THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

VOL. II. N.S.
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SECOND SERIES,
VOL. II.

A.D. 1627-1628.

PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS OF
HER MAJESTY'S TREASURY, UNDER THE DIRECTION OF
THE DEPUTY CLERK REGISTER OF SCOTLAND.

H. M. GENERAL REGISTER HOUSE,
EDINBURGH.
1908.
INTRODUCTION.

As intimated by himself in his Introduction to the preceding volume of the Privy Council Register, Professor Masson has resigned the post of editor after having discharged its duties for nineteen years. To follow in the steps of Professor Masson is a hard task for those who come after him, but they at least have the advantage of his example and of entering into his labours.

At the date (July 3rd, 1627), when the present volume of the Composition Register opens, the Council consisted of the following members of the Council and officials:—

George Hay, Viscount of Duplin and Lord Kinfauns, Lord High Chancellor.
John, seventh Earl of Mar, Lord High Treasurer.
John Graham, fourth Earl of Montrose, President of the Council.
George Villiers, Duke of Buckingham.
George Gordon, first Marquis of Huntly.
William Keith, fourth Earl Marischal.
William Douglas, seventh Earl of Morton.
James Cunningham, seventh Earl of Glencairn.
James Stewart, third Earl of Moray.
Robert Maxwell, first Earl of Nithsdale.
George Seton, third Earl of Winton.
Alexander Livingstone, second Earl of Linlithgow.
John Drummond, second Earl of Perth.
John Fleming, second Earl of Wigton.
William Murray, second Earl of Tullibardine.
Robert Ker, first Earl of Roxburgh.
Thomas Erskine, Earl of Kellis.
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Walter Scott, first Earl of Buccleuch.
Thomas Hamilton, Earl of Melrose.
John Murray, first Earl of Annandale.
John Maitland, first Earl of Lauderdale.
William Graham, seventh Earl of Menteith.
Philip, fourth Earl of Pembroke.
James Hay, first Earl of Carlisle.
David Murray, Viscount Stormont.
William Crichton, Viscount Ayr.
Alexander Lindsay, Bishop of Dunkeld.
Patrick Forbes, Bishop of Aberdeen.
Adam Bellenden, Bishop of Dunblane.
Lancelot Andrewes, Bishop of Winchester.
George, Lord Gordon.
John, Lord Erskine.
James, Lord Colville of Culross.
William, Lord Cranston.
Robert, second Lord Melville.
David, Lord Carnegie.
Alexander, Master of Elphinstone, Lord Kildrummie.
Sir Andrew Ker, Master of Jedburgh.
Sir Richard Cockburn of Clerkington, Keeper of the Privy Seal.
Sir William Alexander of Menstrie, Secretary.
Sir John Hamilton of Magdalenes, Lord Clerk of Register.
Sir Archibald Napier, Treasurer Depute.
Sir George Elphinstone of Blythswood, Lord Justice Clerk.
Sir William Oliphant, Lord Advocate.
Sir John Scott of Skotstarvet, Director of Chancery.
Sir John Stewart of Traquair.

Changes in the Council.

In the fifteen months covered by the present volume a few changes have to be noted in the composition of the Council. On the 6th of November, 1627, Sir Archibald Acheson of Glencairn was admitted a member, and at the same time appointed conjunct Secretary of State with Sir William Alexander of Menstrie (p. 107). Acheson had already received marks of distinction from Charles, having been successively appointed a Lord of Session and a Commissioner of Surrenders. His house in the Canongate, with his crest representing a cock mounted on a trumpet, and his motto, Vigilantibus, was one of the notable mansions in old Edinburgh. He possessed no lands in Scotland, but in Ireland he had acquired considerable estates in Armagh and Cavan, where one of his descendants became landlord to Swift and the butt of his satire. On the day that Acheson was admitted another office in the Council changed hands: Thomas,
Earl of Melrose, now Earl of Haddington, who had been superceded as Secretary and President in the previous year, took the place of Sir Richard Cockburn of Clerkington as keeper of the Privy Seal—though, says Scot of Scotstarvet, "he liked better to be Secretary, being the more profitable place". The death of Sir William Oliphant of Newton occasioned another change in the Council—his office of Lord Advocate being conferred on Thomas Hope of Craighall. In May, 1626, Hope had been appointed conjunct Advocate with Oliphant, but it was not till January, 1628, that he took his place as a member of the Council (p. 180). Hope had already more than once made himself conspicuous in public affairs, but the most distinguished part of his career still lay before him, and notably in connection with the National Covenant in the General Assembly of 1638. In February, 1628, the Earl of Montrose was succeeded in the Presidency by William Graham, seventh Earl of Menteith, who had been admitted to the Council in January of the preceding year (p. 233). The admission of three more members completed the changes made in the personnel of the Council during the period under notice—Alexander, Earl of Galloway, on March 13th, 1628; Archibald, Lord of Lorne, afterwards the great Marquis of Argyile, on June 12th; and Colin, Earl of Seaforth, on July 8th.

When Charles reconstructed the Council in March, 1626, he had decreed that a quorum should consist of eight ordinary members in addition to the Chancellor or the President, and the other officials. It was soon discovered that this arrangement did not stand the test of practice, and in December there came a letter from the King enjoining a new regulation. According to this order any nine members, whether officials or not, together with the President or the Chancellor (ten persons in all), were to constitute a quorum. But even this reduced number was found to be unworkable. On October 10th, 1627, the Council represented to Charles that public business suffered seriously through the frequent failure of a quorum, and they suggested that five or six might be made the necessary number (p. 100).
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Charles met them half way, and ordained that the number should be reduced from ten to seven, though he grumbled that his Councillors' neglect of their duties should have made the change necessary. In the same letter in which the Council had desired the change in their quorum they made another request: it was that they might be allowed to meet in the burgh of Edinburgh instead of Holyrood. "This," they write, "would be a great ease and reliefe to your Majestis Counsell, who for the most part hes their residence in the town, and of whom some are aiged and inferme and can not travell in the winter without trouble and paine, which in the summer they may and will undergoe at Halyruidhous" (p. 101). Charles granted their request, telling them at the same time that Holyrood was a meeting-place more becoming their state and dignity.

Of the fifty-four persons who nominally composed the Council the names of about forty appear in the record of its meetings. Besides the English lords, the permanent absentees were the Earls of Glencairn, Wigton, Tullibardine, Kellie, and Annandale, Viscount Ayr, Lord Cranston, and Lord Kildrummie. Among the non-official members the most assiduous in attendance were the Earls of Nithsdale, Lauderdale, Lord Carnegie, and the Master of Jedburgh. The maximum of members present never exceeded twenty, and the average attendance was about twelve or thirteen. At least four times in the course of the present volume it is noted that the necessary quorum was not forthcoming.

During the fifteen months of our period there are no outstanding events of importance to be recorded; no Parliament met, and General Assemblies were still under a ban. The period is marked only by the steady continuation of the policy which had been initiated under the new reign—a policy which was already giving rise to some uneasiness among all classes of Charles's subjects, as affecting the interests of clergy and laity alike. As far as the Council was concerned, its activity was mainly directed to three objects—the working of
the machinery in connection with the great Edict of Revocation, the suppression of Roman Catholicism, the raising of soldiers and the military defence of the country, which was entailed by the various foreign wars in which Charles gradually became entangled. All these matters, as well as the miscellaneous subjects that came under the cognizance of the Council, may be conveniently treated under the three heads of Foreign Relations, Domestic Legislation, and Domestic Incidents.

FOREIGN RELATIONS.

To speak of Scotland's foreign relations in the conditions under which she now existed is in a certain sense misleading: in Charles's dealings with foreign states she was neither consulted nor had she any determining voice. Yet in the international policy he was led to adopt she was to know to her cost that she had a deep and permanent concern. To enable Charles to carry on his various military operations she had to strain all her resources to supply him with the quota of money and men which he exacted of her as her legitimate contribution to the maintenance of the common government of the two Kingdoms. From his father Charles had inherited his part in the Thirty Years' War, and this had involved the despatch of English auxiliaries to the assistance of Count Mansfeldt, Christian IV. of Denmark, and Gustavus Adolphus of Sweden—to all of which contingents Scotland had already contributed her proportion. On his own responsibility Charles had become involved in a war with Spain, and when the present volume of the Register opens he had begun hostilities with France for the relief of the Huguenots, besieged in La Rochelle. As his foreign policy, mainly inspired by the Duke of Buckingham, was viewed by his English Parliaments with stern disapproval, it was with the utmost difficulty that he could extort the means wherewith to face all his claims. England being thus recalcitrant, he turned with the greater eagerness to Scotland, where no Parliament barred the way, and where an obedient Privy Council could give direct effect to his commands. In the preceding volume has been recorded what
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Scotland had already done towards the furtherance of his ends: we have now to see what further efforts she was required to put forth from July of 1627 till the close of 1628.

The story of these efforts will be most easily followed under the two heads of enlistment and national defence, and in either case we shall follow chronologically the various entries in the Register. From an ordinance of the 10th of July, 1627, we have a notable proof of the zeal of the recruiting officers. So hardly had they been put to it to raise the necessary levies that certain of them, we are told, "hes of lait entered in dealing with some young boyes in the Colledge of Edinburgh, and by thair alluring speeches hes corrupted the boyes and induced thame without the knowledge and allowance of thair parents or of the principall and regents of the Colledge who hes the charge of the educatioun of thame, to inroll thamselfes under thair charge and to ressave thair pay" (p. 7). The result of this impressment had been that alarmed parents had withdrawn their sons from the College of Edinburgh, and sent them to St. Andrews, Glasgow, and Aberdeen, where they could prosecute their studies in safety. The Council checked the evil by a summary order, which, apparently, it was not necessary to repeat: it declared that all recruiting officers found decoying such youths would be pursued "with all rigour and severitie" as "contemners and violaters of his Majesties Counsell."

During part of July and throughout the whole of August the Council was assiduously occupied with the business of the levies. From the preceding volume of the Register we learn that over 14,000 men had been raised for service in the German wars, and a large number of these were now on the point of embarkation. Of what material this body consisted Professor Masson has told us in his Introduction: the nucleus comprised men of good family, both Highland and Lowland, but the rank and file was made up of "a riff-raff of incorrigible beggars and vagabonds picked up from the highways, criminals released from the gaols, bankrupts that had been skulking for years from their creditors." Congregated as the rabble hosts were in different places through-
out the Kingdom, they would be a menace to the public peace till they were fairly on the ocean. To provide against possible mischief, therefore, the Council passed a very necessary ordinance: on the 31st of July they decreed that should any disorder arise among the various bands, the Councillor who was in the neighbourhood should summon his nearest fellow-Councillors, or, failing them, two or three justices of the peace, and deal with each case as the accredited representative of the Council (p. 27). This was on July 31st, but we learn from an entry of October 10 that, despite the precautions of the Council, the levies were a pest wherever they happened to be quartered. There we read that by the presence of the troops in Burntisland "the peace of the said burgh is verrie farre disturbit, the inhabitants thairof oft tymes threatened and persewit of thair lyffes, and manie forder inconveniences ar lyke to fall out to the breake of his Majesties peace and hurt of his Majesties good subjects without remeede be provydit" (p. 79). The remedy provided, we may imagine, was not likely to be very effective: the magistrates were empowered by the Council to exact pledges from the officers that during their abode in the burgh both themselves and their men will conduct themselves as "peaceable and good subjects." Fortunately for the good people of Burntisland, the infliction was not of long duration, as by the end of October their unruly fellow-countrymen were shipped to their destination in Germany under the Earl of Nithsdale (p. 77).

The regiments hitherto raised had been solely for service in the Thirty Years' War, and in spite of all their efforts the Council had not succeeded in completing the complements demanded by Charles. To their consternation a fresh demand was now made upon them by his Majesty. The disastrous expedition for the relief of La Rochelle was now in hand, and Charles was at his wits' end for money and men. Again, therefore, he had recourse to Scotland: he desired 2000 men, he told the Council, for service in his just war against France—the Earl of Morton to be their commander. The Council was manifestly in straits, but they did not venture beyond a mild
protest. It was only after incredible exertions, they wrote, that they had raised the necessary troops for the German wars, and all they could promise was that they would do their best to meet the wishes of his Majesty (pp. 38–9). So far from abating his demands, Charles followed them up with a request which revealed the pass to which he had been driven. On the 29th of August there came a letter from him to the Council requiring the enlistment of 200 Highland bowmen, and suggesting that if there should be difficulty in procuring them the number might be eeked out by "fugitives" "for criminal causes" (p. 56). This extraordinary notion had been put in the King's head by the chief of the M'Naughtans, one of the gentlemen of the Privy Chamber; and we learn from other sources the outcome and sequel of the scheme. One hundred Highland bowmen were actually got together, though not till the failure of the French expedition, and, accompanied by their bag-pipers and arrayed in their plaids, they found themselves in the English Channel. It was the middle of winter, the weather was tempestuous, and, chased by the enemy, they sought safety in Falmouth. In Falmouth they were threatened with starvation (a common experience with Charles's levies), and their commander wrote to the Earl of Morton that he would gladly come to him in the Isle of Wight. A difficulty was that his men were hardly presentable: "your lordship knows," he wrote, "although they be men of personages, they cannot muster before your lordship in their plaids and blue caps." What was the subsequent fate of this singular body does not appear to be recorded (Proc. of Soc. of Antiq. of Scot., III. 251, Black Book of Taymouth, p. 437).

Under the date November 1st, 1627, we have an excellent illustration of the methods by which the desired levies were gathered in. "The same day," we read, "Robert Scot, bailie of Hawick, for obedience to the Act concerning him, produced before the Lords of Council Allane Deanes, miller, Allane Wilson, George Dicksoun, called the Wran, John Rewcastell, Walter Scot, maltman, John Tait, piper, William Beatisoun, Robert Lidderdail, called the Corbie, Robert Langlands, James Wauch, officer, James Towdop, William Scot, called Young
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Gillie, John Laing, piper, William McVite, Walter Fowller, and Andrew Deanes, all inhabitants of Hawick, whose names had been given up as idle and masterless men, fit to be employed in the wars" (p. 105). When this precious assortment was "narrowlie remarked," it was found that seven out of the sixteen were unfit to serve their country abroad; two others were dismissed for reasons not specified; and the remaining seven were lodged in the Tolbooth, where they were to await their transport.

Not the least difficulty of the authorities was to keep hold of their conscripts when they had got them. Before they were shipped abroad they were made secure in such places as the Tolbooth of Edinburgh, but when in active service on foreign soil they could not be so effectually looked after, and, as the Register testifies, they deserted in hundreds. If they had gone against their will, the conditions under which they fought were not such as to reconcile them to their fate. Unpaid, ill-fed, and ill-clothed, they had little heart to fight in a war in which they had nothing at stake. "No sooner," says Mr. Gardiner of an English regiment which had landed near Bremen, "no sooner had they set foot on shore than they deserted in troops of a hundred or two at a time, to hire themselves out to other masters who knew the value of a soldier. The one service which was plainly intolerable to an Englishman was the service of the King of England" (History of England, Vol. VI. p. 186).

The sum of all these exertions to raise an unwilling soldiery may be briefly stated. The most important of all the contingents was that collected for the service of the King of Denmark, of which the commanders were the Earl of Nithsdale, Alexander Lindsay, Lord Spynie, and Sir James Sinclair of Murkle. The main body of this troop appears to have sailed in October, 1627, but it was subsequently reinforced by a regiment raised by Sir Donald Mackay (first Lord Reay), by a detachment raised in Ireland by Sir Alexander Hamilton, and by 500 men which were to be got together by Sir George Keith. The second contingent was that of the 2000 men already noted, which did service against France under the Earl of Morton. Finally in July, 1628,
a commission was given to Lieutenant-Colonel Cunningham to enlist a band of 300 men for the assistance of Gustavus Adolphus, then engaged in his second campaign in Prussia (p. 397).

Simultaneously with the raising of levies went on vigorous preparations for national defence. In this department of their labours the Council could reckon on the support of all responsible citizens, seeing there was a widespread alarm lest a French fleet might at any moment appear off their shores. In August, 1627, indeed, it was reported that the enemy's ships had already been seen. To meet the threatened danger the effort was made to organise the national defences both by sea and land. In the preceding volume it is recorded how Charles had ordered the fitting out of three ships for the defence of the Scottish coast. From first to last "his Majesty's three ships" were a source of trouble to the Council. To keep them adequately manned and equipped appears to have driven them to desperation. Receiving no pay, the crews became clamorous and were in a chronic state of mutiny, when a happy suggestion was made to Charles for the discharge of his debt. It was suggested to him that by the sale of the cargo of a shipwrecked vessel he might procure the funds necessary to pay his "indigent and clamorous" seamen (pp. 210, 277). As ill-luck would have it, however, this device proved impracticable, and the crews were left unsatisfied. Three ships, however, were hardly an adequate armament for offence and defence, and voluntary effort was invited by the issue of Letters of Marque. Under the date of August 17, 1627 (p. 42), we read that three captains and owners of ships had offered to unite their strength with the royal squadron, though with the stipulation that any damage they might incur should be made good to them. At a later date (March 18, 1628), we find that John Gordon of Lochinvar had received a commission to do what mischief he could to the enemy on the condition that the value of his prizes should be adjudged at home, and a fixed proportion set apart for his Majesty (p. 271). But the most notable voluntary offer came from James, Marquis of Hamilton. With a "worthy and noble intention" he undertook "to sett out some
shippes to sea in these troublesome tymes, both for the better defence of that his Majesteis ancient kingdome of Scotland, as lykewayes for the better effectuating of his generous designes upon his Majesteis enemeis and otherwayes for the honnour of that kingdome." The Marquis's offer was gladly accepted, and he received a commission to equip five ships—the commission to last for five years unless peace should be concluded before the expiry of that term (pp. 324–5).

In addition to the equipment of a fleet, the fortification of the coasts received a large share of the Council's attention. In this connection their main interest was centered in Dumbarton Castle, "the fetters of Scotland," as one of its custodians expressively styled it. On August 29, 1627, a commission was appointed to report on the condition of the castle, and, if we may judge from the amount of correspondence that followed, the report when it came must have filled the Council with a lively alarm. At the time when the inquiry opened it was supposed to be in the charge of Sir John Stewart of Methven, who held it in the name of the Duke of Lennox, its hereditary proprietor. Stewart had been appointed on the condition that its garrison should never be less than sixteen men, and that the place should be kept in a thorough state of defence. It now appeared that Stewart himself was in Ireland, that no garrison existed, and that the walls had become "verie ruinous and decayed." The Council took prompt measures to mend this state of matters. Stewart of Methven was removed from his office and was replaced by Sir John Stewart of Traquair—the inhabitants of Dumbarton being specially charged to assist the new commander in the execution of a trust which involved the safety of the Kingdom. (See index under Dumbarton Castle.)

Dumbarton Castle was the most important place of defence on the Scottish coast, but there were other points where an enemy might conveniently land and obtain a footing in the country. With great assiduity, therefore, the Council set itself to discover the most fitting places to be fortified, appointing special commissioners for this object. The places chosen were Aberdeen, Montrose, Burntisland, Inchgarvie, and Leith, at all of which it was directed
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that forts with blockhouses for stores should be erected with all thoroughness and speed. An ingenious Scot, Alexander Nairn by name, made a further suggestion that at suitable spots flanked trenches and barricades should be constructed, and beacons set up on all commanding points (p. 225). To what extent all these directions were carried out we are not informed.

While all these preparations were made for the defence of the coast, equal energy was shown in organising a national militia. The measures taken with this object have been noted in the preceding volume of the Register. The national wapinschawins, which had fallen into disuse, were vigorously revived, and every male from sixteen to sixty was commanded to take part in them. To make sure that there should be no defaulters, justices of the peace were to hold counsel with the clergy, and ascertain the names of the able-bodied men in each presbytery—a duty, however, in which the justices appear to have been somewhat remiss. It was on the East coast that the enemy was expected to make his appearance, and the inhabitants of the eastern counties would thus have to bear the first brunt of an invasion. On the 9th of October, 1629, therefore, an urgent order was issued to these counties that their fencible men should hold themselves ready to proceed with expedition to any threatened point on the coast (p. 91). Not since the Spanish Armada had the country passed through an experience with which it had once been so familiar during its chronic hostilities with England. By the close of 1627 the alarm seems in great measure to have subsided: in November Buckingham had withdrawn from La Rochelle with the miserable remnant of his army, and in the summer of the following year negotiations were already in progress for a peace with France and Spain. Levies for the German war still continued to be raised, but of musters and wapinschawins we hear no more.

DOMESTIC LEGISLATION.

The dread of foreign invasion and the bustle of military preparation produced by Charles's foreign policy were speedily
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forgotten: it was otherwise with that great stroke of policy with which Charles had begun his reign in Scotland—his Edict for the revocation of the alienated property of the Pre-Reformation Church. In the present volume of the Register, as in the preceding one, the enforcement of the Edict, we perceive, is a subject which engrosses the minds of all ranks of Charles's subjects from Shetland to Wigtown, and, unlike the war panic, it was to become increasingly engrossing as time went by. In his last Introduction, Professor Masson has given a luminous and exhaustive account of the economic and political conditions which had led up to the Revocation Edict: here it will be sufficient to recall the position of the question at the date when the present volume opens. It had been decided, greatly to the King's satisfaction, that the proprietors of the alienated church property, under whatever conditions it was held, should surrender that property into the hands of the King, and to effect this process a commission, known as the Commission for Surrenders of Superiorities and Teinds, had been appointed to sit in Edinburgh from the 1st of March, 1627, till the 1st of August following. This grand Commission, however, was found to be inadequate, and local sub-commissions had been appointed to assist them in the work of expediting the surrenders. It is the history of the action of these various commissions that we have now to follow as it is recorded in the present volume.

It is not till October, 1627, two months after the rising of the central Commission, that we meet with any notice of the Revocation. On the 9th of that month an order was issued for the proclamation at every market-cross of a new decision of his Majesty (p. 86). In accordance with this Edict the teind-buyers and teind-sellers were to choose representatives to meet the King's Advocates by the 8th of November—the object of the conference being to settle the terms on which each submission should be made. The result in each case was to be signified to the Lord Chancellor, who was then to effect the necessary arrangement with individual teind-buyers and sellers. Should any persons abstain from surrender after the 1st of December their names were to be reported to the King's Advocates, who should
thereupon take legal steps to enforce the submission. Again, in
this Edict, it is to be noted, Charles reiterates what was one of
his main objects in the Revocation—the acquisition by each
heritor of his own teinds as an indispensable condition of
satisfactory relations between the lay proprietors and the
Church.

On the 16th of November the great Commission resumed its
sittings, and certain measures which were taken in the beginning
of 1628 may be regarded as the result of its deliberations. By
the 17th of January Charles had determined upon a form of
submission which the Lords of Erections were summoned to
subscribe in the Council's meeting-place in Holyrood on the
20th day of February. Of the terms of the submission we are
not informed, but the parties are assured that it was such as
would "stand with law and justice" (p. 195). What were the
numbers of subscriptions on this occasion we are also left in
ignorance. The form of submission being settled, however, the
work of revocation proceeded apace. On February 28th two
important steps were taken in the case of both buyers and
sellers of teinds. On the ground that it would be inconvenient
for all interested parties to come to the capital, it was decreed
that duplicates of the submission-form should be distributed
among the various sheriffdoms of the Kingdom (p. 245). To carry
out the scheme the charge of each sheriffdom was assigned to
specified lords, who were to report their progress to the Council
on the 22nd of April. A similar commission was at the same
time appointed to deal with the teind-buyers. In their case,
however, a further arrangement was made to meet their
convenience: they might choose two representatives for each
sheriffdom, whom they might depute to sign the submission in
their names. Reports from both commissions, thirty-five in
number, were duly rendered to the Council on the appointed day
(p. 309). The acceptance of the submission had been general, but
not universal. What is notable is that it was the clergy who
had shown the greatest reluctance to sign. The bishops in a
body had refused to sign, and many of the ministers had eluded
the difficulty on the plea that they must first consult with their
ordinaries.
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Things having been thus advanced another stage, the great Commission for the Surrenders and Teinds was summoned to meet on the 4th of June, Archbishop Spottiswoode being designated President. When the 4th of June came, "few or none" of the Commissioners put in an appearance, and the meeting had to be postponed till July 4th. The result of this conference appeared on the 14th of that month, when the Council decreed that all who had not yet subscribed should do so by the 10th of September. What was the effect of this decree we learn from the entries under the dates of October 30th and November 11th. In the one we read that the Lord Advocate has been empowered to pursue by course of law all such persons as still refuse to subscribe (p. 477). The other entry is still more significant, implying as it does that the recalcitrant persons were both numerous and confined to no particular parts of the Kingdom. It contains a charge to the Commissioners who had been appointed to deal with the teind-buyers to ascertain the names of all non-subscribers and report them by the 9th of January, 1629 (p. 478). The result of this action falls beyond the limit of the present volume.

Such in its main issues is the history of Charles's great Edict of Revocation between July 1627 and the close of 1628. One item of importance, however, may be mentioned before we pass from the subject. It is contained in a letter of the 2nd December, 1628, addressed to Charles by the Council. As at once defining a praiseworthy aspect of Charles's scheme, and marking a new departure in its execution, the significant part of the letter may here be quoted:—"Since your Majestie," it runs, "hes bene graciously pleased to signifie your royall intentioun and desire to have all the teinds of this your ancient Kingdome to be settled upoun the heretours of lands for avoiding of the wounded oppressiouns alledgit to flow from the rigour of some titulars and to give dew satisfactioun to the said titulars for thair right according to the qualitie and nature thairof, and we having dewlie considerit that the producioun of all titulars rights is als necessarie for that purpose as the inspectioun of the titles of the lords of erectiouns, therefore we doe humblie
represent unto your Majestie the fitnesse of a generall production of all titles of teinds of other mens lands whairby all the proprietars may be the better secured in the same” (p. 513).

Next to the Edict of Revocation the state of the Borders or Middle Shires, as they had been called since the Union, occupied the attention of the Council. At the death of James VI. those districts seemed at length to have been broken in to law and order, but now we learn that there were ominous symptoms of a recrudescence of all the old evils. Under the administration of James the good results had been mainly due to the common action of a joint-commission of English and Scots; but since the accession of Charles this joint-commission had not been renewed, and to this circumstance, as we shall see, was ascribed the outbreak of fresh disorders. At this moment the Scottish Commission consisted of the Earls of Buccleuch, Nithsdale, Annandale, and Angus, together with thirteen others as sub-commissioners. The first notice we have of the renewed disturbances is the appointment by Angus of fifteen persons for special service on the Borders (p. 98). Under date 29th November, 1627, we learn what was one of the causes of the trouble that had arisen: numbers of exiles, we are told, had returned to their old haunts, were being resetted by their friends, and were now threatening “the peace and quietnesse of these bounds” (p. 136). Angus and Nithsdale, therefore, with the Laird of Lag and the Master of Jedburgh, were commanded to meet with their fellow-commissioners and concert measures for the restoration of law and order. On the 4th of December came another order from the Council charging all the Commissioners then in Edinburgh to appear before them two days later for the consideration of this pressing evil (p. 141). Five Commissioners duly appeared and gave their opinion as to the causes of the increasing contempt for the constituted authorities. It was due, they said, to the discontinuance of Justice-Courts, to the abeyance of the Joint-Commission, and to the fact that the lyvmaris easily eluded the law by taking refuge in England and Ireland. The remedies proposed were regular diets of the Justice-Courts, the renewal of
the Joint-Commission, and the meeting at an early date of the whole body of the Scottish Commissioners. An entry immediately follows (p. 148) which supplies a shining example of the doings that were exciting the uneasiness of the Council: the lieges are there charged to convocate in arms for the apprehension of Sir John Maxwell of Conheath, his two sons and a servant, all at the horn for their "cruell and unmercifull slaughter and murthour of the said umquhile Johnne Young," sheriff-clerk of Dumfries. Quickened by such outrages, the Council kept steadily to its purpose of effecting some speedy reform. The names and powers of the Commission were commanded to be made publicly known in all the chief burghs of the Borders, and the entire body of the Commissioners were summoned to meet with the Council on the 17th January, 1628 (pp. 171-3). Despite the urgency of the summons, few of the Commissioners appeared on the appointed day, and the conference was postponed till February 7th. Even after this second summons only seven of the Commissioners presented themselves. Their testimony, however, was clear and succinct. The cause of all the trouble was the abeyance of the Joint-Commission, whereby the malefactors on each side of the Borders eluded the law of the one country by fleeing to the other, and the only remedy was the revival of that Commission. As the result of these councils, a letter was despatched to his Majesty placing before him both the evil and the proposed remedy. Meanwhile, till his Majesty's answer should be forthcoming, the Scottish Commissioners were empowered to arrest all excommunicated persons, who, in large numbers, were defying alike the authority of Church and State (pp. 223-4). Charles's reply, however, was sufficiently prompt: it was dated the 3rd of March and brought his sanction for the revival of the defunct Joint-Commission (p. 254). The results of this step will doubtless appear in subsequent volumes of the Register.

Still another proof of Charles's desire for the good of his "ancient kingdom" was his revival of the disused Justice-Ayres. When these courts originated in Scotland it is impossible to
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determine, but they were probably in existence as early as the reign of David I. It was in the reign of James II., however, that their object and scope were first defined with precision. In the Parliament held by that King in March, 1458, it was enacted that a Court or Committee, consisting of nine persons representing the clergy, nobles, and burghs, should meet twice in the year for the administration of justice in Edinburgh, Perth, and Aberdeen. During the confusions of the reign of James III. they again fell into abeyance; but in the hands of James IV. they became an efficient instrument of order and justice. During the reigns of James V. and Mary public disorder once more interfered with their regularity and efficiency, and by the year 1587 they were virtually inoperative. In the preamble of an Act passed in July of that year it is stated that the “ancient and loveable” custom of holding Justice-Ayres twice in the year is neglected, and that “the ordiner judgement in criminall causes is only now at Edinburgh, quhair particular dyettis are sett for certane speciall and heichast crymes” (Acts of Parl. of Scot., III., 458). For the remedy of this evil, therefore, it was now enacted that the Justices-Ayres should be revived, that they should be held twice in the year over every shire of the Kingdom, and that eight deputies—two for each quarter of the country—should be appointed for this purpose by the Justice-General.

It was on this Act of his father that Charles based his own plan for the revival of the Ayres. Already in March, 1627, he had written to the Privy Council desiring its opinion on his project (Vol. XV. p. 538). Apparently the reply was favourable, for on the 30th of June, 1628, there came from him a commission appointing two Senators of the College of Justice to the office of Itinerary Justices. The letter of commission at once adduces the grounds for the creation of the office and prescribes the functions that are to pertain to it. His Majesty’s good subjects, it is said, “living farre frome the courts of justice have been forced long to groane under the burdein of manie insolent injureis, crymes, oppressiouns and extortiouuns, etc.” Meanwhile, therefore, the two specified Senators are charged to visit the quarter of the Kingdom assigned to them during the coming
months of August, September, and October (p. 345). The following month (July 14) came another letter from Charles urging the Council to energetic measures for the furtherance of the revived Courts (p. 373). On August 1st four more justices were appointed, and by the 6th of the same month the tale was complete—eight in all, two for each quarter of the Kingdom. Finally, at the sederunt of August 8th, we have the specification of the entire body of the new judges, of the powers they are to hold, and the crimes they are to punish. The time of circuit for all of them was to be the month of October, and all his Majesty's "good subjects haveing just causes of complaint" were invited to have recourse to them. All the subordinate courts in the Kingdom were strictly charged to lend every assistance to the new functionaries, and the sheriffs to see that "sufficient and legall men were at hand to lend their counsel" (p. 434). The catalogue of crimes of which the new functionaries were to take cognizance fills a page and a half of the Register, and is a pregnant commentary on the text that "man has found out many inventions." A few out of the formidable list may be noted—"perturbers of the kirk in tyme of divine service; transporters of forbidden goods beyond sea; ockerers (usurers) and givers out of money for weekelie or yeerelie profite above ten of the hundreth in the yeare; fraudfull mixers of wynes; fleshours bringing fles to the mercat without skinne or birne; makers of superfluous bankets and feasts; users of confectionous or drogges inordinately; herriers of hawke nests and hunters in tyme of snow; the biggers of dowcates contrare to the law."

In the case of the Western Highlands and Islands a difficulty arose regarding the revived Justice-Ayres, the story of which will complete what has to be said in connection with Charles's efforts for the improved administration of justice in Scotland. On July 10, 1628, the Council received a letter from him expressing his desire that it should be left with the Islanders themselves to specify the places where they would prefer the Ayres to sit (p. 368). Under the same date we learn that a difficulty has already arisen. Sir Donald Gorme, representing the Islanders, approved of the places which had been designated by Charles, while the
Lord of Lorne, as hereditary Justiciar of the Isles, had designs of his own to which he was now seeking to give effect. On August 1st the question again came before the Council. Now we learn that Lorne has secured a double protection in his hereditary jurisdiction: the Justice Ayres are to infringe on none of his powers, and at the same time he is to be similarly guarded against the Commission of the new Justice-General, the Earl of Menteith (p. 421). Three days before the record of this volume closes the issues of the whole question are opened up in an ordinance of the Council in reply to a petition from the whole of the Western Islands. From this petition it appears that Lord Lorne had obtained from Charles the justiciary of the Isles of Moidart, of Morvern, and of the shire-floms of Argyle and Tarbert, with powers to hold Courts wherever he pleased. It was against this last concession that the petitioners had lodged their protest—resting their case on a double ground. His Majesty, they urged, had previously signified to the Council that the Courts were not to be "indefinitlie haldin in anie place at the humour of the Lord of Lorne." That lord, however, by "some privy moyen" had succeeded in persuading his Majesty to revoke his original decision, and the rights of the Islesmen had again been overthrown. Further, they urged, the powers now granted to Lord Lorne were a breach of an Act of Parliament made by one of his Majesty's predecessors. In 1504 James IV. had enacted that for the North Isles the seat of justice should be Dingwall or Inverness, and for the South Isles, Tarbert or Lochkinkerran. Their petition, therefore, was that the Council would fix a day for the hearing of the respective claims of the Islanders on the one hand and of the Lord of Lorne on the other. The Council's reply was that the case should be heard at its first meeting in the following June, and that meanwhile Lorne was forbidden to hold Courts in the North Isles or take legal proceedings against their inhabitants (p. 632).

If we may judge from the amount of attention which the Council gave to the subject, the possibility of a Roman Catholic reaction must have been a serious cause of disquiet to the
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country. Since the Reformation this had been a haunting dread in the public mind, and all through the reign of James I., and notably after the Union, enactments against Papists had been many and severe. Charles's marriage to a Catholic wife doubtless both encouraged those of her own religion and quickened the apprehension of Protestants of every shade of opinion in Scotland, but it was speedily seen that Charles was far to outdo his father in his zeal against the ancient religion. In the repressive measures now taken Charles's hand is hardly seen, but they undoubtedly had his approval and sanction, and for a time he was to identify himself in the most decided fashion with the ardent Protestantism of his Scottish Privy Council.

The two hotbeds of the dreaded pest were the counties of Dumfries and Aberdeen, and in the first part of the present volume it is with Dumfries that the Council is mainly concerned. On November 22, 1627, there came a "complaint" from the moderator and brethren of the Presbytery of Dumfries which appears to have quickened the Councillors to strenuous action. The complaint bore that a numerous body of persons of position and influence had set at defiance all the censures of the Church, and, in accordance with the laws against Papists, the complainers formally notified their names to the Council (p. 128). The response came in the following January, when the Sheriff of Dumfries was charged to convoke the lieges and forcibly seize and deliver to the Council such persons as had proved themselves intractable Papists (p. 202). Apparently the Sheriff had found his task beyond his power, as we next learn that many Papists in the sheriffdom still defied the summons that had been addressed to them. The cause of his failure, it appeared, was that the outlawed parties found shelter with friends who refused to deliver them up. As a means of checking such defiance of Church and State "his Majestie with the advice of the Lords of Secret Counsell" announced what they probably deemed a drastic measure. The Sheriff, with the assistance of a number of lords and gentlemen, was to summon these ressetters at appointed times and places and report the result of their examinations to the
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Council (pp. 262–5). This was in March, 1628; and in the following July this action was followed up by an ordinance against every Papist in the country. The new ordinance was due to the increased alarm of the authorities. His Majesty had been informed "that the resort and repaire of Jesuits and Seminarie preestes to this Kingdome is now more common and frequent nor at anie tyme preceeding," and he had been led to consider the best means of checking this invasion. The remedy proposed was that twice in the year—on the last Council-day of June and the last Council-day of November—a representative from each Presbytery in the country should report the names of all persons suspected of Popery within their respective bounds (p. 358).

The Papists of Aberdeen. The Council had no sooner done with the Papists of Dumfries than their attention was directed to their brethren in Aberdeen. On the very day on which his Majesty's ordinance had been issued to the Presbyteries, an alarming supplication from the magistrates of Aberdeen occupied the attention of the Council. From this supplication it appeared that the Papists of the North were asserting themselves much more hardly than their fellow-religionists in the South. Not only were they openly professing their faith, but within the very burgh of Aberdeen they were holding their conventicles on Sundays in the time of divine service. Priests and Jesuits went freely about the town, and the censures of Church and State were equally set at naught. If this state of things were not righted, the suppliants urged, "the cure will shortly become desperate and remedilesse" (p. 360). As in the case of Dumfries the Council was not slow to act. On the spot they gave commission to the bishop, ministers, and magistrates of Aberdeen to ascertain who were the holders of the conventicles and in whose houses they were held, and to place the guilty parties in ward till they received further direction from the Council (pp. 360–1). In the same month of July still more energetic measures were taken. A special commission, composed of barons and gentlemen of Aberdeenshire, was entrusted with powers "to make opin doors and to use his Majesteis keyes" in the case of every offending Papist or resetter of such (p. 375).
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It is a notable tribute to the zeal and devotion of these emissaries of Rome that all this repressive legislation failed of its purpose, and that only the growth of opinion proved to be the final solution of a difficulty which gave such serious disquiet to those responsible for the government of the country.

A few individual cases will illustrate how the Council dealt with prominent members of the Church of Rome. On the 20th of September a Jesuit named Alexander Robertson had been consigned to the Tolbooth of Edinburgh. In a series of petitions to the Council he represented that he was without means of maintaining himself in his prison, and that if he did not receive assistance the end must be his death from starvation. His importunity at length prevailed, and the Council assigned him 13s. 4d. (Scots) per day—to be reckoned from the date of his committal (p. 136). Two days before this grant was made the Lords had been considering his case and had come to the conclusion that it was "more expedient that he be sent out of the country nor unnecessarilie holdin within the same" (p. 132). With this object they ordered Robertson to be brought to trial and the alternative to be offered to him of remaining in ward or taking the first ship to the Low Countries. A more troublesome case was that of Dame Barbara Johnston, Lady Gribtoun. As one of the denounced Catholics of Dumfriesshire, she was ordered (April 20, 1628), to take up her abode in Edinburgh for the space of three months, or longer if the Council should so ordain. The object of this restriction on her movements, she was told, was for her own spiritual welfare as by her residence in Edinburgh she would have the benefit of ministers capable of resolving her religious doubts and scruples (p. 318). At the close of the three months she ventured to ask the Council that she might be allowed to depart. During the whole time of her probation she said she had "cairfullie and dilligentlie haunted the Kirk and heard the preaching and prayers with that modestie that become a Christiane, and seldom wees she absent when her health would permitt." It appeared, however, that, in spite of her late advantages, "she was not resolved to embrace the religioun presently
profest within this kingdome." This being the case, therefore, she offered to leave the country if she were allowed to go free. With this offer the Council closed, and the lady was released from surveillance on the condition that she should leave Scotland within a month, and the Isle of Britain within twenty days thereafter—she finding due caution for the fulfilment of her pledge (p. 433). The Council was at a later day to find that they had not yet done with Lady Gribtoun. Another case will show how boldly the religious recusants carried themselves in spite of all the efforts made to suppress them. Our knowledge of the facts is derived from a complaint laid before the Council by the archbishop, moderator, and presbytery of Glasgow. Claude Algeo, a servant of Claude Hamilton, brother of the Earl of Abercorn, had apostatised from the national religion, and in Paisley, where he resided with his master, had made himself "verie offensive and scandalous." As in duty bound, therefore, the Presbytery directed the kirk officer, George Ramsay by name, to cite the offending Algeo before their Court. With "reverent and modest behaviour" Ramsay discharged his duty, whereupon Algeo, "be the allowance and approbatoun of his said maister," subjected his summoner to such maltreatment that he was left for dead. A few hours later, battered as he was, the officer of the kirk proceeded to his assailant's master with the object of lodging his complaint. So far from rebuking his domestic, however, Hamilton set him on to a second assault, and cheerfully looked on during the process. The officer, apparently a person of some resolution, was not daunted by these discouraging receptions. He now addressed himself to the bailies of the town, and in their company presented himself once more before Hamilton's gate. The party was received with such a volley of threats and abuse that "the bailleis wer forced for feare of thair lyves to suffer the said Claud Algeo to escape." On the day the complaint was lodged before the Council, the Archbishop of Glasgow and the Moderator of Paisley Presbytery duly appeared, but of the defenders only Hamilton, his doughty servitor having preferred to remain at home. The case was a flagrant one and the evidence incontrovertible. Algeo, therefore, was put to the
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horn as his Majesty's rebel, and his master was consigned to Edinburgh Castle, there to live at his own charges till their lordships were pleased to release him. Twelve days later Hamilton was released from his ward, with the sole condition that he should pay £40 damages to the unfortunate kirk officer (pp. 327, 334).

Of the National Church itself little is heard during the period under notice. Questions of doctrine and polity were alike allowed to sleep while the great business of the benefices occupied the minds of the clergy in all their ranks. As recorded in the preceding volume, Charles and the magistrates of Edinburgh had come to an understanding regarding James I.'s project for the division of the town into four parishes with two ministers for each. In the present volume the only point touched with regard to that arrangement is the question of stipend. According to the settlement that had been accepted, the stipends were to be paid by a tax on all residents in the town, and Charles expressed his desire that the taxation might be begun without delay—all persons only temporarily residing in the town being exempted (p. 1). Similar exemption was claimed by the members of the College of Justice on the ground that the tax proposed was an infringement of their privileges—a plea which the Council held over for decision (pp. 1, 3, 132).

Since the accession of Charles a great economical question had been engaging the attention of the Council—Was it in the interest of the country that live stock and wool should be exported or not? How the Council had sought to reach a wise conclusion is recorded in the preceding volume of the Register. They had issued orders to all Justices of Peace to send in annual reports, due by the 20th of August, of the prices of cattle, sheep, and wool in their respective jurisdictions. From the data thus received the Councillors supposed that they would be led to a safe conclusion as to the expediency of exporting these commodities. One set of reports had been received in August, 1626, and on the strength of their testimony the exportation of live
stock and wool had been restricted till the 1st of May, 1627. When the present volume opens the second annual reports were in course of preparation. The Justices had been somewhat remiss with their first reports, but in 1627 they were so neglectful of their duties that the majority apparently sent in none. Only about a dozen will be found in this volume, and only in one of them (that from the sheriffdom of Kincardine) do the writers divagate into general considerations. Without specifying prices this report only makes the gloomy statement that the prices of cattle had been dearer during the current year than in any preceding one, and that in the opinion of people in the district labourers will be forced to give up tillage if matters do not soon improve (p. 554). So few, however, were the reports sent in that the Council issued an urgent order to the negligent Justices to discharge their duty by the 18th of September, while at the same time an edict continued the restriction on the export of the commodities in question till the 20th of the same month. As the reports came in the Lords were apparently confirmed in their policy of restriction, since the embargo was continued till the 12th of October, and subsequently till the 25th of December (pp. 73, 90). In the following year reports were again demanded (p. 363), but with what results is not recorded, though the Register extends till December.

The tanning trade.

The old question of the tanning again recurs in the present volume. From a letter of Charles to the Council, dated October 18, 1627, we learn that he had received protests against "the new course of tanning" and the monopoly granted to Lord Erskine, by which he received a groat on every hide of tanned leather brought into the market (p. 101). After hearing the case argued by Erskine and the protesting tanners, the Council decided that the existing arrangement should hold for a year. Meanwhile, however, Erskine was to erect a tanning-house with all expedition, and produce specimens of his new process that the Council might judge of its profitableness for the country (p. 196). In connection with the same industry may be noted a curious case of socialistic legislation which arose out of a complaint from the

The shoemakers of Cuper.
shoemakers of Cupar-Fife. The Magistrates of that town had taken it upon them to fix the prices of boots and shoes. Seven of the craft refused to obey this decree, and a fine of five pounds Scots was imposed upon each of them. They refused to pay the fine, and were promptly consigned to the Tolbooth of the burgh. Having lodged their complaint with the Council, they and the Magistrates both were summoned to state their respective cases. The plea of the complainers was that there was no precedent in the Kingdom for the proceeding of the Cupar Magistrates, that it was a "perverting of the law of nature," and that in the case of commodities like boots and shoes it was impossible to fix "a definitive price." The Magistrates responded that they had done their best to induce the shoemakers of the burgh to make some arrangement as to the price of their handiwork, but all their overtures had been rejected, and they had been compelled to take the matter into their own hands. The decision of the Council was that the defenders had acted "laughfullie, legallie, and formallie," and that they should convey the recalcitrant craftsmen back to the Tolbooth, where they were to lie till they gave caution for their future obedience (pp. 178–9).

The important industries of coal and salt come up for merely casual mention. This was on the 18th of September, 1627, when the country was in its acutest apprehension of foreign invasion. With a view to coast defences we have seen that steps had been taken for the erection of block-houses at points where the enemy was most likely to effect a landing. But of all parts of the coast the shores of the Firth of Forth were the most inviting and most vulnerable. There, therefore, forts and block-houses were specially called for. As the expense of constructing such fortifications, however, would be very great, it seemed to the Council that the most lucrative industries of that part of the coast should bear their proportion of the burden. On salt and coal, accordingly, a tax of two shillings Scots was imposed for every ton of either commodity that was exported, and the owners of the pits and pans were charged with the levy of it (p. 72). These gentlemen, however, appear to have neglected
their trust, as on the 11th of December a number of the most important of them received a sharp summons to appear before the Council in the following January, when they should be prepared to explain their remissness (p. 146). But neither in January nor subsequently do we hear further of the question—possibly because the danger of invasion was no longer pressing.

Saltcoaten. What is described as a new industry in Scotland was "a trew way of making saltpeter powder and matche," the secret of which had been acquired by the Earl of Linlithgow, High Admiral of Scotland. His Majesty was greatly pleased with a discovery which in the midst of his many wars might give him an advantage over his enemies, and he specially commended it as the work of a member of his nobility. To encourage the Earl in his experiment he granted him a patent of monopoly for twenty-one years, and called on the Council to pass it at once under the great seal (p. 333). A certain clause in the patent, however, excited the alarm of certain of the lieges, and not, as will appear, without some grounds. By this clause the patentee was to have power "to enter, breake, open, dig, searche, and worke for salt peter, als weill within the houses, lands, grounds, and possessiouns of his Majestie, his airs, or successors, that now be or heerafter sall be, as also in vaults, sellers, towres, castles, stables, dowhouses, grounds, or possessiouns of anie of his Majestie's subjects within the said Kingdome of Scotland." It is true that these extensive operations were to be carried on "with as little prejudice to the owners as may be," and that compensation was to be made "for falling of houses, wallis, warkes, or timber," but the prospect of such a general excavation was disquieting, and first the Magistrates of Edinburgh, and next certain Commissioners of the burghs, protested against such a sweeping warrant. The Council was in straits and referred the difficulty to his Majesty. Meanwhile, they told him, they had sealed the patent, though on the condition that till his Majesty's answer had been received, the Earl should not "dig or enter in ane house" within the burghs of the Kingdom without
its owner's consent. From a later entry we learn that the monopoly had been continued till January 8th, 1628 (pp. 333, 425, 439, 537). In this connection may be noted another patent of monopoly granted for munitions of war. Hitherto, we are told in the royal letter conferring the patent, Scotland had been indebted to foreign countries for its ammunition and ordnance. Two patriotic Scots, however, Mr James Galloway, Master of Requests, and Mr Nathaniel Udwart, resident in Leith, had come forward with an offer to produce these commodities in Scotland itself. As in the case of saltpetre, Charles gave every encouragement to the project; he granted a monopoly of twenty-one years, exacting a total payment to the Crown of only £200 sterling, of which sum, moreover, no part was to be advanced till Martinmas of 1633 (pp. 64, 338).

From an early period the importation of French wines had been one of the great interests of Scottish commerce. Charles's quarrel with Scotland's ancient ally, therefore, could not have been agreeable to the many persons in the country who were engaged in that trade, and they were not long in learning what the quarrel was to involve. According to Sir James Balfour (Annales II. 158), the French, on the first outbreak of hostilities, had shown that they had not forgotten the ancient alliance: when the British wine-fleet, sailing from Bordeaux, was seized, all the Scottish vessels had been allowed to go free with their cargoes untouched. But, no more than the English, were the Scots to escape the inconveniences of the war. By the advice of their own Privy Council, Charles forbade the importation of all French goods into Scotland whether in native or foreign bottoms (p. 567). The Council learned, however, that it had acted with somewhat undue haste. Before the embargo was laid on French goods Scottish merchants had laid out their native commodities (specified as wool, skins, hides, plaiding, kerseys, and salmon) in Flanders, and they had made no arrangement with their Flemish customers that French goods should not form part of the exchange. Should they be forced to refuse French goods in return, therefore, there would be an end of all trade not only
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with France but with the Low Countries as well. This protest the Council communicated to Charles, with a warning that if the embargo were absolutely carried into effect the result must be the ruin of Scottish trade and the loss of the royal customs (p. 242). It was in February of 1628 that this correspondence took place, and the next month the wine merchants had to make another appeal to the Council. A number of Flemish ships had actually arrived with cargoes of French wines, which had been bought by the Scottish traders before his Majesty's proclamation forbidding the importation of these wines. Were they to be forbidden to sell what they had purchased before the law was made? This suit, also, the Council laid before Charles, informing him at the same time that his own interests would in no wise suffer by the sale of the wines in question (p. 265). From another letter to Charles we learn that he had not seen the matter in the same light as the Council: he had given orders to his Admiral, the Earl of Linlithgow, to confiscate all the French wines that had arrived in Scotland since the date of the prohibition. Against this high-handed proceeding the Council strongly protested, urging that it would mean not only the ruin of individual traders but serious detriment to the general commerce of the country (p. 284). Their representation had the desired effect: from the Court at Whitehall there came a gracious letter (March 26) with the intimation that all French goods brought to the country till the 1st of July should be at the free disposal of the various purchasers (pp. 305-307).

A difficulty with which Scottish legislators had to deal from very early times was the circulation of foreign coins at more than their intrinsic value in Scottish money. At this period several varieties of foreign dollars had been introduced into the country, and had become the source of much dishonest dealing. One coin especially, known as the dog-dollar, had attracted the attention of the Council, and was the object of their indignant denunciation. From an order issued on the 15th January, 1628, we learn precisely what was their objection to the coin in question: while its "trew worth and pryce" was only forty-six
shillings, it was "craftily putt outt among his Majesteis subjects" at the value of forty-eight shillings. Thenceforward, therefore, the importation of these coins was strictly forbidden alike to Scottish and foreign traders—those that were actually in the country being adjudged to pass at their true value of forty-six shillings (p. 192). Previous to this order, it should be said, the coal-owners on the coasts of the Firth of Forth, as the persons through whose hands the objectionable coin was most likely to pass, had been enjoined to refuse it in exchange for their commodities. The appearance of another "base-dollar" roused the Council to still greater indignation, and certainly with excellent reason. The real value of this dollar was only twenty-five shillings and tenpence, but by "some avarious and godlesse persoun, preferring thair awin filthie commoditie and gayne to a good conscience and obedience of the law" it was being circulated at the rate of thirty-three shillings and fourpence. After a minute description of the objectionable stranger the Council called upon the magistrates of Edinburgh, Dundee, and Aberdeen, and the other burghs in the Kingdom to ascertain how, when, by whom, and in what numbers it had found its way into the country, and to give in their information within the space of three weeks that the requisite steps might be taken to prevent further mischief to the country. Still another intruder was the "Embden dollar," which had only recently made its appearance. It was found that while this coin was only worth twenty-six shillings, the traders who were introducing it were passing it at the rate of two marks and a half. In this case it would appear that it was the merchants of Dundee and Aberdeen who were the offending parties—the magistrates of these towns being specially called upon by the Council to inform themselves of the circumstances under which the new coin had made its appearance (pp. 162, 192, 540, 545).

From the foregoing account it has appeared that to the extent of its lights and its powers the Council had done its best to further the wellbeing of the country. Their efforts, however, had by no means been crowned with success. From the historians
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of England we learn to what a pass the finances of that country had come through the policy of Charles and his minister, Buckingham. In his northern kingdom matters were at least equally unsatisfactory. From a letter which the Council addressed to Charles on February 12, 1628, we have the picture of a country virtually in a state of bankruptcy and with little prospect of a happier future. The plain confession is made that through lack of money the public business has come to a deadlock, and the letter proceeds to enumerate the causes which have produced the crisis. The casualties due to the crown had been either disposed by gift or exhausted by pensions, the royal patrimony had been used up in assignations, and the returns from taxation diverted to particular purposes. The Council had not even wherewithal to pay the wages of the captains and companies of his Majesty’s three ships. In their straits they had been forced to quiet these mutinous persons with the promise of satisfying them with the promise of the first proceeds from the sale of the cargo of a foreign shipwrecked vessel. But even this reed had failed them. Much of the cargo had been spoiled, and to what was in a satisfactory condition other parties had put in a claim (p. 227).

An Act passed by the Council on March 27th of the same year is a further revelation of the financial difficulties of the country. In the Parliament which met in October, 1625, an extraordinary grant had been made of the twentieth penny of all annual rents. It appears, however, that this contribution had not been so profitable as had been expected. Many persons living remote from the chief burghs had never heard of the tax, and their quota had not been forthcoming. Other subjects, also, “for lucre and gain to thame selfs or pleasure to thair freinds” had by various shifts eluded their obligations, to the serious diminution of the grant. To prevent such evasions in future, therefore, the Council took the most efficacious measures in their power. All persons suspected of seeking to elude the imposition were called upon to give their oath that they were dealing honestly by the government. As for those who pled ignorance of
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the tax, they were to be reached by proclamation in every parish church on Sunday forenoons before or after divine service (p. 287). A grumbling letter from Charles, dated 22nd July, 1628, informs us that even then a great proportion of the extraordinary grant had not yet been made good (p. 395).

When the public purse was so low, it was all the more creditable to Charles that he should at this time have been willing to make an important concession to the Scottish burghs. A heavy burden on these burghs was the excessive fines imposed for the breach of certain penal statutes. It was to a petition for the respite of these fines that Charles graciously granted his consent. The Council, however, proved themselves harder masters than his Majesty, and in a letter to him they raised two grave difficulties against the concession. By the pardon of offenders against the statutes in question, they said, “the hoip of impunitie will in a short tyme shaike louse the whole frame of the Governement of this kigdomne and the habituall custome of offending without punishment will breed obstinacie against all future reformatioun of suche disordours.” The other objection was not so creditable to the good feeling of the Privy Councillors: it was that his Majesty would receive great prejudice in his rents and casualties, and that his dutiful subjects would suffer irreparable loss. Overborne by these representations, Charles revoked the concession, desiring the Council at the same time to be tender in their enforcement of the penalties, and urging them to make haste with the Justice-Ayres, which by the promptness and justice of their sentences might render offences less common (pp. 122–3, 137, 182).

DOMESTIC INCIDENTS.

An announcement from Charles in July, 1628, threw the Privy Council into a lively state of flurry and excitement. At length he had determined to visit his ancient Kingdom to receive its crown and to preside in person over the assembled Estates. Throughout the months of July and August the great pre-occupa-
tion of the Council was his Majesty's impending visit. Proclamation was at once made that all members of Parliament should appear in Edinburgh on the 15th of September—the day when it had been ordained to meet. Preparations for the royal reception were at once begun, though, as we shall see, in no very buoyant spirit. Strict orders were issued for the preservation of game that his Majesty and his attendants might not lack pastime during their sojourn in the country; the Justices of Peace were charged to see that the highways by which the royal train should pass were in a thorough state of repair—the King's own rents being set apart for this purpose; a hundred and fifty tuns of English beer were to be imported upon the 24th of August; the royal wardrobe was to be scrutinised and its defects supplied; marquises, earls, viscounts, and lords of Parliament were to get ready their robes—the colours and materials of which would be determined by the Lyon-King and his brother heralds; and the magistrates of Edinburgh were to be asked to advance certain sums of money "upon good and sufficient security for making of provisioun aganis his Majesteis heere comming"—a request which the magistrates declared they were totally unable to grant. Here, indeed, was the untoward fact that made the prospect of the royal visit a veritable bugbear alike to the Council and every responsible person in the country: there was no money in the public purse to meet the huge expense the visit must entail. In the full tide of their preparations the Council was constrained to let Charles know the real state of affairs with which they had to deal. In a letter of July 18th they frankly told him that his appearance at this time would be inopportune, and they supplied him with a list of reasons which were sufficiently formidable. His coffers were so empty and his exchequer so exhausted that it was only "in the meanest measure" that his bare necessities could be met, let alone the cost of his becoming reception. Moreover, the houses where he would make his abode were "ruinous and decayed," the time of his coming would be in the middle of harvest, and there were "manie uther impediments" which they abstained from enumerating. While, therefore, nothing would bring greater joy to themselves and his Majesty's
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subjects than his presence in their midst, they were fain to represent that he should reconsider his present determination. To the same effect and on the same date the Council wrote to certain of their number then at Court to support their representations to the best of their ability (pp. 385-387). Meanwhile, however, the preparations still went on apace. After careful consideration it was decided that the Kirk of St. Giles, with necessary alterations, would be the most suitable place for the coronation. The Lyon-King was ordered to supply information regarding the details of the ceremony, with the result that he produced what is perhaps the most interesting document in the present volume—a precise account of a Scottish coronation (p. 393). One letter of the Council is of special significance as showing to what extent the Scottish Parliament was a free representative body: it is a communication to the Sheriffs informing them that it was his Majesty's pleasure that the Commissioners of the shires who should be present at the opening of Parliament should continue to sit through the whole term of its assembly (p. 418). At length there came a missive from Charles, dated the 28th of August, which must have lifted a burden from the hearts of his distracted Councillors. The letter bore that in deference to the representations of the Council his Majesty had resolved to postpone his visit till the following spring, when the deferred coronation and meeting of Estates would be more opportune for himself and his loyal subjects in Scotland. On the 15th of September, the Council issued the welcome warrant for the postponement of the assembling of Parliament (pp. 367-448).

It throws a curious light on the various functions of the Council that in no matter was it more keenly interested during our period than in the bestowal of the cargo of a Lübeck ship, which had been captured by some Scottish merchantmen. The ship was called the Sanct Maria, its master was Henrich Schult, and it had been seized under the impression that it belonged to some enemy's country. The report of its cargo doubtless whetted the cupidity of the Council, now at its wits' end for money. It consisted of eight score pipes of wine, three score
punchoons of syrup and sugar, three score barrels and two hundred frears of raisins, and twenty bags of aniseed (p. 189). To have obtained the money's worth of such a store would have been no small mercy to his Majesty's straitened exchequer. As it turned out, however, the acquisition of the prize was beset with many difficulties. When her captors seized the Sanct Marie they had meant to bring her to Leith; but by stress of weather she was driven to the coast near Peterhead. Much of her cargo was spoiled, and to the remainder the people in the neighbourhood had vigorously helped themselves. There was still another adverse circumstance. The part of the coast where the Sanct Marie was wrecked fell within the jurisdiction of the Earl Marischal, for whose rights his Countess in his own absence stood manfully forward. But the Council was determined not to be baulked of its prize. Officials were appointed to arrange matters with the Countess and to transport the cargo to Leith, there to be disposed of and the proceeds assigned to the different parties who should be judged its rightful owners. It is under the date of the 15th January, 1628, that we first hear of the unfortunate vessel, and it is not till the 20th of March that we learn what the Council had really in its mind throughout the whole transaction. Now we learn that with the King's consent the cargo, or part of it, has been sold to William Dick and William Gray for twenty-four thousand pounds—a sum which they had advanced for the payment of the mutinous mariners of his Majesty's three ships. Within the following week the Council made the unhappy discovery that it had been acting with undue precipitation: the Sanct Marie proved not to be an enemy's ship, but the authenticated property of one of his Majesty's allies. A final communication from Charles himself (June 14) closes the long story, scattered through nearly three hundred pages of the Register. The coveted cargo was to be assigned to its rightful owners, and William Dick and William Gray repaid out of his Majesty's exchequer (pp. 417-8).

Of witchcraft there is the usual crop of cases—the new reign apparently having brought no abatement of the hideous delusion.
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A few cases there are which call for special mention. One of these, that of Katharine Christie, resident in Dysart, will illustrate how easily the terrible charge might be vamped up by an unscrupulous enemy. Against this woman one David Clark, a sailor in Dysart, had brought the dreaded accusation. Confident in her character as "an honest woman," she summoned her accuser before the Presbytery of Kirkcaldy, with the result that her innocence was declared and that Clark was compelled to acknowledge the falsity of his charge before the Kirk Session of Dysart. But the unfortunate woman's troubles were not yet over. The Kirkcaldy Presbytery had found her guiltless, and, further, we are told, all the witches lately burnt in Dysart had testified that she had had no part in their practices. Nevertheless, her persecutor, Clark, with the aid of certain associates, had obtained a commission from the Council empowering the bailies of Dysart to ward her in their Tolbooth, where she was to await her trial as an accused witch. Having appealed to the Council, she was brought face to face with her accusers—the decision being that she was to be tried before his Majesty's Justice and Deputies in Edinburgh, and that meanwhile she should find caution in £1000 that she would appear when legally summoned (p. 142). In this case, as doubtless in many others, we are forced to the conclusion that not simple superstition but fiendish malice was the motive of the accuser. More notable from the rank of certain parties connected with them are the cases of Margaret Unes, resident in Borthwick, and Janet Schitlington, resident in Newbattle. Both of these women were hardy practisers of all diabolic arts, and in the course of their examination had "confess the raising of the devill, the renuncing of their baptisme, and the useing of diverse devilish practises" (p. 410). Over both, also, there hung charges of terrible import. Of Meg Unes it was alleged that there were "cleere and pregnant presumptiouns that she has been accessorie to the death of the lait Lord Borthwick, and of the said suppliants (James Borthwick of Newbyres) wyffe and childrein" (p. 442). Together with Janet Schitlington, moreover, she was accused of having done to death no less a person than the Earl of
Lothian (see Scotstarvet's *Staggering State of Scottish Statesmen*, p. 91, Edit. Rogers), and we have a petition from the brothers and sisters of the deceased Earl praying the Council to order a thorough examination of the two practisers in order that, "this misterie being oppynit up, God may be glorified, justice administrat upon the offendouris, and the honnour and reputatioun of that nobleman vindicat and releived" (p. 624). Dalkeith and its neighbourhood, as is well known, was a veritable nest of warlocks and witches—a fact to which we have notable attestation in a supplication presented to the Council by the moderator and brethren of the Presbytery of that town. From this supplication we learn that the reverend brethren had been so long "troubled with the discoverie, apprehending, examinatioun, entereteaning, and executioun of numbers of wretched and miserable persons guiltie of witchecraft" that they have been obliged to draw money "out of the taxe of the poore of thair presbyterie." Their prayer, therefore, was that the expense of seeing these persons out of the world should be met by the escheat of their own goods when they possessed any. The Council saw the reasonableness of this request and passed an Act conveying the necessary powers to the supplicants (p. 469).

Among many cases of disorderly conduct a few may be noted as illustrations of the time. As a specimen of unseemly doings in connection with the Church, the barring of the Kirk of Monkland may be cited. A vacancy having occurred in the ministry of that kirk, a dispute fell out between two of the heritors, Lord Boyd and Sir James Clelland, as to who should fill it. By a warrant from his Majesty the Archbishop of Glasgow had presented the Rev. James Fullerton, who preached with much acceptance to the parishioners. Accordingly, the Archbishop had fixed a Sunday when the new minister should be formally presented to the congregation. As would appear, Fullerton had been appointed with the approval of Lord Boyd, but not to the content of Sir James Clelland, who now took effective measures to stay further proceedings. On the Saturday night before the appointed Sunday, Clelland, with a large following of his supporters, took possession of the kirk—the whole party "boddin in feare of
warre," and supplied with ale and tobacco. When the next morning the presentee, and the minister who was to admit him, appeared at the door of the kirk, the garrison forcibly stayed their entrance, and the intended ceremony was effectually prevented. Such was the story told to the Council by Fullerton and the Archbishop. Circumstantial though it seems, however, the Council found only one of the non-intrusionists guilty of a breach of law, and decided that Clelland had been quite within his right in "barring of the pursuer's admission in a civil manner" (p. 119). With this story of the Kirk of Monkland may be read that of the Rev. Robert Peebles, minister of Kirkmichael, whose experiences with a refractory parishioner were doubtless rare, yet not without a parallel in his profession (p. 110). Further examples of the disregard of sacred places will be found at pp. 360, 404, 431.

A case of defiance of authority which carries us back to feudal times is that of David Murray, Viscount Stormont, a member, it is to be noted, of the Privy Council. By an Act of Parliament of 1612 it had been decreed that none except citizens were eligible to civic office in burghs. In defiance of this law, however, the Viscount had made such interest in the burgh of Perth that he secured his repeated re-election as its provost. In 1628 he had again thrust himself into the office in spite of the vigorous protest of the Dean of Guild Court. Now, however, the Dean of that Court was commissioned to bring the affair before the Council, which promptly ordered Stormont to place himself in ward in the Castle of Edinburgh, there to await its further decision. A certificate from his minister vouching his inability to travel on account of ill-health secured for him a temporary respite (pp. 213, 233). A still more notorious and inveterate offender was George, Earl of Crawford. (See Index George, Earl of Crawford.) At the instance of a creditor, Peter Reid, merchant tailor of London, to whom he was in debt for two sums of £200 and £47 5s. 3d. sterling, the Earl had been put to the horn. In vain, however, had Reid sought to put the law into execution. The Ross Herald had summoned the outlaw to deliver his place of Fin-
nevin, and to enter himself in ward in the Castle of Blackness. The Earl gave one of the keys of his house to the herald, but still kept possession and boldly showed himself at kirk and market "as if he lived not under the obedience of a soverane king." Now, after the futile efforts of seven years, Reid was "reduced to great necessitie and want, to the disgracie of his Majesteis government and to the course and order of justice of this Kingdome." On his new appeal the Council took measures for the effective enforcement of the law. The Sheriff of Forfar was charged to secure the apprehension of the outlawed Earl, to take forcible possession of his place of Finnevin, and to eject his wife and servants—the lieges at the same time being forbidden to hold any communication with him under pain of treason (p. 176). The date of this order is January 8, 1628; yet from an entry of the 11th of December of that year we are led to infer that the Earl was still defiant and at large (p. 524).

Another offender was the Earl of Cassillis, who, within his bailiary jurisdiction, carried it with so high a hand that Charles himself had to call the attention of the Council to his unjust proceedings in the case of the Earl of Galloway and one Alexander Stewart in Crostrie (p. 81). In a previous volume has been recorded the fight which took place between James Ogilvy of Podula and Sir George Ogilvy of Banff with their respective followings, which had resulted in the death of Podula. At first the ordinary legal authorities had been entrusted with the affair, but on certain information supplied to him Charles had referred it to the Council. As we leave it in the present volume, both parties to the case are under summons to appear before the Council on the 15th January, 1629, with proofs and witnesses in support of their respective allegations (p. 484). A story of the Sir George Ogilvy in question which also meets us is another illustration of the liberties which the Scottish barons could still permit themselves. A servant of his father and grandfather, George Ogilvy by name, had acquired a sum of five or six hundred merks. For greater security he had disposed of the money to his masters in return for a portion of land. The present Sir George, however, coveted both the money and the
land, and had done his best to make himself master of both. Finding George Ogilvy refractory, he had consigned him to "the pitt and prisoun of his hous of Bamff," laid him in the stocks, kept him from all his friends, and was apparently bent on extorting his consent by process of starvation. Such was the story told in the victim's petition for the protection of the Council. *Fiat ut petitur* is inscribed on the back of the petition, through the inscription lacks the necessary signatures (p. 591). But the most notorious instance of the defiance of law and authority is to be found in the feud between the Grants of Ballindalloch and the Grants of Carrown. Here, indeed, we are reminded that the days in Scotland when the men in Caithness roasted their bishop in his own kitchen, and when the "Wolf of Badenoch" performed those exploits which gave him his cognomen, were not wholly of the past. In a pitched battle between the two lairds and their followings the laird of Carrown had been slain and several of their attendants on both sides. From the materials supplied by the present volume it is impossible to tell the whole story of the feud; but one incident may be noted as illustrating the spirit in which it was carried out. The Grants of Carrown, we are told, were ranging the country seeking to wreak what vengeance they could on the rival clan when they chanced to lay hands on the brother of the laird of Ballindalloch. Having bound his hands behind his back with their bowstrings, they thereupon proceeded to cut off his hands, ears, and nose, and bore them off "as a trophie of thair victorie" (p. 411). When we leave the revolting business in the present volume, the two parties are under summons to appear before the Council on the 27th of January, 1629 (p. 492). Of feuds which threatened trouble, but were stayed by the timely intervention of the Council, may be mentioned that between Lord Ogilvie and Lord Coupar, and that between James, Lord of Deskford, and Sir George Ogilvie of Banff (p. 145).

The most notable fact regarding the Highlands and Islands—the establishment of Justice-Courts in the Hebrides. The few other items that call for notice may
be regarded as satisfactory proof that all these portions of the Kingdom were in a fair condition in the matter of peace and good order. On July 10, 1627, we find the Council threatening the Captain of Clanranald with the execution of the sentence of hornring under which he lies if he do not appear by the last of the month (p. 8). On the very last day of his licence the Captain did appear, and on the 29th of November he received permission to return home on the condition that in all time coming he conducted himself as a law-abiding subject, and did his best to see God honoured, and to suppress all Jesuits and priests (p. 137). Regarding the Orkney and Shetland Islands we have one letter from Charles. The Admiralty of those islands had lately been disjoined from the Admiralty of the Kingdom, and Charles wishes to know to whom the right now pertains. The Council itself was uninformed as to the point, and gave charge to the King’s Advocates to investigate the matter and give in a report for Charles’s satisfaction (p. 281).

Regarding the history of the burghs of the Kingdom a few items may be noted. The building of forts and blockhouses at Leith again raised the old question of the superiority of Edinburgh over that burgh. In the opinion of the magistrates of Edinburgh the mere erection of forts would be but a feeble defence against an attacking enemy, and they urged upon the Council that there should be a general fortification of the whole town of Leith “as mutche importing the publict securitie of this realme.” This fortification they were willing to undertake at their sole expense, though on certain conditions which would have ensured to them the long-coveted superiority (p. 125). For the consideration of this proposal the Council appointed a special commission, which produced a report answering seriatim the various conditions attached to it. The Council agreed with the magistrates of Edinburgh that a general fortification of Leith was highly desirable in the interests of the Kingdom, but as to the government of the town of Leith they could give no answer till his Majesty’s Advocates had examined the documents on which the claims of Edinburgh were based (p. 159). In due course came
the reply from the Edinburgh magistrates, the purport of which was that unless the government of Leith were put in their hands they would have nothing to do with the fortifications (p. 184). The immediate danger of foreign invasion having passed away, and with it the urgent need for the fortification of Leith, the oft-raised dispute was once more allowed to drop.—The jealous care with which the Scottish burghs guarded their privileges is signally illustrated in the case of the town of Stornoway. The Earl of Seaforth had been exerting himself for the improvement of the Western Islands by setting up works for the manufacture of ordnance, and in furtherance of his projects he petitioned Charles to erect Stornoway into a royal burgh. In a letter to the Council Charles gave his consent to the petition, but desired that the magistrates of Edinburgh and the Commissioners of Burghs should be consulted before the grant should be made. The reply of the Commissioners was a protest against the grant on the ground that it infringed the privileges of other burghs, and, the Earl of Seaforth also having been heard, the Council decided that the question should be delayed “to a more convenient tyme” (pp. 336, 357, 379, 383, 396).—Another exertion of authority on the part of the Commissioners of Burghs is found in relation to Dumbarton. The “wattir warvis” of that town had for some time been in such a state of dilapidation that it was threatened with inundation by the river Leven. At a meeting of the Commissioners of the Burghs held at Perth permission was granted to Dumbarton to approach the Council with a petition regarding the condition of the town. The petition was that the magistrates might receive warrant to impose a duty on imported commodities to defray the expense of repairing their bulwarks. The Council proceeded with all due caution, appointing two commissioners to ascertain if the repairs were necessary. From the report it appeared that the repairs were very necessary indeed. Yet the Council still delayed to confer the desired warrant, and we finally have a letter to Primrose, the Clerk of Council, from the provost, bailies, and Council of Dumbarton, expressing their wonder that “the gift of that lytill impost” should be so long withheld (pp. 377, 380, 625–7).—A petition in another matter by the “provost, bailies,
councils, communities, and inhabitants of the burghs of the kingdom” received a more prompt response. It was a petition regarding a grievance which had often been before the Council—the exaction of excessive dues by certain persons in connection with “St. Serffes faire, Bartill faire, and Laurence faire.” The Council had already adjuged the rates which were to be imposed on the different commodities that changed hands, but the parties in question had disregarded its injunctions, and the oppression was as grievous as ever. In this case, therefore, it had no difficulty in reaffirming its previous decision, and as far as its authority went the petitioners received their redress (p. 616). Still in connection with the history of the burghs, reference may be made to the curious dispute between Queensferry and Linlithgow—presenting as it does a specially interesting picture of old Scottish life and manners (pp. 422-3).

In spite of the repeated examples of brutal feeling alike in the public and private relations of life, proofs are not wanting to show that we may draw too sweeping conclusions regarding the inhumanity of the age. The national subscription for the assistance of the sufferers from the great fire at Dunfermline in 1624 is evidence that there existed a responsive sympathy with helpless distress. The Council having learned that John Murray, a Scottish seaman, is a prisoner of the Sallee pirates, and that his freedom has been offered on the payment of 2400 merks, appeals to the clergy of the country to “admonische and steir up thair flokes to schaw and extend thair cherritie and benevolutely in this so christian, godlie, and necessair ane earand” (p. 3). At a later date we hear that a general contribution has been raised for the ransom of captives in the same hands, and that, all the sum not having been expended, the remainder is devoted to the recovery of prisoners in Dunkirk (p. 251). A Dutch ship having been wrecked on Unst, in Shetland, its crew ill-used, and its cargo plundered by the Islanders, the Council orders a commission to inquire into the loss sustained, with powers to see that full restitution be made (p. 124). Similarly we find the Council denouncing as rebels certain inhabitants of Mull for having made
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free with the stores of a Dumbarton ship which had been driven on their coasts (p. 340). Again, a Lübeck ship having been cast on the north-west islands, the Council appeals to all the lieges to contribute to the necessities of the crew that they may be enabled to find their way to their own country, and writes a special letter to Sir Donald Gorme commending him for his humanity as "a gentleman of honour and credite" towards the unfortunate strangers (pp. 135, 138). Other instances of good feeling shown by the Council will be found in the curious story of the new-born "lass bairne" found at the door of Jean Knowes, resident in Leith (p. 118), as also in its judgment on a case of brutal ill-usage on the part of a husband towards his wife (p. 256).

In a previous volume of the Register it is recorded how Sir Robert Gordon of Lochinvar had received a patent for the colonisation of "Charles Island, beyond the Equinoctial Line." Now we find Sir Robert on the point of setting forth on his enterprise. But before he starts he receives a commission from the Council defining the powers under which he may act. He was to do as much damage as he could by sea and land to the King of Spain and his allies; he was to have power of life and death over all who took service with him; and he was to have license to lay hold on all prizes that came in his way—the due proportion of such being always set apart for the Crown (p. 13).

Of the great colonial enterprise in Nova Scotia and Canada we hear little in the present volume; but there is one letter from the Council to Charles which is an ominous presage of the Darien disaster. A petition had been presented to the Council from Scottish investors in Canadian lands from which it appeared that an Englishman, named Captain Kick, had paid a visit to those parts, and that in consequence certain English merchants were making suit to his Majesty "for a new patent of the said lands of Canada." As the territory in question had already been assigned to Sir William Alexander, the Council earnestly deprecates the granting of the English suit, reminding
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Charles at the same time that Sir William's son had lately gone to plant a colony in the lands in question, and that many other Scotsmen were ready to follow him up, with every prospect of advantage to themselves and to the Crown (p. 489).

MISCELLANEOUS.

A few miscellaneous items of interest may here be brought together. More than once in previous reigns it had been suggested that it would be in the interest of the country if its laws, customs, and statutes were systematically codified and put in print, and to the accomplishment of this great work Charles took at least the first step. The reasons assigned for the task were sufficiently cogent. Many Acts of Parliament still remained unprinted; of those that were printed many were obsolete and others were abrogated; while others still were so obscure or ambiguous that their interpretation was grave matter of difficulty. By a warrant from Charles, therefore, a numerous committee was formed, consisting of the leading officials in the country, who were charged 'to reade, recognosce, and consider the saids whole lawes, statutes, and Acts of Parliament,' and to report what portion of the whole body it might be desirable to print (p. 365). A dispute which arose between Sir George Elphinstone, Justice Clerk, and Sir Thomas Hope, Lord Advocate, demanded all the learning and ability which the Council could command. The point in dispute was the question of the precedence of the two offices. From the nature of the question it could only be decided by reference to precedents, and both parties succeeded in producing an astounding array of evidence in support of their respective claims. As specimens of learned and skilful pleading, the statements of the Advocate and the Justice Clerk leave us with a high impression of the accomplishings and faculty of the leading lawyers of the day (p. 524). In view of the long and eventful history of Robert Bruce of Kinnaird, dating from his quarrel with King James over the Gowrie conspiracy, any reference to him must be of interest. From a letter of Charles in the present volume we learn that he cherished his father's
antipathy to that redoubted minister. Bruce had been permitted to live at his place at Kinnaird on condition of his keeping strictly within its bounds. It appears, however, that he had transgressed his limits, and had even preached in certain churches in East and West Lothian. It is a tribute to the great influence which he was still supposed to possess in the country that Charles sent down a stern order that his liberty should be restricted to a radius of three miles from his home (p. 536).—Among the interesting documents in the present volume one has already been noted—the Lyon-King’s description of a Scottish coronation. Others are a Latin letter from the King of Denmark to the Council regarding Alexander Chirnside, a Scottish captain in that king’s service, together with the Council’s reply in the same language—written, it may be noted, with an incorrectness which is not creditable to Scottish scholarship (pp. 321, 342). Finally, we have a dutiful letter from Robert Primrose to his father, the Clerk of the Council, dated Elbing, and giving some details of the action of Gustavus Adolphus, then engaged in his second Prussian campaign (p. 558).

From the foregoing summary of the present volume of the Register it will be seen that Charles had the best intention towards his Northern Kingdom, and that, with the advice of the Council, he had set himself to do what he could for its advancement and prosperity. His great Edict of Revocation was doubtless in his own interest, yet it might also prove to be in the interest of the country as a whole. The revival of the Joint-Commission for the Middle Shires, as also of the disused Justice-Ayres, could be attended only with good to all classes of his subjects. As far as the lights of the time went he used his authority to encourage industries at home and commerce abroad. In his relations to the Council he acted with consideration and at times even with deference: on more than one occasion we find him abandoning some proposal or project when it was shown to him that it would be objectionable or inexpedient. Nevertheless, during the period covered by this volume there was much to be desired for the general welfare of the country. Charles’s
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foreign wars had dislocated trade, cutting off, as they did, all communication with France, and seriously affecting the intercourse with Flanders. Provisions were unusually dear; the Exchequer was empty; and the war agitation, necessitating the foreign levies, coast defences, and mustering of the people, kept the country in a state of disquiet that did not conduce to the peaceful development of its resources. Moreover, there was a vague uneasiness in all classes of the nation as to the outcome of the economical re-adjustment which was to be effected by the transfer of the Church property to the Crown, and in this uneasiness lay all the possibilities of future discontent and even of revolution.

In the preparation of the present volume I have been fortunate in having the assistance of Mr Henry Paton, M.A., whose long co-operation with Professor Masson has made him specially familiar with the contents of the Register. I have also to express my great obligation to Professor Masson, who kindly read the proofs of the Introduction and gave me the benefit of his learning and experience.

P. HUME BROWN.

*April, 1900.*
The whilk day the missive letter underwrittin, signed be the King's Majesty and direct unto the Lords of his Majestie Privie Counsell, was presentit unto the saids Lords and read in their audience; of the whilk letter the tennour followes:—CHARLES R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours we greete yow weill. Whairas by our uther letter sent unto yow we did signifie our pleasure tuiching the provisioun of the ministrie of Edinburgh and the ordour which we would have the people and parochiners observe resorting to their parish churches according to the divisioun alreadie made, willing yow by act and authoritie of Counsell to warrant the proveist, bailleis and counsell of the toun in taxing their inhabitants for the better interteanement of their ministers excepting no persoun who had ordinairie residence within the toun and who with his familie was served by the said ministers; so we ar now pleased that yow proceed according to the tennour of our first letters making [if so yow find it needfull] an exceptioun in your act of the noblemen, counsellours and uthers of our subjectes, that have not residence ordinairie in that our burgh, and that without further delay yow see this bussines effected in so farre as con-
venientlie and lawfullie can be done, giving to the toun an act for their better warrant as we desire it; and that your selves concurre effectuallie with thame to see that the said warrant be obeyed, whairin you sall doe us acceptable pleasure, and so we bid yow well. From our Court at Whitehall the 16 of May 1627. Whilk letter being read, heard and considerit be the saids Lords, they ordained the Clerk of Counsell to acquaint some of the advocats and writters thairwith, to the intent they might have their answere thairto the nixt Counsell day.

Commission under the signet to Douglas of Bonjedburgh, Riddell, apparent of that 1lk, and William Ker, called of Ancrum, as justices, to try Johnne Gowdie in Broomehousiss of Rutherford, and James Gowdie, his son, who on the 15th "of May instant cruellie and unmercullie slew umquhile Johnne Halyday in Smallholme," and were apprehended "with the bluidie hand" by Sir John Stewart of Tracquair, knight, and warded in the tolbooth of Jedburgh. Signed by the Chancellor, Hammiltoun, Huntlie, Mar, Menteith, Winton, and Melros.

Licence to John, Lord of Madertie, to go abroad for five years. Signed by Huntlie, Menteith, Wyntoun, Linlithgow, Melros, and Lauderdaill.

The whilk day Mr Thomas Hoip, Advocate, reportit that he had considderit his Majesteis letter anent the relict of Sir James McConell, and declairit that quhair a persone is forfeyted, his relict can not clame a thrid in respect hir husband deit not last vest and seased; and as for hir conjunctfe landis, yf the same be laughullie confirmeid be the superiour, the same will subsist in law. Quhairupoun ane letter wes ordanit to be written to his Majestie.

Ane letter from his Majestie concerning Strictmartyne, and the taxatioun intrometit with be his depute. Ordanis the Thesaurar to informe ih selfh how mutche of the taxatioun wherof Strictmartine had the collectioun restis unpayed.

A missive from his Majestie anent the members of the Colledge of Justice for thair contributing to the payment of the ministeris stipendis.

Charles R.—Right trustie and weilbelovit counsellor, right trustie and weilbelovit cousins and counsellors and right trustie and weilbelovit counsellors, we greete yow well. Two copies of letters under the hand of James Dowglas in favours of Elizabeth Leslie, Alexander and Robert Irwings, her sonnes, concerning their religioun have beene showne unto us, the one being writtin by our late deere father to our Chancellor, Treasurer, President for the tyme, and to the Senators of our Colledge of Justice, and the uther to the Bishop of Aberdeene, whom we have willit to deale for thair conversioun by all faire meanes, which persouns have beene humble sueters unto us to caus dispense with their hirnings for maters of their religioun and to have thair esheats disposed unto thame gratis,
so as they might have letters for their relaxatioun from all hornings whatsoever for maters of religiou. Though we ar exceedinglie laith to recommend anie persoun whatsoever after that maner, yitt the intentiouns and desire of our said father have ever beene and ar so powerfull with us as we can not but wish thame more favours then uthers of thair religiou not having the lyke respect showne unto thame by our said father. Thairfor our pleasure is that you peruse both the saids copeis of our said fathers letters which we have sent you heerewith and thairafter that you grant unto thame all suche favour as wes thairby intendit for thame. So we bid yow fairweill. From our Court at Oatelandes the 3 day of Julij 1627.

Sederunt.—Chancellor; Treasurer; Huntlie; Menteith; Murrey; Holyrood House; Linlithgow; Wyntoun; Perth; Roxburgh; Melros; Lauderdale; 5th July 1627. daill; Bishop of Rosse; Lord Gordoun; Lord Areskine; Melvill; Carnegie; Naper; Tracquair; Sir John Scot.

The whilk day in presence of the Lords of Secret Counsell compeerit Mr. Robert Learmonth, and others, and Robert Learmonth, Mr. Andrew Aitton, advocates, David Andersoun, and Thomas McCawlay, writters, with some uthers advocates and writters, and declarit that they and thair brethren had heard and considert the tenour and substance of the letter abone—writtin anent the provisyon to be made for interteaneing of the Ministrie of Edinburgh. And whairas the mater wes an overtur whairof the lyke wes never craved of nane of thair predecessours, members of the Colledge of Justice, and tuiched thame verie neere in thair liberteis and priveldges grantit to the said Colledge and ratified and allowed in diverse Parliaments be his Majestis predecessours of blessed and famous memorie, thay thairfoir humbly desired that thay might have some tymhe and leasure grantit unto thame for giving of thair answere to the said letter. Quhilk desir being heard and considert be the saids Lords and thay finding the same to be reasonable, thairfoir thay have continevit and be the tennour heerof continewis the answere to the advocats and writters to the said letter untill the doun sitting of the nixtie sessioun, of the whilk continuatio the persouns present ar wairnit apud acta.

"To all and sindrie archbisschopes, bisschopes, presbyteryes, and Session of Kirkes, proveist and baillies within brugh, and utheres his Majesties guid subjectes within the sheriffdomes of Banff, Elgen, Forres, Nairne, Innernes, Croermatie, Caithnes and Sutherland, we the Lordis of his Majesties Previe Counsell wischeth helth. Qubahiras John Murray, sonne to Angus Murray, indueller in Fraserbrugh, being in service with Cristiane Shwarten, citiner and skipper in Hamburrie, and in the moneth of . . . passing throw the Straitis in his lauffull tried and service, he was takin and apprehendet be ane Turkish man of warre and caryet 2400 merks
captive towards Sillie in Barbarie, quhair he hes been detenit in misser-
abill slaverie sensyne, working in a mylne, having onlie a small portion of breid and watter gewin him daylie to leve upoun, and now in end he is ransoned to the sowme of two thousand iiiij merkes Scottes money, qhilk gif it be not in schort tyme payed thair is no releif to be expectet for the said Johne thaireftir, sua that his slaverie will be off continuance during terme of lytyme, and his misserie and truble wil be redoubled. And seing the said Johne hes not of his awne quhair-
with to pay his ransone, and of quhoise distres and calamitie ewerie gud Cristiane aucht to be sensible, we have thairfoir recommendet and be the tennour heirof recommendees the said Johne Murray to your favorabill consideratationes; requestinge yow and ewerie on of yow to extend such portioune of your benevolence and cheretic for his relief as you sall think expedient; and that yow the saides aircbisschopes and bisschopes giff directiuon to the ministeres within your severall dicies that they admonische and steir up thair flokes to schaw and extend thair chirretie and benevolence in this so christiane, godlie and necessair ane earand and to delyver the same to the bearer heirof, Angus Murray, father to the said Johne Murray, quho is truest with the collection off the same; in doing quhairof yow and ewerie on of yow will perfore that dextie which chirretie, pittie, and brotherlie compassion in such a caise requyres; and we ordane thir presentes to stand in force until the first day off Appryll nixtocum. Gewin at Halyruidhous the fyth day of Julij, the yeir of God jxvj ssentie sewin yeires. *Sic subscribitur.*

Huntlie, Monteith, Wintoun, Linlithgow, Melros and Lauderdalell."

Commission under the Signet to Colene, Erill of Seafort, Sir Donald McDonald of Slait, knight, Johanne McCleud of Dunevegane, Johanne McDonal M^Allane E^Eane of Illantyrum, Alexander M^Donald of Skerines, Alexander M^Donald of Illaray, Donald M^Angus of Glen-
garrie, Rorie McCleud, brother to the said Johanne McCleud, Ronald M^Allane E^Eane of Castelviriue, and Ronald M^Alester of Cammes, to convocate the lieges in arms and search for, apprehend and present before the Council in order that he may be delivered over to the Justice and his deities for trial and punishment, Allane McCleud of Penny-
quhome, who on 23rd October 1626 was denounced rebel at the instance of Marie McQueirie, the relict, Angus, Alester and Fingwall, the bairns, and the remenant kin and friends of the deceased Alexander M^Jeane E^Innes A^Alester, alias M^Donald in Uluay, for not finding caution to underlie the law for murdering the said Alexander M^Jeane.

—Signed by Huntlie, Menteith, Wintoun, Linlithqw, Melros and Lauderdalell.

Note of another Commisssion to the same persons and subscribed by the same Lords for the apprehension and production of Hectour M^Allane E^Eane Dwy E^Layne in Kendlochallan, who on 24th October 1626 was denounced rebel at the instance of Neill and Dougall M^Killeisteris, sons to Ewin M^Ean V^Dougal, and John M^Eacin
V'Ean V'Dougall, alias M'Allesteris, uncles and nearest kinsmen on the fathers side, and the remenant kin and friends of Johnne M'Donald Chlieve, alias M'Allane in Hoaster in West, for his failing to find caution to stand his trial before the Justice and his deputes "for the cruell and unnenciful murthour and slaughter of the said umwhile Johnne M'Donald Chlieve, committit be the said Hector M'Allane."

Caution by John Johnstoun, indweller in Edinburgh, in 200 merks, that Andro Davidsoun, messenger, will appear before the Lords of Council on Tuesday next, 10th July, and answer to the informations given in to them against him by Mr. Walter Whitfurd, parson of Moffett, with clause of relief.—(Signed) Jo: Johnstoun, A. Davidsoun.

Caution by Mr. William Oliphant of Kirkhill in 2000 merks that Andro Rowane of Barnhill will appear before the Lords of Council, or other of his Majesty's judges, and answer for the alleged murder of his wife.—(Signed) Mr. W. Oliphant.

Caution by Mr. David Stewart of Newtoun, and James Dunbar of Easter Alves, jointly and severally, in 200 merks, for each of the following persons: Lauchlan M'Intoshe of Kellachie, William M'Intoshe of Tomattan, William M'Intoshe of Holme, James M'Intoshe of Kullodin, William M'Intoshe Johnnsone, Donald M'Intoshe in Beckier, John M'William V'Pherquhair in Cullclachie, Alexander M'William V'Coneill in Holme, and Johnne M'Intoshe Johnnsone, that they will appear before the Lords of Council upon the first Council day of November next, and answer to the complaint against them by the provost, bailies, council and community of the burgh of Invernes, upon the commotion and trouble made by them in the said burgh on 14th September last, "being the Rude faire of the said burgh." The cautioners agree to relieve each other of the half of the risk of failure.—(Signed) David Stewart, James Dunbar.

Most Sacred Soverane, whairas your Majestie was pleased upon the humble pettioun of the burgh of Invernesse to refer unto the Commissioners for the Greevances the tryall and redresse of the wrongis alledgit committit upon thame be the Erle of Murrey under colour of that commissioun granted be your Majestie unto him, and the mater being brought to a hearing, the Erle produced a letter under your Majestie hand direct to the Lords of Session discharging thame to meddle with the commissioun fairsaid but if anie partiet wer wronged thairby that they could have recourse to your Majestie's Privie Counsell or to anie having commissioun for that effect. Which letter being posteriour to that which your Majestie directit to the Commissioners for the Greevances, and we conceaving our awne doubtis as seeming to imply a rescinding of the former reference, and remembering that by the commission of the Greevanceis we ar dischargit to meddle with anie proper to that judica-
torie, we have forborne to proceed in the businesse till we be cleered by Royal Letters, your Majestie before whom the mater sall be tryed. Whairin attending your Majesties resoulioun, we continew our earnest prayeris unto God for your Majestie long and happie raigne. And we rest. From Halyrudhous, the nynt day of Julij 1627. Sic subscribitur. Dupline, Marr, Nithisdaill, Melrose, Pa. B. of Roese, Arekine, Carnegie, Naper.

Holyrood House, 10th July 1627. Sederunt—Marr; Mairshall; Menteith; Wyntoun; Linlithgow; Melros; Lauderdaleil; Bishop of Roese; Melvill; Carnegie; Naper; Master of Jedburgh; Clerk of Register.

Ordinance for the convention of the vassals, feuars, and tacksman of the teinds and pensioners of the lordships of Newbottle and Lindores, and the privy of Coldingham, for the payment of the taxes due by them to his Majesty.

Forsameekle as in the taxatioun granit unto his Majestie be his Retaits in the moneth of October j'mv'e twentie fwyre yeeres his Majestie hes not nather can gett payment of that part of the taxatioun which is imposed and dew to be payit for the lordships of Newbottle, Lundores, and pryorie of Coldingham, in regaird their is not anie persons who can be formalie burthened and chargit for the same. And, whairas it is no wyse reasonable that his Majestie could be defraudit of his just taxatioun of the saids benefices, thairfor and for the furtherance of his Majesties payment thairof the Lords of Secret Counsell ordanis letters to be direct at the instance of Sir James Bailzie of Lochend, knight, Collectour generall of the same taxatioun, charging the vassals, feuars, tacksman of teinds and pensioners of the saids benefices to convenee with the said Sir James or his lawful procurators in his name at the particular places designit in the Act of the same taxatioun; thay ar to say, the vassals, feuars, tacksman of teinds and pensioners of the lordship of Newbottle at the burg of Edinburgh; the vassals, feuars, tacksman of teinds and pensioners of the lordship of Lundores at the burg of Cowper in Fyffe, the vassals, feuars, tacksman of teinds and pensioners of the pryorie of Coldingham at the tutor of Haymouth, and that thay convenee to the effect abowritit at the particular dayes to be sett doun in the saids letters, and thair that thay all with ane consent or at the least so manie of thame as sall convenee with the said Collectour or his lawful procurator distribut the taxatioun impost upoun everie one of the saids lordships to be payit be everie vassall, feuar, tacksman of teinds and pensioner, according to the great or small quantitie of the free rent which everie ane of thame hath of their lands, teinds and pensionis, and to make, sett doun and subscryve ane taxt roll thairpoun, with certificaition to anie of the saids persouns, vassals, feuars, tacksman of teinds or pensioners that comperees not be thame-selves or thair lawful procurators at the dayes and places aboned specifit to the effect foirsaid that suche as sall convenee with the said Collectour or his lawful procurators sall proceed in the equall distibution of the same taxatioun als weill amongst thame that ar absent as present; and sall make and subscryve ane authentick taxt roll thairpoun.
And incase that none of the saids vassalls, fewars, tacksmen of teinds and pensioners sall conveene at the dayes and places abonespecified to this effect by thameselves or their lawfull procuratours, but sall wilfullie absent thameselves from the said meeting, it sall be lawfull for the said Collectour generall be himselfe or be his lawfull procuratours to make, sett doun and subscryve the same taxt roll; which taxt roll sall conteane the particular sowme that everie ane sall be found justlie to be addebtet to pay, the pairteis name addebtet to pay the same, and the cause whairfoir the same ought to be payit, and being so sett doun, made and subscryvit in maner abonewritten and no utherwayes and delveryt to the clerk of the taxatioun, the Lords of Secret Counsell ordinis him to give warrant for giving of letters of releefe thairupon, charging the vassalls, fewars, tacksmen of teinds and pensioners of the saide benefices, ilk ane of thame respective for their awne pairts, to mak payment to the said Collectour generall of the said taxatioun and to suche uthers as sall have warrant and power from him of that pairt and portioum of the said taxatioun which is imposep upon thame conforme to the said stent roll within twentie dayes nixt after the charge under the paine of rebelliou, and putting of thame to the horne, and if they failie to denounce. Lykeas the saids Lords heereby declairis that the acquittances and discharges to be givin be the said Collectour or his deputts to the vassalls, fewars, tacksmen of teinds and uthers foresaidis upoun payment of their taxatioun sall be valide and sufficient to the pairteis ressavers and sall liberat thame thairof at the hands of all pairteis having entreis. For doing thairof the extract of these presents sall be unto the said clerk of the taxatioun and uthers whom it concerns a sufficient warrant.

Forsameekle as although be the law of nature and commoun custome of this kingdome parents hes in some kinde authoritie and jurisdiction over thair childrein during thair minoritie at the least in so farre as childrein hes not power be thameselves to enter in anie condition or bargaine without the consent or allowance of thair parents, and it is point verie farre against all good ordour, policie and governement that anie personis sall presume to corrupt youthis or to interrupt the course of thair vertuous educatioun in learning and letters whairin thair parents hes great cair and bestowes great charges to traine thame up to the intent that if it sall please God to bless thair labours thay may prove profitable instruments in the commoun weale. Notwithstanding thairof the Lords of Secret Counsell ar informed that some of the captans who hes the charge of the leveis for the forraise warres now in hand be thameselves or be thair lietennants, enseinezieis and officiars under thame, hes of lait entered in dealing with some young boyes in the Colledge of Edinburg and by thair alluring speeches hes corrupted the boyes and induced thame without the knowledge and allowance of thair parents or of the principall and regents of the Colledge who hes the charge
of the educioun of thame to inroll thameselves under their charge and to ressave their pay, and now thay make clame for thir youths as if thay wer their lawfull souldiours, not sparing the bairns and eyes of counsellours and officiars of Estait and of uthers whilk hes publick charge and service in the estait, whilk hes bred suche a scandall upoun the said Colledge and suche ane generall feare throughout the kingdome that manie gentlemen of good qualitie hes tane thair bairns from the said Colledge and sent thame some to St. Andrewes, some to Glasgow, and some to Aberdeene, whair thay presume thair bairns will be trained up in suretie, and the presumptioun and insolence of these who would corrupt and induce thame to suche foolish courses will be withstood and resisted. For preventing of the whilk abuse so hurtfull and prejudiciall to the Comnouweale and of so wicked and dangerous ane preparative, the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibit all and sighdrie colonells and captans, thair lieutenants, enseinezis, serjants and officiars be opin proclamatioun at the mercat croce of Edinburgh and uthers places needfull that nane of thame presume nor take upoun hand at anie tyme hereafter to take on in roll, give pay or ressave in charge or service anie youths, schollers or students in anie of the colledges and schooles of this kingdome without the knowledge, consent and allowance of thair parents if thay anie have and faiying thairof of thair tutours and curatours and of the principall regents or maisters of the colledges and schooles whair thay have thair exercise and studeis under the paine to be callit, persewit and punisit as contemnery and violaters of the commandements of his Majesteis Counsell with all rigour and severitie.

The quhilck day Sir Donald Gorme and McClude of Hereis compeirit befor the Counsell, quho ar continewit till Tyseday that the rest of the Illismen come in.

The Lordis ordains the letteris of horning whilk wer decernit againis the Capitane of Clanranald in the July 1626 to be gevin oute and putt to executioun yf he rander not obedience betuix and the last of this instant.

The quhilck day in presence of the Lordis of Secret Counsell compeirit personalie Mr. Johnne M¢Kanyee, Alexander Baillie and James Cuthbert, burgessis of Inverness, for obedience of the Act quhairby thay wer oblist to that effect, and protestit that they had satisfiet the Act. The Lordis ordainis thame to find new cautioun for thair compeirancie upoun the first Counsell day of November.

Most sacred Soveraigne, we receaue your Majesteis letter direct to us in favouris of the reliet of unquhile Sir James M¢Donald, willing us to inquire and certify your Majeste if by the custome of the cuntrey she hes right to a thrid of hir husbandis estate. For our better resoluutioun quhairin haveing advisit with Mr. Thomas Hoip, your Majesteis Advocat, wee find that by the lawes and practise of this kingdome a
1627.

CHARLES I.

thrid is onlie due and can be craved onlie of these landis quhairin the husband dyed last vest and seased. In regard quhairof and that the said Sir James, long before his decease, was attainted of treason and his estate thairby come in your Majestie handis, his relict is perpetuallie secludit and can haife no title nor ground in law quhairupoun to clamey a thrid. And tuitcheing har conjunctie landis quhairof sho alledgeis the evidentiar lost, due infeftment of that nature, if it had bene confirmed be the superiour, wald be valuable in law, and the recordis thairof fund extant in the Register, bot nothing was produced for instructing of the same. This for ane accout of our proceedings; recommending the poore gentlewoman to your Majestie princellie bountie and consideratiou, we continew our uncessant prayerys unto God for your Majestie long and happie regne. Halyrudhouse the tent of July 1627. Sic subscribier, Mar, Menteith, Wyntoun, Linlithgow, Melros, Lauderdaleill, Pa. B. of Ross, Carnegie, Naper, A. Carre, J. Hammiltoun.

Caution by James Cuthbert, burgess of Innermes, and Alexander Bailie, also burgess there, for the other in £1000, that they will appear before the Lords of Council on the first Council day in November next, and answer to whatever the Earl of Murray may charge them with touching their reset of the Clan Chattan.—(Signed) James Cuthbert, burges of Innermes, Alexander Bailie, burges of Innermes.

Caution by Kenneth McKenzie of Suddie in 3000 merks for Mr. McKenzie, archdean of Rose, his father, to the same effect.—(Signed) K. McKenzie.

Caution by Duncan Forbes, provost of Innermes, and James Cuthbert and Francis Biscope, burgess there, in 500 merks each for Alexander Cumming, Francis Bishop, William Stevinsoun, William McConnachie, William Cuthbert, James Cumming, Robert Neilson, William Tulloch, but John Dow MceAllester, Robert Sinclair, William Robertson, James Robertson, William Patterson, elder, Donald Fouller, John Robertson, Lawrencesone, John Polson and John Marques, all burgesss of Innermes, to the same effect.—(Signed) D. Forbes, James Cuthbert, Frances Bishop.

Sederunt—Chancellor; Treasurer; Menteith; Nithdaill; Wyntoun; Linlithgow; Roxburgh; Melros; Lauderdaleill; Bishop of Ross; Melvill; Carnegie; Naper; Master of Jedburgh; Clerk of Register; Sir Johnne Scot.

Forsameekle as the Kings Majestie remembrance the manie injureis and indignities done to his Majestie his deere and onlie sister and her children, and his royall father of blessed memorie be the King of Spaine, under collour of treateis and allyances, and the manie violences, the war of England with Spain, which had begun in the autumn of 1625, still continued.
offered be him and his subjects in hostile maner to his Majestie subjects following their course of merchandise at sea; and his Majestie being tyed by the bands of religioun, hounour, justice, and saufetie to foirsee all occasiouns whairby the unboundit course of the said King of Spaine his impietie and notour ambitioun aspyring to ane monarchie may be prevented and resisted and his resolutiouns to subvert and overthrow religioun, to dethrone his nighbour princes, and to reduce their subjects to slaverie disappointit, his Majestie hes theairfoir beene drivin upoun ane unavoidable necessitie to take up armes against the said King for defence of himself, his dominions and subjects, and uthers princes and estaitis, his confederates and allyaes. And his Majestie foreseeing that whill the said King continueth in thir courses of hostilitie it agrees not with the rules of poliec nor law of nationis to permitt him or his subjects to be supplieed and furnaiest with anie commoditeis whateverwhairby they may be strethenned and conforted in thair violent hostilitie to the disturbance of the publick peace and tranquilitie of all his neighbours if in anie caise it may be prevented, and his Majestie understanding perfytelie that if he wer not furnaiest and supplieed with victualls, munitioun and materials for armes and shipping from forraigne countreyes especiallie from the Hannes toums and merchants of the northerne countreyes who, preferring the desire of gaine to thair awne hazard and perrell and prejudice of thair neighbours, does hazard to supplie him, he would not be able to mainteane his unjust warres, and to prosecute the same with that continuance he intendeth, but would be disposed to live in peace, and his Majestie would the sooner forbeare to continew his charges for maintaining of his forces by sea and land for the just defence of himself and his dominions and of his confederates and allyaes, Thatfoir his Majestie, with advice of the Lords of his Privie Counsell, doeth by these presents notifie to ane maner of persouns of all conditioons that at anie tyme heerafter sal send or carie into Spayne, Portugall, Burgundie, or anie uther the said King of Spaine his countries or dominions anie ordinance, armes of whatsoever sort, powder, shott, matche, bruntstone, copper, yrne, cordag of anie kinde, hemp, saile, canves, and Danskeene poldaveis, cabills, ankers, masts, rierters, boat oares, balks, capravses, sail boord, clap boord, pype stalffis, vessells and vessell stuffe, pitche, tarr, roissett, ockam, corne, graine and victualls of all sorts, provision for shipping and anie munitioon of warre or provision for the same, that as it is lawfull for his Majestie, being ane monarch and prince soverane, and as uther kings in the lyke caises have always used to doe, he will not onlie authorize his awne admiralls and captans of his awne shippes of warre serving on the seas, but will allow and approve all uthers his Majestieis subjects to arme thair shippes and with thame to impeche and arreist all shippes that sal saile ather
out of the east pairts, or out of the Low Countreis, or from any uther
pairts, with intentioun to pas to Spaine, Portugall, Burgundie, or anie
uther the King of Spains countreis or dominious, or to anie of his
shippes being on the seas having a boord anie of the commoditeis
particularie abonespecific or returning thence in the same voyage,
having vented or disposed of the saids prohibite goods, and the same to
bring in to the next good port their to be ordoued as goods dewlie
forfeyted to his Majesteis benefite whair his Majesteis awne shippes sall
arreist the same, and to the benefite of suche uthers who not being under
his Majesteis wages sall by their travell and adventure stay and arreist
suche shippes and prohibited goods whilks shippes and goods so to be
talin his Majeste will hold for lawfull pryssis and caus thame to be
ordoued as dewlie forfeyted accordinglie. Whairby his Majeste doeth
putt in practise no innovatioun, seing the same course hes beene held and
the same penalteis heeretofore inflictid by uthers states and princes
upon the lyke occasioun and avowed and mainteained by publict
writtings; and his Majeste in a maner is inforced heerunto by proclama-
tiouns sett furth by the said King of Spaine and the Archidutches in
which the same and greater severitie is profest against these that sall
carie or have caried without limitatioun the lyke commoditeis in his
Majesteis dominionis. And it is heereby provydit that all uthers besides
the captans of his Majesteis awne shippes that sall be disposed to arme
thair shippes for this purpos sall first notifie their intent to the Lord
High Admirall of this kingdom, making declaratioun of their condioun,
of their maner of shipping, of the furniture thairof, of the number of
men requisite to serve thairin, with their quaniteis of victuall and
munition, and of all uther things requisite; quhilkis being allowed be him,
the owners and captans of the said shippes sall be bound in good
sovmes of money to his Majesteis use for thameselves and as caus sall
require to the said Lord Admirall with sufficient suretieis that thay sall
doe thair best endeavours without fraud for gaine or compositioun to
arreist suche shippes having anie of the prohibite goods abonewrittin
in thame intendit to be caried to anie of the said King of Spaine his
dominious, and to be lykewayes bound that with the said shippes no
harme sall be wittinglie done to anie persons on the seas being in
freindship with his Majeste and that sall not be privie to the careing of
anie suche prohibite goods to anie of the King of Spaines dominious,
or to anie of his shippes being on the seas. And in caice anie sall be
found to committ anie suche offence whairby thair band sall be forfeyted
the pairteis damnified sall be fullie recompenced for all thair losses and
domages with the sovmes of money fores Feyted and utherwayes as thair
sall be caus, and the offenders also severelie punished according to thair
offences by dew course of law; and that letters of publicatioun be direct
heruopoun.

The whilk day in presence of the Lords of Secret Councell compeereit Declarat of
personallie Sir Robert Gordoun of Lochinvar, knight,\(^1\) and declarit that notwithstanding of the commission grantit and exped unto him this day for his furtherance and advancement in the Kings Majesteis service against the enemie he was content of his owne consent that all the pryssis that sall be tane him and be uthers having power and warrant from him on this syde of the Equinoctiall lyne sall be judged in no countrie but in this kinglye be the Admirall of this kinglye, and that he sall make payment to the Kings Majestie and the Admirall of the proportioune dew to thame out of the pryssis, and that this declaratioun and Act sall stand in force so long as his commissioun stands and ay and whill he give up the same to the saids Lords.

Forsameekle as at ane meeting of the nobilitie, counsell and some commissioners for the barons and burrowes, in the moneth of Aprille 1626, it was thought meete and expedient that the Justices of peace within the severall shireedomes of the kinglye sould send in yeerlie to his Majestie Counsell before the twentie day of August ane trew report in writ under thair hand what hes beene the ordinar pryece of wooll, oxin, catell and sheepe of all sortes at the particular merchats within the bounds of thair office fra the beginning of May to the day of thair meeting at thair quarter sessioune upoun the first Tuisday of August yeerlie, to the intent that accordinglie ordour may be taine for publishing the rules of restraint or transport of these commoditieis. And whairas thair is ane extraordinar great dearth for the present of the said commoditieis throughout all the pairts of the kinglye, but speciallie in the merchats of Edinburgh and uthers burrowes from whence the subjects ar commounlie furneis, whilks commoditieis ar rissin to a farre greater hight nor formerlie hes beene heard of in this kinglye, the Lords of Secret Counsell for thair better informatioune anent the trew causis of this exceeding great dearth hes appointit ane meeting of the Counsell to be heere at Halyrduous upoun the xxix day of August nixt that thay may resseve the reports of the Justices of peace anent this mater and doe thairin accordinglie. And thairfor ordain letters to be direct to command and charge the conveners and justices of peace within the shireedomes of Edinburgh, Hadintoun, Bervick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Linlithgow, Stirlin, Air, Renfrew, Fyffe, Perth, Forfar, Kincairdin and Abirdeen, who formerlie wer writtin to in this bussineses\(^2\).

\(^{1}\) For the previous record of Sir Robert Gordon, see Index to Vol. XIV.
"Oure Soverane Lord, with advyse and consent of his Majestie Previa Counsell of the kingdome of Scotland, ordanis a letter to be maid under the grite seale, makand mentiou that, quhaires at the humblisute of his Majestie trustie and weillbeloved Sir Robert Gordoun of Lochinvar, knyght, his Majestie hes bene well pleased formerlie to grant unto him a patent under the grite seale of Scotland for plantatioun of ane iseland now callit be the name of Charles Island beyound the Equinochtial lyne, intendit and purposed for the propagacion of the Christiane faith, for the service of his Majestie, for the enlargment of his Majestie dominis, and for his awne experyence and benefite, by his vertewous and honnorabill indevouris, with certane previledges, prerogatives, and immunitis, whilk out of his Majestie bountie and frie grace he hath grantit and conferrit upoun him, for his encourage-ment, and for the cherisheing and fortherance of so goode a worke; And quhaires he is now in readynes to sett out for his foirsaid intendit voyage, and must of necessitie pas by the confynes and territoryes of the enemys of his Majestie stait and dominis, his Majestie thairfoir doeth by these presentis licence and gif full power and commissioun, approbatioun and allowance, to the said Sir Robert Gordoun, and to suche deputie and deputees whiche he sall nominat and appoint, for whom he will answer, to tak in hand the said voyage, and utheris his undertakeris of the said Plantatioun, and adventuraris whosoevir, alsweill to offend and use oppin hostilitie aganis the King of Spayne, the Archidutches, thair subjectis and associatis, and the schippis going for thair relieff with ony of the commodites and goodis whilkis his Majestie hes prohibite and dischargit be ane speciall Act and Proclamatioun, bearing date at Newmercat the fourt day of Mercie, 1626; or the subjectis of ony prince or potentat whosoevir that is or salbe at inmitie with his Majestie, dureing the necessitie of his voyagis and his going and comeing to and from his said Plantatioun, and to defend thameselfis by land and by sea for thair saulttie and passage, and to use and exercer all maner and kynd of hoistilitie aganis thame, alsweill by land as by sea, in thair harbories, portis, townes, villagis, creikis, channellis, confynes and territoryes whosoevir, as upoun quhatsoever sea or seas, iselandis, or within harbouris upoun this syde or beyond the Equinochtial lyne, whosoevir the said Sir Robert Gordoun or his foirsaidis salhappin to arryve, or to be cast upoun by force of weather or for provisio of his shippis, or ony other his necessarie affaires, and salhappin to encounter with the saidis enemys, thair subjectis, associatis, and pantakeris; and in speciall with full power, charge, and command to searhe, seik, invaid, and persewe, and so muche and so far aganis thame for his awne saulttie and for the offence of his Majestie enemies to do, perfforme, and accomplishe as he and his foirsaidis salbe able and of power to perfforme; wherunto his Majestie, with consent foirsaid, doeth fullie authorize, allow and approve the said Sir Robert
Gordoun, his deputie or deputeis, undertakeris and adventuraris with
him, by this present power and commissioun to that effect speciallie and
particularlie grantit and appoyntit be his Majestie. And, forasmuche
as, for his better encouragement in his intentit Plantatioun, furtherance,
assistance and saulttie in his passage, and for avoiding the danger of
his Majestie enemyes, he sall have occasioun to use the help and
assistance of diverse of his Majesties subjectis who salbe willing thair-
unto, his Majestie doth will and straitlie command all these whose
company, assistance, or service the said Sir Robert or his foirsaidis sall
thus have occasioun to use, to yeild all dewtie unto him, or thame
authorized or to be authorized by or under him, or thame in his said
interprye or voyage, and to cary thameselfis alsua eache to utheris in
all goode ordour and quyetnes for avoyding of ony occasioun that may
breed quarrell, dissentioun, immetie, or discordour amongis thame, to
the hinderance of his Majesties service aganis his Majesties enemyes,
and the goode succe that is to be hoiped for through Godis favour in
this honnoursbill interprye; and heirof doeth straitlie chaire all and
every of his Majesties subjectis to tak notice and the samyne to obserue,
upoun pane of suche punishment to be inflictit upoun thame and every
of thame offending contrair the tennour heirof as the said Sir Robert
sall sie cause, and according to the nature and qualitie of the offence;
and, gif ony persone or personis being in the said Sir Robert his preper
company sall offend in ony cryme capital or punisheabill by lyffe or
member, with power to the said Sir Robert to caus execute justice upoun
every suche persone or personis so offendign, by death or utherwayes,
as the nature and qualitie of the cryme sall deserve. And, inregaird
the said Sir Robert, and suche of his Majesties loving subjectis as sall
assist and be implied or be undertakeris or may beare adventure with
the said Sir Robert, ar to have considerationis for their service, and ar

to be putt to a griter charge and expense to mak thameselfis more
fortifiit and strong to avoyde the hinderances and impedymentis that
suche enemyes may mak aganis thame, his Majestie is gratiouslie
pleased, and doeth heirby declar, that his Majestie doeth and will ratifie
and allow, with advyse and consent foirsaid, to him and thame in suche
maner and proportionis as he sall think fitt and aggrie unto, the dis-
butioniou, interest and disposeing of all schairis and portionis of
pryssis and goodis quhatsoever quhilk salbe takin and intromettit
with be him, his deputie or deputeis, officieris, ministeris and utheris
that sall assist, undertak or serve under him in thair voyages, ather
from the King of Spayne, the Archidutches, or any utheris his Majesties
enemyes quhatsoevir, or releviaries of thame, and any of the prohibite
goodis specifieit and contenit in the Act and Proclamioun; and his
Majestie doeth heirby licence and authorize him and thame to tak
all suche pryzes, and the samyne goodes and pryzes to be holdin and
injoyed be the said Sir Robert Gordoun, his undertakaris and adven-
turaris and suche as salbe authorized be him or thame; provyding alwayes, lykewes it is heirly specially provydit, that the said Sir Robert and his foirsaidis sal pay unto his Majestie and his successouris the dewayes accustomed to be payed unto thame out of all suche schippis and goodis that the saidis Sir Robert and his foirsaidis salhappin to tak, and whiche salhappin to be adjudged lawfull pryse, and that according to the custome of suche of his Majesteis kingdomes and dominis wher the same salbe so adjudged. And his Majestie doeth also further straitlie charge and command all and singular his officiers, ministeris, and subjectis whosoevir, to be aiding, assisting and furthering unto the said Sir Robert and his foirsaidis in this his Hienes service by vertew of this present commissioun, alsweill by sea as by land, in any thing that he or they sall require at pryces reasonable, and heirof nocht to faill, as thay and every one of thame will ansuer upoun the contrarie at thair uttermest perrell. And lykewyse his Majestie doeth heirly straitlie discharge and forbid all and singular our admirallis, vice-admirallis, deputetis, ministeris and officiers of our lawis, by sea or by land, to trouble, imped, hinder, molest, presse or arrest the said Sir Robert Gordoun, his schippis, servandis, undertakeris and adventuraris with him, as thay will ansuer [upoun] the contrarie at thair perrell. And these his Majesteis letteris patentis and commissioun, or the duplicat thairof, salbe alsweill to the said Sir Robert Gordoun and unto every of his Hienes subjectis ane sufficient warrand and discharge in this behalff. And, forder, it is his Majestie gratious wiil and pleasour that this his power and commissioun salbe nowayes haldin to derogate, diminishe, or prejudget any other formar libertieis, immunitieis or presrogativeis grantit be his Majestie of beforis to the said Sir Robert Gordoun, by his Majesteis letteris patentis under his grite scale of Scotland for him and his undertakeris-in the said Plantatioun, bot to amplifie, enlarg, augment and corroberat the same, and to be interpret in the most favourable maner for the said Sir Robert his advantage, weil and utiltie. And, last, his Majestie doeth speciallie appoynt and ordane this his present commissioun to be exped and past under the grite scale of this his kingdome of Scotland, without passing any other seales or seales or registar; for doing quhairof these presentis salbe a sufficient warrand bothe to the kepar of the said grite scale and wretter thairto, and forder to be exped and signed without ony fyne or composiowin to be payed thairfuir; whairament these presentis salbe a sufficient warrand.—Givin at Halyruidhouse the xij day of Julij, and of his Majesteis regnue the thrid yeir, 1627. Sic subscribitur, Geo. Cancell*, Menteith, Wintoun, Linlithqw, Melros, Lauderdaill, Melvill, Carnegy, Pa. B. of Rose, Hamilton."

"Ane uther commissioun of the tennour and substance of tuo commiowonis immediatlie preceeding [i.e., the Letters of Marque granted to John Daw and David Bald on the 19th of the same month], grantit to
granted to
David Robert-
son, captain of
"The Grace of
Dysert."

David Robertseoun, capitane of the schip callit The Grace of Dysert, bearing dait at Halyruighous the tueilf day of July 1627, and subscryvit be the Chancellor, the Ellis of Menteith, Wintoun, Linlithqwe, Roxburcht, Melros, Lauderdaleill, Pa. B. of Rose, Melvill, Carnegie." 1

Edinburgh,
12th July 1627.
Caution by David Balfour of Drumtennon in 500 merks that Patrik Caunties, Edmestoun of Wolmett will not hereafter wear hagbuts or pistols; with Fol. 252, a. clause of relief.—(Signed) Patrik Edmondstoun, Dawid Balfowre.

Edinburgh,
13th July 1627.
Caution by David Lundie of Newhall in 200 merks that Thomas Fol. 252, b. Fortoun, his servant, will appear before the Lords of Council, whenever charged, and answer to the complaint against him by Captain Shaw, and Harie Shaw, "his ensenzie," for hurting and wounding the latter.— (Signed) D. Lundin of Neuhal.

Edinburgh,
14th July 1627.
Caution by Andro Ker of Collilaw in 500 merks that George Walker, Burgess of Launder, will not molest Francis Wilkiesone, Burgess of Launder, Alexander and James Wilkiesone, his brothers, Alexander, John, Ephrame and James Wilkiesone, his sons, nor their families, tenants, etc.; with clause of relief.—(Signed) Geo. Walker ; A. Ker.

Holyrood
House,
17th July 1627.

Sederunt—Chancellor; Treasurer; Mairshall; Menteith; Mortoun; Wyntoun; Linlithgow; Roxburgh; Melros; Lauderdaleill; Carnegie; Naper; Sir Johnne Scot.

The Lords of Secret Counsell, according to ane warrant and directioun in writt signed be the Kings Majestie and this day presented unto thame, ordanis and commands Charles Dickieson, sinkar of his Majesties yrnis, to make, grave and sinke ane scala for the office of admiraltie of this kingdome to be the proper scala of the said office during the minoritie of James, Duke of Lennox, heretable proprietar of the said office allanerie; the said scala having ane shippe with all her ornaments and appertinentis and the mayne saile onelie displayed, and the whole armes of Alexander, Erle of Linlithgow, present Admirus of the said kindome, with ane Erles crowne thairpoun, and upoun the mayne top flag ane lyoun representing the armes of Scotland, and upoun the forth top flag Sanct Andrewes Croce, and upoun the streamers thrisells along, and upoun the head a sitting lyoun crownded careing St. Andrewes Croce, and upoun the sterne ane sitting unicorne careing lykewayes St. Andrewes Croce, and that the said scala have this circumscriptioun—Siggillum Alexandri Comitis de Linlithgow, Domini Livingstoun et Callendar, Magni Admiralli Regni Scotiae. Aent the making, graveing and sinking, of the whilk scala the extract of this act sall be unto the said Charles ane warrand. Followes his Majestis missive for warrand of the

1 Charles was at this time carrying on a naval war both with Spain and France.
act above writtin:—CHARLES R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, wee greeete yow weil. Being humblie desired by our Admirall of that our kingdome for the tyme that ane seale might be made for the office of admiraliteit, and we in our judgement thinking it fitt to be done and everie way proper for that office according to the custome of this our kingdome, our pleasure is (if yow have not ane speciall reason to the contrarie) that yow warrant our said Admirall to caus make suche a seale as sall be most fitt for that purpose to belong in all tyme comming to the said Admiraliteit. So wee bid yow fairweill. From our Court at Oatelands the thrid day of June 1627.

The Lords of Secreit Counsell having heard the complaints peresewit hinc inde betuixt Francis Cockburne of Tempell on the ane part and Mr William Cockburne, his brother, on the uther part, anent the violent surprysing and taking of the hous of Temple and anent some points of oppressioun allexgit comitit thay be either of thame against abstain from uthers and at length specified and conteaned in their mutuell complaints, and remembaring how that upoun occasioun thairof and of the trouble that wes lyke thairupoun to follow to the breake of the peace, the said hous of Temple with the laich biggings thairof wes by warrant and directioun from the saids Lords taine from both the saids pairteis and putt in the possessioun and keeping of James Currie, pursuante, till it wer decydit be outhor of law to whom the same apperteene. And whairas some paines and travells hes beene taine for sattling of the differencei betuixt the saids pairteis whilk notwithstanding can not be satled, and seing the right of the said hous of Temple is yitt questionable betuixt the saids pairteis and not decydit, Thairfor the saids Lords according to the directioun formerlie givin be thame in this mater ordanis the said hous and towre of Temple with the laich biggings thairof still to remaine in the possessioun of the said James Currie, commanding him to possesse himself thairwith and to keepe the same according to the directioun and warrant formerlie givin to him thairnent. And the saids Lords commands and charges the said Francis and Mr William Cockburnes that thay nor nane in thair names presoom nor take upoun hand to intrude thame selfes in the saids houssis till it be decydit be outhor of law to whom the same apperteene, as thay will answere upoun the contrarie at thair perrell; and ordaines the saids pairteis to find law souertie to uthers hinc inde actit in the Bookes of Secreit Counsell either of thame under the paine of ane thousand merkes, and that letters be direct hearupoun if neid beis in forme as effeirs.

Forsameekle as the Lords of Secreit Counsell ar informed that thair diverse yeeres bygaine thair hes beene verie great disordour and confusion amongs the fishes and cowppers of herring the tyme of the herring drave of Dumbar, and diverse insolenceis hes beene committit

VoL XVI.
Acta March 1627. 1628.

The register of the council.

Buying and selling before they have given in the names of the skipper and of the owner of the boat and have made payment of his Majesty's assize.

be thame as well amongst thameselfe as upoun his Majestie's subjects that comes to attend and await upoun the fishing not onlie be cutting, shalaking and stealing of thair neighbours netts, barups and bowes under silence of night and stealing of the fishes being within the same and be the persute and invasione ane of another to the great disturbance and trouble of the haillo flott; bot with that ane number of thir fishers and cowppers especiallie these of the north coast doeth carie away the her-ring taine be thame to the north coast without payment of assise or teind express againis his Majestie lawes and Acts of Parliament, be the whilkis it is ordainit that all the slayers of herring and whyte fish sould bring the same to the nixt adjacent burrowes to the effect his Majestie lieges might be first served and the rest salted and barrellit be the free burgessais. Whairthrow not onlie is his Majestie defrauid of his assises rent and custome and his Majestie subjects frustrat of the benefite of the sea appointit be God for thair nourishment but the burgessais and free men of burrowes ar disappointit of thair traffique and commoditie; and if this abuse and misdour be sufferit be of contineance manie inconveinients will fall out to the hurt of the commoun weale. Thairfor the Lords of Secret Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie fishears and cowppers of herring attending the herring drave and fishing at Dunbar be opin proclamatioun at the mercat croce of Dunbar and at the peir and shoir thairof and be opin proclamatioun at the mercat croce of Mussilburgh, Carrail, Anstruther, Pittinweeme and uthers plaices needfull that nane of thame presoom nor take upoun hand to weitt thair netts or buy anie herring till first thay come to the Admirall his deputys or clerk resident at Dunbar for the tyme and give up unto him the name of the skippar and awner of thair boat and that thay act thameselfes to keep good ordour the tyme of the fishing and that thay sall make payment of his Majestie assise, the teinds, and uther dewteis payable be thame under the paine of twentie pundes to be payit be the awner of the boate if he be present and if he be absent be the skippar by and attour the reparatioun of all wrongs to be done be thame to anie of his Majestie subjects whatsoever; certifeing thame that failyseis and sall doe in the contrair heerof that thay sall be decernit to have incurrit and to incurre the said paine and executioun sall pas againis thame both for payment of the said sowme and reparatioun of the pairteis harmed in forme as effaire.

For the whilk act sua to be made be thame in the Clerks booke as said is thay sall onlie be haldin to pay the clerk aucht penneis money for his paines; and if the clerk sall exceed the said sowme and sall exact anie forder payment or fee for his act nor aucht penneis it is heereby declart that he sall incurre the sowme of ten pundes for everie failyie to be committit be him in exacting of forder payment and fie for his act nor aucht penneis, and executioun sall pas against him for payment thairof in forme as effaire.
1627.  

The whirlk day compeirit personalie Sir Donald Gorme of Slaitit, Johnne 17th July 1627. 
McLeod of Hereis, Hector M'Clane, appeirand of Dowart, and Lauch-lane M'Clayne, his brother, Johnne M'Cleod of Hereis; and the said Hector M'Clayne declairit that he wald answerr for Lauchlane M'Clane, both in his uncle.

The qhilk day M'Clayne undertook to caus his uncle Allane M'Clayne, Neill M'Crorie, Capitane of Arroes, and Mr. Martine M'Ilwra, gif satisfactioun to Robert Hamilton, Johnne Sheillis, and Walter Stirling, burgesses of Glasgu, for the goodis ref fr a thame be the Clan Eane, quhairunto the personis foirsaidis wer accessor, and faiyeeing thairof that he sall exhibite the saidis three personis befor the Counsell upoun the first Counsell day of November.

The qhilk day Johnne Nicoll compeirit for the Laird of Coill quho declairit that Coill wald be heir upon Thursday nixt.

The Laird of Lochbuy absent and compeirit not. Decernis agains his The Laird of caution, and continewis the outgiving of the decreit till the last Counsell day of this moneth.

The qhilk day the Earle of Menteth undertooke that the Laird of Buquhannane, younger, M'Farlane, eldair and younger, and Malcolm of Gartavertane, his tua sones, sall compeir befor the Counsell upoun the 26 of this instant.

Charles R.—Right trustie and weilbelovit counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours; we grette yow weill.—Whairas divers oVertures have beene shewin unto us in the name of Mr. Walter Whytefurd, person of Moffat, for setting of good orders in the Middle shires, and we being cairfull to have thame established, have thought it expedient to referre thame to your consideration, as purporses which (as we ar informed) consideration of oVertures made by him for the setting of good order in the Middle Shires may muchie import the good of these paitrs. Thairfor our pleasure is that yow caus call before yow the said Mr. Walter, and after yow have seriouslie considerit the said oVertures to be propouned by him unto yow how farre thay or anie of thame may expedient to be expendit in these paitrs, that thairafter yow take suche a speedie course for putting thame in executioun as yow sall thinke most fitt and agreeable with the lawes of that k Jessie and the custome observed in the lyke cases, which we recommend unto your care and bid yow faireweill. From our Court at Theobalds the seventene day of July 1627.

Chancellor; Treasurer; Mairshaell; Menteth; Mortoun; Wyntoun; Holyrood Lynlythqu; Roxburgh; Melros; Lauderdaleil; Melvill; Car- July 1627. negy; Naper; Master of Jedburgh; Sir Johnne Scott.

Ane missive from his Majestie in favouris of Elizabeth Leslie and her childrene, quhairof the Bishop of Abirdene is ordanit to be adverstest be a missive and his opinion craved thairenant.

Letter from his Majestie in favour of Elizabeth Leslie and her childrene. See ante, p. 2.
Day appointed for the inventorying of his Majesty's household stuff.

Mr MacKinnon, minister, and the parson of Slaitt undertake to give in the names of all Papists in the Iles.

Leird of Coll.

Letters of Marque to John Daw, captain of "The Consort of Crail."

Letters of Marque to David Bauld.

Commission to the Provost and Bailies of Montrose to try Isobell Tod for the murder of her illegitimate child.

Edinburgh, 19th July 1627.

Caution by David Pitcairne, squire of that Ilk, in 500 merks for Captain Robert Leslie, that neither he, nor any having charge under him, will transport Edward Clerk, son of the Laird of Balbinnie, forth of this kingdom; and that if the said Edward come into the company of the said Captain before his departure from the country, that then he will exhibit him before the Lords of Council for trial "whose man he is," and also that the said Captain will appear before their Lordships on 24th July to underlie their order anent this matter.—[Signed] D. Pitcairne, squire of ye Ilk.

After our verie heartlie commendatiouns to your good lordship. Royal Letters, 1629-32.

Whairas a shippe of Leith callit The Marie, whairof Gilbert Weddell [wee maister?] being in the moneth of December 1625 yeeres fraughted to Calace laidnit with wheate, and having safelie arryved in the raid thairof, she wee unexpectdlie booridit and tane be a Dunkkirker and the shippe and goods made lawfull pryze as by a certificat from the Magistrates of the burgh of Edinburgh may appeare. And now upoun information made to the said Gilbert that his shippe wes thairfter sauld to a Frencche man in Deepe and hath beene since happielie recoverit by his Majestie shippes and brought in to Plymouth, he hes thairrupoun tane purpose to repair to your lordships to make clame for his shippe and to crave delyverie of the same, and he hes petitioned us that we
would accompany him with a letter to your lordships in his favour, which in a matter of this kynd so muche importing the honest poore man whose cheefe estait consisted in the outred and returne which he made by his shippe, we could not well refuse. And that therefore we will earnestlie intreate your good lordships that your lordships may be pleased out of the honourable regaird to the meire of the caus to further the said petitioner toward the recoverie of his shippe, and accordinglie to give ordour and direction to these whom it concerns that delyverie may be made thairof to him with all convenient diligence. In doing thairof your lordships shall oblige us in occurrents of the lyke kynde to a thankfull and readie meeting. And sua, etc. Halyrudhous, 19 Julij, 1627. Sic subscribitur, Geo. Cancell, Marr, Mairshall, Menteith, Mortoun, Wintoun, Linlithgow, Roxburgh, Melrose, Lauderdaill, Carnegie, Naper, A. Carre.¹

Caution by George Cunynghame, goldsmith, burges of the Cannogait, that John Daw, captain of the ship called The Consort of Carrall, will make a lawful use of the letters of marque granted to him, dated 19th July instant, viz. for the pursuit of the common enemy, and not against his Majesty’s friends and allies unless they be found carrying supplies to the enemy; that he will account in Exchequer for his prizes, and pay to his Majesty, and the Lord Admiral and his deputies, such proportions thereof as are legally due; and that if the Council discharge the Commission he will forthwith desist from prosecuting it; all under such penalties as the Council may impose. [Vol. xv., p. 295.] With clause of relief by Alexander Cunynghame of Barnis.—(Signed) George Cunynghame, A. Cunningham.  

Caution by Andro Daw, bailie of Carrall, for David Bauld, captain of the ship called The Hopewell of Carrall, whose commission is dated 19th July instant, to the same effect as above. With clause of relief.  

(Signed) Andraw Daw, David Baud.  

Mr. Thomas Akinheid, advocate, as procurator for the cautioner registers a bond of caution by James Naismyth of Inver, that James Naismith in Tullicro, will not molest Alexander Menzeis in Bellyhomas and William Menzeis, his eldest lawful son, nor their families, tenants, etc., under the penalty of 500 merks in either case. The bond is dated at Dunkeld, 14th May 1627, witnesses, Alexander Menzeis of Carse, and Thomas McNab and John Kill, messengers in Dunkeld.  

Chancellor; Menteith; Nithisdail; Wyntoun; Roxburgh; Melros; Lauderdaill; Bishop of Ros; Carnegie; Naper.  

Holyrood House, 24th July 1627.  

The Lordis prorogatis Duncane Steuartis warrand till Thursdai come aught dayis.

Caution by Adame Ballenden of Steancheuse and George Bellenden, his son, each for the other, in 500 merks, not to molest William Luit in Begiswall, nor his household.
Caution for Duncan Stewart of Appin in £1000 that he will not molest Alester M'Eane Abrigh of Glencoe, nor his family, tenants etc.; Fol. 255, a.

Caution for Alester MacEan Abrigh of Glencoe.

Caution for Duncan Stewart of Appin.

Reciprocal caution by Alester M'Eane Abrigh of Glencoe in £1000 for the indemnity of Duncan Stewart of Appin, and his family, etc.

Caution by Mr. William Murray in Ardowny in 500 merks that Fol. 255, b.

George Thomesone, Writer to the Signet, will not molest James Mershell, messenger, nor his household; with clause of relief. (Signed) Mr. Wm. Murray, Geo. Thomesone.

After our verrie heartlie commendationis. Understanding that one Barnard Pauline, sometyme in Dundreennane, is of lait become frantique, Fol. 103, a.

and in his mad humour hes brunt one whole onsett of houses pertaining to Robert Cairnis of Tor, who apprehendit him after the deid doing and hes him in his keipin, and quhairst this gentlemanis house is no lawfull prisoine for keipin of ony personis, we have thairfor ordainit him to bring him to your jayle of Drumfreis, thair to be keipit till it sall pleis God to restor him to his healethe, and that ordour be tane with him as appertynis. And for this effect these ar to request and desyre you to ressewe the said Barnard fra the said Robert Cairnis and committ him to ward in your jayle, useing him quhen he is posset with his frensie as one of that humour aucht to be, to witt, that he be bundin and sua withthalin frome doing of skaith. And gif he have not of his awne to interteny him ordour salbe tane for his intertenymet at the rait of fyve shillingis in the day, whilk salbe payed be his Majestis Thesaurair. And so committin yow to the protectioun of God, we rest. Frome Halyruudhouse the xxv day of Julij, 1627. Sic subscribitur, Geo. Cancell., Mar, Monteith, Mortoun, Nithisdaill, Wintoun, Roxburgh, Melros, Patrik, B. of Ros.

Holyrood House, 25th July 1627.

Sedatur—Chancellor; Treasurer; Menteith; Mortoun; Nithisdaill; Acta March Wyntoun; Linlithgow; Wigtoun; Roxburgh; Melros; Lauderdale; Melville; Carnegie; Naper; Bishop of Rosse; Master of Jedburgh; Privy Seal.

Sir James Bailie of Locheid, knight, Collectour of the Taxatioun grantit to his Majestie in the moneth of October jn vj yeeres, compeard and personallie before the Lords of his Majestis Privie Counsell and it being propounded and shawin unto him that the saides Lords had writtin unto the Kings Majestie anent the question and difference betuixt William, Erle Mairshall, and Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, anent his Majestis three shippes and whoould have the charge and commandement of thame and that they expectit his Majestis answere within fyftein dayes,
and that in the mean time their was a necessitie that the saids shippes
ould be interteaned, the said Sir James for testifieing his humble
disposition to his Majesty's service anent the desire of the saids Lords
undertooke to furnizhe the saids three shippes for fyttein dayes afer the
dait hereof.  

Ane other commission of the tennour and substance of the thrie
commissions immediatlie preceeding [i.e. that to David Robertson, on
12th July, ante p 15, and those to John Daw and David Bald, on 19th
July, ante p 20.] grantit to James Bynning, capitane of the schip
of St. Monnans callit The Gift of God, bearing dait the xvj of Julij
1627. Sic subscribitur, Chancellair, Menteith, Nithisdaill, Wintoun,
Roxburgh, Melroiis, Lauderdaill, and Carnegie.

Complaint by Sir William Oliphant of Newton, and Mr. Thomas
Hoip of Craighall, his Majesty's advocates, and William Buchan, burgess
of Arbroth, as follows:—On 5th July instant "John Hamilton,
Chamberlane of Arbroth, come to the said William Buchane when as
he was going down the Hie Streit of Arbroth in a peaceable maner for
doing of his laughfull saffaires and thair chaised the said William with a
chairgit pistolett in his hand throw James Guthreis barn and barn
yard of purpose to have shott and slaine him with the said pistolett, wer
not be the providence of God he wes withholdin and stayed be some of
the neighbouris of the town. Thairafter the said compleaner hhaveing gone to
the shoare for lossing of some geir, the said Johne upoun knowledge
thairof followed him to the shore with the said pistolett, and thair of
new presented the same unto him to have shott him thairwith, and so
hardlie persewed him thairwith that he was forced to flee aff the shoare
toe ane cockeboate and to goe to the sea till the said Johne went aaway;
and the said Johne, maligning that he had mist the compleaner at that
tyme, he cryed out and awoved with manie fearfull and excrable oaths
that afoir he went hame to his awin houz he soould have the comple-
leaneris lyffe altho all the Erles and Lords in Scotland would take his
pait. And siclyke upoun the day of July instant the said comple-
leaner hhaveing come in to the dwelling hous of Johne Wallace in
Arbroth whair the said Johne without his knowledge happenned to be
for the tyme and the said Johne, perceeaving him comming throw the
rovme thair he wes, he or ever the compleaner wes aware of him or
knew he was thair, violentlie threw ane pynt stoup at him and almost
feld him thairwith, thairafter pulled forth ane whingein and preassed
to have stricken him thairwith wer not he wes withholdin and stayed.
And not conten heere with he thairafter come to the compleaners buith
and searched and sought him thair to have bereft him of his lyffe,
swearing and avowing that he sould never ceasse, nor meate nor drinke

1 2 His Majestie baes three shippes this seire (1626), for securing the Scottos coates, wiche stood him 6300 lb. startin, as his warrant directed, to the Earle of Nidisdail, Collector of the Taxitones, to pay the same to Sr James Balzie, Thesaureur of the Nauey, beares, 1 July 1626."—Sir James Balfour, Annates of Scotland, II. 139. Cf. Index to Vol. xv.
sould never doe him good, till he had the compleaners lyffe, and he sould take him out of his awin hous aganis all that would take his part. Sua that the said compleaner was forced to come away quyetlie in the night for meaning of himselfe to his Majesteis Counsell, and darre not as yitt returne name for feare of his lyffe, to the great neglect and hinder of his affaires.” Both parties compearing and evidence having been led, the Lords found “that the said John Hammitoun boore and wore pistolets and chaist and minassed the said William Buchane in maner and at the tyme lybellit,” and ordain him to pay a fine of 40 merks to his Majesty’s Treasurer and Receivers of Rents, to find caution in 500 merks for the indemnity of the pursuer, and not to wear firearms in future, and to pay the witnesses in the cause, every horseman £4, and every footman 40s.

The quhilk day the Laird of Coill compeirit befor the Counsell.

The whilk day the Earle of Lynlythqu, Admirall, maid offer of jen merkis for his Majesteis three shippis for tua yeiris, the same being impignorat to him for repayment of the moneyis; nixt, to gif the worthe of the saidis shippis at the sight and valuation of ony foure skilfull men; and last to interteny the three shippis upoun his awne chargeis for the space of tua monethis, and to pay to his Majestie or to ony other to whome the shippis salbe dispoisit the thrid of all pryses that salbe tane.

After our verrie haertlie commendationis. We wreitt unto yow tuyse of befor anent the putting of letteris of captioun to executioun aganis some excommunicat personis within the bounds of your office, but we can heir nothing of your diligence and obedienty, bot idill and impertinent excuissis not worthwhile to be hard of from personis intrusted with ony kynd of service under his Majestie, and we mervill not a little how suche ane bair and naiked excuse in a matter so heichlie concerninge the estait sould be pretendit. And thairfoir these ar of new to will yow, and in his Majesteis name to command yow, that yow failt not, all excusis sett asyde, to oppin our formair letter and do thairin as yow ar commandit, assureing yow yf yow mak any new excuse or delay that we will call yow to your answier and tak suche examplair ordour with yow as your unsufferable contempt in a matter of this kynd requyres. Bot lookeing that yow wilbe moir respective of your duetie and [than] that unnecessari you will draw suche ane inconvenient upoun yow, whilk yow will hardlie eshew, we committ yow to God. Frome Halyroodhouse, the twentieth sax day of Julij 1627. Sic subscribitur, Geo. Cancell*, Menteith, Wintoun, Roxburgh, Melros.

After our verrie haertlie commendationis to your good lordship. We have ressevied ane letter from the Kingis Majestie with the copie of ane letter directit from his darrest father of blissed memorie alswell to his Counsaill and Seasioun bothe in favours of Elisabeth Leslie and her childrene, as by the copyes of the letteris whilkis we have heirwith send
to your lordship will apper. Wherin althochn we consave his Majesteis
direction to be weill groundit upoun the course tane be his said darest,
father in this same matter of befoir, yitt calling to our remembrance
the oppositioun maid be your lordship againis this favour whilk his lait
Majestie intendit to thir people, we have forborne to meddle thairin till
we be consultit and advysed with your lordship thairanent. And thair-
foir these ar to requestow your goode lordship to consider of this matter
and of his Majesteis recommendation conjurrayth with, and haveing
advysed thairanent, that your Lordship will latt us know your oppinioun
concerning the same with all convenient diligence to the intent that
accordinglie we may giff ane accompt to his Majestie of our proceedingis
in this bussynes, and of the reasonis inforceing the denyall or grant
thairof. And so, recommending your goode lordship to the protection
of God, we rest. Frome Halyrudhouse, the xxvj day of Julij 1627.
Sic subscribitur, Geo. Cancell4, Monteith, Nithisdaill, Wintoun, Rox-
burgh, Lauderdaleill, Carnegie.

After our verrie hairtie commendationis. Upoun information maid in
unto us of the cruell and deteastibill murther of umquhile George
Rutherfurd committit be Robert Rutherfurd, sone to umquhile George
Rutherfurd of Edzéstoun, we wer pleased to pas and exped ane commis-
sioun unto yow for putting of the said Robert to the knowledge of an
assyse. Wherin hoiping that yow scould have procedit with that caill
and diligence which wes answearibill to the truist reiposed in yow, yitt
it hath bene completit upoun unto us that yow have hitherto slaked and
delayed the execution of the said commissioun, wherof we cannot
mervell enough, the cryme being so odious in it selff as it deserves no
favour, and your dewtie requirering to sie the same punished according
to the law. Whiche hes moved us to recomend to your care the
speedie execution of the said commissioun, willing and requirering yow
heirby to do thairin according to the warrand thairof and truist
committed unto yow wherthrow justice may have the due course and no
furder caus of greevance be givin to the pairtyes. And so, being assured
of your reddy obedience to this our pleasure, we committ yow to God.
Frome Halyrudhous the xxvj day of Julij 1627. Sic subscribitur, Geo.
Cancell4, Monteith, Nithisdaill, Wintoun, Roxburgh, Melros, Carnegie.1

Most sacred Soverane, Upoun the receipt and reading of your
Majesteis letters of the eight of this instant conteaining the signification
of your royall will that your Majesteis three shippes lying heere scould be
disposad to your Majesteis best profite and advantage, the Erle of
Linlithgow, being present, declairit that he wes willing to enter in
bargaine for the same, whairunto the Erle of Marshall opposed himself
contending that thair could be no treatie nor dealing in that mater till
first he wer putt in possessioun of the shippes conforme to his gift and

1 There is another copy of this letter engrossed at Fol. 110, a.
your Majestie's pleasure signifieit thairanent by a letter of the same date. Royal Letters, 1622-23. Fol 110, b.

Edinburgh, 27th July 1627. Caution by Andrew Ainslie, merchant burgess of Edinburgh, that Captain David Robertaoun will redeliver to Sir Harie Bruce, master of the Artillery, "two demy culverines" which by warrant of the Council he is to receive for the better prosecution of his commission against the common enemy; and that failing redelivery thereof he will pay to his Majesty the double of their value; with clause of relief.—(Signed) A. Ainslie, David Robertson.


Caution by Alexander Peirsoun of Balmadie in 500 merks that John Hammiltoun, chamberlain of Arbroith, will not molest William Buchane, burgess of Arbroith, nor his family, tenants, etc.; also in the same sum that he will not hereafter wear hagbuts and pistols nor shoot therewith; with clause of relief.—(Signed) Alexr. Peirsoun, Cautioner, Jhone Hamiltoun.

Caution by Andro Smith, cutler, burgess of Edinburgh, in 300 merks, that James Marsauell, messenger, will not molest George Thomesoun, Writer to the Signet, nor his family, tenants, etc.; with clause of relief.—(Signed) Andro Smyth, J. Marschell.

Mr. Thomas Nicolsooun, advocate, as procurator for principal and cautioner, registers a bond of caution by Henrie Horner of Calfaddock in £1000 that John Padzeane of Newtown will not molest John Dalyell, lawful son of Sir Robert Dalyell of Elioche, knight, nor his family, tenants, etc.; and that he will pay £20 for his escheat to his Majestie Treasurer, if the horning against him be found orderly; with clause of relief. The bond, written by Thomas Blaik, notary, is dated at Thorne-
The Lords of Secret Counsell prorogats and continewis the warrant grantit to Patrik, Bishop of Rosse, and Alexander, Lord of Spynie, for intercommoung with the Erle of Crawford whill the first day of November nixt.

Forsameeke as the Lords of Secret Counsell foriseing that in this tyme of vacance manie disordours may fall out amongs the soouldiers lifted for the Germane warres1 and betuixt thame and uthers his Majestie's subjects whairin thair will be ane necessitie of present redresse and ordour to be taine; and whairas thair will be no meeting of his Majestie's Counsell before the xxix day of August nixt ensowing and the Lords being laith that in this meane tyme suche disordours sall ly over untaine ordour with and settled, seing the terme allowed for the imbarking and transport of the said soouldiers shortlie approaches and sua may not admitt anie delay of tyme; Thairfuir the Lords of Secret Counsell gives power and commission be thir presents to anie counsellour who sall happen to be in anie pairt of the countrie whair anie suche disordours sall happen to fall out during this vacant tyme to call unto him suche uthers of the Counsell as sall be neere by, and if that nane be ewest to call unto him some twa or three justices of peace most ewest, and if thair be nane of the Counsell present in these pairs, with power to any twa justices of peace who shall be ewest to take notice and tryell of suche disordours, to call the pairteis before thame, and to determine in the maters controvertit according to equitie and justice. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin, and that letters of publication be direct heurpoun; and to charge all his Majestie subjects to reverence, acknowledge, and obey, concurre, fortifie and assist the saids com-

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1 See Index to Vol. xv. regarding the levy of those soldiers, intended for the service of Christian IV. of Denmark in his campaign against Tilly and Wallenstein in 1627. Sir James Balfour (II. 154) has the following passage regarding the enlistment of these soldiers: — “The 5 of Februario, this sister [1627], his Majestie directt a warrant to his privye counsell, that they cause the Earle of Nidisdaill pay to himselfe, the Lord Spynie and S

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James St. Claire of Murkill, in Cathnes, the summe of 8000 pound starting, for leywing of three regiments of tootes, of 3000 men a piece, for his vnickell the King of Denmarks service.” These 9000 men could never have been leived. The whole fighting force which Charles was able to send to the assistance of the King of Denmark was under 5000.—Gardiner, England under the Duke of Buckingham and Charles I. II. 125.
missioners in all and everie thing tending to the executioun of this commission, as they will answer upoun the contrair at their perrell. Commission of Justiciary under the Signet for one year to William, Earl of Anguse, Lord Douglas, and his bailies, within the bounds of the lordship of Douglas, Crawfurdfurmre and Wandell, pertaining to the said Earl, where there are many persons dwelling "who ar suspect and dilait of commoun thift, wilfull rosett of thift, and pykrie and slaughter of blakfish in forbiddin tyme, and cannot be stayed thairfra in tyme coming without remeit be provydit." Signed by Geo. Cancell, Menteith, Wintoun, Linlithqw, Roxburgh, Buccleuch, and Melros.

Commission under the signet, signed by the same Lords, to William Forbes of Tolquhone, Mr. William Forbes of Craigyvar, Johnne Forbes of Brux, Mr. Andro Skene of Halayardis, Walter Forbes of Thanestoun, Alexander Forbes of Bothley, William Forbes of Pittelloqhy, Arthur Dalgarne of Fortrey, Johnne Forbes in Rara, Mr. Walter Forbes, son to Richart Forbes of Melrose, and the provostes and bailies of the burghs of Invernes and Forres, to search for and apprehend, and present before the Justice and his deputes Johnne Killo, messenger, in Yokkishill, and William Mitchell, his servitor, who on 19th July instant were put to the horn at the instance of Thomas Forbes in Ballask as father, Alexander, Mr. Abraham, Walter and Thomas Forbes, as brothers, Issobell Forbes as sister and Alexander Forbes in Innerquhomrie, her husband, for his interest, and the remanent kin and friends of the deceased Johnne Forbes, for their not finding cautition acted in the Books of Adjournall to appear before the Justice and his deputes and underlie the law for the slaughter of the said John Forbes.

The quhilck day the Capitane of Clanranald compeirit befor the Counsell.

The quhilk day Sir Donald M'Conneill of Slaitt become cautiou for the Capitane of Clanranald for his compeirance befor the Counsell upoun the tent day of Julij nixt under the pane of ten thousand merkis.

The Lordis recommendis to the Capitane the redres and satisfaction of the marcheants of Glasgou for the goodes robit and tane fra thame be him, his tennentis and followarins.

The Laird of Lochbuye, ofttymes callit, compeirit not, decrenis him and his cautioner to haif incurrit the pane of his cautionarie, to witt jnmerkis.

The Lordis ordanis the young Laird of Cadell, who wes personalie present, to produce Mr. William Campbell, his uncle, upoun the first Counsell day of November, and faylyeeng thairof to putt and hald hin oute of Ila.

A commission to the Capitane of Clanranald for apprehending of preistis and Jesuitis hanting his boundis, and for suppressing Poprie within the same.

The whilk day William, Earle of Angus, acceptit upoun him the commissioun for the Middle shyris and gait his oathe.

The whilk day in presence of the Lordis of Secret Counsell compeirit
personalie Sir Michael Prestoun, and actit and oblist him for the
indemnitie of Mr. Johnne Hay of Kennet, and Mr. Alexander Hay,
Clerk of the Sesioun, his sone, their wyffes, bairnis, tennents and
servandis, under the pane of three thousand merkis; and for his foder
securitie anent this obliament, the said Sir Michael declarit that he was
cotent to dispone to the said Mr. Alexander a right of his estate for
making of the same lyable to the said pane and sowne of iiij merkis, in
case of the said Sir Michael his contraventioun of this present Act.

The Lordis, with consent of Sir Michael Prestoun, modifyis to his
wyff for intertenyng of hir and hir childrene sevin chalderis of victual,
and ordanis the said Sir Michael to mak unto hir ane sufficient securitie
of the same furthe of his estate.

The quhilk day Sir Michael Prestoun, compeirand befoir the Counsaill
and being demandit yf he had maid any disposiition of his lyverent in
favouris of ony persones he declarit that he had maid no disposiition of
his lyverent in favouris of ony personis, and that the Lord Prestoun-
grange having had a right thairof from the deponner, that the said Lord
of Prestoungrange delyverit bak agane the same right to the deponner,
whilk wes cancellat.

The quhilk day in presence of the Lordis of Secret Counsell compeirit
personalie Elizabeth Vause, spouse to Adam Urquhart, burges of Forres,
and actit and oblist hir self for the indemnitie of the said Adam
Urquhart, hir husband, Alexander Hay, indueilair in Leethe, Robert
Pringle, writer, and Thomas Deanis, under the pane of tinsall and losse
of hir lyverent of the moneyis destinat and allowit to hir for hir inter-
tenyment. And unto this present act the said Adam Urquhart, hir
husband, being personalie present, consentit.

The quhilk day Adam Urquhart, spouse to Elizabeth Vaus, compeirand
personalie befoir the Counsell, declarit that he wes content and consentit
that the moneyis now appointit to be employed to the use of him, his
wyffie and bairnis, be employed as followis, to Witt, to himself in lyverent
and to hir bairnis in fe, allowing to hir wyffie so mutche as salbe modi-
yfed to hir be his Majestis Counsell, and failyeeing of him be deceis, his
pair of the lyverent to accruce to his bairnis, the principalit soumes
always being assigned to the bairnis.

The quhilk day Thomas Deanes grantit the haveing of ane thousand
fourrecoir xiiij merkis, and that by warrand frome Elizabeth Vaus, he
delyverit to Robert Dicksoun three scoir nyne dolouris.

Robert Pringle grantit the haveing of xij and 2 merkis and that he
delyverit of this soume to Elizabeth Vaus and hir husband iiij merkis.

The Lordis ordanis Elizabeth Vaus to be put to libertie and fredome
out of the Tolbuite.

The Lordis ordanis the provision to be maid be Sir Michael Prestoun
to his wyffie to stand ay and quhill the Counsell upon consideration of
the aggreement betuix him and his wyffie, discharge the same
The Lordis finishe that in respect of the provisioun now appointit to be maid be Sir Michael Preston to his wyffe that sho sall renunce quhat sho hes oute of his estate by and attour hir conjunct fee, but prejudice of the modificatioun now maid to hir for intertenying of hir and hir childrene; ay and quhilk the Counsell, upoun consideratioun of their agreement discharge the same.

The whilk day in presence of the Lords of Secret Counsell compert personallie William, Erle of Angus, and acceptit upoun him the commissioun for the Middle shyres and gave hir oath.

Caution by George Scott, merchant burgess of Edinburgh, that if it be found that William Scott, merchant burgess of Abirdeyne, has upon wrong information purchased the commission which has been granted to Alexander Innes of Coitills for the apprehension of David McHucheoun, sometime indweller in Aberdeen, and his spouse, and if the parties sustain any damage in the execution theirof, the said William Scott will underlie the censure of the Lords of Council therein; with clause of relief by Mr. Thomas Merser, servitor to Sir William Scott, knight.—(Signed) George Scott, Mr. Thomas Merser.

Ordinance from the Counciil inhibit- ing the Lords Ogilvie and Couper from taking the musters of the feuars and parishioners of the Lordship of Couper, and commanding them to permit the said feuars and parishioners to repair by themselves to the ordinary place of muster in the sheriffdom of Perth.

Forsamekle as it is understood to the Lords of Secret Counsell that thair is great appearance of trouble and unquyetaeuse lyke to fall out betuixt James, Lord of Cowpar, on the ane pairt, and James, Lord Ogilvie of Airlie, bailzie of the lordship of Cowpar, on the uther pairt, anent the taiking of the mustours andwapounshawing of the vassalls, feuars and parochiners of the lordship of Cowper appointit to be made upoun the thrid of this instant, the first pretending warrant to take the said mustours as lord of the said lordship of Cowpar, and the uther acclauming that priviledge to be dew unto him be vertew of his office of baillerie, and either of thame intends by the concurrence of thair freinds and suche as will doe for thame to maintaine thair pretendit right of taiking of the said mustours, whairupon great inconveniences will not fail to fall out to the breake of his Majestis peace without remeid be provydyt; Thairfoir the Lords of Secret Counsell ordain letters to be direct to command, charge and inhibite the said Lord of Cowper, and Lord Ogilvie personallie or at thair dwelling place and be opin proclamation at the mercat croce of Perth and Cowper in Angus that nane of thame presoome nor take upoun hand to convocat and assemble the vassalls, feuars nor parochiners of the lordship of Cowper for assisting and accompanieing of thame to thair mustours nor to draw thame under

1 James, 6th Lord of Airlie, it may be noted, was at this time a Justice of Peace for Forfarshire. See Vol. XIII., p. 847.
their cullours nor yitt that they repaire to the saids mustours thameselfses nor suffer their cullours to be caried thair, but that they suffer and permit the saids vassalls, fewars and parochiners of the lordship foirsaiad to repaire be thameselfse to the ordinar place of the mustours of the shirefdome of Perth and thair give their mustours in a comelie and peaceable maner to the shireff of Perth and his deputis; as the saids Lords of Cowper and Ogilvie will answere to his Majestie and his Counsell upoun the contrair at their highest charge and perrell and under the paine to be callit, persewit and punist as contenders of the directious of his Majestie Counsell and as violaters and breakers of the peace of the countrie. And siclyke to command, charge and inhibite all and sindrie the vassalls, fewars and parochiners of the said lordship of Cowper be open proclamationoun as said is that none of thame presoom nor take upon hand to conveene and assemble with anie of the saids paiteis but that they make their adresse and repair be thameselfses to the saids mustours and weapounshawing and thair give their mustours to the shireff of Perth and his deputis conforme to the lawes of this kingdome and under the paines conteanit thairin; and that in thair comming to the saids mustours and in thair attending thairin and departing thairfra that they observe his Majestie peace like ane with uthers and that thay no wayes presoome to invaid nor perser nor make provocatioun of offence one to another whairupon trouble and disorder may arise or fall out under the paine to be callit, persewit and punist in thair persouns and goods as contenders and violaters of the saids Lords thair directious and commandements.

The whilck day in presence of the Lords of Secreit Counsell compereit personallie Alexander, Lord of Spynie, and actit and obleist him upoun his honnour and credeite that he sall carie Andro Davidsoun, messinger, with him to the warres of Germanie; and that in the meane tyme whill the said Lord goe to Germanie and taik the said Andrew with him that the said Andrew sall not resort nor repaire to Annanderdaill; and forder that the said Lord sall not give ane warrant nor power to the said Andro to returne backe againe to this kingdome till the warres whairin the said Lord of Spynie is employed be sattled and endit.

The Lordis findis it meete that Sir Michael Prestoun sall go towadis Germanie with the first occasioun of a ship going thair, and seeing he cannot, as he alledgeis, find cautoine for the indemnittie of Mr John Hay, his fader in law, and Mr Alexander Hay, his brother in law, that he sall not returne within this kingdome without allowance of his Majestie Counsell.
The whilk day Robert Erle of Nithisdail produced and exhibite before the Lords of Privie Counsell the missive letter underwritit of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. Being informed that the day appointed for the regiments being in readinesse which wer to be sent to our uncle the King of Denmark is alreadie expired, and that both yow and the commanders thairof have used your best endeavours in that earand, and understanding that for this purpose it is fit that ane longer tyme sould be granted, we think it fit that it be prorogated till the last day of August ensewing and in the meane tyme that yow cairfullie insist as yow have alreadie begunne to caus levie suche ydie persons as ar designed in the proclamatioun made to this effect,¹ which kinde of persons alreadie levied by this meane or to be levied heerafter we require for diverse considerationouns to be equallie distributed amongst the three colonells, leaving everie one of thame otherways by thair owne meanes to strenthen thair companiea; and to this effect that yow both signifie our pleasure heerin to thame and be cairfullie to see the same putt in executioun. As lykewise that yow certifie unto thame that if the said compleit number of men alreadie condescendit upoun to have beene levied be not in readines before the said day that then we will be forced for the better releefe of the debts latelie contracted for our use to caus putt thair bands in executioun. So recommending the premisssis unto your earnest care as purpoeses speciallie importinge the good of our service, we bid yow fairwell. From our Court at Theobalds the fyftein day of Julie, 1627.

The Lords of Secret Counsell considdering that the course formerlie taine for furtherance of the leveis appoitit to be sent from this kingdome towards the supplice of the King of Danmark in the warres whilks he now followes out hes not produced that good and tymous effect and successse which wes expectit, in so farre as they who wer commandit to take tryell of all ydele and maisterlesse men, wanting trades and competent meane to live upoun within the severall parishes of this kingdome, hes not done thair diligence for the most part in taiking of the said tryell and making of thair reports accordinglie, sua that this service whilk his Majestie sua earnestlie affects is verie farre hinderit and disappointit highlie to his Majesties offence. For remeide whairof the saids Lords hes committit and be the tennour heerof comitts the charge and trust of the taiking of the said tryell throughout the severall shirefdoms of this kingdome and particular parishes within the same to the persouns afterspecified as thay may most commodiouslie be had, to witt, to twa justices of peace within

¹ The contingent actually sent by Charles to the assistance of Christian had fallen far short of the numbers he had promised. Hence his eagerness in pressing the leveis in Scotland.
cache parish, and whair tair is no justices of peace within the parish to twa justices of peace in the nixt adjacent parish, or to ane justice of peace with the minister of the parish, or to ane justice of peace with twa elders of the parish, or to a landlord with a justice of peace, or to a landlord with the minister of the parish, and faillyeing of all to the shireff of the shyre and his deputtees with the landslords of the parish, and to the proveists and bailleis within burgh; and thairfior the saids Lords ordanis letters to be direct chaising the personis particularie abone-writtin, nominat and appointit to take the said tryell, who hes not alreadie taine thair tryell and givin in their reports, that thay and everie one of thame within thair severall bounds and parishes take the said tryell and survey of all ydle and maisterlesse men within thair parishes and touns wanting trades, service, or competent meanes to live be, and that thay inroll thair names and delyver thair rolls, closed, sealed and testified upoun oath that thay ar trew rolls faithfullie givin up and that nane ar omitit furth thairof, to the personis particularie underwrittin, thair captains and officiars having thair warrant to ressae thame, that is to say, all within the shirefdoms of Dumfreis, Air, Fyffe, Forfar, Dumbartane, Haddingtoun, Wigtoun, Selkirk, and Clackmannan, and stewartis of Kirkcudbright and Annanderdaill, and baillereis of Kyle, Carict, and Cuninghame, to delyver thair rolls to Robert, Erle of Nithisdaill, and uthers having his warrant; and all within the shirefdoms of Aberdeeene, Lanerk, Perth, Bervick, Kincairdin, Sterling, Linlithgow, Argyle, Tarbet, Renfrew, and Kinroscher, and stewartis of Stratherne and Menteith, to delyver thair rolls to Alexander, Lord of Spynie, and uthers having his warrant; and all within the shirefdoms of Inernessee, Elgin, Forres, Caithness, Sutherlend, Roxburgh, Peebles, Bamff, Nairne, Cromartie, Orkney and Yetland, to delyver thair rolls to Sir James Sinclair of Murkill, and uthers having his warrant, within ten dayes nixt after the charge under the paime of rebellioun and putting of thame to the horne, and if thay faillyie, the said space being bypast, to denunce thame rebells and putt thame to the horne. And the saids rolls being made and delyverit as said is to command and charge all shireffis, stewartis, bailleis of regaliteis, noblemen, barons and gentlemen, justices of peace and proveists and bailleis within burgh under whom and within whois bounds the saids ydle and maisterlesse men dwellis and hes thair residence, that thay and everie ane of thame make diligent inquirie and searche for thame and apprehend all suche ydle and maisterlesse men as sall be givin up to thame in roll under the hands of the commissioners nominat to take the said tryell, and that thay delyver the personis so apprehendit be thame to the saids Erle of Nithisdaill, Lord of Spynie, and Sir James Sinclair of Murkill or to anie uthers having thair warrand to ressae thame according as the shirefdoms, stewartreis, and baillereis abonewrittin ar devydit, assignit and allowit unto thame within ten dayes nixt after the charge under
the paine of rebellioune, etc., and if they failie to denunce, etc., and that these within the shirefdome of Edinburgh, als weill to burgh as land, who are appoyntit to take the said tryell, that they take the same tryell and survey of all ydle and maisterlesse men within their bounds wanting trades service or competent means to live be and that they report the saidis rolls to his Majesteis Counsell, closed and sealed and testifie upoun oath that they are trew rolls and that nane ar omitit furth theirof within sax dayes nixt after the charge under the paine of rebellion and putting of thame to the horne, with certificatious to thame and they failie letters sall be direct to putt thame simpliciter thairto.

The Lords of Secreit Counsell for the better furtherance of the leveis appointit to be sent frome this kingdome to the King of Denmarke, and for eshewing of contentiou and eyelists amongst the colonells, thair captans, officiars and uthers under thame anent the leveing of thair companeis, hes with thair awin consent assignit and allowit unto thame the shirefdoms underwrittin, out of the whilks thay ar to craue an accompt and delyverie of all ydle and maisterlesse men to be givin up in roll within the saids bounds conforme to the acts and letters to be direct to that effect, that is to say, to Robert, Erle of Nithdaill, the shirefdoms of Dumfreis, Air, Fyffe, Forfar, Dumbartane, Bute, Hadingtoun, Wigtoun, Selkirk and Clackmannane, the stewartreis of Kirkcuibright and Annandardaill, and bailiereis of Kyle, Caric and Cuninghame; to Alexander, Lord of Spynie, the shirefdoms of Aberdeeene, Lanerk, Perth, Bervick, Kincairdin, Stirline, Linlithgow, Argyle, Tarbett, Renfrew, Kinroscher and Stewartreis of Stratherne and Menteith; and to Colonell Sinclair the shirefdoms of Innernes, Elgin, Forres, Roxburgh, Peebles, Banff, Nairne, Cromartie, Orkney and Zetland; and ordanis letters to be direct heerupoun, to make publickion hearof be open proclamatioun whairthrow nane pretend ignorance of the same.

Forsameekle as it is understand to the Lords of Secreit Counsell that thair is a great number of unworthie persons who having inrolle thamselfis under the charge of Robert, Erle of Nithdaill, Alexand er, Lord of Spynie, and Colonell Sinclair and thair captans, and ressavit thair pay, hes notwithstanding mischantlie and cowardlie abandonned thair cullores and runne away and ar ressett, buirdit and interteanned amongs thair freinds and acquaintance in the countrie to the great hinder and frustrating of his Majesteis service, Thairfoir the saidd Lords ordanis letters to be direct to command, charge and inhibit all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places needfull that nane of thame presume nor take upoun hand to ressett, buird, conceale or interteanie anie of thir fugitive souldiers upoun whatever cullore or pretext under the paine to be puneist in thair
persouen and goods be wairding and paying of suche pecuniaill sownnes as the saide Lords sall impose upoun thame.

Forsameekle as it is understand to the Lords of Secret Counsell that great numbers of base and unworthy fellowes having inrolled thame of themselves under the charge of Robert, Erle of Nithisdaill, Alexander, Lord of Spynie, and Colonell Sinclair and their captans and ressavt their pay, hes notwithstanding shamefullie and mischantlie runne away fra their saids captans to the great hinder of his Majesteis service, Thairfoir the saids Lords gives and grants full power and commioun be thir presents to the saids Robert, Erle of Nithisdaill, Alexander, Lord of Spynie, and Colonell Sinclair, to searche, seeke, take and apprehend all suche fugitive soulidours as hes alreadie or sal hereafter runne away fra their captans in suche tyme and place allanerlie whair they can not have the concurrence of ane magistrat, provyding that after thay be taine thay be exhibite before a magistrat and that it be verified and provin in presence of the magistrat that they have offendid in maner foresaid.

The whilk day the Lords of Secret Counsell hes thought it meete and expedient, concludit and ordainit that all ydle and maisterlesse men who sall be givin up be vertew of the charges to be direct for that effect within the bounds of the shirefdome of Edinburgh principall to burgh and land sall be equallie distribute amongs the three colonells, to witt the Erle of Nithisdaill, the Lord of Spynie, and Colonell Sinclair.

The Lords of Secret Counsell ordanis and commands the three colonells who hes the charge of the leveis for supplie of the King of Denmarke and their captans and officiers that thay and everie ane of thame keepe the bounds now assignit and allowed unto thame anent the ydle and maisterlesse men to be givin up in roll within their bounds and that none of thame incroache upoun anothers bounds anent the ydill and maisterlesse men to be givin up as said is. And if thay or anie of thame sall take anie persouen of the qualitie foresaid within ane uthers bounds that all suche as sall be taine within Lothisane after this night sall be delyverit to the right colonells betuixt and Saturday at night, and that these who sall be taine within the rest of the kingdome be delyverit upoun Moonday at night, but prejudice alwayes to the three colonells and their captans to use their best endeavours and meanes among their freinds and acquaintance in anie pairt of the kingdome for strenthening of their companeis with suche persouen as they can procure, not being of the persouen givin up in roll as said is.

Caution by David Robertson, captain and bailie of Dysert, that James Bynning, captain of the ship of St. Monnense called The Gift of God, will make a lawful use of the commission, dated 26th July last granted to him against the common enemy [in terms of previous caution] —See ante, p. 21.; with clause of relief.—(Signed) David Robertson, James Binning.
Caution by James Williamsoun in the toun of Crawfur'd for Robert Caution, 1621-38.

Caution by James Williamsoun in the Shoircleuch, and by Johnie Woode in Crawfur'd for Fol. 258, b.

Peter Gibsoun there, in 300 merks each, that the said Robert and Peter will appear before the Lords of Council on 29th August instant for trial whether they be persons of the quality specified in the Act of Council anent masterless and idle men.

The qhillk day the Lord of Spynie, compeirand befoir the Counsell protestit that yf any course be tane for divyding of the rollis of the idill men amangis the three colonellis imploied for the service of the King of Denmark, whilk will disahble him to mak up his companyis that he sall not incur the forfeyttour of his band.¹

The qhillk day the Earle of Nithsdail protestit that he might be free of his band and not incur the forfeyttour thairof, yf thair be not a divisioun maid amangis the colonellis of the idill and masterles men contenit in the rollis.

Caution by John Cowane, merchant burges of Striviling, that Captain Cautions, 1621-38.

David Robertson will redeliver to Sir Hary Bruce, master of the artillery, “two denye culverinis” which by warrant of the Council he has received for the better prosecution of his commission against the common enemy; and that if he fail therein, he will pay the double of their value to his Majesty; with clause of relief.—(Signed) Jo. Cowane, David Robertson.

Caution by John Oliphant in Brochtoun in 500 merks for Lawrence Fol. 259, a.

Oliphant, portioner of Pitkeathlie, and by the said Lawrence Oliphant in 300 merks each for Alexander Johnstoun in Pitkeathlie, William Krie in Cultmalindeis, and John Moreis, son to William Moreis in Pitkeathlie, that they will appear before the Lords of Council on 29th August instant, produce with them John Adamesone, alleged soldier to Captain George Oliphant, and answer to the complaint against them by the said Captain for their violent pursuit of him and taking of the said John Adamesone from him; also that they will pay for their escheats, Lawrence Oliphant £20, and the others, each £10. Suspension has been granted to 6th September, and parties cited to 29th August.—(Signed) Jo: Oliphant, L. Oliphant w^{4} my hand.

No soldiers who have been levied for the service of the King of

The Lords of Secret Counsell considering the great hurt and prejudice done to his Majestie's service in the levies and supplie ordained to be made and sent from this kingdom to the King of Denmarke by arrestinge

¹ The contingent sent by Charles to the assistance of Christian had been thinned by disease and desertion during the months of June and July. Hence Charles's eagerness to raise fresh levies in Scotland.
of persons taine on and lifted for this service, of the whilks arreistments of the most part ar simulatlie and fraudulentlie made by the meanes and procurement of the saids persons themeselflie without anie just ground or warrant purposelie to frustrat their transport when the tyme and occasioun is thairto offered highlie to his Majestie's offence and discredit of the countrie, for remeek whairof the saids Lords decernis and ordanis that no persoun nor persons taine on and lifted for the service foirsaid and committit to waerd in anie jayle of this kingdome sall be arreisted or deteaned in waerd within the said jayle unlees they have beine taine be letters of captioun; dischariging all proveists and bailleis within burch of admitting or allowing of anie suche arreistments or deteaning anie souldiours in waerd be vertew thairof except suche souldiours allanerlie as hes beene or tall be taine be vertew of letters of captioun, and that suche of the said souldiours as hes beene arreisted not being apprehend be letters of captioun as said is that the saids proveist and bailleis putt thame to libertie, to the intent they may be imberked for the service foirsaid, whairanent thir presents sall be thair warrant.

The whilk day the Lords of Secret Counsell in respect of some brutes and rumours of foraine preparatious ordanis Sir James Baille, knight, Baille, to furnishe and victual his Majestie's three shippes till the last of this instant and that he have his acounts in readinesse to be heard that day.

After our verie heartlie commendatious to your good lordship. Having latelie ressavit some direction from the Kingis Majestie of verie great moment whilkis requires the presence and hearing of the haill bodie of the Counsell, they have thairfor writtin to so manie of thame as ar in the kingdome to keepe the nixt Counsell day whilk will be upon the xxix of this instant precieselie; and your lordship being one of this number we will requist and desire your lordship lykewayes to keepe that dyet, and to concurre and joynie with the rest of the Counsell by your best advice and opinion in the maters recommendit unto us. Whilkis looking assuredlie your lordship will doe we commit yow to God. From Halyroodhous the sevint day of August 1627. Sic subscribitur. Geo. Cancell., Marr, Nithisdaill, Linlithgow, Roxburgh, Melrose, Pa. B. of Rosee, Melvill.

After our verie heartlie commendatious. Whairas the Kingis Majestie upon an unavoyable necessitie hes beene constrained to under- take a just warre against the Frenche king whairunto he hes beene drawin be the strongest bands of religioun, honnour and safetie,1 and the successe of this warre imports his Majestie more neerlie then anie bussinesse whairin formerlie he hes beene ingaged, lykeas in the prosecution thairof he is to imploy the effectuall concurrence of his good and loving

1 Hostilities between England and France had begun in November 1626, and with an incident which must have engaged the feelings of the Scottish nation. In that month the French had seized the British wine fleet consisting of 200 vessels, a number of which forces of 3000 belonged to Scotland. According to Sir James men in Scott-Balfour, however, "the Scottes shipes, in land for service respecte of the ancient lease, wer dismissed," against the King of France, (II., 158.) Sir James is in error, it should be
and courage he expects a real supply of two thousand men to be sent from hence under the conduct of the Earl of Mortoun and his recommend unto us the use of our best endeavours with all rankers of persons to contribute their best helps towards the furtherance of this supply; the happy issue and event whaif of his Majestie contentment and credit of the country will depend upon the delftfull concurrence of the honest hearted subjects of the same, of whom accompling yow to be one in special, we must thairfoir lay a pairt of this burthen upon yow, earnestlie requesting yow to use your best endeavours for the furtherance thairof, and to let us know by a report in writ under your hand upon the xxix of this instant what number of persons yow will be able to furnishe to this service, to be brought or sent to Edinburg against the xv day of September nixt to be deliverit to the said Erle of Mortoun and his officiers who will be thair readie to resave and transport thame and be whom thay will be als kyndelie and weill used and payed as anie of his Majestie royall armeis hes beene used in tyme bygane; wishing yow in the meane tyme that choice be made of worthie persons and of good vigour and habilitie of bodie, not being of those who ar in the commoun rolls for the service of the King of Denmark; seing this service whairin thir leveis ar to be imploied imports his Majestie and the countrie so neerelie in honour and credit. And so resting assured that thair will be nothing wanting in yow that may conduce to the advancement of his Majestie service, and the rather seing by expresse command and direction from the Kings Majestie we must immediatlie after the said xxix day give an accompt to his Majestie of everie mans cariage and with that send up to his Majestie a list and roll of the particular number of persons to be furnished be everie man to this service, we committ your lordship to God. From Halyrudhous the sevint of August 1627.

Most sacred Soverane, Incontinent after we knew by the letters whairwith your Majestie honoured us and by Sir Robert Dalyells relatioun, your royall pleasure anent the leaving in this kingdom a regiment of two thousand men under the Erle of Mortouns conduct for supply of the Duke of Buckinghames armie in your Majesties warres in France, we entered in most serious consideration of the purpose and found dificulties very neere approachinge to impossibilitie in respect of the great numbers of men of late gone from this to the warres of Sweden and Denmark and daylie sought for compleating the three last regiments, with so slow and hard progress as could not have beene beleived if experience did not cleerelie testifie it. And since we know that your
Majestie will not allow anie course to be taikin that may impede the accomplishing of the companeis for Denmarke, all that we can promise is to use all our credit and meanes to find so manie as can possiblie be had for your service in France, whairin nothing gives us so good hope of successe as our intentioun to manifest to all good subjects the earnestnesse of your Majestie's desire to have profe of Scotishmens fidelitie, forwordnesse and courage in this warre against France under the charge of a generall so favoured by your Majestie for his vertew, loyaltie and valour. The choice made of the Erie of Mortoun to command this regiment will in our opinioun be a great helpe to increasse the number and sufficiencie of men, in respect of the multitude of his kinmen, allyes and freinds, beside the universall love of all good men for his noble, courteous and equitable behaviour in all his bypass publict or privat actiouns. Thir respects may diminishse but will not fullie remove the difficulties of the bussines. We will not by this paper trouble your Majestie with our first projects to advance it, and the suppliees of moneys, armeis and convoy with some uther necessaries to be furnished be your Majestie, but have remittit thame to Sir Robert Dalyells relatioun, whose care and instance in his charge hes beene verie great, whilk makes us humble to intreate that he may be permittit to solicite with lyke affectioun your Majestie to speedilie grant and furnishe all that sall be found requisite for convenient expeding this your royall interprise which we sall faithfullie assist with all the endeavoures of our bodeis, myndes and credite and prayeris to God for his blessing to this and all your uther royall designes. We rest.

Sedent—Chancellor; Treasurer; Mortoun; Nithisdaill; Wyntoun; Holyrood House, 9th August 1627.

Linlithgow; Roxburgh; Melros; Bishop of Rosse; Melvill.

The whilk day the Lords of Secret Counsell in regaird of the absence of James Lookup chosen to sail Captane Dowglas and difficultie of mariners to saile his Majestie's ship whairof he hes the charge and that Maister Dicksoone is necessarie haldin heere for maiking of his accompts, Thairfor the saids Lords hes made choice of James Lookup in Leith to supplie the said Maister Dicksoone place in the present service whairin the said shippe is to be imployd but prejudice alwayes to the said Maister Dicksoone his place and pay.

The whilk day the Lords of Secreit Counsell having heard some brutes and rumours that some enemie shippes ar along the coast awaiting the occasiouns to take thair advantage of his Majestie subjects, Thairfor the said Lords found it meete and expedient that his Majesties three shippes sall be sett to sea for cleering of the coast and persute of the enemie; and thairfor the saids Lords ordain Sir James Bailzie, knight, collectour of the present taxtioune grantit to his Majestie in the moneth of October 1625, to furnishe the said three shippes with
victualls for the space of a moneth: Lyke as the said Sir James, being personallie present, promeist and undertooke to make the said furnishing, And siclyke Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, promeist and undertooke to furnishe the said shippes with mariners and to have thame in readinesse again Moonday nixt.

Forsameekkle as it is understand to the Lords of Secreit Counsell that diverse persoune who wer transportit for the service of the King of Denmarke hes unworthillie disbandid and runne away and some of thame hes made their retreate backe to this countrie, hoping that no challenge saill be made against thame nor no punishment inflicted according to the merite of their fault, which being a mater of verie bad exemple and which deserves to be punished according to the rigour of law whairthrow uthers may be deterred from suche cowardlie and unworthie coursees in tyme comming, Thairfor the saids Lords ordanis letters to be direct certifieing all and sindrie persoune who hes beene or saill be transportit for the service of the said King of Denmarke and saill unworthillie abandoun the same and runne away without a lawfull ps under the hands of thair captains and commanderes under whome they serve that the paine of death saill be inflicted upon thame conforme to the ordour of militarie discipline and lawes established for that effect. For the better execution whairof to command and charge all and sindrie shireffs, stewarts, justices of peace, proveists, and bailleis within burgh and noblemen within thair awin bounds and jurisdiccion to take and apprehend all and sindrie the saids fugitive souldiers who alreadie have come backe or saill hearafter returne into this kingdome and to committ thame to waerd and to keepe and deterne thaim thairin till ordour be givin for their exemplarie punishment according to the lawes made in that behalff.

Forsameekkle as the Lords of Secreit Counsell ar crediblie informed that sindrie persoune who wer conducde and transported for the service of the King of Denmarke hes most unworthillie abandoned their currours and fled away with a purpose to returne backe so soone as they can find the commoditie of a saulfle passage, for remedie whairof and for esewing of the ignominie and shame that thairby will reflect upon the credit and reputation of the subjects of this kingdome, the Lords of Secreit Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie skippers, awners and maisters of shippes within this kingdome, that nane of thame presume nor take upon hand to ressave, carie or transport in thair shippes anie persoune from the Low Countreis or any utter pairt beyond sea (gentlemen of qualitie and merchant traffiquers onlie excepted) without they be warrantte by a lawful ps under the hands of the captains, commanderes or leaders under whom they servit, as the said skippers, awners and maisters of shippes will answere upon the contrarie at thair perrell,
under the paine to be callit, persewit and puniesit thairfoir in thair
persouns and goods with all rigour and extremitie.

Commission under the signet to William, Erle of Angus, as justice, to try "Thomas Johnstoun, a commoun and notorious theefe and fugitive for thift," who has lately been apprehended by William Dowglas of Bunjedburgh and by him delivered to William Dowglas of Cavers, sheriff of Teviotdail, who has committed him to ward in the tolbooth of Jedburgh. Charge is given to the said sheriff, and to the provost and bailies of the burgh of Jedburgh, and any other custodiers of the said Thomas Johnstoun, to deliver him up to the said Earl of Angus.—Signed by the Chancellor, Mortoun, Nithisdaill, Linlithgow, Roxburgh, Melrose, Pa. B. of Rosse, and Melvill.

Wyntoun omitted in the Sederunt given here.

Caution by John Padzene of Newtown in 500 merks that Thomas Padzean, his brother, will not molest John Dalzell, son to Sir Robert Dalzell of Eliok, knight, nor his family, tenants, etc.: and that he will pay £10 for his escheat, if found liable so to do. Suspension has been granted to 6th September and parties warned to 29th August.—(Signed) John Padzne.

Caution by Alexander Keyth, apparent of Auchrnyie, in 500 merks that James Shand in Logie will not molest William Hay in Cruvey, nor his family, tenants, etc., with clause of relief.—(Signed) Al. Keith, J. Schand.

Mr John Paip, younger, advocate, registers a bond of caution by Sir John Carmichael of Meadowflat, knight, in 300 merks each for George Scott, John Broun, and William Kirkup in Kirkton, and John Aitkyne and William Aitkyne in Greenehead, that they will appear before the Lords of Council on 29th August instant for trial whether they be persons of the quality specified in the Act of Council as idle and masterless persons, wanting trades and means of entertainment. The bond is dated at Edinburgh 13th August 1627, witnesses, William Murray of Dunerme, James Stratoun, Writer to the Signet, and John Aitkyne, who wrote the bond.

Sederunt—Mortoun; Nithisdaill; Wyntoun; Linlithgow; Melros; Bishop of Rosse; Naper; Master of Jedburgh; Clerk of Register.

The Lords of Secret Counsell having heard some brutes and rumours that some foraine shippes of warre ar upon the coast awaiting the occasion to take their advantage of his Majestie's subjects and of his freinds and confederates, and the saids Lords for withstonding of their attempts having directit some shippes of warre to be sent to the sea.
and conceiving that they ar not so substantiouslie provydyt with poulder as the necessitie and importance of this service requires, therfor the saids Lords dealt and travellit with William Dick, merchant Burgess of Edinburgh, who was personallie present, to provide and furnishe his Majestie's three shippes now appointit to be sett out for this service with twentie fyve barrels of poulder at eightene shilling the pund weight, and the said sowme sall be thankfully payed unto him at Martimesse nixt; whilk charge the said William Dicke undertooke and promeist to performe; and the saids Lords recommends to his Majestie's Adimirall, who was personallie present, to have a care and to give direction that the said poulder be not unnecessarie spent but cairfullie keepe, and that accopt be made thairof at the returne of the saids three shippes from the present service whairin they ar now imploied.

Forsameekle as his Majestie's three shippes ar now with all conveniente diligence to be recked out and sett to sea for persute of the commoun enemie awaiting occasions of advantage alongs the coast, als weill against his Majestie's subjects as against his freinds; and the Lords of Secret Counsell being informed that thir three shippes ar not so weill providit with bullet as the importance and necessitie of this service requires, Therfor the saids Lords ordains James Murray, maister of his Majestie Works, to delver out of his Majestie's munition hous within the Castell of Edinburgh to Alexander, Erle of Linlithgow, Lord High Adimirall of this kingdome, for the better furnishing of the saids shippes, fourscore demiculvering bullets and fourscore seker bullets, the said Maister of Warke at the deleyverie of the saids bullettes takeand the said Lord Adimirall his band for redelyverie of the same bullettes, at the least so manie of thame as sall not be found profitable spent in his Majestie service after the accomplishing of the same and returne of the shippes.

Forsameekle as the Lords of Secret Counsell hes commandit and ordeanne that his Majestie's three shippes sall with all possible diligence be recked furth and sett to sea for cleering of the coast and persuite of the commoun enemie now attending occasions of advantage alongs the coast als weill against his Majestie awin subjects as against his freinds and confederats, and conceaving that the commoun enemie both in number of shippes and equippage is stronger nor thir three shippes can stand out aganse, therfor the saids Lords hes dealt and travellit with the maisters and owners of the shippes underwrittin, thay ar to say, Andrew Watson, captan of the shippe callit The Blessing of Bruntland, David Alexander, captan of the shippe callit The Alexander sometyme callit The Lamb, and of a pynnsce callit the , and David Robertssoun, captane of the shippe callit The Grace of Dywert, to accompanies his Majestie said shippes and to joyne with thame in all

1 Regarding William Dick, see Indexes of previous volumes.
2 The enemy's ships were those of France.
the occurrants that shall fall out induring this service. Quhilks charge
the saids maisters and awners out of their worthie respect to the honnour
and credite of the countrie have willinglie undertaine; in acknowledg-
ment whairof the saids Lords, being cairfull to foirsee and provide that thay
shall not be prejudgit by this thair willing embrasseing of his Majestie's
service, but that thay shall be secured againis all donnage or skaith that
thy or anie of thame according to thair severall interesse may susteane
thairthrow. Thairfoir the saids Lords hes decernit, declarit and ordainit
and be the tenour of this present act decernis, declares and ordains that
the saids shippes with thair haill ordainance and furniture thairof shall be
delyverit backe againe to the awners after the compleiting of this
service in als good case as estait as the samine presentlie ar in, and if
the said shippes or anie of thame shall happen to be stopped or anie pair
of the furniture thairof spoyled that the samine shall be substantiously
beattet, helped and repaired; and if the saids shippes or anie of thame
shall happen to be sunke or brunt that thankefull payment and delyverie
shall be made to the trew awners of the availl and prync of the shippes and
furnitoure thairof so sunke or brunt according to the worth and value of
the same; as also that payment and satisfactioun shall be made to the
awners, companie and eqippage of the saids shippes of what shall be
found dew unto thame for thair fraught, wages and victualls during
dair employment in this service. And if it shall happen the saids shippes
or anie of thame to be so spoyled and beattin that thay cannot be
serviceable till thay be repaired, in that case the saids Lords declairs
that the companie and eqippage of the shippe or shippes so beattin
after thair returne frome this service shall have the payment of thair
allowance and waiges continewit unto thame for suche tymne and space
as the shippe or shippes so hurt may be conventientlie repairit. And
for thair forder securitie the saids Lords ordainis his Majestie's Thessaurar
and Deputie Thessaurar to performe and fulfyll to the awners and uthers
foirseids the conditionis abone writtin and accordinglie to make thame
tymous and thankfull payment of all suche sowmes of money as after
just tryell shall be found dew unto thame for satisfactioun of thair lesse
and payment of thair wages, and that out of the first and readiest of his
Majestie's casualliteis and rents; and ordains thair payment to be pre-
ferred and answered before all uthre payments and precepts whatsoever
in respect of the importance and necessitie of this service so willinglie
undertaine be thame for the honnour, credite and saulfetie of the
kingdome.

Forsamekle as by ane formar act and proclamatioun all and sindrie
fensible persouns within the shireldome of Edinburgh were commanidit
to ryse in armes and to make thair addresse to this burgh to attend the
directions of his Majestie's Counsell, and becaus thair is no present
necessitie of thair employment in his Majestie service, the reasoun
whairupoun they wer convened being now cleered and taine away, the
Lords of Secret Counsell hes thairfoir thought meete and expedient and thairwithall commands and ordanis that all persons who upoun the occasioun aforesaid hes repaired to this burgh dissolve themselvies and retiere home till thay be certified of new by proclamation, notwithstanding of the said former act whairanent and all paines conteanit thairintill the saids Lords dispenses be thir presents; and ordaines ane herald, purservant or macer of Counsell, to pas and make publication heerof be open proclamation at the mercat croce of Edinburgh, whairthrow his Majesteis lieges may gett notice of the same.

The whilk day the Lords of Secret Counsell having propounded to the proveist and bailleis of Edinburgh the necessitie of the bigging of twa forts at Leith, and if thay would undertake the building thairof, the furnishing of the same with munitioun and uthers necessaries belonging thairto upoun their awin charges, and to big the saids forts in suche places in Leith as sall be designit and made choice of for that purpose, thay took the mater to be advisit with the counsell of thair toun, and promeist to report thair answere to the saids Lords upoun Tuisday nixt.

"Halyrudhous" struck out as place of meeting and "Edinburgh" substituted.

The quhilk day the Lordis of Secret Counsell findis it meete and expedient that, in respect of the constant bruitis and rumouris of some foreyne enemeyis ships now upoun the sea, the waughteris presentlie in the Firth salbe desyrit to go to the sea for assisting of the otheris waughteris who are thought to be persewit be the enemey, and thay salbe assuirit that thay salbe accompanied by suche shippis of this cuntrey as conventientlie may be had and salbe followit be otheris.

Ane missive to his Majestie concerning thir foreyne shippis.

Bagshot, 17th August 1627.
Letter from his Majesty expressing his desire that the Council will have a chief care to guard the kingdom against the enemy now said to be off its coasts.

CHARLES R.—Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellers and right trustie and weilbelovit counsellors, we greete yow heartlie weill. Having understood by informations from that our kingdome that thair ar some warre shippes of enemes discovered upon our coasts of Zetland and that yow wer to sett out our shippes with suche uthers as yow could procure to accompanie thame, though thair may be mistaikings in this report, yitt thair is least danger in suspecting the worst and we approve your cair and course that yow have taikin heerin. And our pleasure is that according to the particular occurrences and intelligences yow sall have yow take a course from tyme to tyme to obviate inconveniences. For whatsever direcctions we give upoun the present occasiouns offered unto our consideratiou, yitt we can not foirsie everie continence that suche a tyme may produce; and thairfoir in that caise we
trust your judgement, not doubting but as you value the good of our service above all things so in that which doeth concerne the same yow will have ane cheefe care of that which may import the securitie of that our kingdome. And so we bid yow fairweill. From our Court at Bagshot the seventeen of August 1627.

Sederunt—Chancellor; St Andrewes; Mortoun; Nithisdaill; Wyn-Holyrood House, 18th toun; Linlithgow; Roxburgh; Melros; Bishop of Rosse; August 1627 Melvill; Naper; Master of Jedburgh; Privy Seal; Clerk of Register.

Instructions for Alexander, Erle of Linlithgow, his Majestis Admirall tuiching the prosequutioun of his Majestis service aganis the commonn enemie now upoun the coast.

First, The said Lord Admirall sall give directoun to the captans and commanders of the shippes that, be warrant from his Majestis Counsell, Lord Admiral ar to be sett furth for this service that they attend and await upon his Majestis three shippes now to be sett to see for that same service.

Secundlie. He sall give command to the captans of his Majestis three shippes that thay with the uthers shippes forsaisd direct thair course to the south, towards Flamburgh, whair thay sall be carefull to enforce thame selfes of the enemie course and what way thay hold and if thair waughters be attending or following thame. And if thay gett anie information thair anent this point that thay make thair address to with all diligence toward thame and concurre and joynie with thame in the persuite of the enemie; and if thay sall rancounter with the enemie without the waughters that thay forbear to make anie onsett or to enter in fight with thame but upoun a scene advantage. And if thay can get no advertisement of the enemie at Flamburgh head that thay follow on thair course southward to the Sheild on this side of Yermouth, and if thair thay gett advertisement that the enemie is gone, and that thay ar not able to overtake thame that thay returne toward Monrose whair thay sall attend threes tydes upoun the directioun of his Majestis Counsell tuiching thair dismissing or forder imployment; and if within that space thay heare not from his Majestis Counsell that then his Majestis three shippes come backe to the Firth and to some convenient harbourie within the same, and the uther shippes sall follow thair course as sall beest pleasure thame.

Forsameekle as Archibald, Lord Naper of Merchistoun, Depute Thessaurar of this kingdome, out of his dweitfull respect to the further- The Council thence the directioun of his Majestys rents receivers of his Majestys rents to reimburse to Lord Napier of Merchistoun all Mononey he has expended in undertake the payment of the waiges, victuall, poulder and shott of the shippes appointit to attend his Majestis three shippes now furnishing the
ships that are no supporting his Majesty’s three ships against the common enemy.

appoint to be set on sea for clearing of the coast and pursue of the common enemy; and the Lords of Secret Counsell being carfull to faiisee and provide that the said Lord Naper his willing undertaking of this advancement and payment shall not prejudice him in anie sort, but that he shall be secured of tymous and thankfull releefe, thairfoir the saids Lords, for the said Lord Naper his forder warrant anent his releefe of the ingadgement abonewritten, hes decernit and ordainit and be the tenour heerof decernis and ordainis that the said Lord Naper shall have his releefe out of the first and readiest of his Majesteis rents and casualtis presentlie being or that shall be in the hands of the resavers of his Majesteis rents ay and whill he be fullie and compleitlie satisfied and releved of all burdenis that he hes undertake and is lyable to fulfill for the caus abonewritten according to the accomplis of his debursements to be scene and allowed be these who shall be nominat to that effect; commanding heerby the resavers of his Majesteis rents to delyver to the said Lord Naper for his releefe the haill moneys presentlie being in their hands and which shall come in their hands ay and whill the said Lord Naper be fullie releved of the charges and burdein now undertake be him, anent the doing whairof the extract of this Act shall be unto the saids resavers an warrant.

Forsamekle as Archibald, Lord Naper of Merchiston, Deuttie Theaurar of this kynodme, hes givin and subscrivyit three several bands, the one to the captaine, maister and owners of the shippe callit The Blessing of Brunstilland and whairfoir Andrew Watsoun is captaine, the uther to the captaine and owners of the chippe callit The Alexander sometyme callit The Lamb, and of a pynnace callit the sometymes pertainig to James Cummyng of St Monnans, of which twa David Alexander is captaine, and the thrid band to the captaine and masters of the shippe callit The Grace of Dyserg whairfoir David Robertson is captaine, for payment of the wages, victual, poulter and shott of the saids shippes during their employment in his Majesteis service, as the sauts bands of the dait of thir present at lenth beares; and whairso the said payment is ordainit to be reuleed according to the payment of his Majesteis navie before the expeditiou of Cales, and the Lords of Secret Counsell not being cleered nor fullie satisfied what wes the dew payment of his Majesteis navie at that tyame, thairfoir the said Lord Naper hes subscrivyit the sauts bands blanke unfilled up with the said sowmes and hes remittit the same blanks to be filled be the sauts Lords after tryell taine be thame how the pryces of his Majesteis navie reuled the tyame foirsaid, and in the meane tyame whill the difference be tryed and the blankes filled the sauts Lords ordainis the sauts bands to lye in the hands and keeping of the Clerk of his Majesteis Counsell.

After our vere heartlie commendations. Having had sindrie advertisements of the arrivial of some forraigne shippes of warre upon the coast we have thought meete in respect of your commoun interesse, to give you notice thairof, and the particulars you will more cleerlie
understand by these two copeis of letters sent to us, the one from
the Archbishop of St. Andrewes, and the utter from the Lord
Admirall of this kinhdom. And thairfuir these ar to request and desire
yow to resolve upon some present course both for securing of the coast,
persue of the enemie, and for assisting of the waughters who ar now
kingdom following and attending upon thame; and for this effect that yow will
sett furth with diligence some shippes of warre to attend this service,
and certifie the rest of the nbouring toowe to doe the lyke, and their
sall be nothing wanting in us which may further and advance the same
for his Majesties contentment and the honour and safetie of the
ingdom. And recommending the premisses to your care and diligence as
the most important service that hes occurred these manie yeeres bygane,
we committ yow to God. From Edinburgh the xvij of August 1627.
Sic subscribitur, Dupline, Mortoun, Wyntoun, Nithisdail, Linlithgou,

Most sacred Soverane, since the last advertisement sent to your
Majestie of the arrивall of some foraine forces in Zetland, we have
diligentlie awaited heere to give directioune upon all interveening
occasionys and to sett to sea your Majesties shippes, and so manie of
our people as hes commissions against that enemie, and two or three
waughters who ar in this firth. Our first advertisement sent from the
Lord Chancellor from Sanct Johnstoun was dispatched to Sir William
Alexander, your Majestie Secretarie, upoun the xv of this month at night,
to be showne to your Majestie with all speid. From that tyme we heard
nothing of the eneimes shippes in thir seas but verie uncertaine reports
till yesternight that we had a letter sent from the Archbishop of St.
Andrewes and another sent in the night from Leith by the Erle of
Linlithgou, of both which we have herewh with inclosed the copeis; to
which we addde that our merchants affirme that from Spaine they heare
that moneys being verie skairse in West Flanderis the best shippes that
wer thair wer sent to Spaine to assist the safe convoay of that supplie
and that foure thouwand men wer also to be sent from Spaine\(^1\) to Flanders
whairof thay probablie collect that the moneyis may be in these shippes.

And how ever it be we beg pardoun to propone to your Majestie our
humble opinion that since the wind now is and probablie may continue
contrair to thair course towards Dunkirk, speedie ordour may be given
to so manie of your Majesties royall shippes as may be readiness sett
furth to seeke to ranceounter thame before they atteane thair indenit
port. And so thay comming to assist the Hollanderis who ar following of
intentiouen to assaile thame if thay can find helpe and advantage, we
would undoubtedlie expect that God adding his wounted blessings to your
just and royall interprises may turne the action to your Majesties
honniour and contentment. We have sent to the Mayor of Newcastle
advertisement of all we have heard with intreatie to communicat it to

\(^1\) In March 1627 France and Spain had entered into an engagement for common action against
England.
your best affectit servants in that toun to the effect thay may readilie resolve what thay find most expedient to be first done for your service and warne the neighbour coast touns to doe the lyke. So wishing, etc. From Edinburgh, xviij of August 1627. *Sic subserbitur*, Dupline, Mortoun, Nithsdale, Linlithgow, Wintoun, Roxburgh, Melros, B. Rosse, Melvill, Naper, A. Carre, J. Hammiltoun.

Caution by William Andersone, schoolmaster in the Cannogait, in 500 Caution, 1627. merks, that John Barker in Over Crawmond will not molest Robert Mowbray at the Bridgend of Crawmond, nor his family, tenants, etc.; with clause of relief.—(Signed) W. Andersone w* my hand, John Barkar w* my hand.

Caution by Mr. James Bruce, indweller in Edinburgh, for Sir John Weymes of that Ilk, knight, in 500 merks, that if Sir John has not done his duty and diligence in taking trial of the idle and masterless men in the parish of the Weymes, and in apprehending of them, conform to a charge at the instance of Captain Harie Schaw, he will underlie such further order therein as the Lords of Council will appoint. Suspension has been granted to 31st August and the said Captain warned to the 29th.—(Signed) Mr. James Bruce.

Caution by George Foullis, son to George Foullis, master of his Majesty’s Cunziehous, in 200 merks for Thomas Foullis of Leidholl, to the same effect as above in the parish of Crawfurdislandy. Charge was given to him at the instance of Alexander, Lord Spynie. —(Signed) George Foullis, younger.

Most honourable and my verie good Lords, I had from your lordships a letter in behalf of Elizabeth Leslie and her children, Mr. Alexander and Robert Irwins, togedder with a copie of his Majestie letter to your honouris bearing his pleasure concerning thame which is grounded upon the notice his Majestie hes taikin of his father of blessed memorie his favour towar thame, whairto becaus I opposed then it hes pleased your good lordships to desire my opinion thairenant as yow might the better give an accompt to his Majestie of the reasouns ather of granting or rejecting the petitioun. Your honouris may remember that my oppositioun wes cheefelie to the forme quhairby against his Majestie intention thay laboured to carie that favour, in that not content to have it of grace and meere indulgence thay would needs draw it by a legall processe to the prejudice of standing lawes and overthow of all our proceedings according to law. I know his Majestie may remitt of grace and dispense with the executioun or punishment at his pleasure; and howsoever I ather then might or now justlie may lament and deplor with my self the miserable condiotion of our Church by suche indulgences, yitt I nather have
nor will oppose my self that into otherwayes then becommeth a subject and Christ his minister by humble supplication and free and faithfull counsell. And accordinglie now I thinke if his Majestie wer right informed at what tyme, by whose solicitation and upon what respectes according to the exigence of effaires then and negotiationoun with nighbour princes (by whose ambassadours these first letters wer purchased and by importunitie extorted from that King of happie memorie as in uther instances of that kinde he not obscurelie signified to the Church heere, desiring us to have a little patience till he might bring about his designes) and with all if it be dewlie weyght what bitter fruict hee arissin to this poore Church by that and the lyke indulgences, whairby our Papists ar growin not onlie in avowed numbers but thairwith to so intolerable insolencie and contempt of our lawes as I feare sall breid to his Majestie and your honnourable lordships no small bussines to compese in end. If also his sacred Majestie will consider that the variation of tyme and of caissis in tyme import now rather anie necessitie nor expediencie of fostering of suche people anie more in contempt of all ordour, I am perswadit (as his Majestie is religiouselie and righteouslie disposed) he would be laith so untymeouslie to encourage suche men to the greefe and discouragement of his most panit and most loyall subjects. His sacred Majestie hes writtin also to me to the same effect as to your lordships but with this condiitoun that thay carie thame selves calmelie and modestlie and give no offence or scandall. Now, for them to dwell in the heart of his Majestie royall burgh of Aberdein and in the daylie and publict view of the countrie not onlie to separat thameselfies from our communioin and all fellowship with us in anie pairt of Divine worship, but also to reasse and cuillie [favour] Roman preestes to have and heare messees, and to baptize thair childrein by these preists in manifest contempt of our Church and his Majesties lawes, if these be not offences and scandals I know not what can be compted scandalous and offensive; nether did I ever conveene thame before ather Privie Counsell or High Commission till thair insolence had come to this hight. Thay have all thair and to all men calumniouselie taucted me that nothing stirreth me against thame but a greedie desire to draw in from thame some little things which thay hold of this see. Indeit, thair insolence made me some tymes to threaten thame with that thairto the lawes of the countrie would leade me if possibile by that terrour I might have drawin thame to conformitie. Yitt nevertheless now for the space of almost ten yeeres I have borne up from that which easilie in one yeere I might have atchieved. And not onlie have I ressavit thair dewteis, but also (to prove thame with courtesie) when I had ane pairt of thair lands in my reverence upoun no ground of anie ecclesiastical processe or anie sentence proceeding thairupoun but onlie upoun thair owne defect in not performing the conditionis of thair infeftment, yitt I depairtit from my persuit if so be by anie meanes I
might winne thame. I have ofte offered unto thame that if (as they pretendit privatlie and publictie) thay would take thame out of the countrie and so make us free of thair trouble, I would in that caice depairt from all processe I might have against thame, and behold thame ather to bruike thameselfes or dispone to uthers the things thay hold of this see. Yes, and more, I have offered the same unto thame so being thay would talke thame to dwell anie where elles and not in Aberdein whair thay ar daylie pricks in our eyes and thornes in our sides and opin stumbling blockes to our people, of which offers and my too great lenitie towards thame I have just caus to repent me, seing I nather hithertills have found nor now find ought on thair part but ingratitude and ludification, whairas long er now I might have brought thame to some point and with all have sufficientie cleared my self of having no aime ather at thair land or geir, if in the top of my working with thame I wer not alwayes weakennd from thence, whence under God, cheefelie I could have beene strenthennd. In which hard caise I can but comfort my self in the testimonie of a good conscience and recommend Gods caus to his owne care who both may and will help it in his own good tyme and maner, to whois good grace I heartilie recommende your lordships remittin all to your wise consideratioun how to informe his Majestie of this bussines, as your honnours sail thinke expedient. And so remaines always, your honnours affectionat servant, Pa. Aberdeene. Aberdeene, 22 August 1627.

Caution by John Lindsay, apparent of Hairsaye, in 1000 merks for Caustions, 1621-23. Gawane Lindsay of Glaspen, and in 500 merks each for Lancelot Lindsay, his son, and George Cokburne and Gawne Moffett, his servitors, that they will not molest Sir John Carmichnell of Medowflatt nor his family, tenants, &c.; and that the said Gawane Lindsay will pay 20 merks, and the others 10 merks each for their escheat; with clause of relief.—(Signed) J. Lyndsay, Gawin Lyndessay.

Sedent—Chancellor; Menteith; Nithisdaill; Wyntoun; Lincthuist; Perth; Roxburgh; Buggleugh; Melros; Lauderdaill; Colvill; Melvill; Carnegie; Naper; Master of Jedburgh; Privy Seal; Clerk of Register; Advocate; Traquair; Sir John Scot.

The whilk day the letter underwrittin signed be the Kingis Majestie was presented to the Lords of Privie Counsell of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellers and right trustie and weilbelovit counsellers, we greete yow well. Whairas we have required our right trustie and weilbelovit cousin and counsellor the Erle of Mortoun to levie in that our kingdome a regiment of twa
thousands footemen, consisting of two and twentie companeis and everie companie consisting of ten officiars and fourescoir commoun soulidours to be transportit into France for our service thair;¹ for doing whairof it is fitt that he be authorized be our commiision under the great seale of that our kingdom appointing him to be colonel of the said regiment, and with power to him to elect, nominat and appoint suche commanders and officiars as ar usuall to be appointit by a colonell; these ar thairfoir to will and require yow upoun sight heerof to caus exped unto the said Erle of Mortoun a commiission under our great seale afoirsaid in dew and competent forme giving and granting unto him full power and licence to levie and transport the said regiment of twa thousands footemen and makeand and constitutand him to be sole colonell over the same, and with power to him to elect, nominat and appoint a lieutenent colonell, serjant major, corporall of the said feild, quarter mainter, provest mainrshall, chirurgian, having two men and one preacher for the said regiment who ar to have the severall interteemements mentioned in a list heerewith sent unto yow under our royall signatour; With power alsua to him to elect, nominat and appoint the several captans over the said severall companeis, giving thame power and authoritie to elect and choose thair awin officers, who lykewayes ar all to have the severall interteemements mentioned in the said list. And if the said Erle of Mortoun sall thinke it more fittig for our service and his ease that the said twa thousands footemen be reduced into fewer companeis and under the command of fewer captans and officers, then our pleasure is that his desires heerin may be fulfilled and that our said commiission may be exped unto him accordinglie, proyding awayes that the interteemements of the saids commanders, officers and companeis doe not exceed the charges mentioned in the said list. And for your so doing these our letters sall be unto yow and everie of yow frome tyme to tyme your sufficient warrant and discharge. Givin at our Court at Baghote in England the seventeene day of August 1627. Qhilk missive being read, heard and considerit be the Lords of Secret Counsell, thay accordinglie past a commiission of the tennour following:—OUR SOVERANE LORD ordainis ane commiission to be made under the great seale in dew forme to his trust cousin and counsellor, William, Erle of Mortoun, givand and grantand unto him full power, warrant and commiission to levie and take up within this kingdome ane regiment of twa thousands footemen and to conduct and transport thame to the kingdome of France for the furtherance and advancement of his Majesteis service thair, over the which regiment his Majestie hes made and constitute and be the tennour heerof makes and constitute the said Erle of Mortoun sole colonell,

¹ According to Sir James Balfour, the Earl of Morton had, in June 1627, accompanied the Duke of Buckingham in his expedition to La Rochelle, with a detachment of 3000, Scots. —Annales, II., 168.
with power to him to divide and distribute the said regiment in competent numbers and companis and to nominat and appoint captans and commanders over thame for whom he shall be answerable, and to cause towke drwmmes, display cullours, and to doe and performe all and everie other thing which towards the uplifting of the said regiment shall be requisite and necessarie. Firme and stable halding and for to hald all and whatsumever things shall be laughfullie done heerin; and that these presents be ane warrant to the great scale without anie forder precepts to be direct thairupoun. Givin at Halyrudhous the twentie nyne day of August and of his Majesties raigne the thrid yeere, 1627.

The Lords of Secret Counsell being cairful to understand the estate of the Castell of Dumbartane that accordingly they may give ordour for reparatioun of the defects within the same, thairfoir the saids Lords gives commission be thir presents to the Erle of Menteith, the Lords Kilmaeres, Naper and Blantyre, the Lairds of Luss, Buchannan, Minto and Foulwood or anie foure of thame to resort and repaire to the Castell of Dumbartane at suche tyme as the said Erle of Menteith shall appoint, and thair to visite and sight the said castell and to report the trew estate thairof to the saids Lords upoun the first Counsell day of October nixtocom, commanding heerby the keepers of the said castell to grant unto the foirsaids persons access within the same to the effect abone-writtin at suche tyme as thay shall require the said acsesse, as thay will answere upoun the contrair at thair perrell.

Forsameekle as it hes pleased the Kings [Majestie] to make choice of Sempill of Foulwood to be shireff principall of the shirefdome of Dumbartane for this present yeere; and whairas in the yeerees preceeding his Majesties service in the ordinour course hes beene vere farre disappoointit and frustrat be reason that the shrieffs who were chosen for the tyme could have no deput nor clerks to serve thame for fear to be troubled for his Majesties taxatiouns, and seing the said Laird of Foulwood as shireff principall of the said shirefdome hes undertake to be answerable for his Majesties taxatiouns ordinar and extraordinair during this yeere of his service, and can nather gett deput nor clerk to serve him unlesse thay be fred of the burdein and charge of the saids taxatiouns, Thairfoir and in respect of the said Laird of Foulwood his undertaking to be answerable for the saids taxatiouns who is ane famous responsall and answerable gentleman worthie of trust and credit, the Lords of Secret Counsell declairs be thir presents that the persoun or persons whatsoever who will serve him as deput or clerk in the said office shall na wayes be burdeinid, troublit, nor chairgit with the payment of anie of the taxatiouns of the said shirefdome, and that na execution be horning or captioun saill be used against thame for that caus, but that thay shall be fred, exonered and releaved thairof, and that his Majestie...
and the collectours of the said taxatiouns shall only take thame to the shireff principall for payment of the same.

Forsameeke as the Lords of Secret Counsell hes thought meete and expedient that now in thir dangerous tymes when the countrie is threatened with a commoun enemie that caire be taine for securing of the coast whair thair is probable appearance that the enemie may land; and con-

Fol. 238, b.

sidering that the ports and harbouris of Monrose and Bruntilland ar opin harbours whairin the enemie may thrust himself without danger, and that if some fortificationoun wer made at Incheverie it would prove a great suretie for all the shippes and vessells going up the water. Thair-

Fol. 239, a.

foir the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power and commissioun be thir presents to the persons particularlie underwritten to convene and meete at the places following and to take ordour and give directioun anent the bigging of forts and fortificationis at the saids places in maner following, that is to say—to Johne, Erle of Kinghorn; James, Lord Ogilvie of Airlie; David, Lord Carnegie; and to the Lairds of Din, Innerquharatie, Lawrestoun, Aldbar, Morphie, Bonyton, Ethie, Balmaine, Leyes, Guthrie, and New-
grange, or anie foure of thame, the Lords Ogilvie and Carnegie or either of thame being one of the foure, to convene and meete at the burgh of Monrose upon the threttein day of September nixt; and to Johne, Erle of Rothesse; William, Erle of Mortoun; Robert, Lord Melville; Lord Ramsay of Dalhowsie; and to the Lairds of Weymes, Balmowto, Sir George Areskine of Innerteill, Mr. James Aitton  

Boeswald of Pittedie, Sir George Hammiltoun, with the bailleis of Dysert, Kirkaldie and Kinghorn or anie foure of thame, to convene and meete at the burgh of Bruntilland upon the said threttein day of September nixt; and to 

Commission to
John, Earl of
Kinghorn, and
others, to
ascertain
where forts
may be most
commodiously
erected at
Monrose,
Bruntilland,
and Inche-
verie, and to
consider how
and by whom
the said forts
may be con-
structed.

Dundas of that Ilk; Colonel Harie Bruce, Mr. Alexander Hammiltoun, and Alexander Bruce, or anie three of thame to convene and meete at Queensferrie the threttein day of the said moneth of September, and at thair said meetings within the pairs respective assignit unto thame as said is that thay within the several bounds allowed unto thame try and informe thameselfis whair forts may be best and most commodioulsly built, viz. at the burrowes of Monrose and Bruntilland and how some fortificationoun may be made at Incheverie; and to consider and accordinglie to take some course and ordour how, be whom and by what meanes the saids forts and fortificationoun may be biggit, and what supplee may be had from the countrie people for the furtherance and advancement thairof, what charges the bigging of the same will necessarlie require, and what pairs and portionis of the countrie sail be allowed for contributing thairunto, and to report thair proceedings and the course and ordour to be taine be thame heerin to the saids Lords upon the eighteene day of September.

Forsameeke as the Lords of Secret Counsell hes thought it meete Commission to
George, Marquis of
and expedient that now in thir dangerous and difficill tymes when the
country is threatened with a forraine enimie that bailes and beakens be set up in all convenient and eminent places whairby notice may be givin to the subjects of anie forraine or intêteine invasioon that sall happen to fall out, to the intent that the subjects upoun the sight of the beakens may be the more readie and prepaired to concurre in the defence of thameselffes and the country; and for the better exectuion heerof the saids Lords hes givin and grantit, and be the tennour heerof gives and grants full power and commisioun be thir presents to the persouns particularlie underwrittin to conveene and meete at the pairs following, that is to say, to George, Marquies of Huntlie; Francis, Erle of Erroll; Arthur, Lord Forbesse; Patrik, Bishop of Aberdeene; and the Lairds of Drwm, Muckalls, Clunie Gordoun, and Ludquhairne, with the proveist of Aberdeene, for the shirefdome of Aberdeene; to conveene and meete at the burgh of Aberdeene upon the threttein day of September nixt; and to William, Erle Mairshall; and the Lairds of Arbuthnet, Glenbervie, Pittarrow, Balmaine, Lawrestoun, Halkertoun, Benholme, Morphie and Leyes, or anie fyve of thame for the shirefdome of Kincairdin, to conveene and meete at the Stainhwhyve upoun the said threttein day of September nixt; and to Johne, Erle of Kinghorne; the Lords Ogilvie, Gray, and Carnegie, the Maister of Carnegie, the Constable of Dundie, the Lairds of Edyell, Din, Bonytoun. Fintrie, Powrie Frothinghame, Dunnechin, or anie fyve of thame for the shirefdom of Forfar, to conveene and meete at the burgh of Forfar upoun the said threttein day of September nixt; and to Johne, Erle of Rothesse, the Lords Colvill, and Burlie, Sir Alexander Gibsoun of Durie, the Lairds of Weymes, Balmowto, Sainctmonnains, Reresse, Baccarasse, Balfour, Newtown, Balcolmie, Sir William Scot of Elie and Sir Johne Scot of Scottistarbet, or anie fyve of thame for the shirefdome of Fyffe, to conveene and meete at the burgh of Cowpar of Fyffe upoun the said threttein day of September nixt; and to George, Erle of Wyntoun; Thomas, Erle of Melros; Sir Patrik Hepburne of Wauchtoun, Sir William and Sir Johne Setouns of Barnes, or anie three of thame for the shirefdome of Edin- burgh and constabularie of Hadintoun to conveene and meete at the burgh of Edinburgh upoun the said threttein day of September nixt, and at thair meetings that they take notice and tryell to informe thameselffes, whair and in what plaices bailes and beakens sall be set up within the severall bounds allotted and allowed unto thame, and how and by whom the saids bailes and beakens sall be interteaned; and to call and conveene before thame the persoun and persouns whatsoever unto whom the burdein and charge of the saids bailes and beakens sall be committit, and to injoyne unto thame the performance of that which sall be injoyyned unto thame; and that the saids commissioners make report in writt under thair hands of thair proceedings in this mater to the Lords of his Majesteis Privie Counsell upoun the nynt day of October.
The whilk day the missive letter underwrittin signed be the Kings Majestie wes presented to the Lords of Secrete Counsell, of the whilk tehennour followes:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie end weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellers, we greete yow weill. We have understood by your letter of your desire to be cleerelie certified of our resoluution concerning our shippes in that our kingdome. As by our pleasure latelie signified unto yow we desired that thay sould be disposed of for our best advantage to the effect that both we might be disburdeinmed of the great charge we ar at in keeping of thame and that the moneyses arising thairby might be imployed for the good of our service, so our pleasure is still that yow proceed according to the said former warrant. And if the Erle Mairshall, or anie having power from him will bargaine for the said shippes or anie of thame we think it fitt (in regaird he had our first grant thairof) that he sould be preferrit to anie uther whoseover; or if he and the Erle of Linlithgow could condessend together for barganning for the same upoun suche termes as uthers would doe we could willenglie approve that course. Otherways if thay nor name of thame, we ar willing that yow end with anie person whoseover for the same who will performe the best and most speedie conditionns for our present use to the effect that we may dispose of the moneyses arising thairby as we sall be pleesed to give particular directioun. And withall our further pleasure is that yow agree ather with thame who sall have the saids shippes or with uthers having good shippes as yow sall thinke fitt for transporting the companeis now to be levied and sent to France, which speciallie recommending to your care we bid yow fairweele. From our Court at Bagshote, the seventeind day of August 1627. Whilk letter being read, heard and considerit be the saids Lords and thay being thairwith well advised the Lords of Secret Counsell ordanis the Countesse of Mairshall in absence of her husband to be warinned to the morne to declaire if she hes anie warrant from her husband to deale in this mater.

The Lords of Secreet Counsell according to ane warrant and direction in writt signed be the Kings Majestie and this day presentit unto thame prorogate the tyme limited for transport of the leveis to be sent unto the King of Denmarke unto the first day of October nixtocum, of the whilk proproducts intimation was made to the three colonells to the intent thay sould pretend na ignorance thairof. Followes his Majestie missive for warrant of the Act abonewritten:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellers, we greete yow weill. Whairas upoun good consideratiouns we wer formalie pleased that the tyme limited for leveing the forces to be sent unto our uncle the King of Denmark sould be prorogated till the last of this moneth, now in regaird that this intervening
occasion for levying some forces for our service in France will be ane
hinderance to the raising of these other forces, our pleasure is that you
again prorogat the said former limited tyme till the first of October,¹
and signifie the same to the colonells of the said regimentes; for doing
whairof these presents sall be your warrant. Givin at our Court at
Bagsbott the seventeene day of August 1627.

The whilk day the missive letter underwrittin signed be the Kings
Majestie was presented to the Lords of Secret Counsell, of the whilk
the tennour followes——CHARLES R. Right trustie and weilbelovit
cousin and counsellor, right trustie and weilbelovit cousins and coun-
sellers, and right trustie and weilbelovit counsellors, we greete yow weill.
Being willing amongst uther forces intended to be sent by us for better
secunding the warres whairin we ar justlie ingadgit with France to send
thither two hundreth Highland bowmen, our pleasure is that yow
grant unto Alexander M’Naughtan, our servant, ane commissioun with
ane sufficient warrant to levie and transport the said twa hundreth
bowmen, with als large priviledges as anie uther hes had heeretofore in
the lyke kinde, he alwayes giving suche satisfaction to everie one of
the said number as sall be agreed upoun betuixt him and thame, according
to the custome in the lyke cases. For doing whairof these presents
sall be unto yow a sufficient warrant. And for the better furthering to
levie the said number of men in dew tyme we ar willing, upoun ane
motioun made unto us for causing grant remissiouns to suche Highland
persouns as ar fugitive from our laws for criminall causes, to referre
the same to your consideration being willing that thairin yow grant unto
our said servant all the favour and furtherance that can lawfullie be granted.
So we bid yow fairweill. From our Court at Windsore, the 12 of
August 1627. Whilk letter being heard and considerit be the saids
Lords thay ordaine a commissioun to be past and exped to the said
Laird of M’Naughtan conforme to the tennour of the said missive.

The whilk day in presence of the Lords of Secret Counsell compeerit
personalie the persouns underwrittin and aceptit upoun thame the
office of shirefship of the shiredfomes following and gave thair oaths,
to witt, Sir Alexander Lawder of Hatton acceptit the shirefship of
Edinburgh, Robert Richartson of Pencaitland acceptit the shirefship of
Hadin ton, Sir Alexander Nisbitt of West Nisbitt acceptit the shirefship of
Bervick, Harie Wood of Bonyton acceptit the shirefship of Forfar,
Sir James Pringill of Gallascheills acceptit the shirefship of Selkirk,
Robert Crichtoun of Ryhill acceptit the shirefship of Dumfreis, and
Thomas Dalyell acceptit the shirefship of Linlithgow.

The Lords of Secret Counsell assignes to the proveist and bailleis
of Edinburgh the nixt Counsell day for reporting of thair answere

¹ By October these intended levies would have been of little service to the King of Den-
mark. During August his position had been critical, and in September he had to seek refuge
in his Islands before the combined action of Tilly and Wallenstein.
anent the forts to be biggit at Leith, and nominate the Lord Chancellor, Earls of Wyntoun and Melros, with so manie of the Counsell of Warre as sall happen to be in the town, to meete with the provest, bailleis and counsell of Edinburgh at Leith upoun Saturday next at eight of the clocke in the forenoon and to conferre with thame anent the expedencie of the building of the saids forts and of the meanes how, whair, by whome and after what maner they sall be inter-
teenied.

Forsameekle as the Lords of Secret Counsell hes found it meete and expedient that in thir difficill and dangerous tymes when the cuntrie is threatened with a forraine and powerfull enemy that some forts and fortificationis sall be made and built in suche paimts whair the approach and landing of the enemie may be presoomed to be most easie, and considering that the burgh of Aberdeeene and the harbourie theairof lyes opin and that the enemie without probable danger may enter at the harbourie mouth, Thairfoir the saids Lords earnestlie recommends to the proveist and bailleis of Aberdeeene, and with that gives power and commision unto thame to build and make forts and fortificationis within and about their town and at the harbourie mouth as thay sall think most fitting for defence of thair town and harbourie and with-
standing the landing of the enemie; and if it sall be found necessar be the magistrat of the said burgh that the saids forts and fortificationis sall be built upoun another mans ground, the saids Lords finds and declaires that according to the course of justice the saids provest and bailleis sould satisifie the partie upoun whois ground the saids forts sall be bigged according to thair interesse; and if thay thameselfes can not agree with the awners and proprietars of the ground upoun this point the saids Lords hes remittit and remitts the cognoscing and determina-
tioun upoun the difference to the Lairds of Drwm, Clunie Gordoun, Tolquhon, and Leyes or anie two of thame, unto thome the saids Lords gives power and commision by thir presents to try the ground whairupoun the said fort sall be bigged and the hurt and prejudice that the awners may cleeerlie susteane thairby and accordinglie to modifie the satisfactioun that sall be givin for the same. And the saids forts being bigged the saids Lords promises that thay will len and caus be delivered to the said burgh for the defence of thair forts, harbourie and burgh, foure demiculverings of his Majesteys yrne peces lying at Leith upoun cautiuon to be found be thame for redelyverie and restituion of the same upoun requisitioun.

Ane commission to the provest and baillies of Abirdene to build some fortis and fortificationis at thair town or harbory or neur thair-
unto for defence of the same, with provisioun that yf thay build upoun another mansis ground that thay sall satisifie the partie according to thair interesse, and yf thay can not aggree, the difference to be deter-

1 This Act omittit in the xxix day of August. (Signed) J. Prymrois.
mined be the Lairdis of Drum, Cluny, Tolquhune, and Leyis, or any tua Sederunt, 1625-29.
of thame, to whome the Lordis gevis pouer to try the avail of the Fol. 60, a.
ground and to modifie the satisfactioun according to the damage and prejudice the awnair sail sustenee. And the fortis being buildit, the Lordis decernis that fourw demy culveringis salbe lent unto thame upon cautiou for redelyverie of the same upon requisitiou.

Ane warrant for delverye to the toon of Anstruther when thay half Fol. 60, b.
biggit thair forte, of tua demy culveringis upon cautiou for redelyverie of the same.

Ane missive frome his Majestie anent the Earle of Suffolk and Wedderburn. and ane awser to be returnit, Wedderburne nominat Waughtoun and Toftis for him.

Ane missive to Sir Mungo Murray for the shireship of Perth, to be acceptit be him the nixt Counsell day.

Sederunt ut die predicto.

The whilk day George, Vicount of Duppline, Lord High Chancellor of Aeta March 1626-January 1627.
this kingdom, produced and exhibite before the Lords of Privie Counsell ane patent grantit be his Majestie to Thomas, Erle of Melros, 1 Fol. 240, b.
his Majestis Secretarie, of the dait at Bagshot of the seventene day of August instant, proporitg that whair as his Majestis darrest father of eternal famous memorie was pleased in regaird of the long, trew and faithfull service done to his Majestie be the said Erle of Melros to preferre and advance him to the honoure, title and dignitie of ane Erle, and to be callit Erle of Melros, and that now the Kings Majestie in remembrance of the same services done to his darrest father be the said Erle and to encourage him to continew in the lyke dewtiffull regaird to his Majestis service, hes bene gratiosiie pleased to preferre and advance the said Erle to ane more honnourable title and dignitie, to witt to the honoure and dignitie of Erle of Hadintoun, and to suppressse his former title of Erle of Melros, but prejudice of his ranke and precedence amongst the noblemen of the kingdom in all public and privat meetings, whilk his Majestie ordanis to stand fra the dait of his first creatiou to be Erle of Melros, to the intent that uthers in imitatioun of his painfull and diligent endeavoures in his Majestis service might constante expect from his Majestie the lyke pledge and token of his Majestis benevolence and favour, as the said patent of the dait above writtin beares. Whilk being read and considerit be the saids Lords thay with most humble and dewtiffull respect acknowledgit his Majestis gratious favour showin to the said Thomas, Erle of Hadintoun, ordaining him and his beyres to be callit Erles of Hadintoun in tyme comming, and to bruike their ranke and place amongst the

1 An account of the official career of the Earl of Melrose will be found in the Introduction to Vol. VI. of the Register, p. vii.
nobilitie in all publick meetings and assembleis fra the dait of the said Erle his first creatioun to be Erle of Melros.

The whilk day in presence of the Lords of Secret Counsell com-
peirit personallie Robert Keith, wrytter, in name of Dame Areskine, Countesse of Mairshall, and declairit that the said Coun-
tesse had no warrant nor directioun from her husband to deald nor bargane for his Majesteis three shippes, and that she ex-
pectit his returne daylie, and that if the said Lords thought mette, she would write to her husband to understand his resolutioun thairanent.

The Lords of Secret Counsell ordanis his Majesteis Admirall, who was personallie present, to dismissee the shippes having letters of marke whilks wer sett out to attend his Majesteis three shippes if betuixt and Saturday nixt he find not ane occasion of their forder imployment.

The Lords of Secret Counsell recommends to the Counsell of Warre to deal with the merchants to bring home twa thousand muskette and three thousand picks and corsettes, with matche and poulder at reasonable pryses, and to assure thame that his Majesteis Counsell sal have a caire that the said armour sall be taie aff their hands and that thay sall be thankfullie payed for the same.

The Lords of Secret Counsell nominat and appoints George Vicount of Duppline, Lord High Chancellor of this kigdonne; Alexander, Erle of Linlithgow, Lord Admirall; Thomas, Erle of Hadintoun, his Majesteis Secretarie; Archibald, Lord Naper, Deputie Thesaurnar; Sir Johe Hamilton of Magdalenis, Clerk of Register; and Sir John Scot of Scottistarbet, Directour of the Chancellarie, to conveene and meete in the Counsell hous at Halyruudous upoun Moonday nixt at ten of the clocke in the forenoone and thair to ressawe and heare Sir James Bailzie his accompts of the present taxatioun and of his ressett and deburamente upon the buying of his Majesteis three shippes, f shelter of thame, and interteane the companie and eqippage of the same; as alsua to heare and ressawe the compts of the pursers of the same shippes, and to examine, allow or contrell thame as thay sall find the occasioun to require.

Forsamekle as James Stevinsoun in Pittinweeme, having pur-
chast ane commission for persute of the commoun ememie to his Majestie and his estait, he hes provin most unworthie of anie suche commission in so farre as he hes never preast to putt the said commission in executioun and being upoun the sea when [ane] of the countrie shippes wes perseswit be the ememie and he being of sufficient power to have releeed her, he shamefullie and un-
worthlie abandonnit his countrie shipp, made her no releefe, and left her to the mercissell crueltie of the ememie. And forder, he being desired be his Majesteis Admirall and his deputs laitlie

The Countess Marischal has no warrant from her husband to bargain for his Majesty's three ships. See ante, p. 55.

Directions to the Admiral.

Arms and ammunition to be brought home by the merchants.

Appointment of George, Viscount of Dupplin, and others, to hear the reports of Sir James Baillie anent the taxation.

Letters to be directed to James Stevenson in Pittenweem, charging him to appear before the Council, and to account for his failing to execute the commission he had received for the pursuit of the ships of the common enemy.
when the forraine enemie wes upoun the coast to have gone out and joynd with his Majestie's shippes in persute of the enemie and defence of the countrie he shamefullie and mischantlie refused to joyne in that service, testifieing thairby that he was unworthie of anie publict service or imployment in the estait. Thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said James to compair personallie before the saide Lords upoun the eighten day of September nixt, bringand and produceand with him his commissioun foirsaid to be scene and considderit, and to heare and see the same dischairgit as grantit to ane most unworthie of anie suche imployment, or ellis to shaw some reasonable caus why the same sall not be done; and forder to answere upoun his shamefull and unworthie abandouning of his countrie people when he wes of sufficient power to have relewed thame; and for his contempitous refusing to joyne with his Majestie's shippes for the defence of his native countrie, and to underly suche ordour as sall be taine with him thairanent under the paine of rebbelioun and putting of him to the horne, with certificatioun to him and he failjie that not onlie sall his said commissioun be dischairgit and he declarit unworthie and not capable of anie suche publict charge but letters sall be direct to denunce him rebell and putt him to the horne.

Forsameekle as the Lords of Secret Counsell hes thought meete and expedient that Law, prisoner in the tolbuith of Dunbar to be brought and exhibite before the saids Lords to be tryed, taine ordour with, and punisht for suche things as they have to lay to his charge, Thairfoir the saide Lords ordains letters to be direct chairging the proveist and bailleis of Dunbar to bring and transport the said Law from thair said burgh to the burgh of Hadington, and thair delver him to the proveist and bailleis of Hadington within the space of twentie four hours nixt after the charge, under the paine of rebbelioun, etc.; as also chairging the proveist and bailleis of Hadington to ressewe the said Law from the saids proveist and bailleis of Dunbar within the space of ane hour nixt after the charge under the paine of, etc.; and thairafter to bring and transport the said Law to the burgh of Edinburgh and thair to delver him to the proveist and bailleis of Edinburgh within the space of twentie four hours nixt after the charge, under the paine, etc. And lykeweyes to charge the said proveist and bailleis of Edinburgh to ressewe the said Law aff the hands of the saids proveist and bailleis of Hadington, and to committ him to waird within thair tolbuith thair to remaine in firmanse till forder ordour be taine for his tryell and punishment within ane hour nixt after the charge under the paine of rebbelioun and putting of thame to the horne; and if the foirsaid persouns failyeis in anie point of the premissis the
particular hours and dyets forsaid being bypass, to denounce thame rebels and putt thame to the horne, and to escheate, etc.

Forsameekle as the Lords of Secret Counsell upoun verie considerable and good grounds importing the weale and benefite of the countrie made a restraint this last yeere bygaine of exportation of noit, sheepe and wooll untill a certaine day bygaine to the intent that in the meanety me the saids Lords might have beene informed from the Justices of Peace how the pryces of the nolt, sheepe and wooll in the severall parts of the kingdome ruled; and altho it was looked that the Justices of Peace unto whom this mater was recommendit sould have made their reports anent the pryces of nolt, sheepe and wooll uppon the xxix of this instant, to the intent accordinglie the said restraint might have beene allowed or dischairgit; notwithstanding their is no report at all returned frome manie of the saids Justices of Peace, whairupon the saids Lords hes of new assigned unto thame the aucthein day of September nixtocum for making of thair said reports; and they have thought mette that the restraint of exportation of the saids commoditeis sall stand in force and be continewed till the twentie day of the said moneth of September nixtocum, and thairfor ordanis letters to be direct to command, charge and inhibite all and sindrie his Majestis lieges and subjects and strangers be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places needfull that nane of thame presume nor taise uppon hand to carie or transport anie nolt, sheepe or wooll furth of this kingdome at anie tyme afoir the said twentie day of September nixtocum under the paine of confiscatioun of the same nolt, sheepe and wooll to his Majestis use, certifieing thame that sall fallye and doe in the contrair that the said paine of confiscatioun sall be inflictit upoun thame without favour.

Missives to the Justicies of Peace within Edinburgh, Hadingtoun, Peblis, Lanerik, Air, Renfrew, Perth, Forfar, Striviling and Abirdeen anent the pryces of nolt, sheepe and wooll and to reporte upoun the 20 of September.

That missives be direct to the convenaris of the Justicis of Peace of East and West Lothieane, Fyffe, Forfar, and Lynlythqu, to convene thair brethrene and to divyde thame selfis according to the presbitryis quhair they duell, and be advise of the ministeris thairof to tak tryall of the number of fensible personis in eche parroche, alsuell to burgh as land, to the intent ordour may be tane for traneing thame up in militarie discipline; and that thay reporte to the Counsell upoun the 18 of September nixt.

Chancellor; Menteith; Nithisdaill; Wyntoun; Lynlythqu; Rox-Holyrood burgh; Hadingtoun; Lauderdaill; Melvill; Carney; Naper; Nicholl; Master of Jedburgh; Privy Seal; Clerk of Register; Advocate; Tracquair; Sir Johnne Scott.
Missives to be direct to noblemen and baronis anent some men to be send to the Erle of Mortoun betuix and the 20 of September.\(^1\)

Commission under the signet to the provost and bailies of Perth or Commission, 1624-30. Fol. 145, b.
any two of them, to try David Hooe in Coittis of Elcho, who “upoun Sunday last the xxvij of August instant,” murdered Johnne Harlaw, “braibner” in Perth and “keastt him in a howe ditches,” and being shortly afterwards apprehended “with the bluidie hand” is now a prisoner in the tolbooth of Perth. Signed by the Chancellor, Menteith, Nithisdaill, Wintoun, Linlithqw, Roxburgh, Hadintoun, Launderdail, Melvill and Carnegy.

Recommendation to the Justices of the Peace of Edinburgh, &c., to convene their brethren according to the Presbyteries where they dwell, and with the advice of the ministers to ascertain the number and quality of the fiscible men of each parish, with a view to their being drilled and trained.

After our verie heartlie commendations.—Whairas it hes beene found meeete and expedient be his Majestis Counsell that in this difficult and dangerous tyme when the countrie is threatened with a powerfull and dangerous enemy that the subjects of the same who thir manie yeeres bygane have enjoyed the happie fruicts of peace and ar thairby become ignorant of militarie exercise and discipline sall now be brought backe to the use and handling of their armes under suche commanders and leaders as in everie schirefdom and circuit sall be nominat and appointit to have charge over thame; and this being a mater importing so neerelie the good of the kingdome and the preservatioun of religioun and of the esaites and fortouns of all the subjects within the same, it is thairfoir expectit that everie one will contribute the best helped whilk may conduce to the furtherance of this so necessar a service. And thairfoir these are to request and desire yow to convene the rest of your brethren of that benche and at your meeting that yow divide your selves according to the presbyteries whair yow dwell, allowing to eache of yow your awne severall bounds, whair by the advice of the ministers of the parish yow may take tryell of the number and qualitie of all the fiscible persouns als weill to burgh as land within eache parish, to the intent that accordinglie ordour may be tane for dreilling and training of thame in the use and handling of their armes under suche commanders sall be appointit over thame. And recommending this to your care and diligence as a peece of service most important for the safetie of the kingdome, and lookeing assuredlie for a certaine report in writ upon the xviiij of September nixt of your proceedings we committ yow to God. Fol. 113 a.

From Halyrudhous the last day of August, 1627. Sic subscribitur, Geo. Cancell, Wintoun, Linlithgow, Hadintoun.

After our verie heartlie commendations.—We wrote to yow of before for returning unto his Majestis Counsell a report in writ of the nolt, sheep and wool, to the intent that accordinglie ordour might be tane for publishing the rules of restraint or transport of these commoditeis. And looking to have hard from yow concerning this businesse upon the xxix of this instant yitt we have heard no report at all, we mervell that

\(^1\) Morton, at the head of the Scottish contingent, was now with the Duke of Buckingham before La Rochelle.
in a matre of this kinde, importing so neerelie the good of the countrie, that yow have bee so slacke and negligent. And thairfuir these ar to request and desire yow that yow faile not, all excuse sett aside, to informe your self sufficientlie in this matre betuixt and the eighteen day of September next, and send in your report to his Majesteis Counsell thairanent upon the said day, quhilk looking assuredlie yow will doe we committ yow to God. From Halyrudhous the last day of August 1627. Sic subscribitur, Geo. Cancell, Winton, Linlithgow, Hadinton.

After our verie heartilie commendations.—Whairas we wrote unto yow latelie concerning the just warre quhilk his Majeste has undertane against the French King and quhairin we craved to be resolved be yow quhat number of persoouns yow would be able to furnishe for the furtherance and advancement of his Majesteis service, whairin his Majesteis honnour and credite is so farre ingaged, but as yett we have receaved no answer worthie to be returned unto his Majeste. And thairfuir these are of new to request and desire yow to send in to the burgh of Edinburgh betuixt and the twenty day of September next suche number of persons as yow may furnishe in this matre, and thair deliever thame to the Erle of Mortoun and his offciars who will be thair readie to attend and resave thame; and that thay be persoouns of good vigour and abilitie of bodie and not of these who ar in the commoun rolls for the service of the King of Denmarke. And looking that yow will not be failing to his Majeste in this so important a caus seing at that tyme we must give a compt of everie mans cariage in this bussines we committ yow to God. From Halyrudhous the last day of August 1627. Sic subscribitur, Geo. Cancell, Winton, Linlithgow, Hadinton.

Most sacred Soverane, Thair wes a petitioun this day presentit unto us be Captane Johne Setoun heavilie regraiting that he having made his addresse heere for ordouring of his effaires whilk by his long absen wer hitherto neglected to his great hurt, that at his comming he was unexpectedlie arrestit be the Lord Chancellour, and he not being conscious of anie offence that might procure his restraint and being ignorant of the caus thairof his greefe wes so muche the more that it bred a vehement suspicioun in the hearts of the multitude of his guiltines of some haynous trespasses, offering for his cleering thairof to submitth himself to the most exact tryall that is usall in suche caces, which he most humblie and earnestlie craved, or otherways that he might be released. Whairin becaus the grounds and reasouns of your Majesteis directioun wer unkonwne to us we have forborne to meddle thairwith till we heare from your Majesty thairanent, which your Majeste will be pleased to doe so soone as the convenienci of your effaires will permitt. And so, etc. Halyrudhous, the last of August 1627. Sic subscribitur, Dupline, Nithdisaill, Wyntoun, Linlithgow, Roxburgh, Hadintoun, Buccleuoch, Launderailles.
Most sacred Sovereign, Thair was a petition preferred to us in name of Mr James Galloway and Mr Nathaniel Udwart protesting that they, out of their respect for the service of the country having undertaken the casting of iron ordinance and shot upon condition made be your Majesty unto thame for advancement of twa thousand pounds sterling towards the furtherance of the work, and that the not payment thereof having hitherto disabled thame to prosecute their enterprise they are now constrained for the better accomplishing thereof to enter in society with the Erle of Seaforth, without whose helpe and concurrence thay could not undergo so weightie a charge. In regard thereof they made earnest sute unto us that we would sollicite your Majesty to be gracioslie pleased for the good of the service and their farther enabling to follow out the same to discharge unto thame the payment of anie rent or deutive for the space of fayne yeeres to come, thay paying to your Majesty yeerelie thairafter the sowme of twa hundred pounds sterling during the continuance of the work in making of ordinance for the remainder of the yeeres conteanit in their patent. Thair petition being heard, and we considering how much it doeth import the honnour, streth and safetie of this kingdome that in these dangerous tymes your Maiestieis castells, forts and shipping of the countrie be sufficientlie providit with ordinance and shott, and how maynlie necessar it is that suche things should be made at home whairby the countrie may be furnished upoun eeverie interveeneing occasioun of intestine trouble or foraine invasion, we ar thairly induct to conceave the better of the bussines, and to represent unto your Majestie the necessitie of the prosecuting the same, acknowledging the undertakers thairof to be worthie of all favour and encouragement. And so remitting the merits of thair petition to your Majestieis princelie and judicious consideration, we continue our earnest prayeris unto God for your Majestieis long and happie raigne.

The *Minute Book of Processes* gives the following Memoranda collectively for the months of June, July and August 1627.

Act granting to the Viscount of Airdries 2/8 of ilk horse and nolt for upholding the port of Portpatrick.

Act to the Lord Admirall to pay to William Simsone, burges of Dysert, 500 merks for his good service in drowning ane Dunkirk ship upon his return out of the Low Countreyes.

Act ordaining the Admirall to cause redelyver a ship belonging to Midlbrughe taken be Lochinvaris servandis as prysse.

Act of premonitioun against McFarlane of Arrocane and Buchanan of that Ilk,
Act prohibiting the importing to the King of Spaynes dominiones of anye militarie furnitour under the Payne of forfaltour.

Act at the instance of Sir James Bailzie against the vessellis of Lindoris, etc., for payment of his Majesteis taxatoun.

Act be the Laird of Lochinvar consenting that all pryisses to be taken be him on this syd of the Equenoctial be judged be Admirall of this kingdom.

Act ordeaneing prohibitioun of the Lords Couper and Ogilbie to compeir at the wapinschawing of the vessellis of the lordship of Couper.

Ryott: Robert Monteith against Alexander Monteith.

Missive letters anent the invasione of the Spaynzards upoun Zetland.

Act ordeaneing Charles Dickson to mak a seall of Admiraltie to the Earle of Linlithgow during Lennox his minorittie.

Act ordeaneing the houes of Temple to be detenit be Currie, pursavant, whill it be desydit whither the samyne perteanes to Francis or William Cokburnes.

Act prohibiting the fishearis of Dumbar to trouble ane another or carie away thair herringis without payment of the excyse.

Commission to the Earl of Kinghorne to build forthes at Inchgarvie, Bruntyland, etc., for resistance of a forranne enemie, and to erect baillis and bykenis for that effect.

Commission to my Lord Monteith to visiet the Castell of Dumbartoun.

Act dischargeing the imposition of taxatoun upoun the Shireff deput or Clerk of Dumbartan.

Acts anent the levieing of forces for Denmark.

Caution by Andro Davidsoun, portioner of Ryperlaw, in £100, that Edinburgh, 1st September 1627.

Walter Davidsoun in Belasheis will appear before the Lords of Council on 18th September instant for trial, at the instance of Thomas Turnbull of Minto, of his being an idle and masterless man, without means of entertainment, and so such a person as should be sent to the wars.

Caution by David Sweyne, baxter, burgess of Edinburgh, in 500 merks, that John Stewart in Over Crawmond will not molest Robert Mowbray at the Brigend of Crawmond, nor his family, tenants, etc.; with clause of relief.—(Signed) Danid Suyne with my hand, John Stewart.

Caution by John Stewart in Over Crawmond in 500 merks each for John, Abraham, and Alexander Stewart, his sons, to the same effect.

—(Signed) Johne Stewart.

Caution by the said David Sweyne that the said John Stewart, elder, and
his said sons will each pay 10 merks to his Majesty’s Treasurer for their escheat, if found liable therein.—(Signed) Danid Suyne with my hand.

Caution by Sir James Ker of Crailling in 100 merks each for Rawfe Davidsoun in the Burne, and John Young in Kirkyettam, that they will VOL. XVI.
appear before the Lords of Council on 18th September next, and answer upon a charge of being idle and masterless men.—(Signed) S. J. Creline.


For some as it is understand to the Lords of Privie Counsell that there is some appearance of trouble and unquyetnes lyke to fall out betuyxt David Dundas, sonne to Johne Dundas of Newlistoun, on the ane part, and Philip Quythead of Parke, Mr Quythead, his eldest sonne, and Shaw, his sonne in law, on the utter part, whilk will procure great trouble and draw on sindrie inconveniences to the breake of his Majestis peace without remeit be provydt, Thairfor the Lords of Secret Counsell ordanis letters to be direct charging both the saids pairteis to compair personallie before the Lords of Secret Counsell at Halyruidhous or whair it sall happin thame to be for the tyme upoun the xviiij day of September instant, to underly suche ordour as sall be taine with thame for keeping of his Majestis peace under the paine of rebellion, etc. with certificatioun, etc., And siclyke to command both the saids pairteis in the meane tyme to find sufficient and responsaull cautioun and souertie actit in the Bookes of Secret Counsell that thay sall observe his Majestis peace and keepe good rule and quyetnesse ilk ane with uthers, and that thay nor nane uthers in thair names of thair causing, sending, hounding out, command, ressett, assistance and rathabilioun whom thay may stop or latt directlie nor indirectlie sall onnayves invalid, molest, harme, trouble nor perser anower for whatsoever deid, caus or occasioun, utheryaves nor be ordour of law and justice, ilk ane of thame under the paine of ane thousan merkes.

Sedcrunt—Chancellor; Nithisdaill; Wyntoun; Hadingtoun; Launderdail; Naper; Master of Elphinstoun; Privy Seal; Clerk of Register; Advocate; Sir Johne Scot.

For some as the Lords of Secret Counsell being informed of some appearance of trouble lyke to have fallin furthe betuyxt Erle of Abercorne, on the ane part, and Alexander, Erle of Linlithgow, on the utter part, upoun occasioun of the leading of the teinds of the parish of Abercorne, whairunto either of thame pretendeth right, the
sai'd Lords for eshewing of the said trouble and for preserving of his Majestie's peace, convenieth both the saids partieis before thame and having heard the reasons propound be thame hinc inde heeranent, and being well advised thairwith, and understanding that the said Erle of Linlithgow and his predecessours hes beene this long tyme in peaceable possession of leading the saids teinds be vertew of rights standing in their persones not as yitt discussed nor legallie taine away, and finding that be course of justice they cannot dispossesse him of his possession without some preceding cognitioun and sentence before the judge ordinar, Thairfor the saids Lords allowes the said Erle of Linlithgow to continew his possession in leading of the said teind this yeere and that he caus leade and stacke the same in suche paint and placles whairunto the said Erle of Abercorne can pretend no right, and discharges the said Erle of Abercorne to meddle or intromet with the said teind or to make opposition to the said Erle of Linlithgow in the leading or collecting thairof, without prejudice of either of the saids partieis thair right or possession of the saids teinds, which the saids Lords declairs sall be no wayes strethenenn nor impaire by this sentence. Lykeas the saids Lords having impairled this thair decreit to the said Erle of Abercorne who wes personallie present, as sai'd is, he promeit to acquiesce and to conforme himself thairto with all dewtiull obedience.

Forsameekle as Maister Dickson upoun some necessar occasion of his Majestie's affaires cannot attend his charge in his Majestie shippe in the present service whairin his Majestie three shippes ar imploied to waught over his Majestie forces to the Isle of Rae, Thairfor the Lords of Secret Counsell declairs that the said Maister Dickson his absence and not attending his charge in his said shippe sall not preudge him in his placie nor pay.

The Lords of Secret Counsell advises his Majestie Admirall to caus delyverie be made of the Frenche shippe callit The Marran lying at the toun of Air and of the commoditez and goods being within her to the awners attending heere for that purpose.

The qubilk day Sir James Baillie undertooke the victualling and furnissing of his Majestie three shippis for ten weekis.

After our veirie heartlie commendationis. Whairas it is thought meete and expedient for the better withstanding of anie forraigne invasioun that shall be attempted within the Firth that some forts sall be biggit in convenient paires at or about the burgh of Bruntiland, and commissioune given to yow and some uthers to try and informe yourselves whair, how, and be whom thir forts sall be biggit and intreeneated, as be the commissioune qubilk will be shawin unto yow that will appeare. And thairfor these ar to request yow to conveene and meeete with the uthers commissioners at the burgh of Bruntiland upoun the threttein day of September instant, and thair by your joynit advice that yow doe and performe that qubilk be the said commissioune is injoynned unto yow, and that yow
make a report of your proceedings unto his Majestie's Counsell upon the aughteene day of this instant. Quhilks looking assuredlie you will doe as you respect the suretie and defence of the kingdom now in their difficill and dangerous tymes, we committ you to God. From Halyrudhous the sext day of September 1627. *Sic subscribitur*, Geo. Cancell, Wintoun, Linlithgow, Hadinton.

Holyrood House, 7th September 1627.
Letter of Council to his Majestie praying him to lay no further burdens on Sir James Baillie, and to give a favourable ear to his defence of himself against certain unfriendly rumours.

Most sacred Soverane, This bearer, your Majestie servant, being now to make his adresse unto your Majestie to give an accompt of his proceedings in the late service concrede unto him, we can not forbeare now after hearing and consideracion of his accompts to companie him with this our letter and thairwith to informe your Majestie that cairfullie he has followed that service, omitting no point of dewtie that to ane honest servant apperteanned, and at everie occasioun when thair wes ane necessitie of advancement of moneys, ather for the furnishing and outre of your Majestie shippes or anie uther caus, we never found him deficient but willinglie undertooke and tymouslie performed all the burtheins fra tyme to tyme layed upoun him. Whairin we know he hes extendit and ingadgit his freindship to the uttermost. And thairfor we will humblie presume to recommend him to your Majestie favour that your Majestie would be gratioslie pleased to forbear the laying of anie farther burtheins upoun him till he be relieved of his present ingadgements, whilk ar great and heavie, and that your Majestie will allow unto him for his reliefe retentioun in his owne hand of the rests of this present taxatioun or suche uther course that he can forsee for his reliefe. Thair is one thing we can not passe by to acquaint your Majestie that his credit is greatlie weakened upoun occasioun of some brutes and rumours come to his eares to his exceeding great greefe that the sinceritie of his humble and dewtifull endeavours in this your Majestie service hes beene misconstrued and randered suspicius unto your Majestie, and thairfor we will humbly beg that favoure of your Majestie that your Majestie would be pleased to vouchsafe unto him ane favourable care for cleering himself of all these imputations if anie hes beene givin out against him. And so praying the Almighty God to blesse your Majestie with a long and happy raigne, we rest.

Caution by James Arnot, burges of St. Andrewes, in 500 merkes, for Caution of the provost and bailies of the said burgh, that if it be found by the Lords of Council that they have not done their diligence in inquiring about and trying the idle and masterless men in their town, they will underlie such further order as shall be laid upon them. They had been charged at the instance of Robert, Earl of Nithisdaill, by Alexander
Johnstoun, messenger. Suspension is granted to the 24th and parties
cited to 18th September.—(Signed) J. Arnott.

Mr. Umfra Blansells, advocate, as procurator for the principal and
cautioner, registers a bond of caution by Edward Johnstoun, fleshers,
burgess of Dumfreis, in 400 merks, that Thomas Greir, also burgess
there, will not molest Homer Maxwell of Speddoches, nor his family,
tenants, etc., in terms of letters of lawburrows dated 3rd April last,
and charge given thereupon by John Fleming, messenger. The bond is
dated at Dumfries 6th September 1627; witnesses, John Johnstoun,
lawful son of the deceased George Johnstoun, merchant burgess of Dum-
freis, and George Maxwell, George Johnstoun, and Mr. Cuthbert Cunyng-
hame, burgess of Dumfries, who wrote the bond, all notaries.

Caution by James Walker, merchant burgess of Edinburgh, in £1000,
that Robert McCulloch of Keericaulaich, will not molest John Gordoun of
Ardwell, John and James Gordoun, his sons, John Richartsoun, webster,
John Richartsoun, younger, called the Oy, Rodger Braidzet and Andro
Dungalstoun, all in Ardwell; Alexander Mure, in Kirkland of Ardwell,
John Bell in Woodend, Andro Carnoquhen, smith in Maynes of Cardynes,
William Carnoquhen, his son, John Carnoquhen in ; James
Gordoun, notar, Alexander Cursen, Andro Cursen, Harbert Denneistoun,
Thomas MacMerki, and John McIlmorrell, all in Cardynes; Patrik Sprot
in Kilerne, John Livingston in Drummoir, Walter Black in Glencaprenoch,
John McConchie in Drummiklich, John McTucheron and
Stevin Clog, millers in Shyreburnemylne, Herbert McKeoun, walker there,
James Black in Barndarroch, James McKeoun in Adland, Androw and
Robert Gordoun in Bardarroch, Alexander Gordoun there, Gilbert Gourlie
in Newton, and John Beck in Balmacall, nor their families, tenants,
etc. Suspension is granted to 6th November and parties warned to the
1st.—(Signed) James Walker, cau' with my hand.

CHARLES R.—Right trustie and wellbelovit cousin and counsellor,
right trustie and wellbelovit cousins and counsellors, and right trustie
and wellbelovit counsellers, we grette yow weill. Being humblie
petitioned in name of one Dickson, shewing he was (in executing his
charge for our service in the levie for Denmark) casuallie engadgit and
made accessorie to the slaughter of one John Hardie, as may appeare
by the circumstances alledged and maner thairof which we remitt to the
petitioun exhibited heerwith; and though we be no way willing to
hinder the dew course of justice, yitt this accident (if it be trew that is
reportit unto us) doeth urge a consideration more than ordinarie. Our
pleasure is that you informe your self of the trew estait of that busines
and that yow certifie unto us whether the circumstances in the cariage
therin be suche as may induce us to have compassion of the petitioner,
be giving satisfioun to the pairtie compleanner, that thairafter we may
signifie our further pleasure heerin, and in the meanye tyme that yow
caus delay the executioun of any sentence against him for that mater. Royal Letters 1623-32.
For doing quhairof these presents sall be ane sufficient warrant unto yow. So we bid yow fairwell. From our Court at Theobaldes the 13 day of September, 1627.

Right honourable and verie good lordis. We haiving mett at Bruntiland this threttein of September conforme to your lordships directioun, and haiving taine to our consideratioun the commiission direct to us and everie article thairof, to the first we answer we concerning the plaice whair the fort sall be situat: we haive inc lynit to the opinioun of James Traill (whome my Lord Melvill wrote for as a man of skill to convene with us) who thinkes their must be twa bastions, ane on ilk side of the entrie of the harbourie for defence of the entrie thairof, and ane fort upoun the hill abone the toun in ane convenient plaice, whilk we haive viewed and scene, to command harbourie, bastions and haill toun and uther pairs about it, togedder with some uther little defence within the harbourie for musketters. And forder he thinkes it expedient that the mouth of the harbourie sould be cloised with ane bomb or chayne. As to the uther points, how, be whom, and be what means the samyne sould be biggit we could resolve nothing thairanent be reasoun men of judgement and understanding in militarie affaires must after good deliberatioun determine thairanent. As lykewayes answering to that point concerning the chajrige whilk the samyne necessarlie requires, the samyne men of judgement in militarie affaires must sett it doune. And as to that point anent the supplie may be had frome the countrie, we thinke that hardlie thay will agree to ane forder, nor to serve with men and horses, in consideratioun that diverse termes of thair taxatious lyes yitt upoun their head unpayit. And as to the last point concerning the pairs of the countrie that sould contribute to this warke, we thinke that to the forts to be biggit in Fyffe, the haill shyre sould contribute, and after that the number of the forts and thair expensis be knowne then the shyre may be divydit. Thus remitting us and our judgement to your lordships honourable wisdomes, we rest. Bruntilland the 13 of September 1627. Sic subscribirtur, Melvill, S. J. Wemens of that Ilk, Geo. Areskine, John Boisquelle, S. G. Harnmiton, M. Aittoun, J. Bosuall, John Williamsone, bailzie, John Kirkaldie, bailzie.

My most honourable lords, According to the directioun conteined in your lordships letters delyverit to us yesternight we haive convenen at Montrois this day, and conforme to the warrant of your lordships commiission we have visite the bounds nixt adjacent to the toun of Montrois whair forts may be most commodiouslie built. We haive conferrit upon the meanes for building thairof and upoun the supplie that may be expectit from the countrie people. As for the plaices whair the forts ar to be built, we understand that before thay wer visite be Colonell
Bruice and James Traill; and that for we think it very necessary that your lordships should direct thame to come over here again and designe the placeis and prescryve the forme of the forts. As for the means for building that, in our judgement the same must be furnished be the voluntar contribuition of the heretours and burgesses within the shyres of Forfar and Kincairdin. We are so straitned be the shortness of tyme that we are not able to write so determinate ane answer to your lordships as we wish, and that for we have desired the Provost of Montros to carie thir presents, and with all to informe your lordships at greater lenth of all things that occurred in our conference of this bussines. So ceasing to interrupt your lordships most weightie affairs, we take our leave and rest. Montros the 13 of September 1627. Sic subscribitur, Carnegie, Lyone, Areskeine, Bonytoun, D. Gardyne, Grahame of Morphie, J. Carnegie of Athie, D. Guthrie of that Ilk, Francis Ogilvie.

Mr John Paip, younger, advocate, as procurator for the principal and cautioners, registred a bond of caution by James Boyter, elder, of Neitherriff, for Thomas Halyburton, provost of Dundie, James Peirsoun, James Wedderburne, Thomas Davidsoun and William Kinneris, bailies of the said burgh, that if it be found they ought to do so, they will deliver “all the ydle and maisterlesse men and these quho want competent means to live” within the burgh and parish of Dundee to Captain George Ogilvie, except such as they had delivered to Captain James Blair before the proclamation of the letters raised at the instance of Robert, Earl of Nithisdaill, in favour of his officers. Charge had been given to them the above effect by letters dated 3rd August last, and warrant had been granted by the said Earl to his Captains dated the last of August. Also that they will pay to the said Earl or Captain George Ogilvie as party charger all annual rents, expenses and charges, and to the Lords Collectors such sums as they may modify. With clause of releif. The bond is dated at Dundee 16th September 1627, witnesses, John Ramsay, merchant, Mr Alexander Wedderburne, common clerk of Dundie, and William Hill, servitor to Thomas Wichtane, notary at Dundie.

Sedunt—Chancellor; Wyntoun; Nithisdaill; Linlithgow; Rox- 

burgh; Hadintoun; Melvill; Naper; Master of Jedburgh; 

Clerk of Register; Advocate; Sir John Scot.

Ordinance dooing the arrest of all mariners who refuse to take service in his Majesty's ships engaged in transporting forces for the war in France.
that charge and preferre the same to all uthers; nevertheless the Lords of Secret Counsell are informed that sundrie of thir mariners refusis to serve his Majestie in the saide shippes, and thairby does so farre as in thame lyes frustrat and disappoint the said service, highlie to his Majestie offence and contempt without remeie be provydit. Thairfoir the saide Lords ordainis letters to be direct to command, charge and inhibite all and sundrie mariners and seafairing men who hes beene or shall be desired to serve in the shippes foresaidis fraughtit for his Majestie use that they onnawayes presume nor take upoun hand to enter in anie uthier service but that they undertake his Majestie service in the shippes foresaidis, and if thay or anie of thame shall refuse, to arreist thair persouns and to inhibite the skippers and maisters of all shippes and vessels that none of thame presume to ressave anie of the saide persouns in thair service till ordour be taine with thame for their disobedience, and if neid beis to arreist the shippes whairin thay shall be hyred to saile and to take their sailies fra thair races whairthrow they depairt not till ordour be taine heerin as saide is.

The Lords of Secret Counsell considering how that it imports verie muche the honnour, strentgh and saulfetie of the kingdome that blocke-housis and forts be bigged in suche convenient partes on the water of Forth whair thair is anie appearance of danger be ane foraine enemie; and whairas the bigging and interteaneing of thir forts will necessariily require great charges and expenses, thairfoir the saide Lords hes thought meete and expedient that ane pairt of the said charges shall be layed upoun the coale and salt to be transportit furth of this kingdome frome the Water of Forth, for this effect thay have imposed and be the tennour heerof imposeis the sowme of twa shillings Scottish money upoun everie twinne of coale and twa shillings money foresaid upoun everie twinne of salt that shall be transportit at anie tyme heerafter during the space after following outher be strangers or natives furth of this kingdome frome the Water of Forth on both the sides thairfoir betuixt the Bridge of Sterline and Bervick; and thay have appointit and ordainit this impost and dewtie to be upliftit be the maisters and awners of the coalehewes and salt pannes by whome the said coale and salt shall be sauld or transportit to be sauld, and that thay shall be answerable and comptable thairfoir quarterlie to his Majestie Counsell by maiking and giving of ane cleere compt of everie shippe and vessell whairin anie coale or salt shall be transportit and of what port, birth and burdein the shippe is, what is her loading, and accordinglie that thay shall make payment of the impost and dewtie foresaid to his Majestie Counsell or suche as thay shall appoint to ressave the same. Quhilk dewtie the saide Lords hes ordainit and ordainis to stand and continew and to be impaired as thay shall find the occasioun: And ordainis letters to be direct to make intimiation and publicatioun heerof to the awners and maisters of the said coalehewes and salt pannes and to command and charge thame to have ane speciell
care of the uplifting of the said dewtie, and to make honest and cleere compt thairof in maner foirsaid, as thay will answere upoun the con-
trarie, and to be comptable for the whole coale and salt that sall be
transportit as said is.

Forsoomekkle as the Lords of Secret Counsell upoun verie consider-
able and good grounds importing the weale and benefite of the
kingdome made a restraint of exportation of nolt, sheepe and wooll
untill the twentie day of September instant to the intent that in the
meane tyme thay might have beene informed from the justices of peace
how the pryces of nolt, sheepe and wooll ruled in the severall pairs of
the kingdome, that accordinglie the said restraint might have beene
allowed or dischairgit. And whairas the saids Lords ar not yitt fullie
resolved and cleered anent the saids pryces, and finding the ground and
causis whairfoir the said restraint wes made yitt to stand, thairfoir
thay have continewed and continewis the same restraint in full force
and effect untill the twelffe day of October nixtocom, and ordanis
letters to be direct to command, charge and inhibit all and sindrie his
Majesteis lieges and subjects and strangers be opin proclamationion at
the mercat croces of the heid burrowes of this kingdome and utthers
placies neidfull that name of thame presume nor take upoun hand to
carie or transport anie nolt, sheepe or wooll furth of this kingdome at
anie tyme before the said twelffe day of October nixtocom under the
paine of confiscationn of the same nolt, sheepe and wooll to his
Majestie use, certefeing thame that sall faillye or doe in the contrair
that the said paine of confiscationn sall be inflicted upoun thame
without favour.

Forsoomekkle as in the taxatioun grantit unto his Majestie be his
Estaites in the moneth of October 1625 yeeres his Majestie hes not,
nather can gett payment of that pairt of the taxatioun which is imposed
and dew be payed furth of the lordship of Newbottle, pryorie of
Coldinghame, and lordship of Lindores in regaird thair is not ane
persoun who can be formallie burdeinned and chargit for the same;
and whairas it is nowayes reasonable that his Majestie sould be
defraudit of his just taxatioun of the saids benefices speciallie seing
thair is perfyte stent rolls made and sett doun of the same for releefe
of the beneficed persouns thairof in the taxatioun grantit in the moneth
of August 1621 yeeres; quhilk taxatioun and the foirsaid taxatioun
grantit in the moneth of October 1625 yeeres are both alyke in quantitie;
and thairfoir the taxt rolls sett doun for payment of the taxatioun grantit
in August 1621 ar sufficient to serve for the taxatioun grantit in
October 1625, thairfoir and for the furderance of his Majestie
payment of the said taxatioun the Lords of Secret Counsell ordanis
and commands Archibald Prymrois, Clerk of his Majestie taxatioun, to
give warrant for directing of letters upoun the saids three stent rollis
made for releefe of the taxatioun grantit in August 1621, chairedg the

Ordinance
charging the
vasses, feuurs, tacksenmen of
teinds, and
pensioners of
the lordship of
Newbottle,
prory of
Coldingham,
and lordship of
Lindores, to
pay their pro-
portion of the
taxation
granted to his
Majesty in
October 1625.
vassells, fowars, tacksmen of teinds, and pensioners of the saids three
benefices, ilk ane of thame respective for thair awin pairs, to make pay-
ment to Sir James Bailzie of Lochend, knight, collectour of the taxa-
tioun grantit in the moneth of October 1625, and to suche uther
persouns as sall have warrant and power fra him, of that pairt and
portioun of the said taxation whilk is imposed upon thame conforme
to the former stent rollis made for releefe of the taxation grantit in
the moneth of August 1621, and that termelie in all the foure termes
of the said taxation, within twenty dayes nixt after the chaire under
the paine of horning, and if they failjie, to denunce, etc. Lykeas the
saids Lords heereby declairs that the acquittances and dischaires to be
givin be the said Collectour and his deputis to the vassalls, tacksmen
and uthers foirsaida upoun payment of thair taxation sall be valide
and sufficient to the pairteis and ressavers, and sall liberat thame
thairof at the hands of all pairteis haveand intresse; for doing
whairof the extract of these presents sall be unto the said clerk of the
said taxation and uthers whome it concerns are sufficient warrant.

The whilk day the Lords of Secreit Counsell found it expedient that
ane fort sould be biggit at Inchezarvie and thay commitit the charge of
the worke to the Laird of Dundas according as he sould ressave moneyes;
whilk charge he, being personellie present, acceptit upon him.

The Lords of Secreit Counsell ordanis Mr Alexander Hammlitoun and
Alexander Bruce, who wer personellie present, to intimat to all strangers
resorting unto thame for coale and salt that thay bring not backe in
thair shippes anie fugitive soulfulls beyond sea, under the paine to
be arrested and punished according to thair offence.

The quhilk day Sir Mungo Murray acceptit upon him the shirefship
of Perthe and gaif his oathe.

The Lordis advysieis and allowis his Majesteis Admirall to proced in
course of justice aganis Angus Williamsoun and  Grant for thair
violence and opposing aganis his Majesteis auctoritie; and towheing thair
compliceis to inflict some exemplair punishment upoun thame according to
the discipline and lawis of the sea, and thairafter to suffer thair capitanis
transporte thame.

The Lordis assignis to the Justiceis of Peace of East and West Lothian
the nixt Counsell day for reporting thair diligence anent the feisible
personis within thair boundis.

The Lordis haveing hard the reporte of the Provost of Montros anent
the fortis and blokhousis to be build at thair toum, thay find that
thair wilbe a necessitie of tua fortis, and thay aggree that thair salbe
auht peice of ordinance lent unto thame quhen the fortis ar biggit
upon cautious for redelyerie of the same upon requisition; and
ordanis Colonell Bruce and James Traill to be intretat to mak thair
addresse to Montros to visite and designe the place quhair the fortis
salbe buildit and after quhat forme and maner the same salbe done;
and that a letter be writtin to the Lord Carnegiey willing him to
conveene suche gentlemen in the boundis nixt adjacent as salbe thought
expedient to conveene at Monrois uppon the 26 of September instant to
consider and resolve uppon the meanes how the fortis salbe built and
interenyed, and to reporte uppon the nynt of October.

A reporte gevin in be the commissionaris for a forte at Bruntiland.
The Lordis in regard of Archibald Mertoun his unwillingnes to serve
his Majestie with his ship ordain his Majestis Admirall to tak the
ordinance furthe of the ship with all the pouder and bullett being within
hir, and that for furnissing of otheris shippis who will serve his Majestie
in the transporte of his Majestis forceis to the Ile of Rae.

Chancellor; Nithisdaill; Wyntoun; Lynlythqw; Roxburgh; Had-
ingtoun; Naper; Master of Jedburgh; Clerk of Register; September
Advocate; Sir Johnne Scott.

Caution by John Sandylandis of Rushaw in 3000 merks that John,
The Lord Torphine will not molest James Polwart of Cauldlaw, nor his
family, tenants, etc.—(Signed) J. Sandelandis.

Caution by George Adinstone, baxter, burgess of Edinburgh, in £100
each, for David Somerwell and Richard Somervell, his son, in Colding-
hame, not to molest Mr Cristopher Knolles, minister at Coldingham, nor his family, tenants, etc.; and that they will appear before the Lords
of Council the next Council day and answer to a complaint by Patrik
Home of Aytoun of pursuing him for his life and wounding him in
twind parts of his body.

Most sacred Soverane, Your Majesteis letter of the 26 of Marche
putting the differences betuixt the Erle of Suffolk and Sir David Hume
of Wedderburne anent some fishing on the river of Twede controvertit
betuixt thame wes deveryt unto us be one of the said Erle his servants
uppon the 29 of August last. After reading whairof havinge conveenit
before us the said Sir David and acquaintit him with your Majesteis
royal will and direction mentioned in the said letter and accordinglhe
having urgit him with ane present nominatiation of twa commissioners for
his part to cognose and decerne in the said differences, he to testifie his
humble dispoisition to your Majesteis obedience and his willingness to
have that mater sattled by ane equall and indifferent course of
proceedour hes nominat Sir Patrik Hepburne of Wauchtoun and Johnne
Belcheis of Tofts, unto whom for his part he will submitt the finall sattling
of that busines. Thair is one matierall point he stands at whilke we
shew unto your Majestie in our former letter, to witt, the unequal
termes of the commission, dipping onelie upon the said Erle his allegedit
possessioun without mention of the said Sir David his right, or anie
respect at all had thairto, whilke as he affirmes sulde be preferred to ane
baire and naiket possessioun not cled with ane right. And whairas the
commissiouon must be renewed in the persons of the commissioners now to be choosin in equall number for both parteis, seing the present commissiou can be no warrant to thame for their proceedings, the said Sir David his humble petitioun is that the commissioners may be warranted by the new commissiou to try, cognosce and decrene as well upoun the right as possession of paireis and upoun the wrangis committit hinc inde conforme to the draught of one commissiou heere-with sent to Sir William Alexander, your Majesteis Secretar, nowayes differing from the former commissiou except in that point anent the right and possession, by which indifferent and equall tryell all forder mater of contestation will be removed and the bussines itself will ressave a finall conclusion; which remitting to your most royll and excellent judgment, we pray the Almighty to watche over your sacred persoun and to blesse your Majestie with ane long and ane happie raigne. From Halyrudhous the xix day of September. Sic subscribitur, Dupline, Nithisdaill, Wyntoun, Linlithgow, Roxburgh, Hadintoun, Naper.  

Most Sacred Soverane, Whairas this bearer, your Majesteis servant, was some ten or twelf dayes since prepared and in readiness to have made his addresse unto your Majestie, he was upoun ane verie urgent necessitie not onlie stayed be us, but burdened to make ane new outred and furnishing to your Majesteis three shippes appoynted to waught over the forceis lifted for your Majesteis service in France. And altho his former ingadgeaments ar knowne to be great and heavie, and quhairin he hes raked his credit and freindship to the uttermost, yitt out of his humble respect to your Majestie service he hes lykewayes undertane this burthein, and now stays upoun the dispatche thairof, and thairfoir humblie beseeking your Majestie to pardon this his stay whil proceds upoun so necessarie an occasion, and recommending him as a cairfull and diligent servant to your royll and gratious acceptence, we pray God to blesse your Majestie with manie long and happie yeeres. From Halyrudhous the nynteene day of September, 1627. Sic subscribitur, Dupline, Nithisdaill, Wyntoun, Linlithgow, Roxburgh, Hadintoun, Naper.

Sederunt—Chancellor; Nithisdaill; Wyntoun; Linlithgow; Hadington; Melvill; Naper; Master of Jedburgh; Clerk of Register; Advocate; Sir John Scot.

Forsamekle as the manie great and weightie affaires which have occurred in this estait thir twa yeeres bygaine hes moved the Kings Majestie and the Lords of his Privie Counsell to burdein Sir James Bailzie of Lochend, Collectour of the taxatioun grantit to his Majestie be his Estaitis in the moneth of October 1625, with the advancement of diverse great sowmies of money for the outred and dispatche of sindrie of the saids affaires, lyke as the said Sir James to testifie his humble and
dewtiful respect to his Majesteis service not onelie undertooke the burdein of payment of the saids sownes so farre as his awin meanes and strenght could afford, but when that failed, he imploied his freindship and credit beside, and extendit and racked the same to the uttermost; and the saids Lords be his Majesteis commandement, having taine ane view of the said Sir James his accomplits, it appeares to thame that his undertaking exceeds his recept in the sowne of ane hundreth and three scoir auchttein thousand ponds or thairly besides some new burleins layed upoun him for outred of his Majesteis shippes. And whairas the said Sir James hes made use of his freindship with William Dick, merchant burges of Edinburgh, who being requestit be the saids Lords to assist the said Sir James and to joynie with him, thairin, the said Wiliame wes thairrupoun moved to consent thairto, and pairtlie be his credit and proper advancements hes (as the said Sir James affirmes) undertake for him the burdein of ane hundreth thousand ponds, having his speciall hopes of releefe upoun the remanent of the said taxaition as yitt not upliftit and upoun the furderance and assistance to be made to him be the saids Lords, at whois intentie and request he undertooke this burdein. And the saids Lords being moved in honour and justice to foirsee and provyde for the said Wiliame his releefe, seing thay dealt with him so earnestlie to joynie in this mater with the said Sir James, Thairfoir the saids Lords with the speciall advice and consent of the said Sir James ordanis him to make, perlyte, subscrive and delyver ane sufficient assignation and power in dew and competent forme to the said Wiliame for his releefe and payment of the said sowne of ane hundreth thousand ponds out of the first best and readiest payment of the said taxaition als well of the termes bygaine as to come, and ordanis the said Sir James as Collectour of the said taxaition to assist the said Wiliam by all laughfull meanes and wayes to procure payment of the sowne abonewrittin. Lyke as the saids Lords hes interpounded and interpons thair auctoritie and allowance to the said assignation and power now appointit to be made to the said Wiliame, and ordanis letters to be direct thairrupoun in forme as effeirs.

Forsameekle as Robert, Erle of Nithsdaleill, hes appointit the tenth day of October nixtocum betuixt and which tyme he intends, God willing, to imbarke and transport the remanent of his regiments whilk or not alreadye sent to Germanie, quhairfoir necessar it is that all captans, lieutenants and uthers under his regiment prepair thame-selvies and make thair addresse to the burgh of Edinburgh whair the said Erle will attend thame and that in dew and lawfull tyme afoir the said tent day of October nixtocum to the intent thay may imbarke with him. Thairfoir ordanis letters to be direct charging officiars of armes to pas and make publicatioun herof be opin proclamatioun at all places needfull, whairthrow nane pretend ignorance thairfoir and to command and charge all and sindrie captans, lieutenants, enseinzeis,
serjants, sojours and all uthers who hes ressavat pay and undertaine to
serve under the regiment of the said Erle of Nithisdall that thay and
everie one of thame addresse thameselfles in dew and lawfull tym to
the burgh of Edinburgh afoir the said tent day of October nixt and thair
attend upoun the said Erle and be readie to imbarke and goe aboard
with him, as thay and everie one of thame will answere upoun the
contrarie at their highest perrell, and under the paine to be searched
persewit and puneist as fugitive soulidours with all rigour and extremitie
to the terrour of uthers to do the lyke heerafter.

Forsameekle as by ane act of the Exchequer thair is allowit to Sir
James Baillie, collectour of the Taxatioun grantit to his Majestie in
October 1625, the sowme of ten thousand merkes for outred and
furnishing of his Majestie's three shippes appointit to waught over his
Majestie's forces to France; and the Lords of Secreit Counsell, consider-
ding that this allowance will not defray all the charges requisite in
this service, seing it is now ordainit that the saids shippes sall be
be furnisht till the tym of thair lousing and for the space of three
moneths thairafter. And thair being ane necessitie lykewayes that the
sai ds shippes sall be providit with moneys for defraying of suche chairges
as usuallie falls out in suche voyages and for some supplye to be made
to suche of the equippage of the shippes as ar most necessitous according
to the directioun to be givin be his Majestie's Admirall, whairin he will
be als spairing of his Majestie moneys as possiblie may be, Theirfoir the
sai ds Lords declairs and ordains be these presents that what forder Fol. 245, b.
sowmes sall be advanced and furnisht be the said Sir James for outred
of the saids shippes, and providing the same with moneys by and
attoure the said sowme of ten thousand merkes alreadie allowit be the
Exchequer, that the same sowmes, after hearing and dew consideratioun
of his accomplis, sall be allowit unto him and that he sall be payit of the
same out of the first and readiest of the said taxatioun.

Forsameekle as it is thought meete and expedient be the Lords of his
Majestie Privie Counsell that his Majestie three shippes of warre sall
be prepaire and in readinesse to waught over to the Ile of Rae¹ his
Majestie forces lifted for the forderance of his Majestie service thair;
and whairas it is necessar that thir three shippes sall be warrantit with
comission from the Lord High Admirall of this kingdome and with
suuche instructioun as he sall give unto thame tuching thair behaviour
and proceedings in this expeditioun and service, thairfoir the saids
Lords ordainis Alexander, Erle of Linlithgow, Lord High Admirall of this
kingdome, who was personallie present, to give comission and warrant
under his seale of office to his Majestie three shippes Fordaisd with suuche
instructioun as he sall thinke meete concerning this service; whairanent
the extract of this Act sall be unto the said Lord Admirall ane warrant.

¹ The Ile of Rhé, before La Rochelle.
Forsameckle as the Lords of Secret Counsell are informed of manie great disordours committit within the burgh of Bruntilland be the souldiers who ar lying thair attending thair transport, by whome the peace of the said burgh is verie farre disturbit, the inhabitants thairof oft tymes are threatened and persewit of thair lyffes, and manie forder inconveniences ar lyke to fall out to the breake of his Majestie peace and hurt of his Majestie good subjects without remeved be provydit, Thairfor the Lords of Secret Counsell allowes and ordanis the magistrates of the burgh of Bruntilland to take the captans and lieutenants and uthers having command of the souldiers lying within the burgh of Bruntilland or which sall come thairto heerafter actit in thair toun bookes, that they and the haill companeis under thair charge sall behave thameselfis during thair abode within the said burgh as peaceable and good subjects, and that they sall observe his Majestie peace, keepe good rule and quietness within the same, and that they sall committ no disordour nor insolencie thairin under the paine to be censured, persewit and puneist thairfor accordinglie; commanding heereby the saids captans, lieutenants and uthers having charge of thair companeis to conforme thameselfis to this present Act and ordinance and obey the same, and to have ane speciall care that the said Act be kepted unviolat in anie point as they will answere upoun thair obedience at thair highest perrell.

Caution by Andro Davidson, portioner of Ryparlaw, in £100 for Walter Davidsson in Belsheis, that if at any time George Davidsson, his brother, comes into his house, or is in his power, that he will exhibit him before the Lords of Council.

Ane proclamatioon intimating to all his Majestie subjectis who sall furnace ony souldouris xlviiij houris togidder without payment thay sall haff no recourse to the Counsell.

Most Sacred Soverane, Whairas in former tymes it hes beene carefullie provydit by diverse Acts of Parliament, Conventioun and Secret Counsell, that the air of these quho sould happen to be slaine or hurt to the death in the Kings armie sould have their ward, reliefe and marige, disponit to thame be the King gratis, non obstant thair minorite and lesser age; and seing in this expeditioon to France thair is sindrie gentlemen of good qualitie, who for the furtherance of your Majestie service hath the willinglie ingadgit thameselves thairin and ar readie to adventure thair lyves and estaitis in the prosecutioun thairof thay have made earnest sute unto us, in regard thay hold thair lands ward of your Majestie, which by this thair employment in the warres may happilie fall to the ruin of thair hous if the samine be not assured to thair airs, that we would petitioun your Majestie for the lyke princelie indulgence to be grantit unto thame as your predecessors hes vouchsafed in former tymes to uthers. Which thair desire, seeming to be most reasonable in itself

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1 The most memorable instance of this was the Act passed by the Council held by James IV. at Twiselhaugh before the battle of Flodden (September 9, 1513). The Act runs as follows:
and agreeable to former precedents in the lyke kinde and which in our 
opinioun can import little or no prejudice to your Majestie, we have 
therefore thought meete for the good of your Majestie's service and their 
farther encouragement to prosecute the same to represent unto your 
Majestie their humble desires, no wayes doubting but your Majestie will 
extend suche proportioun of favour towards thame as their dewtfull 
respect in this exigent of tyme doeth deserve, and as can be warranted 
by ane precedeing example; whairin attending your Majestie's gratious 
pleasure and warrant to that effect, we rest, etc. From Halyrudhous the 
xx day of September. *Sic subscribitur*, Dupline, Nithisdaill, Wyntoun, 
Linlithgow, Hadinton, Naper, A. Carre, S. W. Oliphant, J. Hammiltoun, 
Scottistarbett.

Caution by Robert Baillie, merchant burgess of Edinburgh, in 1000 Caution by 
merks, that Sir John Hume of North Berwick will not molest Mr. Fol. 266, a. 
Robert Broun in Greudane, nor his family, tenants, etc.—(Signed) 
Robert Baillie.

Mr. Alexander McGill, advocate, as procurator for the principal and 
cautioners, registers a bond of caution by John Stewart, Lord of Kincleivin, 
in £1000, that Francis Stewart, eldest lawful son of John Stewart of 
Coldinghame, will not molest Mr. Christopher Knolles, minister at 
Coldinghame, nor his family, etc.; with clause of relief. The bond, 
written by John Johnstoun, writer in Edinburgh, is dated at Leith, 
19th September 1627, witnesses, William Campbell, servitor to the 
said Lord Kincleivin, William Dalyell, and James Carmichaell, servitors 
to the said Francis Stewart, and Henry Whyte in Rentoun.

Caution by 
John Stewart, 
Lord of Kin-
cleivin, for John 
Muir and 
others.

Mr. Alexander Cuming, advocate, as procurator for John Lord Fol. 266, b. 
Kincleivin, registers another bond of caution by him in 1000 merks 
each, for John Muire in Woodlands, and Walter Muire, his oy, and in 
500 merks, for Charles Dobie in Baltarsane, not to molest John 
Campbell in Baltersan, nor his family, tenants, etc., and will pay 20 
merks as their escheat, if found lawfully denounced. The bond, written 
by James Wilsoun, Writer to the Signet, is dated at Leith, 22d September 
1627, witnesses, James Kennedie and James Stewart, indwellers in 
Leith, and Mr. Alexander Johnstoun, servitor to Mr. Lucas Stewart.

Caution by William Troup, eldest lawful son to William Troup of Fol. 267, a. 
Pendreich, and John Strauchane in Fettercairne, that David Ramsay, 
servitor to Sir Alexander Strauchane of Thoronetoun, shall before "the 
—"At Twistedhaugh, in Northumberland, the 24th day of August 1618, it is statute and 
ordained by the King's Highness, with the advice of all his lords being there for the time 
in his hote, in this form as after follows, that is to say, if any man be slain or hurt to death in 
the King's army and host by Englishmen, or dies in his army during the time of his host, his 
heirs shall have his ward, relief, and marriage 
of the King free, dispensing with his age what-
soever age that he be of; and ordains the King's letters to be directed hereupon to the effect 
feast of Yoole nixt send bak frome Germanie to this kingdome Robert William Troup
Hamptoune in Balhagartie whom the said David send away laitlie with
some sojournis," under the pain of £200 to be paid to 
Hamtoun, father
to the said Robert, on 1st February next.—(Signed) W. Troyp.

Caution by George Greiff, customar of Edinburgh, in 200 merks, for David Grahame of Fentrye, that John Duncane, his servant, being 
delivered by Captain Ogilvie to him, he will exhibit him before the 
Council on 9th October next for trial of his qualitie; with clause of 
relief, by James Grahame, son to the Laird of Claypottis.—(Signed)
George Greave.

Chancellor; Lynlythqu; Hadingtoun; Melvill; Clerk of Register; Holyrood
Advocate; Sir Johnne Scott; House, 29th
September 1627.

The Lordis, in respect thay ar not a nomber, will not medle in actionis 
of Counsell.

The quhilk day intimation wee maid to the baillies of Perth, being 
personalie present, of his Majesteis letter commanding that no personis 
sould be choisin to beare office within burgh bot marcheantis and 
trafficquiris; quhilk letter the baillies promise to imparte to the 
Counsell of the toun; and for their better information ordainis a copie 
of the Kings letter to be delverit unto thame.

Caution by William Adame, marykene 1 maker, burgess of Edinburg, that Robert M'Culloch of Kerycleuch will pay to the Treasurer, &c., £20 for his escheat, if it be found he ought to do so, after 
discussion of his suspension of the horning against him at the instance 
of John Gordoun and some of his tenants for not finding caution of 
lawburros to them. Suspension is granted to 10th November, and 
parties warned to the 1st of that month.

CHARLES R.—Right trustie and right weilbelovit cousin and counsellor, right trustie and weilbelovit cousins and counsellours, and 
right trustie and weilbelovit counsellours, we greet yow weil. Whairas 
we ar informed bee the Erle of Galloway that he as suretie for James 
Kennedie of Blairquhan standing engadged for the payment of diverse 
sowmes of money wee forced for his better releefe to raise letters of 
captioun against the said James, yitt (as we ar lykewayes informed) by 
means of the Erle of Casills, who is our baillie in these bounds, the 
said Erle of Galloway is frustrated of his releefe, a course so unjust, if 
it be true as is informed, that we have good reasonn to require the same to be repaired, Thairfor our pleasure is that yow call before yow 
the said Erle of Casills, and if yow find the maner of his proceedings to 
be suche as is affirmed, that with all convenient diligence yow caw 
present the said James Kennedie to justice for satisfactioun of the said

1 Cf. French marroquins, "Spanish leather, made of goats' skins, or goats' leather not tanned but 
dressed with galls."—Ogilvie.

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Erle of Galloway, or otherways that a course may be taikin that the debts for which he standeth so ingaged, togidder with the just charges disbursed by him in that earand, may be refundit unto him by the said Erle of Cassills. And in regard, as we ar lykewise informed, that one Alexander Stewart in Crotshire hath beene wronged in an insolent maner by the said Erle of Cassills, we lykewise will yow to call thame before yow, and after yow have heard thame, if yow find the said Alexander to have beene so wronged as is alleged, our further pleasure is that yow censure the said Erle for the same, or otherways sattle the differences betweene thame as yow sall find just caus. Both which particulars we seriously recommend unto yow and bid yow fairweill. From our Honnour at Hamptoun Court the 28 of September 1627.

Caution by Robert Rutherford of Edgerstoun in £1000, that John Murrey, Walter Gray, Simeoun Robsoun, James Robsoun, John Ainslie, Thomas Commoun, Steven Wauch, Gilbert Rutherford, James Laidlie, John Johnston, James Hayneis, Hector Rutherford, James Stevinsoun, and Dandie Curra, will appear before the Lords of Council on 9th October next, for trial that they ar not idle and masterless men, and that they wer never given up in roll to be so.—(Signed) Robert Rutherford of Edgerstoune.

Caution by Robert Hammitownik of Milburne, in 500 merks, that James Mure, webster in Milneburne, will appear before the Lords of Council on 9th October next for trial as above.—(Signed) R. Hamilton of Milborn.

Caution by Alexander Creichtoun, burgess of Edinburgh, in 500 merks, that William Gordoun, burgess of Banff, will not molest Mr. Alexander Douglas, doctor of medicine in Banff, nor his family, etc., and that he will pay 20 merks as his escheat if found liable therein; with clause of relief.—(Signed) Alexander Creichtoun, W. Gordoun, v* my hand.

Caution by Michael Anderson in the Potterraw in £100, that Mathew Clerk, burges of Dumfreis, will appear before the Lords of Council on 9th October next, at the instance of the minister and elders of the kirk of Troqueir, of his being an idle and masterless man; with clause of relief.

Caution by John Betoun in Inchoure, in 500 merks, for John Allardes of that Ilk, and in 300 merks, for Thomas Allardes in Glassindrawm, that the former will produce before the Lords when so required Andrew Gray and James Bruche, if it be found that they are his men for whom he should answer, and that on 9th October next he will exhibit John Robertson and John Paterson, whom he acknowledges to be his men, to be disposed of as the Lords shall direct; and the latter to exhibit on that day James Bruche, his servant to the same effect. The charge against them
by Alexander, Lord Spynie, is suspended to the 15th and parties warned to 9th October.—(Signed) Jo. Bethune.

The Minute Book of Processes gives the following Memoranda collectively for the month of September 1627.

Protestation: Robert Snodgrass against Captain Maxwell.
Ryott: Sir Patrik Hoome against Francis Melvill, etc.
Letters: Maxwell of Logan against Gordon of Butill for directing of cartalls, etc.
Ryott: Jon Polwart against the Lord Torphichen, his baylie.
Proces, Ryott: Hope and utheris against Hoome of Aytoun.
Precognitioun against Dundas of Newlistoun and Whythead of Park.
Petitione: Alexander Herbert for putting him to libertie.
Letters: Meiklejohn, burges of Dumfermeling, against the Commissioners appoynted to receave the benevolence of the people for reparatioun of the said toun of the loss susteaneit by fyre.
Act ordaining 2/6 to be imposed upon everie tun of coal and salt exported from Forth for building of block houses upon the said river.
Protectione for Hoome of Wedderborn.
Ryott: Ker of Keverse against Turnbull, etc.
Ryott: James Broun against James Jonstoun.
Oppressione: Magistrats of Peibles against Cristean Burnett.
Ryott: Corsar against Broune.
Letters: Jon Storik, mariner, against his creditors, for putting him to liberty.
Petitione: Sir Michaela Prestoune for putting him to liberty.
Ryott: Margaret Irwing against Hendrie Montgomrie.
Decreit Arbitrall pronounced be the Lords in the contraversie betuixt Jon Fraser of Elrig and Patrik Strauchan.
Petitione: Magistrats of Aberdein against Thomson, skipper, for transporting some peices of ordinance from Leith to Aberdein.
Proces: Eupham Dauling, etc., against the baylies of Dysart for redeleverie of a poind, becaus they had suplyed ther mother in her necessitie quhill she wes prisoner for allledged witchcraft.
Decreit Arbitrall: Ker of Ancrum against Mr. William Jameson sequestrating certane teinds to remain in the hands of Ridell of that Ilk till it be found who hes the best right therto.
Depositiones of witnesses in Mr. David Roger his proces against Castlemilk and George Roy.
Several Acts anent the leveing of sojours for Denmark.

Caution by Gawane Stevinsone, baxter, burgess of Edinburgh, in 500 Edinburgh, 1st October merks, that John Stewart in Over Crawmond will not molest Robert 1627.
Mowbray at the Brigend of Crawmond, nor his family, tenants, etc.; with a clause of relief.—(Signed) Gauin Stevinsone, Johne Stewart.

James King, advocate, as procurator for principal and cautioner, registers a bond of caution by Peter Balmanno of Carlounge for Sir William Graham of Claverhouse, knight, that he will deliver up upon oath a true roll of all the idle and masterless men in the bounds of Marytown to Captain George Ogilvie of Muretoun, as having authority from Robert, Earl of Nithisdail, to whom the inrolled men in the shire of Angus pertained, in terms of horning to that effect of date 3rd August last, if it be found he ought to do so; and to pay all charges and expenses which the Lords Collectors may modify. With clause of relief by Walter Grahame, lawful son to the said Sir William. The bond is dated at Dundie 23rd September 1623, witnesses, Robert Rollok, elder of Muretoun, Thomas Wichtane, notary at Dundie, and William Hill, his servitor, who wrote the bond.

Holyrood House, 2nd October 1627.
Letters charg- ing all mariners under pay in his Majesty's ships to be ready to set to sea at the first occasion as they shall be required.

Forsamekle as the terme and dyet appointit to the captans and maisters of his Majestis three shippes to waught over the companeis lifted for the advancement of his Majestis service in France is now at hand and the provisionus necessar for the outred of the saids shippes ar in readinesse onelie attending these who ar under his Majestis pay to serve in the saids shippes, Thairfor the Lords of Secret Counsell ordanis letters to be direct charging heraulds with the concurrence of a trumpet to pas to the mercat crocs and uthers usall plaices whair proclamations ar made at Leith, Brunstiland, Kinghorne, Kirkaldie, Dysert, and uthers touns and ports on the Water of Forth on both the sides thairof, and thair be opin proclaimation to command and charge all and sindrie persons who ar under pay in his Majestis saids shippes that they with all convenient diligence after publicaition heerof at the saids mercat croces repaire to thair shippes and thair attend thair ordinar service and be readie to sett to sea at the first occasion as they shall be required under the paine to be repute, holdin and esteemed as crossers and hinde- rers of his Majestis service, and as fugitives thairfra to be censured and punished in thair persons and goods with all rigour and extremities to the terroure of uthers; and to command and charge all magistrat harmon to burgh and land to take and apprehend all suche fugitives who ar under his Majestis pay and saill linger and delay to make thair adresa to thair shippes and attend his Majestis service thair and to committ thame to waird whill ordour be taine for sending of thame to thair shippes and for thair forder punishment as accords, as the saids magistrat will answere upon the dewtifull dischaire of thair offices.

Holyrood House, 3rd October 1627.
Charge to the bailleis of
Robert Lidderdaill callit the Corbie, and Robert Langlands, all inhabi-
tants within the town of Hawick, ar lawfullie and trewlie givin up by
these whom it concernit to be persouns fitt to be imployet in his
Majestis service in the warres; Lykees alsua James Waugh, officiar,
James Towdop, William Scot callit the Young Gillie, John Laing,
pyper, William M'Vite, Walter Fouller, and Andrew Deanes, alsua
inhabitants of the said town of Hawick, ar persouns of the ranke and
qualitie foirsaid and fitter to be imployet in his Majestis service nor to
be suffered to ly lottiering at home as hes beene found be the most pair
of these who hes enteresse in the inrolling of the said persouns altho
they cannot agree all in one voice thairupon; nevertheless the persouns
foirsaid shummes his Majestis service and refusies to enter thairin and
embrace the same and be thair example gives occasioun to uthers who ar
givin up to his Majestis service to frustrat and shift the same; Thusair
the Lords of the Secret Counsell ordainis letters to be direct charging the
baillies of Hawick to bring, present and exhibite the hail persouns
abonewrrittin before George, Vicount of Duppline, his Majestis Chan-
celler, uppon Saturday nixt, the sext day of October instant, to the effect
he may give ordour for their imploymeit in his Majestis service under
the paine of rebeillion and putting of the saids baillies to the horne; or
ells that they compeere personallie before the Lords of his Majestis
Privie Counsell uppon the nynt day of October instant and show a
reasonable cause why they shold not exhibite the persouns abonewrrittin,
with certificatign to thame and thay faiylry, letters sail be direct simpliciter
to denounce thame rebells, and putt thame to the horne, and to escheate,
etc.

Commission under the signet to Robert Colvill of Cleishe, bailie of the
lordship of Culros, as justice, to try Bessie Peatt, servitrix to
in Kincairnie within the parochin of Culros, who on 15th September last
"most cruellie and unnaturallie murdereit and slew her awin bairne
procreat in adulterie with Thomas Sands in Kincairne, qunilik she thair-
after buried in a midding," as her deposition bears. She is now in ward
in the tolbooth of Culros.—Signed by the Chancellor, Mortoun, Lin-
lithgow, and Hadintoun.

Caution by George Grieve, customear of Edinburgh, in 1000 merks
that Mr James Grahame, brother to David Grahame of Fintry, on
receiving delivery of his servant, Alexander Hendersone, from Captaine
Ogilvie, will produce him before the Lords of Council on 9th October
instant, for trial as to his quality to be on the common rolls for the
levies. With clause of relief.—(Signed) George Grieve, Mr J. Grahæ.

Sederunt—Chancellor; Mortoun; Murrey; Nithdisaill; Wyntoun;
Linlithgow; Roxburgh; Hadintoun; Leuderdaill; Bishop of
Dunblaine; Melvill; Naper; Advocate; Tracquair; Sir John
Scot.
Forsameekle as some points whilk was debaithed and not condescendit upoun before the Commissioners nominat be the Kings Majestie for the Surrenders being referred to be determined be his Majestie both by a reference agreed upoun be the said Commissioners and lykewayes more particularlie thairafter express by severall submissiouns of diverse persouns interest thairin and sent to his Majestie by one of his Privie Counsell who was intrusted thairwith, his Majestie after dew consideration thairof hes resolved to accept upoun him the decision of the saids matters and use the best meanes he can to informe himself both of the caise as it stands in generall and of everie mans in particular whair it doeth deserve to be taikin notice of apairt, to the intent that his Majestie may proceed so fairlie and equitablie in the saids matters debaithed as no man saith have just caus to compleane. And for this effect his Majestie hes givin directioun to his Advocats that after hearing suche others advocats both of the teind buyers and teind sellers of the teinds of erectiouns as saith be made choise of for this purpuse, that they with all convenient diligence draw up ane legall submissioun, or anie suche uther formall securiti as may best stand with law of these things referrit unto his Majestie in maner specified in his Majesties directioun sent unto thame, with speciall provisioun that the annuitie alreadie grantit unto his Majestie be secured; and after that the said submissioun or uther writ or securiti sall be formaltie exped by his Majesties saids advocats, his Majestie hes commandit thame to delvery the same to the Lord High Chancellour of this kingdome whome his Majestie hes lykewayes ordainit to present or to caus present the said submissioun or uther securiti as is afoirsaid to all pairtieis interest, to the intent that they may subscriye the same, and in caise anie of the saids pairtieis so interest sall not signe the same before the first day of December nixtocom his Majestie hes commandit his said Lord High Chancellour to send thair names to his Majesties advocats to the effect thay may proceed against thame in a legall maner for recoverie of that whilk is daw unto his Majestie According to the course of justice, and that notwithstanding of the prorogatioun of his Majesties commissioun whairin his Majestie will not haive the commissioners to meddle with these things submitit unto his Majestie but in so farre as doeth concerne the tryell of rent whairby the teinds ar to be valued. In the whilk premisit as his Majestis intenitioun hes ever beene frome the beginning, so his Majestie declairs that the Kirk being competentliie provydit, and his Majesties reveneu increased his Majestis resoltionoun is that everie heretour may haive his swin teinds upoun reasonable condicions, quhairunto his Majestie doubts not but that all his weill disposed subjects will be induced by reasoun or conveniencie in regard of so publict ane good to condescend. Thairfoir the Lords of Secret Counsell ordainis letters to be direct, chauring officiars of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull and thair be opin
proclamation to make publick aheerof to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same, and to wairne all and sindrie persones having or pretending to have interesse in the premisis that they have their advocates in readinesse in dew and lawfull tymbe betuixt the dait heerof and the eights day of November nixtoecum to attend upon his Majesteis Advocate and to propose unto thame all things necessar in the premisis whilks may concerne the mutuall securitis both of the buyers and sellers of teinds; certeefing suche persones who sall neglect the present occasioun and favour offerit unto thame that the fault of anie inconvenient that sall fall unto thame sall be impute unto thameselffes; and siclyke to wairne all Lords of erectiouns and uthers having interesse in erectiouns after the drawing up of the said submisson or uther securitie to be advised be his Majesteis Advocate and delyverie thairof to the said Lord High Chancelour to be readie as thay sall be required be the said Lord Chancellour to subscryve the said submisson or uther securitie foirsaid betuixt and the said first day of December, with certificatioun as said is. Followes his Majesteis missive direct to the Lord Chancellour for warrant of the Act abonewrittin. CHARLES R.—Right trustie and right weibelovit cousin and counselloour, we greete yow weill. Seing that some points debaited and not condescendit upoun before our Commissioners for Surrenders wer referred to be determined by us first by ane letter agreed upoun with all their consents and sent unto us by our trustie and weibelovit Sir Archebald Achesoun, one of the senatours of our Colledge of Justice, and thairafter more particularlie expressed by the severall submissons of some persones interested and delyverit unto us by our trustie and weibelovit counsellour, Sir John Stewart of Tescquir, knight, we ar resolved to accept upoun us the decision thairof, and will use the best meanes we can to informe our selfes both of the caise as it stands in generall and of everie mans in particular whair it doeth deserve to be taiking notice of apairt, that we may procoede so fairlie and equitably that no man shall have just caus to compleane; and for this effect we have appointed our Advocats, haiming heard suche uther advocates both of the tithe-buyers and tithe-sellers of the tithes of erectiouns as thay or anie of thame sall make choise of for that purpose that thay with all convenient diligence draw up ane legall submisson or anie suche uther formall securitie as may best stand with law of these things referrit unto us, togidder with ane legall decreit or declaration of our will conforme thairunto leaving ane blanke for suche things as ar intrusted to be filled up by us, remembrance alwayes what is fitt to be done for securing the annuitei alreadie grantit unto us. And after the said submisson, decreit, or uther writ or securitie in plaise of thame or either of thame sall be formalie exped by our saids advocates and delyvered by thame unto yow as we have required thame to doe, our pleasure is that yow present or caus present the said submisson or the
uther securitie as afoirsaid to all persouns interested to the effect that they subscribe the same. And if anie of the saids persouns so interested sall not signe the same before the first day of December nixtocome, we require yow to send their names to our saids Advocats for proceeding against thame in ane legall maner after the dew course of justice, and that notwithstanding of the prorogatioun of our commissioun whome we will not have to meddle with these things submittit unto us but in so farre as doeth concerne the tryell of rent whairby the tithes ar to be valued. And that with all convenient diligence yow caus intimation and publicatioun be made heerof in forme as effeirs. And as we can not but thanke yow for the great paines already taikin by yow heerin, so we ar confident that yow will still use your best endeavours for bringing this worke to perfection, as we haive from the beginning intened that the Church being competenterlie provydit and our revenews increased everie heretour may have his awin tithes upoun reasonabel conditions. For doing whairof, as we hope that all our weill disposed subjects will be induced by reasoun or convenience in regaird of so great a publict good, so we will omitt no meanes that may contribute thair-unto. So not doubting but that yow will use your best meanes as the occaision sall frome tyme to tyme require for effectuatie of these things according to the special trust which we repute in yow, and frome tyme to tyme to acquaunt us with your proceedings thairin, we bid yow fairweill. From our honnour of Hampetoun Court the last day of September 1627.

Forsameekle as the Lords of Secret Counsall hes found it verie necessar and expedient that in thir difficill and dangerous tymes when thair is suche great preparatiouns for warre in diverse partes of Europe that the subjects of this kingdome sall be lykewayes prepared and in readinesse in thair most fensible and warrelyke maner to defend thame-sellifes and thair native countrie and to withstand and resist all forraine invasioun that sall be attempted against the same; and for the better executioun heerof and to the intent it may be knowne how the subjects ar armed, and what certanie may be expectit frome thame for defence of the countrie, the saids Lords hes appointit ane generall mustours and weapounahawing of all his Majestis subjects als weill to burgh as land within the bounds of the shirefdom of Edinburgh principall and constabularie of Hadington, Linlithgow, Fyffe, Kinroscher and Forfar, to be upon the sevint day of November nixtocome and at the plaices following, Thairfoir the saids Lords ordainis letters to be direct to command and charge all and sindrie his Majestis lieges and subjects betuixt sextie and sextein yeeres and uthers fensible persouns als weill dwelland to burgh as to land within regalitie as royaltie within the bounds of the shirefdom of Edinburgh principall and within the constabularie of Hadington, Linlithgow, Fyffe, Kinroscher, Forfar, be opin proclamatioun at the mercat croces of the heid burrowes of the same
and others plescioes needfull, that they and everie one of thame weill bodin in fear of warre in thair most substantious and warrelieke maner, addresse In view of the thameselss to the plescioes respective following upoun the said sevinty day of November nextoome and thair make thair mustours and weapoun- shawings in presence of the shirffs of the shyre and thair deputys, the lords and bailleis of regalitie or thair deputys and the proveists and bailleis within burgh, that is to say—All within the boundes of the shirffdome of Edinburgh to give thair mustours and weapounshawing upoun the Linkes of Leith, and that all within the boundes of the constabularie of Hadingtoun to witt, the west pairt thairof, containing the presbyterie of Hadingtoun, make thair weapounshawing upoun Glaisnure, and that all within the east pairt of the said constabularie, to witt, the bounds containing the presbyterie of Dumbar, make thair weapounshawing upoun the Linkes of Dumbar; and all within the shirffdome of Linlithgow make thair weapounshawing at the burgh of Linlithgow; all within the shirffdome of Fyffe and Kinrocher make thair weapounshawings at the plescioes following, to witt, all within the presbyterie of Cowper upoun Cowper Mure; all within the presbyterie of St. Andrewes upoun the Linkes of St. Andrewes; all within the presbyterie of Kirkaldie upoun the sands of Kirkaldie; and all within the presbyterie of Drumfingl at the burgh of Drumfermling; and that all within the shirffdome of Forfar give thair mustours at the plescioes following, to witt, all within the presbyterie of Dundie at the burgh of Dundie; all within the presbyterie of Brechin at the citie of Brechin; all within the presbyterie of Aberbrothock at the burgh of Aberbrothock; and all within the presbyterie of Meigle at Meigle; and that all the inhabitante within burgh give thair mustours and weapoun- shawings the day fairsaid to thair awin ordinair magistrats conforme to the ordour. Certifieing all and sindrie persoune wha sall absent thameselss and sall not be present at the saids weapounshawings, and who sall no come provydit and armed in the best forme and maner thay can, that thay sall be noted, thair names inroled be the ordinair magistrats having the charge of reesaving of the saids mustours, and thay sall be persewed and punist thairfoir conforme to his Majesteis lawees with all rigour and extremitie. Attour the saids Lords hes earnestlie recommendit to the persoune particularie underwrittin that thay be present at the saids weapounshawings and trewlie informe thameselss of the forme and maner thairof and number of persoune present thairat, that is to say :—Thomas, Erle of Hadintoun; Robert, Lord Melvill; George, Lord Ramsay; Archibald, Lord Naper; with the shirff or his deputys to attend and be present at the weapounshawings of the shirffdome of Edinburgh; James, Erle of Hoome; Robert, Erle of Roxburgh; Lord Fentoun; Sir Patrik Hepburne of Waughtoun, knight, to be present at the mustours of the east pairt of East Lothiane, comprehending the presbyterie of Dumbar; George, Erle of Wyntoun; and Sir William Setoun, knight, to
be present at the mustours of the west part of East Lothiane, comprehending the presbytery of Hadingtoun; and John, Lord Torphichin;
Dundas of that Ilk, to be present at the mustours of the shirefdome of Linlithgow; and that John, Erle of Rothesse;
Leslie of Newtown, and Sir John Scot of Scottistarbett be present at the mustours of the presbytery of Cowper; and that Sir John Weymes of that Ilk, and Maister of Ramsay, be present at the mustours of the presbytery of Kirkaldie; and that Boiswall of Balmowto, with the baillis of the regality of Dumfermline, be present at the mustours of that presbytery; and that Lindsay of Balcarrasze, and Sandilands of St. Monnans be present at the mustours of the presbytery of St. Andrewes; and that Sir John Scrimgeour of Duddop, Constable of Dundie; David Grahame of Fintrie, and Fotheringham of Powrie be present at the mustours of the presbytery of Dundie; and that John, Erle of Kinghorn; and Halyburtoun of Pitcur be present at the mustours of the presbytery of Meigle; and that James, Lord Ogilvie of Airlie, David Lindsay of Edyell, and Ogilvie of Inverquharatie be present at the mustours of the presbytery of Brechin; and that Areakine of Dun and Sir John Carnegie be present at the mustours of the presbytery of Arbroth.

Forsameekle as it is understand to the Lords of Privie Counsell that a great number of base and unworthy persons who having ressavd pay and enrolled thameselves under diverse captans in the regiment of William, Erle of Mortoun, for the furtherance of his Majesties service in France, hes mischantlie and unworthillie abandoount and left their service in the verie meane tyme when they shoul have beene imbarked, giving theirby evill exemple to uther to doe the lyke if remeid be not proyvdit; Thairfor the Lords of Secrete Counsell ordains letters to be direct, to command, charge and inhibite all and sinder his Majesties lieges and subjects at all places needfull be opin proclaimatioun that nane of thame presomne nor tak upoun hand to ressett, huird, conceale or interteanie anie of thir fugitive soildiers upoun whatsomever cullour or pretext, under the paine to be punish in thair persouns and goods at the arbitrement of his Majesties Counsell. As alsa to command and charge all and sinderie magistrates to burgh and land to take and apprehend the saids fugitive soildiers according as thay sall be designed unto thame be anie of the captans, lieutenents or oficairs, serving in the said regiment and to committ thame to waerd or utherwayes to delyver thame to thair captans and uthers be whome thay wer taine on, as the saids magistrates will answere upoun the dewtitfull discharge of thair office and upoun thair obedience in so important a caus concerning his Majesties service.

Forsameekle as the Lords of Secret Counsell, upoun verie good and considerable grounds importing the weale and benefite of this kynsdome, hes thought meete and expedient that the restraint formerlie made of
exportatioun of nolt, sheepe and wooll sall yitt stand in force and he continewed untill the twentiye fuyve day of December nixtocombe, Thairfor the saids Lords ordanis letters to be direct chairing officiers of armes to pas and make publication herof be opin proclamatioun at the mercat croce of Edinburgh and all uthers places needfull, and to command, charge and inhibit all and sindrie his Magesteis lieges and subjects and strangers, that none of thame presoome nor take upoun hand to carie or transport anie nolt or sheepe furth of this kingdome at anie tyme before the said twentiye fuyve day of December nixtocombe under the paigne of confiscatioun of the same nolt, sheepe and wooll to his Magesteis use, certifieing thame that sall falyie or doe in the contrair that the said paigne of confiscatioun sall be inflictit upon thame without favour; as alsa to command and charge all and sindrie his Magesteis judges, officiers and magistrats to burgh and land, to stay and arreisit all suche nolt, sheepe and wooll as thay can challenge in the transporting, and that thay impede and stop the transporting of the same as thay will answere upoun thair obedience.

Forsamekle as it is understand to the Lords of Privie Counsell that diverse mariners and seafaring men who wer taine on for the service of his Magesteis shippes and in other shippes fraughted for the transport of his Magesteis forces and who ressavit pay to serve in the saids shippes doe now absent thamesellifes and refusis to serve, doing thairby what in thame lyes to disappoint and hinder his Magesteis service, to the high contempt and misregard of his Magesteis authoritie, Thairfor the saids Lords ordanis letters to be direct chairing all and sindrie mariners and seafaring men who hes ressavit pay to serve in the saids shippes be opin proclamatioun at the mercat croce of Edinburg, peir and shoir of Leith, and uthers places needfull, that thay and everie-ane of thame with in three days after the said charge come and find sufficient and responsaul cautioun and sovertie actit in the Bookee of Secret Counsell that thay sall compeir personallie before the Lords of Privie Counsell upoun the first day of November nixtocombe and answere upoun thair contempt and refuisall to serve in the saids shippes; certifieing thame that failyeis and sall not find the said cautioun that thay sall be taikin, apprehendit and punisit at the arbitrement of his Magesteis Counsell.

Forsamekle as the Lords of Secret Counsell hes found it verie necessar and expedient and agreeable to the rules of policie and stait to good governement and ordour that in thir difficult and dangerous tyme when thair is suche frequent bruities and rumours of great preparatiouns for warre in diverse pait of Europe and whairwith lykewayes this yland is threatened, that the subjects of this kingdome sall be provydit and in readinesse upoun everie occasioun as weill to defend thamesellifes, their wyffes, bairns and native countrie, as to with-stand and resist the persuite and invasioun if anie sall be attempted be
anie foraine enemie, and for this effect the saids Lords hes givin
ordour and direction that ane generall mustour and weapounshawing
shall be made within some several shirefdoms of this kinndome upoun
the sevint day of November nixt to the intent it may be seen and
knowne how and after what maner the subjects ar armed and what
probable defence thay ar able to make incase of anie foraine invasion;
and whairas the bounds upoun the coasts sides of the Waters of Forth
and Tay and uther pairs upoun the north coast ar most opposed and
nearest to danger incase any such mater sall occurre and fall out;
Thairfoir the saids Lords ordanis letters to be direct chairging all and
sindrie his Majesteis lieges and subjects betuixt saxyte and sixteen
yeeres and uther fensible persouns als weill dwelland to burgh as to
land within regaltie as royaltie within the bounds of the shirefdoms of
Edinburgh principall and the constabularie of Hadingtoun, Bervick,
Roxburgh, Selkirk, Peebles, Linlithgow, Fyffe, Kinroscher, Forfar, Kin-
cairdin and Aberdeeene, Bamff, Elgine, Forrese, Nairne, Innernesse and
Cromartie be opin proclamatioun on the mercat croces of the heid
burrowes of the same, that thay and everie ane of thame weill boddin
in feare of warre in thair most substantious and warrelke maner prepair
thameselfes and be in readinesse to resoirt and repair upoun hors and
foote as most convenientlie thay may to suche pairs and places upoun
the coast whair their sall be discoverie of anie foraine enemie, to wit-
—all within the shirefdome of Edinburgh principall and constabularie
of Hadingtoun, Bervick, Roxburgh, Selkirk, Peebles and Linlithgow to
resoirt and repair to suche pairs on the south coast of the river of
Forthe betuixt Leith and Bervick whair anie such discoverie of anie
foraine enemie sall be; and all within the shirefdome of Fyffe and
Kinroscher to resoirt and repair to suche pairs on the north side of the
river of Forth whair anie such discoverie of anie enemie sall be; and
all within the shirefdoms of Forfar and Kincairdin to resoirt and
repair to suche pairs on that coast whair anie such discoverie sall be;
and that all within the shirefdome of Aberdeeene resoirt and repair to
the burgh of Aberdein or uther pairs upoun that coast whair thair
sall be anie such discoverie; and all within the shirefdoms of Bamff,
Elgine, Forrese, Nairne, Innernesse and Cromartie, to resoirt and
repair to suche pairs and places upoun that coast whair anie such
discoverie sall happen to be, and that thair thay attend and await
and concurre with his Majesteis ordinar judges, officiaris and com-
missioners, in the defence of thair native countrie and persute of the
commoun enemie and that at suche tymes as thay sall be warneit and
adverteist be missive letters, proclamatiouns, burning of bailes and
beakens or utherways upoun twenty foure howres warining under
the paines of tinsell of lyffe, lands and goods.

Forsamekle as diverse shippes are fraughtit for the transport of his Fol. 25. s.
masters and
skippers of the Majesteis forces to the Ile of Rae in France, and whairas it is vere
necessary and expedient for the better saulfetie of his Majestie said forces that thir shippes be weill provydt with powder, leid and bullet, Thairfoir the Lords of Secret Counsell ordains and commands the maisters and skippers of the saied shippes to provyde thaimselfes sufficiently with poulder, lead and bullet, and the saied Lords promises and assurses thame that if anie part of the saied poulder, lead and bullet sall be necessarie spent in thair going or returning upoun the defence of the saied shippes and opposing against the enimie that the same sall be refoudit unto thame and thay sall be thankfullie refoudit thairfoir.

Forsameekle as the Lords of Secret Counsell hes found that thair is ane present necessitie of the advancement of foure thousands merkes towards the outred of his Majestie shippes, Thairfoir the saied Lords earnestlie intreated William Dick, merchant burgesse of Edinburgh, to furnishe and advance the saide sowme and to delver the same to Alexander, Erle of Linlithgow, Lord High Admiral of this kingdome, to be distributit, be him amongs the companie and equippage of the saied shippes according to his discretioun. Whilk advancement and furnishing the saide William Dick, being personallie present undertook; and the saied Lords ordains that he sall be thankfullie refoudit and payit of the saide sowme out of the first and readiest of his Majestie taxatioun or out of the readiest of his Majestie pairt of the pryisais.

Forsameekle as the Lords of Secret Counsell, having upoun verie good grounds importing the honnour, strent, and saulfetie of the kingdome recommendit to the justices of peace within the shirfdoms of Edinburgh, Linlithgow, Fyffe and Forfar, the talking of tryell and inquierie with the advice of the minister of eache parish of the number and qualitie of all the fensible persouns within the saied parishes, to the intent ordour and directioun might be givin for dreulling and training of thame in militarie exercisessis, quhairthey might be the better prepared in tymes of necessitie to stand to the defence of their native countrie; and the saied Lords looking that in this so important and necessar a caus the saides justices of peace sould have kythed thair readinesse, nevertheless they have done no diligence at all as yitt in that mater, whairthrow his Majestie service is verie farre frustrat and disappointit and the commandements of his Majestie Counsell slighted and contemned, Thairfoir the saied Lords ordains letters to be direct chaising the convenners and justices of peace within the shirfdoms particularlie abonenwritten to divyde thaimselfes according to the presbiteries whair thay dwell allowing to eache of thame thair swin several bounds whair by the advice of the ministers of the parish thay may take the said tryell, and accordinglie thay and the saids ministers take the same tryell of the number and qualitie of all the fensible persouns als weill to burgh as to land within eache parish, and
that they may make a perfyte report of their proceedings under their hands and send in the same to the clerk of his Majesteis Counsell within ten dayes nixter the charge under the paine of rebellious putting of thame to the horne; or ells that they compeir personallie before the Lords of Secret Counsell upoun the aucht day of November nixtorome and shew a reasonnable caus why the same sall not be done. With certificatioun to thame and thay failyie letters sall be direct to putt thame simpliciter thairto.

Forsameekle as the Lords of Secret Counsell having upoun verie considerable and good grounds recommendit to the justices of peace within some particular shirefdoms of this kingdome the taking of tryell with the advice of the ministers of eache parish of the number and qualitieis of all the fensible persouns as weill to burgh as to land within thair parish to the intent that accordinglie order might be taine for drelling and training of thame in the use and handling of their armes under suche captans as sould be appointit over thame, the justices of peace within the constabulairie of Haddington for testifieing of their dewtifull obedience to the directionus of his Majesteis Counsell in this point tooke ane verie good and solide course by appointing of some speciall persouns in eache parish for taiking of the said tryell, of whome the good number hes givin thair obedience, and hes reportit ane roll conteaining the number of the persouns within the severall parishes designeit and allotted unto thame. But the persouns underwrittin being nominat and appointit to take the said tryell within the parishes following, thay ar to say, James, Earle of Hoome, or some in his name authorized with his power and commissioun, Sir Alexander Hammiltoun of Innerweik, Dowsglas of Kilspindie, and Mr. Hepburne, persoun of Aldhamstockes, for the parishes of Cockeburnspeth, Dunglas, Aldhamstockes and Innerweeke; Sir Archibald Dowglas of Whittinghame, and William Syderserfe of Roplauch, with the provest and bailieis of Dumbar, and James Hoppar, bailie to the Erle of Roxburgh, for the parishes of Dumbar and Spott; Sir John Hoome of North Bervick, the bailieis of North Bervick and Robert Hoome of the Heune for the parish of North Bervick; Sir Robert Hepburne, knight, with the ministers of Garvell, Morhame and Barratt for the parishes thairof;

Sinclair of Hirdmistoun with the ministers of Pencaitland and Keith for the parishes thairof; Cranstown of Skaitisbuss with the ministers of Sowtray and Fawlay for the parishes thairof;

Johnstoun of Elphingstoun, with the minister of Ormestoun for the parish of Ormestoun; the persouns forsaisd hes done no diligence at all in the charge committit unto thame, but hes slightted and neglected the same to the great hinder and disappointing of his Majesteis service, Thairfuir the Lords of Secret Counsell ordanis letters to be direct chairging the persouns particularie abonewrittin that thay and everie ane of thame within the bounds particularie abonespecified, assigned and
allocated unto thame, try and informe thameselffes sufficientlie of the number and qualiteis of all the fensible persons within the saids bounds, and send in ane perfyte repoir thairof in writt under thair hands to the Clerk of his Majestis Counsell within ten dayes nixt after the charge under the paine of rebellion and putting of thame to the horne, or eill that they compear personallie before the Lords of Secret Counsell upoun the eight day of November nixtcome to show a resounable caus why the same sould not be done, with certificatyon to thame and thay faillie letters sall be direct to denunce thame rebells and putt thame to the horne.

The quhilk day the Laird of Dalyell was adjonit to the Commisionaris of the Middleshyriss, who being present, gaif his oathe.

That chargeis be direct aganis these who heis not gevin in the rollis of fensible personis in East Lotheane to reporte the same to the Clerk of Counsell within ten dayes after the charge under the pane of horning, and yt thay faillie to denunce, &c., and to compeir the nixt Counsell day to anseuir upoun thair bigane disobedience.

The Lordis ordanis Sir Johnn Hoome of North Beruik, who was personalie present, to tak up a roll of the fensible personis within the parroche of North Beruik and to reporte the same to the Clerk of Counsell within ten dayis.

Ane Act in favours of Capitane Douglas toucheing his releif of the band gevin be him for bringing heir and delyverie of certane ordinance from Irland.

Sederunt ut die predicto except Mortoun.

Forsameekle as it is understant to the Lords of Counsell that thair wes diverse infeftments and signatours componed, the compositions payed, and the infeftments and signatours past his Majestis register and writtin to the Privie Seale and readie to have beene exped when it pleased God to call to his mercie Sir Richard Ockburne of Clerkingtown, knight, lait Lord-Keeper of the Privie Seale, by whose unlooked for death the saids writte ar now stayed to the great hurt and prejudice of his Majestis subjects, Thairfoir the saids Lords ordanis and commandis Mr. William Hay who had the charge and keeping of the said seale under the said Sir Richard to append the said privie seale to all infeftments, precepts and others writte whilk wer componed, past the register and writtin to the privie seale before the decease of the said umquhyle Sir Richard, qhairained the extract of this act sall be unto the said Mr. William ane warrant.

Forsameekle as Johne Young, powtrie man, laitlie upoun this tent day of October instant, most treasonable within his Majestis palace of Halyruidhous and at the Counsell hous doore whair the Lords of his
Majesteis Privie Counsell were sitting in judgement for the tyme, persewed Mr. Walter Bannatyne, baillie depute of the regality of Broughtoun, and gave him ane deidlie wound and straie behind his backe with ane whingeary to the great hazard and perrell of his lyfe; which treasonable attempt being of a most wicked and pernicious example and deserving most exemplar and rigorous punishment, Thairfoir the saids Lords ordanis and commands his Majesteis Justice and his depute to appoint a Justice Court to be heldin in the tolbuith of Edinburgh upon the morne, the ellevent of this instant, and thair to caus the said John Young to be exhibite before thatame, and ordanis his Majesteis Advocates to persew the said Johne for the said treasonable cryme; and if he be convict thairfoir ane assise and he his Majesteis said Justice and his depute caus doome be pronounced againis him, ordaining him to be drawin upoun ane cairet backeward fra the tolbuith to the plaice of his executiouin at the mercat croce of Edinburgh and thair to be hangit to the deid and quartered and his head to be sett upoun the Neather Bow and his hand to be sett upoun the Water Yett; whairnent the extract of this act sall be thair warrand.

Letters of Dispensation under the signet directed to the sheriffs of Forfar and Renfrew and their deputes, in favour of Patrik Maxwell, son and apparent heir of the late George Maxwell of Tealling, for serving him as heir to his said father in his lands and heretages, even though they be held by service of ward of relief, and he is not as yet of the age of twenty-one years.—Signed Geo. Cancell. Murray, Nithsdale, Wintoun, Roxburgh, Hadintoun, and Lauderdale.

Commission under the signet signed by the same Lords, to Colene, Ell of Seaforth; Symeoun, Lord Fraser of Lovat; Hew, Master of Lovat; Thomas Fraser of Streechin, Hew Fraser of Kilbokie, Hew Fraser of Bellidrum, Sir Johnne Grant of Frewchie, Johnne Grant of Glenmoristoun, Patrik Grant, his son, apparent thereof, Angus McNairnald of Glengarrie, and McNairnald, his eldest son, to convocate the lieges in arms, search for, apprehend, and present before the Council for delivery to the Justice and his deputes for trial, Duncane McNairnald Beg, and Charles Oig, his brother, who on 6th September last were denounced rebels at the instance of Rannold Nein Ewin Dwy, relict, Malcome McNairnald, son, and the remenant kin and friends of Johnne Ewin McNairnald Ostich in Fachen, for not finding caution to underlie the law for "the cruell and unmercifull slaughter of the said umquhile Johnne McNairnald McNairnald Ostich."

Note of another Commission to the same persons for the apprehension of Donald Dow McNairnald VcEane in Ardbair, who on 6th September last was put to the horn at the instance of Alexander Urquhart in Ballacharrie as father, James and Henry Urquhart as
brothers, and the remanent kin and friends of the late Alexander Urquhart, servitor for the time to Lord Lovatt, for the slaughter of whom he had failed to find caution to stand his trial before the Justice.

Caution by Patrik Forbes, merchant burgess of Edinburgh, in 500 Edinburgh, 10th October 1627.

marks, that Sir William Forbes of Monymusk, knight baronet, will apprehend John Crystie, wobster in Phynnauchtie, Andro Mitchell in Nether Bolchoresk, William Cobban in Petmune, and James Elsheoner in Inver, who have been given up as idle and masterless persons in the parish of Monymusk, and that he will deliver them to Captain Thomas Beatoun, and Captain James Blair, two of the captains in the regiment of the Lord of Spynie. He has been charged to do so on pain of rebellion, but suspension has been granted to 5th November next, and parties are warned to the 1st of that month.—(Signed) Patrik Forbes.

Mr. John Paip, younger, advocate, as procurator for the cautioner, registers a bond of caution by Sir Alexander Irving, apparent of Drum, knight, that his father, Alexander Irving of Drum, will search for and apprehend William Layng in Newtown of Rothvenis, James Thomesoun in Balnaiskaid, and John Watt in Over Ruthvenis, who have been given up by the minister and elders of Logie, and deliver them to the foresaid Captains Beatoun and Blair of the Lord of Spynie’s regiment, or to any others the Lords of Council may appoint, if it be found on the discussion of his suspension of the letters raised against him he ought to do so. The bond is dated at Drum, 3rd October, 1627, witnesses, Mr. William Davidson, advocate, and Alexander Irving, son to John Irving of Kincousie.

"Anent our soverane Lordis letters direct, makkand mentiou, foresameekle as the persouns underwrittin, thay ar to say Allane Deanes, October, 1627. milliar, Allane Wilsoun, George Dickson callit the Wran, Johnn Reucastell, Walter Scott, maltman, Johne Tait, pyper, William Beataison, Robert Lidderdaill callit the Corbie, and Robert Langlands, all inhabitants within the toun of Hawick, ar lawfullie and trewlie givin up be these whom it concerned, to be persouns to be imploied in his Majestie service in the warres, lykes alesua James Wauch, officiar, burgh with a view to their service in his Majesty’s war.

See ante, p. 84.
the lyke to the hinderance and disappointing of his Majesteis said service without remeid be provydit. And anent the charge givin to James Glaidstains and Robert Scot, bailies of Hawick, to have brought, presentit and exhibite the haill persouns particularie abonewritten before George, Vicount of Duppline, Lord High Chancellour, upoun the sxt day of October instant to the effect, he might have givin ordour for their imploymont in his Majesteis service under the paine of rebellion and putting of the saids bailies to the horne, or ellis that they compered personallie before the Lords of Privie Counsell upoun a certaine day bygaine to have showne a reasonable cause why they could not have exhibite the persouns abonewritten; and both the said bailies now appearing "it wes answerd be the said James Glaidstains, that he had not power, force nor freindship within the toun of Hawick to apprehend the persouns abonewritten and to exhibite thame conforme to the said charge, and that he had not conferred with thame nor none of thame since the tyme of the said charge. And the said Robert Scot being demandit what reason he could pretend for the not exhibitioun of the said persouns, seing he had both power and freindship within the toun," and "if he had conferred and conversed with anie of thame" since the charge, he admitted having conferred and conversed with Allane Deanes, Allane Wilson, James Towdop, Johne Laing, piper, and Walter Fouller; but made no lawful excuse for not exhibiting them. The Lords accordingly found that the said Robert Scot had committed a very great contempt and disobedience and ordain him to pay a fine of 300 merks to his Majestys use within eight days, and further to find caution in £1000, that he will enter those persons with whom he granted he had conversed, within the tolbooth of Edinburgh within twenty days.

Commission to the said Robert Scot, bailie of Hawick, to search for and apprehend and bring to the tolbooth of Edinburgh all the persons above mentioned as given up for his Majestys service in the wars, with charge to all judges and magistrates to assist him therein.

"Forsameekle as in the commissioun of Justiciarie grantit to the Erles of Angus, Nithsdail, Bugleuch and Annanderdaill and to the Lord of the Borders Yester over the lait Bordours of this kingdome, power is givin to everie one of thame to nominat and appoint some certaine persouns whom they will impoy in executioun of some speciall points of service concerning the said commissioun as the same beiris; according whairunto the said Erle of Angus hes nominat and givin up the persouns following whom he will impoy in that service, to witt, Sir James Dowglas of Francis Dowglas, brether to the said Erle, Robert Dowglas, Patrik Dickson, Michael Mureheid, Hugh Dowglas, William Bailzie, Andrew Carr, Laurence Oliphant, his domestick servants, Johne Dowglas in Anderschaw, William Lindsey in Catchappell, Johne Dowglas in Lintely, David Weyr of Achtifardell, Alexander Bailzie of Bakbie, James Mackmorin of Glauspin. Qulhils persouns being givin in roll and
presentit this day before the Lords of Secret Counsell and considdrerit be thame, the saids Lords allowes of the nomination maid be the said Erle of Angus of the persons abonewrittin for the service foirsaid, and for their proceedings thairin according to the commissioun foirsaid. And ordanis letters to be direct to make publickation herof at the mercat croces of Dumfreis, Selkirk, Peebles, Jedburgh, and uthers plaices needfull, whairthrow nane pretend ignorance of the same."

"Forsameekle as the Kings Majestie understanding the good affection of his truistie and weilbelovit Sir Robert Dalzell of that Ilk to doe his Majestie service and that he is a persoun fitt to be employed in his Majesties service of the Middleshyres, thairfor his Majestie with advice of the Lords of Secret Counsell hes ressavit, admittit and adjoyyned, and be the tennour herof ressaves, admisses and adjoynes, the said Sir Robert to the Commissione of Justiciary grantit be his Majestie over the Middleshyres to umquhyile William, Lord Cranstoun, Andro, Maister of Jedburgh, Sir William Setoun, knight, Sir Johne Murray of Philliphauch, James Maxuell of Kirkonnell, Sir Johne Stewart of Tracquair, Sir Johne Charters of Amisfield, Sir William Greir of Lag, and hes authorized, and be the tennour herof authorizes, the said Sir Robert with the lyke libertie, freedome, privilidge, authoritie and jurisdiction in all respects anent the execution of the said commissioun as the uthers commissions foirsaid or anie of thame hes be vertew of the said commissioun and acts following thairupon, or be vertew of the commissioun grantit to the Erles of Angus, Nithisdaill, Bugcleuch, Annanderdaill, and to the Lord Yester within the said bounds, and conforme to the tennour of the same in all points. Lyke as the said Sir Robert being personallie present, acceptit this commissioun upoun him, and gaive his great and solenne oath to discharge the same dewtfullie according to his knowledge; and ordanis letters to be direct to make publickation herof at the mercat croces of Dumfreis, Selkirk, Peebles, Jedburgh, and uthers plaices needfull, whairthrow nane pretend ignorance of the same."

"Ane act anent the restrante of nolt, sheepe, and woll. Ane missive from his Majestie anent the Earle of Galloway.""

"Most sacred Soverane, Whairas upoun a suddaine chaudmellie, which fell out betuixt one Johne Lawson and umquhile Johne Bankes in Huntlie coit who formerlie stood in good termes of freindship, the said umquhile Johne was unhappilie killed, and the said Johne Lawson was apprehendid and committit to ward in the Tolbuith of Edinburgh whair he hes remained these foure moneths bygaine; and the freindis of the criminall, having dealt with the pairtie for assythement and satisfactioun to be givin for that slaughter they wer not onlie content to heare offers, but with that demandit ane thosand pund Scottish

\[1\] Sir Robert Dalziel had been appointed a Justice of the Peace for Lanark and Dumfries in 1623.—See ante, Vol. XIII., p. 343.
for discharge of all actioune competent to thame for that slacthter, the crinnall offered fvey hundred merkes in present payment, which was the substance of his whole estait and to assigne and dispone unto thame what forder he had and to undergo perpetuell banishment. Which offer altho most reasonuable in the self was refused by the pairtie who will heare of no leese then a thousand pundis, which the crinnall is not able to pay; whairof we have thought meete to certify your Majestie, to the intent your Majestie after consideration of the circumstances of the bussines and dispositioun of the pairties, the one being willing to resave assytement and the other being readie to give all that he hes and to undergone perpetuell banishment, your Majestie may give suche directioun thairenant as in your princelie judgement yow sall thinke fitting. And so with our earnest prayers unto God for your Majesteis long and happie raigne, we rest. From Halyrudhous the tent day of October 1627. Sic subscribitur, Dupline, Murrey, Nithisdaill, Wintoun, Linlithgow, Hadintoun, S. W. Oliphant, S. J.* Traaquair."

"Most sacred Soverane, The great and daylie inconveniences flowing from the qrour of Counsell, which by your Majesties last warrant consisteth of ten, forceth us in dewtie to represent unto your Majestie the prejudice arysing thairfra both to the publict good of the Estait and to privat pairtie in their particular interesse, who after a chargeable onwaiting ar of tintymes delayed and disappointit of the benefite of justice for want of a full number of Counsell and ar thairby provokced to attempt the reparatioun of their wrongs to the endangering of the peace; besides that in these difcult tymes manie incidents may fall furth requiring present advice and resoliuion whih uppon occasion whair arfoirsaid must be ather dangerously foreslowed or unordourlie exped. For remeed whairof we will humble intreate yowr Majestie to restrict the qrour to the number of fyve or sax persouns1 whairby the effaires of estait may be seasonabley managed according to the exigence of the tyme, and that the lieges may not haive just caus to compleane of delay or want of justice. We will lykewayes presoome humble to pelettioun your Majestie to be favoureblie pleased to allow the meetings of the Counsell to be at Edinburgh induiring the winter season whair they will be guairdit and attendit be the magistrates of the burgh and their Ordinances readilie obeyed and putt in executioun, which in your Majesteis palace of Halyrudhous cannot be so convenientlie done, the magistrates of Edinburgh not being tyed to serve outwith thair awin liberties, and the Counsell not having anie uther assistence for

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1 By an Act of Convention of Estates, December 14th 1598, it was decreed that the Council should consist of thirty-one persons, of whom seven should be a quorum. (See ante, Vol. V., p. lxxx.) In succesive years, however, a "great and superficuous number of people of all estait and conditionis" had been admitted, and had "bred great confusion" in the conduct of business. To correct this abuse a Royal Letter, January 20th 1610, fixed the number of Councillors at thirty-five, of whom seven were to form a quorum. (Vol. VIII., p. 815. See also Vol. XV., footnotes, pp. 251, 297, 312, 489, 488.)
executioune of commandements in your Majestie's service. This would be a great ease and releefe to your Majestie's Counsell, who for the most part hes their residence in the toun, and of whom some ar aigned and infirme and can not travell in the winter without trouble and paine, which in the summer they may and will undergoe at Halyrudhouse. In both which particulars, attending the significiacion of your Majestie royall pleasure, we pray God to blesse your Majestie with a long and happie raigne, and we rest for ever. From Halyrudhouse the tent day of October 1627. Sic subscribitur, Duppline, Murrey, Wintoun, Linlithquo, Hadintoun, S. W. Oliphant, Tracquair."

Caution by Mathow Clerk in Grenehead, burgess of Drumfries, in 300 merks, that he will appear before Robert, Earl of Nithisdaill, and answer according to law whenever charged; and in 200 merks, that as soon as the said Earl comes home to Drumfries, he will find caution acted in the books of the Regality of Linclowden in 200 merks, for the indemnity of Mr. Halbert Glaidstaines, minister at Tracqueir, John Hammitoune at the Bridgend of Drumfries, John Brown there, and John Greirseone in Dalskea.

Caution by Mr. James Wilkie, burgess of the Cannoigait, in 200 merks for Francis Wiltiesone, late bailie of the burgh of Lawder, that if it be found by the Lords of Council that he should do anything further for the apprehension of John Cranstoun in Lawder, William Bannatyn there, John Robesoun, alias Bastard there, Charles Pringill there, John Gootrerston there, and George Cranstoun and John Lothiane, now in Newbigging, who have been given up as idle and masterless men, and delivering them to Alexander, Lord of Spynie, or to Sir Patrik Cockburne, who have raised letters against him therefor, he will do the same. Suspension is granted to the 6th and parties cited to 1st November next.—(Signed) Mr. J. Wilkie.

"CHARLES R.—Right trustie and right weelbelovit cousine and counsel. Trustees and weelbelovit counsellours, we greete yow weill. Being informed how for reforming of ane abuse in dressing of leather a selected number of the Privie Counsell of that our kingdome by ordure from the table (to whome it wes than remitted be the Estait of Parliament) did sett out a course how that businesse could be caried, yitt upon some complaints now exhibited unto us againis the new course of tanning and against the imposition of a great upon all hydes sold within the kingdom, we cannot but desire that these differences could be tryed; and thairfuir our

1 The Councell had more than once changed its place of meeting. In July 1619 it was found expedient that its meetings should be held in the Leagh Counell-House, and in March 1622 that it should assemble in Holyrood House (XII., 27, 684).
pleasure is that yow call both parteis interested in that earand before Yoyal Letters, 1622-32.
yow and haiving considered of the said established course, and haiving Fol. 126, a.
with all tryed the grounds of these complaints that thereafter yow take
such a speedie course therein as shalbe thought most fitt by yow for the
Fol. 126, b.
publict good of that kingdome, the continuance or establishing whairof
sall always be one of our cheefe cares. And so we bid yow fairweill.
From our Court at Whitehall the 18 day of October 1627."

The Minute Book of Processes gives the following Memoranda col-
lectively for the month of October 1627.

Proclamatione that all persones having right to teithes be in readines
within a short space to give in what they have to say against
the surrender of the saids teithes.

Act ordaining weaponshawings and all persones betuixt 60 and 16 to
assist the inhabitants of the sea costes in resisting the invasione
of any forrain enemy.

Signatour containing ane ratificatione be his Majestie of ane act of
the Magistrats of Edinburgh ordaining non be infett as air to
ther predessours without they be first served generall air and
retoured to the Chancery, craved to be ratificed.

Ryott: Mr. Cristopher Knowes against William Purves, etc.
Protestatione: Edward Maxwell against Maxwell of Orchardtoun.
Ryott: Sir Patrik Hoome against William Purves, etc.
Ryott: Laurence Dishington against Boswall of Balmouto, etc.

Rebellion: Thesaurer against severall persones for not making compt
of ther deues and intromissions belonging to the Exchequair.

Act discharging the exportatone of nolt and sheip furth of the
country for a certane space.

Severall Actes anent the levieing of sojurs for Denmark.

Holyrood
House, 1st
November
1627.

Sederunt—Chancellor; Nithisdaill; Wyntoun; Hadintoun; Lau—Acta March
derdaill; Melvill; Naper; Traequair; Advocate; Sir John—January
Scoot. 1628.

Letter of his
Majesty
allowing such
as hitherto
have failed to
give in an
inventory of
their lent
moneys, and to
pay the
taxation
thereon, to
have the
opportunity of
doing so before
the 1st of
January next.

"Forsameekle as the Kings Majestie is credibile informed that thair is a
great number of his Majesties subjects of this kingdom, who being
ignorant of the strict words, tennour and condition of the Act of Etaits
convened in October 1625 anent the giving up ane inventar of their
lent moneys and paying of taxatioun for the same, they haive forgotten
or neglectit to give up thair saids inventars at the particular dyets
conteneed in the said Act of Etaits, whairby they haive forfeytted the
annuelrent of thair saids moneys; and the Kings Majestie out of his
gratious dispositioun toward his subjects being loath to take hold of
thair neglect in the mater foiseaid, and to exact that whilk by law is
dew unto his Majestie, seing his subjects ar now willing to give up their inventars and to pay their taxatiouns accordinglie, Theirfoir his Majestie with advice of the Lords of his Privie Counsell hes declairit and be the tennour of this present Act declairs that it sall be lawfull to the clerks of these jurisdictiones whair inventarieis of moneyis ar ordained to be givin up, to ressave the inventars for the first, second and thrid termes bygaine of all moneys lent within the bounds whairof thay ar clerks, and that without anie fault to be impute unto thame or to the clerk of his Majestie taxatiouns for ressaying of the saids inventaireis and taxatiouns; provyding that the same be givin up betuixt and the first day of Januar nixto come and no utherways; and ordanis letters to be direct to make publication hereof be opin proclamatioun at all places needfull whairthrow none pretend ignorance of the same. Followes his Majestieis missive for warrant of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. Whairas we ar crediblie informed that thair is a number of people in that our kingdome, who, being ignorant of the strict words and condition of the Act of our Estaitis conveeneid in October 1625 anent the giving up in inventarie of thair lent moneyis and paying of taxatioun for the same, have forgettin or neglectit to give up thair said inventars at the particular dayes conteaneid in the said Act of Estaitis, whairby they have foreseyt the annuerlent of thair saids moneyis, notwithstanding whairof in regaird thay ar now willing to give up thair inventars and to pay their taxatiouns accordinglie, our pleasure is that by Act of our Counsell yow declare that it sall be lawfull to the clerks of these jurisdictiones whair inventaireis of moneyis ar ordained to be givin up, to ressave the inventars of the first, second and thrid termes bygaine of all moneys lend within the bounds whairof thay ar clerks, and that without anie fault to be impute to thame or to the clerk of our taxatiouns for ressaiveing the saids inventars and taxatiouns, provyding that the same be givin up betuixt and the first day of Januar nixto come and no utherways. So we bid yow fairweill. From our Court at Whitehall the eightene daye of October 1627."

"The whilk day the letter underwrittin signid be the Kings Majestie was presentit to the Lords of Secret Counsell and read in thair audience, of the whilk the tennour folloews:—CHARLES R.—Right trustie and right weil belovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Humble sute hes beene made unto us in name of Johne Johnston and Robert Carr, merchants, that they mighthaive power to attache and arrest for thair use all suche goods and debts as belong to anie Frenche man or uther person naturalized and residing in France, and which could be discovered or apprehended by thame in that our kingdome, extending to
the sowme of threetein hundreth pundz sterline money and that in regard the lyke sowme is unjustlie detaine from thame by the subjects of the Frenche king, who tayke advantaige of this tyume, notwithstanding the saieds merchants haive used all faire and lawfull means for recoverie thairof. In which caise we, being willing that our saied subjects soould be warranted by anie lawfull and usuall power that is fittinge to be grantit in the lyke caises for repairing thair losses, haive heereby thought good (after you haive considerit thairof and finding thair demand fitt to be granted) that yow give unto thame power to arrest the goods or debts of anie Frenche man or uther persoun whatsoever naturalized and residing in France, or of anie of our subjects of that our kynodome who doe palliate French goods or debts and that till the saieds persouns be satisfied of the saied sowme of threetein hundreth pund money foirsaid, togidder with thair charges in prosecuting that businesse, or utherways that yow grant unto thame suche power for this effect as saull seeme most fitt unto yow or according as you haive beene warrantit frome us concerning purposes of the lyke kinde. Which we recommend unto your care and bid yow fairwell. Frome our Court at Whitehall, the 18 of October, 1627. Whilk letter being read, heard, and considerit be the saied Lords, and thay finding his Majesteis royal commandement for arrestiting of the goods and debts perteanning to Frenche men allanerlie to be just and lawfull, Thairfor thay ordaine letters to be direct at the instance of the saied John Johnstoun and Robert Carr for arrestiting of all Frenche mens goods and debts being within this kynodome."

[Sederunt as recorded above.]

Complaint by John Dunbar of Pankill as follows:—Robert Tulloch, son of the deceased Alexander Tulloch of Tannochies, had purchased letters against the pursuer from their Lordships on a charge of oppression and invading and pursuuing him of his life; because of the pursuer’s not appearing, he led evidence, upon which the pursuer was convicted and ordained to enter himself in ward within the Tolbooth of Edinburgh, and not obeying was denounced rebel. Now the pursuer was never lawfully charged to appear before their lordships, which he would have done, as he had many objections against the witnesses produced against him; but as he has found caution in 300 merks to compeare, and also for the payment of £20 as his escheat, he craves that his horning be suspended. Pursuer compearing, but the defender being absent, the Lords suspend the horning until production of the letters.

The same day William Forbes, sadler, burgess of Perth, compeared in obedience to his act of caution (John McQuein, tailor, burgess of Perth, being cautioner for him in 200 merks) at the instance of Sir George Hay,
1627.

CHARLES I.

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knight, and John Rattray, who charged him with "talking of moneys fra
thame and undertaking to serve thame in the expeditions toward
France," but neither Hay nor Rattray, nor any in their name appearing,
he and his cautioner protested that they had satisfied the act, which the
Lords "admittit and allows the said William Forbes to depairt and pas
hame and to attend his businesse and calling at his pleasure."

Complaint by Alexander Irving of Drwm as follows:—Their lordships have charged him by general letters to apprehend William Layng in Newtown of Ruthven, James Thomson in Ballastracie and John Watt in Over Ruthven, who were given up by the minister and elders of the parish of Logie as idle and masterless men, and to deliver them to Captain Thomas Beatoun and Captain James Blair, both of Lord Spynie's regiment, under the pain of horning. He objects to this charge because the lands of Ruthvenis and Ballastracie no longer belong to him, having been some three years since disposed to the complainer's son, Sir Alexander Irving, and Dame Margaret Scrimgeour, his spouse, who have the power both of those lands and their inhabitants. These three men are therefore not such as he is obliged to answer for, and in this case, he, not being the ordinary judge and magistrate of the country, would bring himself under the charge and danger of usurping his Majesty's authority in apprehending the free lieges without power and commission to do so. Moreover, these three men, as soon as they knew their names had been given up, left the country, the said William Layng betaking himself to the Laird of Glenkindie, and is now his household man and servant, "and is become his cairtir"; the other two cannot be found, although, at the direction of the complainer, his son, along with the minister of Logie, had searched all the parts of the parish where they were wont to haunt or dwell. The complainer has thus done all he can, and has further found caution that he will apprehend and deliver the men if it be found that he ought to do so. The complainer appearing by his procurator, Mr. David Prymois, advocate, and the said Captains James Blair and Thomas Beatoun not compearing, the Lords suspend the execution of the horning until the letters be produced.

The same day Robert Scot, bailie of Hawick, for obedience to the Act concerning him, produced before the Lords of Council, Allane Deanes, miller, Allane Wilson, George Dickson called the Wran, John Newcastell, Walter Scot, maltman, John Tait, piper, Williame Beatisoun, Robert Lidderdaill called the Corbie, Robert Langlands, James Wauch, officer, James Towdop, William Scot called Young Gillie, John Laing, piper, William McVite, Walter Fowler, and Andrew Deanes, all inhabitants of Hawick, whose names had been given up as idle and masterless men, fit to be employed in the wars. Having "narrowlie remarked" the said persons, the Lords find that George Dickson, Williame Beatisoun, Robert Lidderdaill, Robert Langlands, James Wauch, Walter Fowler,
and Andrew Deanes are not fit for the wars and dismiss them. Allan Deans finding caution in 300 merks, and William Scot called Young Gillie in 200 merks, that they will appear before the Lords when charged so to do, are also dismissed. The others are ordered to be delivered to Robert, Earl of Nithsdale, to be sent by him with the rest of his company to the wars in Germany, but on the following condition, which said Earl, being present, promised to observe, that, seeing these persons were men and servants to William Douglas of Drumlanrig, and it was reasonable and equitable that they should rather be delivered to his brother, Sir James Dowglas of Mowsill, than to any other commander, on their arrival in Germany or Denmark, he would deliver them over to the said Sir James, provided he satisfied the said Earl for his expenses upon the said persons while in his charge. Meanwhile they are to be lodged in the Tolbooth of Edinburgh until the Earl send for them, and he undertakes to satisfy Andrew Whyte for their entertainment.

"That missives be writtin to the Archibishopps of St. Androis and Glasgu, and to the Bishopps of Dunkeld, Brechin, and Dunblane, Caithness, the Earlis of Lynlythgu, Wigtoun, Roxburgh, Lordis Lowdoun, Burley, the Lairdis of Weymis Balcomye, Lie, Sir Johnne Hamilton of Lettrik, Johnne Leslie of Newtoun, the provest of Edinburg, Mr. Johnne Hay, the provest of Dundee, the provest or Commissar clerk of St. Androis, Gabriel Cunningham, Johnne Cowane, to be heir the 16 of November to attend the Commissioun for the surrendars and teinds on the 16th of November.

Caution by Andro Udney of Kirkhill in 500 merks for John Turing of Foverne, that he will apprehend and deliver to Captains James Blair and Thomas Beatoun, the following alleged idle and masterless men in the parish of Foverne, viz.:—Andro Walker, servant to William Cooke, James Irneayde at the auld mill of Foverne, Normand Henrie in Petmillane, Michaill Johnstoun there, James Irwing in Newburgh, John Clerk there, Robert Lowrenstoun there, Gilbert Blak, son to Jerome Blak there, Alexander Catto, seyman there, James Foirsayth in Kinknokie, John Coupar, servitor to Thomas Craighead at the Hill of Fiddes, William Aitkyne, servitor to Johne Michell at the Aihous of Fiddes, and John Small at the Mill of Minnes. Suspension has been granted to the 30th and parties warned to 21st November.

Caution by Mr. John Scheort, skinner, burgess of Edinburgh, in 200 merks, that William Scott, son to Robert Scott, late bailie of Hawik, will appear before the Lords of Council whenever cited, and answer to whatever shall be layed to his charge.

Caution by George Deanis, servitor to Mr. Robert Burnet, advocate,
1627. CHARLES I. 107

in 300 merks, for Allane Deanis, indweller in , to the same for Allan

effect.

Sederunt.—Chancellor; Treasurer; Haddington, Lord Privy Seal; Holyrood
Nithisdaili; Linlithgow; Lauderdaill; Melville; Naper; Lord November
Areskine; Advocate; Sir John Stewart of Tracquair; Sir 1627.
Johnne Scoth.

"The whilk day the Lords of Secret Counsell according to ane warrand
and direction in writt signed be the Kings Majestie and this day
presentit unto thame ressaivit and admittit Sir Archibald Achesoun
of Clancarnie, knight, 2 to be one of the ordinar number of the Privie
Counsell of this kingdome and to enjoy all honnours, digniteis, privil
ledges, and immunitieis proper and dwe to that placie; lykees the
said Sir Archibald being personallie present and acknowledgng with all
humble and dewfull respect his Majesties gratious favour shawin
unto him in preferring and advancing of him to this high placie of
honnour and dignite, he with most submissive reverence upoun his
knees, his hand lying upoun the halie evangell, made and gaeve the
solemne oath of allegiance and the oath of a privie counsellour.
Followes his Majestis missive for warrand of the Act abonewritten:—

CHARLES R.—Right trustie and right weilbelovit cousine and coun
sellour, right trustie and weilbelovit cousins and counsellours, and
right trustie and weilbelovit counsellours, we greeye yow weill. Under
standing perfytelie the sufficiencie of our trustie and weilbelovit Sir
Archibald Achesoun of Clancarnie, knight, one of the ordinar senatours
of our Colledge of Justice in that our kingdome, and of his affectioun
to our service, we ar pleased in regaird thairof and for his further
incouragement and enabling for our said service to advance and
promote him to be one of our Privie Counsell and of the Commissioners
of our Exchequer in that our kingdome. It is thairfoir our will and
pleasure and we doe hereby require yow that housing administred unto
him the oathes accustomed in the lyke caises yow admitt him to be
one of our Privie Counsell, and a commissioner of our said Exchequer,
ressaiving him in both placies as one of your number whome it doeth
concerne; for doing whairof these presents sall be unto yow both of
our said Counsell and Exchequer are sufficient warrand. So we bid
you fairweill. Frome our Court at Whaithall the eightene day of
October, 1627."

"The whilk day George, Vicount of Duppline, Lord High Chancellour
of this kingdome, produced and exhibite befor the Lords of Privie
Counsell twa patents under his Majestis great seale, the one in favours
of Sir Williame Alexander, knight, 2 maikand and constitutand him

1 Achesoun was admitted as an Ordinary Lord of Session February 14, 1625; and as an Extraordinary Lord Nov. 4, 1628.—Haig, Senators of the College of Justice, p. 274.
2 For an account of the career of Sir William Alexander of Menstrie, see ante, Vol. X., p. 358, note.
respectively principal Secretary and Secretary of Scotland.

Protest of the Lord High Treasurer and the Treasurer Depute that the privileges conferred on the Secretaries should not be prejudicial to those of the Treasury.

Order to Thomas, Earl of Haddington, late Secretary of the kingdom, and to his depute, James Winram, to deliver the whole warrants of the Signet to their successors.

Deliverance of the five signets to Sir Archibald Achesoun.

principall Secretar of this kingdom, and the utter in favours of Sir Archibald Achesoun, maikand and constitutand him Secretar of the said kingdom. Quhilk's patents being seene and considerit be the saids Lords, thay with all dew reverence acknowledgit the chose made be his Majestie of the persouns foirsaid to the saids offices, and accordinglie ordained the said Sir Archibald who wes personallie present to ressaive his placie in Counsell as his Majesteis Secretare.

"The whilk day John, Erle of Mar, Lord High Treasurer of this kingdom, and Archibald, Lord Naper of Merchinstoun, Treasurer Depute, compeand personallie before the Lords of Privie Counsell protested that the claus and words mentionned in the patents grantit to Sir William Alexander and Sir Archibald Achesoun, knights, of the office of Secretare, giving thame power to draw, docquet and present signatours, sould not be prejudiciall to thame nor their office of the Thesaurarie, nor to anie privelidge or power whairof thay or thair predecessors hes beene in use and possession. Quhilk protestatiousn the saids Lords admittit. Lykeas the said Sir Archibald Achesoun, being personallie present, declared for himselffe that he never intendit to incroache upon the office of Thesaurarie nor to wrang the same be vertew or under cullour of the words foirsaid mentionned in his patent."

"The whilk day the Lords of Secret Counsell hes found it meete and expedient and thairwithall ordains Thomas, Erle of Hadintoun, lait Secretar of this kingdom, and James Winrahame, his depute keeper of the Signet, to delyver to Sir Archibald Achesoun, knight, Secretare of this kingdom, in name and for the use of Sir William Alexander, knight, principall Secretar of the said kingdom, the whole warrands of the Signet being in thair hands. Lykeas the said Erle of Hadintoun declairit upon his great and soleme oath that he had never keepe nor meddell with anie of these warrands bot that he had committit the truist and caire of thame to the said James Winrahame, keeper of the Signet; who, being lykewayes personallie present, declared upon his great and soleme oath that he had cairfullie keepe all the saids warrands and that he had not abstracted nor putt anie of thame away and that he sould make full delyverie of the same to the said Sir Archibald Achesoun without abstracting or deteaining anie of thame. Lykeas the said Sir Archibald Achesoun, being personallie present, gave his great oath that the warrands foirsaid being delyverit unto him, he sall make thame furthcomand to the said principall Secretare as accords."

"The whilk day Thomas, Erle of Hadintoun, late Secretarof this kingdom, produced and exhibite before the Lords of Privie Counsell his Majesteis great signet and the signet appointit for closing of his Majesteis letters, both of gold, whairof he had the charge and keeping; as alsua the two signets of the Sessioun whairof James Winrahame had the keeping, and the signet of the Privie Counsell, formerlie callit the Court
Acta March 1627.

Signet, whairof James Prymrois, Clerk of the Counsell, had the keeping, and upoun production of the saide signets asked instruments. Qhilkis five signets the saide Lords immediatie delyerit to Sir Archibald Achesoun, knyght, his Majestie Secretarie, to be keppe and disposed upoun be him as he sall thinke expedient for the use of the saide Sir William Alexander, principall Secretarie."

"The whilk day, George, Vicount of Duppline, Lord High Chancellour of this kynghome, produced and exhibite before the Lords of Privie Counsell ane patent gratit be his Majestie under his great seale to Thomas, Erle of Haddington, maikand and constitutand him, Lord Keeper of the Privie Seale, and ordainit him to taike the place and precedence in all public meetinges of the nobilitie, Counsell, and Estaitis immediatie after the principall Thesaure of the said kynghome. Qhilk patent being read and considerit be the saides Lords, thay allowed of the choice made be his Majestie of the said Erle of Haddington to the said office, and accorditingordainit him to taike his place and precedence in maner specified in the said patent. Lykeas the said Lord Chancellour delyvered the said patent to the said Erle of Haddington, who with most submissive reverence acceptit the same."

"The whilk day in presence of the Lords of Privie Counsell compeered personallie Mr. Thomas Hoip of Craighall, his Majestie Advocat, and produced and exhibite before the saide Lords his Majestie Privie Seale, whairof by ane former warrant gratit be his Majestie he had the keeping, till his Majestie sould be pleased to appoint some persoun to be Lord Keeper of the Privie Seale. And whairas now it hes pleased his Majestie to make choice of Thomas, Erle of Hadintoun, to be keeper of the said seale, thairfor the saide Lords, according to ane warrant and direction in writt signed be the Kings Majestie and this day presenetti unto thame, delyverit the said seale to Thomas, Erle of Haddington, who wes personallie present and ressaiwit the same. And the saide Lords exoner the said Mr. Thomas Hoip and Mr. William Hay who formerlie kept the said seale of all forder charge and burdein thairof and declairs thame free of the same for ever."

"The Lords of Secret Counsell recommends to his Majestie Admirall, who wes personallie present, that he appoint twa sufficient skilled men to goe upoun Fryday nixt to Bruntilland and to visite the ship thairof John Angus is maister and whairin some of the Erle of Nithsdale his regiment ar to be transportit, and to try if the shippe be tight and meete to transport the said Erle his sojourns."

"Forsamekle as William Dick, merchant burges of Edinburgh, at the earnest request and desire of the Lords of his Majestie Privie Counsell undertooke to provyde and furnishe his Majestie three shippes whilkwer send out to attend the forraigne shippes whilk wer thought to be upoun the coast with twentie fuye barrelis of powder at eightenee shilling the pund weight, whilk will extend in the haill to the sowme of two.
thousands five hundredth and twentie pundes, whairfof payment wes promiseit to be made to the said William at this approaching terme of Martimesse, as ane Act made to this effect bearing date the seventeene day of August last beares. And whairas the said William to testifie his humble affection to the forderance of his Majestis service tymouslie provydit and advanced the quantitie of powdery foresaid, Thairfoir the saids Lords ordains and commands his Majestis Thesaurer and Deputie Thesaurer, and the reasavars of his Majestis rents, to make payment to the said William of the said sowme of twa thousands five hundredth and twentie pund as for the price of the said powdery, whilk sall be thankfullie allowed to thame in their accouths, the extract of this present Act with the said William his acquittance upon the recept of the said sowme being shawn upon compt for their warrant.”

“His Majestis missive letter for delyverie of the privie seale to the Erle of Hadington, Lord Keeper thairof:—CHARLES R.—Right trustie and right weilbelovit cousin and counselloir, right trustie and right weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. Whairas we latlie required that our privile seale sould be delyvered unto our trustie and weilbelovit Mr. Thomas Hoip, our Advocat, till we sould be pleased to appoint some persoun to that plaise of Privie Seale; and now knowing weale the sufficiencie of our right trustie and weilbelovit cousin and counselloir, the Erle of Hadington, we have signed ane gift unto him for dischairjing that office according as the same doeth beare, Thairfoir our pleasure is that with all convenient diligence yow caus the said privile seale be delyvered to the said Erle, whome we will (according to our said gift) to enjoy the honoure, precedence, priviledge and dewteis mentionned thairin, and for your so doing these presents sall be your warrant. So we bid yow faireweill. From our Court at Whitehall, the eightene day of October 1627.

[Sederunt as recorded above.]

Upon a supplication by Sir David Hume of Wedderburne stating that he cannot attend the approaching meeting of the Commissioners “anent the surrenders and teinds” and his Majestis Advocates, because of some hornings under which he lies, and craving that in accordance with his Majestis letter thereanent they would grant him their warrant to come to Edinburgh and remain there for some time for treating about his teinds, the Lords grant him licence to do so until the last day of the then instant month of November; and discharge the Sherif of Edinburgh and his deputes, the magistrates of Edinburgh, and all others from apprehending him.

Complaint by Sir William Oliphant of Newtoun, knight, and Mr. 

Decreta, November 1627—January 1630. 

Fol. 3, a.
Thomas Hoip of Craighall, his Majesty's Advocates, and Mr. Robert Peebles, minister of Kirkmichael, as follows:—John Dick, younger of Balmell, having conceived a hatred against the said minister, because at the command of his presbytery, he had refused to marry the said John "with a woman with whose his was manie pregnant presumptions and suspicions of his adulterie," and having threatened to have his life and "put ane pair of bullets throw him," though the minister desired not to notice the threat, yet the Kirk-session, for their own interest in the matter, summoned him and ordained him to make public repentance therefor in the accustomed place in the kirk. This further incensed him against the minister, believing him to be the cause of his censure, and he "(as the said compleamer is credible informed) come to the peace of repentance with a pistoleat at his belt resolved to have shot him with the said pistoleet in the pulpit." This information, however, the minister kept to himself, and meanwhile did what he could to smooth the way for the desired marriage and at last obtained the presbytery's consent, as he hoped thereby "to have reclaimed him from his folleis and scandalous forme of living to ane more respectfull and answerable cariage." But John Dick only became "more violent and insolent againis him." There being an ordinance of kirk-session "that nane sould putt their bestial nor goods within the kirkyaird," on 10th September last the minister found a naig there. Not knowing whose it was, he brought it forth and offered delivery to any one who would claim it. "Whilk naig being the said Johne Dicks how soone he understood that the said compleamer had putt him out of the kirkyaird, he come in a great rage and furie to his hous with a staik in his hand; and his father preassing to hold him, he violentlie threw him under his feete. And when he come to the said compleamers hous, his wyffie being bot some few dayes before delivered of her birth, the said Johne Dick, with manie threatening and minassing speeches avowed to have his lyffie, protesting openlie that he wes sore from his heart that he had not killed him sevin yeeres agoe. And being with meikle adoe putt from the said compleamers hous after he had strickin suche of his servants as he found about his doores and after that his naig was sent hame unto him, he went to his awin hous, brought furth ane sword and ane haquakebutt, with the whilk he returned backe to the said compleamers hous, resolved to have slaine him, presentit and fyred his haquakebutt thryse, bot be the providence of God she misgaive." Finding he had brought himself in peril of the law, the said John then sent messengers to the minister, assuring him that if he complained against him he would take his life and then leave the country, so that the said minister can neither in peace and quietness abide at his own house, nor pursue his calling at the kirk. Pursuers all appearing but the defender not compearing, the Lords, having heard the pursuers and the depositions of certain witnesses, found the said John Dick guilty of invading the said minister,
“first with ane staik, and then with ane haquenbut and ane sword,” as 
aforsaid, and ordain him to be charged on six days warning to enter in 
ward within the Tolbooth of Edinburgh on pain of hornung.

Commission under the signet to Alexander, Earl of Linlithgow, William 
Livinstoun of Kilsayth, Sir Johnne Blaccader of Tulliallane, 
Buquhannane, younger of that Ilk, Alexander Livinstoun of Panta-
skane, William Livinstoun of Westquarter, and William Livinstoun of 
Jeriswoode, to convocate the lieges in arms, and search for, apprehend 
and present before the Council for delivery to the Justice and his 
deputies for trial and punishment, Henry Walker in Elrig, James Walker 
in Pilmour, and James Fleyming in Loichcittis, who on 19th and 20th 
October last were denounced rebels at the instance of Marioun Auld, the 
relict, Agues, Margaret, Issobell and Elspett Russells as daughters, John 
Russell as father, and the mother, brothers and remanent kin and friends 
of the deceased John Russell in Westerglen, and also at the instance of 
Sir William Oliphant of Newtown, and Sir Thomas Hoip of Craighall, 
his Majesty’s Advocates, for their not finding caution to appear before 
the Justice and his deputies to answer “for the cruell and unmercifull 
slaughter and murthour of the said umquhile Johnne Russell.” Signed 
by Alex’ (sic) Cancell’r, Mar, Hadingtoun, Nithisdaill, Launderdaill, J. 
Erakene, Melvill, Naper, Arch. Acheson.

Chancellor; Treasurer; Lord Privy Seal; Monteth; Nithisdaill; Sederunts, 
Launderdaill; Lord Arskene; Lord Melvill; Lord Naper; Fol. 66, b. 
Secretary; Advocate; Clerk of Register; Sir Johnne Scott.

“Ane missive to the Laird of Bogie, younger, to be heir upon Twisday 
nixt and to produce his patent anent Inglishe beir, and to underly suche 
ordour as salbe tane for executioun thairof.

[Sederunt as recorded above.]

On a suppllication by George Home of Bassindein and Alexander 
Hume, his son, the Lords grant licence to them till first December next 
to come to Edinburgh and treat with the Commissioners and his 
Majesty’s Advocates anent their teinds, discharging the sheriff of Edin-
burgh and his deputies, the magistrates of Edinburgh, and all other 
officers from apprehending them during that time on account of any 
hornings or captions under which they lie.

Similar protection and licence to William Hume of Hardismyslyne. 
Caution by Walter Scott of Quthiauch for John Geddes in 
Blaetwoode, Burgess of Drumfreis, that if it be found that his complaint 
against the provost and bailies of Drumfreis for unjustly warding him 
and bringing him before the Council be not proved, but brought only to 
vex and trouble them, he will not only pay their charges in coming hither,
but also underlie such further punishment as the Lords of Council may inflict.—(Signed) Walter Scott with my hand.

Sedent—Chancellor; Treasurer; Hadington, Lord Privy Seal; Holyrood House, 13th November 1627.
Menteith; Nithisdal; Lauderdale; Lord Areskine; Lord Melville; Lord Naper; Secretary; Advocate; Clerk of Register; Sir John Scot.

"The whilk day George, Vicount of Dupline, Lord High Chancellour of this kingdom, produced and exhibited before the Lords of Privie Counsell the missive letter underwritin of the whilk the tennour followes:—

CHARLES R.—Right trustie and right weilbelovit counseine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we grette you well. Haiving understood frome yow what inconveniens doe ordinarlie arise and ar in possibilite to fall out by reason that the sault of the quorum of our Counsell can not be present at all tymes, though upoun good consideratious we appointed that to be the quorum as it may easilie be in respect of the number that is upoun our Counsell if everie one of thame were desirous to attend our service in that charge as some of thame have beene earnest to have us admit thame to that place; yitt, at your desire, to prevent the present inconveniences till we may take ordour *to haive the first course keeped, we ar pleased and doe hereby warrand yow that the said quorum that wes formerlie of ten be now of seaven, and that they haive power to determine of what formerlie they might have done. And whairas we wer formerlie pleased to appoint the meetings of our Counsell to be keeped at our palace of Halyrudhous as best becumming the stait and dignitie thairof, seing yow desire during the winter season that your meetings be at Edinburgh, wee remitt the doing thairof for that tymie to your own discretions, ather in meeting at Halyrudhous or in our said burgh as yow sall thinke most expedient. So we bid you fairwell. From our Court at Whitehall, the first day of November 1627. Quhilck letter being read, heard and considdert be the saids Lords, thay ordaine the same to be insert and registrat in the Bookes of Privie Counsell and to haive the strenth, force and effect of ane Act of Counsell for the warrand of thair proceedings in the premisis in all tymie comming."

"The whilk day George, Vicount of Dupline, produced and exhibited before the Lords of Privie Counsell the missive letter underwritin of the whilk the tennour followes. CHARLES R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we grette yow well. Whairas we ar informed that diverse persons who did formerlie undertake to serve as sojours in the warres in Germanie have fled from thence and have returned into that our kingdome, who (as we

Letter from his Majestie requiring the Council to take special notice of the fugitive soldiers, who have fled from the wars in Germany, and have returned to Scotland.

See ante, p. 40.
ar credible informed) the better to cover their cowardice doe not one lie cast false aspersions uppon the ordour and governement of these having charge in these warres, but lykeways doe discourage all uthers from undergoing to serve their to the great hinderance of these leveis of men intendit to be send by us from thence for the better aide of our uncle the King of Denmarke. The consideratioun whairof hes justlie moved us to require yow to take speciall notice of the saids fugitives, and whair yow sall find sufficient evidences for proving against thame of that whilk is before mentionned, or whair as thay have fled away without licences from their commanders, we thinke it fitt that yow take suche a course for causing thame be punished as yow sall thinke most fitt, that all uther persones of that unworthy disposition may be terrifed frome doing the lyke hereafter, which we will take as a speciall service done unto us and to the estait of that our kingdome. And so we bid yow fairweill. Frome our Court at Whitehall the first day of November, 1627."

"Forsameekle as the Lords of Secret Counsell havinge upoun verie considerable and good grounds recommendit to the Justices of Peace within some particular shirdefdome of this kingdome the taiking of tryrell with the advice of the ministers of eache parish of the number and qualiteis of all the fensible persones within their parishes to the intent that accordinglie ordour might be taine for drelling and training of thame in the use and handling of their armes under suche captains as sould be appointed over thame, the justices of peace within the shiredefdome of Edinburgh for testifieing of their deutfull obedience to the directiouns of his Majesties Counsell in this point tooke ane verie good and solide course by appointing of some speciall persones of eache parish for taiking of the said tryrell, of whome the good number hes givin their obedience and hes reported their rollis containing the number of the persones within the several parishes assigned and allowed unto thame. But the persones underwrittin nominat and appointit to take the said tryrell within the parishes underwrittin, thay ar to say, Sir William Banna - Fol. 257, a.

Threat of burning against certain specified persons within the sheriffdom of Edinburgh, unless by a certain day they produce a roll of all the fensible persons within the parishes respectively assigned to them.

See ante, p. 93.

tyne of Brouchtoun and the ministers of Halyruidhous and the north kirk of Leith for the parish of Halyruidhous; the baillieis of Leith for the parish of Restalrig; Thomas Thomsoun of Duddingstoun for the parish of Duddingstoun; Mr. James Raith of Eilmistoun and William Murrey in Natoun for the parish of Natoun; James Dowglas and Archibald Weddell, baillieis of Dalkeith, for the parish of Dalkeith; Sinclair of Rosling and Hugh Somervell, baillie of Melvill, for the parishes of Laiswade and Paintland; George, Lord Ramsay of Dalloiwssie, for the parishes of Caringtoun and Cockpen; Sir James Richartson of Smetoun for the parish of Newbottle; Pringill of Torsouse for the parishes of Heriot and Stow; Sir Alexander Fairlie of Braid for the parishes of Pennycuike, Montlowthiane and St. Katharins; Adame Bothwell of Glencorse for the parish of Glencorse; Sir George Towres of Innerleith,
Sir William Nisbit of Deane, and Mr. Johne Cant of St. Geillis Grange for the parish of St. Cuthberts kirk; Sir Johne Dalnoay of that Ilk for the parish of Rathow; Sir James Fowlis of Colingtoun for the parish of Hales; Lord Torphichin, for the parish of Calder; Johne, Lord of Balmerinoch, for the parish of Kirknewtoun; Sir George Forrester of Corstorphine and Johne Cowper of Gorgar for the parish of Corstorphine; Crichtoun of Lughtoun and James Winrahame of Libbertoun for the parish of Libbertoun; the saids persons has done no diligence at all in that charge committit unto thame, but hes slighted and neglected the same to the great hinder and disappointing of his Majesteis service. Thairfoir the saids Lords ordainis letters to be direct to command and charge the persons particularlie aboneswrittin that they and everie ane of thame within the bounds particularlie abonespecified assigned and allotted unto thame to try and informe themselfis sufficientlie with advice of the ministers of their parishes of the number and qualitieis of all the sensible persons within the saids parishes and that they make ane perfyte repoirt thairof in writ under their hands, and that they compere personallie and bring, present and exhibite the saids reports before the saids Lords at Halyruidhous or whair it sall happin thame to be for the tymen upon the day of to be seene and considderit be the saids Lords under the paine of rebellious and putting of thame to the horne; with certification to thame and thay faillie letters sall be direct to putt thame simpliciter thairto, and to escheat, etc.”

[Sederunt as recorded above, adding Linlithgow, and omitting Menteith and Nithsdale.]

Complaint by Sir William Oliphant of Newtoun, knight, and Mr Thomas Hoip of Craighall, his Majesty’s Advocates, against Robert Carmichael and Alexander Blair, mariners, burgesses of Dundee, for violation of the acts prohibiting the export of “tallow and butter.” In March, last Carmichael had exported to Holland eight barrels of tallow, and Blair had exported four. Pursuers appearing and the defenders not, the Lords ordain letters to be issued for their denunciation and inbringing of their escheat, for their contempt.

On a supplication by Hammiltoun of Samwelstoun the Lords grant licence to him till 1st December next to come to Edinburgh and arrange with the Commissioners for the surrenders about his teinds, and discharge all magistrates and messengers from apprehending him on account of any hornings or captions under which he lies.

Licence under the signet to Alexander, Master of Forbes, to go abroad for five years.—Signed by the Chancellor, Mar, Haddingtoun, Linlithgow, Lauderdale, Erskene, Melvill and Naper.

“The qhilk day James Weymis, appeirand of Bogie, compeirand
personalie before the Counsell, produceit the gift grantit to him of the half of the unlawis to be incurrit by the contravenaris of the Actis of Council maid aganis the homebringing of foreyne beir and aganis the sellaris of the same at heighar raitis nor is preservit be the Actis of Council maid thairanent. Quhilk gift being scene and considerit be the Counsell thay ordane him to informe him self sufficientlie of the contravenaris of the saidis Actis, and accordinglie to gif information of the same to his Majestis Thesaurair and Deputie Thesaurair to the intent the contravenaris may be callit and convenit befoir his Majestis Counsell and punisit accordinglie. And yf Bogy sal thail and be wanting in giving the said information, and yf others will informe and furnis probatioun, it is heirby declarit that the informuir salbe acknowledgment for his payes accordinglie."

"The quhilk day Mr Johnne Oliphant, Clerk to the Justiceis of Peace within the shirefdom of Edinburgh, reportit the diligence of the saidis Justiceis of Peace anent the fensable personis within certane particulair parrocheis of the said shirefdom."

"The Lordis ordainit letteris to be direct aganis thame who hes done no diligence."

"A warrand ordainit to be past to the customaris to gif a note under their handis to the Laird of Bogy of the names of suche personis as hes broght home foreyne beir, to the intent he may informe aganis thame, and that thay may be callit to thair answer for thair contraventioun."

Caution by David Spaldin, skipper, burgess of Dundie, that Mr James Strauchane, merchant, burgess of Edinburgh, will make all goods and money in his hands, pertaining to any Frenchman, forthcoming to John Johnston and Robert Ker, merchants, burgesses of Edinburgh, as accords of the law; with clause of relief.—(Signed) David Spalding, J. Strahan.

"CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellors, we greete you weill. Humble suit has beene made unto us in name of Mr James Strauchane, merchant at Edinburgh, that he might have power to attache and arreest for his use all suche goods and debts within that our kingdom as belong to anie Frenche man or other persoun naturalised and residing in France, extending to the sowme of fyve hundreth pundis sterline, as likeways if he have anie suche debts or goods in his awin hands that he may retene thame in his awne use, and that in regard the like sowme is unjustlie detained frome him by the subjects of the Frenshe king, who take advantage of this tyme notwithstanding the said Mr James hes used al faire and laughfull means for recoverie thereof. In which caise we being unwilling that our subjectsould be defraudit of quhat is justlie dew unto thame have hereby thought good, after yow have considered of the said Mr James Strauchane his losses and finding his demand fitt to be
granted, that yow give unto him power to attache and arrest for his use all suche goods and debts within that our kingdome as belong to anie Frenchman or other person naturalized and residing in France, extending to the said somwe of fuyeundred pund, as lykewyse if he have anie suche debts and goods in his owne hand that he may retane thame for his owne use till he be satisfied of the said somwwe, and that yow grant him suche power for this effect as sall seeme most fitt unto yow. So we bid yow fairweill. Frome our Court at Whitehall the 14 of November 1627.”

**Sederunt.**—Chancellor; Treasurer; Hadingtoun, Lord Privy Seal; Menteith; Linlithgow; Lauderdale; Bishop of Dunkeld; Lord Arekine; Lord Melvill; Lord Naper; Sir Archibald Achesoun, Secretary; Advocate; Clerk of Register; Sir John Scot.

“Anent the supplicatioun presentit to the Lords of Secret Counsell be Mr. Robert Learmont, Mr. Laurence Mackgill, Mr. John Oliphant, advocate, and Mr. Thomas Young, wrytter, present shirreff deputys of the shirfdom of Edinburgh, makand mentiouin whair at the pleasure of God Alexander Lawder of Hattoun, lait shirreff principall of the shirfdom of Edinburgh is depairtit this lyffe upoun the fourtein day of November instant be whome thay wer admittit and constitut deputys for the spacie of his shirfship, being ordinarie the spacie of ane yeere; and saing he is preventit be death, and that thair is manie actiouins intentit and dependand before the said supplicants his deputys, breves and edicts proclaimed to be served and sindrie to be proclaimed, whairin thay can not goodelie proceid nor minister justice, nather yitt hold nor contine with the saide Lords thair libertie, licence and dispensatioun, humblie thairfuir desiring the saids Lords that thay may haive licence and libertie be thir presents to sett, affixe, affirme, hald, and contine courts conjunctlie and severallie within the said shirfdom for administratioun of justice to his Majesteis lieges, lykeas at mair lenth is conteanit in the said supplicatioun. Qhillk being read, heard and considerit be the saids Lords, and thay finding a great necessitie that the course of justice be not interrupted by the interveening death of the saide Laird of Hattoun, lait shirreff principall of the said shirfdom, Thairfuir the saids Lords ordains and commands the saide shirreff deputys to continew in the administratioun, executioun and discharge of thair office ay and whill the Kings Majestie signifie his royall will and pleasure tuiching the choise and nominatioun of the principall shirreff for this present yeere; anent the doing whairof this present act sall be unto the said shirreff deputys ane warrant and commissiouin.”

[Sederunt as recorded above.]
On a supplication by John McDonal M\'Allane Ve\'Ean of Hantirum, Captain of the Clanranald, stating that for testifying his affection to his Majesty's service he had undertaken a charge in the expedition for the Ile of Rae, and has his company complete and ready for embarkation, but there are some things connected therewith in which he desires their Lordships' advice, and craving their warrant to come for ten or twelve days to Edinburgh without being troubled or arrested, the Lords grant licence to him to come and attend them for ten days, during which they discharge all officers of the law from apprehending him.

Complaint by Jeane Knowes, spouse to Robert Dumbar, servitor to the Earl of Murray, as follows:—"Upoun the day of October last bypass their was exposed and layed down, in ane close or throwgang serving for ane entrice both to umquhyle Barnard Lindsey his dwelling houes in Leith and to the houes possest be the said compleaner and her said spous also perteaning to the airs of the said umquhyle Bernard, ane young infant or lasse barine, being but ane few houres borne afoir, swaddled and bound up in the swellding cloathes, quhilk being found thair about ellevin of the clocke at night or thairby be the compleaners servants, thay out of pitie for preserving of the infant tooke the same up and brought her in to the said compleaners dwelling houes, whair out of a Christian dewtie she (in regard it wes under night) caused minister suche things as wes necessar for mainteaning of the infants lyffe untill the tyme that she might convenientlie declar to the Session of the Kirk of Leith the maner of finding of the said infant that thay might takie ordour for interteaning and bringing up of the said foundling as the custume is. And when as she accordinglie maide her addressse to the Sessioun, looking that thay sould not onelie haive acknowledgit her proceeding heerin to be both charitabill and dewtfull but also to haive than fred her of all forder burdein and trouble whairin she was ingadgit be medling with the said infant, as said is, thay in the meanye tyme refusied to takie the infant aff her hands and frustrat her with delays the spacie of twentie dayes; whairpoun the compleaner then caused carie the barine to the said Sessioun when as thay wer conveenmed in the Kirk of Leith upoun the day of and told thame that the barine wes thair at the doore with ane woman for giving of the same sucke, willing thame according to thair dewtie to haive ane cair and provide for interteaning of the same, and sua lef both the barine and the woman thair with thame. Whairat thay taiking offence agais the said compleaner, thay for that onelie caus have givin furth ane act of wairding with directioun to thair officiars, so soon as thay can apprehend the said compleaner to commit her to waird, her husband being for the present absent in the north in his Majesteis service, sua that she darre skarselie be seene within the town of Leith for feare of imprisiment." Charge having been given to Mr John Cranston and Mr James
Fairlie, ministers of Leith, Archibald Tod and Edward Edzer, bailies of Leith, Sir Jerome Lindsay, Lord Lyon, George Thomsoun, George Smalbame, James Home, James Liddell, and David Jamesoun, all elders of the Session of the Kirk of Leith, and the pursuer, and the ministers and some of the Session of Leith compairing, but not Archibald Tod and Edward Edgar, bailies of Leith, the Lords discharge the said bailies and kirk session from all further troubling or warding of the pursuer for the cause foresaid, "ay and whill thay cleerelie prove that she is accessorie to the doun-laying of the bairne or hes interesse in that mater. And whairas in this meanetyme nather the father nor mother of the bairne is knowin, and thair is nane to taeke cair of it, but it wer ane verie great inhumanitie and ane scandal to the religioun to suffer ane poore infant to perish miserablie for want of interteanement, thairfoir the saids Lords finds that thair is nane of the poore of the Kirk of Leith that stands in so great need of suppilee and help as the poore infant foirsaid, and thairfoir ordanis the Sessioun of the Kirk of Leith to caus interteanie the said infant out of the readiest of the collection at thair kirk doores and uther moneyes appointit for interteaneing of the poore ay and whill by lawfull tryell and probatioun thay sall fasten the infant upoun the said persewar."

Complaint of Mr James Foullertoun, minister at Beath, and James, Archbishop of Glasgow, for his interest, as follows:—His Majesty had presented Mr James Fowllartoun to the sub-deanery of Glasgow, whereof the kirk of Monkland is one of the kirkis, and had by his letter to the Archbishop commanded him to proceed with diligence to his admission, who accordingly appointed the said presentee to preach at the kirk of Monkland on last, that the parishioners might hear him. The Archbishop had informed them by letter of the King's will that Mr James Foulhartoun should be placed there, and they not only showed a willingness to hear him, but received great contentment by his doctrine whereupon the Archbishop sent Mr Robert Scot, one of the ministers of Glasgow, with him to the said kirk on last, being Sunday, in order to admit him in terms of his presentation. But Sir James Kneilland of Monkland, getting notice thereof, and resolving to oppose the same he convocated together James Mureheid, elder and younger of Lauchop, Robert Hammiltoun of Milneburne, James Hammiltoun of Turneley, James Muirheid, bailie of Hamiltoun, George Anderson of Woodside, James Muirheid of Braidsalome, Alexander Kneilland, brother to the said Sir James, John Thomson in Airdreehil, James Pettigrew in Langlone, John Russill in Broomeyde, George Hill in Caldercruik, Thomas Inglis of Murdistoun, James Hammiltoun of Broonhill, John Hamiltoun of Udistoun, James Hammiltoun called the Blacke Laird, William Hamiltoun of Blantresome, James Muirheid of Shawfitt, William Foursyth of Dyke, William Hamiltoun of Wishaw, and George and John Kneilland, brothers to the said Sir James, "and with
thame he come to the said kirk of Monkland upon the Saturday afoir the Sabbath foirsaid, all boddin in feare of warre with swords, halberts and stalfes and uthers weapouns invasive and posseect thame selffis of the said kirk and remained and abode thairintill drinking aill and tobacco and committing manie uther abaissis all that night till the morn." Then, when the said Mr James Foullettoun and Mr Robert Scot came peaceably and craved access to the kirk, showing their errand and warrant and his Majesty's presentation and letter, they opposed their entry, "presentit thair weapouns out at the doores unto thame, threatning thame with present death if thay preast to enter in the said kirk," and so they were forced to retire. Charge having been given to the persons named and Mr James Foullettoun appearing personally, the Archbishop appearing by his procurator, Robert Stewart, and all the defenders, except James Hamiltoun of Turneley, the Lords after hearing the evidence find that the said George Hill presented "ane bandit stalfie" to the said Mr Robert Scot, and would not suffer him to enter the kirk to hear the preaching, and commit him to ward in the Tolbooth of Edinburgh till further order, but they assolzie the remaining defenders, because the pursuers failed in their proof, seeing that it was lawful for the said Sir James to maintain his right and possession of the patronage of the said kirk by barring of the pursuers' admission in a civil manner. But further, the Lords, to obtemper his Majesty's desire that the said kirk be no longer unprovided "of a minister for teaching of the word and ministratiation of the sacraments to the parochiners of the said kirk," command the said Archbishop and the ministers of the presbytery of Hamilton to see that the said church is served by the said ministers per vires until it is decided by law to whom the patronage thereof belongs; and they further discharge both the said Mr James Fowellton, and also Mr James Johnstoun who was presented to the said kirk by the said Sir James from preaching or administering the sacraments therein till then.

[Here is engrossed the following letter.

"CHARLES R.—Rygth trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow weill. In regard the church of Monkland wes of a long tyme unproyved of a preacher because of some differences depending in law betuix the Lord Boyd and Sir James Clelland, we wer pleased to write at severall tymes that the same sould be provided, haiving for that effect sent our presentation to the Archbishop of Glasgow for giving collation and admission to Mr. James Foullettoun, preacher at the Church of Baith. But we are since informed that upon the intendit settling of the said Mr. James at the said church of Monkland it wes violentlie opposed by he said Sir James, his two brethrein and complices, who (as we ar
crediblie informed) in contempt of our pleasure both signified by the said presentation and by our letter writtin to that effect and shewin unto thame, did in armed maner and by convocating our lieges for that effect, barr the said Mr. James his admission, the parochiners frome the benefite of hearing of the word, and infants frome being baptized, a course not comming civill men nor good Christianes. Our pleasure that if that yow cause cite the saids persouns before yow and after dew tryell of that which is alleged, or of suche informations concerning this purpose as sall be exhibited before yow by the said Archbishop if yow find thame guitle the saids fyne, confyne or otherwise punishe thame as yow sall find the nature of their offences to have deserved; and in the meane tyme that yow give ordour that the said church be no longer unprovided according to our pleasure heeretofore signified to this purpose. So we bid yow fairwell. Frome our Court at Theobaldes, the 18 of September 1627."

On a supplication by the Lyon King at Arms, and his brother heralds, stating that by a former Act of Council, their lordships had modified the fees to be paid to them by all nobles upon their creation either by "patent or be the ordinarie ceremoneis," viz., by every Marquis, 400 merks, every Earl, 300 merks, and every Lord, 200 merks, but as at that time there had been no Viscounts created "nor was it than a dignite looked for to be usuall or conferred upoun anie persouns within this kinclome," there was no fee modified for them, and craving that by their Act the Lords would now appoint the fee to be paid to them both by all Viscounts already created, and by such as should be created hereafter, "the saids Lords hes modified and be the tenoun heerof modifieis to the saide supplicants the sowme of twa hundreth and fiftie merkes to be payed to thame be all Viscounts who sall be preferred to that dignitie in anie tyme comming."

Caution by Mr Abraham Rig in Prestoun Grang in £100 that he will conform himself in buying and receiving of his victual to the order set down in the Act of Parliament thereaennt.—(Signed) Mr Abraham Rig.

Edinburgh, 15th November 1627.

Caution by Mr Abraham Rig in Prestongrane.

Caution by John Thomsoun, bailie in Prestounpannis, Hector Achesoun, James Pinkertoun, and James Tuedie, indwellers there, and David Huntar in Prestoun, each in £100, that they will conform themselves in buying and receiving their victual, to the order prescribed in the Act of Parliament thereaennt.—(Signed) John Thomsoun, H.A., James Pinchartoune, James Tuedie, D.H.

Caution by Allan Hendersoun in Prestounpanes and William Affle in there, each in £100, to the same effect.—(Signed) Allane Hendersone.

Caution by George M'Clair in Prestoun in £100, to the same effect.

Caution by John Thomsoun, John Wood and James Hairtie in Prestounpannes, each in £100, to the same effect.—(Signed) Jhone Thomson, Jhone Uoode, J. H.

Holyrood House, 17th November 1627. Commission under the Signet to the bailies of Dysert, to search for apprehend, imprison and examine Kathlene Cristie, relict of Andro Yoole in Dysert, who has been long under "vehement suspicione of hir guyltynes of the deteustabill crymes of witchcraft, sorcerie, useing of charmes, and utheris divillishes practizes." They are to report her depositions in writing to the Council before further procedure.—Signed by the Chancellor, St Androis, Mar, and Naper. Commission under the Signet to the bailies of Dysert, to search for apprehend, imprison and examine Kathlene Cristie, relict of Andro Yoole in Dysert, who has been long under "vehement suspicione of hir guyltynes of the deteustabill crymes of witchcraft, sorcerie, useing of charmes, and utheris divillishes practizes." They are to report her depositions in writing to the Council before further procedure.—Signed by the Chancellor, St Androis, Mar, and Naper.

Holyrood House, 17th November 1627. Caution by Thomas Turnbull of Minto, in 300 merks each, for apprehending, imprisoning, and examining Katherine Christie, who is suspected of witchcraft. Caution by Thomas Turnbull of Minto, in 300 merks each, for apprehending, imprisoning, and examining Katherine Christie, who is suspected of witchcraft. Caution by Thomas Turnbull of Minto, in 300 merks each, for apprehending, imprisoning, and examining Katherine Christie, who is suspected of witchcraft.

Holyrood House, 29th November 1627. Chancellor; Treasurer; Privy Seal; Nithsaidaill; Lynlythqu; Sederunts; Roxburgh; Bishop of Dunblane; Lord Arskine; Lord Melvill; Lord Naper; Secretary; Advocate; Sir Johnne Scott.

A missive to Mr. Robert Dick and Robert Monteith at the instance of Peter Rid, and to crave the concurrence of the cuntrey. A missive to Mr. Robert Dick and Robert Monteith at the instance of Peter Rid, and to crave the concurrence of the cuntrey.

"Ane missive to Mr. Johnne Dik and Robert Monteth anent the preservinge of the goodis being in the Holland ship that brak at Unst, and to mak thame furthcumand to partyis interest, commanding thame to notifie the same to all the inhabitantis that hes medlit with any of the goodis and to arrest the goodis in their hands, certifieing thame that they salbe callit as robberis and spoillaris of the goodis of his Majesteis confederatis." "Ane missive to Mr. Johnne Dik and Robert Monteth anent the preservinge of the goodis being in the Holland ship that brak at Unst, and to mak thame furthcumand to partyis interest, commanding thame to notifie the same to all the inhabitantis that hes medlit with any of the goodis and to arrest the goodis in their hands, certifieing thame that they salbe callit as robberis and spoillaris of the goodis of his Majesteis confederatis."

The Earl of Crawford. The Earl of Crawford.

Holyrood House, 22nd November 1627. Sederunt.—Chancellor; Treasurer; Hadintoun, Lord Privy Seal; Menteith; Nithsaidaill; Linlithgow; Roxburgh; Lauder; daill; Bishop of Dunblane; Lord Arskine; Lord Melvill; Lord Naper; Master of Jedburgh; Secretary; Advocate; Clerk of Register; Sir Johnne Scot.

In obedience to a missive from his Majesty, the Council ordains that no fines be raised from his Majesty's letter underwritten, of the whilk the tennour foloweth;—CHARLES R.—Right trustie and right weillbelovit cousin and counsellour, right trustie and weillbelovit cousins and counsellours, and right trustie and weill-
belovit counsellours, we greete yow well. Whairas we have beene of lait humblie petitioned by the commissioner of our free burghes in that our kimgdome that the execution of all penall statutes might be respetted unto thame, in regard of the manie good services done by thame unto our royall predecessours and our selve and for uther good considerationns moving us, we are willing at this tyme both to show unto thame and all uthers our subjects there in generall some favoure heerin; and thairfor our special pleasure is that the exacting of the fynes of all penall statutes whatsoever from anie of our saids subjects throughout our said kimgdome sall cease till suche tyme as we sall heereafter be pleased to give speciall ordour to the contrarie; for doing whairof these presents sall be unto yow and everie of yow ane sufficient warrand. So we bid yow fairweill. Frome our Court at Theobaldes, the nyntein day of September 1627. Whilk letter being read, heard and considderit be the saied Lords, thay for obedience of his Majesteis royall direction will forbeare the exacting of the saied fynes whil his Majesteis forder pleasure be known; and in the meane tyme thay ordaine a missive to be writtin to his Majestie acquainting his Majestie with the evils and inconveniens flowing from the generalitie of this letter to the whole estait, and whil his Majestie sall be pleased to returne his answere to the said missive thay thinke it meete that his Majesteis officiars whome it concerns sall be going on in the examination and tryell of the contravencners of the saieds penall statuts, forbearing to exact the fynes in the meane tyme."

"The whilk day the commissioners abonewrittin produced and exhibite the missive letter underwrittin, of the whilk the tennour followes:—

CHARLES R.—Right trustie and right weibelovit cousin and counsellour, right trustie and weibelovit cousins and counsellours, and right trustie and weibelovit counsellours, wee greete yow weill. Being informed how for reforming of ane abuse in dressing of leather a selected number of the Privie Counsell of that our kimgdome by ordour frome the Table (to whom it was then remittit by the Estait of Parliament) did sattle a course how that bussineses could be caried; yitt upoun some complaints now exhibited unto us against the new course of tanning and against the imposition of a greate upoun all hydes sold within that kimgdome, we can not but desire that these differences could be tredy. And thairfor our pleasure is that yow call both pairteis interested in that earand before yow and haiving considderit of the said establised course, and haiving withall tredy the grounds of these complaints, that thairafter yow taise suche a speedie course thairin as sall be thought most fit by yow for the publicit good of that kimgdome, the continuance or establising whairof sall aways be one of our cheefe caiers. And so we bid yow fairweill. Frome our Court at Whitehall the 18 day of October 1627. Whilk letter being read, heard and considderit be the said Lords, they ordained
a copie thairof to be delveryt to the Lord Areskin to the intent he may answere thairto the nixt Counsell day."

"Forsameekle as it is understand to the Lords of his Majestis Privie Counsell that ane shippe of Encusane,¹ callit The Whyte Fulke, whairof Albert Jacobsoun thair wes maister, being laittie upoun her dew course homewards laidnit with riche and coastele commodities frome St. Nicolas in Russie, she wes by contrarious winds in a tempestuous storme drivin towards the Yle of Unst in Zetland and sett upoun a craig, and that the countrie people aganis the dewteis of humanitie not onelie refused to contribute thair helps towards the releeffe of the said shippe,² but with that in a most barbarous and insolent maner thay enterit within the same, thrust the maister and companie furth thairof and refte spoyled and intromettit with the goods and geare being thairintill, leaving and expsoeing the shippe to the injurie of the sea. Whilk being ane most barbarous inhumanitie committit upoun the subjects of the United Provinces who ar his Majestis most firme and constant confederaits and freinds, and unto whome the honnour and justice of this kingdome and the good correspondence inviolable kept buxzit his Majestie and the saids Estaitis requires that summar restitutionoun sould be made of the goods and geare, and exempliar punishment inflicted upoun the delinquents according to the law; Thairfoir the Lords of Secret Counsell, with consent of Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome during the minoritie of the Duke of Lennox, and of Archibald, Lord Naper of Merchinstoun, Deputie Thesaurar, as tackisman of Orkney and Zetland, and without prejudice of either of thair rights, clame, title or possessioun which thay or either of thame can pretend to the office of admiralitie within the saids bounds, whilk the saids Lords declairs sall no wavys be prejudgit nor impairit be this act and commission, hes givin and granitit and be the tennour heerof gives and grants full power warrand and commission and thairwithall commands and ordanis Mr. John Dick, sonne to William Dick, merchant burgess of Edinburgh, and Robert Menteith of Eglishaw, to take present and exact tryell how and by whome this robric hes beene committit, and to make a perfty record of thair names and of thair cariage and proceedings in this bussines, to the intent thay may be delaited and callit, pursewed and punished thairfoir according to the law; as alsua with power to the saids Mr. John Dick and Robert Menteith to pas and make diligent searche and inquirie for the saids goods whair and in whose possessioun soever the same or anie pairt thairof can be apprehendit, and to sease thairpoun and to delvery the saids goods with the cables, ankers, ordinance, apparrelling and what ellis belonging to the said shippe being in the possessioun of the saids Mr. John Dick and Robert Menteith ar intromettit with by anie uthers

¹ Enkhuizen, in the Zuyder See. ² Cf. ante, v., 393, vi., 88.
persoune whatsoever togidder with the bands and money (if anie be)
taine be thame and be Robert Bruce from the merchants of the said
shippe or be anie other persoun, Hollander or Strainer, residing in
Zetland, to Adriane Herminsoune, Hendrick Hendirsoun, Phillip Usseill,
Jane Van Lebert and the said Albert Jacobsoun, merchants, awners of
the said shippe and goods, or to suche uthers havying their warrand
and commissioun to that effect; to the intent thay may transport the saids
goods and dispone thairupoun at thair pleasure without trouble, latt or
impediment to be made unto thame thairfoir, and that free without anie
charge, payment or allowance to be craived, exacted or taine for the
same; and that thay stay and arrest all strainerg who hes intromettit
with the saids goods or anie pairt thairof, and in whose custodie and
keeping anie pairt or portioun thairof can be challenged and suffer
thame not to depair till thay make restitution thairof to the persouns
foirsaid. And the saids Lords recommends to the saids Mr. John Dick
and Robert Menteith the caifull performance and executing of
this commissioun in everie heed and article thairof as thay will answere
upon thair neglect and disobediency at thair highest charge and
perrell."

"The whilk day in presence of the Lords of Secret Counsell compeered
personallie David Aikinheid, provest of the burgh of Edinburgh, with
the bailleis and some of the counsell of the said burgh, and gave
in the articles underwrittin of the whilk the tennour followes:—
Quhairas it is proponit be the Lords of his Majestie most honourable
Privie Counsell to the provest, bailleis and Counsell of Edinburgh,
that they should take to thair consideratioun the building of forts in
Leith as necessarie for the preservatioun of the harbie and toun of
Leith from forraine invasioun and onterwayses mutche importing the
publicit securitie of this realme; and the saids proveist, bailleis and
counsell for obedience thairof after mature deliberatioun, both amongst
thameseliffes and als with these of the best judgement in militarie effaires
within this realme, having found it very probable that the building of
forts thair would little or nothing endamage the enemie, nither mutche
secure the toun incaice the enemie sall once expone his forces on land,
hes in all humilitie presumed to offer to your Lordships wyse considera-
tiouns the fortification of the hailt toun of Leith as most importing the
publicit securitie. And albeit the samine will amount to a great charge
which the saids proveist, bailleis and counsell of Edinburgh ar not able of
thameselffes to undergo, yitt if it sall please his Majestie and the
Lords of his honourable Privie Counsell to resolve upoun the expedi-
tencie and necessitie thairof thay for thair awin pairts will undergo the
said worke upoun the conditionis and provisiouns after specified.

1. That the libertieis, privileges, immunities and jurisdictiouns als (1) That the
weill civill as criminall whilk the said proveist and bailleis and
counsell of Edinburgh hes alreadie within the said toun of Leith,
port and harberie thairof, passages leiland to and fra the same and Linkes thairof, ather east or west, may be conservit inteir to thame conforme to thair chartours and grants made to thame and thair predecessours and decreits past thairnament, and especiall that na merchandice be exercised thairin nor guids houssit in the same but all transportit to Edinburgh, and that na exercise of free crafts be thair conforme to the Acts of Parliament and lawes of this realme, and that his Majestie de novo ratifie and approve the same conforme to the tennour thairof in all points and confirme the same be Act of Parliament.

2. That the governement of the hailtoun of Leith to be fortified as said is be conferred upon the saids provest, bailleis, counsell and deacons of craft of the said burtgh of Edinburgh as representand the hail bodie and communite thairof, sua that thay and thair successoirs and thair deputis for whom thay sall be hadlin to aanswer sall be, be his Majestie with consent of the Estaits of Parliament, made governours of the said hailtoun of Leith upon both the sides of the water thairof, of the hail citadells, forestrees, rampeirs, bulwarkes, and fortificacions within the same, with all uther libertie, privilidge and jurisdiction over the inhabitants of the same as is grantit to anie governours in suche caises, especiall of shireship and justiciarie of peace; with power to thame and thair successoirs to appoint under thame lieutenents, captains and uthers under officiars as sall be necessarie and is requisite thairnament.

1 The controversy regarding the claim of superiority on the part of Edinburgh over Leith was of long standing. John Knox in his History of the Reformation has the following interesting passage on the subject, under date 1529:—"It is not unknawin to the moyst pairt of this realme, that thair hes bene ane sauld haitreint and contentiou bextu Edinburgh and Leith; Edinburgh seikin continuellawly to possess that libertie, quhilik be donation of kyngis they have long injoyit; and Leith, be the contrary, aspyrring to ane libertie and fredome in prejudic of Edinburgh. The Queene Regent, ane woman that could mak bir profitit of all handes, was nott ignawit how to compaas bir awin mater; and thairfuir secretitlie sche gaif avertisemint to sum of Leith, that ech wald mak thair Toun fre, gif that sche mycht do it with any cuillour of justice. Be quhilk promise, the principall men of them did travell with the Laid of Restalrig, ane man nether prudent nor fortunat, to quhome the supericiitie of Leyth appertennit, that he sould sell his hall tytle and rycht to our Sovereine, for certaine sowness of money, quhilik the inhabitantis of Leith payit, with ane large taxaition maire, to the Queene Regent, in hoop to have bene mait free in dispit of and defraud of Edinburgh."—1., 426 (Laing's edition).
3. Since the north syde of the towne of Leith with ane pairt of the south syde appertaines to the Baroun of Brouchtoun in superiourit and some other pairts to uther superiors, it might please his Majestie to buy the same and to resavve their resignatoun thairof, to the effect that it might be consolidat in ane integre governmiente.

4. Since the grounds from the calisay at the windynylne round about the said utoon upoun the west to St. Nicolas upoun the north appertaines to diverse heretours whair of necessitie the fortificatoun upoun that side must be raised, it might please his Majestie to make the same free to us. Lykeas we offer willinglie to give the ground upoun the uther side from the harbourie and Little Londoun round about to the windynylne to that same use in sua farre as the said fortificatouns sall be extendit.

5. That since the inhabitants of Leith, as weill upoun the north syde as south syde of the water thairof, participat in the benefite of the Leith fortificatoun thay might all be subject to undergo a pairt of the charges to be disbursed in the said worke, and underly all burdeins thairanent as sall be imposed upoun thame be the proveist, bailleis and counsell of Edinburgh, without exception to anie person of whatsoever qualitie thay be.

6. That since the same worke will be of great importance for the publicit securitie of the realme, that ane be sufferit to build anie worke without the town whilk may endamage the same; and if anie plaice neere adjacent may annoy the same that the same also be fortifit, and that ane be sufferit to build within the town bot the advice of the Magistrates of Edinburgh and in maner to be by thame prescuryvit.

7. And als to the effect it may be knowin wha resides thair that ane be sufferit to sett howssis to anie person bot howssie sall have to persons allowed by the Magistrates of Edinburgh.

8. That it be lesome to the saids proveit, bailleis and counsell to do anie thing within the said town whilk may tend to the securitie of the same as weil in raising of cittadells, as building of gurnells, munition howssis, or anie uther thing tending to the preservatives and strenthening thairof.

9. That his Majestie would contribut suche number of good artillerie

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1 The Barony of Broughton has an interesting history. Together with the surrounding lands within its jurisdiction it was granted by James VI. in 1568 to Adam Bothwell, Bishop of Orkney, who surrendered the lands to the Crown in 1587 in favour of Sir Lewis Bellenden of Auchnoul, Lord Justice-Clerk, who obtained a charter from the King uniting them into a free barony and regality. Sir William Bellenden, the grandson of Sir Lewis, disposed of the whole lands to Robert, Earl of Roxburgh, in 1627, and by an agreement between him and Charles I., the barony was purchased by the Governors of Heriot's Hospital in 1636, to whom the superiority was yielded by the Crown, partly in payment of debts due by the King to the Hospital. Thenceforward the barony was governed by a bailiff nominated by the Governors of the Hospital, who possessed the power of pit and gallows.—Steven, History of George Heriot's Hospital. (Ed. 1859), p. 68.
Contribute the needful amount of artillery.

(10) That the Council would find how the expenses may be met, and the work done.

(11) That a competent garrison should be entertained both in Leith and Edinburgh.

(12) That liberty be obtained for the procuring of materials for the work.

10. And since this worke will amount to ane infinite charge and expenssis, als weill in raising of the fortificatious and bringing the same to perfectioun as interteining thairof, it might pleaase your Lordships to find out the meanes how the same sall be done and the charges levied als weill for the ane as the utter.

11. That the meanes be found how ane competent garisoun may be interteined thairin and all things fitting for suche a worke, and how the samne incaice of foraine invaisoun may be manened with sufficient number of souldiers and als competent number putt in Edinburgh for defence of the same against anie suddaine invaisoun.

12. That since thair is na grounds perteyning to the good toun whilk will afford sufficience of faill or divvet [turf] or rsyse [brushwood] for the said worke, it might pleaase your lordships to obteane libertie unto thame to have the same in the most ewest places whair they can be had, and caus the countrie assist thame with cariages freellie.

Whilks articles being scene, read and considerit be the saids Lords, they haive taine the same to thair considerations and will advise thairwith and give answere thairto with convenient diligence. And in the meanye tyme that thay beginne and proceed in bigging of twa forts at Leith."

[Sederunt as recorded above.]

Complaint by the Moderator and brethren of the Presbytery of Dumfries, as follows:—In the Parliament held at Edinburgh in June, 1594, all presbyteries in the realm were enjoined to cite before them all Papists or persons suspected of being Papists within their bounds, and in case of their refusal to appear or to give satisfaction, that their names be notified to the Council. Now, John McBrair, eldest lawful son to Robert McBrair of Almigill, Marion Maxwell, Lady Wauchop, Elspitt Maxwell, widow of Harbert Cuninghame, lately town clerk of Dumfries, Agnes Johnston, wife of William Hereis, Edward Maxwell called of Cowhill, Agnes Maxwell, daughter of the Lady Conheth, James Maxwell, brother of Herbert Maxwell of Kirkconnell, Barbara Maxwell, Lady Mabie, elder, Dame Barbara Johnestoun, Lady Gribtoun, John Maxwell of Gribtoun, her son, James Maxwell of Kirkconnell, Richard Murray of Aikieburn, Elspeth Maitlaine, and Barbara Maxwell, servitrices to the Countess of Nithsdail, Efwame Beatie in Collde, Homer Maxwell of Trostan, Jeane Browne, his spouse, Mr Charles Browne in New Abbey, Fergus McGill in Clauchane, and Gilbert Browne of Corbellie, have been long suspected of Papistry, and being for this and refusing to communicate, cited before the complainers, "they contemu-pandlie misknew and contenned both thame and thair charges." Then,
“after long patience abyding their tyme of conversioun,” the complainers were constrained to pronounce against them the sentence of excommunication, as also against John Allane, portioner of Kirkgunzeane, and Thomas Paterson there, for abusing of the minister and session of the kirk; Issobell Hereis in Kirkgunzeane for incest and divers adultries; John Williamsoun, William Creirie and Agnes Sinclair in Lochrowtown, for adultery; and Thomas Paterson in Auchingry and Margaret Browne for cohabitation in adultery; which sentence they despise and go about at their pleasure as if they were not under the same. Charge being given to these persons named to compear with testimonials of their having satisfied the Kirk and been relaxed, and the pursuers appearing by Mr Thomas Ramsay, their moderator, and none of the defenders appearing, the Lords ordain them to be denounced rebels.

Complaint by William Duncane, servitor to William Congletoun of that Ilk, and by the latter, as master, for his interest, as follows:— On 7th November instant William Duncane, having come with his master to the musters and weaponshewing on the muir of Glaidsmure, as he was quietly returning home in the evening, David Smith in West Fentoun set fiercely upon him with a long lance, with the butt of which he gave him “a number of cruell and violent straikes” on sundry partis of his body, but specially the left hand, one of the fingers of which was thereby “so bruised and disjoynted” that “he will be mutilat thairof, to his heannie hurt and prejudice, he being bot a poore man not haiving meane whairwith to interteane hiselffe and familie bot that whilk he purchasht be his worke and labour.” Both pursuer and defender appearing, and several witnesses having been heard, the Lords find David Smith guilty as libelled and ordain him to pay a fine of £30 to William Duncane, and to be warded in the Tolbooth of Edinburgh till he pay the same.

“Ane act wherby the Earle of Nithisdaill nominat James Young, sonne to Patrik Young, burges of Drumfreis, and Stevin Young, notar, in place of the Laird of Conhaith and umquhile Johnne Young for the service of the Middlehyres.”

“The whilk day Robert, Erle of Nithisdaill, aue of the commissioners for the Middlehyres, nominat and gaine up James Young, sonne to Patrik Young, burges of Dumfreis, and Stevin Young, notar in Dumfreis, to be twa of the personis whom he will imploy in the service of the Middlehyres and that in place of Sir Johne Maxwell of Conheth, who is his Majesteis rebell and at the horne, and whom the said Erle declared he would not imploy forder in that service, and in place of umquhile Johne Young, shireff clerk of Dumfreis, wha is now departhit this lyffe. Qhilk nomination made be the said Erle of the saids James and Stevin Youngs for the service fairsaid being heard and considderit be the Lords of Secreet Counsell, they allow of the choise and nomination made be the said Erle of Nithisdaill of the persoouns foresaids for

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for the said service, and ordanis letters to be direct to mak publicatioun heerof be opin proclamatioun at the mercat croes of the heid burrowes within the Middleshyres, whairthrow nane pretend ignorance of the the same.”

Commission under the signet to the Sheriff of Hadintoun and his deputys, or the provost and bailies of the burgh of Hadintoun, to examine the three persons underwritten. Their Lordships have heard “and knowes by the depositioun of Marioun Kemp, relict of unquhile William Paxtoun in , that she with the knowledge, allowance and permiission of Megie Yorksoun, spous to Patrik Robesoun, hes lyin in adulterie with the said Patrik since Witsunday bygane a yeere; and that she being with chylde to the said Patrik at Lambmesse 1626, she and the said Patrik and Megie Yorksoun, his spous, concurred all three togidder in seeking of a drinke to make hire pairt with bairnie and that in end thay gott a drinke fra a woman in Hadintoun quhilk she dranke, bot the drinke had not the looked for effect; and that about the 25 day of December the yeere foirsaid she being delyverit of a bairnie, nane being present bot the saids Patrik Robesoun and Megie Robesoun, his wyffie, she, how soone as the said bairnie wes borne, gave it to the said Patrik, her husband, and he caried it into the yaird and buried it thair. And she forder confessed that about Hallowmesse last she wes delyverit of twa bairnes to the said Patrik, she being within aucth weekes to the tyme of hir delyverie, quhilks twa bairnes, as wes confessed be the midwyffe and uther weomen present at her delyverie, wer consumed in her bellige. Upoun the quhilk confessioun and depositioun make be the said Marioun “all three have been apprehended and warde in the Tolbooth of Hadintoun ” being “all three guiltie of the murder of the first bairnie, and by probable appearance they haive used indirect meanes to destroy the uther twa bairnes in the womans bellige.” The commissioners are to examine these three persons “upoun the particular crymes abonespecified and upoun everie circumstance quhilk thay sall thinke expedient to concurre thairwith, and to confront thame as thay sall find the occasioun,” and then report to the Council in writing.—Signed by Geo. Cancell, Marr, Hadintoun, Menteith, Nithisdaill, Linlithgow and Arch. Achenson.

“CHARLES R.—Right trustie and right weibeloved cousin and counsel- lour, right trustie and weibelovit cousians and counsellours, and right trustie and weibelovit counsellours, we greeete yow weill. Whairas we have understoond by your letter of the reasonable offers made by the freinds of one Lawsson for ane assitement and satisfaction to the neerest of kin of one Jo. Bankes, laitlie killed by him, and that a thousand pund Scottish hes beene demanded be the freindis of the said Bankes for discharge of all actioun competent to thame for the said slauchter, whairupoun we haiving considered the circumstances
1627.

heerof and the disposition of the partie, the one being willing to give all he hath and to undergo perpetuall banishment, and the other to take compositioun for the said fact, we haive beene pleased to signe a remission to the said Lawssoun, notwithstanding we are heereby gratiouslie pleased that before his enlargement from prison yow see suche a reasonable course takin with the said kin of the person killed as may be convenientlie done be the said Lawssoun according to his offer. So we bid yow farewell. From our Court at Whitehall, the 23 of November 1627."

Sedent.—Chancellor; Treasurer; Lord Privy Seal; Menteith; Holyrood House, 27th November 1627.
Nithisdall; Wyntoun; Linlithgow; Launderdall; Bishop of Dunblane; Lord Arekine; Lord Melvill; Lord Naper; Master of Jedburgh; Sir Archibald Achesoun, Secretary; Clerk of Register; Advocate; Sir John Scot.

"Forsameekle as it is understand to the Lords of Secret Counsell that a shippie of Lubecque callit Sanct Lawrence loadnith with salt being returning from her voyage towards the town of Lubecque, she wes by contrarious winds drivin upon the north west iles of this kynghome whair she wes brokin and her whole loading exposied to the injurie of the sea, the equippage and companie of the shippie allanerlie being by God's providence preserved, who with great distresse ar come heere to seeke the commoditie of passage home. And whairas thay ar poore distrest people havinge nothing left whoirby to forder their addresse home, Thairfor the saids Lords ordainis his Majestis Thessaurar and Deputie Thessaurar and ressaivers of his Majestis rents to make payment to thame of ane hundreth merks for the forderance of their transporting, whairatent the extract of thir presents with Nicolas Lusk, skipper of the said shippie his acquaintance, all be unto his Majestis said Thessaurar and Deputie Thessaurar and ressaivers of his Majestis rents are sufficient warrand."

"Forsameekle as altho Sir Johnhe Stewart, knight, captane of the castell of Dumbartane, undertook in presence of the Lords of Secret Counsell that the said castell shoulde be saulfelie and surelie keepe and that he sould ever have saxteen persons within the said castell for keeping of watche and waird thairin, notwithstanding as the said Lords ar informed the said castell is not keepe in that orLOUR as the importance of suche a place requires and thair is few or nane that keepes watche or waird thairin, sae that in a manner the said castell is exposied to all hazard and danger without remeid be provydit; Thairfor the saids Lords ordainis letters to be direct charring the said Sir Johnhe at the castell of Dumbartane and als be opin proclamatioun at the mercat crose of Edinburgh, peire and shoir of Leith, upoun threescoir dayes warining, because he is presentlie furth of this realme, to compeir personallie before the saids Lords upoun the day of to answere to the premisses
and to underly suche ordour as sall be taine thairanent, under the paine of rebelliuon etc., with certification, etc.”

“Forsameckle as thair is diverse acts made aganis the resorting of Jesuits within this kingdome and aganis thair ressett and remaining within the same; notwithstanding whairof Alexander Robesoun, jesuit, hes made his addresse unto this kingdome and being apprehendid is committit to weird within the Tolbuith of Edinburgh, whair he hes remained thir diverse moneths bygaine. And the Lords of Secret Counsell considering that his remaining in the countrie will be hurtfull to suche as he hants with, it being verie likelie that following the custome of the rest of that societie and ordour he will bussie himselfe to corrupt his Majestie good subjects, both in their religion and in thair dewtie and alledgedance to the Kings Majestie, Thatfoir the saids Lords finds it more expedient that he be sent away out of the countrie nor unneeessarie haldin within the same; and for this effect ordeins his Majesties Justice and his deputys with the concurrence of his Majesties Advocats to affixe and sett a justice court to be hald in the Tolbuith of Edinburgh at suche a day as they please appoint; and to call the said Alexander Robesoun before thame, and after acknowledging his offence in transgressing of his Majesties lawes made aganis the resorting and remaining of Jesuits within this kingdome that thay take him solemnelie sworne and judicallie actit that he sall depairt and pas furth of this kingdome with the first commoditie of a shippe going toward the Low Countreis, and that he sall not returne againe within the same without his Majestie licence had and obteanit to that effect under the paine of deid.”

“The whilk day in presence of the Lords of Secret Counsell compereit personallie Mr. Robert Learmounth, Mr. Andrew Aittoun and Mr. Lewes Stewart, advocats, Sir William Scot, and Mr. Alexander Hay, clerks of the Sesioun, and David Andersoun, writer to our soveraine lords Signet, for thameselfes, and in name of the remanent advocats, clerks and members of the Collège of Justice, and declared that thay wer warneed to compere personallie before the saids Lords this present day to give thair answere to a letter direct from his Majestie to the saids Lords whairby his Majestie willed thame to give warrand to the toun of Edinburgh for taxing and stenting of the hail inhabitants thairof proportionablie toward the maintenance of the ministrie of the said burgh; and in regard that thay wer readie to answere to the said letter and that no pairtie compereed to insist in this bussines against thame, Thatfoir the Lords of Secret Counsell dismisse thame and declair thir presents that nothing sall be proceedit nor moved in this mater at the instance of anie pairtie aganis the advocats, clerks, writers and remanent members of the Collège of Justice till first thay be callit and thair reasons heard whairby thay pleade immunitie from contributing towards the payment of the ministers stipends of the said burgh.”
"Forsameekle as the Lords of Secret Counsell ar informed that the walls about the Castell of Dumbartane ar become verie ruinous and decayed and great paires thairof ar fallin doun sua that the said castell is not so sensible as the importanct of suche a plaice requires, Thairfor the saids Lords ordanis and requires Walter Murrey and William Wallace, his Majestie's maister maissoun, to make their addresse to the said castell with all convenient diligence, and at thair comming to Dumbartane that thay in his Majesteis name require the Laird of Foulwod, Johne Sempill and Thomas Fallesdaill, burgessis of Dum-
bartane, to accompane thame to the said castell, and thair to sight and consider the haill defects in the walls thairof and of the bridge and passage betweene the craigs; and what charges the reparition of the same will necessarilie require, and to make ane repoir thairof in wrritt to the saids Lords. Commanding heereby the constable and keepers of the said castell to make the hous patent to the persouns foirsaisd to the intent thay may sight and consider the defects of the said castell in maner foirsaid as the saids constable and keepers will anwser upoun thair obedience."

"The Lords of Secret Counsell nominats and appoints Thomas, Erle of Hadington, Lord Privie Seale; William, Erle of Menteith; Erle of Wyntoun; Robert, Erle of Roxburgh; Johne, Lord Areskine; and Sir Archibald Achesoun, Secretarie, or so manie of thame as may attend to conveene and meeet with suche of the Counsell of Warre as ar in toun in the Laich Counselhou of Edinburgh upoun Saturday nixt in the fornoone and thair to consider and peruse the articles givin in be the burgh of Edinburgh tuiching the fortifieing of Leith, and after thay haive considerrit it and weyghed the consequence thairof to conferre with the toun of Edinburgh thairanent and upoun the manes and maner of prosecution of the same."

"The Lords of Secret Counsell continewes all proceeding in the mater of the tannage and the consideration of the missives directit from his Majestie to that effect until the threttein day of December nixtocomie, of the whilk continuatoun, Johne, Lord Areskine, and Johne McMath, deane of gild of Edinburgh, who compereed in name of the Burrowes, being both personallie present, ar wairniet apud acta. Lykesas the said Johne McMath tooke the day foirsaid to give answere to the saids missives."

[Sederunt as recorded above.]
Majesty’s letter, and the election being over and the clerk ordained to draw up a bond for payment of the said commissioners’ expense, mean- while word was brought to him while sitting on the bench that some defaulters in his Majesty’s taxation were upon the streets, whereupon he went down and took order with them. But in returning to the Tolbooth for finishing the business in hand he met Robert McClellane of Mureton on the Hie Streete, who having a private grudge against the complainer and thinking the opportunity favourable for executing it, thrust himself in before the complainer “at the yett of the passage leading in to the Tolbuith whair he thought he would gett his best advantage of the compleuner in regard of the narrowness of the said passage whilk dishaibled the said compleuner to defend himselfe, and after that the said compleuner had followed the said Robert in a certaine spacie within the said passage he turnes him upoun the said compleuner with a long one-edged whingeare or dork and moat deepyefullie straikye at him diversc straiyks or ever the compleuner wes awar of him, and gave him a cruell and deadlie straikye and wound in the left shoulder fyve inche deepe to the effusioun of his blood and perrell of his lyffe,” and had alain him if the cries of the people had not brought out the noblemen and gentlemen then in the Tolbooth to his relief. The pursuer appearing and the defender not, the Lords ordain the latter to be denounced.

On the supplication of Sir David Hume of Wedderburne stating that their lordships’ warrant to him for coming to Edinburgh and dealing with the Commissioners for the Surrenders, as also for receiving their lordships’ directions respecting the charge which he undertook in his Majesty’s service, expires on the last of that instant month, and craving a necessary prorogation therefore until the said business be accomplished, the Lords prorogate his protection till 1st January next.

On the supplication of Patrick Carkettill of Markle stating that he has the teinds of Castlehall, Skafantie, and Corsehous in the parish of Glen- corpse and barony of Wooderslie pertaining heritably to the Baron of Brouch- toun, and has also a lack of the teinds of Foulfeoerde, pertaining heritably to himself, and also within that parish, and that he desires to deal with the Commissioners for the Surrenders regarding them, and the teinds of others of his lands in the sheriffdom of Edinburgh, now in possession of the Lord Halyrudhous, and craving their lordships’ licence to come and attend the said Commissioners, the Lords grant him liberty for this end till 1st January next, and discharge all magistrates, &c. from arresting him.

Caution by William Phine in Leith in £100 that he will conform himself in buying and receiving his victual to the order prescribed in the Act of Parliament thereon.—(Signed) William Phine.

Caution by Donald M’Angus of Glencarrie and Lauchlane McClaine of Morvell, jointly and severally in 5000 merks, that John M’Donald M’Allan V’Ean of Ilantirium, Captain of the Clarananald, being released from his present ward in the Castle of Edinburgh, will keep ward in the
burgh of Edinburgh and in the Cannagait until released by the Lords of Council.—(Signed) Donald MakAnguss, L. M‘Laine of Morverne.

Caution by George Yuile, burgess of Dysert, and Andrew Ranie, also burgess there, jointly and severally in 300 merks, that Katherine Crystie, relict of Andrew Yuile in Dysert, will appear for her examination before the bailiffs, or the Kirk Session of Dysert or the Presbytery of Kircaldie, in an accusation against her of witchcraft, whenever cited to that effect.—(Signed) A. Rannie, G. Yuill.

“The quhilk day the Lord Arskene produceit a letter quhairby his Majesty willed the Counsell to tak tryall of the bussynee of the tanning, and to considder yf it be fitt to be prosecuite, and yf not that the Lord Arskine be repayit of his losse. Quhilk letter being imparted to the deane of gild of Edinburgh to be advysed thairwith he tooke the xiiij day of December to gif ansuer thairto.”

“To all and aindrie unto whome these presents sall be showne the Lords of the Privie Counsell wisheth health. Whairas ane shippe of Lubecque callit Sanct Laurence, laidnit with salt, being laitlie upon her dew course from Spaine toward the town of Lubecque, she was by contrarious winds drivin upoun the northwest iles of this kynge dome whair she was brokin and her whole laidning exposed to the injure of the sea, the equipage of the shippe by the providence of God being preserved, and by favoure of the commander of the illand whair thay susteane shipwreck thay wer sent heere to the burgh of Edinburgh. And whairas now thay ar to make their addresse home as they may best find the commoditie of passage, these ar thairfuir to will yow and every ane of yow thame these presents doe concerne to assist thir poore strangers whose names followes, to Witt, Peter Young, skipper; Immanuell Augustine, wrytter; Nicolas Lusk, steersman; Marcus Lusk, his sonne; Nicolas Schould, Jacob Carstens, Otto Purbeck, George Diderick, Laurence Peirsoun, Marcus Braint, Hans Stode, Castine Steding, all mariners, and Hans Fritz, cuike of the said shippe, and to minister unto thame suche necessaries as thay stand in neid of, thay behaiving thameselfes mosteitle and peaceable as becometh thame. Givin at Halyruithous, the twentye eight day of November, 1627. Sic subscribitur, Geo. Cancell., Marr, Hadintoun, Linlithgow, Wintoun, Ad. B. of Dunblane, Naper.”

Sederunt.—Chancellor; Treasurer; Lord Privy Seal; Menteith; Nithisdaill; Wyntoun; Linlithgow; Lauderdale; Bishop of Dunblane; Lord Arskine; Lord Naper; Master of Jedburgh; Sir Archibald Achesoun, Secretary; Clerk of Register; Advocate; Sir Johnie Scot.

“Forsameekle as it is understand to the Lords of Privie Counsell that Charge to John Dundas...
of Newliston and his son on the one part, and to Philip Whitehead and his son-in-law on the other, to keep the peace.

There is great appearance of trouble lyke to fall out betuixt John Dundas of Newlistoun and Dundas, his sonne, on the one part, and Philipe Quhytheid of Park, Mr. Quhytheid, his sonne, and Schaw, his sonne in law, on the uther part, whilk will procure the disturbance of his Majesties peace and disquyet of the countrie without remeid be provydyt; Thairfor ordains letters to be direct chairing the saids partieis to compaire personallie before the saids Lords upoun the sxt day of December nxitoome to underly suche ouldour as sall be taine with thame tuiching the observatioun of his Majesties peace and keeping of good rule and quyetnes in the countrie under the paine of rebellioun, etc., with certification, etc."

"Forsameekle as Alexander Robertson, Jesuit, hys beene prisoner within the Tolbuith of Edinburgh since the twentie day of September last, and whairas by diverse petitious givin in be to the Lords of Secreet Counsell he hes heavilie regraited the want of meanes to inte- teane him in waird and to satisfie his bypast charges thairin; and seing it agrees not with Christiane charitie to suffer him to starve for hunger, he being his Majestis prisoner; Thairfor the saids Lords allowes unto him the sowme of threttee shillings fourne pennies daylie fra the said twentie day of September last inclusive and in tyme coming during his remaining in the said waird to be payit to him daylie be his Majestis Thesauraur and Deputie Thesauraur and the ressaivers of his Majestis rents, whome the saids Lords ordains to make payment to him of the said sowme, aent the payment whairof the extract of this act with the said Alexander Robertoun his acquittance sall be unto thame ane warrand."

[Sederunt as recorded above.]

On the supplication of John McDonnald McAllan V*Ean of Ilantirum, Captain of the Clarranwald, stating that he had lately come to Edinburgh to give their lordships an account of his proceedings in a charge undertaken by him for his Majesty's service and is presently waiting for his dispatch and craving their protection against the execution of civil hornings against his person, the Lords grant the same, and dischurge the sheriff of Edinburgh and his deputis, the provost and bailies of Edin- burgh, and all others from arrestin him until 15th December next.

"The Lords of Secreet Counsell, haiving heard of the great disordours and thfits committit of lait within the bounds of the Middle shiries and the same, and that the peace and quietnesse of these bounds is lyke to be disturbed to the hurt and greeffe of his Majestis good subjects without remeid be provydyt; Thairfor the saids Lords recommends to the Erles of Angus and Nithisdaill, the Maister of Jedburgh and Laird of
Lag, four of the commissioners of the Middlebyres, who were personally present, that they convene suche others commissioners of the Middlebyres and barons and gentlemen within the same as in this town, and that they informe themselves of the disorders arising of fait within these bounds and of the stouthes and reafes committed within the same and of the resort and ressett of fugitives thairin, and that they resolve upoun some course how the forder growth of these disorders may be prevented and suppressed, and the offenders punished, and that they report to the saide Lords upon Tuesday next the fourth of December what they find meete to be done herin."

"The quhilk day in presence of the Lordis of Secret Counsell competeir personalie Johnne M' Donald M'Allane V'Eane of Ilnantyrum, Capitane of the Clannanald, and promeist upoun his honour and credite and thairwithall actit and oblist him that he sall in all tymye coming behave himself as ane peceable and goode subject to his Majestie; that he sall use his best cair and endeavours within his bounds to see God honnoured and his Majestie and his laysis obeyit, the resoirt and ressett of Jesuitis and preistis restraneed, and the ministeris cherished and interneyed [added on the margin], that he sall not heir messe nor suffer it to be said in his bounds under the pane of x" merkis incaine he failye in ony point of the premisiss. Inrespect whereof the Lordis grantis libertie to the Capitane to pass home at his pleasure and relevis the Laird of Glengarrie and Lauchlane M'Clayne his cautionaris of thair oblissment for his keeping of warde within the burgh of Edinburgh and the Canongait, and ordanis the Capitane to remayne in the town till Mononday come aught dayis, and in the meantyme to meete and confer with the Bishop of Dumblane and suche otheris as he sall appoint quairhby he may be instructed in the trew religiuon and ressave resoluoion of his doubits and scrupulis thairin."

"Most sacred Soverane, In obedience of your Majestis letter of the nynteinth of September delieverit unto us by the commissioners of the Burrowes upoun the twentie twa of this instant, requerrying the surcease of the exacting of the fynes of all penall statutes untill your Majestis pleasure thairin be further knawin, we haive givin ordour for respetting the saids fynes accordingly. Bot least the manie and frequent contraveners of suche statutes sould conceave opinion or hope of absolute impunitie or licence to transgresse these your Majestis lawes and statutes made by your Majestis most noble progenitors and States of Parliament for the generall good of the whole kingdome and the particular increase of the casualtieis of the Crowne, we haive thairfoir thought meete humble to represent unto your Majestis royall consideraition that in the last Parliament when as the then bypass of all uter penall statutes wes gratioualie released and dischargit at the humble sute of your Majestis subjects, yitt these wer ever excepted which wer enacted for the publick good against the wearers of hacquebutts and pistoletts, exor-
bitant usurie, exportation of gold and silver, slaying of rid and blacke fishe; with which we also humblie recommend unto your Majestie royall consideratious the laudable lait Acts of Parliament and Stat made against the transportatious of nolt and sheepe and uther forbiddin goods, concealing of your Majestie customes and lent moneys, to the prejudice of your Majestie extraordinari taxatioun, and against the exacting of a peck to the boll of sauld victuall, and importing and selling of forraigne drinking beir at a farre higher rait then is sett doun in the Acts made thairanten and farre abone the pryces of better drinking beir made at home within the kingdome concerning all which our humble opinion unto your Majestie is that if the offenders against the Acts sall not fra tyme to tyme be persewed and in some measure punished, the hoip of impunitie will in a short tyme shakie louse the whole frame of the Governement of this kingdome and the habituall custome of offending without punishment will breede obstinacie against all future reformatious of suche disorders, and your Majestie will resaive great prejudice in your rents and casualties, and your most dewtiful subiects will suffer irreparable losse; all which we doe humblie leave unto your Majestie awin incomparable judgement and princelie directioun, which we in all humilitie expect and sall ever reverence and obey as becometh. Halyrudhous, 29th of November, 1628. Sic subscribitur, Dupline, Marr, Hadinton, Menteith, Nithsdale, Wintoun, Linlithgow, Lauderdale, Ad. B. of Dumblane, Naper, Arch. Achesone."

"After our verie heartilie commendatious, Whairas thair hes beene aine bussines moved at the Counsell table highlie concerning his Majestie service which for the better forderance thairof requires your presence and hearing, these ar thairfoir to will and require youw that youw faile not, all excusis sett aside, to make your adresshe heare against the ellevint day of December nixt to the intent youw may give your best advice in the maters than to be propounded and resaive your directiouns thairenant accordiengli. And so, looking for your precise keeping of this dyet, we committ yow to God. Frome Halyrudhous the twentie nyne of November, 1627. Sic subscribitur, Hadintoun, etc."

"After our verie heartilie commendatious, Haiving heard frome the poore straingers of Lubecoe who wer laitlie shipbrokin on your coast how kyndelie and courteouslie thay wer used be yow not onlly by withstanding and resisting the injurie of the countrie people, who ar ever reade to make unlawfull advantages of suche occasionis, bot by assisting of their convoy and addresshe heere and furnishing of thame with necessaries for thair interteanement in thair heere comming, we can not forbear to rander unto yow heartie thankes, acknowledging that as yow haive done that whilk becomes a gentleman of honnour and credite in suche a caise to doe, so we will keepe the same in a thankfull remembrance at all interveening occasionis of your adoes; and we ar certane
1627.

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Royal Letters.

1627-28.

that the straingers thamesolffes will make a worthie report of your
behaviour and charge at their hame comming. And so committing yow
to the protectioun of God, we rest. Frome Halryruidhous the last day
of November 1627. Sic subscribitur, Geo. Cancell., Hadinton, Menteith,
Winton, Rosser, Lauderdaleill, Arch. Acheson."
Complaint of John Maxwell of Gararie, as follows:—In January 1626, George Maxwell, the complainer’s son, John Maxwell, John Maxwell in Laroche and Patrick Quyte, all his servants, with others, came to his dwelling house in Gararie, armed with “swords, lang staves, battouns, forkes, durkes, whingears,” etc., and by way of bamesuckin, the complainer being in his bed, broke up the door of the chamber where he was lying “with ane great syle [rafter] of ane hous,” and making violent entry therein wounded the complainer in divers parts of his body by the great effusion of his blood, “and tooke his hors over his bellie, which was standing beyond him in the chamber whair he lay.” Further they broke up the door of another chamber where the complainer’s son, James Maxwell, was lying and similarly wounded him, and had killed him, but for “the providence of God and helpe of his mother and sister.” Moreover in 1627, the said George Maxwell and his “complices” “most barbaroulsie and unnes naturally unbesett the said compleuner his father whilst he was on his journey toward the burgh of Edinburgh for doing his lawfull affairs, and chaisisit him be the spaice of fourtein myles” so that for safety he had to betake himself to the house of Mathirmoor around which they lay in wait for three days and would suffer neither meat nor drink to be brought to the complainer so that he almost perished for want. For fear of them for the last six years he dare not repair to his own dwelling house nor meddle with any part of his living; they have laid some of his lands waste, and compelled the tenants to remove for fear of their lives; yea “without all feare of God or respect and comiseratioun to the said compleuner his father and mother hes most barbarouslie tirred [unroofed] the hous whairin thay dwelt and hes demolished and cast dum the same, quhairthrow he hes most unnaturalie redacted his parents fairsaid unto extreme necessitie and want and to exceeding great miserie.” The pursuer compearing but none of the defenders, the Lords ordain them to be put to the horn.

Complaint by the Commissioners appointed by the Council for collect- ing and distributing the voluntary contribution for supplying the distresses and losses of the inhabitants of the burgh of Dunfermline by the “lait fearefull fire,” as follows:—In the distribution the persons afternamed “for the more speedie enhabing of thame in the reedifeing and repairing of thair housis whilk wer brunt unto thame,” received, some in timber and others in money, the amounts placed after their names, more than their losses valued to, on condition of redelivery for distribution to others—viz., James Carnes, £8; William Thomson,
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£36 6s. 8d.; Andro Meiklejohn, £66 13s. 4d.; John Wardlaw, 4s.; James Millar, 5s. 4d.; Robert Whyte, 13s. 4d.; John Huttoun, £5; Marjorie Stell, £5 8s. 8d.; Laurence Huttoun, £35 3s. 4d.; James Kinghorne, £307 12s. 8d.; Henrie Dougles, 23s. 4d.; Mr. William Dagleishe, £236 2s.; David Crystie, £28 12s. 4d.; Elspet Naiamith, £11 18s. 8d.; Malcolm Cowell, 15s. 8d.; David Walker, 42s.; Robert Kirk, £46 16s. 6d.; John Feg, £14 6s. 8d.; James Huttoun, £101 16s.; John Wilsoun, mealmaker, £3 17s.; Robert Quhitet, 6s. 8d.; Alexander Lamb, 13s. 4d.; John Young, 10s.; James Ker, £9; Laurence Huttoun, weaver, £5 4s. 8d.; Thomas Mudie, £3; Henrie Turnbull, 40s.; Effie Phillane, £3 10s.; Jonnet Lauchlane, 18s. 8d.; James Littlejohn, £12 4s. 10d.; James Hendersoun, 35s. 4d.; Jonnet Kennedy, £101 3s. 4d.; Adam Walwod, £80 3s. 4d.; William Walwode, baker, £9; David Strang, 40s.; Charles Richardson, £51 17s.; Robert Andersoun, £23 18s.; and Peter Law, £398 15s. Moreover Robert Aitkine and James Rid, being intrusted by the complainers with the distribution of certain timber among the said distressed inhabitants, have sold thereof to various persons to the value of £430 19s. 10d., of which they have rendered no account; and Androw Murrey in Lymkills has bought and taken to do with six great "timber jeasts," worth 33s. 4d. each, which the complainers provided for their neighbours foresaid. All the above persons though often required thereto, will make no payment unless compelled. The pursuers appearing by their procurator, Robert Stirk, but none of the defenders, the Lords ordain letters to be issued charging them to make payment of their said debts within six days, and failing thereof, to denounced and escheat, and order is given that the said letters be reported within fifteen days.

Caution by John Walker of Meikle Creichie, in 100 merks, that John Fraser of Elrig will deliver to Patrik Strauchane, brother to the Laird of Glenkindie, as good a sword as that which was taken from him in a trouble that fell out between him and the said John Fraser, or else the value thereof, which shall be ascertained by his oath of verity. John Fraser of Elrig.

Letters of horning had been issued for this effect against John Fraser, suspension of which has been granted to 20th January and parties warned to the 10th January next.—(Signed) J. Walcar w* my hand.

“The Lords ordainis ane maissir to pas and warne suche of the Commissioners for the Middleshyes; as ar in the toune to compeir before the Counsell upoun Thursday next the sext of this instant to report their advice and opioun tuiching the repressing of the disordours and thifts committit in the Middleshyes and that suche as ar not in the toune be writtin for to be heere upoun the eighteine day of December instant to the effect abonewritten and to accept the commissioun upoun thame and to give thair oath. Followes the missive:—After our vere heartilie commendationis. We ar informed of manie great disordours and thifts committit of lait within the bounds of the Middleshyes, and that

Edinburgh, 4th December 1627.

Caution by John Walker of Meikle Creichie for 100 merks, that John Fraser of Elrig will deliver to Patrik Strauchane, brother to the Laird of Glenkindie, as good a sword as that which was taken from him in a trouble that fell out between him and the said John Fraser, or else the value thereof, which shall be ascertained by his oath of verity. John Fraser of Elrig.

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Holyrood House, 4th December 1627.

Charge to the Commissioners of the Middle Shires to appear before the Council on the 6th of December for the consideration of the present disordours within their bounds. See ante, p. 138.
numbers of fugitives who formerlie abandouned and left the countrie
ar now upoun hope of impunitie returned and hes aue publict and
avowed ressett within the same; quhilk discordours be all appearance
will grow to ane greater hight to the disturbance of the good and happy
peace whilk by the caire of his Majesteis officers who formerlie had the
charge of these bounds wes established within the same, if some present
course be not taine to prevent the same. For whilk purpose thair is ane
meeting of the whole commissioners appointed to be heere at Halyruid-
houps upoun the eightein day of December instant, to the intent some
course may be taine for punishing of the present offenders and prevent-
ing of the lyke in tyme comming. And yow being one of this nomber,
these ar thairfoir to requieist and desire yow to keepe this dyct preciselie,
qhill looking assuredlie yow will doe we commit yow to God. From
Halyruidhouse the fyft day of December 1627.”

Complaint by Mr. James Stewart of Ladywell, Commissary of Dun-
keld, and John Burgh, messenger, as follows:—John Burgh being
employed to apprehend Malcolme Burgh, son and heir apparent and
successor to the deceased William Burgh at the Mill of Auld Clunie,
who had been denounced at the instance of the said Commissary for
debt, and having on 11th November last gone to the said lands, appre-
hended the said Malcolm, and brought him to the nearest prison for
detention till he were freed from his horning, David Murrey, son to the
deceased William, Earl of Tullibardine, with James Brimmer, servitor to
John, Earl of Athole, Andrew Oyne, John Blair, John Dow M’Inrossiche,
M’Oneilglas, servitour to Robert Stewart of Toldamiff, and others, all armed, came to the said messenger and his witnesses, set upon
them, and wounded them to the effusion of their blood; and also “vio-
lentlie strake and dang thame from the said rebell and carried him away,”
thus deforcing the messenger in the execution of his office. The said
Mr. James Stewart, pursuer, appearing, but none of the defenders, the
Lords ordain them to be denounced rebels and escheat.

Complaint by Katharine Crystie, relict of Andrew Yuile in Dyser, as
fol. 15, a.

Some “malicious and invyfull persons, her unfreinds,” have
lately delated her to their lordships as guilty of witchcraft and purchased
a commission to the bailies of Dysart for apprehending and warding her
in their Tolbooth till her trial, which they intend to execute and so
bring her name in question wrangoulie.” She is and ever has been
known as an honest woman, and when the report of witchcraft was first
raised upon her by David Clerk, mariner in Dysart, she summoned him before the presbytery of Kirkaldie, who caused Mr. William Nairn, minister of Dysert, Mr. John Gillespie, minister at Kirkaldie, and Mr. John Tullos, minister at the Weymes, with the concurrence of the session of Dysert, take cognizance of the affair, and they after narrow examination found her innocent, and ordained the said David Clerk to acknowledge his offence before the session “and to testifie that he knowes nor knew nothing of her bot honestie” as an act made thereon bears. And because the complainer followed out this matter before the presbytery, the said David and his friends within the said burgh, namely, Alexander Simsoun, bailie, his cousin german, Mr. William Spittill, one of the ministers, who has married the said Alexander Simsoun’s sister’s daughter, and the most part of the council, have conceived a hatred and malice against her, and have endeavoured to hold her under suspicion of the said crime “notwithstanding that the baill persouns brunt in the burgh of Dysert for witches the tyme of thair executioun and before declared her to be free and innocent of all consulting or practising with thame or assisting or accompanying of thame in anie of thair meetings.” To free herself from imprisonment she hes found caution in the books of Privy Council to compear for examination when required, either before the bailies of Dysert, the kirk-session of that burgh, “ the presbytery of the burgh of Kirkaldie,” or his Majesty’s Justice, and craves suspension of the said commission. The pursuer appearing by Mr. Robert Burnet, her advocate, and George Yuile, her son, and there being also present the said Mr. William Spittill, purchaser of the commission, and David Crystie and Alexander Simsoun, bailies of Dysert, to whom the commision is granted, the Lords, after hearing parties, find it expedient that the trial of the said Katharine Crystie take place before his Majesty’s Justice and his deputies in the Tolbooth of Edinburgh, and ordain her to find caution in £1000 in the Books of Adjournall that she will appear to her trial when lawfully charged, and they suspend the commission aforesaid.

“The whilk day in presence of the Lords of Secret Counsell compeeerit personallie William, Erle of Angus, Robert, Erle of Nithisdaill, Androw Maister of Jedburgh, Sir Johne Stewart of Traquair, Sir William Setoun, knight, and Sir William Greir of Lag, and declaired that they had mett, conferred and considderit of the caussis of the disordours and thifts committit of lait within the Middle Sychres and that the caus thairof as thay conceave proceeds from the discontinuance of holding of Courts and keeping of the ordinarie meetings with the Commissioners on the English side and from the uncontrolled libertie whilk these lymmaris hes taine to pas to and fra Ireland at thair pleasure and to flee in to England without challenge; and that for repressing of these disordours it wer requisite that Justice Courts shold be haldin at some certane dyets to be appointit to thae effect; and that the Commissioners

Holyrood House, 6th December 1627.
Report of the Commissioners of the Middle Shires anent the causes of the disorders within their bounds.
See ante, p. 141.
who are absent sould be writtin for to the auchtein of this instant; and Borders, 1603-43. that ane meeting sould be urged with the Commissioners on the English side; and that some persons be appointed to restraine the transport of unlawful persons and goods to and fra Ireland. The Commissioners present ar warmed apud acta to attend the said aucthein day. The Lords ordans that the ordour prescryvit for restraining the transport to and fra Ireland be produced upoun Tuisday, toegither with the course sett down for delyverie of malefactouris on the Scotch and English side.

Caution by John Houstoun of Skelpie that John Dundas of Newlistoun will not molest Phlipie Qhuitehead of Park, and Mr. James Qhuitehead, Fol. 274, b. his son, nor their families, tenants, etc., the former in 3000 merks, and the latter in 1000 merks; with clause of relief.—(Signed) J. Houstoun of Skelpie, J. Dundass of Newliston.

Caution by William Hammiltoun, bailie of Linlithgow, in 1000 merks, for David Dundas, son to the said John Dundas of Newlistoun, to the same effect; with clause of relief.—(Signed) W. Hamilton, Daud Dundas.

Mr. John Paip, younger, advocate, as procurator for the cautioner, registers a bond of caution by Andro McConnel, merchant burgess of Stranrawer, in 500 merks, that John McConnel, son to Andro McConnel, burgess of Stranrawer, being released from his present ward in the tolbooth of Edinburgh, which he has entered for obedience of letters of horning at the instance of the provost and bailies of Stranrawer, will appear before the Lords of Council on 15th January next, and answer to their complaint of his insolence against Thomas Adair, a bailie of the said burgh, and breaking of his ward in their tolbooth; and that he will pay £20 for his secheat. The bond is dated at Air, 29th November 1627, witnesses, Robert Dyet, smith, and William Smith, servitor to David Richart in Air. The cautioner signs by Andrew Gray, notary.

Caution by Mr. Alexander Bruce of Kinkveill and Alexander Bruce of Bangour, jointly and severally, for Phlipie Qhuitehead of Park, not to molest John Dundas of Newlistoun, and David Dundas, his son, nor their families, tenants, etc., the former in 2000 merks and the latter in 1000 merks. With clause of relief.—(Signed) A. Brusse of Kinkawill, A. Bruce of Bangour, P. Quhythead.

Caution by the same in 1000 merks for Mr. James Qhuitehead, son to Phlipie Qhuitehead of Park, to the same effect. With clause of relief. Signatures of cautioners repeated and J. Whythead.

Sederunt.—Treasurer: Hadintoun, Lord Privy Seal; Nithisdaill.

Wyntoun; Linlithgow; Roxburgh; Bugleluche; Lauder-
daill; Bishop of Dumblane; Lord Areskine; Melvill;
Carnegie; Naper; Master of Jedburgh; Sir Archibald
"Forsamekle as the Lords of Secrec Counsell ar informed that their charges to James, Lord of Desfoorde, and Alexander, Master of Desfoorde, on the one part, and to Sir George Ogilvie, on the other, to appear before the Councell on the 22nd of January following, and that meanwhile they keep good rule and quietness with each other.

The whilk day the missive letter underwritten, signed be the Kings Majesty, wes presentit to the Lords of Secrec Counsell, of the whilk the tennour followes:—Charles R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeet yow well. Understanding how much it may importe the good of that our kynodome in these troublesome tymes that blockehoussis be built in the most necessarie places for defending the roades, harbours and coasts thairof, as lykewayes that all our subjects shoule be trained in militarie discipline, and that some store of armes thought to be most
necessary could be provydit, our pleasure is that you seriouslie consider
heerof and of the meanes and wayes how the same may best be done
according to the estate of the tyme. And whair you sall find that our
authoritie or other lawfull helps that can flowe from us in advancing
these purposes will be fitt to be used, upoun your report backe thairof
unto us we will be cairfull to proccede thairin for the favour and goode
of our said kingdome as we by your advice sall thinke most expedient.
So we bid you fairweill. Frome our Court at Whitehall the 23 of
November, 1627. Whilk letter being read, heard, and considerit be
the saids Lords, thay remittit the consideratioun thairof to the Counsell
of Warre who ar to reporte thair opinioouns concerning the said letter
to his Majesteis Counsell upoun Thursday next."}

"Forsameekle as the Lords of Secreet Counsell haiving upoun verie
considerable and good grounds importing the honnour, streth and
saulefetie of this kingdome found it meete and expedient that blocke-
houssis and forts sould be bigged in suche convenient parts ou the
water of Forth thair is anie appearance of danger; and for the
better advancement and furtherance of this bussines and defraying a
pait of the charges that the same would necessarlie require, the saids
Lords haiving imposed the sowme of twa shillings money upoun everie
twnne of coale and twa shillings money upoun everie twn of salt that
sould be transportit furth of this kingdome at anie tyme after the dait
of the Act made to this effect, whilk wes the 18 of September last, frome
the water of Forth on both side thairof betuix the Bridge of Stirline
and Beruick, outher be strangers or the subjects of the kingdome. The
said Lords lykewayes appointit and ordainit this impost and dweitie to
be upliftit be the maisters and owners of the coaleheuches and salt-
pannes by whom the said coale and salt sall be sauld or transportit to
be sauld, and that thay sall be answeraible and comptable thairfor to his
Majesteis Counsell quarterlie by making of a cleere compt of everie
shippe and veschell whairin anie coale or salt sall be transportit and of
what port, birth and burdein everie such shippe is and what is her
laidning, and that accordingli thay sall make payment of the impost
and dweitie forsaid to the saids Lords or suche as they sould appoint to
resave the same as the Act made to this effect beares; Quhairof altho
lawfull publiciation hees beene made sua that name with reason can
pretend ignorance thairof and that accordingli Mr. Alexander Ham-
mitoun of Kinglas, Alexander Bruice and John Adie in Caribdin,
maisters and owners of the coale and salt pannes of [ ], Alexander
Guidlet, chamerlane and greeve to the Erle of Linlithgow of his coale-
heuches and saltpannes of Airth; Alexander Schaw of Saquhy, of the
coale heuche thairof; George Bruice of Carnock, maister of the salt-
pannes of Curose and Kincairdin; Blacadder of Tulliallan,
owner of the coaleheuches and pannes thairof; Margaret Forbes, Ladie
Torrie, present possessour and owner of the coale and salt pannes thairof;
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Sir Johne Wemys of that Ilke and Sir George Hammiltoun of Blaikburne, awniers of the coaleheuches and saltpannes of Dysert and Wemys; George, Erle of Wytoun, Samwell Johnstoun of Elphingstoun, Sir Johne Hammiltoun of Prestoun, Robert Hammiltoun, his brother, Fawysde of that Ilke, and Mr. Simeoun Ramsay of Quhythill, maisters and awniers of the coaleheuches and saltpannes within thair bounds, wer chargit to have a speciall care of the uplifing of the dawtie foresaid, and to make honnest and cleere compt thairof; nevertheless the saids Lords hes not as yitt heard of amie diligence done be thame heerin, sua that this mater whilk imports the countrie so neerelie is lyke to be neglectit and slighted without remeid be provydit; Thatfor the saids Lords ordains letters to be direct charging the persouns particularlie abowriten to comepr personallie befoir the saids Lords upoun the tent day of Januar to give ane accompt of thair diligence done in the mater foresaid, and to underly suche former ordour as sall be taine thairanent, under the paine of rebellioune, etc., with certificatioun, etc."

[Sederunt as recorded above.]

Complaint by John Birsbane of Bishoptoun, as follows:—According to his infeftments and securities, the lands and castle of Stanelie belong to him heritably, yet Hew, Lord Sempill, sheriff of Renfrew, under colour of an alleged warrant from their lordships for taking and keeping the said house during the alleged rebellion and disobedience of the Laird of Stanelie, detains the same, and refuses delivery. It is against the common course of justice that the rebellion of the Laird of Stainlie should infer injury to the complainer, his Majesty's lawful and obedient subject. The pursuer appearing by Hew Peebles, agent, as procurator, and the defender not appearing, the Lords ordain charge to be issued to the said Lord Sempill to render the castle to the complainer.

In the complaint by Colonel James Sinclair against Captain John Innes of Crombie and John, Lord of Balmerino, his cautioner, for not performing his agreement to raise and transport 240 men into Germany for the service of the King of Denmark, Captain Innes having received his preferment and a sum of £240 Sterling for that end from the said Colonel, and all parties being present, the said Captain Innes replied that he had "dewtifullie and tymouslie fulfilled the first pairt of the saide band and covenant toucheing the leveying of the number of men abone wrettin, and that he had the same in readinesse to haive beene transportit about the midds of September last," and he verified this by producing a letter from Colonel Sinclair to Lord Balmerino dated 21st September last, and bearing that the writer had been in the north and had seen the said Captain have his men together. As for the transporting of the men, Captain Innes affirmed that this part of the agreement had been modified by a later agreement, wherein the Colonel undertook to freight
and victual a ship for the purpose on condition of the expense being paid out of the first and readiest of Captain Innes's muster pay in Germany, and this the Colonel could not deny. That ship should have been sent to Aberdeen for the men in the beginning of October, the men being then in readiness, but the ship did not leave the road of Leith before 12th November, and the Captain's men "after long and wearisome attendance at the house of Crombie and uthers plaices thair about, expecting the comming, of the shippe to Aberdein, and being out of hope of her comming, thay wer forced to disband," and it would be very difficult for him to get them together again. This was verified by an instrument under the hand of Robert Greenelaw, notary, bearing that on 13th October last Nicoll Clapen, burgess of Burntsieland, as procurator for Captain John Innes and his cautioner, went to Colonel Sinclair and William Dick, merchant burgess of Edinburgh, and asked the Colonel if he had freighted and victualled the ship, and if he was ready to receive the Captain's mustours at Aberdeen, and that the Colonel answered that he was not ready and lacked money for performance of his condition. In respect of all which Lord Balmerinoch protested that he might be freed from his cautionry in the premisses which the Lords forthwith granted.

Commission under the signet to the Commissioners of the Middle Shires, the Sheriff of Drumfries and his deputes, the stewards of the Stewartries of Kirkcudbright and Annaderdaill and their deputes, and the provost and bailies of Drumfries, to convocate the lieges in armes, search for, apprehend and present before the Council for delivery to the Justice and his deputes for trial, Sir John Maxwell of Conheath, William and Robert Maxwell, his sons, and Robert Maxwell, his servitor, who on 16th November last were put to the horn at the instance of Bessie Newall, the relict, James Young, elder, chirurgeon, burgess of Drumfries, the father, Patrick Young, the brother, James Young, brother's son, and the remanent kin and friends of John Young, Sheriff Clerk of Dumfries, for not finding caution to underlie the law for their "crueell and unmercifull slaughter and murther of the said umquehile Johnne Young." Signed by Mar, Haddingtoun, Linlithgow, Lauderdaill, Carnegie, Arch. Acheson, and Hamilton.

Caution by [John] Broun in Gorgy Milne in 500 merks that Alexander Donaldson in Sauchtoun will not molest Robert Mowbray at the Bridgend of Crawmond, nor his family, etc.—(Signed) John Broun.

"The whilk day in presence of the Lords of Secret Counsell compeerit personallie Walter, Erle of Bugleuche, and acceptit upon him the Comission for the Middle Shyres and gavie his oath de fidei administracione."

"The whilk day Robert, Erle of Nithisdail, ane of the Commissioners for the Middle Shyres, gavie in in roll the persouns underwrittin whom
he declared he would use in the execution of the commission of the Middle Shires according to the power and privilege contenanted therein, to wit: Robert Maxwell of Dinwodie, Johne Maxwell of Castlemilke, Johne Maxwell of Logane, Johne Maxwell of Broomeholme, Johne Gordoun, apparend of Auchland, Robert Maxwell, brother to the Laird of Tinwald, William Charteris of Buss, Johne Maxwell of Kilbeane, William Douglas of Baitfuird, Patrik Young, James Young, his sonne, chirurgians, Stephane Young, notar, Johne Maxwell of Holme, Johne Maxwell callit of Airdrie, Robert Maxwell of Culnaghtrie. Qubilk roll being scene and considerit be the saids Lords they allow of the nominatioun and choise maid be the said Erle of Nithisdall of the persons foirsaid for the charge and service abonenwritten and ordanis thame to proceed thairin according to the warrant and power of the Commission. And the saids Lords dischargeis all uthers nominatiouns maid be the said Erle in tymbe bygaine of anie person or persons for the said service and discharges thame of all using and exercing of the same service be vertew of anie proceeding nominatiouns. And ordanis letters to be direct to maik publicatioun heerof be opin proclamatioun at all plaices needfull, whairthrow nane pretend ignoraunce of the same."

"Charge aganis those who hes interesse anent the forte at Inchgarvie." The fort at Inchgarvie.

"The consideratioun of the expedientie of biging of fortificatiounis at Leith the continewit till Thursiday."

"The consideratioun of the course to be tane anent the keeping of the Castell of Dumbarton remittit till Thursiday nixt."

"CHARLES R.—Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greete yow well. Whereas we haive intrusted our three shippes appointed for our service in that our kingdome to our right trustie and weilbelovit cousins and counsellours, the Erles of Mairshall and Linlithgow, to be disposed of by thame according to the gifts granted by us thairupoun, thairfoir our pleasure is that yow try what is dew unto the captans, who had last charge of the said shippes and to the sojours, saylers and others under thair command, and thairafter that with all convenient diligence, yow, our Treasurer and Deputie Treasurer, pay the same unto thame out of the first and readiest of our rents or casualties whatsoever of that our kingdome, and lykewise that yow consider of the paines and charges susteaneed and disbursed by the saids captans in that service and thairafter that yow accordinglie caus satisfie thame for the same, for doing whairof these presentis sal be unto yow our said Treasurer and Deputie a sufficient warrant. Given at our Court at Whitehall, the 12 day of December 1627."
Sederunt.—St. Andrewes; Treasurer; Privy Seal; Nithisdell; Wyntoun; Linlithgow; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Arakine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Advocate; Clerk of Register; Tracquair; Sir John Scot.

"Forsameekle as the Lords of Secret Counsell upoun verie considerable and good grounds, highlie importing the honnour and saulfetie of this kingdome, hes thought meete that the charge of the keeping of the Castell of Dumbartane, whilk hee beene slighted and neglected this tyme bygaine when the necessitie of the saulf and sure keeping thairof was most important, sall be committit to Sir John Stewart of Tracquair, knight, one of the curators of the Dooke of Lennox, heretable propretar thairof, and that in the absence of Sir John Stewart of Methven, keeper thairof, untill the Kings Majesties pleasure be further knowin; Thairfoir the saids Lords ordains letters to be direct to heralds or pursuants charging thame with displayed coate of armes to pas to the said castell, and thair in our soverane lords name and auctoritie to command and charge all and sundrie haviers, keepers, and detaeneers of the said castell to rander and deliver the same to the said Sir John Stewart of Tracquair, and to remove thameselfes and thair servants furth thairof within sax hours nixt after thay be chairgit under the paine of treason, with certificatión to thame and thay failyie, thay sall be repute, haldin, persewit and demained as tratours, and the proces and doome of foresfallour sall be led aganis thame conforme to the lawes of this realme."

Assignment of the rents of Dumbarton Castle to those lately appointed to the charge of the said castle.

"Forsameekle as the carelesse neglect of the sure and saulf keeping of the Castell of Dumbartane in thir difficill and dangerous tymes when the countrie is threatened with forraigne enemis, hee moved the Lords of his Majesties Privie Counsell upoun verie considerable and good grounds highlie importing the honnour and saulfetie of the countrie to make choise of Sir John Stewart of Tracquair, knight, one of the curators of the Dooke of Lennox, to have the charge and keeping of the said castell in the absence of Sir John Stewart of Methven, keeper thairof, till his Majesties forder pleasure be knowin; and whairas reasoun and justice craves that these who sall attend the charge and keeping of the said castell sould be interteaned upoun the rents and living properlie belonging to the said castell and upoun the usual casualties of the same, Thairfoir the saids Lords ordains letters to be direct chairging officiers of armes to pas and in his Majesties name and auctoritie to fense and arrest all and sundrie the rents, maills, dewteis and casualties, belonging to the said castell, to remaime under arrestment unintromettit with, payed or givin up to, anie persoun or persouens who formerlie had the charge of the said castell, bot to be made furthcommand as accords of the law for satisfactioun of the pay and charges of these who ar now appointit to haive the charge of the said castell."
Forsamekle as the Lords of Secret Counsell upoun verie considerable and good grounds highlie importing the honnour and saulfetie of this kingdome hes thought meete and expedient that the Castell of Dumbar- tane, which hes beene carelesse and negligentlie kepte this tymes bygaine, sall be hereafter more carefullie looked too for the better preventing and resisting of anie suddaine surprysye or opin invasioyn that in thir diffickl and dangerous tymes may be attempted against the same; and for this effect thy haive made choise of Sir Johne Stewart of Tracquaer, knight, one of the curatours to the Dooke of Lennox, to haive the charge and keeping of the said castell in the absence of Sir Johne Stewart of Methven, knight, keeper thairof, who is now absent and furth of this realme, and whil his Majestie declar his forder will and pleasure thairenent. And whairas it is verie necessar that in all interveniing occasiouns of danger whairwith the said castell may be threatened that the said Sir Johne and suche as sall have the charge of the said castell under him be assisted with the power and forces of his Majesties good subjects to burgh and land in the bounds next adiacent to the said castell; Thairfoir the saied Lords ordains letters to be direct, chairging all and sindrie his Majesties lieges and subjects inhabitants within the burgh of Dumbar tane and others pairts next adiacent to the said burgh be opin proclamation at the mercat croce of Dumbar tane and others places needfull, that thay and everie ane of thame ryse, concurre, fortifie, and assist the said Sir Johne Stewart of Tracquaer and suche as sall have the charge of the said castell under him in all and everie thing tending to the saulfie and sure keeping of the said castell, and withstaiud and resisting of all attempts that may be moved agauns the same, and that at all tymes as they sall see and understand of anie surprysye or invasioyn to be attemptit agauns the said castell, as thay and everie one of thame will answere to his Majestie and his Counsell upoun the contrair at thair higheste charge and perrell.

Forsamekle as the Lords of Secret Counsell, considering how farre it imported the honnour, strenth and saulfetie of this kingdome that in thir diffickl and dangerous tymes when the countrie is threatened with so powerfull enemie that care sould be had of the saulfie and sure keep- ing of the Castell of Dumbar tane, the saied Lords for this effect most seriouslie recommendit that bussines to Sir Johne Stewart of Methven, knight, Captane of the said castell, who not onelie undertooke to be answerable for the sure keeping thairof bot lykeyewayes actit himselfe and faithfullie promisit to have sartein fensible men in ordinarie for keeping a watche and ward thairin. Upoun assurance of whilk promisit the saied Lords resting satisfied at that tymes, it come thairafter to thair eares that the said Sir Johne wes become forgetfull and careless of his said promise. For the better cleering thairof the saied Lords appointit some of thair awin number to go and visite the said castell and to take notice of the forme and ordour of the keeping of the same, and how it wes provydit and furnisit, by whais report the saied Lords finds that
thair is no suche care had for keeping of the said castell as the im-
portance of suche a plaise requires, sua that in a maner the castell is
expoised and layed opin to all dangers als weill of surprysye as invasioun;
quhilk report wes this day secunded and conferred be another report of
some famous and answerable gentlemen, vassalls and dependars upoun the
Duke of Lennox, heritable proprietar of the said castell. Quhylls reports
the saids Lords haiving taine to thair consideratioun and finding that the
charge of the said castell cannot without great hazard to the countrie
and discredite to the Duike of Lennox, heritable proprietar thairof, ly in
this uncertantie, and respecting thairwithall the absence of the said Sir
Johne Stewart, who this long tyme bygaine hes beene out of this king-
dome absent in Ireland and carelesslie hes left the said castell unprovydit
and guairdit, thairfor the saids Lords did require the present
curatours of the Duike of Lennox to meete and consider of the premisiss
and to certifie the saids Lords of thair opinious; and the saids curatours
haiving mett and considerit the saids neglects to be trew did this day
delyver thair opinious to the saids Lords recommending unto thair
choise Sir John Stewart of Tracquair to be keeper of the said castell in
the absence of the said Sir John Stewart of Methven untiill the Kings
Majestie pleasure sould be further knowin. And the saids Lords con-
sidering that the said Sir John Stewart of Tracquair is one of thair awin
numbuer and as a curatour to the said Duike of Lennox fitt to be truested
with that charge, Thairfor they haive approvin of the opinious of the
saids curatours and accordinglie haive made choise of the said Sir John
Stewart of Tracquair to have the charge and keeping of the said castell
and makes and constitutes him captane and keeper thairof in the absence
of the said Sir John Stewart of Methven untiill his Majestie further
pleasure be knowin or he dischairgit thairfra by the saids Lords; and
that without prejudice to the said Duike of Lennox or the said Sir
John Stewart of Methven thair right and possessioun of the keeping of
the said castell, whilk the saids Lords declaers to be na wyes impaired
heereby, and that the same sall inferre no preparative aganis the said
Duike or anie suche as sall have right flowing frome him or his airs,
and that the same sall not establiase or confirme anie right in the
persoun of the said Sir John Stewart of Tracquair other than is afor-
said; with the whilk declairatioun the said Sir John is weill content
and agreeth thairunto. Lykea the said Sir John Stewart of Tracquair
being callit upoun and the choise made of him to haive the charge and
keeping of the said castell being intimat unto him, he out of his humble
respect to his Majestie service and out of his dewtful regaird to the
Duike of Lennox acceptit the charge upoun him and promeist, actit and
obleist him to have a specaill care of the sure and saulf keppeing of the
said castell in absence of the said Sir John Stewart of Methven, and
without prejudice of the right and possessioun of the said Dooke of
Lennox and Sir John Stewart of Methven, and that at suche tymes as
he can not attend himselfe that he shall appoint some answerable person in his place for whom he wil be answerable to have the charge and keeping of the said castell upon the provision and limitations foresaid; with power to the said Sir John and to the person or persons whom he shall appoint to supple his absence, to doe, performe and use all and every thing towards the keeping of the said castell whilk to the charge of a captaine of one of his Majesties housis apperteanes. Firme and stable halding and for to hald all and whatsoever things the said Sir John Stewart of Tracquair and the person or persons to be nominat be him to supple his absence lawfullie doe heerin. Lykees Robert, Erle of Roxburgh, and John, Erle of Lauderdale, and David, Lord Carnegie, compeerand personallie before the saids Lords, become actit and obeist as cautioners and souerties conjunctlie and severallie for the said Sir John Stewart of Tracquair that he shall performe and fulfill this present Act in all the points, claussis and articles thairof and that he shall intertane sixtie sensible men to keepe watche and ward within the said castell besides so manie others as he shall finde necessar for keeping thairof according to the tyme and occasion sall require, under all highest paine that thairafter may follow. And the said Sir John Stewart being personallie present actit and obeist him and his airs to relieve his said cautioners of the premissis."

"The whilk day Sir Walter Stewart of Minto, knight, and Walter McCawley of Ardincaple, compeerand personallie before the Lords of Privie Counsell and being demandit how and in what cause the Castell of Dumbartane is left be Sir John Stewart, keeper thairof, thay declared that thair was not sax men in the Castell to keepe watche and ward thairin, and that thay knew not of anie provision of victualls within the same. Qhillk declaratioun being heard and considerit be the saids Lords thay dismissed the said Lairds of Minto and Ardincaple and desired thame to be aiding and assisting to suche as by warrant from the Counsell sall be appointit to have the charge of the said castell."

[Sederunt as recorded above.]

Complaint by George Henderson in Strowie, as follows:—On November last he was in the town of Segie seeking some debts which were owing to him, when Henry Robtson in Neather Crago, meeting him in the highway, put violent hands on him and took and carried him as a prisoner to the town of Kinrocher where he delivered him to William Dempster, bailie, who put him in the Tolbooth of that town and there he has since been detained, he being his Majesty's free liege, having committed no crime and they having no commissioun to apprehend him. Charge having been given to Robertson and Dempster to compear and also to James Schaw, John Crambie, John
Tait and John Arnot as witnesses, and the pursuer and Robertson appearing but none of the others, the Lords, after hearing parties, ordain the pursuer to be set at liberty, and discharge all acts where- by he is obliged to answer before the Sheriff of Kinroscher or his deputes, but ordain him to answer before his own judge ordinary when lawfully charged to that effect. They further ordain the four witnesses named to be denounced for their contempt and disobedience, but excuse the absence of William Dempster, because James Dowglas, called of Mortoun, compared and explained that "William Dempster was so necessarlie imploied and bussied at this [tyme] in the Erle of Mortoun his maisters affaires, as he could not, without the said Erle his great hurt and prejudice, keepe this dyet." They finally ordain that the said Henry Robertsons and David Robertsons of Little Segie "who assistit the said Henrie at the barr," shall each find caution in 300 merks for the indemnity of the said George Andersoun [sic] and his wife, tenants and servants.

The Lords assign to Robert Ker of Cavers the 17th of January next for proving a complaint laid by him against William Turnbull of Bradhauch and James Turnbull, his son, for opposing him in the apprehension of the said James, who was given up as an idle and masterless man, and for whose apprehension the said Robert had a commission from their lordships, and also for hurting and wounding him. They further direct charges to be issued for the said day against such persons as the complainer gives up as his witnesses, and put the said James and William Turnbull, who were present, under caution, each in 500 merks, to compear the said day.

Caution by Robert Mekillojhe, Glover, Burgess of Edinburgh, that Mr. William Dagleishe will pay £236 2s. to the commissioners appointed for collecting and distributing the contribution given for the supply of the town of Dunfermline, if the Lords of Council shall find he ought to do so; with clause of relief. Suspension has been granted to the 20th, and parties, including the provost and bailies of Dunfermline for their interest, are warned to the 15th of January next.—(Signed) Robert Mekillojhe, Mr. William Dagleishe.

"Most sacred Soverane, Colonell Sinclair haveing exhibited one complaint at the Counsell table against Captane Inneis of Crombie for his not performance of his part of the covenants made betuix thame concerning the leveing and transporting of twa hundreth men into Germanie for the King of Danemarke under the command of the said Captane, who for that purpos wad ressaivit his preferment and twa hundreth and fourtie pund sterline from the said Colonell, it did appeare unto us upon examination and hearing of the said caus that the said Captane, haveing exhausted his whole means and credite for effecting the said service and charge committed unto him and thairby haveing dishabled himself frome all possibilitie of performing of the
said covenants, the said Colonell out of his care and affection to the
service was forced to taike upoun himselfe the charge of transporting
the said men, and for that purpose did fraught and furnishe a shippe
with men, victualls and munitioun from Leith to Aberdein thair to
ressaive the said men to be transportit to Germanie; which shippe haiving
beene long stayed and tossed in her way by tempest and crosse winds and
the said men levied and keepe at ane excessive charge the said Colonell
himselfe as well as the said Captane is drivin to extreme wants and
difficulteis to performe his intendit course and so muche the rather
becaus the Lord Gray and the Lord Kinclevin who wer his sureteis
have long agoe reaesisted and made stay of all his moneyis and meanes
untill they may be releaved of thair sureteiship for his performance of
what he undertooke before your Majesteis Counsell heere in the behalf
of the said King of Denmark. Bot in regaird the said Colonell hes
used his best diligence, and as yitt is most willing that all the moneyis
dew unto him be employed towards the performance of the said
undertaking at the sight of anie whom your Majestie may be pleased to
appoint, and becaus he hath alreadie transportit into Germanie a great
paire of his men and hes onelie reassaiwed three thousand pundis stirline,
the moat paire whairof he hes disburse unto diverse of his Captains
who as yitt have not performed thair agreements with him as we are
credible informed, thairfor we doe heereby humblie crave leave of your
Majestie to recommend the commiseration of his hard caise and great
looses unto your Majesteis princelie consideratioun and royall favour, and
that your Majestie would be gratiouallie pleased to require the Lord
Kinclevin, who is the gentlemens uncle, to deale freindlie with him now
in his hard estait (being destitute of meanes and credite duriing the
lyftyme of his father, who is lyverenter of all his inheritance which is
now ingadgit to William Dick for fyftein hundreth pundis sterline
towards the said service,) that thairby the rest of his moneyis dew unto
him may be freid frome the said reaisest and employed toward the
transportioun of the rest of his men without anie farther interruption
or hinderance to the publicit service, muche importing the present estait
of these troublesome tymes. All which we humblie leave unto your
Majestieis further royall directionis whairin we sall ever endeavour to
expresse our loyal dewteis, etc. Frome Halyruidhous the threttein day
of December, 1627. Sic subscribitur, Sanct Andrewes, Marr, Hadinton,
Nithisdail, Wintoun, Arskine, Carnegie, Naper, Arch. Achesone,
Hammilton, S. J. Tracquair."

"Most sacred Soverane, We haive of lait ressaivit diverse signatours
under your Majesteis royall hand bearing particular assignatious unto
the rents of your Majesteis proper lands and customes; and though the
pairtieis worth and past services have perhaps deserved weale at your
Majestie hands yitt particular assignatious haive in tymes past done so
muche prejudice to your Majesteis crowne as we can not in duetie omit

Hollywood
House, 16th
December
1627.

Letter to his
Majesty
representing
the prejudice
that had been
done to the
to represent the same unto your Majesteis royall consideration. For manie lands haive heretofore beene givin out by your Majesteis royall predecessouris by particular assignations for payment of pensions and the same as yitt did never revert to the Crowne againe by reason that the pairets possessours haive thairafter wrought meane for the title of inheritance; besides the great inconveniences your Majestie may be drivin unto by not being hable to stoppe assignations so easilie as pensions incaise of necessitie of moneys for anie publict or important busines; and your Majesteis Exchecker being once exhastuated by such assignations can hardlie subsist or be furnishd againe for supplieing the ordinarie necessarie charges and expenssies of the Crowne, especiallie in these penurious and troublesome tymes whairin all maner of trading customes and impost ar almost utterlie extinguished and your Majesteis subjects thairby extremelie impoverished and dishable frome doing what utherwayes they would cheirfullie perform at anie of your Majesteis royall occasiones. All which being taikin into your Majesteis princible consideration, we humble submitt our selfes unto your Majesteis further directions as becometh. From Halyruithous the threttein day of December 1627. Sic subscribitur, Sanct Andrewes, Marr, Hadintoun, Wintoun, Areskine, Naper, Arch. Achesone, S. J. Tracquair, Hammiltoun, J. Scottistarvet.

“Most sacred Soverane, Sir John Stewart of Methven, knight, captane of the Castell of Dumbartane, haiving undertaken in November 1625 at the Counsell table of this kingdome to maintene and keep in the said castell sainctein able men in ordinar to keepe watche and waird in these troublesome tymes, and haiving shortlie thairafter neglected to performe the same, he went into Ireland last summar, leaving the said castell destitu of both men, provisionis and munitioune, as we were informed. Quhairupon in August last the Counsell tooke into thair consideratioun the state of the tyme and the importance of the sure keeping of the said Castell, being the principall strenth and one of the prime keyes of this kingdome, and thairfoir thought it fitt to direct some of thair awin number to view and survey the said Castell and to make report of the trew estat thairof. Which survey haiving beene performed be the Erle of Menteith and the Lord Kilmares and other gentlemen of qualitie joined in commissioun with thame, thay did certifie unto the said table manie insufficiences, defects and omissiouns upoun the pairt of the said Sir John Stewart, quhoom we have for that caus of late cited before us upoun threescore dayes becaus he is still out of the kingdome. Bot in regard the said omissiouns ar not as yitt, nather ar lyke to be, rectified be the said Sir John, notwithstanding our long patience sustained in hope of his amendment, and the said Castell being as yitt onlie furnished with four men and without anie kynde of provision, as hath at large appeared unto us by the testimonie of diverse gentlemen of good fame, freinds and vassalls of the Duike of Lennox, heritable proprietour of the
said Castell, and by the certifcat and report of diverse other gentlemen within these three weeks who wer sent in commissioun from this table to view and certifie the particular defects of the said Castell; and we perceiving no hope of the said Sir Johne Stewart of Methven his returne to the said Castell and being cairfull to prevent surpryse or invasioun and the danger of the same did referre the same unto the consideratoune of suche of the Duke of Lennox his curatours as wer then present, who, haiving mett and consulted togerther did recommend unto our choise Sir Johne Stewart of Tracquair, knight, for keeping of the said Castell, who, being present, hath accordinglie ressaived commissioun frome this table to keepe the same in the absence of the said Sir Johne Stewart of Methven until your Majesteis further pleasure be knowin. He is one of our awin nomber, sworne and affectionat unto your Majesteis service, and everie way respective of his dewtie to the Duke of Lennox, and one of his curatours, and whos progenitours haive beene ancient followers and wellwishers of that noble familie, and of whos abilities and faithfull cariage we ar so confident as we darre boldlie recommend the same unto your Majesteis gratious acceptance; and so muche the rather because he bath acted himselfe and three noblemen as sureties for him to performe his chairege and trust faithfullie and cairfullie and without prejudice of the right and possessioun of the said Duke of Lennox and Sir Johne Stewart of Methven untill your Majesteis further pleasure be knowin or he dischargd by warrant from this table which have intrusted his sufficiencie and affection in this employment. Concerning which we humble submitt our selfes unto your Majesteis further directionis, praying for your Majesteis long health and everlasting happiness etc. Frome Halyrudhous the 14th day of December 1627. Sic subscribitur, Marr, Nithsdaill, Hadintoun, Linlithgow, Roxburgh, Lauderdaleill, Carnegie, Archibald Achesoun."

"Our verie honnourable good Lord, The present estait of these dangerous and troublesome tymes when as the countrie is threatened with the powerfull invasioun of forraigne enemis, haiving moved the Counsell, out of thair honnourable care and respect to your Grace’s credite and saulfetie of the kingdome, to advert to the suire keeping of the Castell of Dumbartane, quhariof your Graice is heretablie proprietar and which is a plaice of great importance as one of the principall strenthes and pryime keyes of this kingdome; and for this effect haiving direct some of thair awin nomber to view and survey the said castell and to make report of the trew estait thairof, they did certifie backe unto the Counsell that Sir Johne Stewart of Methven, captane of the said castell, was depairted to Ireland and had left the castell unfurnished of men or munition ansuerable to the importance of the plaice and exigence of tyme, notwithstanding that he had undertaine to the Counsell to intertane and keepe in the said castell saxetein sensible men in ordinar. Which report was secundit by the testimonie of diverse gentlemen of good
quality, friends and vassails to your Graices hous, who constantlie affirmed that their was not alone foure men within the castell, such that the samyne was exposed and made lyable to the dangerous advantages of surprysall or invasion. The danger and remeedy whairof being recommendit be the Counsell to the consideratioun and careful report of us who haive the honnour to be your Graices curators, and we haiving mett and consulted together thairupon and who wes the persons fittest to be intrusted with suche ane weightie and important charge during the absence of Sir John Stewart of Methven, and after mature advice, whill more solide ordour sould be commandit by his Majestie and your Graice, we all with unanime consent resolved that a present remeide wes necessar, and that Sir John Stewart of Traquair, who is one of your Graices curators and most affectionatlie devoted to the service of your hous, wes most fitt to haive the trust duiring this interim; and we recommendit him to the choise of the Counsell who allowed thairof and accordinglie hes given him warrand for keeping of the said castell in absence of Sir John Stewart of Methven whill his Majestie signifie his further pleasure thairenant, without prejudice of your Graices right, interesse and possessioun, or of the lawfull clame to be made by Sir John Stewart of Methven when he sall satisfie the Counsell in the meanes of competent securing that important plaice. Lykeas three noblemen are become surteis for Traquair his cairfull and honest discharge of his dewtie and trust repoised in him. All which recommending to your Graices favourable acceptance and good allowance, which we expect according to the integritie of our faithfull intentiouns, seing your Graices credite and our awin dewtie hes beene the onelie ayme of our advice heerin, we committ your Graice and all your honourable effaires to the protectioun and conduct of the Almighty, and we rest, &c. Halyruiddhouse the 14th of December, 1627. Sine subscribitur, Duppline, Marr, Hadintoun, Nithiadaill, Linlithgow.

Whitehall, 17th December 1627.

Letter from his Majesty desiring the Council to execute a decret in favour of the Earl of Annadale for the recovery of certain moneys from Lord Herries.

CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, etc., we greeete yow weill. Being informed by the Erle of Annerdaill that he hes procedit by a legall course for recoverie of some moneys which of a long tyme have beene dew unto him by the Lord Herries, and that he wanteth nothing bot the execution of a decret and letters givin and publisht in his favors; though his losses heerin wer not a sufficient inducement for us to desire that he might be repaired, yitt the neglect of our lawes in so contemptible a maner and in the behalffe of him who is one of your number and who hes beene a long and faithfull servant to our lait deere father and so continueth to our selfe, sould justlie move us to require yow to have a speciall care for the tymelie suppressing of ane abuse so ill of itselffe and dangerous by the exemple, therefore our pleasure is (yow having considerit the former proceedingis used heerin,
1627.

CHARLES I.

and if yow sall find the abuse to be suche as is informed) that according as justice hee beene dewlie administred unto him in so farre as concerns the legall part, so that yow would have a speciall care to see the same putt in dew executioun with als muche diligence and after the most sure maner that sall be considerit by yow. Quhairin nothing doubting bot that yow will use your best endeavoures, we bid yow farewell. From our Court at Whitehall the 17 day of December 1627.

Sedenture.—Treasurer; Privy Seal; Menteith; Nithisdail; Rox- holyrod burgh; Bugleuch; Lauderdaill; Bishop of Dumblane; Lord Areakine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Advocate; Sir Johne Scot.

"Answeres of the Lords of his Majesties Privie Counsell to the articles givin in to thame be the proveist and bailles of Edinburgh bearing the conditionis whairupon they offer to undertake the fortificatioun of the town of Leith. The Lords of Secret Counsell finds it fitt and expedient for the strenth and saulfetie of the kimgdome that the whole town of Leith sall be fortified provyding that it be well appointed with men, victuall, munition, and all necessar furniture requisite for guarding and maintenence of the same and that the charge and keeping thairof sall be committit to his Majestie and suche as he sall entruist thairwith who sall not be heretable governours bot removeable at pleasure, and that the town of Edinburgh beginne this fortificatioun with the raising of blockes, boissis for defence of the harbourie, and that with all convenient diligence.

Anent the first article, The Counsell can give no satisfyeing answer [and] considerit be his Majesties Advocates. And tuiching that paert of the article whairby it is craived that no merchandice be used, goods housed, nor free crafts exercisit within the town of Leith; the Counsell thinkes it meete that the inhabittants of Leith and others whome it concerns be callit and heard thairanent.

Anent the second article, Tuiching the governement of the town of Leith the Lords repeats thair answere givin to the first proposition made be the town of Edinburgh in this mater.

Anent the third article. That the proveist and bailleis of Edinburgh condescend upoun the superiours and upoun the worth and pryce whilk in thair judgements sall be givin for these superioriteis.

Anent the fourth article. That the proveist and bailleis condescend and be speciall anent the bounds craived to be bought, the names of the heretours to whome the same belonget and the pryce which in thair opiniooun sall be givin thairfoir; and that thay declair in particular what
pait and portioun of thair ground thay will give towards the fortifica-
tioun, and how farre the same is to be extended upon the south and south east.

Anent the fyft article, craiving that the inhabitants upon both the sydes of the water of Leith sould be equallie lyable to all burdenis that sall be imposed upon thame be the toun of Edinburgh, ordanis the inhabitants of Leith and others pairtieis interest to be heard thairanent.

Anent the sxt article. That the provest and bailleis condescend upon the warkes and houssais outwith the toun whilks ar to be fortified, to the intent the owners thairof may be heard for thair interesse, and that the inhabitants of Leith be lykewayes heard anent the prohibitioun craved that nane sall build within the toun bot be the advice of the magistrates of Edinburgh and in maner to be by thame prescryved.

Anent the sevint article dischairging the setting of houssais in Leith without allowance of the toun counsell for removing of ydle and suspect persounis furth of the same, the Lords refusis the same alto gidder.

Anent the aucht article tuiching the raising of citadells and building of girnells and munitioun houssais for defence of the toun of Leith the Lords allowes thairof upoun the condiitouns and provisiouns conteanit in the first propositioun.

Anent the nynt article. That the provest and bailleis of Edinburgh condescend upon the number of artillerie and bullet and the quantitiie of powder which thay craive of his Majestie; as alsua that thay make it appeare to his Majesteis Counsell how and after what maner thair magasens sall be furnished and interteanned thairafter, and what store of munitioun, vivers, and other warrelyke provisioun thay will undertake to have alwayes in readinesse within the toun of Leith to be sighted and surveyed by ordour frome his Majestie or the Counsell sua oft as sall be found expedient, to the intent his Majestie may be acquainted thairwith and declar his gratious will and pleasure thairanent.

Anent the tent article. That the toun of Edinburgh declare thair opinioyn anent the charges and expensis to be bestowed in raising of the fortificatious and interteaning of the same, togidder with thair advice anent the meanes and possibilitie how, whair and be what meanes moneyes sall be levied for defraying of the charges both of the one and of the other.

Anent the ellevint article. That the provest and bailleis of Edinburgh condescend what number of men thay desire or intends to interteanie in ordinarie garisoun, what thair yeereleie charges will amount to, and what number thay craive in supplee for Leith, and how manie for Edinburgh incaise of suddaine invasioun, who sall furnishe these soouldiers, by whome thay sall be interteanied, and how long thay sall be bound to attend and serve.

Anent the twelffe article. That the provest and bailleis condescend what pairt of the countrie thay desire to be burdensed with the
furnishing of rysse and divvett, and if they intend that the heretours shall be satisfied for the same and be whome the satisfactioun shall be made; as alsua that they be speciall what part of the countre they desire to assist thame with cariage freeli, and if it be not reasonable that the rest of the countre shall ratable contribute towards the releefe and satisfactioun of these who shall thus freeli serve. Whilske answeres made be the saids Lords to the articles and overtures givin in be the toun of Edinburgh anent the fortifeing of Leith wes ordained to be delayverit to the proveisit of Edinburgh to be shawin be him to the Counsell of the said burgh, to the intent that after consideratioun and advisement had theiranent they might report to the saids Lords thair answere theiranent upoun the tent day of Januar nixtocom; at least that thay satisfie the saids Lords the day fairsaid what thay will doe and undertake anent the raising of twa blockehoussis and foris for defence of the harbourie of the toun of Leith."

"Forsameekle as the Lords of Secret Counsell haiving entrusted Sir Robert Hilthead of Pitfirrane, Mr. Thomas Wardlaw of Logie, William Menteith of Randisfuir, Peter Law, burgess of Dunfermline, Mr. Harie Mc'Gill, minister thair, Patrik Cowper, burgess thair, Robert Livingstoun of Baldrig, William Browne, burgess of Dunfermline, Mr. Johne Drummond of Woodcockedaill, James Rid, younger, burges of Dunfermline, George Durie of Craigluscarr, and Mr. James Durie in the neather toun of Dunfermline with the collection of the benevolence and charitable contributioun of his Majesteis good subjects to burgh and land for the helpe and support of the burgh of Dunfermline, whilk in the moneth of May 1624 wes fearfullie brunt and destroyed, and diverse termes and dyete being appointed and assigned to the saids commissioners to have reportit thair diligence anent the collection of the said contributioun; yitt thair is little or nothing done thairin, and the saids Lords ar daylie troubled with numbers of poore people who looked to haive gottin some helpe and suppilee out of the said contributioun; thairfoir the saids Lords ordains letters to be direct chairging the Commissioners particularlie abonewrittin to conveene and meete at the burgh of Dunfermline upoun the twentie sevint day of December instant and so oft thairafter as thay thinke meete, and that thay use thair best cair and diligence by horning and otherways for recoverie of the superplus of the moneyes delayverit be thame to anie persouins abone the valuatioun of thair losses and distribute the same proportionable among suche of the inhabitants of the said burgh as hes not ressaivit thair dew allowance; and that thay compair personalie before the saids Lords upoun the tent day of Januar nixtocom and make a trew and perfyte report and compt of thair proceedings heerin and of the sowmes of money collectit be thame, and bow and to whome the same is distributed, and fra whome the said collection wes
ressaivit according to the expresse words and tennour of the commissioun grantit unto thame for this effect, under the paine of rebelliuon, etc., 1628.

"Forsamekle as Patrik Robesoun in Duncanlaw, and Marioun Kemp, being callit before his Majesteis Justice for the filthy cryme of adulterie committit be thame and for taking of a poysnounable drinke for destruiccion of the bairne within the said Mariouns belleie, whilk wes gottin in adulterie, thay were both convict of the said cryme and the pronouncinc of the doome and sentence superseedit till his Majesteis Counsell consulted thairanent. Whilk being propound to his Majesteis said Counsell thay find the cryme to be of that nature and qualitie that it deserves death, and thairfoir the Lords of Privie Counsell advises and ordains his Majesteis Justice and his depute to pronounce doome and sentence of death against the saids persouns, whairanent thir presents sall be unto thame a warrand."

"Forsamekle as Andrew Davidsoun, messenger in Moffett, being callit before his Majesteis Justice for the filthy cryme of adulterie committit be him, he fearing the event of his tryell, absentit himselfe and compeered not, for the whilk he was denounced fugitive and rebell, the execution whairof wes not onelie superseedit, but a remissioun wes grantit unto him for the said cryme upoun promise and conditicion that he sould have made his addresse to the warres of Germanie under the charge of Alexander, Lord of Spynie, and that he sould not have gone backe againe to Annanderdaill; notwithstanding of the whilk favour shewed unto him he being most unworthy thairfoir not onelie falsified his promise and went not with the said Lord of Spynie, but with that he past backe to Annanderdaill whair he hes remained sesyne as he does yit; for the whilk be acht to be puneist to the terroir of others to abuse his Majesteis Counsell after that kinde. Thairfoir the Lords of Secret Counsell ordains letters to be direct chayring the saids Andrew Davidsoun to comepeere before thame upoun the day of to answere upoun the falsifing of his said promise and abusing of the saids Lords in maner foirsaid, under the paine of rebelliuon, etc., with certificioun, etc."

"The whilk day intimation was made to the owners of the coal- heuches upoun the Water of Forth, to witt, Alexander, Erle of Linlithgow, Sir Johne Weyms of that Ilk, Sir Johne Blacader of Tulliallan, Sir George Hamiltoon of Blaikburne, Mr. Alexander Hamiltoon of Kinglas, Alexander Bruce for himselfe and George Bruce of Carnock, his brother, Mr. Johne Drummond in name of the Laird of Sauquhy, James Wardlaw, uncle to the Laird of Torrie, for himselfe and in name of the Laird of Torrie, his nephew, that nane of thame ressaive anie dog dollours for the pryce of thair coales nor to oute the same at ane higher rait and pryce nor the trew worth as thay will answere upoun the contrarie at thair perrell."

COMPLAINT BY JOHN BROWNE AT GORGIE MYLNE AND JAMES GRAY, MEALMAKER IN EDINBURGH, AS FOLLOWS: ON 12TH DECEMBER INSTANT WHILE JAMES HERIOT, ALEXANDER REANIE AND WILLIAM DOBIE, SERVANTS OF THE SAID JOHN BROWN, WITH SIX OF THEIR MASTER’S HORSE WITH SIX LOADS OF OATS ON THEIR BACKS BELONGING TO THE SAID JAMES GRAY, WERE IN THE MORNING BEFORE DAY ON THE HIGHWAY BETWEEN DALRY AND GORGIE MYLNES, JOHN STEWART ALIAS FISHER AT DALRY MILNES, ACCOMPANIED BY JAMES AIKMAN, JAMES COCK, ROBERT WOOD, JAMES MAIRSHALL, JOHN MOWBRAY, JAMES MURE, JOHN MAIRSHALL, AND OTHERS, ALL ARMED WITH “SWORDS, BANDING, STAFFES, FORKES, GREAT KENTS AND RUNGS” [STAVES], AND OTHER WEAPONS, SHAMEFULLY AND UNMERICULLY FELL UPON “THE THREE POORE HARMELLES SERVAND MEN” AND FORCED THEM “FOR SAUFLETIE TO FLEE BY SPEED OF FOOTE, VIOLENTIE THRUST AND DANG THE LOADSES AFF THE HORSEBACKES INTO DEEPE MYRES AND STONYES, SUA THAT THE SAME WES IN A MANER HAUILLLIE SPLOYED AND MADE UNPROFITABLE TO THE SAID JAMES GRAY, MOST BARBAROUSILIE STRAUK AND DANG THEIR HARMELLES HORS WITH THEIR WEAPONS FOIRSAIDS IN SINIDREE PAITES OF THEIR BODEIS AND CHUST THAME AWAY ARTHE THE FELDAS.” THE PURSUERS AND JOHN STEWART PERSONALLY COMPEARING WITH SIR GEORGE TOWRES OF INNERLEIHT, KNIGHT, AS MASTER FOR THE REMAINING DEFENDERS, WHO
declared that he appeared and would answer for them in this case, and admitted "the casting of the laidis whilk extendit to twelue bollis of saits, becaus as he alledgit they wer cornes that grew on his awin land and sau should have benne grund at his awin myyne, and that the persounis fairsaidis wer caregyn thame away to the prejudging of his multours," the Lords, after hearing parties, ordained the said Laird of Innerleith to pay to James Gray, owner of the oats, £5 for every boll thereof, and to deliver him the sacks as good as they were at the time of "the casting of the laidis," and that letters pass hereupon if necessary.

"Our Soverane Lord ordanis a letter to be made under his Hieneesse privie seal in dew and competent forme to his lovitt Thomas Drysdale, illy Herault, makand mention that for preventing of diverse abussis of his Majestis lieges in bearing and usurping of armes not belonging to thame so that the nobles and gentrie can not be discerned from the meener sort by thair armes and signis armoriallis, for remeid whairof our Soverane Lordis darrest father of worthie membris in his twelife Parliamant holdin at Edinburgh in the moneth of Junii 1592 yeeres with the advice of the Estaits thairof gaine and granted full power and commissioun to the Lyoun King at Armes and his brethrein heraulds to visie [examine] the haill armes of noble men, barons and gentlemen borne and usit within this realme and to distinguishe and discerne thame with congruent differences and thairafter to matriculat thame in thair booles and registers, and to putt inhibition to all the commoun sort of people not worthie be the law of armes to beare ane signis armoriallis, that nane of thame presoume nor takie upoun hand to beare ane armes in tyme comming upoun anie of thair insicht [furniture] or housshould geare under the pane of escheating of thair saidis goods and geare sua oft as thay sall be found contraveneing the said Act whaivir the samine sall be found graven and painted to our Soverane Lords use; and lykewayes under the pane of ane hundreth punds to the use of the said Lyoun and his brethrein heraulds, and fallyeing of payment thairfoir that thay sould be incarcerat in the nearest prissoun thairin to remaine upoun thair awin charges duiring the pleasure of the said Lyoun, as in the said Act of Parliament of the dait fairsaid at mair length is contenit. And now seeing that the said Thomas Drysdaill hes, upoun his awin great charges, travells and expensis, drawin up, perffytit ane compleit booke of all the atchievements, coates, creests and armes of the whole nobilitie of the kingdome of Scotland, and is of intentioun to go fordward in setting furth ane other booke and worke of thair armes and genealogies, and to exhibite and present the same to the Lords of his Majestis Secret Counsell to the effect ordour may be talkin for rectifieing the armes of the gentrie, Thairfoir his Majestie willis and ordanis that the Lyoun King at Armes and his brethrein heraulds putt the said Act of Parliament to dew executioun in all points agains all persounis who sall happen
to contraveene the said Act in tyme comming; lykeas thir presents with the said Act sall serve as ane sufficient commissioun and warrant to thame for that effect. And for encouragement of the said Thomas Drysdail in his paines and travells fowrisaid and in tyme comming, and in recompence thairof, his Majestie gives, grants and dispoes to the said Thomas duiring his lyfetyme that pairt of the penaltis whilk is dew to his Majestie be vertew of the said Act to be payit be the contraveeniers and transgressours of the samyne Act but prejudice alwayes to the said Lyoun King at Armes and his bretherin heraulds of the particular sowmes and penaltis ordainit be the said Act of Parliament to appertane unto thame, and but prejudice to the said Thomas of his pairt thairof as ane of thair bretherin. And siclyke for the said Thomas his encouragement to go on in these his honnest labours, our Soverane Lord gives and grants full power, libertie and licence to him to keepe ane register for enrolling of all Duikes, Marqueisses and Erles, Viscounts and Lords and of the whole baronnets and knights that ar to be made within the realme of Scotlant, at anie tyme heerafter quhilk sall conteane thair names, the tyme of thair promoting to the honoure of the said digniteis aboune mentionat and in all tyme comming sall ressaise the forme and distinctioun with thair swin consents of thair armes frome the said Thomas; Ordaining herby all the saids noblemen and knights how soone thay sall ressaise thair patents and sall be preferred and advanced to thair rankes and digniteis abonewrittin that thay inroll thameselvies in the said bookes of armes; Inhibiting by thir presents all painters, carvers, goldsmiths and gravers, and all others to paint, cutt, carve or grave anie armes in this countrie or to be sent out of the same upoun testificat of borne briefis or siclyke not conteanit in the said Lyoun King at Armes or the said Thomas Drysdail, his Depute, thair registers or allowit be thame under the paines abone conteanit. With letters of publicacion of the premisses if neid beisa. And that the said letter be extendit in the best forme with all clausensis neidfull. Given at Halyruidhous the suchtin day of December 1627. Subscribitor—Geo. Cancell, Marr, Nithisdaill, Wytoun, Hadintoun, Launderdaill, Areikin, Melvill, Naper, Arch. Achesoun.”

“The quhilk day the Lord Arskene tooke the tent day of Januar nixt Lord Erkine to answer to the petitioun gevin in be the barkaris.”

“Chargeis agaunds the convenaris of the Justicis of Peace within Edin-Justices of the burgh, Hadintoun, Lynlythgu, Fyffe, and Forfar, to mak reporte of the rollis of the fensible personis.”

“Chargeis to this same effect agaunds the remanent Justicis of Peace Justices of the within the kingdom.”

Caution by Johne Gordoun of Fola in 500 merks that George Gordoun of Dilpersie will apprehend and deliver to Captains James Blair and Thomas Beattoun, Alexander Couttis, Patterson, and John 1627. Caution by John Gordon Edinburgh, 19th December
Murysoun, who have been enrolle as idle and masterless men, if it be Caution, 1621-23.
found by the Lords of Council that he ought to do so; also that he will will Fol. 276, b.
pay £20 for his escheat, if required. Suspension has been granted to pay.
the 20th and parties warned to 14th February next. (Signed) Johne pay.
Gordoun, wt my hand.

"CHARLES R.—Right truste and right weilbelovit cousine and coun-
sellour, right truste and weilbelovit cousins and counsellours, and right
truste and weilbelovit counsellours, we greete yow, weill. Whairas,
upoun the severall petitious exhibited unto us, the one by
Johne Johnstoun and Robert Carr, merchants, the other by Mr. James
Strachan, for attaching and deteaning in their hands all suche Frenche
goods and debts as did belong to the subjects of the Frenche king
extending to the lyke value of goods witholdin froime thame in France,
we wer pleased to write unto yow for granting unto thame letters of
arrestment, which as we ar informed being granted by yow unto the
said Johne Johnstoun and Robert Carr they did arreste some goods of this
kinde alledgedt be thame to be in the custodie of the said Mr. James
before our letter in his favour come into your hands. Now in regard
he hes againe exhibited another petitiuon unto us desiring that before the
other partie have anie processe upon their arrestment that they verifie
by writt their debts allegendt dew unto thame in France that thair goods
and debts ar unjustlie deteaned and confiscat thair and that his
exceptionis aganis thair pretences may be heard, which petitiuon we have
sent unto you herewith enclosed, we thairfor (conceaving these demands
to be reasonable) have thought fitt to referre the same to your considera-
tioun and that (calling before you suche parteis there as ar interested
thairin) yow so proceed to examine and ordour the differences betweene
thame, as may best stand with justice and equitie, haiving always a
respect to the course used by the subjects of the Frenche king with our
subjects in caces of the lyke nature. And whair in this purpose anie
doubt or objectioun sall arise and fitt to be cleere by law, ather in the
attaching or deteion of the saids goods in the behalffe of either partie,
we will yow to referre the same to our Collidge of Justice or other judges
competent that thay proceed thairin according as thay sall find just caus.
So we bid yow heartilie fairweill. Frome our Court at Whitehall the
19 of December, 1627."

"CHARLES R.—Right truste and right weilbelovit cousine and counsel-
lour, right truste and weilbeloved cousines and counsellours, &c. Having beene informed by the
petitioun which we have sent unto yow heerewith inclosed of the
slaughter of one Johne Young, lait shiereff clerk of Dumfreis, commitit
by the parteis mentionned in the said petitioun, we conceaved it to be
agreeable with justice and our princelie care for the dew administratioun
thereof to hearken unto his demand in requiring that the said male-
factouris might be punished according to the lawes of that our kingdome;
and thairfoir our pleasure is that according to the said petitioun yow direct warrants with all convenient diligence to suche our shireiffs or other our officiers quhom it does concerne and in whois jurisdiction the saidis malefactouris or anie of thame ar knowne to be, or otherwayes to suche of the saidis shireiffs or unto all of thame as yow sall think expedient for apprehending and presenting to justice of the saidis malefactours or so manie of thame as sall happen to be within that kingdome, to the effect that they may abide the tryell of our lawes provided in the like cases. So we bid you heartilie farewell. From our Court at Whitehall, 19 of December, 1627."

Sederunt.—Treasurer; Privy Seal; Nithdaill; Wyntoun; Roxburgh; Bugeleuche; Lauderdale; Bishop of Dumblaine; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Secretary; Advocate; Clerk of Register.

"The whilk day the missive underwrittin signed be the Kings Majestie was presented to the Lords of Privie Counsell, of the whilk the tennour of the Com-missioners for the teind buyers. Warrant for the meetings of the Lords of Privie Counsell, Right trustie and right weilbelovit cousine and cousellour, right trustie and weilbelovit cousins and cousellours, and right trustie and weilbelovit cousellours, we greete yow weill. Whereas the tithe buyers within that our kingdome haiving occassion at this tyme to mete togidder for treating touching all suche things as may concerne thame in the buying of thair tithes, our pleasure is (in regard these purposes concerne our service) that yow licence thame ather in the whole nomber or anie part thairof and that either by thameselfis or by suche as sall have power frome thame (thay careing thameselfis in a civil and decent maner) to mete and convene togidder duiring the continuance of the commission for surrenders or till we sall be pleased to signifie our pleasure unto yow for dischairging thairof and that thair said meetings be at suche tymes and places as thair commissioners last sent unto us or anie of thame in name of the rest sall thinke fitt. For doing whairof these presents sall be your warrand. So we bid you fairweill. From our Court at Whitehall the first day of November 1627. Whilk letter being read, heard and considdir it be the saids Lords and thay finding his Majestis royll direction mentioned in the said letter to be just and reasonable, Thairfoir the saids Lords gives and grante warrand and licence to the teind buyers within this kingdome either in the whole nomber or anie part thairof, and either by thameselfis or be thair commissioners haiwing power frome thame to mete and convene togidder in forme and maner specified in his Majestis missive letter foirsaid, and to the effect mentioned thairin, conforme to the tennour thairof in all points."

"The whilk day John Achesoun, generall of his Majestis Cunziehous, gave in the informatioun following of the whilk the tennour followes:—
Information to the right honourable my Lords of Secret Coun-
sell anent the present estait of the money within the realm of
be John Achesoun, general of his Majestie's Cunziehous
It may please your Lordships understand that the toleratioun or
rather oversight of the lait course of the dellours farre abone the availl
and value of his Majestie's cunzieit money hes bred this inconvenient
that the merchants at daylie transporting the best sort thairof and
importing the worst sort callit dog dellours of nyne deniers fynse; whilk
be trew tryell of weight and fynees ar skairse worth fourtie shilling of
our money and hes commoun course among the lieges for fourtie aucth
shillings, whilk is the greatest inconvenient that hes fellin out in my
tyme. May it thairfoir please your honourable wisdome to obviat
the same in dew tyme. Whilk information being heard be the saids
Lords thay continew the consideratioun thairof and ordouring of the
abuse abone-writ in the course of dog dellours to the tent day of
Januar nixtocomme, and ordeins the general of the Cunziehous to come
prepairedd that day to represent unto his Majestie's Counsell the trew
estait and worth of the dellours and the prejudices that the countrie
sustaines thairby.

"The whilk day John Areskine tooke the tent day of Januar to
answere to the petitione givin in againg him be the barkers, whilk
petitioun was delyverit unto him to the intent he may be advised
with the same."

"Forsameekle as the Lords of Secret Counsell hes found it verie
necessar and expedient that in thir difficult and dangerous tymes, when
the countrie is threatened with powerfull enemeis, that the subjects of
the same, who thir manie yeeres bygaine hes enjoyed the happie
fruits of peace and ar thairof become ignorant of militarie exercises
and discipline, sall now be brought backe to the use and handling of thair
armes under suche commanders and leaders as in everie shirefdom or
circuit sall be nominat and appellant to have charge over thame; and
this being a mater importand so necrile the good of the kingdome, the
streth and saulfetie of the same, the preservatioun of religioun and of
the estaites and fortunes of all the subjects in the kingdome, it is
thairfoir expectit that everie good subject will contribute the best
helpes whilkis may conduce to the forderance and advancement of this
so important and necessar a service. And whairas for this effect it is
necessar that tryell and notice be taine of the nomber and qualitieis
of all the fasble persouens als weill to burgh as to land within eache
parish of this kingdome, to the intent that accordingleie ordour may be
taine for dreilling and training of thame up in the use and handling of
thair armes under suche commanders as sall be nominat and appellant
over thame, and the executioun heerof being most proper to the justices
of peace and ministers within eache parishe, Thairfoir the Lords of
Secret Counsell ordiains letters to be direct chairging the conveners of
the Justices of peace within the shirefdomes of Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtoun, Fyffe, Stirlin, Clackmannane, Air, Renfrew, Dumbartane, Linlithgow, Perth, Kincairdin, Aberdeene, Bamff, Elgine, Foresse, Nairne, Innernesse, Cromartie, Argyle and Tarbett, the Stewarties of Kirkcudbright and Annanderdaill and bailleries of Kyle, Caric and Cuninghame, that they and everie one of thame within their severall bounds, offices and jurisdictiones, convene the rest of the brethren in their benche, and at their meeting that they divyde thameselfses according to the presbyteries whair they dwell, allowing to eache of thame their awin severall bounds whair by the advice of the minister of the parish they may take tryell and informe thameselfses of the number and qualiteis of all the fensible persons als weill to burgh as land within eache parish, to the intent ordour may be taine for dreilling and training of thame in the use and handling of their armes under suche commanders as sall be appointit over eache quarter to the effect foirsaid; and lykeways that at thair said meeting thay informe thameselfses how the shirefdome whair they have charge may be most convenientlie divydit in quarters, whairthow colonells and captans may be nominat and appointit over thame, and that thay report thair diligence in the premisess in writt to the saids Lords upoun the dayes particularie following, to witt, that the conveeners of the Justices of peace within the shirefdomes of Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtoun, Linlithgow, Stirlin, Air, Renfrew, Dumbartane, Fyffe, Perth, Clackmannane, and Kincairdin, stewarties of Kirkcudbright and Annanderdaill, and bailleries of Kyle, Carick and Cuninghame, make thair reports upoun the twentie sxt day of Februar nixt, and that the conveeners of the Justices of peace within the shirefdomes of Aberdein, Bamff, Elgine, Foresse, Nairne, Innernesse, Cromartie, Argyle and Tarbett make thair reports to the saids Lords upoun the xxvij day of Februar, under the paire of rebellioun, etc., with certificatioun, etc. And the said division being made for taiking of the tryell and informatioun foirsaid that the said justices of peace have a speciall care that suche of thair brethren as ar appointit with the minister of eache parish to take the tryell and informatioun foirsaid dawtifullie, tymouslie and effectuallie execute the charge layed upoun thame within fyftein dayes after thay be burdenned thairwith, and that thay take ane accompt of thame of thair diligence done thairin after the expyring of the saids fyftein dayes, and that thay report the said diligence to the saids Lords so soone as possible and convenientlie thay may thairafter, as thay will answere upoun the contrarie at thair perrell."

"Forsameekke as the Lords of Secreit Counsell haiving upoun verie con.
siderable and good grounds recommendit to the justices of peace within
some particular shirefdomes the taiking of tryell with the advice of the
ministers of eache parish of the number and qualiteis of all the fensible
persons als weill to burgh as to land within thair parish to the intent
that accordinglie ordour might be taine for dreilling and training of thame in the use and handling of thair armes under suche captans as sould be appointit over thame, the justices of peace within the shire of Forfar for testifieing thair dewtifull obedience to the directious of his Majesteis Counsell in this point tooke a verie good and solide course by appointing of the persounis following in eache parish for taiking of the said tryell, to witt, for the parishes of Marytoun, Logymontrose and Dun, Alexander Areakine of Dun; for the parishes of Stracathro and Pert, Patrik Livingston of Bawomy; for the parishes of Inchbrayock, Kinnaird and Fernall, David, Maister of Carnegie; for the paroche of Ferne, Alexander Carnegie, his uncle; for the paroches of Edyell, Navar, Lethnock and Dillipie, David Lindsey of Edyell; for the parishes of Aberlemno and Eidwie, David Lindsey of Balgayes; for the paroche of Menmure, Johne Collace of Balnamone; for the parishes of St. Vigianes and Innerkeillour, Sir Johne Carnegie of Athie; for the town and paroche of Brechin, the bishop and bailleis thairof; for the parishes of Abirlot and Panbyrd, Sir Harie Wood of Bonytoun; for the parishes of Guthrie, Kirkbuddo and Carmyllie, David Guthrie of that Ilk; for the parish of Kynnettills, Frideric Lyoun of Brigtwoun; for the parishes of Mathie and Nevey, Johne Nevey of that Ilk; for the parish of Moniekie, James Durhame of Pitkerro; for the parishes of Murrays and Inneraritie, Thomas Fothinghame of Powrie; for the parish of the Maynes of Erleastradightie, Johne Scrimgeour of Kirktoun; for the parish of Strickmartine, Sir Thomas Wentoun of Strickmartine; for the lands of the parish of Kirremure, David Grahame of Fyntrie and Sir Johne Ogilvie of Innerquharatie; for the parish of Teilling, Thomas Ogilvie of that Ilk; for the parishes of Liff and Innergowrie, Sir William Grahame of Claverhouse; for the parish of Benvy and outland parish of Dundie, Sir Johne Scrimgeour of Duddop and James Scrimgeour, his sonne; for the parishes of Lundie and Foulles, Coline Campbell of Lundie; for the parish of Oughterhous, James Erle of Buchane; for the paroches of Keitnes and Newyld, William Halyburton of Pitcur; for the parishes of Glames and Neather Airlie, Johne, Erle of Kinghorne; for the parish of Essie, George Lammy of Dwnkany; for the parish of Lownand, Mr. James Durhame of Kinnell; for the parishes of Kynnell, Glenylla and Over Airlie, James, Lord Ogilvie; for the parish of Kingowdrum, Francis Ogilvie of Newgrange; for the parishes of Clovay and Cortowy, Sir David Ogilvie of Clovay, knight; for the parish of Dinnichtin and outland parish of Forfar, Robert Carnegie of Dinnichtin; for the burgh of Forfar, the proveist and bailleis thairof; for the town of Aberbrothockie, the bailleis thairof; for the parishes of Othlo and Rescobie, Mr. David Lindsey of Pitekandlie, and for the parish of Tannadyis, William Guthrie of Maines; Whilks persounis hes done no diligence at all in that charge committit unto thame bot hes slighted and neglectit the same to the great hinder and disappointing of his Majesteis service; Thairfoir the Lords of Secret
Counsell ordains letters to be direct charging the persons particularlie abowenwritten that they and everie one of thame within the bounds particularlie abonespecified assigned and allowed unto thame, try and informe thameselfes sufficientlie of the number and qualitie of all the feasible persons within the saids bounds, and that they make a perfyte report thairof in writt under thair hands and send in the same to the clerk of his Majesties Counsell within ten dayes nixt after the charge under the paine of rebelliuon and putting of thame to the horne, or ellis that thay compeir personallie before the saids Lords at Halyruidhous or whair it sall happen thame to be for the tyme upoun the last day of Januar nixt, and shaw a reasonable caus why the same sould not be done, with certificatioun to thame and thay faiylie letters sall be direct simplier citer to putt thame to the horne and to escheate, etc.”

Commission under the signet to the Sheriff of Renfrew and his deputes, the bailie of the Regality of Glasgow and his deputes, Robert, Lord Boyd, James, Lord Rose, the provost and bailies of the city of Glasgow, and the provost and bailies of the burgh of Renfrew, to search for, apprehend and present before the Council, Hew Stewart in Cloighoillis, who on 4th May last was denounced rebel at the instance of the moderator and brethren of the presbytery of Paisley for not compereing before the Lords of Council and “producing ane sufficient testimoniale of the presbiterie quhair he duellis of his satisfactioun anent religioun”; also David Stewart in Darnelie, and Elspet Stewart, his spouse, who on 18th October last, were denounced rebels “for their not satisfeing of the decreit and sentence of excommunication pronounced aganis thame for thair appostasie and defectioun frome the trew religioun.” Signed by Mar, Hadintoun, Nithisdail, Wintoun, Roxburgh, Lauderdaill, Arch. Acheson, and J. Hamilton.

“The whilke day James Maxwell of Kirkconnell acceptit upoun him the commissioun for the Middle Shyres and gavie his oath.”

“The Lords ordains the whole commissioners of the Middle Shyres to be writtin for to the sevintain day of Januar nixt to advise and to represent to his Majesties Counsell the trew causis and best remedie of the troubles of the Middle Shyres; and that the Laird of Johnstoun be writtin for to keepe the said dyet anent the exemptioni granted to him and his name aganis the Erle of Nithisdail. Followes the missive to the commissioners:—After our verie heartilie commendations. The disordours and thifts arrisin of lait within the bounds of the Middle shyres and the frequent and avowd resort and resett of fugitives and outlawes within the same hes moved his Majesties Counsell to appoint a meeting of the whole commissioners to be heere at Halyruidhous upoun the sevintein day of Januar nixtocomme, to the intent that after conference among thameselfes they may represent to the Counsell the causiss of thir disordours and the best way how to redresse the same, that accordinglie some solide course may be taine als weill for punishing of the present as
for preventing of future disordours in tyme comming. And thairfor these are to request and desire yow that, all excusiis sett aside, yow keepe this dyet preciselie, whairthrow this service whilk imports so neerelie the peace and quyet of the countrie be not neglectit nor frustrat. And so resting assured of your precise keeping of this dyet we committ yow to God. Frome Halyruidhous the 20 day of December 1627. Sic subscribitur, Geo.Cancell., Marr, Hadinton, Roxburgh, Areiskine, Arch.Achesone. Followes the missive to the Laird of Johnstoun:—After our verie heartilie commendationes. The disordours and thifes arrisin of lait within the bounds of the Middle Shyres and the frequent and avowed resort and ressett of fugitives within the same haiving movit the Counsell to looke into the causis thairfor in thair better directioun in the right remedie of the same, it was alledged and constantlie affirmed at the table that the exemptioun grantit to yow and your freinds frome the jurisdiction of the Erle of Nithisdaill wes a maine and cheefe occasioun of the trouble and unquytness within these pairts, and that the recalling of that exemptioun would be verie conduceable to the settling of these bounds and repressing of all disordours within the same. Which, howsoever it may carie with it probabilitie of reasoun, yitt in regard your exemptioun wes grantit in a frequent Counsell upoun good and weightie respects we would not summarilie discharge the same till yow wer first callit and heard for your interesse. And becaus thair is a meeting of the Commissioners of the Middle Shyres appointit to be at Halyruidhous upoun the seventein day of Januar nixt to resolve upoun some solide course for repressing of the present disordours and preventing of the lyke in tyme comming we haive thought good heresby to require yow to keep that same dyet, to the intent that after hearing of all pairtis and consideratioun of the reasouns and lawfulnesse of your exemptioun and of the evills and prejudices flowing thairfra suche ane equall course may be taine thairin as may best stand with his Majesteis service and the good and quyet of the countrie. And so looking for your precise keeping of this dyet as you respect your awin interesse, we committ you to God. Frome Halyruidhous the 20 day of December 1627. Sic subscribitur, Geo. Cancell., Marr, Hadinton, Roxburgh, Areiskine, Arch. Acheson."
Philliphauch, Sir Robert Dalyell of that Ilk, Sir Thomas Kirkpatrik of Closburne and Sir Robert M'Cllelance of Bombie, with full and ample power and commission to have the charge, care and oversight of the saids lait Bordours; to witt, of the shirefdomes of Berwick, Roxburgh, Selkirk, Peebles, Dumfreis, and Stewartreis of Kirkcudbright and Annanderdaill, and hes givin and grantit unto thame full power and warrand in maner specified in the said commissioun, to informe thame-selffes at all occasiouns of the trew estait of the saids lait Bordours, whair, be whome, and upoun what occasioun discordours and thifts ar committit within the same, and, according as they sall be informed, and as the necessitie of his Majesteis service for the peace and quyetnes of the saids bounds sall require, to consult, conferre and advise how his Majesteis peace may be preserved within the saids bounds, the foder growth and progres of the saids discordours prevented and malefactours and delinquents punished, and to sett doun suche good acts and ordinances thairnent as sall be thought needfull; and to caus the same ordinances ressaive executioun accordinglie, and to sett doun the tymes and plaices of the Justice Courts to be holdin within the saids bounds. Lykaes be the said commissioun power is givin to the saids Erles of Angus, Nithisdaill, Bugleuch, Annanderdaill and Lord Yester and to everie ane of thame to nominat and appoint a certane number of famous and answerable gentlemen for everie ane of thame, for whome they sall be answerable, and whois names they haive givin up to his Majesteis Counsell; unto the whilks persouns his Majesteis good subjects susteaining skaith be stouth or maisterfull reasse of thair goods may make thair addresse and compleane of the stouth and reasses susteanned be thame; quhilk persouns upoun informacion to be givin unto thame sall be haldin to make diligent inquirie and searche for the same and whair they find anie pregnant presumptiouns of guiltinesse to apprehend the criminalls and to committ thame to waird, thair to remainge till thay be delyverit to thair tryell and punishment, and whair the presumptiouns ar not pregnant, to putt the suspect persouns under good bands and caution to be answerable and furthcummand to thair tryell at the nixt Justice Courts; as in the said commissioun conteaining a number of others liberties, priviledges, limitationis and conditionis at lent is conteanit: Quhairof necessar it is that publication be made to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same. For whilk purpos the Lords of Secreit Counsell ordains letters to be direct, chairing ofiicaris of armes to pas to the mercat croces of the heid burrowes within the shirefdomes and stewartreis abonenwritten and thair be opin proclamation to make publicatioun of the said commissioun to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same, And to command and charge all his Majesteis saids lieges and subjects to reverence, acknowledge and obey, concurre, fortifie and assist the saids commissioners in all and everie thing tending
to the executioun of the said Commission, as they and everie ane of thame will answere upoun the contrair at thair highest charge and perrell.

Copy of letter to the Laird of Johnston, printed ante, p. 172.

Copy of letter to the Commissioners of the Middle Shires, printed ante, p. 171.

Caution by Henrie Shankis in Kinghorne, William Balfour in Kirkcaldie, John Gray, burgess of Dundie, Alexander Boyter, burgess there, and Patrik Baxter, James Small, Patrik Kinloch, James Bowar and Robert Stirling, all in Dundie, each in 500 merks, that they will not hereafter sell any English beer at a higher rate than £6 the tun.

Sederunt—Chancellor; Treasurer; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Naper; Secretary; Advocate; Sir Johnne Scott.

Instructions to Forsameekle as the charge and suire keeping of the Castell of Dumbartane being by warrant from the Lords of his Majestis Secret Counsell committit to Sir Johne Stewart of Tracquair, knight, in the absence of Sir Johne Stewart of Methven, captane of the said castell, whill his Majestis forder pleasure sould be signified thairanent, and the said Sir Johne Stewart of Tracquair haiving made his addresse to the said castell and taine exact tryell and notice of the trew estait thairof and of the furniture and provisioin being thairintill, and compeerand this day before the saids Lords he reported and declaired that at his entrie within the castell he fouind onlie three men and a boy in ordinair guiarding the same, that the walls in the cheefe and most important paires thairof wer ruinos and decayed, the houssis wanting doores, lockes or bolts, and nather wind nor water tight, the ordainance unmounted and little or no provisioin of victuaull and munition (except some few roustie muscates) within the same. Which report being heard and considerit be the saids Lords, and thay finding in these difficult tymes a verie pressing and urgent necessitie of the repairing of the defects of the said castell and maiking of the same secure from the danger of surprysy, Thairfoir the saids Lords recommends to the said Sir Johne Stewart of Tracquair and thairwithall requires and allows him to use his best care and diligence towards the necessarie beiting and repairing of suche paires and plaices of the said castell as ar most important and which can not without a seene danger and inconvenient admitt anie delay, and to victuall and provyde the said castell with furniture answerable to the necessitie of the tymes, and for this effect to advance and furnishe suche sowmes of moneyes towards the uses afoirsaid as the charges to be bestowed thairupoun sall end unto;
which sowmes of money swa to be disbursed be the said Sir Johne the
saidis Lords declairs sall be thankfullie payit and refoundit unto him
upon productiou of his verified accompl; Anent the doing of the
which premissis the extract of this Act sall be unto the said Sir Johne
Stewart a sufficient warrant."

"The whilk day in presence of the Lords of Secreit Counsell compeered
Johne Belcheis as procurator for Sir Archibald Achesoun of Clancarny,
knight, Secretar of Scotland, and gave in the discharge under writtin
desiring the same to be insert and registar in the Bookes of Privie
Counsell thairin to remaine ad futuram rei memoriam. Quhilk desire
the saids Lords finding reasonable, thay thairfoir have ordained and
ordains the same to be insert and registar in the saids bookes to the
effect fairsaid, of the whilk the tennour followes:—I, Sir Archibald
Achesoun of Clancarnie, knight, Secretarie of Scotland, grants me, be the
tennour heerof, to haive ressavit frome Thomas, Erle of Hadintoun, late
Secretarie of the said kingdome, and James Winrahame of Libbertoun,
late keeper of the Signet, all suche warrands of the Signet past by bills
as the said James Winrahame declared upoun his great oath in presence of
the Lords of Secreit Counsell that he had carefullie keepit without
abstracting or putting anie of thame away; which ar to be disposed of
by my lyke declaratioun whencesoever the same sall be required frome me
by the saids Lords or any other having his Majesteis warrand to ressavit
the same. And for the more securitie I am content and consents thir
presentes be registar in the bookes of Secreit Counsell thairin to remaine
ad futuram rei memoriam; and for registring heerof constitutes Johne
Belcheis, etc., conjunctlie and severallie my lawfull procurators,
promittentes de rato, etc. In witnesse whairof (writtin by Mr. George
Nicol, my servant) I have subseruied thir presentes with my hand at
Edinburgh the twentie nynt day of December 1627, before these
witnessis, George Watsoun, wrytter to the signet, and Johne Strugeoun,
my servant. Sic subscribatur, Arch. Acheson, Geo. Watsone, witnes;
Johne Strugeon, witnes."

The Minute Book of Processes gives the following Memoranda
collectively for the month of December 1627.

Proces: The Commissioners appointed for collecting the voluntar
contributions for repairing the toune of Dumfermlin, brunt be
fyre, against James Cairnes, etc. who receaved more then the
valutation of ther loose did extend to.

Ryott and hamsuken: Maxwell against Maxwell of Laroch.

Precognitione against Dundasse and Wheitheid of Park.

Letters: The Laird Bishoptoun against Lord Sempill for delyverie to
him of his house of Stainlie.
Ryott and imprisonment: Hendersone of Strowie against Robertseone. 

Act commissionating Stewart of Traquair to be captan of the Castle of Dumbartoun.

Proces: Mr. James Hanney against Patrik Crystie for concealing and detaining some money sent to him fra a soldier in Sweden.

Ryott: Broune against Jon Stewart, etc.

Rebellione: Glen against the Lord Hereis.

Letters: Advocat against Gray, etc. for contraveeing ane Act anent the pryce of Inglish bear.

Proces: Commissioners of Borrowes against Coalmasters for raising the pryce of ther coals and preferring strangers.

Commissione to the Shireff or his deputys or magistratts of Haddingtoun to examine Marion Kemp, suspect of murther.

Actes anent levieing sojours for Denmark.

Sederunt—Chancellor; Privy Seal; Roxburgh; Bugcleuche; Launderdall; Bishop of Dumblane; Lord Areakine; Lord Melvill; Lord Naper; Secretary; Clerk of Register; Advocate.

Charge to the Sheriff of Forfar and his depute to apprehend the Earl of Crawford, now under sentence of hanging, to seize his castle of Finhaven, and to apply his fermoys and rents, so far as they will extend, to the payment of the said Earl’s debts to Peter Reid, merchant tailor of London.

Forsameekle as the Lords of Secret Counsell having consideration of the manie complaints exhibite unto them be Peter Rid, merchant tailyeour citiner of Londoun, aganis George, Erle of Crawfuird, who being of a long tyme denounced rebell and putt to the horne be vertew of letters raised at the said Peter his instance for not payment making unto him of the sowme of twa hundredth punds sterline money togidder with the sowme of fourtie sevin punds fyve shillings three penneis sterline money with the expensis of the plea specified in the saids letters, and in two several decreits recovered be him thairupon before the Lords of Counsell and Sessioun; and upoun the said horning the said Peter havigne used all other lawfull executioun allowable be the lawes of this kingdome, not onelie be letters of captioun (the executioun whairof proved voide) bot by letters of treason whairby the said Erle was charged by Thomas Hunter, Rose herauld, with displayed coate of armes, to rander and delyver his castell and fortalice of Phynnevin and to enter his persoun in waird within the castell of Blacknes within a certane space after the charge under the paine of treason, the said Erle hes lykewise disobeyed that charge and hes not entered his persoun in waird within the said castell of Blacknes, bot to the contempt and mockage of justice and for a culloured shew of obedience caused delyver to the said herauld a key of one of the yetts of the said pleace of Phynnevin, and he in the meane tyme still reteanes and keeps the possession of the said hous and hants and frequents all publick pairs and societis of men, as if he wer his Majesteis free and lawfull subject, using himselfe in all respects as if he lived not under the obedience of
a soverane king, and as if thair wer nather law nor justice to controll him. Upoun occasion whairof the said Peter (who is a stranger and was some tyme a man of good wealth and credite) is now after sevin yeeres persuite and processe in law reduced to great necessitie and want to the disgraice of his Majesteis gouvernment, and to the course and ordour of justice of this kingdome. Thairfoir the Lords of Secreit Counsell ordanis letters to be direct chaeguard oficieris of armes to pas and charge the shireff of Forfar and his deputis and all other shireffis, stewartis, bailielis of regaliteis and thair deputis, proveists and bailielis within burgh and all others his Majesteis officieris and magistratess to burgh and land, to pas, persew, searche and seeke the said George, Erle of Crawfiurd, whaever he may be apprehendit within the bounds of thair office and jurisdictioun, and to putt, hold and deteane him in sure firmanse and captivitie ay and whil he have satisfied the command and will of the saids letters of horning and obteane hymselfe relaxt thairfra: As alsua to command the said shireff of Forfar and his deputis to pas, persew and taitke the said Erle his place and fortalice foirsaid of Phynnevin, and to remove his wyffe, servantes and familie furth thairof, and to appoint two discreet men to keepe the said place duiring the tyme of the said Erle his rebellioun, allowing to either of the saids two men threttin shillings foure pennis dinaylie to be payed to everie ane of thame of the readiest of the said Erle his rents and living; and also that the said shireff of Forfar and his deputis intrumett with and uplift the said Erle-his firmes and rents and apply the same so farre as thay will extend towards the payment of the said Peter Rid: And for the better executioun of the premisia, with power to the saids shireffis, stewartis, bailielis of regaliteis and thair deputis, proveists and bailielis within burgh and uthers foirsaiis, to convocat his Majesteis lieges in armes, whome the saids lords be thir presents commands to ryse, concurre, fortalice and assist the said shireffis and uthers foirsaiis in all and everie thing tending to the executioun of the premisia, as thay and everie ane of them will answere to his Majestie and the saids Lords upoun thair highest charge and perrell: As alsua to command, charge and inhibite all and sindrie his Majesteis lieges and subjects yitt as of before be opin proclamatioun at all plaices needfull that nane of thame prescoome nor take upoun hand to ressett nor supples the said Erle nor furnes him meate, drinke, hous nor harbouriie, duiring the tyme of his rebellioun under whatsoever cullour or pretext under all highest paine that by law can be inflicted against thame in this caise."

(Sederunt as recorded above.)

Complaint at the instance of David Whyte, deacon, Andrew Thom- sonn, John Robertsson, James Robertsson, David Weyland, Alexander Melvill and Robert Durie, cordiners burgesses of Cowper, as follows:—

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As the complainers are informed the provost and bailies of Cowper have lately made certain acts whereby they have "preescryved the pryce of the saids compleiners handie worke of boots and shoone," and for not observing the said acts the complainers have each been fined five pounds and put under caution on "some hard and strict conditions." Further for not paying the fine and finding caution, the complainers have been warded in the tolbooth of Cowper, and the said provost and bailies will not put them to liberty, notwithstanding their "submissive offers of obedience." The said acts, the complainers plead, were "verie extraordinarie and summarielie made aganis thame, without tryell or cognitoune in the caus or calling of the compleiners to the making of the said acts," who were ready to appear and give reasons why the said provost and bailies "could not sett suche a definitive pryce upon thair boots and shoone. For in matters of this kynde concerning a whole bodie (whairof the compleiners ar a pair) respect sould have beene had to the pryces of the hydes and of the barke, lyme and all other materials requisite for the perfectioune of thair workes, and accordinglie to have set down the saids pryces with allowance to the compleiners of that whilk the law of God and nature gives unto thame for the fruit of thair labours and interteanement of thair familie." Thus the said provost and bailies have acted in a way whereof there "is no precedent in this kingdom," as also of "perverting of the law of nature," and their proceedings cannot be warranted by law, justice, or reason. Moreover, the complainers are a number of honest, simple men who live by their daily work and labour, "and being sequestrat thairfra, as now they ar, hes not the meanes to interteane thameselfis in waird." Charge having been given to George Airth, provost, and David Jamesoun, bailie of Cowper, to compear personally by one or two of their number instructed to answer for the rest, and to bring the complainers with them, and the complainers appearing, and the said David Jamesoun, in name of the defenders, the latter produced "the acts and rolments of thair court, by the whilks at severall dyets they convened before thame the cordonners of the said burgh and earnestlie dealt and travelled with thame to give thair advice and opinion and to make overtures anent the setting down of statutes for conformeing the Pryces of boots and shoone to ane reasonable rait, and that the saids cordonners having refused to give anie advice in that matier, saying they would not be subject to anie acts to be made thairanent; thairfor the provost, bailieis and counsel of the said burgh, after mature advice and deliberatioun, made and sett doun the pryces of boots and shoone, with the penaltys to be incurred be the contraveenners thairof, as the acts made to this effect bearing date the twentye ane day of September last, the twentye sevint day of November, the sevint and twentye aught days of December last beares." After hearing these read and the reasonings of both parties the Lords find "that the saids defenders hes verie laughfullie, legallie
and formallie proceedit againis the saids persewers in the mater foresaid, and allowes and approves thair proceedings in all points." They further ordain them to carry back the pursuers to their ward and keep them there until they find sufficient caution to obey the said acts and serve the country accordingly.

"After our verie heartillie commendations. We haive beene informed from James Auchinnotie, captaine of his Majesties shippie callit Thrisell, that in thair lait returne from England the said shippie was most dangerouslie tossed by contrarious windes at sea, that a great laike strooke up in thair shippie whilk endeangered both the shippe and thae lyues of all these being within her; and how that haiving spent thair hail victualls they wer in end forced by the violence of the storme, and upoun lyffe and death, to seeke in to that harbourie quhair the shippie now lyes unfurnished of victualls and other necessaries, and the captaine and his companie wanting freindship and acquaintance thair; the consideratioun quhairof and the care we haive towards the preseruation of his Majesties shippe hes moved us to recommend this bussines unto yow, requestinge and desiring yow upoun the sight heerof to caus furnes the captaine with all things necessar for beiting of the shippe and victualling of her during her abode thair, and that yow forder the dispatche of the shippe and sending of her about to Leith this nixt streame if possiblie may be; and fainlyeing thairof, and that the shippe by contrarious windes be haldin within your harbourie, that yow dismisse all the companie except sax whom by advice of the captaine yow sall receave for keeping of the shippe and direct the rest hither, furnishing thame with moneys for thair charges hither, to the intent that at thair heere coming ordour and direction may be givin for thair pay. Yow sall take the sailes frome the raes of the shippe and haive a care of her saule and suire keeping and of her furniture and apparelling belonging thairto till ordour be givin for bringing her about to Leith; and quhat sowmes of money yow sall disburse in this bussines sall be thankfullie refoundit and payit unto yow upoun production of your accompl. And so not doubting of your conformitie and obedience, we committ yow to God. Frome Halyruidhous, the aucht day of Januar 1628. Subscribitur, Geo. Cancell., Marr, S. Andrewes, Hadinton, Roxburgh, Lauderdaill, Naper, Arch. Achesone."

"Ane missive to the Countesse of Lynlythqu certifying hir of the arryvaill of the Kingis tua shippis and requiring hir to gif ordour for ressaveing of the same."

"Ane warrand to James Ruthirfoorde, pursair, to furnes Capitane James Murrayis ship with victuallis till Moniday nixt upoun assurance to be thankfullie payit."

"The quhilk day the Lordis haweinge hard the reportes of Lyoun King of Armes anent the uniformitie of the Herauldis registeris, thay ordane Thomas Drysdaleill his signatour to be delyverit to him to the effect the same may be past and exped through the seallis."
Caution by James Murray, younger, to James Murray, merchant, burgess of Edinburgh in 100 merks that William Smeton, master of the ship called The Blessing of Leith, will appear before the Admiral whenever charged, if then within the country, and "ansuer to the caus whairfoir his shippie wes arrested be the said Lord Admirall."—(Signed) Ja. Murray.

Mr. James Lawtie, advocate, as procurator for principal and cautioners, registers a bond of caution by John Cunninghame of Bonytoun, in 300 merks, that Mr. James Bailzie of Crimptcramp will appear before the Lords of Council on 5th February next, and answer to a complaint of John Booke in Thankertoun of "ryding over him with ane hors," and that he will pay £20 for his escheat if he be found to have been lawfully denounced; with clause of relief. The bond, written by Robert Cairncroce, servitor to Patrik Hamiltoun, writer, is dated at Edinburgh, 7th January 1628: witnesses, John Hamiltoun, messenger, and the said Patrik Hamiltoun.

Holyrood House, 10th January 1628.

Sederunt—Chancellor; Treasurer; St Andrewes; Privy Seal; Roxburgh; Bugcleuche; Lauderdaill; Lord Areskine; Melvill; Naper; Secretary; Advocate; Sir Johne Scot.

"The whilk day the Lords of Secret Counsell according to ane warrant and direction in writt signed be the Kings Majestie and this day presentit unto thame ressaivit and admissit Mr. Thomas Hoip of Craighall, his Majestie’s Advocate, to be on of the ordinar number of his Majestie Privie Counsell of this kingdom, lykeas the said Mr. Thomas, being personallie present and acknowledging with most humble thankes his Majestie gracious favour shawin unto him in preferring and advancing of him to this high plaice of honnour and dignifie, he with all dew reverence upoun his knees, his hand upoun the halie evangall, made and gavie his solenne oath of allegiance and the oath of a privie counsellour. Followwe his Majesties missive letter for warrand of the act abonewritten:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counselours, and right trustie and weilbelovit counsellours, we greeve yow weil. Understanding perfytelie the sufficiencie of our trustie and weilbelovit Mr. Thomas Hope of Craighall, one of our Advocats, and of his affectioun to our service wee ar pleased in regard thairof and for his further encouragement and enabling for our said service to advance and promove him to be one of our Privie Counsell in that our kingdome. It is thairfoir our will and pleasure and wee doe hereby require yow that haiving administrde unto him the oath accustomed in the lyke caises yow admissit him to be one of our Privie Counsell, receaving him in that plaice as one
of your nombre, for doing whairof these presents sall be your warrand. 
Givin at our Court at Whitehall the 28 of December 1627."

"The whilk day Sir Lewse Lawder of Gogar, knight, acceptit upon him 
the shirefship of Edinburgh principall, and gavie his oath."

"The whilk day the proveist and bailie of Edinburgh gavie in a reply 
to the answeres made be the Lords of his Majestis Privie Counsell, to 
the articles and conditionis whairupoun the proveist, bailieis and 
counsell of Edinburgh undertooke the fortifeing of Leith, whilkis the 
saids Lords will take to thair consideratioun with convenient diligence."

"The whilk day the Lord Arekine gaiven in his answeris in writt to 
the petition givin in be the tannars, whilkis answeris wer delyverit to 
Johne McNacht, deane of gild of the burgh of Edinburgh, who com 
peered with some of the tannars and who tooke Tisday next to reply 
thairunto."

"The Lords of Secret Counsell nominat and appoints Sir John Scott 
of Scottistarbett to peruse and examine the booke, charges and collecti 
ioun of the commissioners nominat be the saids Lords for collecting and 
intriggading of the voluntar contributioin towards the relieve of 
Dunferline, with the discharge and distribution of the monies and 
others givin to that use, and to report to the Counsell the trew extent 
theirof; and ordainis the commissioners to haive letters for poynding of 
the readiest goods of suche as haiving ressai vit more nor thair valua 
tionis refuesis to delyver backe the same."

"Warrant to 
Sir John Scott 
to examine 
the books anent 
the contribu 
tion for 
Dunferline."

"Warrant to 
the master 
cyunseur."

"The Lords of Secret Counsell recommends to the generall and maister 
of the Coinziehous and to William Dick, David McCall, and David 
Jonkeene, who wer personallie present, to meete and advise upoun the 
best remedies for obviating the abuse and course of dog dollours, and to 
report thair opinionis thairanent to the Counsell upon Tuesday the 
fyfteen of this instant."

"Anent the proposition made to the Lords of Secret Counsell be Mr. Finding of 
James Robertoun, Justice Depute, bearing that Alexander Hamiltoun of 
Holmeheid and William Cowterd in Glendowie being conveenmed and 
persewed before his Majestis Justice and the said Depute at the 
instance of James McMorran of Glaspen for the mutilation of the said 
James, thair wees ane excepcion propouned be the pannell for eliding of 
his pursuite, to wit, that he haiving callit and persewed thame for the 
same caus before the Lords of his Majestis Privie Counsell, and haiving 
duced and led probatioun againis thame that thay wer simpliciter 
be production of the decreit of absolvitour givin in thair favour. And 
whairas the mater seemed douftfull to the said Mr. James if he might 
proceid in a mater which had alreadie receaved tryell and decision 
before the saids Lords and decreit and sentence following thairupoun, he 
thairfoir humilie desired that he might be consulted and advised be th 
saids Lords and haive thair opinioni thairanent. Quhilk proposition
being heard and considerer it be the saids Lords and they well advised thairwith, the saids Lords be thair interloquitor finds—That a pairtie being persewed before the saids Lords of Privie Counsell for a ryot at the instance of a partie interest who made choise of his owne judgement and produced witness and led probatioun thairupon that the pairtie so persewed can not thairafter be brought to a second tryell criminallie before his Majestie's Justice for mutilatioun upoun that ground and fact for whilk he was persewed before his Majestie Counsell, and accordinglie they find the exceptioun propouned be the pannell to be relevant to exclude the persewar fra processe before his Majestie Justice."

"The whilk day Mr. Thomas Hoyp of Craighall, his Majestie Advocate, protested, that the Interloquutour and decisioun abonewrittin givin be the Lords of Privie Counsell in the mater abonespecified betuix pairtie and pairtie sall not preudge nor exclude his Majestie Advocate to persew anie persoun before his Majestie Justice for a cryme, notwithstanding of anie tryell or cognitioun taine be the Lords of his Majestie Privie Counsell in that mater of befoir."

"The whilk day the missive letter underwrittin signed be the Kings Majestie was presented to the Lords of Secret Counsell, of the whilk the tennour followes:—Charles R.—Right trustie and right weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours;

Whairas we wer formerlie pleased to write unto yow that the fynes dew by penall statuts sould not be levied for a tyme till our further pleasure wer knowne as we gracioulsie heereby intendit a favour for our subjects by taiking a moderat course for the tyme past, we wer so farre frome thinking that this would induce thame to transgresse our lawes in tyme comming as we wer fullie perswaded that this taste of our bountie could haive made thame the more loath to provoque our justice by living in dew obedience in tyme comming. Bot seing yow find it necessarie that another course be taiken, as we haive onelie respetted and not remitted anie suche transgressiouns for tymes past, so it is our pleasure that frome thence fordward yow caus punish all these persouns who infringe anie of these lawes which wer excepted in the last Parliament or which yow toll thinke fitt for the better governement of the kingdome to be presentlie put in execution; not doubting bot yow will haive a care to see it done in suche a moderat forme that our subjects sall not have just cause to complaine. And thairfor we can not bot the rather require yow to haisten fordward that course for holding of justice courts in everie circuit as wes formerlie intendit that the delinquents may frome tyme to tyme be censured in the shyre whair thay dwell without being putto the charge of a farre voyage; that by the frequent doing of this thay may be terrrified frome offending and not ensnared by a long delay which may make thame presooome of impunitie. And so remitting the
manning of this to your care we bid yow fairweill. Frome our Court at Whitehall, the 28 of December 1627. Quhilk letter being read, heard and considerit be the saide Lords, and thay being weill advised thairwith, thay returned thair answere to the Kings Majestie in the tennour following:—Most Sacred Soverane, We receaved your Letter from the Council to his Majesty anent the respite of fines due by penal statutes, we conceave that it is your Majestie's pleasure that the past transgressours of these statutes sall be respetted for a tyme and punishment onelie inflicted upon suche as sall offend in tyme comming. As with all humble and dewartfull respect we reverence your royall favour and bountie intendit to your subjects in this cais, yitt the dewart we owe unto your Majestie in the truste concrerdite unto us enforces us humble to represent unto your royall consideration als weill your awin prejudice as the inconveniences that will follow to the estait if the execution of all penal statutes sall be respetted. For your Majestie's extraordinar taxation (whairof the most pairt depends upoun concealed moneyes) will hereby be altogider overthrowne to your Majestie great losse and prejudice. And these lawes which in the last release and discharge of penal statutes wer by Act of Parliament excepted and reserved for the publict good of the kingdom and restraining the contempt and insolence of lawlesse persons by whom the commoun weale was wronged and your Majestie good subjects distressed will become voide, aganis the meaning of your Majestie Estates who in the favour shawin to the subjects be the said release intendit that these reserved Acts sould stand in force and ressaive execution accordinglie. And whairas some course was begunne by your Majestie officiers for censuring of these offenders in suche a moderate forme as none with reasoun could compleane of rigour, this interruptiouin by the respett foresaid will breede suche ane hoipe of impunitie in the opinion of persouns not weill disposed as will muche prejudice the course of governement of this kingdom. All which leaving to your royall consideratioun and further direction whairunto in all humilietie we sall conforme our selfes, we pray God to blesse your Majestie with manie long and happie yeeres. Frome Halyruidhous the tent of Januar 1628."

"Anent our Soverane Lords letters direct be the Lords of Secret Council makand mentiouin, Forsameekle as Andrew Davidsoun, messinger in Moffat, being callit before his Majestie Justice for the filthie cryme of adulterie committit be him, he, fearing the event of his tryell, absentit himselfe and compeered not, for the whilk he was the Council to answer to the decrened to be denounced fugitive and rebell, the execution whairof was not onelie superseedit, but a remissiouin grantit to him for the said cryme upon promise and condition that he sould haive made his addresse to service with the Lord of the warres of Germanie, under the charge of Alexander, Lord of Spynie, Spynie in the
and that he sould not have gone backe againe to Annanderdaill.

Notwithstanding of the whilk favour showin unto him he, being most
unworthie theairf, not onelie falsifie his promise and went not with
the said Lord of Spynie, but with that he past backe to Annanderdaill,
whair he remained sensyne, as he does yitt; for the whilk he acht to
be punished to the terroor of others to abuse his Majesteis Counsell
after that kinde. And anent the charge givin to the said Andrew
Davidson to have compeered personallie before the Lords of Privie
Counsell upon this present tent day of Januar instant to have
answered upoun the falsifieing of his said promise and abusing of the
saids Lords in maner foresaid and to have heard and seen suche
ordour taine thairanent as appertaen, under the paine of rebellioon
and putting of him to the hornie, with certificaitoon to him and he
faillyed letters sould be direct to putt him simpliciter theairto, lykees at
mair lenth is conteant in the saids letters, executious and indorsa-
tiouns theairf: Quhilks being callit and the said Andrew Davidson
not compeearand, the Lords of Secret Counsell theairfoir ordains letters
to be direct, charging oficers of armes to pas and denounce the
said Andrew Davidson his Majesteis rebell, and putt him to the
hornie and to escheate."

"The whilk day compeered personallie before the Lords of Privie
Counsell the proveist and bailleis of Edinburgh and gave in the replyes
underwrittin of the whilk the tennour followes:—

At Edinburgh the tent day of Januar 1628. Replyes of the
proveist, bailleis and counsell of Edinburgh to the Answeres
made be the Lords of his Majesteis most honourable Privie
Counsell to the first articles givin in be thame to the saids
Lords anent the fortification of the town of Leith.

Quhairas it has pleased your honours to find it expedient for
the strenthe and saulfetie of the kingdome that the whole town of Leith
be fortified so it be sufficientlie provydit, willing us to beginne the
fortification with raising of bulwarke and with all doe advise that the
governement and keeping theairf be committit to his Majesteis and
suche as his Majesteis sall intrust theairwith who sall be at pleasure
changeable, we most humblie intreate your Lordships to considder that
what was offerd be us aent the fortifieing of Leith was upon the
conditionis and provisious conteant in our articles givin in to your
lordships and no otherwayes, whairf this was the principall and
sine qua non that under his Majeste the governement and keeping
theairf sould be intrustit to us and our successours as these who ar
presentlie invested in the jurisdicioun of the same (except ane small
parcell theairf) and since the governement theairf can not be conferred
upon anie other without ane evident breache and infringinge of these
rights, libertes and privilidges conferred upon us and our predecess-
sors be his Majesteis most noble progenitours we humblie crave
pardoun that we here subsist till we be secured in the government and keeping that thereof under his Majestie be patent grantit of the same in maner content in our former articles, and the remanent articles givin be first satisfied."

"As to your lordships answere to the first article thair is no necessitie of production of our chartours, infeftments or other securiteit sinse we crave not ane ratification of anie liberteis, priviledges or securiteit, bot that whilk is signed be his Majestie hes beene presented to the Lords of his Majesties Exchequer, whairof the particular evidents and write theairin mentioned hes beene already be warrand from his Majestie and als from the saids Lords perused and allowed be his Majesties Advocats, Sir Williame Oliphat and Mr. Thomas Hoip, and that severalie and sindrie tymes, as is notour to the saids Lords and hes beene by the saids Advocats before your Lordships verified. And as to the calling of the inhabitants of Leith, thair is no reasoun why they could be callit to anie grant that it sall please his Majestie to confer upon us, nather yitt that we sould dispute with thame upon the validitie or invaliditie of Acts of Parliament and decreits givin before the Lords of Sessioun in foro contractiorio partibus comparantibus, since nather will your lordships find yourselves judges competent to the decision if anie question maie arise from the same, bot will remit the judgement thairof to the Lords of Sessioun as onelie judges competent in suche caises; nather is it usall to convene the vassalls to dispute the priviledge of the superiour."

"As to your lordships answere to the secound article anent the governement of the whole toum of Leith to be established in our persons and our successours we repeate what we have formerlie said in our answere to your lordships presface anent the same, and with all humbli intretreatiotion of Leith except the Council of Edinburgh, he must also have your lordships to be perswaded that it is nather our ambitioun nor wealth that makes us zealous of that governement, bot it is our necessitie whilk presseth us to the same; since if anie other under his Majestie sall be intrusted thairwith he must also have in his hands the managing and disposing of our liberteis and priviledges whilk hithertills hes ever beene committit to the magistrats of this burgh, the best pairts of Leith being so incorporat with our burgh as pairts, pendicles and pertinentis of the samne as our awin commoun streetis ar or the freest pairt of our burgh. Nather can the governement be disjoyynned from the burgh of Edinburgh without the utter period and ruine of this burgh and liberteis thairof. Nather when the same is established in our persons is it to be accompted altogether heretable since it is bot to us and our successours, and our Magistrats being yeerelie changed, and sua in effect ilk yeere new governours chosin. And thairof since our necessitie so presseth us and the good of the worke requires and brings with it the securitie of his Majestis service without the least prejudice ather
to his Majestie or realme we humblie intreate your lordships to concurre with us for obteaining of his Majestie’s grant to the same.”

“As to your lordships answere to the thrid article: The Baroun of Brouchtoun is superiour of the north syde of the Bridge of Leith and ane parcell at the south syde of the bridge; the Lord Balmerino of ane other small parcell. As to the pryce, your Lordships can better find out the worth thairof; and since it is that whilk is to be performed be his Majestie for the good of the worke and consolidating the same in ane intier government we humbelie intreate your lordships to spaire us not to meddle thairin.”

“Ament the fownt article: Since it is our humble sute to his Majestie to buy these bounds for the use of the said work we remitt the tryell thairof to your lordships since it is more in your lordships power and easier to be performed; and as for notifieing of our proportion it sall need no declaratioun since we intend to doe that whilk sall be fit for the good of the worke.”

“Anent the fyft article: It is not desyre be the towne of Edinburgh that the inhabitants of both the sydes of the Water of Leith sould underly all burdeins imposed upon thame be the towne of Edinburgh but thair proportionall pairt with us of all burdeins and charges we undergo for the fortificatioun and maintenance of the said towne of Leith since thay equallie participat of the benefite thairof, and at all tymes; whilk we remitt to your lordships wise consideratioun and judgement.”

“Anent the sext: Our desires ar reasonable, for we crave onelie that nather without nor within anie thing be done which may prejudice the fortificatioun raised; and if anie thing be without that it mather be removed or secured and that nane sould build heerafter without neere the rampiers or wallis least the same may give advantage to the enemie, and that nane within sould build so neere the wallis as may hinder the service or so high as may bring hurt or dammage to the towne, quhilk all we hope your lordships will thinke reasonable.”

“Anent the seavint: Our desyres ar just; for we doe not crave that it sall not be leasome to anie present inhabitant of Leith to sett houssis ane to another bot that heerafter no stranger repairend thiither be suffered to sitt doun thair without tryell of his qualitie. And whairas your lordships refusis to give warrand for dischairging of ydle and suspect persons furth thairof, we most humblie intreate your lordships secund consideratioun of the same, since to our eyes it appears both warranted be law and reasoun that all ydle and suspect personsould be removed furth of anie weill governed citie farre more out of anie fortified plaice or strentch.”

“Anent the aucth: We adhere thairto provyding the governement be established upoun us and our successours.”

“Anent the nynt: It is hard to us for the present to resolve upoun the
full number of cannon, bullett and powder till the platt of the fortification could be made; but susa farre as we have learned of these who has insight in these affairs it will require at least three score piece of cannon, whairof thrid pairt brasie, twa pairt yrne, with fyve hundred weight of powder and twa hundredth bulletts to ilk piece and all other furniture requisite to the same. As to the maintenance, answere sail be given thairto when the meanes of the interteanement sail be found out and knowne.

"Anent the tent: We will heare from your lordships judgement in so weightie ane affair before we presomme to give anie overture from our selves. For evin the most difficult affairs may be your lordships great wisdome be expend, which to weaker judgements sail be inextricable, and we sail sooner come to the knowledge heerof by following the thread of your lordships directious than going before."

"Anent the ellevint article: We thinke it a mater worthie your lordships consideratioun, the plaices being so important; and thairfoir darre not presomme till we heare your lordships opinion thairanent and the meanes whairupon the same sail be done be found out and settled."

"As to the last: Whair we have divvett or ryce of our awin sail not be troublesome to the countrie. When ours is spent we intreate we sail may be furnisched out of the nixt adjacent plaices ewest to the toune of Leith or neere hand. As for the satisfactioun for the same and cariage it is that we desire the countrie to be burdened with, of whois favour and goodwill and speciallie of the noblemen and gentlemens of Louthiane we ar so confident that we doubt not they sail offer thair contributung helpes thairto with more willingnes nor we crave it. What your lordships otherways sail thinke fitt in the mutuall releefe one of another we leave it to your lordships wise deliberatioun."

"In end we ar in all humiliation to intreate your lordships if the worke be so necessarie for the publick good as your lordships hes found it, and that it cannot bot appeare to your lordships what burdein we sail undergo in undertaking ane work of suche weighte and moment it might please your lordships to grant your honourable assent to these our just desires; and with all willingnes to interceid with us at his Majestis hands for his royall grant of the same, especiallie anent the governement, since Edinburgh and Leith can not be disjoynned without the utter undoing of the ane; and what other auxiliarie helpes ar desired ar so necessarie as without thame the worke cannot be accomplished. If, otherways, your lordships deny your honourable assistance and favour, we must [postpone] and leave aff what upoun motioun made be your lordships hes beene be [us] for the publick good so freellie offered, and resolve to undergo the hazard of what may insew with the rest of the countrie and to leave the issue to the Lord, whome we most heartiill pray for Jesus Christes sake to direct both your lordships and us, ilke ane in our station, to take suche course as may be best for the publick good
and securitie of this realme and whilck may beare testimonie to his Majestie, the Easts of this realme and all posteritie, that their warlike laiking in your lordships that honourable care to interteane all motionys whilk might incouragce us to undertake so great a worke, nor willingnes in us to approve ourselves to the full in undergoing the sambe to be good subjects to our king, patriots to our native countrye and presidents of so memorable ane monument to all posteritie. For if we doe not find these encouragements whilk we expect, and that with great alacritie and propensioun of your lordships myndes and favours frome your lordships, we will rather resolve to stand at the hazard of what may insew than seeme to give to your lordships the least distaist by anie of our actionys whilk saill never please us under whatsoever cullour they appeare till they first be approvin be your lordships."

[Sederunt as recorded above.]

Complaint at the instance of Alexander Donaldson in Saughtoun, as follows:—He has been charged at the instance of Robert Moubray at the Brigend of Cramond to find caution for the indemnitie of the said Robert, his wife, bairns, men, tenants, and servants, in the sum of 500 merks, which is far above the limits of the Act of Parliament for a person of his quality, the complainer being "bot a servent man and lives by his service" and so "of the ranke of a yeoman," whose caution is only £40. The pursuer compearung and the defender not, the Lords suspend the horning threatened for not finding the said caution, and modify the same to the sum of 200 merks.

Complaint at the instance of John Fraser of Eilig, as follows:—In the decreet arbitral pronounced by the Lords of Council between him and Patrick Struchane, brother to the Laird of Glenkindie, he was ordained to deliver to the said Patrick a sword which was alleged to have been taken by the complainer from the said Patrick during the feud between them, and for non-delivery of the sword Strachan has proceeded against him by horning and caption, and he is now in the tolbooth of Edinburgh. Now, long before the pronouncing of the said decreet, "that sword was out of the complainers possession, it being ane auld unworthie sword not worthie of the keeping, whilk moved the complainer to make no compt thairof, and he knowes not what is become of it," but he has found caution to give Strachan as good a sword or else the price of his own sword to be declared by him upon oath. The pursuer comppearung by Robert Keith, writer to the Signet, and the defender not, the Lords suspend the execution of the horning against the pursuer.

On the supplication of Patrick Carkeittill of Markle, stating that the protection granted to him for attending the Commissioners for the Teinds, respecting the teinds of his lands of Castelhall, Skafintie, Corsehoue,
Libbertoun, Foulefuird, and others in the sheriffdom of Edinburgh principal, expired on the 1st instant in which as yet there is nothing done, and craving an extension of his time, the Lords grant the same till the last day of January instant.

Similar extension of his protection is granted to Sir John Edmistoun of Edman, who "is willing as yitt to attend the said treatie," especially with respect to the teinds of his lands of Fawla and Fawlhall in the sheriffdom of Edinburgh principal, in regard to which nothing has yet been done.

On the supplication of Sir David Hume of Wedderburn, representing that the protection granted to him for coming to "this burgh" to attend the Commissioners for the Teinds and to receive the directions of the Council "anent that charge whilk he undertook in his Majestie's service" expired on 1st instant, and craving a prorogation thereof, the Lords grant an extension to 10th February next.

Complaint by John Storrock, mariner, and Marioun McCoull, his wife, as follows:—On a petition by the complainers their lordships ordained Ewmame M'Dowall, indweller in Edinburgh, to place "the hail writs and evidents" of the complainers' lands in Edinburgh in the hands of James Prymrois, Clerk of the Council, so that a security might be formed thereupon to their creditors for payment of their debts, but this she will not do unless compelled. Both pursuers and defender comparing and having been heard, the Lords ordain the defender to consign the writs as above, to be seen by the creditors who are to deal for the right of the land, but they are "nowayes to be givin up to the pairtie."

"Ane missive to his Majestie in anser to his Majestie missive anent penall statitis subcrevyit be Dupline, Mar, St Andros, Hadintoun, Roxburgh, Bugcleugh, Lauderdale, Naper, Sf Wm Oliphant, Ar. Achesoun, Mr. Thomas Hoip."

Sederunt.—Chancellor; Treasurer; Privy Seal; Roxburgh; Holyrood House, 15th January 1628. Melvill; Lord Naper; Secretary; Sir Williame Oliphant; Mr. Thomas Hoip.

"Forsameekle as it is understand to the Lords of Secret Counsell that a shippie of Lubick called The Sanct Marie, whairof Henrick Schult is maister, being laittle upon her dew course from Spaine laidnit with Malaga wynes, raisines and uthers commoditie, she was boordit and tane be some merchant shippes of this kingdome upoun probable suspicion that the goods and gear being thairintill per-teamed to his Majestie professed and avowed enemie, and whair as the persouns that thus meddled with the said shippe wer bringing her about to the port of Leith thair to have beeene tryed and judged con- to the port of
forme to the ordour it unhappilie fell out that by distresse of weather in a tempestuous storme the said shippie was drivin to the shore neere to the port of Peterheid, and thair cassin away, and the wynes, raisines and others goods being within her, were exposed to the injurie and spoyle of the countrie people about, by whome a great pairt thairof hes beene abstracted, stollin and reft away. And whairas it concernes the honnour and justice of this kingdome that ordour be givin and care had of the saulfke keeping of the saids goods and recoverie of suche as hes beene spoyled and tane away to the intent the samine may be sauld to the best availl and the moneyes aysing thairof made furthoummand to these who sall be found to have best right thairto, in regaird that that point is not yitt cleered nor the mater entered in proceasse, and that it is doubtfull if the shippie and goods sall prove pryze, or to whome the samine sall appertene in caise they sall happein to be adjudged; Thairfoir the saids Lords with advice of Sir James Bailzie, Thesaurar of his Majesteis Navie, for his Majesteis interesse, and with expresse consent and assent of the said Henrick Schult, skipper of the said shippie, who wes personallie present, hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commission, expresse command and charge to Johne Kinrossie, customer of the tobacco at Leith, to repaire with all convenient diligence to the plaice and bounds whair the said shippie wes cassin away and thair in the presence and with the concurrence of the said skipper and of suche persouns as sall happein to be directed from the Erle of Mairshall, within whois bounds and jurisdiction the said shippie is alligdet to have beene cassin away, and from the Erle of Linlithgow, Lord High Admirall of this kingdome, for either of thair interessen, and thairof wairning wes made to Robert Keyth, wrytter, in name of the said Erle Mairshall, and to Johne Ker, wrytter, in behalffe of the said Lord Admirall, who wer both personallie present, to use thair best care and diligence for preservinge of the shippie, intrometting with and assuring of the goods that ar presentlie in hands, and recovering of suche as hes beene unlaughfullie medled with and tane away, and to make inventar thairof, and to report the same to his Majesteis Counsell with the first opportunitie. With power lyke-wyayes to the said Johne Kinrossie to caus fraucht a shippie and imbarque the hall wynes, raisines, and uthers goods, furniture and apparrrelling belonging to the said shippie, and to caus transport the same to the harbourie of Leith, thair to be ordourd and sauld to the best advantage, to the intent that the moneyes to be givin thairfoir may be assured and made furthoummand to all paitieis interessed according to the course of law. And in regaird the maister and companie of the said shippie, through the occasioun afoirsaid ar wanting in apparrrelling and cloathes and destitute of meanes thairby to inteerteane thameselfis duirig the depending of the processe, and
that the fraughting of barkes and conducing of mariners for bringing about of the loading foresaid to the harbourie of Leith will be chargeable and expensive. Thairfoir the saids Lords recommends to the said Sir James Bailzie, and heereby gives warrand and allowance unto him to provyde the skipper and his companie of cloathes answerable to their qualitez and necessitie, and to furnishe the said skipper with moneys towards his awin intertwenant heere duiring the dependance of the actiom and for defraying the [charges] of his companie in thair returne home; which sowmes of money so [to] be advanced be the said Sir James Bailzie and be the said Johne Kinrosse be his directioum upoun the occasiouns foresaid the saids Lords declareis saill be thankfullie refoundit unto him out of the first and readiest of the moneys that saill be ressavd by the sale of the goods abonewrittin, and the persoun or persons in whos favours decreit saill be recovered and the shipphe and goods declaired to appertane saill be burndenned and oblinik in repayment to the said Sir James Bailzie of all sowmes of money which by ordour frome his Majestis Counsell he saill happen to disburse in this bussines upoun his verified accompl. For the better doing whairof and for defraying of the charges which saill be bestowed upon the transport of the saids goods to the harbourie of Leith, the saids Lords with advice and consent foresaid gives power, warrand, and allowance to the said Johne Kinrosse in the sight and presence and with the concurrence of the skipper of the said shippe, be being present, and of the persouns, if anie saill be directed be the said Erle Mairshall and Lord Admirall to attend this bussines, to dispone and sell the said shippe and her hall furniture [or] apparrelling, if thair be no possibilitie to recover her, and to bring her about to the harbourie of Leith; as alsua to dispone and sell to the countrie people in the north suche quantitie of the saids wynes as convenientlie they can gett sauld, not exceeding fowrety pypes of wyne at eight score pundys the pype at the least, ten barrells and fowrtie freirs raines at the prync of twentie pundys money for everie hundreth weight of the same, and to make compt, reckoning, and payment to the said Sir James Bailzie of the prynces and moneys to be ressavd thairfoir, to the intent the samyne may be imployed and made furthceumand as is above provydit. And the saids Lords declareis that the course and ordour tane be thame in this mater saill be without prejudice to the Erle Mairshall or to the Lord Admirall, or to anie others having laughfull interesse of thair right, clame and possessioun of the saids goods or title competent unto thame or anie of thame for judging thairupon which saill remaine whole and inteir unto thame unprejudged by this present Act and ordinance. And whairas it is understand to the saids Lords that Dame Areaskine, Countesse of Mairshall, out of her worthie regaird to the credite of the countrie and preservatioun of the saids
goods frome injurie and spoyle, hes by her care and diligence recovered a great pait thairof frome the hands of suche as had unlaughfullie medled thairwith, and hes the same in her custodie and keeping:

Thairfor the saids Lords requestes and desires the said Countesse of Mairshall and thairwithall commands and ordains her to make present delyverie to the said Johne Kinrose upoun subscryved inventar of the haill wynes, raisines, goods, commoditeis, furniture or apparrelling belonging to the said shippe being in her hands, and to caus restitutionoun be made to him of suche of the saids goods as hes beene intrometted with and ar deteaned by others so farre as by her credite and moyen she may procure, whois discharge to be givin upoun the inventar foresaid to the said Countesse of Mairshall the saids Lords declaires sall be ane sufficient exoneratioun and discharge to her and to the said Erle Mairshall, her husband, at all hands having interesse and sall liberat thame of all actioun and challenge that may be moved againis thame or their servants in tyme comming. Lykeas the saids Lords recommends the said Johne Kinrose to all noblemen, barons, and gentlemen, his Majesteis judges and ofcaries to burgh and land in whois bounds he sall happin to resort, and thairwithall wills and requires thame to be aiding and assisting to the said Johne Kinrose in all and everie thing that may further the recoverie of the shippe, preservatioun of goods and discoverie of the persons by whome the samyne hes beene abstracted, and to caus delyverie and restitutionoun to be made unto him of the same as they will answere the trust which his Majesteis Counsell reposes in thame, and the merite of the caus requires.”

“Forsameekele [as it is understand] to the Lords of Secret Counsell that of lait thair hes beene a great number of dollours, commonlie callit Lyoun or dog dollours, brought within this kingdome, and hes beene craftilie putt out amongst his Majesteis subjects, who wer ignarant of the twew worth and fynenesse thairof, at fourtie aucth shilling the peece, whilk the saids Lords hes found and tried to be abone the twew worth and pryce of the same, and that the forder course thairof can not without the evident hurt and prejudice of the countrie be suffered abone fourtie sax shillings the peece, quhairthrow the countrie hes beene verie farre abused and his Majesteis subjects wronged and prejudged by the uncontrolled course of the saids dollours at so high a rait, and thairfor the saids Lords after mature advice and deliberatioun hes thought meete and expedient for the good of the kingdome that thair sall be a restraint of all forder importatioun of the saids dollours, and for this effect the saids Lords hes dischaigirt, and be the tennour heerof discharges all his Majesteis lieges and subjects and all strangers whatsumever that nane of thame presoome nor take upoun hand at anie tyme after the publication heerof to bring within this kingdome anie lyoun or dog dollours upoun whatsumever cullour or pretext under the paine of confiscatioun of the
same to his Majestie use. And tutching the dollours of that sort presentlie being within the kingdome the saids Lords will allow the same to have course for fourtie sax shillings the pcece; and ordains letters to be direct to make publication heerof at all places needfull whairthrow nane pretend ignorance of the same."

"The whilk day the replyes made to the tannars to the answere made [be] the Lord Areakeine to their supplication wer deliwered to the Lord Areakeine, and he ordained to answere thairto upoun Thurs-day nixt the sevintein of this instant."

[Sederunt as recorded above.]

Complaint by Patrick Hamilton, locksmith, burgess of Edinburgh, and one of the ordinary printers of His Majesty's "Coinziehous," as follows:—"It is a custome constantlie observed and keeped within the burgh of Edinburgh that when anie prentis is ressawed in service he shold be booked in the touns bookes of the said burgh, and John Rankeine, sonne to umquhile John Rankeine, burgess of the said burgh, being laitlie entered to the said compleiner as prentis, and his indentour being past betuix thame, the said compleiner caused present him to Johne McNaucht, deane of gild, and to the proveist and bailleis to the intent he might be booked conforme to the ordour; quhilk they have refuisued, demanding how anie of thair Coinziehous durst sekke anie suche benefite from thame, seing they refuse to stent, watche and ward with thame." This the complainer pleads is one of the privileges of the officers of the Mint, and he cannot renounce the same without prejudice to all these officers. Charge having been given to David Aikinheid, provost, Alexander Speir, bailie, for himself and in name of the other bailies, and to the said John McNaucht to comppear before the Lords, and the pursuer, together with the general and some of the officers of his Majesty's "Coinziehous" for their interest, compearing, but none of the defenders, the Lords decern against the latter for their absence, and ordain them to book the pursuer's said apprentice conforme to the order.

Complaint by John McConnell, son to Andrew McConnell, burgess of Stranrawer, as follows:—He has been put to the horn at the instance of the provost and bailies of Stranrawer for not entering in ward within the tolbooth of Edinburgh to await his trial for an insolence alleged to have been committed by him against Thomas Adair, bailie of the said burgh, and for breaking out of their tolbooth, which has been wrongfully done on their part seeing he was never lawfully charged, or he would have comppear and answered to their accusation. Moreover, as soon as he knew thereof he went to Edinburgh and entered into ward in the tolbooth there, where he still remains, but his affaire at home being "cassin louse" through his absence, and he being content.
to find caution in 500 merks to appear before the Council, and to pay £20 to the Treasurer and Depute Treasurer for his Majesty's use, as being his escheat, if found liable thereto, he craves suspension of the horn-charge having been given to Sir Patrick Agnew of Lochlaw, knight, provost, and to Thomas Adair and Patrick M'Kie, bailies of Stranrawer, and the pursuer compearing but the defenders not, the Lords grant suspension as craved.

Complaint by Sibilla Cowper, servitrix to John Binning, painter in Leith, and by him for his interest, as follows:—The said Sibilla has been kept in ward in the tolbooth of Edinburgh for ten weeks past by Grissell Denholme, indweller in Edinburgh, on a charge of stealing from her £300, and "certane gold rings and others"; and having for clearing of her innocence raised an action of slander against the said Grissell before the Commissaries of Edinburgh, the said Grissell comperear before them and gave her "aith de calumnia" that she had never slandered the complainer of the said cryme," as the extract thereof under the hand of Mr. William Hay, Clerk of the Commissary of Edinburgh, produced, bears. Thereupon the said Sibilla complained to their lordships, who on 20th December last ordained the said Grissell, who comperear personally before them, to find caution to pursue the complainer criminally before the ordinary judge for the said theft, failing which, the prisoner should be liberated the next morning. But neither has been done, and the complainer lies still miserably in ward, "destitute of coale, candle, food, and uther necessar interteameinment for maintenance of her lyffe, su a that she is now lyke to famish." Charge having been given to the said Grissell Denholme, and to Thomas Charters and Alexander Speir to produce the said complainer, and the complainer compearing, being brought by Andrew Whyte, jailor and keeper of the tolbooth of Edinburgh, and the said Grissell compearing also by Alexander Skogull, her procurator, and consenting to the said Sibilla's liberation, the Lords ordain the provost and bailies of Edinburgh to put her to liberty forthwith.

Commission under the signet to Coline, Erle of Seaforth, Simoun, Lord Fraser of Lovat, Hew, Master of Lovat, Thomas Fraser of Strehchin, Hew Fraser, younger of Kilbokie, Hew Fraser of Belladrum, Patrik Grant, younger of Glenmoreistoun, Angus MacRonald of Glengorie, Johne Baine of Tulloche, Duncane Baine of Wester Logie, Johne M'Keinzie of Ord, James Fraser of Kirkhill, Alexander Chisholme of Comor, Ronnald Baine of Ardwall, and Johne M'Keinzie of Ferburme, to convocate the lieges in arms, search for, apprehend, and present before the Council for delivery to the Justice and his deputes for trial, Donald Dow M'William V'Eane in Ardblair, who on 6th September last was put to the horn at the instance of Alexander Urquhart in Ballacharrie, as father, James and Henrie Urquhart, as brothers, and the remenant kin and friends of the late Alexander Urquhart, sometime servitor to Simon, Lord Fraser of Lovat, for not finding caution to underlie the law for

“Ane Act in favouris of the memberis of the Colledge of Justice anent their libertys and previlegeis, notwithstanding their voluntar offer of taxationn.”

“Ane letter of thankis to the Countesse of Marshaell for hir cair and diligence in preserving the goodis within the ship [of Lubeck].”

“Chargeis againis Wode in Ss Androis for exhibition of the strangearis writtis.”

“Ane Act anent single and double aill.”

“Ane letter from his Majestie in favouris of Mr. James Strauchane, towcheing the arrestment maid of Franshe menis goodis being in his hands. The mater content in the letter remittit to the Sessions befor whom the arrested goodis ar persewed to be maid furthcomeand.”

“Ane other letter from his Majestie in favouris of Mr James Strauchane anent letteris to be gevin to him for arresting of Franche menis goodis heir. The Lordis ordanis afoir he resseve ony suche letteris that he verifie to the Counsell that thair ar moneys due to him and detenit in France, and ordanis Johnne Johnnestoun and Robert Ker to be warnt to instruct thair interesse by clairing that thair goodis and moneys ar detenit in France afoir thay gitt procex for making of the arrested goodis furthcomeand.”

Sederunt.—Chancellor; Treasurer; Privy Seal; Roxburgh; Bugcleuche; Lauderdaill; Bishop of Dumblane; Melvill; Naper; Master of Jedburgh; Tracquair; Clerk of Register; Sir William Oliphant; Mr. Thomas Hoip; Sir Johnne Scot.

“Forsamekele as some points whilks wer debaite and not condescended upon before the Commissioners nominat be the Kings Majestie for the Surrendars and teinds being referred to be determined be his Majestie both by a reference agreed upon by the Commissioners and more particularie thairafter exprest by severall submissionis of diverse persons interest thairin and sent to his Majestie, his Majestie hes beene pleased after dew consideratioun thairof to accept upon him the decision of the saide maters and will proceed thairin sofairlie and equitablie as no man sall have just caus to compleane; and for this effect his Majestie hes caused draw up a legall Submission such as may stand with law and justice of these things referred unto his Majestie, to the intent the same may be subservyd be all partes having interesse, for subseryving thairof the twentie day of Februar nixtcoime is appointit, and the meeting to be in the Counsellous in the palace of Halryudhoys. And thairfor the Lords of Secreit Counsell ordanis letters to be direct charging officiers of armes to pas to the mercat croce of Edinburgh and other plaices needfull and thair be opin proclamatious to make
publication and intimatioun heerof to all his Majestie lieges and subjects having interesse whairthrow, none pretend ignorance of the same; and to warne all and sinder lords of erectious and all others having interesse in erectious and in the others maters foresaid referred to his Majestie that they and everie ane of thame compeere in his Majestie Counselhous at Halyruisdhous the said twentie day of Februar before George, Vicount of Dupline, Lord High Chancellour of this kingsdome, and thair be readie, according as thay sall be required be the said Lord Chancellour, to subecryve the said submissioun or suche uthre securitie concerning the same as sall be presented unto thame, with certification to thame that sall failye and refuse to signe and subecryve the said submissioun or other securitie foresaid that his Majestie sall caus proceed aganis thame in a legall maner for recoverie of that whilk is dew to his Majestie according to the course of justice.”

“The Lords of Secret Counsell having heard and considderit the complaint givin in be the tannars aganis the Lord Areskine his patent with the anwerson made thairto be the Lord Areskine and replays and duplyes givin in *hine inde*, the saids Lords in regaird the patent is founded and flowes frome ane warrand of the Parliament, and that it is not yitt cleeref if it be profitabile or hurtfull to the countrie, continuwes the mater in the same forme, strenth and effect whairin it presentliy stands for twelffe moneths nixtocomne, in regaird the Lord Areskine being personallie present made offer and undertooke in presence of the saids Lords to set up a tannehous with all convenient diligence for trying the good of the new forme of tanning and if the same be profitabile and fitting to be ressavied in the countrie.”

[Soderunt as recorded above.]

Complaint by Mr. William Dalgieishe, as follows:—He is charged by the Council to pay to the commissioners for collecting and distributing the contribution in aid of the inhabitants of Dunfermline “tuiching the detriment and losse sustenait be thame be reason of the lait fearefull fyre” there, £236 2s. which it is alleged he received over and above the loss actually sustained by him therein, and they threaten him with horning. He affirms that he was never lawfully charged, notwithstanding that the messenger who executed the letters has endorsed them as executed against him personally apprehended, and that the supervaluation given to him was in respect “of his father’s pains and travellis in educating and training up of the youth of the said burgh and of others noble and gentlemens sonnes thairabout whill he was schoolemaister thair, and of the said complearer his conditionioun, he being ane young student haveing no present functioun nor employment nor uthre patrimonie left unto him be his parents bot ane hous whilk at the tyme foresaid wes brunt. Lykewise the saids gentlemen adjacent to the said
burgh would have most liberallie (being moved with the consideration of foresaid) contributed unto the reparatioun of the said compleaneurs losse in particular, but least he should have been anie wayes prejudicial to the commune worke, he betooke himselfe to the generall collectioun; and the losse and skaith susteane be the said compleane was greater nor the losse of anie others in respect that the combustioun was so violent upoun the compleaneurs hous that almost all the household geir and staffe was whollie consumed, and thairbys the biggit walls, with the great and extreme heate so ruined, cracked, and rent, that he was forced to redifie his lodgging from the verie ground and foundatioun, whilk no other within the said burgh was forced to doe. Lykeas the said compleane never meddled with anie of the contributioun assigned and allowed unto him, but it was debarred be the proveist and bailies of the said burgh for the tyme; whilk part of the said contributioun was whollie spent before the wallis of the said compleaneurs lodgging could be repaired, whairthrow he was forced for a certain space to desist frome building and repairing of the said hous, and at last he borrowed moneys for bringing the same to some perfectioun, and as yitt the halffe thairof is unperfyted for want of moneyis to compleite the same; sus that if the said compleane be compellit to mak payment to the saied commissiouners of the sowme foresaid he will be in farre worse case nor he was the tyme of the burning of his said lodgging, and thairby redacted to extreme poverty and utter ruine.” Yet having found caution for its payment if he be found liable, he craves suspension of the horning. Charge having been given to William Monteith of Randifurd, Robert Livingstoun of Baldrig, George Durie of Craigluscar, Mr. John Drummond of Woodcockdail, Mr. Thomas Wardlaw of Logie, Mr. Harie McGill, minister at Dunfermline, and Patrick Cowper, bailie there, and the said pursuer compearing, as also Sir Robert Halkett of Pitfirrane, and the said Mr. Harie McGill and Mr. John Drummond, commissiouners, and the said Patrick Cowper, for themselves and in name of the rest, the Lords suspend and annul the horning for the reasons above given and also because the commissiouners present declared that some of the presbyteries of the kingdom had contributed more largely than they intended, out of respect of the said William’s case, and had purposed to have contributed to him personally, but he declined their offer, and submitted himself to the direction of the commissiouners lest his example should form a precedent to others and so prejudice the common cause and general collection.

In the case of Robert Ker of Cavers’s complaint against William Turnbull of Braidhauche and James Turnbull, his son, for resisting the apprehension of the said James, which was delayed for the production of proof, parties being present, and the depositions of certain witnesses being heard, the Lords find that the said William Turnbull was the cause of

Order for the warding of William Turn- bull of Braid- hauche in the Tolbooth of Edinburgh.

Secund, p. 154.
his son's escape, and ordain him to be warded in the Tolbooth of Edin-
burgh on his own expenses till liberated by them.

“The Lords of Secret Counsell, in respect of the absence of the most
part of the Commissioners of the Middle Shires who were writtin for
to keepe this dyet, continewes the ordour talking with the effaires of
the Bordours till the sevint day of Februar nixtocom; of the whilck
continewatioun the Erle of Bugleuche, the Lord Yester, the Maister of
Jedburgh, the Laird of Tracquair, Sir William Setoun, knight, and the
Laird of Johnestoun, being personallie present, wer wairned apud acta.
And the Lords ordained missives to be direct to the rest of the
Commissioners, willing thame to keepe the said dyet, to Witt the sevint
of Februar.”

“After our vere heartlie commendations to your good lordship. We
ressaved your lordships letter tuiching your not keeping of this dyet for
the Bordour effaires and we conferred at length with the Laird of
Johnestoun anent the exemptioun and advocatioun alledgit to be the
ground of the present disordours, whairn he seemed to cleere himselfe
and his freinds as not being accessorie to anie suche disordours. But
becaus we wer ignorant of the particulars and none of the commissioners
for the west marche who could give us light thairin being present, we
have thairfoir continewed all forder medling thairin till the sevint
day of Februar nixtocom and we have writtin to all the commissioners to
keep that dyet preciselie; and whairas this busines cheefelie concerns
your lordship as he whois power and freindship may most advance the
same for his Majesties contentment and good of the countrie, we will
thairfoir moit earnestlie request your good lordship to keep this nixt
dyet, to the intent that by your lordships presence, counsell and
concurrence, suche good courses may be resolved upoun as offendours may
be punist and the forder growth of thir disordours preventit. And so
committing your lordship to the protection of God, we rest. Frome
Halyrudhous, the xvij of Januar, 1628. Subscribitur, Geo. Cancell.,
Marr, S. Andrewes, Hadinton, Roxburgh.”

“Our vere honnorabill good ladie. Hauing heard of your ladyships
of the law. Quhairin as we haive sufficientlie provydit for your lord
his right and interesse in the said mater as your ladyship will perceave
be the said commissioun, so we will intreate your ladyship to delyver
upoun inventar to the said John Kinrosse the haill goods and geir
belonging to the said shippe and being in your ladyships hand, and to
further and procure by your moyen restituition to be made of suche paint
thairof as hes beene intrometted with and detanned by others. And
beaus we ar informed that another shippe belonging to Alexander Bruce,
sonne to umquhill Sir George Bruce, and to David Jonkein, merchand of
Edinburgh, hes beene lykewayes caessin away in the same bounds, and that
the goods being thairintill ar reft and spoyled be the countrie people, we
will earnestlie intreate your good ladyship to use your best care and credit
for recoverie of the saids goods and assuiring of thame to the just
awners. Whairin nothing doubting of your diligence and care, we
committ your ladyship to God. Frome Halyruidhous, the auchstein day
of Januar, 1623. Subscribitur, Geo. Cancell, Marr, S. Androes, Hadint-
toun, Roxburgh, Areskine, Naper, Hammiltoun, Tracquair, Mr. Thomas
Hoip."

"My lords, I have thought it expedient to acquaint your lordships
anent the occurrent of this shippe laitlie caessin in heir upoun my lord
my husband his bounds, laiden with some wynes, suggar and sweetmeats,
whairof I haive takin inventar. The wynes extend to saucht score pypes
and above threescore puncheons of syrope and suggar in the stalk of
thairby, threescore barrells and twa hundredth frears of raisins with
twenty pokes of anise seed. This wes all the goods I found in this
shippe at my comming, for the countrie people that ar not answerable
to his Majestie's lawes had done muche harme, the salt water had
spoyled most of the raisins, and anise seed, and thair is also muche
leakage of the wynes. I have takin suche ordour to preserve all the
goods as for the tyme I could resolve or the plaice affoord helpe. For
the wynes I haive caused taist all and separate sa meekill thairof as
is spilt with salt water fra the rest and fill up all the leakage; I
haive caused build ane timber hous and enclose it thairin, and haive
putt keepers to attend the same: as for the raisins and anise seed,
becaus all wer wett with the salt water, I haive caused transport to dry
lofts to try if possible they can be winne and preserved frome heate
and rotting; for the present they ar not portable to carie and keepe
till they be dryed and win. For the sugar and syrope I have putt
it in saife keeping. This I have done at my awin travell and charges,
and seing my lord my husband is absent for the present, I intreate
your lordships to be pleased to permitth thir goods to remaine heere
whair they ar now in safe custodie till suche tyme as I may have
advertisement fra my lord and husband, or that heimself be present to
doe in this mater what your lordships sall thinke maist expedient. So
to your lordships deliberatioun I rest. Innerugie, 20 January, 1628.

Subscribatur, Marie Arekine."

Sederunt.—Chancellor; Treasurer; Privy Seal; Murray; Wyntoun; Roxburgh; Bugleuch; Lauderdale; Bishop of Dumblane; Lord Gordoun; Melvill; Naper; Master of Jedburgh; Clerk of Register; Sir William Oliphant; Mr. Thomas Hoip; Tracquair; Sir Johne Scot.

Warrant from his Majesty approving the Council's appointment of Sir John Stewart of Traquair to be keeper of Dumbarton Castle.

See ante, p. 174.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords, off the whilk the tennour followes:—' CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbe-
lovit counsellours, we greeete yow weill. Whairas in regard of the absence and neglects of Sir Johne Stewart of Methven, knight, who had the keeping of the castell of Dumbartane committit unto him by the lait Duke of Richardson, yow have appointed our trustie and weilbelovit counsellour, Sir Johne Stewart of Traquair, knight, to have charge thairof for the tyme, and that provyding that it be no way prejudicial to the Duke of Lennox his right thairunto: we allow of your care heerin and of the course yow have taikin with the provisionus abone-
specified, and ar pleasid that the said Sir Johne [Stewart] of Traquair have the keeping thairof till the said Duke of Lennox with the advice of his freinds sall provyde otherwayes. And, in the meane tyme as yow have begunne, we intreate yow to give ordour that the said castell may be repaired, furnished and attended as is most fitting, which recommending unto your special care we bid yow fairweill. Frome our Court at Whitehall, the sevint of Januar, 1628.' Qubilk being read, heard and considerit be the saids Lords and thay acknowledging with all dewtfull respect his Majestie gracious allowance of the choise made be thame of the said Sir Johne Stewart of Traquair to have the charge of keeping of the said castell of Dumbartane in maner and with the provisionus conteaneed in the commissioun grantit unto him for that effect, Thairfoir the saids Lords, according to the warrand and direction of the said letter, ordains the said Sir Johne Stewart of Traquair to continew his charge in keeping of the said castell till the Duke of Lennox with advice of his freinds sall provyde otherwayes, and to have a care that the said castell be sufficentlie guairded, repaired and furnished according to the necessitie of the place and exigence of the tyme. And what sowmne of money it sall happen the said Sir Johne to disburse towards the uses aforesaid sall be thankfullie refoundit and payed backe unto him out of the first and readiest of the rents and living belonging to the said castell whilks the saids Lords declair sall be burdenned and affected with the payment thairof. Lykeas the
said Lords for the said Sir Johne Stewart of Tracquair his forder securitie and more [readie pay]ment hes givin and grantit and be the tennour heerof gives and grants full warrand, power and commission to the said Sir Johne to intromett with and uplift so muche of the rents and dewteis of the said castell as will correspond to the sowmes of money which he hes alreadie or sail disburse in maner abonenwritten and sail be allowed be the Counsell upoun his verified accotmt; and declairs his meddling with the saids rents to be warrantable and laughfull, and discharges him of all action and instance that may be moved againis him for the same."

"Forsameekle as it is understand to the Lords of Secret Counsell that thair is great appearance of trouble and unquyetnes lyke to fall out betuix Sir Johne Blair of Bagillo, knight, on the ane pairt and Alexander Campbell of Crwnan, on the other pairt, whilk will not faile to breake and dissolve the peace of the countrie and to draw on manie other inconveniences without remeids be provydit, Thairfor the saids Lords ordains letters to be direct chaireing both the said pairtis to compeir personallie before the said Lords upoun the day of to underly suche ordour as sail be tane with thame tuiching the peace and quyet of the countrie under the pane of reellioun, etc., with certifi-catioun, etc., and in the mean tyme to command and charge both the saids partieis to observe his Majestie peace and to keepe good rule and quyetnes in the countrie; and that thay nor name of thame preseome nor take upon hand to invade or persewe ane another for whatsomever deed, caus or occassion otherways, nor be ordour of law, ilke ane of thame under the pane of fyve thousand merkes, with certificatioun to thame that failyeis that thay sail be decerned to have incurred and to incurre the said pane, and letters and executioirsall sail be direct againis thame for payment thairof to his Majestie Thessaurar and Depute Thesaurar, and ressavers of his Majestie rents in his Majestie name and to his Majestie use in forme as effeirs."

"The Lords of Secret Counsell nominats and appoynts Archibald, Lord Naper of Merchinstoun, Androw, Maister of Jedburgh, and Sir Johne Hammiltoun, Clerk of Register, to meete and consider the Acts of Counsell and bands givin be the said Lord Naper for satisfaction of the losses sustaned be Captans Watsoun, Alexander, and Robertoun in their imployments to attend his Majestie shippes againis the enemie, and to consider the tyme when thay served and the rait dew to thame thairfor, and to report to the Counsell upoun Thursday nixt."

Commission under the signet to the sheriff of Roxburgh, William Holyrood House, 22nd January 1628. Commission to the Sheriff of Roxburgh to try Archibald Elliot.
his guilt, broke out of his prison and fled to England; where being also apprehended for theft and ready to be put to his trial, by the inter-vention of John, Lord Cranstoun, he was sent back to Scotland, and is now in ward in the tolbooth of Jedburgh. Signed by Geo. Cancell., Hadinton, Winton, Roxburgh, Naper, and M. Thomas Hoip.

Commission under the signet to the sheriff of Dumfries and his deputes, Alexander, Earl of Galloway, William Dowglas of Drumlanrig, John Gordoun of Lochinvar, Sir William Greir of Lag, Sir John Charters of Amisfield, and the provost and bailies of the burgh of Dumfries, to convocate the lieges in arms and search for, apprehend, and present before the Council the persons underwritten who were put to the horn at the instance of the moderator and brethren of the presbytery of Dumfries as follows:—On 10th January instant, James Maxwell, brother to Harbert Maxwell of Kirkconnell, Mr. Charles Browne in New Abbey, Gilbert Browne in Corbelie, Fergus McGill of Clauchane, Barbara Maxwell, Ladie Mabie, elder, Homer Maxwell of Trostane, Jeane Browne, his spouse, Agnes Maxwell, daughter to the Ladie Conheth, Eufame Beatie in Colledge, and Barbara Maxwell there; on 12th January instant, Johne McBrair, son to Robert McBrair of Almigill, Dame Barbara Johnestoun, Ladie Gribtoun, Johne Maxwell of Gribtoun, Marioun Maxwell, Ladie Wauchop, Elizabeth Maxwell, relict of Harbert Cuninghame, notary, Elspitt Maitland, servitrix to the Countess of Nithsdale, Agnes Johnestoun, spouse to William Hereis of Madinpalp, and Edward Maxwell, brother natural to Archibald Maxwell of Cowhill; and on 16th January, James Maxwell of Kirkconnell: all for failing to appear before the Lords of Privy Council to answer to a complaint given in against them "as being suspect of avowed and proffest Papistrie, and for that caus and for their obtinat refusing to communicat being excommunicat, and for their not bringing and producing with thame sufficient testimonials from the presbytereis whair they dwell that they had satisfied the Kirk and relaxt thameselfes from the sentence of excommunicatioun;" also on 10th January instant Thomas Paterson in Auchingry, and Margaret Browne, his spouse, for not appearing before the Lords of Council to answer to a complaint against them "for their cohabitation in adulterie, for quhilk caus they wer excommunicat," and not bringing a testimonial of their satisfaction and relaxation; also on 12th January, Johne Allane in Kirkgunzeane, and Thomas Paterson there, for not appearing to answer to a charge of being "abusers of the minister and session of the kirk and excommunicat thairfoir," and not bringing the like testimonial; also on 10th January, Johne Williamsoun in Lochrowton, and William Creirie and Agnes Sinclair there, for not comparing to answer to complaints against them "for their adultereis," and failing to bring testimonials of their relaxation from the sentence of excommunication passed against them; also on 10th January, Isobell Hereis in Kirkgunzeane, for not appearing to answer to a complaint against her
"for incest and diverse adulteries," and not bringing the like testimonial; also on 30th August 1624, "Johne Littill, maister-household to the Earle of Nithsdail, and George Warrock, isher to the Countesse of Nithsaill," for not appearing before the Council on 24th June 1624 to answer a complaint against them of being "persouns suspect of Papistrie, recusants and disobedient to the orduer and discipline of the Kirk and excommunicat thairfuir"; also on 31st July, 1622, John Browne in Lochhill, and Jonnet Johnestoun, his spouse, for not bringing to the Council testimonials "of their giving satisfactioun to their kirks and presbyteries"; and also on 23rd May, 1616, Mr. Harbert Browne and Katharine Glendinning, spouse to David Maxwell, called of Newark, "for their not relaxing thamselfes from the sentence of excommunication pronounced againis thame and not reconciling thamselfes to the Kirk and submitting thamselfes to the discipline thairf." The said commissioners are to report their diligence in the execution of this commission to the Council before 30th April next.—Signed by Geo. Cancell., Marr, Hadinton, Winton, Perth, Roxburgh, Buccleuch, Melvill, Carnegie, Naper, S. W. Oliphant, M. Thomas Hoip, S. J. Scottistarvett.

Caution by William Turnbull of Braidauch in £100 that he and James Turnbull, his son, will satisfie the minister and session of the kirk of Abbotroull "for the insolence committit be him at the said kirk upon Sunday the tyme of Divine service," and that he will exhibit his said son before the Lords of Council whenever charged to do so.

"CHARLES R.—Right trustie and wellbelovit cousine and counsellour, right trustie and wellbelovit cousines and counsellours, and right trustie and wellbelovit counsellours, we gret yow well. We ar informed that our loving subject, William Parke of Roseberrie, havin alreadie at his proper charges built upoun the rivers of Cader and Coven eache of thame a bridge with calseyes belonging thairto doeth foder intend by the helpe of our pious and well disposed subjects thair voluntarie contributions to build upoun the rivers of Clyde and Dimeyon eache of thame a sufficient bridge to the great safetie and ease of all our loving subjects, we thairfuir out of our pryncelie dispositions being willing to cherish the undertakers of suche generallie goode worke, as lykewayes to encourage others to interteane suche vertuous endeavours as tend so manifestlie to the good and ornament of that our kingdome, have thought fitt to will and require yow to give orduer for breeves or suche other writte as yow sall thinke fitt to goe furth in our name recommending the said undertaker to the charitable and voluntarie contribution of our loving subjects of quhatoever degrees, that by thair assistence so necessarie a worke may have the more speedie performance; quhainr not doubting of your care and diligence we bid yow fareweill. Givin at our Court at Whitehall this 22 day of Januarie 1628."

"The Lordis ordanis his Majesteis Thesaurair and Deputie Thesaurair and his Majesteis Advocatis to persewe declaratouris upoun the rebellis esbeatis"
[those evidently in respect of whom commission is granted to the Sherif of Dumfries and others].

"That missives be written to the Commissioneris anent the Surrendaris and teyndis to attend the commissioun upoun the xijj of Februaire nixt."

Sederunt.—Chancellor; Treasurer; Privy Seal; Wyntoun; Roxburgh; Bugleuche; Launderdaill; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Naper; Master of Jedburgh; Sir William Oliphant, Mr. Thomas Hoip, Advocate; Clerk of Register; Tracquair; Sir Johne Scot.

"Forsameekle as the Lords of Secret Counsell by ane former act bearing dait the fytein of this instant gave commission to Johne Kinrosse, customer of tobacco at Leith, to repaire to the bounds whair a shippe of Lubick callit The Sanct Marie, whairof Henrick Schult is maister, wes laitlie cassin away and to intromett with the hail goods and gear belonging to the said shippe whairevir the samyne could be apprehendit, and to caus imbarque and transport the saids goods to the harbourie of Leith thair to be ordoured and sauld to the best avail, to the intent that the pryce and moneyes arysing thairof might be assured and made furthcummand to all pairteis intereseed thairin according to the course of law, as the said Act conteaining diverse others directionis givin to the said Johne Kinrosse at lenth beares. And whairas the saids Lords understanding that the said shippe wes cassin away neere to the port of Peterheith within the bounds whair the Erle Mairshall pretends right of admiralitie, and that the Countesse of Mairshall and the said Erle his deputis in the said office had be vertew thairof medled with the saids goods, and the saids Lords no wayes intending that the commissioun foresaid and the course and ordour presecreyd thairin sall prejudice the said Erle in his right of admiralitie and power grantit unto him be vertew thairof to judge upoun the said shippe and goods, Thairfor the saids Lords decernis and declares that the commissioun foresaid grantit to the said Johne Kinrosse bearing ane command to the Countesse of Mairshall to delyver unto him all suche goods and geir as she had intromettit with to be transported, ordourd and sauld as is abone provydit, all import no prejudice to the said Erle Mairshall of his right, clame and possession of the saids goods, and title competent to him for cognesecing thairupoun, bot that notwithstanding thairof and that the goods ar appointit to be brought to Leith it sall be leassome and free to the said Erle and his deputis under him to sitt, cognesce and judge the said shippe and goods ather in the bounds whair the samyne wes cassin away or in the burgh of Edinburgh and town of Leith as sall best please thame, dispensand with the plaise which be the saids Lords is and sall be reserved free and arbitrarie unto the said Erle according to his right unprejudged by the said former act and ordinance."
"The Lords of Secret Counsell ordanis Archibald Lord Naper of Merchinstoun, Thesaurar Depute, to compt with the captans of the three shippes sent out to attend his Majesteis shippes when the enimies was supposed to be upoun the coast and to try what is dew unto thame."

[Sederunt as recorded above.]

Complaint by James Mowat of Fawsyde, Writer to the Signet, as follows:—His Majesty by a gift under the Privy Seal dated at Whitehall 14th November last has appointed the complainer sheriff-clerk of Berwick, in which letter of gift there is a command to the Sheriff of Berwick to take the complainer’s oath and receive him as clerk. He had accordingly on 3rd January instant gone to Duns, where Sir Alexander Nisbit of that Ilk, Sheriff of Berwick, with John Dewar, his pretended clerk, was holding a court in the tolbooth and desired the Sheriff to receive and admit him to the said office which he was ready to accept, which Sir Alexander Nisbit “contemnuouslie refused to doe, pretending sindrie ydle and impertinent excuses.” Charge having been given to the said Sheriff to receive the complainer in terms of his gift, and to the said John Dewar to desist from the exercise of the said office within three days or otherwise to appear before the Council and answer for the same, the pursuer and the said Sheriff being personally present, and John Dewar not, the Lords assolzie the said Sir Alexander from the charge of contempt “in respect of his probable ignorance of the effect and tenour of his commission,” and ordain letters to be issued charging him to receive the complainer in the said office, and the said John Dewar to desist from the exercise thereof within three days, failing which to denounced and escheat.

Complaint by George Meldrum and Patrick Hunter, two of the bailies of Carrail, as follows:—At Michaelmas last Arthur Myretoun and Andrew Daw and the complainers were chosen bailies of the said burgh for this year, and they accepting office, all four “continued in a loving and brotherlie harmonie and concurred and jyned each of thame with other in everie thing which imported the good and peace of their toun and equall doing of justice to the inhabitantes thairof the spacie of diverse wekes.” But “some restlesse and bussie persons, lovers of trouble and unquyetnesse, and invyng this happie harmonie which was interteanneled betuix thame and their fellow labourers, thay have raised and fosters ane seditious factioun within the said burgh, and hes so farre gone on thairin as they have infected and poysonned the saids Arthure Myretoun and Androw Daw, the saids compleiners thair conjunct bailles, with this contagioun in so farre as they aganis thair dewtie and oath givin at thair acceptation of the said office hes now shaikin off the said charge,” and they also interrupt and hinder the complainers in the discharge of their duty, so that by casting loose all government in the
burgh they will "opin a doore to all kynde of impietie and disordour. They have dischairsit the officiers of the said burgh to serve the compleiners, to fense their courts or call suite, thefent thame with waridding and other punishment if they disobey. They reject their clerk depute who hes painfullie and cairfullie served thame without reproache these diverse yeceris bygane, their principall clerk (in respect of his manie imployments fra tyme to tyme in his Majestis service) having ane uncontrolled and uncontraverted allowance of deputation of a clerk to supplie his necessar absence at all interveening occasionss, as by two several instruments tane thairupon will appeare," by which and the like the peace of the burgh is disturbed, distractions fostered, government shaken, and the course of justice stayed. Both parties compearing, complainers in proof of their averments produced two instrumentes—the one under the subscription of David Maxwell, notary, dated 12th December last, "proporting that the said George Meldrum, Patrik Huntar and Andrew Daw, three of the bailleis of the said burgh, with some of the Counsell thairof, being convened in the tolbuith of the said burgh the day foresaid, being ane ordinar court day for minis-

tring of justice to the lieges, and Alexander Leslie, notar publict and clerk depute of the said burgh being lykewayes present and readie to discharge his office of clerkship, the said Andrew Daw not onlie refused expresselie to keepe courts with the other twa bailleis foresaidis and to concurre with thame in the administratyon of justice, but with that removed out of the tolbuith"; and the other subscribed by the same notary, dated 19th December, showing that the four bailleis being convened for the administration of justice, and the said clerk depute being present and ready to discharge his office, and having showed the said Arthur Myretoun his commission of "deputrie" which he read, the said Arthur not only refused to keep court with the others but discharged the officer with threats from doing his duty. The Lords find that the said Arthur Myretoun and Andrew Daw, "hes behaved thameselfis verie factiouslie" in the conduct above narrated, and admonish them "to be more respective of thair behaviour and cariage, and to forbear such doing in tyme comming as they will answere upoun the contrair at thair perrell"; and they further commit the said Arthur Myretoun to ward in the tolbooth of Edinburgh until they liberate him.

Complaint by Sybilla Cowper as follows:—On 15th January instant (ante, p. 194) their lordships ordered her release from the tolbooth of Edinburgh, where she has now been these twelve weeks at the instance of Grissel Denholme. She then thought that "she had no more to doe bot to have past fra the Counsell doore hame to her maisters service or ellis whair she pleased for doing her laughfulli effaires, nevertheless it is of truthe that shes taikin instantlie thairafter backe agane to waird be Androw Whyte, keeper of the Tolbuith of Edinburgh, for payment to
him of hir jaylour fee, expenses and charges during her remaining in
waird whairin she yitt remaines to her great hurt and skaih, she being
ane pure miserable woman haveing nothing to pay the said jaylour fee,
but is lykelylie to famishe for cold and hunger.” Charge having been
given to the said Grissell Denholm as liable to pay the said jailor fee,
and she and the pursuer both compearing personally, the Lords remit
the matter to the provost and bailies of Edinburgh to be dealt with as
they shall judge expedient.

Complaint by Harie Walker, “citiner” in London, as follows:—About
six weeks ago the complainer was apprehended and imprisonment by the
bailie of Leith, and afterwards transferred to the Tolbooth of Edinburgh,
where he still remains, at the instance of his wife’s friends, “becaus that
he craved his wyffes barnes pairt of geir and partage of thame.” He
affirms that with intent to defraud him they allege that against his
wife’s consent he took her and married her in England, while the truth
was that “she wee the onelie desyerer of the compleamer away to marie her,
lykes they wer laughullie and solemnelle married.” The complainer is
ready to obey the censure of the sessions of the kirks of Leith and
Edinburgh for any offence committed against them, and thereafter to
transport himself and wife to London, but he is still detained in ward.
Charge having been given to the provost and bailies of Edinburgh to
compair and produce the said pursuer, and he being brought by Andrew
Whyte, keeper of the Tolbooth of Edinburgh, but the defendants not com-
paring, the Lords ordain that he be put to liberty forthwith, and give
command to the said provost and bailies accordingly, “becaus Issobell
Bains, spous to the said compleamer, being personallie present, declared
that she went away with her said husband freelie and of her awin accord,
and that they wer laughullie married.”

Commission under the Signet to John Olyphant of Buchiltoun, and
Patrick Butter of Gormack, as justices, to try Andrew and Alexander
Donaldsoun in Kinfawnes, who have been apprehended “with the
bloodie hand” for the murder of Patrick Browne at the Brigend of Perth
on January instant, and are now in ward within the place of Kin-
fawnes. Signed by Marr, Murrey, Buccleuche, Areskine, Traquair,
and Scottistarbett.

Signature for a commission to be made under the great seal to the
Laird of Lochinvar, “makand mentiun, that qhair at the humble sute
of umquhile Sir Robert Gordoun of Lochinvar, knight, our late Soverane
Lord of famous memorie wes pleased formerlie to grant unto him, his
airis and assigneeyes, ane patent under the great seale of Scotland for
plantation of ane island, now callit the name of Charles Island
beyond the Equinoctiall lyne, intended and purposed for the propagatoun
of the Christian faith for the service of his Majestie, for the inlargement
of his Majesties dominis and for his owne experience and benefite by
his vertuous and honourable endeavours with certane priviledges,
prerogatives and imm_unitis qhillkis out of his Majesteis free grace he
hes granted and conferred upoun him for his encouragement and for the
cherishing and furtherance of so goode a worke. And qhairris it hes
pleased God to call the said umquhile Sir Robert Gordoun to his mercie
frome this mortall lyffe, Johne Gordoun, his soune and air, is resolved to
follow out and execute that bussines, and to hazard his awin person
and a great part of his estait and meanes for executioun of the same, and
hes made his preparatiouns, and is in readines to sett out for the fore-
said intende voyage, and qhairris he must of necessitie pas by the
confynes and territoris of the enemis of his Majesteis estait and
dominionis, his Majestie thairfuir does by these presentis licence and give
full power and commissioun, approbatioun and allowance to the said
Johne Gordoun" [and so forth in terms of the former signature dated
12th June 1627, ante, pp. 13-15, mutatis mutandis]. Signed by Geo.
Cancell, Marr, Hadinton, Wintoun, Roxburgh, Melvill, Naper, Hamilton,
and S. J. Scottistarvet.

"The whilck day William Dowglas of Drumlanrig, compeerand before
his Majesteis Counsell, acceptit upon him the Commissioun for the
Middle Shyres and gaiue his oath." 

"The Lordis ordanis Sir James Baillie to compt with the capitanes of
his Majesteis shippis and to trye quhat is justlie awand thame and their
companyis, and to reporte the nixt Counsall day."

"The qhilk day the jaylour of the Cannogait compeerand promeist to
undertak to intereny the souldeiouris prisounaris in the Tolbuith of the
Cannogait reasounablie quhill the firste of Marche betuix and whilk tyme
he declairit that he souled delver thame to some capitanes or other-
ways put thame to libertie."

"Charles R.—Right trustie and right weiblovit counseine and Royal Letters,
counseller, right trustie and weiblovit counsins and counsellours, and
right trustie and weiblovit counsellours, we greeete yow weill. Where-
as we have been pleased to establishe the Erle of Linlithgow to be our
Admirall of that our kingdome during the minoritie of our right trustie
and weiblovit counsine the Dooke of Lennox, and have for the better
preservatioun in the integritie of the priviledges of that office settled a
commissioun whereby the said erle and his assessouris should be onelie
judges of all pryze, Thairfuir our pleasure is that yow caus all persons
who have or sall medle with anie pryze since the establishing of that
commissioun and during the continuance thairfof dwelie anawere unto
him concerning thair proceedings in these pryze or anie of thame, and
that they restore unto him suche things of that nature formarlie takin
be thame or whairwith thay sall meddle heerafter, and in the meaneth
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tyme that yow caus intamate at all placies requisite that none of our
subjects proceed in the lyke kynde without they be speciallie authorized
by him, under suche paines as yow sall thinke fitt; which we recommend
Royal Letters, 1625-32.

Acta March 1625-27, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Wyntoun; Roxburgh; Bugeleuche; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Naper; Master of Jedburgh; Sir William Oliphant; Tracquair; Sir John Scot.

"The Lords of Secret Counsell ordainis Archibald, Lord Naper of Merchinstoun, Andrew, Maister of [Jedburgh, Sir Joh]ne Hammitoun, Clerk of [Register], Sir John Stewart of [Tracquair], and Sir John Scot, Directour of the Chancellarie, to meete the morne at afternoone in the Exchequer Hous to examine the particular compts givin in be Sir James Bailzie and the captans of his Majestie three shippes tuiching the wedges dew and awand thame, and to report the estait of the compt upoun Thursday nixt."

"The Lords of Secret Counsell ordainis Mr. William Livingstoun who was personallie present to resavie in name of the Erle of Linlithgow his Majestie shipp, whaifof Captane Murrey had the charge, lyand at Leith, upoun Thursday nixt the last of this instant, and his Majestie shipp, lyand at Aberdeene, whaifof Captane Auchinmowtie had the charge, upoun Thursday come aucht days, the sevint of Februar nixt, and to resavie thame and all their furnitour, apparrelling, and what ellis belongs unto thame upoun inventar laughfulie subscryved be these whom it concerns and to report the same to the Exchequer to the intent it may be registrat and remaine as a charge to the Erle of Linlithgow at the delyverie to his Majestie of the saids twa shippes."

[Sederunt as recorded above.]

Complaint by Margaret Fleeming, indweller in Edinburgh, as follows:—She has been unjustly committed to ward at the instance of Margaret Collace, spouse of Mr. James Bousila, who alleges that when the complainer left her husband's service she was due to them for wine, beer, and ale sold by her in their service £100 Scots. Yet the said Mr. James had already acknowledged full payment of the complainer's intermissions and had granted her a full discharge, signed in presence of famous witnesses, two of whom are in the service of the Earl of Home, which she produces. But the said Margaret Collace "be reason of her husbands absence furth of the countrie, out of malice, aganis conscience, equitie, and reason, hes committit her to ward, whairin without doubt, she will starve throw famine without remeid be provydit." Charge having been given to the said Margaret Collace, and also to the provost and bailies of Edinburgh to produce the complainer, and the pursuer and Margaret Collace comppearing, but not the said provost and bailies, the

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pursuer produced the extract from the Books of Counsell and Session of
the discharge above mentioned, dated at the Cannogait 11th March 1627
and registered 18th January instant, whereupon the Lords ordain the
said provost and bailies to liberate the pursuer, who has promised upon
her great and solemn oath to compere before the Lords of Counsell and
Session whenever charged so to do and answer upon the alleged falsi-
ifying and counterfeiting of the said discharge.

In the action by Patrick Moresoun against William Drysdale, the
portionier of Wester Ithere dell, for the restoration to him of “certain
evidents and writts allegdgit to have beene in his hous in Clack-
mannane and to have beene tane away be the said William whan
as the said Prikat wes in his bed and had layed the same writts
under his hatt upon his chamber boord,” the pursuer compared not, whereupon the said William Drysdale protested that being now person-
ally present and ready to answer the charge, it should not be further
proceeded in without new summons and the payment of his expenses,
which protest the Lords admitted.

“Ane missive to his Majestie toucheing the estate of his Majestie's
cofferis and grite burdynis lyand thairupoun.”

“Ane commissioon to Lochinvar.”

“An Act ordaining Sir James Baillie to mak payment to the capitanes
of his Majestie's three shippis of the wadgeis addebit unto thame oute of the
the first and reddiest of the moneyis aryseing upoun the saile of the
wynis and otheris commodityis of the Lubeque ship laitlie cassin away
on the north coast bside Peterheade; for the quhilk the Lordis declaris
that he sall not be straited nor compelled to mak the moneyis furth-
comand at the instance of ony persone haveand right thairto till he be
first secured and meanis found out for refounding unto him all suche
some of money as he salhappin to disburs upoun the occasioun
foirsaid.”

“Ane missive to the Archiepishop of Sth Andris to send heir to his
Majestie Counsell with convenient diligence the wholl paperis, writtis,
and letteris whilkis wer tane oute of the ship of Lubeque brokin on the
north coast and delyverit to him, and that he send thame heir cloised
and sealled.”

Holyrood
House, 31st
January 1629.

Sederunt.—Chancellor; Treasurer; Privy Seal; Murrey; Wyntoun;
Perth; Roxburgh; Bugleuche; Lauderdale; Lord Gordoun;
Lord Areskine; Lord Melville; Lord Naper; Master of Jed-
burgh; Sir William Oliphant; Clerk of Register; Tracquair;
Sir Johne Scot.

Order anent
the contrib-
ution granted
for support of
the Burch of
Dunfermline.
See ante, p. 181.

“Forsamekeele as the Lords of Secreit Counsell hes appointed the twelffe
day of Februar now approaching for a finall hearing of the compts of
the commissioners intruixed with the collectioun of the contributioun
Acta March
1625-January
1628.
Fol. 275, b.
granted for support of the burgh of Dumfermline, Thairfoir the saids Lords ordains letters to be direct chaising officiers of armes to pas to the mercat croce of Dumfermline and thair be opin proclamation to make intimation of the designatioun of the terme and dyet foresaid for hearing of the saids compts; and to command and charge the saids commissiouners and all others having interess ather by the want of thair dew valuatiouns or by ressaving of more than thair losses wes appryzed unto or who hes ressavd nothing of the said contributioun that thay and everie ane of thame compeir before his Majestis Counsell at Halyruithous or whair it sall happen thame to be for the tyme upon the said twelffe day of Februar nixtقوم to heare and see the saids compts fitted and ordour tane for satisfeing of everie persoun according to thair valuatiouns and otherways as sall be agreeable to justice so farre as the contributioun collected toward that use will extend to, certifieing these who [failyes thairin that] the saids Lords will proceed to the hearing exa[ming] and cleering of the accomplts; and if anie sall be neglected and overseene in that bussines the caus thairof sall be impute to thair awin absence. Jacobus Prymoirs.¹

[Sederunt as recorded above.]

On a supplication by John Stewart of Coldingham, bearing that he is required to attend the meeting of the Lords of Erections and others on the 20th April (sic. 1. February) next in Holyrood Palace for subscribing the submission sent down by his Majesty touching the superiorities and teinds of enections, and that for clearin his right to the priory of Coldingham "which he is to surrender and convoy in his Majestis persoun" he has several actions before the Lords of Counsell and Session; but that he can attend neither on account of some civil workings under which he lies, the Lords grant him a protection till 1st March next to come to Edinburgh for the purpose above-written.

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, his Majestis’s Advocates, and John Forbes of Leslie, as the aggrieved party, as follows:—On the 11th July 1626 William Gordoun of Rothiemay became cautioner in £1000 that Alexander Gordoun of Dunkintie should not use firearms in future, as the act thereof in their Lordships’ books beares, notwithstanding whereof the said Alexander Gordon has since on several occasions violated the same; viz.: (1) Knowing that Sir George Ogilvie of Banff had a tryst of his friends at the Hill of Bamff on April last, the said Alexander Gordon, believing the pursuer would have been there, came from his own house, which is not in Banffshire, with his followers, all armed, many of them with hagbuts and pistoles, to the said hill, intending to have pur-

¹ Signature at the end of a volume of the Register of Acta.
sued the complainant if he had come thither: (2) In November following, getting word of another similar tryst at the same place, he repeated his attempt: (3) On the same month of November, being Sunday, the complainant, having as usual gone to the parish kirk of Premnay for hearing of the sermon, the said Alexander came with a number of his servants armed with hagbuts and pistols and other weapons and lay near by the kirk all the time of the sermon intending to slay the pursuer when he came out; and perceiving Arthur Forbes of Milbigging, who had been at the kirk, riding home, and taking him for the complainant, the said Alexander with a drawn sword in his hand followed the gentleman with all speed, and "approaching neere unto him, finding himselfe disappointed, he avowed with manie fearfull othes that if he had encouerted with the complainant as he did with the said Arthur, that he should have had his lyffe:" and (4) on the of the same month he came to the complainant’s house of Leslie intending to kill him if he found him "going about the dykes," but finding him accompanied by the said Arthur Forbes, he told the said Arthur that he had come purposely to take the complainant’s life. Accordingly his caution should be forfeited and the same paid, one half to the Treasurer and Treasurer’s Depute for his Majesty’s use and the other half to the complainant. Charge having been given to the said Alexander Gordon, and he and the pursuer compearring personally and the matter being referred for proof amply to the defender’s oath of verity, who being deeply sworn, denied the charge against him, the Lords assiszie the defender.

Repetition of the above complaint in respect of points Nos. (3) and (4), in which for proof the pursuers produced certain witnesses but failed “in preiving of anie point of the said complaint,” whereupon the Lords assiszie the defender and grant expenses to the witnesses, every footman £5, and every horseman £10, to be paid by the producer.

Counter complaint by his Majesty’s Advocates and the said Alexander Gordon of Dunkintie as the aggrieved party, as follows:—On 17th January last Mr. James Forbes of Haughtoun became cautioner, by an Act in their Lordships books, for the said John Forbes of Leslie, not to wear nor use firearms, yet since then, especially in each month since last March and almost on every day of the said months, “the said John Forbes hes wore pistoletts and gwynnes and a new sort of pistolett callit powtche pistoletts and rydes and ganges that with in all pairts of the coutrye” where he has business, seeking occasion to take his advantage of the said Alexander Gordon. He ought therefore to be punished in his person and he and his cautioner adjudged to pay the penaltie of £1000 contained in their act of caution. Parties compeiring, the evidence of certain witnesses was heard, who, however, failed to prove any point of the complaint, whereupon the Lords assiszie the defender, and grant expenses to the witnesses as in the previous case.
Complaint by Andrew Gray, late Dean of Gild of Perth, as follows:

—By Act of the Parliament at Edinburgh in 1612 none were to be admitted as magistrates or provosts in burghs but merchants, actual indwellers in the same, of which Act frequent publication has been made, so that none can with reason pretend ignorance of it. Yet David, Viscount of Stormont, has for divers years "by his privat moyen and freindship in the said burgh (especiallie amongs the crafts, who by their numbers careis a great sway in the electioun of thair magistrates) procured himselfe to be continewed in the office of proveist expresslie againis the tennour of the said Act of Parliament and in manifest contempt and violation thairof, the gild brethren and merchants of the said burgh, apprehending their swin feares and danger by the continuance of this unlaughfull and extorted electioun so prejudiciall to the law, they resolved the tyme of thair lait electioun outhere to have proceedit legallie and formallie according to the law, or if they had been borne doun and overiwyed bey the multitude to have protested aganis the electioun and for nullitie thairof. And for this effect they in thair ordinar court, haldin the same day of the electioun (bot before the same as use is) by ane act and ordinance of thair court commandit the said compleaner as deane of gild for the tyme to protest in thair names and to take instruments againis the electioun of the said Vicount of Stormont to be provest; and if according to his usall maner he overruled the voices of the multitude to his electioun, that than the compleaner sould protest in thair names that they might be free of all imputation of breake of the law, and of all danger and inconvenient that might follow thairupon; as alsa that they might be free of all the Acts of Burrowes standing over thair heads and penalties thairof. According to the whilk direction givin to the said compleaner be act of thair court, how soone the mater of electioun come in thair hands, and the compleaner perceaveing that the voices of the most part of these who had vote in the election wer wrested and throwne to the Vicounts behovee, the said compleaner, for discharge of his dewtie in the charge laid upoun him, with all modestie as became him protested againis the electioun and took instruments thairupon. Whairat the said Vicount, being personallie present, takand offence, he in judgement upbraidit the said compleaner with most disgraceful speeches, calling him knave and lowne, demanding him how he durst speeke againis him, and commandit him silence; and with that he raise on his feete and prest to have strickin the compleaner with a stalffe, wer not he was stayed be Alexander Peebles and Robert Arnot. And now laitlie upon Mononday the last of December, the said Vicount of Stormont haweing mett, with the Counsell of the said burgh anent the commoun effaires thairof, and the compleaner as one of the Counsell givand his opinion in the materis than intreated, the said Vicount ryees up againis the compleaner, commands him silence, demanding how
he durst speake whair he satt, and he haveing simplicie answered that as a counsellour he would give his vote freeli in all maters proponned, and haveing spoken some thing againis his unlaughfull electioun, and the oppressioun committit be him againis the said burgh, useing thame as slaves and cotters to sheare his cornes, wairming thame be towcke of drumme to that effect, and urging thame to putt his armes on thair tolbuith, whilk is his Majesteis hous, with these speeches he ryses out of his seate within the Counsell hous of the said burgh, and with his hand on his whingear persewes the compleuner of his lyffe, resolved to have slaine him thairwith, wer not he wes stayed. And seing he was stayed of his faird [attempt] he at his going out of the tolbuith turned backe saying to the compleuner, 'Knave, I vow to God I sall caus doupe a whingear in your head.' And the said compleuner haveing tane instruments in the premisses in the hands of Johne Mersar, toun clerk, and haveing earnestlie desired him to extract his instruments and delvery the same to him, he wrangously refusies to extract the saids instruments, in high and proud contempt of his Majesteis auctoritie and lawes." The pursuer compearing, and the said Viscount not, and the depositions of certain witnesses being heard, and the pursuer stating that he had now received the instruments from the said John Mersar, the Lords find the Viscount of Stormont guilty as libelled and that he has thereby committed "ane great offence of ane evill preparative and to the contempt of his Majesteis lawes." They therefore ordain him to enter in ward in the Castle of Edinburgh before 20th February at night, to remain therein until further order be taken in the matter, under pain of rebellion, failing which he is to be put to the horn and escheat.

Complaint by John Muill, tailor, burgess of the Cannogait, as follows:—For three years and a half he has been detained in ward by James Aikman, merchant burgess of Edinburgh, for failing to find caution for 700 merks which Aikman alleges he owes him, although Aikman has infeftment, charter and suaine in his own name of a "rowme" in Kinsysde belonging to the complainer, in whose name he has also received from Lady Brouchtoun £400, from Sir Alexander Hamilton of Innerweik £300, from Laurence Nairne in Tilliefergus £100, and from Alexander Ogilvie's wife in the Cannogait 100 merks, besides which Aikman is due to the complainer in an account twelve score pounds, 300 merks of "layed doun silver lent unto him be the compleuner in Captane Huntars," and 100 merks which James Eistoun, servant to Aikman, received in his master's name from the complainer, all which extends to much more than Aikman can lay to his charge. Nevertheless he still keeps the complainer in ward, "abstracting him from his calling, and hes craftilie holdin him under termes of submissioun this yere bygane, bot never keepes ane word to him; sua that the compleuner having no meanes to intertane
himselfe is forced to beg his meat out at the yrnehous windowes and had lang or now perished for famine were not the charitable support of the goodman of the Tolbuith." Charge having been given to George Suttie, bailie, for himself and in name of the other bailies of Edinburgh, to produce the complainer, and to the said James Aikman; and the pursuer being brought by Andrew Quhyt, jailor of the Tolbooth, and Aikman being also present and consenting to the pursuer's liberation from ward, the Lords ordain the provost and bailies of Edinburgh to put him to liberty, seeing he has obliged himself to satisfy the defender for all he can crave of him before the first Council day of Hallowmas next, and failing so to do, to re-enter in ward within the said tolbooth under the penalty of 1000 merks, and without prejudice to Aikman to enforce his letters of caption against the pursuer.

“Our verie honourable good ladie, We received your letter whairby Holyrood House, 31st January 1628. we understood the course taine be your ladyship for securing the goods of the Lubeck shippe laitlie cassine away upoun that coast, for which your ladyships honourable cariage and worthie care we rander unto your ladyship our most heartie thanks. We doubt not bot your ladyship hes beene certified be our letter of the ordour givin be the Counsell for bringing these goods about to the harbourie of Leith, that it be sauld to the best avail, and the moneys arising thairof to be assured and made furthcumberland to all parteis interested according to the course of law, without prejudice to your lord of his right and clame to the saids goods and title competent to him to judge thair-upoun als weill in the burgh of Edinburgh and toun of Leith as in the bounds whair the shippe wes cassine away, which the Counsell hes declared shall be free and arbitrarie unto him according to his right; and whairas the Counsell in the course taine be thame in this mater hes cheefelie respected my lord your husband his honour and weale, which they conceive might be endangerd if the shippe and goods should be ouerdued and judged thair, we will intreate your ladyship to have ane answerable regaird to our proceedings thairin, and accordinglie to make delverie to John Kinrossie, customer of tobacco at Leith, of the haill goods and geir belonging to the said shippe being in your custodie and keeping, and to further him by your credite and moyen to the recoverie of the rest and transporting of the same according to his warrand, your ladyship being alwais satisfied of the charges bestowed be yow in preserving of the saids goods out of the first and readiest of the moneys that sall be receaved by the saile of anie of thame within these bounds. Quhairin looking for your ladyships dewtfull obedience and fordward concurrence, we committ your ladyship to God, and rests. Frome Halyruindhous, the last of Januar, 1628. Subscribiter, Geo. Cancell., Marr, Hadinton, Winton, Roxburgh, Bucleuche, Lauderdalell, Areskine, Naper.”
The *Minute Book of Processes* gives the following Memoranda collectively for the month of January 1628.

Supplicatione of contraventione: Kathrin Lintoun against Alexander Meikill.

Proces: Cordiners of Coupar against the magistratts thereof for imprisonment and putting pryces on ther work.

Supplicatione for delyverie wrytts: Sturrk against McDull.

Suspensione, lawburrows: Donaldsone against Mowbreys.

Suspensione, relaxatione, etc.: Fraser against Kennedie.

Bill for restraining excesse in drinking forraun drink and anent the pryce of aill.

Letters: Patrik Hamiltoun against the toune of Edinburgh for not booking a prentise.

Protectiones for severall persons.

Letters for citing Rowie Scott to hear and sie it proven that he maid offer of 1000 merks for the assytmth of Jon Lawsone who killed Jon Hurlabanks.

Bill: Sibilla Couper to be putt to libertie.

Suspensione and charge to putt to liberty: Jon McConneill against the baylies of Stranaver (Stranrawer?)

Proces: Keres against Trumble for impeding them to apprehend Trumble, his sone, delat for a vagabond.

Suspensione: Mr William Dalgleish, against the commissioners appointed to collect the contribution for the brut houses in Drumfermlin.

Letters: James Mowat against the Shireff of Berwick for not admitting him to the shiref clerkship.

Imprisonment: Hary Walker against baylies of Edinburgh.

Letters be two of the baylies of Craill against the other two baylies who deserted ther charge upon the dissatisfaction of a deputt clerk.

Order to putt Margaret Fleming to libertie.

Act accepting one offer maid be the Colledge of Justice of 10,000 merks for his Majesties service in satisfactione of some taxations.

Precognitione against the Lord Desfoord and Sir George Ogilvie.

Act ordaining Thomas Gibsone who had comprysed George Osburnes lands and had notwithstanding putt him under cautione to answer as law will, either to renunce the comprysing or putt him to liberty.

Absolvitour: Forbes against Gordon persewit for wearing pistolls, et e contra.

Letters: Jon Lawsone against Hurlabanks for accepting his goods in assythemt for killing his sone.

Supplicatione: John Mull to be putt to liberty.
Proces: Dean of Gild of Perth against the Vicount of Stormont for abusing him because he protested against his being Provost of Perth.

Sedunt—Chancellor; Treasurer; Privy Seal; Wyntoun; Perthe; Holyrood House, 6th.
Roxburgh; Bugeleugh; Launderdale; Lord Arskine; Lord February 1628.
Melville; Lord Carnegie; Lord Naper; Sir William Oliphant;
Mr. Thomas Hoip; Clerk of Register; Sir John Scott.

Complaint by Mr Alexander Cuninghame, lawful son to the deceased Alexander Cuninghame, Writer to the Signet, as follows:—He is informed that James Dowglas, one of the bailies of Dalkeith, and Archibald Rosse, clerk of the regality thereof, on 18th January “instant,” their ordinary court day, made an act whereby they discharged all the inhabitants of that town to reset the complainant, or sell meat or drink to him under the penalty of £5 for every such offence. This Act has been “verie inconsideratlie made” as he is his Majesty’s lawful subject, not at the horn, and has given no just cause of offence to any of that town, “and it is ane high presumption for anie inferior judge within the kingdome to make or sett down anie suche act so farre repugnant to the law of reason and justice,” which therefore, he pleads, should be discharged, and the makers thereof punished, “for usurping upoun thame suche a soverane power whairof no inferior judge within the kingdome is capable.” Pursuer and defenders compearing, and the latter producing the Act complained of, the Lords discharge the said act simpliciter and declare the same to have no strength, force, effect, nor execution hereafter.

Complaint by Harie Gordoun of Creich, as follows:—On July 1624, Patrick Hannay, son to Alexander Hannay of Kilphillane, John Dodds in Ingletoun and William McGowne in Culdurrie, with others all armed with swords, staves and other weapons, came “under cloud and silence of night whan as the compleaner and all the neighbours about wer in their beds takand the nights rest under his Majesteis protection and peace,” to his corn barn upon his lands of St. Johnscroft, broke up the door thereof and took thence five or six score “threaves of beir,” carried the same to the midden of Mr. William Paterson, minister at Sorbie, “kuist the same thairintill, and in contempt and despyte of the compleaner, after ane ungodlie and malicious maner, tramped and tred the same in the said midding,” and so destroyed it. The complainer compearing and the defendants not, the Lords direct officers of arms to pass and denounce them as rebels and escheat.

Complaint by James Papin, Frenchman, master of the ship called St. Nicolas, and the rest of the mariners of the said ship, as follows:—The said James Papin and his partners bought the said ship, which is of the burden of 150 tons, in Newport, and one fourth of her belongs to the

Denunciation of Patrick Hannay and others as rebels for destroying their belonging to Harry Gordon of Creich.

Complaint by James Papin, Frenchman, against Captain David Robertson, who had seized the said
complainer. He was directed by his partners to Norway for a cargo of "daills" to be brought to Calice in France; and when his ship was 1567-January 1620, the anker thairof being on land, and the other in the water," and being a free harbour, Captain David Robertsoun sent two boats full of armed men, took the said ship and the money with which her cargo was to be purchased, as also their warrants from the Lord Admiral of France and the Governor of Calice, together with all their effects "and hes deteane the saids complainers since the last day of October and constrained thame to make him service within his awin shippe day and night, promising unto thame upoun his faith and honestie as he sould answere to God upoun his salvatiou to give thame honest recompence for thair service, and lykeways that he sould interteane thame honestlie during thair residence within this kygdom of Scotland, and also for thair transportioun to Holland or Zeland; and brought thame himselfe to Leith, patt thame in a lodging, giving directioun to the goodwyff of the hour to give thame honest intreameanment, and upoun the morn thairafter, the said Captane dischairgit to give the complainers ather meate or drinke, and thay have remained in Leith in another lodging, the space of twentie dayes, in great want and necessitie, and wer forced to send fve of thair company away to Zeland in some Holland shippes, and the said James Papin, maister of the said shippe, is mynded, God-willing, to goe with the first occasiou." Charge having been given to the said Captain Robertsoun and he and the pursuer compairing, and the matter being referred for proof to the defender's oath, he acknowledged "that he promeit to interteane the said James Papine himselffe during his remaining heere, but denyes that he promeit anie thing on the behalfe of his companie," whereupon the Lords recommend "the satisfactiou of the said persewar to the discretion of the said Captane Robertsoun. 1

Complaint by Robert Callendar in Torrieburne, as follows:—By a contract of marriage made on 1st April 1619 between the complainer and Andrew Callendar his son, on the one part, and Bernard Stewart in Torrieburne, and Marjorie, his daughter, now wife of the said Andrew, on the other, the complainer was obliged to infiete his said son in his lands of Torrieburn, who was to grant a backbond bearing that it should be lawful to the complainer, if necessity urged him, to alienate or wadset a part of the said lands "in his old decrepit age." He accordingly did infiete his son and received the backbond as above provided, which he has had in his possession for several years; but, being "ane unlettered man," he employed his said son to look out some of his write, never looking that he would abuse the confidence reposed in him to his father's injury. Nevertheless "no sooner come the said backbond in the said Andrew Callendars hand bot he most unnaturallie destroyed and rave the same, and vowed if the complainer, his father, found fault thairwith that he

1 England was at this time still at war with France.
sould use him lyke ane strainger that he never saw. And thairafter the said compleaner, out of his fatherlie affectiou toward his said sonne, being desyrvous to reclaim him be all faire meanes, having requestit him to renew his backeband that he might in his decrepit age conserve his credit, the said Androw, out of his unnaturall and unthankfull disposition, not onlie avowed to bereave his father of his lyff and make a sacrifice of him, but most barbarouslie and inhumanelie he perseweit him with a drawin durke, and had not failed to have committed ane monstrous parricide, if he had not beene hindered be some well disposed persons.” Both father and son comparing personally agreed to submit their differences to the arbitration of Robert Colvill, apparent of Cleish, Sir John Prestoun of Valiefield, Robert Bruce of Blairhall, and Gilbert Gourlay of Westergrange, and obliged themselves to abide by their decision in all points without appeal.

Complaint by James Hoppar, John Dickson, Robert Gray, Robert Wilsoun, Patrick Purves, James Nisbitt, Robert Greirson, Robert Browne, Thomas Sandersoun, James Fowler, William King, Andrew King and Mungo Hoppar, all indwellers in Coldingham, as follows:—T James, Earl of Home, has caused arrest and warn the complainers to his bailie court of Coldingham on January “instant,” to be tried there for an assault upon the Laird of Aitoun committed in their town, and he intends, if they obey not, to proceed against them by fining or otherwise. Now the case has already been tried by their lordships themselves “in als exact a maner as ever anie proceese wees handled before thame, and suahe of the said toun as wer found to be most guilitie in that earand wer send out of the countrie to the warres, and (as the saids compleaners ar informed) hes by their death satisfied the insolence that wees committed aganis the Laird of Aitoun, and the saids compleaners wer dimitted and send home be the saids Lords as persons aganis whome no part of that complaint could be verified and provin.” In such a case “it is a presumptiouen for ane inferior judge to bring the saids Lords thair proceedings to a secund hearing, or to questioun that whilk in so frequent and solemnme ane meeting before the saids Lords wes discussed.” Moreover, the said Earl is the Laird of Aitoun’s chief, and so cannot be considered an impartial judge in such a case. Parties being cited and the pursuers appearing by John Stewart of Coldingham, their master, and the Earl of Home also comparing, the latter, at the desire of the Lords of Council consented to forbear all further proceedings against the pursuers in this case, but without prejudice of his power and privilege of jurisdiction in future.

“Our verie honnourable good ladie. We have ressuied your ladyships letter togiddher with ane inventar of the goods of the Lubeck shipple laitlie cassin away upoun that coast, and we thereby perceve the great care and diligence used by your ladyship for recoverie of the same, for the which as of before we render unto your ladyship our heartiest
thankes. And albeit the Counsell out of their tender regard to your lordship in his interest in this business has carefully provided that the course of events may be blame for ordering that all sail nowawayes prejudice my lord in his laughfull right, priviledge and claim to the said goods, yitt for your ladieships better satisfaction in that point we have made choice of William Gray, merchant of Edinburgh, and accordinglie have givin power and commission unto him to resave from your ladyship the hall goods being in your custodie and keeping, and to bring the same about to the harbourie of Leith, thair to be sauld to the best availl, and the moneys arising thairof ar to remaine in his hands to be made furthecommand to all partieis interested thairin according to the course of law; and becasue the said William Gray is busie in conducing of shippes and making of other necessarie preparations for transporting of the said goods, we thought good to acquaint your ladyship with the same, earnestlie intertreating your good ladyship to delver to the said William Gray the hall goods and furniture belonging to the said shippes without latt or delay upoun his repaire thither, and that you certify us back of your resolution thairanent with all possible diligence by this bearer. Quhairin resting asuired that your ladyship will give that readie obedience which your awin durtie, my lord his danger, and our respective care of his honnour and weele in this caise doeth require, we commit your ladyship to God. Frome Halyruithous the fyft of Februar 1628. 


Holyrood House, 5th February 1628.
Letter to his Majesty enclosing a petition from Captain John Seatoun.

"Most sacred Soverane. We have beene oftintymes pettiouning by your commandement, Captane John Seatoun desiring that he might be released from his waird or otherways put to a tryell according to the course of justice, bot in regard of the warrand of his restraint proceedit from your Majestie and that the ground and occasioun thairof is unknowne to us, we have hitherto forborne to meddle with the same; and now laitlie he hes givin in a pettiouen to the Counsell showing the prejudice he susteneis by his detention heere and earnestlie craving that we would recomend the same to your Majesties favourable hearing and consideratioun; which in regard of the captane his daylie importunitie and of the great instance made on his behalffe be sundrie noblemen, barons, and merchants of the best sort (whome he hath obliged unto him by his courteous and favours showne unto thame abroad), we could not weele refuse, and thairfor we have presoomed to send up heerewith unto your Majestie the said captane his pettiouen, to the intent your Majestie after perussall thairof may be gratioslie pleased to give such ordour thairanent as to your princelie wisdome sall seeme expedient. Whairin attending the significatioun of your royal pleasure, which with all durtiffull respect we sall faithfullie obey, we pray God to blesse your Majestie with a long and happy reigne, and rests. Frome Halyruithous the fyft of Februar
1628. CHARLES I.

1628. *Subscribeit*, Dupline, Marr, Hadintoun, Wintoun, Perthe, Roxburgh, Buccleuche, Areskine, Melvill, Carnegie, Naper, Oliphant, Hammilton, Mr. Thomas Hoip, S. J. Scottistarvett. Followes the petitionoun abonementouned:—The humble petition of Captane John Seaton to the lords of his Majestie's most honourable Privie Counsell.

Whairas I having some eight moneths since or thairby made my addresse to this kingdom for odering of my effaires which by my long absence furth of this countrie had beene neglected and overseene, was furthwith upon my arrivall arresteed be my lord Chancellour (by what warrand or for quhat caus I know not), and have ever remained his lordships prisouner sensyne to my unspeakeable greene and heavis hurt; which summare of proceedour (without ather challenge or tryell) hath wrought manie prejudicall impressiouns in the hearts of the people, who being ignorant of the caus of my restraint conceaves me to be guiltie of some haynous offence; lykes my detentioun heere and long absence frum my service without warrand or allowance hes mucche prejudiced the estait of my effaires abroad, and rendered my credite suspicuous to the King of France, my maister, whairof I have alreadie found the harmefull effects by the forefeyture of my plaice of one of the Exempts of the Garde, the captane of the Kings hous haiving plaiced another in my roome, and my office of liueniandrie by the condition of the plaice being lykewaies lost in regard of my absence and not attendance upon my charge, the Kings armie being upon the feild. Besides that I have my wytte, childrein, and whole estait in France, which upon the occasionoun foresaid in these difficult tymes may happlie be endangered; and whairas I am not conscious of anie fault committed be me meriting to have beene thus hardlie intretated haiving nather offended against the Kings Majestie nor the estait, and seing for cleering of my innocencie I am heartilie weele content to undergo the most rigorose and exact tryell that the lawes of this kingdome in suche a caise doeth allow, I humble beseeke your lordships to putt me to libertie and freedome and suffer me pas as his Majestis free subject, or to bring me to my tryell with diligence, which I am content to abide in the strictest maner which I sall never deprecat nor declyne, or otherwise that your lordships may be pleased to recommend this my petition to his Majestie's favourable hearing and consideratioun, to the intent his Majestie after his advised perussal thairof and of the merite of my caus may give ordour for my tryell and punishment if I be culpable of anie disloyall trespass, or incaice of my innocencie that I may be released and sett free according to the course of justice; and your lordships answer."

"Ane missive from his Majestie anent the importatioun of Franshe goodis and ane Act past accordinglie."

"Tua other missives from his Majestie anent the Admiralitie."

Holyrood House, 5th February 1628.
"Ane missive to the Countesse of Maireshell desyryng to know if she will delyver the goodes being in the Lubeque ship to William Gray."

"Ane missive frome the Countesse of Maireshael, and ane other frome Johnne Kinros with ane inventair of the goodis being in the Lubeque ship."

"Ane new commiission adjoyneig William Gray to the formair commiission grantit upoun the xv of Januar to Johnne Kinros anent the ship of Lubeque cassin away upoun the coist nei Peterhead."

"The Lordis findis it meete and ordanis that the capitanes and compaynis of his Majesteis thre shippis salbe payit oute of the first and reddies of the moneyis aryseing upoun the saile of the goodis being in the Lubeque ship laitle cassin away upoun the north coist nei Peterhead, and fallyeeting thairof that thay salbe satisfyt oute of the first and reddyest of his Majesteis rentis and casualityis, whilkis salbe burdynnit with the payment of the wadgeis of the saids capitanes and thair compaynis, and that they salbe preferitt to all others payementis quhatsomevir."

Sederunt.—Chancellor; Treasurer; Privy Seal; Nithisdaill; Wyn- toun; Perthe; Roxburgh; Bugcleugh; Launderaill; Lord Arskine; Lord Melvill; Lord Carnegie; Lord Naper; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Sir John Scot.

On the petition of Sir David Home of Wedderburne, knight, bearing that his protection for coming to Edinburgh and dealing with the Commissioners for the Surrenders and Teinds expires on 10th instant, and his business is not yet finished, the Lords continue the same till 1st March next.

Complaint and petition by James Cuninghame, tailor, burgess of Edinburgh, as follows:—He is warded in the tolbooth of Edinburgh at the instance of James Guthrie, writer, who has taken assignation of a decree recovered against the complainer before the bailies of Leith in a case in which he was cautoner for George M’Cubie to Mr. George Simmer, minister of Kilspindie, for £24 and 2 merks of expenses. He is now like to starve through famine, "being a poore, decayed, distressed and wracked person by cautionier and evil debtors and actions of law, haveing the burdein and charge of a great familie and foure small bairnes, and has no meanes nor moyen to interteane thame with bot that whilk he can procure by his handis labour, whairof now he is prejudged by his detentioun in waird, sua that he and thay will starve." Parties being cited, and the pursuer being brought before the Lords by Andrew Whyte, keeper of the tolbooth of Edinburgh, and the said James Guthrie also comparing and consenting to the liberation of the pursuer, without prejudice to his lawful
action at law against the pursuer, the Lords ordain the provost and bailies of Edinburgh to set the said James Cuninghame at liberty.

"The whilk day the Erles of Nithisdaill and Buccleuche, the Lord of Yester, the Maister of Jedburgh, Sir William Setoun, knight, the Lairds of Lag and Amisfield, commissioners of the Middlehyres, compeerand personalie before the Lords of Privie Counsell, and they being demandit upoun the causes and occasionis of the disorders lyke to arise within the Middlehyres and what course was fittest to be taine for punishing of the present disorders and preventing of the forder growth thairof, they declared that one of the cheefe causes of the saids disorders proceidit from the intermiession of the ordinar meetings of the conjunct commissioners for the Middlehyres whilk emboldened malefactours offending in the ane countrie to flee to the other whair they had ane uncontrolled ressett. Quhilk declaration being heard and considerit be the Lords, they ordaine a missive to be writtin to his Majestie humbelie desiring that the conjunct commissioun for the Middlehyres may be renewed and direction givin to the commissioners to keepe their meetings more frequentlie. And the Lords continuws all forder dealing in this mather till Tueday the twelffe of this instant, and ordains missives to be writtin to the commissioners absent except to Drumlanrig, Cloisburne, and Dalvayl to keepe this dyet; lykeas Johne Johnstoun, agent for the Laird of Johnestoun, promised to caus the said laird keepe that dyet. Followes the missive writtin unto his Majestie. Most Sacred Sover-ane, Upon occasion of some disorders arissin in lait within the bounds of the Middlehyres we convened before us the commissioners to whose charge your Majestie hes committed the cair over these bounds and demandit of thame the caus of thir disorders and frome whence the same proceedit. And after thay had conferred at lengh among thaymselfs heeranent in end thay reported unto us that the intermiession of the ordinar meetings with the conjunct commissioners on the English syde was the cheefe and principall caus of thir disorders, and that fugitives and outlawes takand hold of this intermiession and fling the course of justice of this kynge dom makes thair addresse to the English side whair thay have ane uncontrolled ressett, as if your Majesties arme of justice wer not able to overtake thame thair. And whairas the conjunct commissioun for the Middlehyres hes not beene renewed since the death of your Majesties darrest father of blessed memorie, whilk may breed ane opiinioun in manie that the commissioun with his death is extinct, our humble petition thairfoir unto your Majestie is that this conjunct commissioun may be renewed to persoouns of equall ranke and number for both kynge domes according to the accustomed forme, and that strait direction be givin to the commissioners to keepe thair ordinar meetings accordinglie, and to resolve upoun suche conclusionis as may supress the present disorders and prevent the forder growth thairof in tyme.
comming. Quhilk remittin to your Majestie royall consideration, we pray the Almighty God to watche over your sacred persoun and to blease your Majestie with a long and happie raigne. Frome Halyrud-hous the sevint day of Februar 1628. Signatur, Geo. Cancell., Mar, Perthe, Roxburgh, Lauderdale, Melvill, Carnegie.”

“Forsameekill as the Lords of Secret Counsell having heard the greevous complaints exhibite unto thame be the ministers within the Stewartrie of Annanderdaill tuiching the lawlesse contemp of a number of refractorie persouns within these bounds, who being excommunicat for recusancie, adulterie, and others nefarious crymes, most obduratlie stands out aganis the ordouris of the Church, refusing to give obedience to the discipline thairof, which being a mater of verie bad exemple, dishonnour-able to God, scandalous to the tread reliquioun and disgracefull to his Majestie royall and Christiane governement, Thairfoir the saids Lords for reclaiming of suche disordourlie livers to the obedience of the law and for maintenance of Gods trew worship and discipline of the Church in the full strent and integritie thairof, hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the Commissioners of the Middle shyres with the Lord or Maister of Hereis, James Johnestoun of that Ilk, and Robert Crichtoun, stewart depute and bailie to the Erle of Annanderdaill, and to ilke ane of thame conjunctlie and severallie, to pas, searche, seeke and take all suche excommunicat papists\(^1\) within the said Stewartrie, whois names saill be delated and givin up unto thame be anie of the ministers within the said bounds, thair ever they can be apprehendit, and to committh thame to waird within the jayle of Dumfreis, thairin to remaine upoun thair awin expenses ay and whill they have satisfied the Church and procured thamessellfes absolved from the sentence of excommunication; with power lykewayes to the said Commissioners and the others foresaids to command and give warrand to the ministers and landlords of the ground whair the saids excommunicat persouns doe dwell to take and apprehend thame and to bring, present and exhibite thame to the saids Commissioners or anie of thame, to the intent they may be committed in maner abone prescryved, the saids landlords being always required to that effect be the minister of the parish in presence of twa witnesses; and in caise of the saids landlords thair refusall to doe thair diligence in talking of the saids excommunicat persouns, thay being laughfullie required thairto as said is, or of the said Commissioners thair negligence or slack-nesse in the executioun of what is committit to thair charge, the saids Lords declares that the saids Commissioners and landlords saill be callit to thair answere upoun thair disobedience and punished thairfoir according to the merite of thair fault: Commanding hereby the provest and bailleis of Dumfreis to resave and commit to waird within thair tolbuith all suche excommunicat persouns as fra tyme to tyme saill be

\(^1\) This word is scored through, but the proper word “persons” has not been inserted.
brought or directed to thame be warrand frome anie of the saids commissiners and to keepe thame in sure firmanse till thay be ordourlie releaved, as the saids proveist and bailleeis will answer upoun the contrair at their highest charge and perrell, and that letters of publicatioun be direct, &c."

"The ordouring of the disordours of the Middlelyris continewit till Tuesday nixt."

"Ane Act anent the furtherance of the discipline of the Kirk within the boundis of Annderdaill."

"The Lordis appointis the xvj day of this instant to considder and gif answers to the Articlis gevin in be the burgh of Edinburgh anent the fortification of Leethe."

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. This paper which we have sent yow heerewith enclosed, having beene presented unto us in the name of Alexander Narne our servant, importing ane experiencie that flanked trinches, barricadoes and beacomis sould be made and sett up in diverse fitt plaices of that our kynsdome, and thairby perceaving his intienciou to doe us and that kynsdome suche goode services as the present estat of the tyme doeth seeme necessarielie to require, we thought it the rather expedit to hearken unto suche overytures in regaird he offereth to putt thame in practise for the good of the said kynsdome without anie charge to us or imposiounc to be layed upoun our subjects being onelie willing to stand to their voluntarie contributiou for the same; thairfor in regard of the charge and care yow have of all things that may tend to the good and safetie of that kynsdome, we have heerby thought fitt to referre the same unto yow, being willing that yow consider thairof and of the effects thay ar likelie to produce, and thairafter so to proceed thairin as yow, for the good and honnour of the said kynsdome, sal think expeditiot: of your proceedings wherein we desire to be certified. And so we bid yow fareweill. Frome our court at Whitehall the ellevint day of Febrar 1628."

Sederunt.—Chancellor; Treasurer; Nithisaill; Perth; Roxburgh; Holyrood House, 12th February 1628. Letter from his Majesty referring to the Council a proposal of Alexander Nairn for the construction of flanked trenches, barricadoes, and beaconis in fit places throughout the kynsdome.

Decreta, November 1627-January 1630. Lord Lauderdaill; Lord Gordoun; Lord Melvill; Lord Carnegie; February 1628. Lord Naper; Master of Elphinstoun; Sir William Oliphant; Mr. Thomas Hoip; Clerk of Register; Tracair.

On the supplication of Sir Walter Ker of Fadowsnyde bearing that he has an interest to attend the subscribing of the Submission to his Majesty concerning the teinds which is to take place in the palace of Holyroodhouse on 20th instant, but that on account of some civil hornings he is prevented from coming to Edinburgh for the said purpose, the Lords grant a protection to him to do so until 1st March next.
Similar petitions by William Home of Hardismylnge and George Home of Bassindein, to whom protections are also granted for the same period and purpose.

Petition by John Lawsoun in ward in the tolbooth of Edinburgh for several months past for "that unhappie and suddane" slaughter by him of John Harlabankis in Huntliecoate, for assythment of which he, by his friends, has made offer to the father and widow of the said John of all the free gear he had, viz. some few sheep, and to undergo perpetual banishment from the kingdom. His party was willing to accept satisfaction, but demanded more than it was possible for him to give or do, and the King being informed of the state of matters, was pleased to allow of the petitioner's offer, and to sign a remission in his favour, as his Majesty's letter to the Council bears. It was verified to their Lordships and his party that he has only four score and fifteen sheep, which their lordships ordained to be comprised and sold in presence of Andrew Quhyte, keeper of the tolbooth of Edinburgh, and this was done, the price realised being 300 merks, which the petitioner has consigned in the hands of the Clerk of Council to be delivered to his party on their granting to him a lawful letter of slains. He therefore prays their lordships to take some course for his release, as having nothing wherewith to entertain himself, he will miserably starve. The Lords ordain his Majesty's Justice and his deputies to hold a Justice court in the tolbooth of Edinburgh, and having called the said John Lawsoun before them to take him judicially enacted to pass forth of the kingdom within 15 days and never return thither without his Majesty's licence under pain of death. They further ordain the provost and bailies to liberate him from the tolbooth in order to make his preparations for going abroad; and empower the Clerk of Council to give over the consigned silver to the party upon their signing a sufficient letter of slains to the said John.

On a petition by Alexander Robertsson, Jesuit, bearing that he has often petitioned their Lordships for "his libertie out of this languishing ward, and that his goods may be restored unto him" so that he might leave the country in terms of the act under which he lies to that effect, "but thair is ane oath craved of him that he sall never returne againe within the countrie, whilk oath, saulfing the saids Lords thair better judgement, he thinkes verie extraordinar and strange, seing he is acted under the pane of death never to returne, and if he faile in that point, the law is patent to strike upoun him." He is willing to give oath that on being relieved he will go directly to his sister's house and remain there until he find a ship going to the Low Countries; and therefore craves their Lordships' command (1) to the provost and bailies of Edinburgh to transport him from the Tolbooth to his sister's house, and (2) to Sir Henry Wardlaw to pay his former allowance of a merk daily
since his last payment and until his release; as also that their Lordships will take some course for the restoration of his goods. The Lords ordain the provost and bailies of Edinburgh to have the petitioner conveyed to Leith and shipped aboard some ship going to the Low Countries, as soon as occasion shall offer; they ordain the Justice to dispense with his oath, because of the circumstance above pleaded, and also enjoin to Sir Henry Wardlaw, in terms of the petition.

Royal Letters, 1628-29.
Fol. 127, a.

"Most sacred Soverane, The weake estait of your Majesteis coffers and the manie pressing burdeins lying thairupoun hes of lait drivin us unto suche straits in the prosecution of your Majesteis most important services that we ar now altogidder disabled to ordour the effaires of the Estait according to the exigence of the tyme, your Majesteis casualiteis being other dispouned by gift or exhausted by pensiouns, the rent of your patrimonie forestalled by assignations, your customes decayed by the interruptioun of trade, and the taxatioun allotted to particular uses, sua that in a maner all is consumed and nothing left for defraying the necessar charges daylie occurring and highlie concerning the governement of the Estait as of lait hes appeared by the difficultie we had to procure moneys for the satisfactioun of the wages dew to the captans and companeis of your Majesteis three shippes and of the other shippes that were rigged furth to attend thame when the enemie wes supposed to have beene upon the coast; who being a number of clamorous and indigent persons whose payment and satisfactioun wes no lesse necessar than exemplar for the good of your Majesteis service in tyme coming, we wer thairupoun constrained (in regaird thair wes no moneys in your Majesteis coffers, the same being emptied upon the occasiouns foresaidis) to assure the captans and thair companeis be act of Counsell to be payed of thair wages out of the first and readiest of the moneys arising by the sale of the wynes and other commoditeis being within a shipe of Lubeque laitlie tane and cassin away upoun the north coast, and which your Majesteis Advocats in your Majesteis name ar to persewe as lawfull pryze. Lykeas upoun the receipt of your Majesteis letter concerning the said shipp and goods we have accordinglie givin ordour to the Countesse of Mairsshall for delyverie of the saids goods whairwith she has medled be vertew and for preservatioun of her lord his pretendit right of admiraliitie within the bounds whair the shipp wes cassin away, to the intent the samne may be brought to Leith and thair sauld to the best advantage, in regaird the whole rasines and anyseids with a pairt of the wynes ar irrecoverablie spoyled with salt water and the moneys arising by the pryce of the goods sal be assured to be made furthcummand to these who sal be found to have best right to the same. The consideratioun of which premissis forceth us of dawtie in these troublesome tymes to represent unto your Majeste the weake estait of your reveneweis heere and the hurtfull dilapadioun thairof to
the discreite of the Crowne, prejudice of the publict course of effaires, Royal Letters, 1622-32, and to the disabling of us to performe these offices and services which your Majesties honour and the good and quyet of the countrie doeth oft tymes reuyre; and in regard that we will humble petioun your Majestie to take some course that your Majestie Execher be not extinguished and the necessar effaires of the estait thereby left unperformed. All which recommending to your Majestie serious consideratioun and attending your Majestie direcctiouns and ordour herin, which we sall carefullie follow, we rest. Frome Halyruidhou the twelffe day of February, 1628. Subseribitur, Dupline, Marr, Nithisdaill, Perthe, Roxburgh, Lauderdale, Gordoun, Melville, Carnegie, Naper, A. Elphinstoun, Oliphant, Hammiltoun, J. S. Tracquair, Mr. Thomas Hope."

Whitehall, 12th February 1628.

Warrant from his Majesty for the apprehension of certain persons charged with the contravention of lawborrows.

"CHARLES R.,—Right trustie and right welbelovit cousine and counselfour, and trustie and welbelovit counsellours, we grette you weill.

Whairas we ar informed that Sir Alexander Gordoun of Cluny, knight, having upoun some oppressiouns committed againis him and his brother be one Alexander Gordoun of Dunkintie, raised letters of lawborrows accustomed in the lyke caises, the said Alexander did present one called Smart and caused him inact him self as suretie in name of Johne Forbes of Creichie; in regard that this course is so ill of it selfe and dangerouys by the exemple according to the motiouin which we have sent yow heerewith we have thought fitt to recommend the consideratioun thereof unto yow; and thairfor our pleasure is if yow find the premissis to be suche as is informed that yow take a speedie course to caus punish the transgressours according to the lawes of that our kynodme, that thereby all others may be terrified from attempting the lyke abuse heerafter. And least the subscriber, writter and witnessis of the said suretie, sould upoun hearing of the summons of improbation to be raised agains thame abandoun the kynodme thairby to disappoint the dew tryell hereof, our further pleasure is that yow give warrand to the shireff of Aberdein, or to some suche persons in those bounds whome yow sall thinke most fitt, for apprehending and presenting of thame to abide the said tryell, all which we will take as acceptable service done unto us. And so we bid yow fareweill. Frome our court at Whitehall the twelffe day of Februarie 1628."

Holyrood House, 12th February 1628.

"Ane missive to his Majestie recommending to his Majestie the petition of the marcheants anent the prohibitioun of Franshe goodis."

"Ane missive to his Majestie anent Bordour materis."

"Ane Act in favours of the extraordinair Lordis of the Sessioun and remanent members thairof upoun the offer of xj" merkis maid be thame in satisfactioun of thair pairtis of the taxatioun for the whole foure termes payment thairof."

"Ane Act in favours of the baronis and inhabitantis within the sherifdome of Kincairdine, declaring that suche of thame as sall provide
thame selffis with armes in maner specifieit in the Act maid to that
effect in the Justice of Peace Courte Bookis of Kincairdin sall not be
oblist to buye armourn fra ony others persons, notwithstanding of ony
commoun course to be tane for provyding of the cuntrey with
armour."

"Ane Act in favours of Johnne Lawsoun, prisoner in the tolbuith of
Edinburgh."

"Ane Act in favours of Alexander Robiesoun, Jesuite, prisoner in
the tolbuith of Edinburgh."

Sederunt.——Chancellor; Treasurer; Nithisdaill; Bishop of Dunkeld; Holyrood
House, 14th
Lord Gordoun; Lord Melvill; Lord Carnegy; Lord Naper; February 1628.
Master of Elphinstoun; Master of Jedburgh; Sir William
Oliphant; Mr. Thomas Hoip.

On a supplication by Patrick Carkeitill of Markill stating that his
protection for attending the Commissioners anent the Surrenders and
Teinds about the tiends of his lands of Skafintie, Corsehous, Libbertoun,
Foulford and others in the sheriffdom of Edinburgh, expired on the last
of January, that as yet nothing has been done, and the 20th is the day
for signing the submission, the Lords extend his protection until the last
day of March next.

Complaint by George Gordoun of Dalpersie, as follows:——Captain
James Blair, one of the captains in the regiment of Alexander, Lord of
Spynie, obtained letters against the complainer charging him under the
pain of horning to apprehend and deliver to him, Alexander Cowtis.
... . Paterson and John Muriesoun, who had been given up by the
ministers of their parishes as idle and masterless men, and because he
has not done so, the complainer has been denounced rebel; and wrong-
fully so, as none of these three persons were ever men, tenants, or
servants to him. These persons, when they knew they were enrolled, fled
quietly out of the place where they were long before the date of the
said charge, Alexander Cowtis going to West Flanders, where he is in
service with William Laing, burgess of Aberdeen, and the other two
betaking themselves to the Hielands, where no knowledge of them can
be got. However, the complainer has found caution to execute the said
charge and pay to the Treasurer and Deputy Treasurer £20 for his
escheat if he be found liable therein, and meanwhile craves suspension.
Parties being cited and the pursuer comparising but the defender not, the
Lords suspend the letters of horning as craved.

Commission under the Signet to the Steward of Annandaill and his
deputies, Sir William Greir of Lag, Sir Robert Greir, his son, James Max-
well of Tinwall, Robert Charters of Kelvow, and Archibald Johnestoun.
of Elshesheills, to convocate the lieges in arms and search for, apprehend, and present before the Council Jaffray Irwing in Hobbie his sons, and John Irwing, called Brunt Willeis son, in Middle Schaw, who were put to the horn on 6th February instant at the instance of Susanna Irwing as relict, Charterous as son, Hew Charterous in Amisfield as brother, Sir John Charteris of Amisfield, knight, as master, and the remanent kin and friends of Robert Charters, servitor to the said Sir John, whom they cruelly and unmercifully slew. Signed by Geo. Cancell, Marr, Nithisdaill, Perth, Roxburgh, Lauderdaleill, Melvill, Carnegie and Naper.

"The Lordis assignis to the convenair of the Justices of the Peace within the sherifdome of Fyffe the first Cousall day after the 20 day of Marche for reporting of the rollis and number of fensible personis within everie parroche of the said sherifdome, whilk dyet the Laird of Weymis, convenair, being personalie present, promgist to keepe."

"The whilk day William Horsburgh, sone to the lait Laird of Horsburgh, compeirand personalie, actit him selfe for the indemnity of his brethrene, and gaif his oathe thair upoun under the pane of deathe."

Mr. Harie Schaip (Chaip), advocate, as procurator for the principals Caution, 1621-28. and cautioners, registers (1) a bond of caution by Hew Mitchell of Kinkell Caution by in 5000 merks that David, Viscount of Stormont, will not molest Andrew Gray, late Dean of Guild of Perth, nor his family, tenants nor David, servants, &c., with clauses of relief and registration. The bond is dated Viscount of Fol. 277, a. 1628; witnesses, David Wood, David Balfour, James Murrey, John Fermour, and Thomas Edmond, servitors to the said Viscount, and Peter Fayhrar, notary, writer of the bond. (Signed) Hugh Mitchell, D. V. Stormont, JohneFermour, witnes; Thomas Edmond, witnes; Peter Fayhrar, witnes; David Wood, witnes; David Balfour, witnes: (2) a bond of caution by David Balfour, son to Sir Andrew Balfour, knight, in 2000 merks "Scotish" for Sir Mungo Murrey of Drumcarne, knight, Master of Stormont, to the same effect; with clauses of relief and registration: Dated at Scone, 11th February, 1628; witnesses, Mr. George Grahame, fiar of Inchbrakie, Patrick Grahame, his son, Thomas Naismith, servitor to the said Sir Mungo, and Peter Fairhayre, writer of the bond. (Signed) D. Balfour; MG. [monogram for Mungo] Murrey; G. Graeme, witnes; T. Neasmiss, witnes; Patrik Grahame, witnes; Peter Fayhrar, witnes.

19th February 1628. [Another volume of the Acta begins with this date. It is imperfect at the beginning, commencing in the middle of the Act referring to the Dunfermline contribution given infra on page 232 from the Fo...
On the petition of John Elphinstoun of Schanke bearing that he is unable to come in and treat with the Commissioners anent the teinds about his teinds of Poltoun and other lands in the sheriffdom of Edinburgh, the submission regarding which is to be subscribed on the 20th, on account of some civil hornings under which he lies, the Lords grant him a protection to do so until the last day of March next.

Complaint by Patrick Flockiehird in Fairnieknowes as follows:—He has right by assignation to a heritable bond made by John Silbot of North Kintail to John Rutherfoord in Rossithill for £400 of principal and £40 of interest, and in May last Silbot arranged a meeting with him at the Hauch of Kintaill for settling the bond. This meeting took place and Silbot “craftlie desired of the compleaner inspection of the bond to the intent as he pretendit that he might knaw fra what terme the annuell wes dew.” Suspecting nothing, the complainer handed him the bond “to be read in audience of some commouners present with thame for the tyme, and when as one of the commouners wes reading the band the said John Silbot and Katharine Murrey, his spouse, who wer both present, hearing the band read, they violentlie pulled the band furth of the hand of Thomas Young of Middleig, who wes reading it, and rave the same in ane hundreth pecces, tauntinglie and in derisoun bidding the compleaner sees his payment whair he might hae it.” Charge having been given to Silbot and his wife to compear and underlie the law for their offence and for renewal of the pursuer’s security, and the pursuer compearing, but not the defenders, the Lords, after hearing the pursuer’s witnesses, find that the said Katharine Murrey “violentlie pulled the band foresaid out of the hands of the said Thomas Young and rave the same in pecces,” and ordain her to be charged to enter in ward within the Tolbooth of Edinburgh within six days, there to remain till further order be taken with her, and if she disobey to denounce and esheat.

“CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greeete you weill. Whairas upoun consideration of ane Act of Parliament that nane shoulde be elected provest nor yitt anie other magistrat of anie of our free burghes but suche as wer merchants and actuall traffiquer within the same, we wer pleased effectuallie to wryte unto yow that the said Act might be dewlie observed and the breakers thairof censured for their contempt according to the lawes of that our kinigdome or as yow shoulde find their faults to deserve, ytt we ar informed that our letters to this effect have
taiking little or no effect contrarie to our royall intentioun so warrant able grounded; the consideration whairof hes justlie moved us againe to require yow to putt the said Act in the dew executioun and to the effect that all our subjects may hereafter take notice of the same that yow renew the proclamationioun formerlie made to this effect and that it be published at all plaices requisite. The performance of all which we expect with all convenient diligence or a speedie returne of your answer why it cannot be done. So we bid you fareweill. Frome our Court at Whitehall, 19 February 1628."

"The Lords appointis Satterday nixt the 23 of this instant to consider the Articolis, anser and reply, anent the fortificatioun of Lethe."

"Ane missive from the Countesse of Mairshall anent the deliverie of the ship of Lubeque cassin away nei Peterheade and of the goodis being within her."

"The commissioneris nominat for collecting the contributioun grantit for supplie of the burgh of Dunfermyne compeirand befoir his Majesteis Counsell, the Lordis ordanis thame to gif in thair bookis togidder with the dischargeis thairof to the Clerk of Register and Laird of Traquair to be sene and considirrit be thame. And towching the moneyis being in the commissioneris handis or hes bene gevin to otheris more nor thair valutatiouns ordanis the commissioneris to distribute the same amongs the most necessitous people of the toun for repairiug of thair houses so far as the same will extend to."

Caution by Mr Alexander Menteith of Maners in 1000 merks that John Ewin in the Powes will not molest John Williamsoun, Writer to the Signet, nor his family, tenants nor servants. (Signed) A. Montethe.

Mr. Robert Foulls, advocate, as procurator for the principal and cautioner, registers a bond of caution by William Kellie, burgess of Kintore, in 300 merks, that Michael Fraser, lawful son to the deceased Thomas Fraser of Sanock, will compeir before the Council at Edinburgh or elsewhere on 27th March next and answer to a complaint by John Fraser of Little Clintertie of "hurting, wounding and blood drawing" of him in the head and other parts of his body, and also that he will pay £20 as his escheat to the Treasurer if found liable therein; with clauses of relief and registration. Dated at Kintore, 10th December 1627, witnesses, James Keith of Kinade, Patrick Leslie in Kintore, John Findlay, and John Leslie, notary, writer of the bond. (Signed) William Kellie; Michael Fraser; James Keith, witness; Patrik Leslie, witness; John Leslie, wryter heerof and witnes, notar publict.
Melvill; Lord Carnegie; Master of Elphinstoun; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Tracquair.

"The whilk day the Lords of Secret Counsell, according to an warrant in writ signed be the Kings Majestie and this day presented unto thame, ressavit and admittit William, Earle of Monteith, to be president of the said Counsell and to injoy all the dignitieis and priviledges belonging to that place. Lykewise the said erle being personallie present and acknowledging with all humble respect his Majesteis gratious favour showin unto him in preferring of him to the said place, he with all dew reverence accepted the same upoun him and gave his oath de fidei administratione. Followes his Majesteis missive for warrant of the Act abonwritten.—‘CHARLES R.—Right trustie and right weilbelovit cousinie and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we grette yow weill. In regardir that the plaise of president of our Counsell there doeth vaile at our gift by death of the Erle of Montois, last president thairof, and for the more decencie and ordour being willing that the said plaise soould be supplde, and withall understanding the sufficiencie and affectioon to our service of our right trustie and weilbelovit cousinie and counsellour the Erle of Monteith, our pleasure is that yow admit him president of our said Counsell, and that he injoy all the dignitieis and priviledges belonging to that place. So we bid yow farewell. Frome our Court at Whitehall the fyftein day of Januar 1628.’"

[Sederunt as recorded above.]

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, King’s Advocates, for his Majesty’s interest, as follows:—By an Act of the Parliament held at Edinburgh in June 1609 it was enacted that no man should be elected as provost or magistrate in any burgh but merchants and actual traffickers inhabiting the same, of which Act publication has been frequently made both in the time of his Majesty and of his father. Yet David, Viscount of Stormont, “by his prime moyen and freindship within the burgh of Perth heis procured himselfe to be continewed in the office of provestrie of the said burgh thir manie yeeres bygaine, yea almost everie yeere since the Act of Parliament foresaid,” in violation and contempt of the same. The Commissioners of the Burghs of this kingdom “in their ordinarie and publicit meetings recenzent this proud and high contempt of the burgh of Perth in the unlaughtfull electioun of the said Vicount to be thair provest, and being sore that suche ane imputation of ane wilfull and willing breake of the law should reflect upoun a
member of their body, they in diverse their meetings admonished the Commissioners of Perth of their devoir in this point, and in special their last general meeting at the burgh of Air in the moneth of Julij last, whair Androw Wilsoun, baillie, was commissi- ioneer for the said burgh, this mater and their contempt was highlie objected agains him and the burgh of Perth which he repre- sented at that meeting, by whome it was promised and undertane that the said Vicount sould be no longer continewed in that charge, but that at the nixt ensewing Michaelmes choise sould be made of another proveist, and that the said Vicount would willingie leave the same, and that he wes onlie loath to be shott out afoir the tyme and craved onelie to be continewed whill Michaelmes. Lykeas the said Androw Wilsoun and Mr. Robert Mitchell, baillies of the said burgh, haveing occasioun to be before the Lords of Privie Counsell upon the 26 day of September last, the saids Lords made laughfull intimation to thame of the Act of Parliament foresaid, proclamations and directionis following thereupon, and commandit thame at the Michaelmes than approaching to proceed to their election conforme to the said Act of Parliament, and to give warning and intimation thairof to the persouns haveing vote in the electioun, whilk they faithfullie promeist and undertooke to doe.” Notwithstanding hereof, the said Andrew Wilsoun, Mr. Robert Mitchell, and Robert Arnot, baillies of Perth, Gregor Johnstoun, late baillie, Alexander Peebles, Dean of Guild, John Maxtoun, late treasurer, Patrick Anders- soun, now treasurer, John Andersoun, elder, James Drummond, John Home, and Robert Billie, councillors, John Ogilvie, deacon of the Hamermen, John Drummond, deacon of the Skinners, John Androw, late deacon of the Tailors, Thomas Crombie, deacon of the Fleshers, Patrick Maisrell, deacon of the Cordiners, Patrick Cree, deacon of the Brabaners, and Patrick Mug, deacon of the Walkers, who had all vote in the said election and “by thair nomber overswayed the voices of the rest,” being convened in the tolbooth of Perth on 1st October last, the ordinary day of election, although some well-disposed persons pointed out the necessity of their dutifull obedience to the law, with protestation of nullity if they refused, in contempt of the law and of the intimations made to them by the Privy Council and also by the Burghs, “most malicioulsie and contemptuuslie upon certane knowledge and wilfull presumtioun, elected the said Vicount of Stormont to be their proveist; lykeas the said Vicount, with the lyke contempt and misregard of the law, accepted the office upon him.” Complainers therefore crave the punishment of both and the annulling of the said election. Parties being cited, and the said Vicount compar- ing by , who excused his absence and produced a testimonial under the hand of Mr. David Wemes, minister at Skoone, certifying “upon his conscience that the said Vicount of Stormont is heavilie diseased and onnawayes able to travell without the hazard of his
lyffe," and the other defenders also compearing with the exception of Robert Billie and John Ogilvie, the Lords find the complaint proven, and therefore declare the election of the said Viscount null, discharging him from all exercise of that office in future, and appointing a new election of a provost of Perth for the present year of such a person as is prescribed by the Act of Parliament within the next fourteen days, as the parties concerned therein will answer upon their highest peril.

Complaint by Sir Alexander Nisbit of that Ilk, Sheriff principal of Berwick, as follows:—He has been charged at the instance of James Mowat, writer to the Signet, to receive and admit the said James as sheriff- clerk of that sherifffdom within three days upon pain of hornung (ante p. 205), who intends on the expiry of that period to enforce the hornung. Yet, as soon as their lordships gave their decree, the complainer, resolving with all dutiful respect to obey the same, came upon the next court day, being 31st January, to the town of Duns, where the sheriff courts are ordinarily kept, and waited for the said James "fra the hour of caus till laughfull tyme of day wer past," but neither he nor any in his name came thither, as an instrument taken thereupon shows. Moreover, to testify his respect to their lordships the complainer on that occasion made use of no other clerk, but suffered that diet to desert. Nor has the said James come upon any court day in lawfull time to receive admission, or to have a term appointed for that purpose; but upon Thursday last, 7th instant, "he come in a bragging and insolent maner, accompanied with sevin or eight persons, rebells and outlawes, all upoun horsebacke, to the complainers dwelling houss about three of the clocke in the afternoone, whilk wes long after the dew and laughfull tyme of fencing of courts, and he himselfe coursing his hors before the complainers yett in a bragging and unseemlie maner, directed and sende of his nombere with a paire of pistoletts at his belt to the compleaner, commanding him after a boasteous maner to goe at that unlaughfull tyme to the town of Duns, and thair to ressave and admitt him to the said office of clerkship. And the compleaner, marvelling at his indiscretioun and ignorance, modestlie answered that the tyme of fencing of courts wes past, and he could not till a new court day give unto the said James satisfactioun. And su the not admission of the said James proceeds upoun his awin follie, pryde and insolence," and not from any-contempt or disobedience in the complainer, who is willing to admit him in a lawful way and time whenever he pleases to attend; and who therefore craves suspension of the letters of hornung. Parties compearing, the Lords suspend the letters as craved and ordain the pursuer to receive and admit the defender as sheriff clerk this day eight days as he will answer upon his obedience.

Complaint by Francis Scot, servitor and chamberlain to the Laird of Johnstone, as follows:—On 20th December last after collecting his
in Fingland and others for violence threatened against the person and dwelling of Francis Scot, chamberlain to the Laird of Johnston.

master's rents he returned home to his dwelling-house in Winsheills to rest the night under his Majesty's peace, when Peter Johnestoun in Fingland, David Johnestoun, his brother, John Johnestoun, son to George Johnestoun of Girthhead, and others, getting word that he had been drawing his master's rents, came, all armed, to his said dwelling-house, by way of hamesuckin, "at the cockeraw," and lying about the same for the most part of the night sought by all means to get entry so as to take the complainer's life and rob him of his master's money and goods. They so straitly beset the house with drawn swords, lances, and other weapons, that in defence thereof he and the rest of his household "wer forced to stand, sarke alone, be the space of three hours"; and when the complainer craved his Majesty's peace, they in derision of his Majesty's authority replied "that if they had him out they should give him so much peace as he should crave no more." They further threatened to burn the house above complainer's head, and had done the same if some well-disposed persons had not intervened; and so, having been disappointed of their intention, they lie in wait for him daily, and he cannot with safety go about his master's business. Pursuer appearing but not the defenders, the Lords ordain them to be denounced rebels and escheat.

"The quhilk day Hew Skringeour, servitour to the Archiepiscop of St Sederunts Andrewes, produceit befor the Counsell a pook with letters of the Lubeque ship cassin away at Peterhead, quhilk wes delyverit to the Clerk of Counsell and ordanit to remayne in his handis to be furthcumeand to these who salbe fundin to haif best right to judge the ship and goodis."

"The whilk day a decree was gevin aganis the Vicount of Stormont discharginge him of his office of provestrie within the burgh of Perthe."

Holyrood House, 26th February 1628.

Commission to Simon, Lord Fraser of Lovat, containing him in the office of Sheriff of Elgin and Forres.

"Forsameekle as the commission of shirefship grantit to Simon, Lord Fraser of Lovatt, within the bounds of Elgin and Forrosse, expyres upon the first day of August nix[toem] and the Lords of Secret Counsell understanding the honourable and worthie disposition of the said Lord towards the forderance and advancement of his Majesteis affaires and service and how that he duiring the yeeres bygaine whairin he hes served in that office hes caried himselfe with that respect and credit which become a nobleman of honnour and whilk wes answerable to the trust concretide unto him, in consideratit whairof the saids Lords finding it necessar for the good of his Majesteis service and fordering of justice to his Majesteis subjects that the said Lord be still continewd in the said office; Thairfoir the saids Lords hes of new made
and constitute and be the tennour heerof makes and constitute the said Simoun, Lord Fraser of Lovatt, Shireff principall of the shiref dome of Elgone and Forresse, and gives, grants and committs unto him the office thairof with all fees, dewteis, honnours, digniteis and priviledges perteaning thairto, with power to him to exerce and use the said office in all the liberteis and priviledges thairof and to intromett with and uplift the fees, dewteis, escheats, unlawes and forefeyttis belonging thairto, siclyke and with als great freedome and auctoritie as anie his predecessours in the said office hes or might have laughfullie done at anie tyme heeretofore; shireff courts within the burrowes of Elgone and Forresse and others accustomed plaices and seats within the said shiref dome to sett, begunne, affixe, affirme, hold and continew, sutes to make be callit, absentes to amerciament, unlawes, amerciamenti and escheats of the saids courts to aske, lift and raise, and for the same if neid beis to poyn and distreinzie, and to proced and minister justice in all and sindrie actions and causes criminal and civil, proper and competent to the said shireff, and to give decreits and sentences thairupon and to caus the same decreits ressavy executioune accordinglie, breews of our soverane Lords chancellarie of whatsoever nature direct and to be direct unto the said shireff to ressavy, opin, caus be proclaimed, and accordinglie to be putt to executioune, assayssis or visitassis als oft as neid beis, ilke persoun under the usuall and accustomed pane, to summond, warne, choose and caus be sworn, deputis under him in the said office with officis, serjants, dempstars and all others officis and members of court neidfull to make, create, substitute and ordaine, for whome he sall be haldin to answere; with power alsua to the said shireff to aske, crave, ressavy, intromett with and uplift his Majesteis castell wairds, blenesh dewteis and others entreizis of free tennents within the bounds of the said shiref dome, and if neid beis to poyn and distreinzie thairfoir and to make compt thairof in the Exchequer; and to ressavy the mustouris and weponshewings of the inhabitants within the said shiref dome at suche tyme as sall be appointit thairto be his Majesteis lawes and proclama
tiouns, and to unlaw and punish the absents accordinglie; alsua to raise and conveene the inhabitants within the said shiref dome at all tymes and occasiouns needfull for the forderance and advancement of his Majesteis auctoritie and service, and persute of his Majesteis tratours, rebbels, and disobedient persons: And generallie all and sindrie other things to doe, exerce and use, whilkis ar proper and competet to the office of shireff and whilkis of law or consuetude of this realme ar known to apperteane. Firme and stable haljing and for to halj all and whatsoever thymes sall be laughfullie done heerin. And ordanis letters to be direct chairing of officis of armes to pas and make publication hieerof at the mercat croce of Elgone and Forresse and others plaices needfull whairthrow nane pretend ignorance of the same; and to command and charge all and sindrie his Majesteis lieges and subjects to reverence,
acknowledge and obey, ryse, concurre, fortifie and assist the said shireff and his deputis in all things tending to the execution of this commissioun, and to doe nor attempt nothing to their prejudice nor hinder, as they and liske ane of thame will answere to his Majestis Counsell upoun the contrair at thair highest charge and perrell. This commissioun to the first day of August in the yeere of God j^mvi^ and threttie yeeres, but revocation to indure."

"Forsameekle as it is understand to the Lords of Secret Counsell that a shippe of Lubick callit the St Maire, whairof Henrick Schult is maister, being laitlie upon her dew course from Spaine loadned with Malaga wynes, raisines and others commoditeis, she wes buirdit and tane be some merchant shippe of this kingdome upoun probable suspicioun that the goods and geir being thairintill pertenned to his Majestis professit and avowed enemes; and when as the persouns that thus medled with the said shippe were bringing her about to the port of Leith thair to have beene tried and judged conforme to the ordour, it unhappilie fell out that by distresse of weather in a tempestuous storme the said shippe wes drivin to the shore neere to the port of Peterhead and thair cassin away, and the wynes, raisines and others goods being within her wer exposed to the injurie and spoyle of the countrie people about, by whom a great paire thairof hes beene abstracted, stollin and refit away; and whairas it concerns the honnour and justice of this kingdome that ordour be givin and care had of the saulfe keeping of the saids goods and recoverie of suche as hes beene spoyilled and tane away, to the intent the samine may be sauld to the best avail, and the moneyes arysing thairof made furthcommand to these whall be found to have best right thairto, in regard that that point is not ytt cleere nor the mater entered in processe, and that it is doubtfull that the shippe and goods sall prove Pryze or to whom the samine sall pertaine incase they sall happen to be adjudged; Thairfor the saids Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun, to William Dike and William Gray, merchants burgesses of Edinburgh, conjunctlie and severallie, to repaire with all convenient diligence to the plaice and bounds thair the said shippe wes cassin away and thair in the presence and with the concurrence of the said skipper, if he be present, and of suche persons as sall happen to be directed from the Erle of Mairshall, within whois bounds and jurisdictioun the said shippe is alleddit to have beene cassin away, and from the Erle of Linlithgow, Lord High Admirall of this kingdome, for either of thair interesses, to use thair best care and diligence for preserving of the shippe, intermotting with and assuiring of the goods that ar presentlie in hands and recovering of suche as hes beene unlaughfullie medled with and tane away, and to make inventar thairof and report the same to his Majestis Counsell with the first opportunity; with power lykewayes to the said William Dike and William Gray or
either of thame to cause fraught a shippe and imbarke the hauil wyynes, raisines and other goods, furniture and apprarelly belonging to the said shippe, and to cause transport the same to the harbourie of Leith thair to be ordoure and sauld to the best advantage, to the intent that the moneyes to be gotten thairfoir may be assured and made furthecummand to all pairteis interested according to the course of law. And in regaird the fraughting of barks and conducing of mariners for bringing about the loading foresaid to the harbourie of Leith will be chargeable and expensive besides the coast and charges bestowed be the Countesse of Mairshall in recoverie and preservatioun of the saids goods, with diverse others sowmnes of money advanced and disbursed in this busines by ordour frome the Counsell; Thairfoir and for the better payment and defraying of the charges which hes or sall happen to be bestowed upoun the recoverie, preservatioun, and transport of the saids goods to the harbourie of Leith, the saids Lords gives power, warrand and allowance to the saids Williame Dick and Williame Gray. or either of thame to furnishe, advance and make payment of all suche sowmnes of money as upoun the occasiouns aforesaid sall be found necessar and dew; which sowmnes of money so to be advanced by the saids Williame Dick and Williame Gray or either of thame, the saids Lords declair sall be thankfullie refundit and payed backe to thame out of the first and readiast of the moneyes which sall be receaved by the sale of the goods abonewrittin, and the persoun or persouns in whois favour decreit sall be recovered and to whome the shippe and goods sall be declared to apperteane sall be burdened and obleist in reypayment to the saids Williame Dick and Williame Gray or either of thame of all sowmnes of money which by ordour frome his Majesteis Counsell thay sall happen to disburse in this busines upoun thair verified accompt. And for the saids Williame Dick and Williame Gray thair better securiteis anent the premisess, the saids Lords gives power, warrand and commissioun to thame or either of thame in the sight and presence and with the advice and concurrence of the skipper of the said shippe, if he be present, and of suche persouns as sall happen to be direct frome the said Erle Mairshall and Erle of Linlithgow, Lord Admirall, to attend this bussines, to dispone and sell the said shippe and her whole furniture and apprarelly if thair be no possibilitie to recover her and bring her about to the harbourie of Leith; as alsua to dispone and sell to the countrie people of the north suche quantitie of the said wyne as convenientlie they can get sauld, not exceeding fourtie pypes of wyne at eight score ponds the pype at the least, ten barrells and fourtie freir [baskets] raisines at the prycie of twentie ponds money for every hundredth weight of the same, and to make compt, reckoning, and payment to his Majesteis Counsell or anie having thair warrand of the prycie and moneyes to be received thairfoir, to the intent the same may be employed and made furthecummand as is abone provydit. And the saids
Lords declares that the course and ordour tane be thame in this mater shall be without prejudice to the Erle of Mairshall or to the Lord Admirall, or to anie others having laughtfull interesse, of their right, clame and possesuion of the saide goods and title competent unto thame unprejudged be this present Act and ordinance. And whairas it is understand to the said Lords that Dame Areskine, Countesse of Mairshall, out of her worthie regard to the credite of the countrie and preservatioun of the saide goods frome injurie and spoyle hes by her care and diligence recovered a great part thairof frome the hands of suche as had unlaughfullie meddled thairwith, and hes thame in her custodie and keeping, Thairfoir the said Lords requeистs and desyres the said Countesse of Mairshall, and thairwithall commands and ordainis her, to make present deilverie to the said William Dick and William Gray or either of thame, upon subseravyd inventar, of the hall wyne, raisines, goods, commoditeis, furnitour or apparrelling belonging to the said shippe and being in her hands, and to caus restitutionoun to be made to thame or either of thame of suche of the saide goods as hes bee ne intro mettit with and ar deteained by others so farre as by her credite and moyen she may procure, the said William Dick and William Gray or either of thame giving unto the said Countesse of Mairshall a tickett under thair hand of the ressett of the saide goods, whois or either of thair discharges to be givin upoun the inventar foresaid to the said Countesse of Mairshall the saids Lords declares saile be ane sufficient exoneratioun and discharge unto her and to the said Erle Mairshall her husband, and to thair servants and others who be warrand frome them hes meddled with the saide goods at the hands of all paiertis having interesse thairin, and sail liberat and free thame of all action and challenge that may be moved aganis thame for the same in all tyme comming. And farther the saids Lords declares that the said William Dick and William Gray nor none of thame sail be subject and lyable to the hazard and losse of the saide goods in thair transport hitheir, bot that thay sail be fred and releevd thairof and of all danger and inconvenient that they may incure thairthrow for ever. Lykeas the saids Lords recommends the said William Dick and William Gray and either of thame to all noblemen, barons and gentlemen, his Majestis judges and officiars to burgh and land, in whois bounds they or either of thame sail happen to resort, and thairwithall willis and requires thame to be ayding and assisting to the saids William Dick and William Gray or either of thame in all and everie thing that may further the recoverie of the shippe, preservatioun of the goods, and discoverie of the persons by whom the samine hes bee ne abstracted, and to caus deilverie and restitutionoun to be made unto thame or either of thame of the same, as they will answere the trust whilk his Majestis Counsell repoes in thame and the merite of the caus requires.
On the petition of John Stewart of Coldingham, bearing that the protection already granted to him for coming to and remaining in Edinburgh to attend the Commissioners for the Surrenders, and the pursuing of some actions for strengthening the right he has already surrendered in his Majesty's hands, will shortly expire while the business is yet undetermined, the Lords grant an extension of his protection until the last day of March next.

Petition by Sir Alexander Hamilton, apparent of Innerweeke, bearing that Robert, Earl of Nithsdale, had made choice of him as one of the captains of his regiment and commissioned him to raise his company of Irish men, and that having gone to Ireland he had succeeded, though with difficulty, in making up his company of "strong and sensible able persons" there. He was desirous of conveying them thence direct to Germany, but after long waiting, at great expense, he found it necessary to bring his men to this country to be shipped. Accordingly he has them at the shore side ready to embark hither, but the fear of some civil hornings under which he lies deters him from accompanying them, and he therefore craves their Lordships' protection until he is able to ship his company for Germany. The Lords thereupon grant him a protection till 1st May next.

In the action pursued by Thomas Fraser of Strechun, Donald McGillemichell in Muretoun, Alexander Cowy there, Donald MCEane MWilliam there, and William MCFrenshe there, against Donald MCAngus of Glengarrie, as alleged master and landlord to Donald Gorme MCVAlaster in Berrisdaill, Ronald MCAllane Roy, Ronald Roy MCEane VCAllane, Allan MCAlaster Oig, Donald MCArrannal Vayne, Marie Bwy Nin Donnald Roy, Rorie MCAllane Roy, Murdo MCEane Vayne, Donald Moir MCONeill Dwy VInreich, Donald MCAllane VRannald, Alaster MCAllane Roy, Gillichallum Dow Angus MCEane VCNeill, John Dow MCONeill Oig MCEane Dwy, Lauchlan MCEane, Angus Dow MCAlaster VONEILL, Angus MCAlaster VCAne, Duncan MCgorie, Angus Donald Gressiche, Allan Moir VCAlaster VCAllane, Donald Bwy MCEane Dwy VONEILL VTerloche, Ewin MCEane VCAne Vayne, Martin MCEane VCRorie, Donald MCEane VCRorie, Donald MCAlaster VCAllane, Ewin MCEane, Alaster MCAllane, Alaster Dow MCAlaster VCAllane, Angus MCEane VCRorie, Rorie Dow Donnald MCGillichallum Oig, Ewin Cheill MCDonnald, Cheill VCConnochie VCechar, Donald MCONeill VCAllane Roy, Angus Dow MCONeill Dwy VInreiche, and William MCEane Glassiach VCoulle, rebels at the horn for theft, to produce them before the Lords that they might be presented to his Majesty's Justice for trial and punishment, the Lords continue the case without prejudice of party till 10th July next, of which continuation George Tailyeour, servitor to Mr. James Lawtie, advocate,
who appeared in name of the pursuers, and Alexander Balmanno, servitor to Mr. Roger Mowat, advocate, who appeared for the defender, were warned apud acta.

Commission under the Signet to Sir John Carmichael of that Ilk, James Johnestoun of Dadarrane, James Mackmorrain of Glaspen, and Mr. Walter Quytyfurde, parson of Moffat, jointly and severally, to search for, apprehend and present before the Council, Andrew Davidsoun, messenger of Moffat, who on 18th January last was put to the horn for not coming before the Council to answer to the charge of falsifying his promise to their Lordships and thus abusing them. Signed by Geo. Cancell., Mar, Wintoun, Roxburgh, Carnegie, and Hamiliton.

Commission under the Signet to the Sheriff of Dumfries and his deputes, Alexander, Earl of Galloway, William Douglas of Dumlanrig, John Gordoun of Lochinvar, Sir William Greir of Lag, Sir John Charters of Amisfield, and the provost and bailies of the burgh of Dumfreis, jointly and severally to convocate the lieges, and search for, apprehend and present before the Council (1) Gilbert Browne of Baglee, who on 15th April 1626 was put to the horn at the instance of the moderator and brethren of the presbytery of Kirkcudbright for not satisfying the sentence of excommunication pronounced against him for his obstinate refusal to subscribe “the confessioun of the trewe faith presentlie profest” in Scotland; and (2) Harbert Browne in Auchinlarie, who was put to the horn on 5th August 1626 also at their instance and that of Andrew, Bishop of Galloway, for refusing to submit himself to the discipline of the Kirk anent his hearing of mass. The commissioners are ordained to report their diligence herein before 30th June next. Signed by Geo. Cancell., Mar, Wintoun, Roxburgh, Carnegie, and Hamiliton.

“Most sacred Soverane, Upoun the publicatioun of youre Majesteis royall will discharging the importatioun of all Frenshe waiers in quhatsoever bottome within this kynge under the paine of confiscatioun of the same to your Majesteis use, thair was a petitioun preferred to the Counsell in name of the merchant traders, showing the great and unavoydable prejudice which they will susteane, and quhairof the consequence will reache unto the whole bodie of this estate if the proclamatioun sall take effect according to the tennour thairof, and they earnestlie craved that, we would send up their petitioun unto your Majestie and certifie your Majestie of the truebe of their just greeves; which we haiving heard and tane to our consideratioun togidder with the reasons urged be thame for enforcing the necessitie of their lawfull desyres, and the mater being at lenth debaited and advised at the Counsell table, it was found be unanime consent that this restraint in the generaliti thairof, as it is conceived without anie limitation or exceptioun, will undoubtedlie destroy the commerce and intercourse of trade within this kynge to the utter suppressing of the merchant
estate and quhairin all degrees and rankes of persons will joyntlie suffer, besides your Majestie's interesse in the losse of your customes by the interruptioun of trade which in these troublesome tymes is in a maner givin up and whollie devolved into the Low Countrie from whence we must expect a returne of suche commoditeis as hes course and ar sailable there quhairof a great part doeth consist of Frenshe goods whiche must needs be ressaved in exchange of our natives seing the transportatioun of moneyes is there forbiddin. The consideratioun quhairof obliges us in dewtie to represent unto your Majestie our simple opinioun concerning the same, humble intreating your Majestie to be graciously pleased after the perusall of the petitioun so to temper and ordour the course of this restraint as may best stand with your Majestie honnour and with the good of your faithfull and weill affected subjects. Quhairin submitting ourselfes to your Majestie excellent judgement and royall determinatioun we pray God to blesse your Majestie with manie long and happie yeeres. Frome Halyruidhous the 26 of Februar 1628. Subscribitur, Dupline, Mar, Nithisdaill, Wyntoun, Roxburgh, Carnegie, Hammilton, Mr. Thomas Hoip. Followes the petitioun abonementioun:

To the Lords of his Majestie most honnourabill Privie Counsell.

We the merchands and trafiquers within this kingsdome humble sheweth, That quhair uppon the occasioun of the troubles fallin out betuix the Kings Majestie our sacred soverane and the Frenshe King we out of our most humble respect to his Majestie interesse have dwtifullie forborne all trading in France, and for the better securing of our estaites there frome the danger of arraistment we gave ordour to our factours to lift and imploy our stockes upon Frenshe commoditeis and to imbarque the same in Flemish bottomes the better to assure the transport thatairof hither without challenge or impediment. Quhairin hoping to have givin to his Majestie plenarie satisfactioun in that whiche cheefflie concerned his Majestie honnour and royall interesse (which we ar perswadit he intends to maintaine without the prejudice of his faithfull and weele affected subjects) we ar now of late disquyeted be reasoun of a prohibition made of importatioun of anie Frenshe goods in quheatsomever bottomes under the pane to be adjudged as lawfull pryzes; whiche prohibition if it be suffered to stand in force and take effect according to the extent thereof will undoubtedlie destroy all commerce and handling within this kingsdome. For our native commoditeis, which consistis of wooll, skynnes, hydes, plaizing, kairsayes and salmond, quhairwith we formerlie traded in France, and quhairupoun our outward outride onelie depends, we must of necessitie carie to the Low Countrie, and in exchange thereof (seing the transportatioun of money is there forbiddin) we must content our selfes with suche commoditeis as they please give us as hes course there, whether they be Frenshe or countrie waires, and our refuisall thereof will make
thame to misknow us and our commoditeis both, which, wanting vent in other parts (the Easterlyne trade being in these difficult tymes interrupted and in a maner relinquished), will unprofitable remane in the owners handes, to the undoing of the nobilitie and gentrie whose commoditeis we bought, and the countrie will be defrauded of the returne of suche necessarie formaine commoditeis as by the exchange of our native wer formerlie imported within the same; whiche being a mater of state worthie your Lordships animadversioun and care, we will humble intreate your Lordships to represent unto his Majestie our just and trew greeves and the scene and irreparable prejudice following thairupon to all estates and rankes of persoues and to beseecche his Majestie to be gratiouslie pleased to qualifie and moderat the rigour of this restraint and to permitt and allow us to trade freeli in the Low Countrieyes and with quhatsomever commoditeis being there without danger or inconvenient to be incurred be us thairthrow. And in regard we have our hands full of countrie commoditeis bought be us at a deere rate frome the noblemen and gentrie which (if the proclamation sall stand) will prove unprofitable unto us, we intreate your Lordshippes to provyde for our indemnity in this caise and to caus the noblemen and gentrie take thair commoditeis backe frome us and redelyver the moneys payd be us for the same, according to the course of justice, and your Lordships answer.”

“Most sacred Soverane, We ressavd your Majesties letter with a petitioun there inclosed preferred to your Majestie be Alexander Narne togidder with some articles exhibite in his name before us tuickeing the fortieing of this coast by making of flanked trinches and barricades and setting up of beacouns in some fitt plaices of the same, the better to discover and withstand the approache of the enimie in cause of anie suddane invasioun; after hearing and consideratioun whairof and of the faire way projected be him for the performance of the worke without anie charge to your Majestie or burdein to the people bot quhat they will voluntarilie contribute after the worke be brought to perfection, we have thought good to certifie your Majestie that we find the interprize commendable as a purpose much importing the strenth and saulfetie of this kingdome and necessarie to be putt in practise in these difficult tymes; and quhairs the petitioner for doing of this service must reteir himselfe boter with all possible diligence and that he hes some things in his possessioune there which he is to dispose upoun for his better enhabbling to performe this service whiche he cannot doe without your Majesties gracious favour and assistance, we will thairfoir humbelie intreate your Majesty to be gratiouslie pleased to vouchsafe a favourable hearing to his lawfull desyres, and so farre to further and allow of the same as be your princelie wisdome sall seeme expedient. Thus with our earnest prayers unto God for your Majestis long and happie raigne, we rest. Frome Halyruiddhous 26 February 1628. Subscriptitur, Dupline,
Mar, Nithisdaill, Wyntoun, Roxburgh, Carnegie, Hamilton, Mr. Thomas Hoip."

"Ane Commisson to some gentlemen within every sheriffdome to convene the teynd buyaris within the same at suche tymne and place as they shall think mee to subscriye the double of the submission send down be his Majestie and subscrivyt be some noblemen and others."

Soderunt.—Chancellor; Treasurer; Menteith, proses; Murrey; Holyrood House, 28th February 1628.
Nithisdaill; Wyntoun; Roxburgh; Lauderdaill; Lord Gordoun; Lord Carnegie; Master of Elphinstoun; Master of Jedburgh; Clerk of Register; Sir William Oliphant; Mr. Thomas Hoip; Traquair.

"Forsameekle as the Lords of Secret Counsell hes found it meete and expedient for the better forderance and advancement of that writt and submission drawin up be his Majestie Advocats and alreadie subscriyed be a number of the Lords of Erectionouns and others having interest in the erectionouns, surrenderes and teinds, that the whole teind sellers within this kingdom sall subscriye the double of the said writt and submission to the intent his Majestie may the more formallie and ordourlie proceed in his royall determination upon the maters submitted unto his Majestie; and whairas the drawing of so manie people who hes interest in this bussines to the burgh of Edinburgh to attend the subscriying of the said writt and submission will be verie fashous and expensive unto thame, Thairfoir the saids Lords for their ease and releefe hes thought it meete that the said writt and submission sall be subscriyed in the severall shirefdoms whair the teind sellers dwellis, and the saids Lords hes nominat and appointit and thairwithal gives power and commission to the persons particularlie underwrittin within eache shirefdome to warn the saids teind sellers to convene and meeate at the heid burgh of the shyre or suche other place as they sall thinke mee for subscriving of the said writt and submission, and upoun suche dayes as they sall appoint, that is to say to George, Erle of Wyntoun, and Thomas, Erle of Hadintoun, or either of thame, for the constabularie of Hadintoun; to James, Erle of Home, Robert, Erle of Roxburgh, and Johne, Erle of Lauderdaill, for the shirefdomes of Bervick and Roxburgh and bailerie of Lauderdaill, and thair meeting to be at Kelso; to Walter, Erle of Buccleuche, for the shirefdome of Selkirk; to Johne, Lord Hay of Yester, for the shirefdome of Peebles; to Robert, Erle of Nithisdaill, for the shirefdome of Dumfreis; to James, Marqueis of Hamilton, for the shirefdome of Lanerk; to Alexander, Erle of Galloway, for the shirefdome of Wigtoun; to Alexander, Erle of Linlithgow, or Alexander, Maister of Elphinstoun, for the shirefdome of Linlithgow; to Johne, Erle of Mar, or Johne, Lord Areskine, for the shirefdomes of Stirline and Clackmannane; to Johne, Lord
of Lowdoun, for the shirefdome of Air and baillerie of Kyle; to John, Erle of Cassills, for the baillerie of Caric; to Alexander, Erle of Eglin, for the baillerie of Cunninghame; to James, Archbishop of Glasgow, or Robert, Lord Sempill, for the shirefdome of Renfrew; to William, Erle of Monteith, for the shirefdome of Dumbartane, stewartrie and erledome of Monteith; to John, Lord of Lorne, for the shirefdome of Argyle and Tarbett; to John, Erle of Rothes, for the shirefdomes of Fyffe and Kinroscher; to David, Lord Carnegie, for the shirefdome of Forfar; to George, Vicount of Dupline, for the shirefdome of Perth; to William, Erle Mairshall, or Arbuthnot of that Ilke, for the shirefdome of Kincairdin; to George, Marquis of Huntlie, for the shirefdome of Aberdeen; to James, Erle of Murray, and Simoun, Lord Fraser of Lovatt, for the shirefdomes of Bamff, Elgine, Forres and Narnie; to George, Lord Gordoun, for the shirefdomes of Innermes and Cromartie, Caithnes and Sutherland: With power to thame by their missives or otherways as they shall thinke meete to warne the whole teind sellers within the severall bounds allotted to each of thame to compier, convene and meete with the saids Commissioners day and place foresaid and at their meetings to present unto the double of the said submissiouin whilk sall be marked on the backe be the clerk of his Majestie Counsell and testified be him to be ane trew and authentick double, and desire thame to subscriye the same; and that they report their proceedings herin unto the saids Lords upon the twentie twa day of Apryle nixtocome: And ordain letters to be direct to make publicatioun heerof be opin proclamatioun at the mercat croxes of the heid burrowes of this kingdom and others places needfull, whairthrow nane pretend ignorance of the same: And to warne all and sindrie teind sellers within the severall shirefdomes of this kingdom to convene and meete everie ane of thame at the heid burghes of the shyres whair they dwell at the dyets abonespecified with the Commissioners nominat and appointit for eache shirefdome to the effect abonewritten, with intimation as effectis. And the saids Lords hes thought mete that the teind sellers within the shirefdome of Edinburgh sall compier before the Lords of his Majestie Privie Counsell and subscriye the said writ and subscriuion, and ordain letters to be direct chairing thame for this effect in forme as effectis."

"Forsameekle as the Kings Majestie with advice of the Lords of his Secret Counsell hes found it mete and expedient for the better forderance and advancement of that writ and subscriuion drawin up be his Majestie Advocats and alreadie subscriyed be a number of the Lords of Erectiouns and others having interesse in the erectiouns, surrenders and teinds, that the whole teind sellers within this kingdom sall subscriye the double of the said writ and subscriuion to the intent his Majestie may the more ordourlie proced in his royall determination in the maters submitted to his Majestie; And it is lykeways thought
meet that the teind sellers within the shirefdome of Edinburgh sall subscrive the said submissioun in presence of the Lords of his Majesteis Privie Counsell upon the twentie sevin day of Marche now approaching. Thairfor ordanis letters to be direct chairing of ciiars of armes to pas to the mercat croce of Edinburgh and thair be opin proclamatioun to warne all and sindrie teind sellers within the said shirefdome of Edinburgh principall to compair before the saids Lords of Privie Counsell upon the said twentie sevin day of Marche now approaching and thair to subscrive the said submissioun, with intima-
tioun as effeirs."

"Forsameeke as it is the Kings Majesteis gratious will and pleasure that all his Majesteis subjects who ar deayrous to buy the teinds of thair awin lands sall subscrive a double of that writ and submis-
sioun whilk is drawin up be his Majesteis Advocats and alreadie subscrivend be a number of the Lords of Erectiouuns and others having interesse in the surrendars and teinds, to the intent his Majestie may the more ordourlie and formallie proceed to his determination in the maters sumittit unto his Majestie; And whairas the drawing of suche numbers of people who hes interesse in this bussines to the burgh of Edinburgh to attend the subscriving thairof will be fashous and expensive unto thame, his Majestie is grationalie pleased for thair ease and releefe that thair sall be meetings of the whole teind buyers within this kingdome within the particular shirefdomes whair thay dwell, and that thay sall be warined to convene and meete as weil be proclamations to be made at the heid burghes of the shyres whair they dwell and at thair parish kirks upoun Sundayes before noone in tym of Divine service as be missive letters to be directed to thame be the persons particularlie underwritit nominat commissioners in eache shire-
dome for this bussines: thay ar to say, be Sir James Richardsoun of Smetoun and Mr. James McGill of Cranstoun or either of thame for the shirefdome of Edinburgh; be Samwell Johnestoun of Elphinstoun and Robert Richardsoun of Pencaitland or either of thame for the constabularie of Hadintoun; be Sir Patrik Home of Aytoun and Sir Alexander Niabitt of West Niabitt or either of thame for the shire-
dome of Bervick; be Riddell, appearand of that Ilk, and Ker of Cavers, or either of thame, for the shirefdome of Roxburgh; be Sir James Pringill of Gallascheills for the shirefdome of Selkirk; be Hay of Smithfeild and Naismith of Posso, or either of thame, for the shirefdome of Peebles; be Sir Robert Greir of Lag and Robert Crichtoun, brother to the Vicount of Air, or either of thame, for the shirefdome of Dumfreis; be Sir James Lokhart, elder of Lee, and Baillie of Lamingtonton, or either of thame, for the shirefdome of Lanerk; be Sir Patrik Agnew of Lochnaw and Sir John McDowall of Garthland, or either of thame, for the shirefdome of Wigtoun; be Thomas Dalyell of Binnis for the shirefdome of Linlithgow; be
Cuninghame of Corsehill and the Laird of Kelburne, or either of thame, for the shirefdome of Air; be Sir John Maxwell of Neather Poole, and Stewart of Blackhall, or either of thame, for the shirefdome of Renfrew; be Naper of Kilmahew and John Sempill of Aikinbar, or either of thame, for the shirefdome of Dumbartane; be Stewart, shireff of Boote, for the shirefdome of Boote; be the Laird of Lawmonnd for the shirefdome of Argyle; be Grahame of Fintrie and Adam Cunninghame of Bouquhen, or either of thame, for the shirefdome of Stirline; be Sir James Learmonth of Balcolmie and Leslie of Newton, or either of thame, for the shirefdome of Fyfe and Kinroscher; be Sir Robert Bruce of Clackmannane for the shirefdome of Clackmannan; be Sir Harry Wood of Bonytown and Sir William Grahame of Claverhouse, or either of thame, for the shirefdome of Forfar; be Moncreif, knight baronet, and Alexander Campbell of Crwmane, or either of thame, for the shirefdome of Perth; be Dowglas of Glenbervie for the shirefdome of Kincairdin; be Sir James Gordoun, appearand of Lesmoir, and Sir John Leslie of Wardes, or either of thame, for the shirefdome of Aberdein; be James, Lord of Desfoord, and Robert Inneis of Balvenie, or either of thame, for the shirefdome of Bamff; be Dumbar of Grange for the shirefdome of Elgine; be Ross of Kilrawack for the shirefdome of Narne; be George, Lord Gordoun, for the shirefdome of Innernes, Cathnes, and Sutherland; be Urquhart, shireff of Cromartie, for the shirefdome of Cromartie; be John Gordoun of Lochinvar and Foulertoun of Carleoton, or either of thame, for the Stewartrie of Kirkudbright; And that the saids meetings shall be at the heid burghes of eache shirefdome or at anie other convenient places as the saids commissioners sall choose, and at suche dayes and dyets as the commissioners sall appoint, and that at thir meetings choice shall be made of twa famous gentlemen of eache shirefdome to be commissioners for the shirefdome, and that they be instructed with ample power and commissioun from the teynd buyers under thair hands to subscriye the said writt and subscriuion for thame, whois subscriuions to the said writt and subscriuion sall be als good, valide and sufficient as if it wer subscriyyed be the principall partieis thameselfes. And if anie of the saids teynd buyers sall be deyrous rather to subscriye the said writt and subscriuion thameselfes nor give warrand and commissioun to others to subscriye the same for thame, that than and in that caise the persons particularie abonewrittin nominat commissioners for eache shirefdome sall present the said writt and subscriuion unto thame and take thair subscriuions thairunto. Whilk writt and subscriuion sall be marked on the backe be the clerk of his Majesteis Counsell and testified be him to be ane trew and authentick duplicat of that writt and subscriuion drawin up be his Majesteis Advogate: And alsua that at thir meetings the saids commissioners sall informe thameselfes sufficientlie frome the
teind buyers who are the teind sellers in that shirefdom and that they send a list of their names under their hands to the other commissioners nominat for the shirefdom to conveene the teind sellers thairof for subcryving of the said submissioun, or to the clerk of his Majesteis Counsell with convenient diligence, to the intent the saids teind sellers may be wairned in dew and laughful tyme to conveene and meete for that effect; and that the commissioners particularlie abonenamed for wairning the teind buyers to conveene as said is make intimation to all suche teind buyers as sall refuse outher to subcryve the said writt and submissioun or the commissioun foresaid that they may expect no suche favour heerafter frome his Majestie in the matter of thair teinds. And the Lords of Secrete Counsell, considdering his Majesteis gratious will anent the premissis to be good and royall for the weale of his subjects, Thairfoir the saids Lords allowes of the course and ordours foresaid, and ordanis the commissioners who are intrusted thairwith to make a report of thair proceedings thairin to the saids Lords upoun the twentieth day of Apryle nixtocome; And ordanis letters to be direct chairging officiars of armes to pas and make publicatioun heerof be opin proclamation at the mercat croce of the heid burrowes of this kingdome and others placeis needfull whairthrow nane pretend ignorance of the same, and to warne all and sindrie the teind buyers within the severall shirefdomes of this kingdome to conveene and meete everie one of thame at the heid burch of the shyre whair thay dwell or at the saids places and dyets to be appointed as said is with the commissioners nominat for each shirefdom to the effect abonewrittin, with intimation as effeirs."

"Forsameekle as thair hes beene diverse Acts of Parliament made and published heeretofore whairby the eating of flesh in tymes of Lent is beene verie straitlie prohibite and forbiddin under certane penes mentioned and conteined in the saids Acts, notwithstanding suche hes beene the abuse and wilfull contempt of great nombers of his Majesteis subjects of this kingdome that presooming of impunitie and thairupoun preferring thair owne contentment and the delicat feeding of thair belleis to the obedience of the law and to the commonwealth thay doe ordinarilie feede upoun flesh. And this universall contempt of the law and misregaird of his Majesteis auctoritie in this point is so muche the more fostered and interteaned by reasoun of his Majesteis clemencie and the connivence and oversight grantit in tymes bygane to the persons offending. And his Majestie, finding by experience that nothing is so powerfull to reteane undewtiful persons under the obedience of the law as the executioun of the law upoun the transgressours thairof, Thairfoir his Majestie with advice of the Lords of the Secret Counsell hes resolved no longer to overse this proud contempt of the law and of his Majesteis auctoritie bot to punishe all and sindrie persons of what ranke and qualitie so ever thay be who duiring the tymes of this present Lent sall eate anie flesh without licence had and obteaned
to that effect, and the rather seing it he pleased God to bless this kingdome with all kynde of good and delicate fishes as well in fresh as in salt waters, making the same to be answerable in plentie and abundance for the use of man according to the diverse seasons of the yeere. For whilk purpose ordainis letters to be direct to command, charge and inhibite all and sindrie his Majestie liesges and subjects of what ranke, qualitie and degree so ever thay be be opin proclamioun at the mercat croce of the burgh of Edinburgh and others plaices needfull that none of thame presoome nor take upoun hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the paines following to be upliftit of everie persoun controveening so oft as thay falitye, that is to say—of everie Erle, ane hundredth pundis; of everie lord, ane hundredth merkes; of everie baroun, fourtie pundis; of everie burgesse, oistler and commoun cooke that sellis meate and drinke, fourtie pundis; and of everie uther gentleman such sowmes of money as soll be thought metee be the judge before whome thay soll be trued answerable and agreeable to their rent and myoen. As alsua that no fleshours presoome nor take upoun hand to sley or sell flesh during this forbiddin tyme of Lent under the paine of fourtie pounds so oft as thay falitye; And the contraveeners of this Act soll be callit, trued and persewed before the saids Lords and his Majestie Justice and his deputis and suche others judges as soll be constitute Commissioners be the saids Lordes, and the truthe soll be trued be oath of partie or witnesses: As alsua to command all his Majestie ofisiers and magistrats to burgh and land to inquire and try everie one within their awin bounds be whome this present Act soll happen to be contraveenned and to notifie their names to the saids Lords of Privie Counsell and to his Majestis Thesaurar and Deputie Thesaurar and suche justicis be commissioun as soll be constitute in everie toune or province to the effect the contraveeners may be punished accordinglie."

[Sederunt as recorded above.]

On a petition by Sir David Home of Wedderburn bearing that the protection granted to him to come to Edinburgh and treat with the Commissioners for the Surrenders expires on the last of this month, and that matters are still undetermined, the Lords extend the term of his protection to the last day of March. [In the repetition of the date it reads “first” day of March.]

“The lykewarrds prorogat and continewed in favours of Sir Walter Ker of Fadwonsye and Williame Home of Hardismylne, conforme to the warrand abownewritin in all points."

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, King's Advocates for his Majesty's interest, and William Bennet of the Grange as the party aggrieved, as follows:—
In contravention of the prohibition of the wearing of hagbuts and pistols Ragwell Bennet of Chesters, animated by a deadly hatred and malice against the said William Bennet, daily and constantly rides up and down the country armed with these weapons awaiting an opportunity to take his advantage of the complainer. Moreover he has endeavoured under pretext and colour of law to wreck and undo the complainer, “using his Majesteis sacred name and auctoritie as a cloak and cover to his indirect and lawlesse proceedings, as namelie; Finding a band made be the said compleener to Mr. Harie Aitkine, commissar of Orkney, upoun the sowme of a thousand merke, whilk sowme he had payed saxtein yeeres syne or thairby as wes verie weill knowne to the said Ragwell, he without the knowledge, directioun or allowance of the said Mr. Harie registar this band, raised letters thair-upoun, and chairged the said compleener for payment of the sowme, constraining him thairby to raise a suspensioun and, to his great hurt, neglect of his adoes at hame, and tinsell of his tyme, to attend the discussing of that suspensioun; quhilk being discussed in the compleeners favours, he, notwithstanding, keeping up of his letters of horning, charged the compleener of new to make payment of the sowme, forced him thairby to raise a new suspensioun, and sua holds the compleener in a continually turmoyle, trouble and fashrie; whilk form of cousenage, cloked with the pretext of law and culloured with his Majesteis sacred name and auctoritie,” ought to be taken order with. Charge having been given to the said Ragwell Bennett, and also to John Rutherfuird in Rattinraw, Andrew Bennet in Chesters, Andrew Hownem there, Alexander Kirktown, provost of Jedburgh, John Rae, burgess there, and William Alesoun, burgess there, as witnesses, and the pursuer and defender comparing, but not the witnesses named above, the Lords, by the testimony of other witnesses produced, find the defender guilty of wearing pistols and ordain him to find caution in five hundred merks in the Books of Privy Council to appear before their Lordships for sentence “this day twentie days,” and in the same amount not to wear firearms in future. As for the other points of the complaint they remit them to be pursued before the competent judge. They also ordain letters of horning to be directed against the absentee witnesses above named, and appoint £4 to be paid to each of the three witnesses present by the said, Ragwell Bennett, who is to be charged to that effect.

Complaint by Edward Paterson and John Rynkes, servants to Andrew Mitchell, skipper in Leith, sometime indwellers in the Queensferrie and now prisoners in Dunkirk, as follows:—As their Lordships know there were certain captives in the town of Salie for whose ransom certain sums of money were collected and paid, whereupon some of these prisoners were put to liberty, and others of them died in the said town of Salie while in prison, so that there still remains part of the money thus collected in the hands of the bailies of the Quenisferrie,
which, seeing there is no further use for it with regard to the Salie prisoners, would be well and usefully bestowed on the ransom of the complainers. Charge having been given to Robert Hill and Edward Littill, bailies of the Quenisferrie, and they compearing, and Andrew Mitchell compearing on behalf of the said Edward Patersoun and George Bynkes, the Lords appoints and commands John Dundas of Newlistoun and John Gibbesoun, minister at Dalmanie, to audit the accounts of the said contribution for ransom of the prisoners at Salie, and report with all convenient diligence; and meanwhile ordain the said Robert Hill to deliver 400 merks of the said money towards the relief of the said two prisoners in Dunkirk, for the which Andrew Mitchell is to grant him a discharge.¹

Edinburgh, 29th February
1628.

Sederunt.—Chancellor; Nithisdaill; Wyntoun; Perth; Roxburgh; Lauderaill; Carnegie; Master of Elphinstoun; Clerk of
Register; Traquair.

¹ At this period the Sallee rovers had become so audacious as to capture English ships off the Scilly Islands.—Gardiner, England under the Duke of Buckingham, I. 221.
Acts February 1628-29

The Lords of Secret Counsell understanding that their is some French wines laitle brought within this kingdome agains his Majestie Acts and proclamationuns made in the contrair, and whairas the keeping of the wynes aboord in the shippes will spoyle the wynes and make thame unusуетfull to the awners and others who sall be found to have right thairto, Thairfoir the saids Lords hes thought meete and ordainis that so manie of the awners of the wynes as will find caution to make the pryses of the same furthcummand to his Majestie in caise they be found pryze sall have licence to sell the same; and suche as will not find this caution, that they losse thair wynes and sellar the same and keepe thame unsauld, to the intent they may be made furthcummand to his Majestie incaise they be found pryze."

Caution by George Bennet, merchant burgess of Edinburgh, in 500 merks that Ragwell Bennet of Chesters will not in future bear hagbute and pistols, and that he will compost before the Council on 20th March next and underlie the censure of the Lords for his doing so with clause of relief. (Signed) G. Bennett, Ragwell Bennett.

"Ane Act in favouris of the Channellair, Thesaurair, Lord Naper and Sir James Baillie for thair reliff of the sowme of whilk they haif gevin band to William Dik and William Gray, marchantis burgessis of Edinburgh, assureing thame to be releved of thair ingadgementis and payit oute of the first and reddiest of his Majestis saidaylis and rentis."

The Minute Book of Processes gives the following Memoranda collectly for the month of February 1628:—

Act ordaining the magistratis of Aberdeene to delvery to the Earle Linlithgow the ship called The Thissell.

Ryott: Gordon against Hannay.
Complaint: James Lapeur (?) against Robertson for intertament after taking of his ship.

Bill: Jon Maxwell to be put to libertie.
Advocatios: James Hopper against Earle Home and his deputts.

Letter for rescinding ane Act of the baylies of Dalkeith.
Act ordaining Magistratts of Edinburgh to put James Cunyngham to libertie.

Act ordaining Alexander Robertsone a Jesuit to be put to libertie who is to be banished.

Warrand to put James Lawsone to libertie imprisouned for slaughter of Laurabanks.
Suspension: Georg Gordon against Captan Blair.
Letter: Patrik Flonkhide against Sibbot and his spouse for ryveing of ane Band.

Warrand to the Master of Elphinstoun to delvery some wrytts to the Clerk.
Suplication: James Mitchellhill to be putt to liberty.
Suspensione: Sheriff of Berwik aganist James Mowatt.
Ryott: Scott against Jonstoune.
Proces: Advocatt against toune of Perth for illegall electione of the
Viscount of Stormont to be their provest.
Act: Continuatione of ane proces, Thomas Fraser aganist Donald
McAngus for exhibiting some theives.
Letters aganist the Laird of Glengarie for exhibitione of certain
persones theives.
Proces: Edword Paterson, &c., prisoners in Dunkirk, to the baylies
of Queensferrie for making compt of ane contributione
received for their releiff.
Proces: William Bennett against Raguell Bennett for wearing
pistolls.
Letters of Denunciatiome of Alexander Davidsone.
Protectiones for severall persones.

"CHARLES R., Right trustie and right weibelovit cousine and coun-
sellour, right trustie and weibelovit cousines and counsellours, and right
trustie and weibelovit counsellours, we greete yow weill. We have
understood by your letter how that upon some disordours arising in
the Middle Shyres yow did conveene before yow the commissioners for
the same for knowing the reasons thereof, whairin we doe approve your
care; and perceiving thereby that the intermissioun of their ordinarie
meetings with our other commissioners for the English side and that the
not renewing by us since the death of our lait royall father of that
commission is the cheefe caus of these disordours, our pleasure is that
yow give warrand for drawing up a new commissioun with a blanke for
the commissioners names to be sent to us with all diligence appointing
thairin speciall dayes and places of meeting in so farre as may be
most agreeable with the commissioun for the other side, with suche
addition and provisiones as yow for the good of our service in that
kynde sall thinke expedient, and that yow certifie unto us your opinion
concerning a fitting number to be upon that commissioun that we may
prick suche of the persouns names as we sall thinke most fitt, so we bid
you heartilie fareweill. From our Court at Newmarkett the third day
of Marche 1628."

Sederunt.—Menteith, preses; Treasurer; Nithisdaill; Roxburgh; Sederunts,
Lauderdaill; Naper; Master of Elphistoun; Master of Jed-
burgh; Sir William Oliphant; Clerk of Register; Tracquair.

Anent Cluni Gordon.

"Ane letter from his Majestie concerning Cluni Gordoun anent the
apprehending of one Stuart, and ane answar ordanit to be returnit to
his Majestie showeing that no thing wes produceit wherupon a warrand
could be grantit, and that it was a novaltie and aganis the course of justice to apprehend persons for a cryme afore he be callit to his answyer."

"Most sacred Soverane, Thair wes a signatour under your Majestie's privie seale givin in be Mr. Alexander Hay, one of the clerks of the Session, whairby he desired to be adjoyned as thrid clerk in this Commision for the Surrendars, and we, having read and considderit the tenour and nature of his gift, called upoun him and upoun the two ordinar clerks, who with most submissive and humble respect aganis the said Mr. Alexander his admission be reassoun of thair provisioun to the said office cled with possesstioun and warrantit first be your Majestie commision under the great seale which is the warrand of our sitting and proceedings and nixt by your Majestie gift under the privie seal, in both which they ar made and constitute sole and onelie clerks of this commision during the whole tyme thereof; and notwithstanding thereof it wes offered be thame that if it wer found be the table that the service wes so great as it could not be overtaikin be thame twa or so difficult and hard as they were not able to discharge it they wer content for the weale of your Majestie service and without anie privat respect to thanmselfs to lay doun their charge and give way to anie whome your Majestie sall be pleased to prefer thairunto; and we finding the objeczioun made be the saids twa ordinar clerks to be foundit upoun the warrand of your Majestie commision and that thir twa ar weele provydit to the said service, first by the commisioni foresaid anent the surrendars and nixt be your Majestie gift under the privie seale, and in both are constitute sole and onelie clerks of the commision which excludes all others, and thay having carefullie and painfullie attendit thair service these twelff moneths bygane and able enough to discharge the same be thanmselfs we thought it more fitt to acquaint your Majestie with the caise of the bussines as it stands and to represent unto your Majestie the reaouens of our behaviour, then to proceid suddanely to the said Mr. Alexander his admissioni which careis with it some derogation to your Majestie commisioni which is the warrand of our procediingis, and may breed some disorder and confusion in the progres of the service, to your Majestie prejudice. All whiche recommending to your royll and most judicious consideratioun we pray the almighty God to blessse your Majestie with a long and happie raigne, and we rest for ever. Halyruidhous the fyft of Marche 1628. Subscribitur, Mar, Monteith, Eglinton, Nithisdaill, Lauderdaleall, Pa. B. of Rosse, Jo. B. of Murrey, J. B. of Cathnes, Naper, A. Gisbome, Oliphant, A. Carre, D. Aikinheid, Mr. Thomas Hoip, Mr John Hay, Gabriell Cunninghame.
Holyrood House, 6th March 1628.

Sederunt.—Menteith, preses; Treasurer; Murray; Nithisdail; Wyntoun; Bugeleugh; Lauderdaill; Bishop of Ros; Carr- negy; Naper; Master of Elphingstoun; Master of Jedburgh; Advocate; Clerk of Register.

[Sederunt as recorded above.]

Complaint by Marion Hume, spouse to Patrick Cranstoun of Corsebie, as follows:—"The said Patrik, her husband, haveing shaikin aff all respective dewteis of love and kyndeneesse whilks by the law of God and nature he aucht to have careid to the said compleuner who hes borne unto him the number of twentie bairnes or thairby, of whome he is likewayes become verie carelesse and forgetfull, neglecting als well thair education as provision; and his wraith and malice is now come to this hight that most unnaturallie he hunts for the compleurers wracke and destructioun, as sall be evident by the particulars following, to witt—In the moneth of Junij or thairby 1617 without anie just occasion offered be the compleuner unto him he with a long corne forke most shamefullie and unmercifullie invaidit and persewed her of her lyffe and had not failed to have slaine her wer not she escaped from him; And upoun the day of Julij thairafter he come most furiouslie upon the compleuner in the woman hous whair she wes for the tymne, and thair after a most shamefull and cruell maner strake and dang her with his falded niffes, avowing presentlie to have her lyffe if she stayed longer in his hous and companie, whairupon she for eschewing of his crueltie haveing put on ane white wylie coate of ane servant womans, thinking in that disguised habite to have convoyed her selfe away unknownne to him, but he getting notice thairof come running after the said compleuner as she wes going throw the mosses with a drawin whingeair in his hand, whairwith he had not failed to have strickin and slaine her if he had not been hindered be two of his servants that come running after him; and yitt he ranne upoun her with his feete and hands and most unmercifullie strake and dang her in sindrie pirts of her bodie. And likewayes in the moneth of Junij 1620 the said complainer being in the mosses beside her servants and warkefolkes, he thair in all thair audience uttered a number of disgracelfull and rayling speeches aganis her, and avowed with manie execerable oaths that he suld nather eate meate nor drinke whill he had the bairne whairwith she wes for the tymne out of her bellie; whairof the compleuner haveing verie vehement caus of suspicioun and feare quetttie convoyed her selfe away to the plaiice whairunto he came after her and attendit at the hall doore till she come out and er ever she wes awar of him putt violent hand in her persoun and shamefullie and cruellie strake and dang her, threatening her with present death: Bot in the meane time Mr. Thomas Park come in to the hall, and by great intreatie preassing to stay him the said Patrik Cranstoun closed the hall doore and drew furth
his whingeard of purpose thairwith to have taikin the compleaneers lyffe, oftin avowing with manie fearefull oathes that if the said Mr. Thomas preassed to impede him he sould give him that whilk he ordained for her; lykewise he had not failed ather to have bereft her of her lyffe or done some dischort to the said Mr. Thomas if he had not modestlie and calmelie prevented the same; And heaving continewed all that day in his cruell rage agains the compleaneer and being impeded be the said Mr. Thomas fra executioun of the same, privat advertisement was send of the mater to Mr. George Byres, thair pastour, who comming to the hall window, the doores being closed, and seing the forme of the said Patrik his cariage towards the compleaneer he with teares requested him to stay his furie and opin the hall doore, bot on no condition would he doe the same, protesting opinlie that he repented nothing more bot he had tane her lyffe the night before when they wer lying in thair beds. And the said Mr. George staying still at the window he sent his sonne Byres for James and George Cranstouns, two nighbours, who haveing come thair in the evening they than prevailed so farre by thair perswasions that he opened the hall doore, and so the compleaneer was freed of his cruellitie for that tyme; bot for the space of fyftein weekes thairafter she durst not come in his sight till Mr. James Daeis, minister at Erseiltoun, after great paines and travells purchast ane assurance for fyftein dayes, during whilk space the said Patrik ever avowed at the outrunning of the assurance that he sould take her lyffe. Lykeis in the moneth of November 1625 yeeres the said Patrik dealt with the said compleaneer to give unto him the infetments and securitieis of her conjunct-fee and lyferent lands, craftilie perswading her in all his lands conforme to manie promises made to that effect; and the said compleaneer simplicie leaning to his promise delyvered her saids writts unto him; bot in the nixt night thairafter he begunne to kythe himselfe more malicionslie disposed aganis her nor of before; and the said Patrik and Cranstoun, his bastard sonne, colluding togidder aganis the compleaneer, the said Patrik infelt his said bastard sonne in a rowme that she wes infelt in aucthein yeeres before and destroyed the right thairof; and soone thairafter ranconterning the compleaneer comming out at the towre yett, he sett upon her and shamefullie and mischantlie abused her with straikes; and after that he the providence of God she was fred of him at that tyme his bastard sonne told the compleaneer that the said Patrik repented nothing bot he had feld her with the gade of yrne he had in his hand. And upon the day of the said moneth thairafter he in a cruell rage and furie searched and sought the compleaneer throw all the houseis in the plaice, and finding her in the woman hous he preast to have bereft her of her lyffe bot was stayed by these that wer present for the tyme; and finding himselfe disap-pointed of his wicked purpose at that tyme he thair swore and avowed that notwithstanding he sould never rest till he got his intent of the
said compleaner. Lykeas within the spacie of dayes thairafter he sett upoun her in the hall and verie cruellie strake her in sindrie pairs of her bodie till she was releved by the servants present for the tyme, at whilk tyme he avowed that he sould ather hang her in a slippe of yairne or in a towell; and out of his deepyte towards her he tooke all the bookeis from the bairnes whairon they learned and would not suffer the doctour to learme thame, swearing and saying that he sould not onelie have a mends of that whoore her selfe bot he sould have a mends of thair soules whome that rottin faiced whoore shott fra her lyke a sow; whairupon the said compleaner was forced for eshewing of the said Patrik his crueltie to goe to Bassindein, whair, after she had stayed a certane space, Johne Cranstoun of Thornedykes come to her and moved her to goe home againe, assuring her that her husband had promeis to give her the nixt best hous in the plaice to remaie in whill the said Laird of Thornedykes his leasure served to come and see a better agreement sattled betuix thame; and at the said compleaners going hame the said Laird of Thornedykes directit and send Thomas Cranstoun of Bassindein home with her to see if the said Patrik keeped promise unto the compleaner, bot so soone as the said Patrik heard that she wes come he dischairgit her off all the houssis in the plaice and directit her to the woman hous whair his brood swyne and grysses wer; and oute of his forder spyte aganis her (alleging that ane lasse of fyftein yeeres of age sould have brought her out some clothes) he did heate a pair of taings in the fyre and thairwith most cruellie brunt the poore damosell in the cheeke. And in the moneth of being in Bound accompanied with sindrie gentlemen, he in all thair presence, out of his old rancour and malice toward the compleaner, caught her be the hand, and with manie threatnings dischairgit her ever to sett her foote within the plaice or anie whair within his ground; and when as the compleaner caused the gentlemen foresaid speake and deal with him in the contrair he refusied in anie sort to heare thame, sua that she went to her fathers hous, and after twentieth dayes stay thair, the said Patrik, the compleaners husband, than seeming to repent him of the unkynldie usage of her, send for her to come home againe, whairupon be the advice of her father and freinds she past home, thinking not onelie to have beene weill and kyndlie reassaved of him bot to have lived in peace and saulfetie thairafter; bot the said Patrik, in verie short space after the compleaners home comming, beganne to renew his old and wounded misdemeanour aganis her, and, without anie just occasion offered or done be her unto him, he patt violent hand in her, tooke her be the shoulders, and shott her out at the yett, and caused ane woman carie a litill kist after her and thairwithall followed himselfe saying to the compleaner, Take thair thy flitting with the, thow commoun bitche whoore, for thow salah never gett nothing of the living
of Corsbie albeit all thy kin had said it. Whairupoun the compleuner haweing meaneed her selfe to the Lords of Privie Counsell and caused charge her said husband to compeer before the said Lords in the moneth of September last, he, being conscious of his awin guiltinesse and fearing deserved punishment, caused deale with the compleuner to take up the mater and submitt him selfe to freinds, whairunto out of her love to him she yeeldit, being loath to be heard forder with him; bot at the meeting of thair freinds for settling of the agreement he wes so sclender in his offers that the meeting deserit and before the nixt meeting he send of new to the compleuner againe intreating her to come home, and the lyke sould never fall out betuix thame as had done before, bot that thay sould live in peace and love togidder; whairunto the compleuner, out of her affectiou to the said Patrik, her husband, being glade to live in quytnes with him, wes moved to yeeld to his desire, and upoun the sevintein of October last went home againe to him, sua that the submission deserted. Yitt for all this she wes in no better caise nor of before, for the nixt night after that she come home the said Patrik beganne of new to abuse the compleuner, saying he sent not for her as thinking she sould have come, bot that he might have gottin that advantage of her that she sould have refused, and thairwithall he uttered a nombre of revylie and despitfull speeches als weill againis the compleuner as aganis her speciall freinds, saying, I have anes gottin the to abuse as I would have had the, for I would have givin more than I will speeke of or I had not begyled all the Homes in the Merce and the Laird of Blacader for all his wylie lookes, and it sall be seen that it sall be the fecklessest mairiage that ever wes made in Blacader with such ane rottin faiced whoore, with such lyke other reproachfulle and disgracefull speeches not worthie to be heard. Whairupoun the said compleuner haweing deayred, her pastour to interced for her, he taiking aff his hatt held up his faice and hands to the heavens and swore in presence of the minister saying, Lord, lett my soule never inherit the kingdom of heaven if ever she sall have ane better lyfe with me bot ever worse. And when it pleased God that the compleuner drew neere the tyme for the delyverie of her birth, she haweing desired her husband to send for a midwyff to her he not onelie refused, bot, also so straitlie dischairgit all the servants of the hous to bring ather a midwyff or anie other nighbours to the compleuner, as none of thame would go, excusing themselfis that they durst not for the Laird: Lykeas when the compleuner send for a drinke of aill the tyme of her sickenesse, he would not suffer the same to be givin unto her nor no other thing whairof she stood in neid, through occasiou whairof and want of a midwyff she susteened suche harme and evill as she will never be so weill againe; and if she had not bennep pleased be her freinds duiring her sickenesse with necessars, she had undoubtedlie lost her lyffe, whilk wes the thing the said Patrik aimed at,
And so soone as the compleuner in some measure recovered and beganne to ryse and goe up and doun, he entered to his wounded abusing and threatning of her, swearing and saying with manie horrible othes that if she could not making him quyte of her he sould cast her in the well of his towre and sould make her the blackest sight that ever was seene of wyffes daughter. And thairafter sax of the compleuners bernis lying sicke in the fever, she haveing gone up to the towre to seeke some wheate bread to make thame some alberrie, the said Patrick in the meane tyme came running uppon her with a drawin knyffe in his hand thinking to have stobbed and slaine her thairwith, bot thair being a young boy present for the tyme, and being be the small strenth he had stayed thairof, he than with his falded niffes gave her a number of cruell straikes on the head and preast to have thrust her over the towre staire, wer not the boy hindered him thairin also; and yitt with the swing he gave her she fell doun the halffe of the staire: And duiring this tyme the said Patrik allowed the said compleuner nothing ather to interteane her selfe and her poore sicke bairns nor yitt to putt nother hose nor shoe uppon her, for he keped suche cloathes as she had frome her and gave her no other to putt on, nor yitt her poore babeis, notwithstanding that she oftin caused freinds deale with him thairanent; but the said compleuner lived oneli by the benevolence of her freinds, seing she can gett nothing upoun credite, becaus she is involved in more debt nor she can pay upoun the said Patrik his thus mischant useing of her; and so for the present she is in a worse conditioun both for her apparrelling and abuilyement nor these that goes frome doore to doore. Lykes as at the said compleuners last away comming, she putting on upoun her ane old wylie coat of her awin, not worth twelffe shillings Scotish, he come to her chamber doore in a great rage with a knocking mell in his hand, and dang up the doore, avowing with great othes I sall anes be thy burwr commoun whoore and thy hangman. And the said Patrik is so maliciouslie myndit toward his said spous and her barnes that he is resolved to wracke his estait in despite of thame, and for this effect neglects his eaffaires, displenishes his lands, and sellis his oxin and goods, and the last Sommer left his medowes unmawed, takes on great sowmes on his lands, and makes dispositioun thairof to his bastard sonne. Manie moe other cruelteis, wrongs and injureis hes the said Patrik Cranstoun committit agenis the compleuner and her poore bairnes and others for her caus whilkis wer tedious to relait," but with the foregoing she has thought good to acquaint their Lordships that they may take such order therewith as is meet. Both pursuer and defender compearing, and witnesses being produced and heard in support of the complaint, the Lords find, "so muche of this complaint to be cleerelie and sufficientlie verified and provin agenis the said defender as inferres aue verie great and undewtifulfull misbehaviour in him agenis his said spous
and great and violent oppressiouns committit be him aganis her," for which they commit him to ward in the Tolbooth of Edinburgh till they shall release him. Further they judge "it nawayes expedient that the said Marioun Home, his spouse, cohabite with him, but finds it fitt for both thair weales that they sall live apairt for the space of ane yeere after the daie hereof to the intent good offices may be used by persons well affected to thame both for reconciling of thame and uniting of thair hearts and affectionis in that Christiane harmonie that becometh." For her maintenance meanwhile the Lords ordain the defender to pay her 800 merks for the said year, one half at Whitsunday and the other at Martinmas next, and order him also to deliver to her her "abulymeints and cleithing." Further he is to find caution to perform these ordinances, and also for his personal compearnce before the Council on the first Council day of March 1629 to underlie their direction in this controversy between him and his wife. Letters are to be directed upon the above if necessary.

Complaint by Sir William Oliphant of Newtown, knight, and Mr. Thomas Hoip of Craighall, King's Advocates, as follows:—The Privy Council, having taken to consideration the great disproportion between the price of English beer and that of the ale of this kingdom, and finding it noway agreeable with order, policy nor good government that any foreign commodities should be sold at double the price of the native product, especially when the latter is as good, ordained by proclamation and otherwise that no importers of English beer should sell it at a dearer rate than £6 the tun, so that it might be retailed by the vintners at 1s. 6d. the pint, under a penalty of £20 for every tun sold in contravention thereof; yet on 10th April last Alexander Law, younger, in Kircaldie, imported at Dundee 24 tuns of English beer, and William Young in Kircaldie imported at Kircaldie 5 tuns of English beer; on 13th September last William Simsoun in Dysert imported at Dysert 5 tuns; on 9th October James Coilyear in Kircaldie imported at Kircaldie 9 tuns; on 10th April John Balcalquill in Kircaldie imported there 3 tuns; on 9th March John Simsoun in Kircaldie imported at Anstruther 9 tuns; on December last Robert Justice in Kircaldie imported at 15 tuns; on January last David Williamsoun in Kircaldie imported at 20 tuns; and on January James Burrell there imported 12 tuns: all of whom have sold the same at a dearer rate than the Act allowed and so have incurred the said penalty. Charge having been given to these persons, and both pursuers and defenders compearing, and probation being referred to the defenders' oaths, the Lords find that Alexander Law, younger, has transgressed in 8 tuns, William Young in 19 tuns, William Symson in 2 tuns, James Coilyear in 9 tuns, John Balcalquill in one tun, John
Simsoun in 3 tuns, Robert Justice in 23 tuns, David Williamsoun in 12 tuns, and James Burrell in 12 tuns; but understanding that they "as at Fol. 119, b. but meane men and not able to pay the paines conteant in the saids Acts" they modify the fine to £10 for every tun to which they have confessed, and ordain them to have their relief of the merchants, owners of the said beer. They further ordain the defenders to find caution acted in the Books of Secret Council not to transgress in the like again.

Mr. John Serogie, advocate, as procurator for the principals and cautioner, registers a bond of caution by Duncan Buchanan, stabler and burgess of Edinburgh, in £100 each, for John Rutherfurde in Rattrinraw, William Alissoun, burgess of Jedburgh, and Andrew Bennet in Chesters, that they will appear as witnesses in the action before the Council by William Bennet of Grange against Ragwell Bennet of Chesters for bearing hagbuts and pistols, on 20th March next, and that they will each pay 20 merks to his Majesty’s Treasurer, Depute Treasurer, and Receiver of his rents, for their escheat if found liable therein; with clauses of relief and registration. The bond, which is written by Mr. John Callendar, servitor to James Prymrois, Clerk to his Majesty’s Secret Council, is dated at Edinburgh, 8th March 1628; witnesses, John Davidsoun and Mr. Patrick Maxwell, servitors to Andrew Nimmo, writer, and Robert Haigie, servitor to Mr. Richard Kene, writer. Signed by Duncan Buchannane with the aid of Alexander Forrest, notary, because he cannot write, Robert Haigie, witness; J. Davidsone, witness, M. P. Maxwell, witness.

Mr. Robert Craig, advocate, as procurator for principal and cautioner, registers a bond of caution by Patrick Cranston of Corebie and John Cranston of Thornedykes as his cautioner, that the said Patrick will pay to Marion Home, his spouse, the sum of 800 merks appointed by their Lordships for her aliment for a year, at Whitsunday and Martinmas ensuing; that within fifteen days he will deliver to her all her clothing in his hands; and that he will appear before the Council on the first Council day in March 1629, under the penalty of 800 merks; with clauses of relief and registration. The bond, which is written by Mr. John Callendar, servitor to James Prymrois, Clerk of Secret Council, is dated ; witnesses, the said James Prymrois, John Cranston and John Wilkie.—(Signed) Patrik Cranston of Corebie; Jo. Cranston; J. Prymrois, witness; John Cranston, witness; John Wilkie, witness.

Sedumtu.—Chancellor; Treasurer; Monteith, press; Nithisdaill; Wyntoun; Lauderdaill; Bishop of Rosse; Carnegie; Naper; Master of Jedburgh; Advocates; Clerk of Register; Tracquair.

Order inhibiting his
preests and excommunicat persouns for professing of the Popish religiuon and for recusancie hes beene verie oft prohibite and dischairgit be the lawes of this kynodome under certane panes mentioned and conteaned in the Acts made thairanent; notwithstanding it is of truthe that after the processe of excommunicatioun wes laughfullie and ordourlie led and pronounced aganis the persons particularlie underwrittin for thair avowed professioun of Poprie, and for thair refusing to communicat, and thay being thairupon callit and conveenned before his Majestie Counsell, and to have produced with thame testimonials from the presbyterie whair thay dwell that they had satisfied the Kirk and relax thameselves from the sentence of excommunicatioun, they, taiking the cryme upoun thame, and continewing in thair obsured and Popish opinioouns and erroors they wer for that caus upoun the dayes particularlie underwrittin denounced his Majestie rebells and putt to the horne, to witt; upoun the tent, twelfe and saxeit dayes of Januar last James Maxwell, brother to Harbert Maxwell of Kirkconnell, Mr. Charles Browne in New Abbey, Gilbert Browne in C orbells, Fergus Mc Gill at Clauchane, Barbara Maxwell, Ladie Mabie, elder, Homer Maxwell of Trostane, Jeane Browne, his spouse, Agnes Maxwell, daughter to the Ladie Conhaith, Ewame Beatie in Colledge, Barbara Maxwell, Johne McBray, sonne to Robert McBray of Almigill, Dame Barbara Johnestoun, Ladie Gribtoun, Johne Maxwell of Gribtoun, Marioun Maxwell, Ladie Wauchop, Elizabeth Maxwell, relict of umquhill Harbert Cuninghame, notar, Elspitt Maitlane, servitrix to the Countesse of Nithisdaill, Agnes Johnestoun, spous to Williame Hereis of Madinpalpe, Edward Maxwell, brother naturall to Edward Maxwell of Cowhill, James Maxwell of Kirkconnell, wer denounced rebells and putt to the horne for the caus foresaid: And upon the penult day of August 1624, Johne Littill, maister household to the Erle of Nithisdaill, and George Warrocke, isher to the Countesse of Nithisdaill, were denounced rebells and putt to the horne for their not compearence before his Majestie Counsell to have answered upon thair Popish opinioouns and erroors and for thair refusing to communicat: And siclyke upoun the last day of Julij, 1622, John Browne in Lochhill and Jonet Johnestoun his spous wer denounced rebells and putt to the horne for thair not compearence before his Majestie Counsell and for not productiouon before thame of sufficient testimonials of the presbyterie whair thay dwell of thair giving satisfactiouon to thair kirks and presbyterieis: And upon the twentye three day of May 1616 Mr. Harbert Browne and Katharine Glendinning, spous to David Maxwell callit of Newwarke, wer denounced rebells and putt to the horne for the caus foresaid, as the letters of horning respective used and execute aganis thame and proceeding upon the fearefull sentence of excommunicatioun pronounced aganis thame at lenth beares: And siclyke upoun the said tent day of Januar last Thomas Patersoun in Auchingry and Margaret Browne his
spous wer denounced rebells and putt to the horne after that they wer excommunicat for their cohabitaitiou in adulterie: And upon the said twelffe day of Januar last Johne Allane in Kirkgunzeane and Thomas Paterson that were denounced rebells and putt to the horne after the fearefull sentence of excommunicacion pronounced aganis thame for abusing of the minister and sessioun of the kirk: And siclyke upon the said tent day of Januar last Johne Williamsoun in Lochrowtoun, William Creirie that, and Agnes Sinclair that were denounced rebells and putt to the horne after they were excommunicat for adulterie: And Issobel Hereis in Kirkgunzeane was lykeways denounced rebell and putt to the horne after the processe of excommunicacion used aganis her for incest and adulterie, as the letters of horning respective foresaid dewlie execute, indorsat and registrat shonwe to the Lords of Secret Counsell, beares: At the processe whairof the persounses excommunicat and rebellses foresaid most proulidie and contemptandlie remaines as yitt unrelaxt, taikand no regaird of the said horning, but haunts, frequents and repaires in all publict parts of the countre as if they wer free and laughfull subjects; and they ar ressett, suppleed and furnesest with all things necessar and confortable unto thame to their encourageent to continew in thair Popish opinious and erreurs and in thair others detestable and filthie sinnes, so offensive to God, scandalous to the trew religioun, and of so pernicious exemple in a countrie subject to law and justice. Thairfoir the Lords of Secret Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamacion at the mercat croces of Dumfreis, Lochmabane, Annand and others plaices needfull, that none of thame presoome nor take upon hand to ressett nor supple the saids excommunicat rebells, nor none of thame, nor furnishe thame meate, drinke, hous nor harbourie nor no other thing confortable and necessar unto thame during the tyue of their excommunicatioun and rebellioni foresaid under all highest pane that by the lawes of this kindome can be inflicted upon offenders in this kynde."

Preamble as in the preceding Act as far as the words "in a countrie subject to law and justice." The commission then proceeds—"Whairas if this ressett, supplee and confort wer refrueis unto thame they might be reclamed from their opinious and sinnes to the acknowledgement of their bypast misdemeanours, Thairfoir his Majestie with advice of the Lords of the Secret Counsell hes resolved exemplarlie to punish thir ressetters and supplerees of the said excommunicat rebells whairthrow others may be terrified frome doing the lyke in tyne comming, and for this effect hes givin and grantit and be the tennour hereof gives and grants full power and commision to the Shireff of Dumfreis and his deputies, and to Alexander, Erle of Galloway, William Dowglas of Drumlanrig, Sir William Greir of Lag, Sir Johne Charters of Amisfield, and the proveist and baileis of Dumfreis, conjunctlie and severallie, to direct
their awn precepts, and to warne all and sindrie persons inhabiting within the shiredome of Dumfreis and Stewartreis of Kirkcudbright and Ananderdaill, who are suspect guiltie of the ressett and supplee of the said excommunicat rebells to compere before thame at suche dayes and places as they sall appoint, and to try and examine thame upon their ressett and supplee and to produce probation and witnese againis thame, and to doe and to performe all and everie laughfull fact whilk may procure a cleere discoverie of the said ressett and supplee; and for this effect to fense and hold courts and to create officiers and members of court needfull; And that they make a formall report of their proceedings in writ and send the same closed to the saids Lords to the intent that after consideration theif of the saids Lords may impose suche fynes and other punishments upoun the offenders as the nature and qualitie of their offence merites. Firme and stable halding and for to hald all and whatsoever things sall be laughfullie done heerin.”

Commission under the Signet to Sir Alexander Nisbet of that Ilk, Sheriff of Berwick, and his deputes as justices, to hold courts within the tolbooth of Dulce and try Jeane Murdo there, who has murdered four or five “barnes borne be her in adulterie to William Quhytslaw in Dulce,” for which she has been apprehended and warded in the said tolbooth. The said William, hearing of her apprehension, and conscious of his own guilt in the said murder, immediately fled to England, “quhilk is a very cleere presumption and argument of the said Jeane her guiltines.” Signed by Geo. Cancell., Monteith, Nithsdaill, Wyntoun, Lauderdaill, Pa. B. of Rosse, Carnegie, and Naper.

“Most sacred Soverane, By our letter of the twentie sax of Februar last we represented unto your Majestie royall consideratioun the humble petition of your Majestie poore subjects who formerlie tradit in France since which tyme thair hes arryved heere some Fleenish shippes loadned with Frenshe wynes pertesanegg to your Majestie subjects the awners whairof hes made humble sute unto us that thay might be permitted and warranted to sell their wynes without danger of your Majestie prohibiition in regaird (as they affirme) these wynes ar the returne of thair stockes which they had lying partlie in France and partlie in the Low Countrie longe before the troubles and which thair factours there hae thus imploied before the publishing of your Majesties last prohibitioun, and thay ar confident that this course which out of ane unavoidable necessitie they have beene constrained to follow for recoverie of their estait in these difficulttyes will out of your Majestie gracious and tender regaird to the weale of your distressed subjects receave a favourable allowance and that thay sall not be made lyable to the danger of your Majestie proclamatioun whairof thay pleade ignorance and quhilk thay will dwtiefullie obey in tyne coming. Their petitione being heard and your Majestie prohibitioun considerdit be us, we thought good in regaird of the nature and circumstances of the bussines rather to
acquaint your Majestie with the reasons of their desire nor to give warrant for selling of the wynes against the tenor of your Majesties proclamation. The wynes are sealed and inventar made thereof, and if the owners fearing the spoyles of the same by the not tymous vent thereof shall adventure to sell the same upon their own peril your Majestie can no prejudice thereby seing they are a number of responsall men and answerable and comptable for what they sell due upon the signification of your Majesties pleasure thereafter.

Attending the quhilk we pray the almighty God to watch over your sacred person and to bless your Majestie with a long and happy reign and we rest. Subs. Dupline, Mar, Monteith, Nithisdaill, Buclegache, Launderaill, Pa. B. of Rosse, Carnegie, Naper, Oliphant, Hammiltoon."

"The quhilk day the Earle of Nithisdaill presented and undertook to bring and present before the Counsell John Maxwell, his base brother, and William Maxwell of Monreth, gif he be in the cuntry, upon the last Counsell day of this instant to answer upon their allegit convoy and bringing of a preist to a sick man in Drumfreis, and ressaveling of the preist in at the Earle of Nithisdaill his postern yet." "The Lords ordains the Fransie wyns brought in to Leethe to be enterit according to the ordour and cautioune tane for payment of the impost."

Holyrood House, 15th March 1629. Sederunts—Chancellor; Treasurer; Monteith; Morrey; Wyntoun; Bishop of Rosse; Master of Jedburgh; Sir William Oliphant; Clerk of Register; Traquair.

Admission of Alexander, Earl of Galloway, into the Council.

"The whilk day the Lords of Secret Counsell according to ane warrant and direction in writ signed be the Kings Majestie and this day presented unto thame ressavit and admittit Alexander, Erle of Galloway, to be one of the ordin number of his Majestis Privie Counsell and to inter all honours, dignities and privileges proper to that place, lykeas the said Erle being personallie present and acknowledging with most humble and devoutfull respect his Majestis gratious favour showed unto him in preferring of him to this high place of honour and dignite, he with most submissive reverence on his knees, his hand lying upon the halie evangell, made and gave his solemn oath of allegiance, and the oath of a privie counsellour. Followes his Majestis missive for warrant of the act abonewrit.——Charles R.,——Right trustie and right wellbelovit counse and counsellour, right trustie and wellbelovit cousins and counsellours, and right trustie and wellbelovit counsellours, we greet ye well. Being informed of the sufficiencie of our right trustie and wellbelovit cousin the Erle of Galloway and of his affectioun to our service, we ar weill pleased in regard therof and for his further

1 Alexander, Lord Carlyle, had been created Earl of Galloway in 1623.—See Vol. XIII., p. 383.
encouragement and inhaling him for our said service to advance him to be one of our Privie Counsell in that our kingdome. Thairfoir it is our pleasure and we do heereby require yow that, haveing administered unto him the oath accustomed in the lyke caises, yow attit him to be one of our Privie Counsell, resaving him in that place as one of your number: for doing whairof these presents sall be your warrant. Givin at our Court at Theobaldes the twentie one day of Februarie, 1628."

"Forasmeekle as William Patersoun in Kilpont having laitlie upon a suddane chaudmelle and not upoun set purpose nor provisioun slane unquhill Johne Mowat in Kilpont, the freinds of the said unquhill Johne in regard of the circumstances of the said slaufter wer content to heare of offers and to resave assytementh and satisfacion, but now by the information and procurement of Thomas Dundas in New Brig end and Henrie Dundas in Mure end, neere kinsmen and freinds to the said unquhill Johne Mowat, they refuse to embrace anie condition of agreement bot ar resolved to seeke their privat revenge and sua to disturb the peace of the countrie without remeide be provydit. Thairfoir the Lords of Secret Counsell ordanis letters to be direct chairing the said William Patersoun on the ane pairt and the said Thomas and Henrie Dundasses as neerest of kin to the said Johne Mowat on the other pairt to compe personallie before the saids Lords upoun the day of to answere to the premisses and to underly suche ordour as shall be tane with thame for sattting of the said feed and keeping of the peace of the countrie, under the pane of rebellion, etc., with certification, etc."

Commission under the Signet to John Burnet of Barnes, Robert Geddes, brother german to James Geddes of Kirkurd, and Alexander Tait of Pirne, jointly and severally, to search for, apprehend and place in sure ward until opportunity offer for their transport to the wars of , John Gowdie in Broomehous of Rutherfoord and James and John Gowdie, his sons, who being put to trial for the slaughter of John Halyday in Smalholmie in last May and convicted thereof, were "in regard of the exigence of the tyme," handed over to Captain Borthuick John Halyday, and transported by him to the service of the King of Sweden. This service, however, they have deserted, and contemnuously returned hither without licence. Signed by Geo. Cancell, Monteith, Wintoun, Galloway, Pa. B. of Rosse, A. Carre, Oliphant, and Hammilton.

Caution by Adam Scot of Burnefutt in 1000 merks that Adam Scot, son to Walter Scot of Maisheillis, will not molest Thomas Trumbill of Know, and Walter Trumbill there, nor their men, tenants or servants. (Signed) Adame Scot of Burnfut.

Laurence Scot, advocate, as procurator for principals and cautioners, registers a bond of caution by the foresaid Adam Scot of Burnfut and Walter Scot of Maisheilis mutually in 1000 merks each to the above effect, with clauses of relief and registration. Dated at Edinburgh, 13th
March 1628: witnesses Adam Scot, messenger, indweller in Edinburgh; Caution, John Richartsoun, writer, burgess of Edinburgh; Adam Scot, son to Fol. 280, b. Walter Scot of Midshiels; Thomas Lowrie, notary, and David Nicolsoun, burgess of Edinburgh. (Signed) Adame Scot of Burnfut, Walter Scot of Midshiels (signs by the aid of James Scot and Thomas Lawrie, notaries); Adame Scot, witnes; Adame Scot, witnes; Johnie Richartsone, witnes; David Nicolsoun, witnes.

Caution by Thomas Trumbill of the Know for Androw Trumbill, Fol. 281, a. and the said Andrew Trumbill of Bewlie for the said Thomas in 1000 merks each that they will not molest Adam Scot of Burnefutt, Walter Scot of Midshiells, nor their men, tenants and servants, nor Adam Scot, son to the said Walter. (Signed) Thomas Turbull, Andro Turbull of Beaullie.2

"After our verie heartlie commendatious to your good lordship Whairas for the better forderance and advancement of that submissioun drawin up be his Majestis Advocats and alreadie subscrivyd be a number of the Lords of Erectious and others having interesse in the surrenders and teinds it is thought meete that the whole teind sellers within the kingdom sall subscriye the double of the said writt and submissioun to the intent his Majestie may the more ordourlie proceed in his royall determinatioum in the maters submittit unto his Majestie, and it is lykeways thought meete for the ease of the subjects and relieving thame of needelese travell and charges that commission sall be givin to some noblemen in everie shirefdom to take the subscriptiouns of the teind sellers within the shirefdom whair thay dwell, and choise is made of your lordship for the shirefdom of Dumbartane, stewartrie and erledome of Menteith, as by the commission and double of the submissioun heerewith sent unto your lordship yow will perceave, and thairfor these ar to request and desyre your good lordship to have a care of the dew execution of this commiission conforme to the tennour thairof in all points. And if the teind buyers of that shirefdom send not a list to your lordship in dew tyme of the names of the teind sellers within the same that then your lordship will be pleased to informe your selfe the best way yow can of the names of the saids teind sellers and conveene thame at such tyme and plaice and with suche convenient diligence as your lordship may, and present the submissioun unto thame and desyre thame to subscriye the same, and if they or anie of thame sall happin to neglect the tyne and plaice of meeting or having mett sall refusie to subscriye the said submissioun that your lordship make report thairof unto his Majestis Counsell upoun the 22 day of Apryle nixtocome. Qhilk recommending to your lordships speciell care as a point of service highlie concerning his Majestie we committ your lordship to

1 "Walter" was first written in this entry, but that name is deleted and "Andrew" substituted for it.

2 The Volume of Cautions ends here, and there is a blank in this Register until 1661.
God. Frome Halyruidhous the threttein of Marche 1628. Subsiditor,

"After our verie heartlie commendatiouns, We have discovered of lait
most cruell and barbarous murders committit be William Quhytlaw in
Dunce upoun foure or fyve of his awin childrein procreat to him in
adulterie be Jeane Murdo in Dunce who was accessorie to the murder
and joyned with him thairin, and the said Jeane upoun her awin
confession being apprehendit and in hands to underly her deserved
punishment the said William how soon he heard of her apprehensioun
and being conscious to himselfe of his awin guiltines he tooke the
cryme upoun him hes fled out of the countrie and made his addresse
to some pairt within your charge whair he intends to lurke and stay
and sua to impetrat impunitie for thir cruell and barbarous murders
to the high displeasure of God, contemp of justice, and scandall of the
country, and thairfor we will earnestlie request and desyre yow to
caus inquirie and searche be made for the said William and he
being apprehendit that yow delyver him to the shireff of Berrick or
others having warrand and commission frome him to ressvgue him
who will be readie upoun your advertisement to attend him at the
merche and to tak him aff your hand, whairby as yow sall testifie
your honourable and worthie regard to the punishment of suche detect-
able and barbarous murders, so yow will doe unto his Majestie most
acceptable service and unto us singular pleasure. Quhairof we sall not
be unmynedfull if anie such occurents sall be recommendit frome yow
to us. And so committing yow to the protection of God with the
remembrance of our best affectiouns, we rest your verie loving freinds,
Carre, S. W. Oliphant, Mr. Thomas Hoip. At Halyruidhous the
threttein of Marche 1628."

Sederunt.—Chancellor; Treasurer; Menteith, preses; Nithisdaill;
Wyntoun; Lauderdaill; Bishop of Rosse; Bishop of Dum-
blane; Carnegie; Naper; Master of Jedburgh; Mr. Thomas
Hoip, Advocate; Tracequair.

"The Lords of Secret Counsell having scene and considerit the compts
givin be Captane David Alexander, Captane David Robertsoun,
and Captane Andrew Waterson anent the sowmes acimated be
thame for the wadies and victuals dew unto thame and unto
the companie and equippage of thair shippes during the service
whairin they wer imployed to attend his Majestis three shippes
send out to discover the enimie supposed to be upoun the
coast for the tym; and having heard the report made be the
commissioners who wer appointit to sight and examine the saids
compts and scene the note givin in be thame thairanent, and having
asua seene the three bands made and givin be Archibald Lord Naper, Deputie Thesaurar, for payment of the wadges of the companes of the saids shippes, and being weil advised thairwith and with all that was propounded and alledger in this mater, the Lords of Secret Counsell allowes to everie one of the personis being in the saids shippes according to the particular nombers conteained in the Lord Naper his bands the sowme of twentie merkes money of this kongdome for thair wadge and victuals during the space of twentie ane dayes, that is to say, for ane hundreth and fiftie men being in Captane Alexanders shipp and pinnace at twentie merkes the pece, three thousand merkes; for ane hundreth and ten men being in Captane Watsons shipp at twentie merkes the pece twa thousand twa hundreth merkes, and for foourscore men being in Captane Robersouns shipp at twentie merkes the pece ane thousand sax hundreth merkes. Whilks sowmes respective foresaid the saids Lords ordanis his Magesteis Thesaurar and Deputie Thesaurar and Ressavers of his Magesteis Rents to pay to the saids three captans according as is abone allowed to everie one of thame out of the first and readiest of his Magesteis moneyes being in thair hands, to the intent the saids captans may distribute the saids sowmes among the companie and equipage of thair shippes according to thair severall rankes and services; anent the payment of whilks sowmes this Act with the captans acquittances upoun the ressett of the saids sowmes sall be unto the saids Lord Thesaurar, Deputie Thesaurar and Ressavers ane sufficient warrand. And the saids sowmes being payed the Lords ordanis the Lord Naper his bands to be givin up to him."

"The quhilk day William Dik and William Gray, merchants, burgesses of Edinburgh, maid offer to the Lords of Privie Counsell of the sowme of saxtene scor pundis for the twne of the untentit wynis being in the Lubeck ship drivin upon the coast neir Peterhead, togidder with twentie pundis for every hundreth weght of sufficient rasynis being in the said ship; and thay promeist and undertooke to bring about the tanted wynis, spoylld rasinis, syropy and anseidis to be tried and a price sett thairupon according to the worthe and sufficiencie thairof; and the Lordis declairis that thay salbe satisfied for the fraucht of somutche of the goodis as sall not, be sauld unto thame. The Lordis having hard the offer forsaid they allow thairof and will advise thairwith till Twisday nixt."

Sederunt.—Chancellor; Treasurer; Monteith, preses; Nithisdaill; Wytoun; Linlithgow; Bugeleuche; Launderdaill; Melvill; Carnegie; Naper; Bishop of Dumblane; Bishop of Rosse, Master of Elphinston; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Clerk of Register.

Order to Charles Dickie—"Forsamekle as the Kings Majestie by his letters patent under the
1628.

CHARLES I.

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great seal he made and constitute Sir Williame Alexander, knight, son, to
Admirall of New Scotland, for the better exerceing of which office it
necessar it is that their be a scale of the Admirolitie of the said
kingdome, That itofoi the Lords of Secret Counsell ordanis and com-
mands Charles Dickiesoun, sinkear of his Majesteis yrnes, to make,
grave and sinke ane scale of the office of Admirolitie of New Scot-
land to be the proper scale of the said office, the said scale having
a shippe with all her ornamentals and apparrylling, the mayne saile
oneis displayed with the armes of New Scotland, bearing a saltoire
with ane scotchon of the ancient armes of Scotland, and upoun the
head of the said shippe caireing ane unicorn sittand and ane
savage man standing upoun the sterne both bearing St. Androes
croce, and that the said scale have this circunscription, SIGILLUM
GULIELMI ALEXANDRI, MILITIS, MAGNI ADMIRALLI NOVI [sic] SCOTIE ;
anent the making, gravying, and sinking of the which scale the extract
of this Act sall be unto the said Charles a warrand."

"The whilk day compered personallie before the Lords of Privie
Counsell John Belscheis, advocate, as procurateur for John Gor-
doun of Lochinvar, undersubertyving, and gave in the band and
obligatioun underwrittin, desyreing the same to be insert and registra-
in the bookeis of Secret Counsell, and decreed to have the streth
of ane Act and decret of the Lords thairof interpomed thairto that
letters and executorialls might pas thairupoun, quhilk desire the saids
Lords finding reasonable, they have thairof ordained and ordanis the
same to be insert and registra in the saids bookeis and decrenis
the same to have the streth of ane decret of the Lords thairof
interpomed thairto in maner and to the effect abone and under-
 writtin, of the whilk band the tennour followes—Be it kened till
all men be thir present letters me John Gordan of Lochinvar
to be bound and obleyst, lykeis be the tennour heerof I bind and
obleis me, my airis, executoris and assignyes, that notwithstanding
of the commision grantit and exped unto me for furtherance and
advancement of the Kings Majesteis service aganis the enimie that
all the pryzeis that sall be tane be me or be others having warrand
and power frome me on this side of the equinoctial lyn sall be
judged in no coutrie bot in this kingdome be the Admirall of
this kingdome, and that I sall make payment to the Kings
Majestie and the Admirall of the proportioune dew unto thame
out of the pryzeis, and that this my band sall stand in force so
long as my commision stands, and ay and whill I give up the
same to the Lords of his Majesteis Privie Counsell. And for the
mair securitie I am content and consents thir presents be registra-

in the bookeis of Secret Counsell to have the streth of ane Act
and decret of the Lords thairof interpomed thairto, with letters
and executorialls to pas thairupoun in forme as affeirs; and for
this effect constitutes Johne Belcheis, advocate, etc., my verie laughfull procurators. In witnes whairof I have subseryed thir presents with my hand at Edinburgh the auctein day of Marche the yeere of God ji"vjs and twentie aucht yeeres before thir witnessis: Mr. William Aikman, my servant, William Buchannane, servitour to Johne Belcheis, advocat, and Mr. Johne Callendar, servitour to James Pymrois, Clerk to his Majesteis Privie Counsell. Subscribitur, Lochinvar, M. Will. Aikman, witnes, W. Buchannane, witnes, M. J. Callendar, witnes."

[Sederunt as recorded above.]

Complaint by Andrew Nimmo in Overdechmont as follows:—By several Acts the pursuit and invasion of the lieges within the burgh of Edinburgh or within a mile of the residence of his Majesty’s Council has been strictly prohibited under certain penalties, yet on Monday last, 10th March instant, while the complainer was walking peaceably on the High Street of the said burgh, towards the West Port, James Johnstone in Rattinraw, having a private grudge against him, lay in wait for him under cloud and silence of night, and meeting him near the said Port pursued him with a drawn sword and gave him “a deepe and bloodie wound upon his forehead, and another upon his scheckell bone whil as he kist up his arme to eschew the stroke of the sword.” His assailant then fled, thinking the complainer was slain. The chirurgeon presently attending the complainer has taken “out of his forehead the number of ten or twelffe bones, and verie hardlie, at least not without great charges and wracke of the compleaner can he be cured.” The pursuer comparing by Peter Yettis, his brother, and the defender not, the Lords ordain the said James Johnstone to be denounced rebel and escheat.

In the cause between Sir Michael Prestoun, knight, on the one part, and Mr. Alexander Hay, one of the clerks of Session, for himself and in name of Mr. John Hay of Easter Kennet, his father, on the other part, which has been heard at great length by the Lords, and in which they have found that the said Sir Michael’s misbehaviour to the said Mr. John and Mr. Alexander Hay has given them just cause to seek the protection of the law for their safety at his hands, but since Sir Michael has declared his full resolution “to depairth furth of the countrie and to follow his fortouns in the warres for some certane yeeres,” their Lordships are careful to see that before his departure some course shall be taken (1) for the indemnity of the said Mr. John and Mr. Alexander Hay and their children and servants, (2) for some competent provision to the said Sir Michael’s wife and children during his absence and their not cohabitation, and (3) for “some outred and furnishing” for the said Sir Michael himself. They have accordingly conferred hereupon with some of Sir Michael’s special friends, and between them and the said Mr. Alexander Hay the following articles have been arranged and agreed to,
to which also the Lords have interponed their authority, viz.:—As Sir
Michael can find no cautioner the Lords admit him, and he hereby,
being personally present, enacts himself under the penalty of 3000
merks not to molest the said Mr. John and Mr. Alexander Hay, nor
their families, tenants, etc., and in security of this sum they ordain him
to hypothecate unto them his whole lands and teinds, it being always
lawful for him to intromit with the rents and duties of the same until
he be found guilty of violating his bond of caution. The Lords ordain
further that he shall take the first ship sailing with any of the com-
panies of the Earl of Nithsdale's regiment for the wars, and go thither
and not return for the space of three years thereafter. They appoint as
the provision for Dame Marion Hay, wife of the said Sir Michael, and
her children, during the said three years, and longer at their pleasure,
seven chalders of victual, in security of which they ordain Sir Michael
to assign to her the rents and duties of the lands and teinds of Fenton-
barnes from Martinmas 1628, and, for their necessities till then, to
assign to her the sum of 1000 merks due to him by Sir John Prestoun
of Airdrie, his brother. Moreover, seeing the said Dame Marion Hay
"out of her loving and tender respect" to her said husband, is willing to
burden her conjunct-fee lands provided to her by her contract of
marriage with the sum of 4000 merks in order to his release from ward
and provision for going abroad, the Lords ordain the said Sir Michael to
infeft his wife in his whole lands in corroboration of her conjunct-fee
lands, and to assign to her the tack of the teinds thereof, even to purchase
new tacks thereof, if necessary, because of the expiring of the former,
always reserving his own liferent under exception of the provision for
his wife's aliment. They further ordain him to assign to his wife such
a portion of his plenishing as shall be mutually agreed upon by friends
during their separation. For furthering of the above the Lords ordain
Mr. John Hay to discharge the interdict he holds against Sir Michael,
and that his said wife shall renounce any infeftments granted to her of
any parts of her husband's lands prior to the date hereof (always excepting
her conjunct-fee lands, and without prejudice to the above provision for
her and her children); and they enjoin both parties to extend and draw up
their writs and securities to follow hereupon "after such a legall forme
and maner as may stand with law and justice." The said persons com-
parring personally consented to this act.

The which day Sir Michael Prestoun, knight, comparring personally before the Lords gave his great and solemn oath, and acted and obliged himself not to molest Mr. John Hay of Kennett, Mr. Alexander Hay, his son, clerks of the Session, nor their wives, children, nor servants on any account in future under the pain of perjury, infamy, and "tinsell of honour, credite and estimation in tyme comming."

Commission under the Signet to John Grant, apparent of Ballindal-
lache, Patrick Grant, his brother, Thomas Grant of Devy, James
Holyrood
House, 18th
March 1628.
McIntoshe of Downe of Rothmorus, Patrick Grant of Colquhoyche, and John Grant, brother to James Grant of Rydmoir, jointly and severally, to convocate the lieges in arms, and search for, apprehend, and present before the Council James Grant in Daltaileis, who on 30th January 1618 was put to the horn at the instance of Sir William Oliphant of Newtownn, knight, King's Advocate, and Thomas Grant of Cardells for himself and as father, John Grant, apparent of Cardells, as brother, and the remanent kin and friends of the deceased Patrick Grant in Lettachte, for not finding caution in the Books of Adjornall to underlie his trial for the slaughter of the said Patrick Grant. After the said slaughter he fled from the country to escape justice, but he has now returned and has associated with himself 40 or 50 broken Highlandmen, some of the Clannranald, Clangregor and others from Strathspey and Stradoun, and goes up and down with these armed, sorning upon and oppressing the lieges, and in special he sits down on the lands of the said Thomas Grant, makes free with his goods, intending thus to coerce him to agree with him for the said slaughter. Power of fire and sword is given if necessary. Signed by Geo. Cancell., Mar, Monteith, Nithisdail, Wintoun, Pa. B. of Rosse.

William Dick and William Gray.

"The Lordis continewis the advysing and answering of the offer maid be William Dick and William Gray for the goods of the Lubecque ship in the same estat wherein it presentlie standis untill Thursisday nixt."

"Three letters from his Majestie producit be the Earle of Lynlythqu, one anent the Bordour materis, one anent magistratis within burgh, and one anent the ship of Lubecque."

Holyrood House, 20th March 1628.

Sederunt.—Chancellor; Menteith, preses; Privy Seal; Murrey; Acta February 1628—July 1629. Nithisdail; Wytoun; Linnithgow; Bugleuche; Lauder-daill; Bishop of Rosse; Bishop of Dumblane; Carnegie; Naper; Master of Jedburgh; Sir William Oliphant; Clerk of Register.

Order for the sale of the commodities of the Lubecke ship, wrecked near Peterhead, for the payment of William Dick and William Gray, who had advanced money to pay the wages of the mariners of his Majesty's three ships.

"Forsameckle as the Lords of Secreit Counsell being this long time bygane importunne with the greevous complaints of the poore mariners and sailors who served in his Majesties three shippes for want of their wages and allowances dew unto thame, extending to twentie foure thousand pund, and whairas thair necessitie wer so urgent as they wer not able to spaire the said sowme, and his Majesties cofferis being so emptied as they could not gett present satisfaccion that way, thairfor George, Vicount of Dupline, Lord High Chancellour of this kingdome, Johne, Erle of Mar, Lord Thesaurar, Archibald, Lord Naper, Deputie Thesaurar, and Sir James Bailzie, knight, hes undertane the present payment of the said sowme and hes borrowed the same frae William Dick and William Gray, merchants, burgesses of Edinburgh,
to whome they have givin band for repayment thairof, and the Lords of Secreet Counsell, being carefull as becometh thame in honnour and justice to see the said Lord Chancellour and others who joyned with him in this earand releved of thair ingadgement, and understanding that of lait there wes a shippe of Lubick laided with wynes, raisines, anne-seid, syrope and others commoditeis drivin upoun the coast neere Peterheid, whilk shippe and goods ar presoomed to be laughfull pryze; and whairas the wynes and goods in the shippe ar not likelie to keepe till by ordinar course of justice they be outhier cleered or declared laughfull pryze; and the saids Lords, finding it more expedient for the weale of all pairteis having interesse and according to the rules of policie and state that the saids goods sall be sauld and the pryces arysing by the sale thairof applyed to the releefe of the said Lord Chancellour and others who joyned with him in this earand nor that unprofitablie they sould ly till they be declared, thairfor the saids Lords entered in conference and dealing heeranent with the saids William Dick and William Gray and hes agreed and conditionned with thame upoun the heeds and articles following; to witt, The saids Lords hes sauld and be the tennour heerof sellis and disposes to the said William Dick and William Gray the whole wynes being in the said shippe whilks ar fresh and sufficient untainted for three hunredth and twentie ponds the twmne, and the whole raisines being in the said shippe whilk ar sufficient and not spoyled for twentie ponds for everie hunredth weight thairof, upoun the whilks untainted wynes and sufficient raisines the saids William Dick and William Gray sall dispone at thair pleasure and to thair best commoditie and profite, and shallbyde the hazard of the transport of thame be sea to Leith, pyracie excepted; qhilk conditioun and bargane the saids William Dick and William Gray, being personallie present hes undertane and accepted, and they promeist and undertooke to bring about to the harbourie of Leith the whole tainted wynes, spoyled raisines, syrope and anneseid, whilks wer in the said shippe (see hazard except) to be tryed and a pryce sett thairupoun according to the worth and sufficiencie of the same, for the whils tainted wynes, spoyled raisines, syrope and anneseid so to be brought about be thame they sall ressave fraught accordinglie for suche pairt and quantitie thairof as sall not be dispounded and sauld unto thame. And if the moneys arising frome the saile of the sufficient and good wynes and räsines sall excide the said sowme of twentie foure thousand pund, in that case the saids William Dick and William Gray binds and oblesiss thame, thair airs and executours, conjunctlie and severallie, to make the superplus of the said sowme furthcummand and to make delyverie thairof to suche persoun or persons as the saids Lords sall appoint, they always reteaining in thair awin hands for releefe of the band givin unto thame be the saids Lord Chancellour, Thesaurur, Deputie
Thesaurar and Sir James Bailzie, so muche of the pryce of the saids sufficient wynes and raisines as will compensate the said sowe of twentie foure thousand pundis. And if the goods dispounced to the saids Williame Dick and Williame Gray and pryces thairof will not correspond and answer to the said sowe of twentie foure thousand pundis advanced be thame, and for which band and suretie is givin as said is, or which otherways they have or sall disburse by warrand and allowance of the Counsell, the saids Lords declairs that what sall be wanting and inlaiking of the saids sowmes by the sale of the goods foresaid sall be furnished and payed unto thame out of the first and readiest of his Majestes rents and casualiteis, and that they sall be preferred and answered thairin before all other payment whatsoever but prejudice of the band unto thame be the Lord Chancellour and others for payment of the said sowe of twentie foure thousand pundis and executiouin thairof for sa meekill of the same as they sall not ressale satisfaccion and payment be thair intromission with the saids sufficient wynes and goods to be good laughfull and authorized be thame againis all and whatsoever pretending interesse thairto for ever. And whairas thair hes beene alreadie advanced to the skipper of the said Lubick shippe towards the interteanement and apparrilling of the mariners of the said shippe and defraying of thair charges in thair returne home sax hundreth pund and to John Kinrosse, who formerlie attendit the saids goods, foure hundreth pundis, and that the Countesse of Mairshall hes beene at great charges in preserving, collecting and keeping of the saids goods whilk must be repayed unto her be the saids William Dick and Williame Gray, the saids Lords declairs that the saids twa sowmes togidder with the charges bestowed be the Countesse of Mairshall sall be allowed be the saids William Dick and Williame Gray in the first end of the pryces of the saids sufficient wynes and raisines, and what forder sowmes they sall necessarlie deburse upoun the unsufficient wynes, raisines, syrope and anneseals sall be deduced and allowed unto thame upoun compt.”

“Forsameekle as albeit by ane act of the Lords of Secreet Counsell of the dait of these presents the wynes and goods being in the Lubick shippe callit the St Marie, whairof Henrick Schult is maister, ar destinat and appointed toward the satisfaccion of the wedges dew to the mariners and sailers who served in her Majestis three shippes extendig to the sowe of twentie foure thousand pund Scotish and for releefe of the band made and grantit be the Lord Chancellor, Thesaurar, and Deputie Thesaurar, and Sir James Bailzie to Williame Dick and Williame Gray, merchants, burgesses of Edinburgh, be whome the said sowe wes furnished and advanced for the use abonewritin, and how ever the saids wynes and goods ar be warrand of the Counsell dispounced to the saids Williame Dick and Williame Gray and that the superplus of the pryces thairof which sall extend to more nor will satisfie thair debursements is
assured to be made furthecumand and delyverie to be made thairof to
suche persoun or persons as the Counsell sall appoint; neverthelesse
the Lords of Secret Counsell, being carefull that the course tane be
thame in this mater sall not prejuide anie persoun who sall be found to
have right to the saide goods or pryces thairof, Thairfor the saids
Lords declairs that if the said shippe and goods and anie part thairof
after laughfull tryell sall be adjudged to his Majestie, and that his
Majestie sall dispone thairupoun otherways nor be the Act and ordour
foresaid is appointed; or incase the said shippe and goods sall be
adjudged to belong to anie other, the persoun or persons in whois
favourites decreit sall be recovered, or to whom his Majestie sall be
pleased to dispone the said goods and pryces thairof, sall be satisfied and
payed of the same out of the first and readiest of his Majestie rents and
casualties, and sall be preferred thairin to the payment of all precepts
and pensions whatsoever, the bands grantit be the Lord Naper, Deputie
Thessaurar, for payment of the wadges dew to the freebootters who attendit
his Majestie shippis foresaidis being first satisfied and allowed."

"Charles R.—Right trustie and weilbelovit cousine and counsellour,
right trustie and weilbelovit cousins and counsellours, and right trustie
and weilbelovit counsellours, we greete yow weill. We receaved your
letter importing the weake estait of our Exchecker, which becaus of our
great and urgent affaires at this tyme can hardlie be otherways. Yitt
what we have done in burdenning the same hath beene done upoun verie
good consideratious to deserving persons presentlie in our employment
and who could not be suppled otherways. Bot now upoun the pressing
necessitie for satisfeing these indigent and clamorous persons who wer
employed in our shippes, and otherways in our service at our Counsells
direction, we thinke it fitt for thair better encourageing to the lyke
imployment heerafter, when the lyke occasioun sould occurre, that they
sould be preferred in thair satisfactious to anie persons whatsoever. And
thairfor seing we have alreadie givin ordour to our Admirall concerning
that Lubick shippe, as a purpose properlie belonging to that office,
to proceed thairin as justice and equitie doeth require and becaus we
will have thame to be satisfied with all the possible dilligence that can
be used; our pleasure is that we doe hereby require yow to caus
readie payment be made unto the saide persons of what is justlie due
unto thame for thair imployment in our said service before anie pay-
ment be made of anie pensiouns whatsoever. So we bid yow farewell.
Frome our Court at Newmarket the thrid day of Marche 1628."

[Sederunt as recorded above.]

Complaint by John Rutherfurid in Rattinraw, Andrew Bennet in
Chesters, and William Alesoun, burgess of Jedburgh, as follows:—They
are informed that they have been denounced rebels at the instance of
William Bennet of Grange for non-compearance as witnesses in his action before their Lordships against Ragwell Bennet of Chesters, but they never received a charge nor any intimation, they are wrongfully put to the horn. They have now found caution each in £100 to appear as witnesses in the case and for payment of 20 marks each as their escheat to the Treasurer or Treasurer Depute if found liable therein, and therefore crave suspension. Charge having been given to the said William Bennet, and he and the pursuers all compearing, the Lords, in respect of the pursuers' compearing, grant suspension as craved.

Complaint by Margaret Brown, sometime servant to David Bowman, merchant burgess of Edinburgh, as follows:—The said David Bowman without any just cause has conceived a deadly malice against her, and has on several occasions endeavoured to take her life. On October last, while she was going about her work in his place of Southhous, and there being none in the house but him and her, “he than (of purpose to have slaine her) stecked the yette and doores of the place that name sould enter to impede him in this his wicked and inhumane course, and then, after a most cruell maner, he invaidit the compleiner, a poore simple damosell, unable to make any resistance, and with a drawin sword gave her sevin or aucth bloodie wounds in diverse parts of her bodie, and with the same sword he gave her a deiddlie straik on the head and cutted her harne panne, out of the whilk John Pringill, chirurgiane, hes tane three bones, sua that the compleiner hes beene under the cure of the said John Pringill and others this halfe yeere bygane in exceeding great danger of her lyffe, and to her great hurt and expenses, she being a meane servant woman haveing nothing to live but her laughfull service.” Likewise still the said David seeks occasion to take her life. Both pursuer and defender compearing and evidence having been led, the Lords find the defender guilty and ordain him to be warded in the tolbooth of Edinburgh until they release him, and to pay to the pursuer the sum of one hundred marks as a fine.

Commission under the Signet to Sir John Grant of Freuchie, Sir William Gordoun of Aberyledie, John Ferquhar of Endercald, Alexander Robert- soun of Straloche, David Spaldine of Aschingtullie, Alexander Roberteoun of Downie, Andrew Rattray, fiar of Darilzin, James Rattray of Rumagul- lane, Donald Ferquhar of Manaltrie, Alexander Ferquhar of Inlandechoche, James Ferquhar of Inveray, John Rattray of Corb, John Rattray in West Boreland, and John Grant, brother to James Grant in Rimoir, jointly and severally, to convocate the lieges in arms, and search for, apprehend, and present before the Council for delivery to the Justice and his deputies for trial and punishment, Richard M'William McCondochie, braber, sometime in the Mill of Innergald in Braemar, Donald M'Gregour M'Neill, sometime in Ardowniche, Perthshire, and Gregor Donald M'Gregour, servant to the said Gregour M'Neill,
who on 18th March instant were put to the horn at the instance of Alaster Brysoun in Drumcarne in the forest of Elicht for failing to find caution in the Books of Adjournall to compear before the Justice and his deputes on 13th June next to underlie the law for several crimes of theft; with warrant to use fire and sword. Signed by Geo. Cancell., Monteith, Hadinton, Morrey, Linlithgow, Lauderdaleill, Carnegy, and Naper.

In the complaint by the King's Advocates, and William Bennet of Grange, against Ragwell Bennet of Chesters, the Lords, considering that the said Ragwell has been clearly convicted of violating the laws and Acts of Parliament against wearing hagbutes and pistols, ordain him to pay £30 to his Majesty's Treasurer, Deputy Treasurer, and Receivers of Rents, as a fine for the same.

"Most sacred Soverane, By our former letter of the 12th of Februar last we certified your Majestie of the rented estate of your ex checker heere and how that the same was so farre exhausted that their was nothing restin thairin for defraying the necessar charges daylie occurring in your Majesties service, in regard quhairof we have beene constrained for pacifying of the disordourlie insolences of these clamorous and indigent persons wher employed in your Majesties shippes to deale with William Dick and William Gray, merchants of Edinburgh, for furnishing of moneys toward their satisfactioun, who after long tyme and muche instance made thairanent have now at last advanced the sowme of twentie four thousand pund Scottish upon suretie and band givin to thame be your Majestie Chancellour, Thesaurar, Depute Thesaurar, and Sir James Baizie for repayment thairof at the terme of Witsunday now approaching, and we have assured thame be act of Counsell to be relieved of this thair ingadgement out of the first and readiest of the moneys arysing by the sale of the goods being in the Lubeck shipp quhilk we have destinat to that end, and accordingle we have made sale of the goods and dispoun thairpoun to the same effect. And becaus in a letter produced be the Lord Admirall your Majestie hes required us to caus readie payment be made to these poore people and that they be preferred to anie persoun or persoun quhatsomever without designing the meanes frum whence their payment sould arise, and finding no other way to satisfie thame bot by the goods of the said shipp we have thought meete to acquaint your Majestie with this course tane be us hoping that your Majestie will graciously allow of our proceedings heerin quhilk in this exigent tyme for so necessar a caus we have beene constrained to follow. Quhairanent attending the signification of your royall pleasure quhainunto we sall conforme our selfes, we pray God to watche over your sacred persoun and to grant unto your Majestie a long, happie and blessed reigne. Frome Halyruidian the twentie day of Marche 1628. Subscriptur, George Hay, Monteith,
Sir Michael Preston.

The Viscount of Stormont.

Holyrood House, 25th March 1628.

Order forbidding the carrying of ordnance, munition, and victuals to the bounds of the King of Denmark, which had lately been taken by his Majesty's enemies.

"Forsameekle as some bounds and countreis pertaining to our Soveraine Lords darrest uncle, the King of Denmarke, ar laittie takyn by his Majesteis enemieis and ar keept be thame under strong garudes and garisons, and his Majestie being tyed by the bands of religiuin, honnour and saultetie, to see that the unboundit course of the notour ambitioun of his Majesteis saide enemieis aspyring to encroache upoun his said darrest uncle and upoun his countreis may be prevented and disappointed and all good meanes used whairby they may be disabled fra the forder prosecution of their violent hostilitieis aganis him, and whairas the suppling and furnishing of thame with ordinance, munition or victualls will be a speciall meane to strethen and confort thame in their resolutouns, and his Majestie being assured that all his good and faithfull subjects out of their trew and dewtfull respect to the honnour and credite of the countrie will forbearre all suche unlauffull supplie and assistance to be givin to his Majesteis saide enemieis, yitt if anie unhappie and wicked persounes preferring thair awin privat and unlauffull gaine to thair dewtie, his Majesteis contentment, and to the honnour and credite of this kynge, is ell presoom to offend in this kynde, his Majestie is resolved to caus the most exemplar and rigorous punishment be inflicted upoun thame that the lawes and justice of this kynge will allow. And thairfor his Majestie, with advice of his Privie Counsell, ordanis letters to be direct, to command, charge and

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1 In the course of the Thirty Years' War, Wallenstein, the general of the Imperial armies, had by the close of 1626 possessed himself of Holstein and Schleswig, and driven Christian IV. of Denmark to take refuge in the island of Fünen. Wallenstein had also taken Wismar and Rostock, and was at this moment laying siege to Stralsund.
Acta February 1628.

inhibite all and sindre his Majestis lieges and subjects be opin pro-
clamationat at the mercat croces of the heid burrowes of this kingdome
and others plaices needfull, that none of thame presomme nor take
upoun hand to carie anie ordinance, munitioun or victualls to anie of the
saids bounds pertaineing to the said King of Denmarke and now takin
and withholdin be his Majestis enemie foresaid under all highest pane
that by the lawes and justice of this kingdome can be inflicted upon
the supplieers, furnishers and assisters of his Majestis declared enemie;
with certificatoun to thame that darre presomme to doe in the contrare
that the saids panes and punishments sall be inflicted upoun thame in
the highest degree without favour or mercie. Followes his Majestis
missive for warrand of the Act aboneswrittin.—CHARLES R.—Right
trustie and right weilbelovit cousine and counsellour, right trustie
and weilbelovit cousines and counsellours, and right trustie and weil-
belovit counsellours, we greeete yow weil. Whereas upoun good
consideratious we have caused restraine the exportatious from this
our kingdome of all ordinance, munitioun and victualls to anie of these
bounds of our uncle the King of Denmarke latelie takin by our enemie,
and being willing upon the lyke consideratious that the lyke course
sould be takin in that our kingdome, our pleasure is that yow give
ordour that none of our subjects there carie anie ordinance, munitioun
or victualls to the saids bounds under suche panes as yow for the better
restraining thairof sall thinke fitt; and that yow caus the ordour to be
published in maner requisite; and for so doing these presents sall be
your warrand. So we bid yow fareweill. From our Court at White-
hall the 13 of Marche 1628."

"The whilk day the missive letter underwrittin, signed be the Kings
Majestie, was presented to the Lords of Privie Counsell, of the whilk the
letter followes:—CHARLES R.—Right trustie and weilbelovit cousine
and counsellour, right trustie and weilbelovit cousines and counsellours,
and right trustie and weilbelovit counsellours, we greeete yow weil.

Whaires, upoun information made unto us that the power of admira-
litie in the bounds of Orkney and Zetland wes of late disjoyned from the
office of Admirall of that our kingdome, we wer pleased to writt unto our
Advocats to try frome whence and upoun what grounds that parcell of
admiralitie become onelie peculiar unto our right of the saids bounds,
but finding no report whereby to be resolved heerin we have thought
fitt to require yow to call thame before yow and to informe your selfes
by them or otherways as yow can best doe of the trew estait heerof,
and thairafter that with all convenient diligence yow report unto us
your opinion concerning the same to the effect it may be established as
yow sall find just caus. So we bid yow fareweill. Frome our Court at
Whitehall, the 19 day of Februarie, 1628.—Whilk letter being read,
heard and considderit be the said Lords and thay advised thairwith, the
said Lords ordain his Majestie's Advocates, for his Majestie's interesse, and his Majestie's Admirall to informe themselfes of the trew estait of the Admiralitie of Orkney and Zetland unto whom the right of the said admiralitie belongeth, and to report their opinions thairment to his Majestie's Counsell with convenient diligence."

"Forsameekle as Sir Duncane Campbell of Glenurquhie and Robert Campbell his sonne, ar burdynam with the entrie and exhibition of Duncan McEane Dwy Phaill, their man, before his Majestie's Counsell upoun the twentie third day of Apryle nixtocone for his concurrence to be givin in the satlling of the differences betuix the Laird of Lanye and the Clangregour, and whairas it is lyke enugh that the said Duncane sall refuse and make some scruple to kepe this dyet and sua doe what in him lyes to frustrat and disappoint the intendit agreement, whilk imports so neere the peace and quyet of the countrie, Thairfor the Lords of Secreit Counsell gives and grants full power and commisioun be thir presents to the said Sir Duncane Campbell and Robert Campbell, his sonne, conjunctlie and severallie, to pas, searche, seek and take the said Duncane whairever he may be apprehendit, and to bring, present and exhibite him before the saids Lords to the effect abonewritten, and all things necessar for his apprehensiou to doe and use whilks of law or consuetude of this realme ar knowne to perteane. Firme and stabe halding and for to hald all and whatsoever things the said Sir Duncane Campbell and Robert Campbell, his sonne, sall laughfullie doe hearin."

[Sederunt as recorded above.]

Complaint by William Wattis, citiner and indweller in London, as follows:—At his instance letters of captione have been raised against Sir George Home, son and heir apparent to Sir James Home of Eckills, who is at the horn for not paying to the complainer the sums of £600 and £120, both English money, contained in bonds by him to the complainer, decree having been obtained against him before the Lords of Council and Session on 7th December 1621. By virtue of the caption Home was apprehended on 24th March instant by Thomas Young and Thomas Mowat, messengers, who instead of keeping him until he made payment, or was released, allowed him to escape. Charge having been given to the said messengers to answer for this neglect of their duty and they and the pursuers compearing, the Lords after hearing parties and witnesses find that, as alleged, the said messengers apprehended the said Sir George Home, who was "keeped be thame a certane space" and "that they all dunned togither and that thairafter they suffered the rebel to escape," to the hurt and prejudice of the pursuer, and therefore commit the said messengers to ward within the tolbooth of Edinburgh until they release them, their offence herein being such as deserved "exemplar punish-
Complaint by Thomas Sonkey, Englishman, keeper of his Majesty's jail at Durhame, as follows:—Samwell Sayer was committed to ward in the said jail by warrant from the Court of Pleas at Durhame at the instance of some citizens of London and York to whom he was addebted in the sum of £100 sterling, but on 1st January last he made his escape and took with him certain linen clothes pertaining to the complainer. On a warrant from the Justices of Peace there, the complainer pursued him, who thereupon fled from his native country for Ireland, but was overtaken at Portpatrick by three men sent by the complainer "as he was ready to have boated for Ireland." From these men, however, he was forcibly taken by Patrick Hannay of Kirkdaill, who promised to make him forthcoming. By this the complainer is greatly injured in the loss of the expenses of his pursuit, and he will, moreover, be liable for this man's debt of £100. Charge having been given to the said Patrick Hannay to produce the said Samuel Sayer, or give satisfaction to the complainer otherwise, and the pursuer comparing by his procurator, and the defender personally comparing, the latter explained that this Samuel Sayer had been enlisted by "David Hannay, brother to Captane Alexander Hannay, the defenders brother, to serve under him in the warres of Sweden," but deserted, and the defender hearing that he was in the burgh of Wigton on his way to Ireland, went thither, and at his instance the said Sayer was apprehended and examined before John Fraser, one of the bailies there, who, on Sayer's confession of his desertion, commanded Finlay McCrackane, one of the town officers, to keep him in ward. This statement the defender verified by production of a certificate to the same effect signed by James Cant and George Bell, burgesses of Wigton, and the said Finlay McCrackane, whereupon the Lords assoilded the defender.

Complaint by John Brusoun in Dercuilliche as follows:—He has been charged at the instance of Archibald Primros, clerk to his Majesty's taxations, and Archibald Campbell, brother to the Laird of Lawers, to pay £333 6s. 8d., as his fine for intercommuning with the Clangregour, and they intend, if he fail, to denounce him rebel, and distrain upon him, and most wrongfully so, because at the court held at Perth on 3rd September 1614 by James Campbell of Lawers, the late John Grahame of Balgonie, and the late Duncan Menzies of Comrie, as commissioners for the trial of the resetters of the Clangregour, when the complainer and some others were accused by Neill Stewart of Sheirglas, procurator fiscal, for probation, the matter was referred to their oaths of verity, on which they denied being in any way guilty of such reset. In proof he produces the absolvitor then granted to him, and declares his willingness to give his oath anew to the same effect. He alleges that the defenders are only acting on misinformation supplied to them by his "evilwillers, who thinke hereby if they can not get him fynned, at least to put him to great charges and expenses, to the wracke of him and his poore familie, he
being ane labourer of the ground, and haveing no meane to interteanie himselfe and his familie but his handie labour." However, he has found caution for the payment of the said fine if their Lordships find him liable therein, and therefore craves suspension. Pursuer comparings, and also the said Archibald Prynnois for himselfe and in name of Archibald Campbell, and parties being heard, the Lords granted suspension as craved.

Commission under the Signet to the Sheriff of Hadintoun and his deputies as justices to hold courts in the tolbooth of the burgh of Hadintoun and try William Gullane in West Fentoun, who on 23rd March instant cruelly slew Andrew Cockeburne in Hadintoun, was taken "with the bloodie hand," and is now in the said tolbooth. Signed by Geo. Cancell., Monteith, Hadinton, Nithisdall, Wintoun, Linlithgow, Hamilton, and C. Scottistarvett.

"Most sacred Soverane, By our former letter of the instant we acquainted your Majestie of the course tane be us anent the Frenshe wynees brought in to Leith and with the petitoun preferred to us be the owners thairof and the reasounes urged be thame to excuse their fault and liberat thame from the danger of your Majestie's proclamation, since which tyme the Erle of Linlithgow, your Majestie's Admirall, hes informed us that he hes expresse command and direction from your Majestie to putt the wynees under arreistment and to persew thame as goods laughfullie forefaulted to your Majestie, quhilk course if it be followed out will turne to the utter wrack and undoing of a number of your Majesties pover subjects who had thair stockes in France and in the Low Countreis long before your Majestie's proclamation and had no other meanes left to thame for recoverie thairof and securing of the same from the danger of arreistment bot by the conversioun thairof in Frenshe goods and transporting of the same in Flemish boddons, and forder they pleade ignorance of your Majestie's proclamation, and in the assurance of your royll favour and bountie quhilk is never wanting to your good and faithfull subjects they have medled with the wynees and sauld the same. The owners ar responsall, bot if the rigour of your Majestie's proclamation be inflicted upoun thame it will altogidder ruine thame and greatlie discourage and disable the merchant estait, quhilk is a verie considerable member of that politicke bodie whairof your Majestie is the soverane heid. Their losses hes beene great abroad and thair trade both inward and outward decayed, and now if they sall suffer at hame for transgressing that Act whilk they could not foresee nor in tyme obey, thair greeves will be redoubled. Whairof most humblie beseeching your Majestie to have a favourable regaird and consideratioun, we pray the almighty God to blesse your Majestie with manie long and happy yeeres. Frome Halyruidhous the xxv day of Marche 1628. Subscribitor, Dupline, Monteith, Hadinton, Nithisdall, Linlithgow, Wintoun, Lauderdale, Carnegy, Naper, Hamiltoun, Sir J. Scottistarvett."
"The Lordis appointis Mononday nixt in the foirnoone to considdre the overtours, answeris and replysis maid be the town of Edinburgh anent the fortifyeing of Leethe."

"The Lords continewis the terme appointed to the Laird of Wemenys for reporting a roll of the number of fensible personis within the shirefdome of Fyffe untill the first Counsell day of Junij nixttocom."
people durst presomme to injure and wrong their minister and schoolemaister, their wyffes and servants, for a mater whilk so neerelie concerned his Majestie's service; and whairas the calling and conveying of suche base people before his Majestie's Counsell will not produce that good effect whilk the importance of the causs requires, Thairfor the Lords of Secret Counsell hes givin and grantit, and be the tennour heerof gives and grants full power and commision be thir presents to Sir William Greir of Lag and Sir Johne Charters of Amissfeld or either of thame to call and conveene before thame at the burgh of Dumfreis upoun suche day or dayes as they sall appoint the said Katharine Stewart and all other persons within the toun and parish of New Abbey, committers of the insolence foresaid, and to try and examine thame theirupon and to produce and use probatium and witnes againis thame and to putt thame under sufficient caution to forbear suche insolent and lawlesse proceedings in tyme comming; and to make a trew and perfyte record of thair proceedings in writt and to report the same closed and sealed to the saids Lords, to the intent after consideratioun thairof they may give suche directiouns for thair punishment as the nature and qualitie of thair offence deserves. Commanding heereby Robert, Erle of Nithisdaill, to enter and present suche of the persons offenders before the saids Commissioners to underly their treyll whose names sall be givin to him in roll, as he will answere upon his obedience."

“The quhilk day in presence of the Lords of Secret Counsell comprised personallie Robert Dunbar of Burgie, Dunbar, chantour of Murrey, and Dunbar of Grangehill, and become actit and obleist as cautioners and soveretis conjunctlie and severallie for Robert Tulloch, sonne to unquhilt Alexander Tulloch of Tannachies, that the said Robert sall remaine within the burgh of Edinburgh ay and quhill he find sufficient and responsall caution actit in the booke of Secret Counsell for the indemnitie of Thomas Urquhart of Bursayirdis, his wyffe, bairnes, men, tennents and servants, and for the said Robert his personal compereance before the saids Lords so oft as he sall be laughfullie chairgit to that effect and answere to anie complaints to be made upoun him under the panes conteained in the Act whairby Alexander Brodie, Chamberlane of Kinlossie, at the earnest intretie of James, Erle of Murrey, become actit as cautioner and soveretie for the said Robert to this effect; in the whilk Act the said Erle Murrey and some other persons with him ar bound and obleist to releeve the said Alexander Brodie of his said cautionerie, as the Act made to this effect, insert and registrat in the bookes of Prive Counsell upoun the fyft day of November the yeere of God [1628] twenty fuye yeereas, at lenthe beares. Quhilck new caution being found the saids Lords declairs that the said Act whairby Alexander Brodie, become cautiioun as said is, sall have no strene, force, effect nor executioun thairafter for anie breake or violatioun to be com-
14 Forsameekle as the three Estaitis of this his Majestie's kingdome of Scotland conveennd in the moneth of October j"vij" and twentie fyve yearis, did voluntarilie grant unto his Majestie ane extraordinar taxatioun of the twentie pennie of all annuel rents which anie persoun or persons within this kingdome hath freellie dew and payable unto thame yeerelie or termelie, thair awin annuelrentis whairin thay ar addebtet unto others being first deduced, as in the Act of the saids Estaitis made thairupoun at mair lencth is conteantith, in whilk Act it is speciallie ordained and commanded that all his Majestis liegis that have any annuel rent payet unto thame sould compeir within the heid burgh of the shirefdom, stewartrie, bailliele or regalitie or in the heid burgh of any of these jurisdictiouns whair the head courts ar haildin and whair the saidis annuel renteris dwellethe or haue their ordinair residence, in anie court day in ane of the twa last weekes immediatlie preceeding and two last weekes immediatlie following Witsunday or Martimes, and thair sould give up inventar to the clerkis of the saidis shirefdomes, stewartreis, bailleries or regaliteis of the whole sowmes of money for which annuell is dew unto thame yeerelie or termelie with the names of thair debtours under the pane of foresfaltour of all moneys omitted and not givin up in inventar: quhilik Act was ordained to be published at the mercat croce of the burgh of Edinburgh and of the whole head burrowes of the shirefdomes, stewartreis, bailleries and regalitieis within this kingdome, whairby all his Majestis liegis might have trew notice thairof, aganis quhilik citationoun numbers of his Majestis liegis taketh exceptiouns, alledging that thay ar broucht in snair thairby becaus the same come never to their knowledge in regard that some of thame dwell twentie, some threttie and some fourtie myles frome the head burrowis of the shirefdomes, stewartreis and bailleries whair thay have thair ordinair residence. As aelsua the saids Lords of his Majestis Privie Counsall ar credible informed that becaus the proveist and baillies of the burrowes of Edinburgh, Aberdeeene, Stirlinle, Glasgou, Linlithgow, Innersnes, Culros, and Dumbar have compouned and agreed to pay ilk ane of thame a certane sowme of money for the haill foure yeeres extraordinar taxatiouns of the saids burrowes, whairby thay ar not lyable to give up thair lent moneys in inventar, thair ar numbers of his Majestis people, who for defalcatioun of thair lent moneys addetit to thame and givin up by thame in inventar, take advantage of the said composition with the saids burrowes and borroweth the names of some inhabitants within the same alledging thay ar auchtand to thame great sowmes of money: As aelsua thair is certane others persouns inhabitants within the same burrowes and being otherwise privileged and exeemt frome payment of anie pairt of

1 Omitted in its proper place in the Register.
the same extraordinar taxatioun, who, for lucre and gaine to thame selfis Acta February
or pleasure to their freinds, lend out in their awin names great sowmes 1629.
of money perteaneing to otheris persons, by which collusione betuixt
these pairtiey his Majestie is greatlie defrauded of his extraordinar taxa-
tioun. For remeide of all which inconveniences it is thought expedient, 
ordained and commanded that all persons knowne or justlie suspected to 
offend in this kynde sall be obleist to give their oathe of veritie upoun
moneys alledgit auchtand to thame or lent out be thame which doe
not trewlie perteane to thame selfis with the names of the persons [to] 
whome the same moneys perteaneath and the persons to whome the
same ar lent, notwithstanding of any compositioun, priviledge or
immunitie whiche they can pretend to exeeme thame fra giving of the
said oath. As alsua it is ordained that all persons whatsoever who
have lent out their moneys upoun the proper wedset of lands and
setteth the same [lands] backe againe to the awner for the annuelrent
of their lent money sall lykewayes be obleist to give their oath of veritie
upoun the truthe thairof and to foresault the annuelrents of ther saids
lent moneys incashe thay be not givin up in inventars in the curtes of
the jurisdictions whair thay dwell. And to the effect that none pretend
ignorance heerof the saids Lords ordanis that the ministers at everie
parish kirk within this kingdome shall caus the readers at the saids
kirkis or some other persons upoun ane Sunday before noone in tyme of
divine service ather immediatlie before or after the sermoun in presence
of the whole parochiners being thair for the tyme, read this present Act;
and to this effect the saids Lords ordanis the collectour of the taxa-
tioun to caus imprint this present Act and to send unto the moderator
of everie presbyterie als manie doubles thairof as thair ar ministers
within his presbyterie, quhilk moderator shalbe obleist to delyver to
everie minister within his presbyterie ane printed double of the said Act,
and the minister shalbe obleist to returne the same backe agane to the
said moderator with ane certificat upoun the backe thairof writtin and
subscryved with his hand that he hes caused publictie read the samine in
maner abonedwrittin, and the moderators of the presbyteres saill be than
obleist to returne all these Acts to the clerk of his Majesties taxatiouns
to be keppe be him among his Majesties taxt rollis and other writts
concerning the taxatioun. And to close the mouthes of all his Majesties
liesges that none of thame heerafter may thinke thame selfs snaird for
not giving up of the inventar of thair lent moneyas in dew tyme, the
saids Lords be thir presents dispenses thairwith, with this proviso alwayes
that thay give up the trew inventar of thair saids lent moneys to the
clerkes appointed to ressave the same be the Act of the said Conven-
tioun in ane of the two weekees immediatlie proceeding or immediatlie
following the terme of Witsonday nixtcome, certeifieing thame that
failyes heerin thair is no favour to be expected be thame heerfter bot his
Majesties lawes to be putt in executioun aganis thame with all rigour.
Complaint by Sir William Oliphant of Newton, knight, and Mr Thomas Hoip of Craighall, King's Advocates, for his Majesty's interest, as follows:—The Lords of Council, considering the great disproportion between the prices of English beer and the ale of this kingdom, and that it was very unadvisable that foreign commodities should be imported and sold at double the rate of the like produced at home, especially when the latter was in no way inferior, enacted and made proclamation that no importers of English beer should sell the same at more than £6 "the bwnne," so that vintners might sell it at eighteen pence the pint, under a penalty of £20 for every "bwnne" sold in contravention hereof. Yet there has been imported at the ports of Dundee and St Andrews by Andrew Gray, skipper of the barque called the Jonas of Dundie, and James Kyle and John Ogilvie, burgesses there, and "merchants of the barke foresaid" at Dundee, twenty-eight tuns of English beer; by James Young, skipper of the bark called the David in Dundie, and Johnie Stronoche and James Annand, burgesses there, owners of the said barque, also at Dundee, eighteen tuns; and by John Leapper, burgess of St Andrews, owner of the barque called , at St Andrews, tuns, every one of whom has sold the same at a higher rate than the Act allows. Charge having been given to the said persons to compeare and answer, and the pursuers compearing, but of the defenders only the said James Kyle and James Annand, and James Kyle confessing the importing of three tuns, and James Annand the importing of four tuns, all of which was yet unsold, the Lords ordain them to deliver the said beer to such persons as the Deputy Treasurer should appoint at the price of £6 the "bwnne," or otherwise "transport the same out of the countrey and sell no part thairof within the same," under the penalty foresaid.

Another complaint by the said King's Advocates, and by William Hay, brother-german to James Hay of Maynis, and Mark Home, servitor to Alexander, Lord of Spynie, their informers, as follows:—The wearing of hagbuts and pistols and convocation of the lieges in arms for committing of any lawless and violent deed is very strictly prohibited, yet Alexander Cattell alias Calder, a common and notorious thief, a strong, idle, and masterless vagabond, and frequently put under caution to leave the country, having been given up as a person who ought to be sent to the wars, and accordingly apprehended and placed in the tolbooth of Forres until opportunity of transport offered, when this was known by Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis, and James Dunbar of Balnaferrie, they with certain others to the number of forty persons, all armed with swords, secrets, platesleeves, gauntlets, staves and other weapons,
and with hagbuts and pistols, went under cloud and silence of night on
the dwelling-house of Arthur Forbes, provost of Forres, and "verie imperiouslie commandit him to delyver the keyes of the tolbuith doore unto thame that they might take the said Alexander Cattell furth thairof, threatening him with death if he refuised." The provost having "denied the same," they learning that Thomas Cumming, jailor of the tolbooth, had the keys, went to his house, and commanded him either to give them the keys or deliver the said prisoner. When they could not prevail with him, they went to the said tolbooth, "violentlie brasched and strake at the dooers thairof, drew diverse nailes furth of the same, and sua almost brake the doore in peices," and had done so altogether if the said Thomas had not come and opened it. They then took the said Alexander Cattell and carried him away with them, and when the magistrates and others warned them to forbear, seeing that he was taken for his Majesty's service, they "most proudlie answered that nather his Majestie nor his Majestie's Chancellour sould gett the said Alexander frome thame." Charge having been given to the said Robert Tulloch and James Dunbar to compear and answer in the above, and also to Robert Barclay and Arthur Forbes, burgesses of Forres, and to Thomas Cumming, William Kynnaird, and William Forsyth, as witnesses, and the pursuers compearing by Alexander Hay, indweller in Leith, their procurator, the defenders being personally present, and of the witnesses Robert Barclay and William Forsyth not compearing, the Lords assoilzie the defenders, because the witnesses produced failed to prove the charge. They also ordain the two witnesses named, who did not appear, to be put to the horn, and that the witnesses present be paid by the producer, 20 merks to every horseman, and 10 to every footman.

Complaint by Robert Mowbray in the Brigend of Crawmound, and Dick, his spouse, as follows:—Although the raising of frays in kirks and kirkyards is strictly prohibited, yet Abraham Stewart, mariner and indweller in Crawmound, his Majesty's rebel, who has often sought opportunity to take the said Robert's life, on 23rd March instant, being Sunday, came to the Kirk of Crawmound, 'knowing that the compleaner would be at the kirk according to his accustomed form,' and waiting all the time of the sermon for him, the said Abraham immediately afterwards invaded him in the kirkyard with a drawn sword, and would have slain him unawares if complainant's said wife had not "gripped the said Abrahame and withheld him." For this the said Abraham turned upon her with his drawn sword and "in his mad furie" would have slain her if the people present had not prevented him. The pursuer compearing but not the defender, the Lords after hearing witnesses find the charge proved as libelled and ordain the defender to enter in ward within the tolbooth of Edinburgh within six days after
being charged and to remain therein till released, and in case of disobedience to be denounced and escheat.

On the petition of Sir David Home of Wedderburne bearing that after long waiting for direction from Court as to what he should do with the company of men he had enlisted for his Majesty's service, he has now received command to transport them with the first opportunity to the "Yle of Wight; that his men being dispersed, he must gather them again together, only he is incapacitated from travelling about by some civil hornings raised against him; and that besides he has still his business to arrange with the Commissioners for the Surrenders, and so craves an extension of his former protection—the Lords extend the same to 23d April next.

"Most sacred Sovereane, The maister owner of the Lubick shippe, which with the goods being thairintill your Majesteis Advocats ar to persew as laughfull pryze, hath made earnest sute unto us that out of the first and readiest of the moneyes arissing by the saile of the said goods he might be satisfied for the fraught of the same, losse of his shippe and of quhat ellis belonged unto him being thairintill, according to that course which as he affirms your Majestie has ever kepeth in occurrences of the lyke kynde. In regard the mater concerned the satisfaction of a stranger who is the subject of your Majesteis confederats whom we would use with all courtesie and favour and that we ar not acquainteth with your Majesteis proceedings nor knoweth not quhat ordour your Majestie hes tane and what measure of favour yow have beeene accustomed to vouchsafe in the lyke caises of before, we have forborne to meddle with the same and have referred the petitoun and the justice thairof to your Majesteis owne princelie judgement and determinacion. And so praying God to blesse your Majestie with a long and Happie raigne, we rest. Frome Halyruidhous xxvii Martij 1628. Subscriptur, Dupline, Monteith, Hadinton, Murrey, Nithdaill, Galloway, Pa. B. of Rosse, Melvill, Naper."

"The quhilk day the Earle of Murray promist to enter Callum McGregor, his man, befor the Counsell upoun the xxijj day of Apryll nixt; and the Lordis ordanis a warrand to be grantit to the said Callum to come and gang notwithstanding of ony hornigis used aganis him."

"The quhilk day James Rig, chirurgiane, gaif his grite oathe that he sould cairfullie and trewlie panse George Workman, and to reporte to the Counsell upoun Satterdaye the estait and dangeir of his wounds."

"Ane missive to his Majestie in fawrines of the wyne marchantis."

"Ane missive to the Lairds of Cranstoun and Fantoun for goeing in to the Counsell ane roll of the teynd sellars in the shirefdom of Edin- burgh."

"CHARLES R., Right trustie and right weilbelovit cousine and coun-
sellour, right trustie and weibelovit cousins and counsellours, and trustie and weibelovit counsellours, we greete yow weill. Whairas we wer formerlie pleased that some commissioners both for the tithe sellers and buyers sould repaire unto our Court and we being of new meaneed that the commissioners for the tithe buyers might come againe to our Court that we might heare them before the pronouncing of our decree upoun the late submissioun, we have bee ne pleased to permit them so to doe and signified the same to thame by our letter, Whairfoir our pleasure is also (becaus none as yitt have desired the lyke for the tith-sellers) that yow caus advertise the lait commissioners sent unto us by the said tithsellers that they may acquant the rest of thair nombre and that the saids tithsellers, if they thinke good, may ather caus thair said former commissiouners or anie others discret and judicious persons whom they sall thinke fitt and authorize with thair warrant repaire unto our Court that as we sall thinke expedient we may heare tham lykeweyes before the pronuncing of our said decreee. So we bid yow fareweill. Frome our Court at Whitehall, the 28 of Marche, 1628.

"After our verie heartillie commendatiouns to your good lordship, Whairas the Lord High Chancellour of this kynedome was nominat and appointit be his Majesteis Counsell to conveene the teind sellers within the shirefdomne of Perth and stewartie of Strathern at the burgh of Perth for subscryving of that submissioun quhilk is made to his Majestie be the Lords of Erectiouns and others having interesse in the surrendars and teinds, the said Lord Chancellour for discharging of his dewtie in that charge committit unto him hes givyn tynous warming to a nombre of the said teind sellers to conveene and meete at the said burgh of Perth for the effect foresaid upoun the nynt day of Apryle now approaching, bot upoun sundrie interveening occasiouns sensyne partlie of his Majesteis urgent and necessar effaires quhilkis cannot be neglegtit and partlie by the Lord Chancellour his notour and knowne infirmitie and seekenesse he can not without ane evident prejudice to both kepe this dyet, and thairfoir we must of necessitie lay this burdein upoun your lordship as one whom we know to be everie way weil disposed to his Majesteis service,requesitng and desyrynge your good lordship to kepe this dyet of the nynt of Apryle at Perth for the said Lord Chancellour and present the submissioun to so many of the teind sellers as compeires and desyre thame to subscryve the same and if they or anie of thame sall happin to refuse that your lordship make a roll of thair names and report the same with the submissioun and a record of all your other proceedings to his Majesteis Counsell upoun the 23 day of the said moneth of Apryle quhairament thir presents sall be unto your lordship ane sufficient warrant and commission. All quhilkis recommending to your lordships speciall care as a point of service highlie concerning his Majestie, we committ your lordship to God.
Frome Halyruidhous the 29 of Marche 1628. Subscribatur, Marr, Mont- teith, Hadinton, Winton, Linlithgow, Bucceleuch, Melvill, Naper, Carnegy, A. Carre, Hamilton, S. J. Scottistarvett, Mr. Thomas Hoip."

Sederunt.—Chancellor; Montieith, pueses; Nithisdaill; Wyntoun; Linlithgow; Bucceleuch; Landerdaill; Bishop of Rosse; Bishop of Dumblane; Lord Gordoun; Lord Melvill; Carnegie; Naper; Master of Jedburgh; Sir William Oliphant; Mr. Thomas Hoip; Clerk of Register; Tracqair; Sir John Scot.

"Forsameekle as the Lords of Secret Counsell hes found it meete and expedient that the Submission made unto his Majestie and subscryved by a number of the Lords of Erectioniouns and others having interesse in the erectioniouns, surrendars and teinds, sall be lykewayes subscryved be the whole teind buyers and teind sellers within this kingdome; and whores the drawing of suche a number of people to the burgh of Edinburgh to attend the subscryving of the said submission would be fashous and troublesome to theame, Thairfoir the saids Lords for thair ease and reliefe hes thought meete and ordained that the said submission sall be subscryved be the saids teind buyers and teind sellers within the several shirefriendes, stewartreis and bailiereis whair thay dwell; and the saids Lords hes givin commision to some noblemen, barons and gentlemen within eache shirefriende, stewartrie and bailerie to take their subscrip’ions, who accordinglie hes appointed some termes and dyets in the moneth of Apryle now approaching and before the twentie three day thairof whan and whair thay sall convene and meete for subscryving of the said submission. And to the intent that this bussines which so higlie concerns his Majestie and the weale of the kingdome may the better goe on and that all suche pairtieis whome it concerns may freelie keepe the dayes and plaices of meeting without feare or danger of anie civill hornings or captions raised thairupoun, Thairfoir the saids Lords hes dischairgit and be the tennour heerof discharges all shireffs, stwartweis, provestis and bailleis within burgh, judges, officiers and ministers of his Majestis lawes of all taking, apprehending, wairding or troubling of anie persoun or persons who ar to keepe the severall dyets appointed for subscryving of the said submission within the particular shirefriendes, stewartreis and bailiereis whair they dwell and for the space of foure dayes afoir the saids termes and dyets and for the space of other foure dayes after the same, suae that within this space they may freelie come and gang and attend the subscryving of the said submission at thair pleasure. And ordainis letters to be direct making publicaion heerof at the mercat croces of the heid burrowes of the shirefriendes, stewartreis, and bailiereis of this kingdome and others places needfull, whairthrow nane pretend ignorance of the same."
Commission to
Sir Alexander
Nisbet of that
Ilk to try
William
Whitelaw in
Duns, charged
with the
murder of his
illegitimate
children by
Jean Murdo.
See ante, p. 289.

"Forsameekle as it hes pleased God laitlie to discover some cruell and
barbarous murtherous commitit be William Quhytlaw in Duns and jeane
Murdo thair upoun some infants procreat betuix thame in adulterie,
upoun the whilk discoverie the said Jean being apprehendit, and upoun
pregnant evidence of her guiltines commissioun being grantit to Sir
Alexander Nisabit of that Ilk, Shireff of Beruick, for putting of her to
tryll, how soone the said William got knowledge of the apprehensioun
of the said Jean, he takand the cryme upoun him, and being conscious
to himselfe of his awin guiltines fled to England and lurked thair till
upoun a letter writtin be the Lords of Secrett Counsell to Sir William
Mushamp, knight, one of the justices of peace of Northumberland, he
was apprehendit and delyvered upoun the Mairche to the said Shireff of
Beruick, be whome he was committit to waerd within the tolbuith of
Dunce whair he presentlie remaines. And whairas Fryday the fourt
of Apryle now approacheing is appointit for the tryell of the said Jean
conforme to the commission grantit to the Shireff of Beruick for that
effect, necessar it is lykewayes that the said William be put to tryell
that same day or suche other convenient day thairafter as sall be thought
fitt; for whilk purpos the saids Lords ordain ane commissioun to be
past under his Majesties signet, makand and constituant the said
Alexander Nisabit of that Ilk our Soverane Lords justice in that paire
to the effect underwritten, givand, grantand and committand unto him
full power and commissioun, expres bidding and charge, court or courts
of justiciarie within the tolbuith of Duns to binnynge, affixe, hald and con-
tinew, sutes to make be callit, absents to amenchard, unlawes, amenchi-
ments and escheats of the saids courts to aske, lift and raise, and for the
same if neid beis to poynt and distreinzie, and in the same court or
courts the said William to call, be dittay to accuse and him to the
knowledge of ane assise to put and as he sall happen to be found
culpable or innocent of the said cryme to caus justice be ministred
upoun him conforme to the lawes of this realme; assysses needful for this
effect, ilke persoun under the pane of fourtie pundis to summound, warne,
choose and caus be sworn; clerk, serjants, dempsters and others members
of court needfull to make, creat, substitute and ordain for whomne
he sall be haldin to answere; and generallie all and sindrie other things
to doe, exercise and use whilks for executioun of this commissioun ar
requisite and necessar. Firme and stable halding and for to hald all
and whatseover things sall be lauffullie done heerin."

Nomination of
Archibald,
Lord Napier of
Merchiston, as
assessor with
the Master of
Jedburgh in
the trial of
Robert Dunbar
of Burgie for
incest and
murder.

"Forsameekle as David, Lord Carnegie, being nominat and appointit be
the Lords of Secrett Counsell to be assessor with Androw, Maister of
Jedburgh, to his Majestie Justice, in the crinamall dyet appointit to
Robert Dunbar of Burgie whairin he is to be persewed before his
Majestie Justice for incest adulterie and for the slaughter of umquhile
Johne Dow, the said Lord of Carnegie upoun some interveening occas-
sions of his Majestie service, notour and knowne to the saids Lords of
Secret Counsell, cannot attend this dyet without ane evident prejudice to his Majestie's service, and thairfor the saids Lords hes nominat and appointit and be the tennour heerof nominats and appoints Archibald, Lord Naper of Merchinstoun, to be assessour with the said Maister of Jedburgh in plai of the said Lord Carnegie to his Majestie's Justice in the criminall dyet foresaid; with power to the saids Lord Naper and Maister of Jedburgh to assist his Majestie's Justice in the mater foresaid with their best advice and opinion in all and everie thing occurring in that processe, and to doe and performe everie other thing whilk to the charge of ane assessour appearteaneth, whairnent thir presents sall be thair warrand."

"Forsamekle as thair hes beene diverse good Acts made be the King's Majestie's predecessours of famous memorie whairby it is statute and ordained that in criminall causis nane sall come to the bar to persewe or defend with moe persons nor is prescrybd and allowed unto thame be the saids Acts, viz. the defendar with sax persons onelie and his advocate, and the persewer onelie with foure freinds, under certane panes mentioned and conteaned in the said Acts, as the same at lenth bares. And thairae thair is a criminall dyett appointit to be heldin before his Majestie Justice in the tolbuith of Edinburgh upoun the first of Aprile now approacheing whairin Robert Dumbar of Burgie is to be accused be the relict of unquhill John Dow for the slaughter of the said unquhill John, and alsua for some others crymes givin in in dittay aganis him, and the Lords of Secret Council being informed that diverse persons of ranke and qualitie ar to accompanie the said Robert Dumbar of Burgie and the relict of the said unquhill John at this dyett, whilk will be a great hinder and impediment to the peaceable course of justice and will draw on forder inconveniences to the breake of his Majestie peace, Thairfoir the saids Lords ordains letters to be direct to command, charge and inhibite both the saids paiteis that nane of thame presoom nor take upoun hand to come to the house of justice nor to the barr with moe persons nor the nomber foresaid allowed unto thame be the saids Acts under the panes conteanit in the Acts and constitutions made thairnent, whilk panes sall be severele inflicted upoun the contraveeners without favour."

"The whilk day the Lords of Secret Counsell according to ane warrand and direction in writt signed be the King's Majestie and this day exhibite before thame gives and grants licence, power and commission to Sir Donnald McKy of Stranaver, knight, be himselfe and his captans and liuentenents under him, to levey and take up a regiment of a thow saund men in whatsever part of this kingdome whair he may best commodiouslyse have the same, and to transport thame for the service of his Majestie darrest uncle, the King of Denmark, he always giving suche satisfaction to everie one of that nomber as sall be agreed upoun betwenee him and thame. With power lykeways to the said Sir
Donnald McKy to nominat and appoint captans and commanders with all others officiers and members of the said regiment for the better conduct and gouvernement of the same and to caus towke drwmnes, display cullours, and to doe and use all and everie other thing which toward the levyng and uplifting of the said regiment is laughfullie necessarie. Firme and stable halding and for to hald all and whateversomever things sall be laughfullie done heerin. Commanding hereby all shireffs, stewarts, justices of peace, proveists and bailleis within burgh and others his Majestie subjects whome it concernes that thay and every one of thame within thair several bounds suffer and permit the said Sir Donnald McKy by his captans, lieutenants and officiars, to levey and transport the regiment foresaid without stop, trouble or impediment to be made unto thame. And if anie persoun or persons being conduced or having inrolled thamesselves and ressavad pay sall thairafter eshew and refuse to follow their captans, that the said shireffs, stewarts, justices of peace, proveists and bailleis within burgh, and all others having power and jurisdicioun and whome thir presents doe concern, everie one within thair awin bounds, apprehend such fugitives and backeslyders and committ thame to waird, and otherwyais to doe justice in that caise to the saids captans and commanders according to reasoun, as the saids shireffs, stewarts, justices of peace, proveists and bailleis within burgh and others foresaids will answere upoun the contrair at thair charge and perrell. And ordanis letters to be direct heerupoun in forme as effeirs."

"Forsameekle as it is understand to the Lords of Secret Counsell that diverse persons who wer conduced and tane on be Colonell McKy to have beene transported be him for the service of the King of Denmarke did most unworthilie diskland and runne away, and wer ressett, kepted and deteaned be some gentlemens and others within the shirdefdomes of Inverness, Aberdeene, Caithnes and Sutherlend, after proclamationm made and publiest in his Majestie name to the contrarie, in contemp of his Majestie auctoritie and to the hinder and prejudice of that important service for which they wer leveyed and whairin theyould have benn employed; and whairas the calling and convening of the ressetters and deteenners of these fugitive soouldiers before his Majestie Counsell and the bringing in of witnesses for cleereng of thair contemp will be chargeable and greevous to the lieges; and the saids Lords considering that the offenders in this kynde may be better and with more ease discovered and tried at home in the shyres whair thay dwell than if they shoul be brought heere to thair answere before his Majestie Counsell, Thairfoir the saids Lords hes givin and grantit, and be the tennour heerof gives and grants full power, warrand and commissionn to Coline, Erle of Seafort, George, Lord Gordoun, and Simeoun, Lord Fraser of Lovatt, or anie twa of thame to call and convene before thame at suche tymes and placeis as they sall appoint all and sindrie persouns within the shirdefdomes abonewrittin be whome the saids fugitive
souldiers hes beene ressett, hoordit and keeped backe whois names sall be givin to thame in roll be the said Colonell M'Ky and to take tryell of their trespasse and disobedience ather by oath of pairtie or by witnesses, and to report their confessionis and depositiouns in writ to the saids Lords to the intent they may be censured and punished according to the merite of their fault and his Majesteis pleasure signified in this behalffe; and for this effect with power to the saids commisioners or anie twa of thame as said is to sett, affixe and hold courts, direct their awin precepts and summond pairtieis and witnesses to compeir before thame, the absents to amerceiat, and all and sindrie other things to doe, exerce and use whilks for the executioun of this thair commission sall requisite and laughfull. Follows his Majesteis missive for warrant of the twa Acts abone written—CHARLES R.—Right trustie and right weilbelovit cousine and counselour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greeete yow weill. In regard of our resolucioun for supplieng of our uncle the King of Denmarke, and of the readinesse and constant affectioun of our trustie and weilbelovit Colonell M'Ky to our service in that kynde, our pleasure is that yow grant unto him a commission with a sufficient warrant for levying of a thousand men in that our kingdome and for the transporting of them from thence, he always giving suche satisfactioun to everie one of that number as sall be agreed upoon betweene him and thame, and to that effect that yow authorize him to caus beate drwmmeres; and where anie persons have ather ressavd or sall ressav moneyis frome him or his officiars or have covenanted or sall covenant with him or thame to goe upoun this service that yow use your best endeavours to caus thame performe accordinglie, or otherways that they repay the moneyis ressavd be thame togidder with a proportionable satisfactioun for the losse he hath thereby susteane. And if anie persons have detaeneed his souldiers after a proclamationis was made to the contrariye that yow call thame before yow and exact fyynes of thame as yow sall thinke fitt, which we will yow give to the said Colonell as some helpe toward his present losses, and that yow give suche speedie orloour for causing provide shippes for their transportation and upon the lyke conditions he has beene formerlie givin to anie others. And whair his humble demand is, according to the earnest desire of our said uncle, that he nor his officiars sould not be troubled by suites in law during their employment in our service, though we will not hinder the dew course of justice, yitt we desire yow to give unto him, and unto suche as ar in our service under him, whome he sall name, all the favour that hath beene formerlie granted to anie other persons in the lyke kynde or as yow can convenientlie grant for effecting of this purpoose. For doing of all which these presents sall be your warrant. Frome our Court at Whitehall the 19 day of Februarie, 1628.
“Forsameekle as the Kings Majestie by diverse letters writtin and directit to the Lords of his Majesteis Privie Counsell hes signified his royall will and pleasure that the shippe of Lubick with her furnitour, munitioun, ordinance and apparrelling thairof, laitlie drivin upoun the coast near Peterheid in the moneth of last bypass sal be restored and delyvered to Alexander, Erle of Linlithgow, his Majesteis Admirall for the tyne, to the intent the same may be made furthcummand be him after dew tryell to parteis having interesse; and whairas the Lords of Secret Counsell ar informed that diverse persoues in the north hes without warrand frome the Lord Admirall or others having power frome him medled with the shippe, and with the munitioun, ordinance, ankers, cables and other furniture and apparrelling of the said shippe, and keepes and deteanes the same without purpose and intention to make delyverie thairof to the said Lord Admirall, agenis his Majesteis royall intentioun, whilk for diverse good respects is to conserve the whole priviledges of the office of Admiralitie in the full integritie, Thairfoir the Lords of Secret Counsell ordanis letters to be direct to command and charge all and sindrie persons who hes medled with the said shippe or with anie of the ordinance, cables, ankers, towes, furnitoure and apparrelling of the said shippe and hes the same or anie pait thairof in thair custodie and keepe, that thay render and delyver the same unto the said Lord Admirall or others having power and commission frome him to the intent the said shippe, ordinance, apparrelling and furniture thairof may be keepe be him and suche others as he sall appoint, and after dew tryell be made furthcummand to these who sall be found to have best right thairto, within three dayes nixt after the charge as they will answere upoun the contrare at thair highest perrell. Followes his Majesteis missive for warrand of the Act abone-writtin—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weil-belovit counsellours, we greete yow weill. Seing it hes plesed us to establishe a commision whairby the Erle of Linlithgow, our Admirall for the tyne, and his assessours ar onelie to judge and determine of all pryzes which sall happin to be taikin or brought within that our king-dome, having since that tyne particularlie writtin unto him for this effect, and being informed how of lait thair wees a shippe taikin by some of our subjects of S't Andrewes and Monroe loaden with Malaga wynes and some other commoditieis whairwith (as we ar lykewaies informed) Fol. 19, b, diverse persoues there have medled without being warranted be our said Admirall or others having power from him, agenis our royall intentioun, which for diverse good respects is to conserve the whole priviledges of the office of Admiralitie in the full integritie, Thairfoir our special pleaser is that particularlie in all things concerning the said shippe and goods which wer therein none doe take upoun thame anie wayes to meddle; and if anie have taikin that course alreadie ather in the whole
or in anie parcell thairof that yow give present ordour that the samein be fullie restored and be made furthcumming to the effect that the said Erle and his assessours may proceed according to the trew intent of the said commissioun and our pleasure and directioun so signified and givin unto him. So we bid yow farewell. Frome our Court at Whithall the penult day of Januar 1628.

(Sederunt as recorded above.)

On the petition of John Stewart of Coldingham bearing that he is to remain in this burgh for ten or twelve days to consult with his advocates and his teinds. "for his better information and disposail of him to subecryve the submiisoun sent down be his Majestie anent the Surrendars and teinds," and craving an extension of his time, the Lords grant the same till 24th April next.

Complaint by John Bruntoun, deacon, and David Burne, elder, candlemakers, burgesses of Edinburgh, as follows:—On 7th March instant the provost and bailies of Edinburgh, without respect to the great age, and decrepit and infirm persons of the complainers, as also without any offence committed by them or complaint by others against them, caused their officers apprehend and commit them to ward, in which they still keep them very strictly, although they have presented several petitions desiring to know the cause of their imprisonment and requesting liberty to be heard, all which is against reason and justice. Charge being given to the said provost and bailies to compear and produce the pursuers, they obey, and state that the warding of them proceeded upon a decree of the council of the said burgh upon a complaint by John Hardie, candlemaker, against the pursuers for extorting from him the sum of eighty merks, in addition to twenty spent in drinking, and which they refused to restore. They produce the said decree, dated 7th March instant. The pursuers contended "that the sowme foresaid tane be thame be the said John Hardie wes freelie and willingie givin be him to thame for thair ressaveing and admitting of him to be a free man of thair craft they hayinge the priviledge and freedome of a deacon by a gift grantit unto thame be the proveist, bailleis and counsell of the burgh of Edinburgh for the tyme under thair seale of caus, whilk wes ratifid by our latit Soverane lord of blessed memorie be his patent under the great seale; and that according thairto they have ever beeene in use to have a deacon and to ressave and admitt freemen of thair craft." To which the defenders replied that notwithstanding of any patent granted to the pursuers of old, as to the freedom and privilege of a deacon, they never were in lawful possession of such a privilege, and their pretended deacon, "if they anie had, wes never acknowledgit, auctorized nor allowed be the proveist, bailleis and counsell of the
said burgh as the remanent deacouns of the said burgh ar, it being a
costante forme within the said burgh ever observed without contradic-
tion that the lytes of the deacouns ar givin in yeerlie be the counsell
of the said burgh," and the persons elected are admitted by them; "and
if they have anie such pretendid deacoun, that theirby they have
usurped upoun thame that auctorite whairof they ar not capable be the
ordour and custome of the said burgh. And forder it was answered
be the saids defenders that by the decret and sentence arbitral givin
and pronounced be our said lait Soverane lord of blessed memorie
betuix the merchants and craftsmen of the said burgh his Majestie
onelie allowed fourteene deacouns to be within the said burgh, and
designed particularlie the crafts who wer allowed to have the deacouns,
and of this number their was no mentiou made of the candlemakers,
and they wer never acknowledged to have a deacoun, and that they
never clamned anie suche priviledge sensyne." The Lords therefore find
the procedure of provost and bailies quite lawful, and ordain the
pursuers to return to their ward, and there remain until by their humble
petition to the said provost, bailies, and council they are released.

Complaint by David Whyte, Andrew Thomsoun, and John and James
Robartsoun, cordiners, burgessses of Cowper, as follows:—In December
last the provost and bailies of Cowper warded the complainers in their
tolbooth for not observing their Acts as to the prices of boots and shoes,
and not paying a fine of £5, in which each of them was mulceted
for that cause, and they have kept them in prison since, to the
complainers’ great injury. Now the Justices of Peace of Fifeshire
summoned the provost and bailies of Cowper before their Lordships
“for not suffering of thame to take ordour with thair cordonners,
and to sett down pryces upoun thair worke;” and their Lordships
ordained the said provost and bailies to meet with the Justices of
Peace at their ordinary quarter sessions upon the first Tuesdays of May
and November. As yet there has been no meeting, and no prices
fixed, so that a contravention of any public binding ordinance can-
not be alleged against the complainers; “and altho thair wer anie
suche act and ordinance sett doun anent the pryces of the com-
pleanners worke, they cannot be obliged to worke and to serve the
Kings lieges upoun these pryces bot at thair awin pleasure, seing
they may betake thame to other callings and industries whairby
they may interteane thair poore famileis whilk they ar not able to
doe by the exercise of thair craft and selling of thair worke at the
pryces sett doun in the Act.” Moreover by depriving the complainers
of their freedom, the defenders have made it impossible for them to use
their calling, “and it is a rigorous forme of doing to inflict triple
punishment upoun thame for one causs; to witt, deprivation, wairding,
and poynding of thair goods for the unlaw.” They have frequently
offered caution to observe the acts made by the magistrates until
the first meeting of the Justices of Peace on the first Tuesday of June next, but this the magistrates refuse while still "allowing and overseing the remanent cordonners of the said burgh to sell their worke at what pryces they please. And forder, the saids complainers hes offered to the proveist and bailleis that if twa sufficient men of their awin choosing ather in burgh or land will buy twa barked hydes and commit the working thairof to whom they please and bestow the charges thairupoun and the hydes being made in perfyte worke and all the charges of the same being reckouned and compted, and thir men being sworne to declair the truthe how the worke of these twa hydes may be sauld and upoun what pryces without losse and some competent gaine, which the law of nature alloweth, the saids compleasers are content accordinglie to worke upoun these pryces and to find cautioun for that effect. And forder, the compleasers are bot meane, simple men, haveing the charge of numerous famileis and of bairnes and servants without meanes to interteane thame bot their handie labour whairfra they have bee disabled thir ten wekees bygaine by thair wairding, and thair prenteissis and servants have left thame, seing thair bailleis would not suffer thame to work, but closed up thair booth doores. And last, all this proceeding aganis the compleasers hes bee without the persuite or complaint of a pairtie, and the saids proveist and bailleis ar both judge and pairtie to the compleasers in this caus, and so verie partiall and suspect to have auctoritie and jurisdiccion over thame in this caus." The complainers crave that the said provost and bailies may be charged to liberate them upon cauton to compear before their Lordships for hearing of the question between them. The Lords grant commission to Robert, Lord Melvill, and David, Lord Carnegie, or either of them, to go to Cowper, convene both parties before them, and take such order therein as shall continue the complainers in ward or liberate them, or otherwise to summon them before their Lordships the next Council day for decision of the cause.

Commission under the Signet to James, Marquis of Hamilton, William, Earl of Angus, John Hamilton, younger of Gilkerscleuche, and Thomas Inglis of East Scheill, jointly and severally, to convocate the lieges in arms and search for, apprehend, and present before the Council for delivery to the Justice and his deputes, James Carmichael dwelling at Carmichael Bait, and John Kneilland in Thornyehill, who on 5th January 1613 were put to the horn at the instance of Hew Weir, John Weir, and Marion Weir, as bairns, and the remanent kin and friends of the deceased John Weir of Cloburne, and Sir William Oliphant of Newton, knight, King's Advocate, for his Majesty's interest, for not compearing to underlie their trial for the murder of the said deceased John Weir. Signed by Geo. Cancell., Monteith, Nithsdaill, Wynton, Linlithgow, Lauderdaill, and G. Gordoune.
“After our verie heartilie commendationous, Whairas thair wes a commissioun givin to the Erle of Nithsdail to convene the teind sellers within the shirefdome of Dumfreis and stewartrie of Kirkcudbright for subscriving of the commissioun sent dowin by his Majestie anent the surrenders and teinds, the said Erle upoun some interveening occasiouns hes excused himselfe that he cannot attend that service, which he moved the Counsell to lay the charge and burdein thairof upoun yow, and thairfuir these ar to will and require yow to supplie the absence of the said Erle of Nithsdail and to kepe the dyet appointed be him for subscriving of the said commissioun and to present the same to these whome it concerns and to doe thairin according to the tenoun and direction of the said erle his commissioun whiche yow sall heerewith resave. Qhailrof nothing doubting of your carefull execution, we commit yow to God. Frome Halyruidhoues the last of Marche 1628. Subscriber, Geo. Cancell., Monteith, Wintoun, Linlithgow, Buccleuch, Lauderdaill, Pa. B. of Ross.”

“After our verie heartilie commendationous to your good lordship, Whairas the erle of Monteith wes formerlie intrusted by the Counsell to resave the subscripitions of the teind sellers within the shirefdome of Dumbartane according to the commissioun granted unto him for that effect, and becaus the said erle is now to repaire to court to attend his Majesties service sua that he cannot be present nor kepe the dyet appointed be him for subscriving of the said commissioun we have made choise of your lordship and have layed the charge and burdein of that service upoun yow; and thairfuir these ar to requiest and desyre your good lordship to attend the dyet appointed be the Erle of Monteith to the teind sellers for subscriving of the said commissioun and to present the samine unto thame and to proceid and doe thairin according to the tenoun of the said erle his commissioun which togiddwer with the subscripition your lordship sall heerewith resave. And so looking for your lordships carefull performance of this charge committit unto yow so highlie importing his Majesties service we commit yow lordship to God. Frome Halyruidhoues the last day of Marche 1628. Subscriber, Geo. Cancell., Nithsdaill, Wintoun, Linlithgow, Buccleuch, Lauderdaill, G. Gordoune.”

“After our verie heartilie commendationous, Whairas some course is intendit for settlin of the contraversies betuwixe the Laird of Lany and the Clangregour it is thought meete for the better facilitating thairof that some of the principalls of the Clan and of thair assisters who may doe good in the bussines sall be present at the settlin of the same and the xxij day of Apryle now approaching is appointit for that earand; and qhairais Duncan McEan Dwy Phaill, your man, hes formerlie kythed in thir maters and his presence may greatlie conduce to the furtherance of this agreement we thairfuir desire yow and in his
Majestie's name command yow to bring and exhibite the said Duncane before his Majestie's Counsell the said xxiiij day of Apryle next to the intent he may concurre and joyn with the rest in the ordouring of thir maters, that his absence be not objected as a lett and hinderance thairto; and if he sall refuise or make anie scruple to keepe this dyet we have heerewith sent ane commission to your selfe and your sonne for apprehending and exhibitioon of him. The executioun whairof recommending to your speciall cair as a point of service highlie importing the peace of the countrie, and quhairof a particular accompt will be tane of everie mans diligence and notice givin of the samine to his Majestie, we committ yow to God. Frome Halyruidhous the day of Marche 1628."

"Ane Act appointing the Lord Previe Seale in absence of the Chancellour and President to preside in Counsell and to convene the same as occasion shall require, and in absence of the Lord Previe Seale, the Earle of Wyntoun."

"Ane missive to his Majestie in favouris of the capitanes of his Majestie three shippis."

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"Forsamekle as it is understand to the Lords of Secret Counsell that diverse persons who wer conduced and tane on be Alexander, Lord of Spynie, and Colonell M'Ky, and thair officiers to have beene transporte be thame for the service of the King of Denmarke, did most unworthlie disband and runne away and wer resset, keept and deteane be some gentlemen and others within the shirfdomes of Air, Galloway and Nithisdaill after proclaimatioun made and publicist in his Majestie name to the contrarie, in contempt of his Majestie auctoritie, and to the hinder and prejudice of that important service for which they wer leveyed and whairin they shoulde have beene imploied; and whairas the calling and convening of the resettors and deteane of these fugitive souldiers before his Majestie Counsell and the bringing in of witnesses for cleering of thair contempt will be chargeable and greevous to the lieges; and the saids Lords considering that the offenders in this ky恩 may be better and with more ease discovered and tryed at home in the shyres whair thay dwell than if they shoulde be brought heere to thair aquare before his Majestie Counsell, Thairfoir the saide Lords hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commission to the Shireff of Air, with two of the justices of peace of the said shirefdome, the Shireff of Galloway, with anie two justices of peace of the said shirefdome, and the Shireff of Nithis-

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Sedent—Menteith, prees; Nithisdaill; Linlithgow; Lord Gordou; Holyrood House, 3rd April 1628. Patric, Bishop of Rosse; Bishop of Dumblane; Carnegie; Naper; Master of Jedburgh; Clerk of Register; Sir John Scoet.
daill, with ane two justices of peace of the said shirefdome, to call and convene before thame at suche tymes and plaiices as they sall appoint all and sindrie persouns within the shirefdomes respective abonewritten be whome the saids fugitive soulsidours hes beene resset, hoordit and keeped back, whois names sall be givin in roll to thame be Sir Patrik M’Kie, one of the captans under the regimen of the said Colonell M’Ky, and to take tryell of their trespases and disobedience, ather by oath of pairtie or witnessis; and to report their confessions and deposi-
tious in writt to the saids Lords to the intent they may be censured and punished according to the merite of their fault and his Majesteis pleasure signified in that behalffe. And for this effect with powers to the saids commissioners to sett, affixe and hold courts, direct thair awin preceptis, and to summound pairtieis and witnessis to compeir before thame, the absents to amerchiat, and all and sindrie other things to doe, exerce and use which for the executioun of this thair commissioun is requisite and laughfull.”

“Forisameekle as William Dick, merchant, burges of Edinburgh, out of his worthie respect towards the furtherance of his Majesteis service hes undertane to advance the sowme of sax thosand and aucht hundreth merkes for satisfactiou of the wedges dew to the freebooters who accompanied his Majesteis three shippes in thair imployment at thaat tyne when the enemie wes supposed to have beene upoun the coast, and the Lords of Secret Counsell finding thame selfis bound in honnour and justice to provyde for the said William Dick his releef and repayment of the sowmes of money to be advanced be him as said is for so necessar ane use, Thairfoir the saids Lords promises and be the tennour of this present Act declaires that the said William Dick sall be thankfullie satisfied and payed of the sowmes of money abonewritten out of the first and readiest of his Majesteis rents and casualteis, and the said William Dick sall be preferred thairin to all other payments whatsoever. And for this effect the saids Lords ordanis and commands his Majesteis Thesaurar, Deputie Thesaurar and Ressavers of his Majesteis Rents to make payment to the said William Dick of the said sowme of sax thosand and aucht hundreth merkes out of the first and readiest of his Majesteis rents and casualteis in thair hands or which sall happin to come thairin. Which sowme sall be allowd unto thame in thair accounts, the extract of this Act with the said William Dick his acquittance upoun the recep of the said sowme being showne and produced upoun compt.”

“The whilk day Thomas Dryisdaill, Ila Herauld, haveing exhibite before the Lords of Privie Counsell the keyes of the hous of Conhaith, the saids Lords ordanis the keyes to be delveredy to the Erel of Nithis-
daill who being personallie present ressavd the same and acted and obliest him to kepe the said hous of Conhaith conforme to the directioun of the letters and charge direct for delverye thairof, and that
he shall deliver the said house to such as the saids Lords shall appoint whenever the said Erle, or in his absence the provost and bailies of Dumfreis shall be required to that effect."

Commission of Justiciary under the Signet to Robert, Earl of Niths- Holyrood dail, Steward of the Stewarty of Kirkcudbright, and heritable Steward of the waters underwritten, and his deputes, as justices within the bounds of the Waters of Cairgan, Clowdan, Ure, Dee, Ken, Terff, Fleitt and Cree within the said Stewarty for enforcing the laws prohibiting the slaughter of red fish, smolts and fry of fish in forbidden time, as a great number of the heritors and possessors of lands adjacent to these waters are disobedient thereto. They are empowered to apprehend and imprison, try and fine transgressors (provision being made "that the punishment strike rather upon lyffe nor member"), and account for the said fines in Exchequer, reserving one half for their own use. The commission is to endure for one year, and is signed by Menteith, G. Gordoune, Pa. B. of Rosse, Ad. B. of Dumblane, Naper, A. Carre, Hamiltoun, and S. J. Scottistarrett.

"After our verie heartlie commendations, It hes beene thought meete Holyrood to be his Majestie Counsell that the teind sellers within the shiredfome of Edinburgh sall subcroye that submission quhilk is made to his Majestie be the Lords of Erections and others having interesse in the surrendars and teinds in presence of the Counsell upon the xxiiij day of Apryle instant. These ar thairfoir to request and desyre yow to make your addresse heere to his Majestie Counsell the said xxiiij day of Apryle prepared and resolved to subcroye the said submission; quhilk looking assuredlie yow will doe we commit yow to God. Frome Halyruithous the fyft of Apriale 1628. Subscribatur, Monteith, Linlithgow, G. Gordoune, Pa. B. of Ross."

Sedentur—Menteith, præses; Wyntoun; Linlithgow; Lord Gor-Holyrood doun; Bishop of Ros; Lord Naper; Master of Jedburgh; April 1628.

Mr. Thomas Hoip, Advocate.

"Forsameekle as the King's Majestie out of his royall and princelie regard of the weale of his subjects and namelie of the merchants of this king- dom who formerlie tradit in France and had ther stockes sattled and lying ther long before his Majestie proclamatioune restraining the impor- tation of Frenche wynes within this kingdomes hes beene gratioslie pleased upon the humble petition of the saids merchants to allow and assigne unto thame the first day of Julij now approacheing betuix and which tyme they may withdraw their goods out of France by importing of Frenche wynes answerable to their stockes lying thair and that without danger of his Majestie proclamatioune direct in the contrare; and his Majestie being unwilling that under pretext of this immunitie..."
his royall favour heerin soule be anie wayes abused, it is his Majesty's express will, pleasure and direction that the merchants inbringers of suche wynes before they give ordour for sending of the same hame make it first knowne to the Lord Admirall that they have goods lying in France, and that the wynes to be bought hame be thame ar the returne of these goods within France dew unto thame whilks they could not otherwise procure, and that suche as hes already givin ordour to their factours for buying and sending hame of wynes unto thame that they notify the same unto his Majesteis said Admirall and cleere unto him that they have goods in France and the quantitie thairof betuix and the last day of Aprile instant under the pane of confiscation of the said wynes if they failye in the premisses. And it is lykewayes his Majesteis express will that after the said first day of Julij nixtocone that no Frenshe wynes at all upoun no conditioon nor intent whatsoever nor in whatsoever boddoms sall be imported into this kingdome under the panes conteanit in the former Acts and proclamatiouns made to this effect. And the Lords of Secret Counsell ordanis letters to be direct chairging officiars of armes to pas to the mercat croce of Edinburgh and others plaices needfull and their be opin proclamatioun to make publicatioun of his Majesteis royall favour and bountie showne to his subjects in this caise, and to command and charge all his Majesteis sauds subjects whome it concerns that they and everie ane of thame conforme thame selfes to his Majesteis royall will and direction in the premisses under the panes conteanit in the Acts and proclamatiouns foirsaid s made for restraining the importatioun of Frenshe goods."

"Forsameekle as the Kings Majestie out of his royall and tender care of the weele of the merchants of this kingdome who formerlie tradit in France and had thair stockes settled and lying thair long before his Majesteis proclamatioun dischairging the importatioun of Frenshe waieres within this kingdome hes beene gratiously pleased upoun thair humble demand by his letter direct to the Lords of Privie Counsell to signifie his royall will and pleasure that suche persones as have of lait brought anie Frenshe wynes within this kingdome sall be fred and releaved of all danger that they may incurred for that caus; which letter being this day presented and red in presence of the saids Lords and thay acknowledging with all dewfull respect his Majesteis gratious favour and princelie indulgence showne to his subjects in this mater, Thairfoir the saids Lords according to his Majesteis speciall warrand and direction hes fred and releaved and be the tenour heerof freethes and releaves all and sindrie persons who at anie tyme before the dait of these presents hes imported anie Frenshe wynes to anie part of this kingdome of all danger and inconvenient that they may incurred thairthrow; for ever notwithstanding the proclamatioun foresaid direct in the contrair, whairanten and all panes conteane thairintill the saids Lords dispenses be these presents; commanding heereby his Majesteis
customers and others whom it concernes to resave the entrie of the
sais wysnes and to take cautioune for payment of the impost dew
thairfoir conforme to the orderd formerlie observed thairanent. Followes
his Majestis missive for warrend of the twa Acts abonewritten.
—CHARLES R.—Right trustie and right weilbelovit cousine and
counsellour, right trustie and weilbelovit cousines and counsellours.
we greete yow weill. Whereas we have beeene informed by yow of the
losse which diverse our subjects ar likelie to sustaine if they be not
suffered to withdraw their goods frome France which wer settled thair
long before our pleasure was signifed for restraining Frenshe wynes to
be brought within that our kynghome, we ar pleased at this tymse upon
your representing of thair demand unto us to assigne them froone
henceforth till the first day of Julie nixt ensowing for withdrawing of
these wynes and that suche of thame who have of lait brought Frenshe
wynes unto anie part of that our kynghome sall be freed from anie
danger that come unto thame for that caus. But being unwilling that
under pretext of this immunitie our royall favour heerin sould anie
ways be abused, our speciall pleasure is that our Admirdall for the tymse
sall carefullie provyde and foresee that in the meanertime no Frenshe
wynes be bought of new and brought into that our kynghome unless it
be for the better obteneing of suche moneyes or other goods within
France dew unto thame which they could not otherwyses procure; and
that after the tymse prefixed no suche wynes at all upon no condition
nor intent whatsoever, nor in whatsoever bottoms sall be imported into
that our kynghome under the former censure and fyne prescribed against
the contraveenners unlessse our further pleasure be signifed to the
contrarie. We bid yow fareweill. From our Court at Whitehall the
26 of Marche 1628."

"After our verie heartilie commendations to you rgood lordship,
Thair ar some directions come frome court which require your presence
and hearing. These ar thairfoir to requeste and desire your good
lordship to make your addresse hither agains the nixt Counsell day
which is appointed to be upoun the 23 of this instant in the intent your
lordship may concurre and joyne with the rest of the Counsell by your
best advice tuiching the directions foresaid. And so looking for your
lordships precise keeping of this dyet we committ yow to God. Frome
Halyruidhous the sevint day of Apryle 1628. Subscribitur, Monteith,
Wintoun, Linlithgow, G. Gordoune, Pa. B. of Rosse, Naper, Mr. Thomas
Hope."

"After our verie heartilie commendations to your good lordship, we
have laitlie ressese one letter frome his Majestie concerning the repair-
ing of some commissioners for the teindsellers to his Majestie before the
pronouncing of his decreit in the maters submitit unto his Majestie as
by his Majestis letter whairof we have heerewith send unto your lord-
ship a copie yow will perceave, and by the which yow will understand
his Majestie's pleasure thairament. And thairfoir these ar to request his Royal Letter. 1622-23. Fol. 122. b.
and desyre your good lordship to doe in this mater as his Majestie has directit and ordained be his letter so as the teindsellers have no caus of complaint through laike of tymous advertisment. And so we commit your lordship to God. Frome Halyruidhous the sevint of Apryle 1628. Subscribatur, Monteith, Wintoun, Linlithgow, Pa. B. of Ros, Naper, Thomas Hope." (On the margin) "To the Lord Balmerino and Laird of Traquair."

"The quhilk day the Earle of Menteth, president, exhibite to the Counsell foure missive letters from his Majestie; ane anent the childrene of noblemen and others brought up in Popishe seminaryis beyond sea, and for discoverie of persoune popishlie affected. The consideratoun of this letter continewit to the xxij of this instant, and the twa Archiebischoppis writtin for to keepe this dyet."

"The second letter in favouris of the merchantis" given above and the Acts made thereupon.

"The third letter contening a declaration of his Majestis gratious allowance that the teynd sellaris send up their commissionaris as the teynd buyaris hes done to attend his Majestie decreit and sentence in the materis submittit to his Majestie. Wherupon letters wer writtin to the Lord Balmerinocht and Laird of Traquair, who wer last commissionaris for the teynd sellaris, aquesting thame with his Majesties gratious will in this mater."

"The fourte letter anent fugitive soouldouris frome the Earle of Mortoun, and becaus their names wer not cleirlie designit the mater restis till frome the said Earle his agentis the Counsell be more cleirlie informed in the bussynys."

"CHARLES R., Right trustie and right wylebelovit cousine and counsel- lour, right trustie and wylebelovit cousins and counsellours, and right trustie and wylebelovit counsellours, we greete yow weill. We have understood by your letter that notwithstanding of the willingnesse of Colonell Sinclair towards the performance of his undertaking in transporting the number of men appointed to be under his conduct for the service of our uncle the King of Denmarke, yitt diverse impediments have occurred which have hindered the same; thairfoir our pleasure is that yow consider thairof and that yow use all speedie and laughfull meanes how these impediments may be removed and that the moneys appointed for that service be imployed to the intended use whairby our intention for our uncles suppllee be not anie wise hindered nor the Lords Gray and Kinclevin prejudged by their suretieship for him, seing (as we conceive) their releefse sould onlie proceed from his said performance; and lykewayes that yow use your best meanes that suche undertakers under him be made to performe their condition for levying of persoune for the said service, or otherways that they be made to repay the moneys ressaved by thame and to abide what further
censure you shall be pleased to inflict upon thame for disappointing the service committed unto thame in maters so highlie concerning us. We bid you farewell. Frome our Court at Whitehall the elevent day of Apryle 1628."

Sederunt.—Menteith, preses; Hadingtoun, Privy Seal; Wyntoun; Holyrood Linlythqu; Lauderdaill; Lord Naper; Master of Jedburgh; April 1628. Clerk of Register; Tracquair.

"The whilk day the Earle of Menteith, president, exhibite befoir the Counsell tua patentis grantit be his Majestie in favouris of the Laird of Drumlanrig, the one wherby his Majestie hes pleasit to creat him a barone of Parliament and to be callit Lord Drumlanrig, and the other wherby his Majestie creat him Vicount of Drumlanrig."

"The whilk day the Earle of Hadingtoun reportit his diligence and produceit the submissioun subscrivyed be the teynd sellaris within the constabularie of Hadingtoun."

"The whilk day the Earle of Lauderdaill reportit his diligence for the shirefdomis of Berwick, Roxburgh and Lauderdaill, and produceit the submissioun subscrivyt be the teynd sellaris, and declarit that the ministers within the saidis boundis refusit to subscriye till thay wer advisit with thair ordinar."

"The whilk day the Lord of Lorne reportit the submissioun for the teynd sellaris of Argyle and declarit that these who had teynds of erectionis and laik patronageis had subscrivyed, and suche as had thair teyndis of bishoprikis delayed to subscriye till thay mett and wer advisit with thair ordinaris."

"The whilk day the Earle of Lynlythqu and Thomas Dalzell produceit the submissioun for the teynd buyaris and teynd sellaris within the shirefdome of Lynlythqu."n

"The whilk day the Lairdis of Cranstoun and Smetoun, commisionaris for the teynd buyaris within the shirefdome of Edinburgh, reportit the submissioun subscrivyed and a procuratorie."

"The Lairdis of Elphinstoun and Pencaitland reportit the submissioun subscrivyed be the teynd buyaris of the constabularie of Hadingtoun with a procuratorie."

"The Lairdis of Riddell and Ker of Cavers produceit a submissioun subscrivyt be the teynd buyaris within the shirefdome of Roxburgh with a roll of the names of these who subscrivyed and refusit to subscriye."

"Gallasheillis reportit the submissioun for the teynd buyaris of Selkirkshire, the shirefdome of Selkirk."

"James Nasmith of Posso reportit the submissioun for the teind Peebles buyaris of the shirefdome of Peebles."

"The Laird of Lag for the shirefdome of Dumfreis reportit a Dumfries.
commissioun frome the teynd buyaris of that shirefdom, gevand power to him and Robert Mc'Brair to subscryve the submissioun for thame, whilk thay accordinglie did."

Lanark.

"The Lairdis of Lee and Lamingtoun produceit a commissioun givin to thame be the teynd buyaris in the shirefdom of Lanerk to subscryve the submissioun for thame, whilk thay accordinglie did."

Fife.

"The Laird of Lundie reportit the submissioun for the teynd buyaris of the shirefdom of Fyffe and promeist to give in a roll of the subscryvairis the morne."

Ayr.

"The Lairdis of Corshill and Kelburne reportit the commissioun and submissioun for the teynd buyaris of the shirefdom of Air, and according to the commissioun thay subscryvit the submissioun, and promeist to gif in a roll of the names of the personis that subscryved the commissioun the morne, for whilk purpose the commissioun wes gevin up to thame."

Kirkcudbright.

"Foullartoun of Carletoun produceit a commissioun and submissioun for the Stewartrie of Kirkcudbycht and teynd buyaris thairof, and according to the commissioun he subscryved the submissioun, and a new procuratorie and commissioun wes gevin to him to be subscryved be the remanent who hes not subscryved and to be reportit the first Counsell day of Junij."

Stirling.

"The whilk day Adame Cuninghame, one of the commissioneris for the teynd buyaris of the shirefdom of Stirling, reportit the commissioun and submissioun for that shirefdom, and according to the commissioun he subscryved the submissioun; quhilk submissioun wes delyverit to Mr. James Grahame, brother to the Laird of Fintrey, the other commissioner for the teynd buyaris in Strivilingshyre, quho promeist to reporte the same subscryved be the Laird to the clerk betuix and Thursdays at night."

Clackmannan.

"The young Laird of Clakmannane produceit a submissioun for the teynd buyaris within the shirefdom of Clakmannane subscryved be thame."

Forfar.

"The Lairdis of Bonnytoun and Claverhous produceit a subscryved submissioun for the teynd buyaris within the shirefdom of Forfar. The Lordis assignis to thame Monoday come aucht dayes to use thair foder diligence in procuring mo subscriptionis, and to reporte the same that day to the clerk; and thay declarit that thay knew nane quho wald refuse to subscryve."

Dumbarton.

"The quhilk day Naper of Kilmahew and Johnne Semple, commissioneris for the teind buyaris of the shirefdom of Dunbartane, reportit a commissioun, and according thairunto thay subscryved the submissioun, and tooke the morne to gif in a roll of the absentis and not subscryvairis."

Kylie Stewart and King's Kyle.

"The Lord of Lowdoun, commissioner for the teynd sellaris within Kylie Steuart and Kings Kyll, produceit a submissioun subscryvit be the teynd sellaris within these boundis, with a note of the absentis."
"The Laird of Lawmont produceit a submission unescryved be the Argyle.

teynd buyaris within the shirefdome of Argyll."

"That a new commission be exped to the Laird of Lawmont and Tarbet.

Archibald MceAllaster of Tarbett for the teynd buyaris and teynd

sellaris within the shirefdome of Tarbett, and to reporte the 22 of Julij

nixt."

"The Tutour of Bute produceit a commission unescryved be a nomber Bute.
of teynd buyaris within the shirefdome of Bute, and a submission un-

escryved be few, and he, as commissioneer, unescryved the submission."

"The Lord Yester produceit a submission unescryved be the teynd

sellaris within the shirefdome of Peeblis, to witt be him self, be Black-

baronie and Andro Hay. The rest refuised, except sa mony as un-

escryved the principall submission at Courte, and in presence of the

Counsell."

"The Lordis ordanis ane maior to pas and warnie the provest and

baillies of Edinburgh to compeir befoir the Counsell the morne to re-

scryve the submission as teynd buyaris and teynd sellaris."

"The Lordis ordanis the commissionaris for the teynd buyaris to attend

the Counsallis directionis till Fryday at night."

"After our vere heartfull commendationis to your good lordships, Holycrood

Whairas the Kings Majestie will now looke for a perfyte report to be

made to his Majestie anent the unscryving of the submission for the

surrenders and teinds, and, whairas none of your lordships nomber hes an

yitt unescryved the said submission, we haithoir directed this

bearer Mr. James Law, one of the clerks of the commission, with a

double of the submission to be unescryved be your lordships or oth-

erways to report your lordships direct answere and resolucion theiranent,
to the intent that accordinglie we may certifie his Majestie that our.
Frome Halryuidhous the 22 of Apryle 1628. Subscribitor, Monteith, Hadinton,
Morrey, Perth, Wintoun, Linlithgow, Lauderdaleill, Naper, A. Carre,
Hamilton, J. S. Traquare."
bounds of Caithnes and Sutherland whilks formerlie wer paitys of the
said shirefdome that hes not as yitt subscravyed the said submission;
and whairas the drawing of thame to the burgh of Edinburgh for that
effect will be fashous and expensive unto thame, his Majestie is thairfor
weill pleased that the said submission shall be subscravyed within the
bounds of the said shirefdome in presence of the persons particularie
underwritten, commissioners nominat and appointed to that effect. And
thairfor the Lords of Secret Counsell hes givin and grantit and be the
tenour heerof gives and grants full power and commission be thir
presents to Sir William Sinclair of Catboll and Thomas Fraser of
Streacbin or either of thame to conveene all and sindrie teind buyers
within the shirefdome of Innernes and within the bounds of Caithnes
and Sutherland at suche dayes, tymes and plaices as they sall thinke
meet, and to wairne thame to this effect by thair missive letters or
otherways, and at these meetings to present unto thame the double of
the said writt and submission whilk sall be marked on the backe be
the clerk of his Majestie Counsell and testified be him to be ane trew
and authentick double of the said submission, and desire thame to sub-
scravye the same, and to report the said submission to the saids Lords
subscravyed as said is upoun the fytein day of Junij nixtoome; and
ordains letters to be direct to make publication heerof be opin procla-
tioun at the mercat croces of the heid burrowes within the bounds abone-
written whairthrow nane pretend ignorance of the same, and to wairne all
and sindrie teind buyers within the saids bounds to compeir, conveene
and meete with the saids commissioners at suche dayes, tymes and
plaices as they sall appoint, and subscravye the said submission, with
intimation as effeirs."

A similar commission, with the like preamble and provisions, is
granted on the report of the commissioners within Aberdeenshire for
the signing of the commission anent "the submission in presence
of William Seatoun of Meldrum,1 whom the Lords empower to convene
the whole teind buyers of the said shire at the head burgh thereof or
any other place convenient, and at such times as he may appoint. He
is to present to them for subscription a double of the first commission
already signed by the rest of the teind buyers, and report to the Council
on 17th June next. Proclamation hereof is to be made at Aberdein, etc.

"Forsameekill as the course tane be the Lords of his Majestie Privie
Counsell anent the procuring of the subscriptions of the teind buyers
and teind sellers within the several shirefdomes of this kingdom to the
double of that writt and submission whilk is drawin up be his Majestie
Advocats, and alreadie subscravyed be a number of the lords of erectionons
and others haveing interesse in the surrenders and teinds, thair wes no
mentiou made of the shirefdome of Tarbett, sua that the inhabitants of
that shirefdome who hes interesse both to buy and sell thair teinds will

1 In the Sotervant Straloch is conjoined with Meldrum in this commission.
be prejudged of the common benefit whilk is intendit by his Majestie unto thame; and whairas the drawing of thame to the burgh of Edinburgh to attend the subscryving of the submission will be fashous and troublesome unto thame, his Majestie is thairfoir weill pleased for their ease and releefe that the said submission shall be subcryved within the shireford whair they dwell in the presence of Sir Coll Lawmont of that Ilk and Archibald McAlaster of Tarbett, or either of thame, commissioners nominat be the saids Lords to that effect; unto the whilk commissioners or either of thame the saids Lords gives power and commission be thir presents to warne and convene the whole teind buyers and teind sellers within the said shireford of Tarbett, outher be thair missive letters or otherways to convene and meete at suche dayes, tymes and places as they sall appoint and thair to present the said submission unto thame and desyre thame to subscryve the same; and that they make a report of thair proceedings heerin to his Majesties Counsell with a cleere and perfyte roll of the persouns names who ar teind buyers and who ar teind sellers to the intent they may be knowne in thair several rankes upoun the twentie twa day of Julij nixtocomie; and ordanis letters to be direct to make publication heerof at the mercat croce of Tarbet and others places needfull, whairthrow none pretend ignorance of the same, and to warne all and sindrie the teind buyers and teind sellers within the said shireford to convene and meete with the saids commissioners or either of thame at suche dayes, tymes and places as they sall appoint, and thair subscryve the said submission, with intimation as effeirs."

"Forsameekill as it is understand to the Lords of Secret Counsell that diverse persons who were conduced and tane on be Sir William Alexander, knight, and his officiers, to have beene transported thame for the plantatioun of New Scotland have most unworthilie abandoned that service and imployment, refusing to performe the conditions of thair agreement, to the disappointing of that intendit plantatioun which his Majestie so earnestlie affects, for remedie of which undewtifull dealing the saids Lords recommends to the shireffs, justices of peace, and provests and bailleis within burgh and thairwithall gives thame power and commission, everie one of thame within thair awin bounds and jurisdiction, to take tryell of all and sindrie persons who having covenanted with the said Sir William Alexander or his officiers to goe with thame to New Scotland have abandoned that service and runne away, and ather to compell thame to performe the conditionis of thair agreement or otherways to doe justice upon thame according to the merite of thair trespasse; and that the saids shireffs, justices of peace, provests and bailleis within burgh concurre, countenance and assist the said Sir William Alexander and his officiers in all and everie thing that may further and advance the service foresaid. And for this effect that the saids shireffs and others foresaids delyver the saids persouns to the
said Sir William Alexander and his officiers, it being first qualified that they have ressaueved money from the said Sir William and his officiers, or that they have beene in service and interteaned by thame.”

Complaint by Mr. William Cockeburne, as follows: — Some time since Marion Boyd, spouse to Francis Cockeburne, the complainer’s brother, was summoned before their Lordships to hear James Currie, pursuivant, keeper of the house of Tempill, ordained to deliver the keys thereof to him, which of reason and equity ought to be done, seeing the said Francis has disposed the lands and place of Tempill to the complainer and he is infeft therein “conforme to the said Francis his missive bill writtin and direct to the said Marioun Boyd for that effect. And the said Francis being chairgit to fulfill the said dispositioon to the said compleaner suspenti upon frivolous reasouns, aganis the whilk suspensioun first obteaneid protestationun and now laitlie an decreet in foro contradictoirio.” Parties being cited and pursuer being present, and also the said Marion Boyd with her brother Mr. Robert Boyd as her “preloquoutour,” the Lords, “in respect of the protestationun and decreet,” ordain James Currie to deliver the said keys to the pursuer, but that the said Marion Boyd, before the delivery of the house, have eight days for transporting the goods therein. They further ordain the pursuer to pay the said James Currie for his keeping of the house, which is to be allowed to him in the first end of the accounts between his said brother and him.

Complaint by William Wats, merchant tailor in London, as follows: — He advanced to Sir James Home of Eckills, Sir George Home, his son and apparent heir, and Alexander Home, also his son, in their great necessity while at London, certain large sums of money, and also engaged his credit for them as cautioner for other sums which they have since suffered him to pay, the whole extending to £1520 sterling, “being the whole stocke which by his carefull paines and travellis in his calling he had acquyred and purchas.” He had looked that out of respect to their honour and credit they would have acknowledged his good will to them by thankful repayment, but after patiently awaiting their leisure “a long time and finding nothing in thame bot a probable resolution oftgidder to misken him, he left his trade and calling in the citie of Londoun and come to this countrie whair he sollicitied and sought his payment be the fairest meanes he could, and after long shifting and putting aff fra tyme to tyme he was constrained in end to enter in processe aganis thame, be ordour whairin he hes tumoyled and bussied him selfe with extraordinarie charges and expenses whilk in end hes procured his wracke and overthrow thir fuye yeeres bygaine, haveing recoverit decreet, used hornings, captioums, comprysings, and letters of treasoun after suspensioun and protestationun past in his favour; whilk hes all proved voide and fructlesse, they haveing their abode publictile and avowedlie in the countrie, and their houses under
culloured titles ar keeped to their behoove, and they make a plaine score and mockage of all the executiouen that the compleuner hes used or can use againis thame. And whairas for a pretendit shew of obedience to the charge of treason execute againis thame they made delyverie of the keyes of their dwelling houses, the herauld wes no sooner come backe nor they brake up their yetts and made new keyes to the same." Thus justice is frustrated and the pursuer is reduced to great want and misery. Parties having been cited, and the pursuer compearing but none of the defenders, the Lords ordain charge to be given to the sherifff of Berwick to search for, apprehend, and imprison the said rebels, also to seize their houses, eject their families and servants, make inventory of their goods, and report the same to his Majesty's Treasurer and Deputy Treasurer as escheat, within six days under pain of horning, and also that proclamation be made discharging all reset of the said rebels.

Another complaint by the same on the same narrative, and adding that the said rebels are reset wherever they come by the lieges as if they were his Majesty's free subjects, and so are encouraged to stand out in their rebellion. Wherefore the Lords ordain charges to be given by open proclamation at the market cross of the head burgh of Berwickshire and other necessary places prohibiting the reset of the said rebels under the penalties contained in the Acts made against resetters of rebels.

Complaint by Mr. John Hairt, son and heir to the deceased Mr. John Hairt, sometime bailie and Burgess of the Canongate, as follows:—On 16th March last the complainer came from England immediately after his father's death and entered into possession of his father's houses in the Canongate as his lawful heir; and the said houses being in a ruinous condition he set wrights, masons, and other workmen upon them for the repairing of the roofs and walls, etc., but they were stopped from proceeding therewith on 14th April instant by Adam Bothwell, bailie of the Canongait, at the instigation of Patrick Hairt, burgess there, the complainer's brother. Unless remedy be provided the houses will become unprofitable and the goods in them will be spoiled. Parties being cited and compearing, the said Adam Bothwell acknowledged having stopped the work at the desire of Patrick Hairt, who alleged that he was infest in these houses, to which answer the said Patrick Hairt adhered. Therefore the Lords ordain the said Patrick Hairt to find caution acted in the Books of Secret Council for payment to Mr. John Hairt of any damage he may sustain through the interruption of this work.

Complaint by the moderator and brethren of the Presbytery of Dumfries as follows:—In the Parliament at Edinburgh, in June 1594, an Act was passed ordaining presbyteries to summon before them all papists and persons suspected of papistry within their bounds in order to...
that they might satisfy the Kirk, and in case of their refusal to send
their names to the Privy Council, who should then take order with
them. Accordingly John Hereis of Mabie, who has long been suspected
"of avowed and profest papistrie, and being for that caus and for his
refusall to communicat charged to compeir" before the said presbytery,
has contemnuously disobeyed, on which account, "after long patience
abying his conversioun " they were constrained to excommunicate him.
Under this " fearfull sentence" he has long contemnuously remained,
and repairs openly to all parts of the country, as if he were not under
the same, "to the great offence of God, scandal of the Kirk, and
His Majesteis governement." Charge having been given to the said
John Hereis to compeir, bringing with him a certificate from the
presbytery that he had satisfied the Kirk and been relaxed, under the
pain of horning, and the pursuers compearing by Mr. Harbert
Glaidstains, minister at Traqueir, their procurator, but the defender
not, the Lords ordain the defender to be denounced rebel and escheat.

Complaint by Robert Geddie, merchant burgess of Edinburgh, as
follows:— The complainer has been kept in the tolbooth of Edinburgh
for six weeks openly in great distress and misery at the instance of
William Stewart, writer there, as assignee to Adam Grant, burgess of
Perth, and Thomas Glaidstains, merchant burgess of Edinburgh, to
whom, it is alleged, he is due certain sums of money; and as he has no
means to supply himself he is like to starve through famine. The incarcerators ought therefore to supply his necessities in ward or else liberate
him, but they will do neither. Charge having been given to the said
William Stewart and Thomas Glaidstains, and they and the pursuer all
compearing, the said William Stewart declared he had no direct interest
in the matter, but was only desired by the said Adam Grant to put to
execution the letters of caption raised against the pursuer for debt to him.
The Lords, considering the miserable condition of the pursuer, and as the
said Thomas Glaidstains " refused in anie caise to putt him to libertie,"
ordained the said Thomas Glaidstains to pay forty pence daily for the
pursuer's intertainment in the said tolbooth so long as he detains him
therein.

Supplication by Sir Alexander Hamiltoun, apparent of Innerweik,
bearing that the protection granted to him for coming to this country
with the soldiers enlisted by him from Ireland for the service of the
King of Denmark expires on 1st May next, the whole time of which
he has spent in Ireland and in coming hither. He has not yet
brought over all his people, as some of them are still awaiting opportu-
nity of transport, and he must wait for them and attend the freight-
ing of ships for them. He therefore craves extension of his protection
for other two months, which the Lords grant.

Complaint by George Schairp, burgess of Dumfries, as follows:—
James Newell, blacksmith in Dumfries, out of a causeless malice against
the complainer, seeks occasion to take his life. On March instant, knowing that the complainer had gone to the town mill on business, he lay in wait for him, and without respect for his great age and infirmity of body, pursued the complainer with a drawn durk or whinger and gave him "a great straile on the head," nor had he failed to kill him if some bystanders had not hindered him. Pursuer and defender both compearing and some witnesses examined, the Lords assoilzie the defender, and ordain the pursuer to pay 10 merks to James Hamilton, witness, and five merks to each of the other witnesses produced.

Commission under the Signet to the bailie of the Regality of Dunfermline and his deputes, and the provost and bailies of Dunfermline, or any two or three of them, one of the bailie deputes being one, as justices, to hold courts in the tolbooth of Dunfermline and try Jonnet Reany, spouse to Andrew Reany, indweller in Dunfermline, who has been long suspected of witchcraft, as her depositions allowed and shown by John, Archbishop of St. Andrews, testify. Signed by Monteith, Hadinton, Winton, Linlithgow, Carnegy, Naper, Arch. Acheson, and Hamilton.

Commission under the Signet to the Sheriff of Caithness and his deputes, John Sinclair of Ratter, John Sinclair of Dunbaith, Mr. Robert Monro, Commissary of Caithnes, and Alexander Sutherland of Forse, or any one of them with the said Sheriff, to search for, apprehend, ward and try Donald Beg in Rangoke and Mallie Sutherland, his wife's sister, John Sutherland in Reister and Marion Walter, his wife's sister, Donald Riache in Stramar, and Ewfname Henderson, his mother-in-law, and Alaster McErcher in Thursa, who on 3rd March last were put to the horn at the instance of John, Earl of Mar, Lord High Treasurer of Scotland, Archibald, Lord Naper of Merchistoun, Depute Treasurer, and Sir William Oliphant of Newton, and Mr. Thomas Hoip of Craighall, King's Advocates, for not finding caution to underlie their trial before the Justice and his deputes "for the vyle and abominable incests committit be thame in maner following, viz., the said Donnal Beg for incest committit with Mallie Sutherland, sister to Jonnet Sutherland, his laughfull spouse; the said Johne Sutherland for incest committit with Marioun Walter, sister to Jonnet Walter, his laughfull spouse; the said Donald Riache for incest committit with Ewfname Henderson, his mother-in-law; and the said Alaster McErchar for incest committit with Anna McErchar, his brothers daughter." Signed by Monteith, Hadinton, Winton, Linlithgow, Carnegy, Naper, Arch. Acheson, and Hamilton.

"The quhilk day the Earle of Menteth, president, produceit and patent under his Majesteis grite seale of the dait at Quhythall the first of Aprile instant whereby his Majestie hes creat Sir Johnne Weymis of that Iik. ane barone and Lord of Parliament to be callit Lord Weymis of Elcho,"
"The quhilk day the provest and bailies of Edinburgh being requirit to subcryve the submission for suche teyndis as they haif of other menis landis, thay desirit that thay might haif the nixt Counsale day to be consultit and advyssed with the counsale of thair toun thairairent."

"The quhilk day in presence of the Lordis of Secret Counsale compeir personallie William Hering, wryter in Edinburgh, and become actit and oblist as cautioner and sourtie for William Hendersoun, officiar, that thay sall compeir personalie befoir the saidis Lordis upoun the xiiiij day of May nixt and answer to the complaint to be raised againis him be William Wattis toucheing the suffering and providing for the eschait of Sir George Hoome, rebel, after thay was tane be Thomas Young, messinger, under the pane of ane hundreth pundis."

"The quhilk day in presence of the Lordis of Secret Counsale compeir personallie James Broun, saidlair, and become actit and oblist as cautioner and sourtie for Thomas Young, messinger; and siclyke compeir personallie William Hering, wryter, and become actit and oblist as cautioner and sourtie for Thomas Mowatt, messinger, that thay betuix and the xiiiij day of May nixt sall apprehend Sir George Hoome, rebel, and commit thay to warde at the instance of William Wattis, and failyeing thairof that thay sall compeir personalie befoir the saidis Lordis the said day and underly suche forder punishment as the saidis Lordis sall injoyne unto thame for suffering of Sir George Hoome, rebel, to eschait after thay had takin him, ather of thame under the pane of ane hundreth pundis."

"The Lordis ordanis the Lady Gribtoun who wes personallie present to remayne and keepe warde within the burgh of Edinburgh and not to remove furth thairof for the space of three monethis and forder till sho be releved be his Majestis Counsell, to the intent in the meantyme she may haif the commoditie and occasioun of conference with the ministerie of Edinburgh for hir resoluioun in suche pointis of religiuon wherof sho standis in doubt, and ordanis hir to find cautioun to this effect under the pane of ane thousand pundis."

"The quhilk day Harie Dow in name of the Earle of Mar producite a subcryvit submission for the teynd sellaris within the shirefdomis of Striviling and Clackmannann."  

"The Laird of Meldrum producite a procuratorie subcryved be the teynd buyaris within the shirefdom of Abirdene with a roll of the names who subcryved the same, and he declairit that thair wes numberis who had not yitt subcryved and wer willing to subcryve; lyke as he as commissir for the teynd buyaris subcryvit the submission producite for the teynd sellaris inregaird he reportit not the submission for the teynd buyars."

"The Earle of Perth producite a submission subcryved be the teynd sellaris within the shirefdom of Perth."

"The Lairdis of Pollok and Blakhall producite a commissioun grantit
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to thame be the teynd buyaris within the shirefdome of Renfrew, and accordingly thay subseryved the submission, and promeist to gif in to the Clerk the morne ane roll containing a particular designation of the names of the subseryvears; and thay wer requirit to procure the subscriptionis of sa mony ma as thay could and to reporte the same to the Counsaill upoun the thrird of Junij."

Sederrunt.—Monteth, præses; Privy Seal; Wyntoun; Perth: Holyrood House, 24th April 1628.
Lauderdaill; Carnegie; Lord Naper; Master of Jedburgh; Secretary; Traquair.

Complaint by James Kincaid, lieutenant to Captain James Bannatyne, as follows:—In January last he enlisted Patrick Bryssoun to serve under his charge in the wars of the King of Sweden, giving him four dollars in pay, and the said Patrick, being quite willing to serve, attended on the 21st instant for imbarking and transportation to the said service, when Leonard Haitlie, esqnsir to Sir Thomas Kellie, caused him to be apprehended on the High Street of Edinburgh, and having committed him to ward, refuses to deliver him to the complainer. Charge being given to the said Leonard Haitlie to compear and produce the said Patrick Bryssoun, and they with the pursuer compearing, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to deliver the said Patrick Bryssoun to Captain Edward Maxwell in name of the said Leonard Haitlie, he paying to the said James Kincaid three dollars which Patrick Bryssoun had received from him in pay.

Case of Patrick Bryson, who had enlisted for the service of the wars of the King of Sweden.

Royal Letters: “After our verie heartlie commendations to your good lordship. By our former letter we certifie your lordship of the course intendit be his Majestie for reclaiming of those that ar Popishlie affected and reduceing of thame to the obedience of the Churche, the prosecuteion and ouldouring of which businesse dependit upoun your lordships presence and advice, which in regard of your lordships absence is continewed to the next Counsell day appointed to be keeped upoun the 14 of May nixt: And becaus thair is sindrie directiouns expected to com doun from his Majestie betuix and that day, the resolutioun and answering whairof will require the meeting of a frequent Counsell, these ar chairfor to request and desyre your good lordship to kepe this dyet preciselie that by your lordships advice and concurrence with the rest of the nomber suche a course may be resolved upoun as the nature of the buisses doeth require; which looking assuredlie your lordship will doe, as yow respect the furtherance of his Majestie service, we commit your lordship to God.

Frome Halyrud hous the 24 of April 1628. Subscribe, Monteith, Naper, Arch. Achesone.”

“After our verie heartlie commendations to your good lordship. Whairas thair is diverse important directiouns come doun from his Majestie and others ar daylie expected, the resolutioun and answering...”
whairof requires the meeting of a frequent Counsell which is appointed to be keepe upon the 14 of May nixt, these ar thairfoir to request and desire your good lordship to keepe the said dyet preciselie that by your advice and concurrence with the rest of the number maters may be so handled and resolved upoun as may give unto his Majestie satisfac- tion and contentment. Qhilk looking assuredlie your lordship will doe as you tender the furtherance of his Majesties service, we committ your lordship to God. Frome Halyruidhou the 24 of Aprile 1628. 

Subscribitur, Monteith, Naper, Arch. Achesone.”

“The qhilk day in presence of the Lordis of Secret Counsaill com- pereit personalie Sir William Greir of Lag and become actit and oblist as cauterion and sourietie for Dame Johnnestoun, Ladye Gribtoun, that sho sall remayne within the burgh of Edinburgh for the space of three monethis after the dait heirof and forder qhilk sho be fred and releved be the Lordis of Secret Counsell under the pane of ane thousand pundis.”

“The qhilk day Dame Johnnestoun, Ladye Gribtoun, compereand personalie befoir the Lordis of Secret Counsell promeit that sho being requirit be ony of the ministerie of Edinburgh to confer and reasoun with thame for his informations in the points of his religioun wherof sho standis in doubt, that sho sall resorte unto thame for that effect.”

“The qhilk day Johnne Maxwell of Newla become actit and oblist as cauterion and sourietie for Maxwell of Gribtoun that he sall satisfe the Kirk concerning his religioun and obtene him self relaxt fra the proces of excommunicatoun led and used aganis him betuix and the first day of August nixtto come under the pane of ane thousand pundis.”

“The Laird of Nesbitt produceit a submission subscrivye be the teynd that he sall satisfi the Kirk concerning his religioun and obtene him self relaxt fra the proces of excommunicatoun led and used aganis him betuix and the first day of August nixtto come under the pane of ane thousand pundis.”

“The Laird of Bonnytoun in name of the Laird of Glenbervie produceit a submission subscrivye be some teynd buyariss within the shirefordme of Beriick with a roll of their names, and ordanis him to require these who hes not subscrivye to come in and subscrivye betuix and the nixt Counssall day.”

“The Laird of Bonnytoun in name of the Laird of Glenbervie produceit a submission subscrivye be some teynd buyariss within the shirefordme of Kincardine: Assignis to him the xiiiij day of May to reporte the commission or procuratorie subscrivye be the remanent teynd buyariss who hes not subscrivye; and assignis to him that same day to procure the subscriptionis of the remanent teynd buyariss within the shirefordme of Forfar who hes not subscrivye.”

“The qhilk day Campbell of Cruanme produceit the submission and procuratorie frome the teynd buyariss within the shirefordme of Perth, and promeit to giff in to the Clerk ane role of the names of these who hes subscrivye; and he and Johnne Oliphant of Bachtoun, as commissionaris for the teynd buyariss of the said shirefordme, subscrivye the submission: And the Lordis ordanis the commissionaris to require the rest who hes not subscrivye to subscrivye, and to reporte upoun the thrid of Junij.”
“Mr. George Leslie in Cullane reportit the procuratorie grantit to him be the teynd buyaris within the shirefdome of Banff: Assigns to him the thrid of Junij to procure the subscription of the rest.”

“Johnne Gordoun of Enbo and Sir William Sinclair of Catboill producet a procuratorie grantit to thame and subscryvit be the teynd buyaris within the shirefdome of Innernes, bot producet not the subscri- sioun; and thairfoir thay subscryvit the subscrisioun send in be the Lord Gordoun of the teind sellaris within that shirefdome of Innernes.”

“produceit a subscrisioun subscryvit be the teynd buyaris within the shirefdome of Elgin.”

“A new commission to Sir William Sinclair of Catboill and Thomas Sheriffdoms of Innernes, Caithness, and Sutherland. Frasair of Streachin to ressave the subscriszioun of the teynd buyaris within the shirefdomes of Innernes, Caithnes, and Suthirland, and to reporte the xv of Julij.”

Menteith, preses; Lynlythqw; Bishop of Ros; Lord Naper; Holyrood Secretary; Clerk of Register; Sir John Scott.

“The qubilk day Sir Johnne Steuart of Methven compeirand personalie befoir the Lordis of Secreit Counsaill, he actit and oblist himself that he sall remayne within the burgh of Edinburgh and not depairt furth thairof till the xiiiij day of Maij nixt and till he be fred and releved be his Majesteis said Counsell, and that he sall compeir befoir his Majesteis Counsell the said day and anser to suche thingis as salbe layed to his charge under the pane of ten thousand merkis.”

“That chargis be direct aganis Sir Johnne Steuart for his compeirance befoir the Counsall the nixt Counsall daye anent a modification to be gevin to wyffe.”

“That chargis be direct aganis the undertakaris under Colonell Sinclair to compeir to heir and see thame decernit to performe their conditionioun or els to shaw a caus quhy.”

“The nixt Counsall day appointit to be upoun the xiiiij of May. The commissioners present ar warnit apud acta, and missives ordnit to be Council direct to the Earlis of Wigtoun, Bugeleugh and Wytont, the Lord Melvill, the Bishop of Dunblane, the Maister of Elphinstoun, the Bishopis of St Androis and Dunkeld, the Vicount of Stormont, to kepe the said day.”

“Ane missive producet from the Viscount of Airdis toucheing his willingnes to gif over his charge at the portis in the West seas except for Portpatrik.”

“Illustribus et generosity, sincere nobis grateque nobis dilectis Regni Scoticie Senatoribus,

CHRISTIANUS QUARTUS Dei gratia Daniae, Norvegiae, Vandalorum Gothorumque Rex, Dux Slesvigiae, Holsatiae, Stormarici ac Dithmarsie, Comes in Oldenburg et Delmenhorst.

VOL. XVI.
"Singulari benevolentia et favore nostro premissemus illustres et generosi sincere grateque nobis dilecti: Quid consequens sit nobis Alexander Chirnside, capitaneus noster, de lite ab Jacobo Sinclaro adversus ipius fidejussores instituta, istud vestre illustratitati vobisque reliquis ex adjuncto nobis exhibito libello planum erit intelligere. Quando itaque dictus capitaneus rationes acceptorum expensorumque eae nobis reddidit quibus satis nobis factum esse clementer agnosimus, vestra illustritas vobisque reliqui pro vestra prudentia curabitis ne immerito accusatus ejuave fidejussores ex re bene administrata damni aliquid patiantur. Dabuntur ex arce nostra Haffniensi 30 Aprilis anno 1628."

The Minute Book of Processes gives the following Memoranda collectively for the month of April 1628.

Proces: William Watt against Sir James Hoome, &c., rebels, charging the Shireff of Berwik to apprehend them and secure them, &c.

Letters: Captan Maxwell to the magistratts of Jedburgh for not delyverie of tuo sojours.

Act ordaining Thomas Gladstanes to pay Robert Geddie 40d. daylie so long as he reteanes him in prison.

Ryott: Donald against Blakborne.

Supplicatione: Mr. Jon Hart against Patrik Hart to find caution to refound what damag Mr. John Hart shall sustean throw stopping of his building.

Ryott; Advocatt and Margaret Craw against Alexander Torrie.

Warrant ordaining the keyes of the house of Tempill to be delyvered to Mr. William Cokburn.

Ryott: Georg Sherp against James Newall.

[No record of Sederunt.]

"Forsamekkill as it is understand to the Lords of Secret Counsell that their is some querrell and controversie fallin furth betuix Andrew Watsoun, captane of the good shippe callit the on the one part, and Johne Duff, maister of the good shippe callit the on the other part, which in regard of their charge and the number of men under their commandement may produce forder inconveniences to the breake of his Majestie peace if remeid be not provydit, Thairfor the Lords of Secret Counsell ordanis letters to be direct chargeing the saids Captane Andrew Watsoun and Johne Duff, personallie if they can be apprehendit, and fuylyeing theirof, at their dwelling hous, and be opin proclamatioun at the mercat crose of Edinburgh to compeer personallie befoir the saids Lords upoun the fourtein day of May instant to answere upoun their misdeemours and to underly suche ordour as sall be tane with thame tuicheing the observation of his Majestie peace, under the pane of rebellion, etc., with certificatioun, etc. And in the meane tyme
to command, charge and inhibite both the saids pairtis that same of thame preseome nor take upoun hand to direct nor accept anie cartalls or challenges the one from the other nor to make provocatioun to others be word or deid, under the pane to be callit, persewed and punished thairfoir in their persons and goods with all rigour and severitie that the lawes in suche a caise can allow.”

Hadintoun, Privy Seal; Murray; Lauderdale; Lord Gordoun; Clerk of Register.

“The Lordis, in respect thay ar not a nomber, will not proceid in ony Counsell materis.”

“The quhilk day the provest and bailies of Edinburgh being demandit yf thay wer now resolvit to subscryve the submissioun anent the surrendaris and teynis thay declarit that his Majesty had reserved and exceptit thame furthe of his Majestis revocatioun, and that by a letter come sensyne frome his Majestie, his Majestie hes declarit his royall pleasure in favouris of the burrowis. And forder thay declarit thay had thayr commissionair at Courte, who wald be acquentit with his Majestis pleasure in that mater wherunto thay wald conforme thame selthis.”

“The quhilk day Sir Johnne Steuart subs cryvit a band oblassing him Sir John to compeer the nixt Counseill day and to keepe warde within Edinburgh till he be fred under the pane of x” merkis.”

“After our verie heartlie commendatiouns to your good lordship. Qhairs by the absence of the Lord Chancellour and of the Erle of Monteith, president of the Counsell, the charge of attendance and presiding in the commissioun anent the surrendars and teinds will ly upoun your lordship, these ar thairfoir to request and desire your good lordship to make your addresse heere aganis the fourt of Junij nixt. quhilk is the first day of meeting upoun the commissioun, to the intent that your lordships absence disappoint not that service. And so committing your lordship to the protection of God, we rest. Frome Halyruidhous the fourtein day of May 1628. Subscribitur, Hadintoun, Morrey, Lauderdalei, Gordoun, Hamiltoun.”

“After our verie heartlie commendatiouns to your good lordship. Whairas the fourt of Junij now approacheing is the first day of meeting of the commissioners anent the surrendars and teinds, these ar thairfoir to request and desire your good lordship to kepee this dyet preciselie to the intent your lordships absence procure no hinder or prejudice to this service, the accomplishment whairof his Majestie so earnestlie affects. And so committing your lordship to God, we rest. Frome Halyruidhous the fourtein day of May 1628. Subscribitur, Hadintoun, Morrey, Lauderdalei, G. Gordoune, Hamiltoun.”

“Missives of the tennour foresaid directed to the Erles of Ròthesse and
Eglintoun, the Lord Burlie, the Bishops of St. Andrews, Dunkeld, Aberdeene, Dumblane and Caithnes, the Laird of Newtown, and John Hamiltoun of Lettrick, the provost of Dundie, the provost or commissar clerk of St. Andrewes, John Cowane, burges of Stirling, Gabriel Cuninghame, burges of Glasgow.

"Charles R., Right trustie and right weilbelovit cousin and counsel. Fol. 143, a. lour, we grette yow weil. Whairas our weilbelovit Mr. William Davidsoun, doctour of physick at Paris, is desirous to have a testificat under the great seale of that our kingdome certifieging his lawful birth and progeny of Mr. William Davidson, doctor of physic at Paris.

Signature for a commission as follows:—The King having taken special notice of the worthy and noble intention of James, Marquis of Hamilton, Earl of Arran, etc., "to sett out some shippes to sea in these troublesome tymes, both for the better defence of that his Majesties ancient kingdome of Scotland, as lykewyse for the better effectuating of his generous designes upon his Majesties enemies and utherways for the honoour of that kingdome," therefore and for the encouragement of others to do the like, he ordains a commission to be exped under the great seal giving power and authority to the said Marquis of Hamilton and his associates or partners on their own charges to provide such ships of all sorts not exceeding five in number at one time and to furnish the same with men, munition, and mariners, and therewith "in hostile maner as weil by sea as land, in harbours, ports, towns, villages, creiks, channels, confynes and territoris quhatsover, as upoun quhatsoever place or places this syde or the other syde of the equinoctiall lyne to assaille and attaque the subjects of all kings, princes or states, being his Majestie enemie, and to seize on all maner of merchandice, goods or provissions quhatsomever," which they find belonging to the enemies foresaid, and to bring or send the same and their prisoners home to be adjudged, and if found lawful prize, to be sold to their profit, only deducting the duties payable therefrom to his Majesty and the Admiral of the said kingdom. And because their expenses will be very great the King ratifies and approves the contracts and agreements entered into between the Marquis and his associates concerning their shares, &c., and allows his intromitting with the said prizes, provided he pay the duties above mentioned. Further, power is granted to the Marquis to choose his own commanders and other officers and servants and to use the help of any of the lieges willing to serve with him, whom his Majesty hereby commands to give obedience to the said Marquis and
those acting for him, and also to carry themselves to ward each other in
all good order and quietness for avoiding of quarrels, dissensions, disorders,
and mutinies to the hindrance of this enterprise; and if any such persons
commit any capital or other crime, power is given to the said Marquis
to cause justice be executed upon such. The King ordains all his
officers, ministers, and subjects to be assisting to the said Marquis
herein, and not to impede the same by stopping or arresting his ships or
servants, as they will answer upon their peril, the exhibition of this
commission or a duplicate thereof being to them a sufficient warrant.
This commission is to last for five years unless before then peace has
been made, when it shall only last till the Marquis or his foresaids have
notice thereof. Power is given also for holding councils of war by sea
or land, being without his Majesty's dominions, on all necessary occasions,
and the said Marquis, or the chief commander in his absence, with six
or more other commanders or officers, shall have power to execute
martial law upon any offender under their command. Moreover, his
Majesty will confirm all lawful contracts, orders, and agreements made
during these five years between the Marquis, his partners, and
commanders and those serving under them, in respect of naming of
officers, &c., so that if the Marquis or chief commander should die, then
their nominee, even if chosen by them at the point of death, shall have
the same power and authority as themselves, and so forth successively
if necessary. It is also still stipulated that if the Marquis and his
foresaids happen to find any of his Majesty's subjects' or friends' ships
at sea at fight or in any danger, they shall do their best to relieve and
assist them. Further, the Marquis and his foresaids shall find reason-
able caution that they will not assail any of his Majesty's subjects' or
confederates except in the case of illicit trade; and for the encourage-
ment of the Marquis and his foresaids it is provided again that none of
his Majesty's officers shall stay his ships, not exceeding five in
number, either upon occasion of sending a fleet to sea or any other
pretext, save only "upoun eminent danger of invasioun."

Sederunt.—St. Andrewes, preses; Treasurer; Hadintoun; Stor-
mont; Melvill; Carnegie; Clerk of Register; Sir John June 1628.
Soot.

"Forsameeckill as it is understand to the Lords of Privie Counsell that
diverse persons who wer conduced and tane on be Colonell McKy and
his officiaris to have been transported be thame for the service of the
King of Denmarke did most unworthilie disband and runne away, and
wer resset, kepted and deteane be some gentlmen and others within
the shireldomes of Aberdeen and Kincairdin after proclamatioun made
and publieist in his Majesteis name to the contrarie in contempt of his
Majesteis auctoritie and to the hinder and prejudice of that important ser-
the company of Colonel M'Kay, and to report the depositions of the said persons to the Council.

See ante, p. 303.


Warrant to the Viscount of Stormont.

See ante, p. 280.

Holyrood House, 5th June 1628.

Abolivitor to Alexander Wilson in Spittal and to James Cuthbertson in Preston, from the charge of seeking the lives of John Thomson in Aberlady and George Johnston in Colstoun.

Complaint by John Thomsoun in Aberledie and George Johnstoun in Colstoun, as follows:—Alexander Wilson in Spittell, and James Cuthbertson in Prestoun, having accused the complainers of theft and caused search their houses with "sleuth hound dogges" and otherwise, in hope of thereby bringing their lives and estate in danger, though nothing was found to justify the same, yet persisting in their malice and resolving to have their lives, on 20th April last, when they met the complainers on the highway returning peaceably home from the burgh of Haddington, they invaded them with drawn swords, and gave the said
George Johnstone a "strake" on the right hand, mutilating it, another "deidlie strake" on the head, and two others on the arm, leaving him for dead. Parties being cited and both pursuers and defenders comparring, the proof was referred to the evidence of certain witnesses produced by pursuers, but they failing to establish the case, the Lords assizlie the defenders.

Complaint by Patrick Bryssoun, soldier, as follows:—The complainer was enlisted by Captain Edward Maxwell and committed by him to the tolbooth of Edinburgh, where he remained six weeks in great misery, and then on his petition to their lordships he was released, and express commandment given that, as he had been taken on for his Majesty's service, the complainer should not be arrested norwarded by any creditor. Notwithstanding whereof William Dick has since arrested him for £120, Nicol Udward for 80 merks, Alexander Wood, town officer, on behalf of William Wood for £95 and 20 merks of expenses, Martin Glendining for £14, and Robert Scot for £6, and they keep the complainer in ward, in contempt of the ordinance made by their Lordships, and he is like to perish for want. Charge being given to the persons named (except the said Alexander Wod) and to Thomas Charteres, one of the bailies, in name of the magistrates of Edinburgh, to produce the complainer, who being brought in custody of some of the town officers, and the said William Dick and Nicol Udward compearing personally, Martine Glendining by his wife, and the others not, the defenders present declared that the pursuer was lawfully arrested and imprisoned for debt due to them, but the Lords in respect of their Act respecting soldiers enlisted for the King's service ordained the provost and bailies of Edinburgh to liberate the complainer notwithstanding of the arrestments aforesaid.

Complaint by James, Archbishop of Glasgow, the moderator and brethren of the presbytery of Paisley, for their interest, and by George Ramsay, kirk officer of Paisley, the party aggrieved, as follows:—Claud Algeo, servitor to Claud Hamilton, brother to the Earl of Abercorn, having made "shamefull defection and apostasie from the trew religioun, and by his profest avowing of Poppie in reasoning againis the trew religioun, he being become verie offensive and scandalous within the toun of Paisley," it was resolved to cite him before the said presbytery on 22d May last; and the said George Ramsay, being commanded to serve the citation, went on the 15th of that month to him with the charge, when instead of receiving him with that "reverent and modest behaviour" his errand merited, the said Claud "immediatlie, be the allowance and approbation of his said maister, set upon the compleaner, and shamefullie and unmercifullie invalidit and persew him of his lyffe, threw him to the ground under his feete, and with his whole force and strengthe pused him with his hands and feete, birsed his
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bowells and intrails, and with his falded niffes dang and dadded him upoun the eyes to the hazard and perrell of his eyes and losse of his sight, and gave him manie blae and bloodie straikes till he fell a swowning." The said Claud, thinking the complainer was dead, then went to his master and told what he had done, "who most kyndelie and cheerefulllie ressavd him, allowing and approveing all that he did." The complainer, when after a few hours he recovered, and learned that the said Claud had gone to his master, repaired also to him and complained of the treatment of his said servant, who was then with him in the dwelling house of the Laird of Beltreis, when in his said master's presence and with his allowance the said Claud set upon him again and gave him a number of "blae and bloodie straikes." The complainer then betook himself to the bailies of Paisley, who went to Beltreis to apprehend the said Claud Algeo, but so soon as the said Claud Hamilton knew they were at the gate and their purpose, "he come unto thame and in a verie boasting and threatening maner he upbraidit thame with manie disgracefull and threatening speeches, calling thame beasts and fooles, how durst they presooone or munt to take ordour with anie of his servants, and with that he and his man come to the streets, walked up and doun a long tyme boasting and threatening these that durst presooone to meddle with thame, sua that the bailleis wer forced for feare of thair lyves to suffer the said Claud Algeo to escape." Charge having been given to the said Claud Hamilton and Claud Algeo to compair, of whom the former only was present, and the said Archbishop, and Mr. John Hay, moderator, appearing for themselves and the rest of the presbytery, and also there being present the said George Ramsay, after a number of witnesses were examined, the Lords find that the said Claud Hamilton committed a very great wrong in not taking order for punishing his said servant for striking the said officer of the presbytery in his own presence in the Laird of Beltreis' house, and ordains him to be warded in the Castle of Edinburgh on his own charges till they release him. They also ordain officers of arms to pass and denounce the said Claud Algeo his Majesty's rebel and escheat.

Commission under the Signet to Sir John Charters of Amisfeild and Robert Crichtoun of Ryhill, Sheriff of Dumfreis, or either of them, with the provost and bailies of the burgh of Dumfreis, as justices, with the concurrence of the minister of Dumfreis, to convene before them Janet Ireland, widow of William Bell in Rottinraw, Christian Aikenheid, spouse to Robert Harper there, Helen Blaik, widow in Dumfreis, Agnes Dungalson, spouse to John Beatie, workman, Agnes Charters, widow in Dumfreis, and Mawsie Stowane, spouse to Robert Span at the Brigend of Dumfreis, who have been long suspected of witchcraft and have been apprehended and imprisoned in the jail of Dumfreis. After-
wards the said commissioners are to put them or such of them as the results of this examination shall warrant to their trial, holding courts for this purpose in the tolbooth of Dumfreis, and cause justice be ministered upon them. Signed by Mar, St Andrewes, Hadinton, Stormont, Melville, Carnegie, and Hamilton.

Commission under the Signet to the Sheriff of Renfrew and his deputes, the bailie of the Regality of Glasgow and his deputes, Robert, Lord Boyd, James, Lord Rosse, the provost and bailies of Glasgow, the provost and bailies of Renfrew, William Rosse in Quhytfurid, uncle to the Lord Rosse, and Malcolm Crawfurd of Newtown, jointly and severally, to search for, apprehend, and present before the Council Hew Stewart in Cloigholls, who on 4th May 1627 was put to the horn at the instance of the moderator and brethren of the presbytery of Paisley for not compearing and producing a certificate from the presbytery where he dwells of having satisfied the Kirk anent his religion; and satisfied the Kirk anent religion.

(2) David Stewart in Darnelie, and Elspeth Stewart, his spouse, who on 8th October last were put to the horn by the Lords of Council and Session for a similar cause for which they had been excommunicated. Signed as above.

Commission under the Signet to Colin Campbell, sir of Glenurquhie, Mungo Campbell, sir of Lawers, Sir William Stewart of Gairntullie, Robert Stewart of Balliachan, bailie of Atholl, Patrick Campbell of Edinampell, Alaster Robertson of Lewd, and Alaster Robertoun of Straloche, jointly and severally, to search for, apprehend, and present before the Council for delivery to the Justice and his deputes Robert McGowane in Mowlyne and John and Alaster McGowane, his two sons, who on 26th April were put to the horn at the instance of Gilbert Robertson in Dumbfallandes as father, John Robertoun, as eldest brother, and the rest of the kin and friends of the deceased William Robertoun, for not finding caution in the Books of Adjournal to underlie their trial before the Justice and his deputes for the murder of the said William Robertoun. Signed as above.

Complaint by Alexander Wilson, servant to Sir Andrew Hamilton of Redhouse, one of the ordinary Lords of Session, as follows:—On 26th April, the complainer was sent by his said master to the burgh of Hadinton for some provision for the house when John Thomasoun in Aberladie, George Johnestoun in Colston Mylne, Thomas Johnestoun and John Johnestoun in Samwellstoun, followed him as he was riding home, and with swords and great batons assailed the complainer, and pursued him all of his life. They gave him a cruel stroke on the hand, and another with a sword on the face, to the great effusion of his blood, and so "birsed and bruised him" that he can scarcely stir. Charge having been given to the persons named, and they and the pursuer compearing and the evidence of witnesses having been heard, the Lords find that John...
Thomsoun, George Johnestoun and Thomas Johnstoun "conspyred to gider within the town of Hadintoun to be revenged of the said Alexander Wilsoun, and that for this effect they lay at await for him off the hie way that leads fra thair dwelling houses and cruellie and shamefullie invaidit and persewed the said Alexander of his lyffe, and that the said John Thomsoun hurt the said Alexander Wilsoun in the hand, and that the said George Johnestoun hurt him in the face, and that the said Thomas Johnestoun persewed and strake at him with a great kent," and therefore they ordain John Thomsoun and George Johnestoun each to pay 50 merks to the Treasurer, Deputy Treasurer, and Receivers of his Majesty's Rents, and 100 merks to Wilsoun, and Thomas Johnstoun 20 merks to the Treasurer etc., and 40 merks to Wilsoun, as a fine for their said insolence, and to be warded in the Tolbooth of Edinburgh until they pay the same, and are released by their Lordships; and the Lords assoitzie John Johnstoun, against whom nothing was proved by the witnesses.

"The quhilk day the Lord of Lorne produceit ane letter under the hand of the Earle of Perthe toucheing the effect of their proceedingis for satling of the differenceis betuix the Buquhannanis and the Clangregour. The Lordis ordainis the submission and decreit following thairupon to be deleyerit to the Clerk to be registрат in the bookes of Counsell, whilk being done the Lordis declairis that nane of the Clangregour who hes found sufficient cautious and whose cautionaris ar alyve and resident within the cuntrey salbe thairafter callit and persewit befoir the Counsell but upoun thair awne proper fact and deid allanerlie."

"The Lordis ordainis Sir Johnne Steuart his band toucheing his remaining within the burgh of Edinburgh to stand in force till he be fred be the Counsell."

Treasurer; Hadingtoun; Lauderdaill; Bishop of Dunkeld; Clerk of Register; Sir John Scott.

"The Lordis in respect thay ar not a norber will not proceed in ony Counsaill maters."

"Wheras Elizabeth Maxwell, relict of unquhile Harbert Cuninghame, Clerk of Drumfreis, being excommunicat for Poprie and denuneit rebel and putt to the horne for that caus, and being apprehendit be the commissionaris nominat be his Majestie Counsell for that effect sho fand cautioni to thame that she sould compier befoir his Majestie Counsell this present day under the pane of ane thousand merksis, and sho for releif of hir cautionaris haveing compeir this day, suche of the Counsell as wer present inrespeet of her excommunicat and rebellion send hir to the tolbuite of Edinburgh."

"After our vere heartlie commendations to your good lordship. Whairas at the last meeting and ssiouen of the commission aenent the surrendars and teinds the fourth of this instant wes appointed for the
nixt meeting, quhilk dyet and meeting hes beene verie evill kept in so farre as few or none of the commissioners hes attended the same, quhairthrow thair hes beene a verie greate hinder and stay in the progresse of that commissioun whilk no doubt will be highlie to his Majesteis offence; and least some imputation may be objected aganis us for not foreseeing and preventing of all forder delayes in this bussines, we have therefore appointed a new meeting of the whole commissioners to be upoun the fount of July now approacheing, agains whilk tyme we looke that these of the commission that ar at court will be returned, and we have writtin to the whole remanent that ar at hame to keepe that dyet preciselie, of the quhilk number your lordship being one we will lykewayes request your good lordship to keepe the same dyet, so that your absence be no hinder nor stay to the service, for we will be constrained for our awin exoneration to lett his Majestie know fra whome and upoun whois default the stay (if anie saill happen to be) proceeds. Bot looking that your lordship will be more respective to his Majesteis obedience and your awin dewtie in this point, we commit your lordship to God. Frome Halyruidhous the tent day of Junij 1628. Subscribitur, Mar, Hadinton, Lauderdaill, Dunkelden, Hamiltoun.


Sedernown.—Treasurer; Hadinton; Lauderdaill; Bishop of Dunkeld. Clerk of Register; Sir John Scot.

"The whilk day the Lords of Secret Counsell according to ane warrand and direction in writ signed be the Kings Majestie and this day presented unto thame ressav and admitted Archibald, Lord of Lorne, to be one of the ordinar number of his Majesteis Privie Counsell, and to enjoy all honnours, dignities and priviledges proper to that place. Lykees the said Lord being personallie present and acknowledging with most humble and dewtifull respect his Majesteis gratious favour shawin unto him in preferring of him to this high place of honnour and dignitie, he with most submissive reverence on his knees, his hand lying upoun the halie evangell, made and gave his solemne oath of allegiance and the oath of a privie counsellour. Followes his Majesteis missive for warrant of the Act abonewritten.—CHARLES R., Right trustie and right

1 Subsequently the great Presbyterian Marquis.
wellbelovit cousine and counsellour, right trustie and wellbelovit cousins and counsellours, and right trustie and wellbelovit counsellours, we greete yow weill. Being crediblie informed of the sufficiencie of our right trustie and wellbelovit the Lord of Lorne and of his affectiou to our service, we ar moved in regaird thairof, and for the said Lord his further encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell of that our kingdome. It is thairfore our will and pleasure and wee hereby require yow that haveing administred unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, receaveing him in that place as one of your nomber, for doing whairof these presents sall be your warrand. Givin at our Court at Whitehall the 23 of May 1628."

[Sederunt as recorded above.]

Complaint by William Watts, citizen and indweller in London, as follows:—On 28th March last Thomas Young, Thomas Mowat, and William Henryson, officers, having by virtue of a captioun at the com- plainer's instance apprehended Sir George Home of Eckills, colluded among themselves to allow their prisoner to escape, and especially the said William Henryson, who "come furth of the chamber whair the said Sir George wes keeped and past up the turnepycze to the dwelling hous of Mr. Robert Learmonth, advocat, and their shew to the said Mr. Robert his servands that their wes ane gentleman under danger whome he would have secretlie convoyed away and thairfoir requestied and desyreth thame to suffer the gentleman to pass throw the said Mr. Robert his hous and doun the backe turnepycze that he might go saulfe and free away without danger." Charge having been given to the said William Henryson, and he and the pursuer both compearring, and wit- nesses being produced and examined who failed to prove any point of the complaint, the Lords assoilzie the said William Henryson.

Commission under the Signet to the bailies depute of the regality of Brouchtoun as justices to hold courts and try Isobel Harcas, spouse to Magnus Kendelie, sailor in Leith, by whose owne depositions it appears that she has murdered "her awin bairne borne be her in adulterie to unquhill William Edem," and in which she also confesses several points of witchcraft. Signed by Mar, Hadinaton, Lauderdaill, Dunkeld, Erskyne, Hamilton, and S. J. Scottistavrett.

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

"The quhilk day a warrand wes past for transporting of Sir Johnne Steuart fra the castell to the tolbuithie of Edinburgh."

"The quilk day Johnne Leirmouth, chopman, sone to William Leirmouth in Kelso, Johnne Ramsay in Gilmertoun, Johnne Balfour, sone to
Patrik Balfour in the Cannogait, Johnne Miller, sone to William Miller in Jedburgh, and Johnne Craufurde, sone to Craufurde, fleauhour, prisionaris in the tolbuithie of the Cannogait, wer ordanit to be delverit to Colonell Sinclair to be send to the warres of Germanie; and he promeist to defray thair chargeis in the tolbuith fra this day furthe.”

Signature for a patent as follows:—The King understanding how that Alexander, Earl of Linlithgow, Admiral of Scotland for the time, “hath to his great charge abroad in forane paitis caused diverse of his servants use great panes and industrie in finding out a trewe way for making of salt peter powder and matche never hereetofore practised in exact maner within the said kingdome to the great prejudice of his Maiesties subjects there; and his Majestie being most willing to cherish and incourace all suche workes and noble projects as sall be frome tymie to tymie putt in practise be anie of his loving subjects bot specialie in the persons of noblemen of his birth and dignitie, as tend to the honnour, saulfetie and good of the said kingdome in these troublesome tymes, and being withall weill pleased that the said Erle his airis and assigneyes, paintiners, deputis and servants shoule be encouraged to goe on and practise the said worke and to enjoy the benefite thairof during the tymie after mentioned,” therefore, with consent of the Lords of Council and Exchequer, ordains a patent to be made under the great seal granting to the said Earl and his foresaidis alone the right of making “salt piter powder and matche” for 21 years from the date hereof, within Scotland or any part thereof; discharging all former patents granted to this effect to any persons whatsoever who have anyway forfeited or resigned the same as not having in due time taken effect: With power to the said Earl and his foresaidis to build or lease houses for the said manufacture; also with the advice of the Council “to enter, breake, open, dig, searche and worke for salt piter, als weill within the houses, lands, grounds and possessiouns of his Majestie, his airs or successors that now be or heerafter shall be, as also in the houses, vaults, sellers, towres, castells, stables, dowhouses, grounds or possessiouns of anie of his Maiesties subjects within the said kingdome of Scotland, and there to have, take and use all suche ground, earth and water as sall be thought good for the making of good and serviceable salt piter,” with as little prejudice to the owners as may be, and making such satisfaction “for falling of houses, wallis, warkes or timber, by the said worke,” as the Council may decide. His Majesty directs the Council to authorise the said Earl and his foresaidis with as full power for the furtherance of his work as any former patentee has enjoyed, and to command all sherrifs, justices of peace, provosts and bailies of burghs, and inferior magistrates and officers to assist the patentee herein, especially in obtaining necessaries for the work and carriage of the same at reasonable rates. Moreover, the said patentees are to re-erect, lay and repair all such houses and grounds as they have
opened, dug, or defaced as speedily as may be at the direction of the Council. They may import free of custom duty such commodities as they require for the said work, and which are not mentioned in the Book of rates, it being provided that this immunity from custom shall only stand when such goods are converted to the use foresaid and no otherwise. The said “salt peter powder and matche” being made, and his Majesty’s stores, castles and subjects in Scotland being sufficiently supplied at reasonable rates, may then be exported and sold in England or Ireland, or to his Majesty’s friends abroad, the Earl and his foresses first giving notice hereof to the Council, and finding caution to report a certificate from the place whither it has been exported within a set time, (the dangers of the sea always excepted), and custom being paid thereupon. Prohibition is therefore made by the Council to all others against making the said saltpetre powder and match within the said space under pain of confiscation and other punishment for their contempt, all sheriffs and magistrates being required to assist herein. Further, if the Earl and his foresses stand in need of the aid of any strangers experienced in the said work the Council are instructed to “insert heerin a claus of denization if conveinentlie and lawfullie it can be done,” whereby such persons, being specially named, shall enjoy all such privileges and liberties usually granted to such. Finally if the Earl fail to commence operations upon the patent within three years the same shall be null and void. Signed by Monteith, Hadintoun, Launderdail, Areskine, Melvill, Ad. B. of Dumblane, Hamilton, St Thomas Hoip, Scottistarvett.

Holyrood House, 17th June 1628.

Treasurer; Hadintoun; Lord Lorne; Lord Arskene; Bishop of Dumblane; Advocate; Clerk of Register.

[Sederunt as recorded above.]

On the supplication of Claud Hamiltoun, brother to the Earl of Abercorn, bearing that the Council was pleased to release him from his ward in the Castle of Edinburgh to attend to some of his said brother’s affairs in this burgh intrusted to him, that he has made reasonably good progress with the said affairs, but that he has also a great number of matters to deal with in the West country, which concern his said brother’s honour and credit no less than the former, and inattention to which will both prejudice the Earl’s estate and fortune and reflect upon the petitioner for the neglect thereof, and therefore craving that their Lordships will grant him their release from his warding in the burgh of Edinburgh—the Lords considering that he has now been warded a long time for the offence charged against him (ante, p. 327), grant the prayer of his petition, dispensing with the caution granted by him to keep said ward, but ordain him to pay £40 to George Ramsay, kirk officer of Paisley, as a fine.
Complaint by Sir Ludovick Howstoun of that Ilk, as follows:—On 27th July 1626, at the complainer's instance, John Tennent of Cairnes was put to the horn (1) for not removing himself, family, sub-tenants, cotters and goods from the complainer's lands of Wester Cairnes in the shire of Edinburgh and barony of Calder, so that the complainer might occupy the same conform to his infeftment and sasine thereupon, and the Act of Parliament made thereanent; and (2) for not paying the £12 of expenses and collector silver contained in the decree obtained against him before the Lords of Session—he still contemptuously remaining at the horn. Charge being given to the said John Tennent, and the pursuer compearing but the defender not, the Lords ordain charge to be given to the Sheriff of Edinburgh and his deputies to search for, apprehend and imprison the defender, until he fulfil the above obligations.

Complaint by the provost and bailies of Hadintoun as follows:—John Barns, skinner in the said burgh, being charged by the complainers' officer either to pay certain debts for which decree had been obtained against him or go to prison "conforme to the use of burgh," disobeyed, and acted similarly when afterwards charged to appear before the complainers, by an ordinance of the whole council before the council, and lastly and peremptorily by open proclamation and at his dwelling place to appear within eight days. He was thereupon "verie ordourlie and after great delibera-
tion upon the day solemnlie deprevye of his burreshipp," and ordained to pay to the common officers of the burgh £100, or to be warded until he paid. Accordingly he was apprehended and warded in the tolbooth of the said burgh, when "to crowne these his contemptes he brake the said waird and made his addresse to the Canogait whair he now remaineth, most reproachefullie and contumeliouslie revylling the compleiners at all occasious and to all persouns, opinion avowing that if the compleiners and thair counsell wer all hangit in a towe, and in despite of all their hearts, he sall be burges and remaine burges in the said burgh." Both parties compearing and witnesses being produced who failed to prove any point of the complaint, the Lords assoilzie the defender.

Treasurer; Hadintoun, Lord Lorne; Lord Arskene; Bishop of Dunblane; Advocate; Clerk of Register; Sir John Scott.

Supplication by Sir Alexander Hamiltoun, eldest lawful son to Sir Alexander Hamiltoun, late of Innerweik, bearing that the protection granted to him for attending the soldiers enlisted by him in Ireland and conveying them to Denmark has expired, and he has done all that in him lay to dispatch the business, but that the difficulty of the transport between this kingdom and Ireland has been a very great impediment, so
that, though the most part of his company are come over, his lieutenant and a few officers of his company are still in Ireland waiting shipping which he is busy freighting and victualling for them. He therefore craves a further extension of his protection, which the Lords grant until 1st August next.

Commission under the Signet to the Sheriff of Caithnes and his deputies, and Robert Monro of Auldie, Commissary of Caithnes, as justices, to hold courts and try Christian Irene Tarsiche, spouse to John McJoan V'Eall in Trantlemoir in the Strath of Hallowdaill, who has been long suspected of witchcraft, etc., it being necessary "for purging of the land of suche wicked instruments that justice be ministred upon her." Signed by Mar, Hadinton, Lorne, Areskine, Ad. B. of Dumblane, Hamilton, and J. Scottistarvett.

"Most sacred Soverane, Thair was a petitionoun preferred unto us by Dame Margaret Hammitloun, spous to Sir Johne Stewart knight, hevlie regraiting the great trouble and miserie she hes sustaneit these diverse yeeres bygane by the unnaturall and inhumane cariage of her said husband towards her, and that now by his becomming in your Majesteis will for the cryme of adulterie committed be him she is deyyred of the benefite of the law and of that maintenance and allowance quhilk she would have recovered of him if he had remaied in the qualitie of a free persoun, and her humble deyyre was that we would recommend her distressed estait to your Majesteis gracious and royall consideratioun; and whairas the said Sir Johne is now in the qualitie of a conviit persoun and that his lyffe and estait is at your Majesteis disposition, quhilk will exclude the gentlewoman frome all actioun competent unto her aganis her said husband for her maintenance and intertenement, we ar moved out of ane settled assurance of your Majesteis bountie and just compassioun of the gentlewoman's distresse to send up her petition to your Majestie that after consideratioun thairof and of the merite of the caus your Majestie may so provyde for her releefe as her qualitie doeth require and your Majestie in your princeleit judgement holdeith fitting. And so praying God to blesse your Majestie with a long and happie raigne, we rest. Frome Halyruithdous the 19 day of Junij 1628."

"CHARLES R., Right, etc. Whereas we wer humblie moved by our right trustie and wellbelovit couisine, the Erle of Seafort, for erecting of Stornoway in a royall burgh, and having considerit how requisite suche a purpose is for the better civilizing of these remote Islands, the incivilitie of whois inhabittants hes beene in former tymes a great caus of insurrection and troubles in these parts, we have thairpoun beene pleased at the humble sute of the said Erle to signe a Signature of that erectioun, and being most willing (if so be that the same doeth not reallie tend to the ruine or decay of the estait of our saids burghes) that
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all impediments for hindering the dispatche of these things upon whiche the effects to proceed upon so good ane intentioun doe depend sould speedilie be removed, and the rather because the said Erle is to have a care that the course intendit for, the yrne workes and casting of ordinance in these northern parts (whither he is with all hast to repair) sould take effect, our speciall pleasure is and we doe hereby will and require you that you call the provest and bailliffes of Edinburgh in name of thameselfes and of the saids burghes or the commissioners of the saids burghes to the eight day of July nixt to propone their reasons and allegatiouns for limiting or staying the said grant, and if anie thing sail be materiallie objected against it lett the same be stayed till we may be advertised thairof, but if nothing materiall be found thairin that may tend to the ruine or decay of the estait of the saids burghes in particular or prejudice the estait of that our kingdom in generall our further pleasure is that with all convenient diligence you passe and exped the said Signature according to the tennour thairof. We bid yow farewell. Frome our Court at Whitehall the 20 of June 1628."

Whitehall, 20th June 1628. Letter from his Majesty anent the Earl of Linlithgow's patent for making powder, salt-petre, and match.

See ante, p. 333. 

"CHARLES R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greeete you weill. Quhairas we have beene pleased upon consideration of the good of that our kingdom to signe a Signatour in favours of our right trustie and weilbelovit cousine and counsellour the Erle of Linlithgow for causing make powder and salt-peter and match within the same, therefore our pleasure is and we doe hereby will and require you to expede the said Signatour under our great seal there, and that by all lawfull wayes and meanes you contribuite to the advancing of so good an intentioun, and that according to the contents of the said Signatour and in so farre as may stand with the ease of our subjects there; we bid you heartlie farewell. Frome our Court at Whitehall 20 of June 1628."

Whitehall, 20th June 1628. Letter from his Majesty con- firming certain ancient privileges of the burgh of Edinburgh.

Whairas our burgh of Edinburgh hes by vertue, as we are informed, of our Acts of Parliament other rights, securiteis and customes bruiked and injoyed past memorie of man sindrie and diverse libertieis and privilidgeis and in speciall the setting of pyrce upoun bread, ale and other vivers, and thirling of the multour of thair mylnes, quhairof they and their predecessours have bee in long and peaceable possiessioun, and we being willing that all their rights, privilidgeis, customes and libertieis be injoyed be them as they wer in the tyme of our lait deere father of worthie memorie and others our royall predecessours, our will and pleasure is that yow hencefurth take suche course as the same may still be injoyed by them and they frome tyme to tyme continued in the possessioun VOL. XVI.
thairif untill the same may be evicted from them by due course of law before the competent judge, and siclyke that yow take ordour that the inhabitants of Edinburgh and south side of Leith make their mustours and weapounshawings to the magistrats of the said burgh conforme to the lawes of that our kingdome, and that yow take into your serious consideration quhat may be the best meanes to maintaine trading by sea, increasse of shipping, and preservatioun of both. So we bid yow Farewell. Frome our Court at Whitehall 20 Junij 1628.”

Signature for a commission under the great seal, as follows:—The King “out of his princlie and tender regaird to the honnour and strengthening of his ancient and native kingdome of Scotland, being gracioslie pleased to advance and further all suche desigines as may bring within the same the practise of all profitable and usefull workes not formerlie knowne thair; and understanding how necessery and expedient it is that his castells and strongholds and shipping of the said kingdome be weill furnished and appointed with yrne ordainc and bullets made within the same, whiche in former tymes in the raynes of his moste noble progenitours wer brought frome beyond sea and hardlie suche store gott as might strethen and suffice the contrie; and his Majestie knowing the good service done to his hienesse and royall father of happie memorie be Mr. James Galloway, onelie maister of requestes to his sacred Majestie, and Mr. Nathaniel Udward, resident in Leith, and being assured of their industrie and diligence in prosecuting and bringing of the said yrne warkes for casting and making of yrne ordainc to some trew perfection within the said kingdome of Scotland,” he with consent of the Lords of Council grants to them and their heirs and assignees for twenty-one years the sole right within any part of Scotland to make and cast all sort of iron ordaincie, great or small, with bullets and other furniture, and with power to erect works for making the same. The lieges are warned not to infringe this patent under all highest pain, and confiscation of their material, one half of which is to go the King, and the other to the patentes. The patentes are empowered to sell the same at reasonable rates to the subjects, provided that there is sufficient store at Leith for the service of the country. They may also without payment of custom export the same, but only to those nations which are in league and at peace with the King and whither the English now export theirs. The patentes are to pay to the Crown £200 sterling during the said twenty-one years by equal half-yearly payments, but for five years this payment is postponed, and the first payment is to be made at Martinmas 1633, before which date the patentes are to find caution for this sum for the rest of the period or the patent is to lapse; and it is also to lapse if the patentes fail to
Commissions, 1624-30.
Fol. 196, b.

commence the work within three years. This signature is to be a
sufficient warrant to the writer and keeper of the great seal for
expeding the same, without passing any other seal. Signed by
Mar, St Andrews, Wintoun, Lauderdale, Lorne, Carnegie, Hamilton,
and S. J. Scottistarvett.

Sederunts, 1626-29.
Fol. 86, b.

Hadintoun, Privy Seal; Wyntoun; Lord Lorne; Lord Arskene
Lord Melvill; Clerk of Register; Advocate.

[Sederunt as recorded above.]

Complaint by Sir Thomas Hoip of Craighall, knight baronet, King's
Advocate, and Captain James Stewart, son to the late Robert Stewart
of Culbeg, as the party aggrieved, as follows:—Notwithstanding that
the wearing of hagbuts and pistols has been often prohibited, on 6th
June 1627 the said Captain Stewart was quietly walking down the
High Street of Stirling when he met James Hairt, merchant burges
there, who without any cause "most disgracefullie railed upon the
compleaner, calling him deboeste villane with manie other reproachefull
speeches, provoking him to fight with him, and crying unto him Come
under this staire for your hanging and I sall give yow the thing that
yow ar seeking. And that atherin in ane furious maner the said James
ranne in to his merchant buith, brought forth twa charged pistolets and
bendit ane of the same of purpose to have shott the compleaner thair
with throw the bodie." Being hindered by some well-disposed neigh-
bours who took the pistol from him, and then being apprehended and
taken to the tolbooth, he took a pistol with him; but fearing he would
be challenged about it "he privileie convoyed the same over the barre to
some of his acquaintance." Both parties comparing and the evidence of
witnesses having been heard, the Lords find it proved that the
defender presented a pistol at the pursuer as libelled, and ordain him
to keep ward in Edinburgh till he compone with his Majesty's
Treasurer for the said offence.

Complaint by James Dumbar in Hemprigs and Robert, his brother
servitors to the Earl of Murray, as follows:—Robert Tulloch, son to
the deceased Alexander Tulloch of Tannachie, and William Hay of
Struthers, out of malice have sought to do the complainers "some
notable effront and disgracie." Knowing that the complainers had
business in Forres on 7th May last, they with their accomplices,
armed with "jackes, secrets, stellbonnets, steilhatts and plaitt
bonnetts," came thither and "dermed" thameselfses within the town till
they understood of the complainers behaviour what they wer doing.
And in end perceaving the said James Dumbar to be walking upon
the streete peaceabill without company, the said Robert Tulloch kuist
himselfe in his way and to forge a querrell againis him he beganne to

1 Coats of mail concealed under the usual dress.
2 Hid.
disgrace him with reproacchefull calumneis and lees, and with that, euer the compleauer was awar of him, he lappe in to the compleauer with a long drawin durke in his hand whairith he gave him three great straikes upoun his hand and arme to the effusion of his blood and appearand mutilatioun; and finding that the compleauer was so deidlie hurt in his hand and arme as he was not able to defend himselfe, he than most unworthilie drew his sword and persewed the compleauer of his lyffe; and the said William Hay, being on horseback, with a long lance in his hand, he ranne at the compleauer with his lance, thinking to have runne him quyte throw the bodie, bot he being freid and releaved be some of the tout people and forced for his saultetie to withdraw himselfe to the dwelling hous of Thomas Nicolsoun in Forres for pasing of his wounds, haveing the said Robert Dunbar, his brother, with him, the persons accused with their accomplices surrounded the house, “brasched the dooers and yetts thatirof,” which being so barricaded that they could not geth thame broken up, they than used manie provocatious againis thame to have drawin thame out, objecting unto thame cowardice and want of courage, and swearing and avowing that at the nixt meeting they should have the compleauers lyffe.” Parties being cited and the pursuers and William Hay conpaning, and Robert Fol. 75. in Tulloch “being excused be a testamional in writ under the hand of Mr. Williame Falconer, minister at Dyke, Mr. Patrick Tulloch, minister at Forres, Mr. John Hay, minister of Lathord, and some other ministers of the presbyterie of Forres” that he could not travel because of some deadly wounds in his head, arms and other parts of his body, witnesses were produced by the pursuers, but failed to prove any part of the complaint. Therefore the Lords assosilze the said William Hay, and ordain him and the pursuers both to find caution to each other for their indemnity each in £500.

Complaint by James Smallat, merchant burss of Dumbartane, master and owner of the ship sometime called the Providence of Dumbartane, for himself and his partners in the said ship and cargo, as follows:—They had loaded part of the said ship with herring in the Clyde beside Dumbartane, and then proceeded to Ireland for the rest of her cargo, consisting of cloth, butter, cheese, and such like. Thereupon they set sail for France, but by stress of weather were driven among the western Isles of this kingdom, first at Terie, where they cast anchor. But the storm increasing, they were forced to cut their cables and slip their anchors, and were then driven by the violence of the wind and storm to the Kyle of Alloway in Mull, belonging to Hectour M’Claine of Dowart, where their ship was driven ashore on 22d January 1627; and only with great difficulty did the compleauer and his crew reach the land in their boat. When they were attempting to secure the cargo which they would probably have done, Donald M’Hectour V’Rorie in Skalliisdilbeg, John M’Achine V’Ewin, captain of Cairnebarrow, and Lachlan, his son, Neill
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Roy McGorrie in Ardiasgrige, Hectour McEane Dow VLauchane in Borge, Lauchlan McEane Dow VLauchlane there, John McIlwredie in Torsarie, Neill McCarren there, Archibald Reoche McBea there, Donald McIllwerreddie there, Charles McLauchlane VÆwin [in] Kylleynynne, Hectour McRorie Vyre in Torloek, John McDonnal Donald Ropiche in Fanmoir, Murthie MIntailyeour there, Murthie McGowne there, John, his son, there, John Dow McInnow Catter there, McChallome McNeill Eir in Kilmich, John and Ferquhain his sons there, Lachlan McOrkill in Cames, Donald McLauchlane Roy there, Ewin McIlleoreist VCartna in Oskamull, John McDonnal VShirie there, Mr. John Campbell in Corkamure, Gilmerlein, his man, there, John McEane V.Kaldie in Collonsa, Donald McEane Dow V.Caldie there, Finlay Bayne McGressiche there, Gillichallum McWorthie in Abose, Donald McAchine Dow there, Donald McDonnal Reoche in Culleinische, Gillichallum McDonnal V.Eane Veill there, Lachlan McDonald V.Gnorie in Balleyartna, John Dow McIllerecothe there, Rorie McIllerecothe there, John M.Kaldie [in] KilvÆwin, Gillichallum, his son, there, Neil McDonnal Donald Roy V.Aldie in Craigne, Gnorie McNeill V.Donald there, Neil Dow McDonoche V.Cleriche in Ormaige, John McWorchie McEane Dow there, McGnorie of Carmakilliche, Molcallome Mc.Kaldie there, Neil Mc.Illerecothe there, Moldoniyt McNoheartie there, Lachlan McOrkill there, Donald McLauchlane Roy there, Neil Keir in Nwa, Lachlan McEan Dow V.Kaldie there, John Baine McIntailyeour in Dowchoreen, Gilpatrak McDonnal Oig there, John McKinlay Roy there, Rorie Nynidge in Frakadill, Archibald Reoche McGillephatrik in Kylleynynne, John Roy McEane Roy V.Worchie there, Neil McDonnal Glasie there, Donald Camb McDowall V.Cleriche there, Archibald Nafachie in Torloek, Rorie McEane V.Kynych there, John McIllemane there, Donald and Archibald McEane V.Kynys there, John Our there, Donald McEane Dow V.Achine in Corkamure, Finlay McFinlay Dow in Killurenan, and John Roy McKinlay Oig, piper in Killurennane, came with their servants and others, in boats, “skoutes,” on horse and otherwise, “and after a most barbarous, lawlessie and maisterfull maner seauid upoun the complainers said shippe, cutted doun their mast, riggings, taicklings, sailes, towes and whole rigging, and caried the same away togidder with certane her munitioun and other furnitour, extending in worth to the sowme of sax thousand merkes money, with the particular goods following being within the said shippe, viz.:—fyttein lasts of herring or thairby at two hundredth merkes, extending to thrie thousand merkes, two thousand weight of Yreland butter, worth sevin hundredth merkes, mair of cloath anduther small wairis worth fyve hundredth merkes;” and have disposed of the same as they pleased. Charge having been given to the defenders to compear before the Council to have order taken with them anent this spoliation, and for making redress to the complainers, and the pursuer
compearing but none of the defenders, the Lords ordain the latter to be denounced rebels.


“Serennississe et invictississe princeps, Accepmus Majestatis vestrae litteras datas 30 Aprilis, quibus innotuit nobis satis serennissimae vestrae Majestati factum esse ex rationibus acceptorum expensorumque a capitaneo Alexandro Chirnseyde Majestati vestrae redditis; simulque velle Majestatem vestram nobis curre esse, ne immerito accusatus ejuve fidejussores ex re bene administrata damni aliquid patiantur. Qua de re Jacobus Sinclairus atque dicti capitanei fidejussor citati, et sese coram nobis sistentes, affirmabat predictus Jacobus capitaneum Chirnseyde.

nonaginta duo milites solummodo transmississe et numerum suum sucenturiasse adscitis aliis tam proprii ipsius Jacobi quam aliorum militibus sub dicti Jacobi vexillo ibi merentibus; quod certe fidejussorem a tenere obligationis suae liberare non posse asserebat. Cum itaque inter ipsos its esset contraversum, nos (eo quem decet serennississe vestrae Majestatis litteris respectu habito), nolamus de hac re quicquam statuere quoad plenius Majestatem vestram de eadem consultam haberemus. Qua propter negotium hoc in mense Novembrem proxime sequentem distulumus, quò facilius et copiosius interea, ab utraque parte de gemino contraversia statu, Majestas vestra posset erudiri, atque adeo ulteriorum de hac re voluntatem vestram significare quet. Cui nosmetipsos obsequiosos reddemus nihil ambientes si Majestati vestrae capitanei operam et diligentiam visum fuerit agnoscoere; quinetiam predictum militum numerum ab ipso transvectum complete cohortis loco dico Jacobo Sinclaro annumerare Majestas vestra clementer dignabitur: atque adeo ipsum de tot militibus exonerare quot capitaneus de supradiectis tam ipsius Jacobi propriis quam aliorum militibus sub ejus vexillo merentibus facta inquisitione comperietur desumpsisse. Quod quidem ordo justitiae exigere videtur quandoquidem prefatus Jacobus Sinclairus capitaneo suam praestiti conditionem ipsique numos ad numerum suum perficiendum tradidit. De quibus serennissimae vestrae Majestatis voluntatem submisse expectantes Deum immortalem obnixe praecumur ut Majestatem vestram opibus potentiae imperioque auctam diu servet incolenum. Dabantur de palatio Sancte Crucis 24 Junij 1628.1


1 This letter, with its extraordinary solicisms, is hardly creditable to the country of George Buchanan.
“The whilk day Thomas Paterson in Auchingray compeirand personallie before the Lords of Secret Counsell actit and obleist him that he and Browne, his spouse, sall betuix and this day moneth satisfie the Kirk for the cryme of adulterie committit be thame for the whilk they ar excommunicat and at the horne and that he sall compeer that day before his Majestis Council and produce a testimoniall that they have satisfied the Kirk in maner foresaid under the pane of fyve hundreth pundis.”

“The whilk day Jonet Johnestoun spous to Browne of Lochhill compeirand personlie before his Majestis Counsell conform to the caution found be her to that effect, she was allowed to go home to remayne till she be delvered of her birth, she finding caution that in this meane tyme till her delverie she sall behave her selfe modestlie without offence and scandal to the Kirk, she sall conferre with the ministrie for giving unto thame satisfactioun anent her religiou, whilk if she doe not betuix and the tyme of her delverie, that after her recoverie she sall depairt furth of the kingdome and not returne anigne within the same without his Majestis licence under the pane of ane thousand merkes.”

[Sederunt as recorded above.]

Complaint by Sir Thomas Hoip of Craighall, his Majestis Advocate, and John Browne in Drephane, as follows:—Notwithstanding that the wearing of hagbuts and pistols is strictly forbidden, William Hamilton, son to the deceased Mr. James Hamilton of Cander, has long sought an opportunity to take the complainer’s life, merely because, as cautioner for the defender’s said father, complainer had pursued him in a legal way for repayment of certain sums he had been obliged to pay. And on April last when they met in the town of Stenness, the defender at unawares shot at complainer with “a bendit pistol” intending to kill him, though he providentially missed. Complainor comparing but defender not, the Lords ordain the latter to be denounced and echeat.

Complaint by the moderator and brethren of the presbytery of Paisley as follows:—By Act of the Parliament held at Edinburgh in June 1594, and Presbytery of Paisley against Marion Boyd, Countess of Abercorn and Thomas Algro, her servant, whereupon, if they still disobeyed, the said Act provided that not only should their movable goods be echeated, but also any liferent...
with defyng the censure of the Kirk.

rights they possessed. Now Marion Boyd, Countess of Abercorn, and Thomas Aldegeo, her servant, having been long suspected papists, and "for that cause, and for their resistan to frequent the kirk, heare the word, and to communicat" being charged to complear before the said presbytery "to give confessioun of their faith, subscrye the said confessioun and to participat of the sacraments," they contemptuously disobeyed, whereupon, after long waiting for their conversion to the truth and finding nothing in them "bot ane constant and obdured resoloutioun to continew in their erroneous and foolish opinionis," the complainers proceeded against them with censure. Accordingly on 3d. September 1627, "being Sunday," the said Thomas Aldegeo was excommunicated in the kirk of Paisley by Mr. John Hay, minister there, in presence of the congregation then convened "to the sermon," who on the 20th also excommunicated the said Marion Boyd, in the same place; but this censure they regard not. The said Mr. John Hay complear for the said presbytery, and the said Countess complear by William Hamilton, her son, who produced a testimonial signed by Mr. Andrew Hamilton, minister at Kilbarchane, Mr. Robert Hamilton, Doctor of Medicine, Gavin Hamilton, Vicar of Kilbarchane, John Mairshall at Kilbarchane and Ezechiel Montgomerie, elders at the kirk of Kilbarchane, that through weakness and infirmity she was unable to travel "as she declared upoun her conscience," the Lords excuse her absence and assign to her the 17th July next for her complearance before the Council with the certificate of her satisfaction and relaxation, when, if she be still unable to travel, she is to "cleare the same by ane sufficient and laughfull testimoniall from some of the ministrie testifeing upoun their oath and conscience" to that effect, and either send the said certificate, or one to the effect, that she has entered into conference for the same, on pain of horning. They also ordain Thomas Aldegeo, who did not complear, to be denounced and esceat.

[No record of Sederunt.]

"Forsameekle as the Lords of Secret Counsell ar informed that their is great appearance of trouble and unquyetnes lyke to fall out betuix John, Erle of Cassills, on the ane pairt, and Sir Patrik Agnew of Lochnaw, knight, Shireff of Wigtoun, on the other pairt, anent the holding of a court upoun some pairts of the lands in Galloway contraverted betuix thame, whilk court is appointed to be haldin upoun the thrid of Julij now approacheing, and both the saids pairteis hes thair kin and freinds under waarning and in readinesse to assist thame in this bussines, the one for holding of the said court and the other for opposing and withstading of the same, whairupon great inconveniences are lyke to fall out to the breake of his Majesteis peace and disquyettig of the countrie without remeid be provydit, Thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite both the saids pairteis that nane of thame pre-
soome nor take upoun hand to hald the said court nor to make opposition or resistance thairto, or to resort and repair to the bounds whair the court is appointed to be haldin, but that they suffer the said dyet to desert and no forder to be done thairin ay and whill the saids Lords upoun tryell and cognitioun to be tane in that mater give forder ordour and direction thairanten as accords, as they and either of thame will answer upoun the contrarie at thair highest charge and perrell, and under the highest pane that by course of law can be inflicted upoun thame for thair disobedience. As alsua to command, charge and inhibite all his Majesteis lieges and subjects be opin proclamation at the mercat croces of Wigtoun and Minnyboill and others plaicess needful that nane of thame presooone nor take upoun hand to ryse in armes nor to accompanie or assist anie of the saids parteis in holding of the said court or opposing thairunto under the pane to be calett, persewed and punished thairfoir with all rigour: and siclyke to commande and charge bothe the saids parteis to compair personallie before the saids Lords upoun the twenty-twa day of July now approacheing to underly suche ordour as sall be tane with thame tuicheing the observeing of his Majesteis peace and keeping of good rule and quyentes in the countrie under the pane of rebellion, etc., with certification, etc. And in the meanetyme that they observe our Soverane Lords peace, keepe good rule and quyentes in the countrie, and that they nor nane of thame presooone nor take upoun hand to invade or persew ane another, or to make provocatioun, offence or displeasure ane to another for whatsoever deid or occasioun under the panes following, viz., the said Erle under the the pane of ten thousand pundis, and the said Shiref under the pane of ten thousand merkes, certifeing thame that does in the contrair that they sall be decerned to have incurred and to incure the said pane, and letters sall be direct anagin thame for payment thairof in forme as effairs."

Signature for a commission as follows:—The King "haveing taikin into his princelie consideratioun the criminall judgement of his Hienesse kingdom of Scotland whiche consisteth in the high and supreme court of Justiciarie, quhairupon dependeth the defence of the lyffe and saufitie of innocents and the just and dew punishment of delinquent, and that his Majesteis good subjects living farre frome the courts of justice have beene forced long to groane under the burdein of manie insolent injurieis, crymes, oppressioun and extortionis occasioned ather by neglect of the ordinarie officiars of justice, impunitie and power of offenders, or for want of meanes to travell to the seate of our supreme court of justice there to exhibite thair just and lawfull complaints; and quhairis in the ellevinth parliament of his Majesteis lait father of happie memorie haldin in the moneth of July 1587 yeeres it was statute and ordained that two commissiourns out of the Colledge of Justice with ane depute of the Thesaurars and another of the Justice Commission granted to Sir James Learmonth of Belcomie and Mr. George Halyburton of Foderance, seniours of the College of Justice, to travel through the shires of Edinburgh, Linlithgow, Stirling, Lanark, Renfrew, Ayr and Wigtoun in the months of August, September, and October next, and there to hold Circuit Courts of Justiciary,
Clerkes sould be sent twise everie yeere throw everie ane of the foure several quarters of the said kingdome for administratioun of justice and reformation of abuses," therefore "and to the effect that all his Majestie's subjects of the said kingdome may taste of his Majestie's government and royal intention for administratioun of justice" his Majesty ordains a commission to be exped under the testimonial of his great seal appointing Sir James Learmonth of Balcolmie, knight, and Mr. George Halyburton of Foderance, two of the senators of the College of Justice, as justices, judges, and commissioners in that part for the quarter of the kingdom embracing the shires of Edinborow, Linlithgow, Strirling, Lanercast, Renfrew, Air and Wigtoun, with powers to them in the months of August, September and October next to travel through these shires or head burghs thereof "and to make inquisition by the oath of good and lawfull men of his Majestie saids shirefdomes, and by all other ways, meanes and middesses whiche they best can by qhom the verite may be best knowne upon all dittayes to be inquired and taikin up of all persons criminall contraveeners of anie of his Majestie Acts of Parliament, lawes and constitutions of the said realme, as they sall thinke expedient and agreeable to the lawes and practique of the said kingdome, and that ather at the instances of the parteis or ex officio judicis, or at the instance of his Majestie Advocats or his deputys for his Majestie interesse" and to hold courts and administer justice upon offenders, summon witnesses, etc.; also with power in cases to be pursued civilly before them upon the contravention of any penal statutes which his Majesty or the Council shall think fit to be put in execution, to compone and agree with such as are convicted thereof, "and to sett down the compositiouns formallie in a booke in writt under their hands, writtin by the deputie of the Justice Clerk there present and the same to returne and delivere to his Majestie Commissioners or Remembrancer of his Exchequer, ane extract thereof to his Majestie Thesaurar or Thesaurar Depute," that the names of the persons may be known and their compositions and fines brought in by the Treasurer, Treasurer Depute and Receivers of his Majestie's Rents, for his Majestie's use. Further the said commissioners are empowered "to caus repaire and make sufficient weird houses and toelluithes within everie heed burgh of the shyre, with sufficient and decent benches and barres for judges, justices of peace and prisoners, and to putt his Majestie Acts of Parliament to dew executioun, and in speciall for making or repairing the said toelluithes, mending of highwayes, bridges and calseyis in everie shire, and for causing the statuts and commission of the peace to be dewlie execute and all officiars belonging thairto to be dewlie established and authorized in executioun of thair several offices"; also to appoint officers of court, and uplift all casualties, which they shall account for and deliver to the Treasurer and Depute Treasurer, their fees and charges being allowed in the first end thereof or other-
wise as his Majesty shall appoint or the Treasurer or Commissioners of Exchequer may modify, conform to the said Act of Parliament. Publication of this commission to be made at the head burghs of all shires, requiring all Dukes, Marquises, Earls, lords spiritual and temporal, lords of regalities, barons, sheriffs, justices of peace, chamberlains, magistrates and ministers of the laws and all other subordinate judges and whole lieges to give due respect to the said commissioners and to assist them as they may be required under all highest pain, the sheriffs being required to “caus sufficient and legall men conpeir before his Majesteis saids commissioners at suche dayes, tymes and places as the saids commissioners sall appoint by whome the vertie in the premisses may the better be verified and knowne”; and the sheriffs and wardens of the wardenries with their deputes and the freeholders of the shires (being warned) are required to meet the said judges and commissioners at their entry to their respective shires and convoy them to the head burgh “and ay and quhilk they be receaved by the nixt shereff or his depute into the nixt shyre.” This commission to endure only from 1st August to 1st November next. Dated at the day of 1628. Signed by Mar, Menteith, Hadintoun, Wintoun, Linlithgow, Perth, Areeskine, and Sir Thomas Hoip.

“Ane commission of the dait at Whitehall the last day of June 1628 givin to the Erle of Menteith and Mr. Alexander Seatoun of Kilcreuche, ane of the senatours of the Colledge of Justice, within the shireffdomes of Fyffe, Perth, Kinroscher, Clackmannan, Dumbarton, Bute, Argyle and Tarbert, conforme to the tennour of the commissioun abonewrittin in all points.”

“Ane other commissioun of the dait at the day of givin to the Maister of Jedburgh and Mr. Thomas Henderson of Chesters, two of the senatours of the Colledge of Justice, within the shireffdomes of Hadintoun, Bervick, Roxburgh, Selkirk, Peeblis, Dumbraes, conforme to the tennour of the former two commissiouns in all points.”

“Ane other commissioun of the daite at the day of givin to Sir James Skeene and Sir Androw Fleshour within the shireffdomes of Forfar, Kincairdin, Aberdein, Banff, Elgine and Forres, Nanne, Innernes, Cromartie, Caithnes and Sutherland, of the forme and tennour of the former commissiouns in all points.”

Sederunt.—Treasurer; Hadintoun, Privy Seal; Wyntoun; Lauder, daill; Bishop of Dumblane; Lord Areeskine; Melvill; July 1628. Master of Elphinstoun; Advocate; Clerk of Register.

“The Lords of Secret Counsell ratifieis, allowes and approves the Act in favour of the Earl of Mar, subserveyd be Johne, Erle of Mar, Lord High Thesaurar of this kingdome.”
and letters direct thairupoun for chairing of the Erle of Cassills and Shireff of Galloway to desert a court appointed to be holdin be thame, and for thair compeirance before his Majestis Counsell and keeping of his Majestis peace, and allowes of the Erles proceedings thairin and inter-pouns thair authoritie thairto."

"Forsameekle as the fourt day of Julij instant is appointed for the nixt meeting of the commissioners anent the surrenders and teinds, and whairas the saide commissioners hes entered upoun the tryell of the valuioun of the lands and teinds comprehended under thair treatie and hee begunne thair tryell at the parish of St. Cuthberts whairin they have made some reasonable good progresse; yitt thair is diverse pairts and portiouns of the said parish whairof the valuioun is not as yitt discussed and cleered, so that the commissioners ar mynded to discusse that parish afoir they beginne with another, Thairfoir the Lords of Scret Counsel ordains ane maisser or officiar of armes to pas to the mercat croe of Edinburgh and their be opin proclamatioun to wairme all and sindrie the fewers, tackmen and parochiners of St. Cuthberts whois valuiouns ar not as yitt discussed and cleered that they attend and await upoun the saide commissioners at Halyroidous upoun Fryday nixt the said fourt day of Julij instant at twa of the clocke in the afternoone to heare and see the valuiouen of thair lands in stocke and teind discussed and cleered, with intimation as effeirns."

[Sederunt as recorded above.]

Complaint by Robert Persoun, flether, as follows:—The deceased John Young, sheriff clerk of Edinburgh, his brother-in-law, was indebted to Alexander Thomson, "culteller,"¹ in 500 merks of principal, with certain expenses, and Isobel Young, his sister, and spouse to the complainer, was "be the draught of his creditors" served heir to him, in order to pay his debts, but without any benefit to herself or the complainer. Yet although there is a process before the Session for payment of all the debts of the said John Young, Thomson maliciously took out decree against the complainer and his wife and has kept the complainer in ward for two years past. "In great miserie, he being ane poore old aged man of threescore ten yeeres, having nothing to interteane him and his wyffe and sax bairnes." On a petition by the complainer their Lordships on 23rd August 1626 ordained him to be liberated on making an assignation of his goods to the said Thomson, and if Thomson refused to accept it, then he was to allow a competent maintenance to the complainer. Thomson disobeying, on another petition by the complainer their Lordships on 21st September 1626 fixed the amount of his allowance as 3s. 4d. daily; but still he

¹ Cutler.
refuses either to pay the same or liberate the complainer, whose case is very hard, seeing the debt was not his, but his brother-in-law’s. Charge being given to the said Alexander Thomson, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and both pursuer and defender compearing, the Lords ordain the defender to make payment to the pursuer of the said daily allowance “everie Saturday at night.”

Complaint by David Howname and James Howname, his son, in Morbattle, as follows:—On June they were peaceably engaged in building a “faile dyke” on their master’s lands of Morbattle when Andrew Ker, son to Sir John Ker, called of Jedburgh, and William Davidson in Morbattle, came to them, armed with swords and other weapons, and wounded the said David Howname upon the head and hand with a drawn sword, and gave the said James a deep stroke on his hand, whereby “he is become mutilat.” Moreover, they continually menace the complainers so that they cannot go about their master’s work. Complainers compearing by Walter Hownome, also son of David, and the defenders also compearing, the Lords, after hearing the witnesses produced, who failed to prove any point of the complaint, assozilied the defenders, and ordain the producers to pay 40s. to each of the witnesses, including John Pringle of Tofts.

Complaint by John Gibsoun, servitor to Wilkine Johnestoun, Alexander Fareis in Sibbalbiesseyde, denounced rebel and escheat for wounding John Gibson and for failing to appear before the Council to answer the charge.

Complaint by Thomas Young, messenger, as follows:—Their Lordships committed him to ward in the tolbooth of Edinburgh, at the instance of William Watts, for his alleged conniving at the escape of Sir George Home of Eickills, though he is most innocent thereof. “With the trouble and onwaiting at Counsell dayes about that bussines he has not onelie spent all that he had and sauld his abyliment for necessitie, but also he runne him selffe so farre in debt that he will never be able to winne out of it,” and, having nothing to entertain himself with, will perish of famine. Charge having been given to the said William Watt, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and the complainer being present, but the defender not compearing, the Lords ordain the
provost and bailies of Edinburgh to liberate the complainer, but suspend him from the exercise of his office of messenger for his fault in the above case.

Complaint by Robert Weir, keeper of his Majesty's chapel royal at Halyruithous, as follows:—He has been warded in the tolbooth of Edinburgh at the instance of Robert Areskine, indweller in the Cannogist, for £50 of house maill alleged due to him; and the said Areskine has also pointed his goods for this debt—a course "contrary to all vertue, both to punish his persoun and poyn his goods." Complainant affirms that this procedure is "not so muche for the said pittie debt, as for the love and favour he beares to Simoun Areskine, his elder brother, whom he haits most unkyndely to the death." Moreover, though he has assigned to the said Robert Areskine his gift of pension as keeper aforesaid to be uplifted by him till the debt is paid, yet he avows he will detain the complainer in ward "till he starve for hunger." Charge having been given to the defender, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and parties compearing, the Lords, with the defender's consent, ordain the provost and bailies of Edinburgh to put the complainer to liberty on his making to the defender a sufficient assignation of the said pension, till the debt is paid, with this declaration that if the complainer do not attend his service in the said chapel, the said pension shall not be allowed to Areskine, who may then pursue him for payment by course of law.

Complaint by Mathow Elder, as follows:—He has been kept in ward for fourteen weeks past at the instance of Alexander Reid, merchant burgess of Edinburgh, for a debt of £12 and expenses, though Reid and his wife both promised, on their great oaths, to wait for the same till Midsummer 1628, and he has thus forestalled the time by ten weeks. The complainer is also like to perish of famine. Charge being given to the said Alexander Reid, and also to Alexander Speir, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and parties compearing, the Lords, with the said Alexander Reid's consent, ordain the provost and bailies of Edinburgh to liberate the complainer on giving his bond to the said defender for payment of the said debt, one half at next Martinmas and the other at Whitunday following.

Commission under the Signet to John Forbes of Leslie, as justices, to hold courts and try Robert Moreis in Inzeane, tenant to Forbes of Monymusk, who "hes committit the foule and detestable crimys of adulterie and incest with Kellie, his wyffes daughter, who hes borne a bairne unto him upon the fyfteen day of May last bypass, quhilk bairne after the berth thairof wes cruellie destroyed and murtherist and buried be the said Robert in the inner pairt of his awin hous, and thairafter in presence of the minister
and elders of the kirk of Monymus the bairne wee raised and carried be the father to the kirk yaird of Monymus and their buried of new. Signed by Mar, Hadinton, Winton, Launderlaill, Areskine, Ad. B. of Dumblane, Melvill, and S. Thomas Hoip.

Commission of Justiciary under the Signet to John, Earl of Mar, and his bailies for enforcing the observance of the Acts of Parliament against the slaughter of the red fish, smolts and fry of fish, in forbidden time in that part of the salmon fishings of the rivers Dee and Don which belongs to the said Earl, a great many of whose vassals and tenants adjacent thereto disobey the same to the great injury of the said fishings. No punishment is to strike upon life or member. The commission is to endure for one year. Signed by Hadinton, Wintoun, Launderdaill, Dee, Dumblane, Melvill, S' Thomas Hoip, and Hamiltoun.

St. Androwis; Mar, Treasurer; Hadinton, Privy Seal; Wyntoun; Holyrood House, 3rd July 1628. Lorne; Arskene; Lord Colvill; Melvill; Bishop of Dumblane; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scott.

[Sederunt as recorded above.]

On the supplication of David Stewart in Dernelie, bearing that he has been apprehended and warded for several weeks past in the tolbooth of Glasgow as one who has been excommunicated and denounced "for his disassenting in some points of his religiou whairof for the present he cannot gett resolouion." His conduct is "simple out of conscience, he being trained and brought up in the religiou whilk he professes, and he not had the occasioun to be instructed and resolved in the contrair. And whairas thair is nothing worldie so precious and deare unto the said supplicant as his religioun, whairon the health of his soule depends, he will not refuse to heare conference, and without pertinacie or anie conceate of his awin will use all lawfull and ordinar meanes whairby his scruples and doubts may be removed and cleered." This he cannot do while detained in ward, and as he is willing to underly such caution as their lordships may appoint within a reasonable time either to satisfy the Kirk and obtain relaxation, or leave the country, and prays that this may be done, the Lords ordain the provost and bailies of Glasgow to set him at liberty, having taken caution from him in 500 merks to do as he says before the last of July instant, and also obliged his cautioner to compair that day and report where the supplicant dwells and what he has done.

Complaint by George Burnseysde, lawful son to Alexander Burneye of Gandburne, as follows:—James Burnseysde in Braidfield has maliciousie sought every opportunity of injuring the complain, and on ward for an assault made on George Burnside.

May last, being Sunday, as the latter was coming home to Low from the kirk of , he was assailed by the said James Burnseysde and others armed with swords, staves and whingers, who gave him many
"bauche, blae and bloodie straikes" upon the head and other parts of his body, "and fold him deid to the ground." Then with a drawn sword they wounded him in the arm, so that he is likely to lose the arm, "at least he will be mutilat thairof." Parties being cited, and the pursuer compearing but not the defender, the Lords, after examining of certain witnesses, find the complaint proved, and ordain the defender to be charged to enter himself in ward within six days in the tolbooth of Edinburgh upon pain of rebellion.

Complaint by Walter Newall, son of Alexander Newall in Newabbe, as follows:—On 4th May last, "being the Sabboth day," he was going peaceably home from the kirke of Newabbe, "whair he had beene hearing the sermon," when Robert Lindsay in Kerse of Newabbe, out of malice and hatred of him, having lain in wait all the time of the sermon, set on him with a great baton, as he was going home to the clachan of Newabbe, gave him sundry strokes therewith and had not failed "to have feld him" if the people returning from the kirke had not come to the rescue. However, he followed the complainant and again at unawares he felled him to the ground with a great stone to the effusion of his blood in great quanti, and while the complainant was "lying upon the ground as deid" he "stoned him with great stones and so bised and bruised him thairwith," that he has lain bedfast since in great pain and in hazard of his life. Parties being cited, and the pursuer compearing and the defender not, the Lords, after examination of witnesses, find the complaint proved, and ordain the defender to enter into ward in the tolbooth of Edinburgh within six days under pain of horning: and further they ordain the witnesses to be paid by the producer, every horseman, five merks, and every footman, forty shillings.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and Allan Lochart of Hindyselwode, as follows:—Although the wearing of hagbut and pistols has been strictly prohibited, Mr. Alexander Montgomery, brother to the Laird of Hessilheid, armed with these weapons, continually lies in wait for the complainant's life. On 10th April last he and some accomplices came to Paisley thus armed, and "dermed [hid] under dykes and hedges at ane way side whair ordinarlie the compleerer made his repair from his awin houe toward the place of Halkheid belonging to the Lord Rosse," for three days; but the complainant, getting word thereof, went thither by another road and so escaped. Then on the 13th of that month they came by way of hamesucken about midnight to the complainant's house in Paisley, at whom, as he was "standing before the fyre with his backe to the glasse window, and the said Mr. Alexander perceaving him be reasoun of the light of the fyre whilk shynned throw the glasse, he shott ane pistole throw the window," but the bullet being "diverted another way be ane wyre tirleis [lattice] whilk wes without the glasse," he went to another window "without stanchers, brake downe the same and preassed
to have entered, whairupoun the compleener caused putt out all the
lights of the hous whairat, he, being affrayed, retired. And at last
espying another window whairupoun the fyre in the hall made some
glancing, he dischairgit two hacquebutts thairat and brake the glasse
window with the bulletts. And the compleener, being thus troubled,
and not darring goe to bed to take the nights rest, at last he was forced
to send out twa of his servants to waken the magistrats of the towm
dnighours about, bot soonne as the said Mr. Alexander perceaved thame
he shott at ane of thame with ane hacquebutt full of cutted leid and
shott him throw the lippes [folds] of his bonnett, and at the other with
twa bulletts" which missed him, and they then retired. Parties being
cited, and the pursuer compairing but not the defender, the Lords ordain
the latter to be denounced rebel and escheat.

Commission under the Signet to Sir John Hammilton of Prestoun
and Samuel Johnestoun of Elphinstoun, as justices, to hold courts and
try Margaret Young in Prestounpamnes, Agnes Rankein there, Janet
Reid there, and Margaret Ridpeth, her daughter, who have been long
suspected of witchcraft. Signed by Mar, St. Andrewes, Hadintoun,
Wintoun, Lorne, Areskine, and Melvill.

Commission under the Signet to the Sheriff deputes of Stirlin, or
any of them, and the Laurs of Keir and Pownaiz, or either of them,
with two of the said deputes, as justices, to hold courts and try Steven
Malcolm, sometime in Leckie, and Agnes Hendersoun in the parish of
St. Ninians, who are prisoners in the tolbooth of Stirlin on a charge of
witchcraft, and of whose guilt "there is now ane cleere discoverie," by
several confessions and depositions given in against them. Signed by
the same Lords.

Commission under the Signet to the Sheriff of Renfrew and his
deputes to search for, apprehend, impriso and try, Patrick Rae in
Birkinhill, Mungo Patrik in Neather Glen, Robert Henrie in Weather-
nocke, and William Henrie (Walker written above), alias Crawfurth there,
who on 23d March 1624 were put to the horn at the instance of
Thomas Logane, common prosecutor of the sheriffdom of Renfrew, for
failing to find caution in the "Sheriffs Bookes" of Renfrew to compair
before the sheriff and underlie the law for some points of theft. Signed
by Monteith, Hadintoun, Linlithgow, Lauderdaleil, Areskine, Melvill, and
Hammilton.

Sedent. — St. Andrewes; Mar, Treasurer; Hadintoun; Wintoun; Holyrood
House, 7th
Lord Lorne; Lord Areskine; Bishop of Dunkeld; Bishop of July 1628.
Aberdein; Bishop of Dumblane; Lord Melvill; Advocate;
Clerk Register; Sir John Scot.

"The whilk day the Lords of Secreit Counsell, according to ane warrand
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The Earl of Seaforth
admitted on Council.
and direction in writ signed be the Kings Majestie and this day presented unto thame, ressavd and admitted Coline, Erle of Seaforth, to be one of the ordinar number of his Majesties Privie Counsell and to enjoy all honnours, digniteis and priviledges proper unto that place, lykeas the said Erle being personallie present and acknowledging with most humble and dwetifull respect his Majesties gratious favour shewn unto him in preferring of him to this high place of honnour and dignitie, he with most submisive reverence on his knees, his hand lying upoun the halie evangell, made and gave his solemne oath of allledgeance, and the oath of a privie counsellour. Follows his Majestis missive for warrant of the Act abonewrittin:—Charles R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greete yow weil. Being crediblie informed of the sufficiency of our right trustie and weilbelovit cousine the Erle of Seaforth, and of his afection to our service, we ar moved in regard theairof and for the said Erle his further encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell of that our kingdome. It is theairfoir our will and pleasure and we doe hereby require yow that haveing administred unto him the oath accustomed in the lyke cases yow admitt him to be one of our Privie Counsell, receiving him in that place as one of your number, for doing theairof these presents sawl be your warrant. Givin at our Court at Whitehall, the 24 of May 1628."

"The Lords of Secret Counsell ordanis Sir Thomas Hoip of Craighall, knight baronet, his Majestys Advocate, and his Majestis Justice Depute, to examine David Whyte in Nenthorne anent the slaughter of umquhill. Whyte his daughter, and the forme and maner, caus and occasiouns thairof, and upoun suche presumptious and circumstances as they can find out for the better discoverie and cleering of the truthe of that mater, and that they report his depositionis to the saids Lords to the intent that after consideracion thairof they may take farther ordour in this mater as apperteannes."

[Sederunt as recorded above.]
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being cited, and also David Williamson, bailie of Edinburgh, to produce the complainer, and the pursuer comparings, and also Andrew Scot, David Pringill, Laurence Cockeburne, and Henry Aikman, chirurgians, the latter admitted the warding of the complainer, "he being an unfree
man and useing the barbour craft." Whereupon the Lords, after taking caution of the pursuer "not to exercise the barbours calling nor cutt
haire in tyme comming under the pane of ten pundes toties quoties,"
ordain the provost and bailies of Edinburgh to put him to libertie.

Complaint by George Ros, merchant burgess of Edinburgh, as follows: —He is heritably infeft in that tenement of land in Halkerton's Wynde which sometime belonged to the deceased John McCoul, and
thereafter to John Storrock, his son-in-law, which John Storrock has
made assignation to the complainer of his right to the writs and
evidents of the said tenement of the date 22nd March last. These
writs were produced before their Lordships and placed in the hands of
James Prymrois, their Clerk, and the complainer, having bought the
right of the said tenement from the said John Storrock, desired the
delivery of these writs, but James Prymrois refuses without the
Council's command. Charge having been given to Ewame M'Dowgall,
relict of the said John McCoul, the Lords ordain the Clerk to deliver
the said writs to the pursuer as he has given caution in £100 not to
trouble nor molest the said Ewame M'Dowgall in her possession of the
said land, save by order of law and justice.

Complaint by Sir Thomas Hoip of Craighall, his Majesty's Advocate,
and by Sir James Maxwell of Calderwood, knight, and James Lindsey of
Belstane, and their tenants, as follows: —The convocation of the lieges
in arms for violent and lawless purposes is very strictly forbidden by the
law, yet Sir William Bailzie of Lammingtoun, John Harper of
Watstoun, Robert Clyde there, Thomas Bryce there, Troyalus Aitoun in
Watschappell, John Cunninghame in Watstoun, William Bailzie there,
William Hammiltoun there, James Allane there, John Prentieis in
Hinschaw, Archibald Bailzie there, Robert Prenteis, elder, and Robert
Prenteis, younger, there, Thomas Paterson there, John Hairschaw there,
John Bailzie there, Alexander Mureheid in Bourig, Robert Frame there,
Archibald Haddo there, and Gilbert Morisoun in Hinschaw, with others,
to the number of six score persons, all armed with "bandit stalfes,
halberts, swords, knapskalls [head-pieces]" and other weapons, and at
the command of the said Sir William Bailzie, came on 8th June last,
under cloud and silence of night to the lands and mure called Inscham-
mure, where the complainers' cattle with the cattle of others taken in
grazing by them were, and gathering the whole herds together into one
place, they "shamefullie, cruellie and barbarouslie strake and hurt to
the death ane great number of the compleanners goods, crave thame in
peatpotts, and hounded the whole rest of the goods aff the mure, and
chaist thame so fiercelie that ane number of thame kuist their calffes,
avowing with manie oathes that, if the compleanners had beene their thameselfes, they sould have had thair lyffes." Parties being charged, and the Advocate compearing, also the said Laird of Calderwood for himself and the other pursuers, and likewise the whole of the defenders, the Lords, after hearing certain witnesses, find "that the saida Troyalus Aittoun and remanent defenders foresaid of the Laird of Lamington convocat thameselfes in arnes the day lybella and verie uncivilie and unordourlie drave the persewers goods aff the mure," and ordain them to pay £40 to his Majesty's Treasurer Depute, and Receivers of his Majesty's Rents for his Majesty's use, as a fine, and to satisfy the witness, but they assoilzie the defenders from that point of the complaint touching the hurting and wounding to death of the pursuers' oxen, as the witnesses failed to prove the same.

Complaint by Sir Thomas Hoip of Craigall, King's Advocate, Sir James Maxwell of Calderwod, knight, James Lindsey of Belstaine, and their tenants, as follows:—Though the convocation of the lieges in arns is strictly prohibited by law, yet Sir William Bailzie of Lamington, James Harper in Watstoun, Robert Clyde there, Thomas Bryce there, Troyalus Aittoun in Wattischappell, John Cuninghame in Watsioun, William Bailzie there, William Hamilton there, James Allane there, John Prentice in Hinschaw, Archibald Bailzie there, Robert Prentice elder and Robert Prentice younger there, Thomas Paterson there, John Hairschaw there, John Bailzie there, John Mureheid in Bourig, Robert Fram there, Archibald Haddo there, Gilbert Moresoun in Hinschaw, and others, to the number of six score persons armed with "bandit stalfis, halberts, swords, knapskalls" and other weapons, at the instigation of the said Sir William Bailzie, came on 26th June last, under cloud and silence of night to the lands and muir called Inschamur, where the complainers' cattle, and the cattle of others taken by them for grazing were pasturing, and gathering the whole cattle into one place "strake and hurt to the death" a great number of them, "drave them in peat pots and hounded the rest aff the mure and chiast thame so fiercelie that a number of thame kuist thair calves, avowing with manie oathes that if the compleanners had beene their thameselfes they sould have had thair lyffes." Charge having been given to the said Sir William Bailzie, Troyalus Aittoun, Robert Clyd, John Cuninghame, William Bailzie, William Hamilton, James Allane, John Prentice, Archibald Bailzie, Robert Prentice, elder, Robert Prentice, younger, Thomas Paterson, John Hairschaw, John Bailzie, Alexander Mureheid, Robert Frame, Archibald Haddo and Gilbert Morison, and the King's Advocate compearing, also the said Laird of Calderwod for himself and the other pursuers, and the whole defenders also compearing, and probation being referred to witnesses, the Lords find that "the said Troyalus Aittoun and remanent tennente foresaid of the Laird of Lamington convocat.
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thameselffes in armes the day lybbellit and verie uncivillie and unordourlie drave the perswevers goods off the nure," and fine them in £40 to be paid to his Majestie's Treasurer, Treasurer Depute, and Receivers of his Majestie's Rents, and to pay the expenses of the witnesses, but the Lords assosiiez them of the charge of "hurting and wounding to the death of the oxin."

"The quhilk day Thomas, Earle of Hadintoun, exhibite to the Archiebishop of St Androis a patent under his Majestie's grite seal daitit at Whythall the xix of Aprile last, quhairby his Majestie was pleasit to confer upon Sir Johnne Steuart of Tracquair the honour and dignitie of a lord of Parliament to be callit Lord Steuart of Tracquair."

"The quhilk day Coline, Earle of Seaft, exhibite to the said Archiebishop of St Androis a patent under the grite seal beareing dait at Whythall the 20 of Junij quhairby his Majestie was pleasit to confer upon Sir Donald M'Kye the title and dignitie of a baron and Lord of Parliament to be callit in tyme coming, Lord of Rae."

"The quhilk day a patent was produceit for erecting of Sarnway in the Ilis in a burgh royall, with a letter from his Majestie for expeiding of the same, the burrowis being first hard to propone their reasonis for limiting or staying of the said grant; whairupon, the burrowis being callit, a copie of the signatour according to their desyre wes delveryrit unto thame and the xv of this instant assignit unto thame for answering the same."

"The Lords nominatis and appointis the Bishops of Dunkeld and Dunblane, the Clerk of Register and Sir Johnne Scott, to convene the accounts mornie in the Exchequair House, at eght of the cloke in the morning, to peruse Colonell Sinclair his accomptis, and to reporte upon Thursday."

Sederunt.—St. Andrewes; Mar, Treasurer; Hadintoun; Wintoun; Holyrood House, 10th July 1628. Seaft; Lauderdale; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Master of Elphinestoun; Advocat; Clerk of Register.

"Forsameekle as in the course tane be the Lords of his Majestie's Privie Counsell anent the procuring of the subscriptioune of the teind buyers and teind sellers within the severall shirefordmes of this kyndome to the double of that writ and submissiou whilk was drawin up be our Advocats and alreadie subcevesde be ane number of the Lords of Erectiouns and others haveing intresse in the surrenders and teinds, thair wes no mentiou made of the shirefordme of Orkney, sua that the inhabittants of that shirefordme who hes intresse both to buy and sell thair teinds will be prejudged of the commodoun benefite whilk is intended by his Majestic unto thame. And whairas the drawing of thame to the
burgh of Edinburgh to attend the subcryving of the said submission, will be fashous and troublesome unto thame, his Majestie is thairfoir weil pleased for thair ease and releffe that the said submission sall be subcryved within the shirefdome whair they dwell in the presence of George, Bishop of Orkney, Mr. John Dick, one of the Shireff deputis of Orkney and Zetland, Edward Sinclair of Essinquehe, and William Sinclair of Tolquhop, commissioners nominat be the saids Lords to that effect; unto whilkis commissioners or anie of thame the saids Lords gives power and commission be thir presents to wairne and conveyne the whole teind buyers and teind sellers within the shirefdome of Orkney outher be thair misse letters or otherwayes, and to meete at suche dayes, tymes and plaiices as they sall appoint and thair to present the said submission unto thame, and to desire thame to subcryve the same, and that they make ane report of their proceedings heerin to his Majestie Counsell with ane cleere and perfyte roll of the persons names who ar teind buyers and who ar teind sellers, to the intent they may be known in thair severall ranks upoun the day of nixtocone. And ordains letters to be direct to make publicatioun heerof be opin proclamation at the mercat crose of Kirkwall and others plaices needfull wairthrow none pretend ignorance of the same, and to wairne all and sindrie the teind buyers and teind sellers within the said shirefdome to conveene and meete with the saids commissioners, or anie of thame at suche dayes, tymes and plaiices, as they sall appoint and thair subcryve the said submission, with intimation as efficis."

"Forsameekill as information being formerlie made to the Kings Majestie that diverse childrein both of noblemen and others his Majestie natural subjects of this kingdome wer send beyond sea into seminaires, colledges and others houses of Popish religiou whair they wer instructed and strenthened in Poprie and thairby become not onelie corrupted in religiou, but poysioned and infected in thair dewtie and allegence, his Majestie, takand that mater and the dangerous consequences depending thairon to his royall consideratioun, he was gratiosiously pleased out of his religious and pious disposition towards the advancement of the trew religiou and suppressing of the contrarie to give ordour and direction by proclamation for recalling of all the said childrein of noblemen and others to thair native countrie betuix and a certane day now of long time bygane, looking that thair recalling and returne sould have beene a terrour to others Popishlie affected to have made thair addresse hither. Bot his Majestie is now informed that the resort and repairie of Jesuits and Seminaries preests to this kingdome is now more common and frequent nor at anie tymye proceeding, and that they not onelie haunt and frequents in all pairs of the countrie whair they presosome of favour or freindship, bot by reasoning and dispersing of bookes does what in thame lyes to corrupt his Majestie good subjects both in thair religiou and allegence;
whairthrow the growth of Poprie and number of Papists daylie increaseth to his Majesteis high offence and disgrace of his governement. And his Majestie being cairfull to contribute by all laughfull and faire meanes to the maintenance and propagion of the trew religioun and to obviate all contrarie courses that in anie way may derogat from the same, Thairfoir his Majestie with advice of the Lords of Secreit Counsell ordanis letters to be direct to command and charge the moderatours and brethrein of the severall presbyteres within this kingdome that they and everie ane of thame within their several parishes informe thamselfe what persouns within thair parishes they know to be Popishlie affected and that the saids presbyteres direct and send one of thair brethrein as commissioners for thame to his Majesteis Counsell twise everie yeere; to witt, upoun the last Counsell day of Junij and the last Counsell day of November yeerelie and thair to declair upoun thair oath whome they assuredlie know within everie parish to be Popishlie affected, and that they give in thair reasones and evidences for instructing of the same to the end all faire meanes may be used to induce thame to repaire to the Church and to heare the grounds of trew religioun from suche persouns as sall be appointed by his Majesteis Counsell with advice of the two Archbishops to that effect; certifieg the moderatours and brethrein of the saids presbyteres if they sall be found remisse and negligent heerin that not onelie sall they incurre his Majesteis high displeasure for thair neglect and dissubedience, bot sall be otherwayes punished as thair said contempt and neglect requires. Followes his Majesteis missive for warrand of the Act abowen-written:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we grette yow well. Being willing (according to our pleasure latelie signified for the religious educationun of noblemen sonsnes in that our kingdome) not onelie to contribute by all laughfull and faire meanes to the maintenance and propagion of the trew religioun presentlie professsed bot also to obviate all contrarie courses that in anie way may derogate from the same, and to this effect we have thought fitt to make it known to all our subjects that it is our pleasure that all our shireffs, stewarts, bailliffes of regalitieis, justices of peace, proveists and bailliffes within burgh, sould compaire before yow by thamselfes and thair commissioners authorized by them (being preachers knowne to be religious and sufficient men) twise everie yeere and thair to declare upoun thair oathes what persouns within thair severall jurisdictiouns they assuredlie know to be Popishlie affected, to the end all faire meanes may be used to induce thame to repaire to Church and to heare the grounds of trew religioun from suche persouns as sall be appointed by yow for that effect with advice of the two Archbishops. Bot we have resolved first to acquaint yow heerewith before we sould give absolute ordour to putt
it in execution. And therefoir if you doe not know of a more faire and speedie way to effect our desire for maintenance and advancement of the said religion, we require you to make use of this course, requiring you also to call unto you the two Archbishops or anie one of thame to be present with you at your meeting for this purpose. So, not doubting but that you will proceed in this with all care and diligence as in a purpose of so great consequence, and with all that you will cause our former pleasure concerning the education of noblemens sonnes be put in execution (if it be not done alreadie) we bid you farewell. Frome our Court at Whitehall, the 28 of Marche 1628.”

“Anent the supplication presented to the Lords of Secreit Counsell be the proveist and bailleis of Aberdein, Doctour William Forbes, Doctour Robert Baroun, Mr. James Rosse and Mr. James Sibbald, ministers, makand mentioni that whair the gourth of Poprie and the insolenceis of profest and avowed papists within the diocie of Aberdein and speciallie within the burgh of Aberdein daylie increaseth, whois presumpsioun and pryde is come to that hight that they not onelie avow their profession but most audaciouslie and contemptuoslie to the offence of God and disgraice of his Majestie’s government they have thair ordinarie conventicles and meetings within the burgh of Aberdein, especiallie upon the Sundayes in tyme of Divine service, being accompanied with preests and Jesuits whair they have the exercise of thair false reliugion, and they ar become so hold that in all thair publict meetings they vaunt of thair nombers, credite, freindship and moyen that they have of these about his Majestie, and they ar not afraid of anie course that the saids Lords or the Kirk can take againis thame, disclaiming and contenmming the processes of excommunication and horning, professing publictlie that this is thair greatest honnour, and that they ar never at ease till these processes be led againis thame; quhairby they not onelie give ane publict scandall to the Kirk and contenms the ordours and discipline thairof bot they bissie thame selfis by all the meanes they can to infect and corrupt others with thair erroneous opinionus; and, if thair contempt and insolenceis be not in tyme prevented and supprest, the cure will shortlie become desperat and remedlesse: Humblie desyring thairfore the saids Lords to grant warrand and commissioun in maner and to the effect underwrittin, lykewise at mair lenth is contenat in the said supplication. Qhillk being read, heard, scene and considderit be the saids Lords and they finding the desire thairof to be reasonable, the Lords of Secreit Counsell hes thairfoir givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to Patrik, Bishop of Aberdein, and to the proveist, bailleis and ministers of Aberdein within thair awin bounds and bounds of the auld towne of Aberdein, conjunctlie and severallie, to try and informe thame selfis whair, when and be whome thir unlaughfull conventicles and meetings ar keeped and holdin within the burgh of
Aberdeen and auld toun thairof, and accordinglie to searche, secke, take and apprehend all suche persons who keepes the saids unlaffunfull conventicles and meetings, and the owners and maisters of the houses whair they ar keeped, and to committ thame to waird within the tolbuith of Aberdeen and to detane thame thairin upoun thair awin expenses ay and whil the saids Lords give ordour and directioun concerning thame as apperteanes; with power to the saids commissioners for this effect to convocat the inhabitants of the said burgh and auld toun in armes, to make opin doores and use his Majestie's keyes, whairenant thir presents sal be unto thame ane warrand, commandand and charging all his Majestie's lieges and subjects to concurre and assist the saids commissioners in the executioun of this commissioun as they an everie ane of thame will answere upoun the contrarie at thair perrell."

[Sederunt as recorded above.]

Complaint by John Thomsoun in Abirledie, and George and Thomas Johnestoun there, as follows:—They were warded by their Lordships in the tolbooth of Edinburgh for wounding Alexander Wilson in Fortoun, until they should agree with him, and they have now been six weeks in the said ward upon "verie small interteanement and have lyin in their clothes upoun the cold stones of the floore of the said wairdhouse the whole spacie forsaid," during which they have used all possible diligence for satisfying the said Alexander by the mediation of Andrew Hepburne and John Cockeburne, burgeses of Hadintoun, Patrick Christiesoun in Abirledie, and others, but he altogether refuses "to take anie satisfactioun and will not heare honnest men to deale for" them. Charge having been given to the said Alexander Wilson, and he comparring and the complainers also compearing with William Mortimer, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to put the said John Thomsoun to liberty, he first paying the defender 100 merks as a fine for his wounding him; but they relieve him of the King's part of the fine imposed upon him in respect of his known poverty.

Complaint by Sir David Lindsay of Balcarras, knight, as follows:—

Having certain lands in the parish of Carnebie, for the convenience of himself and his household in hearing of the Word at their parish church there, he some years ago bought from David Hunter, eldest son and heir to the deceased Patrick Hunter of Little Carnebie, a little aisle and burial place in the said church, where he "caused erect and sett up upon his great charges ane faire desk and seate both for ane ornament to the kirk and ease of his household, as said is," and he has since peaceably used the same until on 10th May last, "being the day of preparation before the Communioun, whilk wes to be celebrat upoun the Sabbath immediatlie thairafter, Thomas Melvill, soune to unquhill Sir Melvill, sometyme of Carnebie, knight, ane insolent young
man, laitlie returned frome West Flanders, whair he hes spent his tyime in the service of the King of Spaine, his Majestieis declared enemie, accompanied with James Moreis, his servant, Robert Reid, wright in St. Andrewes, and Robert Reid, his sonne, come earlie in the morning to the said kirk, and without anie respect unto the plaice or tyime, being appointed for so solemn a pairt of Gods worship, as said is, they entered within the kirk, violentlie and forciblie brake up the doores of the compleaners yle foresaid, haggad and hewed his desk and seate with axes and uthers instruments, cutted the same in pceeces, and thairafter kuiist it out to the kirk yaird. Parties being cited and the pursuer compairing, but of the defenders only Robert Rid, elder and younger, being present, the Lords, after examination of witnesses, find it proved that the said Thomas Melvill broke up the door of the aisle, broke the desk therein and cast it out at the kirk door, and ordain him to be charged at the dwelling house of George Scot in Over Carnebie, and by proclamation at the head burgh of the shire where he dwells, to enter in ward in the tolbooth of Edinburgh within six days on pain of horning. And Robert Rid, elder, having confessed that he took down the said desk without acquainting the minister of the parish therewith, the Lords ordain him “to repaire to the kirk of Carnebie upon the next Sunday and thair in presence of the whole congregatioun after the sermoun to acknowledge his offence done to the kirk and the said Laird of Balcarrasse, and to crave the Laird of Balcarrasse and the minister pardoun for the same.” They assoizie Robert Rid, younger, as the witnesses failed to prove anything against him.

Complaint by Alesoun Dempstar, wife of James Lecock, flesher in Leith, as follows:—The bailies and ministers of Leith have put her in ward in the tolbooth there, where she has now been for five days, on “the naiked and groundlesse” accusation of Marion Mitchell, who, having been apprehended for witchcraft and “maligning the said supplicant in her heart becaus that one day in her passioun she called her a witche,” has in revenge untruthfully accused the complainer of being “present with her and the rest of her consorts at sindrie meetings with the devill.” The complainer has never had familiarity or dealing with her accuser, but has lived irreproachably with her neighbours “without the least tashe or suspitioon of anie suche abominable wickednesse.” Seeing that the trial of the said Marion is postponed by the baron bailie until he consult the Earl of Roibburgh, who is presently at Court, and that the complainer is willing to find caution in the Books of Adjournal or of Secret Council to underly her trial, she craves her release. Charge having been given to Archibald Tod, one of the bailies of Leith, in name of all, and to Mr. John Cranston, minister at Leith, to compair and produce the complainer, and all compairing, the Lords ordain the said bailie and minister to put the complainer to liberty on her finding caution acted in the Books of Adjournal, in 300 merks, to appear for trial when so charged.
"After our verie heartlie commendationus. Yow remember that at ane meeting of the nobilitie, Counsell, and some commissioners for the barons and burrowes in the moneth of Apryle 1626, it was thought expedient and ordained that the justices of peace within the several shirrefdome of this kingdome sould send in to the clerk of Counsell yeerelie afoir the 20 day of August ane trewe report in writt under their hand quhat has beene the ordinarie prycie of wooll, oxin, cattell and sheepe of all sorts at the particular mercats within the bounds of their office fra the beginning of May to the day of their meeting at their quarter sessioni upon the first Tuesday of August yeerelie to the intent that accordingly ordour may be tane for publishing the rules of restraint or transport of these commoditeis; and quhairas it is verie expedient that this course so resolvedlie agreed upon at suche ane famous meeting saill be preciselie observed yeerelie, that for these ar to requiest and desyre yow to informe your selfe sufficientlie and tymouslie concerning the premissis and send in your report thairerent in writt under your hand to the said clerk of Counsell betuix and the said 20 day of August nixt. Quhilk looking assuredlie yow will doe, we committ yow to God. Frome Halyruidhous the tent day of July 1628. 

"A missive from his Majestie in favouris of the Ilanderis designing the placeis in the Ilis quhairat justice courtis ar to be haldin, ordaning that none salbe persewit in these courtis for orny crymes preceeding the dait of the letter."

"The Lordis ordanis Sir Donald Gorme in name of the Ilanderis to gif in uponn Twisday nixt his ressonis for instructing that the courtis of justiciariis within the Ilis wer onlie acquistmat to be haldin at the placeis designit in his Majestis letter, and quhat thay can propone or allegde for liberating thame frome the danger of the law for crymes committit befor the dait of the said letter; and that the Lord of Lorne, Justiciar in the Ilis, gif in his ressonis in the contrair the day foresaid."

"Ane other letter from his Majestie in favouris of the Ilismen, a copie wherof ordanit to be deliverit to the Lordis of Sessioun and suche of the Counsell as saill require the same to be advisit thairwith till Twisday nixt."

"The quhilk day Sir Donald Gorme; Lauchlane M'Cline, sone to Hector M'Cline of Dowart, for himself and his brother Hector; and Johnne M'Cleude of Hereis, compriet personallie; the rest of the Iilmen absent; Coill exuisit be a testimoniall. Decernis aganis the absentee and continewis the outgiving of the decreit till Twisday next, and ordanis the personis present to attend that day."

"The Lords ordanis Lauchlane M'Clyayne for his brother and Mr. Martine M'Ilae to tak ordour for satisfaccion of the marchants of the merchants of Glasgow for the goodis reft fra thume be the Claneane betuix and Twisday nixt."
The quhilk day Sir George Hamilton of Blackburne compeirand personallie befor the Lordis, he judicallie renunciet his libertie and privilee of burgesship in Dysart, upoun whilk renunciationoun David Crystiesoun, baillie of Dysart, tooke instrumentis and protestit that the said Sir George might be declarit to haif lost his right of a burge and libertie to trade be vertew thairof: and that it might be lesome to the burrowis to persew him according to the law yf he sall use ony trade in tymne comeing, and thairupoun askit instrumentis." [On the margin against the above Act—"This Act deleit with consent of pairtyis. (Signed) J. Prymrois."]

Signature for a commission as follows:—The King "considering the necessitie of the present establishing of a Justice Generall within the kingdome of Scotland now after the resignaition of the heretabill title thereof by Archibald, [Lord] of Lorne, for himselfe and taking the burdein upoun him for Archibald, Erle of Argyle, his father; and well knowing the abiliteis of his right trustie and weibelovit cousine and counsellour William, Erle of Menteith, and his affectiou to his Majesties service, and the good of the said kingdome muche depending upoun the sattling of that criminall judicatorie belonging to the said office of Justice Generall for punishing of criminall offenders and others breakers of his Majesties lawes and statuts punishable by the said office and jurisdiccion thairof," ordains a letter to be passed under the great seal of Scotland constituting the said William, Earl of Menteith, Justice General of Scotland for one year from the date hereof, with all dignities, privileges, duties, and casualties thereto belonging, and with as ample powers as were possessed by Archibald, Lord of Lorne, or Archibald, Earl of Argyle, or any other Justice General, either by himself or by the Justice Clerk or some of his deputis to hold courts, &c., but without prejudice to his Majesty and his successors in the appointing of commissioners for keeping justice ayres and circuit courts conform to the Act of Parliament of 1587 or other statutes of the realm, and also without prejudice to the offices of Justice Clerk and Justice Depute already established; with special provision also that on the expiry of the said year this commission shall be as utterly void as if it never had been made. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Perth, Areskine, and Sir Thomas Hoip.

"CHARLES R., Right trustie and right weibelovit cousine and counsellour, right trustie and weibelovit cousines and counsellours, and right trustie and weibelovit counsellours, we greete yow weill. Whereas we have beeene humble moved in name of Mr. Andro Aitoun, advovat, that we might be pleased to confirme unto him the lands of Myrecaurne, which (as we ar informed) wer changed by our lait deere father from a wiard to a blenshe holding, in considerationoun that his predecessour in these lands did accept of that change (proceeding from our said lait father his owin royall offer and bontie) as a part of his wifes portion.
who come in with our lait royall mother and served her as a gentle-
woman of her bedchamber, though we ar altogether unwilling to
bearekn unto anie motioun aganis the course intende by us for causing
reduce in a legall maner suche lait tenures as ar prejudiciall to our
crowne in that kingdome, yitt the caus upoun which this demand is
grounded hes suche respect with us that we have thought it worthie of
your consideratious and report unto us how farre we might legallie
proceed therein for the parteis satisfactioun without our prejudicce; there-
fore our pleasure is that youw call for the evidences of these lands and
having considered the same if youw find that the confirmation will
neither of itselfe prejudge us in our right nor by the consequence the
said intendit course we will youw to acquaint us thairwith to the effect
we may give ordour for expeding thereof, otherwise that youw condescend
upon suche another course for giving the said Mr. Andro satisfactioun
as may best agree with equitie and our royall intentioun; which we
serioslie recommend unto youw and bid youw fareweell. Frome our
Court at Whitehall, the ellevint day of July 1629. To our right trustie
and welbelovit cousins and counsellours the Viscount of Dupline our
Chancellour, and the Erle of Mar, our Thresaurar, and to the remanent
noblemen and others the commissionners for our Exchequer in our king-
dome of Scotland.”

Signature for a commission, as follows:—The King “considering that
religioun and justice ar the two cheefe pillars of all kingdoms and
governments, and his Majestie havinge a full resolution to establishe
within his ancient kingdome of Scotland the seate of justice in that
vigour and auctoritie that all his subjects may live under the protection
of his peaceable governement; and his Majestie havinge alreadie given
ordour for establishing of the Sessioum, Secrete Counsell, and Court of
Justiciarie within the said kingdome, and knowinge perfytelie that all his
Majesteis labouris, paines and travells for establishing and reformation
of Justice seates sall be unprofitable, except the lawes, statuts and
customes, by the which the said Justice seates must be ruled, be cleere,
certane and evident; and his Majestie understandinge that a great part of
the statuts and Acts of Parliament of the said kingdome ar not printed,
and that of these which ar printed there ar manie needlesse and super-
fuous as beinge past in disuette and out of use, and that others ar in
hail or in part abrogat and posterior lawes and acts made in plaice of
the same, and siclyke that the customes and consuetude of the said
kingdome ar in manie things so obscure and uncertane that the same hea
need to be explained and cleered, and to be confirmed and inacted by his
Majestie in forme of law and statute, Therefore his Majestie out of his
princellie zeale and affection to justice and trew and fatherlie love to his
people” ordains a letter to be made under the great seal granting com-
mission to George, Viscount of Dupline, Lord Chancellor; John, Archbishop
of St. Andrewes; John, Earl of Mar, Lord High Treasurer; William, Earl of Monteith, President of the Privy Council; Thomas, Earl of Had-entoun, Lord Privy Seal; Alexander, Earl of Linlithgow, Lord Admiral; Archibald, Lord Napier, Vice Treasurer; Adam, Bishop of Dunblane; Patrick, Bishop of Rosse; Sir James Skeene of Curriehill, knight, President of the Sessioun; Sir Andrew Ker of Phairnhibert, knight; Sir Alexander Gibsoun of Durie, knight; Sir Thomas Hendersonoun of Chesteres, knight; Sir Andrew Fleshour of Innerpeffer, knight; Sir William Alexander of Menstrie, knight, principal Secretary; Sir Archibald Achesoun of Clancarnie, knight, Secretary; Sir George Elphinstoun of Blythiswood, knight, Justice Clerk; Sir John Hamilton of Magdalens, knight, Clerk of Register; Sir Thomas Hoip of Craighall, knight, his Majesty's Advocate; Sir John Scot of Scottistavvet, knight, Director of Chancery; Sir William Scot of Elie, knight, one of the Clerks of Session; Mr. Robert Learmonth, Mr. James Oliphant of Newtown, Mr. Andrew Aitoun of Loge, Mr. Thomas Nicolsoun and Mr. Ludovick Stewart, advocates; John McNaught, Dean of Guild of Edinburgh; John Byres, merchant burgess there; and Mr. John Hay, town clerk there, or to any five of them with the Chancellor, President of the Council, Lord Privy Seal, and President of the Session, or any one of them to meet when and where it may be convenient and “to reade, recognosce and consider the saids whole lawes, statutes and Acts of Parliament of the said kingdome als weil printed as unprinted, togidder with the customes and consuetudes of the said kingdome whiche ar and have beene observed as lawes within the same ather in the civill or criminall judicatureis and whiche have beene resaved in practise by decreits of the Lords of Sessioun or Justice Generall, and to that effect to caus be exhibite before them be his Majesteis Clerk of Register and Justice Clerk and their deputa the hail registers and rolls conteanthe the lawes and Acts of Parliament of the said kingdome als well unprinted as printed with the registers of decreits and interloquitours of the saids Lords of Sessioun and Justice Generall, togidder with the booke intituled Regiam Majes-tatem whiche conteaneth a record of the ancient lawes and customes observed within the said kingdome, and after dew consideratioun thairof to sett doune thair advice, opinioun and judgment, under thair hands anent the printing of suche lawes and statuts as ar not yitt printed and anent the omissioun of suche acts and statuts as ar become in desuetude and out of use; and siclyke to collect and sett doune the hail customes and generall consuetudes inviolable observed in the said kingdome als weil in the civill as criminall judicatoreis to the effect the same may be authorized and confirmed be forme of law and statute without prejudice alwise of the lawes, acts, statuts and practickes, decreits and inter-
loquotours conceaved in favours of the Crowne, and that they report thair overtures and judgement to his Sacred Majestie heerenaunt betuix and the last day of December the yeere of God 1628 yeeres, or with convenient
"Forsameekle as the Kings Majestie hes resolved to honour this his native and ancient kingdome with his royall presence and to repaire here shortly for ressafeing of his crowne and keeping of a Parliament in persoun for the good of all his subjects and for this effect this Majestie hes appointed his soverane and high court of Parliament to be holdein at the burgh of Edinburgh and to beginne God willing upoun the fyfteine day of September nixtowe with continewation of dayes, Thairfoir ordainis letters to be direct to herdals, pursveants, maissers and officiers of armes, chairinge thame to pas to the mercat croce of Edinburgh and others plaicis needfull and thair be opin proclamation to make publicaccion of the appointing of the said Parliament, and to wairne all and syndrie prelates, noblemen, commisioners for the small barons and Burrowes and all others haveing vote, presence and attendance at the said Parliament, that they compeir and await thairon and doe and performe that quhilk to thair dewtie and places apperteaneis, with intimation as affeirs. Followes his Majestis missive for warrand of the Act abonewrittin:—CHARLES R., Right trustie and weillbelovit cousine and counsellour, right trustie and weillbelovit cousines and counsellours, and trustie and weillbelovit counsellours, we greete yow well. Whairas we have resolved to repaire verie shortlie (God willing) unto that our ancient and native kingdome for receaweing our crowne and keeping a Parliament in persoun for the gocd of all our subjects there, our pleasure thairfoir is that yow caus by proclamation and otherways as accordis summon and wairne a Parliament to be held thair in Edinborow upoun the fyfteine day of September nixt ensewing, and in the meane tyne that yow give speedie ouldour for repairing and furnishing of our houses, spairing of our game, mending of high wayes and for preparing of all other things that yow conceave to be necessarie for our coronatioun and Parliament, and the good of these purposes which ar fitt to be done by us there. So recommending these things unto your serious and speedie directiouns and care as yow may doe unto us verie acceptable service whairfo we will never be unmyndful, we bidde yow heartilie farewell. Givin at our Court at Whitchalle the fyfte day of Julij, 1628." ¹

¹ In point of fact Charles did not come to Scotland, and the Parliament did not meet, till June 1633.
Act upon a Mission from his Majesty desiring that the tithes which have been led, or in use to be led, during the preceding three years shall, in the case of the crop of 1628, be sequestered in the hands of indifferent persons.

"Forsameekle as the Kings Majestie being resolved to proceed in the matters referred to his Majestie by the generall submissions concerning the few maillles and few fermes of erectionouns, tithes of other mens lands, rate and ease of the same and pryce thairof, and others mentiooned in the saids submissions with that equitie, justice and indifferencie to particular persoune and that care and respect to the publict good and ease of the subjects as might manifest his Majesteis fatherlie care and royall affection to sattle and establishe the peace and tranquillitie of this his Majesteis ancient kingdome, with commoun and publict applause and congratulation of all his good subjects, his Majestie was pleased to call unto him ane number of his nobilitie, Privie Counsell and others, able, expert and well affected, to give their advice to his Majestie in a mater of so great importance; with whome his Majestie haweinge at lenth conferred and ressavrd thair advice and opinionis both privatlie and publictly, his Majestie finds this mater to be of so great weight and consequence and to concern so neerlie the privat estait of the most part of his subjects in particular, and the publict good of this his ancient kingdome in generall that it deserves and merites his Majesteis serious consideraition and more leasure and tyme then his other present affairs will permitt. And thairfor his Majestie has resolved to prorogat, lykeas his Majestie lies prorogat the saids submissions and everie ane of thame untill the last day of December 1629 yeeres, and intends in the meane tyme, as God soll give him the occasiouen, to give out his royall determination in the saids whole matters referred to his Majestie by the saids submissions. Bot because his Majestie hes so oft by his generall proclamationis intimatd his royall pleasure and resolution to free his subjects of that rigour and extremeitie used in drawing of teindis whairwith manie of the gentrie and uthers wer generallie greeved, and that his Majestie thinkes himselfe bound in honoure not to differre or frustrat the expectation of his distressed subjects till the tyme of the giving furth of his determination upoun the rate and pryce of tythes this yeere 1628, which may be a beginning and commencement of that great and generall worke of the universall ease of his Majesteis subjects in leading of tithes which his Majestie is resolved fullie to establishe in all pairts of this his ancient kingdome, and his Majestie haweinge in this point heard all these of the nobilitie and Counsell who ar thair with his Majestie with the reasons of both pairtieis haweinge interesse, and thairwith haweinge taikes thair advice anent the course to be observed in the lifting of the general annuitie furth of the tithes of this yeere 1628, and in tyme coming, it wes and is resolved as the fittest and most expedient course for introdiction of the generall orduor intended for the good of the heretours in leading of thair awn tithes that the tithes which have beene led or in use to be led within thir three yeeres bygaine sall be sequestrat this crop, 1628, in the hands of some indifferent
persouns upon the desire and petitioun to be made to the Lords of his Majestie's Privie Counsell by pairteis haveing interesse, as well heretours as titulars and their assigneys to be furthercummand to the pairteis haveing right according to his Majestie determinatious to be givin upon the generall submission deduceing alaways aff the first end thairof his Majestie annuitie, which by consent of all pairteis and of suche of the nobilitie and Privie Counsell as ar their present with his Majestie is ordained to have beginning in this present crop, 1628. For his Majestie principall end in the sequestration is that the valutations and his Majestie annuitie may be the more cleerelie knowne and that the heretours may have the ease of trew and tymous teinding, and that if his Majestie sall happin to determine in the quota or rate, ease and pryce of tithes, before the first day of Januarie 1629, and if the heretours or their assigneys sall accordinglie pay or performe before the said first day of Januarie 1629 what his Majestie sall so determine, than the heretours to injoy the said sequestrat tithes of this crop 1628, otherways his Majestie declares that the titulars sall injoy thair tithes untill it sall happin his Majestie to determine in the said quota, ease and pryce of tithes referred to his Majestie royall judgement and arbitrement, and untill suche tyme as the said titulars sall happin to ressave performance of what his Majestie sall so determine. Thairfoir, the Lords of Secreit Counsell, according to his Majestie speciall will and pleasure signifiied unto thame in this mater, ordanis letters to be direct to make publicatioun of the premissee be opin proclamatioun at the mercat cruce of Edinburgh and others places needfull to the effect everie persoun greeved and haveing interesse to crave sequestration of tithes may petitioun the same in dew tyme before the saids Lords, to whome his Majestie gives speciall power, warrand and command to proceid in the said sequestration, als well in the nominatioun of the sequestrators as in the forme and whole particular circumstances concerning the same as the saids Lords sall thinke fitt and expedient for the good of his Majestie service and publict weale of his subjects without prejudice alaways of his Majestie commision for tithes and acts thairof. Followes his Majestie missive for warrand of the Act abonewrittin:—Charles R.
Right trustie and weibelovit cousine and counsellour, right trustie and weibelovit cousins and counsellours, and trustie and weibelovit counsellours, we greeete yow weill. Whairas we being resolved to proceed in the matters referred to us be the generall submissiouns concerning the few fermes and few maillies of erectious, tithes of other mens lands, rate and ease of the samine and price thairof and others mentioned in the saids submissiouns, with that equitie, justice and indifferencie to particular persons and that care and respect to the publict good and ease of the subjects as might manifest our royall care and fatherlie affectiouns to settle and establishe the peace and tranquillitie.
of that our ancient kindom with commoun and publick applause and congratulation of all our good subjects we were pleased to call to us ane number of our nobilitie, Privie Counsell and others, able, expert and well affected, to give their advice to us in a mater of so great importance, with whom we haveing at lenth conferred and receaved their advice and opinion both privatlie and publicklye we find the mater to be of so great weight and consequence and to concerne so neerelie the privat estate of the most part of our subjects in particular and the publick good of that our ancient kindom in generall that it deserves and merites our serious consideratioun and more pleasure and tyme then our other effaires will permitt us. And thairfor we have resolved to prorogat, lykeas we have prorogat the saide submissioun and everie one of thame, unto the last day of December 1629, and intends in the meane tyme as God sall give us occasioun to give out our royll determinatioun in the saide whole maters referred to us by the saide submissioun. But becaus we have so ofte by our generall proclamatioun intimat our royll pleasure and resolutioun to free our subjects of that rigour and extremitie used in drawing of tithes whairwith our gentrie and others were generallie greewed, and that we thinke us bound in honnour not to differre or frustrat the expectation of our distressed subjects till the tyme of the giving furth of our determinatioun uppon the rate and prycle of tithes, but to prevent the same in this point, and to take some course anent leading of tithes this yeere 1628 which may be a beginning and commencement of that great and generall worke of the universall ease of our subjects in leading of tithes which we ar resolved fullie to establishe in all the paires of that our ancient kindom; and we haveing in this point heard all these of the nobilitie and Counsell who ar heere, with the reasons of both pairteis having intereste, and thairwith haveing tajkin their advice anent the course to be observed in the lifting of the generall annuitie furth of the tithes of this yeere 1628 and in tyme comming, it was and is resolved as the fittest and most expedient course for introduction of the generall ordour intended for the good of the heretours in leiding of thair awin tithes that the tithes which have beene led or in use to be led within thir three yeeres bygane shall be sequestred this crop 1628 in the hands of some indifferent persons upon the desire and petitioun to be made to the Lords of our Privie Counsell be pairteis having intereste als weill heretours as titulares and thair assignes to be furt cumming to the pairteis having right according to our determinatioun to be givin uppon the generall submissioun, deduceand always aff the first end thairof our annuitie, which by consent of all pairteis and of suche of our nobilitie and Privie Counsell as ar here present with us is ordained to have beginning in this present crop, 1628. For our principall end in the sequestratioun is that the valuartioun and our annuitie may be the more cleerelie knowne, and that the heretours may
have the ease of true and tymous teinding, and that if we sall happen to
determine in the quota or rate, ease and pryce of tithes, before the first
day of Januarie 1629, and if the heretours or thair assignes sall
accordingly pay or performe before the said first day of Januarie 1629
what we sall so determine, than the heretours sall injoy the saids
sequestred tithes of this crop, 1628; otherways we declare that the
titulars sall injoy thair tithes untill it sall happen us to determine in the
said quota, ease and pryce of tithes referred to our royall judgement and
arbitrement and untill suche tyme as the saids titulars sall happen to
receave performance of what we sall happen to determine. And thair-
foir it is our speciall will and pleasure that yow caus publication
be made of the premisses at the mercat croce of Edinburgh and
others plaices needfull, to the effect everie persoun greeved and haveing
interesse to crave sequestration of tithes may petitioun the same in
dew tyme before yow, to whome we give speciall power, warrand and
command to proceed in the saids sequestrations als weill in the
nominatioun of the sequestrators as in the forme and whole particular
circumstancies concerning the same as yow sall thinke fitt and expedient
for the good of our service and publicit weale of our subjects without the
prejudice alwayes of our commissioun for tithes and acts thairof.
Which we recommend unto your care and bid yow farewell. Frome
our Court at Whitehall the last day of June 1628."

"Forsamekeill as the generall submissiouns subcryved be the most and
greatest nomber of his Majesteis subjects hes beene delveryed to his
Majestie togidder with ane list and roll of the names of those who ather
by absence, infirmite, or some other excuse, have not as yitt subcryved
the same, and seing the course which his Majestie intends to take is
generall and universall and concerneth the publicit good of the kingdome,
and that it is fitting that these who have not as yitt subcryved the said
submissioun be waarmed to compeir before the Lords of his Majestie's
Privie Counsell for subcryving of the same, Thairfoir the saids Lords
ordanis letters to be direct to command and charge all and sindrie
persouns, sellers and buyers of tithes within this kingdome, who hes not
as yitt subcryved the said generall submissioun, be opin proclamatioun
at the mercat croces of the heid burrowes of this kingdome and uthers
plaices needfull, to compeir before the saids Lords at Halryuidhous or
whair it sall happen thame to be for the tyme upoun anie Counsell day
betuix and the tent day of September nixt, and thair in presence of the
saids Lords either to subcryve the said generall submissioun, or ellis to
condiscend upoun some reasonable caus of thair refuisall, to the intent
that, his Majestie being acquainted thairwith, his Majestie may
thairafter take suche ordour thairennent as appereteannes for proceeding
againis thame be the dew course of law. Followes his Majesteis missive
for warrand of the Act abonewritten:—CHARLES R., Right trustie and
weilbelovit cousin and counsellour, right trustie and weilbelovit cousins
and counsellours, and trustie and weilbelovit counsellours, we greete yow welll. Whairas our right trustie and weilbelovit cousine and counsellour, the Erle of Monteith, at his repairing to our presence, delyvered unto us the generall submissiouns subscryved by the most and greatest number of our subjects, and thairwith ane roll and list of the names of these who ather by absence, infirmitie or some other excuse, have not as yitt subscryved the same; and seing the course which we intend to take is generall and universall and concerneth the publict good of the kingdome we thinke it fitt that these who have not yitt subscribed be warmed to compeir before yow at suche dyets as yow please appoint that of new they may be required to subscryve the said generall submisioun or ellis condescend upoun some reasounable cais of thair refuisall, which we desire yow to acquaint us with that thairafter we may take such ordour theirament as appertayennes for proceeding aganis thame by the dew course of our lawes. Which purpose we seriosulie recommend unto yow care and bid yow fareweill. Frome our Court at Whitehall the last day of June 1628."

"Forsameckill as the Kings Majestye intends, God willing, to honnor this his ancient and native kingdome with his royall presence verie shortlie for resaving his crowne, calling of a Parliament, and settling of his Majesteis affaires of highest moment for the good of his Majesteis subjects; and whairas his Majesteis repaire hither will necessarlie draw with him some numbers of the nobilitie and gentrie of England for whois recreation and pastyme necessar it is that his Majesteis gayme be preserved and carefullie hayned, whairthrow the same may be the more abundant for the use and intertaneament of his Majesteis Court and credite of the countrie, Thairfor ordenis letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects be opin proclamioun at the mercat croches of the heid burrowes of this kingdome and uthers places needfull, to observe and keepe the Acts of Parliament and Secret Counsell made aganis the slaying of deir, rae, haire, and wyld foule in anie pairt of this kingdome under the paines conteanit in the saids Acts; and of new to command, charge and inhibite all his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, to hunt, shoote, or slay anie deir or rae in anie of his Majesteis forrests or parkes or in anie other pairt of the kingdome, or to hunt haire ather with ratches or gwed hounds within aucit myles of his Majesteis palaces of Halyruidhous, Linlithgow, Stirlin, Dunfermline, Fulkland or burrowes of Perth and Brechin, certifeing thame and everie aine of thame that sall doe in the contrair that they sall be punished in thair persouns and goods with all rigour conforme to the Acts and proclamiouns formerlie made thairament, and forder as his Majestie sall find the qualitie of their contempt and disobedience to merite. And siclyke to command and charge all and sindrie stewarts, justices of the peace and uthers, bearing anie charge or commandement..."
under his Majestie everie ane within their awin limits, office and
jurisdiction, that they have a speciall care and regard to see this
proclamation be preciselie observed and keeped within their bounds.
And if anie person or persons sall presomne to violat the same that they
notifie their names to his Majesteis Counsell, to the intent ordour and
direcion may be givin for their punishment as accordis, as the saids
shireffs, stewarts, justices of peace and others will answere upon the
dewtfull discharge of their offices."

"The whilk day Sir Thomas Hoip of Craighall, knight baronet, Advo
cat to our Soverane Lord, produced and exhibite to the Lords of
Secret Counsell the missive letter underwrittin signed be the Kings
Majestie and directed to the saids Lords tuicheing the halding of Justice
Courts in everie quarter of this kingdom, and desired the said letter to
be insert and registrat in the Booke of Privie Counsell; whilk letter
being read, heard and considerit be the saids Lords, and they finding the
desyre of his Majesteis Advocat to be reasonablie, Thatfor the saids
Lords ordanis the said letter to be insert and registrat in the Booke of
Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right
trustie and weibelovit cousine and counsellour, and trustie and weib-
elovit cousins and counsellours, and trustie and weibelovit counsell-
ours, we greete yow weill. Whairas we have beene pleased to revive
the discontinued ancient laudable custome of justice airs and for that
effect have directed particular commissionis of justiciarie to some of our
judges, who as representing our person in their severall circuits ar to
administer justice in everie quarter of that our ancient kingdom to all
our lieses within the shyres whair they dwell, according to the tennour
of their saids severall commissionis and lawes and practick of the said
kingdom, Thatfor our will and pleasure is that yow caus exped and
publishe the saids commissionis with all possible speed and that yow
consult and conclude upoun all suche instructiounis as yow thinke fitting
to be givin to the saids severall judges for their several circuits both in
the forme and substance of their proceedings and concerning the tymes
and placies of sitting in everie shyre, and speciallie concerning suche
penall statute as yow thinke fitting to be putt in executioun at thir nixt
Harvest circuits, and that yow write letters unto the shireffis, the lords of
regalitie, the Lord of Lorne and Commissioners of the Borders, requiring
thame in our name to sitt and concurre with the saids judges in suche
places and suche caises as doeth concerne the commissionis of the
Borders or infelitments of regalitie or justiciarie, which we ar unwilling
anie wayes to prejudice ather in the right or honnour belonging to thair
placies; as also that yow write in our name to the Justices of Peace of
the severall shyres requiring thame as weill severallie as in thair quarter
sessionis diligentlie to inquiere of offences and offenders and to take up
and prepare dittayes againis the nixt going of the saids judges, and if
they can to apprehend, committ or take sureteis of the saids offenders
by bond to compeir before the saids judges to answeir thair saids offences according to the nature and qualitie thairof, which we recommend unto your care, and bid yow fareweill. Frome our Court at Whitehall the last day of June, 1628."

"That missives be direct for mending of the hie ways to the personis Sederunt, 1625-29. following; to Witt, to the Earle of Hoom and West Nisbit for the boundis Fol. 91, a. betuix Beruik and Hadinton; to the Earle of Wintoun, Prestoun Grange and Laird of Prestoun betuix Edinburgh and Hadinton; to the Earle of Linlythqu, and Thomas Dalylel betuix Edinburgh and Linlythqu; to the Earle of Wigtoun and Laird of Keir fra Linlythqu to Striviling; to Clakmannane and Sir Johnne Prestoun fra Striviling to Dunfermylyne; to the Vicount of Stormont, Lordis Melvill and Birlie fra Dunfermylyne to Falkland; to the Earle of Rothes, Lordis Melvill and Innerteill fra Bruntiland to Falkland; to the Vicount of Stormont, the Earle of Perth and Balmanno fra Falkland to Perthe; to the Lord Chancellour and Inchemartine fra Perth to Dundee; to the Lord Carnegy and Constable of Dundee fra Dundee to Brechine; to the Earle of Rothes and Lord Melvill fra the ferrie of Dundee to Falkland, and fra St. Androis to Falkland; to the Marques of Hamilton and Laird of Minto, fra Glasgu to Hamilitoun; to the Marques of Hamilton, the Earle of Angus and Vicount of Air fra Hamiltoun to Drumlangrig; to the Earle of Nithsdaill, and Vicount of Drumlangrig and Maister of Hereis fra Drumlangrig to Drumfreis; to the Maister of Hereis, Amisfield and Cokpoole fra Drumfreis to Carlile."

Sederunt.—St. Andrewes; Treasurer; Privy Seall; Wyntoun; Seafort; Lauderdaill; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Dunblane; Lord Lorne; Lord Arekine; Lord Melvill; Lord Carnegie; Master of Elphinstoun; Advocate; Clerk Register.

"The whilk day the letter underwritten signed be the Kings Majestie and directed to the Lords of his Privie Counsell in favours of Dame Fol. 33, a. Margaret Hamilton, the ladie of Sir John Stewart, knight, toucheing the modificacion of foure thousand merkes out of the said Sir John his etait to be made unto her for her yeerelie maintenance was presented to the Lords of Privie Counsell and read in their audience. After consideratioun whairof the saids Lords humbelie acquiescing to his Majestis gratious will and pleasure in this mater, they according to the direction of his Majestis letter have recommendit and be the tennour heerof recommends the drawing up of the said Dame Margaret her securitie ainent the said modificacion to his Majestis Advocat and her awin lawyers. Of the whilk letter the tennour follows:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit
1628.

CHARLES I.

Acta February 1628.

July 1629.

Fol. 33, a.

Margaret Hamilton, the lady of Sir John Stewart, knight, togidder with her petition therein enclosed, by our owne princelie bountie and commissarion of her estait, wes so prevented by us as we before the receipt thairof did gratiously give ordour for allowing unto her foure thoysand merkes by yeere during her lyfetyme out of the best and readiest of the said Sir John Stewart his lands and rents whairsoever the same doeth ly within anie of our dominions, being the just sowme (as we ar informed) which yow did formerlie modifie unto her for her yeerelie maintenance. Our pleasure thairfoyr is, and we doe heereby will and require yow upon sight heerof to take suche a present course with the said Sir John his lands and rents as the said modificatyon of foure thoysand merkes by yeere may be sufficientlie and legallie secured unto the said ladie, and dewlie and tymouslie payed yeerelie, half yeerelie or quarterlie, as she sall thinke most expedient and before all other payments whatzomever, the said modificatyon being alimentary and unfitt to admitt of anie subterfuges in law or delay in the executioun thairof. And our further pleasure is that the said securitie be sufficientlie performed unto her by the advice of our Advocat and her lawyers before anie graunt of the said Sir John his escheate or lyferent or custodie of his lands or rents be established in the hands of anie persoun whatzomever, as the Duke of Lennox and Erle of Linlithgow have undertakin to ws to performe. All which we doe heereby recommend to your speciall care and judgement as our trust is in yow and in doing thairof yow may doe unto us vere acceptable service. And so we bidde yow farewell. Givin at our Court at Whitehall, the fyft day of Julie 1628."

[Fol. 34, a.]

"Forsameekle as thair hes beene diverse good acts of Parliament made be our lait Soverane Lord of eternall and blessed memorie whairby all Jesuits, seminarie and messe preestes wer found and declared to be most pernicious and wicked pests in this commoun weale and wer thairfoyr straitlie charged to depairt and pas furth of this kingdom within a seminary and certaine spacie mentioned and conteaneed in the saide Acts, as the samne conteaneing lykeways ane strait prohibition that none of his Majestis subjects ressett, supplee nor intertane anie of the saids Jesuits and seminarie preestes nor no traffiquing Papists against his Majestie and religioun presentlie professed within this kingdom at lenth bearres; Notwithstanding thairfoyr the Lords of Secrete Counsell ar informed that numbers of Jesuits, seminarie and messe preestes ar come frome beyond sea to this kingdom and hes made their addresse towards the north pans thairfoyr especiallie within the diocie of Aberdein whair they ar ressett, hoordit and interteaneed be numbers of his Majestis subjects whom they have poysouned and corrupted with their erroneous opinions, quhairthrow the growth and number of Papists daylie increaseth and they ar come to this hight of presumptioun and pryde that they not onelie

Commission to Arthur, Lord Forbes, and others, to discover and apprehend all Jesuits, seminary and mess priests, and all persons who reser them, within the diocese of Aberdeen. See note, p. 360.
make public avowall of their profession but most contemnuoule and
audaciously to the high offence of God and disgrace of his Majestie's
governement they have their ordinari conventicles and meetings and the
exercise of their false religiuon, vaunting of their numbers, credite and
freindship and that they ar not affrayed of anie course that can be tane
againis thame by the Kings Majestie or the Kirk, disdaining and con-
temning the ordinari censure of the Kirk and professing publiclitie that
their greatest honnour is to be callit in questioun for their religiuon sua
that they not onelie give a publict scandall to the Kirk and contemnes
the ordours and discipline thairof, bot they doe what in thame lyes to
infect and corrupt others, both in their religiuon and allegance, and if
thair contempt and insolenceis be not in tyme prevented and suppresse
the cure will shortlie become remedilessse, and great inconvenientes will
follow to the trouble and disquiet of the estait. Thairfoir the Lords of
Socreit Counsell hes givin and grantit and be the tennour heerof gives
and grants full power, warrend and commissioun, expresse bidding
and charge to Arturhe, Lord Forbes, James, Lord Desfuird, Alexander,
Maister of Forbes, Sir Alexander Gordoun of Clunie, knight baronet,
Sir Thomas Burnet of Leyis, knight baronet, Sir William Forbes of
Monymusk, knight baronet, Alexander Irwing of Drwm, James Crichtoun
of Fredraucht, Forbes of Pitaligo, Sir Johnestoun of
Caskieben, knight baronet, Alexander Skeyne of that Ilk,
Meinzie of Pitfoddelis, Androw Fraser of Stanywod, Johne Forbes of
Leslie, Sir George Ogilvie of Bamff, John Urquhart of Craigstoun, the
Lairds of Lesmore, elder and younger, Urquhart, shireff of
Cromartie, Magnus Mowat of Balquhord, Sir William Keith of Lud-
quharne, Wiilliam Forbes of Tuluquhon, Fraser of Streachin, John
Kennedie of Carmuik, Alexander Udny of Ochtirellon, John Gordoun of
Buckie, Alexander Abercrombie of Birkinbog, Thomas Crombie of
Kemm, John Forbes of Balnagask, Areskine of Pittodrie, Mr.
William Seatoun of Meldrum, Gordoun appearand of Knock-
aspeck, shireff depute of Aberdein, Alexander Keith of Balmure, Mr.
Patrik Maitland of Auchincreif, and Mr. James Hay of Raunes con-
junctile and severallie to convocat his Majestie's lieges in armes at all
tymes and occasiouns, and to pas, searche, seek, and take all and sindrie
Jesuits, seminarie and messe preestes and excommunicat Papists lying at
the horne, haunting, frequenting and repairing within the bounds of the
dioci of Aberdein wharever they may he apprehendit; as alsa to try
and informe thame seffis whair and be whome thir unlaughfull
meetings and conventicles ar keeped within the bounds of the said dioci,
and accordinglie to searche, searche, take and apprehend all suche persons
who keeps the saids unlaughfull conventicles and meetings and the owners
and masters of the houses whair they ar keeped with all convenient diili-
gence, and to committ thame as alsa the saids Jesuits, seminarie and
messe preestes to waird within the tolbuth of Aberdein and to deteane
thame thatairn upoun their awin expenses ay and quhill directioun and
ordour be givin concerning thame as apperetaneas; with power to the
said commissioners for this effect to make opin doores and to use his
Majestie keyes, and generallie to doe, use and performe everie other
thing whilk for execution of thir presents ar requisite and necessar.
Firme and stable halding and for to hald all and whatsoever thing sall
be laughfullie done heerin, and that letters be direct charging all and
sindrie his Majestie lieges and subjects to reverence, acknowledge and
obey, rysse, concurre, fortifie and assist the saids commissioners in all and
everie thing tending to the executioun of this commiission and to doe
nor attempt nothing to the hinder or prejudice thairof as they and everie
ane of thame will answere upoun the contrarie at thair perrell. And
the saids Lords ordanis the saids commissioners after that they have
apprehendit and committed to waird anie of the persouns foresaid to
send advertisement to his Majestie Counsell, to the effect the saids
Lords may give ordour for their punishment as accordis.

"Forsameekle as the Commissioners of the burrowes of this kingdom
laitlie convened at the burgh of Perth upoun the thrid day of July
instant has givin licence to the burgh of Dumbartane to impetrare of
his Majestie and of his Counsell ane certane impost and dewtie of the
commoditieis and wairris that comes to the said burgh for the better
interetneing of the water workes of the said burgh and preservinge of
the same fra the injurie and violence of the water, and the Lords of Secret
Counsell being caifull to understand the trew estait of the said burgh
and if thair be anie necessitie of granting of the said impost for the
better upholding of the said burgh, Thairfor the saids Lords gives
power and commissioun be thir presents to . . . Lord Rosse, and
. . . Cahowne of Lusse to resort and repair to the said burgh at
siche tymne as they sall thinke meet and thair to sight and consider the water
warkeis of the said burgh and other paitis thairof necessar to be repaired
for withstanding the violence of the water and if the said burgh be in
any hazard to be endangerd be water if the saids water warkeis and others
requisite defences be not interteann and uphouldin, and to report thair
opinioun thairanent to the saids Lords betuix and Michaelmes nixt."

(Sederunt as recorded above.)

Complaint by James Watt, workman in Edinburgh, as follows:—He
has been for a long time kept in ward "in great stresse and miserie" by
David Andersoun, cordiner in the Cannogait, for an alleged debt of £50,
though the complainer has a decree against him, pronounced but not as
yet extracted, for £91, and the said David and his wife fearing he would
enforce it, caused incarcerate him. He is still in great misery and like
to starve. Charge having been given to the said David Andersoun, and
also to David Williamsoun, one of the bailies of Edinburgh, in name of
the magistrates thereof to produce the pursuer, and both pursuer and
defender compearing, the Lords, in consideration of the misery and poverty
of the said pursuer, and his inability to pay the said debt in one sum,
ordain the provost and bailies to liberate him, and further ordain the
pursuer to pay to the defender weekly one third of his wages until the
said debt is paid.

Complaint by Duncan Richardsoun, one of the poor beidmen of the
Magdalene Chappell in Edinburgh, as follows:—He is in ward in the
tolbooth of Edinburgh at the instance of Henry Aikman, chirurgian, for
not paying him £24 of principal and two merks of expenses, alleged due
to him by the deceased Sarah Richardsoun, the complainer’s sister,
though he medled with no more of his sister’s effects than sufficed to
bury her—David Mitchell, bailie of Edinburgh, taking the rest for pay-
ment of his rent. She was but a poor woman, not able to sustain her-
selv and her child, so the town took the child from her and gave it to
another to be brought up, and gave herself “the town almos.”
Besides, the said Aikman, knowing the debt to be unjust and the defunct
not able to pay it, allowed it to lie over for the past fourteen years and
now seeks it from the complainer, “ane poore seeke worke man,” who
has nothing to live upon but the charitable support of the hammermen
of Edinburgh, who have placed him as one of their beidmen in the said
chapel. He has a wife and child, and all of them will perish for want
if he be not released. Charge having been given to the said Henry
Aikman, and also to David Williamsoun, one of the bailies of Edin-
burgh, in name of the magistrates to produce the complainer, and
pursuer and defender both compearing, the Lords, after taking the
pursuer’s “great and solemne oath that he was nother able to pay the
said sowme, nor to find cautiou,” pitying him as “a poore miserable
creature without meane or possibillitie” to pay the same, or entertain
himself in ward, ordain the provost and bailies of Edinburgh to put him to
liberty.

Complaint by Patrick Bullo, burgess of Peebles, “metster,”¹ and Mr.
Theodore Hay, parson of Peebles, Mr. John Bennet, minister at
Kirkured, Mr. Thomas Hog, parson of Stobo, and Mr. John Hamiltoun,
minister at Lyntoun, as follows:—On 17th July instant, by virtue of a
commission from James, Archbishop of Glasgow, the said Messrs Hay,
Bennet and Hog went to the kirklands of Lyntoun, and there, with the
concurrence of some gentlemen of the parish, employed the said Patrick
Bullo “to measure and mett foure aikers of the saids lands to be ane
gleib to the said Mr. Johne Hamiltoun.” Thereupon John Twedie in
Lintoun with some others came to them, “and after sindrie injurious and
disgracefull speeches uttered againis the saids compleiners,” prevented the
said Patrick Bullo by violence from proceeding, threatening to take his
life if he did. When the said Mr. Theodore required the said

¹ A person legally authorised to measure.
John Twedie, in his Majesty's name, to desist from his lawless interruption, he put "violent hands in the said Patrik Bullo, and shamefullie strake him in sindre parts of his bodie, tooke him be the shoulder and violentlie flang him ower ane high and stay brae, whairthrow he hes so bruised and birsed the said Patrik that he is not able to exercise himselfe in his lawfull and ordinarie service; and thairafter in ane imperious and boasteous maner commanded the complainers to goe away, for they sould not gett leave to mett anie land thair." Charge having been given to the said John Twedie, and he compearing, and of the pursuers the said Patrick Bullo and Messrs. Hay and Hamilton being present, the Lords, after hearing witnesses, who failed to prove any part of the said complaint, assolize the defender, but order him to find caution acted in the Books of Secret Council that "when the corne is aff the ground, he sall suffer foure aiker of land to be mett to the minister " under the pain of 400 merks.

Complaint by Sir Henry Wardlaw of Pittrevie, knight, as follows:— Complaint by Sir Henry Wardlaw of Pittrevie against George Home of Bassindean and Alexander Home, his son, were put to the horn for not paying him 3000 merks of principal, 150 merks of interest, and £100 of expenses, as is contained in their bond thereupon, but to which horning they contemptuously pay no heed. Charge having been given to the defendants to compear on pain of caption, and the pursuer compearing by Mr. William Seatoun, son to Mr. Alexander Seatoun of Kilcreuche, but the defenders not, the Lords ordain charge to be given to the Sheriff of Berwick and his deputies to apprehend and imprison the defenders, and imbring their goods as escheat.

Commission under the Signet to the Lairds of Prestoun and Elphinston as justices to hold courts and try Bessie Riddell, Agnes Dempster, Agnes Liddell, Margaret Oliver and Barbara Mathie, indwellers in Prestounpannes, who have been long suspect of witchcraft and whose depositions have been shown to the Council. Signed by Mar, St. Andrewes, Hadinton, Winton, Seaforth, Hamilton, and S. Thomas Hoip.

"The submissioun subscriuvt be the teynd buyaris within the shirefdoms of Innernes, Caithnes and Sutherland produceit be Mr. Patrik Collace in name of the Laird of May. The submissioun delyverit to the Lord Privie Seale to be sent to his Majestie."

"The quhilk day Johnne M'CLeod of Hereis, Lauchlane M'Clane, Anent the petition in the name of the Anent teind- Islanders. buyers. the erectioun of Stroneway into a royal burgh. Anent the erection of Stornoway into a royal burgh. See ant, p. 357. Thrusday nixt.'
Anent the sea defences of Dumbarton, to trye the estate of the town of Dumbartane, and yt it be indangerit be water and to reporte.”

“The Laird of Pouriie Fotheringham to be writtin to in name of the Constable of Dundee to informe anent the pryceis of woll, nolt and sheepe and to reporte the 20 of August.”

Holyrood House, 17th July 1628.

Sederunt.—St. Andrewes; Treasurer; Glasgow; Wyntoun; Sea- fort; Lauderdale; Bishop of Dunkeld; Bishop of Aberdein; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Areskin; Lord Carnegie; Master of Elphinstoun; Advocate; Clerk Register; Sir John Soot.

His Majesty’s rents appointed to be employed upon the repairing of his Majesty’s houses.

“Forsumeckill as the Kings Majestie haveing by his letter directed to the Lords of his Privie Counsell signified his royall purpose and resolution to honour this his ancient kingdome with his presence, God willing, in the moneth of September now approacheing, and whairas the honnour and credite of the kingdome requires that for his Majesties contented receiptoun his houses be repaired in that comelie and decent ordour as the necessitie and convenientie of the tyme will permitt; whilkes workes will require present and readie monie and daylie and weekelie debursuments, Thairfors the saids Lords hes concluded and ordained and be this present Act concludes and ordains that the first and readiest of his Majestis moneys, rents and casualiteis of this kingdome, sall be employed upoun the necessar workes of the repairing of his Majesties houses and that these workes and the moneys to be bestowed thairupon sall be preferred to all others payments whatsoever; commandyng hereby his Majestis Thesaurar, Deputie Thesaurar and Ressavers of his Majestis Rents that they nor nane of thame answere nor make payment or delveryer of anie moneys whatsoever to anie person or persouns or to anie use till first his Majesties houses be repaired, toward the reparatioun whairsthe the saids Lords destinat the first and readiest of his Majestis rents and casualiteis, notwithstanding of anie warrands or preceptes to be directed in the contrare.”

“The Lords of Secrete Counsell allowes his Majestis Thesaurar to give licences for importing of ane hundreth and fiftie twmne of English beir for furnishing of his Majestis hous, provyding that the same be imported betuix and the twentie fourt day of August.”

“The Lords of Secrete Counsell ordains the Clerk Register and Sir Henrie Wardlaw to examine David Thomsson his compt and charge for his Majestis fyre vessell and to consider and report what is wanting thairin; as alsua to sight his Majestis wardrop and to make a note of suche things as ar defective or wanting in the same.”

“The whilk day the proveist and bailleis of Edinburgh compeerand before his Majestis Counsell they were desired to advise with the
Counsell of their toun if moneyes might be had and lent upoun good and sufficient securitie for making of provisoun aganis his Majesteis here comming and to report the nixt Counsell day."

"The whilk day it was thought meet be the Lords of Privie Counsell that ane missive sould be writtin to his Majestie, and another to suche of the nobilitie and Counsell as ar with his Majestie acquainting his Majestie and thame with the difficulties and impediments to have all preparatious requisite for the honnour and credite of this kingdome in readines aganis the appointed tym of his Majesteis here comming, and it was thought meet that Mr. David Foulbertoun sould be directed with all diligence to Court with thir letters."

"The Lords nominate and appointe the Archbishop of St. Andrewes, the Erles of Hadintoun and Ladorstail, the Lyoun Herauld, and Maister of Warke, with suche others as they sall call unto thame to conveye and meete so oft as they sall thinke good and to conferre and considder upoun the solemnities requisite to be used at his Majesteis coronatious."

[Sederunt as recorded above.]

Complaint by Sir Robert Halket of Pitffirran, knight, George Bruce, son to the deceased Sir George Bruce of Carnock, knight, and James Aitkine of Middlegrange, as follows:—On 22d August 1627 John Ewin of Cuikispow was denounced at their instance for not fulfilling his share with them in the joint cautionry they undertook that Robert Aitkine and Adam Bennet would pay £5000 to his Majesty's Treasurer, Depute Treasurer, and Receivers of his Rents, but he pays no heed thereto. Charge having been given to him to compaire under pain of caption, and the pursuers compairing by Robert Stirk, messenger, their procurator, but the defender not, the Lords ordain charge to be given to the Sheriff of Stirligne and his deputies to apprehend and imprison him and escheat his goods.

"After our verie heartlie commendatious. We ar certanieill informed that twa shippe of Kirkaldie, viz. The Unicorne, quhairef James Quyte is maister, and The Grace of God, quhairef Johnne Simson is maister, with The Jonet of Dysert quhairef Andrew Ranye is maister, being laitlie upoun thair dew course, The Jonet towards Flandres loadenned with coale and the other twa toward Londoun, loaden with salt perteaining to George Bruce of Carnock, they wer persweed and tane be some Freische pirats and within some few hours theairafter were worthlie recovered frome thame be the fleete of Newcastle be whome they ar now keeped and deteanned; and quhaires the bearers heerof Johnne Cotleyar and Henrie Millar, owners of the twa first shippe, ar to repaire thither sufficientlie instrocted to make clame and sute for the saids shippe and goods, we have thought good upoun thair earnest desyre to accompanie thame with thiss our letter in thair favours,

Anent three Scottish ships which had been recovered from French pirates by the fleet of Newcastle.

Holyrood House, 17th July 1628.
earnestlie intreating yow to vouchsafe unto thame a favourable hearing and to give present ordour that undelayedlie and without trouble or plea restitution may be made unto them of the saids shippes and goods; quhairin as yow sall doe that whiche the course of justice in such an caise dooth require, so yow sall oblige us in occurrents of the lyke kynde to a readie and thankefull meeting; and so, etc. Frome Halyruidhous 17 July 1628. Subscribitor, Mar, St. Andrewes, Haldintoun, Winton, Seafort, Lauderdale, Dunkelden, Aberdein, Melvill, Scottistartvett. [Directed] To all and sindrie mayors, bailliffs and judges of Admiraltie and others his Majesties officers within the Kingdome of England whome these presents doe or may concerne."

"After our vere heartlie commendationis to your good lordship. Quihairs the Kings Majestie is resolved, God willing, to honnour his ancient and native kingdom with his royall presence about the hinder end of August next and for this effect hes recommendit unto us that present ordour and direction be givin that the hie wayes sall be made faire and passable for coaches and otherways as they wer in the tyme that his lait dear father wes in this kingdome, and quhairas the giving of directionis how this mater sall be followed must be committit to some speciall persons in each shirefdome we have thairfor made choise of your lordship for the bounds betuix, etc., and thairfor these ar to request and desyre your good lordship to appoint suche short day quher and quhen your lordship with your collogue sall melt and that yow conveene with your lordship the shireff of the shyre and the convener with some of the justices of peace within the same, and that yow ryde the hieway and bounds foresaid quhair his Majestie is to pas and consider quhat paits thairfor needs ather inlarging or mending, and after consideratioun thairfor that yow prescryve the ordour quhilk yow thinke fittest for repairing of the saids wayes be the travels and charges of the inhabitants within the saids bounds and caus the same be perfyte betuix and the xxiiij day of August nixtocome, and that yow injoyne to the shireffis and justices of peace to have a care that your direction and the ordour to be sett don be yow be performed, and command thame to rander ane accompt of the diligence of the inhabitants within the saids bounds to his Majestis Counsell upon the day of that if anie thing be then unperfyte these quo sall be negligent may be censuired and punished, and if anie of yow to quhom this charge is committit be absent that suche of yow as ar present doe that quhilk is injoyned to the whole, and we desyre yow to make a report to his Majestis Counsell upon the day of of all your proceedings heerin. Quhilk remembring to your speciall care, we commit your lordship to God. Frome Halyruidhous xvij July 1628. Subscribitor, Mar, St. Andrewes, Winton, Seafort."
"The quhilk day the provest and baillies of Edinburgh compeirand befor the Counsell declarit that anent the proposition maid to thame upoun the xv of this instant toucheing the lenning of moneyis upoun good securitie for making of provisoun agane his Majestis heireomeing they had imparted to the counsell of their towne and fand the estate of the affaires of their towne to be suche and their burdlynis so grite as thay wer not able of thame selfis to undertake the advancement and furnissage of ony moneys and that their awin wants wer so grite as thay wald be constrained for performance of quhat concernis the credite of their towne to borrow moneys from otheris."

"The quhilk day the Earle of Seaforthe gaif in his ansueris to the ressonis gevin in be the burrowis aganis the signatour grantit be his Majestie for erecting Stornway in a free burgh whilkis wer delyvrit to the provest of Edinburgh to be advisieth with till Twisday."

Sedum.—St. Andrewes; Mar, Treasurer; Bishop of Glasgow; Holyrood
Bishop of Aberdeen; Bishop of Dunblane; Lord Areskine; House, 18th Lord Melvill; Lord Carnegie; Master of Elphinstoun; Advocate; Sir John Scot.

The whilk day the proveist and baillies of Edinburgh compeirand personallie before the Lords of Privie Counsell and being demandit what anserew they would give to the proposition made unto thame toucheing the lenning of moneyis upoun good securitie, they declared that they had imparted the bussines to the counsell of their towne and that they found the estait of their towne to be suche and their burdein so great as they wer not able of thame selfis to undertake the advancement and furnissage of anie moneys, and that their awin wants wer so great as they would be constrained for performance of what concernis the credite of their towne to borrow moneys from otheris."

Forsamekekle as the soverane and high court of Parliament of this kingdome is proclaimed and appointed to be baldin at the burgh of Edin- Proclamation for attending the coronation and Parliament with robes.

burgh, God willing, upoun the fyftein day of September nixtoweone with continewation of dayes, whairunto his Majestie intends to give his royll presencie and some few dayes afoir to ressave the crowne of this his native and ancient kingdome whilk from so manie worthie progeni-tours is now befallin unto his Majestie; and whairas the honnour and majestie of thir solemne actiouns for the credite and reputation of the kingdome requires the presence and concurrence of the whole nobilitie of this kingdome who in their severall rankes will in some measure be partakers of the honnour of suche solemne actiouns, Thairfore the Lords of Secret Counsell ordanis letters to be direct to command and charge all and sindrie marquises, erles, vicounts and lords of Parliament within this kingdome be opin proclamation at the mercat croce of the heid burrowes of this kingdome and others plaices needfull, that they and
everie one of thame prepare thameselfes and be in readinesse to attend the honourable solemnitie foresaid of his Majesteis coronatioun and parliamement in thair most comelie and orderlie maner, that is to say, the saides marquesises, erles and vicounts to attend the coronatioun with thair robes of crimsoun velvet emeryned, and that they and the other lords of Parliament attend the Parliament with their ordinarie scarlett robes, and that they attend the Parliament the said fyfteyn day of September and the coronatioun upoun suche a day as they sall be of new advertised be missive letters, certifeing thame that sall absent thame-selfes and not assist at thir royall solemnitieis that speciall notice sall be taikin of thair absence, and that accordinglie they sall be censured in that measure as thair contempt and neglect of dewtie deserves. Followes his Majesteis missive for warrand of the Act abonewritten:—

CHARLES R., Right trustie and right weibelovit cousin and counsellour, and right trustie and weibelovit cousines and counsellours and right trustie weibelovit counsellours, we greete you weill. Haveing of lait advertised yow of our resoluioun to see that our ancient kingdom for receaving our crowne and holding a parliamant in persoun to beginne the fyfteyn day of September nixt and considering the tyme to be short for so farre a journey and our nobilitie and officiars to have but short warining for so chargeable a worke, our pleasure thairfore is that yow take in to your speedie consideraition all things fitt and possible to be done there in so short a tyme and especiallie the plaice of our coronatioun whither the Church of St. Giles in Edinborrow, or the Church of Halyruithous may be the fittest and most conspicuous and convenient plaice for the same; as also that yow give warining to all our officiars thair to appeare before yow and to give thame instructionus for executing thair particular charges not onelie in our houses bot also at our coronatioun and Parliament and others plaices needfull, and if anie difference be amongst thame that yow for avoiding variance and confusion doe ordour the same according to equitie and the tyme and service wariby nothing may be neglected in so important a busines which may prove to be the more easie unto yow becaus of the few number of our intendit traine and companie and the shortnes of our abode there occasioned by our weightie effaires heere. Yitt we resolve to see our houses of Stirligne and Falkland and doe desire to be mett by our Counsell neere unto Seatoun onelie in our goinge from thence to Edenborah whair we intend to make our entrie that day. And becaus our coronatioun ceremoneis and roabs may require the advice of our heralds, Thairfore our pleasure is that yow call before yow the Lyoun King at armes and the most experimented heralds to del very the knowledge concerning the formes of the ancient coronatiouns of our royall progenitours, that we being advertised thairof by yow may take the same in to our princellie consideraition, leaveing alwayes to our nobilitie to be informed by yow concerning the attend-
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Anent the ordering of his Majesty's house.

The Lords of Secrete Counsell for the better disposing and ordouring of all things concerning his Majesties hous and equire aganis his here comming nominates and appointes the Erle of Mar, Lord Thessuror, the Erle of Hadintoun, Lord Privie Seale, if his health will permitt, the Lord Areskine, the Bishop of Dumblane, the Clerk Register, and Sir Johne Scot, and suche of thame as shall be present for the tyme, with Sir William Seaoun, Sir James Dundas, John Areskine of Balgonie, Sir Henrie Wardlaw, and James Durhame of Pityarrow, Mr. James Aitoun and Mr. Johne Drummond, to convene and meet at suche tymes and places and sauf oft as they shall be warne be the Lord Thessor or be his direction and at thair meetings to informe thameselfis who served the lait King at his being in this countrie, how manie of thame ar alyve and who ar deid, and to deale with thame who ar alyve to accept that same charge and service upon thame whairin they served his Majestis lait father, and if they refuse to place others in their rowme and to appoint some to supplie the rowme of these who ar deid and to prescryve rules and to give direction in all and everie thing concerning the provisioun and furnishing of his Majestis hous.

Nomination of Masters of Household.

The whilke day it is thought meit that the Lord Colvill, the Laird of Lochinvar, Harie Areskine, Sir William Seaoun and Sir James Dundas shall be maisters of hauishold to his Majestie during his abode here.

Direction to the Lyon Herald.

The Lords ordainis the Lyoun Herall who wee present to informe himselfe aganis Moonday nixt what hes beene the ancient forme of coronation of the kings of this kingdome and to report the said day.

Most sacred Soverane, Your Majestis three letters, to witt, anent the sequestrations of tithes, anent these quho hes not subservitat the submissionis and anent the parliament and preparatiouns for your Majestis heerecomming, wer presented unto us upon the fourteene of this instant, quhairby to our exceeding great confort and with most humble and heartie affectiouns we conceive the wishes of all your good subjects to be satisfied by thair happinesse to have this your ancient and native kingdome honnourd with your royall presence. We have caused proclame the parliament, publishe the acts anent the sequestratiouns and submissionis, givin ordour for repairing of the hiewayes and preserving of your Majestis gayme, and in everie other thing quhilke may procure your Majestis royall and honnourable reception in this kingdome thair shall be nothing wanting in us quhilke to the uttermost of VOL. XVI.
our endeavours and to the dewtie and credite of our place appertean. Royal Letter 1628-29. Bot hauing entered upoun the tryell and examination of the particulars how everie thing may be disposed and ordoured with that decencie quhilk your Majesteis glorious reception and the honnour and credite of the kingdom requires, we have to our great greeffe found so manie weightie difficulties and impediments thairin as we cannot foresee how the same may be speedilie removed, for your Majesteis coffers ar so emptid and your Majesteis exchecker so exhausted that there is nather moneys extant in your coffers nor rents to come in qhillks ar able in the meanest measure to beginne these things qhillks ar necessar for repairing of your Majesteis housis, lett be to make the necessar expensis and charges qhillks your Majesteis abode heere will require; and as some of your Majesteis housis, whair the necessitie of your Majesteis abode will be, ar so ruinous and decayed as in this short tyme allowed for your Majesteis heerecomming thair is no possibilitie to have thame repaired; and the incommoditie of the seasoun, being in the middes of harvest, is suche that it cannot eschew ane evidente danger to the countrie; besides manie uthre impediments qhillks we absteane to relate, for our humble and heartie desyre and affection is so great to have your sacred Majeste heere in persoun to accept your royall crowne that we ar loath and almost ashamed to expresse all the just reasoons and impediments qhillks occurre in this so short and suddane dyet of your Majesteis comming, being so surprizyd with joy of the one, that we have skarselie mynde or power to thinke of the other, if the credite and honnour of your Majesteis most ancient kingdome, qhill is decker to us nor our lyffes, did not peirce us to the heart. And thairfor we have desyre your Majesteis Chancellour, President of the Counsell, and others of the nobilitie quho ar presentlie with your Majestei to represent the particular reasoons and circumstances of the just and trew impediments and difficulties unto your Majestie, and quhaireof lykewayes your Majestie will have some notice from this gentleman, your Majesteis owin servant, to whose sufficientie and relation remittting the same and humblie recommending him to your gracious and favourable acceptance with our earnest and humble requeste to returne him backe with a full declaration of your Majesteis resolutioune so soone as the conveniencie of your Majesteis affaires will permitte, we pray, etc. Frome Halyruidhous the 18 day of July 1628. Subscribitur, S. Andrewes, Mar, Hadintoun, Glasgow, Wintoun, Lauderdale, Seaforde, Lorne, Areskine, Dunkeldan, Aberdein, Dumblane, Melvill, Carnegie, A. M. Elphinston, Hamilton, Scottistarvet."
crowne, and albeit this is the joyfulest news quhilck could happin unto us in this world to see his sacred Majestie, our maister, invested in the crowne of his kingdom, yitt we cannot conceale our just greef in expostulating with your lordships that yow being thair who knowes the estait of the kingdom and how impossible it is in so short a tyme to make convenient preparatiouns for so great a worke sould have beene so carelesse of the honnour, credite and reputatioun of your native soyle as not to opin your mouth to represent to his sacred Majestie the great and important difficulteis or rather impossibilitie to have preparatiouns for so great and glorious ane worke upoun so short advertisement and warning, for your lordships knowes better nor we that thair is no moneyes in his Majestie's coffers, that his rents and customes ar spent and exhausted be his Majestie speciall warrands and commands, and that his Majestie palaces and houssis ar so ruinous and decayed that albeit we had moneyes yitt they cannot be repaired as the honnour and credite of the kingdom requires, in so short a tyme; and last we wonder that your lordships did not remember the season of the harvest in the middles quhailor of his Majestie dyet is appointed quhilck cannot bot prove ane sensible wracke to the kingdom if the tyme appointed for harvest and the necessiteis thairof sall be transferred and imploied upoun these more necessar services of the extraordinar carrages and suche others services quhils must be performed if his Majestie come heere by these who otherways would be bussie in thair harvest. We have writtin to his Majestie and in that modestie quhilck becomes us have acquainted his Majestie with the most part of thir difficulteis bot hes referred the particular reasouns and circumstances thairof to your lordships declaratioun, and we heartilie wishe that your lordships may make his Majestie so sensiblle of the truthe of thir difficulteis as they are trew in thameselfis and that you may so work and prevaille with his Majestie that some forder tyme and more commodious may be obteained for preservatioun of the honnour and credite of the kingdom quhilck cannot bot suffer infinitelie if this dyet hold; and your lordships ar to remember that how ever his Majestie resolves moneyes must be sent doun with diligence, without the quhilsks little or nothing can be done heere, as more particularlie this gentleman his Majestie servant will informe your lordships, to whos sufficiencie remitting the same and praying your lordships that he may be returned with diligence to give us a certane information of his Majestie settled resolutioun, we committ yow to God. Frome Halyrudhous the 18 of July 1628. Subscribitur, St. Andrewes, Mar, Glasgow, Wintoun, Lauderdaill, Seaforthe, Lorne, Areakine, Dunkeld, Aberdein, Dumblane, Melvill, Carnegie, M'r of Elphinstoun, Hamilton, Scottisstarvet."
"Ane missive to Sir Williame Setoun and ane other to Sir James Dundas to come heir and accept the charge of Maister Houshalde."

"That missives be direct to the whole nobilitie for this purpoe [the coronation and Parliament]."

Sederunt.—St. Andrewes; Treasurer; Wintoun; Seafort; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Advocate; Clerk of Register; Sir John Scot.

Proclamation against the slaughter of wild fowl.

"Forsamecke as the Kings Majestie hes resolved, God willing, to repaire verie shortlie to this his ancient kingdome for some great and important affaires concerning his Majestie in honnour and estait, and whairas the credite and reputation of the countrie requires that his Majestie and his trayne be weill and abundantlie furnished with all kynde of wylde foule duiring the tyme of his abode heere, yitt the Lords of Secret Counsell ar informed that thair is a verie great slaughter and destruction of the said wylde foule of all sorts both young and old throughout all the parts of the kingdome, and if some course be not tane for preventing and staying the forder slaying the forder destruction [sic] of the same it is verie lykelye that few or nane will be had to furnishe his Majestie hous the tyme of his heere being, Thairfor the saide Lords ordainis letters to be direct to command, charge and inhibite all and sindrie his Majesties lieges and subjects be opin proclamation at the mercat croes of the heid burrowes of this kingdome and others plaices needfull that nane of thame presoone nor take upoun hand to take or slay anie powtes [young partridgues] or anie uther kynde of wylde foule untill the tyme of his Majesties comming in this kingdome under the paine of fourtie punds to be incurred be everie persoun and persouns contraveening so oft as they sall happen to contraveene; As alsua to command, charge and inhibite all and sindrie his Majesties lieges and subjects that nane of thame presoone nor take upoun hand in this meane tyme to buy nor eate anie kynde of powtes or wylde foule, but that they absteane thameselfes thairfra, to the intent the same may be the more abundant and plentiful the tyme of his Majesties heere being, under the pane of twentie punds to be incurred be everie persoun or persouns contraveening thir presents so oft as they sall utherlye, certifieing thame that sall doe in the contrair of the premisses that the paines respective foresaidis shall be inflicted upon thame without favour: And siclyke to command and charge all and sindrie stewartis, proveists and baillies within burgh, that they and everie ane of thame within the bounds of thair severall offices and jurisdictionis have a speciell care and regard to see thir presents observed in everie point, and that they cause attend thair mercats and see that no kynde of wylde foule young nor old be bought nor sauld within the same; and whair they sall happen to discover anie contraveening thir presents that they take speciall notice
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of thame and punish thame accordinglie; and that thy notifie their names to his Majesties Counsell to the intent the paines foresaid may be uplifted of thame with rigour."

"The Lords haveing at lenth conferred and reasoned uppon the most convenient place for his Majesties coronatioun hee with unforme consent and voices concluded and resolved that the Church of Sanct Giles in Edinburgh is the most conspicuous place for that solemnitie, and ordanis ame iss to be writtin to his Majestie for that purpos; and hes appointed to meete after noone in the Counsel hous of Edinburgh and theirfra to goe and sight the Kirk of St. Giles, and ordanis the proveist and baillies to be warinened to attend."

"Apud Edinburgh die prædicto in the afternoone; Sederunt as in the forenoone except the Thesaurar."

"The Lords haveing sightit and considderit the kirk of Edinbur h callit Sanct Giles Kirk, both old and new, they thinke it fitt and expedient for the greater solemnitie of his Majesties coronatioun and for the credite of the countrie and burgh of Edinburgh that the partitian wall betuix the great kirk and the east or little kirk shall be tane down and removed, and remitts to the proveist and baillies of Edinburgh the possibilitie of the doing thairof and ordanis thame to returne to the Lords thair answere and resolution thairanent the morne."

"Ane commiission of the dait the twentie ane day of Julij 1628 grantit to Alexander Gordoun of Dunkintie, James Sutherland, tutor of Duffus, George Gordoun of Dalpersie, and Robert Innes of Drynnie against James Grant in Daltaileis, rebell and at the horne for the slaughter of Patrik Grant in Lettache, conforme to the tennour and forme of ane former commiission grantit to Johne Grant, appearand of Ballindal lache, Patrik Grant, his brother, Thomas Grant of Devy, James McIntoshe of Downe of Rothimorcuise, Patrik Grant of Culquoyche, and John Grant, brother to James Grant of Rydmoir, of the dait the aucthein day of Marche 1628."

"After our verie heartilie commendatiouns. Whairas the Kings Majestie hes intendid at his heere comming, God willing, to visite your toun, we have thought good to certifie yow of the same and thair withall to request and desyre yow for his Majesties contentment and credite of your toun to prepare yourselves and to have all things requir site for his Majesties honnourbill recepition so ordered and disposed as may best become the credite of so soleme ane actioun, and that yow present his Majestie with some tokin answerable to your power.

1 An account of the different portions into which the Kirk of St. Giles was then divided and the various uses to which they were put will be found in the Appendix to "Our Journall into Scotland, Anno Domini 1629, 5th November, from C. Lowther, Mr. R. Fallow, and Peter Macion.

David Douglas, 1894."
Whairin nothing doubting of your sollicitude and care, we committ yow to God. From Halyruidhous the xxi of July 1628. *Subscribeit, Mar, Fol. 138, a.* St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamilton, Scottistarvett."

"After our verie heartilie commendations to your good lordship. Whairas the Kings Majestie our most sacred Soverane is resolved verie shortlie to honnour this his ancient kingdome with his royall presence als weill for resaving of his crowne as for halding of ane Parliament quhilk is proclamed to be haldin at Edinburgh and to beginne, God willing, upoun the fyftein day of September nixt with continuatoun of dayes, at the quhilkis solemniteis his Majestie looks and is assured that the nobilitie of this kingdome out of their dewartfull respect to his Majesties obedience and to the honnour and credite of their countrie will give their presence and assistance, and thairfuir, according to his Majestis direction sent unto us in this mater, these ar to requiest and desyre your good lordship to prepare your selfe and to be in readines to keepe the appointed tyme of the Parliament in that staitlie and decent forme with your scarllott robes as beseemeth the dignitie of suche an actioun; and quhairas the day of the coronatioun will be some few dayes afoir the Parliament quhairof yow sall resseeve new advertisement by letter, yow sall thairfuir prepare your selfe to assist that honourable actioun quhilk is the first of that kynde quhilk hes occurred in this kingdome within the memorie of man, with your creatioun rob of crimsoun velvet enermyned. And no wayes doubting that yow will be wanting in anie thing quhilk to your dewtie in so important a businesse so neererlie concerning his Majestie in honnour and estait belongeth, we committ your lordship to God. Frome Halyruidhous the twentie and day of July 1628. *Subscribeit, Mar, St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamilton, Scottistarvett."

"After our verie heartilie commendations to your good lordship. Whairas the Kings Majestie our most sacred Soverane is resolved verie shortlie to honnour this his ancient kingdome with his royall presence als weill for receaving of his crowne as for halding of ane Parliament quhilk is proclamed to be haldin att Edinburgh and to beginne, God willing, upoun the xv day of September nixtcome with continuatoun of dayes, att the quhilkis solemniteis his Majestie looks and is assured that the nobilitie of this kingdome out of their dewartfull respect to his Majesties obedience and to the honnour and credite of their countrie will give their presence and assistance, and thairfuir according to his Majesties direction sent unto us in this mater these ar to requiest and desyre your good lordship to prepare your selfe and be in readinesse to keepe the appointed tyme of the Parliament in that stoteliie and decent forme with your scarlett robes as beseemeth the dignitie of suche an actioun; and quhairas the day of the coronatioun will be some few dayes afoir the Parliament quhairof yow sall resseeve new advertisement be
letter, yow sall thairfoir prepare your selfe to assist that honourable actiou qhilk is the first of that kynde qhilk hes occurred within this kingdome within the memorie of man, with your creatioun rob of crimsoun velvet enermyned. And no wayes doubting that yow will be wanting in anie thing qhilk to your dewtie in so important a businesse so neerelie concerning his Majestie in honnour and state belongeth, we committ your lordship to God. Frome Halyruighous the xxi day of July 1628. Subscribitur, Mar, St. Andrewes, Wintoun, Seafort, Lorne, Areskine, Melvill, Hamiltoun, Scottistarvett."
Counsell haveing advised upon the proposiution of his Majesteis
Advocat they find it expedient that his Majestie sall be acquainted with
the bussines and ordanis ane letter to be writtin to his Majestie for this
effect. And in the meane tyme ordanis ane note to be made of the produccion of the patent to the intent the said lord be not prejudged
in his precedencie."

[Sederunt as recorded above.]

In the case of Dame Marion Boyd, Countess of Abercorne (ante, p. 343)
Mr. John Hay, minister of Paisley, and one of the members of the
presbytery of Paisley, compearing for the presbytery, and the said
Countess being also personally present, the Lords, in respect she
produced no testimonial of her satisfaction and relaxation, and offered
no explanation, ordain her to be denounced and escheat "for her
contempioun"; but still to give her a reasonable time wherein she
might be "informed and resolved anent her scruples and doubts in her
religion," they postpone execution for fifteen days to the "intent that in
this meanetyme she may reipare to the church and heare preaching, and
that she subseryve ane writt obllisng her upoun her conscience,
hounour and credite that she sall ordinarie reipare to the church when
her health will permit her, and that she sall heare conference of the
ministrie for her resolutioun and information, and that she sall remove
from her hous and service all excommunicat papists, and that she sall
not ressett anie Jesuite, seminaria or messe priestis."

The Lords, having been informed of the probability of some disorder
arising between John, Earl of Cassillis, on the one part, and Sir Patrick
Agnew, Sheriff of Wigtown, on the other part, about the holding of a Court
upon some lands in Galloway in dispute between them on 3rd July [sic] now
approaching, and having cited parties, and both compearing, they ordain
them to find caution acted in the Books of Secret Council each to
other to keep the peace, the Earl of Cassillis in £10,000, and the
Sheriff of Wigtown in 10,000 merks, and that neither leave Edinburgh
until this is done.

"Most sacred Soverane, Upoun the recep of your Majestie letter
quaibery your Majestie recommendit to our consideratioun the con-
veniency of the plaice for your Majestie coronatioun and whether the
Church of St. Giles in Edinburgh or the Church of Halyruishous may
be fittest and most conspicuos for suche ane sollemn action, we
conveenedit so manie of the Counsell as upoun the suddane could be had
and haveing communicat that mater unto thame and at lenth reasouned
thairupon and for our better information haveing sighted the Church
of St. Giles and narrowlie remarked the same, we have with uniforme
voices found that the said Church of St. Giles is the most proper place
for so glorious ane action, and we have givin directioun to the provest
and bailleis of Edinburgh to caus prepare the said Church in suche forme as the shortnes of tyme and solemnitie of suche ane actioun requires.

"And tuiching the solemnitie of the coronatioun of your royall progenitours, we callit before us the Lyoun King-at-Arms fra whome we ressavd this forme and modell heerewith inclosed as the ancient forme of the coronatioun of this kingdome, the expediencie quhairof to be followed in this actioun we remitt to your royall consideratioun; and what your Majestie will have to be altered thairin upoun signifiacioun of your Majestie's pleasure, it sall be performed.

"We have givin warning als weill by proclamatioun as missive letters to the whole nobilitie to attend your Majestiee coronatioun and Parliament, to witt, the marquessisses, erles and viscounts to attend your coronatioun with thair creatioun robs of crimsoon velvett enermyned and with thair crownes and the lords to attend with thair scarlett robs and the whole to attend the Parliament in thair scarlett robs, and quhat forder may concerne the honnour and credite of these solemnitieis sall be carefullie upoun notice of your majestiee pleasure furthered and advanced; and so, etc. Frome Halyruithous the 22 of July 1628. Subscribitur, St. Andrews, Mar, Ja. Glasgow, Wintoun, Seafort, Lorne, Areskine, Melvill, Mr of Elphinstoun, Ad. B. of Dumblane, S' Thomas Hoip, Hamiltoun, Scotistarvet.

"The forme of the coronatioun of the Kings of Scotland.

"In the morning before the King come in publict there ar to come to him two bishops, two abbotes, with twentie foure other churchmen, with the Marishal and Constable which last have thair battouns in thair hands and foure or sax commissioners of the burrowes.

"The King is brought furth led, the Marishall and the Constable on everie side, and is sett under the cloath of estate which is opin to declare that the King hes not yitt receaved the crowne, and to be closed after the coronatioun. The churchemen, nobilitie and burgesses in ordour, aske of the King if he be lawfull successour to his father and be willing to accept the dignitie of the crowne, which they all offer to his Majestie; they, upoun the Kings grant to accept, the bishops and all the rest tuich the poill and caus it to be halffe covered, and say, God blesse yow, Sir, and they all sing God blesse him as he did his good forefathers.

"Then the Lyoun King-at-Arms is to be callit in by the Marishall, who with his brothrein come in in thair coats and sitt doune before the King, and thair the Marishall is by the mouth of the bishop of St. Andrews to sweare the Lyoun, who being sworne and crownd with ane opin crowne and having the sword and scepter caried be two of his brothrein heraulds, they come furth to the theater, where the King is to be crownd, the bishops, nobilitie and burrowes commissioners being with him."
"The Marishall sayes to the Lyoun, Show the Kings pleasure, and he sayes to the people, The King is willing to accept the crowne, and than the commissioners say, God bless him who is to be our King, and the people cry, Bring him to us, God blesse him and us for his caus.

"Then the Lyoun is to returne with the bishops, Constable and Marishall, and the bishop showes the King that the people would have him crowned, and calles earnestlie for him.

"Then the Lyoun haveing his crowne on his head, and his two brethren the sword and scepter, the rest going before cryes, Heere comes the King, and the people answer, God blesse him. The bishops goe on his right hand and left hand at his outcomming.

"The King is in his ordinarie apparrell, onelie haveing his cloaths opin in the bought of his armes and shoulder points, and his cloaks about him. The Marishall and Constable carie the rob, the great seale, and spurres, quhilks ar layed doun upoun ane taiffill before the King, and than ane bishop is to preache.

"Thairafter two jugs of oyle ar caried by the Lyoun and the one givin to the Marishall and the other to the Constable, and they give it to the bishops one on the one syde and the other on the other, and oyle him in the boughts of his armes, looffes of his hands, the toppes of his shoulder, and ocksters.

"Then the Marishall and Constable takes up his doublet and putts it on. The bishops hes their owne words to speeke in the tyme of the anoynting.

"Then the Constable and Marishall takes up the robes and give it to the bishops and they putt it on upoun the King and at everie pece that they putt on they say or pray like to this, Induc regem tunioed justiciae. When the robes ar putt on the Lyoun takes off his crowne and layes it doun neere to the place quhair the Kings crowne lyes and comming to the Marishall sayes these words; I surrender, and commands the King to be crowned, repeating sax generationus of his descent. Then the crowne is putt on the Kings head, and the bishops cry aloud, God blesse the King, and another cryes, God blesse the people and the King, and over againe, God blesse the King and the people. Whill the crowne is on the Kings head the King promises by oath takin by the bishops to be a loving father to the people in the words that the bishops thinkes good. Bot now the forme of oath is sett doun be a speciall act of Parliament made be King James of ever blessed memorie, First Parliament, cap. 8.

"Then the Marishall haveing in his hand the obligatorie oath of the people goes to the foure nuikes of the scaffold, readea it to the Lyoun who cryes it out to the people, who hold up thair hands and say all, Amen. The Constable takes aff the crowne and layes it doun before the King, and the bishop putts on the Kings hatt.

"The whole noblemen come and tuiche the crowne on thair knees and say, So mott God helpe me as I sall support the, and when they have
done they all hold up their hands and say againe, I sweare and hold up my
hand.

"Then ar psalms sung and the trumpets sound, heraulds, people and
all cry, God keepe the King, thrise.

"At the outgoing the King gives to be caried to his Chancellor and
the rest of the noblemen the crowne, secepter, sword, and great seale, and
so they marche as they come in with the Lyoun and the rest, the Con-
stable and Marishall going behind to carie up the traine of the Kings
robs.

"The Marishall with his owne hands putts on the spurrees and boots
and takes thame off again when the King goes in."

Most sacred Soverane, Thair wes this day exhibite unto your
Majestis Counsell ane patent under your great seale by the quhilk your
Majestis hes beene pleased to preferre and advance the Lord Kinclavin
to the honnour and dignitie of ane erle and to conferre upoun him the
title and style of Erle of Carrick. The patent being read and consi-
derit be your Counsell they all allowed of anie favour that your Majestie
will shew to that nobleman, and your Majestis Advocat concurring with
thame in the same opinioun; yitt out of the dewtie of his place and
service quhilk he holds of your Majestie he remembred thame that this
style and title wes not communicable to anie subject of the kingdome, it
being the proper style of the Kings eldest sonne and prince of Scotland;
quhilk style your Majestis selfe being prince and your brother, Prince
Henrie, and all the remenant princes of Scotland since the dayes of King
Robert the Bruce hes bruikd and wer styled Erles of Carrick, and thair-
foir he desired the Counsell to consider if it wer not expedient that your
Majestis sould be acquainted thairwith afoir anie further wer procedit
heerin; quhairwith your Majestis Counsell being weill advised they
thinne it their humble dewtie to represent this mater to your Majestie
and hes reteaned the patent for some certane space that your Majestis
forder pleasure may be knowin; and in the meane tymne thair is a note
made of the production of the patent to the intent the nobleman be not
prejudged in his precedence. And so, etc. Frome Halyrudhous the
xxii day of July 1628. Subscribitur, Mar, Glasgow, Seafort, Dumblane,
Hamiltoun, Scottistarvett, St Thomas Hoip."

"CHARLES R.—Right trustie and right weilbelovit cousinse and coun-
sellour, right trustie and weilbelovit cousinse and counsellours, and right
trustie and weilbelovit counsellours, we greeete yow weill. Whereas a
great pairt of our taxatioun granted unto us in October 1625 and also
of the former taxatioun is as yitt behind and unpayed or not brought in
by our sheriffes, chamberlans and others chargeable with the same,
contrarie to the lawes and wounted custome of that our kingdome, and
in regard of our intindit journey to that our ancient kingdome for
resasseving our crowne and holding our first Parliament there, we may
have extraordinarie use of present moneys, our pleasure thairfoir is and
we doe heereby will and require yow to call before yow all suche persouns as hes trust of that service under our right trustie and weilbelovit cousins and counsellours, the Lord Viscount of Duppline, our Chancellour, or the Erle of Marr, our Thesaurar, and to inquire of them the caus of the said delay and the names of the delinquents, and if anie have suffered them selfes contemptuouslie to be denounced rebellis for the same our pleasure is that yow cause execute our lawes agaisn them upoun their persouns, lands and goods, and with als great expeditiou and haste as anie wayes hes heeretofore beene practised in the collection of anie of the former taxations grantit unto anie of our noble progenitors. So we bid yow heartilie farewell. Frome Gilford the 22 day of July 1628.”

“After our vere heartilie commendations to your good lordship. Whairas their will be daylie advertisements and directionns comming from the Kings Majestie tuichening the preparatious for his heere comming and the solemniteit is to be done at that tyme quhilks will require the presence and resolution of a full number of his Counsell, it is thairfor thought mett that their sall be a constant attendance of a certane number of the Counsell heere to resave his Majestie directionns and to mak the dispatches thairof accordinglie, and for the first attend ance your lordship is named for one; and thairfor these ar to request and desyre your good lordship to make your adressse heere with convenient diligence at the least within a day or two after the receipt heerof provydit to attend some certane spacie with these of your lordships qualitie who ar writtin for to attend with your lordship; and after the tyme prefict your lordship sall be allowed to goe home and others sall be writtin for to supplee your lordships plaice: and looking that your lordship will not excuse your selfe in this so necessar a tyme quhen his Majestie directionns ar so important and the resolutionns and dispatches following thairfra will be so frequent and materiall (for we will be constrained, if anie defect sall happin to be in the tymous and speedie dispatche of his Majestie adoes throw want of good advice and deliberatoun, to lett his Majestie know fra quhom and upoun whois default it proceeds), we committ yow to God, etc. Frome Halyruithous the day of July 1628. Subscribitur, Mar, Glasgow, Seaforth, Dumblane, Sr Thomas Hoip, Hamilton, Scottistarvet.”

“Tha quhillk day Johnne Nicoll, writter, in name of the Laird of Laumont, exhibite the submission subcervyd be the teynd buyaris and teynd sellaris within the shirefdome of Tarbett.”

“Tha quhillk day the provest and baillieis of Edinburgh for thame selfis and in name of the burrowis gaif in thair reply to the anseris made to the Erle of Seaforet anent the erection of Stormway in a free burgh. The Lordis in respect of the importance of the bussynes and of his Majestis mony grite and weyghtie adois continewis the advysing of the mater to a more convenient tyme and declaris that the pairtyis
salbe warnit afoir the advising of the same; and ordanis the reply to be
gevin up to the Earle of Seafortie that he may be advisit thairwith."

"The Lordis findis it meete that some of the Counsell salbe writtin
for to come heir to attend his Majestie directions and to gif their advice
anten the dispatchis thairof accordinglie; and the counsellouris present
ar warnit apud acta to attend."

"Ane missive from his Majestie in favouris of the burgh of
Edinburgh anent their libertieis."

Sederunt.—Treasurer; Glasgow; Wintoun; Lord Lorne; Lord Holyrood
Areskine; Lord Melville; Bishop of Dumblane; Master of July 1628.
Elphinstoun; Advocate; Clerk of Register; Sir John Scot.

"The Lords of Secret Counsell, according to ane warrant and
direction in writt signit be the Kings Majestie and this day presented
unto thame, gives and grants libertie and licence to Lieutenant
Colonell Cuninghame and uthers hauing warrant from Sir James
Spence, knight, to levey and take up three hundreth men for supplee
of these regiments whilkis his Majestie wes laitlie pleased to give
warrant to be leveyed in this kingdom be the said Sir James for
the service of the King of Sweden, and to transport thame towards
Sweden for the said Kings service, and all things necessar for the
uplifting of the saids three hundreth men to doe and use whilkis in
suche caisies ar usull, provyding that they towcke not drommes nor
display cullours. Firme and stable halding and for to haile all and
whatsoever things sall be laughfullie done heerin; chairing heerbi
all magistrats to burgh and land to give all lawfull concurrence toward
the executiou of this commission, and to doe justice according to the
course of law aganis all fugitives within their bounds who hauing
reassewed pay and inrolled thameiselfis under charge sall shamefullie
and cowardlie steale away and leave thair charge and service, the said
Colonell Cuninghame and uthers hauing warrant to uplift the said
three hundreth men giving suche satisfaction to everie ane of thame as
sall be agreed upon betuix thame according to the custome in the lyke
caisies. Followes his Majestie missive for warrant of the Act abonen-
written:—CHARLES R.—Right trustie and wellbelovit cousine and coun-
sellour, right trustie and wellbelovit cousines and counselours, and
right trustie and wellbelovit counsellours, we grette you weill. Being
informed that there wanted three hundreth men to make up these
regiments quhilks we wer laitlie pleased to licence to be leveyed in that
our kingdom by our trustie and wellbelovit Sir James Spence for the
service of the King of Sweden, our pleasure is that you grant unto
Lieutenant Colonell Cuninghame the bearer heerof a commission with
a sufficent warrant to levey and transport the said three hundreth men
in name of the said Sir James with suche priviledges as uthers have had
heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie aone of the said nomber as sall be agreed upon betuix him and thame according to the custome in the lyke caises, for doing whairof these presents sall be your warrant. Givin at our Court of Whitehall the 25 of June 1628."  

Complaint by Sir John Hamiltoun of Magdalen, knight, Clerk  
Register, as folows:—He was provided by his Majesty's late dear father to his office with all its duties and casualties, and by an Act of the Parliament held in June 1617 the registers then appointed for registration "of seassings, reversious and others writs within this kingdom" were annexed and incorporated with the office of Clerk Register. In terms hereof John Turnour, sheriff and town clerk of Wigtown, was, by the gift of Sir George Hay, then styled of Neatherliff, Clerk of his Majesty's Registers and Rolls, and now Lord High Chancellor of this kingdom, appointed depute within the bounds of Wigtownshire for this register and with his gift, which is dated July 1619, and received several registers duly marked and subscribed. The said John Turnour served in his said office until his death on , and during his time several registers were written and filled up by him, but have never been delivered up in terms of his backbond. Yet Elizabeth Stewart, widow of the said John Turnour, has since her husband's death intromitted with the said registers and without any warrant has received write for recording and has given extracts, and although the complainer has several times demanded the registers from her, she refuses and delays to deliver them. Charge having been given to the said Elizabeth Stewart to compeare and produce the said registers, and persuer compearing, but the defender not, the Lords ordain her to be denounced and escheat.  

Complaint by Thomas, Earl of Hadintoun, Lord Privy Seal of this kingdom, as folows:—Though the cutting and destroyng of green wood, policy and planting, is strictly prohibited by the laws, yet in the complainer's wood of the lands of Sorrolesfeild, which was very plentifully furnished with all sort of trees, young and old, George Home of Bassinden, Andrew Home, portioner of Ridpeth, Nicol Cairnecroce there, Mungo Dick in Ersiltoun, James Thomsoun, John Kyle, James Sheill, Andrew Hassinden and Andrew Stewart, all in Ersiltoun, Thomas Learmonth alias Duke, in Coldingknowes, John Anderson, William Anderson and William Stewart, in Ridpeth, James Dawsoun in Ersiltoun, John Learmonth of that Ilk, Charles Stevinsoun, Andrew Stevinsoun, James Scheill and James Robsoun in Cruikisfurd, by themselves, their servants and others, daily cut and destroy the green wood and growing trees and numbers of the best and oldest trees, and refuse to forbear unless compelled. Charge having been given to the persons above named to compeare before the Council, and the said Earl compearing by Mr Adam Hepburne, his procurator, and also the defenders, excepting George Home of Bassinden, Andrew Home, Nicol Cairnecroce,
Mungo Dick, James Thomsonsoun, John Kyle, James Scheill, Andrew Hassindan, Andrew Stewart and Thomas Learmonth, who did not compere, the Lords ordain the defenders present to find caution acted in the Books of Secret Council each in 100 merks to desist from the practice complained of; and the others they ordain to be put to the horn and escheat.

Complaint by Sir Thomas Hoip of Craighall, knight baronet, King's Advocate, and Mr Robert Nairne, advocate, proprietor of the barony of Strathuidir and lands of Inchetrevie, Katherine Prestoun, his spouse, and Alexander Arthure, William Sprunt, George Fleeming and Henry Gonoquhy, tenants of the said lands, as follows:—Notwithstanding the laws prohibiting the wearing of bagbuts and pistols and illegal convocation of the lieges in arms, on July 1627 John Crichtoun at the Mill of Segieden, Robert Fyffe in Benchellis, Robert Crichtoun at the Brigend of Tay, James Cruikshanks in Benchellis, Thomas Dowie there, and others to the number of forty persons armed with spears, lances, swords, staves and other weapons, and with bagbuts and pistols, came at the instigation of James Crichtoun of Abercrombie, their master, to the Mures of Inchetrevie, and carried away the most part of the fuel which the complainer and his tenants had there cut for their winter necessities (these mures being the complainer's heritable property, where for many years past he and his tenants have won their fuel), and what they could not carry away they destroyed. They also invaded and pursued the said tenants, wounding some of them with their staves, and chasing them to their houses. Further, on 2d July instant the said James Crichtoun of Abercrombie, George Clerk of Newtown of Fordie, the said John Crichtoun at the Mill of Segieden, the said Robert Crichtoun at the Brigend of Tay, Robert Fyffe, servitor to the said James Crichtoun, John and Peter Clerk, sons to the said George Clerk, Abraham Crichtoun in Lowstoun, John Bissat in Lowstoun of Luncardie, Peter Norwell in Kinull, and the said James Cruikshanks, James Crichtoun and Thomas Dowie in Benchellis, with others armed as said is, came by way of hamesucken to the place of Strathuidir, where the said Katherine Prestoun and her family were, when the said James Crichtoun of Abercrombie and Robert Fyffe "most shamefullie with thair feete strake the said Katharine upoun the syde, presented bendit pistolets to thair bairnes and servants threatnning to kill thame thairwith, hurt and woundit Elspit M'Keinzie, Jonnet Dow, and Margaret Jamesoun, three of thair servands, in diverse parts of thair bodeis, and the said George Clerk presented ane bendit pistolet to ane young infant, William Nairne, sitting upoun thair nuris knee, affirming he had done worse turnes nor to have shott his pistolet in thair infants wombe for his fathers sake, and avowing if he had
his father in his rowme he would doe no lesse nor shoote him thairwith; and when as the harmelesse infant, seeing the cleere pistolet, patt furth his hand to play with the samine, the said George after ane barbarous and despitful maner strake the infant upoun the hand thairwith, thairby causing the barne and his nureis to cry in suche fearfull maner as the said Katharine was so affrayed that sho hes ever sensyne been in great sickenesse and pane. And after these and manie other insolenceis committit be thame, they maisterfullie caried away ane great number of turffes out of the close, the said James Crichtoun in contempt and derisioin of justice crying—Mr. Robert hes beene langsome with his law (meaning of the process whilk the said Mr. Robert hes presentlie depending before the Lords of Counsell and Sessioun aganis him) bot we will show him our law. And the persouns foresaidis, having divydit thameselfis in three companeis, ane kept the fore yett, another the backe yett, and the thirst lighted in the close, with whom the said James Crichtoun wes, who making thair ane great din and tumult, and the said Prestoun heirin thairof, come out to the close whair the said James Crichtoun immediatlie caught her be both the armes and held her, and ane of her servants, named Margaret Nairne, desiring the said James to lett her maistresse goe, the said James for that onelie caus strake the said Margaret on the face with ane battoun to the great effusioun of her blood, and thairafter the said James commandit Robert Fyffe to lay hands on the said Katharine wha at his command shuik her be the armes and strake her on the syde with his feete; and the said James Crichtoun and George Clerk commandit thair complices to breake the weomen's armes and gairdeis. And when as the said Katharine complained of this injurie and oppressioun in striking herselfe and bairnes, the said George Clerk avowed with manie oathes that he sould doe her selfe some worse turne be making her selfe some morning ane wedow and all the bairnes fatherlesse; likeas the said James Crichtoun, with manie bloodie oathes, avowed that if he had her husband thair present he sould washe his hands in his hearts blood; and the said John Crichtoun at the Milne of Segieden strake the said Margaret Jamesoun on the stott of her breast with the end of ane hacquebutt in his hand, whairthrow she fell aswonne, and hes ever lyn bedfast sensyne in perrell of her lyffe." Charge having been given to the persons complained upon to compair, and the pursuers and also the deforders, with the exception of Thomas Dowie and Robert Fyffe, compairing [in the charge and note of compearance the sons of George Clerk are given as Alexander and John], and the second article of complaint being referred for proof to the oath of the deforders, who denied the same, the Lords asoillzie them from all the points of the complaint, and decern the said Thomas Dowie and Robert Fyffe to be put to the horn.
Counter complaint by the King’s Advocate, and by James Crichtoun of Abircombie, as tutor and administrator to John Crichtoun of Haltoun, and his men, tenants and servants, as follows:—Notwithstanding the laws against the wearing of hagbutts and pistols and convocation of the lieges in arms, there being an action of molestation depending before the Lords of Session betwixt the said John Crichtoun and the Laird of Fordell on the one part, and Mr. Robert Nairne, advocate, on the other part, respecting the muirs called Kinvaid, Strathuird, and Lowstoun Muirs, for three or four years past, and the said Mr. Robert, “not having patience to abide the legall decision of the law, he, at the least, William Crichtoun in Ardonach, James Crichtoun in Blalake, Williame Croy, elder in Letheam, William Thomsoun in Hoill, officiar, George Clepan, chamberlane to the said Mr. Robert, John Leckman in Balbrogo, James Colt in Woodend, William Mitchell in Drumquhen, Andrew Alesoun in Pitlandie, Williame Croy, younger in Letheam, Patrik Garvie thair, William Andersoun thair, George Leilman in Balbrogo, James Garvie thair, David Tailyeour thair, Williame Bowie thair, James Gibsoun in Looke, John Wairthe thair, John Thomas in Ardonochie, Patrick Gellatlie thair, Patrik Crichtoun in Pitlandie,” and others, to the number of eighty persons or thereby, armed with spears, staves, lances, hagbutts and pistols and other weapons, at the instigation of the said Mr. Robert Nairne, came on June last to the muirs foresaid, which belong heritably to the complainers, and in the use of which they have been without interruption for the past two hundred years, and attempted with violence to carry away the fuel there prepared by the complainers. When Alexander Clerk, apparent of Newtoun, and William Bell in Fordell, went to them in complainers’ names to make lawful interruption, they pursued them “of thair lyffes with staffes and stings [poles] and held thame till they after ane maisterfull maner caried away with thame to the plaice of Strathuird to the number of three score loades of fewell or thairby, threatning thame with death if they made anie opposition.” Further, on 1st July instant they came in a similar warlike manner to the said muirs under cloud and silence of night, threatened and menaced the complainers’ tenants, and destroyed about nine score loads of fuel, thus disappointing them of their winter’s provision. Charge having been given to the persons named, and the pursuers and whole defenders comparing, excepting William Croy, who was excus’d on account of sickness, and the defenders alleging that they had only made civil interruption to the pursuers’ casting turfs upon lands claimed by the defenders, the Lords, after hearing certain witnesses produced, find that the said interruption was “inordourlie made,” and for preventing of the like in future and preservation of the peace they ordain the said James Crichtoun and Mr. Robert Nairne to find caution of lawburrows to each other in 2000 merks acted in the Books of Secret Council.
Sir Patrick Murray, knight, created Earl of Tullibardine.
The Captain of Clanranald.

"The quhilk day Johnne, Earle of Mar, produceit befoir his Majesties Counsell ane patent under his Majesties grite seale bearing dait at Quythall, the penult day of Januar last, quhaibry his Majestie hes creat Sir Patrik Murray, knight, Earle of Tullibardin, to succeed in his brothers place and rank of precedence: quhilk patent wes delyverit to William Murray, servitour to the said Earle, in respect of his absence."

"The Capitane of Clanranald oftymes callit, compeirit not, decernis aganis him and his cautioner, with this provisioun, yf Sir Donald produce the Capitane betuix and the first Counsell day of October he salbe free of the penaltie."

"The quhilk day the Laird of Lochbuy gaif his compeirance."

"The Lordis acceptis the compeirance of Lauchlane McClayne for his brother Hector McClane for this yeur and ordanis Lauchlane to adverteis his brother that he keepe his compeirance better in tyme comeing."

"The quhilk day Mr. Donald Campbell become caution for the Laird of Lochbuy and his oldest sone for thair yeirlie compeirance and observing of the remanent articles contenit in the band wherby the Laird of Coill wes bund cautioner for Lochbuye, and Lochbuy and his sone oblist thame to releve Mr. Donald and ather of thame to releve othenis."

"The Lordis havinge seen the letter and reporte maid be Mr. Andro Kynneir, minister at Nenthorne, toucheing the maner of the slaughter of Quyte, committit be David Quyte, hir fader, the Lordis ordanis him to be committit to warde and keept in sure firmanse till his Majestie be certifyed of the trewth of the mater, in respect of ane respett past his Majesties hand for that caus."
letts," and secreting themselves till they saw James Dunbar walking on
the street, the said Robert cast himself in his way and began "to forge
ane querrell aganis him" with disgraceful and contumelious speeches,
and then suddenly with a drawn dirk gave the said complainer three
great strokes upon the hand and arm. The said Robert Dunbar, seeing
his said brother lying on the ground, interposed to save him and to appease
the said Robert Tulloch, but Tulloch then turned upon him with a
drawn sword and pursued him for his life. Further, on June
instant, the said William Hay, armed with a hagbut and pair of pistols,
came to the part of the Moss of Tarras (which belongs to the Earl of
Murray) possessed by the said Robert Dunbar and there "kuest [dug] a
number of faull [sod] and fewell." Parties being cited, and the pursuers
and the said Robert compearing, but not William Hay, and depositions of
certain witnesses having been heard, the Lords assisllzie Robert Tulloch of
the charge of wearing firearms, but find him guilty of the assault upon
the pursuers as libelled and ordain him to be warded in the tolbooth of
Edinburgh. They also find that the said William Hay came to the town
of Forres "ryding on horsebacke with ane jacke, ane lance and ane paire
of pistoletes, the day lybelit," and ordain him to be charged to enter into
ward in the tolbooth of Edinburgh within fifteen days, upon pain of
horning, but they assisllzie him from the complaint about the Moss of
Tarras. They further order the producer to pay to his witnesses £10
to each horseman and 10 merks to each footman.

Counter complaint by the King's Advocate and the said Robert
Tulloch, as follows:—Notwithstanding of the laws prohibiting the
wearing of hagbutes and pistols, on 7th May last while the complainer
was quietly walking on the Hie Street of Forres without company or
armour, the said Robert Dunbar, seeing him "solitarie and alone," came
to him, and "first under sum lat [flattering] and faire termes he ingryed
himselfe in his companie and interteanned ane familiar discours with him
ane certane spacie till James Dunbar, his brother, who with Alexander
Dunbar, younger, merchant in Forres, James Dunbar, quarter maister,
and Alexander Dunbar, alias Belde Sandie, wer lying at await in the
town of Forres, come upon his advertisement to perswe the compleuner
of his lyffe, and how soone the said Robert Dunbar callit for thame
and they comming to him, he at first beganne to upbraiid the compleuner
with reproachfull and disgracefull speeches and strake him upon the
face with his neiff, and than they all drew their swords and bendit
their pistolls, whairwith they invaidit and persweered the compleuner
of his lyffe, gave him diverse and deidlie wounds upoun his head, right
arne and hand, to the effusion of his blood in great quantitie and
appearand mutilatioun of his hand; and than leaving him as a dead
man lying upoun the calsey they went after a bragging maner east and
west the calsey with their drawin swords and bendit pistaletes in their
hands threatning the magistrats and the inhabittants of the toun." Decretal. Charge having been given for the compearrance of parties, and both pursuers and defenders (except James Dumbar called Quartermaister) being present, and witnesses having been produced and examined, the Lords find that James and Robert Dumbar and also James Dumbar called Quartermaister had each of them "ane bendit pistolet in their hands the tym beyllit," for which they commit them to ward in the tolbooth of Edinburgh till they expede through the Register and Seals a remission for the same, and produce it before their lordships, and ordain the said "Quartermaister" to be charged hereto within fifteen days on pain of rebellion. They assoilzie the other two defenders, against whom nothing has been proved, and ordain Robert and James Dumbar to find caution for the indemnity (1) of Robert Milne, a witness produced in the cause, in 500 merks, (2) of Robert Tulloch, in a like sum, and also in the same amount not to wear firearms in future. Robert Milne and Robert Tulloch are to find similar caution for the indemnity of the Dumbars, and all to be acted in the books of Secret Council.

Another complaint by the King's Advocate and Mr. Gavin Dumbar, chanter of Murray, against the said Robert and James Dumbar of wearing the forbidden haiguts and pistols, and particularly that on 11th May last, "being the Sabbath day, the said Robert, haveling spent all the former night and so much as was past of the day in drinking, he come to the kirk of Alves accompanied with James Dumbar called Quartermaister, James and Ninian Dumbars, his brother, the said Mr. Gawin being preaching for the tyme, and the said Robert behaved himselfe most profanelie and scandalouslie within the kirk all the tyme of the sermon, sporting and talking with his companions till the sermon was endit and thairby impeding and staying others from hearing; and after sermon he and his complices went to the kirk-yard whair the said Robert, blaspeminge the name of God in the most fairefull maner, revyelled the compleanner and the whole elders, calling thame beggers and beggers gettis, and that it become the best of thame to honnour his fathers somme, saying that the said compleanner might have come out of the pulpit and tane him be the hand. And he preast to have come in to the kirke againe whair the said compleanner and the elders wer sitting, resolved to have done thame some notable wrong with thair haigquebutts and pistolets, threatening to cutt some of thair heads in two. And at that same tyme he shamefullie and unhonestlie strake and dang Ursilla Tulloch, spous to Patrik Kynmaird, one of the parochiners, becaus she refused to kisse him." Charge having been given to the defenders, and they and the pursuer being personally present, and the truth of the complaint being referred simply to the oath of the defenders, who denied all save the wearing of pistols, for which they alleged they had his majestye's remission, the Lords assoilzie the defenders.
Commission under the Signet to George, Lord Gordoun, Archibald, Lord Lorne, Hector McClaine, younger of Dowart, Lachlan McClaine of Morverne, his brother, Allan McClaine of Artormess and Hector McClaine of Kendlochann, jointly and severally, to convocate the lieges in arms and search for, apprehend and present before the Council for delivery to the Justice and his deputes Ewin McAllane VcEwin VcEane of Tuicharriche in Lochaber, Donald Dow McAllane VcEwin VcEane; Ewin McEanach and Ewin Over, his brother, indwellers in Sownik, John McClaine, and Donald McCoull McFersoun in Sownik, servitors and tenants to Mr. Donald Campbell of Parbrek, Lochow, who on the 14th November last were put to the horn at the instance of Sir William Oliphant of Newtown and Sir Thomas Hoip of Craighall, King's Advocates, Florence McClaine, daughter to Angus McClaine, parson of Morverne, the said Angus, as father and administrator to her, and Lachlan McClaine in Lawdill in Morverne, as her near kinsman, for failing to find caution to underlie the law "for the violent rapt and ravishing of the said Florence," with power to use fire and sword. Signed by Mar, Wintoun, Lorne, Areiskine, Melvill, Mr. of Elphinstoun and Hamilton.

"After our verie heartilie commendations to your good lordship. Having designed the church of St. Gyles in Edinburgh as the fittest and most conspicuous place for his Majesties coronatoun we have causid the same senseyne and considerit in quhat pairt thairof his Majesties throne and stage may be most convenientlie erected, but our resoluution concerning that point hes beene differed upoun a commoun receavid opinioun that thair is a necessitie that his Majesties face induring the solemnities of that actioun must be directed towards the east, which if it be a formall and unchangeable ceremonie we sall rule our proceedings thairin accordinglie, but if his Majestie may indifferentlie looke to the south (quhilk we wish may be) it will greatumlye import the credite and beautie of the actioun which cannot be so commodiouslie and with so great a show and luster performed if the throne sall be placed with a reference to the east in regard of the situation of the church and disposall of the lights within the same. Qhaurwith desyrring your lordship to acquaint his Majestie at some fitt opportunitie and to certifie backe with all possible diligence his Majesties pleasure and resoluution thairanent whairunto we sall conforme our selves, we rest, etc. Frome Halyruishous the 25 of July 1628. Subscriptitur, Mar, Wintoun, Lorne, Areiskine, Melvill, A. M. Elphinstoun, Str Thomas Hoip, Hamilton, Scottistarrett."

"After our verie heartilie commendations to your good lordship. Qhuhairas Johne Gordoun of Arlogie haveing undertane a charge in his Majesties service under the regiment of Colonell Sinclair for assisting his Majesties darrest brother the King of Denmarke in the warres quhairin he is now ingaged, and the said Johne for the better forder—
anc in that service haveing ressawed his Majesteis moneys and givin his band for lifting of twa hundreth men and transporting of thame toward Germanie, he hes most undewtfullie and unworthilie fallyed in performing his condition, sua that after ane yeeres patience and attending his discharge of dewtie he is at last for that caus denouncd his Majesteis rebell and put to the horne, quhairat he hes remained this long tymie as he does yitt unrellax to the high and proud contempt of his Majesteis auctoritie and disappointng and hindering of his Majesteis service; and quhairus thair is letters of captioun direct aganis him we must recommend the executioun of the same letters unto your lordship requestng and desyring your good lordship to have a special care to se thir letters ressawe speedie executioun and the rather becaus the mater it selfe concerns his Majeste in so high a point of service, for we know verie weill if your lordship kythe in this earand (as we perswade our selfes yow will) thair is no possibilitie that the said John can escape your lordships hands; and looking that the respect of his Majesteis interesse in this mater will be forcible enough with your lordship to doe that quhilk to the charge and credite of your plase appertane, we committ, etc. Halyruidhous 25 July 1628. Subscribiter, Mar, Wintoun, Lorne, Arskine, Melvill, A. M. Elphinston, Sr Thomas Hoip, Hamltoun, Scottistarvett."

Treasurer; Hadintoun; Wintoun; Lynlythqu; Wigton; Lauder; Sederunts, daill; Lord Lorne; Lord Arskene; Lord Melvill; Master of Elphinstoun; Advocate; Clerk of Register; Sir John Scot.

"The first Counsall day of the vacanse appointit to be upoun the xxvij day of August."

[Sederunt as recorded above.]
agree, Corrie denied the accusation, whereupon the Lords found that Maxwell had done wrong in taking Corrie, he not being a declared fugitive or at the horn for theft, and ordain him to be warded in the tolbooth of Edinburgh till released by them.

Complaint by William Jaffray in Garloch, as follows:—On February last, "being Sunday," he was peaceably in the house of Matthew Thomsoun in Ruchecraig and "intersteanned ane freindlie and familiar discourse with the said Mathow, James Thomsoun in Crumlett, his brother, and John Hoge in Burnefute, a long spaise, and than taking his leave of thame to have depaired, they after ane courteous and freindlie maner, as appeared unto the compleaneer, invited him to stay with thame that night," which at their earnest entreaty he consented to do, fearing no harm, yet the said John Hog with the allowance of the others struck him at unawares "with ane long Hieland durke in his right syde." Thinking the complainer dead, the Thomsons conveyed the said John Hog privily out of the house. Through his wound the complainer has become so weak that he cannot work and sustain himself and his family, "being bot ane meane labourer of the ground." Charge having been given to the said Matthew and James Thomsson and John Hog, and they and the pursuer compearing, the defenders pleaded that the matter had already been tried before the Sheriff of Lanark and his deputes, who fined the said John Hog £50 to the Sheriff "for the blood," and put him under caution to satisfy the pursuer at the sight of the Sheriff, in proof whereof the "act and rolment" of court was produced. To this the pursuer replied that the trial by the Sheriff could not prejudge him of this pursuit before the Council. The Lords, however, remit the redress of the matter to the said Sheriff and his deputes, desiring them to modify the satisfaction to be made at their discretion, and recommending them to have a special care that the pursuer be "weill cured of his wound" at the expense of the said John Hog. They find no case against the Thomsons, in respect of John Hog's appearances for trial, but ordain all parties to find law surety, each to other in 200 merks, acted in the Books of Secret Council, and not to leave Edinburgh till this be done.

On the supplication of Sir Alexander Hamiltoun, sometime apparent of Innerweik, bearing that since the last extension of his protection (ante, p. 335) he has been very diligent in getting his company full and complete, that they are now "in a reasonable readinesse for imbarking," but that he has received advertisement from the Earl of Nithsdale, under whom he is to serve, that he is coming here with his Majesty's directions about the service and requiring the supplicant to stay for dispatches and directions. "Yitt be reasoun of some few civill horninges he underlyes he darre not attend, and if he be not alwayes over his companeis head, whilkis with great turmoil and cummer and with exceeding great charges and expensis he hes drawin togidder, they will
all disband to his utter wracke and disappointing of his Majestie's service.” He therefore craves a further extension, which the Lords grant to the last day of September next.

Complaint by John Hiddestoun at the Milne of Templeland, as follows:—

—On October last John Maxwell of Schawes, in company with others, armed with batons, rungs [heavy staves] and other weapons, came by way of hamesucken to his dwelling house, and fiercely assaulted him, having no respect to “his old and weake age, he being past fourescore thretteen yeeres,” “strake and dang him” with their said batons and rungs, “feld him to the ground,” when the said John Maxwell “powst and bruised the said compleaner with his knees upon the breaste, bellie and uthers pairs of his bodie” and struck him through the left arm above the elbow with a whinger to his great loss of blood and peril of his life. When Janet Kirkpatrick, “his poore, aiged, harmelasse wyffe of threescore ten yeeres or thairbye, prest by the small strent she had to have rescued him frome the said Johne Maxwell,” he so cruelly assaulted and bruised her that she lay bedfast for fifteen days afterwards; and neither of them will “be ever able hereafter to worke for winning of thair living bot be as decrepit persouns all thair dayes.”

Moreover the said John Maxwell and his companions took the complainer as a captive, carried him to the burgh of Dumfries, and kept him in ward there for five weeks, he being his Majesty’s free liege and guiltless of any crime, and the said John Maxwell having no warrant so to do. Charge having been given to the said John Maxwell, and both he and the pursuer being present, the Lords, after hearing the pursuer’s witnesses, who failed to prove any point of the said complaint, assolizie the defender.

Complaint at the instance of David Murrey of Halmyre, Thomas Chisholme, elder, in Scandhoip, Thomas Chisholme, younger, his son, Andrew Chisholme there, and Thomas Greirster there, as follows:—

They are charged at the instance of John, Lord Hay of Yester, Normand Hunter of Polmuid, and Walter, James and George Hunter, tenants of the lands of Polmuid, to find caution to them for the safety of them and their families, etc., the said David Murrey in £1000, and the others each in £500, under pain of horning. But the said sums are far above the caution prescribed by the Act of Parliament anent lawburrows, seeing that the said David Murrey is but a feuair, and only liable in 500 merks, while the others are only of the quality of yeomen and labourers of the ground, whose caution is fixed at £40; their cautions should therefore be modified, and horning suspended. Charge having been given to the parties, and David Murrey comparring for himself and the other suspendors, and the defenders comparring by Andrew Hay, writer to the Signet, the Lords, after hearing both, suspend the horning as craved, and modify the caution to be found to £500 in the case of the said David Murrey, and £100 each in the case of the others.
On a supplication by the gentlemen parishioners and other inhabitants of the parish of Logydurmore, bearing that, because they are sixteen miles distant from any burgh or public markets or fairs, they cannot provide themselves with fish, flesh and other necessaries, except at an extraordinary cost, which has so ruined many of them that they can no longer underlie the burden, and praying for the remedy of the same by the following means which they suggest in their petition, the Lords, “knowing pertytelie the great incommoditie and prejudice that the supplicants susteines by their renovall and farre distance frome anie mercats, and being willing for their greater ease and more seasonable furnishing with vivers to grant thame all the lawfull favour that in suche a caise can be allowed,” grant them power and warrant “to keepe and hold a publict mercat weekelie at the Chappell of the Garicho, as the most commodious and opportune place within the whole bounds of the parochin for suche a purpose untill the term of Martimes nixtoome allanerie. Provvyding alwayes, and it is heirby expresselie declared, that if the burrowes or anie other persons, finding thameselffes interested by keeping of the said mercat, sall compleane thairof to the Counsell, the saids Lords after consideratioun of their greevance and reasouns of the same will take suche course for dischairging of this warrand or shortning of the tyme thairin conteanit as they sall find the merite of the caus to require.”

Complaint by John Thomsson in Abirledie and George and James Johnstoun there, as follows:—Their “lang and wearisome abiding in the saids ward in the wardhous of Edinburgh” at the instance of Alexander Wilson is known to their Lordships, as they have given in “sindrie lamentable narratiouns concerning their estait, miserable handling and great povertie.” Last Council day, their Lordships “being wearieth with their lamentable sutes,” ordained John Thomsson to pay 100 merks to the said Alexander Wilson, and Wilson desired that the said Johnstouns might be banished. But “throw occasioun of the unhappie trouble for the whilk the saids compleaneers ar wardit, their haill free goods hes beene exhausted, and they have not so muche as to pay thair jaylour fee, but lives onelie upoun the almoswhilk they beg out at the wardhous.” Charge having been given to Wilson to compear and see the said sum modified or paid in four instalments, on which terms only can Thomsson find cautioners for payment, and to see the Johnstouns released, they having found caution for his safety, and the complainers compearing by William Mortimer, their procurator, and the defender being personally present, the Lords ordain the provost and bailles of Edinburgh to release the complainers—John Thomsson, because he has given Wilson a bond for the sum of 100 merks imposed upon him as a fine for his assault on Wilson, and also acted himself in the Books of Secret Council in £100 for Wilson’s indemnity; and the Johnstouns, provided that each first pays to Wilson £40, and finds caution in the said books in £100 for his indemnity.
Complaint by Thomas Young, messenger, indweller in Edinburgh, as follows:—He was suspended from the exercise of his office by their Lordships for certain causes (ante, p. 318), and has now no means to live by, except they repone him. Charge having been given to William Wattz, tailor in London, at whose instance he was suspended, and he and the pursuer both compearing, the Lords, in respect of the notour poverty of the said Thomas Young, repone him in his office, but without prejudice to the defender to pursue him before the Lords of Session for recovery of his debt.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by James Johnstone of that Ilk, and Ninane Halyday in Beddacolme, as follows:—Though the wearing of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited, yet on 16 June last James Scot called of Newwarke of Craikhauche, Rolland Bailzie in Watcarrick, Hector Cranston in Holme, Bertie Glendinning, his servant, Bertie Andersoun,¹ his servant, Edward Achesoun in Blaikos, Hew Achesoun there, David Achesoun there, John Wilsoun in Twiglies, Patrick Nicoll in Yetheyre, Simon Nicoll in Raeburne, John Baittie in Watcarrick, and David Baittie in Caldkin, all men, tenants and servants to Walter, Earl of Buceleuch, with others, to the number of twelve persons, armed with "swords, stavles, speades, mattocks," and other weapons, and the prohibited hagbuts and pistols, came to the complainers's lands of Niqkerso and cut and destroyed "saxtein or sevintein dayes darge of peits whilks the said Niniane Halyday had been casting for his winter provision." Charge having been given to the said persons to compear, and the pursuers compearing, but of the defenders only the said Hector Cranston, James Scot and Rovie Beatie, and the probation as to the wearing of firearms being referred to their oaths of verity, which they denied, the Lords assiozlie them thereof, and as to the other part of the charge remit the trial of it to be pursued before the Judge ordinary. The non-compearing defenders are ordained to be put to the horn.

Commission under the Signet to the bailies of the regality of Dalkeith, Sir James Dundas of Arnestoun, Archibald Weddel of Langsyde, Mr. Robert Case, apparent of Fordell, and Thomas Megot of Maistertoun, or any three of them, as justices, to hold courts and try Margaret Unee in Borthwick and Janet Schitlingtoun in Newbottle, who have long been suspected as witches, and have on examination "confest the raising of the devill, the renouncing of their baptism and the useing of diverse devilish practisse" against the lieges. Signed by Mar, Hadintoun, Wintoun, Linlithgow, Wigtoun, Landerdaill, Hamiltoun, Sir Thomas Hoip and Scottistarvett.

¹ Probably this name was meant to be struck out, as the preceding one is interlined above it, and it does not afterwards occur.
Commission under the Signet to Sir William Greir of Lag, Sir John Charters of Amisfeild, and the provost and bailies of Dumfries or any of the three of them, either the Laird of Lag or Amisfield being present, as Commission to Sir William Grier of Lag and others to try George Irving in Mospibill, who on May last slew Robert Bell in Arkingholme, and being apprehended "with the bloodie hand" is now in ward in the tolbooth of Dumfries. Signed by Mar, Wintoun, Lorne, Arskine, Melvill, M. of Elphinistoun and Hamiltoun.

"After our vere heartilie commendations to your good lordship. We doubt not bot your lordship hes heard of the lawlesse and insolent proceedings of James Grant, brother to the goodman of Carroun, who being denounced rebell and putt to the horne for the slaughter of umquhill Patrik Grant, sonne to Thomas Grant of Cardellis, and several commissiouns being direct furth for his apprehensioun, he hes notwithstanding thereof, in contemn of his Majesteis auctoritie and for his better enhauling to oppose the same, associat unto him selfe a number of brokin Hieland men all armed with unlaughfull weapouns and with thir rebellious thevees and lymmers he goes sorning aforth the countrie committing unsufferable outrages and oppressiouns upoun the poore people and speciallie upoun the tenents of the lands pertaining to Patrik Grant of Ballindallache and Johne Grant and his sonne who for thair awin securitie ar constrained to sett out nightlie watches and kepe men upoun the feilds; and now laitlie, these rebellis haveing forgathered with Johne Grant of Dalnabo, brother to Ballindallache, they seazed upoun his persoun, tyed his hands behind his backe with bowstrings and cruellie and unmercifullie mordrest him in cold blood everie one of thame striking him through the bodie with thair durkes; thairafter they cutted off his hands, eares and nose and caried the same with thame as a trophie of thair victorie; quihich barbarous inhumanitie and proud contempt of the soverane auctoritie in a countrie subject to law and justice being no lesse disgracefull to his Majesteis governement than dangerous in the exemple, we have hereby thought good for staying the foder progres of suche mischeevous attempts earnestlie to intreat and request your good lordship that your lordship would be pleased according to the dewtie of your place and power grantit be his Majestie to your lordship to imploy your best endeavours for apprehending of thir rebellis and making them lyable to the course of justice; as alsua that your lordship would concurre and assist suche gentlemen as ar warrandit with commissioun aganis him and use your best care and diligence for apprehending of thir malefactours; in doing quhairof as your lordship sall testifie your affection and zeal for the furtherance of justice, so youl will approve your selfe answerable to that trust and credite quhilk his Majestie hes reposed in yow, quhairof we sall not faile to give his Majestie notice that your lordship may report your (sic)
deserved thanks; and so, etc. From Halyruirdous 29 July. Sub-Royal Letter., 
scribitur, Mar, Hadintoun, Wintoun, Linlithgow, Wigtoun, Lauderdaleill, Fol. 142. b. 
Areskine, Advocat, Hamiltoun, Scottistavrett."

"After our verie heartlie commendations to your good lordship. 
Thair was produced in Exchequer a Signatour under his Majesteis 
hand quhairby his Majestie hes beene pleased upoun a favourable 
narrative to graunt a respekt for ane yeere to one David Quihyte for 
the slaughter of his daughter whiche in regard of the odiousnes 
and notorietie of the fact and constant brute of his inexcusable 
gultines of the same we forboore to exped and committit the tryell 
of the trueth of that matter to his Majesteis Advocat and Justice 
Depute, who haveing for that effect writtin to Mr. Andro Kynneir, 
minister at Nenthorne, desiring him to take tryell and informe him 
sellife be the gentlemen and nighbours about of the maner and circumstances 
of the slaughter and upoun quhat ground and occasiouen the 
same proceedit, and to certifie backe quhat he sould learn airin; 
he returned ane answer to the Advocat whiche wes this day pro-
duced and read in Counsell bearing that a young boy haveing without 
the said David Whyte his privitie tane away his naig and riddin some 
little journey upoun him, and the said David supposing that his 
dather had lent the naig he avowed in his drunken humour to 
charrme her frome playing the lyke, and thairupon coming hame and 
finding his daughter alone he first kuist her to the ground and with 
his knees birsed her breast to her backe, thairafter with a trea strake 
her twize or thrise upoun the head, quhairwith the poore damosell being 
confounded did staggen in to her next nighbours hous uttering those 
words onelie, My father hes murdered me, and so presentlie died. This 
David Whyte is reported be the minister to be of a most insolent and 
intractable humour haveing so abused his first wyffe with straiakes 
that she paireit with child and never rose againe, and hes compellit his Fol. 143. a. 
wyffe for feare of her lyffe to divert from his companie and betake her 
to service. Upoun this inforamathon and evidencies givin in aganis 
the said David we have caused committit him to ward, quhairosf we have 
thought good to certifye your lordship, to the intent his Majesteis being 
aquainted be yow with the trew estait of the bussines may signifie 
his royall pleasure ather for expeding of the respekt or proceeding 
againis the said David by course of law, quhairanent attending his 
Majesteis directiouen, we commit your lordship to God. Halyruird- 
hous 29 July. Subscribitor ut supra."

Sederunt.—Monteith, prees; Mar, Treasurer; Hadintoun, Lord Acts February 
Privy Seal; Linlithgow; Wyntoun; Perth; Lauderdaleill; 1628-July 
Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord 
Melvill; Master of Elphinstoun; Advocate; Clerk of Register: 
Sir John Scot.
The whilk day William, Earle of Monteith, president of his Majesties Counsell, exhibite before the Lords of his Majesties Privie Counsell the twa missive letters and articles underwrittin, and desired the saidd Lords opinions and answere theiranent, of the whilk missives and articles the tennour follows:—CHARLES R.—Right trustie and right weelbelovit cousine and counsellour, right trustie and weelbelovit cousines and counsellours, and right trustie and weelbelovit counsellours, we greete yow weil. Whereas the commissioneris of the shyres choise in the last Michaelmes head courts ar to appear by summonds for our Parliament appointed to beginne upoun the fyftein day of September nixt, and in regaird the said Parliament may continew after Michaelmes nixt whilk is the usall tyme of the nixt electiuon of commissioners for shyre; and we considerin how unfft it will be that anie change of commissioners sould fall furth during the continuance of the said Parliament and how necessar it is that the same commissioners who are to mete in the beginning sould bring their begunne busines to a final end before they sould be changed our pleasure thairfore is and we doe heereby will and require yow upoun sight heerof to write unto the severall shireffs of the severall shyres for the tyme being to conveene the gentrie of the severall shyres for confirming the former electiuon of the former commissioners for this nixt yeere without admissoon of anie alteratigion except it be for suppielding of the plaices of suche as ar dead or preferred unto higher degree of honnour since the last electiuon; all which amongst our former directionis we recommend unto your speciall care and speedie resoluition, and so we bid yow heartlie fairweil. Frome our Court at Whitehall the twentie ane day of Julij, 1628.

CHARLES R.—Right trustie and right weelbelovit cousine and counsellour, right trustie and weelbelovit cousines and counsellours, and right trustie and weelbelovit cousines and counsellours, we greete yow weil. Haveing considerit how the charges requisite for our going to that our ancient kingdome to receave our crowne and to hold a Parliament there which of necessitie requireth present money, and in regaird of our other great affaires seing we cannot convenientlie afford it at this tyme, we have moved our officiers of estait to borrow the same from tyme to tyme to approaching our use, and to the effect that they nor nane of thame for their affectiuon to our service sould anie wise suffer or be in danger of payment we ar verie willing to graunt thame anie assurance that they can demand or that we can graunt for thair releefe. And thairfoir our pleasure is that for this effect there be granted unto thame anie securitie that they sall require upoun our rents, casualliteis, taxatious and annuitiese to come, in generall or by particular assignements as they for thair releefe sall require by Acts of Counsell or Exchequer or by anie uther suretie requisite for this purpose whoarby these our officiers for the present who have ingadged or [are] to ingadge thameselffes for us may be releefed or anie uther officiar who may happen to succeed in anie of thair officies
and plaices whome we will and declair by these presents that they sall succeed to the burdein of the said debt as in the saide places ay 1629. and whill the saide sownes be payed that none of the heyres of the present officiers may be troubled for the same hereafter, and that these moneys sall be payed before all our moneys whatsomerer excepting our moneys whilke wer dew unto James Bailzie, knight, and our mariners to be payed conforme to our former appointment, etters, warrants or acts made by yow thairaenent. And for your so dooing these presents sall be unto yow and everie of yow frome tyme to tyme a sufficient warrand, and for that effect we require yow to registrat the same in the Bookes of Counsell and Exchecker, and so we bid yow heartilie fareweill. Frome our Court at Whitehall the 21 day of Julije 1628."

"A pud Whitehall 24° die Julij 1628.

"The which day in presence of the Lord Chancellour, Lord President of the Counsell, the Lord Napier, Sir Williame Alexander and Sir Archibald Achesoun, knights, his Majestis Secretaires, and upoun thair conference with Sir James Baylie, knight, these propositionis following wer resolved to be propounded unto the consideration of the remanent Lords of his Majestis Privie Counsell of Scotland by the said Lord President of the said Counsell. Inprimis. That the Lords of Counsell in Scotland may be pleased to consider of the fittest way and means to prorogat the now summoned Parliament and to returne thair advice thairupoun unto his Sacred Majestie whither the same must be by a particular commissioun under the Great Seale or if his Majestis owne letter or warrand under his hand will be sufficient authoritie for the purpose that the same may be dispatched from his Majesties awin hand accordinglie in dew tyme before the 15 of September, being the tyme appointed whairunto the Parliament is proclaimed.

"2. Item. That his Majestis houses and the high wayes may be with all possible speed repaired and the game of wylye foule and deir preserved by a strict restraint of shooting or killing of the same by anie otherwayes.

"3. Item. That moneys may be tymouslie raised and sent up to Londoun whairwith to buy suche provisionis as ar requisite or necessarie to be transported from thence.

"4. Item. That licence may be granted to import into Scotland suche a quantitte of wyne, beir, confectiouns, groserie, as may serve his Majestis hous and the countrie duiring his Majestis abode there, and that his Majestie may be thairafter certifie of the Lords conclusions concerning the premisses, whairpoun to give such forder ordour and directionis as to his princelie judgment may seeme fittings and suitabe to his Majestis royall intentionis in these or anie other things fitting to be considered of concerning provision for the coronatioun and Parliament.
Whilks missives and instructions being read, heard and considderit be the Lords and they weill advised thairwith, they ordained missive letters to be writtin to the whole shireffs for confirming the election already made be the small barons and freeholders of thair commissioners for this yeere to stand for the yeere to come, and ordained a copie of his Majesteis letter to be sent to everie one of the said shireffs to be shawin be thame to the meeting for thair better informaition concerning his Majesteis pleasure in that mater; and tuiching the other letter for lifting of moneys and instructiouns foresaid they ordained a missive letter to be writtin to his Majestie of the whilk the tennour followes:—

Most Sacred Soverane, We reesaved fra the Erle of Monteith your Majestie twa letters and we lykewayes heard the instructiouns givin be your Majesteis direction unto him tuiching the preparatiouns for your Majesteis heere comming and suche things as necessarilie depends thairon. And according to the direction of your Majesteis first letter we have writtin to the whole shireffs of this kyndome acquainting thame with your Majesteis royall pleasure for confirming the election alreadie made be the small barons and freeholders of thair commissioners for this yeere to stand for the yeere to come, and we have carefullie recommendit unto thame to give unto your Majestie satisfactioun thairin as a service whilk will prove most acceptable to your Majestie. And tuiching your Majesteis other letter anent the moneys to be lifted be your officiars of estait upoun the provisionus and securitius mentiouned in the letter, after that the same wes dewlie considderit at the Counsell table, the opinion of suche of the officiars of state as wer present wes craved, who altho they will be deficient in nothing whairby they may testifie thair humble and dewartfull affectioun to your Majesteis service, yitt with most humble respect they desired the table to represent to your Majestie what hes beene the caise of former occurrents in this kynde, to wit, that the charge and burdein of lifting of moneys wes ever layed upoun your Majesteis officers of recept and that it was a noveltie without exempel to burdein the officiars of state thairwith, and that notwithstanding if your Majestie would have thame to concurre and joyne in this earand they would willinglie undergoe the same, so it would please your Majestie to caus all the remenant officiars of state and all suche as hes the use and benefits of your Majesteis rents or anie pait thairof be precepts, pensiounns or assignations, to joyne with thame in this earand.

And whairas it is well knowne to us that the Erle of Mar, your Majesteis Thesaurar, being left alone and to himselfe at this tymne and notwithstanding out of his dewartfull respect to your Majesteis service he ingadged his credite and lifted moneys for defraying of the charges necessarilie requisite for reparatioun of your Majesteis houses, thairfor he humbelie desired that he might be releved of his ingadgements for that caus and preferred in his releefe thairof to all other payments whatsoever. After this motioun wes resolved to be represented unto
your Majestie it was considerit be your Majestis letter that the releefe of these who are to be burdened must arise out of your Majestis rents, casualitieis, taxationis or annuitieis to come, and that your Majestis rents as they are exhausted are unable to worke their reliefe, and that the most probable and readie way for reliefe must arise upon a taxation to be imposed upon the whole kingdom, thairfor it was motiouned to the table that in respect of the great dificultieis that occures in the binding of particular persons without some reliefe, ane Conventiou of the Estaitis might be callit be your Majestis warrant and thairinin taxatioun imposed of suche sowmes of money as ar able to defray the necessar charges that must be employed upon your Majestis comming and abode heere. Whilk being considerit and reasouned be the table they have allowed of the said motioun and thinkes the same most reasonable and necessarie if so it pleis your Majestie that the publict and commoun burden for so necessar and wished a caus of your Majestis heere comming shoule be undergone be the whole estaitis.

"Anent the prorogation of your Majestis Parliament the forme has ever beene by a commissioun under the quarter seale, the commissioun being sent blanke to your Majestis Counsell with ane warrant to thame to fill the same with suche persons as wer most ewest and readiest to attend. The forme of the commissioun we have heerewith sent up to your Majestie, and at the retorn thairof under your Majestis hand it shall be expend your quarter seale and all things depending thairon ordourlie dispatched.

"Your Majestis Thesaurar hes beene Cairfull towards the reparatioun of your Majestis houses with suche conveniencie as the shortnesse of tyme could permit and numbers of craftsmen of all sorts ar following these workes. Direction is given for repairing of the hee waiies and a strait prohibitioun againis the slaughter of wylde foule and venison.

"Anent the licences for importing of wynes and banketting stiffe the consideratioun of that article is upon good respects continewd till the usuall tyme of the home bringing of wynes.

"And tuicheing the tyme of your Majestis most wished heere comming it is resolved by the voyces of the whole table that the end of Spring will be fittest for that earand. All whilk submitting to your most judicious and royall consideratioun, and humblie beseeching your Majestie to lett us have the significatioun of your Majestis royall pleasure heere anent with suche diligence as your Majestis others affaires will permit, we pray, etc. Halyruihous, primo Augusti 1628. Subscriptur, Mar, Monteith, Hadinton, Winton, Perth, Lorne, Areskine, Dumblane, Sir Thomas Hoip, Hamiltoun, Sir John Scot."

"Forsameekele as albeit by ane former act and proclamatiioun publieist thairupoun the slaying, selling and buying of wylde foule and venissoun hes beene verie straitlie prohibite and dischairgit under the panes following, to witt, under the pane of fourtie pund to be incurred be
everie persoun taker or slayer of the said wylde foule and under the panes of twentye plund to be incurred be everie persoun buyer and eater of the same besides the paines prescryved in his Majesties lawes and Acts of Parliament made agains the slaughter of deir, rae and vennisoun, notwithstanding the Lords of Secret Counsell ar informed that the slaughter of wylde foule is als frequent and commoun as it was at anie tyme preceeding the said proclamatioun and that the same ar brought to publict mercat, speciallie to the mercat of Eddinburg, whair numbers of people preferring the delicate feeding of thair belleis to the obedience of the law buyes the said wylde foule at thair pleasure, wahirthrow thair is a great probabilite and likeliehood that thair will be ane great skairsetie of wylde foule and lykewise of vennisoun at his Majesties comming to this kingdome to the discrude of the countrie and disappointing of the furnishing for his Majesties Court and hous without remeind be provydit. Thairfor the Lords of Secret Counsell ordains letters to be direct charging officiars of armes to pas to the mercat croces of the heid burrowes of this kingdome and uthers plaices needfull, and thair be opin proclamatioun to make new publication of the acts and proclamatioun foresaid made anent the slaughter of wylde foule and vennisoun, and accordinglye of new to command, charge and inhibite all and sindrie his Majesties lieges and subjects of what estait, qualitie or degree soever they be, that none of thame presocene nor take upoun hand to hunt, slay, sell or buy anie kynde of wylde foule or vennisoun under the paines abowenwritten particularie specified in the saids acts and proclamatiouns, certifieing thame that failyeis and does in the contrair that the saids paines sall be uplifted of thame without favour. And siclyke to command and charge all and sindrie magistrats to burch and land that they and everie ane of thame within their several bounds, offices and jurisdictionouns, have a speciall care and regaird to see that this present act be preciselie observed and keeped within thair bounds as they and everie ane of thame will answere to his Majestie and his Counsell upoun the dewtfull discharge of thair offices."

"The whilk day Alexander, Erle of Linlithgow, produced and exhibite before the Lords of Secret Counsell the missive letter underwrittin, signed be the Kings Majestie and directed unto the saids Lords, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weelbelovit cousine and counsellour, right trustie and right weelbelovit cousines and counsellours, and right trustie and weelbelovit counsellours, we greeote yow weill. Whereas the shippe callit the "of Lubeck (which was laitlie brought to Broadland sands with some Malaga wynes and others commoditeis) wes thairafter by the Admiral of that our kingdome and by vertew of a warrand from us unto him judged to be lawful pryze, our pleasure is and we doe hereby will and require yow to be effectuallie aiding and assisting unto our said Admirall in the dew execution of the said decret and in
administering justice againis the intromettouris with the saide goods, so as the paitieis to whome the said pryze and goods ar thairby adjudged may actuallie receive the same accordinglie, and with as little charges and delay as may stand with justice and the course of our lawes and practick there. And whereas we ar informed that yow have caused some of the moneys and price of the saide goods to be disposed of to our use and for payment of some of the mariners and officiers of our shippes there, and that yow have made ane Act of Counsell and Exchequer with consent of our Thesaurar that the Commissioners of Exchequer sould repay the same according to our pleasure formerlie signified to that purpose before any other payments, by reason we did in Marche last writ unto the saide Commissioners to pay the saide officiers and mariners before any others, our further pleasure therefore is that the said paitieis to whome the said pryze and goods were adjudged may be reypayed of the saide sowmes as formerlie disposed of by our said Exchequer to the saide officiers and mariners conforme to the tennour of the said Acts of Counsell and Exchequer; and for your so doing these our letters shall be unto yow and everie of yow frome tym to tym a sufficient warrant and discharge. We bid yow farewell. Fromour Court at Whitehall the 14 of June 1628. Whilk letter being read, heard and considderit be the saide Lords and they being therein well advised, the Lords of Secret Council ordainis Johne, Erle of Mar, his Majestis Thesaurar, and Archibald, Lord Naper of Merchinstoun, Deputie Thesaurar, to make payment to the paitieis to whome the said pryze and goods were adjudged of the sowmes of money formerlie disposed upoun be his Majestis Counsell to the officiers and mariners of his Majestis shippis conforme to the Act made to that effect sua soone as his Majestis coffers will conveniently permitte the payment of the said sowme, anent the payment whairof this present Act with the acquittance of the paitie shall be unto thame ane warrant.”

“After our verie heartlie commendations. Whairas the Kings Majestie haveing takin to his royall consideration how unfit it will be that anie change of commissioners sould furth furdur the tym of his Majestis high Court of Parliament which is proclaimed to beginne the xv of September next and how necessar it is that the same commissioners quo ho ar to mee in the beginning sould attend the whole tym of the Parliament and bring thair begunne bussines to a finall end before they be changed; it hes thairfoir pleased his Majestie to wryte a letter to us of his Majestis Counsell for continuatoun of these commissioners quo ar presentlie for this nixt yeere, of the which letter we have sent yow herewith a copie that yow may know his Majestis pleasure, and thairfoir according to his Majestis direcilion sent unto us these ar to request and desyre yow to conven the small barouns and freeholders within the bounds of your office, and at your meeting that yow impart unto them his Majestis rovall will and pleasure in this mater, and accordinglie
that yow deale with thame to give his Majestie satisfactioun heerin by confirming the electioun alreadie made by them of thair commissioners for this yeere to stand for the yeere to come, and incase anie opposition be made againis these commissioners or anie of thame that they are not suche freeholders as may be chosin be the Act of Parliament in that caise we live yow to the freedome of electioun according to the warrand and directioun of the Act of Parliament. Whiche recommending to your specall care and diligence as a point of service whiche will be most acceptable to his Majestie, we committ yow to God. Frome Halyruidhous the last of July 1628. Subscribitur, Mar, Monteith, Hadinton, Sr Thomas Hoip."

"That missives be direct to the Bishopis of St. Androis, Dunkeld and Caithnes, the Lord Yester and Weymis, the Laird of Newtown, the Commissionaris of Stirlyne, St. Androis, Glasgu, to attend the commissioun for the surrenderis upon Wednesday nixt the sxt of this instant. Suche of the commissionaris as wer present ar warnit apud acta."

"The qhilk day his Majestis Advocat exhibite foure commissiones toucheing the halding of circuit and justice courtis, the expeding wherof continewit till the morne."

The Minute Book of Processes gives the following memoranda collectively for the month of July 1628:—

Ryott: Howmanes against Andrew Ker.
Ryott: Gibsone against Fairies.
Bill to be putt to libertie: Robert Weir against Erkeckin.
Act ordeaneing charmers to be scurged and not to charm aney mor under the payne of death.

Warrand to the magistratis of Glasgow to put David Stewart to libertie.

Ryott: George Burnsyd against James Burnsyd.
Ryott: Walter Newall against Robert Lindsay.
Ryott: Adame Lokhar against Alexander Montgomrie.
Ryott: Creichtoun against King.

Ordour to put James Weir to libertie who was imprisoned for useing chirurgiane traide.

Act to the Clerk to delyver some writs to George Ross.
Letters to be put to libertie: Thomcson against Willcson.
Process: Lindsay of Baccaross against Robert Melvill for demolishing his dask.

Imprisonement: Williame Fairlie against the bailzeis of Dysart.
Ryott: Patrick Mathiesone against Kincaid.
Ryott: Patrick Bulloch against John Tweidie.
Rebellioun: Sir Robert Halkit against John Ewing.
Rebellioun: Sir Henry Wardlaw against Hoome.
Warrand for several persones to be put to libertie.

Precogntioun against the Earle Cassillls and shireff of Wigtoun.
Ryott: Patrick Nisbet against James Dodis.
Ryott and oppressioune: Mr. John Nairne against Crichtoun and utheris.
Ryott hinc inde: James and Robert Dumbaris against Tulloches.
Letters for cutting of wood: the Earl Hadington against Hoome of Basingden, &c.
Letters: Clerk Register against the relict of the shireff clerk of Wigtoun for delyverie of the registeris.
Ryott and weiring of pistollis: Mr. Gawin Dumbar against Dumbaris.
Act for setting Thomas Young, messinger, to libertie.
Ryott and imprisonment: William and John Keneachbowies against the Lord Berridaill.
Bill: Advocat and Hamiltoun of Quotquott against Murray of Halmyr for weiring pistollis.
Suplication be several gentlemen for ane mercat to be halden at the Chappell of Garioch.
Oppressioune and ryott: Johne Bell against Maxwell.
Ryott: Johne Hidlstain against John Maxwell.
Suspensioune lawborrowes: David Murray against the Lord Yester.
Ordour to the proveist and bailyeis of Edinburgh for putting Johne Thomsone to libertie.
Wrongous imprisonment: Bessie Wricht against the magistratis of Pearth.
Protectione for Sir Alexander Hamiltoun.
Process: Johnstoun against Scott for weiring hagbutts.
Ryott: Jaffray against Thomsone.
Lawborrowes: Johne Hay against Dumbar.

Holyrood House, 1st August, 1628.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadintoun, Privy Seal; Linlithgow; Wintoun; Perth; Lord Lorne; Lord Areskine; Lord Melvill; Bishop of Dumblane; Advocat; Clerk Register; Sir John Scott.

"The whilk day Sir Thomas Hoip of Craighall, knight baronet, Advocate to our Soverane Lord, produced and exhibite before the Lords of Privie Counsell fourre commissiouns past his Majesteis hand and granted to some of the Senatours of the Collidge of Justice for keeping of Circuit and justice courtis in the severalle quarters and shirefdomes of this kingdome; whilks commissiouns wer past and expend in Counsell and directioun givin to Sir John Scot, Directour of the Chancellarie, to expied the same throw the Chancellarie."

Production of commissions of justiciary by his Majesty's Advocate.

"The whilk day the fourre commissiouns granted be his Majeste to some of the Senatours of the Collidge of Justice for holding of Justice
airis and circuit courts within the several bounds exprest in the
commissions being presented and past in Counsell, the Lords declared
that the same nor none of thame sould nayways prejudice the heretab
infeftment of justiciarie grantit be his Majestie to the Lord of Lorne
over the Iles and other bounds thairin particularlie mentionat, but that
the samyne foure commisions in sua farre as they or anie of thame
comprehends the Iles or anie uther bounds conteanit in the said Lord
of Lornes infeftment sould be restricted and reuled according to the
tenour and provisious of the said Lord of Lorne his infeftment."

"The whilk day the commission granted be his Majestie to William,
Erle of Monteith, whairby his Majestie has beene pleased to make choise
of the said Erle and to appoint him Justice-generall of the kingdome for
the space of ane yeere, being presented and past in Counsell, the Lords
with consent of the said Erle declared that his commission foresaid
sould no wayes prejudice nor impair the heretable infeftment of justiciarie
granted to the Lord of Lorne over the Iles and other bounds
mentioned thairintill, but that the same sould remaine intier and in
full force unprejudged be the said Erle his commission notwithstanding
the generalitie of the power and termes thairof whairin the same is
conceaved."

"Forsameekill as thair wer foure commisions of justiciarie exhibite
this day before the Lords of his Majesteis Privie Counsell by the whilk
his Majestie hes beene pleased to make choise of some of the Senatorous
of the Colledge of Justice to be his Majesteis Justices and Commissioners
within the severall shirefoundes of this kingdome for administration of
justice, punishing of offenders and trying and censuring the breake of penall
statuts, quhilks commissions being read in audience of the saids Lords,
and they humbelie acquiescing to his Majesteis gratious will and pleasure
thairrent, the said Lords past and expend the same commisions and
ordains the Director of the Chancellarie lykewise to expend the same
at the Chancellarie and to appened the quarter seale thairunto with
conveinient diligence. And to the intent the saids Commissioners might
proceed in the execution of thir commisions with suche limitatoions
and ordour as may best stand with his Majesteis honnour and the weale
of the countrie, Thairfoir the saids Lords declaris and ordainis be thir
prisents that the saids Commissioners of Justiciarie sall proceed againis
all capitall and odious crymes indifferentlie without exceptiou, and as
to the tryell and censuring of penall statuts, that the same sall onelie be
extendit to such penall statuts as the saids Lords sall particularie sett
down in the instructiouns to be givin be thame to the saids Com-
missioners, and that according thereunto the saids Commissioners sall
proceed in the executioun of the same commisions and sall conforme
thameselfes thairunto in everie point. And whairas some questioun was
moved be his Majesteis Thesaurar that the saids commisions wer not
so cleere in that point thairof concerning the priviledges of the office of
thesaurarie as hes beene usuall in former commissiouns of this kynde for
halding of Justice airis, to wit, that the composiouns and fynes of the
courts wer ever modified and sett down with advice of the Thesaurars for
the tyme or some authorized with commission from thame, and the
same composiouns and fynes uplifted be thame, and that they wer
onelie comptable thairfoir in the Exchequer; and the saids Lords being
loath to preudge the said Lord Thesaurar in anie thing whilk is dew to
the priviledge of his plaice, Thairfoir the saids Lords ordanis that the
saids commissiouns in so farre as concerns the office of thethesaurarie and
priviledges thairof sall be reule be the Act of Parliament made in the
moneth of Julij 1587 and conforme to the tennour thairof in all points,
with this provisioun and condition that his Majesteis said Thesaurar
nominat and appoint some sufficient persouens to attend for him at
the saids courts and upoun suche things as concerns his office thairin,
whairin if he faillye and that nane be present with warrand frome him
that than and in that caise his Majesteis Commissioners and Justices
foresaid sall proced in the executioun of thair commissioun aganis
criminalis conforme to the tennour thairof, notwithstanding of the
absence of the said Lord Thesaurar and his deputs and as if they wer
personallie present. And ordanis intimation of this Act and of the
instruccionis to follow thairupoun to be made to the saids Commissioneris
and copeis thairof deliyered to thame to the intent they pretend no
ignorance thairof.”

[Sederunt as recorded above.]

Complaint by the provost and bailies of Linlithgow, Alexander
Neilsoun, Carrick pursuivant, Charles Liverence and Thomas Duchill,
customars and burgesses of Linlithgow, as follows:—The late King in
consideration of the many good services of the burgh of Linlithgow
granted to them and their successors by charter the whole small
customs of all the markets and fairs held within the shire of Linlith-
gow and in the lands therein although annexed to other shires or
regalities, and they have consequently been in peaceable possession of
the same for many years past. On 25th July last learning that a fair
and market was to be kept that day “in the Quenisferrie,” they sent the
said Alexander Neilsoun and the two customars, the former to publish
the letters and the other to uplift the customs, but when the said
pursuivant came to Quenisferrie and went to the market cross about
eleven o’clock in the forenoon, Edward Littill and Robert Hill, bailies of
the Quenisferrie, and Thomas Towns, their clerk, getting word of his
errand, followed at his back with a great number of the townpeople
and “maisterfullie and violentlie impeded and hindered him to goe up
to the croce to publishe the letters. And the said Alexander intreating
libertie onelie to stand at the croce foote to publishe the saids letters,
and having objected unto thame their oversight and neglect of their dweltie in debarring of his Majesteis servants from using of their office, they in end gave him leave to publish the letters at the croce foote. After publicaution whairof the saids bailleis and clerk having inquired of him what he had forder to say, he answered that he come thair with ane sufficient warrand and authoritie to assist the customers of the said burgh to lift the custome of the mercat conforme to their infeftment. And the saids customers having past to ane craimmer [pedlar] and desyred in a modest maner the dew custome of his goods, and hayinge layed hand upoun a pait thairof till the custome had beene payed, they wer not onelie violentlie impeded frome taking of the said custome, but the saids bailleis and clerk accompanied with Archibald Logie, James Dawline, Daniel Cleghorne, John Blair, William Bartane, Robert Dawline, Robert Haistie, John Pontoun, James Burne, James Pontoun, James Ramsay, George Logie and David Wilsoun, all inhabitants of the Quenisferry, with convocation of others the inhabi-tants thairof to the number of fourtie persouns or thairby, all in feare of warre with bandit stalfies, drawin swords and battounes, cruellie sett upoun the poore harmellesse customers, dang the said Charles on his backe and by the heid and feete harled him east the street and doun ane wynde to the sea shore, resolving if the sea had beene in to have flung him in the sea. And perceaving the sea to be out they thought to have slaine him in the shoare, wer not some honest people being present with great difficultie stayed thame, and with that they harled him up the wynde againe by hand and feete like a beast, pulled the haire out of his beard and head and by the haire of his beard and head drew him to the tolbuith, and to his forder disgrace ryped him as a theefe and accused him of thift, committit him to warid and held him thairin a certaine space without respect to his great age and infirme bodie, he being past threescore auchttein yeeres of age, throw occasioun whairof the aged man is so birsed as he may not stirse, but lyes bedfast, spitting blood, to the great hazard of his lyffe.” Charge having been given to the persons named (except Thomas Toune, Archibald Logie, George Logie and David Wilsoun, a John Cleghorne being added, and James Burne changed to John Burne), who all comparred, as also did the provost and bailies of Linlithgow for themselves and the other pursuers, the Lords, after hearing witnesses, find that the said two bailies of the Quenisferrie “invalidit and persewit the said Charles Liverence, customer of Linlithgow, and strake and dang him, and that the commoun multitude of the town harled him to the seaseide and brought him back againe,” and therefore they commit the said bailies to ward in the Tolbooth of Edin-burgh till Wednesday next, or further, till they be released.

Counter complaint by the said Robert Hill and Edward Littill, bailies of the Quenisferry, for themselves and in name of the said burgh, as Robert Hill and
follows:—In the erection of their burgh, they have the privilege of a yearly fair held on 25th July, and the same being duly proclaimed and held, Alexander Neilson, messenger, and Charles Liverence, one of the town officers of the burgh of Linlithgow, accompanied by John Lawrie, younger, and Thomas Duchiell, burgesses thereof, and others, came to Quenisferrie and at the market cross there proclaimed some letters which the complainers reverently heard without opposition. But immediately thereafter the said Charles Liverence went to the stand of John Leithe and unlawfully took a piece of stuff from the same. "It being objected unto him that this violence could not be tolerated, and he being desyre to restore the said piece of stuff to the awner, he not onelie contemptuouslie disobeyed but drew ane long dirke" and pursued the bailies to slay them. He was stayed by some of the townspeople, especially David Cleghorne, whom he wounded badly in the hand. Charge having been given to the persons named to compear and the pursuers compearing, and of the defenders Alexander Neilson and Thomas Duchill only being present (Charles Liverence being excused on account of sickness, and Lowrie because he had gone to visit his father who was at the point of death), and witnesses being heard, who failed to prove any point of the said complaint, the Lords assozlie the defenders.

"Anie commissioun past in Councell to some commissionaris nominat in thairin for considering the Actis of Parliament printed and inprented, and to report their opinion to his Majestie that they may be considerit in Parliament."

"The quhilk day ane signatour wes gevin in and exped in Counsell making the Earl of Menteith Justice-general for a year, and the Lord of Lorne protestit that the said commissioun sould nawyes preudge him anent his commissioun of justiciarie over the Ilia."

"The quhilk day Mr. Patrik Gray compeirand befor the Lords of Previe Counsell actit himself that in tyme coming he sall behave him self modestlie, that he sall nocht offer injurie nor wrong to ony persone nor speak of his religiuin under the pane of vœ merkis."

"The whilk day William, Erle of Menteith, and Maister Alexander Seatoun of Kilcreuch accepted upoun thame the commissioun for halding of justice courts within the bounds of thair commissioun and gave thair oath de fidei administratione."

"The whilk day Sir James Skeene of Curriehill, president of the Sessioun, compeirand personallie before the Lords of Privie Counsell
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accepted upoun him the commissioune granted to him and Sir Androw Fleshour of Innerpeffer for halding of Justice and Circuit courts within the bounds of their commissioune and gave his oath."

"The whilk day the proveist and bailleis of Edinburgh compeereand personallie before the Lords of Privie Counsell gave in their answeres in writt aganis the patent granted be his Majestie to the Erle of Linlithgow for making of powlder; quhilk answeres being read and considerit be the saids Lords they ordaine the Erle of Linlithgow be himselfe or some ither whom he sall appoint to conferre with the proveist and bailleis of Edinburgh upoun the meanes and wayes how the patent may take effect without prejudice to the countrie or indangering of the houses whairin their sail be anie search or digging for salt peter, and that they report their proceedings the morne to the Counsell."

[Sederunt as recorded above.]

"The whilk day in presence of the Lordis of Secreit Counsell compeereand William Erle of Monteith, President of the said Counsell, and Mr. Alexander Seatoun of Gargunnoch, ane of the senatours of the Colledge of Justice, and accepted upoun thame the commissioune of justiciarie grantit be his Majestie unto thame be his patent under the quarter seal of the dait at Whitehall the last of Junij 1628 for keeping of justice and circuite courts within the particular shirefdomes specified and conteand in the said commissioune, and gave their oath to execute the said commissioune faithfullie according to their knowledge."

"Ane letter from his Majestie for inbringing the rest of the taxatioun; ordanis these who hes the charge of the taxatiouns to be warmit to the nixt Counsell day."

Sederunt.—Monteith, preeses; Privy Seal; Wintoun; Linlithgow; Holyrood House, 7th August 1628.
Roxburgh, Lauderdale; Lord Lorne; Lord Arskine; Lord Melvill; Bishop of Dumblane; Clerk Register; Advocate; Sir John Scott.

"The whilk day the patent granted be his Majestie to Alexander Erle of Linlithgow, for making of powlder, salt peter and matche, being presented to the Lords of his Majesteis Secreit Counsell and read in their audience they past and subscryved the same upoun the cautious and provisionis underwrittin whairunto the said Erle being personallie present consented and agreed and thairwith actit himselfe that in the executioune of his said patent he sould proceed and carie himselfe according to the articles following and ordour thairin prescryved. First, the said Erle sall be answerable for all wrong, dommage and skaith that sall hapnin to be done be anie of his servantes and ministers or be these subordinat persoues under his lordship to whom and in whois
favour the patent is conceived. That the said Erle shall erect and set up his works in convenient places and shall satisfy the owners of the ground at the appointment of the Counsell for anie prejudice they shall sustaine by erecting of the said works. That the said Erle his patent and instructions to be given be the Counsell for ordouring thairof shall be ruled and set down according to the lawes of this kingdom, and whair the same is deficient according to suche customes of other countreis as the Counsell after consideration shall allow and find fitting to be receaue. That the Shireffs and others his Majesties officers to burgh and land shall not be compelled or commandit as the patent proports bot shall be onelie required to caus further and assist the said Erle and his servaunts with all things necessar for prosecutioun of the worke upon reasonable pryces and for present payment to be givin thairfoir. That the Counsell shall modifie and have power to sett down the rates at which the powder shall be sauld to his Majestie and what the pryce the subjects shall give for the same. That the benefite and favour of naturalizatioun shall not be extended nor conferred upon anie stranger but be advice of his Majesties Counsell. That the said Erle shall forbear to practisae and putt in execution the power grantit to him be the patent, to enter and digge in anie hous within the free burrowes of this kingdom without consent of the ownder and till the signification of his Majesties pleasure tuicheing the exceptiouns propounded be the burrowes in that behalfe be first returned and that his Lordship be warrandit be the Counsell for that effect.

"The whilk day the letter underwrittin signed be the Kings Majestie was presented to the Lords of Secret Counsell, and read in their audience, of the whilk the tenour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greet yow weill. Whereas a great part of our taxationes granted unto us in October 1625 as also of the former taxatioun is as yitt behind and unpayed or not brought in by our shireffs, chamberlains and others chargeable with the same contrarie, to the lawes and wounted custome of that our kingdom, and in regard of our intendit journey into that our kingdom for receaving our crowne and holding our first parliament there we may have extraordinar use of present moneys, our pleasure therefore is and we doe hereby will and require yow to call before yow all suche persoues as have trust of that service under our right trustie and weilbelovit cousines and counsellours the Lords Viscount of Dupline, our Chancellour, or the Erle of Mar, our Thesaurer, and to inquire of thame the caus of the said delay and the names of the delinquents, and if anie have contemptuouslie suffered thame to be denounced rebells for the same, our pleasure is that yow caus execute our lawes aganis thame upoun thair persoues, lands and goods, and with als great haste and expeditiou as anie wayes hath heeretofore beene practised in the
collection of the former taxations granted to the saids Lords they think it right for the better bringing of the rest of his Majesties taxations to be divided among the people. Six persons to be appointed for the collection of his Majesty's taxation.

The Lords of Secret Counsell ordains and requests Alexander, Erle of Linlithgow, Lord Admiral of this kingdom to call unto him such of his Majesties Counsell as are in the town and to convene before them William Dick and William Gray, merchants burgesses of Edinburgh, and to examine their accounts of their intromission with the goods and gear of the ship, and what charges were bestowed on them upon transport theairf of to the port of Leith, and to report to the Lords the estate of their compts the next Counsell day.

The whilk day in presence of the Lords of Secret Counsell accompanied personallie Sir Andrew Fleshour of Innerpeffer and Sir James Learmonth of Balconie and accepted upon thame the commission granted to thame respective for holding of justice and circuit courts within the bounds of their commissions and gave their oathes.

The Lords of Secret Counsell in respect of this vacant tyme and that the Counsell are not ordinarillie to meete gives power and warrant be thir presents to William, Erle of Monteth, president of the Counsell, and Sir Thomas Hoip of Craighall, knight baronet, his Majesties Advocat, conjunctlie and severallie to receave the oathes of the Commissioners nominat and appointed be his Majestie toward the holding of Justice airs and circuit courts within the bounds of their commissions for their faithful execution of the same commissions according to the power therein conteane.

[Sederunt as recorded above.]

Complaint by David Steil, lawful son to the deceased Cuthbert Steill, merchant burgess of Edinburgh, as follows:—On 22d July last the complainer, after attending the Magdalene fair in the town of Peitheid, was going quietly from his merchant booth to the dwelling house of Richard Rae there to lodge that night, when Robert Melvill in the Cannogait and William and David Melvill, his brothers, who were lying in wait on the highway for his life about 11 o'clock at night, attacked him suddenly “with drawin swords and rappers,” gave him “twaidlie wounds on the heid and another deip wound on his left arm, and then left him lying for deid.” He has since lain bedfast under the care of chirurgians “who have tane two bones out of his heid.” Charge having been given
to the said Robert, William and David Melvill, and the pursuer compearing, but not the defenders, the Lords ordain them to be put to the horn and escheat.

Complaint by James Twedie of Drummalyear as follows:—He has been kept in the tolbooth of Edinburgh for the past five years and four months by John, Lord Hay of Yester, his cousin german, in his own name and under pretence of the names of others. Besides this Lord Hay has apprised the lands and heritage of the complainer, with the legal reversion thereof, uplifted all the rents and duties of the same for the time stated, which must far exceed any debt the complainer is due to him, and stopped the decree of liberty which was ready to be pronounced by the Lords of Session, of intention to appropriate the complainer's whole estate and keep his person in captivity to his dying day. Further, as Lord Yester has all that belongs to the complainer, the latter has only been prevented from starving by the generosity of the goodman of the tolbooth. Charge having been given to the said Lord Yester, and also to Gilbert Williamson, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and pursuer and defender both compearing, the latter agreed to the pursuer's release in so far as he was concerned, in respect either of debt due to him personally or by assignation from others, provided that he is freed of all further payment of the pursuer's jailor fee, and of the bond made by the pursuer with the deceased John Murray of Halmyre, as his cautioner, to Andrew Whyte, jailor of the tolbooth of Edinburgh. And the said Andrew Whyte being called and the matter proposed to him freely and of his own motive agreed to the pursuer's release and discharged the said bond. The Lords therefore ordain the provost and bailies of Edinburgh to set the pursuer free, Lord Yester paying the said Andrew Whyte all that is due by the said bond for bygones to the day and date hereof.

Complaint by John Maxwell of Castelmilk, as follows:—He and his predecessors past memory of man have had constant and uncontrolled liberty of pasturing their goods upon the comonty of Cowdoun till of late William Johnstoun in Gimmemie, called Mungoes Willie, "being impatient that he should brooke anie suche libertie there and disdaining to discusse his right in a legall maner" on last, accompanied by Mungo Johnstoun, Johnstone, his son, Walter and Archibald Corrie, his servants, and Archibald Johnstoun in Blackfuird, all armed with "swords, lances, jackes, steilbonnets" and other weapons, came to the said comonty, where the complainer's goods were pasturing, and "cruellie and shamefullie strake, dang and stobbit his goods, cutted the tailes from thame, and hes so abused and spoyled thame that they will nather be profitable nor anie longer serviceable unto him." Charge having been given to these persons, and the pursuer compearing and likewise the said William Johnstoun and Archibald Corrie, the Lords assolizie the defenders, because the proof of the matter being referred to their oaths of verity they denied the charge.
Complaint by William Hoip, servitor to Andrew Johnstoun of Turmoir, and the said Andrew for his interest, as follows:—On September last the said William was peaceably attending his master's goods on the lands of Lockerbie when John Maxwell of Castelmilk came "strake and abused him with his hands and feet and thairafter knitt him in his dogges lesche and perforce caried him to his plaice of Castelmilk, and detained him tair," he being his Majesty's free liege and guiltless of any offence. Charge having been given to Maxwell and he and the pursuers compearing, probation was referred to the defender's oath of verity, which being a denial, the Lords assizezie him.

Complaint by Alexander Johnstoun, messenger, as follows:—On 20th July instant, "being Sunday," he went to the dwelling house of Michael Hamiltoun of the Inache to execute a charge against him and in the instance of Alison Nibbitt, when "they denied him to the compleuner," who was thereupon about to leave a copy of the charge and go away, when Christian Dundas, spouse of the said Michael, came to the door "with ane great caber and ane stalffe accompanied with John King and Hans McGill, her servants," at the instigation of the said Michael, and "without respect to the Lords day or his Majestie auctoritie whairby the said compleuner was warranted in the lawfull executioun of his office, they cruellie and unmercifullie sett upon him, being ane poore sickelie man, strake him upon the head and faice and uthers pairs of his bodie, so birsed and bruised him with manie bauche and bla straikis that he was not able to stirre, and thairafter tooke his ganging stalffe frome him and brake the same in peeces upon him." Charge having been given to the said Michael Hamiltoun, his wife and her servants, and both pursuer and defenders compearing, and the proof being referred to witnesses who failed to prove any point of the complaint, the Lords assizezie the defenders.

Supplication by John, Earl of Mar, Lord High Treasurer of Scotland, Archibald, Lord Naper, Deputy Treasurer, Sir Thomas Hoip of Craighall, his Majesty's Advocate, and George Foullis, Master Coiner to his Majesty, for his Majesty's interest, as follows:—Mr. John Achesoun of Newton Leyes "dispounded to our lait soverane of worthie memorie and his successours the cunzieous now possset be the said George Foullis to remaine with our said lait soverane and his successours for ever, and being bound in absolute warrandice thairof; nevertheless Mr. Johne Scairp of Howstown, advocate, alleging him to have three severall annuelrents extending in the haill to the sowme of fyve hunredth and twenty merks yeerelie to be uplifted furth of the said cunzieous and furth of that lodging and tenement of land lying at the foote of Blackefreir Wynde callit the Cardinalls lodging contigue, adjacent to the said cunzieous, and the said Mr. John Scairp being in use to receave and uptake the said annuelrent furth of the said lodging callit the
Cardinalls lodging in all tyme bygane and never furth of the said cunziehous, and the said Cardinalls lodging now being waist and not pouyndable nor streinezable for the saids annuel rents the said Mr. John Schairp now troubles the possessours of the coinziehous and the goods and geir being thairin for payment of the saids annuel rents of certaine termes bygaine and intends sua to doe in tyme coming, albeit it be of veritye that (as the saids supplicants ar informed) thair wes ane renunciation and dischare grantit be the said Mr. John Schairp to the said Mr. Johne Achesoun, annaller to our said lait soverane, of the said cunziehous" of all claim in respect of these annual rents as against the said cunziehouse. Further, "the said cunziehous wes conquest duiring the tyme that unquhill Sir Gedeoun Murrey was Thesaurar Depute of this kingdome" and the whole writs connected with its acquisition were in his custody at the time of his death, but cannot for the present be found. It is therefore necessary that the said Mr. John Achesoun "who hes the double of the contract of alienatioun thairof and auld writts made to him and his predecessours thairon and on the said Cardinalls lodging, whilks ar all conteanit in ane, be heere present to produce the same writts, and to cler the veritye in the said mater, thair being no uter now that knowes the perfyte veritye thairof"; but he is under trouble of debt, and has presently an action before the Lords of Session against James Hopper of Bourehous, his brother in law, for delivery of a number of discharges of these annual rents which were "left be him in a kist with all his other writts in trust with the said James Hoppar, togidder with his hail estait whairwith to pay his debts, of the whilks the said James most obstinatlie and wrangouslie refusith to make anie compt, reckoning and payment, knowing that the said Mr. Johnne will nor darre nowayes repaire to this kingdome, at the least to this burgh of Edinburgh to insist against him" unless he obtain a protection. This, therefore, they crave Fol. 112. a. may be granted. The Lords accordingly grant a protection to the said Mr. John Achesoun to come to this kingdom and the burgh of Edinburgh for the above purposes, until 15th November next.

Complaint by Walter, Earl of Bucceleuch, as follows:—Notwithstanding the laws enacted against the cutting and destroying of green wood, policy and planting, his wood and parks of his lands and barony of Branxholme and Trinitie lands of Hawick, which he "caused caifullie preserve and hayne," have been meddled with and deploate by the following persons:—On , Gilbert Wat in Hawick cut in the said wood 20 trees; on , Adam Scot, smith in Hawick, cut and took away 30 trees; on , Allane Deanes in Hawick cut and took away 50 trees; and on , Walter Scot of Todshohauche, John Currie there, and James Donaldson in Cavers, cut and took away 200 trees. Charge having been given to these persons, who all compeared, and the pursuer being represented by Thomas Dunlop, servitor to Laurence Scot, and the probation being referred to the oaths of verity of the defenders, who all denied the charge, the Lords assoilzie them.
Complaint at the instance of Thomas Kirkpatrik, brother of John Kirkpatrik, sometime of Freircorse, as follows:—On 8th May last he was alone in his dwelling house of Midelachrie when John Maxwell of Logane, Robert Maxwell of Tinuill, Alexander Maxwell of Castelmilk, John Maxwell, brother to the Earl of Nithsdaill, John Bell, his servitor, John M’Keane in Auchinkairne, Robert M’Keane in Over Clauchie, Luke Frissell in Mid Clauchie, Thomas Watsoun there, John Watsoun there, Mark Browne, Matthew Naper and Thomas Scot, servitors to the said Earl, James Cuninghame in Dumfreis, William Cuninghame there, Stephen Young, messenger, Alexander Wallace in Carrizeill, David Wallace, his brother, and others, armed with “swords, bandit staffs, lances, jackes, plait sleaves, steil bonnets,” and other weapons, came by way of hamesucken to his said dwelling, “violentlie brasched his doores with great stings and others instruments, dang up the same, entered thairin perforce,” severely assaulted the complainer, wounding him in the face and other parts of his body with great effusion of blood, and “maisterfullie shott him furth of his said dwelling hous,” from which they intend to debar him by “opin deid, bangsterie and oppressioun,” threatening that if they find him within the same or any other where they will take his life. Charge having been given to the persons named (Robert M’Keane being now called “Rodger," the designation “of Castelmilk” being here added after John Maxwell, and the Maxwells of Logan and Tinuel being both omitted), and the pursuer compearing, and of the defenders Rodger M’Keane, Luke Frissell, Thomas and John Watson, Stephen Young, Thomas Scot and John M’Keane being also present and ready to stand their trial, as they declared, and the witnesses failing to compear, and the pursuer declining to refer the probation to the defenders’ oaths of verity, the Lords ordain that if the pursuer again cite the defenders who have comparèd, and his witnesses fail in their proof, he will be decreed to pay double expenses to them. They also ordain that William and James Cuninghame, Mark Browne, Matthew Naper, David and Alexander Wallace, John Bell, Alexander and John Maxwell, and Thomas Scot be put to the horn and escheat.

Complaint by Sir Thomas Hoip of Craighall, King’s Advocate, and Mr. James Raith of Edmestoun, one of the ordinary advocates before the Lords of Session, as follows:—On 9th June 1626 Sir Robert Hepburne of Alderstoun, Knight, became cautioner in 3000 merks that Patrick Edmiston of Wolmett would not molest the complainer, nor his tenants and servants, and this was accepted by their Lordships after “manie insolencies” by the said Patrick against the complainer with unlawful weapons, and after he had “preat be way of deid” to intrude himself into the complainer’s aisle in the kirk of Natoun, “whilk was bigged aff the cold ground be his predecessouris, Lairds of Edmistoun,” and sold by them to the complainer, and of which accordingly he is in possession by heritable right. Yet notwithstanding of this, the said Patrick, ascertain-
ing that the complainer would be in Edinburgh on a certain day in June and was to return to his own house at night, he with Alexander Mowbray and Abraham Gray, his servants, lay in wait "under a great bushe of trees in the north syde of his yaird dyke," and as soon as the complainer approached he made towards him on horseback, but "being disappointed of his faird [attempt] that way he lighted off his hors" to pursue the complainer on foot, but some people who were in the fields hindered him. Now recently, on 27th July last, "being the Sabbath day and the day appointed for the halie communioun," the said Patrick, heedless thereof, and of "the halie actiuon that wes in hands that day," directed and hounded out Anna Edmistoun, his spouse, who, accompanied with Ormestoun, Alexander Mowbray, William Hay, Patrick Hewat, and others of her servants came to the kirk of Natoun, and "made thair addresse to the said compleanners yle and with thair whole force preast to have drawin doun the partioun wall of timber betuix the compleanners yle and the kirk, and after they had strivin a long tyme to that purpose and perceaving that they could not gett the wall brokin doun, they come to the kirk yaird, callit for Simoun Ako, bedell of the kirk, who had the keeping of the key of the compleanners yle doore, and asked the key of him; and becaus the poore man with reasoun refused to delyver the key, they boasted, minassd and threatned him with present death, and to breake up the yle doore by violence if he opened not the same, and so compelled him for feare of his lyffe to make the doore patent unto thame, and then she and her servants placed themselffes in the compleanners desk and debarred him thairfra." With this disgrace the complainer, in respect of the occasion, "comported" and took another seat. These proceedings were repeated on a following occasion when the persons charged, following the instructions of the said Patrick, "by plaine force and violence brake up the doore of the yle whilk passes fra the kirk in to the compleanners yle," and took possession, wherewith the complainer, at the earnest intrety of the minister and some gentlemen of the parish, "patientlie comported," persuading himself that their Lordships would grant him redress. Charge having been given to the said Patrick Edmistoun, and Sir Robert Hepburn, his cautioner, to compare, and see them decerned in payment of the penalty for breach of the said Act of caution, and the pursuers and defenders both comppearin, probation as to the charge of lying in wait was referred to the defender's oath of verity, and as to the other to the evidence of witnesses. These failing to substantiate the charges, and the said Patrick swearing in the negative, the Lords asszie the defenders, but meanwhile, until the right of the said aisle be tried and ascertained, they discharge the defender and his wife and servants from occupying it. They further ordain him to find caution in £1000 for himself, wife and servants that the pursuer shall not be molested by them in the possession thereof until it be legally
decided by the Archbishop of St. Andrews and the High Commission of the Kirk, to whose judgment both promise to submit; and the said Patrick is taken bound to pursue his claim before them before 1st August next, otherwise his right shall expire. [Here follows Wolmet’s Act of caution to the above effect.]

In the cause pursued against Dame Marion Boyd, Countess of Abirorne (ante, pp. 343, 392), in respect that she has neither “haunted the kirk all this tyme that she has remained within this burgh of Edinburgh, nor yitt hes she subscryved the writt foresaid whilk was presented unto her be ane of the Clerkes of Counsell,” the Lords ordain her to find caution acted in the Books of Secret Council in 3000 merks that she shall not leave Edinburgh until permitted by them.

Complaint by Dame Barbara Johnestoun, Lady Gribtoun, as follows:— By their Lordships’ direction she has for the past three months remained in Edinburgh, and “hes cairfullie and diligentlie haunted the kirk and heard the preaching and prayers with that modestie that become a Christiane, and seldome wes she absent when her health would permitt,” as is well known to the ministry of the burgh, especially to that of the Grey freir kirk “whilk wes the parsie she most frequented. Her abode has been very expensive, and as the harvest is drawing near, “she having her whole estait, whilk is bot a verie meane portioune in her awin labouring,” if she be not at home to attend it, it will be utterly neglected, to her utter wack and undoing. She is willing “at her hamegoing to continew in her ordinair exercise of haunting the kirk for hearing of sermons, and as occasioune serves to hear conference,” and so desires to return home. Charge having been given to Mr. Thomas Ramsay, moderator of the Presbytery of Dumfries, to compair and see her released without risk to herself or the Laird of Lag, her cautioner, and pursuer and defender both compairing, “the said perserwer declared that she was not resolved to embrace the religioun presentlie profest within this kingdome, and that thairfow she was content to withdraw her selfe out of the countrie to some paiwt whair she might have the free exercise of her children” [sic]. Which declaration being heard, the Lords accept her offer and allow her to go home for settling her affaires, she first finding caution that within a month she will leave Scotland, and within twenty days after that, “the Yle of Britane,” and not return without his Majesty’s licence, under the penaltie of 5000 merks, and that meanwhile she will “behave herselff modestlie without scandall,” and “not resset Jesuits, seminarc preestis, nor traffiquing papists, nor sall not repaire nor travell aarthis the countrie bot whair her conjunct-fee lands lyes.” [Follows (1) the Act of caution to the above effect by James Johnestoun of that Ilk for Dame Barbara Johnestoun, Lady Gribtoun, with clause of relief by her to him; (2) her own personal enactment for her modest behaviour while in the country under the penalty of 5000 merks; and (3) personal Act of caution by John
Maxwell of Gribtoun in 2000 merks that he will not reset Jesuits, seminary priests, nor trafficking Papists; without prejudice to the bond of caution for him by Andrew Strudgeoun in £1000 that he will satisfy the Kirk and obtain himself relaxed from the sentence of excommunication before 1st November next.

"That the Shireff of Edinborough be burdynnit with the repairing of the hie way betuix the Thegate Burne and Halyruidhous."

"Eodem die in the afternoone, except Roxburgh.

"The qubilk day a patent was past to the Earle of Lynlythgu and his partinaris for making of salt petar, matche and poulder, with some limitation exprost in ane Act maid to that effect; and ane missive ordanit to be writtin to his Majestie concerning this purpose."

Sederunt.—St. Andrewes; Privy Seal; Linlithgow; Bishop of Dumblane; Advocate; Clerk of Register; Sir John Scot.

Nomination of "Forsameekhill as the Kings Majestie having taikin unto his royall consideratioun the criminall judgement of his native and ancient kingdom of Scotland whilk consists in the high and supreme court of justiciarie whairupon depends the defence of the lyffe and saulfetie of innocents and the just and dew punishment of delinquents, and how that his Majestie good subjects living farre frome the Courts of Justice have beene forced long to groane under the heavie burdein of manie insolent injureis, crymes, oppressiouns and extortiouns, occasioned ather by neglect of the ordinare officiars of justice, impunitie or power of offenders, or for want of meanes to travell to the seate of the supreme court of justice to exhibite their just and lawfull complaints; and his Majestie being carefull that all his good subjects of this kingdom may taste of the fruite of his blessed governement and royall intention for administration of justice to pairteis greeved, Thairfor his Majestie has beene pleased for the releefe and confort of his distressed subjects to revive the discontinued ancient landable custome of justice airis, and following the course tane be his deere and worthie father of blessed memorie in his Parliament haldin at Edinburgh in the moneth of Julij 1587 hes directed particular commissiouns of justiciarie to some of his Majestie judges who representing his royall persoun in their severall circuits ar to administer justice in everie quarter of this kingdom to all his Majestie subjects within the shyres whair they dwell according to their severall commissiouns and lawes and practicks of this kingdom: And for this effect the Lords of Privie Counsell hes appointed his Majestie courts of justiciarie to be haldin and kept through the several shirefdomes of this kingdom upoun the dayes particularie underwrittin and by the persouns following, justices and commissiouns nominat be his Majestie for keeping and holding of the saids justice courts they ar to say, by Williame, Erie of Monteith, and Mr. Alexander
Seatoun of Kilcreuche, for holding of justice courts at the burgh of Perth for the shireldome thairof and stewartis of Stratherne and Monteith upoun the sevint day of October nixtocomme with continuacion of dayes, and for holding of justice courts at the burgh of Dumbartane for the shireldome thairof upoun the twentie ane day of October nixtocomme with continuacion of dayes; and be Sir James Skeene of Curriehill and Sir Androw Fleshour of Innerpeffer for holding of justice courts at the burgh of Forfar for the shireldome thairof upoun the said sevint day of October nixtocomme with continuacion of dayes, and for holding of justice courts at the burgh of Aberdein for the shireldome thairof upoun the said twentie ane day of October nixtocomme with continuacion of dayes; and be Sir James Learmonth of Balcolmie and Mr. George Halyburton of Foderance for holding of justice courts at the burgh of Stirling for the shireldome thairof upoun the fourtein day of October nixtocomme with continuacion of dayes, and for holding of justice courts at the burgh of Lanerk for the shireldome thairof upoun the twentie twa day of the said moneth of October nixtocomme with continuacion of dayes; and be Androw, Maister of Jedburgh, and Sir Thomas Henderson of Chesters for holding of justice courts at the burgh of Jedburgh for the shireldome of Roxburgh upoun the fourtein day of October nixtocomme with continuacion of dayes, and for holding of justice courts at the burgh of Dumfreis for the shireldome thairof and stewartis of Kirkeudbright and Annerdaill upoun the twentie twa day of the said moneth of October with continuacion of dayes. In the whilks courts all his Majesteis good subjects haweing just cause of complaint sall have justice ministrat unto thame. And thairfoir ordanis letters to be direct charging offficis of armis to pas to the mercat croches of the heid burrowes of this kingdome and uther plases needfull and thair be opin proclamationis to make publication of the saids justice courts to all his Majesteis lieges and subjects whairthrow nane pretend ignorance of the same; and to command and charge all and sindrie duikes, marqueeisses, erles, lords spirituall or temporall, lords of regalitezis, barons, shireffis, justices of peace, baillies, chamberlains, magistrates and ministers of his Majesteis lawes, and all uthers subordinat judges within the severall shireldomis of this kingdome and whole lieges of the same that they and everie ane of thame give all dew respect unto his Majesteis commissioners and justices foresaidis and suche speciall assistance as to thair office and dewtie apperteenances and as is prescryved and injoyned to be done be thame by the lawes and Acts of Parliament of this kingdome als oft as they sall be required be the saids commissioners to that effect as they and everie ane of thame wil answer upoun the contrarie and under all highest pane and charge that after may follow; and that the saids shireffis caus sufficient and legall men compeir before the saids commisioners at suche dayes, tymes and plases as the saids commisioners sall appoint by whome the veritie in matiers concerning the executioun of the
saids commissiones may be verified and knowne; as alsua that the saide shireffe and freeholders within the several shyres of this kingdome meeete the saide justices at the[ir] enterie into the shyre and convoy thame to [the] heid burgh of the same and accompany thame during thair remaining there ay and whill they be receaved be the nixt shireff and his depute into the nixt shyre according to the tennour of the said Act of Parliament."

"The whilk day William, Erle of Monteith, President of his Majesteis Counsell, Justice-generall of this kingdome and one of the commissioners nominat be his Majestie for halding of justice and circuit courts, for himselffe and in name of the remanent commissioners and justices nominat be his Majestie for halding of the saide courts, gave in to the Lords of Secreit Counsell the questiouns underwrittan and deyred the saide Lords thair answers thairunto, whilks questiouns being read and considderit be the saide Lords they gave thair answers thairunto in maner following:—

"QUESTIOUN. First to acquant the Lords of Privie Counsell that the forme of uptaking of dittayes of auld wes be ane precept directed be the Justice-generall to the shireff of ilk shyre commanding him to summond a number of persouns of best fame, qualitie and abilitie within the shyre, to compieir before the Justice Clerk and his deputes to give up the Kings dittayes, and thairfor to inquire of the Lords if this forme sall be keepe as it wer of auld or if it sall be according to the Act of Parliament made in anno 1587. ANSWERE. It is voted and agreed be the Lords of Privie Counsell that the auld forme of uptaking of dittayes sall be observed in thir justice courts now appointed to be haldin throughout the kingdome.

"QUESTIOUN. If the roll of the crymes with that clause whilk is referred to the Justice-generall sall be subscriyed be the Lords of Privie Counsell or givin out be the Clerk of Counsell under forme of Act. ANSWERE. It is voted and agreed that this roll with the clause foresaid sall be givin out be the Clerk under forme of Act.

"QUESTIOUN. If the Treasurer want his deput in everie one of the criminal courts, sall not ane warrand be granted be the Lords to the Lord Cheefe Justice and to the commissioneris of justiciarie in thair severall circuits to proced in tryell of criminalls, notwithstanding of the absence of the Thesaurar or his deputes. ANSWERE. The Lords ordains that this article sall be insert in the Act of Counsell made in the Thesaurars favour anent thir courts.

"QUESTIOUN. If Mr. Patrik Browne sall be commandit be the Counsell to direct messingers to proclamation the justice courts and to ressave frome the Clerkes the precepts to be delvered to the shireffs for summounding of persouns to give up dittay. ANSWERE. The desire of this article sall be obeyed.

"QUESTIOUN. Whair thair is no crowners in the severall shyres of
this kingdome to discharge that dewtie and service in thir justice courts
whilk is proper to their place and office, what course sall be tane to
supplye this defect and want of crowners. **Answer.** The Lords gives
power and commissioun to the Lord Cheefe Justice or to the Commis-
SIONERS and Justices in their severall circuits to make choise of some
sufficient persoues in everie shyre to supplie and discharge the office of
crowner whair thair is no crowners known to be within the shyre."

"Instructionouns givin be the Lords of Privie Counsell to the
commissioners nominat be the King's Majestie for keeping of
justice and circuit courts throughout the severall pairs of
this kingdome tuicheing the forme of thair proceeding, and
upoun what crymes or breake of penall statuts the saids
commissioners sall proceid in the saids courts.

"The Lords of Secret Counsell gives power and warrand by thir
presente to the saids justices and commissioners within thair severall
circuits to sitt, cognose and proceid aganis persouns guiltie of the
crymes particularlie underwrittin, and of the breake and violatioun of
the penall statuts following or suche and so manie of thame as the Lord
Cheefe Justice of this kingdome sall thinke mete and expedient, to whois
discretion in this point the saids Lords remitts and referres the same,
viz.—Aghanis the sayers and hearers of messe; aganis abusers of the
sacrament; aganis Jesuits and seminarie preestes and the reseters and
suppleers of thame; aganis witches, sorcerers, necromancers and seekers
of answeres or helpes at thame; aganis excommunicat persouns or
reseters of thame; aganis incestuous persouns; aganis adulterers; aganis
mariers of two wyffes or two husbands; aganis forestallers and
registraters of mercats; aganis reseters, intercommouners and supplieers
of tratours; aganis perturbers of the kirk in tyme of divine service;
aganis Papists bearing publicit office; aganis Papists, teachers of youth;
aganis raisers of fyre and burning of houses; aganis ravishing and rapt
of weomen; aganis murderers and committers of slaughter, mutilatioun
and dismembering; aganis the hurters and wounders of persouns upon old
feid and forethought fellonie; aganis fals notars and witnesses first
civillie tryed; aganis fals oficers of armes, usurping the office thairof,
not being laughfullie admitted or users thairof after thair depriviatioun:
aganis theevenes, ressetters of theevenes, outputters of trew mens goods and
imbringers of theevenes; aganis sorners, vagabounds, maisterfull beggers,
fainzied fooles and counterfoote Egyptians; aganis bearers or shootters
with haquebutts or pistolets; aganis slayers or hoghers of oxin or others
goods; aganis cutters and destroyers of growing trees, plewes, milnes
or cornes; aganis rynders [purifiers], barrellers and melters of talloun and
transporters thairof out of the kingdome; aganis transporters of forbiddin
goods beyond sea, suche as linnen cloath, victuall and talloun, etc.; aganis
ockerers [usurers] and givers out of money for weekelie or yeerelie
profite abone ten of the hundreth in the yeere; aganis havers of uncustomed merchandice out of the kingdom; aganis users of false weights, mettes or measures; aganis breakers of wairds or prisoyn houses; aganis fraudfull mixers of wyne; aganis the convoca-
tioun of the Kings lieges in armes and comming to courts other-
ways nor in sober maner; aganis great and maisterfull reavers and oppressours; aganis malmen that exceeds the pryce betuix the beir and the malt; aganis deforcers of officiars being first civillie discussed; aganis slayers of rid fishe or smolts in forbidden tyme; aganis officiars using extortioun in taking brybes fra assysours to stay at hame after thair summonding; aganis flesshous bringing flesh to the mercat without skinne or birne; aganis makers of superfluous bankets and feast; aganis users of confectious or drogges inordinatlie; aganis keepers of victuall to ane deaorth; aganis persouns at the horne for capitall crymes; aganis assieging of houses with convocationioun; aganis stealers of pyckes out of stankes; aganis breakers of dowcats, orchards and yairds; aganis stealers of beeskaps; aganis slayers of parked deir, raes and raebuckes within other mens woods or schawes; aganis pyckers; aganis takers of blanke maill; aganis non-communicants; aganis sitters under assurance of theeves; aganis the not ryers to affrayes and following of theeves, causers thairof; aganis stealers of hawkes, hounds, pertrickes, dookes and coneis, etc.; aganis makers of mureburne in forbidden tyme; aganis the givers or takers of bands of manred; aganis halders of crues or yair; aganis makers or spreaders of infamous libells or seditious speeches; aganis the putters or layers of greene lint in loches or running waters; aganis packers, peillers, barrellers or transportors of herring furth of the realme before Michaelmes yeerelie; aganis slayers of salmound fish in forbidden tyme or of kipper smolts and blacke fishe at anie tyme within the rivers of Tweid and Annand; aganis the uplifters or intromettours with calps discharged be Act of Parlia-
ment; aganis the buyers and blockers of victuall and sellers out thairof with a peck to the boll contrare to the law; aganis the takers of annuell fra parteis before the terme of payment; aganis herriers of hawke nests and hunters in tyme of snow; aganis hawking and hunting by suche persouns as hes not in heritage ane pleuche of land; aganis the biggers of dowcats contrare to the law. And tuiching persouns delaited of making, printing and outputting of false coinez the saids justices sail take tryell of the said cryme, commit the criminnals if they be found guiltie and report the estait of the process to the Lords of his Majesteis Privie Counsell to the intent they may give ordour and direction anent thair punishment as accords. And tuiching the wilfull ressetters, supplieers and intercommouners with rebells ather foreseyted for odious crymes or denunced for slaughter, that dittayes be tane up aganis thame and report thairof made to his Majesteis Counsell to the intent they may give forder ordour thair-
Anent as accordes. And tuiching the makers and counterfooters of false writte and such as are accessorye that to that dittayes be tane up agains thame and the dittayes reported to his Majesteis Counsell. And tuiching persounes guiltie and convict in the said courts of anie capitall crymes justlie and worthilie deserving death, whilk crymes hes beene formerlie punished be death, that the saids commissioners caus execute the lawes agains thame and on na wayses fine nor compone with thame. And tuiching persounes to be convict in the saids courts and fynned for anie crymes whilk hes beene in use to pas remissiouns under the great seale, that the saids justice and commissioners committ their persounes to waird till they find cautiouen for expedieng of their remissiouns throw the great seale.”

Commission under the Signet to Sir John Hamilton of Prestoun and Sir Samwel Johnstoun of Elphinstoun, knight baronet, as justices to hold courts and try Janet Strauchane, spouse to Walter Finlaysoun in Prestounpannes, Beatrix Cuthbertsoun there, Janet Darling, spouse to David Thomson, there, and Janet Boyd there, Johnston to try Janet Strachan and others in Prestounpans for witchcraft. Signed by St. Andrewes, Monteith, Hadintoun, Linlithgow, Hamilton, Sir Thomas Hoip, and Scottistarvett.

“Most sacred Soverane, Upoun the recept of your Majesteis letter and of the patent grantit be your Majestie to the Erle of Linlithgow and his partners for making of salt peter powder and matche, quhill we accompt to be ane worthie and necessarie workes for the credite and good name of the kingome, some commissioner for the burrowes, quho wer heere for the tymne, getting notice of this patent and apprehending some prejudice therby, desyred to be heard, whairin being satisfied and inspection of the patent grantit unto thame they gav in some reasounes in writt agains the same especiallie agains the making of opin doores and digging in vaultes and sellers as by the copie of thair reasouns your Majestie will perceave; quhairupon both pairtieis being at lenth heard the patentee vere instantlie urged the expeding of his patent with the claus foresaid affirming constantlie that the worke cannot take effect without that claus, and the other pairtie was als instant to have the patent stayed till thair reasouns wer seene be your Majestie and your royall pleasure thairanent returned; we have for thair satisfactiouns tane this course that the patent sall be exped upoun the Erles promise and writt givin to us that he sall not enter nor digge in ane hous within the burrowes of this kingdome without consent of the awner till your Majesteis pleasure be returned and he accordinglie warranted be your Majesteis Counsell; we have lykewise with the said Erles awin consent explained and cleered some other points and heedes of his patent, as by the particulars thairof heerewith sent to your Majestie will appeare; and
so attending the returne of your royall pleasure anent the premisseis quhen the conveniencie of your more important effaires will permitt, we pray the almightie God to watch over your sacred persoun and to blesse your Majestie with a long and happie raigne, and we rest. Halyruidhous 8 August. *Subscriptur*, St. Andrewes, Menteith, Hadintoun, Ad. B. of Dumblane, Sr Thomas Hoip, Sr J. Hamilton, Sr John Scott."

"Ane missive from his Majestie in favour of the Earle of Annandaill againis the Lord Hereis and according thairto the Lordis ordanis intimation to be maid to the commissionaris and clerk of the Exchequer that no gift of esheit nor lyfrent nor no infentment of the Lord and Maister of Hereis landis be past bot in favour of the Earl of Annandaill."

"The Lordis ordanis the Clerk to tak cautioin of Colonell Sinclair for performance of his conditionis anent the Lordis Gray and Kinclevin be advise of any tua of the Counsell."

Edinburgh, 20th August 1628. Mr. George Haliburton's acceptance of the Commission of Justice, and accepted upon him the commission granted to his Majestie to the Lord Balcolmie and him for halding of justice aires and circuit courts within the bounds of their commission, and gave his oath "de fidel administratione."

Holyrood House, 28th August 1628.

"The whilk day in presence of Sir Thomas Hoip of Craighall, knight baronet, his Majestie Advocate, compeered personalie Mr. George Halyburtoun of Foderance, ane of the Senatours of the College of Justice, and accepted upon him the commission granted to his Majestie to the Lord Balcolmie and him for halding of justice aires and circuit courts within the bounds of their commission, and gave his oath de fidel administratione."

"The whilk day Sir Thomas Hoip of Craighall, knight baronet, Advocate to our Soverane Lord, represented to the Lords of his Majestie Privie Counsell that he was certified from some of the shireffs of the several shyres of this kingdome that at the late electioun of the commissioners for the small barons and freeholders of the sauds shireffdomes to Parliaments for this yeere their was some doubt moved if these who formerlie wer vassalls to the Lords of Erectiounis be now vassalls to his Majestie and if they might be chosin commissioners to Parliaments and Generall Counsells for the sauds small barons and freeholders; and seing be the lait surrenders and resignatiouns made in his Majestie hands be the Lords of Erectiounis of their superioritieis of the sauds erectiouns his Majestie is now become immediat superior to all the vassalls and freeholders of the sauds erectiouns; Thairfor the said Lord Advocat humblie craved of the said Lords that they would wryte to the shireffs to cleer the thame of this thair doubt and to certify thame that these who wer formerlie vassalls to the Lords of Erectiounis ar now his Majestie vassalls, and so may be laughfullie chosin commissioners. The Lords haveing
heard the Advocate propitiously they thinke it properlie belongs to himselfe to answere and cleere the doubt foresaid, and advise him to send to the shireiffs a copie of the proclamation made to that purpose."

"Forsameekill as at the lait dyet kepte be some of the small barons and freeholders of the shirefdome of Edinburgh for confirming the former election made be thame of commissioners for the said shirefdome to attend his Majesteis Parlaments and Generall Counsellis for the yeere to come the persons underwritten, they ar to say, Sir Robert Fairlie of Braid, Sir Williames Nisbit of the Deane, Preston of Quhylthill, Mr. Williames Adamesoun of Graycuik, John Cowper of Gogar, and James Duncan of Rathow, compeered and consented to the continuwing of the saids commissioners for the yeere to come, and being desired to subservye the act anent the continuwing the saids commissioners to the intent the same might be autentick and accordinglie ressavd in Parliament, they refusd to subservye the said act, sua that the same act wanting the subscriptiones could be of no force and the commissioners nominat thairin will not be ressavd nor admitted to have vote in Parliament to the disappointning of his Majesteis service without remeid he provydit. Thairfoir the Lords of Secret Counsell ordanis letters to be direct charging the persons particularie abowenwriten to compel personallie before the saids Lords upoun the xxiiij day of September nxt to answere upoun thair refusall to subservye the act whairby they consented to the continuwing of the commissioners of the said shirefdome for the yeere to come, and to heare and see thame decerned to subservye the said act or ellis to shaw a reasonable caus why the same sould not be done; and that they compere personallie to the effect foresaid under the pane of rebellion, etc. with certification."
strait prison, suffering none of his friends to have access to supply his necessities. Being “bot a poore craftsman, haveing nothing whairwith to intercane his poore familie bot his handie labour, whairfa he was debarrd by his imprisonmment, he caused bring in to the tolbuith of Selkirk a molthye to have shippin the same and to have givin it to his servants to have beene putt in worke for maintenance of his familie,” but the said bailies caused their officers to take it from him. Charge having been given to the said bailies to appear and produce the pursuer, and both parties compearing, the defendants justifiied their action by producing an act of their burgh dated 18th July last ordaining the pursuer, with his own consent, to allow the said John Dalgleish, burgess of the said burgh, to carry “divvets and other materials throw the entrie of his hous for beiting and repairing of the said Johnes his backe hous.” Upon production of this act the pursuer asked instruments, and the Lords ordered the defenders to put him to liberty, but also ordain the pursuer to obey the said act, “conforme to the use of burgh and good neighbourhird,” under pain of warding, and to pay to every one of the witnesses summoned twenty shillings.

Supplication of the brothers and sisters of the late Earl of Lothian, as follows:—Their Lordships had superseded the execution of Meg Unes and Janet Schitlington till they were more narrowly examined. The examination had been undertaken by the ministry of Edinburgh and others, and the depositions show that the said Janet had been accessory “and upoun the foreknowledge of the death of the saids supplicants unquhill brother in so farre as she hes confessed that she carried him at evill will, and that she raised the devill and consulted him anent her revenge, which ar verie pregnant presumpions to inferre a probable conclusioun that she had a hand in his death.” For the better trial of the truth of this they crave that their lordships will appoint some of their own number to deal with the case, whereupon the lords grant commission to Sir Thomas Hoip of Craighall, knight baronet, his Majesty’s Advocate, Sir George Elphinstone of Blythiswod, knight, Justice Clerk, and Sir John Scoot of Scottisstarvet, Director of Chancery, or any two of them, to call the said Janet Schitlington, prisoner in the tolbooth of Edinburgh, before them, and examine her as to what she knows of the said Earl’s death, the manner and circumstances thereof, and who were accessory thereto, and to report next Council day, so that further justice may be done therein.

Similar supplication by James Borthuick of Newbyres, as follows:—Their lordships had superseded the execution of Meg Unes till she should more narrowly be tried on a charge of witchcraft; and now there are many “clere and pregnant presumptions that she has beene accessorie to the death of the lait Lord Borthuick, and of the said supplicants wyff and childrein.” The Lords therefore appoint the same three commissioners to investigate this case and report as above.
Robert Johnestoun in Moffatt and Ninian Halyday in Beddacolmie appear and enact themselves, each in £100, not to reset Andrew Davidsoun in Moffatt, while he remains at the horn.

Complaint by George Maxwell, apparent of Garrarie, as follows:—He has been arrested and detained for a long time in ward in the tolbooth of Edinburgh by sundry of his creditors, viz. Andrew Millar, tailor in London, for 600 merks of principal, 200 merks of expenses and arrears of interest; Andrew Millar and Andrew Killoch for 400 merks of principal, 60 merks of expenses and arrears of interest, and Mr John Boog, merchant in Edinburgh for 650 merks; and the said Andrew Killoch, and Mr. George Low, servitor to Sir James Skeene, have not only arrested the complainer at their own instance as assignees for the said Andrew Millar but doubled the arrestments at Andrew Millar's own instance, and stopped the complainer's suspension, though he then offered sufficient caution, which now he cannot do, as through his long warding and the great oppression of his friends his rents are lifted, his corn and cattle meddled with, and his lands for the most part cast waste. He has always been willing to assign to the said creditors his ten merk land called the Knock, the yearly rent of which is 600 merks, and another ten merk land called the Craig and Respein, the yearly rent of which is 800 merks, and which lands are no way burdened, till their debts are fully paid. If the Lords take not some course for his relief, he will perish from famine. Charge having been given to the said Mr. John Boig, Mr. George Low and Andrew Kinloch, to see the pursuer released or provide means for his entertainment in ward, and to George Suttie, one of the bailies of Edinburgh, to produce the pursuer, and the pursuer, the said Mr. George Low, and Mr. John Boig comparing personally and Andrew Kinloch by James Gibsoun, his procurator, the Lords ordain the pursuer to deliver his writs of the lands named to the defenders that they may be advised therewith against next Council day, 24th September next, and meanwhile they order five shillings to be paid by the defenders proportionally to the pursuer daily for his entertainment till then.

Complaint by Sir Alexander Nisbett of that Ilk, sheriff principal of Berwick, as follows:—He has lately been charged at the instance of William Watt, merchant tailor in London, to search for, apprehend and imprison Sir James Home of Eckills, and Sir George Home, apparent thereof, and Alexander Home, his sons, and to take their houses and report the inventory of their goods, etc.—the said Sir James to be denounced rebel in case of disobedience. It is notoriously known to all the country that long before the giving of this charge both Sir George and Alexander Home, his brother, were out of the country, the former "in service with Sir Williaume Alexander to Nova Scotia, and the said Alexander with the Erle of Mortoun in his Majesteis service," and that they are still abroad. As for Sir James Home, he also is fugitive and cannot be taken within
the complainor’s jurisdiction, though the complainor and his deputes had searched for them “at thair wounded dwelling place of Eckills.” He had also caused David Nisbitt, his depute, on 8th July last, search through the whole chambers and office houses thereof, but he could not find him, when he took inventory of the furniture therein “being onlie timber beds and boords; as alsua tooke the keyes and inclosed Andrew Howatsoun, messenger, and closed him within the place of Eckills,” as instruments taken thereon and produced slow. Still for obedience and obviating horning, he has found caution for apprehending the said rebels whenever the said William Watt shall show him that they are within his jurisdiction. He therefore craves suspension of the horning. Charge having been given to the said William Watt, and the pursuer comparing by Mr. James Nisbitt, advocate, his procurator, but the defender not, the Lords suspend the horning as craved.

Commission under the Signet to John Burnet of Barns, as justice, to hold courts in the tolbooth of Peebles or elsewhere and try Patrick Faw, one of the counterfeit thieves and limmers called “Egyptians,” who on 19th August instant shot the deceased William Turnbull, “cowper” in Heriot town, through the head with a pistol, and killed him, and being taken “with the bloodie hand,” was imprisoned in the place of Traquair, where he now is. Signed by Monteith, Wintoun, Galloway, Carnegie, Hamilton, Sir Thomas Hoip and Scottistarvett.

Commission under the Signet to Mr. John Sandelands, one of the ordinary advocates before the Lords of Council and Session, and Mr. Hew Dowgals, bailie of Nidrie, as justices to hold courts and try Janet Wright, spouse of James Baderstoun in Nidrie, who by her own depositions has been for the last 18 or 19 years “a consulter with the devill, hes ressaved his marke, renuneced her baptism and givin herselfe over to the devills service.” Signed as above.

“The lyke commissioun granted to Sir Johne Dundas of Arnestoun, Mr. Patrik Hamilton of Little Prestoun, Mr Patrik Edmiston of Mr. Robert Case appearand of Fordell, and Adame Walker of Caikmure, for putting of Issobell Thomson in , Christian Tailyeour in , and Alesoun Chapman in , to ane assyse for witchcraft of the daith and subscrivit at super.”

Commission under the Signet to the bailie of the bailiary of Carrick and his deputes to search for, apprehend, imprison and try William Davidsoun in Dalincovey, Rowie Davidsoun, his father, and David Kippell in Layne, who in the depositions of several honest and famous men living in the bailiary aforesaid are declared to have been for many years notorious and strong thieves and masterfull oppressors of the subjects dwelling near them. The two Davidsouns, having fled to Ireland to escape punishment and followed the same course of life there, have now for the like reason fled back to Scotland and resumed their thievish course. The Commissioners before proceeding to the trial of the said
persons are to report their depositions to the Council and receive their further directions. Signed by the same Lords.

"After our verie heartilie commendationous to your goode lordship, Whairas the Kings Majestie haveing appointed some circuit and justice courts within this kingdome; their is numbers of persons, being conscious to themselves of their guiltines of some capitall crimines committed be thame, and fearing the event of their tryell in the courts, they have tane the crimines upoun them and ar seeking occasion to transport them selves from thence towards Ireland quhair they intend to lurke and ly till thir courts be endit and then to returne backe; these ar thairfoir to desyre and request your good lordship to caus diligent attendance to be givin at Portpatrik and others ports within the bounds of your charge that nocht persons quhatsomever except knowne gentlemen and undertakers for the Yrish plantatious be transported without a sufficient testimonal frum the shireff of the shyre or some [sic] justice of peace or be thair maisters, being gentlemen of good qualitie, that they ar answerable and lawbyding subjects. Quhairin hoping that yow will have that care qhilk the good of the countrie in suche a caise requires; we committ your lordship to God. From Halyruidentous, 28 August 1628. Subscribitor, Monteith, Hamiltoun, Sr G. Elphinston, Sr Thomas Hoip."

"After our verie heartilie commendationous. Quhairas it is verie likely that numbers of persons quho ar arresteed to the justice courts will preasse in the conscience of their guiltines to transport them selves out of this kingdome; these ar thairfoir to will and require yow to giv diligence and to provyde that within the bounds of your charge no person quhatsomever except gentlemen be suffered to be transported to Ireland without a testimonial frum the shireff of the shyre or some justice of peace or be thair maisters, being gentlemen of good qualitie, that they ar answerable and lawbyding subjects; quhairin resting assured of your diligence and care we committ yow to God. From Halyruidentous the 28 of August 1628. Subscribitor, Monteith, J. Hamiltoun, Sr Thomas Hoip, Sr George Elphinston."

"Ane letter from his Majestie anent the franchting of strangearis shippis; the consideratious thairof remittit to the nixt Counsall day, and the proces formarlie led in that bussynes to be produceit that day."

"The whilk day the Lordis admittis the excuse maid be Mr. Walter Quhylefoorde for not reporting a list of the number of sensible persons within Annandall and freethis him of the dangeir of horning."

"That missives be direct to the commissionaris for sensing of the Parliament and to the persons nominat be his Majestie to be the shireffis."

"A letter to the Vicount of Airdes and another to the provest and bailies of Air that no suspect persons have passage to Irland at Portpatrik or Air without a laughfull testimonial frum their maister, shireff or justice of peace."
Eodem die post meridiem sederunt ut supra unicum Comite de Galloway.

"The quhilk day intimation was maid to Sir Luie Lauder, shireff of Edinburgh, to repair the hieway betuix Edgebuckline Bray and the Watter of Almond, whilk he, being personalie present, promiseit to do."

"The nixt Counsell day appointit to be upoun the xxiiiij of September nixt."

"After our verie, etc., to your good lordship. Whairas it hes pleased the Kings Majestie to make choice of your lordship with some others to be his Majestis commissioners for fencing and continewing the high Court of Parliament quhilk was proclaimed to be helden at Edinburgh and to have begunne upon the fifteine day of September, these ar thairfoir to request and desyre your good lordship to make your addressse here to the intent your lordship may be readie the said fyfteine day of September in the forenoon to convene and meete with the rest of the commissioners in the Tolbuith of Edinburgh and concurre with them in the fencing and continewing of the said Parliament. Quhilk looking assuredlie your lordship will doe we committ your lordship to God. Frome Halyruhidous the last of August 1627. Subscribitur, Monthieith, Hadinton, Galloway, Areskine, S'r Thomas Hoip, S'r George Elphinstoun."

"After our, etc. Wheras it hes pleased the Kings Majestie to make choice of yow to be shireff principall of the shirefdome of for this nixt yeere, these ar thairfoir to request and desyre yow to make your addressse here to his Majestis Counsell upon the 24 of September to give your oath and accept the charge upon yow; whilk looking assuredlie yow will doe we committ yow to God. Frome Halyruhidous the last of August. Subscribitur, Monteith, Hadinton, Areskine, S'r Thomas Hoip, S'r G. Elphinstoun."

"After our verie heartilie commendations to your good lordship. Understanding how that Captane James Hay, your lordships kinsman, aganis his Majestis lawes did openlie appeale Colonell Sinclair to the combat and that the said Colonell with the lyke contempt of auctoritie accepted the challenge and appointed the place of meeting, we gave present ordour for apprehending the said Colonell and committing of him to the Castell and becaus the course of justice requires that the lyke ordour be tane with the said Captane Hay, these ar thairfoir earnestlie to intreate your good lordship to make diligent searche and inquirie for the said captane, and being apprehendit to enter him in the Castell of Edinburgh thairin to remaine quhill some course and ordour be tane for assuring of the peace and reconciling of the paireis; for doing quhairof these sall be unto your lordship and to the captane and constable of the Castell a sufficient warrand and commissiou. Halyruhidous, the last of August. Subscribitur, Monteith, Hadinton, Galloway, Areskine, S'r Thomas Hoip, S'r G. Elphinstoun."
The whilk day in presence of William, Earl of Monteith, President of the Counsell, compeirit personallie Sir Thomas Henderson of Chester and acceptit upon him the commissioun granted be his Majestie to the Maister of Jedburgh and him for halding of Justice Courts within the bounds of their commissioun and gave his oath."

"After, etc. Whairas upon occasion of the unhappie slaughter of umquhill John Young, lait clerk to the Commission of the Middle Shyres, the registers and rolls concerning that service wer delievered unto yow, and becaus the knowledge and inspectioun thairof will give great light and ground for forming of ditrayes aganis persoues guilitie of the contraventioun of his Majestie lawes and will facilitat their tryell at the justice courts appointed to be haldin within these bounds; these ar thairfor to will and require yow to make the registers and scrollis patent to the Justice Clerk, his deputys and others, having warrand from him, to the intent the transgresours of his Majestie lawes may be the more easilie discovered and found out and their guiltines cleered and made knowne to the assyse; quhairin nothing doubting of your readie obedience in a mater so highlie concerning his Majestie service and the peace and quyet of the countrie, we committ yow to God. Frome Halyruidhous, the first of September 1628. Subscribitur, Monteith, Galloway, Sr Thomas Hoip."

"Forsameekill as albeit all singular combats and the directing of challenges be word or message to that effect hes beene straitlie prohibit and dischairigit be the lawes of this kingdome, notwithstanding it is of truth that Mr James Hay, callit of Barro, hes of lait in contempt of the law and misgaird of his Majestie auctoritie challenged Colonell James Sinclair to the singular combat and appointed the tymne and plaise of thair meeting with others circumstances usuall in suche combats. For the whilk his contempt he aucht to be punished in his persoun and goods to the terrore of uthers to commit the lyke. Thairfor the Lords of Secret Counsell ordanis letters to be direct charging the said Mr James Hay personallie if he can be apprehendit and faiyleyng thairof at his dwelling plaise, and be opin proclamatioun at the mercat croce of the heid burgh of the shyre whair he dwells, to compier personallie before the saids Lords upoun the xxiiiij day of September instant and answere to the premisses under the pane of rebellion, etc., with certificatioun etc.; and in the meane tymne whil the said day and forder whill the saids Lords take ordour in this mater to command and charge the said Mr James Hay to observe our Soverane Lords peace and keepe good rule and quyetnes with the said Colonell Sinclair and that he onnawayes pressoome nor take upoun hand to direct anie challenge to the said Colonell nor to answere or ressawe anie challenge to be sent unto him fra the said Colonell nor keepe no tryst nor meetings for that effect under the pane of a thousand pand, with certificatioun to him and he
faillie, that he sall be decerned to have incurred and to incurre the said pane of a thousand pund, and letters sall be direct aganis him for payment of the said sowme to his Majesteis Thesaurar and Deputie Thesaurar in his Majesteis name and to his Majesteis use in forme as effairs."

Sederunt.—Monteith, præses; Hadintoun, Privy Seale; Wintoun; Fol. 48, a.
Linlithgow; Master of Jedburgh; Sir Archibald Achesoun;
Clerk Register; Advocate; Sir John Scot.

"Forsameekill as the Kings Majestie out of his earnest desire to visite this his ancient kingdome haveing resolved to have repaired heere in person in this instant moneth of September for ressaweine of his crowne and balding of a Parliament and bringing of these things to a perfection whilk his Majestie hes intendit for the good of his said kingdome, yitt in respect of manie great impediments and dificulteis interveneing in this manie tyume his Majestie hes beene moved to delay his comming heere till the nixt Spring, and for this effect his Majestie hes givin ordour and direction by commiision for continewing of the said Parliament whilk wes proclaimed to have begunne upoun the fyftein day of September instant untill the fyftein day of Apryle nixtocomne with continewaition of dayes, whilk day his Majestie hes made chosie of for beginning of the said Parliament and is resolved, God willing, to kepee the said dyet preciselie in persoun; Thairfor the Lords of Secret Counsell according to his Majesteis warrand and direction send unto thame for this purpose ordanis letters to be direct charging hersauls, maiserers, and oficers of armes to pas to the mercat croces of the heid burrowes of this kingdome and thair be opin proclamation to make publicatioun and intimatioun of the continewing of the said Parliament until the said fyftein day of Apryle nixtocomne with continuatioun of dayes, and to wairne all and sindre prelats, noblemen, commisioners for the small barons and burrowes and all uthers having plaice, office, service or attendance in the said Parliament, that they and everie one of thame attend and await upoun the same the day foresaid with continewaition of dayes and doe and performe that whilk to thair plaices and charges apperteans, with intimatioun as effaires. Followes his Majesteis missive for warrand of the Act abonewrittin. CHARLES R.—Right trustie and right weiblovit cousine and counsellour, right trustie and weiblovit cousines and counsellours, and right trustie and weiblovit counsellours we greete yow weill. Though out of ane earnest desire that we had to see that our ancient kingdome and to bring these things to perfecution which we have intended for the good thairof we had resolved to have repaired at the tyume formerlie declaired unto yow, yitt after the sight of your letter whairyby yow represented unto us not onelie the difficulitie but in a maner the impossibilitie to have things in readinesse for
the receaving us agains that tyme, we have yeelded to your desire in delaying the tyme of our comming, haveing givin commioun to continew the Parliament whilk wes callit till suche dayes as we sould be pleased to appoint which we have beene pleased to doe that yow may be the more carefull to have all things prepared in dew forme and that a convenient tyme might be allowed for repairing our houses and prepar- ing all things necessarie for our interteament. And to the end our subjects may be acquainted with the tyme of the continuatioun and tyme appointed for beginning of our said Parliament our pleasure is after the prorogating thairof according to our commioun sent yow for that effect that yow give wairmaing to all our subjects in suche maner as yow sall thinke most requisite that we have made choise of the fyftein day of Apryle nixt for the beginning of our said Parliament which we intend, God willing, to kepe in person. So recommending the premisses unto your earnest care, we bid yow fareweill. Frome our Court at Southwick the 28 of August 1628."  

"Forsameekill as the Lords of Secret Counsell ar informed that Peter Smart, one of the prebenders of Durhame, haveing laitlie in a sermoun made be him at Durhame vented and uttered some scandalous and seditious speeches and heeds of doctrine directlie impugning the canons and ordours of the Church and the established governement and discipline thairof, and haveing assayed to have putt his said sermoun to the presse within England and sua to have disperset the same among the subjects thairof of purpose thairby to have infected and poysounded thame with his scandalous opinious, and finding no meanes to gett his sermoun printed in England he hes send the same to this kinglyme using his best credite and freindship to gett the same imprinted heere and sua to furnishe mater and occasioun of some new distractiveins in the Kirk to the great disturbance of the peace thairof without remeide be provydyt. Thairof the Lords of Secret Counsell according to the signification of his Majesteis pleasure ordainis letters to be direct to command, charge and inhibide all and sindrie printers and others his Majesteis subjects of this kinglyme be opin proclamatioun at the mercat croces of the heid burrowes of the same and others plaices needfull, that name of thane presoomes nor take upoun hand to putt to the presse, imprint, give out or disperse the said seditious and scandalous sermoun nor anie uther of that nature upoun whatsoever cullour or pretext under the pae of the highest punish- ment that by course of justice and law can be inflicted upoun thame, besides the incurring of his Majesteis heavie wrathe and indignation. And if the said booke be alreadie imprinted uthere in this kinglyme or in anie paert elliswhair and if anie copeis thairof be dispersed and givin out amongs his Majesteis subjects in this kinglyme to command and charge all and sindrie his Majesteis saids lieges and subjects that name of thane presoomes nor take upoun hand to keepe, read, or make use of the said booke and pamphlet bot that they with all convenient diligence bring
in and delver the same to his Majestie's Secretarie to the intent the same may be destroyed under the panes particularie abonewrittin to be inflicted upon the contraveeners without favour."

"Forsameekill as it is understand to the Lords of Secret Counsell that thair is some querrell and controversie laitlie fallin furth betuix Captane Dowglas, eldest lawfull sone to unquhile Dowglas, brother to the Laird of Whittinghame, on the ane pairt, and Arthur Dowglas, sonne to Sir Archibald Dowglas, uncle to the Erle of Mortoun, on the ither pairt, which persounes disdaining to seeke ordour [sic] of thair wrongis by a legall maner they have in contempt of law and justice directed and accepted cartalls the one frome the other and have appointed thair tymes and plaices of meeting, whairupon will ensue forder inconveniences to the breache of the peace if speedie remeide be not provydet; Thairfoir the saids Lords ordanis letters to be direct charging both the saids paireis personallie, if they can be apprehendit, and faylyeing thairof at thair dwelling houses and be opin proclamation at the mercat croce of Hadinton to compeir before the saids Lords upoun Fryday nixt the twentie sext of this instant to answere to the premisses, and to underly suche ordour as sall be tane with thame for observation of the peace under the pane of rebellious and putting of thame to the borne, with certifiecation, etc.; and in the meane tyme to command and charge both the saids paireis to observe our Soverane Lords peace and to keepe good rule and quyetnes the one with the other, and that thay nor none of thame presomme nor take upoun hand to make provocation to others be word nor deid nor to direct nor accept anie cartalls the one frome the other nor to keepe anie tryste nor meetings to that effect, either of thame under the pane of ten thousand ponds certifieing thame if they faillie that thay sall be callit and decerned to have incurred the said pane and letters sall be direct aganis thame for payment thairof to his Majestie Thesaurar in his Majestie name and to his Majestie use in forme as effirs."

Sederunt.—St. Andros ; Mar, Treasurer ; Menteith, presse ;
Hadintoun, Privy Seal ; Wyntoun ; Lynlythgu ; Wigtoun ;
Roxburgh ; Lauderdaill ; Bishop of Dunkeld ; Bishop of
Dumblane ; Lord Arskene ; Lord Melvill ; Carnegie ; Master
of Jedburgh ; Secretary ; Advocate ; Justice Clerk ; Sir John
Scott.

The giving up of dittays. "The Lordis ordanis letters to be direct chargeing all suche shireffis and steuartis as hes not execute the preceptis for the Justice Courtis anent the geying up of dittayis to putt the same to due executioun and to compeir the nixt Counsell day to answer upoun thair bipast refusall and disobedience.
"That suche personis as hes dischargeit their tennentis to compeir and gif up dittayes to the clerkis be callit to their answier.

"That the bailleis of Dundee be charged to answier upoun their The Tolbooth of Dundee.

refusall to mak their tolbuith patent to the clerkis for taking up of dittay.

"That the officiers and messingeris of armes who having charged personis to gif up dittay hes thairafter componed and transacted with thame to abyde at home sall outer be persewit befoir the Counsell, or that dittay be tane up agains thame and that thay be criminalie persewit for the same.

"That missives be direct to the Marques of Huntlie and Lord Lovatt Troubles among the to use their best credeite and auctorite for suppressing the troublis Grants. among the Grants and to report the effect of thair procedings with their advise for pacifying of these troublis the nixt Counsell day.

"The quhilk day the Laird of Cranstoun acceptit the shireship of Acceptance of Edinburgh: Sir Robert Hepburne the shireship of Hadintoun: Sheriffs. Alexander Hamilton of Bynnes the shireship of Lynlythgu;

Hoome of Rentoun the shireship of Beruick:

Naper of Kilmahew the shireship of Dunbartane:

Campbell of Lundee the shireship of Forfar; the Laird of Moncreif the shireship of Perthe;

Maxwell of Cowhill the shireship of Drumfreis; and Sir James Pringle of Galacheilis the shireship of Selkirk; and gave thair oath,

"The quhilk day intimation was made to the Laird of Cranstoun and Sir Robert Hepburne to conveene the justicis of peace, baronis and freeholderis within thair offices and to prescryve reulis and tak some course for repairing the hieways and bridgeis within thair offices, especialie the bridge of Lyntoun.

"The quhilk day Sir Andro Ker acceptit upoun him the commissioun for the justice and circuite courtis within the boundis of his commissioun and gait his oath."

[Sederunt as reported above.]

Complaint by Alexander, Earl of Linlithgow, Lord High Admiral of this kingdom during the minority of James, Duke of Lennox, and Sir Thomas Hoip of Craighall, King's Advocate, as follows:—It being the King's pleasure that the Earl of Linlithgow should exercise the said office, and a royal patent being granted to him for that effect, their lordships on inspection of the said patent, and for confirming the authority of the said Earl, passed an Act of Council, of which proclamation was duly made at the market cross of Edinburgh, pier and shore of Leith and elsewhere. His Majesty's ship, called the Unicorne and the admiral of his Majesty's fleet, having lately returned to the harbour of Leith from service at sea "the said Erle gave direction that she sould be caried up to the bridge thair to be sighted; and the said Erle, said Earl."

Holyrood House, 24th September 1628.

Decreta, November 1627-January 1628.

Decretal, November 1627-January 1628.
accompanied with men of the best skill and knowledge in Leith, haveing
two severall dayes caused sight the shippe both within and without, it
was found that she had a great laike in her keill, and that of
necessity she behooved to be layed to the shoare for taking out of her
ordinance, cables, taickle, ankers and ballast, whairby she being lighted
she might the more easilie be putt upoun the banke and more
neerelie sighted and viewed. Whairupon the said Erle went first
to the banke and provydit a place for her to ly in, and comming
frome that to the shoare to find out a commodious place for her light-
ing and finding the James of Anstruther lying in that plaze whilk
was saulfest and most commodious for his Majesteis shippe foresaid, he
desyrved the maister skipper of the said shippe of Anstruther to
make the rowme patent for his Majesteis shippe, seing he was
loadned and readie to louse, who most dewartfullie gave tymous and
readie obedience. And thairafter the said Erle haveing past doun
the shoare with the Erle of Rothesse, who was going to his boate,
perceawing Thomas Wilsoun, maister of the shippe callit,
bringing in his shippe to that plaze whilk the said Erle had pro-
yvidit for his Majesteis shippe, he commandit him in his Majesteis
name to forbear and give way to his Majesteis shippe whilk stood in
so great necessitie of helpe. And the said Thomas (as appeared to the
Erle) being willing to give obedience, in the meane tyme Archibald
Tod, baillie of Leith, expresslie contramandit the direction givin be
the said Erle to the said Thomas Wilsoun, and verie proudlie and
contemptuouslie commandit him to come in and take the plaice and to
lay his shippe to the shoare, whilk accordinglie he did. And the said
Erle being returning frome the Erle of Rothesse and perceawing his
Majesteis shippe to be disappointed of the rowme, and rancountering
with Archibald Tod, baillie, he acquainted him that the plaice foresaid
was appointed for his Majesteis shippe and asked of him upoun what
occasion she was stayed, he returned this answere that the rowme
foresaid was appointed for a merchants shippe to take in her loadning.
Unto whome the said Erle haveing relayed that the rowme foresaid
was appointed be him for lighting of his Majesteis shippe, seing she
was in great danger of wracke if she lay out anie longer, he answered
that sheould not come there; and the Earl haveing demandit of him
if he would stay or hinder his Majesteis shippe to come in, he answered
that no shippe could come there but suche as come by his tollerance
and that none had power of the shoare and harbourie bot thame-
selvess. And the Erle haveing againe verie soberlie answered him
that they wer not come there to discouse rights and that if
his Majesteis Admirall had not power to lay to the shoare one of
his Majesteis shippes whair ever the sea ebbeds or flowes that
his power wes verie small and that he would lay his Majesteis
shippe thair and hoped that he would not hinder him; he answered
againie verie disdainfullie and proudlie that she sould not come there and that he would not suffer him to lay her thair but would stay him, quhairupon the said Erle charged him in his Majestie's name as Admirall and as one of his Majestie's Counsell to give way to the incomming of his Majestie's shipp, he with the lyke disdain and contempt answered that he would not suffer the said Erle to lay her thair and that he would be answerable for what he did. Whairupon the Erle required those who wer present to be witnessis, and protested that if his Majestie's shipp sould be in danger that he sould be answerable for it. And so eschewing forder contestation and for preventing of anie trouble or disordour that might fall out upon the miscontentment of nombers of people who wer greeved to see so notable ane effront and disgrace to be givin to the said Erle in his Majestie's service, he to give exemple of modestie and patience to others retired himselfe to his lodging and dischairgit all his companie and followers to make anie stirre for this caus. And sua his Majestie said shipp by her lying out and not lighting her hes gottin suche skaith throw the said Archibald Tod his occasioun as she is lyke to prove wracke and no more usefull to his Majestie's service. And anent the charge givin to the said Archibald Tod to have compeered personallie before the Lords of Privie Counsell this present xxiiij day of September instant to have answered to this complaint, and to have heard and seene suche ordour tane thairanent as appertained, under the pane of rebellioun and putting of him to the horne, with certificatioun to him and he faiulyed, letters sould be direct simpliciter to put him thairto, lykeas at mair length is conteanit in the said complaint, executiounis and indorsatiounis thairof; quhilkis being called and the saids persewers compeerrand personallie, and the said Archibald Tod being lykeways personallie present with the proveist and bailieis of Edinburgh who desired to be admitted for thair interesse and ane competent tymme assigned to thame to answere to the complaint, becaus this wes a mater of verie great importance, dipping upoun the liberteis and priviledges of thair burgh, whairwith as yitt they have not had tymme nor pleasure to be resolved, the said Archibald Tod haveing onelie ressavd a copie of the said complaint this present day before noone; whilk desire being heard and considderit be the saids Lords, they have admissit and admits the saids proveist and bailleis to be heard for thair interesse. And whairas the saids Lords declaires that they intent not to dispute upoun anie right or priviledge belonging to the burgh of Edinburgh, bot ar onelie to try and censure the personall misbehaviour and cariage of the said Archibald Tod in the maner of the execution of the same without prejudice of the said burgh of Edinburgh and of the liberteis and priviledges thairof, they ordaine the saids proveist and bailleis presentlie to answere. Whairupon it wes alledgit be the saids proveist and bailleis and be Mr. John Hay thair preloquitour that no
processe aucth to be grantit to the said Erle of Linlithgow as Admirall in this mater, because since the patent grantit to him of the said office, the Duke of Lennox, with consent of the said Erle, hes resigned the said office in his Majesteis hands for a new patent to be grantit to the said Duke thairupoun, and that by this resignatioun the said Erle hes denudit himselfe of the said office and hes procured no new gift nor patent thairof. Whairunto it was answered be the saids perseevers that the resignatioun foresaid (if anie be) wes onelie made be the said Duke of Lennox in his awin favours, and that nothing hes followed thairupoun, and that the said Erle consented onelie as curatour to the Duke of Lennox and never resigned his awin right bot stands full thairin and in the peaceable useing and exercising of the same conforme to his patent and ane missive letter writtin be his Majestie unto him for that effect. Whilk alledgeance and answer made thairto be being heard and considerit be the saids Lords, and they weill advised thairwith, the Lords by thair interloquoutour hes repelled and repells the alledgeance foresaid and grants processe to the said Erle notwithstanding of the same. Thair- after it was desired be the saids defenders that they might have inspectioun of the said Erle his patent and of the proclamatiioun thairupoun the complaint is foundit; whilk desire the saids Lords in regard of the notorietie of the said Erle his patent and possessioun conforme thairto hes refused and refuses to grant. And than it was desired be the saids defenders that the said Duke of Lennox his curatours might be removed and not admitted as judges in this mater, because whatsomever sentence the said Earl of Linlithgow as Admirall sall recover thairin the same will accresse and militat in favour of the said Duke of Lennox. Qubilk desire being heard and considerit be the saids Lords, they find that the Duke of Lennox not being a pairtie his curatours cannot nor aucth not to be declynned, becaus the saids Lords intends not to dippe upoun anie right or priviledge contraverted betuix the Admirall and the saids defenders, and that no sentence to be givin be thame sall be prejudiciall to the burgh, of Edinburgh anent anie of thair rights, libertis and priviledges. And last it was propounded and alledge be the saids defenders and thair said preloquoutour that this complaint in the termes thairin it is conceaved and sett down and the defences and exceptionis competent to thame and resulting thairupoun will alltgidder dippe and must be foundit upoun the heretable libertis, rights and priviledges of the burgh of Edinburgh whilks in this judgment cannot be handled nor discussed, the saids Lords not being judges competent thairto, and thairfoir they desired that this mater might be remitted to the Lords of Session onelie judges competent thairto, before whome they would answere as accords of the law. Whairunto it was answered be the saids perseevers that the point of right and the libertis and priviledges of the said burgh wer not to be disputed nor callit in questioun in this judgement, and that they onelie
insisted upoun the undewtiful fullt behaviour and cariage of the said Archibald Tod whilk is onelie proper to be tryed be the saids Lords. Qhilk alledgeance and aanswere made thairto being heard and considert be the saids Lords, and they weill advised thairwith, the saids Lords be thair interloquotour hes repelled and repellis the alledgeance foresaid, and finds thameselfis judges to the trying and censuring of the said Archibald Tod his behaviour and cariage in the mater foresaid:

With this speciall declaratioun made be the saids Lords.—That nothing to be done, concludit or decreed be thame in this processe sall be extendit nor heerafter drawin in consequence to the hurt, prejudice or derogation of the said burgh of Edinburgh, nor to anie of the rights, libertieis nor priviledges thairof nor possessioun of the same, but that the same ar and sall be reserved free and inteir unto thame unprejudged by thair decreit and sentence." Several witnesses having then been examined concerning "the personall cariage and misuseavour of the said Archibald Tod," the Lords find that he "behaveid himselfe verie churilahlie and passionatlie to the said Erle of Linlithgow, and not with suche respect and dewtie as the credite of his plaice and the dignitie of his persoun requires, he being his Majesteis Admirall, one of his Privie Counsell, and a nobleman of goode ranke and qualitie," and for his indiscretion and neglect they ordain him to be committed to ward in the Castle of Edinburgh during their pleasure, and his warrant for receiving him therein was delivered to him.

"After our verie heartlie commendations to your good lordship. Hauing understood of the trouble and controversie laitlie fallin furth betuix the Grants of Ballindallache and of Curroun, whairin some of either side ar killed, and that both the saids paertis disaying the ordinair reuemeid of law intertwith convocation of thair freinds to reipaire thair wronges in ane hostile maner, to the breachie of his Majesteis peace and disquyetting of that paert of the countrie, for preventing whairof we have thought good in respect of the absence of the Erle of Murrey and the Lord Gordoun, to whois charge it belongeth, to intreate and desyre your good lordship to have a speciall care and regard to the observatioun of his Majesteis peace and reteaining of the paertis in a dewtifull obedience, and to provyde and foresee that no new trouble nor disordour fall out betuix thame; and, if thair be anie forces alreadie gathered or appearance of convocation on either side, that your lordship use your best power and authoritiie to restraine and dissolve the same, and that your lordship interpone your credite and travells for mediating a forbearance of revenge and inducinge the paertis to persawe thair actiouns in a legall maner before the judge orderin. Whairanent desiring to be certified from your lordship the nixt Counsell day of the estait of your proceedings togidder with your best advice and overtours how the paertis may be reteain in obedience and thir differences composed, we committ your lordship, etc. Halyruidhouz 24 Septembria 1628. Subscribitur, Monteith, Mar, Sr Arnd Achesoun."
"After our verie heatlie commendatione to your good lordship. Haveing understood of the trouble and controversie laitelie fallin furth betuix the Grants of Ballindallache and Carroun, quhairin some of either side ar killed, and that the pairtieis disdaininge the ordinar remeid of law intends with convocatioun of their freindeis to repaire their wrongs in ane hostile maner, quhairupon forder inconvenients will not faile to ensue, to the breache of his Majesteis peace and disquyeting of that part of the countrie, if the same be not in tyme preventit, we have for this purpose hereby thought meet to require and desire your good lordship, in the dwejtie of your office as shireff, to have a speciall care and regardir to conteane the saids pairtieis in dwefulf obedience to provyde for the keeping of his Majesteis peace and that no trouble or disdour fall out betuix thame; and if thair be anie forces gathered or appearance of convocatioun on either side, that yow use your best credite, power and autoritie to restraine and dissolve the same, and that your lordship interpose your travells for mediating a forbearance of disdourlie revenge betuix thame till in a legall maner their caus may be brought to a publict hearing and justice done thairin before the judge ordinar. Quhairanent desirin your lordship to certifie us of the effectis of your proceedings the nixt Counsell day, togidder with your best advice how thir differences may be composed and the pairtieis reteane in a peaceable obedience, we committ, etc. Halyruidehouse 24 July 1628. Subscribitur, Mar, Monteith, Arch. Achesoun, Sr Thomas Hoip."

Sedentum.—Treasurer; Monteith, præses; Hadinton, Privy Seal; Wyntoun; Linlithgow; Wigtoun; Roxburgh; Lauderdale; Bishop of Dumblane; Bishop of Dunkeld; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Jedburgh; Secretary: Advocate; Justice Clerk; Sir John Scot.

"The Lords of Secret Counsell according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame gives and grants licence to Sir George Keith, knight, to levey and take up fyve hundreth men for a supplee to his Majestieis darrest uncle, the King of Denmark, and to transport thame toward the said King of Denmark for the forderance and advancement of his effaires and service: over the whilk companie his Majestie hes made and constitute the said Sir George, captaine and commander, with power to him to nominat, make and constitute liuentenent, enseinzie, serjtains, and all others officiers and members of his companie needfull and to caus towke drwmmes, display cullours and to doe and performe all and everie thing whilk toward the leveying, conduct and transporting of the said companie is requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be laughfullie done hearin;
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charging hereby all and sindre his Majestie’s judges, officiers and magistrates to burgh and land, and uthers his lieges and subjects whatsoever to give unto the said Sir George his lietennent, enseinzie, officiers and serjants all lawfull concurrence towards the forderance and advancement of the executioun of this commissioun and to doe nor attempt nothing to their hinder nor prejudice; and if any persoun or persouns within their bounds sall resseave the said Captans pay and sall theirafter abandoun his service and leave their curtours that the saids magistrates to burgh and land doe justice in this caize to the said Captane, his lietennent, enseinzie, officiers and serjants according to the law, provyding always that the said Captane give suche satisfactioun to everie one of his nomber as sall be agreed upoun betuix him and thame according to the former custome in the lyke caisen. Followes his Majestie’s missive for warnand of the Act abonewrittin. CHARLES R.— Right trustie and right weillbelovit cousine and counsellour, right trustie and weillbelovit cousines and counsellours, and right trustie and weillbelovit counsellours, we greete yow weill. Being willing that a supplie of fyve hundreth men sould be sent to our uncle, the King of Denmarke, and that they sould be leveyed in that our kingdome, our pleasure is that you grant unto Sir George Keith, knight, a commissioun with a sufficient warnand to levey and transport the said fyve hundreth men with als large priviledges as anie other has had heeretofore in the lyke kynde, he always giving suche satisfactioun to everie one of that nomber as sall be agreed upoun betuix him and thame according to the former custome in the lyke caisen; for doing whairof these presents sall be a warnand. Givin at our Court at Whitehall the ellevint day of Julij 1628.”

[Sederunt as recorded above with omission of the Bishop of Dunkeld.]

Complaint by Sir John Murrey of Phillphauche and James Murrey, his son, as follows:—They are heritable proprietors of a £5 land in Cranstoun Riddill, of which the teinds are led by Sir James McGill of Cranstoun Riddill, and seeing it is his Majesty’s pleasure that the teinds of the present crop should be sequestrated on the petition of parties interested, the said Sir James ought to be cited to see the same done in some neutral place till by “his Majestie determination” to be givin in the generall submission it sall be declared to whome they sall apperteane.” Parties being cited and the said James Murrey compearing for himself and his father, and the said Sir James Macgill being also present, and being heard, the Lords appoint Sir James Richardson of Smetoun and John Cranstoun of Skaitisbus as sequestrators to ingather the said teinds and stack them in Sir James Macgill’s barnyard of Cranstoun, there to remain unthreshed till 1st January 1629, conform to his Majesty’s Act and proclamation anent

Holyrood House, 25th September 1628.

Complaint by Sir James Murray of Philphaugh against Sir James McGill of Cranstoun Riddell, anent the teinds of a £5 land in Cranstoun Riddell.
the teinds of this crop of 1628. They further ordain the pursuers to give lawful and timely requisition to the said Laird of Cranstoun, who is to give the same to Sir James Richartsoun, the pursuers also warning John Cranstoun of Skaittisbus, for the said teinding in terms of the Act of Parliament.

Complaint by Sir Thomas Hoip of Craighall, King's Advocate, and by Alexander Rid Fleming in Ballinriche, Andrew Rid Fleming McThomas V'Ewin there, Duncan Reid Fleeming in Easter Downie, John Gow McGeorge there, and John McEwin, tenants and servants to David Spalding of Aschintullie, and the said David, as master, for his interest, as follows:—Notwithstanding of the Acts against the wearing of hagbuts and pistols on 27th August last Alexander Stewart in Tuthill, son to William Stewart in Dunleaache, Alexander Reid Fleeming, son to the deceased John Fleeming, younger, and servitor to Alexander Robertsoun, Duncan Robertsoun, alias McPhatrik Oig, Alexander Fentoun, servitor to Sylvester Rattray of Perse, James McKillizow, servitor to Alexander Robertsoun of Middledownie, Alexander Rid Fleeming, son to Thomas Rid, and Donald Dow Elachie, with others, armed with hagbuts, pistols, bows, and a number of great batons prepared for the purpose came to the lands of Ballinriche possessed by the said Alexander Fleeming, whom, when they saw him at his work in the fields, they pursued for his life. He having for safety fled to his house they followed him “with all their speid,” shooting a great number of hagbuts and pistols at him and also many arrows, and had slain him “wer not he wes releeven within his hous.” Disappointed with regard to him and meeting Robertsoun, his wife, in the fields, they assaulted her with batons and rungs so cruelly that she has since lain bedfast in great pain and in peril of her life. They also went to the said Andrew Fleeming and John and David Espicks, tenants of the said lands, and assaulted them “with great squaire battoons,” took the said Alexander Rid’s horses which were pasturing on his ground, loaded them with the goods upon the ground, “yocked thame in aleddes, and caried thame away with thame, shott the whole tennents out of the houssis and seazed upoun thair goods, so that the poore people with thair wyffes and bairnes hes lyin under dyke sydes sensyne exposed to all the misereis that poore people can be afflicted with.” On the same day they came to the complainer’s “proper bounds whair his goods wer pastouring in the town of Ballinriche, and thair most barbarouslie with swords and uthers weapouns, gorred, wounded, hoghed and hurt the greatest pairt of his goods, whairof his whole estait and fortouns consisted, and hes thairby reduced him to extreme povertie; and at the same tyme they so cruellie hurt and woundit the said Johne McGeorge that he hes ever lyin bedfast sensyne as he does yitt in great miserie and paine.” Further, on the following day they came to the said Alexander’s house, and with many horrible oaths threatened his wife with present death if she
gave them not meat and silver, which she was forced to do through fear of her own and her husband's life. These persons, with 40 or 50 broken Highland men, go through the country armed as above, sorning and oppressing the lieges. On 23rd August last they came to the house of the said John McEwin sorning and oppressing the tenants around, discharged “three or foure score shott” of hagbuts and pistols about his house, and sent him with this message to the said David Spalding that if he complained of them or denounced them rebels “nane of his tennents soule kindle reik on his ground.” And finally on 3rd September instant these persons came under cloud and silence of night to the dwelling house of the said Duncan Reid Fleeming and John Gow McGeorge “and treasonablie raised fyre and burnt, consumed and destroyed the whole goods whilk they carried not away the day preceeding.” Charge having been given to these persons, who compaere not, and the said David Spalding comparring for himself and his said tenants, the Lords ordain the defendants to be denounced rebels and escheat.

Sederunt.—Mar, Treasurer; Monteith, præses; Hadintoun; Privy Seal; Wyntoun; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Jedburgh; Secretary; Advocate; Justice Clerk; Sir John Scot.

“The whilk day in presence of the Lords of Secret Counsell compairit personallie Captane Archibald Dowglas and promeist, actit and oblievit him upoun his faith, honnour and credite that he sall not invade nor trouble Arthure Dowglas, soune to Sir Archibald Dowglas, knight, nor make provocatioun of offence and displeasure to him be word, writ, nor other wayes for whatsoever deid caus or occasion outherwayes nor be ordour of law.”

Similar promise by Arthure Dowglas, personally present, with regard to Captain Archibald Dowglas.

, Lord Dalkeith, compairing personally, became cautioner for Arthur Dowglas foresaid, not to trouble nor challenge Captain William Dowglas, nor direct cartels to, nor answer cartels from him, nor keep trystes nor meetings for that effect until George, Viscount of Dupline, Chancellor, and William, Earl of Mortoun, either decide or discharge the controversy and differences between them, and for five days thereafter, under the pain of 5000 merks with clause of relief.

Captain Archibald Dowglas, compairing personally, becomes cautioner for Captain William Dowglas, in similar terms with respect to Arthur Dowglas foresaid, save that instead of five days after the decision or discharge it is eight days.
Complaint by Alexander Watsoun, merchant burgess of Edinburgh, as follows:—He is one of the cautioners in a bond granted to George Fishear, merchant burgess of Edinburgh, for 600 merks and some expenses, and Fishear, on the ground of the weakness of the principal in the bond, moved him to grant a new bond for the said sum, in which the complainant became principal with James Tailyeour as cautioner, whereupon the complainant received back the prior bond together with an assignation thereof against the principal in it. Shortly thereafter the complainant “lost be faire sea venture the number of fyve shippes and barkes, whairof the compleaner wes absolute merchant and awner of foure of thame, and of the fyft shippe he wes pairet merchant and pairet awner; and sicylke upoun cirtane barganes of victuall whils he had with sindrie noble and gentlemen of this kingdome, he lost and tint his haill meanes and estait, whilk was not small.” Fishear, now fearing his own loss, dealt with the complainant and Margaret Russell, his wife, for payment, and the complainant, for the above reasons not being able to pay all, got 200 merks, and gave this sum in part payment on the express condition that the rest should lie over till Martinmas next. But Fishear forthwith registered the said posterior bond and raised letters of horning and caption against the complainant and his cautioner for payment, of which however he obtained suspension before the Lords of Session, Fishear then acknowledging the receipt of the 200 merks, and though the horning was found good in respect of the other 400 merks sentence thereanent was never judicially pronounced. Now if Fishear wished to ward the complainant and his cautioner he should have purchased new letters of caption, but instead of this, he used the old caption, and so “not onelie circumveened the proveist and bailleis of Edinburgh and their officiars bot likeways the Kings Majestie messingers. Moreover, though Fishear had obtained a new caption, yet he ought not to have enforced it, because that on the very day the said James Tailyeour, complainter’s cautioner, was apprehended by virtue of the old caption “whilk wes suspendit and not discust as said is.” The said James Tailyeour delivered to the said George Fisher the sum of 200 merks in part payment of the 400, and for security of the rest at Martinmas 1628 gave him in pledge two fine cloaks “for a man, ane thairof of fyne Spanish cloath new made lynned with blacke velvet, and the other of drap de Berrie, lynned with satine, never worn; ane sute of apparrell of browne figured velvet; ane sute of black figurat taffatie, ane louse gowne for ane woman of chamlett of silk, two paire of fyne cloakes for a woman” all which were delivered as said is on 2nd January last, “and ar better then the sowme of twelffe hundredth merkes. And so the saisd bond, letters of horning and captain following thairupoun, being deid and extinct in thameselffes for the
caussis foresaid till the said terme of Martimes nixtocome, the said George committit ane manifest oppressioun and circumvention in causing take and apprehend the compleiner" who ought therefore to be put to liberty. Charge having been given to the said George Fishear, and he compiering and the pursuer being brought by Andrew Quhyte, keeper of the Tolbooth, and some of the officers of the said burgh, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty, because, having certain knowledge of the pursuer's distress and poverty and inability to entertain himself in ward, they modified to him 5s. daily to be paid to him by the defender, and he refused to make any such payment; and because the Lords conceive that if the pursuer were at liberty he would use some lawful means and industry to pay his debt, which he cannot do while in ward. They further ordain the pursuer "how soone it sall please God to blesse him with anie meanes, to preferre the said George in payment to others his creditours."

Another complaint by the said Alexander Watson, as follows:—Being warded as above at the instance of George Fisher, Patrick Eleis and Thomas Inglis, merchants of Edinburgh, taking advantage thereof, had him called before the provost and bailies of Edinburgh and obtained two decrees against him, Eleis for £2222 and certain expenses, as the price of a tun of French wine purchased by the complainer from him, and Inglis for £200 and expenses for another tun, "he being ane wairdour and not able to compeir." By virtue of these decrees the same day they obtained them they caused arrest the complainer's person within the said ward, though then "lying bedfast in heavy sickenesse," and they keep him still in ward "againis all equitie, conscience and reasoun, yea express contrare the lovabe laws, practick and Acts of Parliament of this kingdome," to the complainer's hurt and postponing of their own payment; "because before ane decreet can be obtained before anie judge within this kingdome for ane civill debt thair aught to preceid ane lawfull citaioun of the pairtie," and though two citations were used against him, yet the one was only of 24 hours and the other only of 3 hours notice "farre contrair to the ordour observed before inferiour judges, for the least is three dayes space to ilk citaioun." Then as for the arresting him in ward, the same is illegal, unless "thair had beene defect of poindable goods" and after horning and caption. Yet no search was made for poindable goods, and horning and caption could not follow on the said decree; because in the thirteenth Parliament of the late King James the Sixth, cap. 177, "it was decerned that the Lords of Counsell and Sessiounould direct letters of hornin on all decreitets and acts givin be proveists and baileeis of burrowes inter conceives and all uthers subject to their juridi- tion upoun the right thairof and execution of thair officers chairging the pairtie to make payment within fyteine dayes, lykes a grantit upoun commissars precepts, and the said letters of hornin proced upoun ane simple charge of ten dayes allanerlie," which ordinance is since
ratified in the twenty first Parliament, cap. 7." That the decreits and sentences of all commissars and others judges within this kingdom receive siclyke execution be horning as the decreits of shireffs, admirals, stewarts and bailies of burgh; and that the Lords of Session, upon the sight of the Acts and decreits or their precepts lawfullie execute be their officers bearing the partie to have beene chairgit upon fyftein dayes, direct letters of horning upon one simple chairge of fyftein dayes. Accordingly the complainer claims to be liberated. Charge having been given to the said Thomas Inglis and Patrick Eleis, and also to Gilbert Williamsson, one of the bailies of Edinburgh, in name of the magistrates thereof to produce the pursuer, and the pursuer being brought by Andrew Quhyte, keeper of the Tolbooth of Edinburgh, but the defenders not compearing, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty, seeing he has no means to sustain himself in ward and may if at liberty be able to pay his debts.

Complaint by Robert Maxwell in Arkland and Marion Maxwell, his spouse, as follows:—Mr. Homer Maxwell, their son, has long "misbehaved himselfe towards his saids parents not onelie by maisterfull and violent reaving and away taking of the meanes whairupon they and their familie would live bot lykewise by threatening and minimizing thame, thair bairnes, tenents and servants, sua that nather darre the compleemers tenents peaceable labour nor manure their lands nor ytt they nor thair bairnes come out of thair houssis for feare of thair lyffes." On 14th June last he came to their dwelling house in Arkland about 11 at night when his father was in bed, "and after manie detestable speeches uttered againis the said Marion Maxwell, his mother, he bladded [struck] and buffetted her with his hands, toke he the craig and harled he to the fyrc of purpose to have burnt out her eyes thairat, and had not failed to have done the same wer not Elizabeth Maxwell, his sister, lappe in to him and hindered him; whaient he grudging thus to be disappointed of his purpose, he tooke up ane chandler standing on the table and thair-at with strake the said Elizabeth upoun the head into the harne panne to the effusion of her blood and perrell of her lyffe." Charge having been given to the said Mr. Homer Maxwell, and Robert Maxwell compearing for himself and his wife, but the defender failing to compear, the Lords ordain him to be denounced.

Complaint by John Maxwell of Monrethe, as follows:—By Act of Council dated August 1627 it is appointed that no soldiers enlisted for the service of the King of Denmark, and committed to ward, should be there arrested except they were taken by letters of caption, yet, on 5th July 1627, when the complainer was warded in the tolbooth of Dumfries by Captain Edward Maxwell, by whom he was enlisted for the said service, Robert Dowglas, indweller in Edinburgh, John Smith, merchant there, Patrick Mc Dowgall of Crelloche, and William Stermunt in Dum-
Complaint by Mr. Walter Quhylfurde, parson of Moffat, and John Achesoun in Correfraine, as follows:—Andrew Davidson, messenger in Moffat, having been denounced for noncompliance before their Lordships to answer for his breach of the promise made to them that on getting a remission for his crime of adultery he would leave the kingdom in company with Alexander, Lord of Spynie, a commission was granted to the complainant, Whiteford, for his apprehension and production before the Council. Accordingly on he, William Scot, his servant, and the said John Achesoun went to the dwelling house of John Davidsoun in Moffat, where they were informed the said Andrew was, and finding his horse and saddle in the stable, took possession of them. Whereupon William Frenche in Quacleuche, and some others "most disgracefully revilled the compleuner with reproacheful and contumelious speeches, and after the country manner most sediously stirred up the people of the town of Moffat to joyne with him in the persute of the compleuner of his lyffe, who, without respect to his Majestie commission whairwith the compleuner was armed for the tyne, invaidd and persewed him of his lyffe, hurt and woundit the said John Achesoun in diverse parts of his bodie, brake twa ribs of his side, and so birsed him by throwing of great stones at him, that he hes ever lyin bedfast sensyne in great hazard and perrell of his lyffe, and being lying on the ground as a dead man the said William Frenche pulled his whingeour out of his scheith, whairwith he thought to have stobbed him throw the bodie wer not he was stayed by some people present, and with that did what in him lay to have refte the hors out of the hands of the said William Scot to whose keeping the said Mr Walter had committit the same." Charge having been given to the said William French, and he and the pursuer both compearing, the Lords, after hearing witnesses find that William French "opposed himselfe agains the execution of the commission fore-said, and that he violentlie tooke the said Androw Davidsouns hors fra the officiar who medled thairwith, crying out 'Fy for a pairtie for the lousie guardes sake,' and that the said Williamson thairafter tooke up a stone of foure pund weight and threw the same at the said Johne
Achesoun, and that he hitt him thairwith upon the side, and that thair-
after he lappe in upon the said John Achesoun, pulled his whingeart
from him and preast to have strickin him thairwith if he had not been
stayed," and they commit him to ward in the tolbooth of Edinburgh till
Monday next.

Complaint by John Gordoun of Lochinvar as follows:—On 24th
June and 1st and 5th August last Josias Stewart, sometime of Blair-
quhan, with James Kennedic, sometime of Culzeane but now of Blair-
quhan and John Vans of Longcastell, his cautioners, were put to the
horn at the complainer’s instance for not paying a sum of 6000 merks
and certain penalties and interests contained in a bond by them to
William Dick, merchant bursgess of Edinburgh, and to which he has right
by assignation from the said William Dick. They pay no heed to the same
and he craves caption against them. Charge being given to the
defenders, and the pursuer compearing by William Buchanan, servitor
to John Belcheis, advocate, his procurator, but the defenders not com-
pearing, the Lords ordain the sheriff of Wigtown and his deputes, and
the bailie of Carrik and his deputes to be charged to search for and
apprehend and imprison them till they satisfy the said bond and to
report the inventory of their goods to his Majesty’s Treasurer as escheat,
within six days.

Complaint by George Browne in Symprene and Christopher Browne
there, tenants to John, Earl of Lauderdale, as follows:—They occupy
certain lands in the town of Symprene in Berwickshire, pertaining heri-
tably to the Earl of Lauderdale, of which the teinds have been led by
Now his Majesty for the ease of the lieges ordained that the teinds
should be sequestrated, and they therefore crave that this may be done.
Charge having been given to the Earl of Roxburgh and Laird of
Langtoun, and both pursuers and defenders compearing, the Lords with
consent of the Earl of Roxburgh appoint Sir George Ramsay, with con-
sent of the Earl of Lauderdale, Thomas Trotter of Cachillaw, and with
consent of the Laird of Langtoun, Robert Cockeburne of Butterdane, to
ingather and stack the teinds in the barnyard of the Laird of Langtoun,
who is to find caution to make the same forthcoming to those having
interest according to his Majesty’s determination to be given. There
follows here the Act of Caution by Robert Cockeburne of Blackismyyne
that Sir William Cockeburne of Langtoun will make the teinds of the
lands of Symprene forthcoming.

Complaint by David Vans of Biance, as follows:—For the past eleven
months or thereby he has been detained in ward in the tolbooth of Edin-
burgh at the instance of some creditors, viz., John Or, bursgess of Edin-
burgh, for £112 and expenses, and £40 and expenses; Alexander Reid,
goldsmith, for £40 and expenses; Margaret Duff in Stannyhill for 200
merks and expenses; Robert Smith, bursgess of Edinburgh, for £70;
Robert Dowglas, indweller in Edinburgh, for £60 and expenses; Andrew George Butler and others for wrongful imprisonment.

Thomsoun, tailor in Edinburgh, for £28 and expenses; and Thomas Lindsay, merchant in Edinburgh, for £80 and expenses; and when he is freed by them Mr. George Butler of Kirkland intends to arrest him in ward for a sum of £200 for which the complainant became cautioner in a suspensio for Janet Nicoll in Blance, and in warrandice whereof the said Janet conveyed to the complainant by assignation her whole lands and goods in Blance, with which, in defraud of the complainant, the said Mr. George Butler has intromitted. The complainant has neither means to preserve his life nor satisfy his creditors but he is most willing to make assignation to them of an action of spulzie which he has presently depending before the Lords of the Council and Session for more than 10,000 merks against the said Mr. George, and John Sinclair of Hermistoun, who wrongfully medled with and spoiled the complainant of his whole corn, cattle, geir and plenishing. These persons have in their hands his whole means extending to more than 1800 merks of yearly rent, and lest he should recover against them they have fraudfully dealt with his said creditors to put and keep him in ward, where he is like to starve. Charge having been given to the persons named, and to Gilbert Williamsesoun, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the pursuer, and he being produced by the bailies of Edinburgh, and of the defenders only the said Mr. George Butler and Andrew Thomsoun comparring, the former of whom declared that the pursuer was neither in ward nor arrested in ward at his instance, and the latter signified his willingness that the pursuer should be released on making the promised assignation, the Lords ordain the provost and bailies of Edinburgh to release the pursuer on his making and subscribing the same.

Complaint by John Dingwell, burgess of Craill, against John Mackesoun, his father-in-law, for not paying certain sums of money due to himself and assigned to him by other creditors, and the complainant is thus disabled "fra doing of anie good to himselfe, his wyffe and aucht children, being all young infants, who be his incarceratioun ar in verie hard estait and great distresse." Yet on the complainant's resignation the said John Mackesoun was heritably infeft in his whole lands and possessions for satisfaction of the said debts, the value of which equals these debts, over and above 1000 merks which the said John Mackesoun owes the complainant by his marriage contract. Moreover he has also received 500 merks from a cautioner of the complainant's for a discharge of the sums for which the complainant has disposed his lands. The complainant has thus no means to sustain himself and family, and craves either his liberty or that John Mackesoun may be compelled to support them. Charge having been given to the said John Mackesonn, and also to Alexander Speir, one of the bailies.
of Edinburgh, in name of the magistrates thereof, to produce the pursuer and both pursuer and defender compearing, the Lords remit the matter to the trial and decision of the Lords of Council and Session.

"The quhilk day missives wer ordanit to be writtin to the whole shireffis to reporte to the Secretar and in his absence to the Clerk of Counsell betuix and November ane roll of the whole baronis, free-haldaris and famous gentlemen within their offices to the intent that oute of these rollis choise may be maid of justiceis of peace."

"The Lordis allowis the Earle of Menteth to putt Mr. James Hay to libertie who wes committit to warde in the Castell of Edinburgh for appeiling Colonell Sinclair to the combat, the pairtyis being first satled and reconciled."

"The quhilk day ane act and warrand wes past in favouris of the personis who ar arrested or cited to the Justice Courtis."

Hollyrood House, 27th September 1628.

Sederrunt.—Mar, Treasurer; Monteith, prexes; Hadinton, Privy Seal; Wyntoun; Roxburgh; Lauderdaill; Bishop of Dumblane; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Jedburgh; Secretary; Advocate; Justice Clerk; Sir John Scot.
owners or maisters of the shippes, crears and vessellis whairof the goods to pay the twa paiart and the vessell the thrid paiart; ilke cowpper boate of hering anes in the yeere three shillings foure penneis; as in his Majesteis gift made thairupon of the dait the tent day of September 1600 yeares at lenth is contenit; at the expyring of the whilk gift the Lords of Secret Counsell considering the necessitie of the interteaneing of that worke for the whilk the impost and dewtie foresaid was granted, thairfor they by ane Act of Counsell bearing dait the threttie day of August 1607 yeeres prorogat his Majesteis said gift for the space of nyntein yeeres thairafter following as the Act of prorogatioun made in favours of the said burgh of Dumbartane at lenth beares. And whair as the necessar caus foresaid of interteaning and upholding the workes and ingynes made for the preservatioun and safelty of the said burgh yitt continewes, and that the saids workes requires a daylie supplee and beating, the expense whairof the inhabitans of the said toun ar not able convenientlie to undergo; and seing the commissioners for the burrowes whome the impost and dewtie foresaid cheefelie concernes hes givin thair allowance to the said burgh of Dumbartane to impetrat and crave a new prorogatioun of the said gift, thairfor the Lords of Secret Counsell hes prorogat and continewed the terme specified in the Act of prorogatioun foresaid for the space of nyntein yeeres and hes of new givin, grantit and disponit, and be the tennour heerof gives, grants and dispoms to the saids proveist, bailleis and counsell of Dumbartane and thair successours the customes, dewties and impost abonewrittin, to be intromettet with, ressavet and upliftet be thame for the said space of nyntein yeeres nixt after the dait heerof; with power to the saids proveist, bailleis and counsell and thair successours and to thair servitours in thair names during the space foresaid to ask, crave, ressaxe, intromett with and uplift the impost and custome foresaid, and to raise, use and execute letters and executioun thairupon in forme as effeirs, and to impoy the said impost and custome uponoun remeids and helps for preservatioun of the said burgh as said is and no otherways."

"Forsameekill as by the King's Majesteis speciall warrand, command and direction justicen courts ar appointed to be baldin in some severall shirefdomes of this kynldome for punishing offenders and relieving his Majesteis goode subjects from the insolenceis of suche by whome they have beene formerlie opprest, and whairas the partieis arrested or cited to thir courts may make some pretext of excuse of thair not repairing thairunto by reasoun of some civill horninges whilk they underly; for removing of whilk excuse the Lords of Secret Counsell hes declared and be the tennour of this present Act declares that all and sindrie persons who ar or sall be arrested or cited to the saids justice courts sall be free to come to the saids courts to remaine and attend thairrat and to depart thairfra, viz. for the space of twentie foure hours before thair comming to the saids courts and during the tyme of thair attendance thairrat and for Persons cited to the JusticeCourts not to be arrested for the space of 24 hours before their attend ance on the said courts, neither during their attend ance, nor for 24 hours after their attend ance.
the spacie of twentye foure houres thairafter, and that they sall not be
taken, apprehendit, arrestit nor wairdit be vertew of anie civill hornings
or captiouns raised thairupoun during the spacie abonewrittin, and
ordanis letters to be direct to make publicioun hereof at the mercat
crocies of the heid burrowes of this kingdome and uthers plaices needfull,
and to discharge all shireffs, stewarts, provestes and bailleis within burgh
and others officiars and magistrates to burgh and land that they nor none
of thame presoome nor take upoun hand to take, apprehend, arreist or
waird anie persoun or persouns arreisted or cited to the saids courts
during the tyme of thair attendance nor for the spacie of twentye foure
houres after thair departing thairfra be vertew of anie civill hornings or
captiouns raised thairupoun, dischairoing thame thairof and of thair
offices in that pairt.”

“Forsameekill as thair hes beene diverse acts of burrowes ratified and
allowed in Parliament anent the electioun of magistrates within burgh by the
whilks it is ordained that choise sall be made of twelwe persouns, honest
and famous burgesses, to be upoun the counsell of the burgh with the
magistrates, deane of gild, and thesaurur, making in the whole the number
of auchtin persouns, in the whilk number no victualler is to be compre-
hended, as the saids acts beares, whilks acts hes beene violat within the
burgh of Craill thir yeeres bygane in so farre as thair hes beene choisin
twentye foure persouns and abone for the Counsell of the said burgh of
craill, whilk hes bred great confusion in the said burgh and distra-
tioun among the inhabitants thairof. For remeid thairof in tyme
comning the Lords of Secreit Counsell ordanis letters to be direct
charging the persouns haveing vote in the electioun of magistrates within
the said burgh of Craill this present yeere that they proceed to thair
electioun conforme to the saids acts and according to the number and
qualitie of persouns prescryved thairin and no otherways as they
and everie one of thame will answere to his Majestieis Counsell upoun
thair obedience at thair highest charge and perrell.”

“The Lords of Secreit Counsell gives and grants full power, warrand
and commision to Alexander Veitch in Horsburgh to pass, seche, secke
and take Katharine Young, spouse to Alexander Peacock in
, who
is suspect and delate guiltie of the cryme of witchcraft, whairever she
may be apprehendit, and to putt, hold and deteane her in sure firmance,
examine her upoun her guiltines of the said cryme, and to use all
laughfull meanes to bring her to a confessioun of the truthe, and that
the said Alexander report to the Counsell her depositionis in writt the
nixt Counsell day to the intent ordour may be givin for her tryell and
punishment as accords.”

“The Lords of Secreit Counsell ordanis and commands the provest and
bailieis of Edinburgh to deliever Margaret Unes and Jonnet
Schittingtoun to Mr. Patrik Turnour, minister at Borthuick, and Mr.
James Robertsoun, minister at Cranstoun, to the intent they may be
carried to Dalkeith thair, to abyde thair tryell conforme to the commissioun granted to that effect whairament thir presents sall be to thame a warrant."

[Sederunt as recorded above.]

On the supplication of John, Erle of Mar, Lord High Treasurer, Archibald, Lord Naper of Merchinstoun, Deputy Treasurer, Sir Thomas Hoip of Craighall, King's Advocate, and George Foulles, master of his Majesty's Cunzie-house, in the matter of Mr. John Schairp's right to annuities from the said Cunzie-house, in which matter their Lordships had already granted a protection to Mr. John Achesoun, sometime of Newton, to repair to Edinburgh till 15th November next (ante, p. 429), but seeing the Session is not now sitting, and that it is necessary that the said Mr. John proceed to Ireland and bring thence some writs for clearing of the business, the Lords extend the protection in his favour till the last day of March next.

On the supplication of Sir Robert Ker of Ancrum bearing that the teinds of Langnewton are in dispute between him and Mr. William Jamesoun, minister at Langnewton, that they have been sequestrated for several years past, and that there is a like necessity for sequestrating those of the present crop, the Lords appoint the Lairds of Bonjedburgh and Riddell, younger, to ingather the same, and stack them in some neutral place, discharging both the disputants from meddling therein.

On the supplication of the noblemen, gentlemen, and whole inhabitants within the shire of Tweeddale, and the provosts, bailies, counsell and community of the sheriffdom of Peebles, bearing that a report has now been made to their Lordships by James Murrey, master of his Majesty's Works, in terms of their remit to him of 28th August last, in which he states that he has "sighted and considerit the bridges of Auchindynine and Billisdaill, lying in the hieway betwixt Peeblis and Edinburgh, and hes found that the saids bridges ar become so ruinous and decayed as if they be not speedily repaired they will fall doun," the Lords grant to them and the collectors to be appointed by them full power to uplift a certain duty "of all noblemen, gentlemen and others his Majesteis subjects to burgh and land inhabiting within the bounds of Lothiane, Tiviotdaill, Tweddaill, and shirefdom of Selkirk haunting and passing be the saids bridges," and to erect a "port upoun the southwest bridge of Auchindynie for the better collecting of the said dewtie;" this liberty to last for one year and the duty to be for a horseman, 8d; for every horse load, 8d; for every head of nolt and horse, 4d; and for every ten sheep, 4d; the proceeds to be expended in repairing the said bridge.

Supplication of the moderator and brethren of the presbytery of Dalkeith, bearing that they have been this long time past "troubled and brethren
with the discoverie, apprehending, examination, interteaning and execution of numbers of wretched and miserable persons guiltie of witchcraft, of whome diverse ar alreadie upoun lawfull truuly execute to the death, and the saids supplcants have others now in hand to underly thair truyll and punishement," in which business they have been at great expense, and have been obliged to take the money " out of the boxe of the poore of thair presbyterie." This will be very hurtfull to their poor, "who ar moe in nomber than all the contribution of thair box can susteane." Now "it agrees with reasoun and justice that thir persons be interteaned upoun thair awin geir" during their imprisonment, and that the charges of their trial and execution should also be thus defrayed where they have any goods, and therefore the supplcants crave that an Act of Council be passed in their favour that their expenses aforesaid be defrayed out of the first and readiest of the escheat goods of these persons and that the intromitters therewith be liable to the supplcants therein. The Lords grant the same and pass an act accordingly.

On the supplication of Sir Alexander Hamiltoun, sometime apparent of Innerweik, bearing that his protection for the transport of his company towards Gernanie expires on the last of this month, and the business is not yet done, as he is still awaiting instructions from the Earl of Nithsdale, his commander, which he expects shortly, and craving a continuation, the Lords extend the term of his protection till 1st March next.

On the supplication of John Ker of Langnewton, bearing that "it hes pleased God to call to his mercie frome this mortall lyffe Sir James Dundas of Arnestoun, knight, his father in law, whose funerall is appointed to be upoun the sevint day of October nixt," that he "is bound in diewtie to assist that actioun of his buriall, and to cleere some particulars whairin the said Sir James wes cautioner" for him, but which he cannot do on account of some civil hornings, and therefore craving their Lordships' protection for a certain space, the Lords grant him the same till 1st November next.

Commission under the Signet to the bailie of the regality of Broughtoun and Mr. David Prymrois, advocate, as justices, to hold courts and try Margaret Cowane, spouse to Henrie Fentoun, maltman in the Cannogait, who has long been suspected of witchcraft, etc., and against whom divers persons have deponed. Signed by Monteith, Hadintoun, Wintoun, Roxburgh, Tracquair, Arch. Achesoun, and Scottistarvett.

"Another commissioun of the dait abonewrittin subscriyed be the persouns foresaidis grantit unto Mr. James Robertoun, Justice Depute, and Mr. William Adamsoun of Graycruiik aganis Alesoun Dempster, spous to John Lecoke, fleshour in Leith, for the cryme of witchcraft."

"Another commissioun of the tennour and dait foresaid subscriyed ut supra grantit to Sir James Pringill of Gallasheills, Androw Riddill
of that Ilk, and Robert Scot of Hartwodmyre, or anie twa of thame, aganis Katharine Leithame in Selkirk and Issobell Howatsoun in Riddell for the said cryme of witchecraft."

"The lyke commissioun of the dait, tennour and subscriyt as said is granted to Robert Seatoun, elder in Tranent, Archibald Turnbull, bailie thair, Archibald Turnbull, bailie in Langnidrie, and Archibald Weddell, bailie in Seatoun, or anie twa of thame, aganis Elspitt Hislop, spous to James Fairlie in Langnidrie, and Issobell Millar, spous to George Lumisden, cordonner in Langnidrie, for the said cryme of witchecraft."

"The lyke commissioun of the dait, tennour and subscriyt as the rest, granted to Sir James M'Gill of Cranstoun, shireff principall of Edinburgh, the bailie of the regalitie of Dalkeith, Sir John Murrey of Philliphauche, Mr. Patrik Hamilton of Little Prestoun, Adame Waucoph of Caikmure, Mr. Robert Cas appearand of Fordell, and Mr. Patrik Edmistoun of Schanke, or anie foure of thame, the said sherriff being one, aganis Janet Unes or Middleton, spous to Thomas Smiberd, Jonet Smiberd, her daughter, Marioun Scheirar in Cranstoun, Elspitt Duncan thair, and Margaret Borrowman in Easthouses in Newbbie for the said cryme of witchecraft."

"Most sacred soverane, Having at diverse meetings entered upon the consideratioun of suche things as ar necessarilie requisite for furnishing of your Majestis hous agane the tyme of your Majestis most contented and wished addresse to this kingdome, we find that the want of wynes will be the most materiall defect that will occure in that service, and thair is no way to supplie the same in respect of the strait restraint of importation of wynes without your Majestis allowance and warrand; and that for we will humblie beseeke your Majestie to direct us in tyme howe to carie our selfes in this particular that accordinglie we may conforme our selfes thairunto; and tuiching suche things as this countrie may afford, the Erie of Mar, your Majestis Thesaurar, upoun the first advertisement of your royall intenition to honnour this your ancient kingdome with your presence, out of the dewtie of his service and to doe quhat in him lay to procure your Majestis contented receiptoun heere, willinglie and dewartullie undertooke to undergoe all quhairin his estait, freindship and credite could supplie him; and accordinglie he presentlie entered upoun your Majestis houssis and hes these worke going forword with all the diligence that the industrie of men and present moneys can afford; and we hope that in that point there sall be no defect, and for suche provisionis as the countrie can afford he hes lykewayes givin ordour thairin accordinglie. Bot quhairas thair is ane urgent necessitie of manie things quhilkis ar not to be had heere, he hes made choise of this bearer, Sir James Bailzie, your darrest fadersauld servant, quho had a great charge in the houes at his Majestis most happie being in this kingdome, and is best acquainted with the misteries of that service, to make his addresse thair and to provyde suche

"Commission for the trial of Elspit Hislop and Isabel Millar in Longniddry for witchecraft."

"Commission for the trial of Janet Unes and others for witchecraft."

"Holyrood House, 27th September 1628.
Letter to his Majestie stating that the Earl of Mar, his Majesties treasurer, had appointed Sir James Bailie to superintend the preparations for his Majesties visit to Scotland."
things as the necessitie of the service for your Majesteis contentment and credit of the coutrie sall require; and so recommending him to your most gracious and favourable acceptance, we pray God, etc. Frome Halyruidhous, 27 Septembris 1628. Subscribitur, Monteith, Hadintoun, Wintoun, Roxburgh, Carnegie, Tracq, S* Archibald Achesoun, S* George Elphinston, S* Johne Scot."

"Our verie honourable good lord, Whairas William Dick by ordour frome Burlimakie was intrusted with the securing of certane sowmes of money to have beeene imploied towards the levye of nyne hundreth men under the regimint of Colonell Sinclair for the service of the King of Denmark, the said William Dick for testificatious of his diligence and care in the charge concredite unto him produced before us three bands, one thairof granted be Captane Hay and the Lord Yester, cautioner for him, another by Captane Chirneside and the Laird of Lugtoun as cautioner, and the third be Captane Donaldson and Mr. Alexander Guthrie, toun clerk of Edinburgh, his cautioner, wherein everie ane of thame ar obliged to levye and transport three hundreth men; lykewise the said Colonell Sinclair for cleering of his dewtie in the right employment of the King of Denmarkes moneys towards the intendit use hes givin in his accompts the copie whairof your lordship sall heerewith ressaue; whairby it will appeare that the whole moneys ar trewilie disbursed be the Colonell and that the not performance of the service hes proceedit frome his captanis, who hes fallyed in thair undertakings and whom the Colonell is now persewing by ordour of law for not fulfilling of thair conditionis, quhilk we sall further so farre as the course of justice will allow; whairwith we desire yow to acquaint the King of Denmarkes ambassadours and to make als favourable a report of the Colonell his cariage in this service as the estait of his accompt will permitt, as alsu that your lordship will be pleased to signifie unto Burlimakie that the securitie tane be William Dick is good and the cautioners responsall; and so committing your lordship to God we rest. Halyruidhous, 27 Septembris 1628. Subscribitur, Marr, Monteith, Hadintoun, Roxburgh, Areskine, Tracquair, S* Ard Achesoun, S* Thomas Hoip, S* George Elphinston."

"After our verie heartlie commendatious. Whairas the commissions for justices of peace hes not beeene renewed since the death of our lait soverane lord of blessed memorie and manie of those quho wer justitues at that tyume ar depairted this lyffye or removed out of the shireffdomes quhair they dwelt, and his Majestie hes givin direction that the saids commissions sall be renewed in the persouns of the most famous and indifferente barouns and freeholders within eache shireffdom, and it being necessar for this effect that a list and roll be made of the names of the whole small barouns and freeholders within the whole shireffdomes of this kingdome that out of them a choise may be made of some speciall persons able to discharge the said place to his Majesteis honnour and
weale of the countrie, these ar thairfuir to requeist and desire yow to send in to his Majesteis Secretarie and in cause of his absence to the Clerk of Counsell, betuix and the first of November nixt, ane autentick roll under your hand of the whole barouns and freehalers and others famous gentlemen within the bounds of your office to the effect abone-writtin. Qhilk looking assuredlie yow will doe, as yow respect his Majesteis service and the weale of the countrie, we committ, etc. Haly-ruidhous, 29 Septembris. *Subscribitur*, Mar, Monteith, Sʳ Arᵈ Achesoun, Sᵗ Thomas Hoip.”

“Charles R., Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit counsines and counsellours, right trustie counsellours, and right trustie and weilbelovit, we greeete yow weill. Whereas our lait deir father of eternall memorie assigned unto Johne Erle of Annerdaill, for building of our hous of Lochmaben the sowme of saxtein hundreth pundis sterline, and quhairs there is as yitt unpayed thairfow the sowme of nyne hundreth pundis, which sowme we by a letter recommendit unto yow to have beene payed out of the fynes of the transporters and dryvers of catell, we of new recommend the payment of the saids sowmes unto yow and that out of the saids fynes or anie other fyenes or sowmes of money intrometted with be anie of our receavers or officers of repect not as yitt compted for, as lykeways out of the superlus of the tacle dewtie of Orkney and Zetland payed be William Dick more nor is assigned to the Erle of Wintoun for the use of the Erle of Nithisdaill, the ministers of Orkney, and to our falconers, provyding the saids fynes doe not compleitlie pay the said sowme of nyne hundreth pundis to the said Erle of Annderaill; and we desire yow also to take speciall notice of the said superlus of Orkney and Zetland that the sowme may be recordit in our Exchecker for the increasze of our rent in all tyme comming, anent the ordouring quhairof we intend to signifie our further pleasure, the saids sowmes being ones payed for the building of our said hous; and so recommending these to your care, we bid yow fareweili Givin at Hampton Court the 13 of October 1628.”

*Sedent.—St. Androwes; Monteith, præses; Wyntoun; Master of Elphinstoun; Secretary; Advocate; Sir John Scot.*

“Forsameekill as our Soverane Lords lait dearest father of blessed memorie was pleased in regard of that memorable delyerie whilk it pleased God to grant unto him and unto the haill bodie of the estait frome the detestable, treacherous and damnable treason of the powder plott upoun the fyft of November 1605 yeires, whairby the ruyne of his Majesteis said darrest father and of himselfe and the overthrow of the trew religioun profess within this kingdom wes intendid, to give ordour and direction that the said fyft day of November sould be
solemnelie kept yeerelie thairafter throughout his kingdome, by giving thanks unto God with publick expressioun of all thankefulnesse and joy for so miraculouls and wonderfull a delyverie to the intent that the memorie thairof might with dew reverence be kepted be all posteriteis. And whaires since the deceasse of his Majestie said darrest father thair hes beene a negligent intermission of the keeping of the said day within this kingdome whairby the memorie of that damnable treasoun, whilk can not be paralleld with anie precedent or example in anie kingdome or age, is lyke to be buried in oblivion, Thairfoir it is his Majestie pleasure that the said day sall be preciseli kept yeerelie heerafter by all his Majestie subjects of this kingdome as it was accustomed to be done duiring the tyme of his Majestie said lait deare father; and for this effect the Lords of Secret Counsellordaines letters to be direct charging ofiicars of armes to pas to the mercat croces of the heid burrowes of the severall shyres of this kingdome and uthers places needfull, and thair be opin proclamatioun to make publick proclamatioun of their thankefulnesse and joy in that forme and maner as wes accustomed to be done duiring the tyme of his Majestie said lait deare father, as thay and everie one of thame will testifie thair thankefulnesse to God for so wonderfull and memorable a delyverie, and will answere to his Majestie upoun thair dewtie and obedience. Followes his Majestie missive for warrand of the Act abonewrittin:—Charles R.—Right trustie and right wellbelovit cousine and counsellour, right trustie and wellbelovit cousines and counsellours, and right trustie and wellbelovit counsellours, we greete yow weill. Whereas it pleased our late deare father in regard of that memorable delyverie which it pleased God to grant frome the trecherous and damnable powlder plot upon the fyft of November intending the ruyne of him, of us and of the trew religioun professd within his kingdome, to caus solemnnelie observe the said day throughout the samine yeerelie, by giving thanks to God with publick expression of joy to the effect that the same with dew reverence may always be kepted in memorie, our pleasure thairfoir is that yow caus proclamatioun be made commanding the said day yeerelie to be kepted by our whole subjects there, as it was accustomed to be duiring the tyme of our said lait deare father; which recommending to your speciall care, we bid yow farewell. Givin at our honnour of Hamptoun Court the 10th day of October 1628.”

"Forsameckill as the King’s Majestie haveing upoun manie just and weightie consideratiouns recommendit to the Lords of his Majestie Privie Counsell that the commissioners who wer nominat be the small
barouns and freeholders throughout the severall shirefdomes of this
kingdome this last yeere bygane to attend his Majesteis Parliaments and
Generall Counsells could be continewed for this present yeere to the
intent that the maters to be handled and trettred in his Majesteis
approaching Parliament proclaimed to be hauld in upon the fyftein day of
Apryle nixtocome may be the more formallie and ordourlie directed and
brought to a good conclusioun, the said Lords for this effect wrote to the
whole shireffs, stewarts and bailies within this kingdome, and acquainted
thame with his Majesteis just, laughfull and nescessar desyre in this
mater, and with that earnestlie requestid and desyreth thame to conveene
the small barouns and freeholders within the bounds of their office and
to propone unto thame his Majesteis directioun and to deale with thame to
conforme themselfes thairunto, and accoridnglie to confirm the
electioun made by thame of thair commissioners for the yeere bygane to
stand for the yeer to come; and the said Lords looking that a dewtfull
obedience sould have beene givin to his Majesteis just and lawfull
directioun in this point and that the saids shireffs, stewarts and bailieis
sould have made a report of their proceedings thairin to the intent that
if anie defect or informalitie wer found thairin the same might have been
repairid before the Parliament; nevertheless thair hes no report as
yitt beene made be the saids sheriffs, stewarts and bailieis of thair
diligence and of the obedience givin to his Majesteis directioun in this
mater. And as the saids Lords ar informed thair hes beene some opposi-
tioun made in sindrie of the shirefdomes of this kingdome to his Majesteis
said just and lawfull desire, whilk appearandlie will produce some
contestation and disordour in the tyme of the Parliament and so will
frustrat and hinder his Majesteis great and important effaires to be
trettred and handled in the said Parliament, without remeid be provydid.
Thairfoir the said Lords ordanis letters to be direct chaerig the shireffs
of the shirefdom of Edinbragh principall, and constablarie of Hadin-
toun, Bervick, Roxburgh, Selkirk, Peebles, Lanerk, Linlithgow, Stirline,
Clackmannan, Yffe, Kinroscher, and Perth, and Stewarts of Stratherne
and Monteith, to compeir personallie before the saids Lords upoun the
twenteid day of November nixtocome; and alsua charging the shireffs of
Dumfreis, Wigtoun, Air, Renfrew, Dumbartane, Bute, Argyle and Tarbett,
Forfar, Kincairdin, Aberdein, Bamff, Elgine, Forresse, Narne, Inverness
and Cromartie, Stewarts of Kirkcudbright and Annanderdaill, and bailieis
of Kyle, Carrick and Cunninghame, to compeir personallie before the saids
Lords upoun the ellevint day of December nixtocome, and they and
everie ane of thame to bring, produce and exhibite with thame ane trew
and perfyte report in writt conteaining ane accompt of thair proceedings
and diligence in executioun of the charge and directioun foresaid givin
unto thame and of the obedience of the small barouns and freeholders
givin in the said mater: and for this effect lykewayes to produce with
thame the acts chairby the saids commissioners hes beene elected or
confirmed of new togidder with the commission of their election or for confirming of thame in their office sealed and subscrib'd conforme to the Act of Parliament, and all others Acts and writs concerning that bussines, to the intent the same may be scene and consider'd be the saids Lords and ordour tane thairin accordinglie under the pane of rebellion, etc., with certification, etc."

"Forsameekill as at the lait justice court keeped at the burgh of Dumbartane, thair wes exhibite unto William, Earl of Monteith, President of his Majestis Counsell, and Lord Cheefe Justice of this kingdome, ane depositiou made be Jonnet Boyd, spous to Robert Neill, burges of Dumbartane, in presence of the proveist and bailleis of Dumbartane and minister thairof, and subscrib'd with thair hands, proporting that the said Jonnet had freylie and willinglie confess that she had entered in covenant with the devill, that she had ressav'd his marke, had renunс'd her baptisme and had carnall dewe with him, and that she had lay'd on sindrie sicknesseis and diseases on diverse perso's by the power grantit to her be the devill, upoun considera'tion of whilks depositious the said Earl of Monteith, Lord Cheefe Justice of this kingdome, out of his trew and worthie respect to justice, grantit a commissioun to the Shireff of Dumbartane, the Laird of Foulwod, and to the proveist and bailleis of Dumbartane for putting the said Jonnet to the knowledge of ane assyse for the said cryme; And the Lords of Secret Counsell acknowledging the honourable and worthie behaviour of the said Erle of Monteith, Lord Cheefe Justice of this kingdome, in granting of the said commissioun for punishing of so foule and detestable a cryme, Thairfor the saids Lords hes ratifi'd, allowed and approvin, and by these presenta ratifeis, allows and approves the commissioun foresaid grantit be the said Erle in the mater foresaid and of the commissiouns proceedings be vertew thairof; and if the said Jonnet be alreadie putt to tryell and convict of the said cryme, the saids Lords ordains the saids commissiouns to caus justice be ministrat upoun her conforme thairto, whairanent thir presents sall be unto thame a warrant. And becaus the said Erle of Monteith is uncertane if the said Jonnet Boyd be as yitt putt to a tryell and convict he thairfor craved that he might have a new commissioun past be the saids Lords to the perso's abonenamit for putting of the said Jonnet Boyd to the knowledge of ane assyse for the cryme foresaid, whilk desire the saids Lords hes thought reasonable, and accordinglie past and exped ane commissioun in maner and to the effect abonewrittin."

"Forsameekle as the first day of November now approaching wes appointed by ane former act and proclamatioun lawfullie publiest at the mercat croces of the heid burrowes of this kingdome to suche of the lords of erectiouns and others having right frome thame as hes laces laughfullie sett before the dait of their erectiouns or absolute warrantice
Acts February 1628.

Of the same againis their authors for productionem before the commissioners nominat be the Kings Majestie for the treatie anent the erectioun, surrenders and teinds of all their laces, and tacks of other mens teinds sett to thame or their authors before the erectioun, togidder with all their rights and securiteis of the saids teinds bearing absolute warrantdace or warrantie of their awin moneyes incase of evictioun; and als for productionem with thame of the just and trew rentals of their few maills and other constant rent of the superioriteis of their erectiouns to the intent it may be knowe what pairt thairof is bruikd presentlie by the lords of erectiouns and what pairt by pensioners or lyverenters and what remainse free of the same. And whairas the saids commissioners ar to meit, God willing, the morn, the said first day of November, to attend the saids productionem, Thairfor the saids Lords ordanis ane maiisser or officiar of armes to pas to the mercat croce of the burgh of Edinburgh and thair be opin proclamatioun to command and charge all and sindrie lords of erectiouns and others haveing right and title from thame as said is to comper before the saids commissioners the said first day of November now approacheing in the Counselhous at Halryduithous at twa of the clocke in the afternoone and to bring and produce with thame their saids laces, rights and securiteis of other mens teinds, with their rentals of their few maills and constant rent of their superioriteis, to the intent the same may be seen and considerit be his Majestie Advocat conforme to the first proclamatioun direct to that effect and under the paines conteanit thairin.”

Commission under the signet to the Sheriff of Dumbartane, Semplill of Foulwood, and the provost and bailies of Dumbartane, as justices to hold justice courts and try Janet Boyd, spouse to Robert Neill, burgess of Dumbartane, who has been long suspected of witchcraft. Janet Boyd. Signed by St. Andrewes, Monteith, Wintoun, Mr Elphinstoun, Sr Archibald Achesoun, Sr Thomas Hoip, and Sr Johne Scot.

“The qhilk day his Majestie Advocat propouned to the Counsell that whereas by warrand from his Majestie he wes commandit to persewe be course of law all these who refusit to subscrive the general submission, he desirit to be directit be the Counsell how he sould behave him self in that bussines. The Lordis in respect of the importance of the bussnes remittes the same and thair advise to be gevin thairanent to the heiring of a more frequent number of the Counsell.”

“That charges be direct againis suche as interruptit the electioun of commisionaris for the shireidome of Forfar, who being privat men wanting auctoritie be thame selfis, without the concurrence or assistance of the Shireff proceedit to the choise and nomination of commisionars.”

“The Lordis remittis the anuyering of his Majesteis Advocat
proposition groundit upon his Majesteis letter towcheing the persuite of Burgye for the crymes contenit in the letter to a more frequent meeting of the Counsall."

Holyrood House, 11th November 1628.

Sederunt.—Mar, Treasurer; Hadintoun, Privy Seal; Secretary Advocate; Clerk of Register; Sir George Elphinstoun; Sir John Scot.

"Forsameekill as it being found meet and expedient be the Lords of Secret Counsell for the better forderance and advancement of that writ and submitioun whilk wes drawin up be. his Majesteis Advocats and alreadie subscrysted be a number of the Lords of Erectiouns and others having interesse in the erectiouns, surrenders and teinds, that the whole teind sellers and teind buyers within this kingsdome sould subscrive the double of the said writt and submitioun to the intent his Majestie might the more ordourlie proceid in his royall determinationioun upon the maters submittit to his Majestie, for this effect and for the ease of his Majesteis subjects and relieving of thame of the unnecessar trouble and expenses they wer to susteane if they had beene drawin to Edinburgh for subscriving of the said submiusyon, commiusions wer past and exped to certane noblemen, barons and gentlemens throughout the seveall shirefdomes of this kingsdome, for procuring of the subscripliant of the teind buyers and teind sellers within the saids shirefdomes to the submiusyon foresaid. And altho the saids commissiouns did their diligence in the executioun of that charge conderdite unto thame yitt his Majestie is informed that diverse of the teind sellers hes refusaed to subscrive the said submiusyon and others of thame hes subscrysted with forder restriktiouns and limitatiouns then ar mentiouned in the said submiusyon, to the great hinder of that good and worthie worke whilk his Majestie hes intendit for the generall and universall good of this whole kingsdome. And seing lawfull intimatiouns hes beene dewlie and tymouslie made to the saids teind sellers for subscrving of the said submiusyon sua that none of thame with reasoun can pretend ignorance theif of his Majestie is theifor resolved to have his title to things of that nature tryed in a legall maner and hes givin strait direcitoun and charge to his Majesteis Advocat to insist be law aganis the persouns foresaidis who hes not subscrysted the said submiusyon or who hes subscrysted the same with limitatiouns and restriktiouns. And whairas the best and readiest way to gett trew knowledge of the saids persouns thair names will be by the paines and travells of the commissiouns nominat for the teind buyers within the seveall shirefdomes of this kingsdome and that the saids Lords ar informed by the report and relatioun of Sir Thomas Hopf of Craighall, knight baronnet, his Majestie Advocat, that diverse of the commissiouns nominat for the teind buyers for subscrveing of the saids generall submiusyouns within the saids
severall shriefdomes hes not made report of the names of these who hes right to others mens lands [sic t teinds] and hes refused or delayed to subscryve the saids generall submissiouns, Thairfor the Lords of Secret Counsell ordaines letters to be direct charging the commissioners particularlie underwrittin nominat for the teind buyers within the shriefdomes following, they ar to say, Sir James M'Gill of Cranstoun, knight baronnet, and Sir James Richartsoun of Smetoun, for the shriefdome of Edinburgh; Sir Samwell Johnestoun of Elphinstoun, knight baronnet, and Robert Richartsoun of Pencaitland, for the constabularie of Hadintoun; Sir Patrik Home of Aittoun and Sir Alexander Nisbit of West Nisbitt, for the shriefdome of Beruick; Riddill, appearand of that Ilk, and Ker of Cavers, for the shriefdome of Roxburgh; Sir James Pringill of Gallascheillis, for the shriefdome of Selkirk; Hay of Smithfeld, and Naismith of Posso for the shriefdome of Peebles; Sir Robert Greir of Lag and Robert Crichtoun, brother to the Vicount of Air, for the shriefdome of Dumfreis; Sir Patrik Agnew of Lochnaw and Sir Johne M'Dougall of Garthland, for the shriefdome of Wigtoun; Sir James Lockhart, elder of Lee, and Sir William Bailzie of Lamington, for the shriefdome of Lanerk; Thomas Dalyell of Binnis for the shriefdome of Linlithgow; Cuninghame of Corshill and the Laird of Kelburne, for the shriefdome of Air; Sir Johne Maxwell of Neatherpooke and Archibald Stewart of Blakhall, for the shriefdome of Renfrew; Naper of Kilmahew and Johnse Sempill of Aikinbar, for the shriefdome of Dumbartane; Stewart, shireff of Boote, for the shriefdome of Boote; the Laird of Lawmont, for the shriefdome of Argyle; Grahame of Fintrie and Adame Cuninghame of Bouqhien, for the shriefdome of Stirligne; Sir James Learmouth of Balcolmie and Leslie of Newtown, for the shriefdome of Fyffe and Kinroocher; Sir Robert Bruce of Clackmanan; Sir Harie Wood of Bonytoun and Sir William Grahame of Claverhous, for the shriefdome of Forfar; Moncreif, knight baronnet, and Alexander Campbell of Crownane, for the shriefdome of Perth; Dowglas of Glenbervie, for the shriefdome of Kincairdin; Sir James Gordoun, appearand of Lesmoir, and Sir Johne Leslie of Wardes, for the shriefdome of Aberdein; James, Lord Desfuird, and Robert Inneis of Balvenie, for the shriefdome of Bamff; Dumbar of Grange, for the shriefdome of Elgine; Roese of Kilrawacke, for the shriefdome of Nairne; George, Lord Gordoun, for the shriefdome of Innernes, Caithnes and Sutherland; Urquhart, shireff of Cromartie, for the shriefdome of Cromartie; and Johne Gordoun of Lochinvar and Foulertoun of Carletoun, for the stewartrie of Kirkcudbright; at the least so manie of the saids commissioners as hes not as yitt made their report of the names of these who hes not as yitt subscryved the saids generall submissiouns to informe themeselfes by all lawfull wayes and meanes as they best can of the
names of all suche teind sellers within the bounds of their offices respective who hea not subservyd the saids generall submissiouns, and to report their names togidder with the names of their lands, the presence of thair right and reason of their refusail to his Majesteis Counsell or to his Majesteis Advocat betuix and the nynt day of Januar nixtome to the intent they may be callit before his Majesteis Counsell and required outher to subservye the said submissioun or to condescend upoun the reason of thair refusai, and to the effect his Majesteis said Advocat after thair refusail may according to his Majesteis letter and warrant direct unto him proceed be ordour of law aganis the refusears for annulling and redution of thair pretendit rights; and to command and charge the saids commissioners to the effect foresaid personallie or at thair dwelling places, under the paine of rebellion and putting of thame to the horne, with certification to thame and they faillye, the said day being bypast, letters sall be direct to putt thame to the horne and to escheate, etc."

[Sederunt as recorded above.]

Complaint by Duncan Forrester, burgess of Brunntilland, as follows:—

For two years and a half past he has been detained in the tolbooth of the Cannogait at the instance of Martin Bruke, skipper in Brunntilland, and Massie Tod, his wife, for a debt of 400 merks and 40 merks of expenses, and interests in arrear; of Margaret Stirk, relict of Alexander Browne, baker, burgess of Brunntilland, for 300 merks and £30 of expenses; of John and Issobell Murrey and Thomas Dewar and John Smith, burgesses of Brunntilland, as heirs of the deceased Isobel Smith, for £60 and £10 of expenses; of George Kincaid, burgess of Edinburgh, and Janet Millar, his wife, for 100 merks, and certain expenses; of William Dick, for 120 merks and expenses and interest; of James Smith in Leith, for an alleged debt of £34; and of John Leipie in the Cannogait for £46; but the greatest part of these debts are wrongfully charged against him, and for the rest his creditors have poinied more of his goods than will compleitly satisfie thame. Moreover he is like to perish for want. Charge having been given to the persons named, and also to Adam Bothwell and James Aitoun, bailies of the Cannogait, to produce the pursuer, and the pursuer comparing, and of the defenders only Martin Bruke being present, the Lords ordain the said bailies of the Cannogait to release the pursuer upon his making and delivering to the defenders a sufficient assignation to all his goods moveable and immovable, and bonds and debts due to him.

Complaint by Robert Whyte, indweller in Kirkaldie, as follows:—

He has been warded in the tolbooth of Edinburgh at the instance of Robert Malcolm, burgess of the Cannogait, for a debt of £80 and expenses, for which the complainer became cautioner to him for
David Whyte, his son, whom the said Robert, "by his rigorous and churlish dealing" forced to leave the country, as he likewise forced the complainer to do, "ane poore man of threecore sax yeeeres of age" and to remain forth thereof for two years. And when, "for recoverie of his health and preservatioun of his lyffe he was forced to returne," the said Robert Malcolm had him apprehended and warded, though the complainer made assignation to him of 100 merks due to him by several creditors by bonds, which bonds are in the hands of the said Malcolm. Charge having been given to the said Malcolm, and also to John Sinclair, one of the bailies of Edinburgh, to produce the complainer, and the pursuer being brought by some of the officers of the burgh of Edinburgh at the direction of the magistrates, and the defender being likewise present, the Lords ordain the provost and bailies to put the pursuer to liberty, he first subscribing the assignation foresaid to the defender and delivering up the said bonds.

Complaint by Robert, Earl of Nithsdale, Stewart of the Stewartrie of Kirkcudbright, and James Maxwell of Kirkconnell, Stewart depute thereof [his brother (in the margin)], as follows:—Having been charged to pay to George, Viscount of Dupline, Lord Hay of Kinfawnes, Collector General of his Majesty's Taxations granted in October 1625, the first and second terms thereof for the Stewartry of Kirkcudbright, they gave commission to Martin Newell, Steward clerk of Kirkcudbright, and John Huttoun, messenger in , to uplift the same and account to them, but they refuse to make count and reckoning though they have uplifted the taxation. Charge having been given to the said Martin Newell and John Huttoun, and the pursuers comparing by Alexander Maxwell, one of the ordinary macers before the Lords of Session, and the defenders not comparing, the Lords ordain them to be denounced rebels and escheat.

Complaint by Margaret Jo in Mussilburgh, as follows:—Eleven or twelve weeks since she was apprehended by the bailies of Mussilburgh and warded in their tolbooth on the accusation of being a witch, and though she very instantly and earnestly craved her trial, it is refused. She is willing to find caution to appear before the Justice for trial whenever lawfully charged so to do. Charge having been given to John Calderwod, William Scot, Walter Smart and William Duncane, bailies of Mussilburgh, to compare and bring the complainer with them, and the pursuer comparing by Alexander Walker, tailor, burgess of Edinburgh, and the said John Calderwod and William Duncane, comparing for themselves and the rest of the bailies, the Lords ordain the defenders to put the pursuer to the lawful trial of an assize within fifteen days, and failing that to put her to liberty.

Complaint by David Vaus of Blance, as follows:—Last Council day their Lordships ordained him to be liberated on conditions [ante p. 464], which he has now fulfilled: but Margaret Duff in Stannylhill, though

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then a consenter with the rest of his creditors, refuses to accept the said assignment, and intends to keep the complainer in ward till he famish. Charge having been given to the said Marioun (sic) Duff, and also to John Sinclare, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and the pursuer comparing, and the defender being represented by Thomas Allan, messenger, who in her name agreed to the pursuer's liberation provided the said assignment were first registered, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer.

Commission under the Signet to the bailies of the regality of Dalkeith, Sir George Forrester of Corstorphine, Sir John Murrey of Phillippauchie, Sir James Richartson of Smetoun, Mr. Patrick Hamilton of Prestoun, Adam Wauchop of Caikmure, and Mr. Robert Cas, apparent of Fordell, as justices, to hold courts and try Janet Unes, spouse to Thomas Smiberd in Middletoun, Janet Smiberd, her daughter, Marion Sherer in Cranston, Elspitt Duncan there, Margaret Barrowman in Easthouses in Newbottle, Malie Turnour in Stobhill, William Watt in Westhouses, and Margaret Muirheid, vagabond, who have long been suspected guilty of witchcraft. Signed by Mar, Hadintoun, Arch. Achesoun, Hamiltoun, St Thomas Hoip, Str George Elphinstoun, and Scottistarvett.

Commission under the Signet to John, Lord Traquair, to apprehend William Paterson in Edinburgh for theft.

Commission of justiciary under the Signet to George, Earl of Wintoun, and his bailies within whose bounds the cryme of witchcraft, sorcery, and using of charms is become very frequent, and the perpetrators thereof are emboldened by there being no person authorised with power for their trial and discovery, this crime being one "most offensive to God and unsufferable to be permitted in ane Christiane and well governed commounwealth," to search for such within the said bounds, being his own removeable tenants, and to imprison and examine them and report their depositions to the Council that order may be further taken therein. Signed by the same Lords.

Complaint by Robert Fyffe, servant to James Crichtoun of Abercrombie, and Thomas Dowie in Benscheillis, as follows:—They understand they are denounced rebels at the instance of his Majesty's
Advocate and Mr. Robert Narne of Strathurd, advocate, for not compairing before the Council to answer to a charge of wearing hagbut and pistols and wounding Katherine Prestoun, wife of the said Mr. Robert, and his bairns and servants to the effusion of their blood. Now they never were lawfully charged and knew not of the same or they would have come and shown their innocence, and they have found caution in 200 merks for their compairance and payment of 20 merks as their escheat if found liable so to do. Charge having been given to the said Advocate and Mr. Robert Nairn, and pursuers and defenders compairing, and the pursuers confessing to the wearing of pistols at the time labelled in the complaint against them, the Lords fine the said Robert Fyffe 20 merks, and Thomas Dowie £10 to be paid to the Treasurer, Treasurer Depute, and Receivers of his Majesty's Rents; and ordain them to find caution acted in the Books of Secret Council not to bear hagbut or pistols in future. They further require them to take a remission and pass and expedite the same through the registers and seals; and in respect of their personal compairance suspend the letters of horning against them.

"After our vere heartlie commendations. Whairas thair is a meeting of the Commissioners for the Surrenders appointit to be heere at Halyruidhous upon the nynetein of November instant for some speciall occasions concerning the forderance and advancement of that bussines, these ar thairfor to request and desyre yow to keepe this dyet precisielie, at the least that yow be heere upon the xxi day of the said moneth in the forenoone, to the intent yow may be prepared and reade to meet with the rest of the Commissioners in the afternoone. Qhillk looking assuredlie yow will doe, as yow respect his Majestie obedience and service, we committ yow to God. Frome Halyruidhous the elevent of November 1628. Subscribitur, Marr, Hadintoun, Arch. Achesoun, S* Thomas Hoip, S* George Elphinstoun."

"That missives be direct to the Bishopps of Dunkeld, Dunblane, Brechin and Caithnes, the commissioneris of Edinburg, Striviling, Dundee, St. Androis and Glasgu, to attend the Commission for the Surrenders upoun the xii or xxi of this instant."

"The quhilk day the Earle of Mar exhibite ane patent under the grite seale bearing dait at Windsor the 18 of September qubhairby his Majestie hes maid the Laird of Dalvell a barone of parliament to be callit in tyme comeing the Lord of Dalvell; whilk patent wes deyverit to Mr. Alexander Johnnestoun, servitour to Mr. Lues Steuart in name of the Lord Dalvell."

"Ane letter from his Majestie concerning the Laird and Lady Bass, The Laird and Lady Bass. and charge is ordanit to be direct aganis thame for their compairance befoir the Counsaill to answ ayr upon their rebellioun."
Holyrood
House, 13th
November
1628.

Treasurer; Privy Seal; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Anent the office of the Justice-Clerk.

"The quhilk day the Lordis Thesaurar, Previe Seale, Secretair, Advocat and Mr. Alexander Colvill, Justice Depute, acceptit upoun thame the commisson for inquiring in the liberteis, previleges, jurisdictiou and casualties due and formarlie belonging to the Justice Clerk his office, and to restore the same to the said office."

Sedent.—Treasurer; Monteith, præses; Privy Seal; Wintoun; Linlithgow; Lauderdaill; Traquair; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Warrant for deserting the Laird of Banff's day of law.

"Forsameekle as the King's Majestie, being carefull to be trewlie informed anent the forme, maner and circumstances of the slaughter of umquhile James Ogilvie of Podula committit be Sir George Ogilvie of Banff and his complices, hes for this effect recommendit to the Lords of Privy Counsell the exact tryell and examinacion of that slaughter and how the same hes fallin out that accordinglie his Majestie may resolve what best becomes his royall and princelie justice and equitie in that caise; and in theeme tymie it is his Majestie express commanand directiou that all criminnall persute aganis the said Sir George and his complices sall cease and be forborne and till his Majestie declar his foder will and pleasure their anent to the intent both the saids paires or may have tymie and leasure to use their probatiqu for trying the forme of the said slaughter and to acquaint his Majestie with what they can say in this caise; Thairfor the Lords of Secret Counsell according to ane warand and directiou in writ signed be the King's Majestie and this day presented unto thame, ordaines and commands the Justice, Justice Clerk, and their deputis, and James, Erle of Murrey, his Majestie's Lieutenent, Justice and Commissioner over the north pairts of this kingdome, and his deputis, to desert the dyet appointed be thame respective for tryell of the said Sir George and his complices anent the said slaughter, and to desist and cease from all proceeding aganis the saids personis thairin or aganis thair cautioners for thair entrie before thame, and to dispense with thair personall compeirance, dischairing thame and either of thame thairof and of all directing of new letters and charges aganis the saids persons for the said slaughter and of thair offices in that pairt ay and whill the saids Lords take tryell and cognizion anent the forme and maner of the slaughter foresaid and whill his Majestie's foder pleasure be knowin thairant. Followes his Majestie misive for warrand of the Act abonewrittin.—CHARLES R. —Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and
weilbelovit counsellours, we grette yow weill. Whereas we have beene informed that the slaughter of James Ogilvie in Podula hes beene committed by Sir George Ogilvie of Bamff in defence of both his lyffe and honnour, and for that respect earnest supplication hath beene made unto us to grant our letters of remission to the said Sir George yitt considering that nothing importeth more both the respect of our soverane auctoritie and the good and quyet of our subjects than the executioun of our lawes made especiallie againis malefactours in criminaill causes we have thairfoir altogidder refusid our letters of pardoun to the said Sir George notwithstanding the faire and plausible reports whairupoun we have beene petitioneounced. But becaus it importeth as muche our justice as our equitie to mitigat some tyme the rigour of our lawes, we have thought fitt to will yow to examine and try exactlie how that accident hath fallin out and give us suche particular advertisement thairof as thairupoun we may resolve what best becometh our princelie equitie in that caise. And to the effect the said Sir George may have tyme to recover his indisposition through the wounds receaved yow may have tyme to make exact tryell and information of the caise to us and that the pairtieis offended may have pleasure as weil to acquaint us with what they can say in this caise as we have heard muche in favours of the said Sir George Ogilvie, we have thairfoir thought fitt to will yow to command in our name the ministers of justice in criminaill causes forbare all proceeding agains the said Sir George and his complices till suche a tyme as yow in your judgement sall thinke expedient and further during our pleasure. So expecting to heare frome yow in this we bid yow fareweill. Givin at our Court at Whitehall the sevint day of November 1628.

"Forsameekle as the Kings Majestie being carefull to be trewlie informed anent the forme, maner and circumstances of the slaughter of umquhilie James Ogilvie of Podula committit be Sir George Ogilvie of Bamff and his complices hes for this effect recommendit to the Lords of his Privie Counsell the exact tryell and examination of that slaughter and how and upon what occasioun the same fell out and who wer the first onsetters, that accordinglie his Majestie may resolve what best becomes his royall and princelie equitie and justice in that caise, Thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said Sir George Ogilvie of Bamff and Sir George Ogilvie of Carnowsse, knights baronnet, on the ane pairt, and Margaret Ogilvie, relict of the said umquhilie James Ogilvie, Walter Ogilvie of Ridhicht, his brother germane, Johne Gordoun of Buckie, and Mr. Williame Gordoun of Cairnfeld, his brother uterine, on the uther pairt, to compere personallie, and to bring, produce and exhibite with thame before the Lords of his Majesties Privie Counsell upon the fyftein day of Januar nixtocoome suche probatijoun, verification, and witnesses as they or either of thame will use for cleering of the forme and maner of the said
slaughter and how and upon what occassion the same happened and fell out, and to charge suche persoues as sall be givin up be either pairtie to beare witnesse in the said mater to conpeir personaliie before the saids Lords the day foresaid to beir leill and suifast witnessin in sua farre as they know or sall be speirit at thame in the said mater; and that the principall parteis conpeir lykewayes to beare and see the saids witnesse ressavod, sworne and admitted, with intimation as efforis; and that all the saids persoues, both parteis and witnesse conpeir personaliie to the effect foresaid under the pane of rebellion and putting of thame to the horne, with certification, etc."

"The whilk day the Lords of Secret Counsell, having read and heard his Majestes missive letter direct unto thame tuiching the overtoure made be Alexander Narne, his Majestis servand, for erecting of beacons and making of barricades for the defance of the kingdom. See ante, p. 244.

Anent the proposal of Alexander Nairn for the erecting of beacons and making of barricades for the defence of the kingdom. See ante, p. 244.

His Majesty's Advocate and the Justice-Clerk.

Acta February 1628.
1629.
Fol. 57. a.

"The Lords having heard the reasons and arguments urged by his Majestis Advocat and Justice Clerk, whairby ather of thame clames the place and precedence before others, the Lords continewes this mater and ordouring thairof till Thursdy next."
Complaint by Margaret Jo in Mussilburgh, as follows:—It pleased their Lordships on the 11th instant to ordain the bailies of Mussilburgh to try her upon the charge of witchcraft within fifteen days or to release her (ante, p. 481) wherein their Lordships after her “long and twelffe weeke imprisonment hes dealt most equitablie and justlie with her. Yitt the malice of the bailieis of Mussilburgh continewes most violent aganis her. They kepe her still fettered and bound in yrnes; they refuse her freinds and familiars to have access unto her or to minister unto her anie confort in this her trouble; they intend, as she is informed, to take her out to her tryell without allowing unto her so muche as ane houres forewarning and without giving her inspectiou of her dittay, to the intent she may be advised thairwith and prepare her selfe of her just and lawfull defences aganis the same; and in so doing they will depryve the compleaner of the commoun benefite whilk the law of God and nature allowes to persouns in suche a caise for defence of their lyffe. And the saide bailieis of Mussilburgh who thinkes to be judges in this mater ar the compleaners profest and avowed eneimens, and ar verie suspect to have authoritie over her or her lyffe, and ar persouns of small judgement and experience to cognosce and judge in suche obscure crymes or to discusse the objectionis and defences that will occurre in this mater, whairthrow the compleaners lyffe is in extreme hazard and perrell to be tane frome her without a lawfull tryell and cognitioun proceeding.” Charge having been given to William Duncan, and John Calderwode, bailies of Mussilburgh, to compair and see themselves ordained to free her from “the yrnes and stocks whairin she hes been miserablie detaenned thir twelffe weeke weygan” and in addition to the redres of the other parts of the complaint to see Mr. Laurence McGill and Mr. David Prynuois appointed as assessors “to the judge who ar to sit upoun the compleaner, or suche other Advocats as the saids Lords sall please to appoint,” and the pursuer compairing by Alexander Walker, tailor in Edinburgh, and the defenders being also personally present, and parties heard, the Lords ordain the defenders to produce their “dittay” against the compleaner to them on Thursday next, the 20th instant, in order that it may be given up to her advocate to be advised with, and if any further “dittayes” are given up against her before the day appointed for her trial, which is the 25th instant, they are to be tymeously given to her for the preparation of her defences; also to continue the trial to the 26th if her advocates require it, to permit her friends to have access to her in presence of the minister and one of the bailies, and meanwhile to keep her as she is till the day of her trial.

Complaint by William Hay of Struthers, as follows:—James and Robert Dumbars, servitores to the Earl of Murrey, alleging that the com-
against James and Robert Dunbar, servitors to the Earl of Moray, at whose instance he is warded in the Tolbooth of Edinburgh.

plain in May last came to the burgh of Elgin with a hagbut and pair of pistols to assist Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis, in the pursuit of their lives, raised a summons against him to appear before their Lordships, and because of his failure to compear, charge was issued for his entering into ward in the tolbooth of Edinburgh within fifteen days on pain of horning; which charge he no sooner got than he "out of his respective dawtie and obedience to his Majesties auctoritie, quhilik he will ever preferre to all other privat respects," obeyed the same, and he remains in the said ward to his great hurt and detriment. For before the complainers coming "to his awin hous, the whole crop being upon the ground was ready for the hoike, and the rowne being in his awin hand he was tyed unto a necessarie attendance for winning of the crop; but having layed the prejudice that he might sustaine be his absence with the dawtie and obedience that he ought to law and justice in one ballance he was moved out of conscience to preferre his dawtie and obedience to anie future event and hazard of his crop, and so come heere and entered in ward." He alleges he never received the former summons at all or he would have compereed and cleared himself, but he has found caution to compere before their Lordships on the 18th November instant "when, God willing, the harvest will be done," in 500 merks, to answer upon the complaint, and "quhairas the maine points thairof dippes upon the bearing and wearing of hagquebutts and pistolets," he has also found caution in the like amount not to wear them, and so craves suspension of his horning. Charge having been given to the said Robert and James Dunbar, and the pursurer compearing, and also Robert Dunbar for himself and his brother, the pursuer produced his Majestys remission under the great seal, dated at Halyrdhous, 13th November instant, for wearing hagbutts and pistols, whereupon, as there is no other point of complaint against him, and because of his obedience the Lords suspend the horning, but ordain him to pay ten merks in name of expenses to the said Robert Dunbar.

Complaint by Robert Barclay, burgess of Forres, as follows:—He has been denounced rebel at the instance of William Hay, brother to James Hay of Maynes, and Mark Home, servitor to the Lord of Spynie, and his Majestys Advocates for failing to appear before their Lordships as a witness in their action against Robert Tulloch, son to the deceased Alexander Tulloch of Tannacheis and James Dunbar of Balnaferrie (ante p. 402), but wrongfully so, for he was never lawfully charged, or he should have willingly compereed. He has found caution in £100 to compere this day, and also to pay 20 merks for his escheat if found liable therein, and therefore craves suspension. Charge having been given to the said William Hay and Mark Home, and the pursuer compearing but the defenders not, the Lords suspend the horning as craved.

Commission under the Signet to John M'Culloch, provost of Tayne, Alexander Hay, late provost there, John Ros and William Fergusson, bailies there, Walter Inneis, apparent of Innerbraikie, and Andrew Monro of Delnyes, to search for, apprehend, imprison and try Helen Gow, spouse to Finlay M'Allane, cordiner in Tayne, Elspeth Simsoun, spouse to John Bayne in Badarrach in the parish of Kincairdin, Agnes Nein Donald in Bruach in the parish of Logie, and Marion Nein Gillimichael in the parish of Edirtayne, who by a report subscribed by the ministers of the presbytery of Tayne, have been for long suspected of witchcraft, but who, taking guilt to themselves, have absconded "thinking heerely to eshweth their deserved punishment." Signed by Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Lauderdaleill, Traquair, A. Carre, Arch. Achesoun, S. Thomas Hoip, Hamilton, S. George Elphinstoun, and Scottistarvett.

"Most sacred Soverane, We have beene pettitioned in name of some interested in New Scotland and Canada holdin of your Majestis crowne of this kingdome humblie shewing that by vertew of rights of lands made unto thame by your Majestie or by Sir William Alexander, your Majestis Lieutenent of these bounds, they have alreadie adventured sommes of money for setting furth of a coloneie to plant there, and intending, God willing, to prosecute the same, and that they understand that by reason of a voyage made by one Captane Kick thither this last sommer there ar some making sute to your Majestie for a new patent of the saids lands of Canada and of the trade thairof, to be holdin of your Majestis crowne of England, which in our opinion will prove so derogatorie to this your ancient kingdome, under the great scale whereof your Majestie hes alreadie granted a right to the saids bounds, and will so exceedinlie discourages all undertakers of that kynde, as we cannot but at their humble sute represent the same to your Majestie; humblie intretationg that your Majestie may be gracioiuslie pleased to take this into your princelie consideratiloun as no right may be hereafter granted of the saids lands contrarie to your Majestis said preceding grant, but that they may be still holdin of the crowne of this your ancient kingdome, according to the purport and trew intentioun of your Majestis said former grant. And we ar verie hopefull that, as the said Sir William Alexander hes sent furth his soune with a coloneie to plant there this last yeere, so it sall be secunded hereafter by manie other undertakers of good worth for the advancement of your Majestis service, increase of your reenewes, and honnour of this your said ancient kingdome. And so with the continuance of our most humble services and best prayers for your Majestis health and happens, we humblie take leave, as your Majestis most humble and faithfull servants. Subscribition. Mar, Monteith, Hadintoun, Wintoun, Linlithgow, Lauderdaleill, Traquair, A. Carre, Arch. Achesoun, Advocat, Clerk Register, S. George Elphinstoun, Scottistarvett. Halyruidhous, 18 Novembris 1628."
"Ane letter from his Majestie toucheing the fight betwix Ballandalloch and Carroun and chargeis accordlinglie ordanit to be direct aganis both pairtys for thair compeirance before the Counsell and productioun with thame of suche witnesses as they will use for cleiring of the circumstancies of that busynesse, and a protectioun ordanit to be past to the criminalis providing that within dayis thay find cautiou to the shireff or narrest judge for keeping of the said dyet befoir the Counsell, otherways the protectioun to be null."

"The quhilk day his Majestie Advocat produceit a note of the names of these who hes not subscrivit the generall submissioun and desirit to be directit be the Counsell how he sould proceid aganis thame. The Lordis continewes the anseruing of the Advocatis propositioun till Thuriday nixt."

"The quhilk day the Earle of Monteth acceptit upoun him the commissioun grantit be his Majestie for tryeing the libertais and privileegis due and formarly belonging to the office of Justice Clerk."

Sedurnt.—Treasurer; President; Privy Seal; Wyntoun; Linlithgow; Tracquair; Secretary; Advocate; Justice Clerk; Sir John Scot.

"Anent the proposition made to his Majestie's Counsell be Sir George Elphinstoun, Justice Clerk, proporting that whairas he wes to intend a summonis of reductioun of that Act of Counsell whairby his Majestie's Advocate is appointed to have place and precedence before him, and in regard the mater concerned him in the credite of his place and that he behoved to have the advice and counsell of advocates in the prosecutioun and pleading of his right who would hardlie compeir aganis his Majestie's Advocate without a warrand frome the Counsell, thairfor he earnestlie desyred that the Lords would give command to suche advocates as he would choose to compeir and persew for him in this mater, which desyre togidder with the answere made thairto be the said Lord Advocate being heard and considerit be the saids Lords and they advised thairwith, the Lords finds that be the forme and ordour of the hous advocates ar never or seldom admittit, that they have not beene in use to give warrands for commanding of advocates to compeir and persew before the Counsell, they not being members of that judgement; and declaris that after the intenting of the summonis and that the mater is brought to ane hearing before thame they will than consider and decerne if they will allow advocates to the Justice Clerk or not."

Sedurnt.—Treasurer; Monteith, præses; Privy Seal; Wyntoun; Linlithgow; Lauderdale; Melvill; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot.

The Lords continewes the settling of the differences betuix the Advocat and Justice Clerk toucheing their precedence till Tuesday nixt,
and in the meane tyme recommends to the Erle of Monteith, the Secretar, Clerk of Register and Sir John Scott, to travell for mediating and agreement betwixt thame."

"The Lordis appointis Monoday nixt at tua of the cloke in the afternoone for a meeting of the commisioneris anent the surveying of the laws."

Sedorunt.—Treasurer; Preses; Privy Seal; Wyntoun: Linlithgow; Holyrood House, 25th November 1626.
Wigtoun; Bishop of Dunblane; Traquair; Master of Elphinstoun; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scott.

"Forsameckle as the Kings Majestie out of his princelie care and disposition to justice, being desyrous to be informed of the lait fight betwixt the Lairds of Ballindallach and Carron whairin Carroun, with some of Ballindallachs side, wer killed outright and sindrie others woundit to the death, his Majestie for this effect hes recommendit the tryell of the forme and circumstances of that accident and how and upon what occasioun the same fell out to the Lords of his Majesteis Privie Counsell, according whairunto letters ar direct charging Johne Grant, appearand of Ballindalloch, to compeir before the saids Lords upoun the twentie sevint day of Januar nixtocomne, and to bring and produce with him suche verificacionis and witnesses as he hes or will use for cleerring the truthe of that mater.

And whairas the said Johne Grant is disabled to compeir and attend the said dyet be resaoun of some horningis whilks he underlyes, and the saids Lords being carefull to remove all occasioun of excuse that he may pretend for not keeping of the said dyet, Thairfor the saids Lords according to his Majesteis speciall will and pleasure signified unto thame in this mater hes givin and grantit and be the tenour heirof gives and grants full power, warrand and licence to the said Johne Grant to repaire to the burgh of Edinburgh to the effect and for the purpose abonewritten without trouble, challenge or impediment to be made to him be whatsomever person or persons, whil the last day of the said moneth, discharging heerby all his Majesteis shireffis, stewartis, commissioneris, and all others his Majesteis judges, officiaris and ministries of his laws of all taking, apprehending, wairting or arreisiting of the said Johne be vertew of anie letters of horning, criminal or civill, commissioun or letters of captioun and arreisment direct thairupoun, discharging thame thairof and of thair offices in that pairt in the meane tyme whil the said last day of Januar nixtocomne; provyding alwayes that the said Johne find sufficient cautious actit in the Booke of Secret Counsell or in the bookes of the Shireff and narrest court whair he dwellsis that he sall compeir personallie and keepe the said dyet under the pane of three thousand merkes, otherwyses this protectionis to be null and of nane availl to the said Johne Grant."
"Forsameikle as the Kings Majestie out of his princelie care and disposition to justice being desyrous to be trewlie informed of the lait fight betuix the Lairds of Ballindallach and Carroun whairin Carroun with some on Ballindallachs side wer killed outright and sindrie others woundit to the death, his Majestie for this effect hes recommendit the tryell of the forme and circumstances of that accident to the Lords of his Majesteis Privie Counsell and how and upon what occasion the same fell out and who wer the first onsettiers that accordinglie his Majestie may resolve what best becomes his royall and princelie equitie and justice in that case, Thairfoir the Lords of Secret Counsell ordaines letters to be direct charging Johne Grant, appearand of Ballindallach, Patrik Grant, his brother, William Grant, appearand of Cardelis, Johne and Gregour Grants, and Adame Leslie, servitours to the said Johne Grant of Ballindallach, James McIntoshe in Downe of Rathimurchus, and Archibald Grant of Delwey, on the ane pairt, Margaret Sinclair, relict of umquhill Johne Grant of Carroun, Johne and Patrik Grants, his sonnes, and Alaster and James Grants, his brother germane, on the other pairt, to conopeir personallie, and to bring, produce and exhibite with thame before the Lords of his Majesteis Privie Counsell upon the twentie sevin day of Januar nichtoone suche probatioun, verificatioun and witnesses as they or either of thame will use for cleering of the forme and maner of the said fight and how and upon what occasion the same happenned and fell out, and to charge suche persouns as sall be gevin up for either partie to beare witness in the said mater to conopeir personallie before the said Lords the day foresaid to beir leill and southfast witnessing in sua farre as they know or sall be speirit at thame in the said mater, and that the principall parteis conopeir lykewayes to heare and see the saids witnesses receaved, sworn and admitted, with intimatior as effeirs, and that all the saids persouns be parteis and witness conopeir personallie to the effect foresaid under the pane of rebellion and putting of thame to the horne, with certificatioun etc."

"Forsameikle as the forme and maner of the lait fight betuix the Lairds of Ballindallach and Carroun whairin the said Carroun and twa of his persewers wer killed outright and sindrie others woundit to death being differentlie reported unto his Majestie, his Majestie out of his princelie care to be rightlie informed of the truthe of that accident hes beene graciously pleased to recommend the tryell thairof to the Lords of his Privie Counsell induring the which precognitior and till the veritie of the mater and circumstances thairof be fullie cleered it is his Majesteis expresse will and command that there sall be a surecease of all crimnall procedour againis ther of the pairteis. And whairas the Laird of Ballindallach, elder, with a great number of his freinds ar summound before his Majesteis Justice to underly the law for that caus, Thairfoir the Lords of Secret Counsell according to ane warrand and directioun in writt signed be the King's Majestie and this day presented
unto thame ordanis and commands his Majesteis Justice, Justice Clerk
and thair deuts, and all others his Majesteis Justices in criminall
causes to descent the dyet appointed be thame to the said Laird of
Ballindallach, elder, and his complices for thair compeirance and tryell
antent the slaughter of the said goodman of Carroun and to desist and
forbear all forder proceeding againis thame and thair cautioners or
againis anie of the saied parteis, discharging thame thairof and of thair
offices in that part till suche tyme as his Majestie after dew examine-
tion being certified of the trew estait of the bussines sall signifie his
forder pleasure thairanent. Followes his Majesteis missive for warrand
of the three Acts abonewritten :—CHARLES R.—Right trustie and right
weilbelovit cousin and counsellour, right trustie and weilbelovit cousins
and counsellours, and right trustie and weilbelovit counsellours, we
geete yow weil. Whereas, in regaird of the different reports
maid unto us of the lat fight betweene the Lairds of Ballin-
dallach and Carroun whairin the said Carroun and two of his
persewers wer killed outright and sindrie others wounded to death, we wer
formerlie pleased to remitt the tryell thairof unto yow by our letter, which
letter (as we ar informed) hathe beene keeped backe, or not delveryed
unto yow in dew tyme, whairby the said Carroun his freinds have tane
occasion to persew and summound old Ballindallach with a great
number of his freinds before our Justice to underly our lawes to thair
great hurt and damage, in consideration whairof we are heereby
pleased to require yow agane that yow call before yow both the saied
parteis, granting to either of thame suche warrand (if neid be) that they
may compeir as yow think requisite, and that after dew examination,
having tryed the truthe of the said accident, yow certifie the same unto
us, that thairafter we may give ordour thairin as the course of justice
doth require, and in the meane tyme till this mater be fullie cleered,
we have thought fitt to will yow to command in our name the ministers
of justice in criminall causes whatsoever to forbeare all proceeding
against either of the saied parteis and thair complices till suche tyme as
yow in your judgement sall thinke expedient or further during our
pleasure. So expecting to heare from yow in this we bid yow fareweill.
Givin at our Court at Whitehall, the 19th day of November 1628."

"The whilk day the letter underwrittin signed be the Kings Majestie
was presented to the Lords of Secret Counsell, of the whilk the temnour
followes :—CHARLES R.—Right trustie and right weilbelovit cousin and
counsellour, right trustie and weilbelovit cousins and counsellours,
and right trustie and weilbelovit counsellours, we geete yow well.
Whereas we have beene informed of diverse slaughters latelie
committed in the northerne parts of that our kingdome, whairof
in regaird of the different reports we did remitt the tryell unto yow;
and now hearing from our right trustie and weilbelovit cousin, the
Erle of Morrey, that the tryell and judging thairof doeth belong unto
him be vertew of his commission granted by us, and that he accordinglie thairunto hath cited the partes offenders to answer in his courts to underly the law, of which some compeirand did find cautioun for that effect and others not compeirand wer denounced our rebellis; and yitt being informed that the same partes have beene of lait lykewayes cited before our Justice to answere as law will, we are heereby pleased to certifie unto yow that we intend no way to withdraw frome the said Erle nather the foresaid priviledge nor anie other which doeth dewlie belong unto him by vertew of his said right, bot ar willing to injoy [sic] the same and all other things belonging to his said commission so long as we sall be pleased to continew the samyne. And in the meane tyme our pleasure is that in all things whilk yow sall finde dewlie belonging to the said Erle by his said commission yow discharge the ministers of our justice frome proceeding aganis the foresaids persouns offenders, and that all tryell and judging of thame be remitted unto him according to the samyne commission. For doing whairof these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall the 19th day of November 1628. Whilk letter being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secrete Counsell will have a special care and regard to see the effect and tenoure of the said letter satisfied and obeyed as maters of that kynde sall happin to occurre and be presented to the consideratioun of the saids Lords."

Commission under the Signet to the provost and bailies of Jedburgh to hold courts and try Kathrene Stewart alias Kait Toshe in Bunjedburgh and William Dageris in Ulstoun, who have been long suspected of witchcraft. Signed by Mar, Menteith, Hadingtoun, Wintoun, Linlithgow, and Wigtoun.

Commission under the Signet to John, Lord of Balmerino, Mr. William Adamesone of Gracroke, Mr. James Oliphant of Newton, and Mr. David Prynrois, advocate, or any three of them, as justices, to hold courts and try Margaret Burges, spouse to John Gillespie, boatman in Nether Crawmond, who has long been suspected as a witch. Signed by the same Lords.

Commission under the Signet to Patrick Eleis and James Murrey, bailies of Leith, as justices, to hold courts and try Elspeth Baird, indweller in Leith, widow of Scot, who has long been suspected of witchcraft, &c. Signed by the same Lords.

Sederunt.—Treasurer; Preses; Privy Seal; Wyntoun; Linlithgow; Wigtoun; Roxburgh; Lauderdaleil; Galloway; Bishop of Dunkeld; Bishop of Dumblane; Traquair; Master of Elphinstoun; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.
commissioners for the dioceses of Abirdein and Murrey tuicheing the
growth and insolenceis of Papists within thair bounds togidder with the
overtours propounned be thame for remedie thairof, and having seeone
and read the roll of recusants and excommunicat Papists and of seminairie
preists with the pasquills and infamous libellis made and affixt aganis
the trew professours, the saids Lords ordanis a letter to be wrettin to
his Majestie acquainting his Majestie with the premissis, of the whilk
the tennour followes:—

"Most sacred Soverane, The commissioners frome the Assembleis of
Abirdein and Murrey haveing this day presented unto us a lamentable
relatioun of the exorbitant growth of Poprie within thair dioces, and of
the manie avowed insolienceis committit be the numerous professors
thairof, going in great companeis with gunnes and pistolls and to
diverse pilgrimages, for remedie whereof they have sett down thair
overtures under thair hands togidder with a roll of seminairie preists
and suche excommunicat papists as ar proclaimed rebells, and of thair
pasquills and infamous libellis made, printed and insolentlie affixed
upon publicit places against the pastors and professours of trew
religioun, to the great dishonnour of God, misregaird of the Church,
and in high contempt of your Majestie governement and auctoritie
settled in this your ancient kingdome. And after dew consideratioun
of the manie dangers which use to spring frome the roote of so
infectious a disease we have at the humble sute of the saids comis-
sioners hereby presooned to send the saids overtours to your sacred
Majestie togidder with our answeres thairunto, as being confident of
your Majestis good and gracious acceptance thereof in the pious
imitatioun of the incomparable and blessed governement of your royall
father of never dieing memorie; and in regaird we ar credibly informed
by the saids commissioners and doe verilie beleive that the cheefe caus
of the defectioun frome the trew religioun, increasse of poprie, and the
avowed insolenceis of professed papists and preests floweth frome the
hope or rather confidence of impunitie by reasoun that the magistracie,
jurisdiction and governement in manie places ar in the hands of
notoriuslie avowd papists who doe not execute the lawes aganis
recusants and seminairie preists and who ar so strong in power and
meane in the countrie as none others though never so well affected to
the trew religioun and your Majestis service darre or is able to
execute anie of the saids lawes aganis the saids offendors without some
publicit auctoritie and assistance; and thairfoir we ar forced (to our
great greefe) in all humilitie to represent these calamiteis and growing
evils to your sacred Majestie as being worthie of your royall and
serious consideratioun and speedie redresse in causing execute the
lawes made aganis the delinquents in that kynde and by debarring
frome the Counsell and other publicit imployments all suche as ar
vehementlie suspected in religioun untill they may first purge the
suspicious and express the sincerity of their profession conforme to the Acts of Parliament and Acts of Secret Counsell made to that effect. In the mean time we have direct warrant and commission to the shireffs of Innernes and Aberdein and their deputies and others to apprehend the delinquents if they can or darre, but ar so distrustfull of anie good successe by reason that the jurisdiction and government of these places are in the hands of notorious papists that we must upon their remisness represent unto your Majestie the necessitie of a commission of lieutennentrie in these dioceses for repressing of suche and the lyke insolenceis and that the benefit of the offenders lyferents and escheits may be appointed for the maintenance of the said lieutennent and his officers without your Majestie further charge. All which we humbly leave unto your Majestie awin incomparable judgement and with our best prayers sall ever rest, etc. Halyrudhous 4 December, 1628. Subscribitur, Mar, Monteith, Hadinton, Linithgow, Roxburgh, Galloway, Launderail, Dunkeld, Dumblane, Tracqair, M’ of Elphinston, Secretare, Advocaet, Hamilton, Scottistaravett. As alsa the saids Lords ordained the Acts, letters and proclamatioun particularlie underwrittin to be past and exped.

“The Lordis ordanis the proclamatioun maid aganis Jesuitis and seminarie preistis to be renewed, and that the Marques of Huntlie as shireff and the principal man of auctoritie within these boundis be burdynt with the apprehensioun and exhibitioun of thame.”

“That a proclamatioun be maid discharging the resett of thame and of excommunicaet Papistis under the panes contenit in the Acts of Parliament.”

“That his Majestis Advocaet persew declaratorupon the esheitis and lyverentis of excommunicaet Papistis according to the direction of the Act of Parliament and that the remanent conditionis of the Act of Parliament made in anno 16[0]9 be put in execution.”

“That chargeis be direct aganis excommunicaet personis and at the horne for their compliance befoir the Counsell to heir letters of treason direct for rendering of their houses.”

“That the Marques of Huntlie be charged to apprehend all excommunicaet personis within his boundis and to exhibit thame to their trystall, their names being condiscendit upoun.”

“That the Marques be charged to discharge all excommunicaet personis frome bearing of publict office under him.”

“That the personis suspect guiltie of writting and affixing of the pasquillis be summond and callit to thair answer.”

“That the commission granted to the burgh of Abirdeene be renewed with the liberties contenit in the commission for the cuntrey.”

“That the non-communicants be callit befoir the Counsell to heir and see thame decrenit to half incurrit the panes contenit in the Acts maid thairaunet.”
"The Commissioneris for the presbyterie of Paislay gaif in a roll of
the names of the excommunicat rebellis within that presbyterie."

"The Lordis ordainis the commissioneris to attend the Counsallis
directionis till Twislay."

"Forsameckill as it is understand to the Lords of Secret Counsell that
the persounes particularie underwrittin, they ar to say, Mr. Robert Bissat
of Lessindrum, baillie of Strabogie: Alexander Gordoun of Drumquhail,
chamberlane of Strabogie, Patrik Gordoun of Tillisoule, Johne Gordoun
in Littlemyln, Adame Smith, chamberlane of the Einzie, Robert Gordoun
in Haddo, Barbara Law, spous to the said Adame Smith; Margaret
Gordoun, goodwiffe of Cormellat, Malcolm Laing in Gulburne and Mr.
Adame Strauchane, chamberlane to the Lord of Aboyne, ar not onelie
excommunicat be the ordours of the Kirk for not conforming thameselfis
to the trew religioun presentlie profeft within this kingdome, but they ar
denuned rebellis and putt to the horne for that caus and for dis-
sobedience to the High Comission of the Kirk, as the sentence of
excommunication and letters of horning used and execute aganis thame
at lenth beares, under the whilk fearefull sentence of excommunication
and processe of horne foresaid they have continually remained sensyne
as they doe yitt unrelaxt takand no regaird of the said sentence and
horning bot haunts, frequents and repaires publictlye and avowedlie in
all pairts of the countrie as if they wer good and lawfull subjects, lykeas
they ar houshold men, tenents and servants to George, Marques of
Huntlie, dwellis upoun his lands, ar officiers, chamberlans and baillies to
him, and suche persounes as he aucht and soould be answerable for be the
lawes of this kingdome, and by the connivence and protective whilk
they have under him they ar encouraged to continew in their rebellion
and erroynous opinionis to the high contempt of his Majesteis auctoritie
and lawes; Thairfoir the saids Lords ordanis letters to be direct charging
the saud Marquesis of Huntlie as maister and landslord to the excom-
unucat rebellis abowenwritten to take and apprehend thame and to send
thame to the saids Lords upon the thrid day of Februar nixtoome to the
intent ordour may be tane with thame for their disobedience as
accords under the pane of rebellion and putting of him to the horne,
with certificacion to him and he fainlye letters sall be direct simpliciter
to put him thairto."

"Forsameekle as it is understand to the Lords of Prive Counsell
that the persounes particularie underwrittin, they ar to say, Mr.
Alexander Irwine, burges of Aberdein, Thomas Meinzeis of Balgownie,
Principal of Elgin and Forres, to apprehend certain persons in the dioceses of Aberdeen and Moray, who are under censure of excommunication and process of horning.

Walter Leslie in Aberdeen, Robert Irving, burges thair, Johne Gordoun, appearand of Craig, James Forbes of Blacktoun, Mr. Robert Bissat of Lessindrum, Robert Gordoun in Cushnie, James Philp in Eastoun, Mr. Adame Strauchane, maister houshold to the Lord of Aboyne, James Con in Knockiemyne, Johne Gordoun in Bountie, Alexander Harvie in Innerourie, Johne Gordoun in Troupesmyne, Johne Spence, notar in Peirismyne, Francis Leslie, brother to Caputian Leslie, Alexander Leslie, brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, William Seatoun of Blair, Thomas Laing, goldsmith, burges of Abirdein, all within the diocese of Abirdein; Alexander Gordoun of Tilligreg, Patrik Gordoun of Tillisoule, Jonnet Dumbar, his spouse, Margaret Gordoun, goodwyff of Cormellat, Malcolm Laing in Golburne, Adame Smith, chamberlane to the Marquess of Huntlie within the Einzie, Barbara Law, his spouse, Alexander Leslie in Convache, Agnes Gordoun, his spouse, Margaret Gordoun, spouse to Robert Inneis in Elgine, Alexander Gordoun in Drumquhaill, and Bessie Gordoun, his spouse, all within the diocese of Morrey, ar not onelie excommunicat by the ordinar ordours and censures of the Kirk, but with that they ar denounced rebellis and put to the horne for that caus and for their disobedience to the High Commission of the Kirk, lykweis Johne Gordoun in Littlemyne of Rathven, Robert Gordoun in Haddo, James Gordoun in Dunkintie, Alexander Gordoun in Badzenoch, Angus McEane McWilliam their, Patrik Gordoun of Bad, Jonnet Dumbar, his spouse, Alexander Gordoun, appearand of Cairneborrow, and Helene Cowtes, his spouse, all within the said diocese of Morrey, are lykewayes denounced rebellis and put to the horne for not compeering before the High Commission of the Kirk to have answered for thair not conforming thamselfes to the religioun presentlie profest within the kingdome and for thair scandalous behaviour otherwayes to the offence of God, disgrace of the gospell and misregard of his Majestie's auctoritie under the whilk censure of excommunicacion and process of horning foresaid the personne particularlie abonewrittin hes most proudlie and contemnandlie remained this long tyme bygane as they doe yitt unrelaxt, takand no regard of the said fearefull sentence and of the horning foresaid bot haunts, frequents and repaires publicclie and avowedlie in all pairts of the country as if they wer good and lawfull subjects, hunting and seeking all occasiouns whair they may have the exercise of thair false religioun. For whilk purpos they ar publict and avowed ressetters of Jesuits, seminarie and messe preists, accompanieis thame throw the countrie armed with unlawfull weapouns, hes thair conventicles and meetings with thame for the exercise of thair idolatrous worship, and they and the saids Jesuits seminarie and messe preists concurring togidder in consent and opinion does what in thame lyes to poyson and infect his Majestie's good subjects throw the north pairts of this kingdome.

1 This "capuchin" Leslie is the well-known "Archangel" Leslie.
with their hereticall opiniones and to corrupt thame in their alledgeance and obedience to his Majestie, highlie to his Majestie's offence, mis-regard of law and justice and disgrace of his Majestie's government. Theirfoir the saide Lords hes givin and grantit and be the tennour heerof gives and grants full power and commission, expressie bidding and charge to George, Marques of Huntlie, shireff principal of Aberdein, and Simoun, Lord Fraser of Lovat, shireff principal of Elgine and Forresse, and to either of thame within the bounds of their awin office and jurisdiction to pas, searche, seeke, take and apprehend the persounes particularie abone-writtin whairever they may be found within the bounds of their offices and jurisdictiones respective and to committ thame to waaid and to éteane thame thairin upoun thair awin expenses ay and whill they may be convenientlie exhibite before his Majestie Counsell to underly thair deserved tryell and punishment, with power to thame for this effect to make opin doores and use his Majestie keyes and to doe and performe all and everie other thing whilk to the execution of this commission is requisite and necessar. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin; and ordanis letters to be direct charging all his Majestie's lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist his Majestie's saide commissioners in all and everie thing tending to the execution of this commission and to doe nor attempt nothing to their hinder and prejudice as they and everie one of thame will answere upoun the contrarie at their highest perrell. As alsua charging the saide Marques of Huntlie and Lord Lovatt to accept this commission upoun thame and carefullie and dawtfullie as becometh honourable and good subjects to putt the same in execution, and to report their proceedings and diligence thairin to the saide Lords betuix and the thrid day of Februar nixtocomme, as they will answere upoun their obedience to his Majestie and under all highest pane that by ordour of law may be inflicted upoun thame for their disobedience and neglect of dewtie."

"Forsamekill as thair hes beene diverse Acts of Parliament made be our lait Soverane Lord of eternall and blessed memorie whairby all Jesuitts, seminaria and messe preests ar found and declaired to be moost pernicious and wicked pests in this commown weale, and wer thairfoir straitlie chairgit to depairt and pas furthe of this kingdome within a certane space and under certane panes mentiouned and conteanneed in the saide Acts as the samine at lenth beares, notwithstanding whairof the Lords of Secret Counsell ar informed that diverse of the saide Jesuite, seminaria and messe preists, as namelie, Mr. Androw Stevin callit Father Stevin, Mr. John Ogilvie, Father Stitchill, Father Hegits, Caputian Leslie commounlie callit the Archangell, Father Ogilvie, Mr. Williame Leslie commounlie callit the Captane, Mr. Androw Leslie, Mr. John Leslie, Crystie commounlie callit the Principall of Dowie, with
other twa Crysteis, Father Browne, sonne to unquhill James Browne at
the Neather Bow of Edinburgh, Father Tyrie, three Robertsons callit
fathers, Father Rob, Father Paterson, Father Pittindreich, Father
Dunbreck, and Doctour William Leslie, all Jesuite, seminarie and messe
preests, ar come frome beyond sea to this kingdome and hes made their
adresse towards the north, especiallie within the dioceis of Abirdein and
Murrey whair they make their cheefe residence and ar ressett, hoordit
and interteanned be numbers of his Majesteis subjects whome they have
not onelie poysnoned with their erroneous opinions bot hes corrupted
thame in their obedience and alledgeance whairthrow the growth and
number of Papists daylie increaseth, and they ar come to this hight of
pryde and presumptioum that they not onelie make publict avowall of
their profession bot most contemptuouslie and audaciously to the high
offence of God they have their ordinarie meetings and the exercise of
their false religioun ; and if thir seminarie and messe preests and the
contempt and insolenceis flowing frome thame be not in tyme prevented
and supprest great inconvienents will not faile to follow to the trouble
of the estait. And the Lords of Secret Counsell having tane to their
consideratioun who is the fittest persoun to be impoyed and entrusted
with the charge and burdein to appreheend thir Jesuits, seminarie and
messe preists, they find that the Marqueis of Huntlie, being his
Majesteis cheefe officiar and shireff within the shirefdome of Abirdein
and having lykeways the principall charge within the shirefdome of
Innernes, and being the speciall man of power, freindship, auctoritie and
commandement within the north parts of this kingdome, and who for
manie other respects is oblest to contribute his best means for the
forderance and advancement of his Majesteis auctoritie and service, Thairfoir
the saids Lords hes layed this burdein and charge upoun the said
Marqueis, and for this effect hes givin and grantit and be the tenour
heerof gives and grants full power and commission to the said Marqueis,
and with that straitlie commands and charges him that with all con-
venient diligence he make exact and trew inquiriye for the persouns par-
ticularlie abonewritten, and that accordinglie he pas, searche, seeke,
hunt, follow and persew them whair ever they may be apprehended
within anie part of the north of this kingdome, and to take and
apprehend thame and to committ and deteane thame in waird whill he
may convenientlie exhibite thame before the saids Lords to underly
thair deserved tryeell and punishment, with power to the said Marqueis
for this effect to make opin doores and to use his Majesteis keyes, and to
doe, use and performe everie other thing that towards the executioun
of this commission is requisite and necessar. Firme and stable halding
and for to halde all and whatsoever things sall be lawfullie done heerin
and dispensing with all inconvenientes that sall fall out in the executioun
of this commission : And ordainis letters to be direct charging all his
Majesteis lieges and subjects to reverence, acknowledge and obey, ryse
Fol. 62, b.

Proclamation against the rest of Jesuits and priests.

Forsameekill as by diverse Acts of Parliament made be our Soverane lords lait darrest father of most happie and never deing memorie all Jesuits and seminarie preists ar found and declared to be most pernicious pests and instruments in this commoun weale, and thairfoir wer chairgit to depairt and pus furth of the same within a certane space mentioned in the saids Acts, as the same conteaneing a verie strait prohibitioun that none of his Majesteis subjects sould ressett, supplie nor inter-commoun with thame at lenth beares; notwithstanding thairfoir the Lords of Secreet Counsell ar informed, that numbers of Jesuits, seminarie and messe preists, as namelie Mr. Androw Stevin callit Father Stevin, Mr. Johne Ogilvie, Father Stitchill, Father Hegitts, Caputiane Leslie callit the Archangell, Father Ogilvie, Mr. William Leslie commounlie callit the Capitane, Mr. Androw Leslie, Mr. Johne Leslie, Crystie commounlie callit the Principall of Dowie, with other twa Crysteis, Father Browne, sune to unquhill James Browne at the Neather Bow of Edinburgh, Father Tyrie, three Robertsons callit fathers, Father Rob, Father Patersoun, Father Pittindreich, Father Dunbreck and Doctour Williame Leslie, ar laitlie come frome beyond sea to this kingdome, hes thair ordinar residence and remaining within the diocese of Abirdein and Murrey where they ar ressett, hoardit and interteanne be diverse of his [Majesteis] subjects whome by reasoning, dispersing of bookes and others subtile and false insinuations they have poysomed with thair erroneous opinioins and corrupted in thair dewtie and alledgeance; the cheefe scope and endeavours of thir wicked persoins tending to stirre up all his Majesteis good subjects to ane opin defecioun both in thair religioun and alledgeance, whairthrow the growth and number of Papists daylie increasseth; and they ar come to that hight of presump-tioun and pryde that they make publict avowall of thair professioun, and most audaciously and contemptuouslie, to the high offence of God and disgrace of his Majesteis governement, they have thair ordinar conventicles and meetings and exercise of thair false religioun, vaunting of thair numbers, credite and freundship and that they ar not affrayed of anie course that can be tane againis thame ather by the Kings
Majestie or the Kirk, disdaining and contemning the ordinar censures of the Kirk, and they travell athat the coutrie armed with unlawfull weaupons resolved and prepared to stand to their defence if the execution of the lawes sall be sought aganis thame. And whereas the hope of impunitie encourages thame and their ressetters to continew in their treasounable and wicked courses whilks ar so dangerous to the Estait and prejudiciall to his Majesteis good subjects, the saIds Lords hes thairfore resolved to give no longer connivence and oversight unto thame bot to caus the paines prescryvd in the lawes aganis thame to resseave execution accordinglie. And to the intent that nane pretend ignorance thairof, ordaines letters to be direct to command, charge and inhibite all his Majesteis lieges and subjects be opin proclamiouen at the mercat croces of Edinburgh, Aberdein, Elgine, Innernes and all uthers places needfull that nane of thame presooeme nor take upoun hand to ressett, supplie, nor furnishe meit, drinke, hous nor harbourie to the persouns particularlie abonewrittin, nor to keepe companie nor societie with thame, nor to convoy thame throw the coutrie, nor to have no kynde of dealing nor traffiquing with thame upoun whatseower cullour or pretext under the paines conteanit in the lawes and Acts of Parliament formerlie made aganis thame, certifieing thame who sall presseome to doe in the contrair heerof in anie point that they sall be callit to thair answere and the panes prescryvd be his Majesteis lawes and Acts of Parliament sall be execute upoun thame without favour or mercie.”

“Forsameikle as Mr. Alexander Irwing, burges of Aberdein, Thomas Meinzeis of Balgownie, Walter Leslie in Aberdein, Robert Irwing, burges thair, Johne Gordoun, appearand of Craig, James Forbes of Blackton, Mr. Robert Bissat of Lessindrum, Robert Gordoun in Cushnie, James Fyffe in Eastoun, Mr. Adame Strauchane, maister houshold to the Lord of Aboyne, James Con in Knockiemynle, Johne Gordoun in Bountie, Alexander Harvie in Innerourie, Johne Gordoun in Troupesynlyne, Johne Spence in Peirisynlyne, Francis Leslie, brother to George Leslie the Caputiane, Alexander Leslie, brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, William Seatoun of Blair, Thomas Laing, goldsmith, burges of Aberdein, Alexander Gordoun of Tulliegreg, Patrik Gordoun of Tullisoule, Jeane Dumbar, his spous, Margaret Gordoun, goodwyffe of Cormellat, Malcolme Laing in Gulburne, Adame Smith, chamberlane to the Marques of Huntlie, Barbara Law, his spous, Alexander Leslie of Courache, Agnes Gordoun, his spous, Margaret, Gordoun, spous to Robert Inneis in Elgine, and Alexander Gordoun in Drumquhail, chamberlane to the Marques of Huntlie, ar not onelie excommunicat by the ordour and censures of the Kirk for not conforming thameselfies to the trew religioun presentlie profest within this kingdome, bot with that they ar for that caus and for thair disobedience to the High Commissiouen ordourlie denounced
his Majesteis rebellis and putt to the horne. Lykeas Johne Gordoun in Litlemyline of Rathven, Robert Gordoun in Haddo, James Gordoun in Dunkintie, Alexander Gordoun in Badzenoch, Angus McEane VcWilliame thair, Alexander Gordoun, appearand of Cairnborrow, Patrik Gordoun of Bad and Jonnet Dunbar, his spouses, ar lykewayes denounced rebellis and putt to the horne for not conperairance before the High Commission of the Kirk to have answered for their not conforming thamselfes to the religioun and for their scandalous behaviour otherwayes to the disgrace of the gospell and misregaird of his Majesteis auctoritie; under the whilk censure of excommunicatioun and processse of horning foresaid the persons particularlie abonewrittin hes most proudlie and contempnandlie remained this long tym bygane as they doe yit unrelaxt, takand no regard of the said sentence of excommunicatioun and of the horning foresaid haunts, frequents and repaires publictlie and avoweddlie in all pairts of the countrie as if they wer good and lawfull subjects, lykeas they ar encouraged to continew in their rebellion and disobedience by the uncontrolled ressett and supplee whilk they ressave among their freinds and familiars and others Popishlie affected and of their awin dispoisitioun and humour in sindrie pairts of the countrie, hunting and seeking all occasiouns whair they may have the exercise of their false religioun, whairas if suche ressett and supplee wer denied unto thame or if their ressetters wer punished according to the law as they worthilie merite the saids excommunicat persons and rebellis would studie to conforme thamselfes more dewtiefullie to the obedience of his Majesteis lawes. Thairfoir the Lords of Secret Counsell ordaines letters to be direct to command, charge and inhibit all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of Edinburgh, Aberdein, Elgine, Inmernes and all uthers plaices needfull, that none of thame presomme nor take upoun hand to ressett or supplee the said excommunicat persons and rebellis, furnishe thame meit, drinke, hous, harbourie nor to inteerteanie correspondiunc be [sic] thame be word nor writt during the tym of their rebellion and excommunicatioun under the panes conteanit in the lawes and Acts of Parliament, certifieing thame that failyeis or does in the contrair that the saids panes salt be execute upoun thame without favor.”

“Forsameekle as the Lords of Secret Counsell ar informed be the commissioners from the Presbyteries of Aberdein and Murray that there is a verie great and continewin gronth of Poprie within the dioces of Abirdein and Murray, and that their insolenceis, presumptioun and pryydye is come to that hight that they darre opinioun avow their profession to the offence of God and disgrace of his Majesteis governement, they have their ordinarie conventices and meetings in sindrie pairts of the countrie for the exercise of their false religioun, and now at last sindrie Jesuits and seminarie priests, having come frome beyond sea to this kingdome, they have tame the boldnesse
to resort and repaire to the burgh of Abirdein whair they have poysioned diverse of the inhabitants thairof with thair hereticall opinious, and hes corrupted thame in thair obedience and alledgeance, keeping thair meetings within the said burgh upoun the Sundayes before noone in tymne of Divine service whair they and others Popishlie affected within the said burgh hes the exercise of thair religioun; and in all thair publict meetings they vaunt of thair nombers, credite and freindship, disclaining and contenmning the ordoures and censures of the Kirk, and gives verie great occasion of offence and scandall to the Kirk and to the trew religioun presentlie professied within this kynsdome; for remeied whairof in tymne comming the Lords of Secret Counsell hes gavin and grantit and be the tennour heerof gives and-grants full power and commissiou, expresse command and charge to Patrik, Bishop of Abirdein, and to the provest, bailleis and ministers of Abirdein within thair awin bounds and within the bounds of the auld towne of Abirdein conjunctlie and severallie to pas, searche, seeke and take all and sindrie Jesuits, seminarie and messe preists and excommunicat Papists lying at the horne frequenting and repairing within the said burgh of Aberdein and auld town thairof and committ thame to waird within the tolbuith of Abirdein, and to deteane thame upoun thair awin expensses ay and whill they ressawe directioun frome the saids Lords concerning thame: with power lykewise to the saids Bishop of Aberdein,proveist, baillies and ministers of the burgh thairof to try and informe thameselfis whair, whan, and be whome thir unlawfull conventicles and meetings ar kepted and haldin within the said burgh of Abirdein and auld towne thairof and accoudinglie to searche, seeke, take and apprehend all suche persoues who keeps the saids unlawfull conventicles and meetings and the awnres and ministers of the houses whair they ar kepted and to committ and deteane thame in waird in maner foresaid; and for the better executioun of this commissiou with power to thame to convocat the inhabitants of the said burgh and auld towne sou aft as neid beis in armes and to make opin doores and use his Majesteis keyes and to doe, use and performe all and everie other thing whilk may tend to the executioun of this commissiou. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin; charging and commanding hereby all and sindrie the inhabitants within the said burgh and others his Majesteis subjects whome it may concerne, to reverence, acknowledge and obey, ryse, concurre, fortifie, and assist the saids commissioners conjunctlie and severallie in all things tending to the executioun of this commissiou, and for this effect to putt thameselfis in armes and to attend and await upoun the saids commissioners and to follow thair directiouns in everie thing tending to the executioun of this commissiou as they and everie one of thame will answere upoun the contrare at thair highest perrell. Charging and commanding lykewayes the said Bishop of Aberdein and the provest,
bailleis and ministers thairof that they and everie ane of thame have a speciall care and regaird and caus diligient attendance be givin that nane of thir Jesuicts, seminarie and messe preists, nor no excommunicat and rebellious trafficquing Papists be suffered to have ressett or bield within the said burgh or auld tonn thairof and that no unlawfull conventicles and meetings be keepe within the saids bounds, and that they carefullie and dewfullie as becometh good subjects execute this commision in everie point, member and article of the same, and suffer not thair tonn to be infected and slandered with the just imputation of suche crymes, as they and everie ane of thame will testifie thair affectioun and good disposition to the forderance and advancement of the gospell and will answere upoun thair dewtie and obedience at thair highest charge and perrell; and that letters be direct heerupoun if neid beis in forme as efficers."

Forsameckle as thair hes bene manie good Acts of Parliament made be our Soverane Lord his noble and worthie progenitours aganis the authours and givers out of slaundours and untrew calummeis aganis the Kings Majestie his Counsell and proceedings to the dishonnour and prejudice of his Majestie, his parents, progenitours, crowne and estait, and aganis the authors of slanderous speeches and writte whairby they ar ordained to be severelie punished in maner specified in the saids Acts, as the samine at lenth beares, notwithstanding whairof it is of truthe that of lait thair hes bene twa infamous pasquills writtin and directed the one thairof to the provest of Aberdein and the other affixt on the Kirk doore of the said burgh and printed, both conteaning treasonable wairninges and predictiouns of the change of state and religiuon within twa yeeres, besides a number of invective and railing speeches aganis the professours of the trew religiuon and ministers of the burgh of Aberdein. Quhillks twa pasquills and infamous libellis hes bene writtin and devised be Mr. Alexander Irving, burges of Aberdein, Mr. George Andersoun, advocat thair, Mr. George Paip, Mr. Gilbert Paip, Thomas Blackhall, sonne to William Blakhall of Ley, Thomas Meinzeis of Balgownie, Robert Irving, burges of Aberdein, Alexander Leslie, brother to the Laird of Pitcaple, and Francis Leslie, brother to George Leslie, the Caputiane, and they, at least one or other of thame, hes bene upoun the counsell of the wyttyng, printing, affixing and deluyverie of the saids pasquills, for the whilk they aucht to be censured and punished to the terrow of uthers to committ the lyke, Thairfoir the Lords of Secrett Counsell ordnais letters to be direct charging the persoons particularlie abone-writtin to compeir personallie before the saids Lords upoun the day of to answere to the premisses and to underly suche tryell and censure thairament as the saids Lords sall thinke meit, under the pane of rebellion and putting thame to the horne, with certificatioun, etc."
Directions to archbishops, bishops, and presbytery, to apprehend all Papists and resettlers of Papists, and to report the same to his Majesty’s Advocate or to the Council.

"Forsameekill as in the Parliament holdin at Edinburgh in the moneth of Junij 1609, it being wiselie considerit and foresene be the Estates than convened that the impunitie of the resettlers of Jesuits, seminarie and messe preists and other papists, adversars to the trew religiou presentlie profeast within this kingdome was one of the great causes of the grouthe and increassee of Poprie and of the great numbers of his Majesteis disloyall subjects Popishlie affected, Thairfor the saids Estates ordainid and commaundit all archbishops, bishops and presbyteries within this kingdome, to call before thame the resettlers of the saids Jesuits, seminarie and messe preists and others Papists within thair bounds and to take tryell and cognitioon of the said resset and according to the probatioun that they sall find thairin to make report to his Majesteis Advochat, or to the Lords of his Privie Counsell to the intent that the saids resettlers might be caillit and convenenid before his Majesteis Counsell and punished according to the law in all points, as the said Act of Parliament beares; whilk Act hes tane littill effect or executioun in diverse pairs of this kingdome by the sleuth and negligence of these to whois charge the executioun of the same wes committed, whairthow the number of Papists, Jesuits, seminarie and messe preists daylie increaseth within this kingdome and the resset of thame is als publict and avowed as if no prohibitioun wer made in that behalffe. Thairfor the saids Lords according to the said Act of Parliament ordanis and commands all archbishops and bishops and all presbytery within this kingdome to call and convene before thame all and sindrie persons within thair bounds, suspect and guilte of the resset of Jesuits, seminarie and messe preists and others Papists, adversars to the trew religiou, and to take tryell and cognitioon of the said resset and to deduce and leade probatioun thairin, and to report the processe of thair proceedings and the probatioun that sall be led be thame thairin to his Majesteis Advochat or the saids Lords, to the effect ordoor and direction may be givin for thair punishment conforme to the Acts of Parliament made thairin."

"Forsameekill as albeit by diverse Acts of Parliament and Secreit Counsell it be provydyt and ordained that nae who professes not the trew religiou allowed and by law established within this kingdome sall be admitted to be a judge, procurator or member of court or to beare anie publict office within the kingdome, notwithstanding it is of truthe that George, Marqueis of Huntlie, hes aganis the tennour of the saids Acts promoved and advanced Mr. Robert Bissat of Lessindrum, ane excommunicat traffiquing Papist and rebell, to the baillerie of Strabogic, Adame Smith, ane excommunicat traffiquing Papist and rebell, to the chamberlaunie of the Einzie, and James Gordoun of Letterfoure, ane bussie seducer and ane avowed recepter of preists, to the baillerie of Badzenoch. By promoving of the whilks persouns to the plaices and offices foresaids great occasion is givin to withdraw the poore people
who has their recourse unto thame in their adoes both from their religioun and from their obedience and allegeance; and thir offic-bears having ever some priests ressett in their houses they caus thir priests infect and paysoun all that comes toward thame with their hereticall opinionis. And besides thir persouns who hes the charge of the said Marqueis his effaires and living he hes promoved and advanced Mr. William Anderson, ane profest and avowed Papist and under processe of the Kirk for Poprie, to be shiref-clerk of the shirefdome of Aberdein, whairof he is principall shiref, whairthrow the effect and executioun of the saide Acts of Parliament and Secret Counsell is eludit and frustrat and his Majesteis auctoritie highlie vilipendit and contemned. Thairfoir the said Lords ordanis letters to be direct charging the said Marqueis of Huntlie to remove the excommunicat persouns particularie abonewrittin frome all publicit office and charge under him with all convenient and possibe diligence after the said charge, and that he ressave nor admitt no excommunicat persoun and reffor for Poperie in anie publicit office of justice, baillerie, chamberlaurie, or shiref-clerkship in tyme comming so long as they ly under the sentence of excommuniacion and processe of horne, as the said Marqueis will awser to his Majestie and the said Lords upon his obedience and under the pane to be callit, conveneened and censured for the same accordingly.

"Forsameeke as the Estaitis of this kingdome conveeneed in the Par-liament haldin at Edinburgh in the moneth of Junij 1609 hawe ing wiselie foresenece that one of the cheefe causes whilk procured the growth and increase of Poprie and the presumtion and pryde of persons Popishlie affected within this kingdome procedit frome the conivence and oversight givin unto thame to reteane the possession of their awin lands, rents and livings ather directlie in their awin persons or covertlie in the persons of their freinds and well willers to their use and behooeve whairby they wer encouraged to persist in their pernicious and erroneous opinionis, and the executioun of the Acts made aganis excommunicat wes frustrat, Thairfoir and for preventing of the inconvienients whilk wer lyke to fall to the religioun upon this occasion the saied Estaitis declared, statute and ordained that no persouns whatsomever who than wer or thair- after sould happen to be excommunicat for not conforming thameselfies to the religioun presentlie profest within this kingdome sould be suffered ather directlie in their awin persons or covertlie and indirectlie by anie others in their names and to thair behooe to injoy the possession of their lands, rents and livings, but that the same sould be meddled with, intro- metitied with and uplifted to his Majesteis use as the said Act of Parlia- ment beareis. Lykeas be ane other Act of the same Parliament it is ordained that the bishops within their dioceis sould everie yeere give up to the Thesaurar, Comptroller, Collectour, and thair deputs, and to the Directour of the Chancellarie, ane roll subserryed with thair hands con- taining the names of all such persouns within their dioceis who ar
excommunicat for religioum, and ordained the Thesaurur and his deput
that they should ressave no resignationus nor grant confirmations nor
infeftments to nor in favour of anie of suche persons whos names should
be conteined in the said roll, and that the Director of the Chancellarie
and his deputs should give out no breeves, ressave no retoures nor direct
no precept upon retoures nor upon compysings in favours of anie of
the saids persons whos names should be insert in the said roll at na
tyme thairafter, as the said Act of Parliament, conteynynge a
declaration that it should be lawfull to all lords of regalities and to all
superiours whatsoever within this kyndom to refusse breeves and
precip of clare conotat in favours of anie persons or persons whos
names should be insert in the said roll, as alson to refuse the entrie of
tements upon compysings whos names are insert in the same roll, at
lenth beares. And whereas the Lords of Secret Counsell ar informed
frome the ministers within the diocess of Aberdein and Murrey that the
persons particularlie underwrittin, they ar to say, Mr. Alexander Irwing,
burges of Aberdein, Thomas Meinzeis of Balgownie, Walter Leslie in
Abirdin, Robert Irwing, burges thair, Johne Gordoun, appeirand of
Craig, James Forbes of Blacktoun, Mr. Robert Bissat of Lessindrum,
Robert Gordoun in Cusinie, James Philp in Eastoun, Mr. Adame
Strauchane, maister houshold to the Lord of Aboyne, James Con in
Knockiemylne, John Gordoun in Bountie, Alexander Harvie in Inneroure,
Johne Gordoun in Troupesynylne, Johne Spence in Peirisynylne, notar
publict, Francis Leslie, brother to Leslie, the Caputian, Alexander Leslie,
brother to the Laird of Pitcaple, Thomas Cheyne of Ranistoun, Williame
Seatoun of Blair, Thomas Laing, goldsmith, burges of Abirdin, Alexander
Gordoun of Tilligreg, Patrik Gordoun of Tillisoule, Jonnet Dumbar, his
spous, Margaret Gordoun, goodwife of Cornellat, Malcolm Laing in
Gulburne, Adam Smither, chamberlain to the Marquis of Huntlie, Barbara
Law, his spous, Alexander Leslie in Conrache, Agnes Gordoun, his spous,
Margaret Gordoun, spous to Robert Inneis in Eligne, Johne Gordoun in
Littleymylne of Rathven, Robert Gordoun in Haddo, James Gordoun in
Dunkintie, Alexander Gordoun in Badzenoch, Angus McEane VcWilliams
thair, Patrik Gordoun of Bad, Jonnet Dumbar, his spous, Alexander
Gordoun in Drumquhaill, Bessie Gordoun, his spous, and Alexander
Gordoun, appeirand of Cairneborrow, and Helene Cowtes, his spous, ar
all excommunicat for Popery, ar denounced rebellis and putt to the
horne for that caus, and not onelie proudli and contemptuandlie
remaines at the processe of horne unreaxt without feare of God,
reverence of the law or regard of his Majesteis auctoritie, bot with that
they ar notorious profest and avowed ressetters, hoorders and inter-
teamers of Jesuits, seminaries and messe priests, accompanys thame
throw the countrie, furnishes unto thame all things necessar, and by
thair lyffe and conversatioun otherways gives verie great scandall to
the Kirk, encourages other to doe the lyke and fosters and emboldens
Jesuitis and seminarie preists to contynew thair practises aganis the religioun and stait of the kingdome, Thairfoir the Lords of Secret Counsell ordanis his Majestis Thesaurar and Advocat to persew declarators upon the escheits and lyverents of the persouen particularie abonewritten and to caus the same be whollie intromettet with and inbrought to his Majestis use, and that his Majestis said Thesaurar dispone not thair escheits nor lyverents to anie persoun or persouen whatsomever rather upon hournings execute aganis thame for Popri and disobedience to the High Comissionion nor for no other caus, civil nor criminall: and for this effect ordanis ane catalogue and roll of the names of the saids persouen to be delyvered to the Presenter of the Signatour and clerkes of Exchequar to the intent they may acquain the Lords of Exchequer if anie suche signatours concerning the escheits and lyverents of the persouen abonewritten sall be givin in to be exped whairthrow the same may be accordinglie stayd. And siclyke commandes and inhibite the Directour of his Majestis Chancellarie that he give ouit no breeffes, ressasse no retour and direct no precept upoun retoures nor upoun comprysings in favours of the persouen particularie abonewritten; and siclyke ordanis all lords of regaliteis and other superiours within this kingdome that they on na waiyes ressasse anie breeses, retoures and precepts of clare constal concerning the persouen abonewritten and that they refuse thame entrice and seasing upoun comprysings conforme to the said Act of Parliament, as they and everie ane of tham will answere upoun the contrarie at thair perrell: and ordanis letters to be direct to make publicat ion heerof at the mercat croce of Edinburgh and other plaices needfull whairthrow nane pretend ignorance of the same.”

“Forsameckill as the Kings Majestie, being informed that George Lawder of Bas and Danie Issobell Hepburne, Ladie Bas, his mother, doe stand rebellis at the horne at the instance of divers thair creditours and that notwithstanding thairof they peaceable bruikke and enjoy some of thair rents and remane within the Craig of the Bas presooming to keepe and mainteane thameselfsy so to elude justice and execution of the law, his Majestie wes thairupoun moved by his letter direct to the Lords of his Privie Counsell to give strait ordour and command that charges sould be direct for delyverie of the Bas, apprehending of the rebellis and committing thame to waerd within the tolbuith of Edinburgh thairin to remaine ay and whill they sould give full satisfactiouen to thair creditours and procure thameselfsy relaxt frome the processe of horne: for obedience whairof the saids Lords having caused charge the saids Laird and Ladie Bas to compeir before thame to answere thair rebellion with certificatiouen if they faiyied the saids Lords would proced agains thame with the most rigorous execution and under the greatest panes that the lawes of the kingdome in suche a caise would allow, and the saids Laird and Ladie Bas compeirand be Mr. Alexander Hepburne, indweller in Edinburgh, he produced a petitioun.
subscrivyd with thair hand proporting thair hard and desolate estait and testifieing thair readie willingnesse to give unto thair creditours contentment if the saids Lords would be pleased to graunt a warrant unto thame for thair saufle repaire to the burgh of Edinburgh to deale with thair creditours without danger of the law. Which petition being read and considerit be the saids Lords, and they being willing to grant to the saids Lairds [sic] and Ladie Bas all the favour that may enable thame to give contentment and satisfaction to thair creditours, which is the cheefe motive and end of his Majesteis proceedings agains thame, Thairfor, the Lords of Secret Counsell hes givin and grantit and be the tennour heerof gives and grants full power, libertie and warrant to the saids George Lawder of Bas and Dame Issobell Hepburne, his mother, to repaire to the burgh of Edinburgh and other pairs of the countrie to meete and deale with thair creditours for giving unto thame satisfaction without trouble, challenge or impediment to be made to thame or anie of thame be whatsoever person or persons whill the twentie day of Februar nixtocome; discharging heerby all shireffs, stewarts, proveists and bailleis within burgh and all others his Majesteis judges, officiers and ministers of his lawes ather to burgh or land, and messingers of armes of all taking, apprehending, warding or arresting of the saids Laird and Ladie Bas or anie of thame be vertew of anie letters of horning, captioune or arrestment direct thairpoun, discharging thame thatirof and of thair offices in that pairth whill the said twentie day of Februar nixtocome; provyding alwayes that the saids Lairds [sic] and Ladie Bas make thair adress to the burgh of Edinburgh for dealing with thair creditours anent thair payment and satisfaction betuix and the twentie day of December instant, otherways this warrant to be voide, of no streth, force nor effect frome thencore furth and for ever."

"Anent the complaint made to the Lords of Secret Counsell be Sir Thomas Hoip of Craighall, knight, baronnet, his Majesteis Advocaet, makand mention, that whair the saids Lords having heard at lenthe the questioun moved be Sir George Elphinstoun, Justice Clerk, aganis him, tuicheing the prioritie of his plaice whilk is dew to him as his Majesteis Advocaet before the Justice Clerk be vertew of the saids Lords thair Act daitit in Februar 1623, it pleased thame upon expectation of some freindlie treatie and conference to be had betuix his Majesteis said Advocaet and Justice Clerk to differre the giving of their determinatoun thairin to the twentie day of November last, upoun the whilk day thair being no appearance of agreement utherwaires nor be justice, his Majesteis said Advocaet moved the mater to the saids Lords and craved thair answere. Bot the said Sir George, of intention to procure a new delay, absenit himselfe fra the Counsell till the mater wes differred in respect of his absence and then came in. And seing the saids Lords pleaser pleased to continew thair determinatoun to this day with promise not to delay him anie longer and that the said Sir George hes made use
of the former delay to his Majesteis said Advocats prejudice be raising of ane reducution aganis him of the said Act of Counsell and that pendent lice the said Advocate aucht not to be frustrat of the benefite of the said Act, whilk stands as ane Act of Counsell ay and whill it be reduced, and that the said Sir George with some peace of neglect and diminution to the honour and auctoritie of the supreme seate ceases not to arrogat unto himselfe the precedencie without that dew respect and reverence to the saids Lords their Act whilk it becomes all the subjects but most of all counsellours to obtemper and obey in all humble submisson, Thairfoil and for keeping of comelie and decent ordour and avoyding of contestatioun it is necessarie that the saids Lords give furth their will and determinatioun without delay. And anent the charge givin to the said Sir George Elphinston to have compeirnd personallie before the Lords of Secret Counsell at a certane day bygane to have heard and scene the saids Lords their future determinatioun givin furth in the premisses, lykees at mair lenth is conteanit in the said complaint, executions and indorsations thairof; quhilkis being callit and the said Sir Thomas Hoi, his Majesteis Advocate, compeirand personallie and the said Sir George Elphinston, Justice Clerk, with Mr. Androw Aitoun and Mr. Lewes Stewart being lykewayes personallie present, the reaouens and allegatiouns propouned be the said Justice Clerk and his preloquoutours foresaidis aganis the desyre of his Majesteis said Advocate why the same sould not be grantit, togidder with the answeris maid thairto be his Majesteis said Advocate being heard and considerit be the saids Lords, and they rypelie advised thairwith, the Lords of Secret Counsell allowes and approves the Act of Counsell foresaid: whairby the Advocate is ranked afoir the Justice Clerk and decernis and ordanis the same to stand in the awin force and the Advocate to bruike the place conforme to the said Act ay and whill it be reduced and that without prejudice of the said Justice Clerk his actioun of reducitioun of the said Act of Counsell presentlie depending before the saids Lords to be callit and discussed with all possible diligence, and reserving to the said Advocate all his lawfull defences to be allledged aganis the reducitioun of the said Act when the same sall be persewed.

(sederunt as recorded above.)

Complaint by Sir Thomas Hoi, Kings Advocate, and Dame Helen Arnott, “the unfortunat spous of Sir George Home of Manderstoun,” as follows: —It is not unknown to their Lordships “ with what great greefe, trouble and displeasure she hes beene persecute thire diverse yeeres bygane by her unkynde and unnaturl husband, who being unmyndeful and unthankefull for the great estait whairunto he wes provydit with the said compleuner be her umquhill father, and being forgetfull of his dewtie, first to God and than to the compleuner, his spous, he hes reduced her to Holywood House, 2nd December 1628.

Complaint by Dame Helen Arnott against Sir George Home of Manderstoun, her spouse, who has carried off all her movable goods except her horse.
the extremest points of miserie and necessitie, repudiat her frome his companie without allowing unto her anie thing whairupon to interteame her selfe till she was constrainued in end after long patience and sufferinge upon hope of his amendment to enter in processe agains him before the Lords of Sessioune, who modified to her the sum of 1000 merks yearly to be paid by Sir George, and granted her in security thereof the rents of his lands in Coldingham, extending to twelve chalders victual and 300 merks money yearly, as their decree, dated 24th March 1624 bears. But instead of being allowed to enjoy this small allowance in peace, she has been and still is heavily oppressed by the said Sir George. On 10th September last he came from Berwick accompanied with three horsemen and four footmen, all Englishmen, and with others, armed with lances, long staves, hagbuts and pistols to the lands of Ailmynhe, not far from Coldingham, and violently took away from the complainer off the ground of these lands two oxen, ten widders, four ky, three "quyes," two stotts, fourteen ewes, twenty nine young sheep, ten young widders and twenty two young lambs, which were all the moveable goods the complainer possessed, except her horce, which the said Sir George affirms he is sorry he missed. And thus he intends to ruin her so that she may not have the means to pursue him by course of law. Charge having been given to the said Sir George, and the pursuers comparing but not the defender, the Lords after hearing witnesses with regard to that point of the complaint of his wearing hagbuts, find that he had a hagbut the time libelled, and therefore ordain him to be charged to enter in ward in the tolbooth of Edinburgh within six days, and in case of disobedience to denounce and escehat.

Complaint by William Douglas of Bonjedburgh and Andrew Riddell, of that Ilk, against Mr. William Jamieson, minister at Longnewton, and others, for violently opposing the said William Douglas abt Andrew Riddell in leading the teinds within the parish of Longnewton.

Complaint by William Douglas of Bonjedburgh and Andrew Riddell, of that Ilk, as follows:—Their Lordships appointed them to lead and stack the teinds within the parish of Langnewton which were in debate betwixt Sir Robert Ker of Anerum and Mr. William Jamesoun, minister at Langnewton, and the said minister and his tenants were informed hereof and charged to desist from medling with the said teinds of 1628. Accordingly the complainers sent their tenants and servants on 14th and 30th October last to the teinding of such parts of the parish as were ready, when the said Mr. William, accompanied with Henry Melros, George Ramsay, James Brig, called Callent, John Dobsoun, Andrew Jamesoun, James King, William Lokhart, John Fairbarne, James Holburne, James Brig, called Easter James, John Rutherfurde, James Brig, called Laird, John Buckholme (Buchane), Adam Thomesoun, Thomas Adamesoun, William Gray, Michael Falla, John Allane, Walter Allane, James Paterson, Andrew Rutherfurde, James Brig called Ridhoill, Thomas Oliver, Patrick Clerk, Walter Paterson, Bessie Miller, Marion Paterson, Janet Walker, and others, with conviction of the lieges in arms, came to them, and after many threatening speeches, violently and forcibly opposed and interrupted the leading of the said teinds, so that
the complainers' said tenants and servants, "out of their respect to his Majestie's obedience, gave way to the contempt and insolence of the saids persons and ressessed their deforcement," and the complainers have thought good to acquaint their Lordships herewith, so that no imputation should be laid on them for not executing their commission. Charge having been given to the said persons and Janet Wintrop, and the pursuers compearing and also Mr. William Jamesoun for himself and in name of the other defenders, the Lords after hearing witnesses assoizie the defenders, because the commission granted to the pursuers "wes no wayes extendit to the casting of anie stackes in the barneyaird after they wer bigged and stacked bot onelie to collect and lead the teinds libellit, and to stacke thame in maner specified."

"Most sacred Soverane, Since your Majestie hes beene gracioslie pleased to signifie your royall intentioun and desire to have all the teinds of this your ancient kingdome to be settled uppon the heretours of lands for avoiding of the woundte oppressions alldegit to flow from the rigour of some titulars and to give dew satisfactiou to the saids titulars for their right according to the qualitie and nature thairof, and we having dewlie considerit that the produccion of all titulars rights is als necessarie for that purpose as the inspectioon of the titles of the lords of erectiouns, therefore, we doe humblie represent unto your Majestie the fitnesse of a generall produccion of all titles of teinds of other mens lands whairby all the proprietars may be the better secured in the same, without suspicioun or feare to be ordained to part from their teinds of other mens lands unless they be secured of the teinds of thair awin, or that anie sall be compellit to pay the pryce for their teinds except to suche as may make thame undoubted right to the same; and if it sall please your Majestie to give direction for produccion of all the saids titles of tythes either unto the generall commissioun for the teinds or unto your Majesteis Advocat, we sall accorunglie apply our selfes to proced with all alacritie to give unto your Majestie a trew account of our affectionat endeavours for effecting your Majesteis princelie intentions; and this course no wayes to prejudice your Majesteis determination to be givin upoun the generall submissioun whensoever your Majestie sall be pleased to give farth the same; unto which in all humilitie submitting our selfes, we sall ever pray, as becometh your Majesteis, etc. Halyruidhous secundo Decembris 1628. Subscriptur, Marr, Monteith, Hadintoun, Linlithgow, Roxburgh, Lauderdail, Dunkeld, Brechin, Dumblane, Tracquair, A. Carre, Arch. Achesoum, Advocat, Balmanno, M. A. Gibsone, St George Elphinstoun, Archibald Campbell."

Sedent.—Treasurer; Privy Seal; Linlithgow; Roxburgh; Galloway; Lauderdail; Tracquair; Bishop of Dunkeld; Bishop of Dumblane; Master of Elphinstoun; Master of Jealburgh: Secretary: Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Holyrood House, 2nd December 1628. Letter to his Majesty anent the general production of tacks.
“Anent the supplication presented to the Lords of Secret Counsell be the relict and bairnes of umquhill James Grant of Carrown makkand mention that whair they ar chargit to compeir and produce before the saids Lords suche verification and witnesses as they have or will use for cleering of the manner and circumstances of the slaughter of the said goodman of Carrown, in the prosecution whairof they ar constrained to make choise of Harie Gordon in Ruthven, Thomas McWilliam in Tanmoir, Alaster McWilliam, his brother, George Grant and Alaster McGregour, servitouirs to the Laird of Ballindallach, who was upon the ground with him at the committin of the deid, who being denounced rebellis for that caus will not adventure to compeir and depone in that mater without the saids Lords their warrand; in respect whairof and to the intent the saids suppliants be not prejudged of their lawfull probation and witnesses upon that occasioun humble desyerin their foir the saids Lords to grant a warrand to the persons particularlie abowritten to compeir and beare witnesses in the mater foresaid without trouble or danger of law, lykeas at maire length is conteinen in the said supplication. Qhilk being read, heard, seen and considderit be the saids Lords and they finding the desire their to be reasonable, the saids Lords hes givin and granteit and be the tenour heerof givis and grants their warrand to the persons witnesses abowritten to resort and repaire to the burgh of Edinburgh and to compeir before the saids Lords of Privie Counsell to beare witnes in the said mater without trouble or danger of law and to attend and await upon the said mater untill the last day of the said moneth of Januar nixtocomie, discharging in the meanye tyme all shireffis, steurts, provests and bailis within burgh and others his Majesteis judges and magistrates to burgh and land, and all messingers of armes of all taking, apprehending, waiering or arresterit of the saids persons be vertye of anie civill hurnings or captioun direct theiroupoun, discharging thame thairof and of their offices in that pairt untill the said last day of Januar.”

Similar warrant upon the supplication of John Grant, sir of Ballindallach, for the compearence under protection of his witnesses in this case on 27th January next, viz. Leonard Baird in Gedloche, Patrick Fot. 69. a. McGregour in Tulliche, George Leslie in Rotheis, Harie Gordoun in Tomachlagon, Ferquhar McInreache in Bellintrimin, and Patrick Grant in Little Innerchie, “some of Carrown his followers and servants who wer present upon the ground the tymes of the committin of the slaughter who darre not compeir to depone in that mater, they being rebellis and at the hornie for that same caus, without a warrand from the saids Lords.”

[Sederunt as recorded above.]

Irving, messenger, and Mr. Rodger Mowat, advocate, for his interest, Complaint by Margaret Mansoun, spouse to Jasper Mowat in Alaster Waterston in Strath of Dunbeth, and the said Jasper for his interest, as follows:—The said Mr. Rodger obtained a decree before the Lords of Council and Session against Andrew Mowat, messenger, and others, against sometime of Swinzie, for payment of certain sums of money, and after long and patient waiting finding nothing but shifts and delays, Andrew Mowat, with a settled purpose not to pay, he was constrained to raise letters of pooding, and entrusted the execution thereof to the said Thomas Irwing. But the said Andrew, getting word of this, removed his goods from his own lands of Swinzie to the lands of Keische, belonging to George, Earl of Caithness, believing that no officer durst pood them under his protection. When the said Thomas Irwing, accompanied with the said Alaster Waterston and others as witnesses, went on to the said lands of Keische, and pooded some nolt and sheep there belonging to the said Andrew, and was bringing them to Wick, as the head burgh of the shire, to complete the comprising at the market cross there, no sooner were the said goods taken away than "the said Erle disaining that anie man durst come there to use his Majestis auctoritie and lawes upoun his ground, he in proper persoun, accompanied with the said Androw Mowat, and Francis Sinclair, his lawfull sone, John Mowat, George Sinclair, John Henrie, Alexander Mullikin and Gilbert Dundus," servitors to the said Earl, and others, all armed with swords, lances, and other weapons, followed the said officer to Wick, and assailing him and the witnesses, pursued them for their lives, giving the said Alaster Waterston "ane deip and deildie wound on the backe with ane sword " with which he has lain bedfast in great pain ever since, and there is no hope of his recovery. They threatened the messenger and his witnesses with present death if they resisted, and then violently took the whole goods from them, and so deforced the messenger. Further, since then on the said Andrew Mowat and William Mowat, his son, coming to the lands of and there meeting the said Margaret Mansoun, "ane poore simple woman, great with childe, they barbarouslie and inhumernelie without pitie and compassioun of her distressed and hard esstait, bryddilled her with a bryddill and left her lying upoun the ground for deid." Charge having been given to the said Earl of Caithness, Francis Sinclair, his son, John Mowat, John Henrie, Alexander Mullikin, George Sinclair, and Gilbert Dundas, his tenants and domestics, and the pursuers compearing by Mr. Michael Law, servitor to the said Mr. Rodger Mowat, but none of the defenders, the Lords ordain them to be denounced and esheeat.

Complaint by Archibald Campbell, son to the Captain of Dinnune, as follows:—He is informed that he has been denounced at the instance of his Majesty's Advocate for the time, and Robert and William Smith, maltmen, burgesses of Glasgow, for not entering in ward in the tolbooth of Edinburgh there to remain till he were tried "for shootting of ane
hacquebutt at some dowes upon one mault kill and barn pertaining to
the saids Robert and William Smiths, whairby the kill and barn and
victual being therein was brunt.” Now at the time of “that unhappie
accident he was ane young boy at the of Glasgow, within
fyfteene yeeres of age, and shooting at some dowes the forrage of the
hacquebutt lighted unhappilie upon the thacke of the kill and the same
thairby took fyre”; so that there was no forethought, malice nor grudge
in the matter, but “it simplic fell out upon the compleanners youthfulness,
whilk he hes ever repented sensayne.” Moreover, the Laird of Arkinlasse
and others of the complainers friends, regretting the loss to these “two
innocent men who never wronged the compleuner be word or deid,”
entered into terms with them and redressed their damage, as their
discharge, dated at Glasgow 18th April last, attests, and in this deed
Fol. 142. 1.
they agreed to sist all procedure against him and relax their horning.
Yet for obedience he has found caution in 300 merks to appear on, 27th
November, and to pay £20 to the Treasurer, and Deputy Treasurer
and Receivers of his Majesty’s rents, if found liable therein, and accord-
ingly craves suspension. Charge having been given to the said Robert
and William Smith, and the pursuer compairing and producing the
discharge above mentioned, and the defenders not compairing, the Lords
grant suspension as craved.

Complaint by William Brodie in Quhythons in the Bankes of Scockater Fol. 143. a.
in Cathness, as follows:—On June last he caused his servants
cast a number of “pettis for elding unto his hous in the mosse of
belonging to him heritable, and they having binked the same and left
thame in the mosse,” returned home to their master’s house at night.
But under cloud and silence of night Alexander Sutherland in How-
burnheid, with some accomplices, armed with swords, staves and other
weapons, went to the moss and cut and destroyed the whole of the
complainers peats extending to loads, thus disappointing him and
his family of their winter fuel. Charge having been given to the said
Alexander Sutherland, and the pursuer compairing by Robert Wallace,
servitor to Peter Aldjoe, advocate, and the defender not compairing, the
Lords ordain him to be put to the horn and escheat.

Commission under the Signet to the Sheriff of Berwick and his
deputies to hold courts and try John Mc‘Readie, weaver in Ranultoun,
Fol. 152. a.
who “hes lyin this two yeere bygane in the filthie cryme of incest with
his mother sister, and hes beene ane ordinair practiser of sorcerie, witch-
craft, charming and uthers devilish practises.” Signed by Hadintoun,
Wintoun, Linlithgow, Lauderdaill, A. Carre, Advocat, Secretar, and Sr.
Johne Scot.

Commission under the Signet to Robert Seatoun, elder in Tranent,
Archibald Turnbull, bailie there, Alexander Turnbull, bailie in
Langnidrie, and Archibald Weddell, bailie in Seatoun, or any two of
them, as justices, to hold courts and try Bessie Littill and Margaret
Baine, indwellers in Langnidrie, who have been long suspected of witchcraft, etc. Signed by the same Lords excepting Lauderdaill.

Commission under the Signet to John Cranstoun of Thornedyke, Robert Lawder of that Ilk, Gilbert Lawder of Quhytelyde, and Mr. Alexander House of St. Leonards, as justices, to hold courts and try George Blyth in Lidgertwode, Katharine Mosse, his spouse, and Katherine Browne in Lawder, who have been long suspected of witchcraft. Signed by the same Lords including Lauderdaill.

"The lyke commissiou of the tenour and dait foresaid and subscriued as said is grantit to John Sinclair of Hirdmistoun, Sir Johne Sinclair, appearand of Hirdmistoun, his sonne, Patrik Abirnethie, baillie of Saltoun, Mr. George Butler in Blance, and the provest and bailleis of Hadintoun, or unie three of thame, aganis William Davidsoun, laitlie in Saltoun, for the said cryume of witchcraft."

Commission under the Signet to Colin, Earl of Seaforth; George, Lord Gordoun; Simon, Lord Lovat; Sir John Grant of Freuchie, John Grant of Glennorestoun, Patrick Grant, apparent thereof, John Grant, his second son, Donald McAngus of Glengarie, Allan McRannald of Lundie, Allan Camron of Lochyell, Sir Donald McOnill of Slait, John McLeod of Hereis, the Captain of Clanranald, John Grant of Corremonie and John Glengarie of , jointly and severally, to convocate the lieges, and search for, apprehend and present before the Council for delivery to the Justice and his deputes, Duncan McRobert V'Connochie in Innergarie, servitor to John McDonald V'Angus of Glengarie, Gillichallum M'Ewin V'Gillichallum in Glengarie, Martine McEane V'Rorie V'Eane Roy in Knoydart, Donald McEane Roy V'Eane Roy in Killastardertach, Donald McGIllichallum V'Eane Dow V'Cavies in , John McCoull V'Onill Oir V'Onill V'Terlich in Glenbeg in Glenelg, Donald McRobert V'Connochie in Innergarie, John McRobert V'Connochie, his brother there, Ewin McOneill V'Eane Dowie V'Kenneth in Kilchonner in Glenelg, Finlay Bowie McEane Dowie V'Connochie in Easter Bowneland, Duncane McEane Dowie V'Connochie his brother there, Donald McEane Dowie V'Connochie there, his brother also, and William McFinlay V'Mullich in Lochletter, who on 10th May last were put to the horn at the instance of James Cuming in Dilschandie in Urquhart for not finding caution acted in the Books of Adjournal to underlie their trial before the Justice and his deputes for certain acts of theft from the said James Cuming, and the burning of his houses and buildings and whole furniture therein. Power of fire and sword is given, with clause of immunity. Signed by Hadintoun, Wintoun, Linlithgow, Galloway, Lauderdaill, Dumblain, Arch. Achesone, Hamilton and Scottistarvett.

Copy of the letter of 4th December 1628, as printed ante p. 495, under date 27th November 1628.
Holyrood House, 9th December 1628.

Sederunt.—Privy Seal; Linlithgow; Wintoun; Laudersaill; Gallo- way; Bishop of Dumblane; Master of Elphinstoun; Master of Jedburgh; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Commission for the apprehension of Sarah Keith in Wintoun and Alexander Hamilton on a charge of witchcraft.

The Lords of Secrete Counsell gives warrand and commiission to George Cockeburne of Ormestoun to pas, searche, seeke and apprehend Alesoun Tailyeour in Pencaitland, Sara Keith in Wintoun, and Alexander Hamiltoun, vagabound, who ar suspect and delate guiltie of the cryme of witchecraft, and to putt and deteane thame in sure firmanse till ordour be givin for their tryell and punishment as accord. For doing whairf the extract of this warrand sall be unto the said George Cockeburne a sufficient warrand."

"The whilk day Sir Thomas Hoip of Craighall, knight baronnet, his Majestys Advocat, declairit to the Counsell that he had a warrand from his Majestie to persewe suche as hes not subscribed the general submission and produced ane roll of certane persones who had not subscribed the said submission and he craved the Lords opinion what he should doe thairin. The Lords having heard his proposition and understanding that thair is a new course tane anent the subscribing of the said submission be those who hes not as yitt subscribed the same, they thairfor advise his Majesties said Advocat to forbear all proceeding againis the saids persons till report be made of the diligence and obedience of these who ar ordained of new to subscribe the saids submission and in whois presence the same ar ordained to be subscribed."

[Sederunt as recorded above.]

Complaint by Alaster Roy, kirk officer of Innerrawin, as follows:— On 29th August 1626 Adam Tailyeour of Deskie came to the kirktown of Innerrawin, armed with swords and other weapons, "gave him manie bloodie straikes on sundrie pirts of his bodie, but speciallie gave him ane deip and deildlie wound in the head and another in the arme, whairby they have mutilat his arme, and than left him lying for deid." He has ever since been under the "cure of chirurgians." Charge having been given to "the saids Adam Thomosoun, Robert Eleis and John Tailyeour," and the pursuer compearing, but the defenders not, the Lords ordain them to be put to the horn and escheat.

Petition by James Johnstone of that Ilk, as follows:—At a recent justice court of the sheriffdom of Dumfries held at Hawick on 8th November last he became cautioner in 500 merks for entering to their trial Martin Achesoun in Hilhous, William Johnstoun in Heslibrae, Walter Johnstoun called of Wyndholme, James Johnstone brother to William Johnstoun of Broomeall, Robert Johnstoun, smith in Little
Decree,
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Datoun, James Johnestoun, servitor to Gilbert Taillyeour, notary,
Walter Hill in Neatherfeld, David Irwing called of Sarkishellis in
Kirk, Patrick Fleeming, James Irwing of Cleughheidis, Thomas Irwing
called Thome of Kirkpatrik, John Johnestoun of Beatoke, Gilbert
Johnestoun called of Revokis, James Johnestoun in Grantoun, James
Johnestoun in Scafinbiggnane, Simon Johnestoun in Kirkhill, Peter
Johnestoun called of Kirkhill, his brother, John Johnestoun in Quhyt-
castellis, James alias Jackie Tagart in Crocedykes, William Johnstoun
of Brigmuire and Christopher Littill in Troutbeg, before his Majesty's
Justice for the time, on the second or third days of the next Justice
Ayre or Circuit Court held within the bounds where these persons
dwell. Now such courts are always held at the burgh of Dumfries,
whither neither the petitioner nor his friends and dependants dare
resort in a peaceable and quiet maner for fear of their lives " in respect
of the great troubles and feudl quhilk formerlie stood betwixt the
supplicant his predecessouris and the inhabitants of that burgh and
others neighbours dwelling about the same, and of the slaughters and
bloodshed quhikls fell out in these troubles and ar yitt fresh, greene
and recent in their memoreis." They do not wish to decline justice and
are perfectly willing to appear in any other "unsuspect and sauffe
place." The Lords accordingly exempt the petitioner and the persons
above-mentioned as well as all others his men, tenants and servants
from compearence at any justice courts held in Dumfreis, the petitioner
always finding caution for their compearence before his Majesty's
Justices and Commissioners of the Middle Shires in any other place as
they shall be cited, under the penalty of 500 merks.

Complaint by William Nicolsoun, creelman, indweller in Edinburgh,
as follows:—Lancelot Cockeburne, tailor, indweller in Edinburgh,
complaining that the complainor became cauton of him for Hew Purdie
in Leswaid for payment of a sum of £20 and 10 merks expenses, has
warded him in the tolbooth of Edinburgh, where he now is, "he being
ane poore creelman having no meanes to interteanie him in the said waerd,
sue that he was conrayned for plaine necessitie to sell his croke for
payment of aue dossoun of foules aucthand be him and for furnishing
him in the said tolboith, sue that now he is lyke to dee and starve for
hunger and cald." Charge having been given to the said Lancelot
Cockeburne, and also to John Sinclair, one of the bailies of Edinburgh,
in name of the magistrates thereof, to produce the complainor; and
the pursuer being brought by some of the town officers, and the defender
also compairing and refusing to liberate the pursuer, the Lords,
considering that the pursuer "is a poore miserable creature" and has
no means to sustain himself, ordain the defender to pay 3s. daily for his
entertainment so long as he keeps him in ward, payment to be made
every Saturday at night, and if he fail herein, they ordain the provost
and bailies of Edinburgh to liberate the pursuer.
Complaint by John M'Ferlane in Edinburgh, as follows:—He is arrested in ward in the tolbooth of Edinburgh at the instance of Alexander Bowie, stabler, burgess there, for not paying to him £16 for which he was cautioner for Katharine Gairdner, widow there, and at the instance of David Leipit, tailor there, for non-payment of a sum of £20, which sums are not his own debt. He is "Bot aye poore servant man to aye fleshour and fled with him fra Fastings Evin to Fastings Evin, having no more of him bot his poore pennie fee, quhilk they have caused him losse and tyne throw his imprisonement, whereas if he were at libertye he would have used manie wayes to have satisfied thame." He is now ready to perish for hunger and cold. Charge having been given to the said Alexander Bowie and David Leipit, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates, to produce the pursuer, and he being brought by the officers of the town, and the defenders also compearing and refusing to consent to his release, the Lords, seeing the pursuer is "a poore miserable creature" wanting means, ordain the defenders each to pay eighteenpence daily for his support in ward, payment to be made every Saturday at night, and in case of their failure, they ordain the provost and bailies of Edinburgh to release him.

Petition by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun, as follows:—They have "ane earnest and vehement desire to reliefe thameselfes of the heavie burdein of debt that they underly and to give unto all their creditors contentment and satisfaction." To effect this they wish to dispose such part of their estates as is necessary which will require their coming to Edinburgh for "consultation of advocats." This they cannot presently do in safety because of some civil harrings, and they therefore request their Lords' protection for a certain space. This the Lords grant until 1st February next for the purpose above mentioned.

Commission under the Signet to the provost and bailies of Edinburgh, or any two of them as justices, to hold cortes and try William Paterson, son to William Paterson, walker, indweller in Edinburgh, who being apprehended for breaking into the house of Lufnesse, pertaining to the Laird of Wauchtoun, has upon examination confessed the same, and that he stole thence four silver cups, of which two were overgilt, with a cover of a cup, a green "boordclait," and two pair of Holland cloth sheets. He was imprisoned in the tolbooth of Edinburgh, but broke ward and escaped; and now, by the diligence of the keeper of the said tolbooth, he has been of new apprehended and it is necessary he be put to trial. Signed by Hadintoun, Wintoun, Linlithgow, Galloway, Lauderdaleil, B. Dumblane, Secretar, Clerk Register, Advogat and Sr Johne Scot.
The Lords ordainis his Majestye Advocat to persewe for the slaughter of his dochter, and to haill a cair that justice be ministrat upoun him conforme to the lawis of this realme."

"The Lordis ordainis the Secretair to acquitt his Majestie that Thomas Dalylell who was recommendit be his Majestie to be Commissioner for the shirdfome of Lynlythgu at this approctheing Parliament is not ane frechaldair of his Majestie, to the intent his Majestie may gif ordour for chooseing of some other according to the warnand of the Act of Parliament."

"Anent the supplicatyon presented to the Lords of Secret Counsell be the proveist and bailleis of Edinburgh maken and mentiou that whair when our lait Soverane lord come to this kingdome they built ane barke for his Majestie transport betuix the Ferryes, and it wes our soverane now present his pleasure that they sould doe the lyke againis his Majestie herecomming, whilk in all submissive and dewtifull obedienc the saids supplicants ar willing to performe, but they ar informed that thair is some other course intendit for his Majesties service in this point whairunto (if so be his Majestie pleasure) they ar willing in all humilitie to acquiesce, humblie desyring thairfore the saids Lords to latt thame know how to carie thameselffis in this mater, lykeas at mair lenth is contente in the said supplicatyon. Quhairupon Alexander, Erle of Linlythgow, Lord High Admirall of this kingdome, being heard, and he being demandit if he had anie purpose or inten- tioun to doe anie thing in this mater, he declared that the charge of that bussines belonged unto him as his Majestie Admirall, and that he would doe thairin that whilk to the dewtie and credite of his place and charge appertennit for his Majestie honnour and contentment. In respect of the whilk declaration mon held be the Lord Admirall the Lords of Secret Counsell exoners and releeves the saids supplicants of all blame, cryme and imputation that may be imputed againis thame or layed to thair charge for not preparing of ane barke for his Majestie transport betuix the Ferryes and declares thame to be fred and exonered thairof for ever."

"Forsameikle as by warrand and directioun of his Majestie letter, daitit the twentie twa day of Julij 1628 yeeres, directit to the Lords of his Majestie Privie Counsell, willing thame to caus execute his Majestie lawes upoun the persouns, lands and goods, of all suche persouns as are denounced rebellis for not payment of his Majestis bygane taxatious, the saids Lords by Act of Counsell of the dait the sevint day of August."

Relief granted to the magistrates of Edinburgh from building a barque to transport his Majesty between the Ferries.
last bypast thought it meit for the better imbringo of the same taxaitions that choise sould be maid of sax persons who should be imployed and authorized as ane guaird for apprehending of the rebellis for the same taxaitions, and now the saids Lords of Secret Counsell understanding that the persons particularlie underwrittin ar denounced rebellis and putt to the horne be vertew of his Majestie said letter for not payment making to Johne, Erle of Marr, Collectour Generall of the Taxaitions grantit in the moneth of August 1621 yeeres, of the sowmes of money following as for thair paitis of the first, second, thrid and fourt termes payment of the said ordinair taxaitiou, they ar to say, Robert Merser for the second, thrid and fourt termes taxt of the kirk of Creiffe, fourescore threttein pundis; James Naismith of Inwar, for the second, thrid and fourt termes taxt of his paith of the kirk of Logyalloway, threttie twa pundis, xvij; James Crichtoun of Ruthvens, for the first, second, thrid and fourt termes taxt of the personage of Essie, ane hundreth ten pundis ane shilling iijd; and for the first, second, thrid and fourt termes taxt of the personage of Neavy, fourescore two pundis xiiij iiijd; Mr. John Ogilvie, minister, for the first, second, thrid and fourth termes taxt of the vicarage of Kerymure, ane hundreth threttie sevin pundis aucht shillings iijd; William Balmaves, minister, for the second termes taxt of the Chancellarie of Dunkelden, threttie fyve pundis v′ vjd; and for the second termes taxt of the personage of Lundeiffe, twentie three pundis, fyve shillings; Mr. Thomas Lundie, minister, for the second termes taxt of the personage of Alight, twentie pundis xiiij iiijd; Mr. James Ros, minister, for the second and thrid termes taxt of the personage of Muckarsie, fittie fyve pundis viijd; Robert Kinneir, for the first, second, thrid and fourt termes taxt of the personage of Brechin, ane hundreth threttie sevin pundis xiiij iijd; Mr. Alexander Balmaves, minister, for the second termes taxt of the vicarage of Tibbermure, twentie pundis, xiiij iijd; Mr. Dowgall Campbell, Deane of Brechin, for the second, thrid and fourt termes taxt of the same deaneir of Brechin ane hundreth threescore fyve pundis, twa shillings; John Norie for the second, thrid and fourt termes taxt of the thesaurarie of Brechin, threescore twa pundis; Mr. James Ros, minister, for the thrid and fourt termes taxt of the kirk of Fothergill, threescore nyne pundis; Mr. Johne Conysoun, minister, for the thrid and fourt termes taxt of the vicarage of Dow, fourescore pundis, ellevin shillings twa penneis; Meinzeis of Weyme, for the fourt termes taxt of the personage of Weyme, twentie pundis xiiij iiijd; Mr. Alexander Scrimgeour, minister, for the first, second, thrid and fourt termes taxt of the vicarage of Kinghorne ane hundreth threttie sevin pundis, aucht shillings, foure penneis. money; Mr. Johne Fyffe, minister, for the first, second, thrid and fourt termes taxt of the Archdeaconrie of Dumblane, two hundreth sax pundis xiiij iijd; Sir Johne Moncreiff of Kynmonth, knight, shireef depute of Perth, for a pairet of the taxt of the shireedome of Perth, threttie fyve
punds vj\* x\*d; Mr. Walter Stewart, minister, for the first, second, thrid and fourth terms taxt of the personage of Stravane, fouscore twa pund xij\* iiiij\* , and for the first, second, thrid and fourt terms taxt of the personage of Blair, fouscore twa pund xij\* iiiij\* ; as the letters of horning execute, indorsat and registrat beares, at the procresse whairof the persons rebellis abonewrittin hes proudlie and contemplandlie remained since the tymes respective of thair denunciation, lykeas they doe yitt unrelaxt, takand no regaird of the said hornig, bot haunts and repaires publiclie and avoweddlie in all pairts of the countrie at thair pleasure as if they wer lawfull subjects, higlie to his Majesteis contempt and misregaird of his Hienes authoritie; Thairfoir, the Lords of Secreet Counsell hes givin and grantit and be the tennour hereof gives and grants full power and commisson be thir presents to Robert Murrey, burges of Duniel, and Simeoun Areeskine, indweller in the Cannogait, to pass, searche, seeke and take the persons rebellis foresaid whatevver they may be apprehendit, and to bring, produce and exhibite thame before the saids Lords to be tane ordour with for thair rebellioum as accords, as alsua to pas, persew and take thair houses, remove thair servants and famileis furth thairof, make inventar of thair goods and geir being thair-intill and to report the said inventar to his Majesteis Thesaurair to the effect the saids goods may be made furthuemand to his Majestie as accords. As alsua the saids Lords ordaines and commands the Magistrates of all free burrowes within this kigdomie whair the saids gentlemen of his Majesteis guaird sall happin to repaire with anie of the saids rebellis that the saids magistrates ressave the samime rebellis aff thair hands, committ thame to saulfe custodie and waird within thair tolith, kepe and deteane thame thairintill ay and whill they have payed the saids sowmes for the whilkys they ar denunced rebellis and be fred and releved be warrand of the said Collectour Generall, as the saids magistrates of the saids burrowes will answere upon thair highest charge and perrell; and ordains heralds, pursuants and messengers of armes to pas and make publication thairof at the mercat croces of the heid burrowes of this realme and others placeis nedfull that none of his Majesteis lieges pretend ignorance of the same.

[Sederunt as recorded above.]

Petition by Mc‘Clellane of Bombie, as follows:—He earnestly desires to free himself from debt and satisfy his creditors, and for this effect is about to dispose such a part of his estate as will do this, which will require his coming to Edinburgh for legal assistance. His resort thither is impeded by some civil hornings, and so he craves their Lordships' protection for a certain space. The Lords, considering that the petitioner's desire tends to the benefit of his creditors and that if he "remaine in Ireland where his residence has beene this long tyne bygane,"
there will be little or no hope of their satisfaction, grant him protection to 1st March next, on condition, however, that he pay his Majesty's tax on due by him to the Collector thereof before 20th January next.

Complaint by Peter Rid, merchant tailor in London, as follows:—

George, Earl of Crawford, has now for a long time been at the horn at complainer's instance for not paying to him the sum of £200 sterling and £47 5s. 3d. sterling, with expenses of plea, in terms of two decrees recovered against the said Earl before the Lords of Session, on which the complainer used all execution allowable by the laws of this kingdom, not only by caption, but by letters of treason, which were executed by

Thomas Hunter, Rose Herald, with displayed coat of arms, for the rendering of his fortalice of Phynnevin, and warding himself in the Castle of Blacknesse, but all has proved useless. For "a culloured show of obedience" he caused deliver to the said herald a key of one of the gates of Phynnevin, but in the meantime he still keeps possession and goes about as if he were a free man and as if there were neither law nor justice to control him. Moreover, their Lordships caused proclamation to be made inhibiting the lieges to reset the said Earl, which proclamation was published at the market cross of Forfar on messenger, notwithstanding whereof Mr. John Lindsay, minister at Aberlenno, and Robert Rolloke of Corsebanke have continually, and especially from March to September of this present year, intercommuning with the said Earl and supplied him with comforts. Charge having been given to the said Mr. John Lindsay and Robert Rolloock, and the pursuer and defendants both comparing, and witnesses being examined who failed in their proof, the Lords assizlizie the defenders.

Holyrood House, 16th December 1628.

Sedexm.——Treasurer; Præses; Privy Seal; Wyntoun; Linlithgow; Acta February 1628—7; 1629—7.

Buigcleuche; Galloway; Dumblane; Lord Lorne; Traquair;

Master of Elphinstoun; Secretary; Clerk of Register; Fol. 70. b.

Advocate; Justice Clerk; Sir John Scot.

“Anent the action and caus intentit and persew before the Lords of Privie Counsell be Sir George Elphinstoun of Blythiswood, knight, Fol. 71. a.

Justice Clerk, again Sir Thomas Hoip of Craighall, knight baronet, his Majesteis Advocat, tuicheing the reduction of ane Act of Counsell bearing dait the twentie day of Februarie 1623 yeeres whairby the ordour and rankes of the nobilitie, clergie, officiers of estait and barouns being counsellours for the tyme ar ordourd and sett down, and by the whilk Act the Advocat is preferred in his precedence to the Justice Clerk, with reservatoune to the lait Justice Clerk in respect of his age and of his long continuance upon the Counsell of his precedence before the Advocat during his lyfetyme aluluerlie for the reasons and causes following, first, becaus the trying and cognosising of the ranke and precedence dew to
noblemen and others having place and voice in Parliaments and Counsellis is onelie proper to the Parliament or to commissionir frome the Parliament, at the least they cannot be tryed bot be the records and sederunts of the booke of Parliament, Secret Counsell or Sessioun; and trow it is that in all thir recordes of the Parliament, Secret Counsell and Sessioun whairof thair is anie registers extant the Justice Clerkes for the tymes they have ever beene ranked and had the precedence before the Advocat and manie tymes they have had vote and place in Parliament, Counsell and Sessioun when thair wes no mentiou on all of the Advocat, whairby it appeares by most probable and pregnant presumptions and evidences that the Advocats for the tymes had nather place nor voice at these meetings. And first, tuiching the Parliament booke, thair is no mentiou made of the saide officiers of Justice Clerk and Advocat till the Parliament halding be King James the Fyft anno 1495, whairin choise being made of some noblemen and others to be judges till the nixt Parliament, in this choise Mr. Richard Lawson, Justice Clerk for the tymes wes ranked and placed before Mr. James Hendersoun, who wes Advocat for the tymes; and in all the Parliaments whilks have beene held in this kingdom since that tymes the Justice Clerk is ever named and ranked before the Advocat. And the first tymes that anie express mention of ane Advocat wes in the revocation made be King James the Fyft, anno 1540, whair Thomas Bannatyne of Auchnoull, than Justice Clerk, is ranked before Mr. Henrie Lawder, than Advocat. And in diverse Parliaments following whair mention is made of the Justice Clerk and Advocat, as namelie in the Parliaments haldin in the yeeres 1540, 1542, 1546, 1567, 1581, 1592, 1604, 1607, 1609, 1612, 1617 and 1621, the Justice Clerkes for the tymes ar ever preferred and ranked in the sederunts and otherways before the Advocats. Lykeas in the ellevant Parliament of our lait blessed King James the Saxt of famous memorie whair mention is made of the fees dew be his Majestie to the officiers of his Crowne the Justice Clerk is named and expresselie sett doun in ordour before the Advocat, and in all other Parliaments, als weill printed as unprinted, speciallie in the printed Act of Oblivioun haldin in Junij 1563, and in another printed Act anent the halding of Justice airis haldin in Julij 1587, and in all acts and commissiouns whair mention is made of the Justice Clerk and Advocat the Justice Clerk has ever the precedence in name and ranke. And tuiching the booke of Privie Counsell, the registers thairof ar lait, bot it will be cleerelie found by suche of thame as ar extant that the Justice Clerkes hes ever beene without internissioun counsellours, whairus oft tymes it hes fallin out that the Advocats hes not beene counsellours. For in the yeere of God 1562 it is found that Mr. Johne Bannatyne, Justice Clerk, wes a counsellour, and no mentiou on all of the Advocat, and the first tymes that anie mentiou wes made of the Advocat to have plaice in Counsell wes in anno 1564, and manie Advocats sensyne hes
not beene counsellours at the least diverse yeeres after their admissioun to be Advocats, whairby the dignitie of a counsellour is not essentiall to the place, as namelie, Mr. Henrie Lawder, Mr. Robert Crichtoun, Mr. David McGill and Mr. John Skeene. And tuiching the Sederunt Books of the Sessioun the eldest of these bookes is in anno 1489 whair Mr. Richard Lawsson of Hierigs, Justice Clerk, wes a judge, without anie mention made of ane Advocat: and in all the infeftments past the Chancellarie at that tyme Mr. Richard Lawsson, Justice Clerk, is insert as a wite:es, and the first mention that is made of ane Advocat is in anno 1501, three yeeres after that the said Mr. Richard Lawsson, Justice Clerk, wes a judge. And in all the Sederunt Books of the Sessioun sensaynt untyll this tyme whair the Lords ar ranked according to their dignities and place in the beginning of the bookes the Justice Clerk is ever preferred to the Advocat. And, forder, it is evident by all the registers of the Chancellarie since the yeere of God 1500 to this present day that the whole Justice Clerkes, viz. Mr. Richard Lawsson, Mr. James Wishart of Pittarrow, Thomas Sott of Abbotshall, Mr. Thomas Bannatyne, Sir John Bannatyne, his sonne, and Sir Lewes Bannatyne, his oy, and the lait Lord of Ormestoun, Justice Clerkes, ar all insert as witnesses in the infeftments of the Chancellarie styled and named as counsellours whairas by the contrarie thair is never anie mention made in all these infeftments of anie Advocat. And in the Parliament held in anno 1617 his lait Majestie made a declara:ion that he would onelie have aucth officiars of estat: to have voice in Parliament to compleit the whilk nomber the Advocat wes than named as one, and in the same Act of Parliament he is postponned in place to the Justice Clerk. And whereas he takes speciall hold and grounds his warrand of precedence upon the Act of Counsell foresaid, the said Act aucth not to be respected and soul: st prudge the said Justice Clerk and his successours of the precedence and dignitie dew to his place for the reasones following,—first, No Act of Counsell can derogate frome a plaise or alter officiars of estate frome their degrees and digniteis, seing the saides officiars ar members of the Parliament and their rnak:es and precedence is onelie there to be tried and cognosced. Secundlie, The said Act is made and sett down without calling of the Justice Clerk for the tyme and hearing of his defences and reasones aganis this Act, whairas if he had beene present he would with just and infallible reasones have stand to the dignitie of his place. Thridlie, It is verie weill knowin to all these of the Counsell who wer present at that tyme that the said Act wes onelie made for ordouring of the hous and secluding of nombers who wer not allowed to have access therein as is cleere by the omission of manie of the pryme officiars of estat who wer not ranked in that Act, as namelie the Lord Stewart, the Admirall, Mairshall, Constable, High Justice and Isher, who, or the most part of thame, ar all counsellours and not ranked, and so the
Act is imperfeyte and aunt not to be respected in this caise. And notwithstanding of the said Act the lait Justice Clerk ever kepted his place of precedence before the Advacat and after him the Lord Napier and sesyne the said Sir George Elphinstoun during the halfe tyme of the lait Advacat have bruikd their precedence and ar so ranked in the Sederunt Bookes ever since the yeere of God 1564 whilk ws the first tyme the Advacat was a counsellour. And, forder, the said Act is abrogat by a posterior commision under the great seale daitur in Marche 1626, whairby his Majestie established his Counsell, by the whilk commision all the counsellours ar ranked according to their digniteis and plaices, and the Justice Clerk is particularie preferred to the Advacat. Lykeas be the Commision for the Surrenders daitur in Januar 1627 and all others commisionens sent frome his Majestie to this kingdome the Justice Clerk is ever preferred to the Advacat. And, forder, the nature and condition of his office makes him a Counsellour, and that same day that it pleased his Majestie to preferre the said Sir George Elphinstoun to that office he made him a counsellour as a dignitie dew to his office whairas thair is no suche dignitie dew to the Advacats place bot it is by the free favour of the Prince and no otherwaies that the Advacat is preferred to be a counsellour, seing the said Thomas himselfe and almost all the Advacats before him served manie yeeres in their places before they wer made counsellours, it being wiselie foreseen be his Majestie and his royall progenitours that the Advacat, who continewes a pleader before the Sessioun and Justice whair the Justice Clerk sitts as a judge, at the least principall assessour in caisses civill and criminall, sould not be hounoured with a place in Counsell till after manie yeeres prooffe of his fidelite and good service his Majestie find him worthie of so high a preferment, whilk is a pregnant presumtipioun that the office of Justice Clerk hes ever had the precedence of the Advacat. And, last, it is notour to the saids Lords of Privie Counsell that his Majestie hes givin a commission to some of their number whilk is accepted be thame for trying of the honours, digniteis and privilidges dew to the office of Justice Clerk, and untill the tyme of this decision nothing auntch to be done to the said Justice Clerk his prejudice, notwithstanding of the said Act of Counsell; lykeas at mair lenth is contenait in the supplication made heurpoun. Qhilk being callit and the said Sir George Elphinstoun, persecurer, comperand personallie with Mr. Androw Aittoun and Mr. Lewes Stewart, his preloquitours, who declairit that he past fra that pairt of the reasoun of reduction whairby it is alledgit that the Lords of Secret Counsell ar not judges competent to the ranking and ordouring of the officiers of Estait, and the said Sir Thomas Hoip comperand lykeways personallie with Mr. Robert Learmonth, Mr. Thomas Nicolson, Mr. Robert Nicolson, and Mr. George Fletcher, his preloquitours, who declared
that notwithstanding the nature and importance of the action and 
ordour of process observed in the lyke caise required that the 
defender aught and sould have beene cited and perswved by a 
summounns upon a lawfull citation yitt he was content for the more 
speedie cleering and determination of the bussines to answere to the 
 supplication as if he had beene ordourlie conveenned by a summounns, 
and thairafter alledged that he aught to be simpliciter assoilized fra the 
desire of the supplication and reasouns of redution thairin conteunit 
and that the place of precedence before the said persewer and his 
successors aught and sould be found to perteane to the said defender 
and his successors becan the propositioun of the reasoun bearing 
that the precedence aught to be tryed be the records and sederunts of 
the Books of Parliament, Secret Counsell and Sessioun is no wayes 
relevant of the law to reduce the said Act of Counsell, the samyn being 
made be the saied Lords ex certa scientia for ordouring and establishing 
the ordours of the hous, and who rer not ignorant that manie of thair 
number bruikd places whilk wer not dew unto thame, as may appeare 
by the said personall reservatioun made in favours of umquhill Sir John 
Cockeburne of Ormestoun, than Justice Clerk; and the said Act being 
sett downe be the saied Lords (who had undoubted power to doe the 
same) for the publict ordour and decencie of the hous, it cannot now be 
querrled but upoun some certane and relevant ground of the law, 
whilk is als authentick as the said Act, that is, ather the warand of the 
Kings for the tyme at the institutioun of the saids offices declairing 
whilk of thame sould have the precedence, or be ane authentick Act of 
Counsell determining the same, whilk is not alledged nor libellit be the 
persewer, bot onelie ane naikd and simple ranking de facto extant in 
the records and sederunts of Parliament, Counsell and Sessioun, whilk 
rerking hes no warand of auctoritie bot is allanerlie the deid of thair 
clerkes and thair deputis inserting promiscuouslie the names of estaitis, 
officiars, and judges according to thair appetite and pleasure whilk is 
evident and notour be the saids records and sederunts whilkz aither 
contrarie or diverse from the selfe in ilke other sederunt, whilk be 
instanced by productioun of the commissioni grantit be his Majestie for 
surveying of the lawes, whairin the clerkes, contrair to the ordour sett 
down in the principall warand and signatour, have at thair awin hands 
inverted the ranking and preferred the Advocat both to the Secretar 
and Justice Clerk, whilk may lykewayes appeare in the printed Acts of 
Parliament, speciallie the Act of Oblivioni in anno 1563, bearing the 
Justice Clerk to be insert in ranke before the Treasurar, Comptroller 
and Secretar; and be another Act in the Parliament 1587 anent the 
fees of the officars of estait bearing the Justice Clerk to be ranked 
before the Clerk of Register; whairby it is evident and of consequence 
must follow that the Acts and Sederunts being contrarie to thameselfs 
and different one from another, they cannot be receaved as a stayed and
constant rule for ranking of places; which failyce, recourse must be
had to the nature and dignitie of the offices whilk is the ground
whairupon the Act of Counsell was foundit. In fortification whairof
the defender alledgit that the place of the Kings Advocat in nature,
subject and function, is more excellent and eminent nor the place of
the Justice Clerk, the exercise and dwite of the Advocats charge
being to pleade for the Kings Majestie and to speeke
in his Majesteis name in Parliaments, Conventiouns, Counsell,
Session, and Justice Courts, and to consult and advise anent his
Majesteis effaires and patrimonie and what ellis may concerne his
Majestie ather in honnour or benefite, whairin his charge is both
universall and immediat; whairas the subject of the Justice Clerk his
office and implantment is particular and hes onelie a relation to the
Justice Courts, and in these not immediat bot mediat be the Lord
Justice Generall be whom he is sworne and admittit and who represents
the Kings auctoritie immediatlie. And thairfor in respect of the
dignitie of the Advocat his implantment, universalitie thairof and
immediat relation whilk he hes to the Prince and his effaires both
privat and publict, his place aucht to be preferred to that of the Justice
Clerkes. To the whilk it was answered and replyd be the said
persewer and his preloquoutous abonewrittin that the said alleгадge
aucht to be repellit and that the reason of reduction and proposition
thairof stands relevant notwithstanding of the answere, becaus the said
Act being made and sett doun be the saids Lords to the hurt and
prejudice of the Justice Clerk in his place and precedence which the
lait incumbent and his predecessours in the said office bruiked past
memorie of man before the Advocat, who being diseased and absent
frome the Counsell the tyme of the making of the said Act and never
callit to the setting doun thairof, the persewer, who now is provydit to the
place, aucht now to be heard to propone all his just and lawfull defences
which might have beene moved in the first instance aganis the
making of the said Act. And seing there is no other meane to try the precedence betuix his place and the Advocats bot the saids
records and sederunts, the samine ar and must be esteemed to be
the just and trew rule, ground and warrand whairly the difference
is to be cleared and determined. And whereas it is alledgit that the Sederunts and Acts ar oftyn tymes diverse, contrare and
uncertaine, and sua cannot be receav as a warrand and rule to direct
the point contravertyed, it is answered that however they may happlie
differ in the constant ranking of some of the officiers of estait, yitt they
doe all uniformelie agree in ranking the Justice Clerk before the
Advocat, whilk is sufficient to eivince the point and accordinglie sould
be respected in this case. Lykeas the persewer in fortification of his
libell and reasons thairof offered him to prove that the Justice Clerk is
ever and constantlie without variation or change preferred to the Advocat

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in all the records and sederunts libellit in his reasoun and that he and his predecessours in the said office hes beene in continuall and uncontroverted possession of the precedence before the Advocat these hundredth yeere bygane and abone, which numerous concourse and agreement of acts and sederunts cled with possession aught and sould preponder some few instances that may be produced in favour of the Advocat whairupon no possession hes followed. And as to the nature of the place it is answered that the office of Justice Clerk is lykewayes independent, haling immediatlie of his Majestie, and for the extent and universalitie of the charge the same can import no prelatiou nor dignitie in the office, otherwayes the Advocat by the same reasoun might contend for the place with the President of the Counsell. To the whilk it was answered and duplyed be the said excipient that giving and not granting that the Justice Clerk hes place to reduce the said Act of Counsell in respect of the absence of his predecessour the tyme of the making of the said Act yitt he cannot be heard to reduce the samine bot upon relevant and lawfull grounds. And he querrellis the reasouns libellit and thairwithall protestis agenis the same as no wayes just and relevant to reduce the said Act of Counsell being onelie foundit upoun sederunts whilks ar uncertane in thameselfis and thairfoir cannot be a certane rule to others. And whereas it is answered that the acts and sederunts ar all uniforme and certane in so farre as concernes the Justice Clerk and Advocat, that cannot be alledged, becaus the defender in fortification of the Act of Counsell and to elide the universalitie of the reply offers him to prove that in diverse sederunts of Parliament and Sessioun the Advocat is preferred before the Justice Clerke. And, farther, with protestatioun alwayes that the said defender no wayes grants the said reasoun of reductioun foundit upoun the saids sederunts to be relevant, it was alledged be the said defender that he aucht to be assoylied fra the said reasoun and hail members thairof, and first fra the first member of the said reasoun bearing that thair is no mentioun in the Parliament Bookes of the just [sic : l. Justice] Clerk till the Parliament haldin be King James the Fourt in anno 1495 whairin choise being made of some noblemen and others to be judges till the nixt Parliament Mr. Richard Lawsoun, Justice Clerk for the tyme, is ranked and placed before Mr. James Hendersoun, who wes Advocat for the tyme, the defender aucht to be assoylied thairfra becaus he offers him to prove by diverse acts or sederunts in Parliament preceeding the yeere of God 1495 whairin the persons being in the saids offices of Advocat and Justice Clerk for the tyme being of the number of the commissioners the Kings Advocat wes ranked before the said Mr. Richard Lawsoun. And as to the second member bearing that in all the Parliaments that have beene haldin in the kingdome since that tyme the Justice Clerk is ever named and ranked before the Advocat, it is offered to be provin that in diverse Parlia-
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ments sensyne the Kings Advocat is ranked and placed before the Justice Clerk for the tyme. And whairas it is affirmed in the thrid member that the first tyme that ane expresse mentiou is made of ane Advocate wes in the revocation made be King James the Fyft in anno 1540, whair Mr. Thomas Bannatyne of Auchnoull, than Justice Clerk, is ranked before Mr. Henrie Lawder, the Kings Advocate, the defender offers to prove by diverse authentick records that long before the said Parliament 1540 thair is mentioun made of the Kings Advocate and that the persons Advocats for the tyme and being Justice Clerkes for the tyme being both named thairin the Kings Advocate is first named and ranked in diverse Parliaments before the Justice Clerk. And whairas it is affirmed in another member of the said reasoun that the Justice Clerk wes ever upoun the Counsell and that before the Advocate wes ever upoun the Counsell, and that Sir Johne Bannatyne of Auchnoull wes ever upoun the Counsell in anno 1562, whairas the first tyme that ever the Advocate wes upoun the Counsell wes in anno 1564, the defender offers him to prove by ane act or sederunt of Counsell that the Kings Advocate for the tyme wes chosen of the Kings Counsell before the yeere of God 1562. And whairas it is further alledgit that in the Sederunt Bookes of the Session Mr. Robert Lawsson, Justice Clerk, wes on the Session in anno 1489 without anie mentiou of the Advocate, and that in all the bookes of Sederunt of Sessioun sensyne to this tyme the Justice Clerk is ever preferred to the Advocate, it is offered to be provin that before the institution of the Colledge of Justice and since the institution thairof, the Kings Advocate and Justice Clerk being both upoun the Session, the Kings Advocate is named and ranked before the Justice Clerk for the tyme in diverse sedernute of the Sessioun preceding the tyme libellit 1495. And as to the remanent members of the said reasoun foundit upoun the inserting the Justice Clerk as witnes in infenteaments and upoun commissiouns direct be his Majestie and his gratious father na respect acht to be had thairto in regard the samine bears the persones named without anie warrand conteneit thairin to preferre one to another, in respect whairof the said defender acht to be assoylied fra the said reasoun and haill members thairof. Qhilk supplication and reasoun of reduction thairin conteneit, togidder with the exception, reply and duply anebo- writtin being heard and considerit be the saids Lords and they being thairwith weil and rypelie advised, the said Lords hes found and finds the said exception propounded for eliding of the said libell and duply made in fortification thairof relevant and admits the same to the said excipient his probation to be provin be him in maner qualified in the duply made be him for that effect. After the pronouncing of the whilk interloqutiont the said Advocate being readie to have produced his probation, the said Justice Clerk and his preloqutations declaired that
they past fra their conpierance pro hora et tempore and would take up their processe whilk the saids Lords permitted thame to doe, and ordained the Advocat to have the extract of all the interloquutors givin and pronounced in this caus togidder with the extract of the lait Act of Counsell givin in his favours approving the Act of Counsell foresaid whairby the Advocat is ranked before the Justice Clerk and ordaining the same to stand in force till it be reduced. Lykes his Majesteis said Advocate protested that the Justice Clerk his passing from this reduction at this tyme in manner foresaid might be equivalent for him to a protestation for compelling of the Justice Clerk to insist in his action of reduction to the finall end and decision thairof, and the said Justice Clerk and his preloquoutors protested in the contrair.

"The whilk day the Lords of Secret Counsell having heard and considèrit the supplication per seewed before thame at the instance of Sir George Elphinstoun of Blythiswood, knight, Justice Clerk, aganis Sir Thomas Hoip of Craighall, knight baronnet, his Majesteis Advocat, tuching the reduction of the Act of Privie Counsell bearing dait the twentie day of Februar 1623 yeeres whairby the Advocat is ordained to have place and precedence before the Justice Clerk for the reasons and causes specified in the said supplication, togidder with the answere made thairto be his Majesteis said Advocat and reply made be the said Justice Clerk and his preloquoutors in fortification of the libell with the duply propounded be his Majesteis said Advocat for eliding of the same, and being weill advised thairwith and with all that was alledgit and propounded be both the saids parteis in this mater, the saids Lords found the exception and duply propounded be his Majesteis said Advocat relevant and admitit the same to his probatien" [and so forth as in the end of the above Act].

The whilk day William, Erle of Monteith, President of the Counsell, Fol. 75. b. reported and declared that according to ane particular warrand in writt signed be the Kings Majesteis and direct unto him commanding him to make searce and inquyrie for Sir John Ogilvie of Craig, and being apprehendit to putt him in ane of his Majesteis sure wairds the said Erle, for obedience of his Majesteis letter, had past to the dwelling hous of the said Sir Johne, seazed upoun his persoun and had brought him heir whair he had him readie to be presented and disposed of as the Counsell sould direct. In regard whairof the said Erle desyred that the said Sir Johne might be tane aff his hand and committed to waird as his Majestie had appointed. Which report and desyre being heard and considèrit be the saids Lords and they reposing upoun the honnour and credite of the said Erle tuching the warrand of his proceedings in taking of the said Sir Johne Ogilvie, Thairfoir the Lords of Secret Counsell ordaines and commands the captane, constable and keeper of the castell of Edinburgh, to receave frome the said Erle of Monteith the said Sir Johne Ogilvie, and to keepe him in waird within
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Acta February 1625-July 1629.
Fol. 76, b.

Decreta, November 1627-January 1630.
Fol. 147, b.

Fol. 148, a.

Sederunt as recorded above.

Holyrood House, 16th December 1628.

Complaint by Sir William Oliphant of Newton, knight, and Mr. Thomas Hoip of Craighall, knight baronet, his Majesty's Advocates, and by James Crichton of Fendrauch, as follows:—Notwithstanding the Acts against the bearing of hagbuts and pistols William Gordoun of Rothemay, John Gordoun, younger, his son, Robert Bruce in Inchcorsie, Normand Abridnoch in Rochmoodie, Arthur Forbes in Inchcorsie, and Andrew Craig in Moyen, animated with a causeless hatred against the complainers, continually lie in wait to take his life, armed with these forbidden weapons. On March these persons and others came armed as above to his waters of Doverne, stopped his servants in their fishing, threatened their lives, and daily there and at his other waters they thus molest his servants, and also go about upon his lands boasting and bragging, to provoke the complainers to the breach of the peace. Charge having been given to the said persons, and the pursuers comparring, but the defenders not, the Lords ordain them to be denounced and escheat.

Another complaint by Sir Thomas Hoip of Craighall, his Majesty's Advocate, and James Crichton of Fendrauch, as follows:—Against the laws prohibiting the wearing of hagbuts and pistols and directing and receiving "cartalls and challenges for single combat," William Gordoun of Rothemay and John Gordoun, his son, being his Majesty's rebels, and against whom the executions of captions and other letters have been futile through their deformances and violent resistance, in further contempt of justice go about the country armed with hagbuts and pistols and often come through the complainers' growing corn and "hayned grasse, breakes down his dykes," to his dwelling house provoking him "to come out and fight with them if he darre." On May last the said John Gordoun sent Thomas Gordoun at the Walkmiln of Rothemay and James Duff in Rothemay "with twa letters and cartalls to the compleaner challenging him to the combat, with a plaine declaration that if he refused the combat he sould proclaim him a coward." This challenge he refused to accept and desired the two bearers to keep the letters, as he would complain of them and require them to produce them before the Council, "who disdainfullie answered that they accompted of no charge that could be used aganis thame, for they would serve their master." Charge having been given to the said William and John Gordoun, Thomas Gordoun and James Duff, and the pursuers comparring, but the defenders not, the Lords ordain them to be put to the horn and escheat.
A third complaint by Sir Thomas Hoip of Craighall, King’s Advocate, and James Crichtoun of Fendraught, with Henry Buchan and George Young, his servants, as follows:—In violation of the Act forbidding the wearing of hagbutts and pistols, William Gordoun of Rothemay and John Gordoun, his son, being indebted in great sums to the said James Crichtoun and some of his servants, who, after long waiting for payment and getting nothing but shifts and delays, were constrained to enforce their claims by legal process, on account whereof they conceived a deadly hatred against the complainers. On July last when the said Henry Buchan and George Young, travelling through the country on their lawful affairs, came to an “oastler hous” in the town of Rothemay, Robert Bruce and John Logane, servants to the said William Gordoun, learning they were there, came at the instigation of the said William and John Gordoun, and “insinuat thameselfes under pretext and cullour of freindship in the companie of the saids Henrie Buchan and George Young, and urged thame to drinke more nor they wer able to doe, and they upon very good reason having refused to doe the same, they raise and made their addressse home to the place of Fendraucht, whairof the saids William and Johne Gordouns being informed and being offended at their servants that they had parted with the said James Crichtouns servants in suche a peaceable maner, they directed and hounded thame out to follow his servants and to doe thame some effront and disgrace; who obeying the command givin unto thame followed the said Laird of Fendrauchts servants with all their speed and having overtane thame be the way, they fiercelie sett upon thame, invalidit and persewed thame of thair lyffes, poussé thame with thair knees and feete, hurte and woundit thame in sindrie parts of thair bodeis, and reft thair swords frome thame.” Further, when the said James Crichtoun charged the sheriff depute of Baniff by two messengers of arms to apprehend the said William Gordoun and his son, they, accompanied by the said Robert Bruce and William Abirmethie, their servants, and other, armed with hagbutts, pistols and other weapons, came to the gate of Fendraucht and sent in the said Robert Bruce with what was in effect a challenge to the complainer, “to come furth if he durst and take thame for they wer readeie attending him”; to whom the complainer replied that it were better his master would obey his Majesty’s laws. Bruce having reported this answer, his master “answered disdainfullie that he cared not for the lawes.” Moreover, on their way back to Rothemay, meeting the said sheriff depute and the two officers the complainer had employed to execute his letters, William Gordoun told them he had been “at the zett of Fendraucht to see if the compleanner durst come out and take him, and that he would nathebe thame be thame nor the compleanner, uttering manie fearfull and execrable oathes that he sould undertake and execute some despret course agenis the compleanner,” so that for fear he cannot go about in
the country. Charge having been given to the said William and John Gordoun, Robert Bruce, William Abirnethie, and John Logane, and the pursuers compearing, but the defenders not, the Lords ordain the latter to be put to the horn and escheat.

"Ane letter from his Majestie in favouris of the Lord of Lorne anent his commiision of justiciary over the IIs, and bothe partyis ordanit to be warmit to the last Counsell day of Marche to hear that mater resouned and discusat."

"Ane letter from his Majestie in favouris of the Bishop of the IIs commanding that no remissiou be past to ony of the IIs men till thay satisfie him for the maillis and dewayis awand be thame to him. The Lordis ordanis the letter to be insert in the Bookis of Counsell and the extract thairof to be gevin to the Exchequer."

"The quhilk day the Lord of Lochinvar exhibit befoir the Counsell Harbert Broun in Antrum in Irland, ane excommunicat Papist, who wes committit to warde within the tolbuith of Edinburg."
Agnes Browne, his spous, Jonnet Browne Ladie Achinskioch. Acta Febr..r. 1628. 76. 
Jeanne Riddick, goodwyfe of Garneborow, Constance Lindsey, spous to 
Johne Maxwell of Burtill, Mr. Harbert Browne in Trostane, Homer 
Maxwell of Trostane, Agnes Browne, his wyffe, Johne Brown of Lochhill 
and Johnestoun, his wyffe, Fergus McGill in Clauchane and 
Katharine Browne, spous to Gilbert Browne of Inglistoun, ar all 
excommunicat for Poperie and not onelie proudlye and comtempandlie 
remaines at the processe of excommunicacion [and so forth as in the 
above-quoted Act of Council of 2d December].

"Forsameckle as Alexander Drummond in Auchterarder having thir 
manie yeeris bygane beene a most notorious abuser of Gods people in 
manty places of the kingdom by charmes, enchantments and uthers 
devilish and unlawfull meanes and bewitching cousenages, whilks he 
falselie culloure under physicall meanes, he was thairuppoun apprehendit 
and brought to the tolbuth of Stirline whair he hes remained thir 
diverse weekes bygane. And whairas it is verie requisite and necessar 
that he be straitlie examined upon his abusive and magickal trickes, 
and that accordinglie ordour be tane for his punishment, Thairfor the 
Lords of Secret Counceill ordanis letters to be direct charging the 
proveist and baillies of Stirline to convoy or caus the said Alexander 
Drummond to be surelie and saulfelie conveyed and caried fra thair 
tolbuith whair he now remainse to the burgh of Linlithgow and to 
delyver him to the proveist and baillies thairof within twentie foure 
hours nixt after they be chairgit thairto under the pane of rebellion 
and putting of thame to the horne, and to charge the proveist and 
bailies of Linlithgow to receive the said Alexander Drummond fra the 
proveist and bailies of Stirline or suche as sall have the charge of his 
conveying thither within one housie nixt after the saids proveist and 
bailies be chairgit thairto and to carie and transport him or to caus him 
to be carried and transported saulfelie and surelie fra thair burgh to the 
burgh of Edinburgh within twentie foure housies thairafter under the 
pane of rebellion and putting of thame to the horne, and to charge the 
proveist and bailies of Edinburgh to resave the said Alexander 
Drummond fra the said proveist and bailies of Linlithgow or suche as 
sall have the charge of his convoy within one housie after they be 
chairgit thairto and to committ him to waird within thair tolbuith and 
to kepe and detene him thairin upon his awin expenses ay and whill 
ordour be tane for his tryell, examination and punishing as accordes 
under the pane of rebellion and putting of thame to the horne. And if anie of the persouns foresaidis failjye in the premises, the tymes 
respective foresaidis being bypass, to denouce thame rebellis and putt 
thame to the horne."

"Forsamekle as Mr. Robert Bruce of Kynmaird, being upon some 
considerations confynned within his place of Kynmaird and a strait 
command and direction givin to him to have keepe the bounds of his
confining, notwithstanding the Lords of Secret Counsell ar informed that the said Mr. Robert, to his Majesty's offence and disregard of the direcution and charge givin unto him, hes verie frequentlie sensynge brokin the bounds and limits of his confyning and resorts and repaires to and fra in all parts of the countie, especiallie within the bounds of East and West Lothian, whair without a lawfull warrant or calling he takes upown him the place and charge of the minister of diverse kirkis within the saids bounds. Thairfor the saids Lords according to ane expresse warrant and directioun sent unto thame in writt be his Majestie ordaines letters to be direct charging the said Mr. Robert Bruce to conteane himselfe within his place of Kynnaird and three myles about the same, and that he onnawayes presoom to transend the saids bounds upoun whatsoever cullour or pretext without a speciall warrant from his Majestie or the saids Lords had and obteaned to that effect as he will answere to his Majestie and the saids Lords upoun his obedience at his highest charge and perrell, and under the pane to be callit, perswedd and punished thairfor accordinglie. Followes his Majestie's missive for warrant of the Act abonewrittin:—CHARLES R.—Right truestie and right weiblovit cousine and counsellour, right truestie and weiblovit cousines and counsellours, and right truestie and weiblovit counsellours, we greeete yow well. Whereas we ar informed that by acts of our Privie Counsell there and by diverse letters frome us it wes required that all noblemens sonnes whose parents wer reputed to be disconforme to the present professed religioun sould by the sight of yow, and of the bishop of the diocie wherein thair residence wes, be bred in the trew grounds thairof, which course (as we ar informed) hes not takin that wished effect that we expected and which wer most requisite for the good of that church; whereupon we ar pleased heereby to remitt agane this purpose to your serious consideratioun that the intended effect thairof may be putt in executioun after suche maner as yow sall thinke most expedient, and withall to recommend unto yow Mr. Andro Ramsay, professor of divinitie, (of whose sufficiencie we have beene informed) for having the charge of the education of these noblemens sonnes, if so be yow sall think it a course fitt for that purpose. And whereas we ar informed that Mr. Robert Bruce hes not keped that orduour which by yow wes injoyyned unto him, but hes contravenned the samine, we heerely effectuallie require yow that yow caus him kepe his awin hons according to the Act of Counsell made in that behalfe till our further pleasure tuicheing him be signified unto yow. So we bid yow farewell. Givin at our Court at Whitehall, the 28th of October 1628."

"The Lords continewes the ordouring of the Earle of Linlithgow, his patent tuicheing the power thairin conteunit for saltspeter until the eight of Januar, whairof intimatioun wes made to John McNaught and

place of Kinnaird and three miles about the same.
Mr. Alexander Guthrie, who wer personallie present and promeist and undertooke to warne the burrowes and to have thame heere that day."

[Seferunt as recorded above.]

Complaint by Patrick Gray, creelman in Innerkeithing, as follows:—
On 3rd September instant he was warded in the tolbooth of the Cannogait for "striking and hurting of Margaret Finlasoun," for which he has made satisfaction to her and to the bailie depute of the regality of Brouchtoun. While he was in ward Isobel Cuninghame, widow of Duncan Neishe, burgess of the Cannogait, caused arrest him for a sum of £5.5.12s.8d, and £6 of expenses, alleged to be due by him to her late husband conform to his "ticket" dated 9th February 1616. Now this is wrongfully done by her because she is not her said husband's executrix; the debt is not contained nor confirmed in his testament, nor has any sentence been pronounced against him on that matter. Charge having been given to the said Isobel Cuninghame, and also to Adam Bothwell, one of the bailies of the Cannogait, to produce the complainer, and both pursuer and defender compareing the Lords ordain the bailies of the Cannogait, to release the pursuer, who has given his great oath that he will re-enter that ward at Michaelmes next, and meanwhile use his diligence for payment of the said debt. On these terms the defender consented to release him.

"Most sacred soverane, Upon advertisement givin unto us of your Majesteis displeasure conceaved aganis Sir John Charterhous of Amisfield for the killing of Irwins upon the marches or border of your Majesteis kingdom of England we did summond and call him before us and upon his appearance we did furthwith put him under restraint untill we sould be fullie informed of the truth of his cariage in that bussines; and thereafter the gentleman being brought to his answere and the indignifie of the fact being highlie aggravatag aganis him with the circumstance of the plaise wherein the same was committed, he in all humilitie expressed his great greffe conceaved for the suggestiouns made aganis him to your sacred Majeste, and for his justificatioun offerd to make it appeare plainlie unto us that his proceedings wer warrantable, and free from contempt or anie just cauis of offence. And we, haveing deuile examine the said mater with all the circumstances thairof, it did appeare unto us that the saids Irwins being declaired outlawes and fugitives for theft, the said Sir John Charterhous, being a justice of peace and one of the commissioners for the Middlehyses, did by vertue of his commision and plaise follow after thame; bot in that service he had a neere kinsmen of his awin killed by thame and they at that tyme escaped, and the saids Irwines being thairafter criminallie cited and callit for that slaughter and not compeiring they wer publicitie proclaimed and denounced rebellis and put to your Majesteis horne and
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a particular commission was thereupon granted by us to the said Sir John Charterhous for their apprehension; by vertue of which commission and his said former commission of the Borders he did again persew and hunt after the saids rebellis and haveing found thame out neere unto the said border and they fleeing over frome the Scottish syde into the English border the said Sir John and his companie followed after thame in fresh persute, and they refusing to be apprehendit and making all hostile resistance by shotting of pistolls and standing out aganis your Majesteis auctoritie granted by the saids commissionouns they wer both so wounded in the taking as they died beyond the expectatioun or desyre of the said Sir John Charterhous, who at that tyme had no other thing before his eyes than your Majesteis service and the executioun of his said commission; and for his further justification he urged two lait exemples of the lyke kynde the one committed be the lait Lord Cranstoun, who in the executioun of the said commissionoun of the Borders entered within the English side upoun Boltoun Fell and there killed David and Hugh Arnewang, Scottishmen, fugitives, the other committed by John Musgrave, Captane of the English guaird at Carlisle, who entered within Scotland and there killed Christopher Arnewang within his awin house of Barneleise within Scotland, being a Scottishman, in his awin countrie, and not haveing fled frome England to Scotland, whairat no kynde of exception was takin be the State heere in regard the same was done in executioun of justice and for rooting out of malefactors conforme to the joint commission past under the seales of both kingdoms by speciall direction of your Majesties lait father of never deing memorie, and confirmed and continued by your Majesteis awin gracious letters unto us directed for that purpose. In the mean tyme and untill your Majesteis further pleasure may be known we have bound the said Sir John Charters with great suretie and under great sowmes for his appearance before us whenever he sall be callit or citted to that effect. All which we thought fitt to signifie unto your most sacred Majestie as a mater worthy of your Majesteis gracious constructioun in the behalffe of the said Sir John Charter, who heretofore hes givin manie proffes of his sufficiencie and affectioun to your Majesteis service in the dew executioun of the directiouns prescryved unto him by this State: and if your Majestie sall heereafter happin to prescryve or sett doun anie other course for preventing of anie suche disordour heerafter, upoun the signification of your Majesteis pleasure thairin unto us, we sall with all humilitie and obedience performe the same according to our boundin dewtie as becometh, etc. Halyruidhous 18 Decembris 1628. Subscriber, Monteith, Hadintoun, Linlithgow, Buceluch, Galloway, Lorne, Dumblane, Arch. Achesoun, Hamiltoun, Sr Thomas Hoip, Scottistarvett.”

“Towching the first part of the letter [from his Majesty ante p. 537] Letter to the two arch.-
ordanis ane letter to be writtin to the tua archiebishopps signifieing unto bishops.
thame the direction of his Majestis letter and willing thame to conforme thame selfs, and to advertise the rest of the bishopps to be heir the nynt of Januar preapart to gif up the names of the persons of the qualitie firsaid."

"The whilk day the commissionaris for the presbyterie of Drumfreis produceit a roll of the excommunicat Papistis within their boundis. The Lordis ordanis the lyke executioun and warrandis to be grantit aganis thame as wes grantit aganis these of the north."

"The quhilk day James Smith actit him self to bring Young, his moder, to Edinburgh upoun the xij of Januair to be examined upoun the cryme of witchcraft objectit aganis hir under the pane of iij merkis."

"That ane letter be writtin to his Majestie in favouris of Captane Robertson shewing the tennour of his petitioun to his Majestie and intreating his Majestie to write to the citie of Hamburrough craving redres to be maid to the Captane."

Commission under the Signet to the provost and bailies of Dumbar. Commission, 1624-30.

Douglas of Kilspindie, Mr. John Hepburne of Gilmertoun, Fol. 184 a.

John Arnot in Colberspaith, and George Hoome of Furde, or any one of them, as justices, to search for, apprehend and imprison in the tolbooth of Dumbar, and thereafter to any three of them to hold courts and try Margaret Baxter in Dumbar, and Marion Bathcat in Estibarns, who have long been suspected of witchcraft. Signed by Mar, Menteith, Hadingtoun, Linlithgow, S. Ard. Achesoune, Hamilton, St Tho. Hoip, and Scottistarvett.

Commission under the Signet to the Sheriff of Berwick, as justice, to hold courts and try Isobel Thomesone in Craikffurde, who has been long suspected of witchcraft. Signed by the same Lords.

Holyrood House, 22rd December 1628.

Sedent.—Treasurer; Presses; Linlithgow; Bishop of Dunblane; Acta, February 1628 July 1628.

Lord Lorne; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

Order against the importation of base dollars, which are being circulated at the value of thirty-three shillings and four pence apiece, whereas their true value is twenty-five shillings and ten pence apiece.

Secund., p. 192.motion and gayme to a good conscience and obedience of the law and to the commoun weale, hes laitlie brought within this kingdome a number of base dollours and hes putt the same out among his Majestis subjects at threitie three shillings fourt penneis the pece, altho after tryell tane of the trelworth and fynnesse thairof, and being compairit with his Majestis awin proper coyne they ar found to be no more worth than twenty fyve shillings ten penneis the pece; so that thir wicked and godlesse persons, hombringers of the saids dollours, doe gayne upoun everie pece thairof sevin shillings sax penneis to the great hurt and
Acta February 1628-July 1629.

Fol. 78, a.

prejudice of his Majesteis good subjects, who being ignorant of the trew worth of the same ar shamefullie and mischantlie abused be the home-bringers thairof and made to beleewe that they ar worth the pryce for the whilk they give thame out; so that if the course of thir dollours be not in tyne foreseeene and prevented the subjects of the kingdome will susteane ane unreparable losse; whilk dollour caresis on the one side ane double eagle in the middes thairof is ane little globe divydit in twa, and in the neathermost pairt of the globe the figures of 28 and frome the said globe thair goes upward ane long crosse betuix the twa heids of the eagle with this circumscriptioun about the eagle FERDINAND II. ROM. IMP. SEMP. AUG. with a little close crowne within the ring, and on the other side of the said dollour thair is ane quartered armes and in twa of the saids quarters thair is lyke ane crosse with twa wings abone the heid of ane towre, and in the other twa quarters thair is two barres and abone the armes a great opin crowne with this circumscriptioun about the armes FLORE ARGEN. with the figure of 28 and CIUITAS EMBL.; Thairfoir the Lords of Secret Counsell ordaine letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places needfull that nane of thame presoome nor take upoun hand at anie tyme after the publicatioun heerof to bring within this kingdome anie of the saids dollours upoun whatsomever coloure or pretext, under the pane of confiscatioun of the same dollours to his Majesteis use and punishing of thame in thair persouns and goods at the discretioun of his Majesteis Counsell. As alsua to command and charge the proveiset and bailleis of the burrowes of Edinburgh, Dundie, Aberdein and uthers burrowes of this kingdome to make diligent inquryrie and to informe thameselfis be all the wayes and meanes they can be whome and at what tymes thir dollours hes beene brought hame and in what quantitie and number and whair and to whome they have beene dispersed and givin out, and to make report thairof to the saids Lords upoun the aucht day of Januar nixt, to the intent that after consideratioun thairof, the saids Lords may take suche course and ordour with the persouns, hamebringers of the saids dollours, and forder course and passage of the same, as they sall thinke expedient and as sall best stand with the weale of the countrie, as the saids proveiset and bailleis will answere to the saids Lords upoun the dewtie of thair offices."

[Sederunt as recorded above.]

Complaint by Mr. James Seatoun of Fawsyde, as follows:—He was arrested and has been long kept in ward by Daniel Clerk as assignee of Robert Alexander, burgess of Stirling, for a debt of £420 and £60 of expenses and interest, and by Robert Keith, merchant burgess of

Holyrood House, 23rd December 1628.

Complaint by Mr. James Seton of Fawsyde against Daniel
Edinburgh, for £20 and ten merks of expenses, for which the complainer became cautioner for Robert Hog in Ireland. Now the complainer gave power to the said Daniel Clerk to uplift from the Duke of Lennox, his master, a sum of 5000 merks due by the Duke to the complainer and to pay himself out of the first end of that, yet he is still kept in prison and is like to starve. Charge having been given to the said Daniel Clerk and Robert Keith, and also to John Sinclair, one of the bailies of Edinburgh, in name of the magistrates thereof, to produce the complainer, and he being produced by some of the town officers, and the defenders both comparing, and consenting to the release of the pursuer, the Lords ordain the provost and bailies to set him at liberty.

Petition by Wilkene Johnstone, Robert Davidsoun, Thomas Paterson, Adam Mitchelsoun, William Mitchelsoun, Malcolm Broun, John Smith, Mr. Alexander Livingstoun, David Jonkein, James Stevinsoun, Hew Hamilton, Samuel Moresoun in Leith, John Fraser, goldsmith, John Smith, David Mitchelsoun, Robert Glen, Robert Keith and James Pont, creditors of Alexander Mauchane, merchant burgess of Edinburgh, as follows:—Mauchane being indebted to them in great sums of money and being pressed by some of his creditors, was forced to flee to England. He is now (as appears) honestly and earnestly desirous of satisfying his creditors so far as his estate will allow and has begged them to assure his safety for this end. The petitioners are all willing and have subscribed an assurance for him till the last of March, but other three of the creditors refuse. They therefore crave that their Lordships will by their authority provide "that the stocked and uncharitable refusall" of these three whose interest is not considerable, shall not prejudice them in this matter. The Lords grant the prayer of the petition and give protection to Mauchane till the last day of March.

The Lords having heard the dispute between Sir Michael Prestoun of Fentounbars, knight, and Sir Robert Hepburn of Bairfute, knight, respecting the trust committed by the said Sir Michael to Sir Robert of his whole estate, and the conditions which should have been performed to him, and having no time to go minutely into the matter, yet being careful to be informed thereof appoint Sir John Scott of Scottistarvet, and Mr. Alexander Colvill, Justice Depute, to audit accounts between them, and if need be to call the parties before them, hear their claims as against one another, and report the results to the Council on 8th January next, when further direction may be given therein.

Commission under the Signet to John Foulle toon of Carletoun, Alexander Gordoun of Earlestown, David Arnot of Barcaple and John Gordoun of Ardwell, as justices, to hold courts to try Bessie Carrile in Tuinname, who has long been suspected of witchcraft. Signed by Mar, Menteith, Linlithgow, Archibald Achesoun, Hamilton, St' Thomas Hoip and Scottistarvet.
Commission under the Signet to the Laird of Hirdmistoun to apprehend and imprison until he be examined and tried Alexander Sinclair, vagabond, who has been long "ane great and notorious abuser of our subjects by enchantments and uthers his magickall and devilish trickes." He is also to be examined about these and his depositions reported to the Council. Signed as above.

Complaint by the King's Advocate and James Kennedie, apparent of Blairquhan, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited yet on 22d November last Mr. John Fergusson of Kilkerrane, Francis Mure, lawful son to the deceased James Mure of Auchtindraine, James Crawfurde in Kilquhinze, Robert Campbell in Auchinglie, John M'Cuttour in Furdhouse of Kilquhinzie, Andrew M'Allane, notary in Kilkerrane, Andrew M'Blaine there, Thomas M'Clerie there, John Kairnie there, Gilbert M'Gie, John M'Kewne, and Finlay Kairnie, John Arthure, Adam M'Gie and William M'Wattir there, with others, all armed with "jackets, secreits, plaitsleeves, gantlets, steel bonnets" and other weapons, and with hagbuts and pistols, came under cloud and silence of night to the town of Maybole where the complainer with Gilbert Baird of Kilquhinzie were in their beds, and "leddered the wallis of the hous, entered in at the roofe thairof and er ever the compleuner or anie of the companie within the hous wer awar they made thameyselves maisters and commanders of the hous, brasshed all the chamber doores thairof, resolved to have alaine and murdreist the compleuner in his bed wer not he stood the better to his defence; and the said Mr. John Ferguson presented ane bendit pistolet to the said Gilbert Baird, who was intreating him to forbear suche lawlesse and insolent proceedings" and would have shot him through the body if the pistol had not misgivien. Charge having been given to the persons named the pursuers compearde, as likewise the said Mr. John Ferguson, who said he would answer also for the other defenders, and declared that he had letters of caption against the Laird of Blairquhan, elder, which warranted the making of open doors and using "his Majesteis keyes," and that having committed the execution thereof to James Maxwell, messenger, he went with him to aid in the execution of the same, and entered the said house by a private passage. He confessed having a pistol at that time, in respect whereof the Lords fine him 50 merks, to be paid to the Treasurer, Treasurer Depute and Receivers of his Majesty's Rents, and ordain him to find caution in 500 merks for payment of this fine, and that he will not wear hagbuts or pistols in future; but they assozlie him and the remanent defenders from the rest of the complaint in respect of the letters of caption.

Counter-complaint by Sir Thomas Hoip of Craighall, King's Advocate, and Mr. John Fergusson of Kilkerrane, as follows:—Though the wearing of hagbuts and pistols is strictly prohibited, yet James Kennedie, elder of Blairquhan, and James Kennedie, his son, having a
of Blairquhan, and James Kennedy, his son, for seeking his life with hagbuts and pistols.

deadly hatred against the complainier because he pursued the said Laird of Blairquhan legally for payment of certain monies he is due to him, and for not payment of which he is at the horn, intend to have the complainier’s life, and for the past month have ridden and gone about armed with hagbuts and pistols for this purpose. Charge having been given to the Lairds of Blairquhan, elder and younger, and the pursuers comparing, also James Kennedie, younger of Blairquhan, but not the elder Laird, and probation against the younger Laird being referred to his own oath of verity, he confessed the wearing of hagbuts, whereupon the Lords fine him 50 merks, to be paid to his Majesty’s Treasurer, Treasurer Depute, and Receiver of his Reuts, and ordain him to find caution in 500 merks in the Books of Secret Council not to offend in the like in future, and to take out and pass through the registers and seals a remission, for which the 50 merks shall be the composition. They also ordain the elder Laird of Blairquhan to be put to the horn and escheat.

Holyrood House, 25th December 1628.
Letter to his Majesty anatom the seizure of the ships of Captain David Robertson by two warships of Hamburg, desiring his Majesty to write to the magistrates of Hamburg thereon.

Most sacred Soverane, There was a petition this day preferred unto us by Captane David Robertsoone humbly complaining of the barbarous and violent outrages committed upon him under trust and assurance by two warships of Hamburgh under the charge of Alexander Long and Michael Vtinghowde by whome he was pursued with all kynde of hostilitie and after a sharpe conflict passt betuix thame, he onlie standing to his defence, he himselfe was under trust takin prisoner, his shippe and goods intromitted with and ritted, some of his companie killed, the rest deadlie hurt, your Majestie eoulours disgracefullie troddin under foote, and your Majestie armes with the lyke disgrace defaced and destroyed; and his humble desyre was that he might have letters of reprysall aganis the town of Hamburgh, unto quhbm thir twa shippes appertaines, as by his petition heerewith sent up unto your Majesties Secretarie more fullie will appeare. We having takin this mater and circumstances to our consideration and understanding that your sacred Majestie ytt stands in freindship with the town of Hamburgh and that letters of reprysall ar not usall bot upon a wilfull denyall and refusial or delay of justice, which as ytt hes not beene done in this caise, we have thairfor forborne to meddle in this mater, bot doc humbli present the same to your Majesties royall consideratioun, with our submissive and humble request unto your Majestie that your Majestie would be graciously pleased to give notice to the town of Hamburgh of the indigtieis and wrongs done to the said Captane Robertsoone, your Majesties subject, and how that your Majestie, being trewlie sensible thairof, cannot in honnour and justice deny unto him letters of reprysall in caise they refusie or delay to make suche redresse and reparatioun as justice and equitie requires, and as the good correspondence which your Majestie hath hitherto inviolable keppe with that town deserveth. And so with our humble and heartie
prayers unto God for your Majesties long and happie raigne, we sall ever rest, etc. Halyruidhs 23 Decembris 1628. Subsribitur, Mar, Monteith, Linlithgow, Lorne, Dumblane, Arch. Achesoun, Hamilton, Sr Thomas Hoip, Scottistarvett."

"After our verie heartlie commendations to your good lordship. By a letter quhilk we have laitlie recevand frome the Kings Majestie he hes beene graciouslie pleased out of his most pious affectiou and disposiotion toward the advancement of religiou to recommend unto us the prosecution of that course quhilk was intendit toward the breeding of noblemens sonnes (whois parents wer suspected in religiou) in the trew grounds thairof, as by the copie of his Majesties letter heerewith sent unto your lordshipes yow will perceave. And quhairis this is a mater quhilk speciallie concernis your lordship and the rest of your brethرين of the clergie, we have thairfoir thought met to request your good lordship to acquaint your brethرين within your diocese of his Majesties royall and religious direction in this point, and to desire thame to make their addresse heere upon the auct of Januar now approaching, provydit and prepared to secund his Majesties royall resolucioun, and to doe that quhilk to the dewtie of thair charge in this caise appertenance; especiallie that they informe themselfes quhat noblemen within their dioces having sonnes capable of instruction ar reputed to be disconforme to the present profest religiou, to the intent ordour may be tane with thame accordinglie. And so committing your good lordship to God, we rest. Halyruidhs 23 Decembris 1628. Subsribitur, Mar, Monteith, Linlithgow, Arch. Achesoun, Hamilton, Sr Thomas Hoip, Scottistarvett."

"That missives be writtin to Abindene and Dundee" respecting the base Embden dollars.

"After our verie heartlie commendations. Quhairas thair is a base Embden dollour laitlie brought home be some merchants of that toun and putt out be thame to the lieges for twa merke and ane halffe the piece, which being compared in weight and fynesses with his Majesties coynie will onelie be worth xxvi shillings the piece, for remeiding of which abuse and preventing the further growth thairof so prejudiciall to the lieges receivers of this dollour, it is thought fitt be the Counsell that proclamationn sall goe furth discharging all further home-bringing of anie of these dollours whill the Counsell signifie thair pleasure thairanent, and commanding the magistrates of burrowes to take tryell in the mane tyme how and be whome thair dollours hes beene brought home and to certifie backe thair names to the Counsell upon the auct of Januar nixt. The execution of whic last point we earnestlie recommend to your care, desyryng yow heereby to informe your selfis treswlie of the persouns homebringers of these dollours within your toun, what nomber hes beene brought hame and vented be

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thame, and to report to the Counsell uppon the said aucht day of Januar their names with suche evidences as you can learne for prov-
ing of the same, to the intent suche ane ordour may be resolved uppon for remedie of this abuse as his Majestis honnour and the gode of the countrie in suche a caise doeth require. Which recommend-
ing to your diligence and care as a mater quhairof we will crave a speciall accompt, we committe yow to God. Halyriudhous 24 Decembris 1628. Subscribitur, Mar, Monteith, Linlithgow, Arch. Achesoun, Hamiltoun, Sr Thomas Hoip, Scottistarvet."

Most sacred Soverene, Your Majestis letter of the fyftein of November being in all humilitie receaved and dewlie perused and considerit by us we in our boundin dewtfull respect thairunto ar humble and thankefull acknowledgers of your Majestis gracious favoure in approving the course takin by us in directing the sub-com-
missioners for the valutuoun to be chosin by the presbyteries; but in regard by the said letter your Majestie seemeth to inclyne that no appellation soould be admitted from the saids subcommissions except the same may be made unto the nixt parliament, in which your Majestie intendeth to appoint a commissione to heare suche just com-
plaints as sall happin to be exhibited unto thame, therefore we doe hereby humble represent unto your royall Majestie the conveniencie of libertin of appellation frome the saids subcommissions unto the generall commissiou on until suche tyme as the said nixt Parliament may hald, for by this meanes manie of these bussinesses may be fittlie prepared for the same Parliament and some finished and the rest may be thereafter determined ather by this commissiouen or by anie other suche parlamentarie commissiouen as your Majestie may be pleased to appoint for that effect; so expecting your Majestis further direction hererin we sall ever pray as becometh etc. Subscribitur, Mar, Monteith, Hadintoun, Linlithgow, Roxburgh, Launderdail, Dunkeld, Brechin, Dumblane, Tracquair, A. Carre, Arch. Achesoun, Sr Thomas Hoip, S. J. Balmanno, M. A. Gibbsen, Sr George Elphinstoun, Archibald Campbell. Halyriudhous, 31st Decembris 1628."

The Minute Book of Processes gives the following Memoranda:

Collectively for the month of December 1628:

- Bill for a protection: the creduetouris of Alexander Mauchan.
- Bill to be put to libertie: Mr. James Seatoun against Mr. Adame Hepburne.
- Suppliation: Sir Michaeill Prestoun for having auditours nominat
  for compt and reckoneing betuix him and his creduetouris.
- Rebelliouen: Alane Cathcart against Mr. Thomas Hepburn.
- Ryott and weiring pistollis: Kennedie against Fergusson; hinc inde.
Oppressioun and ryott: Jamesone against Kell.

Letters: Sussanna Sinclair and utheris credetouris of the Laird of Basse against the said Laird for payment of the debtis for which he was rebell.

Bill to be put to libertie: Gray against Finlaysone.

Suspensioun: the Sesioun of Mertoun against James Wricht.

Bill: James Crichtoun against the jaylour of the Cannongait to be put to libertie.

Letters: Creichtoun of Frendmaucht against Gordoun of Rothemay for weiring of forbidden wapones.

Ryott: James Crichtoun against William Gordoun.

A Comission to Sir John Scott to tak tryall of and report to the Counsell the questioun betuix Sir Michaell Prestoun and Sir Robert Hepburne.

Letters: Peter Reid against Robert Fletcher for intercomoneing with the Earl of Craufurd.

Protection for McCellane of Bomby.

Bill: William Nicollsone against Lancellot Cockburne to be put to libertie.

Act frising James Johnston from compeiring befor the circuit court of Drumfreis.

Ryott: Allaster Roy against Adame Thomson.

Bill: McFarlane against Alexander Bowie to be put to libertie.

Protection for Kennedie of Blairquhan.

Act in the Proces Justice Clerk against the Advocat anent the prioritie in voyce.

Oppressioun: Bairdie against Sutherland.

Deforcement and ryott: Weterstoun against Mowatt.

Suspensioun: Campbell against Smithis.

Complent ryott: McIllrewll against Burne.

Oppressioun: The Laidie Manderstoun against the Laird thereof.

Deforcement in executioun of ane commissioun from the Counsell: William Dowglas against Mr. William Jamesone.

Bill: Hector Turnbull craveing four or fyve termes to pay the assythment for the slauchtoure of Gawine Eliot.
MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1627-1628.
PRIVY COUNCIL PAPERS.


2. "At Halir nudous, 3 of Julij 1627.—The quhilk day in presens of the Lordis of Secreit Counsall compeirit personallie Alexander, Erle of Linlithgow, Lord Heighe Admirall of this kingdome, and propounded and schew unto thame that, by a letter ressaved from his Majestie, his Majestie had willed him to proceed in the tryall of the Hamburghe schipis¹ challengt beforn him as pryises conforme to the lawes of this kingdome, the lawes of Ingland, or quhair they ar deficient the lawes of the enemie, and therfor he not being resolved anent the twa subsequent questiounes and haweing no [precedent?] in this kingdome nor certane and plane resoluction of [the] ansueris sent from Ingland to him thair-anten, craveing the Counsallis advysye conforme to his Majesties directioun:—1. Iff a pair of mwnitioun or forbidden goodis in a freindis boddome confiscatis the rest of the schip and goodis [all lawfull merchandice]: 2. Iff a pair of enimies goodis in a freindis boddome confiscat the rest of the schip and goodis albeit lawfull merchandice. The persewar alleges the 56 and 57 article of the Spanische placard bearing that a pair of prohibite goodis confiscates the haill, and the last resolutiong gevin be Sir Harie Martin,² being interrogate quhat penalitez of law is inflictit upon him that cairies prohibite goodis to the enemie, ansueris that upone suche all penalties ar inflicted contented in [the saidis]³ proclamatiounis according as they wer takin beforn or after the 4 of Marche last, and by the Trettie of Southamptoun,⁴ if a schip be takin

¹ During the summer of 1627 the English fleet had blockaded Hamburg with the object of stopping its trade with France and Spain.
² These words in brackets here deleted.
³ Judge of the Admiralty Court of England.
⁴ This word is inserted in place of "any of the twa," deleted.
⁵ "By the treaty signed at Southampton on September 8 [1625] an alliance offensive and defensive was established between England and the States General. The Flemish harbours were to be kept constantly blockaded by a Dutch fleet, whilst the English were to perform the same task off the coast of Spain. Whenever a joint expedition was concerted between the two nations the States General were to contribute one ship for every four sent out by England."—S. R. Gardiner, *A History of England under the Duke of Buckingham and Charles I,* I, 307–8 (1875). In the treaty of Southampton, Mr. Gardiner further says, England and the States General had "agreed upon a sweeping definition, including in that category [contraband of war] provisions and the precious metals as well as munitions of war and materials used in shipbuilding, and had declared not only such articles, but even the ships and men engaged in the traffic, to be lawful prize."—*Ib.,* p. 345.
bound for the enemies countrie with forbiddin goodis the schip and men and goodis ar all lawfull pryise, but that the samen as yit hes not bene practised in Ingland albeit it be the practique of Spaine, Fraunce and Flanders. The Lordis of Secret Counsell thinkis it moit and advyse the said Lord Admirall to consult his Majestie if that law sall be put to executioun heir befor it resave executioun in Ingland seing that the rigour of the law wes suspendit till the 4 of Junij last and the schippis challenged as pryseis wer takin about a yeir since.”

3. Another and revised copy of the foregoing, with one or two points stated differently. The Earl states that his Majesty had willed him to proceed in the trial “conforme to the lawes of England, and whair the lawes of England wer deficient, conforme to the lawis of foreyne nationis and of the enemeye, and thairfore he craved the Counsellis advyse and opiionioun how to carye himselff in that bussynes” anent “a resoluioun retournt to him frome the Judges of the Admiralty of England tuitcheing a questioun propounded be his lordship to thame.” At the end it is stated that the ships in question were taken long before the late proclamation, and then it is added “And if the same salbe extended againe shippis having certificattis that they wer sighted be the captnes of his Majesteis shippis lying before the mouth of the Elve, or where the forbiddin goodis being thairintil ar not a considerable pairt in regaird of the rest of the laiding.”

4. Letters of Summons at the instance of Mr. Patrik Forrest of Archerfeild, Advocate, against Mr. James Steuart, commissary of Dunkeld, and the other inferior commissaries and their clerks (see ante, Vol. xv., p. 687, where the names are given, save that here Hew Falconer is given as the Commissary of Murray and Mr. John Hay as his procurator fiscal, and Nicolas Dunbar and John Aitken are omitted) for their comppearance before the Council at Edinburgh on 20th January next with their registers, in terms of previous summons. Dated at Edinburgh, 6th July 1627. Signetted 12th July, and signed A. Hay. On the back are the two following executions:—1, by George Gordoun on 3d December 1627 against Mr. James Steuart, James Creyichtoun (John Narne here interlined) and William Fyff, also Mr. Patrik Lindsay, Mr. Ramsay and John Auchterlony, all personally apprehended, witnesses, Thomas Mowatt, Hew Lawder, John Fraser, Alexander Dewar, and Pett Congiltoun; and 2, by Andro McKy on 10th December 1627 against the Commissary of Murray and his clerk [here “Hew Falconer” has been first written as commissary and “Mr. John Hay” written over his name, and “Mr. Gavin Douglas” has been written in as clerk, but “Nicolas Dunbar” is superimposed, and there still stands uninterfered with] “Mr. John Hay, procurator fischall,” also against Andro Fraser, Alexander Logane, Mr. Alexander McKenzie, William Lawder and Andro
Moresoun, all personally apprehended, witnesses, William Charterhous, George Sudy and Fredrik Blackie.

5. "At Jedburgh the nyntein day of Julij the yeir of God jvo and twentie sevin yeiris. The quhilk day we his Majestis Justis of Peace within the shirefdom of Roxburgh being convenit anent ane commissioun direct to us be your lordschipis for tryall of the pryces of nolt, scheip and wooll, and after dew tryell and voittit to our knowledge and uthere estimatis the pryces of oxin to be at twentie fowr pundis and threttie pundis, the pryces of ky to be at twentie pundis and aucht ein pundis, the pryces of wodderris at sevin merkis and aucht merkis, the pryces of yowis and lambis at thir pundis threttie schyllingis fowr pennisy and fowr pundis, the pryces of the hoggis at fowr merkis and thirte pundis; the pryces off wooll, viz. quhyt wooll, at aucht pundis the stayne and laid wooll at sex pundis the stayne. This we wndernyscyravand doe testifie be thir presentis, subscrivyt with our handis day, yeir and plaicce foir-saidis. (Signed) William Douglas of Bonnejedward, W. Ker of Lintoun, Thomas Turnbull of Mynto, James Pringill, fear of Bukholm. [Addressed] To James Prynrois, Clerk to the Lordis off his Majesties Privie Counsell, thess.

6. "At Linlithqw the sewint day of August 1627. The quhilk day for obedience of the letter send be the Lordis of his Majestis Counssal to the Justices of Peace within the shirefdom of Linlithqw anent the adverteisment of the saidis Lordis of his Majestis Counssal anent the pryces of woll, nolt, scheip and cattell within the said shirefdom, eftir mature deliberatioune taine be the saidis justices present tairrane anent the same declarit thir pryces following as they give presentlie and hes giffin since the begining of Maij last, viz. oxin xli ft., 1 merk, xli merk; yeir auld stirkes x merkis, vj ft., v ft.; twa yeir auld xij ft., x ft., vij ft.; the staine wecht of woll, xij ft., x ft., vj ft., vij merk. As for the scheip thair ar nane or few that comes to our mercatt to be sauld. In witness quhariof thir presentis ar subscrivit be John Duindas of Newlistoune, convneir of the saidis Justices, in their name. (Signed) J. DUNDASS off Newlistouna."

7. "The Justice Court off the shirefdom of Kyncardin, haladin in the Stonehavan, Tolbuth off Stanehavyn, the seynt day off August 1627 yeiris be the Justices of his Majestis Peace, beinge ther quarter session. The quhilk day Schir Robert Arbuthnot of that Ilk, knicht, conveyen off the saidis Justicies within the said shirefdom, in ther presenss and uthere gentilmen convenit for the tym, red the letter directed from his Majestis Counssal for tryall off the pryces of cattell, scheip and vouillis within the marcattis off this cuntrey this yeir, willing the saidis Justices and uthere gentilmen present to tak ane inquirie and mak
declarationoun theroff that answer might be reportit to the Counsaill for obedience of the said letter. Thay after inquire and mature delibera-
tione with unforme consent declairit the pryces of oxin, kye and uther
cattell of all sortis to haiff bene moir exhorbitant this yeir nor any yeir
preceedinge; for the oxin that formarrlie wald haifß bene coft for tuentie
tuo or tuentie thrie poundis, hes giffin this yeir in the mercattis fyftie
merkes at least and the kye fourtie merkis; and all uther sort off
younger cattell conforme to ther worthis in dearth accordinglie, swa
that therby it is thocht be appearance the pur men laboraris salbe
foroit to quyte ther tillage gif reneid be nocht provydit speidale. As
to the pryces of scheip and woul ther is no gryt differrence found
theroff in the mercattis this yeir fra the last and former yeirs
preceding, but the quantatie therof being moir plentifull in dyveris
utheris pairtis of this kingdome nor they ar heir, remittis the
declarationoun concerninge the pryces therof to the sufficiencie of thais
qua hes the grytter plentie and abundance of the same. Thair can
na forder inquire nor tryall be haid for the present concerninge the
premissis for reportinge anser to the Counsaill. Extractit furth off
the Justices off the shirefordome off Kyncardin ther Court buik be me
Lucas Symson, noter public, ther ordyner clerk, as my subscription
following testifeis. (Signed) Lucas Symson, No[r]arius publius ac scriba dict.
curiae manu sua."

8. "The quarter session of the Justices of Peace within the shire-
dome of Perth, stewartreis of Stratherne and Menteath, haldin at the
burgh of Perth the sevint day of August, being the first Tyrsday of
the said moneth the yeir of God jn vj tuentie sevin yeiris, be Alexander,
Bischop of Dunkeld, etc., as the roll therof bearis. The quhilk day
the Justices present, for obedience of the lettir directit be the right
honorable Lords of his Majestie Secret Counsell to thame the first
day of May last bypass concerning the ordinar prices of woll, oxen,
cattell and scheip of all sortis at the particular marcattis within the
boundis of their office fra the beginning of the said moneth of Maij
last to this present day of thair metting, and for sending ane trew
report thairof in wreitt thairanent under thair handis to the saidis
Lordis upon the tuentie nynt day of August instant, to the intent
that accordingly ordour may be takin for publishisg the reuillis of
restrain or transport of these commoditeis. After long conferrance and
information haide and takin concerning the premissis, Findis and
declaris that the ordinar prices within the boundis of thair office sen
the beginning of May last to this date present hes bene of the best
sort of cleane woll tueilf pundis money the stane wecht, uther well
clean and not tarrit, ten pundis the stane, the best drawing ox
threttie thre pundis sex schillingis aucht pennys; ane midling ox
tuentie sex pundis, threttene schillingis four pennys, the smallest sort
of oxen tuentie pundis; ane gude milk kow with hir calf tuentie four pundis money, ane midling kow tuentie pundis, and the commone sort of ky sextene pundis; ane gude wedder scheip four pundis, ane yow and ane lamb, thre pundis sex schillingsis aucht pennyis money. In witnes quhairof we Justices of Peace haif subscrivit thir presentis. Extractit furth of our Register of Recordis be our clerk of peace at our command. (Signed) Dunkeld, Patrik Oliphant, J. Hay of Keillour, T. Balthyok, Ogilvie, D. Inerney, J. Moncur of Kilmonth, D. Carmichael Balmedie."

9. "My Lordis, The Justices of his Majesties peace being convenit at Cupar in Fyiff in ther last quarter Sessione for resolving to give answer to your lordship of the letter direct be your lordships to them anent the pryces of woole, nolt and scheep, after they war deliberatlie advysit thairupon they ordanit that I sould retorne answer to your lordship declaring that the pryces of the goodes afoirsaid as they have bene theise many yeiris bygone for the present ar at ane verie deir rait, and lyiklie so to continow then to become chaipper, wiles some goode course be takin for preventing thairof. Swa humblie taking my lieve I remayne, Your lordships humble servand, (Signed) S. Jo. Wemyss of y\textsuperscript{4} Ilk. Wemyss xj August, 1627. [Addressed] To my verie honorabill good lordis, the lordis of his Majesteis most honorabill Previe Counsell."

10. Report of "the Commissioner Cowrt of the Justices of Peace being the quarter session of the shirefdom of Selkirk," held in the Tolbooth there on 13th August 1627 by Sir James Pringill of Galashiels, knight, there being present with him Sir John Murray of Philhawche, the sheriffdom of Selkirk, Andro Ker of Yair; William Elliot and John Fletcher, bailies of Selkirk, with William Kein, officer, and James Elliot, dempster; in answer to the Council's letter as to the prices of wool, oxen, cattle and sheep in their bounds since the beginning of May last, viz:—"The best oxin at tuentie fowre pundis the pece; the secund sort of yownger, les and smaller oxin, price of the pece, awchtein pundis; the milk ky with their followaris of the best sort, awchtein pundis; and of the secund prices and les sort the pece, sextene pundis; the wedderis, the best sort the pece, fowre pundis, the secund sort fyve merkis the pece; the yowis and lambis price of the pece the best sort fyve merkis, the secund sort thrie pundis; the hoges the pece overheid fittie shillingis; the lambis the pece overheid tuentie shillingis; the best sort of our Forrest woll, fyve pundis, the secund sort the staine fowre pundis," all money Scots. The Register bears to be subscribed by the Justices present, and this extract therefrom is attested by "Alex' Wilkesone," notary and clerk of the said court.

11. Original of royal letter approving the Council's watchfulness against Bagebot, 17th August 1627.
foreign ships, printed ante p. 44. Addressed to the Viscount of Diplin, Chancellor of Scotland, and the rest of the Privy Council. Marked at foot: "xxix Augusti."

12. "My nobill Lordis, It pleisst your lordships give ordinance that ewerie schyre soulde guve your lordships dewadvertisement how their rewlit woll, oxin, kye, scheip and wther kynd of bestiall. According to your Lordships directiouns we wndersubserryweand did meit and thair did tak inquisitioun and tryell of the just pryces, to wit, the oxin betwixt tuentie or twentie twa pund the peice; the ky, betwixt saxetein or auchttein pund the peice, the young noit at ane resonnabill pryce effeirand thairto, the weathers at ane hundrethe merk the scoir, the hoggis at fowr scoir merk the scoir; the wnlaed woll at aucht pund the staine, the laid woll at fyve pund the staine, the lambis at tuentie fowr pund the scoir. This was all cowl be done for the present till your lordships farther pleasour be knawin. This was done at Drumfreis the tuentie sewin of August. Leiweing to trubill your lordships most humbile takis our lewe, Your Lordshippes humble ser wandis, (Signed) Lag, Amissfield, S. Robert Greirsoun, Conhaith, George Maxwell of Carnsalloche. Drumfreis 27 of August 1627. [Addressed] To the richt honorabill and my very guid Lord, my Lord Chancellar, and the rest of the nobill Lordis of his Majesties Secret Cownsell." Sealed with small seal of Sir William Greirson, a shield bearing three fetherlocks, 2 and 1, with a mullet in the centre, and the initials on top and flanks, the latter indented S. W. G.

13. Report by the Justices of Peace of the shire of Stirling that from the beginning of May last to August following 1627 the prices of wool, oxen, cattle, and sheep have been as follows:—‘Ane stane of woll gude and ware’ £12; “ane pleuche oxe threttie pandis; pryce of ane decayit or faillit ox meit for feiding to slauchter, tuentie pandis; pryce of ane milkwilk with hir follower, tuentie-twa pandis; price of ane tua yeir auld stott or quoy, sextene mérkis; pryce of the Hieland drifit kye overhead, auchtene pandis; pryce of the wedder overhead, four pandis; pryce of the yow with hir lamb, thrie pandis, threttene & iiiijd.; and pryce of ane yeir auld hog, fourtie shillingis.” Dated at Stirling 11th September 1627 and signed by Donypaise, Jhone Murray of Tuchadam, Johnne Erskyne, Ar. Somervell of Plaine, Tho. Bruce, ballie of Sterling.

14. "My most honourable Lordis, According to the direction con- teyned in your Lordships letters delverit to us yesternight, we have convenit at Montrois this day and conforme to the warrand of your Lord- shipis commissioune we have visite the boundis nixt adjacent to the toune of Montrois whair fortis may be most commodiouslie built. Wee have
conferrit upoun the meanes for building thairof and upoun the supplie that may be expected from the cuntrey peopill. As for the places whair the fortis ar to be built we understand that befoir they wer visite be Colonell Bruce and James Traill, and thairfor we think it very necessar that your lordships suld direct thame to cum owir heir againe and desigene the places and preservye the forme of the fortis. As for the meanes for building thairof, in our judgment the same must be furnissit be the voluntar contributioon of the heretouris and burgessis within the shyres of Forfar and Kincardyn. We ar so straited be the schortnes of tymne that we ar not abill to wryte so determinate an[answer] to your lordships as we wish; and thairfor we have desyre[d] [the] Provost of Montrois to cary thir presentis and withall to [acquant] your lordships at greater lenth of all thingis that occurred in our con[fer]ence of this bussines. So ceisssing to interrupt your lordships more weightie affaris, we take our leve, and rest. Your lordships most humble servandis, (Signed) Carney, Lyone, A. Erskine, Bonytoun, D. Gardyne, R. Grene of Morphie, S. J. Carney, Athie, D. Guthrie of that Ilk, Fran, Ogilwye. Montrois the 13 September 1627. [At foot] 18 September 1627. [Addressed] To the richt honourabill, our most speciall good lords, the Lordis of his Majesties most honourabill Previe Counsell.” Sealed with a small seal of David Lord Carnegie—a shield bearing an eagle displayed and surmounted by the initials, D. L. C.

15. “My verie honourabill goode Lordis, I ressvait ane letter from Wemyss, 16th September 1627. Letter from Sir John Wemyss of thtat Ilk anent the fensible persons in the shire of Fife. Of this schyre and at our meting to devyid our selfis according to the presbiteries quhair we dwell for taking tryell of the number and qualitie of all the fensible persone alsweill to burghie as land within eache parochie. According to the desyre of the quhilk letter I convenit the rest of our number at the burghie of Cuper the xv of this instant, and have devydit the haill parochinis of this schyre among the Justices of peace within the same to the effect tryall may be takin conforme to the tenor and desyre of your Lordshipis letter. Swa humbile taking my lieve, I remaine your lordshipis humble servant, (Signed) S. Jo. Wemyss of y° Ilk. Wemyss 16 September 1627. [Addressed] To my verie honourabill goode Lordis, the Lordis of his Majesties most honourabill Preve Counsell, Theis.” Sealed with a small seal of Sir John’s, a shield, quarterly, with a lion rampant in each, and surmounted by the initials, S. J. W.

17. “It may pleis your lordshipis that according to your lordshipis letters direct to the Justice of Peace of the schrieveidome of Abirdeine for trying and fynding out ylle maisterles men, and making of ane roll of thair names to be presentit to your lordshipis; according quhairunto it is trew that I, Sir William Forbes of Monymusk, knycht barronet, one of the Justices of Peace of the schrieveidome of Abirdeine within the parochins of Monymusk, Kintore and Kennay, assistit with the ministeris and some of the elderis of the said parochines conforme to your lordshipis letters, inqyrit and socht out to haif found the saidis idle and maisterles persones, did onlie find within the parochine of Monymusk Johnne Chrystie, webster in Finzeanche, of the aige of threttie yeiris: Androw Michell in Nether Balloch of the aige of twentie four yeiris: William Covane in Pitnunie, cowper, of the aige of thrittie four yeiris, James Elsmelie in Inver of the aige of twentie yeiris, William Smuite somtymes frequenting within the parochine of Monymusk and somtymes in Cluni. And haifitit proceedit forder in the sameyne, inqyrit in the parochines of Kintor and Kennay could find nothing bot as the instrumentis takin upon my proceedingis heithirto in celositis, quhairunto I remitt me, and attending your lordshipis forder directionn heirant I sall evir remaine, Your lordshipis servitour, (Signed) Monymusk. [Addressed] To the richt honourabill and my verrie good Lordis, my Lordis of his Majesteis Privie Counsell, these.”

Whitehall, 18th October 1627.


Whitehall, 1st November 1627.


Elving, 8th November 1627.
Letter from Robert Primrose to his father, James Primrose, Clerk of the Council.

20. “Sir,—Haveing considderit how requisite the blissing of a father is for a son, the consideratioun thereof hes moved me thus humblie to crave ye pardone in that nather I craved youre blissing nor advise when I come from thense. Bot since so it pleased God not onlie to depyre me of the grite comfort I might haff had daylie to haif hard and scene of youre welfare, bot that thair is nothing now can so secon my designes as the assurance of youre love and favour whilk I can not obtnie bot by youre letter, I haff thairfore heibyr tane the occasioun earnestlie to entreate you that you wald be so weele pleasit as to supplie that by a few lynes whilk at my depairting wes deficient. As for newis
I haft none hot that Wormiestown and the other tuo embassadouris were verie honourable ressaeved be the King at Darso. Thay wer mett with foure or fyve troupe of horse. Upoun the morne thereafter thay wer ressaeved be the King himself in his awne tent whair Sir Harie St George delyverit him the ordour of the St George, whilk he patt about his neck. Within tuo dayes thereafter the King ressaeved the ordour of the Gartour with the whole robes, whilk after he had ressaeved he knightit Sir Peter Young and Sir Harie St George and some Scottis colonellis, and then the whole ordannance bothe in the towne and the liggarr played with thrie or four thousand muskattis. Within eight dayes thereafter the King himself went towards Wormett with nyne thousand men whilk after eight dayes siege he tooke in hot not without grite dificulitie. Nather think I he had winne it, if he had not undermyndit the wallis. And so presooming of your fatherlie love that you will accept this as testimonie of ane humble hart, I still continue with my prayeris unto God for the welfare of you and youris, as of that of youre loveing and obedient sone to deathe. (Signed) Ro. Prymoiris. Elving, the eight day of November, 1627. [Addressed] To his verie loveing father, James Prymoiris, Clerk of his Majestis Privie Counsell of Scotand, these." Sealed with a small seal bearing a shield charged with a chevron between three primroses, surmounted by a helmet and mantling, and the initials, R. P."

21. "The sevynt day of November jth vij and tuentie sewyn yeiris, the barrones, gentilmen and friealderis within the shirefdome of Kyncardin being convent at his Majestis directioun to the publict wapyneschawinge of the said shirefdome, fand thame selffis woid and destitut of ane great number of wapynis offensive and defensive necessar for resistinge the violent incursion of the forayne enemy so oft menssiet and signifiit unto thame from his Majesties Counsail. For remedie quhairof hawewing met at the Kirk of Fordene the tuenty day of November instant, they all with ane uniforme consent hes condiscendit that everie persone labouring and possessing ane pleuche of auld extent salbe furnischt with ane corslet or jack, ane heid peice, ane muscat, ane pick and ane sword, and everie cotter in the hail shirefdome with ane pick ane heid peice and ane sword, and ilk persone worth ane thousand merkes in stok nocht being ane laborer of the ground in quantate nocht equivalent to ane pleuche to be furnischt accordinglie as the housbandman abonewritten labourer of ane pleuche in all respectis, and the persone worth fywe hundredthe merkis to haiff ane muscat, ane pick, Fordoun, 20th November

20th November 1627.

Convention of the barons, gentlemen, and free-holders within the sheriffdom of Kincardine anent the arming of fencible persons within the said sheriffdom.

1 For the connection of Sir James Spence of Wormiston with Gustavus Adolphus, see Index to Vol. XIII. Cf., also, Gardiner's England under Buckingham, I., 4, 83, 158, 139.

2 Wormiditt, which was taken by Gustavus on the 10th of October 1627.—Geijer, History of the Scordes, p. 260. Gustavus was now engaged in his second Prussian campaign, which had begun in May.—ib., p. 248.

3 Sir Henry Saint-George (1581-1644), Garter King-of-arms, was joined (Sept. 23, 1627) in a Commission to present the insignia of the Garter to Gustavus Adolphus along with Sir Peter Young and Sir James Spence.—Metcalf, Book of Knights, p. 188.

4 Elbing.
ane heid peice and ane sword, and all uther personis of meaner qualatie quhatsumever to be furnischt as the cotteris in maner abone expremit. And becaus it is genarallie feirit that ordour may be geivn be his Majesties authoritie to some particular persone for homebringinge and furnishting this haill kingdome witht wapynis quhairunto the lieges may be astrictit in byinge of the saidis wapynis being so brocht home, thairfoir the haill undersubsercyveris desyris thame selfsis to be frei of ony sic imposition thase may be imposit wpone thame in caice it sall occur, and that be ane speciall warrant from the Counsaill, wtherways this present act to be null and extinct in ither for no reason war that theyould be double taxt. Subscrivit as folowes:—At Fordoun day, monethe and yeir foirwritten, Sr Robert Arbuthnot off that Ilk, S. Allex Falconer off Halcourtoun, S. T. Burnet of Leyis, Allardes of that Ilk, S. R. Greene off Morphie, W. Douglas off Glenberry, S. Robert Arbuthnot, J. Strachane, David Barclay of Matheris, David Rait of Halgreyne, Patrik Falconer of Newton, David Rausay of Balmane, J. Stratton, James Allardes, Jo' Barclay, Allex Keytht, J. Arbuthnot, William Raitt, A. Lyndsay, Johne Douglass, Johne Douglas of Barras, S. J. Burnet, J. Arbuthnot, M. Ro' Strato, M. P. Sibbalb, Buchane. Extractit furtht off the Justice Court Book of the shiref dome of Kyncardine as the just and perfyte doublle of the act abonewritten be me Lucas Symson, notar, clerk therunto, as my subscriptioyne following testifeis. (Signed) L. Symson, seriba."

22. Letters of Summons against Sir John Stewart of Methven, knight, captain of the castle of Dumbarthe, to compear before the Council at Holyroodehouse on 7th February next to answer for failure in his obligation for proper keeping of said castle. As he is forth of the kingdom, he is to be charged by open proclamation at the market cross of Edinburgh and at the pier and shore of Leith. Dated at Holyroothehouse 27th November 1627 and signed Ja. Prymrois (L.S.). A note on the back states that on 30th November Thomas Paterson read the letters at the market cross of Edinburgh; witnesses, John Stirling, messenger, and Magnus Mowat, indwellers in Edinburgh; and on the same day at the pier of Leith; witnesses, William Kilpatrick, marikinmaker, burgess of Edinburgh, and Thomas Mowat, messenger. Also noted on margin that on 7th February 1628 Sir John Stewart was absent. A Derneces.

Note of Execution of the foregoing, 30th November 1627.

23. Note of Execution of the foregoing by Thomas Paterson (1) as noted above—and also (2) on 5th December at the Castle of Dumbarthe, where he left a copy of the summons upon the gate; witnesses, David Young, porter of the said castle, and John Jamison, servitor to James Stewart, merchant burgess of Glasgow. Both are signed "Tho. Paterson, messenger," and stamped "T. P."
24. Letters of charge against Mr. Alexander Hammiltoun of Kinglas, Alexander Bruce and John Adie in Caribdin, masters and owners of the coal and salt pans of ; Alexander Guidlat, chamberlain and grievee to Alexander, Earl of Linlithgow, of his coal heughs and salt pans of Airth ; Alexander Schaw of Sawchie, owner of the coalheugh thereof ; George Bruce of Carnock, master of the coal heugh and salt pans of Culros and Kincardin ; Sir John Blacader of Tulliallane, owner of the coal heugh and salt pans thereof ; Margaret Forbes, Lady Torrie, present possessor and owner of the coal and salt pans thereof ; Sir John Weymes of that Ilk, and Sir George Hammiltoun of Blaikburne, owners of the coal heughs and salt pans of the burghs of Dysert and Weymes ; George, Earl of Wyncou, Samwell Johnstoun of Elphinstoun, Sir Johnne Hammiltoun of Prestoun, Robert Hammiltoun, his brother George Fawsyde of that Ilk, and Mr. Simoun Ramsay of Quhythill, masters and owners of the coal heughs and salt pans within their bounds, on pain of rebellion, to appear before the Council at Holyrood on 9th January next, and account for their diligence in the uplifting of the imposition of two shillings upon every ton of coal or salt exported by them from and after the 18th September last, when the Act of Council was made that such tax should be levied by the coal and salt owners on both sides of the Water of Forth from the bridge of the burgh of Stirlinle to Berwick (see ante p. 72) to defray the expense of the building of forts and block houses on the Forth. Dated at Holyroodhouse 11th December 1627. (L. S.) Signed Ja. Prymrois. Noted on margin, "Deimo Januarij 1628. Continewis the mater till Colonell Bruce his reporte and judgement be knawine anent the expeditie of fortifying of Inchebarvie, and ordanis the paertie to be wairnit before any thing be resolved or concluded thairin."

25. Note of executions by William Sandelands, messenger, of the foregoing letters (1) on 14th, 15th, 16th, 17th, 18th, 19th, 20th, 22d, and 27th December 1627 against Mr. Alexander Hamilton of Kinglas (p), Alexander Bruce (p) and John Adie in Carrin (ab), Alexander Schaw of Sawchie (p), George Bruce of Carnock (p), Sir John Blacader of Tulliallane (p), Sir John Weymes of that Ilk (ab), Samuell Johnstoun of Elphinstoun (ab), and Sir John Hamilton of Prestoun (ab), all personally apprehended : witnesses, Robert Logane and John Hart, messengers ; John Colzeir, skipper burgess of Kirkcaldye, and Patrick Keir, burgess of Culross : (2) on 14th, 15th, 16th, 20th, 22d, 27th and 29th December 1627 against Alexander Guidlet (p), at his dwelling house in the Panes of Airth, Margaret Forbes (x), Lady Torrie, at her dwelling house in Torrie, George, Earl of Wyncou (ab), at his dwelling place in Seytoun, Robert Hammiltoun (ab) bailie of Prestounpanes, at his dwelling house there, and George Fawsyde (ab) of that Ilk, at his dwelling house there,

1 Marks apparently of presence or absence, at the calling of the case before the Council.
whom he could not apprehend personally, but he left copies of the charge at their said dwelling places; witnesses, Alexander Brok, Patrick Schort-hous in Fawsyd, Andro Horne and David Horne, his son, in Torriburne, and others. Both are signed W's Sandelandis, mess', and stamped W. S.

26. Rycht assurit freind, I am importuned by this Jesuit preist that is in the Tolbuith quho wes ordanit to be deteynit thair til a schip wes ready for his transport. Any man may consider that the poore man must be furnischt with cloaths and other thingis for his departur, and that his staye in the prison wil disable him to get his busines done. Thairfore if my Lordis Chancellar, Thesauris and Privie Seal think good, I wold be of the opinion that he mycht be freed to remain in his sisters house, the bearer heirof, til the schip wer in readynes; and wold think it very meet that thair Lordships suld direct ather a letter or charge to render his horse and manteux that he complynis wer takin from him, for I wold not we had ony of thair goodis. The messeclothis and such like as I haif told them selves cannot be restored, So it will please you schew my opinion to thair Lordships, quhich I submit to thair better judgmentis, and so reste, Your very assurit freind, (Signed) Sanctandrowis. Leyth, 15 December 1627. [Addressed] To my very assurit good freind, James Prymrosose, Clerk to his Majestis Privie Counsal.

27. Letters of charge against Andrew Davidisoun, messenger in Moffett, to appear before the Council on 10th January next at Holyrood on pain of horning. He had been cited before the Justice for the crime of adultery, and not complaing was denounced fugitive and rebel. However, on promising to go to the wars of Germany under the conduct of Alexander, Lord of Spynie, and not to return to Annerdaill, the sentence was not only superseded, but a remission granted to him, notwithstanding which, to the abuse of the Council, he has not gone abroad, and has returned to Annerdaill. Dated at Halyruidhous 18th December 1627. (L. S.) (Signed) Ja. Prymrois. On the margin is noted—"Decimo Januariij 1628." Defender absent. Decernis.

28. Scroll of Acts of Council concerning the circulation of the dog dollars of this date, including the recommendation of the Lords of Council of 10th January 1628. (See ante, pp. 168, 181.)

29. Supplication by Mr. Robert Foules, Advocate, for letters of charge against his vassalls, subvassalls, ladies of terce,\(^1\) conjunct fiars and liferenters of his lands of Friermurie to pay to him their proportions of the taxations of 30s. imposed upon every pound land of old extent for

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\(^1\) "The terce (tercio) is a liferent competent by law to widows, who have not accepted of special provisions, in the third of the heritable subjects in which their husbands died intestate." Erskine, *Principles of the Law of Scotland*, p. 219 (Edin, Rankine, 1890).
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Miscellaneous Papers.

each of the four terms payment of the taxation granted to his Majesty's late father in August 1621, and also of that granted to his Majesty in October 1625. On the back: "Apud Holyroodhouse, penultimo Decembris 1627. Fiat ut petitur." (Unsigned.)

30. Note of execution on 4th January 1628 by Thomas Moffet, 4th January 1629. messenger, of letters of summons against Andro Daviesone, personally apprehended, to appear before the Council on a complaint at their Lordships' own instance; witnesses, James Moffet in Moffet and Thomas Donaldsome, servitor to Mr. William Broun of Stewinstoun. Signed, T. Moffet, mess. Signet, T. M.


32. Extract of Act of Council anent the proposition by Mr. James Robertson, Justice Depute, printed ante, p. 181. Extracted by James Prymrois, Clerk of the Council. (Unsigned.)

33. Principal draft of the Act of Council concerning the ship of Lubeck cast away near Peterhead, printed ante, p. 189. Signatures of Geo. Cancellâ; Mar; Sanctandrews; Hadinton; Roxburgh; J. Arskyne; Naper; Hamilton; Thomas Hope; S. J. Traquaire. The Chancellor also signs a marginal addition on this draft.

34. Extract of the above Act of Council anent the ship of Lubeck: 15th January 1628. by James Prymrois, Clerk of Council. (Unsigned.)

35. Petition by the advocates, clerks, writers, and other members of the College of Justice, as follows:—In the late taxation granted to his Majesty by the Estates at their Convention in October 1625, the petitioners offered to contribute rateably thereto as they had done in the former taxation, upon the conditions and provisions set down in the Act of Parliament thereunto. They are now ready to pay to his Majesty's collector of this taxation the sum of 10,000 merks in full satisfaction for all the four terms taxation both ordinary and extraordinary, and crave that an Act of Council may be passed to the effect that this voluntary offer and payment made by them shall not prejudice nor impair their liberties, privileges, and immunities in time coming. [On the back] "Apud Holyroodhouse xv Januarij 1628. Fiat ut petitur." (Signed) Geo. Cancellâ, I.P.D.


38. Extract of the Act of Council, including copy of the King's letter appointing Sir John Stewart of Tracquair keeper of the Castle of Dumbartane, printed ante, p. 200. (Signed) Jacobus Prymrois.

39. Petition by William, Earl Marshaell, and Dame Mary Erskyne, Countess of Marshaell, for themselves and in name and behalf of their depute in the office of Admiralty after mentioned, as follows:—On a supplication given in to their lordships by the master of the Lubick ship, called the Saint Marye, lately cast away near the port of Peterhead, narrating how that this ship being taken by some merchant ships, and through miscarriage being lost as they were bringing her to Leith, their Lordships by advice of Sir James Baillie, for his Majesty's interest, gave a commission to John Kinross, Customar of Tobacco at Leith, to go to where the said ship was and use his best efforts for preservation of the cargo remaining in her, recovery of such part of it as had been stolen, and bringing the whole to Leith there to be sold, and the money made forthcoming to those having interest, and they commanded the said Countess of Marshaell to deliver up to the said John Kinross all of the said cargo that was in her custody for this purpose. With all dutiful respect the petitioners acknowledge their Lordships' "noble care towards the honour of the kingdom and satisfactioum of partyis interested in the course of law and justice," and they will be assisting thereto so far as the duty of their places will warrant. Yet they cannot forbear to represent to their Lordships "the grite and irreparable prejudice whiche wee shall receive by the said commission if the samey salbe sustenit and putt in executeion," which they urge has not been orderly obtained, seeing neither the said Earl Marshaell nor his deputy had been cited, as they should have been, because the said Earl has a gift from the deceased Ludovick, Duke of Lennox, great Admiral of this kingdom, with consent of his deputy in the said office, to himself for his lifetime and to his heirs and assignees for nineteen years thereafter, of "a full and laughfull deputatioun of the office of Admiralty within the hail bounds of my proper landis lying contigue to the sea frome the Watter of Die to the Watter of Ramff, as lykewayes frome the Watter of Die to the Watter callit North Ersk within the hail shire-dome of Kincairdin" with power to him, and his deputes and substitutes under him to hold Admiralty courts within these bounds, administer justice in all actions and causes proper to such a judicatory and uplift all casualties and duties belonging to the Admiral by virtue of this office. He has for security hereof a tack from the said deceased Duke of
Lennox of the foresaid office of Admiralty, which is engrossed in the said letter of deputation dated 22d July 1616, and registered 12th March 1618, and which he here produces. In virtue of this right he has ever since been in use to hold courts and cognoscence upon “all maritime causse and seafaring materix pairtay and pairtay” and to meddle with and appropriate to his own use the whole duties and casualties belonging to the said office. With reference to the incident now in question, in his absence, his lady and his depute in the said office, as soon as they received notice about the ship, went thither in virtue of his said right and for preserving the same, “and by their power and auctoritie repressed the insolent multitude that wer preying upon the ship and goodis, lightned the ship, and assured her laiding to be furth- cummand to these who by course of law shalbe fund to haif best right thairto,” for trial whereof they have already fixed their courts and cited parties. In what they have done and purpose doing they have “behaved thame selfes with that respect to the credit of the kingdome and due administration of justice that they deserve rather to be thanked by your lordships and strenthned in their proceedingis then that my right and jurisdiction may be thus summarie quarrelled in thair persons whose actionis hes bene warrantable as thair care is commendable.” The Earl therefore craves the recall of the commission to John Kinross as having been granted without hearing of him or his deputy, the parties principally interested therein, procured by the partial suggestion of the skipper, and tending to the summary undoing of his said office, especially in respect of his absence. Moreover he and his deputy are always ready to be answerable to their Lordships for the lawful discharge of the duties of the said office, and with respect to this case in special they will make a report to their Lordships of their proceedings, which they promise shall be with due, respect to justice and good conscience. [On the back] “Apud Holyrudhouse, vigesimo secundo Januarii 1628. The Lordis having hard and considerit the petitioun within writtin, they ordane the commission formerlie granit to John Kinross in the mater within mentionat to stand in force and to ressafe execution conforme to the tennour thairof without prejudice of the Earle Marshallis his right and possessioun of the saidis goodis whiche salle noways impaired by the said commissioun; bot that it salle esome to the said Earle Marshall and his deputis, nochtwithstanding that the goodis ar ordanit to be transported and sauld heir to the best advantage, to judge and cognosc the thairupoun in the burgh of Edinburgh or toon of Leyth als freelle and laughfullie as he might or could haif done in the place and boundis quhair the ship wes cassin away conforme [to] his right, quhairunto the commissioun foresaid salle mak no derogation as said is. (Signed) Geo. Cancell’, I.P.D.; Hadinton, Naper, Thomas Hope.”

1 “Secundo” is deleted, but from the date of the Act in terms of this deliverance it is probable that “quarto” should have been substituted.
24th January 1628.  
John Kinross.  

40. Copy of the Act of Council confirming the commission granted to John Kinross in reference to the petition of the Earl Marischal, printed ante, p. 204.

26th January 1628.  
The Admiral of Scotland.  

41. Original of Royal letter with reference to the privileges of the Earl of Linlithgow as Admiral, dated at Whitehall 26th January 1628, and printed ante, p. 208. At the foot: "5 February 1628." Addressed on the back to the Viscount of Duplin, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

31st January 1628.  
The Dunfermline fire.  


January 1628.  
Order anent the herring fishing of Dunbar.  

43. "Apet Halyruidhous, die mensis Januarij 1628. Forsameikle as the Lords of Secret Counsell ar informed that thir diverse yeeres bygaine their hes beene verie great discords and confusion among the fishes and cowppers of herring the tyme of the herring draife of Dumbar, and diverse insolenceis hes beene committit be thame als weill amongst themeselfes as upon his Majestis subjects that comes to attend and await upoun the fishing, not onelie be cutting, shaiking and stealing of their neighbours netts, beiruppis and bowes [buoys] under silence of night and stealing of the fishes being within the same, and be the persute and invasioun ane of another to the great disturbance and trouble of the haill flott, bot with that a number of thir fishes and cowppers, especiallie those of the north coast, doe carie away the herring taine be thame to the north coast without payment of assesse or teind, expresse aganis his Majestis lawes and Acts of Parliament be the quhilk it is ordained that all slayers of herring and whyte fish sould bring the same to the nixo adjacent burrowes to the effect his Majestis lieges might be first served and the rest salted, and barrell be free burgesses; quhairthrow not onelie is his Majestie defrauded of his assyse, rent and custome and the subject frustrat of the benefite of the sea appointed be God for their nourishement, bot the burgesses and free men of burrowes ar disappointed of thair traaffle and commoditie; and if this miserdour be suffered to be of continesance manie inconveniences will fall out to the hurt of the commounweale: Thairfoir the Lords of Secret Counsell ordanis letters to be direct to command, charge and inhibite all and sindrie fishes, cowppers of herring attending the herring draife and fishing at Dumbar be opin proclamatcion at the mercat croce of Dumbar and at the peere and shore thairof and be opin proclamatcion at the mercat croces of Mussilburgh, Craill, Anstruther, Pittinwewyne, and others placises needfull, that none of thame presoom nor take upoun hand to weitt thair netts, losse or sell anie of thair herring till first they come to the Admirall, his deputis or clerk
resident at Dumbar for the tyme and give up unto him the name of
the awner and skipper of their boate, and that they find caution to
kepe good odour the tyme, of the fishing and that they sall make
payment of his Majestie's assige, the teind and other dewteis pay-
able be thame before anie pairt of the said herring be sauld or bought
under the paine of twentie pundes to be payed be the awner of the
boate if he be present, and if he be absent, be the skipper, by and
attour the reparatioun of all wronges done by thame to anie of his
Majestie's subjects, and by and attour the payment of his Majestie's
assige, teind and uthers dewteis foresaids; and siclyke to command,
charge and inhibite the saids fishers and cowppers of herring that
name of thame presoome nor take upoun hand to losse thair herring
in haill nor in pairt, and that na merchant buy anie of the said
herring till first the saids cowppers and fishers come and desire
teinding, and that accordinglie the assige, teind and uthers dewteis
be payed be thame, under the said paine of twentie pund to be
incurred be everie persoun contraveening this Act, by and attour
the payment of the said assige, teind and uthers dewteis foresaids;
Certifieing thame that sall faylyie and doe in the contrare heeroif
that they sall be decerned to haive incurred and to incure the said
paine of twentie pundes by and attour the payment of his Majestie's
assige teind and uthers dewteis foresaids payable be thame and
reparatioun of the wranges to be done to pairteis greevied; And executioun saill passe aganis thame for this effect in forme as effeirs. For
the quhilk actof caution sesua to be made be thame in the Clerkes bookes as
said is thay sall onelie be haldin to pay to the Clerk aucht penneis
money for his paines, and if the Clerk sall exceid the said sowme and
sall exact anie forder payment or fees for his act nor aucht penneis, it
is heereby declarit that he sall incure the sowme of ten pundes money
for everie faiylie to be committit be him in exacting of forder payment
and fees for his Act nor aucht penneis, and executioun saill pas aganis
him for payment thairof in forme as effeirs."

44. "Apud Halyruidhous quinti die meneis Februarij 1628. Forsa-
meekle as the King's Majestie with advice of the Lords of Secret-
Courisell, haiving upoun verie considerable and good grounds highlie
concerning his Majestie in honnour and justice formerlie dischairgit the
importatioun of Frenshe wyne within this kingdome outhier in Scottish,
Englishe, Flemishe or other.straingers vessells and boddoms, frome
whatsomever paights beyond sea under the paine of confiscatioun of the
saids wynes and of the shippes and vessells whairin the same sall be
imported as in the Act and proclamatiouns made and publist to that
effect at length as contenait. And whairas the ground and caus whair-
upoun the said prohibitioun and discharge wes made yitt continowes,
his Majestie hes thairfoir thought meete and ordanis that the said discharge sall lykewayes stand in force and that no Frenshe goods whatsomever sall be brought within this kingdome in whatsomever boddoms at anie tyne heerafter whill his Majesteis forder pleasure be knowne. And if anie suche Frenshe goods sall be importid or be taiken be anie of his Majesteis subjects of this kingdome that his Majesteis Admirall for the tyne sall adjudge the same as laughfull pryze. And thairfoir ordanis letters to be direct to make publiccaion heerof, and to command, charge and inhibite all and sundrie his Majesteis lieges and subjects whatsomever and all strangers be opin proclamation at all places needfull that none of thame presomme nor take upoun hand at anie tyne after publiccaion heerof to bring within this kingdome in anie Scotch or straungers vessells or boddoms anie Frenshe goods whatsomever frome anie pairt beyond sea under the paine of confiscation of the same goods and of the shippes and vessells whairin they sall be importid togidder with all the moveable goods pertaineing to the importers thairof besides the punishment of thame in thair persouns at the arbitrement of his Majesteis Counsell. (Signed) Geo. Cancell'; Hadinton, Wintoun, Perth, Roxburghe, Landerdaill, Carnegy, Naper, S. R. Melvill, Sr J. Scottistarvett.

Holyrood House, 7th February 1628.

Warrant to the Commissioners of the Middle Shires for the arrest and imprisonment of persons excommunicated for recusancy, adultery, and other crimes within the Stewartry of Annandaill.

45. Apud Holyroidous septimo Februrij 1628. Forsameekle as the Lords of Secret Counsell, haiving heard the greevous complaints exhibite unto thame be the ministers within the Stewartry of Annandaill tuiching the lawlesse contempt of a number of refractorie persons within these bounds, who being excommunicat for recusancie, adulterie and others nefarious crymes, most obduratlie stands out aganis the ordours of the Churche, refusing to give obedience to the discipline thairof; which being a mater of verie bad exemple, dishonourable to God, scandalous to the trew religioun and disgracefull to his Majesteis royall and Christiane governement, Thairfoir the saids Lords for reclaming of suche disorderlie livers to the obedience of the law and for maintenance of Gods trew worship and discipline of the Church in the full strenth and integrite thairof hes givin and grantit and be the tennour heerof gives and grants full power, warrand and commissioun to the commissioners of the Middle shyres, with the Lord or Maister of Hereis, James Johnstoun of that Ilk, and Robert Crichtoun, Stewart depute and baillie to the Erle of Annandaill, and to ilke ane of thame conjunctlc and severallie to pas, searche, seeke and taike all suche excommunicat persouns within the said Stewartrie, whois names shall be delated and givin up unto thame be anie of the ministers within the saids bounds whairevir they can be apprehendit, and to committ thame to waird within the jayle of Dumfreis thairin to remaine upoun thair awin expensis ay and whill they have satisfied the Churche and procured thameselfes absolded frome
the sentence of excommunicatioun: With power lykewayes to the saieds commissioners and the others foresaid to command and give warrand to the maisters and landlords of the ground quhair the saieds excommunicat persons doe dwell to take and apprehend thame, and to bring, present and exhibite thame to the saieds commissioners or anie of thame to the intent they may be committit in maner abone preservit, the saieds landlords being alwayes required to that effect be the minister of the parish in presence of twa witnesses: and incase of the saieds landlords their refusall to doe thair diligence in taiking of the saieds excommunicat persons, they being laughfullie required, thairto as said is, or of the saieds commissioners thair negligence or slacknesse in the executioun of what is committed to thair charge, the saieds Lords declairs that the saieds commissioners and landlords saill be callit to thair anser upon thair dissobedience and punished thairfoir according to the merite of thair fault. Commanding heerby the provest and bailleis of Drumfreis to ressaive and committ to waird within thair tollbuth all suche excommunicat persons as fra tyne to tyne sall be brought or directed to thame be warrand frome anie of the saieds commissioners, and to keepe thame in sure firmance till thay be ordourlie releveed as the saieds provest and bailleis will anser upon the contrair at thair highest charge and perrell; and that letters of publication be direct, etc. (Signed) Geo. Cancell, Mar, Roxburgh, Perthe, Launderdaill, Melvill, Carnegy.

46. "At Halyruidxous the twelde day of Februar the yeere of God jmm vj, and twentie aucht yeeres. Anent [the peti]tioun presentit to the Lords of Secret Counsel be the foure extraordinar Lords of the Session and the Advocats, clerks [wryters] to the Signet and thair servants, and remanent members of the Colledge of Justice, makand mentiont that [wairjine the taxatioun grantit to the lait King of blesed memorie in the Parliament holdin at Edinburgh in the moneth of [August] 1621, thair wes ane speciall article conceaved in favours of the extraordinar Lords and members of the [Colledge] of Justice, proporit that thair willing offer to contribute to the payment of that taxatioun sould not prejudge nor impaire thair libertis, priviledges nor immunitieis at anie tyne thairafter, but that thair saied priviledges [and imm]unitieis sould be keepe and observed to thame and thair successours in all tyne coming unprejudiged by the said offer, as the said Act of Parliament bearis. At the whilk tyne the saieds foure extraordinar Lords wer not of the nom[ber] of the extraordinars, and sauer not subjekt in payment of anie part of that taxatioun, but the Advocats, clerks, writters to the Signet and remanent members of that Colledge made ane offer [for] thameselfis anent thair parts of the said taxatioun: Whilk offer the said Lords acceptit in full payment of thair parts of the said taxatioun both ordinar and extraordinar for all the termes payment
thairof upoun the provisiouns and conditionus sett doun in the said Act of Parliament. And in this present taxation unto his Majestie in the moneth of October 1625 the said extraordinar Lords wer not subject to the first termes payment thairof becaus in that terme they wer of the ordinar nomber of the Lords of that Sessioun, and sua thay were onelie lyable to contribute in the subsequent termes of the said taxation. And whairas thay have a lyke interesse in this bussines with the advocates, clerks, wrytteres and remanent members of that Colledge, they all concurring to giddier for testificioun of their most humble and dewartfull affectioun to the forderance and advancement of his Majesteiz royall and princelie adoes, doe offer by these presents the sowme of ellesvin thousand merkes money of this kingdome in full satisfactioun of all thair paits of the said taxation both ordinar and extraordinar for all the foure termes payment of the said ordinar taxation and eight termes paiment of the said extraordinar taxation upoun the provisiouns and conditionus mentioned and conteained in the said Act of Parliament and conforme to the tenmour thairof; Humble thairfore desiring the saids Lords to accept of the said offer as a pledge and tokin of the said supplicants thair benevolence and thankefull hearts to his Majestie, and to dispense with thame for not making of the said offer in dew tyne, and that thay might have ane Act of Counsell extendid hearupoun in maner and to the effect underwrittin, lykeas at nair lenth is conteained in the said supplicatioun. Quhilk being heard and considerit be the saids Lords, and thay being thairwith weil advised, the Lords of Secret Counsell hes accepted and be the tenmour of this present Act accepts the said offer of ellesvin thousand merkes made be the saids supplicants in maner foresaid as a pledge and tokin of thair benevolence and thankefull b[arts] to his Majestie; and the saids Lords hes dispensed and be the tenmour heerof dispenses with thame for not making of the said offer in dew tyne the caus thairof thay ar surelie informed proceedit frome the weakenes and inabilitie of a great nomber of the members of the said Colledge who ar not able to contribute in this carand, sua that the remanent members of the said Colledge wer constrained to supplie the defects and wants of [thair] poore brethren be laying of thair parts upoun others of thair nomber. And the saids Lords declairs that [this] thair offer and payment of ellesvin thousand merkes upoun the provisiouns and conditionus mentioned in the said Act of Parliament sall liberat thame from all forder payment and contributioun in this taxation heerafter; and that the provisiouns and conditionus mentioned in the said Act of Parliament sall stand firme unto thame notwithstanding of this thair offer and payment. Extractum de Libris Actorum Secreti Consilij Supremi Domini Nostri Regis per me Jacobum Prymrois clericum ejusdem sub me is signo et subscriptione manualibus."

13th February 1628.

48. Petition by the barons, gentlemen and freeholders of Kincairdin-shire, as follows:—At the last weaponshawing of the shire they found that the inhabitants were not sufficiently armed as the defence and honour of the kingdom required, and to remedy this defect so that they might be able to stand to their own defence in case of a foreign invasion they had agreed among themselves that all the inhabitants should be armed as follows:—“Everie persoun possessing and labouring ane pleuche of ground of and extent sall be furnished with a corset or jacke, a heid peece, a muskett, ane picke and a sword, and everie cotter within the said shirefhdom with ane picke, ane heid peece and a sword; and ilk persoun worth a thousand merks in stocke not being ane labourer of the ground in quantitie not equivalent to a pleuche to be furneist as the [husband]man abonewrittin, labourer of a pleuche in all respects, and everie persoun worth fyve hundreth merks to be furneist with a muskett, a picke, a heid peece, and a sword, and all other persons of meaneer qualitie quhatsomever [ar] to be furneist as the cotters in maner abonewritin.” They are taking means to procure the said armour but fear that after this has been done some general course will be taken for arming the whole kingdom, and that they will be required to conform thereto and buy new armour from such as are then appointed. They desire to be assured against this and crave that an Act of Council be passed exempting them in such a case. [On the back] “Apud Halyruidhous duodecimo die Februarij 1628. Fiat ut petitur. (Signed) Geo. Cancell*, I.P.D.

49. Original of royal letter with reference to Sir Alexander Gordoun of Cluny and others, printed ante, p. 228. Addressed on the back to the Viscount of Duplin, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.


53. Petition by Mr. Patrick Grant, minister at Abernethie, as follows: Miscellan-
—On last Mungo Grant in, and John Grant and Thomas Grant, lawful sons to John Grant in Nether Connegas, came
by way of hamesucken, armed with swords, whingers and other
weapons, to petitioner's dwelling house and manse of Abirnethie,
where he was for the time "deteanned with great sickenesse," and
breaking up his doors, loosed his cattle and put them out to stray
where they pleased, abused himself with "contumelious speeches," and
pursued and wounded his servants with their drawn swords, to the
great effusion of their blood. He therefore craves summons against
these persons. [On the back] Apud Halyruidhous xxvij Fevruarij
1628. Fiat ut petitur. (Signed) Geo. Cancell, I.P.D.

54. Copy of the charge against the teind sellers within the sheriff-
dom of Edinburgh, printed ante, p. 247.

55. "At Halyruidhous, the penul't day of Februar 1628. Forsa-
meekle as it is understand to the Lords of Privie Counsell that thair is
some appearance of trouble and unquietnes lyke to fall out betuix
Walter Scot of Midgeheilis, Adame Scot, his sonne, Adame Scot of
Burnefutt, William Scot, smith in Hawick, and Adame Scot, his
brother, on the ane pait, and Thomas Trumbill in Know, and Walter
Trumbill thair, on the other pait, whilk will procure great trouble,
and draw on sindrie inconveniences to the breake of his Majestie's
peace without remeind be provydet: Thairfor the Lords of Secret
Counsell ordanis letters to be direct charging both the saids partaes
to compeir personallie before the saids Lords at Halyruidhous or
whair it sall happin thame to be for the tyme upoun the
day of to underly suche ordour as sall be tane with thame for
keeping of his Majestie's peace, under the pane of rebellion, etc.,
with certificatioun, etc.

56. Petition by William Trotter, merchant burgess of Edinburgh, as
follows:—Five months ago he had a great part of his stock and estate
lying in the Low Countries, and not finding occasion to make a return
thereof with the commodities of these countries he directed his factors
there to procure wines. This was prior to the proclamation prohibiting
the importation of French goods, and his factors have sent him 70
tuns of wine or thereby which arrived in the road of Leith yesternight.
In ignorance of the foresaid proclamation, and thinking that last year's
warrant for selling the French wines brought home would secure him
from trouble, he had given the foresaid instructions to his factors,
and he craves warrant from his lordships to sell his wines without
danger of the penalty. [On the back] "Apud Halyruidhous,
penultimo Februariij 1628. Fiat ut petitur, the supplicant finding
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cautioun for the pryces of the wyynes in case it be found that they wer
boght be ordure frome him since the last prohibitioun of importatioun
of Frenshe goodis within this kingdome. (Signed) Geo. Cancell,"
I.P.D., Mar, Monteith, Nithisdail, Wintoun, Roxburgh, Launderdaill,
Carnegy, Hamilton, S. J. Traquaire."

57. Printed copy of charge under the Signet to , messengers, 28th February
1628. The teind-
sellers of
Aberdeen.
to make publication at the market cross of the burgh of Abirdeene to
the teind sellers of the shire of Abirdeene to meet with the Marquis of
Huntlie as commissioner appointed for that shire. Printed by Thomas
Finlasen, his Majesty's Printer. (L. S.) Per Actum Dominorum Secreti
Consilii. (Signed) Ja. Prymrois.

58. Another copy to , messengers, to publish the Act at the Teind-sellers
of the market cross of Hadintoun for the meeting of the teind sellers of the
constabulary of Hadintoun with George, Earl of Wintoun, and Thomas
Earl of Hadintoun, commissioners for the said constabulary. Sealed and
signed as above.

59. Another copy directed to Thomas Murray, messenger, to publish the
Teind-sellers
Berwick, Teind-sellers
Roxburgh, and
Lauderdale.
the Acts at the market crosses of Dunse, Kelso, Jedburgh and Lauder,
requiring the teind sellers of the sherifftouns and bailiery of Berwick,
Roxburgh and Lauderdaill to meet at their head burghs with James,
Earl of Hoome, Robert, Earl of Roxburgh, and John, Earl of Lauderdaill,
or either of them as commissioners appointed for these districts. Sealed
and signed as above.

60. Another copy to , messengers, to publish the Act at the Teind-sellers
of Renfrew.
market cross of Renfrew for the meeting of the teind sellers of the
sherifftoun of Renfrew with Hew, Lord Semple, commissioner for that
shire. Sealed and signed as above. Added at foot: "Upon the second
day off Apyrill nixtocom."  

61. Another copy to , messengers, to proclaim the Act at the Teind-sellers
of Kyle and Kingskyle.
burgh of Air, for the meeting of the teind sellers of the bailierys of Kyle
and Kingskyle, with John, Lord' of Lowdoun, as commissioner for these
bailierys. Signed and sealed as above.

62. Another copy of the same to , messengers, to publish the Teind-sellers
of Inverness
Act at the market cross of Innernes for the meeting of the teind sellers
and Cromartie of Innernes and Cromartie with George, Lord Gordoun,
as commissioner appointed for these shires. Signed and sealed as above.

63. Printed copy of charge under the Signet directed to , messengers, to proclaim the Act of Council at the market cross of
Striviling, requiring the teind buyers to meet with
Grahame of Fintrey and Adam Camunge of Buquhange, commissioners appointed for
the sheriffdom of Striviling. Edinburgh, printed by Thomas Finlason, his
Majesty’s Printer. (L.S.) Per Actum Dominorum Secreti Consilii.
(Signed) Ja. Prymros. On this the following note of execution is
added: “ . . . . 1 in nine day of Mairche 1628, I, William
Wallace, messenger, eftr thrie severall oyesses at Stirling Croce pro-
clamat thir abon written letters that . . . . . . . warnit all
parties haveand entre to conpeir befoir David Grahame of Fintrie and
Adame Cuynghame of Buquhane in the tolbaith . . . . . . .
the fyftein day of Apryll 1628; witnesse, Hairrie Elphingstoun in
Stirling, Jon Cowane, Jon Schereff, Jon Madeir and Robert Brawne,
burgessis thair. (Signed) William Wallace messet.”

64. Another copy of the immediately preceding charge to
messengers, to publish the Act at the market cross of the burgh of
Innearray for the meeting of the teind buyers of the sheriffdom of
Argyle, to meet with Lamont of that Ilk, called the Laird of
Lawmont, commissioner appointed for that district. Signed and sealed
as above. On the back is noted: “The 3 day of Apryle, being Thursidaye
nixt at ten hours.”

29th February
1628.
Promise to the
Viscount of
Dunipin, the
Earl of Mar,
Lord Napier,
and Sir James
Baillie, that
the money
arising from
the sale of the
goods of the
Lübeck ship
shall be as-
signed to them
in payment of
the same bor-
rowed by them
from William
Dick and Will-
liam Gray for
the payment of
the mariners of
his Majesty’s
three ships.
See ante, p. 253.

65. “Forsamekle as the Lordis of Secreti Counsell being this lang
tyme bigane daylie importuned with the havie and grevous complaintis
of the poore soulidouris and marynaris who served in his Majestis three
shippis for want of their wadgeis and allowanceis due to thame, extending
to the soume of twentie foure thousand pondis or thairby, and quhair
thair necessiteis ar so pressing and urgent as thay can not langer spair
the same, and the burdunis lyand upoun his Majestis cofferis hes so
exhausted the same as thir poore people can not gett present payment
that way, thairof George, Viscount of Dipline, Lord Heigh Chancellor of
this kingdome, Johne, Earle of Mar, Lord Thesaurair of the said
kingdome, Archibald, Lord Naper, Deputie Thesaurair, and Sir James
Baillie of Lochend, hes undertane the payment of thir poore people, and
hes borrowed and uplifted the said soume fra William Dik and
William Gray, marcheantis burgessis of Edinburgh; And the Lordis of
Privy Counsell, being Cairfull to foresie and provyde that the saidis
Lord Chancellair, Thesaurair, and otheris who joyned with thame in this
undertaking sallie freid and releaved of thair ingadgement, seeing they
undertooke the said burdyme for the honnour and credite of the cuntrey
and for the payment of thir poore people who wer employed in service
in so necessair a tyme quhen the honnour and credite of the cuntrey
was supposed to be in dangeir, Thairfoir the saidis Lordis declaris and
promissis be thir presents that the saidis Lord Chancellair, Thesaurair

1 Torn. All these printed copies of these letters are torn at one side.
and others who joined with thame in this service sall be satisfied and payed of the said summe of xxxiiijm lib. out of the first and reidiest of the moneyis quhiliks sall arysie and be acquired by the saile of the wynis and otheris goodis whilkis wer in the Lubeque ship drewin upon the coast near Peterheade: And that the saidis William Dik and William Gray, as best acquented with the manmageing and saile of suche commodityis, sall half the onlie intromission in theirwith, transporting, guyding and selling thairof and retentioun of the pryscis of the same for relie of the saidis Lord Chancellair, Lord Thesaurair, Deputie Thesaurair and Sir James Baillie of their said ingadgement, the saidis William Dik and William Gray gevand ane particulair compt to the saidis Lordis of Counsell of their intromission with the saidis goodis and pryscis thairof, with deducitioun of the expenses to be wareth thairupoun, And yf the moneys arysie by the sale of the saidis wynes and goodis sall not be able to compense and defray the foirsaid summe of xxxiiijm lib. with the chargeis and expensis to be deburst be the saidis William Dik and William Gray in the transporting, guyding and selling of the saidis goodis, the saidis Lordis declaris by thir presentis that then and in that caise the saidis Lord Chancellair and otheris who hes joined with him in this advancement sall thankfullie repayed of the superplus of the saidis sounes out of the first and reidiest of his Majestis rents and casualityis within this kingdome, and that thay sall be preferred to all others paymentis quhatsomever. And wheras the saidis William Dik and William Gray hes undertake at the eirninst desyre of the saidis Lordis of Previe Counsell to fraught shippis to bring about the saidis wynis and goodis to the harborie of Leeth, sea hasaird except, and hes advanceit to the skipper of the Lubeque ship foirsaid towards his interteynment during the dependance of the actioun and for apparrerling of the manyaris of the said ship and defraying of their chargeis in thair home sax hundredth pundis, and to Johnie Kinros who attendit the wynes and goodis by Sir James Baillies directioun fourie hundredth pundis, Thairfoir the saidis Lordis declaris that the saidis William Dik and William Gray sall not be lyable to ony hasaird that may happein the way, and that thay sall not onlie be thankfullie satisfied and payed of the sounes debursed and to be deburst be thame according to the compt to be gevin up thairof bot with that due consideratioun salbe tane of thair panes and travellis and advancement of their moneys.

66. Copy of the Act for the Earl of Nithsdaill to produce his base brother and William Maxwell of Monreth on 27th March instant, printed ante, p. 266. There is added on the same paper: "xxvij Martij 1628, Mr. Thomas Ramsay, personalie with John Maxwell, who declarit upoun his grite oathe that the tyme lybelit he saw not a preist doing any religious office within the hous. Grantis that he saw Adame McKall who is reputed to be a preist with William Maxwell,
but denies that either he send for him or tooke him in to the sick man."

67. Original of royal letter prohibiting the export of munitions of war to those parts of Denmark taken by the enemy, printed ante, p. 281. At the foot: "xxv Martij 1628, flat." Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Menteith, President, and remnant members of the Privy Council.

68. Copy of the Act of Council charging William Paterson and Thomas and Henry Dundas to compel the before the Council, printed ante, p. 267.


70. Paper containing notes of execution of some letters probably those relating to the teind buyers or teind sellers, as follows:—19 Marci 1628, William Reid, messenger, proclamat thes tua letters and proclamationues at the marcat croce of Inverness, befoir Alexander Paterson, shiref deput, Andro Fraser, shiref clerk of Inverness, Alexander Logane, notar, commissar clerk thair, and John Paterson, notar, burges thair. 22 Marci 1628, David Forrester, messenger, proclamat thes letters at the mercat croce of Tayne befoir Allexander Hay, provest, Johnne Forrester, tounes clerk, Johnne McCollocht, younger, and Johnne Fergusson, balyeis.

22 Marci 1628, Johne Adamson, messenger, proclaimed thes letters at the croce of Dornoch.


72. Copy of the Act as to the goods in the ship of Lubeck (the names of the ship and master being here left blank), printed ante, p. 276. Signed by Geo. Cancell, Montieith, Hadinton, Nithisdail, Wintoun, Lauderdaleill, Naper, Hamilton, St J. Scottistarrett.

73. Notes of execution by Thomas Murray, messenger, of the Act and proclamation to the teind sellers (1) of the shire of Berwick and bailiery of Lauderdaleill, to convene with 1 Earl of Home, Robert, Earl of Roxbrughe, John, Earl of Lauderdale, as commissioners, at Kelso on 15th April next, this being done on 22d March 1628 at the market cross of

1 Torn.
Lauder before Gilbert Murray, messenger, Alexander Wicket and another, burgesses of Lauder, and at the market cross of Dunse before John Smythe, and Thomas Hill and John Scheirrelaw, merchants there; and (2) of the shire of Roxburgh to convene with James, Earl of Home, and the other commissioners above named at the same place and day, this being done on 24th March at the market crosses of Kelso and Jedburgh; witnesses, Archi Gilpattrik and Thomas Newaill, burgesses of Jedbrughe, and James Waiddo, “cowbelmane,” and John Smythe in Faichros, at Kelso. Both are signed Thomas Murray, mess. [The document is mutilated.]


75. “Right honourable, I received a letter from your lordship and some other lordis of his Majestie Counsell of Scotland uppon Sunday last for the apprehencion of one William Whitlaw charged with the execrable murther of fowre or five infants begotten with his owne body. According to the tenure of the said letter I made instant search for the partie in severall places, and the same night about midnight he was appre- hended by some servantes of mine in a towne called Zetherslaw in the parish of Foord and in the house of one John Wallas, a milner. I have sent him this day according to the appointment of your lordship and the rest of the Lords to Tweedside to be delivered to the Sherif of the Mers or his deputies, so that I doubt not by Gods grace but he wilbe brought to the hand of justice to receive condigne punishment according to the quallitie of his offence. I have likewise sent your lordship the said prisoners examinacion which is all I could draw from him. I thought good to give your lordshippe togetheer with the rest of the Lords this account of my proceeding in discharge of my dutie being readdie to doe both them and yow the best service that lyeth in my power. I humbly take leave and rest, Your Lordshippe to be commanded, (Signed) Willia Muschamps. Barmour this xxvth of March 1628. [Addressed] To the right honorabill and his very good Lord, the Lord Chauncelour of Scotland, and one of his Majesties most honorabill Privy Counell att Halyrudhouse, these be delivered.”

76. Original of royal letter to the Council, relating to fugitive soldiers from the regiment of the Earl of Morton, printed ante, p. 285. Superscribed by the King, and addressed to the Viscount of Duplin, Chancellor, the Earl of Monteith, President, and the remenant Lords of the Privy Council of Scotland.

* Torn.
77. "Thomas Nairne, his qualifieit aithe.—Thomas Nairne, being convent for the conceilling of ane thousand fyve hundrith merkis, the heall aucht terms of the first taxatioun grantit in anno 1621, alledgit restand be Robert Steuart to him, and the samyne being referritt to his aithe, he declaris as he sall answar to God that he gave up the samyne the heall termes forsaidis and payeit taxatioun to the Clerk thairfoir; and he declaris that the first terme of the taxatioun he gave up ane inventar of thretteine thousand and fyve hundrith merkis to Androw Fraser, clerk, qubilkis war auchtand to him be the personis following, viz.—Be William Douglas of Earlismyln, ten thousand merkis, qubilk was payable at Witsonday immediatlie thairfter; item, be James Innes of Dranye, ane thousand pundis; be John Stewart of Ardbreak, ane thousand merkis; be Patrik Grant of Balnadallache, ane thousand merkis; be Duncane Grant in Gartine, tua hundrith merkis: and that the said deponer was restand to Robert Steuart, burges of Elligne, tua hundrith merkis, sua the inventar of the free geir was thretteine thousand and fyve hundrith merkis. And the deponer being ane ignorant man not knowing the tennour of the Act o' Parliament he did never change his inventar, seing the soume did not increes bost the fvyeteine hundrith merkis qubilk is alledgit to be conceillit be him and auchtand to him be the said Robert Stewart is ane pairt of the soume of ten thousand merkis qubilk was restand to him be the said William Douglas of Earlismill gevin up in his first inventar, and he upliftit the said soume at the terme of Witsonday 1622 qubilk is the terme immediatlie succeeding the upgiving of the inventar, and gaif the samyne in borrowing to the particular personis following, viz., to the Laird of Innes, aucht thousand merkis; to Robert Innes, burges of Elligne, ane thousand merkis; and to the said Robert Stewart, tuelff hundrith merkis; and at that tyme the deponer gaif him his band for tua hundrith merkis to the said Robert Stewart to keipe the tuelff hundrith merkis heall in ane soume. And suz albeit thair be peccatum in forma committit be this deponer quho understands not the lawis, yit seing the said soume of tuelf hundrith merkis is gevin up and taxatioun payeit thairfoir as is abonewritten, the deponer cannot be conseivit as ane conceiller; lykas he is content to forfalt all uther soumes alledgit restand to him gif ony be except onlie the said soume of nyne thousand pundis for the qubilk he hes payeit taxatioun the heall aucht termis, quhairof the said tuelff hundrith merkis alledgit conceillit is ane pairt. And this he declaris to be of weritie as he sall answar to God in the greatt day of judgment upone his conscience and denye that the said Robert Stewart was adebit to this deponer in any uther soumes of money quhatsumever by and attouer the said tuelf hundrith merkis any of the yeiris or termes of the said taxatioun. (Signed) Thomas Narne.

26 Marci 1628, Thomas Narne, being re-examined and sworne be his
ayth of veretie upone the points of the samen, depons conforme to his qualifieyt ayth abonespeciefit. (Signed) Thomas Narne, M. G. Haly-burtoun.

78. “Right honorable and potent Lords.—The insolent outrage of my Popish paroshoners laitlie committed against me and their continuall menacing to kill me inforce thet to bemoan my estait to your Lordships and to giv your Lordships shortlie a little view with quhat crosses my patience hes been exercised these nyn yeiris bygon in that paroche off Newabay quhair, off four hundredth paroshoners theair ar ten excommunicat papists and threescor and ten recusants and non-communicants.

Nixt—No small grieve that seminarie preestis suid be ordinarlie resett within my parochein, children baptised, persons maried be them, and be their moyen youths sent ovir sea to be brught up in Doway and other Popish universities.

The setting one off bonfires upon their superstitious Saints evenings not onlie in the mids of their awn street, but also within the precinctes at my gaitt; the ringing off girdils ilk tueifth evening att my dore in gritt contemp is a yeirlie tribute quhilk thai pay me dewlie.

They hav thrown stones at my selfe going throge the street, gritt stones with slings in at my windowis to the perill of our lyfis, broken down back passages going up to the kirk and dishonored the pulpit, thrown stones at the kirk window in verie tym off sermon.

Quhat profanation theair is off the Lordis day in suche a pait quhair ar tueiff cealaris off quhom we sall rairlie hav tuo or three upon Sunday at divine service, thoghe thai dwell all within a bowdroght to the kirk, may easilie appeir.

Last, thair is no honest man will remaine with us to be reidar and scoolmaister, he is so mocked and flowdew be these youths off Bethell iff he go out at dore anie busines.

Complainte—Upon the 18 day of Marche last past, quhilk day the Laird of Lag and Hampsfield did apprehend Mr. Charles Brown and Gilbert Browne, it ves not aneugh for this pepill most shamfullie to revile these worthie gentlemen and throw stones at them and at the preacheris, but in thair presenc vowed to God to hav my lyff; and no sooner went the schoolmaister David Qhyt, his wyff, Helen Marshall, my servand, Margaret Qhyhtt, up the street for anie busines but assoone cam Cathren Stewart, spouse to Mr. Charles Browne, furthe with Marion Kewar, Jonett Stewart, Florens Brown, Margaret Makraine and divers others and with keyis, rungs, handis, feit, did pitifully beat the said Helen Marshell and had undoon hir iff she had not been rescewed be the help off hir husband and my servand quhom thai did beat and chase hom to my awin doorsis and within my awin close had almost feld hir with grett stones: and all this for the ministeris cause quhose wyff also had been beaten be the said Cathren Stewart
wer not the help of sum men thair present. Quhat this may draw to ineff it be not helped in tyme, lett your Lordships wisdom oconsider. Your Lordships humble servitour, (Signed) Mr. Adam Simson, minister at Newabay.


80. Copy of the Act of Council granting immunity to the teind buyers and teind sellers for subscribing the submission, printed ante, p. 293.


83. Copy of the Act of Council charging the pursuer and defender in the trial of Robert Dunbar of Burgie to come thither only with the allowed number of friends, printed ante, p. 295.


85. Copy of the Act of Council for the trial of the resettors of fugitive soldiers, printed ante, p. 296. Signed by the same Lords as the last.

86. Copy of the Act of Council for delivering the Lubeck ship and her ordnance and ammunition to the Admiral, printed ante, p. 298.

87 "Worthie Sir, It is lett me understande be Peter Reid that my Lord Chancellor hes directed a warrant to be given out be yow in the maist ample forme against the Erle of Craufurd in favors of the said Peter, wharfor I will intreat yow to do the same, first to give me ane command to search, tak and apprehend my Lord within the shirifdom of Angus and to tak up, poynd and tak all his lordships moveables in any paire thair to mak it furtheuming to the nixt opportunitie to his use, as also to command to caus all the shirifdom to aid, assist and ryd for his
apprehending, and that I may go armed to cary pistols, muskets or any armor defensive or offensive with my followars, and that I may chairg all gentlemen wha resettes his lordship in contempt of his Majestie lawis to wnderly the Lords censure; as also to have a redress of all that sall refuis concurrence. Not els bot rests, Yours at powar (Signed) S't Harie Wood of Bonytoune. Last March 1628. [Addressed] To my vere worthie and his well respected good freind James Primrose, Clerk to the Rycht honorable Privie Counsell, thes.”

88. Petition by the moderator and ministers of the Presbytery of Dunse, as follows:—Their Lordships are not ignorant that by God’s providence a barbarous and cruel murder was lately detected committed by William Whytlaw and Jeane Murdo of five or six children procraeted in adultry betwixt them, at the discovery whereof by the said Jean, the said William Whytlaw fled to Ingland. Their Lordships had been pleased to grant a commission to Sir Alexander Nisbet of that Ilk, Sheriff of Berwick, for the trial of the said Jean, and they had also written to Sir William Muschamp and the rest of the justices of peace in Northumberland (within whose bounds the said Whytlaw resorted) to apprehend him and deliver him to the said Sheriff. This has been done and the said Sheriff has warded Whytlaw in the tolbooth of Dunse. The said Jean is to be tried on Friday next, and they crave that commission may be granted to the said Sheriff for the trial of Whytlaw also for the said murder. [On the back] “Apud Halyrudhous, ultimo Martij 1628. Fiat commissio ut petitur. (Signed) Geo. Cancell*, I.P.D.”

89. Petition by Sir Alexander Nisbet of that Ilk, Sheriff of Berwick, as follows:—Their Lordships have sent to him the submission to be signed by the inhabitants of Berwickshire anent the buying and selling of their teinds, and other things therein contained, and have directed him to appoint certain diets for their meeting for this effect. Now a great many persons concerned as above within the said shire are at the horn either for their own debts or as cautioners for friends, and consequently for fear of caption will not keep these diets, and this will hinder the furtherness of his Majesty’s affairs. He therefore craves that their Lordships would authorise him to make proclamation within the sheriffdom that all persons having teinds to buy or sell may freely resort to the courts of the Sheriff, or justices of peace or other meetings appointed for the said purpose in the town of Dunse or elsewhere in the shire, without fear of arrest within twenty four hours before and twenty four hours after such meetings, and to command in his Majesty’s name all officers of the law and judges accordingly. [On the back] “Apud Halyrudhous ultimo Martij 1628. Fiat ut petitur for the space of three dayes before. (Signed) Geo. Cancell*, I.P.D.”


93. “Right assurred good freind, I hear the Laird of Thornetoun hath braght home sum directions to the Counsell wherof I wald be glaid to know the particular from yow. I confess the clerke of the Counsell aught not to reveill Counsell matters, but to a suorne counsellour he maye, so it be not against or concerning him self who is desyrous to know itt. I am not verie curious, yitt ye may gues the caus which att this tyme moveth me to entreatt yow als soone as ye can to delvery a letter to Mr. Thomas Yonge bearing these things which he hath braght don and is to be handled too morrow to be sent be him to, Your most affectionat and assured good freind. (Signed) Lauderdaill. Lethingtoune 6 of April 1628 in haist. [Addressed] To my verie speciall good freind James Pymrois, Clerke of his Majesties Privie Counsell.” Sealed with a small seal bearing a coronet under which a figure is sitting with a sword uplifted in his right hand, and the motto, Consilio et armis.

94. Copy of the Act of Council in favour of the merchants for the importation of French wines, printed ante, p. 305.

95. Copy of the Act of Council in favour of those who have imported French wines, printed ante, p. 306.

96. Petition by John, Earl of Mar, Lord Erskene and Garvianauche, Collector General of the Taxation granted in August 1621, as follows:—William Greirson of Lag, knight, Sheriff of Dumfries for the time, for non-payment of £409 as a part of the first term’s tax of the lands of Eakdaill, Ewidasill and Wauchopdaill in Dumfriesshire; James Maxwell of Kirkconnell, Sheriff of Dumfreis for the time, for not paying £572 16s. 8d. as a part of the second term’s tax of the shire of Dumfreis and lands foresaid; and Archibald Maxwell of Cowhill, Sheriff of Dumfreis.
1628.

for the time, for not paying £220 3s. 4d. as a part of the third term’s tax of the said lands, were put to the horn, and they have now long remained thereat unrelaxed to the contempt of the royal authority and evil example of others. He therefore craves that their Lordships would call them before them and take order with them, with certification that if they do not appear letters of caption will be given to certain gentlemen chosen to be of his Majesty’s guard “for apprehending of suche rebellis as ar past to the horne for not payment of their taxationis.” [On the back] Apud Halrydowes, vij Aprilis 1628. Fiat ut petitur. (Signed) Monteith, I.P.D.

97. Petition by George, Viscount of Dupling, Lord Hay of Kilfawnis, Lord High Chancellor of Scotland and Collector General of the Taxation granted in October 1625, as follows:—Though the first, second and third terms’ payment of the ordinary taxation and the first, second, third and fourth terms’ payment of the extraordinary taxation are now long since past yet several persons refuse to pay the same unless they are compelled. He therefore craves letters to be granted him charging all archbishops, bishops, priors and abbots, all noblemen and others in whose favour the erection of any prelacy or inferior benefice or patronage of kirkis or teinds has been passed, all other benefited persons contained in his Majesty’s taxed rolls, all sheriffs, stewards, bailies, all chamberlains and receivers of his Majesty’s lands, and their factors, deputes, clerks, etc., being within the kingdom, by proclamation at the market crosses of all the head burghs to pay what they are due hereof within twenty days, and thereafter to denounce; and those without the kingdom, by proclamation at the market cross of Edinburgh and pier and shore of Leith, within sixty days; and also letters charging all sheriffs, stewards, bailies of regality and others, and provosts and bailies of burghs and clerks appointed to deal with the extraordinary taxation to give up account and inventory of each of the four said terms separately upon oath to him, and make payment of the sums due within twenty days, and to denounce those who fail. [On the back] Apud Halrydowes, vij Aprilis 1628. Fiat ut petitur. (Signed) Monteith, I.P.D.

98. Petition by Robert Crichtoun of Ryhill, Sheriff of Dumfreys, as follows:—Though the third term’s payment of the ordinary taxation granted in October 1625 is now long overdue, many persons in the sheriffdom of Dumfreys refuse to pay unless they are compelled. He therefore craves letters of charge against all earls, lords, barons and freeholders in the said shire, either at their dwelling places or at the market cross of the head burgh of the shire, for their payment to him of 30s. for every pound land of old extent within the said shire pertaining to them within 20 days, failing which, to denounce and restrain. [On the back] “Apud Edinburgh, vij Aprilis 1628. Fiat ut petitur.” Unsigned.
99. “Good Jaems, Theis ar ernstly to desyr you heat thir other letters (quhilk this berar will delyvir unto you) to my Lord of Hadinton that they may be sentt to my soone att Court. Thus I rest, Your treu freind, (Signed) Mar. Alauy the xii of Apryll 1628. I have villed this berar to gett sum letters from you to charge Dunrod for not fulfilling of the Counsalls ordinanss; the particulars I remitt to him, bost I pray you to give him outt the letters. [Addressed] To my good freind Jaems Prymrose, Clerk of the Previe Counsell."

100. “Lowing freind, I haiff againe schowin to the rest off the justyees the Counsellis will anent the numbering off the men in this schyre that reporte may be maid heiroff at this Counsell day. I haiff taikin tryell qhat number wilbe in this parishe and findis they wilbe betuyxe fittie and thre skor off men quhairoff ther is ten jentil-men, the rest yemen. Iff I sall mak ane particular roll of the names agane the xxij day of this moneth or anie utheris in this cuntre hes done pleas you let me kne and I sall do be your derectioun. So with my heartte love commitis you to God, and restis as ever, Your loving freind, (Signed) Galasheillis. Galasheillis the xij of Apryle 1628. [Addressed] To my werrie lowing and muche respectit freind James Prymrose, Clerk to his Majestie Counsell, these.” [Sealed with a small seal, bearing a shield with three escollop shells on a bend, a boar's head for a crest, and the initials I.P.]

101. “Honorable Sir, We have learned by the report of Mr. Robert Patrie, writtar, how ye hawe kythed werie freyndlie to ws in that particular concerning the moneys we lent to Capitane Auchmowtie for outred and recking furth of his Majesties schip then lying in our herbrie; and having directed the berar Mr. Alexander Jaffray, ane of our bailles, to advise concerning the mater of our teyndis what course we shall tack concerning thame, we haave also desyred him to insist with the Lords of his Majesties honorabil Privie Councell and to petiition thame for refounding back to ws of these moneys advancit be ws in his Majestie service. In both the quhilkis particulars we man entreat yow (as ever formerlie ye hawe bene) to stand our freynd and to give the berar your best advise how he sall carrie him self in the busienes and what course he shall tak thairanent, for the quhilk by Godis grace we sall not prove unthaukfull. All farder remitting to the sufficiencie of the berar, we rest, Your werie lowing freyndis to power, Provest and Bailleis of Aberdene, (Signed) G. Menzeis, prowest; Thomas Colinsone, baillie; Th. Nicolson, baillie. Aberdene, 18 April 1628. [Addressed] To their honorable freynd, James Prymrois, Clerk of his Majesties Privie Councell, these.” Sealed with a small seal, bearing a shield on which the design is almost effaced, and the legend BON ACCORD, ABERDEEN.

1 Alexander Lindsay, laird of Dunrod.
102. Paper containing (1) copy of the Act of Council in favour of 23rd April 1628. The teind buyers of Inverness-shire; (2) Copy of the Act of Council in 1629. favour of the teind buyers of Aberdeenshire; both printed ante, pp. 311, 312. Also (3) draft of an Act of general application to all districts, and Aberdeen- shire, but in two places of which Tarbett is filled in—and the whole of which Tarbett Act is then scored through.

103. Copy of the Act of Council as to the teind buyers and teind Tarbett, sellers of the sheriffdom of Tarbett, printed ante, p. 312.


105. Petition by James, Erle of Murrey, as follows:—On 25th January, 16th July, and 8th December 1627, William Robertsoun younger, burgess of Inverness, James Robertaun, Donald M'Moular, John Polisoun, William Paterson, elder, John Robertsoun Lowresoun, all burgesses of Inverness; also Alexander Cumming, Frances Bishop, William Stevinsoun, William M'Condochie, William Cuthbert, James Cuming, Robert Neilson, William Tulloche, John Dow M'Alaster, and Robert Sinclaire, burgessses of Inverness, Hector M'Conneill V'Eferquhar in Culkabock, John M'Alaster M'Vatt in Balnafreiff, Alaster M'Finlay Vayne in Cantradolles, John M'Thomass Badzenoche in Altnslanach, and Alaster Oig M'William M'Gillista and Alaster M'Intoche in Largis, were put to the horn at the instance of Mr. David Stewart of Newton, and Alexander Inneis, procurators fiscal of the petitioner, for their fail- ing to compound before the petitioner as his Majesty's lieutenant for repressing of the Clan Chattan, and their associates and ressettters within the bounds of Aberdeene, Bamiff, Elfigne, Forres, Narne, etc., and underlie the law for resetting these rebels, but they are heedless of the said horning. He therefore craves a general commission to all sheriffs and other magistrates for their apprehension and imprisonment until they appear for trial before him. [On the back] “Apud Halymudonis, 23 Aprilis 1628. Fiat ut petitur.” (Signed) Monteith, I.P.D.”

106. Petition by John Maxwell of Gribtoun, as follows:—Having 23rd April 1628. been put to the horn for not satisfying the Kirk, he had petitioned the Presbytery of Dumfreis and promised to them to give satisfaction and obedience. The presbytery on advising thought it necessary that the petitioner should appear before the Council and make his offers and find security there, so that they might more safely deal with him afterwards for not satisfac- whereupon he craved a certificate from them of his “willing and resolute offer” which was readily granted, and which he produces signed by the
Laird of Anisfeild and Mr. Thomas Ramey, moderator of the said prebytery. Seeing he is “still willing to mak obedience and satisfac-
tione to the kirk and to subcryve sic injunctiones as they will lay”
to his charge, he craves that their Lordships will order his relaxation.
the first part of this petitioun, caution being fund to the effect
within writtin under the pane of ane thousand pundis. (Signed)
Monteith, I.P.D.”

107. Petition by James Downie, mariner in Leith and servant in his
Majesty’s ship called the Lyon, as follows:—There is due to him as wages
for four months’ service £36 Scots, of which he has received no payment,
and he has been “duynning with sickness” upon his mother’s hand.
He therefore craves consideration of his case, and of their poor estate,
as their creditors will put them in prison. He adds “I micht not come
up my self be reasone of the schipsis furth going.” [On the back]
“Apud Halyrudhouse 24 Aprilis 1628. The Lordis findis that the
suppliant his desyre cannot be grantit inregaird his name was not
inrolled. (Signed) Monteith, Hadinton, Wintoun, Carnegy, Naper,
Arch. Acheson.”

108. Petition by Sir Thomas Hoip of Craghall, King’s Advocate,
and David Lindsey of Balgais, as follows:—Though the bearing of
hagbuts and pistols is prohibited by law, and the said David Lindsey
has the heritable right both of property and commonty in the muir
between his lands of Balgais and the lands of Turings, his deceased
father and himself and their tenants having been in peaceful possession
thereof these forty years past in pasturing their cattle, casting of “faill
and divvott,” pulling of heather, etc., yet lately on 21st April last
James Stirling, fiar of Brake, John Kempe, John Caltie, John Moir,
Harie Sutherland, and others, all armed with hagbutes, pistols, swords,
longstaves and other weapons, came “in ane uncivill and uncomelie
maner” to the said muir, attacked his herds, pursued them for their
lives, struck his goods and hounded them off the muir; and on the
following day they again came in a similar lawless manner, and chased his
and his tenants’ cattle off the muir, hounding them so “with great
mastish dogges that sindrie of them being heavie with calves hes never
beene able to stand upoun their feete senseynye and numbers of my yowes
hes cassin their lambs.” The petitioners accordingly crave summons
against these persons. [On the back] “Apud Halyruheidhous, primo Maij
1628. Fiat ut petitur.” (Unsigned.)

109. Another petition by the said David Lindsey of Balgais, and by
William and Mr. Patrick Lindsey, his sons, as follows:—Francis Ogilvie
of Newgrange, James Ogilvie, fiar thereof, his eldest son, James Stirling,
fiar of Brakie, George Ogilvie of Cornettie, John Kempe, servitor to the
Laird of Brakie, John Caltie in Bidderdie, John More in Bidderdy, Harie
Sutherland there, David Jamesoun there, William Wallace there, John
Rait in Turing, David Hall in Turing, John and William Bennet in
Turing, Thomas Robert in Turing, Thomas Dae in , and John
Bowman in , having conceived causelessly a hatred and malice
against the petitioner, molest and trouble him and his tenants in the
possession of their lands, especially of the muir above mentioned, on
which by way of deed and oppression they hold and pasture their cattle,
"cast sa faill, fewell and divayette upon the same, teillis and ryves out
certaine pairts and portionis of my saids lands within the proper
bounds and merches theairof, sawes cornes theairon, makes commoun
gaits and loanings throw the same, bigges faldis and dykes theairon,"
and also hound off his and his tenants' cattle, and threaten their
lives if they resist or oppose them. The petitioners therefore crave
that an officer of arms be directed to take their oaths that they dread
bodily harm, and that the persons complained upon may be charged on
six days' warning to compass and find caution for their indemnity. [On
the back] "Apud Halyrudhous, primo Maij 1628. Fiat ut petitur
under the panes following, viz. the said Francis Ogilvie of Newgrange
under the paine of a thousand pund; James Ogilvie, his eldest sonne,
fear theairof, under the paine of a thousand merk; James Stirline, fear
of Brakie, under the paine of a thousand merk: George Ogilvie of
Cornettie under the paine of a thousand merk, and the remanent
persons withinwrittin under the paine of foure hundredth merkes."
(Unsigned.)

110. Copy of the Act of Council charging Andrew Watson and John
Duff to keep the peace, printed ante, p. 322.

111. Petition by Mr. William Hamilton, minister at Mouswall
Petition by Mr. William
John Neilson, officer to the Commissariat of Dumfreis, and James
Hamilton, minister at Mouswall, and
Wichtman in Smailholme, servitor to the said minister, as follows:—
John Carruthers of Holmend, having conceived a deadly hatred against
the said minister, because, as his pastor, he "laboured to move the said
Johne and his servants to repaire to thair parish kirk of Datoun upoun
the Sabbath day for hearing of the sermoun," daily lie in wait for the
petitioners' lives. Knowing that on 1625 the minister would
be in company of his servants engaged in transporting some corn from
the town of Datoun to his dwelling house at Mouswall, the said John
Carruthers, George Carruthers of Butterquhat, John Clerk, weaver, in
Over Dormont, Thomas Wichtman there, and George Carruthers, his
brother, lay in wait for him by the way. The minister, however, having
been through some intervening occasion detained at home, the said
persons, in the rage of their disappointment, set upon his servants, "threw
thame to the ground, breisted and punished thame with their hands and feete, and after a barbarous maner strake and wounded my horses, whilk wer careing my cornes, brake the sleddes and uthers instruments qhillks served for careing of the cornes, and caused thair awin bestiall eate and destroy the same.” Further on December of the said year when the said John Neilson went to execute a charge from the Commissariat of Dumfreis at the instance of the said minister against the said John Carruthers to compair before the Commissary of Dumfreis, the said John Carruthers pursued him with a drawn sword, gave him a deep wound upon the shoulder to the great effusion of his blood, “and thairafter hounded out ane great mastick dog at me whilk threw me to the ground and boute be me throw the ball of my leg, so that I was unable to stirre for a long space thairafter.” Then on October last John Carruthers and the other persons who formerly accompanied him as above named came to the lands of Butterquhat and Hoill belonging to the said minister, thinking to have found him there, but missing him they attacked his servants, who only narrowly escaped their cruelty by flight; and thereafter the same day they came to the lands of Kirkhill, in the parish of Datoun, where the said minister was for the time, besieged his house, called for fire to burn it, and when they found they could not succeed in this they cruelly slew a horse standing by belonging to the said James Wichtman. They therefore crave summons against the persons named. [On the back] “Apud Halyrudhous, secundo Maij 1628. Fiat ut petitur.” (Unsigned.)

112. Petition by Richard Nicolsoun in Clois, in the parish of Little Datoun, as follows:—Though the apprehending and imprisoning of his Majesty’s free lieges has been very often prohibited, yet on May 1626 when the petitioner was peaceably in his dwelling house in Little Datoun, George Carruthers, son to the deceased John Carruthers of Holmend, Nicolas Jardin, his mother, and George Carruthers in Butterquhat, came by way of hamesucken to the petitioner’s said house, and entering the same, pursued him for his life with a great baton, gave him many bloody strokes upon the head, shoulders, arms and other parts of his body and then left him lying for dead. They also attacked his wife and children, “shott thame to the doore, brake and abused the whole insight and pelishing being in the hous, brought the keyes thairof away with thame and carried me to the place of Kirkhill as ane malefactour, presented the stockes to me threatening to putt me thairin”; and while he remained a captive in their hands they intromitted with his goods and cattle and disposed of the same at their pleasure. He therefore crave summons against these persons. [On the back] “Apud Halyrudhous, secundo Maij 1628. Fiat ut petitur.” (Unsigned.)

3rd May 1628. 113. Petition by Mr. John Hairt, son and heir to the deceased Mr.
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John Hairt, sometime bailie of the Cannogait, as follows;—On 23rd April last their Lordships had ordained his brother, Patrick Haart, maltman and indweller in the Cannogait, to find caution acted in the books of the Secret Council for any damage sustained by the petitioner through his interruption to the repairing of the houses in the Cannogait belonging to the petitioner as his father’s heir; but he refuses to find this caution unless he be compelled. He therefore craves letters charging him to obey their Lordships’ ordinance within six days on pain of herning. [On the back] “Apud Halyruithous, tertio Maij 1628. Fiat ut petitur. (Signed) Linlithgow.”

114. Petition by Alexander Wilsoun and William Gilzeane, servitors to Sir Andrew Hamiltoun of Ridhous, as follows;—On their said master sent them to the burgh of Hadintoun to buy some provision for his house, and having finished their business, as they were riding quietly home John Thomoun in Abirledie, George Johnstoun in Colstoun Mylne, Thomas Johnstoun and Johne Johnstoun in Samwelstoun, armed with swords and great batons, followed them out of Hadintoun and pursued and assailed them with these weapons, wounding Alexander Wilsoun on the hand and the face with a baton, to the great effusion of his blood, and William Gilzeane on the head and shoulders, who through his injuries has been ever since, and still continues “in great pain and dolour.” They crave summons of their assailants before their Lordships. [On the back] “Apud Halyruithous, tertio Maij 1628. Fiat ut petitur.” (Unsigned.)

115. Petition by Sir Thomas Hoip of Craighall, King’s Advocate, and Laurence Scot of Harrrerrig, as party grieved and informer, as follows;—Though the bearing of hagbutas and pistols and the slaughter of wild fowl and venison have been often prohibited by law, yet James Greg, son to John Greg in Bavillaw, William and Alexander Quhyte, sons to John Quhyte there, and John Kellie, son to William Kellie there, daily repair to the said Laurence Scot’s own lands “and to the oastler houses within the same whair they ly day and night spending the tymne in drinking and ryott, and everie one of thame haveing with thame lying dogges and netts with ane long haquebutt, and whan they have done with thair drinking they all concurring togidder goes a thort my bounds and other gents bounds nixt adjacent, and partlie with a long haquebut and with thair lying dogges and netts they take and slay all kynde of murefoule that they can find within our bounds and caire the same in to the oastler houses and sellis and drinkis the moneyes thairof at thair pleasure, and thay live altogidder as yde vagabounds without anie trade, calling or laughfull industrie.” Moreover, on last, they, at least one or other of them, came under cloud and silence of night “to the hous of Bawillaw whair I had raiseed twa turrets upoun the entrie thairof
and covered the heads of the same with leid, and leddered the said turrets and rave down and tooke away with thame the most part of the leid being upon the said turrets for making of bulletts and drapes to their hacquebutte." They ought to be punished in their persons and goods, and summons is therefore craved against them. [On the back] "Apud Halyrudhous, quinti Maij 1628. Fiat ut petitur." (Unsigned.)

116. Petition by Walter, Earl of Bucceleuch, as follows:—Though the cutting and destroying of green wood, policy and planting has been often prohibited by law, yet from his woods and park of Todshahauche, which is a part of his lands and barony of Branxholme, and from the Trinity lands of Hawick, which also pertain to the petitioner, and both which he caused carefully to be preserved and hained, the following persons have cut and taken away trees, viz.—James Ranick in Galalaw, trees; Andrew Scot in the Haip and James Scot in Holcaldrum-hill, trees, which they either cut themselves or bought from others who did; Gilbert Watt in Hawick, trees; John Dowglas called Hallas, trees; Robert Shortreid in , trees; Adam Scot, smith in , trees; Jocke Hendersoun in Quichester, trees; Robert Scot of Neathersouthfield, trees; and Willie Martine in Branxholme, trees; whereby the said park and wood, which was plentifully stocked with "good timber, and was a beautie and ornament to that part of the countrie, is now become verie voide and barren of timber." He therefore craves summons against them. [On the back] "Apud Halyrudhous, sexto Maij 1628. Fiat ut petitur. (Unsigned.)

117. Petition by Walter Browne, maltman and late bailie of Mussiburgh, as follows:—David Hill, messenger there, having conceived a deadly hatred against him because he, as bailie for the time, had obliged him to make satisfaction to some of the inhabitants of that town whom he had abused in the unlawful execution of his office, has since sought occasion to take his life. When on April last, he was peaceably going to the house of Jeane Blakhall in Mussilburgh to meet with the Laird of Kilspindie, he met with the said David, who passed by him and then turned with a drawn knife in his hand, intending to kill the petitioner, but his attempt being noticed by two young men in the petitioner's company, he desisted. The two young men concealed the fact from the petitioner at the time, but they afterwards taking the said David to task "for this his bold and lawlesse attempt aganis a counsellour and magistrat of the burgh he nothing repenting thairof profest that if no otherways he could be avenged upon me he would have beene content to have died in my hands to the effect thairby he might have gottin meanes to his barnes." Further, he lay in wait for the petitioner "in a darkesome placie under the staire of our tolbuith and
118. Petition by Walter Newall, son to Alexander Newall in Newabbey, as follows:—On the 4th instant, "being the Sabbath day," he was quietly coming home from the kirk of Newabbey, where he had been hearing the sermon when Robert Lindsey in Kerse of Newabbey, who has a hatred and malice against the petitioner, and thinking the opportunity one fit for his purpose, lay in wait for him all the time of the sermon, and, as the petitioner was going toward the clachan of Newabbey, he set upon him with a great baton and would have felled him therewith if the people returning from the kirk had not interfered and rescued him. Anticipating no further attack the petitioner proceeded on his way, but the said Robert Lindsey followed him and before he was aware, felled him to the ground with a stone to the great effusion of his blood, and while the petitioner lay "as deid," he stoned him as though he "had been a deid carioun, and so bursed and bruised" him in many places that he has been bedfast in great pain and peril of his life. He craves summons against him. [On the back] "Apud Halyruhous, octavo Maij 1628. Fiat ut petitur." (Unsigned.)

119. Petition by Reid, servant to William Forbes of Cragievar, and his said master for his interest, as follows:—On 20th April last, "being Sunday," the said Reid was on his master's grounds at Over Sinnenhard when Alexander Forbes, son of the deceased Alexander Forbes in Myline of Towie, causelessly assailed him with a drawn sword, gave him many bloody strokes on the head and elsewhere to the great effusion of his blood, robbed him of his weapons, and then, thinking he was dead, cast him into an adjacent water, where he had died if some persons had not providentially passed by and drawn him out. He craves summons against him. [On the back] "Apud Halyruhous, nono Maij 1628. Fiat ut petitur." (Unsigned.)

120. Petition by George Ogilvie, late servitor to the deceased Sir George Ogilvie of Banff, and Sir Thomas Hoip of Craighall, knight, King's Advocate, for his Majesty's interest, as follows:—The taking and detaining of free persons is very strictly prohibited "in all estates and kingdoms as ane manifest usurpation of the Soverane and regall auctoritie and power." Now the said George, having by his painful,
against Sir George Ogilvie, now of Banff, whom he charges with wrongfully wading him in the pit and prison of his house of Banff.
diligent, and faithful service to the said deceased Sir George Ogilvie, and to the Laird of Banff, his father, acquired five or six hundred marks of money, for security of payment, whereof they disposed to him a portion of land, in uninterrupted possession of which he has been for several years back, and looked that Sir George Ogilvie, now of Banff, in regard not only of these services to his said father and grandfather, but the petitioner's willingness to bestow the best of his endeavours also in his service, would have allowed him to enjoy this ground till his money was paid. But instead of this, in "his earnest and vehement desire to have both the rowme and money," nothing could satisfy him unless the petitioner "quatt the right to the rowme and dischairgit the money." He caused several persons to deal with him to that end, but finding neither his intreaties nor threatenings effectual, he resolved to seek his end by force and oppression, and on April last he caused the petitioner to be arrested and put him "in the pitt and prisoun of his hous of Banff," laid him in the stocks, and has since kept him there, bound hand and foot, and suffers none of his friends to have access to him to supply him with necessaries. He is resolved by famine or other rigorous procedure, to extort from the petitioner a disposition both of his "rowme and money." He is his Majesty's free liege, answerable to the laws, not convicted of any crime, and the said Sir George has no warrant for his imprisonment, yet he refuses to release him. He craves a charge to him for his liberation or summons before their Lordships. [On the back] "Apud Halyruighthous, decimo Maij 1628. Fiat ut petitur. (Unsigned.)

12th May 1628.
Petition by John Thomsoun in Abirledie and George Johnstoun in Colstoun, as follows:—Alexander Wilsoun in Spittell and James Cuthbertson in Prestoun have laid upon them most maliciously a foul aspersion of theft, and "caused searche our hous with sleuth hound dogs." Having found nothing to justify their procedure, and being ashamed of what they had done to bring the petitioners' lives and estates in question, yet in their malice nothing could content them but the petitioners' lives. Accordingly on 26th April last, meeting the petitioners in the highway as they were returning home from Hadinton, they pursued them with drawn swords, wounding the said George Johnstoun on the right hand, which they have mutilated, also on the head, and twice on the arm, leaving him for dead. They crave summons against their assailants. [On the back] "Apud Halyruighthous, duodecimo Maij 1628. Fiat ut petitur." (Unsigned.)

14th May 1628.
Petition by Sir David Lindsey of Balcarras, knight, as follows:—He possesses certain lands in the parish of Carnebie heritably, and for the greater ease and convenience of himself and his household in hearing sermon at the parish kirk there, he several years since bought
from David Hunter, eldest son and heir of the deceased Patrick Hunter of Over Carnebie, a little saile and burying place within the said kirk where, at great cost, he caused erect "ane faire desk and seate, both for ane ornament to the kirk," and the purpose above mentioned. He has held his seat in the kirk of Carnebie ever since been in peaceable possession of the same till lately that on the 10th May instant, which was the preparation day before the Communion, Thomas Melvill, son to the deceased Sir Melvill, sometime of Carnebie, knight, who has lately returned from West Flanders, where he has spent his time in the service of his Majesty's enemy, the King of Spain, accompanied by his servant, Robert Reid, wright in St. Andrewes, and Reid, the said Robert's son, came early in the morning to the said kirk and entering the same "violentlie and forciblie brake up the doore of my yle, hagg'd and hewed my desk and seate with axes and uthers instruments, cutted the same in peeces and thairafter kuist it out to the kirkyaird." He therefore craves summons against the said persons. [On the back] "Apud Halyruithous, decimo quarto Maiij 1628. Fiat ut petitur." (Signed) Hamilton.

123. Petition by the provost and bailies of Hadintosh, as follows:— At their command their officer charged John Barns, skinner in Haddington, either to satisfy certain decreets obtained by his creditors against him or enter his person in ward "conforme to the use of burgh," but he proudly and contemnuously disobeyed the charge, as he has often done before. With the like contempt he treated a summons to compair before them, as also a charge to the same effect by the whole council of the burgh, and an open proclamation as well, wherein they certified him they would proceed against him for his contumacy, even though he compered not. Accordingly, as unworthy of any benefit in the burgh he was "verie ordourlie and after great deliberatioun solemnlie depryved of his burgessehip within our said burgh," and also ordained to pay to the common officers thereof £100, and to be warded till payment was made. He was thereupon apprehended and warded in the tolbooth, but to crown his contempts he broke ward and escaped to the Cannagait, where he openly reviles the petitioners "avowing that if we and our counsell wer all hangit in a tow and in despetye of all our haints he sall be burges and remaine burges in our said burgh." They crave summons against him. [On the back] "Apud Halyruithous, 14o Maiij 1628. Fiat ut petitur." (Signed) Hadinton, Morray, Lauderdaill, G. Gordoune.

124. Petition by the minister and Session of the kirk of Innerkeithing, as follows:—By an Act of Session on 29th January last they appointed a certain place in their kirk for the erection of a seat and desk for Harie Thomson in Innerkeithing, son of the late James Thomson, burgess there, but no sooner was the act attempted to be put in execution than the magistrates of Innerkeithing, "stirred up be
some turbulent and evill disposed persoues within our toun, refuises to give way thairunto." Upon this they, by an Act of Kirk-session of 5th February last, referred the matter to the Presbytery of Dumfermline, who, by their Act of 2nd April last, ordained the magistrates of Innerkeithing to put the said Act to execution. As they continued in their opposition, the Presbytery, by their Act of 16th April last, ordained the petitioners to place the matter by supplication before the Council, and this course has been approved by the Bishop of St. Andrewes, under his hand and subscription. As such opposition may prove of very evil consequence in future, they crave their Lordships' charge to the provost and bailies of Innerkeithing to put the said Act of the Kirk-session to execution, and to resist all opposition thereto within six days. [On the back] "Apud Halyruidhous, decimo quarto Mai 1628. Fiat ut petitur, or els to compeir the nixt Counsaill day and shaw a reasonable caus quhy." (Signed) Hadinton, Morray, Lauderdail, G. Gordoune.

125. Petition by John Robertsoun, younger, merchant burgess of Perth, as follows:—On 21st January last he was peaceably on his way to the market in the town of Cowper of Fyffe "thair to have used my ordinarie calling in buying and selling of merchant waires," when Gilbert Geddes in Abernethie, "a man whome I had never offended be word or deid," as the petitioner was near Abernethie, came behind his back, "kuist me doun in a filthie myre and trampled and pused me with his hands and feete quhill I wes in the myre, to the great effusion of my blood, robbed and spoyled me of my sword, my durke, and my purse with twa hundredpunds be thairin," and he would also have slain him if some "passingers" had not interposed. The petitioner proceeds, "I, being tane out of the said myre, wes forced to losse the occasion of the mercat at Cowper to my great hurt and prejudice, and goe to the town of Abernethie, thair to be cured of my wounds, refreshed my selfe, and made my cloathes cleane, looking for no foder insolence to be committit aganis me be the said Gilbert; bot no sooner got he intelligence that I wes in the hous of Archibald Douglas in Abernethie bot incontinent he come to the said hous, entered within the same and verie barbaroulie and cruelie abused me with his hands and feete, and had not failed with his durke to have slaine me if the nighoughs who come for my delvyerie had not stayed him." He craves summons against him. [On the back] "Apud Halyruidhous, decimo quinto Mai 1628. Fiat ut petitur." (Unsigned.)

126. Petition by James Dunbar in Hemprigs and Robert Dunbar, his brother, as follows:—Robert Tulloche, son to the deceased Alexander Tulloche of Tannacheis, and William Hay of Struthers, having conceived a hatred against them and concealed
it till they should find occasion to give it vent, learning that on the 7th instant the petitioners had an appointment in Forres, took advan-
tage of this and of their friendship in the said town to injure them.
They and some accomplices came thither armed with "jackes, secreits, 
steilbonnets, steilbatts and plait bonnetas," concealed themselves till 
they marked the proceedings of the petitioners, and at last, seeing the 
said James Dunbar walking alone on the street, the said Robert 
Tulloch threw himself in his way and tried to force a quarrel by the 
utterance of "reproachefull calumneis and lea." Then he suddenly 
"lappe in to me with a long drawin durke in his hand quhairwith he 
gave me three great straikes upoun my hand and arme to the effusiou 
of my blood and appearand mutilation." Further, when he saw that 
through these wounds the complainer was defenceless, he drew his 
sword and pursued him for his life; and the said William Hay, 
"being on horsebacke with a long lance in his hand, he ranne at me 
with his lance." The said petitioner being relieved by some of the 
town's people and forced for "pansing" of his wounds to go to the 
dwelling house of Thomas Nicolsoun in Forresse, his said brother, 
Robert, being with him, his two assallants, with Mr. James Hay, appa-
rent of Rannes, and Mr. John Hay, his brother, and convocation of the 
lieges to the number of , beat the house, "brashed the doores and 
yetts thairof of purpose to have dung the same up," and take the 
petitioners' lives, and because the doors were so "guairdit" that they 
could not effect this, they used all the provocation they could to draw 
them forth, charging them with "cowardice and want of courage, and 
swearing and avowing that at the nixt meeting they sould have our 
lyffe." They crave summons against them. [On the back] "Apud 
Halyruidhous, decimo quinto die Maj 1628. Fiat ut petitur." (Unsigned.)

127. Petition by Sir Thomas Hoip of Craighall, King's Advocate, 16th May 
and Oliver Gordoun, son to John Gordoun of Trinneis, as follows:—
Though the bearing of hagbutts and pistols is strictly prohibited, yet on 
last, when the said Oliver was "upoun the Linkes of Aber- 
dein, ryding upoun my awin hors, having a course to have runne with 
John Johnestoun, servitour to the Laird of Clunie," John Gordoun of 
Ardlogie, who has a hatred and malice against the petitioner, getting 
notice of this, came on horseback to the said links "with a bendit 
bacquebutt in his hand and a paire of pistolets at his belt, and John 
Dagleis-he, his servant, running at his hors foote with a paire of pistolets 
at his belt and a bendit gwune in his hand." When he spied the 
petitioner he made his way to him behind his back and had shot and 
slain him at unaswares, if the said John Johnstone, seeing Ardlogie's 
intention, had not called to the petitioner to save himself. Ardlogie 
fired, but his hagbut misgave, and the petitioner, who had neither sword 
nor armour upon him, having left the Links and "sett spurree" to his
17th May 1628.
Petition by John Hamilton of Stainh . . . [torn], as follows:—He is heritable proprietor of the mill of Staikfuird, with the dam, water gangs, and other pertinents thereof, in the parish of and regality of Lincludden, and he and his predecessors have been in uninterrupted possession thereof past memory of man, till lately that John Cunningham in the College of Lincludden has pretended some right to the said mill, at least to the dams and lade thereof, and disdaining to pursue his claim in a legal way, seeks by bangsterie and oppression to intrude himself on the petitioner's mill.

128. Petition by John Hamilton of Stainh . . . [torn], as follows:—He is heritable proprietor of the mill of Staikfuird, with the dam, water gangs, and other pertinents thereof, in the parish of and regality of Lincludden, and he and his predecessors have been in uninterrupted possession thereof past memory of man, till lately that John Cunningham in the College of Lincludden has pretended some right to the said mill, at least to the dams and lade thereof, and disdaining to pursue his claim in a legal way, seeks by bangsterie and oppression to intrude himself on the petitioner's mill. Thus he and a number of accomplices came armed "with swords, lances, long-staffes, gantletts, plaitleeves" and other weapons, "to the most especial and profitable damme of the said mylne callit the Lords moose" and with "yrne fawes, gavelockes," and other instruments "not onelie pryssed and rave up the clouse [sluice] of the said damme but also cutted and dang don the most speciaill part therof that dammit and held in the water," and so letting forth the water did what they could by the force thereof to have destroyed and washed away both the mill and the houses adjoining it. Providentially the petitioner got timely advertisement and "by the force of men, timber, stones and divvettes, prevented the same and sett the water by aff the mylne another way." Further, the said John, naving thus dried the said dam, not only casts and wins peats there, but by "his great ditches, seuches and peatpotts" which he has made, he withholds the water from the petitioner's mill, which has thus become unprofitable to him, and disappointing to the neighbours, who have to go elsewhere to get their corn ground. He craves summons against him. [On the back] "Apud Halyruidhous, decimo septimo Maij 1628. Fiat ut petitur." (Unsigned.)

129. Petition by James, Archibishop of Glasgow, and the moderator and brethren of the Presbytery of Paisley, for their interest, and George Ramsey, kirk officer of Paisley, as follows:—Claud Algeo, servitor to Claud Hamilton, brother to the Earl of Abercorn, "haveing made shamefull defection and apostasie frome the trew reliquien, and by his profest avowing of Poprie in reasoning aganis the trew reliquien, he being become verie offensive and scandalous within the toune of Paisley," the said Presbytery resolved to cite him before them, and instructed the said George Ramsey to warn him. Accordingly on the 15th instant Ramsey served the citation expecting that his office and the authority of the Presbytery would secure him a respectful reception, but, instead thereof, the said Claud Algeo, as soon as he got the charge, and with the
allowance and approval of his said master, attacked the said officer
"threw me to the ground under his feete and with his whole force and
strength pounced me with his hands and feete, bersed my bowells and
intrails, and with his falded niffes dang and dadded me upon the eyes
to the great hazard and perrell of my eyes and losse of my sight, and
gave me manie blae and bloodie striakes till I fell a swomning." Thinking
the officer dead, Algeo went to his master and told what he had done,
"who most kyndelige and cheerefullie ressavied him, alloweing and
approveing all that he did." When in a few hours the officer had
recovered and went to complain to the said Claud Hamilton, who was
in the dwelling house of the Laird of Beltreis, the said Claud Algeo, who
was also present, set upon the petitioner of new, and wounded him with
"a number of blae and bloodie striakes," in the presence and with the
approval of his master. The said petitioner thereupon went to the
bailies of Paisley with his complaint, who went to "Beltreis yett" to
apprehend the said Claud Algeo, which when the said Claud Hamilton
saw, he came forth "and in a verie bousteous and threatening maner he
upbraidit thame with manie disgracefull and reproachefull speeches,
calling thame beasts and fooles, how durst they presoome or mint to
take ordour with anie of his servante; and with that he and his man
come to the streets, and walked up and doun the streets a long tyme
boasting and threatening all these that durst presooome to meddle with
thame," and so the bailies were obliged, for fear of their lives, to desist
from taking the said Claud Algeo. Summons is accordingly craved
against him and his master. [On the back] "Apud Halyrudhous,
decimo septimo Maiij 1628. Fiat ut petitur." (Unsigned.)

130. Petition by Sir Thomas Hoip of Craighall, King’s Advocate, and 20th May
Robert Tulloch in Boghill, son to the deceased Alexander Tulloch of
Tannachie, as follows:—The bearing of hagbuts and pistoles is straitly
prohibited by law, yet on 7th May instant, when the said Robert Tulloch
was peaceably walking alone and unarmèd on the Hie Street of Forres,
Robert Dumbar, son to the deceased William Dumbar of Hemprigs,
seeing him, and, on some preconceived malice, resolving to take advan-
tage of him, "first under simulat and faire terms he ingyred himselfe in
my companie and interteanned a familiar discourse with me till he spyped
James Dumbar, his brother, who with wer lying at await in the
toun of Forresse attending his advertisement to perswe me of my
lyffe." As soon as he called them they came, and then he began to use
"reproachefull and disgracefull speeches and strake me upoun the faice
with his neiff and then they all drew their swords and bendit their
pistolets" and gave him "diverse deidlie wounds" on his head, right
arm and hand, to the great effusion of his blood, and then left him "as a
deid man lying on the calsey." They then went "after a bragging maner
east and west the calsey with their drawin swords and bendit pistolets
in their hands threatening and minassing the magistrates and inhabitants of the toun.” Summons is craved against them. [On the back] “Apud Halyruidhous, vicesimo Maij 1628. Fiat ut petitur.” (Unsigned.) There is also on the back of this paper the name M. Rich. Taillour.

131. Petition by Sir Ludovick Howstoun of that Ilk, knight, as follows:—On 27th July 1626 John Tennent of Caernes was put to the horn for not removing from the lands of Wester Caernes, belonging to the petitioner, in the barony of Calder and shire of Edinburgh, and not paying £12 of expenses and collector silver, contained in a decree of the Lords of Session. He craves summons against him, and in case of his disobedience letters of caption against him to the Sheriff of Edinburgh and his deputes. [On the back] “Apud Halyruidhous, vicesimo tertio Maij 1628. Fiat ut petitur.” (Unsigned.)

132. Petition by Robert Stewart in , as follows:—On 28th February last he was going quietly from towards , when Cuthbert Hamilton in , hearing thereof and supposing the petitioner would have some money upon him, resolved either to have his money or his life. Accordingly he lay in wait for the petitioner in the highway, attacked and gave him “diverse deidlie and cruel wounds,” and would have slain him and taken his purse if two gentlemen coming by at the time had not rescued him. This Cuthbert “abuses all his Majesties lieges dwelling about him, and upon counterfoote letters whilk he writs and formes in his swin name be himselfe charges people sometymes to compeir before your Lordships and sometymes before the Lords of Sessioni, and thairby drawes thame to great fashrie, vexatious and trouble.” He craves summons against him. [On the back] “Apud Halyruidhous, 27 die Maij 1628. Fiat ut petitur.” (Unsigned.)

133. Petition by Mr. Patrick Murray, Abbot of Inchaaffrey, as follows:—He is charged for payment of the first, second, and third terms payment of the taxation of October 1625 for the Abbacy of Inchaaffrey; but the time appointed for making a “taxt roll” of the said Abbacy, with advice of the feuars, tacksmen, and parishioners, expired before the petitioner was provided thereto. He therefore craves warrant from their Lordships to make it now; and he also craves letters charging all the vassals, subvassals, feuars, tacksmen and pensioners of the said Abbacy to meet with him and his chamberlains and factors at Perth on for making of such roll in proportion to every man’s free rent, with certification that if they compere not, it will be proceeded with in their absence. [On the back] “Apud Halyruidhous, 28 May 1628. Fiat ut petitur.” (Unsigned.)

134. Petition by Mr. Walter Quhytfurd, parson of Moffatt, as
follows:—On 18th January last Andrew Davidsoun, messenger in Moffatt, was put to the horn for not compearing before their Lordships, to answer to the falsifying of his promise to leave the country with Alexander, Lord of Spynie, thus abusing their Lordships in this as in other points mentioned in the complaint; but of this horning he takes no heed, goes about the country at pleasure, and is reset by James Johnstoun of that Ilk, William Johnstoun of Ginmenbie, Archibald in Blackfuird, William Johnstoun of Brigmure, Ninian Halyday in Hawes, Lucke McCrerie in Annand, Gilbert Tailyeour messenger in Spedlings, Thomas and John Davidsoun in Rigschaw, John Frencie in Quacleuche, Thomas Frenche there, William Frenche in Kirkbrydrig, Gilbert McNaicht in Cotts, Christiane Johnstoun in Newton, James Halyday in Coreheid, John Johnstoun in Recleuche, Robert Wauche in Dyke, John Johnstoun in Moffat, Robert Johnstoun there, John Davidsoun there, John Acheson there, Nicol Achesoun there, John Bell there, William Bell there, George Mayne there, and Robert Boyd there, so that the commission granted by their Lordships to the petitioner for apprehending the said rebel and exhibiting him before them is very far hindered and rebels encouraged. He craves summonses against the persons named. [On the back] “Apud Halyruithous, secundo die mensis Junij 1628. Fiat ut petitur. (Signed) Sanctoandrews, I.P.D.”

135. Another petition by the same in reference to the same matter, as follows:—In pursuance of the said commission the petitioner on last, assisted by William Scott and Gavin Johnstoun, his servants, and John Achesoun in Corriefrane, went to the dwelling house of John Davidsoun in Moffat, where, according to his information, the said rebel had lodged that night and then still was. The said John, however, getting word of the petitioner’s purpose, with the assistance of William French in Quacleuche and others, “shifted and privatively conveyed the said Androw Davidsoun away.” The petitioner having found the said Andrew’s horse and saddle in the stable of John Davidson, seized them, when the said John Davidsoun and William French and others reviled the petitioner “with reproachefull and contumelious speeches, and after the countrie maner most seditiously stirred up the people of the town of Moffat to joynye with thame” against the petitioner, and notwithstanding that he then held his Majesty’s commission they assailed him, wounded the said John Achesoun, breaking “twre ribe of his side, and so biresed him by throwing of great stones at him that he hee ever lyin bedfast senyne in great hazard and perrell of his lyffe, and being lying on the ground as a deid man, they pulled his whingeour out of his sheith” and would “have stabb’d him throw the bodie” if some persons present had not interfered; and they did what
they could to take the said horse from William Scot, to whose keeping
the petitioner had intrusted it. He craves summons against the persons
above complained upon. [On the back] “Apud Halyruidhons, secundo
die mensis Junij 1628. Fiat ut petitur. (Signed) Sanctandrews,
I.P.D.”

136. Petition by Sir Thomas Hoip of Craighall, King’s Advocate, and
by William Gordoun of Rothemay, John Gordoun, younger, his son,
and John Gordoun of Innermarkie, as follows:—Though the wearing of
hagbuts and pistols has been often strictly prohibited, yet James
Crichtoun of Fendraucht, Mr. John Horne of Balgonye, and James
Clerk of Pennyburne, out of preconceived malice and hatred against the
petitioners, continually lie in wait for their lives, armed with these
forbidden weapons. In particular, on last, knowing that the
petitioners would be attending their servants’ fishing at their own
salmon fishings on the water of Doverne, they came thither, armed
with “muskettes, hacquebus, pistols, swords, stalffes, lances, speirs”
and other weapons, and threatened to use their firearms if some of the
more peacefully disposed persons in their company had not restrained
them, “and thairafter maisterfullie they dang our servants aff the
waters quhair they wer fishing,” so that they dare no longer fish there
for fear of their lives. They crave summons against the persons above
Fiat ut petitur.” (Unsigned.)

137. Copy of the Act of Council for a commission to try the
resetters of soldiers fugitive from the regiment of Colonel Mackay,
printed ante, p. 325. Signed by Mar, Sanctandrews, Hadinton, Stormôt,
Melvill, Carney, Hamilton.

138. Petition by William Gordoun of Rothemay, as follows:—He
has been served with two charges at the instance of James Crichtoun
of Fendraucht and Thomas Nicoll in Durtlie, his servant, and his
Majesty’s Advocate, to compair before their Lordships on 19th June
instant to answer to their complaints against him, and he is most
willing to appear, but, as his party knows, he cannot without incurring
the danger of caption on some civil hornings, on which if he did appear
they would have him arrested, and if he does not, then they will lead
probation in his absence and so prejudice him. He therefore craves
their Lordships’ protection so that he may come and go safely. [On the
back] “Apud Halyruidhouse, quinto Junij 1628. Fiat ut petitur, fra the
sixteene to the tuentie tua day of Junij instant, the supplicant finding
cautioum to compeir the day within mentionat. (Signed) Sanctandrews,
I.P.D.”
139. Petition by John Campbell of Barnlochan, as follows:—On 12th June 1628, last, being Sunday, he was standing in the kirkyard of Kilmichocharmick intending to go into the kirk, in which the kirk-session were sitting at the time and by whom he had been sent for, when Neil Og McNeill, Malcolm McNeill and Donald McNeill, sons of John McNeil of Ogle, Calchyle, Neil Reoch McNeil in Dunnaclachy, and Donald McLeich, smith in Barneselag, waited for him, thinking it the “fittest place” to charge him with assault in the kirkyard of Kilmichocharmick. He gave him a stroke on the head with a great baton, felled him to the ground, and then “strake and dammished” him as he lay on the ground with the said baton till he broke it in pieces upon him; and the said Malcolm McNeil came on him with a drawn sword to dispatch him as he lay, when the minister and elders of the kirk drew the petitioner in and closed the door upon his assailants. He craves summons against them. [On the back] “Apud Halyrydhouse, 12o Junij 1628. Fiat ut petitur. (Signed) Mar.”

140. Petition by John Dow in Monydie, tenant to Mr. Alexander Omay, minister at Erroll, Mr. Patrick Omay, minister at Monydie, his son, and the said Mr. Alexander, for his interest, as follows:—The said John Dow in Monydie, tenant of Mr. Alexander Omay, minister at Erroll, has possession of the meadow haugh lands of Easter Lowstoun and has possessed the same without interruption till now that Mr. Alexander Ireland, minister at Kincleven, pretends some right thereto, but instead of pursuing the same in a legal way, is resolved by way of “deid, oppressioniun and bangsterie” to appropriate the same. On 16th June 1628 he sent some of his servants to the “said lands and caused thame teill the same after they had beene teilled by my servants some dayes before”; and on 30th May the said John Dow having at his said master’s command “past to the saide lands with a sheit about my craig to have sawed the same,” alone and unarmed, Mr. John Ireland, son to the said Mr. Alexander, at his father’s instigation, ran at him furiously “with a drawin sword of purpose to have clovin me to the verie teeth if I had not cast up my left arm and diverted the strake aff my head.” He sustained a severe wound on the arm with great effusion of blood. When the said Mr. Patrick Omay came to John Dow’s aid, Mr. John Ireland pursued him likewise with the drawn sword and had slain both “wer not our awin better defence.” Summons is craved against the minister of Kincleven and his son. [On the back] “Apud Halyrydhouse, decimo sexto Junij 1628. Fiat ut petitur. (Signed) S. J. Scottisstarrett.”

141. Petition by Mr. Gilbert Powre, minister at Stamkirk, as follows:—On 26 May last he was peaceably attending his servants casting peats in the moss, whence for thirty years past he has been in uninterrupted use to cast them, when Andrew and John Stamkirk, for
McDowall in My, and some others armed with swords and other weapons came to the said moos, and after they had, in an imperious manner threatened the petitioner and his servants, they pursued the servants of their lives, wounded them in various parts of their bodies, thrice in one day chased them off the said moos, threw their peats in "the mosse pott," and threatened to take their lives if they ventured to cast peats there again. He craves summons against them. [On the back] "Apud Halyruidhous, 17º Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

Petition by Mr. Herbart Gladestaines, minister at Traqueir, as follows:—Though the goring and houghing of oxen is strictly prohibited by law, yet Adam Sturgeoun in Traqueir, having no respect to the law nor to the petitioner, his ordinary pastor, came on 29th May last to the lands of , where the petitioner's "ky" were pasturing, and killed one of them, avowing that if he had the petitioner there he would do the like to him. He therefore craves summons against him. [On the back] "Apud Halyruidhous, decimo septimo Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

Petition by John Gibsoun, servitor to Wilkine Johnstone, merchant burgess of Edinburgh, and the said Wilkine, for his interest, as follows:—On 22nd November last the said John Gibsoun went at his said master's command and delivered to Alexander Fareis in Sibbalbie a copy of a charge for cutting some green wood belonging to him, which the said Alexander Fareis no sooner read than he drew his whinger and gave the said John Gibsoun "three or foure bloodie wounds upon the head." Summons is therefore craved against Fareis. [On the back] "Apud Halyruidhous, 17º Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

Petition by Alexander Phyn of Cowperhill, as follows:—George Leslie of Urquhill and John Grant of Easter Caldwell, his sons-in-law, having lands and teinds which come under the compass of his Majesty's revocation, but "being impedit to cum hither be ressoun of their teillage and labouring now in tyme of feriot atised and beirseede tyme," they took occasion of the petitioner's coming and authorised him by their commission dated 7th May last to appear and subscribe for them. He therefore prays that their Lordships will receive him in this capacity, or else appoint a convenient day for them to come personally. [On the back] "Apud Halyruidhous, decimo septimo Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

18th June 1628.
Petition by
1628.

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146. Petition by John Small in Draffin, as follows:—On 1627, "being the Sabbath day," he was peaceably preparing himself in his dwelling house in Draffin to go to hear the sermon, when JohnCrokat in Hill of Cowtie, Walter Crokat there, James Sowtar, his brother-in-law, John Boyd, servitor to the said John Crokat, John Dick in Mawie, and William Dick in Little Bauchlie, came by way of hamesucken armed with swords, gauntlets, and other weapons, broke up the doors of his said dwelling house, struck, hurt, and wounded his wife and servants, and sought for the petitioner throughout the house. Annoyed at not finding him, "they in a great rage brake sindrie barrells of all and split the same upoun the ground." At last perceiving that the petitioner "had quyetlie retired my selfe furth of the hous, and that I was agaitward going to the kirk they followed after me upoun hors and foote for the space of twa mylles to the town of Cowper of Grange," where he was so hardly pressed that for safety of his life he "was forced to take an hous upoun my head," and they "envirounded the hous" till by the "intercessioun" of the country people "they were removed and departed." He craves summons against the persons named. [On the back] "Apud Halryuidhous, decimo octavo Junij 1628, Fiat ut petitur. (Signed) S' J. Scottistartavett."
148. Petition by David Homeholie and James Homeholie, his son, in Marbotle, tenants and servants to John Ker, apparent of Lochtowre, and the said John Ker, for his interest, as follows:—On June last the two Homeholes were building a "faill dyke" upon the said lands of Morbattle when Andrew Ker, son to Sir John Ker, called of Jedburgh, and William Davidsoun in Morbattle, of forethought, malice and hatred, came to them and wounded the said David Homeholie with a drawn sword on the head and hand, and James also on the hand, which they have mutilated, to the great effusion of their blood. Moreover, they continually ever since threaten their lives so that they dare not labour their master's lands. They crave summons against these persons. [On the back] "Apud Halyruidhous, decimo nono Junij 1628. Fiat ut petitur. (Signed) S[tr] J. Scottistarvett."

149. Petition by James McEane Handiche in Delligowre, servitor to Duncan Grant of Kumermonie, and his said master, for his interest, as follows:—On 27th April last, "being Sunday," the said James coming home from his parish kirk was carrying home his father's "plew yrnes" leat they should have been stolen, when Patrick Grant of Culquhoiche furiously ran at him "and first brake my head to the effusion of my blood and thairafter with one drawin whingeair gave me a bloodie straitke in the left side." They crave summons against him. [On the back] "Apud Halyruidhous, 19o Junij 1628. Fiat ut petitur. (Signed) S[tr] J. Scottistarvett."

150. Petition by Thomas Gray at Bowrig Mill, Gilbert Gray at the kirk of Carloweke, and James Gray at Belstane, as follows:—James Aittoun in Pedder, Gilbert Inglis in Castill, Thomas Inglis in Cowhoble, John Dick in Stainburnhead, Thomas Barrie, William Barrie, and John Barrie, sons of David Barrie in Foulburne, of hatred and malice not only trouble them daily, but continually threaten their lives and goods. They crave these persons may be put under caution for their indemnity. [On the back] "Apud Halyruidhous, decimo nono Junij 1628. Fiat ut petitur ilke persone under the panes of foure hundreth merkes. (Signed) S[tr] J. Scottistarvett."

151. Petition by William and John Kenzeauche Bwy, sons of Kenzeaunce Bwy in Calder, as follows:—On last William, Lord Berridaill, with a number of his friends, household men and servants, came by way of hamesucken under cloud and silence of night to their dwelling house in ______, when they were in their beds, and surrounded it. The petitioners being awaked and informed that the said Lord was there, caused open the doors to admit him, whereupon they were violently seized and carried as prisoners to his castle, called Castle Sinclair, and he laid them there in irons, and still detains them so, they being
his Majesty's free lieges, and the said Lord having no commission for their apprehension. They crave that he may be charged to appear and produce them before the Council, or show cause why. [On the back] "Apud Hal yruidhous, decimo nono Junij 1628. Fiat ut petitur. (Signed) St J. Scottistavvett."

152. Petition by Mr. John Dick, sheriff and chamberlain depute of Orkney and Zetland, as follows:—It is notour that these countries and isles lie open to the invasion of foreign enemies "as the latt cruel invasion of the Dunkirkers in Zetland gives pruif, to the terour of the naikit armourles people, quho ar naturallie resolute for thair awin and cuntres defence, give thay wer sufficientlie conductit and proviesd thairto; for these cuntres ar ane prey to his Majestie ennemies in respect of thair situatioun, quhairas his Majestie ennemies and uthers trafliqueris with Spaine makis thair retreat in cuming and going to and fra Spaine upone the coistis and within the soundis, creikis and herberies thairof, pretending freindship to the poore people at thair first cuming and at thair departure spoyling the poore inhbitantis of thair cattell and guidis to the impoverishing of the cuntres and inhabilitating thame to pay his Majestie rentis."

These things might be prevented by advice and conference between the well affected in the country. He craves commission to put forth a ship or two for keeping the coasts and promises to show himself "a loyall subject to his hienes and a faithfull lover of my cuntres saiftie." He craves power also to seize all traffickers in forbidden goods to and from Spain as well as his Majesty's enemies. [On the back] "Apud Hal yruidhous, xix Junij 1628. "The Lordis remittis the petitioun and the answerin thairof to the Lord Admirall. (Signed) Mar."

153. "Worthy and beloved Sir, I did laitlie see a lettre off yours written to Sir William Alexander and therein a copie off King James his lettre concerneing the late Earle of Louthian, which I hope hath produced suche good effects as no harme is to be expected from the pretenses grounded upon meere phantasies. Some bissie men theirm amongst your selves may easilie mak men beleive anything heir when they have little other witt in their heads then what is prompt by others; and self opinion is so comon as nosce teipurn is quyht gone out off the memorie off many. I am intreated to wryt to yow for the late Lord Wchiltrie his discharges off his lietuenandrie off the Borders and lietuenandrie off the Iles. I pray yow, Sir, cause extract the same and send the same to me under your hand, for which I will be your debtor, but I pray yow at any hand lett them be sent by the next packett. Matters off this State doeth goe so wnconstantlie that I neither can or ought to wryt any newes from hence other then what is obvious unto all, with which I will not trouble your patience. Onlie I may wryt now that the most of all our Scottis bissienes heir are groweing towards ane
end. The Lord President hathe taken his leave, and Mr. Jon Hay for the Burrowes, and the rest is to tak leave verie shortlie. So rememb-
bring my love and service to your bedfellow and Mr. Gilbert and his wyffe, I shall ever rest wnto yow all as bound to be, Yours verie loving ffreind to serve yow. (Signed) Arch. Acheson. Whythall, 20 Junij 1628. [Addressed] To my verie worthye and assured good ffreind, James Prymrois, Clerk of his Majesties most honourable Privie Counsell at Edinburgh, these. Sealed with a small oval seal, bearing a shield with a double-headed eagle, and, on a chief, two stars, above the shield being the initials S. A. A.

21st June 1628.
Petition by George Burneside, lawful son to Alexander Burneside in Gandburne, as follows:—On April last, "being Sunday," he was coming home from hearing sermon at his parish kirk to his dwelling house in Low, when James Burneside in Brandfield and armed with swords, long staves and whingers, who had lain in wait for him all the time of the sermon, attacked him, gave him "manie sad and blae straikes upon the head and others parts of my bodie and thairwith feld me to the ground," and wounded him in the arm with a whinger, so that he fears the loss of his arm, and at least he "will be mutilat thairof for ever." He craves summons against his assailants. [On the back] "Apud Halvryduhous, 21st Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

23rd June 1628.
Petition by Robert Maxwell in Arkland and Marion Maxwell, his spouse, as follows:—Mr. Homer Maxwell, their son, shakyn off the respect which by the law of God and nature he owes them has long "verie inhumanelie and unnaturallie misbehaved himselfe toward us, not onelie by maisterfull and violent reaving and away taiking of our meanes," but threatening them, and their children, and servants and tenants, so that they dare not go out of the house for fear of his cruelty. "His rage and furie is come to that hight that upon the fourteyn day of Junij instant he come to our dwelling hous in Arkland about ellevin houres at night and entering within the same he tooke me the said Marioun Maxwell, his mother, be the craig, bladded and buffetted me with his hands and harled me to the fyre to have brunt out my eyes thairat, and had not failed to have done the same wer not Elizabeth Maxwell lappe to him and hindered him; quhairat begrudging, he gott up ane chandler qhilk wes standing on the table and thairwith gave me ane cruell and deeppe wound upoun the head in to the harne panne to the effusioun of my blood in great quantitie." They crave a summons against him. [On the back] "Apud Halvryduhous, 23rd Junij 1628. Fiat ut petitur. (Signed) Sr J. Scottistarvett."

24th June 1628.
Petition by Sir Robert Spotiswod of Newabbe, knight, one of the senators of the College of Justice, as follows:—He has been charged
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Miscellaneous Papers.

for payment of the four terms' taxation of October 1625 for the kirks of Baro, Melginche, St. Katharines in the Hoips, Montlothiane, Kirkcudbright, Kirkcormo, Keltoun, Ure and Balmagie, of which he is patron, and he ought to have relief of the tacksmen of the teinds of the said kirks of Baro, Melginche, St. Katharines in the Hoips, Montlothiane, Keltoun and Balmagie, and of the subtacksmen and possessors of the said kirks of Kirkcudbright, Kirkcormo and Ure, but they refuse to meet with him and his chamberlains and factors for the making up of a stent roll thereof in terms of the Act unless they are compelled to do so. He craves their Lordships' letters charging them to this effect. [On the back] "Apud Halyruidhou, 24 Junij 1628. Fiat ut petitur." (Unsigned.)

26th June 1628.

Petition by John Gib, son to the deceased Thomas Gib in Balgonie, as follows:—On 21st June instant he was walking on the High Street of the burgh of Kirkaldie, when Henry Miller, burgess there, forcibly apprehended him, carried him to the tolbooth and placed him in ward, petitioner being his Majesty's free liege, and the said Miller having no power nor commission so to do, "quharrow he has usurped upon him your princelie power and auctoritie in taiking and detaining of me." He craves summons against him. [On the back] "Apud Halyruidhou, 26 Junij 1628. Fiat ut petitur, with the orderin provioun if the pairtye charged be a magistrat. (Signed) S' J. Scottistarvett."

158. Petition by Patrick Bwy in Pitnusk and Bwy, his son, as follows:—On February last John Mc'Andra Alaster in Moncrachie, Pitnusk and his son for summons against John McAndrew Alaster in Moncrachie, lawful son to Fergushar Schaw in Urrie there, Alexander Grant otherwise McM'Allane in Letache in Abirnethie, John Schaw, lawful son to Alaster Schaw in Achirhethnache, John McM'Alaster in Dell of Rotmurchus, John and others, Arm AstralMcAlaster, his sons, James and John Schaw in Rotmurchus and others, armed with swords, targes, bows and other weapons, came by way of hamesucken, under cloud and silence of night, to the petitioners dwelling house in Pitnusk, where they were taking the night's rest, violently broke up the doors, took the said Patrick Bwy out of his bed, "buffeted and pussed" him with their hands and feet, and carried him out of his house to a hill side, where, after giving him "manie deip and deildie wounds," they left him wallowing in his blood, as a dead man. His son, following them in order to relieve his father, was caught by them as they were returning and wounded in the head and other parts of his body, so that for a long time both lay bedfast "and nothing was looked for of us but death." They crave summons against the persons named. [On the back] "Apud Halyruidhou, 26 Junij 1628. Fiat ut petitur. (Signed) S' J. Scottistarvett."

159. Petition by "Coronell Sir James Sinclare of Murcol," knight, and Petition by Colonel Sir
William Dick, merchant burgess of Edinburgh, as follows:—Andro,
Lord Gray and John, Lord Kinceven, became cautioners for the said
Colonel that he would transport a certain number of soldiers to Germanie,
and they importuned him to cause William Dick on 22nd August last
make and subscribe to them a bond for retaining in his hands £300
sterling of the money appointed to him and his officers for levying the
men until he had shipped 300 men for his own company, and that no
part of that sum would be given forth but for levying and transporting
soldiers. Now it is well known that he has shipped 208 men of his
own company, and that for their transport, freight and necessary
entertainment "in the towns and raids, with drinking beir, butter, cheese,
and bread," he has exceeded the said sum, as the skippers and trans-
porters, and also his accounts, will testify, yet Mr. Lwes Stewart, in
whose hands the said bond was deposited by Lords Gray and Kincevin,
will neither redeliver the bond nor take consideration of what has just
been stated, "quhairthrow I am utterlie undone and refusit be the said
William of anie forder advancement. And now I haveing schipit nyne
scoir fyve men of Captane Stewartis cunpany at my awin charge can
have no advancement of their entertainment lyand in the roade of
Leith, sua ather thai most starve in the schip for hunger or I most
suffer thame go louse to my utter overthrow." He craves their
Lordships to consider his case, try his accounts, and ordain the said
Mr. Lwes Stewart to redeliver the bond, or find the bond fulfilled
conform to its tenor. [On the back] "Apud Halyruidhous, 26 Junij
1628. The Lordis ordanis a maiser to pas and warne Mr. Lues Stewart,
advocat, to compeir upoun Twisday nixt to heir the desyre of the
supplication grant or els to schaw a caus in the contrair. (Signed)
Sr J. Scottistarvett, I.P.D."

160 Petition by James Dickson, minister at Brochtoun, as follows:—
John and Adam Paterson in Brochtoun have conceived a causeless but
deadly hatred against him and continually seek occasion to take his life.
On May last, being Sunday, when he was walking at the kirk end
of Brochtoun, the said Adam came to him and disgracefully upbraided
him as being "ane mansworne minister, and thairwithall Patt his hand
to his whinges avowing to take my lyff and to cutt my way in another
plaise." On 23rd May the said Adam and John, seeing a horse belonging
to the petitioner feeding in a grass park in the parish, broke its
thigh with great rungs, and they afterwards on killed two
sheep of his with great rungs and batons. On 6th June instant, when the
petitioner was "going ahort my parochinners desiring thame to fetche
hame some materials for repairig of our kirk," these two persons,
with John Paterson, their brother, and Agnes Moffat, their mother,
armed with long staves and great kente [staves] pursued him for his
life, and had done him "some notorious insolence" if the well-dis-
posed people of the parish had not prevented them. He craves
summons against these persons. [On the back] “Apud Halyruidhous,
26 Junij 1628. Fiat ut petitur. (Signed) St J. Scottistavrett.”

161. Petition by Archibald Morisoun, messenger, as follows:—On 27th June
25th June instant he was quietly walking in the fields beside
Shiref gait neere to ,” assaulted him with a great baton, and, hav-
when Andrew Innerleith in the Parke of Jalrey, meeting him “at the
having first felled him “with his falled nieff” to the ground, gave him
sindrie cruell straikes” with the said baton, and cut his head to the
“bauche and blae straikes,” whereby he so “bursed and bruised” him that he could not stir, and lay as dead. He craves summons
Fiat ut petitur. (Signed) St J. Scottistavrett.”

162. Petition by James Wischart, tenant to Makgill of 28th June
Rankeillour, and his said master, for his interest, as follows:—On 23rd
June instant James Wischart was casting some peats in his master’s
meadow of the Grange, when Alexander Johnestoun, younger, in the
Berrihoall, came thither and, after some contumelious speeches, ran
furiously and threw the petitioner’s instruments which were lying
beside him in the “peithoales.” Then he “threw Wischart, my
sonne, in the peitt hoale and puased him with his feete, ranne upon me,
the said James, with his hands and feete, took my pet spaid out of my
hand,” intending to kill him with it. The petitioner’s servant,
Smart, interposing, the said Johnstoun in a great rage struck at him
with the spade and wounded him, and he would have killed the petitioner
or his son if some persons had not come for their relief. He avows to
have one of their lives. Summons is craved against him. [On the back] “Apud Halyruidhous, 28 Junij 1628. Fiat ut petitur. (Signed)
St J. Scottistavrett.”

163. Original of royal letter for the subscribing of the submissions 30th June
by those who have not yet done so, printed ante, p. 371. At the foot; 1628.
“xiiij Julij 1628.” Addressed on the back to the Viscount of Duplin,
Chancellor, the Earl of Menteith, President, and remanent noblemen and
others of the Council.

164. Copy of the Act of Council for preventing a breach of the 30th June
peace between the Earl of Cassillis and the Sheriff of Galloway, printed
ante, p. 344. (Signed) Mar.

165. Petition by the feuars, gentlemen and others within Orkney
and Zetland who are to buy and sell their teinds, as follows:—In the
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Proceedings taken anent the teinds no mention has been made of Orkney nor Shetland, and there is no submission nor other order taken in these parts. They therefore crave that the Lords will appoint some as commissioners within these bounds to convene the teind buyers and sellers there and present for subscription by them a double of that submission and commission which has been exped through the rest of the kingdom, and to report to their Lordships at a certain day. [On the back] “Apud Halyrydhoues, primo Julij 1628. Fiat commissio ut petitur. (Signed) Sr J. Scottitarrett, I.P.D.”

2nd July 1628. 166. Petition by Bessie Wright at the Querrellmyyne within the lordship of Skoone, as follows:—The taking of free persons by those holding no warrant for doing so is strictly prohibited by law, yet on June last, when she was peaceably going about her business within the burgh of Perth, the provost and bailies of that burgh caused apprehend her, put her in ward in their tolbooth, and refuse to liberate her though she has not been convicted of any crime. She craves they may be charged to produce her before their Lordships for her liberation [On the back] “Apud Halyrydhoues, secundo Julij 1638. Fiat ut petitur with the ordinar provioun. (Signed) Sr J. Scottitarrett.”

Petition by Robert Henry, messenger, burgess of Culross, for summons against David Brand and others, whom he charges with assault in the execution of his office.

167. Petition by Robert Henrie, messenger, burgess of Colrois, as follows:—He was employed by Henrie Andersone in Over Inzeort for execution of letters of poinding obtained by Andrew in terms of decree of the Lords of Council and Session against William Chattow, younger, in Culross, for payment of an annual rent of 200 merks due for several years from certain lands and tenements at the west side of the strand of Culross belonging to the said William, and while he was seeking for poindable goods in a dwelling house of the said tenement now possessed by David Brand, maltman in Culross, tenant and occupier thereof, the said David Brand, Janet Chattow, his wife, Margaret Chattow, Kathrene Rowane, Isobel Penny, wife of Andrew Browne, wright, and the said Andrew Browne for his interest, assaulted him, “pulld me be the craig and raiff my ruff and my abulimentis,” struck him on the face with staves and other weapons, to the great effusion of his blood, and gave him many “bauch and blastraikes,” so defering him in the execution of his office, and vilipending his Majesty’s authority. He craves summons against them and for the summoning also of not more than ten witnesses. [On the back] “Apud Halyrydhoues, secundo Julij 1628. Fiat ut petitur. (Signed) Sr J. Scottitarrett.”

3rd July 1628. 168. Petition by James and Robert Dunbar, sons of the deceased William Dumbar of Hemprigs, and servitors to James, Earl of Murrey, as follows:—On 24th June last William Hay of Struthers was at their instance convened before their Lordships and ordained before his
departure to find caution in the books of Privy Council for the safety of the petitioners and their families, etc., but in contempt thereof he has departed and gone home without finding caution. They crave that their Lordships will call him before them and deal with him thereat as becomes. [On the back] “Apud Halyruithous, tertio Julij 1628. Fiat ut petitur. (Signed) Sanctandrews, I.P.D.”

169. Petition by Sir John Ogilvie of Innerquharitie, knight, heritable bailie of the regality of Kilimmure, as follows:—The whole eight terms of the extraordinary taxation of August 1621, and the first five terms of that of October 1625, are now long since due, yet the persons inhabiting and dwelling within the said regality refuse to pay their parts thereof; that is, for their lent moneys as given up by them in inventory to the petitioner and his bailie clerk of the said regality, unless they are compelled. He therefore craves that he may have letters charging them to pay the same within twenty days, upon pain of horning and poindings. [On the back] “Apud Edinburgh, tertio Julij 1628. Fiat ut petitur. (Signed) S't J Scottistarvett.”

170. Petition by Andrew Youngsone in Auchenheif, and George Youngsone, his son, indweller in Wester Drum, as follows:—William Runsiman in Glengrook, David Runsiman in Auchenheif, also John Loben, George Loben, Patrick Runsiman, Patrick Smith, George Thomson, Andrew Runsiman, John Tailyceur, Andrew Loben and Robert Eichenour there, their tenants and servants in the labouring of their lands, threatening their lives; they therefore crave that messengers of arms be sent to take their oaths in the premisses and that these persons may be put under caution for their safety. [On the back] “Apud Halyruithous, quinto Julij 1628. Fiat ut petitur under the panes of three hundred merkes. (Signed) S't J Scottistarvett, I.P.D.”

171. Petition by Alexander Fareis in Sibbalbiesyde, as follows:—Upon information made to their Lordships by John Gibsoun, servitor to Wilkine Johnstoun, merchant burgess of Edinburgh, that the petitioner had hurt him with a whinger, Gibsoun obtained summons against him and intends now to put him to the horn for non-compearence. The petitioner never received the summons or he would have appeared, as now, for clearing his innocence. He is ready to find caution in their Lordships' books in 500 merks to compear on 17th July instant. He therefore craves charge against the saids Gibsoun and Johnstone to compear before their Lordships, and suspension of the hornig meanwhile. [On the back] “Apud Halyruithous, quinto die mensis Julij 1628. Fiat summontio ut petitur to the xvij day of Julij and to suspend and discharge ut infra to the xxij day of the said moneth, becaus the
compleaner hes found cautiosn to the effect withinwritin as ane act made thairant beares. (Signed) S* J. Scottistarvett.”

172. Petition by James Mathesoun, siano of Brouchtoun, as follows:—

Thomas Kincaid of Wareistoun, Archibald Kincaid, his brother, son to the said Archibald, and Alexander Simson in Quhythous, of causeless but deadly hatred and malice, molest him in labouring his lands, take away his corn out of his barn, kill his cattle and threaten his own life, so that he cannot safely move about the country. He craves that his cath be taken and they put under cautiosn for his safety. [On the back] “Apud Halyruighous, quintu Julii 1628. Fiat ut petitur under the paines following . . . (Signed) S* J. Scottistarvett.”

7th July 1628.

Petition by
John Shaw in
Holme of
Rickarton for
summons
against
William
Wallace and
others, whom
he charges
with hare
depredation.

173. Petition by John Schaw in Holme of Rickartoun, as follows:—

On 4th July instant William Wallace of Prestickhous and John Geddie in Neatherton, accompanied by Hew Glasfuird, called sheriff officer of, “with others thair complices, dissolute and inordinate lives, come before the sunne rysing” armed with swords, staves and other weapons, to the petitioner’s dwelling house in Holme of Ricartoun, where he and his family were taking the night’s rest, “and finding my doores closed they commandit the said Hew Glasfuird to breake up the doores.” When he refused because they produced no warrant, the said William Wallace drew his whinger and wounded the said Hew in the head. “Thairafter they tooke ane great aikin syle [rafter] of ane hous and thairwith ranne at the doores untill they had brokin thame up,” whereupon having entered they pursued the petitioner, his wife and family with their drawne whingers, wounded him in several places, and had slain them all if some neighbours had not come for their relief. He craves summons against these persons. [On the back] “Apud Halyruighous, septimo Julii 1628. Fiat ut petitur. (Signed) S* J. Scottistarvett.”

8th July 1628.

Petition by
Alexander Nauchtie,
servero to
John Fenton,
burgess of
Brechin, for
summons
against
Alexander Carnegie and
others, whom
he charges
with assault.

174. Petition by Alexander Nauchtie, servitor to John Fenton, burgess of Brechin, and his said master for his interest, as follows:—On last the said Alexander was quietly doing his master’s work in the haugh of Brechin when Alexander Carnegie, indweller in Brechin, with his wife and other persons came to him armed with staves, cudgels and other weapons, and masterfully took him with them “all the way cudgelling and battoning me to the effusion of my blood untill they drave me to thair yaird dyke, and than the said Alexander Carnegie drew a knyffe of purpose to have cutted the lugges out of my head,” which some neighbours prevented. Thereafter they “violentlie drew me in over thair yaird dyke and closed me within thair barn and than sent for twa or three horse bryddellis, cutted my breaches and stripped me nakit, and thairafter after ane barbarous and cruel maner brydellit me to the great effusion of my blood and perrall of my lyffe,
sua that I have ever sensyne bene lying bedfast under great paine and
dolour and thair is no lyffe looked for to me." He craves summons
against his assailants. [On the back] "Apud Halyruidhous, octavo Julij
1628. Fiat ut petitur. (Signed) S' J. Scottistarvett."

175. Petition by Alexander Urquhart in Charrie, as father, James and Henry Urquhart, as brothers, and the remanent kin and friends
of the deceased Alexander Urquhart, sometime servitor to Simon, Lord
Fraser of Lovatt, as follows:—On 6th September last Donald Dow
McWilliam VcEane in Ardbalar was put to the horn for the slaughter
of the said deceased Alexander Urquhart, and on 15th January last com-
mission was granted by their Lordships to certain persons to apprehend
him, whereupon the petitioners purchased letters in terms of which
proclamations were made throughout Inverness-shire prohibiting his
reset. Notwithstanding whereof the persons following have supplied
the said rebel with food and other comforts during the months of March,
April, May and June last, viz., William McEane VcDonald Doyn, the
said rebel's father, in Glenconoche, Donald Keill McEane VcConell Doyn there, Donald Dow
McEane VcConell Doyn there, Finlay McConell Roy in Fanblair, father-
in-law to the said rebel, John McConell VcConell Roy in Glenconoche,
Donald McEane Dow McOneill Cheir there, John Dow Beg VcOneill
Cheir there, Donald McFinlay McOneil Roy there, Huchson McFindlay
McOneil Roy Cowper there, Donald Dow McWilliam VcOneill Doue in
Killachie, Hew Fraser of Belladrum, John Fraser in Clonbake, Duncan
McKenzie in Garloche, Patrick McPhail in Lochnow, and Malcolm
Fraser in Ellaneviriche, bailie to the Lord Lovatt. The petitioners
 crave that these persons may be charged under penalties to desist from this
Fiat ut petitur under the paines following . . . . (Signed)
Sanctandrews, L.P.D."

Mr. Theodore Hay, parson of Peebles, Mr. John Bennet, minister at
Kirkure, Mr. Thomas Hog, parson of Stobo, and Mr. John Hamilton,
minister at Lintoun, as follows:—On 7th July Messrs. Hay, Bennet, and
Hog went, in terms of a commission from James, Archbishop of Glasgow,
to the kirklands of Lintoun, and there, with concurrence of some
gentlemen of the parish of Lintoun, at their command the said Patrick
Bullo proceeded to measure off four acres of these lands to be a glebe to
the said Mr. John Hammiltoun; whereupon John Tweedie in Lintoun,
and some others with him, came to them and, after some injurious and
reproachfull speeches against both their persons and calling, violently
stopped and hindered the measurer. When the said Mr. Theodore Hay
then charged him in his Majesty's name to desist from this lawless
interruption, the said John Tweedie laid hold of the measure and threw him over a brae, hurting him in the ribs and elsewhere, and then "imperiously" commanded the petitioners "to go away for we could not get leave to mett anie land thair." They crave summons against John Tweedie. [On the back] "Apud Halyruhidhous, nono Julij 1628. Fiat ut petitur. (Signed) S't J. Scottistarvett."

177. Copy of the Act of Council appointing commissioners for obtaining the signatures of the teind sellers and buyers of Orkney and Shetland, printed ante, p. 357. (Signed) Sanctandrews, Hadinton.


179. Petition by the magistrates and ministers of Aberdeen.

180. Petition by Jonas Hammitlown of Quotquot, as follows:—David Murrey of Halyre, out of a deadly hatred against the petitioner, molestes him and his tenants and servants in the peaceable possession of his lands, from which he intends by way of bangsterie and oppression to drive him, and then appropriate them to himself. He also threatens them of their lives. The petitioner therefore craves that his oath may be taken and the said David put under caution for his indemnity. [On the back] "Apud Halyruhidhous, decimo Julij 1628. Fiat ut petitur, within the toun and the auld toun. (Signed) Sanctandrews, I.P.D.

181. Petition by Mr. Angus McIntosche, parson of Kingussie, as follows:—On 17th October 1627 he was within his own dwelling house when Donald McJames, alias Schaw, one of his elders, accompanied by several others, all armed with swords, targes and dirks, came thither, under cloud and silence of night, entered the same, closed the door, and without respect to the petitioner's calling, or his own duty as an elder, assailed the petitioner and would have taken his life but for his own defence and the assistance of those in the house. Moreover, as the petitioner's servant pressed to deliver him, the said Donald gave him a deep wound on the head with a "lang durke," to the effusion of his blood. He craves summons against him. [On the back] "Apud Halyruhidhous, undecimo Julij 1628. Fiat ut petitur. (Signed S't J. Scottistarvett."
182. Petition by James Naismith of Inwar, as follows:—On 12th July 1628, Petition by James Naismith of Inwar for summons against George Narne of Tullifergus and others, whom he charges with assault and illegal warding.

May last George Narne of Tullifergus, Gilbert Nairne, his brother, Andrew Halyburtoun in Mais, Andrew Blair, brother to the Laird of Ardblair, Patrick Blair of Bankheid, John Ambrois of Graystain, Harry Drummond in Perth, and Henry Haliburtoun in Eliecht, "come to my dwelling house in Inwar and there pillage my violent hands in my old and decrepit person, I being past three-score and ten yeeres of age." They violently carried the said James with them over the Water of Brane to the burgh of Dunkeld, imprisoned him in the house of and detained him there, threatening him with all manner of violence until they forced him to give them security for certain sums of money which he was noways owing them, as also to discharge certain debts due to him by the deceased Laurence Nairne of Tullifergus, for which he had recovered decreets. He craves summons against the persons named.


Mar, Sanctandrews, Hadintoun, Wintoun, Seafort, Hamilton, S. Thomas Hope. [On the back] "To our lovittis Lyoun King of Armes and his brother herauldis pursuevants messingers, etc., and do and performe that quhilk to their dutie and placeis apperteynis."

184. Copy of the Act of Council as to the sequestration of the teinds of 1628, printed ante, p. 368. Signed by the same Lords.

185. Copy of the Act of Council as to the subscribing of the submission by those who have not yet done so. Printed ante, p. 371. Signed by the same Lords.

186. Copy of the Act of Council for proclamation for preserving his Majesty’s game. Printed ante, p. 372. Signed by the same Lords.


189. Petition by Sir Alexander Gordoun of Cluny, knight, convener "Petition by Sir Alexander
of the Justices of Peace in Aberdeenshire, as follows:—Their Lordships have burdened him with the preparation of a roll of the fencible persons in that shire "to the intent ordour might be gevvin for dreilling and trayning of thame up in militarie exercises." When the charge was given he was out of the country upon his Majesty's service, and so was unable to obey the charge, and indeed knew nothing about it. Lately, their Lordships have written to him as convener foresaid to send his report of wool, oxeon, cattle, and sheep at the several markets within the shire from the beginning of May till the beginning of August, so that they may ordain transport or the restraint thereof as seems fit. Now he is presently on some necessary business to go to Court, and so can attend neither the one service nor the other; and therefore he craves that their Lordships will relieve him of the duty, and also of the danger incurred by non-performance, and lay these tasks upon some other gentleman in the shire.


190. Petition by the provosts, bailies, councils, communities and inhabitants of the Burghs of the kingdom, and others frequenting the fairs called "St Serfes faire, Bartill faire, and Laurence faire," as follows:—In their controversy with Arthur, Lord Forbes, Alexander, Master of Forbes, his son, the deceased John Gordon of Newton and John Leith of Harthill, respecting the extraordinary customs exacted by these persons at the said fairs, and which had been frequently heard by the Council, their Lordships, after sufficient trial and probation, found that the customs complained of were far in excess of those in use to be paid thirty-one years since or thairby, and therefore by their decreet, dated 1st March 1621, they discharged these persons from exacting any higher dues or customs than the following which they then appointed, "To wit, for ane great wob of claitth and plaiding, aucht penneis; and for lesse wobs, sax or foure penneis; for ane hors load of quhatsever commoditeis, aucht penneis; for everie foote lenth of ane merchants stand, twa penneis; for everie chapmans packe or burdein of geir, foure penneis; for everie seck of wooll, aucht penneis; for everie kow, ox and hors, foure penneis; for everie sheepe, twa· penneis; and everie lambe, ane pennie; and that this custome for the ky and hors sould onelie be payed at thair comming in to the mercats; for everie daiker or hors load of hydes, aucht penneis; for everie cordonniers stand for shoon four penneis; and for everie tent or pavillioun for selling of meate or drinke, ane quart of aill, or the prycz thairof." But the said Lord Forbes

1 The number of ten or, in practice, twelve hides.
and his son, George Gordoun now of Newtown, and John Leith of Hairthill continue to uplift the exorbitant dues complained of, and the petitioners therefore crave that letters may be directed charging them to uplift no other dues than those contained in the said decree as above.


191. Petition by Mr. Robert Ferquhar, David Andersoun, Andrew Meldrum, Robert Alexander, James and William Rolland, John Rac, Duncan Davidsoun, George Andersoun and David Jaffrey, heritable proprietors and possessors of that part of the salmon fishing on the Water of Dee called the Pott, as follows:—"One of the speciell temporall blessings whairwith it hes pleased God to inricle and beautifie the north parts of this kingdome consists in the salmond fishing within the same, of the quhilksis fishings the Water and River of Dee, both for the abundance and goodnesse of the fish, wes among the first in accompt and estimation als weil in this crountie as ellis quhair, whair the commerce and intercourse of salmond was interteanned, and by the quhilk the crountie ressaue credite, and great store of moneyes wer yeerelie imported." They did not think that any of their neighbours would have through envy and want of charity hindered "the course of God's good benefite proceeding immediatlie from his divine bountie and favour"; yet possessed "with some bad humour" against them and the commonwealth, came on 11th June last, under cloud and silence of night, five several times with two boats laden with great stones and cast the stones into the part of the water where their fishing was most productive, and not only filling the water thus with stones, but breaking and spoiling their nets; and in consequence that part of the river has become barren of fish. They have thought it proper to report this outrage to the Council that the perpetrators may be exemplarily punished, and they therefore crave summons against them. [On the back] "Apud Halyruidhou, decimo quinto die Julij 1628. Fiat ut petitur. (Signed) S* J. Scottistarvett."

192. Petition by Duncan Wright, tenant and servant to William Blair of Finnich, and the said William Blair, for his interest, as follows:—Though the arresting and warding of free persons without lawful authority is strictly prohibited by law, yet on 17th July instant, Buchannan of that Ilk, Robert Buchannan, his servant, Thomas Buchannan in Boirland, Thomas Buchannan at the Mill of , and John Buchannan in Bellindorin, with others, armed with swords, staves and other weapons, came by way of hamesucken to the dwelling house of the said Duncan, forcibly seized him, and convey- ing him to the place of Buchannan, put him in the stocks there; nor will they release him unless they are compelled. Petitioners therefore crave
that these persons may be charged to compair and produce the said Duncan to their Lordships. [On the back] “Apud Halyrudhous, decimo septimo Julij 1628. Fiat ut petitur. (Signed) S[.] J. Scottistarvet, I.P.D.”

193. Petition by Sir John Leslie of Wardes, as follows:—On occasion of the Laird of Cluny, who is convener of the justices of peace of Aberdeenshire, repairing to Court, their Lordships have appointed the petitioner to find out and report the number of fencible persons in the said shire to their Lordships; and also the prices of wool, nolt and sheep in the markets there. “Whiche service and burdyne I am unable to undergo, being a gentleman altogether unacquainted with imploysments of this kynd, never having beene charged with any publict service, nor being a man of that place and authoritie whome the justices of peace will respect or conveene at my desyre.” Moreover, he has some important causes to attend to before the Lords of Session, the neglect of which will seriously damage him. As there are several gentlemen in the shire of good credit, sufficiency, and judgment, who have been conveners of the justices and know how to conduct that business, he craves that their Lordships will choose one of them and relieve him. [On the back] “Apud Halyrudhous, xvij Julij 1628. The Lordis nominatis and appointis Lesmore, younger, to discharge the service within mentionat. (Signed) Sanctandrews.”

194. Petition by John Watsoun, elder, in Knockcastell, as father, Gilbert and James Watsoun, as brothers, and the remanent kin and friends of the deceased John Watsoun, younger, as follows:—On 23d June last at their instance John Gray in Knock was put to the horn for not finding caution acted in the Books of Adjournal to underlie the law for the slaughter of the said deceased John Watsoun. He contemptuously remains at the horn, and is reset in all parts of the country. They crave letters charging the lieges by open proclamation not to reset the said rebel under the penalties provided by the law in such a case. [On the back] “Apud Halyrudhous, decimo septimo Julij 1628. Fiat ut petitur. (Signed) Mar.”


196. Petition by Sir Thomas Hoip of Craighall, knight, His Majesty’s Advocate, and Mr. Robert Nairne, advocate, proprietor of the barony of Strathord and lands of Inchstrevie, Catharine Prestoun, his spouse, and Alexander Archer, William Sprunt, George Fleming and , his tenants of these lands, as follows:—In violation of the Acts forbidding
the bearing of hagbuts and pistols and convocation of the lieges in arms, on July 1627 John Creichtoun at the Mill of Segieden, Robert Fyff in Creichtoun in Benchellis, Robert Creichtoun at the Brigend of Tay, and others to the number of forty persons, armed with spears, lances, swords, staves and other weapons, and the prohibited hagbuts and pistols, came at the instigation of James Creichtoun of Abircrombie, then their master, to the said Robert Nairn's muir of Inchstrevie, carried away the peat and fuel he and his said tenants had won for their winter's provision, destroying what they could not carry away, and, pursuing and wounding the said with their staves, chased them home to their houses. Further, on 2d July instant the said James Creichtoun of Abircrombie, Browne of Fordell, George Clerk of Newton of Fordie, the said John Creichtoun at the Mill of Segieden, Robert Creichtoun at the Brigend of Tay, Robert Fyff, servitor to the said James Creichtoun, John and Peter Clerk, sons to the said George Clerk, R ichert Hay at the Mill of Arngosk, Luk Broun, servitor to the said John Broun of Fordell, and others, armed as above, came by way of hamesucken to the place of Strathord where the said Catherine Prestoun and her family were, and the said James Creichtoun and Robert Fyff struck her on the side with their feet, presented "bendit pistolatis to his bairns and servandis, threatening to kill thame thairwith, hurt and woundit Elspit McKenzie, Jonet Dow, and Margaret Jamesone," three of her servants; and the said George Clerk presented a cocked pistolet "to ane young infant, William Nairne, sitting on the nurishe kne affirmeing he hade done worse turnes nor to shoote his pistolet in the infants wombe for his fatheris saik and avowing gif he had his father in his rowme he wald doe no les nor schote him thairwith; and quhen as the harmles infant seing the clair pistolet pat furth his hand to pley with the sam, the said George after a barbarous and dispytfull maner strak the infant on the hand thairwith thairby causing the bairne and his nurishe to cry in sutche fearfull maner as I the said Catharene was so affryed thairby that I hef evir senysyne bene in gyrt seikness and pane." Then they carried away a lot of turfs out of the close, the said James Creichtoun crying out in contempt and derision of justice, "Mr. Robert hes bene longseum with his law (meaning of the proces quhilk I the said Mr. Robert haif presentlie depending befor the Lords of Counsell and Sessioun aganes him), but we will shaw him our law." After this the whole assailants divided themselves into three companies, one of which kept the "foir yet," another the "bak yet," and the third, with whom James Creichtoun was, came into the close, making a great din and tumult, on hearing which the said Catharine rushed out, when the said James Creichtoun caught her by both her arms and held her. "Ane young woman, Margaret Nairne, having followit hir oute allowed that she wald cast ane stane at his head gif he wald not lat the said Catharene goe, the said James tuik bothe
the said Catharenes tua armes in his on hand and strak the said Margaret on the face with ane pattoune to the gryt effusioun of hir bluid; and thairefter the said James commandit Robert Fyff, his servitour, to lay hands on the said Catharene, quha at his command shak me be the armes and strak hir on the syde with his feit as said is, for quhilk the Laird of Fordell reproved him and willit him gif he desyrit to strick, to strick the rest of the servand women. The said James Creichtoun and George Clerk commandit thair complices to brak the wemens armes and gardies; and quhen as I the said Catharene complenit of that havie injurie and oppressioun in stricking my self, wemen and bairnes, the said George Clerk allowit be many aithes that he soould doe my self a worse turne be making my selffe sum morneing ane widow and all the bairnes fatherles; lykeas the said James Creichtoun be many bludie aithes allowed gif he had my husband thair present he soould washe his handis in his haint bluid.” Moreover, the said John Creichtoun at the Mill of Segieden struck the said Margaret Jamesone “on the stot of her breist” with the end of a hagbut he had in his hand, through which she fell into a fever, and has since lain bedfast in peril of her life. Summons is craved against these persons, and also against witnesses. (Signed) Thomas Hope. [On the back] “Apud Halyrydhouse, xxij Julij 1628. Fiat ut petitur. (Signed) St J. Scottitarvett.”

197. Petition by Thomas Allane, messenger, as follows:—On 20th July instant, being Sunday, he served letters raised at the instance of David Beatsoun of Carden upon Sir John Boswald of Balmowto, personally apprehended, whom he thereafter convoyed to the kirk of , and then took his leave. Anticipating no evil, especially seeing it was the Lord’s day, he on the call of Dame Janet Scot, spouse to the said Sir John, returned to her, and she, after conference with her husband, having lighted off her horse, at his direction, disgracefully upbraided the complainer, “calling me dastard, deboshed villane, commoun thieff, how durst thouw persoome to charge the Laird of Balmowto; and thairafter patt violent hand in my person, strake and buffetti me with her feit and neiffes and threatened to putt ane whinge-gear throw me,” and she would have done it if the people had not restrained her. He craves summons against them both. [On the back] “Apud Halyrydhouse, 24° Julij 1628. Fiat ut petitur. (Signed) St J. Scottitarvett.”

198. Petition by John Maxwell, sometime of Monrethe, and Katharine Maxwell, his spouse, as follows:—On last as the said John Maxwell was upon the lands of Blairsbow, Patrick McDowgall of Traloche, and McDowgall of , with some others, armed with swords and other weapons, came to him, violently appre-
handed him and carried him prisoner to the house of where they kept him for eight days without bed or meat, and then warded him in the tolbooth of Dumfries: Also on May last, when the said Katharine was on the lands of More attending two nags which she had hired, the said John McDowgall, accompanied by John McEie of Glencruploche, came to her, struck her on the head with a great baton to the effusion of her blood, cast her among the horses' feet, "drew" them over her, and broke one of her ribs, through which she has been since in great "dolour, paine and hazard" of her life. They crave summons against these persons, and also against the provost and bailies of Dumfries for exhibition of the said John Maxwell. [On the back] "Apud Halryehouse, 25 Julij 1628. Fiat ut petitur, with the orderin provisioun. (Signed) Mar."

199. Petition by John Micull, servitor to Patrick, Master of Oliphant, as follows:—He was intrusted with the keeping of his master's purse in which there were some 1200 merks of gold, and this was on 3d July instant stolen from him, under cloud and silence of night, in the Cannagait by Marion Short and Margaret Hannay "twain maist unfamous persones quha for commoun thift, adulterie and fornica-
tioun hes bene dyverse tymes censurit befoir the baillies of Edinburghe and Cannagait." He had complained to the bailies of the Cannagait, who apprehended and warded the two women in their tolbooth, "quhair sensyne they have bene and yt ar fed and intertenneit with wyn, tent wyn, seek and maist delicious fair that can be haide for moneyis, and ar let at libertie at thair pleasaour by collusioun of the jewiller, quha wold seem to be partner, at the least upon the knowle难得 of the said thift." Little care is taken for their trial and punishment, so that he is not likely to recover his money, and as he is unable to make redress to his master, he will be discredited and undone. He craves that their Lordships would ordain the bailies of the Cannagait to hand over the said women in custody to the provost and bailies of Edinburgh to be imprisoned in their tolbooth where "thair is sure and straitt ward for sic persones and exact tryall tane and punishement gevin to sic male-

200. Commission by John McClane of Dunevagane, Lauchlane McClane of Moirverne for himself, and taking burden for Hectour McClane, younger of Dowart, his brother, Sir Lauchlane McFingon of Strathordell, knight, and Hectour McClane of Lochbowie, for themselves "and in name and behalf of the remanent gentlemen of the Ises," narrating that at their desire a petition had been presented to his
Majesty by the Right Honourable Sir Donald McDonal of Sleat, knight, in respect of which his Majesty had signified his pleasure to the Council by two letters, upon which a supplication had been at their instance given in to the Council, whose clerk has the petition and said letters in his custody. Owing to the present sickness of Sir Donald McDonal, to whom the subscribers have committed the business, the Council has postponed further consideration of the matter until his recovery. But the subscribers cannot wait any longer in Edinburgh, and they hereby appoint the said Sir Donald McDonal their commissioner to attend upon and insist in the business. Dated at Edinburgh, 26th July 1628, and subscribed before Alexander McKenzie of Achiltie, James Logie, indweller in Edinburgh, Hector McClane of Kendlochlain, and Mr. John Moncreif, servitor to Mr. Francis Hay, Writer to his Majesty's Signet, writer of the commission. (Signed) J. Leod of Dunvegane; L. McEaine of Morverne, S. Laclom McHonzre; S. E. MaerRonnalld; Alex' McKenzie, wittnes; James Logye, wittnes; M. J^o Moncreif, wittnes.

201. Petition by Duff and doctor, burgesses of Elgin, and Mill there, as follows:—On 25th July instant they were produced as witnesses before their Lordships by James and Robert Dunbar, servitors to the Earl of Murrey, in their action against Robert Tulloch, son to the deceased Alexander Tulloch of Tannahieis, and their Lordships ordained the said James and Robert Dundar to pay £10 to each of the first two, being horsemen, and 10 merks to the last named complainer, for their expenses, which they refuse to do unless compelled. They therefore crave a charge against them to this effect. [On the back] "Apud Halyruithous, 28 Julij 1628. Fiat ut petitur." Not signed.

202. Petition by Alexander Urquhart of Ballacharie, as father, James and Henry Urquhart, as brothers, and the rest of the kin and friends of the deceased Alexander Urquhart, sometime servitor to Simon, Lord Fraser of Lovatt, as follows:—On 8th September last Donald Dow McWilliam v'Eane in Ardbair, who is now at the horn for the slaughter of Alexander Urquhart.

203. Petition by David Steill, lawful son to the deceased Cuthbert Steill, merchant burgess of Edinburgh, as follows:—On 22d July instant as he was going from his "merchant buith in Petheid after the
ending of the Magdalene faire," at which he had been attending in the ordinary employment of his calling of merchandise and being in the way to the dwelling hous of Richard Rae therfe, he was assailed by Robert Melvil in the Cannogaitt, and William and David Melvil, in Pethheid, his brothers, with drawn swords and rapiers, who gave him two "deidlie wounds on the heid," another deep wound in his left arm, and left him for dead. They had lain in wait for him till 11 o'clock at night, when the attack was made. He has since been bedfast under the care of surgeons, who have taken two bones out of his head. He craves charge against his assailants. [On the back] "Apud Halyrudhous, 29° Julij 1628. Fiat ut petitur. (Signed) S[trong]. J. Scottistartvett."

204. Petition by Alexander Johnstoun, messenger, as follows:—On 20th July instant," being Sunday," he went with letters raised at the instance of Alison Nisbitt to the dwelling house of Michaell Hamiltoun in the Inshe to charge him. On inquiry he was denied to the complainant who thereupon purposed to leave a copy of the charge and depart. But before he could do so Cristiane Dundas, spouse to the said Michael, came to the door "with ane great caber and ane staffe," accompanied with John King and Hans McGill, her servants, who, at the instigation of the said Michael, set upon him, "ane poor sicklie man," struck him on the head, face and other parts of his body, so that he was not able to stir; and then they took his "going stalfe" from him and broke it in pieces upon him. He craves summons against these persons. [On the back] "Apud Halyrudhous, 29 Julij 1628. Fiat ut petitur. (Signed) S[trong]. J. Scottistartvett."

205. "Right honorable and wellbeloved in the Lord. Please yow our brother, Mr. Robert Moray, receivit frome us some inforinatioun concerning Bessie Wright, who is notoriously knowne to be an abuser of the people, against whom ther ar great and many presumptions of witchcraft, and has been the occasion of the death of diverse and sundrie persons be applying of physike, and whatever charme is done by her all is done under pretext and cullour of physike. Therfore our desyre was to have had a commissioun to the Shireff of Perth or provest and bailieis of the bukg of Perth to have tryed her further and after tryell (iff any of these points could have been qualifiwed against her) to put her to an assyse that she may be punished, if not of her lyff, yet in some exemplarie maneir for her abuses. Now, Sir, thir presents ar to requist yow to send us over the Counsells anser with this bearer, ane of her cheeff accusers, and if her sone or any in her name come to purchas any letters for her releeff we requist yow hold hand they be not geven; for besyuds thir accusations against her, she was first put in ward for contravening an act made be her owne consent against her under a pecuniell pain in burrow buikis of Perth, whileke sowme she has not satisfied, and
therefore cannot gudly be releaved. Thus, Sir, prayeinge yow to excuse our homelyness and intreating yow to send us ane answer with the bearer, committs yow hairelye to the protectioune of God. Resting, Yours in all Christian deuteie to power, etc. (Signed) Mr. Henry Adamsone at direction of the brethren. Perth, July 30, 1628. [Addressed] To the right worshipfull James Prymrose, Clarke to his Majesties honoroble Privie Counsell, thais.”

206. “My Lordis of Secret Counsaill, unto your lordships humblie meanis and shawis, wee your servitoris the brethrene and sisteris of the lait Earle of Lotheane that quhair it hes plesed your lordships to grant ane commission for putting of Margaret Unes and Jonet Shitlingtoun to the knowlidge of ane asisse for the cryme of witchcraft confess be thame as their depositionis and confessiounis at lenth bearis, quhaireof becaus thair is somne pairt (as we ar informed) that reflectis and dippis upon the deathe of our unquhile brother and upon the authouris and procurers of the same whiche is not so clearlie and larglie sett doune as the nature of the bussynesse requiris, and that some of their depositionis hes bene abstracted and not presented to your lordships, and that thir twa weemen vare thee in their depositionis, denying one day what thay haif granted the other according as thay ar informed and wroght upon be some personis who hes free access unto thame and who in the conscience of their awin guiltines labours by all meanes to hinder the tryall and discoverie of the treuth of that mater, wee will humblie beseeche your lordships inregard of the nature and circumstances of the bussynes and qualitie of the persone whome the same concernis to gif ordour and directioun for continewong the executioun of the commissioun fairsaid for some certane tyme, and in the meaneyme to command the baillie of the regalitie of Dalkeith and baillie of New-bottle, to bring and exhibit the said Margaret Uus and Jonet Shitlintoun before your lordships to the effect your lordships may gif ordour for thair forder tryall and carefull examinatioun what thay knaw anent the deathe of the said Earle of Lotheane, by what meanes the same wes procured and who wer authouris or accessorie thairunto, quhairby this misterie being oppynit up God may be glorified, justice ministrat upoun the offendouris, and the honnour and reputatioun of that nobleman vindicated and releived. And your lordships anser. [On the back] Apud Halysrud-house, ultimo Julij 1628. Fiat ut petitur. (Signed) Monteith, I.P.D.”

207. Copy of the Act of Council in favour of the Treasurer in reference to the commissions for the circuit courts, printed ante, p. 421.

208. Copy of draft of the Acts of the same date in favour of the Lord of Lorne in reference to the same, printed ante, p. 420.
209. Petition by Henry Smith in Altacroy, as follows:—On last as he was leading home some peats Patrick Vaus, apparent of Barnbaroch, having got word thairof, and having conceived malice against the complainer because he understood he was to complain against him for former violence and injury, violently seized the complainer, bound his hands behind his back, and taking him as a prisoner to his place of Mylnetoun, laid him in irons, keeps him yet in this condition, so that none of his friends can have access to him, and scarcely allows him sufficient food to sustain life. His friends who have interceded for his relief get no other answer “but that I must redeeme my libertie by disponing to the said Patrik of my whole estait.” If he did so he must ruin and wreck his family. He craves summons against him for this illegal arrest and to put him to liberty or present him before the Council. [On the back] “Apud Halyruidhous, secundo die Augusti 1628. Fiat ut petitur. (Signed) Monteith.”

210. Copy of the Questions and Answers in reference to the procedure of the Judges of the Circuit Courts, printed ante, p. 436.

211. Extract under the hand of James Prymoirs of the Act of Council dealing with the proposition by the Lord Advocate, printed ante, p. 440.


213. Copy of charge against Mr. James Hay for appealing Colonel James Sinclair to the combat, printed ante, p. 447.

214. “Qubairas the Lordis of his Majesties Secret Counsall hes gewin commission to me James, Lord Ross, and to Johne Colquhoun of Luss, to resrot and repair to the burgh of Dumbartane to considir the wattir thairof and wthiris pairtis necessar to be repairit for with- standing the violence and invasious of the wattir and gif the said burcht be in ony hazard to be indangerd be wattir gif the saidis wattir warkis and wthiris requisite defences be not inteertained and upheldin, ordanies us to report our opinioun thairenant to the saidis Lordis, as in the said commission of the dait at Halieruidhous the fyftein day of Julij last bypast at lenth is contenit, according to the qubilk I the said James, Lord Ross, appoyntit dyvers and sindrie dyettsis for visiting the saidis wattir warkis and could nocht hawe the said Johne Colquhoun of Luss with me. Thairfuir I accompanyit with
John, Lord Torphichen, Bryce Blair, fear of that Ilk, and William Sempill of Fulwod, shireff of the shireffidome of Dubartane, past this
day to the said burcht of Dubartane and wattrir wariks thairof and
vissitt and sichtit the samyne, and efter consideration thairof, finds
the saidis wariks verie grit and that the samyne with the said burcht ar
in grit danger and hazard be the force and violence of the wattrir of
Levin; and that the samyne wattrir wariks ar nocht aibill to stand gif
they be nocht yeirlie helpit, repairit, and interteaned and uphaldin.
Be thir presentis subscrivit with my hand as follows, at Dubartane
the threttie day off September j"° vj"° twantie aucht yeiris. (Signed)
J. L. Rose; Jo. L. Torphecchen, witnes; B. Blair, yo°, witnes; W. S. of
Foulwod, witnes.

I, John Colquhoun of Luss, testifies thir presentis to the rycht
honorable the Lordis of his Majesties Secret Counsall, that albeit I
could nocht be present with James, Lord Ross, at the visitatioun of the
wattrir wariks of Dubartane for sindrie my neccessar affairis quhilk
hinderit me at that tyme thairfr, yit for obedience of the commissioun
abonementonas gevin to his lordship and me, I past this day and
vissitt and sichtit the saidis wattrir wariks maid for defence of the said
burcht, and finds the said burgh and wattrir wariks thairof fairsaid in
grit danger and hazard be the force and violence of the wattrir of Levin,
and that they ar nocht aibill to stand gif thay be nocht yeirlie
helpit, repairit, and uphaldin. Be thir presentis subscrivit with my
hand at Dubartane the twentie day of September j"° vj"° twantie
aucht yeiris. (Signed) J. Colquhoun of Luss; Johane Nepeir off
Killmaheu, witnes; Robert Nepeir, witnes." [On the back] "The Lord
Ross and the Laird of Luss reportis to the counsall of the estait of the
wattrir wariks of Dubartane."

215. Copy of the Act of Council against the printing or circulating
the sermon by Peter Smart, printed ante, p. 449. Signed by Monteith,
Hadinton, Wintoun, Linlithgow, A. Carre, Arch. Acheson, Hamilton, S°
Thomas Hope, S° J. Scottistarvett.

216. Copy of the Act of Council for the prorogation of the
Parliament to 15th April next, printed ante, p. 448.

217. "Worthy Sir, and lowing freind, our hertlie dewtie rememberit.
Pieis we hawe impoyit this gentilman our nyichtbour, the Laird
of Kilmahew, to cum to yow with that commission gevin be the
Lordis of Privie Counsall to the Lord Ross and the Laird of Luss
for visitatioun of our wattrir wariks and the estait thairof togiddir
with their opinioun and report thairof. For, trewlie, gif thay
be nocht helpit yeirlie thay can nocht stand; and gif thay
faill our toun can nocht bot be distroyit be the wattrir. And
thairfor we merwaill thair lordships delayit the granting of the renewing that gift of that lyttill impost quhairof we have the burrowis licence to impetrat the same. We have wairit moir on thaise warkis within thir thrie yeris nor that impost will be in sewin yeris. Johe Sempill, our lait proveist, left with yow the auld gift we haid of that impost togiddir with the Act of the Burrowis licentiating us to impetrat the renewing thairof for nyntein yeris to cum. Qhairfoir, Sir, we pray yow at this nixt Counsell day to schaw and reid to the Lordis the report send be the Lord Ross and the Laird Luss and to get the said gift past and renewit to us thair-upone of that impost for the helping to the upheld of thaise wattir warkis in respect of the grit necessitie thairof, as we sall evir rest bund to yow. This gentilman will attend yow for the same and will satisfie thairfor to your awin contentment. Swa hoaping for your favour and furderance of this so chirritabill and necessarie a wark, as we sall evir be reddie to plesour yow to our powar, we rest, Your lowing freindis at all powar verie assured, the Proveist, bailies and Counsell of Dunbartane, subscrywand be David Watsoun our clerk at our command. (Signed) D. Watsoun. Dunbartane the 22 of September 1628. [Addressed] To the rycht worthis and our speciall freind, James Prymoirs, Clerk to his Majesties Privie Counsell, thaise.”


219. Copy of the Act of Council freeing persons arrested or cited to Hornera, the justice courts from arrest on civil hornings while there, printed ante, p. 467.


221. Copy of the warrant and commission by the Council to Katharine Alexander Veitch in Horsburgh for the arrest and examination of Katharine Young, an alleged witch, printed ante, p. 468. Signed by Mar, Monteith, Arch. Acheson.

222. Copy of the warrant by the Council to the provost and bailies of Edinburgh to deliver Margaret Unes and Janet Shiltongton, printed ante, p. 468.

223. Copy of the Act of Council appointing the annual observance of the 5th of November, printed ante, p. 473.
224. Copy of the charge to the Sheriffs to appear before the Council in the matter of the confirming of the elections of the Parliamentary commissioners for another year, printed ante, p. 474.

Janet Boyd.

225. Copy or scroll of the Act of Council approving of the commission granted by the Earl of Menteith for trying Janet Boyd for witchcraft, printed ante, p. 476.

7th November 1628.
Sir George Ogilvie.

226. Original of royal letter in reference to Sir George Ogilvie of Banff slaughter of James Ogilvie in Podula, printed ante, p. 484. Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Menteith, President, and remanent members of Privy Council.

11th November 1628.
Surrenders.

227. Copy or scroll of the Act of Council appointing the commissioners for the surrenders in each shire to report the names of non-subscribers, printed ante, p. 478.

18th November 1628.
Sir George Ogilvie.
Alexander Nairn.

228. Copy or scroll of the Act of Council in favour of Sir George Ogilvie of Banff, printed ante, p. 484.

229. Copy or scroll of the Act of Council in favour of the overture of Alexander Nairn, printed ante, p. 486.

26th November 1628.
Caution for Grants.

230. Scroll or copy of the Act of Council in favour of John Grant, apparent of Ballindallach, printed ante, p. 491. It has been framed to include also Patrick Grant, his brother, John and Gregor Grant, and Adam Leslie, his servants, William Grant, apparent of Cardells, James Mcintosh in Downe of Rothimurchus, and Archibald Grant of Delwey, the caution of Patrick, William and Archibald Grant, being fixed at 1000 merks each, and of the others at 500 merks each. But these additional names are struck out.

The same.

231. Another copy or scroll of this Act, also containing the additional names and cautions as above.

The same.

232. Copy of the Act of Council charging the above named persons and others to compear before the Council on 27th January next, printed ante, p. 492.

The same.

233. Copy of the warrant for deserting the trial of the Grants in the above case, printed ante, p. 492.

25th November 1628.
Petition by Sir Thomas Hope of Craighall, King's Advocate, as follows:—Their Lordships had heard at length the question raised by Sir Thomas Hope, George Elphinstoun, Justice Clerk, against the complainer's priority of
precedency before him as settled by their Lordships' Act dated in February 1623, and in hope of a friendly agreement being come to they had deferred judgment till 20th November instant. On that day there being no appearance of agreement the complainant brought forward the question, and craved the Council's determination, but the said Justice Clerk, in order to secure delay, absented himself till the business had been put off in consequence of his absence, and then he came in; but their Lordships promised that decision would be given this day, the 25th, without further delay. Meanwhile the said Justice Clerk, taking advantage of this delay to the complainant's prejudice, has raised a reduction of the said Act of Council, but pending the legal decision thereof, Sir Thomas says, "I acht not to be frustrat of the benefite of the said Act whilk standis as ane Act of Counsell ay and qhillit it be reducit, and that the said Sir George with some peace of neglect and diminution to the honour and authitie of the supreme seate, ceasses not to argaut to himself the precedencie without that dew respect and reverence to your Lordships Act, whilk it becomes all the subjectis bot most of all counsellouris, to obtemper and obey in all humble submission. Heirfor and for keipin of comelie and decent ordour and avoyding of contestation, it is necessar that your lordships give furth your will and determinatioun without delay," and he craves that a macer be ordained to go and warn the said Sir George to compear this day, "to heir and sie your lordships future determinatioun gevyn furth in the premisis."

[On the back] "Apud Edinburgh, 25 November 1628. Fiat ut petitur. (Signed) Hadinton." Day and year beforewritten Mr. William Dowglas, macer, passed and warned Sir George Elphinstoun, personally apprehended, in terms of the above warrant, to compear this day; witnesses, Mr. William Chalmer, keeper of the registers of the "Thesaurarie and Comptrollarie," and Adam Keltie, one of the Clerks of his Majesty's Exchequer. (Signed) M. Wm. Dowglas, maiser. (Signed also) J. Prymoirs. [Noted on the margin] "xxv November 1628, partyis personalie. Continewit to Thursiday nixt and ordanis this bill to be first hard. xxvij November 1628, partyis personalie. Allowis advocatit to the Justice Clerk to compeir and plead againis the desyre of this supplicatioun. Continewit to the second of December."

235. Petition by Thomas Nairne of Delnachapel and Thomas Stewart in Rirorie, as follows:—In July last a decree and certificatioun was given against them on the charge of concealing moneys, with the provision that if they came in during the present month of November their oath would be received. They had now come to Edinburgh for this purpose, a distance of "ynescoir mylis," and having extracted their Act appeared before their Lordships yesterday, who thereupon ordained that their oaths should be taken in the afternoon. The said Thomas Nairn then produced his "qualified aithe" and sent it to Archibald Prymoirs with...
his man, but he absolutely refused to accept it. They therefore, in respect of their poverty and far distance from home, crave their Lordships' command to Mr. Alexander Hay, clerk of the processes, to receive their oaths "afternoone quhilder Archibald Prymoise come or come not." [On the back] "26 November 1628. *Fat ut petitur.* (Signed) Al. Gibeone, I.P.D.


Papists.

237. Copy of the Act of Council giving commission to George, Marquis of Huntly, and Simon, Lord Fraser of Lovat, to apprehend certain Papists in their bounds, printed *ante*, p. 497. Signed by the same Lords.

The same.

238. Copy of the Act of Council giving another commission to the Marquis of Huntly in the same matter, and with charge to the lieges to assist therein, printed *ante*, p. 499. Signed as above.

Reset of Priests.

239. Copy of the Act of Council for proclamation prohibiting the reset of priests and others, printed *ante*, p. 501. Signed as above.

The same.

240. Copy of the Act of Council for another proclamation to the like effect, printed *ante*, p. 502. Signed as above.

The same.

Papists.

241. Copy of the Act of Council granting commission to Patrick, Bishop of Aberdeen, and the provost and bailies of Aberdeen for the arrest of Papists in their bounds, printed *ante*, p. 503. Signed as above.

Pasquils.

242. Copy of the Act of Council charging Mr. Alexander Irving and others as the alleged authors and promulgators of certain pasquils to comppear before the Council, printed *ante*, p. 505. Signed as the preceding.

Papists.


The same.

244. Copy of the Act of Council charging the Marquis of Huntly to remove all excommunicated Papists and rebels from offices under him, printed *ante*, p. 506. Signed as above.
245. Copy of the Act of Council directing the Treasurer and Director Papists of Chancery as to their proceedings about the estates of excommunicated Papists, printed ante, p. 507. Signed as above.

246. Scroll or draft copy of the last named Act, not signed.


248. Petition by the reliot and bairns of the deceased John Grant of Carroun, the terms of which are stated in the Act of Council thereon the same day, printed ante, p. 514. [On the back] “Apud Halyrudhouse, quarto Decembris 1628. Fiat ut petetur.” Unsigned.

249. Petition by John Grant, siar of Ballindalloch, the terms of which are stated in the Act of Council thereon the same day, printed ante, p. 514. [On the back] “Apud Halyrudhouse, quarto Decembris 1628. Fiat ut petetur.” Unsigned.


251. Petition by the provost and bailies of Edinburgh, the terms of which are stated in the Act of Council thereon of same day, printed ante, p. 521. [On the back] “Apud Halyrudhouse, undecimo Decembris 1628. The Lordis exoneris the supplicantis of all blame that they may incur for not preparing of ane bark for transport of his Majestie in respect of the Admirall his declaratioun that he wald halfe a care and provid for quhat concerns him in the dewtie of his office. (Signed) Monteith, Wintoun, Ad. B. of Dunblane, Arch. Acheson, Hamilton, S. G. Elphinstoun.”

252. Copy of the Act of Council granting warrant for the apprehension of certain persons in arrears of payment of the taxation, printed ante, p. 521. Signed by the same Lords.

253. Scroll copy of the shorter Act of Council in the dispute for precedence between the Advocate and the Justice Clerk, printed ante, p. 532.

255. "At Halyruidhous the satchein day of December the yeere of God jv and twentie aucth yeeres, Anent the supplicatioun presented to the Lords of Secret Counsell be the noblemen, barouns, gentlemen and hail inhabitants of the North and South Isles be this kingdome, makand mention, that whair they being trewlie informed that the Lord of Lorne had purchast a grant from his Majestie of the heretoble justiciarie of the whole Isles and of Moydert, Morverne, and sherifdomes of Argyle and Tarbert containing power to him to hold courts at whateower places or paire within the bounds foresaid as he pleased, and the saids supplicants finding thair awin prejudice in this point, seing under the cullour of justice he might draw thame from thair awin bounds and countreis to anie pairt of his bounds whair he pleased and thair to execute his commissioun againis thame, they wer bold in all submissioun and humilitie to represent to his sacred Majestie thair just and trew greeves in this mater and the inevitoble danger and hazard that they wer lyke to undergo by the executioun of this commissioun in the forme intendi be the said Lord of Lorne; and his Majestie having tane thair just greeves to his royall consideratioun his Majestie wes gratiouslie pleased out of his tender and royall care of the weale of his good subjects to give signification to the saids Lords of Privie Counsell of his princelie intention and meaning anent the saids Justice Courts, to witt, That the saids courts for the Isles sould not be indefinitlete haldin in anie place at the humour of the Lord of Lorne bot in the shyres whair the saids supplicants dwells and they to answere thair allanerie, that is to say, the inhabitanthes of the North Isles in the town of Innernes or Dingwell, and the inhabitanthes of the South Isles in the Tarbert of Lochkinkerrane as hes beene heertofore wiselie and providentlie ordained be his Majesteis most noble progenitours, as his Majesteis letter directed to the saids Lords at lenth beares. And the saids supplicants looking to have bruikid the benefit of his Majesteis royall favoure conforme to his princelie meaning signified to the saids Lords, yitt they ar informed that the said Lord of Lorne by some privie moyen purchast a new letter from his Majestie to the saids Lords willing thame to take notice of the most convenient and fittest pairts for holding of Justice Courts whair the Illyanders sall be willing to compeir, and thair is a claus cassin in the end of the said letter that the course sua to be taikin be the saids Lords sould be but prejudice to the said Lord of Lorne to hold his courts in the meane tyme in anie pairt of the Yles whair he pleases, by the whilk letter and last claus thairof all the favour that his Majesty intendit to the saids suppllicants by his first
letter is overthrown and they ar brought to that same hard estait and condition whairin they wer before they petitioned his Majestie, and the supplicants will crave pardoun to suspect that the last claus hes beene insert without his Majesties allowance and privitie, seing the haill subject and tenour of the letter seems to be conceaved in their favours and to save thame frome vexatioun and compeirance at the appetitt of the said Laird of Lorne whair he pleases, and they ar so confident of his Majesties constancie and royall dispositioun to thame in this point that he would never wittinglie ranverse his former favour without their hearing, and speciallie seing the last claus ingrossed in the end of the letter is direct aganis the lawes of this kingdome and 59 Act\(^1\) of King James the Fourt his sext Parliament bearing that the Justices in the North Iles sould have their seate of justice in Innersnes or Dingwell, and that the justices of the South Iles sould have their seate of justice in the Tarbert of Lochkinkerrane, quhilk Act of Parliament as the supplicants conceaves secures thame fra compeirance at anie other paforth the bounds pref XCT in the said Act; and the rather seing the said Act is so weill strethenned be his Majesties letter foresaid sent to the said Lords. And if the said Lord under cullour of this claus subjynned in the end of the letter sall proceid aganis the saids supplicants and for thair not compeirance sall denunce thame fugitives he will not faile by his power and forces to prosecute thame with all rigour and extremitie whilk may produce some dangerous consequents if the saids Lords of Privie Counsell foresee not some remeid; humble desyring thairfoir the saids Lords to intimate of new to the Lord of Lorne his Majesties former letter writtin unto thame whilk restraines his courts to the places conteaned in the Acts of Parliament, and thairwithall that they will discharge him of all putting of his commissioun to executioun aganis the saids supplicants in anie point till thay be both heard before the saids Lords and thair reasons and arguments concerning this bussines discust, and for this effect that they will assigne unto the said Lord of Lorne and the saids supplicants some competent day in the moneth of Julij nixtocomme for thair compeirance before the saids Lords at whilk tyme the saids supplicants sall give in in writt to thame the just and trew reasons whairfoir his Majesties first letter sent doun in thair favours sould be susteanned and obeyed; lykeas at maire lenth is conteanit in the said supplicioun. Quhilk being read, heard and considderit be the saids Lords and they being thairwith well advised, the Lords of Secret Counsell assignes unto the saids supplicants and unto the said Lord of Lorne, who was personallie present, the last Counsell day of Marche nixtocomme for thair compeirance before the saids Lords to give in thair reasons in writt, *hinc inde* for and aganis the desyre of his Majesties letters foresaid. *Extractum de Libris Actorum Secreti Consilii suprmi domini nostri Regis per me, Jacobum Prymrois,*

\(^1\) Acts of Parliament of Scotland, II., 249.
256. The above petition itself, endorsed with the finding of the Lords of Council as above, dated "Apud Halyrudhouse, xxv Decembris 1628," and also marked on the margin of the petition as follows:—"Ultimo Martij 1629, The Earle of Seaforte and McCleud personalie, who produceit and gaif in their reasonis whiche wer gevin up to the Lord Lorne and he ordanit to anser thairto upoun the fiftene of Aprile nixt to whiche the Lordis continewis this mater. xv Aprilis 1629, The Earle of Seaforte, Sir Donald Gore, McCleud and the Capitane of Clanrannald personalie for thameselfis and as having warrand frome the inhabitants of the North Iles, except McCynnoun, with the Lord of Lorne who gaif in his anseris in write to the supplicantis resseractes. The Lordis continewis this mater till the first Counsaill day of Junij and ordanis a copie of the articles contenit in the supplicantis petitioun exhibited this day to be gevin to the Lord of Lorne and ordanis him to anser thairto the day abone writtyn, whiche dyet ordanis bothe the pairties to keepe be thame selfis or some other having their power and dischargeis in the meanetyme the Lord of Lorne of halding of courtis in the North Ilis or proceeding againis the inhabitantis thairof quhill the first Counsaill day of Junij."

257. Copy of the Act of Council charging Mr. Robert Bruce of Kinnaird to keep ward at his own house, printed ante, p. 536.

258. "Rycht worshipfull, We have veued the marcatis according to your direcction since the day ye gave us command and findis the pryces as followes: videlicet, the pryce of comoun drawing oxen, betuixt xxiiij ff and fourtie markis the peice; item, castin oxen, being nocht abill to draw for aige, betuixt xx ff. and saxteyn pundis the peice; item, ky and calffis, betuixt xviiij ff. and xxij ff. the peice; item, yeild ky, betuixt xv ff. and xviiij ff. the peice. Pryces of scheip—Item, yowis and lambis, betuixt fyve markis and sax markis the peice; item, wetheris, betuixt fyve and sex markis the peice; item, yeild yowis, betuixt thrie pundis and fyve markis; item, hogis, betuixt fyftie schil- lingis and thrie pundis the peice; item, lambis, betuixt xx ff. and xxiij. ff. the scoir. Pryces of wooll—Quyht clean wooll, betuixt aucht and nyne pundis the stone; auld laid scheipis wooll, betuixt aucht markis and ten markis the stone; hog wooll, betuixt fyve and sex pundis the stone. Sir, we pray yow remember to get us ane competent fiall for our pains and vewing of the marcatis thir nyne or ten weikis or ellis ye will get slack service heirefter. Sua restis, Youris worchipis servandis, (Signed) PATRIK COCKBURN, THOMAS LYN. Dunse, the 22 of August 1629.1 [Added at the foot in another hand] This is the roll sett

1 This is evidently a mistake for 1627.
doune by the tuo persones subscriveris abone, to witt, Patrik Cockburne of Chapellecleuche, and Thomas Lin, bailye in Dunce, quha war apoyned by the Justices off Peace within the shirreffdome off Berwik for viewing the mercatis off Dunce fra the beginning off Maj last bypast to August instant 1627. (Signed) J. Home. [Addressed on the back] To the rycht worshipfull the Larde off Blakader [and endorsed by the Clerk of Council] Reporte of Berwick.”

259. “Loving friend, When my Lord Chancelar went by he desired me to have care of the publike affaires and advertise what occurred. I must therefore entreat you to write to me at all occasions what ye learme and think fit to be done at home or wretin to Court, and cause Master Patrik Browne send your letters with sure foot boyes, or if any of greater moment occur spare not to write by post. So wishing your health and welfare, I rest, Your assured friend at power, Haddington. Tininghame, 3 April, at night. [Addressed] To my assured good friend, James Primrois, Clerk of his Majesties Secret Counsell at Edinburgh.” Sealed with a small oval seal bearing a shield with the arms of Hamilton of Byres surmounted by an Earl’s coronet, and flanked and topped by the initials T.E.H.

260. “Loving friend, Least ye sould werrie of idle set in this vacand time. I have sent you the store I received from Court by packets broght by the Laird of Thornton. This paper conteanes all I have heard. If I had received more it should have beene better blecked. I pray you cause deliver or send his Majesties letters in absence of my Lord Chancelar for ye may perceive them to be so directed, and the other letters as ye find occasion speciallie and most speedilie to noblemen, counsellors and men of qualitie. When ye have any subject of writing to me by any post or foot boy I pray you send backe thir buistes [boxes] that I may returne to Court with such stuff as we sall haife for his Majesties service and friends. I recommend to you the letters for Sir William Alexander, Robert Alexander, and my Lord Advocat. Those for the Earle of Mar may be sent to the Castell if ye get no sure bearer going to Couper race. I think fit that ye offer the letters for my Lord Chancelar to his Lady that by advice of friends whom sho trusts sho may either oppen them or send them backe to Court. So expecting your advertisement when ye have occasion I commit yow to God, and rest, Your loving friend at power, Haddington. Tininghame, 4 April, at night. [Addressed] To my assured good friend, James Primrois, Clerk of his Majesties Secret Counsell, and in his absence to his sonne, Master Gilbert Primrois at Court.” Sealed as the last.

261. “Loving friend, I have not yet learned by the letters I received from Court of anything done in our countrie affaires, but that his Majestie
hes caused give fyve articles concerning the submission to sindrie noble-
mens and others of our countrie willing them to returne to him in writ-
their opinion thereaent, after which it is thought he will draw to a
publick meeting. There is good hope that things sall end in the
Parlement to his Majestie and the subjects contentment. I entreat
yow cause deliver the multitude of letters in thir thrie buistes, and when
any comes to yow to be sent to Court send them to me speciallie if there
be any subject of writing of publiske busines or letters for noblemen's
important affaires who are at Court. So I wish yow all happiness, and
rest, Your verie assured friend, HADINTON. Tininghame, 20 May.
[Addressed] To my assured friend, James Primrois, Clerk of his Majesties
Privie Counsell, or to his sonne, Maister Gilbert Primrois.”

262. “Brother, Pas the Laird of Glenurquhyis suspensioun quhilk Mr.
Johnne Archibald hes foryet. Grant the reassit of the consynit silver
in my name for quhilk this salbe your warrand this morning. Your
brother, (Signed) D. Prymrois. To his loving brother, James
Prymrois, Clerk to the Previe Counsell.”

263. “Richt worshipfull, my loving deceit remembred. About some
halfe yeir agoe I sent the rolls of my taxatione to your brother Archbald.
I know not hou they ar losed. In his absence, Sir, I must have
recourse to you to intreat you to cause grant me letters upon thes rolls.
The former favours I have resaaved mak me so homlie with you, looking
for his cause quho is absent that you will expied their letters. Thus
committing you to God, I rest, Your loving and assured frind, (Signed).
J. Gladstans. [Addressed] To the richt worshipfull James Prymrois,
Clerk to his Majesties Privie Counsell.”

264. Petition by William Wood, Adame Mayne, John Curle, Thomas
Robertson and John Scharpe, “all honnest menis bairnes and serwandis
within the town of Kelso,” complaining that Andro Ker of Masindew,
bailie thereof, six weeks since caused them to be apprehended by force
without warrant, or any offence being committed by them, and imprisoned
them in the tolbooth of Kelso for some weeks at their own costs, and
therefore “sauld and coupit us over as sogeris to Capitane Touris,
threatening and minassing us to go to the wearis of France or ellisquhais
the said Capitane pleasit,” though they had never inlisted or received pay
from the said Captain or his subordinates. Meanwhile the said Andro
Ker had brought and imprisoned them in “the tolbuith and wardhous
of the Cannogait,” where they have now lain for twenty days also on
their own charges. They allege that he intends to ship them off
forcibly under cloud and silence of night, and plead that their
Lordships would try their case and pity their poor distressed estate, and
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GLASGOW: PRINTED FOR HER MAJESTY’S STATIONERY OFFICE
BY JAMES HEDDERICK AND SONS.