

MEMOIRS
OF
ARCHIBALD,
FIRST LORD NAPIER.
WRITTEN BY HIMSELF.

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T O

A N D R E W P L U M M E R

O F M I D D L E S T E A D ,

E S Q U I R E , A D V O C A T E ,

S H E R I F F - D E P U T E O F T H E C O U N T Y O F S E L K I R K ,

T H E F O L L O W I N G M E M O I R S A R E I N S C R I B E D ,

A S A M A R K O F T H E E S T E E M O F H I S

M O S T O B E D I E N T S E R V A N T ,

N A P I E R .

WILTON LODGE,

MARCH 1793.



TO THE READER.

ARCHIBALD, the first **LORD NAPIER**, was the only son of John Napier of Merchistoun, Inventor of the Logarithms, by his first wife, Elifabeth, daughter of Sir James Stirling of Keir. He was appointed, Treasurer Depute of Scotland, one of the Senators of the College of Justice, and Lord Justice Clerk, by King James VI. His Commission, as Treasurer Depute, being for life, he remained in that office, after the Accession of King Charles I. till he resigned it, in favour of the Earl of Traquair, as mentioned in his Memoirs. King Charles I. continued him as an Extraordinary Lord of Session, created him a Baronet, and at length was graciously pleased to raise him

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to the dignity of a Peer, by the title of LORD NAPIER, of Merchistoun, by patent, dated 4th May 1627. His Lordship married Lady Margaret Grahame, daughter of John, fourth Earl of Montrose, and sister of the Great Marquis of Montrose. Lord Napier died at Fincastle, in Atholl, where he had retired after the defeat of Montrose's army at Philiphaugh, (in which action he was present), *anno* 1645, being then upwards of seventy years old. He was steadily attached to the interests of King Charles I. for which reason he and his family were particularly persecuted by the Covenanters.

A
TRUE RELATION
OF
THE INJUST PERSUTE AGAINST
THE LORD NAPIER,
WRITTEN BY HIMSELFE.

THE principall cause, that moved me to attempt this Relation, wes, thankfullnes to All-mighty God, of whose speciall care and protection, in my Troubles, I had sufficient prooffe: for I esteeme the concealing of a Benefit, even amongst men, a high degree of ingratitude. Next, charity to the Reader, who may heerby informe himselfe of the state of these tymes, and receive direction, how to behave himselfe in the like and like occasions. And if he shall, by my exemple, in his Troubles, have recourse to God, who, for causes knowne to him, hath sent them,

(for Affliction ryfes not out of the Duft) and with humble heart submit himfelfe and his effaires to him, not trufting in the arme of Flefh, hee fhall give him thefe conquering vertues, Wifdome, Courage, and Patience, to bring them to a better iffue then in reafon he could expect: and in the midft of his Troubles without, hee fhall find the peace and favour of God within, which fhall not only droune all fenfe of his Afflictions, but fhall fill his mynd with in-expreffible joy. But that I may not affume to myfelfe more then is due, I confefle ingenuoufly, that, this Thankfulnes towards God, and Charity towards men, wes in my mynd, lyk a Spunk of Fyre among a heape of afhes, which had never gevin light, if it had not beene blowne. be the earneft intreaties and perfuafions of my Friends, who (well knowing the illegall, injuft, and violent proceedings againft me, my want of powerfull Friends, the ftrong combination of moft men of place, and power, followed by others, whose manner is to humour Greatnes in every thing, and, lyke Dogs, to fly on him that is moft diftressed) were, in a manner, aftonifhed at my delivery; and, admiring the fuccefle it pleased God to grant, could
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not rest satisfied, without a particular Relation of all these Passages, which, being an expression of thankfulness towards God, ought to be in the manner most acceptable to his divine Matie, to wit, true, sincere, without passion, or partiall affection, and without arrogating any part to my sufficiency; and being for the benefit of the Reader, ought to be in a plaine and easy style, to informe him, rather then to delight him.

AFTER I had left the Schooles, I addressed my selfe to the service of King JAMES of blessed memory, and was graciously received by him: and after the death of Queene ELISABETH I followed his Ma: into England, when he went to receive the Crowne of that Kingdome. I served him there as Gentleman of his Privy-chamber, the space of sixteen or seventeen yeares, or thereabout, continually, till his Ma: was pleased to cast the Earle of Summerfet out of his favour, and take in his place George Viliers, afterwards Duk of Buckinghame, a powerfull Favorite, and no good Friend of myne, because I, with some of our Countrey-men endeavoured to support Somersfet, which, in his construction,

construction, was ane opposing of his ryfing. Therefore I (being before much desyred thereto by my worthy Father) took this occasion to repaire to Scotland, and expect the event of things: wherewith I did acquaint the King, and desyred his leave, which he granted; but not before he made his Favorite (against his mynd, I think) to give me large promises of friendship, and faire blossomes of protestations and complement, which never bore fruit. Some yeares after Sir Gideon Murray Deputy Thesaurer to his Ma: dyed; and the King (knowing every mans Friends in his Bed-chamber) said in the presence of myne, that he had found a meane to employ me, whereof I being advertised came vp to his Ma:, who commanded me to attend his tyme and pleasure heirin. But the Earle of Mar Thesaurer principall (who could not well brooke a Colleg) by means of the Duk of Buckingham, got the tryall of the place solely for a yeare. But before that yeare expyred, the effaires of Court, (which are never long stable) took another ply; and the same men, who, vpon promises made be the Thesaurer, did befriend him in this buffines, being disapoynted of the hopes hee gave them,

them, were they who joyned with his enemyes to put vpon him a Deputy. To the first motion of a Deputy his Ma: gave consent, as being vsuall, and from which his Ma: wes diverted the yeare before by the power his Favorite had with him: for it wes his manner to give way to strong opposition, or his Favorites intreaties; yet never to give over his purpose, but at another tyme to worke it by the meanes of a contrary Faction, to free and discharge himselfe of the others discontentment vpon the faction. The Kings consent once being got, every man who had power putt in for his Friend without respect of his sufficiency or ability: but no man could bee proposed, against whom his Ma: did not take some exception; which being perceaved by the late Marquis of Hammilton, a wyse Nobleman, in whom there wes no vertue wanting befitting his place and quality, and judging that the King had made some secreet election in his owne mynd, desyred to know who it wes. His Ma: having named me, the Marquis did not only approve his Ma: judgement, but also procured a warrand for my admiffion, wisely covering thereby the repulse he got for his friend,

the prevailing of any competitor, not only made it seeme that hee had obtained his desyre, and a poynt of revenge vpon my Lord of Mar, but also made purchase of me for a faithfull friend and seruant. for although from the Kings owne mouth (who knew the custome of the Court, and could never endure to be robbed of his thanks) the whole carriage of that buisnes was delivered vnto me, together with a command to me to serue him faithfully, not to be factious, nor to comply with any to his prejudice, or the Countreyes, or to wrong any privat man for fauour of another. Not the les I dissembled my knowledge, and professed my obligation to the Marquis, which indeed was greater then I could challenge at his hand for any deseruing of myne, whereby I had him my noble Friend all the dayes of his lyfe. This act of the Kings without my knowledge, without my sute, or any friends of myne, and in my absence, being singular (for although no living man had the art to know men more perfectly then hee, yet still importunity prevailed with him against his own choyse) made me enter into serious consideration of the mater, and to set downe to my selfe rules and resolutions of honest

ness proceeding in the discharge of that place. First, because wee are commanded to serve our Masters faithfully, and for conscience sake, Next, because in my nature I hate the imputation of dishonesty, avarice, and injustice. Thirdly, not to make his Ma: ashamed of the choyce, which was only his owne. And lastly, I thought it no safe way for me who was borne to ane estate, by base scraping, purloyning, and bribery, to endanger it: what I got by his Ma: bounty, vpon consideration of good service, would doe me (I thought) and my house good. Armed with this resolution I entred that service, and my behaviour therein was according thereto, whereby his Ma: was well satisfied, and if it had pleased God to grant him longer lyfe, I had not (in all probability) beene disapoynted of my hopes, for of his good opinion and purpose toward me there are yet living witnesses: and a litle before his Death he recommended me, (I being then in Scotland) to his Sonne King CHARLES, as his Ma: himselfe was pleased to tell me, then which, a greater testimony, of a gracious Masters favour, to ane absent Servant, at such a tyme, could not bee exprest.

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The first thing I intended after my admission was the fewing of Orknay and Zetland to the inhabitants, that his Ma: rent might be encreased and made certaine, a good sowe of money levied for fynes, and the people freed from the cruell exactions, concussions, and pittiful oppression of Leassies, who thought it lawfull for them to make there best advantage paying the rent of there Lease; neither wanted they power, for they were Sherifs; and they had not only set to them the rents and casualties of the Countrey, but forfeitures and vnlawes of Courts, whereof they were the sole Judges. His Ma: gave me commission for that effect, with a power to transact with Sir Johne Buchannan the present Leassy, and to content him either with a sowe of money for some two yeares of his lease to runne, or, if the Feaw might subsist in law with the lease, to feaw the land, and reserve the lease for the yeares to run, but he would in no sort deale, being borne vp by these who set the lease to him, fearing that thereby there litle care in the Kings affaires, and especially in setting of this lease to Sir Johne, to whom he was not close handed, should appear. Wherevpon the Kings just displeasure was kindled against him,

him, yet such was his justice and goodnes, as it proceeded no further, then a command to me to let him enjoy the yeares of his lease, because that was just, but if any matter of favour to him come in my way, to stop it, because his Ma: wes not obliged (he said) to that. In this, and all other things I intended in the Kings service, my Lord Thesaurer still opposed me, out of a conceat, which still he entertained, that I wes thrust vpon him be the Marquis of Hammilton, his enemy, although from his Ma: selfe he wes otherwyse assured. Not the les we served together in that service with reasonable correspondence so long as King JAMES lived. But he being dead, and his sonne King CHARLES succeeding to him in his kingdome, and to his vertues too, although with some want of experience, which is only got with tyme, all the turbulent and discontented humors of the former tyme were vp (as is vsuall in these great transitions) and plyed his Ma: vncessantly with accusations, personall aspersions, new projects, and informations of abuses. And truly there wanted not matter, and there endeavors had deserved praise, if splene to the persons of men, and there own privat intrest had not gevin

lyfe and motion to there proceedings, rather then the service of the King, and the good of the state. Then was there nothing but factions, and factious consultations of the one, to hold that place and power they posselt before, of the other, to wrest it out of there hands, and to invest themselves. And no dreame or fantasy of innovation came in any bodies head, but presently he durst vent it to the King, and still the most ignorant were boldest. Neither wanted there some honest and wyfemen who gave there advyse out of mere affection to his Ma: and the Publique, but wanting that bold forwardnes and factious assistance which the other had in prosecution of there privat ends, no great hold wes taken of them. The Thesaurer was not free from this storme, but was charg'd home by his enemies with some abuses in the Kings presence, which they were not well able to make appeare. Therefore there was a Gentleman direct to me, desyring me to give them intelligence vpon what poynts my Lord might bee charged, with assurance from them that it should never bee knowne, and before I should declare any thing in that kynd, I should have assurance from the Kings owne mouth,

mouth, and my Lord of Buckingham of the whyte staffe. This I flatly refused, as ane office vnworthy of a Gentleman, and told him that I disdained any honour that should be acqyred by so dishonorable meanes against a man that wes in termes of outward friendship with me, although I knew hee had no friendly intentions toward me. but I wes evill requited, and it may be, because this motion made to me, and my refuse, came never to his cares.

The buffines of Tythes, amongst others, wes most constantly profecuted by his Ma:, a purpose of his Fathers, or his owne, who, finding the heavy oppression of teynd-masters, and the servitude of the people, did earnestly endeavour to remed it. But in this, as in other matters, what truly might be said to be his (which were his intentions only) wes most just and princely: but the meanes (which were other mens inventions) were most vnfit to compasse his ends, but fit enough to serve there turnes that found there privat prejudice, to rander the buffines intricat, long-some, and difficult vpon hope his Ma: would relinquish the same. Neither wes this forme of proceeding displeasing to some most entrusted, for by the difficulty they did
endeare

endeare there Services, and in the meane tyme giving his Ma: hopes of great matters, they drew from his present and certaine benefites above the proportion of there merit, or of his Ma: ability heir. Of the Commiffion of the Tythes I had the honor to be one, and according to my duety and power did advance his Ma: juft and gracious purpose. This, and my integrity in the Kings fathers tyme, together with the title of Lord (his Ma: first favour in that kynd to a Scottifh-man) and a Lease of Orknay bestowed vpon me, did fo much offend the cheefe Statesmen, who were the greateft teynd-masters also, and (be a great incongruity members of this Commiffion, that in there private meetings they concluded my overthrow, whereof I got privat intelligence, but did no whit fwerve from my duety for that. They fet on Mr David Fullarton, a Receaver, a young man of litle wit, to difperfe calumnyes againft me in the Court, to try how they would be receaved or feconded, whom I brought before the King, in prefente of the Lords of Exchequer, and whose anfweres were fo poore and excufes fo frivolous, as made even those present who fet him on to be affhamed. About that tyme

his

his Ma: intended a journey into Scotland, but no money being in his coffers there, Chancellor Hay made offer of ten thousand pound sterling for his Ma: entertainment during the tyme of his abroad there, vpon condition he might have the collection of the taxation, at which he ever aimed most earnestly for the hid profit that wes therein, especially the extraordinary, ane imposition of his owne invention. This galled Monteth, Nithisdale, and that faction, who left no meanes vnattempted to crosse the same, but it wes still intertained, no other appearing to offer a better expedient. They dealt earnestly with me to make offer of money, and promised to concurre for the levying, alleadging the Thesaurers indignity and myne, if another should doe that which belonged to our place. Litle did there speaches move me, who knew there ends, and there promises lesse, assuring my selfe, that whoever advanced the money, the Thesaurer and I wes to see it spent, and to order the entertainment, and esteeming the Chancellors advancing of money no greater indignity to vs, then if it were done be a merchant, I never stird till I vnderstood else where, that the Chancellor had sent to Scotland for

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Sir

Sir James Baillie, and that there purpose was the one by advancing money, the other by making provisions to thrust my Lord Thesaurer and me out of all employment, and considering the avarice of the one, and the ambition of the other, I was confident of my intelligence. Then suffered I my selfe to be persuaded by Monteith and Nithisdale and the rest, and made offer to his Ma: of so much as should serve him during his abod in Scotland, telling that I did beleive the Lord Thesaurer would do the lyke, without other condition then assurance of repayment, leaving the rest to his Ma: good pleasure. He tooke my offer in very good part, commanding me to repair to him within two dayes for answere: which I did. Then he told me, he would employ all the States-men (of whom I wes one) to take vp the money, giving them assurance vpon his rents and taxations. I did much commend his Ma: purpose, and wes glad of it, for thereby I wes fred from the hazard of advancement of so great a soume, and the rights of our place wes not in the course to be empared. To this effect his Ma: sent letters to the Officiars of Estate who were in Scotland: this delay together with the advyse of the Lords
English

English and Scottish did put off his journey till the next Spring; and he went a progresse; and I tooke my leave for Scotland. But whill his Ma: wes at Beaulien, the anfwere of his letter came vp, not only refusing his desyre, but advyng him to call a Convention, and impofe (I vse there very words) a taxation: and if his Ma: would needs have them leavy money, they thought it reasonable that every man, having warrauds, fees, or pensions out of the Exchequer (who indeed for the most part are poore, and have no other meanes to live) should bind with them for the money. At which his Ma: wes much offended as he had good reason, and did suspect that they had no mynd to see him there. At this tyme, Archibald Campbell being at Court wes told of the letter be the Secretary, who asked him, where I was, and if I would yet vndertake to furnish the King money for his journey. He anfwered that I wes still in London, and wes affured, that I would doe any thing I wes able for the Kings service. This being reported to the King, Archibald Campbell wes presenty dispatched away with a letter for me. When I came his Ma: told me that he receaved a most shamefull refusall, and asked me
what

what I would doe for him. Nothing Sir (said I) les then I am able, and if my friends who are to engage themselves for me. shall see a sure way of releife, if ye want money, ye shall blame me, but I will defyre your Ma: to give comission to your Officiars to order your entertainment, and if things be not orderly done, let your Ma: blame them, for I cannot take that vpon me. then his Ma: to that effect appoynted a Commission, and willed me to devyse my owne surety, and commanded the Secretary to draw vp what warrands I pleased for the same. I asked the Secretary what course wes to be taken with the Lord Thesaurer, who I thought wes not to be neglected, but he answered, that the Lord Thesaurers hand wes at the letter of refusal, and therefore will take it ill, if wee shall draw down vpon him a burthen which he is not willing to vndergo, and may hurt his house if he dye, being now ane old Man. But I, knowing his humor, and to testify the respect I ought him, with the Secretary procured a letter from his Ma: to him, putting the accepting or refusing in his owne choyce. But it wes drawne vp by the Secretary, to whom I entrusted it as belonging to him, with words derogatory

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(as he alleadged) to his honor, of set purpose to put vs together by the eares: for so long as the Thesaurers principall and Deputy did concurre to the Kings service, he well knew, that his doings, to the Kings prejudice and his owne gaine, would not have so faire way. Thes warrants being signed, I went about the furnishing of such things, as could not be conveniently had in Scotland, specially the banqueting stuffe, for which I agreed with Robert Walthew Sergeant of the Kings confectionary at ordinary rates for ready money, not daring to trust any other with that which wes for the Kings owne mouth: and at Archibald Campbells desyre did offer the employment vnder me to Sir James Baily, of whom (because I shall have often occasion to name him) I shall once for all give this Character. He wes basely borne, and had his education vnder a Butcher, the height of his ability wes to be clark of a kitchin, extremely ambi ious, and to attaine his ends would give largely of that, which he had got indirectly. This man did refuse it, knowing be long experience, that hardly should he make vnlawfull benefit where I wes to looke to him, pretending difability, and a desyre to retire from

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publick services; whereby I conjectured that he had some wicked purposes, as indeed he had, for within two dayes after, he went to Scotland, posselt the Lord Thesaurer that I went about to take his place from him, and perceaving the Officers of Estate to be so offended with me for daring to vndertake what they had refused, that they resolved not to give way to any warrand I should bring downe, conceaving hopes that be there meanes I might be displaced, and himselfe succeed: of which place he wes disapoynted after the death of Sir Gideon Murray, who made him his bosome friend, and tooke him in his company to England (being vnder him a Receaver) when his Enemies did accuse him. But he, vpon hopes given him of Sir Gideons place, gave his enemies aime vpon what poynts to charge him, but being put by then, wes more eager now. The Lord Thesaurer, at my coming home, did quarrell the letter, wherein were these words, that if he pleas'd he might joyne with me, of purpose insert maliciously by the Secretary. All my warrands were refused, and letters sent vp extolling my Lord Thesaurers care and readines in the Kings service, and to excuse his subscribing of the letter
wherein

wherein they refused the Kings demand, this pretty distinction was found out; that he had subscribed that letter as an officer of estate amongst the rest, but as Thesaurer he was most willing to undertake the service. Beside, he wanted not Sr James Bailyes encouragement, and assurance of money to performe the service, and indeed he was rich, and the better stored for a late employment of buying and furnishing of Ships, and a collection of a taxation put vpon him by these who were sharers in the gaine, but his compts could never be received nor allowed till he was forced to put the Chancellor in possession of the collection of the remainder of that taxation, (for he had a purpose to get the collections of all taxations to come annexed to his place) and then Sr James got leave to enjoy the prey. My warrands being refused I resolved to goe vp to show his Ma: what rubs his service had got in my person, that his service might not be disapoynted, but that he might remove these, or take some other course in due tyme. In my way I met Archibald Campbell coming home hard by Sr James Bailyes hous, and by accident also ran-countred my Lord of Roxburgh, they all, especially Sr
James,

James, (for as yet he walked in clouds) were earnest with me to stay in Cobbrands-path till Archibald Campbell might speake with the treasurer. who wes confident to remove all mistakings, I wes as confident his endeavours would take no effect, yet to show my willingnes to take any course which were reasonable, that his Ma: service might go on, promised to stay. Some eight dayes after he came, and brought with him the draught of a letter, which if I would wreat to his Ma: there should be perfect agreement. The letter, after some recitall of the Thesaurers care, and expences bestowed on reparation of the kings houses, &c. contained these words, For which cause I humbly beseech your Ma: that the warrands your Ma: delivered me for following of this service may be reformed, and the Earle of Mars name as your principall Officiar infert thereintill, and for my part I as Thesaurer Deput shall be ready to assist him. When I pervsed this draught, I conceived it to be no other, then ane abandoning of the Kings service by my owne sute who had accepted it. And therefore after these words, his name as cheife Officiar to be infert thereinto, I added, and myne as deputy joyntly
with

with his; so after this manner I was content to wreat. This not giving satisfaction, they persuaded me to goe to Tuninghame to the Earle of Hadington, who vndoubtedly would find out a temper of words to please vs both. Where when I came, he went about to persuade me to expunge these words (myne joyntly with his) as of no importance; but I vnderstood the importance of them, and there intentions too: for certainly if any such letter had been sent by me, they would have vsed it as ane argument of my vnworthines of that employment, who had so basely gevin it over. Hadington then persuaded me to goe to Alloway to my Lord of Mar, assuring me that we would agree well enough betwixt our selves, desyring Archibald Campbell, Sr James Baily; and Archibald Primrose to go thither to assist the agreement. to this I yeelded also. When we came, Archibald Campbell, and I being alone with him, he called in Sr James Baily and Archibald Primrose only, there being present sundry of his wyfe and well affected Friends, which I tooke for no good token of agreement, they being interested. Sir James, who was assured of the employment and profit thereby under the Thesaurer, was

loath I should survey his doings. And Archibald Primrose, knowing that I must have a hand in the taxation, wes loath I should looke into that to which he wes Clerke. My Lord preassed me still to wreat to the King, as had conceaved the letter, assuring me, forfooth, that he would vse me as Thefaurer Deput. I answered, that employment wes put vpon me without my procuring at that tyme: At his Ma: earnest desyre I accepted the whole, if he refused; the one halfe if he were pleased to accept the other. It were a most base part in me to relinquish the same without his Ma: privity, and to become suter to that effect. But, if his |Lo| could move the King to give him the whole employment, I should be well content, and never oppose it. This not satisfying him, I tooke my leave, and told him that I wes to goe vp to lay downe that employment at his Ma: feet, to be disposed of as he pleased. Sr James Baily came to Court before me with all my Lords letters to his Friends, but had no good acceptance from the King. When I came his Ma: received me so gratiouly, as I and all other thought I should be only employed. Shortly after me followed a number of my Enemies. the Chancelair wes there before.

before. Monteith came vp to assist my Lord of Mar his purpose, but carried still the face of a friend to me. They enformed the King against me most falsly and maliciously, that I had deceived him in the Leasse of Orknay, that I intended to deceave him in the bargane with Sergeant Walthew, that I had converted some Fynes to my owne vse, and had not compted for them, and some other things in that kynd, which, because they are particularly fet downe heirafter with the answers to them, I leave at this tyme.

These informations, though they made no great impression in the Kings mynd, yet served they to transfer the employment to my Lord of Mar, which pleased me well, for all my end wes to preserve my reputation in this poynt, that I had not of my selfe basely abandoned the Kings service for feare of there power and combination. for there wes neither profit to ane honest man, nor honour, in that employment, which proved ineffectuall to my Lord Thesaurer and mee both, for we were out of place before his Ma: came to Scotland. My Lord Arskins first endeavour wes to draw the Secretary from me, whom he esteemed my friend, as indeed he pretended,

but

but really wes friend to no man longer then he saw advantage to be his Enemy, promising in his Fathers name to pay a good part of a warrand of six thousand pounds sterling, alledged got from King James, but never yet seene be one Officiar or other, and doubly if not triply payed since, for what ever came to the King, a part wes appoynted to the Secretary toward the payment of that warrand, which is not yet fully payed, nor, I thinke, ever shall be, so long as the King hath money, and he trust to abuse him. This bait forced him to vnmaske himselfe, and, that he might deserve the promise to declare himselfe my enemy, as ever after he wes in this and every thing els. Before this a litle Sr Alexander Strachan, and some other his partners (of whom the Secretary wes one, for nothing past wherein he wes not a sharer, and then nothing wes so hurtfull to the King or Countrey which wes not delivered vnder the title of good service) had projected to the King great profit to aryse out of the Wards of Marriage and Nonentries, which, being most pernicious to his Ma: and the best of his Subjects, I mainly opposed heir in Scotland, and with much adoe got the passing of it delayed

layed (so strongly had they made there party in our Exchequer) till it should be debated before the King; who had sent for all his Officers to Court, to have there opinions concerning the buſines of the Tythes. Theſe and ſuch lyke buſines increaſt there ſplene againſt me, who ſtill vpon all occaſions continued my wonted freedome to give advyſe without reſpect of any thing els, but the publick good. The moſt part of my enemies being preſent at Court fell a conſulting and plotting my overthrow, which from this tyme forth they ſo eagerly proſecuted, as they forgot conſcience, honor, there owne qualities, and the places they poſſeſt; and this way they went to work. They made Sr Alexander Strachan waken his project for the Wards, and to procure from the King a hearing of the Exchequer, knowing well that I would oppoſe it, to incenſe him againſt me, and to move him to be my accuſer vpon there former informations, a man as much as I hated be them, eſpecially be the Chancelier, whom he had accuſed the yeare before of brybery to his face before the King, which he preſſed ſo hard vpon him, as, to ſave his reputation and place, James Douglas Deputy Secre-

tary, a man religious and honest, but too-too-simple, who hardly could be induced to take the ordinary benefit of his place, was perswaded to take the fault vpon him, and thereby lost his place. Sr Alexander perceaving there drift and splene against me, made his advantage of it, promising if he might have a Commission to bring in concealments and omissions of the Thefaury (which he afterwards got to his great profit) he should find matter enough against me, and would charge me. When the Exchequer met, I opposed Sr Alexanders projects for the Wards, &c. but found no resistance, but excusing himselfe, that he thought it was for the benefit of the King and good of his Subjects, and if it were found not so, he would willingly relinquish his sute, but said withall (according to the plot) that the Kings profit was neglected by the Officers, and that he would give twenty thousand pounds for the Omissions of the Thefaury, if he might have commission to bring them in; as indeed there was something in that kynd through no fault of myne. I answered that there were some Omissions w^{ch} was not altogether my Lord Thefaurers fault, nor myne, but partly theirs who served
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before vs, and that we intended in tyme to bring them in, neither was there such perfection among men, to omit nothing; and for my part I would not only not oppose him, but be a meanes to move the King to grant him commission, and accept the condition, but that he had not done amisse to have informed the Officers of these concealments, who would have had a care to see his paines recompensed, whereas now this offer of his wes of the nature of an accusation and imputation to vs. These who were of the party, fearing that I would hold him to his word, and engage him, brought him off with this motion; that he should have the commission, and what should be thereby brought in, the King to have the one halfe, and Sr Alexander the other; to which they all assented, but my selfe, (who now began to smell the drift of it) and the Bishop of Roffe, whose Opinion wes, that the Officers should bring in these Omissions, and Sr Alex^r considered for the discovery. The report wes made to the King by the Chancelier and Secretary only, that Sr Alexanders project of the wards, &c. wes disallowed, but that he had vndertaken to bring in, to his Ma: great profit out of Concealments, an excellent
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peece of service, and that none of the number wes against it but I only for my owne ends. The Commission wes drawne vp in great haste, and signed, and wes to be sent downe to Scotland to be subscribed by the Thesaurer, and past the Seales, whereof they were assured, since it tended to my hurt. How soone I vnderstood the same, I told his Ma: that the Commission wes sending away, and I had never seene it, that oftymes specious pretexts were made for his benefit, and nothing intended but the gaine of the Projecters, whervpon the King called to him Mr Mauld commanding the Secretary by him to let me peruse the Commission before it went, which Mr Mauld did, but for all that I could never come to see it. But a meeting being for the Tythes before the King, they brought in mention of that commission. The Chancellor said, it was a great peece of service, and that the Gentleman had deserved well. I answered, that will be best knowne after the performance, for me, I thought it might prove so too, but that I thought fit that the word (Concealments) might be defined and explained: for the Kings Tenants in some ill yeares were not able to pay (it may be) at the precise tyme, yet the Chamberlanes

berlanes would bring them in at another tyme when the Tenants were able. If these, or of the like nature, wch were knowne, and in charge in Exchequer were called concealments or omiffions, the King should losse the halfe of that rent, and give fees vnneccessarily for that part of his rent to Chamberlanes and Stuarts. But, Sir, (said I) what ever is in that commiffion is vnknowne to me, for I never yet saw it, not the les of your Ma: command. At which the King wes angry, and looked sternely vpon the Secretary. But the Chancelier, whose manner wes to interrupt all men when he wes disposed to speake, and the King too, did fall vpon aggravating these Omiffions so far as the Marquis of Hamilton said; My Lord, how can there be such neglect as you speake of, since I know they had almost put my Mother to the horne for forty shillings Scots; whereat the King smyled, and ryfing vp said to Sr Alex^r Strachan, you have said to me that there are many omiffions and faults, and that you will doe me good service, you shall have the commiffion, but if you be not so good as your word, I shall find a fault somewhere. All this while my Lord Areskine the Thesaurers sonne stood

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by mute, as if the mater had no way concerned his father, for the Chancelier had blocked vp his mouth by a promise, that not his father, but I only, should be charged, with these omiffions; and that he should be free from any such imputation; which he performed, saying, he was a nobleman now in age, and could not take care of the Kings affaires nor his owne, but all wes my fault, excusing him so to his disadvantage from particular omiffion by disabling him of the care of all. When we came from the King, the Chancelier told Sr William Balfour how much he had beene my Friend, although I had moved the King to take Orknay from him to get a lease of it my selfe. I desyred Sr William to tell him that he had exprest himselfe my enemy, and that I knew nothing of Orknay till he told it me himselfe. And with all tell him (said I) that I wes never so ill a fervant to my Master as to advyse him to give threttein thousand pounds sterling for renouncing his grant of Orknay, for the which he would gladly have taken fyve thousand pounds sterling, as they can tell whom he employed to procure it.

After

After this my Persecutors changed there mynd, and thinking it fit that my hand should be to the commiffion, who oppofed it, to make it the more effectuall againft my felfe, the Secretary delyvered me a command from the King to fubfcribe it. To which I replyed; that is contrary to the Commiffion of Exchequer, which ordaines vs to fubfcribe all fignatours judicially, but if he would fay before witnes that his Ma: commanded me to fubfcribe it in particular, I would obey; which he refused; but the next day he brought me a warrand vnder the Kings hand to fubfcribe. I finding that my opposition had drawne vpon me no fmall fufpicion of feare and guiltines, having receaved this warrand, did fubfcribe cheerfully and willingly defying Sr Alexander and all the world to charge me with any fault or malverfation in my office, in prefence of the Bishop of Roffe, Sir Alexander himfelfe, and divers others. This confidence and alacrity did make the Chancelier feare that the commiffion would not work the effect againft me that he wifhed, and then he began to perufe it more ferioufly, and finding that himfelfe might come within the compaffe of it, being a Collector of a Taxation, did delay
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his subscription, finding some faults and informalities in it, and being further pressed did pretend the gut in his hand, w^{ch} was in his feet, not subscribing twenty dayes after me, till the Earle of Nithisdale Sr Alexanders friend, and none of his, told his Ma: that the Chancelier only did hinder the service, himselfe had so much commended in his presence: he then subscribed it. But Sr Alexander could not have way for it through the seales till he gave assurance to the Chancelier and Thefaurer to meddle with nothing whereinto they had interest. When it was past the seales they pressed him to accuse me: he told them he had made diligent search of the Registers, and could find no matter; if any of them would informe him against me, and set there hands to the information, he would accuse me as he promised: otherwyse to misinforme the King without a warrant, and succumbe in the probation, he thought it neither the part of a wyse nor honest man. They being disapoynted of the pleasure they conceived, to see the one of vs ruine the other, whom they equally hated, were so farre incensed against him, as at a Convention of the Estates, which was shortly thereafter, they stirred vp some of the Estates to
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complaine vpon him for purchasing a commiffion to execute penall Statutes, and made him fo odious, as he wes forced to give it over, yet by the helpe of his good friends he got good fatisfaction from his Ma:

My Lord Thefaurer having got the employment of furnifing the King, and I put by it, it wes not reasonable that contracts should be ftanding betwixt Sergeant Walthew and me: I defyred therefore his Ma: to give ordour to call them in, to be cancelled, the King commanded the Chancelier to fee it done. the Sergeant produced the contracts, and the Chancelier would faine have picked something out of them to my difadvantage. then, faid I, I acquainted the King (as indeed I did, and his Ma: remembered it) with the maner and matter of this Bargane. to which Sr James Baily replied, that the King knew it not till it wes questioned: and I (not being able to containe my felfe) faid, that it wes not lyke his barganes and his complices in the Kings fervice. At which the Chancelier was fo furiously mad (for it touched him) that forgetting himfelfe, and me too, he commanded me out of his chamber, which I would not doe; the chamber wes none of his, but a borrowed one, and within

the kings house, whither I went by the Kings command, but the relation of this bargane I leave to the proper place. Thereafter the Chancelier and Secretary my profest enemies, were not ashamed to purchase a commiffion to themselves to examine these matters, and to colour there malice somewhat, they joynd Sr James Fullarton one of his Ma: bedchamber, ane honest man, but somewhat simple. they examined the Sergeant, they threatned him, and when that would not doe, they promised to deale with the green-cloath for payment to him of his arearages, a great fowme, if he would depone any thing against me, which he, being more rich and covetous then honest, would faine have done if there had beene any probable ground. And although I wes dayly present at Court all this wes done without my knowledge, who ought to have beene cited as having speciall interest, and such report wes made to the King as best pleased them.

Shortly after Sr James Baily went to Scotland with a letter vnder the Kings hand, purchased and conceaved in such ambiguous termes by the Secretary, commanding me to produce these contracts, as no man could know whither

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my production should bee to be cancelled, or examined, whereby the Secretary if the King had taken exception (for still his good opinion continued of me) might furnish himselfe of ane excuse, and make his owne interpretation, by that crafty meanes to make me produce before them, whereby a Judicature should have been established once, which afterward I could not declyne, bringing in such things as might serve there turne with a show at least of Justice. Some eight or ten weeks after, I came to Scotland, and this forsaide letter wes still kept vp. I brought with me a most favorable letter of the Kings, wherein his Ma: declared that I wes a most faithful Servant, and worthy of the trust reposed vpon me, and that it wes his pleasure, that without further trouble I should enjoy my fees, pensions, and exercise of my place. The copy of this letter the Secretary sent downe before me to my enemies, who never produced there letter till myne wes presented. Presently thereafter Sr James Baily produced the other, of a date farre anterior to myne, the least obscure word whereof they thought warrand sufficient to proceed against me, wherevpon the Indentors betwixt Walthew and me were
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vrged to be produced. I refused; and therevpon being removed, till they advyfed what was fit to be done, the Kings Advocat followed me, and vnder colour of friendship defyred me to produce as moft for my advantage. But having learned now to diftrust, and fearing by my owne consent to eftablifh a judicature where my enemies were to be my Judges, when I wes called in againe, fpoke thus. My Lords, I have confidered his Ma: letter, wherein having difcharged the bargane betwixt Walthew and me, and another made, his pleasure is that the indenturs be cancelled to secure him from the danger of the faid bargane, which he may be fubject to if the wreats were extant. for obedience therefore I am content either be act from this table, or by difcharge under my hand to renounce all action competent to me againft him for implement of the faid Indentures: But for production heirof I defyre to be excufed, for (my Lords) I have fo good experience now of the nature of malice, that I know there is no meaning fo good nor fincere, which it will not traduce, nor no words fo cleare, the fenfe whereof it will not pervert, and therefore will be loath to put fo honeft a text in the hands of
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so bad commentators as my enemies are. Besyde this matter among others being canvased above by a commission procured, execute, and reported (I am sure) to my disadvantage, without my knowledge, though present, by men not well affected to me one [Sr James Fullarton] excepted whose knowne honesty and integrity I will never wrong with suspicion. After all his Ma: hes gevin me ane honorable approbation in this letter even now red before you. If I should now expose my reputation to misconstruction vpon these Indentures desyred to be produced, what were it else but to wrong his Ma: judgement, and to call it in question upon ane obscure letter sent downe before the same, and subtilly kept vp till now to make this vse of it. Neither my Lords doe I refuse tryall, but advantage to my adversaries, for nothing can prove more honorable to me, nor more contrare to their desyres. And therefore whenever I shall vnderstand his Ma: pleasure to that effect I shall be most willing to vndergoe all Lawfull tryall, either before his Ma:, or any Judge competent and vnsuspect, not only in that particular, but in any thing else concerning my charge. For, my Lords, this I dare affirme with-

out vantage, that never any officiar hath served the King with more honesty and integrity, with better affection, or les regard to my owne profit. If it were otherwyse I could hardly blind the eyes of the world so, but some tokens would remaine. I have not builded vp a fortune vpon hill or hope by cozning the King, or wronging his Subjects, I have bought no land since I wes 'Thesaurer Deput, I have not builded faire houses, nor married daughters, nor have I sowmes going out vpon intrest, but am as farre in debt as when I entred this fervice, and that I have been no prodigall all men know, that know me. My desyre therefore is that you will not countenance so injust and malicious proceedings against so honest a Servant of the Kings even for the Kings cause, and for your owne that you will not admit dangerous presidents against one who hath the honor to be of your number, which may possibly meet some of your selves another day, for I know none of your [Lo] so great nor so good, as can plead exemption from the malice of detractors, but may come in the same predicament that I am in now, who of late thought my selfe as farre out of the compasse of it as another. But because even this answer

fwere of myne may be misconstrued, or otherwayes related, I have set doune vnder my hand a declaration of my offer to this purpose, which I desyre may be sent vp to his Ma: when your |Lo| shall think fit to rander his Ma: an account of your proceedings vpon his letters, that his Ma: may see my willingnes to obey his pleasures, and to have all my proceedings put to a lawfull tryall.

Having said, I presented my offer of tryall subscribed by my selfe, drawne vp be the advyse of my advocat. Finding then, that I could not be induced to doe any thing that might give them the cognition of my matters, they sent vp to the Secretary to procure letters for there purpose; and therefore to avoyd these I went to his Ma: where I remained awhyle secure from any perfuit, but they still continued there calumnies, and having occasion to returne to Scotland I wes no sooner there, when I wes advertised that his Ma: had conceaved a high displeasure against me vpon this occasion. His Ma: being posselt that the Lease of Orknay, &c. wes gevin to me vpon trust not only to pay the whole rent to the King, but also all benefit that should accresse to me as taksman. whill I wes at Court, his Ma:
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had gevin command to one (whom I doe not know, nor could ever learne, although I vsed extraordinary importunity with the King for that purpose) to repaire to me, and will me in his Ma: name to surrender the Lease of Orkney, &c. to the King. The party never came to me nor told any body else that he had such Commission from his Ma: to me. But after I had kist his Ma: hand, and taken horse for Scotland, he framed this answere to the King as from me, that I would stand out in law against his Ma: and that in justice the King could not take the Lease from me. How soone I knew the cause of his Ma: displeasure against me, I sent a power to Sr William Balfour to make the surrender, to whom the King exprest his anger against me in great measure. When I came vp, I found his countenance altered, and therefore desyred the Marquis of Hamilton to procure me accessse and hearing, which for a long tyme he could not obtaine, because (said the King) he will not surrender his Lease of Orkney to me. But the Marquis affirming that I wes come vp for that purpose, which the King would not believe, so strongly wes he possessd of the contrare, and would not admit me till I surrendred. Where-
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vpon the Secretary wes commanded to draw vp a surrender: but he, loth that that way should be made open to me to recover the Kings favor, excusing himselfe alleadged the surrender must be legall, and drawne vp be the Kings Advocate, who sent vp one which he knew I would never agree to: for by it, I was only to surrender 7000 marks payable to me by my Subtaksmen, and remaine obliged to pay yearely 45000 marks to Nithisdale, to whom the King had gevin the duety of Orknay, &c. This by all men wes thought so vnreasonable, as the Secretary wes forced to draw vp a totall surrender, as well of the duety, as of that the Subtaksman wes to pay to me, and that (in expresse termes) for all tymes to come, to which I put to my hand. This 7000 marks wes gevin to Anandale, who not content therewith foisted in to his grant a termes duety of the same before my surrender. Then did they begin there calumnies afresh without regard of truth or honor: and to countenance the matter the better, the Lord Thesaurer wes sent for be them, a man of great age, and lame of his leg, and went vpon crutches, assuring him that they had prepared the King so, and gevin him such impressions of

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me, as there needed no more but his preference to turne me out, who wes not flow to vndertake such a journey to that end, and who in the midft of his journey got fo shrewd a fall, as for many dayes he wes not able to sturre, yet at last went forward: so implacable and malicious he wes of nature. In the meane tyme, all the terrors of the world were gevin me: that the King would send me home to be tryed, where my enemies were to be my Judges: that I should not only want my fees, pension, and place, but the Kings favour, and my owne honor also, and as a delinquent and criminall be warded in the castle of Edinburgh, and deeply fyned: neither did they stick to lay this imputation on the Kings justice, that the King wes resolved to dispossesse me of that place, and a fault must be found though there were none, to excuse the King in that poynt. And the Earle of Monteith, whose assistance in this buffines Sr James Baily had bought at a deare rate, did earnestly deale with me himselfe pretending friendship, and be my Lord Carrier (who meant sincerely) to accept composition from Sr James, adding many horrible oaths that the King had past his promise of my place to him. But I considering that to enter
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treaty with them, or any other vpon that poynt, would give them advantage and occasion to tell the King that I had a defyre to leave the Kings service, and had already treated of conditions, which vndoubtedly would not only have made him give way, but to have judged the cause to have proceeded from my feare and guiltines. Therefore vpon no condition could I be induced to heare so much as ane offer, till my reputation were cleansed from all there foule aspersions. But Sr James being impatiently ambitious, not only with promises and brybes plyed all those who might any way further his purpose, but also dealt earnestly by the meanes of Mr Johne Hay with my Lord of Lowdon (my friend, a wyfe, and honest man) being then at Court, so that, my Lord, Mr Johne, and I, had a meeting, where many reasons were vsed to induce me to enter treaty, and but to heare the conditions, which I doubted not, would have beene very great, without intention to performe, but only to make the foresaid vse of my treating, I would by no meanes condescend thereto: yet to give my Lord Lowdon satisfaction, who perchance might have thought me will-full against my owne well, I spoke thus
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to Mr Johne: I have served the Kings father and himselfe long, yet to serve him against his will, I will not: let Sr James vse his Friends to move the King to tell me, that it is his pleasure to be served by another, then I will treat: but I thought in my mynd, never with him. the King (sayes Mr Johne) will never doe that: then replied I, doe you thinke it fit for me to give the King his leave (as we say) before he give me myne, I know not where to find so good a Master: and, not being able to indure any longer the ambition of so base a fellow, I desyred Mr Johne to tell him, that I wes a better friend to him, then he tooke me to be in not treating with him, for if he were in that place he could not hold vp his hands, and would be hanged (it may bee) within a yeare. so dissolved that meeting, for with honor I could not treat with any so long as my reputation wes in question, farre les with him who had raised so many calumnies and Enemies to me.

Then vnderstanding that my Lord of Mar wes on his journey, and neir, I thought it fit to be in some sort armed against the storme he brought with him, and told his Ma: how injustly I wes dealt withall in Scotland, that I who

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wes to pay other men there fees and pensions could get none of my owne, which I said wes very strange, if it were not be his Ma: command or allowance; which his Ma: having disclamed with ane oath, then said I; Sr your Ma: hes beene hardly posselt of me a long tyme by finistrous information, and I am not conscious to my selfe of so much as a thought other then becomes a faithfull servant. No; said the King: did not you refuse to surrender your lease of Orknay to one who had commiffion of me to demand it to my vse? truly Sir (said I) never man demanded it of me, nather did I know that such was your pleasure, till I hard in Scotland of your Ma: anger for my refusing. Did not you (said the King) say to him that you would stand out in law against me, which is also vnder your hand? to which I replied; doe me the favour, Sir, to let me know to whom your Ma: gave that commiffion, and confront vs before you, and I doub not to make him confesse, that he hes abused your Ma: with ane vntruth, and if any such thing can be showne vnder my hand, I will not only give the hand but the head also to be stricken off. then did I presse with importunity to knowe this fyne commiffioner,

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but his Ma: by no meanes would doe it, faying it wes enough, he wes fatisfyed, and did not beleive it. Then did I tell his Ma: what storme wes prepared againft me at my Lord of Mars vpcoming, that I defyred no more but indifferent hearing, and protection if my caufe were honeft: which he gratioufly promifed, and therevpon gave me a kiffe of his hand. Some two or three dayes after my Lord of Mars arryving at Court, they altogether and fingly, when they had opportunity, vexed the King with there calumnies, vrging him to fend me home to be judged, a poynt which they laboured by all meanes, fo that the King for his owne quyet wes (I may fay) forced to fend Sr Archibald Achefon the other Secretary to me (for my Lord Stirling excufed himfelfe vpon the hate I caried to him) to tell me that there were many informations againft me, therefore defyred to know whither I would ftand to my justification, or submit my felfe to him. I answered, that I wes much bound to his Ma: and would my felfe give his Ma: my anfwere, and (I doubted not) fatisfaction. Which Sr Archibald having reported, I put my felfe in the Kings way the next day when he wes going

ing from dinner; he beckened to me, and I followed him in to his Bed-chamber: and being alone with him, Sir (said I) I have received your pleasure by St Archibald Acheson, and humbly thanks your Ma: for giving me a choyce to stand to my justification, or submit my selfe to your Ma: I will not, Sir, absolutely justify my selfe before God, nor before you: your Ma: might have had a Servant of more eminent abilities, but never a faithfuller, nor more diligent, nor better affected. And as for submitting my selfe to your Ma: if my lyfe or estate were in quæstion, I could lay them both doune at your feet, but this is my honour dearer to me then they both, which looses by submitting, and cannot be repaired by your Ma: nor any King in the world. the words at first seeming sharpe and bruske, he mused a litle, then burst out with these: Begod, my Lord, you have reason; and withall he told me some of there informations. Then Sir (said I) there hate against me is for no cause gevin by me, and to most of them I have done reall courtesies, but because I will not comply with them, nor give way to there desyres, to your Ma: prejudice and your Subjects, and for your Ma:
 service,

service, and my vndertakings in it. But, Sir, I desyre no more but the most rigorous and exactest tryall can be de-
 vyfed, so it be just, and your Ma: my Judge, and that I
 be not remitted to Scotland, where my Enemies are to be
 my Judges, and where (if I were as innocent as Iesus
 Chryft) I should be condemned, for the more exact the
 tryall be, the more shall my faithfulness and integrity ap-
 peare to your Ma: and I will not only answer for my
 owne actions, but if my wyfe, friend, or servant (who by
 corrupt Officers vsually are set out to be Baudes to there
 bryberie) have done wrong, I am content it be imputed
 to me. If I had coufened your Ma: and opprest your
 people, and then made some men sharers in the Prey, your
 Ma: had not beene troubled now, nor I thus persecuted,
 but had beene delivered to your Ma: for a good and faith-
 full servant. then his Ma: promised that he would heare
 all himselfe, w^{ch} wes a poynt I desyred much to gaine,
 and did serue me afterward to good purpose. Then, Sir,
 (said I) be pleased to mak these informers set downe there
 informations in wreat, and set to there hands to it, and
 within three houres after, I shall either give a punctuall
 and

and fatisfactory anfwere, or otherwayes your Ma: may difpofe of me at your pleaſure. His Ma: was pleaſed with the courſe, and I tooke my leave. Immediatly thereafter, the Earle of Mar, and the whole troupe of my adverſaries (who were waiting in the Earles chamber, till I ſhould come from the King) expected a ſurrender of place and all to the King, becauſe of the word (ſatisfaction) that I uſed to Sr Archibald Acheſon. As they came downe ſtairs ſlowly, becauſe of my Lords lamenes, one ſaid, this is lyke the Lord Napier who is going downe by degrees; another, as they were going through the Court, told his Friend that asked, that they were all going to give the Lord Napier the laſt ſtroake. In this inſulting humor they came to the King, who told them that I affirmed all there informations to be calumnies, and that I would ſtand to my juſtification, and commanded them to ſet downe there accusations and informations in wreat vnder there hand, and to deliver the ſame to me to be answered. This falling out farre beſyde there expectation, aſtoniſhed them a litle, eſpecially the Earle of Mar, who fell downe vpon his knees with his crutches, and with teares intreated the King to free him

of my trouble, and that he could not serve with me, thus stirring pity to cause injustice. To whom the King said, My Lord, I would doe you any favour, but I cannot doe injustice for you. For the space of eight dayes after, I wes free of there persute, so long as the King remained in Hampton Court (for the command to set downe the wreat vnder there hands did much amaze them) but every day they had there meetings and consultations how to overthrow me, and being ignorant of the Kings promise, to heare all himselfe, all there endeavours tended to get me remitted to Scotland, and then they were sure of there desyre. His Ma: having removed to Theoballs asked the Secretary, if the informations in wreat were delivered to me, and commanded it to be done instantly. This put them in some feare that the Lord of Traquare and his friends had procured this, who wes an expectant for the place, if I should have beene put from it, and a man of another faction then Monteith and the Secretary: and therefore by the Earle of Carrick they most earnestly dealt with me a-fresh to treat with Sr James Baily, adding great promises but with the lyke successe as before.

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The Secretary then sent me the informations enclosed within a letter of his owne to me, shewing that it wes his Ma: pleasure that I should send the answeres to him to be delivered of the King: but I would not doe so. When I opened the Articles of accusation, I found no hand at them, but wreaten in a litle peece of paper, so near the end thereof, as not one letter could be wreaten more, of purpose, that if the King should vrge them to set to there hands vpon a suddaine, they might gaine some tyme in wreating them over to consult vpon the mater. I presently drew vp the answeres, and on the morrow I told his Ma: that I had receaved these Articles, and that there wes no hand at them. That is all one, (said the King, as they had informed him) you know the mater now and may answere it. Sr, (said I) there is no Judicature civill nor criminall can be established without these necessary members, a Judge, a Perfewer, and a Defender: true it is, in Scotland, in the factious tymes, men were called in without knowing either cryme or perfewer, which they called (super inquirendis), but that barbarous and injust custome wes abolished by your Ma: father by ane expresse act of Parliament

liament yet standing in force, I hope your Ma: will not introduce it againe, and make me the precedent of it. If it be so (said the King) they must set to there hands, and shall set to there hands. Vpon my alleidgance Sir (said I) it is so, but I beleive they will never doe it, not for feare of me, but knowing in there consciences that they are mere forged calumnies, they know they shall succumbe in the probation, and then they feare your just displeasure. Befyde, Sir, they thinke your Ma: will not deny me place to recriminat them, after I am cleared my selfe, and then they know they cannot come faire off. But, Sir, doe me the favour to presse them to subscribe the articles, and if they refuse, yet for your Ma: satisfaction, I shall answere punctually, and deliver the answeres in your owne hand. The King wes well pleased, and indeed pressed them to subscribe. But they having met, and each of them putting the accusation vpon another, and Sr James Baily objecting there promise to accuse me to some of greatest place for onerous causes, no man of all that great number, great nor small wes found that durst set to there hand: such force hath truth. Which I perceiving did give my answeres

fweres to his Ma: which together with the articles of accusation heere followeth.

1. That the Lord Napier contrare to the ingenuity of a publick Officiar, being intrusted by his Ma: with the tak of Orknay, set a subtak to William Dick for payment of 45000 marks or thereby yearly for the vse of the Earle of Nithisdale, and by ane indirect course tooke a privat band of the said William, to pay to himselfe 7000 marks over and above the said sowme, never offering to have recorded or made compt of the forsaid sowme of 7000 marks, according to his Ma: trust reposed in him, if the same had not beene discovered by the Earle of Anandales meanes, as is well knowne to his Ma: and others.

2. That the Lord Napier, being intrusted with making provision for his Ma: going to Scotland, made a publick Indenture w^t Sergeant Walthew at ane extraordinary high rate for confections, and privatly wrote a backband with his owne hand binding the Sergeant to accept of much lesse pryces: whereby it doth appeare, that he invented,

or at least intended a way not fair for a Princes Officiar, to have it in his power to deceive his Ma: which he might have performed if that course had not beene prevented, and a more straight and cleare bargane made with the said Sergeant to his Ma: great advantage: and it is requisite that the said backband were produced, and the former proceedings in that buisness both heir and in Scotland revised, if so it shall please his Ma:

3. That the Lord Napeir hath intromitted with many severall fowmes of money, arising partly out of escheated goods prohibit to be exported, or of customable goods not lawfully entred, and of fynes taken privatly from above 250 people, or thereby, of Malt-makers and Brewers for transgressing of Acts of Parliament and Counsell, of all which there is neither record, nor accompt made in the Exchequer, although there have beene severall accompts passed since the receipt of the said money. And not being content with these strange and disordered proceedings, he hath contrare to the Acts of Parliament, and duety of his place, not only taken money for his owne vse, for giving
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out or procuring licences to diverse people for exporting of prohibited goods to the generall prejudice of the whole kingdome, besydes his Ma: great losse ; but also hath out of his Ma: coffers given or procured pensions, fees, wages, or recompences to other persons for attending the said prohibited goods, although the whole benefit is applyed to his owne vse.

The LORD NAPIERS Answeres.

May it please your Ma: before I answer to the first concerning the lease of Orknay, it is necessary, that it be cleared by a true relation of that business. It pleased your Ma: to give the rent of Orknay to the Earle of Nithisdale for fyve yeares, and he transacted with Sr Johne Buchanan (against whom your Ma: father of blessed memory had just exceptions, and concerning whom your Ma: selfe gave me a warrand vnder your hand to stop all mater of favour when it should occurre) who sent vp to be signed by your Ma: a tak of Orknay for payment to the said Earle of 45000 marks a-year, and vpon condition to advance
him

him some of money, whereof I getting notice, and conceiving it to be a matter of favour, did acquaint your Ma: without any purpose at all to move your Ma: for my selfe, till your Secretary Sr William Alexander, finding the stop, represented to me that by that means the Lord Nithisdales employment to Denmark would be crost, and that service failing would be imputed to me. which I, apprehended to be true, was perswaded by him to come in Sr Johne his place, and vndertake the performance of the same conditions, which if he please to doe me right, he will not deny. Wherevpon I moved your Ma: for my selfe, telling your Ma: that it were fitter that Lease were in the hands of ane Officiar of Exchequer then any other, because from him your Ma: might have a Surrender, when and vpon what conditions you pleased, which hardly another would doe, and that then, the improvement (if any were) might come in to the Exchequer, and as for me your Ma: should have it when and vpon what termes you pleased; wherevpon the lease was wreten over without any alteration, and my name infert in place of Sir Johne Buchannans, and so past, and your Ma: vndertooke for me to the Duke
of

of Buckingham, that what conditions Sr Johne had agreed to with Nithisdale, should be performed be me, which I did over and above in respect of your Ma: vndertaking.

Now for answere. it is alleadged that the lease was intrusted to me, I never denyed it, for I tooke it vpon condition to surrender when and vpon what termes your Ma: should be pleased, and that then the improvement might come in to the Exchequer. But that I should advance great sowmes of money, and be lyable to the yearly payment of 45000 marks (enough to have vndone my estate, if one evill yeare had come, or if my Subtaksman had banquerouted) without all hope of advantage or recompence, I will never conceive to be your Ma: mynd, in which nothing can harbour contrare to justice and equity: for, if as ane Officiar (wch my accusers would seeine to insinuate) I tooke that Lease, I ought indeed to have payed in the improvement, but then to have beene secured from all hazard of losse, since I had no hope of advantage; which security wes never offered be your Ma: nor demanded be me; but the contrare, my selfe, my heyres, my executors bound in the strictest forme of obligation to the yearly payment of

45000 marks a-yeare, beyde advancement of money. It followes then that I wes takfman tyed to the payment of a tak-duety, which being payed the superplus in all reason and law wes my owne, fo long as your Ma: did not call for a Surrendar, vnles that any vainely imagine, that, as ane Officiar, I should pay the 7000 marks, and as a takfman 45000 marks. But heirin consistid your Ma: advantage, and the trust reposed in me, that, if it were improved, your Ma: might have the surrender when you pleased. In the meane tyme since I wes subiect to the same dangers, and to the same payments that Sr Johne Buchannane had beene, it were reasonable I should enjoy the same benefit. But let it be supposed for affirmed, it cannot be without injury to your Ma: that it wes your mynd I should pay the improvement, and rent too: what can be imputed to me but error and misconceaving your Ma: mynd, which now (I think) is expiated by my surrender, and forgiven by your Ma: gracious bestowing on me a kisse of your hand, after which they wrong your Ma: who calls me in question for this particular. And as to the benefit of 7000 marks a-year fo much grudged at, there is no man of vnderstanding,

derstanding, but will thinke the bargane hard enough, to be subject to the yearly payment of 45000 marks of certainty, for 7000 a year of advantage, because the losse in one yeare may fall out to be more, then can be vpset in fyve, which is the tyme of my take. Next it is alleadged, that this bargane wes made privatly: and what fault is that, if it were so. But the contrare is true, for I treated openly with sundry others, neither wes there any man of quality in towne who did not know it within twenty four houres after with all the conditions, besyde a number of Lawyers, Clarks, and Writers imployed about the sureties; neither wes it ever concealed be William Dick, nor be me, from any that asked the question, whereby there needed no such a subtile discoverer. So I humbly submit the consideration of this buffines to your Ma: and my behaviour in it, at whose hands only I expect a just and impartiall censure.

Answer to the 2 Article.

The second Article had neid also to be cleared by a relation of the bargaine betwixt Sergeant Walthew and me. It pleased your Ma: to employ me to furnish your Ma:
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during the tyme you were to abyde in Scotland, when the Officers of estate there had refused to doe it, and to send for me to Southwick for that purpose. which having accepted I came to London, and sent one to those who deale with such commodities, to learne the pryces of every severall sort, for ready money, whereof he brought to me a note. then not daring to vse any of them for that which wes for your Ma: owne mouth, I sent for the Sergeant of your Confectionary to deale with him. He told me the pryces the Green-cloath did allow him, which I comparing with my note found very exorbitant, telling him that I wes to give him ready money, whereas he lay long out of payment be the Green-cloath: for two or three dayes wee could not agree: at last he told me, that, if the Green-cloath and other his Customers in England, did not know, and that he thought to gaine vpon the Countrey of Scotland, he would agree to my pryces for your Ma: wherevpon this expedient wes proponed, whither be the Sergeant or be Archibald Campbell, I remember not, that an Indenture should be drawne vp containing these pryces the Green-cloath allowed him, and a backband having relation

tion to the Indenture, and derogating from it, containing the pryces that others would afford for ready money for so much as should serve your Ma: vse. To which I consented, and set doune a brother of myne to wreat the backband, who being somewhat slow in wreating, I tooke the band and wrote it my selfe, and whill it wes a-writing, the Sergeant of himselfe, without any others motion, promised, that, if he were well payed, and made a good bargane with the countrey, he would share with any freind or fervant of myne the superplus which should be got of the countrey above certaine pryces set doune farre above your Ma: pryces, except in the Amber, which he knew the countrey would not buy. And although I knew the vaines of that offer, and that none in the countrey would ever come to those pryces, and so my friend should be a sharer of nothing, yet did I set doune his offer to that effect. I wes certainly informed, when your Ma: father went to Scotland, his banqueting stufte did as ordinarily serve some mens tables, as his owne. and to prevent any such abuse, I thought to put one to looke to that, who because he wes not ordinary, and therefore wes to get no allow-

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ance from your Ma: but only to be entrusted be me, and I did think be vertue of that claufe to draw somewhat from the Sergeant to that man I should appoynt, which I might easly doe being his pay-Master. And this is the tenour of the backband.

For anfwere. I am charged with the forme, for making ane Indenture and a backband, as if it were vnlawfull or vnvfuall to make contracts or backbands, one derogating or restraining the other, or any forme the parties pleases for there surety and conveniency, then which nothing is more frequent, nor ever wes it quarrelled. But put the cace there were mater of fuspicion in that, it is to be considered to whom the good of that forme redoundeth, and in whose favour it is, *cujus bono?* not to me, for there is none at all, to him it is convenient, for his owne reason fet downe in the relation. Next, I am charged for my intentions. although I might well anfwere, that my intentions are only knowne to God, and not censurable by humane law, except in that transcendent cryme of Læs-Majesty, yet there is nothing I defyre so much as that myne were truely knowne to your Ma: and then you should find them

them honest and vpright. Next to have it in my power to deceave your Ma: first I answere, it wes not in my power, because long before any such mater wes knowne or questioned I told your Ma: the forme and mater of this bargane when I came from Scotland, when I, and all others thought I should have beene only employed, which I humbly desyre your Ma: to call to memory. Then though it were in my power to deceave your Ma: it is a bad consequence, to say, that therefore it wes in my will; for what Officiar or man intrusted in Princes affaires hath it not in his power to deceave? God forbid that they have it all in there will. But he that hath it in his power to deceave, hath it also in his power to be honest, and it is more charitable and as logical to conclude, that it is in his will to be honest, as to deceave. And why should I be thought to intend deceit against your Ma: vnles I had in all my lyfe endeavoured to deceave some other, ? there is no reason. So wanting mater, they challenge forme, wanting actions, I am charg'd with intentions, and wanting prooffe against my will, I am charg'd for having it in my power to deceave the King. As for the bargane made by
 others

others so much praised, I humbly desyre it may be produced, which being compared, I know, there shall be found no considerable difference, and what there is, the Sergeant wes induced to (as I am truly informed) vpon false hopes to get his arearages payed be there meanes. I confes I never bought to my selfe, nor to any other, household provisions, and have no skill in Catery or Butchery, and if I have failed that way, it is want of skill, not of honesty. As for the wreats, I am content they be produced before your Ma: and all my proceedings examined by your Ma: to whose judgement I only adhere.

Answere to the 3 Article.

The third Article is so generall, and so involved in perplexed and ambiguous words, as no answere can be gevin but this, which is as generall, that, all there fet downe is most false, so that the mater remaines vndetermined still. But when my accusers shall be speciall in any poynt, as what, when, how, from whom, how much, I have taken, I doubt not but to make it as cleare as the Sunne, that they are most false and malicious calumnies. And what ever I
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have received; I have made compt for, except some fynes inflicted by the Councell, and in record in there bookes, which I brought in to be compted, but consisting of many small particulars, and the clarks not able to overtake all they had to write in so small a tyme allotted to them (there being two yeares vncompted for) I wes earnestly desyred be them and Sir Henry Wardlaw to let them alone till the next compts: neither wes it any great fault that the Deputy Thesaurer, who ought to keepe all your money, have in his hands fyve or six thousand marks Scots, since it wes offered to be compted, and all the Counsell knew that I had it, the greatest part whereof wes disbursed vpon your Ma: service long before these compts. And where it is alleadged that sundry thesaurer compts hath past since the receipt of these Fynes, there is nothing more false, for never any past since, but that wherein I offered to make compt for these Fynes. Neither hath there any thing beene done be me, but that, for which I have your Ma: warrand, your fathers, the Councells warrand, or that which by the duety of my place I ought to doe. My humble sute therefore is, that your Ma: will be pleased to judge of these

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things by your owne wifdome and juſtice, to which I on-ly appeale: or otherwayes to free me of theſe calumnies by your Ma: declaration of my honeſt and faithfull beha- viour, as your Ma: hath already done by your gracious letter to the Exchequer, that I may be the better encour- aged to doe you ſervice.

NAPEIR.

My enemies refuſing to ſubſcribe the informations ge- vin by themſelves both by word and wreat to his Ma:, gave me a great deale of advantage in the Kings and all other mens opinion, yet ceaſed they not ſtill to perfecute me, ſo bold were they in there accuſations, becauſe no man wes puniſhed for any calumny, or the worſe lyked, out of a bad impreſſion gevin to the King, that if he puniſhed any ſuch, he ſhould not get knowledge of the eſtate of his ef- faires, no man daring to doe it, vnles they were able to prove it clearly, which, although true, could not alwayes be done. My Adverſaries being ignorant of his Ma: pro- miſe to heare all himſelfe, and being oft refuſed, when they deſyred him to remit my tryall to Scotland, without know-
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ing the cause, they drew vp a letter commanding me to be tryed before the Councell of Scotland, which letter they foisted in among other letters, and stole the Kings hand to it: whereof I came to the knowledge after this manner. Sr James Baily, who had tryed many wayes to make me tranfact with him, and all in vaine, did trye this too. He said to Alexander Auchtmowty my friend; I am fory for the Lord Napier's willfulnes, and more fory that I should have had any hand against him, which my Lord of Mar induced me to doe, for now he is alluterly vndone: he is to be sent home to Scotland to be tryed be his enemies; and if he doubt of this, I shall let him see the Kings letter with his hand at it to that purpose. Alexander stopt there, and I held my peace. But Sr James sayes (said Alexander) if you will be content to deale with him, he will vnder take, by the helpe of Monteith and the Secretary, that you shall come fair off with honour and profit. Having discovered Sr James meaning, I bitterly refused all dealing with him, yet did I not slight the advertisement, and after enquiry found that there were such a letter past the Kings hand, and to be sent downe to meit me in Scotland, whither

ther I wes going, then wes I much moved, and waited vpon ane opportunity to tell the King, which they perceaving were much affrayed, and sent Sr Alexander Strachan to accomodate the mater, who promised in there names, that that letter should be riven in my presence, if I would be quyet for that tyme, and another (because I wes going home) of my owne penning should be signed be the King, whereof I wes content, knowing be experience how bold these men were with the King, and how litle he refented it. Then Sr Alexander delivered me the letter to be riven, but because I saw the Kings hand I refused to ryve it, and he did it. And because I would not seeme to avoyd tryall, I drew my letter thus. Whereas diverse informations hath beene made to vs against the Lord Napier, it is our pleasure that you receive any thing concerning them that shall be gevin in to you, and thereafter fend vp the Lord Naper together with his accusers to vs, to receive our determination, and that this letter be registrate, in the meane tyme the Lord Napier to enjoy his fees, pensions, and full exercife of his place. My enemyes speeding no better at Court, gave out, that what ever war-
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rand I brought home should not be answered, as indeed I found by prooffe. I asked my arrears, I could have no part of them, the Thesaurer had forbidden the Receavers to pay me; I asked a compt of there debursing the Kings money in my absence; that wes denied me, and all the vse of the Kings favorable letter wes this that it wes registre, not without difficulty, notwithstanding the Kings command. Then the Chancelier asked these articles of accusation (as if he had never seene them) which being produced he commanded to be put in the publick Register, without any warrand from the King or Counsell, and would not by any meanes registre my answeres to them, there to remaine for a dishonour and staine to me, my house, and posterity to after-ages, who should not know that they were shamefully difavowed be the informers themselves, nor answered be me: ane Act of superlative malice. I made offer of the compt of the Fynes received by me, they would not heare it, nor yet give me out instruments of my offer when I asked them, which the Clark durst not give out according to my words, but framed in such termes as they fet downe to him.

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At this tyme Anandale came to Scotland, brought with him a letter from the King to the Exchequer, commanding me vpon a wrong narrative to pay him a terme of the duety, which William Dick wes to pay me, and which wes due to me long before my surrender, and most injustly insert into Anandales gift, although his Ma: had accepted my surrender for the tyme to come, without any mention of what wes due to me before it. And in cace I refused to pay that terme, warrand wes gevin to the Kings Advocat to persue me for all I had received from my Subtackman during my lease and before my surrender. But the sence of this letter wes extremely perplext and intricat, as all letters of the Secretaries penning are, of purpose to leave open a way to the other party paying as well for it, to get another in his favours to which the former might be reconciled, in his construction without contradiction, and to provyd himselfe of a defence if they should come to be examined or compared before the King, which in cleare words were not faisable: and indeed the Counsell wes in nothing so much troubled as in finding out the Kings mynd in his letters, which ought to be cleare, and
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admit of no construction but one, and some causes have beene debated, where parties have vied the Kings letters, as in a play they vse to doe, one against another. But leaving digression vpon this subject, (whom for bryberie at both hands, concussion of the people, and abusing the King, no age can paralell) I finding that by this letter they had made the King my party, would not stand in judgement against him, but how soone I was summoned, I offered that termes duety of 7000 marks to Anandale, and made also a Judiciall offer of it before the Exchequer, and did give direction and a discharge to William Dick to pay it to Anandale. The offer was refused, and the discharge sent back by William Dick, who now had left me, and had correspondence with them. They would not suffer Anandale to take it, but would needs go on with perforce against me for all I had received before my surrender, which they ought to have done by the Kings letter, but in case of my refusall to pay the terme in question. The Kings Advocat, a base follower of greatnes, a slave to ambition, and maliciously eloquent, persued me hard, alleading the lease was gevin me in trust to bring in the improvement

provement to the King, and that I had confest it, and tooke
 out my answeres to there informations to prove his alledge-
 ance, and red these words (I never denied it, for I took it
 on condition) and there most vnfaithfully would have stay-
 ed, but I made him read out all to his shame, whereby the
 few indifferent Lords that were did detest his dishonest
 dealing. I wes forced to answer for my selfe, for by no
 meanes could I procure an Advocate to be admitted to
 plead for me, although be our law it is not denyed in any
 case, even in treason, to any. So long as he kept off the
 poynt in law, I answered sufficiently, but when he came
 to dispute in law, I would not answer (but would be ab-
 sent) against a professed Lawyer. Wherevpon at last, be-
 ing ashamed to doe otherwyse, I got leave for Mr Lucs
 Stuart to plead for me, who performed his part so well, as
 closed the Advocats mouth from vttering law or reason,
 but never from breathing out idle words, so that the Lords
 seeing nothing could be done to my prejudice, did referre
 all to the King, and would not absolve me as they ought.
 Shortly after, the Earle of Mar, finding that I could not
 be removed, made a privy transaction for his owne place
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with the Earle of Mortoune, without the knowledge of these who assisted him in the perfute against me, whereby he became disabled to worke there ends, who therefore were much displeas'd with him, especially Monteith, with whom (as he alleadged) he had handsomely æquivocated; promising that he should pay to him a precept of 5000 pounds sterling before Pasche, if he were Thefaurer, before which tyme he had resolv'd to quyte the place. This gave occasion that Monteith and I entred in some better termes of correspondence, but had still his variable and inconstant humour in suspicion. This friendship was confirmed by S^r Richard Grahame of Eskke, who made vs interchange promises of friendship, assuring vs that on whose part the breach should be, he would beare witnes against him; one particulare promise he desyred of me, that I should not transact with Traquare for my place without his privacy, as Mar had done with Morton: for Traquare dealt fairly with me, and if my honour had not beene in question, I would have concluded with him. I answered, that I would transact with no man, vnles his Ma: exprest his pleasure to be so. There wes nothing I more desyred in my

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secreteft thoughts then to be fairly rid of that place long before my troubles: for after my wife dyed, a woman religious, chaft, and beautifull, and my cheife joy in this world, I had no pleasure to remaine in Scotland, having had experience of the cheefe of Counsell and Seflion, and of there maners, to which I could never fashion my selfe, and confidering the place I held could never be profitable to a man that had refolved faire and direct dealing. I went to England, and there layd downe some conclufions with James Carmichael, a fervant of the Kings, a man fit for the place, and who had good friends at Court to move the King to give me some fatisfaction for my place (as indeed very litle would have contented me then) or give him way to doe it, as if the motion had proceeded from the King and not from me, which be all meanes I avoyded, knowing how displeafant it wes to him when his fervants made merchandize of his fervice. but after my enemies had once difperfed there calumnies, I layd afyde all thought of leaving that place till these asperfions were wyped away. After all my enemies accusafions (that they might leave nothing vnattempted to bring me within the compaffe of law) I
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being then in England the Cheefe Officiars of State were not ashamed to goe to Leith to call the Merchants, Customers, and Searchers before them, to try if I had done any thing w^{ch} they might take hold of, but they could find nothing, only one merchant told them that he had gevin to me two hundreth marks Scots for the custome of Tobacco. Vpon this they triumphed, wrote vp to their complices at Court that they had me sure: but after, finding it compted for in the books, and discharged be themselves they gave over all hope to find any thing in that kynd to charge me withall, and if they could have found that, they thought it enough to have turned me out. My enemies now finding that his Ma: in his just inclination wes not to be moved to cast me out of favour vpon there naked informations, and I could neither by threats nor promises be wonne to tranfact, and that they could find no mater against me, although they sifted all my actions small and great to that end, they resolved vpon a course, vpon which Monteith wes also my new pretended friend, which afterward proved very hurtfull to the King, and procured to me my wished ends against there will.

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At Court Morton, Roxburgh, and the Secretary, made vp a faction and agreement, wherein the Earle of Monteith and the Chancelier were comprysed, whereby they who had wont to crosse other, should now serue others turnes, and monopolize to them selves the Kings favour to his and his Subjects heavy detriment, no body being then to oppose there proceedings but my selfe, for Nithisdale was discarded after the death of my Lord of Buckinghame, whose near Cousen he had married, be meanes of his Religion, (averse from that profest by the State) and the greatnes of his debt. Therefore they thought it now more necessary that I should be removed then before, whom they thought to be of such invincible integrity as they were never able to make me comply with them in there intended courses. This plot being rype Monteith was sent for be the Secretary, but he had before so much employed his friends in cautionry, as now they began to faile him, neither was his owne name of any credite with moneyed men, having no other meanes he intreated me to take vp 6000 marks for him; which I did in my owne name and tooke his band of repayment. He went to his journey and promised, that
if

if he tooke any course with them, I should be comprised within the agreement (adding many oathes, whereof he was never sparing) whereof I was most vnwilling, as being contrare to my ends, who lay in wait for a fair occasion to leave the place, yet seemed to be well content to make prooffe of him. When he came to Court, the first article of agreement was proponed, that be all meanes I should be removed, which he vndertooke I should leave to Traquare vpon most easy termes (for Bailyes nose was out of joynt, my Lord of Mar being no more Thesaurer) which they thought faisable in respect of the new friendship betwixt vs, to effectuare which, and thereby to endear himselfe to the new faction, he told the King that I was desyrous to give over the Office; and (I beleive) to the King also (for to all the Court he did) that he had commiffion and power from me to that effect, which was most false. To the which the King gave way, as being my owne desyre, and then was moved to make a promise of it to Traquare by this new faction, of which he was one. And Monteith coming to Scotland a letter was purchased from the King after the vsuall obscure style, whereby he would

have made me believe, that it wes the Kings pleasure that I should give way to Traquare, and to that purpose that I should tranfact with Monteith, although the letter in my vnderstanding contained no such mater, but wes his Ma: answere to a sute of myne, wherein his Ma: wrote that he had imparted his pleasure concerning my desyre to the Earle of Monteith. This letter wes kept vp long of purpose, till the new Thesaurer Mortoun should come home, who wes vpon his journey; but Monteith would have had me take his word vpon it. But I, desyring nothing more (although I pretended the contrare) then that the King would have exprest his desyre to be that I should leave the place (for then with honour, profit, and the Kings good opinion, I might treat with them) made Monteith this answere, that the letter contained no such thing as he gave out, and that I would not treat with him, nor no man else, till from his Ma: owne mouth his pleasure were delivered to me to that effect. At this answere he wes extremely moved, and being immoderately earnest with me afterwards, and not-theles, not being able to effectuate anything, whereof he had made so large promifes to them at Court,

gave

gave them advertifement, and they delt earnestly with the King; for this combination had now vndertaken the whole government heire vnder the King, and great hopes gevin, and great promifes made of excellent service, only they told the King, that his service would be still hindred by my opposition, and at last wonne him to thinke it expedient that I should remove.

About this tyme the Thesaurer Mortoune came from Court, and finding that I wes not to be dealt with, the Chancellor, Monteith, and he, to make me loath the service (which in my secretest thoughts I did long agoe) vndertooke a bussines no way honorable for them, and heireafter might prove dangerous, if any of them should happen to fall from the Kings favour. There wes after the death of King James, a Commission of Exchequer sent downe by his Ma: now rainging vnder his hand, (for by the death of his father all former Commissions expyred) and left vndated, to these who were of the former. the manner of w^{ch} commission is this. The King signeth a Commission in paper, which thereafter is ingrossed in parchment, translated in latine, and the Kings great seale append
ed

cd to it, and the paper vnder the Kings hand is kept for a warrand to the great Seale. this Commission in paper vnder the Kings hand being sent downe, and being defective, or at the least the Kings Advocate would have it to seeme so, because it wes not drawne vp be him, wes not past the seales, but kept by him, the Chancelier, or Secretary, and another sent vp of the Advocats penning, which being sent downe againe signed be the King, wes past the seales, which wes the warrand of all the Exchequers proceedings six yeares after. This old vnpast signature of Commission they tooke, and where these words [Thesaurer] or [Thesaurer deput] occurred, (as they did very often through the body of the signature) they made Mr William Chamber, in a Chamber of Holyrudhous, put a marke betwixt Thesaurer and Thesaurer Deput before *or*, and in the margine write these words, in his absence, so that it wes to be read, Thesaurer, or in his absence Thesaurer Deput, and the word in the margine about fyve or six severall tymes subscribed be Mortoun and Monteith. Befyde they insert the date, Whyte-Hall. 28 of June, 1630, with new black inke, where all the rest wes worne whytish, and it

wes

wes torne in the foldings, which oculare inspection bewrayed the antiquity and falshood of the same. So by this Commiffion I wes to doe nothing (direct contrare to my patent, and the purpose of the institution of that office) the Thefaurer being present. About twelwe-a-clock I got intelligence, that there wes a new Commiffion brought downe be Thefaurer Mortoune, and wes at the feales. I presently went to the Director of the Chancery his chamber, who shew it to me, and said he merveiled much how the Chancelier durft append the great seale vpon such a warrand. I viewed it as well as I could in so short space. At two of the clock thereafter the Exchequer conveened, where before the Chancelier lay this signature of commiffion, and the double in parchment in latine, with the great seale thereat, together with two letters of the Kings. We being all set, the Chancelier gave the signature in paper to the Clerke to be red, and the double in latine with the seale in parchment to the Kings Advocat to be collationed: the Clark had much adoe to read it, it wes so worne, being now made vse of six yeaes after it wes signed be the King. But I seeing two of the Kings letters vnbroken vp

took no exceptions at the signature, suspecting that they did containe something to supply the defects and informality of the signature, till the letters were read, which contained nothing of that purpose. Then I rose vp, and said, my Lords, this is a strange signature, and such as I never saw, and was going on, my Lord Morton interrupted me, and rose from his place in a great anger, saying, the first day that I have honour to sit heir, and carry this whyte staffe, I must heare my honour called in question impertinently. My Lord (said I) I doe not call your honour in question pertinently nor impertinently, neither is it my custome towards any, although some men have done so to me. And then the Chancelier: Be God, but you have; for when I spoke before the Lords in Sergeant Walthews buffines, my words were, that that buffines was reported to the King by men ill affected to me, except one honest man, Sr James Fullarton: the Chancelier would conclude against himselfe and the Secretary, that I said they were not honest by consequence, which gave him occasion to answer me so brusly at this tyme. But (said I) my Lord give me leave to answer my Lord Mortoun first, and then
you,

you, when you please. And turning my selfe toward Mortoun I said: My Lord, your [LP] is very hote with me, but be assured there is nothing done amisse, which concerns either the Kings service, or me in my particulare that I will stand in aw of any man to question. then (said he) this wes done be the Kings direction, and we will answere it. then (said Monteith) My Lord Napier, you are so passionate in your owne particulare, as you will not forbear to question what the King commanded, for his Ma: stood by till it wes done, and we will answere it. Then (said I) if it had beene the Kings direction, why would you not bestow vpon him a clean sheet of paper, and ingroft these marginall notes of yours in the body of the signature, rather then made vse of this old torne thing, then neided not the signature with the Kings hand at it, receave validity from yours vpon the margine. But he that never wes ashamed to doe or say any thing, still affirmed that his Ma: stood by till he saw them subscribe, and that it wes his direction. My Lord (said I) I marvell that you are not ashamed to say so; let the Lords look the date with a blacker ink then the rest, at Whyt-hall the 28
of

of June, 1630, then you were there you say with the King, your [LP] he3 ridden fast, for you were heire and presided in counsell the 29 of June 1630, to verify which I defyre, that the Clark of counsells book of Sederunt may be produced, and, my Lord Mortoun, your [LP] fet out of London before him. Monteith being convinced of a manifest vntruth in presence of all the Lords, wes so confounded and surprysed with it, as he made me this answere nothing to the purpose; my Lord, I brought not the signature home. All this while the Lords were silent, hung downe there heads, and were ashamed on there behalfe, and even the Chancelier himselfe fate mute, when the signatures came to be compounded, my Lord Mortoun vsed me kyndly and familiarly, asked my opinion concerning the composition and nature of the signatures, so that it wes be all clearly perceaved that he repented himselfe; and wes ashamed of the buffines, wherevnto, be all appearance, he wes induced be the other two; for in his owne nature he is noble and generous. I asked the Lords if I should subscribe the signatures (of purpose to fet before there eyes the inconvenience of this stained commiffion)

for

for the Lord Thesaurer is present; and be this fyne commission I am only to serve in his absence. then, said the Chancelier, you ought to subscribe with the rest. At this tyme there wes a warrant presented of 5000 pounds Sterling to my Lord Mortoun: then (said I) my Lords, what shall be done with this, my Lord Mortoune cannot set to his hand to his owne buffines, and I cannot, because he is present, and without one of our hands it is not receavable in chequer: to which I had no answere. But (said I) if my hand can serve the Earle of Mortoun, he shall have it with all my heart, for no man will grudge at any thing the King bestowes on him. Perceiving then that this devyce wes not like to take effect, they began themselves to find fault with the commission, as defective. These passages being related to the King (for Kings have long eares) he dislyked these proceedings as I am informed extremely: yet such wes the hopes of the great service this combination wes to doe, (which to this houre did nothing but to his heavy prejudice, and there owne profit) that he wes content to take no notice of it. I resolved then to goe to Court, and some dayes before I went Monteith sent vp his

man Mr Henry Drummond with a letter drawne vp be himselfe and the Secretary, and sent vp to the Secretaryes sonne, who waited there in absence of his father who was in Scotland, the contents whereof wes to stay me be the way, or to command me to returne againe into Scotland, this letter wes to be signed by the King, and Mr Henry wes to meit me vpon the way, and to deliver it to me. I rode on my own horses to Berwick, and purposed to send them back, and take post there, where the post-Master told me, having asked who rode last, that Mr Hary wes gone vp post, and told him that he wes to ryde night and day, and wes very shortly to come back. Vpon which I conjectured, that he wes sent vp to procure my stay or returne (as indeed he wes) vpon some misinformation: and therefore to prevent there purpose, I changed myne, and vpon my owne horses rode in the westerne way, where no post lyeth.

The Secretaryes Sonne having presented this letter for my stay for the Kings hand, his Ma: threw it away, saying, this man hath suffered enough already; and in place thereof made him wreat another to me most gracious and
favourable,

favourable, which he signed. this letter wes gevin to M^r Hary Drummond to be gevin to me but he gave it to his Master, who then wes on his journey, with the copy thereof sent downe be the Secretaryes Sonne, which by no meanes I could ever come to the sight of, although I got knowledge of the tenour afterwards. How soone I came to Court I had speech with his Ma: concerning these busines, who said, that he could not but acknowledge, my good service, my honesty, and integrity, but that he wes informed that the principall Officiars and I could not agree, whereby his service wes hindered; then defyred I his Ma: to try whose fault it wes, theres who went about maters prejudiciall to him and the countrey, or myne who opposed them out of duety to God, and to him. But not daring to insift further in this poynt, fearing least the King should have resolved to continue me in that service, which wes contrare to my defyre, tooke the opportunity. Then Sir (said I) since they have made your Ma: thinke that I hinder your service, I will not be refractary to your Ma: defyres; but your Ma: is a just King, and cannot take that place from me, but by consent, or for a cryme: and as to

a cryme, if your Ma: be not fatisfyed with what is pafst, I will refuse no further tryall, how exact soever being just, and your Ma: Judge. Then the King having vsed many favorable words, acknowledging my faithfull service, willed me to speake with Monteith, who (he said) was my kinsman. Truly (Sir, said I) he is my kinsman, but was never my friend, and certainly he and I shall never agree. Then replied the King smyling, he will take it for a disgrace if he be not the doer of it: then (said I) I shall talke with him. Then did I take James Livingstone, and Master Sandelands with me, for, I would speake nothing to him without witnesse. I told him that the King willed me to speake with him concerning my place, that I had served the King and his father long and faithfully, that the office wes gevin me as a reward of my service: but before I would enter in any termes of composition, there were somethings which concerned me in honour, which were to be granted too, which I preferre before my profit: as, first, that these disfavowed Articles of accusation registrate be the Chancelier without warrand should be cancelled, or my answeres thereto registrate besyde them.

Secondly,

Secondly, that I should have an approbation of my service, and an exoneration of all my intromissions under the great Seale of Scotland. Thirdly, that Archibald Campbell my Friend, and Mr Robert Napier, my brother, who suffered with me should be payed of there arearages. Monteith thought these things were reasonable, but excepted against Archibald Campbell, who (he said) was neither his, nor my friend. I replied, that I had good proove of his friendship to me vpon all occasions, and that I perfectly knew that he wes, and did oft expresse him selfe a reall friend to him, to whom he wes also neare Cousigne. He promised me with many asseverations and oathes his assistance, and that he would indeavour to procure the composition to be in a large measure. But I could never trust him, who had neither truth in his words, nor constancy in his actions. And in this he wes so farre from performance, as he with the Secretary laboured be all meanes to make me a naughty composition, or none at all, for what ever I got they were sure to have no part of it. I still held my composition at 6000 pounds sterling, because I saw no reall dealing vpon Monteiths part, but a beating

of the pryce low, although I would have beene content of farre les.

In the meane tyme Traquare did follow Monteith and the Secretary, who promised to him to procure a good part of the composition from the King. And he, for feare that they would have suspected him to go another way then be them, durst never speake with me. And indeed they moved the King to promise 2000 pounds sterling toward that composition, knowing well that Traquare was not able to give out the rest, and hoping that I would not accept of much lesse. But after this promise of the Kings they begane to feare that agreement might follow (for as yet they hated Traquare, who before this combination wes of the contrary faction) and being loath that he should have a place of such power alone, although they were vrged to doe for him by the rest, and as loath that I should have a good composition, whereof they were to have no part, they perswaded the King to a course to both our prejudices to joyne him to me as colleg in office, pretending, that so the King should performe his promise to Traquare to make him Thesaurer Deput, save 2000 pounds sterling,

sterling, and be better served. But first they advysed the King to call me and put in my choyce, to accept two thousand pounds composition, or a Colleg, assuring themselves that I would accept the one, and so could not complaine of wrong, since it wes my owne choyce. The King having called me, because (said he) you are so high in your demands, I give you this choyce. Sr (said I) it is not my part to choose, and if it were I would never choose any of these two, the one prejudiciall to my honor, the other to my profit: but obedience is my part, which I will performe, but will pray your Ma: to pardon me if I doe not give my consent to my owne hurt. Then (said the King) I will joyne Traquare with you as Colleg. Your Ma: (said I) may doe what you please; and if you joyne twenty Collegs to me, I will serve just as I did before, when my owne conscience wes my colleg: but if your Ma: doe so, I hope your Ma: will reserve to me my fees, pension, and exercise of my place; which he said wes reasonable. Traquare afterward wes made Thesaurer Deput with me without fee or pension, of which he wes glad, or seemed so, and tooke a kisse of the Kings hand vpon it.

Monteith

Monteith and the Secretary did exceedingly please themselves with this devyce, and did every where proclame it, arrogating so much to there owne judgement and dexterity as wes hatefull to every wyfe man. And indeed they were in nature not vnlyke in this, that no living man wes ever more vain-glorious then they both, but different in expressing of that humor : for the Secretary wes a grosse and doun-right flatterer of himselfe, and drew all discourfes from there proper subject to his owne praise. Monteith did the same, but (as he thought) more subtyly, but indeed so ridiculously as gave mater of mirth to all those to whom it wes related. But to the purpose. Traquare considering a litle better of the inconvenience of his Collegship, and finding it disgracefull to him to thrust himselfe vpon anothers place without fee or pension, and to serve for nought repented himselfe, and desyred the Marquis of Hammilton and Will-Murray of the bed-chamber to move the King for the 2000 pounds promised, and that he would satisfy me for the rest. But the King who wes vrged and pressed to this change, ~~and~~ ^{and} to the promise of money thought himselfe well rid, and be no meanes would grant one penny,

ny, faying he had gevin Traquare fatisfaction. This acceptance of collegship (which I never dreamed would have beene done by any man of spirit, or ordinary worth) gave occasion of some hard speeches betwixt Traquare and me, whereby he conjectured that this joynt service would not prove very peaceable. but this being all he could get, went discontented home. And I stayed after him vpon some other occasion till my Lord Mortoune came vp, who did ask for me, and I came to his lodging, where after many protestations that he did never any thing to my prejudice, and never allowed the courses held against me, asked me, what I intended to doe concerning my place. To serue in it (said I) so long as I live, if I get not competent satisfaction. But (said he) you seek too much. I would have taken lesse (said I) if there had beene any reall or honest dealing in these men, who abused Traquare and me too. I will then (said he) speake with the King, and thereafter you and I shall meet. My Lord represented to the King the prejudice his service wes like to sustaine by our contestation, and perchance the peace of the countrey, being both men of good friendship, moved him to give

not only the 2000 pounds, but the whole composition. Thereafter we met, and the conditions I requyred were, first, that the Articles of accusation should be razed out of the register, or my Answeres registrat besyde them. Secondly, that my brother, and Archibald Campbell should be payed. Thirdly that my arrears due to me should be payed amounting to twenty six thousand, six hundreth, and fixteine pounds Scots, or sufficient security to be payed at Whitsonday next, and for my place, and a pension bought from Walter Stuart, by the Kings allowance, of two hundreth pounds sterling, redeemable for fyve hundreth pounds sterling, the sowme of four thousand fyve hundreth pounds sterling. Fourthly, that I should have a *Quietus est*, vnder the great Seale of Scotland. Fifthly that for my owne pension, I should be assigned to some locall duetyes of the Kings. And lastly that the King should promise to me his favour in any reasonable sute that should come to my hands. All these conditions he assented to; only he assured Sr William Balfour and Mr Sandelands, who dealt betwixt vs, that no more could be had for the place and Walter Stuarts pension, but 4000
pounds

pounds sterling, and my owne pension could not be assign-
 ed, because assignations were lately prohibited, but pro-
 mised that myne should be as well payed as his owne. I
 resolved to embrace these conditions, and the rather because
 I vnderstood of a grant made be the King to the Marquis
 of Hammilton of the impost of the wyne for sixteene
 yeares, which would rander the service difficult, which
 grant wes not yet knowne to Mortoune. Yet not the les
 (for I had learned to deale somewhat circumspectly) I had
 made that same very night Sr William Balfour tell Mor-
 toun, that vnles I got 4500 pounds sterling beyde my
 areares, I would not deale at all. But my Lord Mortoun
 assured him that he could get no more but 4000 pounds
 sterling, beyde my areares. Vpon the morrow (to engage
 Mortoune the more for my respect to him) I desyred Mr
 Sandelands to tell him from me, that I wes fully resolved
 never to have taken lesse then 4500 pounds sterling, but
 in respect of his faire and noble dealing (as indeed it wes)
 I wes loath he should lose his labour, and would yeeld to
 his desyre, and quyte 500 pounds sterling only for him,
 which no other man should ever have beene able to move

me

me to doe: which he took in very good part. Then Sr William, Mr Sandelands, and I, came to his chamber, where in word we agreed to all the former conditions, but these, before excepted. And for the money I had Mortoun and Traquares bands with sufficient Cautioners, bearing infestment of lands, and annuelrent from Witsunday 1630. And I deposited a Surrender of my place and pension in Mr Sandelands hand till the securityes were perfyted. Then my Lord desyred that we should both goe to the King, and tell him that we were agreed, w^{ch} we did. I craved pardon of his Ma: that I wes so long in giving him fatisfaction, (for I did still put it vpon him, and that I would never part with that place but to please him) the reason, Sir, (said I in my Lord Mortouns hearing) wes, never man before dealt really or honestly with me, but My Lord Mortoun now. then (said my Lord) the Lord Napier hath done this only for your pleasure, and therefore I hope your Ma: will be favourable to him vpon his occasions. that is the least I can doe, (said the King), but I, desyring ane answere more speciall, said, Sir, I hope your Ma: when I shall be a Suter for any reasonable benefit,

which

which your Ma: and your Officers shall find not very pre-
 judiciall to you, that you will grant it to me. then (said
 the King) indeed I will. Vpon which I took a kisse of
 his hand, and defyred my Lord Mortoun to beare witnes,
 not so much out of hope of benefit in these penurious
 tymes, as to let the world know that I wes still in his fa-
 vour, notwithstanding all my enemies plotts and policyes.
 These things being thus concluded, Traquare came vp for
 that purpose but pretended other buffines, and made some
 question vpon the heades of our agreement, and said that
 he had no great defyre of the place, becaus the impost of
 the wyne was taken from it, till within two or three dayes
 before his parting, then wes I fought for with great dili-
 gence, all the sureties perfyted, and my Surrender given
 vp be Mr Sandelands.

This preceeding Relation being written in haste, and
 imperfect (many passages being omitted for brevities sake,
 which might have showne the iniquity of these tymes) is
 nevertheles most true, and thereby the Judicious may per-
 ceave the former fetled maner of governement, shaken by

frequent innovations intertaind and practis'd, factions in Court and State a-foot, accusations, calumnies, and aspersions ordinary; and w^{ch} wes worfe, (finding there owne prejudice that way) combinations; and hopes gevin thereby of great service to the King without any performance, but be the contrare his Ma: just and gracious inclination abused by misinformations, his eares blocked vp and so straitly beleagured, as truth could not approach them, and all for there owne profit, and prejudice of the King and State, the presence of honest men who could not comply with them in there oblique courses so hatefull, as they could not endure it, and so bold in consideration of the strength of there leagues, as they did not stick to falsify the Kings hand, surreptitiously to steale his Ma: superscriptions, and to frame letters contrary to his meaning, and many other things of this kynd. The innocent and just persecuted for no other cause but for his faithfull service; abandoned by all his powerfull Friends; his cause vnderaken by almighty God then when all humane helpe wes gone; his Enemies disapoynted so farre, as all there plots, practises, and endeavours, tending to the ruine of
his