aganis his Maiestie.

PERSEWAR, Maister Dauid M<sup>c</sup>Gill 3ounger, aduocat.

PROLOQUITOURIS in defence, Mr Thomas Craig, Mr Edmond Hay.

Continued to the Aire of ' Forfar, tertio Itineris, vel xv dierum. Plegiis, Jacobo Sydferf, burgen. de Edinburghe, et ad relevand. unusquisque pro sua parte.'

This is the first of many similar trials for abiding from this raid. They all appear to have been settled by composition with the Treasurer.

[*Messrs Johnne Grahame, Williame Oliphant et James Wardlaw, Justices-Deputes.*]

**Slaughter.**

Jul. 7.—JOHNNE WEIR, balzie of Lanerk, Johnne Bannatyne callit *Katis Johnne* and fifteen others.

Dilatit of the slauchter of vmq<sup>h</sup> Robert Johnneftoune, brother to James Johnneftoune of Westraw.

PERSEWARIS, Florie Somerwell, mother. The Aduocat.

Continued to Aire of ' Lanerk, tertio Itineris, vel xv dierum.'

[*Mr James Wardlaw, Justice-Depute.*]

**Fire-raising — Slaughter.**

Oct. 14.—JAMES JOHNSTOUN of that Ilk and Alexander Jardene 3ounger of Apilgirth.

Dilatit of airt and pairt of the crewall slauchteris of vmq<sup>h</sup> Alexander Bailzie of Lytilgill, Rachell Bailzie his dochter ; and for the treffonabill burning of the Places of Moit and Dauidschaw ; and for the slauchteris of vmq<sup>h</sup> Andro Aichefoune and Katherene Forrest ; and for the burning of the place of Lytillgill ; committit in the monethis of Februar and July, *respective*, laft.

PERSEWAR, Mr Dauid M<sup>c</sup>Gill of Cranftoun-Ryddell, 3ounger.

PRELOQUITOURIS for the pannell.

The Erll Bothwell,  
The Lord Heres,

The Lord Newbottill,  
Lochinver,

Mr Thomas Craig,  
Johnne Halyday.

Quha producit our fouerane lordis lettres, dewlie execute and indorfat, purchest be his hienes Aduocat aganis the faidis perfones, for the crymes foirlaid ; and defyrit proces. The perfounes on pannel askit instrumentis that thay offerit thame reddie to abyde the tryell of the law for the faidis crymes, difassenting to all continewatioune and protesting for relief of thair cautioneris.

The famin day, eftir diuers allegeances proponit be the Aduocat aganis the pannell and productione of Lettres of Hoirning aganis the faid Laird of John-

ftoun, quhilkis wes produceit be Mathow Bailze, sone to the said vmq<sup>te</sup> Alexander; and lykewyis the said Mathow produceit ane vthir Warrant subscryuit be the King, Ordaning this mater to be continewit quhill the morne.—‘Plegio, . . . . . Murray de Blakbarony, vnder the pane of ten thousand merkis.’

Oct. 15.—THE Pannell ask instrumentis of thair entrie and protestis for relief of thair cautionne.—The famin day comperit Mathow Bailzie, and produceit ane Warrant subscryuit be the King for continewatioune of the mater to the tent day of Januar nixtocum: Quhilk wes obeyit.—The pannell askis Instrumentis of productione of the Precept be Mathow Bailzie; and that thay difassentit to all continewatioun. ‘Plegio, Domino de Blakbaronye, sub penis content. in Actis Parliamenti.’

[*Messrs Williame Oliphant and James Wardlaw, Justices-Deputes.*]

**Witchcraft, &c.**

Oct. 28.—KATHERENE ROISE LADY FOWLIS.

Dilatit of certane crymes of Wichcraft.

PERSEWAR, Mr David McGill, Aduocat. PRELOQUITOUR, Mr Thomas Craig.

The quhilk day the said Katherine askit instrumentis of hir comperance, and that sche offerit hir reddie to abyde the tryell of ane Assyse, for all crymes that can be laid to hir charge; and in respect na perfoun comperit to infist in hir perfuit, protestit that sche fould be fred of the waird quhairin sche remanit this lang tyme, quhill tryell fould haif bene of hir, be ane Assyse of the saidis crymes, Quhilk tryell wes appointit this day.—‘DESERT.’ (See Jul. 22. 1590.)

[*Mr Johnne Grahame, Justice-Depute.*]

**Slaughter.**

Jan. 14, 1589-90.—ROBERT LINKHOP in Leith, Williame Downie thair, Johnne Watfoune thair.

Dilatit of the slauchteris of vmq<sup>te</sup> Mestres Jeane Kennedie, spous to Andro Meluile, Maister houfhald to our fouerane lord, Susanna Kirkcaldy hir feruitrice, Johnne Clapene burges of Bruntyland, and diuerse vtheris perfounes, to the nowmer of thre scoir of perfounis, quhilkis wes in ane boit, be rinnand of the said boit vnder fei, &c.

PERSEWARIS.

Andro Meluile, Maister houfhald, Alesoune Orrok for his spous, Mr David McGill, Aduocat.  
for his spous, Johnne Clapene,

The Justice continewit the mater vpoune certane defyres defyrit be Johnne Bellendene baillie of the Regalitie of Brochtoune, to the thryd day of the nixt Justice-air of the sherefdom of Edinburghe, or soner vpoune fyftene dayis warn-

ing; and ordenit the pannell to find caution for thair entrie.—‘Plegio, Patricio Monypenny de Pilrig pro omnibus.’

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Skene.

Feb. 3.—The quhilk day, comperit Johnne Bellendene, bailzie of the Regalitie of Brochtoune, and defyrit, that the perfonnes aboue writtin, duelland within the boundis of the said regalitie, dilatit of the crymes aboue mentionat, mycht be replegeit furth of this Court, to the priviledge and libertie of the said Regalitie; and offerit to find cautione of *Coloraith*, for administratioun of Justice: Quhilk defyre the Justice findand reffonabill, remittit the saidis perfonnes to the jurisdiction of the said Regalitie and baillie thair of; quha fand James Bellendene of Pendreich cautione and fouirtie for the administratioun of Justice to the parties complenand, and vnder the pane of law: Lyke as Patrik Monypenny of Pilrig become fouirtie for the said Robert Linkhop, William Downie callit *Laird Downie*, in Leyth, come fouirtie for the said William Downie mariner in Leyth; and William Lytill burges of Edinburgh, become fouirtie for the said Johnne Watsoun in Leyth, that thay fall compeir before the Baillie of the Regalitie of Brochtoune and his deputis, within the tolbuith of the Cannaigait, the xxv day of Februar instant, in the hour of caus, to vnderly the law, for the crymes, *respectiue*, aboue writtin; vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

**Sorcery — Witchcraft — Child-murder.**

Apr. 28, 1590.—MEG DOW, now duelland in Gilmertoune.

Dilatit of Sorcerie and Wichcraft and for the crewell Murdreiffing of twa 3oung infant bairnis, the ane pertening to Bessie Rae in Gilmertoune.

JONET POLLOK.

Dilatit of the casting of Jonet Archibald, hir awin barne, in ane coilheuch, of purpose to haif drownit hir.

VERDICT. Thomas Tulloch in Edinburghe, chancellor of the Assyis, deliuered their verdict, ‘that the perfonnes aboue writtin was convict and fund culpable of the crymes, *respectiue*, aboue writtin.’

SENTENCE. The Justice, be the mouthe of James Scheill, dempstar, pronuncit dome aganis the said *Meg Dow*; that is to say, to be tane to the Castelhill of Edinburghe, and thair wirreit at ane stalk, and thairefter hir bodie brunt in asses; and all hir moveabill guides to be escheit, &c.

With regard to JONET POLLOK, there is merely marked on the margin of the Record, ‘Wairdat. in Pretorio de Ed.’; but what was the result of her imprisonment, does not appear.

[*Mr Johnne Grahame, Justice-Depute.*]

**Hearing and shooting of Pistolets within Palace of Holyroodhouse  
— Wounding, &c.**

JUN. 4.—JAMES GYB, sone to vmq<sup>r</sup> Daid Gyb, in Barrestounes.

Dilatit of contrauening of the Actis of Parliament and Secreit Counfall *respective*, in bering, wering and schuiting of pistolettis, in the moneth of Maij lastwas; and Junij instant, fetting vpoune James Boyd of the Kippis the penult day of Maij lastwas, with ane bendit pistolett, and schuiting of him thairwith throw the rycht fute, and hurting and wounding of him with ane sword in the rycht hand; in contrair the tennour of the Actis of Parliament maid in the moneth of Maij lastwas, discharging all maner of perfounes to invade vtheris vnder the pane of deid.

PERSEWAR, Mr Daid M<sup>c</sup>Gill.

The said James Gyb offerit him in the Kingis will for the cryme: Quhair-vpoun the Aduocat askit instrumentis, and protestit for Wilfull Errour in cais the Assyis fall acquit, in respect of the offer.

VERDICT. The Assyis in ane voce, be thair delyuerance, ffyndis the said James culpabill, fylit and convict of vmbefetting of the hie way and passage, vpoune deidlie feid, rancour and malice to James Boyd of Kippis, burges of Edinburghe, the penult day of Maij lastbypast, foirnent the mercat-croce of the said burcht, the said James being gangand sobirlye vpoune the hie streit thairof, as within our souerane lordis chalmer of peax, dredand na evill, harme, iniurie or perfuit of ony perfounes, bot to haif levit vnder Godis peax and our souerane lordis, and thair fetting vpoune him, and crewallie invading him with ane pistolet and drawin sword for his slauchter; schuiting of him with the said pistolet and thre bullettis in the rycht fute, and hurting and wounding of him with his sword in the rycht hand, to the effusioune of his blude in grit quantitie; vpoune set purpois, provisioune, auld feid and foirthocht felony; in contrair the tennour of the Actis of Parliament and Secreit Counfall *respective* maid anent bering, wering and schuiting of pistolettis, and hurting and wounding thairwith aganis the tennour of the Proclamatioune, gif it may be extendit thairto; in respect that the said James Gib confessit the invasioune, hurting and wounding of the said James Boyd in their prefens, &c.

The samin day, comperit Mr James Carmichaell, Minister, and producit the Kingis Maiesteis Warrant, off the quhilk the tennour followis.

‘ REX.

‘ JUSTICE, Justice-Clark, our Constabill, Constabill depute, Maister houshald and vther Judgeis quhatfumeir, appoyntit to sitt this fourt day of Junij instant, in the caus persewit be our Aduocat aganis James Gyb, sone to vmq<sup>r</sup> Daid Gyb, in Borrowstounis, We greit sow weill. For-

famekle as the said James may ather offer himself at any tyme in our will, or being convict be ane Affyis for the cryme underwritin, may be remittit in our will: Leif throw misknawlege or dowbtin of our will, justice and executione of our lawis be delayit or frustrat, We be thir presentis declairis, that forfamekle as the said James hes nocht spairit nor feirit, schamefullie and crewallie to schute and hurt our loving subiect James Boyid of Kippis behind his bak, to the grit effusioune of his blude; and that within the boundis of our awin Palice and Chalmer, in proude contempe of Ws and mony of our Actis of Parliament, Secreit Counfall and Proclamatiounis past pairvpoune; and pairby hes offerit ane perellous preparatiue and example to the rest of our subiectis; this being the first fact committit in that forme, sen our returning to our realme or lang befor; quhilk, gif it be nocht condignellie pwneift, to the example of vtheris that may promeis to pame selfis impwnitie, and encouraging to praktis the lyk, nane of our best assured subiectis, of quhatfumeuir estait or conditione, may thynk pame selfis sure of pair lyves. THAIRFOIR, we declair that the said James Gib fall suffer the death, and be put pairto without ony delay, as he hes worthelie deseruit;<sup>1</sup> and this for declaratioune of our will in the said mater, quhilk 3e, and ilk ane of 3ow, fall nocht fail to do, and cans be done; as 3e will anfuere to Ws vpoune 3our dew obedience; kepend pir presentis for 3our Warrant. Subscryuit with our hand, att Halirudhous, the fourt day of Junij, 1590.

‘JAMES R. M. CANCELLARIUS.’

[*Mr James Wardlaw, Justice-Depute.*]

Jul. 11.—THE quhilk day, comperit Mr James Carmichell, brothir-in-law to James Boyd of the Kippis, and produceit ane Precept, direct be oure souerane lord to the Justice, and defyrit the famin to be red; and conforme thairto that James Gyb, sone to vmq<sup>r</sup> David Gyb, in Barrestounes, sould be presentit in this Court; and that the famin sould be obeyit, lyk as the Justice for obedience thairof, caufit enter the said James on pannell, and reid the famin oppinlie to him: Quhairof the tennour followis.

‘REX.’

‘JUSTICE, Justice-Clark and 3our deputes, We greit 3ow hairtie weill. Forfamekill as James Gyb, sone to vmq<sup>r</sup> David Gyb, in Barrestounes, wes, be ane condigne Affyse, laitlie convict and condemnit to deid<sup>2</sup> before 3ow, for pe hurting and wounding of James Boyd of Kippis behind his bak, and vn-a-warfe in his rycht fute, with the schot of ane pistolett, and with ane sword in his rycht hand: Quhilk dome of deid wes paireftir, vpon certane respectis, mitigat be ws; and the said James decernit and condemnit to want his rycht hand, for pe cryme foirfaid: The executioun quhairof hes bene as 3it delayit, att pe ernist requieft and desyre of the said James Boyd of Kippis, to quhome the wrang and offence wes done; ane manne, mair willing apperandlie, vpoune repentance of his offender, to petie, pardoun and forgif, nor to seik revange of his offence, be schedding of mair blude; quhais Cristinne inclinatioune we can nocht bot allow. And now, being informit, that, in respect pairof, certane gentilmen ar takand pe burding vpoune pame for pe said James Gyb, hes for the affythment of the said James Boyd, maid certane offerris, and bundin and obleift pame, coniunctlie and feueralie, vnder certane pecuniall panis, that the said James Gyb fall do sic homage to him, as he fall pleis command; and als that the said James Gyb fall willinglie baneife him selff furth of our realme, and fall

<sup>1</sup> On the margin of the Record there is written, ‘Convict and baneift pis realme, with his awin consent and partie.’ <sup>2</sup> The former Verdict of the Assise and Sentence are not inserted in the Record. It would appear that Boyd of Kippis had successfully used every influence with the King to mitigate the sentence.



depart furth of þe fame, how sone he salbe relevit furth of þe Tolbuith of Edinburghe, quhairin he presentlie remanis; and fall newir returne agane within the fame, nor ony pairt þairof, during all þe dayes of his lyfytyme; and fall do nor attempt na hurt nor skayth to þe said James Boyd, or ony of his, in ony tyme cuming: As in þe Band and obligatioune maid þairvpoune, ordenit to be registrat in þe buikis of Counfall, of þe dait, att Edinburghe and Sauchie, the twentie-sewin and twentie-nyne of Junij lastbypast *respective*, at mair lenth is contenit. Quhairvnto the said James Boyd, as We ar credible informit, hes agreit; quhairby, 3it agane, We being movit of our clemencie, to mollyfie and of our royall auctoritie to dispens with the executiounes of þe Domes pronunceit ofbefore, and to agrie to þe making of þe said Band, and to condiscend to þe baneifment foirfaid. OURE WILL is heirfore, and we charge 3ow, eftir þe fycht heirof, 3e call the said James Gyb before 3ow, the xj day of Julij instant; and of new pronounce and gif Dome of perpetuall Baneifment aganis the said James Gyb; and that with his awin consent; conforme to þe Band and obligatioune foirfaid, maid þairanent to þe said James Boyd, in all poyntis: And to interpone 3our auctoritie þairvnto; to haif þe strent, force and effect of ane dome and sentence criminall in all tymes cuming; lyke as we, be þe tennour of þir presentis, willing to mitigat justice with clemencie, especiallie quhair the offendit partie is futear þairof, ratefeis and apprewis the said Band and obligatioun and baneifment contenit þairin, and all and findrie vthir hedis, clauffis, conditionis, articles and circumstanes contenit in þe said Band, alfweill vnnamit and nocht exprest, as nameit and exprest in þir presentis, *promittend. in verbo Principis*, newir to do ony thing that may be preiudiciall or derogatiue þairto, in ony foirt, in ony tyme cuming; dispensand of our auctoritie royall, with the said former dome or domes alreddie pronunceit, swa that the famin fall newir haif effect in tyme cuming, except in cais of contraventionne, and according to þe tennour of þe said Band. Lyke as, we also interpone oure auctoritie to þe said Band, and everie heid, claus and article þairof; and for þis effect, we ordaine and commandis 3ow, to insert þir presentis in our buikis of Adiornall, and to interpone 3oure decreit and auctoritie þairto; swa that, in cais of contravention of ony point of þe foirfaid Band, executoriallis and executiounes may pas þairvpoune, according to the lawis of þis realme: And þe said Dome being pronunceit, that 3e putt him to libertie, be þe cause of þe said James Boyd; conforme to þe obligatioun foirfaid maid to him þairanent, that he may depart furth of our realme conforme þairto: Kepand þir presentis for 3our Warrant. Subscryuit with our hand, at Halyrudhous, the nynt day of Julij, and of our regne the twentie-thre 3eir, 1590.

SENTENCE. According to the quhilk Precept, the said James Gyb, being presentit on pannel, as said is, and being requyrit, Gif he wald consent to the said Dome of baneifment? Anfuerit, that he wes content thairwith. Thairfore, the said Justice-depute, be the mouth of the said James Scheill, dempstar, pronunceit and decernit, that the said James Gyb fall, with his awin consent, conforme to the Band and obligatioune abouewrittin, falbe perpetuallie baneifst this realme: and interponis his auctoritie to the said Band, conforme to the said Precept, swa that executoriallis may pas thairvpoune: And ordanit the said James to be putt to libertie, furth of the said Tolbuith of Edinburghe. Quhairvpoune, the said Mr James Carmichell askit act and instrumentis.

### **Baptizing and Celebrating Marriages after Excommunication.**

Jun. 18.—SIR THOMAS KER in Auld Roxburcht, James Scott att South Syntoun-mylne and Thomas Newbie in Haffindane.

Dilatit for sustening of the proces of Excommunicatioun and contravening of

the Actis of Parliament, in baptesing of bairnis and making of mariages, without ony functione.

The famin day, comperit Mr Daid M<sup>c</sup>Gill of Cranstoun Ryddell, Aduocatt to our fouerane lord, and produceit the Dittay aganis the saidis perfounes : quhair of the tennour followis.

*DITTAY against the Pannells.*

SIR THOMAS KER, James Scott and Thomas Newbie, 3e and everie ane of 3ow, ar indytit and accufit, for lying vnder þe horrible sentence of Excommunicatioune, seperat fra the suffrage and prayer of þe Kirk, and merite of þe blude of Chryft, to þe damnatioun of 3oure faules, continewallie, fra þe xxvj day of March, the 3eir of God V<sup>e</sup>. fourfcoir-aucht 3eiria.—ITEM, 3e and ewerie ane of 3ow, ar accufit, that fforfamekill as for 3our misbehaviour in 3oure functione of ministerie and rederschip, 3e being lauchfullie depryvit in þe moneth of March 1582 and in September 1583, *respective*, 3e haif continewit, nochtwithstanding, in abusing of þe sacramentis in mareing of findrie perfounes and baptesing of bairnis.

Off the quhilkis crymes, thay com in our fouerane lordis will.

*The King's Will and Sentence against the Pannells.*

(Jun. 24.)—The quhilk day, comperit Mr Daid M<sup>c</sup>Gill, Aduocat, and eftir the entering of the saidis Sir Thomas Ker, James Scott and Thomas Newbie, on pannell, as becum in will for the crymes of Excommunicatioune, and declarit owre fouerane lordis will ; quhilk wes, that thay fould act thaim selffis vnder the pane of deid, newir to abuse the Sacramentis nor functione in the Kirk ; as also, that thay fould be tane to the mercat-croce of Edinburghe, and stand twa houris, with paiparis on thair heidis, contening the cryme : Quhairvpoune Dome wes pronunceit.

The famin day, they ' actit þame selffis newir to abuse þe sacramentis, vnder þe pane of deid.'

[*Mr Johnne Grahame, Justice-Depute.*]

**Slaughter.**

Jul. 16.—JAMES TWEDIE of Drummelzeare, Adam Twedie of Dravay, Williame Twedie of the Wrae, Johnne Creychtoun of Quarter, Andro Creychtoun in Cardoune and Thomas Porteous of Glenkirk.

Dilatit of airt and pairt of the slauchter of vmq<sup>re</sup> Patrik Veitch, sone to W<sup>m</sup> Veitch of Daik, (Dawick) ; committit in Junij laftwas.

PERSEWARIS.

Williame Veitch, Eldar of Daik, as fader, . . . . . Veitch, 3ounger of Daik, as brothir.

PRELOQTOURIS for thame.

Williame Cokburne of Skirling,  
. . . . . Heriot of Trabroune,

Patrik Cokburne, Tutour of Langtoun,  
Johnne Cokburne of Newholme.

## PRELOQUITOURIS for the pannell.

The Laird of Balfour,	Mr David Bailzie,	Mr Johnne Scharp,
James Hammiltoun of Libbertoun,	The Laird of Brunftounne,	Mr Thomas Craig,
Robert Forrefter, brodir to the Laird of Carden,	James Creychtounne of Carco,	Mr Johnne Ruffell.

The Justice, be reffoune that ane nowmer of Affyife could nocht be gottin to the saidis perfounes, continewit the mater; and ordanit the perfounes on pannell to continew in thair waird, as thay did ofbefore, quhill thay obtenit releif of his Maieftie.

The said day, the perfewaris produceit ane Warrant and Precept direct to the Justice, ordaning that the lyke caution, and vnder the lyke panis, be tane of the perfounes on pannell, as wes before; and that thay fould be retenit in waird.—The said day, Johnne Betoune of Balfoure and James Hammiltounne of Libbertounne become pledgeis and fouerteis, coniunctlie and feuerallie, that the perfounes on pannell fall remane in waird, within the toune of Edinburghe, vnder the pane of ten thousand markis.

Jul. 20.—Continued to the Aire of 'Peblis, tertio Itineris, xv dierum.'

**Witchcraft — Incantation — Sorcery — Poisoning.**

THE following extraordinary case is one of the leading trials for Witchcraft at this unhappy period; and contains many curious particulars relative to that strange infatuation. 'Katherine Roifs Lady Fowlis,' who was daughter to Alexander Ross of Balnagown, was the second wife of Robert More Munro, the fifteenth Baron of Fowlis, a family of great antiquity, and possessed of considerable property in the counties of Ross, Sutherland and Inverness; having by that marriage, George Munro (of Obisdale), John and Andrew, and four daughters, Margaret, Janet, Marjory and Elizabeth. Robert More Munro had also, by his first marriage with Margaret Ogilvy, a daughter of the house of Findlater, Robert his heir, the intended victim of his stepmother and Mr Hector, who had succeeded his brother, (being served as heir to his father and brother, Oct. 7, 1589,) previous to the date of this trial. He had also by his first marriage three daughters, Florence, Christian and Catharine.—Robert Munro, 'apperand of Fowlis,' succeeded his father, and became sixteenth Baron of Fowlis, Nov. 4, 1588, and was four times married, viz. 1st, Marjory daughter of Kenneth MacKenzie Lord Kintail; 2d, Lady Eleanor Gordon daughter of the Earl of Sutherland; 3d, Janet Sinclair daughter of George Earl of Caithness; and 4th, Elizabeth daughter of Hugh Rose of Kilravock; by the last of these ladies he had one daughter, Margaret, who married Robert Munro of Assint.

It is necessary to have been thus minute in shewing the connexions of this family, to account satisfactorily for the Lady Fowlis entering into compact with such a crew of miscreants, and attempting such horrible practices. The purpose of all this Poisoning and Witchcraft was, that by removing Marjory Campbell the young Lady Balnagown, her brother George Ross of Balnagown might marry the young Lady Fowlis; and to do this effectually, it was necessary to destroy her stepson Robert. It may be remarked, that several of her familiars were led to the stake, and had died confessing the whole plot previous to Lady Fowlis's own trial; her own 'nourrice' was destroyed through her foolish curiosity, in tasting of a 'pyg of poyfoun,' and 'immediatlie thaireftir departit be the said poyfoun;' and it is apparent that these facts were notorious.

The escape of Lady Fowlis and her stepson, Mr Hector, (see the following Trial,) can only be attributed to the very powerful influence of the parties. Besides other circumstances, which must oc-

cur on perusal of this remarkable case, the 'Inquest' bears all the appearance of a selected or packed jury, being in a very inferior rank and station of life to the pannel, contrary to the usual custom—and the private *prosecutor* is 'Mr Hector Monro of Fowles,' who was in a few hours to exchange places as pannel at the same bar for similar crimes! Hector Monro's Assise is also composed of burgeses and dependents on the families of Monro and Ross.

Jul. 22.—KATHERENE ROISS LADY FOWLIS.

Dilatit of certane crymes of Witchcraft, following.

PERSEWARIS, Mr David M<sup>c</sup>Gill of Cranfoun-Ryddell, aduocat, Mr Hector Monro of Fowlis.

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Chene.

The Aduocat produceit the Dittay vnderwritten, defyryng proces thairvpoune; quhairof the tennour followis.

DITTAY *against the Pannell.*

KATHERENE ROISS LADY FOWLIS, Thow art accufit, ffor the vnnaturall abusing of thy selff, contrar the lawis of God, and exerceing and vsing thy selff maift vngodlie and wickitlie, be the perverft Inchantmentis, Wichcraft, Develrie, Incantatiounis and Sorcerie, with the craft of poyfoun in maner vnderwritten and following, particulerlie practesit, execute, devyfit and fett fordwart be thee, of thy speciall counfall, devyiffis, furth-fett and command, aganis Robert Monro thane apperand of Fowlis and Mariory Campbell, spous to George Rois apperand of Balnagowne, att the tymes and places particulerlie eftir specifeit, in company with Cristian Roifs Malcome sone, and vtheris eftir specefeit. IN the fyrft, Thow art accufit, for the making of twa pictouris of clay, in cumpany with the said Cristiane Roifs and Mariorie Neyne M<sup>c</sup>Allester alias *Laskie Loncart*, in the said Cristian Roifs westir chalmer in Canorth; the ane, maid for the distructioun and consumptioun of the young Laird of Fowlis, and the vthir for the young Ladie Balnagoune; to the effect that the ane thairof fould be putt att the Brig-end of Fowles, and the vther att Ardmuir, for distructioun of the saidis young Laird and Lady: And this fould haif bene performit at Alhallowmes, in the year of God I<sup>m</sup>.V<sup>c</sup>.lxxvij 3eiris: Quhilkis twa pictouris, being fett on the north syd of the chalmer, the said Lofkie Loncart tuik twa elf arrow heides and delyuerit ane to ye (you) Katherene, and the vther, the said Cristian Rois Malcumfone held in her awin hand; and thow schott twa schottis with the said arrow heid, att the said Lady Balnagowne, and Lofkie Loncart schott thrie schottis at the said young Laird of Fowlis: In the meane tyme, baith the pictouris brak, and thow commandit Lofkie Loncart to mak of new vthir twa pictouris thaireftir, for the saidis perfounes; quhilk the said Lofkie Loncart tuik vpoun hand to do: And thow wes present, and saw and hard this done, and nane present in the said chalmer except thow, the said Cristiane Roife and Lefkie Loncart. And for the mair witnessing heirof, the said Cristiane Roife confest the samin, being accufit

thairvpoune, in prefens of Mr Martene Logie, notar publict, and Johnne Irrving of Kinnok, Johnne Wilfoun in the Chanonrie, Williame Robertfoune thair, Donald Vrquhart thair, Robert Irrving brothir to the said Johnne Irrving, vpoune the xxiiij day of November, threfcoir sewintene yeires (1577). And for the mair verificatioun heirof, the said Cristiane Roifs, being atteichit and accusit for the saidis crymes, before rycht honourabill men, Walter Vrquhart, sherif of Cromertie, and Robert Monro of Fowles, Justices to our souerane lord, be his hienes Commiffioun, in ane Justice Court haldin within the Cathedrall Kirk of Roifs, the twentie aucht day of November I<sup>m</sup>.V<sup>c</sup>.lxxvij yeiris, confessit the samin, and wes convict be ane Assyis, and wes brint for the samin. This is manifest be the haill countrie of Roifs; quhilk thow can nocht deny.—(2.) SICLYKE, thow art accusit, for the conventioun with the said Cristian Roifs and Lorkie Loncart, in the moneth of November, I<sup>m</sup>.V<sup>c</sup>.lxxvij yeiris, of fett purposis for destructione of the said young Laird of Fowles and the young Lady of Balnagowne, in thy barne in Drumnyne; and thair making ane stoup-full of poysonit new aill, quhilk wes devyfit to be for the young Laird of Fowles, Hector Monro, the Lairdis brother, his bairnis, the haill sonis of vmq<sup>re</sup> Johnne Monro of Vrquhart, Hucheoune Monro of Assent, Andro Monro of Newmore, and the remanent of the speciall of thair kynne; sa mony of thame, as mycht be apprehendit: And becaus the said stoup ranne out and the liquour that wes in itt, except ane lytill quantitie thairof, the said Katherene caufit Donald M<sup>c</sup>Kay your awin boy tak; and taisting it, incontinent thaireftir tuik seiknes, and lay continewallie thaireftir poysonit with the liquour. And this was kept in the kill of the said toun of Drumnyn, for the space of thrie nyctis, and the saidis Cristiane Roifs, Lorkie Loncart and thow, convenet the thryd day agane thairefter, in the said kill; quhair thow commandet Lorkie Loncart to mak ane pig-full of ranker poyfoune, that wald distroy schortlie the foirsaidis perfounes; at quhais command the said Lorkie Loncart maid the said poyfoun, and putt itt in ane pig, and send itt to thee. This the said Cristian Roifs confessit in judgement, being accusit as said is, and wes convict for the samin; as the Proces deduceit heiranent testifeis, and as the countrey knawis; quhilk thow can nocht deny. And swa, for vsing of the said poyfoun, expres aganis the saidis Actis of Parliament maid thairanent; incurrand thairby, the panis contenit thairin.—(3.) ALSO, thow art accusit, for affisting and geving counsal, in cumpany with the said Cristian Roifs and Lorkie Loncart, in sending of ane pyg of poyfoun with the nourrice to Angus Leithis hous, quhair the young Laird of Fowles wes for the tyme; of deliberat mynd to haif poysonit him thairwith: Quhilkis thow had in keping, and thy said nourrice bringand the said pyg fra the, it fell the way, vnder sylence of nycht, and brak the pyg; and sche taistand of the samin, immediatlie thaireftir departit, be

the said poyfoun : And the famin wes devyfit for poyfoning of the young Laird of Fowles; quhilk the said Cristiane confest judiciallie, being accusit as said is, and wes convict of the famin : And for the mair witneffing, the place quhair the said pyg brak, the gers that grew vpoun the famin wes so heich by<sup>1</sup> the natour of vther gers, that nather cow, ox nor scheip ewir previt<sup>2</sup> thairof yit; quhilk is manifest and notorious to the haill countrey of Roifs; quhilkis thow can nocht deny : And swa, for airt and pairt of the slauchter of your nourrice foirlaid, quha deit be the said poyfoune, albeit it wes devyfit for the young Laird; as is notour.—(4.) MAIR,<sup>3</sup> thow art accusit, for airt and pairt, devyise and counfall, of the distructioun and poyfoning of the said young Laird of Fowles; In sa far as the said Cristiane confest, that sche saw Williame M<sup>c</sup>Gilliewareycht-dame, about Pasch,<sup>4</sup> in the 3eir of God I<sup>m</sup>.V<sup>o</sup>.lxxvij yeiris, delyuer to the, in thy awin handis, ane buift<sup>5</sup> of Wichcraft, within the Stank of Fowles; quhilk thow ressaunt fra him, and putt itt in thy awin pouch incontinent; of sett purpos to bewich the said young Laird of Fowles thairwith; as is notoure.—(5.) FORDEB, in signe and takin, that thow wes ane of the principall devyfaris of the young Lady Balnagownis poyfoning, Thomas M<sup>c</sup>Kain Moir M<sup>c</sup>Allane M<sup>c</sup>Henrik and vthir dewyfaris of the said distructioun and poyfoune, wes be thy convoy and command, ressaunt and intertinnit, in the said Cristian Roiffis hous, in the moneth of December 1577, be the space of fourtene dayes; being accusit as said is, confest the famin; quhilk thow can nocht deny.—(6.) THOW art also accusit, for airt and pairt of the poyfonit drinkis maid be the, in cumpany with the said Cristiane Roiffe and Loskie Loncart, M<sup>c</sup>Gillieuorie-dame, Katherene Roifs, Donald Roiffis dochtir; quhilkis drinkis wes maid for the young Laird of Fowles and his bairnis, Hector Monro and his bairnis, and the rest of thair kin; to that effect, that thy awin bairnis fould succid to the hous of Fowlis: And the drinkis also fould haif bene gevin to the young Lady Balnagowne, swa that the said young Laird of Balnagowne mycht marie the young Lady Fowles: And wes convict for the famin; as the Proces deduceit thairanent beris; quhilkis thow can nocht deny.—(7.) AND als, thow art accusit, for gewing command to the said Cristian Rois Malcumfoune, to gif ludgeing, herbrie and intertinnement to Marioune Neyuane M<sup>c</sup>Allester alias Loskie Loncart, in somer 1577, of deliberat mynd, to consult with yow, anent the vsing of the said poyfoune; and be quhat way ye fould get the famin gewin to the said Laird; lyke as, ye spak with hir thairanent, in the said hous; as is notour.—(8.) AND mair, Thow art accusit, for sending of the said Cristiane, thre or foure tymes, for Johnne M<sup>c</sup>Nilland in Dingwall, in the moneth of Junij, 1577 yeiris; and the said Johnne cam to hir biging,<sup>6</sup> and

<sup>1</sup> Beyond. <sup>2</sup> *Preed*, or tasted of that grass. <sup>3</sup> Moreover, farther. <sup>4</sup> Easter, Paise. <sup>5</sup> Small box. <sup>6</sup> Building or house, cot-house.

remanit thair ane nycht ; and vpoune the morne thaireftir, he cam to Fowles to the, and delyuerit to the ane elf arrow heid ; for quhilk ye gaif him foure schillingis money ; quhilk thow can nocht deny.—(9.) AND forder, thow art accufit, for the talking and commoning with Cristiane Myller, dochter to Robert Myllar smyth in Affin, in the toun of Katwall, in the moneth of Junii lxxvij 3eiris, ane lang space, in cumpany with the said Cristian Roifs ; and in figne and takin, the said Cristian Myllar gatt ane half furlett of meill fra Johnne Keillis wyffe in Katuall ; quhilk the said Cristian Roifs confest, being accufit, and wes convict thairfore ; as the Proces thair of proportis.—(10.) AND also, thow art accufit, for saying to the said Cristian Roifs, that thow fould do, be all kyndis of meanis, quhair itt mycht be had, of God in heaven or of the Devill in hell, for the destructione and doune-putting of Mariorie Campbell young Lady Balnagoune ; and sche wald nocht be the fyrst reveillar and confessar of ony thing vpoune the, that wes hir lady and mestres ; quhilk sche confest, being accufit, and wes convict of the fame.—(11.) LAST of all, thow art accufit, for being in cumpany with the said Cristiane Roifs and Thomas Cassindonisch, in the place of Drummyne, att Lovatt comoning, the young Lady Balnagoun being thair, in the moneth of August, the yeir of God foirlaid ; and being sperit att be vtheris, quhat thow and Cristian Roifs and Thomas Cassindonisch wer doand thair, anfuerit, Gif thair wes ony devyise, thair it wes, for the young Lady Balnagoune wes in the kill with thame, and the famin wes confest be the said Cristian Roifs, before Rorie M<sup>c</sup>Kenzie of Arthirfailzie, and Rorie M<sup>c</sup>Rorie Alanfoune.—(12.) THOW art accufit, for the crewall slauchter, be thy craft of poyfoun foirlaid, of Marie Murdoch Moreis dochter, youre nourrice, quha deit eftir the taisting of the pyg of poyfoun, quhilk wes fend to the.—(13.) THOW art accufit, for gewing of aucht schillingis money to the said Williame M<sup>c</sup>Gillieorie-dam to pas to Elgyne for bying rattoun<sup>1</sup> poyfoune ; quha wairit thair of bot saxtene penneis ; and brayit the same poyfoune, and putt itt in ane pece ledder and delyuerit itt to the, in Junii, lxxvij 3eiris, within Stank of Fowles ; Katherene Roifs, dochter to Sir Dauid Roifs of Balnagoune,<sup>2</sup> being in counfall thair of : And to the mare verificacioun, thow delyuerit to him with the said aucht schillingis, foure elnes linning claith for his labouris ; quhilkis he confest, being accufit judiciallie, and wes convict be ane Affyis, and brunt for the famin, as the haille countrie knawis.—(14.) ALSO, thow art accufit, for reffauing of certane poyfoun, quhilk wes brocht to the be the said Williame M<sup>c</sup>Gillieverie-dam, quhene thow 3ait (went) to thy chalmer, in that nycht in Williame Monrois hous, be the hand of Katherene Roifs, dochter to Sir Dauid Roifs ; quhilk the said Williame M<sup>c</sup>Gillieverie-dam confest,

<sup>1</sup> Poison for rats, ratsbane.      <sup>2</sup> She afterwards married the well-known Sir William Sinclair of Mey, who, when a boy, was a leader of the riot at the High School of Edinburgh, and killed John MacMorran, one of the bailies, while attempting to quell the disturbance, September 5, 1595.

being accusit; and wes convict be ane Affyse, and zaid to deid with the same.—(15.) AND also, thow art accusit, for sending the said Williame M<sup>c</sup>Gillievori-dame to the Egyptianis,<sup>1</sup> to haif knowlege of thame, how to poyfoun the young Laird of Fowles and the young Lady Balnagoune; quhilk the said Williame grantit, being accusit, and wes convict for the same.—(16.) AND forder, thow art accusit, for ressaung of the rottoun poyfoune, quhilk the said Williame M<sup>c</sup>Gillievori-dame confest he bocht fra Thomas Roifs, merchant in Aberdene, in Elgne, without ony filuer gewin thairfore; and thaireftir for poyfoun, quhilkis he bocht in Tayne, and delyuerit itt to the, and thow baid him keip secreit sic thingis as thow patt<sup>2</sup> to his charge, anent the bying of the said poyfoune; quhilk the said Williame grantit, being accusit and judiciallie convict for the samin, be the Affyse.—(17.) ALSO, thow art accusit, for continewing in thy former wick-itnes and develrie, quhen Williame M<sup>c</sup>Gilliveri-dame was fend for be the, in the moneth of Maij, anno lxxvij, Donald M<sup>c</sup>Ky being messinger, to the toun of Taine; and thaireftir, he com to Fowles and spak with the, ane lang space, quhair thow sperit at him, Gif he had mair of the poyfane to gif the, for that poyfone thow had gottin of befoir, was our<sup>3</sup> litill to serve thy turne; and he said, he had nane ready at that tyme; and refuifit, without the Laird thi brothir waigeit.<sup>4</sup> And ficlyk, thow sperit at the said Williame, Quhidder the poyfone foirsaid fervit bettir to be gevin in eggis, browis or keill? And he answert, that thow suld dres the samin as thow thocht guid, and grantit to the said Williame that thy brother, the young Laird of Balnagown, knew of the said poyfone alse weill as thow did; in taikin quhairrof, thow fend furst to him out of the place, with Donald M<sup>c</sup>Kay, ane stoip of guid aill, with breid and cheis; quhilkis the said Williame grantit, being accusit, and was convict for the samin; as the Proces thairrof beris, and is manifest to the haill contrey.—(18.) ALSE, thow art accusit, for quyet and lang conference with the said Williame M<sup>c</sup>Gillevor-dame, in Williame Munrois chalmer, in Culcragy, in October, anno lxxvij, Katherene Roifs being present, anent the former purposis of the down-putting of the young Lady Balnagowne; thow gaif him vse of vadge;<sup>5</sup> and on Witsunday evin, the said yeir, for the said cause, thow gaif him xx l. And ficlyk, thow causit Johnne M<sup>c</sup>Findlay Moir, in Miltoune of Catuall, to delyuer to the said Williame M<sup>c</sup>Gilleveri-dame, in summir the said yeir, ane firlof of meill; quhilkis he confestit, being accusit, and was convicte for the samin.—(19.) ALSO, thow art accusit, for causing of Agnes Roy, ane vther of the Vichis, to pas for Loske Loncart to speik with the, in midsumir, in anno lxxvj; quha spak to the, that thow wald gang in Hillis to speik the elf folk; and gif the cace wer, that the young Lady of Bal-

<sup>1</sup> Gipsies.    <sup>2</sup> Entrusted.    <sup>3</sup> Too.    <sup>4</sup> Hired him, was his employer.    <sup>5</sup> Wages, feed, bribed or hired him.



nagown departit, that scho had spokin to the, gif the young Laird of Foulis deit, the young Laird of Balnagoun wald mair (marry) the young Lady Foulis (his) wyf: And thow gaif to the said Williame M<sup>c</sup>Gilleveri-dame fyve ellis linning clayth, in the moneth of September, anno lxxvj; and on Pasche-day thaireftir, xvj s. be Williame Cuikis sone; quhilk the said Agnes confessit.—(20.) ALSO, thow art accusit, for the assisting with the said Agnes Roy, speciale, quhen scho was passing for Marrioune M<sup>c</sup>Kaine M<sup>c</sup>Alefter alias *Loske Loncartis*, cumand the way with hir, enterit in speking, and scho said, ‘Scho wald mak bodyis of clay hir self, Cristian Malcolmsone and Gradache Malcolmsone;’ and quhen the said Agnes Roy sperit at hir, ‘To quhat effect the said bodyis of clay fuld be maid?’ Quha anfuert and said, ‘That ane of thame wald be maid to the young Lady Balnagoun, and the tothir to the young Laird of Fowlis.’ And the said Lofke Loncart com that nycht to Canort, at midsomer, the yeir of God foirsaid: And als, Agnes Roy confessit, that thair was fik thingis, and taikinis betuix her and the, and Katherene Ros Sir Daudis dochtir, that at quhat tyme the said Agnes Roy had cum in fra Williame M<sup>c</sup>Galleveri-dam or Lofke Loncart, vithe thair myndis and anfuertis, to the and Katherene Ros Sir Daudis dochter; in caise thair war ony man or woman in the company, quhilk they war nocht privat of thair secretis, than the signe and taikin was, that the said Agnes Roy fuld vring and greip thair handis or stamp vndir feit; quhilkis promiffis the said Agnes Roy confessit judiciallie, being accusit, and was convict be ane Assyise; as the Proces beiris.—(21.) THOW art accusit, for geving of twa ellis of gray cleyth and ane fark, with xij s. iij d. money, quhilk Johne Syidferf delyuertit at thy command to Johne M<sup>c</sup>Farcor, cuik to the young Laird of Balnagoun, quha had cumin thre tymis to Fowlis, and was in speking with the and Katherene Neynday at ilkan of the saidis tymes; and the said Katherene Neynday passing out of the said toun of Fowlis, tuik with her, at thy command, rattoun poyfoun to Ardmuir, and delyuertit it to the cuik, to mix it with ane kiddis neir,<sup>1</sup> quhilk the young Lady Balnagoun and her cumpany fell that nycht:<sup>2</sup> And Katherene Neynday, being in Ardmore that time, skunnirrit<sup>3</sup> with it sa mekill, that scho said, that it was the saireft and maift cruell sicht that evir scho saw, feing the vomit and vexacioun that was on the young Lady Balnagoun and hir cumpany; of the quhilk poyfoun, the young Lady Balnagoun contractit deadlie seiknes, quhairin scho remanis ye (yet?) incureable; as is notorie knowin, and was confessit be the said Agnes Roy, being accusit judiciallie, and was convict be ane Assyise thair of.—(22.) MAIR, thow art accusit, for causing of Lofkie Loncart mak ane poyfoune drink, devyfit be Lofkie Loncart, and reueilit to Katherene Ros Neynday, and was ordanit to be gevin to the young Laird of

<sup>1</sup> A kid's ear or kidney.   <sup>2</sup> A young deer, killed by the company in the chase.   <sup>3</sup> Revolted at the sight.

Foulis and fuld haue bene maid in Neyn Schallonis hous, in Drummyn, at Alhallowmes, in anno lxxvij yeris.—(23.) MAIROUR, thow art accusit, for assist-  
ing of the said Gradoche Malcolmesoune, quha confessit, that Marioune Rofs alias  
Loske Loncart, schew hir secretlie, that thow defyrit hir to cut of Robert Mon-  
roy apperand of Fowlis, and Hector Munroy of Killry, Huchoune Monroy of  
Affoun, Robert Munroy sone to the said Hector, with threttie of his best kin-  
nismen, and Katherene Rofs dochtir to Sir Daid Rofs; quhilk is notorious.—  
(24.) THOW art accusit, for assist-  
ing of Thomas M<sup>c</sup>Kane More M<sup>c</sup>Allane M<sup>c</sup>-  
Euoch in all his vngodlie Wichcraft and Devilrie; and speciallie, quhen the said  
Thomas was fend be George Rofs, young Laird of Balnagoune, to Farndrocht  
to the, convoyit with Donald M<sup>c</sup>Milane and Johne Sutherland, brothir to Alex<sup>r</sup>  
Sutherland, the first hous he com to, was Cristian Malcolmis hous in Tane, and  
was refaut plesandlie and weill intertinit that nycht be Cristiane Malcolmsoune,  
thow sperit at this <sup>1</sup>, gif it was hir that said, that hir brother wald be  
flaine; the Lairdis of Foulis eldar, youngar and thow, being at that tyme in Affin:  
And out of that departit Kandlochglais; quhilk tyme, was the xvj day of Au-  
gust, anno lxxvij yeris: And vpoune the morn thaireftir, being the xvij of Au-  
gust, thow com doun out of Affin to Canort, and thair spak with the said Thomas  
at lenth, and thair defyrit him to vse his craft, for putting doun of the said  
Mariorie Campbell young Lady Balnagoune; and thow promesit to reuard him  
gretumlie. And for mair sure performing of the said young Lady Balnagoune,  
thow directit George Cuik, sone to William Cuik in Foulis, to Taine, to twa ve-  
men, (the ane callit Marioune Neynane Adame M<sup>c</sup>Alester *alias Loske Lon-*  
*cart*, and Cristiane Smyth dochter to Robert Smyth in Affint, quhilkis vemen ar  
haldin and reput rank commoune Vichis in the countrey,) for ane elf-arrow-heid,  
quhilk the said George Cuik resfaut fra the, and delyuerit in prefence of Cris-  
tiane Malcomesoune; quhilk thow kept in thy awin keping; lyk as the said  
Thomas confessit the samyn, being accusit, and was convict thair of.—(25.) FOR-  
DER, thow art accusit, for the keping cumpanie with George Rofs young Laird  
of Balnagoune, in ane kill in Drumnene, vpoune the xxiiij day of August, anno  
thriefcoir sevintene yeiris, Cristiane Malcumsonis dochter and the said Thomas  
was present thair; the said George Rofs of Balnagoune standing, his bak at  
the dore, and ane vand in his hand, defyrit the said Thomas to do that thing  
quhilk he wes to put to his charge, tuicheing the destructioun of his wyfe and  
the young Laird of Fowlis; and he fuld giue him ane garmounthe of cleis<sup>2</sup> for  
his travellis; quhilkis the said Thomas confessit, being accusit, (and) wes con-  
victit for the samen, as the Proces beiris.—(26.) THOW art accusit, for assist-  
ing of the said Thomas, Cristiane Malcomsone, (and) Marioune Nieyn M<sup>c</sup>Allaster, vpoun

<sup>1</sup> Left blank in record.<sup>2</sup> Suit of clothes.

the secund day of Julij, anno threscoir sevintene yeiris, for making of ane pictur of butter to the said young Robert Monro Laird of Fowlis, in the said house of Caynort, be the devyfe and consultatioune of the said Donald and Williame M<sup>c</sup>-Gilleuerie, and the said pictur of buttir, eftir it wes maid, wes fet at the wall-fyd in the vester chalmer of the said hous of Coynard, and wes schot at with ane elf-arrow-heid be the said Marioune Neyuen M<sup>c</sup>Alester *alias Loske Loncart* aucht tymes; quhilk pictur scho mist, and haid (hit?) na pairt thair of: And thow (and) Cristane Malcomfoune being present in the said chalmer, att the schotting of the said pictur, thinkand gane the pictur were hit, it wald be for the destructione of the young Laird of Fowlis: Lykas, said Thomas was convict for the famin, and sufferit the deid.—(27.) ALS, thow art accufit, for being in cumpanie with Cristane Malcomfoune and Marioune Neyn M<sup>c</sup>Allester *alias Loske Loncart*, with the devyfe and consultatioune of Donald and William M<sup>c</sup>-Gilliourois, made ane vther pictur of clay to the said Robert Monro young Laird of Fowlis, in the said hous of Conord; and so it was maid vpoune the morne, the vj day of Julii, anno lxxvij yeiris: Thay fat the pictur at the wall-fyd of the chalmer of the said hous, and wes schott be the said Cristane Neyne M<sup>c</sup>Allester *alias Loske Loncart*, with the said elf-arrow, tuelf tymes, and mist the said pictur: And persauing that ye mist the famin efter everie schott, and maid the said pictur diuerse and findrie tymes, yit the famin tuk nocht effect to thair purpose; thow and the said tua womene, thy collegis, being present for the tyme, and uifing<sup>1</sup> ane takin of the famin; the said Cristane Rofs Malcomfoune haid provydeit thre quarteris of fine linning claithe for the picturis, giue<sup>2</sup> thay haid bene hit with the elf-arrow-heid, and the linning to be bound about the said picturis, and the picturis to haue bene erdit,<sup>3</sup> vnder the Brigend of the Stank of Fowlis, fornent the zet:<sup>4</sup> Of the quhilkis premiffis the said Thomas was convict, and sufferrit the dethe for the famin: as is notorious knawin to the haill cuntrie.—(28.) AND siclyke, thow art accufit, and (art) ane that vnderstuid thy self giltie in thy conscience, of the crymes for quhilkis thay<sup>5</sup> complices aboue wrettin wer convictit; and ane day or tua befor the burning of thame, thow vnderstanding that thay, being examinat, wald convict ye of Wycheecraft, Sorcerie and poyfoune, in respect money of thame knew: thay secrettis, and was practifeiris of thy devyfis; thow came quhair tua notaris was, owt of the presence of ony Juge, and befor the fenfing of ony Court, and ther, befor tua or thrie previe witneffis, declarit, that thow was bruttit and sclanderit with Wichcraft and Sorcerie, and that thow was reddie bydand the tryall thereof; and seing

<sup>1</sup> Wishing, witching, using witchcraft to procure a token, or testimony of success, in their destruction of the young Laird of Fowlis.   <sup>2</sup> Gif, if.   <sup>3</sup> Earthen, buried under ground.   <sup>4</sup> Gate, yett.   <sup>5</sup> These.

thair was na manne to accuse the, thow requirit instrumentis ; albeit, for feir of thai vitious lyfe, thou neuer came iudicialie to offer the famin : And immediatlíe eftir the taking of the faid instrument, thow haid thy horse alredie drawin furth of the stabill, and fled away with diligence, as fugitiue out of the cuntrie, to Cathenis ; quhair thow remanit, for the space of thrie quarteris of ane yeir ; *in signum* and takine, that thow thought not to byid in the tryall ; quhill at last, be lauborrouis and moyane of vmq<sup>h</sup> George Erle of Cathenis, hir (thy) husband was persuadit ressaue him (thee ?) home againe.—(29.) AND lykwayis, this instant yeir of fourfcoir and nyne, the Laird of Fowlis purchest<sup>1</sup> ane Commiffioun, for punischment of certaine Wichis and Sorceris ; Befoir any publicatioune thairof, and or<sup>2</sup> he micht have conuenient tyme to put the famin in executioun, in respect of the trublis that incuirit in the Northe, thow, knawing thai self giltie, and feiring to byd the tryall of ane Assyse, fand the moyane to purchese ane Suspenfioune of the faid Commiffioun ; and causit insert in the faid Suspenfioun, nocht onlie thay awin name, and sic vtheris as was specifiet in the faid Commiffioun, but also certaine vtheris quha wer nocht spokin of : As the faid Commiffioun and Suspenfioune thairof, produceit befor the Secret Counfall, at mair lenthe beris : Quhilk, giue<sup>3</sup> thow haid beine ane honest womane, and willing to abyd tryall, thow wald neuer have crafit Suspenfioune of ony sic Commiffioun ; but rather wald haue forderit the famin.

THE faid Katherene, efter reding of the faid Dittay, denyit the famin and haill pointis thairof ; and offerit hir reddie to byde the Tryell of the persones of Assyis, summond to that effect.

## ASSISA.

John Symfoune of Bannaus,	Donald Tailyeour, burges of Tayne,	Andro M <sup>c</sup> Cullo, burges of Tayne,
John Clwne, sone to Alexander	Tayne,	William Rois thair,
Clwne, burges of Cromartie,	John Reid Farquharfoune, burges	Alex <sup>r</sup> Hay, burges thair,
Donald Rois Williamfoune,	thair,	Alex <sup>r</sup> M <sup>c</sup> Kenzie apperand of
in Gane,	Rannald M <sup>c</sup> Ser Duncanfoun,	Fardane,
John Rois in Muldard,	burges thair,	Donald M <sup>c</sup> Gilliequhoan, burges
Duncan Bayne apperand of	William Kemp in Dingwall,	in Dingwall.
Tulleich,	Alester M <sup>c</sup> Donald M <sup>c</sup> Alester thair,	

VERDICT. Quhilkis persones of Assyis, being all chofin, sworne and admittit to pas vpoun the Assyis of the faid Catherine, scho being accusit be dittay, thay removit furth of Court to the Assyis hous, quhair thay chofit John Symfoune of Bannaus chancellor of the faid Assyis : And thairefter votit vpoun the poyntis of the faid dittay ; and being throughlie resoluit thairwith, re-enterit agane in court ; quhair thai, be the mouth of the faid Chancellor, in presens of the faid

<sup>1</sup> An old forensic term, synonymous with procuring, or obtaining, by payment of the usual official fees.  
<sup>2</sup> Ere.    <sup>3</sup> If.



Justice-depute, ffand, pronuncit and delyuerit the said Catherine, to be innocent and quite of the hail poyntis of the dittay.

: Quhairvpoun scho askit instrumentis.

THE samyn day, Dauid Roifs of Holme and William Dolace apperand of Buddet, Donald Roifs of Balsamkkie, Thomas Vmphra in Elgyn and John Innes of Lewcheris, oftymes callit, to compeir befor the Justice or his deputes, the said day and place, in the hour of caus, to haif past vpoune the Affyis of the said Katherine, dilatit of the crymes aboue writtin; lawfull tyme of day biddin, and nocht comperand to that effect; thay and ilk ane of thame wes vnlawit, in the pane of fourtie pundis.

**Sorcery — Incantation — Witchcraft — Slaughter, &c.**

Jul. 22.—MR HECTOR MUNRO of Fowles.

Dilatit of certane crymes of Wichecraft.

The samyn day, comperit Mr Dauid M<sup>c</sup>Gill of Cranftoune Riddell, Aduocat to our souerane lord, as perfewar, and produceit the Dittay vnderwrittin; quhairof the tennour followis.

*DITTAY against the Pannel.*

MR HECTOR MONRO, Ye ar indytit and accusit, fforfamekle as, it is Statute and ordanit, be the Actis of Parliament, that nane vse Sorcerie, Incantatiounis or Wichecraft; and that nane seik responffis at Wichis, vnder the payne of deid, and confiscatioun of all thair guidis movable; as the saidis actis beris: AND trew it is, that ye the said Mr Hectour, in the month of August I<sup>m</sup>.V<sup>c</sup>.lxxxviiij yeiris, fend for Johne M<sup>c</sup>Coneill-gar and his wyffe, and Johne Banes wyffe, in Lytill Alteis, thre notorious and commoune Wiches; and caufit convoy thame to Johne Murrayes houfe in Bakine, quhair ye ressaute thame, but<sup>1</sup> knowlege of the said Johne; intertinneit thame with yow, be the space of fyve dayes or thairby, and socht responfis and consultatioune att thame; quha poillit<sup>2</sup> the hair of Robert Monro, your brotheris heid, and plait the naillis of his fingeris, and tais, socht be thair develifch meanis to haif cureit him of his seiknes; quha wald haif vfit furth the rest of thair develifch craft, war nocht thay ferit to tarie with yow, be resfoun of your fader, quha wald haif apprehendit thame; and thay declarit to yow, that ye was owre<sup>3</sup> lang in sending for thame, swa that thay could do na guid to the said Robert Munro your brothir:—Lyke as, ye, in the samyn moneth, for feir of your fader, convoyit thame away, vnder fylence of nycht: Quhilk is notourlie knawin to the hail countrey.—(2.) ITEM, Ye ar indytit and accusit, fforfamekle as, ye, in the moneth of Januar I<sup>m</sup>.V<sup>c</sup>.lxxxviiij yeir, haifing tane seiknes in the samyn moneth and yeir of God foirlaid, fend youre seruand Hector M<sup>c</sup>Huchefoune M<sup>c</sup>Intagart, to serch and seik Marioune M<sup>c</sup>Ingaruch, ane of the (maist) notorious and rank Wichis in all this realme, quha

<sup>1</sup> Without.    <sup>2</sup> Polled or cut.    <sup>3</sup> Too.

brocht and convoyit hir to yow, on your awin horfe, to Johne M<sup>c</sup>Intailzeouris hous in Alnes, quhair ye wes lyand feik att that tyme; quhair ye focht refponfis att hir, and travellit to be curit be hir devilifch Incantaciounis and Wichcraft: Lyke as, fche, eftir hir cumming to yow, gaif yow thre drinkis of walter furth of thre ftanis, quhilkis fche had; and eftir lang consultacioun had with hir, fche declarit, that thair wes na remeid for yow to recover your health, without the principall man of your blude fould fuffer death for yow; and ye and your complices, haifing raknit with your felffis, quha this fould be, fand that it wes George Monro, eldest sone to Katherene Roifs Lady Fowles: And than, eftir finding furth of this develifch devyce, for your releif, ye and the faid Wich concludit with your felffis, that nane fould haif entres to the hous quhair ye lay, quhill<sup>1</sup> your brother George fould cum: And eftir his cumming to yow, the faid Wich defyrit, that ye fould gif him your left hand, and fould tak him be the rycht hand; and that ye fould nocht fpeik ane word to him, before he fpak fyrft to yow:—Quhilkis iniunctiounis ye kept, feing thair wes nocht ane of your freindis that gatt entres to yow, quhill the faid Georges cumming; nochtwithftanding that diuers of thame come to viffeit yow. And for the better performance of your develifch purpois, ye fend for the faid George daylie, for the fpace of fyve dayes, alfweill to his duelling-hous, as to vthir partis of the countrey, quhair he wes att the huntis; defyring him to cum to yow, quhair ye wes lyand feik: Lykeas, the faid George, feiring na ewill of yow, come as ane loving brothir to the faid M<sup>c</sup>Intailzeouris hous, quhair ye wes; thair being nane with yow, bot the faid Wich, and your fofter-moder Criftian Neill Dayzill, and hir dochtir: And eftir his cumming to yow, ye vfit the iniunctiounis gewin to yow in maner foirlaid be the faid Wich, and gaif your left hand in his rycht hand, and fpak nocht to him for the fpace of ane houre, vnto the tyme he fyrft requyrit of yow, ‘How ye did?’ And ye anfuerit him, and faid, ‘The better that he had cum to viffeit yow;’ and fpak na mair to him, nochtwithftanding ye fend sewin poiftis<sup>2</sup> to him ofbefore. Swa that that nycht, att ane eftir mydnycht, the faid Wich, with certane of hir complices, paff furth of the hous quhair ye lay, and tuik with thame fpaidis, and paff to ane pece of eird<sup>3</sup> lyand betuix twa fondrie fuperiouris landis, the kinge being the ane fuperiour, and the Bifchop of . . . . .<sup>4</sup> the vthir; and maid ane graif of your lenth, and tuke vp the ower<sup>5</sup> pairt thairof, and laid it afyde; the faid eird being the neir the fee flude: And this being done, fcho come hame and conventit certane of your familiaris, that knew thir fecreittis, and informit thame, quhat fould be everie anes pairt, in taking of yow furth to be eirdit<sup>6</sup> in the foirlaid graif; for

<sup>1</sup> Until.    <sup>2</sup> Expresses or messengers.    <sup>3</sup> Land, *earth*, ground.    <sup>4</sup> Left blank.    <sup>5</sup> The *over* or upper part, the green sod or turf.    <sup>6</sup> Earthed, laid in this grave or trench.

your releif, and to the death of your broder George:—Quhais anfuer was, 'That gif George should depairt suddanlie, that the brute<sup>1</sup> wald ryise, and all thair lyves wald be in danger;' and thairfoir willit hir to delay the said Georgis death ane space; and scho tuke on hand to warrand him vnto the xvij day of Apryle nixt thaireftir: And efter thir plattis, laid be the said Witch, scho and certane your ferwandis, in the said moneth of Januar I<sup>m</sup>.V<sup>c</sup>.lxxxviiij yeiris, pat yow in ane pair of blankettis, and careit yow furth to the said graif; and thay war all commandit to be dum,<sup>2</sup> and nevir to speik ane word; vnto the tyme that scho and your foster-moder fould first speik with hir maister, the Dewill: And being brocht furth, wes laid in the said graif; and the grene eird, quhilk wes cuttit, wes laid abone, and haldin doune with stalfis; the said Witch being beyde yow: And the said Cristian Neill, your foster-mother, wes commandit to ryn the breid of nyne rigis, and in hir hand Neill younger, Hector Leithis sone; and how sone the said Cristian had run the breid of the said nyne rigis, scho come agane to the graif, quhair ye was lyand, and inquiryt at the said Witch, 'Quhilk wes hir schois?'<sup>3</sup> Quha anfuerit and said, that the said 'Mr Hector wes hir schois to leif, and your brother George to die for you.' And this forme wes vsit thryise that nycht: And thaireftir, ye was careit hame, all the cumpanie beand dum; and wes put in your bed<sup>4</sup>—To the taken, that ye was partaker of Wichcraft, and that ye allowit thairof, and socht responsis of the said Marioune the Witch; how sone ye gat your health, be the dewelisch moyan foirlaid, ye past to Hector Monro of Kildrummodyis, your fader-brothiris hous, and tuke the said Witch with yow; quhair scho wes interteneit, as gif scho had bene your spous, and gaif hir sik pre-eminence in your cuntrey, that thair was nane that durst offend hir; and gaif hir the keping of your scheip, to collour the matter, that ye knew hir nocht: And quhen the Kingis Maiestie requyrit yow to present hir to his hienes, ye refusit hir, vnto the tyme that the said Lady Fowles tuke in hand to preif, that scho was in your hous of Fowles; swa that ye, aganis your will, wes compellit to present hir at Abirdene; quhair scho being examinat before his Maiestie, and produceit the stanis scho gaif yow watter out of, the quhilk wes the deith of the said George; haifing denyit of before, that ever scho saw yow with hir: And quhilk stanis wes delyuerit to the Justice-

<sup>1</sup> Fr. *Bruit*, report, hue and cry.    <sup>2</sup> Dumb, speechless.    <sup>3</sup> This word at first sight seems to signify *shoes*, viz. that Hector should stand in George's shoes, and George in Hector's. It rather implies the *choice* of the sister-witch, after the Incantation was completed; who accordingly chooses Hector to live, and George to die. The whole ceremony is *unique*, and calculated to produce a very strong impression on the spectators, especially on the mind of their novice in the 'graif,' who afterwards appears to have been led by the nose by these hags, as effectually as if by St Dunstan's far-famed pincers.    <sup>4</sup> A pretty effectual cooler this must have been 'at ane efter mydnycht,' in the 'moneth of Januar!' St Januarius himself, or even Dr Grahame, the earth-bather, would have shrunk from such an ordeal with horror!

Clark in keping.—ITEM, Ye ar indytit, for airt and pairt of the crewall, schamefull and odious slauchter of the said vmq<sup>re</sup> George Monro your brother, be the Inchantmentis and Witchcraftis vfit vpoune yow, and be your dewyife, be speking to him within your bed, taking of him be the rycht hand, conforme to the iniunctionis gevin to yow be the said Marioune Ingareach, in the said moneth of Januar I<sup>m</sup>.V<sup>c</sup>.lxxxvij yeiris ; throw the quhilk Inchantmentis, he tuke ane deidlie feiknes, in the moneth of Apryle 1590 yeiris ; and continewand thairin quhill Junij thairefter, deceiffit in the said moneth of Junij, being the thrid day of that instant. To the mair testificatioune, that ye ar giltie of the said cryme, ye being chargeit to present the said Wich, ye had hir vpoune your landis and bigingis, and within your toune ; and hes put hir asyd, the saxtene day of July instant.

QUHILKIS poyntis of Dittay, the said Mr Hector Monro allutirlic denyit ; and offerit him reddie to abyde the tryell of ane Assyse thairfore.

## ASSISA.

Alexander M <sup>c</sup> Kenzie, apperand of Sturdram,	Donald M <sup>c</sup> Gilliequhorne, thair,	Alexander Hay, burges thair,
Duncane Bayne, apperand of Tullich,	Johne Vaus of Lochflum,	Thomas Mansoun, burges thair,
William Kempt, in Dingwall,	James Corbett, portionar of Arboill,	Johne Reid Farquharfoune, burges thair,
Rannald M <sup>c</sup> Ser Duncanfoune, burges of Tayne,	Andro M <sup>c</sup> Culloch, bailze of Tayne,	W <sup>m</sup> Innes, portionar of Midgame,
	Donald Tailzeour, thair,	Angus M <sup>c</sup> Culloch in Eiftir Aird,
		Robert Phayne, thair.

VERDICT. The Assyse, be the mouth of the said Johnne Vaus of Lochflum, Chancellor, in presens of the said Justice-deput, ffand, pronunceit and declarit the said Mr Hector Monro, to be acquit and innocent of all the heidis of the said Dittay : Quhairvpoune he askit instrumentis.

THE samin day, Alexander M<sup>c</sup>Thomas alias Thomfoune, burges of Tayne, and Johne Dingwall of Kildyn and Thomas Vmphray, burges of Elgyne, oft tymes callit to haif comperit before oure sowerane lordis Justice or his deputes, the said day and place, in the hour of caus ; to haif past vpoun the Assyse of the said Mr Hector Monro of Fowlis, dilatit of the crymes abouewrittin, lauchfull tyme of day biddin, and nocht comperand, thay, and ilk ane of thame, wes vnlawit in the panes contenit in the Actis of Parliament, viz. Fourtie punds.

[*Mr James Wardlaw, Justice-Depute.*]

## Slaughter.

Jul. 30.—JAMES VEICH apperand of North Syntoune, Andro Veich, brother to James Veich of Tourhop.

Dilatit of airt and pairt of the slauchter of vmq<sup>re</sup> Johnne Twedie, tutour of Drummalgear and burges of Edinburghe ; committit the xxiiij day of Julij instant.

PERSEWAR, Magdalene Lawfoun, the relict.



PRELOQUITOURIS, Mr Williame Somervall, Viccar of Kirbene, Mr David McGill, Aduocat.

PRELOQUITOURIS for the pannell.

The Erl Bothwell, The Lord Fleming, The Laird of Balcleuch, The Abot of Melroife,  
The Laird of Ormitoune, The Laird of Greneheid, Mr Johnne Prestoune, Mr Alexander King.

The Justice, vpoun alledgeances proponit, and anfuers maid thairto in the Minute-buik, continewis all proceeding in this mater to the morne. ' Wardat. vpoun allegeance.'

[*Mr Johnne Grahame, Justice-Depute.*]

(Nov. 28.)—The Justice, being auisit with the Interloquitour vpoun the allegeances maid be Mr Williame Oliphant, *excusatorio nomine* for Johnne Lord Fleming, concerning the nocht vnlawing of James and Andro Veichis, for the slauchter of vmq<sup>h</sup> Johnne Twedie, tutour of Drummelzear, and anfuers maid thairto be the Aduocat; ffand, that thay sould be vnlawit, nochtwithstanding the said allegeance.

The samin day, Williame Veich of Daik and Andro Broune of Hairtrie, as cautioneris and fourteis, coniunctlie and feuerallie, wer vnlawit, in the pane of ten thowfand poundis money of this realme, for the nonentrie of James Veich, apperand of North-Sintoune, and Andro Veich, brother to James Veich, apperand of Tourhoip, before oure fouerane lordis Justice, or his deputes.

#### **Contrabention of the General Band, &c.**

Aug. 6.—GEORGE HWME of Crammie-cruik, William Reidpeth of Grinlaw, George Hwme of Weddirburne, Patrik Hwme of Polwart and thirty-two others.

Dilatit of the contraventioune of the Generall Band and of the Actis of Parliament, in nocht presenting of thair menne before the Justice or his deputes, in Justice Courtis; and for nocht removing of thair tennentis, fugitiues, of (off) thair landis; conforme to the said Generall Band.

(Aug. 7.)—The greatest proportion of the pannells were acquitted; the remainder were either continued or 'replegiat' to the Regalities of Thirlstane, Jedburgh-fforest, Melroife, &c.

#### **Taking of a Messenger, &c.—Besieging and taking the Place of Fedderat.**

Aug. 8.—EDWARD CRAWFURD of Corbishill, Johnne Crawford in Cal-lane and Andro Innes in Turray.

Dilatit of the taking of Johnne Fairwadder, messinger, and deferteing of him in executioun of his office, he beand in the executioun thereof; and speciallie, in the executioun of our fouerane lordis lettres, purchest at the instance of

Alexander Irving of Drum, aganis George Crawford of Fedderett; and for affageing of the Place of Fedderett, taking of the famin be strang hand; and vtheris crymes, contenit in the lettres direct thairvpoune.

Continued to the Aire of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Humphrey Blyndschelis, Justice-Depute.*]

**Witchcraft—Slaughter, &c.**

Aug. 17.—JONETT GRANT *alias Gradoch* in Colquhatstane and Jonett Clark *alias Spalding* in Blalach.

Dilatit of certane crymes of Wichcraft.

PERSEWARIS.

Mr David M-Gill of Cranftoun-Riddell, Advocatt, The Laird of Wardes (William Leslie).

The saidis perfounes on pannell denyit the Dittay redd to thame; and offerit thame to the tryell of ane Assyse.

VERDICT. Arthoure Skene in Tulloch, Chancillar, delivered the Verdict of the Assyse, whereby 'thay ffand, pronunceit and declarit the said JONETT GRANT *alias Gradoch*, to be fylit and convict of the crewall Murthour of vmq<sup>h</sup> Alexander Abircrumbie of Ley, be Wichcraft: AND of vmq<sup>h</sup> . . . . . Gordoune, sone to beld<sup>1</sup> Johnne Gordoune: AND of the slauchter and diftructioun of saxtene heid of nolt,<sup>2</sup> pertening to William Roife in Birsebeg: AND of the slauchter of vmq<sup>h</sup> Elspet Reit, be Wichcraft: AND als, of the raising of the Dewill, and seiking of help to Duncan Rychie: AND als, for the slauchter of Johnne Pantounis wyffe, be Wichcraft. ITEM, of the taking on hand, to haif distroyit the Laird of Cragievar, his sone and vtheris.—ITEM, fand and pronunceit the said JONET CLARK *alias Spalding*, to be fylit and convict of the slauchter of vmq<sup>h</sup> Johnne Leslie of Wardes,<sup>3</sup> be Wichcraft: ITEM, of the slauchter of the said vmq<sup>h</sup> Elspet Reit: ITEM, for gewing of ane secreit member to Johnne Coutis; and gewing and taking of power fra findrie mennis memberis: ITEM, fylit of taking of Johnne Wattis secreit member fra him: ITEM, for bewiching of . . . . . Caddell, sone to Allester Caddell in Bandorie: ITEM, fylit for taking in hand, to help Johnne Reoch in Dalquhing of his seiknes, be Wichcraft.—ITEM, pronunceit the saidis Jonet Grant and Jonet Clark, to be fylit and convict for commoune notorious Wichis.'

SENTENCE. For the quhilkis cauffis, the Justice, be the mouth of James Scheill, dempftar, adiudgeit thame to be tane to the Castell-hill of Edinburghe, and thair wirreit at ane staik, and thair body to be brunt in affis; and all thair movabill guides to be escheit and inbrocht to our souerane lordis vsé, as convict of the saidis crymes.

<sup>1</sup> Bald.    <sup>2</sup> Cattle, oxen.    <sup>3</sup> See the Trial of Bessie Roy, Aug. 18, 1590.

**Sortery—Incantation—Witchcraft, &c.**

Aug. 18.—BESSIE ROY, nurreych<sup>1</sup> to the Laird of Boquhane.

Dilatit of the poyntis of Wichcraft following.

PERSEWARIS, . . . . Leslie, eldar of Wairdes, Mr Williame and George Lelleis his fones, Mr David M<sup>c</sup>Gill of Cranstoun-Ryddell, Aduocatt to our souerane lord, for his hienes intres.

**DITTAY aganis Bessie Roy.**

BESSIE ROY, in Fetterneir, seruand to the Laird of Boquhane;<sup>2</sup> Ye ar indytit and accusit, that quhair, ye, beand duelland with Williame King in Barra, be the space of tuel yeiris fyne or thairby, and haifing past to the feild to pluk lint with vthir wemen, in presens of thame maid ane compas in the eird, and ane hoill in the middis thairof: And thaireftir, be thy conjuratiounes, thow causit ane grit worme cum fyrst out of the said hoill, and creip owre the compase; and nixt ane lytill worme, quhilk crap owre also; and last, causit ane grit worme cum furth, quhilk could nocht pas owre the compas, nor cum out of the hoill, bot fell doune and deit: Quhilk inchantment and Wichcraft thow interpret in this forme:—That the fyrst grit worme that crap owre the compas, was the Guid-man, Williame King, quha fould leve; and the lytill worme, was ane barne in the Guid-wyffes wamb, quhilk wes vnknawin to ony manne that sche was with barne; and that the barne fould leve; and thrydlie, the last grit worme thow interpret to be the Guid-wyffe, quha fould die: Quhilk com to pas eftir thy speiking, quhow sone sche wes delyuerit of the said barne. And this is manifest to the hail countrey; quhilk thow can nocht deny.—ITEM, Ye ar indytit and accusit, for away taking, be Wichcraft, of ane puir womanis milk, callit Bessie Steill, quha cam to Williame Kingis hous in Bairoch, sekng almes; and haifing sittin doune befyd the fyre, to gif hir barne souk, thow in the meane tyme, being ane nurrisch thy selff, and persawing the puir woman to haif mair abundance of milk nor thow had; and seing that the Guid-wyffe thy huffie<sup>3</sup> fould haif detenit the puir woman, and gewin hir the barne to foster; thow, be thy dewelisch incantatiounes and Wichcraft, abstrakit and tuik away hir milk: And immediatlie eftir the puir woman wes past out of the hous, scho persawit hir milk to be tane away, come agane to the said hous, and complenit to the Guid-wyffe, that the nwrisch had takin away hir milk; and said, Gif scho wer nocht restorit to hir milk, sche fould devulgat the same throw the countrey, and schaw how ye had vfit hir. And thow, fering thy dewelisch craft to be revelit, said to the puir womane, ‘Gif I haif thy milk, cum sic a nycht to me to this hous, and ask itt for Godis saik, and thow fall haif itt.’ Lyke as, the said puir woman, being gled to reffaue hir milk agane, come that same nycht as thow ap-

<sup>1</sup> Nurse, Fr. *nourrice*.

<sup>2</sup> John Leslie.

<sup>3</sup> Housewife, mistress.

poyntit hir, and lay in the hous besyd ye all nycht; and about the middis of the nycht, thow cryit vpoun hir and walknit hir, and baid hir reffaue hir milk; and incontinent sche walknit, and hir palpis sprang out full of milk, and remanit with hir thaireftir. This thow did, as is notourlie knawin to the haill countrey, and thow can nocht deny.—ITEM, thow art indytit for ane commoune awaytakir of wemennis milk in the haill countrey, and detening the famin att thy pleasour; as the haill countrey will testifie. The quhilk thow can nocht deny.—ITEM, thow art indytit and accusit, for the bevisching<sup>1</sup> of William Kingis wyfe of Barraucht, tuelf yeiris sensyne or thairby, for your diuilische devyse, eftir thow haid left hir seruice; thow caufit propyne<sup>2</sup> hir with ane plaid of thine, quhilk, beand full of inchantmentis and forcerie, being laid one hir bed, cauffit hir suddentlie thereftir depairt:<sup>3</sup> Quhilk is notorius to the haill countrie; quhilk thow cane nocht deny.—ITEM, thow art indytit for ane commoun theif, quhilk thow vris be inchantment and slicht of the Diuill; for laitlie, thow cam to Alexander Thines hous in the Benvie-end of Traichie, in the monethe of November lastwas; and thair, be inchantment, blew vp his duris and his haill lokkis of his house, and stall out sic gere as thow plefit; and thaireftir lokit the duris and loctis, as thay wer abefoir: Quhilk thow cane nocht deny.—ITEM, thow art indytit and accusit, that laitlie, beand nurish to the Lard of Balquhene (John Leslie), in the moneth of Maij and Junij lastbypast, thow, be thy inchantment and forcerie, maid vp the haill lockis of the place, and vpunt<sup>4</sup> the haill durris thair of, and stall ane steill box out of ane coffer, quhairin wes gryt sowmes of gould and gould-smyth-work; quhair, one (on) being accusit thaireftir, thou allegeit, that ane blak manne came and gaif the famin to the; quhilk wes nothing but the illufioun of the Diuill: Quhilk yow cane nocht deny.—SICLYK, thow art indytit and accusit, for the crewall, airt and pairt and bevisching of vmq<sup>10</sup> Johnne Leslie of Cultis, quhair as thow trefekit<sup>5</sup> with vmq<sup>10</sup> Barbara Keand *alias Leslie*, with Jonet Grant, with Jonet Clark *alias Spalding*,<sup>5</sup> lyk as thair Confessiounes and Depositiones testifies thair vngodlike airt and pairt in the said murdour; quhairin diuerse vtheris was pertinoris, sic as Marioune Bruce in Awldrain, Bessie Paull in the Cromar, quha ar fugitiues for the said cryme; and thow onlie estemit the instrument of all that mischeife: Quhilk is notorius be thair Confessiounes, and yow cane nocht deny.—SICLYKE, thou art indytit and estemit for ane notoriouse and commoune Wiche in the cuntrie; and cane do all thingis, and hes done all mischeifis, that deuilrie or Wichcraft cane devyse, in abtracking of mennis lyffis, wemennis milk, bestis milk, and bewisching of

<sup>1</sup> Bewitching.    <sup>2</sup> Offer in gift, to make a present.    <sup>3</sup> Give up the ghost, die.    <sup>4</sup> Opened, burst up.    <sup>5</sup> See Aug. 17, 1590.

bestis als weill as menne ; lyk as thai diuerse practifis cane testifie ye : Quhilk ye cane nocht deny.

VERDICT. The Assyse, in prefens of the said Justice-deput, fand and pronounceit, be the mouth of the said Chancillar, (Arthour Skene in Tulluch,) the said Bessie Roy to be Innocent and acquit of all and findrie the poyntis and heidis of the Dittay abouewrittin. Quhairvpoune, the said Bessie askit act and instrument.

### Slaughter by Witchcraft.

Aug. 19.—WILLIAME LESLIE of Crechie and Violat Auhinlek his spous. Dilatit of the slauchter and distructioun of vmq<sup>1</sup> Johnne Leslie of Wardes, younger, be Wichcraft ; committit in Junij 1586.

#### PERSEWARIS.

Williame Leslie of Wairdes, as fader, George Leslie of Camellis, Mr Williame Leslie of Warthill, as brethir, Mr Dauid M<sup>c</sup>Gill of Cranstoun-Riddell, Aduocat, The Laird of Frendracht, 3ounger.

#### PRELOQUITOURIS for the pannell.

The Erl Bothwell, The Erl of Arroll, The Lord Home, The Laird of Boquhane, The Laird of Wauchtoune, Mr W<sup>m</sup> Leslie of Cunlie, Mr Alexander King.

The pannell askit instrumentis of thair entrie, and protestit for releif of thair cautioune, and als offerit thame reddie to abyde the tryell of ane Assyse, for the crymes abouewrittin ; disassenting to all continewatioune.

The Justice, for laik of ane sufficient nowmer of Assyfouris, quhairof thair wes ane grit nowmer cassin,<sup>1</sup> continewit the mater to the thryd day of the nixt Justice-air of the Sheref dome of Abirdene, or soner, vpoun fyftene dayes wairning.—‘ Plegiis, Francisco Comite de Erroll et Joanne Leslie de Boquhane, conjunctim et diuifim.’

[CURIA JUSTICIARIE, *s. d. n. Regis, tenta xxvj<sup>to</sup> Decembris, 1590, per Magistros Johannem Graham et Vmphridem Blynschelis, Justiciarios Deputatos.*]

### Treasonably conspiring the Death of the King — Sorcery — Witchcraft — Incantation, &c.

Dec. 26.—JOHNNE FEANE alias CWININGHAME, last duelland in Pref-toune.<sup>2</sup>

Conuict of diuers poyntis of Wichcraft, contenit in the Dittay.

<sup>1</sup> *Cast*, rejected on account of partiality, relationship, &c. Only two out of the whole ‘ Roll of Assyse’ were sworn, as unexceptionable. <sup>2</sup> He is designed ‘ schoolmaister at Tranent,’ in the *Historie of King James the Sext*, p. 241 ; ‘ Master of the schoole at Salt pans in Lothian,’ in the tract afterwards quoted ; and in the course of these remarkable cases, he is termed ‘ Register’ and ‘ Secretar to the Devil.’

Comperit the famin Maifter Daid M<sup>c</sup>Gill of Cranftoune-Ryddell, Aduocat to our fouerane lord, as perfewar; and produceit ane Dittay agains the faid Johnne Feane.

## ASSISA.

Johnne Wilfoun in Edinburghe,	Robert Seytoun thair,	Thomas Craig thair,
Rycharde Newtoun in Tranent,	Robert Thrikie, merchand, burges	Johnne Coluile thair,
Williame Stratherne thair,	of Edinburghe,	James Watfoun thair,
Patrik Halzeort thair,	Johnne Donaldfoun, merchand thair,	Johnne Hakit thair,
James Miltoun thair,	Robert Smyth, merchand thair,	Thomas Wrycht thair.

VERDICT. Quhilkis perfounes of Affyfe, being chofin, fworne and admittit vpoun the faid Johnne Feanis Affyfe, he being accufit be Dittay of the faidis crymes: Thay removit thame felffis altogidder furth of Court to the Affys-hous, quhair thay chufe the faid James Watfoun chancillar; and haif reffonit (vpoun the) pointis of the faid Dittay, and refoluit thairwith: Reenterit agane in the faid Court; quhair thay, be the mouth of the faid Chancillar, ffand, pronunceit and delyuerit the faid Johnne Feane alias Cwninghame, to be fylit and convict, **FYRST**, That quhan the dewill apperit and come to him, quhen he wes lyand in his bed in Tranent, in Thomas Trumbillis chalmer, mwfand and panfand,<sup>1</sup> how he mycht be revengeit of the faid Thomas, quha had offendit him in nocht fpargeing<sup>2</sup> of his chalmer, as he had promefit, his face being toward the wall; the dewill apperit to him with quhyte rayment, quhair he (the Dewill) fpak to him in thir termes, or ever he (Feane) fpak to him (the Dewill)—‘ Will 3e be my ferwand and adore me and my ferwandis, and 3e fall never want?’ And als, that he fuld be revengit of his enemies; lyke as, the faid deuill perfwadit him to burne Thomas Trumbillis hous, in respect he had nocht keipit promeis.—(2.) **ITEM**, Fylit, for fuffering of him felff to be markit be the dewill with ane rod, the fecund nycht that he apperit to him, in quhyte arayment as faid is, in his bed; and for feinzeing of him felff to ly feik in the faid Thomas Trumbillis chalmer, quhair he wes ftrukin in grit extafies and tranfis, lyand be the fpace of twa or thre houris deid, his fpreit tane; and fufferit him felff to be careit and transportit to mony montanes, as thocht throw all the warld; according to his awin deponitiounes.—(3.) **ITEM**, Fylit, according to his awin confeffioune, for the abufing of his body with Margaret Spens, wedo in . . . . ., promefing to haif mareit hir; bot att Satanis command, he stayit; quha faid to him, Gif he mareit hir, he fould tyne him and mekill riches.<sup>3</sup>—(4.) **ITEM**, Fylit for the fuffering of him felff to be careit to North-Berwik Kirk, (he being lyand in ane cloife bed in Preftoun-pannis,) as gif he had bene fouchand<sup>4</sup> athoirt the eird, quhair Sathane commandit him to mak him homage with the reft of his fer-

<sup>1</sup> From ‘penfant,’ Fr. thinking, cogitating.    <sup>2</sup> White-washing or cleansing.    <sup>3</sup> Riches, wealth.  
<sup>4</sup> This suggests the idea of skimming along the surface of the earth with the swiftest flight. ‘*Souch-and*’ also denotes a rushing sound, like that of an arrow whizzing through the air.

wandis; quhair he thocht he saw the lycht of ane candill standand in the middis, of his seruandis, quhilk apperit blew low<sup>1</sup>; and Sathan ftwid, as in a pulpet, makand ane fermond of dowtsum speichis, sayng, 'Mony cumis to be fair, and byis nocht all wares;' and defyrit him 'nocht to feir, thocht he wes grymme: ffor he had mony seruandis, quha fould newir want, and fould aill na thing, fa-lang as their hair wes one; and fould newir latt ane teir fall fra thair ene,<sup>2</sup> fa-lang as thay feruit him': And gaif thir lessonnes and commandis to him, as followis. 'Spair nocht to do ewill, and to eit, drink and be blyth, taking rest and eife, ffor he fould raife þame vp at þe latter day gloriouflic.'—(5.) ITEM, Fylit, for the being in cumpany with Sathane att his conventiounes, quhair he saw Robert Greirfoune, Michaell Clark, Annie Sampfoune, with findrie vtheris; quhair he and all the rest kift him behind, and fum his erse; and att the same tyme, ffor the bewiching and possessing of Williame Hutfoune in Windiegoull, with ane ewill spreit.—(6.) ITEM, Fylit, for suffering him self to be careit to the see with Sathane; and att the fyrst, he wes skumand<sup>3</sup> owre all the see without land,<sup>4</sup> in ane boit, accompaneit with the perfounes aboue writtin; and being of the foir-knowledge of the lek that strak vp in the Quenis schip, as the dewill foirtald him.—(7.) ITEM, Fylit, for the raising of wyndis att the Kingis passing to Denmark, and for the sending of ane letter to Marioun Linkup in Leyth, to that effect, bidding hir to meit him and the rest, on the see, within fyve dayes; quhair Satan delyuerit ane catt out of his hand to Robert Greirfoune, gevand the word to 'Cast the same in the see hola!': And thaireftir, being mountit in a schip, and drank ilk ane to otheris, quhair Satane said, 'ge fall sink þe schip;' lyke as thay thocht thay did.—(8.) ITEM, Fylit, for assembling him self with Sathane, att the Kingis returning fra Denmark; quhair Satan promesit to raife ane mist, and cast the Kingis Maiestie in England: And for performing thairof, he tuik ane thing lyke to ane fute-ball, quhilk apperit to the said Johnne lyke a wisp,<sup>5</sup> and caist the same in the see; quhilk caufit ane vapour and ane reik to ryis.—(9.) ITEM, Fylit, ffor being in cumpany with Satan in the Kirk of North-Berwick, quhair he apperit to him, in the forme of ane blak mann within the pulpett thairof; and efter his out-cuminge of the kirk, poyntit the graues and ftwid aboue thame; quhilkis wer opnit in thre findrie pairtis, twa within and ane without; quhilk the wemen demembrit the deid corps and bodeis being thairin, with thair gulleis;<sup>6</sup> and incontinent wes transportit, without wordis.—(10.) ITEM, Fylit, for opening of lokis, and speciallic ane lok in Dauid Seytounis

<sup>1</sup> Blue flame, the candle burnt blue; an inevitable consequence of the presence of the 'foul fiend.'

<sup>2</sup> It was part of this strange superstition, that after a person had renounced his baptism, and sworn fealty to Satan, he could thenceforth shed no tears.—'Item, it is a vehement presumption, if she cannot weepe at the time of hir examination: and yet Bodin faith, that a witch may shed three drops out of her right eie.'—*Scott's Discoverie of Witchcraft*, cap. 5.   <sup>3</sup> Skimming.   <sup>4</sup> Out of sight of the land.   <sup>5</sup> Of straw?   <sup>6</sup> Large clasp-knives.

younger in Tranent; and ficlyke, for the opening of the said Daudis foir zett, the key thairof being lyand vpoun the buird,<sup>1</sup> at the supper: As also, fylit, for the opning of ane lok be his forcerie, in Daud Seytonnis moderis, be blawing in ane womanis hand, him selff sitand att the fyre fyde.—(11.) ITEM, Fylit, for the being cumand furth of Patrik Vmphrais sonis hous in the mylne, vnder nycht, fra his supper; and passand to Tranent on horfbak, and ane man with him; be his devilisch craft, rasit vp foure candillis vpoune the horffis twa luggis, and ane vthir candill vpoune the stalff quhilk the man had in his hand; and gaif sic licht, as gif itt had bene day lycht; lyke as, the saidis candillis returnit with the said man, quhill his hamecuming; and caufit him fall deid, at his entre within the hous.—(12.) ITEM, Fylit, for the wiching<sup>2</sup> and posseffing of the (said) Williame Hutfoune, with ane ewill spreit; quhilk continewit with him tuentie fax oulkis; lyke as, the said spreit departit and left him, how sone the said Johnne wes tane and apprehendit.—(13.) ITEM, Fylit, for being in cumpany with Annie Sampfoune, Robert Grierfoun, Kaet Gray and vtheris, vpoune Hallowmes ewin; thay embarkit in ane boit, befyde Robert Greirfounis hous in the Pannis, and faillit owr the sea to ane tryist thay had with ane vther witch: quhair thay enterit within ane schip, and drank gude wyne and aill thairin; and thairefter cauffing the said schip and boit to perisch, with the personis being thairin; and than returning hame.—(14.) ITEM, Fylit, for the vsing be way of Witchcraft, of mode-wart<sup>3</sup> feit vpoune him, in his purse; gevin to him be Sathan, for this caus, that sa lang as he had thame vpoune him, he suld never want filuer.—(15.) ITEM, Fylit, for being in North-Berwik-Kirk, at ane conventioun with Sathan and vtheris witches; quhair Sathan maid ane dewelisch sermon, quhair the said Johnne fatt vpoune the left fyde of the pulppet, narrest him: And the sermon being endit, he came doune and tuke the said Johnne be the hand, and led him widderfchinnis<sup>4</sup> about; and thairefter, cauffit him kyse his erse.—(16.) ITEM, Fylit, for the chaiffing of ane catt in Tranent; in the quhilk chaife, he was careit heich aboue the ground, with gryt swyftnes, and as lychtlie as the catt hir selff, ower ane heicher dyke, nor he was able to lay his hand to the heid off:— And being inquiryrit, to quhat effect he chaiffit the famin? Anfuerit, that in ane conventioun haldin at Brumhoillis, Sathan commandit all that wer present, to tak cattis; lyke as, he, for obedience to Sathan, chaiffit the said catt, purpoillie to be caffin in the sea, to raise windis for distructioun of schippis and boittis.—(17.) ITEM, Fylit, that forfamekle as, be his airt of Witchcraft, Magick and Sorcerie, he gaif him selff<sup>5</sup> to declair to ony man, how long thay fould leve, and quhat fould be thair end;<sup>6</sup> gif thay wald tell yow the day of thair birth: Lyke as, he foirtauld the samyn to Marioun Weddell, that hir sone fould nocht leve

<sup>1</sup> Table.    <sup>2</sup> Bewitching.    <sup>3</sup> Mole's feet.    <sup>4</sup> Contrary to the course of the sun.    <sup>5</sup> Professed, gave out.    <sup>6</sup> What death they should die.







*News from Scotland, 1591.*

xv dayes ; quhilk cam to pas as he spak.—(18.) ITEM, Fylit, for declaring of the lyke to Alexander Bouis wyffe in Edinburghe, and faying, hir sone fould be schort quhyle in hir aucht ; as he died within a schort space thairefter.—(19.) ITEM, Fylit, for the reffaving of thir directionis and commandimentis fra Sathan : First, To deny God and all trew Religioune : Secundlie, To gif his faith to the Dewill ; and adoring him : Thridlie, He said to the Dewill, that he fould perfwaid als mony as he could, to his societie : Ferdlie, He dememberit the bodeis of the deid corps, and speciallie of bairnis vnbaptesit : Fyftlie, He diftroyit men be fie and land, with coirnis, cattell and guidis ; and raifit tempest and stormie wedder, as the Dewill himself, blawing in the air, &c.—(20.) ITEM, Fylit, for ane commoune notorious Witch and Inchanter.

The SENTENCE is not engrossed in the Record, but a jotting made on the margin, ' Conuict of diuers poyntis of Wichcraft, and brynt.'

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[The best illustration which can now be afforded of the extraordinary circumstances detailed in this and in some of the other Trials for Witchcraft, &c. of this period, is to give an exact reprint of an extremely rare Black-letter tract, considered to be unique ; and which appears to the Editor well worthy of a place here.<sup>1</sup> A pretty copious abstract from this curious fragment has already been given to the public, in the learned and ingenious Prefatory Notice to ' Law's Memorialls,' edited by Charles Kirkpatrick Sharpe, Esquire ; to whom the Editor is indebted for the use of an accurate transcript, with which the present reprint has been carefully collated.<sup>2</sup> This tract was inserted in a small collection, published by the late eccentric David Webster, titled, ' Collectanea Scotica,' but it is there very inaccurately edited.

The Confessions of Feane, Samson, &c., are said to have ' made the King in wonderful admiration, who, in respect of the strangenes of these maters, tooke great delight to be present at their examinations.' It is very probable that the King's presence at these examinations, and the frequent perusal of similar evidence against the numerous persons who were tried for Witchcraft at this time, laid the foundation for the royal work on ' Dæmonologie.']

#### NEWES FROM SCOTLAND,

Declaring the damnable life of DOCTOR FIAN a notable Sorcerer, who was burned at Edenbrough, in Januarie last 1591 ; which Doctor was Regifter to the Dewill, that fundrie times preached at North Barricke Kirke to a

<sup>1</sup> The Editor would have preferred inserting the ' Newes from Scotland' in the Appendix to the reign of King James VI., but as that must of necessity be retarded for a considerable time, the explanations afforded in Feane's Confessions would thereby lose much of their interest. <sup>2</sup> Mr Sharpe's transcript was taken from the Roxburghe Club copy.

number of notorious Witches; with the true Examinations of the said Doctor and Witches, as they uttered them in the presence of the Scottish King: Discouering how they pretended to bewitch and drowne his Majesty in the sea, comming from Denmarke; with such other wonderful matters, as the like hath not bin heard at anie time.

*Published according to the Scottish Copie.*

Printed for William Wright.<sup>1</sup>

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TO THE READER.

THE manifold untruths which are spread abroad, concerning the detestable actions and apprehension of those Witches, whereof this historie following truly entreateth, hath caused me to publish the same in print; and the rather, for that sundrie written coppies are lately dispersed thereof, containing that the said Witches were first discovered by meanes of a poore pedler travelling to the towne of Trenent; and that by a wonderful manner hee was in a moment conveyed at midnight from Scotland to Burdeaux in France, (being places of no small distance,) into a merchantes sellar there; and after beeing sent from Burdeaux into Scotland by certaine Scottish merchants to the Kings Majesty, that he discovered those Witches, and was the cause of their apprehension; with a number of matters miraculous and incredible: all which in truth are most false. Nevertheless, to satisfie a number of honest mindes, who are desirous to be informed of the veritie and truth of their confessions, which for certaintie is more straunger than the common reporte runneth, and yet with more truth, I have undertaken to publish this short Treatise, which declareth the true discourse of all that happened, and as well what was pretended by those wicked and detestable Witches against the Kings Majesty, as also by what means they wrought the same.

All which examinations (gentle Reader) I have here truly published, as they were taken and uttered in the presence of the Kings Majesty, praying thee to accept of it for veritie; the same being so true as cannot be reproved.

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A TRUE DISCOURSE

Of the apprehension of sundrie WITCHES lately taken in Scotland; whereof some are executed, and some are yet imprisoned. With a particular recitall of their examinations, taken in the presence of the Kings Majesty.

GOD, by his omnipotent power, hath at all times, and daily dooth take such care, and is so vigilant for the weale and preservation of his owne, that thereby he disappointeth the wicked practices and evill intentes of all such as by any meanes whatsoever seeke indirectly to conspire any thing contrary to his holy will: Yea, and by the same power he hath lately overthrowne and hindered the intentions and wicked dealings of a great number of ungodly creatures, no better than Devils; who, suffering themselves to be allured and enticed by the Devil whom they served, and unto whom they were privately sworne, entered into the detestable art of Witchcraft, which they studied and practised so long time, that in the

<sup>1</sup> There appears to have been another edition of this remarkable Tract, in all respects the same with the Roxburghe reprint. At least, in the Gent. Mag. vol. xlix, p. 393, it is reprinted, but bears at the foot of the title-page, 'At London, printed for Thomas Nelson.' Nelson was probably joint proprietor with Wright, each party affixing his name to the copies sold by him.

ende they had seduced by their forcerie a number of others to be as bad as themselves, dwelling in the boundes of Lowthinn, which is a principall shire or part of Scotland, where the Kingis Majestie useth to make his cheifest residence or abode: and to the ende that their detestable wickednesse, which they privily had pretended against the Kingis Majestie, the commonweale of that countrie, with the nobilitie and subjects of the same, should come to light, God of his unspeakable goodnes did reveale and laie it open in verie strange sorte, thereby to make known to the world that their actions were contrarie to the lawe of God, and the naturall affection which we ought generally to beare one to an other: The manner of the revealing whereof was as followeth.

Within the towne of Trenent, in the kingdome of Scotland, there dwelleth one David Seaton, who, being deputie bailiffe in the said towne, had a maid called Geillis Duncane, who used secretlie to absent and lie forth of hir maisters house every other night: This Geillis Duncane tooke in hand to helpe all such as were troubled or grieved with anie kinde of sicknes or infirmitie, and in short space did perfourme many matters most miraculous; which things, for asmuche as she began to do them upon a sodaine, having never done the like before, made her maister and others to be in great admiration, and wondered thereat: by meanes whereof, the saide Davide Seaton had his maide in great suspection that shee did not those things by naturall and lawfull waies, but rather supposed it to bee done by some extraordinarie and unlawfull meanes. Whereupon, her maister began to grow verie inquisitive, and examined hir which way and by what meanes shee was able to performe matters of so great importance; whereat shee gave him no aunswere: nevertheless, her maister, to the intent that hee might the better trie and finde out the truth of the same, did with the help of others torment her with the torture of the pilliwinkes<sup>1</sup> upon her fingers, which is a grievous torture; and binding or wrinching her head with a cord or roape, which is a most cruell torment also; yet would shee not confesse anie thing; whereupon, they suspecting that shee had beene marked by the Devill, (as commonly witches are,) made diligent search about her, and found the enemies marke to be in her fore crag, or fore part of her throate; which being found, shee confessed that al her doings was done by the wicked allurements and entisements of the Devil, and that shee did them by witchcraft. After this her confession, shee was committed to prifon, where shee continued a season, where immediately shee accused these persons following to bee notorious witches, and caused them forth-

<sup>1</sup> ' *Pilniewinkis*, or *pinniewinks*, a severe instrument of torture, apparently similar to the ' *thumbiekins*, or thumbscrews, afterwards used both in Scotland and England. From a quotation made by Cowell, in his ' *Law Interpreter*, this torture appears to have been applied to Robert Smyth of Bury, in the reign of Henry IV.—' *Ceperunt infra predictam villam, et ipsum in ferro posuerunt et cum cordis ligaverunt, et super pollices ipsius Roberti, quoddam instrumentum vocatum Pyrewinkes, ita strictè et durè posuerunt, quod sanguis exivit de digitis illius.* *Cart. Abbatie S. Edmundi*, MS. fol. 341.   <sup>2</sup> See her Trial, Jan. 27, 1590-1.

with to be apprehended, one after another, viz. Agnes Sampson,<sup>2</sup> the eldest witche of them all, dwelling in Haddington; Agnes Tompson of Edenbrough; Doctor Fian alias John Cuningham, master of the schoole at Saltpans in Lowthian, of whose life and strange acts you shall heare more largely in the end of this discourse. These were by the said Geillis Duncane accused, as also George Motts wife, dwelling in Lowthian; Robert Grierson, skipper; and Jannet Blandilands; with the potters wife of Seaton; the smith at the Brigge Hallis, with innumerable others in those parts, and dwelling in those bounds aforesaid; of whom some are already executed, the rest remaine in prison to receive the doome of judgement at the Kinges Majesties will and pleasure.

The said Geillis Duncane also caused Ewphame Mecalrean<sup>1</sup> to be apprehended, who conspired and performed the death of her godfather, and who used her art upon a gentleman, being one of the Lordes and Justices of the Session, for bearing good will to her daughter. Shee also caused to be apprehended one Barbara Naper,<sup>2</sup> for bewitching to death Archibalde lair Earle of Angus, who languished to death by witchcraft, and yet the same was not suspected; but that hee died of so strange a disease as the Physition knewe not how to cure or remedie the same. But of all other the said witches, these two last before recited, were reputed for as civill honest women as anie that dwelled within the cittie of Edenbrough, before they were apprehended. Many other besides were taken dwelling in Lieth, who are detayned in prison untill his Majesties further will and pleasure be knowne; of whose wicked dooings you shall particularly heare, which was as followeth.

This aforesaid Agnis Sampson, which was the elder witche, was taken and brought to Haliriud House before the Kinges Majestie, and sundry other of the nobilitie of Scotland, where she was straitly examined; but all the perswasions which the Kinges Majestie used to hir, with the rest of his Councell, might not provoke or induce her to confesse any thing, but stood stiffly in the deniall of all that was layde to her charge; where upon they caused her to be conveyed away unto prison, there to receive such torture as hath bene lately provided for witches in that country: And for as much as by due examination of witchcraft and witches in Scotland, it hath lately bene founde that the Divell dooth generally marke them with a privie marke, by reason the witches have confessed themselves, that the Divell doth licke them with his tong in some privie part of their bodie, before hee dooth recyve them to be his servauntes, which marke commonlie is given them under the haire in some part of their bodie, whereby it may not easily be founde out or seene, although they be searched; and generally so long as the marke is not seene to those which search them, so long the parties that

<sup>1</sup> Ewphame Macalreane of Cliftounhall. See her Trial, Jun. 9, 1591.      <sup>2</sup> See her Trial. The persons composing the majority of those who acquitted her, were brought to trial for Wilful Error.

hath the marke will never confesse anie thing. Therefore, by speciall commandment, this Agnis Sampson had all her haire shaven off, in each parte of her bodie, and her head thrawne with a rope, according to the custome of that countrie, beeing a payne most grevous, which shee continued almost an hower, during which time she would not confesse anie thing, untill the Divels marke was founde upon her privities; then shee immediately confessed whatsoever was demaunded of her, and justifying those persons aforesaide to be notorious witches. ITEM, The said Agnis Tompson (Sampson) was after brought againe before the Kinges Majestie and his Councell, and beeing examined of the meetings and detestable dealings of those witches, she confessed, that upon the night of Allhollow Even last, shee was accompanied, as well with the persons aforesaide, as also with a great many other witches, to the number of two hundreth, and that all they together went to Sea, each one in a riddle or cive, and went into the same very substantially, with flaggons of wine, making merrie and drinking by the way in the same riddles or cives, to the Kirke of North Barrick in Lowthian; and that after they had landed, tooke handes on the lande, and daunced this reill or short daunce, singing all with one voice,

Commer goe ye before, commer goe ye,

Gif ye will not goe before, commer let me.

At which time shee confessed, that this Geillis Duncane did goe before them, playing this reill or daunce, uppon a small trumpe, called a Jewes trump, untill they entred into the Kirk of North Barrick.

These confessions made the King in a wonderfull admiration, and sent for the saide Geillis Duncane, who upon the like trump did play the saide daunce before the Kinges Majestie, who in respect of the strangenes of these matters, tooke great delight to be present at their examinations.

ITEM, The said Agnis Tompson (Sampson) confessed, that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likenesse of a man, and seeing that they tarried over long, hee at their comming enjoyned them all to a pennance, which was, that they should kisse his buttockes, in sign of duety to him; which being put over the pulpit bare, every one did as he had enjoyned them: And having made his ungodly exhortations, wherein he did greatly inveigh against the King of Scotland, he received their oathes for their good and true service towards him, and departed; which done, they returned to sea, and so home again. At which time, the witches demaunded of the Divell; 'Why he did beare such hatred to the Kinge?' Who answered, 'By reason the King is the greatestemie hee hath in the world.' All which their confessions and depositions are still extant upon record. ITEM, The saide Agnis Sampson confessed before the Kinges Majestie fundrie thinges, which were so miraculous

and strange, as that his Majestie saide 'they were all extreame lyars;' whereat shee answered, 'she would not with his Majestie to suppose her wordes to be false, but rather to beleve them, in that shee would discover such matter unto him as his Majestie should not any way doubt of.' And therupon taking his Majestie a little aside, shee declared unto him the verie wordes which passed betweene the Kinges Majestie and his Queene at Upslo in Norway, the first night of mariage, with the answere ech to other; wherat the Kinges Majestie wondered greatly, and swore 'by the living God, that he believed all the devils in hell could not have discovered the same,' acknowledging her words to be most true; and therefore gave the more credit to the rest that is before declared.

Touching this Agnis Tompson (Sampson), she is the onlie woman who, by the Divels perswasion, should have intended and put in execution the Kinges Majesties death, in this manner. She confessed that shee tooke a blacke toade, and did hang the same up by the heeles three daies, and collected and gathered the venom as it dropped and fell from it in ane oyster shell, and kept the same venome close covered, untill she should obtaine anie part or peece of foule linnen cloth that had appertained to the Kinges Majestie, as shirt, handkercher, napkin or any other thing, which shee practised to obtaine by meanes of one John Kers, who being attendant in his Majesties chamber, desired him for olde acquaintaunce betweene them, to helpe her to one, or a peece of such a cloth as is aforesaide; which thing the saide John Kers denyed to helpe her to, saying hee could not helpe her unto it. And the saide Agnis Tompson (Sampson,) by her depositions since her apprehension, saith, that if shee had obtayned any one peece of linnen cloth which the King had worne and fowled, she had bewitched him to death, and put him to such extraordinarie paines, as if he had been lying upon sharp thorns and endis of needles. Moreover she confessed, that at the time when his Majestie was in Denmarke, shee being accompanied by the parties before speciallie named, tooke a cat and christened it, and afterward bounde to each part of that cat, the cheefest parte of a dead man, and severall joyntis of his bodie: And that in the night following, the saide cat was convayed into the middest of the sea by all these witches, sayling in their riddles or cives, as is aforesaid, and so left the saide cat right before the towne of Lieth in Scotland. This doone, there did arise such a tempest in the sea, as a greater hath not bene seene; which tempest was the cause of the perishing of a boat or vessell comming over from the towne of Brunt Ilande to the towne of Lieth, wherein was fundrie jewelles and rich giftes, which should have bene presented to the now Queene of Scotland, at her Majesties coming to Leith. Againe, it is confessed, that the saide christened cat was the cause that the Kinges Majesties shippe, at his comming forth of Denmarke, had a contrarie winde to the rest of his shippes then being in his companie; which



thing was most strange and true, as the Kinges Majestie acknowledgeth, for when the rest of the shippes had a faire and good winde, then was the winde contrarie and altogether against his Majestie ; and further, the sayde witche declared, that his Majestie had never come safely from the sea, if his faith had not prevayled above their intentions.

Moreover, the faide witches being demaunded, how the Divel would use them when he was in their company, they confessed, that when the Devill did recyve them for his servautes, and that they had vowed themselves unto him, then hee woulde carnally use them, albeit to their litle pleasure, in respect to his colde nature ; and would do the like at fundry other times.

As touching the aforefaide Doctor Fian alias John Cunningham, the examination of his actes since his apprehension, declareth the great subteltie of the Divell, and therefore maketh thinges to appeare the more miraculous ; for beeing apprehended by the accusation of the faide Geillis Duncane aforefaide, who confessed he was their Regefter, and that there was not one man suffered to come to the Divels readings but onelie hee : the faide Doctor was taken and imprisoned, and used with the accustomed paine provided for those offences, inflicted upon the rest, as is aforefaide. First, By thrawing of his head with a rope, wherat he would confesse nothing. Secondly, Hee was perswaded by faire meanes to confesse his follies, but that would prevaile as little. Lastly, Hee was put to the most severe and cruell paine in the worlde, called the bootes ;<sup>1</sup> who, after he had received three strokes, being inquired if hee would confesse his damnable actes and wicked life, his toong would not serve him to speake ; in respect wherof, the rest of the witches willed to searche his toong, under which was founde two pinnes, thrust up into the heade ; whereupon the witches did say, Now is the charme stinted ; and shewed, that those charmed pinnes were the cause he could not confesse any thing : Then was he immediately released of the bootes, brought before the King, his confession was taken, and his own hand willingly set thereunto, which contained as followeth : FIRST, That at the generall meetinges of those witches, he was always present ; that he was clarke to all those that were in subjection to the Divels service, bearing the name of witches ; that alway hee did take their oathes for their true service to the Divell ; and that he wrote

<sup>1</sup> A dreadful torture, which, to the disgrace of this country, was sanctioned by the Privy Council, to extort evidence from obdurate and perjured witnesses, and also Confessions from criminals of their own crimes and delinquencies ; or to induce them to inform against or to criminate others, strongly suspected to be implicated. The boots, or *bootikins*, were chiefly made use of in extreme cases, such as High Treason, Witchcraft, &c. This horrid instrument extended from the ankles to the knee, and at each stroke of a large hammer, (which forced the wedges closer,) the question was repeated. In many instances, the bones and flesh of the leg were crushed and lacerated in a shocking manner before confession was made. Fian endured these tortures with almost incredible firmness. See the Trial of John Master of Orkney, Jan. 24, 1596, &c.

for them such matters as the Divell still pleased to commaund him. **ITEM**, Hee confessed, that by his witchcraft hee did bewitch a gentleman dwelling neare to the Saltpans, where the said Doctor kept schoole, onely for beeing enamoured of a gentlewoman whome hee loved himselfe ; by meanes of which his forcery, witchcraft and divelish practises, hee caused the saide gentleman, that once in **xxiiii** howers hee fell into a lunacie and madnes, and so continued one whole hower together : And for the veritie of the same, hee caused the gentleman to bee<sup>1</sup> brought before the Kinges Majestie, which was uppon the **xxiiii** day of December last, and beeing in his Majesties chamber, suddenly hee gave a great scritch, and fell into madnesse, sometime bending himself, and sometime capring so directly up, that his heade did touch the ceiling of the chamber, to the great admiration of his Majestie and others then present ; so that all the gentlemen in the chamber were not able to holde him, untill they called in more helpe, who together bound him hand and foot ; and suffering the saide gentleman to lie still untill his furie were past, he within an hower came againe to himselfe ; when, being demaunded by the Kinges Majestie, ' what he sawor did all that while,' answered, that ' he had been in a founde sleepe.' **ITEM**, The said Doctor did also confesse, that hee had used meanes fundry times to obtaine his purpose and wicked intent of the same gentlewoman ; and seeing himselfe disappointed of his intention, he determined, by all wayes hee might, to obtaine the same ; trusting by conjuring, witchcraft and forcerie, to obtaine it, in this manner. It happened this gentlewoman, being unmarried, had a brother, who went to schoole with the saide Doctor ; and calling the saide scholler to him, demaunded ' if he did lie with his sifter,' who answered ' he did : ' By meanes whereof, hee thought to obtaine his purpose ; and therefore secretly promised, to teach him without stripes, so he woulde obtaine for him three hairs of his sifers privities, at such time as hee should spie best occasion for it ; which the youth promised faithfully to performe, and vowed speedily to put it in practise, taking a peece of conjured paper of his maister, to lap them in, when hee had gotten them ; and thereupon the boy practised nightly to obtaine his maisters purpose, especially when his sifter was asleep. But God, who knoweth the secrets of all harts, and revealeth all wicked and ungodly practises, would not suffer the intents of this divelish Doctor to come to that purpose which he supposed it woulde ; and therefore, to declare that hee was heavily offended with his wicked intent, did so work by the gentlewomans owne meanes, that in the ende the same was discovered and brought to light ; for shee being one night a sleepe, and her brother in bed with her, sodainly cried outt to her mother, declaring that her brother woulde not suffer her to sleepe ; whereupon her mother having a quicke capacitie, did vehemently suspect Doctor Fians inten-

<sup>1</sup> Here the first wooden cut is inserted.

tion, by reason she was a witch of her self; and therefore, presently arose, and was very inquisitive of the boy to understand his intent; and the better to know the same, did beate him with fundrie stripes, wherby hee discovered the truth unto her. The mother, therefore, beeing well practised in witchcraft, did thinke it most convenient to meete with the Doctor in his owne arte; and thereupon took the paper from the boy, wherein hee should have put the same haire, and went to a yong heyfer which never had borne calfe, nor gone unto the bull, and with a paire of sheeres clipped off three haire from the udder of the cow, and wrapt them in the same paper, which shee again delivered to the boy; then willing him to give the same to his saide maister, which hee immediately did. The schoole maister, so soone as he had received them, thinking them indeede to be the maids haire, went straight and wrought his arte upon them: But the Doctor had no sooner doone his intent to them, but presently the hayfer cow, whose haire they were indeede, came unto the door of the church wherein the schoole maister was, into the which the hayfer went, and made towards the schoole maister, leaping and dauncing upon him, and following him forth of the church, and to what place soever he went; to the great admiration of all the townes men of Saltpans, and many other who did beholde the same. The report whereof made all men imagine he did worke it by the Devill, without whome it coude never have beene so sufficiently effected; and thereupon, the name of the saide Doctor Fian (who was but a yoong man) began to growe common among the people of Scotland, that hee was secretly nominated for a notable conjurer.

All which, although in the beginning he denied, and woulde not confesse, yet having felt the paine of the bootes, (and the charme stinted as aforesayd,) he confessed all the aforesaid to be most true, without producing any witnesses to justify the same; and therupon, before the Kings Majesty, hee subscribed the sayd confessions with his owne hande; which for truth remaineth upon record in Scotland.

After that the depositions and examinations of the sayd Doctor Fian alias Cuningham was taken, as already is declared, with his own hand willingly set thereunto, hee was by the maister of the prison committed to ward, and appointed to a chamber by himselfe; where, foresaking his wicked<sup>1</sup> wayes, acknowledging his most ungodly lyfe, shewing that he had too much folowed the allurements and enticements of Sathan, and fondly practised his conclusions, by conjuring, witchcraft, inchantment, forcerie, and such like, hee renounced the Devill and all his wicked workes, vowed to leade the lyfe of a Christian, and seemed newly converted towards God.

The morrow after, upon conference had with him, he granted that the Devill had appeared unto him in the night before, appareled all in blacke, with a white

<sup>1</sup> The second wood-cut is inserted here.

wande in his hande; and that the Devill demaunded of him, 'If hee woulde continue his faithfull service, according to his first oath and promise made to that effect:' Whome (as hee then saide) he utterly renounced to his face, and said unto him in this manner, 'Avoide! Satan, avoide! for I have listned too much unto thee, and by the same thou hast undone me; in respect whereof I utterly forsake thee.' To whome the Devill answered, that 'once ere thou die thou shalt bee mine:' And with that (as he sayd), the Devill brake the white wand, and immediately vanished foorth of his fight.

Thus, all the daie, this Doctor Fian continued verie solitarie, and seemed to have a care of his owne soule, and would call uppon God, shewing himselfe penitent for his wicked life; neverthelesse, the same night, hee found such meanes that he stole the key of the prison doore and chamber in which he was, which in the night hee opened and fled awaie to the Saltpans, where hee was alwayes resident, and first apprehended. Of whose sodaine departure, when the Kings Majestie had intelligence, hee presently commanded diligent inquirie to bee made for his apprehension; and for the better effecting thereof, hee sent publike proclamations into all partes of his lande to the same effect. By meanes of whose hot and harde pursuite he was agayn taken, and brought to prison; and then, being called before the Kings Highnes, hee was re-examined, as well touching his departure, as also touching all that had before happened. But this Doctor, notwithstanding that his owne confession appeareth, remaining in recorde under his owne hande writting, and the same thereunto fixed in the presence of the Kings Majestie and fundrie of his Councill, yet did hee utterly denie the same.

Whereupon the Kings Majestie, perceiving his stubborne willfulnesse, conceived and imagined, that in the time of his absence, hee had entered into newe conference and league with the Devill his maister; and that hee had beene again newly marked, for the which he was narrowly searched; but it coulde not in anie waie be founde; yet for more tryall of him, to make him confesse, hee was commaunded to have a most straunge<sup>1</sup> torment, which was done in this manner following. His nailes upon all his fingers were riven and pulled off with an instrument called in Scottish a *Turkas*,<sup>2</sup> which in England wee call a payre of pincers, and under everie nayle there was thrust in two needels over even up to the heads. At all which tormentes notwithstanding, the Doctor never shronke anie whit; neither woulde he then confesse it the sooner, for all the tortures inflicted upon him. Then was hee, with all convenient speede, by commandement, convaied againe to the torment of the bootes, wherein hee continued a long time, and did abide so many blowes in them, that his legges were cruht and beaten together as small as might

<sup>1</sup> Unusual, unaccustomed.  
smith's pincers.

<sup>2</sup> O. Fr. *Turquois, truquaije*, tenaille à l'usage des marechaux, i.e.

bee; and the bones and flesh so bruised, that the bloud and marrow spouted forth in great abundance; whereby, they were made unferviceable for ever. And notwithstanding all these grievous paines and cruel torments, hee would not confesse anie things; so deeply had the Devill entered into his heart, that hee utterly denied all that which he before avouched; and would saie nothing thereunto, but this, that what hee had done and sayde before, was onely done and sayde, for fear of paynes which he had endured.

Upon great consideration, therefore, taken by the Kings Majestie and his Councell, as well for the due execution of justice uppon such detestable malefactors, as also for example sake, to remayne a terrour to all others heerafter, that shall attempt to deale in the lyke wicked and ungodlye actions, as witchcraft, forcerie, conjuration and such lyke; the saide Doctor Fian was soon after arraigned, condemned and adjudged by the law to die, and then to be burned according to the lawe of that lande provided in that behalfe. Whereupon hee was put into a carte, and beeing first strangled, hee was immediately put into a great fire, being readie provided for that purpose, and there burned in the Castle Hill of Edenbrough, on a Saterdaie, in the ende of Januarie last past, 1591.

The rest of the witches which are not yet executed, remayne in prison till farther triall and knowledge of his Majesties pleasure.

THIS strange discourse before recited may perhaps give some occasion of doubt to such as shall happen to reade the same, and thereby conjecture that the Kings Majestie would not hazarde himselfe in the presence of such notorious witches, least therby might have ensued great danger to his person, and the generall state of the land; which thing in truth might wel have bene feared. But to answer generally to such, let this suffice; that first, it is well knowen that the King is the child and servant of God, and they but the servants to the Devil; hee is the Lords annointed, and they but vesseles of Gods wrath; hee is a true Christian, and trusteth in God; they worse than infidels, for they onely trust in the Devill, who daily serves them, till he have brought them to utter destruction. But heereby it seemeth that his Highnesse caried a magnanimious and undaunted mind, not feared with their enchantmentes, but resolute in this, that so long as God is with him, hee feareth not who is against him; and truelie, the whole scope of this Treatise dooth so plainlie laie open the wonderfull Providence of the Almighty, that if he had not bene defended by his omnipotencie and power, his Highnes had never returned alive in his voiage from Denmarke; so that there is no doubt, but God woulde as well defend him on the land as on the sea, where they pretended their damnable practise.

FINIS.

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**High Treason — Murder — Fire-raising — Oppression, &c.**

Jan. 19, 1590-1.—ANGUS M<sup>c</sup>CONEILL of Dinnievaig (Lord of Kintyre,) and Lauchlane Maclane of Dowart (Lord of Ilay.)

[THE desperate atrocities committed by the rival Chieftains, Makoneill and Macleane, some of whose misdeeds form the subject of the following Trial, although unfortunately not without a parallel in the history of the feuds and conflicts of the Clans, yet they give such a gloomy picture of the barbarities then in some measure tolerated, or at least winked at, through the weakness of the arm of the law, that some explanation of the circumstances which gave rise to such scenes of horror and bloodshed seems necessary. This cannot be better done, than by giving a pretty copious quotation from the quaint but forcible narrative of the author of 'The Historie and Life of King James the Sext,' a work recently edited by Thomas Thomson, Esq. Deputy Clerk Register of Scotland, for the use of the Members of the Bannatyne Club. The limited impression of that work must plead the Editor's apology for quoting so largely, as comparatively few have access to this valuable book for reference.]

ANGUS MAK-ONEILL Lord of Kintyre had to his wyff the fister of MACLEANE Lord of Ilay; and althocht thay war brether in law, yit the ane was alwayis in sic suspicioun with the uther, that of ather fyde thair was sa litle traift, that almaist fendle or never did thay meit in amitie, lyk unto the common fort of people, bot rather as barbaris upoun thair awin guarde, or ather be thair meffingeris. Trew it is, that thir Ilandish men ar of nature verie prowde, suspicioun, avaricious, full of decept and evill inventioun aganis his nychtbour, be what way foever he may circumvin him. Befydis all this, thay are sa crewell in taking of revenge, that nather have thay regarde to perfon, eage, tym or caus; sa ar thay generallie all sa far addictit to thair awin tyrannicall opinions, that in all respects thay exceed in creweltie the maist barbarous people that ever hes bene sen the begynning of the world; ane example whareof ye sall heir in this historie following.—Angus Mac-Oneill understanding, be dyverse reportis, the gude behavior of Maclayne to be sa famous, that almaist he was recommendit and prayfit be the haill newtrall people of thais partis above him self; whilk ingendrit sik rancor in his hart, that he pretermittit na inventioun how he mycht destroy the said Maclayne. At last he devyfit to draw on a familiaritie amang thayme, and inveitit himself to be bancattit be Maclayne; and that the rather, that Maclayne sould be the reddier to cum over to his Ile with him the mair glaidlie, ather being requyrit, or upon set purpose, as best sould pleas him. And when Angus had sent advertieiment to Maclayne, that he was to cum and mak gude cheir, and to be mirrie with him certayne dayis, Maclayne was verie glaid thareof, and anfuerit to the meffinger,—'My brother salbe welcome to me,' sayd he, 'cum when he list.' The meffinger anfuerit, 'it wald be to morrow.' So when Angus arryvit in effect, he was rycht cheirfullie welcomit be his brother in law, wha remanit thair be the space of fyve or sax dayis. And when it was perfavit that Maclaynis provision was almaist spent, Angus thocht it then tyme to remove. Indeid the custome of that people is sa gevin to gluttonie, and drinking without all meafure, that as ane is invetit to another, thay never finder sa lang as the vivers do left. In end Angus sayis,—'Beclus I have maid the first obedience unto you, it will pleas you cum over to my Ile, that ye may ressave als gude treatment with me as I have done with you.' Maclayne anfuerit that 'he durst not adventure to cum to him for mistrust;' and Angus said,—'God forbid that evir I sould intend or pretend any evill aganis you; bot yit, to remove all doubt and suspicion fra your mynd, I will

geve you tua pledges, whilkis falbe sent unto you with diligence ; to wit, my eldest sone, and my awin onlie brother germain : These tua may be keapit heir be your freyndis, till ye cum saiffie bak agayne. Maclayne bering this offer, whilk apperit unto him voyd of all suspicioun, gave credence, and so decretit to pas with him to Kintyre ; and forder to testefie that bayth he simplie belevit all to be trew, and that upoun hoip of gude freyndship to continew, he thocht expedient to retene à onlie pledge, and that was Angus his brother, and wald cary with himself his awin nevoy the sone of Angus. Whether he did this to save himself fra suspicion of daynger, as apperantlie of the event he did it, or geve he brocht him bak agayne upon liberall favour, I will not dispute ; becaus I have tauld you afore the perfyt nature and qualetes of thais Islandis people ; yit becaus Maclaynis educatioun was civile, and brocht up in the gude lawis and maners of Scotland from his yowth, it may be, that he hes had double consideratioun, ane be kynd, and another be art of honest deliberatioun. To conclude, to Kintyre he came, accompaneit with 45 men of his kynnisfolk, and stowt servands, in the moneth of Julii 1586 ; whare at the first arryvall thay war maid welcome, with all humanitie, and war sumptuoslie bancattit all that day. Bot Angus in that meyne tyme had premonest all his freyns and weilwillers within his Ile of Kintyre, to be at his hous that same nycht, at nyne of the clock, and nather to cum soner nor laitter ; for he had concludit with himself to kill thayme all, the verie first nycht of thair arryvall ; fearing, that geve he sould delay any langar tyme, it mycht be, that atber he sould alter his malicious intentioun, or els that Maclayne wald send for sum greater forces of men for his awin defence. Thus he conceit his intent still, till bayth he fand the tyme commodious, and the verie place proper ; and Maclayne, being logeit with all his men within a lang hous, that was sumthing distant fra uther howsing, tuik to bed with him that nycht his nevoy, the pledge aforepokin. Bot within ane hour tharefter, when Angus had assemblit his men to the number of tua hundreth, he placit thayme all in order about the hous whare Maclayne then lay. Tharefter he came him self, and callit at the dure upon Maclayne, offring to him his reposing drink, whilk was forgottin to be gevin to him before he went to bed. Maclayne anfuert, that he desyrit na drink for that tyme. Althocht, so be, said the uther, it is my will that thou arryfe and cum furth to ressave it. Then began Maclayne to suspect the falsset, and so arraise with his nevoy betuix his shoulders, thinking that geve present killing was intentit aganis him, he sould save him self salang as he could, be the boy ; and the boy persaving his father with a naked sworde and a number of his men in lykmaner about, cryit with a lowd voyce, mearcie to his uncle for Gods saik ; whilk was grantit, and immediatly Maclayne was removit to a secret chamer till the morrow. Then cryit Angus to the remanent that war within ;—samony as wald have thair awin lyvis to be saif, thay sould cum furth, tua onlie exceptit, whilk he nominat ; sa that obedience was maid be all the rest, and thais tua onlie feyring the daynger, refusit to cum furth. Angus seing that, commandit incontinent to put fyre to the hous, whilk was immediatlie performit, and thus war the tua men cruallie and unmearefullie brynt to the death. These tua war veria nar kynnismen to Maclayne, and of the eldest of his clan, renownit bayth for counfall and manheid. The rest that war preafoners, of the haill number aforetauld, war ilk ane beheadit the dayis following, ane for ilk day, till the haill number was endit ; yea, and that in Maclaynis awin fight, being constrynt thareunto with a dolorous advertisment, to prepare himself for the lyk tragical end, howsone thay sould be all killit. And when the day came that Maclayne sould have bene brocht furth, miserablie to have maid his tragical end, lyk unto the rest, it pleasit Angus to lowp upon his horse, and to cum furth for joy and contentatioun of mynd, evin to se and behauld the tyrannical fact with his awin eysis. Bot it pleasit God, wha mearcifullie deilis with all man, and disappoyntis the decrees of the wicked, to disappoynt his intent for that day also, for he was not sa sone on horse, bot the horse stumblit, and Angus fell of him and brak his leg, and so was careit hayme.

The report of this falsset was careit to the Erle of Argyle, Lord Justice Generall of Scotland, wha immediatlie assemblit his freyndis, and thay thought necessar to compleyne to the King for revenge.

quhairthrow, he be the Actis of Parliament hes incurrit the cryme of Treffoune, and aucht to suffer the pane thairof.

REFUSIT to pass to ane Affyis, bot become in our soverane lordis will for the samin.

THE samyn day, Lauchlane M<sup>c</sup>Clane of Dowart, being accusit and persewit be the said Mr David M<sup>c</sup>Gill, aduocat, (of the crimes following,) committit be him.

*DITTAY against Lauchlane M<sup>c</sup>Clane of Dowart.*

THAT he, be him selff, and vtheris in his name, of his cauffing, aganis the estait of his Maiestie and Croun, as also aganis the estait of the countrey, in the moneth of November 1588 yeiris, tuik vp bandis of men of weir, strangearis, Spanzertis, quha were ane pairt of the armie, callit 'THE HALIE LYG,'<sup>1</sup> destinat for suppressioun of all that professit the trew and Cristian Religioune; and swa to subuert the estait of the Kingis Maiestie, his Croun, countrey and commounewelth thairof: Quhairthrow, thay wer fund and declarit, oppin and publict inimes, and swa to be refisit, be Act of Counfall; as in the samin, of the dait the fyrst of August 1588, att mair lenth is contenit: Neuirtheles, he retenit and kepit thame in cumpanie with him, vnder his waiges, within the Ile of Mvle, and remanent North and West Iles, invadand and perseward, vpoun his particular deidlie feid borne aganis Angus M<sup>c</sup>Conill of Dinneveg; the said Angus, his kyn, freindis, allya, affisteris and pairt-takeris, being subjectis and inhabitantis of his Maiesties realme: In the quhilk invasioun, he, accompaneit with the said men of weir, strangearis, Spanzertis, publict inimeis of the estait, as said is, maid findrie slauchteris, heirschipis, birningis, depredatiounes and otheris notorious murthouris and oppressiounes; and speciallie, in the said moneth of November, he brint with fyre the landis of Canna, Rum, Eg and Ellen-ne-Muk, and hereit the same; he slew and crewillie murdreit Hector M<sup>c</sup>Cane Channaniche and Donald Bayne his brothir, with ane grit nowmer of wyffis, bairnis and pur laboreris of the ground, about aucht or nyne scoir of sawles, quha had eschapit the fyre, wes noch spairit be his bluidie sword. And att that same tyme, accompaneit with the saidis strangearis, Spanzeartis, publict inimeis as said is, he tuik with him the cannoune, tressonable besageit the hous of Ardenmvrche, be the space of sax or sewin dayes, he causit schwit diuers schottis thairat, and slew diuers gentilmenne thairin, callit<sup>2</sup> .....; vsurpand thairthrow his hienes autoritie: It being expresse inhibite, be the lawis and ordinances of the realme, that na man sould tak vpoun hand to stryke drum, rais bandis of men of weir, on hors or fute, (or) besaige houffis, without expres Commissioun and special Licence of his Maiestie and Counfall grantit thairto. Quhilkis deidis maist tressonabill, and speciallie the lifting of men of

<sup>1</sup> The Holy League or Alliance.

<sup>2</sup> A line left blank in the Record.



weir, Spanzertis, publict inimeis as said is, execute be him, ar notorious.—ITEM, Being accwfit and perfewit, that, fforfamekill that, be Act of Parliament, it is statute and ordenit, that in cais ony of our fouerane lordis liegis wer flayne or murdreift, being vnder the credite and power of the flayer, the committer of sic flauchter fould be declarit traittoure, and the deid to be Treflounne, with forfaltour of lyffe, landis and guidis : And trew it is and of veritie, that in the moneth of Februar, the yeir of God I<sup>m</sup>.V<sup>c</sup>.lxxxvij yeiris, the said Lauchlane, vnder affurance and freindschip, in compleiting of mariage betuix his moder and Johnne M<sup>c</sup>Ean of Ardinmurchin, that same nycht eftir the mariage, he, accompaneit with his freindis, feruandis and complices, come to the hous quhair the said Johnnis feruandis wer fleeping, dredand na sic iniurie, as ye (he) thane execute, without mercy and pitie he murdreift and flew Donald M<sup>c</sup>Ean Roy V<sup>c</sup>Eane, and Johnne Growane M<sup>c</sup>Incolliff, with the nowmer of threfcoir faules, men and boyes, his graces fubiectis ; and the said Johnne (M<sup>c</sup>Ean of Ardnamurchin) his guidfader, with his boy, wer only faulff be the moyan of his mother : And thairby committing the cryme of Treflounne.—ITEM, For contravening of the foirfaid Actis of Parliament, and committing Treflounne, in fa far as, affurance being takin betuix him and the said Angus M<sup>c</sup>Coneill, be the travellis of the Erll of Ergylle, in the moneth of July, the yeir of God I<sup>m</sup>.V<sup>c</sup>.lxxxix yeiris, quhilk wes appoyntit to indure vnto the fyrft day of May laftbypaft ; nochtwithftanding thairof, haifing na respect to our fouerane lordis Proclamatioun, maid for keping of guid rewle in his Maieftis abfence furth of this realme, he, without ony feir of God, reverence of his hienes authoritie, nocht regairding his awin ayth, promeis, fubfcriptiounne or ony kynd of honeftie, maift fchamefullie contravenit and violatit the faid affurance, quhen as, in the moneth of . . . . . I<sup>m</sup>.V<sup>c</sup>.lxxxix yeiris, accompaneit with grit forces of men, bodin in feir of weir, came to the landis and Ile of Ornenfay, brunt and herreit the famin ; immediatlie thaireftir come to the landis of Ardnavin in Ilay, and to the Ile of Gigay, pertening to the faid Angus, and thair, he nocht only treflonablie rafit fyre and brunt and herreit the famin, bot alfo, maift wickitlie and vnmercifullie brynt to deid, flew and crewallie murdreift men, wyffis and bairnis being thairin, nocht fpairing young nor auld ; being all his Maieftis fubiectis and tennentis, inhabitantis of the faid Angus M<sup>c</sup>Coneillis lands, vnder traift and affurance foirfaid : Committand thairby maift manifefst Treflounne, contrar the faid Act of Parliament ; and incurrand thairthrow the panis thairin contenit.—ITEM, For the treflonabill fyre-raifing, burning and herreing, of the haill landis of Ilay, being xxiiij myle of lenth, quhilk is a pairt of his gracis propir landis and of his hienes realme and dominiounne ; and thane maift vnmercifullie flew, brunt to deid and murdreift Donald M<sup>c</sup>Dowthie Vayne, Duncan M<sup>c</sup>Conne in Ilay, Johnne Dow M<sup>c</sup>Neill Veid, Alex-

ander M<sup>c</sup>Rorie Rod, Gilliechallum M<sup>c</sup>Kay and . . . . . M<sup>c</sup>Kay, brethir, Neill Dow M<sup>c</sup>Gillieveray, Gilliechallum M<sup>c</sup>Gilliechoane, and fourscoir gentilmen, befyde ane multitude of wemen, bairnis and puir laboureris of the ground. And this wes done be him, his men, tennentis, seruandis and complices, in the moneth of July lastbypast. Committand thairthrow maift vyld, barbarous and tresson-abill crewaltie.—ITEM, Being accufit, fforfamekill as he, being ane landit gentilman, hes, in all the depredatiounis, fyre-rafigis, murthouris and heirschipis aboue writtin, and in executing of ewerie ane of thame, committit manifest thift, stouth-reiff of cattell, infycht and pleniffing, stollin, reffett and reft be him, his men of weir, kynnisfmen, freindis, affisteris and pairt-takeris : Quhairthrow, he, be the Act of Parliamant, hes incurrit the pane of Tressoune.

Become in our fouerane lordis will for the famin. ' INCARCERAT. in Castro de Edinburghe,' until his Majesties will should be declared.

[CURIA JUSTICIARIE *s. d. n. Regis, tenta in Pretorio de Edinburghe, xxvij January 1590, per Magistrum Vmphridem Blynscheles, Justiciarium Deputatum.*]

### Conspiring the King's Death — Witchcraft — Sorcery — Incantation, &c.

Jan. 27, 1590-1.—AGNES SAMPSONE in Nether Keythe.

IN 'The Historie of King James the Sext,'<sup>1</sup> the extraordinary personage, whose trial ensues, is designated 'AGNES SAMPSON, grace wyff, *alias* callit the wyfe wyff of Keyth.' She is said by Arnot<sup>2</sup> to have been 'a grave matronlike woman, of a rank and comprehension above the vulgar;' and Archbishop Spotswod, in his History of the Church of Scotland,<sup>3</sup> gives the following interesting notice: 'Most of this winter was spent in the discovery and examination of Witches and Sorcerers. Amongst these, Agnes Samson (commonly called *The Wise Wife of Keith*) was most remarkable; a woman, not of the base and ignorant sort of Witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her Examination, she declared that she had a familiar spirit, who, upon her call, did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick. And being asked, what words she used when she called the spirit, she said her word was, *Holla, Master*; and that he had learned her so to do. She farther confessed, that the Earl Bothwell had moved her to enquire what should happen of the King, how long he should reign, and what should happen after his death; and the spirit having undertaken to make away the King, after he had failed in performing and was challenged by her, confessed it was not in his power; speaking words she understood not, but as she did take them, the words were, *Il est homme de Dieu.*' This is confirmed by Sir James Melville in his Memoirs,<sup>4</sup> and was probably contained in her judicial Confession, though not proved before the Assise. Her Trial, like the rest of the present Collection, is now printed at length for the first time. Mr Arnot, notwithstanding its interest, has reported it in a few lines; for his plan admitted of only an outline, and this of but a few of the leading Cases. Should any of her Examinations be found among the Warrants of the Court of Justiciary or Privy Council, they shall be inserted in the Appendix:

<sup>1</sup> Bannatyne Club's Edition, (Thomas Thomson, Esq., Editor,) p. 241. <sup>2</sup> Criminal Trials, p. 349. <sup>3</sup> Page 363. Lond. 1668. <sup>4</sup> Edition printed for the Members of the Bannatyne Club, (Thomas Thomson, Esq., Editor,) p. 295.

Dilatit of the particular poyntis of Wichcraft, contenit in Dittay.

PERSEWAR, Mr David M<sup>c</sup>Gill, of Cranftoun-Ryddell, Advocate to oure souerane lord.

ASSISA.

Johne Spens, in Saltoune,	Robert Byris, thair,	Robert Dikfoune, in Boltoune,
Williame Bartram, in Carfra,	Robert Kyle, thair,	Williame Stenhous, in Barnis,
Edmund Bartram, in Hoipis,	Williame Stratherne, in Tranent,	Williame Peris, in Hadingtounne,
Dauid Robefoun, in Braidwod- fyd,	Gilbert Edingtoune, in Hading- tounne,	Mathow Young, thair,
(Chan.) Williame Quhyte, in Coilfoune-mylne,	Bernard Broune, thair,	James Richefoune,
	Robert Bagbie, thair,	Alexander Young thair.

VERDICT. Quhilkis perfounes of Affyis, being chofin, fworne and admittit, efter accusatioune of the said Agnes be Dittay ; quha removit thame felffis alto-gidder furth of Court to the Affyis-hous ; quhair, efter chefing of the said Williame Quhyte cancellair, thay reffonit and votit vpoune the poyntis of the said Dittay ; and being throughlie resolut thairwith, re-enterit agane in jugement ; quhair thay, be the mouth of the said chancillar, fand, pronuncit and declarit the said Agnes,

[*Heir followes the Articles of hir Dittay, quhair of schoe was Convict, be number (53).*]

(1.) To be fylit and convict, of foir-knowlege and telling be hir Witchcraft, that Williame Markeftoune, serwand to Thomas Watfoune, in Inuerresk, was bot ane deid man.—(2.) ITEM, fylit and convict, that Williame Blakeis sone fark being fend to hir, scho be hir Wichcraft declarit, that the feiknes that he had was ane elf-fchot.—(3.) ITEM, fylit and convict, for vfang of Wichcraft, in hailling of Johnne Thomsoune in Dirletoune ; quha remanit crepill nochtwithstanding thairof.—(4.) ITEM, fylit and convict, for telling be hir Wichcraft, that Many Nicolfoune gudeman in North Berwick being feik, scho fould lay hir lyfe for hirs, [his?] quha nochtwithstanding deit thairof.—(5.) ITEM, fylit and convict, for fchawing be hir Wichcraft, to ane pure woman quha was fend to hir, be the freindis of Dauid Lyndesay, tinkler in Dalkeyth, quha had lyin threttie oulkis feik, and had nocht spokkin thre dayes befor the said pure woman come to hir, that gif he levit over Weddinsday, that he wald nocht die of that maladie ; quha mendit of the samyn, according to hir declaratioune.—(6.) ITEM, fylit and convict, that forsamekle as Johnne Peiny being in Prestoune, being one ane certane tyme verrie feik, scho, be hir incantatioune and prayer, maid him to con- vales of his feiknes.—(7.) ITEM, fylit, for vfang of hir prayer and incantatioune to haif haillit . . . . .<sup>1</sup> Halyburntoune, guidman of Inchcarne, being than in feiknes ; and declaring, that na cherurgeonrie nor phific could help him ; quha deceffit, as scho tauld the samin.—(8.) ITEM, fylit, for cuming to Bessie Aiken-

<sup>1</sup> Left blank in Record.

heid, spous to Thomas Vans in Hadingtoun, and vsing hir prayer and dewelisch charmes for recovering of hir health to hir.—(9.) ITEM, fylit, that scho being fend for to the Lady Roslene, quha wes feik, sche knew be hir devilisch prayer, that the said Lady wes nocht hable to recover; and thairfore, scho wald nocht cum to hir.—(10.) ITEM, fylit and convict, that scho being brocht to Johnne Youngis wyfe, schipard att Bairfute, att Pasch<sup>1</sup> laftwas, that wes feik for the tyme, the said Agnes counfall being focht, anent hir health, sche declarit and anferit, that sche wald newir be weill salang as scho remanit vpoun the ground<sup>2</sup> quhair scho wes for the tyme; bot defyrit, that scho fould be transportit of the said ground, and scho wald owthir die or mend; quha being transportit one hir command, schortlie thaireftir departit this lyffe.—(11.) ITEM, fylit, that sche had foir-knowledge be hir Wichcraft of diseasit persounes, gif thay wald leue or nocht; or quha wes wicht<sup>3</sup> persounes. To wit, That gif sche stopit anis in hir prayer, the feik persoun wes bewichit; and gif the prayer stopit twyis, the diseasit persoune wald die.—(12.) ITEM, fylit and convict, that sche foir-knew of the Devill, and tauld Patrik Porteous, that he wald leve bot ellevin yeiris.—(13.) ITEM, fylit, that sche wes maid foir-knawin of the Devill, of the last Michelmes storme; and that thair wald be grit skayth, baith be see and land.—(14.) ITEM, fylit, that sche wes maid foir-knawin be the spreit,<sup>4</sup> that the Quenis Maiestie wald newir cum in this countrey, except the King fetcht hir.—(15.) ITEM, fylit and convict, that sche lernit hir skill and prayer fra hir fader, quha tauld hir, that quhene sche wes fwitit<sup>5</sup> to ony feik persoune, and that gif sche stopit in hir prayer, sche wald nocht pas to the feik persoun; and gif sche stopit nocht, sche wald pas, and the persoun diseasit wald leve.—(16.) ITEM, fylit and convict, that sche be hir dewilysche prayer, tauld that James Kirkcaldeis wyffe, burges of Hadingtoun, wald conuale of hir seiknes.—(17.) ITEM, fyllit, for hailing of Johnne Ker of . . . . ., being feik in all mennis judgment to the daith, quha lay in Alexander Fairleis hous, in Langnudrie; and that be hir prayeris and incantatiounis.—(18.) ITEM, for hailing of Johnne Duncan, in Muffilburcht, of his seiknes be hir dewelisch prayeris.—(19.) ITEM, for the foirtelling of Issobell Hammiltounis death, spous to James Powar; and telling that sche could nocht amend hir, except the dewill wes rasit; and hir gudman being ane spairand man, and wald nocht wair<sup>6</sup> expensse, sche wald ne raise him; and tauld that sche wes bewichit; and this wes done sax or sewin zeiris fyne, or thairby.—(20.) ITEM, convict, for the curing of the guidwyffe of Camroun, quha gaid vpoun stiltis eftir hir birth, and that be Wichcraft.—(21.) ITEM,

<sup>1</sup> Easter.    <sup>2</sup> Land, property, residence.    <sup>3</sup> Bewitched.    <sup>4</sup> This term is frequently used *par excellence* to designate Satan, it being considered by the vulgar to be dangerous to use his name rashly.    <sup>5</sup> Suited, or made suit to, on account of any, &c.    <sup>6</sup> Disburse, lay out.

convict, for hailling of the Laird of Reidhallis sone be Wichcraft, quhome the cherurgeonis had gevin owir.—(22.) ITEM, fylit and convict, of the cwing of Robert Dikfoun in Bowtoun, in somer laftwas, quha wes suspect be the woman he gat the barne with, or hir mother, quha had putt sum quheit or vthir thingis<sup>1</sup> in his dowblett; and caufit him to leif of the said dowblett.—(23.) ITEM, for the cwing of Johnne Cokburn the Schereff of Hadingtounis wyffe, quha wes wicht be the wich of Mirrielawis, be the blast of ewill wind, one Hallaw-ewin.—(24.) ITEM, fylit and convict, of cureing, be hir Wichcraft, incantatioun and sayng of develifch prayaris, of Alesoun Ker, spous to Johnne Restoun, of ane feiknes contractit be hir, be the meane of Catherene Gray, ane wich; with the quhilk feiknes sche wes diseafit, be the space of thre yeiris preceding that the said Agnes cureit hir.—(25.) ITEM, fylit and convict, of the vring of hir develifch airt of Wichcraft, in cureing of . . . . ., spous to Robert Caringtoun in Craprene (Traprene), qua wes bewichit be vmq<sup>2</sup> Johnne M<sup>c</sup>Gill, defyring the said Robert to pas and tak the said Johnne M<sup>c</sup>Gill, and gif him fair wordes, and defyre him to pas to his feik wyffe; and gif he zaid with fairnes, guid it was; bot gif he will (wald) nocht, defyrit him to cause ane young man ga to him, and inquyir quha gart him do itt, and to caus him cum to his wyffe; and gif he refutit to cum, to bring him aganis his will; quha being brocht in her prefens, sche wes twyis, in xxiiij houris, extreme wod and out of hir wit.—(26.) ITEM, acquit<sup>3</sup> of hir develifch practefis, and namelie of hir passing to Natoun Kirk vnder nycht, with the witch of Carbarrie and vtheris; and thair taking vp the bwreit people, and junting of thame,<sup>4</sup> quhair of scho maid inchantit powder for Wichcraft.—(27.) ITEM, fylit, for cuming to Robert Bailzie in the Pannis<sup>4</sup> sone, in somer laft, quha wes very feik for the tyme; and only graiping<sup>5</sup> him, and speiking sum wordis of charming, went hir way, and the chyld wes cwrit and maid haill of his feiknes.—(28.) ITEM, convict, for hailling of Johnne Hammiltoun in Sammelftoun, quha being trublit with ane feiknes in his feit, he come to 30w<sup>6</sup> (hir), and 3e (sche) fend him haill of the said feiknes, vpoun the morne eftir his cuming.—(29.) ITEM, fylit and convict, for cuming to James Libbertounis wyffe in Over Libbertoun, quha was feik, vring of hir develifch prayeris for hir health, and said quhen (sche) pafit away, gif sche come nocht agane schortlie, sche wald depart awa; sche nocht returning, the said James wyffe de-

<sup>1</sup> Enchanted or bewitched.    <sup>2</sup> (On the margin) Nota, 'Acquit of yis.'    <sup>3</sup> Taking away their 'joints,' or joints, for preparing charms, &c. See Articles 42 and 50.    <sup>4</sup> Viz. Prestonpans.  
<sup>5</sup> Gripping, taking hold, *groping*.    <sup>6</sup> From the appearance of the Record, it is evident, that 'the pointis' of the Indictment or Dittay had been engrossed, previous to the trial, to save time in Court. The Assise returned a 'special verdict,' rehearsing these *pointis*, and *fyling* or *clenging* the pannel, according to their impression of the evidence. The words 'yow' and 'ye' are usually altered to sche. In this instance, the clerk has omitted to do so.

pártit within thre dayes.—(30.) ITEM, fylit and convict, for hailing of the Lady Kilbabertoune, be hir devilisch prayaris, quha wes diseafit of ane havie difeis.—(31.) ITEM, fylit and convict, for cureing of vmq<sup>le</sup> Robert Kerse in Dalkeyth, quha wes havelie tormentit with wichcraft and difeis, laid on him be ane Westlande Warlach, quhene he wes in Dumfreis; quhilk seiknes sche tuik vpoun hir self, and kepit the famin with grit groining and torment quhill the morne; one quhilk tyme, thair wes ane gritt dyn hard in the hous; quhilk seiknes sche caift of hir self in the cloife, to the effect ane catt or dog mycht haif gottin the famin; and nochtwithstanding, the famin wes laid vpoun Alexander Dowglas in Dalkeyth, quha dwynit and departit thairwith; and the said vmq<sup>le</sup> Robert Kers wes maid haill.—(32.) ITEM, convict, for the foirtelling, be hir develisch prayer, to vmq<sup>le</sup> Patrik Hepburne in Banglais wyffe, that hir husband, beand feik, wald die, becaus hir prayer stopit; and thairfore, refusit to pas and visseit him. Quhilk prayer wes reherfit be hir, in maner following:

AGNES SAMPSONE'S *Prayer to hir patientis for liiff or daith.*<sup>1</sup>

I TROW<sup>2</sup> in Almychtie God that wrocht, Baith heavin and erth and all of nocht,  
 In to his deare sone Chryft Jesu, In to pat anaplie<sup>3</sup> lord, I trow,  
 Wes gottin of þe Haly Gaift, Borne of þe Virgin Marie,  
 Stoppit to heavin, that all weill þane, And sittis att his faderis rycht hand;  
 He baid ws cum, and þair to dome Bayth quick and deid, as he thoct conuene.  
 I trow als in þe Haly Gaift. In Haly Kirk my hoip is maift,  
 That halyfchip quhair hallowaris winnis, To ask forgevenes of my finnis,  
 And syne to ryis in flesch and bane, The lyffe that newir mair hes gane.  
 Thow sayis, Lord, 'lovit mocht 3e be, That fornd and maid mankynd of me.'  
 Thow coft me on þe aly croce, And lent me body, faull and voce,  
 And ordanit me to heavinnis blifs; Quhairfore I thank 3e Lord of þis;  
 And all 3our hallowaris lovit be, To pray to þame to pray to me,  
 And keep me fra þat fellon fea, And from the fyn that faull wald slay.  
 Thow, Lord, for thy bytter passioune in, To keip me frome fyn and wardlie schame,  
 And endles damnatioune. Grant me the joy newir wilbe gane.

SWEIT JESUS CRISTUS. AMENE.

(33.) ITEM, fylit and convict, that the fyrst tyme sche begane to ferue the Dewill, wes eftir the death of hir husband; and that he apperit to hir, in liknes of ane man, quha commandit hir to acknowledge him as hir maister, and to renunce Chryft; quhairvnto sche grantit, being movit be povertie and his promefis, that sche and hir bairnis sould be maid ritch, and sould gif hir power to

<sup>1</sup> This is neither more nor less than a doggerel version of the Apostles' Creed; perhaps one of the monkish rhymes before the period of the Reformation, which Anny had got by heart. <sup>2</sup> Believe.  
<sup>3</sup> In Lord Fountainhall's Abstract, he reads 'comely'; but the whole 'prayer' is so different from the above, that it has likely been taken from some other MS., or has been most unfaithfully transcribed. 'Anaplie' seems to be written for *aneplicie*, 'aefald,' 'afald,' literally *one-fold*, sincere, without guile, &c.

be revangeit of hir inimeis : and eftir that, he appointit tyme and place for thair nycht meting ; and that tyme, in figne that fche wes becum his feruand, he markit hir in the rycht kne, quhilk mark fche belevit to haif bene ane hurt refauit be hir fra ane of hir bairnis that wes lyand in the bed with hir ; quhilk hurt wes nocht haill for half ane yeir.—(34.) ITEM, fylit and convict, that the Dewill apperit to hir in liknes of ane dog, att quhome fche focht hir haill rēponfis ; and quhene fche putt him away, fche chargeit him to ‘ depart on the law he lewis one ;’ quha with thay wordis is coniurit and paffis away.—(35.) ITEM, fylit and convict, for failling, with certane hir complices, out of North Berwik, in ane boit lyke ane chimnay, (the Dewill paffing before thame lyke ane ruk of hay,) to ane fchip callit The Grace of God, in the quhilk fche enterit, and the Dewill caufit hir drink wyne, and gaif hir vthir guid cheir ; quhair of fche and hir cumpany gaif ane part to thame that wes in the flott boit ; and att hir being thair, fche faw nocht the marineris, nathir thay faw hir ; and quhene thay come away, the Dewill rafit ane ewill wind, he being vnder the fchip, and caufit the fchip perifch, and fche delyuerit tuentie fchilling to Gray-meill,<sup>1</sup> quha wes with hir in the faid fchip, for his on-waitting.<sup>2</sup>—(36.) ITEM, fylit, vpoun hir awin confeffioun, that fche, be airt of Wichcraft, faillit to ane fchip, quhair thair wes ane vncouth woman, and the Irfch tailzeour and his wyffe wes principallis thair ; and that Rychard Grahame wes ane vthir of the principallis, quha had wrocht mekle mifcheif.—(37.) ITEM, fylit and convict, for cuming to Alefoune Inglis, Daud Robefounis wyffe, than being feik, quha chaift hir away, and wald nocht fuffir 3ow (hir) to vfe 3our (hir) Wichcraft, to the hailling of his wyffe, becaus fche wes brutit<sup>3</sup> to be ane wich ; and haifing mett with the faid Daud Robefounis feruand, fche faid to him, ‘ Gif his maifter had nocht fpokin the wordis he fpak, his wyffe had bene ane haill woman, and gangand on hir awin feit.’—(38.) ITEM, fylit and convict, that quhene fche wes fend for to haill the auld Lady Edmestoune, quhene fche lay feik, befoir the faid Agnes departit, fche tauld to the gentilwemene, that fche fould tell thame that nycht quhiddir the Lady wald haill or nocht ; and appointit thame to be in the gardin eftir fupper, betuix fyve and 12. att ewin. Sche paffit to the gairdene, to devyife vpoun hir prayer, one quhat tyme fche chargeit the Dewill, calling him ‘ Elva,’ to cum and fpeik to hir, qua come in owir the dyke, in liknes of ane dog, and come fa neir to hir, that fche wes effrayit, and chargeit him, ‘ on the law that he lewit on,’ to cum na neirar, bot to anfuer hir ; and fche demandit, Quhiddir the lady wald leif or nocht. He faid, ‘ Hir dayes war gane.’ Than he demandit, ‘ Gif the gentilwemen hir dochteres, quhair thay wer ?’ And fche

<sup>1</sup> One of the warlocks who ‘ kept the dur’ at the grand convention at North Berwick, called by Sir James Melville, ‘ ane auld fely pure plowman.’ <sup>2</sup> Attendance. <sup>3</sup> Reported—Fr. ‘ *bruit*.’

faid, that 'The gentilwemen faid, that thay war to be thair.' He anfuerit, 'Ane of thame fould be in perrell, and that he fould haif ane of thame.' Sche anfuerit, 'It fould nocht be fa,' and fwa departit fra hir 3owling. Fra this tyme quhill eftir fupper, he remanit in the wall.<sup>1</sup> Quhen the gentilwemen come in, the dog come out of the wall, and apperit to thame; quhairatt thay wer effrayit. In the mene tyme, ane of the faid gentilwemen, the Lady Torfenze, ran to the wall, being forceit and drawin be the Devill, quha wald haif drownit hir, war nocht the faid Agnes and the rest of the gentilwemen gatt ane gryp of hir, and with all hir (their?) forceis drew hir abak agane, quhilk maid thame all effrayd. The dog paffit away thaireftir, with ane 3owle. Than fche faid to the gentilwemen, that 'Sche could nocht help the lady, in respect that hir prayer stopit; and that fche wes forie for itt.' Mairowre, eftir that fche and ane of hir fifteris careit hir deid<sup>2</sup> to ane chalmer, quhair fche remanit frenettik thre or four dayes, and crippill ane quarter of ane 3eir, vntill fche vfit hir develifch inchantments to coniure the spreit agane, and fche abaid with hir the tyme that fche lay; and quhen fche could nocht byde langar hir felff, fche fend hir sone to byde with hir; and quhene ather of thame wes present, fche wes weill aneuch; but quhen thay baith left hir, fche wes als ewill as fche wes of before.—(39.) ITEM, convict, for that fche haifing done pleafour to the gudwyffe of Gallowfchelis, for the quhilk fche did nocht satisfie hir, fa sone als the faid Agnes defyrit; and thairfore fche faid to the faid guidwyffe, that 'Sche fould repent it;' and within few houris thaireftir, the faid guidwyffe tuik ane wodnes,<sup>3</sup> and hir toung fchot out of hir heid, and fwallit lyke ane pott; quhairfore fche fend to hir the thing that fche defyrit, and prayit hir to cum to hir, and fche baid the feruand 'Ga away hame, for the guidwyffe wes weill.'—(40.) ITEM, fyllit and convict, of the delyerie of ane letter, quhilk Johnne Fiene, clark,<sup>4</sup> maid in George Mutis bak hous, in the Pannis,<sup>5</sup> accompaneit with the guidwyffe of the hous, Gelie Duncan, Bessie Robfoune, Jokkie Gray-meill, Jonet Gaw, Erisch Marioune, the wobsteris wyffe of Setoune, Robert Greirfoune, the guidwyffe of Spilmourfurd-myne callit Meg Begtoune, Jame Sparrowis wyfe callit Kait Wallace, quha convenit thair for rafing of storme, to ftay the Quenes hame-cuming to Scotland; eftir consultatioun, quhether Gelie Duncan or Bessie Thomfoune wes meiteft to fend the letter with; and concludit to fend the faid Gelie, quhilk letter wes fend to Marioun Lenchop in Leyth. The effect quhairoff is this: 'Marioun Lenchop, ge fall warne the rest of pe fifteris, to raife pe wind this day, att ellewin houris, to ftay pe Quenis cuming in Scotland.' Lykeas, they that wer convenit att the Pannis fould do for thair part, beeift;<sup>6</sup> and to meit thame that wer in the

<sup>1</sup> Well, draw-well.    <sup>2</sup> In a swoon.    <sup>3</sup> Madness.    <sup>4</sup> 'Regifter' and 'Secretar' to the Devil. See his Trial, Dec. 26, 1590.    <sup>5</sup> Prestonpans.    <sup>6</sup> To the eastward.



Pannis; and att thair meting, thay fould mak the storme vniuerfall thro the see. And within aucht dayes eftir the said Bill wes delyuerit, the said Agnes Sampfoune, Jonett Campbell, Johnne Fean, Gelie Duncan and Meg Dyn<sup>1</sup> bap-tesfit ane catt in the wobstaris hous, in maner following: Fyrft, twa of thame held ane fingar, in the ane fyd of the chimnay cruik, and ane vther held ane vther fingar in the vther fyd, the twa nebbis of the fingaris meting togidder; than thay patt the catt thryis throw the linkis of the cruik, and passit itt thryis vnder the chimnay. Thaireftir, att Begie Toddis hous, thay knitt to the foure feit of the catt, foure jountis<sup>2</sup> of men; quhilk being done, the sayd Jonet fecht it to Leith; and about mydnycht, sche and the tua Linkhop, and twa wyfeis callit Stobbeis, came to the Peir-heid, and saying thir wordis, 'See that thair be na defait amangis ws;' and thay caist the catt in the see, sa far as thay mycht, quhilk swam owre and cam agane; and thay that wer in the Panis, caist in ane vthir catt in the see att xj houris. Eftir quhilk, be thair inforcerie and inchantment, the boit perischit betuix Leith and Kinghorne; quhilk thing the Dewill did, and went before, with ane stalf in his hand.—(41.) ITEM, fylit and convict, for making of ane pictour of walx, to the similitude of Mr Johnne Mofcrop,<sup>3</sup> fader-in-law to Ewfame M<sup>c</sup>Calzane, att the said Ewfamis desyre, for the distructioun of the said Mr Johnne, and past with the said pictour to ane bray abone ane walter on the landis of Keyth, and raftit the Spreit, quha coniuert the pictour to serue for the distructioun of the said Mr Johnne; and delyuerit the famin to Jonett Drummond, seruitour to the said Ewfame; and baid hir putt the famin vnder hir guid-faderis bed-heid, or bed-feit: And this sche did, four zeiris syne, before the said Ewphame wes delyuerit of hir last birth.—(42.) ITEM, fylitt and convict, for putting of mwildis, or powder maid of menis joyntis and memberis,<sup>4</sup> in Natoun Kirk, vnder Ewphame M<sup>c</sup>Calzanis bed, tene dayes befor hir birth; quhilkis mwildis sche coniureit with hir prayaris, for staying and slaiking of grinding the tyme of hir birth.—(43.) ITEM, convict, of the taking of the pane and seiknes of the Lady Hirneftoune, the nycht of hir delyuerie of hir birth.—(44.) ITEM, fylit, of vring of ane prayer and coniuracioun, quhene sche haillit seik folkis; quhair of the tennour followis.

AGNES SAMPSONES *prayer and conjuration for hailing of seik folkis.*

ALL kindis of illis that ewir may be, In Cryftis name, I coniure ye;  
 I coniure ye, baith mair and les, With all pe vertewis of pe mels,  
 And rycht sa, be pe naillis sa, That naillit Jesus, and na ma;  
 And rycht sa, be pe famin blude, That reikit owre pe ruithfull rwid;  
 Furth of pe flesch and of pe bane, And in pe eird and in pe stane.

I CONIURE PE, IN GODIS NAME.

<sup>1</sup> Dunn.    <sup>2</sup> Joints of dead men. See Articles 26, 42, and 50.    <sup>3</sup> Advocate. See Ewphame Makcalzean's Trial.    <sup>4</sup> See Articles 26 and 50.

(45.) ITEM, fylit and convict, for the charming of George Dikfounes hors and cattell fra deing, quhair of thair deid threttene ky, oxin and horfis, be the ewill meanes of Johnne M<sup>c</sup>Gill; and sche haifing reffaut ane stane of cheis, and half ane stane of buttir, fra the said Georgis wyfe, thair deit nane thaireftir.—(46.) ITEM, fylit and convict, for the charming of the ky and oxin of Rychard Spens, fermorer for the tyme in Hirmestoune, and James Quhyte in Gosfurd; by going vp betuene twa and twa of thame in thair byre, straiking of thair bakis and wambes, and saying, ‘Aue Maria’ oft owre.—(47.) ITEM, fylit, for being att the conventioun quhair Meg Stillcart, Gray and Jonett Campbell wes with hir, and ane vthir deid senfyne, being altogidder fyve in number; quhilk wes att the Kirk of Garvett, be-eift Burn-syde.—(48.) ITEM, for being att the conventioun betuix Coulland and Carbarry, quhair thair was Agnes Straittoun, togidder with the Wich of Carbarrie, and hir self; quhair sche quarrellit hir maister the Dewill, and that, in respect sche had newir gottin guid of him, and said sche wald renunce him, bott did it nocht; and he promesit to hir att that tyme, that na thing fould ga aganis hir.—(49.) ITEM, fylit and convict, that sche, with the guidwyffe of Spilmour-fuird, Gelis Duncan, Bessie Thomfoun, Gray-meill, Agnes Stratoune, with certane vtheris to the nowmer of nyne, convenit att Foulstruthir, and thair had thair consultatiounis, how thay mycht wrak Dauid Seytoun and his guidis; and first, Gelis Duncan, Bessie Thomfoun and Gray-meill, haillit<sup>1</sup> ane coird att the brig, and the said Agnes Sampson, cryit, ‘Haill, hola!’ the end of itt wes very heavie. And quhen thay had drawin, the Dewill cam vp att the end of itt, and sperit, ‘Gif thay had been all guid seruandis?’ Than thay demandit him, ‘Quhat way thay mycht wrak Dauid Seytoun and his guidis?’ He gaif to thame cleir thingis, as itt wer sum peces of glasse, brayit and mixit with sum peces of coirdis, and sum vthir thingis amangis thame; and baid lay ane threid langis the mwre, and commandit to saw the peces of glas langis the mwre, swa that quhatfumeur come owre fyrst, fould perisch fuddandle. Bot the said Dauid being stayit to cum that day, as thay thocht he fould haif done, the wrak lichtit in the hyndis gudis and his dochter, quha ewir sence hes bene heavele vexit with terrible visiounes and apparitiounes, and hir body tormentit with ane ewill spreit, quhairwith sche hes bene possesit maist petiefullie; quhair of sche wes the cheif instrument, reffauing guid deid fra James Porteous and Rychard Crummy to the end foirlaid; and directit Bessie Thomfoun and Anny Stratoune to the place of Foulstruthir, to craif ane lok falt owre the dur heid, quhilk gif thay had gottin, the wrakment had lichtit on Dauid Setoune and his guidis; and becaus the falt wes refuset, the wrakment lychtit vpoune the hyndis barne and his guidis.

<sup>1</sup> *Hawled*, or pulled a rope or cord.

CONVENTIOUN *at the Kirk of North Beruik.*

(50.) ITEM, fylit and convict, fforfamekle as fche confest before his Maieftie, That the Dewill, in mannis liknes, mett hir going out in the feildis frome hir awin hous att Keyth, betuix fyve and fax att ewin, being hir allane ; and commandit hir to be at North Bervik kirk the nixt nycht : And fche paffit thair on horfbak, convoyit be hir guidfone, callit Johnne Couper, and lychtit att the kirk-zaird : Or a lytill before fche come to itt, about ellewin houris att ewin, thay danceit alongis the kirk-zaird ; Gelie Duncan playit to thame one a trump, Johnne Fiene, miffellit, led all the reft, the faid Agnes and hir dochter followit nixt ; befydes thir, we Cait Gray, George Moitis wyfe, Robert Greirfoune, Catherine Duncan, Bessie Wrycht, Iffobell Gylour, Johnne Ramfayes wyffe, Annie Rychardfoun, Jonett Gaw, Nicoll Murrayes wyfe tailzeour, Cristiane Caringtoun alias Lukit, Mafie Aichfoun, Marrioune Paterfoune, Alexander Quhytelaw, Marioun Nicolfoune, Marioun Bailzie, Jonett Nicolfoune, Johnne Gray-meill, Iffobell Lauder, Helene Quhyte, Margret Thomfoune, Marioune Scheill, Helene Lauder, Archie Henillis wyfe, Duncan Buchquhannane, Marioune Congiltoun, Bessie Gwlene, Bessie Broune the smythys wyfe, Thomas Burnhill and his wyfe, Gylbert M<sup>c</sup>Gill, Johnne M<sup>c</sup>Gill, Catherine M<sup>c</sup>Gill, with the reft of thair complices, abone ane hundreth perfounes, quhair of thair wes fax men, and all the reft wemen. The wemen maid fyrft thair homage, and nixt the men. The men wer turnit nyne tymes widderfchinnes about, and the wemen fax tymes. Johnne Fien blew vp the duris, and blew in the lychtis, quhilkis wer lyke mekle blak candillis, ftiking round about the pulpett. The Devill ftart vp him self in the pulpett, lyke ane mekle blak man, and callit ewerie man be his name, and ewerie ane anfuerit, ‘ Heir, Mr.’ Robert Greirfoune being namit, thay ran all hirdie-girdie and wer angrie ; for it wes promefit, that he fould be callit ‘ Ro’ the Comptroller alias Rob the Rowar,’ for expreming of his name. The fyrft thing he demandit, was ‘ Gif thay keptit all promeis, and bene guid feruandis ?’ and ‘ Quhat thay had done fince the laft tyme thay had conventit ?’—One his command, thay opnit vp the graves, twa within and ane without the kirk, and tuik of the jountis<sup>1</sup> of thair fingaris, tais and neife, and partit thame amangis thame ; and the faid Agnes Sampfoune gatt for hir pairt, ane windene fcheit and twa jountis, quhilk fche tint negligentlie. The Devill commandit thame to keip the jountis vpoun thame, quhill thay wer dry, and thane to mak ane powder of thame, to do ewill withall. Than he commandit thame to keip his commandmentis, quhilkis war, to do all the ewill thay could. Before thay departit, thay kift his erfe. He had one him ane gown and ane hatt, quhilkis wer baith

<sup>1</sup> See Articles 26 and 42.

blak; and thay that wer assemblit, pairt stwid and pairt fatt. Johnne Fiene wes ewer nerrest to the Devill, att his left elbok; Gray-meill kepit the dur.<sup>1</sup>—(51.) ITEM, fylit and convict, that quhan hamelines wes contractit betuix hir and Barbara Naipar,<sup>2</sup> in Dalkeyth, Camroune-brig-end and foche places, the said Barbara lamentit vnto hir, that a man callit Archie had done hir grit wrang; and askit hir counfall, How to be avengeit of him? Quhais anfuer was, that ‘Sche fould mak the help sche could.’ And eftir puttione<sup>3</sup> betuix thame, the said Agnes preparit ane bony small pictour of 3allow walx, quhilk sche inchantit and coniurit vnder the name of Archie, in the eift end of the dowcatt of Craigmyllar, in the Dewillis name; and gaif power to the said pictour, that, as it fould melt away before the fyre, fwa fould that man, quhais pictour it was, confwme and pyne away, quhill he wer vterlie confwmit; and fwa delyuerit the said pictour vnto the said Barbara; quha said vnto hir, ‘Tak guid tent, that na thing be wrocht to stay the purpos.’—(52.) ITEM, fylit and convict, that sche inchantit be hir forcerie, ane lytill ring with ane stane in itt, to the said Barbara Naipar; quhilk ring sche refflaut fra the said Barbara; sche my<sup>4</sup> sche my<sup>4</sup> allure Dame Jeane Lyounis hairt, than Lady Angus,<sup>5</sup> to love and favour hir; quhilk ring, sche

<sup>1</sup> Sir James Melville has preserved the following account of this singular transaction, in his *Memoirs* (p. 395 of Edition printed for use of the Bannatyne Club). Reference may also be had to the Trial of Johnne Feane alias Cwninghame, Dec. 26, 1590, &c.—‘About this tyme, many Witches wer tane in Lowdien, wha deponit of some (witchcraft?) maid be THE ERLE BODOWELL, as they allegit, against his Maiesteis persone: Quhilk commyng to the said Erlis eares, he entred in ward within the Castell of Edenbrouch, desyryng to be tryed; alleging that the Deuell, wha was a lyer from the begynning, nor yet his sworn witches, aucht not to be credited. Specially, ane renowned midwyf callit ANNY SAMPSOUN, affirmed that sche, in company with nyne vthers witches, being convenit in the nycht beynd Prestounpannes, the Deuell ther maister being present standing in the midis of thame; ther a body of wax, schaipen and maid be the said Anny Sampson, wrappit within a lynnyng claith, was first delyuerit to the Deuell; quhilk eftir he had pronuncit his verde, delyuerit the said pictour to Anny Sampson, and sche to hir nyxt marrow, and sa euery ane round about, saying, “This is King James the Sext, ordonit to be consumed at the instance of a noble man Francis Erle Bodowell!” Eftewart again, at ther meting be nycht in the kirk of North Berick, wher the Deuell, clad in a blak gown, with a blak hat vpon his head, preachit vnto a great number of them out of the pulpit, having lyk leicht candelis rond about him. The effect of his language was till knaw, what skaith they had done, whow many they had won to ther opinion sen their last meting, what succes the melting of the pictour had tane, and sic vain toyes. And becaufe ane auld sely pure plowman, callit Grey Meill, chancit to say, that “nathing ailit the King yet, God be thankit!” the Deuell gaif him a gret blaw. Then dyuers amang them enterit in a raifonyng, maruelling that all ther deuellerie culd do na harm to the King, as it did till others dyuers. The Deuell anfuerit, “*Il est vn home de Dieu.*” And certainly he is a man of God, and dois na wrang wittingly, bot is inclynit to all godlynes, justice and vertu; therfor God hes preferued him in the midis of many dangers. Now efter that the Deuell had endit his admonitions, he cam down out of the pulpit, and caused all the company to com and kiss his ers, quhilk they said was cauld lyk yce; his body was hard lyk yrn, as they thocht that handled him; his faice was terrible, his noife lyk the bek of ane egle, gret bournyng eyn; his handis and legis wer herry, with clawes vpon his handis and feit lyk the griffon, and spak with a how voice!’ <sup>2</sup> See her Trial, May 8, 1591. <sup>3</sup> *Sic.* Perhaps parley, deliberation. <sup>4</sup> *Sic.* Probably meant for, ‘that sche mycht.’ <sup>5</sup> See May 8, 1591, in Note to Barbara Naipar’s Trial. SPOTTISWOOD, p. 372, in reference to the Earl of Angus’s death, says, “Never died any nobleman with greater regrate; and so much the more was his death lamented, that it was then thought and afterwards confessed, he was

send agane with hir dochter, within ten dayes thaireftir to the said Barbara, to be vfit to the effect foirlaid.—(53.) ITEM, for ane commoun notorious Wich, and vfar of Sorcereis and Inchantmentis, with the invocatioun of the Dewill hir maifter, abufing the pure fimple people, thairwith drawing thame fra the lening to the mercie of God, and to beleive in the fupport of the Dewill.

SENTENCE.<sup>1</sup> For the quhilk caus, the said Agnes wes ordenit be the Justice, pronunceit be the mouth of James Scheill, dempftar, to be tane to the Castell (hill) of Edinburgh, and thair bund to ane staik and wirreit, quhill fche wes deid ; and thaireftir hir body to be brunt in affis : And all hir movable guidis to be efcheit and inbrocht to our fouerane lordis vfe, &c.

### Paricide.

Apr. 30, 1591.—JOHNNE DIKSOUN, sone and apperand air to vmq<sup>le</sup> Johnne Dikfoun of Belchefter.

Dilatit of airt and pairt of the crewall slauchter of vmq<sup>le</sup> Johnne Dikfoune of Belchefter his fader, committit in July 1588.

PERSEWAR, Mr David M<sup>c</sup>Gill, Aduocat for his Majesteis intres.

VERDICT. The Affyse, be the mouth of Johnne Farguesoun of Craigharrauch thair chancillar, ffand the said Johnne Dikfoun to be fylit and convict of the slauchter of his said vmq<sup>le</sup> fader.

SENTENCE. For the quhilk cryme, the Justice, be the mouth of James Scheill, dempftar, ordanit him to be brokin vpoun the row,<sup>2</sup> at the mercat croce of Edinburgh, and all his movabill guidis to be efcheit, &c.

taken away by Sorcery and Incantation. In the time of his sickness, when the physicians found his disease not to proceed of any naturall cause, one *Richard Graham*, who was executed some years after for Witchcraft, being brought to give his opinion of it, made offer to cure him, saying, as the manner of these wizards is, "That he had received wrong." But when he heard that the man was suspected to use unlawful arts, he would by no means admit him, saying, "*That his life was not so dear to him, as for the continuance of it some years he would be beholden to any of the Devil's instruments ; that he held his life of God, and was willing to render the same at his good pleasure, knowing he should change it for a better.*" Notwithstanding her improper practices, this lady escaped criminal prosecution.—HOME of *Godscroft* remarks : ' ANNA SIMSON, a famous Witch, is reported to have confessed at her death, that a picture of waxe was brought to her, having A. D. written on it, which, as they said to her, did signifie *Archibald Davidson* ; and shee, not thinking of the Earl of Angus, whose name was *Archibald Douglas*, and might have been called David-son, because his father's name was David, did consecrate or execrate it, after her forme ; which she said, if she had knowne to have represented him, shee would not have done it for all the world.' <sup>1</sup> On the margin, ' Sentence contra Agnes Sampson, convict of Witchcraft.—To be brunt in the Castell-hill, &c.' <sup>2</sup> Wheel. This was an unusual punishment in Scotland, and was reserved for cases of the utmost atrocity. An instance of a criminal being broken upon the wheel occurs in the case of Robert Weir, for the murder of John Kincaid of Warriestoun. See Jun. 26, 1604. He was sentenced to be ' brokin vpoune ane row quhill he be deid, and to ly thairat during the space of xxiiij houris : And thairefter his body to be tane vpoune the said row, and set vp in ane publict place, betuix the place of Wareftoun and the town of Leyth ; and to remane thairupoune, ay and quhill command be gevin for the buriall thairof.'

[*Per M. Vmphridem Blynschelis, Justiciarium Deputatum, et Assessores M. David Carnegie de Colluthie et D. Jacobum Meluile de Halhill.*]

### Witchcraft.

May 8.—BARBARA NAIPAR, spous to Archibald Douglas, burges of Edinburgh, (brothir to the Laird of Carschoggill.)

Dilatit of findrie poyntis of Wichcraft, contenit in Dittay gewin in aganis hir, be Mr Dauid M<sup>c</sup>Gill of Cranfoun-Ryddell, aduocat to our fouerane lord.

PERSEWAR, Mr Dauid M<sup>c</sup>Gill, Aduocat to our fouerane lord for his hienes interes.

PRELOQUITOURIS for the pannell.

Mr Johnne Ruffell, Mr Johnne Moscrop; Williame, Alex<sup>r</sup> and Andro Naipar, burgeffis of Edinburgh.

The Justice efter proponing of diuerse allegeances be the pannell aganis the Dittay and anfuertis maid thairto, ordanit the said Barbara to be putt to the triell of ane Assyse, for the crymes contenit in Dittay.

### ASSISA.

Johnne Brig, Maister portar to his Maiestie,	James Galbraith, Averieman to his Maiestie,	Dauid Fairlie, merchand burges, Patrik Sandilandis, tailzeour,
George Brig, Maister of the Ail-fellar,	David Seytoun in Fowlstruthir,	burges of Edinburgh,
Walter Bell, att the Mylne of Deane,	William Justice, merchand burges of Edinburgh,	Mr Arch <sup>d</sup> Wilkie, burges of Cannogait,
Hector Clawie, burges of the Cannogait,	Johnne Seytoun, Crilman to his Maiestie,	An <sup>d</sup> Cuthbertfoun, burges of Edr,
	Job <sup>e</sup> Mowbray, merchand burges,	Robert Cwninghame, burges thair, William Harper, burges thair.

VERDICT. The Assyse, be the mouth of Robert Cwningham chancillar, ffand, pronunceit and declarit the said Barbara Naipar, to be fylit, culpabill and convict, of the feiking of consultatioun fra Annie Sampfoune ane Wich, for the help of Dame Jeane Lyoune Lady Angus,<sup>1</sup> to keip hir fra wometing, quhen sche wes in bredin of barne.—ITEM, For the consulting with the said Annie Sampfoune, for caufing of the said Dame Jeane Lyoune Lady Angus to love hir, and to gif hir the geir awin hir agayne, and gewing of ane ryng for this purpois to the said Anny, quhill sche had fend hir ane courchie<sup>2</sup> of linning; and swa for con-

<sup>1</sup> Dame Jeane Lyon, Lady Angus, was eldest daughter of Patrick, ninth Lord Glamis, who married, 1st, Robert Douglas younger of Lochleven, and was by that marriage mother of William Earl of Morton; 2d, Archibald eighth Earl of Angus, anno 1586, after he had divorced his second wife, a daughter of Lord Rothes, for adultery; and 3d, Alexander Lindsay, afterwards Lord Spynie, one of the Kings favourites. The death of the Earl of Angus in 1588, 'was ascribed to Witchcraft, and one Barbary Naipar in Edinburgh, wife to Archibald Douglas of the house of Cashogle, was apprehended on suspicion.'—HOME of *Godscroft*. Annie Sampson was also concerned in this plot against the life of Angus. Lady Angus does not seem to have been molested for trafficking with these hags, though her great grandmother, Lady Glamis, was brought to the stake for Witchcraft, on more slender presumptions. <sup>2</sup> Fr. *Couvrechef*, kerchief, a sort of head-gear then worn.

travening of the Act of Parliament, in consulting with her, and feiking of hir help, being ane Wich.—ITEM, For the consulting with the said Annie Sampfoune, anent the help of hir husband Archibald Dowglas, quhen he wes in the Westland, att the raid of Dumfreis ; hir husband being for the tyme vnder feid with the hous of Cowhill.—ITEM, For consulting with Rychie Grahame, ane Nicromanfer and abusar of the people, in feiking of help att him to hir sone ; and gratifeing him thairfore, with thre elnes of bombesie and fyve quarteris of broune. This was done in Johnne Ramsayis hous, outwith the West-poirt of Edinburgh ; incontrar the tennour of the Act of Parliament maid thairanent ; att the quhilk tyme, sche inquiryt att the said Rychie Grahame, gif the King wald cum hame or nocht.—ITEM, For the hunting<sup>1</sup> and consulting with ane Wich and Nicromancear, aganis the tennour of the Act of Parliament maid thairanent.—AND Acquit the said Barbara of consulting with the said Rychie, for ane stollin dowlet<sup>2</sup> of vmq<sup>10</sup> George Ker hir husband.—ITEM, (Acquit,) for consulting with Annie Sampfoune, anent the making of vmq<sup>10</sup> Archibald Erll of Angus pictour, to his distructioun.—ITEM, (Acquit,) for being att the conventioun of North-Bervik ; and the hail heidis of the Dittay, except the heidis quhair of sche wes convict.

*DOME pronouneit aganis Barbara Naper.*

May 10.—The quhilk day ane Lettre producit, subfcryuit be the Kingis Maiestie and his hienes Chancillar, for pronouneing of the dome vnderwrittin, aganis the said Barbara ; of the quhilk Precept the tennour followis.

‘*REX.*

‘*JUSTICE, Justice-Clark and 3our deutes, We greit 3ow weill. Forfamekill as Barbara Naper, spous to Archebald Dowglas burges of Edinburgh, wes convict in ane Court of Justiciarie, haldin in our Tolbuthe of Edinburgh, pe aucht day of May instant, for pe feiking of consultatioun fra Annie Sampfoune ane Witch, &c.<sup>3</sup> Quhairvpoune, na Dome is pronouneit aganis hir as 3it. OURE WILL is heirfoir, and we charge 3ow, that incontinent efter the fycht heirof, 3e pronoune the Dome aganis hir, for the saidis crymes, according to the lawis of our realme and Actis of Parliament : That is to say, that scho fall be tane to the Castel-hill of the burcht of Edinburgh, and thair bund to ane staik befyde the fyre and wirreit pairat quhill scho be deid ; and pairefter hir body brunt in the said fyre, and all hir movabill guidis escheted to our vse as convict of the saidis crymes. As 3e will anfuer to ws vpoune 3our office and obedience. Quhairanent thir presentis fall serve 3ow as sufficient Warrant. Subfcryuit with our hand, at Halyrudhous, the tent day of Maij, 1591.*

(*Sic subscritur*)

‘*JAMES R. J. CANCELLARIUS.*

‘*DOME*’ was pronouneit accordingly, ‘*be the mouth and declaratioun of William Gray, Dempstar of the said Court.*

Eftir pronouneing of the quhilk Dome, the said Barbara declarit that scho was with barne ; and thairfoir alledgeit, that na executioun of the said Dome culd

<sup>1</sup> Haunting, frequenting the society.   <sup>2</sup> Dowblet?   <sup>3</sup> Here the verdict of the Assise is inserted.

be vfit aganis hir, quhill scho was delyuer of hir birth;<sup>1</sup> and thairvpoune askit instrumētis.

**Rapt and Rabiſhing — Forcible Abduction.**

May 27.—ROBERT CARNECROCE callit *Mekle Hob*, Robert Ramsay in Cummiſſie, Quintene Bouftoune in Edinburgh and Johnne Wallace in the Cannogait.

Dilatit of airt and pairt of the Rapt and Raveiſching of Jeane Ramsay Lady Warreiftoune, aganis the Actis of Parliament and lawis of this realme maid thairanent; committit the xix day of March laſtbypaſt.

PERSEWARIS.

Jeane Ramsay Lady Warreiftoune, George Ramsay apperand of Dalhouſſie, Mr D<sup>r</sup> M<sup>c</sup>Gill, Aduocat.

PRELOQUITOURIS for the pannell.

Mr Johnne Cramond, Andro Ker, brother to the Lord Johnne Wallace of Craigie,  
Johnne Home 3ounger of Coldin- of Newbottill, Nicoll Cairnecroce of Calhill.  
knowis,

Continued to the Juſtice-aire of Edinburgh and Jedburghe, *reſpectiue*, 'Ter-  
tio Itineris, vel xv dierum. Plegio, Nicolao Carnecroce de Calhill, pro omnibus.'

[*Mr Johnne Grahame and Mr Vmphyrey Blynſchelis, Juſtices-Deputes.*]

**Wilful Error on Aſſiſe — Acquitting a Witch.**

Jun. 7.—JOHNNE MOWBRAY, merchand burges of Edinburgh,<sup>2</sup> and ele-  
ven others, being the majority of jurors upon Barbara Nai-  
par's Aſſyſe.

Dilatit of maniſeſt and Wilfull Errorr committit be thame, in acquitting of  
Barbara Naipar ſpous to Archibald Dowglas, brothir to the Laird of Carſchog-  
gill, of the poyntis of Treſſoune and Wichcraft, vnder writtin.

PERSEWAR, Mr David M<sup>c</sup>Gill of Cranftoun Ryddell, Aduocat to our ſouerane lord.

The ſamin day, the perſonnes on pannell dilatit and accufit be dittay contenit  
in our ſouerane lordis lettres, purcheft att the inſtance of the Aduocat aganis  
them, and produceit be him in Judgement; quhair of the tennour followis.

DITTAY *againſt the Aſſifors on Barbara Naipars Inqueſt.*

JAMES, be pe grace of God, &c. That quhair, Barbara Naipar ſpous to Archibald Dowglas, wes  
vpoun pe aucht day of Maij I<sup>m</sup>.V<sup>c</sup>.lxxxj 3eiris, accufit in ane Court of Juſticiarie, haldin in pe Tol-  
buih of Edinburgh, ffor ſeiking help, reſpons and conſultatioune, att Rychard Grahame, notoure and  
knawin Nigromancear, ane commoun abufar of pe peopill, baith aganis pe will and ordinance of God

<sup>1</sup> Home of Godſcroft ſays, that 'nobody inſiſting in the perſute of her, ſhe was ſet at libertie.'

<sup>2</sup> It may be noticed, that the minority of this 'Aſſyſe' conſiſted of, the 'Maifter of the Ail-fellar,'  
the 'Crilman to his Maieſtie,' and David Seytoun in Fowlſruthir, probably his brother or relation.



and Actis of Parliament and law of þe countrey : And speciallie, fforfamekill as, during our souerane lordis being att þe Brig of Die, before the commoun bell rang, for feir the Erll Bothwell fould haif enterit in Edinburgh, scho declarit to þe said Rychard, that sche hard ane woman say, that our souerane lord wald gett skaith be ane taid or gangrell ; and defyrit of him, quhat he thocht pair of, and that he wald schaw to hir his opinioone pair of the morne ; quha consultit with þe Spreit<sup>1</sup> pairanent, and ressauit be his respons, that his Maieftie wald be trublit be conventionn of wemen, throw þe dropping of ane taid : and als, Rychard lauching vpoun hir, declairit pair, att þat samyn tyme, that scho, Effie M<sup>c</sup>Calzan and Donald Robefoune fould be thre of þe doaris of itt : quhilk quhen scho hard, scho schuik hir heid : Quhilk wes affermit be þe said Richard Grahame, in hir and the saidis perfounes presens. AND siclyke, the said Barbara wes accusit, that scho gaif hir presens, in þe maift develifch and trefonabill Conventioun, haldin be hir and hir complices in þe Devillis name, vpoun Lambmes-ewin laft, att þe New-heavin callit Aitchefounes-heavin, betuix Muffilburcht and Prestoune pannis, fin his Maieftie come furth of Denmark ; quhair war assemblit nyne principallis, to witt, Agnes Sampfoune, Jonett Straittoun, Ewfame M<sup>c</sup>Calzeane, hir selff, Johnne Fiene, Robert Greirfoun, George Moitis wyffe in Prestoune, Margrett Thomfoun in Struiling and Donald Robefoune ; quhilkis nyne perfounes, the Devill, quha wes with þame in liknes of ane blak man, thocht maift meit to do þe turne for þe quhilk thay wer conuenit ; and pairfore, he sett þame nyne nerrest to him selff, in ane cumpany ; and thay, togidder with þe wyffe of Saltoune-myle and þe rest of þe inferioris, to þe nowmer of threttie perfounes, standand skairse þe lenth of ane buird frae þe foirfaid nyne perfounes, in ane vthir cumpany ; Agnes Sampfoune proponit þe distructionne of his hienes perfoune, saying to þe Dewill, ' We haif ane turne ado, and we wald fayne be att itt gif we could, and thairfore help ws to itt.' The Dewill anfuert, he foud do quhat he could, bott itt wald be lang to, becaufe it wald be thoirterit ;<sup>2</sup> and he promesit to hir and þame ane pictour of walx, and ordenit hir and þame to hing, roift and drop ane taid, and to lay þe droppis of þe taid, mixt with strang wasch,<sup>3</sup> ane edder-fkyn,<sup>4</sup> (and) the thing in þe foirheid of ane new-foillit foill, in his hienes way, quhair his Maieftie wald gang inowre or outowre, or in ony passage quhair itt mycht drop vpoun his hienes heid or his body, for his hienes distructionne, that ane vther mycht haif rewlit in his Maiefties place, and þe ward<sup>5</sup> mycht haif gane to þe Dewill. Att þe quhilk conventioun, his hienes name wes pronunceit in Latine ; and Agnes Sampfoun wes appointit to mak þe pictour and to gif it to the Dewill to be inchantit, quhilk scho maid in deid, and gaif itt to him ; and he promesit to giff it to þe said Barbara and to Effie M<sup>c</sup>Calzan, att þe nixt meting, to be roiftit. Margarett Thomfoun wes appointit to dropp þe taid. Thair wes ane appointit to seik sum-of his hienes linning clathis, to do þe turne with. And Gelie Duncan, vpoun þe fyftene day of December laftwas, in þe said Barbareis face and Effie M<sup>c</sup>Calzanis, avowit on þame baith, att þe fyrft sycht, sche saw hir estir hir cuming to þe Abay, and before sche had spokin thre perfyte speicis afoir hir, affermit that Agnes Sampfoune mett with hir and þe said Effie, in þe said Barbareis awin hous ; and the said Gelie Duncan and Bessie Thomfoune being pair also, togidder with Johnne Fiene, quha said to Gelie, that he wald ga West to his fader, and eikit forder, that thair wes ane taid hingand be þe helis thre nychtis, and droppit betuix thre oifter schellis and nyne stanis, fottin thre nychtis ; att quhat tyme na man luikit or susceitit to haif hard ony sic thing : As the particular Depositiounes of þe said Donald Robefoune and Jonett Straytoun, quha constantlie abaid att þe famin, quhilk wes repetit be þe Aduocatt ; the Depositiounes of Gelie Duncane and Rychard Grahame, ewerie ane for pair awin partis and circumstances, being confrontit togidder, manifestit and maid playne. AND siclyke, the said Barbara wes accusit, that sche gaif hir bodelie presens vpoun Alhallow-evin laftwas, 1590 zeiris, to þe frequent conventioun haldin att þe Kirk of North-Berwik, quhair sche danceit endlang þe Kirk-3aird, and Gelie Duncan playit on

<sup>1</sup> *Par excellence*, the Devil.    <sup>2</sup> Thwarted, frustrated    <sup>3</sup> Stale urine.    <sup>4</sup> The skin of an adder.    <sup>5</sup> For world, world ; perhaps it may be used in the literal sense, word, rule, or government.

ane trump, Johnne Fiene, missellit,<sup>1</sup> led þe ring; Agnes Sampfoun and hir dochteris and all the rest following þe said Barbara, to þe nowmer of sevin scoir of persones; of þe quhilk nowmer, wes Effie M<sup>c</sup>Calzan, Katherene Gray, Mergarett Aichfoun, Donald Robefoun, Robert Greirfoun, Katherene Wallace, Meg Bogtoun, Jonett Campbell, Jonett Logane, Johnne Gordoun *alias Gray-meill*, the portaris wyffe of Seytoun, Jonett Straytoun, Bessie Thomfoun, Catherene Duncane, Bessie Wrycht, Iffobell Gylloun, Johnne Ramfayes wyffe, Anny Rychefoun, Jonett Gall, Nicoll Murrayes wyffe, tailzeour, Cristian Keringtoun alias *Likkie*, Mafie Aichfoun, Marie Paterfoun, Alexander Quhytelaw, Marioun Nicolfoun, Marioun Bailzie, Jonett Nicolfoun, Iffobell Lauder, Helene Quhyte, Margrett Thomfoun, Marioune Schaw, Helene Lauder, Malie Geddie, Duncan Buchquhannane, Marioun Congiltoun, Bessie Cowane, Bessie Broune, the smythis wyffe, Thomas Brounhill and his wyfe, Gilbert M<sup>c</sup>Gill, Johnne and Catherene M<sup>c</sup>Gillis, with diuerse vtheris, to þe nowmer aboue writtin: Att þe quhilk place and tyme, the wemene maid fyrst þair homage, and wer turnit sax tymes widderfounes about; Johne Fyen blew vp þe Kirk durris, and blew in þe lychtis, quhilkis wer lyke mekill blak candillis, haldin in ane auld mannis hand, round about þe pulpett. And þe Dewill start vp in þe pulpett, lyke ane mekill blak man, with ane blak baird stikand out lyke ane gettis<sup>2</sup> baird; and ane hie ribbit neise, falland doun scharp lyke the beik of ane halk; with ane lang rumpill; cled in ane blak tatie goun; and ane ewill favorit scull bonnett<sup>3</sup> on his heid; haifand ane blak buik in his hand, callit on ewerie ane of þame, defyring þame all to be guid serwandis to him, and he fould be ane guid maister to þame, and thay fould haif anewch and newer want. For Robert Greirfoun and Johnne Fien (thay) stuid on his left hand; and the said Robert ffind grit fault with the Dewill, and cryit out, that all quhilkis wer befyd mycht heir, becaus his hienes pictour wes nocht gewin þame, as wes promesit; the said Effie M<sup>c</sup>Calzan remembrand and bidand þe said Robert Greirfoun to speir for þe pictour, meaning his Maiesteis pictour, quhill fould haif bene roistit. Robert Greirfoun said thir wordis, 'Quhair is the thing ze promesit?' meaning þe pictour of walz, dewysit for roisting and vndoing his hienes personne, quhilk Agnes Sampfoun gaif to him; and Robert cryit to 'haif þe turne done;' zit his hienes name wes nocht nameit, quhill<sup>4</sup> thay that wer wemen nameit him; craifand in playne termes his hienes pictour. Bot he ansuerit, 'It fould be gottin þe nixt meitting, and he wald hald þe nixt assemblie for þat caus the sone: It was nocht reddie at þat tyme.' Robert Greirfoun ansuerit, 'ze promesit twyis and begylit ws.' And foure honest-like wemene wer very ernist and instant to haif itt: And the said Barbara and Effie M<sup>c</sup>Calzane gatt þan ane promeis of þe Dewill, that his hienes pictour fould be gottin to þame twa, and that rycht sone: And þis mater of his hienes pictour wes þe caus of þat assemblie. In takin quhair of, the Dewill commandit þe said Barbara and all her cumpany, to keip his commandementis; quhilk wer, to do all the ewill thay could: Also, thair wes þane thre deid corps tane vp and juntit; the naillis and juntis wer pairtit amangis þame. The Dewill commandit þame to keip þe juntis vpoun þame, quhill the samin dryit; and than to mak powder þair of, to do ewill with. Estir þe quhilk, thair homage being made, as the fassoun is, in kissing of þe Devillis ers, thay pairtit for þat tyme, without ony mair done; except, that Effie M<sup>c</sup>Calzane, Robert Greirfoun and the said Barbara, hapnit to be nameit þair; quhilk offendit all þe cumpany: And that thay fould nocht haif bene nameit with þair awin names; Robert Greirfoun, to haif bene callit *Rob the roscar*; Effie to be callit *Cane*; and the said Barbara, to be callit *Naip*. And trew this is, and provin be Donald Robefoun, Jonett Straitoun, Gelie Duncan and Bessie Thomfoun, quha ar zit on lyffe. QUHILK, being putt to þe knowlege of ane Inqueist; thay nochtwithstanding, vpoun þe nynt day of þe month and zeir of God foirfaid, Clengeit and Acquit, be favour and partial meanis, the said Barbara Naipare. That, forfamekill as, during his Maiesteis being att þe Brig of Die, the day before þe common bell rang, for feir the Erl Bothuell fould haif enterit in Edinburghe, sche declarit to þe said

<sup>1</sup> Disguised, muffled, masked.    <sup>2</sup> Goat's.    <sup>3</sup> An *ill-faured*, or ugly sort of skull-cap; a dress which fitted closely to the shape of the head, chiefly worn by judges and lawyers.    <sup>4</sup> Until.

Rychard Grahame, that sche hard ane woman say, that þe King wald get fkaith be ane taid or gangrell, &c.<sup>1</sup> Quhairthrow thay, and ewerie ane of þame, could pretend na ignorance; att þe leift, nethir of law nor confcience could haif acquit hir þairof; the samin being verifeit, be þe constant assertioun and Depositioun of ane pairt of þe witneffis being present in Judgement for þe tyme, as is aboue writtin, and be þe Depositiounis of þe vthir pairt produceit: And þairfore, did manifestlie and wilfullie err, contrar þe lawis and prattik of þe realme; Incurrand þairby the horribill cryme of Periurie, *et penam temere jurantium super Affsam.*

And thay, being requyrit be the Justice, HIS MAIESTIE being fittand in Judgement, quhidder thay wald abyde the tryell of the law and of ane Assyse for the saidis crymes, or cum in will thairfore? Eftir lang deliberatioun and consultatioun, thay refusit to abyde the tryell of ane Assyse thairfore; bot come *simpliciter* in his hienes will, for Ignorant errour committet be thame, in acquyting of the said Barbara, of the crymes and poyntis of Dittay aboue reherfit.

SENTENCE. Quhilk will, HIS MAIESTIE publictly, in Judgement, in presens of his hienes Lordis of Secreit Counfall, declarit to be, That he, understanding that it wes nocht Wilfull Errour thay committit, in acquyting in maner foirfaid; and thairfore Ordenit, that the foirfaidis perfounes and ilk ane of thame salbe Affoilzeit fra all penalties in body, guidis or fame, in tyme cuming,

Vpoune the declaratioune of the quhilk will, thay and ilk ane of thame askit act and instrument.

### Treasonably Conspiring against his Majesty's life—Witchcraft—Sorcery—Murder, &c.

JUN. 9.—EWFAME MAKCALZANE,<sup>2</sup> (of Cliftounhall,) spous to Patrik Makcalzane *alias Moscrop.*

[EWFAME MAKCALZANE, the subject of the following remarkable Trial, was only daughter and heiress of Mr Thomas Makcalzane Lord Cliftounhall, one of the Senators of the College of Justice; a person distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman. As this family is now extinct, and considerable curiosity must naturally be felt regarding the parentage of so extraordinary a character as Effy Makcalzane, the Editor has made some investigation in the public Records, where alone any traces are now to be found; and he hopes that the following brief notices will prove not unacceptable.]

Mr Thomas Makcalzane had early followed the profession of the Law, and had, before the year 1556, entered as an Advocat. On Nov. 10, 1556, through the powerful interference of Mary of Guise, Queen Regent, the Magistrates and Town Council of Edinburgh were constrained to deprive him of his office of Assessor for the City, 'for evill, heich and vnplefand langage to hir grace,' in the discharge of his official duties; most probably, for the independent manner in which he had pleaded the rights of 'the Good Town. Nothing daunted, the Assessor protested against this decree, and, after the lapse of a few months, was restored, by command of the Queen Regent, Jun. 5, 1557.<sup>3</sup> He was

<sup>1</sup> Here the evidence is recapitulated      <sup>2</sup> Called Effy (the familiar abbreviation for Euphemia), by Sir James Melville in his Memoirs, and by other contemporary writers.      <sup>3</sup> Liber Statutorum Burgi de Edinburgh.

'infest' in the lands of Cliftonhall, anno 1557, when he is designed, 'M. Thomas Macalzeane, advocatus, burgen. de Edinburghe.'<sup>1</sup> 'Maister Thomas Macalzeane of Cliftounhall' was appointed one of the Ordinary Lords of Session, under the style of Lord Cliftounhall, Oct. 20, 1570, on the demise of Henry Balnavis, Lord Hallhill. He obtained Letters of Remission, (apud Leith, May 2, 1572,) for his treasonably assisting James late Earl of Arran, and George late Earl of Huntlie, in detaining the burgh of Edinburgh against his Majesty. On Jul. 25, 1578, he was nominated by the Estates of Parliament to be one of the Commissioners 'to treat vpoun the Lawes.' And on the same day he was appointed one of the Commissioners, with the Earls of Buchan and Ruthven, &c., to 'decyde in ane caus betuix the Gordounis and the Forbesses'—a deadly feud then subsisting between these families and their retainers. 'Honorabilis vir Magister Thomas Macalzeane de Cliftounhall, unus Senatorum Collegij Justicie,' Dec. 1, 1578, constituted his only lawful daughter Euphemia Macalzeane his executrix and his assignee, to redeem the lands of Cliftounhall from Henry Macalzeane, advocate.<sup>2</sup> Dec. 4, 1584, Mr Henry Makalzeane, advocate, is 'retoured' as heir to William his brother, in the ten merk land of the town and lands of Carkettle, in the barony of Prestoun and shire of Edinburgh. 'The 24 of Junij (1591), Euphane M<sup>c</sup>Kalzen ves brunt for Vitchcrafte,<sup>3</sup>—' as a notorious Vitche.'<sup>4</sup>

At what date Lord Cliftounhall died, the Editor has not been enabled to determine precisely,<sup>5</sup> and the investigation might occupy much more time than he can at present command, or than the importance of the enquiry demands; but, as his lordship was succeeded in his office of an Ordinary Lord of Session by John Lindsay, parson of Menmure, Master of the Metals, &c., who took his seat as a Judge, Jul. 5, 1581, he had probably died during the preceding month.

The sentence against Ewfame of course carried along with it a forfeiture of her Estates of Cliftounhall, &c. as well as her movable effects, on account of the treason of which she had been found guilty. She left three daughters<sup>6</sup> by her marriage with Patrik Makalzeane, alias Moscrop, who was son and heir-apparent of Mr John Moscrop, advocate,<sup>7</sup> a person of considerable eminence in his profession. Her husband took the name of Makalzeane, at the request probably of his father-in-law, or in compliance with the entail of the estate. These ladies, Martha, spouse of Mr David Ogilbie, Elizabeth, and Ewphame, spouse of Henry Sinclair of Quhitekirk, were formally Rehabilitated by Act of Parliament, his Majesty being 'tuichit in honour and conscience,<sup>8</sup> and now being of mynd that the said foirfaltour and convictioun fuld onnawwis hurt or prejuge hir poffertie.' The Act of Rehabilitation, dated Jun. 5, 1592,<sup>9</sup> accordingly restored them to the estates belonging to their deceased mother and grandfather, burdened with a payment of 5000 merks to Patrik Makalzeane their father, 'payit and delyuerit be the said Patrik to our said fouerane lord and his hienes donatour, for the Gift of Forfaltour of the said vmq<sup>te</sup> Ewfame.' The King, however, clogged this act of grace with a very unpalatable reservation; for the lands of Cliftounhall were expressly reserved to his favourite, Sir James Sandelandis of Slamanno, knight, and to his heirs, to whom his Majesty had previously gifted that valuable property; and all action, which the deceased had against Mr Henry Macalzeane for the redemption thereof. These heiresses-portioners therefore could reap but little benefit from the succession; and

<sup>1</sup> Protocol-book of James Harlaw, Notar Public, from 1549 to 1585, in the General Register House. It was at this period by no means unusual for Advocates, Writers to his Majesty's Signet, and Notaries, to become burghesses of Edinburgh; but whether this was a necessary step, towards the exercise of their profession within the burgh, the Editor has not been able to determine. He is rather inclined to think it was a voluntary act; and that the reason of such persons purchasing the freedom of the burgh, was, that they might confer a right upon their descendants to become burghesses upon easier terms, and to obtain for themselves other civic privileges. <sup>2</sup> Probably his brother. See Harlaw's Protocoll. <sup>3</sup> *Burrell's Diary*, p. 26. <sup>4</sup> *Marjoribank's Annals*, p. 55. <sup>5</sup> He 'died in the year 1581.' *Law's Memorials*, p. 33. <sup>6</sup> Besides these daughters who survived her, she had at least two sons; 'Thomas,' mentioned at the commencement of the Trial, and another son, mentioned in article 18 of the Dittay. The means she used for 'helping' them, probably cut them off in early infancy. <sup>7</sup> On Dec. 2, 1573, Mr Johne Moscrop, advocat, Katharine Lytill his spouse, and Patrik Moscrop (*alias Makalzeane*), his son and heir-apparent, got Remission for their treasonably being present at the field of Langside, May 13, 1568. <sup>8</sup> No wonder! <sup>9</sup> *Acta Parl. 1592*, cap. 132, fol. 608.

the estate having passed to the family of Sandilands, and no male heirs existing, the name of Makcalzeane of Cliftonhall became extinct. On Sep. 25, 1596, Ewfame the daughter was returned, as heiress-portioner to her deceased grandfather, in certane small annualrents, payable out of some tenements in Edinburgh.

That a person, moving in the rank of society which Ewfame Makcalzean occupied, should have leagued with the obscure and profligate wretches who figure in the Trials for Witchcraft at this period, for the destruction of her sovereign, and that too by such unlikely and absurd means, seems irreconcilable with any ideas of sanity which can now be formed. It is evident, however, that she *believed* herself, as well as her associates, to be possessed of supernatural powers; and that she had the firmest reliance in infernal agency. The only reason which can be assigned for such frantic and detestable conduct seems to be, that she was devoted to the ancient Roman Catholic faith, and thus bearing personal hatred against the King and the Reformed Religion; she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests and the predominance of her party. It is worthy of remark, that three days before Ewfame's cremation, Bothwell 'brak out of the Castell of Edinburghe, quha had beine ther, in prisone, some 20 dayis befor, *for alledgit Vitchcraft and consulting with Vitches, especially with ane Richard Grahame, to conspyre the Kingis death*; and upone the 25 of Junij,<sup>1</sup> the said Earle Bothuell wes forfeaulted, and intimation made therof, by opin proclamation at the croffe of Edinburghe.<sup>2</sup> It is known that Bothwell had much traffick with Witches, and was himself esteemed an expert Necromancer.<sup>3</sup>

Dilatit of certane trefsonabill Conspiraceis interpryfit be Wichcraft, to haif destroyitoure souerane lordis persoune, and bereft his Maiestie of his lyffe be that schameful and extraordinar meanis: And being airt and pairt thairof, vpoun the counfall (and) consultatioun with diuerse vtheris Wichis of hir societie: And diuers vtheris crymes of Wichcraft committit be hir, att lenth specifeit in the Dittay maid thairvpoune.

## PERSEWAR.

Mr David M<sup>c</sup>Gill of Cranstoun-Ryddell, Aduocat to our souerane lord (for his hienes interest.)  
PRELOQUITOURIS for the pannell, Mr Johnne Moscrop, Mr David Ogilvie, Robert Ker in Duddingstoune, Henry Nisbet, burges of Edinburghe, Mr Johnne Russell, Mr Johnne Skene, Aduocatis.

Comperit the said Mr David M<sup>c</sup>Gill, Aduocatt, and produceit ane Dittay, maid att lenth, aganis the said Ewfame; and contractit in thir heidis vnderwrittin, to be putt to the knowlege of ane Assyfe: Quhair of the tennour followis.

DITTAY *against Ewfame Mackalsane.*<sup>4</sup>

EWFAME M<sup>c</sup>CALZANE, Ye ar indytit and accufit, (1.) For airt and pairt of the bewiching of Michell Marioribankis, be strykeing of him be Wichcraft, with ane extraordinar difeis, be taking of the power and habilitie of his rycht fyde, arme and leg fra him; be youre selff, and your complices be your moyane; committit in Apryle 1577.—(2.) ITEM, Indytit, for consulting with Catherene

<sup>1</sup> The day of Ewfame's execution.    <sup>2</sup> *Birrell's Diary*, p. 25.    <sup>3</sup> *Law's Memorials*, p. xliii. *Spotswood, &c.*    <sup>4</sup> This is stated to be only an abstract of the Dittay, and 'contractit in thir heidis.'

Campbell, ane Erſch womane, knawin to be ane notorious Wich ; and intertinning hir in your awin hous and Barbara Touris hous, ſeiking help of hir to youre bairnis ; ſpeciallie to help youre ſone Thomas, be youre airt ; to quhome ye ſend his fark to that effect, with Helene Inglis your ſeruand, and twa xxx ſ. pecis, for hir help.—(3.) ITEM, For conſulting with the ſaid Catherene, anent the bewiching and ſlauchter of Patrik Moſcrop, your husband, quhairby ye mycht gett ane vtheir guidman ; and conſulting with hir, quhome ye ſould marie.—(4.) ITEM, Indytit, of airt and pairt of the traffiking with Agnes Somervall, ſpous to Gilbert Anderſone in Dunfermling, ane commoune trafficquar with Wichis ; inquiryng of hir, ‘ Gif ſche knew ony wittie or ſkilfull wemene in the cuntry, that will owthir caus your husband love yow, or ellis gett your will of him ;’ to quhome ye gaif twa fair cleane farkis of your husbandis, to be careit owre the walter,<sup>1</sup> to be inchantit be thame, att the ſame tyme your husband fell in ſeiknes. Quhilkis farkis, ſche tuik with hir to that effect ; and brocht hame agane be hir, inchantit : And thairby, ſeiking help, reſpons and conſultatioune of Wichis, to the diſtrictioun of your ſpous, be Wichcraft.—(5.) ITEM, Indytit, of airt and pairt of the poyſouning of the ſaid Patrik Moſcrop, your husband, vpoun deidlie malice contractit aganis him, the fyrſt yeir of your mariage ; be gewing to him of poyſoun, and cuiſt the reſt thairof in the cloſett ; quhairby his face, nek, handis and hail body, brak out in reid ſpottis : Quhilk poyſoun wes expellit be his youth. And ſeing the ſame twke na effect, as ye dewyfit, ye ſtill continewand in your vndewtfull behaviour and impatience to ſee him on lyffe, quhom ye preiffit be all meanis poſſibill to cutt away ; the ſaid Patrik being wereit of his lyffe, be the daylie trouble he had in youre cumpany, wes compellit, for faultie of his lyffe, to expone him ſelff to the ſeais, and to pas to france in youre default. Lyke as, ye, to be quyte of him, ſparit nocht, in all pairtis, to ſeik ane hundreth crownis, for his furnitour<sup>2</sup> away ; and ſpairit nocht ſpeik, that your guidman wes paſſand to France, and baid ‘ the ſeind ga with him !’—(6.) ITEM, Indytit and accuſit, that increſſing in youre deweliſche conſultatioune with Wichis, to the wrak and diſtrictioun of the ſaid Patrik your husband, and efter he had returnit out of France, ye, ſtill invyng his health, and ſeiking to diſtroy him be Wichcraft foirſaid ; ye ſend your ſaid husbandis dowblett, with Joſias Coupar your ſeruand, airtie in the morning, to Catherene Campbell the Wich-wyffe, duelland in the Cannogait ; quhilk dowblett the ſaid Wich ſprinklit with blude, and inchantit it with vtheris forcereis, and randerit itt agane to the ſaid Joſias your ſeruand ; quhilk be brocht hame, afoir his maifteris ryſing : Eftir the quhilk, your husband contractit ane heavie diſeis, and pynit thairin

<sup>1</sup> Water, a word frequently used in MSS. of this period.

<sup>2</sup> His outfit and furnishing for his voyage.

mony monethis; quhilk wes na naturall feiknes, as wes testifeit and declarit be the cherurgeonis. Lyke as, the said consultatioun wes reveillit thaireftir, be the said Josias your seruant, for the discharge of his conscience; and he, for that caus, past aff the countrey to Danekin.—(7.) ITEM, Indytit, that to mak hir (yow) perfyte and weill skillit in the said airt of Wichcraft, sche (ye) caufit ane yther Wich, quha duelt in Sanct-Ninianis-raw, inaugwrat yow in the said craft, with the girth of ane grit bikar, turnand the same oft owre your heid and nek, and oftymes round about your heid; quhilk wes reveillit be Marioune Love, dochter to Catherene Lyell younger, to the said Katherene hir moder.—(8.) ITEM, Ye ar indytit, that ye, haifing confaut ane deidlie malice aganis the said Catherene and Walter Scott hir spous, for declaratioun of youre inawgwring foir-said, sene and perfavit be the said Marioun Love; ye, be youre airt of Sorcerie and Wichcraft, bewichit hir and hir husband, in thair bodeis, guidis and geir: And swa, for airt and pairt of bewiching of the said Catherene Lyell and Walter Scott, in thair bodeis, gudis and geir, to thair grit skaith and heirschip.—(9.) ITEM, Indytit, of bewiching, be your airt of Sorcerie, of vmq<sup>le</sup> Johnne Yonstoune, sone to Williame Yonstoune, your husbandis sifter sone, being ane young man of xvij yeiris of aige; be the quhilk Wichcraft he deit: And swa, for airt and pairt of the crewall Slauchter and Murthour of him; only, for reveilling of your vndewtifull behaviour to youre husband, he being familiar in your hous; as the takinnis contenit in the said Dittay att mair lenth verifeis.—(10.) ITEM, Indytit, that ye, haifing confaut ane deidlie malice aganis Jonet Cokburne, dochter to Johnne Cokburne, maltman in Hadingtoun, for the doun-bringing of your purs, belt, glas and claithis, out of the chalmer, and haifing laid down the same vpoun the buird,<sup>1</sup> your husband tuik vp your said purs, and wald haif opnit itt; but opnit it nocht: For the quhilk, ye said to the said Jonett, ‘Weill, madin, haif ze lattin pis be done? ze sall repent itt fra zoure hairt.’ Catherene Carrutheris alias callit *Erisch Jonett* and ye, laid in hir way and passage, sic inchantit mwildis<sup>2</sup> and powder, that in schort space thaireftir, thair came ane swarff<sup>3</sup> owre hir hairt, and sic ane flaffing<sup>4</sup> in hir breift, as itt had bene sum quick thing,<sup>5</sup> peching and panting, heaving vp hir body; quhair-with, sche is diseasit half ane hour, ewerie tyme sche takis itt; oft in the nycht and oft in the day; continewing sumtymes half ane day; haifing mair strench nor hir accustummit maner, in tyme of hir health: And swa, for laying of muldis and powder be Wichcraft and Inchantment, in the said Jonett Cokburnis gait; be the quhilk, sche confaut ane feiknes, and wes mekill trublit thairwith, and is yit, be your airt and Wichcraft —(11.) ITEM, For the crewall Slauchter

<sup>1</sup> Table. <sup>2</sup> Earth taken from dead men's graves, &c. See Jan. 27, 1590. <sup>3</sup> Swooning. <sup>4</sup> Palpitation of the heart. <sup>5</sup> Live.

and distruction of vmq<sup>1</sup> Ewfame Punfray be Wichcraft.—(12.) ITEM, For alwring, be your develifche Wichcraft, Inchantment and Incantatioun, of Joseph Dowglas of Punfraftoune, to love yow; vnder culloure and cloik (of) mariage with youre dochter; and for the distruction of youre husband: In taikin quhair-of, ye gaif him ane craig cheinzie,<sup>1</sup> twa belt cheinzeis, ane ring, ane emirent<sup>2</sup> and vtheris your jewellis.—(13.) ITEM, Indytit, for the consulting with Jonett Cwninghame in the Cannogait, als callit *Lady Bothwell*, ane auld indytit Wich of the fynest champ, 18 zeiris fyne or thairby, for to haif poyfonit Joseph Dowglas of Punfraftoune, and that be ane potioun of composit walter, quhilk ye fend Johnne Tweddall youre seruand for, to be brocht vp to Barbara Toureis hous, in ane chopene stoup; quhilk wes ressaute be him, and delyuerit to the said Barbara.—(14.) ITEM, Indytit and accufit, for sending with Jonett Drummond your seruand, certane Wichcraft, of deliberat mynd to haif bewichit Marie Sandelandis, ane madin, att that tyme vnder promeis of mariage to Joseph Dowglas of Punfraftoune, sche being thane in the Braidfchaw; and to disswad hir, fyrft, fra the said promeis of mariage of the said Joseph, becaus he had gewin his promeis and faith to ane vthir gentilwoman; and that he had the glengore<sup>3</sup> him self.—(15.) ITEM, Indytit, that be youre airt of Wichcraft, ye travellit to stay and imped<sup>4</sup> the mariage of the Laird of Punfraftoune with Marie Sandelandis; and to that effect, directit Jonett Drummond, sumtyme youre nwrice, with sum of youre charmes and inchantmentis, to offend the persoun of the said Marie; quhairby, the said mariage mycht haif bene stayit.—(16.) ITEM, Indytit, of the feiking help, consultatioun and respons, fra Annye Sampfoun, as ane Wich, and knawin to be ane notorious Wich, for recovering of your jewellis and eidentis agane, fra the Laird of Punfraftoune; and be frequent sending of Jonett Drummond, your sumtyme nurrice, to the said Annye, to that effect, aboue sewin tymes; and in the ane of the tymes, sche rasit the Spreit, be voce and nocht bodelie; quha declarit, that the samin sould be delyuerit to the said Jonett Drummond, thair messinger fend to feik the respons.—(17.) ITEM, Indytit, of the bewiching of twa of the Laird of Punfraftounis bairnis, his eldest sone and dochter, to the deid.—(18.) ITEM, Indytit, of consulting and feiking help att the said Anny Sampfoune, ane notorious Wich, for relief of your payne in the tyme of the birth of youre twa sonnes; and ressaute fra hir to that effect, ane boirdstone,<sup>5</sup> to be layit vnder the bowster, putt vnder your heid, Inchantit mwildis and powder put in ane peice paipar, to be vfit and rowit in your hair; and att the tyme of your drowis,<sup>6</sup> your guidmannis fark to be presentlie tane of him,

<sup>1</sup> Neck chain.    <sup>2</sup> Emerald.    <sup>3</sup> Lues venerea.    <sup>4</sup> Hindered, impeded.    <sup>5</sup> Bored stone, probably a Fairy-stone,—a stone having a natural hole, formed by the action of water, &c.    <sup>6</sup> Birth-pangs or throes.



and laid woumplit<sup>1</sup> vnder your bedfeit. The quhilk being praktefit be yow, as ye had reffaut the famin fra the said Annie, and informatioun of the vse thair-of; your feiknes wes caffin of yow, vnnaturallie, in the birth of youre fyrft sone, vpoune ane dog; quhilk ranne away and wes newir sene agane: And in the birth of your laft sone, the same prakteis foirsaid wes vfit, and your naturall and kindlie payne vnnaturallie caffin of yow, vpoun the wantoune catt in the hous; quhilk lyke wyis, wes newir sene thaireftir.—(19.) ITEM, Indytit, for airt and pairt of the consulting with the said Annie Sampfoun, for the distroying of Mr Johnne Mofcrop, your fader-in-law, be Wichcraft, about foure yeiris fyne, or thairby: And to this effect, sending with Jonett Drummond your seruand, ane pictoure of walx, send in ane buift,<sup>2</sup> inclofit within ane guise,<sup>3</sup> to the said Anny; and ane seruiett with beif, woimplit about the guise; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes send hame agane to yow with the said Jonett Drummond, for doing of the turne, as the said Annie declarit that itt fould serue.—(20.) ITEM, Indytit, for your develifch consultatioun with Agnes Sampfoune, pairtlie be your self, and pairtlie be the trafquicking of your auld agent Jonet Drummond, how to be vangeit vpoun Mr Johnne M<sup>c</sup>Gillis wyffe; and resolutioun being tane with Agnes Sampfoune, ane notoure Witch, sche send yow sum Wichcraft and Inchantments with the said Jonett Drummond, quhilk ye caift in att Mr Johnne M<sup>c</sup>Gillis windok; quhilk wes ane bairnis aiproune and halfclaith,<sup>4</sup> with sum thing bund thairin: And this mater being reveillit be vthiris, your seruandis, ye caufit the said Jonett Drummond to deny the same, quhen itt wes laid to hir charge: Lyke as, sche hes confessit, that sche wes daylie and nychtlie trublit with terribill spektakles and vifiounis; as, scho vissible, in ane chalmer flwre of youris, att twa eftir none, saw ane naikit man stand in the middis of the said chalmer, with ane quhyte schein about him: As also, Jonett Aitchefoun youre seruand, being send att twell houris att ewin to draw ane drink, saw lykewyis ane naikit man behind hir, with ane fark; the slewis of the serk vpoun his leggis, and the taill about his heid; quhilk terrifeit hir: Quhilk vifiounis man haif procedit of your dewilifch airt of Wichcraft: As also, the said Jonett Aitchefoun wes trublit with hurchounis.<sup>5</sup> Quhilk Wichcraft foirsaid, wes caffin in agane, att the said Mr Johnne M<sup>c</sup>Gillis windok; and being fund and opnit out, kythit to be ane pictour of clay, and ane portrat of Elizabeth Home, spous to the said Mr Johnne, sewitt in ane windeine schein; about the quhilk wes ane auld blak much<sup>6</sup> woimplit, thairin inclofit fyve clewis of findrie culloures of worfett, as of

<sup>1</sup> Folded up.    <sup>2</sup> Box, chest.    <sup>3</sup> Goose. An acceptable present, besides affording concealment from those less knowing than Anny.    <sup>4</sup> A child's apron or pincloth, and neck-cloth.    <sup>5</sup> Urchions, hedgehogs, Fr. *hérisson*; perhaps the term is used for imps of the Devil.    <sup>6</sup> Mutch or cap, folded up.

blak, reid, orange, yallow and blew. Quhilkis Sorceries, Agnes Sampfoun confessit ye maid youre selff. As also, the said Agnes Sampfoun confessit, that Jonet Drummond brocht to her the same auld much, quhilk scho inchantit; lyke as also, the said Jonet Drummond hes confessit the careing<sup>1</sup> thair of to the said Agnes.—(21.) ITEM, For making of ane pictour of flour and clay, for bewiching of Elizabeth Home spouse to Mr Johnne M<sup>c</sup>Gill, and causing cast the same in att the said Mr Johnneis kiching windok for that effect.—(22.) ITEM, Indytit, for airt and pairt of the slauchter and distructioun, be your devillisch craft of Wichcraft and Inchantment, of Lilius M<sup>c</sup>Calzean, dochter to Mr Henry M<sup>c</sup>Calzan,<sup>2</sup> ane barne of sex yeir auld; and that be rubbing of hir face with youre naipkin, vpoune ane Soneday eftir none; quhen sche fell vpoune the calsey att youre cloise heid; quhairby sche deit.—(23.) ITEM, Indytit and accusit, of the conventicle had att North-Berwik Kirk, tuentie dayes before Michelmes, 1590; and thair inquiring for the Kingis pictour, gewin be Annie Sampfoun to the Dewill, to be inchantit, for the tressonabill distructioun of the King.—(24.) ITEM, Indytit, for being att the Conventioun haldin at the New-heavin callit the Fayrie-hoillis, att Lambmes laftwes, to the effect immediatlie aboue writtin.—(25.) ITEM, Indytit and accusit, for ane Conventioun haldin be yow and vtheris notorious Wichis, youre associattis, att the Brvme-hoillis; quhair ye and thay tuik the sea, Robert Greirfoun being youre admerall and Maister-manne, past owre the sea in riddillis to ane schip, quhair ye enterit with the Dewill, your maister, thairin; quhan, eftir ye had eittin and drukkin, ye caist ovr ane blak dog that skippit vnder the schip, and thairby, ye hewing the Dewill your maistir thairin, quha drownit the schip be tumbling: Quhairby, the Quene wes putt bak be storme.—(26.) ITEM, Indytit, for consulting with the said Annie Sampfoun, Robert Greirfoun and diuers vtheris Wichis, for the tressonabill staying of the Quenis hame-cuming, be storme and wind; and raising of storme, to that effect; or ellis to haif drownit hir Maiestie and hir cumpany, be coniuring of cattis and casting of thame in the see, at Leith, and the bak of Robert Greirfounis hous.—(27.) ITEM, Indytit, for airt and pairt of the distructioun of ane boit, betuix Leith and Kinghorne, and threscoir of perfounes thairin, be your conventioun be vther Wichis, and be your and thair Wichcraft; as is notour.—(28.) ITEM, For ane commoune Wich.

THE quhilk day, the said Dittay being red to the said Ewfame in judgement, as itt wes produceit att lenth be the Aduocatt, and drawin summarlie in heidis, as is aboue mentionatt: Eftir diuerse obiectiounis maid aganis the famin be hir and hir preloquitouris, and diuerse protestatiounis maid in hir name, and an-

<sup>1</sup> Carrying.    <sup>2</sup> Advocate.

fueris maid thairto be the Aduocat ;<sup>1</sup> the Justice ffand, be Interloquitour, that the saidis heidis fould be putt to the knowlege of ane Affyse : And the Affyse being chofin, that sche mycht propone hir defenffis to the said Affyse.

## ASSISA.

James Johnstone of Elphinstoune,	James Inglis, merchant burges of Edinburghe,	James Somervall of Humbie, Alexander Fairlie of Braid,
. . . . . Anfruthir, younger of that ilk,	James Elphinstoune in Bogie, Clemmet Kincaid of the Coittis,	. . . . . Grahame of Knokdolian, David Prestoun of Craigmyller,
Mr Williame Leslie of Cunlie,	George Mowbray of Seyfeild,	. . . . . Balfoure of Bandone,
Johnne Logane, portioner of Couftoune,	Johnne Drummond of Slipperfeild,	David Balfour of Bello.

INTERLOCUTOR. The Justice-deputis, be reffoun of diuerse objectionis maid be the pannell, aganis the poyntis of Dittay aboue writtin, to the Affyse ; and anfueris maid thairto be the Aduocat ; and that they continewit quhill sewin houris att ewin : Continewit the mater to the morne, in the same forme, force and effect as it wes thane : And caufit incarcerat the said Ewfame ; and warne the Affyse to be present the morne att aucht houris in the morning, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 10.)—INTERLOCUTOR. The Justice, be reffoun zit of the objectionis maid be the pannell aganis the poyntis of Dittay, and the Depofitionis of findrie perfounes maid for verefication thairof, and anfueris maid thairto ; thay haifing continewit quhill sewin houris att ewin : Continewit the said mater, in same forme, force and effect as is now ; and imprefonit the said Ewfame quhill the morne ; and wairnit the perfounes of Affyse to compeir the morne, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 11.)—THE famin day, eftir proponing of the hail obiectiounis be the pannell aganis the Dittay, and vereficationis thairof, and anfueris maid thairto be the Aduocatt ; the above perfounes, being chofin, fworne and admittit, thay removit altogiddir furth of Court to the Counfal-hous ; quhair thay remanit all that nycht ; and eftir the chefing of James Johnstone of Elphinstoune Chancillar of the said Affyse, thay votit and reffonit vpoun the poyntis of the said Dittay ; and continewit pronouncing of thair delyuerance quhill the morne.

## ARTICLES of CONVICTIONE and VERDICT of the Affyse.

(Jun. 12.)—THE quhilk perfounes of Affyse, eftir lang deliberatione and continewance in the Counfal-hous, vpoun the reffoning and voting vpoun the poyntis of the said Ewfame M<sup>c</sup>Calzania

<sup>1</sup> It is perhaps to be regretted that no notice is preserved in the Record, of the long pleadings which occupied the whole of this and the two following days. Neither has any record been kept of the evidence adduced. Should the Depositions of the witnesses be found amongst the loose papers belonging to the Court, (which are very numerous, and have never been arranged or examined,) they shall be given in the Appendix.

Dittay; being throwchlie auifit thairwith, re-enterit agane in Court, and thair, be the mouth of the said James Johnstoun of Elphinstoun chancillar, fand, pronunceit and declarit the said Ewfame, (1.) To be Fylit, culpable and convict, of consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, duelland for ane lang space in the Cannogait heid, ane notorious Wich; and intertineing the said Catherene in hir awin hous, and in the hous of Barbara Toures, the relict of vmq<sup>r</sup> James Harlaw,<sup>1</sup> seiking help of hir to hir baurnis; speciallie to Thomas hir sone, to quhome sche send his fark with Helene Inglis hir seruand.—(2.) ITEM, of the bewiching, be hir airt of Sorcerie, of Johnne Yonstoun, sone to Williame Yonstoun, hir husbandis sifter sone, ane young man of sewintene yeiris of aige; quhairby he deit: And swa, for airt and pairt of the slauchter of the said vmq<sup>r</sup> Johnne, be the said airt.—(3.) ITEM, of the consulting with Jonett Cwninghame in the Cannogait heid, alias callit *Lady Bothwell*, ane auld indytit Wich of the fynest champ, auchtene yeiris fyne or thairby, for poysoning of Joseph Dowglas of Punfraistoun, and that be ane potioun of composit walter, quhilk sche send hir seruand Johnne Tueddall for, to be brocht vp to Barbara Toures hous in ane chopene stoup; quhilk wes ressaute be him, and delyuerit to the said Barbara.—(4.) ITEM, of the seiking help, consultatioun and respons, fra Annie Sampfoun, knawin ane notorious Wich, for recovering of hir jowellis and emdent<sup>2</sup> agane fra the Laird of Punfraistoun; and that, be the frequent sending of Jonet Drummond, sumtyme hir nurrice, to the said Annie to that effect, aboue sewin tymes.—(5.) ITEM, for consulting with Annie Sampfoun ane Wich, for getting of mwildis fra hir, to be vfit be the said Ewfame, in releif of hir payne, in hir birth of hir twa sonnes.—(6.) ITEM, of airt and pairt of the consulting with Annie Sampfoun, for distroying of Mr Johnne Moscrop, hir fader-in-law,<sup>3</sup> be Wichcraft, about foure yeiris fyne or thairby; and to that effect, sending with Jonett Drummond hir seruand, ane pictour of walx, send in ane buift inclofit within ane guise, to the said Annie, and ane seruiet with beiff woumplit about the guse; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the samin being inchantit be him, wes send hame agane to hir with the said Jonett Drummond, for doing of the turne; as the said Annie declarit to the said Jonet, that it sould serue thairto.—(7.) ITEM, fand hir culpabill, of making of ane pictour of flowre and clay, for bewiching of Mary Home, spous to Mr Johnne M<sup>c</sup>Gill, and causing cast the samin in att Mr Johnne M<sup>c</sup>Gillis kiching windok, to that effect.—(8.) ITEM, culpabill, for the tressonabill Conventicill had be hir, Annie Sampfoun, Johnne Fiene and dineris vthris, att North Berwik-Kirk, tuentie dayes before Michelmes 1590; and thair, inquiring for the Kingis pictour, gewin be the said Annie Sampfoun to the Dewill, to be inchantit be him, for the tressonabill distruction of the King.—(9.) ITEM, convict of the tressonabill Conventioun, haldin be him, hir and thame, att the New-heavin, callit Aichesounis-heavin, att Lambmes lastwas I<sup>m</sup>.V<sup>o</sup>.lxxxx, to the tressonabill effect immediatlie aboue writtin, viz. in seiking of ane pictour, to the tressonabill distruction of the King.—(10.) ITEM, convict of commoune Wichcraft and Sorcerie, and vring of the said Wichcraft aganis findrie his hienes liegis.—(11.) AND ALS, Acquit the said Ewfame of the hail remanent poyntis contenit in hir Dittay foirfaid, quhair of sche wes accusit.

#### *DOOM of Forfeiture and Sentence of Death.*

(Jun. 15.)—The quhilk day, Ewfame M<sup>c</sup>Calzane, spous to Patrik Moscrop alias M<sup>c</sup>Calzane, being presentit on pannell, as sche that wes convict of before, be ane condigne Affyse, in ane Court of Justiciarie, haldin in the said Tolbuith in Edinburghe, the tuelt day of Junij instant; for the consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, &c. (here the above

<sup>1</sup> Probably the widow of the Notary whose Protocol-book has been quoted in the Notice prefixed to this Trial.   <sup>2</sup> Emerald stone.   <sup>3</sup> He appears as one of the 'Prelocutouris' in her defence.

articles of conviction are rehearsed.)—For the quhilk crymes, the said Justice-depute ordanit the said Ewfame, be the mouth of Williame Gray dempftar, as culpabill and giltie thairof, to be takin to the Castel-hill of Edinburghe, and thair bund to ane staik and brunt in affis, quick,<sup>1</sup> to the death : And all and findrie hir landis, heretageis, takis, ftedingis, roumes, posseffiounes, coirnis, cattell, guides and geir, to be forfaltit and escheit to our fouerane lordis vfe.

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[ANOTHER unfortunate *hiatus* in the Records of the High Court of Justiciary takes place at this period; the Books of Adjournal, from October . . 1591 to May 18, 1596, having been lost. The Editor has been at some pains in tracing the loss of this portion; and it is so far satisfactory that he is enabled to report, that this must have occurred previous to the time when Lord Fountainhall framed his MS. Abridgement;<sup>2</sup> which is still preserved in the Advocates' Library. That eminent lawyer leaves a blank for inserting notices of the proceedings, in case the Record should afterwards have been found; but he does not hazard any conjectures as to the time the missing volume had been taken away or destroyed. It is to be hoped that the volume may still be preserved; and that, if it has found its way into any public or private collection, it may yet be restored to the Clerk of Justiciary.

In a second MS. Collection, also preserved in the Faculty's Library, and understood to have been compiled by Lord Roystoun,<sup>3</sup> it would appear that the same deficiency had still existed in his lordship's time. The following memorandum is transcribed from that Abstract:<sup>4</sup>

'NOTA. As there is no Record from October 1591 to 17th May 1596, we are deprived of what past in that intervall. I shall therefore notice what tryals are mentioned by Spotfwood, during that time.

'First, he mentions, page 391, that David Grahame of Fintrie was found guiltie, and beheaded, 16 Feb. 1592, for being concerned in a Popish plott; the particulars whereof are there narrated, and in a printed Narrative, anno 1593, London.

<sup>1</sup> This was the severest sentence ever pronounced by the Court, even in the most atrocious cases. In ordinary instances of Witchcraft, the culprit was previously strangled at the stake, before being burnt. Ewfame Makcalzean endured her fate with firmness and obstinacy to the last. She does not appear to have repented her crimes, but rather seems to have gloried in what she had attempted. <sup>2</sup> 'Ane Abridgement of the Books of Adjournal.' W. 1. 26. Sir John Lauder (Lord Fountainhall) was one of the fifteen Ordinary Lords of Session, appointed after the Revolution, Nov. 1, 1689. On his death, he was succeeded in his office by Andrew Fletcher, (Lord Milton,) Jun. 4, 1724, after having sat upon the bench for the long period of almost thirty-five years. <sup>3</sup> Sir James MacKenzie (Lord Roystoun) was appointed an Ordinary Lord of Session on the resignation of Lord Prestonhall, (R. Mackenzie,) Jun. 7, 1710, and was succeeded by Charles Areskine, (Lord Tinwald,) Nov. 29, 1744. <sup>4</sup> 'Abstract of the Books of Adjournal,' Advocates' Library, M. 5. 14. fol. 161.

' Stewart E. of Bothwell, in Aug. or Sept. 1593, tryed and acquit of consulting with witches against the King's life. Vid. Agnes Sampson's tryal, as mentioned, page 383, in Spotfwood.

' In the Parl', anno 1594, the Earls of Angus, Huntlie and Errol, are forfaulted, for the same treason and Popish plot for which Grahame of Fintrie was forfault in Feb. 1592.

' Allan Orme, fervant to the Earl of Bothwell, and James Cochran, keeper of Blacknefs Castle, execute for art and part in Bothwell's treason. Executed in Oct. 1594.'

In order to supply, in some measure, the want of this Volume of the Books of Adjournal, the Editor has ventured to insert in this place, rather than in an Appendix, pretty copious extracts made by him from the Records of the Privy Council of Scotland. These notices are, for the most part, necessarily taken merely in abstract. It is greatly to be wished, that the truly valuable mine of historical information contained in the Acts of Secret Council, may, through the liberality of His Majesty's Commissioners on the Public Records, be speedily published, under the superintendence of the present Deputy Clerk Register; to whose indefatigable and well-directed exertions, the restoration of the Records of Scotland is mainly to be attributed. The present state of the Public Registers, and the facilities now afforded for consulting them, would reflect honour on any country.]

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(May 19, *apud Halirudhous.*)—WILLIAME MAISTER OF ANGUS and DAVID GRAHAME of Fintrie, being baith personallie present, decernit to tyne their lyverentis, being dilaitit and accufit, that thai had declynit fra the trew and Chriteane Religioun, refusing to resort to the preicheing of Godis worde; and that, be reffoning or disperfing of buikis or lettres, thay had presumit to persuade his Maieftis subiectis to declyne fra the professioun of the trew religioun, and thairthrow had incurrit the pane of tinsale (lofs) of all thair mouable guidis, togidder with the lyfrentis of thair landis, &c.

(May 21, *apud Edinburgh.*)—Alexander Guthrie, fear of Kincaldrum, become actit and obleift as cautioner and fouirtie to WILLIAM DOUGLAS (MAISTER OF ANGUS), eldest sone lauchfull to Williame Erll of Angus, that he fall repair to the toun of Dundee, within the space of foure dayis eftir the dait heir-of, and thairin remane, quhill he mak fail and depairt furth of this realme, within the space of fourty dayis thaireftir: And that he fall nocht returne agane within the same, without his Maieftis licence obtenit to the same effect, vndir the pane of ten thousand pundis.

(Sic subscibitur) ALEX<sup>r</sup> GUTHRIE appeirand of Kincaldrum.

(May 24, *apud Falkland*.)—SIR JAMES DOUGLAS of Drumlangrig, knight, and his deputis, suspended and discharged 'of all vsing of the office of Baillierie' of the regalie of Mortoune, 'ay and quhill it be tryit quhidder he be denudit of the richt and possessioun of the same or nocht;' for 'cwming with convocatioun of his hienes liegis in armour, vpoun the xxvij day of Marche lastbipast, to the toun and landis of Penpont, quhair Thomas Kirkpatrik of Cloburne, Shereff-depute of Drumfreis, with his memberis of Courte, wer sitting in judgement, in ane fenfit Courte haldin be him, and violent taking away of Johme Wilsoun in Haghill furth of the said Courte, eftir he was enterit vpoun pannell, and reddy to have vnderlyne the tryale of ane Affise, for certane crymes of thift committit be him, and slaying.'

(May 24.)—Proclamation against NINIANE CHIBNESYDE, seruitour to Frances Erll Bothuill, for treasonably conspiring the death of the king, 'be Witchcraft, Sorcerie and vtheris traterous and diabolicall meanis.'

(Jun. 25, 1591, *apud Edinburgh*.)—Proclamation against 'FRANCES sumtyme ERLI BOTHUILL, that, notwithstanding of his Majestys clemency, &c. in superceding, as of befoir, the pronunceing of dome aganis him, in hoip of his converfioun, penitency and amendment, quhill now that his hienes, persaving that he hes gevin him self ower altogidder in the handis of Sathan, and that his spreit has sa nichtelie prevalit into him, that he yit still infittis, without feir of God, or respect to honestie or schame of the warld, to continew in all kynd of filthines, heiping tressoun vpoun tressoun, aganis God, his Maieftie and this his native cuntrie, euir assisting sic personis, be force, counfall and vtherwayis, as wer and ar innemeis to God, his hienes, and socht the subuerfioun of the trew Religioun; takand the mantenance of tratouris, murtheraris and vtheris wickit personis, quha, to impetrat impvntie of thair wickit lyffis and libertie to do evill at all tymes, maid thair dependance vpoun him; he having alsua now at last, for the better executioun of his wickit intentioun and tressonabill conspiracie aganis his Maiefteis awin persoun, had consultatioun with Nygromanceris, Witcheis and vtheris wickit and vngodlie personis, bayth without and within this cuntrie, for bereving of his hienes lyff, confessit be sum of the same kynd, alreddy execute to the deid, and sum vtheris yit on lyve, reddie to be execute for the same cryme: And being wardit within the Castell of Edinburgh quhill he had bene tryit of the same, he hes now at last eschopit, and sua hes takin the said tressonabill cryme vpoun him, eftir that his hienes nochtwithstanding had yeildit to sum conditionis concerning his libertie: ffor the quhilk caus, and for the formar tressonabill offence quhair of he wes convict, in maner foirlaid, his Maieftie now at last hes caufit pronounce the Dome and Sentence of fforfaltour aganis him; as the samyn at mair lenth beiris: Swa that presentlie he remanis a declarit rebell,

tratour and innymie to God, his Maiestie and this his natiue cuntrie.'—Therefore 'that nane reffet, supple, schaw fauour, intercommoun, nor haue intelligence' with him, &c.

(Jul. 21.)—The Lords declare a certain Letter of Relaxation, in favour of COLINE CAMPBELL of GLENLYOUN, 'to have bene and to be maist priuelie and surreptitiouſlie purchest<sup>1</sup> of his Maiestie, without his hienes priwitie or allowance; and thairfoir of nane avale, force nor effect.' And ordained the Letters of Horning, Caption, Treason and Commiffion following thereupon, 'purchest be Dame Agnes Sinclair Countesse of Errole, and Alexander Gordoun of Strathdoun hir spous, for his intres, to be put to forder executioun in all pointis.'

—On Sep. 25, 1587, Campbell of Glenlyoun was denounced rebel and put to the horn, 'be virtue of twa feuerall letteris rafit at hir instance; the ane for nocht comperance, personallie, befor his Maiesties and Lordis of Secreit Counfall, to have anfuert to ane complaint maid be hir vpoun him; and the vther for not refforing and delyuering to hir of certane gudis, geir, inficht pleniffing, jowellis, gold, siluer and vtheris spulzeit be him fra hir, or ellis the avale and pryces thairof perticulerlie specifit and contenit in the saidis letteris. And becaus he remanit contempnandlie at the said proces of horne vnrelaxt, the said Dame Agnes purchest letteris, be deliuerance of the Lordis of Secreit Counfall, quhairwith scho caufit charge him, and the keparis and detenaris of his duelling-houffis respectiue, to rander and delyuer the samyn to the officiar executour of the saidis letteris; as alſua, to entir his perfoun in ward within the Castell of Blaknes, within a certane ſpace mentionat in the ſame letteris, vnder the pane of treffoun; quhilk chargeis he maist proudlie and contempnandlie diffobeyit; and thairfoir, scho wes forceit to crave his Maieſteis Commiffioun for perfute of him ſelf, and affageing of his houffis and ſtrenthis with fyre and ſwerd: ffor ſtaying of the executioun quhairof, he hes of lait, be the moyen of ſum ſchameles and vndifcreit perſonis, preferring thair awin prevat gayne and commoditie to his hienes honour, maist priuelie, &c. purchest ane letter vnder his hienes ſubſcriptioun and ſignet, relaxand him fra all and quhatſumeuir proces of horne,' &c.

(Aug. 2.)—Proclamatioun for the perfute of the ERLI BOTHWILE, 'ffor reffiting of quhais treffonabill intentioun and practizes, repreffing of the infolence of thame,<sup>2</sup> and the brokin men ſterit vp be thame on the Bordouris, and vtherways to the brek of his hienes peace, and diſturbing of the quiet eſtate of the haille Ile, his Maieſtie intendis to tak the ffeildis in propir perfoun.' Charges are therefore ordained to be given to 'the erllis, lordis, baronis, fewaris, frehaldaris, landit gentilmen and ſubſtancious zemen, togiddir with the inhabitantis

<sup>1</sup> Procured, obtained.

<sup>2</sup> Bothwell's abettors.



of burrowis, betuix sextie and sextene yeiris, duelland within the boundis of the Scherefdomes of Edinburgh principall, and within the Conftabularie of Hadingtoun, Berwik and Roxburgh, alfweill regalitie as ryeltie, that thay and ilk ane of thame, weill bodin in feir of weir addres thame selffis to repair to his Maieftie, at Edinburgh, vpoun the fext day of Auguft infant,' &c.

(Aug. 6.)—A 'BAND' between the LAIRDS of CESFURDE, BUKCLEUCHE, Home of Broxmouthe, Lauder of Bals, Ker of Lyntoun, Douglas of Caverfe, &c. is recorded, wherein they bind themselves to use their utmost endeavours to take Bothwell, &c. ; and, amongst other conditions, they engage to 'lay afyde all perticular querrellis, deidlie feidis and contrauerfeis ftanding amangis thame, and for na caus fall fchrink frome his Maiefties feruice.'

(Aug. 7.)—His Majesty 'finding fum of the cheif perfonis suspect culpabill in the lait diforderit contempt to have repentit thame thairof, and quhill tryell of thair pairtes to haue voluntarle offerit them selffis in his hienes ward,' difpenfes with the attendance of his subjects, having now abandoned the intention of *Repairing to the Borders against BOTHWELL*.

(Aug. 7.)—SIR WALTER SCOTT of Branxhelme, kny<sup>t</sup>,<sup>1</sup> finds Sir James Scot of Balwery, kny<sup>t</sup>, and Williame Scot of Abbotifhall, as fureties, that he 'fall depairt furth of this realme within the fpace of ane moneth,' and 'not returne agane within the famyn during the fpace of thre yeiris nixtocum, vnder the pane of ten thowfand pundis.'

(Aug. 29.)—SIR WALTER SCOTT of Branxhelme, kny<sup>t</sup>, is relieved 'of his office and charge of keping of Liddisdail,' 'becaus he is to depairt furth of this realme, be his hienes licence and permiffioun, &c.

#### COMMISSION for *Examining of Witcheis.*

(Oct. 26. *Apud Hairudhous.*) FORSAMEKILL as the Kingis Maieftie, with aduife of the Lordis of his Secrete Counfale, hes gevin and grantit, and be hir presentis, gevis and grantis his hienes full pouer and Commiffioun, expres bidding and charge to his trusty and weilbelouitt counfalouris, Sir Johnne Cokburne of Ormeftoun Juftice clerk, Maifter David Makgill of Nefbitt Aduocat, as alfw a to M<sup>rs</sup> Robert Bruce and Johnne Dunkiesoun Ministeris, Williame Litill prouoft of Edinburgh and Johnne Arnott burges pairof, or ony three of thame coniunctlie ; all and findrie perfonis, alfweill pame quhilkis ar alreddy convict or vtheris quhilkis ar detenit captiue and hes confeffit, and fum that hes not confeffit, as alfw a all fic vperis as ar dilaitit, or that heireftir falbe accused and dilaitit, off committing, vring and practizing of Witchcraft, Sorcerie, In-

<sup>1</sup> Several others, of lesser note, find surety to depart the kingdom at this time.

chantment and vtheris divilifch divyfis, to the dishonour of God, sklender of his worde, perrelling of pair awin faullis, abuseing of þe commoun people and grite contempt of God, his Maieftie, his authoritie and lawis : To call and convene befor the faidis Commiffionaris, or ony three of thame coniunctlie, as faid is, alf-oft as neid beis, and thame to try, enquiryre and examinat, thair Depofitionis to putt in write, and the fame to reporte to his hienes and his Counfale ; to the effect þai may be putt to the knaulege of ane Affyife, and iuftice miniftrat as affeiris, or fic ordour takin with þame as to his Maieftie and his faid Counfaill falbe thocht maift meit and convenient : The perfonis wilfull or refufeand to declair the veritie to putt to tortour, or fic vþir punifhment to vfe and caus be vfit, as may move thame to vtter the treuth : And generallie, all and findrie vtheris thingis to do and vfe, that heirin is requifite to be done : Fferme and ftable haldand and for to hald, all and quhatfumeuir thingis the faidis Commiffioneris, or ony thrie of þame coniunctlie, as faid is, lauchfullie do heirin.

(Oct. 28.)—‘ Francis Erll of Errole cheiff, James Lord Hay of Zefter and Williame Hay of Gourdie, with the remanent kin and freindis of vmq<sup>re</sup> James Hay, fone to the faid Williame,’ having raifed Criminal Letters againft ANDRO HERING of Little Blair, *Reid Johnne Hering* in Gilmertoun, *Blak Johnne Hering* in Afflehill and James Hering in Morganftoun and thair accomplices, for the cruel and unmerciful Slaughter and Murthour of the faid James Hay, in Feb. 1589, ‘ quhen his Maieftie wes in Denmark ; the faid complenaris offerrit thame redde to haue perfewit iuftice, gif thai could haue had ony certantie to haue the fame miniftrat,’ &c. The Earl of Errol accordingly applied for and obtained a Commiffioun, for fearching and bringing the murderers to iuftice. Letters of Caption were likewise granted, and *Black John Hering* secured and placed in ward, and the others put to the horn ; but in the meantime, Hering obtained a Refpite for feven years, in the face of thefe proceedings, of a recent Act of Parliament, and of the Kingis ‘ Declaratioun left and publifit at his departing to Denmark.’ A charge was therefore given to ‘ Daid Hering younger of Glasclune, purcheffair of the faid Refpett,’ to appear before the King and Privy Council, bringing with him the Refpite, and to fee the fame declared null, ‘ or ellis to haue allegeit ane reffonable caus quhy the famin fould nocht haue been done :’ And the parties appearing accordingly, ‘ the Kingis Maieftie and Lordis of Secrete Counfale ffindis that thai ar nocht jugeis competent to the Reductioun and annulling of the faid Refpett ; and thairfoir Remittis this mater to the Iuftice general and his deputis, ordaning thame to proceid and minifter iuftice thairin, according to the Actis of Parliament, lawis and practicque of this realme obseruit in fic caiffis : And in the meantyme, that the faid Johnne Hering be committit to warde within the tolbuith of Edinburgh, thairin to remane

vpoun hes awne expenffis, ay and quhill he be tryit for the said slauchter and justice miniftrat as effeiris.'

(Oct. 28.)—On the Complaint of JAMES LORD OGILVIE of AIRLIE, 'that quhair he hes bene his Maieftis faithfull and obedient fubject, fubmitting him felff alwayes to his hienes and the Lawis of the countrey, and thairby repofing him felff vnder his hienes protectioun, beleving to haue reflaut iniurie of na man; neuirtheles ARCHIBALD ERLL OF ERGYLE and his freindis, vpoun quhat motiue or occafioun the said Lord knawis not, without ony deferving on his parte, hauing concludit the wrack of his hous or freindschip; and being informeit that he had reteirit him felff in fobir and quiet maner, to duell and mak his refidence in Glen-Ilay, finding the place convenient for thair interprife, the said Erll and his freindis fett oute certane brokin Hieland men, thay ar to fay, Johnne Campbell bruthir to . . . . Campbell of Lochinyell, Johnne Dow M'Condoquhy in Inuerraw, Neill Leich in Lochquhabir, Donald M'Carlich in the Laird of Glenvrquhyis landis, Allane Roy M'Moig fone to the Laird of Glenco, Archibald Campbell of Perfie, Coline Campbell of Glenlyoun, Archibald Campbell his bruthir, Johnne M'Rannald in Lochquhabir; quha in the moneth of Auguft laftbypaft, to the nowmer of ffyve hundreth men of the cuntrey of Ergyle, duelland for the maift parte within the fame, and reflett thairin, with the guidis and depredatiounes vnderwrittin, off fett purpois and deliberatioun to haue flane the said lord, and to haue wrackeit and fpuilzeit the countrey: Lyke as, vpoun the xxj day of Auguft laftbypaft, thay enterit in Glen-Ilay vnder filence of nicht, with fic force and violence, that the said Lord, lyand fa fer frome his freindis, vpoun fic fuddantie wes nocht able to refift thame, bot with grite difficultie and fchorte aduertifment, he, his wyffe<sup>1</sup> and bairnis haueing efchaped, thay enterit in the countrey with fic barbarous crueltie, not fparing wyffis nor bairnis, bot murthowrit and flew all quhome thay fand thairin, to the nowmer of xvij or xx perfones; and fpuilzeit and away-tuke ane grite nowmer of nolt, fcheip and plenneffing, to the vtter wrack and vndoing of the hail pure inhabitantis of the cuntrey: Quhilk being maid knawin to his Maieftie, his hienes nocht onlie caufit ane affurance to be takin betuix the saidis pairteis, bot alfw a directit ane speciall Lettre to the said Erll and his freindis, to reteir<sup>2</sup> the saidis brokin men to their awin countrey, that the said Lord and his freindis wer nocht forder troublit with thame; with ane charge to thame felffis vnder the pane of Treffoun. Quhairupoun the said Lord and his freindis haueing dependit, hoiping to be in furetie thairby, and to haue reflaut na iniurie of new, during the affurance of the said Erll, nor nane of his; neuirtheles the brokin men, quha maid the inuafioun abouewrittin, haue-

<sup>1</sup> Jean, eldest daughter of William seventh Lord Forbes.      <sup>2</sup> Fr. *retirer*.

ing continuallie fenfyne remanit in the hillis, and haueing conuocat vnto thame felffis ane grit nowmer of fornaris,<sup>1</sup> quha, in the tyme of sic affuirance, hoiping with finall travell to get geir, vilipending his Maiefties charge gevin to thame as faid is, and the faid Letteris nor perfonis foirfaidis, haueing na respect to his Maiefteis Letteris, thay vpoun the . . . day of September laftbipaft, within the tyme of the affuirance, vndir filence of nicht invadit the inhabitants of Glen-Ilay and Glen-Clova, and hes murthourit and flane three or foure innocent men and women, and reft and takin away ane grit pray of guidis ; fwa that the puir men duelland in Glen-Clova, Glen-Ilay and vtheris partis adjacent to the Month,<sup>2</sup> quha ar nocht able to make refiftance, ar fa opprest be the brokin men and fornaris houndit oute be the Erll of Ergyle and his freindis, and mantenit and reffett be thame, that nather be his Maiefteis protectioun nor affuirance of the pairtye can thair lyveis and guidis be in furetie.'

The above-named perfons were accordingly charged to appear before the King and Privy Council, under the pain of rebellion. Lord Ogilvie appeared on the day appointed, to call them to account for these barbarities ; but none of them having come forward, they were ordained to be denounced rebels, &c.

(Oct. 28.) . . . . . LICHTANE OF VSANE,<sup>3</sup> Johnne L., Archibald and Alexander Ogiluy and Johnne Smith his feruandis, George Ogiluy fone to Alexander O. of Drummis, now feruand to James Lord Ogiluy, Williame and . . . . . O. fonis to Johnne O. of Quheich, . . . . . O. bruther to Innerquharritie, (and fundry others, servants to the Lairds of Teiling and Balfour, &c.) were charged, 'that quhair vpoun the xvj day of Auguft laftbypaft or thairby,' they, 'with convocatioun of his Maiefteis liegis, to the nowmer of threfcoir perfonis or thairby, all bodin in feir of weir with jakkis, fpeiris, hacquebutis, piftolettis and vtheris waponis, *invafive*, prohibite to be worne be the lawis of this realme and actis of Parliament, off the speciall caufing, fending, hounding oute, command, &c. of the faid Lord, come vpoun vmq<sup>1</sup> Robert Campbell in Milhorne, Williame of Souttarhous, Thomas C. portionar of Kethik and Johnne C. of Muretoun, and maift cruellie and vnmercifullie mordreift and flew thame, vpoun fett purpois, prouiffioun and foirthocht fellouny, in hie and proude contemptioun of his Maieftie, and encouragement of vtheris to committ the like shamefull and cruell flaughteris heireftir,' &c.—The Letters raifed were at the instance of 'the wyffis, bairnis and remanent kin and friendis' of the deceafed perfons, charging the above parties to appear before the King and Council ; and they not obeying the charge, were ordained to be denounced rebels, &c.

<sup>1</sup> Vagabonds belonging to no clan, who lived by plunder and by taking free quarters, or *sorning*, as it was termed. <sup>2</sup> Mountains, hill-country. Lat. *Mons*. <sup>3</sup> Ulysses-haven. Of this family was Robert Leightoune, Bishop of Dunblane, and afterwards Archbishop of Glasgow.

(Oct. 28.)—Bond by Robert Douglas of Cashogill, dated Oct. 23, 1591, recorded, whereby he binds himself as cautioner for Sir JAMES DOUGLAS of Drumlanrig, kn<sup>t</sup>, that ‘ Thomas Kirkpatrick of Clofeburne, his men tennentis and feruandis, falbe harmeles and skaithles,’ under the pain of L.5000.

(Nov. 3.)—ROBERT LORD SEMPILL, having been charged to appear before the King and Council, ‘ to haue vnderlyne sic ordour as fould be prescriuit, twicheing the obseruatioun of peax, quietnes and gude reule in the cuntrey, vndir the pane of rebelloun’—and not complying, he was ordained to be denounced Rebel, &c.

(Nov. 13.)—David Edmestoun of Wowmatt and James Laufoun of Humbie, become bound for Schir JOHNNE EDMESTOUN of that Ilk, that he ‘ be him selff, and all thai that he is oblist to anfuere for be the lawis of this realme, &c., fall keip the Kingis Maiesteis peax,’ &c., under the pain of L.5000.

(*Eodem die.*)—Andro Logane of Coitfeild became cautioner for GEORGE HOPPRINGLE of Torwodlie, to the same effect as above, under the pain of L.2000.

(*Eodem die.*)—James Hoppringle of that Ilk and James H. of Quhytebank, became cautioners for JOHNNE HOPPRINGLE of Buckholme; and Buckholme and Quhytebank for JAMES HOPPRINGLE of that Ilk—each under the pain of L.2000.

(*Eodem die.*)—James Douglas of Cavers, schereff of Teuiotdaill, became surety for WALTER TURNBULL of Bedreule, under the pain of 1000 merks.

(Nov. 17.)—WILLIAME CUNYNGHAME of Tourlandis denounced, for not finding caution.

(*Eodem die.*)—Patrik Cokburne, tutour of Langtoun, became surety for GEORGE HAITLIE in Hordlaw, under the pain of 500 merks.

(Nov. 19.)—JAMES EARL of GLENCAIRN ordained to be charged to find caution, to the extent of L.20,000 within eight days, ‘ or ellis within the same space, pas and entir his persone in warde be-North the watter of Erne and about the burgh of Perth, and thair remane and keip warde; and on nawayis transcend the said boundis, ay and quhill he be fred and releuit be his Maiestie, vnder the pane of rebelloun.’ And if he should fail, to denounce him rebel.<sup>1</sup> On Nov. 24, he is again charged to pass to ward, ‘ for contemptuous remaning at the horne, for none obeying of the Decrete Arbitrall pronunceit be his hienes and the Lordis of Counsaile and Seffioun, betuix the said Erll and Dame Annabill Murray Countesse of Mar.’ He is likewise charged, ‘ to rander and delyuer his houffis of

<sup>1</sup> A great number find similar surety at this period. From the above excerpts, which are given as specimens, some idea may be formed of the value of the Privy Council Records, in elucidating historical and genealogical enquiries.

Kilmarranok, Findlathoun, Stevinthoun, Kilmaweris and Glencairne, to the officiar executour of the saidis letteris, under certification. On Dec. 15, he is charged to return a bond for L.20,000, under the pain of rebellion.

(Dec. 17.)—PATRIK LORD GRAY, being personally present, is ordained to bring, present and deliuer to his Maiesteis stabularis, vpoun the xij day of Januar nixtocum, his hienes awin hors, callit . . . .,<sup>1</sup> quhilk wes vnhonneftlie tane away be James Gray sone to the said Lord, and sumtyme serwand to his Maieftie; as alfwá, to bring and present the said James befoir his hienes, or expell him furth of this realme, betuix and the last day of the said moneth of Januar; and failzeing heirop, that the said lord pas and entir his persone in warde within the Castell of Dunbartane; under certification.

(Jan. 12, 1591-2.)—The Kingis Maieftie, with advife of the Lordis of Secrete Counsale, findis and declairis, that DAVID HAMMILTOUN of BOTHUELLHAUCH, (otherwife designed of Monkton mains,) Iffobell Sinclair and Alefoun Sinclair, heretrices-portionaris of the landis of Wodhoullie, aucht and sould be repossessit to the landis, houffis, takkis, stedingis and possessionis whereof thay wer disposseffit, throw occasioun of the late trublis.<sup>2</sup>

(Jan. 12.)—A 'PROCLAMATIOUN *aganis thame that rydis missellit*'<sup>3</sup> is recorded, stating 'that there is diuers and findrie personis, arte and pairt-takeris with Frances sumtyme Erll Bothuile, in the latt tressounable CONSPIRACY attemptit within his hienes PALICE OF HALIRUIDHOUS, vpoun the xxvij day of December lastbipast, for bereving of his Maieftie of his lyffe and crowne, and that vthirwayis ar dilaitit and suspect to haue bene vpoun the foirknaulege and devise of the same Conspiracie, quhilkis nicht and day trauellis and rydis ouer all pairtis of this realme, with thair faceis couerit, and vtherwayis difagyfit,' &c. Therefore directs Proclamation to be made, 'that nane of thame tak vpoun hand to ryde or gang nicht or day, to or fra, in ony parte of this realme, with thair faceis coverit or vtherwayes difagyfit, in tyme cuming;' and to charge the lieges 'to tak and apprehend' all such persons; 'or, gif thay be nocht of pour fa to do, that they ryfe schowte, rais the fray, follow, concur and assist ilk ane with vtheris, to the taking and apprehending of thame,' &c.; under certification.

(Jan. 15.)—John Graham of Knokdoleane and John Stuart fear of Barfcube, become sureties for Sir JOHNNE EDMESTOUN of that Ilk, kn<sup>t</sup>, James Edmestoun of Duntreith, kn<sup>t</sup>, and James alias Jacobe Edmestoun of Newtown, as principallis, for thame selffis, and takand the burding vpoun thame for thair haill kin, freindis,

<sup>1</sup> Left blank.

<sup>2</sup> They were formally restored by Act of Par. 1609, cap. 41. See Acts fol. 450.

<sup>3</sup> Muffled, masked, disguised; commonly written *mussallit*. O. Fr. *emmussallé*.

surename,' &c. on the one part; and 'James Commendatour of Incheffray and Hary Lindfay of Kinfawnis, as cautioners for Schir JAMES CHEISHOLME of Dundorne, kn<sup>t</sup>, as principall, for him selff, and takand burding for him for his haill kin,' &c. on the other part; that they should observe the contents of certain Letters of Slains, dated Nov. 25, 1587, granted by the 'cheiff kynnifmen and freindis on the fader fyde and moder fyde of vmq<sup>le</sup> Mungo Edmestoun, bruthir to James alias Jacobe E. of Newtoun,' who was slain within the burgh of Stirling, in Nov. 1585, 'under the pain of perjurie, infamy and tinsfall of perpetuall credite, honnour and estimatioun, in tyme cuming; and forder, vnder the pane of 5000 merkis.'

(Mar. 8.)—A Proclamation made 'anent deserting of the Raid appointit for perfute of the ERLI OF HUNTLE.'

(Apr. 4, 1592.)—PROCLAMATIOUN *anent the Arrival of Spanyeartis.* 'For-samekill as it is vnderstand to the Kingis Maiestie and Lordis of Secreit Counsell, that thair is certane Spanishe shippis, riggit oute in weirlike maner, and presentlie in reddines to repair to the North Ilis and coiftis of this realme, and cheiffie to the pairtis ewest the cuntreys of Orkney and Zetland; for rubbing, spulzeing and invading, as thay haue done ofbefoir, not onlie his Maiesteis awne subiectis, bot the Queene of England his darrest suster and coufin, and sic vther Princeis as standis in strait league of amitie and freindship with his hienes, occupit this seasone of the yeir in thair lauchfull and accustomat trade of fishing; be quhais labouris and industrie, grit commoditie wes randerit, and in speciall to the inhabitantis of this haill Iland,' &c. Therefore, desires that Robert Earl of Orkney, the sheriffs, &c. in the northern parts of the kingdom, 'that nane of thame tak vpoun hand to suffir or permitt ony Spanishe veshellis, Spanzeartis, pyrottis or revaris, to haue ressett or refuge in ony of thair portis,' &c. and to rise and concur in their expulsion.

(Apr. 14.)—'PATRIK MASTER OF GRAY and ROBERT GRAY youngair, his bruthir,' denounced, for not appearing 'to haue anfuerit to sic thingis as sould haue bene inquirit of thame at thair cuming, tuicheing the Ressett, intercommuning and haueing intelligence with Frances sumtyme Erl Bothuile and his complices, culpable of the lait tressounable fact, committit within the Palice of Halyruidhous.'

[*Adam Bishop of Orkney, Alexander Commendator of Culrose, Edward Commendator of Kinloss, John Earl of Mar, John Lord Thirlstane chancellor, Sir Robert Melville of Murdocairny, kn<sup>t</sup>, treasurer, Walter Commendator of Blantyre keeper of the Privy Seal, Mr Richard Cokburn apparent of Clerkingtoun secretary, Sir John Cokburne of Ormes-*

*toun Justice-clerk, Alexander Hay of Eister Kennet Clerk of the Rolls, Register and Councel, William Little provost of Edinburgh, Nicholas Cornwall of Bonhard provost of Linlithgow, specially appointed by a Commission from Parliament; with George Earl of Marischall, James Kynross deputy Constable, Mr James Fowles sheriff-depute of Edinburgh, and James Nysbite dempstar.]*

May 4.—DAME MARGARET DOUGLASS COUNTESSE OF BOTHUILL, Frances funtyme Earl Bothuil hir spouse, for his interesse, and others.<sup>1</sup>

Mr David Makgill, aduocat to our souerane, productit before the saidis Lordis Commiffioneris of Parliament,<sup>2</sup> ane Summondis of Treffoune writtin on parchiamment, gevin vnder the Quarter-feill, dewlie execute and indorsate aganis Dame Margaret Dowglas Countesse of Bothuill, &c. for certane crymes of Treffoun, specifiet in the said Summondis: Upon the production of the quhilk and verificatioun of the indorsationis of the samyn be the messingeris, executouris thairof, and witnesses infert thairintill, the said Mr David Makgill, in his hienes name, askit instrumentis.—And the foirsaidis personis being thryce callit at the Tolbuith-windo of the burgh of Edinburgh, to haif comperit and to have ansuerit to the said Summondis of Treffoun, and nane of thame comperand except *Patrik Futhie of Futhies mylne*, quha productit ane Remiffioun grantit be our souerane lord vnder the Greit Seill, and ane Lettir subscryuit be the Kingis Maiestie, direct to the said Aduocat to pas from perfute of the said Patrik; vpoun the productioun quhairof he askit instrumentis: And als, *Robert Ormestoun of Brigend* comperit perfounalie, and was content to abyde ane tryall, for ony cryme contenit in the said Summoundis of Treffoun nicht be laid to his charge.

THE Lordis Commiffionaris of Parliament commandis the said *Patrik Futhie* and *Robert Ormestoun* to reitir to thair lodgeingis in Edinburgh, and thair to remane quhill thay be fend for be his hienes; and continewis to the morne.

May 25.—Quhilkis personis war thryise callit at the Tolbuith windo, quhairof nane comperit except *James Lermounth in Kelso*, *Robert Ormestoun of Brigend*, *Johnne Stewart of Foulage* and *Patrik Futhie of Futhies milne*; and thairefter the haill executionis of the said Summoundis of new verifeit, &c. quhairvpoun the said Aduocat askit instrumentis.—The said *James Lermounth* in Kelso comperit perfounalie, in presence of the saidis Commiffioneris of Parliament, and offerit him ready to abyde tryall of law, vpoun quhatfumeuir crymes

<sup>1</sup> See the names specified in the following Dittay. The Parliamentary Records. *Acta Parl.* 1592, fol. 528.

<sup>2</sup> These proceedings have been taken from



of Treffoun contenit in the said Summoundis, to be laid to his charge : And ficlyk, the said Johnne Stewart of Foulege comperit persounalie, and wes content to abyde the tryall of law for the crymes of Treffoun laid to his charge, contenit in the said Summoundis : And als, comperit the said Robert Ormestoun of Brigend, and producit ane lettre subscriuit be the Kingis Maiestie, direct to the said Mr David Makgill aduocat, commanding him in his hienes name to pas fra the said Robert, and that pairt of the said Summoundis quhilk concernis him, and to deletit him furth of the said Summoundis ; vpoun the productioun quhairof, the said Robert Ormestoun askit instrumentis.

And the said Mr David Makgill producit Lettres of Relaxatioun, beirand, that the foirsaidis haill personis defenderis, summond be the said Summoundis of Treffoun, to be relaxt fra quhatfumeuir proces of horne led aganis thame or ony of thame, for quhatfumeuir cause or occasioun, preceding the dait of the said Lettre, quhilk is daitit at Dalkeyth the tent day of Maii, and of our fouerane lordis regne the xxv yeir, 1592 ; and execute the xij day of the samyn moneth of Maii, and registrat in the scherref court buikis the xxij day of the samyn moneth of Maii : And ficlyk, thairvpoune askit instrumentis.—And ficlyk, Mr Johnne Makgill aduocat comperit persounalie, and in name and behalf of *Alexander Home*, brother-germane to Williame Home of Prandergaift, protestit, that his absence at this tyme be not imput vnto him for contumacie, and pre-juge him not of his innocencie, anent the odious cryme of Treffoun laid to his charge, feing the caus quhairfoir he may not compeir is notour. And as to the cryme of cumming to the Abbay that nicht, contenit in the said Summoundis, in cumpanie with Frances sumtyme Erle Bothuell, he protestis he is maist innocent thairof ; as being that nicht vpoun the Waft Bordour of Scotland, mair nor thrie scoir myles fra the said Abbay ; quhilk he is content to veresie be honest gentilmen : And thairfoir protestis, that in caise it be not sufficientlie provin be sic as hard, saw and knew him thair, that na argument be groundit vpoun his absence, quhairby he may be prejudgeit of his innocencie ; according to the said protestatioun, gevin in be the said Mr Johnne at lenth in write ; and askit instrumentis vpoun the proponing and productioun thairof, *excusatorio nomine* for the said Alexander Home.—Mr David Makgill aduocat, present, tuik him to be advisit with the Kingis Majestie, gif he fould gif command to the clerkis to deletit Robert Ormestoun furth of the said Summoundis of Treffoun or not, conforme to the ticket direct be his Maiestie to him to that effect.

The Lordis Commiffioneris of Parliament ordanis the saidis James Lermounth, Robert Ormestoun and Johnne Stewart of Foullage to reteir thame selffis to thair lugeingis within Edinburgh, thairin to remane ay and quhill thai be fend for be his Majestie.

## REGE IPSO PRESENTE.

May 29.—The haill estaittis of Parliament chefit (the perfonis) vnderwrittin to be Lordis of the Articles.

PRO CLERO.	PRO NOBILIBUS.	PRO BARONIBUS.	PRO COMMISSARIIS BURGORUM.
Orchaden.,	Angufe,	Bas,	Williame Litle prouest and
Dunkelden.,	Marfchell,	Culluthy,	George Hereot goldfmyth,
Culrofe,	Glencarne,	Wadderburne,	for Edinburgh,
Landoris,	Montroife,	Airth,	James Drummound, for Perth,
Tungland,	Mar,	Tullibardin,	Patrik Lyoun, for Dundie,
Kynlofe,	Seytoun,	Glenvrquhy,	Anthone Bruce, for Striuling,
Blantyre,	Lindelay,	Pittarro,	Williame Cuninghame, for Glasgw,
Incheaffray.	Spynie.	Barnebarranch.	James Cokburne, for Hadingtoun.

OFFICERIS OF ESTAIT, Johnne Lord Thirlstane chancellor, Sir Robert Meluile of Mardocairny knycht, thesaurare, Sir Richart Cokburne of Clerkingtoun, knicht, secretaire, David Seytoun of Parbroith comptroller, Sir Johnne Cokburne of Ormestoun, knicht, Justice-clerk.

The quhilk day the Kingis Majestie, and Mr David Makgill of Cranftoun-Riddell his hienes aduocat, being baith perfounalie present, declairit, in presence of the Lordis of Articles, that he infitt only at this tyme in perfute of the said Summoundis and tryall thair of, aganis the perfonis following: Thay ar to say, Dame Margaret Dowglafs sumtyme Countesse of Bothuell and Frances sumtyme Erle Bothuell her spoufe, for his interes, James Douglas sumtyme of Spott, Archibald Vauchope younger of Nudry, Mr Johnne Coluile of Strathvrdie, Williame Stewart sumtyme Constable of Dunbartane, Johnne Hammiltoun younger of Samelstoun, Williame Lermounth of the Hill, Johnne Vauchois baillie of Nudrie, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Restoun, Patrik Auchincraw thair, Mr Thomas Cranftoun younger of Moreiftoun, Johnne Cranftoun his brother-germane, Johnne Ormestoun of Smailhome, Robert Ormestoun his sone, James Stewart of Tynneis, Patrik Crummy of Carribdin and David Orme of Mugdrum. And past *pro loco et tempore* frome the haill remanent perfonis, defenderis, specifiet and contenit in the said Summoundis of Treffoun, except the foirlaidis speciall perfonis, presentlie nominat be his Majestie, as said is: And thairvpoun the said aduocat askit instrumentis.

And immediatlie thairefter, the foirlaid Summoundis of Treffoun raifit at our souerane lordis instance, and execute aganis the perfonis vnderwrittin and ilk ane of thame, contrair quhome his hienes declarit he infittis at this tyme in tryall of the said Summoundis of Treffoun, in maner foirlaid, being red in presence of the Kingis Maieftie and Lordis of Articles, and the samyn being hard, sene and vnderstand be thame, and thay thairwith being ryplie advifit; the saidis Estaittis findis and declaris the reffoun and caus contenit in the samyn Sum-

moundis of Treffoun relevant aganis the personis abovewrittin. And thairfoir admittis the samyne Summoundis to the said aduocatis probatioun ; quha being perfounalie present, declairit that he sould vse his probatioun with all expedition ; and the said aduocat askit instrumentis of the relevancie of the said Summoundis, and that the saidis Estaites had fundin the reffoun of the said Summoundis relevant.

Jun. 5.—The quhilk day Maister Daid Makgill of Cranftoun-Riddell, aduocat to our souerane lord, ffor verefeing of the said reffoun contenit in the said Summoundis of Treffoun raifit aganis the said Dame Margaret Dowglas Countesse of Bothuell and Frances sumtyme Erle Bothuell hir spous, for his interesse, &c. producit and repetit the Extract of the Foirfaltour led and pronuncit befor the Justice and his deputis, aganis the said Frances sumtyme Erle Bothuell, subfcriuit be the Laird of Ormestoun Justice clerk, of the dait the twentie-fyft day of Junii, the yeir of God 1591 yeiris ; Depositionis of certane witnesses, quha wer takin and execute to the death for the cryme libellit ; and Depositionis of diuerse vtheris witnesses, examinat befor the saidis Lordis of Articles in the said mater ; the notorietie of the deid libellit, and cuming of the defendaris to the place of Halyruidhouse the tyme libellit ; quhilk in mater of Hie Treffoun sould mak full probatioun : And that the Lordis of Parliament being the Greit Assyise of the cuntrie, of the daylie pratique, quhatsumeuir persone clengis not, of certane knowlege, the personis accusit, he fyles thame : And the commoun notorietie of this fact and Treffoun, and contumacie of the defendaris, is sufficient to mak na man to clenge thame : And wes content the foirlaid proces and Summoundis of Treffoun be haldin concludit : And defyrit the Estaites to advife the proces, and to pronunce thair sentence of Parliament thairintill, according to the saidis probationis and thair consciences.—The quhilk day our souerane lord and his hienes advocate past fra the said Johnne Wauchop baillie of Nudrie, and declairit that his hienes wald na wayes infist aganis him.

*SUMMOUNDIS OF TRESSOUN, &c. against Dame Margaret Douglass Countesse of Bothuill and others.*

JACOBUS Dei gratia Rex Scotorum ; dilectis nostris Leoni Regi Armorum, Ilay, Albanie, Rossie, Rothesay, Snadoun, Merchmount, heraldis ; Joanni Ferguffoun, Archibaldo Dowglas, Roberto Stewart et Daidi Bryfoun, clauigeris ; Ormound, Bute, Vnicorne, Carrik, signiferis, nuncijs et eorum cui-libet, conianctim et diuifim, vicecomitibus nostris in hac parte specialiter constitutis : Salutem. Mandamus vobis et precipimus, quatenus summeoneatis legitime et peremptorie, coram testibus, Jacobum Dowglas de Spott, Magistrum Joannem Coluile de Strathurdie, Herculem Stewart de Quhytlaw, Joannem Hammiltoun juniorem de Sammeltoun, Archibaldum Wauchop de Nudrie juniorem, Jacobum Stewart de Tynneis, Gulielmum Stewart quondam Conftabularium de Dunbartane, Gulielmum Lermounth in Hill, Magistrum Thomam Cranftoun juniorem de Moreiftoun, Joannem Cranftoun eius

fratrem, Robertum Home juniorem de Heuch, Joannem Ormestoun de Smailhorne, Robertum Ormestoun eius filium, Patricium Crammy de Caribdin, Davidem Orme de Mugdrum, Georgium Auchincraw de Eist Restoun, Patricium Auchincraw ibidem, Dominam Margaretam Dowglas comitissam de Bothuell et Franciscum Stewart olim comitem de Bothuell eius sponsum, pro suo interesse, Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequendum, personam, si eorum personam presentiam commodum habere poteritis; alioquin, apud loca eorum habitationum vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadingtoun, Lanerk, Dumfreis, Striuling, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum seu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum, sic quod hujusmodi summonitio ad eorum aures et notitiam verisimiliter pervenire poterit: Quod compareant coram nobis seu Justiciario nostro, vicesimo quarto die mensis Maii proxime sequen. in nostro Parlamento apud Edinburgh, . . . . die mensis . . . . tenend. hora causarum, cum continuatione dierum, ad respondendum nobis nostro Justiciario in prefato Parlamento, super proditorii criminibus subsequendum; dictos scilicet Jacobum Douglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop de Nudrie juniorem, Joannem Hammiltoun juniorem de Sammeltoun, suosque omnes complices specialiter ante nominatos et eorum quemlibet, pro sua proditoria arte, parte, consilio et auxilio, in ipsorum recenti proditorio Conspiratione, consultatione et conclusione horridi facinoris contra nostram honorabilem personam et vitam, per dictas personas commissi. vicesimo septimo die mensis Decembris ultime elapsi. sub noctis silentio, in ipsarum proditoria Invasione Palatii nostri de Halyruidhouse, intrando ibidem, cum assistantia, confortio convocatione dicti Francisci quondam Comitis de Bothuell aliorumque homicidarum, oppressorum, latronum, ac hujusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent, vel nos captivos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostrum priuatum conclave seu cubiculum, et ostiis ignem nefarie injecerunt, domesticos nostros presenti violenta morte minitendo, objurgandoque, nisi ipsis declararent ubi nos essemus, nulla vnquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malliis ostia interioris cubiculi Regine nostre charissime conjugis: Atque demum, ubi parum se promouisse et ad illorum invitatum scelus ac propositum nefandum peruenire non posse intellexerunt in eorum regressu non dum satisfacti, crudeliter et sine ulla misericordia, domesticos et familiarissimos nostros seruitores, ob nostram causam, interfecerunt et jugularunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, auctoritatem regiam, et leges committendo; atque adeo, pro sua proditoria celatione et occultatione predictae Conjuracionis, consultatione, contractu et executione eiusdem. Ideoque dictos Jacobum Douglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop juniorem de Nudrie, ceterosque omnes suos complices particulariter ante nominatos Conspiratores proditoriosque executores, ad videndum et audiendum sese et eorum quemlibet, respectu premissorum, crimen Lese maiestatis incurrisse per nos et trium regni statuum decretum decerni et declarari, et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditorii criminibus, per prenominatas personas, contra nos, regnum nostrum et auctoritatem regiam impie et nefarie perpetratis, et dictis die et loco, cum continuatione dierum, proponendis et ostendendis et juri parendum, et super hujusmodi iudicium nostrum et nostri Parlamenti, secundum leges regni nostri expectandum et subeundum; dictas videlicet personas, Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorum quemlibet, intuitu premissorum, crimen Lese maiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari; et propterea, ipsorum bona, mobilia et immobilia, tam terras quam officia, aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personaque suas penam Proditionis et ultimi supplicii a regni nostri legibus inflictam subire; et verberis

in premissis respondendum et juri parendum : Intimando supradictis Conspiratoribus et eorum cuilibet, sine dictis die et loco cum continuatione dierum comparuerint sine non, nos dictusque noster Justiciarius in premissis, justitia mediante, procedemus et procedet. Insuper citetis, &c. ad comparandum coram nobis nostro Justiciario, dictis die et loco cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pœna legis : Et presentes literas debite executas et indorsatas eandem latori reddatis : Et vos qui presentes executi fueritis fitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summationis vestre testimonium in scriptis, pro premissis seu ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, conjunctim et divisim, vicecomitibus nostris in hac parte committimus potestatem. Datum sub testimonio nostri Magni Sigilli, apud Edinburgh, decimo die mensis Februarij, anno domini millesimo quingentesimo nonagesimo primo, et regni nostri viceesimo quinto.

Quhilk Summondis with the executionis and indorsationis thair of respectiue foirsaidis, being this instant day red in presence of his Maiestie and haill Estaittis of Parliament, first in Latyne and syne in Scottis, and the saidis haill personis defenderis respectiue abonewrittin, nocht past fra as said is, being thryise callit of new at the tolbuith windo of the said burgh of Edinburgh, to haif comperit and anfuert to the said Summondis and ressounes contenit thairin ; and nane of thame comperand, to haif defendit in the said mater and to haif anfuert to the said Summondis, the said Mr David Makgill aduocat to his Maiestie, desyrit the saidis Estaittis declaratioun, gif the ressounes of the said Summondis wer relevant : Quhilkis Estaittis and euery ane of thame, all in ane voce, ffind the samyn relevant aganis the haill personis vnderwrittin. Thairfoir the said aduocat of new, for verefeing of the said ressoun contenit in the said Summondis of Treffoun, producit and repetit the Extract of Foirfaltour, led and deducit befor the Justice and his deutes aganis the said Frances sumtyme Erle Bothuell, Depositionis of the saidis witnesses, the notorietie of the fact, and repetit the haill probationis repetit be him of befor, in the said mater this instant day ; and desirit the saidis Estaittis of Parliament to advyse the said Depositionis of witnesses and vtheris probationis, and to pronounce thair sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thairefter, the Depositionis of the haill witnesses execute to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill writtis and probationis, being red, sene and confiderit be the saidis haill Estaittis of Parliament, in presence of the Kingis Maiestie, and thair thairwith being ryplie advysit, the saidis lordis and Estaittis of Parliament Findis, decernis and declaris, that the saidis Dame Margaret Dowglafs sumtyme Countesse of Bothuell, James Dowglafs of Spott, Archibald Vauchoir younger of Nudrie, Mr Johnne Coluile of Strathurdy, Williame Stewart sumtyme Constable of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Lermounth of the Hill, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eist Prestoun,

Patrik Auchincraw thair, M<sup>r</sup> Thomas Cranstoun younger of Moriestoun, Johnne Cranstoun his brother germane, Johnne Ormestoun of Smailhome, Robert Ormestoun his sone, James Stewart of Tynneise, Patrik Crummy of Caribdin and David Orme of Mugdrum, and euery ane of thame, hes committit and done oppin and manifest Tressoun aganis our said souerane lord, in all pointis and articles contenit in the said Summondis.

DOOM. And thairfoir it was gevin for Dome, be the mouth of James Nysbite dempfter of Parliament, in maner and forme as followis. This Court of Parliament schawis for law, That the said Dame Margaret Dowglas sumtyme Countesse of Bothuell, &c. and euery ane of thame, hes committit and incurrit the cryme of Tressoun and Lese majestie abonewritin; in maner at lenth contenit in the said Summondis: And thairfoir, decernis and declaris all thair guidis, movable and vnmovable, alfweill landis as offices and vther thingis quhatsumeuir, belanging to thame, to be confiscat to our said souerane lord, and to remane perpetuallie with his hienes in proprietie: And thair personis to vnderly the pane of Tressoun, and vtter and last pvnishment appointit be the lawes of this realme. And that I gif for Dome.

### Frances sumtyme Erle Bothuell.

Jun. 5.—‘The proces, convictioun, sentence and dome of Foirfaltour, led, deducit and pronuncit of befoir, be his hienes Justice Generall and his deputes, in the Justice Court halden at Edinburgh Jul. 25, 1591,’ was Ratified by Parliament.

#### *THE disherfing of the posteritie of personis (above) foirfaltit.*

Jun. 5.—Oure souerane lord and Estaittes of Parliament haifing considerit the tressounable, crwell and vnnatural fact laitie committit be the personis following, in cumpany for the tyme with Frances sumtyme Erle Bothuell, &c. to wit, Frances Erle Bothuile, Archibald Wauchope younger of Nudry, &c. and diuers vtheris thair complices, in thair tressounable cuming to his Maiesties Palice of Halyruidhous, vnder silence of nicht, vpoun the day of December lastbypast, invading, assegeing and perfewing of his Maiesties maift noble persone, be fyre and syword, breking up his chalmer durris with foirhammeris, and cruellie slaying his hienes servandis, cumand to his Maiesties rescourse; ane Tressoun and crueltie not hard nor sene committit be subjectis, sa heichlie obliff to thair natue King and Prince, precogitat, consultit and aggreit vpoun to be put in executioun lang of befoir; having alswa devisit meanis, in thair jugement, to preferue thair landis and guidis efter the committing of thair Tressoun foirfaid. Quhilk haynous and tressounable fact, as it passis all vtheris in crueltie and euil example, sua it is thocht meit and expedient that ane condigne law and punishment be sett down for extinguisching of the memorie of the tressounable personis foirfaidis and thair posteritie, to be ane document to all aiges to cum and attempt the lyk: It is thairfoir statute and ordanit be our souerane lord and his saidis Estaittes of Parliament, that the said Frances sumtyme Erle Bothuell, Dame Margaret Dowglas sumtyme Countesse of Bothuile, James Douglas of Spott, Archibald Vauchop younger of Nudry, Mr Johnne Coluile of Straruidie, Williame Stewart sumtyme Constable of Dunbartane, Johnne Hammiltoun younger of Sammeltoun, Williame Lermounth of the Hill, Robert Home younger of the

Hench, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Prestoun, Patrik Auchincraw thair, Mr Thomas Cranstoun younger of Moriestoun, Johnne Cranstoun his brother germane, Johnne Ormestoun in Smailhome, Robert Ormestoun his sone, James Stewart of Tynneis, Patrik Crumbie of Caribdin and David Orme of Mugdrum, thair bairnes, thair airis and hail postertie, fall neur bruik land, benefice, honour, office nor dignitie within this realme, in ony tyme cuming: And als his Maiestie and Estaittis foirsaidis decernis, decreittis and deliueris, that all maner of infestmentis, alienationis, dispositionis, resignationis, contractis, bandis or obligationis, for making of infestmentis of thair landis and heretages, or ony pairt thairof, or annuelrentis furth of the samyne, togidder with all pretendit assignationis and dispositionis of thair tackis, stedingis, roumes, possessionis, guidis or geir, to ony maner of persons or personis, quibilk tuke not effect, be actual and reall possessioun, befor the committing of the foirsaid crymis, falbe null and of nane avail, force nor effect, in tyme cuming, as they had neur bene maid.

(Jun. 8.)—A Proclamation issued, forbidding all the lieges to ‘reffet, supplie nor intercommoun with PATRIK MAISTER OF GRAY and Robert Gray his bruther.’

(Jun. 29.)—A Proclamation ‘for persute off THE ERLLE BOTHUILE.’

(Jun. 30.)—A PROCLAMATION ‘for presenting of prisionaris.’—That ‘as diners of the thevis and tratouris that laitlie assailzeit his Maiesteis persone within his awin PALICE OF FALKLAND, eftir thair grite spuilzie and heirschippis, committit vpoun the horsis and guidis of the faithfull and gude subiectis of this realme, in thair schamefull flicht and returning hamewart, ar takin be the way, in diuers pairtis, within the shereffdomes and burrowis of Lanerk and Peblis; quhais takaris will nawayis present thame to justice, without thay be compellit;’ therefore declaring that such persons shall be held as traitors.

(July 5.)—The King and Council having granted ‘Licence to WILLIAME ERLE OF ANGUS to remane in the cumpany and societie of Johnne Erll of Montrois, ay and quhill his Maiestie declair forder of his will and pleasour towards him;’ therefore the Earl of Montrose binds himself, that during this time, ‘he fall nocht do nor attempt ony thing hurtfull or preiudicial to his Maiestie, the present Estate, nor the Religioun,’ &c. The Earl only obliges himself, ‘for his gude behaviour, during the same tyme of his remaning;’ but would not bind himself for the entry of Angus when required.

(Jul. 8, *apud Drumfreis*.)—‘Promeis of reward to sik as fall reveill the reffettaris of the ERLLE BOTHUILE and his complices’ is only made, but in case of farther concealment, ‘they falbe persewit with fyre, sward and all vther kynd of rigour.’

(Jul. 11.)—JOHN EARL OF MORTON Lord Maxwell, created Warden of the West March, ‘dimittit be Sir Johnne Carmichaell of that ilk, knicht.’ He is ordained the same day ‘to mak redres for bigane attemptatis.’

(Jul. 12.)—It is declared, that ‘albeit Johnne Lord Maxwell be nominat and styllit Erll of Mortoun in the late Act, and in fundrie vther Actis and ordi-

nances,' &c. 'zit the same nominatioun and style fall nawayes hurt nor prejugé the richte and titles quhilkis WILLIAME DOUGLAS ERL OF MORTOUN Lord Dalkeith, hes and pretendis to have, as air of taillie to the Earldome of Mortoun; nor zit impair him in honnour, style, dignitie, preeminence and priuilegeis, quhilkis he hes and broukis, or may brouke and posses thairby,' &c

WARRANT for demolishing of the Housses of Tynneis, Horden (*Harden*)  
and Dryhoip

APUD PEIBLIS, *xij die mensis Julij, anno lxxxij* (1592).—The Kingis Maiestie, with aduife of the Lordis of his Secreit Counsale, Gevis and grantis full pouer and Commiffioun, expres bidding and charge, be thir presentis, to his weilbelouitt Williame Stewart of Tracquir, to DIMOLEIS and caus to be dimoleift and cassin doun to the ground, *the place and houssis of TYNNEIS*, quhilkis pertentit to James Stewart fumtyme of Tynneis; as alfwa, the lyke pouer and commiffioun, expres bidding and charge, to Walter Scott of Gouldielandis and Mr Iedeon Murray, conjunctlie and feuerallie, to dimoleis and caus be dimoleift and cassin doun to the ground, *the placeis, houssis and fortaliceis of HARDEN and DRYHOIP*, pertening to Walter Scott of Harden, quha, with the said James Steuart, wes arte and parte of the lait tressonabill fact, perpetrat aganis his hienes awin perfone at Falkland: And that the foirfaidis perfonis caus the premisses be putt in execution with all convenient expeditioun in signne and taikin of the foirfaidis vthis perfonis tressonable and vnnaturall defectioun and attemptat, committit be thame in manner foirfaid. As thay will anfuer to his hienes vpoun thair obedience.

(Jul. 13, *apud Edinburgh.*)—JOHN PENNYCUKE of that Ilk and MARK ACHIESOUN of Achiefonisheavin, denounced rebels, for resetting the Earl of Bothwell and his accomplices.

(Jul. 13.)—JOHNNE STEUART of Roisland finds surety (Richard Hereot y' of Trabroun), 'that he fall nocht ressett Matheu Hereot, denuncet rebell.'

Jul. 20.)—WALTER SCOTT of Hardenis ordered to be denounced rebel, for not appearing 'to have anfuerit to sic thingis as fould haue bene inquirit of him at his cwming, twicheing the late tressonable attemptat committit aganis his Maiesteis perfone at Falkland, vpoun the xxviiij day of Junij lastbipast.

(Aug. 10, *apud Dalkeith.*)—PHILP SCOTT of . . . . ., denounced for the treasonable reset of the Earl of Bothwell and his accomplices; and being present at the Raid of Falkland.

(Aug. 24, *apud Castrum de Edinburgh.*)—In 'the querrell and contrauerfie laitlie happynnit betuix ROBERT BRUCE of Clakmannane and the Prouost, bailies and Counfall of Perth,' 'the Kingis Maiestie desiret the said Robert to informe his Maiestie and the Counsale present, of the iniurie and offenffes committit



aganis him be the saidis Bailies, &c. causses and occasions thairof; quha declarit, That he having certane guidis and geir cuming throu the same burgh, nocht bocht nor to be fauld thairin, the same guidis wer not onlie stayed and not sufferit to haue passage be thair portis, bot at last intromettit with be sum of thair nichtbouris, becaus his seruand caryar of the saidis (guidis) wald not pay custum thairfoir; quhilk being reportit to him, and he finding the same to be a novation, quhairwith his vmq<sup>10</sup> father nor nane of his tennentis and seruandis wer burdynnit in his tyme, requirit the saidis Baillies, be his Missiue Letter, to repair this injurie, and to caus his guidis be randerit agane without payment of ony custum, vthirwayes he wald vse the lyke forme of doing to thair nichtbouris,<sup>1</sup> in thair passage betuix thair toun and Dundee: And becaus thai refusit to satisfie this his ressonable desyre, he take sum of thair nichtbouris repairing fra Dundee to the said toun, and take thair waponis fra thame; quhilk waponis he offerit, be his vther Missiue Letter direct to the saidis Baillies, to caus be delyuerit agane, be ressaying the lyke deliuerie of his saidis guidis; quhilk, as of befoir, not onlie being refusit, bot sum of thair nichtbouris, and in speciall Williame Inglis and Johnne Balfillie, come to his ground and landis of Gastounhall, vpoun the xvj day of August instant, and eit, trampit down and distroyit with thair horffis, the cornis growand vpoun the saidis landis; ffor the quhilk, thay being reprovit, thay vtterit sum iniurious wordis; quhairvpoun he wes movit to stryke ane of thame with ane pistollett, and in end to tak and retene thame in his place of Gastounhall, without forder iniurie done to thame: And that same nicht, the saidis Baillies, counfall and communitie, to the nowmer of . . . . . personis or thairby, all bodin in feir of weir, come to his said place, and vpoun the morne, afoir day licht, foundit thair drwm, assegeit him thairin, dischargit hacquebutis and pistollettis in at the durris and windois thairof; and at last treffounable sett to fyre, and enterit perforce in the same place, at the ruif thairof; and eftir thay had cruellie hurte . . . . . his seruand, with the schott of ane hacquebute, to the effusioun of his blude in grite quantitie and perrell of his lyffe, thay take him selff, and transportit him away with thame ane certane space, bairfutit and bairleggit, not suffering him to putt on his awne claithis; and spuizzeit and take away with thame his hail siluer-werk, bedding, claithis and all the plenneffing of his hous: And all this wes done without ony Commissioun had be thame thairto: Vfurpand thairby vpoun thame his Maiesteis autoritie. To the quhilk it wes anfuert be the saidis Baillies and counfall present,<sup>2</sup> that the taking of custum, for sic kynd of guidis as had passage be thair

<sup>1</sup> Townsmen, inhabitants of the burgh.      <sup>2</sup> Olipher Young, Patrik Blair and Adam Anderfoun, bailleis of the said burgh, James Drummond dean of gild, Williame Merfer, Patrik Anderfoun, Thomas Burrell, Williame Stevinfoun, Robert Sym and Williame Jak, burgeffes of the same burgh.

portis and brig, wes na novatioun, bot a forme of doing vsed be thame and thair prediceffouris in all tyme bigane, past memoir of man, according to thair liberties and preuilegeis grantit to thame to that effect; and thairfoir, in staving the said Robert Bruceis guidis, quhill the custume thairof had bene payit, thay committit na wrang: And forder alleget, that albeit the first taking of sum of thair nichtbouris, and retening of thair waponis, wes ane offens done, na les to the contempt of his Maiestie then to thair particulair greif and hurte, zit thay not onlie patientlie buir thairwith, bot causit restitutioun to be maid to him agane of his saidis guidis, without payment of ony custum thairof: And thair- efter, thay directit Anthone Maxtoun, ane of thair awin nichtbouris, requiring him to suffer the saidis Williame Inglis and Johnne Waffilbie (Balfillie) takin and detenit be him within the said place, eftir thai wer cruellie hurte and woundit, to haue libertie and fredome: Quhilk not onlie being refusit, bot at last, reporte being maid to thame that he had murdreift and slane the same personis; quhairvpoun, complaint and exclamatioun being maid be thair wyffis, bairnis and vtheris of their freindis, in end, Olipheir Peblis, shereff-depute of the shereffdom of Perth, to quhome a certane nowmer of thair saidis nichtbouris gaif thair concurrence and assistace, past, according to the pouer grantit to thame be the Actis of Parliament, to the said Robert Bruce place foirsaid, and thair perforce recouerit thame furth of his handis; and tuke him selff away with thame, to be anfuerable to justice.

THE KINGIS Maiestie, with aduise of the saidis Lordis, ffindis and declairis, that baith the saidis parteis, be thair awin declaratioun and confessioun, hes offendit and contempnit his Maiestie, his auctoritie and lawis: And thairfoir, ordanis the said Robert Bruce to be committit to warde within his hienes Castell of Edinburgh; and the saidis Williame Merfair, Patrik Andirsoun, Thomas Burrell, Williame Stevinsoun, Robert Sym and Williame Jak within the Castell of Blaknes; thairin to remane vpoun thair awne expensses, ay and quhill thay and thair compliceis, assistaris and pairt-takaris with thame in the committing of the foirsaidis crymes and offenses, be putt to the knaulege of ane Affise, befoir the Justice or his deputis; and that justice be ministrat as effeiris: And that feuerall warrandis be direct for thair ressett in warde, within the saidis Castellis.

(Aug. 29, *apud Dalkeith*.)—ALEXANDER LORD OF SPYNIE ordained to be put to the knowledge of an Affise before the Justice, in the Tolbooth of Edinburgh, ' the tuelf day of September nixtocum, ffor the tressounable ressett within his place of Abirdour of Frances sumtyme Erll Bothuell; and for intelligence had with him, or (*until*) that materis wes pakkit vp betuix thame, for the Raid of Falkland; quhair of the said Alexander is dilaitit, be Williame Commendator of

Pittinweyme.' 'Certifeing alwayes the said Commendatour, that in cais the said Alexander fall, eftir tryall, be fund clene and innocent of the saidis crymes, that in that caise the pane and pvneifhement, prescryuit in his hienes lawis and Actis of Parliament, falbe extendit and vfit aganis the said Commendatour with all rigour and extremitie.'

(Sep. 2.)—DAVID COCHRANE of Pitfour complained to the King and Council, that he had raifed Letters against HARY LINDSAY of Kinfawnis, on the ground that the said Hary, 'with conuocatioun of his hienes liegis, to the nowmer of xl personis or thairby, all bodin in feir of weir, with jakkis, speiris, hacquebutis, pistolettis and vtheris waponis inuasiue, prohibite to be worne be the lawis of this realme and Acts of Parliament, come vpoun the xxvij day of Julij lastbi-past, about twa houris in the moirning, to the place of Pitfour, quhair the said complener, his wyffe, bairnis and familie wer for the tyme, takand the nichtis rest, lippynning for na violence nor iniwrie of ony personis; and finding the zettis (*gates*) of the said place closed, sua that thay could nocht gett entres thairin, thay secreitlie hid thame selffis, in certane quiet pairtis aboute his hous, and directit ane boy to his zett, as giff he had cum with ane Missiue Letter to the said complenair frome the Laird of Lethindie, desiring entres, that he micht delyuer the said Missiue; quhair of the said complenair being aduerteiffit, and lippynning for na thing les then that quhilk happynnit, he caufit oppin his zettis, to haue lattin in the said boy; at the oppynning quhair of, the said Hary and his compliceis violentlie rusheit in at the zett, and being repulfit, and putt bak and the zettis closed, thay then be plane violence and force brak vp the same zettis, enterit within the said hous, intromettit with the said complenaris haill mouablis and plenneffing, and removit and expellit his wyffe, with nyne young bairnes, and his haill familie, furth of the said hous; vsing sic inhumanitie aganis his wyffe and bairnis, as the lyke hes not bene hard of to haue bene committit be a gentilman of his estait; quha, eftir the removing and putting of thame furth of the said hous, wald nocht schaw thame that courtesie to remane in ane barne or byre, outwith his said hous; bot hes forceit thame to ly vpoun the feildis, aboute his awne wallis and zettis senfyne: And now hes placeit certane of the said complenaris vnfreindis, (*enemies*), with quhome he standis vnder deidlie feid, within the said hous; quha keipis and detenis the same, and on nawise will delyuer the same to the said complenair, without compulsioun.' Lindsay was accordingly charged to deliver up the house, &c. and to answer before the King and Council for these acts of oppression. The parties having appeared along with 'Johnne Tuedie, present keipar of the said hous;' and 'in respect the said hous was randerit to the messenger, without tryale or cognitioun, ordanis vtheris letteris to be direct,' charging them 'to render and delyuer the samin, togidder with the

guidis and geir quhilkis thay reffaut thairintill, vpoun inventair,' within fix hours thereafter, under the pain of rebellion, &c.

(Sep. 14.)— . . . . WEMYSS younger of Logie and Mr RICHARD DOUGLAS, fone lauchfull to the Laird of Quhittinghame, ordered to be denounced, for not appearing to have answered relative to Earl Bothwell, &c. Sir MICHAEL BALFOUR of Burlie also to be denounced, for not appearing to answer, concerning 'his Maiesteis persone and estate,' &c.

(Sep. 14.)—PROCLAMATION 'to meit at Peiblis, in feir of weir, with xv dayes victuallis and prouifioun,' upon the xxv day of September, to accompany the King 'in propir persone, to tak the feildis' against BOTHWELL and his accomplices, 'inhabitantis within the boundis of West Tiviotdail.'

(Sep. 23.)—ANDRO KER of Phairnihirst, Johnne Ruthirfurde elder of Hunt-hill, Williame R. younger of H., Williame Ruthirfurde proueft of Jedburgh and Williame Kirkton baillie of Jedburgh, ordained to be denounced rebels, for failing to appear this day, to have answered 'twicheing the tressounable reffett, intercommuning and intelligence had be thame with Frances sumtyme Erl Bothuill,' &c.

(Sep. 26.)—On account of the state of the harvest, 'be the lang continewance of this stormie and vnseasonable wedder,' the meeting at Peebles was postponed to the tenth day of October.

(Sep. 28.)—SCHIR JOHNNE LINDSAY of Ballingho knight, to be denounced for failing to answer as to his intercommuning with Bothwell.

(Oct. 14, *apud Jedburgh*.)—A great number of the lesser barons on the Border, find security this day and afterwards, that they 'fall behave as deutifull and obedient subiects.' The Court is held 'at Haliruidhous' on Oct. 24.

(Nov. 4, *apud Haliruidhous*.)—An act is passed in favour of ALEXANDER LORD SPYNIE, in which the charge brought against him of intercommuning with Bothwell, &c.<sup>1</sup> is, after strict trial, found to be a malicious invention of *Colonell Williame Stewart*; the King and Council 'restoir and repone him to his honnour, dignitie, place and service he had of his Maieftie.'

(Nov. 9.)—A 'Commiffioun of Lieutennandrie and Justiciarie' is granted to WILLIAM EARL OF ANGUS Lord Douglas and Abirnethie, in consequence of the King being 'informeit of the grite cruelteis, heirschippis and difordouris recentlie committit be the laules brokin hieland men of the *Clanchattan*, *Clancarroun*, *Clanrannald*, and vtheris, pretending thair dependans vpoun the ERLIS of HUNTLIE and ATHOILL, hes fa wrakit and shaikin lowse findrie pairtis of the North cuntrey, that grite nowmeris of honneft and peaceable folkis, his hie-

<sup>1</sup> See Aug. 29, 1592.

nes subiectis, ar murthowrit, thair houffis brunt, now in the winter seafoun, thair guidis spuizeit, &c. : With speciall pouer to intercommoun with the saidis Erllis and vtheris outhouris and movaris of the saidis difordouris and crueltis, twicheing thair defisting from armes and hostilitie, and repairing of sic placeis as his Maiestie hes appointit, quhair the groundis, occasionis and circumstances of the saidis troubles may be hard, and the same redressit,' &c. And 'giff neid be, to display his Maieftis banner, assege houffis, raise fyre and vse all vther force and weirlyke ingyne,' &c.

(Nov. 16.)—A PROCLAMATION issued against the EARL OF BOTHWELL; and of new interdicting all subjects from intercommuning, &c. with him.

(Nov. 20.)—Another Proclamation and Declaration to the same effect.

(Dec. 8.)—All Refetters and Assifters of Bothwell, having been ordered, in time coming, to approach no nearer the Royal prefence than *ten miles*, and many of them having difobeyed, Warrant is issued to the Provost and Bailies of Edinburgh to apprehend 'DAME MARGARET DOUGLAS, CONTESE OF BOTHVILE, Arch<sup>d</sup> Wauchop younger of Nudrie, Williame Stewart sumtyme Constable of the Castell of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Liermonth of the Hill, Hercules Stewart of Quhytlaw, Mr Thomas Cranftoun younger of Moriestoun, James Stewart of Tynneis, Sir James Scott of Balverie, Andro Ker of Farnyhirst, Watt Scott of Harden, &c., and all others received or that shall be received into favor, quhilkis fall nocht produce and schaw to thame, his Maieftis Licence, for thair remaning within the same burgh.'

(Jan 5, 1592-3.)—A PROCLAMATION issued against 'the coverit and bissy trauellis of JESUITES, Seminarie Preiftis, borne subjectis of this realme, and sum vtheris, strangearis, and their *tressounable CONSPIRACIE for inbringing of strangearis, SPANZEARTIS*, in this realme, this nixt spring or somer; to the ouerthrow of his hienes and all professing the trew Religioun with him, and to the ruyne and conqueist of this auncient Kingdome and libertie,' &c.

(*Eodem die.*)—Act passed, 'allowing the apprehending and warding' of WILLIAM ERLL OF ANGUS within the Castle of Edinburgh, 'vpoun suspicioun confait, that he wes guilty of sum tressonable Conspiracie, diuifit for subuersioun of the trew Religioun,' &c.; 'as planelie appearis be sum Letteris, laitlie apprehendit with Mr George Ker bruthir to the Lord of Neubottle, subscryuit be the said Erll and vtheris his colligis: As alswa, concerning the warding, tryell and examinatioun of the said Mr George, Hew Barclay of Ladyland, and sum vtheris, apprehendit for this same caus.'

(*Eodem die.*)—Another ACT, that in future, all persons suspected of such crimes, shall be called before the King and Council, 'and giff thair aithis of veritie solempnitlie, that thay fall leilie and treulie declair and depone the veritie,

&c., and conceill na pairt thair of; and in cais thay fall refuse to sweir and giff the said aith, that thair refusale, in that cais, salbe haldin as a Confessioun of the crymes quhair of thay ar or fall be delaitit and inquitit.'

(Jan. 8.)—MR ALEXANDER KING, Advocat, finds caution to the extent of L.5000, that he shall appear personally, on six days warning, and answer 'to sic thingis as salbe layed to his charge'. Robert Swintoun of that Ilk, Mr Michael Cheifholme, and Williame Fairlie, burgesis of Edinburgh, were his sureties.

(Jan. 12.)—Letters ordained to be directed, charging SIR JOHNNE KER of Hirsell, knicht, and Mr WALTER LINDSAY of Balgawy, to appear and answer, 'concerning thair practizing in materis aganis the Estait of Religioun, his hienes persone and authoritie, and disturbing of the commoun quietnes of the realme;' under the pain of Rebellion.

(Jan. 17.)—PROCLAMATION 'to pas fordwart to the North with his hienes, for resisting and repressing of the authoris of the tressounable Conspiracie for the inbringing of Strangearis, and raising of Ciuile wear,' &c.; and 'for defens and maintenance of the libertie of Religioun from thraldome of conscience, and conquest and slaverie of Strangearis;' 'vnder the pane of tinsfall of lyffe, landis and guidis.'

(Jan. 23.)—JOHNNE EARL OF MENTEITH finds Johnne Blair of that Ilk, Johnne Grahame of Knokdoleane and Robert Grahame of Thornik, as his cautioners, under the pain of 10,000 merks, 'that he fall on nawayis invade nor perfew WALTER LEKKY of that Ilk, his kin, &c., in the deidlie feid standing betuix him and his saidis freindis.' Johnne Earl of Montrois, Johnne M<sup>r</sup> of Montrois, Mr Johnne Grahame of Halzairdis, Sir Duncane Campbell of Glenvrquhay, Williame Grahame of Balivie, Williame Grahame of Claverhous, and Williame Grahame of Panhollis, bind themselves to relieve the cautioners of their surety.

(Jan. 25.)—WALTER LEKKY of that Ilk, finds Johnne Murray of Polmais as his cautioner, under the pain of 3000 merks, that he shall not invade or pursue the EARL OF MENTEITH.

(*Eodem die.*)—Robert Jamesoun, burges of Air, ordained to deliver to Sir James Sandielandis of Slanmannane, 'M<sup>r</sup> (Maister) Knicht, gentilman of his hienes chalmer,' the sum of 236 'crownis of gold,' delivered to him by James Campbell his servant, who received the same from Mr George Ker, brother to Mark Lord Newbottle.

(Jan. 30.)—COMMISSION to ARCHIBALD EARL of ARGYLE, his hienes Justice Generall, for repressing the violence of 'the wicked CLANGREGOUR, the STEUARTIS of *Baquhidder* and diuers vtheris brokin men of the hielandis,' &c.; with power to charge 'all and findrie personis of the surename of the MAK-

GREGOUR, and the STEUARTIS of Baquhidder, thair affittaris and pairt-takaris, to find fouirtie or to entir plegeis, as he fall think maift expedient, for obseruatioun of his hienes peace, quietnes and gude reule in the cuntrey,' &c. Power is also given to convocate the lieges, and to 'perfew and assege' their 'houffis and strenthis, raise fyre and vse all kynd of force and weirlyke ingyne,' &c.

(*Eodem die.*)—A number of 'MACKGREGOURIS' charged to appear before the Earl of Argyle, at Stirling, the . . . day of February next.

(Feb. 5, *apud Sanct Androis.*)—GEORGE ERLI of HUNTIE, FRANCES ERLI of ERROLE and SCHIR PATRIK GORDOUN of Auchindoun, kn<sup>t</sup>, ordained to be denounced rebels, for not appearing this day, to answer 'tuiching thair practizing and trafficquing with JESUITES, Seminarie Preiftis, and vtheris excommunicat and trafficquing Papiftis, aganis the state of the trew Religioun,' &c.

(Feb. 12, *apud Halirudhous.*)—ROBERT LOGANE of *Restalrig*, to be denounced, for not appearing to have answered 'vpoun his tressounable Conspiring, consulting, trafficquing and diuifing with Frances sumtyme Erl Bothuill, in fundrie tressounable purpoiffis, aganis his Maieftis persone and autoritie.'

(Feb. 15.)—SCHIR JAMES CHEISHOLME of Dundorne, kn<sup>t</sup>, to be denounced, for not appearing to answer, 'tuicheing his practizing and trafficquing, in fundrie tressounable materis, aganis the trew Religioun,' &c.

(Feb. 26, *apud Abirdene.*)—WILLIAME ERLI of ANGUS, Lord Douglas and Abirnethy, ordained to be denounced, for not appearing to answer, 'tuicheing the tressounable practizing aganis the estate of the trew Religioun, presentlie professit within this realme, his Maieftis persone, autoritie, estate and realme,' &c.

(Mar. 3.)—MR ROBERT KEITHE, brother to George Earl Marischall, to be denounced, for not appearing to answer a charge at the instance of the Earl and Robert Lord Altrie, his uncle, that 'quhair he, vnmyndfull of his naturall dewtie towardis him, hes laitlie with his compliceis, violentlie, and be way of deid, takin the said Erllis hous of Akirgill, in Caithnes, and intrufit him self in possessioun thair of, of intioun to mak incurfounis vpoun his tennentis and seruandis, occupiaris of his landis adiacent and belanging thairto; and to commit all maner of oppressioun, reif and heirshippis vpone thame: As lykuife, to compell thame to ansuer and mak payment to him of the mailles and dewiteis thair of, by (*contrary to*) all ordour of law and justice, and to the grite contempt of his hienes auctoritie: Quhais insolence, albeit the saidis complenaris be able aneuch to repres and tak ordour with; yit, in respect of his hienes presence in the cuntrey, thay ar laith thairto, in hoip that his Maieftie fall prouyde remeid for pvnishment of sic insolence and enormitie.'

(Mr. a 9.)—A COMMISSION is granted to GEORGE EARL MARISHALL Lord

Keith and Altrie, constituting him his Majesty's Commiffioner, within the bounds of the Sherifdoms of Kincardin, Aberdeen and Banf, 'to pas, fearch, feik and tak GEORGE ERLLE OF HUNTLEY, WILLIAME ERLLE OF ANGUS, FRANCIS ERLLE OF ERROLE, Schir Patrik Gordoun of Auchindoun, kn', Schir James Cheifholme of Dundorne, kn', Mr James Gordoun and Mr Williame Ogiluy, Mr Robert Abercrommy, and all vtheris Jefuites, Seminarie Preiftis and trafficquing Papiftis, tressounable practizearis aganis the Eftate of the trow Religioun, presentlie professit within this realme, his hienes persone, crowne and libertie of this cuntrey: AS ALSWA, the vtheris personis vndirwrittin, denunceit rebellis and putt to the horne, and fugitiue fra his hienes lawis, for the *tressounable Fyre-Rasing and birning of the place of DYNIBIRSELL and MURTHOUR of vnaq'* JAMES ERLLE OF MURRAY; thay ar to say, the saidis George Erll of Huntlie, Schir Patrik Gordoun of Auchindoun, kn', Schir Thomas G. of Cluny, kn', William G. of Geycht, Robert Innes of Innermerky, Johnne Gordoun apperand of Lefinoir, William G. of the Craig of Auchindoir, Johnne G. youngair of Carnburrow, George G. his bruther, James Lorymer, Alexander Chalmer, feruitouris to the Laird of Innermerky, Patrik Gordoun of Letterfoury, Patrik G. of Corrachrie, Johnne G. younger of Auchannachie, Normond Leslie, Johnne Vans of Lochflyne, Johnne Gordoun of Auldounleyis, Johnne Drummond, Andro Wode, Johnne Edmeftoun, Robert Dalgleifhe, Williame Borthuik, George Gordoun of Crechie, James Moubay, George Gordoun bruthir to Patrik G. of Corrachrie, James Borthuik at the Brigend of Haillis, Johnne Chalmer suster-sonne to the Laird of Geycht, and Williame Morifoun; togidder with the reffettaris, &c., and to bring them before the King and Council, or before the Justice or his deputies, to be punished for their demerits: AND also, 'to repress and resist, and as occasioun fallis oute or necessitie requiris, to tak and apprehend all thevis, revaris, fornaris, violent and maisterful oppreffouris, hieland and lauland, brokin men,' &c. With power likewise to hold Courts of Justiciary, &c.—The following persons are added 'as Counfallouris to the said Erll, be quhais aduise, or ony three of thame conjunctlie, he and his deputis shall proceed in the execution of this present Commiffioun, viz. Johnne Maister of Forbes, Robert Lord Altrie, Alexander Iruing of Drum, Schir Walter Ogilvy of Findletter, kn', Schir George Ogilvy of Dunlugus, kn', Alexander Frafer of Phillorth, James Creichtoun of Fren draucht, Williame Forbes of Tolquhone, George Johnneftoun of Caskyben, Williame Forbes of Monymusk, Williame Forbes of Corfe, Johnne Wisbert of Pittarro, . . . . . of Thornetoun, . . . . . of Lowrestoun, . . . . . of Balmane and . . . . . Arbuthnott of that ilk.'

(Mar. 9.)—A similar COMMISSION granted to JOHNNE ERLLE OF ATHOILL Lord Balvany, as his Majesty's Commiffioner, within the bounds of the shires of



Elgin, Fores, Nairn, Inverness and Cromarty. He is instructed 'to concur, fortifie and assist' the Earl Marischall; 'and for this effect, to repair to him with his forceis, within the saidis boundis, at sic tymes as the necessitie fall sa require, or as he salbe aduertit or defyrit be the said Erll Marischaell.' Symon Lord Frazer of Lovatt, Johnne Grant of Freuchy, Coline M<sup>c</sup>Kenzie of Kintail, Lauchlane M<sup>c</sup>Intoshe of Dunnauchtane, George Ros of Balnagowne, Mr Hector Monro of Foullis, Johnne Dunbar of Moynes schereff of Murray, Johnne Vrqhart tutour of Cromartie, Thomas Frazer tutour of Lovatt and Williame Sutherland of Duffus, are appointed his 'counsellouris.'

(Apr. 12, 1593, *apud Halvruidhous.*)—'JOHNNE BUCHQUHANNANE of Drumfoid and James B., sonis to Thomas B. of Blairlofk, Archebald M<sup>c</sup>Airthure in (*and*) Airthure M<sup>c</sup>Airthure in Ardindowane, Johnne M<sup>c</sup>Inlay, sone to the millar of Dunstuge, and George Buntene M<sup>c</sup>Indoquhy, seruand to Thomas B. of Blairlofk,' ordained to be denounced rebels, &c. by virtue of 'our souerane lordis Letteris, rasit at the instance of Johnne Campbell of Ardkinglas, Maister Johnne C. of Auchinvelling, Mr Dougall C. Deine of Breichin, Patrik and Robert Campbellis, brether to vmq<sup>te</sup> Duncane Campbell; makand mentioun, that quhair the said Johnne C. of Ardkinglas, at the speciall directioun of his hienes, being cuming to the burgh of Edinburgh, vnder his Maiesteis protectioun, and being on his jorney, at Dumbertane, vpon the xxviiij day of Marche last, accompanied onlie with four seruandis, in peceable and quiet maner, he tuik purpos to hald fordwart his jorney that same nycht efter supper, be ressoun of the trublis quhilkis ar in that cuntrey, lippynning for nathing les than ony injurie or truble to haue bene intendit aganis him; notwithstanding, it is of the trewth, that Johnne Buchannane, &c. being aduertit of the said Lard of Ardkinglas intention to hald fordwart his jorney that nicht, thay associat vnto thame selfis findrie vtheris, brokin men and fugitives, to the number of tuentie-foir personis on horse and fute, all bodin in feir of weir, with lang hagbuttis, jakkis, pistolettis and vtheris waponis invasiue, prohibite to be worne be the lawis of this realme and Actis of Parliament; and lay in ambushment in ane yaird, direct opposite to the gait, quhairby the said compleneris behuifit to pas, of sett purpos and prouifioun to haue murderit him in his by cuming: Lyk as, the said vmq<sup>te</sup> Duncane and ane vther of his seruandis, being gangand a litle befoir him, and the personis foirsaidis fuirly beleving that ane of thame had beine the said Lard of Ardkinglas, thay dischairgeit ane dufane of harquebuittis at the saidis tua personis, and schott the said vmq<sup>te</sup> Duncane in the heid with ane of the same schottis; and thaireftir cuming furth of the yaird, finding the said vmq<sup>te</sup> Duncane not to be deid, and still beleving he had beine the said Lard of Ardkinglas, thay schamefullie and barbarously maglit and slew him with sweirdis, and cuttit of his heid:

And then, perſaving thame ſelffis to be diſapointit, thay ſchairplie followit the ſaid Lard, ſchott aucht or nyne hagbuittis at him, and had not failit lykwayis to haue ſlaine him, wer nocht be the Prouidence of God he eſchait: Committing thairthrow maift ſchamefull and barbarous Murthure, vpon ſett purpos and prouifioun, in hie and proud contemptioun of his Maieſtie and his authoritie, and euil example of vtheris to do the lyke, giff this remane vnpuniſſet.'

(Apr. 15.)—Johnne Lord Hammiltoun ordered to be denounced, for not preſenting Mr PATRIK HAMMILTOUN, brother to George H. of Preſtoun, Captane of the Caſtell of Brody in Arrane, as bound by the laws and the 'Generall Band,' to preſent and enter him before the King and Council, 'to be puniſt for his demerittis, proud contempt and rebellious;' and to have answered to a Complaint made by Abacuch Biſſett,<sup>1</sup> writer to the Signet, that on 23, 25 and 28 days of September, 1587, Mr Patrick was denounced rebel, for not appearing before the King and Council, 'tuicheing thair (Mr Patrick's and John H. ſear of Preſtoun, his brother's ſons) cruell perſuit and inuaſioun of the ſaid complener, within St Geillis Kirk of Edinburgh, in tyme of Parliament, and mutilatioun and diſmembering him of the hail fingeris of his left hand,' &c.; and that 'ſen the tyme of his denunceatioun, he hes maift ſchamefullie and vnhoneſtlye murdreift and ſlane tua innocent men, to wit vmq<sup>b</sup> David Stewart in Buit, and vmq<sup>b</sup> . . . . Inglis, quha newer offendit him,' &c.; 'befydis mony vther and odious vicked deidis committit be him, vpon his Maieſteis peceable ſubiectis, and ſpeciallie, within the pairtis of Arrane, quhair he wes appointit Capitane of Brody, oppreſſand ſic as may not reſiſt him, baith be ſey and land, and takand ranſomis and buiting<sup>2</sup> with wtheris his complices, that he houndit out to that effect; behaving him ſelff, in all reſpectis, as gif he wer not ſubiect to a ſouerane lord and king,' &c.

(Apr. 17, *apud Edinburgh*.)—James Cheyne of Straloch became cautioner for PATRIK CHEYNE of Eſſilmonth, 'that he, be him ſelff and all that he is obleiſt to anſweir for, be the lawis of this realme, ſall behave thame ſelffis as dewtfull and obedient ſubiectis'—and that thay ſhall not 'tak pairt with George Erll of Huntlie, &c., nor na vtheris, Jefuitis,' &c., under the pain of 3000 merks.

(Apr. 21.)—A number of 'NORTHLAND MEN' find caution under large fums, that thay ſhall repair to the town of Dundee, upon the 24th day of April in-

<sup>1</sup> Habakkuk Biſſet was clerk to Sir John Skene, Lord Clerk Register. He is the reputed author of 'Ane ſhort Forme of Proceſs, preſently vſed and obſerved before the Lords of Counſell and Seſſion,' appended to Skene's Scottish translation of the Regiam Maieſtatem, published in 1609. This work forms one of the articles in a ſcarce volume, entitled 'A Compilation of the Forms of Proceſs in the Court of Seſſion, during the earlier periods after its eſtabliſhment; with the variations which they have ſince undergone, and likewise ſome ancient tracts concerning the manner of proceeding in Baron Courts; published by order of the Commiſſioners lately appointed by his Maieſty for Enquiring into the Adminiſtration of Juſtice in Scotland.' 8vo. Edinburgh, 1809. <sup>2</sup> Free-booting? Taking booty.

stant, ' and thair, ather fatisfie the Generall Assemblie of the Kirkis, quhilkis ar to be convenit thairin the same day, in sic thingis as concernis the trew Religioun, &c. ; and returne ane Testimoniall of the same satisfactioun, to his Maiestie and Lordis of Secret Counsale, within thre dayis nixt thairefter ; or ellis, within the same sspace, fall returne and enter thair personis in waird, within the burgh of Edinburgh,' &c.

Apr. 26.)—PROCLAMATION, that ' fforfamekle as thair is ane Justice Court proclamit and appointit to be haldin within the burgh of Hadingtoun, vpon the thrid day of Maij nixtocum, with continewatioun of dayes, be certane noblemen, barrones and vtheris, to quhome his Maiestie hes gevin full power and Commiffioun to call and convene befor thame diuerse personis, inhabitantis within the boundis of the sherefdomes of Berwik, Lawderdail and Edinburgh, within the Conftabularie of Hadingtoun, committaris of the saidis crymes and enormities, and to proced and minifter justice vpon thame,' &c. ' And that necessar it is, that Commiffionaris be weill and substancioullie accompaneit, with a force of his hienes guid subiectis.' Therefore, that the ' Erllis, lordis, barronis, fewaris and frehalderis, duelland within the saidis boundis, alswell to regalitie as ryaltie,' be charged to repair to Haddington ' weill bodin in feir of weir, and with ten dayis wictuallis and prouifioun.'

*ANENT the Tryall and pvnishment of the Ressetaris and assistaris of  
THE ERLL. BOTHUILL.*

(May 1, *apud Haliruidhous.*)—Anent the Kingis Maieftis Propofitioun to his nobilitie and baronis presentlie conuenit, concerning the present difordouris ower all the realme, and contempt of his hienes authoritie ; and speciallie, how his perfoun micht be gairdit, and the rebellious contempt of Frances sumtyme Erll Bothuill his affifteris and refettaris reprefit and punessit ; it wes answerit, that the seruice and execution necessar for that effect, behuiffit to be done, ather be a force of waigeit men, quhilk hardlie may be intertenit be ony vther moyen (to thair knowlege) nor be a generall taxatioun ; and that cannot be condiscendit vnto, without the consent of all the Estaittis convenit, the personis now present being vnable of thame selffis to resolue thairanent ; or then, the said executioun behued to be maid, be ane force of his hienes subiectis, of all estaittis, to be convenit personallie in armes, be Proclamatioun : Notwithstanding, that thair fall appeir na inlaik, in the det-bund guidwill and readynes of the noblemen, barrones and counsale present, to do all that lysis in thair habilitie, alswell for the saulfgaird and preseruation of his hienes perfoun, as for the repreffing of the said sumtyme Erll his affifteris and refettaris, without ony excuse or delay ; thay offerit thame selffis reddy to remane and accompany his Maiestie, and

HOUN of *Luss* and ALLAN (AWLAY) M<sup>c</sup>CAULA of *Ardincaple*, thair kin and freindis, with all extremitie ; and vndir cullour of fercheing and feiking of the Clangregour, to assege thair houffes and rais fyre thairin ; quhair of he hes alreddy gevin a sufficient pruffe, be the convocating of the hail name of Buchannane, for the maist parte in armes, (with quhome the said Allane standis vndir deidlie feid,) and be quhais pouer and force he procedis in all his actionis, &c. And albeit thay ar na les willing to persew the Clangregour, with thair hail pouer and force nor (*than*) the said Robert is, yit thair dar nocht ryse and accompany the said Robert to that effect, for feir of thair lyveis ; in respect of the deidlie feid standing betuix the said Alexander Colhoun of Luss and the said Robert, throu the slauchter of vmq<sup>le</sup> Donald M<sup>c</sup>Neill M<sup>c</sup>Farlane, houshald seruand to the said Robert, committit be the said Alexanderis vmq<sup>le</sup> bruthir ; quhilk feid yit standis betuix thair houffis vnreconliat, and the said Laird of Culcreuch daylie awaittis all occasionis to revenge the same ; and in respect of the feid laitlie renewit betuix the said Laird of Ardincaple and the Buchannanis, with quhais pouer, counsale and force the said Robert is assistit, in executioun of the said Commiffioun, vsing thair aduise and directioun in all thingis thairanent ; as alswa, in respect of the grite grudge and haitrent standing lykwayis betuix the said Laird of Ardincaple and the said Robert, quha haueing bereft his awin moder, quhome the said Laird of Ardincaple hes now maryt, of hir hail leving, he hes be ordour of law recouert the same furth of his hands ; for the quhilk caus, the said Robert seikis to haue his advantage of him, hes gevin vp kindnes, and denunceit his euill-will to him with solempne vowis of revenge.' On complaint made, ' the Kingis Maieftie, with auise of the Lordis of his Secreit Counsale, in respect of the euill will and inimitie standing betuix the foirsaidis pairteis, thair kin and freindis, &c. ; and pairtly, for the slauchtir of vmq<sup>le</sup> Petir Colhoun, committit be Johnne Buchannane Shereff-depute to the said Robert Galbraith, be vertew of a Commiffioun, as he alleget, EXEMIS (*exempts*) the said Alexander Colquhoun and Allane Macaula, thair kin, &c. fra all ryfing, conuening or assistit the said Robert, in putting the said Commiffioun to executioun ; and decernis the same, in sa fer as it is extendit to the fercheing or feiking of the Clangregour within thair houffis, to be suspendit and dischargit *simpliciter*, in tyme cuming.'

(*Eodem die.*)—PATRIK HEPBURNE of Richartoun, Thomas his bruthir, Niane Huik his seruand and Williame Otterburne seruand to vmq<sup>le</sup> Alex. O., were ordained to be denounced rebels, for coming, ' with Williame Andersone, presentlie in the Tolbuith of Edinburgh in waird, and thair complices, all bodin in feir of weir, with jakkis, steilbonettis, vpone the xj day of Februare lastbipast, about ten houris at evin or thairby, vnder filence and cloud of nycht, to the

toun of Babertoun, quhair vmq<sup>le</sup> Alexander Borthuik, sone to Adame B. in Wester Haillis, and vmq<sup>le</sup> James B. thair freind and kynisman, wer liand in the said vmq<sup>le</sup> Alexanderis hous, in thair beddis, dredand na evill, &c.; the said Patrik and his complices foirfaidis, maist crewallie and barberoullie rafit fyre in the houffis and chalmer quhair the saidis vmq<sup>le</sup> Alexander and James lay, and brunt the famin houffis and chalmer, with certane vther houffis adjacent thairto; of sett purposis and prouifoun to haif bereft thame of thair lyves: And the saidis vmq<sup>le</sup> Alexander and James and thair famelie, for eschewing of the said fyre, come furth of the saidis houffis, quhair the saidis personis maist tyrannoullie sett vpon thame, hurt and woundit findrie of thair seruandis, bairnis and wyffis, crewallie and vnmercyfullie murtherit and slew the saidis vmq<sup>le</sup> Alexander and James, as also hurt and woundit Margaret Hoig, spous to the said Alexander, quha is yit in grit danger of hir lyff; committing thairthrow ane maist hie cryme of Treffoun aganis his Maiestie, to the great contempt of God, his hienes autoritie, &c.

(May 8.)—JOHNNE LORD FLEMING ordained to be denounced rebel, for not appearing to find surety to ‘compear before the Justice on May xxj, under the pain of 10,000 pundis,’ to underly the law ‘for beiring, weiring and schuitting with hagbuttis and pistolettis, and wounding of findrie his hienes subjectis, vpon the . . day of Aprile lastbepast.’

(*Eodem die.*)—ROBERT GALBRAITH of Kilcrewch ordained to be denounced rebel, for not finding security in terms of the General Band; ‘that he, be him self, and all sic as he is obleist to answere for, sould be answerable to justice and satisfie parteis skaithit, vnder the pane of 2000 pundis; and forder, that thay sould not refsett, supplie nor intercommoun with ony persoun of the surname of *Buchannane, Makgregour* nor *Makfarlane*, quhilkis ar declairit fra his hienes lawis, or denunceit to the horne for criminall cauffis; nor furneise thame meit, drink, hous nor harbery,’ &c.

(*Eodem die.*)—THE COMMENDATAIR OF SANCT COLMES INCHE ordained to be denounced for not appearing personally, and for not presenting Thomas Inglis his servant, ‘to haue answereit to sic thingis as sould haue bene inquit of thame, tuicheing thair treffounable refsett, supplie and intercommouning with FRANCES sumtyme ERLI BOTHUILL,’ &c.

(May 12.)—THE INHABITANTS OF KELSO, except Williame Lauder, having come in his Majesty’s will for the treasonable refet, supplying and intercommuning with ‘FRANCES sumtyme ERLI OF BOTHUILL and his complices, at diuerse and findrie tymes, sen the proces and dome of forfaiture led aganis thame;’ they find security that they shall ‘satisfie his Maiesteis will, in filuer, prouiding the same his will exceid not the soweime of 2000 merkis money.’

(May 17.)—ALEXANDER LEVINGTOUN of Pantofkane ordained to be denounced rebel, for not appearing to answer ‘ tuicheing his treffounable reffett, fupplie and intercommoning’ with the Earl of Bothwell and his accomplices, &c.

(*Eodem die.*)—THE KING’S WILL towards THE INHABITANTS OF KELSO was this day formally declared, viz. ‘ That the present haill Inhabitanter of the faid toun and thair pofteritie falbe freelie pardonit and remittit, &c. ; and that thir presentis be als fufficient for the furetie of thair lyves, landis and guidis, as giff the fame wes paff in forme of Remiffioun vnder the Grite Seill, with all folempniteis requifite : And ficlyke, that the faidis perfonis fall mak payment to his Maieftie thefaurar of the foun of fevintene hundreth merkis money ; and forder, that thay fall find caution actit in the buikis of Secret Counfall, that thay fall not reffett, fupple nor intercommoun with the faid fumtyme Erl nor his compliceis, furneis thame meit, drink, houfe nor harbery, nor haue intelligence with thame, priuatlie nor publictie, in tyme cuming, vnder quhatfumeuir collour or pretence ; vnder the pane of tua thousand pundis.’

(May 24.)—The Provoft, bailies, council and community of THE BURGH OF PERTH make complaint, that notwithstanding their having fubmitted the adjuftment of all differences between them and ROBERT BRUCE of Clakmannane ‘ to certane of his awin freindis, well affected to the removing thairof, and to the Kingis Maieftie as owerfman,’ yet that ‘ Johnne Wilfone and Johnne Nevene, with certane vtheris honeft burgeffis and inhabitantes of the faid burgh, paffing toward the cietie of S<sup>t</sup> Androfe to the mercat thairof, in quiet and peceable maner, laitlie, vpon the xxij day of Aprile instant, wer vnbesett at the cobill<sup>1</sup> of Rind, in thair hie way, be the faid Lard of Clakmannane, accompanyit with nyne horfemen and futemen, bodin with hagbuttis, jakkis and vther airmour, and be thame maift cruellie and vnmercyfullie perfewit for thair bodelie harmes and flaughteris : Lykas, the faidis Johnne Wilfone and Johnne Nevene, being baith hurt and woundit in diuerfe and findrie partis of thair bodyis, to the effufioun of thair bluid in grit quantitie ; the faid Lard and his complices maift fchamefullie tirit<sup>2</sup> thame baith naikit, and in maift barberous and difdainefull maner fkurgit thame with horfe brydillis throw the toun of Abernethie, as gif they had bene thevis or haynous malefactouris, left the faid Johnne Nevene liand thair for deid, and tuik the faid Johnne Wilfone, naikit, as captiue and priffonner, away with thame, to quhat place the faidis compleinaris knawis nocht, nather ar certane quhidder he be deid or leavand ; vfurpand thairthrow vpon thame his hienes authoritie, to the manifft and proud contempt thairof, mifregaird of all law and juftice, and evill example of vtheris to commit the lyk barbaretie and infolence, vpon the guid and obedient fubiectis.’—The Laird

<sup>1</sup> Ferry-boat station, near the confluence of the rivers Earn and Tay.    <sup>2</sup> Violently stripped. Fr. *tirer*.

was charged to appear before the King and Council to answer for his conduct, and failing, is ordained to be denounced rebel. 'Johnne Erll of Gowry Proveit of the said brugh' appears to plead the cause of the inhabitants of Perth.

(*Eodem die.*)—WARRANT is granted to 'Williame Ker of Cesfurd Wardane of the Middill Marche, and James Dowglas of Caveris Shereff of Roxburgh, and their deputtis, to pas feirch, tak and apprehend SIR JOHNNE KER of Hirsell, kny', (quha being excommunicat and out frome the cumpany and societie of the faithfull, as alsua denunceit rebell, and put to the horne of a lang tyme bigane, hes remanit at the proces thairof senfyne, as he dois yit, vnrelaxit; and resoirt-and to and fra in the cuntrie, as gif he wer his henes fre sublect; and continew-and in his filthie cryme of Adulterie, for the quhilk he wes excommunicat, &c.) quhaireuir he may be apprehendit within thair boundis and jurisdicioun; and bring and present him befoir his Maiestie and Counsaill, or befoir his Justice or his deputtis, to be puneist for his demerittis,' &c.

(May 26.)—Alexander Lord Levingftoun and Williame L. fear of Kilfyth become sureties for JOHNNE LORD FLEMYNG, that he 'fall pas and enter his perfoun in waird, within the boundis of the scherefdome of Striueling, within thre dayes nixt efter the dait heirof; and remane and keip ward thairin, and not transcend the boundis thairof, ay and quhill he be fred be the Kingis Maiestie, with auife of his Counsaile, vnder the pane of 10,000 pundis.'

[*Adam Bishop of Orkney, Alexander Commendator of Culros, Eduard Commendator of Kinloss, James Lord Lindsey, Adam Lord Vrquhart, Sir Robert Melville of Murdocarny, kni, specially appointed by a Commission from Parliament.*]

### **Treasonable Conspiracy against the King—Invasion of the Palaces of Holyroodhouse and Falkland, &c.**

Jun. 1.—FRANCES sumtyme ERLI BOTHUILE,<sup>1</sup> Gilbert Penniecuik, Johnne Rutherfurde of Hunthill elder, Thomas Rutherfurde of Hunthill younger, Symon Armeistrang younger of Quhithauch.

Being summoned, 'for certane crymes of Treasone and Lefemajestie,' the Advocate produced the summons and executions, with Letters of Relaxation, Mar. 16, 1592-3, bearing Bothwell 'to be relaxit fra the proces of Horning led aganis him.'

(Jul. 16.)—The 'reasone and caus contenit in the same summondis' is found relevant; and the Advocate declared, 'that he fuld vse his probatioun with all expedition.'

<sup>1</sup> See Acts of Parl. 1593, &c.

[*REGE ipso presente, cum omnibus regni statibus.*]

PERSEWARIS, Mr David McGill and Mr Johnne Skene, Aduocatis to our souerane lord.

(Jul. 21.)—M<sup>rs</sup> David Makgill and Johnne Skene, Advocattis to oure souerane lord, for verefeing of the said reafone contenit in the said Summondis of Treffone rafit aganis the said Frances fumtyme Erll Bothuill, producit and repetit the Extract of the Foirfaltour, led and pronuncit befor the Justice and his deputtis, aganis the said Frances fumtyme Erll Bothuill, subfcryuit be the Laird of Ormeiftoune Justice Clerk, of the dait the xxv day of Junij the yeir of God 1591, Depofitionis of certane witneffes examinat befor the saidis Lordis of Articles in the said mater ; the notorietie of the deid libellit ; and the cuming of the defendaris in to the Palice of Halyruidhous and Falkland, the tymes libellit ; quhilk in materis of hie Treffone fuld mak full probatioun ; and that the Lordis of Parliament, being the greit Affyis of the cuntrie, of the daly practik ; quhatfumeuir perfonis clengis nocht, of certane knowlege, the perfonis accufit, he fylis thame : And the commoun notorietie of this fact and treffone libellit, and contumacie of the defendar, is fufficient to mak na man to clenge him : And was content the foirfaid proces and Summondis of Treffone wer haldin concludit ; and defyrit the Eftatis to aduife the proces and to pronounce thair Sentence of Parliament thairintill, according to the saidis probationis and thair confciences. And immediatlie thaireftir the saidis aduocattis exhibite and producit befor the Kingis Maieftie and haill Eftaitis, lyk as thai did dyuerfe tymes ofbefoir, the Summondis of Treffone vndirwrittin, rafit and perfewit at the instance of oure souerane lord his hienes Justice, aganis Frances fumtyme Erll Bothuile, quhairby he was summond to compeir befor our souerane lord the thrid day of Aprile, fourfcoir threttene yeiris instant with continewatioun of dais, to haue anfuerit to the poyntis of Treffone vndirwrittin, contenit in the saidis Summondis : Off the quhilkis Summondis the tennour followis.

SUMMONS OF TREASON *against FRANCIS sometime EARL BOTHWELL  
and others.*

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albany, Rosa, Rothefay, Snawdoun, Merchemont, herauldis ; Johanni Ferguffone, Roberto Stewart, Alexandro Douglas et Dauidi Bryffoun, clauigeris ; Ormond, Bute, Vnicorne, Carrik, signiferis et nunciis, ac eorum cuilibet, coniunctim et diuifim, vicecomitibus nostris in hac parte specialiter constitutis : Salutem. Mandamus vobis et precipimus quatenus summonetis legitime et peremptorie coram testibus, Franciscum olim Comitem de Bothuile, Gilbertum Pennycuke, Johannem Rutherford de Hunthill seniore, Thomam Rutherford de Hunthill juniorem, Simonem Armeftang juniorem de Quhit-hauche, Conspiratores, perpetratores et celatores criminum Lese Maieftatis subfequentium, perfonaliter, si eorum personales presentias commode habere poteritis, alioquin apud loca eorum habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadington, Jedburgh, aliaque loca necessaria ; degentes vero seu existentes extra regnum nostrum, seu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premoni-



tione sexaginta dierum, sic quod huiusmodi summonitio ad eorum aures et notitiam verefimiliter prenire poterit; quod compareant coram nobis seu Justiciario nostro primo die mensis Junij proxime sequen. in nostro Parlamento apud Ed<sup>r</sup> tertio die mensis Aprilis sequen. Tenen. hora causarum cum continuatione dierum, ad respondendum nobis nostrou Justiciario, in prefato Parlamento, super proditorijs criminibus subsequen. IN PRIMIS, dictos scilicet Franciscum olim Comitem de Bothuile, &c. et eorum quemlibet, pro sua proditoria arte, parte, consilio, in ipsorum proditoria Conspiratione, consultatione et conclusione horreni facinoris contra nostram honorabilem personam et vitam, per dictas personas commiss. xxvii. die mensis Decembris, anno domini 1591, sub noctis silentio, in ipsorum proditoria Invasione Palatii nostri de Halyruidhous, intrando ibidem cum assistantia, confortio et conuocatione, aliarumque homicidarum, oppressorum, latronum ac huiusmodi insolentium virorum armatorum et a legibus nostris fugitiuorum, et deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, vt vitam nostram vel nefarie extinguerent vel nos captiuos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostram priuatum conclauem seu cubiculum, et ostijs ignem nefarie iniecerunt, domesticos nostros presenti violenta morte minitudo oburgandoque, nisi ipsis declararent vbi nos essemus, nulla vnquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malleis, ostia interioris cubicali Regine nostre charissime coniugis; atque demum, vbi parum se promouisse et ad illorum inuistatum scelus ad propositum nefandum peruenire non posse, intellexerunt, in eorum regressu nondum satisfacti, crudeliter et sine vlla misericordia domesticos et familiarissimos nostros seruitores ob nostram causam interfecerunt et jugulauerunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo. SECUNDO, prefatos Franciscum olim Comitem de Bothuile, &c. Et eorum quemlibet, pro sua proditoria arte, parte, auxilio et consilio, in sua proditoria Conspiratione, consultatione et conclusione horreni facinoris contra nostram honorabilem personam et vitam per dictos Conspiratores commiss. xxviiij die mensis Junij anno domini 1592, in ipsorum proditoria Invasione Palacij nostri de Falkland intra vicecomitatem nostrum de Fyff, nobis ibidem intus pro tempore existentibus, accedendo ibidem cum assistentia et concursu homicidarum oppressorum, latronum, declaratorum proditorum et huiusmodi insolentium virorum armatorum et a legibus nostris fugitiuorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, vt vitam nostram vel nefarie extinguerent, vel nos captiuos secum deducerent: Et ad hunc effectum, predicti Conspiratores cum suis socijs accesserunt ad posticum dicti nostri Palacij, ejaculando tormenta fere, et huiusmodi machinas eneas violenter idem posticum oppugnarunt, vt eo disrupto, facilius ingressi. prefatam suam coniurationem et horrendum facinus inceptum complerent: Hinc manifestissime crimen Summe proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo; atque adeo, pro ipsorum proditoria celatione et occultatione prefate Coniurationis, consultatione, conclusione et executione eiusdem. TERTIO, commemoratos Johannem Rutherford dom. de Hunthill seniore, et dom. juniorem, Simonem Armestrang juniorem de Qubithauche, et eorum quemlibet, pro sua proditoria receptione et auxilio prestito dicto Francisco olim comiti de Bothuill; et pro eorum proditoria assistantia, participatione et intercommunicatione cum prefato Francisco et suis complicibus, nostris proditoribus declaratis, contra leges et statuta regni nostri; idque in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Januarij, Februarij, Marcij, anno domini 1592, et eorum quolibet respectiue, in locis de Hunthill, Jed, Hawik, Liddisdail: Hinc manifestissime crimen Proditionis contra nos, nostramque vitam, auctoritatem regiam et leges regni nostri committendo; atque adeo, pro ipsorum proditoria celatione et occultatione predictae sue intercommunicationis, receptionis et auxilij supraspecificat. QUARTO, prefatum Symonem Armestrang, pro sua proditoria arte parte et consilio in executendo monetam adulterinam domi sue de Boyne in Liddisdail, in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Octobris, Novembris, Decembris, Januarij, Februarij et Marcij, et quolibet eorum, anno domini 1591: Hinc manifestissime crimen Summe Proditionis contra nos auctoritatem re-

giam et leges regni nostri committendo ; atque adeo, pro sua calatione et occulatione eiusdem. **INBROQUE**, suprascriptos Conspiratores ad videndum et audiendum sese et eorum quemlibet, respectu premifforum, crimen Lese Majestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari : et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditoriis criminibus per prenomatas personas, contra nos, regnum nostrum, auctoritatem regiam impie et nefarie perpetratis ; et dictis die et loco, cum continuatione dierum, proponendis et ostendendis ac juri parendum, et super hujusmodi iudicium nostrum et nostri Parlamenti, secundum leges regni nostri expectandum et subeundum, dictas viz. personas Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorum quemlibet, intuitu premifforum, crimen Lese Maieftatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari ; et propterea, ipsorum bona, mobilia et immobilia, tam teras quam officia aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personasque suas penam proditoris et vltimi supplicij a regni nostri legibus inflictum subire ; et vberius in premiffis respondendum et juri parendum : Intimando supradictis Conspiratoribus eorumque cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerint siue non, nos, dictusque nostri Justiciarius in premiffis, iusticia mediante, procedemus et procedet. **INSUPER** citatis, &c. ad comparendum coram nobis nostroue Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, indorsatas eorundem latori reddatis ; et vos qui presentes executi fueritis fitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summonitionis vestre testimonium in scriptis pro premiffis seu ipsos testes : Ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim vicecomitibus nostris in hac parte committimus potestatem. **DATUM** sub testimonio nostri Magni sigilli Apud Edinburghe, vigesimo tertio die mensis Marcij, anno domini millesimo quingentesimo nonagesimo secundo, et regni nostri vigesimo sexto.

Quhilkis Summondis, with the executionis and indorsationis thair of respectiue foirsaid, being this instant day red, in presence of his Maieftie and haill Estaitis of Parliament, first in Latyne and syne in Scottis, and the said Frances sumtyme Erll Bothuile being oftymes callit of new, at the Tolbuith window of the said burgh of Edinburghe, to haue comperit and anfuert to the said Summondis and reffonis contenit thairin : And he nocht comperand to haue defendit in the said mater and to haue anfuert to the saidis Summondis, the saidis aduocattis to his Maieftie, desyrit the saidis Estaitis declaratioun, gif the reasones of the saidis Summondis wer relevant aganis the said Erll Bothuile ; quhilkis Estaitis all in one voce fand the same relevant aganis him. Thairfoir, the saidis aduocattis of new, for verefeing of the said reffones contenit in the said Summondis of Treffone, producit and repetit the extract of Forfaltour led befor the Justice and his deputtis aganis the said Frances sumtyme Erll Bothuill, Depositionis of the saidis witnesses, notorietie of the factis, and repetit the haill probationis repetit be him of befor in the said mater this instant day, and desyrit the saidis Estaitis of Parliament to aduise the Depositionis of the saidis witnesses and vtheris probationis, and to pronunce thair Sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thaireftir, the Depositionis of the haill witnesses execut to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill wreittis and probationis, being red, sene and

confidderit be the saidis hail Estaitis of Parliament, in presence of the Kingis Maiestie, and thay thairwith being ryiplie aduyfit, the saidis Lordis and Estaitis of Parliament findis, decernis and declaris, that the said Frances sumtyme Erll Bothuile hes committit and done oppin and manifest Tressoun aganis our said souerane lord, in all pointis and articles contenit in the said Summondis : And thairfoir it was gevin for dome, be the mouth of James Neisbit dempfter of Parliament, in maner and forme as followis.

**DOOM OF FORFEITURE.** This Court of Parliament schawis for law, that the said Frances sumtyme Erll Bothuile hes committit and incurrit the crymes of Tressone and Lese-Maiestie abonewrittin, in maner at lenth contenit in the refsonis of the saidis Summondis. And thairfoir, decernis and declaris all his guidis moveable and vnmovable, alsweill landis as offices and vtheris thingis quhatsumeuir belangand vnto him, to be confiscat to our souerane lord, and to remane perpetuallie with his hienes in propirtie, in tyme cumming ; and his persoun to vnderly the pane of Tressone, and vtter pvnishment appointit be the lawis of this realme. And this I gif for dome.

(Jun. 21.)—**JAMES GRAY**, sone to Patrik Lord Gray, ordained to be denounced rebel, for not appearing this day, to have answered ‘ vpoun his contemptuous reviffing and taking be force and violence of Katherene Carnegy, dochter to Johnne Carnegy of that Ilk, furth of the hous of Robert Jouffy merchand in Edinburgh, and carying of hir away and keiping hir captiue aganis hir will ; committit vpoun the tent day of Junii instant ; and als to have exhibite and presentit the said Katherene the said day, &c. to be putt to libertie,’ &c.

(*Eodem die.*)—**SCHIR JAMES JOHNNESTOUN** of Dunskellie knight, ordained to be denounced rebel, for not appearing to have answered ‘ to sic thingis as fould haue bene inquit of him at his cuming, tuicheing his tressonnable breking of warde furth the Castell of Edinburgh,’ &c.

(*Eodem die.*)—**GEORGE SMOLLETT** burges of Dunbartane, ordained to be denounced rebel, for not appearing to answer certain charges at the instance of the Provofts, bailies and community of **THE BURGHS of GLASGOW and RENFREW**, in regard that the said George had, ‘ vpoun sum finifter and wrang informatioun maid to his hienes, laitlie purchest ane priuey Letter or Commissioun vnder his hienes subscriptioun and signet allanerlie, without auife of Counsale, tryale, cognitioun, or ony vthir proces preceding ; vnder cullour quhairof, haueing asociate vnto him selff certane debofheit men and vagaboundis, he not only maifterfullie and perforce oppresses and revis the guidis and bestiall, clething and vtheris wairis, brocht be the Inhabitantis of the Ilis and vthiris pairtis of the Hielandis to the said burrowis, baith be sey and land ; bot takis, apprehendis and imprefonis thair personis, and sumtymes persewis thame selffis be way of deid :

Quhairvpoun, the cheiff perfonis and vtheris inhabitantis of the saidis Hielandis, hes confaut sic haitrent and malice aganis the saidis complenaris, in particulair, as gif thay wer outhouris and allowaris of this forme of doing, that thay haue denunceit thair inimitie and ewill will to thame, takin alreddy fum of thair nichtbouris prifonairis, intronettit with thair guidis, and avowit to vse all kynd of rigour and extremitie aganis thame; quhairby, not onlie ar thay liklie to be defraudit and difapointit of that mutuall interchange quhilk hes bene had amangis thame, to the commoun benefeit of the haille inhabitantis of the Lau-landis and in-cuntrey, bot be tyme, Ciuile weir is lyklike to follow, to the brek of the peax, and bringing on of mony inconvenientis, giff tymous remeid be nocht prouidit.' The King and Privy Council likewise difcharged the Commiffion, and decerned the fame to ceafe.

(Jun. 25.)—JOHNNE LORD HAMMILTOUN gets a fufpenfion of Letters raifed at the instance of Abacuch Biffett,<sup>1</sup> ' becaufe the faid Lord hes found cautioun, that he fall remove, expell and hald the faid Mr Patrik Hammiltoun furth of his landis, rowmes, poffeffionis and bailliereis, during the tyme of his rebellioun, conforme to the Generall Band, vnder the pane of 1000 merkis.'

(Jun. 28.)—THOMAS KIRKPATRIK of Clofburne, his kin, friends, &c. exempted from the iurifdiction of ' Wardanerie and Jufticiarie of Johnne Lord Maxwell, and fra all ryfing, convening or accompanying of him or his deputis, to ony dayis of trew heireftir.' ' Becaufe it is of veritie, as it is notour, that the faid Lord and the faid complenair (Clofburn), thair kin and freindis, prefentlie ftandis vnder termes of vnfreindschip and inimitie; and kyndnes and freindschip is gevin vp betuix thame, infafer as not onlie hes the faid Lord tane vpone him the patrocinie and defens of all the faid complenaris vnfreindis, bot alfwa, be all indirect meanis, hes huntit for his lyffe, and daylie awaittis the occafion to bereve the faid complenair of his lyffe; as namelie, vpoun the thrid day of Aprile laft, the faid Lord conuocat and affemblit togidder of his kin and freindschip, the noumer of tua hundreth perfonis or thairby, and directit thame to the faid complenaris landis of Rouch Ile, to haue difpoffeft him thairfra, vpoun intentioun alwayes, gif the faid complenair had cum to refift thame, to haue bereft him of his lyffe; and fenfyne, Thomas Greir of Barjarge and Gilbert Greir of Drum, men tennentis and feruandis to the faid Lord, with conuocatioun of vtheris his freindis and feruandis, to the noumer of fourefcoir perfonis or thairby, bodin in feir of weir, off the faid Lordis speciall caufing, &c. come to Bardannauch, being within the fchoit of ane hacquebute to the complenaris landis of Rouch Ile, and difchargeit ane grite noumer of hacquebutis and piftolettis at

<sup>1</sup> See Apr. 12, 1593.

him and his seruandis, and had not faillit to haue flane him, wer nocht he wes the bettir accompanyit for the tyme : Lykas, vpoun the laft day of Aprile, the said complenair haueing directit certane of his freindis and seruandis to the burgh of Drumfreis, for findrie his effearis, the said Lord, vpoun aduertifment thairof, directit xxiiij of his men and seruandis, quha fercheit and focht the said complenaris seruandis throw all pairtis of the said burgh, quhair thay wer accuftumat to hant and repair, ftoggit beddis, and had not faillit to haue flane his seruandis, gif thay had bene apprehendit ; and at that fame tyme thay cruellie hurte Johnne M<sup>c</sup>Mudie, seruand to the Gudeman of Kerfe, the said complenaris coufing. In respect quhairrof, the saidis complenaris dar nocht ryfe, conuene nor accompany the said Lord, vnles thay wald mak conuocatioun of thair hail kin and freindschip, quhairvpoun fum grite inconuenientis will not fail to fall oute, without remeid be prouydit.'—Lord Maxwell, though charged, failed to appear before the Council ; but Clofeburn ' comperit be Roger Kirkpatrik his bruthir.'

(Jul. 5.)—SCHIR ARCHIBALD STIRLING of Keir, Matheu Colhoun his seruand, James Kinros feuar of Kippanros, and George Musihett of Tolgarth, were ordained to be denounced rebels, for failing to have appeared and answered ' twicheing the flaughter of vmq<sup>le</sup> Williame Sinclair of Galduadmoir, Eduard and George Sinclairis his sonis, committit vpoun the thrid day of Junij laft.'

(Jul. 7.)—AN ACT anent the weiring of Hacquebutis and pistolettis is passed. It is ftated that the former ordinances had been difregarded, ' quhairthrow vile murthouris and frequent flaughteris hes not onlie bene committit within Kirkis and vtheris placeis, ower all pairtis of this realme, bot evin within the burgh of Edinburgh and fuburbis thairof, ewest to his hienes Palace and place of residence, to the grite hafaird of his awine perfone,' &c. It then ftates various modes by which noblemen and others were drawn into ftreet brawls and ' deidlie feidis' by fwaggering and turbulent perfons, ' quhilkis wickit and vnhappy spirittis lykwayes ceiffis not to make and tell lesingis betuix his hienes, his nobilitie and gude fubiectis, be previe or oppin speichis, and fumtymes be famous libelles and rymes disperfit or affixt, alwayes of mynd to faw and fofter discord and diffenfion,' &c. Command is therefore given to the Provoft and bailies of Edinburgh and fuburbs, and their officers ' the Capitane of his hienes Gaird, officiaris and Archearis of the fame, and vtheris appointit for gaird during the tyme of this present Parliament, the Maifter of his hienes Palice, and portair of the fame, and all thair deputis, to ferche and feik for all hacquebutis and pistolettis borne, worne or fchoitt within his hienes Palice or vtheris place of residence, or in the burgh of Edinburgh or fuburbis thairof, and to take and intro-mett with the fame, and to efcheate the fame to the behuif of the apprehendaris ;

and convoy the personis of the beararis, weiraris and schuittaris to his hienes warde and prefoun,' &c.

DELETIOUN OF WILLIAME GORDOUN *of Auchindore furth of the  
Summondis of Foirfaltour.*

(Jul. 21.)—Comperit personallie, Mr Johnne Skene, aduocatt to our souerane lord, and producit ane writting subfcryuit be his Maieftie ;<sup>1</sup> off the quhilk the tennour followis.

' REX,

' Mr Dauid M<sup>c</sup>Gill and Mr Johnne Skene, our ordiner Aduocattis, We greit 3ow weil : Forfamekle as We vnderstand, be veray credible narration maid to us, that Williame Gordoun of Auchindore is altogidder innocent of the crymes ffor the quhilkis he is atteichit to be foirfalt, in this our Parliament, contenit in the Summondis of Treaffone direct furth aganis him and certane vtheris thairanent : Quhairfoir, it is oure will, and We expresse command 3ow and ather of 3ow, that with all guidlie diligence ye obliterated and deletit the said Williame Gordoun, name and furename, with his style, furth of the saidis Summondis and executionis thair of, fua that na kynd of procesis be led aganis him at the said Parliament, for ony cryme contenit thairin. And thir presentis falbe sufficient warrand to 3ow. Subfcryuit with our hand at Haliruidhous, the xvj day of Julij, and of our regne the xxvj 3eir, 1593.

' Sic subfcritur, JAMES R.'

According to the quhilk writting, and for obedience of the famyn, the said Mr Johnne Skene as aduocat to our souerane lord, and in his hienes presence and estattis foirfaidis, defyrit the Clerk of register and his deputtis to deletit the said Williame Gordoun furth of the Summondis of Treffone and Lese-maieftie persewit be his hienes aganis the said Williame Gordoun of Auchindore and certain his complices, ffor the alleagit airt, pairt, counsaill and affistance, in the *BIRNING of the Houssis and Place of Dunybrissell*, committit vpoun the sevint day of Februar I<sup>m</sup>V<sup>c</sup> lxxxxj yeris, and cruell *Murthuring and Slaying of JAMES, ERLL OF MURRAY* thairin : Quha at command of his hienes lettre, presentlie in jugement, obliterated and deltit the said Williame Gordoun of Auchindoris name, furname and stile, furth of the bodie of the said Summondis of Treffone and executionis thair of. Quhairvpoun Mr Johnne Demfter, aduocat, in name and behalf of the said Williame Gordoun, askit instrumentis.

(Jul. 21.)—The quhilk day, in presence of the Kingis Maieftie and Estaites of this present Parliament,<sup>2</sup> comperit Johnne Leslie of Balquhane, and producit the offeris vnderwrittin, for the pairt of Williame Erll of Angus, George Erll of Huntlie, Francis Erll of Erroll, Schir Patrik Gordoun of Auchindoun, kny<sup>t</sup>, and Schir James Chisholme of Dundurne, knicht, personis dilatit and suspectit of the crymes of Lefemajestie ; off the quhilkis offeris, the tennour followis.

<sup>1</sup> See Acta Parl. A.D. 1593, fol. 15, &c. ; see also March 9, 1592-3.    <sup>2</sup> Ibid.



OFFERRIS *presentit to the Estaitis, be the Laird of Balquhane, in name of the ERLIS of ANGUS, HUNTLIE and ERROLL, and vtheris.*

In the first, forsamekle as the saidis personis ar Indytit and accusit of Lese-majestie, for consulting and concluding for the inbringing of strangearis and subuerfioun of the Religioun, at lenth contenit in pair Summondis of Foir-faltrie, gif it will pleis 3our Maiestie and Estaitis, to select and cheis certane ather of 3our Maiesties Counsaill or Parliament, to intreat and commoun, ather with the saidis personis thame selffis or thair freindis, thay fall nocht onlie de-clair and mak notifiit thair innocence, and schaw thair guid will and obe-dience to 3our Maiestie and cuntrie; bot also, thay neuir meanit nor attempt-it, nather directlie nor indirectlie, contrair 3our Maiesties persoune, stait of pe cuntrie, nor Religioun publictlye proffessit thairintill. ITEM, efter the triall of pair innocence, to tak away all occasioun of suspitioune, the saidis personis offeris for continwance of thair dewtifull seruice vnto 3our Maiestie in tyme cuming, that thay fall neuir traffique nor haue intelligence with ony forreyne natioun or Prince, in hurt or preiudice of 3our Maiesties persoun, estait, com-moun weill and Religioune, bot to follow 3our Maiestie in all tyme cuming, as 3our maist obedient and humble subiectis, aganis quhatfumeuir 3our Maiesties vnfreindis: And securitie to be maid in sic sufficient forme as salbe thoct ex-pedient. ITEM, 3our Maiestie being satisfiit, for removing of all kynd of sklander and euile confaut opinioune be the Kirk aganis the saidis personis, thay ar con-tent, efter commoning had with certane Ministrie, to be depute be your Maiestie and Kirk to that effect, incace pai, efter ressoning, may be throughlie ressoluit, nocht onlie to satisfie the Kirk for ony sklander, bot also concerning the hail heidis and Articles of Religioune; vtherwayis, gif pai can nocht be throughlie re-soluit, thay are content to depairt furth of the cuntrie, thair to remane during 3our Maiesties plesour, or ay and quhill thay satisfie the Kirk in the premissis: And to that effect, and incaise foirsaid, maist humbly cravis 3our Maiesties licence. And in the meantyme, for 3our Maiestie and Kirkis better satisfiounne, the saidis personis fall remove out of thair cumpany all suspect personis of Religioun.

Quhilkis being red, hard and confiderit be pe saidis Estaitis, and thairwith being adwyfit, the foirsaidis Estaitis, for thair advise to his Maiestie thairanent, ffindis it meit and expedient, incace the saidis noble men and vtheris foirsaidis, conforme nocht thame selffis vnto his Maiestie and his lawis, presentlie esta-blishit within this cuntrie, anent the Religioun proffessit within the same, that his hienes grant thame Licence, vpoun thair humble sute, to be maid to that ef-fect, to pas furth of the cuntrie, vpoun sic conditionis, and to sic vnsuspect places, as his hienes and his Counsaill fall prescriue and appoint: And incaise thay will nather conforme thame selffis, as said is, vnto his hienes and to the Religioun pre-

sentlie professit, nather yit will pas furth of the countrie, conforme to the directionis to be gevin to thame; that his Maieftie and his said Counsaill tak ordour thairwith, as thay think maift meit for quieting of the cuntrie and Estait of Religioun. And in the meantyme, that thai remane vnder the Proces and Summondis of Foirfaltour, execut aganis thame in this present Parliament, quhill furdur probatioun may be had and gottin of the crymes of Tressone and Lese-majestie libellit aganis thame thairintill.<sup>1</sup>

(Jul. 26.)—An Act is passed ‘in fauouris of THE ERLL BOTHUILL and his compliceis,’ viz. Dame Margaret Douglas Countesse of Bothuill,<sup>2</sup> James Douglas of Spott, &c. Proclamation is ordered to be made, charging ‘all his hienes liegis, that nane of thame tak vpoun hand to sklander, murmour, reproche or bakbyte the perfonis abouewrittin or thair pairt-takaris, or onywayes moleft or perfew thame, in bodyis or guidis, vpoun quhatsumeuir caus, cullour or cryme bigane.’ And that Letters be directed to relax them from the procefs of horn.

(Aug. 8.)—PROCLAMATION, relative to ‘ane schip of Prestoun laitlie arryvit in this Firth, cum furth of England, quhairin ar findrie perfonis and guidis suspect to be infectit with the pest.’ The ‘maisteris, skipparis, marinaris,’ &c. are charged ‘to addresse thame selffis with the said schip and guidis being thairin to Sanct Colmis Inche, and thair loise handle,<sup>3</sup> and remane with the same schip and guidis, vnto the tyme pruiff and tryale be had, giff thay be foule or cleane of this difeafe,’ &c. Charge is likewise given to the liegis, to prevent communication with the ship.

(Sep. 11.)—‘THE CHEIFFIS and Principallis of THE BRANCHEIS OF CLANNIS’ are charged ‘to enter plegeis, for keiping of guid reule in tyme cuming; vnder the pane of executioun of the saidis plegeis to the death, in caise of transgressioun and not redres maid be the perfonis offendaris, for quhome the saidis plegeis lysis,’ &c.

(*Eodem die.*)—A PROCLAMATION, convening ‘the Erllis, Lordis, &c. weill bodin in feir of weir, with tuentie dayis victuall and prouisioun, to meit his hienes at Peblis, vpoun the first day of Nouember nixtocum,’ for ‘invasioun of the cuntreys ewest THE BORDOURIS, perturbaris of the commoun quietnes of the realme; vndir the pane of tinfall of lyffe, landis and guidis.’

(*Eodem die.*)—A PROCLAMATION, ‘to meit Ludouik Duke of Lennox, Erll

<sup>1</sup> Oct. 30, (*apud Lynlythgow.*)—A Commission is granted to John Lord Thirlstane, Chancellor, the Earls of Marischall, Mar, Montrose and Rothes, &c. ‘to heir and consider the Petitionis of the Erllis of Angus, Huntlie and Errole,’ &c. Their decision was declared to be final. *Acta Parl.*, fol. 44.—Jan. 18, 1593-4. They are declared to have amitted the benefit of the Act of Abolition, and that they be forthwith put to trial. *Acta Parl.* fol. 53.—Maii 20, 1594. The Advocates produced a Summons of Treason, but ‘nane of thame comperit.’ *Acta Parl.* fol. 55. And again on May 30. See farther proceedings, Jun. 8, 1594. <sup>2</sup> See her Trial for the rest of the names, May 4, 1592.

<sup>3</sup> And there unship their rudder and cast anchor.



Dernelie, Lord Tarboltoun, Methven and Aubigny his hienes Lieutennent, at Striuling, on Nov. 1, for invasioun, perfute and pvnishment of the rebellious and contemptuus personis, Inhabitantis of THE HIELANDIS and cuntreyis adjacent thairto.' In terms of the former Proclamation.

(Sep. 12.)—A PROCLAMATION to the Justices and Commiffioners appointed by Parliament, &c. ' to proceid and minister justice vpoun all strang and idill BEGGARIS, vagaboundis, thevis and fornaris, or thair ressettaris and pairt-takararis in thair thifteous and wicked deidis ; and being convict, to pvnishe thame presentlie to the death, or vtherwayes, as thay fall find caus worthie,' &c.

(Oct. 9.)—A PROCLAMATION to meet his Majefty at Lauder, on Friday next, Oct. 12. It proceeds on the narrative, that ' the Kingis Maieftie being weareit with the mony and diuers complaintis of his hienes peceable and gude subjectis, herreit, wrakkit and oppreffit be thevis, brokin men, and vtheris difordourit personis, INHABITANTIS OF THE BORDOURIS of this realme, quhilkis daylie committis stouthis, reiffis, slauchteris of trew men, in the defens of thair awne guidis, and findrie vtheris crymes and enormiteis maift vnnaturall ; not onlie within the bowellis of this realme, bot als within the nichtbour cuntrey of England,' is determined to ' repress the insolence of the saidis difordourit personis, chieflie now, befor the winter seasoun approche, and the nichts grow lang.'

(Oct. 11.)—Letters appointed to charge FRANCES sumtyme ERLI BOTHUILL, James Douglas sumtyme of Spott, and Mr Johnne Coluill sumtyme of Strarudie, to appear before the King and Council, on Oct. xxv, ' to anfuer to sic thingis as falbe inquirit of thame, concerning maift Heich Treffoun committit be thame aganis his Maieftis persone and estate ; and to vnderly sic ordour as falbe takin in that behalff,' under the pain of rebellion, &c.

(Oct. 25.)—THE EARL OF BOTHWELL, Douglas of Spott and Mr Johnne Coluill, ordained to be denounced rebels for not appearing, &c.

(Oct. .) —PROCLAMATION that as the EARLS OF ANGUS, HUNTLEY and ERROL, ' be diuerse thair lettres and vtherwise, hes maift humelie and eirnistlie craved ane Tryale,' for thair ' tressonnable Conspiracie,' committed in the month of January last ; and in order to prevent disturbances in the kingdom, ' in respect of thair gritnes and the place thay occupy,' that ' his gude subiectis forbeir to mak conuocatioun or gadding in quhatfumeuir pairtis of the realme, be the perfwasioun or finifter informatioun of ony personis ; bot be in reddynes to repair to his hienes selff, as thay falbe aduertit be his awne Proclamatioun or Miffiue Letteris, and na vthirwayes : And that thay dissolue thair forceis, gif ony be alreddy conuocat, and depairt hame to thair duelling houffis, except sic personis as ar specialie requirit be his awne Letteris, to be presentit at the Conventioun of the Nobility and Estates now at Lynlythgow,' &c.

(Oct. 31, *apud Lynlythgow.*)—A COMMISSION granted to Johnne Lord Thirlstane Chancellair, George Erll Marishaell, Johnne Erll of Mar, Johnne Erll of Montrois, Andro Erll of Rothes and Alexander Lord Levingftoun, James Scott of Balvery, Johnne Murray of Tullibairdin, Alexander Bruce of Airth, knychtis, and George Lauder of Bafs, Williame Scott of Abbotifhall and M' Daud Carnegy of Culluthy, Alexander Hume of North Beruik Proueft and Clemett Cor, Commiffioners of Edinburgh, with the Commiffionaris of Dundee, Striuiling, Lynlythgw and Coupar, with the officiaris of Eftate that fall happin to be prefent for the tyme, &c. ; and that Maifteris Daud Lindfay, Robert Bruce, Patrik Galloway, James Carmichaell, Robert Pollok and Johnne Duncanfoun, Minifteris, or fic of thame as beis prefent, haue accefs and audience quhen thay haue ony thing, or fal happin to be callit vpoun for conference ; to heir and confidder the Petitionis of the ERLIS OF ANGUS, HUNTLIE and EROLE.

(*Eodem die.*)—PROCLAMATION ' that nane tak vpoun hand to invade, trouble or perfew the saidis Erllis and vtheris, feikaris of the said Tryale, in bodyis or guidis, during the tyme of the fame tryale ; vndir all hieft pane, charge and offens,' &c.

(Nov. 6, *apud Haliruidhous.*)—PROCLAMATION ' that nane repair to Edinburgh bot fic as ar writtin for.' A Convention had been called by the Eftates at Linlithgow ' to findrie noblemen, baronis and vtheris to conuene within the burgh of Edinburgh, vpoun the tuelft day of Nouember instant, and thair to treate, confult, deliberat and conclude vpoun findrie materis ; fpecialie, twicheing the fuirtie of the Eftate of Religioun and profeffouris thairof, and fuirtie to be tane of all perfonis fufpectit or dilaitit to be aduerfaris of the fame, or trublaris of the quietnes of the cuntrie ; or in cais of thair diffobediens and contempt, how thay fall be perfewit or repreffit,' &c.

(Nov. 26.)—' ACT OF ABOLITIOUN,' that Godis trew Religioun publictie preichett and be law etabliffit in the firft yeir of his hienes reignne, fall only be profeffit and exercifit be all his Maieftis lieges, &c.

(Dec. 22.)—A COMMISSION granted to ' WILLIAME LORD HEREIS, Schir Johnne Gordoun of Lochinvar, Alexander Steuart of Garleis, James Douglas of Drumlanrig, Thomas M'Clellane of Bombie, Thomas Kirkpatrik of Clofeburne, Williame Greirfoun of Lag, Alexander Jardane of Apilgirth, Johnne Charterhous of Amysfeild and Charlis Murray of Cokpule, or to ony fevin, fyve or thrie of thame coniunctlie, his hienes full pouer, fpeciall command and charge, to conuene, treate and confult vpoun fic thingis as may tend to the obfervatioun of the peax and amitie with England ; etabliffing and making of quietnes and gude reule, within the boundis of THE WEST MARCHE ; refifting and repreffing of the difturbaris thairof ; and committaris of thift, reffett of thift, reiff, mur-

thour, slauchter, ffyre-raifing or vtheris oppreffionis and enormities ; quhairthrow the trew and peceable subjectis may be preferuit and defendit from wrak and heirschip : And to that effect, to convocat his hienes liegis within the boundis of the said Marche, in armes, for perfute or defens, alsoft as neid beis ; vndir the pane of tinsale of lyffe, landis and guidis, &c. And for the bettir furtherance of the premisses, Justice Courte or Courtis, within the Tolbuith of Drumfreis, or ony vthir place, within the boundis of the said West Marche, to sett, begin, afferme, hald and continew. The said Commiffioun quhill the fyftene day of Februar nixtocum, and forder ay and quhill the same be dischargeit, to indure.' —THIS Commiffion was granted on account of ' the present troublit ftate of the Bordouris, speciallic in the West Marche thairof, foiranent England, be occasioun of the tressounable rebellioun of SCHIR JAMES JOHNESTOUN of Dunskellie knicht and his compliceis ; quha, eftir impvntie, and his hienes grace and pardon reffaut, for findrie tressounable and wicked deidis committit be him and the thevis of his name, and vtheris, thair affistaris ; at last the said Schir James *tressounable brak warde furth of the Castell of Edinburgh*, and be the saidis wicked thevis of his name and vtheris, maist crewellie and barbaroullie *Murthourit* the trew men, *induellaris in the Sanquhair*, in the defens and faultie of thair awne guidis ; continewing still in his tressounable deidis, as *Birning of the Parroche-Kirk of Lochmabene*, and slauchter of sum of his Maieftis subiectis send hither be JOHNNE LORD MAXWELL, his hienes Wardane and Justice, for the furthsetting of his Maieftis autoritie : And at last, vpoun the saxt day of December instant, cuming with conuocatioun of his hienes liegis, and diuers Englishmen, tressounable brocht within this realme, armed, in plane hostilitie aganis the said vmq<sup>le</sup> Lord Wardane and Justice, he beiring our souerane lordis autoritie for the tyme, vmbesett, invadit, perfewit and maist cruellie and outragioullie *slew him and sindrie Gentilmen of his name*, and vtheris his Maiefties subiectis ; drownit, lamyt, dememberit and tuke a grite nowmer of prifonariss, rest and spuizeit thair horffis, armour, purffis, money and vtheris guidis ; and still continewis in thair rage, crueltie, heirschip and waisting of the cuntrey ; in proude contempt of his hienes autoritie and Lawis.'

(Dec. 27.)—ALEXANDER LORD SPYNIE ordained to be denounced rebel, for failing to appear before the King and Council to have answered ' to sic thingis as sould haue bene inquirit of him at his cuming, tuicheing certane tressounable practizeis and Conspiraceis deuifit and attemptit aganis his Maieftis persone and estate.'

(*Eodem die.*)—ARCHIBALD WAUCHOP appeirand of Nudrie and Gilbert Pennycuik to be denounced rebels, for the same reason as above.

(Jan. 9, 1593-4, *apud Edinburgh.*)—HERCULES SCOTT bruthir germane to

FRANCES sumtyme Erll Bothuill, and NINIANE CHIRNESYDE,—SYM ARMESTRANG y<sup>r</sup> of Quhithauch,—JOSIAS STEUART bruthir germane to Andre Lord Vchiltrie,—and M<sup>r</sup> THOMAS CRANSTOUN apperand of Mureiftoun, are severally ordaited to be denounced rebels, for not appearing to answer concerning certain treasonable practices and Conspiracies, devised and enterprised against his Majesty's person and estate.

(Jan. 18.)—'ACT OF THE TAXATIOUN of ane hundredth thousand pundis,'—'the Quene his darrest bedfellow now shortlie approcheing to the tyme of hir birth, to the conforte allweill of his hienes as of all his trew and faithfull subiectis.'

(*Eodem die.*)—'ACT declairing the ERLIS of ANGUS, HUNTLIE and ERROLE to haue amittit the benefeit of the Act of Abolitoun.'

(Jan. 25.)—'ACT of materis referrit to the Secreit Counsaill.'—'That thair first begin and tak ordour anent the PAPISTIS LORDIS, Jefuitis, Seminarie Preiftis and excommunicat perfonis, and thair resfettaris; thaireftir, with FRANCES sumtyme ERLI BOTHUILL, his complices and thair resfettaris; the Slauchter of his hienes WARDANE OF THE WEST MARCHE; the Slauchter of the TWA MINISTERIS; and all vtheris Slauchteris, Murthouris, Deforceing and dinging of Officeris of armes, in execution of thair officeis; cruell Oppreffionis, and vtheris odious crymes,' &c.

(Jan. 26.)—ROBERT STEUART and WILLIAME STEUART callit of Innermeith, and WILLIAME STEUART of Tulliemett, and ROBERT CREICHTOUN of Cluny, were ordained to be denounced rebels, for not appearing to have answered concerning certain treasonable practices and Conspiracies, &c.

(*Eodem die.*)—SCHIR JOHNE MELULL of Carnbie ordained to be denounced rebel, for not appearing to have answered a charge, at the instance of the Tenants of his Majesty's proper lands of Kingfbarns; that he, having begun to erect a mill on the said lands, the tenants made 'lauchfull interruptioun to him; for the quhilk he hes confaut ane deidlie haitrent and malice aganis thame, daylie invading and persewing thame, &c.; as namelie, vpoun the saxt day of October last, Thomas Fermour, ane of the saidis tenmentis, being cumand in peceable and quiet maner fra the citie of Sanctandrois to his awne houe, wes vmbesett in the hie way betuix the Grenelaw and Polduff be the said Schir Johnne, James Meluille and Robert Betoun his fervandis, quha being missilit, (*disguised, or masked,*) bodin and furneift with hacquebutis, pistolettis, swardis and vtheris wapones invasive, &c. and thair, maist cruellie hurte and woundit the said Thomas in diueris partis of his bodie, as namelie, the said Laird struke him with ane pistolett vpoun the heid and feld him; quhairthrow he is almaist blindit of his left ee; and left him thair for deid,' &c.

(*Eodem die.*)—ROBERT BUCHANNANE of Spittel, Mungo B. in Tullichewne,

and eight other *Buchannanes*, ordained to be denounced rebels, for not relieving George B. of that ilk, of a Decreet Arbitral, pronounced by Ludovick Duke of Lennox, upon a Submission entered into by the Laird of B., taking burden upon him for his friends, on the one part, and Allane (Awlay) M'Caule of Ardincaple and his friends, on the other part; 'be the quhilk Decrete, the said George hes bene decernit to mak payment to the said Allane, and vtheris his friendis, of a certane sowe of money, for sum violence done, and attemptit aganis thame be the said George freindis.'

(Jan. 31.)—WILLIAM ERLI OF ANGUS, GEORGE ERLI OF HUNTLE, FRANCÉS ERLI OF ERROLE and SCHIR PATRIK GORDOUN of Auchindoun, kn', charged 'to pas and enter thair personis in warde, within the seuerall wardis following,' viz., Angus, within the Castle of Blacknes; Huntlie, within the Castle of Dunbartane; Errole, within the Castle of Edinburgh; and Sir Patrick, within the Castle of Thomptalloun; 'thairin to remane, vpoun thair awne expensses, ay and quhill thay be tryit, foule or clene, of the saidis crymes;' under the pain of Treason.

(Feb. 14.)—The King and Council Annul, revoke and discharge 'all and quhatsumeuir COMMISSONIS of LIEUTENNANDRIE and JUSTICIARIE, preceiding the dait heirof.' This Act proceeds on the narrative, that 'a grite nowmer' of such Commissions had been 'past and purchest be findrie noblemen, baronis and vtheris, within thir lait yeiris; quhilkis, for the maist parte, wer vfit ayther for thair awne particulair proffett, to the depaupering of honest men, his hienes gude subiectis, na commoditie followand to his Maiestie; to acquite sum personis of crymes, quhairof thay wer guilty, and deseruit pvnishment; or to be reuengeit of vtheris, aganis quhome thay professit euill will and enimitie; as vn-happie experience, be the monyfauld slauchteris, and treffonable ffyre-raingis that hes bene committit within thir few yeiris, euidentlie declairit.' Charges are ordered to be given, that thenceforward 'nane of thame tak vpoun hand to vse or execute the same Commissions, or to mak conuocatioun of his hienes liegis, vnder the pane of Tressoun.'

(Feb. 26, *apud Striuling*.)—PROCLAMATION against ALEXANDER LORD SPYNIE, ROBERT CREICHTOUN of Cluny, &c. charging the lieges, that none of them refet, supply nor intercommune with them; nor furnish them with meat, drink, house or 'harbory;' and that they assist the Sheriffs, &c. in apprehending them; under the pain of being held 'as arte and pairt-takeris with the saidis declairit tratouris.'

(Mar. 8.)—Act against the EARLS OF ANGUS, HUNTLE and ERROL, ordaining them 'to be repute, haldin and persewet as tratouris; and the proces and dome of ffoirfaltour to be led aganis thame, conforme to the lawis of this

realme, and Actis of Parliament ;'—they having failed to enter thair perfons in ward, as lawfully charged.

(Mar. 14.)—MR JAMES BETOUN of Creich, keipar of his hienes CASTELL and PALICE OF FALKLAND, charged to rander and deliuer the same, with the plenneffing, guidis and geir being thairin, pertening to his Maieftis selff, vpoun Inventair, to the officeris executouris of the Letteris, within xxiiij houris ;' and failing, to denounce him rebel : And also to charge DAVID MURRAY, faderbruthir to . . . . . M. of Balvaired, in like manner, to remove furth of the Park and Wood of Falkland : This is done in consequence of 'his hienes darrest bedfallow the Quene, now laitlie preiffing and requiring his hienes with the accomplisheing 'of his promife, that his hail conjunct-fee and terce-leving, pertening to her within the lordschip of Fyffe, fould be putt in hir awne poffeffioun.'

(Mar. 27, 1594, *apud Edinburgh*.)—A COMMISSION, granted to 'ALEXANDER LORD HWME, Wardane of the Eift Marche ; SCHIR ROBERT KER, appeirand of Cesfurde, Wardane depute of the Middle Marche ; and SCHIR WALTER SCOT of Branxholme, kn' ; eueryane of thame within thair awne boundis and iurisdiction,' to convocate the lieges, 'alfwele to burgh as to land, regalitie as ryaltie, on horfe and fute, in weirlyke maner.' This is done, in consequence of the King and Council 'heiring of the tressounable intentioun of FRANCES sumtyme ERLLE BOTHWILE, and vtheris his complices, his hienes declairit tratouris, be quhome certane cumpanyis and bandis of wageit men of weir, on horfe and fute, are rafit of lait ; for executing, as appeiris, of findrie tressounable practizeis and Conspiraceis,' &c. And, 'in cais thay or any of thame flee to houffis or strentis, with power, &c., to direct their preceptis and chargeis for rendering of the saidis houffis, &c., vnder the panes of tressoun and hoirning ; the personis difobeyand, to caus denunce to the horne ; and thaireftir to Affege the saidis houffis, raise fyre and vse all kynd of force and weirlyke ingyne, that can be had for wyning and recouerie thair of,' &c. All persons betwixt fixty and fixteen years of age, are charged 'to ryse, concur, fortife and assist' the Commiffioners.

(Mar. 29.)—PROCLAMATION, charging all the lieges within the age of fixty and fixteen, dwelling within the bounds of Edinburgh, Haddington and Linlithgow, 'alfweill to burgh as to land,' &c., to repair to Edinburgh, 'vpoun Mononday nixt, the first of Aprile nixt to cum, weill bodin in feir of weir, speciallie with jakkis, steilbonnetis, speiris, or lang gwnis, with prouiffioun for the space of aucht dayis eftir thair cuming ; and to remane and attend vpoun his Maieftie, or vthirwayes to pas forward, as they falbe commandit ; 'for preventing, withstanding and repreffing of the proude and temerarious attemptatis of the saidis declairit traitouris (BOTHWELL, &c.) and vnnaturall subiectis, and perfute of thame as occasioun falbe offerit.'

(Mar. 31.)—The King and Council, understanding that ‘**JOHNE ERLI OF ATHOILL**, accompanied with his freindis and seruandis, and vtheris his Maieftis liegis, perfwadit be him vpoun sum collourit pretens, ar to repair in weirlyke manner with all conuenient expeditioun, to the South pairtis of this realme; to joyne in cumpany and actioun with Frances sumtyme Erl Bothwill,’ &c.—Therefore, Letters are ordained to be directed, charging him ‘to diffolue his forceis and returne hame to his awne duelling place, and thair remane and contene him selff in quietnes, vnder his Maieftis obediens.’ The lieges who had joined with him, are charged to ‘pas hame to thair awne duelling houffis, within xxiiij houris.’ A free Pardon and Remiffion granted to those obeying—‘thame that refuiffis to accept his hienes grace and fauour, now quhen it is offerit, and dois in the contrair heirof, falbe alswa perfewit as tratouris and Conspiratouris aganis his Maieftie and his autoritie, with the lyke rigour and extremitie, without fauour.’

(Apr. 2.)—PROCLAMATION for the ‘**Erllis, lordis, &c.**, of the Sherefdom of Perth and Steuartreis of Stratharne and Menteith,’ &c., that they, ‘weill bodin in feir of weir, with aucht dayis victuallis, addres thame selffis to meitt his Maieftie, his Lieutennent, or vtheris haueand his hienes pouer and Commiffioun, at the burgh of Stirling, vpone the fyft day of Aprile instant, for perfute and withstanding of the saidis declairit tratouris,’ &c.

(Apr. 9.)—PROCLAMATION *to pass to the NORTH*, along with ‘his hienes in propir perfoun, for perfute, refifting and repreffing of the cheiff authouris of the tressounable Conspiraceis diuifit and maid aganis God, his treu Religioun, presentlie professit,’ &c. The ‘**Erllis, baronis, &c.** of the sherriffdoms of Fife, Kinross, Perth be-north the water of Erne, Forfar, Kincardine, to meet at Dundee on 29th April; Aberdeen, Banff, Elgin, Fores, Nairn, Inverness and Cromarty, to meet at Aberdeen on 2d May; ‘alswell regalitie as ryaltie, togidder with the inhabitantis of burrowis, weill bodin in feir of weir, with xxx dayis prouiffioun,’ &c.

(Apr. 13, *apud Brunt-Iland*.)—PROCLAMATION against ‘**CAPITANE GEORGE STRANG**, Capitane Robert Meluill, Mr Jerome Lindsay, sone to Mr David L. Minister, Mr Johnne Murray, David Orme of Mugdrum, Mr Allane Orme and . . . . . Orme his bruthir, Robert Douglas, sone naturall to Schir George D., and Patrik Clapene, bruthir to the Laird of Carllogy, his Maieftis vnnaturall and disobediens subiectis, fugitiue fra his hienes lawis, for thair tressounable affisting, intercommuning, &c., with **FRANCES sumtyme ERLI BOTHUILL**, and vtheris his compliceis, his Maieftis declairit traitouris, in thair tressounable and wicked deidis; and sum of thame for raising bandis of men of weir; and vtheris for ressaing of wageis and entering vnder the charge and commandiment of thame and vtheris Capitanes and Commandaris, for seruing of the saidis tra-

touris aganis his Maiestie,' &c. The lieges are therefore discharged from furnishing them with 'meit, house nor harbory,' &c.

(*Eodem die.*)—The Magistrates of the 'Townis off the coift-syde,' find caution to appear before the King and Council, 'to anfuer to sic thingis as falbe inquit of thame, concerning thair affistace, arte, pairt-taking, intercommoning or haueing intelligence with FRANCES sumtyme ERLI BOTHUILL,' &c., viz. 'The Magistrates of KIRKALDY, under the pane of 2000 merkis; KINGHORNE, 1000 merkis; DYSART, 2000 pundis; PITTINWEYME, 1000 merkis; CARSAILL, 500 pundis; SANCT ANDROIS, 2000 merkis; ANSTRUTHER, 1000 pundis; and COUPAIR, 500 merkis.

(Apr. 23, *apud Edinburgh.*)—Thomas Mertoun of Cammo, and Williame M. younger of Cammo, become security for HENRY LORD SINCLAIR, that he, his kin, tenants, &c., shall observe peace, quietness and good rule in the country; and in no wise invade, trouble nor pursue David Wemys of that Ilk, Johnne his son, their kin, tenants, &c.; under the pain of 10,000 merks.

(Apr. 26.)—JOHNNE ERLI OF ATHOILL to be denounced rebel, for not appearing to answer concerning his dealing and practizing with Bothwell, &c.

(Apr. 29.)—PROCLAMATION, for the lieges to be in readiness to repair to his Majesty, upon six days' warning.

(May 2.)—ANDRO LORD STEUART OF VCHILTIE ordained to be denounced rebel, for not appearing to answer 'tuicheing his tressounable attempttiss, conspirit, practizit and putt in executioun aganis his Maiesteis persone and estate.'

**Treasonably Conspiring and Trafficking against the Protestant Religion, &c.—'The Spanish Blanks.'**

(Jun. 8.)—WILLIAME ERLI OF ANGUS, GEORGE ERLI OF HUNTLIE, FRANCES ERLI OF ERROLL and SCHIR PATRIK GORDOUN of Auchindoun, kn<sup>t</sup>.<sup>1</sup>

The quhilk day, Mr David M<sup>c</sup>Gill of Cranstoun-Riddell and Mr Johnne Skene, aduocattis to our souerane lord, producit, in presence of the Kingis Maiestie and Estaitis, lyk as thay did dyuerse tymes ofbefoir, the Summondiss of Tressone, rasit and persewit at the instance of our said souerane lord and his hienes Justice, aganis the saidis Williame Erll of Angus, George Erll of Huntlie, Frances Erll of Erroll and Schir Patrik Gordoun of Auchindoun knicht; quhairby thay wer summond to haue comperit befor our said souerane lord, and his hienes Justice, the xvij day of Maij lastbypast, with continwatioun of dayes, to haue anfuerit to the crymes and pointis of Tressone and Lesemajestie contenit in the saidis summondiss: The quhilk summondiss, reffonis and cauffis thairin

<sup>1</sup> See *Acta Parl.* 1592-3, p. 283.



contentit, being first red, in presens of the Kingis Maiestie, and in presens of the Lordis of Articles, thay fand the same summondis relevant. And thaireftir, this instant day, the same Summondis of Tressone being red in presens of the Kingis Maiestie and haill Estaitis; and the saidis thre Erllis and Laird of Auchindoun being thryse callit at the Tolbuith windo, and hané of thame comperand; the saidis haill Estaitis fand the saidis summondis relevant; and thairfoir, thay admittit the same to the saidis aduocattis probatioun. And immediatlie thaireftir, the saidis aduocattis, for preving of the saidis Summondis of Tressone aganis the saidis [Erllis] and Lard of Auchindoun, producit, in presence of the Kingis Maiestie and haill Estaitis, the PROBATIONIS following; lyk as, thay producit the samyn probationis of befoir to the saidis Lordis of Articles, vpoun the first day of the moneth of Junij instant. IN THE FIRST, thai producit AUCHT BLANKIS, in paper; tua thairof subscryuit be the said Erll of Angus allanerlie; vther tua be the said Erll of Huntlie allanerlie; vther tua subscryuit be the said Erll of Erroll allanerlie; and vther tua be the saidis thre Erllis and Laird of Auchindoun; all send to Spayne. Quhilkis blankis hes na designatioun on the bak, nor declaratioun of the causes for the quhilk thai wer send, bot blank and quheit paper on baith the sydis, except the said subscriptionis.—ITEM, thai produce dyuerse and findrie seillis of the saidis Erllis, imprentit in paper, send with Mr George Ker to Spayne; to the effect vtheris seillis nicht be maid thair conforme to the samyn, to seill the saidis blankis, efter thai suld be fillit. Thay produce dyuerse and findrie Depositionis of Mr George Ker, subscryuit with his awin hand; with ane Missiue Lettre, writtin and subscryuit be him, vncompellit or coactit, bot of his awin frie will to the Kingis Maiestie; be the quhilk Depositionis and Lettre, the haill tressonable Trafficquing aganis the Religioun, the King, his estait and realme, is willinglie confessit and planelie declarit; and the tressonabill end and effect for the quhilk the saidis blankis and seillis wer send, is maid manifest, viz. that thai wer send to be fillit vp be the Counsaill of Spayne, and Mr Williame Creichtoun Jesuite, with sic forme and securitie as thai suld deuyse, anent the sending in Scotland of monie, for listing of men of weir and of Threttie Thowsand Spanzeardis to cum in this cuntrie, and land in the waft partis thairof; quhair of Fyve Thowsand suld haue remanit in this cuntrie, and beand coniunct with the saidis Erllis, suld alter the Religioun and estait of this cuntrie.—ITEM, for preving the premisses, thay produce certane Depositionis, subscryuit be vmq<sup>le</sup> Daid Grahame of Fintrie; conforme in all thingis to the Depositionis of the said Mr George Ker.—ITEM, thay produce the Dome of Foirfaltour gevin and pronuncit aganis the said vmq<sup>le</sup> Lard of Fintrie, contenand his Depositionis and Dittay; quhilkis ar conforme in all pointis to the said first resson of the summondis, and expresse verrifies and pre-

vis the samyn : The quhilkis Treffone the said Laird of Fintrie confessit in judgement, and neur revoikit the same, bot 3eid (went) to the death thairwith, and wes justifiet and execute thairfoir.—ITEM, thay produce findrie Lettres writtin be Mr James Gordoun, vnder ane fenzeit name of James Crystefoun : And siclyk, ane Lettre writtin be Mr Robert Abercrummy, Jesuite, having ane fenzeit subscripcioun of Robert Sandiefoun : And ane Lettre writtin and subscryuit be the said vmq<sup>le</sup> Laird of Fintrie, havand ane fenzeit name of Dauid Forrefter : Quhilkis Lettres planelie previs, conforme to the premisses, the hail Treffone libellit.—ITEM, thay produce Lettres writtin be Mr James Gordoun, in fauouris and commendatioun of Mr George Ker, writtin to findrie personis in Spanzie, to preif, that he was purposit to pas to Spaine with the saidis blankis : Togidder with tua Obligatiounis, subscryuit be the saidis Mr James and Robert, in the quhilk thay confes the fenzeing and mutatioun of thair awin names, quhilk lykways may be easelie provin *per comparationem literarum*, and be inspectioun of the saidis Obligatiounis, that Sandefoun is Abircrummy, and Crystefoun is Gordoun : And as to the fenzeit name of the said vmq<sup>le</sup> Laird of Fintrie, calland him self Dauid Forrefter, he confessit the same fals subscripcioun and name to be his awin hand-write and name, in his Depositionis, 20th Januar 1592 ; the quhilk lykwyis is provin, *per comparationem literarum*, be the subscripcioun of the Depositionis, and ane Lettre writtin and subscryuit with his awin-hand, heirwith productit ; quhilk Lettre is direct to the Kingis Maiestie, and is repetit *in modum probationis* of the said libell.—ITEM, thai produce Lettres of Incident Diligence, quhairby the saidis Erllis, and Laird of Auchindoun, and Mr James Gordoun, and Mr Robert Abircrummy, ar summond to this Parliament, to heir and sie the subscriptionis of the saidis Blankis, and fenzeit subscriptionis, and feillis foirsaid, to be thair awin ; and being recognoscit, to preif aganis thame ; and to heir and sie all vther probatioun vfit, led and deducit aganis thame, as accordis of law : And repeatit the Depositionis of witnesses, *in quantum*, and the notorietie of thair subscriptionis and hand-write.—ITEM, becaus Mr George Ker and vmq<sup>le</sup> Lard of Fintrie, Mr James Gordoun and Mr Robert Abircrummy, wer Traffiquing Papistes, trattouris and participantis of the Treffone libellit, lyk as thai ar zit, (except the said Laird of Fintrie, quha wes execute for the same,) and thairfoir, it may be objectit that thair Depositionis fall mak na faith in this cause, the saidis aduocattis producis ane Interloquittour of the Lordis of the Sessioun, subscryuit be the Clerk of Register, ffindand thir infame personis, minoris, or personis beand fellowis or companzionis in the same cryme, may be witnesses in the causes of Treffone and herefie ; quhilk Interloquittour wes productit and practizit in the accusatioun of vmq<sup>le</sup> Ewfame M<sup>c</sup>Calzeane.—ITEM, thai produce the Sentence of Excommuniatioun aganis the personis accusit, and

also contrair Mr James Gordoun, vmq<sup>le</sup> Daid Grahame of Fintrie.—ITEM, it is of veritie, that the King and thre Estaitis of this realme, in criminall caus, hes jurisdiction and pouer of ane greit Affise, and may juge and decyde all crymes, conforme to thair consciences, and vehement presumptionis, conjectures and probabilities, quhilk may be collectit and gatherit in the causes; and speciallie, in the cryme of Tressone; as is manifest in the writtin law of this realme, callit *Regiam Maiestatem*, lib. 4. cap. 1. And the saidis aduocattis repetis, in forme of probatioun, the notorietie of the crymes libellit, and that of the law *sufficit allegare notorium sed non probare*, and the publict voce and fame, quhilk is ane vehement probatioun *in criminibus clandestinis*, and namelie, in the cryme of Tressone and Lefemaiestie, with the notorietie of the Tressone, and of the trafficking libellit, committit be the personis accusit at the Brig of Die, the yeir of God 1589 yeiris; ffor the quhilk, findrie of thame cum in his Maiesteis will for the samyn; quhilk is ane Confessioun of the cryme.—ITEM, thay repetit and producis ane Catalogue of fals and fenzeit names of certane Jesuittes and trafficking Papistes, contening also certane fenzeit names of the saidis Erllis, quha all did fenzie thair names, to the effect thai nicht the mair surelie and quietlie vse the tressonabill traffique libellit.—ITEM, thay produce and repeittis, that the saidis Erllis and Laird of Auchindoun, being suspect of Tressone, and chargit to enter in ward, conforme to the Act of Parliament maid be King James the Secund, difobeyit the same; and thairby hes incurrit the pane of Tressone, be resone of thair contumacie; becaus of the law, he that is *contumax* may be condampnit, for his contumacie causses him be estemit as present, and inducis aganis him ane Confessioun of the cryme *L.3 . . . ‘decernimus:’* And it is of treuth, that of the law he is callit *contumax*, quha is fummond to ane certane day, be ane peremptour fummondis, with certificatioun, and comperis not the said day. *L. Contumacia et ibi glossa ff. de re judic.:* And for verificatioun thairof, thay produce the Kingis Lettres, with the executionis thairof; quhairby the saidis Erllis and Laird ar chargit to enter thair personis in ward.—ITEM, thay produce ane act and decreit of the Secreit Counsaill, maid at Edinburghe the aucht day of Merche last wes, with the publicatioun thairof at the mercat croce of Edinburghe, vpoun the xij day of the said moneth, the yeir of God foirsaid; ffindand and declarand, that the saidis thre Erllis and Laird of Auchindoun hes contravenit the saidis chargis, and suld be pyniffit, estemit and accusit as Traitoris.—ITEM, To the end that the saidis Erllis and Laird of Auchindoun thair contumacie and perseuerance may be knawin, in the tressonable Tressone libellit, without ony apperance of repentance or amendement, the saidis aduocattis repeittis the manifest Tressone committit be thame and ilk ane of thame, be ressetting of certane strangearis, traffiqueris and tressonable mwntineris and rasaris of

feditioun aganis the estait of the realme and Religioun, quha laitlie arryvit and landit in the toun of Montroise, and ar presentlie, lyk as thay haue bene sen the tyme of thair arryving in this realme, reffett, helpit, supportit, affsitit and mantentit be the saidis thre Erllis and Lard, and euerie ane of thame, to the owerthrow and euerfioun of this realme and Religioun presentlie professit within the same.—THE saidis aduocattis repetit the hail wreittis and vtheris premisses abone mentionat, as thai ar fett down in maner abone mentionat, with the notorie of the deid; and that this Parliament is ane greit Assyse; sua that he, quha of his conscience can nocht clenge, he of necessitie mon fyle: And renuncit forther probatioun of the first resson of the Summondis of Foirfalture.

*SUMMONDIS of TRESSONE and FOIRFALTURE aganis the ERLIS of HUNTLIE, ANGUS and ERROLL, and SIR PATRIK GORDOUN of Auchindoun.*

JACOBUS Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albanie, Ross, Rothsay, Snawdoun, Merchemont, heraldis; Roberto Stewart, Davidi Bryffone, Alexandro Douglass, Jacobo Chalmeris, clauigeris; Orment, Bute, Vnicorne, Carrik, signiferis; Joanni Blindfcheillis Bute signifero, Roberto Frazer Vnicorne signifero, &c. nunciis; et eorum cuilibet, conjunctim et diuisim, vicecomitibus nostris in hac parte: Salutem. Mandamus vobis et precipimus quatenus summoneatitis legitime et peremptorie, coram testibus, Wilhelmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Erroll, Dom. Patricium Gordoun de Auchindoun militem., Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequenti, personaliter si eorum personales presentias commodè habere poteritis; alioquin apud eorum loca habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburghe, Hadingtoun, Lanerk, Abirdene, Perth, Bamff, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum, seu nullum certum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum; sic quod hujusmodi summonitio ad eorum aures et noticiam verisimiliter peruenire poterit; quod compareant coram nobis seu Justiciario nostro, vigesimo die mensis Maij proxime sequen. in Parlamento nostro, apud Edinburgh, decimo octauo die mensis Maij predicti tenend., hora causarum continuatione dierum ad respondendum nobis nostrove Justiciario in prefato Parlamento, super proditoriis criminibus subsequenti: Dictos scilicet Guilielmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Errole, Dom. Patricium Gordoun de Auchindoun militem, &c., et eorum quemlibet, pro sua proditoria Conspiratione, consultatione et conclusione horrendi sceleris et facinoris ad exequendum destinati pro alteratione status regni nostri et vere Religionis inde professæ, per nos nostrosque probos et fideles legios, secundum Dei omnipotentis Verbum, per Acta Parlamenti nostri approbate, et per leges nostras confirmate: Idque prefertim, in mensibus Junii, Julii, Augusti, Septembris, Octobris, Nouembris, aut eorum aliquo, anno domini 1592, in ipsorum consilij et conventionibus cum Magistro Jacobo Gordoun et M. Roberto Abircrummy, Jesuitis et seminariis presbiteris, et cum M. Georgio Ker et quondam Dauide Grahame de Fintrie, aut eorum aliquo, excommunicatis Papistis, super literis a M. Wilhelmo Creichtoun et M. Jacobo Tyrie, Jesuitis ex Hispania, missis et directis ad prefatum M. Jacobum Gordoun: Et in ipsorum proditoria consultatione et conclusione desuper habita; in quibus declaratur, quam diligenter, et quanta cura ipsi cum Rege et consilio Hispanie elaborauerunt, pro pecunia et militibus in Scotiam deportantis, ad extremam subuersionem et alterationem Religionis nunc professæ, et invasionem regni Anglie; quod solum in hoc retardabatur, donec ex Scotia clarus quidem vir mitteretur cum literis certitudinis, et aliis vacuis cartis (lie *Blankis*), subscriptis per nobiles viros qui pro parte et nomine Catholicorum Promanorum in hoc nostro regno existentium sese obligarent et hypothecarent: Quequidem Litere (lie *Blankis*) implemen-

tur, cum anifamento dictorum M. Wilhelmi Creichtoun et M. Jacobi Tyrie, in Hispania degentium, tanquam certiffima vincula, figna et fidejufiones predict. monete et militum, extenden. ad numerum 30,000 virorum armatorum, anno predicto, intran. verfus occidentalem partem hujus regni noftri, prope Kirkcubreiche vel fluuium de Clyde, prout ventus nauigationi melius inferuiret. Ad cuius impij et proditorij facinoris perimpletionem, commemorate vacue Litere (lie *Blankis*) partim Latine, partim Gallice, sub diuerfis formis, vna cum Literis certificationis et fidei fubfcripte fuerunt manibus prefatorum Wilhelmi Comitis Angufie, Georgii Comitis Huntlie, Francifci Comitis de Erroll, et D. Patricii Gordoun de Auchindoun militis palam profitentium et affirmatium fe effe maieftatis regis Hispanie (ad quem ifte Litere mittebantur) humillimos et maxime obedientes fervitores: Quod ipforum factum proditionis predictae manifeftae eos arguit, quod tum natura et fide fint nobis fuo Regi obligati (ad quem hujufmodi Litere vacue non erant miffae) ligeantiam et fidelitatem nobis debitam proditori diffoluerunt, et alieno et peregrino Regi, fine noftro concenfu, fidem fuam obftrinxerint; et literas vacuas ipforum manibus fubfcriptas ad eum miferunt, in quibus fcribi et impleri potuit per eum et eius confilium quicquid ipsis vifum effet quod poffet effe nociuum et detrimentofum nobis, noftre auctoritati regie, regno noftro et fubditis; quo ipforum facto, nihil magis proditorium fieri et excogitari ab illis potuit. Poftea eodem Litere (lie *Blankis*) ad effectum fuprafcriptum tradite et deliberate fuerunt, in mense . . . anno domini 1592, dicto M. (Georgio) Ker, vna cum variis et diuerfis figillis dictorum comitum cere impreffis: Quicquidem M. Georgius trans mare in Hispaniam nauigaturus, ad hoc fccleratum opus exequend. electus fuit; idemque negotium in fe libenter fufcepit, et iter ingreffus ad Cumbram Infulam vifque peruenit; cum plenaria commiffione perfonarum fupramentionat.; onus in fe acceptantium pro omnibus aliis fue factionis hominibus Catholicis Romanis, ad fedulo laborandum pro pecunia et militibus recuperandis; cum ipforum fideli permiffione ad preparandum fe fe fuosque viros et equites armatos, quo ad dicta pecunia extendere et fatisfacere valuerit; qui certo expectarent adventum et introitum dictorum Hispanorum militum, deducerentque maiorem numerum eorundem in Angliam, pro euertione eiusdem et Religionis ibi profefse: Et quorum Hispanorum 5000 infra hoc noftro regnum pro perpetuo refiderent, cum quibus antenominates proditores, degenerati nobiles et hujufmodi omnes Papifte Catholici illius fecte in hoc noftro regno degentes fe fe conjungerent, pro alteratione ftatus eiusdem, et Religionis nunc profefse; quorum qui alterutrum euertit vtrumque euertit, cum inter fe ita funt conjuncta vt vno pereunte alterum perire fit neceffe; et exaltatione miffarum et Catholice Romane profeflionis, ad euertendum periculum et detrimentum noftre regie perfone, difturbationem pacis regni noftri, et alterationem vniuerfi ftatus eiusdem. Committendo inde nefandam et manifefiffimam Prodicionem, contra Deum noftro omnipotentem, nos, auctoritatem noftre regiam et leges. Ideoque antenominatos Guilielmum Angufie Comitem, Georgium Huntlie Comitem, Francifcum Errolie Comitem, D. Patricium Gordoun de Auchindoun, militem, &c., ad videndum et audiendum fe fe et eorum quemlibet, intuitu premifforum, crimen Lefe Majeflatis incurriffae, per nos et trium regni noftri ftatum decretum decerni et declarari: Et propterea, bona, (mobilia,) et immobilia, tam terras quam officia aliaque res ad eos fpectantes nobis confifcari, et pro perpetuo nobifcum in proprietate remanere; perfonaque fuas penas Prodicionis et vltimi fupplicii a regni noftri legibus infictas fubire: Ac vterius, in permiffae respondend. et juri parend: Intimidando fupradictis Conspiratoribus et eorum cuilibet, quod fuae dictis die et loco cum continuatione dierum comparuerint fuae non, nos, dictusque nofter Iufticiarius in premiffis, iufticia mediante, procedemus et procedet. Insuper, citetis, &c., ad comparandum coram nobis noftrove Iufticiario dictis die et loco, hora caufarum, cum continuatione dierum, ad perhibendum fidele teftimonium in caufa predicta, fub pena legis; et prefentes literas debite executas et indorfitas earundem latori reddatis. Et vos qui prefentes executi fueritis fitis ibidem, dictis die et loco, coram nobis noftrove Iufticiario, portan. vobifcum fummotionis veftrae teftimonium in fcriptis pro premiffis, feu ipfos teftes: Ad quod faciend. vobis et veftrum cuilibet coniunctim et diuifim vicecomitibus noftreis in hac parte committimus poteflatem: Datum fub teftimonio noftri magni figilli, apud Edinburgh, decimo nono die menfis Marcii, 1593, et regni noftri vigefimo feptimo.

THE quhilk Summondis, with the executionis and indorfationis thair of *respective* foirfaidis, being this instant day red, in presens of his Maiestie and haill Estaitis of Parliament, first in Latyne and syne in Scottis, and the saidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Arroll and Schir Patrik Gordoun of Auchindoun kyn<sup>t</sup>, being oftymes callit of new, at the Tolbuyth vyndow of the said burgh of Edinburghe, to haif comperit and anfuert to the said summondis and ressonne contenit thairin; and thai nocht comperand, to haif defendit in the said mater, and to haif anfuert to the said summondis; the saidis Aduocatis desyrit the saidis Estaitis declaratioun, gif the ressonne of the said summondis wer releuant aganis the saidis thrie Erlis and Schir Patrik Gordoun of Auchindoun kny<sup>t</sup>. Quhilkis Estaitis, all with ane voce, fund the samin releuant aganis thame: Thairfoir, the saidis Aduocatis, of new, for verefeing of the said ressonne contenit in the said Summondis of Tressoune, producit and repetit the haill aucht Blankis, in paper; twa thair of subscryvit be the said Erle of Angus allanerlie; vther twa be the said Erle of Huntlie allanerlie; vther twa subscryvit be the said Erle of Arroll allanerlie; and vther twa subscryvit be the saidis Erlis and Lard of Auchindoune; all fend to Spane: And als repetit the haill vther probationis repetit be him of befoir in the said mater, this instant day; and desyrit the saidis Estaitis of Parliament to advyis the probatiounis foirfaidis led and deducit in the said mater, and to pronounce thair sentence of Parliament thairintill, according to the samin probationis and thair consciences. And thairefter, the haill writtis and probationis, being red, sene and confiderit be the haill Estaitis of Parliament, in presens of the Kingis Maiestie, and thai thairvithe being rypelie advyfit, the saidis Lordis and Estaitis of Parliament ffindis, decernis and declaris, that the saidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Eroll and Schir Patrik Gordoune of Auchindoun kny<sup>t</sup>, hes committit and done oppin and manifest Tressoune aganis our said souerane lord, in all poyntis, articlis and maner contenit in the said Summondis. And thairfoir, it was gevin for Dome be the mouthe of James Nesbet dempster of Parliament, in maner and forme as followis.

**DOME of FOIRFALTOUR.** This Court of Parliament schawis for law, that the saidis Williame sumtyme Erle of Angus, George sumtyme (Erle) of Huntlie, Francis sumtyme Erle of Eroll and Schir Patrik Gordoune sumtyme of Auchindoun kny<sup>t</sup>, and ilk ane of thame, hes committit and incurrit the speciall cryme of Tressoun and Lefemaiestie abonewrittin, the tymis and in maner at lengthe contenit in the ressonne of the said Summondis of Tressoune: And thairfoir, decernis and declaris all thair gudis, moveable and vnmouable, alswell landis as officis, and vtheris thingis qvhatsumewir belonging to thame, to be confiscat to our souerane lord, and to remane perpetuallie with his hienes in propertie, in tyme cumming; and thair personis to vnderly the panis of Tressoune

and vtter pwnifhement, appoyntit be the lawis of this realme : And this I gif for Dome.

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The interest which must be felt by all in the mysterious story of 'the Scottish Blanks,' induces the Editor to give an accurate reprint of an extremely rare Tract, published under the immediate authority and revision of the King and Privy Council of Scotland, which he is fortunate enough to have in his own Collection. The original is marked, 'ex Pamphletis Roberti Mylne scribæ,' a well-known Collector of Tracts, illustrative of the History of Scotland, who died Dec. 21, 1747, at the very advanced age of 105; having 'enjoyed his sight, and the exercise of his understanding, till a little before his death.'<sup>1</sup> The same Tract was reprinted under the direction of Queen Elizabeth's Council; but unluckily, it is 'done into English,' and is otherwise inaccurately edited. It bears for imprint on the title-page, 'London, Printed by R. F. for John Norton. 1593.'

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#### A DISCOVERIE

OF THE VNNATURALL AND TRAITEROUS CONSPIRACIE OF SCOTTISCH PAPISTES, against God, his Kirk, their natiue Cuntry, the Kingis Maiefties perfone and estate. Set downe as it was confessed and subscribed bee M. George Ker, yit remaining in Prifon, and David Grahame of Fentrie, iustly executed for his Treason, in Edinburgh, the 15 of Februarie 1592. Wherevnto are annexed, certaine intercepted Letters, written by fundrie of that faction, to the same purpose.

Printed and published at the speciall command of the Kingis Majestie.

AT EDINBURGH,

PRINTED BY ROBERT WALDEGRAVE, Printer to the Kingis Majestie.

Cum privilegio Regali.

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#### TO THE READER.



ANIE and dangerous poynts (good Reader) of vnnaturall and treasonable practises of Scottish Papists, or (as they will needes be styled) Catholicke Romans, against God, his Kirk, their natiue Country and the Kinges Majesties estate and perfone, beeing discovered by Godes great and mercifull providence, partly by the depositions and confessions of some of the practisers themselves, and namly, Master George Ker, who for that cause is imprisoned, and David Grahame of Fentrie, justly execute for the same also, in Edinburgh the 15. of Februaire 1592, and partly by diverse letters of fundrie of the practisers, intercepted at diverse tims. It is thought good by the Kings Majestie,

<sup>1</sup> See Scots Magazine, 1747, and British Magazine, or London and Edinburgh Intelligencer, for 1747.

and his honourable Counsell, that the most substantiall poynts of the said depositions, shuld be faithfully taken out of the originals, which were deponed and confessed by the saide M. George, and David Grahame of Fentrie, before the honourable persons depute by the Kings Majestie, and his hienes Counsell to that effect, and subscribed with their own hands; and for the greater ease of the memory of the reader, should be summarly gathered into this forme following, which otherwise were scattered here and there in their depositions, according to the occasion of the diverse demands at diverse dyats: for the readier taking vp whereof, the times of the depositions and persons deponers, severally and coniunctly as the matter craveth, should be set down in marginal quotations: As also, that some of the most remarkable letters of the practisers, should be joyned herunto word by word, quhilkis were intercepted with Maister George Ker, and the rest decyphered and translated as after shall appeare; and so the whole together to be imprinted, and set fourth vnto the view of the world, to the glory of Gods Majestie (the only revealer of these secrets), to the comfort and edification of his Kirk, and the perpetuall detection and shame of the vnnaturall enimie. Al quhilk things are so faithfullie done in this volume following, that no man how impudent so ever he be, can iustilly challeng it with any falsifying, forging, or changing one thing for another, to the wresting of the original depositions, in any the lest substantiall part therof, as by conferring this extract with the first records which are in the Clerks hands, most evidently shall appear, if any list to looke vpon them. Thou art therfore (good Reader) gretly to consider the goodnes of our God in this cace, so watchfull over his Kirk, for the good and safetie thereof, by discovering sik deep and dangerous practises of the deadly enimie, euen then, when as we thinking nothing lesse, ar redy to be surprised by their cloffe courses so cunningly and craftily conveied: as we may well say with the Prophet, our soule is escaped, euen as a bird out of the snare of the Fowlers, &c. As also, thou art to be wakened vp, to the eirnest consideration of the diligence force and crueltie of our enemies (quhilk yet is nothing abated, but more eiger presently than ever hertofore to atchieu their deuellish intent) and no waies to trust them or be secure, as though they wer sleeping and minding no danger to vs, while in the meane time, so deiply and deadly they conspire within and without, with so great force and craft against our Religion, landes, and lives, that they dare be bold in their pride, to assure the Spainzeard of no resistance heir to their cruell interprise, as by their awin bragging words hereafter in their Letters evidently shall appeir: yea, all kindly natiue Scottish men, and true louers of the Christian religion, ought spedily and substantially to concur, to the withstanding and overthrowing of this our common enimie, within our awin bowels; whose vnnaturalnes, barbarity and hie attempt, can be matched with no example domestick or forraine that we read off, whether we consider the cruell barbaroufnesse of the Spainzeards to whom they have sold their cuntry, King and people, (wherof let the monument written by one of their awin Fryers against the Spanish cruelty, besid experience, whereuer they are masters, be a witnes,) or whether we consider their most deceitful dealing, covering their most bloody purposes with cloake of most tender friendship, quhilk most closly they have counterfeit, by subscription to the true Religion, by hearing of the worde preached, and common profession thereof with vs, and participation of the Sacraments, by bandes, finally affinities, othes, and al attestations and lawes sacred and humane, that might seeme to procure credite amongst men, and many other things to bee enlarged in time and place, as mens callings in Kirke and policy craues: Consider, and consider again (good Reader) what should be the estate of all honest and godly men, their wiues and daughters: the estate of Kirk, common weale and Prince, yea and of these miserable wretches themselves, if their purpose to make the Spanzard our master (for no man serwand nor fellow will that proud beast be) suld tak effect: O miserie, miserie, miserie vnspeakable, especially to themselves, if their wofull purpose succede to their minde and farre proceeded practises. Wherfore yet again, it is hie time and more, that all good men and lovers of their native Cuntrie be wakened vp to true repentance to the Lord, who so heauily threateneth, and in a part already striketh: and to a diligent and substantiall



concurring, every one according to his calling and place, both in land and Burgh, to withstand these desperate attempts before they passe remedy, and tymely to prevent the farther danger, by assisting the execution of Iustice vpon the rest of the detected traitors, without respect of persons; that so wee, labouring to take evill out of Israell, the Lord who hath so notabilly begun the work, may bring it to an happy end, to his glory and our comforts, through Christ our Lord. Amen.

A DISCOVERSE of the vnnatvrall and traiterovs practifes of THE SCOTISH PAPISTS, against God, his Kirke, their native Country, and the Kings Majesties person and estate.

**B**Y the Confessions and depositions of Master George Ker, and David Grahame Deponed bee  
of Fentry. It is discovered, That in March, 1591, Master William Chrich- M. George Ker,  
toun (who hath remained these two yeares bygone in Spaine) sent to Master 3, 5 & 6 of Feb.  
James Gordoun, Iesuite, father-brother to George now Earle of Huntly, ane 1592.  
gentle man called Master William Gordoun, sonne to the Laird of Aberzeldie,  
with letters, to let the Catholickes heere vnderstand, what travell Master Wil-  
liam Criehtoun had tane with the King of Spain since his comming there: And  
that the said King had opened to him, that he had bene deceived by English-  
men, and wold from that time forth embrace the advise and way which the said  
Master William wold shew him, both for invading of England, and alteration of  
Religion within this realme. And for that purpose, the said Master William  
craved by this gentleman, to be sent to him so many blanks and procurations, as  
could bee had of noblemen here, for the assurance of his trafficke.

Vpon the sight and refate of the which blankes, sent with some other discreet Deponed bee  
gentleman, hauing the noblemens commission, to be filled vp with such condi- M. George Ker,  
tions as shuld be capitulat and aggried vpon betwix the King of Spain, and 3, 5 & 6 of Feb.  
Master William Criehton, quhilkis suld haue fervit as pledgis and suirties for 1592.  
the subscribers part, at the landing heir of the Spanisch armie. It wes concludit, And deponed be  
that thair suld have bein sent out of Spain, about the latter end of the spring, David Grahame  
in this present yeir, 1592, an armie of thritty thousand men, to have landed of Fentry, the  
either at Kirkcudbright or at the mouth of Clyde, according to the opportunitie 13 of Feb. 1592.  
of the wind, quhair thay suld have intrinschit and fortifeit thame selfis, for the  
assurance of thame and thair schippis.

And first of all, money suld have bein sent to the Catholikes heir, for raising Deponed bee  
of forces to supplie the said armie: Quhair of foure or fivie thousand suld have M. George Ker,  
remainit within this Cuntry, quha with the fortification and assistance of the 3 Feb. 1592,  
noble men, Catholikes, thair friends, and sik vther forces as the Spanish money and be Fentry,  
wald raise, suld haue immediatly after thair landing, begun to alter thair Reli- 14 of Feb. 1592.  
gion, presently profest within this realm, or at left procuret libertie of conscience, Deponed be  
and Papistry to haue bein erected heir: And the rest of the armie suld have past Fentry, 13 of  
toward England the neereft way, fra M. George Ker, Feb. 1592.  
to the bordour.

Deponed be  
Fentry, 13 of  
Feb. 1592.

Thir Letters sent fra Maister William Criehton, beeing concredite be Maister James Gordoun to Maister Robert Abercumby, wer shawin be him to David Grahame of Fentrie, at Abernethie, in Aprill, 1592.

Deponed be  
David Grahame  
of Fentrie, the  
13 of Feb. 1592.

And for effectuating of this mater, it wes anis thocht maist convenient that Schir James Chesholm, quha then wes an of his Majesties maister houshaldis, fuld haue gone to Spaine with this Commiffion, in respect he was vtherwise bownit, towardis his vncler Maister William Chesholme (callit Bishop of Dumblane), for Schir James had the first credeit of this erand with the nobill men; as he declarit to David Grahame of Fentry, that hee had delt with the Erlis of Huntly and Erroll, and conferrit with Maister George Ker, anent this turne, about the time of the last Parliament, haldin in Edinburgh in Junii, 1592, as alwa, intercommuned again in his awin house with the same Maister George in October, 1592, tuiching the hail heidis of this despatch. Bot Schir James, not being abill to be fa foone reddy, and Maister George Ker being bownit of the country, it wes thocht best that the same Commiffion fuld be geven to him, and that he fuld vndertak the carrying of the said Letteris: And swa hee wes employed in that erand, the rather, becaufe baith his gud-dames were Criehtons.

Deponed be  
Fentrie, 13 Feb.  
1592.

Thairefter, Maister George beeing bownit to this jorney, and reddy to mak sail out of the Fairly-raide, at the west sey bank, upon the 27th of December, 1592. Then (be Gods providence) the said Maister Georg was apprehended in the Ile of Cumray, and with him thair wes interceptit fundrie missive Letters directit to this purpose. Amongis quhilk, thair wes aught blankis, quhair of one is subscrivit,

*De vostre Majestie tres humble  
et tres obesant serviteur,*

GUILLAME COMPTE DE ANGUSS.

Ane vther blanke is subscrivit,

*De vostre Majestie tres humble  
et tres obesant serviteur,*

FRANCOYSE COMPTE DE ERROLL.

Deponed be  
M. George Ker,  
3 Feb. 1592.

And thir twa blankis were baith procurit of thame, be Schir James Chesholme, in their awin ludgeingis in Edinburgh, at the time of the last Parliament, in Junii 1592.

An vther blanke is subscrivit,

GULIELMUS ANGUSIÆ COMES.

Deponed be Fen-  
trie, 13 of Feb.  
1592.

An vther blanke is subscrivit,

Deponed be  
M. George Ker,  
3 Feb. 1592.

Which were baith procurit of thame be Maister Robert Abircumby, quha was the chiefest travellair in that matter, in October 1592.

An other blanke is subscribed,

GEORGIUS COMES DE HUNTLYE.

And an other is subscribed,

GEORGIUS COMES DE HUNTLYE.

Which were both, with the whole blanks, proponed first to the Erle of Huntly, by Master George Ker in Strathbogy, at his passing there. Deponed be M. George Ker, 3 Feb. 1592.

Which six severall blanks before specified, shuld haue bene all filled with missive letters, by the advyse of Master William Creichton. Deponed be M. George Ker, 3 Feb. 1592 ;

And the other two blankes, making out the number of eight, were both subscribed in the mids of two open throghs of paper in this maner, and be Fentry, 3 of Feb. 1592.

GULLIELMUS ANGUSSIE COMES.

GEORGIUS COMES DE HUNTLY.

FRANCISCUS ERROLLIE COMES.

PATRICIUS GORDOUN DE AUCHINDOUN MILES.

Which two last blankes were first subscribed by the Erle of Huntly, and Patrike Gordoun, in October, 1592. And thereafter, beeing sent with Master Robert Abercromby to the Earles of Angus and Erroll, were subscribed by them in the same moneth of October, 1592. Deponed be M. Georg Ker, 5 Feb. 1592.

And these two blanks shuld have bene filled vp with procurations, and whatsoever shuld have bene thought meet by the said Master William Creichton, for the avowance of that which Master George Ker had in direction and credite of the subscribers ; which credite he resaved fra the Earle of Huntly, be the report of Master James Gordoun, and fra the Erles of Angus and Erroll, by thame selfis in Edinburgh, in the beginning of October, 1592. Deponed be M. Georg Ker, 5 Feb. 1592.

And the summe of this his credeit, was an assurance that thir nobill men shuld raise an power of horsmen, and meit the Spanish armie at thir landing, and reciprockly to assist, accompanie and convoy thame in their passing to England, be all the forces thay culd procure vpon the King of Spains charges ; And thir nobill men subscribers tooke the burding on thame, and interponit their bandis, for the concurrance of the haill Catholikes of Scotland in this cause ; and thocht it meit amangis thame selfis, for the better secrecie, that nane vther shuld be crauit to binde, for this erand, but thay three. Deponed be M. Georg Ker, 5 & 6 Feb. 1592.

With thir aught blankis, subscribed as said is, there wes interceptit stampis in wax ; of the Erl of Angus seilles of armes, sax ; of the Erle of Huntleys seils of armes, foure ; and of the Erle of Errols seillis of armes, three.

David Grahame of Fentry deponit, that he met fundrie times, sen this purpose wes in hand, with Master Robert Abircromby ; as namely, that the first knowledg hee had of this purpose, was be the said Mr Robert, in Dunfermling ; and thairaffir in the Castle of Striviling, before Mr George Ker his preparation Deponed be Fentry 13 of Feb. 1592. Deponed be Fentry 14 of Feb. 1592.

to his Iornay, quhair Master Robert shew him, that this Commiffion wes to be given to the said Master George, to cause fill the blankis with Master William Creichtouns aduife, and that hee was to deliver the same blankis, with the vther Letters, to him who was to depart and carrie with him all this message.

Like as, the saids blankis and Letteris, quhilkes were procurit for that erand, were all delivered by Mr James Gordoun and Master Robert Abircrumby to Master George Ker, to bee carryit bee him to Master William Creichton, Iesuist; and to bee filled vp, at the discretioun and direction of the said Master William, and of Master Iames Tyrie, quha wes best acquainted with the effairis thair.

FOR the vnderstanding of the borrowit and counterfait names that occurs in the Letters following (good Reader,) thou fall finde thame interpret on the margent, quhair thay are poyntit out by this mark;\* quhil interpretations are contained in the originall depositions of the practifars, and in some of thair interceptit Letters.

A LETTER directed from an English Iesuist, and intercepted with Master George Kerr, the 27 of December, 1592.

GOOD FATHER, the inclosed to my Lord, I pray you reid and take it as writen to your self: Quhat I writ to him, I writ to you; quhat I crave of him, I crave of you; quhat I hop of him, I hope of you; as of my patron and pedagog *in spiritualibus*, as of a man, whose discretioun and moderatioun I haue well experimented, in all cases and at all times. If I had so farre ouerlashed and gon besid my compas, as some good fellowes wald imagine, yet I wonder, that some good men, haith in their owne conceits, and vther meanis spirituall, will admit no excuse, no satisfaction, no purgation; quhen Saint Paul, to the Galathians, in most evident delites, settis downe this reull amongs the perfect and spirituall: *Fratres, et si præ occupatus fuerit homo in aliquo delicto, vos qui spirituales estis, hujusmodi instruite in spiritu lenitatis, considerans teipsum, ne & tu tenteris.* If I had spoken with you, at my last beeing in Italie, as I well hoped, I had perhaps made a better conclusion of my busiennesse thaire, then I did to my awin content, and al my friendis satisfaction, quhilk hop for all these stormes. I will never give over, and quhen I leaue by your meanis, to be vnder the gude habering, I will writ to you of that subject. The Lord Seytoun, in quhais house I sojorn sometemes, salutis 3ow. Of the effaires of the Catholikes heir, I leaue it to them to write and relate, by quhais meanis these Letters shalbe convoyit. My Lord Seyton hath ane hauen of his awin, quhilke may be hereafter very commodious for our missions. Commend me I pray you to F. Barth, Pere, &c. Master Dudley Ilper, knight, and Iohn Thules, quhilk vpon some suden pusches of persecution, mak their repair hither, ar in health, and fa-

lute 3ow. And Mafter Syall, a Priest, dyed heir lately in Edinburgh. Love me, and pray for mee, I befeik 3ow all, *solito*. And if 3ow fend ony into thefe partis, let thame come furnished with all ample faculties as 3ow may ; let them inquire for one M. Ionas, quhilke will bee a token betuix vs. Our Lord bleffe and fend vs to meit anis or we die. Seyton, this 2. of October, 1592.

Your ever moft assured, JOHN CECILIO.

Blanke on the back.

A LETTER directit from the Erll of Angus, all writen and subscribed with his awin hand, intercepted with M. George Ker, the 27 of December, 1592.

MY maift affectioned commendationes premitit, this present is only to know of 3our welfare and friendis, and of the estate of maters where 3e remaine, and to be ane testimonie of my gud affection towards you. For God be praised, if you were in this country, I could do you greater pleasure nor I was able to do before, albeit gude will inlaiked not at na time, as 3e know. The present bearer can in-M. Georg Ker. forme 3ou of fik things as occurres with vs ; for we are heir dayly subject to alteration. Ye may credite him as my felfe, for so his vertewis dois merite. It is not needfull I trouble 3ow with his recommendation, feing he is to 3ow that he is to me ; 3ee know his honestie and good intention, and the causes of his parting ; to quhais sufficiencie referring the rest, my hartie salutations, and my bedfellows, with al our companie, 3oung and ald, remembrit vnto you and your gude company, commits you with tham to the protection of God. Edinburgh, the tenth of October, after our compt, 1592.

Yours ever at power, ANGUS.

Blanke on the backe.

A LETTER direct from M. James Gordoun to M. William Crichtoun, interceptit with M. George Ker the 27 of December, 1592.

To M. William Crichtoun.

TRAIST friend, after maift hartly commendatiouns, your friends that ar heir M. Georg Ker. hath directit this present bearer to you, for full resolution of all your effairs in thir quarters : We have delayit over lang, I grant, but he will shew you the cause of all. The next best is, ye vse al expedition in time comming, against the next fomer, vtherwayis ye will tyne credite heir with your factours. If ye come, ye will finde ma friendis nor ever ye had, but vtherwise ye wil find fewar ; because the next fomer many ar bownit to vther countries, and will not abid on you na langer : Haift hame heir sum word to your friends, that we may put tham in gude hope of 3ou, and thay wil tary the langer. The bearer is an honest man, and verie sufficient ; ye may credite him as my felfe. I fuld haue cummit with him my felfe, wer it not I wes persuadit that ye wald remain on our answere ; and because I got an stop out of Flanders. As the bearer can shew you, yee Relative to the blankes. haue gotten all that ye desirrit, thairfore mak haift. The bearer is cummit to

you on his awin charge, therefore ye mon have respect to him. The laft bearer that ye fend, cam heir behind the hand, and hath gottin na fatisfaction as zit ; becaufe nathing could be gottin heir, and we culd find na man but this, that wald paffe on his awin charg ; and I feare, that if hee had not come on his awin expenfis, ye fuld not haue relavit anfwere fa foone ; therefore ye fuld treate him the better. Wee will abide heir your felfe fhortly, and I wald ye broght the reft of your friends with you that ar beyond fea ; for if your block paffes forward, they mon be alfo prefent, vtherwife we mon cum and vifit you All vther effaires of this country, I will commit to the bearer, quha is faithful. Your wife and your bairnes commendis thame to you, and luikes to fe you fhortly. If I or Sandefoun, your friende, refais ony filver fra the bearer, ye fhall be advertift be an vther tikket, how mekle it is, and fubfcrivit with baith our handis. The reft I will referre to the bearer. God preferve you from all evill. At Dundie the 20 of November, 1592.

The Spanisch ar-  
mie.

The Catholick  
Romanes and  
their confede-  
rates.

M. Robert Abir-  
crumby.

M. James Gor-  
doun.  
M. William  
Creichtoun.

Yours maift affectioned at all his power, I. CHRISTESON.

Direct on the back,

To his affured friende, George Craufurd.

A LETTER directit, fra M. Robert Abircrumby, to M. William Criehtoun, interceptit with M. George Ker, the 27 of December, 1592.

EFTER my dew and humble falutations and offer of fervice, I regrate and lamentis havily, the fleuth and negligence your merchands hes vfit, in anfwering of your laft fuit ye proponit to thame. For appearandly, if they had made anfwer in due tyme our wares had bein heir in due time, with our great profite and confolation. The ftay and ftop of the matter appeirandly was lacke of expenfis, that na man wald of his own charge, take that viage in hand ; yea, fome cravit a thousand crownes for his expenfis. Swa the mater was anis halely given over, and almoft clein forzet, vntill it pleafit God of his divine Providence to ftirre vp this bearer, to take the turn in hand on his awin expenfis : As hee hes bein ever bent in that caufe, not only to fpend his gudis, but alfwa the thing that is mair deir to him, that is, his life : thairfoir, I thinke hee fuld be the mair acceptable, as alfo for the affinitie of bluid : for baith his guddames was Creichtouns. And as for witte and abilitie, of treating of they effaires, he is not inferiour to nane of your merchands quhilk ye defyrit, as ye wil perfave be experience, God willing. And albeit that he, of his couragious liberalitie and zeal to the caufe, hes tane the mater in hand, on his awin charges, yet all your friends in thefe quarters thinkes it very reasonable, that all fuld be refounded to him againe, *Cum vsura*, with promotion, till ony vther accident fuld fall out, for the well and furtherance of this caufe, &c. But nowe I will fay an word of him, and fyn com to fum vther purpois of our own. If I had an thoufand tongues,

with as many mouthes, with Cicerois eloquence, I cannot be worthie enough in commendation of this gentillman to you and al your companie : As I fall let you vnderstand, God-willing, if ever we fall chance to meit face for face ; and thairfore, whensoever ye may, prevent him with ony benefit, either be your self or any other. Abide not quhill hee crave it at you, for hee is the worst asker in his awin cause that ever yee convert with. *Sed nunc ad alia.* If ye be right remembrit, at your departing out of this, ye gave Master James Mackartnay an procuratory, to intrommit with Master Alexander Homes litill leving, hee hes heir in East Lowthiane ; the quhilk he pedit and obtenit in law, and tuke vp yeirly rentis thair of to his awin behuif, and givis his nane of it. In this meane time, there falles out like cummirs tuichin that land, that we are able to lose the hail ware first. The said Master Alexanderis narrest friendis and aires hes in iudgement proved him to be deid, and swa enteris aires to him. By this, the Laird of Spot his ovirlord is forfeitit, and swa the land wardis ; swa that we are able to tyne all, if remedie bee not found. Quhairfore, falling in consultation with Master Alexander King, he thocht best to sell the land to him, and we to vse the silver on an mair sure maner, of the quhilk ye fall refaue sum wrytings\* from this bearer, the quhilks ye will vnderstand better nor I. Only I thinke if forme of moyan bee not vfit, we fall lose all, and better is to haue sum thing nor lose all. As to the price, set ye it downe, for he hes mentioned nane as yet ; but hee will give als meekle as any vther, because, as hee saies, hee hes sum land ly- and contigue to it. I pray yow for an hastie answer of this. I doubt not but yae have heard how thay young men, quhais fathers was flane bee the Laird of Ruthvenis, slew him againe, quhais lady is mariet to one James Reid. Camnay is come in the Constables handis, and your nevoy is private of it ; and that be the moyan, I trow, of Abraham your brother, but your Maich is litill better nor beggand. Drumkilbo is dead, and Thomas Tyrie is tutour. I pray you advertise mee bee what manner Master Stevin Wilfoun hes commit bee my Lord Levingstouns obligation, the quhilk ye had of the fourtie crounes, his L. was owin you ; for maister Stevin hes gotten these fourtie crounes randerin the obligation quhilke yee had : I durst never make mentioun of the hundreth crounes fra the father, and forty crounes fra the sonne, quhilk ye left mee power to crave, &c. My Lord Levingstoun is departed of this world. ye heard befor, that David Forester \* had ane sonne, and now hes ane other borne in the Castle of Striviling, quhair he is in waird, hardly handlit. Thair is but ane of our nobilitie heere, quhilk hes of the K. of Spaine, ane pension well payit of twelve hundreth crownis. The quhilks appearandly are evill bestowit : For hee nor nane of his, as yet, hes never done ony kinde of good, in the promotion of the Kingis matters ; quhairfore like pensiones were better bestowed on vthers, quha travells dayly and hourly, putting in hazard baith thair goodes and lives, as this

The hyperbolical and ridiculous commendation of M. George Ker.

Thir writtis interceptit with the rest, ane charter and obligation to be past by M. Alexander Home of Palywel to M. Alexander King his aires and assignays of foure husband landis in the Lordship of Spott, with a missive letter direct bee him to that effect.

David Grahame of Fentrie.

Envy amongis the Papists thame selfis.

bearer hes done and dayly dois : and vthers, as he can shew yow, &c. Because I haue na vther thing to write, and haue bein lang enugh, I commend mee to your prayers, and you to God. At Scotland, the 15 of December, 1592.

M. Robert Abir-  
crumby.  
M. William  
Crichtoun.

Yours at his power,

ROBERT SANDESOUN.\*

Direct on the back,

To his traitt friende, GEORGE CRAUFURD.

A LETTER directed to the King of Spaine, bee three noblemen of Scotland, quhair of twa hes fensyne returned to the professioun and defence of the treuth, bee thair aithes and subscriptions, quhairfore thair names are suppressed; the third his name expresse, (to witte the Earle of Huntlie,) because he continues as zit in his former wicked course. This letter, writen by thame in name of the Catholicke noblemen of Scotland, cyphered in French, was intercepted in Januarie 1589, lately before the time of the Raide of the Brig of Die, thair-  
after was decyphered word by word, and tranflatit in Scottis, as followes :

They are sorry  
that the Spanisch  
flote past by,  
without landing  
in Scotland.

SIR, wee cannot sufficiently expresse bee speach, the great regrait wee have confavit, being frustrate of the helpe we haue so long had to see, this year past, the desired affects fall out, quhilke we attended of your Majesties preparations. And our displeasure hes beene sa mekle the greiter, that your armie navall fuld haue passed by sa neir vs, vnvisiting vs, quha expectit the same with sufficient forces, for the peaceable recept and assisting thereof, against all enemies; in fike fort, that it fuld haue had na resistance in this country, and with our support, fuld haue given anugh adoe to England. At least, gif it had cummit heir to refresch it, it had preserved a number of veschels and men, quhilk we know have perished neir our Iles and vpon the coast of Ireland: And had discovered an incredible number of friends, in full reddinesse to haue run the same fortune with it, in fike fort, as wee dare well affirme, it fuld not haue founde half sa many men in England, for all that is spoken by the Englisch Catholicikes refugit there; quha by emulation, or rather bee ane vnchristian envie, extenuats ouer farre our meanes to aid yow, to magnifie thair awin only, and make themselvis to bee estemit able to doe all; to advance thameselvis thairby in credeit with your Majestie and fik as are about you; but by experience of this year past, hath sufficiently testified, they haue not schawin themselvis, in fik number, to assist your forces, as we haue done. And therefore your Majestie, as maist wise as yee are, shall, gif it pleis you, mak sikk accompt of the ane, as yee neglect not the vther, and sa serve you with them baith, to the end ze pretend, with hazarding your forces for the particular of the ane or the vther. We remit to the declaration of some of your awin subjects that hes beene heir, the commodities and advantages of landing in thir partes, quhair the expensis bestowit vpon the equippage of an Galliaffe, shall bring mair fruite to your service, than ye may haue of ten vpon the sey. And wee may assure your Majestie, that having anis sax thou-

The Spanyard  
should haue had  
gret assistance  
in Scotland.

They haue in-  
formit the K. of  
Spanis subjects  
wraikit heir of  
the meanis to  
doegude beland-  
ing in Scotland.



land men heir of your owne, with money, ye may lift heir forces of this country, as freely as in Spaine, quha will serve yow na lesse faithfully than your owne naturall subjects. And albeit wee can not, without blame of presumption, giue your Majestie advise in your affaires thair: Alwayes in that, that may concerne your service heir, wee speak mair freely, as being vpon the place, and knowing by the ordinary experience, mony things vnknawin to ony of yours that are not heir. The overlate arrivall of your armie in our watters, tuke from it the commodities to reteir it selfe in sik safetie, as it might haue done cuming soonar, be reason of the great winds that are ordinar heir in harvest: as alswa lacke of pylottis experimented vpon the coastes of Scotland, England and Ireland, appears to have bred great harme to the said armie; quhairvnto wee culd have remedie concerning Scotlands, to have sent pilotts from this, gif it had likit your Majestie to have servit your selfe with thame. Likewise, (saying better advise,) it seems to vs altogidder vnprofitable to fight the armie bee sea, gif it may be eschewit, for mony causes: And amangis vthers, because like as fall haue fochten by sea, salbe vnabill, being wearie, to feight againe bee land against new forces: Sa the best fuld bee, to schift bee ane way or vther, for sparing of your men and vessels, and swa the English forces staving vpon the sea vnfoghten, fall be disappointed, and fall not come in time to assist thame, that salbe assailzeit be land. Attour, sending heir a part of your forces, before the vther, quhilc fuld goe the right way to England, and that secretly by the backe of Ireland: Your Majestie fuld compell the enemye to divide their forces, and it may bee, fuld cause thame send the greatest part heir, quhair yee might make thame believe the greatest part of your forces wer arrayvit, at least fuld cause thame disgarneis as meekle of England, and drawe a great part of their forces, quhilc wald resist your landing and invasion on that coast. And we may well promise, that having heir sax thousand of your men, and money to lift vtheris heir, wee fuld within sax owlkis after their arrivall, bee well farre within England, to approache and assist the forces quhilke your Majestie fuld cause enter thair. The knight William Sempill Colonell, can shew your Majestie the haille; to quhom we remit. Alswa, wee haue causit writ baith before and sen his depart, our money sik advises bee M. Robert Bruce, and causit addressse the same to my Lord Duke of Parme, to whome your Majestie remittit vs, from the beginning, in thir affaires. And seeing wee hope your Majestie is dewly advertised and informit, wee will end the present, kissing maist humbly your Majesties hand, praying God with all your affection, to grant you full accomplishment of all your holy interprises. From Edinburgh, this 24 of January, 1589.

Your Majesties maist humble and affectioned servitours,

G. ERLE HUNTLEIE, &c.

In name of the vther Lordis Catholiks of Scotland.

Advise to the King of Spain how to assault this island hereafter.

Advise to the King of Spain how to assault this island hereafter.

With 6000 men sent from Spaine and money to levie a power in Scotland, they will in sax owlkis bee far in England.

Bruce is the mouth of these lords to the King of Spaine and the D. of Parma.

A LETTER direct fra the Erle of Huntly to the Duke of Parme, interceptit in Ianuarie, &c.

Letters resavit fra the Duke of Parme, bee Iohne Chesholme.

Support of 1000 crownis fra the D. of Parme.

He dissembles his religion for feare & pollicie.

He hes establish- ed gardis about the King at his awin devotion to bee Maister of his person when occasion sal offer.

MY Lord, I haue ressavit from Iohne Chesholme, the letters it pleafit your hieneffe to writ, the 13 of October, full of maift Christian affection to the weil of our caufe: For the quhilkis I giue your hieneffe maift humble thankis. The fupport of ten thousand crowns, sent to that end, is ressavit be M. Robert Bruce, quhilkis shall not bee employed, but for helpe of the maift vrgent necessitie of the said caufe, as it hes pleafit your hieneffe to direct. After the departure of Colonel Sempill, I have found my selfe sa boastit on all hands, and preassit in fik fort be our King, that it behuifit mee to yeeld to the extreame difficultie of time, and subscribe with his Majestie, not with my heart, the Confession of thair Faith; or vtherwife, I had bene forced immediatly to haue departit the cuntry, or to haue taken the fieldis for resisting his forces, and fik as hee might haue drawin- out of England to his aide; quhilk I could not have done, especially then, quhen be the returning of your armie in Spain, all hope of helpe was taken from vs; but if on the one part I have failit, bee the apprehensioun of dangers that threat- ned my ruine, I fall on the other part endeavour my selfe to amend my fault, (quhair of I repent me with all my heart) be sein effect, tending to the well and advancement of the caufe of God, quaha hes put mee in fike credite with his Ma- jestie, that sen my cuming to court he hes broken his former gairdis, and caufit me establis vthers about his person of my men, bee the moyen of quhom and their captaines ar also mine, I may ever bee master of his person: And your support being arryvit, spulzie the hereticks of his autoritie, to fortifie and assure our interprifes; quhairvpon I beseeke your hieneffe to send me your avise, and to assure your self of my vnchangeable affectiounes in my former resolutions; albeit the outward actions bee forced to conforme thame selfis, sumtimes, to necessitie of occasiounes, as M. Robert Bruce will mair amplie write to your hieneffe, to whom I remitte mee farder. Praying God, after I haue maift humbly kiffit your hieneffe hand, to give yow accomplishment of your holy enterprifes. From Edinburgh, the 24 of Ianuarie, 1592.

Your hieneffe maift humble and affectioned servitour,

G. ERLLE OF HUNTLIE.

A LETTER fra the Erle of Erroll to the Duke of Parme, interceptit in Ianuarie, &c.

MY Lord, sen God of late, bee the cleir licht of his holy Catholik faith, hes chafit from my vnderstanding the darknesse of ignorance and errour, quhairin I have bene heirtofore nurifchit; I haue bene als soon perfwadit in acknowledging of sa great ane effect of his divine grace towardis mee, that I am chiefly obligit to procure, sen I knaw the enterprifes of his Maiestie Catholik, and your hienes

tendes principally to that end, as also to the advancement of some civill cause, quhilk hes verie great affinitie and conjunction with ours heir. That I mon-  
 testifie the present, the affection that I haue to the well of the ane and the vther, The causes of the Papists are inseparable for the K. of Spaines service.  
 having ever before my converfioun bene ane of the number of your friendes and  
 seruitours, for the respect of the last; to the quhilkes, the first of religioun, quhilk  
 is the greatest and maist important that is in this world being joynit thereto, I  
 am also become altogether yours; quhilk I besek maist humblie your hienesse,  
 cause it signifieit to his Majestie Catholik, and to promise him in my behalfe, that  
 hee hes not in this country a mair affectioned servant than I, neither zet your  
 hienesse, as ze fall vnderstand mair ample of my intentioun in particular, be him,  
 bee whom your hienes shall ressaue this present. To whom, after I haue maist  
 humblie kissed your hand, I besek the Creator to give yow the accomplishment  
 of your holy desires. From Edinburgh, this 24 of Ianuarie, 1589.

Your hienesse maist humble and maist affectioned seruitour,

FRANCIS ERLLE OF ERROLL.

A LETTER fra Robert Bruce, to Monsieur Francisce Aguirre Espaignell, &c.  
 interceptit in Ianuarie 1589. Writen in French, and tranflatit in Scottis,  
 as followis :

MONSIEUR DE AGUIRRE, I have refavit your Letter, of the nynt of Novem-  
 ber, writen from Handwerp, quhairby, I was glad to vnderstand of your arrivall  
 thair and helth, and that ye haue guydit your selfe sa wisely in execution of al  
 that I committed to yow. Your Master, quha at my request hes gevin yow en-  
 tertenment, hes givin mee the like testimony of your behaviour, and hes pro-  
 misfit mee bee his Letters, to have 3ow in the favourable commendation I desirit,  
 and to employ 3ow in gude occasions. Gif he send 3ow heir again in thir parts,  
 cause fette you on land neare Seytoun, quhair I pray 3ow to enter secretly, and  
 there ye fall be keepit quhil I may come and finde 3ow.

[The rest of this Missive, being set downe in oblcure times (terms?) is to be  
 sene in the originall.]

A LETTER fra Robert Bruce to the Duke of Parme, intercepted in Ianuarie  
 1589, lately before the Raid of the Brig of Die, cyphered in French, de-  
 ciphrit there after, and tranflatit in Scottis, as followes :

MY LORD, Monsieur Chesholme, arryvit in this country five dayes after his  
 departing from thair, and with thair requisite dilligence, cam to the Erlle of  
 Huntly in his awn house in Dumfermling, quhair having presented to him your  
 hienes letters of the 13 of October, hee declarit ampie to him the credite givin  
 him in charge, conforme to the tenour of the letters from your hienesse: quhair  
 thay perceavit your hienesse great humanitie and affection, to the advancement  
 of the glory of God in this country, with vthers consolations maist convenient,  
Letters sent be John Chesholme from the D. of Parme to the Erle of Huntly, and receavit bee him at Dumfermling.

10,000 crowns  
receivt from the  
D. of Parma, bee  
Bruce, to bee  
employed for  
the King of  
Spaines service  
in Scotland.

The money is to  
bee distributed  
among the Ca-  
tholike nobilitie  
of Scotland.

The Earle of  
Huntly wald  
haue a third part  
to himselfe.

Quhat ever this  
nobleman hes  
beine at this

to moderat the dolour and displeasure conceavit be the heartis of the Catholiks, be reafoun of the succes of your armie, against thair hope and expectation. Al-  
fwa, sum dayes thereafter, as the commoditie offerit to mee to relave the money,  
the said Chesholme deliverit to me sax thousand twa hundreth three scoire  
twelve crounes of the sunne, and three thousand sevin hundreth Spanisch pisto-  
lets : And likewise hes cariet himselfe, in all his actions senfyne, verie wisely,  
and as become a man of God : Chiefly then, quhen vpon the suspition conceavit  
of his fa sudder returning, the king sent to gar take him. I fall behave my selfe, be  
the grace of God, in the keeping and distribution of the money last sent, and of  
that quhilk restes yet of the first sowme, according to your hienes prescriptioun,  
and as I ought to answere to God in conscience, and to your hienes in criedite,  
and to the hail world in the reputation of an honest man : And sal minnage it  
in fik fort, that be the grace of God, thair fall be fruite drawin thereof, pleasant  
to your hienes. It is true that I finde (as all vthers wald doe, that walde in-  
terprise fik a charge heir) my self involved in great difficulties : For on the ane  
part, I am in great danger of the heretikes, and of thame of the faction of Eng-  
land, be reafoun of the oppin profession that I make of the Catholike Religion,  
and of the suspition that the last hes of my secreete practises and dealing against  
thame : On the vther part, I haue meekle adoe to moderate the appetite that  
sum Catholicke lordis hes, to haue the money presently, for the hope quhilk they  
give of sum pretendit occasiouns, that will never fall out as they promise. The  
Earle of Huntly made instance to haue the third part of the sowme quhilk was  
sent heir, alse soone as it was delyvered to me ; but he hes not tuitchit, nor fall  
not twitch hereafter a malzie, but vpon gude takins. I haue payed him in the  
meane tyme, with inexpugnabill reasonis, quhair of in the end he is contented.  
I besaik your hienes, bee the first letter it fall pleas you to write in thir partis,  
to the Catholicke lordes, to remove ane errour from three, quha hes writen thair  
in name of the remanent, that moves them to thinke, be reafoun thay were the  
first that made offer of thair service to the King Catholike, that all the money  
that comes heere should be parted in thre, and immediately after the arrivall  
thereof delyvered to thame, without giving part to vtheris, quhilke beside thame  
are in great number to the King Catholikes service and yours, and alswa de-  
liberat to hazard after their power, for the advancement of this cause, as thay  
are ; of whom the vtheris will not depend in ony fort, in the accepting of the  
moyans that cummes from your liberalitie, but acknowledge thame as comming  
directly from your hienes, to quhome onely they will bee bound and obleift, and  
not to the vther three. Of the quhilkes, the Erle of Mortoun, hes hitherto con-  
tented himselfe with reason : As alswa the Earle of Huntly, hes never schawin  
himselfe subject to money, bot sen he hes beene inducit be the third, to wit, my

Lord Claud Hamiltoun his vncl, quha is sum quhat covetous of geir, and thocht vnder fike pretext to make his profite. The faide Earle of Huntly is constrained to remaine at Court: He is fallin from his constancy in his outward profession of the Catholike Religioun, partly for having loft all esperance of your support before the returning of the faide Chefholme, becaufe of his lang stay there, partly by the perswasion of sum politicks, partly to eschew the perrills imminent to all thame that calles thamefelfis Catholikes, partly to keepe himfelfe in the favour of his King, quha preafit him greatly to subscribe the Confession of the Heretikes, and to league with England. Bot for all this, his heart is na wife alienat from our caufe; for he hes the soul ever gude, albeit he haue not sik vigour to persevere, and execute sik as is requisite, in sa great an enterprife; but thay may helpe thay defects, putting beside him a man of credite, resolute to assist him, as we haue advised to doe, sen the Barron of Fentrie is put in waird be the King, in the Towne of Dundie: Swa that he darre not gang out of the portes thereof, vnder the paine of a great fowme, quhill the occasion may bee offerit to depart the cuntry, within the tyme limited. And I bee the Kings commandement, am dischargeit to come neir the said Erle; becaufe they have attributed to the said Laird of Fentrie, and mee, his constancy in the Catholik Religion, and his absence from Court against the Kingis wil: His wairding hes sum quhat hinderit our courfe, and permittes mee not to move him, as it hes pleafit you to command mee, and as I desire to dispence the money conjunctly with me; sa that for suppleing of the default of him, I haue associat to the same end, a very honest man and very wise, callit Father William Criehtoun Iesuist, quha wes detenit sum yeiris in the towne of Londoun, after hee was tane vpon the sea, cummand toward this from France. Likewise, I fall helpe my selfe be the prudence of Schir James Chefholme, eldest brother to the said Iohn, quha brought the money from your hieneffe. For hee is a man confident, wise, and ane on our part, and very litle suspect. In the mean time, the ane part of the money is in the principall house of my Lord Lvingstoun, a very Catholike Lord, the vther heir in Edinburgh, in great enough suirtie, to helpe as it fall neid the Lords Catholiks, quha will conveene heir very soon to resist, to the defyinges of thame of the faction of England, quha in the same time are purposit to remaine at Court, with forces, to range all things at their fantacie. As for the like fowme or greater, quhilk your hieneffe willis to cause follow the last sent heir, it is good in all eventis, it were very soone sent heere, secreetly, to help the necessitie that may fal out, and to cause things incline to our side, quhen they are in ballance, as their is great appearance thay will bee, be the occasioun foirsaid: And in cace that necessitie requires na distribution, the said fowme fall bee keepit and reservit to better occasions, or quhill the arrivall of your forces in this Ile.

tyme, it is not to bee objectit to him now after his aith and subscription geven to the contrare.

The Earle of Huntly dissembles his Religion, first, for feare and policie, after to work his matters the better.

Sir James Chefholme, brother to Iohn Chefholme, a confederate.

The money is in my L. Lvingstonis chiefe house, and at Edinburgh, to serve the Catholike noblemenis turnis that are shordly to assemble.

Mair money promisit be the Duke of Parme.

It is meant that Spanish forces suld arrive in this Iland.

Thair is fuspition, as also arguments probable anugh, that Thomas Tyrie, quha hes brought heir your hienesse letters to our King, hes not behavit himselfe according to his duetie : For hee hes accommodate himselfe in his behaviour, mair after the affectioun of our Chancellor (quha is of the faction of England, and abufes the credeit hee hes with the King) nor according to the instructions given him thair. Hee hes not presentit nor made mention to the King of Colonell Sempills letter, quhair of I haue caufit present the copie to his Majestie be the Erle Bouthwell, as gif it had beene sent to him with an vther of the said Colonellis to himselfe, quhilk hee resavit from Thomas Tyrie at his arryvall, quha hes reported to the said Chancelar, all that Segneur don Bernardino spak to him, in Parise, to the difadvantage of the said Chancellor. Als wa, hee hes reportit to the King, that my Lord Bischop of Dumblane, beeing returnit thair, spake to your hienesse and to vthers, many things to the great prejudice of his hienes : And it is beleevd also, that he is the cause of the fuspitioun quhilk is conceavit of the comming of the said Iohn Chesholme, newlie to the said Bischop. However it be, the vther reports foirfaid, quhilk he hes made, hes not servit to conciliat, but to alienate the affection of the King, of the Chancelar and mony otheris heretickes from the said Segneur don Bernardino, the said Bischop, and Catholickes heir, that hes had adoe with thame. As for mee, albeit I speak not willingly to the difadvantage of ony whatsomever, chiefly of thame whome I haue recommendit, as I did the saide Thomas Tyrie to the said Don Bernardino, zet I will preferre the love of the treuth to men, and wald not in concealing thereof, bring prejudice to the publick well, nor to the fidelitie that the an aught to vthers, and specially to that we aught all to the King of Spaine, and your hienesse, to quhome I am presently fervand, particularly addicted, bee the obligation of five hundreth crownes of fee, and fourty for monethly entertainment, quhilk it hes pleafit your hienes to give mee friely in name of the King of Spaine, vnbeing required for my part, nor vther thing for my particulare to this present ; bee reafoun quhair of, I am the mair bound to give your hienes maist humble thanks, and to endeavour my selfe to deserve, be my maist humble and faithfull services, als weill the said entertainment, as the recompense it hes pleafit your hienesse to promise me of your grace and favour. The said gift of your liberalitie, come to me weill to purpose, feing bee reafoun of the danger of my person, it behuifit mee to augment my ordinare tryne for my greater fuirtie, quhilke I was not able langer to have borne out without helpe. For from all the lordes of Scotland, I have not retyred but a part onely of the money, quhilk I spendit traveling, for the well of this cause in Spaine with his Majestie Catholike, and with your hienesse in the low countries. As for the foure hundreth crowns employed for the deliverance of Colonell Sempill out of prifon, I haue put in it compt with

They compt our King amongis the heretickes.

Bruce servand to the King of Spaine, and to the D. of Parme, hes ane pensoun of 40 crownes in the moneth, and 500 crownes of ferill.

Bruce hes negotiat in Spaine with the K. and in the low countries with the D. of Parme.

the remanent quhilk I deburfed of the firft fowme, according as it hes pleafit your hieneffe to command me. The Earle of Mortoun, to quhome I haue given con-  
 folation bee writ in prifoun, hes instantly prayed me alfo be write to remember  
 his maift affectioned fervice to your hienes. Finding himfelf greatly honourit  
 be the care it pleafit yow to have of him. Be the grace of God he is na mair in  
 danger of his life, be way of iuftice; it not beeing poffible to his enemies to  
 prove againft him ony thing quhilk they had fupposed in his accusatioun: As  
 alfo the Kinges affection not fa farre alienate fra him as it hes bene heeretofore:  
 And incaife thay wald noye him, or that it were prefently requifite for the weil  
 of our caufe to deliver him, wee have ever moyan to gette him out of prifoun,  
 and abides not in the meane time, bot the Kings will towarde his liberty, only  
 to avoide all perfuit that thay wald make, gif wee delyvered him extraordinar-  
 ly. Quhen they offerit him in the Kings name his libertie, gif he wolde fubfcribe  
 the confeffioun of the Heretikes faith, he anfwerit hee walde not doe it for the  
 Kings crowne, nor for a hundreth thoufand lives, if he had them to lofe; and  
 hes offerit to confound the Minifters be publicke difputation. I fall folicite the  
 lords, his friends, to procure of the King his libertie very foone: for hee importes  
 mair the well of our caufe, nor ony of the reft, be reafoun of his forces, quhilkes  
 are neare England, and the principall towne of Scotland, and the ordinare refi-  
 dence of our kings: As alwa, he is the lord the maift refolute conftant and of  
 greateft executioun of ony of the Catholickes. It is na fmall marvell, confider-  
 ing the moyanes the heretickes hes to harme vs, and thair warldly wit fa far  
 paffing ovrs, and thair evil will and intioun againft vs, that wee fubfift.  
 Truly, wee cannot bot attribute the effect thereof to God, quha (then when the  
 certain newes of the returning of the arme of Spaine be the backe of Ireland,  
 were difperfit through this country, and the heretickes of the faction of England  
 triumphant, and the conftancie in the outwarde profeffioun of the Earle of  
 Huntly and others wes branglit) caufit the Earle of Angus to die, quha wes  
 cheiffe of the Englifch faction, and the felfe fame time fufcitat fum diffentioun  
 amangis the hereticks, bee refoun of fum offices that fum pretendit to vfurpe  
 aboue vthers at Court, and bee the instant prayers and haly perfwasions of twa  
 fateres Iefuiftes, convertit to our holy faith twa hereticke Earles of the firft of  
 authoritie and power amangis them, the an quhair of is callit the Earle of Erroll,  
 conftable of Scotland, convertit bee Father Edmond Hay: The vther called the  
 Earle of Crawford, convertit bee the faid Father William Criehtoun. Thaye  
 are baith able and wife young lordes, and maift defirous to advaunce the Catho-  
 licke faith, and your interprifes in this Ile, quhilk they are deliberate to teftifie  
 to his Majeftie Catholicke and your hienes by their owin letters, quhilke be the  
 grace of God, I fall fend be the firft commoditie. In the meane tyme, they haue

Quhat ever this  
 nobleman hes  
 bene at this  
 tyme it is not to  
 bee obiectit to  
 him, now efter  
 his aith and sub-  
 fcription given  
 to the contrary,  
 gif he remaine  
 conftant.

The King of Spain and D. of Parme hes inter-prises to bee executed in Scotland.

The Jesuits and priests doe great hurt in Scotland.

Heereof it is evident, that the declining to papistrie drawis with it defection fra our native Kingis obedience to the service of the K. of Spain and D. of Parme.

The Papist lords did sende bee Creichtoun, to move the Spanish flot to land in Scotland.

required me to mak yow offer of thair maift humble and maift affectioned service, promifing to follow quhat sumever the said Iesuistes and I fall thinke good to bee done, for the conservation of the Catholikes, and to dispose and facilitat the executioun of your enterprises heir, quhilk thay may doe mair easly, nor thay that are knowne to bee Catholikus, quhais actions are ever suspitious to the heretikes, for thair Religioun, quhair of thir two Earles hes not yet made outward profession ; but in that, as in the rest, thay submit them selfis to our will, and to that we finde maift expedient. The saides fathers of that company makes great fruite in Scotland, and sa soone as ane lord or other person of importance is converted bee thame, they dispose and inclyne in the very meane time their affection to the service of the King of Spaine, and your hienesse, as a thing inseparable conjoined with the advancement of the true Religion in this country. Gif I had commandement of your hienesse, I walde give thame sume litle almous in your name, to help thame and eight vthers, quhair of foure are also Iesuists, and the vther foure ar seminarie priestes of Pontawmouffone in Lorane ; quhilkis are all the Ecclesiastickes, that produces sa great spirituall fruite in Scotland, and acquires to 3ow heir sik augmentation of your friendes and servantis. After the pairting of Colonell Sempill from this, the lords sent letteris with the said Father Creichtoun and vther gentlemen, after the armie of Spaine, to cause it land in this cuntry ; bot it had taken the way to Spaine few dayes before their arrivall at the Iles, quhair it had refreshed the selfe, sa that it was not possible for them to attend on it. Thay of this country that are of the faction of England, were in a marvellous feare, during the incertitude of the landing of the said armie, and confesses plainly, if it had landit heir, thay had bein alluterly wrakkit. The Erie Boithwell, quha is Admirall of Scotland, and als galzerit a lord as ony is in the country, albeit hee make profession of the new Religion, yet is he extreamly desirous to assist 3ow against England, having listed and entertained all this sommer, (vnder pretext to ga dantoun the Iles) sum trowpis of men of weir, quhilk, together with his forces ordinaris, suld haue ioyned with yours, gif thay had cummit heir. He suffers himselfe to bee peaceable gydit be me, notwithstanding the diversity of our Religion, and hes oftentimes said, that if the Catholickes wald giue him suirtie to possesse, after the restitution of the Catholickes Religion, twa abaies quhilke he hes, that hee suld even presently bee altogether ane of ours : Hee intends to fend the Colonell Halkerstoun, to accompanie certaine captaines and gentilmen to Spaine, and almaift foure hundreth souldours all saife from the nawfrage in our Iles. And becaufe thay are in great necessitie, he is purposed to accomod thame with ships, victuals and vther things necessare, to testifie thairby to the King of Spaine, the affection hee hes, to doe him maift humble and affectioned service : And gif we think it good,



hes offerit himfelfe to ga out of the country, and to ga offer himfelfe to your hieneffe in the Law Countries, and be your advife thairafter, doe the like to his Majestie Catholike in Spaine. Bot heerevpon, wee fall advife vpon the maift expedient : Gif wee may alwayes be affurit of him, he will bee alfe profitable for the well of our caufe, as ony lord in Scotland : For he hes great dependance about this towne, quhilke is the principall of Scotland, as alfwa, vpon the fronterris of England. Hee hes offerit to maintaine and defend me against all that wold attempt againis me. Wee haue chofen for every Catholike lord a gentleman of the wisest and faithfull Catholikes, and belovit of their friends, to ferve thame of a counsell, and to conveen at al occasions, to resolve the maift expedient that may concern the well of our caufe, according to the will and intencion of thair lordis, quha hes obleift thamefelfis to approve and execute thair refolutions, and nawife to contraveine the fame. And bee that moyan, we hope to proceede with greater foliditie and effect, than wee have done heirtofor : Alwayes, thir fall knaw na thing of our intelligences thair, nor our finall intencionnes, bot according to the exigence of the effaires fall be in hand, and that superficially, and without difcovering our felfis over farre.

A counsell of chosen men for every Catholike lord are erected be Bruce for the execution of Catholike interprises.

Your hieneffe fall vnderftand, bee the particulare Letters of the lordis, that quhilke restes to bee said to yow by thir presentis : Be refoun quhairof, I will make end, maift humbly kiffing your hienes handis : And prayand God to give yow all the gude hope and felicitie ye desire. From Edinburgh, the 24 of Ianuarie, 1589.

Your hieneffe maift humble and maift affectioned fervitor,

ROBERT BRUCE.<sup>1</sup>

(Jun. 12.)—Charges ordained to be given to the keepers and withholders of the ‘ placeis, houffis, touris and fortaliceis of STRATHBOGY, Boig of Geycht, Innernes, Slanes, Douglas, Bothuill, Drymmen, Ruthuen in Badzenauch, Crawford, Auchindoun, Gartlie, Peill, Birnes, Balgawy, to *rander and delyuer the samyn* to the Herauldis, pursevantis or vthiris officeris, executouris of the faides Letteris ; and to remove thame felfis and thair feruandis furth thair of, within xxiiij houris,’ under the pain of Treafon.

(Jun. 13.)—ROBERT LOGANE of Restalrig, ordained to be denounced rebel, for not appearing before the King and Council, to answer a charge at the instance of Robert Gray burges of Edinburgh ; ‘ makand mention, That quhair vpon the secund day of Aprile last, he being passing in peceable and quiet maner to Beruik, for doing of certane his lessum effearis and busynes, lippynning for na

<sup>1</sup> In the Advocates’ Library, there is also a copy of the same Tract, printed *verbatim* with the Edition from which the present has been taken. It is chiefly in Black Letter. Another Edition was ‘ printed at London by T. Snodham, and are to be fould at the house of T. Este, 1603.’

trouble nor injurie of ony personis; treuth it is, that Johnne *alias Jokkie* Houldie and Petir Craik ('houshald') seruandis to Robert Logane of Restalrig, with three vtheris thair compliceis, vmbefett his hie way and passage, beyde the Bowyrod; quha not onlie rest and spuizeit fra him nyne hundreth and fiftie pundis money quhilk he had vpoun him, bot alswa, maift cruellie and barbaroullie invadit and persewit him of his lyffe, hurte and woundit him in the heid, and straik him with diuers vtheris bauch straikis vpoun his body, to the grite danger and perrill of his lyffe, to the said complenaris vtter wrak and euill example of vtheris to committ the lyke rubberie and violence,' &c. Logan failed to appear and to present these persons, for whom he was responsible.

(Jul. 11.)—Johnne Eler 'citiennair of the toun of Danskene,' as procurator for Joachym Eler, Michael Meves and other *citizens of Danskene*, obtain Letters for charging 'PATRIK ERLI OF ORKNAY, Johnne Forret of Fingalk, and David Hoppringle, mercheant and burges of Edinburgh, for the wrangous, violent and maisterfull spoliatioun and away-taking fra the saidis persewaris, of ane ship of the toun of Danskene, callit 'The Ark of Noy' (Noah,) with hir ankeris, cabillis, towis, furnitour, and certane vtheris guidis and geir.'

(Jul. 22.)—PROCLAMATION, that 'the Kingis Maiestie, now finding the effectis of the traiterous practizeis of his disloyall and maift vnthankfull and vn-naturall subiectis safer (*so far*) procedit, as THE JESUITIS, the pernicious springis and instrumentis of thir euills ar returnit; not simplie, bot accompanyit with strangearis, and furnist with money to steir vp and prosequute a publict wear, aganis God, his trew Religioun, his Maiesteis persoun and authoritie,' &c. 'For resisting and repressing of quhilk maift tressounabill and odious attemptis, his Maiestie willis and effectuullie requiris all Ministeris of Godis worde, within the haill Presbitereis ouer all the realme, eirnistlie to travell with all his hienes faithfull and gude subiectis of all esteatis, alswaill to burgh as to land; to tak this mater in harte, as that quhilk importis the present dangear and hafard of thair Religioun and conscience; the lyffis of thame selffis, thair wyffis, bairnis and kynnisfolkis; the conqueist of thair natiue cuntrey and of thair awne landis, levingis and guidis, vailzeantlie defendit be thair worthie foirbearis, vnto this age; fra that maift crewell and vnmercifull Natioun of Spanzie and thair adherentis: And to that effect, to move the Baronis and gentilmen in euerie shyre or prifbiterie, and the Prouest and bailleis of ilk burgh, to convene with all speid, in sic convenient placeis as thay fall think maift expedient, to advise vpoun the best and maift expedient meanis to resist and repres the intestine and foreyne inemeyis of trew Religioun, &c.; and to reporte vnto his Maiestie thair guidwillis, and offeris to prepair thame selffis with armour and victuallis, to pas forward with his Maiestie, vpoun the nixt aduertifment.'

(Jul. 25.)—A COMMISSION granted to 'ARCHIBALD ERLI OF ERGYLE

Lord Campbell and Lorne, *JOHNNE ERLI OF ATHOILL* Lord Balvany, and *JOHNNE LORD FORBES*, constituting them 'his hienes Lieutenantis and Justiceis within the boundis of the sherefdoms of Abirdene, Banff, Elgin, Fores, Narne, Inuernes, Cromartie and Tarbett,' to 'pas fordwart, serche, feik, tak, apprehend, or vtherwise to perfew to the deid, with fyre, sward and all kynd of rigour and extremitie, all his hienes declairit *TRAITOURIS*, rebellious and vnnatural subjectis, *Jesuitis*, *Seminarie Priestis*, *Trafficquing Papistis*, and thair reffettaris,' &c.

(*Eodem die.*)—*PROCLAMATION* calling the Earls, Barons, &c. of the shires of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk and Peebles, to repair to his Majesty, at Edinburgh, Aug. 26; those within the bounds of Lanark, Dumfries, Wigton, Ayr, Tarbet, Bute, Renfrew, Dumbarton, Linlithgow, Stirling, Clackmannan, Kirkcudbright and Annandale, Kile, Carrick and Cunninghame, at Stirling, on Aug. 27; Fife, Kinross, Perth, Stratherne and Menteith, at Perth, on Aug. 28; Forfar and Kincardine, at Brechin, on Aug. 29; Aberdeen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty, at Aberdeen, on Aug. 31; 'and fra thyne to pas fordwart as thay salbe commandit, for refisting and repressing of the tressounable practizes and conspiraceis of the saidis vnnatural subiectis, or perfute of thame, as occasioun salbe offerit.' Licences to be granted to the 'ageit, diseasit and infirme, thay payand sic ressonable compositioun thairfoir, for the furtherance of this seruice, cheiflie the payment of the wageis of horsmen and futemen,' &c. These Treasons are said to have been highly aggravated, by their taking place 'evin in this tyme appointit for his hienes baptifine of his darrest sone the Prince, quhome God in his mercie hes grantit to the conforte of this natioun; be the assistance and witneffing of the souerane Princeis his maist deir freindis and allyes, and commoun welthis, his narrest and gude nichtbouris.'

(Jul. 31.)—*KANZEAUCH M<sup>c</sup>KANZIE* of Kintail was charged to appear and produce a Commission of Justiciary, 'maist inordourlie past aganis the tennour of the Actis; and speciallic, gevand him pouer to proceid aganis perfonas dilaitit of tressounable Fyre-raising, quhilk is onlie propir to the Justice Generall and his deputis, and aucht na to be tryit befor ony inferiour judgement.'

(Aug. 2.)—*ANDRO KER* of Fairnyhirft, Thomas Ker his brother, Thomas Ker of Caveris and Robert Ker of Newtoun, having been denounced rebels, 'for subscrivving of ane Assurance to Schir Robert Ker appeirand of Cesfurde.' They are charged 'to pas and entir thair personis in warde, within the Castell of Dumbartane;' until they obtain themselves relaxed from the process of horn.

(Aug. 15.)—*WILLIAME HAY* of Linplum to be denounced rebel, for not answering to a charge at the instance of M<sup>r</sup> David Ogill minister at Humbie, and

M<sup>r</sup> George Chalmer minister at Bar, 'that quhair, thay being defyrit be certane freindis, at his speciall directioun, to haue conuenit with him at ane tryift, vpoun the ground of his awne landis, for removing of the contrauerfie betuix him and the said M<sup>r</sup> Daud, anent the richt of the vicarage of Barro;' they on 8th instant attended, when Hay 'came and mett thame, accompanyed with three of his seruandis in armes, and befor the vttering of ony speicheis to thame, he shamefullie and vnhonneftlie persewit thame of thair lyveis; thay haueing na thing, faulffing thair buikis in thair handis, shoit and dischargeit his pistollett at the said M<sup>r</sup> Daud, off sett purpois and prouisioun to haue slane him thairwith; and he happynning with the same shoitt to fall, the said Williame belevit he wes slane, and left him for deid; and thaireftir followit and persewit the said M<sup>r</sup> George and presentit ane bendit pistollett at him, quhilk misgave, cheiffit him three quarteris of ane myle, and had not faillit to haue slane him, wer nocht he gatt entres within the portis of Hadingtoun, and wes releuit be the inhabitantis thairof.'

(Aug. 17, *apud Striuling*).—PROCLAMATION, referring to the circumstance of the preceding Proclamations having been issued, in regular form;—'nochtwithstanding, be reffoun of the present seasoun and nature of the yeir, and lait haruest liklie to follow, be that occasioun, the grite grudge and murmuring of a grite nowmer of his Maiesteis gude subiectis, giff thay salbe drawne frome thair harvist, cheiffie at that tyme quhen as thair coirnis ar rype and reddy to be shoirne; respecting heirwithall the grite scairstie of viuers and vtheris necessaris for men and horsis, and grite derth that hes followit and yit continewis be that occasioun; and laist, the want of ane thousand wageit men on horse and fute, thocht necessar for this purpois and yit not tane vp.'—Therefore the lieges are ordained to conuene at the before-named places, on the last day of September—first, second, third and fourth days of October, 'for resistig and repressing of the tressounable practizes,' &c.

(Aug. 24.)—PROCLAMATION, charging 'all and findrie noblemen, gentilmen and vtheris his hienes faythfull and gude subiectis, luiffaris of the honnour of his hienes and thair natiue cuntrey, that thay and euery ane of thame preas be all gude means possible to intertene the *Ambassadouris* ['of findrie Princeis and Com-moun-welthis, darrest and narrest freindis to our souerane lord and lady, repairit to this burgh of Striuling to the BAPTISME OF THE PRINCE, darrest sone to our souerane lord,'] and the gentilmen and vtheris being in thair cumpanyis, freindlie and courteoullie: And that thay may performe the same the mair effectuallie, that thay retene nane in thair cumpany bot sic as ar discreit, courtas, of gude inclinatioun, and honnest behauiour; nawayes factious, querrellous, bot sic as will vtterlie forbeir to invade or persew ony maner of persone or perfonis, or

mak prouocatioun of displeasour, in worde, deide, or countenance outhir for auld feid or new, or for quhatfumeuir caus or occasioun, in coming to this toun, remaning thairin, or depairting thairfra,' &c.

(Sep. 10, *apud Haliruidhous*.)—ACT anent THOMAS FOULLIS, goldsmith and burges of Edinburgh, in which it is narrated, That in consideration of the sum of £14,598 ' presentlie lent and deliuerit to the Kingis Maiestie, and vthirwayis hes deburfit in certane his hienes awne particulier effairis,' ' his Maiestie hes presentlie consignit and delyuerit in his handis twa *Drinking peccis of gold, weyand* in the haill fyftene pundis and fyve vnce of Gold.' And in case of non-payment of the above sum, betuix and the first day of Nouember next, ' Ordanis him and Thomas Achiefoun his Maiesteis Maister cunzeour, to stryke down and cunzie, and caus the saidis twa drinking peccis of gold to be strukin down and cunzeit, in ffyve pund peccis ;' ' The superplus, giff ony beis, to mak furthecwm-and and delyuer to his Maiesteis selff.'

(*Eodem die*.)—Another '*Drinking pece of gold, weyand* tuelff pundis and fyve vnce of gold,' consignit, on the same conditions, with Thomas Achiefoun Maister Cwnzeour, for payment of £6000, advanced by JOHNNE ARNOTT burges of Edinburgh. Achiefoun becomes cautioner for his Majesty; and for his relief, he is empowered to 'stryke down and cunzie' the Drinking pece, if the money be not paid within the time stipulated; and after satisfying Arnott, to pay the surplus to his Majesty.

(*Eodem die*.)—JOHNNE ARNOTT gets Assignation of the ffe-w-farms and ffe-w-mailes of his Majesty's proper lands of Colbrandispeth, for 'this instant crope and yeir' 1594, and of the crops and years 1595 and 1596; and also the ffe-w-mails of his highness's proper lands of Orkney and Yetland, of the years 1595 and 1596; for fums expended before the 'incwming of the strangearis to this honnourable tyme of the baptizing of the Prince,' viz. £5000 for 'wyne and beir;' and '8000 markis, to the intertenyng of his Maiesteis and the Quenis grace, his darrest bedfellowis, awne houffis, quhan all vthir moyane failit;' which, with 'annualrent,' then amounted to £11,500.

(*Eodem die*.)—'PROCLAMATIOUN FOR THE NORTH.' The 'Erllis lordis,' &c. ordained to meet at Edinburgh, Sep. 30, at Dundee, Oct. 4, and at other times as specified in Letters to be directed, at Aberdeen; with thirty days' victuals and provision, after their reaching Aberdeen;—'for resisting of the tref-sounable practizeis of the saidis declairit tratouris,' &c.

(Sep. 30.)—ACT in favour of THOMAS FOULLIS goldsmith, burges of Edinburgh, that he had 'presentlie, at his Maiesteis eirnist desire, lent and deburfit the sowme of £12,000, for outredding of findrie his hienes effearis, speciallie the payment of the wageis of horsfemen and futemen, leveyed for the advancement

of his hienes authoritie and seruice in the North pairtis of this realme.' Until repayment, ten per cent interest is stipulated to be paid.

PROCLAMATION against FRANCIS sumtyme ERLI BOTHUILL.

(*Eodem die.*)—FORSAMEKLE as the vnnaturall and maist odious Rebellionis of FRANCES sumtyme ERLI BOTHUILL, is now manifested to the hail world, in hie and manifest contempt of our souerane lord and his auctoritie; firft, breking warde oute of the Castell of Edinburgh; Invading his Maiestie vnder cloude of night, at his Palaceis of Haliruidhous and Falkland; Awaiting on his Maiestie, at his ouerpaffing at the Ferreyis of Leith and Kinghorne; Seiking at findrie tymes, besyde the burrowis of Edinburgh and Linlythgow, to haue seased on his hienes persone, at the hunting; Entering in his presence, in maist irreuerent and barbarous maner, the xxiiij day of July, the yeir of God 1593, at his Palice of Haliruidhous foirfaid; Clengeing him selff of the odious cryme of Witchecraft, in a Judgement, quhair he wes baith Juge and pairty; Preaking his Maiestie (yea almaist compelling him aganis his harte, giff he had not preferrit his honnour and libertie of his Crowne to his awne lyffe,) to capitulat with him, in materis maist foule and ignominious: And the thryd of Aprile last, in his dyspyte of his Maiestie, cwming with displayed baneris in sight of strangeris and in his hienes awne presence, committing presumptuous insolenceis vpon his hienes gude subiectis: By quhilkis tressounable and continuall indigniteis, the said sumtyme Erll, labouring his Maiestie now the space of three yeiris and mair, he hes perturbit his hienes and his estate, in sic forte, as he had na lasair to correct the practizaris with strangeris for subuerfioun of Religioun and amitie betuix the tua realmes, quhairvnto baith his hienes awne conscience and eirnist prayeris of his gude subiectis urged him; till now, of lait, his hienes, hoiping be his lang patience, to haue moved the said sumtyme Erll to sum conformitie and humiliatioun, he assignit the secund day of October nixt to cum, for going fordward in that Cristeane seruice aganis the saidis Practizaris; bot the said Bothuell, shauking of all Religioun (with opinioun quhair of he had abused the simple people, during the space of three yeiris foirfaid), and making shipwrak of all honnestie, hes enterit in freindschip with the saidis Practizaris, ressaute thair gold, and promised to thame, befoir the said secund day of October nixt, ather to apprehend and posses his hienes persone, or then, giff he sett fordward to the North, sua to perturb the South pairtis of this realme, be surprising the Castellis of Blaknes, Thomptalloun, Bruchtie, Brint-Iland, Ile of Man, and be vthiris incurfionis; as his hienes sould be forced, vndoing justice with the said practizaris, to returne with shame and discredite: And to that effect, the xiiij of September instant, or thairabout, to haue invadit his Maiestie, vnder silence of night, at his

Palice of Halyruidhous foirfaid, without spairing ony perfone, from the vtter geit (*outer gate*) to his bed chalmer; haueing, for that purpois, three or fourescoir of his rebellious complices warned to haue concurred with him, at the place and tyme foirfaid; and immediatlie eftir his Maieftis apprehensioun, to haue caryed him captiue to the Castell of Blaknes, (the keipar quhairof, being corrupt, is now execute for his demeritis,) thair till haue detenit his hienes, till his difordourit outlawis had cum frome the Bordouris, quha wer indeid vndir wairning to haue mett the xv of this instant, at Jedburgh, and fra that to haue haifted to Bothuill for his releiff; and to his Maieftis perpetuall shame, how sone thay had hard of his captiuitie, giff God of his mercy had not, be Letteris vndir the said Bothuillis awne hand, quhilkis wer found vpon M<sup>r</sup> Allane Orme, ane of his servandis, detected the names of his associattis, quhairby sum of thame wer apprehendit, and the rest fugitiue, and his Maieftie through devyne grace deliuerit of that most dangerous Treassoun: And as the said Bothuillis difsembled hypocriefe, thir three yeiris past, had procured to him the fauour of ower mony of his people, be the quhilk he was inabled to work all thir infolencies aganis his hienes, so wes his Maieftie, not onlie aganis his naturall inclinacioun, (being moir inclynnit to pitie nor to pvnishe,) forced nochtwithstanding, to pvnishe sum of his dependaris, for the terrour of vtheris; bot be the same fauour of the people borne to the said Bothuell, his hienes wes distracted and disabilled to proced in the gude caus foirfaid, with that eirnistnes that he intendis: And so, be the ignorant and foolish affectioun of his liegis borne to the said Bothuill, he was impeshed and haldin bak fra that quhilk thay maift desirit, and he wes maift willing vnto; ffor thay, conforting the said Bothuill, maid him bauld, euerie three monethis to mak a new Conspiracie; quhilk forceit his hienes, for faultie of his lyffe and honnour, to neglect all vtheris actionis, and onlie to prouyde aganis his barbarous and disperat invasioun: Bot feing his defectioun from the trew Religioun, quhairwith, in maner foirfaid, to this hour, he hes cloiked all his Treasonis, is now manifest be his actionis, all Letteris send to the Ministeris beiring his accord with the saidis Papiftis; his hienes hoipis that nane of his gude subiectis, treulie professing the said Religioun, fall conforte or harbour him heireftir, ony mair; bot, in respect the saidis Papiftis and he now being all joyned in ane rebellious societie, haue maift shamefullie abusid his hienes said liegis, thay falslie pretending his hienes fauour, and Bothuill als falslie pretending a cloik of Religioun: HIS HIENES ordanis Letteris to be direct to Officeris of armes, shereffis in that parte, chargeing thame to pas to the mercat croceis of the heid-burrowis of this realme, and vtheris placeis neidfull, and in his hienes name and authoritie to mak publicatioun heirof, that nane pretend ignorance of the same: And to command and charge all and findrie his hienes lieges, ordanit be his formair

Proclamatioun to attend vpon his Maieftie, that thay convene thame felffis, in maift fenfible and fubftantious maner, to accompany and defend his Maieftie, in his maift Cristiane feruice; quhairin euery ane of thame, eftir a meafure, hes als grite intereft as him felff, and on the fucces quhairof dependeth the eftate of the faid Religioun, ftabilitie of his Crowne, and thair faultie: As alfw, commanding and chargeing famony of his Maiefties fubiectis as ar permittit to remane at hame fra this present Raid and Armey, faithfullie to affist and concur with his hienes Lieutennent, Williame Erll of Mortoun, and all vtheris his Maiefties officeris, Commiffionaris, or Wardanis, for repreffing of the faid Bothuill, or ony vtheris his Maiefties rebellis infolenceis, during his hienes abfens and remaning in the North; according to his Maiefties Commiffioun gevin to the fame effect: Certifeing thame that dois in the contrair, thay falbe repute and haldin gilty of all crymes committit be the faidis rebellis, and perfewit and pvnift thairfoir with all rigour and extremitie, in example of vtheris.

(Oct. 1.)—‘PROCLAMATIOUN, for concurring with ARCHIBALD ERLL OF ERGYLE and JOHNNE LORD FORBES, Lieutennentis in the North partis of this realme.’ The lieges are charged, ‘that thay and ilk ane of thame, weill bodin in feir of weir, addres thame felffis and joyne in cumpany with the faidis Lieutennentis, concur, affist and tak ane efauld and trew parte with thame, following thair directioun in the perfute of the faidis declairit tratouris,’ &c.

(Oct. 2.)—LICENCES for ‘abiding from the Raid’ are ordained to pafs the Signet and to be duly registered, otherwife to be held as null.

(Oct. 4.)—‘PROCLAMATIOUN for concurring with BUCKLEUCH (Sir Walter Scott of Branxholme kn<sup>t</sup>), Keipar of Liddifdale.’ The Wardens of the East and Middle Marches and the lieges are directed to ‘ryife, concur, fortifie, affist and repair to the faid Sir Walter, at all tymes as thay falbe requirit thairto, be his Miiffue Letteris, &c. for perfute, taking and apprehending, refifting and repreffing of the infolence of his hienes declairit traitouris,’ &c. This Proclamation proceeds on the narrative, that the King had ‘gevin and difponit to him the office thairof (the Keeperfhip of Liddifdale), heritable, in tyme cwming.’

(*Eodem die.*)—‘PROCLAMATIOUN to affist THE LAIRD OF CESFURDE, WARDANE’ (of the Middle March). The lieges within thefe bounds, ‘and in fpeciall, the inhabitantis of the burgh of Jedburgh,’ are charged to concur, &c. as in the former Proclamation.

(Oct. 8, *apud Dundee.*)—ACT in favour of Sir JAMES SKRYMGEOUR of Dundop kn<sup>t</sup>, Conftable of Dundee, that ‘albeit his Maieftie hes appointit ane of his hienes Page of Honour to beir ANE CORNETT BLANCHE befoir his hienes, during the tyme of the present Raid, for the bettir attendance to be gevin be his



houfhold feruandis on his Maieftis awne perfone; yit fall the fame nawayes derogat nor preiuge the faid James Infeftmentis,' &c. viz. 'the place and preferment of BEIRING HIS HIENES BANER AND STANDART before his Maieftis perfone and his fucceffouris, at tymes of Oiftis, Weiris, Raidis, Armeis and Battellis';—'nather fall the fame Blanche Cornett be borne nor vfit eftir his Maieftis Baner and Standart foirfaid beis displayit, bot the fame Blanche Cornett rollit vp.'—'And in the meantyme, quhill tryall be tane, the faid Blanche Cornett fall not be borne, except during the tyme of this prefent Raid.'

(Oct. 16, *apud Abirdene*.)—PROCLAMATION, that 'his Maieftie, with aduife of the Lordis of Secreit Counfaie, hes concludit and refoluit to remane and not to depairt furth of thir North pairtis, vnto the tyme the fame be quieted and fetled, to Godis glorie, his hienes obediens, eafe, refofe and fuirtie of all his faithfull and gude fubiectis,' &c. The 'Erllis, Lordis, Baronis, fubftantious ffewaris and landit Gentilmen, &c. togidder with the inhabitants of burrowis, duelland within the boundis of the fherefdom of Perth, (except the inhabitantis of the Kerfe, be neth the Watter of Ilay, allanarlie,) Striuiling, Linlythgw, Renfrew, Dunblane, the Cuntreis of Ros and Ardmannauch, &c. to repair to his Maieftie, at Abirdene, vpoun the xxvij of October infant; and fra thyne to pas forward,' &c.

(Oct. 19.)—'ALL HOUSSIS, quhairin God hes bene difhonnourit, ('be committing of Ydolatrie and prophaning of the sacramentis,') ordanit to be *caffin doun*.'—'In fpeciall the placeis, fortaliceis and houffis of STRATHBOGY, SLANES and NEWTOUN,—and that, in figne and memorie of the vnnaturall defectioun and rebellioun of the awnaris and poffeffoures thair of for the tyme, aganis God, his Maieftie and his autoritie.'

(Oct. 23.)—'The CAPITANES and Commandaris of his Maieftis horfemen and futemen falbe anfuerable to the inhabitantes of THE BURGH OF ABIRDENE, for payment to thame of the ordinair chargeis and expenffis of the perfonis vnder thair charge,' &c.

(*Eodem die*.)—Act in fauour of THE BURGH OF ABERDEEN, abfolving their Provoft, &c. for not apprehending and prefenting 'Mr James Gordoun, fadirbruthir to George fumtyme Erll of Huntlie, eftir his landing at the raid and heavin of Abirdene, nor yit for latting to libertie of certane ftrangearis quhilk arryvit and landit with him,'—nor for refetting with declared traitors, &c. 'at the horn for the Murthour and Slauchter of vmq<sup>le</sup> James Erll of Murray.'

(*Eodem die*.)—'Tuentie ftane wecht of poulder, togidder with certane mat-tokis, gavillokis and vtheres werklwmes and materiallis for dimoliffing and cafting doun of houffes and fortaliceis, valuat and eftimat in the haill' to £548, 6s. 8d. to be ref-tored to the Burgh of Aberdeen, or the value of fuch as may be loft or def-troyed, &c. to be paid.

(Oct. 28, *apud Terrisoule.*)—‘ACT anent *the doun-casting* of STRATHBOGIE.’

(Nov. 4, *apud Abirdene.*)—‘CAPITANE THOMAS KER and JAMES KER his bruthir’ ordered to be denounced, for not answering ‘twicheing thair treffounable affistance, &c. with *George sumtyme Erll of Huntlie,*’ &c.

(Nov. 7.)—‘ACT, quhair THE BARONIS gaif thair Aithis to affist the Lieutenents.’ The names inferted are ‘Marishaell, Forbes, Lovat, M<sup>c</sup>Kanzie, Grant, M<sup>c</sup>Intoshe, Buchane, Finlatter, Drum, Innes, Phillorth, Effilmouth, Frendraucht, Straloch, Muchallis, Duffus, Vrie, Corfe, Monymusk, Corfindae, Toquhone youngair, Tutour of Cromartie, Alter, Auchtirallen, Boquhallie, Towy-Barclay, Wardres, Ravynniscrag, Ludquharne, Pitcable, Pittindreich, Hairthill, Birnes.’

(*Eodem die.*)—‘COMMISSION of Lieutennandrie’ granted to ‘LUDOUK DUKE OF LENNOX, Lord Darnelie, Tarboltoun, Methuene and Aubigny, his Maiesteis Lieutenant and Justice, within the boundis of the Schirefdomis of Abirdene, Banff, Elgin, Fores, Narne, Inuernes and Cromarty, alsweill to Burgh as landwart, regalitie as ryaltie.’ It is directed chiefly against *the Earls of Huntlie, Angus and Errol, Mr James Gordoun, William Ogiluy, Robert Abircrumby,* and all vtheris *Jesuites,* &c. and their refetters.

(*Eodem die.*)—‘DECLARATION in faouris of the Erll Marishaell and vtheris,’ that the burning and destroying of the place and fortalice of BALLOGY, of the month of October last; and thereafter demolishing the place and fortalice in NEWTOUN, ‘wes and is done be his Maiesteis expres command, allowance and approbatioun.’

(Nov. 8.)—‘WARRANT for making off BANDIS’ is granted to ‘the Baronis, &c. of the North pairtis, alswele for the furtie of the trew Religioun and of thame selfis and all vtheris professouris thair of, as for resisting of the Invasioun of his Maiesteis declairit traitouris,’ &c. And this, notwithstanding of all Acts to the contrary.

(Nov. 28, *apud Haliruidhous.*)—‘ARCHIBALD ERLI OF ERGYLE promittit, band and oblist him to mak all the perfonis of *the Surnename of Campbell,* &c. anfuerable to justice; and that he fall ather caufe thame satisfie pairteis skaitheit, swa that na complaint salbe ministrat to his hienes; or then entir thame befoir his hienes or his Justice, to vndirly tryall and pvnishment, as effeires;’ ‘conforme to the tennour of the Generall Band, lawis and Actis of Parliament.’

(Dec. 19.)—THOMAS FOULLIS, goldsmith, ordained to retain Jewels belonging to his Majesty, till payment should be made to him of 5900 merks due by the King, ‘for certane chenzeis and goldsmith werk;’ viz. ‘Threttene small diamontis with chattonis of gold; auchtene chattonis of gold fett with rubeis; and fyve grit rubeis fett in chattonis of gold, enamelat reid, quhyte and blak.’

(*Eodem die.*)—‘ RATIFICATIOUN OF THE DUKE OF LENNOX COMMISSIOUN, with a pouer to him to grant Remissionis.’

(*Eodem die.*)—CLAUD and ALEXANDER HAMILTON, fons of James H. of Levingstoun, ordained to be denounced rebels; for coming with their accomplices, ‘ bodin in feir of weir, of the speciall causing, command, &c. of the said James, and of Agnes Cokburne his spous, betuix tuelff and ane eftir none, to the ffauld of Preiftinche, quhair shamefullie and barbaroullie thay hocheit and slew with swordis sevin young ky with calff, fax oxin, and fyve stoittis and queyis of three yeir auld,’ &c. ‘ And not content heirwith, thay come, vpoun the xxv of November laft, furth of the place and Peill of Levingstoun to the place of Bynnis, quhair Patrik thair eldar bruthir duellis, and thair, efter thay had dynnit (*dined*) and consultit with the said Patrik, thay come to the milne of Philpftoun, pertening to James Lord Lindsay of the Byris heritable, and to Dauid Dundas of Preiftinche in tak and affedatioun, and brak the ftanes, quheillis, hopper, huipis and gangand graith of the said milne all in peceis, ftrak and dang thair millaris, held bendit piftollettis to thair breiftis, and caufit thame fweir that thay fould duell na langair at the said milne,’ &c. :—And that ‘ vpoun the laft day of Nouember, they come to the barneyaird of Dudingftoun and patt fyre in three of the ftakkis, of purpois and intentioun to haue brint the haill barneyaird.’ Lord Lindsay of the Bires, and Dundas of Preftinch, appeared personally to purfue the Hamiltons before the King and Council; but they all abfented themselves. [See Feb. 3. 1594-5.]

(Jan. 9. 1594-5.)—WILLIAME POLWART, of Rottonraw, ordained to be denounced rebel, for not appearing to answer to a Complaint at the instance of SARA HUNTER, relict of Andro Jouffy, merchant, burgesis of Edinburgh: That upon Dec. 23 laft, he ‘ with vtheris his compliceis, bodin in feir of weir, come vndir cloude and filence of nicht to the complenaris duelling place, within the burgh of Edinburgh, quhair fho wes, &c. and eftir that the said Williame had craftelie gottin hir yett oppin, he appointit ane nowmer of his compliceis to awaite at the said yett, to impede and ftay all thofe quha fould happin to cum to the said complenaris releiff; and he him felff, with the rest of his infolent compliceis enterit within hir houfe, and be ane verie barbarous and vncumelie behaiour, did quhat in thame lay to haue reviffed hir, and to haue caryed hir with thame quhair thay pleifit, and to haue rubbit and fpuilzeit hir houfe; quhilk they had not faillit to haue done, wer not be the Providence of God fho wes deliuerit of that dangeir, be the help of fum of hir nichtbouris.’

(Jan. 19.)—‘ PROCLAMATIOUN that nane cum to the Conventioun or place of his Maieftis refidence, bot sic as ar writtin for.’

(*Eodem die.*)—‘ THE KINGIS Declaratioun, anent THE LAIRD OF JOHNNE-  
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STONIS PLEGEIS.—That ‘ in cais ony perfone of the name of Johnnestoun, or vtheris for quhome certane plegeis ar now enterit, fall commit stouth-reiff, oppreffion or blude, in thair thifteous deidis ; or contravene any of the conditiones for the quhilk thay ar now enterit, at ony time heireftir,’ if the principal party committer of the theft, &c. be not given up ‘ to anfueir for thair awne deid, and to vndirly tryale and pvnishment thairfoir, as appertenis, within xv dayis nixt eftir requifitioun,’ ‘ the plege or plegeis of that branche or brancheis swa offending, to be execute to the deid :’ And that Sir James Johnnestoun of Dunkellie kn’, and Sir Walter Scott of Branxholme kn’, (‘ quha hes gevin Band for fulfilling of certane conditiones’) ‘ falbe haldin to enter vther plegeis,’ &c.

(Feb. 3.)—‘ JAMES HAMMILTOUN of the Peill (of Levingftoun,) Agnes Cockburn his spouse, and James, John, Claud, and Alexander, their fons, were ‘ denunceit rebellis ;’ (See Dec. 19, 1594.) and Alexander Cockburn and Hector Lokhart, their fervants, were also ordained to be denounced rebels, for not answering a complaint at the instance of ‘ James Lord Lindsay of the Byris, David Dundas of Prestinche, and John Yallowleis, Messinger (at arms) : That upon the xij January last, the said Johnnie Y. accompanied with Michael Bynnie seruant to the said Lord, and Thomas Huttoun seruant to the said David, as witnessis to him, with foure seuerall Letteris and chargeis ; and hauing past to the Place of the Peill, and at the yett thairof, the said Agnes, &c. cwming furth at the said yett, tuke the said messinger be the craig (*throat*), struck him vpon the heid, armes and shouleris, and gaif him mony bauch straikis with pistollettis ; held bendit pistollettis to his breift, caufit thame to sweir neuir to vse ony Letteris agains thame ; and in end, with mony threatningis and minaffingis, in ane verie barbarous and vncouth maner, forceit the said Messinger to eit and swallie the hail copyis of the saidis Letteris, and tuke the principall Letteris frome him ; and thaireftir, shamefullie and cruellie dang the said Witnessis with bendit pistollettis and quhinzearis, and left thame for deid : The lyke of quhilkis shamefull and presumptuus infolenceis hes fendle bene hard of in the In-cuntrey ; the preparatiue quhair of will not fail to breid a greitair contempt of all law and justice, through the hail realme, giff this be sufferrit to pas ouer vnpvnit.’

(Feb. 4.)—PROCLAMATION ‘ anent the shuiting with hacquebutis and pistollettis.’

(Feb. 11.)—*The SUBSCRIPTIONIS off the FOIRFALTIT LORDIS recognosceit.* FORSAMEKLE SCHIR JAMES SCOTT of Baluery, knight, being suspectit and dilaitit of trafficque and intelligence with his Maiesteis declairit Tratouris, rebellious and vnnaturall subiectis ; and thaireftir taken, apprehendit, and at last committit to warde, and findrie tymes examinat thairvpoun ; in end, he planelie confessit and declairit, That in the moneth of Auguft lastbipast, he, being in cum-

panie with WILLIAME fumtyme ERLI OF ANGUS, GEORGE fumtyme ERLI OF HUNTLIE, FRANCIS fumtyme ERLI BOTHUILL, FRANCIS fumtyme ERLI OF ERROLE, GEORGE ERLI OF CAITHNES and vniq<sup>o</sup> SCHIR PATRICK GORDOUN of Auchindoun kn<sup>t</sup>, in ane Oifflair-hous, befyde the Kirk of Menmure; thair wes produceit be the said fumtyme Erll of Angus, certane Heidis and Articles, altogiddir writtin with his awin hand, quhairupoun ane Band wes appointit to be maid : Quhilkis, eftir thay wer red in thair presens and audiens, and had aduifit, consultit, concludit and aggreit thairupoun, at last thay all subscriuit the same with thair awne handis; lyke as, the said Schir James gaif his subscription thairto, as witnes: Quhilkis Heidis and articles being thaireftir committit to his custodie and keiping, he laitle produceit and delyuerit the same to his Maieftie; be quhome, and be the Lordis of his Secret Counsaile and Seffioun, and certane vtheris best acquentit with thair hand-writtis and subscriptionis, the same being sene, confidderit and tryit, and thaireftir compairit and conferrit with vtheris thair hand-writtis and subscriptionis, THE KINGIS MAIESTIE and the saidis Lordis hes Recognosceit, and as thay weill and treulie vnderstand, Recognosceis the Subscriptionis of the saidis Heidis and Articlis, quhairupoun the said Band wes appointit to be maid as said is, to be the verie subscriptionis and hand-writtis of the personis particularlie aboue mentionat. And for the bettir resolution and satisfacioun of his Maieftis gude subiectis heiranent, Ordanis ane Act to be maid heirupoun, *ad futuram rei memoriam*.

(Sic subscribitur) JAMES R. EX CERTA SCIENTIA.

J. T. CANCELLARIUS. MAR. ORKNAY. J. L. LINDSAY. ALEX. L. HWME. FLEMING. ALLANE LORD CATHCART. THO. M<sup>r</sup> GLAMMIS. BLANTYRE. NEUBOTTLE. R. SECRETARIUS. LINCLOUDEN. ALEX. HWME. TRACQUAIR. CULLUTHY. (David Seton of) PARBROITH, comptrollair. S. Jo. HWME (of Spott). P. YOUNG.

(*Eodem die.*)—JOHNNE ERLI OF MONTROIS and . . . MAISTER OF MONTROIS find caution (Sir Johnne Murray of Tullibairdin) ' that thay fall compeir personallie, befor the Kingis Maieftie and Lordis of Secret Counsaile, and answere and vnderly sic ordour as salbe prescriuit to thame, tuicheing the lait vnhappy accident quhilk fell oute betuix thame and thair freindis, on the ane parte, and THE LAIRD OF CALDER and SCHIR JAMES SANDIELANDIS of Slamannane Maister knight, thair kin and freindis vpoun the vther parte, vpoun the last day of Januar lastpast; the Earl under the pain of £2000, the Maister under the pain of 2000 merks.

(Feb. 12.)—ACT against JAMES DOUGLAS, sometime of Spott, that ' not onlie deseruis the said James Douglas maist rigorous and extreame punishment, for thir particular, befydis the formair crymes for quhilkis he wes foirfalt; bot the censuris of the Kirk aucht to proceed aganis him,' &c.

(Feb. 14.)—ANDRO MAKFARLANE of Arroquhair, Andro Dow M. and Malcolm Beg M. to be denounced rebels, for not appearing, to haue vnderlyne his ordour as fould haue bene prescriuit to thame, tuicheing the obseruatioun of his hienes peax, quietnes and gude reule in the cuntrey, &c.

(Feb. 17.)—ACT 'anent the DUKE OFF LENNOX proceedingis in the North; and 'exonerung' him and his counsellors, as having discharged their duty faithfully.

(*Eodem die.*)—ACT 'anent dimoleiffing of the Place, houffes and Fortalice of the CRAIG, pertening to Johnne Ogiluy.' Patrick Lord Gray and Patrick Master of Gray, got full Commiffion, as Sherifs-principal of Forfarshire, to take all necessary steps for that purpose.

(Feb. 28.)—Harie Steuart of Cragyhall becomes surety for the entry of JAMES SANDIELANDIS of Calder, &c. (See Feb. 11.)

(Mar. 5.)—JAMES MASTER OF OGILUY finds surety (David O. of Quhytefeild,) that he shall not supply, refet nor intercommune with 'Johnne Ogiluy of Craig, nor na vtheris his Maiesteis declairit tratouris and rebellis,' &c., under the pain of 2000 merks. He is denounced rebel on Mar. 27.

(Mar. 15.)—ACT against his Majesty's Traitors and rebels.

(*Eodem die.*)—PROCLAMATION against refetting, supplying or intercommuning with declared Traitors, &c.

(Mar. 26. 1595.)—'PROCLAMATIOUN that nane transporte ERLIS OF HUNTLIE and ERROLE within this Kingdome.'

(Mar. 28.)—DAME JEANE GORDOUN, COUNTESSE OF SUTHIRLAND, finds surety, under the pain of 2000 merks, that she shall not refet, supply nor intercommune with any of his Majesty's declared Traitors, &c.

(Jun. 18.)—PROCLAMATION, 'that nane *furneis* THE REBELLIS IN IRLAND.' 'Forfamekle as ANGUS MAKONEILL of Dunnyveg and Glennis, and DONALD GORME of Slaitt, accompaneit with a nowmer of rebellious and disobediēt subjectis, inhabitantis of the Ilis, ar myndit, as the Kingis Maieftie is informit, to transporte thame selffis ouer to Irland and to joyne with the ERL OF TYRREWNE, ODONEILL and vtheris of the rebellious people of that land, for troubling of the quyet-estait thair of; as alswa, findrie of his Maiesteis subiectis, inhabitantis within the schirefdomes of Lanerk, Renfrew, Dunbartane, Tarbett, Bute, Air, Wigtoun and baillereis of Kyle, Carrik and Cwninghame, daylie furniffes the rebellis of Irland with victuallis, waponis, poulder, bullett and vthir mvntioun of weir; be the quhilk doing, the peace and amitie standing betuix his Maieftie and his darrest fuster and coufine the Quene of England, thair realmis, dominionis and subiectis may be gritelie endangerit.' Therefore Proclamation is ordered to be made, that the liegis shall in no wise 'affist, tak pairt, ryde, gang,

accompany, nor yit furneis and fell ony kynd of victuall, &c. under the pain of Treaſon.

(Nov. 26.)—PROCLAMATION ‘*anent the arryvail of strangearis* of that maift cruell and vnmercifull natioun of Spayne and thair adherentis.’ The Clergy are called upon to exhort the lieges ‘to tak this mater in hairt, as that quhilk importis the preſent dangeir and haſard of thair religioun and conſcience, &c. : ‘And to the effect thay may the bettir convene, with ane vniforme mynd in this caus, to vrge all and findrie perſonis, amangis quhome deidlie feid and eleift<sup>1</sup> is preſentlie ſtanding, to ſubſcriue and giff affuranceis ilkane of thame to vthir; and quha refuiffis, to reporte the ſamin to his Maieſtie; quhairthrow his hienes may tak ordour with thame as appertenis.’

(Nov. 27.)—PROCLAMATION that the lieges ‘prepair them ſelfis and be in full reddynes, weill bodin in feir of weir, to mak WAPPONSCHOWINGIS and gif Muſtouris, vpoun the ſecund day of Februair nixt, in preſens of the Schereffis, ſteuartis, proueftis and baillies of burrowis; ilkane of thame within thair awin boundis.

(*Eodem die.*)—GEORGE MURRAY, ſone to Johnne Murray of Spainziedaill, *Robert Hoppringle*, ſone to the Gudeman of Quhytebank, *Andro Douglas*, ſone to George Douglas, ſeruand to the Laird of Ceffurde, *Raguel Bennett*, ſone to vmq<sup>le</sup> Mungo Bennett in Chaſteris, . . . . *Adair*, ſone to . . . . *Adair* of Kin-hilt, . . . . *Kirktown*, ſone to . . . . *Kirktown* of the Tour, and *Malcolme Cockburne*, ſone to . . . . , make ſupplication to the King and Council, ‘That quhair, it is nocht vnknawne, how that thay this langtyme bigane have bene detenit in warde within the tolbuith of Edinburgh, for the vnhappy accident<sup>2</sup> quhilk fell oute in the perſone of WILLIAME SINCLAIR, ſone to the Chancellair of Caithnes, be the ſlauchter of vmq<sup>le</sup> Johnne M<sup>c</sup>Morane, burges of this burgh, quhair of thay and euery ane of thame ar innocent, and ar willing to abyde tryale thair-upoun, befor ane vnſuſpect Juge: And becaus the Proueft and Baillies of this burgh, to quhome Commiffioun wes given, to juge vpoun the ſaidis complenaris, wer partiall, thay being in effect baith juge and pairty, it pleiſit his Maieſtie, vpoun thair Supplication gevin in heirupoun, to ordane M<sup>r</sup> Mark Borthuik, Juſtice Depute, to ſitt with the ſaidis Proueft and Bailleis, vpoun Mononday the xxvij of October laſt, and to putt thame to the knaulege of vnſuſpect Affiſe, the maift half of thair peiris, they being all for the maift parte the ſonis of Baronis and gentilmen, and to proceid and miniſter juſtice vpone thame, conforme to the lawis and pratique of this realme: At quhilk day, thay being enterit vpoun

<sup>1</sup> Rancorous grudge or offence; literally an eye-sore; what hurts or offends the eye. <sup>2</sup> See the spirited account given of this affair of the Inſurrection of the Boys attending the High School of Edinburgh, (in conſequence of the Magiſtrates denying them their uſual ‘privilege’ of a day’s play, &c.,) in the Extracts made from the Diary of Robert Birrell, which immediately follow theſe ſelections.

pannell, befor the saidis Prouest, bailleis and Justice depute, thair tryal wes continewit to the morne thairefter, the xxviij day of the said moneth ; at quhilk day, albeit they micht have justlie declynnit the saidis Prouest and bailleis, and had mony gude argumentis of law and practique to have preferuit thame fra the tryale of ane Affise, yit thay be thair freindis and prolocutouris, freelie offerit thame selffis to tryale, prouyding that ane condigne and vnsuspect Affise wer gevin to thame, viz. of Gentlemen outwith the toun of Edinburgh, according to his Maiesteis ordinance ; quhilk being refusit, thay wer compellit to vse thair lauchfull defensis : Quhairupoun the saidis Juges, perceaving that thay could not gett thair intent aganis the saidis complenaris, and mynding na thing ellis bot to wearie and wrak thame with expensfis, thay continewit thame to the fourte of Nouember : and vpoun that day, maid ane new continewatioun ; quhairby it is eident, that thay intend to hald the saidis complenaris in continewall warde ; and ather to compell thame to becwm in will for that cryme, quhair of they ar innocent, or then to submitt thame selffis to ane Affise of the burgesfis of this burgh, quha will not fail maist partiallie to proceid aganis them, &c. Having heard parties, the King, ' with auise of the saidis Lordis, Ordanis the saidis perfewaris to be putt to the knaulege of ane Affise of thair peiris, of landit gentlemen duelland outwith the burgh of Edinburgh, for the crime foirlaid ; within the tolbuith of Edinburgh, vpoun the first day of December nixtocum, in presens of M<sup>r</sup> Mark Borthuik, Justice depute, to quhome his Maiestie adjoins Schir Robert Meluill of Murdocairnie, kn<sup>t</sup>, thesaurair depute, M<sup>r</sup> Johnne Skene, clark of Register, and Schir Johnne Carmichael of that Ilk, kn<sup>t</sup>. to be Assessoris ; secluding all vtheris assessoris, &c. With certification, that if appearance is not made against them, they should be put to liberty, on finding caution, &c.

*DISCHARGE of a LETTER granted to the COUNTESS OF BOTHWELL.*

(Nov. 29.)—*FORSAMEKILL* as the Kingis Maiestie laitlie subscriuit and past ane Letter to *DAME MARGARET DOUGLAS*, sumtyme *COUNTESSE OF BOTHUILL*, movit thairunto vpoun hir humble sute, and prostrating of hir selff in his hienes way and presens ; quhilk Letter, as his Maiestie is informed, scho immediatlie thairefter, not onlie caufit proclame in findrie pairtis of this cuntrey, and thairby tuke occasioun to resorte publictly quhair scho pleisit ; lyke as, a grite nowmer of perfonnes hes resortit and intercommonit with hir sensyne : Bot als, scho hes directit and had intelligence of lait with Frances sumtyme *Erll Bothuill*, hir spous, in the realme of France, vanelie vanting of hir credite at his Maiesteis handis, and perfwading him of that fauour ; quhilk, in respect of his monstros factis, is not to be luiked for ; nather is it nor wes it his hienes meaning, that the said Letter should haue bene proclameit, nor sho tane sic libertie thairby, as sho



hes done ; bot onlie, fould haue feruit for remaning of hir selff and hir bairnis within the place of Mostour, that hir freindis nicht sumtyme haue refortit to hir, without dangeir of his hienes lawis : And thairfoir, feing sho hes safar abufit his Maieftis fauour, grantit to hir be the said Letter ; his hienes, with aduife of the Lordis of his Secretit Counsale, hes annullit and difchargeit and be thir presentis annullis and difchargeis the same Letter and contentis thairof, *simpliciter*, in tyme cwming ; ordaning the same to ceis and to haue na forder force nor effect at ony tyme heireftir. And that Letteris be direct to mak publicatioun heirof, be oppin proclamatioun at the mercat croceis of Jedburgh, Kelfo, Hawik and all vtheris placeis neidfull ; quhairthrow nane pretend ignorans of the same.

(Apr. 1.)—PROCLAMATION ‘ *aganis trafficquing with STRANGEARIS*, ’ ‘ except it be betuix marcheant and marcheantis, in materis concerning marchandice allanerlie, without the speciall aduife, licence and consent of his Maieftie had and obtenit thairto, vndir the pane of deid.’

(Dec. 2.)—PROCLAMATION for assembling of the lieges at the Towns of Leith, Inverkeithing and Bruntifland, S<sup>t</sup> Andrews, Dundee, Montrose, Inverness, Cromarty, Kirkcudbright, and Air, ‘ weill bodin in feir of weir, to repair vpoun the first aduertisment, vndir the command of the schirreff of ilk shyre, and sic vtheris as the same schereff, with aduife of the Baronis within the boundis particularlie aboue mentionat, fall cheis to that effect, to the said townis, to joyne with and supplee the fute-forceis, in resisting to the landing of the Ennemy, in thay partis ; vndir the pane of tinfale of lyffe, landis and guidis.’

(Dec. 3.)—PROCLAMATION ‘ that nane accompany THE ERLL OF MAR and LORD LEVINGSTOUN to thair day of law.’ It is stated that ‘ as it is vnderstand to the Kingis Maieftie and Lordis of his Secretit Counfall, that thair is a grite nowmer of his hienes liegis, of all esteatis of personis, quhilkis ar warnit and requirit be Johnne Erll of Mar Lord Erskin, Alexander Forrestair of Garden, and vtheris the kin and freindis of vmq<sup>10</sup> Dauid Forrestair, burges of Striuling, on the ane parte ; and Johnne Levingstoun youngair of Dunnypace, . . . Bruce youngair of Airth, and certane vtheris thair colligis, on the vther parte ; to be present at ane dyet appointit to be haldin within the tolbuith of Ed<sup>7</sup>, vpoun the xx day of December instant, for thair vnderlying of his hienes lawis, for the Slauchter of the said vmq<sup>10</sup> Dauid : Amangis quhilkis personis, thair being deidlie feid and contrauerfie presentlie standing, at the leift amangis a grite nowmer of thame, it is to be feirit, that vpoun the first occasioun of thair meiting, sum grite inconuenient fall fall oute, to the brek of his hienes peax,’ &c.

(Dec. 10.)—ACT ‘ anent THE DERTHE.’ The King and Council ‘ being wounderfullie movit at the present derth of all fortis of victuall, this seasoun of the yeir, vniuersallie throu all partis of this realme, and the grite penuritie and in-

digence quhairunto the puir handy-labouraris, and vtheris his hienes subiectis of all esteatis ar redactit be that occasioun, the same derth still daylie increffing, and fosterit, pairtlie be the auaritious gredynes of a grite nowmer of personis that hes bocht and byis victuall afoir it cum of the ground, and that foirstallis and keipis the same to a derth, and pairtlie, by the shameles and indiscreit behaviour of the ownaris of the same victuall, quha refuiffis to threshe oute and bring the same to oppin mercattis,' &c. It is therefore declared, that after Proclamation made, all forestallers, &c. shall be strictly punished, in terms of the statutes, and their victual 'efcheated' to his Majesty's use. All costly apparel, banquetings, &c. are deprecated; and it is declared that the former Acts relative thereto shall be strictly enforced.

(Dec. 11.)—THE King and Council, 'with the speciall auise and consent of SCHIR JAMES JOHNNSTOUN of Dunskeillie kn<sup>t</sup>, being personallie present, frethis and releuis *all PRISONARIS takin be him*, his freindis, assistaris and pairt-takariss, *at ony of the lait Conflictis* quhilkis happynnit to fall oute betuix thame and *the surname of MAXWELL*, thair freindis, &c.: As alfu, Dischargeis all Bandis, Obligationis, or vtheris securiteis quhatfumeuir made be thame or ony of thame, to the said Schir James Johnnestoun, his freindis, &c. ather for thair entree agane, vpoun certane dayis wairning, payment of soumes of mony in name of Ranfoim: Decerning the same Bandis to be null,' &c.

(Dec. 23.)—'CHARGE AGANIS PERSONIS VNDIR DEIDLIE FEID,' to appear before the King and Council 'at Haliruidhous;' and 'that they keip thair Iudgeingis eftir thair cuming, quhill thay be speciallie send for,' &c. 'Thay ar to say, ROBERT MAISTER OF EGLINTOUN and PATRIK HOUSTON of that Ilk, to compeir personallie; the said Maister accompanied with his freindis, not exceeding the noumer of threescoir personis, and the said Patrik not exceeding the noumer of xxiiij personis,<sup>1</sup> vpoun Jan. xv nixttocum: JAMES ERLLE OF GLENCAIRNE and . . . CUNYNGHAME of Glengarnok, vpoun Jan. xvj: JOHNNE ERLLE OF MONTROIS and FRANSHE of Thoirnidykis, on Jan. xxvij: HEW CAMPBELL of Lowdoun, schereff of Air, . . . SANDIELANDIS of Calder, and SCHIR JAMES SANDIELANDIS of Slammanan, Mr . . . CRAUFURDE of Kerse,<sup>2</sup> and . . . SPOTTISWODE of that Ilk, vpoun Jan. xxvj: DAVID ERLLE OF CRAUFURDE, and . . . GÜTHRIE of that Ilk, vpoun Feb. viij: SCHIR THOMAS LYOUN of Auldbar kn<sup>t</sup>, and . . . GAIRDIN of that Ilk, vpoun Feb. x: ALEXANDER LORD LEVINGSTOUN, SCHIR ALEXANDER BRUCE eldair of Airth, and ALEXANDER COLQUHOUN of Lufs, vpoun Feb. xvij: JOHNNE ERLLE OF MAR, ALEXANDER FORRESTAIR of Garden,

<sup>1</sup> The number of followers allowed in the other instances are in the same proportions, according to the rank of the respective parties.      <sup>2</sup> Altogether not exceeding the number of sixty persons.

and ANDRO MAKFARLANE of Arroquhair, vpoun Feb. xx: JAMES LORD BORTHUIK, . . . PRESTOUN of Craigmillar, Mr GEORGE LAWDER of Bass, and CHARLIS LAUDER sone and air of vmq<sup>le</sup> Andro Lauder in Wyndpark, vpoun Jan. v: SCHIR JOHNNE EDMESTOUN of that Ilk, and Mr WILLIAME CRANSTOUN appeirand of that Ilk, vpoun Jan. vij: GEORGE ERLI MARISHAEL, and . . . SEYTOUN of Meldrum, vpoun Mar. i: JAMES CHEYNE of Straloch, and WILLIAME KING of Barrauch, vpoun Mar. iij: JAMES TUEDY of Drummelzeair, vpoun Mar. x: CHARLIS GEDDES of Rauchane, vpoun Mar. xij:—To vnderly sic ordour as falbe prescriuit, tuicheing the removing of the saidis ffeidis, &c. With certification, that if they fail, ‘ thay falbe repute, haldin and persewit with fyre and sward, as inemeis to God, his Maieftie, and to the common wele and quietnes of this thair natiue cuntrey, with all rigour and extremitie.’

(Dec. 25.)—Mr JOHNNE MACKANZIE, Minister at Vrra, ordained to be denounced rebel, for not appearing, to answer a charge at the instance of *Alexander Bane of Tulloch*, and *Alexander Bane*, (younger) ‘ fear’ of Logy, ‘ for his insolenceis, oppin and manifest oppreffionis committit vpoun thame; as namlie, be ressett and huirding within his house, of *Johnne M<sup>c</sup>Gillichallum Rasa*, ane commoun and notorious theiff and lymmair and denunceit rebell, be oppin and avowit thift, in the moneth of May last; quha come to the said M<sup>r</sup> Johnis house, vpoun sett purposis and prouifioun to ly derne (*hid*) and quiet thair, quhill he nicht find the commoditie to murdreis Hucheon Makconeill Bane and Duncane Bane, sone to the said Alexander Bane youngair: Lyke as, eftir he had remanit with the said Mr Johnne the space of xlviij houris, vpoun fuir knaulege had be the said Maister Johnne of his barbarous and wicked intentioun, he come furth of the said house, vnder filence of nicht, be the said M<sup>r</sup> Johnis preuitie and foirknaulege, to the duelling place of the said Hucheoun Makconeill Bane, of sett purposis and prouifioun to haue execute his barbarous and wicked intentioun; quhill he had not faillit to haue done, wer nocht the said Hucheoun, getting sum informatioun of his intentioun, convoyed him selff with the said barne away: And senfyne, the said M<sup>r</sup> Johnne come to the said complenaris landis of Vrra, and cuttit his plewis and rigwiddeis; and thairby, and be vtheris the lyke oppin and manifest oppreffion, hes layd and haldis the saidis landis waift,’ &c.

(Jan. 12, 1595-6.)—MR WILLIAME CRANSTOUN appeirand of that Ilk, ordained to be denounced rebel, for not entering ‘ his persone in warde, within the Castell of Thomptalloun,’ in terms of the command issued by the King and Council, on Jan. 9.

(Jan. 15.)—JOHNNE HALDEN, dagmaker and others, to be denounced rebels, for not answering ‘ tuicheing the Riot committit be thame laitlie, vpoun the . .

day of Januar infant, aganis the Prouest and Bailleis of the Burgh of Edinburgh, in thair convoy and taking to warde of *James Lord Borthuik*.'

(Jan. 17.)—JAMES ERLI OF GLENCAIRNE ordained to be denounced rebel, for not appearing before the King and Council, 'tuicheing the removing of the ffeid and contrauerfie standing betuix him and *Robert Maister of Eglintoun* and his freindis.'

(Jan. 28.)—JOHN and ALEXANDER FOSTER (FORRESTAIR) 'fones to the Laird of Garden, Alexander Forrestair of Myethill and Walter F. sone and appeirand air to Duncane F. of Puldoir,' to be denounced rebels, for not appearing before the King and Council, for coming with their accomplices, on Dec. 30, 'bodin in feir of weir, with daggis, pistollettis, &c. to Johnne Roishill officiair of armes, being executing Letteris of Hoirning aganis Alexander Forrestair of Garden, and certane vtheris parrochionaris of the Ruid-Kirk of Striuling, the said officiair being in the very meantyme, of the reiding the same Letteris, publictie, at the mercat-croce of the burgh of Striuling; pullit him doun af the same croce, dang him with pistollettis on the heid, and with the gairdis of thair swerdis, and cruellie hurte and woundit him in diueris pairtis of the body, to the effusioun of his blude in grite quantitie; and thaireftir, violentlie and perforce reft the same Letteris, and thair raif thame all in peceis; in hie and proude contemptioun of his Maiesteis auctoritie and lawis.'

(*Eodem die.*)—PROCLAMATION, that none of the liegis 'ressett, supplee, shaw fauor nor intercommune' with 'THE FORRESTAIRIS;' under certification, that they 'falbe apprehendit, persewit and pvneist, with na les rigour and extremitie to the deid, nor (*than*) gif thay had ressett Frances sumtyme Bothuill,' &c.

(Jan. 29.)—JAMES CUNYNGHAME appeirand of Glengarnok, ordained to be denounced, for not 'compeiring personalie' before the King and Council, 'tuicheing the removing of the ffeid standing betuix him and *Schir Patrik Houstoun* of that Ilk kn' and his freindis,' &c.

(Feb. 5.)—PROCLAMATION for a general Wapponshawing, on May 5. 'Marcheantis-trafficquaris in vtheris cuntreyis,' are commanded 'to by, prepair and bring hame corslettis, pickis, murronis and all vthir kynd of armour; fell and mak penny thairof to all his hienes subiectis, vpoun resfounable pryceis.' It proceeds on the narrative 'of the preparatioun and intentioun of mercyles strangearis, to arryve in this Iland this nixt spring, for moving of a publict wear aganis God, his trew Religioun,' &c.

(Feb. 12.)—On the complaint of THE COUNTESS OF EGLINTOUN (Dame Helen Kennedy,) Hugh Earl of Eglintoun, only lawful son of the deceased Hugh Earl of E, Robert Maister of Eglintoun his Tutor, and the kin and friends of

the late Earl, 'That quhair, the said vmq<sup>le</sup> Erll, being maist shamefullie and cruellie slane be Johnne Cunynghame of Ros, bruthir to James Erll of Glencairne, Alexander C. callit of Poquhene his seruand, Alexander C. of Aikatt, Williame C. his bruthir, Patrik C. in Bordland, Johnne and Daid Maxuellis, brethir to Patrik M. of Newark, and Johnne Ryburne, vpoun sett purpos, prouisioun and foirthocht felony, the saidis complenaris persewit thame for the same slauchter, criminallie, befor the Justice and his deputis; and thay, takand the cryme vpone thame, absentit thame selffis frome tryale, and wer thairfoir denunceit and registrat at the horne; quhairat maist contempnandlie thay remanit diuers yeiris thaireftir, quhill now of lait, as the saidis complenaris ar informed, that the saidis personis hes purchest ane Remiffioun or Respett for the said slauchter, quhairby thay intend to tak away the saidis complenaris lauchfull persute; sua that in steid of justice, quhillk thay euir luiked for, conforme to his Maiesteis solempne vow and promeis maid to that effect, thay ar now movit to lament to his hienes the want of justice, throu the said Respett or Remiffioun,' &c. They farther state, that there has been 'na affyithment nor satisfaction maid to the saidis complenaris for the said slauchter, nor Letter of Slanis grantit thairupoun;' and that therefore, in terms of the Acts of Parliament and Secret Council, and 'ane louable pratique past in the lyke caise, at the instance of the relict and ten faderles bairnis of vmq<sup>le</sup> Luk Struiling of Baldorane, aganis Thomas Kincaid and Johnne Jak his seruand,' the Respite or Remission was *ipso facto* null.—Robert Master of Eglinton having appeared for the complainers, and James Earl of Glencairn and William Cunningham of Caprington for the defenders, the King and Council remitted 'this mater, to be decydit befor the Justice or his deputis, as accordis of the law.'

(Feb. 21.)—PROCLAMATION regarding 'THE SPANISHE PREPARATIOUN to arryve in this Iland, for moving of a publict wear,' &c.; charging all the lieges within the ages of 60 and 16 'to be in full reddynes,' within 24 hours, 'to convene and repair to sic pairtis and placeis as thay salbe aduirteist,' &c.

(May 21, 1596.)—SIR JAMES JOHNNESTOUN of Dunskeillie kn<sup>t</sup>. 'as maister, landilord or cheiff to Johnne, James and Williame Johnnestonis, brethir, in Haisliebray, Niniane J. in Rowantrie-know, and Williame J. sone to James J. of Hefliebray, for quhome he is obleift to ansuer be the General Band,' &c. is ordained to be denounced rebel, for not appearing and presenting these persons to have answered, 'tuicheing the shamefull, cruell and vnmercifull slauchter of vmq<sup>le</sup> Mr Williame Johnnestoune, Persone and Minister at Lochmaben; committit be thame laitlie, vpoun the fourte day of Marche last.'

(May 22.)—PROCLAMATION for THE ILIS.—THE KINGIS MAJESTIE, his Nobilitie, Counsaill and Esteatis presentlie conuenit, CONSIDDERING the proude

Rebellioun, defectioun and difobedience of the Inhabitantis of THE ILIS and HIELANDIS of this realme, subiect for the maist parte, thir mony yeiris by-gane, to all kynd of infolence, barbaritie and crueltie, not onlie in committing of vyle and beiftlie Murthouris, Slauchteris, reif, thift, oppin heirschippis, opprefionis and depredationis vpoun his Maieftis peceable and gude subiectis, inhabitantis of the cuntreyis nixt adiacent ; bot euery ane of thame maist vnnaturallie puttand violent handis in vther, befydis innumerable vtheris tressfounable, monstros and odious crymes, committit be sum of the cheiff perfonis, inhabitantis of the saidis Ilis ; ffor the quhilk, the sentence of Foirfaltour is led aganis thame ; quha nochtwithstanding remanis peceable in the cuntrey, without feir of God or of his Maieftie, nawayes acknaulegeing thair offens, nor yit his hienes as thair fouerane lord and King ; nather payand thair mailles and dewities, exactiones and custumes to his Maieftie, his Comptrollair and ordinair officiairis ; the same mailles and dewiteis and custumes being a grite part of his hienes propertie, rent and patrimonie of his crowne, quhairupoun his princelie porte and estate suld be sustenit : AND thairfoir, his Maieftie is resolut to repair, in propir persone, to the saidis Ilis and Hielandis, with all conuenient expeditioun, for abandouning and reduceing of the saidis rebellious, vnnaturall and difobedient perfonis, to the acknaulegeing of his hienes and his lawis ; and compelling of thame to mak payment of his Maieftis propir rentis and dewiteis, in tyme cuming : For quhilk purpois, necessar it is that his hienes be weill and substantioulie accompanyed, with a force of his faithfull, loving and gude subiectis ; and thairfoir, his Maieftie, with aduise of his Nobilitie, Counfall and Esteatiss foirsaidis, Ordanis Letteris to be direct, chargeing all and findrie Erllis, Lordis, Baronis, fewaris and freehaldaris, betuix saxtie and saxtene yeiris, vailzeant (*worth*) in yeirlie rent the sowme of three hundreth merkis, ather in heritage or annualrent, within the boundis of the hail sherefdomis, steuartreis and baillie-reis within the realme, togidder with the inhabitantis of burrowis within the saidis boundis, alsweill regalitie as ryaltie, be oppin Proclamatioun, at the mercat-croces of the same burrowis ; that thay and ilkane of thame, weill bodin in feir of weir, with schippis, crearis, boitis and all vtheris veschellis, and prouisioun, requisite and necessair for transporting of thame to the saidis Ilis, and fra Ile to Ile, within all the boundis of the same Ilis and Hieland partis, during all the tyme that thay salbe occupiit in that seruice ; addres thame selffis to meit his Maieftie, at the burgh of Dunbartane, vpoun the first day of August nixtocum, prouidit to imbarke and pas fordwart thairfra to the saidis Ilis and Hielandis ; and to attend and accompany his hienes, for the space of fourtie dayis eftir thair cuming, to the effect foirsaid ; vndir the pane of tinfall of lyff, landis and guidis.

[THE Editor has thus endeavoured to supply, from the most authentic source, a pretty copious Selection of the leading Cases which occurred before the Privy Council of Scotland, during the interval unfortunately vacant in the Records of the Court of Justiciary, through the loss of the Volumes from 1591 to 1596; which period, doubtlessly, occupies an interesting portion of the History of this country. To some of his readers, perhaps, an apology is due, for the insertion of so many State Papers, and of notices of matters, not *strictly* embracing the immediate objects of this Compilation; but, in extenuation of this trespass, it may be remarked, that the leading features of these times were so peculiarly distinguished by open defiance of the King and Parliament, and by the frequent and daring Conspiracies enterprised against the Royal person, as well as by Bothwell's Treasons, and the Popish and Spanish Plots, for the overthrow of the Government and of the Religion of the Country, that such Illustrations as those he has ventured to select, may, by many others, be considered as necessary Historical elucidations, at least as convenient appendages to such a Collection as the present.

Before closing his Extracts, which are intended in some measure to supply this *hiatus valde deflendus*, the Editor must farther draw upon the valuable stores contained in 'THE DIAREY of Robert Birrel, burges of Edinburghe,' which was, for the first time, given to the public by John Grahame Dalryell, Esquire, in his 'Fragments of Scottish History,' Edin. 1798. The reading has been taken from the original MS. in the Advocates' Library, W. 5, 10. There is also in the same Library, among Wodrow's MSS., (W. 7, 26,) another copy, which is, apparently, a Transcript of the former.]

NOTICES extracted from 'BIRRELL'S DIARY.'

(Sep. 6. 1591.)—THE EARLL OF BOTHUELL made a stoure in the ABAY OF HOLYROUDHOUSSE, quho came in over the hous in the South fyde of the Palace; and the said Earll, taking too grate presumptione, he, with his complifefs, strake vith ane hammer at his Maiesties chalmber dore: And, in the meane tyme, the haill noblemen and gentlemen of his Maiesties houffe raiße, quho thought to hane taken the said Earll Bothuell and his complices. The said Earle fled; yet he returned at the South fyde of the Abay, quher the said Earll and his complifefs flew his Maiesties Maister Stabler, named Villiam Shaw, and one vith him, named M<sup>r</sup> Peeiter Shaw. Bot the King's folks took 8 men of Bothuill's factione; and one the morrow, hangit tham all, vith out ane Affyffe, betuix the Girth croffe and the Abay gaite.<sup>1</sup>

[1591,  
Sep. 6.]

(Dec. 28.)—THE King's Maiestie came to St Geill's Kirk, and ther made ane Oratione, anent THE FRAY made by BOTHUELL, and WILLIAM SHAW'S SLAUGHTER, hes Maister Stabler.

(Feb. 7, 1591-2.)—THE EARLL OF HUNTLY came to *the hous of Dunibristole in Fyffe*, quher THE EARLL OF MURRAY, vith a few number, wes for the tyme, being his anen houffe. The chieffe

<sup>1</sup> 'This tumult was called the first Road of the Abbey.'—*Sir James Balfour's Annals*, I. 390.

[1591-2,  
Feb. 7.]

mane that wes with him wes Dumbar shriffe of Murray. The Earll of Huntley<sup>1</sup> fett the said houfs in fyre: The Earll of Murray being vithin, vift not quhither to come out and be flaine, or be burned quicke; yet, after advyment, this Dumbar fays to my Lord of Murray, 'I will goe out at the gaitt befor your lordshipe, and I am fure the peopell will chaarge one me, thinkeing me to be your lordschip; fua, it being mirke vnder night, ye fall come out after me, and looke if that ye cane fend for your felue.' In the meine tyme, this Dumbar, Tutor to the shriffe of Murray, came furth, and rane disperatly amonge the Earle of Huntlies folke, and thay all rane vpon him and presently flew him. During this broyle vith Dumbar, the Earll of Murray cam running out at the gaitt of Dunebriffell, quhilk stands besyde the sea, and ther fate him doune amonge the rocks, thinking to have beine faue; bot unfortunatly the said Lord's cnapescull-tippett, quherone wes a silk stringe, had taken fyre, vich bewrayed him to hes enemies in the darknes of the night, himselue not knowing the fame; they came doune one him on a fuddaine, and ther most creuelly, without mercey, murdered him.<sup>2</sup>

Feb. (12?)—AT quhilk tyme, one CAPITANE JOHNE GORDOUNE, takin upon the 12 of Februarij: Himselue wes headitt, and hes man was hangitt.

(Feb. 28.)—RICHARD GRAHAME wes brunt at the Croffe of Edinburghe, for Vitchcrafts and Sorcery.

(Mar. 18.)—ANE Proclamatioun, that THE YOUNG EARLL OF MURRAY should not perfw THE EARLL OF HUNTLY, in respect he, being vardit in the Blacknes for the same Murder, wes villing to abyde ane trayell, faying, that 'he did nothing bot by hes Maiefties Commiffione, and fua wes nather airt nor pairt of the Murther.'

(May 12, 1592.)—THE EARLL OF BOTHUELL and hes complices ver denunciit rebels and summond to the Parliament quhilk wes to be haldin at Edinburghe, the 12 day of Julay; quherin the said Earle, with all his quhole complices, wer all of them forfaitted.

(Jul. 17.)—THE EARLL OF BOTHUELL, with his complices, made a FRAY AT FALKLAND, hes Maieftie being ther: And thereafter, hes Maieftie cum over the vatter. And vpon the 26 day of this fame mounthe, hes Maieftie made ane Oratione concerning the same, in the grate Kirke of Edinburghe. Immediatlie after the fray, Bothuell and hes men came ouer the vater; and ther ver 18 of them taken in Cader-mure, and in vther pairts neir Cader-mure, laying fleiping, for vant of rest and interteinment; and immediatly after ther taking, they were all brought to Edinburghe and hangitt.

(Jul. . . .)—AT the same tyme the LAIRDS OF NIDRIE and SAMUELSTONE, ver takin by Johne Lord Hamilton, and vardit in the Castell of Draffin, and came to Edinburghe, thinking to haue gottin grace to them from his Maieftie. He came doune to hes Maieftie's ludging at the Nether-bow, and going in to Mr Johne Laings hous, quher hes Maieftie lodgett, the gaurd standeing aboue the port vith ther hagbutts, guns and uther veapons; the forsaid gaurd, feing my Lord Hamilton, for honor of his Lordschipe, fhott ane volley at my lord: Ther wes ane man, speiking to hes lordschipe, fhott through the head; ane vther, by him, fhott through the legge; and ane bullet strooke the lintell of the gaitt, iust aboue my lord's head quher he stooode; yet no more harme doune: So that, by meir accident, the said Lord Hamilton had most haue beine flaine, and not through aney euill vill. The Lord Hamilton, feeing that he could gett no grace to the said tuo gentlemen, he sent vord to hes bastard sone Schir Johne, quho convoyed the said tuo gentlemen away, and vent vith them him selue, for their more saftey.

(Jul. 31.)—FRANCIS HAY EARLL OF ERROLE wes put in vard in the Castell of Edinburgh, for Papiftry.

(Oct. 18.)—THE EARLL OF ANGUS vardit for Papiftry.

(Nov. 7.)—HES Maieftie did receaue againe THE LAIRD OF NIDRIE in his fauor, and restorit him to his former dignity and estait.

<sup>1</sup> 'It (was) giuen out and publickly talked, that the Earle of Huntley was the only instrament of perpetrating this facte, to satisfie the Kingis jelsie of Murray; quhom the Queine, more rashlie then wyslie, some few dayes before, had commendit in the King's heiringe, with too maney epithetts, of a proper and gallant man.'—*Balf. Annals*, I. 390.  
<sup>2</sup> 'Vpon the 7 day of Februarij 1592, the Earle of Murray was slaine by the Earle of Huntly, maist creuelly, at Dunnybristie; and with him the Sheriffe of Murray.'—*Marj. Annals*, p. 56.



(Nov. 17.)—THE LADEY OF BOTHUELL ves received into his Maiesties fauor.

(Nov. 18.)—ANE Proclamatiōne, that no man receauid the EARLE OF BOTHUELL; and siclyke, [1592, Nov. 17.] that all thoffe that had receauid hes Maiesties fauor, quho had bene vith the Earll of Bothuell, should not come neir his Maiestie vithin 20 milles, vnder the paine of death.

(Nov. 29.)—ANE Proclamatiōne, that no man should receat THE COUNTESSE OF BOTHUELL, giue her interteinment, or to haue aney commerce or society vith her, in aney cais; quha had beine bot so laityly receauid in his Maiesties fauor befor, viz. one the 17 day of the same mounthe. Behold the changes of Courte!

(Nov. 30.)—JOHNE CACHOUNE ves beheidit at the Croffe of Edinburghe, for Murthering of his auen brother the LAIRD OF LUSSE.

(Dec. 2.)—CAPITANE JAMES STEUARTE<sup>1</sup> came to the King, quho had beine banished since the Read (*Raid*) at Streiueling befor, wich wes aboute the 1 day of Nouember 1585.

(Dec. 17.)—THE MINISTERS ver accuist by the King for opin Treassone, in speiking aganis hes Maiestie; yet hes goodnefs past it ouer at that tyme.

(Dec. 31.)—MR GEORGE KER ves broght to Edinburghe out of Calder, and putt in vard, for carring of Letters out of the countrey frome the Papists to the King of Spaine.

(Jan. 1. 1592-3.)—THE EARLL OF ANGUS ves commandit to vard in hes auen ludging, and straitly keipit till the morrou, and then ves convoyet to the Castell of Edinburgh, for sending Letters to Spaine to the Spanisch King, vith M<sup>r</sup> George Ker.

(Jan. 3.)—ANE Proclamatiōne to refist THE PAPISTS; and all men to stand to the Religione presently professed vithin this realme; in vich his Maiestie hes beine broght vp into frome his youth: And sicklyke, charging all suspected Papists to come and subscryue ane Band, that they fall not line as Papists, bot in Religione conforme to that presently professed.

(Feb. 8.)—THE EARLLS OF HUNTLEY and ERROLE ver denuncit rebels and putt to the horne, for not compeiring to subscryue the Band concerning Religione.

(Feb. 14.)—SCHIR ALEXANDER STEWART and MR JOHNE GRAHAME slen be SCHIR JAMES SANDILANDIS at the fitt of Leithe wynd.

(Feb. 15.)—THE EARLE OF ANGUS brake ward out of the Castell of Edinburghe; quha hade beine in, sen the first of Januar befor, for sending Letteres to Spaine.

(Feb. 17.)—DAUID GRAHAME beheidit at the Croce, for opin Treassone, callit Lord of Fentres.

(Mar. 15.)—THE KING'S MAIESTIE came hame fra THE NORTHE, quhair he haid beine sex veikis befor, and haid causit cast doune the palace of Strabogie, and ane place callit the Slanis, ane place callit the Newtoun, and ane place for the tyme quhilk belongit to M<sup>r</sup> Walter Lyndesay, callit the Brumbous, vith ane hous of Sir Johne Ogilveis callit the Craige. His Maiestie had vith him 5 bandis of men of weir out of Edinburghe, Capitanes George Todridge, James Inglis, James Williamfone, and C. Davidfon and Geddes.

(Mar. 20.)—ANE Proclamatiōne at the Croce, chairging the EARLIS OF HUNTLEIE, ANGUS, ERROLE, vith diuers GENTLEMEN and IRISMEN of THE ILLIS, to compeir to the Parliament for diuers poyntis of Treassoun.

(May 19. 1593.)—KATHERINE MUIRHEID brunt for Vitchcraft; and quha confest fundrie poyntis thair of.

(Jun. 4.)—THE LAIRD OF JONESTOUNE brak ward out of the Castell of Edinburghe.

(Jun. 20.)—MR GEORGE KER brake waird out of the Castell.

(Jul. 21.)—THE Parliament haldin; the EARLE OF BOTHUELL forfaultit, and his armes rewine<sup>2</sup> at Croce of Edinburghe be the Heraldis.

<sup>1</sup> ' Quho called himselfe Earle of Arran.'—*Balf. Ann.* I. 392.

<sup>2</sup> Torn and defaced.

[1593,  
Jul. 24.]

(Jul. 24.)—At 8 houris in the morning, the EARLE OF BODWELL, the LAIRD OF SPOTT, MR WILLIAMS LESLIE and MR JOHN COLVILL, came in to the King's chalmers, weill provydit with pistoll. This Earle with his complices come not this way, provydit with pistollis and drawin swordis, to harme the Kingis Majestie any wayis; bot becaus he could not get prefence of his Maiestie, nor speiche of him, for the Homes, quho wer courteouris with the King, and enimeis to the said Earle Bodwell; sua thai cam in into hes Maiefties chalmers, resolweing thame selff not to be haldin bak till thai fould have spokin with him: And sua, after thai come in, his Maieftie wes comming fra the bak stair and his breikis in his hand, in ane feir; howbeit he neidit not. The foirsaid Earle Bodwell and his compleffis fell vpon thair knies, and beggit mercie at hes Maieftie; and his Maieftie, being wyse, merciful, a noble Prince of grate pitie, not defyrour of bluid, grantit thame mercie, and refasit thame in his fawour: And at 4 houris efter none, causit proclame thame his frie ledgis. And vpon the 27 day, the same Proclamatioune of the Earle of Bodwellis peace was renewit at the Croce, with Heraldis and sex trumpettis founding for joy.

(Aug. 10.)—ANE new alteratioun oferid againe.

(Sep. 20.)—THE said EARLE BODWELL chairgit be ane Proclamatioune at the croce, that he fould not come vithin 10 myllis to the Kingis Maieftie, vnder the pane of deathe.

(Oct. 11.)—THE Kingis Maieftie ryding to ane day of Law, the excommunit Lordis mett him; quhom he refasit in his favoris, viz. HUNTLE, EROLE, ANGUS, Schir JAMES CHISSIM, with fundrie wtheris.

(Oct. 31.)—ANE CONVENTIOUNE haldin at Leithe, for the same purpos, concerning Angus, Huntlie and Errole and thair compleffis.

(Nov. 2.)—ANE Proclamation, that na man truble the said PAPISTIS LORDIS, bot to refane thame and interteine thame as his faithfull and trew subiectis, as thai will be anfueraill to him.

(Nov. 7.)—SMETOUNE hangit, for braking of ward, with Mr George Ker, out of the Castell of Edinburgh.

(Eodem die.)—ANE Proclamatioune that na man fould repair to the toune of Edinburgh, without leue grantit be his Maieftie; quhilk Proclamatioune greiuit the toune, and speciallie the Ministeris.

(Nov. 27.)—ANE Proclamatioune of the Act of Abolitioune in favoris of the PAPIST LORDIS.

(Dec. 7.)—THE LORD MAXWELL slaine be the Laird of Jhonstoun.<sup>1</sup>

(Dec. 11.)—THE EARLE BODWELL put to the horne; quhilk day the said Earle Bothwell and KER OF SESFUIRD met and faucht twa for twa.

(Dec. 27.)—THE EARLE OF BODWELL, nor the LAIRD OF JONESTOUNE, na man fould refasit thame, nor give them interteinment.

(Jan. 22, 1593-4.)—THE Act of Abolatioune quhilk wes maid, null and to na effect.

(Feb. 19.)—PRYNCE HENRIE wes borne, at the pleasour of Almightye God, quhilk day befell on Tuysday.<sup>2</sup>

(Mar. 13.)—HIS MAIESTIE come to Mr Robert Briuffe preiching, being Sondag; quhair Mr Robert Bruice said to hes Maieftie, that 'God wald steir up ma (*more*) Bodwellis nor (*than*) ane, that wes enimies to him nor (*than*) Bodwell; if he reuengit not and faucht not Godis quarrell and battellis on the Papistis, before he faucht or reueng his awine particular.'

<sup>1</sup> 'In the mounth of December 1593, Sir John Houstone (mistake for Jhonstone) of that ilk slew John Lord Maxwell, quha had betrayed the Laird of Houstone (Jhonstone) under frendshipe and alliance; and it was rumored, that he had purchased ane Commissione of the King to pas vpon the Laird of Houstone (Johnstone) with fyre and sword, albeit that they war suorne frinds and bound vpe in alliance and of bloode; and in ane veray grate perauit, the Laird of Houstone (Johnstone) slew him in his auen just defence.' *Marj. Annals*, p. 57.—'This yeir endit with the Lord Maxwells slaughter by the Laird of Jhonstone, the 6 of this mounth of December.' *Balf. Ann.* I. 394. <sup>2</sup> 'Vpon Tuesday at 5 houres in the morning, the 9 day of Februarij 1593, Anna, daughter to the King of Denmarke, and Queene of Scotland, wes deliuered of ane sone to King James the Sext, in Streueling, the 4 yeir after her coming in Scotland, the 27 yeir of the said King James raing and 28 of his age.'—*Marj. Annals*, p. 58.

(Apr. 3, 1594.)—THE KING, being ludgit in Robert Gourlayis ludging, he come to the fermone; and thair, in presens of the hail peiple, he promest to reveng Godis caus, and to banishe all the PAFISTIS and thair requyftit the hail peiple to gang with him aganis Bodwell, quha wes in Leithe for the tyme. The same day, the Kingis Maieftie rais and the toune of Edinburgh in armes. THE EARLE OF BOTHWELL, quha wes in Leith, heiring that his Maieftie wes cumming doune, with the toune of Edinburgh, he reafe with his fyue hunder horse, and come out of Leithe and raid up to the Halkhill, besyde Lexstehrik (*Refstahrig*), and ther stuid till he saw the King and the toune of Edinburgh approching neir him. He drew his companie away throw Duddingstoune. My Lord Home followit till the Wowmit; at quhilk place the Earle Bodwell turnit, thinking to have a het of Home; bot Home fled and he followit; yit, be chance, little bluid. The Kingis Maieftie stud himself, and seeing the said chaife.<sup>1</sup>

[1594,  
Apr. 3.]

(Apr. 5.)—SICLYKE, the King raid out to haue tane Bothwell, bot gat him not.

(Apr. 29.)—WILLIAME HEGIE hangit, for refaueing the Earl of Bothwell.

(May 17.)—MY LORD HOME maid his repentance wnto the New Kirk, befor the Assemblie, vpone his kneis.

(Jun. 8.)—THE Parliament haldin; at quhilk tyme, the Earles of ANGUS, HUNTLIE, ERROLE, MACKLEN, MACKONEILL and AUCHINDOUNE wer all forfaulted.

(Aug. 30.)—THE PRINCE baptized, and named HENREY FREDERICK, by the grace of God.<sup>2</sup>

(Sep. 16.)—ANE Proclamatioun that nae man refait nor intertene THE EARLE BODWELL.

(Sep. 17.)—ALLANE ORME<sup>3</sup> hangit for intertenuing of the Earle of Bodwell.

(Sep. 24.)—JOHNE GIBSONE hangit, and James Cochrane hangit, for intertenuing of the Earle of Bodwell.

(Oct. 3.)—THE BATTELL OF GLENLIUET<sup>4</sup> fouchin betuix the Earl of Argyll, Generall for the King, aganis the EARLIS of HUNTLIE and ATHOLL and thair affoiatis. The scheiffe, of not,<sup>5</sup> that wes slene on Huntlie and Atholl fyid, wer, the Laird of Gight, Affinlie, Mr William Gordone, the Guidman of Dorth (*Dort*) and hes sone. This Dorth was brother to Abergeldie. Thre brethren of Tylachoudey, and the younge Laird of Drumdelgie.

(Oct. 15.)—THE CAPITANE OF BLACKNES wes hangit, for refaueing and intertenuing the Earle Bodwell.

(Dec. 4.)—ANE Proclamatioun, chairging all men not to haue to doe with the Earle Bodwell.

(*Eodem die.*)—CAPITANE RALLIE hangit for counterfetting the Grait Seall aganis the mercheantis.

(Jan. 13, 1594-5.)—GEORGE MWR hangit, for slaing of twa Ministers, viz. Mr David Blayth and ane Aikman.

(Jan. 19.)—THE young EARLE OF MONTROIS faucht ane combat with SCHIR JAMES SANDILANDIS at the Salt Trone of Edinburgh, thinking to haue revengit the Slauchter of his cusine Mr Johne Grabame, quha wes thair slaine with ane schot of ane pistoll, and four of his men slane with swordis, viz. Johne Craufurd, Johne Graham, George Dundas and Alexander Boner.

<sup>1</sup> Marjoribanks dates this affair the 2d of March, and says, 'The King, all this tyme of the chace, was standing ypone the Borrow-mure of Edinburgh.'—*Annals*, p. 59. <sup>2</sup> This ceremony took place at Stirling, within the Chapel Royal. David Cunningham Bishop of Aberdeen officiated. For a particular account of this splendid ceremonial, see 'A True Reportarie of the most triumphant and royal accomplishment of the Baptisme of the most excellent, right high and mightie Prince, Frederik Henry, by the grace of God, Prince of Scotland. Solemnized, the 30 day of August 1594. Printed by R. Walde-graue Printer to the K. Maieftie. Cum Priuilegio Regali.' Quarto, Black Letter, pp. 30. This remarkable Edition was purchased, by James Maidment, Esquire, at the sale of the Library of the late Archibald Constable, Esquire, who considered it *Unique*. One other copy, however, is known to have been in the Royal Library at Copenhagen. Several Reprints were published early in the next century. See also Birch's *Life of Henry Prince of Wales*, &c. <sup>3</sup> 'Brother to the Laird of Mugdum, (*Mugdum*).'<sup>4</sup>—*Balf. Ann.* i. 395. <sup>5</sup> 'At this tyme, thair wes grate appeirance of troubells in Scotland, throughe the forfaulted Earlls of Huntly and Errole; quha with thair complices gadrett ane grate pouer of men against the Earle of Argyle, being the King's lieutenant, and faucht ane grate Battell in the North, near Strathbolgie, at ane part called the Ledderfute; wich battel was called by some the field of Glenliuet, and by others the battle of Belrinnes, &c.' *Marj. Annals*, p. 60. See also, in Dalryell's *Poems of the Sixteenth Century*, 'The Batell of Belrinnes.' And MS. Adv. Library, W. 3, 19. <sup>6</sup> The chief persons of note.

[1594-5,  
Feb. 14.]

(Feb. 14.)—ANE of the Keiperis of the Wardes, in the Castell of Edinburgh, wes hangit, for latting the Earle of Angus out of ward.

(Feb. 18.)—HERCOLLES STEWART hangit, and ane Johne Syme, for bearing companie and intertenuing his awin brother, and the Earle of Bodwell.

(Feb. 23.)—THE EARLE BODWELL excommunicat.

(Mar. 10.)—ANE horrible tempest of snaw, quiche lay vpon the grund till the 14 of Apryll thairefter.

(Maij 26, 1595.)—JOHNE GILCRYST, Henderfone and Huttoune, all thrie hangit, for making of fals wrettis and presing to warifie (*verify*) the same.

(Jun. 11.)—ANE callit CUMING THE MUNCKE, hangit, for making of fals wrettis.

(Jul. 19.)—JAMES LAIRD OF ENDERMARKIE and his seruand heidit, as partakeris of the MURDUR OF THE EARLE OF MURAY and Patrik Dumbar, in Duniburfell in Fyff; quha wer slaine the 7 of Februar 1591.

(Aug. 14.)—CRISTIANE JOHNSTONE, ane widdow in Edinburgh, raveft be Patrick Aikenheid. The toune wes put in ane grait fray be the ringing of the commone bell. The said Cristiane wes followit and brocht back fra him; sua that the said Patrik got no advantage of hir.

(Sep. 15.)—JOHNE MACKMORRANE flene be the schot of ane pistoll out of the Scholl; this Johne Mackmorane, being Baillie for the tyme. The bairnis of the said Gramer-scooll came to the Tounis Counsell, conforme to thair yeirlye custome, to seek the priviledge; quha wes refusit: Upon the quhilk, ther wes ane number of scollaris, being gentilmenis barnis, made ane mutinie, and come in the nicht and tuik the scooll, and provydit thame selfis with meit, drink, and hagbutis, pistolit and sword: They ramforcit the dores of the said scooll, swa that the refusit to lat in thair Maister nor na wthir man, without they wer grantit thair priviledge, conforme to thair wountit vse. The Prouost and Bailzes and Counsell heiring tell of the same, thair ordanit Johne Mackmorane balzie to goe to the Gramour-scooll, and tak sum ordour thairwith. The said Johne, with certane officeris, went to the Hie scooll, and requyftit the scollaris to oppin the doris: Thay refusit. The said Bailzie and officeris tuik ane gest (*joist or beam*) and ran at the bak dore with the gest. Ane scollar bad him desist frome dinging vp the doir, wtherways, he wowitz to God, he sould schute ane pair of bullettis throw his heid. The said Bailzie, thinking he durst not schuit, he and his assistaris ran still with the gest at the said doir. Thair came ane scoller callit William Sinklar, sone to Williame Sinklar chanfler of Catnes, and with ane pistollet schot out at ane window, and schott the said Bailzie throw the heid, sua that he diet presentlie. The haill tounis men rane to the scooll, and tuik the said bairnis, and pat thame in the Tolbuithe: Bot the haill bairnis wer lattin frie, without ane hurte done to thame for the same, within ane schort tyme thairefter.

(Sept. .) —THE LADIE BODWELL resaut in fauour with the King, in Glasgow.

(Oct. 20.)—GILBERT LAWDER slaine, in Linlithgow, be the Cranftounis.

(Nov. 22.)—FOUR HERALDIS sitting drinking, twa of thame fell in words, viz. John Purdie and Johne Glaidstanis, the said Johne Glaidstanis sikit Johne Purdie at the table: And the said Glaidstanis being apprehendit, he wes beheidit vpon the 25 day of the same moneth of November, for the same slauchter.

(Dec. 3.)—THE LADIE BODWELL banifchit yit anes agane. Bot within sex dayis thairafter, the said Ladie purchit ane Letter of paice, subscryuit be his awin Maiesties hand.<sup>1</sup>

(Jan. 5, 1595-6.)—ANE Proclamatioun, declaring perpetuall PEACE betwix Scotland and England;

<sup>1</sup> Amongst the constancies of the Courte this yeire, one was remarkable; that at Glasgow, in September, the King receuid the Countesse of Bothwell to his fauor the 22d day at night; and one the 3d of December, agane proscriued and exyled her, wnder the paine of death: yet gaue her a Letter of Protection, wnder his awen hand, within 6 dayes thairefter. *Balf. Ann.* i. 398.

and that nane of the Bordereris invaid ane another, vnder the pane of deathe. Sic lyik, at this fame tyme, the generall musteris proclaimed to be haldin the 2 of Februar nixt.

[1595-6,  
Jan. 5.]

(Mar. 2.)— . . . . . CAMPBELL OF ARKINLES wes tane for the *Slauchter of Campbell Laird of Cadder*: And one the 4 day, he thollit ane Affyife; and contennit day till day, till the 8 of Apryll, he wes convyit to the Blaknes till ward; and at lengthe he wes maid frie.

(Apr. 6, 1596.)—THREE men hangit, viz. PATRICK DOUGLAS, PATRICK BYDE and ane . . . . . SYME. This Douglas wes a theiff or murderer and brunt; and haid contentit long wnfuspeckit to, be ony man.

(*Eodem die.*)—THE LAIRD OF BUCKLEUCH past to the Castell of Carlell with 70 (men) and tuik out *Will Kynmonthe* out of the said Castell; the said Will lyand in ironis, within the irone yett. This he did with schowting and crying and found of trumpet; putand the said toune and contrie in sick ane fray, that the lyik of sick ane waffaledge wes nevir done since the memorie of man, no in Wallas dayis!

(Apr. 14.)—MR WILLIAM SCHAW wes strukin throche the bodie with ane raper, be FRANCES MOWBRA, fone to the Laird of Barnbougall.

(Maii 31.)—ANE Proclamatioune, chairgeing all men betuix 60 and 16 to be in radines, betuix that and the first day of August, to pas with the King to the Iyllis.

### Trial of the Earls of Huntlie and Errol ordered.

Maij 24, 1596—(*Apud Haliruidhous.*)—The Kingis Maieftie, haueing oftymes tane grite panes and trouellis for quieting of the troublit estate of the North Cuntrey, kytheit be the effectis that followit vpoun the personis and levingis and houffes of the principall authouris of the said trouble; befydis the expelling of thame selfis furth of the cheif pairtis and placeis quhair thay maid thair commoun residence: In end, it wes thocht meit be his Maieftie, his Counsaile, noblemen and baronis of the cuntrey, and vthiris resident with his hienes for the tyme, that befor his Maieftis returning furth of the same cuntrey, his hienes sould constitute and appoint ane Lieutenant, to mak his residence and remaning thairin in his Maieftis absence, for obviating and withstanding of all forder practizeis, gif ony sould preis tobe attemptit; and reduceing and contening of the inhabitantis thairof, vndir his Maieftis obediens: And albeit findrie Noblemen, then present with his Maieftie, wer burdynnit to accept that charge vpoun thame, yit few or nane could be movit thairunto; sum excuseing thame selfis be thair inhabilitie, and vthiris for want of present preparatioun; sua that delay of tyme in this caise being then thocht tobe verie dangerous, his Maieftie wes movit at last, of verie necessitie, to burdyn his darrest counsing LUDOUIK DUKE OF LENNOX Erll Darnelie Lord Torboltoun Methuene and Aubignie, with the said charge, eftir the same wes refuseit tobe acceptit be all personis then present with his hienes: Lyke as his Maieftie wes forceit to furneis him with a counsaill of certane noblemen, befydis forceis of horsemen and futemen, for the bettir executioun of that charge; quhairin he continewit almaist during all the tyme of that winter seafoun: And becaus it wes then thocht tobe verie troublesum and fasheous, and almaist vnpossible that he sould remane still in thay pairtis, furneit with the saidis forceis, seing the money appointit for that eirand with grite difficultie (could) be had: In end, he wes movit, of verie necessitie, be his Maieftis allowance, to ouersee the passing furth of this realme to the pairtis beyond sey of George sumtyme Erll of Huntlie, and Frances sumtyme Erll of Errole, cheif authouris of the said trouble, vpoun Bandis alwayes gevin that thay sould not returne agane within this realme, without his hienes speciall Licence; and that during the tyme of thair absens, thay sould not trafficque to the prejudice of the trew Religioun, presentlie professit within this realme, his hienes persone, crowne and estate; vndir certane pecuniall panes, mentionat in the saidis Bandis maid thairupoun: And in respect

thair of, to promeis lykwayes, be his hienes allowance, that the pointis foirfaidis of the said Band being obseruit and keipit, thair wyffis in that caise sould haue intromiffioun with thair rentis and leving, during the tyme of thair absens: Quhilk promeis, his Maieftie, his nobilitie, counsale and esteatis presentlie conuenit, ffindis, that his hienes can nawayes violat, without spott and dirogatioun of his princelie honour: AND thairfoir hes Suspendit, and be the tennour heirof Suspendis all forder execution tobe vsit aganis the saidis sumtyme Erllis, tuicheing the Intromiffioun with thair rentis and leving, ay and quhill eftir tryale it falbe fundin and declairit, that thay haue trafficque to the prejudice of the said trew Religioun, as his Maieftie is informit; quhilk tryale his hienes fall tak and caus be tane, be-tuix and the feist of Lambmes nixttocum; quhairvnto findrie of the Ministerie, being now personalie present, promittit to hald hand: And incais, eftir tryale, it falbe onywayes foundin, that thay haue had trafficque, to the prejudice of the said trew Religioun, and consequentlie aganis his Maieftie, his persone, crowne and Estate, or vthirwayes to haue contrauenit ony parte of the said Band, aganis the tennour of the famin; then and in that caise, not onlie fall his hienes caus intromiffioun to be had with thair rentis and leving, and the famin haillelie inbrocht to his hienes vse; bot lykwayes, thair cautionaris falbe callit and perfewit for contrauentioun of the saidis Bandis, and the panes contenit thairintill vptakin of thame, with all rigour and extremitie, in example of vtheris.

(Dec. 16, 1597.)—AN Act of Parliament was passed, Reducing the Forfeitures of the Earls of Huntlie, Angus and Errol, and of vmq<sup>e</sup> Sir Patrick Gordoun of Auchindoun kn<sup>t</sup>, for not entering in ward and obeying the charge of Treason, Mar. 8, 1593: And also Reducing the Doom of Forfeiture, pronounced Jun. 8, 1594: It likewise Restored them to their lands, honours, dignities, offices and estates, &c. *Acta Parl.* 1597, fol. 123, &c.

(Dec. 16.)—Another Act was passed, abolishing ‘all actioun and accusatioun, payne, penaltie and pwnishment following thairvpoun, competent to his hienes aganis the saidis personis, or ony of thair compliceis or assistaris, for ony fact or deid committit be thame or ony of thame, thair compliceis and assistaris foirfaidis, sen the first day of Maij 1592 3eiris.’—(Jun. 30, 1598.) The Earl of Angus got a ‘Commission’ from Parliament, appointing him ‘his hienes Lieutenant and Justice within the boundis of the Eist, Middill and West Marcheis of this realme, foiranent England, and all the scherefdomes of the samyn; togidder with the scherefdomes of Peblis, Selkirk, Eist Lowthiane, Niddifdail, Galloway, Kyle, and Ouer Ward of Cliddifdail, alswell to burgh as to landwart, regalitie as ryaltie, (the inhabitantis of the burrowis of Air and Irwing onlie except); and that during his hienes will allanerlie: And siclyke, Wardane and Justice within the boundis of the said West Marche and scherefdomes and burrowis appertaining thairto, for the space of ane yeir nixtocum.’—(Jul. 31, 1598.) The Earl of Angus accepted this Office, and promised faithful discharge of his duties, &c.]

### **Sir Walter Scott of Branxholme's relieving Kinmont Will out of the Castle of Carlisle, &c.<sup>1</sup>**

ACT *anent the LAIRD of BUCKCLEUCH, &c.*

May 25.—(*Apud Haliruidhous.*)—ANENT the demand maid in name and for the Kingis Maiesteis darrest Sufter the Quene of England, be Robert Bowis hir ambassadour, heir resident, ffor redres tobe gevin to hir of the allegeit outrageous fact done be Schir Walter Scott of Branxholme knight and his compliceis, at the Castell of Carlile, proportand: That fforfamekle as the said Schir Walter, knawne to be a publict officiar, with his saidis compliceis, vpoun the xiiij

<sup>1</sup> See *Acta Parl.* 1596, fol. 99.

day of Aprile lastbipast, in weirlyke maner and hostilitie invadit hir Majesteis realme of England, assailzeit violentlie hir Castell of Carlile and subjectis, and committit vtheris haynous offenffis contrair to the league and amitie betuix the tua realmes; gevand thairby ane just and manifest occasioun of violatioun of the same: Thairfoir requiring the said Schir Walter tobe baith deulie fylit for his fact, and delyuerit to his said darrest fuster, to suffir the panes tobe execute vpoun him for the famin; as the said demand at mair lenth proportis.

The said Schir Walter, being lauchfullie warnit, and compearand personalie befor his Maieftie, his nobilitie, counsale and esteatis presentlie conuenit, and the said fact being havelie layed to his charge be the Kingis Maieftie—ffor justifeing of his awne parte, denyit that euir he had ony intentioun to invade the realme of England, or to assailzie ony of his said darrest fusteris houffis: Lyke as, na deidis of hostilitie, sic as slauchter, depredatioun of guidis, fyre rasing, or taking of prifonairis, nor yit the actuall taking, or his intentioun to tak the said Castell, is relevantlie qualifeit aganis him in the said demand; bot that he allanerlie simpillie recouerit Williame Armestrang of Kynmonth, ane subject of Scotland, furth of that parte of the Castell of Carlile, quhair maist injustlie he wes detenit for the tyme; as maist wranguillie he had bene tane ofbefoir, within the realme of Scotland, be Thomas depute to the Lord Scrope Wardane of England, accompanyed with a force of sax hundreth armeit men, within the tyme of ane general assuirance, takin at a day of trew; to the quhilk the said Williame had repairit, at the speciall command of the said Schir Walter, in quhais name, as Keipar of Liddisdale, the said day of trew wes keipit: Be the quhilk breking of the assuirance, the said Schir Walter reslavit ane oppin and manifest injurie, to the dishonour of his Maieftie his souerane, and of the realme of Scotland: Quhilk dishonour and wrang can not justlie be excuseit, be pretens of the said Williames stopping of the following of ane lauchfull tred, seing the said forme of following wes nawayes lauchfull; and albeit it had bene lauchfull, yit the stopparis thairof could not lauchfullie haue bene takin be the said Inglishe deputie, at his awne hand, within the realme of Scotland: Quhairby it is euident, that the onlie wrang quhilk wes in all this mater, wes committit be the said Lord Scrope and his deputie, be invading the realme of Scotland in weirlyke maner, and taking of prifonairis within the same, in tyme of peace, and vndir assuirance of a day of trew, as said is: In quhilk the said Wardane continewit, be his wrangous detening of the said prifonair and refusall of redres, eftir lauchfull requisitoun maid to him for that effect, be Lettres sent to him be the said Schir Walter, and als be the said Ambassadour at his Majesteis requeist, eftir that the said Schir Walter, vpoun the said Wardane of England his denyale of justice, had maid baith fute to the said Ambassadour and als his humble complaint to

his Majestie: Quhilk wrang and denyale of justice, movit the said Schir Walter to attempt the simple recouerie of the said prifonair, in sic moderat ane fasshoun as wes possible to him; being onlie accompanied with fourefcoir horsemen, and vndir silence of nicht, without ony vther deid of hostilitie done be him for the tyme; quhilk simple recouerie of the said prifoner, mon necessarlie be estemit lauchfull, giff the taking and detening of him wes vnlauchfull, as without all questioun it wes, and mon be swa estemit be all reffounable and indifferent personis.—For the quhilkis reffonis, the said Ambassadouris demand to fyle and delyuer the said Schir Walter, to suffir panes for the said fact, is altogidder vnrefounable, and wald tend gritlie to the dishonour of his Majestie and his hail realme.

Quhilkis reffonis being at length hard and confidderit be his Majestie, his nobilitie and esteatis foirlaidis, it wes thocht maist meit and conuenient be thame, that conforme to the ancient treaties of peace and custum obseruit betuix the realmes, this mater of mutuall allegiandis of notour injureis done betuix the officiaris of the twa realmes aucht and sould be intreatit be Commiffionaris; quhilk his Majestie is maist willing and promittis for his hienes parte, with all possible diligence, to fend to meit vpoun the bordour, for tryale of the saidis allegeit wrangis, and making of redres for all extraordinair wrangis quhilkis salbe tryit to be done be his Majesteis subiectis, at sic tyme and place as salbe condiscendit vpoun: The said Ambassadour being reddy to caus the lyke be done for the parte of England: Vnto the quhilk Commiffionaris his Majestie fall giff expres command to caus mak full satisfioun and redres, conforme to the ancient treaties of peace; to the effect, that now, in sa necessar ane tyme, quhen the hail Ile is minaffit be the commoun inemey, thair be na just occasioun, for his Majesteis parte, of breking of the happie amitie quhilk salang hes continewit betuix the tua realmes.

[*Mr Robert Leirmond and Mr Johnne Campbell, Justices-Deputes.*]

**Resetting and Intercommuning with Bothwell after his Forfeiture.**

Maij 29. 1596.—DAME AGNES SINCLER COUNTES (DOWAGER) OF ERROLE.<sup>1</sup>

Dilatit of the tresonabill Trafficquing and Resfauing fra ffiances sumtyme Erle Bothwell, sen his fforfaltour; and speciallie, sen his passing furth of the realme.

Comperit M<sup>r</sup> Thomas Hammiltoun of Drumcarne and William Heart of Liuelandis, aduocattis to our souerane lord, and produceit ane Warrant of his

<sup>1</sup> She was daughter of George, fourth Earl of Caithness, and second wife of Andrew, seventh Earl of Errol.



Maieſteis, to the Juſtice to proceed, and the Aduocattis to inſiſt in hir perſute; deſyring to be regiſtrat, quhair of the tennour followis.

WARRANT to purſue and to adminiſter Juſtice.

REX,

JUSTICE, Juſtice Clerk and your Deputis, and Aduocate; We grete you wele. Forſamekill as We haif appointit this day, for þe perſute and tryell of Dame Agnes Sincler Counteſſe of Errole, of certane crymes of Treſſoun, quhair of ſche is dilatit and ſuſpect: It is our will pairfoir, and We command you our ſaid Juſtice, Juſtice Clerk and your deputtis; to proceed and miniſter iuſtice vpon hir, conforme to þe Lawes of our realme: And þat ye our Aduocate inſiſt in þe perſute of hir: As ye will anſuer to us pairvpon: Quhairanent þir preſentis ſalbe to you a warrand. Subſcryueit with our hand, At Halyrudehouſe, þe xxix day of May, 1596.

(Sic ſubſcribitur)

JAMES R.

Comperit the ſamin day M<sup>rs</sup> Johnne Scharp and Johnne Nicholſoun, aduocattis and proloquitouris for the ſaid Dame Agnes, and produceit ane Warrand, deliuerit be the Lordis of ſeffioun, chargeing thame to compeir in hir defence: quhilk charge was vfit be James Chalmer Maſer; and deſyrit the ſame to be regiſtrate, quhair of the tennour followis.

SUPPLICATION and WARRANT for Advocates to defend the Counteſſe of Errol.

MY Lordis of Counſaile, vnto your ll. huimlie menis and ſchawis, We your ſeruitouris, Dame Agnes Sincler Counteſſe of Errole and Alexander Gordoun of Strawawin<sup>1</sup> my ſpous, for his intereſſe. That quhair, we are to be accuſit this day, befoir þe Juſtice and his deputis, for Allegeit Intercommoning with Frances ſumtyme Erle of Boithwell, or for ſum vthir forgeit crymes, quhair of as þe Lord knawis We ar maift innocent: And albeit for þe better defence of our innocencie pairanent, and for proponing of our lawfull defenceis, it be neidfull to us to haif certane Aduocattis to procure pairintill, We being to be accuſit on our lywes; and þat þe haifing of preloquitouris in ſic materis is permiſſibill and accuſtmit of þe Law and daylie practice; nochtpeles, þair will name of þe Aduocattis procure for us in þe ſaid materis, without your ll. command. Heirfore we beſeke your ll. þat we may haif command to M<sup>rs</sup> John Scharp, John Ruſſell and John Nicholſoun aduocattis, to compeir befoir þe Juſtice and his deputis, and procure for us in þe ſaidis materis, vpon our reſſonabil expenſis. According to Juſtice and your ll. anſuer, we beſeik.

APUD ED<sup>m</sup>. xxix<sup>o</sup> Maij 1596. Fiat ut petitur.

(Sic ſubſcribitur) . . . . J. P. D. R. SECRETARIUS. Mr JAMES JOHNSTOUN.

PERSEWARIS, Mr Thomas Hammiltoun of Drumcarne, Mr William Heart of Livelandis.

PRELOQUITOURIS in defence, Mr Johnne Scharp, Mr Johnne Nicholſoun, Mr Johnne Ruſſell.

The ſaid Dame Agnes requires of the Juge that ſche may haif hir huſband to aſſiſt in hir defence.

The Juſtice findis hir ſufficientlie authoriſit with preloquitouris:—Allegeit, that hir huſband being in this toun, ſould be heir to aſſiſt.

FIRST, It is allegeit for the ſaid Dame Agnes, that the Dittay, anent the allegeit crymes contenit thairin, is generale, nocht condiscendand vpon the moneth of the committing of the allegeit crymes, preceiſlie; bot reſoluand *alternatiue* in

<sup>1</sup> Strathowne, or Strathdon, the ſon of Alexander, third Earl of Huntly, and anceſtor of the Gordons of Cluny.

ane of the xij monethes : quhowbeit he fuld preceisslie lybel the monethe, if the law, *per legem Libellorum Diges. de Accusationibus*.—*Secundlie*, Allegeit the Dittay to be alluterlie<sup>1</sup> irrelevant, insafar as the samin is confaut vpoun the ref-sait of onye Letteris fra the Lady Boithwell, being in the tyme lybellit in our fouerane lordis saifgard and protectioun : And quhair it was menit<sup>2</sup> that the tennour of the lettres was to support Frances sumtyme Erle Bothwell, (nocht granting the veritie thairof), the desyre of support be onye of Boithwellis freindis can newir infer a tressoun aganis thame fra quhome the support is askit, except it had bene qualefeit that the said support was grantit ; for albeit the desyre to support ane trattour may be tressonabill, yit the refuse of the support can nawyise be criminall. *Thridlie*, As to the last point, twitcheing the allegeit resait of Lettres fra the Maister of Cathanes,<sup>3</sup> (nocht grantand as said is,) repetis the former answer, with this additioun, that the Maister of Cathanes standis the Kingis subiect, newir being forfalt. *Ferdlie*, As to that point, twitcheing of ane Obligatioun inclofit within the Ladye Boithwellis Lettre, the samin is verrie irrelevant, nor inferris na cryme, except thair had bene sownes delyuerit, for it may stand, that the Ladye Boithwellis Lettre being refufit, the samin with the Obligatioun mycht be revin, as it was trew indeid. As to the qualificatioun of the conceling, quhair thair is na cryme thair is na conceling, for the conceling man be of a cryme.

The Aduocate anfuers to the *first* allegiance, anent the generalitie of the tyme, that it aucht to be repellit ; becaus the Dittay will stand releuant in onye day of the haill yeir, the Erle Boithwell standand forfalt all that yeir ; and it being Tressoun to trafficque for him, and to concele the samin : Anfueraud to the *secund* allegiance, sayis that it is nocht set down nakitlie in Dittay, that the Letteris was ressait fra the Lady Boithwell, as the cryme quhairvpoun the pannell is accusit ; bot, that the Lettre contenit tressonabill traffiquing and procuring of money for my Lord Boithwell, than standand forfault. The ressaing and conceling thairof was lykwyise Tressoun, in the persoun of the ressauear and concelar ; becaus it is manifest of the law, that the knowlege and conceling of Tressoun is Tressoun. Quhair it is affermit be the pannell, that the Letter and Obligatioun ressait wes revin and brunt, the persewar acceptis the samin *in quantum* ; and yit the samin purcheffis nawyis the knowlege and conceling ; becaus it wes nocht anewch, in caise it had bene trew that the defender had rewin and distroyit the saidis Lettre and Obligatioune, (the contrar quhairrof is maist trew ;)

<sup>1</sup> Altogether, entirely.      <sup>2</sup> Complained.      <sup>3</sup> John Master of Caithness, her brother, (who died in 1577,) married Dame Jean Hepburn, only daughter of Patrick third Earl of Bothwell, who was Francis Earl of Bothwell's mother. The person here alluded to might be John Master of Berriedale, son of William Lord Berriedale, and grandson of George fifth Earl of Caithness.

bot it behowit hir, of hir dewtie and alledgeance, to haif revelit the tressonabill directing thairof, and to haif manifestit hir awin innocencie, be refusall and reveling, and be deteining of the messingir quha wes in hir hous and power, sche haifing sic knowlege of his tressonabill travelling and traffiking in that mater; quhilk the Aduocat repetis, as ane anfuier to the haill alledgeance.

The Defender repetis hir former anfuier, and eikis thairto, that thair can nocht be ane conceling in Tressoun, quhair thair is nocht *tractatus* in Tressoun; *tractus est duorum vel plurium in eodem consensu*. Thair is na consent heir qualefeit, that ony support wes grantit, 3e (yea) be the contrar, it wes refusit; and the propositioun *de fiendo subsidio* and the refusing thairof nocht *facit tractatum, itaque*, thair is nather cryme nor conceling. The aduocat acceptis the alledgeance *in quantum*, and anfuieris, that the famin elydis nocht the Dittay, quhilk is nocht only foundit *super tractatu, sed super silentio et celatione*; and the Doctouris and speciallie Angelus affirmis, that the knowlege of ony kynd of Tressoun and conceling thairof, be him quha may preif it, is Tressoun: And trew it is, that my Lady Bothwellis wryting for money and supply to my Lord Bothwell hir husband, being the Kingis rebell, is Tressoun; quhilk being knawin to the defender, and habill to haif bene verefeit be the Lettres ressaute be hir fra my Lady Bothwell to that effect, hir conceling thairof is expres Tressoun: Lyke as, the lyke cryme wes fand Tressoun, in the pairt of Daid Home of Argattie, in anno 1584<sup>1</sup> or thairby; quha, for reding and conceling of ane Letter direct fra his brother-sonne,<sup>2</sup> being thane foirfalt in Ingland, to ane of his awin tennentis, for support fra him of money and vtheris his privat effairis, wes thairvpoune put to ane Assyse, convict thairof and thairfore execute: And M<sup>r</sup> Nicoll Dalgleisch,<sup>3</sup> being accusit for reding of commendatiounis, writtin in ane Letter, send be M<sup>r</sup> Walter M<sup>c</sup>Canquall to the said M<sup>r</sup> Nicoll, in ane Letter writtin to the said M<sup>r</sup> Walteris wyffe; the Dittay, foundit vpoun the said cryme, wes fund relevant; he wes put to the knowlege of ane Assyse, and he wes convict thairof. And this cryme specefeit aganis this present pannell, being mair odious of the selff and relevant of the law nor the said vthir crymes aboue mentionat, the famin aucht to be fand relevant, nochtwithstanding the haill alledgeance maid in the contrair.

The Defender anfuieris to the pretendit practikis, that thair is nane of thame produceit: and proteffit, that before ony of thame be red be the judge or the King and Counfall, that thay may haif inspectioun of thame, that sche may anfuier thairto: And in caise ony sic thing wer as is alledgeit, it is nocht pertinent in this caise, speciallie M<sup>r</sup> Daid Home of Argatie, quha is allegeit to haif red

<sup>1</sup> See Dec. 8, 1584.

<sup>2</sup> Patrick Home, 'servitour' to the Earl of Mar.

<sup>3</sup> Minister of

St Cuthbert's, near Edinburgh. See Dec. 8, 1584.

ane Letter, writtin be ane declarit Tratour : As to M<sup>r</sup> Nicoll Dalgleifch, he wes newir convict. And forder, the Act of Parliament, maid att Lynlythqw in four-fooir and fyve zeir (1585) retretis,<sup>1</sup> and for maist vrgent cauffis hes retretit all sic proceffis, and hes ordenit the memorie thairof to be bureit for ewir, that thay fould nocht be hard in judgement thaireftir.—Anfuerit the Aduocat, that the Act of Parliament, maid att Lynlythqw, contenis restitutiounes *gratie et non juris*; and albeit it haif redintegrat<sup>2</sup> the personis forfaltit being on lyff, and the posterite of thame being deceiffit, to thair fame, honour and leivingis, yit it alterit nocht *decisiones juris*, foundit vpoun the Commoun Law and nocht vpoun particular Actis maid aganis the personis foirfaltit.

The defender repetis the former anfuer, with the Act of Parliament and cauffis thairin contenit; quhilk Act of Parliament rescindis the haill proceffis, *per expressum*, as gif thair had bene speciall decreitis gewin vpoune ilkane of thame.

The Justice continewis to Monunday the laft of Maij.

(Maij 31.)—The Justice continewis Interloquitour, in the alledgances proponit betuix the Lady Erroll and the Kingis Advocattis, to the secund of Junij nixtocum. [No farther entries occur in the Record.]

### **Slaughtering, selling, and eating of Flesh in time of Lent.**

May 31.—WILLIAM BARRIE, fefcheour in Dundee, and thirteen others 'fefcheouris' of Dundee and Perth.

Dilatit of contravening of the Actis of Parliament, in slaing and eitting of fefch in Lentrone laftwas.

Only one of the pannell 'fylit and convict'; another continued to the aire of Perth; and the others found to be 'cleane and acquit.'

### **Eating Flesh in time of Lent.**

May 31.—[DAVID] ERLI OF CRAWFURD.

Mr John Halyday produceit the Kingis Licence, subfcryuit be his Maieftie, granting the Erll of Crawford licence to eit fefche, and Thomas Stewart to mak reddie fefch, (in time of Lent).

The Aduocat allegis the Licence is null, in respect it is paf<sup>t</sup> but<sup>3</sup> compositioun, and nocht conforme to the Act of Parliament.—The pannell alledgis, that na proces fould be led in this Judgement, becaus befor the criminall perfuit, ane precognitioune ciuile aucht (to have taken place), and it importit ane pecuniall pane allendarlie.—The Aduocat anfueris, that the alledgeance aucht to be repellit,

<sup>1</sup> Lat. *Retractare*.

<sup>2</sup> Lat. *Redintegrare*.

<sup>3</sup> Without.

in respect of the Act of Parliament, ordaining that the Thesaurar fall accuse thame, and being convict, thair escheitis and vnlawis salbe tane vp.

[*Mr Robert Leirmond, Justice-Depute.*]

**Child-Murder.**

JUN. 1.—ISSOBELL PRATT, seruand to Cristopher Lyndefay in the Grange.

Dilatit of the crewall Murthour and slauchter of ane infant bairne, procreat betuix hir and John Abircrumbie wrycht, eftir the bairne wes quick borne; committit in the Grange the sewintein of Maj lastwas.

VERDICT. The Assyse, in ane voce, ffylis the said Issobell Pratt of the murdering of hir awin barne, be strangling of the barne, ane man chyld, be nipping of the bairnis chraig.<sup>1</sup>

SENTENCE. 'Fylit and Convict. Suspen.'

**Shooting with Daggs and Pistolets—Hurting and wounding.**

JUN. 1.—JAMES CREYCHTOUN of Ruthvennis, David Home his seruand, Stephin Currou of Logiemegle, Johnne Cuming in Glaswall and Abimilech Crech, burges of Edinburghe.

Dilatit of contravening of the Actis of Parliament, in bering and wering of (and schuting with dagis and) piftolettis; and hurting and wounding of John Ker, seruitour to David Wod of Craig, in the body and rycht hand, George Ker in the heid, and James Ker in the left hand; and mutilatioun of the said James of twa fingaris of his left hand.

Comperit James Reid, Constabill of the Castell, and produceit ane Testimoniall subscryuit be David Ramsay, Minister at Elyth and Ruthvennis, testifeing *Cristopher Creychtoun* in Megle and *Alexander Creychtoun* to be lyand deidlie hurt: And ALS, produceit the Kingis Precept, ordaining the Justice to continew the mater, vpoun fyftene dayis wairning, vpoun the said Cristopher and Alexander Creychtoun, in respect thay ar lyand deidlie woundit.—The Justice admittis the Kingis Warrant, the Thesaurar being present and consenting thairto.—Continued to the Aire of 'Forfare, tertio Itineris, (vel super premonitione) xv dierum.'

**Shooting with Pistolets—Hurting and wounding.**

JUN. 2.—DAVID WOD of Craig, Mr James Wod, brother to the Laird of Craig, Robert Wod, broder to Thomas Wod in the Grange, and John Ker, seruitour to the Laird of Craig.

<sup>1</sup> Squeezing or pinching of the child's throat or windpipe, *craig*.—The same mode of suffocation which was recently practised by the infamous Burke and his gang, in the West Port of Edinburgh.

Dilatit of the hurting and wounding of Cristell (Christopher) Creychtounē, seruitour to James Creychtounē of Ruthvennis, be the schot of ane pistolet in the bodie and arme, to the effusioun of his blude in grit quantitie; and thairby, for contravening of the Actis of Parliament, in bering, wering and schuting with pistolettis; committit in March lastbypast.

It wes allegeit be Mr Johnne Scharp, aduocatt, that Daud Wod of Craig can nocht be vnlawit for the entrie of Daud Wod, sone to the Laird of Boningtoun, and George Ker, becaus Johnne Ducie, Minister of Monroise, testifeit to Walter Commendater of Blantyre (Treasurer), that thay wer. vnliable; quhilk was confest be the Thesaurar.—Continued to the Aire of 'Forfar, tertio Itineris, xv dierum.'

[*Mr James Fowlis, Justice-Depute.*]

**Murder—Theft.**

Jun. 7.—JOHNE PENNYCUK in Dykenuke.

Dilatit of airt and pairt of the crewall Murthour and Slauchter of vmq<sup>l</sup> Johnne Cowane; and of Hurting of Alexander Young in Cowter, and chaiffing of Cuthbert M<sup>c</sup>Clellen at the West Port of Edinburghe; and for airt and pairt of the thifteous steling of thre naigis fra thame; committit the xxij day of May lastbypast, &c.

PERSEWARIS, Robert Lord Sanquhar, Johnne Dryburcht in Ravinshauch, Williame Dryburcht thair, John Wauchop, baillie in Nudrie, Johnne Creychtoun of Bruntounē, Robert Miller in Stanyhill, Sir Archibald Naper of Edinbellie, kny<sup>t</sup>, Mr Williame Hairt, aduocat.

VERDICT. The pannell is 'ffylit' of eight seperate acts of Theft, &c. and 'for Commoun thift, commounē Reslett of thift, inputting and outputting of thift, bayth auld and new.'

SENTENCE. To be tane to the Gallows of the Borrow-muir, and thair to be hangit quhill he be deid; and his heid and rycht hand to be strikin off, and put and hung vpoune the West-port; and all his movabill guidis to be escheit and inbrocht to our souerane lordis vfe, &c.

[*Mr Jacobus Fowlis Justiciarius, per Commissionem s. d. n. Regis constitut.*]

**Slaughter.**

Jun. 8.—THOMAS GARDYN, fumtyme in Bandoch, now in Legatstoun.

Comperit James Guthrie of Gagye, and produceit our souerane lordis lettres deulie execute and indorsate, purchest be Iffobel Wod Ladye Guthre, the relict; James Guthre of Gagye, Daud and Gabriell Guthries, sonnes; with the kyn and freindis of vmq<sup>l</sup> Alexander Guthre of that Ilk; to tak fouertie of Thomas Gardyn, fumtyme in Bandoch, now in Legatstoun, that he sould compeir befoir our

Soueranis Justice and his Deputis this day and place, and vnderlye the law for art and part of the crewall slauchter of the said vmq<sup>le</sup> Alexander Guthre of that Ilk ; and desyrit proces thairvpoun, and protestit, that he as cautionn be relevit of his cautionarie.

Comperit Mr David Peirfoun, and produceit ane Warrant of his Maiesteis, datit at Lynlythqw, the ferd day of Junij instant, to desert the dyet ; and desyrit that the famin be obayit ; quhairof the tennour followis.

REX,

JUSTICE, Justice-Clerk and your deputis, We grete you wele. Forfamekill as it is vnderstand to us pat our vtheris Lettres ar rasit, at pe instance of pe bairnis, kyn and freindis of vmq<sup>le</sup> Alexander Guthre of pat Ilk, and our Aduocattis for our intres, for calling of Thomas Gardyn of Bandoch to vnderlye our lawis befoir you, vpoun pe viij day of Junij instant, for art and part of pe Slauchter of pe said vmq<sup>le</sup> Alexander, as our saidis Lettres at lenth beris : Nochtwithstanding quhairof, in respect We haif alreddie causit pat deillie feid standing betuix pe houffis of Gardyn and Guthre, amangis vtheris, to be affurit and submittit to certane of our Counsle, Barrownis and Ministeris, for reconciliatioun and remowing pair of ; all sic persuittis wald in pe mene tyme be stayit pat may hinder pe same : AND pairfoir it is our will, and We command you, pat vpoun pe sycht heirof you desert pe said dyet, appointit pe said aucht day of Junij instant ; and on nawyise vnlaw the said Thomas nor his cautionar for nocht entre pairat, bot desist fra all maner of proceding pairin ; pat according to pe submissioun, pe remaning of pe feid may be pe bettir handillet, and proceed without impediment. As you will anfuer to us vpoun your office and obedience : Quhairanent your presentis salbe your warrant. Subscryueit with our hand, at Lynlythqw, pe ferd day of Junij, 1596.

(Sic subscribitur) JAMES R.

Quhilk Warrant the Justice obayit, and thairvpoun desert the said Court, in respect of na contrair warrant produceit.

**Consulting with Witches, for Destruction of Earl of Orkney, &c.—  
Witchcraft—Poisoning—Murder.**

JUNE 24.—JOHNNE STEWART Maister of Orknay.

Dilatit of consulting with vmq<sup>le</sup> Margret Balfour, ane Wich, for the distructione of Patrik Erll of Orknay, be poysoning.

PERSEWAR, Mr Williame Hairt Aduocat to our souerane Lord.

PRELOQUITOURIS for the Pannell.

My Lord Barnbarrocht, Mr W<sup>m</sup> Leslie, Mr Johnne Nicolfoun, Thomas Kennydy Tutour of Caffillis.

The famin day, Patrik Erll of Orknay being oftymes callit, to comperit this day and place, to haif infisit in persuit of Johnne Maister of Orknay for the crymis contenit in the Lettres, as he that wes lauchfullie summond to that effect, comperit nocht ; quhairvpoun the said Maister of Orknay askit instrumentis.

The said Mr Williame Hairt aduocat infisit in persuit of the said Johnne Stewart, for the crymes contenit in the lettres : That is to say ;

DITTAY *against* THE MASTER OF ORKNEY.

· FORSAMEKILL as the said Johnne Maister of Orknay, brother germane to Patrik Erll of Orknay, vpoun the fyrst, secund, thryd, ferd, fyft, saxt and remanent dayes of the monethis of October, Nouember, December and Ianuar, att the leift in sum of the dayes of the monethis foirfaidis 1593, Conspyrit the Murthour of the said Patrik Erll of Orknay, his brother, consultat and dewyfit thairanent with vmq<sup>le</sup> Alyfoune Balfour, ane knawin notorious Wich and execute to the death for Wichcraft; and that att the tymes foirfaid, within the said vmq<sup>le</sup> Alyfounis hous in Ireland<sup>1</sup> in Orknay, how thay mycht haif bewichit the said Patrick Erll of Orknay his brother, and bereif him (of life) be Sorcerie and Wichcraft: Quhilk the said Alyfoune grantit and confest the tyme of hir executioun and diuers tymes of befoir: LYKEAS, the said Johnne, in the foirfaid moneth of November, and in ane or vthir of the dayes thairof, schortlie eftir the deceife of vmq<sup>le</sup> Robert Erll of Orknay, than past to M<sup>r</sup> Williame Mwdeis hous, in Wallis in Orknay, accompaneit with James and Williame Stewartis, his brether, Patrik and Olipher Sinclaris, Thomas Palpla and vtheris thair complices, quhair the said Johnne with the saidis personis consultit, conspyrit and dewyfit how to murthour the said Patrik Erll of Orknay his brother, be poysoning, or vthirwayes, be craft and quyet dealing. LYKEAS, the said Johnne hyrit and conduceit the said Thomas Palpla his feruitour to poyfoun the said Erll of Orknay, quaha tuk the sam in hand; and being accusit thairof, confest the samin, and wes execute thairfoir to the deid: LYKEAS also, the said Johnne, with the assistance of the said Williame Stewart his brother and thair complices foirfaidis, consultit, dewyfit and concludit att the tyme foirfaid, to haif murtherit the said Patrik Erll of Orknay, att ane Bankynet in Daud Moncreifis, in Kirkwall in Orknay; quhilk the said Williame Stewart his brother hes confest diuerse tymes sensyne: LYKEAS, the said Johnne Stewart, in the moneth of December thaireftir, in the yeir of God foirfaid, att the leift in ane of the dayes of the said moneth, consultit, dewyfit, conspyrit and interpryfit to haif enterit in, secreitlie, in the said Patrik Erll of Orknayis chalmer, within the Place of Birza in Orknay, thair to haif slayne and murtherit him in his bed. Committing thairby, att the leift doing that in him lay, be the meanis foirfaidis, to haif slayne and mordreist the said Patrik Erll of Orknay.

The samin day the said Mr of Orknay declarit, that albeit the summondis be altogidder irrelevant in the thre heidis thairof, viz. Wichcraft, Poysoning and Murdering of his brother, anent the speciall circumstances and factis alledgeit done and interpryfit be the said Maister of Orknay, and that it is newir lybellit that ony effect followit vpoune the said pretendit purpois of consultatioun, quhilk

<sup>1</sup> Yreland, or Yrland, 'a town' in the parish of Stennes or Stenhous.



is alwyfe denyit and is maift fallie forgeit ; yit neuirtheles, in respect of his innocencie, he is content to abyde the ordinar tryall of all the poyntis and crymes specifeit in the said summondis.

The famin day the Aduocat produceit his Maiesteis Warrant, and desyrit the famin to be infert ; and forder desyrit the concurs of my Lord of Orknay, as he that wes lauchfulle wairnit to that effect ; quha being callit comperit nocht ; and the said Aduocat desyrit proces, and tuik instrumentis, that the partie opponit nocht aganis the famin. Followis the tennour of the Kingis Warrant.

REX,

MR THOMAS HAMMILTOUNE of Drumcarne, and Williame Hairt of Lewielandis, aduocattis to our souerane Lord. We greit 3ow weill. It is our will, and We command 3ow, that incontinent estir þe sycht heirof, 3e compeir before our Justice or his Deputis, in ane Court of Justiciare to be hauldin in our Tolbuith of Edinburgh the xxij day of Junij instant, and insift in perfuit of Johnne Stewart, Mr of Orknay, summond be vertew of our vtheris Lettres, purchest att 3our instance aganis him, ffor þe alledgeit consulting, enterpryng and dewysing of þe slauchter of Patrik Erll of Orknay ; and that 3e nawyis consent to prorogatioun or delay of þe said mater to ony vthir day, nochtwithstanding of ony directioun purchest or to be purchest in þe contrar heirof : For þe quhilk þir presentis falbe to 3ow ane warrant. Subscryuit with our hand, Att Halyruidhous, þe xvij of Junij, 1596.

(Sic subscribitur)

JAMES R.

ASSISA.

Laurence Bruce of Cultman- Lundie,	Sir Wm. Stewart of Houstoun, knycht,	Frances Robertfoun, burges thair, Williame Tod thair,
Hew Sinclar of Burgh,	Thomas Otterburne of Reidhall,	Johnne Makie thair,
Alexander Lord Spynie,	Patrik Chene of Effilmonth,	Johnne Dik thair,
Robert Lord Sanquhar,	James Ogilvie of Balfour,	Patrik Kennedie burges thair.
. . . . Mr of Ogilvie,	Andro Bauchop, burges of Ed <sup>1</sup> ,	

The said Maister of Orknay produceit ane Declaratioun vnderwrittin, togidder with ane Instrument, quhilk thay desyrit to be infert in the proces.—Item, the summondis is foundit vpoun thre heidis, viz., Wichcraft, Poyfoning and Murthering of his brother : As to the ffyrst point, albeit the speciall circumstances of the mater be nocht speciallie qualifeit and fett down in the summondis, yit he is content to abyde ane Affyse thairof, in respect of his innocencie. And as to the Confessioun of Alefoun Balfour, to remember the Affyse, that the said Alefoun wes, be vehement tortour of the caschielawis,<sup>1</sup> quhairin sche wes kepit be the space of fourtie-aucht houris, compellit to mak the said pretendit Confessioun : Likeas hir husband callit . . . . . Tailliefeir, being ane man of lxxxxj yeiris of aige, togidder with hir eldest sone and hir dochter, wer all kepit at anis and

<sup>1</sup> This instrument of torture is elsewhere called *caspicawis*. Dr Jamieson conjectures the word to signify 'the warm hose.' No doubt the application of intense heat to the limbs, during the infliction of the torture, was usual in various countries. After encircling the leg with an iron frame-work, it was put into a moveable furnace or chauffer, and during the progress of heating the iron, the intended questions were successively put. This exquisite pain must have induced the unhappy sufferer to confess almost any thing that might be proposed. Perhaps the instrument may, from this last circumstance, have obtained the *soubriquet* or nickname from an old French word, *Casse-loix*.

at the same instant in waird, besyde hir, and put (to) tortouris att the same instant tyme; the fader beand in the lang Irnis of fiftie stane wecht; the sone callit in the buitis with fiftie sewin straikis;<sup>1</sup> and the dochter, being sewin yeir auld, put in the pinnywinkis;<sup>2</sup> to this effect, that hir said husband and bairnis beand swa tormentit besyde hir, mycht move hir to mak ony Confessioune for thair releif: Lyke as thaireftir, immediatlie eftir hir reliefe out of the said torment, sche revoikit the said Confessioune: And thaireftir, in presens of the haill toune, before the Assyise, and att the tyme of her executioun, sche declarit oppinlie, that the said Confessioune wes altogidder fals and extortit: The notorietie quhairof is referrit to the Assyise. ITEM, the vthir twa heidis, anent the poysoning and the murthering, (albeit the same be nawyise relevant poyntis of ony tyme, becaus it is nocht alledgeit that thair followit ony thing vpoune the saidis pretendit consultatiounis, nor yit that the same cam *ad actum proximum*;) the Maister being altogidder innocent of the said pretendit forgeit accusatiounis, refusis na tryell: And as to the Confessioune maid be Thomas Palpla, the same wes in lyke maner extortit of him, he being kepit in the caschielawis ellewin dayis and ellewin nychtis;<sup>3</sup> tuyise in the day, be the space of fourtene dayis, callit in the buitis, he beand naikit in the meane tyme, and skairgeit with towis,<sup>4</sup> in sic soirt, that thay left nather flesch nor hyde<sup>5</sup> vpoun him: In the extremitie of the quhilk tortour the said pretendit Confessioun wes drawin out of him: Quhilk pretendit Confessioun he ewir revoikit and recantit, immediatlie as he wes frie of the tortour; and att last, publictly, the tyme of his executioun, he oppinlie revokit the samin, quhilk wes referrit to the Assyise.

Follows the tennour of the instrument produceit.

DECLARATION OF ALESOUN BALFOUR, *at the place of her Execution.*

APUD KIRKWALL, vpoun þe Heding-hill of þe same saxtene day of December 1594. IN presens of Thomas Swyntoun Minister at Kirkwall, Johnne Stewart Reidar pair, Mr Gylbert Body Minister att Holm, Alexander Somerwall in Deirnes, Johnne M<sup>c</sup>Kenzie, Daud Moncreif seruitour to my Lord Erll of Orkney, and Gylbert Pacock, with sindry vthiris. The quhilk day, in presens of me notar publict vnderwritin and witneffis foirsaidis, ALESOUN BALFOUR, being condampnit for hir alledgeit poyntis of Wichcraft, and led to þe Hill to þe place of Executioun; sche, in presens of me and witneffis foirsaidis declarit and tuik vpoun hir faull and conscience, as sche wald answer att þe day of judgement, quhen the secreitis of all hairtis falbe disclofit, that sche wes als innocent and wald die als innocent of ony point of Wichcraft as ane barne new borne: AND als, being inquiryt vpoun hir faull and conscience to declair 'quhat sche knew of þe Laird of Stenhous, and to quhat effect he gaif to hir þe walx þat wes fund in hir purs?' Quha þan presentlie declarit, be hir pairt of Paradyce, and as

<sup>1</sup> See Fian's Trial, p. 219, &c. and the Trials for Witchcraft.   <sup>2</sup> See p. 215.   <sup>3</sup> This fact is quite inconsistent with the application of intense heat. Perhaps the instrument may have been similar, in its construction, to the Witches' bridle, mentioned in the notice prefixed to the Trial of Bessie Dunlop. See page 50.   <sup>4</sup> Ropes, cords.   <sup>5</sup> Skin. A most disgusting and frightful instance of the iniquities practised under form of law; which, indeed, would disgrace the most barbarous tribe of Indians!

sche wald anfuere to þe lewing Lord, that sche knew na thing to þe auld Laird of Stenhous bot honestie; and þat his Lady, being subiect to the colick, notour to hir, willit þe Laird to gif hir ane peace walx, a fowre 3eir bygane syne, to mak ane implaister; to be imployit be hir to his Lady, for remedie of hir said diseise, and na vthirwyis, as sche wald anfuere to þe lewing God of heavin and aeirth: And said þan playnlie, þat sche wald die with the same confessioun; lykeas, sche thane deit constantlie pairwith. AND siclyke, being inquyrit and accusit be þe Persoun of Ropher, 'gif sche wald abyde be hir fyrst Depositionn, maid in þe Castell of Kirkwall, vpoun the . . . . day of December instant?' Qaha anfuereit, þat þe tyme of hir first Depositionn sche wes tortourit diuerse and seuerall tymes in þe Caschielawis, and findrie tymis takin out of þame deid,<sup>1</sup> and out of all remembrance ap' of guid or ewill; as lykewyis hir guidman being in þe stokis, hir sone tortourit in þe Buitis, and hir dochtir put in þe Pilliewinkis, quhairwith sche and þay wer swa vexit and tormentit, þat pairtie to eschew ane gretat torment and pwneishment, and vpoun promeis of hir lyffe, and guid deid be þe said Persoun, fallie, aganis hir faull and conscience, sche maid þat Confessioun, and na vthirwyis: For þe quhilk, sche askit þe Lord mercy and forgiuenes; and constantlie deit pairatt. Quhairvpoun all and findrie þe premissis, Thomas Ballendene fear of Ewe tuik act and instrument.

(*Sic subscribitur.*)

*Ita est, JACOBUS NEVENE, notarius publicus ac testis in premissis rogatus et requisitus: Teste manu propria.*

After the quhilk Declaratioun, the Justice patt the said Johnne to the tryell of the Assyse. Quhilk persounes being chosin, sworne and admittit, and the said Johnne Maister of Orknay, being accusit be Dittay of the saidis crymes, in thair presens, he denyit the famin. Eftir the production of certane euidentis and instrumentis, quhair the saidis vmq<sup>le</sup> Alyfoun Balfour and Thomas Palpla maid revocatioun of thair Depositionis and Confessiounis, alledgeit maid in preiudice of the said Johnne Maister of Orknay; the Assyse tuik instrumentis, that thair wes na thing produreit for verificatioun of the Dittay, and that the said Dittay wes nocht sworne.

The said persoun on pannell askit instrumentis of the chesing of the Assyse but oppositioun.<sup>2</sup>

VERDICT. The Assyse removit altogidder furth of Court to the Counsal-hous, quhair thay, be pluralitie of vocis, chuse Robert Lord Sanquhar Chancillar of the said Assyse; and thairefter reasonit vpoun the poyntis of the Dittay, and haifing votit thairvpoun, efter voting and resolutioun, re-enterit agane in Court, quhair thay, be the mouth of the said Chancillar, ffand the said Johnne Stewart Maister of Orknay to be Acquit and innocent of the hail crymes and poyntis of Dittay particularlie above mentionat, quhair of he wes accusit.

[*Mr James Fowlis, Justice-Depute.*]

**Forcible Abduction—Kidnapping.**

Jun. 30.—ALEXANDER FLEMING of Barrochan, Patrik Fleming and Mr James Fleming, his sonis, &c.

<sup>1</sup> In a swoon, or 'dead-faint.'

<sup>2</sup> Without challenge upon his part.

Comperit Patrik Maxwell of Dargavell, and producelt our souerane lordis lèttes, dewlie execute and indorsate be the said Patrik him selff, Marioun Porterfeld his spous and Rabeca Maxwell his dochter, to tak fouirtie of the said Alexander, Patrik and Mr James, and vtheris thairin contenit, that thay sould haif comperit this day and place, and vnderlyne the law for airt and pairt of the cuming to the said Patrik Maxwellis duelling-place of Dargavell, and Reveisching of Rabeca Maxwell his dochter furth thair of, and taking of hir away with thame to the place of Barrochane, and keping hir in strait firmanse, be the space of fyftene dayis or thairby; committit vpoun the thryd day of Nouember last-bypast, and vtheris crymis contenit in the lèttes direct thairupoun.

This mater ordenit to be continewit, be the Priour of Blantyre thesaurar and the Justice Clark, be thair Precept.—Sir Patrik Houstoun of that Ilk became pledge and fouirtie for Alexander Fleming of Barrochane, Patrik F. his sone and apperand air, Mr James F. alsé his sone, Hew F., James F., James Henryfoun and Peter Cuming, seruandis to the said Alexander; Robert Fleming in Covenlie, Gabriell Reid in Barrochane, Williame Houstoun thair, Patrik Houstoun thair, Williame Reid in Hillis, Patrik Fleming in Aylie, Thomas Kellocht in Craighall, Matho Patrik thair, Johnne Allane in Cruik, James Fleming in Corf-lie, Patrik F. att the kirk of Killellane and Alexander Alschonar in Wod, and that thay fall compeir before our souerane lordis Justice or his deputis, the thryd day of the nixt Justice-air of the sherefdome of Renfrew, or soner quher or quhen it fall pleis our souerane Lord, vpoune fyftene dayes wairning, and vnderly the law for the said crimes.

### **Forceible Abduction, &c.**

Jul. 5.—WILLIAME BANNATYNE of Corhous.

Dilatit of airt and pairt of the away-taking of and reifing of Margret Hammiltoune, dochter to Johnne Hammiltoune of Auchnaglene, furth of Johnne Weiris hous of Dargavill.

#### PERSEWARIS.

Johnne Hammiltoune of Auchnaglene,  
Mr Williame Hairt, aduocat to our souerane lord.

#### PRELOQUITOURIS for the pannell.

Mr Thomas Craig,  
Mr Alexander King.

The said Williame Bannatyne tuik instrumentis of his compeirance. Compeirit James Reid, Constabill of the Castell of Edinburgh, and tuik instrumentis that he had presentit Williame Bannatyne of Corhous before my Lord Justice, and enterit him on pannell, conforme to the Warrant direct be the Lordis of Counfall to that effect.—The said day comperit Mr James Hammiltoune of Caudor and Williame H. of Hillis and James H. of Bardowie 3ounger, and tuik instrumentis of the production of our souerane lordis (letteris) dewlie execute,

purchest be Johnne Hammiltoune of Auchnaglene for summonding of ane Affyise to Williame Bannatyne of Corhous.—As also comperit Johnne Hammiltoune of Auchnaglene, and infisit in perfuit of Williame Bannatyne of Corhous, and thairvpoune tuik instrumentis.—The said Williame Bannatyne of Corhous tuik instrumentis, that Williame Hammiltoune of Auchnaglene, being desyrit to fweir the Dittay gewin in aganis him, declarit, he wes fa informit, be brute,<sup>1</sup> that he did the famin; bot he wald nocht tak it vpoun his conscience that the famin wes trew done be him.

The persewar and the aduocatt protestit for Errour, in caise thay Acquyte the said Williame Bannatyne.

*DITTAY against Williame Bannatyne of Corhous.<sup>2</sup>*

FORSAMEKILL as the said Johnne Hammiltoune haifing placeit Margret Hammiltoune his dochter, ane bairne of ten 3eir auld or pairby, with Johnne Weir in Dargavill, hir moder-brother, to haif bene educat and brocht vp be him, vntill hir lauchfull and perfyte age; lipning that nane sould haif interruptit hir educatioune and vpbringing, or attempted ony violence or iniurie aganis hir; nochtwithstanding quhairof, it is of veritie, that Williame Cwninghame tutour of Boningtoune, accompaneit with certane bretherene and seraandis of Williame Bannatyne of Corhous, mountit vpoun the said Williamis awin hors, be his speciall caufing, directione, sending and hounding out, all bodin in feir of weir, with vnlauchfull and foirbidin wappinnis, come vpoun pe xxvij day or pairby of March last-bypast, vnder fylence and cloud of nycht, to pe said Johnne Weiris duelling-hous of Dargavill, lyand within pe sherefdom of Lanark, and violentlie enterit pairin; fyrst, schamefullie and vnhonestlie persewit the said Johnne Weir of his lyffe, rest his purs fra him, quhairin thair wes ane grit quantitie of gold and siluer, hurt and woundit him in diuers partis of his body, and left him lyand for deid; and thaireftir, violentlie tuik the said Margret away with pame, fyrst to pe place of pe Corhous, quhair sche wes ressaunt and kepit all that nycht, be pe knowledge, allowance and privitye of pe said Williame Bannatyne, and paireftir, be his directione, convoyit hir away to sum partis of pe Bordour, quhair sche wes kepit and detenit: The away-takeris of hir remaning continewallie senfyne in hous and cumpany with the said Laird of Corhous; quha intendit, in hir minoritie, to move hir to findrie purpoffis, altogidder to hir disadvantage.

Wes putt to the knowledge of ane Affyis, and in thair presens, wes accufit be Dittay of the crymes aboue writtin; quha denyit the famin straitlie.

VERDICT. Eftir the quhilk accusatioune, thay past altogidder furth of Court (to) ane secreit place in the eird of the said Tolbuith, quhair thay convenit and chuse Robert Scott of Thirlstane chancillar, and eftir chesing of him past to voting vpoun the pointis of the Dittay foirsaid; and being resoluit thairwith re-enterit agane in Court, quhair thay, be the mouth of the said chancillar, ffind,

<sup>1</sup> Fr. *Brut*, report, rumour.    <sup>2</sup> This crime affords a striking picture of the times; which, by reference to the Criminal Records, will be found one of very frequent occurrence. Heiresses were forcibly carried off by some powerful Baron or Laird, who had perhaps been disappointed in effecting a marriage for themselves or sons, by fair means. A fitting opportunity was watched, and the young lady relieved of the tediousness of courtship, by getting a priest on the other side of the Border to marry them 'out of hand.' Abductions were also common on the part of relations, competing for the guardianship of the heiress.

pronunceit and declarit the said Williame Bannatyne of Corhous to be clene, innocent and acquit of the crymes aboue writtin.

**Umbesetting the High way — Hurting and Wounding, &c.**

Jul. 7.—THOMAS EWING at the Mylne of Ogilvie.

Dilaitit of airt and pairt of the hurting and wounding of Williame Broun in Nether Baddinhaith, in diuerse pairtis of his body, to the effusioun of his blude in grit quantitie; be gewing of him of saxtene bludie woundis in the body, be way of murthour, vnder sylence of nycht; committit in the moneth of August lastbypast.

PERSEWARIS.

Williame Broune in Nether Baddinhaith,  
Mr Thomas Hammiltoun, (King's Advocate).

PRELOQUITOUR for the pannell.

Mr Johne Moncreif.

The said Williame Broun produceit the lettres aganis the said Thomas Ewing, dewlie execute and indorsat, and tuik instrumentis thairvpoune.—The Aduocat produceit his hienes Warrant, ordaining him to infist in perfuit of Thomas Ewing.—The persewaris askis instrumentis that the said Williame askit instrumentis.

The persewaris (pannell?) alledgis, that the lybell is irrelevant foundit; becaus that nather slauchter nor mutilatioun followit thairvpoun; and it appertenis to the shereff.—The aduocat anfueris, that the alledgeance aucht to be repellit, becaus the defender is nocht persewit vpoune ane intendit murthour, vpoune foirthocht felony vnder sylence of nycht, *quodquidem consilium homicidij cogitati, per industriam et insidias peruenit ad actum*; quhilkis qualiteis being conjoynit, makis the lybell relevant.—The persewar (pannell?) anfueris, *non est crimen lese maiestatis, et nihil peruenit ad actum*.—The aduocat alledgis, that the alledgeance aucht to be repellit, in respect of the lybell.

The Justice ffindis the lybell relevant.

VERDICT. The Assyse, for the maist pairt, Acquit the said Thomas Ewing; fforfamekill as he, vpoun the xxvj day of August lastbypast, accompaneit with Williame Ewing his brother, vnder sylence and cloud of nycht, vmbesett the hie way and passage to Williame Broun in Nether Baddinhaith, vnder sylence of nycht, be way of Murthour and Brigancie, vpoun the croft of his Landis of Nether Banhaith; and thair, with swordis and quhingaris, crewallie invadit him for his slauchter and murthour, hurt and woundit him thairwith, be gewing of him of saxtene bludie woundis in the heid, and diuerse vtheris pairtis of his body, to the effusioun of his blude in grit quantitie; vpoun sett purposis, provi-fioun and foirthocht felony; and for casting of him be the heillis in ane burne callit the Stankburne, belewand he wes deid, of purposis to haif drownit him. Pronunceit be the mouth of Nicoll Towart (in Blakfurd), Chancillar (of the said Assyse).

**Hurting and Wounding—Theft, &c.**

Jul. 28.—HARY AUCHINCRAW, in Fowldene.

Dilatit of airt and pairt of the thifteous steling of ane lokit gold and siluer bag, fra Robert Gray, merchand burges of Edinburgh, togidder (with) lxxxxij fyve pound pecis, fyve four pownd pecis, thre dowbill . . . . . duikatis, thre dowbill crose duikettis, fyve auld roif-nobillis, fyve fouerane angellis, thre dowbill myllrais, v lib. Scottis siluer; committit in Apryll 1594.

It is allegeit be the said Hary Auchincraw, that na continewatioun aucht to be grantit this day, becaus all Justice courtis ar peremptour; lykeas he being summond to this day, he comperit personallie, offering him reddie to abyde ane tryell; quhairvpoun fyftene personis of Inqueist ar callit, reffaut and admittit; swa that thair being na alledgeance maid be the partie, nor na vthir lauchful impediment proponit in the contrar, this proces can nocht be delayit, feing he can nocht be obleift to find cautione; and quhidder he be acquit or fylit, he aucht nocht to find caution, feing he is present within the bar.

The Aduocat allegis that the Justice mycht continew the mater to the morne.

The Justice continewis to the morne. 'Plegio Bernardo Borthuik de Collielaw—pena V<sup>e</sup> mark.'

Jul. 29.—['Dilatit of setting vpoun Robert Gray, merchand burges of Edinburgh, and hurting of him in diuerse partis of his body: and for the thifteous steiling fra him of certane gold and siluer.'] The said Hary Auchincraw comperand, desyrit the Assyise to be callit quha wes admittit zisterday; and offerit him reddie to vnderly the law, for the cryme aboue writtin, and desyrit the Justice to put him to the said Assyise; quhairvpoun he askit instrumentis. The partie on pannell takis instrumentis of his offer to vnderly the law, and disassenting to all continewatioune; and protestit that he be nocht continewit, in (virtue) of his oft comperance in the mater, at twa feuerall dyettis of befoir. The pannell protestit, that in respect Robert Gray being within the bar, as also M<sup>r</sup> Williame Hairt, aduocat, his persewaris being present and refufit to persew, that na lettres be grantit in tyme cuming.

The Justice continewis to gif ansuer the morne. 'DESERT, in respect Robert Gray comperit nocht to persew, nor the aduocat.'

**Slaughter of a Messenger at Arms.**

Jul. 29.—PATRIK BARCLAY of Towie.

Dilatit of airt and pairt of the slauchter of vinq<sup>le</sup> Williame Mure, messinger in Deir; committit in the moneth of Februar lastbypast.

PERSEWARIS, Janet Keyth relict, M<sup>r</sup> Williame Mure as soné, M<sup>r</sup> Williame Hairt (King's Advocate.)  
PRELOQUITOURIS for the Pannell, M<sup>r</sup> Johnne Schairp, M<sup>r</sup> James Donaldsoun.

The purfewaris tuik instrumentis of production of the lettres aganis Patrik Barclay of Towie, and proteffit for relief of thair cautioneris.

The said M<sup>r</sup> Williame Mure produceit the Kingis Maiesteis Warrant, ordain-  
ing the mater perfewit, aganis Patrik Barclay of Towie, to be continewit to the  
nynt of August nixtocum.

The Justice Continewis the action to the morne, to be auyifit with the Coun-  
fall. ' Plegio, Magistro de Elphinftoune.'

HIS MAIESTIES WARRANT.

REX,

JUSTICE, Justice clerk and 3our deputis, We greit 3ow weill. Forfamekill as our vtheris  
lettres ar purchest, att pe instance of pe relict, bairnis, kyn and freindis of vmq<sup>le</sup> Williame Mure, mef-  
finger in Deir, for calling of Patrik Barclay of Towie before 3ow, in our Tolbuith of Edinburghe, the  
xxix day of July instant, to vnderly our lawis, ffor airt and pairt of pe slauchter of pe said vmq<sup>le</sup> Wil-  
liame Mure: As also, our vtheris lettres ar direct for calling of diuerse personis, seruandis to pe Lady  
Erroll, to compeir before 3ow in pe Tolbuith of Edinburghe, the xxix day of July instant, to vnderly  
our lawis ffor airt and pairt of pe slauchter of pe said vmq<sup>le</sup> Williame Mure: As also, our vtheris lettres  
ar direct for calling of diuerse personis, seruandis to pe Lady Erroll, to compeir before 3ow, in the  
Tolbuith of Edinburghe, the nynt day of August nixtocum, to vnderly the law, ffor pe taking of Wil-  
liame Keyth of Ludquhairne, and vtheris crymes contenit in pe saidis lettres: AND haifing considera-  
tionne, that pe slauchter of pe said Williame Mure fell out, vpoun pe taking of pe said Williame Keyth,  
and executione of our vtheris Letteris, aganis pe personis committeris pairf; for eschewing of pe  
trubling of ane Affyse, quha ar to be sammond vpoun bayth the saidis crymes, We haif thocht it guid  
to continew the dyet, for pe slauchter of pe said vmq<sup>le</sup> Williame Mure, to pe said nynt day of August  
nixtocum, to pe effect the personis of Affyis be nocht putt to pe dowbill travell. Thairfoir, and for  
diuerse vtheris consideratiounis moving ws, it is our will, and We command 3ow, that incontinent estir  
pe fycht hereof, 3e continew pe perfruit of pe lettres purchest aganis pe said Patrik Barclay of Towie,  
for pe Slauchter of pe said vmq<sup>le</sup> Williame Mure, to pe nynt day of August nixtocum; swa that pe  
crymis contenit in ap<sup>r</sup> of pe lettres may be tryit be ane Affyis: And tak sufficient cautionn for pe en-  
trie of pe said Patrik Barclay, pe said day: Quhairanent thir presentis falbe to 3ow ane warrant. Sub-  
scryuit with our hand, att Dunfermling, the xxix day of July, 1598.

(Sic subscribitur) JAMES R.

(Jul. 30.)—The Aduocat takis instrumentis of the production of ane Warrant  
of the Counfall, and desyrit the famin to be ingroft. The pannell takis instru-  
mentis, that the parteis, being oft tymes callit, comperit nocht. The Aduocat  
paff fra the pairt of the summondis bering Treffoune.

ASSISA.

Andro Reid of Colliestoune,	Patrik Leask of Haddo,	Sir George Ogilvie of Dunlugous,
Alex <sup>r</sup> Blakhall of that Ilk,	M <sup>r</sup> Alexander Innes,	Williame Forbes of Corfindae,
Patrik Chene of Effilmont,	Thomas Leask of Auchinad,	Williame Leask of that Ilk,
Alex <sup>r</sup> Wod of Colpnay,	Archibald Bruce of Pitfowlis,	Abraham Forbes of Blaktoun,
James Chene of Straloch,	Robert Drummond of Drill,	Robert Innes of Coitis.

The Affyse, be pluralitie of vocis, chese Sir George Ogilvie of Dunlugus  
(Chancellor.)



**VERDICT.**—The Affyis, in ane voce, Acquyte Patrik Barclay of Towie of airt and pairt of the slauchter of vmq<sup>le</sup> Williame Mure, Messinger; committit be Patrik Cantlie, than his seruand, of the speciall causing, hounding, sending, directing, command, assistance and rathabitatioun of the said Patrik, in the moneth of Februar lastbypast, vpoun sett purpois, prouisione and foirthocht felony.

The quhilk day comperit Patrik Barclay of Towie and produceit ane War-rand delyuerit be the Counfall, and desyrit the Justice and the Aduocat to infitt in perfruit, according to the tennour thair of; quhilk the Aduocat desyrit to be infert in proces, quhair of the tennour followis.

My lordis of Privie Counfall, vnto your ll. humilie menis and schawis I your seruitour, Patrik Barclay of Towie, That quhaire, Jonet Keyth, pe relict, with pe bairnis and freindis of vmq<sup>le</sup> Williame Mure, messinger, within pe sherefdome of Abirdene, being sterit vp, movit and perswadit be pe instigatioun of sum of my vnfreindis, hes nocht only now, but att diuers tymes ofbefore, vpoun pair wrangus narratioune, purchest Lettres and pairwith causit charge me to vnderly pe law, for pe alledgeit airt and pairt of pe slauchter of pe said vmq<sup>le</sup> Williame Mure, messinger, committit be Patrik Cantlie, my alledgeit seruand, vpoune the saxtene day of Februar lastbypast, 1595, the said vmq<sup>le</sup> messinger thane being in executioun of his office, &c. According to pe quhilkis Lettres and chargeis, I, pe said Patrik Barclay, being alluterlie innocent of pe said cryme, fand caution and fouertie, in dew tyme, att ewerie charge, to haif vnderlyne pe law for pe samin, to diuerse dayes bypast; and att last, to pe xxix day of Julij instant, before the Justice (and) his deputis; and comperit personalie att all pe said dyettis bygane, as I did this day before the said Justice, offering me reddie to vnderly pe law for pe said cryme, pair being sufficient number of Inqueist summond and comperand att ewerie day to compeir pairvpoune: As the Justice, deputis and clarkis, with the actes takin pairvpoun will testifie: Newirpeles, the saidis persewaris, or rap<sup>r</sup> my inimeis, quha steirit pame vp pairto, hes att diuers tymis bygane purchest Lettres subscryuit be our souerane lord, direct to pe Justice and his deputis, to continew pe dyettis quhairvnto I wes chargeit in pe said mater; and namelie, this day hes procureit and produceit his Maiesteis Letter vnder his subscruptioun, vpoun sinister narratioune, to continew the samin vnto pe nynt day of August nixtocum; to pe quhilk continewatioun I diffentit, and offerit me reddie, presentlie, as I do zit, to vnderly pe lawis for pe said crymes, quhair of I am innocent. AND seing the Justice depute hes continewit his Interloquitour to be gewin pairvpoun quhill the morne, and is to tak your ll. aduise, quhidder he fall proceid or nocht, nochtwithstanding the said privie letter of continewatioune; and that it is also of veritie that I and my freindis, with the personnes of Inqueist, hes bene put to gret trubellis and expensis now and of before, in keiping of all pe dyettis in pe said mater, alfeweill principall as continewatioune, purchest be pe persewaris and my vnfreindis; and that thair intentioun is to trubill me and my freindis pairby, in cuming heir fyne scoir of myles att ilk dyet, and in waiting our rentis and substance in attending pairvpoune: And that the said slauchter wes only committit be pe said Patrick Cantlie, vpoun ane particuler quarrell and feid betuix him and the said vmq<sup>le</sup> William Mure, quhair of I wes newir participant, airt nor pairt. Heirfoir I beseik your ll. to tak sic ordour in pe premissis, that I and my freindis fall nocht be trublet to keip ony forder dyettis in pe said mater, bot that proces may be grantit and followit out pairtill the morne, bot forder delay; and to that effect, to caus the parteis persewaris, being heir present, and oure souerane lordis Aduocat, to summond and haif reddie ane Affyse to pass vpoun samekill of pe saidis Lettres as falbe fund relevant; quhairvnto I am willing to answere instantlie, as I wes att all dyettis ofbefore, bot ony forder delay: And your ll. answere humilie I requyre.

(Sic subscribitur in dorso.) Apud Edinburghe, xxix Julij, J<sup>m</sup>.V<sup>o</sup>.lxxxxvj. The Lordis of Secret Coun-  
sell Ordanis the Justice, Justice Clark and pair deputis, to proceed and minister justice vpoun pe com-  
plainer within writtin, the morne, but forder delay or continewatioune; conforme to pe lawis of pis  
realme: And that the Aduocat insist in pe perfuit of him; as thay will anfuere to his Maiestie and pe  
saidis Lordis pairvpoun.

(Sic subscribitur) BLANTYRE. M. R. GOUNG.

The samin day, Jonet Keyth the relict, and M<sup>r</sup> Williame Mure as sone, with  
the kyn and freindis of vmq<sup>le</sup> Williame Mure messingir in Deir, being oft tymis  
callit to insist in perfuit of the said Patrik Barclay of Towie for the said slauch-  
ter, the lauchfull tyme of day biddin and nocht comperand; the Justice ordenit  
Mr Williame Hairt Aduocat to compeir and insist in perfuit, quha comperit and  
produceit ane roll of Assyse of the personis aboue writtin.

The samin day, Patrik Barclay of Towie, being enterit on pannell, as summond  
be vertew of our fouerane lordis lettres, purchest att the instance of Jonet Keyth  
the relict, with the bairnis and remanent kyn and freindis of vmq<sup>le</sup> William  
Mure messinger, and being persewit be Mr Williame Hairt aduocat, indytit and  
accufit:

*DITTAY against Patrick Barclay of Towie.*

FORSAMEKILL as Williame Keyth of Ludquharne, Alexander Keyth his sone and M<sup>r</sup> Samuell  
Keyth his proper sone and our fouerane lordis aduocattis, haifing rafet his hienes letters att pair in-  
stance, for chargeing of pe said Patrick Barclay of Towie and Patrick Cantlie his seruand, now rebell  
and att pe horne, for pe caus and cryme vnderwrittin, to haif fand fouirtie that thay sould haif com-  
perit before pe Justice or his deputis in pe Tolbuith of Edinburgh, att ane certane dyett speciallie  
contentit pairin, for certane haynous and tressonabill crymis contentit in pe samin; thay directit pe saidis  
lettres to pe said vmq<sup>le</sup> W<sup>m</sup> Mure messingir, for putting of pe samin to due execution; quha haifing  
ressaut the samin, vpoun pe xvj day of Februar lastbypast, he past be vertew pairof, vpoun pe samin  
day, to pe place of Towie, quhair the said Patrik Barclay wes present for pe tyme; and becaus he  
could nocht apprehend his personall presens, he chargeit him pairatt; and siclyke chargeit the said  
Patrik Cantlie rebell personallie, foirnent pe zett of pe said place and delyuerit him ane copie. Estir  
pe quhilk charge, the said Patrik Cantlie past in fra pe said messingir to pe place of Towie, to the said  
Patrik Barclay his maister; and estir he had spokin with him, and had gottin directioun fra him, to pe  
effect vnderwrittin, persaising the said W<sup>m</sup> Mure messingir to be past away, he come furth vpoun the  
said Laird of Toweis best hors, followit the said vmq<sup>le</sup> W<sup>m</sup> Mure on horsbak, as he was rydand away  
in sobir and quyet maner, to put pe saidis lettres to forder executione vpoune vtheris pairin specifit,  
dredand na ewill, harme, iniurie or perfuit of ony personne, bot to haif lewit vnder Godis peax and our  
fouerane lordis; in respect he wes in execution of his office, and presentit our fouerane lordis per-  
foun, till pe place and landis of . . . . ., quhair he overtuik the said vmq<sup>le</sup> W<sup>m</sup> Mure; and  
pair, the said Patrik Cantlie, of pe speciall causing, hounding, sending, directing, counsaling, resetting  
agane with pe bludie hand, airt, pairt-taking, command, assistance and rathabitoun of pe said Patrik  
Barclay his maister, sett vpoune him and maist crewallie and awfullie, fyrst with ane drawin sword, strak  
the said vmq<sup>le</sup> W<sup>m</sup> Mure in pe bak, to the effusioune of his blude in grit quantitie; and paireftir, with  
ane pistolet chargeit with bullett, schot the said vmq<sup>le</sup> W<sup>m</sup> throw pe body, and maist schamefullie and  
crewallie slew him pairwith: Estir pe quhilk slauchter, he immediatelie paireftir returnit agane to the said  
place of Towie, quhair the said Patrik Barclay of Towie resaut him, with pe hett bludie hand: And

swa, the said Patrik Barclay of Towie is airt and pairt of pe crewall slauchter of pe said vmq<sup>le</sup> W<sup>m</sup> Mure messinger, committit in pe executiounes of his office, vpoune fett purpos, provisiounes and foirthocht felony, in hie and manifest contemptiounes of our fouerane lordis authoritie and lawis.

VERDICT. The Assyise, be mouth of the said M<sup>r</sup> George Ogilvy of Dunlowg knycht, chancillar, fand, pronunceit and declarit the said Patrik Barclay of Towie to be cleane, innocent, and acquit of airt and pairt of the slauchter of the said vmq<sup>le</sup> Williame Mure messinger; committit in the maner foirfaid.—Quhairvpoune he askit actis and instrumentis.

**Uttering calumnious speeches and slanders against the King.**

Aug. 3.—JOHNNE DIKSOUN in Lyne, Inglisman.

Dilatit for contravening of the Actis of Parliament, in vtering of Calumnious speichis and sklanderis aganis our fouerane lord, and calling of him 'ane bastard,' &c.

The aduocat (Mr Thomas Hammiltoune) produceit the Depositionis of certane witneffis; and protestit for Wilfull Error, in caise thay clange.

The Assyise tuik instrumentis, that Johnne Diksoun come in his Maiesteis will, for ony speich he spak aganis his hienes, quhilk wes in his drukinnes.

VERDICT. The Assyise, be the mouth of Robert Smyth (merchand in Edinburgh) chancillar, fand, pronunceit and declarit Johnne Diksoun, Inglisman, in Lyn, to be ffylit, culpable and convict, for contravening of our fouerane lordis Actis of Parliament; and speciallie, of ane Act maid be his hienes, in anno 1584; and in anno 1585, rateifeit be ane Act maid in anno 1594; in famekill, that vpoun the xxv day of Julij lastbypast, being the Sabbath day, Archebauld Gairdenar, ane of his Maiesteis cannoneiris, haifing requyrit the said Johnne Diksoun to vyre his boit<sup>1</sup> to gif place to his Maiesteis ordinance; he fyrst anfuerit, that 'he wald nocht vyre his boit for King or Kafard;' and thairefter, maist proudlie, arrogantlie, sklanderoufflie and calumnioufflie callit his Maieftie 'ane bastard King;' and that 'he wes nocht wordie to be obeyit.'

SENTENCE. The Justice depute, be the mouth of Williame Gray dempstar, ordenit the said Johnne Diksoun to be tane to ane gibet, standand beneth the mercat croce of Edinburgh, and thairvpoun to be hangit quhill he be deid,<sup>2</sup> &c.

**Uttering and bending base coin.**

Aug. 6.—ALEXANDER KELMAN in Garuiocht, and Williame Gairdin sone to W<sup>m</sup> G., sone to Robert G. in Culroife.

VERDICT. Fand to be fylit, culpabill and convict of the outputting of false

<sup>1</sup> Veer his boat.      <sup>2</sup> See the Cases of Tennent, Oct. 10, 1600; Cornuall, Apr. 25, 1601; and Ross, who was executed on Sept. 10, 1618.

and adulterit coinage of the patren of ten-shilling-pecis, to the fimilitude of our fouerane lordis trew coinzie, to findrie perfounes.

SENTENCE. The Justice, be the mouth of Johnne Nisbet dempftar, ordenit the saidis Alexander Kelman and Williame Gairdin to be tane to ane gybbet, vnder the mercat croce of Edinburgh, and thair hangit quhill thai be deid; and all thair guidis to be escheit.

### Horse-stealing—Theft, &c.

Aug. 6.—SYMONE MOFFET in the Ryneclewis.

Dilatit and fylit for the thifteous steling of xxx naigis (horses) and meris; and alsé of ane cloik, ane hairt of filuer owrgilt, ane woux,<sup>1</sup> ane Camrige owrla,<sup>2</sup> &c.; committit in Junij last; and of Common Thift.

SENTENCE. To be hangit quhill he be deid, vpoun the said Gibbet; and all his movabill guidis to be escheit.

### Slaughter.

Aug 7.—GYLBERT PACOK, seruitour to the Maister of Orknay.

Dilatit of airt and pairt of (the slaughter of) vmq<sup>3</sup> Hary Colvile (Perfoun of Vrquhart); committit the nynt of Julij lastwas.

PERSEWARIS, James Merfar as brothir, James Coluile brothir sone, Mr Thomas Hammiltoune.

PRELOCOUTOURIS for the pannell, Mr Rychard Spens, George Abirnethie.

The persewaris produceit the Dittay aganis Gylbert Pacok, for the slauchter of vmq<sup>3</sup> Hary Coluile Perfoun of Vrquhart, and desyrit proces.

The pannell alledgis, that na proces can be led agane the said Gylbert this day, be reafoun he is nather tane *in flagranti crimine*, quhairof he is innocent; nor yit *contumax*, nor denunceit for ane crime; and swa, be the custum of the Court and Act of Parliament, he aucht to be summond vpoun xv dayes wairning. This wes decydit betuix Maidland and Crouner Prestounis brether, in this famin Justice Court, and in all vtheris perfounes, quha wes presentit on this forme, on pannell: In respect quhairof, na proces can be had agane the defender, vnto the tyme he be summond vpoun xv dayes wairning.—The Aduocat anfuert, that the alledgeance aucht to be repellit, becaus the defender in effect wes tane *in flagranti crimine*; infasar as he, haifing committit slauchter contenit in his dittay, the complent thairof being maid to his Maieftie, he directit his Com-miffioun for taking of him; be vertew quhairof, he wes apprehendit, and now presentit to Justice. As to the practik alledgeit betuix Crouner<sup>3</sup> Prestounis breder and Maidland, it can nawayis militat in this cais, becaus Maidland wes accusit for ane cryme committit in Flanderis, mair nor ane yeir eftir the com-

<sup>1</sup> Watch.

<sup>2</sup> Cambric overlay, a sort of ruff.

<sup>3</sup> Colonel.

the Assyse of Gylbert Pacok, removit furth of Court to the Counsalhous and votit vpoun the poynt of the Dittay, eftir chefing of James Maistertoun (Merchand in Edinburgh) chancillar, and being throwchlie auisit thairwith, ffand; pronunceit and declarit the said Gylbert to be ffylit, culpabill and convict of airt and pairt, red and counfall of airt and pairt of the slauchtir of vmq<sup>h</sup> Hary Coluile; committit the nynt of Julij lastbypast.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair his heid to be strikin fra his body; and all his movables escheate and inbrocht.

**Hamesucken—Assieging House of Ludquhairn—Taking captive, &c.**

Aug. 9.—WILLIAME MOWAT in Turreyf, (seruand to Alexander Hay eldest sone to vmq<sup>h</sup> Andro Erll of Erroll).

Dilatit for cuming with convocatioun of our souerane lordis lieges, bodin in weirlike maner, with lang culveringis, dagis and pistolettis, &c., contrar the tenour of the Actis of Parliament, be way of Hamesuckin, to the place of Ludquhairne, and asseigeing of Williame Keyth of Ludquharne thairin; entering thairin be force, taking of him captiue and prifoner:—And for maisterfull Reifing and away-taking, furth of the said place of Ludquhairne, of the said Williamis hail infycht pleneiffing and writtis: And transpouirring and careing of the said Williame Keyth of Ludquharne captiue and prifoner to the place of Ardmakhorne; quhair thay detenit him, be the space of aucht dayes or thairby; vsurp and thairby of our souerane lordis authoritie vpoune thame; committit in the moneth of October lastbypast.

PERSEWARIS.

Williame Keyth of Ludquharne, Mr Thomas Hamiltoune of Drumcarne aduocat to our souerane lord.

The Aduocat produceit ane command of the Kingis Maiestie, subfcryuit with his hand, with ane vthir Warrant subfcryuit be the Lordis of Seffioune, commanding the Justice to proceid and minister justice in the said mater, quhair of the tenouris follow.

REX,

JUSTICE, Justice Clark and 3our deputis, We greit 3ow weill. It is our will, and we command 3ow, pat vpoun pe sycht heirof, 3e fall nocht to proceid and minister justice, in pe criminall caus to be persewit before 3ow, att pe instance of pe Laird of Ludquharne and our Aduocattis for our interes, aganis certane personis contenit in pe Lettres raisit pairanent, for pe taking of pe said Laird, and vtheris crymes speciallie expreffit pairin, vpoun pe nynt day of August instant; but all forder continewatioun or delay; nochtwithstanding of quhatsumewir vthir command, Warrant or objectionne, maid or to be maid, gewin or to be gewin in pe contrar; anent pe quhilkis and panis pairin, we dispens. As 3e will anfuer to ws, vpoune 3our offices and obedience: Quhairanent, thir presentis falbe 3our sufficient warrant. Subfcryuit with our hand, att Dunfermling, the nynt day of August, 1596.

(Sic subscritur,)

JAMES R.

*Followis the tennour of the SUPPLICATION, and WARRANT gewin be the Lordis of Seffioune.*

My Lordis of Counfall, vnto your ll. humilie menis and schawis, I your seruitour, *William Keyth of Ludquharne*, That quhair I haif rasit criminall lettres be your ll. delyuerance aganis *William Dwikat*, (Duiget or Duguid,) *Hary Ramsay*, Archd. Herring, *Robert Creychtoun*e and *Alex. Harvie*, seruandis to Dame Elizabeth Dowglas Countes of Errol, *Alex. Hay* eldest sone to vmq<sup>e</sup> *Andro Erll* of Erroll, *William Mowat* his seruand, *Patrik Con* of Auchry, *Alex. Hay* in Ardmakhorne, *Alex. Hay* in Auchquharne, *Patrik Cruikfchank* in Ardifrie, *James Butter* in Gask, *Thomas Hay* pair, *Johnne Hay* and *Patrik Cantlie*, seruitour for pe tyme to *Patrik Barclay* of Towie,<sup>1</sup> *Gylbert Stewinfoune* in Ogstoune, *Thomas Craigie* in Lochcow, *Johnne Findlater* pair, *Johnne Stewinfoune* and *Thomas Gybfoun* pair, *Johnne Moffie* pair, *Wm. Sym* smyth in Myltoun of Sorvie, *Patrik Sym* att pe mylne of Sorvie, *Thomas Cruikfchank* sone to *Patrik C.* in Ardifrie, *Patrik Hay* in Haddo, *Gylbert Gray* in Bannatwhill, *James Gray* pair, *Patrik Hay* in Over Ardinakhorne; and certane vtheris pair complices, specefeit in pe saidis Lettres, for pe crymes and cauffis pairin containit; quhilkis ar dewlie execute and indorfat vpoun pe foirnameit perfounes, and pay pairby summond to compeir before the Justice generall and his deputes in pe Tolbuith of Edinburgh, the nynt day of August instant, in pe hour of caus; lykeas I am reddie to perfew the saidis lettres. NEUIRYELES, as I am informit, *Ludouik Duik* of Lennox, att pe instigatioun and perswasoun of pe said parteis, intendis to vse and produce ane pretendit Commissioun of Lietenandrie within pe boundis of pe North, and be vertew pairof, to repledge the saidis personis fra the said Justice generall and his deputis to his iurisdictione and Court of Justiciare, to pe grit hinderance of Justice; albeit, the said pretendit Commissioun aucht nawayis to impeid nor stay justice, to be ministrat to all his Maiesteis lieges, be pe Justice generall and his deputis; the samin being grantit *cumulatiue*, and nocht *priuatiue*: Lykeas, I am nocht habil to perfew justice aganis the foirnameit perfounes in pe North pairtis of pis realme, in respect of pe grit multitude of my parteis, and pat pe Laird of Balquhan, Lieutenentis depute, is sifter and brepir bairn with pe said Patrik Con of Auchry, ane of pe cheif committeris of pe crymis contenit in pe saidis Lettres. QUHILK being confidderit be his Maieftie, his hienes hes directit his Warrant to pe Justice generall and his deputis, to proceid and minifter justice in pe said mater to ws parteis, nochtwithstanding pe said pretendit Commissioun: As pe samin, subscryuit be his Maieftie, heir present to schaw, beris. NOCHTYELES, pe said Justice generall and his deputis refusis to obey pe samin, without pay be compellit. Befeikand heirfore your ll., pat I may haif command to ane maser or vthir officiar of armes, to pass and charge pe said Justice generall and his deputis, to proceid and minifter justice in pe said mater to ws bayth parteis, as accordis of pe law, nochtwithstanding of pe said pretendit Commissioun of Leutenandrie or Justiciare, grantit to pe said Duik of Lennox; or ony vthir Commissioun, Letter or previe charge, purchest, or to be purchest att his Maiesteis handis, in hinderance of justice; and your ll. anfuer.

(Sic subscribitur)

H. BIKARTOUNE.

(Sic deliberatur) APUD EDINBURGH, nono Augusti, anno lxxxvj, Fiat vt petitur.

(Sic subscribitur) BLANTYRE, M. J. LYNDESAY, Clericus Regiftri.

Compeirit M<sup>r</sup> *Thomas Rollok*, procuratour for the Duik, and produceit ane Commissioun granted to his lordschip be his Maieftie, of the tennour and contentis thairin contenit, of the dait, at Abirdene, the aucht day of Nouember 1594; with ane Act of Secreit Counfall ratifeing the samin, of the dait, in December I<sup>m</sup> V<sup>l</sup> xxxxiij yeiris; with lettres directit fra the Kingis Maieftie and Lordis of Secreit Counfall, of the dait in March lastwes, dischargeing the Justice and Aduocat to pro-

<sup>1</sup> Vid. Trial of Barclay of Towie, (viz. Tollie or Tolly,) Jul. 29, 1596.

ceid aganis quhatfumeuir perfonis duelland within the boundis contenit in the Dukis Commiffioun, within the quhilk the faidis haill perfonis callit to this day, for the taking of the Laird of Ludquhairne, duell: And lykewayis tuik instrumentis, that the Juftice wes difchargeit to proceid in the faid mater be James Lowrie, meffinger; and that for all of the faidis parteis: And allegeit, that the Juftice could nawyis proceid, in refpect of the writtis and difcharge aboue mentionat, nochtwithftanding the Kingis Maieftis previe delyuerance, authorifit be the Lordis of Seffioun, quhilkis ar nocht of that ftrenth and effect as to tak away the ftrenth and effect of the writtes aboue fpecifeit. The aduocat anfuerit, that the faid alledgeance aucht to be repellit, nochtwithftanding the writtis produceit, quhairvpoun the famin is foundit; in refpect of the Kingis Maieftis expres Warrant in the contrar, togidder with the delyuerance of the Lordis of Counfall, alreddie produceit be the perfewaris, and of the Judgis notorietie that the Duikis Commiffioun is difchargeit and renunceit; lykeas the Warrantis produceit be the perfewaris tendis to the doing of Juftice, and the vtheris Warrantis, produceit be the faid Mr Thomas Rollok, to the delay and hinderance of juftice; and thairfore aucht nawyis to be refpectit, and the Judge aucht to proceid and minifter juftice nochtwithftanding thairof.

It is forder allegeit that the Judge can nocht vnlaw the parteis nor thair cautioneris this day, in refpect thay ar *in bona fide* and mycht juftlie byde away; this, in refpect of the Commiffioun and Lettres of Difcharge publictlye grantit, and the previe Warrant and delyuerance nather intimat nor declarit to thame, thare wes na neceffitie to thame to compeir, nor thay can nocht be put thairby *in mala fide*.—The Aduocat answeris, the alledgeance aucht to be repellit, as nawyis compitent to the proponer, bot onlie to the parteis abfent, quhais contumacie aucht to be pwneift for thair nocht compeirance.

THE Juftice ffindis proces, and ordanis the cautioneris fand for thair compeirance this day to be vnlawit, &c.

The cautioners are accordingly americiated as follows: for Patrik Con of Auchry, fyve hundreth markis; for Alex<sup>r</sup> Hay in Nether Ardmakhorn, ij<sup>c</sup> markis; for Alex<sup>r</sup> Hay fone to vmq<sup>le</sup> Andro Erll of Erroll, ij<sup>c</sup> markis; and the remainder, in j<sup>c</sup> markis each.—And that ‘the principall perfounes nocht comperand to be denunceit rebels and put to the horne, and all thair movabill guidis to be efcheit and inbrocht to our fouerane lordis vfe, as fugitiues fra the lawes for the crymes aboue writtin.’—Continued to the Air of ‘Aberdene, tertio Itineris, xv dierum.’

### Chett—Spuilzie.

Aug. 12.—HENRY WALKER in Elrig and feven others.

Dilatit for airt and pairt of the taking of Niniane Thomfoune feruitour for

the tyme to Gylbert Pennycuick, brothir to the Laird of Pennycuick; and for that (he) thifteouflic ftall, concelit and away tuik fra him fax hundreth markes money, ane pair of reid filk schankis,<sup>1</sup> thre pair of worflet schankis, twa pair of stemming fokis,<sup>2</sup> aucht farkis, xij ruffis of camrige and lanie,<sup>3</sup> ane pair of mwles,<sup>4</sup> ane pair of pantounis,<sup>5</sup> twa pair of marrekynne schone;<sup>6</sup> committ the fecunde day of Nouember 1585.

The perfounis on pannell defyrit the said Gylbert Pennycuick to gif his ayth *de calumnia*, quhidder he hes guid caus to perfew the dittay or nocht. The said Gylbert anfuerit, that he had guid caus, as he wes informit. Thaireftir the said Gylbert declarit vpoun his knowledge, so far as he kennis, thay wer thair.—Thaireftir it wes alledgeit be the pannell that na partie, vpoun informatioun, can be had to perfew in Criminall cauffis, and speciallie in the actioun of Thift; seing Gylbert Pennycuick was nocht actuallie thair him selff, bot the guidis and geir alledgeit spuulzeit and stollin wes tane fra his feruand, callit Ninian Thomsoun, as the lybill beris; quha presentlie nather comperis be him selff nor his procuratour to perfew.

‘THE Justice thaireftir defertit the matir.’

### Murder.

Sept. 17.—JOHNNE CAMPBELL of Arkinglase.

Dilatit of airt and pairt of the crewall murthour and flauchteris of vmq<sup>le</sup> Sir Johnne Campbell of Calder knycht, committit in Februar 1591; and vmq<sup>le</sup> . . . . M<sup>inturner</sup> wechman (watchman) of the place of Tanestrie, (feruitour to Duncan Campbell of Inuerlewir.)

The Justice-depute produceit ane Warrant, subfcryuit be his Maiestie; quhair- of the tennour followis.

REX,

JUSTICE, Justice Clark and 3our deputis. It is our will, and We command 3ow, pat ye fit and proceid in pe criminall Lettres rasit att our instance and att pe instance of our aduocattis aganis Johnne Campbell of Arkinglas, according to pe tennour of pe Lettres rasit pairanent; kepand pir presentis for 3our Warrant. Subfcryuit with our hand, at Dunfermling, the xvj of September 1596.

(Sic subscribitur)

JAMES R.

The Aduocat produceit ane vther Warrant, direct fra his Maiestie to him, quhair of the tennour followis.

REX,

ADUOCATTIS, or ony ane of 3ow; It is our will, and We command 3ow, that 3e perfew and

<sup>1</sup> Stockings. <sup>2</sup> Tamine or taming, Fr. *estamine*, Lat. *stamen*; viz. socks made from prepared flax. <sup>3</sup> Cambrick and lawn. <sup>4</sup> Slippers, usually made of velvet. <sup>5</sup> A sort of slipper, or more probably pattens, being a sort of *clog* having wooden soles, with lachets to tie; they were formerly much worn by people of all ranks in Edinburgh. <sup>6</sup> Shoes made of marekin, (Fr. *marroquin*), or dressed goatskin. This case is quoted, chiefly on account of this enumeration of apparel.



follow furth the lettres rasit att our instance and 3 ouris aganis Johnne Campbell of Arkinglas, and persew him according to pe tennour of pe lettres, as 3e will ansuer to wa vpoune 3 our office; keband pir presentis for 3 our warrand. Subscryuit with our hand, att Dunfermling, pe xvi day of September 1596.

(Sic subscribitur)

JAMES R.

The said Laird of Arkinglas takis instrumentis of his comperance, and protestit that the Laird of Arncapill his cautioner be fred; as lykwyis protestit for Alexander Bischop of Brechin, Sir James Edmestoun of Duntreith knycht, Alex<sup>r</sup> Meinzeis of Weyme, Sir James Skrymgeour of Didvp knycht, Awla M<sup>c</sup>callay of Arncapill, Colene Campbell of Blairnerne and George Balfour of M<sup>c</sup>corraftoune, quha become actit cautionaris and fourteis for the said Johnne Campbell of Arkinglas, vnder the pane of fourtie thousand pvndis, that he sould compeir before the Justice or his deputis, the thryd day of the nixt Justice-air of the Sheref dome quhair he duellis, or foner vpoun fyftene dayes wairning and vndirly the law for airt and pairt, red and counfall of the slauchter and murthouris of vmq<sup>h</sup> Sir Johnne Campbell of Calder knycht, and vmq<sup>h</sup> . . . . M<sup>c</sup>inturner; that thay and ewerie ane of thame sould be frie and relewit of the said cautionarie, in respect of the said Johnne Campbell of Arkinglas comperance this day, being lauchfullie summond att the instance of the Kingis aduocattis, to vnderly the law for the saidis slauchteris; and the haill parteis being dewlie and lauchfullie wairnit to haif comperit this day and place, to haif infistit in persuit of him, for the saidis slauchteris.

PERSEWAR, Mr Wm. Hairt, aduocat.

PRELOQUITOUR for Arkinglas, Mr Alex. King.

The Justice continewis the mater to the morne that the King may be spokin in this mater.

(Sep. 18.)—Continued to the xxiiij of Sep. 'Plegio, Domino Arncapill.'

(Sep. 23.)—The samin day, comperit Johnne Campbell of Arkinglas, and offerit him reddie to abyde the tryall of the law, for the alledgeit airt and pairt of the slauchter of vmq<sup>h</sup> Sir Johnne Campbell, &c.; and protestit for releif of the Laird of M<sup>c</sup>cawley, his cautioner.

The Justice, in respect nane of the kingis aduocattis comperit to persew him, Defertit the dyet, and ordenit the cautioner of the said Laird of Arkinglas to be releuit.

### Slaughter.

Oct. 14.—JOHNNE MAISTER OF ORKNAY.

Comperit James Merfer as brother to vmq<sup>h</sup> Hary Colvile Parsoun of Vrqhart, and produceit our fouerane lordis Lettres, dewlie execute and indorsat and persewing thairof, purchest be him selff, to tak souertie of Johnne Stewart Maister of Orknay, that he sould haif comperit this day and place, in the hour of caus, and vndirly the law for the alledgeit airt and pairt of the slauchter of the

faid vmq<sup>le</sup> Hary Colvile; quhairvpoun he askit instrumentis, and proteffit for releif, (that) Alexander Maister of Elphinstoune, cautioner for reporting and persewing of the said Lettres be relewit.

The said James Merfer tuik instrumentis, that the Maister of Orknay comperit nocht; & proteffit for proces aganis him & his cautioneris, seing the hour is past.

Mr Thomas Nicolfoun comperit, and allegeit na proces fould be deducit aganis the Maister of Orknay and his cautioneris, seing the King and Counfall hes ordenit the mater to be continewit; and that he offerit cautione for the entrie of the said M<sup>r</sup> of Orknay the morne. The said Mr James Mercer allegeis, that thair wes na ordinance produceit of continewatioune; and that na cautione aucht to be ressauid, in respect the partie comperit nocht nor enterit.

The quhilk day, Hary Commendatour of Sanct-Colmes-Inch and Sir George Elphinstoun of Blythifwod knycht, oft tymes callit, as cautioneris and fourteis, conjunctlie and feuerallie, for Johnne Stewart M<sup>r</sup> of Orknay, to haif enterit and presentit him before our fouerane Lordis Justice or his deputis, the saidis day and place, in the houre of caus, to haif vnderlyne the law for the dewyfyng and airt and pairt of the slauchter of vmq<sup>le</sup> Hary Coluile servitour to Patrick Erll of Orknay; committit be Adam Gordoune, brother to the Guidman of Auchannaquhy, and diuerse vtheris his complices, in the moneth of Junij lastbypast; lauchfull time of day biddin and nocht enterand, the said Johnne Master of Orknay, as said is, the saidis Hary Stewart Commendatar of Sanct-Colmes-Inch and Sir George Elphinstoune, as cautioneris conjunctlie and feuerallie, wer vnlawit for his nocht entrie, in the panis contenit in the Actis of Parliament: Lyke as, the said Jo<sup>n</sup> M<sup>r</sup> of Orknay wes adiugeit to be denunceit our fouerane lordis rebell and put to the horne; and all his movabill guidis ordenit to be escheit and inbrocht to his hienes vse, as fugitiue fra the lawis of the realme, for the said cryme.<sup>1</sup>

### Slaughter.

Oct. 26.—SIR PATRIK BANNATYNE of Stenhouse.

James Merfer produceit our fouerane lordis Lettres dewlie execute and indorsat, purchast be him as broder, with the kyn and freindis of vmq<sup>le</sup> Hary Coluile Parsoun of Vrquhart, aganis Sir Patrik Bannatyne of Stenhouse.

### Slaughter.

Oct. 26.—WILLIAM BANNATYNE of Gairfey, and James Lokie, wryter in Edinburgh.

Dilatit of airt and pairt of the slauchter of vmq<sup>le</sup> Mr Hary Coluile Parsoun of Vrquhart; committit in Junij lastbypast.

<sup>1</sup> On the margin, opposite this last entry, 'This Act, ordanit be his Mat<sup>ties</sup> Warrant, to be extinct and delet.'

*DITTAY against Williame Bannatyne of Gairfay and James Lokie.*

FORSAMEKILL as, thay, haifing confaut ane deidlie feid, rancour and malice aganis þe said vmq<sup>re</sup> Hary Coluile, consultit, deuyfit and interpryfit his crewall slauchter, with Johnne Stewart, brother german to Patrik Erll of Orknay, Adame Gordoune, and diuers vtheris pair complices : Lyke as, the said Adame, accompaneit with Alex<sup>r</sup> Dunbar of . . . . and Thomas Tweddell seruitour to þe said W<sup>m</sup> Bannatyne of Gairfay in Orknay, and diuerse vtheris pair complices, to the nowmer of xxx persones or pairbye, all bodin in feir of weir, in þe moneth of Junij lastbypast, schippit in ane schip of Dysfart, at Muntrois, and faillit to Orknay ; quhair þe said Thomas Tweddell past afchoir, to þe said Williame Bannatynis hous of Gairfay, brocht furth of þe said hous victuallis and munitione, with þe quhilk he furneit þe said schip, and pairefter faillit to zetland to Burwick and past over land to Neip in Neftrig, quhair þe said vmq<sup>re</sup> Hary was for þe tyme, doand þe said Patrik Erle of Orknay, his maisteris lefull effairis and buffines, traifing na ewill, harme, iniurie or perfuit of ony personis, but to haif lewit vnder Godis peax and our fouerane lordis ; and pairvpoun, the tuelt day of Julij lastbypast, the saidis persones maift shamefullie, crewallie and vnmercifullie slew the said vmq<sup>re</sup> Hary Coluile ; and thay and ilk ane of þame were airt and pairt pair of ; the samin being committit of þe speciall causing, dewyfyng, counsalyng, hyring, conduceing, command, affistace and ratehabitoune of þe saidis Williame Bannatyne and James Lokie : Lykeas, the said W<sup>m</sup> Bannatyne of Gairfay, directit the said Thomas Tuaddell, his seruitour, to his place of Gairfay in Orknay, quha eftir coming to þe said place, brocht out munition and victuallis to furneis him selff and remanent personis, committeris of þe said slauchter : Committit vpoun sett purpois, provisioun, foirthocht felony, in hie and manifest contemptioun of our fouerane lordis authoritie and lawis, in ewill exampill, &c.

## PERSEWARIS.

James Merfer as brother, James Coluile, brother to the Laird of Cleifch, Mr Jeremie Lyndesay.

## PRELOQUITOURIS for the pannell.

Mr Thomas Bellenden, The Gudeman of Lef . . . ., Mr Johnne Nicolfoune, Mr Thomas Nicolfoune.

The Pannell askis instrumentis of thair compearance, and protestit that thair cautionaris (be releuit.)

The pannell alledgis, that the Lettres of Hoirning ar ewill execute aganis W<sup>m</sup> Bannatyne and James Lokie, and ar null in the selff ; because the defenderis, long before the chairege and executionis thairof, and be the space of ane half yeir preceding the cryme committit, had thair duelling place in Edinburgh, and hes maid thair residence thair continewallie sensyne ; swa that the saidis chargeis and executiounis, being maid in Orknay, and nocht cumming to thair knowledge, ar altogidder ineffectuall ; as also the said denunciatioun is null, nocht only for the caus foirsaid, bot also becaus the saidis defendaris had fund caution, actit in the buikis of Adiornall, before the said pretendit denunciatioun : In respect quhair-of, thay are wranguilie denunceit for nocht finding of cautione. The perfewaris alledgis, that the letters of (are) lauchfullie execute, in respect thay are execute att thair duelling hous.

THE Justice findes the Letters of Hoirning null, in respect the cautione wes fund lang befor the denunciatioun, &c.

The perfewaris produceis the Depositiounis of Gylbert Pacock and Williame Stewart, quhair thay deponit aganis William Bannatyne ; togidder with ane

Band, subfcryuit, betuix Adam Gordoune, W<sup>m</sup> Bannatyne and Thomas Tueddell on the ane pairt, and James Lokie on the vther.

The perfounes (on pannell) takis instrumentis, that thair is na thing produceit for verificatioun of the Dittay, except the Band produceit, alledgeit subfcryuit be the pannell, Adam Gordoun, Thomas Tueddell and the Maifter of Orknay; and the alledgeit Depofitiounis of vmq<sup>le</sup> Williame Stewart and Gylbert Pacok: And anfueraud to the pretendit Dittay, and vereficioun thair of, produceit; alledgeis, that the faid Dittay is na wyis of veritie, nor zit is the famin ony wyis verefeit be the writtis produceit; speciallie, feing the Dittay is fett doun with thir circumftances, that the pannell wes airt and pairt of the faid flauchter, the famin being committit of thair speciall caufing, dewyfyng, confulting, hyring, conducing, command, affiftance and ratihabitoun, and that the faid Williame Bannatyne directit the faid Thomas Tueddell, his feruitour, to his place of Gairfay in Orknay; quhilkis ar the substanciall pointis of the Dittay, and as thay ar fett doun conjunctlie in the famin; fa all the faidis substanciall pairtis and everie ane of thame aucht to be cleirly verefeit and provin, speciallie in respect that in all actiounis criminall, *probationes debent esse luce meridiana clariores. L. vltima C. de Probationibus.* And as to the pretendit affertioune, contenit in the lybell and in the Dittay, bering that Thomas Tueddell wes feruitour to Williame Bannatyne, the contrar thair of is of veritie; ffor it is notourly knawin that he wes ane officiar of armes, haifing his awin hous, wyffe and famelie; and the Band produceit preifis manifestlie the affertioun of the faid perfewar, in safar as it proportis, that the faid Thomas Tuaddell wes ane speciall contraker for him self, alyke principall with all the rest of the perfounis contenit in the Band; quhairas, gif he had bene the faid Williame Bannatynes feruand, it is nocht probable that the Maifter of Orknay wald haif contractit or bandit with ony of the faid Williamis feruandis, the faid Williame Bannatyne being bund to ferue him be the faid Band; fwa that quhatfumeuir deid alledgeit to haif bene done be the faid Thomas Tueddell, can nawyis tuich the faid Williame, and thairfore aucht nawyis be respectit be the Inqueift: And as to the pretendit Depofitiounis of Williame Stewart and Gylbert Pacok, the famin makis na thing to the purpois, and can preif na thing, aganis ony of the pannell, ffor diuerse cauffis: *First*, becaus thair Confessiounis, maid extrajudiciallie, merite na fayth; nather authorifit be the Justice (or) Justice-Clarkis subscriptione, nor yit done in thair prefens: *Secundlie*, becaus thay ar extortit Confessiounis be the defunctis freindis, and maid in prefens of the Erll of Orknay, quha schew him self partie in that caufe, att quhais appetite and defyre the famin wer maid; as the Depofitiounis beris the famin to be maid, in his prefens: *Thrydlie*, the faidis Depofitiounis ar maid be tua perfounes that ar gilty of the faid cryme, and wes actual committeris

produceit, the famin can preiff na part of the Dittay ; for thair is na mentiouned maid of any sic interpryis in the said Band ; bot the famin is ane naikit and generall Band, of the said Williame and James seruice to the Maister of Orknay, and of his mantenance and defence ; quhilk is maist lesum of the law, and contenis na kynd of probatioun nor presumptioun aganis the pannell, or ony of thame ; speciallie, seing that the said Band wes maid for ane just necessar caus ; viz. ffor reconciliatioune of the deidlie feid, quhilk had continewit ane lang tyme of before, betuix the Maister of Orknay and thame ; and thairvpoun, had followit grit effusioun of thair blude, as is notour to the hail toun of Edinburgh ; quhair the said Maister of Orknay diuerse tymes affailzeit the said Williame Bannatyne, and wes woundit, with twa or thre of his seruandis ; and the notoriety heirof is knawin to the persewar, quha wes reddie with him, att diuerse tymis, to haif refistit the Maister of Orknay and his furie : In respect quhairof, the said Williame, being ane meane gentilman, and haifing to do with sa potent ane aduersar as the Maister of Orknay, had maist just caus to bind vp the stratest band of freindschip with the said Maister of Orknay, 3e (*yea*), and (*if*) it wer to seill it with his awin blude, for his releif ; and sic ane generall Band of freindschip, can newir mak nor convict all the persounis contenit thairin, of all the deidis and malifices that sal happin to be committit be ony ane persoun contenit in the Band : And thairfoir, albeit all the rest of the persounes contenit in the Band, except the pannell, had bene committeris of the deid lybellit, yit that can nawyise mak the pannell to be giltie thairof, seing thay wer nather airt nor pairt of the famin.

The persewar, for ansuer, desyrit the Assyise to merk the Depositiounis and the Band produceit ; and protestit for wilfull errour, in caise thay acquit.

VERDICT. The Assyise, be pluralitie of votis, chuse Andro Rychartfouné (merchand), burges of Edinburgh, Chancillar, and thairefter reasonit vpoun the pointis of the Dittay ; and being throwchlie awyfit thairwith, together with the Depositiounis and Band produceit, and ansueris maid thairto, &c. fand, pronounceit and declarit the saidis Williame Bannatyne and James Lokie to be Innocent, cleane and acquit of the hail crymes aboue writtin, contenit in Dittay : Quhairvpoun thay askit instrumentis.

NOTA.—James Merfer tuik vp the Depositiounis and Band produceit be him.

### **Slaughter by Witchcraft and Sorcery.**

Oct. 30.—ALESOUNE JOLLIE, spous to Robert Rae in Fala.

Dilatit of the alledgeit airt and pairt of the slauchter of vmq<sup>le</sup> Iffobell Hepburne, spous to Johnne Edmestoun in Fala, be Wichcraft and Sorcerie ; committit in the monethis of Apryle and Maij, 1596.

**PERSEWAR**, Mr Williame Hairt, aduocat. **PROLOQUUTOUR** for the pannell, Mr Thomas Craig.  
Comperit the Aduocat, and produceit Lettres of Secreit Counfall, of the dait the fyft of October instant; commanding the (Juftice), Juftice-clark and thair deputis, to sett ane Court to this (day), and to caus fummond ane Affyse to Alefoun Jollie, for the cauffis of Wichcraft contenit in the lettres; commanding also, Johnne Edmestoune and James Hepburne in Bancreif, apprehenderis and dilataris of the said Alefoun, to compeir to infist in the perfuit, conforme to thair delatioune, execute be Williame Porteous meffinger; commanding also the Aduocat, to infist in perfuit of the said Alefoun, the said day. Be vertew quhairof, the saidis Johnne Edmestoun and James Hepburne are lauchfullie wairnit, to compeir and infist in the perfuit of the said Alefoun. And siclyke, produceit vthiris Lettres, purchest at the Aduocattis instance, for chairgeing of the saidis Johnne Edmestoune and James Hepburne, to compeir and infist in perfuit of the said Alefoun, and for fummondng of ane Affyse, execute be the said Williame Porteous; and thairwith produceit ane Dittay.

The Juftice depute produceit ane Warrant, subfcryuit be the King, att Lynlythgw the xiiij of October instant, commanding him to putt the said Alefoun to the tryell of ane Affyse, for the crymes contenit in the Dittay.

The Pannell askis instrumentis of the productioun of the saidis Lettres, with the executiounis thair of, and that the said Johnne Edmestoune and James Hepburne, being lauchfullie fummond, oft tymes callit, lauchfull tyme of day biddin and comperit nocht, in respect thay knaw the danger of the law: And als, the said Alefoun offerit hir to the tryell of the law, but ony delay or continewatioune. —The aduocat, efter accusatioune of the said Alefoune, produceit ane Confessioune maid be vmq<sup>le</sup> Jonet Stratoune, ane Wich, of the dait, att Tranent, the tent of September lastbypast; quhairby scho confest, that Alefoun Jollie had caufit hir bewich the said vmq<sup>le</sup> Ifobell Hepburne.

The Affyse chuse Sir James Newtoun (in Creychtoun) Chancillar of the Affyse.

*DITTAY of Alesoun Jollie for Sorcery, Witchcraft, Incantation, Poisoning, &c.*

ALESOUN JOLLIE, spous to Robert Rae in Fala; 3e ar indict and accusit, fforsamekill as, 3e, haifing confaut ane deidlie haitrent, rancour and malice aganis vmq<sup>le</sup> Ifobell Hepburne, spous for the tyme to Johnne Edmestoun in Fala, for the alledgeit redeming of ane aiker of land fra the said Robert Rae and 3ow, quhairin 3e wes in possessioun be the space of twa 3eiris or thairby; 3e, accompaneit with vmq<sup>le</sup> Jonet Stratoune, ane notorious Wich, consultit, dewyfit and interpryfit, within 3our awin duelling-hous in Fala, and within the said vmq<sup>le</sup> Jonettis duelling-hous in Hessildane, in Lauderdaill, the crewall and abhominabill murthour and slaughter of the said vmq<sup>le</sup> Ifobell Hepburne; and that, in the monethis of August, September, October, Nouember, December, Januar, Februar and March, in the 3eir of God I<sup>m</sup>.V<sup>c</sup>.lxxxv 3eiris, att the leift in ane or vthir of the saidis monethis: Lyke as, 3e hyrit, conduceit and seduceit the said vmq<sup>le</sup> Jonet Stratoune, to performe the said crewall murthour

and slauchter of the said v<sup>m</sup>q<sup>le</sup> Iffobell; quha, in the saidis monethis and 3eiris of God foirfaidis, at the leist in ane or vthir of the famin, of 3our airt, pairt-taking, consulting and only quarrelling, be Sorcerie, Wichcraft, Incantatioune, Poysoning, or vther dewelisch or extraordinar meanis, laid ane heavie feiknes vpon the said v<sup>m</sup>q<sup>le</sup> Iffobell Hepburne, quhair of sche deceiffit in the moneth of Maij, the 3eir of God I<sup>o</sup>.V<sup>o</sup>.lxxxv 3eiris; and swa, wes crewallie murdreift and slayne be 3ow and the said v<sup>m</sup>q<sup>le</sup> Jonet Stratoun, be Wichcraft and Sorcerie, vpon set purpois, provisioune and foirthocht felony.

Off the quhilk Dittay and crymes foirfaidis, the Justice-depute putt the said Alefoun to the tryell of ane Affyis of the persounes vnderwrittin; that is to say, James Veitch, in Dalkeyth, &c.—The said Alefoun denyt the famin.

VERDICT. The Affyse, be the mouth of the said Chancillar, ffind, pronunceit and declarit the said Alefoun to be Innocent, acquit and clangeit of the hailc crymes aboue writtin: Quhairvpon the said Alefoun askit instrumentis.

### Slaughter.

Nov. 4.—JOHNNE BOYD, burges of Edinburghe.

Dilatit of the slauchter of v<sup>m</sup>q<sup>le</sup> Jonet Lyell, spous to Williame Stewinfoune; committit in December last-was.

PERSEWAR, Williame Stewinfoune mariner in Leith.

PRELOQUITOURIS, in perfuit, Mr Rychard Spens, Walter Henryfoune.

Comperit Williame Scharp, and desyrit to continew the mater, becaus that Williame Stewinfoune and he ar hurt; that he may haif place heireftir to persew.

### DITTAY of Johnne Boyd burges of Edinburgh.

FORSAMEKILL as, he, haifing confaut ane deidlie rancour and malice aganis v<sup>m</sup>q<sup>le</sup> Jonet Lyle, spous to Williame Stewinfoun mariner in Leyth; in pe moneth of December lastbypast, come to pe toun of Leyth, to pe said Jonetis duelling hous pair; and estir he had intysitt hir to pas furth of hir said hous and by (buy) ane half barrell of inzeounis<sup>1</sup> to pe said Johnne Boyd, he remanit within hir said hous, past to pe almerie,<sup>2</sup> quhair scho had certane meill;<sup>3</sup> in pe quhilk meill, he mixt certane poyfoune, of purpois to poyfoun and destroy hir; quha the famin nycht, buik<sup>4</sup> the meill in bannokis (and) eit pair of; estir pe quhilk eitting sche tuik ane vehement vometing and laxatt, and pe famin nycht deceiffit pair-by: And swa, he maift crewallie, treffonable, vnnaturallie and barbarouslie slew and murdreift the said v<sup>m</sup>q<sup>le</sup> Jonet Lyle, vpon sett purpois, provisioun and foirthocht felony.

VERDICT. The Affyis chefis Williame Rae (elder, cuitlar in Edinburgh) chancillar; and, in ane voce, Acquittis the said Johnne Boyd of the Dittay vnder (aboue) writtin.

### Slaughter by Witchcraft and Sorcery.

Nov. 27.—CRISTIAN STEWART in Nokwalter.

Dilatit of airt and pairt of the slauchter of v<sup>m</sup>q<sup>le</sup> Patrik Ruthvene, be Wichcraft and Sorcerie.

<sup>1</sup> Onions.    <sup>2</sup> Cupboard, she having been too poor to have a 'meal-girnel.'    <sup>3</sup> Oatmeal.    <sup>4</sup> Baked.

PERSEWARIS, Alexander Ruthvene, brother to the defunct, Mr W<sup>m</sup> Hairt, Kingis advocate.

The quhilk day, eftir accusatioun of the said Cristian Stewart in Nokwalter, be Dittay, in presens of Walter Robefoun and vtheris persounis of Affyise, of airt and pairt of the slauchter of ymq<sup>le</sup> Patrik Ruthven be Witchcraft; the said Alex<sup>r</sup> Ruthven, for verifeing of the said Dittay produceit the Depositiounis of the said Cristiane, maid att the burcht of Perth, in my Lord of Gowreis ludgeing thair, the xvij of August 1596, in presens of Mr Patrik Galloway minister, Mr Williame Couper minister att Perth, Archebald Moncreif minister, Mr Alexander Lyndesay and Thomas Gaw notar: Togidder with the Depositiounes of the said Cristian, maid in the said ludgeing, the xix of the said moneth of August, in presens of the said Mr Patrik Galloway, Mr Williame Couper, Mr Williame Rynd, Johnne Roise and Henry Eldar notar; all subscryuit with thair hand: Togidder with ane vther Depositioun, maid in the ludgeing foirsaid, the xxj day of the said moneth of August: Togidder with ane vther Depositioun, maid be the said Cristiane Stewart, maid att Edinburgh the xij of September 1596, in presens of Mr Robert Bruce minister of Godis word in Edinburgh, Clement Con ane of the bailleis thairof, Mr Gylbert Moncreif doctor of medicine, subscryuit with thair handis; testifeing hir, to haif tane ane clout fra Isobell Stewart, to bewich the said ymq<sup>le</sup> Patrik: Togidder with ane Declaratioun of the dait att . . . . . the . . . . . day of . . . . ., 1596, subscryuit be Sir George Hwme and Williame Stewart, testifeing that the said Cristian Stewart deponit in September lastbypast, in Lynlythgw, in presens of his Maiestie, that sche bewichit the said ymq<sup>le</sup> Patrik.

VERDICT. The Affyis, being chofin, sworne and admittit, remowit furth of Court to the north end of the Tolbuith, quhair eftir cheching of Michael Ratt-ray in Pittindyne chancillar, reasonit vpoun the poynt of the said Dittay; and being throuchlie auisit thairwith, reenterit agane in Court, quhair thay, be the mouth of the said Chancillar, ffand the said Cristiane Stewart to be Fylit, culpabill and convict of the bewiching of ymq<sup>le</sup> Patrick Ruthvene, be casting of Wichcraft vpoune him with ane blak clout: And for airt and pairt of the slauchter of the said ymq<sup>le</sup> Patrik; committit in Junij last: And for commoun Wichcraft.

SENTENCE. For the quhilk crime, sche wes ordenit to be tane to the Castlehill and thair to be brunt.<sup>1</sup>

<sup>1</sup> On margin of the Record, ' FYLIT and BRUNT.'

